

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2021-0110

**FOR THE CONSIDERATION OF
COUNCIL**

December 8, 2021

**SUBJECT: ZONING BY-LAW CONFORMITY EXERCISE – PHASE I UPDATE AND
DISCUSSION PAPER- FILE NUMBER: 05.263**

1. RECOMMENDATION:

1. That Council receive Report No. DS-2021-0110 prepared by the Planning Policy Division, Development Services Department dated December 8, 2021, respecting the Zoning By-law Conformity Exercise – Phase I Update and Discussion Paper.
2. That Council endorse the Proposed Directions and Decision Making Principles as outlined in Sections 4 and 5 of the Discussion Paper included as Attachment 4 to Report No. DS-2021-0110, as a basis for the preparation of a draft Zoning By-law Amendment to Comprehensive Zoning By-law No. 500.

2. PURPOSE:

The purpose of this report is threefold:

- Provide Council with an update on the progress and timing of the Phase I Zoning By-law Conformity Exercise;
- To present the Discussion Paper for Council's information and public review as part of the consultation process; and,
- To obtain Council endorsement of the proposed directions and decision making principles for the preparation of the draft Zoning By-law Amendment, as contained in Sections 4 and 5 of the Discussion Paper.

3. BACKGROUND:

In accordance with the requirements of Section 26(9) of the Planning Act, the Town is undertaking the mandatory exercise of bringing comprehensive Zoning By-law No. 500 (Zoning By-law) into conformity with the land use designations and policies of the

Town of Georgina Official Plan (Official Plan), which came into force and effect on November 23, 2016.

On September 9, 2020, Council adopted the recommendations of Report No. DS-2020-0068 by passing Resolution No. C-2020-0268 to:

- Endorse a Two-Phase approach to undertake the Zoning By-law Conformity Exercise; and,
- Advance pre-budget approval to retain a consultant to assist staff with Phase I.

Due to the length of the above- noted report, it has not been attached; however, it can be viewed online at the Town's website as follows:

- September 9, 2020 Council Agenda, Pages 66 through 82:
<http://www3.georgina.ca/archive/georgina/council-2020/2020-09-09-AGN.pdf>

The Phase I study area includes lands within the Countryside Area¹ of the Town, while Phase II will address the remaining lands within the Town (i.e. Urban Area, Towns and Villages, Hamlets and Lakeshore Residential Area), as shown on Official Plan Schedule A1, Municipal Structure (Attachment 1). Phase II of the Zoning By-law Conformity Exercise is scheduled to commence in 2023.

Phase I will primarily involve an exercise to introduce new zoning for the Town's Countryside Area in accordance with Official Plan Schedule A2, Land Use Plan (Attachment 2) and the following designations:

- Environmental Protection Area (EPA);
- Agricultural Protection Area (APA);
- Specialty Crop Area;
- Rural Area; and,
- Site-specific Rural Industrial Area, Rural Commercial Area, Commercial Recreational Area, and Parkland Area.

On June 23, 2021, Council received an update on the process which included an introduction of the consulting team from Hardy Stevenson and Associates that had been retained to assist primarily in relation to the environmental planning and public consultation. The report was received for information and can be viewed at: <https://pub-georgina.escribemeetings.com/FileStream.ashx?DocumentId=3040>

On August 18, 2021, Council received a further report outlining the Public Consultation and Engagement Plan for the process together with an update on the

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

project work plan. The subject report was received for information. A copy of this report is available at:

<https://pub-georgina.escribemeetings.com/FileStream.ashx?DocumentId=3577>

4. ANALYSIS:

Below is an update respecting the major tasks completed in Phase I since staff's last touchpoint with Council at the September 2020 Council meeting.

4.4 PROJECT WORK PLAN - GANTT CHART

The Work Plan presented on a Gantt chart, outlines the key elements of Phase I, including project scope and the specific timing of key tasks by weekly increments over the life the Project from initiation to Council adoption (Attachment 3).

Phase I as originally conceived was to be completed within approximately one year, to be finalized by May 2022. The timing of critical milestones identified in the Gantt Chart are provided as a guideline and are intended to be flexible to account for circumstances such as future Council meeting dates and their scheduling availability. Due to work load and staffing shortage in the Development Planning Division, there have been delays in advancing the Phase I Zoning By-law Update and the preparation of the Phase I Discussion Paper. Adjustments to the project Work Plan have been made to reflect a project conclusion in the summer 2022.

As Council was previously made aware, the Development Planning Division is currently seeking to fill a vacant Planner II position and in the interim, the Manager of Policy Planning has taken over file management of the Panattoni project as well as a number of other projects which has required a significant amount of dedicated time which would otherwise have been spent on the Zoning By-law Update. Through recent discussions with the CAO and the and the two Planning Division Managers, adjustments to the Manager of Planning Policy's workload have been made to allow for more focused time on the the Zoning By-law Phase I Conformity Exercise . It should be noted however, the Manager of Planning Policy will maintain his lead on the Panattoni files given their importance and complexity.

4.5 DISCUSSION PAPER

The Discussion Paper represents a key step in providing Council, the public, other stakeholders and interested parties with an overview of the planning policy considerations, opportunities and constraints associated with the process to update to the Zoning By-law. It presents initial thinking on a range of zoning conformity related matters and provides a basis for comment and discussion (Attachment 4).

The Discussion Paper further provides an analysis of rezoning's / development activity in the Countryside Area since the adoption of By-law No. 500, and provides an assessment of the By-law from the perspective of conformity with the Town of Georgina Official Plan. It concludes with the identification of proposed directions and decision making principles for the preparation of a draft Zoning By-law Amendment.

5. RELATIONSHIP TO STRATEGIC PLAN:

This report addresses all four strategic goals

- GOAL 1: "Grow our Economy" – SUSTAINABLE ECONOMIC GROWTH & EMPLOYMENT;
- GOAL 2: "Promote a High Quality of Life" – HEALTHY, SAFE, SUSTAINABLE COMMUNITIES;
- GOAL 3: "Engage Our Community & Build Partnerships" – COMMUNICATION, ENGAGEMENT, COLLABORATION & PARTNERSHIPS; and,
- GOAL 4: "Provide Exceptional Municipal Service" – ORGANIZATIONAL & OPERATIONAL EXCELLENCE.

6. FINANCIAL AND BUDGETARY IMPACT:

There are no financial or budgetary impacts associated with this report.

7. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

There are no public consultation or notice requirements associated with this report. However, notice was provided to all interested parties by e-mail or mail on November 24, 2021.

8. CONCLUSION:

There have been delays in advancing Phase I of the Zoning By-law Conformity Exercise and so adjustments to the project Work Plan have been made to reflect a project conclusion in summer 2022.

The Phase I Discussion Paper represents a key step in advancing this project further.

APPROVALS

Prepared By: Alan Drozd, MCIP, RPP
Manager of Planning Policy

Recommended By: Harold Lenters, M.Sc. Pl., MCIP, RPP
Director of Development Services

Approved By: Ryan Cronsberry,
Chief Administrative Officer

Attachments:

Attachment 1 – Official Plan Schedule A1, Municipal Structure

Attachment 2 – Official Plan Schedule A2, Land Use Plan

Attachment 3 – Phase I Gantt Chart - December 8, 2021

Attachment 4 – Discussion Paper

Report Approval Details

Document Title:	Zoning By-law Update - Discussion Paper.docx
Attachments:	<ul style="list-style-type: none">- Attachment 1 - Municipal Structure.pdf- Attachment 2 - Land Use Plan.pdf- Attachment 3 -Work Plan Gantt Chart-December 8.pdf- Attachment 4 - Discussion Paper.pdf
Final Approval Date:	Nov 29, 2021

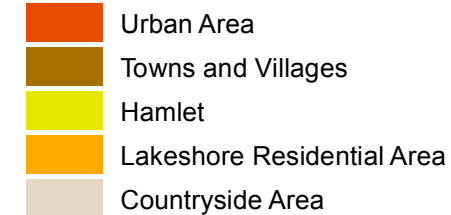
This report and all of its attachments were approved and signed as outlined below:

Harold Lenters

**No Signature - Task assigned to Ryan Cronsberry was completed by assistant
Mysti Hamilton**

Ryan Cronsberry

STRUCTURE



Sources: Town of Georgina, Regional Municipality of York, ArcGIS Online Basemaps. Lake Simcoe Region Conservation Authority. Produced by York Region and MHBC Planning under licence from Ontario Ministry of Natural Resources,
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Town of Georgina

Official Plan

Schedule A2

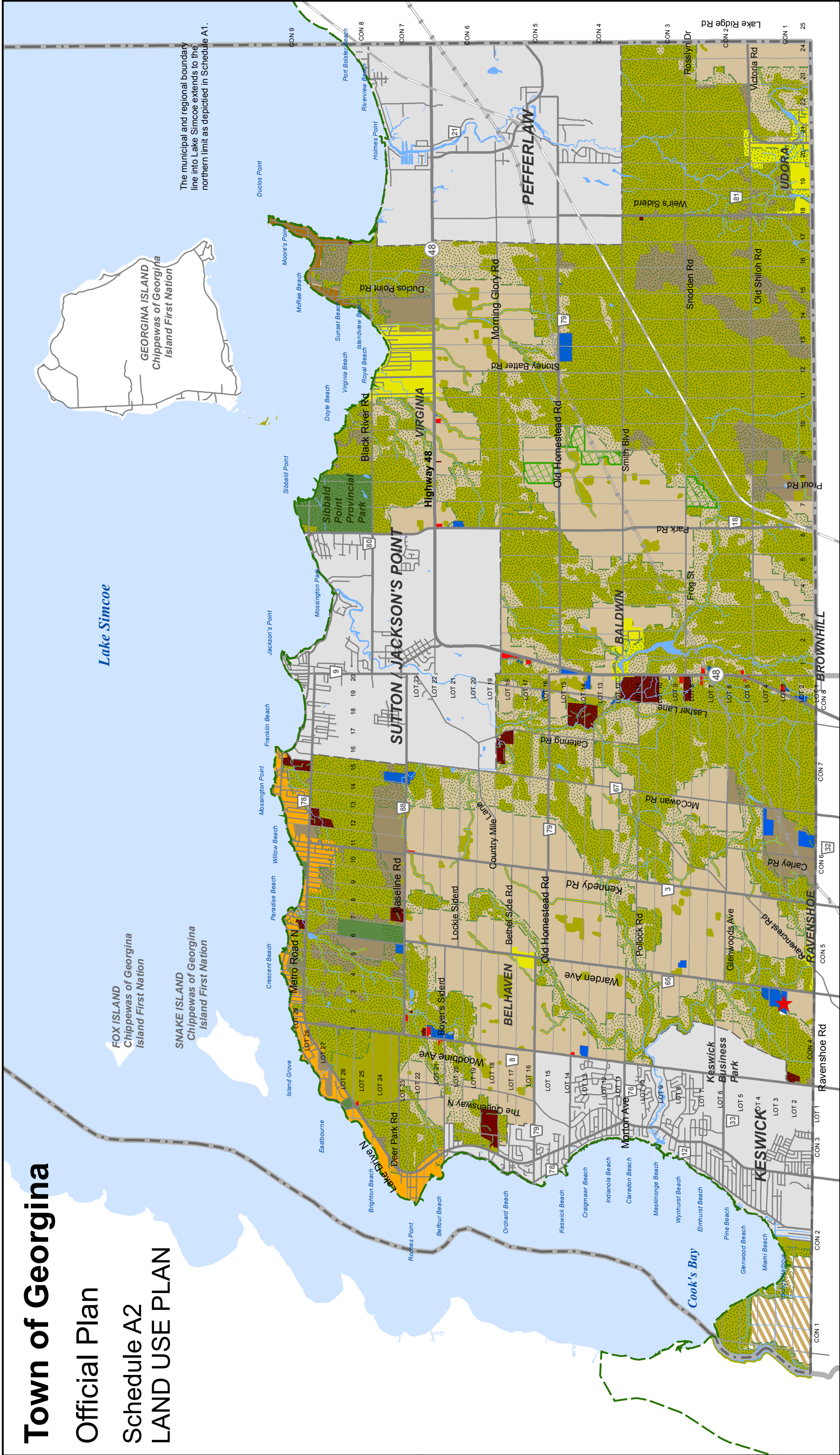
LAND USE PLAN

FOX ISLAND
Chippewas of Georgina
Island First Nation

SNAKE ISLAND
Chippewas of Georgina
Island First Nation

Lake Simcoe

The municipal and regional boundary
line into Lake Simcoe extends to the
northern limit as depicted in Schedule A1.



LAND USE DESIGNATIONS

- Lakeshore Residential Area
- Serviced Lakeshore Residential Area
- Urban Residential Area
- Hamlet Area
- Rural Commercial Area
- Commercial Recreation Area
- Rural Industrial Area
- Parkland Area
- Rural Area
- Agricultural Protection Area
- Environmental Protection Area

- Specialty Crop Area
- Greenlands System

OTHER

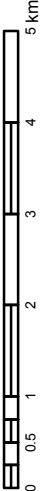
- Renewable Energy Project
- Waste Disposal Site (Closed)

BASE MAP INFORMATION

- Provincial Highway
- Regional Road
- Road
- Railway
- Municipal Boundary
- Regional Boundary
- Hydro Corridor
- Watercourse/Waterbody
- Lake Simcoe



GEORGINA



July 2020

Sources: Town of Georgina, Regional Municipality of York, ArcGIS Online
Basemaps, Lake Simcoe Region Conservation Authority. Produced by
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GANTT CHART

Report No. DS-2021-0110
Attachment 3
Page 1 of 2

Zoning By-law Update



Phase I – Countryside Area Town of Georgina



GEORGINA

Planning Policy Division
Development Services Department

Report DS-2021-0110
Attachment 4
65 Pages

Town of Georgina
December 2021

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Section 1 – Introduction

1.0 Introduction

Zoning by-laws are the principal tool municipalities use to implement the policies of an official plan. Achieving conformity with the 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.

1.1 Purpose

This Discussion Paper provides Council, the public, stakeholders and interested parties with an overview of policy issues, opportunities and constraints associated with updating Zoning By-law 500 to conform to the Town of Georgina Official Plan (Official Plan or Plan). It presents initial thinking on the range of issues and key themes to be addressed, and provides a basis for comment and discussion which will inform the preparation of the draft Zoning By-law amendment. The Discussion paper will also be used as a consultation tool to engage with the public and stakeholders on a series of focused zoning issues that require input.

1.2 Background

The Town's comprehensive zoning by-law, Zoning By-law 500, was adopted by Council on July 7, 1994, and approved by the Ontario Municipal Board on August 24, 1995. Zoning By-law 500 replaced the Town's first comprehensive zoning by-law, Zoning By-law 911, which was passed on May 9, 1977. Zoning By-law 500 was approved in conformity with applicable Provincial, Regional and Town Official Plan policy in place at the time as required by the Planning Act.

The Town of Georgina 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 York Region Official Plan, 2010 (YROP) and in force and effect provincial planning documents, including: the Provincial Policy Statement, 2014 (PPS); Lake Simcoe Protection Plan, 2009 (LSPP); Growth Plan for the Greater Golden Horseshoe, 2006 (GP); Greenbelt Plan, 2005 (GBP); and, the South Georgina Bay Lake Simcoe (SGBLP) Source Protection Plan, 2015. The Official Plan establishes an updated vision, growth management framework, land use plan and associated policies and mapping to appropriately guide growth and development, while protecting the Town's natural systems and resources.

In accordance with Section 26(9) of the Planning Act, within three years after a revision to an official plan takes place which has the effect of bringing it into conformity with provincial plans, has regard to the matters of provincial interest and is consistent with the PPS, a municipality is required to amend all zoning by-laws that are in effect in the

municipality to ensure that these conform with the policies and land use designations of the official plan.

1.3 Zoning By-law Update Phasing

The Zoning By-law Update is being completed in two phases.

The Phase I Zoning By-law Update commenced in 2021 and affects the lands within the Countryside Area of the Town as shown on Official Plan Schedule A1, Municipal Structure. Phase I is an update the zoning for the Town's Countryside Area in accordance with the Official Plan land use designations and policies.

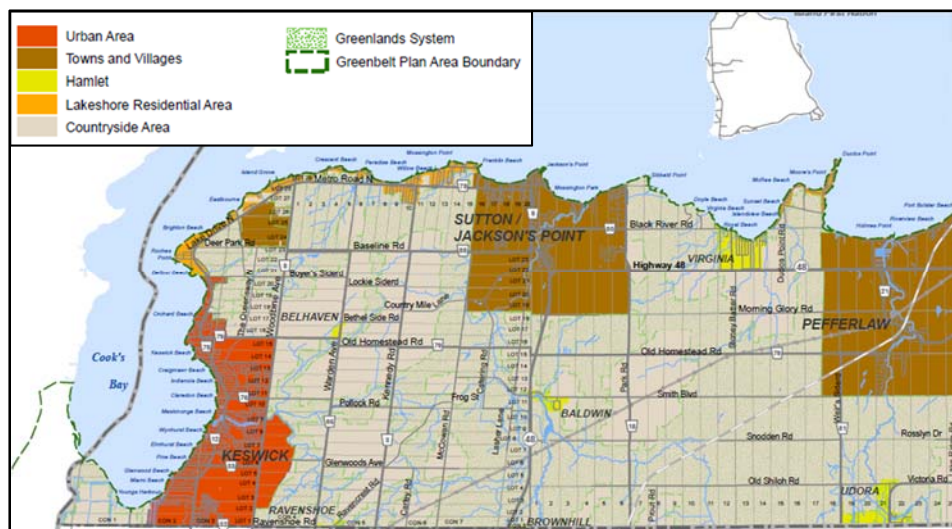
Phase I is being managed and primarily undertaken by Town Planning Policy Staff. Information Technology Staff will be assisting with producing the Zoning By-law mapping, while a Technical Working Group that includes representation from the Lake Simcoe Region Conservation Authority (LSRCA) and York Region will provide technical experience and input on key policy implementation and mapping matters. The Town has retained the consulting firm Hardy Stevenson and Associates to provide consulting assistance in the areas of environmental planning and public consultation.

