

SPECIAL COUNCIL PUBLIC PLANNING MEETING AGENDA

WEDNESDAY, APRIL 8, 2015 7 P.M.

COUNCIL CHAMBERS AURORA TOWN HALL



TOWN OF AURORA SPECIAL COUNCIL – PUBLIC PLANNING MEETING AGENDA

Wednesday, April 8, 2015 7 p.m. Council Chambers

- 1. DECLARATION OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF
- 2. APPROVAL OF THE AGENDA

RECOMMENDED:

THAT the agenda as circulated by Legal and Legislative Services be approved.

- 3. PLANNING APPLICATIONS
- 4. READING OF BY-LAW

RECOMMENDED:

THAT the following confirming by-law be given first, second, and third readings and enacted:

5705-15 BEING A BY-LAW to Confirm Actions by Council

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Resulting from Special Council – Public Planning

Meeting on April 8, 2015

5. ADJOURNMENT

AGENDA ITEMS

1. PL15-024 - Comprehensive Zoning By-law Review File No. ZBA-2012-ZBR

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RECOMMENDED:

THAT Report No. PL15-024 be received; and

THAT comments received at the Public Planning Meeting be addressed by Planning & Development Services and staff be directed to bring the proposed Comprehensive Zoning By-law Review forward to a future General Committee Meeting for final approval.

2. PL15-028 - Interim Control & Proposed Zoning By-law pg. 25 Medical Marihuana Production Facilities (MMPFs) Study File No. ZBA-2014-02

RECOMMENDED:

THAT Report No. PL15-028 be received; and

THAT staff be directed to draft an implementing Zoning By-law amendment pertaining to Medical Marihuana Production Facilities (MMPFs) for review and discussion at an upcoming General Committee Meeting.



TOWN OF AURORA PUBLIC PLANNING MEETING REPORT No. PL15-024

SUBJECT: Comprehensive Zoning By-law Review

File No. ZBA-2012-ZBR

FROM: Marco Ramunno, Director of Planning & Development Services

DATE: April 8, 2015

RECOMMENDATIONS

THAT Report No. PL15-024 be received; and

THAT comments received at the Public Planning Meeting be addressed by Planning & Development Services and staff be directed to bring the proposed Comprehensive Zoning By-law Review forward to a future General Committee Meeting for final approval.

PURPOSE OF THE REPORT

The purpose of this report is to present an overview of the Comprehensive Zoning Bylaw Review to Council and to members of the public for comment.

BACKGROUND

To obtain public input on the Comprehensive Zoning By-law Review, staff have held two Open Houses and one previous Public Planning Meeting. In addition, staff have notified that all technical papers and drafts of the By-law are available on the Town's website.

Public Planning Meeting

A statutory Public Planning Meeting was held in Council Chambers on February 26, 2014 to hear public comments in the Comprehensive Zoning By-law review being conducted by the Town as an in-house exercise. Council discussed several issues regarding the zoning By-law including the Aurora Promenade, Converted Dwellings and additional notification to affected landowners. Approximately fifteen (15) stakeholders and landowners from across the Town were in attendance at the Public Planning Meeting and provided comments regarding the proposed Zoning By-law. The comments received will be addressed in the technical review and included in a comprehensive report at a future Public Planning Meeting of Council.

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Report No. PL15-024

The following motion was passed at the Public Planning Meeting:

"THAT report PL14-012 be received; and

THAT comments received at the Public Planning meeting be addressed by Planning and Development Services and Council direct staff to bring the proposed Comprehensive Zoning By-law Review forward to a future Public Planning meeting for final approval, subject to the resolution of any outstanding issues."

Staff initiated background research related to the Comprehensive Zoning By-law Review in July 2012. In that report the following milestones were identified by staff to guide the Comprehensive Zoning By-law Review:

- July 2012: Initiate background research related to current Zoning By-law
- June 2013: Public Open House #1
- August 2013: Prepare Technical Papers
- September 2013: Public Open House #2
- February 2014: First Statutory Public Planning Meeting
- July 2014: Complete first draft of new Zoning By-law
- November 2014: Complete revisions to first draft of new Zoning By-law
- April 2015: Second Statutory Public Planning Meeting

Next Steps:

- Prepare second draft of new Zoning By-law
- Prepare staff report with recommendation for Council consideration of new Zoning By-law

Open Houses #1 & #2:

Planning and Development Services staff hosted two public Open Houses on June 24, 2013 and September 26, 2013 at the Holland Room in the Aurora Town Hall. The Open Houses identified existing issues and review items, including existing Town documents and mapping as references for the Comprehensive Zoning By-law Review. Residents present at the first Open House discussed parking provisions, Oak Ridges Moraine conformity, Promenade uses, Promenade status before the Ontario Municipal Board (OMB) and holding zones. Residents present at the second Open House discussed setbacks from Key Natural Heritage features and the proposed changes to residential zoning provisions. Dialogue from the public provides staff with valuable information. Public comments received from Open Houses 1 and 2 and are under review by staff.

Public Notification:

On February 6 2014, the first Public Meeting respecting the Comprehensive Zoning By-

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law Review was provided in the Banner and the Auroran newspapers and ran for three (3) consecutive weeks. Notice by mail was provided to all agencies, boards, commissions and interested parties expressing intent over the past two years. Public Meeting notification has been provided in accordance with Section 34(12) of the *Planning Act*.

On March 19 2015, Notice of this evening's Public Meeting respecting the Comprehensive Zoning By-law Review was provided in the Banner and the Auroran newspapers. Notice by mail was provided to all agencies, boards, commissions and interested parties. Public Meeting notification has been provided in accordance with Section 34(12) of the *Planning Act*.

Consultation and comments are being obtained from Town departments in the review process for the creation of a final draft. Information related to the Comprehensive Zoning By-law Review has been circulated to all agencies, boards commissions and interested parties for review and comment. Comments obtained by internal and external agencies and members of the public will be considered in the review process. The final draft of the Zoning By-law will be reviewed by all departments prior to the final By-law being presented to Council. It is noted that the Town is also obtaining peer review comments on the draft By-law.

The various sections of the draft By-law are in different stages of completion and are available on the Town's website for Council, departmental and public review as described in this report. Technical Papers have also been prepared by Staff to outline current By-law issues and how they are to be addressed. Each technical paper has been created to cover specific sections of the Zoning By-law and each technical paper item discusses conformity to the Official Plan. The Draft Comprehensive Zoning By-law technical papers are posted on the Planning & Development Services website at: www.aurora.ca/comprehensivezoningreview.

COMMENTS

The following are a series of items under review and discussed in Public Planning Report No. PL14-012. The Draft By-law prepared to date was made available on the Town's website in July 2014 and updated in November 2014. A description is provided under each of the following subsections, with a comment status update.

Definitions:

Most definitions in the By-law were incorporated at the time of the By-law's creation (1978) and are still in force. These definitions are in need of updating to reflect current provisions and some terms are not currently defined. Furthermore, over time other definitions have been added to the By-law to apply specific zoning, including Industrial Lands, the Oak Ridges Moraine, Defined Areas (Subdivisions & Business Parks) or Site

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Specific areas. As a result there are several definitions with common or conflicting terms in the By-law.

The goal of the Comprehensive Zoning By-law Review is to consolidate the definitions where appropriate into a single, up to date and clearly worded definition section for permitted uses and other terms. Some site specific definitions will still be necessary in the new By-law.

Status update: The proposed list of definitions are under review by departments and agencies.

General Provisions & Parking Standards:

Many existing general provisions in the zoning By-law remain from the current 1978 By-law and as such reflect standards from 1978. Examples of these provisions include: accessory buildings, non-conforming buildings, home occupations and public uses. Previous updates and office consolidations have been added to the general provisions but a comprehensive review and update of existing provisions was never completed. General Provisions need to reflect the intent of the new Official Plan for users beyond 2010. The updated General Provisions will include necessary urban provisions to reflect the standards of a growing municipality.

