



Municipality of
Dutton Dunwich

TO: Mayor and Members of Council
FROM: Tracey Pillon-Abbs, MCIP, RPP, Planner
DATE: November 12, 2020
SUBJECT: Zoning By-law Amendment ZBA16/20 – Review of Definitions (Yard and Lot),
Municipality of Dutton Dunwich

RECOMMENDATION:

THAT Council of the Municipality of Dutton Dunwich **RECEIVES** information on proposed Zoning By-law Amendment ZBA16/20 to permit updates to the text of Zoning By-law 2004-24, as it pertains to the review of definitions for ‘yard’ and ‘lot’; and

THAT Administration be **DIRECTED** to schedule the required public meeting.

BACKGROUND:

The Municipality of Dutton Dunwich currently has a Comprehensive Zoning By-law (2004-24) which regulates land use and development within the Municipality. The Zoning By-law was approved on June 2, 2004 and amendments consolidated on August 12, 2016.

On September 9, 2020, Council, at a regular meeting, directed Administration to review the definitions set out in Section 2 of the Zoning By-law.

The purpose of the review is to provide specific clarity to the definitions for ‘yard’ and ‘lot’ as it pertains to irregularly shaped lots, where there is no rear lot line.

Also, the review of when a rear yard abuts an interior side yard is also reviewed.

The review of definitions for ‘yard’ and ‘lot’ applies to the entire Municipality of Dutton Dunwich and in all Zones, including Residential, Institutional, Commercial, Agricultural and Industrial.

COMMENTS:

The current definitions related to 'lot' are as follows (see attached Lot Illustrations), with key areas bolded:

2.129 *LOT*, shall mean a parcel or tract of land:

2.130 *Which is the whole of a lot on a registered plan of subdivision, so long as such registered plan is not deemed, pursuant to Section 49 (4) of the Planning Act, as amended, from time to time, or any predecessor or successor of such section, not to be a registered plan of subdivision; or*

2.131 *Which is all of the land held or owned under distinct and separate ownership from the ownership of the fee or equity of redemption in abutting land.*

2.132 *LOT AREA*, shall mean the total horizontal area within the lot lines of a lot, except in the case of a corner lot, area of such lot shall be calculated as if the lot lines were projected to the intersection.

2.133 *LOT CORNER*, shall mean the lot situated at the intersection of, and abutting upon, two (2) roads, which are at least ten (10) metres wide, and which intersect at an angle of not more than 135 degrees.

2.134 *LOT COVERAGE*, shall mean the percentage of the area of any lot upon which buildings or structures are erected or permitted to be erected (excluding an outdoor swimming pool erected below grade level) measured at grade level including all porches and verandas, open and unenclosed terraces at grade, steps, bay windows, and chimneys.

2.135 *LOT DEPTH*, shall mean the horizontal distance between the front and rear lot lines. If these lines are not parallel, it shall be the length of a straight line joining the midpoints of the front lot line and the rear lot line. **When there is no rear lot line, lot depth shall mean the length of a straight line joining the middle of the front by the side lot lines.**

2.136 *LOT FRONTAGE*, shall mean the horizontal distance between the side lot lines of a lot measured at right angles. Where such side lot lines are not parallel the lot frontage shall be measured perpendicularly to the line joining the centre of the front and the centre of the rear lot lines at a point six (6.0) metres back from the front line, and where such side lot lines meet, the lot frontage shall be measured perpendicularly to the line joining the apex of the triangle formed by the side lot lines and a point of six (6.0) metres back from the front lot line.

2.137 *LOT INTERIOR*, shall mean a lot other than a corner lot and having access to one street.

2.138 *LOT LINES*, shall mean the boundary line of a lot defined as follows:

2.139 *FRONT LOT LINE*, shall mean, except in the case of a corner lot, the line dividing the lot from the road. In the case of a corner lot the shorter boundary line

abutting the road shall be deemed the front lot line and the longer boundary line abutting the road shall be deemed the side lot line. In case each of such lot lines should be of equal length the front lot line shall be deemed to be the front lot line as established in the block by prior construction.

