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Staff Report

Planning & Development Services – Planning

Report To: Committee of the Whole
Meeting Date: December 5, 2016
Report Number: PDS.16.157
Subject: Comprehensive Zoning By-law Project
 Information Report #2
 Town of The Blue Mountains
Prepared by: Shawn Postma, Senior Policy Planner

A. Recommendations

THAT Council receive Staff Report PDS.16.157 “Comprehensive Zoning By-law Project, Information Report #2, Town of The Blue Mountains” for information purposes.

B. Overview

The purpose of this report is to update Council on the status of the new Comprehensive Zoning By-law Project and to identify zoning topics and proposed direction being considered by Town Staff.

C. Background

Planning Staff has initiated a series of meetings with various town departments and staff. The primary purpose of these meetings is to review relevant sections to the existing 83-40 and 10-77 By-laws that are working well, not working, are out of date, or are missing. Feedback from these meetings will help guide the final draft of the By-law document.

Below is a summary of the topics and general direction discussed to date:

1. Non-conforming uses and non-complying buildings and structures

Otherwise known as ‘grandfathered’ uses, buildings and structures. By-laws 83-40 and 10-77 are drastically different when dealing with non-conforming and non-complying uses, buildings and structures. Direction is that the new By-law will simplify these sections with modern definitions and general provisions that would permit the continuation of legal non-conforming and non-complying uses, buildings and structures. In the case of non-conforming uses: buildings and structures may be reconstructed provided that there is no increase in building size. In the case of non-complying uses: buildings and structures may be reconstructed and/or enlarged in accordance with all

other provisions of the By-law and that the reconstruction/enlargement does not increase the situation of non-compliance.

Existing non-complying lots that do not meet minimum lot area or lot frontage requirements are permitted to be developed provided that the buildings/structures will comply with all other provisions of the By-law.

2. Height

By-laws 83-40 and 10-77 contain similar height provisions. Building Height calculations vary by roof type. The vast majority of new construction (single detached residential) include peaked roofs where height is measured to the mid-point between eave and peak. Consideration was given to simplify to a top of peak calculation method, however a top of peak calculation may encourage new home designs that significantly vary from existing residential character. It is recommended that the Town retain the existing height definitions and calculation methods.

3. Height Exemptions

Height exemptions are in place for those buildings and structures that due to their nature require increased height permissions. Places of worship spires/belfries, chimneys, telecommunication/transmission towers, agricultural buildings and structures including silos and grain elevators to name a few are exempt from maximum height provisions.

Also recognized are ornamental roof construction and mechanical components. There has been an increased demand from new residential dwellings that include ornamental features such as towers, widows walk, or other feature. The By-law will need to clearly define what is 'ornamental'. Towers have been proposed in the past with internal staircases, integrated studio space, and outdoor balconies. Staff support progressive architectural design, however height exemptions should not apply to features that can be accessed or be considered as habitable/conditioned space. These features would instead be required to meet the maximum height provisions of the By-law. A proposed tower, widows walk, or other similar feature taller than the maximum height requirement would therefore require an amendment or variance with supporting reasons, public notice and Council/Committee decision.

4. Garages in Front Yards

Both 83-40 and 10-77 do not permit garages (and other accessory buildings) in the front yard (except for lots on Georgian Bay in the former Collingwood Township). Garages in the front yard is likely the most sought after minor variance application in the Town, and it has been requested to reduce the number of requests where there is clearly no impact. The New By-law will contain provisions to permit garages in the front yard in the rural areas of the Town and where minimum front yard setback requirements can

be met. Garages in the front yard would also continue to be permitted on those lots with frontage on Georgian Bay. This permission will also extend into Thornbury. Garages in the front yard would not be permitted in the urban areas of the Municipality.

5. Accessory Farm Help Accommodation

Also known as seasonal farm help accommodation or a bunk house. This use was previously permitted in the General Rural 'A1' zone of By-law 83-40 and was subject to similar requirements as a single detached dwelling except that a minimum 50 metre setback from the road was also required. The new By-law proposes to establish minimum lot size requirements (10 hectares) and increased setbacks (30 metres from all lot lines) that an accessory farm help accommodation building must meet. Additional provisions may also be considered.

