

**THE CORPORATION OF THE TOWN OF GEORGINA**

**REPORT NO. DS-2024-0065**

**FOR THE CONSIDERATION OF  
COUNCIL**

**November 13, 2024**

**SUBJECT: APPLICATION TO AMEND ZONING BYLAW NO. 500 AND 600  
PROPOSED TEMPORARY USE BYLAW  
PART OF LOTS 7 AND 8, CONCESSION 7 (NG)  
23725 MCCOWAN ROAD, GEORGINA**

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**1. RECOMMENDATIONS:**

- 1. That Council receive Report DS-2024-0065 prepared by the Development Planning Division, Development Services Department dated November 13, 2024 respecting an application to amend Zoning By-law No. 500 and 600 submitted by Laura LaPierre on behalf of Carlo Dimambro and Melissa Morton for lands municipally addressed as 23725 McCowan Road;**
- 2. That in the event no public or Council concerns are raised at the public meeting warranting investigation and a further meeting, Staff recommend the following:**
  - i) That Council approve the Zoning Bylaw Amendment application and request for a temporary use bylaw submitted by Laura LaPierre on behalf of Carlo Dimambro and Melissa Morton for lands municipally addressed as 23725 McCowan Road for the purpose of allowing for the temporary existence of 3 single detached dwellings on the property for a period of up to three years from the date the bylaw is in force and effect;**
  - ii) That pursuant to Section 34(17) of the Planning Act, in the event minor revisions are necessary respecting the proposed amending zoning bylaw, further notice shall not be required; and,**
  - iii) That Council authorize the Mayor and Clerk to execute an agreement between the Town and the applicant to ensure removal of the temporarily retained dwelling and the posting of appropriate securities prior to the lapsing of the three-year temporary use bylaw.**

**Or, alternatively,**

- 3. That in the event concerns are raised by the public or Council which require further investigation, Staff recommend the following:**

- i) That Staff report further to Council following the assessment of all Town Department and external agency comments presented in Report No. DS-2024-0065, as well as any comments raised by the public and Council at the Public Meeting; and,
- ii) That Staff provide written notice of the next Council meeting, a minimum of two weeks in advance of the date of said meeting, to the following:
  - a) Any person or public body that has requested to be notified of any future Council meeting(s); and,
  - b) Any person or public body that has requested to be notified of Council's decision regarding the approval or refusal of the subject application.

**2. PURPOSE:**

The purpose of this report is to provide Staff’s preliminary analysis, outline comments received and provide recommendations respecting an application for a Temporary Use Zoning By-law Amendment (ZBA) submitted by Laura LaPierre on behalf of Carlo Dimambro and Melissa Morton to permit an existing two-storey dwelling to temporarily remain on the property while a new replacement dwelling is constructed.

**3. BACKGROUND:**

**3.1 SUBJECT PROPERTY AND SURROUNDING LAND USES**

The subject property is located on the east side of McCowan Road, north of Glenwoods Avenue. The property currently contains a variety of agricultural uses, several farm buildings, and two single detached dwellings.

- North:** Agricultural and Rural Residential Uses
- South:** Agricultural and Rural Residential Uses
- East:** Agricultural and Rural Residential Uses, Wetland and Woodland
- West:** Agricultural and Rural Residential Uses

Refer to *Table 1* below for a summary of property information.

| <b>Table 1 – Summary of Property Information</b> |   |
|--|---|
| <b>General Property Information</b>              |   |
| <b>Municipal Address</b>                         | 23725 McCowan Road                                |
| <b>Legal Description</b>                         | N.G. CON 7 PT; LOTS 7 AND 8 RP 65R8799 PT; PART 1 |
| <b>Roll Number</b>                               | 197000011356500                                   |
| <b>Lot Frontage</b>                              | 532.3 metres                                      |
| <b>Lot Area</b>                                  | 805,802 Square Metres                             |