2.140 REAR LOT LINE, shall mean the lot line of a lot having four (4) or more lot lines which is farthest from or opposite to the front lot line.

2.141 **SIDE LOT LINE**, shall mean a lot line other than a front lot line or rear lot line. In the case of a corner lot from the street shall be deemed to be the exterior side lot line and the other side lot line shall be deemed to be the interior side lot line.

2.142 **LOT, THROUGH**, shall mean a lot bounded on two sides by roads, each of which is 10 metres wide provided, however, that if any lot qualifies as being both a corner lot and a through lot as herein defined, such lot shall be conclusively deemed to be a corner lot.

The current definitions related to 'yard' are as follows (see attached Yard Illustrations), with key areas bolded:

2.248 **YARD**, shall mean a space, appurtenant to a building or structure, located on the same lot as the main building or structure, and which space is open, structurally uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures, or uses as are specifically permitted by this By-law.

2.249 **YARD, FRONT**, shall mean a yard extending across the full width of the lot between the front lot line of the lot and the nearest main wall of any main building or structure on the lot. The front yard depth means the least horizontal dimension between the front lot line of the lot and the nearest main wall of any main building or structure on the lot.

2.250 **YARD, REAR**, shall mean a yard extending across the full width of a lot between the rear lot line of the lot and the nearest main wall of any main building or structure on the lot. Rear yard depth means the least horizontal dimension between the rear lot line of the lot in the nearest main wall of the main building or structure on the lot.

2.251 **YARD, SIDE**, shall mean a yard extending from the front yard to the rear yard and from the side lot line to the nearest main wall of any main building or structure on the lot. Side yard width means the least horizontal dimension between the side lot line of the lot and the nearest main wall of any main building or structure on the lot.

2.252 **YARD SIDE EXTERIOR**, shall mean a side yard immediately adjoining a road.

2.253 **YARD, SIDE INTERIOR**, shall mean a side yard other than an exterior side yard.

PROPOSED AMENDMENT:

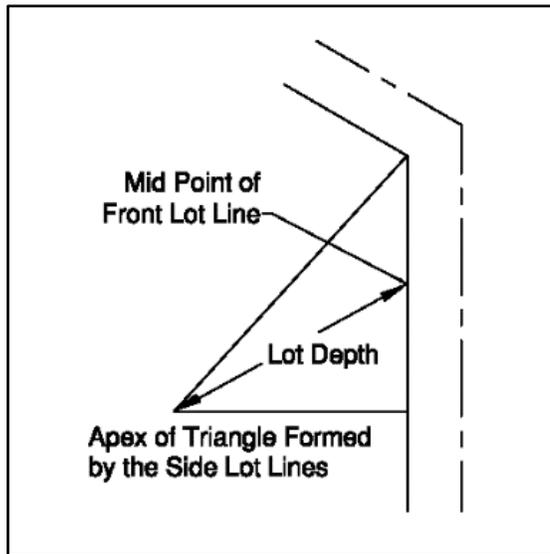
Irregular shaped lots:

Council has expressed concerns regarding the interpretation of ‘yard’ and ‘lot’ as it pertains to irregularly shaped lots where there is no rear lot line.

In order to provide clarity there are 3 options that can be considered.

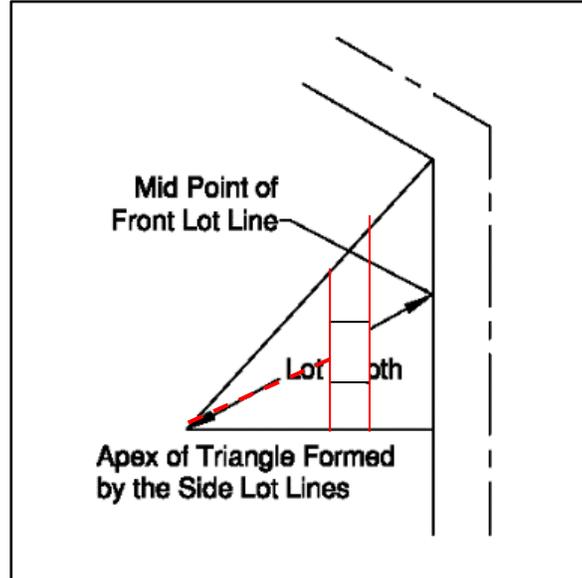
Option 1a – Do nothing. Continue to use the definitions in the current zoning by-law. These definitions have been in place since 2004 and are very similar to standards used across the Province.

