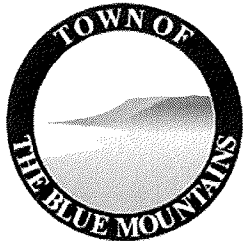


**STAFF REPORT:**

**Planning and Building Services Department**



**REPORT TO:** Planning & Building Committee  
**MEETING DATE:** November 2, 2009  
**REPORT NO.:** PL.09.114  
**SUBJECT:** Zoning By-law Review Project Update  
**PREPARED BY:** Cindy Welsh, MCIP, RPP  
Senior Policy Planner

**A. Recommendations**

**THAT Council does hereby receive Planning Staff Report PL.09.114, Zoning By-law Review Project Update.**

**B. Background**

The purpose of this report is to provide Council with a further update on the status of the Zoning By-law Project with it being noted that the previous update was provided at the May 4, 2009 Planning and Building Committee Meeting.

The process to develop a new comprehensive Zoning By-law for the Town began in 2007. The objective of the Zoning By-law Update and Consolidation Project is to produce a single, comprehensive Zoning By-law for the Town which is easy to use and understand and to implement changes and/or modernize our approach to various issues (such as intensification, sustainability, active transportation and humanizing the highway commercial area of the Thornbury Urban Area).

Work completed in conjunction with the Town's consultant, Meridian Consulting Group, over the past six months includes:

- comprehensive review of Town Official Plan, existing Zoning By-laws, other relevant Town By-laws and Town background reports and information;
- comprehensive set of proposed definitions has been prepared;
- consultation with the Niagara Escarpment Commission;
- consultation with the Grey Sauble Conservation Authority;
- development of format, zone structure, administration, etc. of new Zoning By-law;
- review of mapping strategy and format; and
- preparation of first draft (currently being reviewed by Town staff).

**Town Issues**

At the beginning of this process, the Town engaged Ainley and Associates to produce 15 Discussion Papers based on issues brought forward in the preliminary planning stages of the new Zoning By-law. As well, other issues were brought forward by staff after the completion of the Ainley Papers. These issues, which are attached as

Appendix A, have been presented to Meridian, who in turn, have incorporated responses to the issues within the first draft of the Zoning By-law. The issues are being presented in this report, along with the direction in which we are proceeding with other identified matters. Staff is aware that further issues may present during the development of the new Zoning By-law and will be reviewed with a purpose to find a resolution at that time.

### **Agency Comments**

No official comments have been received to date regarding from any partner agencies. Meridian and the Town have held meetings with both the Niagara Escarpment Commission and the Grey Sauble Conversation Authority at the beginning of the project to make known the project objectives and to receive input upfront.

### **Overview of Draft Comprehensive Zoning By-law**

The text portion of the first Draft Town of The Blue Mountains Zoning By-law consists of a Preamble and twelve parts, which are described below. It should be noted there will be sections of the By-law that will left intentionally blank and made available to insert provisions that come forward through additional project work taking place at the Town that will have an effect on the new Zoning By-law. These projects include the Community Improvement Plan and the Housing Strategy.

#### Preamble

The Preamble, which does not form an operative part of the by-law to be ultimately passed by Council, explains the purpose of the Zoning By-law and how it should be used. It also summarizes the statutory basis for the Zoning By-law as established by the *Planning Act*. A summary overview of the various zones set out in the first Draft Zoning By-law is also provided.

#### Part 1.0 Interpretation and Administration

Matters covered under this section include conformity and compliance with the By-law, enforcement and the disposition of former zoning by-laws and minor variances. It should be noted that the new zoning by-law will come into force the day it is passed if no appeals are received and will replace By-laws 10-77 (Town of Thornbury) and 83-40 (Township of Collingwood). If appeals are received, the by-law or portions thereof shall come into force upon the approval of the Ontario Municipal Board.

The new Zoning By-law will recognize certain site specific Zoning By-laws and minor variances granted prior to the enactment of this by-law if in conflict with the new Zoning Standards.

## Part 2.0 Establishment of Zones

Part 2 sets out the various Zones and Zone Symbols which are intended to implement the Official Plan.

The Zones and Zone Symbols are as follows:

### **Residential Zones (see Part 6.0)**

- R1 Residential One
- R2 Residential Two
- R3 Residential Three
- R4 Residential Four
- MU Mixed Use

### **Commercial and Employment Zones (see Part 7.0)**

- C1 Village Commercial
- C2 General Commercial
- C3 Service Commercial
- C4 Harbour Commercial
- C5 Resort Commercial
- C6 Rural Commercial
- C7 Resort Residential Commercial
- M1 General Industrial
- M2 Rural Industrial
- M3 Extractive Industrial

### **Agricultural, Rural, Recreational and Other Zones (see Part 8.0)**

- A Agricultural
- RU Rural
- SA Special Agricultural
- D Development
- EP Environmental Protection
- EP-W Environmental Protection - Wetland
- I Institutional
- REC Commercial Recreation
- OS Open Space

## Part 3.0 Definitions

The definition section contains a completely new set of standardized zoning terms.

## Part 4.0 General Provisions

Part 4.0 contains a set of "General Standards" that apply to all properties in all zones throughout the Town. Matters covered under this section include the following: accessory buildings, structures and uses, accessory farm employee accommodation, accessory water storage areas, air conditioners, heat pumps, pool pumps, filters and heaters, boathouse, docks and shoreline structures, communication dishes, decks, dwelling units, encroachments into required yards, exceptions to height requirements,

frontage on a public street, home occupations, home industries, minimum distance separation, model homes, multiple uses on one lot, multiple zones on one lot, non-complying buildings and structures, non-complying lots and uses, openings for doors in a wall facing interior side lot line, outdoor display and sales area, outdoor storage, play structures, porches, prohibited uses, public uses, ramps and barrier free access, reduced front yard requirement, school portables, sensitive lighting practices, sight triangles, solar panels, special setbacks, temporary construction and sales offices, uses of lots without buildings and wayside pits or quarries, portable asphalt plants or portable concrete plants.

#### Part 5.0 Parking and Loading Standards

Part 5.0 provides the parking and loading requirements for all uses permitted within the Town. This section includes General Parking Provisions such as parking space size, driveway widths and setbacks as well as residential and non-residential parking requirements which are set out in tabular form. These standards take into consideration recommendations made in the Comprehensive Parking Study undertaken by J. D. Barnes as well as staff recommendations such as including parking standards for bicycles.