Phase II is proposed to commence in 2023 and will review and update the balance of Zoning By-law 500, which includes addressing the zoning for the Town's Settlement Areas as well as the Zoning By-law's general provisions, to bring it into conformity with and implement the Official Plan.

1.4 The Countryside Area

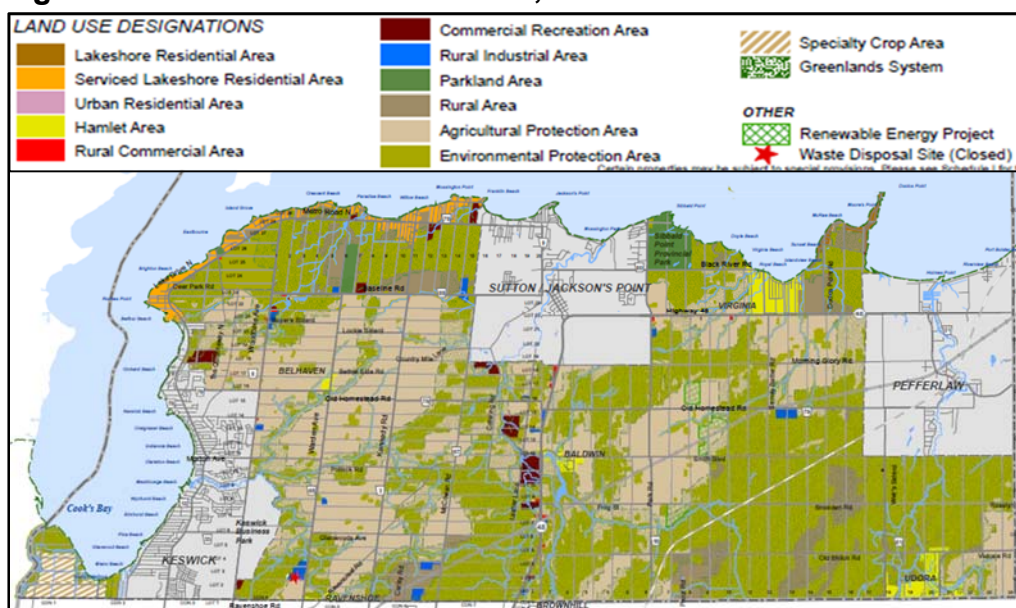
Official Plan Schedule A1, Municipal Structure, identifies the Town's Countryside Area which includes those lands located outside of the Town's Settlement Areas (Figure 1).

Figure 1: Official Plan Schedule A1, Municipal Structure



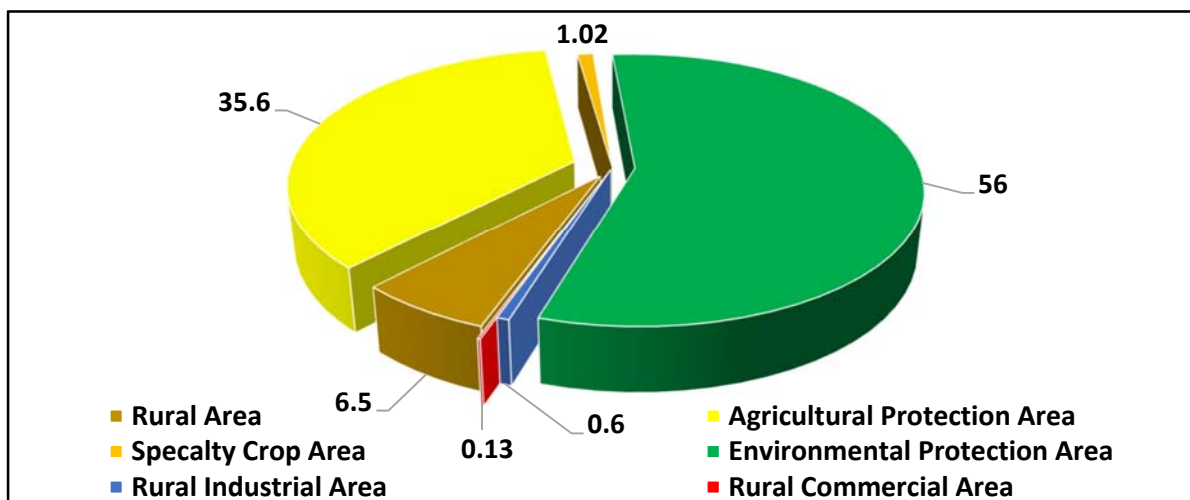
Official Plan Schedule A2, Land Use Plan, primarily designates lands within the Countryside Area as either Agricultural Protection Area, Specialty Crop Area, Environmental Protection Area, or Rural Area (Figure 2). A number of site-specific historic land uses and properties with legacy planning approvals are also scattered throughout the Countryside Area. This includes lands designated Rural Industrial Area, Rural Commercial Area, Commercial Recreation Area and Parkland Area.

Figure 2: Official Plan Schedule A2, Land Use Plan



The Countryside Area comprises a land area of approximately 21,456 hectares or 71% of the Town's total land area of 28,954 hectares. The land areas associated with the designations shown on Official Plan Schedule A2, Land Use Plan, are shown in the pie chart below provided as Figure 3.

Figure 3: Percentage of Land Use Designations in the Countryside Area



Section 2 – Planning Policy Context

2.0 Introduction

The Phase I Zoning By-law Update exercise is intended to bring Zoning By-law 500 into conformity with the Town's Official Plan as required by Section 26(9) of the Planning Act. Furthermore, it is necessary to consider the full context of applicable Regional and Provincial land use policy. Although the Official Plan was approved in conformity with all applicable policies of the day, it does not in and of itself contain all of the detailed policies in these Plans, but references them within the "Georgina context".

It is recognized that while several of these provincial policy documents have been reviewed and updated since the adoption of the Official Plan in 2016, for the most part, the policies have not changed significantly or to the extent of causing a major concern in terms of the Official Plan's current conformity with provincial policy.

Below is an overview of applicable provincial and regional policy documents and considerations. Section 4 of this Discussion Paper provides a comprehensive Official Plan conformity analysis.

2.1 The Planning Act

The Planning Act (the Act) is the principle legislative document that enables and regulates the land use planning system in Ontario. It sets out the roles, responsibilities and powers of planning authorities and details the manner in which the "planning process" takes place. Relevant sections of the Act are outlined below.

Section 2 of the Act identifies matters of provincial interest that municipalities shall have regard to when carrying out their responsibilities under the Act. This includes the following:

- The protection of ecological systems, including natural areas, features and functions;
- The protection of the agricultural resources of the Province;
- The conservation and management of natural resources and the mineral resource base;
- The conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- The supply, efficient use and conservation of energy and water;
- The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- The minimization of waste;
- The orderly development of safe and healthy communities;

- The accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- The adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- The adequate provision of a full range of housing, including affordable housing;
- The adequate provision of employment opportunities;
- The protection of the financial and economic well-being of the Province and its municipalities;
- The co-ordination of planning activities of public bodies;
- The resolution of planning conflicts involving public and private interests;
- The protection of public health and safety;
- The appropriate location of growth and development;
- The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- The promotion of built form that,
 - Is well-designed;
 - Encourages a sense of place; and,
 - Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant; and,
- The mitigation of greenhouse gas emissions and adaptation to a changing climate.

Section 3(1) of the Act further establishes the authority for the Province to issue policy statements on matters related to municipal planning that in the opinion of the Minister are of provincial interest.

Section 16 of the Act enables and requires the preparation of official plans in accordance with various requirements.

Section 24(1) requires that municipal decisions, by-laws (including zoning by-laws) and public works be in conformity with its official plan.

Section 26(1) requires that where an official plan is in effect, such official plan shall be revised to ensure it:

- Conforms with provincial plans or does not conflict with them, as the case may be;
- Has regard to the matters of provincial interest listed in Section 2; and,
- Is consistent with policy statements issued under Section 3(1).

Section 26(9) requires that no later than three years after an official plan has been revised in accordance with Section 26(1), the Council of the municipality shall amend all zoning by-laws that are in effect to ensure that they conform with the official plan.

Section 34 of the Act addresses zoning by-laws and authorizes their passage to:

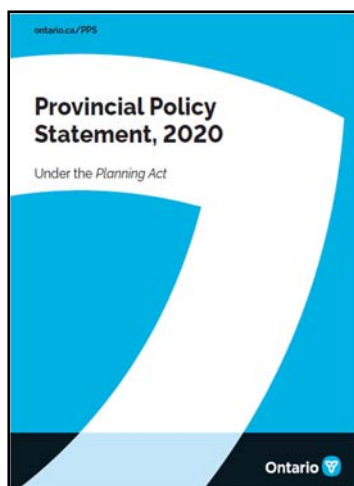
- Restrict the use of land;
- Restrict the erection and location of buildings and structures;
- Prohibit the erection of any class of structure on lands subject to flooding or on land with steep slopes, or that is rocky, low-lying, marshy, unstable, or subject to erosion or natural hazards;
- Prohibit the use of land that is contaminated, contains sensitive water features or is vulnerable;
- Prohibit the use of land, buildings or structures within any defined natural area or features;
- Prohibit the use of land, buildings or structures on land that is the site of significant archeological resources;
- Regulate the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings and structures;
- Require loading and parking facilities;
- Prohibit the use of land where there is no availability of municipal services; and,
- Control occupancy.

Section 34(10.0.0.1) provides that if a council carries out the requirements of Section 26(9) by simultaneously repealing and replacing all the zoning by-laws in effect in the municipality, no person or public body shall submit an application for an amendment to any of the by-laws before the second anniversary of the day on which the council repeals and replaces them. However, council may declare through resolution that applications to amend the zoning by-law may be submitted for consideration. This may be in respect to a specific application, a specific type of application, or applications generally.

Section 45 of the Act establishes the roles and responsibilities of a Committee of Adjustment which may, upon application, approve variances to provisions of zoning by-laws and exercise various other functions related to legal non-conforming uses and the consent process (i.e. to sever or divide land).

2.2 Provincial Policy Statement, 2020

The PPS represents the Province's overarching position on land use planning matters and is issued under Section 3 of the Planning Act. Decisions on land use planning matters, including the goals, objectives and policies of official plans, must be consistent with the PPS.



The PPS contains policies on growth management, community design and development, housing, infrastructure, economic development, energy, resource management, natural heritage, agriculture and cultural heritage. Its policies provide for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

The PPS recognizes that rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other natural

resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. The PPS recognizes that it is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

Municipal official plans are the most important vehicle for implementation of the PPS and for achieving long-term, comprehensive and integrated planning. Official plans are required to establish policy to protect provincial interests and direct development to suitable locations. In order to protect provincial interests, planning authorities are required to maintain their official plans to be consistent with the PPS. The PPS acknowledges that zoning by-laws are also an important tool when it comes to implementing its policies. In this regard, planning authorities are required to maintain their zoning by-law(s) to be up-to-date with their official plan and the PPS.

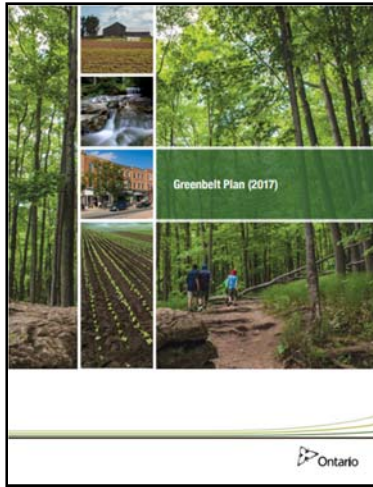
2.3 A Place to Grow – The Growth Plan for the Greater Golden Horseshoe, 2019

The GP is the principle, overriding provincial plan providing policies respecting growth management and related matters for municipalities across the Greater Golden Horseshoe. The GP works in concert with other provincial plans for more defined geographical areas such as those lands located within the GBP, the Oak Ridges Moraine Conservation Plan (ORMCP), and the Niagara Escarpment Plan, in setting the land use policy context. As is the case with the PPS, implementation is through the official plan and zoning by-law.

The primary focus of the GP is on policies related to the efficient development of urban / settlement areas. The focus of the Phase I Zoning By-law Update is on the rural Countryside Area of the Town, where the policies and direction of the provincial GBP are more applicable.



2.4 The Greenbelt Plan, 2017



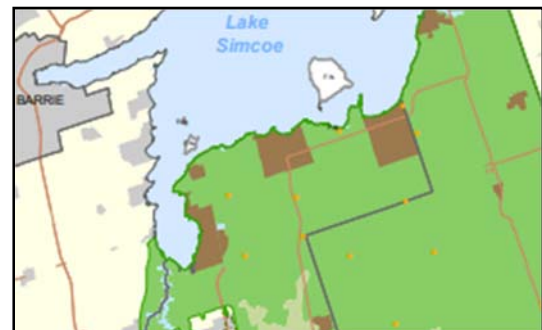
The GBP identifies where urbanization should not occur to provide permanent protection to the agricultural land base and the environmental features and functions occurring on the landscape. The entire Town is located within the Protected Countryside Area of the GBP Plan, as illustrated in Figure 4. The GBP together with the GP establishes the urban structure of the Town including settlement area limits, while also providing for the long-term protection of agricultural land and key natural heritage features and key hydrological features and their functions.

The Greenbelt Area is comprised of the Protected Countryside Area (including Natural Heritage System,

Towns / Villages, Hamlets and Holland Marsh Specialty Crop Area), Urban River Valleys, Oak Ridges Moraine Area, and the Niagara Escarpment Plan Area. While the Official Plan was approved in conformity with the GBP and other provincial plans, specific land uses and zoning provisions have not been fully introduced into Zoning By-law 500.

Similarly, policies concerning the identification and protection of the Natural Heritage System including key natural heritage features and key hydrologic features, have also not been incorporated into the By-law. The policies of the GBP and other provincial policy considerations are implemented and established on a site-specific basis through the processing of Official Plan Amendment (OPA) and/or Zoning By-law Amendment (ZBA) applications.

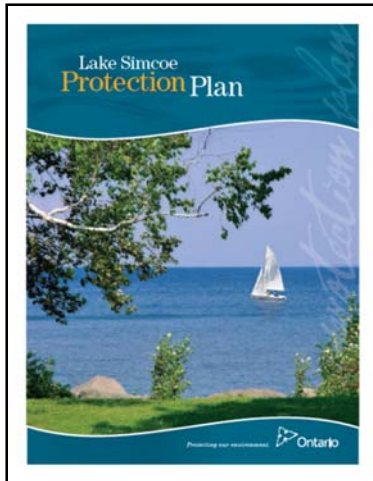
Figure 4: The Greenbelt Plan's Schedule 1, Greenbelt Area



Furthermore, in 2005 after the GBP was enacted, the Town undertook a review of the permitted uses within the Rural (RU) zone resulting in the elimination of a number of uses that were not in conformity with the GBP.

2.5 The Lake Simcoe Protection Plan, 2009

The LSPP came into force and effect on June 2, 2009, under the provisions of the LSPP Act. The LSPP has the same legal stature as do other provincial plans established under the Planning Act such as the GBP, the ORMCP, the GP and the Niagara Escarpment Plan. The LSPP applies specifically to lands within the Lake Simcoe Watershed, which crosses some part of the jurisdiction of all other provincial plans except for the Niagara Escarpment Plan. The LSPP is at its core, fundamentally a watershed based environmental management plan with the overriding objectives of



protecting, improving and restoring the health of Lake Simcoe and its watershed including water quality, hydrology, and key natural heritage features and key hydrologic features and functions. The policy focus of the LSPP spans a number of key thematic areas such as aquatic life; water quality; water quantity; Lake Simcoe shoreline and natural heritage; and, other threats and activities such as key invasive species, climate change and recreational activities.

Under the provisions of the LSPP Act, municipalities are required to update their official plans under Section 26(1) of the Planning Act to be in conformity with the LSPP. In addition, all planning decisions must be consistent with the LSPP and no zoning by-law can be passed that does not conform to the provisions of the LSPP. The Official Plan was approved in conformity with the LSPP and contains a number of policies which directly refer to the LSPP and are relevant for consideration and implementation in the Phase I Zoning By-law Update. These include the incorporation of minimum vegetative protection zones around key natural heritage features and key hydrologic features and specific study requirements affecting development or site alteration within 120 metres of the Lake Simcoe shoreline and its tributaries.

2.6 Source Water Protection

The Clean Water Act, 2006 was enacted to ensure the sustainability and protection of clean, safe drinking water and requires Source Water Protection Plans to be developed and implemented in designated areas as described in Regulation. The source water protection plan applicable to Georgina and the Lake Simcoe Watershed is the SGBLS Source Protection Plan, 2015.

The SGBLS Source Protection Plan identifies key vulnerable drinking water sources (intake protection zones, wellhead protection areas, highly vulnerable aquifers and significant groundwater recharge areas), and protects them from contamination and overuse. This includes imposing restrictions on land use within intake wellheads and protection zones and identifying vulnerable areas where the location of new private or municipal sewage system infrastructure should not be located as they could affect the aquifer and pose a significant drinking water threat.

