THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2020-0068

FOR THE CONSIDERATION OF COUNCIL SEPTEMBER 9, 2020

SUBJECT: ZONING BY-LAW NO. 500 CONFORMITY EXERCISE

PLANNING DIVISION FILE: 05.263

1. RECOMMENDATION:

- 1. That Council receive Report No. DS-2020-0068 prepared by the Planning Division, Development Services Department dated September 9, 2020 respecting Zoning By-law No. 500 Conformity Exercise.
- 2. That Council endorse the proposed two-phase approach to undertake the Zoning By-law No. 500 Conformity Exercise as discussed in Report DS-2020-0068.
- 3. That Council advance the pre-budget approval of \$60,000 to retain a consultant to assist Staff with Phase 1 of the Zoning By-law No. 500 Conformity Exercise.

2. PURPOSE:

The purpose of this report is twofold:

- 1) To outline a two-phase approach to undertake a zoning by-law conformity exercise for the Town's comprehensive zoning by-law, Zoning By-law No. 500 (ZBL 500); and,
- 2) To request that Council provide a pre-budget approval of a 2021 Budget item for \$60,000 to retain an environmental planning consultant to assist Staff with Phase 1 of the ZBL 500 Conformity Exercise.

3. PROPOSAL:

Staff are proposing to undertake a review and update of ZBL 500 to bring it into conformity with the Town of Georgina Official Plan. This will involve a review of the existing zoning by-law provisions and mapping against the policies and mapping in the Official Plan. The zoning by-law conformity exercise will be conducted in two phases. This report will primarily discuss Phase 1.

Phase 1 is proposed to take place in 2021 and will affect the lands within the Countryside Area¹ of the Town as illustrated in on Schedule A1 to the Official Plan (Attachment 1). This phase will involve an exercise to implement zoning for the Town's Countryside Area in accordance with the Environmental Protection Area (EPA), Agricultural Protection Area (APA) and Specialty Crop Area, and Rural Area designations in the Official Plan (refer to Attachment 2). The project will be undertaken primarily by Staff in cooperation with the Lake Simcoe Region Conservation Authority (LSRCA) and York Region. Given the size, complexity and technical nature associated with this project, Staff propose to retain the services of a professional environmental planning consulting firm in order to assist with certain technical components, public consultation and mapping associated with the review. This will allow Staff to focus on the core components of the project, all while still progressing with other projects and maintaining the daily services and functions within the Planning Division.

Staff have drafted up a work plan outlining the general steps which will be taken in Phase 1 (refer to Attachment 3). Once a consultant is retained, the first item of business will be to create a detailed work plan to undertake Phase 1. Staff will report to Council to present the detailed work plan and consultation strategy, background research and policy context and zoning options. Further discussion respecting retaining a consultant for Phase 1 is contained in Section 8.

Phase 2 is proposed to commence in 2022 and will review and update the balance of ZBL 500 to bring it into conformity with and implement the Official Plan.

4. BACKGROUND:

Zoning by-laws are the principal tool municipalities use to implement the policies of an official plan. Achieving conformity with an official plan is not only a legislative requirement of the *Planning Act*, but is also necessary to implement the Town's overall vision to manage land use and growth.

The Official Plan came into force and effect on November 23, 2016, following a comprehensive review and update of the 2002 Official Plan to bring it into conformity with the 2010 Regional Official Plan (ROP) and in force and effect provincial planning documents (2014 Provincial Policy Statement, 2009 Lake Simcoe Protection Plan, 2006 Growth Plan and the 2005 Greenbelt Plan). The Official Plan establishes an updated vision, policy framework and mapping to appropriately guide growth and development while protecting the Town's natural resources.

In accordance with Section 26 (9) of the *Planning Act*, within three years after a revision to an official plan comes into effect, the Town is required to amend all zoning by-laws that are in effect in the municipality to ensure that they conform with the policies and land use designations of the official plan.

