

Staff Report 2020-0062

Meeting Date: September 22, 2020

Subject: Proposed Town-Initiated Zoning By-law Amendment to Amend Structure Envelopes (Mapping and Text) and Insert New Housekeeping and Enforcement Language

Submitted By: Stephanie McVittie, Acting Manager, Development Review Services, Community Services

RECOMMENDATION

That in accordance with Section 34(17) of the *Planning Act*, no further notice is required to be provided on the proposed By-law;

That the By-law attached as Schedule 'A' to Staff Report 2020-0062 be enacted to amend Comprehensive Zoning By-law 2006-50, as amended, to amend structure envelopes (mapping and text) and insert provisions for housekeeping and enforcement language;

That applications for minor variances for the lands subject to Zoning By-law 2006-50, as amended, be permitted prior to the second anniversary of the passing of any implementing Zoning By-law Amendment, pursuant to Section 45(1.4) of the *Planning Act*;

That the By-law attached as Schedule 'B' to Staff Report 2020-0062 be enacted to amend the Site Plan Control By-law 2008-095 to clarify the definition of development as it pertains to Site Plan Control and reflect updates to Delegated Authority By-law 2016-106; and

That the By-law attached as Schedule 'D' to Staff Report 2020-0062 be enacted to amend the Delegated Authority By-law 2016-106 to delegate authority to the Manager, Development Review to require, approve and execute Easement Encroachment Agreements for the purpose of encroaching into naturalization easements.

REPORT HIGHLIGHTS

- The Town is currently in the process of digitizing the Zoning By-law mapping to bring all maps into digital (GIS) format, ultimately allowing the Zoning By-law to be viewable interactively online. As part of this larger project, staff are first revising all structure envelope (SE) maps contained within the Zoning By-law.
- The Town initiated a Zoning By-law Amendment application on November 1, 2019 to amend structure envelopes (mapping and text) and insert new housekeeping and enforcement language.
- Open Houses were held on November 18, November 20, and November 26, 2019.
- A statutory Public Meeting was held on December 3, 2019 in accordance with the requirements of the *Planning Act*.
- The proposed By-law Amendment was circulated to external agencies and internal departments for review and comment. No objections were received.
- The proposed amendment is consistent with Provincial policies and conforms to Provincial, Regional and Local planning policy documents.

- Planning staff recommends that Council enact the draft Zoning By-law Amendment, attached as Schedule 'A' to this report.
- In drafting the proposed Zoning By-law Amendment, staff recognized that the definition of "development" in the Town's Site Plan Control By-law is too broad. Planning staff recommends that Council enact the draft amendment to the Site Plan Control By-law, attached as Schedule 'B' to this report. This amendment will clarify the definition of development and reflect updates to the Delegated Authority By-law.
- Easement Encroachment Agreements may be required to be executed between a landowner and the Town to rectify documents registered on title where the proposed structure envelopment amendments as revised through this process encroach into the natural area easements registered on title. A draft of the Agreement is attached as Schedule 'C' to this report. Planning staff recommends that Council enact the draft amendment to the Delegated Authority By-law, attached as Schedule 'D' to this report, to permit the Manager of Development Review Services to execute the Agreement.

DISCUSSION

The purpose of this Report is to recommend that Council enact:

1. The proposed Zoning By-law Amendment to amend structure envelopes (mapping and text) and provide provisions for housekeeping and enforcement language;
2. The proposed amendment to the Site Plan Control By-law to clarify the definition of development and ensure consistency with the Delegated Authority By-law;
3. The proposed amendment to the Delegated Authority By-law to allow the Manager of Development Review Services to execute Easement Encroachment Agreements for naturalization areas.

Proposed Zoning By-law Amendment (RZ 19-09)

The proposed Town-initiated Zoning By-law Amendment (RZ 19-09) applies to all properties Town-wide which are zoned by Comprehensive Zoning By-law 2006-50, as amended.

Digital Mapping Initiative

The Town is currently in the process of digitizing the Zoning By-law mapping to bring all maps into digital (GIS) format, ultimately allowing the Zoning By-law to be viewable interactively online. As part of this larger project, staff are first revising all structure envelope (SE) maps contained within the Zoning By-law.

What is a Structure Envelope?

