

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2023-0036

**FOR THE CONSIDERATION OF
COUNCIL**

April 18, 2023

**SUBJECT: PROPOSED COUNTRYSIDE ZONING BY-LAW AND ASSOCIATED
OFFICIAL PLAN AMENDMENT, FILE NUMBERS: 03.05BT (ZBA) AND
02.202 (OPA)**

1. RECOMMENDATIONS:

- 1. That Council receive Report No. DS-2023-0036 prepared by the Planning Policy Division, Development Services Department, dated April 18, 2023, respecting the proposed Countryside Zoning By-law and associated Official Plan Amendment; and,**
- 2. That the Proposed Countryside Zoning By-law and associated Official Plan Amendment be referred back to Staff for further review and refinement in consideration of Council, public and agency comments.**

2. PURPOSE:

The purpose of this report is to:

- Present the proposed Countryside Zoning By-law dated March 2023 and associated Official Plan Amendment (OPA) for public review and comment; and,
- Provide an update on the progress and timing of the Zoning By-law Conformity Exercise.

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 500) 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 and passed Resolution No. C-2020-0268 to:

- Endorse a two-phase approach to undertaking the Zoning By-law Conformity Exercise; and,

- Advance pre-budget approval to retain a consultant to assist staff with Phase I of the project.

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 Areas, Towns and Villages, Hamlets and Lakeshore Residential Area or commonly referred to as the Settlement Areas), as shown on Official Plan Schedule A1, Municipal Structure (Attachment 1). Phase II of the Zoning By-law Update is currently scheduled to commence in 2025.

Phase I of the project primarily involves an exercise to review and update the zoning for the Town's Countryside Area in accordance with Official Plan Schedule A2, Land Use Plan (Attachment 2), and more specifically, to implement the following land use designations:

- Environmental Protection Area;
- Agricultural Protection Area and Specialty Crop Area;
- Rural Area; and,
- Rural Commercial Area, Rural Industrial Area, Commercial Recreational Area and Parkland Area on a site-specific basis.

The proposed Countryside Zoning By-law and related supporting material and reports related to the project are available on the Town's website at the following link: www.georgina.ca/ZoningBylawUpdate.

A Public Meeting concerning this matter was originally scheduled for September 7, 2022; however, the meeting was cancelled owing to a technology failure related to the Town's corporate email system. Since September 7, 2022, there have been a number of minor adjustments made to the proposed Countryside Zoning By-law, including mapping refinements, reorganization of sections, revisions to certain provisions, and general formatting and corrections. These have not been itemized in this report but have been reflected in a "redline revisions" version of the September 2022 draft document to allow for comparison to the proposed Countryside Zoning By-law that is subject to this public meeting. The redline revision document is available at the Zoning By-law Update page accessible by the link provided above.

In addition to the public meeting in the evening of April 18, 2023, an Open House is also scheduled in the afternoon from 2:00 PM to 4:00 PM on April 18, 2023, in accordance with the requirements of the *Planning Act*. The meeting will be held using a virtual on-line meeting platform. The Open House format allows the public to ask questions and interact with Staff on the proposed amendments in a less formal setting than a Council Public Meeting. As of the date writing of this report, 23 individuals have registered to participate in the Open House.

¹ The Countryside Area includes all lands located outside of defined Settlement Areas

4. ANALYSIS:

4.1 PROPOSED COUNTRYSIDE ZONING BY-LAW

4.1.1 Format and Approach

There are two proposed by-laws that will work together to facilitate the creation of the proposed Countryside Zoning By-law as follows:

- The first by-law is proposed as an amendment to Zoning By-law 500 which would remove or “hive out” the Countryside Area in its entirety from applicability within Zoning By-law 500; and,
- The second by-law is the proposed new “free-standing” Zoning By-law for the Countryside Area.

The format and structure of the proposed Countryside Zoning By-law remains largely the same as currently exists in Zoning By-law 500 for the purposes of consistency and understanding between the two By-laws. The zoning for the Settlement Areas in the Town is proposed to remain under Zoning By-law 500. In this respect, the Town will have two Zoning By-laws in place for an interim period of time.

Phase II of the Zoning By-law conformity exercise will update the zoning for the Settlement Areas of the Town. The completion of Phase II contemplates the harmonizing of the Zoning By-law for the Settlement Areas and the Countryside Area into a singular new Comprehensive Zoning By-law. Furthermore, at this stage, various matters related to modernizing the format and structure of the By-law will be addressed.

4.1.2 New “Core” Zoning Categories

The predominant existing zone category on lands within the Countryside Area under Zoning By-law 500 is the Rural (RU) zone. This zone currently applies to most areas that are designated in the Official Plan as Rural Area, Agricultural Protection Area, Specialty Crop Area and Environmental Protection Area. The proposed Countryside Zoning By-law provides for specific zone categories corresponding to these respective Official Plan land use designations as follows:

Rural-Countryside (RU-C) Zone

The proposed RU-C zone corresponds to the Rural Area land use designation as identified on Official Plan Schedule A2, Land Use Plan. The addition of the “-C” suffix is intended to avoid confusion with the balance of the RU zoned lands in the Phase II Settlement Areas.

Agricultural Protection (AP) Zone

The proposed Agricultural Protection (AP) zone corresponds to the Agricultural Protection Area and Specialty Crop Area land use designations as identified on Official Plan Schedule A2, Land Use Plan.

Environmental Protection (EP) Zone

The proposed Environmental Protection (EP) zone corresponds to the Environmental Protection Area land use designation as identified on Official Plan Schedule A2, Land Use Plan.

4.1.3 Secondary Zoning Categories

In addition to the above noted three “core” land use designations and zoning categories, there are four (4) other land use designations in the Countryside Area that are being considered, as follows:

Rural Commercial Area Designation

The Rural Commercial Area designation as identified on Official Plan Schedule A2, Land Use Plan, reflects historic commercial development and planning approvals in the Countryside Area. These sites have been largely zoned Highway Commercial (C2) under Zoning By-law 500 with special provisions where necessary to accommodate specific development proposals and standards. The proposed Countryside Zoning By-law establishes a new zone category named Rural Commercial (RC). This zone reflects the uses and provisions of the C2 zone in Zoning By-law 500 and introduces a new title that is consistent with the Rural Commercial Area designation in the Official Plan.

Rural Industrial Area Designation

The Rural Industrial Area designation as identified on Official Plan Schedule A2, Land Use Plan, reflects the historic rural industrial development and planning approvals that have taken place in the Countryside Area over time. This designation and the related zoning has very limited capacity for expansion given the policy direction of the Greenbelt Plan. Most of this historic development is recognized on Official Plan Schedule A2, Land Use Plan, and has previously been zoned in the M-class of Industrial zone categories under Zoning By-law 500. In developing the proposed Countryside Zoning By-law, it has been determined by Staff that there is no need to adjust these zone categories at this time as they serve to recognize existing development.

Commercial Recreation Area Designation

The Commercial Recreation Area designation as identified on Official Plan Schedule A2, Land Use Plan, generally recognizes private open space and recreation facilities such as golf courses and recreational vehicle parks. These areas have typically been zoned Tourist Commercial (C5) and Recreation Commercial (C6) in the past. The proposed Countryside Zoning By-law establishes a new zone category named Commercial Recreation (CR), which corresponds to the Commercial Recreation Area designation, recognizes existing development, and establishes provisions governing proposals for new development in the Commercial Recreation Area designation.

Parkland Area Designation

The Parkland Area designation as identified on Official Plan Schedule A2, Land Use Plan, recognizes lands in public ownership that provide opportunities for passive and active recreation and conservation activities. There are four (4) properties in the Countryside Area with the Parkland Area designation: Sibbald Point Provincial Park, the Georgina Recreational Outdoor Complex (ROC), the Willow Beach Conservation Area, and North Gwillimbury Park. These sites are currently zoned either Open Space (OS) or Rural (RU) under Zoning By-law 500. These sites are all proposed to be zoned OS in the proposed Countryside Zoning By-law to reflect their existing uses and land use designation.

Other Zone Categories

Since the release of the Zoning By-law Update Discussion Paper on December 8, 2022, it has been determined that there is a need to incorporate three (3) additional zone categories currently within Zoning By-law 500 into the proposed Countryside Zoning By-law. The primary reason for this is to appropriately recognize existing historic development. This includes the Institutional (I) zone, the Residential (R) zone and the Airfield (A) zone.

4.1.4 Mapping

The mapping for the proposed Countryside Zoning By-law has been prepared by the Town's Information Technology Division, and is produced in a Geographic Information System (GIS) environment compatible with the various data sources for which land use and environmental information is available for this project. The mapping is based upon a grid pattern over the Town with 24 individual sheets that are organized generally along major roads, physical features and community boundaries. In some instances, the sheet layout includes "placeholders" for future zoning maps that will be included in Phase II of the Zoning By-law Update process.

The mapping differs from that currently contained in Zoning By-law 500 in a number of respects, including the following:

- The lands formerly zoned RU in Zoning By-law 500 have been subdivided into their component parts, being the AP, EP and RU-C zone categories.
- Physical environmental features such as Key Natural Heritage Features (KNHF) and Key Hydrological Features (KHF), including a 30-metre vegetation protection zone in accordance with Provincial Policy, are now mapped under the EP zone. This introduces some irregularity to the line work reflecting the boundary of the EP zone due to the organic nature of these environmental features.
- There is a significant reduction in the number of site-specific special provision zones, which is reflected in the mapping.

The mapping in the proposed Countryside Zoning By-law is similar to that which is in force and effect in other municipalities within the Greenbelt Plan area.

4.1.5 Special Provisions

Zoning By-law 500 contains over 200 properties with site-specific zoning or “special provisions” in the Countryside Area. A significant component of the Zoning By-law Update has involved examining each existing site-specific zoning in the Countryside Area to determine if it:

1. Should be carried forward in conformity with the Official Plan; or alternatively,
2. Should be considered for removal, in whole or in part, as it is now:
 - a) In conflict with the Official Plan; or,
 - b) Redundant as the relief that was originally granted would now be permitted in the proposed new Countryside Zoning By-law.

