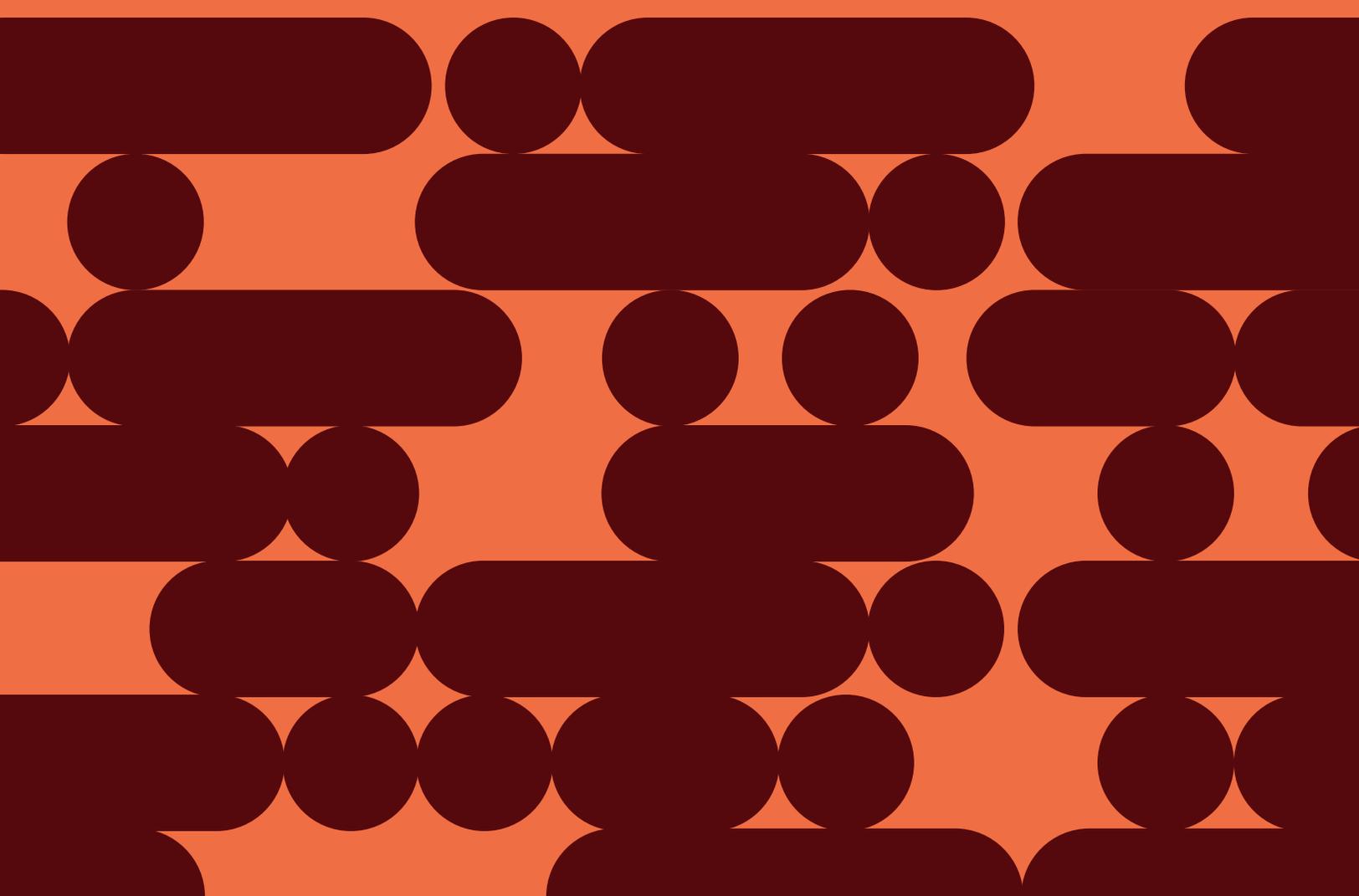


RE:PUBLIC

United Counties of Stormont, Dundas, & Glengarry Municipal Zoning Review

Background / Third Party Reviewers Report

JANUARY 2023



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Executive Summary

In 2022, Re: public Urbanism was retained by the United Counties of Stormont, Dundas, and Glengarry to undertake a review of the nine existing zoning by-laws in effect, for the six constituent municipalities that make up the United Counties. In Ontario, the Planning Act permits municipalities to prepare and implement zoning by-laws to regulate the use of land in the municipality and implement the policies of a municipality's official plan. As 'applicable law' in Ontario, conformity and compliance with a zoning by-law is required to obtain a building permit (along with conformity with the Ontario Building Code), and as such, the regulations of a zoning by-law have a significant day-to-day impact on the permitting of all forms of development in Ontario, from large office complexes and industrial developments to the construction of backyard decks and garden sheds. All are subject to conformity and compliance with a zoning by-law.

To that end, having an update-to-date zoning by-law ensures that the public and the business community have development regulations that reflect current development trends and practices. This in turn reduces the need to make applications for special variances or amendments to a zoning by-law which can often take months to process and are subject to public review and appeal. A zoning by-law is also the primary mechanism through which a municipality implements their official plan and ensuring currency of the by-law ensures that provincial and county policy with respect to efficient use of land, housing provision, and servicing are implemented.

This document comprises the combined Background/Third Party Reviewers Report for this assignment and includes a best practice review of zoning by-laws; a section-by-section review of each individual zoning by-law in effect in the United Counties with associated comments and recommendations; a conformity analysis of the zoning by-law against the Planning Act, Provincial Policy Statement, and new County Official Plan; as well as six summary recommendations to direct the completion of the respective zoning by-law reviews. The findings of these reviews and analyses were also used to help identify potential cost savings and improved efficiencies for the Townships, which are presented in the conclusion.