The following is an illustration of a situation where an irregular shaped lot has no rear lot line.



There are several examples in the municipality where irregular lots exist. The design of the subdivision is the key to good lot configuration.

Below is an illustration of the proposed amendment with a building envelope for an irregular shaped lot. The lot has 1 front yard, 2 side yards and 1 rear yard measured from the peak of the triangle.



The result of this proposed amendment would provide a point to measure from the peak of an irregular lot. However, it will reduce the amount of side yard requirements.

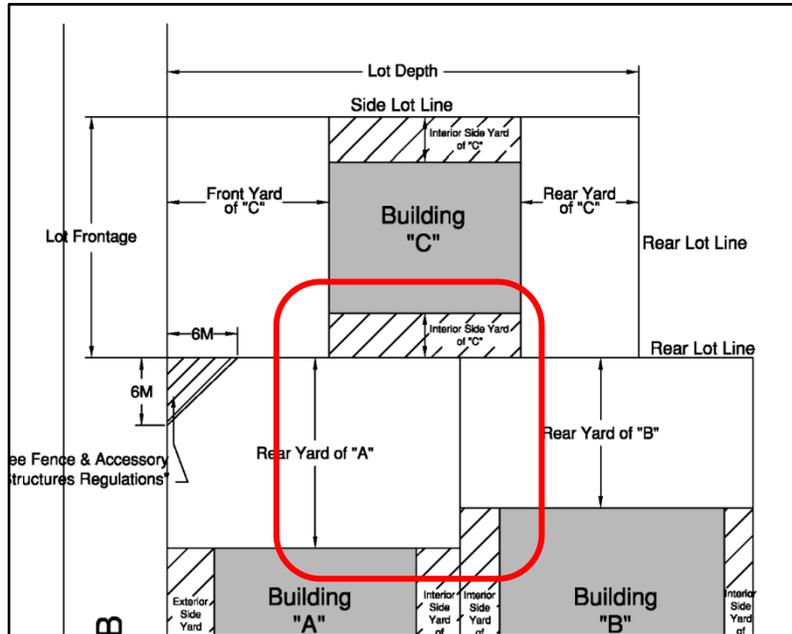
Interior yards that abut a rear yard:

As it relates to situations where rear yards abut an interior side yard, there are currently no special requirements however Council has expressed concern regarding the separation distances between buildings.

There are 2 options proposed for consideration.

Option 2a – Do nothing. Continue to use the definitions in the current zoning by-law. These definitions have been in place since 2004 and are very similar to standards used across the Province.

The following is an illustration of a situation where a rear yard abuts an interior side yard,



There are many scenarios in the municipality where this situation occurs and generally have had no negative impacts. Rear yards provide for sufficient amenity space and privacy from properties which abut a lot with a side yard.

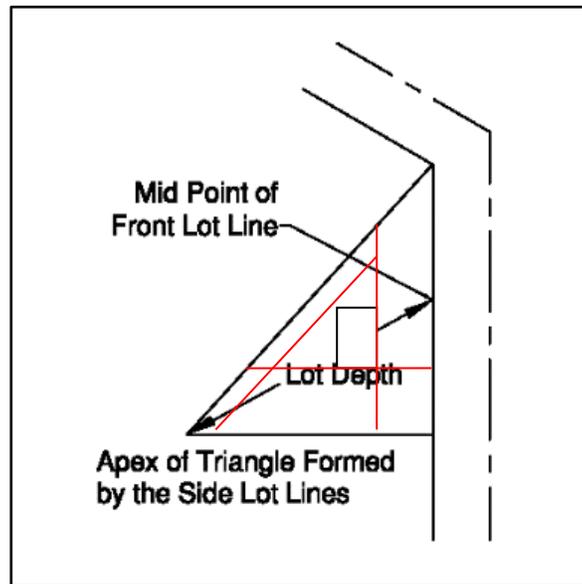
Further, ensuring that Minor Variance applications are not approved whereby they create a negative impact on current and future abutting lots is key to ensuring sufficient amenity space.

