



Staff Report

Planning & Development Services – Planning Division

Report To: COW-Operations_Planning_and_Development_Services
Meeting Date: June 11, 2024
Report Number: PDS.24.016
Title: Recommendation Report – Follow up to the Public Meeting for Development “D” Zones Zoning By-Law Amendment
Prepared by: Carter Triana, Intermediate Planner

A. Recommendations

THAT Council receive Staff Report PDS.24.016, entitled “Recommendation Report – Follow up to the Public Meeting for Development “D” Zones Zoning By-Law Amendment”;

AND THAT Council enact a By-law to amend the text of Zoning By-law 2018-65 to modify the provisions of the Development ‘D’ zone, in accordance with Attachment 1 to Staff Report PDS.24.016.

B. Overview

This is a recommendation report related to a Town-initiated Zoning By-law Amendment to modify the zoning provisions associated with the Development ‘D’ Zone. This amendment is proposed as a means to limit uncontrolled development on D-zoned lots to retain the future development potential of these lots, where appropriate. Council provided direction to initiate this process November 20, 2023.

As many D-zoned lots currently permit the construction of a single detached dwelling, the Town has witnessed the construction of these types of dwellings on several D-zoned lots in a way that compromises the potential of these lots for future development that would more closely align with the objectives and goals of the Town’s Official Plan, longer term community needs, and the intention of the D zone. In addition, the current provisions of the D zone require reference to the former Township of Collingwood and Town of Thornbury Zoning By-laws, which are outdated and result in confusion when residents seek to understand the zoning permissions on their property.

Several modifications to the D zone provisions are contemplated in this report and additional detail and justification for the proposal is provided below. The primary effects of the proposed amendment are as follows:

- Existing established uses, buildings, and structures are permitted to continue/remain;

- Expansions/additions, including those that include an additional residential unit, to existing dwellings are permitted to a maximum footprint of 10% of the footprint of the existing dwelling and in accordance with the setback standards of the R1-1 zone;
- Accessory uses, buildings and structures, including additional residential units in detached accessory buildings, are permitted to a maximum combined footprint of 100 square metres, and are required to be located no closer to the front or exterior side lot line than the main building, no closer than 1.2m from rear and interior side lot lines, and within 6m of the main building;
- New development on vacant lots requires a Zoning By-law Amendment
- Expansion of an existing main buildings beyond the established provisions requires permission from the Committee of Adjustment

Planning Staff recommend the amendment be supported as proposed in order to more effectively manage growth in the Town, to avoid unwarranted financial impacts, to ensure that land with high potential for future development is utilized to its highest and best use, and to facilitate the creation of a well-planned complete community.

C. Background

An overview of the Development 'D' zone was provided in Staff Report [PDS.23.117](#). Some of the information is repeated below, but the reports can be read in conjunction with one another for additional context.

The Development 'D' zone, or zones with similar names and effect, is a common zone category used across many Ontario Zoning By-laws. The primary intent of the Development 'D' zone is to limit development on lands that generally have a wide range of development options. Development 'D' zone lands are typically located within settlement areas but outside the urban built boundary and periphery, or larger parcels of land that may be suitable for a variety of built forms/density. The Development 'D' zone may prohibit and/or permit limited development under very strict control to ensure that the lands ultimately retain the maximum flexibility for future development when development progresses to those lands. Any development beyond the scope of these controls is typically subject to a Zoning By-law Amendment which includes a public process, site specific analysis and ultimately a decision of Council. In many instances the full development of Development 'D' lands may be premature until such time as a Zoning Bylaw Amendment process is completed and the lands are reviewed in their entirety considering adjacent lands, site constraints, servicing requirements, infrastructure improvements and the orderly, logical growth of the area. The Town has several individual properties under the Development 'D' zone, as well as well as larger areas of land, particularly those lands on the west side of the Little Beaver River in Thornbury, lands south/west of Grey Road 19, and lands west of Swiss Meadows Boulevard. Much of these lands are also identified as a 'Future Secondary Plan Area' in the Official Plan and are intended for future urban development, however, are located too far from the urban built boundary to be considered for development at present time. Figure 1 provides an overview of D-zoned lands in the Town.