1.0 Introduction

The United Counties of Stormont, Dundas, and Glengarry is large, primarily rural, upper tier municipality located at the far eastern edge of Southern Ontario. At its furthest west and east extents, it is located approximately 40 km from downtown Ottawa and 70 km from downtown Montreal, respectively. While the City of Cornwall is geographically located in the United Counties, it is a separated city and administered independently from the County. In 2018 the Province of Ontario approved the new official plan for the United Counties, which also serves as the official plan for the County's six constituent local municipalities. Despite the approval in 2018, the Official Plan was the subject of extensive appeals that were finally resolved in 2022. As such, and in accordance with Section 26^o of the Planning Act, the United Counties and its local municipalities have commenced the review of their respective zoning by-laws to ensure the by-laws conform to the current official plan.

To that end, the United Counties engaged Re:public Urbanism to undertake individual reviews of local zoning by-laws for the purposes of making recommendations for updating these by-laws to ensure they are consistent with the County Official Plan, Provincial Policy Statement, and current best practices in planning. In addition to the conformity exercise, the United Counties specifically requested that the following key issues be incorporated into the review by the project team as lenses to focus the review on:

- **Promotion of Affordable Housing** – while the Official Plan will continue to be the primary policy mechanism to support the creation of affordable housing within the United Counties, the zoning by-laws were reviewed to ensure they do not create unintended or unwarranted barriers to the creation of affordable housing, namely the creation of wider range of housing typologies

for households of various sizes and socio-economic backgrounds.

- **Encouraging Mixed-Use Development** – again, while the Official Plan will continue to be the primary policy mechanism to encourage the creation of mixed-use developments, the by-laws were reviewed to ensure they permit an appropriate mix of uses in their respective zones, particularly residential and commercial zones.
- **Supporting Home-Based and Small Businesses** – recognizing the importance of home-based businesses and entrepreneurship as contributors to the economic prosperity of the United Counties, the by-laws were reviewed to ensure there is sufficient flexibility to permit the establishment and operation of home-based businesses and to ensure the by-laws do not create unintended barriers for small businesses.
- **Modernization & Simplification** – ensuring that all local zoning by-laws reflect industry best practice, particularly with respect to the creation of zoning by-laws for rural municipalities. This includes simplifying definitions, using diagrams and visuals, and employing plain language where possible to make the by-laws more accessible and understandable to the general public.
- **Simplification of General Provisions** – ensuring that the by-laws have appropriate and easy to implement general provisions that reflect the capacity of the local municipality to effectively regulate and do not create any unwarranted administrative or regulatory burdens on both municipalities and property owners.

1.1 Purpose of this Report

This report, prepared on behalf of the United Counties, constitutes the Background and Third-Party Reviewers Report prepared for the review of the zoning by-laws of the United Counties' six constituent municipalities. It is intended to provide a consistent and comprehensive analytical foundation for the zoning by-law reviews to assist local councils in making decisions on how best to update their zoning by-laws to ensure conformity with the new Official Plan for the United Counties; ensure consistency with the Provincial Policy Statement; and improve the administration of the by-laws.

1.2 What is a Zoning By-law

In Ontario a zoning by-law is a municipality's primary regulatory tool for controlling development and land use within its jurisdiction, and as such, effective all lands within a municipality. It is also the primary means through which the policies of an official plan are implemented and permits the enforcement of a municipality's development standards. The power to develop a zoning by-law is derived from Section 34 of the Planning Act which states that zoning by-laws may be passed by the councils of local municipalities to:

- Prohibit the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.
- Prohibit the erection, location or use of buildings or structures for or except for such purposes as may be set out in the by-law, or within any defined area, or areas or upon land abutting on any defined highway or part of a highway.
- Prohibit the erection of any class or classes of buildings or structures on land that is subject to flooding or on land with steep slopes, or that is rocky, low-lying, marshy, unstable, hazardous, subject to erosion or to natural or artificial perils.
- Prohibit any use of land and the erection, location or use of any class or classes of buildings or structures on land, that is contaminated, that contains a sensitive groundwater feature or a sensitive surface water feature, or that is within an area identified as a vulnerable area in a drinking water source protection plan that has taken effect under the Clean Water Act.
- Prohibit any use of land and the erection, location or use of any class or classes of buildings or structures within any defined area or areas, that is a significant wildlife habitat, wetland, woodland, ravine, valley, or area of natural and scientific interest; that is a significant corridor or shoreline of a lake, river or stream; or that is a significant natural corridor, feature or area.
- Prohibit any use of land and the erection, location or use of any class or classes of buildings or structures on land that is the site of a significant archaeological resource.
- Regulate the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected or located within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy.

- Regulate the minimum elevation of doors, windows or other openings in buildings or structures or in any class or classes of buildings or structures to be erected or located within the municipality or within any defined area or areas of the municipality.
- Require the owners or occupants of buildings or structures to be erected or used for a purpose named in the by-law to provide and maintain loading or parking facilities on land that is not part of a highway.

Zoning by-laws themselves are composed of two main parts: first, the body of the zoning regulations, which is typically composed of definitions, general provisions that apply to all development across the municipality, and the permitted uses and performance standards applicable to each type of use; and second, the zoning schedules (or maps) which divide all lands in the municipality into discrete zones, to which the applicable permitted uses and performance standards apply.

All development within a municipality must comply with the provisions of the zoning by-law and no building permit or other development approval can be finalized until such time as: the proposal is brought into conformity with the provisions of the by-law; the zoning of land is changed to permit the proposed development through an amendment to the by-law; or a variance to a specific provision, or provisions, to the by-law is approved (known as a 'minor variance').

Zoning by-laws normally identify a 'by-law administrator' who is charged by a council with the responsibility to interpret the by-law on behalf of council and determine conformity with the by-law. While Council can appoint any person to administer the by-law, in practice it is typically the municipality's Chief Building Official who is authorized to administer the by-law. Municipal Planners are also another common position

charged with administering or assisting with the administration and enforcement of the zoning by-law.

