

**The Corporation of the City of Kawartha Lakes**  
**Agenda**  
**Agricultural Development Advisory Committee Meeting**

**ADAC2020-02**

**Tuesday, March 10, 2020**

**9:00 A.M.**

**Lindsay Service Centre - 2nd Floor**

**180 Kent Street West**

**Lindsay, ON K9V 2Y6**

**Members:**

**Councillor Andrew Veale**

**Robert Bonis**

**Paul Brown**

**Phil Callaghan**

**Michelle Murphy-Ward**

**Rebecca Parker**

**Matthew Pecoskie**

**Adam Shea**

**Tim Webster**

**Shawn Westland**

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1.	<b>Call to Order</b>	
2.	<b>Administrative Business</b>	
2.1	Adoption of Agenda	
	<b>That</b> the agenda be adopted as circulated.	
2.2	Declaration of Pecuniary Interest	
2.3	Adoption of Minutes	4 - 8
	Adoption of the minutes of the February 13, 2020 meeting of the Agricultural Development Advisory Committee.	
	<b>That</b> the minutes of the Agricultural Development Advisory Committee meeting held on February 13, 2020, be adopted as circulated.	
3.	<b>Deputations/Presentations</b>	
4.	<b>Correspondence</b>	

Members are encouraged to review the discussion paper for understanding and to highlight any items of concern to the agricultural sector.

The draft Discussion Paper outlines preliminary options to address several key issues as well as discusses a potential format for the new document. Planning Division would like your comments and input to help the City as we start to prepare a draft New Rural Zoning By-law over the next several months. Some questions you might want to ask yourself are:

- What opinions do you have on the key issues the City has identified?
- Are there any other issues you believe should be considered as part of this zoning by-law review?
- What map format would be easy for you to read?
- Do you have a preference between the traditional form currently used in the City zoning by-laws or a table-based presentation of uses and regulations?
- How would you like to be able to access information?

Please provide **comments by March 15, 2020** to [ruralzoningbylaw@kawarthalakes.ca](mailto:ruralzoningbylaw@kawarthalakes.ca).

## **5. New or Other Business**

### **5.1 Farm Tax Ratio**

This item was Deferred from February 13, 2020. Review of tax class share of tax burden by Councilor Veale.

## **6. Update from Economic Development Division**

## **7. News and Updates from Members**

## **8. Next Meeting**

The next meeting will be Thursday, April at 9:30 a.m. in the Economic Development Boardroom, 180 Kent Street, Lindsay.

## **9. Adjournment**

# **The Corporation of the City of Kawartha Lakes**

## **Minutes**

### **Agricultural Development Advisory Committee Meeting**

**ADAC2020-001**  
**Thursday, February 13, 2020**  
**9:00 A.M.**  
**Economic Development Boardroom**  
**Economic Development**  
**180 Kent Street West, Lindsay, Ontario**

**Members:**  
**Robert Bonis**  
**Phil Callaghan**  
**Michelle Murphy-Ward**  
**Rebecca Parker**  
**Adam Shea**  
**Shawn Westland**

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#### **1. Call to Order**

Chair R. Parker called the meeting to order at 9:30 a.m. and Members R. Bonis, P. Callaghan, M. Murphy-Ward, A. Shea and S. Westland were in attendance.

Absent: Councillor A. Veale, P. Brown, M. Pecoskie, T. Webster.

#### **2. Administrative Business**

##### **2.1 Adoption of Agenda**

**Moved By** P. Callaghan  
**Seconded By** M. Murphy-Ward

**That** the agenda be adopted with the addition of the correspondence from the Kawartha Lakes Haliburton Federation of Agriculture regarding Bill 156.

**Carried**

## 2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest disclosed.

## 2.3 Adoption of Minutes

**Moved By** R. Bonis  
**Seconded By** S. Westland

**That** the minutes of the Agricultural Development Advisory Committee meeting held on December 12, 2019, be adopted as circulated.

**Carried**

## 3. Deputations/Presentations

## 4. Correspondence

**Moved By** M. Murphy-Ward  
**Seconded By** P. Callaghan

**That** the February 12, 2020 correspondence from Kawartha Lakes Haliburton Federation of Agriculture, regarding Bill 156, be received.

**Carried**

## 5. New or Other Business

### 5.1 Farm Tax Ratio

As Councillor Veale was unable to attend to present information collected on this topic discussion will be postponed to the April meeting.

**Moved By** R. Bonis  
**Seconded By** A. Shea

**That** this item be deferred to the April meeting when the information will be available for discussion.

**Carried**

### 5.2 ADAC Work Plan

The 2019 Work Plan accomplishments were reviewed. 2020 Work Plan items were developed and will include:

### **2020 Work Plan**

1. Review and advise Council and Ec Dev on matters related to agricultural industry to improve economic environment of the agricultural sector and prosperity of the rural areas
2. Arrange a VIP Agricultural Tour at the 2020 IPM for the traditional guests to allow for education and open dialogue in context of modern farming and agri-business at various time through the event.
3. ADAC Members participate at East Central Farm Show booth with Ec Dev to increase visibility access to ADAC.
4. ADAC to actively participate in the development of the Comprehensive Rural Zoning By-law.

**Moved By** S. Westland

**Seconded By** P. Callaghan

**That** the 2020 Work Plan of the Agricultural Development Advisory Committee be approved and submitted to council for adoption.

**Carried**

## **6. Update from Economic Development Division**

### **6.1 East Central Farm Show - March 4 & 5**

Members R. Parker, R. Bonis, M. Murphy-Ward, P. Callaghan volunteered for shifts during the Farm Show. Members A. Shea, M. Pecoskie and S. Westland will also represent ADAC from within their own booths at the show.

### **6.2 Skills Advance Ontario**

The City of Kawartha Lakes application for a Skills Advance Ontario grant was submitted by Economic Development in December 2019. We are awaiting response from the Province. If approved, the project will move forward very quickly for a one-year implementation.

### **6.3 2020 International Plowing Match**

The event planning is progressing with the Ontario Plowmen's Association. Volunteers are being solicited for all committees, and for assistance during the event. The municipality has begun planning for a space within the event to

showcase Kawartha Lakes. The event Poster will be revealed at the February council meeting and be available at the East Central Farm Show.

## **7. News and Updates from Members**

-Dairy farmers in Ontario have raised concerns about a recent shift in the ProAction program as their provincial board chose to hire an outside source to do the third party audits without consulting with members and local committees.

-Expansion plans are back on the table at Green Tractors with an entirely different approach than was used last time. Equipment sales in January were very low, however February sales are picking up as growers get ready for spring.

-Interest has been expressed from outside parties in New York and Wisconsin about seed grown in Kawartha Lakes. There will be four herbicide events in this area. Triticale is being grown here and in Port Hope in larger volumes, and there are some direct purchases by specific buyers interested in doing branded and made in Kawartha Lakes products with triticale.

-There have been inquiries by members of the local Cattlemen's committee who would like to see the City apply for a grant to get more 911 numbers on farm field entrances. A. Shea will encourage them to submit a request to this committee.

-Prices for hay this year locally have been in the range of \$85-105 per round bale and \$7/small square bale due to the extremely poor growing season in 2019. In the Elmira area prices for hay have been seen as high as \$200/round bale. Prices but are expected to rise significantly as inventories are depleted. At some point in the near future it is anticipated that there will be no product available for sale. Many animals will be marketed at that point by producers who run short or run out of feed.

-Sheep prices are good now at around \$200/lamb and also good cull ewe prices are being seen too. This is a fairly typical cycle of high prices seen at this time of year.

-Dairy goat producers have recently received permission to return production to full levels as opposed to the significantly reduced levels that have been experienced over the past couple of years.

-There have been much larger numbers of dairy beef calves being marketed over the past few years by dairy farmers into the Ontario production system because of cross-breeding heifers and bottom half of herds as a result of sexed semen being used on top half of herds. The crossbred calves sold at about 10 days of

age will attract prices of approximately \$140 per calf as opposed to \$25 per calf for pure dairy calves.

**8. Next Meeting**

The next meeting will be Thursday, April 9, 2020 at 9:00 a.m. in the Economic Development Boardroom.

**9. Adjournment**

**Moved By** R. Parker

**That** the Agricultural Development Advisory Committee Meeting adjourn at 11:10 am.





## City of Kawartha Lakes Rural Zoning By-law Review

# DRAFT DISCUSSION PAPER

January 2020





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# 1.0 Introduction

## 1.1 Background

The City of Kawartha Lakes is a single-tier municipality formed through the amalgamation of the former County of Victoria and its 18 lower-tier municipalities on January 1, 2001. At the time of amalgamation, each of the 18 former municipalities had an existing zoning by-law which continue to be in force and effect and have since been subject to many amendments over the years.

Further, in June 2012, the City of Kawartha Lakes' new Official Plan came into force and effect. The Planning Act requires that a new zoning by-law be prepared within three years of the approval of an Official Plan. Therefore, the City is reviewing and consolidating its existing zoning by-laws to be consistent with and implement the 2012 Official Plan. In addition to this statutory requirement, this review provides an opportunity to modernize and streamline the City's rural zoning requirement, while introducing new land use zones, definitions, and standards as many date back to as early as the 1970s, to support vision for the future of the City of Kawartha Lakes.

The City has embarked on a two-phase project for the consolidation of its zoning by-laws:

- **Phase 1:** Undertake the review and consolidation of the 13 Rural Zoning By-laws.
- **Phase 2:** Undertake the review and consolidation of the 5 Urban Area Zoning By-laws and the Oak Ridges Moraine Zoning By-law.

The City of Kawartha Lakes retained WSP Canada Group Ltd. (WSP) to complete the work associated with Phase 1 of the Zoning By-law Review. The purpose of the Phase 1 work is to consolidate and modernize the City's 13 Rural Zoning By-laws into a single new Comprehensive Rural Zoning By-law. The rural area is generally comprised of the lands outside of the Urban Settlement Areas of Lindsay, Bobcaygeon, Fenelon Falls, Omemee, and Woodville, as shown in **Figure 1**. While largely rural, the Oak Ridges Moraine Conservation Zoning By-law will be reviewed as part of a separate review for conformity with the updated Provincial Oak Ridges Moraine Conservation Plan.



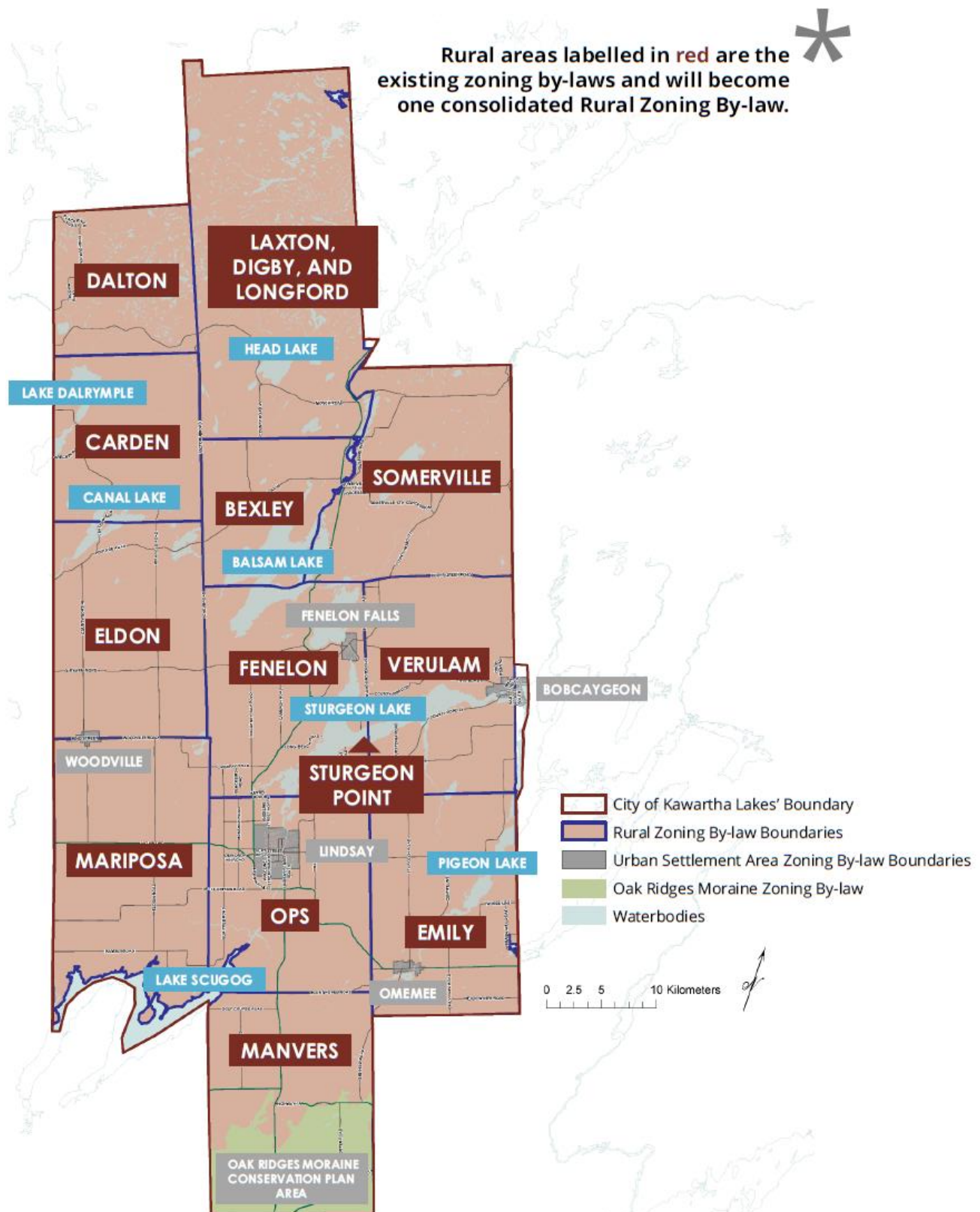


Figure 1 - Existing zoning by-law boundaries in the City of Kawartha Lakes

## 1.2 Purpose of this Discussion Paper

The purpose of this Discussion Paper is to summarize relevant policy and legislation, outline potential issues to be addressed through the Rural Zoning By-law Review and present preliminary options and recommendations to address these key issues.

The process of reviewing and consolidating 13 existing zoning by-laws is a complex and technical exercise which involves many minor, as well as major changes to improve the current rural area zoning framework. It is not the intent of this Discussion Paper to outline all the issues and specific changes to be made, but rather to outline the key issues and changes that are required, based on a review of background material, public consultation, and input from City Staff and other stakeholders. The recommendations of this Discussion Paper establish key directions and provide the foundation upon which the new Rural Zoning By-law will be prepared. Additional necessary changes to zoning may be identified as the process advances.

## 1.3 Overview of this Discussion Paper

The Discussion Paper is organized to summarize the background research and consultation that has taken place and the key recommendations that will guide work in the next stage of the review process – which involves preparing a new First Draft Rural Zoning By-law. The following topics are addressed in this Discussion Paper:

**Section 2.0 – Policy Context** identifies and summarizes the applicable legislative, policy, and regulatory framework in Ontario, and how it relates to this Rural Zoning By-law Review.

**Section 3.0 – Review of Existing Zoning** discusses and analyzes the existing zoning regime in the City of Kawartha Lakes and details the steps to harmonize the zoning by-laws.

**Section 4.0 – Official Plan Conformity** confirms how the existing rural area zoning by-laws conform to the City's Official Plan.

**Section 5.0 – Public and Stakeholder Engagement** presents the outcomes of the public and stakeholder consultation that was conducted to inform the development of this Discussion Paper.

**Section 6.0 – Principles for Preparing the New Rural Zoning By-law** outlines several core principles that will guide the preparation of the Rural Zoning By-law.

**Section 7.0 – Issues and Opportunities** discusses some of the major issues and opportunities that have been identified to-date and will need to be considered in proceeding with the review.

**Section 8.0 – Rural Zoning By-law Structure** proposes a new structure and Table of Contents for the new Rural Zoning By-law.

**Section 9.0 – Next Steps** summarizes the key conclusions of this Discussion Paper and outlines the next steps for the review process.



## 2.0 Policy Context

### 2.1 Planning Act

The Planning Act is the principal legislation that prescribes how municipalities may plan, manage, and regulate land use in Ontario's communities. The Planning Act outlines matters of Provincial interest and enables the Province to issue policy statements which provide direction to municipalities on these matters of Provincial interest.



The Planning Act enables municipal councils to pass a variety of tools to regulate the use of land and the placement of buildings and structures on a lot. Under Section 16 of the Planning Act, most municipalities, including the City of Kawartha Lakes, are obligated to prepare and adopt official plans in accordance with the requirements of the Act. Official plans contain the goals, objectives, and policies to guide decision making on land use planning matters. Municipal decisions, by-laws, and public works are required to conform to the policies of the official plan (Section 24(1)).

Section 34 of the Planning Act enables municipal councils to pass zoning by-laws to regulate the use of land and the location, height, bulk, size, floor area, spacing, character, and use of building and structures, as well as parking, loading, and lot requirements. Further, zoning by-laws may be used to prohibit the use of land or erection of buildings and structures:

- in wetlands, lands with steep slopes or otherwise hazardous land;
- in contaminated lands or in areas with sensitive groundwater or surface water features;
- in significant natural features and areas; and/or,
- in significant archaeological resource sites.

In accordance with Section 24(1), zoning by-laws must also conform to the official plan and be consistent with the Provincial Policy Statement. Zoning by-laws are viewed as one of the primary implementation tools of the official plan, effecting its policies.

Zoning by-laws are legally binding and enforceable tools with very comprehensive requirements that apply to each property across a municipality. Property owners are unable to obtain a building permit unless their proposed building, structure, or change in land or building use is consistent with the requirements of the in-effect zoning by-law. Further, those who erect a building or

structure, or change the use of land or building which is not consistent with the zoning by-law that is in-effect, may be subject to penalties as outlined in the Planning Act.

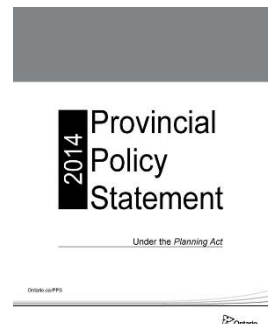
If a person wishes to use their property or construct a building or structure that is not consistent with the zoning by-law, they may apply for a minor variance or a Zoning By-law Amendment. Minor variances may be granted by the Committee of Adjustment in accordance with Section 45(1) of the Planning Act, provided the variance satisfies the four tests of the Planning Act. Significant deviations from the requirements of the zoning by-law require an amendment to the By-law.

Further, the Planning Act imposes a moratorium on amendments to a new zoning by-law for a period of two years following the adoption of a zoning by-law that replaces an existing zoning by-law in its entirety (Section 34(10.0.0.1)). Municipal councils are permitted to grant exceptions to this moratorium for a specific application or to a class or category of amendments (Section 34(10.0.0.2)). With this moratorium in place, Council may approve exceptions to the moratorium on a case-by-case basis.

## 2.2 Provincial Policy, Legislation, and Guidelines

### 2.2.1 Provincial Policy Statement, 2014

The Provincial Policy Statement, 2014 (PPS) is a statement of the Province's position on land use planning matters. The PPS contains policies related to community development, employment areas, housing, public space, infrastructure, economic development, energy, resource management, natural heritage, agriculture, cultural heritage, and public health and safety.



Decisions on land use planning matters, including the goals, objectives and policies of an official plan, must be consistent with the PPS. The 2014 PPS recognizes zoning by-laws as an important tool for implementing its policies, and planning authorities are required to keep their zoning by-law updated and consistent with their respective Official Plan and the PPS.

On July 22, 2019, the Province of Ontario released a series of changes to the Provincial Policy Statement to align with other recent change to the Province's land use planning framework. At the time of authoring this Discussion Paper, the Province is seeking feedback on these proposed changes. WSP will continue to monitor these changes as the Rural Zoning By-law Review progresses.

### 2.2.2 A Place to Grow: A Growth Plan for the Greater Golden Horseshoe, 2019

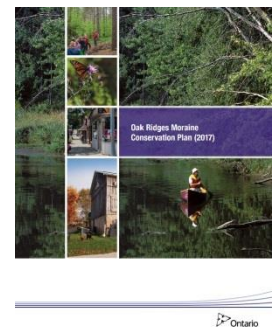
On May 16, 2019, the 2019 Growth Plan came into effect, updating the prior 2017 Growth Plan. The 2019 Growth Plan establishes a growth management strategy to the year 2041 for municipalities within the Greater Golden Horseshoe, inclusive of the City of Kawartha Lakes. The Growth Plan represents the framework for implementing the Province's vision for building stronger, prosperous communities through the development of more efficient, compact settlement patterns and development densities. The Growth Plan contains policies which support the building of healthy and complete communities, which are intended to be well-designed and provide efficient utilization of land.



Municipalities are expected to review and update their official plans to conform with the updated Growth Plan. Upper- and single-tier municipalities' conformity work is required to be completed by July 1, 2022. This process would then be followed by a review of the zoning by-law to conform to the updated local official plan. The Rural Zoning By-law Review should be cognizant of the new Provincial growth targets, areas and policy directions. Through the next Official Plan Review, the City of Kawartha Lakes will need to bring its Official Plan into conformity with the 2019 Growth Plan.

### 2.2.3 Oak Ridges Moraine Conservation Plan, 2017

The Oak Ridges Moraine Conservation Plan, 2017 (ORMCP) has been established by the Province under the Oak Ridges Moraine Conservation Act, 2001. The ORMCP establishes policies directed at protecting, enhancing and maintaining the ecological and hydrological integrity of the Oak Ridges Moraine, ensuring compatibility of development, and providing for continued development within existing urban settlement areas and recognizing existing rural settlements.



The ORMCP requires that zoning by-laws be made to conform to the land use designations of the Plan. The portion of the City of Kawartha Lakes that is within the ORMCP is subject to its own zoning by-law which was adopted by Council in April 2006 (**Figure 2**). The Oak Ridges Moraine Zoning By-law 2005-133 is not being reviewed through this Rural Zoning By-law Review and will be subject to review through a future phase of work.

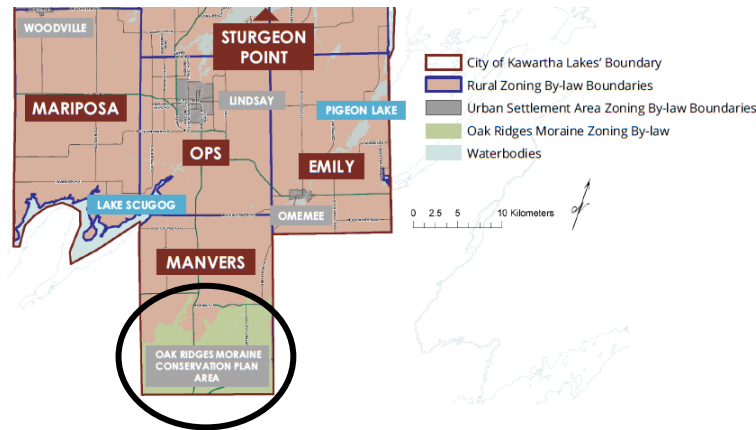
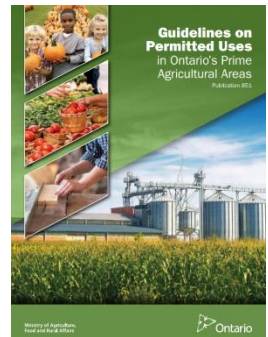


Figure 2 – Area of the City of Kawartha Lakes within the Oak Ridges Moraine Conservation Plan

## 2.2.4 Guidelines on Permitted Uses in Ontario Agricultural Areas, 2016

The Ministry of Agriculture, Food and Rural Affairs (OMAFRA) developed the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (Publication 851), 2016, as a guide to assist in interpreting the Provincial Policy Statement (PPS) and outline the range of uses that are allowed in prime agricultural areas. The PPS currently permits a range of uses in Ontario's prime agricultural areas, which are categorized as: agricultural uses, agriculture-related uses and on-farm diversified uses.



The intent of the Guidelines is to support a thriving agricultural industry and rural economy and allow uses in prime agricultural areas that ensure settlement areas remain the focus of growth and development. The City's Official Plan has yet to incorporate these Guidelines into its policies to bring them into effect. Until the appropriate Official Plan policies are in place, the Rural Zoning By-law can consider these Guidelines, while ensuring that it achieves conformity with the existing Official Plan policies.

The Rural Zoning By-law should contain provisions to permit an appropriate range of agricultural, agriculture-related, and on-farm diversified uses in prime agricultural areas, and appropriate criteria to accommodate agricultural-related and on-farm diversified uses.