A structure envelope is an area of a property where development is permitted (i.e. dwelling driveway, septic, pool, etc.). The purpose of a structure envelope is to protect natural features which may exist on or adjacent to the property. The area outside of the structure envelope may be subject to a natural area restriction or easement which restricts the use of land outside of the structure envelope. Structure envelopes are most commonly used

in the Palgrave Estates Residential Community to ensure protection of the natural features of the Oak Ridges Moraine Conservation Plan.

Update Methodology

In updating the structure envelope maps, staff reviewed a number of sources to compile the most accurate and current information relating to structure envelopes:

- A Review of Property Title: Staff reviewed property title to determine if there are structure envelopes and reference plans applicable to properties. As surveys are the most accurate information, these documents were then used to identify and reproduce structure envelope boundaries.
- A Review of Existing Structure Envelopes: Staff reviewed the existing structure envelopes and compared them to the reference plans, or used the existing mapping as a base map for the new structure envelopes.
- A Review of Minor Variances: Staff completed a review of all minor variances which amended structure envelopes and incorporated these changes into the new structure envelope maps.
- Other Data Sources and Aerial Photo Review: Staff also reviewed applicable subdivision plans, issued building permits and other documentation, and completed a review using aerial photography to validate proposed structure envelope boundaries.

Proposed Zoning By-law

The proposed Zoning By-law Amendment, attached to this report as Schedule 'A', seeks to amend Zoning By-law 2006-50 to:

- Introduce housekeeping language into the By-law which will permit the Town to undertake minor amendments and other technical revisions that in no way affect the existing zoning;
- Introduce enforcement provisions into the By-law for clarity purposes;
- Alter the numbering of the structure envelope maps to be chronological;
- Amend the structure envelope maps, which may include, but is not limited to the following amendments:
 - Introduce structure envelopes which already exist on title and other approved planning documentation,
 - Recognize approved minor variances to expand structure envelopes in terms of location, dimensions and configuration,
 - Update structure envelope and natural area limits, boundaries and dimensions to reflect locations of lot lines and improve accuracy, utilizing current technology and the ability to digitally dimension structure envelopes;
- Update zones, zone map and text to reflect administrative changes to implement the structure envelope mapping updates.

Planning Review

Documents that have been considered by the Town in its initiation of the proposed Zoning By-law Amendment include the Provincial Policy Statement 2020, the Growth Plan for the Greater Golden Horseshoe 2019, the Greenbelt Plan 2017, the Oak Ridges Moraine Conservation Plan 2017, the Region of Peel Official Plan, the Town of Caledon Official Plan and Zoning By-law 2006-50, as amended.

Provincial Policy Statement, 2020 (PPS, 2020)

The PPS, 2020 contains policy direction to the efficient use of land to support sustainable, strong, livable, healthy and resilient communities while protecting the environment, public health and safety and facilitating growth.

The properties subject to the proposed amendments are located in settlement areas and rural areas. Although the PPS, 2020 directs growth to settlement areas (Section 1.1.3.1), Sections 1.1.5.3 and 1.1.5.4 also provides for recreational, tourism and other economic development opportunities within the rural area provided that the development is compatible with the rural landscape. Within settlement areas, the PPS, 2020 states that healthy, liveable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns (Section 1.1.1.c). Similarly, rural areas are supported by building upon rural character, and leveraging rural amenities and assets, and conserving biodiversity and considering the ecological benefits provided by nature (Section 1.1.4.1.a and h).

Section 2.1.1 of the PPS, 2020 states that natural features and areas shall be protected for the long term. The proposed amendment to update structure envelopes continues to protect natural features as identified through the development applications applicable to each lot, recognizing the limits of development established with the applicable development and building permit applications. There is no development proposed by this amendment. Furthermore, as technical advisors to the Town, the conservation authorities have reviewed the amendment and have no objections. The proposed amendment seeks to continue to permit already permitted uses and protect environmental features and is consistent with the Provincial Policy Statement, 2020.

Provincial Plans

Growth Plan for the Greater Golden Horseshoe, 2019

The Growth Plan, in conforming to the PPS, 2020, contains similar although refined policy direction to the PPS, 2020. The Growth Plan also directs development to settlement areas (Section 2.2.1) and through Section 4.2, protects the Natural Heritage System by restricting development and site alteration so as to not negatively impact the key natural heritage or key hydrologic features.