1.3 Report Methodology

This report was developed in five stages as follows:

- In consultation with the United Counties and local municipalities, the scope of the review was identified, including the specific areas or issues that the review focused on (as detailed previously). This included changes to specific zones, updates to regulations related to land use, identification of barriers, and conformity with planning policy and legislation.
- Follow the scoping exercise, the project team undertook stakeholder engagement, interviewing planning and development staff from all six local municipalities to understand local issues facing each municipality and to gain a greater understanding the needed strategic direction. This helped provide a more focused approach to each distinct by-law review.
- The review of best practices was composed of a desk-top review of literature on Canadian and Ontario best practices in by-law development and administration to understand their potential applicability to the context of the United Counties. Additionally, a review of changes to the Planning Act, Provincial Policy Statement, and the County Official Plan was undertaken to identify policies and regulations that will form the basis for the update to each zoning by-law.
- Following completion of the best practices review and conformity review, comprehensive reviews of the existing zoning by-laws were undertaken for the purposes of identifying recommended changes to the provisions of each by-law based on both the best practices review and conformity exercise.

- Finally, based on the analysis of undertaken in the previous stages of this exercise, a comprehensive list of comments and recommended amendments to each zoning by-law was developed for consideration by the United Counties and local municipal planning staff. Additionally, a series of higher-level general recommendations applicable to all municipalities was compiled.
- **Section 10: Anticipated Improvements to Service Delivery Outcomes** – this section is intended to address potential quantifiable efficiencies and/or cost savings associated with the review and recommendations contained in this report.

1.4 Structure of this Report

This report is organized into the following sections:

- **Section 1: Introduction** – this section provides an overview of the project and scope of the work undertaken. An overview of key issues, report purpose, zoning background, and methodology is presented.
- **Section 2: Best Practice & Conformity Review** – this section outlines several best practice ‘lenses’ that were helpful in informing the review of each zoning by-law, and describes the high-level conformity review that was undertaken for each zoning by-law.
- **Sections 3 to 8: Municipal Zoning Reviews** – these sections comprise the primary scope of work, which included the analytical review of all six municipalities’ zoning by-law(s), an assessment of conformity for each zoning by-law against the United Counties of SDG official plan policies and rural land use schedules, as well as an analysis of historical variance and zoning amendment applications, based on available data.
- **Section 9: Summary Recommendations** – in addition to the specific recommendations and commentary provided within each municipal section of the report, this section presents a number of higher-level recommendations for improvements applicable to all zoning by-laws across the County.

Best Practices & Conformity Review

2

2.0 Best Practices & Conformity Review

This section of the report presents a background review of best practices and approaches to the development of zoning by-laws and zoning provisions based on both current research and industry practice. It is intended to provide an overview and understanding of how approaches to the development and administration of zoning by-laws are evolving in order to help inform and provide a clear direction for the review of the individual zoning by-laws for each of the United Counties' six constituent municipalities. To that end, this section does not recommend or propose specific provisions, clauses, or approaches that should be applied to any specific zoning by-law, but rather outlines options and practices that should be considered in the review, updated, and development of new by-laws. To that end, this section is divided into two main parts. The first part contains a summary of current and best practices related to land use regulation approaches, while the second presents a summary of current and best practices related specifically to the development of effective zoning by-laws.

2.1 Approaches to Regulating Land Use

While the traditional zoning by-law has been a ubiquitous presence in Ontario's planning system since its development immediately after the Second World War, it is not the only approach available to regulating land use. For example, in Europe the regulation of land use is primarily conducted through the creation of master plans or national development standards and codes. However, in the absence of major changes to Ontario's planning framework, municipalities in Ontario are essentially limited to the creation of regulations contemplated in the Planning Act. Under the legislative arrangement of the Planning Act, municipalities are permitted to explore the creation of three general types of land use regulation.

2.1.1 Traditional Zoning By-law

The traditional, or standard, North American zoning by-law (often referred to as a 'Euclidian Zoning' in the academic world) dates to the early 20th century in the United States and is primarily focused on the regulation of the use of land, with a particular focus on the separation of uses that have the potential to conflict with each other. While this approach to the regulation of land use primarily arose due public health concerns, it grew over the 20th century to include separation and regulation of land use to address other considerations such as nuisance and traffic safety (and sometimes for more nefarious considerations such as socio-economic segregation).

In Ontario, modern zoning by-laws first came into use after the creation of the first Planning Act in 1946 and were widely adopted by municipalities throughout the 1950s to the 1970s. When used in conjunction with a municipality's official plan, the standard approach sees the official plan's land use designations and policies implemented through the creation of associated zones and regulations. For example, lands designated in an official plan as "residential" would subsequently be subdivided into residential zones in a zoning by-law, such as low-, medium-, and high-density residential zones with associated regulations based on policies for each designation found in the official plan.

Benefits to traditional zoning by-laws include:

- They are an established and widely accepted and tested form of land use regulation used across North America making these by-laws relatively easier to develop and administer.
- They have a direct relationship to a municipality's official plan and as such, provide

a transparent and consistent approach to regulating lands.

- They provide little to no design direction or regulation, providing flexibility to the general public and land developers.

Disadvantages to traditional zoning by-laws include:

- They inherently focus on the separation of land use which has often led to the development of highly segregated, mono-use urban forms.
- They can require the development of numerous individual zones to implement official plan designations, resulting in cumbersome and difficult to understand regulation.

2.1.2 Form Based Code

Form-based codes are a type of zoning regulation that focuses on the physical form and design of buildings and streets, rather than the intended use of land. Originally developed in the United States in the early 1980s, and used primarily in urban and suburban areas, they can be a powerful tool for shaping communities. This can be attributed to their focus on physical form and has promoted form-based code as a more effective approach to creating 'complete communities' than traditional zoning by-laws. Further, they have also been used to ensure that new development is compatible with existing neighbourhood character, particularly in older mature areas.

Another key benefit espoused by supporters of form-based codes is that they provide greater predictability and certainty for both community members and developers alike. This is due to

their often more precise, detailed provisions and use of diagramming, which can make it easier for the general public and developers to understand what is allowed (and intended).

In Ontario, the use of form-based codes by municipalities has been limited, with one isolated example being found in the Town of LaSalle, in Essex County. However, their form-based code was not developed as part of a comprehensive zoning by-law, but rather neighbourhood-specific by-laws that implemented secondary plans.