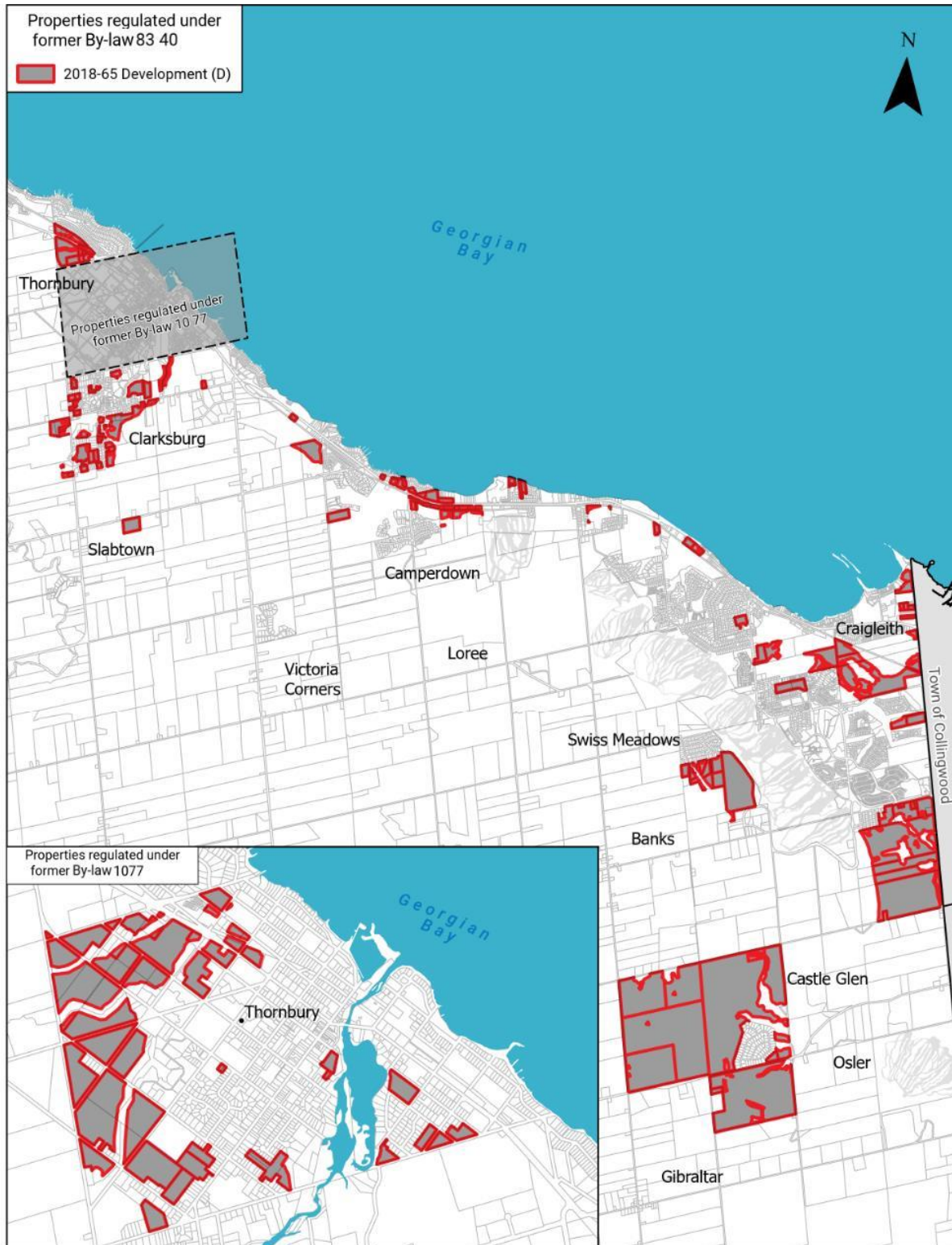


Figure 1. Map of D-Zoned Lands Within the Town

Previous Discussions

Options for the Development 'D' zone were part of the comprehensive review process of the former Thornbury and Collingwood Township Zoning By-laws. Staff Report [PDS.16.157](#) (December 5, 2016) identified a Zone Consolidation Strategy where 57 zones would be reduced to 30 including the amalgamation of the Development 'D' and Deferred Development 'DD' zones from 83-40 and 10-77 into one new zone. Staff Report [PDS.17.15](#) introduced the framework for the new Development 'D' zone. At the time of enactment of Comprehensive Zoning By-law 2018-65, Council deferred a decision on the Development 'D' zone, instead allowing the provisions of the former Township of Collingwood and Town of Thornbury Zoning By-laws to continue for those properties zoned as such.

In Staff Report [PDS.19.39](#), five options were considered to address the Development 'D' zone:

1. Existing uses permitted only. Construction of a new Single Detached Dwelling would not be permitted and would be subject to a Zoning By-law Amendment.
2. A new Single Detached Dwelling as well as existing uses are permitted. Construction of a new single detached dwelling would be permitted as of right and may be located anywhere on a parcel of land subject to meeting minimum yard setback requirements.
3. A Single Detached Dwelling as well as Existing uses permitted under a Holding '-h' Symbol. The Holding '-h' symbol would prevent any development from occurring on the lands until such time as Site Plan Approval is received to dictate the location of a dwelling and other items.
4. Consideration of an additional Zone Category. It has been noted that the Development 'D' zone and Deferred Development 'DD' zones of By-laws 10-77 and 83-40 specify when a new dwelling can be permitted as of right, and when a new dwelling is not permitted. These previous permissions/restrictions can carry forward as they have existed.
5. Enact an Interim Control By-law. An Interim Control By-law puts an immediate temporary freeze on the Development 'D' lands where no development can occur until the Town completes a study on the use. There is a maximum 1-year timeline on Interim Control By-laws with an extension of 1 year permitted.

Option 1 was recommended by Planning Staff in order to provide the most control over the lands and Option 3 was determined to also provide municipal control but at a lesser level. This recommendation was based on the direction of the Official Plan to ensure the orderly and efficient use of lands within settlement areas. The Official Plan permits a single detached dwelling on future development lands, however Staff felt that a Zoning By-law Amendment should be required prior to a new dwelling being permitted. The Zoning By-law Amendment process would include public consultation and Council decision. Staff would also be looking at how the ultimate development of these lands for future growth can be maintained. Building site location, yard space, location of private well and/or septic (if applicable), community connectivity such as new road connections, missing trail linkages, water looping, and other issues can be reviewed on a site-specific basis before a new dwelling can be permitted. Options 2, 4 and 5 were not recommended by Planning Staff.

Council provided direction to proceed with the development of new provisions in accordance with Option 3, however this project was not completed. It is noted that Bill 23 removed the ability

for municipalities to require Site Plan Approval for residential developments containing 10 units or less. As such, Option 3 is can no longer be implemented. The approach recommended in this report is largely consistent with Option 1.