Section 2.5.2 of the Guidelines states that municipal zoning by-laws under the Planning Act may regulate the use of land, buildings, and structures to help achieve the policy directions of the Guidelines. Specifically, the following directions are established with respect to a zoning by-law:

- Municipalities may choose to specify setbacks from some of the permitted uses in the prime agricultural areas;
- Municipalities should adopt “as-of-right” zoning for agricultural uses and other permitted uses that are clearly compatible and appropriate in prime agricultural areas. Other uses may be

located in prime agricultural areas subject to criteria or zoning by-law amendment to ensure issues such as site layout and traffic are compatible with surrounding agricultural uses; and,

- Temporary use by-laws to permit the temporary use of land, buildings, or structures for up to a 3-year period can be an appropriate tool to deal with event-type uses such as concerts, rodeos, and farm shows.

### 2.2.5 Minimum Distance Separation (MDS) Formulae Document, 2017

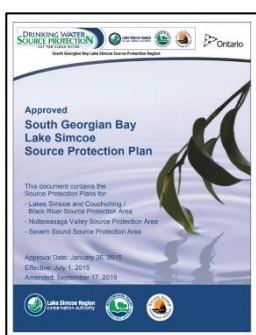
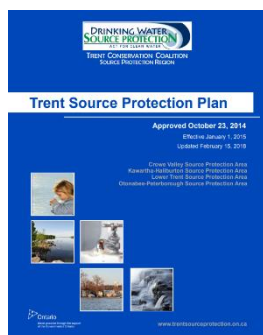
On March 1, 2017, the Ontario Ministry of Food and Agriculture's (OMAFRA's) Minimum Distance Separation (MDS) Formulae Document and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks, took effect. The objective of MDS is to prevent land use conflicts and minimize nuisance complaints related to odour. The MDS Document establishes a two-way approach, made up of two separate but related formulas, which provides land use planning tools for determining a recommended separation distance between a livestock barn, manure storage or anaerobic digester and another land use. The MDS calculation does not account for other nuisances such as noise or dust.

**MDS I** – provides the minimum distance separation between proposed new development and any existing livestock barns, manure storages and/or anaerobic digesters located in areas where the keeping of livestock is permitted.

**MDS II** – provides the minimum distance separation between proposed new, enlarged, or remodelled livestock barns, manure storages and/or anaerobic digester and existing or approved development located in areas where the keeping of livestock is permitted.

The Rural Zoning By-law Review can establish setbacks or general provisions to ensure the MDS formulae is applied, where applicable.

### 2.2.6 Source Water Protection Plans



The Trent Conservation Coalition Source Protection Region (TCCSPR) Source Protection Plan was prepared to address significant threats to the water supply in the Kawartha-Haliburton, Crowe Valley, Lower Trent, and Otonabee-Peterborough Source Protection Areas in accordance with the Clean Water Act, 2006. The Plan works to protect existing and future drinking water sources and identifies actions to assess threats to drink

water and was approved on October 23, 2014. Similarly, the South Georgian Bay Lake Simcoe Region Source Protection Plan covers the Lake Simcoe watershed over the western portion of the City and came into effect on July 1, 2015.



Zoning is considered to be a key tool to implement Source Protection Plans which, in part, aim to limit land uses and activities which can pose a threat to drinking water. The Source Protection Plans identify a number of surface water intake and wellhead locations within the City of Kawartha Lakes which require protection. The City is required to implement both Source Protection Plans in its Official Plan policies, through a separate policy exercise. As this initiative to bring the Kawartha Lakes Official Plan into conformity with the Source Protection Plans advances, the implications on zoning will be considered through this Rural Zoning By-law Review.

### 2.2.7 Lake Simcoe Protection Plan

The Lake Simcoe Protection Plan was completed under the Lake Simcoe Protection Act. The purpose of the Plan is to help protect and restore the ecological health of Lake Simcoe and the associated watershed in part by restricting land uses and managing the location of sewage systems, for example. The Lake Simcoe Protection Plan builds on the ongoing work by the Lake Simcoe Region Conservation Authority, who is a key partner in the Plan's implementation and watershed protection (**Figure 3**). Accordingly, zoning by-laws are considered to be an important tool for implementing this Plan. Where the Plan restricts permitted uses, or establishes special setbacks from watercourses, the zoning by-law can incorporate overlay zoning or a suffix.

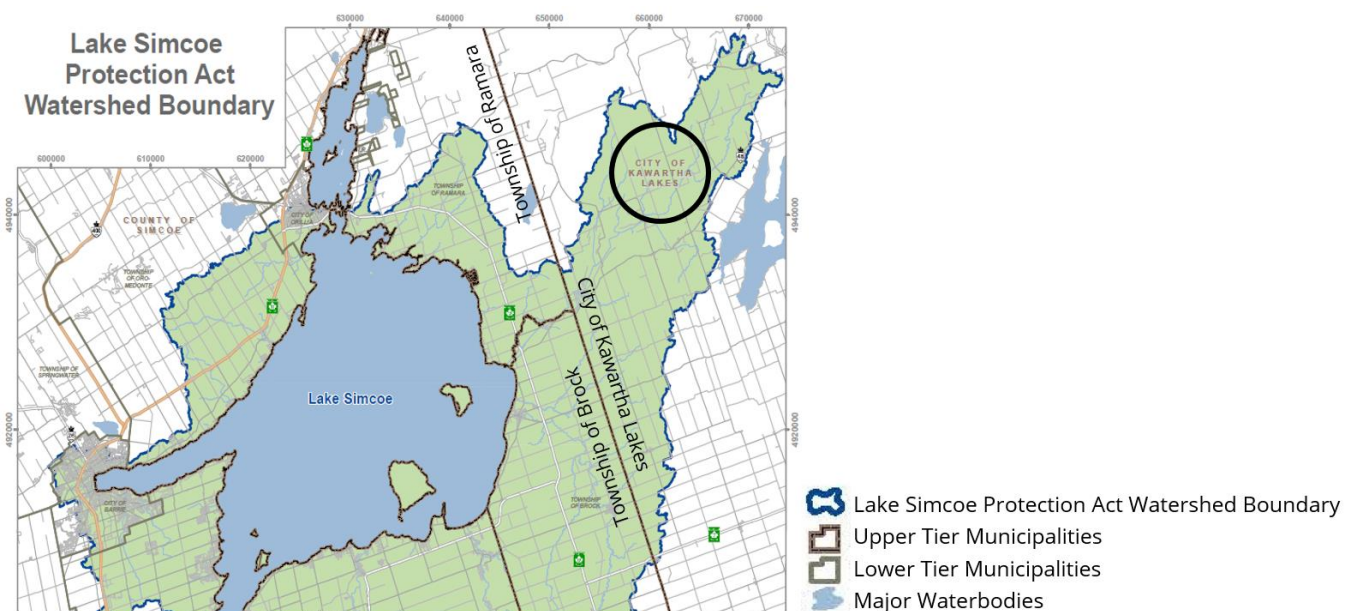
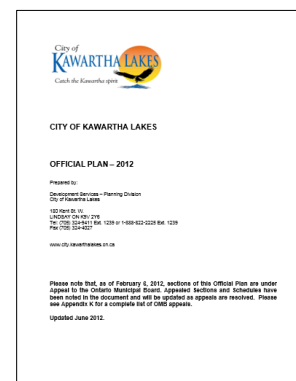


Figure 3 - Lake Simcoe Protection Act Boundary, indicating the portion within the City of Kawartha Lakes

## 2.3 City of Kawartha Lakes Official Plan, 2012

The City of Kawartha Lakes Official Plan (2012) was adopted by City Council on September 21, 2010. On January 11, 2012, the Ministry of Municipal Affairs approved the Official Plan with modifications. On June 8, 2012, the Official Plan, except those sections under appeal at the Local Planning Appeal Tribunal, came into effect. The Official Plan outlines the City's policies, principles and objectives for managing the environment, growth management, housing, economic development, community facilities, and open space amongst others.



The Official Plan makes several references to municipal zoning by-laws, including several specific issues for consideration in this review. Specifically, Section 34.5 directs that the City will adopt a comprehensive zoning by-law that will reflect the principles, policies, and land use designations of the Official Plan. It is a core objective of this review to bring the City's rural area zoning into conformity with the 2012 Official Plan. The policies of the City's Official Plan are reviewed and discussed in further detail in subsequent sections of this Discussion Paper.

## 2.4 Other Studies, Initiatives, and By-laws

### 2.4.1 Municipal By-laws

#### **Fence By-law No. 2017-216**

The purpose of the Fence By-law is to regulate the location and dimensions of fences across the City of Kawartha Lakes. The Rural Zoning By-law will be reviewed with respect to fencing requirements in this by-law to avoid any inconsistencies with the Fence By-law. It may also be desirable to remove zoning provisions related to fences from the Rural Zoning By-law to prevent duplication of regulations and streamline interpretation and administration. For example, the Mariposa Zoning By-law limits fence height outside of an Industrial or Agricultural Zone at 2 metres, whereas the Fence By-law limits the Residential fence height at 2 metres and Non-Residential fences at 3 metres.

#### **Swimming Pools and Swimming Pool Fences By-law No. 2005-314**

The purpose of the Swimming Pool By-law is to impose requirements for the construction of swimming pools and fences around swimming pools. The Rural Zoning By-law will be reviewed against this by-law to avoid any inconsistencies. It may also be desirable to remove zoning provisions related to swimming pools and associated fences from the Rural Zoning By-law to prevent duplication of regulations and streamline interpretation and administration. The zoning by-law and Swimming Pool By-law are intertwined in that the swimming pool by-law prohibits the installation of a pool that contravenes any provision of the zoning by-law.

### **Site Plan Control By-law No. 2016-069**

Site Plan Control By-law 2016-069 establishes requirements for site plan agreements, compliance with and amendments to approved plans, professional plans, and administration. The purpose of Site Plan Control is to ensure that high standards of development will be achieved with each new development. Municipalities use it to ensure that developments meet and conform to generally accepted aesthetic and functional requirements as well as with the provisions of the City's Zoning By-law. Only the major settlement and hamlet areas within the City are designated as a Site Plan Control Area, meaning any development or redevelopment is subject to the process excepting:

- A single detached or semi-detached dwelling unit;
- An addition or alteration to a building or structure;
- Any residential building containing less than three dwelling units;
- Development lands owned by a public entity (e.g., the City, Province);
- Any structure erected for the purposes of flood or erosion control by any conservation authority;
- Any agricultural buildings permitted in the zoning by-law; and,
- Minor additions and alterations.

The Site Plan Control guide also contains a number of relevant standards to zoning, including parking, barrier-free parking, landscaping, and accessibility. Within the rural area of the City, Site Plan Control applies to lands generally within Oakwood, Little Britain, Kirkfield, Coboconk, Kinmount, Norland, Bethany, and Pontypool. The Rural Zoning By-law should work in tandem with Site Plan Approval to ensure that all elements of compatibility are appropriately managed.

Authority for executing Site Plans is delegated by Council to the Director of Planning.

### **Refreshment Vehicle Businesses By-law No. 2016-245**

The purpose of the Refreshment Vehicle Businesses By-law is to license, regulate, and govern refreshment vehicle businesses across the City of Kawartha Lakes. The Rural Zoning By-law will be reviewed with respect to refreshment vehicle businesses, including ancillary use permissions, to ensure that there will be no inconsistencies between the by-laws. The zoning by-law and Refreshment Vehicle Businesses By-law are intertwined in that a license may be denied if the premises are not in compliance with the zoning by-law or any parking requirements.

### **Kennels By-law No. 2018-211**

The purpose of the Kennels By-law is to license, regulate, and govern kennels within the City. The Rural Zoning By-law will be reviewed against this by-law to avoid any inconsistencies. The Kennels



By-law contains direct reference to the zoning by-law by stipulating that a license shall not be issued "...for the operation of a kennel on lands which do not meet the requirements of the applicable city zoning by-law...and shall not be permitted on property less than two hectares (5 acres) in size." Further, the Kennels By-law permits Canine Day Boarding Facilities on properties less than two hectares in size, provided that the lands are zoned for commercial and/or industrial use and where personal service is listed as a permitted use.

#### 2.4.2 Conservation Authorities

There are four conservation authorities that have jurisdiction within the City of Kawartha Lakes (**Figure 4**). The northern portion of the City is not within the jurisdiction of any conservation authority. The Kawartha Region Conservation Authority (KCRA) has the largest geographic jurisdiction within the City. Like all conservation authorities, the KCRA is accountable for the management of natural hazards in its watershed jurisdiction, including the delivery of flood and erosion control operations, snow and ice management, hazard information, and regulating development and activities in relation to specific natural hazards. It is a principle of the KCRA to work with municipalities to include natural heritage features and systems, hazard areas and sensitive or vulnerable surface and groundwater features within Official Plan and Zoning By-laws. The KCRA, through a Memorandum of Understanding, also provides environmental advice to the City for the balance of lands outside of a conservation authority's jurisdiction. The KCRA's Plan Review and Regulation Policies establish a number of policies to be considered in a new Rural Zoning By-law (Section 3.3.1 and 3.3.2).

The Otonabee Conservation Authority has jurisdiction over the southeast corner of the City of Kawartha Lakes, including a portion of the former Township of Emily and the Oak Ridges Moraine Conservation Plan area. The Ganaraska Region Conservation Authority has jurisdiction over a small portion along the southern edge of the City within the Oak Ridges Moraine Conservation Plan area. The Lake Simcoe Conservation Authority has jurisdiction over the north-west portion of the City, covering portions of the former Village of Woodville and Townships of Mariposa and Eldon. These conservation authorities have similar programs to the KCRA for natural heritage, natural hazards, and surface and ground water features, but are guided by their individual plan review and regulation policies.

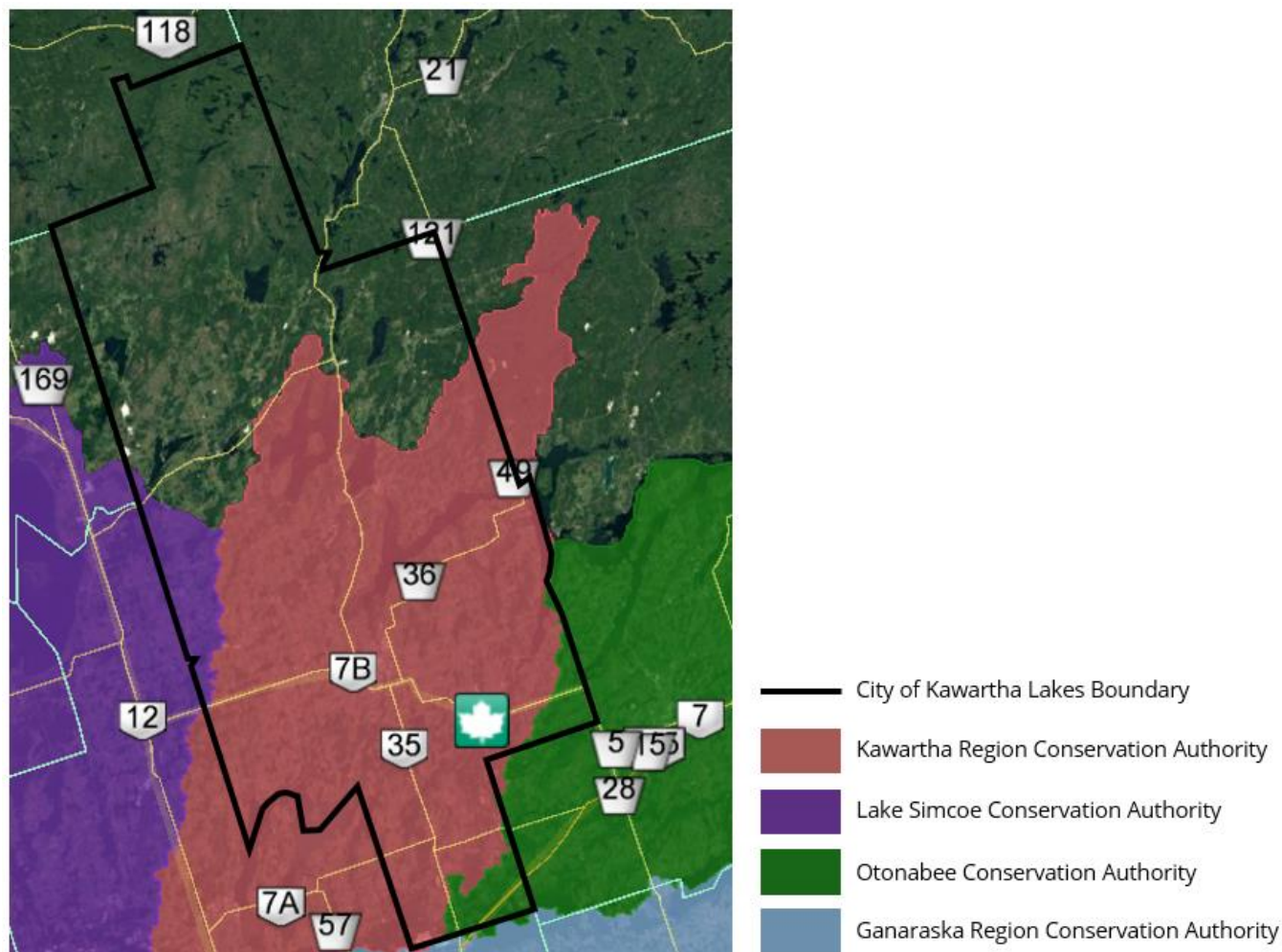


Figure 4 - Jurisdictional boundaries of Conservation Authorities within the City of Kawartha Lakes

### 2.4.3 Lake Management Plans

Lake Management Plans have been completed by Kawartha Region Conservation Authority for all major lakes in the City to determine the current state of the lakes in terms of lake health and community values and to help understand what actions can be undertaken to improve them. Each Lake Management Plan identifies a series of initiatives and actions to manage shoreline development and maintain or enhance lake health. For example, the Balsam Lake and Cameron Lake Management Plan and Sturgeon Lake Management Plan identify that a site-plan control by-law be developed to require new development along shorelines to comply with measures such as maintaining natural vegetation and building setbacks, to protect water quality and sensitive ecological areas. The Lake Management Plans set out key strategic initiatives, including amending the City of Kawartha Lakes Official Plan to require protection of the natural environment through measures such as development setbacks adjacent to shorelines or streams.

To facilitate their implementation, City of Kawartha Lakes Council has adopted a multi-year joint Lake Management Implementation Action Plan as recommended by the Kawartha Region Conservation Authority. One of the core programs identified in this Action Plan is the Shoreline Planning and Policy Background project to enhance shoreline protection through planning and policy. Should this project commence concurrently with the Rural Zoning By-law Review, the directions and recommendations will be considered in the new Rural Zoning By-law.

#### 2.4.4 City of Kawartha Lakes Healthy Environment Plan

The City of Kawartha Lakes has developed a Healthy Environment Plan, 2019 (KLHEP) that works to ensure the resilience of the community in the face of climate change. The KLHEP establishes a series of goals that may benefit from consideration in the new Rural Zoning By-law:

- Goal 3 | Support local businesses and the tourism industry in adapting to climate changes.
- Goal 9 | Implement smart, dense, mixed-use growth to reduce sprawl.
- Goal 10 | Increase the use of green infrastructure and reduce hardscaping to improve storm water management, reduce the urban heat island effect and other associated benefits.
- Goal 11 | Protect and enhance the City's natural environment assets and ecosystems and enhance carbon sequestration.

#### 2.4.5 City of Kawartha Lakes Housing and Homelessness Plan

The City of Kawartha Lakes has prepared a Housing and Homelessness Plan to create a long-term community vision of shared goals, principles, and strategies for a continuum of housing and homelessness services. In part, it seeks to improve access to adequate, suitable, and affordable housing. Goal 2 of the Plan is to “align municipal financial and planning policies with affordable housing objectives”. Specifically, Objective 2.1 aims to complete Official Plan and zoning by-law changes to facilitate the creation of second units.

The City is currently undertaking a review of this Plan to update its goals and objectives. As this Rural Zoning By-law Review progresses, the implications of the updated Housing and Homelessness Plan can be considered alongside any required updates to the City's Official Plan.

#### 2.4.6 Other Agencies

There are several other agencies that would establish their respective policies and regulations which apply to their lands. For example, Parks Canada manages the Trent-Severn Waterway National Historic Site of Canada which travels throughout the City of Kawartha Lakes, while a significant portion of the former Township of Digby and Dalton are within the Queen Elizabeth II Wildland Provincial Park. The Ministry of Transportation manages three Provincial Highways and

has requirements for development adjacent to these roads. They have requested that their development standards be included in the Rural Zoning By-law. The Rural Zoning By-law Review will need to consider how the waterways and waterbodies across the City are zoned, and consider any conflicts with Provincial and Federal jurisdiction.

Generally, it is not desirable to incorporate the regulations of other agencies into a comprehensive zoning by-law. Should these regulations change, the zoning by-law would need to be amended. However, there is an opportunity to reference these regulations (i.e., Parks Canada and Ontario Parks) in the Summary Report and/or a section regarding “How to use the By-law”, which will accompany the Draft Rural Zoning By-law.

# 3.0 Review of Existing Zoning

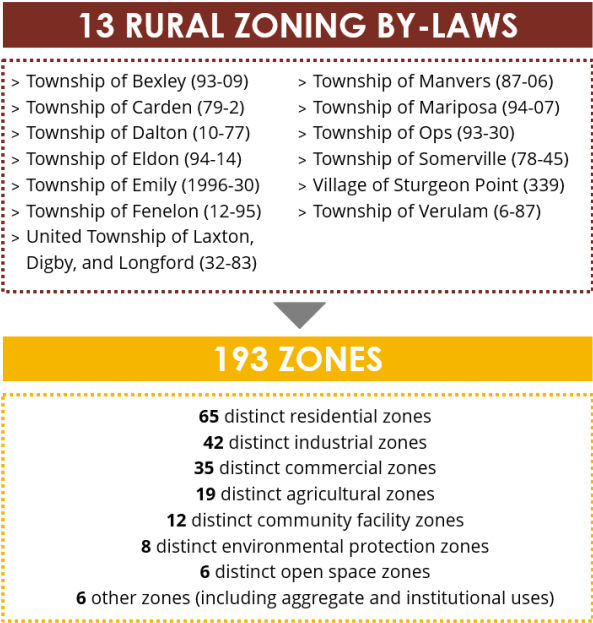
The outcome of this Rural Zoning By-law Review, as noted, will be a new Rural Zoning By-law which applies to the rural area of the City of Kawartha Lakes. This section examines the 13 existing, in-effect zoning by-laws in Kawartha Lakes. The existing rural area zoning by-laws will serve as the basis for the new Rural Zoning By-law since it is desirable to maintain consistency and, where appropriate, avoid creating instances of legal non-compliance and non-conformity. While many changes to the existing zoning by-laws may be made, those elements that are working should be carried forward.

## 3.1 Overview of the Existing Rural Zoning By-laws

There are 13 existing rural area zoning by-laws which regulate the use of land, buildings and structures across the rural areas of the City. Some of these zoning by-laws date back to the 1970's and have been subject to continual amendments.

The existing rural area zoning by-laws contain 193 distinct zone categories. Many of the zone categories are not clearly aligned with the Official Plan land use designations. As much as possible, it is desirable to consolidate the zones into a harmonized series of zones that are applied across the rural area of the City.

There appears to be a significant opportunity to consolidate all zone categories, as some zones between the different by-laws have only minor differences. Any consolidation efforts will need to consider the implications of creating legal non-compliance with new zone standards. Potential impacts on community character should also be considered when merging zones. As such, it may be appropriate to establish tailored zone categories, overlays, or zone suffixes for specific geographies in the City (e.g., to distinguish between different hamlet areas).



## 3.2 Urban Area and Oak Ridges Moraine Zoning By-laws

In addition to the rural area zoning by-laws, remaining lands within the City of Kawartha Lakes are subject to five urban area zoning by-laws and the Oak Ridges Moraine Zoning By-law. The urban

area by-laws apply to those lands within Bobcaybeon, Fenelon Falls, Lindsay, Omemee, and Woodville.

While these by-laws are not being updated during this Rural Zoning By-law Review, it will be important to consider how the approach and structure to crafting the new Rural Zoning By-law, including map and schedule layouts, can be adapted for the urban area and Oak Ridges Moraine Zoning By-laws for consistency across the whole City. This would assist with consolidation into a single City-wide zoning by-law.

### 3.3 Steps to Zoning By-law Harmonization

In order to consolidate the existing rural area zoning by-laws, a thorough and well-documented approach will be employed to ensure that the process of harmonization achieves the principles of the Rural Zoning By-law Review.

