



Town of Newmarket
395 Mulock Drive P.O. Box 328,
Newmarket, Ontario, L3Y 4X7

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Zoning By-law Review Staff Report

Report Number: 2018-21

File Number: N/A

Department(s): Planning Services

Author(s): Ted Horton, Planner

Meeting Date: June 11, 2018

Recommendations

1. That the report entitled Zoning By-law Review dated June 11, 2018 be received;
2. That staff provide public notice in accordance with the Planning Act of the Town's intent to amend the zoning by-law;
3. That the proposed amendments to Zoning By-Law 2010-40 be referred to a public meeting;
4. And that following the public meeting, issues identified in this report, together with comments from the public, Committee, and those received through agency and departmental circulation, be addressed by staff in a comprehensive report to the Committee of the Whole, if required.

Executive Summary

Planning Services has undertaken a review of the Town's zoning by-laws in order to address technical errors, improve clarity and enforceability, respond to changing legislative and judicial decisions, address new circumstances, and consolidate existing by-laws. Committee of the Whole was presented with this effort under Planning and Building Services Report 2017-25.

This report provides more specific detail of the proposed amendments and recommends that they be provided for public and agency consultation before being brought to a statutory public meeting.

Purpose

This report serves to inform Committee of the Whole of the specific recommended amendments for Phase One of the Zoning By-law Review. The recommendations of the report, if adopted, would direct staff to notify the public and agencies of the proposed amendment and organize a statutory public meeting as required by the Planning Act. For clarity and consistency, it is intended that this public meeting occur alongside the statutory public meeting for the Urban Centres Secondary Plan Zoning By-law.

Background

Context

As was presented in Planning and Building Services Report 2017-25, on October 1st, 1979, Council adopted Comprehensive Zoning By-law 1979-50. In the three decades that followed, the by-law was the subject of more than 200 zoning by-law amendments. In 2006, the Town adopted its new Official Plan and in June of 2010 repealed Zoning By-law 1979-50 and enacted the new Zoning By-law 2010-40, save for lands covered by By-law 2003-128 (Oak Ridges Moraine) and a short list of properties spread throughout the town. Since its adoption, Zoning By-law 2010-40 has been the subject of some 38 zoning by-law amendment applications and more than 160 minor variances.

The application of the zoning by-laws to site plan applications, building permits, and inquiries over the past eight years has revealed improvements that can be made. Staff have identified approximately 140 matters to be addressed through the review. Staff propose to undertake a review of existing zoning by-laws in order to address (1) technical errors, (2) improve clarity and enforceability, (3) respond to changing legislative and judicial decisions, (4) address new circumstances, and (5) consolidate zoning by-laws.

Proposal

Staff are prioritizing and dividing the proposed amendments as necessary to address them in manageable and understandable groups. Phase One of the Zoning By-law Review, as presented in this report, will address principally less complex matters. These include amendments from a range of source areas:

- Technical amendments, addressing clarifications and definitions
- Accessibility improvements, improving design standards for accessibility
- Simplifying matters, reducing overlapping requirements and conflicting standards
- Addressing oversights, adding missing definitions and rectifying errors
- Modernising requirements, ensuring emerging and innovative uses are permitted
- Improving design, addressing challenging layout elements

Subsequent phases will address more complex matters as discussed in Planning and Building Services Report 2017-25 including changes in provincial legislation related to Accessory Dwelling Units, judicial/tribunal decisions related to group homes, discrepancies in parking requirements, and policies related to source water protection.

The specific proposed amendments for Phase One are presented in Attachment 1 of this report. Additional non-statutory elements may be included in the final amendment such as illustrations that provide convenient visual tools to understand definitions and regulations of the by-law related to matters such as decks, rooflines, driveways, and others.

If adopted, the recommendations of this report will formally initiate the zoning by-law amendment process to consult the public, refine the proposed changes, and return to Council with recommendations on the amendment of the by-law.

Discussion

The Planning Act requires that a decision of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the policy statements issued under subsection (1) of the Act, and shall conform with provincial plans in effect on that date, or shall not conflict with them. The policy statement is the Provincial Policy Statement 2014 (the “PPS”). The provincial plans comprise the Growth Plan for the Greater Golden Horseshoe 2017 (the “Growth Plan”), the Oak Ridges Moraine Conservation Plan 2017 (the “Oak Ridges Plan”), the Greenbelt Plan 2017 (the “Greenbelt Plan”), and the Niagara Escarpment Plan 2017.

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario’s policy-led planning system, the PPS sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for the citizens of Ontario.

Planning decisions shall be consistent with the Provincial Policy Statement (PPS). The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The policies of the PPS support improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The policies set out how healthy, liveable and safe communities are to be sustained. This includes promoting efficient development and land use patterns which sustain financial well-being of the Province and municipalities over the long term and

accommodating an appropriate range and mix of residential, employment, recreation, parks and open space and other uses to meet long term goals.

The Provincial Policy Statement is intended to be read in its entirety and the relevant policies are to be applied to each situation.

The proposed amendments for this phase are generally minor changes or modifications to existing requirements. A broader evaluation of the degree to which the zoning by-law conforms to the PPS will be undertaken as part of a future update to the Town's Official Plan and the subsequent implementing comprehensive zoning by-law. Staff have reviewed the proposed changes outlined in this report against the policies of the PPS.

Growth Plan

The Growth Plan directs growth to built-up areas designated within municipal official plans. The Growth Plan contains policies directing that municipalities create complete communities, reduce the dependence on private automobile through mixed-use and transit-supportive development; provide for high quality public spaces; support transit, walking, and cycling; implement minimum affordable housing targets in accordance with the PPS; and achieve an appropriate transition of built form to adjacent uses.

The proposed amendments to this by-law do not fundamentally change the land-use permissions in Newmarket. Some amendments are modifications to definitions or ways that performance standards are measured, others improve ease of understanding and administration of the by-law, and still others correct outstanding errors. Some land-use permissions are modified by addressing uses such as microbreweries that were not contemplated by the original zoning by-law, and in these cases they have largely been retained to the zones where similar uses are permitted. Some amendments are updates to standards that flow from governing provincial legislation such as the Accessibility for Ontarians with Disabilities Act (AODA). Amendments to be proposed in Phase 2 of this review are more substantial and will require greater analysis of compatibility with provincial policies and legislation.

Decisions with respect to planning matters are required to conform to the provisions of the Growth Plan.

York Region Official Plan

Decisions with respect to planning matters are required to conform to the York Region Official Plan (YROP). The policy requirements of the YROP have been integrated into the Town's Official Plan. As outlined above, a broader evaluation of the degree to which the zoning by-law conforms to superior legislative requirements will follow through the Official Plan review process and subsequent implementing zoning by-law. The proposed amendments are intended to update the by-law and address deficiencies without an overhaul of its fundamental elements.

Town of Newmarket Official Plan

Amendments to the Town's zoning by-laws are required to conform to the Town's Official Plan. The amendments proposed as Phase One of the Zoning By-law review are less complex or broad in scope and conform to the Official Plan. Future amendments in subsequent phases may require amendment(s) to the Official Plan to address matters discussed in Planning and Building Services Report 2017-25.

Conclusion

These proposed amendments should be referred to a public meeting as required under the Planning Act. Following this meeting, staff will continue to work with the Town's review partners to revise the proposals and address provided comments. Staff will return to Council with a recommendation report or a by-law, as required, for Council's decision.

Business Plan and Strategic Plan Linkages

Well-equipped & managed

- Service excellence through continuous improvement

Well planned & connected

- Zoning by-laws that are up to date and understandable

Consultation

This report and its appendices were provided to Building Services, Legal Services, Engineering Services, Public Works Services, and Legislative Services for review and comment.

The proposed zoning by-law amendments will be provided to the Town's review partners per standard practice. Notice will be provided to persons and bodies as required by Ontario Regulation 545/06 of the Planning Act.

The recommendations of this report refer the proposed amendments to a statutory public meeting as required by the Planning Act.

Budget Impact

No budgetary impacts are anticipated as a result of this report.

Attachments

- List of proposed amendments

Approval



Ted Horton
Planner



Rick Nethery, MCIP, RPP
Director of Planning & Building Services



Peter Noehammer, P. Eng.
Commissioner Development and
Infrastructure Services

Contact

Ted Horton, Planner

thorton@newmarket.ca



Town of Newmarket
 395 Mulock Drive P.O. Box 328,
 Newmarket, Ontario, L3Y 4X7

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Attachment 1: Proposed Amendments

Point to Address	Cause of concern	Proposed amendments	Explanation
Exception 119	The by-law presented two different figures (25% and 20%) for the same requirement in different parts of the text.	<p>Amend Exception 119 * where it reads:</p> <p>*Notwithstanding Section 4.1.2v), lots with dwellings 1.5 or 2 storeys are permitted to have the lesser of 10% of the total lot area or 75% of the ground floor area of the main building, for roofed accessory buildings or structures in addition to the 20% lot coverage for main dwellings.</p> <p>To instead read:</p> <p>*Notwithstanding Section 4.1.2v), lots with dwellings 1.5 or 2 storeys in height are permitted to have the lesser of</p> <ul style="list-style-type: none"> • 10% of the total lot area or • 75% of the ground floor area of the main building, <p>for roofed accessory buildings or structures in addition to the 25% lot coverage for main dwellings.</p>	Addresses a text error.