Greenbelt Plan, 2017

The Greenbelt Plan, in conforming to the PPS, 2020, contains similar although refined policy direction to the PPS, 2020. There are a few structure envelopes located within the limits of the Greenbelt Plan which fall within both the Protected Countryside area and the Natural Heritage system of the Plan. The Greenbelt Plan contains policies which sustains the character of the countryside and rural communities, protects natural heritage and water resource systems and provides for a diverse range of economic and social activities associated with rural communities, agriculture, tourism and recreation uses (Section 1.2.1). In accordance with Section 4.5, all existing uses (defined as being existing prior to December 16, 2004) are permitted. New development within the Natural Heritage area is also subject to various policies to ensure that there are no negative impacts to the natural features or their functions.

Oak Ridges Moraine Conservation Plan, 2017

The Oak Ridges Moraine Conservation Plan (ORMCP) establishes land use and resource management policies to protect the ecological and hydrological features and functions of the Moraine. The majority of the structure envelopes are located on lands within the Palgrave Estates Residential Community, consisting of Countryside Area, Natural Linkage and Natural Core Area designations.

Section 6 of the ORMCP contains policies which indicate that the plan does not prevent the use of land, buildings or structures where the use was lawfully established on November 15, 2001 and if it has continues to be used for that purpose. Furthermore, the plan does not intend to prevent conversion of an existing use to a similar use if it can be demonstrated that the conversion will bring the use into closer conformity with the plan and it will not adversely affect the ecological integrity of the plan.

The Countryside Area allows for a range of rural land uses, including residential uses. The majority of structure envelopes align with the Countryside Area designation, with the area outside of the envelopes generally being designated as Natural Linkage and Natural Core Areas. These designations, while continuing to permit residential uses, are more restrictive in other land uses and aim to improve or restore the ecological integrity of the Plan Area. The Plan (Section 22) restricts the use of land within key natural heritage features or the associated minimum vegetation protection zone to uses that are low impact and promote conservation of the features.

Growth Plan, Greenbelt Plan and Oak Ridges Moraine Conservation Plan Conformity Analysis

The proposed structure envelope revisions (both mapping and text) apply to lands within the Growth Plan, Greenbelt Plan and Oak Ridges Moraine Conservation Plan. The primary purpose for structure envelopes is to protect natural features on the property by identifying areas where development can occur. The area outside of the structure envelopes are generally subject to a naturalization area restriction in the Zoning By-law and also an easement.

The proposed Zoning By-law Amendment does not propose development. For further clarity, although the result of the amendment may be minor changes to structure envelope boundaries to recognize approved uses or ensure accuracy of dimensions, there is no intention to purposefully enlarge structure envelopes or encroach into any natural heritage features to permit additional lands for development.

The amendments to the structure envelopes are minor and recognize and continue to permit the same uses already permitted within the envelope. The area outside of the envelope will continue to protect the natural features on the property and will continue to be subject to a natural area easement. The proposed amendment will assist with the accuracy of the By-law, allowing the features to be more easily protected. As technical advisors to the Town, the conservation authorities have no objection to the application. The proposed housekeeping and enforcement amendments are general in nature and will apply to the entirety of the Town. The amendments conform to the Growth Plan, Greenbelt Plan and Oak Ridges Moraine Conservation Plan.

Region of Peel Official Plan

The Region of Peel Official Plan designates the properties as any one of Rural Service Centre, Rural System (Area with Special Policies), or Estate Residential Community on Schedule “D”, Regional Structure. The Region’s Official Plan provides for specific policies directing area municipalities to include more detailed objectives and policies for these designations in the local municipal official plans. The policies look to direct growth to the Rural Service Centres and Estate Residential Community, but also reflect a range of uses permitted within the Rural System. The Region’s Official Plan reflects the provincial policies and plans to protect, improve or restore the ecological integrity of natural features and permit uses as identified by provincial policies and plans. There is no development proposed through this application. The Region of Peel has advised that there are no concerns with the proposed amendment. The amendment conforms to the Regional Official Plan.

Town of Caledon Official Plan

The lands subject to structure envelopes are designated Environmental Policy Area, Rural Lands, General Agricultural, Bolton Golf Course Estate Residential, Palgrave Estate Residential Community and/or Settlement Area on Schedule “A” Town of Caledon Land Use Plan. Within the Settlement Areas, the lands are further designated Low Density Residential on Schedule “C” Bolton Land Use Plan and Schedule “D” Caledon East Land Use Plan. Within the Palgrave Estates Residential Community, the lands are further designated as Policy Areas 1, 2, 3 and/or 4 on Schedule “G” Palgrave Estate Residential Community and Environmental Zone 1 and 2 on Schedule “I” Palgrave Estate Residential Community Environmental Zoning.