#### 3.3.1 Step One: Group Similar Zones Based on Permitted Uses

The first step in harmonizing the rural area zoning by-laws is to group similar zones that could be consolidated. Generally, this is done by examining permitted uses and proposing a revised zone structure based on the Official Plan. Three circumstances usually arise – new zones are added, zones are consolidated, and some existing zones may be deleted. Such decisions are only made after the analysis of the permitted uses and zone standards is completed.

#### 3.3.2 Step 2: Review Permitted Uses Within the Zone Group

Once similar zones are grouped, the permitted uses within that cluster will be reviewed to:

- Update terminology to reflect current building forms, uses, and modern planning, business and development practices;
- Refine terminology and the classification of uses (for example, the Bexley Zoning By-law permits a detailed list of the types of stores in the Highway Commercial (C2) Zone, whereas they could be identified as a retail store);
- Delete duplicate uses and simplify terminology;
- Add new uses that are more reflective of current land uses and modern types of land use; and,
- Ensure conformity with the City of Kawartha Lakes Official Plan.

In undertaking this process, it is imperative that there be a clear understanding of how the existing permissions have been translated or deleted and that these decisions are documented.



### 3.3.3 Step 3: Review of Definitions in Conjunction with the Assessment of Permitted Uses

Existing definitions must be compared in conjunction with the review of the use permissions for the new zone hierarchy. Since it is the definitions that ultimately provide precision to the permitted uses, it is important that existing definitions are reviewed for consistency, updated to reflect current planning practice, and that it is clearly documented where and why changes have been made. This is also an opportunity to clearly articulate the nature of a use to minimize the need for interpretation once the Rural Zoning By-law comes into effect. The Rural Zoning By-law will need to carefully define uses and also define new uses introduced through exception zones to create a consistent approach.

Standard language rules for definitions should apply. Definitions should not be based on a long list of examples but clearly describe the nature, function or built form of a use as appropriate. Definitions should also not have zoning provisions layered inside of them as this makes it difficult to maintain the By-law as it is amended over time. This can lead to contradicting elements of the By-law if one part of the By-law is amended but not the definition that also contains the layered requirements.

The definitions arising from this exercise can be considered as the “use” definitions and will feed into the stream of work addressing the broader set of definitions.

### 3.3.4 Step 4: Compare Zoning Regulations for Zones to be Harmonized

Where development has occurred, the zone standards can be blended and harmonized to the greatest degree possible. Where possible and practical, the minimum or least restrictive standard should be retained, as this could assist in limiting new instances of legal non-compliance. However, the City has many diverse areas that have different lot and building requirements related to servicing, for example lot area and frontage, that will require a unique approach.

Official Plan policies, the City’s standards and guidelines, and other planning considerations will assist in the rationalization exercise that will result in a more comprehensive range of locally-specific standards.

### 3.4 Site-Specific Exceptions

#### 3.4.1 Overview

The existing rural area zoning by-laws contain nearly 1,000 site-specific exceptions, which are site-specific provisions applied to defined lands and added through a zoning by-law amendment process. In most cases, a site-specific exception is applied to one property; however, it may be applied to multiple properties including an entire block or subdivision.

#### 968 SITE-SPECIFIC EXCEPTIONS

Landowners can apply for site-specific exceptions to the regulations of the zoning by-law to permit a development. There have been 968 approved individual amendments to the existing zoning by-laws which will need to be reviewed through this process.

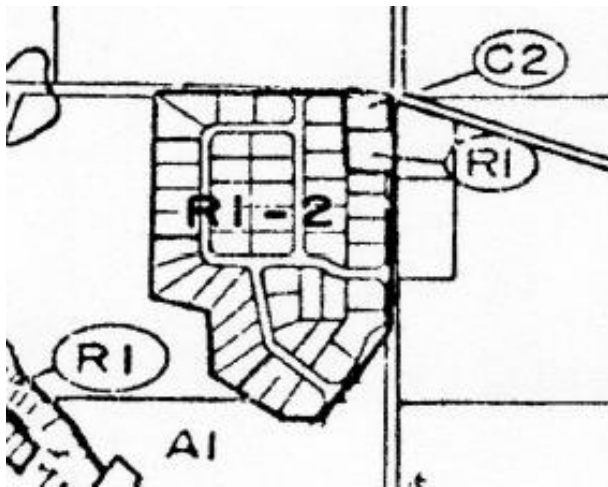


Figure 5 - Example of site-specific exception from the Verulam Zoning By-law, Schedule A

**Figure 5** depicts the “R1-2” site-specific exception zone in Verulam which applies to a subdivision, while an abutting property is zoned “R1”, the parent zone. Where a site-specific exception applies, it is considered to supersede the other requirements of the zoning by-law, including the requirements of the base zone category. This may include adding permitted uses or introducing more flexible lot and building requirements. A site-specific exception may also be more restrictive than the parent by-law, introducing more detailed lot and building requirements or restricting uses that would otherwise be permitted by the base zone category.

#### 3.4.2 Options for Reviewing Site-Specific Exceptions

There are three options to consider when reviewing site-specific exceptions, based on the desired outcome of the Rural Zoning By-law Review. The review of site-specific exceptions is anticipated to take place alongside the preparation of the Second or Final Draft Rural Zoning By-law to minimize the number of iterations and revisions.

##### **Option 1: Complete Repeal of All Site-Specific Exceptions**

A complete repeal of site-specific exceptions would have significant impacts on current development entitlement and use and would likely generate many appeals and opposition. Some of the site-specific exceptions would have been passed after the new Official Plan was completed, therefore the site-specific exceptions will represent zoning provisions that were developed to conform to the policies of the 2012 Official Plan. In some cases, site-specific exceptions may be required to implement specific policies of the Official Plan, so a wholesale repeal of site-specific exceptions is not typically undertaken by municipalities when they complete a new zoning by-law.



### Option 2: Review and Harmonize

All measures should be taken to reduce or eliminate site-specific exceptions to reduce the volume and rely as much as possible on the Rural Zoning By-law. Opportunities to review and harmonize site-specific exceptions can include:

- Where the zoning changes due to other recommendations made through this process (e.g., Official Plan conformity or consolidation of zone categories), the need for the site-specific exception may be eliminated due to the newly applicable provisions;
- The site-specific exception is old, was not implemented, and the permission is no longer desirable to carry forward based on landowner interest or Official Plan conformity; and/or,
- The intent of the site-specific exception was to guide the development of the site, and now that it has been constructed, the provisions of the site-specific exception no longer provide value.

Once a decision has been made to maintain a site-specific exception and the provisions are modified, the site-specific exception would need to be integrated into the new template of the Rural Zoning By-law. The existing rural area zoning by-laws number their exceptions sequentially based on their parent zone (e.g., R1-1, R1-2, R1-3, A1-1, A1-2 etc.), which means there may be instances of two or more site-specific exceptions with the same identifier across the 13 by-laws.

Going forward, the remaining site-specific exceptions can be comprehensively renumbered in the text and mapping of the Rural Zoning By-law to form a sequential order regardless of the parent zone (e.g., #1, #2, #3) or continue the existing approach to numbering based on the parent zone. The approach of sequential numbering creates administrative efficiencies in that each new site-specific exception would be added after the last one on the list.

### Option 3: Retain All Site-Specific Exceptions

Retaining all site-specific exceptions would create significant conformity, administration, and interpretation issues. This option would retain the status-quo and the site-specific exception would be carried over as written on the day of adoption. The existing format, definitions, and style of the site-specific exception would not align with the updated Rural Zoning By-law; however, this approach would have the least impact on existing development rights.

## 3.5 Minor Variances

In accordance with Section 45 of the Planning Act, the City's Committee of Adjustment may approve minor variances from the provisions of the zoning by-law to provide some relief from its requirements. This is commonly used to provide minor changes to setback requirements, parking requirements, height requirements or other provisions.

An analysis of minor variances provides input to the Rural Zoning By-law Review by highlighting trends in the types of additional permissions or zoning relief that has been sought historically. Identification of any common trends or elements of zoning that have frequently been subject to alteration may indicate the need to adjust a particular standard. The focus of the Rural Zoning By-law should be on developing zoning provisions that balance restrictiveness and permissiveness, thus minimizing the need for minor variances.

City of Kawartha Lakes staff have prepared tables of the data for the minor variances from 2009 to 2018. This data has been summarized to extrapolate any trends that can be considered when crafting the new zone standards and permitted use. This analysis will also provide an indication about which of the 13 rural area zoning by-laws have been subject to the most minor variances, which may indicate that the standards of a given by-law may not be the most suitable to carry forward in the review and consolidation of the zone structure.

### 3.5.1 Minor Variance Analysis

Between 2009 and 2018, there were a total 602 minor variances applications submitted to the City of Kawartha Lakes, of which 422 applications were within the rural area zoning by-laws. Of these 422 minor variances within the rural areas, 399, or 94% were approved (**Table 1**).

Table 1 – Approved rural area minor variance data (2009-2018)

Zoning By-law	Approved Rural Area Minor Variances (2009-2018)	Percent of Total Approved Minor Variances (2009-2018)	Percent of Applications Related to Waterfront Properties
Bexley	27	6.7%	71.4%
Carden	22	5.5%	91.3%
Dalton	8	2.0%	87.5%
Eldon	19	4.8%	68.4%
Emily	50	12.5%	67.3%
Fenelon	64	16.0%	68.1%
Laxton, Digby and Longford	13	3.2%	73.3%
Manvers	23	5.8%	20.8%
Mariposa	41	10.2%	50.0%
Ops	27	6.8%	37.9%
Somerville	48	12.0%	75.0%
Sturgeon Point	6	1.5%	16.7%
Verulam	51	12.8%	50.9%
<b>Total</b>	<b>399</b>	<b>100%</b>	<b>60.4%</b>

As demonstrated by **Table 1**, 60.4% of approved minor variances for all of the rural area zoning by-laws were associated with waterfront properties. Further, the Fenelon Zoning By-law was subject to the highest number of approved minor variances, followed by Verulam and Emily. Waterfront variances represent a significant portion of all approved minor variances. To understand the purpose of these waterfront-related minor variances, **Table 2** outlines the most frequent types of relief sought along the waterfront.

Table 2 - Waterfront minor variance data

Standard	Description	Number of Minor Variances (All)
Location of Accessory Structures, Buildings and uses	Relief from standards prohibiting accessory structures, buildings, and uses in front yards.	73
Setback of Principal Structure	Relief from minimum water setback to be less than 15 metres.	83
Setback of Principal Structure	Relief from minimum water setback to be between 15 and 30 metres.	56
Front Yard Setback	Relief from front yard setback.	54 (incl. 18 for garage structures and 19 for the principal dwelling, 7 for sheds, 2 for boathouses, 3 for cabins, 2 for others)

The findings of this minor variance analysis generally confirm the input received to-date, as detailed in **Section 5.0** of this Discussion Paper, that suggests that waterfront areas require specific attention through the Rural Zoning By-law Review. There is an opportunity when developing the waterfront-specific zones/zoning standards to consider the minor variances to confirm the appropriateness of the existing setbacks, while reflecting the varying conditions that are encountered along waterfront areas. This issue is discussed further in **Section 7.15** of this Discussion Paper.

**Table 3**, below, summarizes the types of minor variances that have been applied for across all locations (i.e., rural, waterfront, rural residential) subject to the rural area zoning by-laws.

Table 3 - Rural area minor variance analysis

Accessory Structures, Buildings, and Uses	Number of Minor Variances (All)	Principal Zone Setbacks	Number of Minor Variances (All)
Boathouse	22 (13%)	Front	77 (32%)
Cabin	8 (5%)	Rear	18 (8%)
Garage	113 (65%)	Exterior Side	19 (8%)
Shed	22 (13%)	Interior Side	56 (24%)
Swimming Pool	6 (3%)	Water < 15	39 (16%)
Workshop	2 (1%)	Water 30 – 15	29 (12%)
Second Unit	0 (0%)	EP Zone	0 (0%)

With respect to accessory uses and structures, the highest proportion of minor variances was sought for garages (65%), while boathouses and sheds (13%) closely follow. With respect to principle zone setbacks, the majority of variances were related to front yard setbacks (32%), followed by interior side (24%) and water setbacks. These recurring themes may be indicative of provisions that require review.

Generally, variances regarding building setbacks are the most common type of variance sought, with a number of variances across the various setbacks. Accessory uses, buildings, and structures have also been the subject of a number of variances, with a high proportion applying to boathouses, garages, and sheds. A review of accessory building and structure provisions in the Rural Zoning By-law should be completed, with the trends forming a component of the analysis.

The outcome of this analysis assists in identifying the aspects of the existing zoning by-laws where the standards may not be reflective of current development interests. However, it is important to recognize that minor variances are applied for and evaluated on a case-by-case basis. Even where a zone has been varied many times, this may not necessarily mean the standard is not suitable. Rather, a large number of minor variances assists with identifying aspects of the rural area by-laws that require further research and review.

### 3.6 Current Approach to Mapping

The mapping for the City of Kawartha Lakes' current zoning by-laws is currently administered in GIS and accessible via portable document format (PDF) maps on the City's website. Each of the 13 rural zoning by-laws follows its own format or template, and span a range of original publication dates. The current zoning schedules are in black and white, with no use of colour, and use different types and sizes of fonts (**Figure 6**).

# CITY OF KAWARTHA LAKES RURAL ZONING BY-LAW REVIEW DRAFT DISCUSSION PAPER

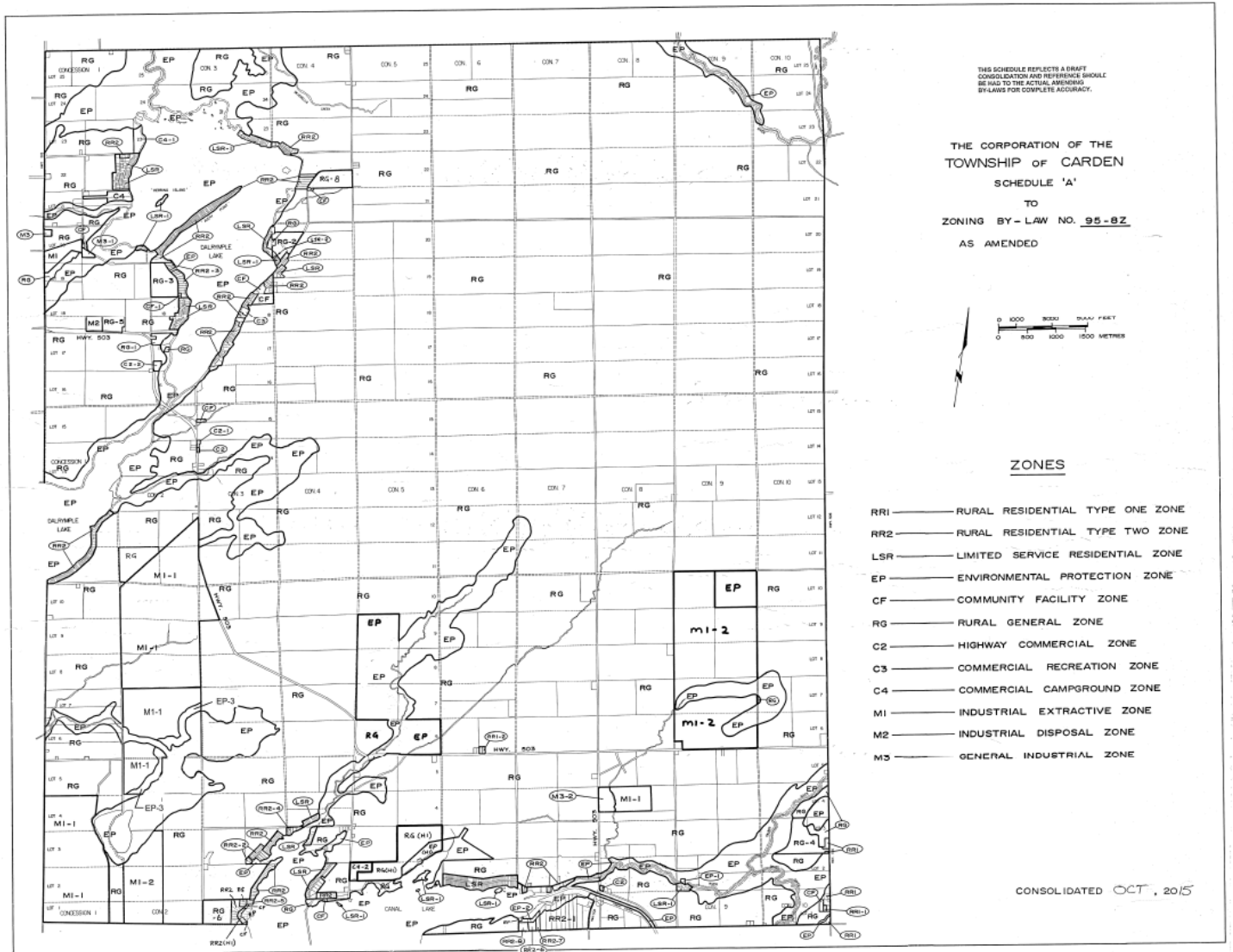


Figure 6 - Township of Carden Zoning By-law, Schedule 'A'

Regarding zone symbols, the following example (**Figure 7**) from the Fenelon By-law shows the current approach to labelling, which is used quite consistently through all the rural area by-laws. The thick black lines delineate the boundaries of a specific zone, while the thin black lines reflect property boundaries. The hatched area directs the reader to a specific section of the zoning by-law. The schedules rely on arrows/leaders to indicate the applicable zone for a property and adopts the following zone nomenclature:

e.g. – CF-2

- CF refers to the applicable parent zone (Community Facility)
- -2 refers to the Site-Specific Exception (in this case -2) applying to the property

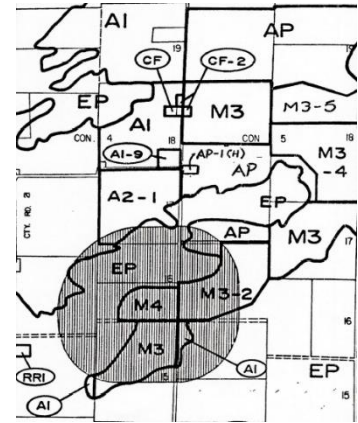


Figure 7 - Township of  
Fenelon Zoning By-law,  
Schedule 'A'

### 3.7 Next Steps

**Section 3.0** provides an overview of the existing rural area zoning by-laws and the steps that are required to harmonize the 13 by-laws, including site-specific exceptions and mapping, into a singular Rural Zoning By-law. The four-step harmonization process detailed in **Section 3.3** represents a first and significant step to consolidating the rural area zoning by-laws.

Following the consolidation of the 13 rural area zoning by-laws, it will be necessary to undertake a review of the nearly 1,000 site-specific exceptions, as detailed in **Section 3.4**. There are three options identified in this section to undertake this review, and it is anticipated that it will take place alongside the completion of the Second of Final Draft Rural Zoning By-law to minimize the number of iterations or revisions.

**Section 3.5** analyzes trends in minor variance applications submitted between 2009 and 2018. This analysis assists in identifying the aspects of the existing rural area zoning by-law where standards may not be reflective of current development interest or where aspects of the by-laws require further review and research.

Finally, **Section 3.6** provides a brief overview to the current approach to mapping adopted across the different rural area by-laws. An important step to be completed alongside the preparation of the First Draft Rural Zoning By-law will be a comprehensive review and refresh of the mapping, as detailed further in **Section 6.3** of this Discussion Paper. Following these steps, it will be imperative to confirm that the Rural Zoning By-law conforms to Provincial Policy and the City of Kawartha Lakes Official Plan through a detailed conformity exercise. **Section 4.0** provides a preliminary review of how the existing rural area zoning by-laws conform to the Official Plan.



## 4.0 Official Plan Conformity

The City's 2012 Official Plan was prepared to provide a single set of policies that are to be applied across the former municipalities that now form the City of Kawartha Lakes. The Official Plan guides growth, development and land use change to the year 2031. Any decisions by Council must conform to the Official Plan, and as such, the new Rural Zoning By-law must conform to the broad range of policies identified in the Official Plan. The policies were developed in consideration of numerous background studies and technical analyses, and apply to the variety of land uses across the City.

The Official Plan incorporates all lands in the City into various land use designations which are illustrated on Schedule A of the Official Plan. The land use designations are associated with a list of permitted uses and types of development that will be allowed, subject to certain criteria or policies. The Zoning By-law is the most important vehicle for implementing the Official Plan as it translates the broader land use permissions and requirements of the Official Plan into specific regulations and permitted uses which are legally enforced. The Official Plan, unlike the Zoning By-law, is not legally enforced by the City. The Zoning By-law should not be more permissive than the Official Plan. If a use is not permitted in an area by the Official Plan, it should not be permitted through zoning. The Zoning By-law must be updated to modify the permitted uses so that they are more in line with the Official Plan. This is a key reason for preparing a new zoning by-law, as it will bring the City's legal tools in line with the City's current policy.

The existing rural area zoning by-laws were prepared well in advance of the 2012 Official Plan and do not necessarily align with the land use designations and associated policies in the Official Plan. The new Rural Zoning By-law must support the implementation of the new Official Plan and conform to its policies. In particular, the new Rural Zoning By-law's permitted uses and general provisions must conform to the Official Plan's land use designations and other policies throughout the Plan.

### 4.1 Official Plan Land Use Conformity Analysis

**Table 4** offers a brief summary of each Official Plan Land Use Designation and characterizes the existing zoning provisions that apply within that land use designation. The purpose of this analysis is to identify conflicts or gaps in how the current zoning by-laws conform to the City's Official Plan. The analysis is intended to identify potential conflicts between the Official Plan's policies and zoning. It is anticipated that this analysis will form the basis for conducting a more detailed review of mapping and permitted uses when the draft Rural Zoning By-law is prepared in the next phase of the Rural Area Zoning By-law Review. Further, this analysis may yield changes to the zone categories to better align with the land use designations in the Official Plan.

The existing zone categories and boundaries, based on Geographic Information Systems (GIS) data, have been overlaid on the existing Official Plan – Schedule A land use designations and boundaries to identify general issues of conformity and to facilitate this analysis.

