

STAFF REPORT: Planning



REPORT TO: Mayor & Members of Council
MEETING DATE: May 26, 2008
REPORT NO.: PL.08.52
SUBJECT: Commercial Front Yard Setback
PREPARED BY: Peter Tollefsen
Director of Planning

A. Recommendations

THAT Council receive Planning Staff Report No. PL.08.52, "Commercial Front Yard Setback"; and

THAT Council pass a Zoning By-law Amendment for commercial front yard setbacks to range between 1 metre and 6 metres and restrict parking in the front yard.

B. Background

A Zoning By-law Amendment has been prepared for the Thornbury area and a Public Meeting was held May 05, 2008. At the conclusion of the public meeting the matter was referred back to staff to evaluate the input and report back to Council, which is the purpose of this report.

The intent of this By-law is to achieve a number of goals including having attractive streetscapes and avoiding typical highway commercial strip development. An important first step is moving buildings along the highway corridor, through downtown, closer to the street with parking away from the street. This will calm traffic, stimulate active transportation and encourage the development of a vibrant multi use downtown core.

The purpose of the Zoning By-law is a proposed reduction in the required minimum front yard setback requirement of 15 metres and create a new front yard setback for lands zoned General Commercial C2 Zone within Thornbury and fronting onto King Street, Bridge Street and Arthur Street, along Highway 26. The proposed minimum front yard setback is one (1) metre and the maximum front yard setback is six (6) metres. In addition, the proposed By-law Amendment would also consider permitting Institutional uses within the General Commercial C2 Zone and restrict parking from the front yard.

Matters of snow storage and driveway location would be addressed with a particular development application to meet safety standards. The municipality cannot store snow on private land so road and streetscape design within existing

right-of-ways (ROW) has to provide capacity for snow storage during winter cleaning season.

The areas affected by this By-law Amendment are designated "Commercial" COM in the Town Official Plan.

Section 4.27.3.2(3) states that: "*The implementing zoning by-laws and site plan requirements shall contain suitable commercial categories to reflect the character of each of these areas with respect to matters such as setbacks from street lines and adjacent uses, storage areas, garbage receptacles, screening, parking, loading and access*".

The Zoning By-law Amendment conforms to the Official Plan as it contains setbacks from street lines and adjacent uses. The By-law also clarifies the nearest main front wall definition to ensure compliance with building setbacks.

Although there are a number of initiatives and studies underway, this particular initiative makes sense to proceed now so as to prevent further development at another standard.

There are new applications coming in for consideration soon along this portion of the Hwy.26 corridor and passing this Zoning By-law Amendment now will be a proactive move to facilitate good streetscape principles as soon as possible.

Staff recommend that the Zoning By-law Amendment to reduce the required front yard setbacks to be passed.

We provide this additional history for Council's information:

A report dated February 28, 2008 was prepared by the Planning Department titled Official Plan Review Update Report. It announced that updates are required to the Town Official Plan as priorities have changed, being those of the Province in the Provincial Policy Statement (2005), as well as the County of Grey and the Town of The Blue Mountains Strategic Plan. These priorities include items such as Smart Growth, affordable housing, streetscape improvements and the rural economy.

The purpose of the February 28/08 report that went to Council on March 03, 2008, was to cover a number of these priorities with discussion, justification and recommendations for amendments to the Official Plan (OP). There are a number of Town priorities, such as affordable housing, urban forest, community improvement and water energy efficiency that are ongoing and will likely cause further amendments to the OP at a future date. It suggested that some of the items listed in the Report are quick hits that can be done now without the completion of a number of studies and investigations underway.

The Report introduced Smart Growth Principles as it refers to land use and development practices that municipalities can use to help create more liveable

communities by reducing sprawl while utilizing municipal resources more effectively.

The 2005 Provincial Policy Statement talks about managing and directing land use to achieve efficient development and land use patterns, and specifically that land use patterns within settlement areas shall be based on densities and a mix of land uses (Section 1.1.3.2). It talks about long-term economic prosperity that should be supported by maintaining and, where possible, enhancing the vitality and viability of downtowns and main streets (Section 1.7.1).

Section 4.27.3.2(4) states that, "*Council shall encourage the upgrading of the visual and functional presentation of the commercial areas through the use of business improvement area initiatives, design and site plan requirements and the use of other public/private programs such as that associated with the improvements presented in the CAUSE Study report and in accordance with Section 10*".

The Town is about to commence a Sustainable Community Improvement Plan (CIP) that will guide future development in the three main commercial areas in the downtown core areas of Thornbury, Clarksburg and Craigeleith. The Town will undertake a number of tasks in the development of the CIP, including the preparation of studies:

- to recommend policies and programs to promote adaptive building re-use, infill, intensification and redevelopment in the area including amendments to the OP designation and zoning properties;
- to deliver policies, guidelines and incentive programs to promote: energy efficient development, brownfield redevelopment, downtown revitalization and heritage restoration and improvement;
- to develop guidelines for all types of development, streetscaping and building design for the three areas which includes the Hwy.26 corridor.

The Town is looking at the facilitation of "active" transportation facilities, to give priority to other modes of travel (i.e. pedestrian, bike) along with the automobile. Also, traffic calming is being looked at through some of the existing corridors to preserve the small town character of the neighbourhoods and downtown districts.

