



Planning Advisory Committee Report

Report Number: PLAN2024-025
Meeting Date: April 10, 2024
Title: Proposed Rural Zoning By-law
Description: To bring forward the Proposed Rural Zoning By-law for consideration
Type of Report: Statutory Public Meeting
Author and Title: Jonathan Derworiz, Senior Planner, RPP, MCIP (WSP)

Recommendations:

That Report PLAN2024-025, **Proposed Rural Zoning By-law**, be received;

That the Proposed Rural Zoning By-law, substantially in the form attached as **Appendix F** to Report Plan 2024-025 be approved for adoption by Council; and

That the Mayor and Clerk be authorized to execute the documents required by the approval of this By-law.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

While the 2001 amalgamation of the City of Kawartha Lakes resulted in one municipality, the pre-existing 18 zoning by-laws have remained in-effect since. This has created inconsistencies and inefficiencies in dealing with Kawartha Lakes planning matters which affects residents, staff, developers and landowners. The consolidation of the City's zoning by-laws has remained a priority for Council and staff and the proposed Rural Zoning By-law is a significant advancement in harmonizing the City's land use planning framework.

The City initiated the Rural Zoning By-law Review (RZBLR) project in Fall 2019 to develop a new comprehensive zoning by-law for the City's rural areas that aligns with the current Official Plan, reflects contemporary zoning practices, and consolidates 14 existing in-effect zoning by-laws. The City's existing rural zoning by-laws date as far back as the 1970s and do not align with current City of Kawartha Lakes Official Plan (CKLOP) policy. Zoning by-law regulations are legal requirements and one of the key tools used to implement the vision for Kawartha Lakes as established in the CKLOP. The Planning Act R.S.O. 1990, c. P.13 enables municipalities to create Zoning By-laws.

The City's "rural area" is comprised of lands located outside of the Urban Settlement Areas of Bobcaygeon, Fenelon Falls, Lindsay, and Omemee (**Appendix A**). For the purposes of this project, it also excludes lands that are subject to the Oak Ridges Moraine Zoning By-law 2005-133. The review of urban zoning by-laws (Bobcaygeon, Fenelon Falls, Lindsay, and Omemee) and the Oak Ridges Moraine Zoning By-law will occur as separate processes and no changes to those by-laws are proposed at this time.

The RZBLR consists of three major phases and a brief overview of each phase is provided below. While this second Statutory Public Meeting and additional release of the Rural Zoning By-law were not contemplated in the project schedule, these tasks would advance Phase 3 and move towards completing the project. A Council decision regarding the proposed Rural Zoning By-law will complete the project.

Phase 1

Work began on Phase 1 in July 2019 with the aim of establishing communications and outreach to the community to introduce the RZBLR and seek initial input into issues and concerns with current zoning regulations. The key deliverable of Phase 1 was the background Discussion Paper, prepared by WSP, which outlines the legal framework for preparing a new zoning by-law and to present broad topics that surfaced as issues through consultation with the public, stakeholders, and City staff. The Discussion Paper was released in January 2020.

As part of Phase 1, four in-person public open houses were held in September 2019 to introduce the RZBLR and seek input into the types of issues to be addressed. Further, a RZBLR Task Force was formed to help identify issues and confirm the approach to consultation and engagement. To conclude Phase 1, the Discussion Paper was presented to Council in February 2020 (Report PLAN2020-003).

Phase 2

Issues Report:

Phase 2 of the work program built on work completed during Phase 1 with the preparation of the Assessment of Key Issues and Methodology Report (Issues Report), which was prepared by WSP and released in December 2020. The Issues Report transposed the recommendations from the Discussion Paper into a set of strategic directions for undertaking the RZBLR. The Issues Report served as the roadmap for preparing the First Draft Rural Zoning By-law, which included:

- Steps to harmonizing the 14 existing rural area zoning by-laws into one new zoning by-law;
- A proposed format and layout for the new Rural Zoning By-law, including directions for preparing the schedules (mapping of zones); and
- A consideration of key policy issues to be addressed in the new Rural Zoning By-law, including waterfront areas, on-farm diversified uses, environmental protection, and flooding/hazard lands.