An analysis of all the Zoning By-law 500 site-specific special provisions in the Countryside Area has been undertaken. Generally, where site-specific exceptions have been rendered redundant or no longer necessary, they are not being carried forward into the proposed Countryside Zoning By-law. In certain instances, it is appropriate to retain or recognize the existing special provisions where site-specific requirements still apply.

A table of concordance has been prepared and is provided on the Zoning By-law Update webpage to document the manner in which Special Provisions in Zoning By-law 500 are proposed to be carried forward into the proposed Countryside Zoning By-law or alternatively deleted.

4.1.6 Undersized Rural Lots

Specific requirements for the establishment of residential uses within the RU zone are contained in Section 6 of Zoning By-law 500. The most noteworthy provisions respecting residential uses in the RU zone are the minimum lot frontage and minimum lot area requirements in order to permit the construction of a single family dwelling. In this respect, Sections 6.1 (a) and (b) of Zoning By-law 500, respectively, require a lot to have a minimum lot frontage of 180 metres (590 feet) and a minimum lot area of 20 hectare (49 acres) to permit the construction of a single family dwelling as-of-right.

These provisions were carried forward from former Zoning By-law 911 and serve as a “planning tool” to require the submission and approval of a Zoning By-law Amendment application (ZBA) for what are commonly referred to as “undersized rural lots”. More specifically, “undersized rural lots” are lots generally 10 to 25 acres in size that were created primarily in the 1950s and 1960s 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 identified KNHF and KHF and their associated functions.

In certain situations where a residential use is proposed in proximity to existing livestock operations, an analysis may be required to determine compliance with the applicable Minimum Distance Separation (MDS) formulae. Specific provisions have been included in the proposed Countryside Zoning By-law to this effect.

With the introduction of an EP zone in the proposed Countryside Zoning By-law to identify and protect KNHFs and KHFs, it is appropriate to incorporate less restrictive minimum lot area and frontage requirements for single detached dwellings. This would avoid the need for a ZBA process where there are either no KNHFs or KHFs present or impacted by the proposed location of the residential use or alternatively, the new EP zone would preclude development on the lands with such environmental features.

Accordingly, the proposed Countryside Zoning By-law would permit a single detached dwelling as a permitted use on existing lots of record where the zone category permits the use without specific minimum lot frontage or area requirements (e.g. in AP and RU-C zones). Proposals for a single detached dwelling in applicable zones would still be required to meet all other provisions in the zone. This will result in a large number of the existing site-specific special provisions in the Countryside Area that permit an “undersized rural lot” becoming redundant and thus, will not be carried forward into the proposed Countryside Zoning By-law. This will not impact the continued use and enjoyment of these properties and existing land uses.

The proposed minimum zone standards to permit a single detached dwelling on a new lot in the Countryside Area (i.e. created by consent or other *Planning Act* process) are proposed to be a minimum lot area of 0.6 hectares (1.5 acres) and a minimum lot frontage of 30 metres (98 feet). These standards are reflective of the minimum lot area and frontage requirements under the existing Estate Residential (ER) zone in Zoning By-law 500. Notwithstanding, the opportunities for new lot creation in the Countryside Area are very limited so this regulation is unlikely to be utilized regularly.

4.1.7 Proposed Countryside Zoning By-law Text

The revised zone categories for the proposed Countryside Zoning By-law are included in Table 1 below. The general format and content of the zone categories align with the current format in Zoning By-law 500. The text of the proposed Countryside Zoning By-law has been posted on the Town webpage for the Zoning By-law Update.

Table 1 – Proposed Countryside Zoning By-law Sections

Section	Title
1.	Title, Area Covered and Application of the By-law
2.	Definitions
3.	Zone Classifications and Schedules
4.	Interpretation
5.	General Provisions
6.	Requirements for Residential Uses
7.	Residential (R) Zone
8.	Rural Countryside (RU-C) Zone
9.	Agricultural Protection (AP) Zone
10.	Environmental Protection (EP) Zone
11.	Commercial Recreation (CR) Zone
12.	Rural Commercial (RC) Zone
13.	Other Zone Requirements for Commercial Uses
14.	Restricted Industrial (M1) Zone
15.	General Industrial (M2) Zone
16.	Extractive Industrial (M3) Zone
17.	Storage Industrial (M4) Zone
18.	Disposal Industrial (M5) Zone
19.	Airfield (A) Zone
20.	Open Space (OS) Zone
21.	Institutional (I) Zone
22.	Administration

Some notable provisions are indicated below.

4.1.8 Proposed Official Plan Amendment – Additional Dwelling Units in Accessory Buildings.

Recent changes to the *Planning Act* introduced by Bill 23 – *The More Homes Built Faster Act* now allow for up to three dwelling units in a detached house, semi-detached house or rowhouse or up to two units in a detached house, semi-detached house or rowhouse and one in an ancillary structure on any parcel of urban residential land (i.e. land within Settlement Areas that is serviced by municipal sanitary sewers and municipal water supply). Further provisions prohibit any municipal Zoning By-law from regulating minimum dwelling unit sizes or requiring more than one (1) parking space per dwelling unit.

Section 16 of the *Planning Act*, which establishes content requirements for Official Plans, contains parallel provisions as noted above.

Lands covered by the proposed Countryside Zoning By-law would not be subject to these new *Planning Act* provisions as the By-law does not apply to lands that qualify as a 'parcel of urban residential land'. On that basis, there are no specific provisions related to additional residential units in the *Planning Act* that are applicable to the Countryside Area. Despite that, it is considered appropriate and desirable to expand upon the permissions for additional residential units in the Countryside Area in recognition of the need to expand housing opportunities consistent with the direction in the Official Plan.

Prior to the enactment of Bill 23, Section 16(3) of the *Planning Act* required that an Official Plan contain policies that authorize the use of additional residential units by requiring:

- The use of two residential units in a detached house, semi-detached house or row house; and,
- The use of a residential unit in a building or structure ancillary to a detached house, semi-detached housing or row house.

In this regard, Section 8.1.11 of the Official Plan as approved in 2016 contains specific policies concerning accessory apartments. In particular, Section 8.1.11(a) provides that an accessory apartment is permitted within a single detached, semi-detached and/ or townhouse dwelling.

Section 5.50 of Zoning By-law 500 contains provisions related to accessory apartments and permits a maximum of one accessory apartment per lot within a permitted single family dwelling, semi-detached dwelling or townhouse dwelling in conformity with Section 8.1.11 of the Official Plan.

Section 8.1.12 of the Official Plan permits an accessory apartment in a detached accessory building or structure to the primary dwelling in the Rural Area, Agricultural Protection Area and Hamlet Area designations provided that there is only one dwelling unit within the primary dwelling. These provisions have yet to be incorporated into Zoning By-law 500.

The proposed OPA would delete the existing Section 8.1.12 and replace it with a new Section 8.1.12 as follows:

“8.1.12 One additional residential unit may be permitted in a detached building on the same lot as a single detached dwelling in the Rural Area and Agricultural Protection Area designations. For the purpose of this Plan, an additional residential unit shall be considered to be an accessory apartment and vice versa.”

The proposed OPA would remove the stipulation that an accessory apartment is permitted in a detached accessory building provided that there is only one dwelling within the primary dwelling. The net effect of this would be to allow for a total of up to three dwelling units on a Countryside lot within all zones permitting a single detached dwelling, with the exception of the EP Zone. This would include permissions for two dwelling units in the single detached dwelling and one dwelling unit in a detached building. Since these provisions would not be subject to specific *Planning Act* requirements, the latitude exists to tailor the Zoning By-law regulations to the Countryside area context. In this respect, it is not considered necessary or appropriate to allow for up to two additional dwelling units in each single detached dwelling in the Countryside for a total of three units in each dwelling. Such a dwelling configuration essentially represents a triplex, which is more appropriate in an urban setting. Many homes in the Countryside Area currently contain an accessory apartment. On that basis, Staff are recommending a more balanced approach in which one additional dwelling unit would continue to be permitted in the single detached dwelling and a third dwelling unit permitted in a detached building.

This is reflected in the proposed Countryside Zoning By-law inclusive of provisions as set out in the Official Plan, including:

- Adequate servicing (sewage and potable water);
- Sufficient parking available to accommodate the additional dwelling unit(s);
- Frontage on an assumed municipal road; and,
- Restrictions of the gross floor area of an additional dwelling unit to no more than 40% of the primary dwelling unit gross floor area.

These provisions would not come into force and effect until such time as the proposed OPA is finally approved allowing for a third dwelling unit on a residential lot.

The proposed OPA is provided as Attachment 3. By letter dated August 19, 2022, the Region of York has advised that the subject Official Plan Amendment is exempt from Regional approval.

Part B – Preamble, Section 5 in the proposed OPA has been modified slightly to reflect the basis for the Amendment as a result of *Planning Act* changes introduced by Bill 23. This includes removing references to Section 16.3 of the *Planning Act* and placing a greater emphasis on the policy direction in the Official Plan. The text of the Actual Amendment in Part C remains exactly as presented in the proposal circulation.

4.1.9 Change from Single “Family” Dwelling to Single “Detached” Dwelling

Zoning By-law 500 defines a Single Family Dwelling as “a completely detached dwelling containing one dwelling unit and may contain an accessory apartment and/or a short-term rental accommodation, provided the accessory apartment and/or short-term rental accommodation complies with Section 5.50 or 5.34 A) of this By-law respectively, and is not subject to any provisions in this By-law relating to duplex dwellings.”

