

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** December 15, 2022

**CASE NO(S):** OLT-22-004254

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant/Appellant: Skydevco Inc.  
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision  
Description: To permit construction of nine buildings: a five-storey hotel and spa, three two-storey townhouse buildings, four four-storey waterfront townhouse buildings, and one four storey apartment building  
Reference Number: Z04-2021  
Property Address: 226 Boucher Street East and 138 Bridge Street  
Municipality: City of Meaford  
OLT Case No.: OLT-22-004254  
OLT Lead Case No.: OLT-22-004254  
OLT Case Name: Skydevco Inc. v. Meaford (City)

**Heard:** December 5, 2022 by Video Hearing

**APPEARANCES:**

**Parties**

Skydevco Inc.  
("Applicant/Appellant")

Municipality of Meaford  
("Municipality")

**Counsel**

Leo Longo  
Matthew Helfand

Harold Elston  
Carly Emmett

**MEMORANDUM OF ORAL DECISION DELIVERED BY ERIC S. CROWE ON  
DECEMBER 5, 2022 AND ORDER OF THE TRIBUNAL**

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**INTRODUCTION**

[1] The Tribunal convened a second Case Management Conference (“CMC”) on an Appeal filed by Skydevco Inc. (“Applicant/Appellant”) against the Municipality of Meaford (“Municipality”) Council’s failure to make a decision in relation to a Zoning By-law Amendment (“ZBLA”) application concerning 226 Boucher Street East and 138 Bridge Street (“Subject Lands” / “Site”).

[2] The purpose and effect of the ZBLA application is to amend the zoning from Zoned Development (D-2) with a small area zoned Environmental Protection (“EP”). The EP lands are proposed to be transferred to the City.

[3] The application contemplated a mixed-use development comprised of nine buildings: three two-storey townhouse buildings, three five-storey waterfront townhouse buildings, two five-storey apartment buildings, and a five-storey hotel and spa (“Original Proposal”). In terms of unit mix, the Original Proposal contemplated 14 two-storey townhouse units, 72 waterfront townhouse units, and 120 apartment units, for a site-wide total of 206 residential units. A total of 90 hotel units was also proposed.

[4] Following the statutory public meeting, the Original Proposal was significantly revised to incorporate and respond to comments from municipal staff, commenting agencies and the public. The primary revisions made to the proposal included the removal of one apartment building, reduction in height of the remaining apartment building, the introduction of a pedestrian esplanade, increased open space areas, adjustments to parking layout, reorientation of the multiple residential buildings, and the introduction of a fourth waterfront townhouse building (“Revised Proposal”).

[5] The Revised Proposal continues to be a mixed-use development containing nine

buildings: a five-storey hotel building (which may contain a spa on the main floor), three two-storey townhouse buildings, four waterfront townhouse buildings, and one four-storey apartment building. Parking for the proposed buildings is provided in both underground and in surface parking lots throughout the Site. (See Site Plan below).

## REVISED SITE PLAN



## HEARING

[6] Leo Longo, counsel for the Applicant/Appellant advised the Tribunal that following the CMC held on October 31, 2022, the Parties continued negotiations which resulted in a settlement.

[7] The Applicant/Appellant has now made certain revisions to the proposed zoning instrument which has been reviewed by Municipal Staff, who confirm that they are satisfied that all issues have been adequately addressed.

[8] Skydevco Inc. and the Municipality (collectively, the “Parties”), have agreed to a comprehensive resolution of the Appeal and wish to reflect their agreement in Minutes of Settlement and agree to place the proposed settlement (“Settlement”) herein before the Tribunal for approval.

### **WITNESS**

[9] The Affidavit of Planner Chris Pidgeon was marked as Exhibit 2 and the final ZBLA was marked as Exhibit 3 (see Schedule 1) and Minutes of Settlement were marked as Exhibit 4.

[10] On consent of the Parties, Mr. Pidgeon was qualified by the Tribunal to give expert opinion evidence on land use planning.

### **SUBJECT PROPERTY AND SURROUNDING AREA**

[11] The Subject Property is approximately 2.6 hectares (“ha”) in area. The Site occupies a triangular shaped block bounded by approximately 220.8 metres (“m”) of frontage along Boucher Street East, approximately 219.3 m of frontage along Fuller Street and 266 m of frontage along the waterfront.

[12] The Site is currently vacant. A small cluster of trees are located on the northern section of the Site, which is otherwise a grassed field. The Site was previously used for industrial uses including the former Stanley Knight Hardwood Flooring Company.

[13] The Site topography can be characterized as sloping towards the Georgian Bay Waterfront. The areas surrounding the Site generally consist of low-density residential

uses, with interspersed commercial, industrial, recreational and open space uses.

[14] Immediately to the north of the Site is the Meaford Harbour, David Johnston Park and other “waterfront” lands owned by the Municipality but generally an unimproved waterfront open space area.

[15] Immediately to the south of the Site (beyond Boucher Street East) are low rise residential land uses, an open space area associated with Meaford Creek, and an industrial building. Further to the south are public recreational uses, including the Blue Dolphin Pool, ball diamond and tennis courts.

[16] Immediately to the west of the Site (beyond Fuller Street) are predominantly low density residential land uses. The pattern of low density residential uses continues further to the west until the Meaford downtown area, approximately 500 m west of the Site, where commercial and institutional uses become more prominent.

