



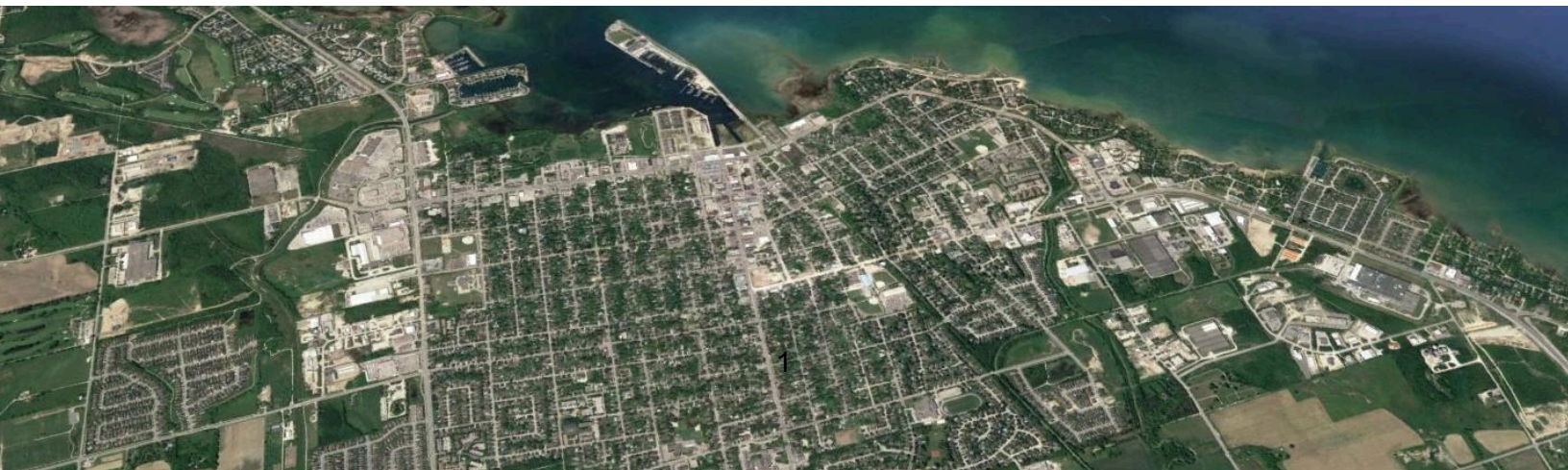
**ZONE THE FUTURE**  
**COLLINGWOOD**  
— NEW ZONING BY-LAW —