Significant groundwater recharge areas are areas that contain soils of high permeability that promote infiltration that supports the aquifer. In these areas, applications for major



development are required to be accommodated by an Environmental Impact Study that demonstrates that the quality and quantity of groundwater in these areas, and the function of recharge areas, will be protected, improved or restored.

2.7 York Region Official Plan, 2010



The YROP was approved in 2010 and outlines the Region's policies respecting community growth, agricultural and environmental protection, development and land use across York Region. The YROP makes several references to municipal zoning by-laws, including the following specific issues for consideration in this review:

- To require local municipalities to identify key natural heritage features and key hydrologic features in local official plans and zoning by-laws; and to provide appropriate policies for their protection, including requirements for Environmental Impact Studies and vegetation protection zones, and the definition of permitted uses.
- To require local municipalities to adopt official plan policies and zoning by-law provisions that authorize the use of two residential units in a house if no ancillary building or structure contains a residential unit; and, the use of a residential unit in a building or structure ancillary to a house if the house contains a single residential unit.
- That renewable energy projects and alternative energy systems shall be permitted throughout the Region in accordance with provincial and federal requirements, and that these permissions be incorporated into local official plans and zoning by-laws. Local municipalities shall specify in more detail where renewable projects that are not exempt from the Planning Act and alternative technologies will be permitted.
- That local official plans and zoning by-laws shall designate the boundaries of Hamlets and provide policies that limit future growth to minor infilling, subject to the ability to service growth by individual private on-site water and wastewater systems.
- That where there is a conflict between policies of YROP, local official plans and the GBP, the more restrictive policy shall apply, with the exception of lot creation policies as set out in the GBP. Local official plans and zoning by-laws shall not be more restrictive than the GBP as they apply to agricultural uses and mineral aggregate resources.

- That the Agricultural Area and Holland Marsh Specialty Crop Area shall be designated and protected in local municipal official plans and zoning by-laws.
- That existing and new agricultural uses, agriculture-related uses, normal farm practices, forestry, conservation, land extensive recreational uses, and resource-based commercial and industrial uses are permitted in the Rural Area, consistent with the policies of the provincial plans and local municipal official plans and zoning by-laws.
- To require local municipalities to incorporate wellhead protection area and intake protection zone policies and mapping into local official plans and zoning by-laws, in consultation with the Region.
- That nothing in the YROP prevents local municipal official plans and zoning by-laws from being more restrictive. Notwithstanding the above, neither this Plan nor local municipal official plans or zoning by-laws may be more restrictive than the GBP or the ORMCP insofar as agricultural uses, mineral aggregate operations and wayside pits are concerned.

York Region is currently undertaking an update to its official plan, otherwise known as a Municipal Comprehensive Review (MCR). The MCR will address a wide variety of matters of relevance to the Town Official Plan and Zoning By-law including population and employment targets as well as a review of the mapping for the Prime Agricultural Area designation using the province's Land Evaluation Area Review (LEAR) methodology. It is anticipated that the York Region MCR process will conclude in mid-2022 with approval by Regional Council, followed by Provincial approval in late 2022. For the purposes of the Phase I Zoning By-law Update, regard will be had to the existing in force and effect YROP. Following the final adoption and approval of a new YROP resulting from the MCR process, the Town will be required to review its Official Plan and Zoning By-law to determine the need for amendments to ensure conformity with the new YROP.

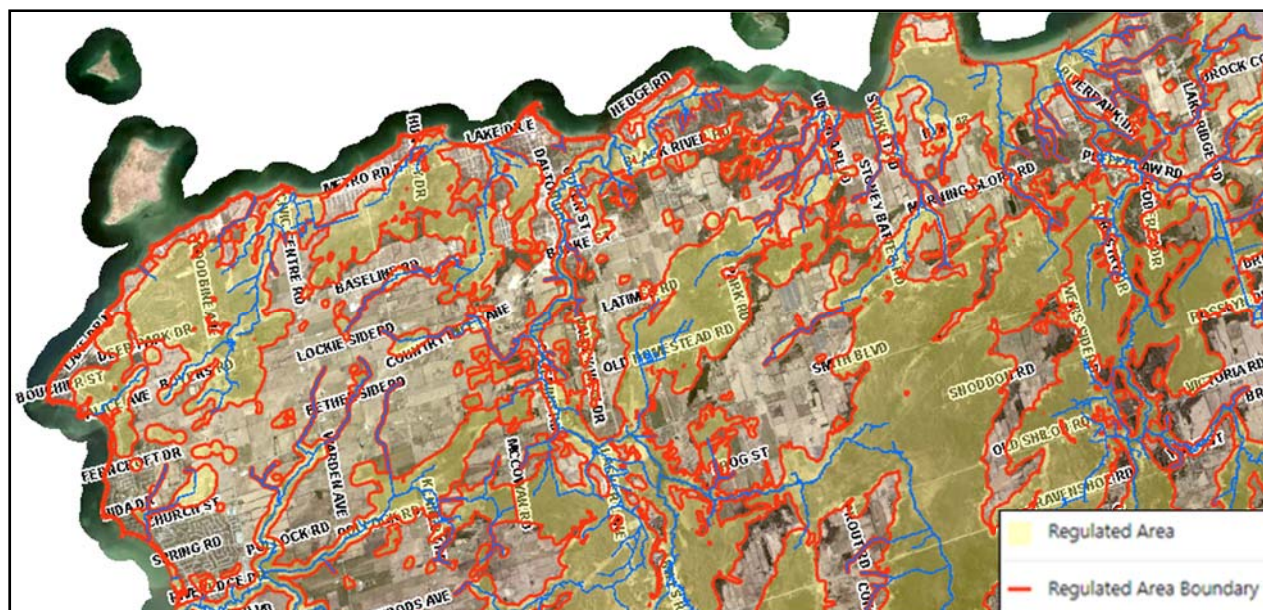
2.8 Other Significant Policy, Plans and Regulatory Considerations

2.8.1 Ontario Regulation 179/06: Development, Interference with Wetlands and Alterations to Shorelines and Watercourses

The primary method of environmental protection within the Town is through the processing of development applications and the implementation of the Official Plan policies through zoning. Environmental protection also occurs when development or site alteration may not require planning approval, but 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. According to the Town's Geographical Information System (GIS) mapping and as shown on Figure 5, Ontario Regulation 179/06 applies to 14,653

hectares or 50.6% of the land within the Town. Within the Countryside Area, Ontario Regulation 179/06 applies to 10,198 hectares or 69.6% of the land.

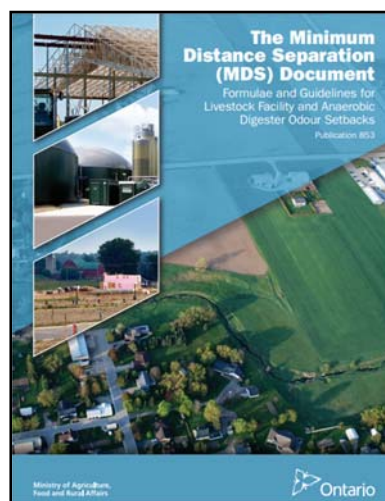
Figure 5: Ontario Regulation 179/06 Mapping within the Town



Through the LSRCAs permitting process, it is ensured that development proposals have regard for environmental features and natural hazards, all while conforming with watershed development policies and other provincial requirements.

2.8.2 Minimum Distance Separation Document, 2016

The Minimum Distance Separation (MDS) formulae is a land use planning tool that determines setback distances between livestock barns, manure storages or anaerobic digesters and surrounding sensitive land uses. The objective of MDS is to minimize land use conflicts and nuisance complaints related to odour. In 2016, the Province released the MDS Document, which provides the formulae and guidelines for livestock facility and anaerobic digester odour setbacks. MDS does not account for other nuisances such as noise or dust. MDS is comprised of two separate, but related, formulae that act reciprocally to site both new development and new or expanding livestock facilities:

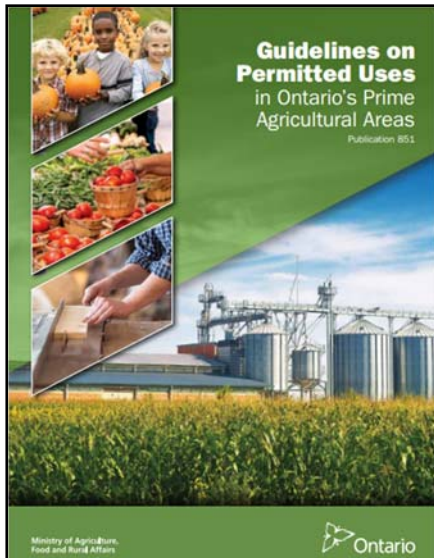


- MDS I – provides the minimum distance separation between proposed new development and any existing livestock barns, manure storages and/or anaerobic digesters.

- MDS II – provides the minimum distance separation between proposed new, expanding or renovated livestock barns, manure storages and/or anaerobic digesters and existing or approved development.

The calculated setback distances will vary based on certain factors and will result in unique distances for different types of operations in different circumstances and locations. In Ontario's rural and prime agricultural areas, the PPS requires that new land uses, including the creation of lots and new or expanding livestock facilities, comply with the MDS Formulae. References to MDS are to be included in municipal planning documents such as zoning by-laws and official plans. Before a land use planning approval can be given, or a building permit can be issued, conformity to the MDS Document must be demonstrated.

2.8.3 Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, 2016



In 2016, the Province released Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (Guidelines) to assist municipalities, farmers, decision makers and others interpret the policies and definitions in the PPS related to the uses that are permitted in prime agricultural areas. Specifically, the Guidelines provide guidance on agricultural, agriculture-related and on-farm diversified uses by providing criteria for each use, explaining the criteria, and providing examples of each use along with uses which are not to be considered in prime agricultural areas.

Zoning By-law 500 permits agricultural and aquacultural uses 'RU' zone, but is silent with respect to agriculture-related and on-farm diversified uses.

Agriculture-related uses are farm-related commercial and industrial uses that are directly related to and service farm operations in the area. These uses may be located on farms or on separate agriculture-related commercial or industrial properties. Examples of agriculture-related uses include, produce storage and distribution centres, markets selling products grown in the area, processing of produce grown in the area, winery using grapes grown in the area, and farm equipment suppliers.

On-farm diversified uses on the other hand are uses that are secondary to the principal agricultural use of the property and limited in area. These uses are intended to enable farm operators to diversify and supplement their farm income and should be related to agriculture, supportive of agriculture or able to co-exist with agriculture without conflict. Examples of on-farm diversified uses include uses that produce value-added agricultural products such as wineries, breweries, dairies, bakeries, home occupations,

home industries, agri-tourism related uses, small restaurants, and retail uses such as farmers market, antique businesses or seed supplier.

2.8.4 Natural Heritage Reference Manual, 2010

In 2010, the Province released the second edition of the Natural Heritage Reference Manual, which provides technical guidance for implementing the natural heritage policies of the PPS, 2005. Although the PPS was updated in 2020, the implementation of the natural heritage policies remains the same. The manual represents the Province's recommended technical criteria and approaches for being consistent with the PPS in protecting natural heritage features, areas, and systems in Ontario. The recommended technical criteria and approaches will assist the project team with the implementation of environmental protection zoning.



2.8.5 Tree Preservation, Conservation and Removal

The Town has a Tree Preservation and Conservation Policy that applies to the removal of trees which are subject to Planning Act applications. This policy requires restoration or replanting of trees removed to accommodate new development. Where this is not possible, financial compensation shall be provided for tree removal based upon the size and species of tree.

This policy applies to lands subject to applications for OPA, Draft Plan of Subdivision, Consent, and Site Plan Approval and respective amendments thereto (i.e. permitting new construction). The financial compensation obtained through this policy as a result of the removal of trees is used by the Town to fund local replanting programs to maintain a tree canopy cover target of 25%. This policy works together with the LSRCA Ecological Offsetting policy for habitat loss in wetlands and woodlands, but does not duplicate it. This policy is scheduled to be reviewed and updated in 2022.

The removal of trees occurring outside of a Planning Act process is regulated by York Region's Forest Conservation By-law that protects forests in York Region. In accordance with the by-law, landowners require a permit before they can remove trees from forested areas greater than 0.2 hectares (0.5 acres).

2.8.6 Cannabis Production Facilities

In 2020, the Town amended Zoning By-law 500 to implement specific zoning requirements for Cannabis Production Facilities (CPFs). The purpose of the Zoning By-

law Amendment was to regulate the location and zoning standards for Designated and Licensed CPFs, as defined within the By-law. The CPFs Zoning By-law:

- Defines types of CPFs and other relevant terms;
- Permits CPFs within the 'RU', Restricted Industrial (M1), General Industrial (M2), and Business Park 3 (BP-3) zones;
- Implements specific zoning requirements, such as setbacks from sensitive land uses, for CPFs based on the type of CPF and the zone in which they are located; and,
- Deleted the existing definition for 'Marihuana Production Facility' and related requirements contained in Zoning By-law 500.

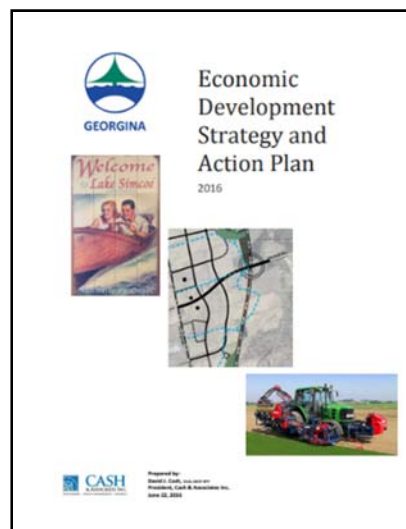
Designated and Licensed CPFs are required to obtain Site Plan Approval prior to receiving a building permit for the construction of a new facility or addition to an existing facility. The project team will be conducting a review of the CPFs Zoning By-law to ensure consistency with its terminology, provisions and style/formatting; however, given how new the By-law is staff do not anticipate making any significant changes.

2.8.7 Georgina Economic Strategy and Action Plan, 2016

In 2016, Council endorsed the Economic Strategy and Action Plan (Strategy). One of the re-occurring themes throughout the development of the Strategy was the opportunity for business and employment growth in the Town's rural area.

Based on information gathered by the Town's Economic Development Division, home industry uses on properties zoned 'RU' include but are not limited to:

- Heating and air conditioning businesses;
- Woodworking shops;
- Landscape services; and,
- General contracting businesses.



For these types of uses in which the majority of work is conducted off site, it is the opinion of the Economic Development Division that restricting the size of these uses to a maximum floor area of 190 square metres, and restricting the number of permitted employees to a maximum of three excluding family members, is limiting for these businesses and warrants review. Home industries is discussed further in Section 4.8.2.

Furthermore, consideration should also be given to including provisions in the Zoning By-law that permit on-farm diversified uses in accordance with Provincial Guidelines which are discussed in Section 2.8.3.

Section 3 – Zoning By-law 500

3.0 Introduction

Zoning By-law 500 was adopted by Town Council on July 7, 1994 and approved by the Ontario Municipal Board on August 24, 1995. Zoning By-law 500 replaced the Town's first comprehensive Zoning By-law, Zoning By-law 911, which was passed on May 9, 1977. Zoning By-law 500 was approved in conformity with applicable Provincial, Regional and Town Official Plan policy in place at the time as required by the Planning Act.

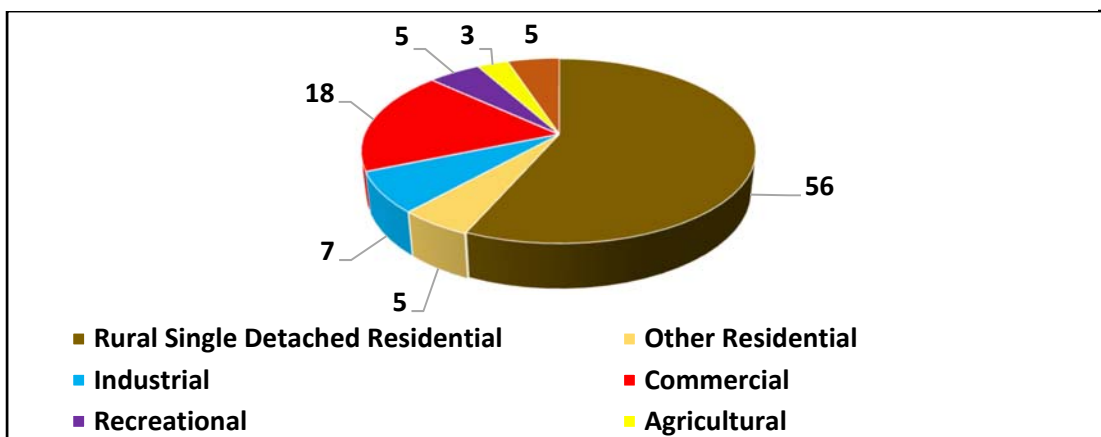
3.1 Zoning By-law Amendments

Zoning By-law 500 carried forward 149 site-specific zoning provisions in the 'RU' zone from Zoning By-law 911. Many of these are located in the Countryside Area and the majority relate to rural-residential uses and development permissions.

It is important to note that there are substantial areas within the Keswick, Sutton-Jackson's Point and Pefferlaw Secondary Plan Areas that are zoned 'RU' and which contain similar development and land use considerations to those for lands located in the Countryside Area. In this regard, and based upon the approach being followed in Phase I, these areas and related zoning considerations will be addressed in Phase II of the Zoning By-law Update.