## **ZONING BY-LAW AMENDEMENT**

[17] The ZBLA proposes to rezone the Site from the Development (D-2) Zone to the Residential Multiple – Site Specific zone. The Settlement By-law includes (see Schedule 1):

- (a) Ensuring low rise forms of housing (i.e. Townhouse Dwelling) opposite the existing low rise housing facing Fuller and Boucher Streets;
- (b) Permits a Hotel and accessory uses including a requirement for an ancillary commercial use of a tourist nature that supports guests and the general public;
- (c) Site-specific requirements to regulate:

- i. Setbacks of buildings to exterior lot lines including Fuller and Boucher Streets and the waterfront owned by the Municipality of Meaford;
  - ii. Building heights; and
  - iii. Parking;
- (d) Permits a Temporary Sales Office with regulations on building height;
- (e) Permits sustainable elements including beehives on the rooftop of any building, and a solar array collection system with regulations on height; and
- (f) Holding Provisions (“H5”) requiring:
- i. A commitment by way of a signed agreement from a hospitality and accommodation provider (i.e. hotelier) prior to any building permit being issued for development for any portion of the Site;
  - ii. Completion of a comprehensive servicing analysis to address the design, allocation, construction, timing and financing, and approvals necessary to provide municipal water and sanitary sewage services to the Site; and
  - iii. Execution of an Agreement with Council of the Municipality of Meaford that addresses the matters in Paragraphs 29(g) in the minutes of settlement.

[18] The Settlement establishes certain parameters for the future Site Plan Control application, including the requirement for formal pre-consultation, agreement on a term

of reference for an urban design report, and a preliminary list of required materials to form part of the future Site Plan Approval application.

[19] The Settlement also provides for a financial contribution of \$300,000 towards the implementation of the Meaford Waterfront Strategy and Master Plan Recommendations.

## **LEGISLATIVE TEST**

[20] In making a decision with respect to a ZBLA, the Tribunal must consider s. 24(1) of the *Planning Act* (“Act”). Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith.

## **PLANNING EVIDENCE**

### **Provincial Policy Statement (“PPS”)**

[21] Mr. Pidgeon highlighted several policies of the PPS including policies regarding healthy, livable and safe communities and intensification and redevelopment. Transit supportive policies and economic development were also highlighted including natural heritage and water policies.

[22] In Mr. Pidgeon’s opinion, the subject application supports the PPS vision for “strong, sustainable and resilient communities for people of all ages, a clean and healthy environment, and a strong and competitive economy”. The application to implement the development concept (“Proposed Development”) is consistent with the PPS for the following reasons:

- It will contribute to the range of housing options to meet long term needs.

- It will permit compact, higher density form of housing that contributes to the range of housing options available in the local area.
- The Site is located in the Settlement Area of Meaford and makes efficient use of vacant, municipally-serviced and underutilized land.
- It will permit a mixed-use development that includes compatible employment uses (hotel and spa use) which contributes to economic development and prosperity.
- It will permit a development which will assist in the economic vitality of the nearby Downtown.
- It will permit a development which provides appropriate vehicular accesses that satisfies provincial and municipal standards for safe and accessible circulation and emergency response.
- It integrates transportation and land use considerations including the parking, walking and cycling facilities needed to support the Proposed Development.
- It will permit a development that includes well-designed built form complemented by landscaped yards and amenity spaces that will contribute to a sense of place.
- The application is generally consistent with Sections 2.1 and 2.2 of the PPS as noted in the EIS and Functional Servicing Report.

[23] In Mr. Pidgeon's opinion, the application is consistent with the PPS.

### **County of Grey Official Plan ("COP")**

[24] Mr. Pidgeon advised the application conforms to the COP themes of Developing

Grey in designated Settlement Areas and improving livability in Grey County through healthy community development and addressing housing and economic needs.

[25] Mr. Pidgeon submits the COP policies promote the intensification and efficient use of land in settlement and built-up areas, while providing a variety of housing options and a mix of uses. Continuing these policies, the COP calls for the identification of appropriate areas for revitalization and redevelopment as well as the type and scale of development appropriate for intensification areas. The Proposed Development facilitates the intensification and revitalization of an underutilized and currently vacant site and the Site is located within a primary settlement area and built up area within the County.

[26] According to Mr. Pidgeon the COP directs that new development should not conflict with surrounding development and that the effects of intensification are mitigated. The Proposed Development achieves this through the site layout and built form. According to Mr. Pidgeon the two-storey townhouse buildings are oriented towards and are of a similar height and scale of the existing neighbourhood. Further, the COP establishes that:

Development within the built-up areas may be of higher density to achieve the policy directives of this Plan but should be compatible with adjacent residential areas. The local municipalities may explore means to ensure compatibility through measures such as transitional densities, built form, and land uses.

[27] In Mr. Pidgeon's opinion, the density of the Proposed Development is in conformity with this policy and is appropriate for this location.

[28] Regarding the draft plan of condominium policies, Mr. Pidgeon indicated the Proposed Development implements the policies established in Section 9.13 of the COP. The Proposed Development improves and promotes walkability, as demonstrated through the central walkway and connections to the waterfront and trail network to the

south. This connectivity also facilitates greater access and integration of the Meaford waterfront. Sizeable, usable greenspace is located centrally on the Site, and the natural areas (Meaford Creek) are untouched and are planned to be transferred to the Municipality. A range of housing and mix of housing types are provided, are at a variety of densities, and are sufficiently sized to accommodate both smaller and larger households. The Proposed Development is consistent with both provincial and local Policy.

