

to

REPORT PLAN2020-003FILE NO: 2019 Rural Zoning By-law Consolidation

New Rural Zoning By-law Consolidation and Update RFP Excerpt – Project Description and Deliverables

Background

The City is a single-tier municipality established January 1, 2001 through the amalgamation of the former County of Victoria and its 18 lower-tier municipalities. The City is primarily a rural municipality with five (5) urban serviced communities including the former Town of Lindsay and Villages of Bobcaygeon, Fenelon Falls, Omeme and Woodville. There are thirty-one (31) hamlets throughout the rural area of the City. Each of the 18 former municipalities had a Zoning By-law in effect on the date of restructuring that served to regulate development of land within their boundaries. While none of these Zoning By-laws have been repealed, each has been subject to continual amendment.

The City's 19 Zoning By-laws (18 Municipal and Oak Ridges Moraine) collectively regulate every property in the City. The Zoning By-laws have the same basic purpose to regulate land use, but use many different ways to express that intent. While these By-laws have undergone numerous amendments over the years, they still differ in the format, approach, language, definitions, zone categories, and development standards found in the various zoning categories and general provisions. The By-laws were also passed during different eras from the late 1970's for many Township By-laws to the Town of Lindsay By-law 2000-75 being passed in 2000, and the City's Oak Ridges Moraine Zoning By-law 2005-133 being passed most recently in 2005. Some of the provisions in the By-laws are outdated and have led to situations where development is based upon, or hindered by, outdated standards and/or ambiguous terminology. In some cases, planning applications need to be processed to address relatively minor matters created by dated standards which delays building approvals. Lastly, the regulatory variation between By-laws has led to situations where identical proposals are regulated in very different ways across the municipality, thereby creating inequity and frustration. Given that the City is a single tier community, it becomes very difficult to explain the inequity when standards vary from one side of the road to the other side.

While the Zoning By-laws have been adequate for past municipal needs, the combination of outdated standards (in particular the many Township and Village By-laws, ranging from 1978 to 1993), inequitable regulation of lands, and multiple regulatory documents in a single-tier, requires the creation of a comprehensive Zoning By-law for the City that is fair, balanced, contemporary and flexible.

Scope of Work

1.0 Project Objectives

The City is undertaking the consolidation of 18 Zoning By-laws in two phases. The first phase will include the consolidation of the 13 rural Zoning By-laws and the second phase will include the consolidation of the five (5) urban Zoning By-laws and the Oak Ridges Moraine Zoning By-law. The City is seeking proposals from qualified consultants to prepare a modern, comprehensive Zoning By-law to complete the Phase 1 work (The Project). The Project will accomplish the following objectives:

- implement the policies of the approved City Official Plan;
- implement standards that respond to policy directions of various Provincial initiatives that affect the City such as the Provincial Policy Statement 2014, Source Water Protection, Lake Simcoe Protection Plan, On-Farm Diversified Uses, Secondary Suites, and the Planning Act;
- create a zoning by-law with standardized definitions, general provisions, and zone categories / requirements;
- increase the clarity, intent and ease of understanding the zoning by-law through the use of explanatory or illustrative diagrams where appropriate to assist in interpretation; and
- create contemporary zoning standards that would:
 - embody flexibility;
 - introduce new uses in zones where it is appropriate and advantageous;
 - remove existing uses in zones where they are no longer relevant or appropriate; and,
 - replace and update antiquated, redundant and ambiguous definitions and development standards.

Guiding Principle

The philosophical basis of a Zoning By-law has a bearing on how it is structured. Some By-laws are very rigid and inflexible with the result that often planning approvals are required to facilitate even minor development and/or address very basic technical matters. Most of the City's Zoning By-laws were developed in an era when planning tools were applied to respond to development proposals. Consequently, most Zoning By-laws were structured to require amendments approved by Council to protect the public interest. With better planning policies and tools now available, the intent is to create a zoning framework for the City that will incorporate more generalized uses and requirements to allow for greater flexibility with implementation. This more flexible or permissive approach would result in only more substantive matters being brought to Council, Planning Advisory Committee, or Committee of Adjustment. With greater

flexibility, Zoning By-laws can facilitate development while still protecting the public interest. The Consultant shall complete all work with this as the guiding principle.