The Engineering and Public Works Department is currently undertaking the Town's Comprehensive Transportation Strategic Plan in partnership with the County of Grey and the Ministry of Transportation to conduct an area wide transportation review including ensuring an appropriate level of service along the Highway.26 corridor and identifying signing County and Town roads as an optional alternate route for the Highway 26 connecting link through Thornbury.

C. The Blue Mountains' Strategic Plan

Passing this Zoning By-law Amendment will encourage better streetscape which can have an overall affect of a nicer, more marketable, pedestrian friendly downtown which conforms to Goal 1:

"Managing growth to ensure the ongoing health and prosperity of the community".

D. Environmental Impacts

This Zoning By-law Amendment is a critical step in creating a sustainable downtown core through the implementation of "Smart Growth Principles".

E. Budget Impact

N/A

F. Attachment

1. Draft Zoning By-law Amendment

Respectfully submitted,

Peter Tollefsen, Director of Planning

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NOTICE OF THE PASSING OF A ZONING BY-LAW

TOWN OF THE BLUE MOUNTAINS

TAKE NOTICE THAT the Council of the Town of The Blue Mountains passed By-law No. _____ on the _____ day of _____, 2008, under Section 34 of the *Planning Act*.

AND TAKE NOTICE that any person or agency may appeal to the Ontario Municipal Board in respect of the by-law by filing with the Clerk of the Town of The Blue Mountains not later than the _____ day of _____, 2008 a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, together with the required \$125 fee made payable to the Minister of Finance.

AND TAKE NOTICE that only individuals, corporations and public bodies may appeal a zoning by-law to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

An explanation of the purpose and effect of the by-law, describing the lands to which the by-law applies, and a key map showing the location of the lands to which the by-law applies (or, alternatively, an explanation as to why a key map is not provided) are attached. The complete by-law is enclosed for inspection.

DATED at the Town of The Blue Mountains, this _____ day of _____, 2008.

Stephen Keast, Clerk
Town of The Blue Mountains
P.O. Box 310
26 Bridge Street
THORNBURY, Ontario
NOH 2P0 (519) 599-3070

PURPOSE AND EFFECT OF THIS BY-LAW

The purpose and effect of this By-law is to reduce the required minimum front yard setback of 15 metres for lands in the General Commercial C2 Zone, which front onto King Street, Bridge Street and Arthur Street, along Highway 26, to a minimum distance of one (1) metre and a maximum of six (6) metres. In addition, this By-law would also permit those uses permitted in the Institutional I designation within the Commercial C2 Zone.

This By-law applies to lands lying within the former Town of Thornbury and is not site specific and therefore no key map is attached.

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. _____

Being a By-law to amend Zoning By-law No. 10-77, as amended,
which may be cited as "The Zoning By-law of the
Town of Thornbury"

WHEREAS the Council of the Corporation of the Town of The Blue Mountains deems it necessary in the public interest to pass a by-law to amend By-law No. 10-77;

AND WHEREAS pursuant to the provisions of Section 34 of the *Planning Act*, the by-law may be amended by Council of the Municipality;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS ENACTS AS FOLLOWS:

1. Section 2: DEFINITIONS of the Town of Thornbury Zoning By-law No. 10-77, as amended, is hereby amended by adding the following new definition:

2.87 (a) "Main Wall" means the exterior front, side, or rear wall of a building, and all structural members essential to the support of a fully enclosed space or roof.

2. Section 2: DEFINITIONS of the Town of Thornbury Zoning By-law No. 10-77, as amended, is hereby amended by deleting Section 2.127 "Yard Front" and replacing with the following:

2.127 "Yard Front" means a yard extending across the full width of the lot between the front lot line and the nearest main wall of the main building or structure on the lot.

3. Section 6.12 SETBACK REQUIREMENTS of the Town of Thornbury Zoning By-law No. 10-77, as amended, is hereby deleted in its entirety.
4. Section 15.1 (a) PERMITTED USES of the Town of Thornbury Zoning By-law No. 10-77, as amended, is amended by deleting the "and" following "recreational" and replacing it with a ",", deleting the period at the end of the sentence and adding the following " and Institutional uses permitted by Subsection 21.1 (a)".

5. Section 15.2 (e) of the Town of Thornbury Zoning By-law No. 10-77, as amended, is amended by deleting in its entirety and replace with the following:

"a minimum of 75% of the main wall adjacent to a public street shall be located a minimum distance of 1 metre and a maximum distance of 6 metres from a front or exterior side lot line".

6. Section 15.2 (f) (ii) of the Town of Thornbury Zoning By-law No. 10-77, as amended, is hereby deleted in its entirety.

7. Section 15.2 (i) of the Town of Thornbury Zoning By-law No. 10-77, as amended, is hereby amended by adding the following:

"(iii) No person shall use the front yard for the purpose of the parking of a motor vehicle or for the purpose of loading and/or unloading of vehicles."

8. Section 21.2 (c) of the Town of Thornbury Zoning By-law No. 10-77, as amended, is hereby amended by adding the following:

"- fronting Bridge Street
Minimum Front Yard 1 metre
Maximum Front Yard 6 metres".

AND FURTHER that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this _____ day of _____, 2008.

Ellen Anderson, Mayor

Stephen Keast, Clerk

I hereby certify that the foregoing is a true copy of By-law No. _____ as enacted by the Council of the Corporation of the Town of The Blue Mountains on the _____ day of _____, 2008.

DATED at _____

this _____ day of _____, 2008.

Signed: _____
Stephen Keast, Clerk