Parking Standards were also incorporated in 1978. Numerous site specific parking standards were approved as By-law amendments over time. A new section of the By-law dedicated to Parking Standards, and Drive-Through stacking requirements has been prepared and is available on the Town's website for review. Parking standards will also reflect policies introduced in the Aurora Promenade Plan.

Status update: The proposed list of general provisions are under review by departments and agencies. Further review of parking standards with Infrastructure and Environmental Services and the Peer Review consultant is ongoing.

Residential Zones:

The existing residential zoning structure consists of five single detached residential zones, one semi-detached zone, two mixed housing zones, one townhouse zone, and three apartment density zones. The current lot standards and building performance specifications of existing parent zoning reflect zoning standards from 1978. Over time, the size of residential dwellings has generally increased and the size of a residential lot has deceased. All new residential zones were incorporated into the current by-law as exception zones, which do not reflect the Town's parent zoning standards. There are currently 267 exceptions within the residential zones of the by-law.

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Staff propose to create a new residential parent zone listing which are more applicable to lot area and frontage categorizations. The new zoning By-law proposes six single detached zones, one semi-detached zone, one special mixed housing zone, two townhouse zones and two apartment density zones. Site-Specific provisions will be harmonized into general residential zone categories where appropriate. Certain residential exception zones will continue to have existing zoning provisions maintained where appropriate.

The following is a table illustrating the general changes to the residential zone categories.

Current Zone	Proposed Zone	Performance Standards					
Categorization	Categorization						
RR	ER	No technical change, zone amendment to Estate					
Rural	Estate	Residential					
Residential	Residential	reduction					
ER	ER	No changes					
Estate	Estate	Exception zones to be consolidated where					
Residential	Residential	possible					
R1	R1	No changes					
Detached	Detached First	Exception zones to be consolidated where					
Dwelling First	Density	possible					
Density	Residential	P000.8.0					
Residential							
R1	R2	New residential zone, derived from existing R1 zone					
Detached	Detached	2000 m² lot area (minimum)					
Dwelling First	Second Density	20 m lot frontage (minimum)					
Density	Residential						
Residential							
R2	R3	No changes					
Detached	Detached Third	Exception zones to be consolidated where					
Dwelling	Density	possible					
Second Density	Residential	p c c c c c c c c c c c c c c c c c c c					
Residential							
R2	R4	New residential zone, derived from existing R2 zone					
Detached	Detached	370 m² lot area (minimum)					
Dwelling	Fourth Density	12 m lot frontage (minimum)					
Second Density	Residential						
Residential							
R2	R5	New residential zone, derived from existing R2 zone					
Detached	Detached Fifth	• 250 m ² lot area (minimum)					
Dwelling	Density	9 m lot frontage (minimum)					
Second Density	Residential						
Residential							

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R3 Semi-Detached and Duplex Dwelling Third Density Residential	R6 Semi-Detached and Duplex Dwelling Residential	No changes • Exception zones to be consolidated where possible
R4 Triplex and Double Duplex Fourth Density Residential	R7 Special Mixed Density Residential	No technical changes, zone amendment to Special Mixed Density Residential
R5 Special Mixed Density Residential	R7 Special Mixed Density Residential	No technical changes Permissions from R5 zone to remain R5 lands located within the Aurora Promenade to reflect corresponding Official Plan policies
R6 Row Dwelling Residential	R8 Freehold Townhouse Dwelling Residential	No changes • Exception zones to be consolidated where possible
R6 Row Dwelling Residential	R9 Block Townhouse Dwelling Residential	New residential zone, derived from existing R6 zone To reflect existing and proposed townhouse condominium developments within the Town Exception zones to be consolidated where possible
RA1 First Density Apartment Residential	RA1 First Density Apartment Residential	Zone standards to be altered to existing RA2 standards 130 m ² minimum lot area per unit 5 storey height maximum
RA2 Second Density Apartment Residential	RA1 First Density Apartment Residential	No changes
RA3 Third Density Apartment Residential	RA2 Second Density Apartment Residential	No changes • Exception zones to be consolidated where possible

Status update: Staff have prepared an updated residential zoning structure along with zoning charts for permitted uses and performance standards, which are available for review on the Comprehensive Zoning By-law Review webpage.

Special Mixed Density Residential (R5) Zone:

The existing Special Mixed Density Residential (R5) Zone is primarily located along Wellington Street East and Yonge Street and the historic residential neighbourhoods

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surrounding the Downtown Aurora. There are numerous exception zones to the R5 zoning which primarily permit office or retail uses along Wellington Street and Yonge Street reflective of their location. These zones will be re-zoned into a Promenade Overlay Zoning. Exception zones will be evaluated where appropriate to have existing exceptions maintained where appropriate.

The current R5 zoning also permits converted dwellings. There are a number of properties containing converted dwellings in these neighbourhoods. Staff are reviewing the suitability of the converted dwelling provisions from the R5 parent zoning as an as-of-right use. Existing converted dwellings would be re-zoned to an appropriate R5 exception zone to recognize the legal converted dwelling use.

Status update: Staff continue to evaluate the permitted uses within the Special Mixed Density Residential zone and the incorporation of the Aurora Promenade Overlay Zone.

Aurora 2C Residential Lands:

The Aurora 2C west lands comprises of approximately 3,000 residential units west of Leslie Street. Zoning for the residential neighbourhoods in the Aurora 2C lands was approved by Council on June 25, 2013. Zoning for the Aurora 2C lands will be appropriately re-categorized, however the approved zoning standards will be maintained.

Status update: No update required.

Aurora Promenade:

Specific Official Plan policies apply to the Aurora Promenade located within Downtown Aurora along Yonge Street and Wellington Street East. Current zoning in the Promenade Area is a mix of Commercial, Residential, Institutional, Industrial, Mixed Use and Environmental Protection zones.

The Aurora Promenade Secondary Plan policies outline permitted uses, siting specifications, built form and parking standards to the five (5) Promenade designations. Policy from the Promenade Plan and the Official Plan direct the creation of new zones for lands within the Promenade. These new zone categories will reflect the policies of the Promenade as prescribed in the Official Plan. The proposed Promenade zone categories include Downtown, Upper Downtown, Promenade Shoulder, Promenade General and Promenade Focus. A corresponding Promenade prefix will be added to each zone to allow the properties additional permitted uses. Therefore, a Residential (R or RA), Commercial (C), Employment (E), Institutional (I), Open Space (O1 or O2) or Environmental Protection (EP) prefix would remain to permit existing uses in addition to the appropriate Promenade Zoning.

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The approach of incorporating new Official Plan permitted uses is through a hybrid categorization of existing zones and new uses within the Promenade. Existing legal permitted uses and performance standards from the time of passing of the new zoning By-law would remain, with the addition of appropriate permitted uses from the Promenade designation. Prohibited or incompatible permitted uses or standards would be deleted from the new zoning standard. Site specific zoning will also be reviewed and maintained where appropriate.

The goal of the hybrid categorization is to broaden permitted uses and reduce minimum required parking provisions while recognizing the existing zone provisions of property within the Promenade. Promenade zones will be categorized under land use designations as prescribed in "Schedule B1" of the Official Plan (Figure 5) and sub categorized based upon existing Residential, Commercial, Institutional and Industrial zoning. The following is a table illustrating the general changes to the Promenade overlay zone categories.

Proposed Overlay Zoning	Description of Zone			
Structure				
PD	A wide variety of retail, commercial and office uses,			
Promenade Downtown	permitted within the historic downtown			
PUD	A wide variety of retail, commercial and office uses,			
Promenade Upper Downtown	permitted within the historic downtown- north of Wellington			
	Street			
PDS	Residential, Retail and office uses are permitted, but			
Promenade Downtown	historical street character is maintained.			
Shoulder				
PG	A wide variety of retail, commercial and office uses,			
Promenade General	permitted- increased height permissions			
PF	A wide variety of retail, commercial and office uses,			
Promenade Focus	permitted- greatest height permissions within Aurora			
	Promenade			

Status update: Proposed zoning charts for permitted uses and property standards for the Aurora Promenade have been prepared in draft and are under review by Staff. The Promenade Zones and corresponding performance standard charts represent the most significant change to the Town's Zoning By-law.