Since its adoption in 1994, Zoning By-law 500 has been amended 456 times. Ninety-six (96) of these amendments or 21%, relate to land use and development in the Countryside Area. Of particular note is that 47 of the 96 ZBAs, or 56%, were to permit the construction of a single detached dwelling on an existing vacant lot of record. Figure 6 below provides a summary of the type and percentage of site-specific ZBAs on properties located in the Countryside Area.

Figure 6: Site-Specific Zoning By-law Amendments in the Countryside Area by Type and Percentage



3.2 Countryside Area Zoning

Below is an overview of the standard zoning by-law provisions by primary zone category for lands located in the Countryside Area as currently set out in Zoning By-law 500.

3.2.1 Rural (RU) Zone

The 'RU' zone is essentially the "base layer" zoning that predominates the Countryside Area and applies to lands designated Agricultural Protection Area, Specialty Crop Area, Rural Area and Environmental Protection Area in accordance with the Official Plan.

The 'RU' zone permits the following uses:

Residential uses:

- Dwelling legally existing prior to September 10, 2008;
- Single family dwellings; and,
- Temporary accommodations for seasonal farm workers.

Non-residential uses:

- 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; and,
- Accessory buildings, structures and uses to any permitted use.

Further, a cemetery, church, and police station are be permitted uses on lands zoned 'RU' and designated 'Rural' in the Sutton Secondary Plan Area or the Pepperlaw Secondary Plan Area. Furthermore, 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.

As outlined above, the 'RU' zone permits a number of traditional rural uses found in the Countryside Area, in addition to those associated with a single family dwelling such as home industry, home occupation, private home daycare and short-term rental accommodation. Some of these uses such as a short-term rental accommodation or farm produce storage area, fall within the spectrum of agriculture-related or on-farm diversified uses, which are permitted in the Agricultural Protection Area, Specialty Crop Area, and Rural Area designations pursuant to the Official Plan. These uses and designations are discussed in more detail in Section 4.

Specific provisions for residential uses within the 'RU' zone are contained in Section 6 of the By-law. The most noteworthy provisions respecting residential uses in the 'RU' zone are the 20 hectare (49 acres) minimum lot area and the 180-metre (590 feet) minimum lot frontage requirements in order to permit a single detached dwelling. These provisions were carried forward from Zoning By-law 911 and serve as a "planning tool" to require a ZBA for what are referred to as "undersized rural lots" (more specifically, these are lots generally 10 to 25 acres in size that were created primarily in the 1950's and 60's prior to more restrictive part-lot control provisions being included in the Planning Act – It is estimated that the Town has approximately 800 such lots). Through the ZBA process, an applicant is responsible for having any environmental features on the property evaluated to determine if there is a suitable building envelope which will not cause adverse impacts to key natural heritage features and key hydrological features and their associated functions. As shown above in Figure 6, at 56 percent, ZBAs to permit single detached dwellings on existing "undersized rural lots" are the predominant rezoning application in the Countryside Area.

3.2.2 Open Space (OS) Zone

The Open Space (OS) zone category has been applied to a wide variety of recreation and conservation and forestry uses throughout the Town. This predominantly includes the zoning of parks and open space areas and the site-specific protection of environmental features.

Residential uses not permitted in the 'OS' zone.

The 'OS' zone permits the following non-residential uses:

- Boathouse;
- Cemetery;
- Dock;
- Conservation or forestry use;
- Golf course;
- Kennel;
- Park;
- Police station;

- Refreshment booth; and
- Accessory buildings, structures and uses to any permitted use.

The protection of environmental features is accomplished through the development review process and specifically, through the implementing Zoning By-law. Zoning By-law 500 does not contain an environmental protection zone category, so the 'OS' zone category has historically been used for environmental protection purposes. Site-specific 'OS' zoning implemented through the development review process restrict land uses and/or the construction of buildings, delineate environmental features, and protect them with setbacks that act as vegetation protection zones. In the opinion of staff, utilizing the 'OS' zone for environmental protection is misleading.

Moving forward, it would be appropriate that the identification and protection of key natural heritage features and key hydrological features be implemented through a new Environmental Protection Area (EPA) zone category, one that uses consistent terminology and regulations as those contained in the Official Plan. The 'OS' zone is still appropriate to identify and regulate parks, open spaces and limited recreational uses where there are no key natural heritage features and/or key hydrological features.

3.3 Industrial (M) Zones

The Industrial (M) zone categories are typically located in the Town's Countryside Area and are based on a range of light to heavy industrial type uses typically found in Ontario communities. Zoning By-law 500 contains the five following 'M' zones:

- Restricted Industrial (M1) zone;
- General Industrial (M2) zone;
- Extractive Industrial (M3) zone;
- Storage Industrial (M4) zone; and,
- Disposal Industrial (M5) zone.

These zone categories and their respective permitted uses generally reflect the range of industrial activities that have been established throughout the Town. The Keswick Business Park (KBP) addresses the longer-term need for municipally serviced employment land (including traditional industrial uses) within the Town. Through the processing of development applications for lands within the KBP, Business Park (BP) zone categories have been applied to these lands in accordance with the permitted uses and policies of the KBP Secondary Plan. Lands within the KBP Secondary Plan are considered to be within one of the Town's Settlement Areas and therefore, will be subject to Phase II of the Zoning By-law Update.

The Rural Industrial Area designation in the Official Plan has recognizes historic clusters of industrial activity and permits small-scale activities and those uses that comply with or are similar to those permitted by the zoning for the site existing at time of

the adoption of the Official Plan. There is no specific zone category pertaining to lands designated Rural Industrial Area in the Countryside Area. Furthermore, there are limited opportunities for expansion to rural industrial areas under the GBP and other Provincial land use policy.

Most of the site-specific provisions in Zoning By-law 500 relating to 'M' zone category in the Countryside Area were carried forward from Zoning By-law 911 and in this respect, there has been very limited ZBA activity for new industrial uses in the Countryside Area in recent years, primarily due to more restrictive policies in the Greenbelt Plan. Moving forward, the bulk of future rural industrial land uses are anticipated to materialize in sites containing existing 'M' zoning and in the context of home industry uses associated with single detached dwellings.

3.3.1 Restricted Industrial (M1) Zone

The 'M1' zone is effectively a "light industrial" zone that permits a range of small-scale industrial uses and is typically found in small clusters or along arterial roads, often characterized by locating with a mix of commercial uses. Manufacturing or heavier industrial uses as well as open storage, are not permitted in the 'M1' zone.

The 'M1' zone permits the following uses:

Residential uses:

- One accessory dwelling.

Non-Residential uses:

- Any industrial undertaking that is conducted and wholly contained within an enclosed building and is not a prohibited use by the By-law;
- Commercial use incidental to, and on the same site as, an industrial use;
- Contractor's or tradesman's shop;
- Dry cleaning plant;
- Equipment sales establishment;
- Garage, mechanical;
- Motor vehicle cleaning establishment;
- Parking lot, commercial;
- Police station;
- Printing shop;
- Public storage building;
- Service shop, heavy or light;
- Warehouse;
- Wholesale establishment; and,
- Accessory buildings, structures and uses to any permitted use.

3.3.2 General Industrial (M2) Zone

The 'M2' zone is a heavy industrial zone that permits a wider range of uses including manufacturing, truck terminals and bulk fuel storage.

The 'M2' zone permits the following uses:

Residential uses:

- One accessory dwelling.

Non-residential uses:

- All uses permitted in the 'M1' zone;
- Building supply and equipment establishment;
- Bulk fuel storage establishment;
- Garage, bus or truck;
- Garage, autobody;
- Manufacturing or industrial establishment, not necessarily conducted and contained within a building, excluding a salvage yard;
- Motor vehicle sales establishment – commercial and recreational vehicles;
- Police station;
- Terminal, bus or truck;
- Truck driving centre;
- Welding shop; and,
- Accessory buildings, structures and uses to any permitted use.

Open storage is permitted within the 'M2' zone subject to the following:

- Such open storage is a permitted use or accessory to the use of the main building on the lot;
- Such open storage is not located within the minimum yards; and,
- Such open storage does not cover more than 30% of the lot area.

3.3.3 Extractive Industrial (M3) Zone

The 'M3' zone permits and regulates aggregate extraction activities and associated uses.

Residential uses are not permitted in the 'M3' zone.

The 'M3' zone permits the following non-residential uses:

- Batching plant;
- Aggregate washing establishment;
- Aggregate crushing establishment;

- Aggregate recycling establishment;
- Aggregate screening establishment;
- Asphalt plant;
- Manufacture of concrete products;
- Pit;
- Police station;
- Quarry; and,
- Accessory buildings, structures and uses to any permitted use.

The 'M3' zone contains provisions related to minimum lot frontage; building, structure or stockpile setbacks; pit or quarry excavation setbacks; and, planting strip. Facilities within the 'M3' zone are generally regulated and subject to approvals under the Aggregate Resources Act as administered by the Ministry Northern Development, Mines, Natural Resources and Forestry.

3.3.4 Storage Industrial (M4) Zone

The 'M4' recognizes and regulates existing salvage and recycling facilities in the Town.

Residential use are not permitted in the 'M4' zone.

- The 'M4' zone permits the following non-residential uses:
- Recycling facility, motor vehicles;
- Storage depot;
- Police station; and,
- Accessory buildings, structures and uses to any permitted use.

3.3.5 Disposal Industrial (M5) Zone

The 'M5' zone recognizes and regulates historic salvage yards and recycling facilities in the community.

Residential uses are not permitted in the 'M5' zone.

The 'M5' zone permits the following non-residential uses:

- Police station;
- Recycling facility;
- Sewage treatment facility;
- Waste disposal area; and,
- Accessory buildings, structures and uses to any permitted use.

3.4 Commercial (C) Zones

Zoning By-law 500 contains six Commercial (C) zone categories that reflect the diverse range of activities and uses found in the municipality. Specifically within the Countryside Area, the following three 'C' zone categories apply:

- Highway Commercial (C2) zone;
- Tourist Commercial (C5) zone; and,
- Recreational Commercial (C6) zone.

3.4.1 Highway Commercial (C2) Zone

The 'C2' zone generally reflects the historic commercial uses that have evolved over time, mainly along arterial road corridors and Highway 48. The 'C2' zone permits a range of service commercial and retail uses generally serving the rural area communities and the travelling public.

The 'C2' zone permits the following uses:

Residential uses:

- One dwelling unit in a storey above the first storey or within the rear of a non-residential building other than a mechanical garage.

Non-residential uses:

- Bakery or bakeshop;
- Bank;
- Bowling alley;
- Building supply and equipment establishment;
- Business or professional office;
- Catering establishment;
- Clinic, health care;
- Clinic, veterinary (animal hospital), but not including outdoor canine runs or animal containment areas;
- Club, commercial or private;
- Dry cleaning establishment;
- Equipment sales establishment;
- Funeral home;
- Garden centre;
- Garage, mechanical;
- Hawker or pedlar use; and,
- Hotel.

Some lands that contain existing highway commercial uses are recognized and reflected in the Official Plan with a Rural Commercial Area designation; however, that is not the case for all lands. The lands which are not designated Rural Commercial Area and zoned 'C2', will need to be evaluated to determine whether they should or should not continue to be recognized in the Zoning By-law and carried forward.

Most of the site-specific 'C2' zoning has been carried forward from Zoning By-law 911. In this regard, there has been limited rezoning activity to permit 'C2' uses in Zoning By-law 500 in the Countryside Area since the adoption of the By-law in 1994. This is largely due to more restrictive development policies in rural and agricultural areas as set out in provincial plans and the YROP.

3.4.2 Tourist Commercial (C5) Zone

The 'C5' zone permits a wide variety of commercial and tourist oriented activities and uses including marinas, hotels, motels, restaurants, retail stores fuel bars, place of amusement and services catering to the tourist industry. Zoning By-law 500 contains 19 site-specific 'C5' provisions, 14 of which were carried over from Zoning By-law 911.

The 'C5' zone permits the following uses:

Residential uses:

- One dwelling unit in a storey above the first storey or within the rear of a non-residential building other than a mechanical garage.

Non-residential uses:

- Bowling alley;
- Catering establishment;
- Golf course, miniature;
- Golf ball driving range;
- Hawker or pedlar use;
- Hotel;
- Kennel;
- Leisure vehicle sales establishment;
- Marina;
- Marine passenger service terminal;
- Motel or motor hotel;
- Motor vehicle fuel bar;
- Parking lot, commercial;
- Place of amusement;
- Police station;
- Refreshment vehicle, bicycle unit or cart;

- Restaurant;
- Retail store, convenience;
- Retail store, marine;
- Studio;
- Tourist information centre; and,
- Accessory buildings, structures and uses to any permitted use.

3.4.3 Recreational Commercial (C6) Zone

The 'C6' zone permits a similar but more limited range of uses than the 'C5' zone, emphasizing recreational vehicle parks, tent campgrounds and various other recreational uses.

The 'C6' zone permits the following uses:

Residential uses:

- One accessory dwelling or dwelling unit.

Non-residential uses:

- Short-term rental accommodation;
- Bowling alley;
- Daycare, private home;
- Golf course;
- Hawker or pedlar use;
- Kennel;
- Park;
- Place of amusement;
- Police station;
- Recreational vehicle park;
- Refreshment vehicle, bicycle unit or cart;
- Retail store, convenience;
- Restaurant;
- Tent campground; and,
- Accessory buildings, structures and uses to any permitted use.

3.5 Relationship to the Official Plan

The rezoning of properties in the Countryside Area has evolved over time, largely corresponding to changes in Provincial, Regional and Town land use policy. In general terms, prior to the introduction of the Provincial Greenbelt Plan in 2005, strict controls over land use in the Countryside were not mandated by Provincial policy. This is most evident in the type and location of uses permitted by amendments to Zoning By-law 911

which were carried forward into Zoning By-law 500 and amendments to Zoning By-law 500 enacted until 2005. With the introduction of the Greenbelt Plan in 2005, permitted uses were aligned with strong directives to maintain the integrity and viability of agricultural lands, water resources and natural areas. This was ultimately reflected in the York Region Official Plan 2010 and the Town of Georgina Official Plan 2016. An important component of the zoning By-law update process is to determine which special provisions can be carried forward. This is proposed to take place in accordance with principles that are set out in Section 5 of this Discussion Paper.

3.6 Committee of Adjustment

The Committee of Adjustment (COA or Committee) is a standing Committee appointed by Council to exercise its authority to provide relief from the provisions of the Zoning By-law under Section 45 of the Planning Act, otherwise referred to as “Minor Variances”. Section 45 of the Act also provides the Committee the authority to render decisions concerning the extension of legal non-conforming uses and the granting of Consents for the purpose of creating new lots and/or easements, authorizing partial discharges of mortgages, and issuing validation certificates.

While the primary focus of the Zoning By-law Update is to apply zoning to implement the land use designations and policies in the conformity to the Official Plan, it is also important to consider operational considerations in the development process that are informed by Minor Variance activity at the COA.

Available data on COA applications shows that the Committee issued decisions on 508 Minor Variance applications from 2008 to 2020. Thirty-five (35) of the 508 applications, or 6.9%, were for lands located in the Countryside Area. Upon review, no discernable pattern or recurring variances to a particular section of the Zoning By-law were identified that warrant specific consideration for adjustment.

Section 4 – Official Plan Conformity Analysis

4.0 Introduction

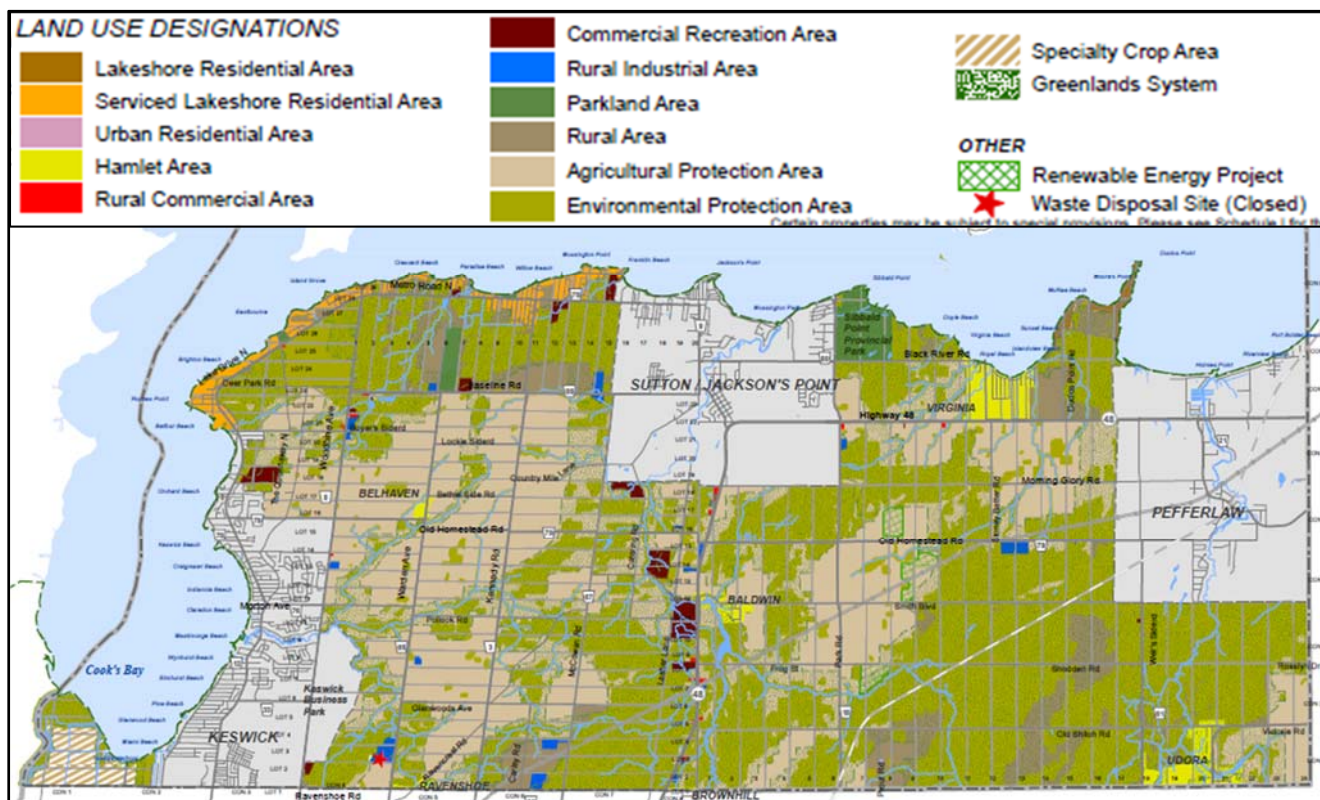
This Section reviews the scope of the Official Plan policies applicable to the Countryside Area and discusses issues requiring resolution and requirements to be implemented into the Zoning By-law to conform to the Official Plan.