Benefits to form-based codes include:

- The use of very detailed and clear regulations and requirements that assist in ensuring the 'as-built' condition reflects the desired vision.
- As the codes focus on form over function, they provide greater flexibility in the use of land for the general public and developers.

Disadvantages to form-based codes include:

- The detailed nature of form-based codes could potentially result in the regular need to provide relief from detailed provisions through amendments or variances.
- The detailed nature of the code can create barriers for the general public to understanding code requirements if not complemented by easy-to-interpret imagery, explanations, or experienced staff.
- As the use of form base codes has been very limited in Ontario, there are limited competencies in both developing and administering these by-laws.

2.1.3 Community Planning Permit System (CPPS)

Originally called the 'development permit system', the CPPS was introduced in Ontario in the early 2000s and is a discretionary land use planning tool that combines zoning, site plan, and minor variance processes into one planning process that is incorporated into a 'community planning permit by-law', intended to replace the municipality's zoning by-law. A typical CPPS is composed of three components:

1. a policy basis included in the municipality's official plan;
2. an implementing community planning permit by-law (in place of a zoning by-law); and,
3. a community planning permit that can be issued as a planning approval, much the same way that a building permit is issued.

Like a zoning by-law, a community planning permit by-law will identify and define lists of permitted uses to be permitted in various areas of a municipality, but there are two primary distinctions from a traditional zoning by-law. First, the by-law can also set out discretionary uses that may be permitted if specified criteria outlined in the by-law are met. Second, the by-law can also permit deviations from the performance standards or regulations contained in a by-law, in essence replacing or at least greatly reducing the need to rely on the minor variance process to address variations from by-law standards.

The CPPS has seen limited uptake in Ontario since it was first introduced approximately 20-years ago, and while there are successful cases of implementation, most of the municipalities who have adopted are still composed of those who piloted the original program.

Benefits to the CPPS include:

- The ability to incorporate three separate planning tools into one document.
- Incorporates discretionary uses, reducing the need to rely on zoning amendments.
- Allows for permitting of deviations from the performance standards of the by-law, reducing the need to rely on the minor variance process.
- There is a greater focus on form over function, while providing some additional flexibility in the use of land for general public and developers.

Disadvantages to the CPPS include:

- The detailed nature of CPPS can create barriers for the general public to understanding code requirements.
- As the use of CPPS has been very limited in Ontario, there are also limited competencies in both developing and administering these by-laws.

2.2 Zoning By-law Best Practices

Despite the age of zoning as a tool of land use planning, it has been the subject of significant positive innovation over the years. By employing the innovative approaches described in this section, zoning by-laws today can be more responsive to community needs; more easily understood by the public and development industry; and provide greater flexibility to a municipality in accomplishing its vision for growth and land use.

2.2.1 Clearly Defined Purpose & Goals

Section 34 of the Planning Act outlines the legislative authority of zoning by-laws and the

scope of their regulation, and Section 17 of the Act requires that the zoning by-law conform to any official plan in effect. However, this still leaves substantial discretion on the part of a municipality as to what, and how, they regulate land use through their zoning by-law. To that end, a municipality should clearly define the purpose and goals of the by-law as well as specific objectives for managing land use, such as promoting sustainable development, prohibition of development in hazard lands, protection of agricultural land, or the creation vibrant neighbourhoods, for example. While these goals and objectives are often well articulated in an official plan, they can often lose their focus and point when translated into a zoning by-law. To that end, the inclusion of a 'purpose and intent' statement at the beginning of each zone's section can assist by describing the zone's associated official plan designations, why a particular zone was created, and the purpose of goal of creating the zone. Explanatory statements such as this can assist the reader in understanding the connections between the official plan and the subject zone and can be used by staff and council to focus their review of applications for amendments and variances.

2.2.2 Right-Sized Regulations

A zoning by-law should be seen as one component of a municipality's overall planning program, which can include an official plan, secondary plans, site plan control, community improvement plans, and a host of other non-statutory plans and guidelines. In larger municipal organizations with significant staff resources and a range of expertise (i.e. urban design, heritage planning, environmental planning, etc.) the creation of sophisticated and more complex zoning by-laws may be appropriate given the level of sophistication and complexity of the municipality's overall planning system. In municipalities with a smaller staff complement, the complexity of a zoning by-law should

reflect this. While municipal staff and councils may see higher levels of land use regulation as appropriate and desirable to meet their goals and objectives, it puts the municipality at risk of not being able to fully administer or enforce the provisions of the by-law. This could ultimately lead to inconsistent application and the potential to dilute its effectiveness as an implementation tool for the official plan.

2.2.3 Data-driven Performance Standards

Performance standards are composed of the regulatory provisions that dictate the manner in which a use is to be developed (i.e. minimum setbacks, minimum/maximum heights, require parking spaces, required floor areas, etc.). Often, historical by-law standards are incorporated into new zoning by-laws without careful consideration of their implications or appropriateness in a modern setting. These standards should be developed in consultation with: official plan direction, building and fire codes, provincial and municipal technical guidelines (such as the 'Guidelines for New Development in Proximity to Railway Operations' or the Province's D-series Guidelines), and municipal data collection. With respect to municipal data collection advancements in data collection, reporting, drafting/rendering software, and geographic information systems (GIS) technology allow municipalities to conduct a wide range of analyses. Spatial analysis, for example, allows a municipality to accurately analyse how and where performance standards are being applied, and to model potential impacts from changes to performance standards such as increases in maximum height or reductions to minimum setbacks.

2.2.4 Clear, Consistent, & Plain Language

A zoning by-law should be written in clear and consistent language that is easy to understand. Using consistent terms and definitions and

providing clear explanations of zoning categories and regulations will ensure that the by-law is administered equitably. Technically speaking, zoning by-laws are legal documents – as such, they can have a significant impact on the lives of residents, property owners, and businesses. The use of plain language is important to ensuring that the by-law is easily understood by the public. If the language used in these documents is unnecessarily complex it can create barriers for people in understanding their rights and responsibilities, as well as navigating planning approval processes. Moreover, plain language helps to make sure that the by-law is more accessible, particularly to the lay public. The use of plain language also helps to promote transparency and accountability by making it clear what the by-law is intended to accomplish and how it is intended to be accomplished. This can assist in reducing confusion and reduce disputes regarding interpretation of provisions. Additionally, plain language can help to increase public engagement in the zoning process, by making it easier for residents and other stakeholders to provide input and feedback on proposed changes.