Table 4 - Official Plan Conformity Analysis

Official Plan Land Use Designation	Composition of Land Use Designation (% of Land Area with Zone Applied)	Characterization of Existing Designation
<p><b>Aggregate</b></p> <p>This designation is intended to facilitate the management and protection of Aggregate Resources, and to recognize existing licensed aggregate resource extraction operations.</p> <p><b>Total Land Area Subject to Designation</b></p> <p>5,044 hectares</p>	<p>62% - Industrial Zones</p> <p>20.6% - Mineral Extraction Zones</p> <p>8.8% - Agricultural Zones</p> <p>6.6% - Environmental Protection Zones</p> <p>Less Than 1% - Aggregate Protection, Residential Zones</p>	<p>There are a variety of zones applied within the Aggregate designation. The majority of lands are within an industrial or mineral extraction zone. Some lands are zoned agricultural which is expected given that the Official Plan permits aggregate extraction and agricultural uses until extraction commences. There are a number of parcels zoned environmental protection which is appropriate as the Official Plan permits conservation, management, and stewardship uses. However, there are some instances of residential and community facility zoning within this designation but not permitted in the Official Plan. This will require further review to understand why these uses were designated Aggregate – for example to recognize existing uses.</p>
<p><b>Bedrock Resource / Sand and Gravel Resource</b></p> <p>The intent of the Bedrock Resource / Sand and Gravel designations are to identify and protect areas of known high-potential sand, gravel,</p>	<p>77.7% - Agricultural Zones</p> <p>10.9% - Environmental Protection Zones</p> <p>6.45% - Industrial</p> <p>4.27% - Aggregate Protection</p>	<p>We note that the Aggregate Policies of Section 23.3.2 of the Official Plan remain under appeal. Schedule H of the Official Plan was approved by the Local Planning Appeals Tribunal in November 2019. The</p>



Official Plan Land Use Designation	Composition of Land Use Designation (% of Land Area with Zone Applied)	Characterization of Existing Designation
<p>and bedrock resources from incompatible land uses.</p> <p><b>Total Land Area Subject to Designation</b></p> <p>5,810 hectares</p>	<p>Less Than 1% - Commercial, Community Facility, Residential Zones</p>	<p>City is undertaking work related to OPA 11, which aims to reflect recent Provincial Policy changes in the Official Plan. A public meeting was held on October 9, 2019 to discuss the proposed changes ahead of a future staff recommendation. OPA 11 proposes several changes to the land use designations and policies of the City's Official Plan. As this Rural Zoning By-law Review progresses, there will be a need to conform to any future amendments to the Official Plan Aggregate Policies.</p> <p>The Sand and Gravel Resource designation on Schedule A is principally zoned agricultural and environmental protection, which is generally appropriate considering that the Official Plan permits agriculture, forestry, and open space uses within the Sand and Gravel Resource designation until licensed extraction is approved.</p> <p>Considering that the Bedrock Resource designation is shown as a constraint overlay on Schedule H of the Official Plan, the zoning will have to conform to the underlying land use designation on Schedule A.</p>

Official Plan Land Use Designation	Composition of Land Use Designation (% of Land Area with Zone Applied)	Characterization of Existing Designation
<p><b>Development Plan Area</b></p> <p>Development Plans apply site-specific policies for the development of a given area. There are 10 Development Plans that are included in the Official Plan.</p> <p><b>Total Land Area Subject to Designation</b></p> <p>20,470 hectares</p>	<p>76.4% - Open Space Zones</p> <p>19.0% - Environmental Protection Zones</p> <p>3.5% - Residential Zones</p> <p>Less Than 1% - Agricultural, Commercial, and Community Facility Zones</p>	<p>Areas designated Development Plan Area are zoned for a range of uses to reflect the individual nature of each development plan. For example, DP-1 applies to singular residential subdivision in Verulam, while DP-7 sets out environmental protection policies for Cranberry Lake in Dalton. Open space and environmental protection are the predominant zones within this designation. DP-8 applies to the Longford Reserve which is predominantly open space in nature. However, it is expected that a variety of other zones apply to this designation given the diversity of uses permitted by the Official Plan.</p>
<p><b>Environmental Protection</b></p> <p>This designation is intended to apply to lands that are subject to flooding, identified as a Provincially Significant Wetland by the Ministry of Natural Resources and Forestry or is unsuitable for development due to physical hazards.</p> <p><b>Total Land Area Subject to Designation</b></p> <p>23,944 hectares</p>	<p>84.3% - Environmental Protection Zones</p> <p>14.1% - Agricultural</p> <p>Less Than 1% - Commercial, Community Facility, Industrial, Open Space, Residential Zones</p>	<p>The Environmental Protection designation is predominantly zoned for environmental protection and agricultural uses. Agricultural uses, excluding buildings or structures, are appropriate as these are contemplated by Official Plan. The Official Plan does have policies limiting the types of buildings and structures. The existence of residential and other zones are likely as a result of recognizing existing structures or buildings subject to Official Plan criteria.</p>

Official Plan Land Use Designation	Composition of Land Use Designation (% of Land Area with Zone Applied)	Characterization of Existing Designation
		<p>The Official Plan notes that, in some instances, the boundaries of the Environmental Protection designation may not reflect the true limit of the land subject to flooding or having a natural hazard. In instances where an error is identified, the land use designation and zone may be updated appropriately (Section 17.3.4). This matter is discussed further in <b>Section 7.8</b> of this Discussion Paper.</p>
<p><b>Hamlet Settlement Area</b></p> <p>This designation is intended to recognize the function and support existing hamlets in providing for limited residential, social, and commercial needs of the rural area.</p> <p><b>Total Land Area Subject to Designation</b></p> <p>1,678 hectares</p>	<p>40.1% - Agricultural Zones</p> <p>38.6% - Residential Zones</p> <p>12.3% - Community Facility Zones</p> <p>4.4% - Environmental Protection Zones</p> <p>2.7% - Commercial Zones</p> <p>1.8% - Industrial Zones</p>	<p>The Hamlet Settlement Area designation is comprised of a range of different zone categories including many different types of residential zones; with some industrial, commercial, open space/community facility, and agricultural zones.</p> <p>Since the Official Plan permits wide range of uses in the Hamlet Settlement Areas, it is expected that a range of zones would be applicable in this designation. Since agricultural uses are not explicitly permitted in the Hamlet Settlement Area designation, the Agricultural zones need to be revised.</p> <p>The Agricultural zoning may be an appropriate interim zoning to reflect existing uses, where lands are contemplated for future development in the</p>

Official Plan Land Use Designation	Composition of Land Use Designation (% of Land Area with Zone Applied)	Characterization of Existing Designation
		hamlets. However, this approach will have to be confirmed to avoid conflicts with the Minimum Distance Separation (MDS) Formulae.
<p><b>Highway Commercial</b></p> <p>This designation is intended to accommodate the commercial needs of the travelling public and existing small area and individual commercial activities.</p> <p><b>Total Land Area Subject to Designation</b></p> <p>207 hectares</p>	<p>61.5% - Commercial Zones</p> <p>34.9% - Agricultural Zones</p> <p>3.2% - Industrial Zones</p> <p>Less Than 1% - Environmental Protection and Residential Zones</p>	<p>The Highway Commercial designation is predominantly zoned commercial, which is appropriate given the wide range of commercial uses permitted by the Official Plan.</p> <p>There are some agricultural zones within the Highway Commercial designation which does not align with the intent of the Official Plan, except where agricultural zoning is permissive of certain agriculture-related uses. Several parcels are also zoned residential within this designation. Since the Official Plan permits accessory dwelling units for the owner or caretaker in the Highway Commercial designation, this zone may be appropriate and will be confirmed in the review of the mapping. Alternatively, there may be a need to consider updates to the Highway Commercial designation if it is not reflecting existing residential or agricultural uses accurately.</p>
<p><b>Industrial</b></p> <p>This designation is intended to accommodate existing</p>	<p>64.4% - Industrial Zones</p> <p>32.9% - Agricultural Zones</p> <p>1.43% - Commercial Zones</p>	<p>The Industrial designation is comprised of a wide variety of different zones, predominantly under the Ops and Somerville</p>

Official Plan Land Use Designation	Composition of Land Use Designation (% of Land Area with Zone Applied)	Characterization of Existing Designation
<p>industrial and service type businesses, as well as accessory and ancillary commercial uses.</p> <p><b>Total Land Area Subject to Designation</b></p> <p>400 hectares</p>	<p>1.1% - Community Facility Zones</p> <p>Less Than 1% - Environmental Protection and Residential Zones</p>	<p>Zoning By-laws. Industrial and agricultural zones are most common within this designation, which is appropriate given the range of industrial uses, as well as agricultural activities that are permitted by the Official Plan.</p> <p>However, there are instances of other zones (e.g., residential, community facility, environmental protection) that apply, whose uses are not contemplated by the Official Plan in the Industrial designation. Further review is required to understand the appropriateness of the existing industrial zone categories to ensure the specifically permitted uses are contemplated in the Official Plan.</p>
<p><b>Open Space</b></p> <p>This designation is intended to recognize primarily Provincial Crown land and forest land owned by the City.</p> <p><b>Total Land Area Subject to Designation</b></p> <p>29,553 hectares</p>	<p>53.4% - Open Space Zones</p> <p>21.0% - Agricultural Zones</p> <p>20.4% - Environmental Protection Zones</p> <p>5.15% - Community Facility Zones</p> <p>Less Than 1% - Residential Zones</p>	<p>The Open Space designation is comprised of a range of zones, including agricultural, environmental protection, community facility, and in some rare instances, residential.</p> <p>The Official Plan permits a limited range of uses within the Open Space designation including hunt camps, Provincial Park, and passive, and limited active recreation uses.</p> <p>Given the limited permitted uses contemplated by the Official Plan, there will be a need to</p>

Official Plan Land Use Designation	Composition of Land Use Designation (% of Land Area with Zone Applied)	Characterization of Existing Designation
		confirm the appropriateness of the application of the other zones through the mapping review and revised zone structure. However, the existing zoning is generally appropriate.
<p><b>Prime Agricultural</b></p> <p>This designation is intended to protect the City's agricultural resources (primarily Class 1-3 Land) from fragmentation, development, and non-farm related uses.</p> <p><b>Total Land Area Subject to Designation</b></p> <p>94,333 hectares</p>	<p>85.0% - Agricultural Zones</p> <p>14.0% - Environmental Protection</p> <p>Less Than 1% - Aggregate Protection, Commercial, Community Facility, Industrial, Institutional, Mineral Extraction, Open Space, Residential</p>	<p>The Prime Agricultural designation is primarily zoned agricultural and environmental protection.</p> <p>The overlay analysis also shows that there are numerous small parcels of residential zones, that overall do not comprise a significant area of the Prime Agricultural designation. This is generally appropriate given that the Prime Agricultural designation permits agriculture, accessory residential, wayside pits and quarries, and agri-business uses. However, the detailed permitted uses of the non-agricultural zones will need to be reviewed against the land use designation to ensure they are no more permissive than the Official Plan.</p> <p>There are also instances of community facility zones within this designation. Since the Official Plan does not explicitly contemplate these uses, there is a need to update this zoning.</p>

Official Plan Land Use Designation	Composition of Land Use Designation (% of Land Area with Zone Applied)	Characterization of Existing Designation
<p><b>Rural</b></p> <p>This designation is intended to protect the City's agricultural and natural resources (primarily Class 4-7 Land) from fragmentation, development, and non-farm related uses.</p> <p><b>Total Land Area Subject to Designation</b></p> <p>126,066 hectares</p>	<p>81.2% - Agricultural Zones</p> <p>16.0% - Environmental Protection Zones</p> <p>Less Than 1% - Commercial, Community Facility, Industrial, Institutional, Open Space, Residential Zones</p>	<p>The Rural designation applies to the largest portion of land within the City of Kawartha Lakes.</p> <p>Agricultural zones dominate the Rural designation by land area. Environmental protection, commercial, and industrial zones also represent a proportion of zoned parcels within the Rural designation.</p> <p>Since the Rural designation permits a range of uses, including residential, commercial, institutional-type, open space, and agriculture-related uses, it is expected that a range of zones would apply. However, further confirmation is required to ensure that the list of permitted uses is in line with the Official Plan, as the Official Plan's intent is to direct certain uses to the settlement areas and to generally limit non-agricultural uses.</p>
<p><b>Tourist Commercial</b></p> <p>This designation is intended to provide for resource-based recreational development where such development is not feasible to locate within a Settlement Area.</p> <p><b>Total Land Area Subject to Designation</b></p> <p>574 hectares</p>	<p>57.0% - Commercial Zones</p> <p>17.2% - Environmental Protection Zones</p> <p>12.0% - Open Space Zones</p> <p>11.9% - Agricultural Zones</p> <p>1.8% - Residential Zones</p>	<p>The Tourist Commercial designation is principally zoned commercial, with some instances of agricultural, residential, open space, and environmental protection zones. Since the Official Plan permits tourist resorts, resource based recreational uses, recreational vehicle parks, and accessory uses for the travelling public,</p>



Official Plan Land Use Designation	Composition of Land Use Designation (% of Land Area with Zone Applied)	Characterization of Existing Designation
		<p>this designation is suitably zoned.</p> <p>There will be a need to confirm the permitted uses in these zones given the Official Plan's direction to limit developments to serve the travelling or vacationing public in lieu of permanent residences.</p>
<p><b>Urban Settlement Area</b></p> <p>This designation permits a wide range of uses to support growth and development within the urban areas of the municipality including Lindsay, Fenelon Falls, Bobcaygeon, Omemee, and Woodville.</p> <p><b>Total Land Area Subject to Designation</b></p> <p>1,075 hectares</p>	<p>49.4% - Residential Zones</p> <p>28.3% - Agricultural Zones</p> <p>5.7% - Commercial Zones</p> <p>Less Than 5% - Community Facility, Environmental Protection, Industrial, Institutional, Open Space Zones</p>	<p>While the Urban Settlement Areas are not being considered through this Rural Zoning By-law Review, there are a number of the rural area zoning by-laws which zone parcels of land along the periphery of the Urban Settlement Areas. These boundaries will be confirmed through the approval of the Secondary Plans under appeal to the LPAT and consequently implemented through the Rural Zoning By-law.</p> <p>The predominant zones within the designation are residential, commercial, and agricultural.</p>
<p><b>Waterfront</b></p> <p>This designation is intended to permit seasonal and limited permanent residential development adjacent to lakes and rivers.</p> <p><b>Total Land Area Subject to Designation</b></p> <p>3,895 hectares</p>	<p>77.6% - Residential Zones</p> <p>12.0% - Agricultural Zones</p> <p>3.7% - Environmental Zones</p> <p>3.5% - Commercial Zones</p> <p>Less Than 1% - Industrial and Open Space</p>	<p>The Waterfront designation is predominantly zoned for residential uses. This is appropriate given that the Official Plan permits single detached and vacation dwellings. Other zones within this designation include agricultural, commercial, community facility, and</p>

Official Plan Land Use Designation	Composition of Land Use Designation (% of Land Area with Zone Applied)	Characterization of Existing Designation
		<p>environmental protection uses. These zones generally align with the intent of the Official Plan which permits certain other uses in this designation, such as marinas, conservation uses and parks.</p> <p>There are, however, minor instances of industrial zones within the Waterfront designation. There is a need to review this zoning for conformity though it is likely the zoning reflects existing uses.</p>

## 5.0 Public and Stakeholder Engagement

The public and stakeholder consultation strategy for the Rural Zoning By-law Review has been planned as a comprehensive engagement process to engage and hear from Kawartha Lakes residents and stakeholders. Consultation will play an integral role in ensuring that the Rural Zoning By-law reflects the expectations and input from residents, stakeholders, and City staff.

### 5.1 Rural Zoning By-law Task Force and Technical Advisory Committee

The consultation approach for the Rural Zoning By-law Review includes gathering input and engaging a Rural Zoning By-law Task Force and Technical Advisory Committee at regular intervals throughout the duration of the review.

#### **Task Force**

The Rural Zoning By-law Task Force is a volunteer steering committee established by Council to provide advice and recommendations to Council and the Project Team to inform the creation of the new Rural Zoning By-law.

The responsibilities of the Task Force generally encompass the following:

- To make recommendations to City staff and Council;
- To identify issues and review/discuss report findings;
- To review and comment on the Draft Rural Zoning By-law;
- To provide advice on the public consultation process; and,
- To review and comment on the Final Rural Zoning By-law prior to the statutory public open house and meeting.

#### **Technical Advisory Committee**

A Technical Advisory Committee (TAC) comprised of City staff and external agencies has been formed as a resource to the review process. This will include representation from other City departments and agencies including, for example, the conservation authorities and other stakeholders. The TAC's main role is to provide technical advice and review of materials produced through the process.

The first round of consultation for this Rural Zoning By-law Review included meetings with the Task Force and Technical Advisory Committee.

## 5.2 Fall 2019 Public Consultation

A series of open houses was held in September 2019 to introduce the Rural Zoning By-law Review and to seek input on the types of issues that will need to be considered and addressed. As this review progresses into later phases, there will be several more opportunities to engage the public and stakeholders.

**September 14<sup>th</sup>, 2019**



Coboconk Community Centre (including Morning and Afternoon Sessions)



**September 18<sup>th</sup>, 2019**



St. Luke Catholic Elementary School, Downeyville



**September 25<sup>th</sup>, 2019**



Woodville Town Hall



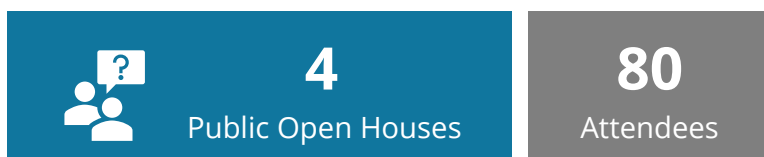
As participants arrived, they were asked to review display boards, identify any additional issues, and post any questions directly on the display boards or via comment form. Following these activities, a brief presentation was delivered to provide an overview of the review process, the work plan, approach, and preliminary issues which had been identified. A question and answer period was held immediately following the presentation.

All written comments, as well as significant verbal comments, received from attendees have been and will continue to be considered throughout the development of this Discussion Paper and Rural Zoning By-law. These comments have been consolidated into a comment and response matrix which will be provided for public review alongside the release of the First Draft Rural Zoning By-law.



### 5.3 What Have We Heard?

Numerous comments were received at the four September 2019 Open Houses from the 80+ attendees, and have been summarized into various theme/categories below. A record of the original comments received has been included as **Appendix A** to this Discussion Paper. While some of the comments received may be out of scope of this Rural Zoning By-law Review, the City may wish to consider the comments more broadly through other studies or policy initiatives.



#### Permitted Uses

- Consider provisions for secondary suites and cottage rentals;
- Continue to permit hunting camps and recreational buildings on rural properties as per the Laxton, Digby, and Longford zoning by-law; and,
- Maple syrup bushes should not be designated as woodlands in the Official Plan and/or not restricted as an environmental feature.

#### Land Use Designations

- The woodlands designation from the Official Plan should not be part of the zoning by-law;
- Establish a policy that ensures public land/waterfront remains publicly owned and is not sold for private use;

- Creation of exclusion zones for Class II Industrial Operations, such as Aggregate Operations; and,
- Introduce protections for all wetlands and waterways.

**Zone Standards**

- Ensure that provisions relating to boathouses and road access to water (to ensure back lot access to lakes) are retained;
- Ensure compatibility between aggregate uses and the broader rural area and sensitive environmental features; and,
- Introduce protections for shoreline protection/conservation.

**Engagement & Communications**

- Communicate any proposed changes to a property owner’s rights;
- Make zoning information more accessible to all; and,
- Create a single, clear, navigable by-law for the whole rural area.

**General**

- The Rural Zoning By-law should make it easier for landowners to protect the conservation features of their properties (including severances, registering and enforcing conservation easements); and,
- The zoning by-law should facilitate conservation severances to qualified bodies.

Participants at the public open houses were also asked about how they would like to participate in the Rural Zoning By-law Review, and were provided a series of options to vote on and an opportunity to suggest how they would like to be involved. The results of the voting, summarized across the four open houses, indicate that an interactive mapping tool, community workshops, and email updates are the top three preferred means to participate. This input will be considered in developing the approach to engagement and consultation in future stages of the Rural Zoning By-law Review.

Online Surveys	6 votes
Interactive Mapping Tool	12 votes
Community Workshops	9 votes
E-mail Updates	8 votes
Web Updates & Comments	4 votes

# 6.0 Principles for Preparing the New Rural Zoning By-law

This section provides an overview of the principles and technical matters that are considered when preparing a new zoning by-law. It also outlines how a modern zoning by-law should be approached, structured and formatted.

## 6.1 Minimizing Instances of Legal Non-Conformity/Non-Compliance

The process of consolidating the rural area zoning by-laws into one by-law and modifying permitted uses to ensure conformity with the Official Plan may result in instances of legal non-conformity or legal non-compliance for any existing uses.

A “legal non-conforming use” is a use of land or buildings that was legally established but would no longer be permitted in the new Rural Zoning By-law due to updates made to the uses permitted in the By-law. Similarly, a “legal non-complying structure or building” is a legally constructed building or structure which would no longer comply with the various lot and building requirements of the By-law but was legally constructed in accordance with the zoning by-law in place at the time it was built or predated the existence of the zoning by-laws.

Many zoning by-laws recognize some types of existing uses. For example, the Somerville Zoning By-law contains provisions in Section 18.6 dealing with existing uses, buildings, and structures – including legal non-conforming and legal non-complying uses. The provisions of Section 18.6 also include provisions related to permitted exterior extensions and restoration of a building or structure to a safe condition.

A principle of the Rural Zoning By-law Review is to minimize creating instances of legal non-compliance and non-conformity as an outcome of the tasks being undertaken. However, it is also a fundamental principle to ensure that the Rural Zoning By-law is no more permissive than the 2012 Official Plan. Where permitted uses are modified, there is a need to ensure that the implications on any existing uses are understood and well-documented. There are possibilities where situations of non-compliance and non-conformity may arise as part of updating the zoning, including:

- Merging or deleting residential or other zone categories, and applying a new zone category. In this case, when merging/consolidating zones, as long as the most permissive standard between the merged zones is carried forward and no new provisions are introduced, there will be no risk of creating legal non-complying situations. These situations may be appropriate



and intentional for ensuring that future development is undertaken in conformity with the Official Plan, and these should be carefully documented. In some cases, it may be appropriate to explicitly permit existing uses to offer some flexibility for the use to expand and to permit additions without requiring a zoning by-law amendment or minor variance.

- As zoning standards are updated or revised to address policy conformity or for other reasons, it is anticipated that instances of legal non-compliance will result, such as where standards regulating setbacks, heights, or lot coverages are changed. Though legally existing structures will be permitted, they will be subject to provisions that expressly prohibit further encroachment into the non-complying situation.

Although legal non-conformity and legal non-compliance are protected under Section 34(9) of the Planning Act, it is an objective of the Rural Zoning By-law Review process to mitigate this outcome to the greatest degree possible while advancing the implementation of the City's Official Plan.

## 6.2 Zoning By-law Format & Layout

An objective of this Rural Zoning By-law Review is to undertake editorial and housekeeping modifications to develop a contemporary and easy-to-read zoning by-law which contains easily understood and clearly written regulations. A properly structured by-law, from an administration perspective, is streamlined in its organization and facilitates and simplifies future by-law updates.

The following principles have been established to guide the structural review exercise of the Rural Zoning By-law text:

- The Rural Zoning By-law will be used by a very diverse audience; therefore, the format and content of the By-law should be user-friendly to the greatest extent possible;
- The document should be accessible and navigable in both digital and print formats;
- Visual schematics and 3D illustrations (**Figure 8**) should be provided to assist in the interpretation of complex definitions or provisions;
- Tables and matrices should be utilized to organize and present information, such as permitted uses and lot and building requirements, in lieu of separate text-heavy chapters. There are two overarching options to consider when organizing permitted uses into tables/matrices:
  - The first approach involves creating a permitted uses tables for each category (e.g., agricultural, residential etc.) within each zone's chapter (**Figure 9**);

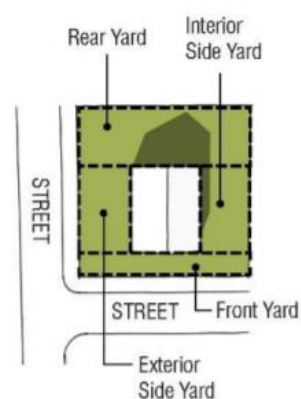


Figure 8 - City of Vaughan Zoning By-law illustrative diagram of various yards

- The second approach involves creating a master zone uses table with selected permissions identified **(Figure 10)**.
- Distinctive parts of the By-law should be separated into unique chapters to reduce the length of any given individual section (e.g., creating a separate Site-Specific Exceptions chapter is a means to reduce lengthy zone provisions sections); and,
- City staff, Council, the development industry, and the public can efficiently use the document to identify the zoning and regulations of a property without inadvertently missing any provisions that are applicable to their lot or their project.

## 12.0 CONSERVATION, OPEN SPACE, AND AGRICULTURE ZONES

### 12.1 Permitted Uses in the Conservation, Open Space, and Agriculture Zones

Table 12-1: Uses Permitted in the Conservation, Open Space and Agriculture Zones

	C	OS1	OS2	A
<b>Agriculture Uses</b>				
<u>Agriculture</u>	E	E		•
<u>Agriculture-related use</u>				•
<b>Commercial Uses</b>				
<u>Animal boarding</u>				•
<u>Driving range</u>			•	
<u>Garden centre</u>				•
<u>Golf course</u>			•	

## 5.0 COMMUNITY ZONES

### 5.2 COMMUNITY COMMERCIAL ZONES (C)

#### 5.2.1 Permitted Main Uses

No person shall within any of the Community Commercial Zones use any lot, or erect, locate, alter or use any building or structure for any purpose except in accordance with the following applicable zones as noted on the following page in Table 5.2.1:

TABLE 5.2.1 – COMMUNITY COMMERCIAL ZONE, PERMITTED MAIN USES								
PERMITTED MAIN USES	RESORT COMMERCIAL				MARINA	COMMUNITY	HIGHWAY	MIXED USE
	C1A	C1B	C1C C1CA	C1D C1DA	C2	C3	C4	C5
AUTOMOBILE SALES ESTABLISHMENT							X	X
AUTOMOBILE SERVICE STATION							X	X
AUTOMOBILE WASHING ESTABLISHMENT							X	X
BUILDING SUPPLY YARD							X	X
CLINIC						X	X	X
CONTRACTOR'S YARD							X	X
CONVENIENCE STORE						X	X	X
FINANCIAL BUSINESS						X		X

Figure 9 – Excerpt of City of Vaughan (top) and Township of Muskoka Lakes (bottom) Zoning By-law permitted use tables

**7.0 PERMITTED USES**

**Table 7.1 – Permitted Uses**

	R1	R2	R3	RM	RW1	RW2	HR	HC	HE	CS	CR	CA	CN	CT	MU	M1	M2	I1	I2	EP	W	P	A	UR
<b>(a) Residential Uses</b>																								
Single detached dwelling	•	•			•	•	•					• <sup>E</sup>		• <sup>E</sup>	• <sup>E</sup>								•	• <sup>E</sup>
Semi-detached dwelling		•					•					• <sup>E</sup>			• <sup>E</sup>									
Duplex dwelling		•										• <sup>E</sup>			• <sup>E</sup>									
Triplex dwelling		•										• <sup>E</sup>			• <sup>E</sup>									
Townhouse dwelling		•										• <sup>E</sup>			•									
Apartment dwelling			•									•			•									
Secondary dwelling unit												•			•									
Seasonal dwelling					•	•																		
Accessory dwelling unit(s) in combination with a non-residential use								•		•	•	•	•	•	•									
Converted dwelling		•	•									•			•								•	• <sup>E</sup>
Mobile home park				•																			• <sup>E</sup>	
Mobile home				•																			• <sup>E</sup>	• <sup>E</sup>
Group home dwelling	•	•	•		•	•	•								•								•	• <sup>E</sup>
Home occupation	•	•			•	•	•					• <sup>E</sup>											•	•

Figure 10 – Excerpt of a Town of Lakeshore Zoning By-law permitted use table

There are numerous opportunities to improve the overall readability and accessibility of a zoning by-law, including formatting or structural elements such as:

- Defined terms which are hyperlinked to the appropriate definition via an online by-law;
- Incorporating a table of contents for the Rural Zoning By-law and/or a table of contents or index for long sections of the By-law, such as the definitions section;
- Colour-coded chapters and the use of footers/headers to assist in document wayfinding; and,
- Accounting for accessibility for people with disabilities (e.g., avoiding the use of italicized words in favour of bolded or underlined words as well as consideration for font size, spacing and contrast).