Official Plan Schedule A1, Municipal Structure, identifies the Countryside Area which includes those lands located outside of the Town's Settlement Areas.

Official Plan Schedule A2, Land Use Plan (Figure 7), further divides the lands within the Countryside Area into the following three primary land use categories as required by provincial and regional planning policies:

- Environmental lands: consisting of the Environmental Protection Area designation and the Greenlands System Overlay;
- Agricultural lands: consisting of the Agricultural Protection Area and Specialty Crop Area designations; and,
- Rural lands: consisting of the Rural Area designation.

Figure 7: Official Plan Schedule A2, Land Use Plan



The lands within the Countryside Area in the three primary land use categories above noted are predominantly zoned 'RU' with some site-specific development provisions. The remaining lands in the Countryside Area are designated site-specific Rural Commercial Area, Rural Industrial Area, Commercial Recreation Area, or Parkland Area. These designations generally recognize sites with existing, non-residential legacy land uses, buildings and structures and permit their continued use.

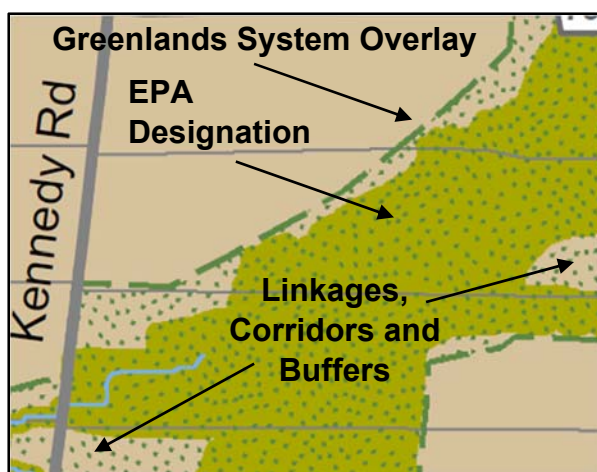
The Official Plan further contains a number of policies addressing a range of issues including Source Water Protection and Lake Simcoe Protection that must be considered in the Phase I Zoning By-law Update.

4.1 Greenlands System

The boundaries of the Greenlands System as shown on Schedule A2, Land Use Plan, and other Schedules of the Official Plan, reflect the boundaries of the Natural Heritage System in the GBP and the Greenlands System in the YROP. From a policy perspective, the Greenlands System is applied as an overlay, meaning that the permitted uses and policies of the underlying land use designation continue to apply in addition to the policies specifically addressing the Greenlands System.

The majority of the Greenlands System consists of lands designated Environmental Protection Area. This is reflective of the fact that the System is largely composed of lands that contain key natural heritage features and key hydrologic features. The System also includes other lands that serve as linkages, corridors and buffers, as identified in Figure 8. The permitted uses and policies of the Environmental Protection Area designation serve to protect and enhance the core components of a permanent and connected Greenlands System.

Figure 8: Greenlands System Overlay and its Components



The majority of the Greenlands System consists of lands designated Environmental Protection Area. This is reflective of the fact that the System is largely composed of lands that contain key natural heritage features and key hydrologic features. The System also includes other lands that serve as linkages, corridors and buffers, as identified in Figure 8. The permitted uses and policies of the Environmental Protection Area designation serve to protect and enhance the core components of a permanent and connected Greenlands System.

4.1.1 Environmental Protection Area Designation

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 Environmental Protection Area 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 Environmental Protection Area 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;
- A home occupation in an existing single detached dwelling or as permitted by Section 5.3.1.12; and,
- A short-term rental accommodation in an existing single detached dwelling or as permitted Section 5.3.1.2.

The boundaries and extent of the Environmental Protection Area designation as shown on Schedule A2, Land Use Plan, and the natural features identified on Schedule B1, Key Natural Heritage Features, are approximate. Minor refinements to these boundaries may occur through an Environmental Impact Study without an amendment to the Official Plan. As noted above, the Environmental Protection Area designation already includes a 30-metre minimum vegetative protection zone from the identified natural features as required by provincial policy. Specific provisions are included in the Official Plan for

addressing the expansion of legally existing uses in, and in proximity to, the Environmental Protection Area designation.

Zoning By-law 500 does not contain a zone category which has the specific purpose of implementing the Environmental Protection Area designation and its permitted uses. In this respect, Zoning By-law 500 does not conform to the Official Plan. Notwithstanding that, in the process of considering development applications in proximity to the Environmental Protection Area designation, the Town has required the submission of an Environmental Impact Study in order to protect the lands within the Environmental Protection Area designation. This has been accomplished through the use of an 'OS' zone with provisions establishing development limits and restricting permitted uses. In the opinion of staff, using an 'OS' zone to protect natural features and areas is somewhat misleading as it may give the impression that this land may be used for open space and recreational purposes.

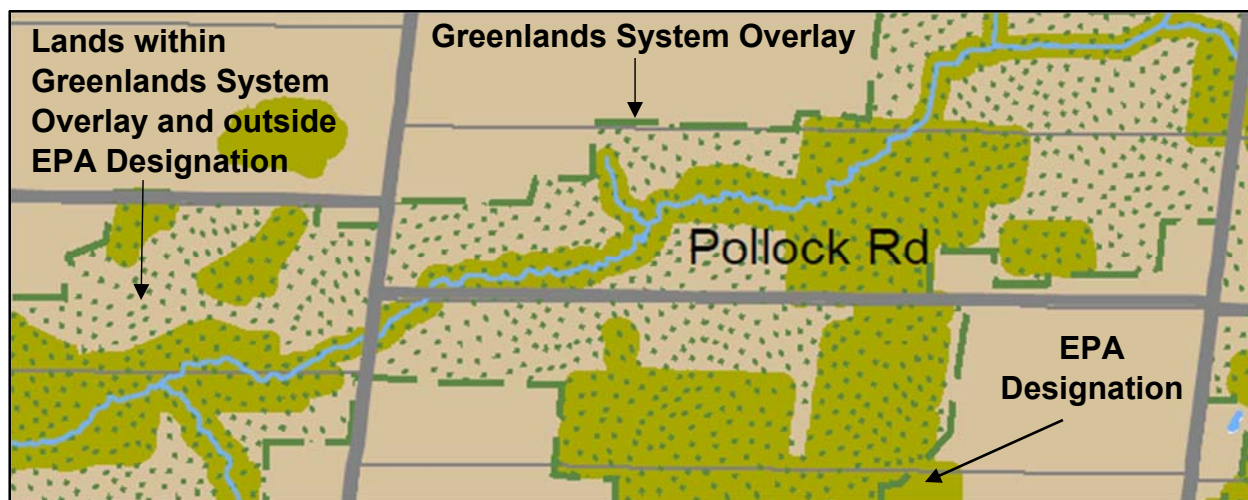
Proposed Direction:

The updated Zoning By-law should include a specific Environmental Protection Zone corresponding to the Environmental Protection Area designation in the Official Plan, inclusive of permitted uses and provisions.

4.1.2 Lands within the Greenlands System and Outside of the Environmental Protection Area Designation

The Official Plan requires that applications for development or site alteration within the Greenlands System and outside of the Environmental Protection Area designation be subject to a number of specific policies (Figure 9). These policies are intended to ensure that key natural heritage features and key hydrological features are protected and that connectivity between these features are maintained, or where possible, enhanced.

Figure 9: Example of Lands within the Greenlands System and Outside of the Environmental Protection Area Designation



Where agricultural, agriculture-related and secondary uses and normal farm practices are permitted in the underlying land use designation, new buildings or structures for such uses are not subject to the following requirements but are subject to the policies relating to the Environmental Protection Area in the Official Plan

Where applications for development contemplate non-agricultural uses, there are additional policies that limit the extent of disturbed area and provide for specific development criteria. Furthermore, applications for development or site alteration within 120 metres of a key natural heritage feature or key hydrological feature are required to be supported by an Environmental Impact Study that identifies a vegetation protection zone of sufficient width to protect the feature and its ecological function from the impacts of the proposed change and associated activities. This vegetative protection zone is required to be a minimum of 30 metres from the feature.

The applicability of the policies relating to the Greenland System outside of the Environmental Protection Area designation is specifically triggered by development and/or site alteration applications.

The Official Plan defines development and site alteration as follows:

- Development means the creation of a new lot, a change in land use, or the construction of buildings and structures, any of which require approval under the Planning Act, or that are subject to the Environmental Assessment Act, but does not include:
 - The construction of facilities for transportation, infrastructure and utilities used by a public body;
 - Activities or works under the Drainage Act; or
 - The carrying out of agricultural practices on land that was being used for agricultural uses on the date the Plan came into effect.
- Site alteration means activities such as filling, grading and excavation that would change the landform and natural vegetative characteristics of land, but does not include:
 - The construction of facilities for transportation, infrastructure and utilities used by a public body;
 - Activities or works under the Drainage Act; or,
 - The carrying out of agricultural practices on land that was being used for agricultural uses on the date the Plan came into effect.

Proposed Direction:

Implementation of the requirements for Environmental Impact Studies associated with the Greenland System Overlay outside of the Environmental Protection Area designation will take place through the processing of Planning Act applications (e.g. ZBA or Site Plan Approval) or the review of Site Alteration permits.

The Site Plan Control By-law is required to be updated to require Site Plan Approval for development not currently captured by the By-law (e.g. single detached dwellings) and proposed within the Greenlands System Overlay or within 120 metres from key natural heritage features and key hydrological features.

Given the inter-related nature of the Greenland System Overlay to the Regulation mapping of the LSRCA, coordination is required. In order to appropriately trigger the requirement for an Environmental Impact Study within 120 meters of a key natural heritage feature or key hydrological feature during the application process, the extent of the Greenland System outside of the Environmental Protection Area designation should be identified in the updated Zoning By-law mapping. Alternatively, if not included in the zoning maps themselves, it could be included as a supplementary overlay schedule or appendix.

4.2 Agricultural Protection Area and Specialty Crop Area Designations

The Agricultural Protection Area designation includes those lands that have been evaluated at a regional level as being prime agricultural areas and are therefore to receive the highest level of protection (Figure 10). The Specialty Crop Area designation is distinguished by the muck soils of the area which allow for the cultivation of specialty crops (Figure 11). Permitted uses and policies of the both designations are intended to protect these areas for long-term agriculture.

Permitted uses within the Agricultural Protection Area and Specialty Crop Area designations include:

- Agricultural uses;
- Agriculture;
- Agriculture-related uses;
- On-farm diversified uses;
- Sustainable forestry and other activities connected with the conservation 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 occupation;
- A home industry;

Figure 10: Agricultural Protection Area

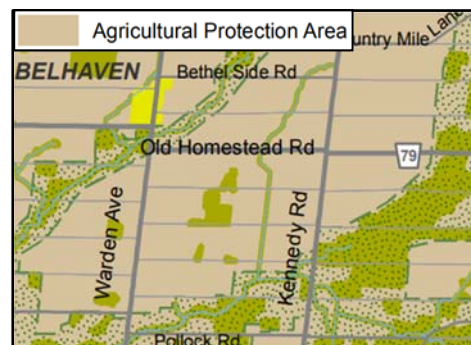
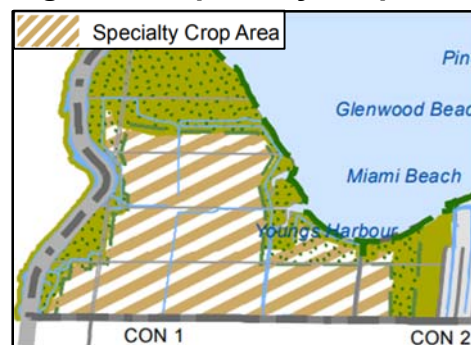


Figure 11: Specialty Crop Area



- Mineral aggregate operations subject to policies in Section 4.10; and,
- Short-term Rental Accommodation may be permitted within a single detached dwelling, or an accessory apartment on the same lot as a single detached dwelling.

Zoning By-law 500 does not include a zone category which has the specific purpose of implementing the Agricultural Protection Area and Specialty Crop Area designations and permitted uses. The Agricultural Protection Area, Specialty Crop Area, Rural Area and Environmental Protection Area designations are primarily zoned Rural 'RU' in Zoning By-law 500.

Agricultural/aquacultural uses are broadly permitted in the 'RU' zone together with other non-residential uses. Agriculture-related and on-farm diversified uses are not currently defined or permitted "as-of-right" in Zoning By-law 500.

The Official Plan promotes the viability of agricultural operations and provides a framework for considering the inclusion of agriculture-related uses and on-farm diversified uses through the inclusion of provisions in the Zoning By-law. In particular, it should be determined whether agriculture-related and on-farm diversified uses should be included in the updated Zoning By-law:

- In specific terms – This would involve "hand-picking" uses, which, by definition, staff considered either an agriculture-related use or an on-farm diversified use (e.g. farmers market, farm equipment repair shop, winery, food processing factory, antique store). These uses would then be defined and permitted in specific zone categories; or,
- In general terms – This would involve defining both agriculture-related use and on-farm diversified use and permitting them in specific zone categories. An applicant looking to establish a specific agriculture-related use or on-farm diversified use would be required to demonstrate how the use they are proposing complies with the definition for either an agriculture-related use or on-farm diversified use.

Proposed Direction:

A specific zone category corresponding to the Agricultural Protection Area and Specialty Crop Area designations should be incorporated into the Zoning By-law in accordance with the Official Plan. This zone will be distinct from a new or revised 'RU' zone category. Consideration will also be given to the implementation of agriculture-related and on-farm diversified uses in accordance with provincial guidelines.

4.3 Rural Area Designation

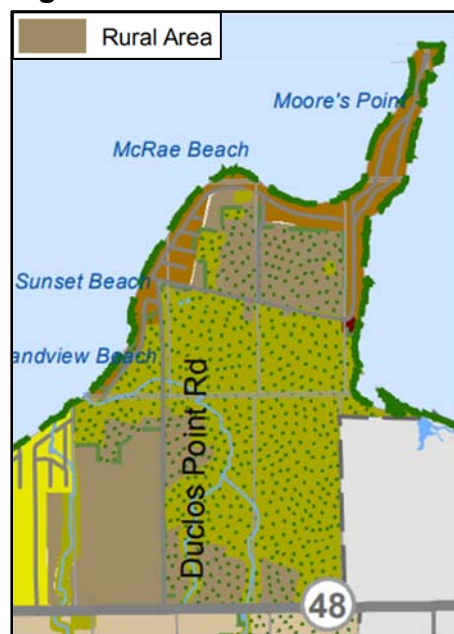
The Rural Area designation includes the majority of lands located outside of Settlement Areas, and the Agricultural Protection Area, Specialty Crop Area and Environmental

Protection Area designations (Figure 12). The Rural Area designation is intended to accommodate appropriate uses and forms of development in a manner that supports the rural and agricultural economy and maintains the character of the countryside.

Permitted uses within the Rural Area designation include:

- Agricultural uses;
- Agriculture-related uses;
- Sustainable forestry and activities connected with the conservation 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 occupation;
- A home industry;
- On-farm diversified uses;
- Outdoor storage facilities for recreational vehicles;
- Mineral aggregate operations subject to policies in section 4.10; and
- Short-term Rental Accommodation may be permitted within a single detached dwelling, or an accessory apartment on the same lot as a single detached dwelling.

Figure 12: Rural Area



The permitted uses in the Rural Area are similar in scope to the Agricultural Protection Area and Specialty Crop Area, with the difference being that outdoor storage facilities for recreational vehicles are permitted in the Rural Area, while temporary accommodations for seasonal farm workers are not permitted in the Rural Area.

There is limited scope for adjustment to the list of permitted uses in the 'RU' zone to reflect additional uses that are compatible with the Rural Area and comply with the Official Plan and provincial policy. Two non-residential uses that should be considered for implementation in the Zoning By-law within the Rural Area include agriculture-related uses and on-farm diversified uses, as discussed above in Section 4.3.