Rural Lands and General Agricultural Designations

For those properties subject to structure envelopes and/or natural area restrictions within the Rural Lands and General Agricultural designations, the land use permissions were established/granted some time ago through *Planning Act* applications such as Official Plan Amendments, Zoning By-law Amendments and/or Plans of Subdivision. Within these areas, the proposed amendment may clarify the boundaries of structure envelopes, may identify a structure envelope where only a natural area was identified or may create a site specific zoning to clarify existing permitted uses. There are no changes to the permitted uses on the properties. The By-law conforms with either uses permitted within the designation (as in the case of the golf course) or with existing uses as managed by Section 5.13 of the Official Plan.

Bolton Golf Course Estate Residential Designation

For those properties subject to structure envelopes and/or natural area restrictions within the Bolton Golf Course Estate Residential designation, the integration of the existing golf course with an estate residential plan of subdivision is recognized as a compatible and permitted use in the area. Within this area, structure envelopes are to be shown for each lot which identify the optimal area of structures. Structure envelopes are to generally be restricted to areas with slopes of 10% or less, but may include areas with 11-15% slopes and occasionally greater than 15% slopes. The existing Structure Envelope Zone Map does not specifically identify structure envelopes, but rather identifies natural areas where development is not permitted, therefore identifying the resulting envelopes and developable areas. The proposed amendment includes minor changes to the limits of the natural areas to reflect approved development and refine the limits for accuracy.

Low Density Residential

For those properties subject to structure envelopes within Low Density Residential designations of Settlement Areas, residential uses are permitted in accordance with the designation. These properties are all subject to a draft plan of subdivision and are zoned for residential uses in the Zoning By-law. The proposed amendment does not propose to change the permitted uses. In the case of the Structure Envelope Zone Maps in Caledon East, there are no changes proposed to the limits of the envelopes; however, for Structure Envelope Zone Maps in Bolton, minor changes are proposed to reflect approved development, minor variances and refine the limits of the structure envelopes for accuracy.

Environmental Policy Area

For lands with structure envelopes outside of the Palgrave Estate Residential Community, the Environmental Policy Area (EPA) designation generally aligns with the area outside of the structure envelope subject to the natural area restriction/easement. Through any previously approved development application, the limits of EPA lands may have been refined and identified in the Zoning By-law. The designation restricts land uses to, among others, legally existing residential uses, building permits on existing vacant lots of record, and activities related to environmental management. Minor refinements to EPA may be

permitted without an Official Plan Amendment. Structure envelopes assist in protecting features as intended with the EPA designation. The proposed amendment does not propose to change permitted uses and only includes minor refinements to the limits of the structure envelopes/natural areas.

Palgrave Estate Residential Community

There are detailed Official Plan policies that apply to the Palgrave Estate Residential Community (Section 7.1). Within this Community, on lands designated Policy Areas 1, 2 and/or 3, excluding lands designated as Environmental Zone 1 (EZ1), permitted uses include, among others, residential, rural estate residential and conservation, open space uses. Rural Estate Residential uses are not permitted on lands designated Policy Area 4. Through the processing of development applications, the limits of EZ1, EZ2 and Policy Area 4 may be refined and reflected in the draft plan of subdivision and implementing zoning by-law. Minor refinements to these areas may be permitted without an amendment to the Official Plan.

A structure envelope must be shown on each lot in a plan of subdivision. Structure envelopes are not permitted in EZ1 or Policy Area 4. Within EZ2, only short sections of driveways may be permitted within the structure envelope. Structure envelopes are to generally be sized in the range of 0.3 ha (0.74 ac) to 0.5 ha (1.24 ac) and envelopes slightly outside of this range will be discouraged unless site conditions warrant a minor deviation. Structure envelopes are to generally be restricted to areas with slopes of 10% or less, but may include areas with 11-15% slopes and occasionally greater than 15% slopes. Structure envelopes must include a suitable well drained area with slopes of 10% or less for a sewage disposal system. The EZ1, EZ2, and reforested areas outside of structure envelopes shall be zoned as natural areas in the implementing Zoning By-law. The Town may require legal agreements be entered into with respect to the protection and management of reforested areas and Environmental Zones.