2.2.5 Better Use of Visuals

Technological improvements, such as graphics software tools and online image libraries, in recent years mean that municipalities can take advantage of visual mediums to assist in explaining complex concepts or cumbersome regulations. Some common examples include the presentation of the different lot types, lot line designations, how building height is measured, and/or types of dwellings. By their nature, form-based codes and community planning permit systems often make extensive use of visuals such as precedent imagery, photographs, and diagrams to assist in illustrating the intent of regulations, and how regulations should be interpreted. This also includes, at a basic level, the use of colourised zoning schedules

or maps to assist in more efficient reviews and assessments and to increase the overall accessibility of the document.

2.2.6 Accessible Layout & Interface

Aside from ensuring the use of clear and plain language, a by-law's layout and interface can also improve the reader experience and enhance their comprehension of regulations and their impacts. To that end, zoning by-laws should be designed to be more approachable in their structure and presentation. This includes a consistent layout, with a unified design language for all diagrams and illustrations to clearly communicate regulations and intended outcomes in a more visual manner. Zones should be organized using tables, charts, diagrams, and section headings designed to help users easily navigate the by-law. This can also involve including additional information listed in each zone to reduce cross referencing between sections. Given that by-laws are no longer regularly printed when being reviewed, a by-law should also be developed for use in a digital format, such as a web interface or PDF. These formats can help improve the reader's experience by integrating a variety of functions to help the general public and development industry better understand the regulations governing a specific property and search the by-law efficiently.

2.2.7 Use of Overlays

In addition to the use of 'zones' in a by-law, municipalities also have the option of using 'overlays' with associated provisions that are intended to regulate specific issues in addition to base zoning regulations, without the need to create a new zone. One of the primary benefits of the use of overlay zones is that they allow for a reduction in zone categories, and a consistent application of specific regulations that apply geographically across multiple zones. The

use of overlays can also notify the reader of important regulations that they should be aware of but are outside the scope of a zoning by-law to regulate. This can include using overlays to recognize heritage conservation districts, conservation authority regulated areas, or the Federal Government's airport zoning regulations. Overlays can be particularly useful in helping to regulate uses in dynamic natural features, such as wetlands or woodlands, where the boundaries of these features can change yearly, and it would be burdensome to attempt to regulate use through a traditional 'zone'.

2.2.8 Fewer, More Enabling, & Inclusive Zones

Many zoning by-laws, particularly in urban areas, are often plagued by redundant, illogical, or inconsistent use of zones. This is particularly true of multiple residential zones which often have little to no substantive difference between them, and/or do not implement real mixed-use zoning. As such, zoning by-laws should explore permit a wider range of built forms and uses in most standard zones (i.e. a standard residential, standard commercial, standard industrial zone). Further, standard zones should follow a clear progression to make sure there are identifiable and distinct differences between each zone. Single-use zones should be reserved for the highest-risk uses that have the potential for greater land-use impacts, such as heavy industrial uses and by-laws should consolidate similar zones, accommodate a greater range of development outcomes, and ensure each zone aligns with the municipality's official plan goals and objectives. This should allow for flexibility in the types of buildings and the combination of uses based on the goal and purpose of the zone and allow communities to adapt over time.

2.2.9 Flexibility Through Broader & Relevant Uses

Zoning by-laws (particularly older ones) often include extensive definitions and land use descriptions that contain niche uses or antiquated activities (i.e. second hand shop, video rental stores, tanneries, drive-in theatres, roller skating rinks, video arcades, etc.). Combining definitions and uses into larger groupings or broader categories can allow for a greater range of activities to occur and help 'future proof' a zoning by-law with a more versatile and inclusive approach. This practice does require community members, by-law administrators, and decision-makers to become more comfortable with a higher degree of flexibility and less prescriptive approach to land use control (which has been the traditional approach). To that end, zoning by-law uses and regulations should be structured in a way that complements a municipality's policy goals and objectives, rather than act as a blunt instrument intended to regulate the public's behaviours, or to regulate isolated issues.

2.2.10 Review for Illegal or Discriminatory Provisions

Zoning by-laws may include provisions aimed at regulating people as opposed to uses (i.e. such as residents of a group home or emergency shelter) and have also been used to foster socio-economic segregation through exclusionary or single use zoning (i.e. such as zones that only permit single detached dwellings, or zones that require excessive minimum floor areas for dwellings). By-laws may also include provisions that attempt to regulate activities that are outside a municipality's jurisdiction (i.e. such as sex work-adjacent activities through the regulation of adult entertainment establishments). Provisions such as these have been the subject of an extensive body of case law in both Ontario and Canada and are part of a checkered history of

discriminatory planning. As such, any review of a zoning by-law should consider this lens.

2.3 Conformity Review

This section of the report is comprised of the conformity review. This exercise consisted of the review and analysis of the Planning Act, Provincial Policy Statement, and the new County Official Plan to identify those sections and provisions of each document that have undergone amendment since the respective by-laws were last updated, of which may have direct implications to the update of each zoning by-law. Under the requirements of the Planning Act, a municipality must bring their zoning by-law up-to-date within two years of the adoption of an official plan. Prior to the current Official Plan, the previous Official Plan for the United Counties was last approved in 2006. It is understood that no review of the Plan took place between 2006 and 2018. As such, this review assumed that all zoning by-laws have undergone through at least one conformity review since 2006. The conformity review was undertaken in two-parts as organized below. First, was a joint review of changes to the Planning Act and Provincial Policy Statement, and second, was a review of applicable policies of the new Official Plan. In addition to the policies of the new Official Plan, a number of changes to the rural land use schedules throughout the Counties were carried out and approved in 2022, following a four-year appeal process. These schedules were also reviewed against each township's respective zoning schedule(s) to ensure conformity.