<p>Parking requirement for car dealerships</p>	<p>Different uses take place on the lot (sales, office, repair) and it has proven difficult to calculate a single parking requirement for the lot.</p>	<p>Amend Section 5.3.2 to add:</p> <table border="1" data-bbox="800 245 1463 841"> <tr> <td data-bbox="800 245 1142 841"> <p>Motor Vehicle Sales Establishment</p> </td> <td data-bbox="1142 245 1463 841"> <p>1 <i>parking space</i> per 25m² of gross floor area dedicated to showing, repairing, displaying, and retailing vehicles plus</p> <p>1 <i>parking space</i> per 45m² of gross floor area to be reserved for visitor/customer parking to a maximum requirement of 10 spaces</p> </td> </tr> </table>	<p>Motor Vehicle Sales Establishment</p>	<p>1 <i>parking space</i> per 25m² of gross floor area dedicated to showing, repairing, displaying, and retailing vehicles plus</p> <p>1 <i>parking space</i> per 45m² of gross floor area to be reserved for visitor/customer parking to a maximum requirement of 10 spaces</p>	<p>Establishes a clear requirement for new dealerships.</p> <p>Avoids confusion of changing uses in floor area.</p>
<p>Motor Vehicle Sales Establishment</p>	<p>1 <i>parking space</i> per 25m² of gross floor area dedicated to showing, repairing, displaying, and retailing vehicles plus</p> <p>1 <i>parking space</i> per 45m² of gross floor area to be reserved for visitor/customer parking to a maximum requirement of 10 spaces</p>				
<p>Recreational vehicles</p>	<p>A recent amendment related to recreational vehicle parking did not limit parking in all ways that were intended.</p> <p>The by-law requires greater clarity to indicate that human habitation in vehicles is not</p>	<p>Amend Section 5.8.2 ii to read:</p> <p>No recreational vehicle or utility trailer is permitted to park in the front yard, or between the principal structure and the front lot line, unless it is on a driveway, subject to the provisions listed below.</p> <p>Add to Section 4.19:</p> <p>x. Human Habitation Not Within Main Buildings No truck, bus, coach, street car body, railway car, mobile home, trailer or other vehicle shall be used for human habitation whether or not the same is mounted on wheels or other forms of mounting or foundations.</p>	<p>Closes a loophole that may allow recreational vehicles in 'staggered' front yards.</p> <p>Clarifies that human habitation in vehicles is prohibited.</p>		

	permitted.		
Open Outdoor Storage	Some lots with permission to have outdoor accessory storage have stored goods up to the lot line, while any structure would require a setback.	<p>Amend Section 6.5.1 (*1) for Accessory Outdoor Storage:</p> <p>(*1) Subject to 4.19.X Accessory Outdoor Storage</p> <p>Add to section 4.19: Specific Use Provisions</p> <p>4.19.X Accessory Outdoor Storage</p> <p>Where permitted, Accessory Outdoor Storage shall:</p> <ul style="list-style-type: none"> • not exceed 30% of the lot area; • not be visible from a street; • be screened by an opaque fence; • only be located in a side and/or rear yard; • be located no nearer to a lot line than 1.5 metres or to a street line than 4.5 metres; • not be located in any landscaped area or required parking area; and • not exceed 4.5m in height. 	Clarifies permitted location and visibility of outdoor storage.
Micro-breweries and similar emerging uses	Currently difficult to establish a micro-brewery based on how restaurant and manufacturing uses are laid out in the by-law.	<p>Amend the definitions to include:</p> <p>Micro-Industrial use</p> <p>means the small-scale production, processing, packaging and storage of food or beverages, and/or other goods produced in limited quantities, where such an establishment includes an ancillary restaurant, retail food store or retail store use through which such goods are sold or served to the public on-site, and which goods may be sold or distributed wholesale to off-site users or resellers.</p> <p>Amend the permitted uses listed in 6.3, 6.4, and 6.5 to include Micro-Industrial use as a permitted use in the</p>	Allows micro-industrial uses in all zones where restaurants are allowed.

		<p>following zones:</p> <ul style="list-style-type: none"> • CS • CR-1 • CR-2 • UC-D1 • UC-D2 • EM • EG • EH <p>Add to section 4.19: Specific Use Provisions</p> <p>Add section 4.19.X: Micro-Industrial uses</p> <p>Where a <i>Micro-Industrial</i> use is permitted, the following requirements shall apply:</p> <ul style="list-style-type: none"> i) A <i>Micro-Industrial</i> use is only permitted when accompanied by a <i>retail</i> and/or <i>restaurant use</i> retailing products produced on-site. ii) All production, retailing, and distribution associated with a <i>Micro-Industrial</i> use must take place within a <i>building</i> and no outdoor storage is permitted. Outdoor areas for consumption are permitted subject to all requirements of this by-law. iii) Where permitted in an EG zone, <i>retail</i> associated with a <i>Micro-Industrial</i> use shall not exceed 40% of the GFA of the <i>premises</i> in which it is located. Where permitted in an EH zone, <i>retail</i> associated with a <i>Micro-Industrial</i> use shall not exceed 20% of the GFA of the <i>premises</i> in which it is located. 	
--	--	---	--

<p>Exception 4</p>	<p>Error in compiling 2010-40 led to certain site-specific zoning rights not being properly carried forward.</p>	<p>Delete the existing CO-1-4 zone on 482 Queen Street and replace it with the following.</p> <table border="1" data-bbox="800 284 1633 467"> <thead> <tr> <th>Exception</th> <th>Zoning</th> <th>Map</th> <th>By-Law Reference</th> <th>File Reference</th> </tr> </thead> <tbody> <tr> <td>XX</td> <td>CO-XX</td> <td>XX</td> <td>1983-71 1988-138 2017-XX</td> <td></td> </tr> </tbody> </table> <p>i) Location: 482 Queen Street ii) Development standards: a. The permitted commercial floor area shall not be less than forty-five square metres. iii) Permitted uses: a. Only the following uses are permitted: <i>Medical Office</i> or <i>Office</i> in conjunction with a <i>dwelling unit</i>.</p>	Exception	Zoning	Map	By-Law Reference	File Reference	XX	CO-XX	XX	1983-71 1988-138 2017-XX		<p>Properly applies the exceptions for two properties that were mis-applied.</p> <p>Re-implements site-specific permissions for that were not carried forward.</p>
		Exception	Zoning	Map	By-Law Reference	File Reference							
XX	CO-XX	XX	1983-71 1988-138 2017-XX										
<p>Delete the CO-1 zone where it applies to for 64-66 Prospect Street and replace it with the following.</p> <table border="1" data-bbox="800 917 1633 1063"> <thead> <tr> <th>Exception</th> <th>Zoning</th> <th>Map</th> <th>By-Law Reference</th> <th>File Reference</th> </tr> </thead> <tbody> <tr> <td>XX</td> <td>CO1-4</td> <td>XX</td> <td>1983-70 2017-XX</td> <td></td> </tr> </tbody> </table> <p>i) Location: 64-66 Prospect Street ii) Development standards: a. Where a residential use is combined with a commercial use, the minimum floor area of any residential dwelling unit shall be 77m². iii) Permitted uses: a. Only the following uses are permitted: <i>Medical Office</i> or <i>Office</i>; and b. Not more than two <i>dwelling units</i>.</p>	Exception	Zoning	Map	By-Law Reference	File Reference	XX	CO1-4	XX	1983-70 2017-XX				
Exception	Zoning	Map	By-Law Reference	File Reference									
XX	CO1-4	XX	1983-70 2017-XX										

<p>Consistent terminology</p>	<p>Access points from parking areas to the street are inconsistently referred to as “ramps”, “accesses”, “entrances”, or “driveways”.</p>	<p>Amend the following sections to replace the word ramp with driveway or the word ramps with driveways:</p> <ul style="list-style-type: none"> • 5.5 • Exception 57 • Exception 62 • Exception 65 • Exception 92 • Exception 108 • Exception 111 • Exception 116 <p>Amend the following sections to replace the word ramp with underground parking driveway ramp:</p> <ul style="list-style-type: none"> • Exception 51 • Exception 119 	<p>Makes consistent the use of terminology related to driveway access points.</p>
<p>Food Trucks</p>	<p>Food trucks and mobile restaurants on private property are not addressed by the zoning by-law.</p>	<p>Add definition:</p> <p>Food Vehicle</p> <p>Food Vehicle means the <i>accessory use</i> that is an outdoor vehicle not permanently affixed to the ground and capable of being moved on a daily basis, from which food and/or refreshments are provided for sale or sold, and includes a motorized, self-propelled vehicle (i.e. food truck), a vehicle that is not self-propelled, but can be towed (i.e. food trailer) and a vehicle moved by human exertion (i.e. food cart).</p> <p>Add to section 4.19: Specific Use Provisions</p>	<p>Aligns zoning with existing practice.</p> <p>Permits food vehicles on private property.</p>

		<p>Add Section 4.19.X: Food Vehicles</p> <ul style="list-style-type: none"> i) Notwithstanding Section 4.1.1, a <i>Food Vehicle</i> as an <i>accessory use</i> is not permitted in a <i>Residential zone</i>, save and except the <i>R5 zone</i>. ii) Notwithstanding Section 5, no parking is required for a <i>Food Vehicle</i>. 	
<p>Motor Vehicle Uses</p>	<p>There are a number of similar motor-vehicle-related uses, with little clarity between the types of activities that are allowed at each of them.</p>	<p>Amend section 5.3.2, 4.15, 6.3, 6.4, 6.5 to:</p> <ul style="list-style-type: none"> • delete Motor Vehicle Repair Facility <p>Amend the definitions to:</p> <ul style="list-style-type: none"> • delete the definition of Motor Vehicle Repair Facility <p>Amend the definitions of Motor Vehicle Service Shop to read:</p> <p>Means a <i>premises</i> used to conduct repairs of <i>motor vehicles</i> of a mechanical or structural nature and may include an associated towing service, and <i>motor vehicle</i> rentals but does not include a <i>motor vehicle body shop</i> or impound yard. May also include a <i>premises</i> used to conduct diagnostic services, minor repairs, equipping of <i>motor vehicles</i> or in which the replacement of incidental parts and services to <i>motor vehicles</i> are completed while the customer waits.</p> <p>Amend the Section 5.3.2 for the row Motor Vehicle Service Shop and Motor Vehicle Body Shop to:</p> <ul style="list-style-type: none"> • delete the word “including” and replace it with the word 	<p>Simplifies rules of motor-vehicle related uses.</p> <p>Allows for motor vehicle repair of all types except for body shops in all areas where it was permitted before.</p> <p>Modifies parking requirements for motor vehicle uses to exclude repair areas from GFA calculations.</p>

		“excluding”	
<p>Places of Entertainment</p> <p>Commercial Athletic Centre</p>	<p>Very similar recreational uses with little clarity why there should be a distinction.</p>	<p>Amend section 5.3.2 to:</p> <ul style="list-style-type: none"> • delete the row for Place of Entertainment <p>Amend the definitions to:</p> <ul style="list-style-type: none"> • delete the definition of <i>Place of Entertainment</i> <p>Amend the definitions of <i>Commercial Athletic Centre</i> to read:</p> <p><i>Commercial Recreation Centre</i></p> <p>Means a commercial establishment in which facilities are provided for recreational athletic activities and may include associated facilities such as a sauna, <i>office</i> space, yoga studio, retail shop and related lounge facilities but shall not include a <i>private club</i>. May also include a <i>premises</i> where leisure activities are offered for gain or profit such as a cinema, arts theatre, billiard or pool rooms, bowling alley, or similar activity for the enjoyment of the public but shall not include an <i>adult entertainment parlour</i> or a <i>nightclub</i>.</p> <p>Amend the by-law to:</p> <ul style="list-style-type: none"> • delete all reference to <i>Place of Entertainment</i> • replace all references to Commercial Athletic Centre with Commercial Recreation Centre • add Commercial Recreation Centre as a permitted use in UC-D1 and UC-D2 zones 	<p>Simplifies use and complexity by reducing overlapping categories.</p>