¹ The Countryside Area includes all lands located outside of settlement areas.

5. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

There are no public consultation or notice requirements resulting from this report. Public notification and consultation will be conducted in accordance with the requirements of the *Planning Act*, including the holding of a Statutory Public Meeting, as part of the ZBL 500 Conformity Exercise. A detailed work plan and public consultation strategy will be completed for the project that will outline the various forms of public consultation and education that will be undertaken.

6. ANALYSIS:

The majority of the lands within the Town's Countryside Area are zoned RU on Map 1 of ZBL 500, with site-specific approvals scattered throughout recognizing existing uses and site-specific approvals (refer to Attachment 4). For the most part, the current RU zoning has been in place since May 9, 1977, being the date of approval of the Town's first comprehensive zoning by-law, Zoning By-law No. 911 (refer to Attachment 5). The full range of permitted residential and non-residential uses in the RU zone are listed in Attachment 6.

In comparison, the Official Plan Land Use Plan (refer to Attachment 2) divides the lands within the Countryside Area into three general land uses in accordance with provincial and regional planning documents and requirements:

- Environmental lands: being the EPA designation and Greenlands System Overlay;
- Agricultural lands: being the APA and Specialty Crop Area designations; and,
- Rural lands: being the Rural Area designation.

The above-noted designations are proposed to be implemented into ZBL 500 through Phase 1. Further discussion respecting each designation is provided below.

6.1 Environmental Protection Area Designation and Greenlands System Overlay

It is the intent of the Official Plan to identify, protect and where possible, enhance an interconnected system of key environmental features, linkages and buffers.

The boundaries of the Greenlands System reflect the boundaries of the Natural Heritage System in the 2005 Greenbelt Plan and the Greenlands System in the 2010 ROP. The system is largely composed of lands that contain key natural heritage features and key hydrologic features but also includes other lands that serve as linkages, corridors and buffers. The majority of the Greenlands System consists of lands designated as EPA. The permitted uses and policies of the EPA designation serve to protect and enhance the core components of a permanent and connected Greenlands System.

The EPA designation is comprised of three core components:

- Key Natural Heritage Features;
- Key Hydrologic Features; and,
- 30 metre vegetation protection zone from wetlands, lakes, permanent streams, intermittent streams, fish habitat, seepage areas and springs, and significant woodlands.

Permitted uses within the EPA designation include:

- Forest, fish and wildlife management;
- Conservation, stewardship, restoration and remediation undertakings;
- Flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered;
- Retrofits of existing stormwater management works, but not new stormwater management works;
- Infrastructure, but only if the need for a project has been demonstrated through an Environmental Assessment or other similar environmental approval and there is no reasonable alternative;
- Existing agricultural uses;
- A mineral aggregate operation subject to the policies in Section 4.10.8;
- Passive recreational uses such as trails, walkways and bicycle paths;
- An existing single detached dwelling and accessory uses, and accessory buildings or structures thereto;
- A single detached dwelling on an existing vacant lot of record subject to Section 5.3.1.12; and,
- A home occupation in an existing single detached dwelling or as permitted by Section 5.3.1.12.

ZBL 500 does not contain an environmental protection zone. Environmental protection from a zoning standpoint is currently implemented at the zoning by-law amendment stage through site-specific development applications. This is accomplished through the use of a site-specific Open Space (OS) zone which generally only permits forestry and conservation uses. In the opinion of Staff, the OS zoning being used for environmental protection may be misleading, as one would generally associate an "open space" zone with passive or programmed recreational uses occurring. The creation of an environmental protection zone will correct this terminology issue and implement the Official Plan by proactively to identifying and protecting an interconnected system of key environmental features, linkages and buffers.

Environmental protection also occurs when development is proposed in an area regulated by the LSRCA through the implementation of Ontario Regulation 179/06, known as Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Through the development application and permitting process, the LSRCA ensures that development proposals have regard for natural

hazard features and the natural environment, all while conforming with watershed development policies and requirements.