2.3.1 Review of Changes to Planning Act & Provincial Policy Statement

Since the approval of the last official plan, the Planning Act has gone through numerous changes including: the Planning & Conservation Land Statute Law Amendment Act (2006); the Building Better Communities & Conserving

Watersheds Act (2017); the More Homes for Everyone Act (2022); and the More Homes Built Faster Act (2022). Further, the Provincial Policy Statement has also undergone two updates in 2014 and 2020 since the original 2006 official plan came into effect.

While the Planning Act has undergone significant changes since 2006, very few changes have substantive implications for the development and review of zoning by-laws save and except for:

- Changes to the existing “additional residential unit” framework by permitting “as-of-right” (without the need to apply for a zoning by-law amendment) up to three units per lot (i.e., up to three units allowed in the primary building, or two units allowed in the primary building and one unit allowed in an ancillary building such as a garage) in existing residential areas on full municipal services.
- Exempting all aspects of site plan control for residential development up to 10 units (except for the development of land lease communities).

These changes will have an impact on the residential use permissions, particularly for low-density residential zones. The changes will also impact the structure and nature of multi-residential zone provisions, which may warrant additional provisions to address exemptions for multi-unit residential development from site plan control. Further, provisions may need to be developed to address issues such as location of garbage and recycling facilities, landscaping, building orientation, and site access that would previously have been implemented and negotiated with an applicant through a municipality's site plan control by-law.

With respect the Provincial Policy Statement, amendments implemented in 2014 and 2020, along with the Province's 'Guidelines on

Permitted Uses in Ontario's Prime Agricultural Areas (2016)' have introduced a number of additional permissions in rural and agricultural areas specifically with respect to:

- 'On farm diversified uses' which are defined as: uses that are secondary to the principal agricultural use of a property and are limited in area. They include, but are not limited to, home occupations, home industries, agri-tourism uses, certain renewable energy facilities, and uses that produce value-added agricultural products.
- 'Agri-tourism uses' which are defined as: those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.
- 'Agriculture-related uses' which are defined as farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

These changes, and the implementation guidelines, have significant impacts on the types and classes of uses that may be permitted in zones applicable to the rural and agricultural areas of the County.

2.3.2 Review of new United Counties Official Plan

As noted previously, in 2018 the Province approved a new official plan for the United Counties (which also serves as the official plan for all local municipalities) with modifications. This Plan replaced the original 2006 Official Plan. Following a four-year appeal process in relation to a number of policy and schedule-related modifications, the entirety of the official plan was approved in 2022. As a new official plan, the project team reviewed the entire document to identify policies that would have substantive implications for the development of new zoning by-laws. In total 45 policies were identified as having potential implications and were referenced in the review of each municipal zoning by-law. For each municipal zoning by-law this review is presented in a table providing the respective policy, level of conformity and comments, where applicable, and is contained within each municipal section of this report. In addition to a policy-focused conformity review, the final official plan schedules for the rural area were also reviewed for conformity, as these schedules were one of the primary appeal matters dealt with over the last four years. These schedules underwent a number of changes, largely associated with Agricultural and Rural land use designations, which have implications for local zoning schedules. Parcels of land are identified in accompanying maps within each municipal section and GIS layers will be provided to the municipalities for further review and implementation.

ZONING BY-LAW REVIEWS & COMMENTARY

This section comprises the individual zoning by-law reviews for each Township. As noted previously, there are nine zoning by-laws currently in effect in the United Counties (four in the Township of North Dundas, and one each in the remaining municipalities). Each by-law was reviewed using a standardized approach as follows:

- **Basic Information for By-law** – documentation of the subject zoning by-law’s age, by-law number, and basic identifying details.
- **Zoning Review** – this review is comprised of a section-by-section, and provision-by-provision review of each by-law organized into a chart detailing the section or provision number and associated commentary or recommendations. In some cases, general comments or recommendations about the overall sections are also provided. Only provisions identified by the project team of as requiring further review or revision by the municipality are included. If a provision has not been identified within the chart, no issue requiring further review or revision was identified with respect to that provision.
- **Official Plan Conformity Review** – this review is comprised of a section-by-section review of the new County Official Plan to identify policies and provisions with direct implications for each respective zoning by-law. This includes official plan policies that specifically make reference to zoning by-laws and zoning by-law development (e.g. Section 3.5.1.5 of the Official Plan which requires that local zoning by-laws incorporate setbacks from industrial operations in conformity with provincial guidelines), as well as provision that would potentially influence the zoning by-law provisions (e.g. Section 3.5.1.11 which encourages a mix of land uses to support the creation of complete communities). Commentary and recommendations are provided in table format.
- **Land Use Schedule Review** – this review is comprised of a spatial analysis of each zoning by-law schedule in effect, with a primary focus on the Rural Area of the United Counties. Using the new Official Plan’s land use schedules, each official plan schedule was overlaid the corresponding zoning by-law schedule. Where discrepancies between the official plan designation and zoning by-law schedule were identified, the impacted parcel of land was ‘flagged’ for further review and revision.
- **Variance & Amendment Trends Analysis** – this analysis involved the inventorying of all zoning by-law amendment and minor variance applications approved by each local municipality over the past three years. Subsequently the project team conducted a review of each decision made to identify trends in the type and scope of each application to understand how often variances and amendments to by-law provisions are being approved by local municipalities, and to determine if certain provisions are regularly the subject of an applications.

Please note that all commentary and recommendations may be subject to alteration, revision, or deletion in consultation with the respective municipalities.

6.0 TOWNSHIP OF SOUTH STORMONT

6

6.0 Township Of South Stormont

6.1 Basic Information

By-law N° 2011-100 is the Zoning By-law for the Township of South Stormont. It was originally adopted on December 14, 2011, but has undergone a number of updates since. The most recent update and consolidation the document was adopted in July 2021. The total length of the document is 192 pages, excluding zoning schedules.