Within the Palgrave Estate Residential Community, structure envelopes on lots were established as part of the development application review process to establish the lots. At that time the applicant would have submitted studies and reports to demonstrate the appropriate location for structure envelopes and natural areas. The proposed amendment includes minor changes to the limits of the structure envelopes to reflect approved development and refine the limits of the structure envelopes for accuracy.

Conclusion

The proposed housekeeping and enforcement provisions of the Amendment apply to the limits of the Town and therefore the various Official Plan designations. The proposed amendment generally includes minor changes to the limits of the structure envelopes to reflect approved development and refine the limits of the structure envelopes for accuracy. There is no development proposed through this application.

Furthermore, as technical advisors to the Town for environmental matters, the conservation authorities have no objections to the amendment. The proposed Zoning By-law Amendment conforms to the Town's Official Plan.

Town of Caledon Zoning By-law 2006-50, as amended

The proposed Zoning By-law Amendment applies to all lands within the limit of the Town. Staff has provided more detailed explanation of the changes to the By-law below, by identifying and explaining the different types of structure envelope, housekeeping and enforcement amendments.

Example 1: Missing Structure Envelope

In this case, staff discovered that there is an envelope illustrated through various maps and drawings supporting the subdivision on the lot; however, the current zoning does not illustrate the envelope. In addition, there is documentation registered on title which may include easements and restrictive covenants specified through a part on a reference plan. In these cases, as the envelope was intended to exist and does on title, staff are adding the envelope to the lot through the Zoning By-law. This ensures that the requirements are transparent and improves the planning review to provide better customer service.

Example 2: Capturing Minor Variances to Expand/Alter Structure Envelopes

Staff have captured minor variances related to structure envelope/natural area changes and have incorporated them into the new mapping. For all lots subject to structure envelopes and natural area restrictions and subject to the proposed Zoning By-law Amendment, staff reviewed minor variance applications which may impact these items. For all variances in full force and effect, staff have incorporated or recognized the variances in the proposed mapping. Where it was clear, staff altered the envelope as per the decision of the Committee of Adjustment. In more complicated scenarios, staff placed a footnote on a lot and identified in the legend which minor variance application to refer to. Similarly, staff has reviewed issued building permits and captured changes to structure envelopes to recognize situations where development occurred outside of the structure envelope as a result of an issued permit. This ensures that the approvals for minor variances remain in effect, improves customer service delivery by providing clear and transparent requirements to landowners and also assists staff when reviewing property information.

Example 3: Different Structure Envelope Dimensions

This is the most common change in the mapping. Many of the maps were prepared some time ago, done on paper and then scanned to make electronic documents. When staff attempt to reproduce the envelopes with today's more advanced technology, the dimensions are different. In some cases the use of the dimensioning tool in GIS provides a different (more accurate) number than the printed dimension on a paper copy of the map. In other cases, staff used the reference plans which are more specific and detailed than the zoning maps.

Another reason is that in some cases, the angle of the dimension line is not from specific points on the map and cannot be reproduced accurately, so the number may have changed. Another reason is that when the dimensions of a shape are reproduced, there is no way to achieve all of the same dimensions, while trying to keep the shape, orientation and location in the correct area.

Section 4: New Structure Envelope Map

There are cases where staff are introducing a structure envelope map to clarify an area not depicted in the Zoning By-law. For instance, there may be a note on a large-scale zoning map which simply states “3 m wide natural area”, but it is unclear which properties this note applies. Staff are proposing a new structure envelope map to clarify where the natural area applies to.

Section 5: Zone Map Change

Staff are correcting zone labels for various reasons. The most common example is where zones are changing to reflect their location within the Oak Ridges Moraine. For example, there are some zones which warrant the addition of “-ORM” to the end, which simply recognizes the lots are within the Oak Ridges Moraine and that site plan approval may be required. The Site Plan Control By-law in effect already requires site plan approval, but this clarifies matters in the Zoning By-law. Staff are also proposing new zones to replace the EPA1-403 zone with EPA1-ORM-626 and the EPA1-401 zone with EPA1-ORM-628. The uses and zone standards currently in effect will remain unchanged; however, within the Oak Ridges Moraine, the EPA1 zone is actually EPA1-ORM and so staff need to create a new zone to rectify this issue.

Housekeeping Provisions

The by-law proposes to introduce housekeeping language which will permit the Town to undertake minor amendments and other technical revisions that in no way affect existing zoning. Examples including numbering, italicizing, adding dimensions, etc.