York Region also has a Forest Conservation By-law which protects forests in York Region. Under the by-law, landowners require a permit before they can remove trees from forested areas greater than 0.2 hectares (0.5 acres).

The Town has not implemented an individual tree cutting by-law that would apply to the removal of individual trees within the Town. The Town does however, have a Tree Preservation and Conservation Policy which applies to the removal of trees which are subject to development applications. This policy is identified to be reviewed and updated in 2021

6.2 Agricultural Protection Area and Specialty Crop Area Designations

The APA designation includes those lands that have been evaluated at the Regional level as being prime agricultural areas and are, therefore, to receive the highest level of protection for agricultural uses. The Specialty Crop Area is identified separately due to the area's muck soils that allow for the production of specialty crops. The permitted uses and policies of the designations are intended to protect these areas for long-term agriculture.

Permitted uses in the APA and Specialty Crop Area designations include:

- Agricultural uses;
- Agriculture;
- Agriculture-related uses;
- On-farm diversified uses;
- Sustainable forestry and other activities connected with the conversation of soil, water resources and wildlife;
- A single detached dwelling;
- An accessory apartment;
- An accessory apartment in a detached accessory building or structure;
- A garden suite;
- Temporary accommodations for seasonal farm workers;
- A home industry; and,
- Mineral aggregate operations subject to policies in Section 4.10.

ZBL 500 does not contain an agricultural protection zone. Agricultural uses are permitted in the RU zone in accordance with the non-residential use provisions. Referencing the list of permitted uses in the RU zone (refer to Attachment 6), uses such as agriculture-related uses and on-farm diversified uses are not listed. These terms were introduced into the planning lexicon through the 2005 Greenbelt Plan in order to recognize and support diversification of the agricultural economy. Through Phase 1, Staff will review the appropriateness of implementing an agricultural zone in

accordance with the Official Plan in order to protect and preserve the Town's agricultural lands for future agricultural production and associated uses.

6.3 Rural Area Designation

The Rural Area designation includes the majority of lands located outside of settlement areas, the APA and Specialty Crop Area and the EPA designations. The permitted uses and policies in the Official Plan are intended to accommodate appropriate uses and forms of development in a manner that will maintain the rural and agricultural economy and character of the countryside.

Permitted uses in the Rural Area designation include:

- Agricultural uses;
- Agriculture-related uses;
- On-farm diversified uses;
- Sustainable forestry and other activities connected with the conversation of soil, water resources and wildlife;
- A single detached dwelling;
- An accessory apartment;
- An accessory apartment in a detached accessory building or structure;
- A garden suite;
- A home industry; and,
- Mineral aggregate operations subject to policies in Section 4.10.

The range of uses permitted in the Rural Area designation are generally consistent with the APA and Specialty Crop Area save and except the Rural Area permits outdoor storage facilities for recreational vehicles. Through Phase 1, a review and update of the permitted uses, policies and mapping of the RU zone will be conducted to ensure conformity with the Official Plan and better reflect current rural land uses and practices.

6.4 Site-Specific Designations in the Countryside Area

A variety of site-specific rural commercial, industrial, and recreational designations are located throughout the Countryside Area. Many of these site-specific designations contain related site-specific zoning approvals. In some cases, the environmental features on these properties have been identified through technical review and protected through zoning. These lands would be reviewed through Phase 1 in order to determine how to address each individual situation.

6.5 Minimum Separation Distance Formula

The Minimum Distance Separation (MDS) Formulae are mathematical models developed by the Province that establishes the minimum distance between agricultural uses/buildings containing livestock, manure storage and/or anaerobic digesters and

other "sensitive" land uses/buildings such as residences, schools etc. Through Phase 1, Staff will also be conducting a review the provisions in ZBL 500 as they relate to MDS Formula to ensure they are consistent with the Official Plan and provincial requirements.