Current Practice

At present, the new Blue Mountains Comprehensive Zoning By-law 2018-65 identifies those lands zoned Development 'D' but does not contain zoning provisions for this zone. All Development 'D' zoned lands are recognized under Section 1.5(g) of By-law 2018-65 which states that the provisions of the former Town of Thornbury Zoning By-law 10-77 and the former Town of Collingwood Zoning By-law 83-40 continue to apply to all lands zoned Development 'D'. Several issues have been identified as a result of this area of indecision, including general confusion, compromised development potential, and inefficient use of land in settlement areas. Additional discussion of these issues is provided later in this report.

Proposed Amendment

On November 20, 2023, Council directed Staff to initiate the Zoning By-law Amendment process to consider new Development 'D' zone provisions. Based on previously proposed options, in consultation with relevant Town departments and external agencies, and in consideration of the intent of the Development 'D' zone and public comments, Planning Staff have created draft provisions that would have the following effects:

- Existing established uses, buildings, and structures are permitted to continue/remain;
- Expansions/additions, including those that include an additional residential unit, to existing dwellings are permitted to a maximum footprint of 10% of the footprint of the existing dwelling and in accordance with the setback standards of the R1-1 zone;
- Accessory uses, buildings and structures, including additional residential units in detached accessory buildings, are permitted to a maximum combined footprint of 100 square metres, and are required to be located no closer to the front or exterior side lot line than the main building, no closer than 1.2m from rear and interior side lot lines, and within 6m of the main building;
- New development on vacant lots requires a Zoning By-law Amendment
- Expansion of an existing main buildings beyond the established provisions requires permission from the Committee of Adjustment

Public Comments

A statutory public meeting was held on May 14, 2024, with written and verbal comments being received from public agencies and area residents. Notice of the public meeting was circulated to all property owners of D-zoned land and posted on the Town website on April 22 and was posted in The Blue Mountains Review. Summarized comments and Staff responses are included as Attachment 2 to this report. Full comments are included as Attachment 3. Comments were received from the following public agencies:

Comments received from Council and interested members of the public and Staff responses can generally be summarized as:

- **Will my property be rendered worthless if the proposed amendment is approved?**

Existing as-of-right permissions vary depending on the property. The proposed amendment seeks to remove those permissions and instead require a Zoning By-law Amendment to establish new permissions appropriate to the context of an individual property. The proposed amendment would not freeze development on vacant D-zoned properties indefinitely and a Zoning By-law Amendment to construct, for example, a single detached house, may be supported provided it conforms to relevant Official Plan policies and consideration is given to retention of the future development potential of the lot. Development on lots with existing buildings or structures would need to follow the established standards or seek relief from those standards through a Zoning By-law Amendment of application to the Committee of Adjustment.

- **My lot is zoned Development 'D' and is in a Future Secondary Plan area, does this mean I have to get a CIHA or MZO to build a dwelling?**

The Future Secondary Plan land use designation in the Town's Official Plan permits one single detached dwelling per lot, among other uses. An Official Plan Amendment, Community Infrastructure and Housing Accelerator (CIHA) or a Minister's Zoning Order (MZO) would not be required to facilitate the construction of a single detached dwelling on a vacant lot. As indicated above, a Zoning By-law Amendment application could be submitted and may be supported provided it has regard for relevant Official Plan policies and the future development potential of the lot.

Modifications Since Public Meeting

Several modifications to the proposed amendment have been made since the public meeting, primarily to recognize existing residents and potential plans for expansions or additions on lots with existing homes. The goal of this amendment is not to prohibit property owners from any new development on their land but rather to ensure that new development does not compromise the future potential of the land to be used to its highest and best use. These modifications include:

- Permitting one-time as-of-right expansions of existing buildings of up to 10% of the existing footprint in accordance with the R1-1 zone setback standards
- Permitting a total maximum footprint of 100 square metres for all accessory buildings and structures, including additional residential units in detached buildings
- Requiring accessory buildings and structures, including additional residential units in detached buildings, to be located within 6 metres of the main building and no closer to the front or exterior side lot lines than the main building

Two subsections are proposed to be added to Section 1.5 of the Zoning By-law to recognize lands that are subject to ongoing appeals under the Planning Act. A similar approach was taken for lands subject to appeals when the current Zoning By-law was adopted in 2018.

Additional commentary on these modifications is provided later in this report.

D. Analysis

Planning Act

In making planning decisions, the Planning Act requires approval authorities to have regard for matters of Provincial Interest, as outlined by Section 2 of the Act and the Provincial Policy Statement. Council must also have regard for the policies of the Official Plan which apply to the lands. S.34 of the Act provides authority to municipal councils to enact Zoning By-laws. Additional commentary is provided below regarding the policies of the PPS and Official Plan.

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides more detailed policy direction on matters of provincial interests related to land use planning and development. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. Within the framework of the PPS, the subject lands are located within a settlement area. The PPS supports a wide range and density of uses within Settlement Areas, acknowledges these areas as the focus for growth and development, and that their vitality and regeneration shall be promoted.

Section 1.0 of the PPS promotes Building Strong Healthy Communities through the provision of efficient development and land use patterns that promote cost effective development patterns to minimize land consumption and servicing costs. Residential uses should have compact form and be comprised of a range and mix of dwelling types and densities in order to allow for efficient use of land and services (PPS Section 1.4.3). In this regard, the PPS directs growth and intensification to existing Settlement Areas where suitable infrastructure is available or planned, adjacent to existing development. Municipal water and sanitary sewer systems are the preferred servicing form within settlement areas and shall accommodate growth in a manner that promotes the efficient use and optimization of existing services (PPS Section 1.6). Healthy active communities should be promoted by facilitating active transportation, providing a range of built and natural recreational amenities, providing opportunities for public access to shorelines, and encouraging a sense of place by promoting well-designed built form (PPS Sections 1.5, 1.6.7 and 1.7.1).