[29] Mr. Pidgeon advised that the submitted vacant land condominium application will be revised and resubmitted to reflect the Revised Concept. The vacant land condominium application is to introduce the common elements to be shared, such as driveways, accesses, services, and parking. A future standard draft plan of condominium will be applied to the built forms of the Proposed Development.

[30] In Mr. Pidgeon's opinion, the application conforms to the GOP.

### **Meaford Official Plan ("OP")**

[31] Mr. Pidgeon submits the Subject Lands are designated as a Special Policy Area 1 as part of the urban area category of the OP. The OP's goals and strategic directives promote intensification within waterfront areas on full municipal services in order to provide a range of housing options compatible with the existing built form and attract tourism. According to Mr. Pidgeon the Proposed Development conforms to the goals and objectives of the OP as it will redevelop a former industrial and currently vacant site along the Meaford waterfront and will provide a range of housing options.

[32] Mr. Pidgeon submits compatibility with the surrounding neighbourhood has been incorporated into the design by locating the highest elements of the Revised Concept away from existing single detached dwellings and proposing townhouses to appropriately transition height along Fuller Street and Boucher Street East. It is compact in form and integrates common outdoor amenity areas, pedestrian walkways and

esplanade, and a connected public realm which conforms to the OP policies pertaining to high standards of urban design and supporting active transportation.

[33] According to Mr. Pidgeon the application conforms to the policies of the Special Policy Area designation of the OP. The OP directs the lands under this designation should be redeveloped in their entirety, rather than a piecemeal basis. The Proposed Development will serve as a catalyst for the revitalization of the industrial lands under the Special Policy Area designation, redeveloping the underutilized lands in a premiere location.

[34] Mr. Pidgeon submits the Proposed Development proposes the full build of the Site, which is a substantial area of the Meaford waterfront area. The Meaford Creek tributary in combination with the Environmental Protection (“EP”) lands at the southeast of the Site form a natural division between the Site and the additional Special Policy Area lands to the south. Towards the end of Boucher Street East and Marshall Street there appears to be sufficient space for further waterfront animation and community amenity to be introduced by the Municipality. Additionally, there is an unopened road allowance for Richmond Street that would facilitate a further connection to this area. This road allowance would also connect the Site to the recreational amenities located at Margaret and Eliza Streets at the end of Richmond Street. The Proposed Development readies this future connection through the pedestrian pathway network. A pathway is located between the apartment building and a street townhouse building across the road from the future road.

[35] Mr. Pidgeon asserts the Special Policy Area designation permits a mix of residential and commercial uses, specifically hospitality and tourism services, which is represented in the Proposed Development. According to Mr. Pidgeon, this mix of uses and their built form is compatible with the surrounding uses as the two-storey townhouses are oriented towards the existing neighbourhood and the denser housing forms are towards the interior and rear of the Site. The Proposed Development provides several pedestrian access points to the waterfront and facilitates the connection of the

waterfront to the recreational uses to the south of the Site. The Proposed Development is supportive of the objectives of the Waterfront Strategy and Master Plan as demonstrated through the hotel and spa use, connection to the waterfront, and redevelopment of a site intended and planned for future development.

[36] In Mr. Pidgeon's opinion, the application conforms to the servicing policies of the OP as it will be serviced with municipal water and sanitary services. Stormwater will be appropriately managed.

[37] In Mr. Pidgeon's opinion, the application conforms to the transportation policies of the OP. The Proposed Development promotes active transportation and will not result in congestion on the surrounding street network, as confirmed by the Transportation Impact and Parking Study.

[38] According to Mr. Pidgeon the application conforms to the intent of the policies of the OP regarding additional height in exchange for public benefit. While the maximum height in Meaford is generally three-storeys, the OP allows for additional height to a general maximum of five-storeys. The proposed waterfront townhouses have a height of four-storeys, with an uppermost level being dedicated to small, private rooftop amenity use. The apartment building is designed similarly, with a portion of the rooftop being housing amenity uses. The hotel building has a height of five-storeys, though based on geodetic height has a lesser elevation than the waterfront townhouses. The policies of the OP enable Council to consider permitting this additional height in exchange for the provision of public benefits. The Proposed Development provides a range of options, which is noted in the OP as a public benefit. Additionally, the introduction of the hotel in proximity to the waterfront and downtown is a public benefit, as the addition of 78 hotel rooms provides a significant contribution to the current supply of accommodations.

[39] Mr. Pidgeon contends the application conforms to the sustainability policies of the OP. The development is compact and includes a range of residential forms and hotel use that contributes to a complete community. Walkability and cycling are

promoted through connections to the waterfront, pedestrian walkways through the site and surrounding sidewalk network. A large portion of the commercial area of Meaford, as well as the waterfront, is adjacent to or within a walk of the Site, reducing the need for travel by private auto. Sustainability policies in regard to efficient use of water (e.g. low water landscaping), tree planting and outdoor lighting will be considered during the detailed design that will accompany future Site Plan Applications.

[40] In Mr. Pidgeon's opinion, the application conforms to the OP.

### **Comprehensive Zoning By-law ("ZBL")**

[41] Mr. Pidgeon testified the purpose of the ZBL is to implement the objectives and policies of the OP. It is intended to be used to specify the appropriate range of uses and to regulate such matters as height, siting of development, and parking requirements.

[42] According to Mr. Pidgeon, currently, the Site is zoned D-2 Zone and prohibits any new development on the Site. This zoning functionally acts as a placeholder for redevelopment, as the policies of the OP for the Site are to be redeveloped for a mix of uses, including hospitality use. By rezoning the Site to the RM zone with added commercial uses, the amendment is reflective of the OP designation for the Site.