Zoning Workshops and Consultation:

To round out the Issues Report, a virtual City-wide Public Open House was held on April 6, 2021, where the project team presented the draft report. The meeting consisted of a presentation on the report with a question and answer period.

During the preparation of the Issues Report and consultation with Staff, it was identified that agriculture and agriculture-related land uses and shoreline naturalization warranted further and more focused consultation. In response to this, two scoped workshops—one for each topic—were scheduled with stakeholder groups in Spring 2021.

Following the Open House and workshops, the project team worked to incorporate comments received on the Issues Report and prepare the First Draft of the Rural Zoning By-law.

First Draft of the Rural Zoning By-law:

In late January, 2022, the First Draft of the Rural Zoning By-law was released for public review and comment. This release was followed with a series of three virtual City-wide Public Open Houses that occurred on March 1, March 3 and March 9, 2022.

Approximately 80 people attended in total. To accompany the release of the First Draft, an online mapping tool was launched.

Phase 3

Woodville:

When the RZBLR began, the Village of Woodville was not included in the review as it was designated as an Urban Settlement Area in the City of Kawartha Lakes Official Plan. In March 2022, following an Order from the Ontario Land Tribunal (OLT), Woodville's designation changed from an Urban Settlement Area to a Hamlet in the rural area. Subsequently, the Project Team incorporated the Village of Woodville Zoning By-law 1993-9 into the RZBLR.

On June 22, 2022, a Woodville-focused Virtual Public Open House was held. The purpose of this Open House was to bring attendees up to date on the RZBLR, introduce the RZBLR process to Woodville and present zoning options and recommendations for Woodville.

Second Draft of the Rural Zoning By-law:

On March 14, 2023, the Second Draft of the Rural Zoning By-law was publicly launched. The interactive mapping tool followed on March 24, 2023. Key changes from the Second Draft included:

- The review and update of over 1000 site-specific exception zones that apply detailed zoning provisions to specific sites in the City;
- The consolidation of the Woodville Zoning By-law into the Rural Zoning By-law;
- The addition of a User Guide at the beginning of the zoning by-law to help readers use and understand the document and mapping;
- The inclusion of illustrations throughout the zoning by-law to support the interpretation of zoning provisions and definitions;
- Updated regulations for the parking of commercial vehicles and recreational vehicles on a lot;
- Regulations for development within the Burnt River Flood Plain; and
- The introduction of a new Future Development zone.

On April 11, 2023, a Virtual Public Open House was held to introduce the Second Draft and items described above.

Final Draft of the Rural Zoning By-law:

The commenting period for the Second Draft of the Rural Zoning By-law closed on May 19, 2023, and the Final Draft of the Rural Zoning By-law was released on July 20, 2023. This iteration of the document incorporates comments received from the public, technical agencies and City Staff.

A Statutory Public Meeting was held at the Planning Advisory Committee Meeting on August 9, 2023. At this Meeting, the following recommendation was carried:

PAC2023-049

Moved By: Mayor Elmslie
Seconded By: J. Willock

That Report PLAN2023-039, **Rural Zoning By-law Review – Statutory Public Meeting**, be received; and

That Report PLAN2023-039 and the draft Rural Zoning By-law be referred back to Staff for a further recommendation report to be presented to Planning Advisory Committee upon receipt and review of all agency/department, Council, and public comments.

Carried

At the August 29, 2023 meeting of City Council, a motion to extend the public comment period to September 15, 2023 was passed.

CR2023-396

Moved By: Councillor Ashmore
Seconded By: Councillor Warren

That Report PLAN2023-039, **Rural Zoning By-law Review – Statutory Public Meeting**, be received; and

That Report PLAN2023-039 and the draft Rural Zoning By-law be referred back to Staff for a further recommendation report to be presented to Planning Advisory Committee upon receipt and review of all agency/department, Council, and public comments; and

That the public comment period be extended to September 15, 2023.