#### Part 6.0 Residential Zones

Through the use of tables, Part 6 sets out the Permitted Uses, Zone Standards and Special Provisions for the various Residential Zones. The number of residential zones, and related standards, have been reduced and rationalized from the two current Zoning By-laws.

#### Part 7.0 Commercial and Employment Zones

Part 7.0 sets out the Permitted Uses, Zone Standards and Special Provisions for the various Commercial and Employment Zones. This information is shown in two tables. The overall number of commercial zones has been reduced and the range of uses has been broadened, including mixed use developments. Additionally, many of the zones have relatively few standards to provide a greater degree of flexibility.

#### Part 8.0 Agricultural, Rural, Recreational and Other Zones

Part 8.0 sets out the Permitted Uses, Zone Standards and Special Provisions for the various Agricultural, Rural, Recreational and Other Zones. A number of these zones have increased in terms of the range of uses.

#### Part 9.0 Exceptions

Part 9.0 will set out Exceptions to the Town-wide Zoning Standards that may apply to a specific property or area in the Town. Exceptions have specific zone permissions and/or other zone provisions that have been applied typically in response to a landowner request after having been found to be appropriate from a planning perspective. Note: the Exception work is still ongoing and will be presented in subsequent drafts of the Zoning By-law.

### Part 10.0 Holding Provisions

Part 10.0 will set out the Holding categories as well as the conditions that need to be satisfied in order to develop or establish permitted uses on a property.

### Part 11.0 Temporary Uses

Part 11.0 will identify those properties that are subject to use permissions that only last for a specified period of time in accordance with the temporary use provisions of the *Planning Act* and the Official Plan.

### Part 12.0 Enactment

Part 12.0 will identify the date that Council enacts the Zoning By-law.

Additional Sections of the new Zoning By-law that are still being developed include the mapping (schedules) and illustrations.

### Schedules

The schedules in the new Zoning By-law will be created and updated based on a GIS system and will provide maps that are legible, clear and easy to interpret. Schedules will be provided on 8.5x11" size paper for both the rural and urban areas. A legend map will make it easy for users to determine the correct map. Rural schedules will be prepared at a scale of 1:17,000 whereas the urban schedules at 1:7,000. This mapping scale will allow for ease of interpretation, will be compatible with the Town's current GIS information and web-friendly as the Town will be posting the schedules on line once the new Zoning By-law is in effect. Individual zone maps will have no colour but include lot and concession numbers on the edges of all maps for easy reference.

### Illustrations

Illustrations will be provided to assist users in defining terms and performance standards. There is merit in including illustrations in the new By-law wherever possible to explain key concepts. These illustrations would be for information purposes and there would be a need for a disclaimer with each illustration to indicate that the illustration does not form a legal part of the By-law.

### **Public Open House**

Town staff and Meridian hosted one Public Open House on July 18, 2009, at the Craighleith Community Centre. The Public Open House was intended to inform the public of the new Zoning By-law, answer questions in an informal setting and to obtain comments. Attendance was low with only five members of the public attending. Staff and Meridian did receive meaningful comments and input into the By-law. Comment sheets were available for the public, however, none were submitted. Key comments noted by both Meridian and staff, are as follows:

- need for more restrictive public use provisions in the Zoning By-law;
- Town (or any agency) should be subject to the same planning process and zoning restrictions as a private landowner;

- need to review parking requirements for townhouses (current requirement provides insufficient parking);
- concerns respecting short term accommodation in the Town;
- need for provisions to restrict excessively large commercial vehicles and related uses in residential areas (e.g. large trailers, parking of numerous vehicles, storage of equipment, etc.);
- include provisions to prohibit parking on front lawn of residences; and
- need for restrictions relating to boat and trailer storage (size, location, etc.).

It is anticipated the Public Open House to be held in December, 2009, will generate more interest.

### **Project Timing**

The project is currently approximately eight weeks behind schedule due largely to the fact that Town staff have had to focus on other priority issues and have not been able to respond to questions/issues raised by Meridian in a timely fashion.

- November - Prepare first draft of Zoning By-law (ZBL) and mapping
- December - Prepare second draft of ZBL
- January - Prepare third draft of ZBL and attend open house
- February - Prepare final draft of ZBL and mapping  
Attend Planning Act public meetings  
Meet with staff to discuss comments received
- March - Prepare final version of ZBL for Council adoption

### **C. The Blue Mountains' Strategic Plan**

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

### **D. Environmental Impacts**

In updating the new Comprehensive Zoning By-law, higher standards reflecting the Town's Official Plan and the Provincial Policy Statement (PPS), 2005, will assist in improvements to the environment.

### **E. Budget Impact**

Meridian has been retained at a cost of \$88,687.50 (exclusive of GST). Funds for this project were originally approved as part of the 2008 Budget and are further reflected in the Draft 2009 Budget. It is noted that 90% of the cost of this project is to be funded by way of Development Charges.

## F. Attachments

1. Town Issues – Zoning By-law Review.
2. Meridian Planning Consultants Project Update - Zoning By-law Review, October 27, 2009.

Submitted by:

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**ZONING BY-LAW ISSUES AND PROPOSED DIRECTION**

ITEM	ISSUE	EXISTING	PROPOSED DIRECTION	MERIDIAN REFERENCE	COMMENTS
1	Accessory Buildings in the Front Yard	Not permitted save for lands on Nottawasaga Bay in former Collingwood Township	<ol style="list-style-type: none"> <li>1. Permit for lands on Nottawasaga Bay in Thornbury</li> <li>2. Permit in rural areas with minimum front yard setback equal to the required front yard for the main building.</li> <li>3. Permit in urban areas with minimum front yard setback equal to that of the main front wall of the main building from the front lot line.</li> </ol>	In first draft of new Zoning By-law.	Will reduce the need for minor variances.
2	Accessory Building Height (Expressed in metres)	Maximum 4.5 metres measured to the midpoint of a sloping roof	Maximum 4.5 metres measured to the highest point of the building or structure.	In first draft of new Zoning By-law.	<p>With intensification, smaller lots and reduced setbacks, the massing of buildings will have a greater impact on adjacent spaces.</p> <p>In the instance of a sloped roof accessory structure, this change will still allow for the construction of a 20' x 20', detached two car garage with an exposed wall height of 9' with a conventional 5/12 roof.</p>