### 6.3 Mapping Principles and Approach

The management and administration of zoning information across the City of Kawartha Lakes is an important consideration through this Rural Zoning By-law Review. As municipalities have undergone comprehensive zoning by-law reviews, different approaches to mapping style have been employed to depict zoning across a municipality. It is important that municipalities consider the “look and feel” of their mapping, generally contained in schedules to the zoning by-law text,

which can be accessed both as hard-copy maps and from online mapping databases. Geographic Information Systems (GIS) can be used as a tool to administer zoning information including tracking amendments, new site-specific exceptions, and minor variances. It is an objective of this Rural Zoning By-law Review to generally transition the City to a web-based or web-friendly zoning system, including integration with GIS. This provides the opportunity for the City to manage the Rural Zoning By-law efficiently and to utilize an online, interactive zoning map tool, where residents can access up-to-date zoning information. However, formal printed maps would accompany the Rural Zoning By-law. There are a diverse range of zone mapping precedents which can be considered by the City which integrate of a wide range of design considerations, including colour, font, line weight, and scale. The following principles will guide the creation of new mapping layout and format for the Rural Zoning By-law:

- The maps can be both published as hard-copy or accessed in digital form;
- Digital mapping should be searchable and scalable, and allow a user to search for a specific property;
- The mapping approach for the Rural Zoning By-law should also be appropriate for future urban area zoning by-law updates;
- A consistent template and format for all map schedules should be established, including legends, scales, and colouring, where appropriate; and,
- As much as possible, the maps must be accessible, particularly when considering the use of colour mapping, as this can be challenging for colour blind or visually impaired users to use.

A standard map set could include a map of the City's rural area, divided into sectors on an Index Map. Users would then be guided to a specific numbered map to find the detailed zoning for their property. This approach is commonly adopted by municipalities, including the Town of Lakeshore and City of Vaughan Zoning By-laws (**Figure 11** and **Figure 12**).

Colour-coded zoning maps offer a modern approach to upgrading the zoning by-law which can help visually distinguish and differentiate between the zones. The First Draft City of Vaughan Zoning By-law relies on colour as a means of categorizing and identifying zones, in addition to the zone symbol (**Figure 11**). Conversely, the Town of Lakeshore Zoning By-law employs a predominantly black and white mapping set, with colour limited to special overlays and features such as the lake and woodlands (**Figure 12**).

# CITY OF KAWARTHA LAKES RURAL ZONING BY-LAW REVIEW DRAFT DISCUSSION PAPER

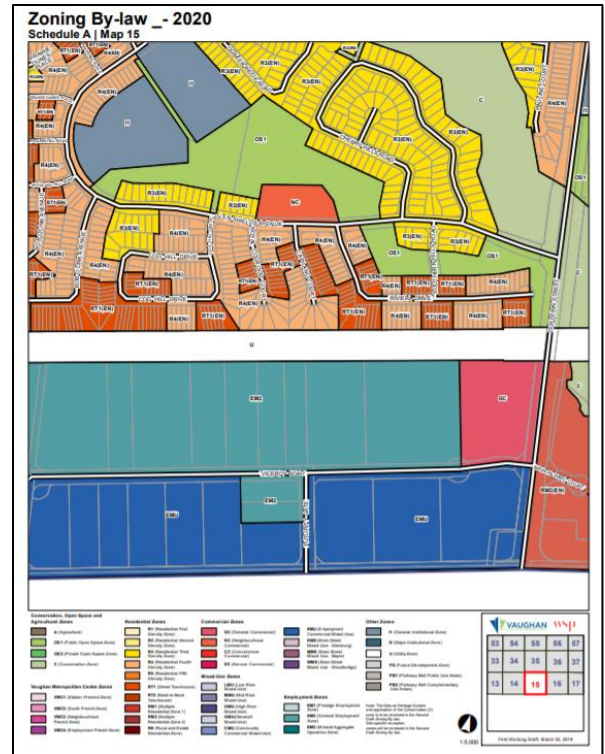
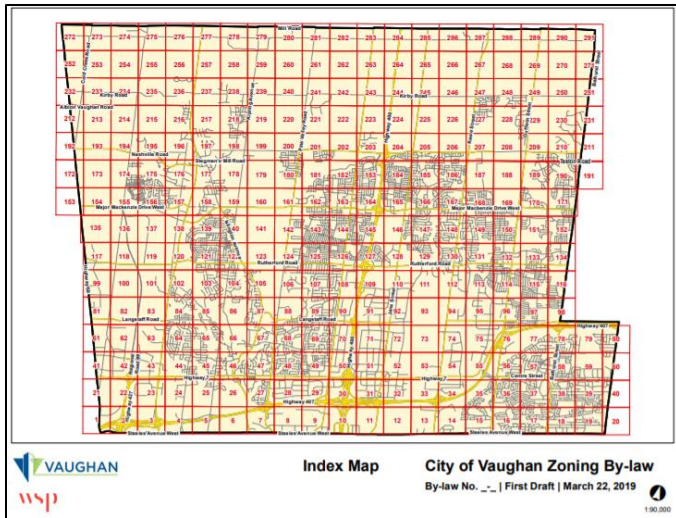


Figure 11 - First Draft, City of Vaughan Zoning By-law Mapping, including a City-wide index map (above) and detailed, coloured zone maps for the sectors of the City (right)

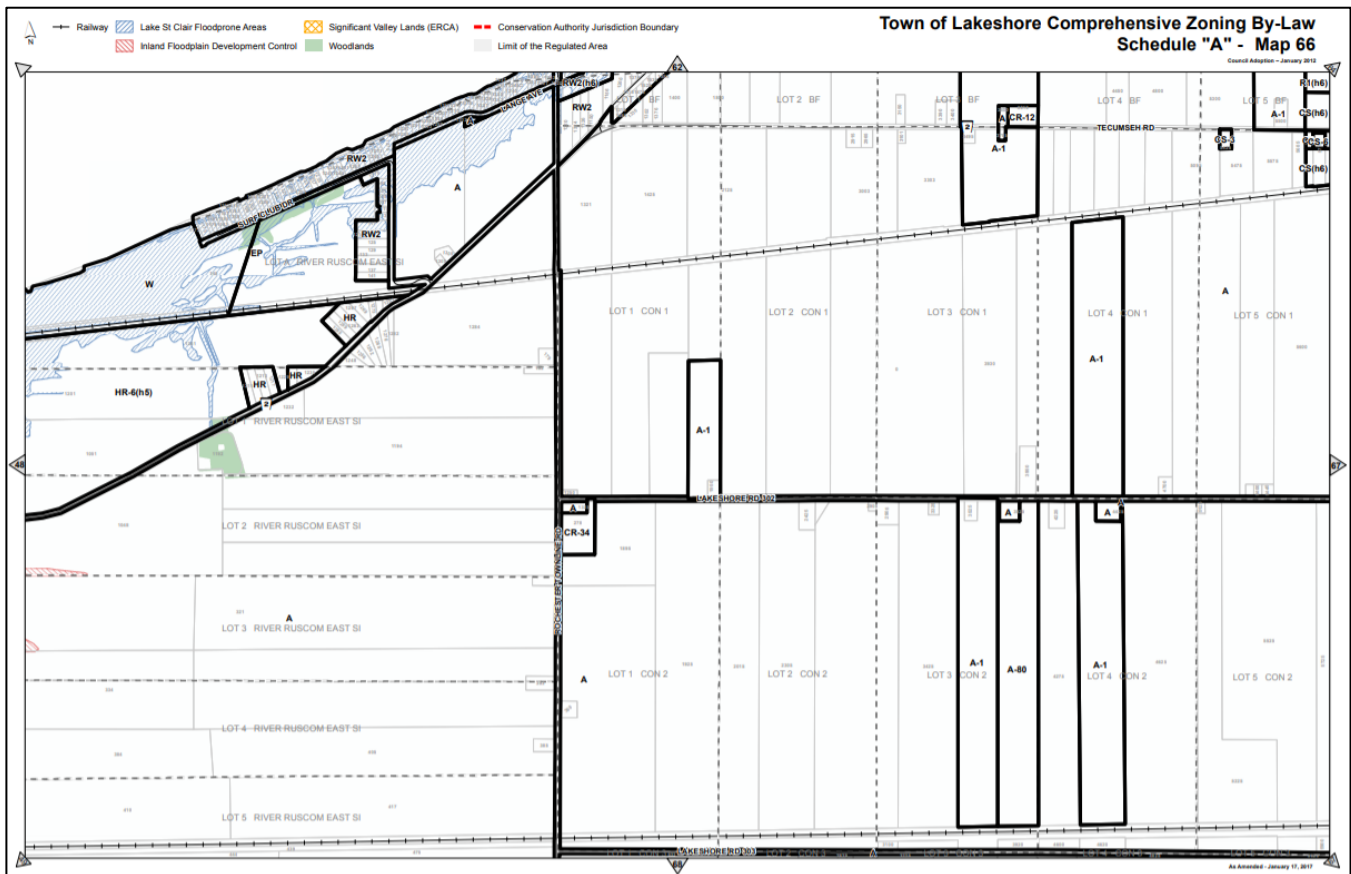


Figure 12 - Town of Lakeshore Zoning By-law Mapping



The City of Sarnia uses a predominantly black and white mapping set, and the sample shown in **Figure 13** depicts how the City integrates their Shoreline Management Areas and Flood Plain areas within their mapping.

The Township of Selwyn administers their zoning by-law mapping through the County of Peterborough's Public GIS platform, while the Township of Muskoka Lakes administers their zoning by-law through their Muskoka Web Map platform. The Selwyn Zoning By-law mapping is predominantly black and white, with some colour used to indicate special features such as Provincially Significant Wetlands (**Figure 14**). The County's online platform also allows users to navigate other municipal map layers, including the Official Plan and conservation authority data. The Township of Muskoka Lakes Zoning By-law mapping is displayed in full colour, with a dotted hatching used to indicate parcels where site-specific exception applies (**Figure 14**).

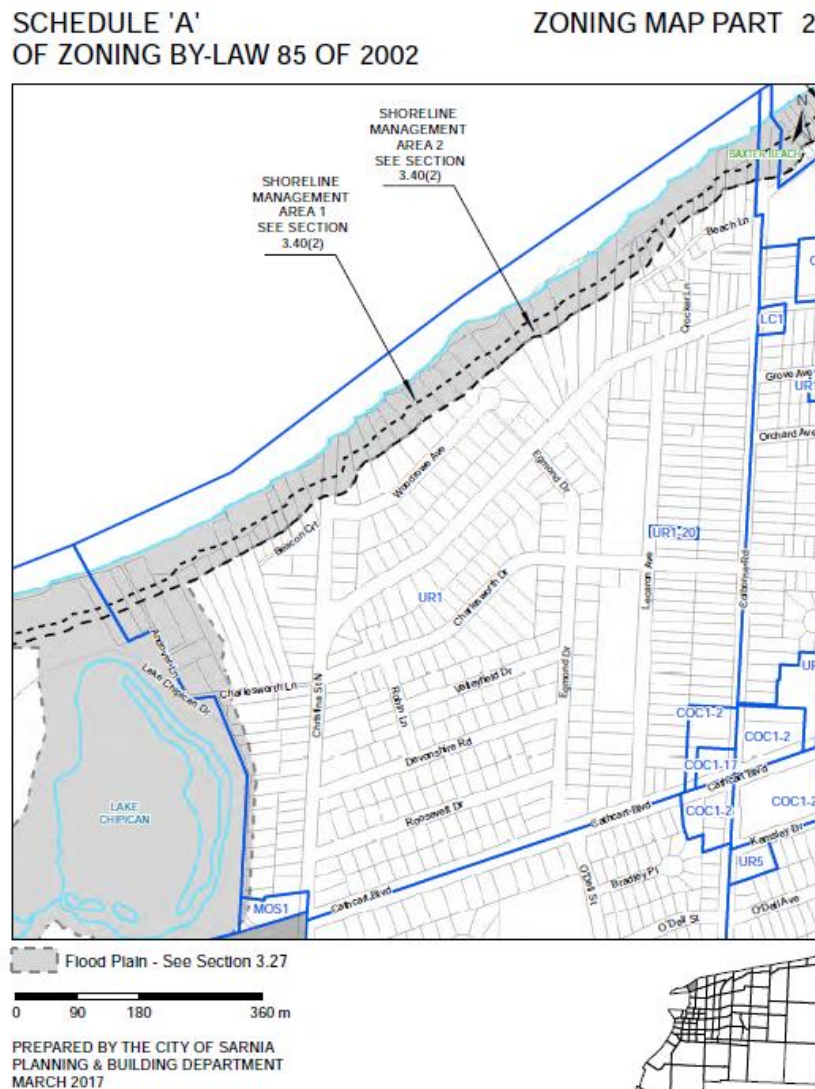


Figure 13 - City of Sarnia Zoning By-law Schedule 'A', Map 2



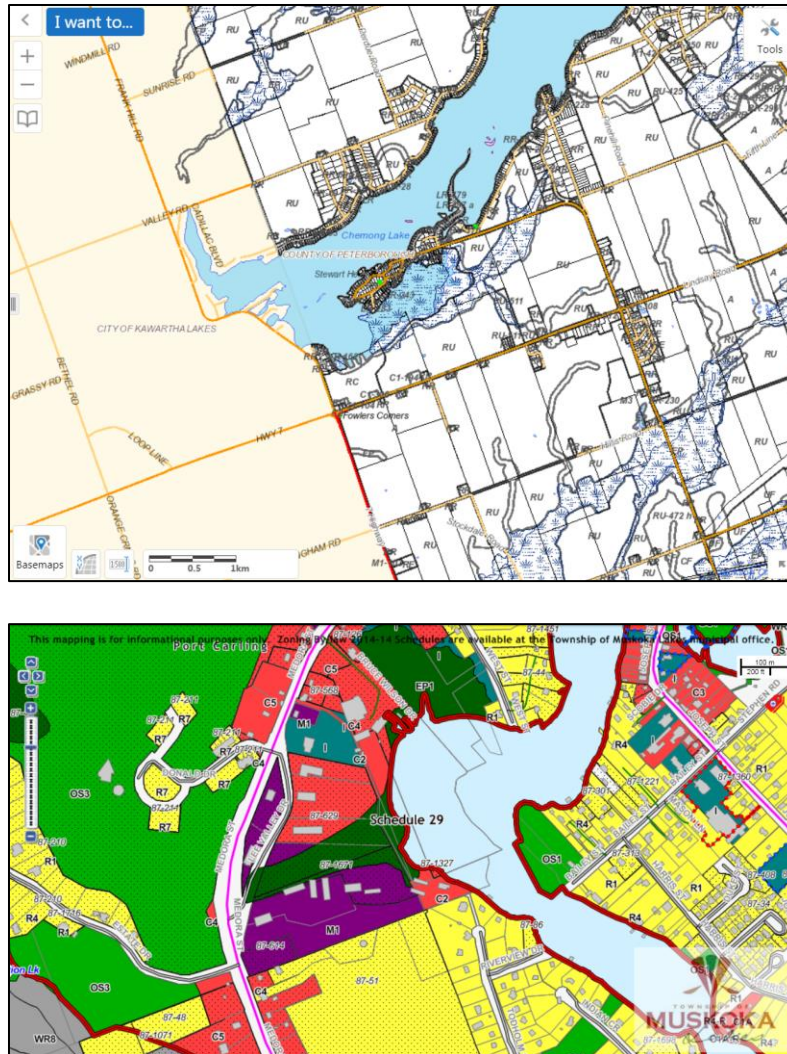


Figure 14 - Township of Selwyn Zoning By-law Mapping (top) and Township of Muskoka Lakes online mapping (bottom)

### Online / Digital Mapping

To bring the new Rural Zoning By-law forward for Council adoption, there is a need to produce hard copy zoning maps. However, the City may wish to transition to a web-based platform to access zoning information. Ultimately, at the end of the project, WSP will deliver a set of paper maps as the official version and the GIS files which establish the framework for reproducing paper maps. Hard copy maps also serve an important role where computer or internet access is limited.

In the example below from the Town of Oakville Zoning By-law 2014-014 (**Figure 15**), the zoning information has been brought into an online platform and users are able to click a link on a specific property and retrieve all the relevant document sections to understand the zoning that applies to their property. Layer pop-ups are an effective way to quickly present a series of information to the user, and for added convenience can include a URL link to the PDF version of the Rural Zoning By-law.

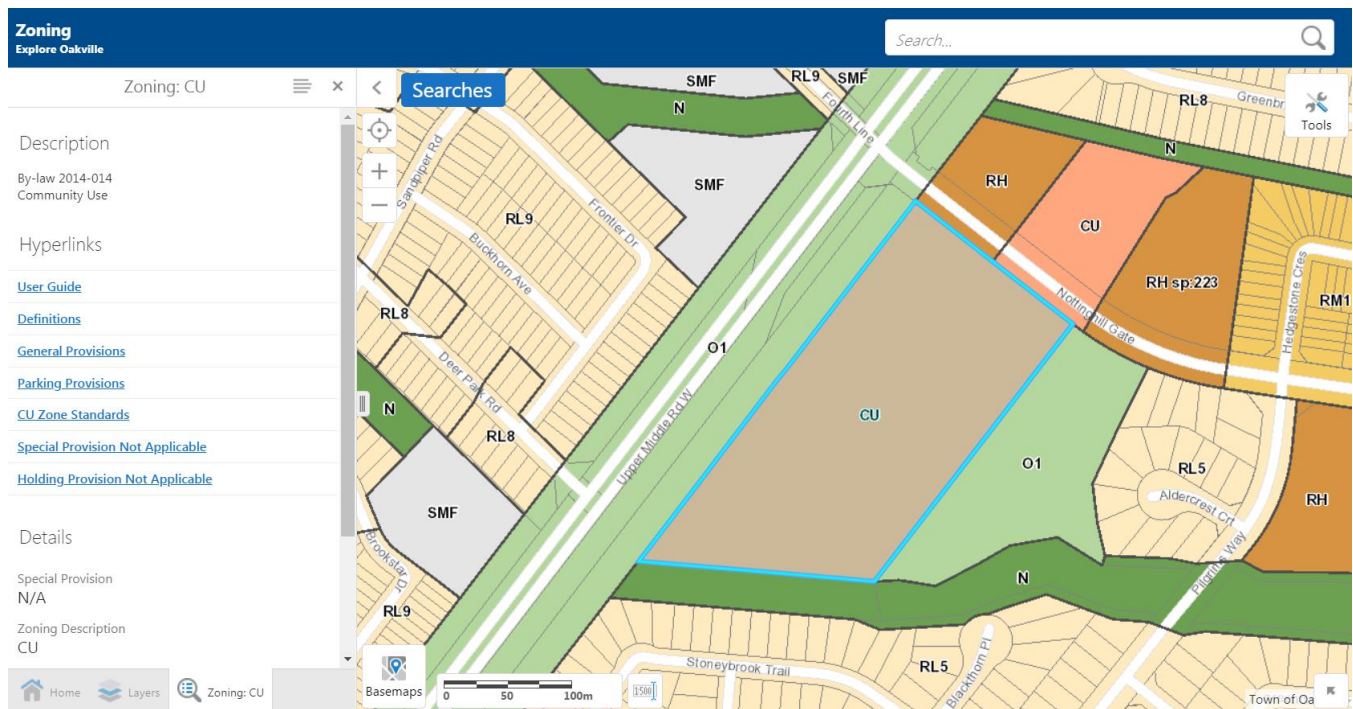


Figure 15 - Town of Oakville Zoning By-law 2014-014 online mapping interface

In determining the preferred approach to GIS-based mapping for the City of Kawartha Lakes, there are two overarching approaches to data management for the City's consideration.

Parcel-based zoning layers are structured so that each individual parcel within the municipality contains zoning attribute information. Zoning layers structured in this way are easy to maintain as geometry changes are infrequent, meaning the user will typically only need to update a parcel's attribute information if any zoning information changes.

There are certain drawbacks when using parcel-based zoning layers. Parcel datasets contain large numbers of polygons and can be cumbersome to manage without proper workflows in place. Due to the large size of parcel datasets, performance can be an issue as more processing power is usually required to render the data. Parcel datasets often have issues with shape geometry such as overlapping polygons, gaps between features and polygon slivers.

Alternatively, a separate zone layer can be used to display zoning information independent of the parcel fabric. Separated zoning layers consist of larger continuous polygons that represent a certain zone category, rather than attributing zoning information to each individual parcel. Structuring zoning data in this way can significantly reduce the number of polygons within a dataset, which can help improve overall performance and provide a more cohesive zoning layer. Separated zoning layers are conducive to performing spatial analysis and operations such as area calculations, conformity checks and group selections.

It is recommended that a separate zone layer be used to improve performance and usability through the development of the Rural Zoning By-law. The City will need to confirm its preferred approach to data management (i.e., parcel-based zoning vs. a separate zone layer) for the final delivery of GIS data.

### Overlays

Overlays can serve to apply layered information over top of the base zone maps. For example, an overlay that applies specific environmental provisions or requirements that are not tied to parcel boundaries (e.g., wellhead protection zones). There may be appropriate applications for overlays within the Rural Zoning By-law to apply standards that may not apply City-wide, and therefore not needed in an underlying zone, but rather to certain areas of interest, such as conservation authority regulatory limits and natural heritage features.

### Roads

Roads are generally a use permitted in all zones. Considering this, there are three approaches that can be employed in zone mapping:

- Roads are placed in a 'zone' and any boundaries are placed in the centreline of the road;
- Roads are zoned along a property boundary (**Figure 16**); and,
- Roads are cut out of the zoning layer and are not applied a zone category.

The zone maps will need to consider how the various approaches will apply to different classifications of roads within the City of Kawartha Lakes (e.g., private roads and condominium roads).

#### 6.3.1 Next Steps

The administration and future updates to the Rural Zoning By-law mapping will be coordinated between the consulting team and the City.

The development of web-based mapping will require consideration of the City's preferred GIS structure to meet the City's administrative preferences and information technology platform. It will be necessary to consider how additional information, such as minor variances and site-specific exceptions, will be handled in the new platform, including updating internal workflow processes and determining interface design.

Ultimately, WSP will deliver the template and hard copy maps in appropriate digital formats, including GIS data, so that the City can make updates and reproduce a consolidation of the zone maps in the future.

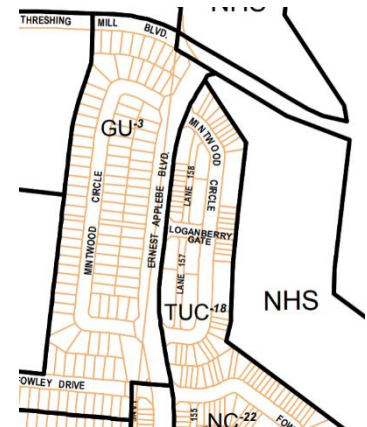


Figure 16 - North Oakville Zoning By-law Mapping, where the zone boundary extends across the road

## 6.4 Definitions

It is a core objective of the Rural Zoning By-law Review to harmonize the definitions from each of the rural area zoning by-laws. The definitions are compiled alphabetically, and ensure the function, nature, or built-form of a use is properly articulated. Consistent and robust definitions provide the opportunity to reduce the need for interpretation once the updated by-law comes into effect. It is important that definitions do not contain further zoning regulations and that uses be generally defined, otherwise there could be different interpretations in the intent of the by-law. It will also be important to define each permitted use and technical term in the Rural Zoning By-law. The revised set of definitions should be clear, concise, conform to the Official Plan, and reflect modern planning and development practice. Further, following the review of site-specific exceptions, as detailed in **Section 3.4**, the uses carried forward in the site-specific exceptions will need to be reviewed for consistency with the revised set of definitions.