		<ul style="list-style-type: none"> implement a parking requirement of 1 <i>parking space</i> per 20m² of gross floor area for use by the public. <p>Amend Exception 102 to:</p> <ul style="list-style-type: none"> replace Place of Entertainment with Commercial Recreation Centre 	
Exception 61	The lands designated as Open Space in by-law 2004-212 had specific language in the amending by-law that was not carried through in full in 2010.	<p>Amend Exception 61 to read:</p> <p>iii) Uses: Only permitted use is as a landscaped buffer and no buildings or structures shall be permitted.</p>	<p>Clarifies the purpose of the buffer.</p> <p>Ensures that no structures, pools, or other changes are permitted.</p>
6.2.3 (*3) and (*4)	Unclear wording has led to confusion.	<p>Amend Section 6.2.3 (*3) and (*4) to read:</p> <p>(*3) 6 metres between blocks of row or townhouses or 3 metres from <i>lot line</i>.</p> <p>(*4) 3.6 metres between pairs of link dwellings or 1.8 metres from <i>lot line</i>.</p>	<p>Reduces confusion in the reading of the by-law.</p>

<p>Decks</p>	<p>Common design questions related to decks are not clearly addressed by the by-law.</p>	<p>Add to Section 4.2:</p> <p>Where an encroachment is permitted, it is subject to the following conditions:</p> <ul style="list-style-type: none"> i) Decks or patios that are permitted to encroach may have a deck, balcony, gazebo, pergola, or awning above them provided that: <ul style="list-style-type: none"> a. Any deck is constructed of a slatted and not a solid floor b. Any awning is retractable, is not a permanently extended fixture, and does not extend farther from the structure than the deck or patio c. Any pergola or gazebo complies with the requirements of a Residential Accessory Structure concerning required setbacks and maximum height from grade, regardless of whether they are attached to the deck or main structure or they are detached from same. ii) Where the existing side-yard setback of the principal structure is less than the required side-yard setback for a deck, a deck that is attached to the main structure may be located as close to the side lot line as the principal structure. 	<p>Allows for two-level decks, provided they are not solid. This ensures they allow rainwater passage.</p> <p>Allows pergolas, subject to existing rules.</p> <p>Allows awnings.</p> <p>Allows decks to match permitted width of the main structure.</p>		
<p>Long term care facility parking rate</p>	<p>Difficult to apply rate for this type of facility as the number of beds and patients can vary from the number of “dwelling units”.</p>	<p>Amend Section 5.3.2 as follows:</p> <table border="1" data-bbox="795 1133 1562 1377"> <tr> <td data-bbox="795 1133 1180 1377"> <p><i>Long Term Care Facility</i></p> </td> <td data-bbox="1180 1133 1562 1377"> <p>0.33 <i>parking space</i> per licensed patient bed plus 1 space per 100m² of <i>gross floor area</i> used for all other purposes</p> </td> </tr> </table>	<p><i>Long Term Care Facility</i></p>	<p>0.33 <i>parking space</i> per licensed patient bed plus 1 space per 100m² of <i>gross floor area</i> used for all other purposes</p>	<p>More clearly reflects that patient load is tied to beds and not to rooms.</p>
<p><i>Long Term Care Facility</i></p>	<p>0.33 <i>parking space</i> per licensed patient bed plus 1 space per 100m² of <i>gross floor area</i> used for all other purposes</p>				

<p>Parking area design</p>	<p>Lack of clarity in various sections related to parking space size and parking area design.</p>	<p>Amend Section 5.2.2 to read:</p> <p>5.2.2 Parking Space Design</p> <p>i) The minimum required size of a <i>parking space</i> shall be as follows:</p> <table border="1" data-bbox="795 378 1633 626"> <thead> <tr> <th>Number of required spaces</th> <th>Parking space configuration</th> <th>Minimum size</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Fewer than 5</td> <td>Parallel</td> <td>2.6m by 6.7m</td> </tr> <tr> <td>Perpendicular</td> <td>2.6m by 5.0m</td> </tr> <tr> <td rowspan="2">5 or More</td> <td>Parallel</td> <td>2.6m by 6.7m</td> </tr> <tr> <td>Perpendicular</td> <td>2.6m by 5.5m</td> </tr> </tbody> </table> <p>ii) The width of the drive aisle adjacent to a parking space shall be in accordance with the following standards:</p> <table border="1" data-bbox="795 854 1633 1049"> <thead> <tr> <th>Angle of Parking Space</th> <th>Minimum Aisle Width</th> <th>Direction</th> </tr> </thead> <tbody> <tr> <td>45 degrees</td> <td>4.5 metres</td> <td>One Way</td> </tr> <tr> <td>90 degrees</td> <td>6.7 metres</td> <td>Two Way</td> </tr> </tbody> </table> <p>iii) Barrier-free parking spaces will be provided in two types, and in the quantities stated in Section 5.3.6:</p> <p>i) Type A (“Van”): Minimum size of 3.4m by 5.5m</p> <p>ii) Type B: Minimum size of 2.6m by 5.5m</p> <p>Every accessible parking space must have an access aisle adjacent to the space. An access aisle may be shared by</p>	Number of required spaces	Parking space configuration	Minimum size	Fewer than 5	Parallel	2.6m by 6.7m	Perpendicular	2.6m by 5.0m	5 or More	Parallel	2.6m by 6.7m	Perpendicular	2.6m by 5.5m	Angle of Parking Space	Minimum Aisle Width	Direction	45 degrees	4.5 metres	One Way	90 degrees	6.7 metres	Two Way	<p>Requires the size of parking space for ground-related (singles, semis, towns, etc) driveways as has been the Town’s practice.</p> <p>Revises the requirement for barrier-free parking spaces to match the requirement of the AODA.</p>
Number of required spaces	Parking space configuration	Minimum size																							
Fewer than 5	Parallel	2.6m by 6.7m																							
	Perpendicular	2.6m by 5.0m																							
5 or More	Parallel	2.6m by 6.7m																							
	Perpendicular	2.6m by 5.5m																							
Angle of Parking Space	Minimum Aisle Width	Direction																							
45 degrees	4.5 metres	One Way																							
90 degrees	6.7 metres	Two Way																							

		<p>two adjacent accessible parking spaces. The minimum width of an access aisle is 1.5m.</p> <p>i) Access aisles must be demarcated with high tonal contrast diagonal lines to discourage vehicles from parking in them.</p>													
Pedestrian access	<p>Site design standards require vehicular access but have no specific standards to require pedestrian connections.</p>	<p>Amend Section 5.5 under Required Parking Spaces: 5 or more to add:</p> <p>xi) A continuous, uninterrupted pedestrian connection of a minimum of 1.5m in width and a material type visually and physically distinct from the <i>parking lot</i> surface shall be provided from a <i>sidewalk</i> to the principal entrance of each <i>building</i>. If no sidewalk abuts the property, the connection will be provided from the abutting <i>street</i>. Where parking spaces are configured such that the front or rear of parked vehicles will be adjacent to a pedestrian connection, the pedestrian connection shall be 1.8m in width.</p>	<p>Improves pedestrian accessibility.</p>												
Urban Centres	<p>Downtown area should no longer be titled an “Urban Centre”, as this term is used for Secondary Plan area.</p>	<p>Amend the following sections to replace the terms as follows:</p> <table border="1"> <thead> <tr> <th>Section</th> <th>To remove</th> <th>To replace with</th> </tr> </thead> <tbody> <tr> <td>4.1.2, 4.2,</td> <td>Urban Centre</td> <td>Downtown</td> </tr> <tr> <td>4.14.1</td> <td>Urban Centre</td> <td>- Delete section</td> </tr> <tr> <td>4.21</td> <td>Urban Centre</td> <td>Downtown Zone</td> </tr> </tbody> </table>	Section	To remove	To replace with	4.1.2, 4.2,	Urban Centre	Downtown	4.14.1	Urban Centre	- Delete section	4.21	Urban Centre	Downtown Zone	<p>Renames downtown zones to clarify that they are not part of UCSP.</p>
Section	To remove	To replace with													
4.1.2, 4.2,	Urban Centre	Downtown													
4.14.1	Urban Centre	- Delete section													
4.21	Urban Centre	Downtown Zone													

				or Urban Centres Secondary Plan zone	
		5.3.3	Urban Centre	Delete section outside of UCSP	
		5.3.4	Historic Downtown Urban Centre Zone	Downtown Zones	
		5.4.1	Urban Centre and Commercial Zones	Downtown and Commercial Zones	
		5.4.1	Urban Centre Zones	- Delete section	
		5.4.3	Urban Centre Zone	Downtown	
		5.6.1	Urban Centre Zones	Downtown Zones	
		5.6.3, 5.6.4	Urban Centre	Downtown	
		5.7.5	Urban Centre Zones	Downtown Zones	
		6.1	Urban Centre Zones	Downtown Zones	
		6.4	Urban Centre	Downtown	

			Zones	Zones		
		6.4.1	Historic Downtown Urban Centre Zone (UC-D1)	Historic Downtown Zone (UC-D1)		
		6.4.1, 6.4.2	Downtown Urban Centre Zone (UC-D2)	Downtown Zone (UC-D2)		
Commercial motor vehicle	Not present in the zoning by-law	<p>Amend section 5.81 to read:</p> <p>i) On any <i>lot</i> within a Residential Zone, the parking or storage of any <i>commercial motor vehicle</i> is not permitted unless wholly located within an enclosed garage. Only one such <i>vehicle</i> may be stored or parked within a garage on a lot in a Residential Zone.</p> <p>Add definition:</p> <p><i>Commercial motor vehicle</i></p> <p>A motor vehicle, equipment, or trailer designed to be used for commercial purposes that includes but is not limited to: catering or canteen trucks, a <i>food vehicle</i>, buses, cube vans, tow trucks, tilt and load trucks or trailers, dump trucks, tractor trailers, semitrailers, or construction equipment that is self-propelled or designed to be towed. For greater clarity, this definition does not include vehicles that are used for commercial purposes but are otherwise of a physical form that does not meet this definition.</p>			<p>Creates new definition for commercial motor vehicle</p> <p>Treats commercial vehicle parking the same as a utility trailer or RV.</p> <p>Clarifies that cars, pickup trucks, and other standard vehicles, even if used for commercial purposes, are</p>	