Proposed Direction:

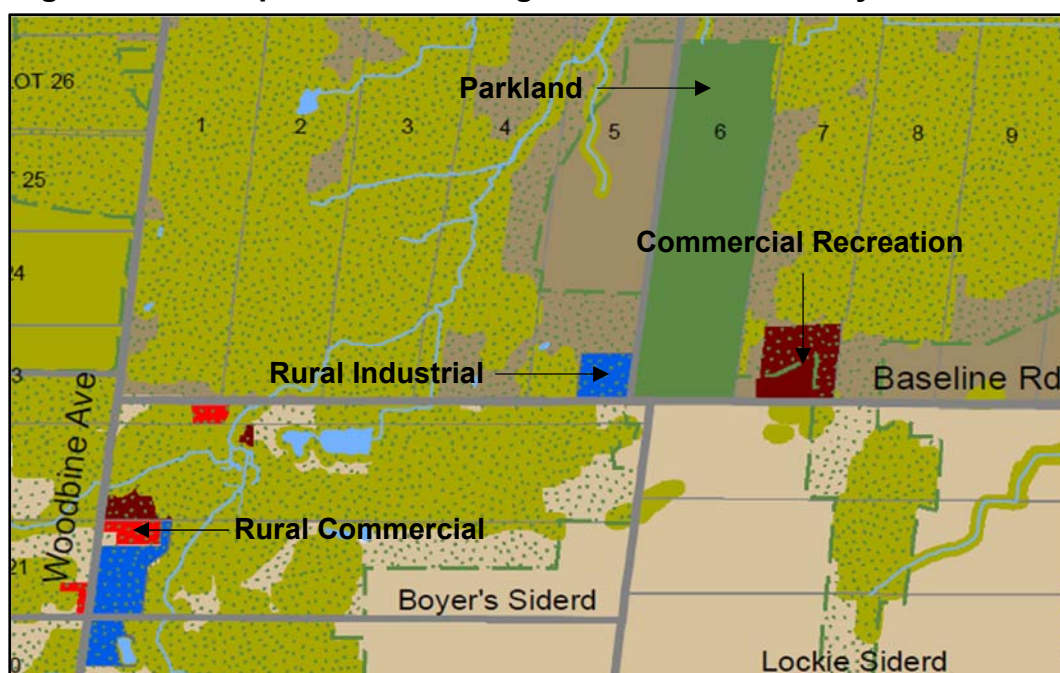
A specific zone category corresponding to the Rural Area policies of the Official Plan should be incorporated into the Zoning By-law in order to reflect the capacity of these areas to contain a broader mixture of uses than that of the Agricultural Protection Area and Specialty Crop Area designations, and which compliment and support the viability

of the rural countryside economy. Similar to the Agricultural Protection Area and Specialty Crop Area designations, consideration will also be given to the implementation of agriculture-related and on-farm diversified uses in accordance with provincial guidelines.

4.4 Other Designations in the Countryside Area

A number of site-specific Rural Commercial, Rural Industrial, Commercial Recreation Area, and Parkland Area designations are located throughout the Countryside Area (Figure 13). These designations in the Countryside Area typically apply to specific properties with existing uses or approved development and carried forward in the Town Official Plan in 2016. Many of these designations are on properties that contain related site-specific zoning provisions. In some cases, the environmental features on these lands have been identified through technical review and protected through zoning. Generally, the zoning by-laws implementing these site-specific designations should be maintained.

Figure 13: Example of Other Designations in the Countryside Area



Proposed Direction:

A review of all site-specific zoned properties and their respective provisions is underway to assess conformity with the land use designation and policies of the Official Plan. Based on the assessment, the project team will determine how the zoning of the property will be addressed in the updated Zoning By-law based on the criteria outlined in Section 5 of this Discussion Paper.

4.4.1 Rural Industrial Area Designation

The Rural Industrial Area designation recognizes existing and approved rural industrial development (Figure 14). The permitted uses and policies are intended to ensure that expansions to or new, rural industrial development, is appropriately located.

Permitted uses within the Rural Industrial Area designation include:

- Small scale manufacturing, processing, assembly, warehousing, as well as other rural industrial activities such as contractors' yards and transportation terminals; and,
- Industrial uses which comply with or are similar to those permitted by the zoning for the site existing at the date of the adoption of the Official Plan.

Rural industrial uses shall not require the use of large amounts of water for their operation, shall not contain uses or produce effluents that are noxious or polluting and shall be a low fire risk.

Throughout the Countryside Area approximately 12 distinctive sites are designated Rural Industrial Area reflecting a variety small-scale light industrial uses serving the rural community, Town and surrounding areas. These areas have historically been zoned either 'M2' or 'M3' based on the specific characteristics and operations of the industrial facility.

Figure 14: Rural Industrial Area



Proposed Direction:

A review of the existing 'M2' and 'M3' zoned properties within the Countryside Area is required against the land use designations of the Official Plan to determine how the existing site-specific zoning provisions will be addressed in the updated Zoning By-law.

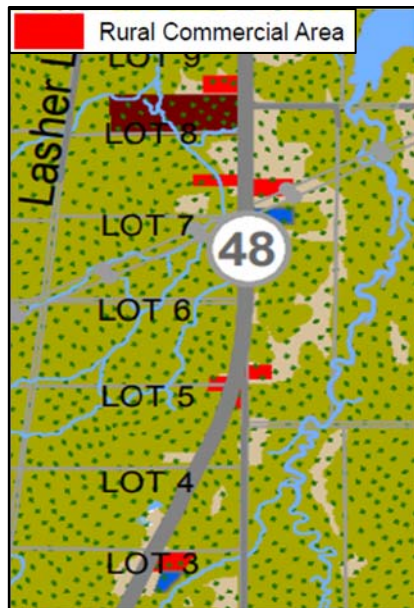
4.4.2 Rural Commercial Area Designation

The Rural Commercial Area designation recognizes existing and approved rural commercial development (Figure 15). The permitted uses and policies are intended to ensure that expansions to or new, rural commercial development, is appropriately located.

Permitted uses with the Rural Commercial Area designation include:

- Commercial uses that service the rural/agricultural/recreational communities or provide services to the travelling public; and,
- Commercial uses which comply with or are similar to those permitted by the zoning for the site existing at the date of the adoption of this Plan.

Figure 15: Rural Commercial Area



Rural commercial uses are those that do not use large amounts of water for their operation and do not contain uses or produce effluents that are noxious or polluting, and are a low fire risk.

The lands designated Rural Commercial Area are generally limited in size and located along Highway 48 and arterial road corridors in the Countryside Area. These areas contain a variety of uses, primarily accommodating the needs of the rural community and travelling public and have been typically zoned 'C2'. The parent 'C2' zone provides for a wide variety of retail and service commercial uses and is utilized not only in the Countryside Area, but also in Settlement Areas along arterial road corridors. Since the original passage of Zoning By-law 500 in 1994, approved ZBAs have typically included site-specific provisions often limiting the permitted uses to those which are proposed or considered appropriate for the subject site.

Proposed Direction:

A review of the existing 'C2' zoned properties within the Countryside Area is required against the land use designations of the Official Plan to determine how the existing site-specific zoning provisions will be addressed in the updated Zoning By-law.

4.4.3 Commercial Recreation Area Designation

The Commercial Recreation Area designation recognizes existing and approved commercial recreation development such as golf courses and recreational vehicle parks (Figure 16). The permitted uses and policies are intended to ensure that expansions to or new, commercial recreational development, is appropriately located.

Permitted uses within the Commercial Recreation Area designation include:

- Commercial recreation uses such as private parks, marinas, golf courses;
- Existing recreational vehicle parks and campgrounds; and,
- Commercial recreational uses which comply with or are similar to those permitted by the zoning for the site existing at the date of the adoption of this Plan.

Permitted uses in the Commercial Recreation Area are restricted to those uses that rely on and require the natural features of the site for recreational purposes, and are distinguished by outdoor activity. Further, residential dwelling units other than for an employee, are not permitted in association with a recreational use in a Commercial Recreational Area designation.

The 'C5' zone has been applied over time to historic and new commercial recreational facilities through the processing of development applications, with site-specific exceptions adapting permitted uses and provisions as appropriate. The 'C5' zone permits a range of marina and associated uses more typical of the lakeshore communities and settlement areas.

The 'C6' zone is utilized both within the Countryside Area and Settlement Areas and permits a variety of commercial recreational uses including tent campgrounds, recreational vehicle parks, parks, places of amusement, golf courses etc. The 'C6' zone permits recreational vehicle parks and tent campgrounds and has been more traditionally been used to permit golf courses, private parks, campgrounds and trailer parks.

Proposed Direction:

Opportunities for new or expanded of recreational commercial facilities are limited in the Countryside Area due to the restrictions in provincial plans and the YROP, which are effectively reflected in the Town Official Plan. A review of the existing 'C5' and 'C6' zoned properties within the Countryside Area is required against the land use designations of the Official Plan to determine how the existing site-specific zoning provisions will be addressed in the updated Zoning By-law.

4.4.4 Parkland Area Designation

The Parkland Area designation recognizes the primary lands in public ownership that provide opportunities for passive and active recreation and conservation activities (Figure 17). Some of these Parkland Areas provide educational, cultural and ecological functions in association with other Greenlands System components. Permitted uses within the Parkland Area designation include:

- Parks and recreation facilities and conservation areas that are in public ownership;
- Passive recreation areas;
- Pedestrian and bicycling trails; and,

Figure 16: Commercial Recreational Area



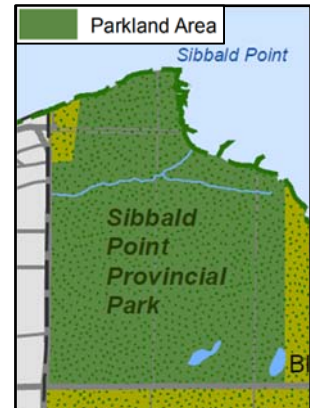
- Other compatible special purpose uses.

Official Plan Schedule A2, Land Use Plan, designates three sites in the Countryside Area as Parkland Area: The Recreational Outdoor Campus (ROC) and Civic Centre site; Sibbald Provincial Point Provincial Park (Figure 17); and, the North Gwillimbury Park. These lands are owned by either the Town or the Province and are zoned 'RU' (both the ROC and Civic Centre site and Sibbald Point Provincial Park) and 'OS' and site-specific Low Density Urban Residential 'R1-16' (North Gwillimbury Park). The provisions of Town's Zoning By-law do not apply to Town or provincially owned lands.

Proposed Direction:

Although the provisions of the Zoning By-law do not apply to lands designated Parkland Area, all three sites noted above should be reviewed and a zoning category applied that represents the existing uses of each site.

**Figure 17:
Parkland Area**



4.5 Land Uses Permitted in all Land Use Designations

The following land uses, buildings and structures shall be permitted in all land use designations in the Official Plan, unless otherwise prohibited or restricted in specific policies:

- Public uses and utilities such public roads, railways lines, public parks, trails and other non-intensive recreational facilities, municipal and regional uses, communication and telecommunication facilities and utilities;
- Electricity generation facilities and transmission and distribution systems;
- Telecommunication facilities;
- Accessory uses, buildings and structures which are normally incidental and subordinate to a permitted use, shall be permitted on the same lot as the permitted use; and,
- Lots of record as it relates to permitting one single detached dwelling may be permitted on an existing vacant lot of record, subject to the policies of the Official Plan and the regulations of the Zoning By-law and the LSRCA.

Zoning By-law 500 does not currently contain provisions that address land uses permitted in all zone categories. The By-law does however provide that its provisions shall not apply to any use of land or to the erection or use of a building or structure on land owned or leased by the Town, provided that a Town owned waste disposal site shall only be permitted in an 'M5' zone. The By-law further provides that its provisions shall not apply to the non-residential use of land or to the erection or non-residential use of a building or structure on land owned or leased by York Region, provided that:

- Any such building shall be erected to conform with the established character and the prescribed coverage and yard requirements of the zone;
- No goods, material, or equipment shall be stored in the open, except as permitted in the zone; and,
- A recycling facility, sewage treatment facility, or waste disposal area shall only be permitted in the 'M5' zone.

The uses listed as being permitted within all land use designations of the Official Plan are generally exempt or not regulated by the zoning by-laws save and except for accessory uses, buildings and structures.

Proposed Direction:

Permitted uses in all land use designations applies to lands within the Countryside Area, however, all general provisions will be comprehensively reviewed and updated as part of Phase II.

4.6 Land Uses Prohibited in all Land Use Designations

The following uses are prohibited in all land use designations in the Official Plan:

- Uses that are noxious, polluting, or produce or store hazardous substances;
- Uses that involve the recycling and/or the storage of contaminated materials; and,
- Uses that are prohibited pursuant to the provisions of the Environmental Protection Act, R.S.O. 1990.

Notwithstanding, York Region Waste Transfer Stations, including Waste Depots and Household Hazardous Waste Depots, are exempt from the above restrictions. The Official Plan recognizes existing, closed waste disposal sites and identifies them on Schedule C, Natural Hazards. Any proposed sites, or expansions to existing waste disposal sites, are not be permitted in any land use designation. Recreational vehicle park development, other than in approved, site-specific OPAs or ZBAs existing at the date of adoption of the Official Plan or in existing recreational vehicle parks, shall be prohibited in the Town. The Official Plan further directs that the Zoning By-law shall incorporate provisions setting out those uses which are prohibited in all zone categories.

Zoning By-law 500 currently contains an exhaustive list of approximately 30 prohibited uses. These are generally industrial processing or manufacturing uses that cause some form of noxious impact to humans and/or the environment or by their nature are a public health and safety danger. Examples of uses currently prohibited include:

- Abattoir (except in a 'RU' zone as part of a farm use);
- Ammonia, bleaching powder or chlorine manufacture;
- Ammunition manufacture and/or storage;

- Coal yards;
- Coke ovens;
- Explosives and fireworks manufacture and/or storage;
- Gas manufacture;
- Glue manufacture;
- Manufacture and/or storage of a fertilizer from dead animals or human waste or the manufacture of fertilizer from animal waste;
- Pathological waste incinerator;
- Petroleum and kerosene refining, distillation or derivation of bi-products;
- Refining coal;
- Rolling mill;
- Smelting aluminum; and,
- Any other use prohibited pursuant to the provisions of the Environmental Protection Act or the Health Protection and Preservation Act.

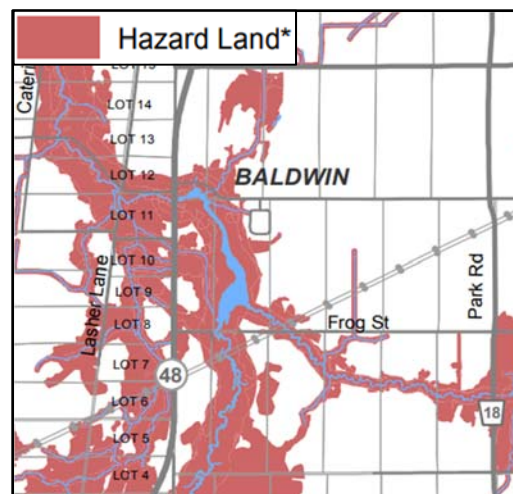
Proposed Direction:

Prohibited uses in all land use designations applies to lands within the Countryside Area, however, all general provisions will be comprehensively reviewed and updated as part of Phase II.

4.7 Natural Hazards

Natural hazards are sites and lands which if developed on, may pose a threat to life and property. These areas or conditions can include floodplains, meander belts, wave uprush, unstable and/or steep slopes and erosion hazards. Natural hazards that have been delineated by the LSRCA are included within the regulation limits identified under Ontario Regulation 179/06. These areas are generally depicted on Official Plan Schedule C, Natural Hazards, based on large-scale mapping provided by the Conservation Authority (Figure 18).

Figure 18: Hazard Lands



The Official Plan provides that development shall be generally directed away from hazardous lands and hazardous sites. Furthermore, development shall not be permitted to locate in hazardous lands and hazardous sites where the use is:

- An institutional use including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools, where there is a threat to

the safe evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency as a result of flooding, failure of flood proofing measures or protection works, or erosion;

- An essential emergency service such as that provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency as a result of flooding, the failure of flood proofing measures and/or protection works, and/or erosion; and,
- Uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

Zoning By-law 500 does not currently contain provisions related to permitted uses within lands subject to natural hazards. Through Ontario Regulation 179/06 and the associated permitting process, the LSRCA identifies and regulates lands subject to natural hazards, and ensures that proposed uses, buildings, structures and site alterations are reviewed in the context of natural hazards.

Proposed Direction:

A copy of the Conservation Authority Regulation Mapping (Ontario Regulation 179/06) should be added as an appendix to the updated Zoning By-law for information purposes and to identify where LSRCA approval is required as part of the planning and/or building permit process.

4.8 Home-Based Business

There are two forms of home-based businesses recognized by the Official Plan; Home occupations and home industries.

The Official Plan provides that the Zoning By-law may include additional provisions regulating home occupations and home industries.

4.8.1 Home Occupations

Home occupations are small-scale operations conducted by persons for gain or profit as an accessory use within their own home. These uses tend to be professional or personal services such as hairdressing, dog grooming or music instruction.

Within the Countryside Area, home occupations may be permitted in residences within the Agricultural Protection Area, Specialty Crop Area, Rural Area and Environmental Protection Area designations in accordance with the following provisions:

- The use is carried out entirely within the dwelling unit, and can be appropriately accommodated within a residential structure;
- The use is clearly secondary to the primary use of the property as a residence in terms of floor space utilization;

- The property is the principal residence of the person carrying on the home occupation use;
- Outside storage of goods, materials, equipment or service vehicles such as trailers and commercially licensed vehicles related to the home occupation use shall not be permitted;
- The activities associated with the home occupation use, including traffic generated and hours of operation, do not adversely affect the surrounding area;
- Adequate water supply and sewage disposal facilities are available and the requirements of the Ontario Building Code are satisfied;
- Solid waste beyond the volume normally generated by a household as defined by regional and provincial data is not permitted;
- The retail sales of any goods or wares shall not be permitted as a primary home occupation use; and,
- Compliance with on-site parking requirements and other provisions regulating home occupations in the Zoning By-law.