ITEM	ISSUE	EXISTING	PROPOSED DIRECTION	MERIDIAN REFERENCE	COMMENTS
3	Accessory Building Distance from Main Dwelling	Minimum 2.0 metres	No restriction.	In first draft of new Zoning By-law.	To allow for accessory buildings to be located closer to the main dwelling.
4	Garages in Front Yards in General Rural (A1) and Limited Rural (A2)	Collingwood Township Section 8 and Section 9 Garages in Front Yards in General Rural (A1) and Limited Rural (A2)	Allow for detached garages to be permitted to be built closer to the front lot line in new Agricultural, Special Agricultural and Rural Zones using the accessory structure provision of no closer than front yard requirement of zone which will be 30 metres.	In first draft of new Zoning By-law.	The Committee of Adjustment has received a number of applications requesting that a detached garage be permitted to be built closer to the street than the existing dwelling on the subject property within A1 and A2 Zones. A1 and A2 zones should be revised to accommodate.
5	Garages in Front Yards in All Residential Zones	All Residential Zones in both By-laws.	To be treated the same as "Accessory Buildings" <ol style="list-style-type: none"> <li>1. Permit for lands on Nottawasaga Bay in Thornbury</li> <li>2. Permit in rural areas with minimum front yard setback equal to the required front yard for the main building.</li> <li>3. Permit in urban areas with minimum front yard setback equal to that of the main front wall of the main building from the front lot line.</li> </ol>	In first draft of new Zoning By-law.	Will reduce the need for minor variances.

ITEM	ISSUE	EXISTING	PROPOSED DIRECTION	MERIDIAN REFERENCE	COMMENTS
6	Accessory Building Setback from lot lines	Minimum 1.0 metre (Collingwood) Minimum 1.2 metres (Thornbury)	Exterior yard – no closer than main building from exterior lot line.  Rear and Side yards - 1.0 metres if no doors and/or windows in wall facing lot line and 1.2 metres if doors and/or windows in wall facing lot line.	In first draft of new Zoning By-law.	To allow for intensification and greater lot coverage.
7	Elimination of maximum # of storeys	Eliminated any references to storeys.	Maximum heights to be used: 8.0, 9.5 and 11 metres.	In first draft of new Zoning By-law.	Move towards regulating building height on the basis of metres versus storeys.
8.	Measurement of height	Height is measured from grade at main front wall.	Height is to be measured based on the average grade around the building or structure.	In first draft of new Zoning By-law.	Addressing massing of buildings on sites that have significant grade differential.
9.	Bicycle parking requirements	By-laws do not address this.	To include bicycle parking requirements in parking standards.	In first draft of new Zoning By-law.	
10.	Reduced parking stall dimensions for a % of parking space.	N/A	Reducing stall requirements.	To be included in new Zoning By-law	Reduction of parking stall spaces will reduce space requirement for parking spots. Will promote the use of smaller, and presumably, more environmentally friendly vehicles.
11.	Implementation of recommendations of the Parking Study	Shared Parking Disabled Parking Provisions	Shared parking Disabled parking, Barrier Free Parking.	In first draft of new Zoning By-law.	Meridian has reviewed the Parking Study recommendations and has included a number of the recommendations.
12.	Eliminating restrictions on	There is currently a restriction of	Apartments can be on 2 <sup>nd</sup>	In first draft of	Apartments can be on

ITEM	ISSUE	EXISTING	PROPOSED DIRECTION	MERIDIAN REFERENCE	COMMENTS
	number of dwelling units in commercial buildings in Thornbury	one dwelling units.	storey or rear.	new Zoning By-law.	2 <sup>nd</sup> storey or rear. Removal of <b>minimum</b> floor area for units.
13.	Decreased setbacks in areas outside of Recreational Residential lands		Done across the board.	In first draft of new Zoning By-law.	Promote intensification and smarter use of infrastructure.
14.	Removal of minimum floor area for units.	Minimum unit sizes identified for residential zones.	Eliminate and rely on OBC.	In first draft of new Zoning By-law.	
15.	Home Occupations/Home Industries	Thornbury – definition of Home Occupation Permitted in R1, R2, R3 and D Zones No provisions for Home Industries.	Home occupation uses to be permitted in most Residential Zones. Home Industries to be permitted in R4 Zone.	In first draft of new Zoning By-law.	To continue to allow for these uses in the Town.
16.	Outdoor Recreation	Collingwood – definition of both. Collingwood –27 Recreational Ski Facility SF Zone Thornbury – Section 22 Tourist Camp T1 Zone	Merge both zone categories into one zone, being a Commercial Recreation zone.	In first draft of new Zoning By-law.	To continue to allow for these uses in the Town.
17.	Landscape/Buffers	Both by-laws make reference to landscape and buffers.	General Provision	In first draft of new Zoning By-law.	To control landscapes and buffers.
18.	Parking area walkways and greenscape areas	N/A	Implement requirements for safe walkways to and from buildings within parking areas. Introduce green requirements for parking areas (1.8 metre planter strips separating parking spaces).		
19.	Specialty Croplands	No specific definition in either by-laws.	Introduce a new zone, being Special Agricultural within the By-law which will be used to identify specialty croplands within the Town.	New zone.	This new zone will add protection to the specialty croplands within the Town.

ITEM	ISSUE	EXISTING	PROPOSED DIRECTION	MERIDIAN REFERENCE	COMMENTS
20.	Natural Heritage /Hazard Lands	Collingwood – Hazard Zone Thornbury – Hazard Zone	Two new zones to be added to the by-law, being Environmental Protection and Environmental Protection – Wetland. Allow for livestock in three of the Countryside zones, being Agricultural, Rural and Special Agricultural.	Meridian to use new GSCA and NVCA mapping.	New mapping from the GSCA and NVCA.
21.	Animal Husbandry /Agriculture	Collingwood – Livestock are permitted in A1, A2, RER, RUR and DD Zones. Thornbury – Livestock are not permitted.		In first draft of new Zoning By-law.	To allow for livestock to be permitted in certain zones within the municipality
22.	Gross Floor Area		Remove GFA from Residential Zones		
23.	Lighting – Night Sky Policies	Collingwood Thornbury	Under "General Provisions", add the following:  The use of sensitive lighting practices that do not interfere with the view of the night sky or spill into surrounding properties is required for all land uses. Lighting fixtures shall be directed downward (not exceed 2% above horizontal).	Wording included in the by-law.	Sensitive lighting practices that help preserve the night time sky are encouraged for all development in the Town.
24.	Restaurant Patios	There are currently no provisions within the two existing By-laws that address restaurant patios.	Where a <i>restaurant patio</i> is permitted in a Zone, the following provisions shall apply:  a) The <i>Restaurant Patio</i> is permitted as an <i>accessory use</i> to a permitted <i>Restaurant</i> located within a <i>principal building</i> ;	Similar wording to be included in by-law.	Will provide for better regulation of restaurant patios within the Town.