Carried

Notice of the extension to the public comment period was posted on the Project's Jump-In page and posted as a news feed item on the City's website. This extension allowed for the public to submit additional comments on the Final Draft Rural Zoning By-law. Staff received approximately 60 comments during the extended commenting period which have been compiled and attached as **Appendix B** along with responses.

Staff note that many of the comments received were requests for zoning information for specific lands within the municipality and requests for clarification. These types of information requests generally do not result in changes to the By-law. Staff also received inquiries from property owners stating that their lands were not zoned on the draft Rural Zoning By-law Schedules. These occurrences were fixed.

Since the closure of the comment period, the Project Team has also been working with staff to correct technical items (i.e., typos, grammatical errors) within the Rural Zoning By-law.

A redlined copy comparing documents has not been prepared because the March 2024 iteration of the Rural Zoning By-law is largely the same as was presented at the August 2023 Statutory Public Meeting. As described above, typos and grammar were corrected and regulations, in some instances, were re-worded for clarity. Staff note that many of the comments received during the extended commenting period did generally not result in changes to the regulations within the Rural Zoning By-law.

The Project Team appreciates all individuals that have submitted comments and questions on the Rural Zoning By-law.

On March 15, 2024, a meeting of the Rural Zoning By-law Task Force was held. The Task Force was provided with a summary of the project, timeline, and comments received following the August 23, 2023, Planning Advisory Committee Meeting. The Task Force moved a motion to endorse the proposed Rural Zoning By-law as follows:

RZBCTF2024.003

Moved by: E. McDonald

Seconded by: R. Bonis

That the Rural Zoning By-law Consolidation and Update Task Force endorse the final Rural Zoning by-law for presentation to Planning Advisory Committee on April 10, 2024.

Carried

Purpose and Effect

The 14 existing zoning by-laws and all amendments thereto are being repealed and replaced within the defined area shown on Schedule "A" of the Rural Zoning By-law

which shows where the new by-law applies. Some of the existing zoning by-laws will remain in-force and effect where they apply to lands within an Urban Settlement Area delineated in the Official Plan (e.g., some of the Township of Ops Zoning By-law applies within the Urban Settlement Area of Lindsay). At the time of reviewing the urban area zoning by-laws, the zoning within the urban settlement areas will be comprehensively reviewed to ensure that zoning addresses the unique visions for the City's different urban areas.

Rural Zoning By-law Overview

The proposed Rural Zoning By-law is comprised of 14 operative sections which follow those of the previous drafts:

- 1) Administration and Interpretation
- 2) Establishment of Zones and Schedules
- 3) Definitions
- 4) General Provisions
- 5) Parking and Loading Facilities
- 6) Residential Zones
- 7) Agriculture Zones
- 8) Commercial Zones
- 9) Industrial Zones
- 10) Environmental Protection & Open Space Zones
- 11) Community Use Zone
- 12) Future Development Zone
- 13) Exception Zones
- 14) Enactment

There are seven zone categories in the proposed Rural Zoning By-law: Residential, Agriculture, Commercial, Industrial, Environmental Protection & Open Space, Community Use, and Future Development. Each zone category contains specific zones with permitted uses and zone provisions. The permitted uses and zone provisions were crafted using a combination of industry best practices, public engagement and consultation, and a detailed harmonization exercise undertaken by the project team. This exercise began by tabulating all existing permitted uses and lot and building requirements for all of the existing zones in the 14 existing zoning by-laws. The different permissions were then compared and sorted based on the criteria and thresholds set out in the Issues Report to consolidate zones. A table showing how different existing zones have been consolidated has been posted alongside each draft of the Rural Zoning By-law to show how different zones have evolved throughout the

project. The project team has made further revisions as the project has progressed to streamline the Rural Zoning By-law to the degree possible, while maintaining existing detail and permissions.