|  |  |                 |
|--|--|-----------------|
| <b>Zoning</b>                                    | Rural  |                 |
| <b>Official Plan Designation</b>                 | Agricultural Protection Area and Environmental Protection Area                 |                 |
| <b>York Region Official Plan</b>                 | Agricultural Area  |                 |
| <b>Related Applications</b>                      | None   |                 |
| <b>Land Use and Environmental Considerations</b> |  |                 |
| <b>Existing Structures</b>                       | Two single detached dwellings, several farm buildings and accessory structures |                 |
| <b>Proposed Structures</b>                       | A replacement single detached dwelling   |                 |
| <b>Key Natural Heritage Features</b>             | Woodland and wetland (to the rear of property)                                 |                 |
| <b>Natural Hazards</b>                           | Floodplain (to the rear of the property)                                       |                 |
| <b>Regulatory Status</b>                         |  |                 |
| <b>Heritage Status</b>                           | Neither listed nor designated  |                 |
| <b>LSRCA</b>                                     | Yes  |                 |
| <b>MTO</b>                                       | No   |                 |
| <b>Servicing</b>                                 |  |                 |
|  | <b>Existing</b>  | <b>Proposed</b> |
| <b>Water</b>                                     | Private  | Private         |
| <b>Sanitary</b>                                  | Private  | Private         |
| <b>Access</b>                                    | McCowan Road   | McCowan Road    |

Refer to Attachments 1 and 4 for the location map and site photos of the subject property respectively.

### 3.2 PROPOSAL

The application proposes to facilitate the construction of a new single detached dwelling on the property. A Temporary Use Zoning Bylaw Amendment (ZBA) application has been submitted to permit the existing two-storey dwelling to be temporarily occupied while the replacement dwelling is constructed and where there is already a second detached dwelling on the property. The proposed one-storey replacement dwelling will include an accessory apartment and an attached garage.

### 3.3 SUBMISSION MATERIALS

Refer to Attachment 3 for a summary of all submission documents. Submitted documents are available from the Development Planning Division or via the below link:

[Submission Documents](#)

#### **4. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:**

##### **4.1 PUBLIC CONSULTATION**

An initial submission was provided to the Town on August 15, 2024. All outstanding materials requested by the Town were received on October 4, 2024. The application was deemed complete via letter on October 10, 2024.

A Notice of Complete Application and Public Meeting was mailed to all assessed property owners within 120 metres of the subject property on October 17, 2024, and a public notice sign was posted on the property on October 11, 2024. For additional notification, the Public Meeting Notice was also posted to the Town website on October 17, 2024.

At the time of writing this report, no comments from members of the public have been received.

##### **4.2 EXTERNAL AGENCY AND TOWN DEPARTMENT COMMENTS**

Town department and agency comments received are available in Attachment 6 and are summarized below.

###### **Development Engineering Division**

The Development Engineering Division has advised that the applicant will need to apply for a Site Alteration and Entrance Permit (SAEP) during the building permit phase.

###### **Georgina Fire Department**

The Fire Department has requested that all construction be in conformance with the Ontario Building Code.

###### **Lake Simcoe Region Conservation Authority (LSRCA)**

The LSRCA has no concerns related to the proposal and has noted that a permit will not be required as the proposal is located outside of the regulated area.

###### **York Region**

York Region has indicated no objections to the proposal and has stated that the Region has no regional interests as it is a matter of local significance.

The below departments / agencies have no comment:

- Enbridge Gas Distribution

- Economic Development and Tourism Division
- Rogers Communication
- Tax and Revenue Division
- York Catholic District School Board

## 5. **ANALYSIS:**

The following is an overview of the proposed Temporary Use Zoning Bylaw Amendment against applicable Provincial, Regional and Town planning documents.

### 5.1 **PROVINCIAL POLICY FRAMEWORK**

Pursuant to Section 3(5) of the *Planning Act*, a decision of the Council of a municipality, in respect of the exercise of any authority that affects a planning matter, shall be consistent with provincial policy statements and shall conform with, or not conflict with, the provincial plans that are in effect.

#### 5.1.1 **The Provincial Planning Statement, 2024**

The Provincial Planning Statement (2024 PPS) provides policy direction on matters of provincial interest related to land use planning and development, and plays a key role in setting the policy foundation for regulating development and the use of land in Ontario.

The subject property is considered Prime Agricultural Area in the 2024 PPS. As per Section 4.3.2, within Prime Agricultural Areas, where a residential dwelling is permitted on a lot in a prime agricultural area, up to two additional residential units shall be permitted, provided that at least one of these units is located within or attached to the principal dwelling.

Staff note the intent is to have a total of two single detached dwellings on the property where the principal dwelling contains an additional residential unit. The application for a Temporary Use ZBA would permit an existing single detached dwelling to be temporarily retained while a replacement dwelling is constructed.

Staff have reviewed the application against the 2024 PPS and are satisfied the current proposal is consistent with the intent of the 2024 PPS.