7. RELATIONSHIP TO STRATEGIC PLAN (2019-2023):

This report addresses the following strategic priorities:

- "Grow Our Economy"
- "Promote a High Quality of Life".

8. FINANCIAL AND BUDGETARY IMPACT:

The Town of Georgina 10-Year Capital Plan identifies a total of \$160,000 for a Zoning By-law Update, which is broken down into \$60,000 for 2021 and \$100,000 for 2022 (refer to Attachment 7).

As per the 10-year Capital Plan, there is currently a business case being prepared as part of the 2021 Budget for \$60,000 to retain specialized environmental planning consulting services to assist Staff with Phase 1 of the ZBL 500 Conformity Exercise (refer to Attachment 8).

Council will consider the 2021 Budget for approval in December 2020. If Staff wait for approval of the 2021 Budget prior to beginning the process of retaining a consultant, it is unlikely the project will be completed in 2021. Therefore, in order to ensure project completion in 2021, it is requested that Council provide pre-budget approval of a 2021 Budget item for \$60,000 as it relates to Phase 1 of the ZBL 500 Conformity Exercise. A recommendation to this effect has been included in Section 1 of this Report.

If Council approves the recommendations of this report, Staff will prepare Terms of Reference that will form the basis of a Request for Proposal. Staff will further report to Council on this matter later in fall 2020.

9. CONCLUSION:

Staff recommend that Council approve the recommendations contained in Section 1 of this report to receive the report, endorse the proposed two-phase approach to undertake the ZBL 500 Conformity Exercise, and advance the pre-budget approval of \$60,000 to retain a consultant to assist Staff with Phase 1 of the conformity exercise.

Prepared by:

Reviewed by:

Tolek A. Makarewicz, BURPI, MCIP, RPP Senior Policy Planner

Alan Drozd, MCIP, RPP Manager of Planning - Acting

FOR

Reviewed/Recommended by:

Approved by:

Marold W. Lenters, M.Sc.Pl, MCIP, RPP

Director of Development Services

David Reddon

Chief Administrative Officer

August 17, 2020

Attachment 1 - Schedule A1, Municipal Structure Plan to the Official Plan (2016)

Attachment 2 - Schedule A2, Land Use Plan to the Official Plan (2016)

Attachment 3 - Phase 1 Work Plan

Attachment 4 - Map 1 to Schedule A of Zoning By-law No. 500

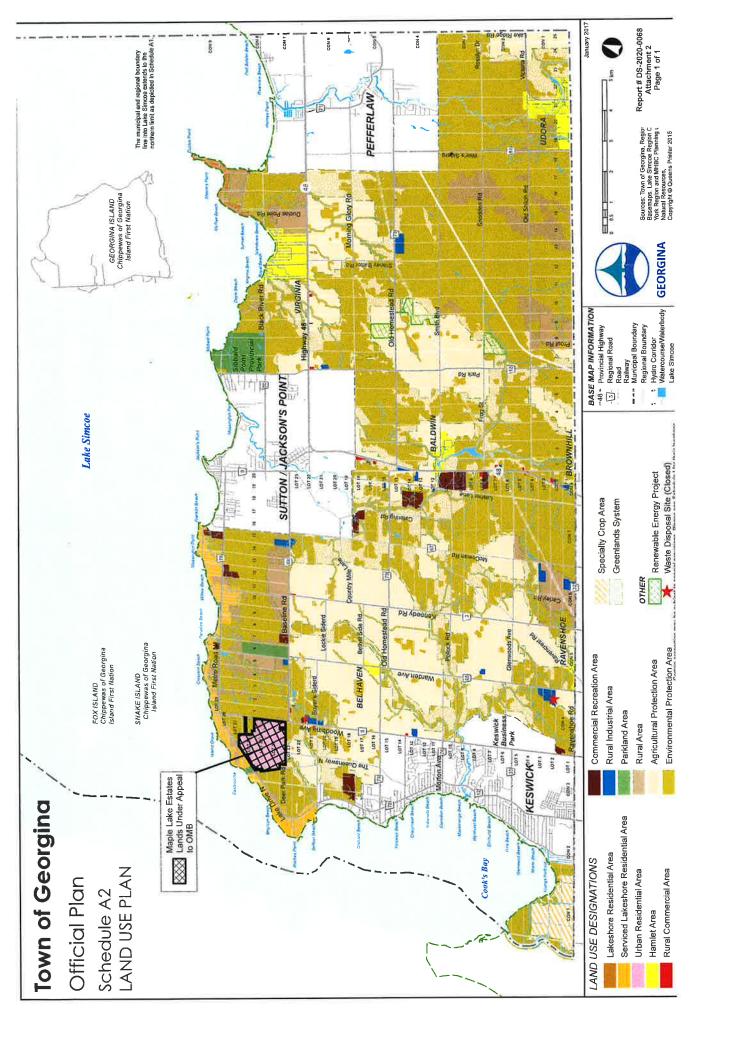
Attachment 5 - Map 1 to Schedule A of Zoning By-law No. 911