# Site-Specific Provisions

Zoning By-law Technical Paper #5

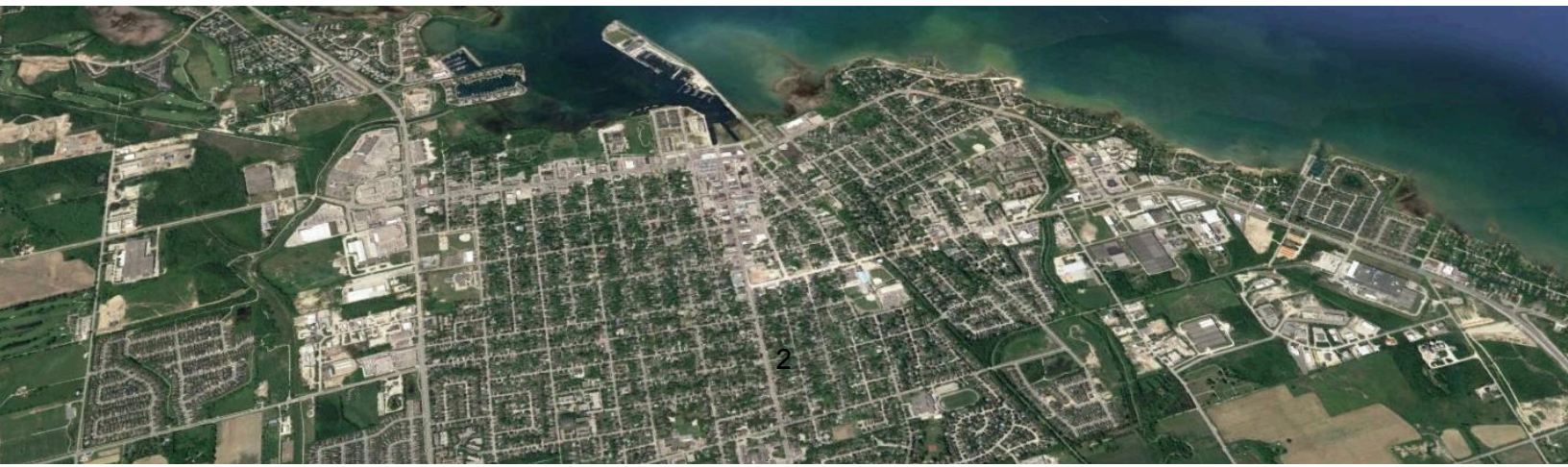
Town of Collingwood

September 2024



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# Zoning By-law Discussion Paper

## Site-Specific Provisions

### Executive Summary

This is Technical Paper #5 in a series of papers that will be used to guide the community through its Zoning By-law Update. Through a review of good planning practices, recent trends in zoning, and the Town's adopted Official Plan, this paper identifies a series of options and preliminary recommendations for technical updates to the new Zoning By-law and the focus of this paper has been on:

1. Presenting a review of existing conditions and range of options and recommendations for addressing site-specific provisions (referred to as 'exceptions' in the current Zoning By-law and sometimes referred to as 'special provisions' in other by-laws),
2. Identifying trends/observations regarding recent minor variances, and strategies for reviewing these provisions (in addition to other approved changes/modifications to zoning, where appropriate).
3. Identifying opportunities to further modernize, refine, simplify, and streamline zoning regulations in Collingwood.

The following recommendations are identified for future discussion with Town staff and the community. They can and may change based on input received:

1. The recommendation at this time would be to carry forward special provisions only for undeveloped lots or sites recognized in the new Official Plan.
2. Regarding minor variances, the Town should consider carrying forward only those that are undeveloped or limited to a certain number of years, which would be an effective means to ensure the only in effect permissions are those that have been assessed through the lens of the current Official Plan.
3. The current transition provision should be updated to address minor variances, consents, site plans that are approved but not yet built (for a limited number of years only), site plan applications that are in process (and complied with the previous Zoning By-law), and in-process building permit applications.

### 1 Introduction

Site-specific provisions are unique regulations or permissions that legally apply to individual properties or groups of properties, reflecting tailored development scenarios that have been articulated through any of the following: specific policy directions in the official plan; past *Planning Act* approvals; other by-laws/permits (i.e., temporary/conditional uses, interim controls); and/or judicial decisions. For example, the *Planning Act* provides mechanisms for individuals—developers, individual residents, or a municipality itself—to change or modify zoning rules, as follows:

1. Section 34(10) allows for the by-law to, “be amended so as to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law.” Zoning by-law amendments are approved by the Council of a municipality, with the text or mapping changes consolidated into the parent by-law.
2. Section 45(1) allows the Committee of Adjustment of a municipality to, “authorize [a] minor variance from the provisions of the by-law, in respect of the land, building or structure or the use” to permit the appropriate development or use of the land, building, or structure. Minor variances are kept within the property files and databases maintained by the municipality—and do not become an integral component of a zoning by-law.
3. Section 45(2)(b) allows the Committee of Adjustment of a municipality to permit “the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law”.

As a Zoning By-law evolves, it is typical that site-specific provisions need to be reviewed and updated for reasons like redundancy, conflicts, errors/omissions, outdated standards, and excessive length. These challenges are typical to older by-laws across Ontario.

A Zoning By-law Update offers an opportunity to modernize, refine, simplify, and streamline existing site-specific provisions, making it easier to interpret/implement, while preserving necessary regulatory controls and property rights. This proactive approach enhances clarity, aligns regulations with current planning goals, addresses outdated provisions, and improves compliance and enforcement.

A Zoning Update also presents an opportunity to create new site-specific provisions that might incorporate recent amendments or special policies within the Official Plan. Changes or modifications to the Zoning By-law that have been approved over time can be assessed according to a set of evaluation criteria to determine if they continue to be relevant and consistent with current planning goals/priorities, and if they should be carried forward through transition provisions.