#### 5.1.3 **The Greenbelt Plan, 2017 (GBP)**

The Greenbelt Plan (GBP) identifies where urbanization should not occur in order to provide permanent protection to the agricultural land base and the ecological features and functions occurring on the landscape.

The subject property is located in the protected countryside, as shown on Schedule 1 of the GBP. Within the protected countryside, the subject property is located within the

Prime Agricultural Area. Staff note that existing uses are permitted in this designation, as per Section 4.5.1, and that Section 4.5.4 permits expansions to existing uses, subject to new municipal services not being required and the use not expanding into key natural heritage features. Staff note the residential use is already occurring on the site, municipal services are not required for the temporary use proposal, and the proposed replacement dwelling is located well away from the key natural heritage features located on the property.

As such, Staff are of the opinion that the application conforms with the GBP.

#### 5.1.4 The Lake Simcoe Protection Plan, 2009 (LSPP)

The Lake Simcoe Protection Plan (LSPP) seeks to protect, improve and restore the elements that contribute to the ecological health of the Lake Simcoe Watershed, including water quality, hydrology, key natural heritage features and their functions, and key hydrologic features and their functions.

The subject property is partially regulated under Ontario Regulation 41/24. The proposed replacement dwelling is located outside of the regulated area.

Staff are of the opinion that the application conforms with the LSPP.

#### 5.2 York Region Official Plan, 2022 (YROP)

The subject property is designated Agricultural System on Map 1, and Agricultural Area on Map 1A of the York Region Official Plan (YROP). Section 5.1.9 of YROP states that redevelopment of existing non-agricultural uses in the agricultural system is permitted, if the use on site was legally existing, will be in more conformity with applicable provincial plans, does not change the regional designation and does not create a new parcel. Further requirements regarding not negatively impacting the surrounding agricultural operations, complying with the minimum distance separation formulae and submitting an agricultural impact assessment are required. Staff note that as the two detached dwellings are existing, it is not anticipated that the temporary retention of one dwelling while a replacement dwelling is constructed will negatively impact the agricultural operations and an agricultural impact assessment was not required.

York Region has reviewed the application and has no objections.

Staff are of the opinion that the application conforms with the policies of the YROP as implemented by the Town.

#### 5.3 Town of Georgina Official Plan, 2016 (OP)

The Town of Georgina Official Plan (OP) permits Temporary Use Zoning Bylaws, which may not conform to the OP, subject to the following requirements:

*(a) The use is compatible with the surrounding land uses and activities;*

Staff note that the dwelling proposed to be temporarily retained already exists on the subject property, and being residential in nature, is compatible with the neighbouring lands which consist of primarily agricultural and residential uses.

*(b) Adequate water supply and waste disposal activities are available to the satisfaction of the Town;*

Staff note that the dwelling proposed to be temporarily retained has adequate private services and the proposed replacement dwelling will be appropriately serviced.

*(c) The temporary uses or activities do not result in a hazardous condition for either vehicular or pedestrian traffic and that the relevant parking area requirements are complied with;*

Staff note that the dwelling proposed to be temporarily retained already has an adequate entrance which will be used by the replacement dwelling. No hazardous conditions for vehicular or pedestrian traffic are anticipated.

*(d) There is a signed agreement between the applicant and the Town which addresses issues related to installation/removal and maintenance; and*

Town Staff are currently working on an agreement between the applicant and the Town which would address issues related to the removal and maintenance of the temporarily retained dwelling and the provision of securities to ensure its removal.

*(e) The Town is satisfied that the nature of the use is temporary and that any buildings and structures are kept to the minimum and can easily be dismantled.*

Town Staff are satisfied that the nature of the use is temporary and that the temporarily retained dwelling will be demolished upon occupancy of the replacement dwelling. The agreement will include a deposit paid by the applicant, sufficient for the Town to undertake the removal of the temporarily retained dwelling if not removed by the applicant within the allotted timeframe.

#### 5.4 Zoning By-law No. 500

The subject property is currently zoned Rural (RU) on Map 1 of Schedule 'A' of Zoning By-law No. 500. This zoning will be changed to a temporary Site Specific Rural (RU-XX) zone to permit the proposal.

Within the Rural zone, on a lot of a minimum of 40 hectares an additional single detached dwelling is permitted, subject to the following provisions:

*i) be separated from the principal dwelling by a minimum of 30 metres;*

Staff note that the proposed replacement dwelling conforms to this criterion.