Attachment 6 - Section 28, Rural (RU) Zone Permitted Uses

Attachment 7 - Development Services 10-Year Capital Plan (2019 Budget)

Attachment 8 – Business case to retain a consultant (2021 Budget)





Phase 1 Generalized Work Plan – Zoning By-law Conformity Exercise

Pre-Study Process

- Consult with York Region, Lake Simcoe Region Conservation Authority and other key agencies on available data, mapping, best practices and approaches. Prepare detailed study Terms of Reference (TOR) detailed work plan and consultation strategy and Request for Proposal (RFP) for environmental consulting services.
- 2. Report to Council approving TOR and RFP
- 3. Run RFP Process and Report to Council on Recommended Consultant

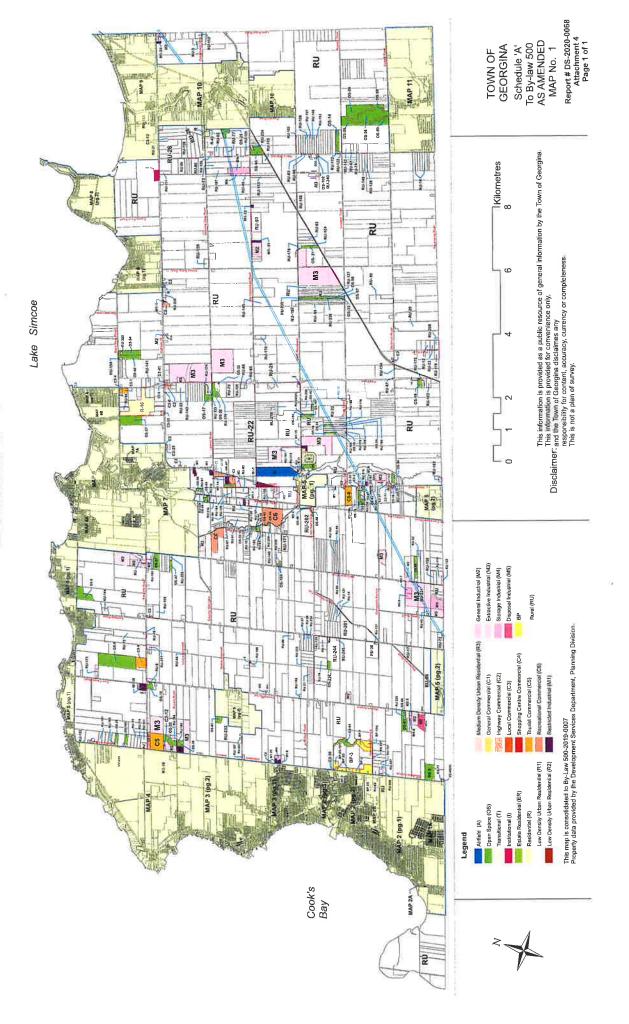
Study Commencement

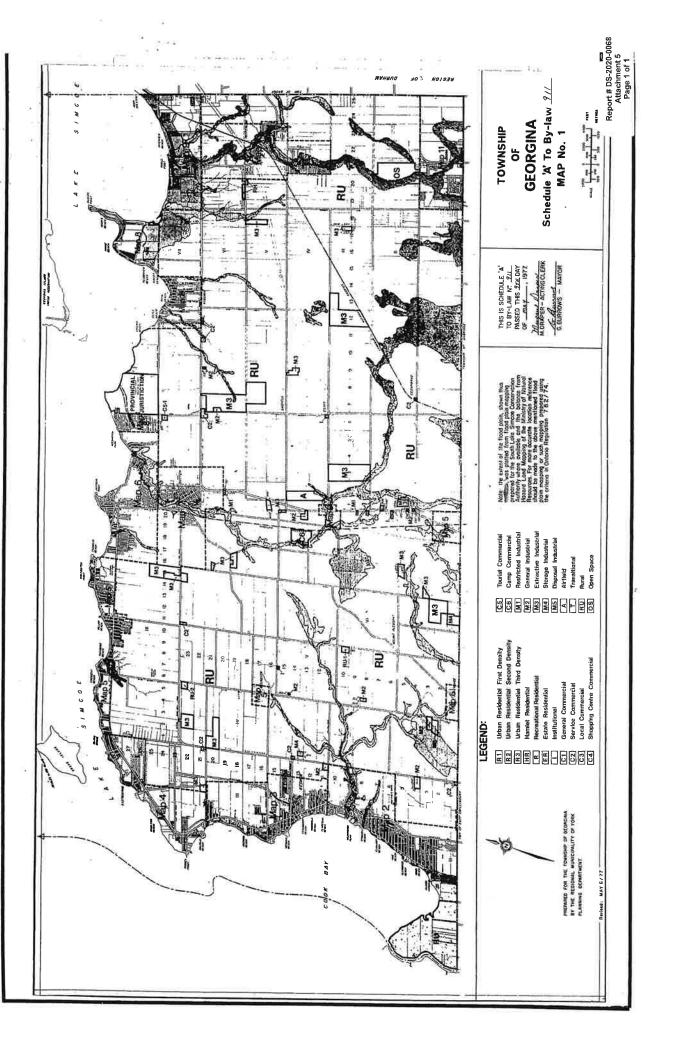
- 1. Establish technical working group Staff, agencies and consultant. Background data and information collection, refine methodology formulation, finalize detailed work plan.
- 2. Issue Notice of Study Commencement
- 3. Undertake technical assessment / Prepare Draft by-law mapping and regulations
- 4. Report on Draft Zoning By-law to Council.
- 5. Public Information Centre / Consultation Process on Draft Zoning By-law
- 6. Review and Assessment of Public / Stakeholder Comments
- 7. Report to Council on summary of public comments and preferred approach, including zoning provisions and mapping. Obtain Council authorization to proceed to a Statutory Public Meeting.

Statutory Process on Proposed Zoning By-law Amendment

- 1. Circulation and Notice of Proposed Zoning By-law Amendment
- 2. Statutory Public Meeting and report to Council on proposed by-law and mapping including agency and public comments received to date.
- 3. Assessment of comments received at the public meeting and make modifications to by-law as necessary.
- 4. Second Public Meeting with a recommendation report to Council to consider adoption of by-law. If required, additional report and Public Meeting to pass by-law.