[43] In Mr. Pidgeon's opinion, the resulting proposed zoning of the Site permits an appropriate range of uses and contains appropriate height, siting and parking and loading regulations that reflect the Proposed Development concept.

[44] In Mr. Pidgeon's opinion, the application poses no conflict and maintains the general purpose and intent of the ZBL.

### **Meaford Waterfront Strategy and Master Plan**

[45] Mr. Pidgeon advised the Proposed Development is within the study area of the

Meaford Waterfront Strategy and Master Plan, the goals and objectives of which are upheld through the OP.

[46] The strategy and master plan establishes an opportunity and need for additional accommodation uses in the waterfront area, which the Proposed Development provides through the inclusion of a hotel building and its commercial uses. Further, the Site itself is noted in the strategy and master plan as having the potential for condominium and hotel/resort uses. The strategy and master plan direct that the lands in the waterfront should not be developed in piecemeal. The Site is a substantial area of land (2.6 ha) in the waterfront area and is being comprehensively planned to meet the goals and objectives of the strategy and master plan. The Proposed Development also establishes several connections to the waterfront area of Meaford, which is further linked to the recreational areas to the south. The connectivity, as facilitated by the Proposed Development, is a key objective of the strategy and master plan.

[47] In Mr. Pidgeon's opinion, the application maintains the general purpose and intent of the Meaford Waterfront Strategy and Master Plan.

### **The Development Concept is appropriate for the Site and context**

[48] Mr. Pidgeon contends the Proposed Development is appropriate for the Site. The Site is a substantial size and is suitable to accommodate the proposed buildings and all required parking and landscaping while maintaining adequate setbacks both within the Site and to the adjacent dwellings. Appropriate setbacks, landscaping, and the massing of the hotel and apartment buildings ensure the visual impact of the increased height is reduced.

[49] Mr. Pidgeon opines, the Site is vastly underutilized in its current state, featuring large areas of undeveloped land. Due to the Site being adjacent to the Meaford waterfront, there is significant opportunity and potential to meaningfully connect to, enhance, and add to the vibrancy of the waterfront area through the redevelopment of

this underutilized site. The introduction of higher density residential and hospitality uses is appropriate to meet this potential and is compatible with the surrounding low rise residential use.

### **There is adequate infrastructure to support the Proposed Development**

[50] Mr. Pidgeon submits the Functional Servicing Report prepared by WalterFedy concludes that the proposed service connections to the existing sanitary, water and stormwater networks are adequate and that appropriate measures for stormwater management quality control can be implemented. In addition, the Traffic Assessment prepared by Paradigm concludes that the traffic volumes forecast for the Proposed Development can be accommodated on the area road network with the current lane configuration and local traffic controls.

### **PARTICIPANT COMMENTS**

[51] Mr. Pidgeon acknowledged the Participant comments concerning this application. Mr. Pidgeon testified that he responded to the majority of comments in regard to density and OP conformity, building height concerns, traffic and parking and environmental impact and waterfront concerns.

[52] In regard to density and OP conformity, Mr. Pidgeon opined, the Revised Proposal will permit compact, higher density form of housing that contributes to the range of housing options available in the local area, in accordance with provincial direction set out in the PPS. The COP designates the Site as a Primary Settlement Area on Schedule A Map 1. Primary Settlement Areas are “larger settlements with full municipal servicing, and a wide range of uses, services, and amenities which are intended to be the primary target for residential and non-residential growth.” Such areas are deemed suitable for high intensification targets.

[53] Mr. Pidgeon submits the COP establishes a minimum, not a maximum,

development density of 20 units per net hectare for new development in Primary Settlement Areas. In his opinion the Revised Proposal conforms to this policy direction.

[54] In Mr. Pidgeon's submissions he notes the OP contains growth projections and an associated Settlement Area target of 990 new units by 2026. It contains an intensification target of 10% of new growth in the Primary Settlement Area to occur through intensification and an average density target of 20 units per hectare for new development within the urban area. In his opinion, this policy is not intended to prescribe a maximum Site density. The Revised Proposal conforms to this policy direction.

[55] According to Mr. Pidgeon the site layout of the Revised Proposal is organized to appropriately integrate the higher density-built form with the surrounding neighbourhood, while also providing an activated and connected built form edge along the waterfront. Low rise building forms are located along the Fuller and Boucher Street frontages, opposite existing low rise building forms. The tallest and most dense forms of the Revised Proposal are now being located towards the other edges of the Site. The Revised Development incorporates an incremental increase in scale from the surrounding neighbourhood, resulting in a sensible and appropriate transition to the Site. In his opinion, the proposed Site layout effectively mitigates any perceived impacts from the increased density on the Site.

[56] In regard to comments on height, Mr. Pidgeon advised section D5 of the OP contains policies pertaining to building height. This section states that the maximum height for buildings in the municipality shall generally be eleven (11) m or three-storeys, except for structures which, by their nature, require greater height. This section states that residential, commercial and industrial buildings shall generally not exceed three storeys. Despite the general three-storey height limit, however the policies of the OP enable increases to height if a public benefit is demonstrated. The policies state that additional height provisions shall generally be restricted to a maximum of five storeys.