The proposed amendment would provide for efficient land use by ensuring that lands within settlement areas are used to their highest potential. As explained later in this report, this amendment is also necessary to minimize servicing costs associated with development. By establishing additional control over lands with potential for future development, active transportation networks and public open space systems can be more effectively developed to provide better service to existing and future residents of the Town. The current provisions of the D zone may compromise these lands and result in fragmented or inefficient services as the urban area of the Town expands throughout established settlement areas. Based on these comments and comments provided throughout this report, Planning Staff are satisfied that the proposed amendment is consistent with the policy direction provided by the NEP.

Niagara Escarpment Plan (NEP)

The purpose of the NEP is to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment.

Generally, the proposed amendment would allow for additional review of development proposals by the Niagara Escarpment Commission for those lands designated under the NEP. For many D-zoned properties, including those in Thornbury and Clarksburg, the NEP is not applicable. As such, Planning Staff are satisfied that the proposed amendment does not conflict with the NEP.

Grey County Official Plan

The Grey County Official Plan contains goals, objectives and policies to manage and direct land use change and monitor its effects on the cultural, social, economic and natural environment within the regional community. Section 3.4 of the Plan requires the following:

Where new residential development is occurring on larger landholdings, it must be demonstrated that short-term development projects do not unduly prejudice the efficient use of the lands for future development purposes.

Section 3.4 also contains policies requiring the development of proper and orderly street patterns, compact form, and a mix of uses and densities to facilitate healthy community design, the efficient use of services, and the development of a wide range of housing types. The Plan requires intensification to be considered prior to consideration of settlement area expansions or municipal boundary restructuring and requires a minimum density of 20 units per net hectare in Primary Settlement Areas (Sections 3.4, 3.5, 7.13). Section 8.4 contains policies encouraging new development to provide connections to existing and future trails, sidewalks, and paved shoulders to integrate with the complete transportation system.

As discussed in more detail later in this report, the purpose of this amendment is to ensure the orderly development of D-zoned lots by allowing for additional review of development prior to approval. The direction of the proposed amendment is directly aligned with the policies of the Grey County Official Plan in that it seeks to avoid compromising the future development potential of large D-zoned lots, to allow for more comprehensive development of servicing and transportation infrastructure, and to ensure new development meets density targets to provide a full range of housing. Planning Staff are satisfied that the proposed amendment conforms to the policies of the Grey County Official Plan.

Town of The Blue Mountains Official Plan

Section A1 of the Official Plan provides the community vision and guiding principles for the Town. The first sentence of this section is especially relevant to the proposed amendment and reads as follows:

The primary purpose of the Official Plan is to provide the basis for managing growth that will support and emphasize the Town's unique character, diversity, civic identity,

recreational and tourism resources, rural lifestyle and heritage features and to do so in a way that has the greatest positive impact on the quality of life in The Blue Mountains.

Official Plans are created to ensure growth occurs in a way that has a positive impact on the community, in consideration of the local context. The proposed amendment seeks to provide the Town with additional growth management tools to facilitate the creation of complete communities and achieve sustainable development patterns. The effect of the proposed Zoning By-law Amendment aligns with several guiding principles outlined in Section A1.1 of the Official Plan, including principles 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, and 13. The analysis provided below demonstrates how these principles will be upheld.

Infrastructure and Transportation

Section A3.3 directs that development should be appropriately phased in conjunction with infrastructure improvements. Section A3.9 indicates that the construction or expansion of infrastructure should be compatible with adjacent land uses and cost effective. Section D1 outlines policies related to servicing strategies, including that the preferred means of servicing in settlement areas is full municipal services and that the Town should strive for the progressive extension and economic utilization of municipal sewer and water services.

Sections A3.9 and D2 direct for the development of an integrated transportation system in the Town, which includes walking, cycling, transit, and cars. These policies promote transit, cycling, and walking as energy efficient, affordable, and accessible forms of travel and encourage the efficient use of land along transportation corridors.

The majority of D-zoned properties are located within existing settlement areas, where it is intended that growth within the municipality should be directed. New development within settlement areas often requires the extension of or upgrades to existing infrastructure, including servicing infrastructure and roads. When a single detached dwelling is constructed on a lot with a large frontage, any development beyond that lot that would require upgrades to infrastructure along that frontage for it to reach the lot subject to development. Whereas the orderly development of settlement areas would generally result in increased density on the lot containing the single detached dwelling, its existence would require the extension of infrastructure without the added benefit of providing additional connections to multiple dwellings on that lot. Generally, the overall cost burden of expanding and upgrading infrastructure decreases as density increases. The existing provisions of the Development 'D' zone do not ensure that development occurs in this fiscally responsible manner and instead may lead to increased long-term costs related to the expansion of infrastructure.