# Zoning By-law Discussion Paper

## Site-Specific Provisions

## 2 Summary of the Existing By-Law

Section 2.4.1 of the current Zoning By-law explains how site-specific provisions (called exceptions in the by-law) are established and used by the Town: “a zone classification and/or its corresponding zone symbol followed by a hyphen and a number indicate an area-specific exception zone. All provisions of this Zoning By-law and the provisions of the zone classification apply to the exception zone, except to the extent to which these provisions have been specifically amended or exempted by the exception zone provisions.” Currently, site-specific provisions are included at the end of each chapter addressing zone provisions, as referenced in Table 1.

### 2.1 Existing Site-Specific Provisions

There are 253 site-specific provision sections in the existing Town of Collingwood Zoning By-law.<sup>1</sup> While this number isn’t overwhelming (there are municipalities across Ontario that have 10 to 20 times more), the Zoning By-law update project presents an opportunity to review, assess, and undertake a “clean-up” of existing site-specific zoning provisions. The remaining sections of this report identify options, recommendations, and next steps for doing so.

Table 1 provides a short summary of the total number of site-specific provisions per zone, as well as the nature/type of site-specific provisions that *most frequently* occur in the existing Zoning By-law, based on preliminary analysis.

**Table 1 – Summary of Analysis of Existing Site-Specific Provisions**

| Parent Zone               | # of Site-Specific Provisions <sup>1</sup> | Type and Nature of the Most Frequent Site-Specific Provisions  |
|---------------------------|--|--|
| Residential (Section 6.5) | 133  | <ul style="list-style-type: none"><li>• Provisions that specify additional residential uses that are permitted, focusing on single detached dwellings, semi-detached units, townhouses, and apartment buildings.</li><li>• Provisions that detail minimum and maximum requirements for front, rear, and side yard setbacks.</li><li>• Provisions that stipulate minimum lot area and frontage standards.</li><li>• Provisions that establish restrictions on maximum lot coverage.</li></ul> |

<sup>1</sup> 10% of the total number of provisions are “reserved” and therefore not in use.

# Zoning By-law Discussion Paper

## Site-Specific Provisions

| Parent Zone                         | # of Site-Specific Provisions <sup>1</sup> | Type and Nature of the Most Frequent Site-Specific Provisions  |
|-------------------------------------|--|--|
|                                     |  | <ul style="list-style-type: none"> <li>Provisions that ensure unique site conditions are addressed while ensuring compliance with broader zoning goals.</li> </ul>   |
| Commercial<br>(Section 7.5)         | 56   | <ul style="list-style-type: none"> <li>Provisions that specify additional permitted commercial activities, including food supermarkets, restaurants, retail stores, and various service uses.</li> <li>Provisions that include specific restrictions or prohibitions on certain uses, including residential uses in specific commercial areas and certain retail types deemed unsuitable.</li> <li>Provisions that address parking requirements, including the number of spaces needed and setbacks for parking areas.</li> <li>Provisions that detail the minimum setbacks for buildings and parking areas from property lines and streets.</li> <li>Provisions that specify maximum gross leasable areas for retail establishments and unit size considerations.</li> </ul>  |
| Industrial<br>(Section 8.5)         | 22   | <ul style="list-style-type: none"> <li>Provisions that address certain permitted or prohibited uses, including mini-storage warehouses, motor vehicle sales establishments, animal shelters, health clubs, and furniture stores.</li> <li>Provisions allowing for accessory uses related to primary activities, such as breweries with accessory restaurants and animal shelters with boarding facilities and clinics.</li> <li>Provisions that remove maximum height requirement for buildings, allowing for taller structures to maximize operational space and efficiency.</li> <li>Provisions allowing for developments that do not need direct access to public roads.</li> <li>Specifications regarding multiple entrances for certain establishments, such as motor vehicle sales, enhancing accessibility and customer convenience.</li> </ul> |
| Community Services<br>(Section 9.5) | 10   | <ul style="list-style-type: none"> <li>Provisions that further regulate health-related services (medical clinics and pharmacies) and educational facilities (schools).</li> <li>Provisions regarding maximum height limits for structures, excluding features like helipads, to maintain a consistent scale and aesthetic within the community service zones.</li> <li>Provisions that set site-specific requirements for lot sizes and frontage.</li> <li>Provisions for certain developments that may be serviced by municipal piped water and private septic systems, highlighting infrastructure considerations.</li> </ul>  |