Option 2b – Require an increase in setback when a rear yard is located along an interior side yard. The proposed text change is shown in red below.

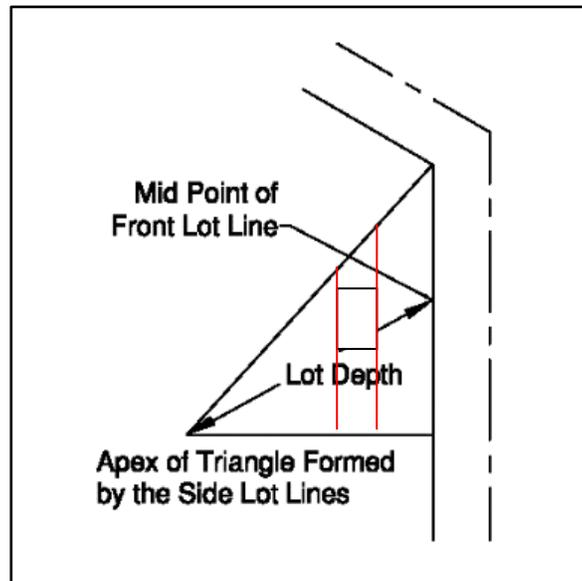
2.253 YARD, SIDE INTERIOR, shall mean a side yard other than an exterior side yard. Where an interior side yard abuts the rear yard of an adjacent lot, the parcel shall be subject to exterior side yard regulations.

As an example, currently, on a Village Residential 1 (VR1) Zone, the required minimum interior side yard for a one storey residential dwelling without a garage would be 1.5 m. As a result of this proposed amendment, the above example would require a minimum interior side yard setback of 4.5 m, which is the requirement of the corner lot. The regulations applicable to the parcel with the rear yard abutting the interior side yard will remain unchanged.

The following is an illustration on the result of the proposed amendment if applied to Option 1b, as note above.



The following is an illustration on the result of the proposed amendment if applied to Option 1c, as noted above.



Overall, this amendment will also result in a smaller building envelope for the lot that has the interior side yard abutting the rear yard. This may have a negative impact on the value of the property for the developer.

RECOMMENDATION:

Since the last Comprehensive Zoning By-law Review, staff has been monitoring minor variances, noting interpretation issues, and reviewing suggestions from other departments within the Corporation to improve, clarify and update existing regulations within the Zoning By-law.

Staff is of the opinion that to ensure continued effectiveness of the Municipality's current Zoning By-law, it is necessary to address a number of specific issues at the current time, outside of any Comprehensive Zoning By-law Review process.

Administration recommends Options 1b and 2a which clarifies the existing zoning definition however does not change any requirements for when rear yards abut interior side yards. All of the proposed modifications are relatively minor and would be considered to be housekeeping in nature.

It is also recommended that in the next comprehensive review of Zoning Bylaw #2004-24, which is required no later than 3 years after the new Official Plan is approved by the County of Elgin, that illustrations, similar to those attached to this report, be included in the definitions to help with definition interpretation.

CONCLUSION:

Once Council determines which option it prefers, public consultation will be required which includes holding a public meeting. Notice will appear in the newspaper and circulated to key stakeholders, internal and external agencies.

Council can make a decision on the proposed by-law amendment at the public meeting and approve corresponding by-law or request that Administration come back with a report which will summarize the public consultation and make any requested changes to the proposed by-law amendment.

Once a decision is made, notices will be sent to those who have requested a copy and/or attended the public meeting. There will be a 20 day appeal period after the notices are mailed out. Any appeals received will be forwarded to the Local Planning Appeal Tribunal (LPAT) for a hearing.