ITEM	ISSUE	EXISTING	PROPOSED DIRECTION	MERIDIAN REFERENCE	COMMENTS
			<p>b) The <i>Restaurant Patio</i> shall be located within 3.0m of the <i>use</i> for which it is required;</p> <p>c) A <i>Restaurant Patio</i> shall be located a minimum of 1.0m from any <i>lot line</i>;</p> <p>d) Not permitted in any yard abutting a residential zone or any planting strip.</p> <p>e) Not permitted in any yard which is separated from a residential zone by a public street and where the minimum distance between the patio and the closest residential property is less than 45 m.</p> <p>f) Shall be screened by fencing with a minimum height of 1.8 metres.</p>		
25.	Swimming Pools	Collingwood Section 5.21 Thornbury Section 6.16	<p>Add new definitions and exempt swimming pools from being included in total lot coverage of accessory buildings and structures.</p> <p>Swimming Pool - Means an artificial body of water, the container of which is constructed of man-made materials, having a depth of greater than 0.5 metres and intended primarily for bathing and swimming, but</p>	Similar wording to be included in by-law.	Allows for clarification in the new Zoning By-law.

ITEM	ISSUE	EXISTING	PROPOSED DIRECTION	MERIDIAN REFERENCE	COMMENTS
			<p>shall not include a natural, dug or dammed pond that is primarily used for aesthetic, stormwater management or agricultural purposes.</p> <p>Pool Surround means a deck or residential patio that is located abutting, along and adjacent to the edge of a swimming pool.</p> <p>Swimming Pool Pumps, Filters and Heaters means the equipment necessary to operate an outdoor swimming pool.</p> <p>In terms of lot coverage, swimming pools shall be exempted from the total lot coverage of accessory buildings and structures.</p> <p>Where an outdoor swimming pool is constructed in a residential zone, it shall be constructed in accordance with the following:</p> <ul style="list-style-type: none"> <li>(a) Front Yard Same as that required for a main building</li> <li>(b) Exterior Side Yard Same as that required for a main building</li> <li>(c) Interior Side Yard 1.5 m</li> <li>(d) Rear Yard 1.5 m</li> </ul>		

ITEM	ISSUE	EXISTING	PROPOSED DIRECTION	MERIDIAN REFERENCE	COMMENTS
			<p>(e) The height above grade of any outdoor swimming pool shall be a maximum of 2.0 metres.</p> <p>(f) An accessory outdoor swimming pool shall not be included in lot coverage calculations provided that no part of the swimming pool wall protrudes more than 1.2 metres above the established grade.</p> <p>(g) Any recreational equipment, including slides, associated with a swimming pool shall not exceed a maximum height of 2.4m.</p>		



## MEMORANDUM

**To:** David Finbow & Cindy Welsh, Town of The Blue Mountains  
**From:** Nick McDonald & Mark Stone  
**Date:** October 27, 2009  
**Re:** Project Update - Zoning By-law Review  
Our File No: 3712

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As requested, we have prepared this memorandum to provide a detailed update and summarize our strategy respecting the Zoning By-law Review projects.

### 1.0 ZONING BY-LAW REVIEW

The objective of the Zoning By-law Update and Consolidation project is to produce a single, comprehensive Zoning By-law for the Town which is easy to use and understand. The Zoning By-law Review Project commenced earlier this year and with the assistance of Town Staff, the following tasks are complete or ongoing:

- Several meetings with Town Staff By-law Review Committee have been held
- Comprehensive review of Town Official Plan, existing Zoning By-laws, other relevant Town by-laws, and Town background reports and information is complete
- Preliminary review of existing Zoning By-law Amendments has been undertaken
- Comprehensive set of proposed definitions has been prepared
- Consultation with Niagara Escarpment Commission and Grey Sauble Conservation Authority
- Development of Strategy to prepare new Zoning By-law (including format, zone structure, administration, etc.)
- Review of issues and other matters relevant to the Zoning By-law Review
- Review of mapping strategy and format
- Holding of first Public Open House at the Craigeith Community Centre - July 18, 2009
- Preparation of first draft of new Zoning By-law (ongoing)

Based on the analysis completed to date, the following is a summary of the recommended strategy and other matters relevant to the preparation of a new Town Zoning By-law.

### 1.1 By-law Preparation Philosophy

The intent of this comprehensive zoning by-law review is to update and replace the two existing by-laws with a new zoning by-law that applies Town-wide. In addition, and to be consistent with the Town's goal to provide an enhanced level of service delivery to Town residents and the broader development community, the new document must be designed

using a more efficient and user friendly format. On this basis, the general objectives of the project are as follows:

- create a new by-law format that is not a dis-incentive to development in the Town;
- create a by-law that clearly sets out the Town's expectations with respect to development standards;
- create a new by-law format that is less cumbersome and more user friendly;
- organize the by-law so that the information, provisions and regulations contained therein can be as easily understood by those using the by-law;
- update standards and regulations in the by-law to reflect current development trends and practices;
- refine use permissions to consolidate the number of uses and refine definitions based on current planning practice to create a more flexible regime in the Town, as appropriate;
- establish a format that will meet the Town's needs now and in the future as the Town continues to grow, change and evolve; and,
- produce a By-law that is adaptable such that it can accommodate initiatives currently underway such as the Community Improvement Plan, sustainability and intensification initiatives, Housing Needs Study and updating of the Town's Official Plan.

Notwithstanding the above, it is not the intent of the zoning by-law review to rezone specific properties in response to development requests. Instead, the overall intent is to update the standards and improve the format and clarity of the Town's Zoning regime. This includes eliminating redundancies, duplication and inconsistencies.

