



Zoning By-law Review Background Paper for the TOWN OF COBOURG

- DRAFT -



April 18, 2012



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EXECUTIVE SUMMARY

The Town of Cobourg Zoning By-law #85-2003 was passed on October 14, 2003. Meridian Planning Consultants was retained to assist the Town in a review and update of the Zoning By-law and to determine how to most effectively organize and format the document for ease of use in the future. An additional goal of the project is to ensure that the By-law is cutting edge in terms of its organization, aesthetics and content.

The purpose of this Paper is to:

- consider the approach to updating the Town's Zoning By-law;
- discuss the structure, format and appearance of the Town's new Zoning By-law and how it can be improved; and,
- identify and discuss a number of specific issues and topic areas, and make a number of recommendations on by-law improvements.

There are a number of recommendations in this Paper; some of which are very high-level while others are very specific. The following is a summary of these recommendations.

A. By-law Structure/Approach

- i) Prepare a new Zoning By-law instead of amending the existing By-law;
- ii) Include an easy and instructional 'How to Use the By-law' section at the beginning of the By-law;
- iii) Remove section numbers in the Definitions Section, update definitions and ensure all permitted uses are defined;
- iv) Limit references to legislation wherever possible;
- v) Standardize, consolidate and reorganize zone sections by type: Residential Zones, Commercial Zones, Employment Zones and Agricultural/Rural/Recreational/Other Zones;
- vi) Use tables to identify permitted uses and zone standards;
- vii) Use illustrations to describe permitted uses, performance standards, etc.;
- viii) Use tables to list exceptions, holding zones and temporary use by-laws; and,
- ix) Present options for rationalizing exceptions to the community and review existing exceptions on a case-by-case basis

B. Second Units

- i) Permitting second units (accessory apartments) in all single detached, semi-detached and townhouse units, subject to very specific restrictions;
- ii) Change reference to 'accessory apartment' from 'granny flat';
- iii) Permit accessory apartments to provided they occupy no more than 30% of the gross floor area of the dwelling or 100 m² (whichever is less);
- iv) Delete prohibitions on cooking facilities in accessory apartments and rentals to the general public;

- v) Consider restricting number of bedrooms in any accessory apartment to 2;
- vi) Prohibit tandem parking for accessory apartments unit and continue to limit the size/width of driveways/garages;
- vii) Consider updated regulations for garden suites, prohibit an accessory apartment on the same property where a garden suite is also situated, and include Official Plan definition of 'garden suite' in new By-law; and,
- viii) Consider implementation of an accessory apartment registration system (which is a separate Council matter).

C. Stable Residential Areas (SRA)

- i) Maintain current approach in By-law to ensure limited and appropriate intensification;
- ii) Consider zoning provisions for SRA's in consideration of the policies of the Official Plan that consider the structure and character of immediate surrounding areas;
- iii) Include provisions limiting garage widths to no greater than 50% of the width of a house; and,
- iv) Consider rezoning certain lands designated Residential Area in the Official Plan using a Residential Zone that is the same or similar to the zoning in the immediate neighbourhood and/or adjacent properties.

D. Measuring Building Height

- i) Consider recommended maximum heights based primarily on metres instead of storeys.

E. Major Intensification Areas

- i) **Mixed Use Areas in Built Boundary** – utilize modified form of existing District Commercial (DC) Zone (or rename to Mixed Use Zone); consider additional permitted uses including townhouses, multiple dwellings, standalone apartment dwellings and retirement homes; consider new standards for new DC or MU Zone; maintain current DC Zone for areas not designated for mixed use in OP (consider new name – Corridor Commercial); consider Holding provisions to encourage introduction of mixed use development with criteria to specify when it should be applied;
- ii) **Employment Areas north of Major Transit Station** – modify Business Park Zone to optimize development (and also consider relaxing restrictions for all industrial zones and areas);
- iii) **Unique Sites** – may be 2 Unique Sites – Tannery Community and Shopping Node Area along Elgin Street West. Recommend rezoning Central Park/Plaza Area and Tannery property. Recommend applying the new Mixed Use Zone to promote appropriate infilling of residential uses in Shopping Node Plaza area;

- iv) **Other Vacant or Underutilized Sites** – consider rezoning these lands using new Mixed Use Zone (also consider applying Holding symbol to require consideration of impacts on residential areas); and,
- v) Consider zoning provisions to ensure that intensification is appropriate, contributes to more compact/pedestrian oriented development and considers adjacent uses.

F. Home Occupation Uses and Bed and Breakfast Establishments

- i) Consider an enhanced section to regulate home occupation uses;
- ii) Consider implementation of a home business registration system; and,
- iii) Consider a simplified definition of 'bed and breakfast', restrict the provision of meals to guests only and only permit a bed and breakfast or home occupation use in a residence.

G. Zoning in Heritage Conservation Districts

- i) To encourage the use and maintenance of heritage buildings, allow for additional permitted uses beyond currently permitted home occupations, such as professional offices, provided these uses are clearly secondary to the primary use of the dwelling and carried out by a resident of the unit; and,
- ii) Consider permitting larger accessory apartments or 2 apartments per heritage residence.

H. Residences for Caretakers

- i) Remove permissions for caretaker units.

I. Accessory Waste Storage Areas

- i) Include new definition of 'waste storage area' and provide one set of provisions in General Provisions section.

J. Outdoor Furnaces

- i) Consider a definition of 'outdoor furnace' and provisions to restrict same.

K. Parking

- i) Update parking standards for a number of uses and simplify how parking provisions are presented;
- ii) Reconsider minimum parking requirements that apply a minimum number of parking spaces per use;
- iii) Modify the parking requirement for townhouse units from 1.5 to 2 spaces per unit;
- iv) Remove 50 % reduction for residential uses in the downtown area and waterfront area under Section 6.1.1(vi);
- v) Require 1.25 parking spaces + 0.25 parking spaces per unit dedicated to visitor parking for apartments in the downtown/harbour area;

- vi) Require 1.5 parking spaces + 0.25 parking spaces per unit dedicated to visitor parking for apartments outside of the downtown/harbour area;
- vii) Include clear requirements with respect to the location and design of parking garages; and,
- viii) Include requirements for shared parking and bicycle parking.

L. Residential Lot Provisions

- i) Update provisions with respect to 'finished grade' and 'sun deck';
- ii) Provide clearer provisions respecting encroachments; and,
- iii) Consider new definitions and provisions for satellite dishes and solar panels.

M. Floodplain Zoning

- i) Recommended that the new By-law contain a Holding provision generally applying to all lands designated Special Policy Area to prohibit land uses and construction unless in accordance with Town and Conservation Authority requirements.

N. Zoning of School Sites

- i) Maintain the current approach to zoning of school sites as Institutional as it provides the opportunity for the Town and the community to consider proposed redevelopment and appropriate after-uses that may contribute to community building.

O. Planting Strips

- i) Consider new zoning provisions to ensure the provision of a minimum number of trees in required planting strips.

P. Drive-through Facilities

- i) Include new definitions and detailed provisions to regulate drive-through facilities in accordance with the Town's Urban and Landscape Design Guidelines.

1.0 INTRODUCTION

The Town of Cobourg Zoning By-law #85-2003 was passed on October 14, 2003. Meridian Planning Consultants was retained to assist the Town in a review and update of the Zoning By-law and to determine how to most effectively organize and format the document for ease of use in the future. An additional goal of this project is to ensure that the By-law is cutting edge in terms of its organization, aesthetics and content.

In preparing this Paper, we have reviewed the Town's Official Plan and current Zoning By-law, and have attended various meetings, including a meeting with Town Departments and Agencies (Oct/5/11), a Stakeholder Consultation Workshop (Oct/26/11), meetings with the Town Planning Department and Planning Advisory Committee (Dec/6/11) and a meeting with the Committee of Adjustment (Feb/28/12).

The purpose of this Paper is to:

- consider the approach to updating the Town's Zoning By-law;
- discuss the structure, format and appearance of the Town's new Zoning By-law and how it can be improved; and,
- identify and discuss a number of specific issues and topic areas, and make a number of recommendations on by-law improvements.

This draft Paper has been prepared to provide context, stimulate discussion and allow for comment by Council, the Planning Advisory Committee, agencies and the public. The discussion and proposed recommendations in this Paper are draft only and do not necessarily represent the position of the Town at this time.

1.1 Approach to Updating the By-law

We have reviewed the existing by-law and while it is a good document, there is an opportunity to provide greater clarity and significantly streamline the document through the use of tables, elimination of duplication, etc. as discussed in Section 2 of this Paper. We also believe that there are opportunities for efficiencies by providing a set of general provisions in one section instead of throughout the by-law, as is currently the case. For example, the regulations for home occupations, found in a number of the Residential Zones, are identical yet are listed in each zone separately. However, before we discuss specific components of and issues related to the By-law, there is the need to consider the approach to updating the By-law.

By-laws typically get updated in one of two broad ways. The first involves reviewing the existing by-law and making improvements to it as required without changing the basic structure or the overall intent of the by-law itself. The second involves 'starting from scratch' and determining very early on what the aspirations of the Town are with respect to the by-law and how those aspirations can be implemented. Both approaches will achieve the same end result, but both achieve the result in different ways and with different consequences and implications. The decision to "repeal and

replace" or "amend" is fundamental to the project and will determine the level of effort, approach, and products for the balance of the work plan.

Each approach has its own benefits and risks. While many are similar, the following chart outlines the principle benefits of each. The following assumes that no transition provisions would be included in a "Repeal and Replace" By-law approach.

APPROACH	BENEFITS
Repeal & Replace	<ul style="list-style-type: none"> - Clear break with the previous By-law - Establishes a fresh approach to land use regulations - Simpler exercise and prone to fewer errors and omissions - Provides a clear and understandable product for the public consultation process
Amend	<ul style="list-style-type: none"> - Preserves all previous minor variance approvals - Maintains continuity with the existing By-law and maintains the By-law history - Could limit the risk of appeal to the OMB - No break in the 'chain' to the previous By-law

Each approach, in addition to its benefits, also has inherent risks. There are a number of potential negative implications of each approach for a range of By-law administration issues. These issues include:

- What is the impact on minor variances that have been granted to the current By-law, and of projects granted relief but not yet built?
- What becomes of existing legal non-conforming uses if the By-law is repealed and replaced?
- What happens to building permit and other development applications in progress?
- How will By-laws approved by Council but not yet in force be impacted?

The following provides a review of these and other issues with respect to the two possible approaches.

Issue	Amendment	Repeal & Replace
Minor Variances	An amendment to the By-law would result in all variances continuing, no matter how significant the amendment process. The land subject to the approved variances would remain in compliance with the	A repeal and replace would result in all previous variances being terminated with the date of the passage of the new By-law. Unless the new standards approved for the development through the variance complied with the standards in the new By-law, the

Issue	Amendment	Repeal & Replace
	Town's By-law.	property would become legal non-complying.
Legal Non-Conforming Uses	Amendments to the current By-law would not change the status of those uses that had been lawfully established prior to the passage of the By-law and had been in use on a continuous basis.	A repeal and replace would also have no impact on legal non-conforming uses. As long as the use had been lawfully established and was in existence when the new By-law comes into effect, the new By-law would not impact its status. A new By-law would not automatically create "new" non-conforming uses the day before the new By-law was passed. These uses would not have been lawfully established prior to the passage of the new By-law. Therefore these uses would remain non-conforming or illegal uses.
Building Permit Applications in progress	Applications in progress will have to be considered and approved on the basis of the By-law that is in force and effect at that time. If a permit is issued under the existing By-law and the development would not meet the proposed provisions or standards of the new By-law, the development would become legal non-complying. Complete applications submitted prior to the passage of the By-law would be considered and issued on the basis of the current By-law.	Applications, as with an amendment to the existing By-law, will have to be issued on the basis of the By-law in force and effect. If the development or construction would not meet the new standards of the By-law, the development would become legal non-complying.
By-laws approved but not yet in force	<p>A major amendment to the By-law will require changes to most if not all By-laws that have been approved by Council but not yet in force. This would include By-laws passed concurrent with OPA's not yet approved and By-laws under appeal to the OMB.</p> <p>The Town will have to revise the By-laws to "fit" with the new format of the amended By-law.</p>	The repeal and replace approach will require that By-laws not yet in force be amended to "fit" the new By-law. As with an amended By-law, the Town will have to revise or amend the By-law prior to final approval.
Risk of Appeal	Only those sections being amended would be open to appeal. As a major restructuring of the By-law's formatting and organization is required to meet the project objectives, <u>most if not</u>	The entire new By-law would be open to appeal. However, it can be argued at the OMB that only those standards and provisions that are being changed as a result of the repeal and replace exercise should be open to OMB

Issue	Amendment	Repeal & Replace
	all sections of the <u>By-law</u> will be amended in some fashion, and therefore open to appeal.	review.
Complexity	A major restructuring of the By-law's format and organization will be required. This would require a major Zoning By-law Amendment specifying deletions, insertions, amendments, replacements, etc. This is a highly complex approach that would be open to a greater probability for errors or omissions.	Once the approach and format is approved, the preparation of the new By-law is a more straightforward process. As definitions, provisions, and standards are reviewed and approved, they are carried forward into the new By-law's framework and placed in the appropriate sections. The new By-law approach is therefore a much "cleaner" legislative process.

We recommend "Repealing and Replacing" the current By-law with a new By-law as being the best approach for the Town. It is our opinion that with the addition of a series of transition and other related provisions, both approaches balance out with respect to the risk of appeal. Both approaches can also adequately manage the transition between the old and the new By-laws with respect to permit applications, previous approvals, non-conforming uses, and other administrative concerns. It is our opinion that the element that tips the balance in favour of "Repeal and Replace" versus the "Amend" approach is the ability of staff, Council, other stakeholders and most importantly members of the public to understand the process and ensure that the products are meeting their's and the Town's expectations.

If one of the overall goals of the Zoning By-law Review project is to create a new By-law that is easier to use and understand, then it is our opinion that the process used to create the new By-law should also be easy to follow and understand. This can only be achieved with the "Repeal and Replace" approach.

2.0 STRUCTURE AND FORMAT

The primary intent of this section of the Paper is to review and make recommendations on the structure, format and appearance of the new Zoning By-law. Given that there is a need to improve how the By-law is administered and to make the document as user friendly as possible, making decisions with respect to the By-law's format at the outset of the project is critical.

2.1 "How to Use By-law" and Preamble

Our first recommendation is to include a new Preamble Section in the By-law. The Preamble section would be located at the beginning of the document but would not form an operative part of the By-law. The Preamble would provide information on the purpose of the By-law and could also include a 'How to Use the By-law' section that would be helpful/instructional to readers. This section would set out the various steps for a property owner to determine the permissions that apply to a particular property.

An example of a 'How to Use this By-law' section is provided in Appendix 'A' to this Paper.

Immediately following the title page and before the Preamble, the By-law could also include text explaining the applicability and relevance of the Preamble Section. For example:

Before you review this By-law, a note to the reader....

- *The Preamble Section of this document is not a formal part of the Zoning By-law. However, we recommend that you review the Preamble Section first as it can provide valuable information on how to use this By-law.*
- *Please do not hesitate to contact the Town Planning and Development Department for assistance interpreting this document, confirming the zoning of your property or to ensure that you have the most up-to-date zoning provisions.*

2.2 Overall Format

There are 35 sections in the current Zoning By-law. The first 6 sections and one final section of the By-law are as follows:

<i>Section 1:</i>	<i>Title and Scope</i>
<i>Section 2:</i>	<i>Administration</i>
<i>Section 3:</i>	<i>Definitions</i>
<i>Section 4:</i>	<i>Zones and Zoning Maps</i>
<i>Section 5:</i>	<i>General Provisions</i>
<i>Section 6:</i>	<i>Parking and Loading Provisions</i>
<i>Section 35:</i>	<i>Enactment</i>

Sections 7 through 34 of the current By-law consist of: 10 residential zones, 4 commercial zones, 2 mixed use zones, 3 industrial zones, 1 institutional zone, 2 open space/environmental constraint zones, 1 urban/rural transition zone, 1 rural zone, 1 development zone and one transportation corridor zone. There are also Zone Sections dealing with holding zones and special policy zones.

There is an opportunity to significantly reduce/consolidate these 28 sections in the new By-law. It has been our practice in a number of municipalities to organize the by-law in the following manner based on a typical grouping of zone categories. We would recommend that the following form the basis of the new sections for the by-law:

Part 1	Interpretation and Administration
Part 2	Establishment of Zones
Part 3	Definitions
Part 4	General Provisions
Part 5	Parking and Loading

Part 6	Residential Zones
Part 7	Commercial Zones
Part 8	Employment Zones
Part 9	Agricultural, Rural and Other Zones
Part 10	Open Space Zones
Part 11	Exceptions
Part 12	Holding Zones
Part 13	Temporary Uses
Part 14	Enactment

Using the existing Commercial and Employment Zones as an example, the applicable zones could be introduced as follows:

Commercial Zones:

- C1 Neighbourhood Commercial*
- C2 Shopping Centre Commercial*
- C3 District Commercial*
- C4 Main Central Commercial*

Employment Zones:

- EM1 Light Employment*
- EM2 General Employment*
- EM3 Business Park*

As shown above, we also recommend that the Town standardize the symbols used for each zone category (e.g. C1, C2, etc. instead of NC, SC, etc. as is the case in the current By-law). Notwithstanding this recommendation, it is recognized that there is familiarity with the symbols used in the current By-law and adapting to the change would take some time; this should be considered further when developing the new By-law.

2.3 Approach to Definitions

Definitions are used in legal documents such as Zoning By-laws for interpretation needs. Where definitions become important is how they are used within the text of the By-law itself. Zoning places restrictions on the use of land within a municipality, and this is done by restricting uses and placing standards applicable throughout a zone. Each of these uses and standards need to be clearly defined to correctly implement the intent of the Official Plan.

An adopted By-law is interpreted by the Staff of a municipality on a daily basis. In the case of a Zoning Bylaw, Planning and Development Department staff review the Zone

Standards and General Provisions to ensure that a building permit conforms to zoning requirements. By-law Enforcement Officers need to know what the permitted uses are in a Zone if somebody complains that an illegal use of land is occurring. Without a clear definition, problems with interpretation can occur if a use is not defined clearly. This is why it is important to define as many terms as possible in the Definitions section of a Zoning By-law.

As described above, definitions provide clarity on what uses are permitted. Conversely, definitions can also be used to prohibit uses as well. It is a generally held legal opinion that if a use is defined in a Zoning By-law but not permitted in a Zone, then that use is not permitted in that zone. This is why considerable attention is paid to definitions used in Zoning By-laws, and also why the Definitions Section is almost always the longest section of a new Zoning By-law.