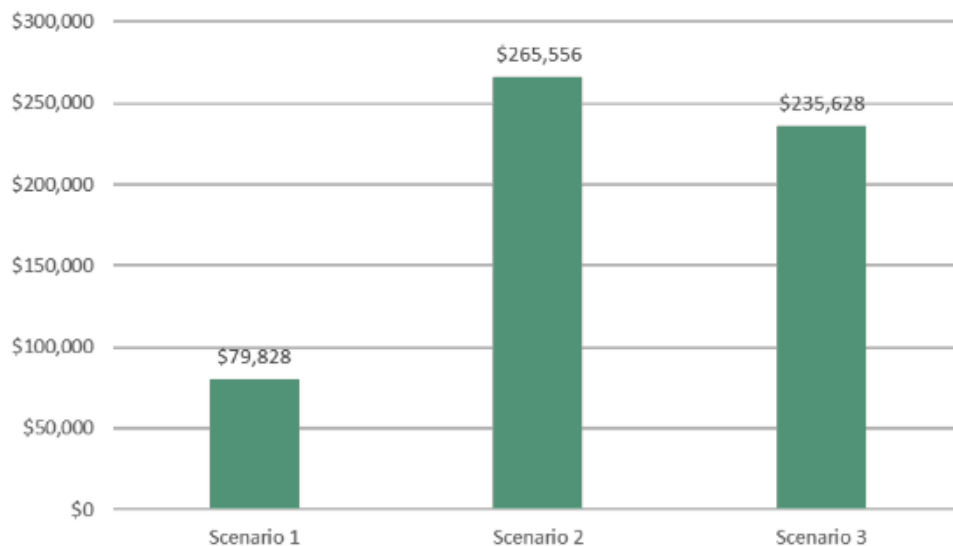
The [Growth Allocations & Fiscal Impact Report](#) presented as part of Phase 1 of the Town's Official Plan review assesses the financial impacts of future growth based on three hypothetical scenarios: high-density growth, medium-density growth, and low-density growth. Each scenario contemplates providing housing for 500 people as outlined in Table 1.

Table 1. Land Area Needed to Provide Housing for 500 People Based on Three Density Scenarios

	Persons Per Unit	Number of Units	Density (uph)	Land Area (ha)
Low-Density	2.63	190	15	12.7
Medium-Density	1.89	265	40	6.6
High-Density	1.51	331	100	3.3

The amount of land needed significantly decreases as density increases, even as the number of people within each dwelling unit decreases and the total number of units increases. The low and medium density scenarios are in line with existing density maximums in the Community Living Area designation of the Official Plan, while the high-density scenario aligns with the endorsed density maximum for this designation through Phase 1 of the Official Plan review.

Figure 2 outlines the fiscal surplus resulting from each growth scenario based on assumed revenues (property taxes, water and wastewater user fees, licenses, permits, etc.) and costs (operating and lifecycle replacement). All three scenarios are expected to result in a positive fiscal impact but the low-density scenario (Scenario 1) would result in the smallest surplus. Medium and high-density growth scenarios would result in a surplus approximately three times that resulting from low-density growth. As noted previously, this largely due to the cost associated with the replacement of hard infrastructure, much more of which is required to support low-density development.



Source: Parcel.

Figure 2. Net Municipal Fiscal Impact of Low-Density (Scenario 1), Medium-Density (Scenario 2), and High-Density (Scenario 3) Growth

The proposed amendment seeks to avoid situations where large lots can no longer be developed in an efficient manner. Through the required Zoning By-law Amendment process, Town Staff can ensure that development occurs in a way that has consideration for and mitigates potential adverse impacts on future infrastructure expansion and upgrades. For example, Staff may not be able to support a Zoning By-law Amendment to facilitate the construction of a large single detached dwelling in the centre of a large lot, but may be able to support its construction towards the corner of the lot, where the remainder of the lot could be developed in a more appropriate manner in the future.

Sustainability, Housing, and Community Design

Section A3.1 provides objectives for sustainable development in the Town and encourages compact urban form, active transportation, efficient land uses, and development patterns that minimize adverse impacts on air quality. Section D6 encourages the development of a system of public open space.

Section A3.10 outlines strategic objectives related to housing, including maintaining an appropriate supply of land for residential development and encouraging residential intensification and affordable housing by encouraging opportunities for mixed-use development.

Section A3 encourages the maintenance and enhancement of urban areas and appropriate intensification, infilling, and redevelopment that highlights downtown areas as the primary focal points of the community. Section D5 outlines objectives to encourage a high quality of built form, including exercising municipal development control and ensuring the safety and security of public and publicly accessible places through community design.

Existing provisions, under former Zoning By-laws, for the Development 'D' zone have allowed for the construction of single detached dwellings on certain lots that have the potential to compromise the future developability of those lots. Examples of these lots are provided in Figure 2(a-j), where the photo on the left show the lots before development and the photos on the right show those lots after development.