6.2 Zoning By-law Review & Commentary

Section 1 – Authorization & Administration	Comments / Recommendations
General	<p>The use of gendered language throughout the zoning by-law (e.g. his, her, etc.) can be eliminated with no implication for applicability. Suggest using “person” or “individual” to describe roles.</p> <p>Section 39.2 of the Planning Act allows a council of a local municipality to delegate authority to a committee of council or staff member to pass by-laws of a minor nature, subject to the official plan containing the appropriate policies to enable such an action. A new section to the By-law should be added if and when the County implements such an amendment, speaking to delegation of authority. Such a provision would presumably address the approval of holding symbol removal, temporary uses, and/or rezoning of retained agricultural lands as a condition of consent approval for a surplus farm dwelling.</p>
1.14	The wording in this section should be revised to state that no change in use shall be made to any land, building, or structure unless it complies with the provisions of the by-law.
1.15	Outlines the requirements for building permit applications, including the accompanying materials needed to form a complete application. For larger residential developments, site plan control would normally be triggered and would require more detailed drawings, servicing details, and information to be prepared by a qualified professional. The Township may wish to consider including a requirement for the information listed in 1.15 to be prepared by a qualified professional for development containing more than 4 residential units. Further, the Township may also wish to include the requirement for grading information to be submitted, unless otherwise covered under the building by-law or other applicable policy.
1.16(11)	The recent changes to the Planning Act have significantly shifted the way dwellings/ dwelling units are regulated and permitted on lots. This section contains examples related to the number of dwellings/dwelling units that is dated. This section could be shortened to state that the number of dwelling units permitted per lot will be noted in each zone.
1.19	This section requires that two copies of an application for zoning amendment be provided. The Township has recently shifted much of its administrative operations to a digital format and therefore may accept digital submissions. This section should be revised to state simply that every request for amendment be accompanied by a completed copy of the Township’s zoning amendment application along with the required supporting information and fee.

Section 2 – Definitions	Comments / Recommendations
<p>General</p>	<p>Common terms don't need a distinct definition unless there is a major concern that the intent could be construed in a problematic way</p> <p>Definitions should be straight forward as possible and in plain language</p> <p>Dated or irrelevant definitions should be removed</p> <p>Terms not used or regulated via land use/zoning provisions don't need a definition</p> <p>Definitions should not be "over defined" – i.e. multiple uses that would otherwise fall under the definition of a "retail store"</p> <p>Definitions should not contain provisions or regulations</p> <p>If a site-specific exception is created for a new use that is not captured under an existing definition, the definition should be added to the entire by-law.</p> <p>Images provided at the end of Section 2 are helpful; however, these should be updated to be clearer and possibly integrated within the definitions where appropriate.</p>

<p style="text-align: center;">Overlapping / Similar Definitions</p>	<p>Several definitions are overlapping or redundant due to their similarities with others – instances of this should be addressed through removal or reconciling the definitions. In other cases, certain uses can be incorporated under one ‘umbrella’ definition, to simplify the document:</p> <ul style="list-style-type: none"> • Animal Hospital & Veterinary Establishment – some consistency between these definitions to better delineate ‘domestic’ vs. ‘large animal’ may be better. • Box Retail / Retail / Gift Shop Retail / Building Supply Store / Etc. - many different types of retail that can be captured under a single definition • Automobile Body Shop / Automotive Rental Establishment / Automotive Repair Garage / Automobile Sales or Rental Establishment / Automobile Service Station / Automotive Store / Recreational Vehicle Sales, Rental and Storage Establishment • Only really need 3 Automobile/Motor Vehicle definitions – excluding heavy vehicles: <ul style="list-style-type: none"> ○ 1 for sales/rental ○ 1 for body shop (this can include inspections) ○ 1 for service station <ul style="list-style-type: none"> ▪ Includes gas sales/convenience ▪ Includes service bays for oil changes/minor repairs ○ Revise the automobile uses to simplify and capture the above • Bank or Financial Office / Office, Business or Professional / Research and Development Centre • Business Training Centre • Club, Non-profit/Community Centre • Flood Line / Flood Plain • School / School, Private • Micro-Brewery / Small Batch Brewery
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<p>Regulations or Provisions within Definitions</p>	<p>In some cases, development or use provisions are included in definitions, these should be eliminated and or relocated to zone provisions or general provisions. For example:</p> <ul style="list-style-type: none"> • Agricultural Use, Small – provides a limit of 5 NUs • Bed and Breakfast Establishment – maximum of four rooms • Boarding House - has a building height not exceeding three storeys and a building area not exceeding 600m² • Box Retail - often more than 50,000 square feet • Day Nursery (both) – Day Nurseries Act was repealed in 2015. Also limiting max of 5 children for private. • Dwelling, Converted – min floor area of 55m² • Open Storage – soft drink coolers and freezers occupying more than 4m² • Gasoline Bar – limiting 10m² shelter • Home Based Business • Laundromat – 2 machines • Micro-Brewery (tasting/dining/retail no more than 25% to 400m²) • Parking Garage – for more than four vehicles • Parking Lot, Public – parking of four or more vehicles • Outdoor commercial patio – encroachment agreement
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**Outdated,
Unused, or
Unnecessary
Definitions**

- Dressmaker/tailor shop
- Floor Area – remove reference to minimum floor area
- Air Treatment Control
- Cellar
- Cannabis
- Corporation
- Council
- County
- Garage, Private
- Hereafter
- Herein
- Intensive Livestock Operation
- Monument sales and manufacturing (could be a class industrial use)
- Small Batch Brewery
- Municipality
- Occupy
- Premises
- Public Authority
- Public Use
- Sawmill, Portable
- Second-hand shop
- Showroom
- Sod farm – is an agricultural use
- Use – do we need to define this
- Video rental outlet
- Water access