Each definition in the current Town Zoning By-law has been given a section number, which means that complex amendments are required whenever a definition is added or deleted. On this basis, it is recommended that the new definition section not include section numbers, which will allow amendments in a relatively simple manner.

In addition, some of the definitions in the By-law are outdated and do not reflect the current understanding of certain types of uses and performance standards. Therefore, all definitions used should reflect the current understanding of the English language and there is the need to ensure that all permitted and prohibited uses are defined in the new By-law.

2.4 Provincial Acts and Regulations

There are a number of references in the current Zoning By-law to Provincial Acts and Regulations. Interpretation issues can arise when references are made to Acts or Regulations that may not exist in the future or that may be re-numbered and/or modified. In addition and perhaps most importantly, the Town's Zoning By-law could effectively be modified as a result of a change in a Provincial Act or Regulation. It is our recommendation that the new By-law limit references to legislation wherever possible. However, if there is a need to do so, it should only be done in a manner that allows for the continuing interpretation of applicable provision in the future as the legislation is modified or renumbered.

2.5 Use of Tables

While tables have been used in some circumstances in the existing By-law, many of the provisions are written out and could be presented in tables to provide provisions in a more succinct and clear manner. On this basis, we recommend that the new By-law employ the use of tables to identify permitted uses. This approach provides clarity with respect to permitted uses, ensures consistency in terminology amongst various zones and allows for easy comparison amongst various zones. The following is an abbreviated example from another By-law of how this approach could be used:

USE	Zone A	Zone B	Zone C
<i>Abattoir</i>			X
<i>Aggregated Transfer Station</i>			
<i>Agricultural Support Use</i>			X
<i>Agricultural Use</i>			X
<i>Agricultural Warehouse</i>		X	
<i>Animal Clinic</i>			X
<i>Animal Shelter</i>	X		X
<i>Assembly Hall</i>		X	X
<i>Banquet Hall</i>	X	X	
<i>Building Supply Outlet</i>	X		X
<i>Business Office</i>	X	X	X
<i>Commercial Fitness Centre</i>	X	X	
<i>Conservation Use</i>			
<i>Contractor's Supply Establishment</i>	X	X	

In addition, zone standards should be presented in the new By-law using tables, as shown in the following example.

Zone	Minimum Lot Area	Minimum Lot Frontage	Minimum Required Front Yard	Minimum Required Exterior Side Yard	Minimum Required Interior Side Yard	Minimum Required Rear Yard	Maximum Lot Coverage	Maximum Height
Zone A	n/a	30.0 m	15.0 m	15.0 m	3.0 m	12.0 m	n/a	n/a
Zone B	4,000.0 m ²	45.0 m	15.0 m	15.0 m	3.0 m	12.0 m	n/a	12.0 m
Zone C	4,000.0 m ²	30.0 m	20.0 m	20.0 m	10.0 m	15.0 m	50%	12.0 m

2.6 Illustrations

It is anticipated that the new By-law will incorporate illustrations throughout the document particularly when describing performance standards and other similar requirements in each of the zones. Illustrations can also be utilized in the Parking and Loading, and General Provisions sections of the By-law, and perhaps to illustrate some definitions. It is recommended that the new By-law incorporate illustrations to describe certain definitions, general provisions and performance standards.

However, these illustrations would be for information purposes and there would be the need for a disclaimer applying to all illustrations to indicate that they do not form a legal part of the By-law. Appendix B of this Paper provides different examples of illustrations that could be used in the new By-law.

2.7 Exceptions

Exceptions are dealt with in the current Zoning By-law in Special Use Regulations sections that follow the General Use Regulations section in each zone. The details of each exception is provided in three subsections: Defined Area; Permitted Uses, Buildings and Structures; and, Regulations for the Uses Permitted. As a result of this approach, the Special Use Regulations in each zone can be somewhat lengthy.

The new Zoning By-law should anticipate future amendments/exceptions using a table format that allows the user to easily determine whether an exception applies to a

property. The following generic table shows how exceptions can be presented. The exception zones would be shown on the map schedules, for example as R1(1). Utilizing this approach, the subject lands continue to be zoned R1 and the exception number is in brackets.

1	2	3	4	5	6
Exception Number	Zone	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions

2.7.1 Exceptions Rationalization

It has been our experience that one of the most time consuming tasks in any by-law review process can involve the rationalization of exceptions. As a consequence, we have developed a number of approaches that range from recognizing some exceptions based on a cut-off date to only including those exceptions which apply to projects that are not yet fully built out. With the latter, an assumption is made that if the project is built, it would become a legal non-conforming and/or non-complying use in the new by-law, if the new by-law did not recognize the as-built standards.

A further iteration of this approach would involve the ‘grandfathering’ of previous exceptions to the by-law, if the exceptions are not carried forward. For example, if an exception provided for an additional permitted use on a property, and that use was not permitted by the new by-law, we could craft a provision that recognizes that previous permission. In this regard, there are two options. One is to indicate that the use must be in existence on the date that the new by-law is passed and the other approach would be to not include such a provision. With respect to modified zone standards, we could either be silent on this issue, which means that whatever was built historically in accordance with the exception becomes legal non-complying or we could apply a similar approach and also craft a provision that recognizes the reduced standards that were provided for in the exception.

It is recommended that the Town consider this issue further at the by-law development phase.

2.8 Holding Provisions, Temporary Uses & Interim Control By-laws

Holding provisions are applied in circumstances where certain identified conditions need to be met prior to development proceeding in accordance with the Zoning By-law. Typically, a holding provision is identified through the use of the (H) symbol.

Section 25 of the current Zoning By-law identifies permitted uses, buildings and structures, and performance standards for properties with a Holding Zone. Permitted

uses, buildings and structures are generally limited to those that existed legally at the time of passing of the Zoning By-law.

Like exceptions, Holding provisions for each applicable property are provided in four sections of the current By-law: Defined Area; Permitted Uses, Buildings and Structures; and, Regulations for the Uses Permitted.

It is recommended that the Town consider addressing Holding Zones in the new By-law using a table format and creating a series of 'generic' conditions for removing a holding symbol. These generic conditions could be denoted by the symbols H1, H2, H3, etc. This approach provides users with a relatively straightforward way of reviewing the By-law to determine if there is a holding provision applying to a specific property and to clearly identify the criteria that must be satisfied to remove a holding symbol.

Col. 1	Column 2	Column 3	Column 4	Col. 5
Symbol	Application	Property/ Legal Description	Conditions for Removal	Date Enacted
H1	Lands where a development agreement is required	Multiple properties	The Holding (H1) provision may be lifted once the <i>Municipality</i> is satisfied that an appropriate Subdivision Agreement and/or Site Plan Agreement and/or Development Agreement <u>has</u> been executed.	_____, 2010
H2	Former <i>waste management facilities</i> and adjacent lands	Multiple properties	The Holding (H2) provision may be lifted once the <i>Municipality</i> is satisfied that the proposed <i>use</i> and/or development will be compatible with the <i>waste management facilities</i> in accordance with Section C17 (Solid Waste Management) of the Official Plan.	_____, 2010

It is recommended that the Town use a similar approach in the new By-law for Temporary Use By-laws. An additional column would be required for the Temporary Use By-law table to list expiration dates.

<p>A. Summary of Recommendations – By-law Structure/Approach</p> <ul style="list-style-type: none"> i) Prepare a new Zoning By-law instead of amending the existing By-law; ii) Include an easy and instructional ‘How to Use the By-law’ section at the beginning of the By-law; iii) Remove section numbers in the Definitions Section, update definitions and ensure all permitted uses are defined; iv) Limit references to legislation wherever possible; v) Standardize, consolidate and reorganize zone sections by type: Residential Zones, Commercial Zones, Employment Zones Agricultural/Rural/Other Zones and Open Space Zones; vi) Use tables to identify permitted uses and zone standards;
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- vii) Use illustrations to describe permitted uses, performance standards, etc.;
- viii) Use tables to list exceptions, holding zones and temporary use by-laws; and,
- ix) Present options for rationalizing exceptions to the community and review existing exceptions on a case-by-case basis.

DRAFT

3.0 ZONING ISSUES

The purpose of this section is to identify and discuss a number of specific issues and topic areas that have been identified by Town staff, the Planning Advisory Committee, stakeholders and the community. This is by no means a complete list of issues and topic areas but a discussion of those that have been identified thus far in the process.

It is important to note that, in some cases, the guidance required to resolve these issues are in the Official Plan and Urban and Landscape Design Guidelines, which set out the Town's vision for new development, built form and design, landscaping, etc. Section 5.2 of the Official Plan sets out general design policies in a number of categories and Section 4.0 of the Town's Urban and Landscape Design Guidelines sets out guidelines for the private realm. These policies are discussed throughout this Paper, as required, while Appendix 3 lists those policies to be considered in preparing the Town's new Zoning By-law.

3.1 Second Dwellings

3.1.1 Official Plan

Section 2.7, Design Principles, of the Town's Official Plan provides principles that are the basis for the Town's approach to community and site design. Section 2.7 (v) Design Principles states that *"residential neighbourhoods will contain a mix of lot sizes, housing types and styles to promote a strong sense of place for residents. A variety of housing types, including affordable housing, will respond to the varied needs of the future population by allowing people to age-in-place in the same neighbourhood"*. Section 3.2.3 (vi) identifies a number of components to the Town's Intensification Strategy including encouraging the creation of accessory apartments within residential areas.

Section 3.3 of the Official Plan sets out land uses permitted in all designations (including accessory apartments and garden suites) and provides policy direction with respect to each permitted use. Accessory apartments *"may be permitted in a single detached or semi-detached dwelling unit, subject to the regulations of the zoning by-law and other relevant provincial and municipal regulations"*. Garden suites *"may be permitted on the same lot as a single, or semi-detached dwelling, subject to an amendment to the zoning by-law, and provided that the use may be subject to site plan approval, where deemed necessary, to ensure adequate buffering and/or appropriate placement of the unit. However, where a garden suite is constructed no accessory apartment shall be permitted within the principal dwelling unit; and the garden suite may not be conveyed separately from the principal dwelling unit"*.

3.1.2 Bill 140

Provincial Bill 140 The Strong Communities Through Affordable Housing Act came into effect on January 1, 2012 and it amended the Planning Act to:

- increase the number of years garden suites may be temporarily authorized for (from 10 to 20 years)
- require municipalities to establish Official Plan policies and zoning provisions to allow second units and detached housing, semi-detached housing, row houses and ancillary structures
- remove the ability to appeal secondary unit Zoning By-law provisions when they are added as a permitted use

3.1.3 Analysis

3.1.3.1 Granny Flats (Accessory Apartments)

The current Zoning By-law considers an accessory apartment to be a granny flat and indicates in Section 5.26 that:

- i) *The floor area of the granny flat unit shall not exceed 30% of the gross floor area of the residence or 75 square metres (805 square feet) floor area, whichever is less;*
- ii) *The granny flat will not contain cooking facilities;*
- iii) *The granny flat suite is to be only used for senior family member of the residence. No portion of the flat shall be made available for rent by the general public; and,*
- iv) *As a condition to approving a building permit for the temporary use (maximum 10 years), Council may require the owner of the residence to enter into a written agreement with the Municipality.*

Our first recommendation is to replace the term ‘granny flat’ with ‘accessory apartment’. We also recommend that the Town consider permitting accessory apartments in all single detached, semi-detached and townhouse units, subject to very specific restrictions in the By-law.

In addition, we suggest that the Town consider amending Section 5.26(i) which restricts the gross floor area of the accessory apartment to 30% of the gross floor area of the residence or 75 square metres (whichever is less). The Town could consider an increase to 40% and 100 square metres (1,076 ft²). We also recommend that the Town consider deletion of Section 5.26(ii) which currently prohibits cooking facilities in accessory apartments and remove Section 5.26(iii) which only allows the use of accessory apartment for a senior family member and does not allow the owner of the property to rent to the general public. The Town may also wish to consider including a provision that restricts the number of bedrooms in any accessory apartment to 2.

We also recommend that the Town adopt parking standards for accessory apartments in addition to the requirement for 1 parking space per unit. The By-law should prohibit the provision of a tandem parking space for an accessory apartment to ensure that tenants have unobstructed access to/from their parking space. However, the new By-law should also continue to limit the size/width of garages and driveways. For example, the Cobourg East Low Density Residential (CER1) Zone in the current By-

law restricts the width of garage to a maximum of 4.0 metres on lots with frontages less than 11.6 metres, and 6.1 metres for lots equal or greater than 11.6 metres.

3.1.3.2 Accessory Apartment Registration

Aside from zoning regulations, many municipalities have implemented accessory apartment registry systems by adopting registration by-laws that prohibit the use or occupancy of second units unless it has been registered. Registration by-laws typically include registration and inspection procedures, information requirements, required fees, duties of the Registrar (designated municipal representative), enforcement and penalties, and other administrative details.

The benefits of implementing a registry system include ensuring all units meet health, safety, zoning, Building Code, Fire Code and other legislative requirements. Benefits to landowners include the ability to confirm to prospective purchasers, financial institutions, insurance companies, etc. that the accessory apartment was legally established. Also, municipalities are able to use data from registry systems to monitor potential impacts of accessory apartments in neighbourhoods and can provide valuable information to emergency service providers.

3.1.3.3 Garden Suites

Section 5.25 of the current Zoning By-law states that garden suites are only permitted subject to approval of a Temporary Use By-law by Council (which would conform to the policies of the Official Plan). Section 5.25 (iii) also states that the owner of the property may be required to enter into an agreement with the Municipality as a condition of the passage of the Temporary Use By-law (also in conformity with the current Official Plan). However, we suggest that the Town reconsider Section 5.25 (i) which states that the garden suite is to be used by a senior member of the owner of the residence and shall not be made available for rent by the general public. Firstly, the wording in subsection (i) is awkward, but we also believe that the Town should consider specific provisions to regulate the size and location of garden suites such as the following:

- i) Minimum setback should be equal to the required rear and interior side yards for the main building from the rear and interior side lot lines;
- ii) In no case should the garden suite be located any closer to the front or exterior lot line than the front wall(s) of the main dwelling;
- iii) Setback no closer to the exterior lot line than main building from exterior lot line;
- iv) Maximum of 1 bedroom permitted in each garden suite;
- v) Minimum floor area of any garden suite is 50 m²;
- vi) Maximum floor area of any garden suite is 80 m² and shall not exceed 40% of the gross floor area of the principal single detached dwelling; and,
- vii) Maximum height of 5.0 metres.

Also, the Zoning By-law should clearly indicate that an accessory apartment is not permitted on a property where there is a garden suite also situated.

The current Official Plan contains a definition for garden suite which should be included in the Town's Zoning By-law as follows:

A small independent building, physically separate from the principal dwelling unit with which it is associated, which may be used as a dwelling unit, or for activities accessory to those permitted in the principal dwelling unit, and which may have a primary access from a rear lane abutting the lot upon which both the garden suite and its associated principal dwelling unit are located.

B. Summary of Recommendations – Second Dwellings

- i) Permitting second units (accessory apartments) in all single detached, semi-detached and townhouse units, subject to very specific restrictions;
- ii) Change reference to 'accessory apartment' from 'granny flat';
- iii) Permit accessory apartments provided they occupy no more than 30% of the gross floor area of the dwelling or 100 m² (whichever is less);
- iv) Delete prohibitions on cooking facilities in accessory apartments and rentals to the general public;
- v) Consider restricting number of bedrooms in any accessory apartment to 2;
- vi) Prohibit tandem parking for accessory apartment units and continue to limit the size/width of driveways/garages;
- vii) Consider updated regulations for garden suites, prohibit an accessory apartment on the same property where a garden suite is also situated, and include Official Plan definition of 'garden suite' in new By-law; and,
- viii) Consider implementation of an accessory apartment registration system (which is a separate Council matter).

3.2 Zoning for Stable Residential Neighbourhoods

3.2.1 Official Plan and Urban and Landscape Design Guidelines

Section 3 of the Town's Official Plan, Land Use Strategy, "*establishes the general pattern of development for the existing and future use of the planning area during the planning period*". Section 3.2.2 (iv) of the Official Plan states that Stable Residential Neighbourhoods "*consist of existing residential neighbourhoods where intensification potential would be modest and incremental*".

Section 3.2.3 (vi) sets out the Town's Intensification Strategy and subsection (b) states that the Town shall "*permit limited intensification within Stable Residential Areas of a scale and built form that reflects the surrounding area, subject to the criteria of Section 3.4*". Subsections (e) and (h) state that the Town shall:

“(e) Review existing zoning regulations and other development standards to remove barriers to intensification including parking standards and setback requirements, while still ensuring that new development respects the scale and built form of the surrounding area and conforms with the policies of the Official Plan”

“(h) Utilize the bonus provisions of the Plan and other mechanisms such as pre-zoning to encourage intensification”

Section 3.4.3.1 of the Official Plan provides more specific insight into the Town’s intent for Stable Residential Areas stating that these *“areas are physically stable low density residential areas where potential new development or redevelopment is limited. Any intensification will be modest and incremental occurring through changes such as development of vacant lots and accessory apartments”*. This section also states that *“applications for new development in such areas shall be evaluated based on their ability to generally maintain”* a number of specified ‘elements’ of the structure and character of the immediate surrounding residential area. These ‘elements’ are listed below:

Subsection	Element
i	Scale of development appropriate for site?
ii	Nature of streetscape (landscaped areas, relationship between public street, front yards and primary entrances to buildings)
iii	Relationship between rear walls and rear yard open spaces
iv	No significant negative impacts of buildings on abutting properties (privacy and shadowing) - appropriate buffering can be provided
v	Conforms with density provisions in 3.4.3.3 – Density ranges for residential development: - Low Density - 12 to 20 units / net hectare - Medium Density – 20 to 50 units / net hectare
vi	Conforms with cultural heritage preservation policies of 5.5 (policy following elements states that there shall be particular regard for 5.2.3 & 5.5) - Preserves and is compatible with designated and listed cultural heritage buildings and structures
vii	Respects residential lotting pattern in immediate surrounding area
viii	Grading, drainage and stormwater management does not impact adjacent properties
ix	Direct access from public or condominium road
x	Alignment of any proposed streets with existing streets promotes acceptable traffic circulation
xi	Proposed streets are adequate to accommodate municipal services
xii	Protect significant trees and other natural features
xiii	Does not hamper or prevent orderly development of adjacent properties
xiv	Garages are not dominant feature in streetscape
xv	Development incorporates measures that enhance sustainability
xvi	In accordance with Town’s Urban and Landscape Design Guidelines

The Town's Urban and Landscape Design Guidelines state that residential buildings on infill sites should be designed to respect the height, massing and setbacks of existing developments, and should be consistent with adjacent setbacks to fit into the neighbourhood streetscape and contribute to a continuous public street edge.

