

The Corporation of the Municipality of Meaford

By-law Number 2022-84

Being a by-law to amend Zoning By-law 60-2009 of the Municipality of Meaford pertaining to Lots 353-354, 382-385, Part of Lot 386, Lots 387-392, Lot 1707, Part of Bridge St, Part of Huron St, Plan 309

Whereas, Council of the Corporation of the Municipality of Meaford deems it in the public interest to pass a by-law to amend By-law 60-2009; and

Whereas, Whereas, pursuant to the provisions of Sections 34, 36 and 37 and 37.1 of the Planning Act R.S.O 1990, as amended, by-laws may be amended by Councils of Municipalities; and

Whereas, the transition provisions set out in Section 37.1 of the Planning Act provided that Subsections 37(1) to (4) as they read on the day before the effective date continue to apply to a local municipality until the municipality passes a community benefits charge by-law or September 18, 2022, whichever is earlier; and

Whereas, pursuant to Section 37 of the Planning Act effective on September 17, 2020:

- a) Subsection 37(1) provides that, the Council of a Municipality may, in a By-law passed under Section 34 of the Act, authorize increases in height of development otherwise permitted by the By-law, that will be permitted in return of the provision of such facilities, services and matters as are set out in the By-law; and
- b) Subsection 37(3) provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in the height of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

Whereas, prior to commencement of any redevelopment of the lands, the municipality requires the owner of the subject lands to enter into one or more agreements dealing with certain facilities, services, and matters in return for the increase in height as permitted by this By-law.

The Council of the Corporation of the Municipality of Meaford enacts as follows:

1. Map 9 of Schedule B to By-law 60-2009 is amended by re-zoning the lands shown on attached Schedule A-1, affixed hereto, as follows:
 - a. From the Development (D-2) Zone to Residential Multiple RM – Exception 292 –A – Holding 5 (RM-292-A(H5))
 - b. From the Development (D-2) Zone to Residential Multiple RM – Exception 292 – B – Holding 5 (RM-292-B(H5))
 - c. From Unopened Road Allowance (part of Bridge Street) to Residential Multiple RM – Exception 292 – B – Holding 5 (RM1292-B(H5))
 - d. From the Development (D-2) Zone to Environmental Protection (EP)
2. Section 9 to By-law 60-2009 is amended by adding the following:

9.292 Lots 353-354, 382-385, Part of Lot 386, Lots 387- 392, Lot 1707, Part of Bridge St, Part of Huron St, Plan 309 (Town of Meaford)

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol *292 on the Schedules to this By-law. All other provisions, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

9.292.1 Lands Subject to Exception 292, Suffix A

1) Only Permitted Uses:

- a) Notwithstanding Table 6.1, the following uses are the only uses permitted on lands zoned RM-292-A:
 - i. Dwelling, Townhouse
 - ii. Temporary Sales Office

2) Zone Standards & Special Provisions

- a) The following specific Zone Standards apply to any "Dwelling, Townhouse":
 - i. Minimum required front yard setback:
 - (1) 6.0m for that portion of any building used as a private garage;
 - (2) 4.0 m for any building or structure other than a private garage;
- b) Notwithstanding Section 4.6, any of the permitted encroachments shall maintain a minimum front yard of 3.0 m.
- c) Unless specifically modified/amended above, the provisions of Table 6.2.2 Zone Standard which would normally apply that specific use in the Residential Multiple (RM) Zone shall apply.
- d) Temporary Sales Office shall be permitted as an additional use on the lands until such time that 100% of the multiple dwelling units are given occupancy by the Chief Building Official.
- e) Notwithstanding any other definition herein, a Temporary Sales Office means "an interim use of a building or structure, facility or trailer on the lot used for the purpose of the sale or lease of dwelling units to be erected on the lot."
- f) Where located in a temporary building and not a portion of a permitted main building, any Temporary Sales Office shall be subject to the following:
 - i. Be located in accordance with the provisions of 4.1.1.3 for an accessory building or structure within the RM zone.
 - ii. Maximum building height: 4.5 m;
- g) Lands zoned RM-292- A & B shall be regarded as one lot for the purposes of meeting zoning regulations.
- h) Notwithstanding 9.292.2.3 a) i), any private street, driveway providing access to parking, or any pedestrian pathway shall not require a setback from any interior property lines within the RM-292- A & B zone.

9.292.2 Lands Subject to Exception 292, Suffix B

1) In addition to those uses listed on Table 6.1, the following additional uses are also permitted on lands zoned RM-292-B:

- a) Hotel
- b) Uses only permitted within the same building and/or on the same lot or block as a hotel use:
 - i. Commercial Fitness Centre
 - ii. Personal Service Shop
 - iii. Restaurant (drive-through service facilities are not permitted)
- c) Temporary Sales Office shall be permitted as an additional use on the lands until such time that 100% of the multiple dwelling units are given occupancy by the Chief Building Official.
- d) Accessory solar array collection system to be limited to vertical cladding and rooftop systems not to exceed 3 metres in height.