			permitted.
Commercial Rooftop Patios	Rooftop Commercial Patios are defined in the By-law but not specifically permitted or prohibited.	<p>Amend definition of Patio, Commercial Rooftop:</p> <p>Patio, Commercial Rooftop Means any portion of a rooftop dedicated as an outdoor serving area that is an <i>accessory use</i> to a <i>restaurant</i> or to a commercial use.</p> <p>Add to section 4.19: Specific Use Provisions</p> <p>Add section 4.19.X: Commercial Rooftop Patios</p> <p>Restaurants, banquet halls, and other commercial uses shall be permitted to include a <i>commercial rooftop patio</i> as an accessory use, provided that the commercial rooftop patio complies with the following regulations:</p> <ul style="list-style-type: none"> i) A <i>commercial rooftop patio</i> is prohibited in association with an adult entertainment parlour; ii) The maximum size of a <i>commercial rooftop patio</i> is 50 % of the floor area used for the principal use; iii) The design shall be established in accordance with an approved site plan; iv) A <i>commercial rooftop patio</i> must comply with any applicable requirements of the Town's licensing and noise by-laws. 	<p>Clarifies that rooftop patios are permitted</p> <p>Ensures that they are scaled in size to the principal use</p> <p>Confirms other applicable design and operational standards.</p>
Porticoes	Not defined in the by-law, and the intent of allowing for certain roofed encroachments is generally captured by other sections (e.g.	<p>Delete permitted encroachment for Canopies/Porticoes.</p> <p>Amend permitted encroachment for Porches to include Porticoes, reading:</p> <p><i>Porches, Porticoes</i> Open, Uncovered or Covered (2.75 metres in height or less</p>	<p>Removes ambiguity.</p> <p>Continues to permit covered porches and gives porticoes the same</p>

	porches).	above <i>finished grade</i>)	permission.
Exception 119 and Building Heights	The current definition does not specify that average front grade is to be used, which is the existing practice.	Amend Exception 119 Section ii) a) to read: Maximum Height: 10.0 metres For the purposes of this exception, height shall be measured from the average front grade of the dwelling to the highest portion of the roof.	Maintains control over the exterior built form and retains the existing height limit.
Landscaping in the front yard	The by-law currently limits the amount of 'hard landscaping' that can be present in the driveway through specific limits on each type of feature, but does not clearly state that it is required that where such features are not permitted that 'soft landscaping' must be retained.	Add definitions: <i>Landscaped Area</i> Means the part of a lot located outdoors that is used for the placement of any or a combination of the following elements: <i>Soft landscaping:</i> An open, unobstructed area that supports the growth of vegetation such as grass, trees, shrubs, flowers or other plants and permits infiltration into the ground. Soft landscaping must allow for the planting of, and sustaining of plant material. <i>Hard landscaping</i> Means an area of non-vegetative materials such as brick, pavers, rock, stone, concrete, tile and wood, including such features as a walkway, patio, deck or in-ground pool. Add section 4.24: Residential front yards General Requirements:	Creates new definitions for soft and hard landscaping Clarifies that a certain portion of front yards must remain as soft landscaping

		<i>Front yards of residential lots are required to maintain all areas of the yard that are not occupied by a legal driveway, walkway, structure, or permitted encroachment as soft landscaping.</i>	
Legal Non-conforming Structures	The text related to legal nonconforming structures and structures requiring restoration to a safe condition is unclear. The intent is to retain acquired rights and not grant any additional permissions.	<p>Amend Section 4.8 to read:</p> <p>4.8 LEGAL NON-CONFORMING USES This By-Law shall not prevent the <i>use</i> of any land, <i>building</i> or <i>structure</i> for any purpose prohibited by this By-Law if such land, <i>building</i> or <i>structure</i> was lawfully used for such purpose on the day of passing of this By-Law, and provided that such land, <i>building</i> or <i>structure</i> continues to be used for that purpose.</p> <p>4.8.1 Restoration to a Safe Condition Nothing in the By-Law shall prevent the strengthening to a safe condition or the reconstruction of any <i>building</i> or <i>structure</i> or part of any such <i>building</i> or <i>structure</i> that is used for a legally <i>non-conforming use</i> as provided for in Section 4.8, provided such alteration or repair does not increase the <i>height</i>, size or volume or change the <i>use</i> of such <i>building</i> or <i>structure</i>.</p>	<p>Retains acquired rights as required by law.</p> <p>Clarifies that illegally non-conforming structures may not be reconstruct-ed.</p>
GFA definition	Unclear definition.	<p>Amend the following definitions to read:</p> <p><i>Floor Area, Gross</i></p> <p>Means the aggregate of all floor areas of a <i>building</i> or <i>structure</i>, which floor areas are measured between the exterior faces of the exterior walls of the <i>building</i> at each floor level but excluding any <i>porch</i>, veranda, <i>cellar</i>, mechanical room or penthouse, or areas dedicated to parking within the <i>building</i>. For the purposes of this definition, the walls of an inner court shall be deemed to be exterior walls.</p>	Clarifies which floor areas are included in GFA and NFA calculations

		<p><i>Floor Area, Net</i></p> <p>Means the aggregate of the floor areas of a <i>building</i>, but excluding common hallways, stairways, elevator shafts, service/mechanical rooms, washrooms, garbage/recycling rooms, staff locker and lunch rooms, loading areas, areas dedicated to parking within the <i>building</i>, and any space with a floor to ceiling height of less than 1.8 metres.</p>	
Porches	<p>The encroachment provisions for porches are unclear in how they intend to limit porch height.</p>	<p>Amend the section of the encroachment table in Section 4.2 related to Porches to read:</p> <p>Porches - Open, Uncovered or Covered with a platform no higher than the floor of the first storey of the building above established grade</p>	<p>Maintains ability of porches to encroach into required yards to the same degree, clarifies the limits on porch height.</p>
Pools	<p>Uncertainty as to whether they are permitted in the floodplain.</p> <p>Lack of clarity related to pool patios and decks has led to installation of them up to property lines.</p>	<p>Add section 4.4 vii:</p> <p>In the Floodplain and Other Natural Hazards (FP-NH) zone as delineated by the Lake Simcoe Region Conservation Authority, swimming pools are permitted subject to the requirements of the LSRCA.</p> <p>Amend Section 4.4 iii):</p> <p><i>Any patio, deck, residential structure, accessory, or other structure associated with a pool shall be constructed in accordance with the provisions contained in this Zoning By-law including Section 4.2.</i></p>	<p>Requires the appropriate permit from the LSRCA for pools in the flood plain</p> <p>Clarifies that all elements of a pool are subject to the same requirements as other hard landscaping (patios, decks,</p>

			etc).
Repeal of Former By-laws	Mis-cited by-law number for Oak Ridges Moraine	Amend Section 1.9 a) i) Subject to 2003-121 (Oak Ridges Moraine)	Corrects a mis-citation of the by-law number referring to the Oak Ridges Moraine zoning by-law
Single detached dwellings	Providing greater clarity that a typical single detached dwelling lot permits one home.	Add to section 4.19: Specific Use Provisions Add section 4.19.X: Single Detached Dwellings For greater clarity, unless otherwise specified in this by-law, where a <i>dwelling, detached</i> is permitted as a use only one <i>dwelling, detached</i> is permitted on the <i>lot</i> .	Maintains existing practice with clearer language.
Nightclubs	The Town does not license nightclubs, but the zoning by-law sets out that they are subject to municipal licensing requirements.	Delete Section 6.5.1 (*6).	Corrects the statement regarding municipal licensing. Continues to require appropriate licensing by the AGCO
Floodplain	The incorrect section of the	Amend Section 7.1.1 to read:	Clarifies the appropriate

<p>and the PPS</p>	<p>Provincial Policy Statement is cited with regard to uses prohibited.</p>	<p>Prohibited Uses</p> <p>The following <i>uses</i> are not permitted within the Floodplain and Other Natural Hazards (FP-NH) Zone as determined by the Lake Simcoe Region Conservation Authority:</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>Group Home;</i> <input type="checkbox"/> <i>Special Needs Facility;</i> <input type="checkbox"/> <i>Accessory Dwelling Unit; and,</i> <input type="checkbox"/> All other <i>uses</i> in accordance with Section 3.1.5 of the Provincial Policy Statement, or its successor thereto. 	<p>section of the PPS for prohibited uses.</p>
<p>Exceptions 11 and 12</p>	<p>Incorrect addresses were used to carry forward this site-specific building height permission.</p>	<p>Amend the zoning by-law maps to show:</p> 	<p>Corrects the properties captured by the exception.</p>
<p>852 Gorham</p>	<p>Is incorrectly zoned as an R1-B property, notwithstanding its long use as a</p>	<p>Amend the zoning for the property to add an exception to permit:</p> <ul style="list-style-type: none"> a <i>Veterinary Clinic</i> a <i>Veterinary Hospital</i> 	<p>Recognizes the existing use.</p> <p>Maintains existing built form</p>

	veterinary clinic.		permissions.
820 Gorham	Has R1-B zoning despite being a church, is a holdover from past by-law allowing churches in R zones.	Amend the zoning for the property to I-B.	Recognizes the existing use. Establishes standard built form permissions.
Long-term care facility definition	The zoning by-law is unclear on the definitions and standards applicable to retirement residences.	<p>Add definition of Retirement Residence:</p> <p><i>Retirement Residence</i> means a building or part of a building licensed in accordance with applicable provincial legislation that is designed and used to provide accommodation primarily to retired persons or couples where each private bedroom or suite of rooms comprising a living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and where common lounges, recreation rooms and medical care facilities may also be provided.</p> <p>Amend Section 6 to permit a Retirement Residence in the following zones:</p> <p>UC-R, UC-D1, UC-D2, I-A, I-B</p> <p>Amend Section 5 to add the following parking requirement:</p> <p>Retirement Residence: <i>0.5 parking space per unit plus 0.25 parking spaces per unit for visitors</i></p>	<p>Clarifies that retirement residences are a permitted use, and not only as assisted-living long term care facilities</p> <p>Ensures that both public and private facilities are permitted</p> <p>Establishes zones where they are permitted similar to long term care facilities, save for the hospital zones</p> <p>Establishes a parking requirement</p>

			similar to long-term care facilities	
Eaves	The encroachment provision is unclear as to exactly what portions of a roof edge are included. The permitted encroachments do not reflect common building practice.	Amend Section 4.2 provision for Eaves to read:		Clarifies eaves may encroach into interior side yards only, and that the troughs have no greater permissions than the eaves.
		Permitted Structure or Feature	Applicable Required Yard(s)	
		Eaves, eavestroughs, gutters, or similar features	Any Yard	May encroach into a required yard a maximum of 0.7 metres, and may be no closer to a lot line than 0.3 metres.
Outdoor parking	The by-law requires all parking to be outdoor. This would exclude any underground or structured parking.	Amend the introduction to Section 5.3.1 to read: The minimum, off-street parking requirements for <i>residential uses</i> shall be as follows: Add (*x) to the requirement in Section 5.3.1 for Dwelling, Detached; Dwelling, Link; Dwelling, Semi-Detached; Dwelling, Duplex; and Dwelling, Townhouse. (*x) Required <i>parking spaces</i> shall be provided exterior of any <i>garage</i> unless otherwise permitted by this by-law.		Continues to require 2 exterior spaces for ground-related dwelling units. Recognizes structured parking for other uses.
Garbage	No zoning standards for	Add Section 4.X : Garbage and Waste Management Garbage containment shall be located within either a		Establishes standards for