3.2.2 Analysis

The Town's Official Plan permits 'modest and incremental' intensification in Stable Residential Areas to be implemented through the Zoning By-law in a manner that respects existing low density residential areas. It is important to note that the Town is moving toward broader permissions for accessory apartments in residential areas (as discussed in Section 3.1 of this Paper) and this in itself, will provide intensification opportunities in Stable Residential Areas.

Stable Residential Areas are currently zoned Residential 1 (R1), Residential 2 (R2) and Residential (R3). For the purposes of considering the appropriateness of these existing Residential Zones, the following chart provides a comparative summary of the current and relevant zone regulations.

ZONE PROVISION	R1*	R2*	R3
Minimum Lot Area	700 m ²	465 m ²	370 m ² (single) 335 m ² (semi)
Minimum Lot Frontage	24 m	15 m	11 m (single) 9 m (semi)
Maximum Lot Coverage	35%	40%	40%
Front Yard	Established building line**	Established building line**	Established building line**
Minimum Rear Yard	7 m	7 m	7 m
Minimum Interior Side Yard	1 m + 0.6 m for each additional storey above 1 st storey	1 m + 0.6 m for each additional storey above 1 st storey	Single: 1 m + 0.6 m for each additional storey above 1 st storey Semi: 1.5 m + 1.0 m for each additional storey above 1 st storey
Minimum Exterior Side Yard	6 m	6 m	Established building line
Minimum Landscaped Open Space	30%	30%	30%
Maximum Height	2 storeys	2 storeys	3 storeys

*provisions for full services only were used

**where the established building line is not applicable, the front yard requirement is a minimum setback of 6 metres

Given the Town's move towards broader permissions for accessory apartments, it is our view that the Town can generally maintain the approach in the current Zoning By-law to ensure limited intensification in Stable Residential Areas while protecting the built form and character of existing low-density residential areas. For example, we

believe that maintaining the minimum landscaped open space provisions and the front yard minimum using established building line (based on existing setbacks of buildings on nearest three lots on same side of street) will assist in maintaining the character of neighbourhoods.

As noted in the above chart, the front yard requirement in the current Zoning By-law is set at the 'Established Building Line' which is defined as "on any street, the average setback of the existing main buildings from the street line on the nearest three lots which have been built upon on the same side of the street between two intersecting streets". We agree with the current approach to maintaining an established building line but recommend that the new Zoning By-law clearly indicate that the established building line approach is not a minimum setback and that new buildings should be built at or near the established building line. This recommendation also applies to circumstances where there is no established building line (e.g. new subdivision) and the 6 metre minimum setback requirement applies. The Town could consider establishing appropriate minimum and maximum front yard setback in the new By-law.

In addition, it is recommended that the Town consider the following modifications to existing zone provisions for Stable Residential Areas in consideration of the 'elements' and other policies in the Official Plan, and the Urban and Landscape Design Guidelines:

- Maintain existing height restrictions (but consider using metres instead of storeys to restrict building height) as discussed further in Section 3.3;
- Provide restrictions on the maximum depth of dwellings to reduce impacts of significant additions or new construction in a rear yard;
- Include new provisions which indicate that attached garages should not project beyond the front façade of the dwelling or porch;
- Include new provisions requiring a minimum exterior yard setback from 6.0 metres; and,
- Establish a minimum and maximum front yard requirement.

With respect to the final bullet listed, the new Zoning By-law should also contain provisions to ensure, as identified in the Town's Urban and Landscape Design Guidelines, that garages are not the dominant feature in all streetscapes (not just in Stable Residential Areas). The By-law should include provisions that would ensure that garage widths are no greater than 50 percent of the width of a house.

Also, although it appears that there are relatively few existing vacant lots in Stable Residential Areas, the Town can consider rezoning any lots designated Residential Area in the Official Plan using a Residential Zone that is the same or similar to the zoning in the immediate neighbourhood and/or adjacent properties.

C. Summary of Recommendations – Stable Residential Areas (SRA)

- i) Maintain current approach in By-law to ensure limited and appropriate intensification;

- ii) Consider zoning provisions for SRA's in consideration of the policies of the Official Plan that consider the structure and character of immediate surrounding areas;
- iii) Include provisions limiting garage widths to no greater than 50% of the width of a house; and,
- iv) Consider rezoning certain lands designated Residential Area in the Official Plan using a Residential Zone that is the same or similar to the zoning in the immediate neighbourhood and/or adjacent properties.

3.3 Measuring Building Height

As noted in the Town's Urban and Landscape Design Guidelines, buildings in Cobourg are predominantly low-rise (2-4 storeys). The Town's Urban and Landscape Design Guidelines identifies appropriate heights for the following typical housing types:

- Single detached 1 - 3 storeys
- Semi-detached 2 - 3 storeys
- Townhouse (row) 2 - 4 storeys
- Apartments 2+ storey's

The Town's Urban and Landscape Design Guidelines assume a storey height of 3 metres, while the current Zoning By-law provides the following definitions:

Storey - shall mean the portion of a building between any floor and the floor, ceiling or roof next above, provided that the cellar or basement of a building shall not be deemed a storey and provided also that any portion of a storey exceeding 4 m (13 ft) in height shall be deemed an additional storey.

First Storey - shall mean the storey with its floor closest to established grade and having its ceiling more than 1.8 metres above grade.

Height and Building Height - shall mean the vertical distance between the average elevation of the finished grade at the front of the building, and

- i) *the highest point of the roof assembly in the case of a building with a flat roof or a deck roof;*
- ii) *the average level of a one slope roof, provided that such roof having a slope of less than twenty degrees with the horizontal shall be considered a flat roof;*
- iii) *the average level between the eaves and the roof ridge in the case of a roof type not mentioned in sub-sections (i) and (ii) immediately preceding.*

The height regulations shall not apply to any T.V. or radio antenna, ornamental dome, chimney, tower, storage silo, barn, cupola, steeple, church spire, water storage tank, mechanical equipment or elevator shafts.

It should be noted that if one is to assume a typical storey height of 3 storeys, this does not always translate into a recommended maximum height based on a factor of 3 metres (i.e. 2 storeys = 6 metres, 3 storeys = 9 metres, etc.). When determining maximum height, there must also be consideration of other factors including:

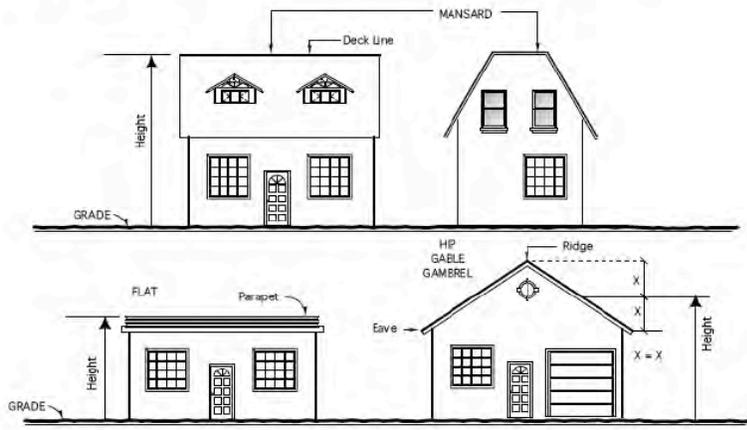
- the Town’s Urban and Landscape Design Guidelines recommends a minimum floor to floor height of 4.5 metres for ground floors with commercial/retail uses
- many other uses will have a higher first floor height (greater than 3 metres), including residential, institutional, office and industrial
- the way in which height is measured with sloped roofs versus flat roofs, as demonstrated in the following excerpt from the Halton Hills Zoning By-law:

Height means:

With reference to a *building* or *structure*, the vertical distance measured from the *established grade* of such *building* or *structure* to:

- The highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;
- The deckline of a mansard roof;
- The mean level between eaves and ridge of a gabled, hip or gambrel roof or other type of pitched roof;
- In case of a *structure* with no roof, the highest point of the said *structure*.

Notwithstanding the above, the *height of accessory buildings and structures* is the vertical distance measured from the *established grade* of such *building* or *structure* to its highest point.



The following chart provides a summary of maximum height requirements in each Zone in the current Zoning By-law, and provides recommended maximum heights to be used in the new By-law based on standards in the current By-law, the Urban and Landscape Design Guidelines, and best practices. It should be noted that the proposed heights are based on the assumption that the Town will continue with a definition to measure height similar to the definition in the current By-law that is based on the vertical distance between the average elevation of the finished grade at the front of the building.

ZONE	MAXIMUM HEIGHT PERMITTED	RECOMMENDED MAXIMUM HEIGHT
RESIDENTIAL 1 (R1) RESIDENTIAL 2 (R2)	2 storeys	9 metres
NEIGHBOURHOOD RESIDENTIAL ONE (NR1) NEIGHBOURHOOD RESIDENTIAL TWO (NR2) COBOURG EAST LOW DENSITY RESIDENTIAL (CER1)	11 metres	11 metres
COBOURG EAST MEDIUM DENSITY RESIDENTIAL (CER2)	15 metres 12 metres for Townhouses (Minimum Height – 2 storeys & 7.5 m)	15 metres 12 metres
RESIDENTIAL (R3) MULTIPLE RESIDENTIAL 4 (R4)	3 storeys	12 metres
HIGH DENSITY RESIDENTIAL 5 (R5)	6 storeys	21 metres
COBOURG EAST HIGH DENSITY (CER3)	6 storeys (20 m)	20 metres
NEIGHBOURHOOD COMMERCIAL (NC) MAIN CENTRAL COMMERCIAL (MC)	3 storeys	12 metres
NEIGHBOURHOOD MIXED USE (NMU)	Multiple Unit, Apartment, Institutional & Office – 20-26 metres Townhouse, Retail & Other – 12 metres	20-26 metres 12 metres
COBOURG EAST MIXED USE (CEMU)	5 storeys (18 m) 12 metres for Townhouses (Minimum height of 10.5 m; 5.5 m For Townhouses)	18 metres 12 metres
SHOPPING CENTRE COMMERCIAL (SC) DISTRICT COMMERCIAL (DC)	4 storeys	15 metres

LIGHT INDUSTRIAL (LM) GENERAL INDUSTRIAL (GM)	13 metres	13 metres
BUSINESS PARK (BP)	3 storeys	12 metres
INSTITUTIONAL (I)	4 storeys	15 metres
OPEN SPACE (OS) DEVELOPMENT (D) TRANSPORTATION CORRIDOR (TC) HOLDING (H)	3 storeys	12 metres
RURAL (RU)	13 metres	13 metres

Also, as the new By-law is drafted, further consideration respecting minimum height requirements will be required for all types of building forms.

D. Summary of Recommendations – Measuring Building Height

- i) Consider recommended maximum heights based primarily on metres instead of storeys.

3.4 Zoning for Major Intensification Areas

3.4.1 Official Plan

Any future development within the ‘Built Boundary’ identified on Schedule “A” of the Official Plan is considered intensification, and contributes to the intensification target identified in the Official Plan. According to Section 3.2.2 (iii) of the Official Plan, Major Intensification Areas are:

- Lands designated “Mixed Use Areas” within the Built Boundary on Schedule “A” of the Official Plan with a particular focus on lands along Division Street south of the Major Transit Station;
- Lands designated “Employment Area” north of the Major Transit Station;
- Unique Sites where significant existing land uses seek to redevelop such as institutional or commercial uses; and,
- Other vacant or underutilized sites, in particular larger, undeveloped properties in areas designated “Residential Area” not located in “Stable Residential Areas” or in Employment Areas.

Section 3.2.3 (vi) of the Official Plan, Growth Management Strategy, identifies a number of components to the Town’s Intensification Strategy that have an impact on zoning including:

- Establishing minimum density standards for development in Mixed Use Corridors and other Major Intensification areas;
- Encouraging the creation of accessory apartments within residential areas subject to the policies of Section 3.4;
- Reviewing existing zoning regulations and other development standards to remove barriers to intensification including parking standards and setback requirements, while still ensuring that new development respects the scale and built form of the surrounding area and conforms with the policies of the Official Plan; and,
- Utilizing the bonus provisions of the Plan and other mechanisms such as pre-zoning to encourage intensification.

3.4.2 Analysis

This analysis section will focus on the Major Intensification Areas identified in the Official Plan. However, we start this section with a general discussion and analysis respecting intensification.

3.4.2.1 Major Intensification Areas – General Policies

The Town's Urban and Landscape Design Guidelines speak to building design:

- designed and massed to create a pedestrian oriented streetscape;
- with continuous street facades, with variations in setbacks for public open space, mid-block pedestrian walkways and/or main entrance ways;
- with the primary façade of the base building parallel to the street/front property line;
- with corner lot setbacks generally aligning with respective street frontages, transitioning to both edges; and,
- where high-rise buildings are oriented to minimize shadow cast on adjacent open spaces, buildings and streets.

In order to ensure that intensification is appropriate, contributes to more compact/pedestrian oriented development and considers adjacent land uses, it is recommended that the Town consider a number of restrictions through zoning, including:

- Provisions based on the use of a 45-degree angular plane to determine appropriate building setbacks, massing, etc. relative to adjacent uses;
- Requiring reduced heights adjacent to lower density residential areas;
- Requiring storefronts to be located as close to streets as possible and requiring principal entrances to face the sidewalk;
- Require retail uses at grade with residential or live-work uses above;

- Requiring the highest point of the roof on a building to be a minimum of 2.0 metres higher than where the roof meets any exterior wall, to encourage articulated roofs (instead of flat roofs); and,
- Requiring mechanical equipment on the roof of any building to be located no less than 5.0 metres from any exterior wall and occupy no more than 35% of the total area of the roof.

3.4.2.2 Mixed Use Areas within the Built Boundary

The Mixed Use Area designation in the Official Plan:

- Recognizes existing commercial areas that are oriented to the service of vehicular traffic and require direct access from arterial roads and exposure afforded by such location;
- Provides for the transition of these existing areas to a mixed use development form by encouraging a range of additional compatible non-commercial uses and,
- Permits commercial, institutional, light industrial, office, medium and high density residential, and residential secondary uses in commercial buildings.

In the Mixed Use Area designation, light industrial uses are permitted only in enclosed buildings. Medium and high density residential development is permitted as part of mixed use development, or in accordance with the High Density Residential Area policies of the Official Plan and subject to an amendment to the Zoning By-law and the provision of linkages to adjacent residential areas where feasible. Permitted uses in the High Density Residential Area designation include medium density residential including townhouse dwellings, low rise apartments and stacked townhouses, and high density residential including high rise apartments.

Uses prohibited on lands designated Mixed Use Area include department stores, supermarket or bulk food stores, and retail commercial except that one retail commercial use may be permitted on a property subject to a rezoning and provided the use:

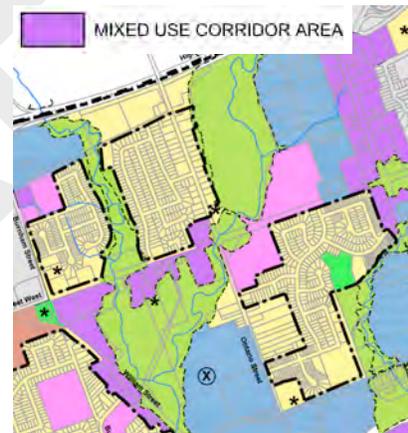
- Limited to a maximum of 465 m² (5,000 ft²);
- Does not constitute more than 10 percent of the total gross floor area on the site; and,
- Cannot easily be located in the Main Central Area because of requirements such as the need for significant parking.

Section 3.9.4.2 of the Official Plan states that “*new development in existing Mixed Use Areas may include non-residential development, but shall be encouraged to include a mixed use component*”. New development is to be evaluated based on conformity with the Town’s Growth Management Strategy and the following criteria:

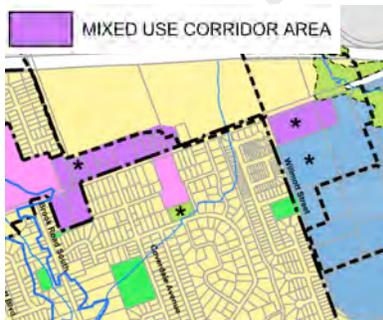
- open storage is limited and screened;
- parking areas have a landscaped strip around the perimeter in conformity with regulations established in the Zoning by-law, which should include a hedge, low

- fence or wall or other similar screening features and design features as required under site plan control;
- buildings shall be designed and located to assist in the creation of an attractive streetscape appearance and, there should be no parking between the main building and the street, or parking in that area should be minimized where there is no other alternative. Council may by by-law reduce the parking requirements in the Zoning By-law for a mixed use development in accordance with a parking analysis as set out in Section 3.7.7 iv);
- lands adjacent to a rear or side property line which abuts a residential area shall be landscaped and lighting shall be directed away from residential areas;
- minimum height 6 metres and maximum height four storeys; and,
a minimum floor space index of 0.5 and maximum floor space index 2.0 provided that the Town may consider a reduction in the minimum density on specific sites for the initial phase of development where the approved development plan provides for the achievement of the minimum density and/or the introduction of mixed use development.

There are several areas/corridors designated in the Official Plan as Mixed Use Corridor Areas including along William Street between Elgin Street West to just south of University Avenue West, along Elgin Street West between Burnham Street and Ontario Street, along Division Street between Highway 401 and Ballatine Street, along Division Street (south of the Major Transit Station) to University Avenue East, along King Street East between Brook Road South and Maplewood Boulevard, and at the southeast corner of King Street East and Willmott Street. The Official Plan also states that there is a particular focus on the lands along Division Street south of the Major Transit Station, which contributes to a node around the Station with the Employment Major Intensification Area to the north as discussed in Section 3.4.2.3.



The majority of these lands are currently zoned District Commercial (DC) which permits a wide range of commercial uses, institutional uses, office uses and secondary residential uses in commercial buildings, but prohibits department stores, supermarket or bulk food use and retail commercial uses not identified as permitted. A variety of zones apply to the remaining lands designated as Mixed Use Corridor Area including the Institutional (I) Zone which permits a wide range of institutional and public uses, and certain types of residential facilities such as

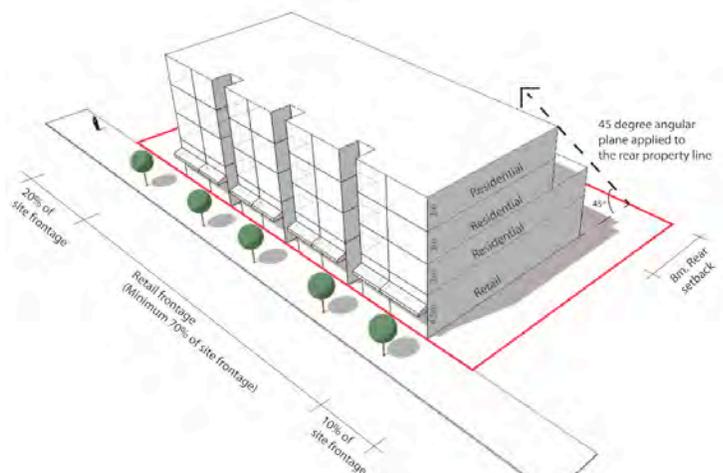


retirement homes. A number of properties are also zoned Residential 3 (R3) or Residential 4 (R4). The R3 Zone permits single detached, semi-detached and duplex dwellings, while the R4 Zone does not permit single detached dwellings but permits semi-detached, triplex, fourplex, townhouse, multiple and apartment dwellings. Also, some properties are zoned Shopping Centre Commercial (SC) which permits a range of commercial, institutional and office uses in a shopping centre complex. Lastly, some properties in the Tannery area are zoned General Industrial (GM) which permits a range of industrial and office uses.