Enforcement Provisions

Upon further review of the *Planning Act*, many of the enforcement provisions have been removed from the initial draft By-law as the *Planning Act* already contains enforcement provisions. Instead, the By-law has been updated to:

- Include a general prohibition standard within Section 13 Exceptions, which specifies that uses are only permitted in accordance with Section 13, and in accordance with standards contained in Section 13 and the applicable parent zone (i.e. Residential, Commercial, etc.). This is consistent with other sections of the Zoning By-law; and,
- Include standards which require that Site Plan Approval be obtained in accordance with the Town’s Site Plan Control By-law.

These new provisions, which align with Town documents and By-laws and are similar in approach with other municipalities, will assist Town staff in enforcing the Town's Site Plan Control By-law as follows:

- Requiring that site plans must meet the Zoning By-law in addition to Official Plan policies and guidelines and standards;
- Supporting the Town's Site Plan Control By-law requiring that development cannot be undertaken without site plan approval; and,
- Confirming that "development" as discussed within this new section of the By-law means development as defined within the Site Plan Control By-law.

By-law to Amend the Site Plan Control By-law

When drafting the proposed Zoning By-law Amendment to include site plan enforcement provisions, staff noted that some minor updates are required to the Site Plan Control By-law (By-law 2013-086) to clarify the definition of "development".

The existing definition of "development" in the Site Plan Control By-law is broader than the permissions provided for in the *Planning Act*, and therefore staff is proposing to amend the Site Plan Control By-law, attached as Schedule 'B' to this report, to refine this definition. In addition, staff has also proposed amendments to the By-law to reflect the current Delegated Authority By-law.

Easement Encroachment Agreement and Amendment to the Delegated Authority By-law

As explained above, there is often an easement registered on title over the natural area (area outside of the structure envelope) in favour of the Town to protect the lands. In amending the structure envelopes, there may be cases where the structure envelopes overlap with portions of the natural area easement as they are registered on title. To address this, an Easement Encroachment Agreement is required to be registered on title, which would allow the Owner to use the entirety of their structure envelope, providing relief to the encroachment into the easement. This situation typically arises when there is a land sale or transfer in title.

The Town has drafted an internal procedure to manage these requests and register the agreements on title, ensuring that the process is customer-oriented, streamlined and with minimal cost to the landowner (the fee for the registration of the document is currently \$75.00). It is proposed that the process be administered in response to requests by landowners and managed by the Town's Planning and Development Services Division. Planning staff will work with the owner and Legal Services Department to complete, execute and register the agreement on title. The Town has drafted a template agreement, attached as Schedule 'C' to this report, which will be completed by staff and forwarded to the owner for execution. As the Town will also need to execute the Agreement before it is registered on title, staff request that Council pass a by-law (attached as Schedule 'D' to

this report) to amend the Delegated Authority By-law, allowing the Manager of Development Review Services to execute these simple Agreements.

Consultation

Notice of Application

In accordance with the *Planning Act*, a combined Notice of Application and Public Meeting was posted on the Town's website and placed in the Caledon Enterprise, Brampton Guardian, Erin Advocate, Georgetown Independent and Orangeville Banner on or before November 7, 2019.

Agency and Department Review

The proposed By-law Amendment was circulated to external agencies and internal departments for review and comment. Comments are attached to this report as Schedule 'E' to this report. No objections were received.

Public Consultation

Staff completed an extensive mail-out for all landowners which have structure envelopes on their property. This mail-out included a Notice of the Public Meeting, an explanation of the proposed changes and invitation to an Open House, as well as the existing and proposed structure envelope mapping related to their property.

Staff held three open houses as follows:

- November 18, 2019 from 6:00 pm to 8:00 pm at the Caledon Equestrian Park
- November 20, 2019 from 6:00 pm to 8:00 pm at the Caledon Equestrian Park
- November 26, 2019 from 6:00 pm to 8:00 pm at Town Hall

A statutory Public Meeting was held on December 3, 2019 in accordance with the requirements of the *Planning Act*.

Public Comment

At the Public Meeting, Council commented that the proposed amendment will improve customer service as the mapping will be available online.

The following comments and questions were received from the public during the processing of the above-noted application. The comments/questions and associated responses are outlined below.