Figure 2a



Figure 2b



Figure 2c

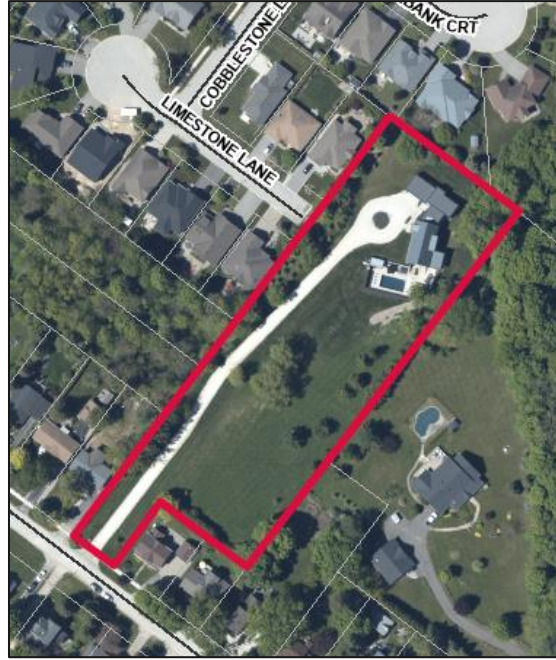


Figure 2d



Figure 2e



Figure 2f



Figure 2g



Figure 2h

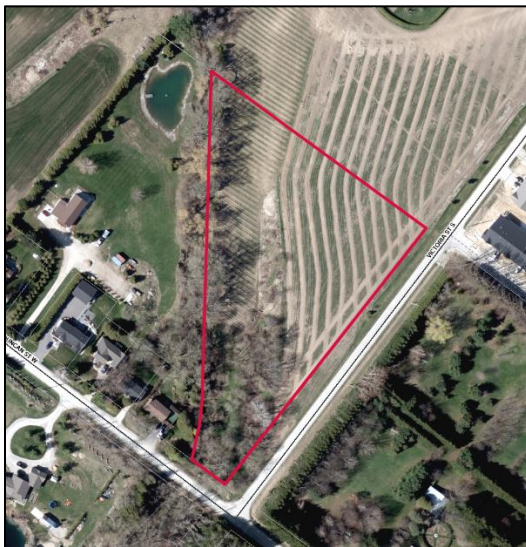


Figure 2i



Figure 2j

Figure 2 (a-j). Before and After Satellite Images of D-Zoned Lots that Have Undergone Low-Density Development

After a single detached dwelling use has been established on a lot, the likelihood increases that the owner may not be interested in developing the lot further to increase density or provide additional community benefits. If a portion of the property is proposed to be developed, the potential for conflicts also increases due to the proximity of the proposed development to an existing dwelling and the perceived negative impacts of density. In addition, the location and size

of the dwelling may physically inhibit the potential for development by reducing the overall developable area of the lot. Table 2 provides the potential number of units on the lots shown in Figure 2(a-j) based on a minimum density of 25 units per hectare (uph). Density policies within the draft Official Plan as endorsed by Council through Phase 1 of the Official Plan review require a minimum density of 25 units per net hectare for greenfield development in the Community Living Area. It is noted that more compact housing types such as townhouses and apartment buildings could result in development densities up to 100 units per hectare. It is also noted that additional residential units have the potential to increase the density on lots with single detached, semi-detached, or rowhouse dwellings by up to three times.

Table 2. Approximate Potential Unit Count of D-Zoned Lots on Which One Single Detached Dwelling Has Been Constructed

	Current Unit Count	Approximate Lot Area (ha)	Potential Unit Count	
			Lower Limit (25 uph)	Upper Limit (100 uph)
Figure 2a and 2 b (left)	1	1.00	25	100
Figure 2a and 2b (right)	1	1.05	26	104
Figure 2c and 2d	1	1.12	27	111
Figure 2e and 2f	1	6.34	158	633
Figure 2g and 2h	1	4.13	103	412
Figure 2i and 2j	1	1.82	45	181
TOTALS	6	15.46	384	1541

As the data above demonstrates, the existing provisions of the D zone significantly impact the development potential of lots in Thornbury. For those lots included in the above examples, there are 6 Lots on which a single dwelling is currently built, with the potential to accommodate 384 (minimum) and up to 1541 (maximum) if they were developed without a single detached dwelling constraining the highest and best use density policies.

Although the existence of a dwelling on a D-zoned lot does not necessarily prevent the remainder of the lot from being developed, its location and size may have a large impact on efficient development of the parcel. The proposed amendment would provide the Town the opportunity to determine where a dwelling should be placed on a lot so as not to compromise its development potential. The Zoning By-law Amendment process and the process to seek permission from the Committee of Adjustment are both public processes that require a decision of either Council or the Committee of Adjustment, respectively. The intention of the proposed amendment is not to indefinitely prohibit the construction of a dwelling on a D-zoned property,

but rather to add a new level of controls that will ensure consideration is given to the lot as a whole given that the zoning of the lot identifies it as having potential for future development.

Non-Conforming Uses, Buildings, Structures, or Lots

Sections E5 and E6 outline policies related to non-conforming uses, buildings, structures, and lots within the Town. These sections permit established non-conforming uses to continue but require permission from the Committee of Adjustment to facilitate their expansion. Similarly, non-conforming buildings or structures can be enlarged, repaired or renovated provided the situation of non-conformity is not increased. If the situation of non-conformity is increased, permission from the Committee of Adjustment is required.

Section 45(2) of the Planning Act outlines powers of the Committee of Adjustment distinct from those for granting minor variances. Under this section, and clarified through existing case law, the Committee of Adjustment may grant expansions to legal non-conforming buildings, structures, and uses provided the change does not result in undue adverse impacts to the surrounding neighbourhood and is desirable for the development and use of the lands.

Based on these powers granted to the Committee of Adjustment, a resident seeking to expand an existing building or structure beyond what is permitted under the Zoning By-law can submit an application to the Town for review by Staff and a decision by the Committee. If the Committee approves the expansion, the resident could then apply for a building permit.

Town of The Blue Mountains Zoning By-law 2018-65

As mentioned previously, Section 1.5(g) of the Zoning By-law requires reference to the former Township of Collingwood and Town of Thornbury Zoning By-laws to determine relevant permitted uses and standards for D-zoned properties. Properties currently zoned Development 'D' fall under at least one of 32 different zones under the former Zoning By-laws, as shown in Figure 2. As such, Staff currently have to manage permitted uses and standards for 59 zones, 32 from the former Zoning By-laws and 27 from the current Zoning By-law. In addition, the public, and especially owners of D-zoned properties also need to be aware of these 59 zones. As a Zoning By-law can be quite technical in nature, communication around zoning provisions can already be a difficult topic for residents to understand. Communication of the direction of Section 1.5(g) for reference to former Zoning By-laws compounds this issue by adding another layer to the required explanation. In addition, not all information from the former Zoning By-laws is currently digitized, requiring owners of D-zoned properties to contact Staff to determine what previous permissions and standards are still applicable to their lot. This is most apparent when a D-zoned property is listed for sale as Planning Staff receive multiple inquiries from real estate agents and potential buyers regarding the permissions and standards for the lot.