It is recommended that the Promenade overlay zone not apply to Employment zoned lands. This is to ensure that there is not an overabundance and potentially conflicting listing of permitted uses and a 'one size fits all' approach is not adopted to these areas and that Council has the opportunity to review development planning applications on an individual basis and in an overall planning context.

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Commercial Zones:

The proposed commercial zoning structure affects all commercial lands located outside of the Aurora Promenade. The commercial zoning structure will reflect the commercial land use designation outlined in "Schedule C" of the Official Plan. The number of Commercial parent zones will be reduced from ten (10) parent zones to six (6) parent zones to reflect common permitted uses, size and scale. The proposed zoning structure for Commercial Zones is as follows:

Current Zone	Proposed Zone	Performance Standards					
Categorization	Categorization	Lacel convenience vatellatours which comics as					
C1	C1	Local convenience retail stores which service an					
Local	Convenience	immediate residential neighbourhood					
Commercial	Commercial	No technical changes					
C2	C2	Local retail, personal services, restaurants and limited					
Central	Neighbourhood	offices, which service a broader residential					
Commercial	Commercial	neighbourhood					
		No technical changes					
C3	C3	Car dealerships, service stations and other auto-related					
Service	Service	uses					
Commercial	Commercial	No technical changes					
C4	C4	Retail stores, supermarkets, restaurants and other					
Shopping	Community	commercial uses primarily located along Bayview Avenue					
Centre	Commercial	No technical changes					
Commercial		-					
C5	C2 or C4	A mix of offices, commercial uses and limited employment					
Industrial		uses.					
Commercial		 Zone to be re-categorized into appropriate C2 or 					
		C4 commercial exception zone					
C6	C2 or C4	A mix of offices, medical offices and commercial uses.					
Office		 Zone to be re-categorized into appropriate C2 or 					
Commercial		C4 commercial exception zone					
C7	C6	Apartment dwelling units with supportive commercial uses					
Residential	Residential	including personal service shops, convenience retail					
Commercial	Commercial	stores and offices					
		No technical changes					
C8	C5	Big box stores, cinemas, department stores and other					
Enclosed	Major Retail	supporting commercial uses which generally serve all					
Shopping		residents within the Town. (Note: Lands currently zoned					
Centre		Business Park (BP-5) Exception Zone located at the					
Commercial		northeast corner of Wellington Street East and Leslie					
		Street will remain zoned as Business Park)					
		No technical changes					
C9	C4 or C5	Supermarkets, department stores and other supporting					
Campus		commercial uses which generally serve all residents					
Commercial		within the Town.					
		Zone to be re-categorized into appropriate C4 or					

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		C5 commercial exception zone			
C10 Special Commercial	C2 Neighbourhood Commercial	Site-specific commercial zones • Zone to be re-categorized into appropriate C2 exception zone			

The proposed zoning for the existing commercial zones Local Commercial (C1) Zone and Service Commercial (C3) will remain relatively unchanged, pending final conformity review to the Official Plan. Shopping Centre Commercial (C4), Industrial Commercial (C5) and Office Commercial (C6) zones are proposed to be reclassified into appropriate Neighbourhood Commercial or Community Commercial Zones. Central Commercial (C2) zones not located within the Promenade are proposed to be reclassified into an appropriate commercial zone based on their function and location. Residential Commercial (C7) zone has been re-categorized as Residential Commercial (C6) zone, however the uses of the zone will remain unchanged. Community Commercial (C8), Campus Commercial (C9) is proposed to be reclassified into an appropriate Major Retail or new Community Commercial zone. Finally, Special Commercial Exception (C10) Zone is proposed to be reclassified into the Neighbourhood Commercial Zone.

Permitted Uses will be adjusted where appropriate to reflect permitted uses identified in the Official Plan. Additional uses may be added or deleted to appropriate parent zones. Existing Building and Siting Specifications will be largely maintained in the new Zoning By-law. In the formation of new parent zones, existing exception zones may be harmonized into the new parent zoning category.

Status update: No update required

Employment Zones:

The proposed zoning structure for the remaining Industrial and Business Park zones will reflect the land use designation outlined in "Schedule A" of the Official Plan. The number of Employment parent zones will be reduced from seven (7) parent zones to three (3) parent zones. The proposed zoning structure for Employment Zones is as follows:

Current Zone Categorization	Proposed Zone Categorization	Performance Standards				
M1	E1	Light industrial, office, service or support related uses				
Restricted	Service	No technical changes				
Industrial	Employment	Official Plan conformity exercise				
M2	E2	Heavy industrial, office or manufacturing related uses				
General	General	No technical changes				
Industrial	Employment	Official Plan conformity exercise				
M3	E1 or E2	Zone is previously derived from the M1 zone.				
Industrial		 Zone to be categorized into appropriate E1 or E2 				
Service		zone.				

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M4 Prestige Industrial	E-BP Business Park	Zone category no longer exists within the Town • Zone to be categorized into appropriate Business Park exception zone.
M5 Restricted Industrial Specific	E1 or I	Zone is previously derived from the M1 zone. • Zone to be categorized into appropriate E1 or I zone.
M6 General Industrial Specific	E-BP Business Park	Heavy industrial, office and other related uses Zone to be categorized into appropriate Business Park exception zone
BP Business Park	E-BP Business Park	Lands designated Business Park within OPA 30 and specific employment lands where appropriate • No technical changes

The proposed zoning for the existing industrial zones Restricted Industrial (M1) and General Industrial (M2) will be updated to conform to the Official Plan. These employment zones will be renamed Service Employment and General Employment respectively. Lands within the Industrial Service (M3) zone are proposed to be reclassified to Service Employment or General Employment where appropriate. Prestige Industrial (M4) and General Industrial Specific (M6) zones are proposed to be reclassified to an appropriate Business Park exception zone as these employment zones mirror the permitted uses within existing Business Park zones. Lands within the Restricted Industrial Specific (M5) zone are proposed to be reclassified into an appropriate Employment or Institutional zone. Lands currently zoned as Business Park (BP) is proposed to maintain existing permitted uses and zoning provisions. Definitions for the Business Park will be incorporated into town-wide definitions where appropriate.

Permitted Uses within each of the zones will be adjusted to reflect the policies and permitted uses identified in the Official Plan. Existing lands zoned Business Park will retain existing Business Park zoning standards and permitted uses.

Status update: Employment zoned lands will not be included within the Promenade overlay zone.

Open Space and Environmental Protection Zones:

The Comprehensive Zoning By-law Review proposes to re-categorize Open Space zones into clearly defined categories. The proposed categories are Public Open Space (O1) and Private Open Space (O2) zones.

Existing Environmental Protection Zoning is reflected from floodplain delineation in the mid-1990s. Environmental Protection lands will be adjusted to reflect existing Regulation Limits and Flood Lands as provided in digital mapping, from the Lake

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Simcoe Region Conservation Authority and the Toronto Region and Area Conservation Authority. In this regard, circumstances will exist where lands currently zoned Environmental Protection due to out of date mapping will be amended to the appropriate residential, commercial, or employment zoning. Conversely, lands zoned residential, commercial, employment, institutional or open space that are subject to flood hazard regulation will now have a floodplain overlay zone "(F)" which references the property and any future development applications will be directed to the appropriate Conservation Authority for applicable regulatory permits.

Status update: Evaluation of the proposed floodplain overlay zone by Town Staff in consultation with the LSRCA, will now include lands included within the floodplain and lands within a meanderbelt feature. Both features have been identified as controlled areas under the Lake Simcoe Protection Plan by the LSRCA. As shown in Figure 4, the overlay zone does not contain lands within the protected Natural Core Area, Natural Linkage Area or Countryside Area of the Oak Ridges Moraine, as existing ORM schedules continue to apply over this portion of the Town. The floodplain overlay zone will now be known as a natural hazard "(NH)" overlay zone.

Institutional Zones:

Institutional zoning outside of the Aurora Promenade will remain largely unchanged. The Comprehensive Zoning By-law Review will consolidate existing Institutional exception zones where appropriate.

Status update: No update required.