The term “Single Family” relates to the typology of the housing type and its history and origins as a dwelling accommodating families persists in Zoning By-law 500. Section 35(2) of the *Planning Act* provides that the authority to pass a by-law under Section 34 does not include the authority to pass a by-law that has the effect of distinguishing between persons who are related and persons who are unrelated in respect of the occupancy or use of a building or structure or part of a building or structure, including the occupancy or use as a single housekeeping unit. As such, the term “Single Family” has been removed from use in new Zoning By-laws and all manner of planning documents in Ontario since the introduction of this restriction. The Official Plan refers to a Single Detached Dwelling. The change in the proposed Countryside Zoning By-law is consistent with the terminology of the Official Plan.

4.1.10 Single Detached Dwellings in Environmental Protection Zones

The EP zone reflects the Environmental Protection Area designation in the Official Plan and corresponds to identified KNHFs and KHF's and their respective 30-metre minimum vegetation protection zones.

A single detached dwelling may be permitted in the Environmental Protection Area designation in accordance with Section 5.3.1.12 of the Official Plan, which states:

“One new single detached dwelling and accessory uses and accessory buildings or structures thereto, may be permitted on an existing vacant lot of record subject to obtaining any necessary planning approvals and an Environmental Impact Study that demonstrates to the satisfaction of the Town, in consultation with relevant agencies, that the proposed dwelling will not result in any negative impacts on KNHF's or KHF's or their ecological function.

Notwithstanding, a new single detached dwelling shall not be permitted within wetlands or in the habitat of endangered and threatened or special concern species”.

It is not feasible to conclusively determine “up front” in a Comprehensive Zoning By-law review process which vacant lots of record within the Environmental Protection Area could possibly be developed for a single detached dwelling without any negative impacts on any KNHF’s or KHF’s or their functions. This determination requires specific on-site examination and analysis through an Environmental Impact Study (EIS). In this regard, there will likely be situations where the environmental conditions would not allow for the construction of a dwelling due to the nature or extent of the environmental features or impacts on the site or surrounding area. On that basis, the proposed Countryside Zoning By-law does not permit a single detached dwelling as a permitted use in the EP zone. Proposals for a single detached dwelling in the EP zone will be required to proceed through a site-specific ZBA application process supported by an EIS – similar to what has been done for years with respect to existing “undersized rural lots” under Zoning By-law 500. As the Zoning By-law mapping has been produced in the Town’s GIS and is geodetically referenced, Staff will be able to assist applicants in establishing the boundaries of the EP and other zones.

4.1.11 Home Industries

Section 5.21 of Zoning By-law 500 provides that:

No home industry shall be permitted in any zone unless a home industry is a permitted use and conforms to the following provisions:

- i. not more than three persons, other than the resident occupant or his/her family, shall be employed in such home industry;
- ii. 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;
- iii. parking is provided in accordance with Section 5.28;
- iv. the floor area shall not exceed 190 square metres;
- v. the 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,
- vi. the owner has been issued a certificate of occupancy by the Town.

With the local economic objective of increasing the opportunity for home based industrial businesses to grow, new provisions in the proposed Countryside Zoning By-law would:

- Remove reference to the family in i) and increase the number of non-residents allowed in the home industry from three (3) to four (4) persons not resident in the single detached dwelling;
- Increase the permitted floor area from 190 to 250 square metres in iv); and,
- Remove reference to a certificate of occupancy since the Town no longer issues these certificates for home industries.

Note: A typographical error in the proposed By-law Section 5.13 pg. 54 shows a three (3) person limit to non-residents in home industries that will require correction to four (4) persons.

4.1.12 Minister's Zoning Order O. Reg. 251/22 – Former Maple Lake Estates Lands

On April 1, 2022, the Minister of Municipal Affairs and Housing issued Ontario Regulation 251/22 (Minister's Zoning Order or MZO) pursuant to Section 47(1)(a) of the *Planning Act* (Attachment 4). The MZO applies to the former Maple Lake Estate lands now under the ownership and control of the Lake Simcoe Region Conservation Authority. The MZO overrides the Town's Zoning By-law and permits a limited range of uses consistent with an Environmental Protection Area land use designation. These include:

- a) Forest, fish and wildlife management;
- b) Conservation and flood or erosion control projects;
- c) Infrastructure;
- d) Passive recreation uses; and,
- e) Buildings and structures associated with (a) to (d).

The MZO is identified in cross-hatching on Schedule B2 of the proposed Countryside Zoning By-law with the underlying zoning showing underneath. The MZO is provided for information purposes as Appendix 2 of the Zoning By-law but does not form part of the By-law.

4.1.13 Agricultural Related Uses and On-Farm Diversified Uses

In 2016, the Province released Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (Guidelines) to assist municipalities, farmers, decision makers and others to interpret the policies and definitions in the Provincial Policy Statement 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.

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, wineries using grapes grown in the area, and farm equipment suppliers.

On-farm diversified uses 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 markets, antique businesses or seed suppliers.

The Official Plan permits agriculture-related uses and on-farm diversified uses in the Agricultural Protection Area, Specialty Crop Area and Rural Area designations. The AP and RC zones in the proposed Countryside By-law permit agriculture-related uses and on-farm diversified uses with a corresponding definition in Section 2. However, the By-law does not list every possible use or activity that may conform to this definition. Accordingly, some interpretation and review will be required to determine permissibility with respect to future uses. The alternative would be to require a planning approval prior to the establishment of these uses going forward. Uses involving buildings and structures are subject to applicable provisions of the Ontario Building Code and maybe subject to Site Plan Control.

4.2 NEXT STEPS

Following the April 18, 2023 Council Public Meeting, the next steps of the Work Program involve the following:

- Continuing the Public Engagement and Communications Plan and in particular, meeting with stakeholders and interested property owners, as required on refining the proposed Countryside Zoning By-law (April – May 2023);
- Meeting(s) with the Technical Working Group (including Lake Simcoe Region Conservation Authority and York Region) to make adjustments, modifications and corrections to the proposed Countryside Zoning By-law (April – June 2023);
- Refinement to the proposed Countryside Zoning By-law text and maps (June – July 2023); and,

- Circulation of a recommended Countryside By-law and Second Public Meeting / Council Adoption (August – September 2023).

Staff had most recently scheduled to have the By-law brought back to Council shortly after the public meeting in the late spring / early summer period. However, increased public / landowner interest in the By-law and the need to follow-up and resolve outstanding issues will require more time than originally contemplated. Attachment 5 is an updated Gantt chart for the Zoning By-law Update project.

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:

Pursuant to the provisions of the *Planning Act*, notice of this public meeting was given by e-mail and regular mail on March 23, 2023 to all interested parties and statutorily required agencies and posted in the Town Page in the March 23, 2023 and March 30, 2023 editions of the Georgina Advocate.

A notice of the public meeting was also posted on the dedicated project webpage and the Planning Public Notices webpage.

The dedicated project webpage for the Phase I Zoning By-law Update has been populated with all staff reports and background documents including the proposed Countryside Zoning By-law and previously prepared supporting material including the analysis of all site-specific special provisions and the background discussion paper.

Attachment 6 is a table summarizing public / stakeholder input received to date and a response from Staff. Staff will document, consider, and track all comments from the public and stakeholders going forward until Council consideration and adoption of the proposed Countryside Zoning By-law.

7.1 TOWN DEPARTMENTS AND EXTERNAL AGENCIES COMMENTS

The proposed Countryside Zoning By-law was circulated on March 23, 2023 at the same time as the notice was provided for the April 18, 2023, Open House and Public Meeting.

Town Department and External Agency comments that are to be provided will be addressed in the review and refinement of the proposed Countryside Zoning By-law after the Public Meeting and prior to this matter being returned to Council for consideration and passage in 2023.

Staff received detailed comments from the Region of York and the Lake Simcoe Region Conservation Authority in earlier stages of the process in the work conducted as part of the Technical Working Group for this project. Staff continue to work with the Region of York and the Lake Simcoe Region Conservation Authority in refining the Zoning By-law text and mapping, and will follow-up on outstanding comments and address them prior to returning to Council with a recommended Countryside Zoning By-law for adoption.

8. CONCLUSION:

This report presents the proposed Countryside Zoning By-law and associated Official Plan Amendment for review and comment at the public meeting. It further provides an update on the progress and timing of the Phase I Zoning By-law Conformity Exercise. If Council adopts the recommendations in Section 1, Staff will continue to review and refine the proposed Countryside Zoning By-law considering the comments from Council, the public and other stakeholders and agencies as set out in Section 4.2 of this report. Staff will return with a recommended Countryside Zoning By-law and associated Official Plan Amendment for consideration of Council adoption at a future public meeting.

APPROVALS

Prepared By: Tolek Makarewicz, MCIP, RPP
Senior Policy Planner

Alan Drozd, MCIP, RPP
Manager of Planning Policy

Reviewed and
Recommended
By: Denis Beaulieu, MCIP, RPP
Director of Development Services