6. Established Building Line

An established building line is defined as the average distance from the street line of existing buildings on one side of the street. Typical in older neighbourhoods and streets, homes may have been previously constructed closer to the street than what is now normally required by the By-law. To maintain this street character the reconstruction of dwellings (or new dwellings on vacant lots) may be built closer to the street provided that they are not closer than the average front yard setback of the homes on either side. This calculation is simple and maintains a consistent streetscape.

7. Established Rear Building Line

An established rear building line is similar to that of the established building line described above, but applies to those lots located on Georgian Bay. Many of the old cottages and cabins are being replaced and they were previously constructed as close to the waters edge as possible. Reconstruction can occur closer than the minimum required rear yard setback provided that the reconstruction is supported by the Grey Sauble Conservation Authority and that the reconstruction is not closer than the average rear yard setback of the homes on either side. This new provision will eliminate a large number of minor variance requests and will maintain a fair and consistent rear yard setback along the shoreline.

8. Shoreline Zoning

The rear lot line for properties along Georgian Bay is not consistent. Lots and Subdivisions have been created with rear lot lines set at: a measured point, high water mark, waters edge at date of lot creation, existing waters edge, and other. Zoning these lands is difficult and is not consistent between By-law 83-40 and 10-77. In some instances a Hazard Zone or a Private Open Space zone has been used in an attempt to keep new uses, buildings and structures sufficiently setback from the waters edge. Determining the zone boundaries in these areas has proven to be very difficult even

when Conservation Authority Development Permits are available. Planning Staff is looking to carry forward the approach established through By-laws 2016-54 where new construction must be setback a minimum of 15 metres back from the high water mark (177.9 GSC elevation) for lots located on Georgian Bay. This setback applies to homes, accessory buildings, pools and private septic systems. Exceptions to this setback include boathouses, docks, lifts and similar uses. The By-law will recognize the elevation in the Zone Schedules for information purposes, however property owners must confirm this elevation point, the setback distance and Conservation Authority Permit requirements prior to construction.

9. Model Homes, Temporary Sales Offices and Temporary Construction Camps

New residential development projects that have received Draft Plan Approval and Zoning (but are not yet registered) the new Zoning By-law will continue to permit some limited marketing and sales opportunities including:

Model Homes will continue to be permitted under the new By-law. A maximum of 10% of the total units in a development and up to a maximum of 3 model homes will be permitted. Special provisions are also being considered to allow Model Homes to be constructed without a Holding '-h' removal By-law from the lands subject to entering into a model home agreement.

One Temporary Sales Offices is also permitted. The sales office can be located within a model home or within a temporary structure. The By-law will identify requirements for Site Plan Approval (access, parking, other special provisions, agreement on temporary use). Consideration will also be given to allow a Temporary sales Office without a Holding '-h' removal By-law subject to the above Site Plan and Agreement requirements.

Temporary Construction Camps would be permitted after a Building Permit has been issued and during active construction only. Provisions will be included to define when construction is active, complete and/or abandoned for enforcement reasons. In some instances consideration can be given to permitting a garage to be constructed prior to the main dwelling when all site issues have been approved (dwelling, access, grading)

10. Zone consolidation strategy

By-laws 83-40 and 10-77 each had were formatted in a similar fashion with sections on administration, definitions, general provisions, zone standards, exceptions and schedules. All zone categories are identified below in Table 1. The New By-law will consolidate similar zone categories between and within 83-40 and 10-77 and modernize the zone standards to meet the new Official Plan and best practices while respecting the original intended density and design of existing neighbourhoods.