A series of maps and schedules accompany the proposed Rural Zoning By-law that delineate the Regulated Areas of Conservation Authorities with jurisdiction in the municipality, approximate property lines and zone boundaries. It should be noted that no changes were made to the delineation of Regulated Areas, natural heritage features or Environmental Protection zones. Due to the large geographical area subject to the Rural Zoning By-law, schedules have been separated into packages that correspond to areas of the municipality. The schedules are as follows:

- 1) Schedule A-A3 through A-E91 – Zones and Conservation Authority Regulated Areas
- 2) Schedules B-1 through B-21 – Wellhead Protection Areas and Intake Protection Zones
- 3) Schedule C-1 through C-8 – Burnt River Flood Elevation Cross-Sections

Rationale:

Provincial Policy Statement, 2020 (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (2020 Office Consolidation) (Growth Plan):

A zoning by-law is a tool used by municipalities to implement the policy direction established by the PPS and the Growth Plan. Part of the RZBLR was updating existing zoning provisions and regulations to align with both the PPS and Growth Plan. The proposed Rural Zoning By-law achieves alignment with these policy documents. This includes implementing a zoning framework for on-farm diversified uses and agriculture-related uses. While the CKLOP does not contemplate these uses with the same terminology, the framework put forward in the Rural Zoning By-law has built on what is provided in the CKLOP to create zoning regulations that are consistent with provincial policies.

City of Kawartha Lakes Official Plan, 2012 (CKLOP)

The 14 in-effect zoning by-laws range in date of approval from the late 1970s to early 1990s and do not reflect the municipality's current policy framework or provincial policy framework. As described previously, a primary objective of the RZBLR is to achieve conformity with the CKLOP, as required by the Planning Act, R.S.O. 1990 c. P.13. As documented in the Discussion Paper and Assessment of Key Issues & Methodology

Report, extensive work has been undertaken regarding the conformity element of this project to ensure that the end result is justifiable and strongly grounded in approved policy. Where possible, terminology and regulations from the CKLOP have been mirrored in the Rural Zoning By-law.

Zoning By-laws are prepared in accordance with the Planning Act and must be consistent with, or conform to, all relevant Provincial Policies and Plans and must conform to the CKLOP.

The RZBLR has also identified opportunities for future policy changes to the CKLOP that may stem from the City's forthcoming Official Plan Review or through a standalone Official Plan Amendment. These changes would also bring the CKLOP into conformity with recent changes to the Planning Act and Provincial policies enacted since the CKLOP was approved by the Minister of Municipal Affairs and Housing in 2012. This includes, but is not limited to the following policy areas:

- Agriculture-related Uses and On-Farm Diversified Uses
- Agri-tourism and Experiential Tourism
- Bed and Breakfasts
- Future Development areas within Hamlets
- Home Based Businesses and Home Industries
- Shoreline Naturalization and Water Setbacks

Proposed Provincial Planning Statement, 2023:

At the time of report writing, the Ministry of Municipal Affairs and Housing has made available a new provincial planning policy instrument. This new Provincial Planning Statement is proposed to replace both the PPS and Growth Plan.

With regards to the RZBLR, it is unknown if the new Provincial Planning Statement will remain as currently drafted or when it will take effect and, therefore, amendments to the Rural Zoning By-law may be required should a final Provincial Planning Statement get enacted.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Alignment to Strategic Priorities:

The four strategic priorities within the 2024-2027 Kawartha Lakes Strategic Plan are:

1. A Healthy Environment
2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy
4. Good Government

This project directly supports all of the strategic priorities by implementing a framework for environmental protections, helping to build complete communities, support new businesses and an agricultural economy, and by consolidating 14 zoning by-laws into one document that clarifies zoning regulations and supports development.

Financial/Operation Impacts:

There are no financial considerations unless Council’s decision is appealed to the Ontario Land Tribunal. In the event of an appeal, there would be costs associated with defending the Rural Zoning By-law at the Ontario Land Tribunal.