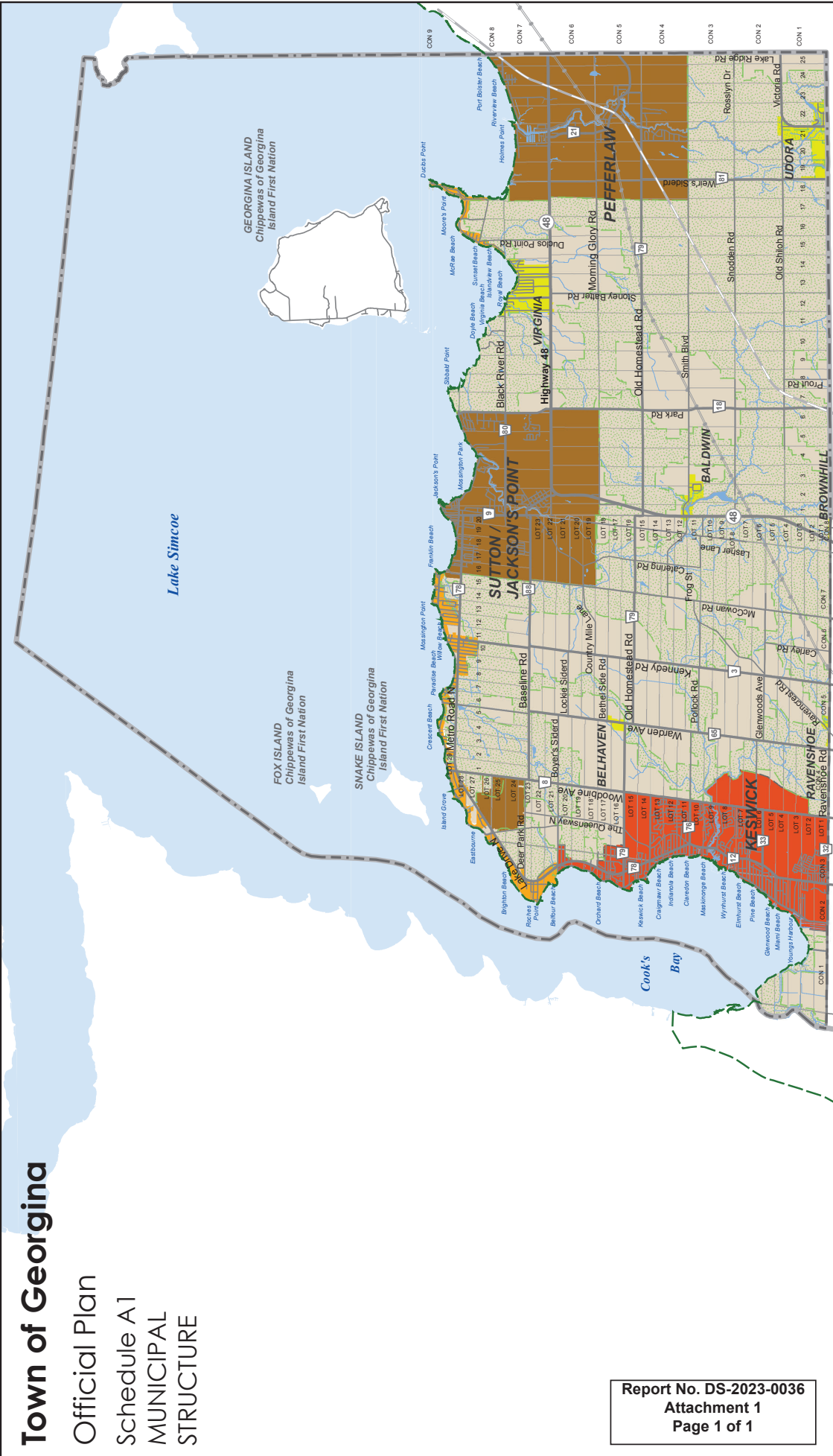
Approved By: Ryan Cronsberry,
Chief Administrative Officer

Attachments:

- Attachment 1 – Official Plan Schedule A1, Municipal Structure
- Attachment 2 – Official Plan Schedule A2, Land Use Plan
- Attachment 3 – Proposed Official Plan Amendment
- Attachment 4 – Minister’s Zoning Order – Maple Lake Estates
- Attachment 5 – Project Gantt Chart – Work Program
- Attachment 6 – Public Comments and Staff Response

Town of Georgina

Official Plan
Schedule A1
MUNICIPAL
STRUCTURE



Report No. DS-2023-0036
Attachment 1
Page 1 of 1

- Urban Area
- Towns and Villages
- Hamlet
- Lakeshore Residential Area
- Countryside Area

- Greenlands System
- Greenbelt Plan Area Boundary

- BASE MAP INFORMATION**
- Provincial Highway
 - Regional Road
 - Road
 - Railway
 - Municipal Boundary
 - Regional Boundary
 - Hydro Corridor
 - Watercourse/Waterbody
 - Lake Simcoe



January 2017

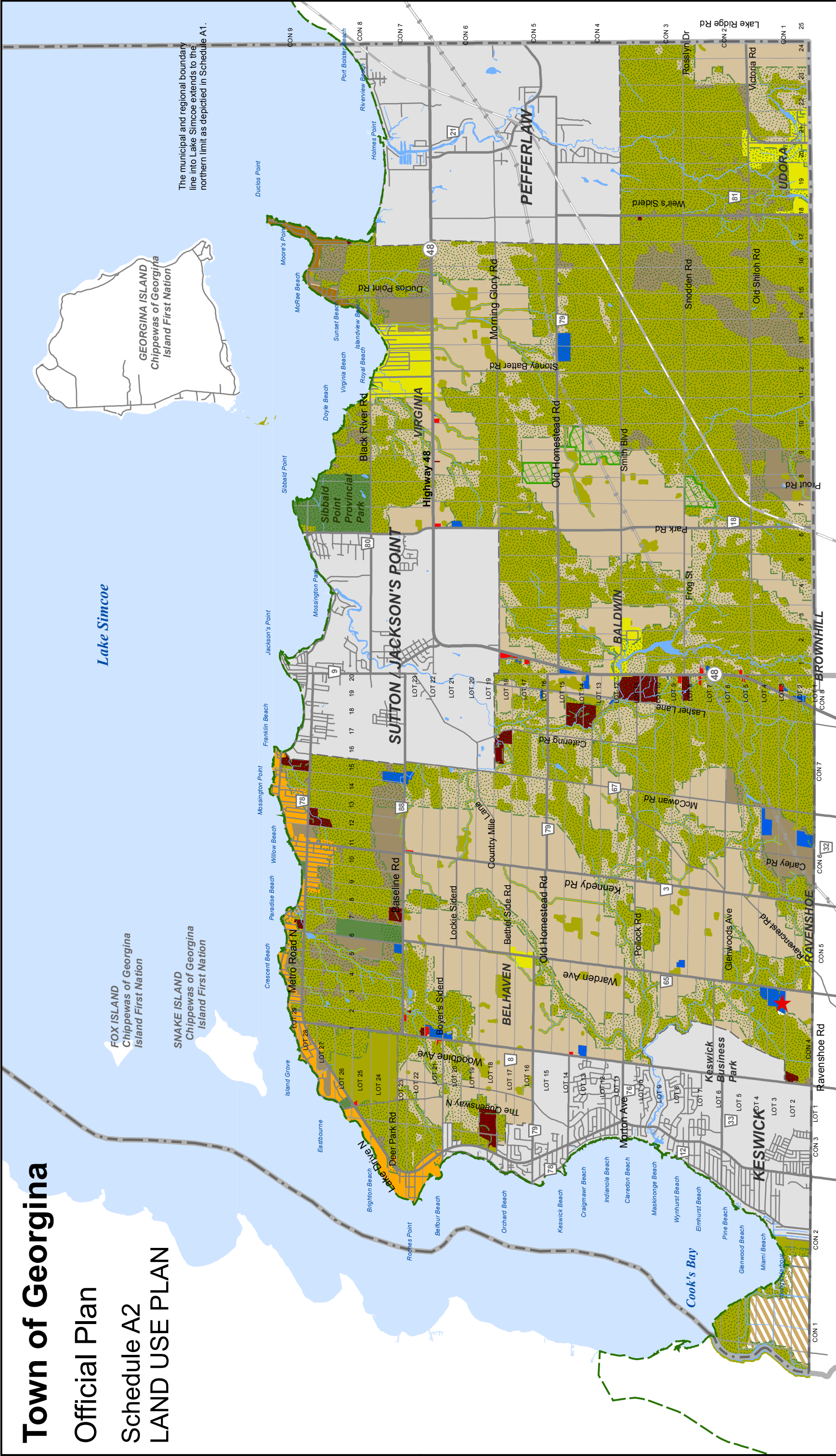
Sources: Town of Georgina, Regional Municipality of York, ArcGIS Online
MapServer, and Region Conservation Authority. Prepared by
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Town of Georgina

Official Plan

Schedule A2 LAND USE PLAN

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



Lake Simcoe

FOX ISLAND
Chippewas of Georgina
Island First Nation

SNAKE ISLAND
Chippewas of Georgina
Island First Nation

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

BASE MAP INFORMATION

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

OTHER

- Specialty Crop Area
- Greenlands System
- Renewable Energy Project
- Waste Disposal Site (Closed)

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

July 2020



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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Certificate of Approval

AMENDMENT NO. _____

TO THE

OFFICIAL PLAN OF THE

TOWN OF GEORGINA PLANNING AREA

This official plan document which was adopted by the Council of the Corporation of the Town of Georgina is approved pursuant to Sections 17 and 21 of the Planning Act and came into force on _____, 2023.

Date: _____

**Denis Beaulieu MCIP, RPP
Director of Development Services
Corporation of the Town of Georgina**

**Report No. DS-2023-0036
Attachment 3
Page 1 of 7**

AMENDMENT NO. ____
TO THE OFFICIAL PLAN OF THE
TOWN OF GEORGINA
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Report No. DS-2023-0036
Attachment 3
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PART A - THE CERTIFICATION

AMENDMENT NO. ____

TO THE

OFFICIAL PLAN OF THE

TOWN OF GEORGINA PLANNING AREA

The attached explanatory text and location map, constituting Amendment No. ____ to the Official Plan of the Town of Georgina, was adopted by the Council of The Corporation of the Town of Georgina by By-law No. 2023-< > (PL-2) pursuant to Sections 17 and 21 of the Planning Act, R.S.O. 1990, on the ____ day of _____, 2023.

Mayor

Town Clerk

NOTE: This amendment is exempt from York Region approval. In this regard, the Town of Georgina is the approval authority.

THE CORPORATION OF THE TOWN OF GEORGINA

IN THE

REGIONAL MUNICIPALITY OF YORK

BY-LAW NUMBER 2023-___ (PL-2)

**BEING A BY-LAW TO ADOPT AMENDMENT NO. ___ TO THE OFFICIAL PLAN OF
THE TOWN OF GEORGINA.**

The Council of the Corporation of the Town of Georgina, pursuant to Sections 17 and 21 of the Planning Act, R.S.O. 1990, c.P.13, as amended, hereby **ENACTS AS FOLLOWS:**

1. **THAT** Amendment No. ___ to the Official Plan of the Town of Georgina, constituting the attached explanatory text and location map, is hereby adopted.