2.0 Project Details

The Project will result in an updated Zoning By-law for the rural areas, while Phase 2 will result in updated Zoning By-law for the five settlement areas. The Oak Ridges Moraine Zoning By-law 2005-133 is not part of the updates. The Project work should however consider the Phase 2 work where appropriate.

The Project will cover rural areas and focus on the formulation of a regulatory framework that will cover at least the following components.

- A. The Project will review and assess the following to effectively implement policies and plans and provide the basis for the Rural Zoning By-law:
- a) Provincial legislation, policies and plans, including but not limited to:
 - The Planning Act, Provincial Policy Statement (2014), Growth Plan for the Greater Golden Horseshoe (2017), Greenbelt Plan (2017), Accessibility for Ontarians with Disabilities Act, Clean Water Act (Source Water Protection Plans), Building Code Act, Lake Simcoe Protection Plan (2009), Housing and Homelessness Plan, Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (2016), and other relevant Provincial Statutes, regulations, and guidelines.
 - b) City of Kawartha Lakes Official Plan (June 2012), including but not limited to:
 - A review of the approved Official Plan in order to understand the City's general planning and design philosophy as well as land use planning policy context.
 - The establishment of regulations which address development in the context of the City's growth management strategy, including hamlets and shoreline residential areas.
 - c) General, technical analysis of the City Zoning By-laws focused on:
 - Complete a detailed comparative review of the key components of the 13 rural Zoning By-laws, including but not limited to By-law administration, definitions, general provisions, zone structure/hierarchy, and individual zones (including permitted uses and standards).
 - Complete detailed comparative review of the City's 2006 Consolidated Draft Zoning By-law.
 - Complete review of the five (5) Phase 2 Zoning By-laws and Oak Ridges Moraine By-law to identify the areas of potential similarity that should be carried between the new Rural Zoning By-law and future urban and Oak Ridges Moraine zoning by-laws.

- Assessment of problem areas with existing zoning standards, standards requiring updating, and trends in zoning and minor variance requests.
- Assessment of all existing exception zones and determination of those that will need to be brought forward into the new Rural Zoning By-law.

B. From the above review and assessment, the Consultant will undertake the following:

a) Zoning By-law Standards:

- The inclusion of appropriate Land Use Zones. Zone categories should be simplified and efforts made to reduce the number of categories.
- The inclusion of minimum and maximum zone standards to ensure development is compact, efficient; street oriented and supports active transportation.
- The creation of general use categories as opposed to lists of specific uses. The resultant structure would represent a move away from exclusionary zoning to inclusionary zoning.
- The creation of provisions which are supportive of sustainable development.
- The development of provisions which are supportive of affordable housing and innovative housing approaches, including secondary suites, reduced parking, setbacks and similar techniques.
- Ensure consistency of defined terms within all zone categories and special exceptions.
- Ensure consistency and applicability of defined terms and standards between this Rural Zoning By-law and the future updates to the urban and Oak Ridges Moraine Zoning By-laws.
- The use of environmental feature overlays (eg. natural hazards, source protection).

b) Mapping Review and Zoning Map Tool Creation:

- A review of current land use zones and creation of new land use schedules will be completed.
- The Consultant will also work with GIS staff to create an ESRI Server REST-enabled (Enterprise Geodatabase compatible) zoning product that allows map schedules to be interactive – i.e. user (City staff and the public) can select a property and it will provide the zone, definitions for any uses in the zone, special provisions tied to the property, etc.

c) Be User Friendly

The Project is to include innovative yet proven approaches to the format and content of the document to make it user-friendly for planning practitioners and the public alike. This will include general principles such as:

- clear and concise terminology within minimal use of 'legalistic' and confusing language;
- alpha and numeric ordering should be used throughout the By-law;
- avoid cross references;
- incorporate the use of tables in zone descriptions to simplify and clarify requirements;
- use illustrative diagrams to assist in the explanation of definitions and provisions where appropriate;
- use of bold for terms / uses that are defined in the By-law; and
- be in an accessible format for computer readers (Accessibility for Ontarian's with Disabilities Act compliant).