Rural General Zones:

Lands currently zoned Rural General will remain largely unchanged. Several Rural General Exception zones are no longer in force and are proposed to be removed from the By-law. Lands located on the south side of Wellington Street East, east of Bayview Avenue (Magna Employment Lands) are currently in a Rural General Exception zone but are used for Business Park purposes. Staff will evaluate the most suitable zoning category for the lands.

Status update: No update required.

Oak Ridges Moraine Zones:

The current provisions and permitted uses of the Oak Ridges Moraine Conservation Plan Area (By-Law 4469-03) will be maintained to stay in conformity with the *Oak Ridges Moraine Conservation Act (2001)* and the *Greenbelt Act (2005)*. Definitions specific to the current Oak Ridges Moraine section of the By-law will also be maintained. Existing mapping for Key Natural Heritage features, Aquifer Vulnerability

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Areas, Wellhead Protection Areas and Landform Conservation Areas will be maintained.

Status update: No update required.

Holding Zones:

Several isolated residential parcels within the Town continue to have a Holding zone placed on the lands. Holding (H) zones will be re-zoned to an appropriate residential zoning where appropriate.

Status update: No update required.

Exception Zones:

Exception zones as approved by Council are important to maintaining Council direction to site specific provisions of the Zoning By-law. The current structure of By-law 2213-78 places Exception zones within the associated appropriate parent zone. This structure is cumbersome to administer and will be amended to eliminate multiple lists of exception provisions within each zone categorization.

The goal of the Comprehensive Zoning By-law Review is to categorize all Exception zones in a separate category for ease of reference and administration. All Exception zones will be placed under a specific sub-heading at the end of the By-law and renumbered based upon the time of passing of each Exception zone. The result would allow staff to better administrate for all exception zones in the Town.

Status update: No update required. The Exception section of the By-law is a technical exercise and largely dependent on the provisions and standards of the present zone categories. As such, the list of exception zones will not be finalized until later in the review process and have not been provided in the first draft of the Zoning By-law.

Mapping:

Accurate mapping is crucial to having a Zoning By-law that is understandable and administratively efficient. Current mapping technologies will allow greater accuracy in the new zoning By-law. Changes to mapping will occur almost exclusively within the Aurora Zoning Map (Schedule "A") of the Zoning By-law. Key Natural Heritage Features & Hydrologically Sensitive Features (Schedule "B"), Aquifer Vulnerability Areas (Schedule "C"), Wellhead Protection Areas (Schedule "D") and Landform Conservation Areas (Schedule "E") will not be changed beyond the corresponding Schedule "A" overlay. Changes to zoning boundaries will be identified and corrected through appropriate residential, commercial, employment, institutional and open space mapping review.

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Revised mapping has been included within this report for illustration purposes. The following figures include updated mapping based upon staff review. Changes to mapping include the creation of a Natural Hazard Overlay Zone and the structure of the Promenade Overlay Zone.

- Figure 1- Existing Residential Zones identify detached, semi-detached, townhouse and apartment residential uses in the Town.
- Figure 2- Existing Commercial and Industrial Zones within the Town, including lands identifies as Business Park and Rural General Exception Zones (Magna Industrial Lands).
- Figure 3- Existing Open Space, Environmental Protection and protected Oak Ridges Moraine Zones.
- Figure 4- Proposed Natural Hazard Overlay Map- Draft Schedule "B"- Staff has
 prepared a preliminary Natural Hazard Overlay Map which encompasses the latest
 floodplain and meanderbelt features provided by the Lake Simcoe Region
 Conservation Authority. Any proposed development located within a floodplain or
 regulation limit requires consultation with the appropriate Conservation Authority.
- Figure 5- Schedule "B1" of the Official Plan identifies the land use designation for the Aurora Promenade. Proposed Zoning of lands within the Aurora Promenade will reflect this land use designation structure.
- Figure 6 A & 6B- A sample series of existing and proposed zoning maps for Aurora Promenade lands.

Status update: Mapping for the Comprehensive Zoning By-law Review is under review by Staff. A draft Schedule B has been prepared for review. Schedule B identifies the Natural Hazard Overlay Zones which are described in Section 6 of the proposed By-law. Promenade mapping is being finalized and will be provided in a future By-law draft edition.

Administration and Enforcement:

Administration and Enforcement sections of the By-law are critical to the implementation of zoning provisions within the By-law. Enforcement standards will be updated to current policies as outlined in the *Planning Act* and the *Municipal Act*.

The Administration Section of the By-law is currently located near the end of the By-law (Section 40). The Administration Section will be moved to the beginning of the new By-law, clearly stating remedies and validity to all sections of the By-law and providing reference to penalties to the Zoning By-law.

Status update: No update required.

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Minor Variances:

Minor Variances to the By-law are granted by the Town's Committee of Adjustment as a change to a property which does not precisely conform to the provisions of the Zoning By-law. Applicants often apply for a Minor Variance to request minor alterations such as a yard encroachment, lot coverage, deck enlargement, driveway widening, or building height.

Properties which had a minor variance approved under By-law 2213-78 will continue to exist as a legal non-conforming status. For recently approved minor variances, staff is proposing a sunset clause to be included in the By-law to allow the applicant a window of time to construct or bring into effect the approved variance.

Status update: No update required.

Public Comment:

Planning and Development Services received input from the public and internal departments since 2011 for the Comprehensive Zoning By-law Review. Comments at the February 26, 2014 Public Planning meeting were provided by stakeholders and members of the public. Since the Public Planning Meeting, additional comments have been received regarding definitions, general provisions and specific properties within the Town. Comments have been received by stakeholders including, but not limited to: Infrastructure Ontario, Bell Canada, Ontario Restaurant Hotel and Motel Association and specific home owners within the Town of Aurora. Comments received from the public will be addressed in the technical review and included in a comprehensive report at a future General Committee Meeting.

LINK TO STRATEGIC PLAN

While the Zoning By-law review process supports all of the Goals and Objectives of the Town's Strategic Plan in some fashion, the most relevant goals are: Supporting an exceptional quality of life for all and enabling a diverse, creative and resilient economy. The relevant supporting objectives include: Strengthening the fabric of our community and promoting economic opportunities that facilitate the growth of Aurora as a desirable place to do business.

As previously mentioned, the new Zoning By-law will implement the Town's new Official Plan. The Official Plan contains an entire chapter devoted to the "Aurora Promenade" planning area which runs along Yonge and Wellington Streets. One of the primary goals of planning for the "Aurora Promenade" is to strengthen the downtown by putting into place policies which further protect the Town's heritage resources and promote appropriate and compatible redevelopment for the urban corridors. It is for these reasons that the key action item of the Strategic Plan to actively promote and support a plan to revitalize the downtown is realized.

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ALTERNATIVE(S) TO THE RECOMMENDATIONS

- 1. Council has the option to direct changes to the proposed Comprehensive Zoning By-law.
- 2. Schedule additional Public Planning Meetings.

FINANCIAL IMPLICATIONS

Council allocated funding of \$120,000 for the Zoning By-law Review in the 2010 and 2011 Budget (Capital Project No. 81004). These funds are sufficient to complete the Comprehensive Zoning By-law Review.

PREVIOUS REPORTS

- 1. General Committee Planning Report No.PL12-053, Comprehensive Zoning Bylaw Review, dated, November 6, 2012; and
- 2. General Committee Planning Report No.PL13-051, Comprehensive Zoning Bylaw Review, dated, October 15, 2013.
- 3. Public Planning Meeting Report No. PL14-012, Comprehensive Zoning By-law Review, dated, February 26, 2014.
- 4. General Committee Planning Report No.PL15-002, Comprehensive Zoning Bylaw Review- Status Update, dated, January 13, 2015.

CONCLUSIONS

Planning & Development Services are in the process of the Town's Zoning By-law review which will ultimately result in the enactment of a new Zoning By-law for the Town. The goals of the review are to implement the new Official Plan, replace the current dated By-law, resolve any known issues with the current By-law, to reduce the number of site specific zones and establish more progressive and up to date By-law standards. The Comprehensive Zoning By-law Review will mark the first time the Town will have a new By-law since 1978. Public consultation and input into this process will occur through the statutory Public Meeting and will continue to occur throughout the process.