Read and enacted this ___ day of _____, 2023.

Mayor

Town Clerk

PART B - THE PREAMBLE

1. TITLE

This Amendment shall be known as:

Amendment No. ____
to the Official Plan of the
Town of Georgina

2. COMPONENTS OF AMENDMENT

Only that part of this document entitled "Part C - The Amendment", comprising the attached explanatory text, constitutes Amendment No. ____ to the Official Plan of the Town of Georgina.

3. PURPOSE

The purpose of Amendment No. ____ is to amend a policy in the Official Plan concerning the permissibility of additional residential units on lots associated with a single detached dwelling in the Agricultural Protection Area and Rural Area designations. The Amendment permits an additional residential unit in a detached building on the same lot as a single detached dwelling irrespective of whether the single detached dwelling contains an additional residential unit. Combined with other policies in Section 8.1.11, the Amendment would allow a zoning by-law to permit up to three dwelling units on a lot that permitted a single detached dwelling in the Agricultural Protection Area and Rural Area i.e. up to two dwelling units in the single detached dwelling and one dwelling unit in a detached accessory building.

2. LOCATION

This Amendment applies to all of the lands in the Town of Georgina designated Agricultural Protection Area and Rural Area as shown on Schedule "A" to this Amendment.

5. BASIS

The Town of Georgina Official Plan currently permits an accessory apartment in a detached accessory building or structure to the primary dwelling in the Rural Area and Agricultural Protection Area designations provided that there is only one dwelling unit within the primary dwelling. The proposed Amendment would remove the requirement that the primary dwelling only contain one dwelling unit.

The proposed Amendment is consistent with the direction of Planning Act provisions which override existing zoning provisions to provide for up to three dwelling units on in a single detached dwelling, semi detached dwelling or rowhouse or related accessory building on a parcel of urban residential land that do not apply to the Rural Area and Agricultural Protection Area. The proposed Amendment provides for reasonable and appropriate intensification of residential use within the Rural Area and Agricultural Protection Area by allowing for up to three dwelling units on a lot permitting a single detached dwelling. Specific regulations ensure that this is implemented by Zoning By-law provisions which ensure that the character and context of the Rural Area and Agricultural Protection Area is recognized and protected.

The Council of the Corporation of the Town of Georgina considers Official Plan Amendment No. ____ to be appropriate.

PART C - THE AMENDMENT

1. INTRODUCTION

The whole of that part of the Amendment entitled "Part C - The Amendment", which consists of the following explanatory text, and Schedule 'A' – Location Map constitutes Amendment No. ____ to the Official Plan of the Town of Georgina.

2. ACTUAL AMENDMENT

The Official Plan of the Town of Georgina is hereby amended as follows:

That Section 8.1.12 is hereby amended: as follows:

By deleting the existing Section 8.1.12 and replacing it with a new Section 8.1.12 as follows:

“8.1.12 One additional residential unit may be permitted in a detached building on the same lot as a single detached dwelling in the Rural Area and Agricultural Protection Area designations. For the purpose of this Plan, an additional residential unit shall be considered to be an accessory apartment and vice versa.

3. IMPLEMENTATION

The provisions in Section 11 Implementation of this Plan, shall apply in regard to this Amendment.

4. INTERPRETATION

The provisions in Section 12, Interpretation of this Plan, shall apply in regard to this Amendment.

ONTARIO REGULATION 251/22

made under the

PLANNING ACT

Made: April 1, 2022

Filed: April 1, 2022

Published on e-Laws: April 1, 2022

Printed in *The Ontario Gazette*: April 16, 2022

ZONING ORDER - TOWN OF GEORGINA, REGIONAL MUNICIPALITY OF YORK

Application

1. This Order applies to lands in the Town of Georgina, Regional Municipality of York, being the lands identified as Environmental Protection Area and marked with hatching lines on a map numbered 257 and filed at the Toronto office of the Ministry of Municipal Affairs and Housing located at 777 Bay Street.

Use of land

2. Every use of land and every erection, location or use of any building or structure is prohibited on the lands described in section 1, except,

- (a) forest, fish and wildlife management;
- (b) conservation and flood or erosion control projects;
- (c) infrastructure;
- (d) passive recreation uses; and
- (e) buildings and structures associated with the uses set out in clauses (a) to (d).

Terms of use

3. (1) Every use of land and every erection, location or use of any building or structure shall be in accordance with this Order.

(2) Nothing in this Order prevents the use of any land, building or structure for any use prohibited by this Order if the land, building or structure is lawfully so used on the day this Order comes into force.

(3) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased and its original use is not altered.

(4) Nothing in this Order prevents the strengthening or restoration to a safe condition of any building or structure.

Commencement

4. **This Regulation comes into force on the day it is filed.**

Made by:

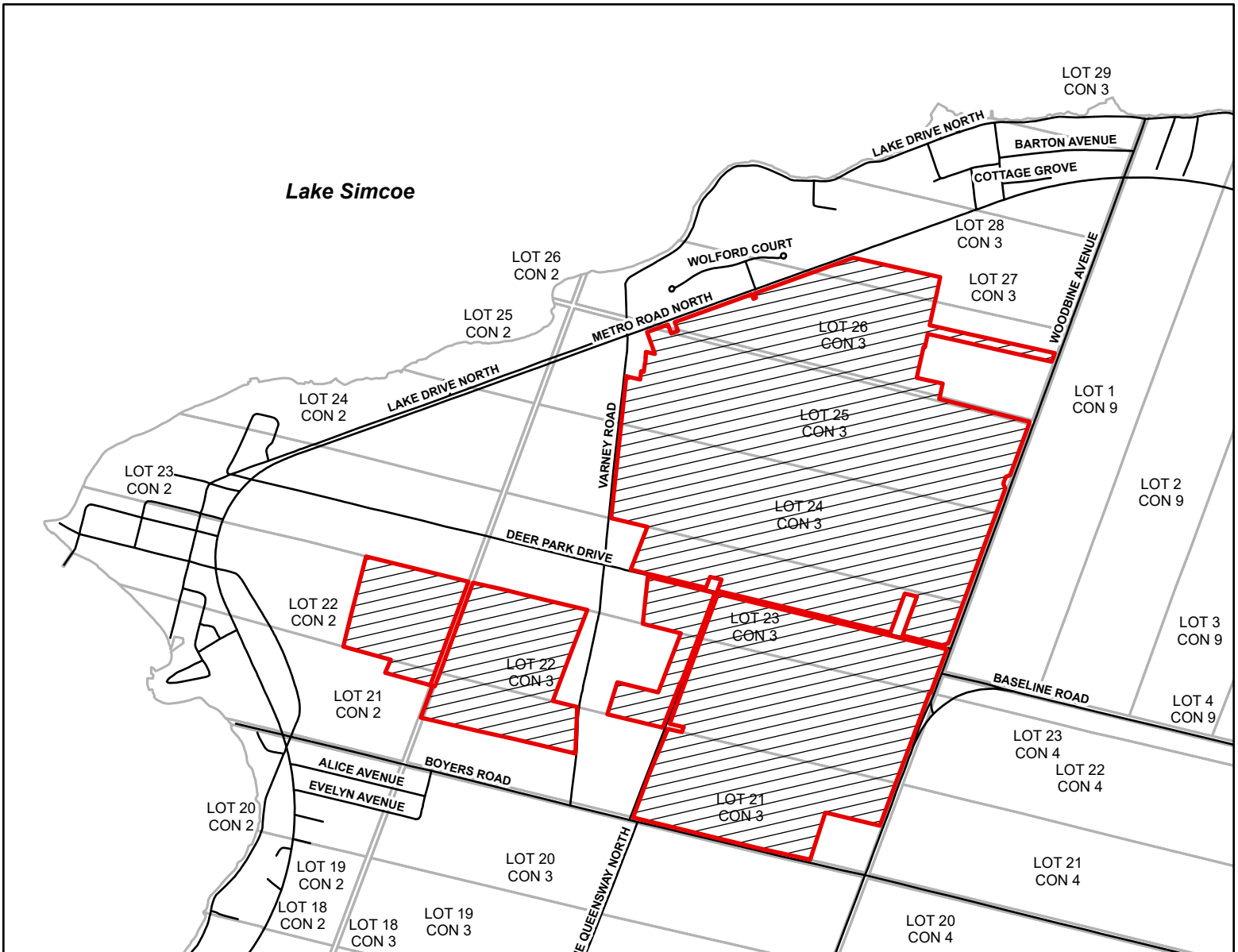
STEVE CLARK
Minister of Municipal Affairs and Housing

Date made: April 1, 2022

Back to top





Report No. DS-2023-0036
Attachment 4
Page 1 of 2

Part of Lots 21 and 22, Concession 2, and Part of Lots 21- 27, Concession 3,
Town of Georgina, Regional Municipality of York





MAP No. 257
 Map filed at the office of the Ontario Ministry of Municipal Affairs and Housing, 777 Bay St., Toronto, Ontario, Planning Act
 Ontario Regulation: 251/22
 Date: April 1, 2022
 Original Signed By: Minister of Municipal Affairs and Housing

LEGEND

-  Environmental Protection Area
-  Lands Subject to Zoning Order
-  Lot & Concession
-  Roads

0 300 600 1,200
 Metres
 1 cm equals 256 metres

Ontario 

Map North (Degrees): 32°E 

THIS IS NOT A PLAN OF SURVEY
 Information provided by the Ministry of Municipal Affairs and Housing, under licence with the Ministry of Natural Resources.
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Map Description: This is map no. 257 referred to in a Minister's Zoning Order. It shows lands which are located in Part of Lots 21 and 22, Concession 2, and Part of Lots 21-27, Concession 3, Town of Georgina, Regional Municipality of York. We are committed to providing accessible customer service (<https://www.ontario.ca/page/accessible-customer-service-policy>). On request, we can arrange for accessible format communications supports. Please contact MMAH by email (mininfo@ontario.ca) for regulation details.