<p>enclosures</p>	<p>locations of garbage enclosures.</p>	<p><i>building</i>, or a garbage enclosure surrounded by an opaque fence no less than 1.8m in height, in the following <i>zones</i> or where the following <i>uses</i> are being undertaken:</p> <ul style="list-style-type: none"> • Any Commercial <i>zone</i>; • Any Employment <i>zone</i>; • Any Institutional <i>zone</i>; • Any Open Space <i>zone</i>; or • Any lot containing an <i>Apartment Building</i>. <p>A <i>structure</i> primarily used for garbage containment or a garbage enclosure shall not be located:</p> <ul style="list-style-type: none"> • In a front yard; • In an exterior side yard; • In any minimum yard abutting a Residential, Institutional, Urban Centre, or Open Space Zone; or • Within any required landscaped areas. <p>A <i>building</i> used for garbage containment or a garbage enclosure shall be located in accordance with an approved site plan.</p>	<p>zones where waste can be handled outside or inside.</p> <p>Establishes standards for where outdoor garbage enclosures can be located.</p> <p>Requires garbage to be kept within the enclosure.</p>
<p>Private home daycares</p>	<p>Private home daycares are permitted in some types of residential units and not others. Provincial regulations related to daycares have</p>	<p>Amend Section 6.2.1 to:</p> <p>Include Private Home Daycare as a permitted use in R1, R2, R3, R4, and R5 zones.</p> <p>Amend Section 6.2.1 to:</p> <p>Amend (5) to read:</p> <p>(*) A Private Home Daycare must adhere to the</p>	<p>Allows private home daycares in all residential zones.</p> <p>Defers to the Provincial regulations for</p>

	changed.	<p>requirements of the Child Care and Early Years Act or its successor legislation. For greater clarity, this act limits the number of children who may be supervised at any one time in a private home daycare.</p> <p>Amend the definition of Private Home Daycare to read:</p> <p>Private Home Daycare</p> <p>Means the <i>use</i> of a <i>dwelling unit</i> for temporary care of children in exchange for compensation for a continuous period not exceeding 24 hours.</p>	limits on numbers of children.
R-X (G, K, L, M, N) zones	Several types of lots were left without exterior side yard setbacks.	<p>Amend Section 6.2.2 to:</p> <p>Add an Exterior Side Lot Line setback of 3.0m for G, K, and N lots and 2.4m for L & M lots.</p>	<p>Ensures appropriate setbacks for exterior side yards.</p> <p>Provides clarity of expectations for built form.</p>
R-X (P & R) zones	Several types of lots were left without maximum lot coverages.	<p>Amend Section 6.2.2 to:</p> <p>Include 50% as maximum lot coverage for P & R lots.</p>	Provides certainty of a reasonable maximum in cases of additions.
R-X (CP) zones	Zoning provides for no maximum driveway width for condominium	<p>Amend Section 6.2.2 to add an exception * to Minimum and Maximum Driveway Width for CP lots to read:</p> <ul style="list-style-type: none"> • Not to exceed the lesser of two-thirds of the frontage of a <i>lot</i> or the <i>façade</i> of the <i>dwelling unit</i> or <i>building</i> 	Provides a scalable maximum depending on

	residential zones.	with which the parking space is associated, and not to be less than 3.0m in width.	building frontage.
Domestic animal care facilities	Lack of clarity that domestic animal care facilities are meant to be 'doggy day-cares' and not kennels.	<p>Amend definition of Domestic Animal Care Facility to read:</p> <p>Domestic Animal Care Facility</p> <p>Means a service commercial establishment in which domestic animals are cared for on a short term daily basis in an open setting and may include accessory grooming and training facilities but excludes a <i>kennel</i>.</p> <p>Add definition</p> <p>Kennel:</p> <p>Means premises used for boarding, training, or breeding of dogs, cats, or other domestic animals. For greater clarity, does not include a <i>Domestic Animal Care Facility</i>.</p>	Clarifies that domestic animal care facilities are doggie daycares and not breeding kennels.
Antennas and Satellite Dishes	Zoning regulates the number of satellite dishes but does not address antennas.	<p>Amend section 4.1.5 to read:</p> <p>4.1.5 Satellite Dishes and Antennas</p> <p>Satellite dishes with a maximum width of 1.0 metre each are permitted in any <i>zone</i> provided they are mounted on an exterior wall, roof or chimney of a <i>building</i> of the <i>lot</i> on which it is located.</p> <p>Antennae with a maximum height of 1.5 metres greater than the permitted maximum height for the building to which they are affixed are permitted in any <i>zone</i> provided they are mounted on an exterior wall, roof or chimney of</p>	<p>Recognizes an ongoing need for antennae.</p> <p>Permits antennae in much the same fashion as satellite dishes.</p> <p>Allows either type of fixture on</p>

		<p>a <i>building</i> of the <i>lot</i> on which it is located.</p> <p>In a Residential <i>Zone</i>, not more than 2 cumulative satellite dishes and antennae shall be permitted per <i>dwelling unit</i> on the <i>lot</i>.</p> <p>Amend Section 4.2 to add:</p> <p>Accessory Structures:</p> <table border="1" data-bbox="800 493 1564 792"> <tr> <td data-bbox="800 493 1052 792"> Antennae or satellite dishes (Wall mounted in accordance with Section 4.1.5 of this By-law) </td> <td data-bbox="1052 493 1310 792"> Permitted in any <i>yard</i>. </td> <td data-bbox="1310 493 1564 792"> Not closer than 0.2m from any <i>lot line</i>. </td> </tr> </table>	Antennae or satellite dishes (Wall mounted in accordance with Section 4.1.5 of this By-law)	Permitted in any <i>yard</i> .	Not closer than 0.2m from any <i>lot line</i> .	<p>any building on the lot.</p> <p>Limits height of antennae.</p>
Antennae or satellite dishes (Wall mounted in accordance with Section 4.1.5 of this By-law)	Permitted in any <i>yard</i> .	Not closer than 0.2m from any <i>lot line</i> .				
<p>Definition of attached</p>	<p>The by-law lacks clarity for when a structure should be treated as being “attached”.</p>	<p>Add definition for Structure, Attached:</p> <p>Any structure that is attached to another structure by a common wall or by a common roof structure.</p>	<p>Clarifies what constitutes a connected structure</p> <p>Limits the permissions accorded to an attached structure to those that are truly part of the same building.</p>			
<p>Cross-references</p>	<p>Lack of cross-reference can make determining all applicable</p>	<p>Amend 5.3.3 to include:</p> <p>iv) Shall be located in accordance with Section 5.4.1.</p>	<p>Reduces oversight of related sections.</p>			

	sections difficult for applicants.		
Carpool spaces	Carpool spaces are required, but they are not defined in their use, location, or enforcement.	<p>Add definition:</p> <p><i>Carpool space or High Occupancy Vehicle Space</i></p> <p>A designated parking space for vehicles to be used only by vehicles carrying more than one occupant.</p> <p>Amend section 5.3.7 to read:</p> <p><i>Carpool parking spaces</i> shall be provided in conjunction with developments involving <i>financial institution, hospital, library, medical clinic, medical office, medical laboratory, office, elementary school, secondary school, or postsecondary school</i> uses and shall be included as part of the overall parking requirement as the lesser of:</p> <ul style="list-style-type: none"> i) 5% of the total required parking supply for any of these non-residential uses, or ii) 2.0 parking spaces <p>For each required <i>carpool parking space</i> provided the total parking requirement may be reduced by 2 spaces. <i>Carpool parking spaces</i> shall be located in immediate proximity to the principal entrance of the building, second only to parking spaces reserved as barrier-free <i>parking spaces</i>.</p> <p>iii) Carpool spaces are to be reserved for the exclusive use of vehicles carrying more than one occupant. Carpool spaces are to be indicated with Town-approved signage.</p>	<p>Requires parking spaces designated as carpool to be reserved for carpool users.</p> <p>Requires carpool space location to be prioritized.</p>

<p>Bicycle parking</p>	<p>Lack of standards leads to bike parking being provided in less than optimal locations.</p> <p>Distinction between “internal” and “external” bicycle parking spaces does not adequately capture the range of bicycle parking options that would fit within the policies of the Official Plan.</p>	<p>Add the definitions:</p> <p>Bicycle Parking Space, Long-term</p> <p>Long-term bicycle parking are spaces that are located in a building, enclosed in a lockable locker, or enclosed in a secured area with controlled access.</p> <p>Bicycle Parking Space, Short-term</p> <p>Short-term bicycle parking are spaces that are located outdoors, on a bicycle rack, or in an easily accessible location.</p> <p>Amend Section 5.3.8 to read:</p> <p>i) <i>Bicycle parking spaces</i> shall be provided as follows:</p> <table border="1" data-bbox="869 889 1566 1195"> <thead> <tr> <th data-bbox="869 889 1209 927">Use</th> <th data-bbox="1209 889 1566 927">Required Bicycle</th> </tr> </thead> <tbody> <tr> <td data-bbox="869 927 1209 1195">Retail, Service Commercial, Office, Institutional</td> <td data-bbox="1209 927 1566 1195">2 Long-Term Bicycle Parking Spaces and 5 Short-Term Bicycle Parking Spaces space for every 1000m² of gross floor area</td> </tr> </tbody> </table>	Use	Required Bicycle	Retail, Service Commercial, Office, Institutional	2 Long-Term Bicycle Parking Spaces and 5 Short-Term Bicycle Parking Spaces space for every 1000m ² of gross floor area	<p>Defines types of bicycle parking spaces.</p> <p>Provides standards for their number, size and location.</p>
Use	Required Bicycle						
Retail, Service Commercial, Office, Institutional	2 Long-Term Bicycle Parking Spaces and 5 Short-Term Bicycle Parking Spaces space for every 1000m ² of gross floor area						

		<p><i>Manufacturing/Industrial</i> 2 Long-Term Bicycle Parking Spaces and 2 Short-Term Bicycle Parking Spaces space for every 1000m² of <i>gross floor area</i></p>	
		<p><i>School</i> 0.06 Long-Term Bicycle Parking Spaces and 0.06 Short-Term Bicycle Parking Spaces for each 100 square metres of <i>gross floor area</i></p>	
		<p><i>Apartment Building</i> 0.5 Long-Term Bicycle Parking Spaces per dwelling unit and 0.1 short-term spaces per dwelling unit</p>	
<p>Where <i>bicycle parking spaces</i> are located internal to a <i>building</i>, they shall be located:</p> <ul style="list-style-type: none"> a. on the ground floor; or b. on the second floor or the first level below the ground floor if the bicycle parking spaces are accessible via an elevator or an entrance at grade. <p><i>Bicycle parking spaces</i> as required by this by-law shall not be located:</p> <ul style="list-style-type: none"> a. in a dwelling unit; or b. on a balcony. 			