Although the above describes the basic scope of the work to be undertaken, it is expected that the successful Consultant will take this as a minimum and compile a team and propose a work-plan that achieves the purpose of this assignment in a creative, progressive and effective manner.

3.0 Proposed Work Plan for the Project

To achieve the above-noted objectives, a three stage approach is envisioned as set out below. This approach is simply a guide and the exact work-plan may be subject to refinement based on submissions received and further discussions with the successful Consultant. The Project will be undertaken with the benefit of a comprehensive public engagement and consultation program that will promote input and foster consensus with various stakeholder groups, Council, the public, City departmental staff and advisory committees, government agencies, the private sector, and non-governmental organizations. Standard public engagement requirements are identified. The Consultant is encouraged to identify mechanisms to engage public involvement in The Project (social media, online surveys, kitchen table discussions, newsletters etc.).

A Project Manager will be assigned from the City Planning Division as the administrative lead for The Project. They will be the lead liaison with the Consultant's project manager (lead). A Steering Committee, comprised of two (2) Council-appointed City staff, one (1) City Councillor, four (4) stakeholder representatives, and a maximum of two (2) public members, will act as a review body and make recommendations to Planning Advisory Committee and Council. The Consultant, in consultation with the Project Manager, is responsible for obtaining inter-departmental, provincial and agency advice as needed, as well as public input through a series of public meetings to obtain community direction and comments.

A technical review committee comprised of City Staff and external agencies (eg. CA's, cottage associations, First Nations, relevant federal and provincial staff) will be formed as a resource to The Project. Appropriate engagement of First Nations communities will be required.

3.1 Stage 1: Review and Analysis

Summary: The initial stage of The Project will consist of reviewing all relevant background information and seeking input from stakeholders and the public. The information will be compiled into a Background Report together with a strategy which identifies future directions.

This stage will consist of the Consultant collecting and reviewing all relevant background information and undertaking appropriate initial notification and consultations with the public, City departmental staff and advisory committees, agencies and other interested stakeholders. This task will enable the Consultant to understand the City's land use planning context, past practices, current issues, trends, facts, assumptions, opportunities and constraints affecting the City's planning and regulatory environment. This stage will include development of a communications plan to inform the community that The Project is being undertaken. A best practices review of other municipalities with a similar urban-rural character that have recently undertaken work to create a comprehensive zoning by-law is also required to identify potential approaches, challenges and opportunities.

The Consultant is expected to review the City's Official Plan and other relevant documents to gain a thorough understanding of the planning context of the area. This will include the acquisition of policy and mapping information (i.e. agricultural mapping, flood plain mapping, natural heritage information, etc.) from the Province, applicable Conservation Authorities (Lake Simcoe, Kawartha, Ganaraska and Otonabee) and other governing bodies that would have implications on the formulation of a Rural Zoning By-law.

This stage will also include a detailed technical review of the current Zoning By-laws and zoning issues and trends which will lead to the preparation of a Background Discussion Paper. This documentation will provide a concise inventory of available data and input received during the community consultation program, and forms the basis for the preparation of the Rural Zoning By-law. The City will provide a list of zoning issues to the consultant for consideration in the review process.

Project initiation will consist of a consultant work plan presentation to Planning Advisory Committee and Council with appropriate media releases advising all relevant stakeholders, the public, and agencies of The Project commencement. A minimum of two (2) Technical Review Committee consultation sessions will occur in the early stages of The Project and a minimum of three (3) public open houses will occur at the end of this stage, in addition to two (2) meetings with the Steering Committee. The purpose of these sessions will be to provide information about the Background review; to answer questions, address comments and concerns; and collect general feedback. The

sessions are also intended to introduce the Consultant to the social context and specific needs of the community.