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Report No. DS-2023-0036
Attachment 4
Page 2 of 2

ZONING BY-LAW CONFORMITY EXERCISE - PHASE I

GANTT CHART SHOWING REMAINING TASKS

Task Breakdown	April-23				May-23				June-23				July-23				Aug-23				Sept-23			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
1 Statutory Public Meeting																								
2 Meet with Stakeholders and Property Owners																								
3 Meeting(s) with the Technical Working Group																								
4 Refinement of Proposed Countryside By-law																								
5 Circulation of Proposed Countryside By-law																								
6 Second Public Meeting																								

**Report No. DS-2023-0036
Attachment 5
Page 1 of 1**

**Phase I Zoning By-law 500 Conformity Exercise
Public Submissions**

#	Date; Contact; Property	Summary of Comments	Staff Comment/Response
1	Sept 16/20; Tyler Searls of MHBC on behalf of Votorantim Cimentos; 4440 Baseline Rd	<p>We would ask that the zoning permissions and boundaries reflected in the described ZBA be rightfully integrated with the zoning permissions and boundaries associated with the Town's new Comprehensive Zoning By-law.</p> <p>Clarify whether Council will pass a resolution which would allow for amendment to the new Zoning By-law within 2 years of its passing, or whether a moratorium on amendment is otherwise expected to apply.</p>	<p>Proposed zoning for the site includes retaining existing M2-11 zoning in conformity with the Rural Industrial Area designation and rezoning the OS-98 zone to a Special Provision EP zone to recognize and protect the floodplain on site.</p> <p>Subsection 34(10.0.0.1) of the Planning Act does not apply as the entire zoning by-law is not being simultaneously repealed and replaced. ZBAs to the new zoning by-law would be permitted.</p>
2	Sept 21/20; Michael Smith of Michael Smith Planning Consultants on behalf of Powell Contracting; Park Rd, south of Hwy 48	Looking for confirmation that the environmental features on the Powell Construction property are to be zoned to Environmental Protection pursuant to the request of the LSRCA and as a condition of the Phase 2 site plan approval. The Phase 2 site plan application was submitted in the summer of 2020.	The EP zoning required by the LSRCA has been implemented through the proposed zoning by-law mapping.
3	Nov 2/20; Claire Malcolmson; N/A	Submitted policy report and mapping for high quality natural cover in the Lake Simcoe Watershed, technical definitions and criteria for determining KNHF and KHF from the LSPP, and a link to the LSRCA Natural Heritage and Restoration Strategy for consideration.	Received for information.
4	Nov 4/20; Michael Davy; N/A	<p>There is something that has always been problematic with the definitions and terms used in ZB 500 when compared to the policy documents. There are inconsistencies between the documents. It would prove very helpful if a term used and defined as a zoning provision matched that which appears in the policies.</p> <p>There are also terms in ZBL 500 that refer to antiquated pieces of legislation that are no longer in existence. Some form of "rider" would be helpful in the definition which would direct the reader to amendments or replacement legislation (should it be enacted) to avoid requiring further ZBAs.</p>	<p>Received for information. New definitions added to align with Official Plan definitions. A more fulsome review of definitions and general provisions will be conducted during Phase II to ensure consistency with the Official Plan.</p> <p>A new provision (Sec. 4.10, Legislation) has been added that would tie any act, regulation, by-law, agency, public body or jurisdiction referenced in the By-law to its successor upon amendment or replacement.</p>

5	May 31/21; Leo Longo of Aird Berlis on behalf of North Gwillimbury Forest Alliance; Maple Lake Estates Lands	We had hoped for more to have been achieved in the past 18 months since the release of the LPAT decision. We urge Council to ensure that this process proceeds as expeditiously as possible. Please take whatever steps are necessary to ensure that MLE and other lands are rezoned in full conformity with OPA 129, within the current term of Council.	Received for information. On April 1, 2022, the Minister of Municipal Affairs and Housing released Ontario Regulation 251/22, which effectively zones the MLE lands Environmental Protection. The regulation is provided as Appendix '2' to the proposed Countryside Zoning By-law. Additionally, ownership of the MLE lands have been transferred to the LSRCA to ensure protection of these lands for future generations.
6	Sept 23/21; Michael Smith of Michael Smith Planning Consultants Michael Smith on behalf of Biljana Vukicevic; 37 Sina St.	The site is designated Environmental Protection Area, zoned Site-specific Tourist Commercial (C5-17), and located outside the Serviced Lakeshore Residential Area boundary. The client wants to construct a single detached dwelling on the site; therefore, a ZBA is required. My client has received a notice, stating that her site is located within the Phase 1 Study Area. Please add me to the Interested Party list regarding the Countryside Zoning By-law.	Received for information. Added to Interested Party list.
7	Oct 28/21; Gary Foch; 22869 & 26037 Woodbine Ave	<p>My son lives at 22869 Woodbine and is operating a home based Real Estate office. Kathy and I attend daily update meetings there. Currently it is an ideal home size and location for him and his daughter. There is a fixed bill board on site which has been promoting real estate and other community events for over 20 years. The existing billboard on site has been approved to be converted to an LED. Through the Zoning By-law process underway we wish to separate the home based business / occupation requirement of having someone live on site – specifically for a real estate office and any and all appurtenances and accessories thereto, without compromising any other uses under the RU zone. In other words, if and when my son can move out, he doesn't have to worry about a Real Estate Office being able to continue in autonomy, without someone living there. We expect in the fullness of time that this location will become a major gateway destination which would synergize with a standalone Real Estate Office.</p> <p>We wish the same amendment for 26037 Woodbine RU section of land.</p>	<p>The purpose of the Zoning By-law Update is to bring the Zoning By-law into conformity with the Official Plan. The property is designated Rural Area in the Official Plan and zoned RU in ZBL 500. A home occupation use is permitted in the Rural Area designation, subject to the policies of Section 4.6.1. The Official Plan does not permit an office or professional use in the Rural Area designation. Therefore, an OPA and ZBA would be required to permit the proposed use of the dwelling as an office or professional use outside the permissions for a home occupation.</p> <p>Staff acknowledge receipt of the request. 26037 Woodbine Ave is designated Rural Commercial Area in the Official Plan and zoned RU-10 and C2-12 in ZBL 500. The property is the subject of multiple current Planning Act applications. On this basis, the proposed zoning of the site is currently under review.</p>

8	Sept 13/21; Sid Giddings, President of the Georgina Military Museum; 26061 Woodbine Ave	2 years ago when we applied for a zoning variance it was mentioned by a senior Town official that to go through this every 3 years was redundant, the present zoning includes pleasure/leisure but not a museum? Are we not pleasure/leisure? If not could you please modify the zoning as recommended 2 years ago.	The property is proposed to be zoned Commercial Recreation (CR). This zone does not permit pleasure/leisure, but does permit a leisure vehicle sales establishment. Staff acknowledge receipt of the request and will consider expanding the permitted uses within the CR zone to include a museum use.
9	Feb 27/22; Mark and Jennifer Button; 25812 Kennedy Rd.	<p>We have serious concerns regarding the change in zoning of our property from RU to Agricultural and would strongly disagree as it relates to our present and continued use of our property. Any consideration relating to a change in zoning is unwarranted and could pose risk to our current and future use and enjoyment of our property.</p> <p>The current by-laws as they relate to home based industry and businesses on rural properties are too restrictive. At present, the limitations set a maximum square footage use of accessory buildings at 190 sq m and a maximum staff outside of family at three people. These bylaws restrict businesses opportunity for growth and discourage investment in existing historic rural buildings. The Town should consider a change to the bylaw that would:</p> <ul style="list-style-type: none"> • Allow property owners to utilize the full floor space of existing buildings on rural properties for home-based business & industry. • Eliminating the staffing limits in order to encourage business growth and increase local job opportunities for residents. <p>The EP designation at the northwest corner of the property has become a dead ash bush. The designation is questionable based on there being no environmentally protected land in near proximity or immediately surrounding it. We feel a review of this designation is warranted at this time.</p>	<p>The purpose of the Zoning By-law Update is to bring the Zoning By-law into conformity with the Official Plan. As such, the property is proposed be zoned based on the Official Plan land use designations which includes Agricultural Protection Area and Environmental Protection Area.</p> <p>Comments respecting home industries are acknowledged and have been considered. In this regard, revisions have been proposed to increase the number of permitted staff and maximum floor area of the home industry use. However, it should be noted that compared to comparable municipalities, Georgina has the most permissive regulations for home industry uses.</p> <p>The Environmental Protection Area designation in the northwest portion of the property is representative of woodlands, wetlands, and a 30-metre vegetation protection zone from these features. A site inspection was conducted with the LSRCA and property owners on November 25, 2022. Due to the time of year the site inspection was conducted, the full extent of the environmental features was not able to be determined. Staff will continue to work with the LSRCA regarding the area in question in order to determine appropriate zoning.</p>
10	March 17/22; Fernando	I would like to know if there are any specific impacts to two rural properties that my dad owns:	Both properties will be rezoned as part of this project.