		<ul style="list-style-type: none"> ii) The minimum dimension of a bicycle parking space is: <ul style="list-style-type: none"> a. minimum length of 1.8 metres; b. minimum width of 0.6 metres; and c. minimum vertical clearance from the ground of 1.9 metres; and iii) the minimum dimension of a bicycle parking space if placed in a vertical position on a wall, structure or mechanical device is: <ul style="list-style-type: none"> a. minimum length or vertical clearance of 1.9 metres; b. minimum width of 0.6 metres; and c. minimum horizontal clearance from the wall of 1.2 metres; and iv) A bicycle parking space must be on the same <i>lot</i> as the <i>use</i> for which it is required. 							
<p>Landscape buffers</p>	<p>This section conflicts with other sections that allow visitor parking closer to property lines. It would be clearer and more predictable to have a standard buffer with no parking permitted in it.</p>	<p>Amend Section 4.14.2 to read:</p> <p>In addition to the requirements of Section 4.14.1, in all Employment Zones, <i>landscape buffers</i> shall be provided adjacent to <i>street lines</i> except for land used to accommodate pedestrian and vehicular access to the <i>lot</i>. Such buffers shall be established as follows:</p> <table border="1" data-bbox="793 1203 1635 1422"> <thead> <tr> <th data-bbox="793 1203 1178 1297">Location of Landscape Buffer</th> <th data-bbox="1178 1203 1635 1297">Minimum Width of Landscape Buffer</th> </tr> </thead> <tbody> <tr> <td data-bbox="793 1297 1178 1365"><i>Front Yard</i></td> <td data-bbox="1178 1297 1635 1365">6.0 metres</td> </tr> <tr> <td data-bbox="793 1365 1178 1422">Exterior Side and <i>Rear</i></td> <td data-bbox="1178 1365 1635 1422">3.0 metres</td> </tr> </tbody> </table>	Location of Landscape Buffer	Minimum Width of Landscape Buffer	<i>Front Yard</i>	6.0 metres	Exterior Side and <i>Rear</i>	3.0 metres	<p>Reduces the required front yard landscape buffer to reflect what is more common in the area.</p> <p>Clarifies that the landscape buffer is not meant to be a parking lot.</p>
Location of Landscape Buffer	Minimum Width of Landscape Buffer								
<i>Front Yard</i>	6.0 metres								
Exterior Side and <i>Rear</i>	3.0 metres								

		Yard						
		<p>Amend Section 4.14.3 (iv) to re-number it to:</p> <ul style="list-style-type: none"> 4.14.X. 						
Landscape Buffer Plantings	Wrong type of size measure for each type of plant.	<p>Amend section 4.14.1 (iii) to read:</p> <p>Any required planting in a buffer strip shall have a minimum height of 1500mm for coniferous vegetation, a minimum diameter measured at a height of 1.4m from grade of 60mm for deciduous vegetation, and a minimum height or spread of 450mm for shrubs, but shall not be permitted to exceed a height of 1.0 metres within a <i>daylighting triangle</i>.</p>			Establishes a minimum size for coniferous trees, deciduous trees, and shrubs.			
Accessibility lifts	Accessibility ramps enjoy a generous encroachment provision that is not extended to lifts.	<p>Add definitions:</p> <p>Accessibility Ramp</p> <p>An inclined plane installed in addition to or instead of stairs that permits users to access a ground <i>floor</i> from <i>grade</i>.</p> <p>Accessibility Lift</p> <p>A vertical platform lift that is not enclosed or covered, designed to raise a user to access a ground <i>floor</i> from <i>grade</i>.</p> <p>Amend Section 4.2:</p> <table border="1"> <tr> <td>Permitted Structure or</td> <td>Applicable Required</td> <td>Required Setback or</td> </tr> </table>			Permitted Structure or	Applicable Required	Required Setback or	Ensures that encroachment permissions for accessibility features are not used to misrepresent other design elements.
Permitted Structure or	Applicable Required	Required Setback or						

		<table border="1" data-bbox="793 191 1551 456"> <tr> <th data-bbox="793 191 1047 285">Feature</th> <th data-bbox="1047 191 1299 285">Yard(s)</th> <th data-bbox="1299 191 1551 285">Permitted Encroachment</th> </tr> <tr> <td data-bbox="793 285 1047 456">Accessibility Ramps or Wheelchair Lifts (*2)</td> <td data-bbox="1047 285 1299 456">Permitted in any <i>yard</i></td> <td data-bbox="1299 285 1551 456">No required setback</td> </tr> </table> <p data-bbox="793 516 915 548">Add (*2)</p> <p data-bbox="793 573 1623 716">An <i>Accessibility Ramp</i> shall have a maximum gradient of 1 in 12. A <i>Wheelchair Lift</i> is permitted to elevate no higher than the first <i>storey</i> of the <i>building</i>, and have a maximum area no greater than 3.0 square metres.</p> <p data-bbox="793 740 1455 773">Amend all references to wheelchair ramps :</p> <p data-bbox="793 797 1350 829">To refer to them as accessibility ramps.</p>	Feature	Yard(s)	Permitted Encroachment	Accessibility Ramps or Wheelchair Lifts (*2)	Permitted in any <i>yard</i>	No required setback	
Feature	Yard(s)	Permitted Encroachment							
Accessibility Ramps or Wheelchair Lifts (*2)	Permitted in any <i>yard</i>	No required setback							
<p data-bbox="222 862 443 951">Shipping containers</p>	<p data-bbox="506 862 751 1073">By-law does not specifically address shipping containers for storage or as a structure.</p>	<p data-bbox="793 862 1020 894">Add definition:</p> <p data-bbox="793 919 1066 951">Shipping Container</p> <p data-bbox="793 976 1629 1118">Means a container or structure designed for storage of goods and materials while under transport by boat, truck or rail, notwithstanding that it may not ever be used for such a purpose.</p> <p data-bbox="793 1203 1224 1235">Amend Section 4.1.2 to add:</p> <p data-bbox="793 1260 1629 1403">When an accessory building is made up in whole or in part of <i>shipping container(s)</i>, the accessory building shall be clad with exterior design materials similar to those used for the main building located on the lot.</p>	<p data-bbox="1665 862 1913 967">Allows the use of shipping containers.</p> <p data-bbox="1665 1049 1892 1227">Requires their external appearance to match the main building.</p> <p data-bbox="1665 1308 1908 1414">Subjects them to the same setback and</p>						

			building requirements as any other type of structure.
Parking and walkways	<p>Driveway definition doesn't work well with non-rectilinear lots.</p> <p>Reverse-slope driveways are not addressed, and can lead to basement flooding.</p> <p>Multiple driveway provisions have led to increased loss of yard and sidewalk conflicts.</p>	<p>Amend the definition of Walkway, Residential to read:</p> <p>Walkway, Residential A hard surface path leading from the front or exterior wall of a <i>dwelling unit</i> to a curb, street, sidewalk, or rear <i>yard</i>, no wider than 1.2 metres and, if adjacent to a <i>driveway</i> shall be of a different material from the <i>driveway</i>. A <i>walkway</i> may not be used for vehicular parking.</p> <p>Amend Section 6.2.3 to add:</p> <p>(*#) A single <i>Walkway, Residential</i> is permitted for zones R1, R2, R3, and R4 except as provided for in an approved site plan agreement. A <i>Walkway, Residential</i> shall not exceed 1.2m in width, save that where a <i>Walkway, Residential</i> approaches the door of a structure, its width may exceed 1.2m insofar as it then becomes and fulfills the definition and encroachment provisions of a <i>Landing</i>. For clarity, lots are also required to comply with all other provisions of the by-law related to yard landscaping including Section 4.24.</p> <p>(*#) Parking of motor vehicles is only permitted in a driveway in zones R1, R2, R3, and R4 except as otherwise provided for in this by-law or in an approved site plan agreement.</p>	<p>Limits single residential lots to one walkway to prevent the over-paving of lots and creation of improper parking surfaces.</p> <p>Clarifies that parking is only permitted in a driveway.</p> <p>Clarifies how to measure driveway width.</p> <p>Prohibits reverse-slope driveways except as provided for in site plan agreements.</p>

		<p>Nothing in this by-law should be construed so as to permit a walkway or driveway to interfere with a drainage swale as approved through a Plan of Subdivision, Site Alteration Permit, Site Plan Agreement, or other plan approved by the Town of Newmarket. No person shall park a vehicle on a <i>walkway, residential</i>.</p> <p>Amend Section 4.2 to add:</p> <table border="1" data-bbox="795 545 1633 1425"> <thead> <tr> <th data-bbox="795 545 1073 732">Permitted Structure or Feature</th> <th data-bbox="1073 545 1350 732">Applicable Required Yard(s)</th> <th data-bbox="1350 545 1633 732">Required Setback or Permitted Encroachment</th> </tr> </thead> <tbody> <tr> <td data-bbox="795 732 1073 1036">Walkway, residential</td> <td data-bbox="1073 732 1350 1036"><i>Front, interior side, and exterior side yard</i></td> <td data-bbox="1350 732 1633 1036">No required front or exterior side yard setback. Must maintain 0.6m setback from interior side lot line.</td> </tr> <tr> <td data-bbox="795 1036 1073 1425">Patios, Uncovered</td> <td data-bbox="1073 1036 1350 1425">Urban Centre and Commercial Zones: front and <i>exterior side yards</i>. All other Zones: rear and <i>side</i></td> <td data-bbox="1350 1036 1633 1425">No required setback. No closer than 0.6 metres from the <i>lot line</i>.</td> </tr> </tbody> </table>	Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment	Walkway, residential	<i>Front, interior side, and exterior side yard</i>	No required front or exterior side yard setback. Must maintain 0.6m setback from interior side lot line.	Patios, Uncovered	Urban Centre and Commercial Zones: front and <i>exterior side yards</i> . All other Zones: rear and <i>side</i>	No required setback. No closer than 0.6 metres from the <i>lot line</i> .	<p>Allows for side-yard walkways to be treated the same as patio areas in rear and side yards as close as 0.6m.</p> <p>Removes multiple driveway access point provisions for low-density residential lots.</p>
Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment										
Walkway, residential	<i>Front, interior side, and exterior side yard</i>	No required front or exterior side yard setback. Must maintain 0.6m setback from interior side lot line.										
Patios, Uncovered	Urban Centre and Commercial Zones: front and <i>exterior side yards</i> . All other Zones: rear and <i>side</i>	No required setback. No closer than 0.6 metres from the <i>lot line</i> .										