*ii) use the same entrance to the street as the principal residence; and,*

Staff note that the additional residence constructed to the south has an existing separate entrance. Staff note that this entrance was constructed prior to the passing of this bylaw and is consequently deemed to be legal non-conforming.

*iii) comply with all other requirements of Section 6.1 hereof.*

Staff note the proposed new dwelling will comply with Section 6.1.

The proposed replacement dwelling will contain an accessory apartment. Section 5.50 permits accessory apartments within single detached dwellings in zones where a single detached dwelling is a permitted use.

Staff note that the intent of the Temporary Use ZBA is to permit the existing two-storey dwelling to be temporarily retained while the proposed replacement dwelling is constructed.

#### Zoning Bylaw No 600

The property is located within the Countryside area, and consequently will be under the provisions of Zoning Bylaw 600 once the bylaw comes into force and effect. Zoning Bylaw 600 is currently under appeal. As the bylaw could come into force and effect at any time, the temporary zoning bylaw provisions address Zoning Bylaw 600 as well.

Under Zoning Bylaw 600 the property is zoned Agricultural Protection to the front and Environmental Protection (EP) to the rear on Schedule B21. In order to permit the proposal, the front portion of the property will be temporarily rezoned to a site-specific Agricultural Protection (AP-XX) zone.

As per Section 6.1, two single detached dwellings shall be permitted on a lot where they legally existed prior to the passing of this bylaw. As two single detached dwellings existed on the lot prior to the passing of Zoning Bylaw 600, they continue to be permitted.

Staff note that the intent of the Temporary Use ZBA is to permit the existing two-storey dwelling to be temporarily retained while the proposed replacement dwelling is constructed.

#### Proposed Draft Amending Bylaw and Agreement (Attachment 5)

The zoning for the subject property will change from the Rural (RU) zone to the temporary site-specific Rural (RU-XX) zone to permit the proposal under Zoning Bylaw 500.



Under Zoning Bylaw 600, the zoning of the subject property will change from the Agricultural Protection (AP) zone to the temporary site-specific Agricultural Protection (AP-XX) zone at the front and the Environmental Protection (EP) zone at the rear.

This temporary zoning bylaw will be in place for a period of time no greater than three years following which the site-specific temporary zoning will lapse. If the applicant wishes to extend this time frame, a further application and amending bylaw will be required.

Staff recommend that any changes required to the draft zoning bylaw to reflect the intent of the proposal, as outlined in the report, be considered minor as per Section 34(17) of the *Planning Act*, as amended, and that no additional notice is required when the bylaw returns to Council for passing.

Staff note that the proposed agreement is still being written, however it will be in conformity with Policy No. PB-DEMO-01, the Demolition Agreement and Dwelling Replacement Policy, which outlines the provisions for demolition agreements associated with retaining an existing single detached dwelling while a new dwelling is constructed.

**6. RELATIONSHIP TO STRATEGIC PLAN:**

This report addresses the following Town of Georgina corporate strategic goal: Ensuring Balanced Growth.

**7. FINANCIAL AND BUDGETARY IMPACT:**

There are no financial concerns or budgetary impacts on the Town as a result of this application. The owners/applicants will be required to apply for and obtain all necessary approvals associated with building permits, site alteration permits and entrance permits, and to pay the applicable associated costs for same, including the payment of development charges and park levy where applicable. The temporary use agreement will require the posting of adequate securities for the removal of the temporarily retained dwelling.

**8. ISSUES REQUIRING CONSIDERATION AND RESOLUTION:**

The following matters must be resolved:

- Finalization of the amending bylaw; and,
- Drafting and execution of the associated temporary use agreement.

**9. CONCLUSION:**

Subject to execution of the temporary use agreement and the provision of securities, Staff are of the opinion that the proposed temporary ZBA application is generally

consistent with the planning policy framework of the Official Plan. Staff recommend approval of the application; however, should any concerns be raised at the public meeting by members of the public or Council that require further investigation, Staff recommend that the applicant be required to address such issues prior to the amending bylaw being brought before Council for passing.

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Planner II

Reviewed By: Janet Porter, MCIP, RPP  
Manager of Development Planning

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

Approved By: Ryan Cronsberry  
Chief Administrative Officer

***Attachments:***

- Attachment 1 – Location Map*
- Attachment 2 – Conceptual Site Plan and Elevations*
- Attachment 3 – Summary of Submission Documents*
- Attachment 4 – Site Photographs*
- Attachment 5 – Draft Amending Zoning By-law*
- Attachment 6 – Consolidated Comments*