[57] According to Mr. Pidgeon the Settlement By-law proposes to set the maximum height of the Site to five storeys. In accordance with the OP direction that a public benefit be demonstrated to permit such an increase in height, several public benefits are being provided, as follows:

- The range of dwelling types proposed contributes to the variety of housing options available in the Municipality of Meaford, providing contemporary and desirable built form in an underutilized and prominent location along the waterfront, resulting in a great benefit to the community.
- The Revised Proposal proposes a hotel and accessory uses including a requirement for an ancillary use of a tourist nature to service hotel guests and/or the general public, which, due to the Site's proximity to both the Meaford waterfront and downtown, will aid the local economy.
- The apartment building is proposed to be purpose built rental units. The Municipality of Meaford is currently experiencing an extremely low vacancy rate for rental units. The addition of new rental apartment units will make a significant contribution to the rental availability in the Municipality and is undoubtedly a public benefit.
- The Revised Proposal proposes a pedestrian esplanade, which will enhance the connectivity of the waterfront area. This esplanade is located to provide a direct connection from Bridge Street to the waterfront. Increasing the accessibility of this portion of the waterfront is a significant public benefit, as the area is currently disconnected and primarily accessed from a single point along Fuller Street.

[58] Mr. Pidgeon advised in response to the comment that there appears to be a discrepancy from the depicted building heights and the grade of the Site, he notes that as a condition of the Settlement, Site Plan Application will require the submission of an Urban Design Report that includes preliminary grading plans, which must demonstrate

conformity with the maximum permissible building heights.

[59] In regard to Traffic and Parking concerns, Mr. Pidgeon submits the application was supported by investigations and analysis conducted by Paradigm Transportation Solutions Limited, and set out in the following documents:

- Transportation Impact and Parking Study (March 2021) Traffic Calming Memo (August 2021);
- Updated Transportation Impact and Parking Study (January 2022); These documents contain an analysis of existing traffic conditions, a description of the Proposed Development traffic, traffic forecasts for a five-year horizon from assumed full build-out (Year 2028), estimates of the parking demand generated by the Site, and establish the number of on-site parking spaces, and recommendations to improve future traffic conditions. Paradigm concluded that:
  - The study area intersections are forecast to continue to operate within acceptable levels of service with no specific problem movements.
  - The new driveway connections to Fuller Street and Boucher Street are forecast to operate within acceptable level of services during the AM, PM, and Saturday peak hours.
  - The proposed parking supply will be adequate to meet demand. Mr. Pidgeon relies on the conclusions and analysis contained in Paradigm's conclusions, which he believes adequately address the concerns raised in the Participant Statements.

[60] In regard to waterfront concerns, Mr. Pidgeon advised the Site is designated as Special Policy Area 1 as part of the urban area category of the OP. Within Meaford, the Special Policy Area 1 designation is solely located on the Site and the lands to the

south. Policy B1.8.1.2 sets out the development principles for Special Policy Area 1 provides as follows:

- (d) The development will create and improve linkages to existing open space and harbour lands and will maintain public access to the waterfront.
- (e) The development will provide pedestrian space and access to the waterfront and will minimize the amount of space used for parking cars.
- (f) The development will support the objectives of the Urban Area Waterfront designation and the Waterfront Strategy and Master Plan, as may be amended from time to time.

[61] It is Mr. Pidgeon's opinion, the Revised Proposal conforms to these, and other relevant policies respecting the waterfront.

[62] In regard to the Waterfront Strategy and Master Plan Mr. Pidgeon advised it establishes an opportunity and need for additional accommodation uses in the waterfront area, which the Revised Proposal provides through the inclusion of a hotel building and its accessory/ancillary uses. Further, the Site itself is noted in the strategy and master plan as having the potential for condominium and hotel/resort uses. The strategy and master plan direct that the lands in the waterfront should not be developed in piecemeal. The Revised Proposal is a comprehensive redevelopment of this Site. The Site is a substantial area of land (2.6 ha) in the waterfront area and is being comprehensively planned to meet the goals and objectives of the strategy and master plan.

[63] Mr. Pidgeon advised the Revised Development provides several pedestrian access points to the waterfront and facilitates the connection of the waterfront to the recreational uses to the south of the Site. The Revised Proposal is supportive of the objectives of the Waterfront Strategy and Master Plan as demonstrated through the

hotel and accessory/ancillary uses, connection to the waterfront, and redevelopment of a site intended and planned for future development. It is Mr. Pidgeon's opinion that the Proposed Development enhances the vibrancy of the waterfront area through the redevelopment of this underutilized site and does not negatively impact the waterfront or access thereto.

[64] Mr. Pidgeon advised as part of settlement discussions with municipal staff, a sun/shadow study was prepared in order to analyze potential shadowing on the waterfront area. It is his opinion that these diagrams demonstrate that there are no undue impacts on the waterfront from a shadow perspective.

[65] In regard to environmental impact and waterfront concerns, Mr. Pidgeon advised the application was supported by investigations analysis conducted by Golder Associates Ltd., and set out in the following documents:

- Environmental Impact Study (February 2021);
- Environmental Impact Study Addendum prepared by (August 2021).

[66] Mr. Pidgeon submits these studies characterize the existing conditions of the Site and within a study area, assess potential environmental impacts of the Proposed Development on environmental features and functions, and recommends appropriate mitigation measures to avoid or minimize impacts.

[67] According to Mr. Pidgeon, Golder Associates Ltd. concluded that, with the implementation of appropriate mitigation measures, it is expected that there will be no negative impacts to the natural features and functions on the Site or off-site. A small portion of the Site, which is designated as Environmental Protection and Natural Function, is not planned to be developed and will be part of a land conveyance to the Municipality.

