

Council in Committee Report
March 2, 2010

PROPOSED COMPREHENSIVE ZONING BY-LAW (D14)

Report Prepared By: Manager of Planning Services and Director of Planning and Building Services

RECOMMENDATION:

The Director of Planning and Building Services concurs with the recommendation.

The Manager of Planning Services recommends:

- 1) **THAT Council resolve pursuant to Section 34(17) of the *Planning Act* that although there have been changes to the Proposed Comprehensive Zoning By-law since the Public Meeting that no further notice and no further public meeting is required;**
- 2) **AND THAT By-law 2010-001-Z0 Town of Whitchurch-Stouffville Comprehensive Zoning By-law be enacted;**
- 3) **AND THAT By-law 2010-045-Z0, repealing By-laws 87-34 and 72-7 as amended, be enacted.**

1. PURPOSE:

The purpose of this report is to:

- Respond to correspondence and submissions made to the Town with respect to the proposed enactment of by-law 2010-001 on February 16, 2010;
- Identify any outstanding issues requiring resolution; and
- Recommend minor adjustments to proposed By-law 2010 prior to its consideration and adoption by Council.

2. BACKGROUND:

2.1 Follow-up since the February 16, 2010 Council Meeting - Review and Assessment of Public and Stakeholder Input

As part of the February 16, 2010, Council Agenda considered a Staff Report and associated By-laws 2010-001-ZO and 2010-045-ZO. Following the print deadline for the February 16, 2010 meeting and up to the Council meeting on February 16, 2010, a number of detailed comments were submitted on the proposed By-law. In consideration of the volume of this late correspondence, staff recommended to Council by memorandum dated February 16, 2010, that consideration of the By-laws be deferred until March 2, 2010 to afford staff sufficient time to consider and address the issues raised in the new correspondence.

3. ANALYSIS & OPTIONS:

3.1 Assessment of Concerns / Issues Raised at the February 16, 2010 Council Meeting

Comments received following the print deadline for the February 16, 2010 agenda and up to the February 16, 2010 Council meeting have been reviewed. Where appropriate staff have held meetings or had follow-up discussions with individuals who provided these comments. All submitted comments received throughout the process are outlined in Attachment No. 1 inclusive of a response and follow-up where appropriate including recommended modifications to the By-law. The Attachment reflects an ongoing record of comments and responses through each successive version of By-law 2010-001-ZO.

As of the date of filing this report for inclusion in the March 2, 2010 Agenda, no further correspondence has been received. The identification of the issues / staff response and follow up for the items and concerns raised at the February 16, 2010 Council meeting begin at Comment 48 included in Attachment No. 1.

3.2 Other Changes Since February 16, 2010, Not Reflected in Attachment No. 1

3.2.1 Farm Produce Sales Outlets

Proposed Comprehensive Zoning By-law 2010-001-ZO contains provisions that allow for a Farm Produce Sales Outlet of up to 100 square metres in area with up to 25% of the sales area devoted to the sale of produce and food products produced off-site. These provisions are contained as part of the regulations in the Rural and Environmental Zones in Section 4. The definition for Farm Produce Sales Outlet has been adjusted to make it more general so that it does not conflict with effective regulation for this use is contained within Section 4.

3.2.2 Cedar Beach Trailer Park and Adjacent Lots

There are two residential lots located on the west side of the Ninth Line Road which are surrounded on three sides by the Cedar Beach Trailer Park. These lots are currently zoned Rural Residential One (RR1) under By-law 87-34. They were incorrectly zoned CR - Commercial Recreation in the February 16, 2010 version of By-law 2010-001-ZO and should be zoned RV - Residential Village. This adjustment has been made in the revised version of By-law 2010-001-ZO.

3.2.3 5991 Main Street / Southwest Main Street and Ninth Line

This property was approved and zoned by Council for a commercial development in 2007, but is not yet developed. The zoning for this site was carried forward in an Exception CG(4) incorrectly. The property is within the Western Approach Area and should be carried forward as an Exception in a CM2 Zone category. An adjustment has been made to accommodate this change. This has caused re-numbering of some of the General Commercial Exceptions in this by-law.

3.2.4 Oak Ridges Moraine Implementation Issues

Based on further input and advice from the Town Solicitor since the February 16th, 2010 Council meeting, a few minor modifications to Sections 3.6, 3.18.4 and 3.19.1 have been made to add clarity to the interpretation of the provisions.

Modifications to *Section 3.6 Accessory Buildings and Structures* have been made to clarify that in the case of accessory buildings or structures in ORM, ENV or FH zones in the Oak Ridges Moraine Area Plan (ORMCP), the provisions of Sections 3.18, 3.19 and 3.20 apply. In addition, certain modifications have been made to the draftsmanship of these sections have been made for the purposes of clarity.

Sections 3.19 addresses previously authorized single detached dwellings to clarify that these previously authorized single detached dwellings may include accessory buildings and structures.

As previously indicated in earlier staff reports on Oak Ridges Moraine provisions of the by-law, there will be implementation issues associated with the review and assessment of building permit applications within the ORMCP area that the Town has not been required to address in the past. Staff will be working through these issues, assessing process requirements and reporting back to Council on any implications associated with business processes fees or changes to operational by-laws necessary to implement provisions of By-law 2010-001-ZO

4. FINANCIAL IMPLICATIONS:

There are no direct financial implications on the 2010 Operating or Capital Budgets associated with the submission of this report. The project is being carried out with funds allocated in the 2009 Capital Budget.

In the event of an appeal related the proposed by-law, the Town, as the applicant and the Approval Authority, would assume the costs associated with an OMB hearing to defend the proposed Zoning By-law. Any potential costs associated with appeals would be better understood at that time, and a report would be presented to Council outlining the information.

5. ALIGNMENT WITH STRATEGIC PLAN:

This report is aligned with the Town's Strategic Plan in the following manner:

Customer Service and Communications

- Enhance two way communication with all stakeholders

Balanced Growth & Community Sustainability

- Preserve and enhance community character
- Balanced land use planning – environment, economic and social considerations
- Economic development and job creation

6. CONCLUSION:

The proposed Zoning By-law 2010-001-ZO is included in the agenda for three readings together with Zoning By-law 2010-045-ZO, a By-law repealing By-laws 87-34 and 72-7 as amended in their entirety.

For further information regarding this report, please contact Alan Drozd, Manager of Planning, 905-640-1910 or 905-895-5299, ext. 320 or via email at alan.drozd@townofws.com (until February 26, 2010) or Andrew McNeely, Director of Planning and Building Services at Ext 270 or via e-mail at andrew.mcneely@townofws.com

7. ATTACHMENTS:

1. Attachment No. 1 – Written Submissions on the Proposed Comprehensive Zoning By-law.