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## Site-Specific Provisions

| Parent Zone                            | # of Site-Specific Provisions <sup>1</sup> | Type and Nature of the Most Frequent Site-Specific Provisions  |
|--|--|--|
|  |  | <ul style="list-style-type: none"> <li>• Provisions allowing for the installation of temporary air-supported structures over existing sports fields year-round.</li> </ul>   |
| Environmental Protection (Section 9.5) | 13   | <ul style="list-style-type: none"> <li>• Provisions limiting uses to conservation and environmental restoration efforts.</li> <li>• Provisions aimed at protecting provincially significant wetlands, restricting activities to those that support conservation and flood control.</li> <li>• Provisions that identify buffer areas around provincially significant wetlands that allow for limited uses focused on conservation, nature trails, and environmental restoration.</li> <li>• Provisions permitting walking trails, nature trails, and other recreational uses and promote public access.</li> <li>• Provisions that accommodate the installation of municipal utilities and access roads, and emergency vehicle access.</li> </ul> |
| Recreation (Section 9.5)               | 8  | <ul style="list-style-type: none"> <li>• Provisions that address conservation and environmental restoration.</li> <li>• Provisions allowing for specific recreational uses, including public parks, equestrian facilities, and passive recreational activities.</li> <li>• Provisions that explicitly limit the construction of structures, such as in areas designated for passive recreational activities.</li> <li>• Provisions that allow for temporary accommodations, such as those for staff at tennis teaching facilities.</li> <li>• Provisions that permit passive recreational uses, such as walking trails and conservation areas.</li> </ul>  |
| Rural (Section 9.5)                    | 11   | <ul style="list-style-type: none"> <li>• Provisions that allow for home occupation/industry uses, such as custom workshops, lumber supply outlets, and farm produce retail markets.</li> <li>• Provisions that identify golf courses as a permitted use.</li> <li>• Provisions that limit or prohibit certain types of residential structures, such as accessory dwellings.</li> <li>• Provisions that require a municipal water supply.</li> <li>• Provisions stipulating that development must conform to wellhead protection policies.</li> <li>• Provisions for setbacks, such as those from the Pretty River.</li> <li>• Provisions that allow existing gravel pits to remain while other rural uses are permitted post-removal.</li> </ul> |
| Total                                  | 253  |  |

# Zoning By-law Discussion Paper

## Site-Specific Provisions

### 2.2 Recent Minor Variances

The Town is also seeking to complete a review of approved minor variances to the existing Zoning By-law to determine if they continue to be relevant to current planning and should be carried forward through transition provisions,<sup>2</sup> or if it would be more appropriate to integrate minor variances as new site-specific provisions, if they must be maintained. The Town is also seeking to understand trends in the most frequent types of provisions varied (such as height, setbacks, and coverage, as examples) to direct staff towards provisions that may need to be re-examined.

Town staff have completed an analysis of the number, nature, type, and frequency of recent minor variances to the existing Zoning By-law, as presented in the following table.

**Table 2: Minor Variance Trend Assessment (2019-2023 - partial 2024)**

| Minor Variance (Incidental and Full)  | Percentage of Total Variances |       |
|---|-------------------------------|-------|
| <b>Main Buildings (Mainly Residential)</b>  |                               |       |
| Building Height   | 0.6%                          | 67.1% |
| Increase Lot Coverage   | 8.8%                          |       |
| Reduced lot frontage  | 5.3%                          |       |
| Address technical lot frontage location   | 0.6%                          |       |
| MV under Section 45(2)(a) OR (b) of the Planning Act                                    | 4.1%                          |       |
| Reduced lot area  | 1.8%                          |       |
| Decreased setbacks (Majority for Residential including 4.28 Special Yard Encroachments) | 37.6%                         |       |
| Reduce landscape buffer   | 1.8%                          |       |
| Decreased landscaped open space   | 1.8%                          |       |
| Driveway Width  | 2.9%                          |       |
| Residential driveway length   | 0.6%                          |       |
| Setback for Swimming pool   | 1.2%                          |       |

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<sup>2</sup> This is not a new concept for Collingwood. Provision 1.20 of the current Zoning By-law establishes the following transition provisions:

1.20.1 A minor variance under Section 45(1) of the Planning Act that has been approved by the Town's Committee of Adjustment and which is final and binding shall have its permission recognized and continue for a period of not more than one year from the date of passing of this Zoning By-law.