			yards.		
<p>Add definition:</p> <p>Landing</p> <p>Means a surfaced, open space of land at <i>grade</i>, adjacent to a residential <i>use</i>, which is adjacent to stairs, steps, or a door providing access to the <i>building</i> or <i>structure</i> with which it is associated and connected to a <i>driveway</i>, pathway or <i>walkway</i>.</p> <p>Amend the definition of Driveway, Width of to read:</p> <p>Means the widest horizontal surface of any <i>driveway</i>, and includes any portion of hard landscaping or pavement contiguous to a <i>driveway</i> or <i>parking space</i> where parking or storage of a <i>motor vehicle</i> could be accommodated.</p> <p>Amend Section 6.2.3 to add:</p> <p>(*#) for a Dwelling Unit, the elevation of the lowest point of an opening to an area that may be used for parking or storage of a vehicle located inside or abutting the dwelling shall be:</p> <p>(A) higher than the elevation of the street the lot abuts measured at its centerline directly across from the driveway leading to the parking space; or</p> <p>(B) higher than the elevation of a public lane that the lot abuts measured at its centerline directly across from the driveway leading to the parking space;</p>					

		<p>except as provided for in an approved site plan agreement.</p> <p>Amend the definition of <i>Patio</i>:</p> <p>To strike the clause “but shall not include pathways or walkways”.</p> <p>Delete Section 5.5 iii).</p>				
<p>Residential Accessory Structures</p>	<p>Confusion over setback provisions related to accessory structures, detached garages, residential accessory structures, and corner lots.</p>	<p>Amend definition of Residential Structure, Accessory to read:</p> <p>Residential Structure, Accessory</p> <p>Means <i>accessory structures</i> that are not used for human habitation, but the <i>use</i> of which is naturally and normally incidental to, subordinate to, or exclusively devoted to, the principal <i>residential use</i> or dwelling and located on the same <i>lot</i> therewith. Residential accessory structures may include, but are not limited to: a change house/cabana; <i>private play structure</i>; gazebo; dog house or dog run; private greenhouse; shed; <i>patio</i> shelter; portable tent structures; standalone antennae or satellite dishes; and, standalone <i>solar panels</i>; but shall not include a detached garage or any mechanical equipment as defined under <i>air conditioner</i> or privacy screens erected on the ground.</p> <p>Amend Section 4.2 encroachment provision to read:</p> <table border="1" data-bbox="795 1243 1549 1385"> <tr> <td data-bbox="795 1243 1129 1385">Permitted Structure or Feature</td> <td data-bbox="1129 1243 1318 1385">Applicable Required Yard(s)</td> <td data-bbox="1318 1243 1549 1385">Required Setback or Permitted Encroachment</td> </tr> </table>	Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment	<p>Allows basketball nets in all yards.</p> <p>Clarifies the existing requirement for accessory structures, but provides a standalone section for detached garages for ease of use.</p> <p>Clarifies that accessory structures are a single permitted encroachment that cannot benefit from</p>
Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment				

		<p>Drop awnings, clothes poles, flag poles, ornamental light poles, basketball nets, retaining walls, fences or other similar <i>accessory structures</i></p>	<p>Permitted in any <i>yard</i></p>	<p>No required setback</p>	<p>additional encroachment such as balconies.</p>
		<p>Amend definition of Carport to read:</p> <p>Carport</p> <p>Means a <i>building</i> or <i>structure</i> attached to the principal or <i>main building</i>, which is not more than 60% enclosed by area of its walls, and may be used for the parking or storage of one or more <i>motor vehicles</i>.</p> <p>Amend Section 4.1.2 to read:</p> <p>4.1.2 Accessory Buildings and Structures</p> <p><i>Accessory buildings, structures</i> and <i>uses</i> are permitted in all <i>zones</i> subject to the following provisions:</p> <ul style="list-style-type: none"> i. The principle <i>use, building</i> or <i>structure</i> must already be established on the same <i>lot</i>. ii. No detached <i>accessory building</i> or <i>structure</i> may be used for human habitation or an occupation for gain, unless specifically permitted 			

by this By-Law.

- iii. Unless otherwise specified, *accessory buildings* and *structures* shall comply with the following requirements.
- iv. *Accessory buildings* and *structures* are not permitted additional encroachments under Section 4.2 for structural or ornamental features.

Permitted feature or structure	Measure	Requirement
Detached garage in a residential zone	Location	Comply with all applicable yard requirements of the zone in which they are located
	Height	Lesser of 4.6m or the height of the main building on the lot
Residential accessory structures (RAS)	Location and height	In accordance with Section 4.2
Accessory buildings or structures	Total lot coverage	Residential zones: Lesser of 15% of the total lot area or 75% of the ground floor area of the main building on the lot

				All other zones: 15% of the lot area		
			Height	Residential, UC, and C zones: Lesser of 4.6m or the height of the main building on the lot All other zones: The maximum permitted height of the zone in which the accessory structure is located		
			Corner lot location	Commercial or Employment Zone abutting any Residential Zone: Distance equal to the minimum required front yard of the abutting residential zone		
		<p>iv) Notwithstanding Section 4.1.2 (iii) above, <i>accessory structures</i> in a residential zone shall be setback from the <i>lot line</i> in accordance with the requirements of Section 4.2 of this By-Law.</p> <p>v) The total <i>lot coverage</i> of all <i>Accessory Buildings and Structures</i> on a lot shall be as follows:</p>				

Zone	Maximum Total Lot Coverage
Residential Zones	the lesser of 15% of the total <i>lot area</i> or 75% of the ground floor area of the <i>main</i>
All Other Zones	15% of the <i>lot area</i>

vi) *The maximum height of an accessory building or structure shall be as follows:*

Zone	Maximum Height of Accessory Structures
Residential, Urban Centre and Commercial Zones	the lesser of 4.6 metres or the <i>height</i> of the <i>main building</i> on the <i>lot</i>
All Other Zones	the maximum permitted <i>height</i> of the <i>zone</i> in which the accessory <i>structure</i> is located

vii) Notwithstanding any other provision of this By-Law, the setback for *accessory buildings* or *structures* on a *corner lot* shall be as follows:

		<table border="1"> <thead> <tr> <th data-bbox="913 220 1167 354">Zones</th> <th data-bbox="1167 220 1329 354">Applicable Yards</th> <th data-bbox="1329 220 1520 354">Minimum Required Setback</th> </tr> </thead> <tbody> <tr> <td data-bbox="913 354 1167 570">Residential Zones</td> <td data-bbox="1167 354 1329 570"><i>Rear Yard or Exterior Side Yard</i></td> <td data-bbox="1329 354 1520 570">4.5 metres from flanking street</td> </tr> <tr> <td data-bbox="913 570 1167 1096">Commercial or Employment Zone Abutting any Residential Zone</td> <td data-bbox="1167 570 1329 1096"><i>Exterior Side Yard</i></td> <td data-bbox="1329 570 1520 1096">Distance equal to the depth of the minimum required front yard of the abutting Residential Zone</td> </tr> </tbody> </table>	Zones	Applicable Yards	Minimum Required Setback	Residential Zones	<i>Rear Yard or Exterior Side Yard</i>	4.5 metres from flanking street	Commercial or Employment Zone Abutting any Residential Zone	<i>Exterior Side Yard</i>	Distance equal to the depth of the minimum required front yard of the abutting Residential Zone	
Zones	Applicable Yards	Minimum Required Setback										
Residential Zones	<i>Rear Yard or Exterior Side Yard</i>	4.5 metres from flanking street										
Commercial or Employment Zone Abutting any Residential Zone	<i>Exterior Side Yard</i>	Distance equal to the depth of the minimum required front yard of the abutting Residential Zone										
Fuel tanks	No existing regulations related to propane and fuel storage.	<p>Add the definition of Residential Structure, Accessory to add the following words to the list of examples included:</p> <p>fuel tank with a capacity of less than 1500L</p> <p>Add to section 4.19: Specific Use Provisions</p>	Permits a fuel tank in the same manner as a shed, requiring a setback from lot lines and limiting yards where they can be placed.									

		<p>4.19.x Fuel Tanks</p> <p>Where fuel tanks are permitted, the following standards shall apply to their location:</p> <ul style="list-style-type: none"> i) In a residential zone, be located in accordance with the provisions of Residential Structure, Accessory. ii) In any other zone, be located in accordance with an approved site plan. iii) In any zone, be located in accordance with the requirements of the Technical Standards and Safety Authority and the Fire Code, as applicable. 	<p>Defers to CSA and TSSA on safety and volume limits.</p> <p>Prohibits encroachment of fuel tanks larger than 1499L.</p>						
<p>Fireplaces</p>	<p>No specific standards for where an outdoor fireplace can be located.</p>	<p>Amend Section 4.2 to add:</p> <table border="1" data-bbox="795 846 1635 1409"> <thead> <tr> <th data-bbox="795 846 1064 927">Permitted Structure</th> <th data-bbox="1064 846 1266 927">Applicable Required</th> <th data-bbox="1266 846 1635 927">Required Setback or Permitted</th> </tr> </thead> <tbody> <tr> <td data-bbox="795 927 1064 1409">Barbeque, chiminea, fireplace, fire pit, or similar structure</td> <td data-bbox="1064 927 1266 1409">Permitted in any <i>yard</i> of a residential <i>zone</i></td> <td data-bbox="1266 927 1635 1409">No closer than 4 metres from the edge of the area capable of holding a flame to any lot line, building, structure, deck, hedge, tree, fence, right-of-way, or overhead wire, subject to the Town's By-law to Regulate Outdoor Burning 2009-64 or its successor by-law, as applicable.</td> </tr> </tbody> </table>	Permitted Structure	Applicable Required	Required Setback or Permitted	Barbeque, chiminea, fireplace, fire pit, or similar structure	Permitted in any <i>yard</i> of a residential <i>zone</i>	No closer than 4 metres from the edge of the area capable of holding a flame to any lot line, building, structure, deck, hedge, tree, fence, right-of-way, or overhead wire, subject to the Town's By-law to Regulate Outdoor Burning 2009-64 or its successor by-law, as applicable.	<p>Applies the existing requirements of the outdoor fire by-law through the zoning by-law.</p> <p>Allows for limited outdoor fires, subject to certain setbacks.</p>
Permitted Structure	Applicable Required	Required Setback or Permitted							
Barbeque, chiminea, fireplace, fire pit, or similar structure	Permitted in any <i>yard</i> of a residential <i>zone</i>	No closer than 4 metres from the edge of the area capable of holding a flame to any lot line, building, structure, deck, hedge, tree, fence, right-of-way, or overhead wire, subject to the Town's By-law to Regulate Outdoor Burning 2009-64 or its successor by-law, as applicable.							