Some definitions include lists of embedded examples (such as specific business types or examples of the types of goods that can be sold) that are permitted within the parent use. For example, the Ops Zoning By-law defines “Home Industry” as:

“An accessory use located within a wholly enclosed building or part thereof which may include a carpentry shop, a craft shop, a metal working shop, a workshop, a repair shop for small items or household appliances, a small engine repair shop, a plumbing shop, an electrical shop, a welding shop, a taxidermy, a storage building for school buses, boats or snowmobiles, or a similar use.”

Definitions should avoid the use of specific lists, and should rather clearly describe the nature, function, or built-form of a use, as appropriate. This updated approach to describing permitted uses assists in ensuring that the uses will continue to be relevant over time.



# 7.0 Issues and Opportunities

This Discussion Paper is intended to provide a summary of the key issues and changes that will likely be integrated into the new Rural Area Zoning By-law. Based on the background review and review of the 13 rural area zoning by-laws and Official Plan conformity (discussed in **Section 4.0**), this section provides a preliminary identification and discussion of the key issues that will need to be addressed through this project. This Section focuses on key policy objectives, other issues requiring assessment and considers issues where further consultation will be valuable in this Rural Zoning By-law Review. In addition to these issues, it is anticipated that many other technical changes and improvements will be made through this review.

## 7.1 Additional Residential Units

### 7.1.1 Policy and Legislative Context

The changes to the Planning Act enacted by the Province through Bill 108 and the recently finalized O. Reg. 299/19: Additional Residential Units have provided municipalities with enhanced land use planning tools to support the creation of additional residential units (ARUs). The Planning Act now requires an official plan to contain policies that authorize the use of two residential units in a detached house, semi-detached house or rowhouse, and an additional residential unit in an ancillary building or structure (s.16(3)) (see **Figure 17**). The City of Kawartha Lakes 2012 Official Plan has not been updated to reflect this change in Provincial policy.

Section 5.4 of the City's Official Plan permits Garden Suites as a temporary, accessory use to a residential use, and requires the passing of a temporary use by-law to permit them. The garden suite must be a detached unit from the existing dwelling on the lot and must have frontage on and direct access to a year-round maintained public road.

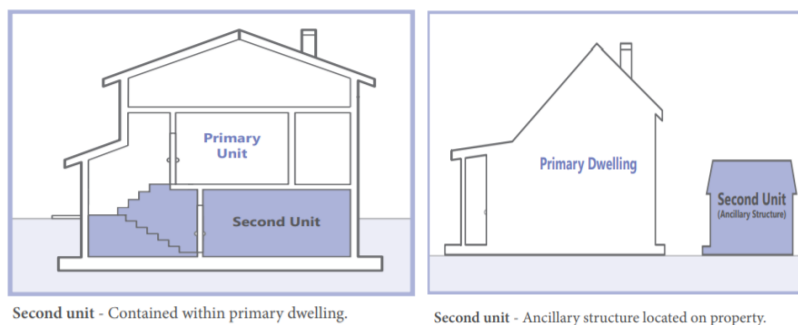


Figure 17 – Attached versus Detached Second Units (Source: Ministry of Municipal Affairs and Housing)

### 7.1.2 Existing Zoning

Historically, the City has not permitted second units in the rural areas of the City, except in limited circumstances as part of a farm operation to accommodate on-farm help. The Ops Zoning By-law permits accessory dwelling units in the Highway Commercial (CH) Zone in a non-residential building, and further permits them in the Tourist Commercial (CT) and Open Space (OS) Zone. Some rural area zoning by-laws also permit converted dwellings and secondary dwellings for seasonal farm help.

In accordance with policies of the Official Plan, garden suites are permitted as temporary uses, subject to a temporary use by-law. Within the Agricultural (A1) Zone, the Eldon Zoning By-law has been subject to the highest number of temporary use by-laws related to garden suites, whereas the Manvers Zoning By-law has been subject to a number of temporary use by-laws in the Rural General (A1) Zone.

### 7.1.3 Analysis and Preliminary Recommendations

Given the changes enacted through Bill 108 to the Planning Act and the absence of policies which permit second units, the City of Kawartha Lakes will be required to bring their Official Plan into conformity with revised legislation to permit second units in the Rural Zoning By-law. Stemming from this separate process, there is an opportunity to incorporate provisions related to second units into the Rural Zoning By-law.

While the Planning Act directs municipalities to permit additional residential units, there may be some constraints as to where the additional unit is situated on a lot and its location within the City. For example, lots serviced by private servicing or portions of a lot within a floodplain may not be suitable for additional units, or if permitted, be subject to differing lot and building standards. Where detached additional dwelling units are permitted within the rural and agricultural areas of the City, any Official Plan policies and zoning provisions will need to consider pressures to subdivide the property resulting from two dwellings on a lot. There is also an opportunity for the Official Plan to identify where additional residential units may be permitted in the Rural Zoning By-law, without the need for a zoning by-law amendment, and additional requirements related to site plan control and urban design.

The Township of Centre Wellington Zoning By-law establishes general provisions for Accessory Apartments which are permitted accessory to an existing single detached or semi-detached dwelling. Section 4.1 establishes differing provisions based on the available servicing on the lot (i.e., full, partial, or private servicing).

The City of Kitchener recently adopted a City-initiated Official Plan Amendment as a part of their ongoing Comprehensive Zoning By-law Review to allow additional dwelling units, including attached (e.g., a basement apartment) and detached (e.g., a coach house) in association with

single detached, semi-detached, and townhouse dwellings. The Official Plan Amendment, awaiting approval from the Region of Waterloo, updates the terminology in the Official Plan and eliminates the requirement for a zoning by-law amendment to permit detached additional dwelling units (attached second dwelling units had been previously permitted in conjunction with a single detached dwelling).

## 7.2 Aggregate and Resource Extraction Uses

### 7.2.1 Policy and Legislative Context

Section 23 of the Official Plan contains a specific Aggregate designation to recognize licensed aggregate resource extraction operations. The Official Plan explicitly requires an Official Plan Amendment and Zoning By-law Amendment to permit new operations (Section 23.3.2, noting that this policy is under appeal). The Plan includes a range of criteria for locating new aggregate extraction operations. The policies otherwise generally address requirements for mitigating issues related to land use compatibility, environmental impact, screening (visual impact), site access/traffic operations and policies guiding rehabilitation of pits and quarries once extraction has ceased. It is noted these operations are also subject to a licensing process under the Aggregate Resources Act.

Sections 24 and 25 of the Official Plan address the Sand and Gravel Resource and the Bedrock Resource designations, respectively. These designations represent known mineral resource areas. The general intent of these designations is to protect these resource areas from incompatible land uses which could hinder their future extraction.

It is noted that, under Section 34(2) of the Planning Act, pits and quarries can be regulated by the zoning by-law and are specifically considered “use[s] of land” for the purposes of Section 34(1)1 of the Act, which allows zoning by-laws to prohibit the use of land in any area. As such, specific legislative authority exists to regulate pits and quarries in the Rural Zoning By-law.

Section 23.3.2 of the Official Plan remains under appeal to the Local Planning Appeal Tribunal. Further, the City is undertaking Official Plan Amendment 11 (OPA 11) which aims to reflect recent Provincial Policy changes. As the Rural Zoning By-law is developed, the timing and policy directions of OPA 11 will be considered and addressed.

### 7.2.2 Existing Zoning

Historically, the City has zoned aggregate operations using a specific zone category which is applied through a zoning by-law amendment process. Aggregate uses are not intended to be permitted broadly as-of-right in any area of the City.



- Many of the rural area zoning by-laws in Kawartha Lakes have an Extractive Industrial (M3) Zone which permit pits and/or quarries with portable asphalt plants on large lots with varied setback requirements. Lot and building requirements vary amongst the various Extractive Industrial zones, including for example a 10-hectare minimum lot size in one by-law and no minimum lot size in another. Setbacks typically range between 15-30 m and some by-laws include special setbacks from residential or other zones.
- Some rural area zoning by-laws, such as Bexley and Mariposa, contain an Aggregate Protection (AP) Zone which permits agricultural, conservation, wayside pit and portable asphalt plants. This zone was applied to ensure that the lands could be utilized for future extraction purposes based on an understanding of existing resources.

### 7.2.3 Analysis and Preliminary Recommendations

Aggregate uses are not intended to be permitted broadly in any area of the City. Historically, the City has zoned for aggregate operations using a specific zone category which is applied through a site-specific amendment process. Thus, this Rural Zoning By-law Review has a limited role with respect to the implementation of the aggregate resource policies of the Official Plan. The focus will be creating zone(s), definitions and standards to address existing uses and to provide a framework for future amendments.

The existing approach used in the City is similar to other municipalities zoning by-laws, which typically establish a specific zone exception for aggregate extraction uses, with modified standards to those established in the parent zone. For example, the Town of Innisfil Zoning By-law includes an Industrial Extractive Zone. The zone permits “excavation, storage, crushing, screening or washing of sand, gravel, ballast or similar material,” which is not otherwise defined in more detail in the by-law. The zone has no specific requirements for yards or lot requirements (all N/A). Rather, “excavation of sand and gravel” is not permitted within 122 m (about 400 feet) of any residential, community, institutional zone, and “extraction of quarry stone or processing of sand, gravel or stone” is not permitted closer than 213 m (about 700 feet) from property lines of these types of zones. Further, excavations are intended to be set back 30 m from any street and a minimum of 15 m of a property line. This approach recognizes that the establishment of setbacks would only apply to buildings and structures – as such, the zoning by-law applies special setbacks to the actual extraction use.

The Town of Whitchurch-Stouffville Zoning By-law includes an Employment Extractive (EX) Zone where mineral aggregate operations are permitted. This zoning by-law also does not have setbacks or other requirements. Rather, it states that the standards are “subject to the standards and regulations in the Aggregate Resource of Ontario Provincial Standards.”

The Town of Scugog Zoning By-law defines mineral aggregate extraction which is a permitted use only in the Extractive Industrial (M4) Zone. The M4 Zone contains no minimum lot area or frontage

but indicates minimum setbacks ranging between 15 – 30 m for all yards. Further, an additional setback of 90 m from the boundary of a residential zone or dwelling on an adjacent lot under other ownership is required for any building, portable aggregate processing plant, or product stockpile.

At this time, it is recommended that an aggregate resource zone category be incorporated into the new Rural Zoning By-law. The zone would be applied only to existing aggregate operations which currently have a similar zone category or a site-specific amendment and a complementary Official Plan designation relating to aggregate extraction uses. To conform with the Official Plan, these uses cannot be permitted as-of-right unless there has been an approved zoning by-law amendment.

It is desirable to establish a range of setbacks and other requirements in the Rural Zoning By-law's mineral aggregate extraction zone to support of the objectives of the City's Official Plan, relating to visual screening, compatibility and other matters. However, opportunity exists to implement some of these policies through other planning tools, such as Site Plan Control, and through the licensing process. It is difficult to establish a set of comprehensive zoning by-law standards as each mineral aggregate operation will be unique and the policies of the Official Plan will need to be applied on a site-specific basis. The approach used in Innisfil to regulate the specific location of extraction activities is a very direct approach that utilizes the zoning standards to manage the specific location of activities on the site and their setbacks from other sensitive uses. However, this would also be achieved by re-zoning only the areas of the site where extraction is permitted. The incorporation of new standards similar to Innisfil's detailed setbacks relating to the extraction activities would likely create legal non-complying aggregate uses which is not desirable as they were legally approved and licensed.

Consideration will also need to be made regarding the use and intent of the Aggregate Protection Zone which exists in three existing rural area by-laws and is not applied consistently. Given that the Official Plan requires an Official Plan and Zoning By-law Amendment to permit a new aggregate extraction use, the zone's current function appears not to support the direction of the Official Plan. It is suggested that the Aggregate Protection Zone be deleted in favour of an agricultural or rural zone, which reflects the existing use of the land so as to require a zoning by-law amendment for a future use. If any sites are currently used for aggregate operations with a license, consideration should be made to simply apply the aggregate extraction zone.

Finally, consideration must be made regarding implementation of the Official Plan's Sand and Gravel Resource and Bedrock Resource land use designations, which originated from the previous County of Victoria County Official Plan. The intent of these designations is generally to ensure that these lands will not be impacted by incompatible uses, and ensure they will be available for future extraction once the need emerges. In large part, these areas are zoned by rural and agricultural zones, or zones that reflect existing residential uses, which is consistent with the permitted uses of

the designation. As such, at this time, it is suggested that carrying forward the existing zoning appropriately addresses the Official Plan, subject to a detailed mapping review to identify any specific conflicts. Any application for major development or land use changes would require a re-zoning process, which would represent a suitable opportunity to implement the policies of these designations.

## 7.3 Agriculture-Related Uses and On-Farm Diversified Uses

### 7.3.1 Policy and Legislative Context

Agriculture-related uses are commercial or industrial uses that are directly related to farming operations. Agriculture-related uses are defined in the City's Official Plan as "uses that are small in scale and directly related to the farm operation and required to be located in close proximity to the farm operation such as a grain drying handling and storage facility." The City's Official Plan permits agriculture-related uses within the Prime Agricultural designation (Section 15.3.1) and "agriculture-related commercial and industrial uses" are permitted in the Rural area. However, the Plan contains no other explicit policies to help evaluate such proposed uses. Section 15.4.1 of the Official Plan permits agri-business uses, subject to a Zoning By-law Amendment and various criteria. The use is not defined.

In the Rural designation, agriculture-related commercial and industrial uses are also permitted, subject to criteria such as consolidating the uses. Generally, the Rural designation is more permissive than the Prime Agricultural designation, permitting agri-tourism, farm implement dealers, and other similar uses that can support the agricultural community.

The 2014 Provincial Policy Statement (PPS) defines an agriculture-related use differently, suggesting they "benefit from being close to farm operations" and are directly related to farm operations "in the area." The key difference is that the City's Official Plan defines the use as being on the farm, effectively as an accessory use, whereas Provincial Policy defines the use as providing a broader service to the agricultural community and may exist on its own lot. The City's Official Plan appears to use the term agriculture-related uses to refer to on-farm diversified uses, and agri-business uses refer to agriculture-related uses as defined by the Province.

Further, the Province has authored Guidelines for Permitted Uses in Prime Agricultural Areas, addressing criteria and examples of on-farm diversified uses and agriculture-related uses. These Guidelines are discussed in **Section 2.2.4** of this Discussion Paper.

### 7.3.2 Existing Zoning

Each rural area zoning by-law typically includes at least two rural zone categories that facilitate agricultural uses and a range of other agriculture-related uses including limited industrial and commercial uses. Overall, the by-laws vary considerably in their approach to zoning the rural lands

of the City. The by-laws, in some cases, appear to permit various on-farm diversified or even agriculture-related uses broadly, whereas the Official Plan and Provincial policy are generally more restrictive. In many cases, the by-laws also have a zone that permits a broader range of uses, which is applied only to limited sites where such a use is likely operating. A few examples are summarized as follows:

- The Bexley Zoning By-law Rural General (RG) Zone permits agricultural uses as well as some other related uses such as agricultural produce storage, market garden farm and produce outlets. The By-law does not specify whether these uses would need to be accessory to the farm. Additionally, farm implement dealers, kennels, firewood splitting (subject to additional special provisions), riding/boarding stables and bed and breakfasts are permitted. The RG Zone is applied broadly across the former Township's rural area. No other similar agricultural or rural zone is used, though other zone categories are used in the rural area.
- Eldon's Zoning By-law identifies Agricultural (A1) and Rural General (A2) Zones. The A1 Zone is similar to the Bexley Rural General Zone. The A2 Zone permits a broader range of agricultural related uses, such as farm equipment sales, grain drying/cleaning, nursery/greenhouses, auction uses, etc.
- Ops' Zoning By-law has an Agricultural (A) Zone and an Agricultural Support (AS) Zone. The A Zone permits agricultural uses and a range of supporting uses, including bed and breakfast, farm produce outlet, home industries, portable saw mills, produce storage and similar uses. The AS Zone permits a range of agriculture-related uses, such as farm produce outlets, feed mills, fertilizer supplies, contractors, welding shops, auction barn, abattoirs, etc. While the A Zone is applied broadly across the rural area, the AS Zone applies only to specific sites in the rural area and potentially within the hamlet areas.

### 7.3.3 Analysis and Preliminary Recommendations

Overall, there is a significant lack of consistency in terms of the permitted uses in the rural area zoning by-laws and there are conflicts between the zoning by-laws and the Official Plan. Further, the Official Plan is not up-to-date with Provincial policy. These issues are expected given the age of the rural area zoning by-laws, and the great degree to which Provincial Policy has evolved in the rural areas with respect to permitted uses over the past few decades.

It may be difficult to pre-zone for all agriculture-related uses as defined by the PPS. The Official Plan contains limited criteria, and the existing policies are difficult to 'zone' as-of-right (e.g., the need to consolidate agriculture-related commercial/industrial uses in the rural area cannot be easily regulated by zoning which is highly site-specific). Further, as it is the City's intent to update the policy to consider these uses, any pre-zoning would be premature at this time in the absence of policy guidance and there is an opportunity to update the zoning in parallel with any policy updates. Depending on the direction the City takes with respect to the policy updates, it may be desirable to establish a separate zone category for agriculture-related uses (rural

industrial/commercial uses), which can be applied through future site-specific rezoning applications similar to the Agricultural Support Zone in the Ops Zoning By-law. This zone can also be used to recognize existing uses. To complement this approach, consideration may be given to permitting certain agriculture-related uses in the hamlets to create opportunities for these uses, subject to criteria and compatibility with the principally residential character of many hamlets. The Official Plan permits a range of uses in the Hamlets including processing and assembly uses, service and repair uses, storage and warehousing as well as commercial uses servicing surrounding rural areas, so it is interpreted that a range of agriculture-related uses in the Hamlets can be contemplated.

The Draft Municipality of Clarington Zoning By-law permits farm processing activities, for both value retaining and value-added, within the Agricultural (A) Zone. Value retaining facilities (such as sorting, packing, and drying of crops) are intended to have the product that is processed stored on the farm. Similarly, value-added facilities (such as processing and refining crops to a final retail product such as cider and jam) are intended to be secondary, directly related to the farm use and are subject to a number of specific use, lot and building requirements.

The Innisfil Zoning By-law defines a secondary agricultural use and agricultural processing establishment, which are permitted in the Agricultural Rural (AR) Zone. A secondary agricultural use includes uses which produce value-added agricultural products from the farm operation, such as the storage and processing of crops which are produced on the farm for the purposes of retail sale or further processing. An agricultural processing establishment is intended to be used for the processing and storage of agricultural produce in preparation for shipment to food processing establishments or market. These uses are permitted in the Industrial Business Park (IBP) and Agricultural Rural (AR) Zones.

The Prince Edward County Zoning By-law defines an agricultural processing facility as being used for the processing of agricultural produce and includes facilities for wholesale distribution or an accessory retail commercial outlet to the general public. An agricultural processing facility is not permitted as-of-right and is applied through site-specific provisions within the rural zones.

The Woolwich Zoning By-law permits a number of on-farm diversified uses within the Agricultural (A) Zone, including a farm produce stand, value added farm uses, and agri-tourism. Value added farm uses include cleaning, bagging, packaging, cooking and baking activities, and selling manure packaged for fertilizer. Section 6.40 of the By-law establishes a series of general provisions for value added farm uses, including scaling the maximum floor area to the size of the farm.

The Draft Township of Puslinch Zoning By-law defines agriculture-related uses as those farm-related commercial and industrial uses that are directly related to farm operations in the area and benefit from being in close proximity to farm operations. This use is permitted in the Agricultural Commercial (C3) and Agricultural (A) Zones.

There is an opportunity to establish some limited as-of-right permissions and criteria for on-farm diversified uses. The use is broadly permitted by the Official Plan, although the specific term is not used. Based on the City's Official Plan definition, "agriculture-related uses" is equated to the current term "on-farm diversified uses" and thereby permitted in the Prime Agricultural designation. Provincial Guidelines can provide some basis and guidance for the establishment of as-of-right permissions. Additionally, many of the existing rural area zoning by-laws appear to establish some permissions for on-farm diversified uses, such as home industries and produce stands. It is important that any permissions for on-farm diversified uses ensure that the use will be secondary to the farm, limited in size compared to the farm operation, are compatible, and impacts to the site and surrounding uses are mitigated. This could include home industries, farm gate sales, and even some temporary events. However, temporary events should likely be subject to temporary use by-laws and other tools. The Guidelines are clear that large-scale, repeated or permanent events are not on-farm diversified uses and are intended by the Province to be directed to settlement areas or rural lands. Criteria for on-farm diversified uses could be established in conjunction with any associated Official Plan Amendment to further articulate City direction for on-farm diversified uses. The City may also want to employ Site Plan Control in some or all cases and potentially use other regulatory tools, such as temporary use by-laws. Overall, any types of permissions for on-farm diversified uses in the Rural Zoning By-law should be somewhat restrictive, recognizing there is no existing detailed policy guidance and only broad reference by the Official Plan.

Further to the above, the Draft Municipality of Clarington Zoning By-law defines a farm event venue as being secondary to a farm, and which may or may not be open to the public and is operated for profit or gain. This use is not permitted as-of-right within the Agricultural (A) Zone and would be applied through site-specific exceptions.

It is noted that Section 15.3.8 of the City of Kawartha Lakes Official Plan provides for existing commercial and industrial uses to be zoned to recognize the use, subject to some criteria in Prime Agricultural lands. This provides a basis for the Rural Zoning By-law to carry over permissions and recognize any legally existing uses. However, care should be taken to review any existing commercial and industrial zoning to ensure that non-conforming uses are not permitted moving forward. The City is encouraged to amend the City of Kawartha Lakes Official Plan to provide a policy framework conforming to new Provincial Policy.

## 7.4 Cannabis-Related Uses

### 7.4.1 Policy and Legislative Context

The Cannabis Act is federal legislation that came into effect on October 17, 2018. The Cannabis Act establishes rules for the production, possession and sale of cannabis across Canada, but gives provinces the authority to regulate the use, distribution, and sale of recreational cannabis.



Following the Cannabis Act, Ontario passed the Cannabis Control Act in December 2017. The Cannabis Control Act establishes a minimum age for purchasing, using, possessing or growing recreational cannabis, as well as where cannabis products can be legally consumed, and maximum possession limits.

The City's Official Plan does not contain any policies or definitions which refer to cannabis, including medical marijuana. Policies are required to ensure that issues related to odour, dust, light, and transportation are appropriately considered from a land use planning perspective. The City of Kawartha Lakes will be required to amend the 2012 Official Plan in order to permit cannabis-related uses within the municipality prior to provisions being included in the Rural Zoning By-law.

The existing rural area zoning by-laws do not contain provisions and regulations with respect to cannabis-related uses, including medical marijuana.

#### 7.4.2 Analysis and Preliminary Recommendations

There are some options for municipalities when considering how to zone for cannabis-related uses. Defining cannabis-related terms, including references to appropriate legislation, would provide the City of Kawartha Lakes with the opportunity to explicitly permit the use in certain zones, and provides greater certainty to prospective producers and Council in making decisions. There is also an opportunity to establish general provisions relating to where and how the use can be permitted. For example, cannabis-related uses can be limited to specific commercial, industrial, and/or agricultural zones either as-of-right or as a use subject to specific standards. There may also be opportunities to define a buffer or minimum separation distance between cannabis-related uses and other sensitive land uses.

It is also an option to provide no specific definition of cannabis-related uses in the Rural Zoning By-law as the uses can be captured within other definitions, zones, as well as lot and building standards. For example, cannabis growing uses could be captured as an agricultural crop/operation which is broadly permitted in various agricultural zones. This approach is beneficial if it is the City's direction to permit the use more broadly across the City. Should the City desire limiting the use to certain areas or zones, then the use would need to be defined explicitly so that the permissions can be clearly established.

As noted, the Official Plan does not currently contain any specific directions regarding where cannabis related uses are permitted. Should the City undertake any updates to existing planning policy, the Rural Zoning By-law will need to be updated in conjunction with any policy directions being established. Policy directions will be beneficial to provide clear direction for the Rural Zoning By-law. Staff have noted that they receive numerous inquiries regarding the potential for cannabis



growing facilities and clarity in the Zoning By-law will benefit the City's ability to respond to these inquiries clearly.