[68] It is Mr. Pidgeon's opinion that the removal of existing trees is required for site remediation. As demonstrated on the Landscape Plan (and will be further refined through the Site Plan Approval process) a significant number of new trees, including street trees, will be planted on Site. In his opinion, the Revised Proposal will result in a vast improvement over the existing conditions from a landscape perspective, making positive contributions to the usability of the Site.

## **SUMMARY**

[69] Mr. Pidgeon opines, the proposal to rezone the Subject Property accords with policies outlined in the PPS, the COP and OP including the Municipality's ZBL No. 60-2009.

[70] In addition, Mr. Pidgeon opined, that the ZBLA represents good planning and is in the public interest.

## **FINDINGS AND DISPOSITION**

[71] In determining this matter, the Tribunal accepts and adopts the uncontroverted planning evidence and expert opinion provided by Mr. Pidgeon. The Tribunal is persuaded by the evidence that the proposal promotes good land use planning and is in the public interest and is satisfied that the application conforms to the COP, OP and is consistent with the PPS.

[72] Regard has been given to Participant Statements in the course of making its decision. Upon the evidence, the Tribunal is satisfied that the concerns raised by the Participant's were given appropriate consideration and that the ZBLA will not result in undue adverse impacts at the Subject Property or to the area in general.

[73] The Tribunal notes the numerous Technical Reports completed and the significant revisions of the Original Proposal which have been completed by the

Applicant/Appellant to satisfy the public and participant comments.

[74] The Tribunal acknowledges the cooperation between the Parties to reach a settlement in these proceedings considering the significant development proposal. The Tribunal encourages the Parties to continue the cooperation throughout the Site Plan and Building phases of the Proposed Development.

## **ORDER**

[75] **THE TRIBUNAL ORDERS** that the Appeal is allowed in part, and By-law No. 60-2009 is hereby amended in the manner set in Schedule 1 to this Order. The Tribunal authorizes the municipal clerk to assign a number to this by-law for record keeping purposes.

[76] The Tribunal may be spoken to concerning issues arising from the implementation of this Order.

*“Eric S. Crowe”*

ERIC S. CROWE  
MEMBER

### **Ontario Land Tribunal**

Website: [olt.gov.on.ca](http://olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

## SCHEDULE 1

### The Corporation of the Municipality of Meaford By-law Number 2022-\_\_\_\_\_

#### Being a by-law to amend Zoning By-law 60-2009 of the Municipality of Meaford pertaining to Lots 353-354, 382- 385, Part of Lot 386, Lots 387-392, Lot 1707, Part of Bridge St, Part of Huron St, Plan 309

**Whereas**, Council of the Corporation of the Municipality of Meaford deems it in the public interest to pass a by-law to amend By-law 60-2009; and,

**Whereas**, pursuant to the provisions of Sections 34, 36 and 37 and 37.1 of the Planning Act R.S.O 1990, as amended, by-laws may be amended by Councils of Municipalities; and,

**Whereas**, the transition provisions set out in Section 37.1 of the Planning Act provided that Subsections 37(1) to (4) as they read on the day before the effective date continue to apply to a local municipality until the municipality passes a community benefits charge by-law or September 18, 2022, whichever is earlier; and,

**Whereas**, pursuant to Section 37 of the Planning Act effective on September 17, 2020:

a) Subsection 37(1) provides that, the Council of a Municipality may, in a By-law passed under Section 34 of the Act, authorize increases in height of development otherwise permitted by the By-law, that will be permitted in return of the provision of such facilities, services and matters as are set out in the By-law; and,

b) Subsection 37(3) provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in the height of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and,

**Whereas**, prior to commencement of any redevelopment of the lands, the municipality requires the owner of the subject lands to enter into one or more agreements dealing with certain facilities, services, and matters in return for the increase in height as permitted by this By-law.

**The Council of The Corporation of the Municipality of Meaford enacts as follows:**

1. Map 9 of Schedule B to By-law 60-2009 is amended by re-zoning the lands shown on attached Schedule A-1, affixed hereto, as follows:

- a. From the Development (D-2) Zone to Residential Multiple RM – Exception 292 – A – Holding 5 (RM-292-A(H5))
- b. From the Development (D-2) Zone to Residential Multiple RM – Exception 292 – B – Holding 5 (RM-292-B(H5))
- c. From Unopened Road Allowance (part of Bridge Street) to Residential Multiple RM – Exception 292 – B – Holding 5 (RM1292-B(H5))
- d. From the Development (D-2) Zone to Environmental Protection (EP)

2. Section 9 to By-law 60-2009 is amended by adding the following:

**9.292 Lots 353-354, 382-385, Part of Lot 386, Lots 387- 392, Lot 1707, Part of Bridge St, Part of Huron St, Plan 309 (Town of Meaford)**

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol \*292 on the Schedules to this By-law. All other provisions, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

**9.292.1 Lands Subject to Exception 292, Suffix A**

**1) Only Permitted Uses:**

- a) Notwithstanding Table 6.1, the following uses are the only uses permitted on lands zoned RM-292-A:
  - i) Dwelling, Townhouse
  - ii) Temporary Sales Office

**2) Zone Standards & Special Provisions:**

- a) The following specific Zone Standards apply to any “Dwelling, Townhouse”:
  - i) Minimum required front yard setback:
    - (1) 6.0m for that portion of any building used as a *private garage*;
    - (2) 4.0 m for any building or structure other than a *private garage*;
  - b) Notwithstanding Section 4.6, any of the permitted encroachments shall maintain a minimum front yard of 3.0 m.