ZONEMAP 1





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SECTION 28 - RURAL (RU) ZONE

28.1 PERMITTED RESIDENTIAL USES

(500-2007-0017) - dwelling legally existing prior to September 10, 2008.

single family dwelling

(500-2004-0013) - temporary accommodations for seasonal farm workers

28.2 PERMITTED NON-RESIDENTIAL USES

(500-2019-0008)

- aerodrome (private)
- agricultural/aquacultural, conservation or forestry use, excluding mushroom farms and Adventure Games provided that such forestry or agricultural use does not include any recreational or athletic activity for which a membership or admission fee or donation is received or solicited or for which a fee is charged for participation in the activity
- short-term rental accommodation
- clinic, veterinary (animal hospital)
- day care, private home
- day nursery within a church
- farm produce storage area
- home industry
- home occupation
- kennel
- tourist information centre
- accessory buildings, structures and uses to any permitted use

(500-2007-0017) Notwithstanding the permitted non-residential uses listed above, a cemetery, church, and police station shall be permitted uses on lands zoned Rural (RU) and designated 'Rural' in the Sutton Secondary Plan Area or the Pefferlaw Secondary Plan Area.

Furthermore, notwithstanding the permitted non-residential uses listed above, any cemetery, church, parking lot for school buses and commercial vehicles, police station, and bus or truck terminal legally existing prior to September 10, 2007 shall be a permitted use

10 Year Capital Plan Development Services (Department Administration, Building, Planning, Economic Development, Development Engineering)



200	2028 2029 Total	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	60,000 60,000 60,000 60,000 60,000 60,000 60,000 60,000 60,000 60,000 60,000 60,000 60,000 648,000 648,000 648,000 6550,000 7,830,000 7,	60,000 60,000 6,049,300 60,000 60,000 7,912,600	1,863,300	1,863,300 54,000 54,000 1,211,000 6,000 6,000 115,300 4,683,000	0000
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	2023	\$ 162,000	60,000	708,000	162,000	162,000 54,000 6,000 648,000	
	2022	•	100,000	2,305,000	## 25	90,000 10,000 2,205,000	
	2021	\$ 20,000	20,000 50,000 50,000 60,000	1,990,000		20,000 144,000 16,000 1,830,000	
	2020	90,000		466,300	121,300	121,300 430,000 16,300	20,000
	Capital Project	Non-Growth Related Expenditures Vehicle Replacements Economic Strategy Black River Rd Sidewalk / Multi-Use Path (Tc Queensway N. Urbanization (Town Share)	Growth Related Expenditures Keswick Business Park Secondary Plan Sutton/Jackson's Point Secondary Plan Sutton/Jackson's Point Secondary Plan Official Plan Conformity Review Planning Applications Fee Review Miscellaneous Planning Studies Ten Year OP Update and Review Building By-law Update Zoning By-law Update Black River Rd Sidewalk/Multi-use Path (DC Queensway N. Urbanization (DC Funded) Dovedale Dr Extension (DC Funded) High Street Sanitary Sewer Carry Forward Capital Projects	Total Annual Capital Expenditures	Non-Growth Related Funding Capital Reserve - Tax Funded Reserve Funds - Federal Gas Tax Debenture - Tax Funded Grants Other Revenue	Growth Related Funding DC's / CBC's Capital Reserve - Tax Funded Reserve Funds - Federal Gas Tax Debenture - DC / CBC Funded Debenture - Tax Funded Grants	Other Revenue



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Can you defer the request?

No. In order to manage land use and protect the Town's Environmental, Agricultural, and Rural lands, the Zoning By-law needs to be updated to comply with the Town's November 2016 Official Plan.

Is it more efficient to contract out the initiative?

Budget request is for contracted professional services to assist staff with certain technical expertise.

Can you combine this initiative with other present functions?

The balance of the work to complete the initiative would be undertaken with internal Staff resources.

Can you change the services model to reduce this demand without reducing service levels?

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Can you better leverage technology?

The project will be completed utilizing the Town's GIS system.

Can you share service delivery with other Town Departments/Agencies or municipalities?

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- 7. Short-Term Results Expected: Completion of the first stage of the Comprehensive Zoning By-law Update and conformity with legislative requirements.
- Long-Term Results Expected: Enhancement of service to customers and greater efficiencies in work processes. œ.
- 9. Other Comments:

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