### **1.2 By-law Format**

One of the initial goals of this review was to decide on a format and structure of the new Zoning By-law to improve by-law administration and to make the By-law as user friendly as possible. The two existing by-laws, Collingwood (83-40) and Thornbury (10-77), are similar in format, however, are dated and require revision. In addition, there are more than 50 zones in both of the existing by-laws. Following our review of the current zone structure and existing uses, we are suggesting that the number of zones be reduced and in some cases amalgamated to create a total of four Residential Zones (with subzones), seven Commercial Zones, three Industrial Zones, three Countryside Zones and six Other Zones. Countryside Zones would include Agricultural, Rural and Special Agricultural Zones, while the Other Zones would include Development, Environmental Protection, Environmental Protection - Wetland, Institutional, Commercial Recreation and Open Space Zones. The total number of zones would be reduced from 50+ Zones to 23 Zones.

### **1.3 Definitions**

Our review has revealed several issues with the current Zoning By-laws with respect to definitions including:

- Each definition in the existing by-laws have been assigned a section number, which means that complex amendments are required whenever a definition is added or deleted.

- All of the permitted uses are not defined which makes it difficult to interpret the by-law in some circumstances.
- While there are some consistencies in the terms defined in the two existing by-laws, many of the defined terms and definitions differ.
- Many of the definitions in the by-laws are outdated and do not reflect the current understanding of certain types of uses and performance standards.

On this basis, the new definition section should be structured in a manner which allows for relatively simple amendments, all definitions should reflect the current understanding of the English language, and all permitted and prohibited uses should be defined.

A detailed analysis and summary chart of definitions was completed earlier this year and involved a review of all terms and definitions in both existing by-laws. The review also resulted in the inclusion of a list of terms currently not included in either by-law that, in our opinion, should be defined in the new Zoning By-law. Along with definitions from comparable By-laws and the Town Official Plan, a recommendation is given for a definition for terms to be used in the new Zoning By-law.

#### 1.4 Tables

While tables have been used to a limited degree in the existing Collingwood By-law (e.g. Section 10, Schedule 'AA'), the vast majority of provisions are written out. The clearest and most efficient manner to convey a significant amount of zoning information is through the use of tables. Tables permit the recording of the range of provisions and standards for multiple zones. The use of tables in each of the main zone categories can significantly reduce the size of the overall by-law. The following table provides a generic example of how a table may be structured. Uses in the 'Permitted Use' column are only permitted in the listed zone if an 'X' is indicated; otherwise, the use is not permitted in the respective zone.

PERMITTED USE	R1	R2	R3	R4
Dwelling, Accessory Apartment				
Dwelling, Apartment			X	
Dwelling, Single Detached	X			X
Dwelling, Semi-Detached		X		
Dwelling, Duplex		X		
Dwelling, Multiple		X		
Dwelling, Townhouse		X		
Dwelling, Triplex		X		
Home Occupation	X	X		X
Private Home Daycare	X	X	X	X

A table approach to zone standards can also easily provide standards for specific zones. In the following generic example, zone standards are provided for each subzone in the 'R1' Zone.

	ZONE STANDARD	R1-1	R1-2	R1-3	R1-4
1	Minimum lot area (m <sup>2</sup> )	550	450	370	310
2	Minimum lot frontage (m)	15.0	13.7	12.0	10.0

3	Minimum required front yard (m)	6.0	6.0	6.0	6.0
4	Minimum required exterior side yard (m)	5.0	3.0	3.0	3.0
5	Minimum required interior side yard (m)	1.2	1.2	1.2	1.2
6	Minimum rear yard (m)	7.5	6.0	6.0	6.0
7	Minimum gross floor area (m <sup>2</sup> )	90.0	90.0	90.0	90.0
9	Maximum height (m)	9.5	11.0	11.0	11.0

### 1.5 Exceptions

The new Zoning By-law should anticipate future Amendments using a 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(1). Utilizing this approach, the subject lands continue to be zoned R1, the subzone is represented by “\_1” and the exception number is in brackets. Under the exception number in the first column, the relevant Zoning By-law is listed.

Exception Number	Property Address and/or Legal Description	Zone	Additional Permitted Uses	Uses Prohibited	Special Provisions
1 2001-__		R1	(i)	(i)	(i)
2					
3					

### 1.6 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. There may be an opportunity through this process to create a series of 'generic' conditions for removing a holding symbol and they could be denoted by the symbols H1, H2, H3, etc. The following table approach should be utilized for identifying lands subject to holding provisions.

	Zone	Property Address and/or Legal Description	Conditions for Removal	Date Enacted	Date Amended and/or Lifted
H1	R1		The Holding (H1) provision may be lifted once Council is satisfied that the policies in Section ____ of the Official Plan have been met.	January __, 2008	August __, 2008 By-law No. ____
H2					
H3					

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

## 1.7 Mapping

The current mapping for the two existing by-laws uses a paper-based system that relies on manual updates for record keeping and the need to check original zoning amendments for site-specific details. As a result, the schedules are difficult to read and not structured in a user-friendly or intuitive manner.

The schedules in the new Zoning By-law will be created and updated based on a GIS system and as a result, will provide maps that are very legible, clear and easy to interpret. Schedules in the new Zoning By-law will be provided on 8.5x11" size paper for both the rural and urban areas. A legend map will make it easy for users to determine the correct map. Rural schedules will be prepared at a scale of 1:17,000 whereas the urban schedules at 1:7,000. This mapping scale will allow for ease of interpretation, will be compatible with the Town's current GIS information and web-friendly as the Town will be posting the schedules on line once the new Zoning By-law is in effect. Individual zone maps will have no colour, but include lot and concession numbers on the edges of all maps for easy reference.

Refer to Appendix 1 which provides preliminary examples of the proposed map schedules.

## 1.8 Illustrations

The existing Collingwood Zoning By-law provides some illustrations to assist users in defining terms and performance standards. It is our opinion that there is merit in including illustrations in the new By-law wherever possible to explain key concepts. However, these illustrations would be for information purposes and there would be a need for a disclaimer with each illustration to indicate that the illustration does not form a legal part of the By-law. Appendix 2 of this report contains sample zoning illustrations for consideration.

## 1.9 Public Open House

The first Public Open House was held at the Craigeith Community Centre on July 18, 2009 from 10 a.m. to 1 p.m. The purpose of this Open House was primarily to provide the public and agencies with an opportunity to review the existing Zoning By-laws and provide suggestions, issues and concerns relative to the preparation of the new Zoning By-law.