Respectfully Submitted

Approved for Submission

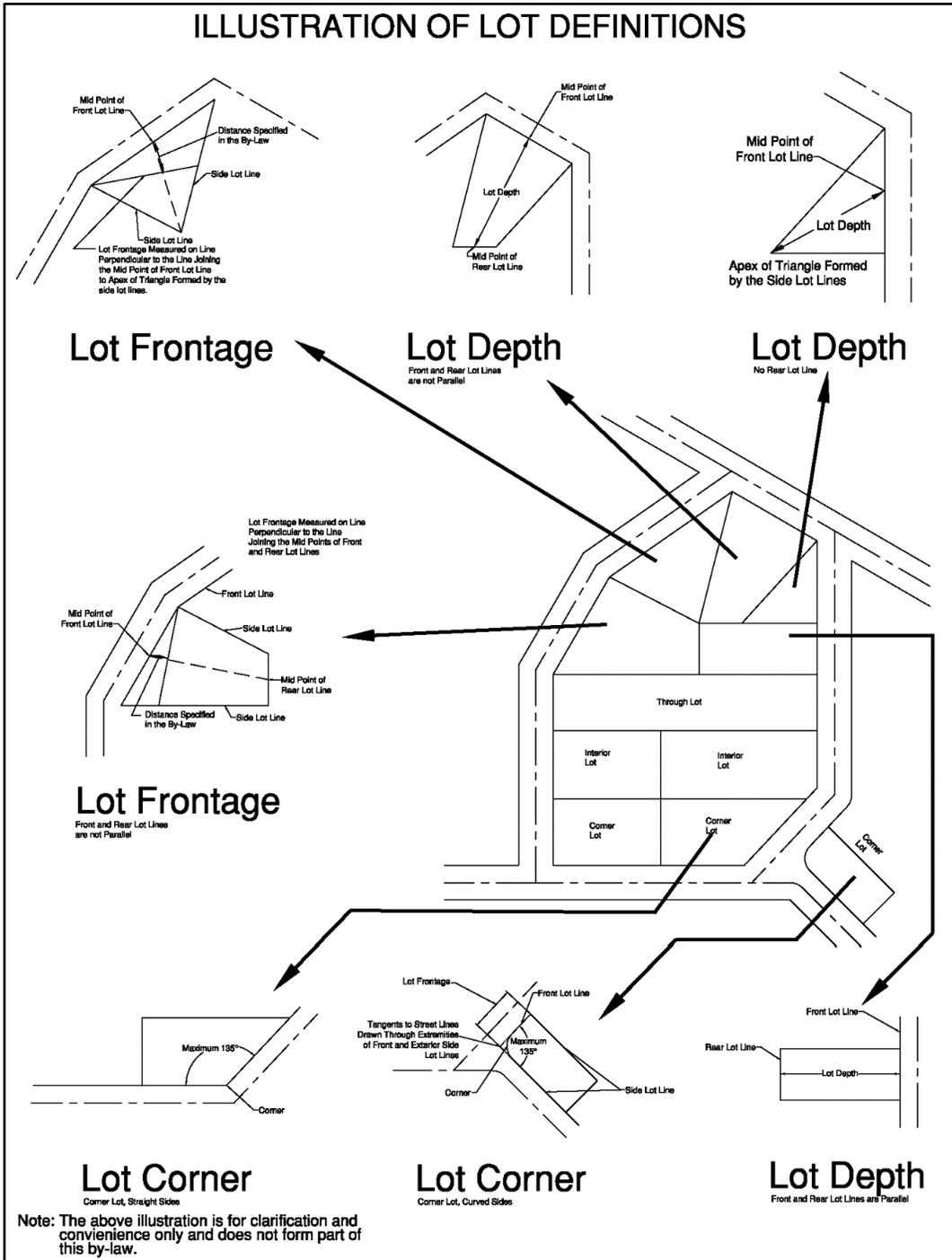


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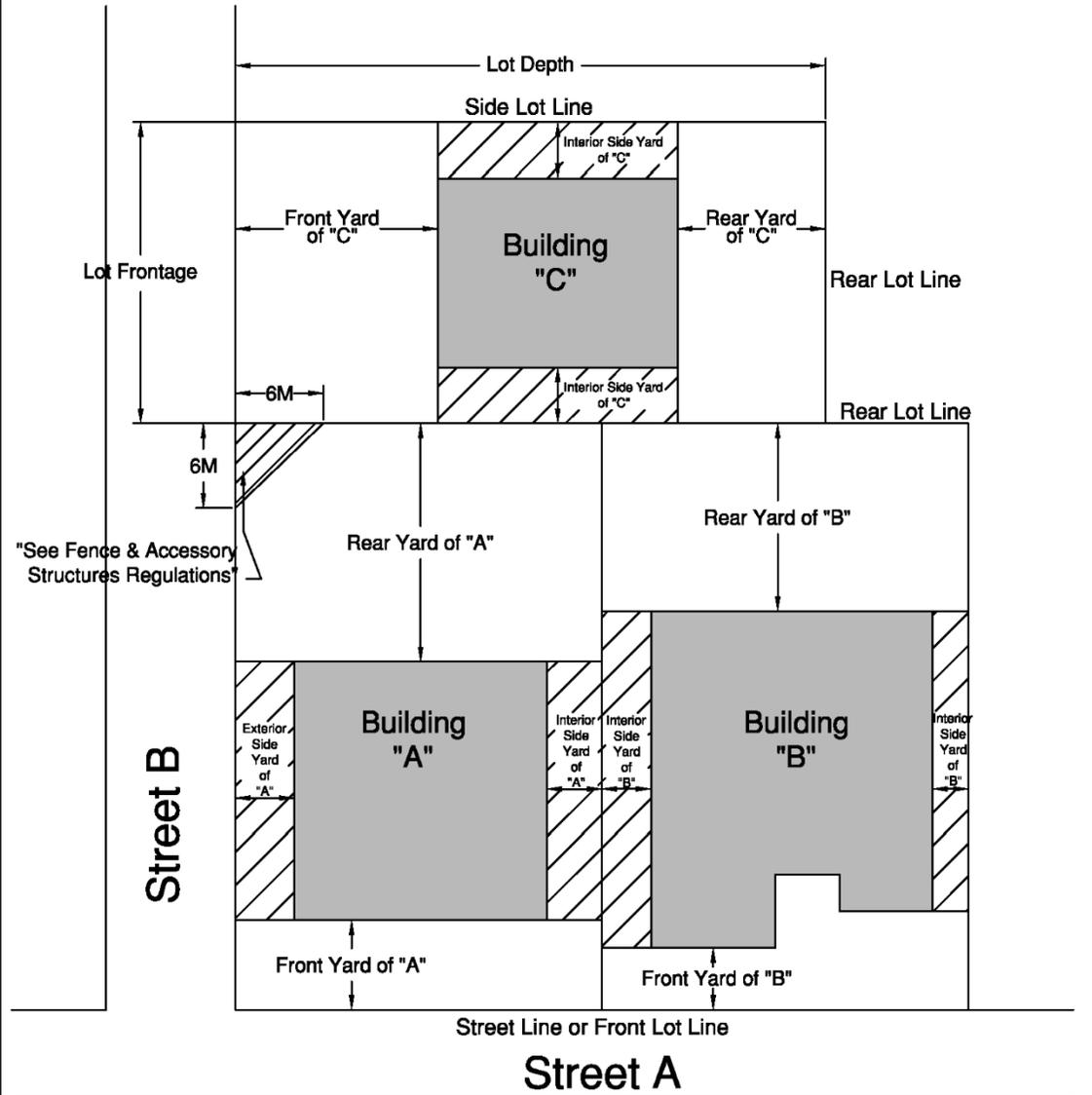
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LOT ILLUSTRATIONS



YARD ILLUSTRATIONS

ILLUSTRATIONS OF YARD DEFINITIONS



Note: The above illustration is for clarification and convenience only and does not form part of this by-law.