1.20.2 The above provision only applies to a minor variance to the Town of Collingwood Zoning By-law No. 87-61, as amended, and the Township of Nottawasaga Zoning By-law Nos. 10-93 and 10-80, as amended.



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## Site-Specific Provisions

| Minor Variance (Incidental and Full)  | Percentage of Total Variances |       |
|---|-------------------------------|-------|
| <b>Additional Residential Units (ARUs)</b>                                  |                               |       |
| General ARUs (Reduced Setback)  | 1.2%                          | 5.9%  |
| ARU Parking Rate  | 0.6%                          |       |
| ARU Entrance Width Increase   | 1.8%                          |       |
| ARU - detached accessory structure entrance to yard setback                 | 0.6%                          |       |
| ARU Maximum Unit Size Increase (percentage of main dwelling)                | 1.8%                          |       |
| <b>Accessory Buildings</b>  |                               |       |
| Lot coverage for Accessory building (or max gfa)                            | 2.9%                          | 14.7% |
| Decreased setbacks  | 4.1%                          |       |
| Detached Accessory Building Separation Distance                             | 4.1%                          |       |
| Detached Accessory building Height  | 3.5%                          |       |
| <b>Commercial Zones</b>   |                               |       |
| Commercial/Industrial parking reduction (includes delivery, queueing, etc.) | 6.5%                          | 8.8%  |
| Commercial parking setback  | 1.8%                          |       |
| Residential Parking Reduction (not related to ARUs)                         | 0.6%                          |       |
| <b>Other</b>  |                               |       |
| Number of Home Occupations  | 0.6%                          | 3.5%  |
| Expand legal non-conforming use   | 2.4%                          |       |
| Other   | 0.6%                          |       |

The Town's data indicates that most of the minor variance from 2019 to present deal with regulations applying to the main buildings on a lot, and primarily for residential buildings (67%). Notably, most of these minor variances (38%) provide variances to permit reduced setbacks. Other regulations frequently approved through minor variance, address accessory building locations and sizes, additional residential units, parking requirements (particularly frequently for institutional, commercial, and industrial uses). The updated Zoning By-law will focus on key areas, as determined by the above data, to ensure that provisions are appropriate.

### 3 Reviewing Existing Site-Specific Provisions

During a Zoning By-law Update, municipalities often evaluate whether site-specific provisions remain relevant, should be modified, or should be removed based on current planning objectives, community needs, and land use trends. This is an opportunity to streamline and enhance the efficiency of the zoning framework. If certain special provisions are deemed necessary and relevant during the review, they can be carried forward into the new Zoning By-law. This includes a “clean-up” process that may involve revising the language and updating the conditions, to ensure they align with current planning goals and the Official Plan.

In terms of how to review and address existing site-specific provisions, the Town can consider the following optional approaches. Their benefits and drawbacks are summarized in Table 3.

1. **Retain All Existing Site-Specific Provisions:** the Town could retain all existing site-specific provisions simply by carrying them forward to the updated by-law, allowing existing developments to continue operating under their current regulations.
  - a. If a site had been granted additional permitted uses or provisions under the previous regulations, that site would be allowed to keep those permitted uses or provisions regardless of if it aligned with the updated Zoning By-law.
2. **Comprehensive Review of Each Special Provision:** the Town could conduct a thorough assessment of each site-specific provision to evaluate its relevance, effectiveness, and alignment with current planning goals.
  - a. If a site had been granted additional permitted uses or provisions under the previous regulations, Town Staff would, after thorough review of the site and the previously permitted uses, determine whether those permissions should be allowed to remain in the updated Zoning By-law.
3. **Retain Use Permissions or Standards Only:** The Town could choose to retain only the use permissions granted by site-specific provisions, while eliminating other specific regulations such as dimensional requirements or development standards (and *vice versa*).
  - a. If a site had been granted additional permitted uses as well as reduced fence height requirements under the previous regulations, Town Staff would determine that the site would be able to retain its additional permitted uses, but not the reduced fence height requirements under the updated Zoning By-law.
4. **Eliminate All Site-Specific Provisions:** The Town could remove all site-specific provisions from the new Zoning By-law, effectively starting from scratch.