Municipalities, such as the City of Ottawa, Town of Arnprior, and Township of Armour, are undertaking policy and zoning updates to permit a range of cannabis-related uses. In 2018, the Township of Armour passed By-law 32-2018 to amend Zoning By-law No. 27-95 to address the federal and provincial legislation related to cannabis. The amending By-law introduces a set of General Provisions with respect to the production and sale of cannabis, and further permits limited personal growing and consumption of cannabis. It defines terms including "cannabis", "cannabis retail store or dispensary", "licensed cannabis production facility", and "medical marijuana facility".

## 7.5 Flooding

### 7.5.1 Policy and Legislative Context

Within the Environmental Protection designation, Section 17.3.4 of the Official Plan notes that the true limit of land subject to flooding may not be accurately reflected and defers to the City and Conservation Authority to review and approve the revised limit. Section 17.3.5 notes that where detailed floodplain or wetland mapping exists or becomes available, the boundaries of the Environmental Protection designation may be interpreted as corresponding to the limits of the floodplain or wetland.

Kawartha Region Conservation Authority (KRCA) has initiated a process to develop and update floodplain mapping in specific flood damage centres which were identified through various studies and observed events. The various data inputs and hydraulic models are used to identify the regulatory flood line. A number of these floodplain mapping studies are complete, and others are still underway.

### 7.5.2 Existing Zoning

Most of the City's existing zoning by-laws predate floodplain mapping efforts completed by the KRCA. The Burnt River has historical floodplain mapping that has been incorporated into the Somerville Zoning By-law. The floodplain mapping established expected flood elevations during a Regulatory Flood for lots along the Burnt River, and forms part of the By-law in Schedule 'B'. Further, where the Flood Plain (F) suffix follows a base zone symbol on Schedule 'A', the land has been identified as being susceptible to flooding. The Regulatory Flood is based on lands that would be flooded due to a storm event equivalent to the 'Timmins Storm of 1961'. Where the - (F) suffix applies, there are a number of technical requirements to be met to flood-proof new buildings and structures and some enlargements. Appendix 1 of this Zoning By-law establishes a series of floodproofing measures for buildings and structures subject to flooding by a Regulatory Flood. The approach to floodproofing should be reviewed against current best practices.

Several other rural area zoning by-laws permit flood and erosion control works within their respective Environmental Protection zones.

### 7.5.3 Analysis and Preliminary Recommendations

The Rural Zoning By-law can play a role in supporting the implementation of the Official Plan with respect to floodplain delineation, while implementing updated mapping that reflects current conditions.

For example, the Municipality of Chatham-Kent Zoning By-law establishes comprehensive provisions to implement flood protection. Firstly, floodproofing requirements are established for certain lands. The provisions of Section 4.8a)-e) defer to the Conservation Authority to determine the site-specific requirements for certain building standards. Further, Section 4.33.1 establishes specific setbacks along different rivers and waterbodies in the municipality. Section 5.23 establishes a Hazard Land Zone for the floodplains and wetlands which generally permits existing and conservation uses.

The City of Sarnia Zoning By-law establishes a suite of zoning regulations related to natural hazards. Section 3.27 establishes a two-zone floodplain approach (floodway and flood fringe) along Perch Creek, Cow Creek and St. Clair River Tributaries. These areas were identified by the St. Clair Region Conservation Authority and are shown as an overlay on the zoning maps. Further, the Sarnia Zoning By-law establishes the Hazard 1 (HSD1) Zone which permits facilities for flood and erosion control, passive recreational, and limited residential uses (excluding dwellings or accessory uses).

The Town of South Bruce Peninsula Zoning By-law defines a number of flood-related terms including flood control, flood fringe, floodplain, floodproofing, and floodway. Section 6.27 establishes general provisions for Lake Huron and Georgian Bay Flood Constraints, including references to the Grey Sauble Shoreline Management Plan and setting minimum setbacks from the shoreline. Further, Section 6.27.3 establishes floodproofing requirements from the elevations established in the Grey Sauble Shoreline Management Plan.

City staff have expressed the need to review the revised floodplain mapping prepared by the Conservation Authority and confirm the most appropriate and location-based approach to regulating development in these areas, and to incorporate this mapping into the Rural Zoning By-law.

## 7.6 Hamlet Settlement Areas

### 7.6.1 Policy and Legislative Context

Section 19 of the City's Official Plan sets out the policies that apply to the Hamlet Settlement designation. Hamlets are intended to meet the limited residential, social, and commercial needs of the rural area with a range of permitted uses, as well as accommodate small-scale residential development and non-residential development within existing settlement areas. New industrial and commercial development are permitted in the hamlets, subject to criteria to ensure compatibility and adequate servicing (Sections 19.3.6 and 19.3.7). Where private services are provided, the minimum lot size is 0.4 hectares.

### 7.6.2 Existing Zoning

Many of the existing rural area zoning by-laws establish zones that apply to the Hamlet Settlement areas. For example, the Emily Zoning By-law establishes the Hamlet Residential (HR) Zone which is applied within the Downeyville Settlement Area. The balance of lands within Downeyville are zoned Community Facility (CF) or General Commercial (C1) (**Figure 18**). The HR Zone requires 7.5 m front, exterior, and rear yard setback requirements and permits a maximum density of two dwelling units per lot.

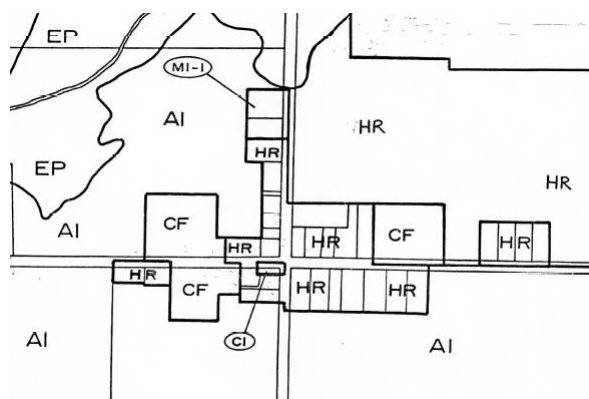


Figure 18 - Emily Zoning By-law - Downeyville Hamlet Area zoning

### 7.6.3 Analysis and Preliminary Recommendations

There will be a need to establish a harmonized and consolidated zone structure across the various hamlet areas of the City that in part reflect the unique character of each hamlet and the variety of land uses. A balance will need to be achieved with respect to consolidating and minimizing the number of zone categories while establishing zones that will continue to respect the existing character of each community. The standards that apply within the different zones will need to be calibrated to reflect the existing conditions within the given hamlet. For example, there are instances where existing buildings and structures are situated immediately adjacent to the

roadway with a zero-metre front yard setback. Should these properties be redeveloped, they would be subject to higher front yard setbacks which may not reflect the main street character of some hamlet areas. Appropriate encroachment provisions can also be considered for decks and porches to ensure that properties which have a reduced front yard setback (i.e., via road widenings) can be modified or rebuilt.

The Municipality of Southwest Middlesex establishes a Hamlet Residential (HR) and Hamlet Commercial (HC) Zone which are applied to the hamlet areas of the Municipality. The HR Zone applies to residential development comprised of single unit dwellings and converted dwellings where the 'Hamlet' designation of the Municipality's Official Plan applies. Minimum lot area and minimum lot frontage requirements are stipulated for the creation of new lots based on level of servicing. Similarly, the HC Zone permits commercial uses which are small in scale and compatible with the predominantly residential character of the smaller settlement areas, with some lot standards based on servicing availability.

## **7.7 Limited Service Residential**

### **7.7.1 Policy and Legislative Context**

Section 34.5 of the Official Plan provides directions to the zoning by-law with respect to limited service zoning, which reflects the existing level of municipal services available within a given area rather than using distinct land use designations. The basis for determining Limited Service zoning is the existing means of vehicular access, which affects other municipal services such as road maintenance, fire protection, garbage collection, school bus service, and municipal servicing. According to the Official Plan, Limited Service zoning indicates that the normal range of servicing is not provided in an area and that such services are not to be extended beyond current levels.

The Official Plan directs that the zoning by-law will establish two residential zones for residential lots within the Waterfront Designation that front onto a limited service road (Section 34.5). The first zone is intended to permit a seasonal occupancy (Limited Service Seasonal), while the other zone is intended to permit both seasonal and year-round occupancy (Limited Service Residential).

### **7.7.2 Existing Zoning**

Each of the existing rural area zoning by-laws establishes a variety of limited service residential zones. These existing zones will need to be reviewed and consolidated for consistency across the rural area and to achieve conformity with the Official Plan. For example, the Mariposa Zoning By-law establishes a single Limited Service Residential (LSR) Zone which permits a single detached dwelling and a vacation dwelling.

Uniquely within the rural area, the Laxton, Digby, and Longford By-law establishes both a Limited Service Residential (LSR) and Limited Service Seasonal (LSS) Zone, in line with the direction

prescribed in the Official Plan, which can serve as the basis to preparing the new Limited Service zone structure in the Rural Zoning By-law.

### 7.7.3 Analysis and Preliminary Recommendations

Based on input received to-date, one of the challenges with the Limited Service zones is enforcing the duration of someone living or staying on a privately-owned roadway. The recommended approach to Limited Service zones should be reviewed by City departments including fire, emergency services, and public works to confirm how they would like to address these challenges. Thus, it will be challenging to establish a seasonal occupancy zone as directed by the Official Plan.

Given the directions set out in Section 34.5 of the Official Plan, it is recommended that appropriate Limited Service Residential zones for residential lots within the Waterfront Designation that front onto a limited service road be established and further discussion is required to consider the implications of establishing a zone for seasonal occupancy only.

## 7.8 Natural Heritage

### 7.8.1 Policy and Legislative Context

The Official Plan includes a policy framework that promotes the conservation and enhancement of the natural environment. Schedule A of the Official Plan identifies an Environmental Protection land use designation. Schedule B provides supplementary information, identifying various specific environmentally sensitive features, such as Areas of Natural and Scientific Interest (ANSIs), locally and Provincially significant wetlands, unevaluated wetlands, waterbodies, significant woodlands and significant wildlife habitat. The features were mapped based on the data and information available to the City when the Official Plan was prepared. These various features are defined, and also protected by Provincial Policy. Generally, the Official Plan's Environmental Protection designation consists of the Provincially Significant Wetlands, floodplains, rivers, and areas of steep slopes.

The policies of the Official Plan indicate the City's intent with respect to studying, mapping and protecting these features. Overall, Section 3 of the Official Plan addresses the environment. Some of the key policies include:

- Development and site alteration is not permitted in Provincially Significant Wetlands (PSWs) and within locally significant wetland (LSWs), except where it is demonstrated there is no negative impact to the feature or its functions, or there is a net environmental gain. An Environmental Impact Study (EIS) is required for development within 120 m of a PSW and 30 m of a LSW;
- Development and site alteration within 120 m of any identified fish habitat requires an EIS;

- Development and site alteration within 120 m of a significant woodland may be permitted if it is demonstrated there are no impacts to the features or ecological functions of the area;
- Similarly, policies address requirements for triggering an EIS and whether development and site alteration is permitted within or adjacent to other features, including significant valley lands, significant wildlife habitat, habitat of threatened or endangered species and areas of natural and scientific interest; and,
- Sections 3.5.37-40 address requirements for environmental impact studies, which are triggered subject to the policies summarized above, and will be required in conjunction with a Planning Act application.

Section 17 includes policies for the Environmental Protection designation. Permitted uses are limited to agricultural uses, recreation uses and conservation uses, while excluding buildings and structures. The policies recognize that the limit of the designation may not be accurate, and the boundary of the designation is intended to correspond with the floodplain or wetland. The policies of Section 17.6.1 address the enlargement or expansion of any non-conforming buildings or structures in a floodplain, which is subject to various criteria.

### 7.8.2 Existing Zoning

Many of the existing rural area zoning by-laws incorporate a zone that principally intends for environmental protection, although there are a few by-laws that use an Open Space Zone or similar zone that permits a broader range of uses. For example:

- The Eldon Zoning By-law has an Environmental Protection (EP) Zone that permits only conservation uses, forestry, bird or wildlife sanctuary and flood/erosion control. The zone appears to be applied to areas generally in the vicinity of watercourses, and may relate to floodplains, wetlands, woodlands and other features. Additionally, it is noted that the By-law includes an additional 15 m setback for any buildings and structures from the Environmental Protection zone (or the yard requirement if it is greater).
- The Manvers Zoning By-law has an Open Space (O1) Zone. The zone permits golf courses, parks and agricultural uses. Buildings and structures are prohibited. Given the uses permitted, it is likely the zone was intended to encompass floodplains and passive parks generally. The O1 Zone is generally applied to encompass watercourses and some lands around them.
- The Somerville Zoning By-law includes an Environmental Protection (EP) Zone. Conservation, forestry, wildlife/bird sanctuaries, flood/erosion works as well as agricultural uses (excluding buildings and structures) are permitted. Docks are also permitted. As in the other by-laws, the EP Zone applies principally along watercourse and may also encompass other features such as wetlands or woodlands.

### 7.8.3 Analysis and Preliminary Recommendations

The Rural Zoning By-law can play a role in supporting the implementation of the Official Plan with respect to conserving the environment. Sections 34(1)3 and 34(1)3.2 of the Planning Act clearly enable the zoning by-law as a tool for prohibiting development in sensitive environmental features. The Planning Act suggests that the feature must in some way be defined in mapping and it would become difficult to enforce if environmental features are not mapped. For example, if the Rural Zoning by-law stated that “development is prohibited in a wetland”, without delineating the wetlands being referred to, there would be significant interpretation issues that would arise.

Overall, there is a need to establish a clear environmental protection zone which can be applied by the City through the development application process to support protection of natural heritage features where they are identified. The current rural area zoning by-laws typically include such a zone but some of the by-laws permit non-conservation uses in the environmental protection (or equivalent) zone. Some of the by-laws appear to orient the zone towards protective zoning of hazardous lands and not natural heritage feature protection.

It is noted that some of the rural area by-laws incorporate a setback from an Environmental Protection zone. However, this additional setback is not needed if the extent of the Environmental Protection zone is applied to encompass any buffers or minimum vegetation protection zones. This approach clearly defines which areas on a lot are unsuitable for development. There are a range of options that can be considered to protect natural heritage features as well as protect from natural hazards.

One option is to simply carry forward the existing environmental protection or similar zoning, with potential updates to the permitted uses and zone structure, as noted above. However, it is recognized that existing environmental protection zoning is not fully reflective of existing natural heritage features or the full range of features now protected by the Official Plan. Any changes should only be made with accurate, more recent data. Where recent site-specific studies have resulted in updated Environmental Protection zoning, this should be carried forward into the new Rural Zoning By-law. It is not within the scope of preparing a new Rural Zoning By-law to conduct detailed environmental impact review for all of the natural heritage features within the City. As environmental impacts are dependent on the proposed development, it is accepted practice for the City to require Environmental Impact Statements in conjunction with Planning Act applications.

Some or all the natural heritage and related features (and potentially their adjacent lands) identified in the Official Plan could be zoned in a protective zone category, such as an Environmental Protection zone. This option could potentially be much more restrictive than the Official Plan, as the Plan permits site alteration within or adjacent to the features in certain cases and subject to criteria. It is also very difficult to zone the features in the absence of a detailed



study that determines the extent of the features and the extent of adjacent lands. These areas are approximate in the Official Plan based on information available when the Official Plan was prepared. This approach would also have the implication of changing land use permissions significantly from what is existing. Based on early consultation conducted to date, the Official Plan's mapping of features has inaccuracies, particularly with respect to woodlands. As the Rural Zoning By-law is a legal, regulatory document, the addition of new, highly restrictive zoning should be based on precise and confirmed data which is only generated through site-specific studies.

Consideration can be made to overlay the features in some manner and use underlying zoning permissions and requirements to control development form. This approach would be less restrictive than the approach discussed above. This may include applying a Holding symbol, under Section 36 of the Planning Act, where any sensitive features exist. The effect of this approach would be to restrict development to the underlying zone category until the Holding (H) symbol is lifted. A condition to lift the feature could be the completion of the Environmental Impact Study. Again, this approach could be onerous and should be based on accurate and precise data, as typically gained through site-specific evaluations. It is noted that some municipalities have taken the approach of overlaying natural heritage system features, and using the zoning by-law to require an Environmental Impact Study. This does not appear to be appropriate based on the powers of municipalities under Section 34 of the Planning Act which allows the restriction of development or land use, and not the requirement of studies. Requiring studies is a component of the Official Plan and applied through a zoning by-law amendment process.

Consideration can be made to incorporate the Conservation Authorities' regulation limit as an overlay, appendix or in a supplementary document. The effect of such an overlay would be to flag the lands as potentially being subject to a permit from the Conservation Authority. The actual requirement for a permit cannot be feasibly incorporated into the Rural Zoning By-law as technical assessment by the Conservation Authority is required. Incorporating such a provision is not a clearly defined aspect of Section 34 of the Planning Act, but nonetheless has been included by some municipalities in their zoning by-laws. This approach also has a limited function. The Conservation Authorities are principally concerned with wetlands and hazardous lands/sites. The various woodlands and other features would not likely be fully captured in the regulated area.

It is important to recognize that this Rural Zoning By-law Review process is not the only opportunity for the City to implement its comprehensive environmental protection policies. The main mechanism is the completion of an Environmental Impact Study which may be required in conjunction with a Planning Act application. Additionally, screening for the Environmental Impact Study may be triggered through Conservation Authority review, where the lands fall within the regulated area. This, however, would only likely capture wetlands and other features associated with wetlands. The Official Plan enables the passing of a tree cutting by-law, which is one

mechanism to protect significant woodlands. The City is currently in the process of developing a tree cutting by-law.

It is recommended that any existing Environmental Protection Zone should be carried forward into the new Rural Zoning By-law. Care should be taken to ensure that any recent, site-specific updates to this zoning layer also be carried forward as it will reflect recent site-specific studies. Further, creating an Environmental Protection Zone to reflect the Official Plan's natural heritage features is not recommended as the Official Plan's data may not be fully up-to-date and the zoning requires a high degree of accuracy which is usually best obtained through site-specific evaluations.

Consideration should be made to zone Provincially Significant Wetlands and floodplains in protective zones, as these features form the Environmental Protection designation of the Official Plan. As well, the boundaries of Provincially Significant Wetlands are based on a detailed Provincial evaluation process. Development and site alteration is clearly not permitted in these features. The general provisions could allow for boundaries to be refined through further site-specific studies. As policies permit agricultural uses in the Environmental Protection land use designation of the Official Plan, an agricultural zone category may also be appropriate as long as there is a mechanism for implementing the policy that restricts any buildings and structures (e.g., Conservation Authority permit). Any other existing zoning, such as residential zoning, will need to be reviewed.

The Town of South Bruce Peninsula Zoning By-law establishes a Provincially Significant Wetlands (EH-1) Zone, which is a variant of the Environmental Hazard (EH) Zone. This zone permits existing agricultural uses and outdoor recreational activities which are compatible with the surrounding natural environment. Boundaries of this designation represent the Ministry of Natural Resources' accepted wetland boundary and alterations to the boundary of the EH-1 Zone boundary require Minister approval.

## 7.9 Official Plan Policy Conformity

### 7.9.1 Policy and Legislative Context

A zoning by-law is the most important legal mechanism afforded to municipalities under the Planning Act to implement an Official Plan. Achieving conformity with an official plan is also a requirement under Section 24(1) of the Planning Act, which mandates that all municipal decisions, by-laws, and public works to conform to an Official Plan. The Rural Zoning By-law Review therefore offers the City an opportunity to develop and implement appropriate provisions and standards as well as the vision of the community as articulated through Official Plan policy.

The Rural Zoning By-law will be brought into conformity with the City's Official Plan, which provides guidance for future development and growth management across the City of Kawartha Lakes and recognizes its strong rural character. It outlines a vision for land use, development and

City structure, which includes limiting development in some areas and promoting development in others over time.

### 7.9.2 Analysis and Preliminary Recommendations

The existing rural area zoning by-laws establish nearly 200 distinct zones that apply across the City of Kawartha Lakes. Principally, achieving Official Plan conformity includes the application of an “Official Plan Conformity Matrix”. A Conformity Matrix is both an effective and efficient tool to ensure that the new Rural Zoning By-law conforms to the Official Plan and implements its policies when working to review and consolidate the number of zones in the City.

In addition to implementing official plan land use designations directly by way of a specific zone or zones, there are other tools to implement an official plan. These include overlay zoning, suffix zones, customized zone standards, or a combination thereof. In evaluating which tool is most appropriate, it is important to consider the advantages and disadvantages of each as they relate to the interpretation, administration, and overall accessibility of the By-law itself.

Official Plan conformity can be achieved through multiple approaches, and the tools identified above are not mutually exclusive. Applying each tool to the appropriate condition will benefit the new Rural Zoning By-law by:

- Being responsive to the form and function of lands within the City as contemplated by the Official Plan;
- Implementing the Official Plan and achieving conformity; and
- Reflecting contemporary zoning tools and approaches.

Achieving an appropriate balance between traditional zone structures and the application of overlay zones, suffixes, customized zone standards, or a combination thereof, will be an important consideration as the new Zoning By-law is developed. The strategic application of each tool will provide the City with a degree of flexibility to implement appropriate zone standards and respond to both known and anticipated local land use trends.

## 7.10 Other Criteria for Agriculture Zones

### 7.10.1 Policy and Legislative Context

A key overarching Provincial policy direction is to maintain agricultural lands for agricultural purposes, and to generally direct other non-agricultural development to settlement areas. To implement this objective, the City’s Official Plan includes restrictions on lot creation. Section 15.3.3 requires a minimum lot size of 40 hectares in the Prime Agricultural designation. The Prime Agricultural designation also includes some policies related to surplus dwellings as a result of farm

consolidation. The policies allow for lots between 0.4 to 1.0 hectares with the existing dwelling to be created and require a zoning by-law amendment to not allow a new dwelling on the balance of the farm land. The policies do not permit a separate residential lot for a retiring farmer. In the Rural designation, the policies are similar, except that a lot for a retiring farmer is permitted.

#### 7.10.2 Existing Zoning

There are some inconsistencies in the existing rural area zoning by-laws compared to the Official Plan policies. In Eldon, for example, the minimum lot area is only 25 hectares, compared to the Official Plan's minimum 40-hectare requirement. The Rural General (A2) Zone of that By-law, which permits some agriculture-related commercial and industrial uses, requires only a minimum lot size of 0.4 hectares. This may be appropriate, since the zone is applied in certain circumstances to recognize existing such uses.

#### 7.10.3 Analysis and Preliminary Recommendations

The minimum lot requirements of the Rural Zoning by-law will need to be updated to implement the overall minimum lot area of 40 hectares within the Prime Agricultural and Rural areas of the City. A lower lot size may be appropriate for any existing rural industrial/commercial uses. It is also an option that the policy enabling the creation of a lot for a retiring farmer be implemented through a site-specific amendment or Planning Act application process. There may also be an opportunity to prohibit a dwelling on the farm lot without the need for an amendment in these circumstances. Incorporating the provisions directly into the Rural Zoning By-law could have an unintended consequence of creating a significant amount of residential development, which is not the intent of the policy.

### 7.11 Renewable Energy and Alternative Energy Systems

#### 7.11.1 Policy and Legislative Context

On December 6, 2018, the Province's Bill 34 (Green Energy Act Repeal) was passed and received Royal Assent. The purpose of this Bill was to repeal the Green Energy Act, 2009 and to amend the Electricity Act, 1998, the Planning Act, and other Provincial statutes. The Green Energy Act was originally enacted in 2009 to facilitate the establishment of renewable energy projects across the Province. The Act defined green energy to include wind, solar, biomass, and biogas where these energy sources were used to create electricity. Under the Act, municipalities were not permitted to pass by-laws that could restrict green energy projects, including zoning regulations to prohibit solar farms and wind turbines. Bill 34 amended several provisions of the Planning Act which now allow for regulations to permit or restrict these types of uses through Planning Act applications. The Planning Act has also been amended to prohibit an appeal to the Local Planning Appeal Tribunal (LPAT) of a Council decision to approve a renewable energy undertaking or refusal or failure to approve a requested amendment.

Section 12 of the City of Kawartha Lakes Official Plan contains policies proposed by the Province. These policies are currently under appeal.

### 7.11.2 Existing Zoning

Given advancements in alternative energy systems in the years since the adoption of many of the rural area zoning by-laws, the existing zoning by-laws contain only high-level references to alternative energy systems. For example, the Mariposa, Ops and Emily Zoning By-laws exempt a windmill from the building height provisions of the by-law.