- c) Unless specifically modified/amended above, the provisions of Table 6.2.2 Zone Standard which would normally apply that specific use in the Residential Multiple (RM) Zone shall apply.
- d) Temporary Sales Office shall be permitted as an additional use on the lands until such time that 100% of the multiple dwelling units are given occupancy by the Chief Building Official.
- e) Notwithstanding any other definition herein, a *Temporary Sales Office* **means** “an interim use of a building or structure, facility or trailer on the lot used for the purpose of the sale or lease of dwelling units to be erected on the lot.”
- f) Where located in a temporary building and not a portion of a permitted main building, any Temporary Sales Office shall be subject to the following:
  - i) Be located in accordance with the provisions of 4.1.1.3 for an accessory building or structure within the RM zone.
  - ii) Maximum building height: 4.5 m;
- g) Lands zoned RM-292- A & B shall be regarded as one lot for the purposes of meeting zoning regulations.
- h) Notwithstanding 9.292.2.3a)i), any private street, driveway providing access to parking, or any pedestrian pathway shall not require a setback from any interior property lines within the RM-292- A & B zone.

#### **9.292.2 Lands Subject to Exception 292, Suffix B**

**1) In addition to those uses listed on Table 6.1, the following additional uses are also permitted on lands zoned RM-292-B:**

- a) Hotel
- b) Uses only permitted within the same building and/or on the same lot or block as a hotel use:
  - i) Commercial Fitness Centre
  - ii) Personal Service Shop
  - iii) Restaurant (drive-through service facilities are not permitted)
- c) Temporary Sales Office shall be permitted as an additional use on the lands until such time that 100% of the multiple dwelling units are given occupancy by the Chief Building Official.

- d) Accessory solar array collection system to be limited to vertical cladding and rooftop systems not to exceed 3 metres in height.

## 2) Site Specific Definitions

- a) Notwithstanding any other definition herein, a *Hotel* **means** “an establishment that contains one building that, throughout all or part of a calendar year, caters to the needs of the public by furnishing guest rooms for a fee, including all such establishments as defined from time to time by the Hotel Registration or Guests Act, R.S.O. 1990, c.H.17, as amended, such building may be registered as a standard condominium and is part of a rental or lease management program, including housekeeping services, with a minimum of 80% of the units restricted to occupancy by any guest or occupant for one or more periods of time cumulatively not to exceed 120 days per calendar year in total. A *Hotel* may or may not:
  - i) Supply food;
  - ii) Have an on-site management office;
  - iii) Include one or more banquet rooms;
  - iv) Include recreational facilities for use by the guests;
  - v) Include culinary and sanitary facilities for the exclusive use of the units; and
  - vi) Access to the unit is provided by a private entrance from a common hallway inside the building.

Further a *Hotel* shall also include one or more Ancillary commercial uses that support the guests of the *Hotel* and/or the general public that are of a tourist nature with a minimum floor area of 100 sq.m.”

- b) Notwithstanding any other definition herein, a *Temporary Sales Office* **means** “an interim use of a building or structure, facility or trailer on the lot used for the purpose of the sale or lease of dwelling units to be erected on the lot.”

## 3) Zoning Standards and Special Provisions

- a) Lands zoned RM-292-A & B shall be regarded as one lot for the purposes of meeting zoning regulations.
- b) Notwithstanding 9.292.2.3a)i), any private street, driveway providing access to parking, or any pedestrian pathway **shall not** require a setback from any interior property lines within the RM-292- A & B zone.

- c) Maximum Height:
- i) Hotel use and any uses only permitted only within the same building and/or on the same lot or block as a hotel use: 15.5 m and not more than 5 storeys;
  - ii) Dwelling, Multiple: 12 m and not more than 4 storeys;
  - iii) Building, Apartment: 12 m and not more than 4 storeys;
- d) Notwithstanding the above, enclosed rooftop amenity areas are excluded from the maximum height, not to exceed 20% of the floorplate of the Hotel and *Apartment* Building, and not to exceed 50% of the floorplate of the *Multiple Dwelling*, such enclosed rooftop amenity areas to be a maximum of one-storey in height.
- e) Minimum required setback from the *street line* -of any public street: 7.5 m excluding patio / balcony per By-law xxx.
- f) Minimum required setback from any lands owned by a Public Authority that do not constitute a *public street*:
- i) For the hotel shall be 4.0m for any building above the ground floor, with the ground floor, solarium, outdoor patio or deck of the *building* permitted to have a setback of 0.0m;
  - ii) For the *Multiple Dwelling* shall be 4.0m for any *building* provided the property line between private and public lands is clearly demarcated through continuous landscape and physical design elements and features;
  - g) Maximum number of levels of underground parking in any parking garage or private garage: One level.
  - h) Parking shall be provided at a minimum rate of 1 space per dwelling unit for residential uses;
  - i) Parking shall be provided at a minimum rate of 0.75 space per guest room for *Hotel* use including parking for accessory commercial uses within the *building*;
  - j) Beehives are permitted on the rooftop of any building;
  - k) Notwithstanding any other provision of this By-law, the following zone standards shall apply to any Temporary Sales Office:

- i) Where located in a temporary building and not a portion of a permitted main building, any Temporary Sales Office shall be subject to the following:
- (1) Be located in accordance with the provisions of 4.1.1.3 for an accessory building or structure in the RM zone.
  - (2) Maximum height: 4.5m;
- ii) shall be permitted as an additional use on the lands until such time that 100% of the multiple dwelling units are given occupancy by the Chief Building Official, within the RM-292- A & B zone;
- iii) shall be serviced in accordance with the provisions of Section 4.21 of this By-law.