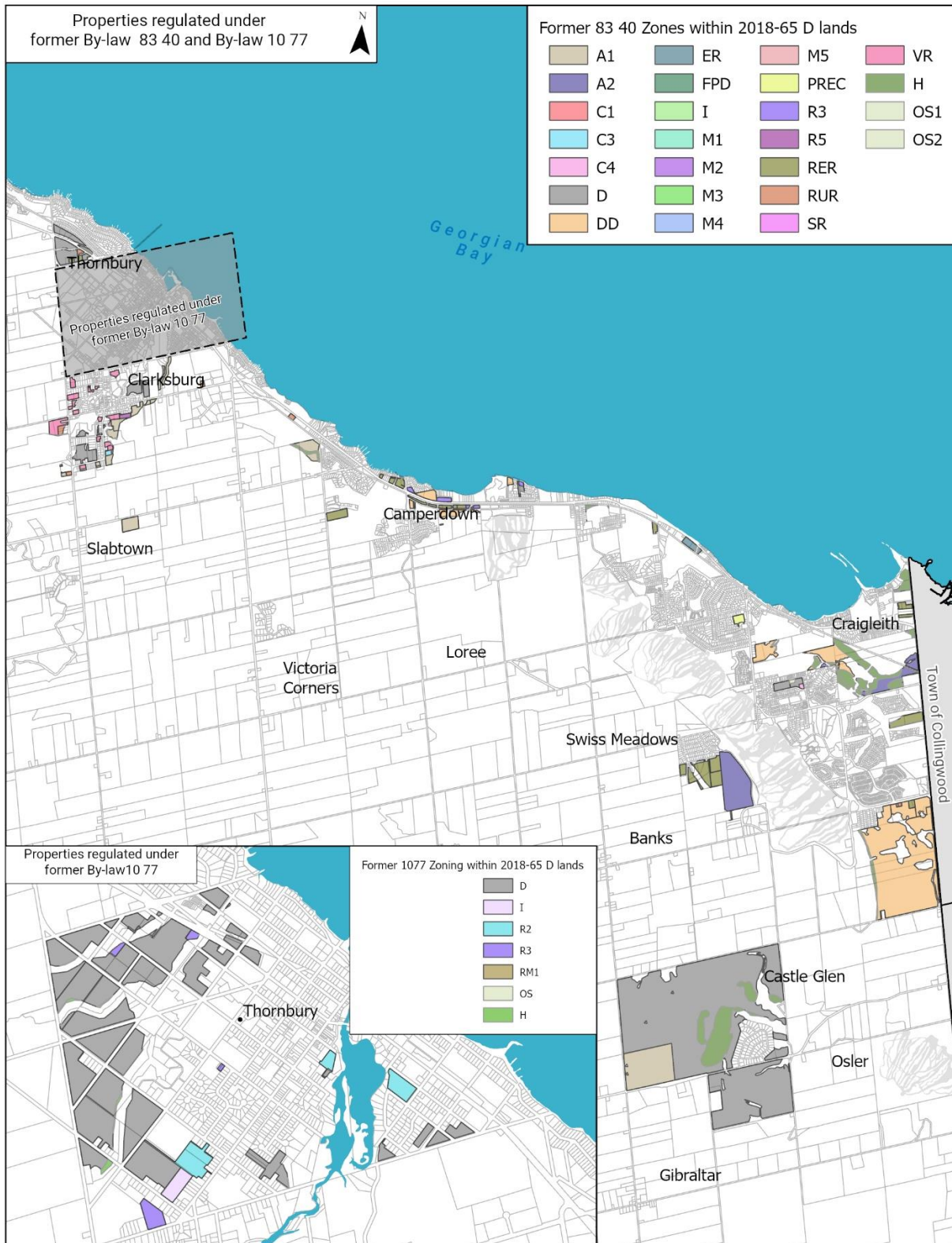


Figure 3. Zoning of D-zoned Lots Under the Former Township of Collingwood and Town of Thornbury Zoning By-laws

The proposed amendment would remove the need for reference to the former Zoning By-laws, instead establishing permitted uses and standards entirely within the current Zoning By-law. This would allow Staff, residents, real estate agents, lawyers, builders, architects, and developers to clearly determine the applicable provisions within the text of Zoning By-law 2018-65, thereby increasing the potential for self-service using the Town's [Interactive Zoning Map](#) and increasing confidence in how the property can be used.

Commentary has been provided previously in this report regarding the mechanism to determine zoning provisions for lots zoned Development 'D' and the purpose of this zone. The existing provisions for this zone have proven to be ineffective in managing D-zoned lands and amendments are warranted to better align with the intent of this zone and to preserve the future development potential of these lands. The primary proposed amendments to the Zoning By-laws are as follows:

1. Delete Section 1.5(g), which requires reference to the former Township of Collingwood and Town of Thornbury Zoning By-laws;

As zone-specific provisions are proposed to be added for the D zone, reference to former Zoning By-laws will no longer be required.

2. Add Section 1.5(h) to maintain the provisions of the former Township of Collingwood Zoning By-law 83-40 for Collingwood Concession 2 Part Lot 19 RP 16R2119 Part of Part 2 (138 Kandahar Lane).