Consultations:

As part of the RZBLR, the project team hosted the following consultations and engagements:

Public Open Houses	Workshops	Task Force	Technical Advisory Committee	Council and Committee
September 14, 2019	March 5, 2021 (Waterfront Zoning)	July 25, 2019	September 25, 2019	February 19, 2020 City Council
September 18, 2019	March 11, 2021 (Agriculture-related Use & On-Farm Diversified Use)	December 19, 2019		May 3, 2022 Committee of the Whole
September 25, 2019		November 23, 2020		
April 6, 2021		January 24, 2022		
March 1, 2022		October 7, 2022		
March 3, 2022		April 12, 2023		August 9, 2023 Planning Advisory Committee (Statutory Public Meeting)

Public Open Houses	Workshops	Task Force	Technical Advisory Committee	Council and Committee
March 9, 2022				August 29, 2023 City Council
June 22, 2022 (Woodville)		March 15, 2024		April 10, 2024 Planning Advisory Committee (Statutory Public Meeting)
April 11, 2023				
9	2	7	1	5

In addition to the structured engagement described above, there have been ongoing consultations and discussions with the following groups:

- Kawartha Region Conservation Authority
- CKL Development Services
- CKL Engineering
- CKL Economic Development
- Registered Professional Planners on behalf of property owners, businesses and operations in the municipality
- Property owners and the general public

The project team has undertaken topic-specific workshops, one-on-one meetings and larger roundtable discussions with these groups in order to address comments and concerns and respond to questions.

Alderville First Nation, Chippewas of Georgina, Chippewas of Rama First Nation, Hiawatha First Nation, and Mississauga of Scugog Island First Nation were notified on March 19, 2024 for this April 10, 2024 public meeting. At the time of writing the report, no comments from these First Nations have been received.

Pursuant to the statutory requirements of the Planning Act, public notice of the proposed Rural Zoning By-law and Statutory Public Meeting was provided to interested parties and technical agencies on March 19, 2024. The list of technical agencies and First Nations communities is attached as **Appendix C**. The Public Notice was also posted on the Project’s Jump-In website, shared on social media, the City’s news feed, the Kawartha Lakes This Week, the Peterborough Examiner, the Lindsay Standard, the Fenelon Falls Town Crier, and the Lindsay Advocate.

The Project Team has kept record of written public comments received since the RZBLR began in 2019. Comments have been reviewed, evaluated and responded to.

Comments and responses have been compiled into matrices. **Appendix D** includes comments received from the beginning of the project to the August 2023 public meeting. **Appendix E** reflects comments received between the August 2023 Statutory Public Meeting and the writing of this report. Staff will continue to receive, respond to, and compile public comments and can provide Council with an updated comment matrix in advance of the April 30, 2024 Council Meeting.

Development Services – Planning Division Comments:

Since 2001, the municipality has been challenged with administering 18 zoning by-laws. This has not been an easy feat and has come with a host of difficulties for staff, the general public, landowners and developers. Having a single Rural Zoning By-law that consolidates 14 of the in-effect zoning by-laws with standardized zoning, terminology and development standards that apply to all rural areas in the municipality is a key advancement. Staff anticipate that the Rural Zoning By-law will allow for quicker responses to general inquiries, simplified interpretation of provisions and greater certainty of development requirements.

Staff also note that with a consolidated Rural Zoning By-law, the process for administering and incorporating amendments that effect the entire municipality will be streamlined to a single Zoning By-law instead of 14 separate Zoning By-laws. In this regard, the proposed Rural Zoning By-law is a significant advancement in process improvement.

Conclusion and Next Steps:

The Rural Zoning By-law Review has been a significant undertaking for the City of Kawartha Lakes, reflecting the first comprehensive review of these 14 existing zoning by-laws since they were first enacted. The proposed Rural Zoning By-law will streamline and modernize zoning regulations across the City's rural area and provides greater harmony across the rural area.

This presentation of the proposed Rural Zoning By-law represents a culmination of six years of work with staff, the project team, the Task Force and public consultation. Staff are, respectfully, recommending that the Rural Zoning By-law be forwarded to Council for approval.

Attachments:

Appendix A – Rural Areas

Appendix B - List of Technical Agencies and First Nations in receipt of the Public Notice

Appendix C – Comment-Response Matrices

Appendix D – March 2024 Comment-Response Matrix

Appendix A-E – Proposed Rural Zoning By-law

Department Head email: lbarrie@kawarthalakes.ca

Department Head: Leah Barrie, Director of Development Services

Department File: D06-2022-006