### 7.11.3 Analysis and Preliminary Recommendations

Given the recent changes enacted through Bill 34, there is now an opportunity for the City of Kawartha Lakes to consider policy and zoning regulations relating to the development of renewable energy projects including renewable energy uses and accessory structures. Considerations relating to alternative energy systems can include siting considerations, community energy needs, community acceptance of a given project and Province-wide energy needs. The City's Official Plan will need to establish a policy framework relating to alternative energy systems, which can then subsequently be integrated into the Rural Zoning By-law. In advance of Official Plan policies relating to alternative energy systems, there is still an opportunity to continue to define specific systems (e.g., roof-mounted solar panels) which would be exempt from the height restrictions of a given zone in the Rural Zoning By-law or to establish specific provisions. In lieu of specific policy directions, it is suggested that renewable energy structures that are accessory to any existing principal use be subject to the lot and building requirements for main buildings (where the structure is attached) or to the accessory building requirement (where the structure is not attached). Consideration can be made to establish height exemptions for certain accessory structures such as accessory wind turbines, potentially up to a maximum height, along with setback requirements.

Where a renewable energy system or generating facility is proposed as a principal use, there is an opportunity to establish definitions in the Zoning By-law. However, it is suggested that policy direction is needed prior to permitting such development in any zone. As noted, the proposed policy, while generally supportive of these facilities, was not prepared in conjunction with current legislation.

The Township of North Frontenac Zoning By-law, adopted in July 2019, includes a series of definitions related to renewable / alternative energy systems, including solar panels (ground and roof/wall mounted) and windmill/wind turbine. These structures are permitted to exceed the maximum height applicable in the zone. Further, Section 3.36 of the Zoning By-law sets out general provisions relating to Renewable and Alternative Energy Systems, including the placement on a lot.

## 7.12 Source Protection

### 7.12.1 Policy and Legislative Context

Zoning is considered to be a key implementation tool to implement Source Protection Plans, which have been prepared and implemented across Ontario under the Clean Water Act. The intent of these plans is in part to limit land uses and activities which can pose a threat to drinking water. The policies for limiting land uses and activities are relevant to zoning, which can directly implement these policies. Under the Act, the Trent Conservation Coalition Source Protection Region Source Protection Plan and South Georgian Bay Lake Simcoe Source Protection Plan have been prepared and rely upon land use policies to ensure that municipal drinking water sources are protected.

In accordance with Section 40 of the Clean Water Act, the City is required to amend its Official Plan to conform with its applicable Source Protection Plan within five years of its approval. Further, Section 42 of the Act requires zoning by-laws to be updated. Section 39 requires that all decisions made by Council under the Planning Act and the Condominium Act shall conform to the significant threat policies established by the Source Protection Plans, regardless of local planning policies and by-laws, to implement the Source Protection Plans.

An Implementation Resource Guide was assembled to guide municipalities in their efforts to implement source protection plans under the Clean Water Act. With respect to zoning by-laws, the Guide outlines that zoning by-laws can prohibit the use of land, buildings and structures in vulnerable areas; continue to allow agriculture as a main use, but prohibit certain accessory uses or structures, such as structures intended to store agricultural materials in specific areas; limit the size of additions or prohibit additions in vulnerable areas; and provide an overlay zone to define a building envelope, to restrict the size, location or nature of the development, or to impose other restrictions as may be deemed necessary by the municipality.

Section 3.4 of the City of Kawartha Lakes Official Plan establishes policies to address Wellhead Protection Zones. Four wellhead protection zones are generally established around each municipal water supply on Schedule 'C'. The City's groundwater-based water supply systems are established in Section 3.4.3. The Official Plan notes that the City may undertake studies to refine wellhead protection zones and update Schedule 'C' without the need for an Official Plan Amendment.

### 7.12.2 Existing Zoning

The existing rural area zoning by-laws pre-date the passage of the Clean Water Act and have not been amended to implement the two Source Protection Plans covering the City of Kawartha Lakes. There are no specifically relevant provisions that implement these policies. As such, the City would need to be reviewing Planning Act applications for conformity with the Clean Water Act. The Clean



Water Act is considered to be applicable law that needs to be considered prior to issuance of a building permit. Thus, prior to issuance of a building permit by the City, the Risk Management Official must issue a Section 59 Notice for the proposal under the Act.

### 7.12.3 Analysis and Preliminary Recommendations

The City of Kawartha Lakes is currently undertaking a policy exercise to implement both Source Protection Plans within its Official Plan. After such time as the Official Plan is updated, in accordance with Section 3.4.3 of the Plan, provisions can be introduced into the Rural Zoning By-law. There are a number of municipalities which have introduced protection provisions through the zoning by-law.

In November 2014, the Town of Midland adopted an amendment to their zoning by-law to implement the policies of its Official Plan regarding source water protection under their Source Protection Plan. The approved amendment establishes a Wellhead Protection Area Overlay Zone and general provisions which prohibits a list of non-residential uses and activities (such as storage of waste and the application of pesticides), subject to conditions. It further establishes a Wellhead Protection Area Quantity Overlay Zone and general provisions that restricts non-residential uses that have potential to impact the supply of water by removing water from an aquifer without returning it to the same aquifer, unless it has been demonstrated that the use does not represent a significant threat to drinking water within the overlay. This two-step approach is also adopted by the Township of Centre Wellington which contains provisions for Wellhead Protection Areas, which apply to prohibited and restricted uses as established in the County of Wellington Official Plan. A schedule overlay delineates each Wellhead Protection Area.

## 7.13 Telecommunications Towers

### 7.13.1 Policy and Legislative Context

Telecommunication tower/antenna systems are regulated exclusively by Federal Legislation under the Federal Radiocommunication Act and administered by Industry Canada. Provincial legislation such as the Planning Act, including zoning by-laws, does not apply to these facilities. Further, the City's Official Plan contains policies which permit the development of adequate utility networks, including telecommunications, to service anticipated growth within the City.

City of Kawartha Lakes Council has adopted the Telecommunications System Protocol, which follows the recommended Industry Canada standards for the installation of new telecommunication towers and a set of criteria to ensure that a clear process is established. All applications for new telecommunications facilities must be endorsed by Council, subject to any conditions, for the applicant to receive approval.



### 7.13.2 Analysis and Preliminary Recommendations

The existing rural area zoning by-laws generally contain provisions which permit public uses in all zones, including telecommunications equipment, and it is anticipated that a similar provision will be carried forward into the new Rural Zoning By-law. However, given the Council-adopted Telecommunications System Protocol and the context of the Planning Act, the Rural Zoning By-law will not regulate telecommunications facilities beyond this.

## 7.14 Transition

### 7.14.1 Policy and Legislative Context

Following Council's adoption of the new Rural Zoning By-law, it is recommended that the existing rural area zoning by-laws be repealed and replaced with the new Rural Zoning By-law. Following this repeal, the City will need to decide how certain in-process development applications and planning matters will be transitioned under the new Rural Zoning By-law. The requirements to deem a Planning Act application complete are set out in Section 35.3 of the Official Plan.

### 7.14.2 Analysis and Preliminary Recommendations

Many newer zoning by-laws in Ontario have implemented "transitional" provisions which address the applicability of the zoning by-law with respect to on-going development applications or recent approvals.

There are several options to consider regarding transitional provisions. With respect to building permits, those applications filed under a previous zoning by-law and deemed complete by the Chief Building Official can be processed under the standards of the previous by-law. Similarly, all complete planning applications (as deemed by Section 35.3 of the Official Plan) filed under the previous by-laws can be reviewed under the provisions of the previous by-law within a finite time frame (e.g., 2 years) following approval of the Rural Zoning By-law.

The types of development applications that are transitioned vary across different municipalities reviewed. Buildings or structures that were the subject of minor variances and built prior to the approval of the Rural Zoning By-law can be deemed to conform with the new By-law. Further, all minor variances and provisional consents approved within a fixed time frame (e.g., three years) prior to Council's adoption of the Rural Zoning By-law do not have to comply with the provisions of the new zoning by-law, provided:

- The applicant has applied for a building permit related to a minor variance approved under an existing Zoning By-law within a fixed time frame after adoption of the Rural Zoning By-law; and,

- A certificate of severance has been issued within a fixed time frame after adoption of the Rural Zoning By-law.

There is also an option to transition other in-process Planning Act applications following adoption. For example, the City of Orillia Zoning By-law contains a transition provision (Section 2.6.1) that exempted building permit, committee of adjustment, site plan control, part lot control exemption, and approval of draft plan of subdivision or draft plan of condominium from the regulations of their new by-law, adopted in 2014. These transitional provisions contained a lapsing provision that repealed the transitional provision in its entirety three years from the date of enactment. A transitional provision is still in-effect for all minor variances applied for and approved prior to the enactment of the new by-law (Section 2.6.2). A very similar transition provision was included in the Township of Puslinch Zoning By-law, which was adopted in February 2018. Conversely, the Town of Blue Mountains Zoning By-law, adopted in November 2018, only contains a transitional provision for minor variances.

## 7.15 Waterfront Areas

### 7.15.1 Policy and Legislative Context

The City's Official Plan establishes a Waterfront designation to permit seasonal and limited permanent residential development adjacent to the lakes and certain major rivers within the City. Other permissible uses include marinas, parks, tourist resorts, camps or commercial trailer parks. It is intended that the designation will not accommodate a significant portion of projected growth in the City, which is to be directed to the settlement areas. Section 20.3.1 indicates that uses along the waterfront include predominantly seasonal and permanent residential uses.

Section 20.3 of the Official Plan provides policy direction regarding the protection of the City's waterfront areas. Specifically, Section 20.3.7 intends for natural form and function to dominate and naturalized or naturally vegetated shorelines are to be retained or restored where possible.

Section 20.4 provides policies to guide lot creation, including a minimum lot area of 0.4 hectares and minimum frontage of 60 m. However, infilling residential lots are permitted provided they are at least 0.3 ha in lot area and have a lot frontage of 30 m and that the shoreline frontage is consistent with the established character of the adjacent shoreline. On islands, the minimum lot area is 0.8 ha and 90 m of frontage. Additionally, there are increased lot area and lot frontage requirements for second tier backlot creation.

Section 20.5 includes some policies to support Section 20.3.7, described above. To achieve a balance of natural and built form, it is intended that shoreline activity areas (i.e., use of the shoreline for docks, boathouses, etc.) will be:

- the lesser of 25% of the shoreline frontage up to 23 m for residential lots;

- the lesser of 25% of the shoreline frontage up to 30 m of an open space block related to “residential development”;
- 33% of the frontage for resorts/tourist commercial uses; and
- 50% for marinas.

Furthermore, development is to retain natural shoreline vegetation as much as possible (20.5.3). Building heights are also not to exceed the tree canopy.

Section 3.11 of the Official Plan includes policies for water setbacks and accessory uses. It is intended that buildings, structures and septic systems be located at least 30 m from the high-water mark, and the setback be maintained in a natural state. However, a boathouse and dock are permitted within the 30 m setback. A minimum 300 m setback is required for at-capacity lake trout lakes, subject to specific policies. Notwithstanding these requirements, the Plan recognizes that there are existing buildings and structures that do not achieve the 30 m setback and there are also lots of record where the setback may not be feasible. In these cases, development/expansion/reconstruction is considered in the setback so long as it meets some minimum criteria, including an absolute minimum setback of 15 m, and demonstrating there is no alternative, a vegetation protection zone is implemented, and criteria for the septic system is achieved as well as minimizing construction impact.

It is noted that Section 3.5.36 includes policies specifically regarding the Lake Simcoe Watershed. This includes requirements for 30 m minimum vegetation protection zones in conjunction with natural heritage features, which is intended to include lakes.

#### 7.15.2 Existing Zoning

The existing rural area zoning by-laws vary considerably in terms of how the Waterfront designated areas are zoned. Overall, these areas are subject to a mix of residential zones with varying setback, frontage, lot area and other requirements. This reflects the variation in the character of the various shoreline areas throughout the City. Many of the principles and goals of the Official Plan are not directly addressed by the zoning by-laws.

- In the Mariposa Zoning By-law, which has a considerable amount of shoreline residential uses on Lake Scugog, shoreline development is typically subject to the Rural Residential Type Three (RR3) Zone, and is often subject to various exception zones. The RR3 Zone permits single detached dwellings, vacation dwellings on lots of 0.2 ha (with private services) or 0.14 ha where there is municipal/communal water only. Setbacks are only 7.5 m from the front and rear yard and the minimum water setback is 30 m. This includes some areas and lots that do not have direct shoreline frontage. Existing conditions vary considerably, including many smaller lots which likely do not meet the 30 m frontage requirement or setback requirement.

Many of the homes appear to have docks and varying amounts of vegetation between the dwelling and the shoreline.

- The Bexley Zoning By-law, where there is considerable frontage on Balsam Lake, principally zones shoreline areas either Rural Residential Type Three (RR3) or Limited Service Residential (LSR). The provisions of the RR3 Zone are similar to Mariposa, although the water setback is only 15 m. The LSR Zone is effectively identical to the RR3 Zone except that home occupations and parks are not permitted. The LSR Zone contains some exception zones which permit only ‘vacation dwellings.’ A review of the mapping does not provide an indication of what the purpose of the two zones are, as they are intermingled within a given area. The existing character of shoreline lots on Balsam Lake vary considerably, with some lots taking on a similar character as the Lake Scugog lots described above, and other lots being considerably larger with much more vegetation and varied setbacks.
- The Verulam Zoning By-law was reviewed as it includes a considerable number of waterfront residential lots on Sturgeon Lake. The lots are zoned mainly with a mix of Limited Service Residential (LSR) and Residential Type One (R1) zoning. The R1 Zone requires a minimum lot area of 0.205 ha and a minimum lot frontage and water frontage of 36 m. The minimum water setback is 15 m. The LSR Zone is very similar, except that home occupations are not permitted.

#### 7.15.3 Analysis and Preliminary Recommendations

Ultimately, it is anticipated that one or a series of waterfront residential zones will be required to implement the policies of the Official Plan and reflect the character of various waterfront communities. Section 34.5 of the Official Plan directs that at least two residential zones be established in the Rural Zoning By-law to implement the Waterfront designation. First is a seasonal-only occupancy zone where lands are serviced by a limited service road only. The basis for this zone could be any current similarly restrictive limited service zone which only permits seasonal uses. Second, the Official Plan contemplates a zone that permits both seasonal and year-round occupancy, which could be based on any existing zones which similarly permits both seasonal and year-round occupancy.

It has been noted that there are considerable differences between many of the existing zones and the Official Plan’s policy. None of the zoning by-laws reviewed includes any particular requirements for managing the proportion of the shoreline frontage that can be built on (e.g., width of docks and boathouses) versus maintained in a natural state. The zoning by-laws do not address naturalization. Further, the minimum lot frontage and water setbacks are not typically consistent with the Official Plan, although they frequently include at least a 15 m setback from the high-water mark. The Official Plan only contemplates a 15 m setback from the high-water mark for existing lots when other criteria have been achieved, such as ensuring there are no alternatives.

Overall, there is considerable difference between the Official Plan's specific policies, as well as its broader objectives, and the existing zoning.

At a minimum, consideration should be given to updating the minimum setbacks and lot frontage requirements. Although the Official Plan requires a 30 m water setback, this setback is not likely achievable or reflective of existing conditions in most cases. The minimum lot frontage of 30 m, however, is somewhat similar to the existing zone requirements. It is noted that the Official Plan contemplates a 15 m high-water mark setback as an absolute minimum, but other criteria need to be fulfilled in order to build at this setback. This will be challenging to implement in the Rural Zoning By-law as the determination of whether the criteria are achieved will be site-specific. A restrictive approach to implement the Official Plan would be to establish the 30 m setback in the zoning, and require a minor variance to facilitate any variations in this requirement. This would achieve the Official Plan's intent, but may be overly onerous in some areas. There may also be an opportunity to review the applicability of establishing criteria around the alteration or reconstruction of legal non-complying buildings and structures. One option would be to establish the 30 m setback and to implement criteria enabling expansion of legal non-complying buildings and structures.

There is also an opportunity to address the policies of the Official Plan regarding the proportion of the shoreline frontage that is permitted to be built with docks and boathouses. Further evaluation will be required to assess the impact of incorporating these types of provisions as it may render most lots to be in a legal non-complying situation as they currently exceed the proportion set out in the Official Plan (25%). Many other zoning by-laws in Ontario contain provisions that limit the width of various structures as well as the cumulative width of structures on waterfront lots.

It is also possible to address the Official Plan's broader policies and objectives regarding shoreline naturalization by regulating the use of the land in the zoning by-law to require naturalization or other limited uses on portions of the shoreline. These types of provisions have been implemented recently in some other zoning by-laws, but do pose an administrative and implementation challenge as some shoreline improvements would not be subject to a building permit. As such, enforcement would at least partly occur on a complaint-basis where a building permit is not needed. Ultimately, there is a clear gap in terms of how the City is implementing these shoreline naturalization policies of the Official Plan and the Rural Zoning By-law is one potential tool to address these policies. The City could also give consideration to Site Plan Control or a Community Planning Permit System to support implementing these types of provisions to complement or in place of the zoning by-law. The City will need to make a fundamental administrative decision of what role the new Rural Zoning By-law should play in the context of implementing these policies. The incorporation of detailed requirements regarding shoreline naturalization will increase the level of effort required to assess building permit applications and the nature of the drawings

required from applicants. Further discussion is needed on an appropriate implementation strategy.

Several examples of other recent By-laws in other municipalities are provided below:

- The Township of Muskoka Lakes' Zoning By-law establishes a Waterfront Zone category which includes Waterfront Residential, Waterfront Commercial, and Waterfront Landing Zones. Within the Waterfront Residential Zone, several zone variants are established, such as Waterfront No Constraints (WR1), Water Access (WR3), Steep Slopes and/or Narrow Waterbody (WR 5 & 6) and Lake Trout Lakes (WR7). This approach allows the zoning by-law to reflect the varying shoreline and natural conditions that exist within the municipality.
- The Town of Huntsville's Zoning By-law incorporates general provisions regarding shoreline structures and shoreline buffers which are applicable in all relevant residential zones. A Shoreline Buffer is required to be maintained across 75% of the lot with a minimum depth of 15 m measured from the shoreline. The lands are required to be maintained in a natural state with some exceptions. Outside the shoreline buffer, the balance of the shoreline can be used by permitted structures, such as a boathouse or dock; otherwise the shoreline is required to be maintained in soft landscaping. Further, the maximum width of structures is not permitted to exceed 25% of the lot frontage to a maximum of 15 m. Further, a boathouse cannot exceed 10 m in width. Other structures are subject to various other requirements.
- The Township of Georgian Bay's Zoning By-law sets out a range of shoreline residential zones. The zones require front yard setbacks ranging from 20 m – 30 m and rear yard setbacks of typically 10 m. The minimum lot frontage is typically at least 60 m. The maximum lot coverage requirements are typically less than 10%. Further, the By-law includes maximum gross floor area requirements for dwellings, maximum width of dwellings in a couple of the zone variants, as well as minimum "undisturbed open space" (which is not otherwise defined or described) in one zone variant (75% of the lot area above the high-water mark). The by-law also has specific requirements regarding the height, width, and size of various 'dry' and water-based accessory structures. There is also a maximum cumulative width of docks, boathouses and similar structures which is calculated based on lot frontage.
- It is further noted that some municipalities have opted to implement a Community Planning Permit System to regulate development in the shoreline areas. One of the benefits of the Community Planning Permit System is that it integrates zoning, minor variances and site plan control into one streamlined process, enabling a fulsome approach to address the greater complexity of reviewing applications in waterfront areas. It also enables an integration of blasting or fill by-laws. For example, the Town of Innisfil adopted the "Our Shore" Community Planning Permit System By-law in 2017 and the Township of Lake of Bays implemented a Development Permit By-law in 2004. At this time, the City of Kawartha Lakes Official Plan does not have policies enabling a Community Planning Permit System, so this information is provided for context only.



# 8.0 Rural Zoning By-law Structure

This Rural Zoning By-law Review is intended to create a superior and progressive regulatory document that is effective, user-friendly, and easy to interpret by staff and Council, the development industry, and the public. Acknowledging that the current rural area zoning by-laws approved as early as the 1970s, this review provides the opportunity to reimagine a contemporary zoning by-law format and layout for the City of Kawartha Lakes.

To guide future stages of the Rural Zoning By-law review, this section proposes a draft table of contents for the Draft Rural Zoning By-law. A well-structured table of contents will allow a wide range of users to understand the structure of the document from the outset and facilitate City staff and Council’s interpretation. The table of contents, as well as defined terms within the Rural Zoning By-law, can also include clickable links for easy access to a specific section or definition in the document and improve overall wayfinding.

The following table of contents offers a preliminary new Rural Zoning By-law structure for discussion. Overall, it should reflect the rural nature of the City of Kawartha Lakes and align with Official Plan. The sample below also reflects best practices to ensure the Rural Zoning By-law is accessible and legible by the community and landowners.

<b>Chapter 1   Administration</b>	This section contains clauses which govern how the Rural Zoning By-law is to be read and interpreted. It would also include transition provisions and penalties for someone in contravention of the By-law.
<b>Chapter 2   Definitions</b>	Definitions are critical in ensuring the Rural Zoning By-law is consistently and properly interpreted by all users.
<b>Chapter 3   General Provisions</b>	This section contains provisions that apply to all zones, but are only applicable in certain circumstances. This section will likely include the parking and loading requirements for all zones.
<b>Chapter 4   Establishment of Zones</b>	This section establishes the zones, zone symbols, and zoning maps, and can include statements regarding the interpretation of zoning maps.



<b>Chapter 5   Waterfront Zones</b>	This section defines the permitted uses and lot and building requirements of lands categorized “waterfront” in the Rural Zoning By-law Schedules.
<b>Chapter 6   Rural Zones</b>	This section defines the permitted uses and lot and building requirements of lands categorized “rural” in the Rural Zoning By-law Schedules, including rural residential, commercial and industrial uses.
<b>Chapter 7   Agricultural Zones</b>	This section defines the permitted uses and lot and building requirements of lands categorized “agricultural” in the Rural Zoning By-law Schedules.
<b>Chapter 8   Hamlet Zones</b>	This section defines the permitted uses and lot and building requirements of lands categorized “hamlet” in the Rural Zoning By-law Schedules.
<b>Chapter 9   Environmental Protection and Open Space Zones</b>	This section defines the permitted uses and lot and building requirements of lands categorized “environmental protection and open space” in the Rural Zoning By-law Schedules.
<b>Chapter 10   Other Zones</b>	This section lists the permitted uses and lot and building requirements of other zones in the Rural Zoning By-law Schedules, such as aggregates and institutional zones (consideration can be made to break this into multiple chapters rather than combining all remaining zones into one chapter).
<b>Chapter 11   Exception Zones</b>	This section would include all the site-specific exception zones that are carried over into the new Rural Zoning By-law (in lieu of site-specific exception zones within each zone chapter).
<b>Chapter 12   Enacting Provisions</b>	This section would include provisions that bring the Rural Zoning By-law into effect.

## 9.0 Next Steps

This Discussion Paper has been prepared based on a background review and initial consultation with City Staff, the public, and stakeholders in September 2019. It is anticipated that additional issues will be identified over the course of the review process. Additional key issues and opportunities may be identified through consultation, and the preliminary directions and recommendations presented in this report will be refined through further consultation.

This paper will form the basis for preparing the Draft Rural Zoning By-law. In addition, a Summary Report will be prepared to consider more in-depth assessment of some of the key issues identified this paper and to provide a basis for further consultation.

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# Appendix A

## Original Public Comments



### Permitted Uses

- Consider secondary suites in all areas, as Fenelon now excluded
- Continue to allow cottage rentals
- Continue to permit hunting camps and recreational buildings on rural properties as per the Laxton, Digby, and Longford zoning by-law
- Maple syrup bushes should not be designated as woodlands in the Official Plan and/or not restricted as an environmental feature

### Land Use Designations

- Woodlands designation should not be part of the zoning by-law
- Policy that ensures public land/waterfront remains public and is not sold for private use
- Creation of exclusion zones for Class II Industrial Operations, such as Aggregate Operations
- Protect all wetlands and waterways

### Zone Standards

- Ensure Four Mile Lake zoning (Township of Somerville) regarding boathouse setbacks etc., remain in place
- Retain road access to water to ensure back lot access to our lakes
- Aggregates – manage setbacks, haul routes that are compatible with rural settings and the road network
- Set back of aggregate and other Class 2 operations from sensitive receptors including lakes, significant wet lands, significant woodlands, etc.
- Shoreline protection/conservation

## **Engagement & Communications**

- Any proposed changes to a property owner's rights should be communicated to the owner
- Make agricultural zoning information more accessible to all
- Single, clear, navigable by-law for whole area

## **General**

- Making it easier for landowners to protect the conservation features of their properties (severances, registering and enforcing conservation easements)
- Facilitate conservation severances to qualified bodies