	Lamanna; 105 Duclos Point Rd. and S/S Latimer Rd.	Property 1: 105 Duclos Point Road. It's a 50 acre parcel on the east side of Duclos Point Road about a mile north of Hyw 48. This parcel was originally created by consent and I know it is zoned rural, with a majority of the property being tax exempt under LSRCA as it is a mature forest. But a portion of the property fronting Duclos is vacant and I want to ensure that I can still build a SFD on that portion of the lands.	The Duclos Point Road property is proposed to be zoned RU-C and EP. There appears to be a sufficient portion of the property zoned RU-C to build a single detached dwelling.
		Property 2: Latimer Road, Concession 5, Part Lot 5. This too is a 50 acre parcel of vacant land with most of it being a mature forest. However this property is on an unopened road allowance and it is just south of the Sutton Secondary Plan. No real intention on this property at this time, but again interested in future possibilities.	The Latimer Road property is proposed to be zoned EP. At minimum a ZBA will be required to build a single detached dwelling on the property.
11	March 31/22; Gord Mahoney of Michael Smith Planning Consultants; N/A	Notes that home industries are not permitted in the Official Plan in the Environmental Protection Area designation and in the EP zone under the draft Countryside Zoning By-law. This was not previously not an issue under the RU zone in Zoning By-law 500.	A home industry use is not permitted in the Environmental Protection Area designation of the Official Plan and thus the use has not been permitted in the EP zone. This is due to the potential impacts such uses could have on the identified natural features and/or their environmental functions. There are more than sufficient lands in the Countryside Area zoned to permit home industry uses. Amending the Official Plan to allow these uses to be introduced into the Environmental Protection Area designation, and thereby the EP zone, is not recommended.
12	March 31/22; Caitlin Port of MHBC Planning Consultants on behalf of Sunrock Canada; E/S Park Rd, South of Sutton (Part Lot 7, Con 6 (G) and Part Lot 8, Con 5, Part of East ½ Lot 7, Con 6 (G))	<p>Their client, Sunrock Canada owns two properties zoned M3 on Park Road south. The M3 zoning permits a concrete batching plant and Sunrock plans to make a Site Plan application to develop this use.</p> <p>Requests amendments to the general provisions to permit the use of shipping containers and temporary construction trailers in the Town's Industrial Zones as accessory structures.</p>	<p>Acknowledged. The M3 zone permits a concrete batching plant.</p> <p>Staff acknowledge receipt of the request. Further consideration will be given to permitting shipping containers and temporary construction trailers in the Industrial zones.</p>

13	May 24/22; Gord Mahoney, Michael Smith Planning Consultants on behalf of 315197 Ontario Ltd.; 824 Trivetts Road (Roll 127- 81200) and Part Lot 3 Con 9 (G) (Roll 127- 81202)	Property 1: Trivetts Rd. (Roll 127-81200) – The property encompasses approximately 5.18 ha and contains a derelict building. The site is designated Serviced Lakeshore Residential Area, Environmental Protection Area and Rural Area. The lands are also subject to a site-specific Special Provision in the OP (Sec 6.2.17.1) that would allow an OPA application to consider the appropriateness of amending the OP outside of an MCR process to permit the creation one or more lots.	
		Notes that any update to the Zoning By-law should recognize the Special Provision in the OP. Requests that the portion of the property subject to the Special Provision retain its RU zoning under By-law 500.	The Special Provision (Section 6.2.17.1) permits the consideration of a future OPA to permit an expansion of the Serviced Lakeshore Residential Area to allow one or more lots to be created, subject to Section 11.4.2.9 of the Official Plan relating to consents. The Special Provision applies to only a portion of the property designated Rural Area and Environmental Protection Area. As such, these lands will receive RU-C and EP zoning as applicable. If in future, the owner advances an OPA application to designate the lands SLRA to permit development, then the lands can be rezoned consistent with the Council approved applications at that time. No change is proposed.
		Looking for confirmation that if zoned EP, the development of a dwelling in this area is possible provided a ZBA is approved demonstrating no negative impacts to surrounding environmental features.	The entire property is proposed to have multiple zonings on it and for a time will be subject to both ZBL 500 and the Countryside Zoning By-law. Only one single detached dwelling may be permitted on the lot subject to the provisions of the applicable Zoning By-law. Should a dwelling be proposed in a portion of the property zoned EP, planning approval will be required.
		Property 2: Part Lot 3 Con 9 (G) (Roll 127-81202) – The property is approximately 32 ha in size and is located on the south side of Metro Rd. N, immediately to the south of the above-noted property. The site is designated Environmental Protection Area and Rural Area.	
		Requests that pockets of lands designated as Rural Area on the subject site be zoned RU-C.	The lands designated as Rural Area are proposed to be zoned RU-C in the proposed Countryside Zoning By-law consistent with the Official Plan.

14	May 26/22; Fernando Lamanna; 105 Duclos Point Rd.	Please accept this as our official written request to have council respectfully consider maintaining the rural zone designation on the front cleared part of the property at 105 Duclos Point Road. The reason for the request is to ensure that we have the opportunity to build a SFD with out buildings in the future within the cleared area but far enough from the road to minimize traffic noise.	A site inspection was conducted with the LSRCA and property owner on November 4, 2022. Based on the findings of the site inspection, the LSRCA and staff are agreeable to making a minor revision to the boundary between the EP zone and RU-C zone. The revision would reduce the EP zone and replace it with the RU-C zone, to allow additional lands for a future dwelling. The lands that will be zoned RU-C contain no environmental features and are currently used as a garden. This revision is reflected on Schedule 'B7'.
15	Aug 12/22; Bianchi Presta of Bianchi Presta LPP on behalf of Manochehr Jam; 26711 Woodbine Ave	<p>It is our client's position that the zoning of the property permits the construction of a single family dwelling. Our client maintains that as a result of the historical use of the property, as well as the existing structures located thereon, that the zoning of the property is currently a non-conforming use permitting a single family dwelling.</p> <p>Our client confirms that the surrounding properties are also zoned for single family dwelling use.</p> <p>As such, and further to any applicable grandfathering rules, the property shall not be subject to any changes in the By-laws or rules of the Town restricting the construction of a single family dwelling on the subject property.</p> <p>Furthermore, our client hereby objects to any By-law amendment proposing to amend the zoning of the property to EP, which would in any way arbitrarily impact our client's non-conforming use as a single family dwelling designation.</p>	<p>Town records confirm that the existing structure on the subject property does not constitute a single family dwelling as defined in ZBL 500. As is explained below, a Council approved ZBA is required to build a single detached dwelling.</p> <p>Since 1977, the Town has processed a number of site-specific ZBAs along Woodbine Ave, north of Baseline Rd. to permit single detached dwellings on existing vacant lots of record. The ZBA process is required in order to properly evaluate the environmental features and their functions associated with the lands to determine if development can be accommodated without causing detrimental impact to the environment.</p> <p>The rezoning of the property to EP changes nothing from a land use and development perspective. A Council approved ZBA would be required to build a single detached dwelling under the current Zoning By-law 500 and the proposed Countryside Zoning By-law.</p> <p>Acknowledged. Property owner consent is not required for the Town to undertake the Zoning By-law Update.</p>

		Our client requests that you confirm the zoning of the property currently permits the construction of a single-family dwelling as a result of the non-conforming use.	The property is currently zoned RU in ZBL 500 and considered undersized in terms of lot frontage and area to permit a single detached dwelling. The property does not enjoy any legal non-conforming status related to the existing structure, as discussed above. A ZBA supported by environmental studies demonstrating no negative impact to the natural environment, is currently required to permit a single detached dwelling on the property. The same is also applicable under the proposed Countryside Zoning By-law.
16	Aug 19/22; Tony Usher Planning Consultant; N/A	Notes error in the reference to Minister's Zoning Order on Schedule 'A'	Schedule A revised to reference "Minister's Zoning Order".
		Comment on the lay-out of permitted uses in the Environmental Protection Zone	The permitted uses in the EP zone have been revised.
17	Sept 7/22; Michael Smith of Michael Smith Planning Consultants on behalf of Kingsley and Ann-Marie Cato; Part of Lot 5, Concession 3 (G); S/S Smith Blvd.	In order to permit the construction of a single detached dwelling, they are requesting a revision to the EP zone boundary as follows:	
		Utilize the results of a wetland staking exercise conducted with the LSRCA.	LSRCA has advised that they have confirmed the boundary of the wetland feature through a staking exercise. Staff will implement the results of the wetland staking exercise.
		Propose to add a 15-metre vegetation protection zone from the limit of the wetland. In this regard, the wetland and 15-metre vegetation protection zone would be zoned EP.	LSRCA has advised that a 15-metre vegetative protection zone is the minimum they would consider with a scoped Natural Heritage Evaluation demonstrating that it would be sufficient. However, without that document, and without the review of the LSRCA Ecologist, a 30-metre vegetation protection zone should be applied. Therefore, a 30-metre vegetation protection zone will be applied from the staked feature and Planning approval will be required to reduce the vegetation protection zone.
18	Sept 16/22; Gord Mahoney of Michael Smith Planning Consultants on behalf of 315197 Ontario Ltd.; 824 Trivetts Road	Most of my client's lands will be zoned EP. The question is, what is permitted as a conservation and forestry use. The term is not defined in the by-law.	Both conservation use and forestry use are defined in ZBL 500 and were carried forward into the first draft of the Countryside Zoning By-law.

	and Part Lot 3 Con 9 (G)	<p>He is asking if he could have a Christmas tree farm or harvest maple syrup. As I see it, a Christmas tree farm is an Agricultural Use and would not be permitted in the EP zone. Maple syrup production is, by definition, an Agricultural Use.</p>	<p>Correct, both a Christmas tree farm and maple syrup production are considered agricultural uses in accordance with the Provincial definition for Agricultural use and the Provinces document titled "Guidelines on permitted Uses in Ontario's Prime Agricultural Areas".</p>
		<p>However, if some one is tapping trees in an EP zone and then processing the sap outside the EP zone, in a zone that permits an Agricultural Use, I would see that as a forestry use.</p>	<p>Forestry use has been removed for the proposed Countryside Zoning By-law. Currently in ZBL 500, the 'forestry use' and associated definition are used in combination with 'conservation use' through site-specific OS zoning to ensure the long-term protection of environmental areas through the development review process. Upon review, Staff feel that there was too much ambiguity in the definition of 'forestry use' that could potentially lead to uses which would be compromise the overall intent of protecting environmentally sensitive lands. Activities associated with maple syrup production are permitted as an agricultural use in any zone which permits same.</p>
19	Jan 19/23; Michael Smith of Michael Smith Planning Consultants; N/A	<p>In our reading of Section 4.6, a planning approval (i.e. minor variance or zoning by-law amendment) would be required to amend the boundaries of the EP zone. To allow for greater flexibility, we would like you to consider an approach similar to section 5.30 d) of Zoning By-law 500 which permits the appropriate road authority to permit a lesser planned street width subject to written confirmation. In this manner, in cases where the EP zone boundary is the only planning issue, the flexibility intended by the original Official Plan policies could still be maintained.</p>	<p>The Zoning By-law and related mapping is considered a legal document. Any revision/amendment to the EP zone boundary will require planning approval like any other aspect of the Zoning By-law. This is considerably different than making discretionary judgements on the width of planned road allowances.</p>