It is our recommendation that the Town consider using a modified form of the DC Zone, perhaps renaming it Mixed Use Zone, to apply to lands designated in the Official Plan for mixed use. As noted earlier, the DC Zone already permits a wide range of uses but additional permitted uses should be considered including townhouses, multiple dwellings, standalone apartment dwellings and retirement homes. For areas currently zoned DC but not designated in the Official Plan for mixed use, we recommend that the Town maintain the use permissions and regulations under the current DC Zone but also consider applying a more appropriate name for this Zone such as Corridor Commercial.

There is a need to re-examine the existing standards in the DC Zone including the lot coverage maximum of 30 percent, minimum lot frontage of 25 metres, minimum and maximum front yard and exterior side yard requirements of 3 metres and 15 metres respectively, minimum rear yard requirement of 7.5 metres, and minimum landscaped open space requirement of 15 percent as these standards may have an impact on the potential for intensification. The DC Zone also stipulates a maximum building height of 4 storeys and maximum floor space index of 1.0. It is recommended that the Town consider the following new standards for the existing DC Zone or new Mixed Use Zone:

- No minimum lot area or frontage;
- No minimum front yard and exterior side yard;
- Increase the minimum rear yard requirement from 7.5 metres to 8.0 metres (when the rear lot line abuts a residential zone or for a residential use building); however, reduce to 3 metres when abutting a street and no minimum in all other cases;
- No less than 70% of the frontages of the front or exterior lot lines, measured within 2.0 metres from the front and exterior lot lines, shall consist of buildings;
- No less than 70% of the first storey wall at grade facing the main street shall comprise of windows and entrances;



- No parking between the main building and the street (subject to amendment to the By-law if minimal parking is required as per the Official Plan);
- Minimum building height of 6 metres in accordance with the Official Plan (to work with current 4 storey maximum);
- No lot coverage maximum; and,
- Introduce new minimum and maximum floor space indices of 0.5 and 2.0 respectively (in accordance with the Official Plan).

The Town should consider the pre-zoning of lands designated in the Official Plan for mixed use however, given the potential impacts of such development on some existing residential neighbourhoods, lands adjacent to Stable Residential Neighbourhoods should generally not be pre-zoned. We recommend that the Town determine which lands should be pre-zoned and not pre-zoned when the first draft of the new Zoning By-law is prepared. In cases where lands are pre-zoned, the lands should be subject to a Holding provision, with such a provision not being lifted until Council is satisfied that the proposed development:

- a) respects the character of adjacent residential neighbourhoods, in terms of height, massing and setbacks;
- b) can be easily integrated with surrounding land uses;
- c) will not cause traffic hazards or an unacceptable level of congestion on surrounding roads;
- d) is located on a site that has adequate land area to incorporate the building, on-site parking, an outdoor amenity area, and appropriate buffering such as setbacks, landscaping and fencing to ensure the compatibility of the use with adjacent land uses;
- e) takes advantage, where appropriate, of the topography and natural vegetation of the site and area in minimizing the impacts of taller buildings on adjacent land uses;
- f) demonstrates that the potential shadow impacts associated with tall buildings will be at an acceptable level on adjacent properties (including applying appropriate angular plane criteria); and,
- g) municipal water and wastewater services are adequate and available.

3.4.2.3 Employment Areas north of the Major Transit Station

Section 3.16 of the Official Plan states that the Major Transit Station Area is an overlay designation that *“identifies lands adjacent to the train station where the Town will encourage development which supports the viability of existing and future enhanced train service”*. The Town encourages increased density of development to support the viability of train service, and may permit increase density of development

beyond what is permitted in the underlying land use designation in accordance with the height and density bonusing policies of the Official Plan.

The Employment Area designation is intended to permit a full range of employment and related uses including industrial, office, wholesale, research and development, and institutional uses. Section 3.10.5 of the Official Plan states that a range of zones to permit the development of different employment areas must be established in the Zoning By-law. The Business Park Zone is intended to “*create a high quality, high exposure business/employment campus environment*” by permitting light industrial uses in enclosed buildings, and business uses such as offices and hotels, as well as institutional uses. This Zone is also intended to be used for the Employment Areas adjacent to the Via Rail Station (identified as the Major Transit Station in the Official Plan) and “*development in that area shall be encouraged to maximize the available land area*”.



The current Business Park Zone consists of the following provisions:

- Minimum Lot Area – 930 m²;
- Minimum Lot Frontage – 90 metres;
- Maximum Lot Coverage – 40%;
- Minimum Front Yard – 9 metres;
- Minimum Rear Yard – 7.5 metres;
- Minimum Interior Side Yard – 3 metres;
- Minimum Exterior Side Yard – 9 metres; and,
- Minimum Yards Abutting or Adjacent to Residential, Institutional, Open Space or Development Zones – 15 metres (and shall not be used for loading facilities).

To encourage development that maximizes the usage of land north of the Major Transit Station as directed in the Official Plan, we recommend that the Town consider modifying the Business Park Zone to reduce the minimum front yard and exterior yard requirements from 9 metres to 6.0 metres and remove the maximum lot coverage altogether. By removing the lot coverage maximum, site development can be optimized while maintaining appropriate built form, design and functionality through other zone, parking and loading provisions and the Town’s Urban and Landscape Design Guidelines and the site plan approval process.

3.4.2.4 Unique Sites

The Official Plan indicates that Unique Sites are areas “*where significant existing land uses seek to redevelop such as major institutional or commercial uses*”. The Official

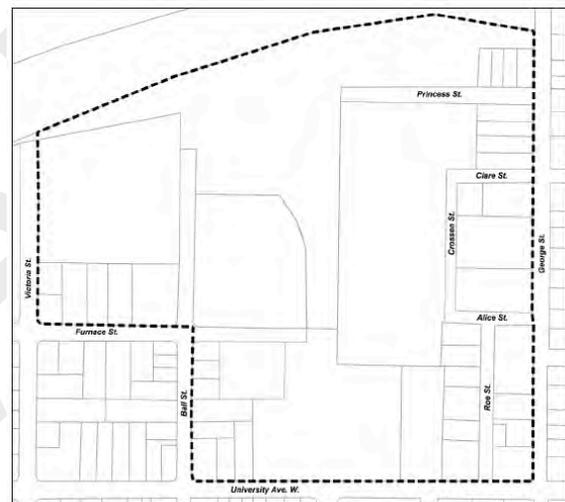
Plan states that these sites “shall have the potential for residential or mixed use development and shall:

- i) generally exceed two hectares in area, although smaller sites may also be considered based on a determination by the Town; and,
- ii) be located on an arterial or collector road, but not in an Employment Area, Mixed Use Area or in the Greenlands System.”

Based on our review of the Official Plan and discussions with Planning Department Staff, we believe there may be two Unique Sites or areas that should be considered as Major Intensification Areas: the Tannery Community and the Shopping Node Area along Elgin Street West in the west part of Town.

Tannery Lands

The Tannery lands are designated Residential Area, Mixed Use Corridor Area and Employment Area. In 2009, the Town undertook a design charrette respecting the Tannery Community Improvement Plan. As noted in the Charrette Summary document, “the objective of the charrette was to gather feedback from the community....to help guide the sustainable development of the Tannery District, including its connections to the surrounding area and its relationship to the Town of Cobourg as a whole”. A number of ‘Priority Directions’ came out of the design charrette with respect to developing a compact, connected and energy efficient community. The Concept Plan developed as a result of the Charrette proposes predominantly mixed residential areas, with some mixed use/live work areas along University Avenue West and an Adaptive Re-use Area east of Victoria Street and south of the rail lands. From a zoning perspective, Priority Directions include:



- Providing a variety of housing types to accommodate residents of all ages and incomes;
- Large existing industrial sites could be reconsidered for higher density residential redevelopment (i.e. townhouses, retirement facilities);
- Mixed-use and live/work should be developed along University Avenue West;
- Development should be consistent in scale, massing and architectural detail with the surrounding context; and,
- Intensification is encouraged but should be limited to a maximum of 4 storeys.

These lands are currently zoned General Industrial, District Commercial, Multiple Residential 4 and Residential 3. There is an opportunity to prezone certain parts of

the Tannery area while the remaining areas would be best consider through a separate zoning exercise. We recommend that the Town consider rezoning the proposed Central Park/Plaza Area which will be located approximately mid-block between Bond Street and Ball Street, and will extend from Alice Street to Clare Street. We also believe there is merit in the Town considering the rezoning the former Tannery property for mixed use residential purposes as set out in the Charrette Summary document.

Shopping Centre Node Area

The Shopping Node Area designation generally applies to the Northumberland Mall, Strathy Road and adjacent commercial lands to the east and is “intended to apply to existing shopping areas which are anchored by one or more centres with a minimum gross floor area of 4,645 square metres (50,000 sq. ft.) and are



comprised of shopping centres or other facilities which have been planned, developed and managed as a unit”. Permitted uses include commercial including department stores and supermarkets, office, institutional, parks and recreation, and high density residential. Section 3.8.3.3 of the Official Plan states that the intensification of existing Shopping Nodes will encouraged, “in particular the introduction of mixed use development and high density residential uses through the redevelopment of existing buildings and parking lots”. The Official Plan also sets out the following criteria for new development:

- the new buildings should be designed and located to assist in the creation of an attractive streetscape appearance and, with no parking between the buildings and the street;
- lands adjacent to a rear or side property line which abuts a residential area shall be landscaped and lighting shall be directed away from residential areas;
- minimum height of two full storeys, however, the Town may consider a minimum height of 6 metres where limited development of parking lots is proposed where such development will not limit future intensification proposals, and maximum height six storeys;
- a minimum floor space index of 0.5 and maximum floor space index of 2.0 provided that the Town may consider a reduction in the minimum density on specific sites for the initial phase of development where the approved development plan provides for the achievement of the minimum density; and,
- Council may by by-law reduce the parking requirements in the Zoning By-law for a mixed use development in accordance with a parking analysis as set out in Section 3.7.7 iv).

The Shopping Centre Commercial (SC) Zone currently applies to the lands designated Shopping Centre Node Area. The SC Zone permits a wide range of commercial, hospitality, institutional, office, personal service and retail uses. On the basis of the above, it is recommended that the Town consider applying the new Mixed Use Zone (based on the existing DC Zone) discussed earlier in this Paper, to promote appropriate infilling of residential uses, with special consideration for commercial uses already permitted in the SC Zone.

3.4.2.5 Other Vacant or Underutilized Sites



These other vacant or underutilized sites refer, in particular, to larger undeveloped properties in areas designated “Residential Area” and not included in Stable Residential Areas or Employment Areas. We have identified a number of potential vacant or underutilized sites including lands east and west of



Ontario Street (just south of Highway 401), and portions of lands east and west of D’Arcy Street (south of the rail lands). Much of these lands are currently zoned Development (D), Institutional (I) and Light Industrial (LM) but also abut or are in close proximity to residential neighbourhoods. We have also identified potential lands on the west and east sides of Ontario Street, south of Elgin Street West. These lands are currently zoned Residential 2 (R2) and Development (D).



Section 23.1.1 of the By-law sets out permitted use, buildings and structures in the Development Zone as follows:

- i) any uses, buildings and structures legally existing at the date of adoption of this By-law, including home occupation and accessory uses;
- ii) new day nursery use;
- iii) new home occupation use; and,
- iv) new accessory uses and buildings accessory to the permitted uses.

The provisions of the Development Zone also permits the “*enlargement or replacement of legally existing buildings and structures and the erection of new accessory buildings and structures*” subject to specified regulations in Section 23.

The Town can consider rezoning these lands, perhaps using the new Mixed Use Zone discussed earlier in this Paper. However, it may also be advisable to apply a

Holding Symbol to these lands in consideration of residential areas that could be impacted.

- E. Summary of Recommendations – Major Intensification Areas**
- i) **Mixed Use Areas in Built Boundary** – utilize modified form of existing District Commercial (DC) Zone (or rename to Mixed Use Zone); consider additional permitted uses including townhouses, multiple dwellings, standalone apartment dwellings and retirement homes; consider new standards for new DC or MU Zone; maintain current DC Zone for areas not designated for mixed use in OP (consider new name – Corridor Commercial); consider rezoning lands (with a Holding symbol) designated for mixed use with the exception of lands adjacent to Stable Residential Neighbourhoods; consider Holding provisions to encourage introduction of mixed use development with criteria to specify when it should be applied;
 - ii) **Employment Areas north of Major Transit Station** – modify Business Park Zone to optimize development (and also consider relaxing restrictions for all industrial zones and areas);
 - iii) **Unique Sites** – may be 2 Unique Sites – Tannery Community and Shopping Node Area along Elgin Street West. Recommend rezoning Central Park/Plaza Area and Tannery property. Recommend applying the new Mixed Use Zone to promote appropriate infilling of residential uses in Shopping Node Plaza area;
 - iv) **Other Vacant or Underutilized Sites** – consider rezoning these lands using new Mixed Use Zone (also consider applying Holding symbol to require consideration of impacts on residential areas); and,
 - v) Consider zoning provisions to ensure that intensification is appropriate, contributes to more compact/pedestrian oriented development and considers adjacent uses.

3.5 Home Occupations/Businesses

3.5.1 Official Plan

Section 3.3, Table 1 of the Official Plan indicates that home occupations and bed and breakfast establishments are permitted in all designations subject to the regulations of the zoning by-law, provided:

- a) the home occupation or bed and breakfast use is clearly secondary to a residential use of the property;
- b) the property is the principal residence of the person operating the use; and,
- c) adequate parking can be provided.

In addition, the Official Plan indicates that the serving of food or alcohol to the general public from bed and breakfast establishments is prohibited.

3.5.1.1 Home Occupations

A home occupation is defined in the current Zoning By-law as “*an occupation which is carried on in a dwelling unit as an accessory use by one or more of its residents and shall exclude any retail commercial use*”.

Home occupation uses are permitted in several zones in the current Zoning By-law including the Residential 1, Residential 2, Residential 3, Multiple Residential 4, Rural, Development and Neighbourhood Mixed Use Zones. The current Zoning By-law indicates that home occupations shall:

- i) be limited to one per dwelling unit;
- ii) be operated by an occupant of the dwelling and have no employees other than those resident in the dwelling;
- iii) supply sufficient on-site parking for both the residential unit and the home occupation and in accordance with Parking Regulations, Section 6;
- iv) only have a sign that complies with the Municipality's By-law governing signs;
- v) have no external storage of materials, containers or finished products;
- vi) not change the character of the dwelling as a private residence or create or become a nuisance in regard to noise, traffic or parking;
- vii) not use any mechanical equipment, except that ordinarily used for household tasks or recreational hobbies;
- viii) not occupy more than 25% of the gross floor area of the dwelling unit or 23 m² (250 ft.²) maximum, including the gross floor area of any basement or cellar area used as living quarters and any basement or cellar area used for the home occupation; and,
- ix) be confined to a dwelling unit on the lot in terms of any and all parts of the home occupation use.

There are certain elements of home occupations that are customarily regulated in zoning by-laws in Ontario. Some by-laws regulate more than others depending on local circumstances, however the key elements to regulate home occupations are as follows:

- whether or not employees of the home occupation are permitted;
- restrictions on external display or goods, wares, advertising;
- location within main dwelling (as opposed to accessory buildings);
- maximum gross floor area dedicated to the home occupation;
- restrictions on outdoor storage;
- priority of the use being secondary to the residential use;
- restricting the sale of goods from the property;

- permissions for signage;
- specific use permissions or prohibitions;
- prohibitions on nuisance impacts (noise, dust, fumes, odour); and,
- parking requirements.

In reviewing the current By-law, many of these elements of establishing a home occupation are already regulated. However, we recommend that the Town consider an enhanced section to regulate home occupation uses as follows:

Where a home occupation is permitted in a Zone, the following provisions shall apply:

- Not more than one employee, in addition to the residents of the dwelling unit, shall be engaged in the business and working in the dwelling unit; [current By-law does not permit any employees]*
- Any dwelling unit containing a home occupation shall be occupied as a residence by the operator of the business; [same as current By-law]*
- The use is entirely restricted to the dwelling unit and shall not be conducted in whole or in part in any accessory building, yard or private garage; [same as current By-law]*
- No more than one home occupation shall be permitted in any dwelling; [same as current By-law]*
- The maximum gross floor area dedicated to the home occupation shall be in accordance with the maximums identified in Table ___ below:*

Zones	Maximum Gross Floor Area (GFA)
<i>Residential and Mixed Use</i>	<i>25% or 45.0 m², whichever is the lesser</i>

[current By-law permits to maximum GFA of 25% to a maximum of 23 m²]

- The use shall be clearly secondary to the use of the dwelling as a dwelling unit and there is no change in the external character of the dwelling or lot as a private residence, with the exception a legal sign; [generally the same as current By-law]*
- There shall be no goods, wares or merchandise offered or exposed for sale, or sold or kept for sale on the premises; [same as current By-law]*
- There shall be no outside storage of materials, goods or vehicles in conjunction with the home occupation use; [same as current By-law]*
- There shall be no external advertising other than a sign erected in accordance with The Town of Cobourg Sign By-law; [same as current By-law]*
- A home occupation shall not create noise and dust that is detectable outside of the dwelling unit, or any odorous, toxic or noxious matters or vapours; [current By-law requires that home occupations not become a nuisance in regard to noise, traffic or parking; Section 5.4 of current By-law also prohibits uses*

classified as a health hazard under the Health Protection and Promotion Act or any regulation of same]

k) *The following home occupations shall be only permitted on a lot that has a front lot line or an exterior side lot line that abuts an arterial road or collector road as shown on the schedules to The Town of Cobourg Official Plan:*

i) *A medical office; and,*

ii) *Dog grooming.*

[this is a new provision]

l) *The following uses shall not be permitted as a home occupation:*

i) *Adult entertainment use;*

ii) *Dating/escort services;*

iii) *Contractors yards;*

iv) *Tattoo parlours;*

v) *Taxi service depot/dispatch establishments;*

vi) *Any use involving the storage, repair, maintenance and/or towing of motor vehicles, recreational vehicles or engines; and,*

vii) *Any use requiring ventilation, other than ventilation typically found in any residence.*

[this is a new provision]

A 'medical office' as noted in (k)(i) above would include offices used for the medical, dental, surgical and therapeutic treatment of humans. Both the current Zoning By-law and the proposed provisions above prohibit the retail sale of goods and products directly from properties, in part to maintain the character of residential neighbourhoods. However, the Town may wish to consider some limited sale of goods and products subject to specific criteria such as:

- Only the accessory retail sale of goods and products produced on the premises shall be permitted; and,
- Any internal display and sale of goods and products accessory to the home occupation shall not occupy more than 10 m² of the area used for the home occupation.