3.2 Stage 2: Preparation of Draft Rural Zoning By-law

Summary: The second stage of the process will involve a review of the public and stakeholder input from Stage 1, followed by the preparation of a Summary Report and draft Rural Zoning By-law.

This stage will involve further analysis of the key findings identified during Stage 1, which will form the basis for the preparation of a draft Rural Zoning By-law. A draft of Zoning By-law provisions will be prepared to address the concerns raised in the consultation sessions as well as meet or exceed the objectives and requirements of The Project as specified by the City for review with the Project Manager prior to the Summary Report and compilation of a draft Rural Zoning By-law. A Summary Report, which outlines the key recommendations for consideration and a draft Rural Zoning By-law will be prepared and presented at a Steering Committee (1) meeting. Two (2) Technical Steering Committee meetings will be held during this stage and three (3) public open houses will occur at the end of this stage to introduce the draft Rural Zoning By-law.

3.3 Stage 3: Refinement and Final Adoption

Summary: The third and final stage will consist of preparing a final draft Rural Zoning By-law, convening of statutory open house and public meeting and final enactment of the By-law by Council.

Based on the feedback obtained during Stage 2, the Consultant will refine the draft Rural Zoning By-law for final consideration by the Steering Committee. A Statutory Open House will be scheduled followed by a Statutory Public Meeting at the Planning Advisory Committee to consider the final draft Rural Zoning By-law prior to recommendation to Council for approval, final notice and appeal process.

4.0 Role of the Consultant

4.1 Duties of the Consultant

The Consultant will undertake the majority of the work involved to complete the overall Project. City planning staff will be available to provide assistance and support. The Consultant will be responsible for the following tasks:

- organize, prepare materials and issues lists, prepare minutes, and conduct meetings, as well as, document, edit, analyze and distribute information resulting from:
 - all stakeholder, public open house, and statutory public meetings;
 - attendance at Steering Committee and Technical Review Committee meetings; and,

- attendance at all required Planning Advisory Committee and Council meetings to present the final recommended Rural Zoning By-law.
- The Project Manager will work with the Consultant to determine the level of consultation. However, the successful Consultant will be responsible for providing a recommended consultation plan for The Project in their proposal submission based on the minimum suggested requirements as outlined above.
- The Consultant may also be requested to attend additional individual one-on-one meetings with key stakeholders if further consultation is needed and there is interest by other groups. Cost of these additional meetings requested shall be priced in accordance with the consultant's hourly rates.
- all administrative duties including responding in writing to all correspondence.
- preparation of draft notices, invitations, and press releases.
- carrying out background research and reports/studies as outlined in this Terms of Reference.
- draft summaries, reports and documents for review and comment in advance of final submissions.
- all versions of the draft and final Rural Zoning By-law.
- providing the required information and direction to the Steering Committee.
- presentation of the final Rural Zoning By-law to City Council as required.
- provide representation of the approved Rural Zoning By-law at any Local Planning Appeal Tribunal hearings as required. This is not included in The Project cost and will be subject to separate contractual arrangement at a later date.
- Mapping

A critical component of The Project is the creation of new map schedules in both hard copy and digital form.

- For hard copy maps, the Consultant will design the hard copy zoning schedules which takes into consideration format, sizing, labelling, and symbolization issues.
- For digital form maps, the Consultant will create the digital layer(s) for integration into the City's GIS system which will be interactive and 'living' (i.e. update as amendments are approved, geoprocessing model, Python script or Geocortex H5 workflow (compatible with both ArcGIS Online and Geocortex HTML5) developed to streamline workflow updates of the new zoning layers with quarterly Teranet updates, etc.).