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Report No. PL15-024

ATTACHMENTS

Figure 1- Existing Residential Zones

Figure 2- Existing Commercial and Industrial Zones

Figure 3- Existing Open Space, Environmental Protection and Oak Ridges Moraine Zones

Figure 4- Proposed Natural Hazard Overlay Map

Figure 5- Aurora Promenade Schedule "B1" -Town of Aurora Official Plan

Figure 6A- Existing Zoning Promenade- Sample Area

Figure 6B- Proposed Zoning Promenade- Sample Area

Comprehensive Zoning By-law Review-

Technical Papers- www.aurora.ca/comprehensivezoningreview

Comprehensive Zoning By-law Review-

First Draft (Ed 1.1), dated November 2014- www.aurora.ca/comprehensivezoningreview

PRE-SUBMISSION REVIEW

Executive Leadership Team Meeting - March 26, 2015

Prepared by: Jeff Healey, BES, Planner- Ext. 4349

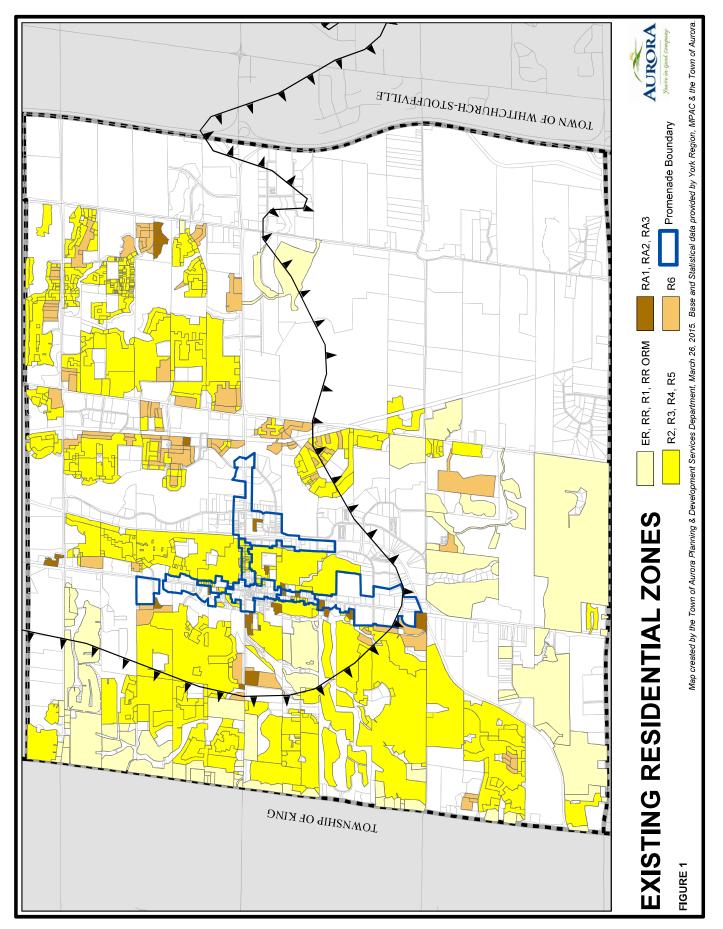
Marco Ramunno, MCIP, RPP

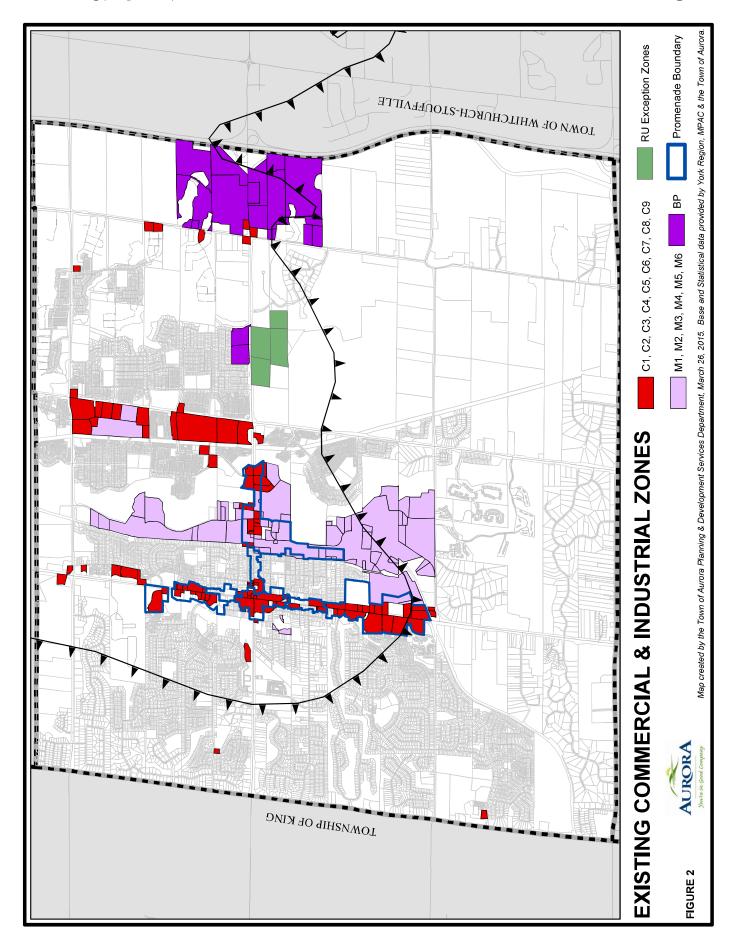
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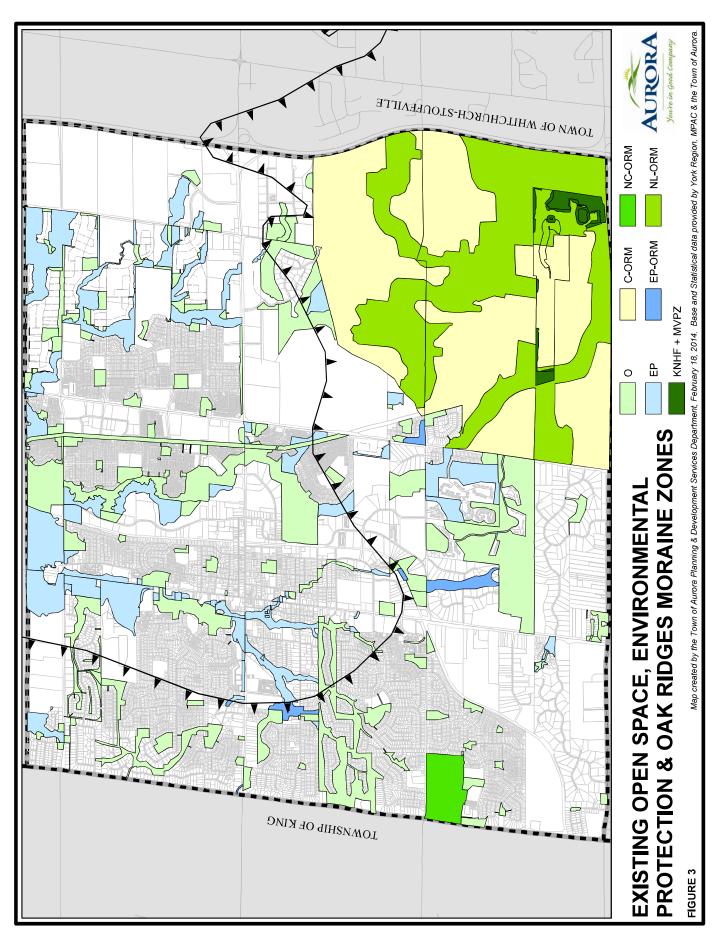
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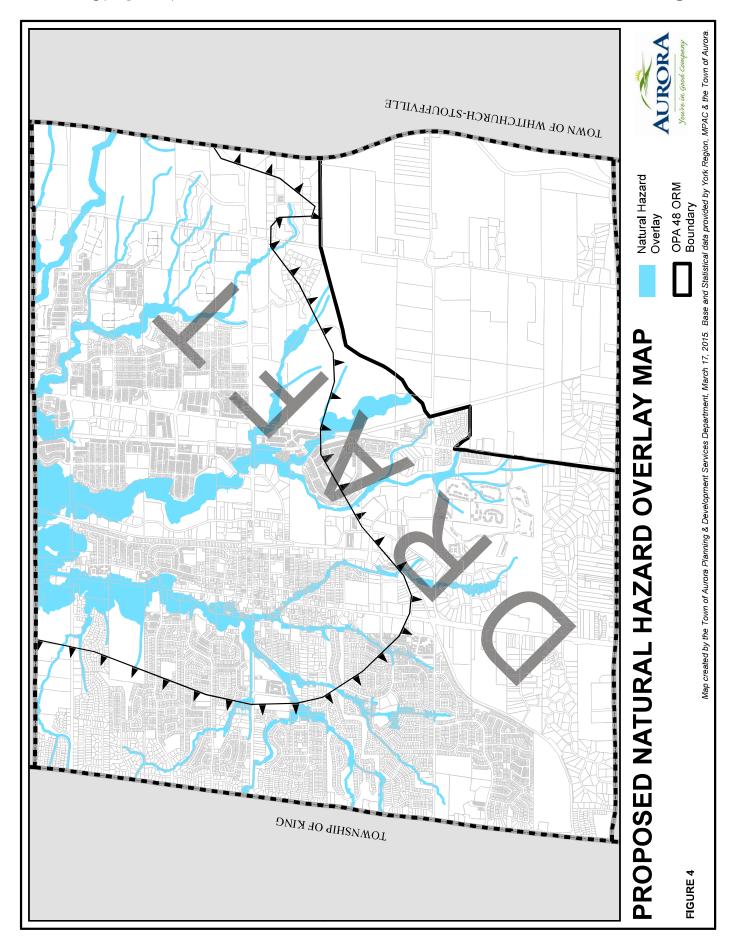
Neil Garbe