Town Staff has noted some concern with some home occupation uses that generate significant amounts of traffic. Some businesses may generate more significant amounts of traffic during one or 2 days of the week or month, and then very little during other periods. The main concern appears to be with significant amounts of

traffic generated on a daily basis. One option would be to include provisions limiting the number of daily deliveries to a home occupation, although this may be difficult to enforce.

In order to further regulate home occupation uses, the Town could consider the passage of a home business licensing by-law under the Municipal Act. Such a by-law would allow the Town to ensure compliance with the Town's Zoning By-law, Ontario Building Code and Ontario Fire Code, and identify application, fee and enforcement requirements.

3.5.1.2 Bed and Breakfast Establishments

A bed and breakfast establishment is defined in the current Zoning By-law as “a residential dwelling in which the proprietor resides and supplies temporary, overnight accommodation, with or without meals, to the travelling or vacationing public, particularly tourists, in return for monetary compensation, but shall not include a hotel, motel, apartment, boarding or rooming house, hospital, home for the young or aged, group home or other institution, or a restaurant accommodating the general public. Such a building shall provide no more than three (3) guest rooms used and maintained for the accommodation of the travelling public. Any Bed and Breakfast Establishment which contains greater than two (2) guest rooms requires a Building Permit under the Ontario Building Code, 1997, as amended”.

We recommend that the Town consider a simplified definition of bed and breakfast; for example: *“means a part of a single detached dwelling unit in which not more than three bedrooms are used or maintained for the accommodation of the traveling public, in which the owner of the dwelling unit resides and supplies lodgings with or without meals for hire or pay”.*

Bed and breakfast establishments are permitted in the Residential 1, Residential 2, Residential 3, Multiple Residential 4, High Density Residential 5, Main Central Commercial and Cobourg East Low Density Residential Zones, however no provisions regulating this use is provided in the current Zoning By-law.

We recommend that the Town consider provisions to ensure that bed and breakfast uses only provide meals to guests of the establishment. We also recommend that the Town only permit a bed and breakfast establishment or a home occupation use in any one residence.

F. Summary of Recommendations – Home Occupation Uses and Bed and Breakfast Establishments

- i) Consider an enhanced section to regulate home occupation uses;
- ii) Consider implementation of a home business registration system; and,
- iii) Consider a simplified definition of 'bed and breakfast', restrict the provision of meals to guests only and only permit a bed and breakfast or home occupation use in a residence.

3.6 Zoning in Heritage Conservation Districts

3.6.1 Official Plan

Section 3.2.2 (v) of the Official Plan states that, with respect to Heritage Conservation Districts and the Harbour Area, *“intensification potential is extremely limited and subject to specific policies which reflect the special context of these important parts of the community”*. Section 3.2.3 (vi) of the Official Plan states that limited intensification is permitted in the Heritage Conservation Districts (subject to Section 5.5) and in the Harbour Area (subject to Section 11) to support the Town’s intensification target.



Section 5.5.4 of the Official Plan, Heritage Conservation Districts, references the Heritage Conservation District Plans for the Commercial Core, Eastern Residential Sector I, Western Residential Sector II and George Street. Subsection (vi) states that *“intensification shall be limited and shall conform with the applicable Heritage District Plan and the Town’s General Heritage Conservation District Guidelines, and where appropriate Parks Canada Guidelines for the Conservation of Historic Places in Canada”*. In addition, intensification must satisfy the following criteria:



- a) Conversion of existing built heritage resources where the original building fabric, heritage attributes and architectural features are retained and any new additions are no higher than the existing building and placed to the rear of the lot substantially behind the principal facade. In addition, side additions may be considered where it is demonstrated the addition will be appropriate and sensitive to (or not detract from) the existing building’s heritage attributes. Alterations to principal facades and any changes to the front or flankage yard shall be limited. A cultural impact assessment may be required for such proposals.
- b) Infill where there will be no demolition, destruction or loss of cultural heritage resources. A cultural heritage impact assessment may be required for such proposals.

Section 5.2.3, Areas of Heritage Value, Interest or Significance, states that *“Designated Heritage Conservation Districts and properties shall be subject to the provisions of the Ontario Heritage Act and the Heritage District Guidelines where applicable. However, there are other areas in the Town which can be regarded as having heritage value, interest or significance, including areas identified in consultation”* with the Cobourg Heritage Committee. The Official Plan states that *“in those areas:*

- a) *the scale and massing of new construction shall be consistent with surrounding buildings to ensure a visual connection; and,*
- b) *the general design and style of new construction shall be considered on an individual basis through the site plan approval process recognizing that contemporary styles may be more appropriate in certain cases than emulating turn of the century designs.”*



Section 5.5.7 of the Official Plan sets out implementation policies and subsection (iii), Regulatory and other Legislative Tools, states that the Town shall use available regulatory and other legislative tools to protect cultural heritage resources including the use of zoning provisions to regulate use, bulk, form, location and setbacks, and the use of bonus provisions of the Planning Act.

3.6.2 Urban and Landscape Design Guidelines

Section 4.5.3 and 4.5.3.2 of the Town’s Urban and Landscape Design Guidelines state that:

Heritage Buildings (4.5.3)

- a) *In general, buildings should be retained or restored. Retaining the façade is not an acceptable substitute to the retention of the whole structure.*
- b) *The height of a heritage building should generally be limited to its existing height, not including the cornice or parapet, in order to encourage the retention of these building features.*
- c) *Changes to existing buildings should match the pre-established setback of adjacent buildings provided a continuous street wall is the result. This is extremely beneficial on sites where buildings are currently setback from the street or are missing altogether.*

Heritage Infill (4.5.3.2)

- a) *New buildings constructed on adjacent sites should not mimic the heritage structure but use sympathetic massing, height, alignment of windows, roofline, location of entrances, treatment of the ground floor and materials.*
- b) *New development should be complementary in height and scale to adjacent heritage buildings.*
- c) *On blocks with significant continuous heritage frontage, the height/width ratio of new development facades shall not vary by more than 10 percent of the height/width ratio of the existing heritage frontage.*
- f) *In infill situations new development should reference the height, street wall setback, and massing of adjacent heritage buildings and/or reintegrate those aspects of heritage design that have been lost in a particular street segment.*

3.6.3 Current Zoning in Heritage Districts

As noted earlier, there are four heritage districts in the Town: Commercial Core, George Street, West and East.

Commercial Core District

The Commercial Core District is centered along King Street West between Durham Street and College Street. The vast majority of lands in this District are zoned Main Central Commercial (MC) and Institutional (I). The MC Zone permits a wide range of uses including commercial, office, hospitality, personal service and residential in commercial or institutional buildings. There are two main properties zoned Institutional: the Town Municipal Offices and the Cobourg District Collegiate Institute.



George Street District

The George Street District extends north from the Commercial Core District and is centered along George Street. The majority of lands in this District are zoned Residential 3 (R3) Zone which permits residential, group home and public uses. Permitted residential uses include single detached, semi-detached and duplex dwellings. A range of accessory uses are also permitted, along with day nurseries, home occupations and bed and breakfast establishments. Some areas in the District are zoned Multiple Residential 4 (R4) which permits a wide range of residential dwelling types (excluding single detached) and home occupation uses. Other areas/properties are zoned District Commercial (DC) and Main Central Commercial (MC).



The vast majority of this District is designated Residential Area and identified as a Stable Residential Area, in the Town's Official Plan. Home occupation uses are permitted in all land uses designations "subject to the regulations of the zoning by-law and in accordance with the following policies:

- a) *the home occupation or bed and breakfast use is clearly secondary to a residential use of the property;*
- b) *the property is the principal residence of the person operating the use; and,*
- c) *adequate parking can be provided.*

West District

The West District is focused along a number of roads including King Street West to the north, Bagot Street to



the west and Durham Street to the east. The vast majority of this District is zoned Residential 3 (R3) with some properties along the north side of King Street West zoned Institutional (I) and Development (D), and a few other properties zoned Multiple Residential 4 (R4).

East District

The East District is centered along College Street and portions of University Avenue East and King Street East. Large portions of this District are zoned Residential (R3), with a variety of other zones affecting this area including Residential 2 (R2), Multiple Residential (R4), High Density Residential 5 (R5) and Institutional (I).



3.6.4 Analysis

The Official Plan contains policies that support the retention of the original building fabric, attributes and architectural features of existing built heritage resources. The Official Plan also requires the Town to use zoning provisions to regulate use, bulk, form, location and setbacks to protect these resources. Given the effectiveness of the Town's heritage permitting system in assessing and protecting these resources, we do not see the need to rezone areas within the Heritage Districts or include more restrictive provisions in the By-law. In addition, the Town will continue to utilize the Zoning By-law and amendments thereto, when reviewing development proposals, to ensure appropriate provisions to regulate use, bulk, form, location and setbacks on these heritage properties, and adjacent and nearby properties.

Some municipalities provide for incentives in their Zoning By-laws to encourage the use and maintenance of heritage buildings. For example, some By-laws allow for additional permitted uses, such as professional offices, provided these uses are clearly secondary to the primary use of the dwelling unit and carried out by a resident of the unit. In order to maintain the primarily residential nature of these buildings/areas but allow for usage that goes slightly beyond a typical home occupation use, the Town could consider restricting the floor area for the additional use to no more than 25 percent of the total floor area of a single storey dwelling, and 50 percent of a two storey dwelling, and limiting the number of employed people who do not reside in the dwelling unit to two (provided parking considerations and other criteria are addressed).

Another option for the Town to consider is to permit larger accessory apartments in these areas. In Section 3.1.3.1 of this Paper, we recommend that the Town consider provisions that would restrict the gross floor area of an accessory apartment to 40% of the gross floor area of the residence or 100 square metres (whichever is less). We would recommend that the Town maintain the 40% limitation but could increase the floor area component from 100 to 120 square metres. The Town could also consider an approach where 2 accessory apartments would be permitted in heritage buildings, subject to specific restrictions to be determined.

G. Summary of Recommendations – Zoning in Heritage Conservation Districts

- i) To encourage the use and maintenance of heritage buildings, allow for additional permitted uses beyond currently permitted home occupations, such as professional offices, provided these uses are clearly secondary to the primary use of the dwelling and carried out by a resident of the unit; and,
- ii) Consider permitting larger accessory apartments or 2 apartments per heritage residence.

3.7 Residences for Caretakers

The current Zoning By-law permits single residential units for caretakers accessory to primary uses in the Light Industrial (LM), General Industrial (GM), Business Park (BP), Institutional (I), and Open Space (OS) Zones. In each applicable zone where caretaker residential units are permitted, some limited provisions are provided including that the dwelling unit for the caretaker must be located in a portion of the building used for a permitted use. In our experience, caretaker units are not typically used today and therefore, it is our recommendation that the Town consider removing permissions for caretaker units.

H. Summary of Recommendations – Residences for Caretakers

- i) Remove permissions for caretaker units.

3.8 Accessory Waste Storage Areas

The current Zoning By-law contains provisions for refuse and recycling enclosures in each of the Multiple Residential 4 (R4), High Density Residential 5 (R5), Neighbourhood Commercial (NC), Shopping Centre Commercial (SC), District Commercial (DC), Main Central Commercial (MC), Light Industrial (LM), General Industrial (GM), Business Park (BP), Cobourg East Medium Density Residential (CER2) and Cobourg East High Density Residential (CER3) Zones. For example, in the Multiple Residential 4 (R4) Zone, refuse and recycling enclosures are permitted provided they are only located in side or rear yards and are constructed of an architectural block, masonry stone, stucco and/or brick (e.g. consistent with the construction of the primary building) with a minimum 1.8 metre (6 foot) in height. We believe this an opportunity to provide additional regulation

We recommend that the new By-law provide a definition of waste storage areas, such as: *“space allocated either within a main building or in an accessory building or structure where garbage, refuse or recycling materials are temporarily stored while awaiting disposal, but does not include any storage for hazardous waste or materials”*. We also recommend that the new By-law maintain the provisions specifying appropriate building materials for enclosures and create one new section in the

General Provisions section to deal with all accessory waste storage areas. Examples of provisions that may be appropriate for this section include:

- Requiring accessory waste storage areas to be located within the main building in certain zones (e.g. in the new Mixed Use Zone where there will be a mix of residential, commercial and other uses); [this is a new provision]
- In all other Zones, requiring waste storage areas to be located within an accessory building or structure, or located adjacent to the main building and enclosed and located:
 - in an interior or side yard; [same as current By-law]
 - no closer to any lot line than required for an accessory building or structure by the By-law; [this is a new provision]
 - no closer than 7.5 metres to any residential or open space zone boundary; [this is a new provision]
 - no closer than 15.0 metres to any environmental zone; [this is a new provision]
 - outside of any required landscaped area or planting strip; and, [this is a new provision]
 - outside any required loading spaces, parking spaces, access to parking spaces or driveways. [this is a new provision]

I. Summary of Recommendations – Accessory Waste Storage Areas

- i) Include new definition of ‘waste storage area’ and provide one set of provisions in General Provisions section.

3.9 Outdoor Furnaces

Town staff have identified the need to explore zoning provisions related to outdoor furnaces. Outdoor furnaces are self contained, outdoor furnaces that provide heat to buildings through insulated pipes. We have surveyed a number of other municipalities that have adopted by-laws, including zoning by-laws, to regulate these uses. Many municipalities that regulate outdoor furnaces restrict where they can be used in the municipality and provide setback and other requirements pertaining to these structures. For example, the Town of Bancroft Zoning By-law only permits outdoor furnaces in the Rural Zone and are subject to the following provisions:

- a) No outdoor furnace shall be constructed or installed on a lot without the issuance of a building permit for construction from the municipality. For the purposes of this subsection, the term “construction” has the same meaning as set out in Section 1(1) of the Building Code Act, as amended.
- b) Must be located a minimum of 46 m (150 ft) from all property lines.
- c) Must be located at a minimum of 9 m (30 ft) from any building on the property or other distance certified by an approved testing agency (as detailed in the *manufacturer’s installation instructions*).
- d) Must be located such that the perimeter ground area around the unit to a

minimum distance of 3 m (10 ft) from the unit shall be of a non-combustible surface (i.e. gravel, concrete pad).

- e) The unit's chimney cap shall be fitted/equipped with a rain cap/spark arrester.
- f) The unit's chimney shall be erected to the minimum chimney height, as per the Fire Code, or least 1 m (3 ft) above the point where it exits the roof, and a minimum of 0.6 m (2 ft) higher than any part of the roof within 3.2 m (10 ft).

Should the Town decide to include provisions for outdoor furnaces, we recommend that the Town not include references to "*manufacturer's installation instructions*" or to the Building Code Act. On this basis and based on a review of zoning provisions in other jurisdictions, we recommend that the new By-law contain a definition of 'outdoor furnace' and that the Town consider the following provisions:

Outdoor furnaces are only permitted on lots zoned Rural (RU) and subject to the following provisions:

- a) *Minimum setback from any property line - 60 m (197 ft).*
- b) *Minimum setback from any property zoned to permit a residential use – 100 metres (328 ft).*
- c) *Minimum setback from any building or structure – 15 m (49 ft).*
- d) *Not located in any front yard or exterior yard.*
- e) *A perimeter ground area of a non-combustible surface (i.e. gravel, concrete pad) shall be provided around the outdoor furnace with a minimum distance of 3 m (10 ft) from the unit.*
- f) *No more than one accessory outdoor furnace is permitted per lot.*
- g) *Outdoor furnaces must be fitted with a chimney no less than 3.6 m (11.8 ft) in height measured from the ground and must be equipped with a rain cap/spark shield.*
- h) *No outdoor furnace shall be used for the incineration of waste.*

J. Summary of Recommendations – Outdoor Furnaces

- i) Consider a definition of 'outdoor furnace' and provisions to restrict same.

3.10 Parking

Ensuring that appropriate parking standards are incorporated within a municipal zoning by-law is in the public interest since appropriate and reasonable standards will assist in ensuring that:

- the amount of land consumed for parking is appropriate and necessary;
- amounts of impervious surfaces are reduced so as to minimize the impacts of such surfaces on water quality;
- neighbourhoods in the vicinity of commercial areas are not overburdened with parked vehicles; and,
- minimizing the amount of congestion and the number of kilometres driven searching for parking spaces.

As we move forward with the new parking standards for the Town, it is our goal to:

- Create as few standards as possible, while meeting most parking scenarios and situations;
- Consider parking standards based on net floor area; and,
- Utilize 1 space per metre basis as the bench mark for calculation purposes unless there is a specific reason not to (e.g. seats in a theatre).

In general, the fewer the standards there are, the easier it is to interpret parking needs not only for municipal staff, but the development community as well.

The Town has identified an issue with respect to insufficient parking associated with larger scale residential development (e.g. condominium apartments) in the Main Central Area. Although there are some public parking opportunities currently available, the concern is that in time, these opportunities will be eliminated.

3.10.1 Official Plan

Section 6.6.2 (ii) of the Official Plan provides recognition of the difficulty of providing on-site parking within the Main Central Area and as a result, also states that the Town:

- a) shall encourage the owner or operator of any building or site which cannot satisfy the requirements of the zoning by-law with respect to parking to investigate alternative arrangements for the provision of off-street parking areas and/or the fulfilment of parking requirements at alternative locations through agreement with the municipality in accordance with the Planning Act;*
- b) may consider the acquisition of lands in appropriate locations for the provision of off-street parking within the Main Central Area where severe parking and/or loading problems exist.*
- c) may, at its discretion, enter into an agreement with the owner or operator of a building within the Main Central Area to provide for the payment of cash-in-lieu of all or part of the zoning by-law requirements pertaining to the provision of off-street parking in accordance with the Planning Act provided that the Town is satisfied that the parking needs of the development can be met.*
- d) may review parking standards in the zoning by-law, through a parking analysis at its discretion and may reduce the parking standards in recognition of the built form and existing level of parking in the downtown area and notwithstanding any other provision of this Plan;*
- e) may, in reviewing a proposal for redevelopment in the Main Central Area, recognize the existing parking situation, and provide for a reduced parking standard provided such redevelopment shall not result in a significantly greater deficit of parking spaces. Similarly, the Committee*

of Adjustment may utilize this policy to grant a variance provided the parking deficiency is not significantly increased.