Zoning By-law 500 permits home occupations in all zones that permit single detached dwellings. Within the Countryside Area, this applies to the 'RU' zone. The Zoning By-law provides that a home occupation use shall be permitted subject to conformity with the following provisions:

- Members of the family residing in the dwelling unit operate the home occupation;
- No person, other than a member of the family, is engaged in canvassing, delivering or as a go-between in distributing merchandise to customers;
- No more than two persons not resident in the dwelling shall be employed;
- There is no display visible from outside the premises, other than a legal sign, to indicate that any part of the dwelling house, unit or lot is being used for a purpose other than residential;
- Such home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling nor create or become a public nuisance, particularly in regard to traffic, parking, noise, noxious odours or emission of smoke;
- Such home occupation does not interfere with television or radio reception;
- Not more than 25% of the residential floor area of the dwelling is used for the purpose of home occupation uses;
- The operation of a personal service shop shall be limited to one operator at any one time; and,
- The owner has been issued a certificate of occupancy by the Town.

Proposed Direction:

Home occupations are addressed in the general provisions of the Zoning By-law and are uses that are typically more prevalent in settlement areas. As such, home occupations and the zoning provisions that regulate them will be reviewed in Phase II.

4.8.2 Home Industries

Home industries are typically carried out by the occupant of a property within accessory buildings on the property and may include small scale manufacturing, processing or repair uses with limited retail operations.

Within the Countryside Area, home industries are permitted in the Agricultural Protection Area, Specialty Crop Area, and Rural Area designations in accordance with the following provisions:

- The use is carried out within an accessory building or structure separate from a residential dwelling;
- The use is clearly secondary to the primary use of the property and shall not detract from the primary use of the property;
- Only accessory retail sales of products directly produced in the home industry is permitted;
- The repair, storage or sale of motor vehicles is not considered to be a home industry;
- The use must be compatible with adjacent uses; and,
- The use must be in compliance with any zoning and/or licensing provisions.

Zoning By-law 500 only permits home industries in the 'RU' zone, subject to the following provisions:

- Not more than three persons, other than the resident occupant or his/her family, shall be employed in such home industry;
- There shall be no external display or advertising, other than a legal sign, to indicate to persons outside, that any part of the lot is being used for home industry purposes;
- Parking is provided in accordance with Section 5.28;
- The floor area shall not exceed 190 square metres;
- Such home industry is clearly secondary to the main use of the property and does not create or become a public nuisance, particularly in regard to traffic, parking, noxious odours or emissions of smoke; and,
- The owner has been issued a certificate of occupancy by the Town.

Proposed Direction:

While home industries are addressed in the general provision of the Zoning By-law, these uses are truly unique to the Countryside Area and the 'RU' zone and should be considered in Phase I. Considerations for review include the number of permitted employees outside of family members and the maximum floor area of 190 square metres for such.

4.9 Lake Simcoe Protection

The Official Plan was approved in conformity with the LSPP and contains an entire Section dedicated to the protection of Lake Simcoe. The policies in this Section predominantly address development and site alteration within shoreline built-up areas and therefore, are not applicable to Phase I. In this regard, only a very small portion of the Lake Simcoe shoreline is within the Phase I Study Area (i.e. Countryside Area) and impacted by the Official Plan policies. Accordingly, the balance of implementation of the policies in the Official Plan related to Lake Simcoe Protection will be considered in the Phase II Zoning By-law Update.

The Official Plan provides that for areas of the Lake Simcoe shoreline outside of existing settlement areas and outside of shoreline built-up areas, the vegetation protection zone shall be 100 metres from the Lake Simcoe shoreline. Further, new buildings, structures and uses as well as accessory uses and accessory buildings or structures, and the expansions to existing buildings and structures, shall only be permitted in a vegetation protection zone along the Lake Simcoe shoreline if:

- There is no alternative but to place the structure in this area and the area occupied by such structures is minimized;
- The ecological function of the vegetation protection zone is maintained; and,
- Pervious materials and designs are used to the extent feasible.

Proposed Direction:

Consideration should be given to the implementation of a 100-metre minimum vegetation protection zone abutting the Lake Simcoe shoreline within the Countryside Area. Further, the implementing Zoning By-law should consider regulations that limit the extent of development within the vegetation protection zone that may occur as-of-right so that existing buildings and structures may expand, or to permit the development of existing vacant lots of record.

4.10 Source Water Protection

As outlined in Section 2.7, the Clean Water Act establishes the requirement for Source Water Protection Plans and related policies to protect vulnerable areas. The policies contained in the Official Plan are consistent with the SGBLS Source Protection Plan,

being the Source Water Protection Plan applicable to Georgina and the Lake Simcoe Watershed.

Zoning By-law 500 does not current contain any mapping or provisions related to source water protection.

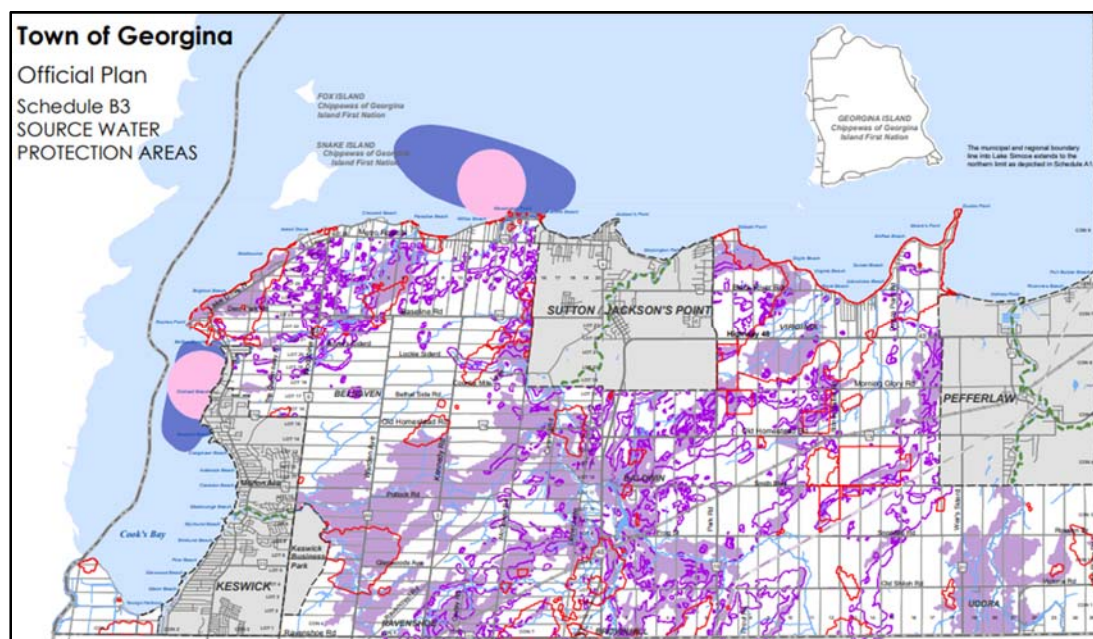
Official Plan Schedule B3, Source Water Protection Areas, is provided as Figure 19 and identifies the location of the following vulnerable source water protection areas:

- Municipal Water Intakes – infrastructure which extends into Lake Simcoe for the purpose of drawing water for the municipal water supply system;
- Intake Protection Zones – the water and land areas that surround a municipal surface water intake;
- Highly Vulnerable Aquifers – an aquifer that can be easily changed or affected by contamination; and,
- Significant Groundwater Recharge Areas and Ecologically Significant Groundwater Recharge Areas – areas where the quality and quantity of groundwater needs to be maintained, protected or improved.

Some requirements related to source water protection contained within the Official Plan are triggered by “major development”. The Official Plan defines “major development” as:

- The creation of four or more lots;
- The construction of a building or buildings with a ground floor area of 500 square metres or more; or,
- The establishment of a major recreational use.

Figure 19: Official Plan Schedule B3, Source Water Protection Areas



4.10.1 Vulnerable Areas

Vulnerable areas applicable to Georgina include groundwater recharge areas, highly vulnerable aquifers, and surface water intake protection zones.

The Official Plan contains policies directing the location of stormwater discharge to areas outside of vulnerable areas and requiring new private or municipal sewage system infrastructure to be located outside of vulnerable areas where they could be a significant drinking water threat. Where development, redevelopment or site alteration is proposed within a vulnerable area, the Official Plan requires consideration be given to the submission of a Source Water Impact Assessment and Mitigation Plan or Hydrological Study, that evaluates and demonstrates that the groundwater quality and quantity will be protected, improved or restored.

4.10.2 Intake Protection Zones

Within the York Region, the Region owns and operates water treatment, transmission and storage facilities and the local municipalities own and operate the water distribution systems and deliver water to the end users. The Region owns and operates the Keswick Water Treatment Plant located in north Keswick and the Georgina Water Treatment Plant located on Kennedy Road in Willow Beach. These water treatment facilities draw water from Lake Simcoe.

The Official Plan identifies both municipal water intakes and their respective intake protection zones. There are two intake protection zones associated with each treatment plant. The size of each zone is determined based on how quickly water flows to the intake. Intake Protection Zone 1 includes lands within a one-kilometer radius around the intake and Intake Protection Zone 2 is where water can reach the intake within a minimum of two hours.

The Official Plan prohibits the establishment of the following new land uses and activities within both intake protection zones:

- Municipal, industrial or commercial waste disposal site and facility;
- Agricultural storage building used for agricultural source material which includes but is not limited to the following materials:
 - Animal manure including bedding materials;
 - Milk house wash water;
 - Mushroom compost;
 - Regulated compost; and,
- Animal yard run-off and manure; and,
- Meat plant that generates non-agricultural source material.

Additionally, any development or building permit application proposed for a land use other than residential buildings that are four storeys or less in Intake Protection Zone 1

require a Section 59 notice issued by the York Region Risk Management Official as part of the complete application requirements under the Planning Act, Condominium Act or Ontario Building Code Act.

4.10.3 Significant Groundwater Recharge Areas and Ecologically Significant Groundwater Recharge Areas

Both Significant Groundwater Recharge Areas and Ecologically Significant Groundwater Recharge Areas are subject to the same policies in the Official Plan. These policies require that applications for major development within these areas include the submission of:

- An Infiltration Management Plan to assess the impacts of the proposal on recharge, which addresses maintaining water balance to the greatest extent possible through best management practices such as low impact development, minimizing impervious surfaces, and lot level infiltration; and,
- An Environmental Impact Study that demonstrates that the quality and quantity of groundwater in these areas and the function of the recharge areas will be protected, improved or restored.

4.10.4 Highly Vulnerable Aquifers

The Official Plan policies require that an application for major development within a Highly Vulnerable Aquifer or Intake Protection Zone involving the manufacturing, handling and/or storage of bulk fuel or chemicals shall be accompanied by a Containment Management Plan as deemed necessary by the Town, in consultation with York Region's Risk Management Official.

4.10.5 Low and Moderate Threats

The Official Plan further contains policies that apply to Intake Protection Zones, Significant Groundwater Recharge Areas, and Highly Vulnerable Aquifers. These policies emphasize best management practices for all development proposals that involve:

- The manufacturing handling and/ or storage of organic solvents and dense non-aqueous phase liquid and road salt; and,
- Application, storage and/or handling of road salt on private roadways, parking lots, and pedestrian walkways.

Additional policies address strategic site design elements and mitigation measures that are to be employed during the site development process and through on-going management of these uses. These relate to both municipal practices for roads and infrastructure and private property.

Proposed Direction:

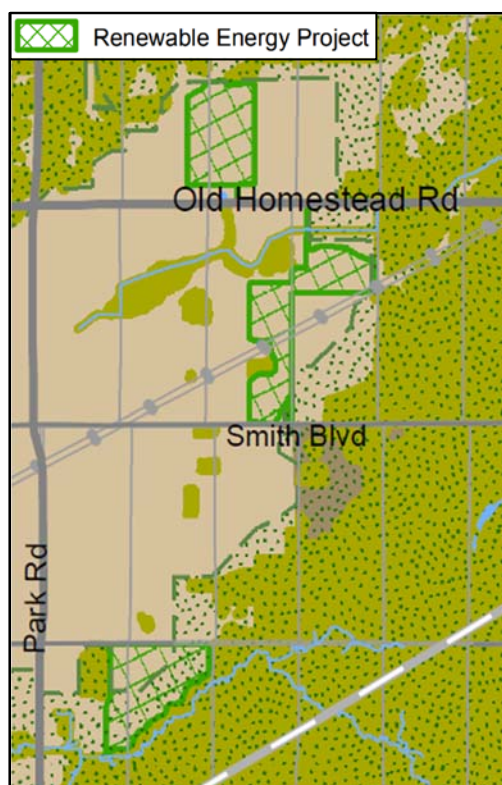
The requirements of the Official Plan for matters related to the LSPP outlined in Section 4.9 and Source Water Protection as outlined in Section 4.10, are best identified and administered during the planning process and best implemented and enforced through other processes such as Site Plan Control and related Agreements, or through Risk Management Plans that are administered by York Region.

Mapping reflecting Official Plan Schedule B3, Source Water Protection Areas, should be included in the Zoning By-law as an appendix to identify where consideration is required in the planning process or where approvals are required from other agencies such as the York Region's Environmental Promotion and Protection Branch.

4.11 Renewable Energy Systems

Renewable energy systems, such as wind turbines, solar panels, geothermal and other similar sources were previously exempt from municipal approval under the Planning Act and were subject to Ontario Regulation 359/09, Renewable Energy Approvals under Part V.0.1 of the Environmental Protection Act and the Province's Green Energy Act, 2009.

Figure 20: Renewable Energy Projects



Effective January 1, 2019, the Green Energy Act was repealed by the Green Energy Repeal Act, 2018. The Act repealed the exemptions to the Planning Act afforded by the Green Energy Act and restored municipal planning authority regarding the applicability of their official plans and zoning by-law when siting these projects.

There are three sites in the Countryside Area identified with a Renewable Energy Project Overlay on Official Plan Schedule A2, Land Use Plan (Figure 20). These are located to the east of Park Road, on the north side of Old Homestead Road, on the north side of Smith Boulevard, east of Park Road and on the south side of Frog Street.

Zoning By-law 500 has not applied zones or specific provisions to renewal energy projects that proceeded under the Green Energy Act. Since the repeal of the Green Energy Act, the construction of renewable energy projects has significantly diminished not only in Georgina but also across the province.

Proposed Direction:

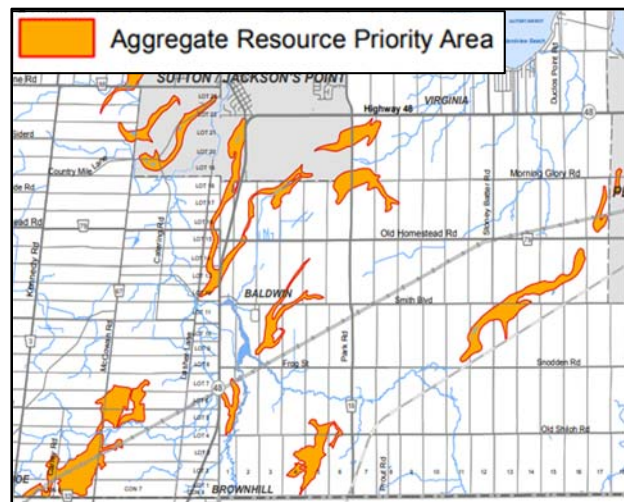
Given the lack of renewable energy systems proposed since the repeal of the Green Energy Act and the uncertainty of any future proposals, it is recommended that zoning for these facilities not be implemented into the updated Zoning By-law. Future proposals should be evaluated on a site-by-site basis in accordance with the policies in the Official Plan, and site-specific zoning applied to regulate the form and scale of the facility to ensure compatibility with surrounding land uses.

4.12 Mineral Aggregate Resources and Operations

Official Plan Schedule G, Aggregate Resource Priority Areas, identifies the locations within the Town that are known to contain mineral aggregate resources (Figure 21). The Official Plan policies are intended to protect aggregate resources from incompatible land uses or uses that would limit the extraction of the resource in the future.

Within the Aggregate Resource Priority Areas, the establishment of a new mineral aggregate operation may be permitted subject to an amendment to the Zoning By-law. For lands outside of an Aggregate Resource Priority Area, an amendment to the Official Plan and Zoning By-law are required to permit the establishment of a new aggregate operation or the expansion of an existing operation beyond the current Aggregate Resources Act licence. New mineral aggregate operations or the expansion of existing licensed operations are not permitted on lands in the Parkland Area designation.

Figure 21: Aggregate Resource Priority



Those uses permitted within the underlying land use designation may also be permitted in Aggregate Resource Priority Areas, with the exception of any land uses that would preclude or hinder the continued use of an existing licensed mineral aggregate operation or their expansion.

Provisions are contained to allow for the mineral aggregate operations as an interim use in the Agricultural Protection Areas and Specialty Crop Area designation.

To date, existing licensed mineral aggregate operations have been zoned 'M3'. The 'M3' zone permits a range of aggregate extraction and related uses subject to basic provisions concerning lot frontage, building setbacks and planting buffer strips. There

has been very limited rezoning activity related to the 'M3' zone in Zoning By-law 500. Most 'M3' zoning was carried over from Zoning By-law 911.