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## Site-Specific Provisions

- a. If a site had been granted additional permitted uses or provisions under the previous regulations, Town Staff would determine that it would not be able to keep these additional permitted uses.
- 5. **Retain Provisions for Undeveloped Properties Only:** The Town could focus on retaining site-specific provisions that pertain to undeveloped/vacant (generally referring to properties with no existing structures or permits, but would require further discussion) properties only, while eliminating provisions related to developed sites.
  - a. If a site had been granted additional permitted uses under the previous regulations, Town Staff would determine that the site would be allowed to retain its additional permissions provided that the site is undeveloped or vacant. If the site were to be developed, it would lose the additional permissions that had been granted under the previous regulations.
- 6. **Eliminate All Site-Specific Provisions in Effect Before a Certain Cut Off Time:** The Town could impose a time limit for a landowner to act on development plans. If the landowner did not act in that time, it becomes necessary to reapply for an updated Zoning By-law Amendment which meets current standards and involves more recent public consultation.
  - a. If an undeveloped site had been granted additional permitted uses under the previous regulations and the site remained undeveloped 10 years later, the additional permissions would then expire, and the landowner would need to reapply for those permissions if they wished to develop the site in a way that would require site-specific permissions.

To be clear, there is no option that would make any building or existing use “illegal.” There is potential that any provision or permission not carried forward into the updated Zoning By-law would have legal implications which should be considered further by the Town..

In combination with any of the above approaches, the Town should also consider retaining any exceptions that apply to the Area-Specific Policies in the new Official Plan to ensure conformity.

**Table 3: Comparison of Options to Review Site-Specific Provisions**

|  | <b>Benefits</b>   | <b>Drawbacks</b>  |
|--|---|---|
| <b>1. Retain All Existing Site-Specific Provisions</b> | It acknowledges previous planning decisions in the By-law document and minimizes the effort needed to review each provision. the simplest approach because it involves the least effort | This method does not reduce redundancy or the overall number of site-specific provisions and may result in retaining provisions that are outdated, irrelevant, and may run counter to the updated policies of the new Official Plan or community goals. Can lead to a cumbersome zoning framework with numerous exceptions. |

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## Site-Specific Provisions

|   | <b>Benefits</b>  | <b>Drawbacks</b>   |
|---|--|--|
| <b>2. Comprehensive Review of Each Special Provision</b>    | Conducting a detailed review of each provision based on a set of pre-identified criteria, which will help to streamline the text, recognize valid existing provisions, and reduce redundancy. This method also avoids creating new legal non-conforming uses and respects previous planning approvals. This ensures that only those that continue to uphold Official Plan goals and policies.        | This approach is time-consuming and cannot start until the parent zone standards are defined. It requires significant effort and may not significantly reduce the total number of site-specific provisions. It may lead to disagreements among stakeholders regarding which provisions should be retained or modified. |
| <b>3. Retain Use Permissions <u>OR</u> Standards Only</b>   | By retaining only the use permissions, this approach reduces the number of site-specific provisions and ensures that existing uses remain compliant. It likely leads to fewer provisions overall and requires new planning applications for many properties.   | This may result in the loss of permissions or standards that conform to the Official Plan or implement other town documents if critical assessment is not provided.  |
| <b>4. Eliminate All Site-Specific Provisions</b>            | This option removes all site-specific provisions, simplifying the Zoning By-law and requiring new applications for most properties, ensuring compliance with current planning policies. Reduces complexity and confusion in the by-law itself. (This can be through a transition provision, or the use of footnotes or general provisions to recognize the use.)                                     | The approach taken to evaluate and eliminate provisions needs to be established and applied consistently. May lead to appeals from property owners seeking to retain their site-specific exceptions. Staff input and knowledge of the history of site-specific provisions is required.                                 |
| <b>5. Retain Provisions for Undeveloped Properties Only</b> | This method significantly cuts down the number of site-specific provisions and does not interfere with existing approvals. It preserves opportunities for future development on vacant lands while ensuring that established uses are not disrupted. It ensures planning approvals are required for development proposals on undeveloped properties that do not meet the site-specific requirements. | Requires verification that undeveloped properties adhere to the full permissions of the site-specific provisions. It will require some research to cross-reference the vacant land designation in parcel data to review the zoning for those lands only.   |