These lands are currently the subject of an appeal under the Planning Act so modifications to the zoning would not be appropriate. The Town took a similar approach when creating the current Zoning By-law, with applicable lands listed in Section 1.5 and requiring reference to the former By-laws of the Town of Thornbury and Township of Collingwood.

3. Add Section 1.5(i) to maintain the provisions of the former Township of Collingwood Zoning By-law 83-40 for Concession 4 Part Lot 25 RP 16R1936 Part 1.

See comments above as these lands are currently the subject of an appeal under the Planning Act.

4. Amend Section 4.3(d) to reference the Development 'D' zone to require accessory buildings and structures to be located no closer to the front or exterior side lot lines than the main building;

Section 4.3(d) applies to all residential, commercial, and employment zones, which are already listed within the text of this provision. This provision seeks to maintain the streetscape character of these zones by ensuring that the main building is the most prominent building or structure on the lot and requiring accessory buildings and structures to be located in interior side or rear yards, away from the street. Adding the D zone to this provision seeks to maintain streetscape character in this zone.

5. Add Section 4.3(l) to require all accessory buildings and structures to be located within 6 metres of the main building and to prohibit the total footprint of all accessory buildings and structures from exceeding 100 square metres on D-zoned lots.

This provision seeks to limit the impact of accessory buildings and structures on D-zoned lots and is in line with the intention of this amendment to preserve suitable land for future development. These provisions would apply to both non-habitable and habitable accessory buildings and structures. A 6-metre setback from the main building would still allow for a 3-metre setback from the property line to the main building or an accessory

building or structure should the property be severed in the future. The new provisions for accessory residential units limit their floor area to 100 square metres, which is proposed to be carried over into this provision and seeks to add additional control for D-zoned lots other than lot coverage standards. It is noted that the maximum lot coverage standard for accessory buildings and structures only applies to residential zones. These provisions seek to allow additional flexibility for existing residents to add accessory buildings and structures to their properties.

6. Add Additional Residential Units (ARUs) as a distinct permitted use in Table 8.1;

This will provide clarification to individuals looking to add an ARU to their property and aligns with the policies of the Official Plan to provide a mix of housing.

7. Delete Special Provision 7 of Table 8.1, which references Section 1.5(g);

As Section 1.5(g) will no longer be needed, this would remove its reference elsewhere in the Zoning By-law.

8. Amend the zone standards for the Development 'D' zone in Table 8.2 to reflect those existing as of the date of passing of the proposed Zoning By-law Amendment.

All zone standards for the D zone will remain listed as "as existing" to ensure that existing buildings and structures can remain, but that new development on the lot either follows established provisions or requires additional approvals from the Town through a Planning Act application. If the amendment is enacted as proposed, the date of enactment will be referenced for clarity.

9. Add Special Provision for the Development 'D' zone in Table 8.2 to permit a one-time increase to the footprint of an existing dwelling of 10% in accordance with the Residential One 'R1-1' setback standards.

This special provision is proposed to be added to the lot coverage standard, which would allow for the lot coverage to exceed what is existing but would limit it based on the footprint of the existing dwelling. The Town's C1-12 zone uses a similar provision, which limits residential expansion to a maximum of 10% in areas slated to transition to commercial uses in the future. This would provide residents with flexibility to construct additions to existing homes but would provide control as to the size of those additions and require additional approvals from the Town through a Planning Act application should the property owner wish to exceed this standard.

E. Strategic Priorities

1. Communication and Engagement

We will enhance communications and engagement between Town Staff, Town residents and stakeholders.

2. Organizational Excellence

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

3. Community

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

4. Quality of Life

We will foster a high quality of life for full-time and part-time residents of all ages and stages, while welcoming visitors.

F. Environmental Impacts

No adverse environmental impacts are anticipated as a result of the recommendations contained within this report. The Zoning By-law Amendment process that would be required to construct a dwelling on a vacant property zoned Development 'D' would allow for additional review of natural heritage features on a site to ensure that the proposed location of the dwelling would have minimal impact on those features.

G. Financial Impacts

The proposed amendments seek to avoid unnecessary financial burden on the Town and residents caused by disorderly development, particularly in consideration of necessary extensions of existing infrastructure to facilitate future development.

As indicated previously in this report, owners of D-zoned land may be required to apply for a Zoning By-law Amendment or seek permission from the Committee of Adjustment to facilitate development on their lot. The current fees for these types of applications are \$4,690 and \$1,970, respectively, as per [By-law 2022-14](#).

No adverse financial impacts to the Town are anticipated as a result of the recommendations contained within this report.

H. In Consultation With

Relevant Town Departments and External Agencies

I. Public Engagement

The topic of this Staff Report has been the subject of a Public Meeting which took place on **May 14, 2024**. Those who provided comments at the Public Meeting, including anyone who has asked to receive notice regarding this matter, has been provided notice of this Staff Report. Any comments regarding this report should be submitted to Carter Triana, planning@thebluemountains.ca

J. Attached

1. Draft Zoning By-law Amendment
2. Public Meeting Comments (Summary)

3. Public Meeting Comments (Original)

Respectfully submitted,

Carter Triana
Intermediate Planner

For more information, please contact:
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Report Approval Details

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Attachments:	- PDS-24-016-Attachment-1.pdf - P3355 Public Meeting All Comments Summary - Development 'D' Zone ZBA (5.14.24).docx - PDS-24-016-Attachment-2.pdf - PDS-24-016-Attachment-3.pdf
Final Approval Date:	May 30, 2024

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

Shawn Postma - May 30, 2024 - 2:43 PM

No Signature - Task assigned to Adam Smith was completed by delegate Brian Worsley

Adam Smith - May 30, 2024 - 2:58 PM