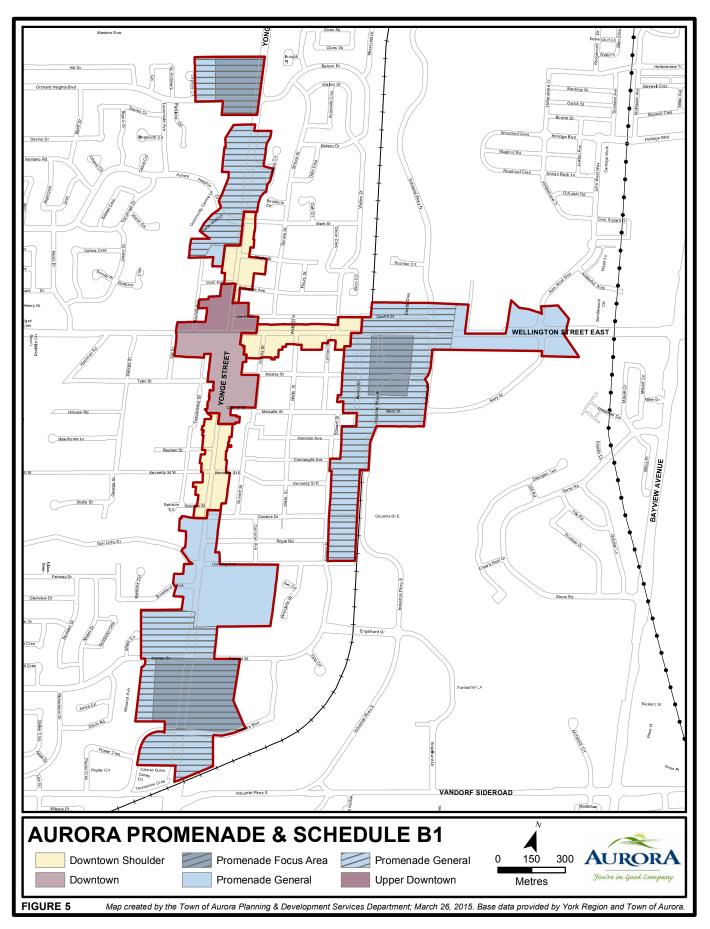
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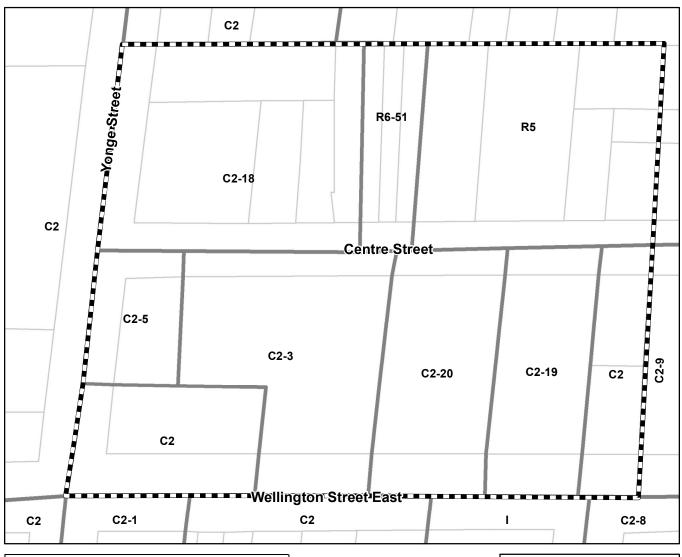








EXISTING ZONING PROMENADE



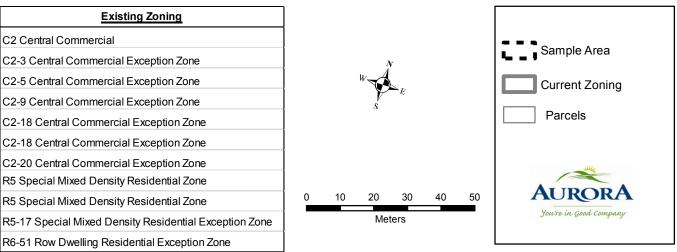
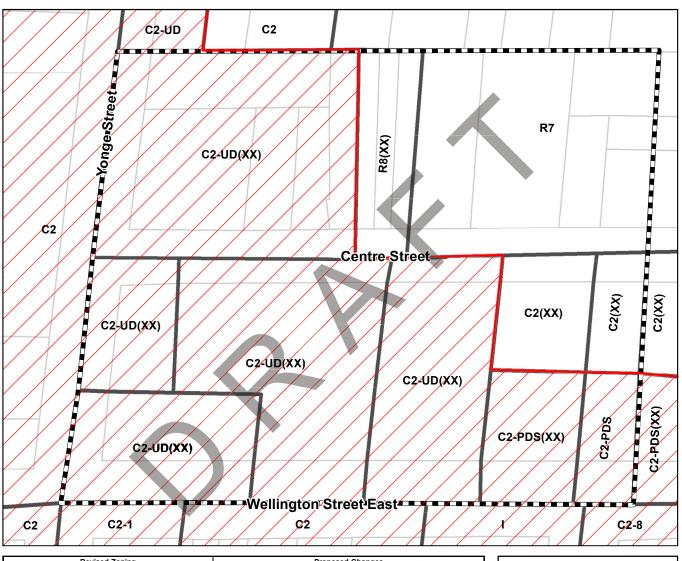


FIGURE 6A

Map created by the Town of Aurora Planning & Development Services Department, March 26, 2015. Base and Statistical data provided by York Region, MPAC & the Town of Aurora.