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## Site-Specific Provisions

|  | <b>Benefits</b>   | <b>Drawbacks</b>   |
|--|---|--|
| <b>6. Eliminate All Site-Specific Provisions in Effect Before a Certain Cut Off Time</b> | This method encourages developers to act on their approvals in a timely manner. Stalled developments can limit a municipality's progress in meeting development and growth targets. As well, this option aligns with the Provincial "use it or lose it" approach. | The amount of time given before an approval lapses must be precise. If the time limit is too long, it may be ineffective. However, if it is too short, developers may see their approvals lapse before building conditions are favourable. |

The Project Team, and more importantly Town staff (who will ultimately be responsible for implementing the updated Zoning By-law, once approved), must consider the options, benefits, and drawbacks of the above in the context of Collingwood's specific goals, community needs, and available resources. While each option has potential challenges, there are solutions to mitigate risks created by applying any or part of the above approaches.

For reference, section 7.1.6 of the current Official Plan provides clarity on legal non-conforming uses, buildings, and structures and will establish the status and process for integrating them into new zoning regulations.

The recommendation at this time would be to carry forward with Option #5 and potentially Option #6, retaining provisions only for undeveloped lots or sites recognized in the new Official Plan. Choosing a cut-off time for eliminating all site-specific provisions in a municipality involves careful consideration of several factors, including the age of the provisions, the frequency of planning changes, and the evolving needs of the community. For example:

- A 10-year cut-off allows for the elimination of provisions that may no longer reflect current community needs or planning objectives.
- Many municipalities undergo comprehensive reviews of their official plans and zoning by-laws every 5 to 10 years.



### 4 Reviewing Recent Minor Variances

As mentioned, other changes and modifications to the Zoning By-law can be incorporated as site-specific provisions over time to address evolving needs, opportunities, and industry practices. The Town is seeking to review existing minor variances, and the following options have been identified to assist.

Existing minor variances can be carried forward into a new Zoning By-law in various ways, depending on the goals and specific circumstances of the zoning review. The Town can consider the following primary approaches/options; however, this is not an exhaustive list. Their benefits and drawbacks are summarized in Table 4.

- 1. Incorporate as New Site-Specific Provisions:** The Town could explicitly include Minor Variances as new site-specific provisions within the updated Zoning By-law. This approach allows for the direct recognition of legal variances and provides clear regulations for those uses or developments. Special provisions can include specific conditions or limitations associated with each variance, ensuring that they are understood in the context of the updated Zoning framework.
- 2. Incorporate within Parent Zone Regulations:** The Town could also address Minor Variance trends into the parent zone regulations themselves with a reduced or increased standard, as the case may be. This means that the new by-law would include the specific allowances granted by the variances directly within the relevant zoning categories. This is generally only an option when certain trends are observed based on variances that are consistently approved. The Town may wish to retain only those that continue to uphold the updated community goals and the new Official Plan, which would be possible through this option with minor adjustments to the core philosophy.
- 3. Carry Forward Through a Transition provision:** Rather than incorporating Minor Variances within the text of the updated Zoning By-law, the Town could include a transition provision in the new Zoning By-law that recognizes all existing minor variances as valid under the new regulations. This clause ensures that property owners can continue to operate under the terms of their previously granted variances without disruption. This would only apply where the existing minor variance is contrary to the updated Zoning By-law and could be time-limited as a condition of carrying forward through a transition provision. Refer to Section 5 of this Paper for additional thoughts on Transition provisions.
- 4. Do Not Carry Forward Minor Variances:** The Town may instead choose to carry forward no Minor Variances to the updated Zoning By-law. This approach would not allow existing minor variances to be considered as valid once the updated Zoning By-law

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comes into effect, therefore property owners would not be allowed to continue to operate under the terms of their previously granted variances without disruption.