Table 1: Zone Categories by By-law

Zone Category	Township of Collingwood (83-40)	Town of Thornbury (10-77)	DRAFT New By-law
Residential	R1- Single Detached R2- Single Detached R3- Single Detached R4- Semi Detached R4- Vertical Attached R5- Horizontally Attached R6- Horizontally Attached R7- Row House Unit R7- Linked Unit R8- Apartment VR- Village Single Detached RUR- Rural Single Detached ER- Estate Single Detached RR- Resort Residential STA RERa- Rural Single Detached RERb- Rural Single Detached RERc- Rural Single Detached	R1- Single Detached R2- Single Detached R3- Single Detached RM1- Multi Residential RM2- Apartment Houses RR- Resort Residential STA	R1-1 Large lot singles (Rural/Hamlet priv. services) R1-2 Large lot singles (enclave areas full services) R1-3 Average lot singles (existing lots) R1-4 med.-small lot singles R1-5 small lot singles R2 Multi Res. (semi-towns) R3 Apartments
Commercial	C1- General Commercial C2- Highway Commercial C3- Rural Commercial C4- Recreational Commercial C5- Village Core General Commercial C6- Village Core Service Commercial C7- Village Core Resort Commercial C8- Local Commercial	C1- Core Commercial C2- General Commercial C3- Local Commercial C4- Recreation Commercial	C1- Village Commercial C2- General Commercial C3- Service Commercial C4- Recreational Commercial C5- Resort Commercial C6- Rural Commercial C7- Resort Res.Commercial MU – Mixed Use CC- Commercial Corridor DA- Downtown Area MB- Marsh/Bruce St Corridor
Industrial / Employment	M1- Service Industrial M2- General Industrial M3- Rural Industrial M4- Extractive Industrial M5- Public Industrial	M1- Industrial M2- Public Industrial	M1- General Employment M2- Rural Employment M3- Extractive Industrial
Recreational	SF- Recreation Ski Facility	T1- Tourist Camp	REC- Commercial Recreation
Institutional	I- Institutional	I- Institutional	I- Institutional
Hazard	H- Hazard	H- Hazard	H- Hazard
Parks and Open Space	OS1- Public Open Space OS2- Private Open Space	OS- Open Space	OS- Open Space
Rural	A1 – General Rural A2 – Limited Rural	N/A	A- Agriculture SA- Special Agriculture RU- Rural
Future	D- Development DD- Deferred Development	D- Development	D- Development
Parking	P- Parking	N/A	P- Parking

Consideration will also be given to how the Zone Categories of Table 1 will be displayed in the By-law including an option to display in table format.

Future Information Reports will be provided to Council with direction on additional sections of the Zoning By-law, Zone Schedules, and New Zoning sections related to implementing the new Official Plan such as Wineries, Marsh Street / Bruce Street Corridor, Accessory Apartments, On Farm Diversified Uses, Agri-Tourism Uses, Updated Home Industry and Home Occupation provisions, Medical Marihuana Production Facilities, Adult Entertainment uses, Drive Through Facilities, and the use of the Holding 'h' symbol on lands adjacent to significant environmental areas or other sensitive land uses such as Wetlands, ANSI's, Sourcewater Protection Areas, Landfills (existing and abandoned), and Sewage Treatment Plants.

A future report will also be provided on Short Term Accommodation Uses addressing both the Official Plan policy level and the new implementing Zoning provisions.

D. The Blue Mountains Strategic Plan

- Goal #1: Create Opportunities for Sustainability
- Goal #2: Engage Our Communities & Partners
- Goal #3: Support Healthy Lifestyles
- Goal #4: Promote a Culture of Organizational & Operational Excellence
- Goal #5: Ensure Our Infrastructure is Sustainable

E. Environmental Impacts

The new Zoning By-law will maintain or provide an added layer of environmental protection to environmental features in Town.

F. Financial Impact

The Zoning By-law project is substantially being completed in house with Meridian Planning Consultants providing expert advice and work experience in the development of the By-law. Adequate budget remains in place to continue work on the project.

G. In consultation with

Planning Staff, Building Staff, Meridian Planning Consultants

H. Attached

Nil

Respectfully submitted,

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