2) Site Specific Definitions

- a) Notwithstanding any other definition herein, a Hotel means “an establishment that contains one building that, throughout all or part of a calendar year, caters to the needs of the public by furnishing guest rooms for a fee, including all such establishments as defined from time to time by the Hotel Registration or Guests Act, R.S.O. 1990, c.H.17, as amended, such building may be registered as a standard condominium and is part of a rental or lease management program, including housekeeping services, with a minimum of 80% of the units restricted to occupancy by any guest or occupant for one or more periods of time cumulatively not to exceed 120 days per calendar year in total. A Hotel may or may not:
 - i. Supply food;
 - ii. Have an on-site management office;
 - iii. Include one or more banquet rooms;
 - iv. Include recreational facilities for use by the guests;

- v. Include culinary and sanitary facilities for the exclusive use of the units; and
- vi. Access to the unit is provided by a private entrance from a common hallway inside the building.

Further a Hotel shall also include one or more Ancillary commercial uses that support the guests of the Hotel and/or the general public that are of a tourist nature with a minimum floor area of 100 sq.m.”

- b) Notwithstanding any other definition herein, a Temporary Sales Office means “an interim use of a building or structure, facility or trailer on the lot used for the purpose of the sale or lease of dwelling units to be erected on the lot.”

3) Zoning Standards and Special Provisions

- a) Lands zoned RM-292-A & B shall be regarded as one lot for the purposes of meeting zoning regulations.
- b) Notwithstanding 9.292.2.3a)i), any private street, driveway providing access to parking, or any pedestrian pathway shall not require a setback from any interior property lines within the RM-292- A & B zone.
- c) Maximum Height:
 - i. Hotel use and any uses only permitted only within the same building and/or on the same lot or block as a hotel use: 15.5 m and not more than 5 storeys;
 - ii. Dwelling, Multiple: 12 m and not more than 4 storeys;
 - iii. Building, Apartment: 12 m and not more than 4 storeys;
- d) Notwithstanding the above, enclosed rooftop amenity areas are excluded from the maximum height, not to exceed 20% of the floorplate of the Hotel and Apartment Building, and not to exceed 50% of the floorplate of the Multiple Dwelling, such enclosed rooftop amenity areas to be a maximum of one-storey in height.
- e) Minimum required setback from the street line -of any public street: 7.5 m excluding patio / balcony per By-law 2009-40.

- f) Minimum required setback from any lands owned by a Public Authority that do not constitute a public street:
 - i. For the hotel shall be 4.0m for any building above the ground floor, with the ground floor, solarium, outdoor patio or deck of the building permitted to have a setback of 0.0m;
 - ii. For the Multiple Dwelling shall be 4.0m for any building provided the property line between private and public lands is clearly demarcated through continuous landscape and physical design elements and features;
- g) Maximum number of levels of underground parking in any parking garage or private garage: One level.
- h) Parking shall be provided at a minimum rate of 1 space per dwelling unit for residential uses;
- i) Parking shall be provided at a minimum rate of 0.75 space per guest room for Hotel use including parking for accessory commercial uses within the building;
- j) Beehives are permitted on the rooftop of any building;
- k) Notwithstanding any other provision of this By-law, the following zone standards shall apply to any Temporary Sales Office:
 - i. Where located in a temporary building and not a portion of a permitted main building, any Temporary Sales Office shall be subject to the following:
 - (1) Be located in accordance with the provisions of 4.1.1.3 for an accessory building or structure in the RM zone
 - (2) Maximum height: 4.5m;
 - ii. shall be permitted as an additional use on the lands until such time that 100% of the multiple dwelling units are given occupancy by the Chief Building Official, within the RM-292- A & B zone;
 - iii. shall be serviced in accordance with the provisions of Section 4.21 of this By-law.

9.292.3 Removal of the Holding Symbol

In accordance with the provisions of Section 36 of the Planning Act R.S.O. 1990, Chapter P.13, as amended, and in addition to the requirements of section 2.6.2.5, the Holding (H5) symbol shall not be removed from the whole or part of the lands until such time as the following have been completed:

- (1) Phasing of the development to ensure Hotel uses are committed to as the first component of the lands subject to Exception 292, Suffix B, such commitment to be by way of a signed agreement from a hospitality and accommodation operator (i.e. hotelier) prior to any building permit being issued for development of any portion of the Site; and
 - (2) Completion of a comprehensive servicing analysis as outlined in Part D of the Official Plan to address the design, allocation, construction, timing and financing, and approvals necessary to provide municipal water and sanitary sewage services to the subject lands.
3. Schedule A-1 is hereby declared to form part of this by-law.
 4. That this by-law shall come into force and take effect upon being passed by Council, pursuant to the Planning Act, R.S.O. 1990, as amended.

Read a first, second and third time and finally passed this 5th day of December, 2022.

Ontario Land Tribunal