Section 6.6.1 (ii) states that “*notwithstanding the Policies of Section 6.6.1 i), the Town shall encourage the retention and expansion of on-street parking in areas where it would not interfere with the efficient movement of traffic. Further, in areas where on-street parking is provided, the Town may consider reduction of the on-site parking standards*”. Section 6.6.2 states that the Town “*will maintain and enhance the supply of short term parking for shoppers and visitors within the Main Central Area and accessible parking for the short and medium term needs of residents and employees including parking for public uses*”.

In addition, Section 6.6.3 states that where off-street loading facilities cannot reasonably be provided in the Main Central Area, the Town may permit on-street loading activities through the Zoning By-law. However, the policy states that the owner may be required to enter into an agreement with the Town with respect to such a special loading space arrangement.

Section 6.6.4, Temporary Zoning, states that “*where lands are vacant and may be advantageously utilized to provide off-street parking to overcome existing deficiencies, the Town may authorize the temporary use of such lands to provide off-street parking pursuant to the provisions of the Planning Act*” subject to policies of the Official Plan.

3.10.2 Analysis

3.10.2.1 Parking Section Format

In general, there is the ability to consolidate a number of uses in the various charts in Section 6.1.1. This can be achieved in a number of ways including simplifying how uses are described and the way in which parking standards are calculated. For example, semi-detached dwellings and other residential uses are categorized separately but apply the same minimum parking requirement (i.e. 2 spaces per dwelling unit). Another example is where the minimum parking requirement of 1 space for every 18 square metres of gross floor area or portion thereof is applied to call centre, data processing and retail commercial use, yet these uses are separated in different sections of the Commercial table in Section 6.1.1(ii). We think there is an opportunity to consolidate the remaining non-residential use tables in the current Zoning By-law into one table.

We would also recommend that the Town reconsider minimum parking requirements that simply apply a minimum number of parking spaces per use. For example, a minimum of 12 parking spaces is required for a garden centre or a nursery use however, only requiring 12 parking spaces could be insufficient if the size of the garden centre or nursery use is significant. As another example, the current By-law requires 10 parking spaces (in addition to display areas) for vehicle sales outlets however, 10 parking spaces would be inadequate for many larger dealerships that would require significantly more spaces to accommodate staff and customer parking.

We also recommend that the Town consider consolidating the current seven charts for parking provisions in Section 6.1.1 into two charts:

1. Residential; and,
2. All other non-residential uses.

3.10.2.2 Residential Parking Standards

The current Zoning By-law requires 2 spaces per single or semi-detached unit, but only requires 1.5 spaces for townhouses. Typically singles, semis and townhouses will have 2 vehicles per unit and therefore, we recommend that the standard for townhouses be increased from 1.5 spaces to 2 spaces.

Parking Space Requirement Comparison

Dwelling Type	Current	Proposed
Single detached	2	2
Semi-detached	2	2
Townhouse	1.5	2

3.10.2.3 Parking for Apartment Dwellings

Section 6.1.1 of the current Zoning By-law requires 1.25 spaces per apartment dwelling units for apartment dwellings located in areas as shown on Schedule A, Maps 2, 3, 6 and 7. In all other cases, 1.5 parking spaces are required for each apartment dwelling unit. However, Section 6.1.1 (vi) allows for a 50 percent reduction to these standards. It is our recommendation that the Town consider removing this reduction provision under 6.1.1.

We conducted a review of other municipal Zoning By-laws with respect to parking requirements for apartment buildings, as summarized in the following chart.

MUNICIPALITY	HOUSING FORMS	PARKING PROVISIONS
Ajax, Collingwood, Port Hope, Newmarket	Apartment dwelling	1.25 spaces per unit, plus an additional 0.25 spaces per unit for visitor parking
Halton Hills	Apartment dwelling	1.5 spaces per unit plus 0.25 parking spaces per unit for visitors where more than 4 apartment dwelling units are located
Huntsville, Meaford	Multiple dwelling, Apartment	1.5 parking spaces per dwelling unit
Oakville	Multiple attached, Maisonettes, Apartment buildings	<ul style="list-style-type: none"> - For rental accommodation - 1.5 paved parking spaces per unit of which 0.25 parking spaces per unit shall be specifically designated as visitor parking; - For condominium accommodation in multiple attached and maisonettes - 2.25 parking spaces per unit of which 0.25 paved parking spaces per unit shall be specifically designated as visitor parking; - For freehold accommodation in multiple attached dwellings - 2.0 paved parking spaces per unit which may have access from a private laneway, a street or a public laneway; - For condominium accommodation in apartment buildings - 2 paved parking spaces per unit of which 0.25 paved parking spaces per unit shall be specifically designated as visitor

		parking; - Not less than 50% of the required spaces must be within buildings, garages or carports which have 3 walls that are not less than 1m high.
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On the basis of the above, we recommend that the Town consider replacing the current parking requirement for apartment buildings in the downtown/core area with a provision requiring 1.25 spaces per unit plus 0.25 parking spaces per unit dedicated to visitor use. In areas outside the downtown/core area, the parking requirement should be 1.5 spaces per unit plus 0.25 visitor parking spaces.

It is recognized that in many cases, the provision of parking on the same lot as the proposed use or expansion is not feasible. In this regard, it is suggested that the new By-law allow for the provision of the required parking on another lot, provided that lot is within walking distance of the use that requires the parking. In this regard, a suggested distance is 300 metres. However, the By-law should require that all barrier free parking spaces be provided on the lot requiring the parking spaces.

3.10.2.4 Parking Garages

Section 4.3.2 of the Town’s Urban and Landscape Design Guidelines state that:

- a) *Parking structures fronting on to public streets and public open space should be developed, where feasible, with an active at-grade use to provide attractive facades, animate the streetscape and enhance pedestrian safety.*

It is also recommended that the new Zoning By-law contain clear requirements with respect to the location and design of parking garages, such as:

- Parking garages located within 30 metres of any streetline shall comply with the provisions for the main building in accordance with the By-law; and,
- No setbacks or yards shall be required for any portion of a private garage or parking garage if it is constructed completely below the established grade.

3.10.2.5 Bicycle Parking

Section 4.3.3 of the Town’s Urban and Landscape Design Guidelines state that:

- a) *Storage facilities should be required, either adjacent to building entrances or as an integrated building enclosure, and should be weather protected.*
- b) *Bicycle and scooter parking should be provided in employment areas to encourage alternative mode of transport, particularly for employees.*
- c) *In addition to energy efficient vehicle parking, and reserved spaces for car-sharing services, preferential bicycle parking should be provided.*

- e) *Bicycle racks and lockers are strongly encouraged in structure parking facilities, especially for large office developments.*

The Northumberland County Cycling Master Plan (NCCMP) was released in September 2011 and states that “*basic bike parking is typically a bike stand on the sidewalk or property suitable for short-term parking, ideally no more than 10 to 15 metres from the building entrance. It is important to anticipate where these destinations will be in addition to common destinations which tend to include the following: parks, community centres, schools and campuses, commercial centres and office parks*”. The NCCMP recommends, in part, implementation bicycle parking requirements through local Zoning By-laws and that bike racks are provided in town centres, schools, points of interest for tourists and residents, recreational destinations, and commercial areas to encourage cycle commuting.

The NCCMP references the Portland Bicycle Master Plan for bicycle parking guidelines, as summarized in the following table from the NCCMP.

Table 3.4a: Bike Parking Guidelines, Portland Bicycle Master Plan, 1996

Land-use Categories	Parking Spaces
RESIDENTIAL	
Multi-Unit Dwelling	1 per 10 dwellings
Retirement Living Complexes	1 per 4 dwellings
COMMERCIAL	
Retail	2, or 1 per 5,000 ft ² floor area
Office	2, or 1 per 10,000 ft ² floor area
Commercial Parking Facilities	10, or 1 per 20 auto spaces
Commercial Auto Facilities	10, or 1 per 20 auto spaces
INDUSTRIAL	
Manufacturing	2, or 1 per 7,500 ft ² floor area
Warehousing	2, or 1 per 20,000 ft ² floor area
INSTITUTIONAL	
Community Service	2, or 1 per 5000 ft ² floor area
Schools (Middle, High)	1 per classroom
Schools (Elementary)	2 per classroom
Colleges	2 per classroom
Medical Centres	2, or 1 per 7,000 ft ² floor area

It is recommended that the new Zoning By-law contain provisions for bicycle parking and that the Town consider the Portland standards as identified by Northumberland County. We also recommend including a provision in the new By-law requiring bicycle parking spaces to be located within specified distances from main entrances or well-used areas.

3.10.2.6 Shared Parking Provisions

Section 4.3.1(b) of the Town’s Urban and Landscape Design Guidelines states that the “*total amount of parking should be minimized through efficient means such as*

shared parking between adjacent properties, particularly in the evenings, weekends and other off-peak periods”.

Sections 6.1.2 of the current Zoning By-law states that:

“When a building or structure accommodates more than one type of use, parking space requirements for the whole building shall be the sum of the requirements for the separate parts of the building occupied by the separate types of use.”

Subsection (ii) then states:

“When a building or structure accommodates more than one type of use such that the uses are not in operation at the same time the number of parking spaces for the whole building shall equal the number of spaces for the use with the largest parking space requirements.”

We appreciate the intent of this provision to provide for flexibility and to recognize that there is sharing of parking spaces depending on the mix of uses in a building. However, this could be problematic if the types of uses change over time, and the concept of providing parking spaces based on the largest parking space requirements may not work in some instances. Therefore, we recommend that the Town consider a similar but different type of approach for shared parking that specifically recognizes certain types of uses and provides a formula that allows for flexibility over time. For example, the City of Ottawa Zoning By-law contains the following shared parking provisions:

K. Summary of Recommendations – Parking

- i) Update parking standards for a number of uses and simplify how parking provisions are presented;
- ii) Reconsider minimum parking requirements that apply a minimum number of parking spaces per use;
- iii) Modify the parking requirement for townhouse units from 1.5 to 2 spaces per unit;
- iv) Remove 50% reduction for residential uses in the downtown and waterfront area under Section 6.1.1(vi);
- v) Require 1.25 parking spaces + 0.25 parking spaces per unit dedicated to visitor parking for apartments in the downtown/harbour area;
- vi) Require 1.5 parking spaces + 0.25 parking spaces per unit dedicated to visitor parking for apartments outside of the downtown/harbour area;
- vii) Include clear requirements with respect to the location and design of parking garages; and,
- viii) Include requirements for shared parking and bicycle parking.

3.11 Residential Lot Provisions

Many Ontario municipalities regulate the location of air conditioners, heat pumps, communication dishes, and pool heaters or filters in residential areas in order to ensure the placement of mechanical equipment out of sight from the street and to minimize visual and potential noise impacts on neighbours. In addition, mechanical equipment is regulated to ensure that access to the rear yard is available from the front yard without access through the dwelling. Mechanical equipment associated with commercial, industrial and institutional uses is sometimes regulated to reduce visual and noise impacts.

In many municipalities, concerns are often raised about external heating and cooling equipment and while such equipment is now designed to be quieter, it is anticipated that as the density of residential development continues to increase, there will be a need to some level of control over their location.

Section 5.13 of the current By-law provides provision for permitted encroachments in yards. Town Staff has noted that the table in Section 5.13.1 can be difficult to understand/interpret and in reviewing this table, we recommend that the new By-law:

- provide a table or section that is easier to interpret by possibly creating separate section(s) to deal with porches, patios, decks, etc.
- define or remove the reference to “*sun deck*” as it is provided in the table in Section 5.13.1 but there is no definition for “*sun deck*”
- bring clarity with respect to a definition of ‘balcony’ to provide certainty when interpreting provisions in the By-law
- address potential issues with the provisions related to the height of unenclosed and uncovered porches and sun decks, steps and patios, which relates to “*above finish grade*”; the current definition for “*finished grade*” relates to the elevation of the sidewalk and this can impact the way that these provisions are interpreted and implemented if there are significant grade changes between the building and the sidewalk.

Section 5.13.5 of the current Zoning By-law states that a satellite dish or solar panel may only be located in the rear yard a minimum of 3 metres from any lot line. Neither satellite dish or solar panel are defined in the current By-law; we recommend that the new By-law include definitions for both types of installations. We also recommend that the Town consider maximum diameters for communication dishes (e.g. 1.3 metre maximum), require all communication dishes to be attached to the main building on the lot, but provide no restrictions on the size or location of dishes in employment or industrial zones except that they would not be permitted in any minimum required yard.

<p>L. Summary of Recommendations – Residential Lot Provisions</p> <p>i) Update provisions with respect to ‘finished grade’ and ‘sun deck’;</p> <p>ii) Provide clearer provisions respecting encroachments; and,</p>
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| iii) Consider new definitions and provisions for satellite dishes and solar panels. |
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3.12 Floodplain Zoning

3.12.1 Official Plan

The Environmental Constraint Area designation applies to those lands that *“have inherent environmental hazards, are environmentally sensitive or which have a role in the protection of the natural environment”*. According to Section 4.2.2 of the Official Plan, permitted uses are limited to *“conservation and preservation of the natural environmental features and ecological functions of the area”*, with the exception of certain specified uses that are also permitted including limited vehicle parking for recreation or conservation projects, and pedestrian trails or other similar passive recreation uses (e.g. public parks & golf courses). Certain uses prohibited on lands designated Environmental Constraint Area are identified in Section 4.2.3 of the Plan.

As noted in Section 3.12.1 of the Official Plan, the delineation of a Special Policy Area, *“as originally set forth in the Town of Cobourg Official Plan, approved by Ministry of Municipal Affairs and Housing on August 19, 1986, was subject to the approval of the Ministers of Municipal Affairs and Housing and Natural Resources”*. The Special Policy Area designation, as shown on Schedule “A” of the Official Plan, is an overlay designation which *“applies to areas within the Town that have historically existed in the flood plain and where site specific policies apply which are intended to address the significant social and economic hardships to the community which would result from strict adherence to provincial policies concerning development in the flood plain”* (3.12.1). Use, buildings and structures permitted on lands designated Special Policy Area are specified in the applicable underlying designation and *“shall include new buildings and structures and the renovation, replacement or redevelopment of existing structures in accordance with the relevant flood proofing measures specified in Section 3.12.3”*.

Section 3.12.3.3, Flood Protection Levels, states that *“all new buildings and structures or additions to existing buildings or structures, wherever possible, shall be protected from flooding to the level of the Regulatory Flood unless otherwise specified hereunder. However, if it is demonstrated that specified level of protection is not attainable, then a lesser level of protection will be determined by the Town of Cobourg in consultation with the Ganaraska Region Conservation Authority”*.

Section 3.12.3.3 (ii) states that the minimum level of flood protection for those lands designated as Special Policy Areas shall be:

- a) *the Regional Flood level for those areas adjacent to the Brook Creek and within its associated flood plain to the south of the railway corridor;*
- b) *the maximum observed 1980 flood elevation which has an estimated return period of 1 in 100 years for the designated Special Policy Areas*

adjacent to the Cobourg Creek and the associated flood plain and the area adjacent to Elgin Street in the vicinity of Nickerson Drive; and,

- c) the flood elevation which has an estimated return period of 1 in 100 years for the designated Special Policy Area adjacent the Midtown Creek and the associated flood plain to the south of the railway corridor.*

Subsection (iii) states that “*accessory buildings, structures and uses which are normally considered incidental and subordinate to a principal permitted use, exclusive of buildings intended for human habitation, may be exempted from certain flood proofing measures subject to the approval of the Ganaraska Region Conservation Authority and the Town of Cobourg*”.

Section 3.12.3.4 states that:

- i) Notwithstanding the policies of this section, no new buildings or structures inclusive of additions to existing structures, shall be permitted within a Special Policy Area designation where, after consulting with the Ganaraska Region Conservation Authority, the Town determines that such structures would be subjected to flows which, due to their velocity and/or depth, would result in an unacceptable high risk to human life or major structural damage as a result of a flood less than or equal to the Regulatory Flood or which will result in a significant increase in “off-site” and/or upstream/ downstream risks.*
- ii) Where new development occurs within a Special Policy Area by means of a registered plan of subdivision or consent the Municipality, in conjunction with the Ganaraska Region Conservation Authority, may require as a condition of approval that provisions for warning prospective purchasers that the lands in question are located within an area which is susceptible to flooding be placed on the title of any lots or blocks.*

Section 3.12.3.5, Zoning Regulations, states that:

- i) Where lands designated as a Special Policy Area are vacant and/or undeveloped as of September 30, 1985, such lands shall be zoned within a holding zone in the implementing by-law in accordance with the provisions of the Planning Act. The Town of Cobourg shall not remove the ‘H’ prefix until such time as it has consulted with the Ganaraska Region Conservation Authority to determine the feasibility and nature of those flood damage reduction measures as may be necessary. Prior to removal of the ‘H’ prefix, the Town shall give reasonable notice to the Ganaraska Region Conservation Authority of the intent to remove the holding provision.*
- ii) The implementing zoning by-law shall contain provisions, where appropriate, relating to building setbacks, maximum lot coverage,*

minimum exterior opening elevation or such other matters as may be determined by the Town of Cobourg in consultation with the Ganaraska Region Conservation Authority.

3.12.2 Analysis

According to Section 26, Special Policy (sp) Zones Regulations, of the current Zoning By-law, the purpose of the Special Policy Zones is to “*provide special regulations which establish minimum opening elevations for buildings on lots to which such zones apply*”. *These regulations apply in addition to the regulations in the use zone which applies to the lot*”. Each Special Policy Zone provides specific elevation requirements for the lowest point of any opening in the exterior wall of a building, as shown in the following excerpt from the current Zoning By-law:

26.2.1 Special Policy Zone 77 (sp 77)

Notwithstanding any other provisions of this By-law, in Special Policy Zone 77, the lowest point of any opening in the exterior wall of a building shall be located a minimum of 77 metres above sea level as established by Government of Canada geodetic survey.

The current approach is cumbersome and therefore there is the need to consider a different approach to dealing with properties within the Special Policy Area. We recommend that the new Zoning By-law contain a Holding provision generally applying to all lands designated Special Policy Area. The Holding provision would state:

No land shall be used and no buildings or structures shall be erected or used except for those in accordance with any regulations of, and subject to the approval of, the Town (satisfactory to the policies of Section 3.12 of the Official Plan), the Ganaraska Region Conservation Authority and, where applicable, pursuant to the Lakes and Rivers Improvement Act, R.S.O. 1990, c.L.13, as amended, the Fisheries Act, R.S.C. 1985, C.F-14, as amended, or the Public Lands Act, R.S.O. 1990, c.P.43, as amended.