Comment/Question	Response
A resident was looking to obtain a map detailing the location of the storm drain ditch on a specified property.	Planning staff forwarded a copy of the reference plan which identified the easement for stormwater purposes.
There were a few questions about how the proposed amendment would change/impact the ability for a dwelling to be constructed on a lot which is currently vacant and contains an envelope.	Responses were provided to residents on a site-specific basis. The responses explained that the permitted uses were not changing, identified where there were deviations in dimensions and then explained permitting requirements to construct a dwelling.
There were a few questions about how the proposed amendment may affect proposed structure envelope expansions proceeding through the Minor Variance process concurrently.	Responses were provided to residents on a site-specific basis. The responses included discussions regarding the proposed Minor Variance changes vs. the proposed Zoning By-law Amendment changes, the impacts of timing and approvals (if they were to occur). The proposed Zoning By-law Amendment includes any Minor Variances to expand structure envelopes which were approved by the Committee of Adjustment and are in full force and effect.
There were cases where residents identified that items such as pools, sheds, driveways appeared to be located outside of the structure envelope and requested a review of the envelope limits.	Responses were provided to residents on a site-specific basis. To provide a response, staff undertook a detailed review of all permits and development applications issued/approved for the property. Where approvals were granted, staff revised the envelope to include the item. If no approval was granted, the envelope was not revised.
Some residents requested that staff provide an update on the status of assumption of their subdivision, the construction of features (i.e. entrance feature) in the subdivision, or the maintenance of public blocks (i.e. grass cutting, garbage removal, etc.)	Responses were coordinated from various departments and responses were provided on a site-specific basis to the residents.
A resident requested information on an adjacent proposed plan of subdivision.	The Lead Planner on the development application contacted the resident to respond to their questions.
A resident requested a copy of their subdivision agreement.	The subdivision agreement was sent to the resident.
A resident inquired if their property could be severed, if the envelope expanded, if an additional house could be permitted or if an accessory apartment could be permitted.	Staff arranged for the resident to attend a Preliminary Meeting to discuss the proposed development on the property.

Comment/Question	Response
Applicants currently proceeding through the development approvals process requested meetings to discuss the proposed amendment and any impacts it may have to their development.	Staff met with each applicant individually and worked with the applicant to answer questions, respond to comments, and where appropriate, revise the structure envelope.

Minor Variances

Section 45 (1.3) of the *Planning Act* prohibits any owner or applicant to apply for a Minor Variance application within two years of the approval of a Zoning By-law Amendment. Normally variances would proceed to the Committee of Adjustment, however prior to the expiration of that two year period, any request for a variance would need to appear before Council to allow a land owner to make an application to the Committee. This step may cause significant delay in processing of related Site Plan and Building Permit applications if a Minor Variance is required.

Section 45 (1.4) of the *Planning Act* allows Council to declare by resolution that such application is permitted within the two years. Staff is therefore recommending that Council, pursuant to the above *Planning Act* reference, permit Minor Variance applications to be applied for. Any variance application submitted would still require consideration and approval by the Committee of Adjustment in order to be allowed.

No Further Notice (Section 34(17) of the *Planning Act*)

As explained in detail in the report above, since the Public Meeting, staff has worked to:

- Refine the limits of structure envelopes to recognize approvals for development;
- Remove enforcement language already provided for in the *Planning Act*, incorporate enforcement language related to Site Plan approval and general prohibitions for site specific zones in keeping with the prohibition which applies to parent zones
- Minor amendments to zone categories (labels) and minor formatting changes to the envelopes and associated mapping

Staff is of the opinion that the clarifications are minor and maintain the intent of the application and therefore request that Council confirm that no further notice is required as per Section 34(17) of the *Planning Act*.

FINANCIAL IMPLICATIONS

The cost for registering an Easement Encroachment Agreement is currently \$77.31. The ability to recover this cost is contained within the Town's 2020 Fees By-law. Property owners will not be charged an agreement fee as a result of these changes.

COUNCIL WORK PLAN

Connected Community: Preserve Heritage and Natural Areas

Improved Service Delivery: Significantly Improve Digital Communication and Digital Service Delivery; Improve and Innovate Business Processes for Better Customer Service and Service Delivery; Update and Standardize By-laws, Including Implementation, to Meet the Best Practices of Other Municipalities;

ATTACHMENTS

Schedule A: Proposed Zoning By-law Amendment

Schedule B: Proposed Amendment to the Site Plan Control By-law

Schedule C: Draft Easement Encroachment Agreement for Naturalization Areas

Schedule D: Proposed Amendment to the Delegated Authority By-law

Schedule E: Agency and Department Comment Sheet