<p>AODA standards and barrier-free parking</p>	<p>Accessibility for Ontarians with Disabilities Act requires different standards for parking than 2010-40, and the AODA supersedes.</p>	<p>Amend Section 5.3.6 to read:</p> <p>5.3.6 Barrier Free Parking Spaces</p> <p>Off-street barrier free <i>parking spaces</i> shall be provided in accordance with the following. Provided barrier-free parking spaces are included within, and not additional to, required non-barrier-free parking spaces.</p> <p>i) The minimum barrier free parking requirement shall be as follows:</p> <table border="1" data-bbox="795 719 1635 1341"> <thead> <tr> <th>Total number of parking spaces provided</th> <th>Required Type A Spaces (Van)</th> <th>Required Type B Spaces</th> </tr> </thead> <tbody> <tr> <td>1 to 12</td> <td>1</td> <td>0</td> </tr> <tr> <td>13 to 25</td> <td>0</td> <td>1</td> </tr> <tr> <td>26 to 50</td> <td>1</td> <td>1</td> </tr> <tr> <td>51 to 75</td> <td>1</td> <td>2</td> </tr> </tbody> </table>	Total number of parking spaces provided	Required Type A Spaces (Van)	Required Type B Spaces	1 to 12	1	0	13 to 25	0	1	26 to 50	1	1	51 to 75	1	2	<p>Applies the requirement of the AODA to the number and design of barrier-free parking spaces.</p> <p>Provides for a higher rate of barrier-free parking spaces for medical uses.</p>
Total number of parking spaces provided	Required Type A Spaces (Van)	Required Type B Spaces																
1 to 12	1	0																
13 to 25	0	1																
26 to 50	1	1																
51 to 75	1	2																

		76 to 100	2	2	
		101 to 133	2	3	
		134 to 166	3	3	
		167 to 250	3	4	
		251 to 300	4	4	
		301 to 350	4	5	
		351 to 400	5	5	
		401 to 450	5	6	
		451 to 500	6	6	
		501 to 550	6	7	
		551 to 600	7	7	
		601 to 650	7	8	
		651 to 700	8	8	

		701 to 750	8	9		
		751 to 800	9	9		
		801 to 850	9	10		
		851 to 900	10	10		
		901 to 950	10	11		
		951 to 1000	11	11		
		1001 and over	11 spaces plus 1% of the total number of spaces (rounded up to the next whole number), to be divided equally between Types A and B. If an odd number of spaces is required, the extra space may be Type B.			
		Note: Where an uneven number of accessible parking spaces are required, the extra Type B space may be changed to a Type A space.				
		Notwithstanding subsection i) above, the minimum barrier free parking requirement for <i>medical offices</i> , clinics and facilities providing outpatient services shall be the greater of the requirement of subsection i) above or 10% of the total minimum parking requirement for the <i>use</i> , providing at least 40% of the required barrier				

		free spaces of each type of Type A and Type B.																
Coverage	Definition of Lot Coverage is unclear. It is intended to encompass all areas of a lot covered by a roofed structure.	<p>Amend definition of Lot Coverage to read:</p> <p>Means the percentage of the <i>lot</i> area covered by all <i>buildings, structures</i> or parts thereof, at or above <i>average grade</i> or <i>established grade</i>, exclusive of uncovered <i>decks</i>, uncovered <i>porches</i>, and outdoor swimming <i>pools</i>.</p>	Clarifies that all structures contribute to lot coverage, regardless of if they have ground-floor footprint.															
Shared parking	Many multi-tenant/multi-business properties have uses whose parking demands do not typically peak at the same time, but they are not able to benefit from the current shared parking provisions	<p>Amend Section 5.3.5 i) to read:</p> <p>A shared parking formula may be used for the calculation of required parking for a mixed <i>use</i> development. A mixed <i>use</i> development means any combination of uses provided for in the tables in this section. Where a use is not provided for in the tables, its requirement at each time period is one hundred percent of its requirement.</p> <p>Amend the tables in Section 5.3.5 i) to include:</p> <table border="1"> <thead> <tr> <th rowspan="2">Type of Use</th> <th colspan="3">Percentage of Peak Period (Weekday)</th> </tr> <tr> <th>Morn</th> <th>Aft</th> <th>Even</th> </tr> </thead> <tbody> <tr> <td>Industrial or office</td> <td>100%</td> <td>100%</td> <td>10%</td> </tr> <tr> <td>Recreational</td> <td>25%</td> <td>80%</td> <td>100%</td> </tr> </tbody> </table>	Type of Use	Percentage of Peak Period (Weekday)			Morn	Aft	Even	Industrial or office	100%	100%	10%	Recreational	25%	80%	100%	<p>Recognizes that evolving uses are not captured by the existing zoning by-law but have parking demands that are complementary to others.</p> <p>Supports small businesses by making more flexible standards for their location in multi-unit developments.</p>
Type of Use	Percentage of Peak Period (Weekday)																	
	Morn	Aft	Even															
Industrial or office	100%	100%	10%															
Recreational	25%	80%	100%															

		Hotel	80%	80%	100%	Reduces burden on multi-unit building owners to occupy units by establishing a standard parking rate for small industrial plazas that matches the rate they were commonly developed under.																							
		Assembly	10%	25%	100%																								
		<table border="1"> <tr> <th rowspan="2">Type of Use</th> <th colspan="3">Percentage of Peak Period (Weekend)</th> </tr> <tr> <th>Morn</th> <th>Aft</th> <th>Even</th> </tr> <tr> <td>Industrial or office</td> <td>10%</td> <td>10%</td> <td>10%</td> </tr> <tr> <td>Recreational</td> <td>90%</td> <td>100%</td> <td>100%</td> </tr> <tr> <td>Hotel</td> <td>80%</td> <td>80%</td> <td>100%</td> </tr> <tr> <td>Assembly</td> <td>90%</td> <td>90%</td> <td>100%</td> </tr> </table>					Type of Use	Percentage of Peak Period (Weekend)			Morn	Aft	Even	Industrial or office	10%	10%	10%	Recreational	90%	100%	100%	Hotel	80%	80%	100%	Assembly	90%	90%	100%
Type of Use	Percentage of Peak Period (Weekend)																												
	Morn	Aft	Even																										
Industrial or office	10%	10%	10%																										
Recreational	90%	100%	100%																										
Hotel	80%	80%	100%																										
Assembly	90%	90%	100%																										
		<p>For the purposes of this section: a Recreational use includes Commercial Athletic Centres, Places of Entertainment, Studios, and similar uses; an Industrial or Office use includes Medical Offices, Manufacturing, and similar uses; and Assembly uses include Places of Worship, Banquet Facilities, and similar uses.</p> <p>Amend Section 5.3.5 i) c) to read:</p> <p>a building or group of <i>buildings</i> on the same <i>lot</i> containing a mix of <i>office or medical office, commercial uses and dwelling units</i>; or,</p>																											

		<p>Amend Section 5.3.2 to add:</p> <table border="1"> <thead> <tr> <th>Type or Nature of Use</th> <th>Minimum Off-Street Parking Requirements</th> </tr> </thead> <tbody> <tr> <td>Multiple-Unit Buildings within Employment Zones</td> <td> The aggregate of: <ul style="list-style-type: none"> • 1 <i>parking space</i> per 45 m² of <i>gross floor area</i> up to 1860 m² GFA; • 1 <i>parking space</i> per 90 m² of <i>gross floor area</i> from 1861 m² to 3720 m² GFA; • 1 <i>parking space</i> per 185 m² of <i>gross floor area</i> greater than 3720 m² GFA </td> </tr> </tbody> </table>	Type or Nature of Use	Minimum Off-Street Parking Requirements	Multiple-Unit Buildings within Employment Zones	The aggregate of: <ul style="list-style-type: none"> • 1 <i>parking space</i> per 45 m² of <i>gross floor area</i> up to 1860 m² GFA; • 1 <i>parking space</i> per 90 m² of <i>gross floor area</i> from 1861 m² to 3720 m² GFA; • 1 <i>parking space</i> per 185 m² of <i>gross floor area</i> greater than 3720 m² GFA 	
Type or Nature of Use	Minimum Off-Street Parking Requirements						
Multiple-Unit Buildings within Employment Zones	The aggregate of: <ul style="list-style-type: none"> • 1 <i>parking space</i> per 45 m² of <i>gross floor area</i> up to 1860 m² GFA; • 1 <i>parking space</i> per 90 m² of <i>gross floor area</i> from 1861 m² to 3720 m² GFA; • 1 <i>parking space</i> per 185 m² of <i>gross floor area</i> greater than 3720 m² GFA 						
Driveways that straddle property lines	<p>Driveways that are across the property line for two properties are common in town, but the by-law is silent on them. A shared driveway permits a more efficient design.</p>	<p>Add within Section 5.5:</p> <p>Notwithstanding any other provision of this By-law, a driveway or an access shared across two lots shall be permitted. Compliance with any regulations of this By-law for a driveway or an access permitted by this section shall be based upon the entire width of the applicable access.</p>	<p>Recognizes and permits shared driveways.</p>				
Offices	<p>Permitted uses in the EM, EG, and EH zones related to offices suggest that offices are only allowed on major roads, and accessory offices</p>	<p>Amend Section 6.5.1 to:</p> <p>Delete <i>Accessory Office</i> as a listed use</p> <p>Amend Section 6.5.1 (*8) to read:</p> <p>Permitted as a principal use in the EM and EG zones.</p>	<p>Allows offices on all streets in EM and EG zones.</p> <p>Allows accessory offices in EH zones to a quarter of the</p>				

	are only allowed in EH zones. This would prohibit accessory offices in many of the areas of the employment lands.	Within the EH zone, is permitted only as an accessory use and shall not exceed 25% of the GFA of the premises.	floor area.
Day Nurseries	The governing provincial legislation related to day nurseries has changed and the zoning by-law references out-of-date legislation.	Amend the definition of Day Nursery to read: Day Nursery Means a <i>premises</i> where more than 5 children are provided with temporary care and/or guidance for a continuous period not exceeding 24 hours and is licensed in accordance with the Child Care and Early Years Act or its successor legislation.	Updates legislation reference.