**Table 3: Comparison of Options to Reflect Minor Variances in the Updated Zoning By-law**

|  | <b>Benefits</b>   | <b>Drawbacks</b>  |
|--|---|---|
| <b>1. Incorporate as New Site-Specific Provisions</b>  | The new Zoning By-law will explicitly allow for the permitted deviation from standard regulations for that property. This approach does not create a non-conforming use because the provision is integrated into the Zoning By-law, making the use compliant. Enhances clarity and accessibility for property owners and developers, as they can easily identify what is permissible without navigating through past approvals or a transition provision. | Can lead to increased complexity for property owners and municipal staff to navigate. May result in inconsistencies in application, creating perceptions of unfairness. Legal challenges may arise as the permissions were not processed through an amendment process.  |
| <b>2. Incorporate within Parent Zone Regulations</b>   | Provides direct integration of trending variances into the updated Zoning By-law, making it easier for stakeholders to understand why regulations are being updated. This integration can streamline the by-law, making it easier to interpret and understand how variances fit within the overall zoning framework and respond to contemporary planning policies in the Official Plan.   | Time consuming. Requires an in-depth analysis of the types and frequencies of minor variances that have been granted. Requires input from staff who have knowledge of history and trends for applications and approvals.  |
| <b>3. Carry Forward Through a Transition provision</b> | Offers continuity and protects existing rights, facilitating a smoother transition. Maintains flexibility by allowing for a gradual adjustment to the new regulations while still providing the opportunity for future evaluations of the relevance of those variances.   | Can complicate zoning regulations, leading to confusion among property owners and developers regarding applicable provisions. May result in ambiguous interpretations, retention of outdated variances, and increased administrative burdens. Legal challenges may arise from contested applicability of the clauses. |
| <b>4. Do Not Carry Forward Minor Variances</b>         | Quick to implement and uncomplicated.   | Does not offer continuity, potentially complicating future searches for property owners and municipal staff.  |

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Option 3 is a common and simple administrative way to provide continuity of variances. It can be scoped or limited to a certain number of years, or only to undeveloped sites, which would be an effective means to ensure the only in effect permissions are those that have been assessed through the lens of the current Official Plan.

The recommendation at this time is that the Town should consider carrying forward only those that are limited to a certain number of years or only to undeveloped sites, which would be an effective means to ensure the only in effect permissions are those that have been assessed through the lens of the current Official Plan.

## 5 Transition Provision

A transition provision acknowledges existing or pending permissions and approvals. It allows for a smooth shift to an updated Zoning By-law, while accommodating ongoing or recent approvals. Many municipalities have successfully used this approach. A transition provision can significantly reduce the number of recent approvals requiring explicit recognition in the updated by-law, including:

- Minor variances
- Consents
- Site-specific exceptions in the previous by-law
- Site plan approvals and complete applications
- Building permit applications received but not yet issued

Clearly defined transition provisions can even eliminate the need to include any legacy text in the updated Zoning By-law. A key factor to consider is how long the transition provisions will apply. The introduction of a time period or limitation introduces a ‘use it or lose it’ concept and can motivate landowners with certain development approvals to either implement their development approvals, or lose them once the time period expires. For example, the By-law could include a transition provision for approved site plans or complete site plan applications, allowing them to remain valid under the previous By-law for a specific time period (e.g., 2, 5 or 10 years). After this period, the protection would lapse automatically—though under certain circumstances, an extension might be warranted.

To help By-law users during the transition period, it is recommended to create a companion guide explaining how the new clause provisions will function. This can include a “pre-transition” handout for anybody proposing a fresh application to make them aware of the intended transition.

### 6. Summary of Recommendations

When developing a new Zoning By-law, a one-size-fits-all approach is insufficient to effectively address site-specific zoning provisions and other modifications (like minor variances). The primary objective of reviewing these provisions is to ensure that the principles and frameworks established in the parent zones are appropriately applied to individual properties. Additionally, the Town aims to streamline the overall Zoning By-law, wherever possible.

The review of site-specific provisions is essential for updating the Zoning By-law to maintain its effectiveness, clarity, and alignment with the Collingwood Official Plan. Each option for addressing these provisions and other zoning changes offers distinct advantages and challenges, underscoring the need for a customized approach that may incorporate multiple strategies tailored to the local context.

1. Regarding site-specific provisions, the Town could consider options like:
  - a. retaining provisions for undeveloped lots or sites only; and/or
  - b. eliminating all provisions in effect before a certain cut-off time.
2. Regarding minor variances, the Town should consider carrying forward only those that are limited to a certain number of years or only to undeveloped sites, which would be an effective means to ensure the only in effect permissions are those that have been assessed through the lens of the current Official Plan.
3. The current transition provision should be updated to address minor variances, consents, site plans that are approved but not yet built (for a limited number of years only), site plan applications that are in process (and complied with the previous Zoning By-law), and in-process building permit applications.

These recommendations have been identified for further discussion and input from the community. They can and may change following engagement and consultation.