Proposed Direction:

Any future development activity related to an Aggregate Resource Priority Area as identified on Official Plan Schedule G, Aggregate Resource Priority Areas, will require an associated ZBA application that will assess the need for site-specific provisions related to the proposed use. No adjustments the 'M3' zone provisions is anticipated. A review of 'M3' zoned lands and existing Aggregate Resource Act licences is required to determine whether zoning mapping adjustments are required for rehabilitated sites.

4.13 Implementation

The Official Plan contains policies related to implementation of the Plan and the means by which that takes place (e.g. Zoning By-law, Site Plan and Subdivision Agreements, capital budget expenditures, etc.).

Proposed Direction:

The below subsections outline Council's authority respecting specific matters of interest related to this project.

4.13.1 Existing Non-Conforming Uses, Buildings and Structures

Given the historic nature of land uses and development that has taken place prior to comprehensive land use planning within the Town, many existing uses, buildings and structures do not conform to the Official Plan and/or in some cases, the Zoning By-law. This is simply a reality that characterizes land use planning and the regulatory environment across the Province.

The Official Plan recognizes this reality and establishes policy to deal with it. For instance, the Official Plan maintains the intent that legally existing uses, buildings and structures that do not conform to the land use designations or provisions of the Official Plan shall, in the long-term, be brought into conformity with the Plan. However, it is not the intention of the Plan to necessarily prevent the continuation, extension or enlargement of uses, buildings and structures that do not comply with the designations or provisions of the Plan.

After deeming it unfeasible to require a non-conforming subject property to be brought into compliance with the Official Plan through a change in land use or redevelopment, Council may at its discretion, zone lands to permit the continuation, extension, or enlargement of legally existing non-conforming uses, buildings and structures and/or zone lands to permit accessory, complementary or similar uses, buildings and structures to legally existing non-conforming uses, buildings and structures, provided that it is satisfied that the zoning shall:

- Have no adverse effect on the present or future uses of the surrounding lands;
- Comply with the MDS Formulae and Guidelines;
- Apply to a use that has frontage on a public road that has been assumed by the municipality and is fully maintained year round; and
- Not detrimentally affect the implementation of the policies of this Plan and that the general intent and purpose of the Plan is maintained.

Proposed Direction:

The Official Plan provides Council the ability to recognize legally existing uses which do not comply with the Official Plan in circumstances where specific criteria are met. As the process unfolds, in examining legally existing uses that do not comply with the Official Plan, Council can decide to recognize and zone such lands to permit the uses to continue despite the conflict with the Official Plan.

4.13.2 Zoning By-law

The Official Plan provides that any use, building or structure that does not comply with the Zoning By-law, may continue to exist if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose.

Further, the Official Plan shall be implemented by the passage of a Zoning By-law in compliance with the provisions of this Plan and pursuant to the Planning Act. The implementing By-law will also consider the following policies:

- The Zoning By-law shall permit the uses established in this Official Plan; and,
- No provision of this Plan shall be deemed to require the Council to zone all lands in the Town in order to permit immediate development of such lands for their designated uses. Therefore, the Town may zone lands to a Holding or other appropriate zoning category where there is insufficient information to determine specific zoning categories or where the development of such lands is considered to be premature or not in the public interest. Such lands shall be zoned in accordance with the provisions of this Plan at such time as there is sufficient information to determine specific zoning categories and the development of such lands is no longer considered to be premature or not in the public interest.

Lastly, the Town may, through the implementing Zoning By-law, further refine the list of permitted land uses on lands or properties in the various designations to ensure that the new uses or development is appropriate in the context of the adjacent and surrounding Community.

Proposed Direction:

The policies in this section further outline Councils authority with respect to permitted uses when implementing the Official Plan.

4.13.3 Site Plan Control

In accordance with the Official Plan, all of the lands within the Town are designated as a site plan control area, meaning that all of the lands within the Town may be subject to a site plan control by-law. In this regard, no development shall be undertaken within a site plan control area unless exempt, or site plan control approval has been granted. The owner of may be required to enter into a Site Plan Agreement and provide to the satisfaction of and at no expense to the Town, any or all of the requirements set out in the Planning Act.

Proposed Direction:

Site Plan Control may be utilized to require the submission of studies and detailed work as provided for in the Official Plan related to the identification and protection of key natural heritage features and key hydrological features.

4.14 Interpretation

The Official Plan contains policies related to interpretation of the Plan.

Proposed Direction:

The below subsections will assist the project team in interpreting and ensuring conformity with the Official Plan.

4.14.1 Land Use Boundaries

With the exception of the Secondary Plan Area and Hamlet Area boundaries, it is intended that the boundaries of land use designations on Schedule A2, Land Use Plan, be considered as approximate and exact only where bounded by roads, railways, rivers or streams or other similar physical or geographical demarcations. Minor adjustments to approximate land use boundaries will not require an Official Plan Amendment, provided that the general intent of the Plan is preserved.

Proposed Direction:

Acknowledged. No action required.

4.14.2 Stated Measurements and Quantities

It is intended that al figures and quantities in the Official Plan shall be considered as approximate only and not exact. Amendments to the Official Plan will not be required to permit a minor variance from any of the proposed figures.

Proposed Direction:

Acknowledged. No action required.

4.14.3 Legislation

Where the Official Plan makes reference to an Act of the Legislature or an Ontario Regulation, such reference shall include its successor upon amendment or replacement.

Proposed Direction:

Acknowledged. No action required.

4.14.4 Definitions

The Official Plan contains a comprehensive list of definitions for uses and terms used in the Plan.

Proposed Direction:

The definitions contained in the Official Plan, particularly as they relate to permitted uses, will provide direction when interpreting uses in the Official Plan and defining them in the updated Zoning By-law.

4.15 Maple Lake Estate Lands

The Maple Lake Estate (MLE) lands are located in the north-west corner of the Town, specifically west of Woodbine Avenue, north of Deer Park Road, east of Varney Road and south of Metro Road North. On December 19, 2021, the Local Planning Appeal Tribunal (LPAT) ordered that the wetland and woodland portions of the MLE lands as set out in the Region's Official Plan Map 4 (Key Hydrologic Features) and Map 5 (Woodlands) and associated adjacent lands under the PPS and vegetation protection zones under the YROP, be redesignated as from Urban Residential Area to Environmental Protection Area in the Town's Official Plan.

The Town has implemented the LPAT's Order, which resulted in approximately 99.95% of the Urban Residential Area designation on the subject property being changed to Environmental Protection Area designation, as shown on Figure 22.

On June 6, 2021, Steve Clark, Minister of Municipal Affairs and Housing, announced:

"We are protecting the North Gwillimbury Forest for future generations. I will be issuing an MZO (Minister's Zoning Order) to ensure that these environmentally sensitive wetlands in Georgina's North Gwillimbury forest are protected under the Greenbelt for future generations to come."

The map shows a large, irregularly shaped area outlined in red, labeled "MLE Lands". This area is situated between Lake Drive N to the north and Metro Road N to the east. To the west of the MLE Lands is a residential area with streets including Barton Avenue, Metro Road N, and Deer Park Drive. The map also shows a body of water, Lake Drive N, and a road labeled "Metro Road N". The area is labeled "MLE Lands" in large black text.

The MZO proposed by the Province will override the Town's Zoning By-law. As of the writing of this Discussion Paper, the Town has not been contacted by the Province in relation to the MZO announced for the lands. If given the opportunity, staff will review the proposed MZO in order make recommendations on wording, terminology and zones such that the MZO will be inline with the amendments proposed to Zoning By-law 500 through Phase I. Alternatively, if staff are not able to review the MZO prior to its implementation, or the MZO is not released prior to the completion of Phase I, the lands will be zoned 'EPA' and a placeholder will be left for such future MZO to be inserted.

Proposed Direction:

The MLE lands will be zoned 'EPA' in accordance with the Official Plan. Depending on when the MZO is implemented by the Province, will determine how it is incorporated into the Town's updated Zoning By-law. If the Province implements the MZO prior to the completion of Phase I, it will be incorporated into the new By-law. If the Province does not implement the MZO prior to the completion of Phase I, a placeholder will be inserted into the updated By-law for incorporation of the MZO at a later date.

Section 5 – Principles to Guide Decision Making

5.0 Introduction

It is important from the onset to be clear about the methodology and principles that guide decision making concerning the form, scope and content of the Phase I Zoning-By-law Update. Some of these themes have been presented, referenced or discussed in the previous Sections of this Discussion Paper. The key principles and directions that will be used to guide the preparation of the new Zoning By-law are summarized below and organized by relevant topics.

5.1 General Methodology

The Phase I Zoning By-law Update is an exercise in establishing conformity with the Town of Georgina Official Plan. Any implementation of new regional or provincial policy beyond that contained in the Official Plan will take place after the Official Plan is updated, as required.

The scope of Phase I is restricted to the Countryside Area of the Town, which generally includes all lands located outside of the Town's Settlement Areas.

The Phase I process will lead to an amendment to Zoning By-law 500. The Phase II process will conclude with a new Zoning By-law that will repeal Zoning By-law 500 once a new Zoning By-law comes into force and effect.

The Phase I Update will only address Section 5, General Provisions of Zoning By-law 500, to the extent necessary to deal with issues and requirements that relate predominantly to lands in the Countryside Area. The Phase II Zoning By-law Update will address the overall General Provisions in Zoning By-law 500.

5.2 Mapping

The mapping prepared for the By-law will be produced using Geographical Information System (GIS) utilizing the best available data.

The Countryside Area will be broken into a number of sheets with an enhanced scale for easier comprehension and greater accuracy.

The mapping scale, sheet size and format shall allow for consolidation of amendments inclusive of zone schedules (whether on the base-zoning map or as an attachment).

Map sheets will be coordinated with settlement area boundaries to the extent possible.

An Environmental Protection (EP) zone corresponding to the Environmental Protection Area designation, which is comprised of key natural heritage features and key hydrological features and an associated 30-metre vegetation protection zone, will be

based upon available mapping from the Official Plan, and refined by more detailed mapping from other sources such as the LSRCA and York Region.

Given the extensive nature of the Countryside Area, the extent of the Environmental Protection Area designation and number of properties, a specific-site inspection of all properties is not possible. The Zoning By-law should include provisions that allow for flexibility in interpretation and verification of the related zone category boundaries.

5.3 Zoning Provisions and Permitted Uses

The detailed zoning provisions will be formatted in Table form.

All uses introduced into the Zoning By-law will contain a definition. Existing definitions will be reviewed for applicability and consistency with the Official Plan.

5.4 Zone Categories

Where possible and appropriate, zone categories in the Countryside Area will be harmonized to correspond to the Official Plan land use designations. This will allow for better coordination and understanding of the relationship between the Zoning By-law mapping and provisions and applicable Official Plan designations and policies.

Table 1 outlines the existing Official Plan land use designation, the zoning categories typically applied to these designations under Zoning By-law 500, and potential new zone categories that correspond more closely to the Official Plan.

Table 1: Existing Zone Categories and Proposed New Categories

Official Plan Land Use Designation	Applicable Zoning By-law 500 Zone Category	Potential New Zone Category
Rural Area	Rural (RU)	Rural (RU)
Agricultural Protection Area	Rural (RU)	Agricultural Protection (AP)
Environmental Protection Area	Open Space (OS) Rural (RU)	Environmental Protection (EP)
Rural Commercial Area	Highway Commercial (C2)	Rural Commercial (RC)
Parkland Area	Rural (RU) Open Space (OS)	Parkland (P)
Rural Industrial Area	Restricted Industrial (M1) General Industrial (M2) Extractive Industrial (M3) Storage Industrial (M4)	No change
Commercial Recreation Area	Recreational Commercial (C6) Open Space (OS)	No change

Waste Disposal	Disposal Industrial (M5)	No change
Renewable Energy Project	Rural (RU)	No specific zone
Greenlands System outside of the EPA	Rural (RU) Open Space (OS)	Greenlands System Overlay to be added to zoning maps

5.5 Site-Specific Zoning

The Zoning By-law Update must consider how to address the various site-specific zoned properties previously approved and incorporated into Zoning By-law 500 within the Countryside Area. In determining which site-specific zonings should be retained or deleted or amended, it is important to be clear and consistent about the principles that will guide that process. In this regard, the following three basic principles are proposed to be followed:

- Site-specific zoning which implements a previous OPA that remains in conformity with the Official Plan or which is otherwise specifically enabled by a provision in the Official Plan, should be maintained;
- Site-specific zoning which no longer serves a purpose or is no longer necessary because it contains provisions that are now recognized as-of-right by the Zoning By-law, should be removed; and,
- Site-specific zoning that is in conflict with the Official Plan permitted uses and / or policies, should be removed or amended completely or in part and any lawfully existing uses, buildings or structures on the property, would be rendered legal non-conforming.

5.6 Undersized Rural Lots

The largest proportion of approved ZBAs in the Countryside Area have been to permit the construction of a single detached dwelling on an existing vacant lots of record which are considered to be “undersized”. Existing provisions in Zoning By-law 500 require ‘RU’ zoned lots to have a minimum lot frontage of 180 metres and a minimum lot area of 20 hectares to permit a single detached dwelling. These significant minimum lot size requirements to permit a single detached dwelling were imposed primarily as planning tool to trigger the requirement for a ZBA, at which time an assessment would be undertaken to determine the suitability of the property for the proposed residential use from a land use compatibility and environmental protection perspective. Such ZBAs typically establish a site-specific ‘RU’ zone, including the identification of a building envelope for a single detached dwelling and a site-specific Open Space (OS) zone to delineate the environmental features and impose restrictions on uses, typically only permitting forestry and conservation uses.

The current Phase I Zoning By-law Update process will utilize best available information and mapping to delineate identified key natural heritage features and key hydrological

features as well as an associated 30-metre vegetation protection zone, in a new 'EP' zone category. In many instances, this would eliminate the need for a ZBA to establish development limits and site-specific zones to facilitate the construction of a new single detached dwelling. On that basis, a more reasonable minimum lot size appropriate for rural-residential development in the Countryside Area could be established, thereby eliminating the requirement for a ZBA process to permit the construction of a single detached dwelling on an existing vacant lot of record.

Proposed development of a single detached dwelling on an existing vacant lot of record within the Environmental Protection Area designation and subsequently the new 'EP' zone category, may still require a ZBA in order to evaluate the appropriateness of the proposed development, identify development limits, protect environmental features and implement mitigation measures.

Further, any proposed development or site alteration within 120 metres of a key natural heritage feature or key hydrological feature is proposed to be subject to a process to establish the adequacy of a 30-metre minimum vegetative protection zone around features.

5.7 Expanding and Diversifying the Rural Economy

One of the greatest challenges to the health and viability of the rural economy has been the balancing of provincial directives on maintaining the integrity of Prime Agricultural Areas with the goal of supporting the rural economy. The viability of the rural economy is key to countryside municipalities like Georgina. As outlined in Section 2 of this Discussion Paper, the Provincial Guidelines on Permitted Uses in Prime Agricultural Areas have created a basis and framework for appropriately expanding the range of permissible uses in the Agricultural Protection Area designation to include agriculture-related uses and on-farm diversified uses. These terms are already established in the Official Plan as permitted within the Agricultural Protection Area, Specialty Crop Area and Rural Area designations. Agriculture-related uses and on-farm diversified uses are "umbrella" type terms that capture a wide variety of possible specific activities which are difficult to fully contemplate. Accordingly, these uses and corresponding definitions are proposed to be included in the 'AP' and 'RU' zones to allow for consideration of the widest appropriate range of these activities.

5.8 Additional Residential Units in Accessory Buildings

As set out in Section 4 of this Discussion Paper, the Official Plan currently allows for an accessory apartment in a detached accessory building or structure to the primary dwelling in the Rural Area, Agricultural Protection Area, Specialty Crop Area and Hamlet Area designations, provided that there is only one dwelling unit within the primary dwelling.

Section 16(3) of the Planning Act now provides that Official Plans contain provisions allowing for two residential dwelling units in a single detached, semi-detached or row house and one residential dwelling unit in an associated accessory building. Appropriate provisions should be included in the Zoning By-law to allow for the implementation of this provision in the 'AP' and 'RU' zones at this time. Phase II of the Zoning By-law Update process will establish provisions for accessory apartments in detached accessory buildings or structures in the Town's Settlement Areas.

5.9 Source Water Protection (Vulnerable Areas, Significant Groundwater Recharge Areas, Highly Vulnerable Aquifers, Low and Moderate Threats)

As set out in Section 4 of this Discussion Paper, the Countryside Area contains a number of Vulnerable Areas – Significant Groundwater Recharge Areas, Ecologically Significant Groundwater Recharge Areas and Vulnerable Aquifers. These were largely identified by the SGBLS Source Protection Plan in 2015. In turn, these have been identified on Official Plan Schedule B3, Source Water Protection Areas. Related policies provide requirements and restrictions applicable to development and site alteration in these areas. Schedule B3, Source Water Protection Areas should be included as an appendix to the Zoning By-law for reference and to be addressed during the development review and site alteration processes.

5.10 Relationship between the Zoning By-law and other Planning Processes

Official Plan policies implementing provincial requirements establish the need to have Natural Heritage Assessment Studies conducted to assess the adequacy of the setbacks and buffers to key natural heritage features and key hydrological features in support of applications for development or site alteration. These requirements will be addressed during the applicable Planning Act process (e.g. ZBA, Site Plan Control, Committee of Adjustment, Site Alteration Permit or Conservation Authority Permit).