The need for quality, accuracy and improved utility for zoning schedules is imperative. The Consultant's role will be to complete the review, coordinate the necessary changes, and finalization of new schedules; and also to develop the technical specifications for GIS enabled zone schedules. Lastly, the Consultant

will provide the recommended framework for the creation of the interactive map schedule tool to be available through ArcGIS Online platform to the public.

4.2 Qualifications of the Consultant

The City is seeking a consulting team with demonstrated expertise and experience in formulating municipal zoning by-laws particularly with rural and lake-based residential, agricultural, aggregate and recreational land uses. In-house GIS resources and expertise is preferred. Demonstrated experience in defending the work at the Local Planning Appeal Tribunal is also necessary.

5.0 Project Deliverables

Project deliverables from the Consultant shall include:

- all information gathered through the consultation process, Summary and Discussion Papers, and Reports;
- copies of all written correspondence and responses;
- five hard copies of each of the above noted documents, draft and final versions, as well as approved Rural Zoning By-law;
- one electronic copy of each document noted above in a form acceptable to the City;
- all spatial data [schedule templates and zone layer(s)] in ESRI file geodatabase format. All spatial data will be geo-referenced and projected in 6 Degree Universal Transverse Mercator (UTM), Zone 17, North American Datum 1983 (NAD83);
- Grouped Feature Datasets with established domain, subtypes, and topology. Spatial data will be topologically correct. Polygon features will not overlap and gaps (slivers) will not be present (areas of no data accepted). Linear features will not have dangles, self-intersects or self-overlaps. Sample data may be provided to the Proponent upon request;
- Geoprocessing models, Python script or Geocortex H5 workflow (compatible with both ArcGIS Online and Geocortex HTML5) developed for updating the new zoning layers with quarterly Teranet updates.
- Metadata will be provided with all data. The metadata will include an abstract, purpose and process steps used to create the data. Attribute field definitions will also be provided. Metadata will be attached to the GIS data through a metadata record and/or as a Readme file. Sample metadata may be provided to the Proponent upon request;
- The Proponent will be responsible for entering into a Digital Data Use Agreement (DDUA) with the City. A template of the DDUA is attached; and

- All data created by the Proponent will become the property of the City. Data may become available to the Public through open data initiatives.

6.0 Meetings

The Consultant should anticipate the following project meetings but the City will consider an alternative public consultation program to control costs if necessary:

- Stage 1 Nine (9) meetings to provide information about the review, and to answer questions, address comments and concerns, and collect general feedback as follows:
 - One (1) Planning Advisory Committee meeting and one (1) Council meeting – to introduce The Project
 - Two (2) Steering Committee meetings – An initial meeting for overview of project and to discuss issues and second meeting to review Background Report and preliminary conclusions and prepare for open houses;
 - Two (2) Technical Review Committee meetings; and,
 - Three (3) public open house meetings.
- Stage 2 Six (6) meetings to introduce the Summary Report and draft Rural Zoning By-law and collect general feedback as follows:
 - One (1) Steering Committee meeting to review Summary Report and draft Rural Zoning By-law provisions and prepare for open houses;
 - Two (2) Technical Review Committee meetings; and,
 - Three (3) public open house meetings.
- Stage 3 Four (4) meetings to obtain public input of draft Rural Zoning By-law and finalize document for Council approval:
 - One (1) Steering Committee meeting to review public and agency comments and review final draft Rural Zoning By-law prior to public meeting and consideration by Council;
 - One (1) Statutory Open House to make available the proposed Rural Zoning By-law for review and comment;
 - One (1) Statutory Public Meeting to hear all final comments and concerns and present the final draft Rural Zoning By-law to Planning Advisory Committee; and
 - One (1) Council meeting to present final draft Rural Zoning By-law for approval.

The Consultant will be responsible for booking meeting locations and issuing notices, invitations, and press releases.

A separate fee schedule is required to address costs for potential Local Planning Appeal Tribunal appeals.