All building setbacks, maximum lot coverage, minimum exterior opening elevation and any other applicable provisions shall be determined as set out above. The Holding provision may only be lifted upon Council’s satisfaction that the appropriate approvals, as set out above, have been issued.

M. Summary of Recommendations – Floodplain Zoning

- i) Recommended that the new By-law contain a Holding provision generally applying to all lands designated Special Policy Area to prohibit land uses and construction unless in accordance with Town and Conservation Authority requirements.

3.13 Zoning of School Sites

The Kawartha Pine Ridge District School Board has commented that the Town's Zoning By-law should provide zoning to permit a wider range of uses in the event of any school closure and disposal in the future by the Board. The Town's Official Plan permits public uses (which includes schools) in all land use designations. However, where schools are located in a Residential Area designation they are subject to an amendment to the zoning by-law. In addition, schools and other major educational uses are permitted on lands designated Major Institutional Area.

All of the schools in Cobourg (listed below), from both school boards, are zoned Institutional according to the current By-law.

St. Joseph Catholic Elementary School - 919 D'Arcy Street North
Notre Dame Catholic Elementary School - 760 Burnham Street
St. Michael Catholic Elementary School - 23 University Avenue West
C.R. Gummow Public School - 287 Gravely Street
Grant Sine Public School - 780 D'Arcy Street North
Merwin Greer Public School - 457 King Street East
Terry Fox Public School - 1065 Riddell Avenue
Cobourg District Collegiate Institute East (Secondary School) - 335 King Street East
Cobourg District Collegiate Institute West - 135 King Street West
Burnham Public School – 614 Burnham Street
St. Mary Catholic Secondary School – 1050 Birchwood Trail
Northumberland Christian School – 8861 Danforth Road

The Institutional Zone in the current Zoning By-law permits a range of institutional uses including a college, library, place of worship, public use, residential use for the aged or disabled operated by a government organization or place of worship, retirement home, and secondary school. An institutional use is defined as the *“use of land, buildings or structures for a public or non-profit purpose and without limiting the generality of the foregoing, may include such uses as schools, places of worship, indoor recreation facilities, community centres, public hospitals and government buildings”*. However, residential uses such as single detached dwellings are not listed as permitted uses and therefore, if a school were to close and the respective school board was to dispose of the property, a rezoning would be required to permit residential development.

It is recommended that the Town maintain its current approach to zoning of school sites as it provides the opportunity for the Town and the community to consider proposed redevelopment and appropriate after-uses that may contribute to community building.

N. Summary of Recommendations – Zoning of School Sites

- i) Maintain the current approach to zoning of school sites as Institutional as it provides the opportunity for the Town and the community to consider proposed redevelopment and appropriate after-uses that may contribute to community building.

3.14 Planting Strips

Most municipalities now include requirements for planting strips in their zoning by-laws. Usually, these planting strips are required along the street edge in commercial and employment areas that are more automobile oriented. These types of provisions are often not applied to downtown areas since the requirement for a planting strip would result in the building being set back further from the street than what the municipality envisioned in areas where there is a desire to promote the creation/enhancement of a pedestrian friendly environment. However, some municipalities have required planting strips adjacent to parking lots, no matter their location, to buffer the impacts of the parking area on pedestrian areas such as sidewalks. In this regard, most municipalities require planting strips that range in width from 2 to 3 metres along any streetline in certain employment and commercial zones.

With respect to landscaping, the Town's Urban and Landscape Design Guidelines call for:

- landscaped front yards to promote amenity and privacy for private developments;
- planting strips between the street line and parking lots; and,
- coordinated and appropriately planted/sized planting strips between adjacent surface parking lots (3 metre minimum recommended).

The Town's current By-law defines 'landscaped open space' as "*an open area of a lot in which are located lawn and/or ornamental shrubs, flowers and trees and other landscaping and which may include space occupied by paths, walks, fenced courts, patios and swimming pools, but shall not include parking areas, driveway or storage areas*". With respect to parking areas, it is recommended that a minimum Town-wide 3 metre wide planting strip standard be established/maintained along all street lines where a parking area is located. In addition, such a planting strip requirement should be applied in circumstances where a commercial or employment zone abuts a residential zone.

Town staff has also noted the need to consider provisions in the new By-law that would require a certain number of trees within the landscaped open space area. An example of landscaping requirements in a by-law include:

- *Not less than 20% of its area capable of supporting growth of and planted with grass, and with shrubs or trees that can attain a normal growth of up to 0.9 metres; and,*

- *Not less than 10% of its area capable of supporting the growth of and planted with grass and with trees that can attain a normal growth of not less than 4.5 metres at a density of not less than 6 trees for each 93 m² or 1 tree for every 12 metres of street frontage.*

If the Town were to consider provisions that would require a minimum density of tree plantings, we suggest that the provision be worded in such a way that a minimum (instead of a range) of plantings are required so that the Town still has the ability to require more than the minimum as part of a site plan application and in reviewing the Town's Urban and Landscape Design Guidelines. As provided for in the City of Ottawa Zoning By-law, a minimum of 15 percent "*of the area of any parking lot, whether a principal or an accessory use, must be provided as perimeter or interior landscaped area*" comprised of a landscaped buffer must be provided between the perimeter of the parking lot and a lot line.

In addition to the landscaped buffer requirements, the Ottawa By-law states that "*interior landscaping may be provided including various landscaped islands, landscaped medians, pedestrian pathways or public plazas to meet*" the minimum 15 percent requirement.

<p>O. Summary of Recommendations – Planting Strips</p> <p>i) Consider new zoning provisions to ensure the provision of a minimum number of trees in planting strips.</p>

3.15 Drive-Through Facilities

According to the Town's Official Plan, commercial uses are permitted in a range of designations and areas in the Town, including the Main Central Area, Shopping Node Area and Mixed Use Area. In particular, Section 3.7.3.1 states that King Street in the Main Central Area contains the major concentration of pedestrian-oriented commercial uses in the Town. New development and redevelopment must reinforce its character as a pedestrian shopping area in a "*traditional setting*" and must be evaluated based on conformity with the Heritage District Guidelines - Commercial Core Area and the Town's Urban and Landscape Design Guidelines. This section of the plan also states that new development and redevelopment shall be in conformity with certain criteria, including:

- Parking Areas shall be prohibited between the front of the principal building and the street;
- Uses oriented to vehicle use such as restaurants with "*drive-thru*" facilities or vehicle repair uses, or uses involving open storage shall be prohibited; and,
- Buildings and structures shall have a minimum height of 2 storeys and shall be designed in a manner which is sensitive to the scale and character of adjacent development.

The current Zoning By-law provides limited restrictions with respect to drive-through facilities. However, Section 6.1.1(ii) provides a requirement of 6 cars for stacking associated with any “drive-up window” associated with banks or financial institutions, and a by-pass lane is also required. Section 5.24, Drive-thru Facility, states the following:

Notwithstanding any other provisions of this By-law, where a building or structure incorporates a drive-thru facility, an area for vehicles waiting to use the drive-thru facility shall be provided in addition to any other parking areas. This waiting area shall be located a minimum of 6 m (20 ft.) from any Residential or Development Zone and vehicles may be parked in tandem within this area.

It should also be noted that the Zoning By-law requires 10 spaces per stall for mechanical vehicle washing uses (Section 6.1.1 of the current Zoning By-law).

In considering this issue, we also reviewed the Town’s Urban and Landscape Design Guidelines section on drive-through facilities. Specific, relevant design guidelines include:

Building Design

- a. Drive-throughs should contribute positively to their surroundings through consideration of building height, massing, setbacks, orientation and fenestration.
- b. Drive-throughs should maintain the consistency of the streetwall wherever possible. Buildings should be located close to the street edge and ensure that stacking lanes are not placed between the building and the street.

Site Access and Circulation

- a. Drive-through access points should be located away from street intersections to minimize vehicular traffic at the access points.
- b. Vehicle access points should be minimized to reduce curb cuts and limit the amount of traffic crossing the sidewalk.

Drive-through Lane

- a. Restaurant drive-throughs should accommodate 10 vehicles (minimum) in the drive-through lane with 7 vehicles between the entrance and the order window.
- b. Drive-throughs as financial establishments should accommodate 4 vehicles (minimum) in the drive-through lane.
- c. Surface parking and drive-through lanes should be located at the side or rear of the building to reduce interference with the continuity of the streetscape. The drive-through lane or parking area(s) should not be located between the building and main public street(s).
- d. Entry into the drive-through lane should be provided at the rear of the site so waiting vehicles do not disrupt traffic along the public streets or the safe movement of pedestrians, cyclists or other vehicles on-site.

- e. Escape lanes should be provided, where appropriate, to minimize congestion.

Adjacent Uses

- a. Drive-through facilities are discouraged adjacent to residential and/or other sensitive properties. Where this can not be avoided, a 15 metre buffer zone (complementary to the surroundings) should be provided between the drive-through driveway and all adjacent sensitive properties.
- b. Noisy areas, including the ordering board, speakers, loading areas and garbage storage should be located away from adjacent and sensitive uses.

Landscaping

- a. Raised, well-landscaped medians or traffic islands should be located between the drive-through lanes and main parking areas to enhance safety and reduce the visibility of the drive-through.
- b. The edge of parking areas, driving and queuing lanes should be provided with a 3 m (minimum) planted, landscape buffer.

It is our recommendation that the new Zoning By-law contain updated definitions and detailed provisions with respect to drive-through facilities, that would be in conformity with the Town's Urban and Landscape Design Guidelines.

P. Summary of Recommendations – Drive-through Facilities

- i) Include new definitions and detailed provisions to regulate drive-through facilities in accordance with the Town's Urban and Landscape Design Guidelines.

APPENDIX A
Example “How to use this by-law” Section

How to Use This By-law

In order to use this By-law, a property owner should follow each of the steps listed below to determine what permissions apply to their particular property.

A. Locate the Property on a Map

Maps in a Zoning By-law are called ‘Schedules’. The first step to using this By-law is to refer to the Zone Schedules that are contained at the back of the By-law to determine in which Zone category or categories apply to your property. The Zone category will be indicated on the schedules by a symbol or abbreviation. For example, you may see a symbol such as “C1” that applies to your property. This would indicate that your property is within the ‘Commercial General (C1) Zone’. The Zone symbols or abbreviations are identified on the first page of Part __ (Establishment of Zones) of the By-law.

Part __ (Establishment of Zones) also provides assistance to help you identify the Zone boundaries on the schedules. For example, if your property appears close to a Zone boundary and you are not sure how to determine exactly where that boundary is located, refer to Section __ (Determining Zone Boundaries) of the By-law.

B. By-law Amendments, Minor Variances and Exceptions

A Zoning By-law is not a static document; it is amended over time as demands and policies governing land use change. By-laws are commonly amended to change the zone to provide for a specific use or to prohibit a certain use. In some cases, special provisions are applied to a property or a series of properties that vary the zone provisions for that property. This type of variance is called an exception and exceptions to the by-law are contained within Section __ (Exceptions).

Before proceeding any further, you should verify that your property is not the subject of an earlier Zoning By-law amendment or Minor Variance. Some of these amendments are identified in the Zone schedules and listed in Part 9__ (Exceptions), Part __ (Holding Provisions) and Part __ (Temporary Uses) of this By-law. More recent amendments may not be included in the version of the By-law you are using. Staff in the Town’s Planning and Development Department will be able to assist you to confirm if your property has been subject to a more recent By-law amendment or Minor Variance.

C. Permitted Uses and Zone Standards

The next step to using this By-law is to determine what uses are permitted on your property. Parts __, __ and __ of the By-law identify the permitted uses for each Zone in the Town. The definitions in Part __ (Definitions) can assist you if you are not sure of the nature of a use or how it has been defined for the purposes of this By-law. Words that are defined in Part __ are italicized throughout the By-law. If a word is not

italicized, it is not specifically defined. Uses that are not identified as permitted uses within a particular Zone are not permitted in that specific Zone.

The next step is to determine what standards may apply to the uses on your property. Parts __, __ and __ of the By-law identify the Standards for each Zone including minimum lot area, minimum frontage, minimum yards, maximum lot coverage for buildings, and the maximum permitted height of buildings.

D. General Provisions

Now that you are aware of the uses permitted on your property and the specific Zone Standards that apply to those uses, reference should be made to Part 4__ (General Provisions) of this By-law. Part 4__ contains a more generic set of standards known as 'General Provisions' that apply to all properties in all Zones throughout the Town. For example, the general provisions contain standards that regulate the construction of accessory structures, height exceptions and non-conforming/non-complying uses that apply to all properties regardless of where in the Town a property is located.

E. Parking and Loading

There is one final section of the By-law that should be consulted when determining what permissions apply to your specific property. Part __ (Parking and Loading) provides the parking and loading requirements for all permitted uses in the Town. If you are considering changing the use of your property or adding a new use to your property, you should review Part __ to ensure that you are aware of the parking requirements for the proposed use.

F. Exceptions, Holding Zones, Temporary Uses, and Interim Control By-laws

Parts __, __ and __ contain specific requirements that may apply to your property. Lands subject to an exception covered in Part __ (Exceptions) have specific use permissions or zone provisions that have been applied either in response to a landowner request or if there is a public interest objective in applying different rules on a property and/or in an area. The provisions within an exception section are intended to take precedence over any other provision in the By-law, where relevant lands subject to an exception will be specifically identified on the schedules with the use of a set of brackets containing the exception number after the parent zone symbol.

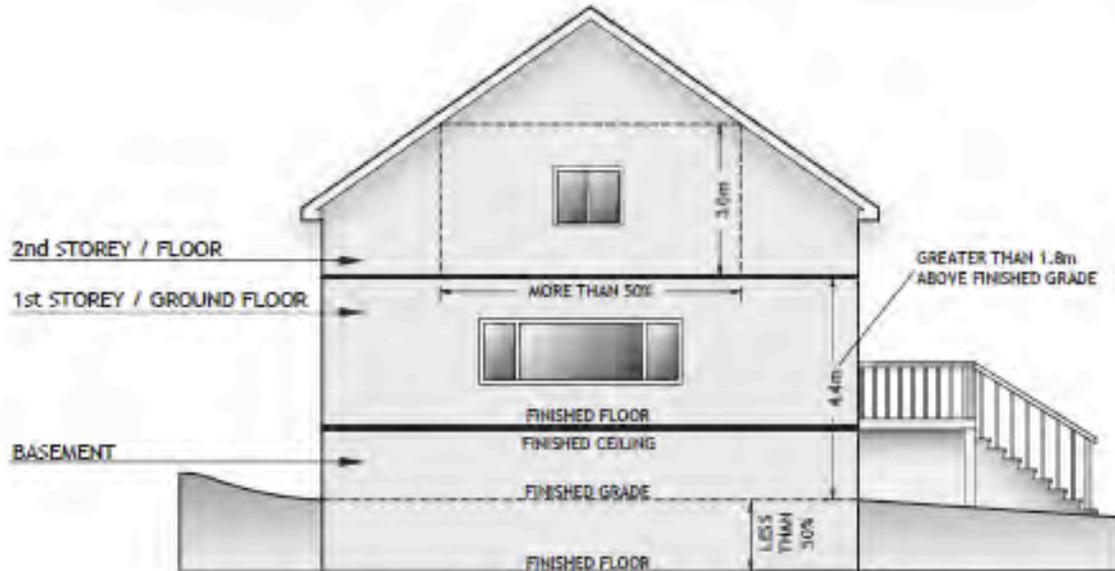
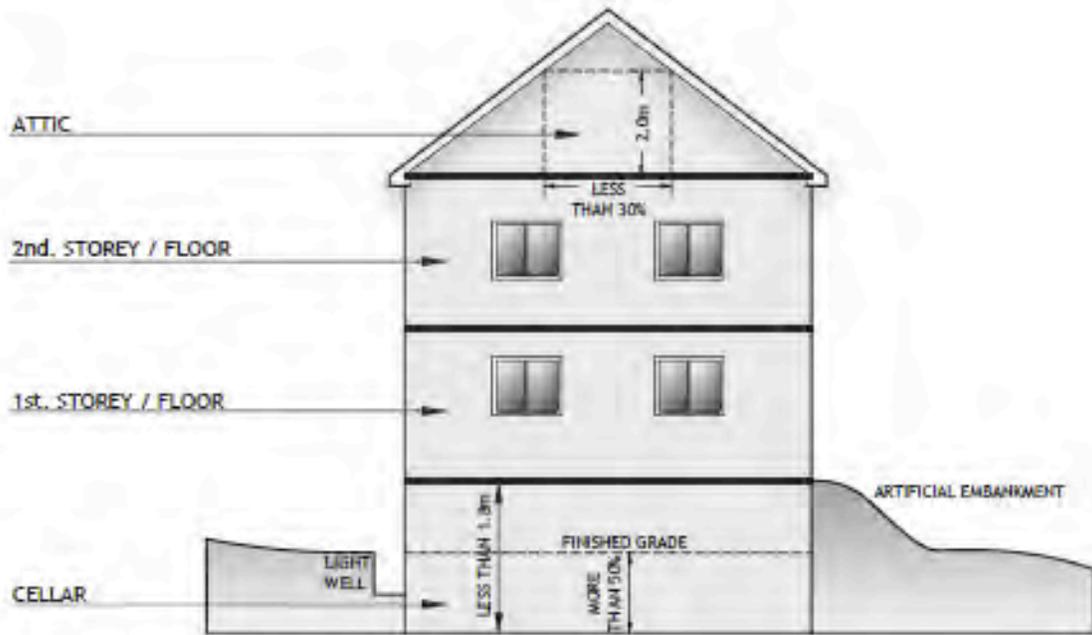
Part __ (Holding Provisions) contains specific requirements that describe what conditions need to be met in order to develop/establish permitted uses on a property. Lands subject to an exception will be specifically identified on the schedules with the use of a (H) symbol followed by the Holding provision number.

Part __ (Temporary Uses) identifies those properties that are subject to use permissions that only last for a specified period of time. Lands subject to an exception will be specifically identified on the schedules with the use of a (T) symbol followed by the Temporary Use number.