Approximately 5 residents attended the Open House; the following is a summary of some of the issues and suggestions received:

- Need for more restrictive public use provisions in the Zoning By-law
- Town (or any agency) should be subject to the same planning process and zoning restrictions as a private landowner
- Need to review parking requirements for townhouses (current requirement provides insufficient parking)
- Concerns respecting short-term accommodation in the Town

- Need for provisions to restrict excessively large commercial vehicles and related uses in residential areas (e.g. large trailers, parking of numerous vehicles, storage of equipment, etc.)
- Include provisions to prohibit parking on front lawn of residences
- Need for restrictions relating to boat and trailer storage (size, location, etc.)

## 2.0 Project Timing

The following represents a general summary timeline for the Zoning By-law project:

November

- Prepare first draft of Zoning By-law (ZBL) and mapping

December

- Prepare second draft of ZBL

January

- Prepare third draft of ZBL and attend open house

February

- Prepare final draft of ZBL and mapping
- Attend Planning Act public meetings
- Meet with staff to discuss comments received

March

- Prepare final version of ZBL for Council adoption

An updated schedule, for the Zoning By-law Review, Adult Entertainment Establishment Review, and Drive-through facilities Review, is attached to this report as Appendix 3.

Sincerely,

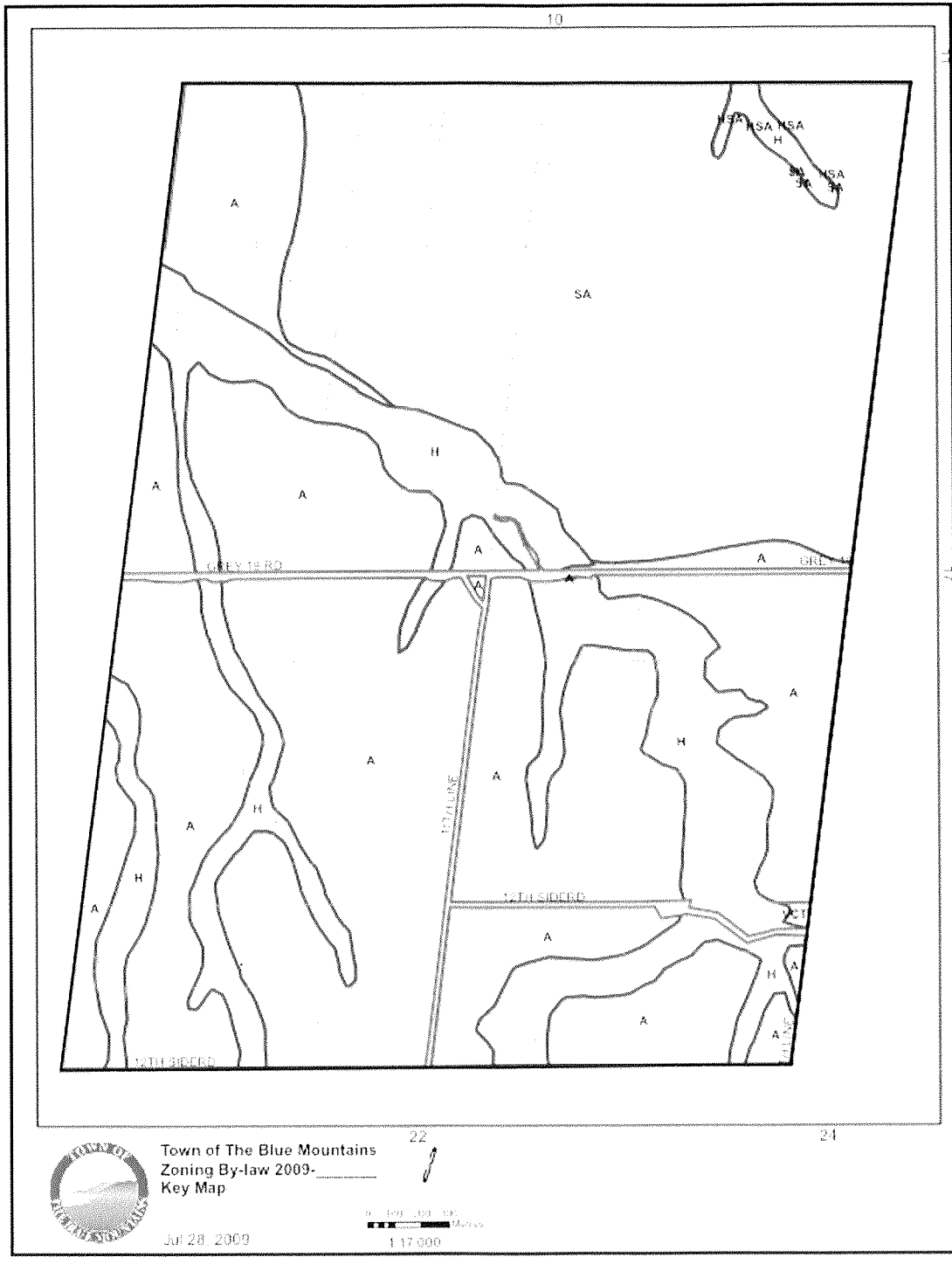


Nick McDonald, BES, MCIP, RPP  
Partner

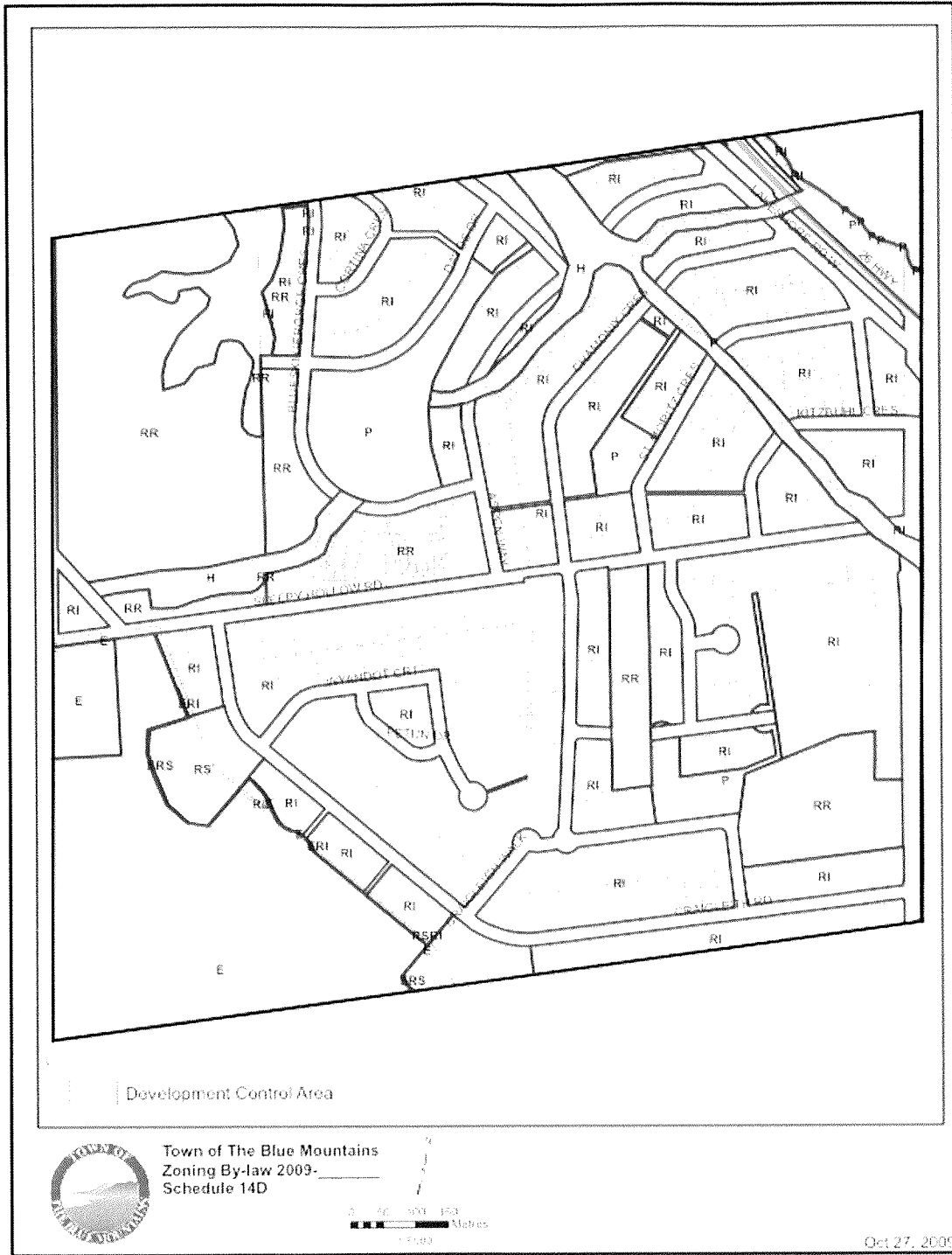


Mark Stone, BES, MCIP, RPP  
Senior Planner

**APPENDIX 1 - SAMPLE ZONING MAP SCHEDULES**



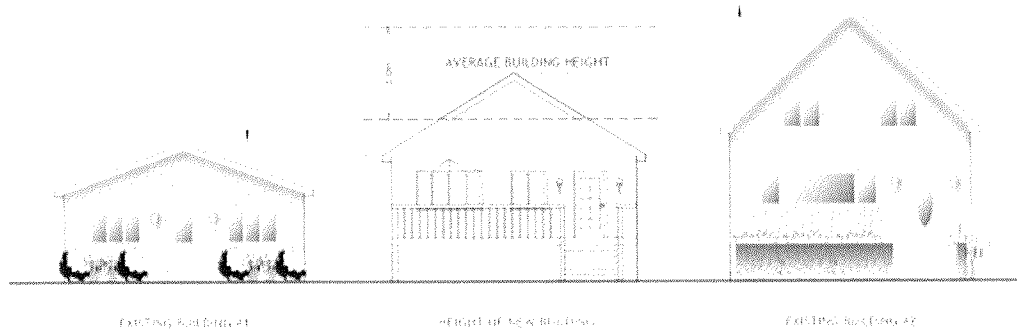
113 Collier Street, Barrie, Ontario L4M 1H2  
Telephone: (705) 737-4512 Facsimile: (705) 737-5078  
Website: [www.meridianplan.ca](http://www.meridianplan.ca)



113 Collier Street, Barrie, Ontario L4M 1H2  
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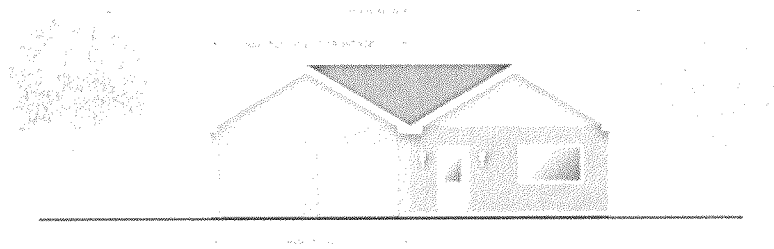
**APPENDIX 2 - SAMPLE ZONING ILLUSTRATIONS**

**BUILDING HEIGHT RESTRICTION**



HEIGHT SHALL BE MEASURED BETWEEN THE FINISHED GRADE OF THE WALL OF A BUILDING OR STRUCTURE FACING THE FRONT LOT LINE AND THE HIGHEST POINT OF THE ROOF OR STRUCTURE. OVERHEAD PARTS OF THE ROOF OR STRUCTURE MAY BE EXCLUDED FROM THIS MEASUREMENT.