20	Jan 24/23; Gord Mahoney of Michael Smith Planning Consultants; N/A	<p>We have a concern with the removal of the “notwithstanding clauses” that would permit the COA to approve severances with lesser lot frontage and/or area than required by the Zoning By-law. Therefore, once the Countryside By-law is passed, if a consent is proposed that does not meet the lot frontage and/or lot area provisions of the zone a ZBA or MV would be required.</p> <p>Most severances in the Rural area will be for surplus dwellings as a result of a farm consolidation which of course requires a ZBA and any lot frontage and/or lot area deficiencies can be addressed. However, the Town’s OP still permits, within the Rural designation, consents for Limited Residential Infilling (defined term). In this regard, there is the potential where a consent for Limited Residential Infilling is proposed, and the proposed lot could have a lesser lot frontage and/or lot area than required. This would require a ZBA or MV to rectify.</p> <p>Seems a bit onerous given the current planning climate. The current Undersized Lot provision has worked extremely well for a long time. Wondering if there is an opportunity to have the Undersized Lot provision in the Countryside By-law changed so that it is more in keeping with the current By-law 500 provision.</p>	<p>The proposed minimum lot frontage and area requirements for residential uses in the RU-C and AP zones have been significantly reduced from that currently required by ZBL 500 (i.e. from 180 m min lot frontage to 30 m min lot frontage and from 20 ha min lot area to 6,000 m² min lot area).</p> <p>Although rare, when reviewing applications for severances in the Countryside Area it is a common practice to require any new residential lot to be limited to the minimum size needed to accommodate the residential use, amenity space and appropriate services. This is so that additional land beyond what is necessary for the residential use is not taken out of agricultural production or rural land use.</p> <p>With the goal of preserving land for agricultural production and rural land uses and in order to provide flexibility to applicants and the COA as it relates to future “limited residential infilling” severances in the Rural Area designation, staff are okay with adding back in the “notwithstanding clause” that would allow the COA to approve smaller lot frontages and areas than required by the ZBL. This will be added back into the next draft of the Countryside Zoning By-law.</p>
21	Jan 24/23; Gord Mahoney of Michael Smith Planning Consultants; N/A	<p>Can a farmer can expand an agricultural field into the EP zone? According to the OP, an expansion is permitted into the EP designation but I do not see where it would be permitted in the ZBL. The Town’s OP seems to permit this type of expansion under Section 5.3.1.9, 5.3.1.10, 5.3.1.12 and 5.9. When I looked at the Countryside By-law I don’t see where the expansion would be permitted. My take would be that a ZBA would be required. Which I understand.</p>	<p>Section 5.3.1.10 permits existing agricultural operations in the EPA designation and clarifies that it is not the intent of the Plan to limit the ability of these uses to continue. Expansions to existing agricultural buildings and structures and farm and non-farm dwellings and accessory uses thereto, are permitted in the EPA designation subject to the existing use policies of Sec. 5.9. The OP does not speak to permitting the expansion of existing agricultural uses either into the EPA designation or within the EPA designation. Therefore, planning approval would be required to expand an agricultural use into the EP zone.</p>

22	Feb 23/23; Gord Mahoney of Michael Smith Planning Consultants; No property provided	<p>I have recently dealt with a gentleman that wants an accessory dwelling unit in a detached accessory building on a rural property. In my review for him I noticed that Section 5.46 b ii) of the by-law states the following:</p> <ul style="list-style-type: none"> The gross floor area of the detached building containing the access dwelling unit shall not exceed 40% of the gross floor area of the principal dwelling or up to 100 sq. m. whichever is less. <p>I'm trying to understand the intent of this provision. Is the Town trying to limit the size of the detached accessory building or the size of the accessory dwelling unit? As I read the provision, it limits the size of the detached accessory building and not the size of the accessory dwelling unit.</p>	The wording of provision has been revised to limit the size of the additional dwelling unit in the detached building and not the size of the detached building itself.
23	Feb 27/23; Katie Pandey of Weston Consulting on behalf of 286 The Queensway North	<p>The Official Plan designates the subject lands Agricultural Protection Area with Greenlands System overlay, and Environmental Protection Area and Zoning By-law 500 zones the subject lands Rural (RU). It is our opinion that the removal of these lands will help create more new housing to address the Province's housing crisis. Serviced Lakeshore residential Area is within less than 500 m of the property. The subject property, at 52.33 ha is sized to accommodate more housing. The property is not within Niagara Escarpment Area or Aggregate Resource Priority Areas as indicated on Official Plan Schedule G. A residential development, through consultation with an Environmental Consultant, can be accommodated sensitively which would not impact natural features on the property. We note the following:</p> <ol style="list-style-type: none"> The landowner is committed to constructing homes. Given the current use of the property for residential purposes and the location of property within 800 m from community services and retails, the development of the subject lands would be consistent with what is already occurring. Close proximity to the residential area designation, being at the edge of the Greenbelt Plan boundary. Within 200 m from the residential subdivision on the north and has frontage along a public road. Within less than 500 m of the Lakeshore residential area of the town. During the last few years, the inclination toward residential development on the north and west of the subject property is noticeable. <p>Based on the planning analysis conducted and the comments provided above, we ask that the following summarized points to be considered:</p>	<p>The letter appears to request the removal of these lands from the Countryside Zoning By-law so that they are able to “create more new housing to address the Province’s housing crisis.”</p> <p>Firstly, removal of these lands from the Countryside Zoning By-law would have no impact on the future development potential of these lands. Regardless of what Zoning By-law they are regulated in, growth and development are guided by a host of Provincial, Regional and Town planning documents.</p> <p>Secondly, growth and development are directed to existing settlement areas in accordance with Provincial, Regional and Town planning documents. The subject lands are located entirely within the Protected Countryside of the Greenbelt Plan and are designated Agricultural Protection Area and Environmental Protection Area in the OP. Residential development as proposed by this request would not comply with the requirements of the Greenbelt Plan, the YROP 2022, and the Town’s Official Plan, nor does it represent good planning.</p> <p>No revision required.</p>

		<ul style="list-style-type: none"> •The property is in close proximity of the existing residential subdivision as well as community facilities as noted above. •The subject area property is also fairly flat and is not within Specialty Crop Area. •The property has frontages along a public road. •The character of the area is suitable and would provide adequate access to major roads. <p>Based on the planning analysis provided above, our position is supportive of residential development on the subject lands. It is our opinion that the property will accommodate new housing that in the short term to lessen the impact of Ontario's Housing Crisis in a matter that will propose minimal impacts to the ecological/environmental integrity of the area.</p>	
24	March 28/23; Visvapriya Saravanamuttu; 27909 Highway 48	I do not accept any designation related to rezoning/by-law amendments on my property without my express written permission.	Acknowledged. Property owner consent is not required by the Town to undertake the Zoning By-law Update currently being undertaken.

CORPORATION OF THE TOWN OF GEORGINA
IN THE
REGIONAL MUNICIPALITY OF YORK

BY-LAW NO. 2023-0028 (COU-2)

BEING A BY-LAW TO CONFIRM THE PROCEEDINGS
OF THE SPECIAL COUNCIL MEETING HELD ON THE
18th DAY OF APRIL, 2023

WHEREAS under subsection 5(3) of the *Municipal Act, S.O. 2001, c. 25*, as amended, the powers of a council of a municipal corporation shall be exercised by by-law;

AND WHEREAS it is deemed expedient that the proceedings of the Council of the Corporation of the Town of Georgina at its meeting held on the 18th day of April, 2023, be confirmed and adopted by by-law.

NOW THEREFORE, the Council of the Town of Georgina, in the Regional Municipality of York, hereby enacts as follows:

1. The proceedings and actions of Council as contained in the Reports and Additional Business referred to in Schedule 'A' at the end of this by-law are adopted and confirmed as if each proceeding and action were expressly adopted and confirmed by by-law. As if all such proceedings were expressly embodied in this by-law.
2. Subject to Section 3, the Mayor, any other appropriate member of Council and the proper Town officials be authorized and directed to undertake all actions necessary to give effect to the proceedings and directions of Council referred to in section 1.
3. Where a proceeding or action requires an additional approval to that of Council before a particular action can be done in order to give full effect to it, the Mayor, any other appropriate member of Council and the proper Town officials before taking the particular action under the authorization of section 2, shall seek and obtain the necessary additional approval and are authorized to do so.
4. A document required to be signed on behalf of the Town shall be signed by the Mayor or Deputy Mayor, Town Clerk or Deputy Clerk.

5. A Member of Council, whose name is set out in Column 1 of Schedule 'B', Conflict of Interest, at the end of this by-law, has declared an interest with respect to any item in Column 2 set out opposite the member's name, and the Member has declared an interest in this confirmatory by-law as it relates to the confirmation of the proceedings and actions on the item.
6. This by-law shall be signed by the Mayor and Clerk, affixed with the seal of the Corporation and engrossed in the By-law book.

READ and enacted this 18th day of April, 2023.

Margaret Quirk, Mayor

Mamata Baykar, Deputy Clerk

Schedule 'A' to By-law No. 2023-0028 (COU-2)

MINUTES

Council Meeting held on the 18th day of April, 2023.

Schedule 'B' to By-law No. 2023-0028 (COU-2)

CONFLICTS OF INTEREST

Column 1

n/a

Column 2

n/a