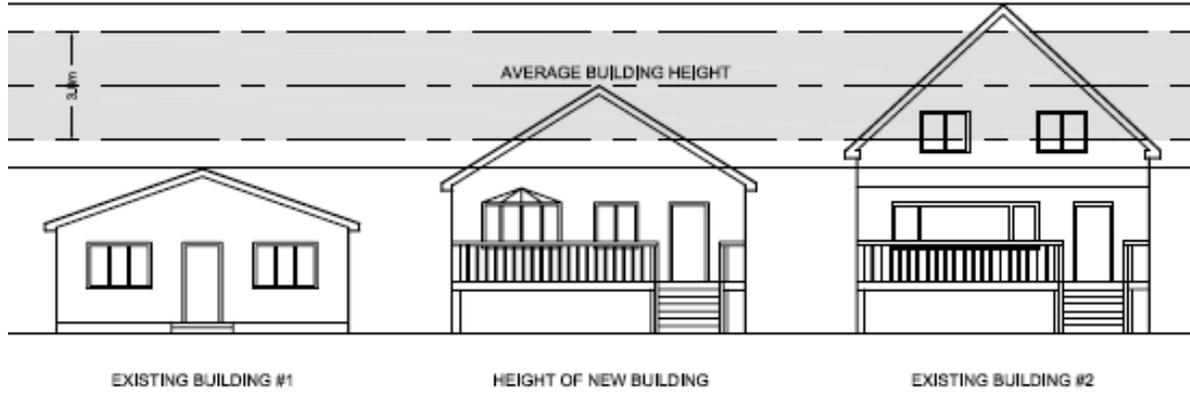
APPENDIX B

Illustrations Examples

STOREY DEFINITIONS

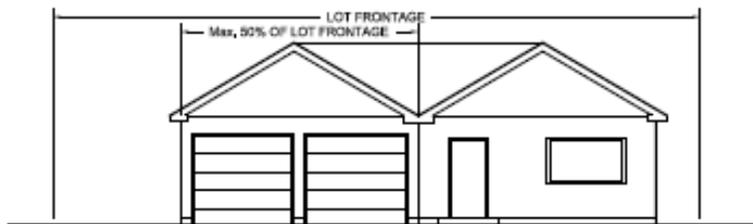


BUILDING HEIGHT



NEW BUILDINGS CONSTRUCTED ON LOTS IN ESTABLISHED NEIGHBORHOODS SHALL HAVE A HEIGHT WHICH IS WITHIN 1.5m OF THE AVERAGE HEIGHT OF THE EXISTING ADJACENT BUILDINGS.

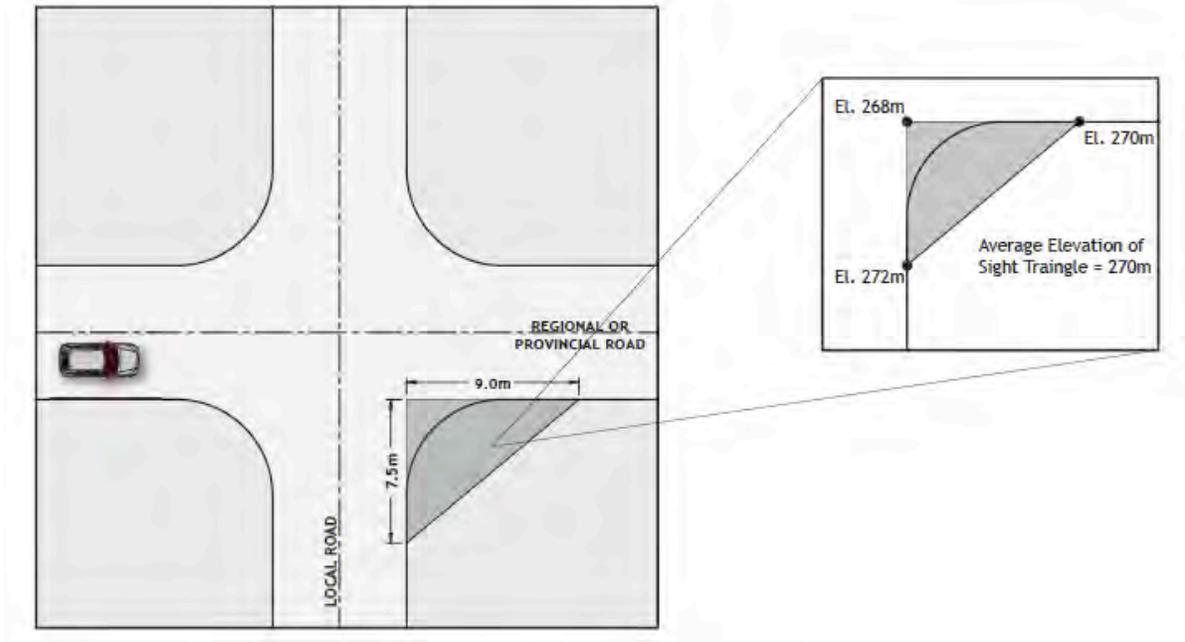
GARAGE WIDTH



LOTS AND BLOCK FRONTAGE



SIGHT TRIANGLE



APPENDIX C
**Relevant Policies - Official Plan
and Urban & Landscape Design Guidelines**

Official Plan

Streetscape Design (5.2.1.2)

The layout of streets, configuration of lots and the siting of buildings shall ensure that:

- i) there is no reverse lotting;*
- iv) the siting of parking areas, and the siting and massing of buildings and structures on all streets, but particularly on arterial and collector streets, shall generally assist in the creation of high quality streetscapes and, in particular, regard shall be had to providing a sense of enclosure to the street by situating building mass adjacent to the street, and particularly at intersections, to frame the street space;*
- v) in residential areas, garages shall be designed so that they are not the dominant feature in the streetscape. In particular, garages shall not:
a) project beyond the facade of the residence; and,
b) dominate the frontage of the lot,
unless plans are submitted by the applicant to demonstrate to the satisfaction of the Town that the garages can be appropriately integrated with the streetscape;*
- vi) parking areas for non-residential uses or apartments or other large scale residential uses shall be designed to minimize areas where they directly front on the street, and where they do front on the street to reduce their visual impact both on the adjoining streetscape and on users by:
a) screening of the lot at the street through the use of such features as low fences, walls and a substantial landscaping buffer, excluding the area of any buildings and driveway crossings;
b) locating the building and parking on the site in a manner which reduces their impact on the street, and where buildings are located close to the streetline, no parking shall be permitted between the buildings and the street;
c) a reduction in the scale of large parking areas through their subdivision into smaller areas by means of landscaping; and,
d) joint access where feasible;*
- vii) landscaping and/or architectural features provides for features such as the definition of the street and public open space, framing of views and focal points, direction of pedestrian movement and demarcation of areas with different functions as appropriate through features such as low masonry walls/metal fences, rockery, special building and roofline treatments, landmark features (e.g. clocks, towers, cupolas, bays, pergolas, weather vanes, art), outdoor activity areas (e.g. patios, plazas, squares), extensive plant material and other identifiable features; and;*

- viii) *service and open storage areas and utilities and services should be sited away from prominent views from the street to minimize impacts, alternative design options for locating such facilities should be considered, and only where there is no alternative should they be sited in view sensitive locations, in which case decorative screening shall be required.*

Landscape Design (5.2.4)

The Town shall ensure that appropriate landscaping is provided in new development and redevelopment to:

- i) *maintain and enhance the character of existing developed areas;*
ii) *allow for the creation of strong landscaped features in newly developing areas, including stormwater management facilities which shall be designed as important components of the Greenlands System, such that they will be incorporated in development in a manner which enhances views and access through street frontage;*

Safe Community Design (5.2.5)

To promote safety and security in public places and minimize the potential for crime urban design should result in clear, unobstructed views of areas such as parking lots, parks, public institutions and open spaces, while streetscapes should be designed to encourage active public use and natural surveillance opportunities. In particular, the following measures shall be followed:

- iii) *appropriate lighting, visibility and opportunities for informal surveillance shall be provided for all walkways, parking lots, parking garages and open space areas;*
iv) *landscape elements shall be selected and sited in order to maintain views for safety and surveillance;*
v) *the sharing of such facilities as parking and walkways shall be encouraged to increase use and public presence in such areas;*

Urban and Landscape Design Guidelines

Site Layout and Building Orientation (4.2.1)

- a) *Buildings should be located and designed to define the public realm and frame streets, internal drive aisles, sidewalks, parking areas and amenity spaces*
c) *Corner buildings and buildings that terminate streets or primary view corridors should reinforce their prominent location through appropriate building massing, setbacks and building base design...*
e) *On streets where mixed use development is provided building setbacks should generally be reduced to minimize distances between building entrances and abutting public street and sidewalks to create a semi-continuous streetwall....*

Landscaping (4.2.4)

- a) *Front yards should be landscaped with trees, shrubs and native plantings to promote amenity and privacy for private developments*
f) *Landscaping should mitigate expansive or blank building facades in the form of clustered trees or other forms of planting, which can have a softening effect*
i) *Planting strips should be provided between the street line and parking lots...*
k) *Where neighbouring properties have adjacent surface parking lots, a coordinated planting strip that is wide enough to plant trees and/or other*

landscape edge treatments (3.0 metre minimum recommended) should be provided between the parking lots to allow sufficient area for parking lot edge treatments, drainage, access, vegetation, fencing and snow storage...

- m) Where lane access or service driveways are located in the rear yard, the landscape edge should be wide enough (i.e. 3.0 metres) to plant trees and/or other landscape to serve as an adequate buffer in combination with fencing at abutting property lines*

Storage, Servicing and Loading (4.2.5)

- a) Loading docks, outside storage and service areas should be located in areas of low visibility such as at the side (non-street side) or rear of buildings. Outside storage of any kind in public street rights-of-way, exterior side or front yard building setbacks or easement areas is discouraged*
- b) Service and refuse areas should not encroach into the exterior side or front yard setback. Such areas should be screened with a minimum height that ensures they are not visible. Service and refuse areas should be paved with an impervious surface of asphalt or concrete.*
- c) Service and outside storage enclosures should be constructed of materials to match or complement the main building material. No enclosure should be made of any form of chain link fencing. Waste enclosures should enclose an area large enough to accommodate the peak needs of the various potential users of the building.*

Surface Parking (4.3.1)

- a) Continuous or large surface parking areas should not be located in front of buildings, or on corner lots.*
- b) The total amount of parking should be minimized through efficient means such as shared parking between adjacent properties, particularly in the evenings, weekends and other off-peak periods.*
- g) Preferential parking should be provided for bicycles. Energy efficient vehicle parking, along with reserved spaces for car-sharing services are also encouraged.*

Building Base Design (4.4.2)

- a) The building base should be designed and massed to create a pedestrian oriented streetscape.*
- b) A significant amount of the building frontage on the ground floor and at building base levels should be glass to allow views of the indoor uses and create visual interest for pedestrians. Spandrel glass is strongly discouraged.*
- d) Buildings should be designed with continuous street facades. Variations in setbacks may be used to incorporate opportunities for public open space, mid-block pedestrian walkways and/or main entrance ways.*

Building Setbacks and Stepbacks (4.4.3)

- a) The primary façade of the base building should be sited parallel to the street and front property line.*
- b) On corner sites, building setbacks should generally align with their respective street frontages and make necessary transitions to both edges.*
- c) Higher density development at major intersections should be developed to reinforce the prominence of these locations through appropriate massing,*

building projections, recesses at-grade, lower storey design and open space treatments.

Shadow and Sun Impacts (4.4.5)

- a) *High-rise buildings should be oriented to minimize shadows cast on adjacent open spaces, buildings and streets. A shadow study may be required to examine shadow impacts on adjacent properties and heritage properties in close proximity to the development.*

Building Articulation and Detailing (4.4.6) – Window Treatments

- d) *Porch and deck dimensions are encouraged to be generous enough to accommodate furnishing and ensure their active use. For useable sections of the front porch, the minimum depth should be in the range of 1.5 – 2.0 metres.*

Weather Protection (Roofs)

- c) *Rooftop mechanical equipment should be integrated with the building design and rooftop units and vents should be screened using materials complementary to the building.*

Residential Buildings (4.5.2) – Building Height (4.5.2.2)

- a) *The following table generally summarizes the range of appropriate heights for typical housing types.*

Type	Height
Single Detached	1 – 3 storeys
Semi-Detached	2 - 3 storeys
Townhouse (Row)	2 – 4 storeys
Apartments	2+ storey's

- b) *The design of buildings greater than four storey's should be designed to reduce negative impacts on adjacent properties, including shadowing, overlook and potential wind-tunnel effects. Therefore, building height and mass should be appropriate to the scale and use of adjoining development.*
- c) *Height transition should be incorporated into the design of taller buildings, especially when located adjacent to low density, low-rise areas.*

Residential Orientation (4.5.2.3)

- a) *The main dwelling façade should be located parallel to the street and/or sidewalk, open space or park and in general, line up with adjacent buildings to frame the street. Where the front entrance is accessed from the side yard, the main dwelling façade may be located perpendicular to the street provided that the dwelling façade fronting the street has attractive architectural design and fenestration.*
- b) *Rear lotting should not be permitted.*
- c) *Dwellings on corner and flanking lots should be designed so both exposed facades are oriented towards the street. At these locations, building elements and design should emphasize their visibility and potential role as landmarks or orienting structures within the community.*

Residential Setbacks (4.5.2.4)

Front Yard

- a) *All residential front yards should have a minimum 1.5 metre “no encroachment” area. The balance of the setback may contain non-interior building elements including porches, steps, roof element, etc.*
- b) *A slight articulation of the front yard setbacks along any street is recommended in order to achieve a diversity of setbacks on the streetscape. Front yard setbacks should generally be a minimum of 3.0 metres to allow for the provision of a useable front porch and allow for a transition between the public and private realm.*

Side Yard

- a) *Interior side yard setbacks for single detached houses should generally be 1.2 metres & 0.6 metres, but 0.6 metres & 3.0 metres for lots with a garage located in the rear yard accessed by a driveway.*
- b) *On a lot abutting a non-residential use (including a walkway or a lane), a setback from abutting use may be required, depending on the nature of the non-residential use, and the relationship between the two uses. A setback in the order of 2.0 metres should be considered.*

Rear Yard

- a) *On lots accessed by a driveway, the minimum rear yard setback should be 7.5 metres measured from the rear face of the garage or rear property line to the rear face of the dwelling.*
- b) *On lots with a rear yard garages accessed by a lane, the minimum rear yard setback should be 9.0 metres.*
- c) *Rear yard decks/porches and garden sheds should be permitted as rear yard encroachments, provided the rear yard is a minimum 7.5 metres in length excluding rear yard garages that are attached to the dwelling or are located at the rear of the property (lane or driveway access).*

Attached Front Garages (4.5.2.6)

- a) *Garages should be designed so that they are not the dominant feature in the streetscape. Garage door widths should be minimized and should not be wider than 50 percent of the house width. Options to reduce the impact of the garage include setting back the garage face from the principal façade, building a second storey above the garage, integrating glazing and other architectural details within the garage face.*
- b) *Attached garages should not project beyond the front façade of the dwelling or the façade of a porch.*
- e) *Rear yard garages accessed by laneway or front driveway are encouraged particularly where homes front on arterial roads, parks and schools to promote greater variety and flexibility in the design of the front façade and front yard.*

Driveways & Tandem Parking Guidelines (4.5.2.8)

- a) *The width of paved driveways on private property as well as driveway curb cuts should be no wider than the width of the garage.*
- b) *Permeable surfaces for run-off are encouraged for driveway paving.*

Rear Lane Guidelines (4.5.2.9)

- a) *To maintain adequate distance between the vehicular traffic on the lane and the rear of the garage, the minimum separation between the detached garage and the rear lane should be a minimum of 0.75 metres.*

Residential Infill (4.5.2.10)

- a) *Residential buildings on infill sites should be designed to respect the height, massing and setbacks of existing developments.*
- b) *Infill development should be consistent with adjacent setbacks to fit into the neighbourhood streetscape and contribute to a continuous public street edge.*

Commercial Buildings (4.5.4)

- a) *At-grade, commercial buildings should contain active office or commercial space. Office uses on the second floor and above are encouraged.*

Large Format Retail (4.5.4.1)

Building -

- a) *Opportunities to provide more compact building forms should be considered including multi-storey stores and reduced building setbacks.*

Setbacks -

- a) *Large retail stores should be designed to be conducive to a vibrant and active street life, including direct street frontage and, in instances where the building is required to be setback, the placement of smaller retail or mixed-use buildings at the street edge or along major drive aisles.*

Site Layout & Parking Areas –

- b) *Large surface parking lots located between the front façade of the large format retail building and the primary abutting street should be discouraged. Infill development along the street line should be promoted to reduce the visual impact of large format parking areas.*

Employment Buildings (4.5.5) – 4.5.1.1 Site Design

Street-Related Employment Sites -

- a) *Minimize building setbacks to define a more consistent and urban street edge design. Street-related design is generally encouraged throughout the Town and in particular for buildings facing primary roads including Division Street, William Street, D’Arcy Street and King Street.*
- c) *Where retail and service commercial uses are permitted in the employment areas, active uses including accessory uses and service uses, such as cafes and convenience retail, should be located at-grade along public sidewalks to reinforce a sense of street vitality.*
- d) *Surface parking areas should be located in the side and rear yard. A minimal amount of surface parking may be located in the front yard.*

Building Height & Massing (4.5.5.3)

- a) *Buildings should be designed to provide a height transition to surrounding higher or lower scale developments, the public realm and open spaces to minimize the impacts of shadowing and overlooking.*

APPENDIX D
Example Shared Parking Provisions
City of Ottawa

104. (1) Where more than one of the uses listed in Table 104 are located on the same lot, parking spaces may be shared between the uses, and the cumulative total of parking spaces required for all the uses on the lot may be reduced from that required in Section 101 to the amount calculated using Table 104.
- (2) The number of parking spaces required for the lot under this section is calculated as follows:
- (a) multiply the number of parking spaces required for the land use in Section 101 by the percentages shown in Table 104 for that use in each of the eight time periods;
 - (b) repeat (a) for each of the uses on the lot;
 - (c) for each time period add the parking space calculations for all the uses to arrive at a cumulative total; and
 - (d) the largest cumulative total for all the uses in any time period is the number of parking spaces required for the lot.
- (3) Despite Subsection (1), this section does not apply to a shopping centre.

Table 104 - Percentage of Required Parking Permitted to be Shared

I Land Use	Time Period							
	Weekday				Saturday ¹			
	II Morning	III Noon	IV Afternoon	V Evening	VI Morning	VII Noon	VIII Afternoon	IX Evening
(a) office; medical facility; research and development centre	100%	90%	100%	15%	20%	20%	10%	5%
(b) bank	80%	100%	100%	10%	80%	100%	60%	10%
(c) retail store; retail food store; personal service business; convenience store	75%	80%	85%	75%	60%	90%	100%	50%
(d) restaurant; bar	30%	90%	60%	100%	30%	80%	50%	100%
(e) cinema; theatre; amusement centre	40%	40%	60%	85%	40%	70%	80%	100%
(f) visitor parking required for residential uses in Section 102	50%	50%	75%	100%	100%	100%	100%	100%