**GARAGE WIDTH**

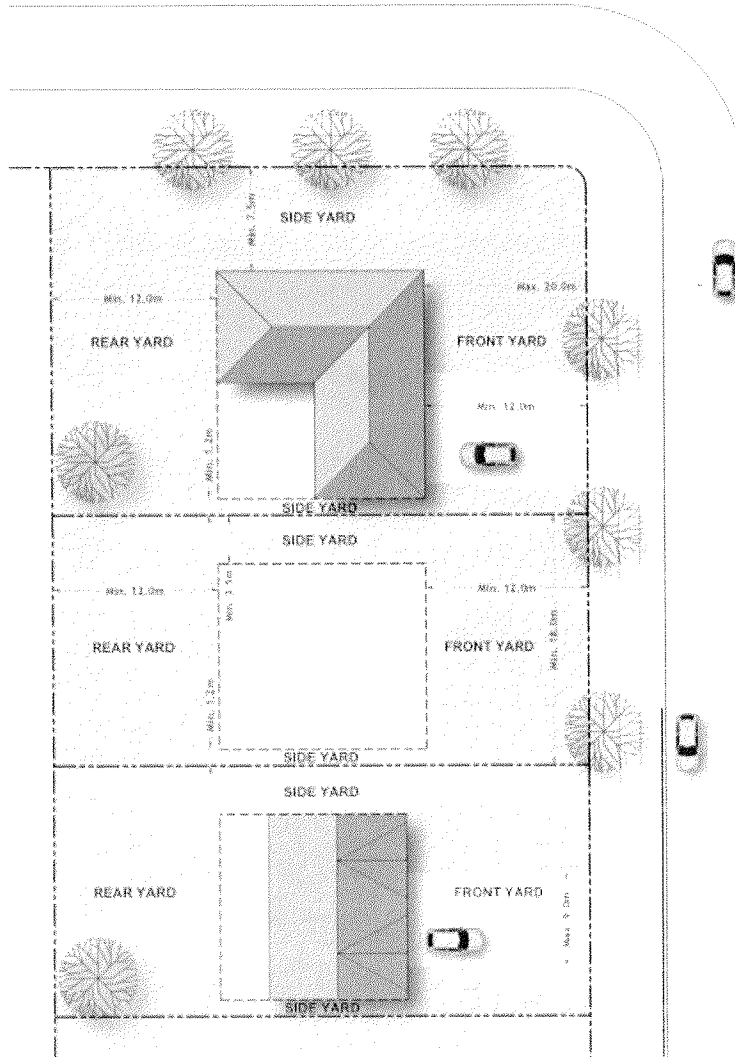


THE GARAGE SHALL HAVE A WIDTH EXCEEDING 50% OF THE LOT FRONTAGE.



DRAFT June 28, 2009

RESIDENTIAL TYPE ONE (R1) ZONE

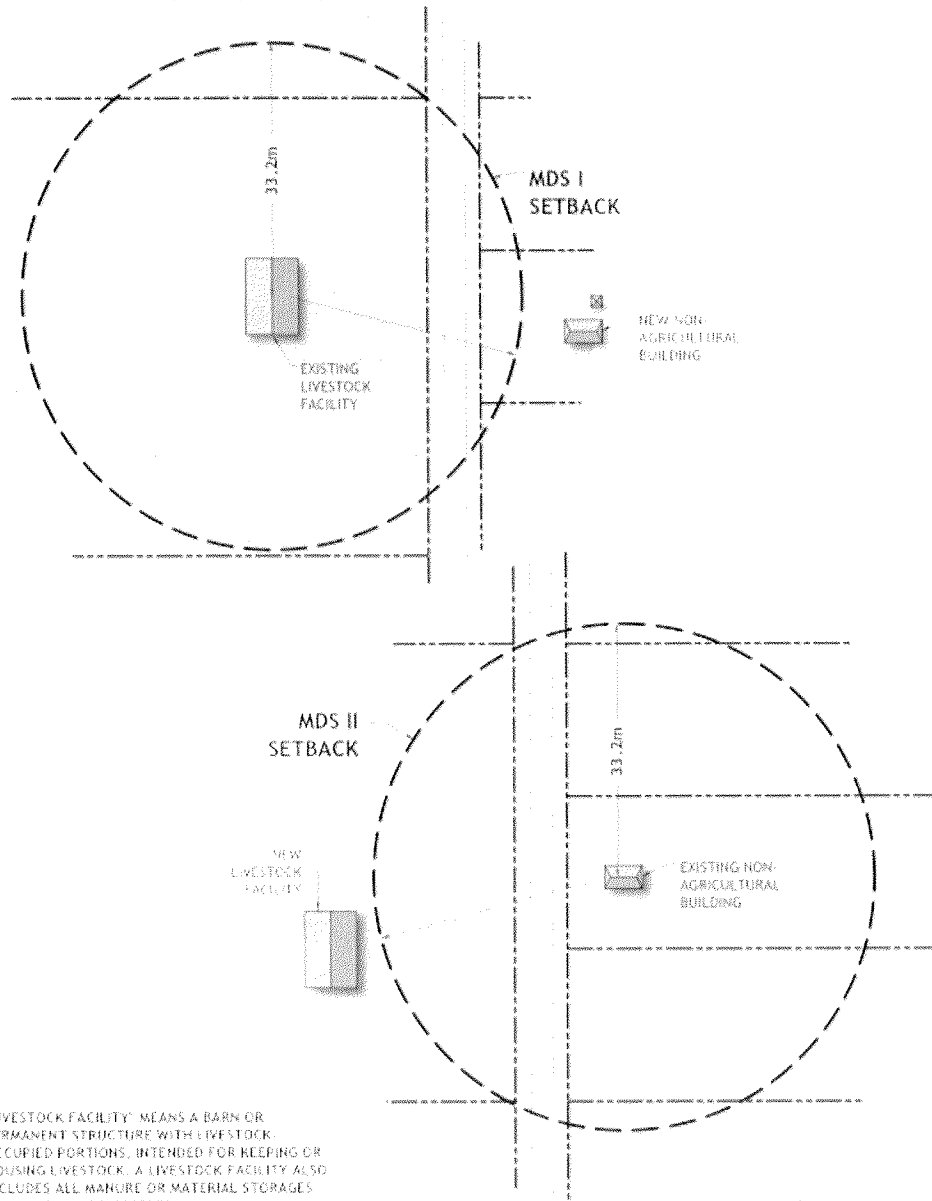


1100 04/02/17 14:00:15

MERIDIAN

14/04/17 14:00:15

### MINIMUM DISTANCE SEPARATION FORMULAE



'LIVESTOCK FACILITY' MEANS A BARN OR PERMANENT STRUCTURE WITH LIVESTOCK OCCUPIED PORTIONS, INTENDED FOR KEEPING OR HOUSING LIVESTOCK. A LIVESTOCK FACILITY ALSO INCLUDES ALL MANURE OR MATERIAL STORAGE AND ANAEROBIC DIGESTERS.  
SOURCE: MDS IMPLEMENTATION GUIDELINES SEPTEMBER 2006



DRAFT June 27, 2019

APPENDIX 3 - CONSOLIDATED TIMELINE

Town of The Blue Mountains Zoning By-law, Adult Entertainment & Drive-Throughs

Revised  
Project Timeline  
26-Oct-09