PROPOSED ZONING PROMENADE SAMPLE AREA



Revised Zoning	Proposed Changes				
C2-UD Commercial- Upper Downtown Zone	Split Zone- Update Permitted Uses and Performance standards, consistent with Aurora Promenade Plan- Upper Downtown Area				
C2-UD(XX) Commercial- Upper Downtown Exception Zone	Review existing Permitted Uses and add Permitted Uses and Performance standards, consistent with Aurora Promenade Plan- Upper Downtown Area				
C2-UD(XX) Commercial- Upper Downtown Exception Zone	Review existing Permitted Uses and add Permitted Uses and Performance standards, consistent with Aurora Promenade Plan- Upper Downtown Area				
C2-PDS(XX) Commercial- Downtown Shoulder Exception Zone	Split Zone- Review existing Permitted Uses and add Permitted Uses and Performance standards, consistent with Aurora Promenade Plan- Downtown Shoulder Area				
C2-UD(XX) Commercial- Upper Downtown Exception Zone	Review existing Permitted Uses and add Permitted Uses and Performance standards, consistent with Aurora Promenade Plan- Upper Downtown Area				
R7 Special Mixed Density Residential Zone	R7 provisions under review, revised performance standards				
R7-PDS Residential- Downtown Shoulder Zone	Possible Split Zone- Review existing Permitted Uses and add Permitted Uses and Performance standards, consistent with Aurora Promenade Plan- Downtown Shoulder Area				
R7-PDS(XX) Residential- Downtown Shoulder Exception Zone	Review existing Permitted Uses and add Permitted Uses and Performance standards, consistent with Aurora Promenade Plan- Downtown Shoulder Area				
R8(XX) Townhouse Residential Exception Zone	Re-categorized to new zoning classification, revised performance standards				



FIGURE 6B 0 10 20 30 4



Map created by the Town of Aurora Planning & Development Services Department, March 26, 2015. Base and Statistical data provided by York Region, MPAC & the Town of Aurora.



No. PL15-028

SUBJECT: Interim Control & Proposed Zoning By-law

Medical Marihuana Production Facilities (MMPFs) Study

File No. ZBA-2014-02

FROM: Marco Ramunno, Director of Planning & Development Services

DATE: *April 8, 2015*

RECOMMENDATIONS

THAT Report No. PL15-028 be received; and

THAT staff be directed to draft an implementing Zoning By-law amendment pertaining to Medical Marihuana Production Facilities (MMPFs) for review and discussion at an upcoming General Committee Meeting.

PURPOSE OF THE REPORT

The purpose of this report is to present to Council and the public the findings of the Town's Medical Marihuana Production Facilities (MMPFs) study and to fulfill the Town's Statutory Public Planning Meeting requirements under the *Planning Act*.

BACKGROUND

History of Interim Control By-law No. 5626-14

Council passed ICBL No. 5626-14 to prohibit the use of Employment Lands for MMPFs on May 27, 2014 for a period of one year. This was in response to a request from a licensed medical marihuana producer inquiring as to whether MMPFs were permitted on a specific property that is zoned for industrial uses on employment lands. The response from Town staff was that MMPFs are not listed as a permitted use and that the Town intends to complete a study to determine the appropriate location and zoning for such a use.

History of the Marihuana for Medical Purposes Regulations (MMPR)

In response to a court case that required reasonable access to a legal source of marihuana when authorized by a physician, the federal government introduced the "Marihuana Medical Access Program" and the "Marihuana Medical Access Regulations" which allowed individuals to produce medical marihuana in their homes in 2001.

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Report No. PL15-028

Under these original regulations, qualified individuals were licensed to grow marihuana in their homes or purchase it from Health Canada for medical purposes. Concern was expressed by various stakeholders including police, fire officials, and municipalities regarding public health, safety and security.

As a result of enormous growth in the program (less than 100 authorized users at the start of the program to almost 40,000 currently), the regulations were recently revised and renamed "Marihuana for Medical Purposes Regulations" (MMPR). These new regulations came into force on April 1, 2014. Under these new regulations, licenses to produce marihuana are only given to commercial producers, and include permission to grow marihuana plants as well as permission for the processing, selling, and shipping of marihuana. The new regulations allow health care practitioners to sign a document enabling patients to purchase marihuana from licensed producers. Health Canada licenses the commercial producers, who are required to comply with regulations regarding product quality, personnel, record-keeping, safety, security, disposal, and reporting.

COMMENTS

Best Practices

The location of MMPFs in industrial zones has been a challenge for numerous municipalities since the new regulations came into effect. Several municipalities have passed zoning by-law amendments to regulate MMPFs by restricting them to certain zones and requiring appropriate setbacks to residential zones or sensitive uses. Attachment 1 provides a summary of the approach used in a number of municipalities to plan for MMPFs.

Within York Region

Within York Region, The Towns of Newmarket and East Gwillimbury are also studying MMPFs. Newmarket intends on bringing a zoning by-law to Council in the future. Furthermore, Richmond Hill has already passed a by-law to regulate MMPFs which contain the following provisions:

- MMPFs are only permitted in industrial zones;
- MMPFs are not permitted on lots that abut an arterial road;
- MMPFs are required to have a minimum distance separation of 70 metres (229.6 feet) from any sensitive land use (dwelling units, long term care facilities, public schools, private schools, day nurseries, community centres, parks, places of worship and hospitals);

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Report No. PL15-028

- a lot containing an MMPF is not permitted to be used for any other purpose;
- on-site retail is prohibited;
- all activities associated with the MMPF are required to be carried out in a wholly enclosed building;
- outdoor storage is prohibited; and
- loading spaces are required to be located in a wholly enclosed building.

The City of Markham is currently undergoing a comprehensive zoning by-law review and will examine if any special provisions, such as distance separations, are necessary as they relate to MMPFs. Currently Markham interprets MMPFs as a commercial manufacturing facility and permits them in their industrial areas/zones.

Other Ontario Municipalities

Through this study, staff found that all municipalities which have zoning by-laws specifically regulating MMPFs also regulate their distance to residential and other sensitive uses. Typically municipalities use a distance separation of either 70 metres (229.6 feet) or 150 metres (492 feet). The 70 metre distance separation is consistent with the MOE Guidelines for Separation between Industrial and Sensitive Land Uses. The industry representatives who were consulted through this study recommended a distance separation of 150 metres; in order to mitigate against any potential odor emissions.

Furthermore, staff also found that MMPFs are typically only permitted in rural/agricultural zones and industrial zones. Other zoning provisions used to regulate MMPFs include those listed above being used by Richmond Hill, as well as the prohibition of retail uses, advertising type signage and minimum distance separation between MMPFs.

Security Requirements

One of the primary concerns regarding medical marihuana production is security. The MMPR introduced stringent security measures which were not required under the old regulations. Under these new regulations, the perimeter of a MMPF site must be visually monitored at all times by visual recording devices. Furthermore, the perimeter of the site must also be secured by an intrusion detection system that operates and is monitored at all times. If any occurrence is detected, the personnel must make a record of the date, time of the occurrence and the measures taken in response to it; including the date and time when they were taken.

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Report No. PL15-028

There are also stringent regulations with respect to access. The MMPF site must be designed in a manner that prevents unauthorized access. Access to each area where cannabis is present must be restricted to persons whose presence is required by their work responsibilities. A responsible person in charge or their alternate must be physically present while other persons are in the areas where cannabis is present. A record must also be made of the identity of every person entering or exiting those areas.

Air Filtration

The new regulations also contain provisions with respect to air filtration, and requires MMPFs to be equipped with a system that filters air to prevent the escape of odours; and if present, pollen or other particles.

License requirements relevant to local municipalities

In addition to the above noted security and filtration requirements, there are other MMPR licence requirements which are relevant to local municipalities. The applicant must now make a declaration in writing verifying that they have provided notice to local authorities (municipality, police and fire department) of the application and location of where the applicant proposes to locate the MMPF. Furthermore, any production must be indoors and not in a private dwelling; however production can occur in a greenhouse provided the required security measures are in place. Finally, retail is not permitted as part of any licensed operation; product is required to be shipped through secured shipping methods only.

Proposed Implementing Zoning By-law

Although an implementing zoning by-law has not yet been drafted, some of the provisions which staff intend to include are:

- MMPFs will be only be permitted in the business park area located along the Highway 404 corridor;
- 150 metre (492 foot) distance separation between MMPFs;
- 150 metre (492 foot) distance separation to a sensitive land use;
- a lot containing an MMPF is not permitted to be used for any other purpose;
- on-site retail is prohibited;
- all activities are required to be carried out in a wholly enclosed building;

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Report No. PL15-028

- outdoor storage is prohibited; and
- advertising is prohibited.