### **9.292.3 Removal of the Holding Symbol**

In accordance with the provisions of Section 36 of the Planning Act R.S.O. 1990, Chapter P.13, as amended, and in addition to the requirements of section 2.6.2.5, the Holding (H5) symbol shall not be removed from the whole or part of the lands until such time as the following have been completed:

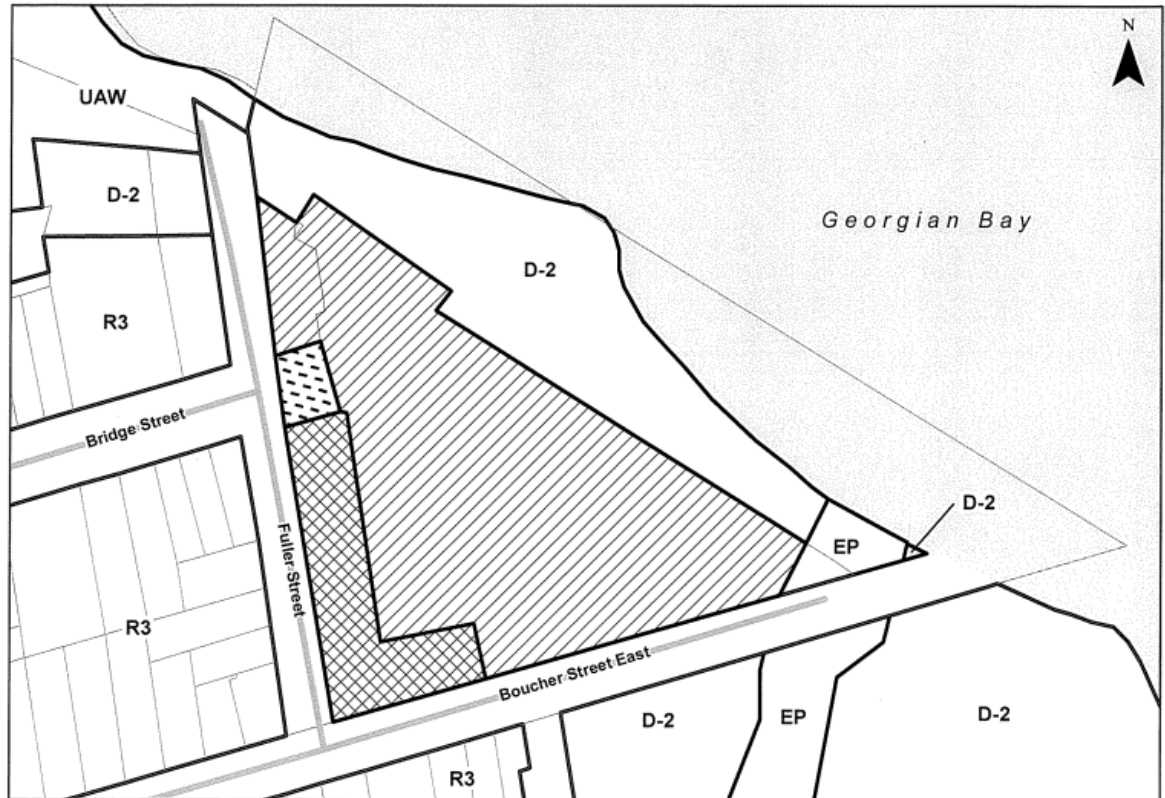
- (1) Phasing of the development to ensure Hotel uses are committed to as the first component of the lands subject to Exception 292, Suffix B, such commitment to be by way of a signed agreement from a hospitality and accommodation operator (i.e. hotelier) prior to any building permit being issued for development of any portion of the Site; and
  - (2) Completion of a comprehensive servicing analysis as outlined in Part D of the Official Plan to address the design, allocation, construction, timing and financing, and approvals necessary to provide municipal water and sanitary sewage services to the subject lands.
3. Schedule A-1 is hereby declared to form part of this by-law.
4. That this by-law shall come into force and take effect upon being passed by Council, pursuant to the Planning Act, R.S.O. 1990, as amended.



**Read a first, second and third time and finally passed this 5th day of December, 2022.**

**Ontario Land Tribunal**

To By-law No. 2022-\_\_\_\_\_ of the Corporation of the Municipality of Meaford

Amending By-law No. 60-2009  
Lots 353-354, 382-385, Part of Lot 386, Lots 387-392, Lot 1707, Part of Bridge St,  
Part of Huron St, Plan 309



-  Lands to be rezoned from the 'Development D - Exception 2 (D-2) Zone' to the 'Residential Multiple RM - Exception 292 - A - Holding 5 (RM-292-A(H5)) Zone'
-  Lands to be rezoned from the 'Development D - Exception 2 (D-2) Zone' to the 'Residential Multiple RM - Exception 292 - B - Holding 5 (RM-292-B(H5)) Zone'
-  Lands to be rezoned from the 'Unopened Road Allowance' to the 'Residential Multiple RM - Exception 292 - B - Holding 5 (RM-292-B(H5)) Zone'

This is Schedule 'A' to By-law 2022-\_\_\_\_\_

Passed on the \_\_\_\_\_ of \_\_\_\_\_, 2022