The above zoning provisions are based on best practices as described in this report. With the application of the 150 metre (492 foot) distance separation to sensitive land uses, the only viable location for MMPFs within an employment area is the business park located between Leslie Street and Highway 404. The exception to this is the Industrial Parkway South and Engelhard Drive area. However, staff are recommending the business park area located along the Highway 404 corridor for MMPFs due to its location and because it is a greenfield development area.

LINK TO STRATEGIC PLAN

Assuring the appropriate location for MMPFs will support the Strategic Plan goal of supporting an exceptional quality of life for all.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

- 1. Council can direct staff to implement the regulation of MMPFs through the new zoning by-law consolidation process. If council chooses this option, they may wish to extend the ICBL to ensure protection against private zoning by-law amendment applications.
- 2. Council can also direct staff to report back to a future public planning meeting identifying how any unresolved issues have been addressed.

FINANCIAL IMPLICATIONS

Not applicable; the MMPFs study is being conducted by Town staff.

PREVIOUS REPORTS

Report No. PL14-040 dated May 27, 2014.

CONCLUSIONS

Council passed Interim Control By-law No. 5626-14 to prohibit the use of Employment Lands for MMPFs on May 27, 2014. This was in response to a request from a licensed medical marihuana producer inquiring as to whether MMPFs were permitted on a specific property that is zoned for industrial uses. Since that time, staff have been studying MMPFs, including best practices being used by other municipalities, so that they can be properly regulated through the Town's zoning by-law.

Special Council - Public Planning Meeting Agenda Wednesday, April 8, 2015

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April 8, 2015

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Report No. PL15-028

It is therefore recommended that Council direct staff to draft an implementing zoning bylaw for their consideration; subject to the resolution of any outstanding issues.

ATTACHMENTS

Attachment 1: Municipal Land Use Approaches to Regulating MMPFs Attachment 2: Location Map - Employment Lands Suitable for MMPFs

PRE-SUBMISSION REVIEW:

Executive Leadership Team - March 26, 2015

Prepared by: Fausto Filipetto, Senior Policy Planner, Ext. 4342

Marco Admunno, M.C.I.P., R.P.P. Director of Planning & Development

Services

Neil Garbe

Chief Administrative Officer

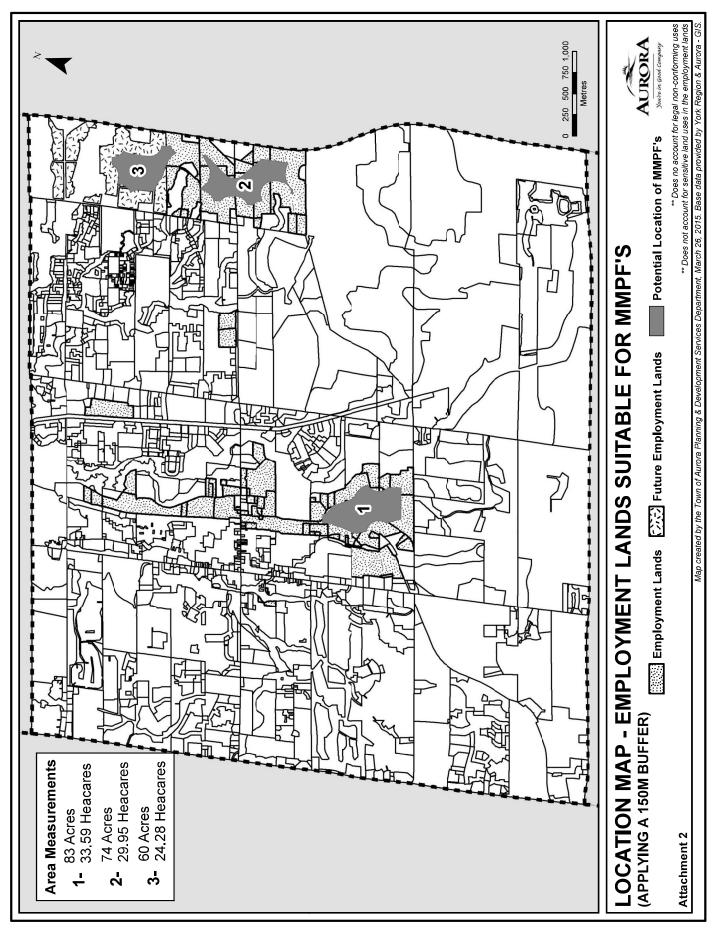
Attachment 1

WOOD BULLetin

Table 1. Municipal Land Use Approaches to Regulating MMPFs (Select By-laws)

	Permitted As of Right		Defined Use, Specific Zones					Requires Site Specific ZBLA	
	Smiths Falls	Windsor	Fort Erie	Milton	Ottowa	Port Col- borne	Torento	Chatham- Kent	West Lincoln
Zoning By-law Status	N/A	N/A	By-law 07- 2014 pussed 20 January 2014; in force	Part of new comprehensive zoning by-law passed 24 Feb 2014; appealed to DMB	By-law 2014-74 passed 26 Feb 2014; appealed to OMB	By-law 6059/25/14 passed 14 April 2014; appeal period pending	Council adopted recommendations for by-law 2 April 2014; by-law enactment forthcoming (date to be determined)	By-law 1-2014 possed Jan 2014; in force	By-law 2014- 17 possed 24 March 2014; in force
Agricul- tural Zones	1 No	No	Yes; 70 m setback to residential zones and sensitive uses	No	No	Yes; 150 m setback to sensitive uses (defined term)	M/A	Yes (subject to site-specific zoning by-law amendment); 75 m setbock to various zones in pri- mory urban area (100 m in other oreas)	Yes (subject to site specific zoning by-law amendment); 150 m setback to neighbour- ing lot lines
Indus- trial Zones	Yes	Yes	Yes; 70 m setback to residential zones and sensitive uses	Yes; 70 m setback to various zones and sensitive uses	Yes; 150 m set- back to residential and institu- tional zones	No	Yes; 70 m setback to various zones and sensitive uses	Yes (subject to site-specific zoning by-law amendment); 75 m setback to various zones in pri- mary urban area (100 m in other areas)	Yes (subject to site specific zoning by-law amendment); 45 m setback to residential ar institutional uses on adja- cent lot
Rural Zones	No	No	Yes; 70 m setback to residential zones and sensitive uses	No	Yes; 150 m set- back to residential and institu- tional zones	Yes; 150 m setback to sensitive uses (defined term)	N/A	Yes (subject to site-specific zoning by-law amendment); 75 m setback to various zones in primary urban area (100 m in other areas)	No
Other Zones	No	No	Existing Open Spoce Zone 70 m setbock to residential zones and sensitive uses	No	No	No	No	No	No

Note: This table has been prepared by Wood Bull LLP for information only. Please consult the by-laws for the exact language and references.



THE CORPORATION OF THE TOWN OF AURORA

By-law Number 5705-15

BEING A BY-LAW to Confirm Actions by Council Resulting From Special Council – Public Planning Meeting on April 8, 2015

THE COUNCIL OF THE CORPORATION OF THE TOWN OF AURORA HEREBY ENACTS AS FOLLOWS:

- THAT the actions by Council at its Special Council Public Planning meeting held on April 8, 2015 in respect of each motion, resolution and other action passed and taken by the Council at the said meeting is, except where prior approval of the Ontario Municipal Board is required, hereby adopted, ratified and confirmed.
- 2. THAT the Mayor and the proper officers of the Town are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required and to execute all documents as may be necessary in that behalf and the Clerk is hereby authorized and directed to affix the corporate seal to all such documents.

READ A FIRST AND SECOND TIME THIS 8TH DAY OF APRIL, 2015.

READ A THIRD TIME AND FINALLY PASSED THIS 8TH DAY OF APRIL, 2015.

GEOFFREY DAWE, MAYOR

PATTY THOMA, DEPUTY CLERK