<p>Opportunities to Simplify Definition Wording</p>	<ul style="list-style-type: none"> • Boat House • Accessory Building • Garden Suite – align with definition in Planning Act (means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable) • Gasoline Bar – simplify • Home-based business – i.e. “means an activity conducted as a business from within or accessory to a dwelling unit, which is clearly secondary to the use of the dwelling unit as the principal residence of the occupants.” Don’t need all the extras • Home Industry • Industrial Uses per D-Series Guidelines (use first two sentences of each definition) • Lot, Corner – it’s a lot at the intersection of two streets • Lot Coverage – change to include accessory buildings • Lot Line, Front • Sign. • Shipping container – i.e. also known as a “sea can” is a metal cargo container designed to hold goods and originally intended for use on a ship, truck, or railcar.
<p>Reduction of the number of definitions for Dwellings</p>	<p>Dwellings could be more simply classified as the following:</p> <ul style="list-style-type: none"> • Single • Semi / Duplex • Rowhouse • Multi-unit • Apartment • Dwelling Unit • Additional Residential Unit • Accessory Dwelling Unit
<p>Definition Revisions to Consider</p>	<ul style="list-style-type: none"> • Organic soils (from OP) - normally formed in a water saturated environment (e.g. wetland) where the soil is not exposed to the air for enough time to permit the breakdown of vegetative material. These soils may not contain sufficient strength to support a building or structure and shall be considered as hazardous lands. • Established Building Lines need to be made clearer and merged • Suggest changing “secondary unit” to “additional residential unit” to align with Planning Act language

<p>New Uses that should be defined</p>	<ul style="list-style-type: none"> • Agri-Tourism – PPS example: “means those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.” • Gun/Firing Range – RCMP example: “a place that is designed or intended for the safe discharge, on a regular and structured basis, of firearms for the purpose of target practice or target shooting competitions.” • Urban Agriculture or Community Garden – i.e. small scale growing of crops with no animals or livestock. • Recreational Cabin – example: “a building intended for temporary or overnight human accommodation in support of a recreational use, but that does not contain cooking or sanitary facilities.” • Special Event – intermittent, irregular, or one-time use that could be a concert, festival, wedding, etc.; however, would suggest creating a special event licence process and require applicant to obtain one
<p>Section 3 – General Provisions</p>	<p>Comments / Recommendations</p>
<p>General</p>	<p>Consider addition of new section: “Multi-Unit Residential Development” in Section 3 intended to address development that is no longer subject to site plan control but should have some minimum standards (4-10 residential units on a single lot), could address:</p> <ul style="list-style-type: none"> • Parking • Landscaping • Site layout • Pedestrian access • Servicing <p>Consider addition of “Special Event” provisions</p> <ul style="list-style-type: none"> • a separate by-law is strongly recommended to help facilitate this, as building permits or zoning approval may not be necessary • intended to capture larger gatherings and activities on private property, such as a wedding, celebration, concert, or the like

<p>3.1</p>	<p>(a) - reference consolidated lot development provision for exception</p> <p>(c) - replace use with structure</p> <p>(f) - reword to state that accessory uses are to be included in the overall total lot occupancy calculation for the respective zone, but that the total accessory lot coverage shall not exceed 10% in a residential zone</p> <p>(g) - is it still necessary to have a separate accessory building height for lots adjacent to the River</p>
<p>3.2</p>	<p>This section should be simplified and bullets merged where they deal with similar matters.</p> <p>(f) is it 6 metres from the sight triangle, or is it intended to simply be outside of the site triangle (the point of the sight triangle in first place), this setback is quite restrictive</p> <p>(g) landscape buffer should be consistent with remainder of by-law (3m)</p>
<p>3.3</p>	<p>(b) a guest room(s) should be permitted within an accessory building on lots outside of an Urban Settlement Area (or in an AG or RU Zone).</p> <p>(c) parking requirements should be reviewed and potentially reduced as all rooms may not be filled always (i.e. .5 spaces per unit, in addition to main unit requirements)</p> <p>(d) the last sentence should be deleted, this is an arbitrary requirement and discriminates against those who have smaller houses to begin with (i.e. a larger house could have a larger expansion than those with a smaller house due to being limited by %)</p> <p>(e) the Townships signage by-law should be used, and this point deleted</p>
<p>3.4</p>	<p>This section may be redundant given the overall intent of the zoning by-law and provisions of Section 1 – consider for removal</p>
<p>3.6</p>	<p>This section is overly complicated– making this clearer could reduce confusion and the number of minor variances being brought to committee. It should also be made clear that in these circumstances, a minor variance or zoning by-law amendment is not required to authorize the reduction.</p>

<p>3.8</p>	<p>Language and standards need to be simplified and updated to align with Planning Act changes under Bill 23.</p> <p>“secondary units” were a use introduced to define what the Planning Act refers to as “additional residential units”. The section was updated in 2019 and 2020 to reflect the Bill 108 changes to the Planning Act. With the most recent changes to the Planning Act under Bill 23, some parts of this section as well as the greater by-law need updates, particularly with respect to the number of residential units permitted on a serviced urban residential lot and provisions applicable to them.</p> <p>Language of the zoning by-law respecting secondary units should be simplified to reflect changes to the Planning Act, and make it easier for staff, developers, and the public to interpret (e.g. use of the terminology for “residential unit” or “additional residential unit”).</p> <p>The Planning Act requires zoning by-laws to allow for up to three (3) residential units on a parcel of serviced urban residential land in accordance with prescribed scenarios in subsection 35.1(1) of the Act. The Township’s ZBL establishes a maximum of one (1) secondary unit, in addition to the principal dwelling, for a total of two (2), and otherwise regulates housing types by separating forms into zones (e.g. RS1 for single detached, RS2 for semi-detached, etc.).</p> <p>The entirety of Section 3.8 of the zoning by-law should be reduced in scope, with the following sections being recommended for complete removal, as they have the potential to create unnecessary barriers to the creation of urban residential units:</p> <ul style="list-style-type: none"> • 3.8(e) requirement for accessory water/sewer service connections with the primary dwelling; • 3.8(g) statement on minimum floor area; • 3.8(h) statement on maximum floor area in relation to principal dwelling - an accessory building is not otherwise limited by this provision; • 3.8(j) prohibiting a new exterior doorway entrance added to the front wall of the dwelling; • 3.8(l) restricting height in both metres and storeys - height is already regulated via the accessory building provisions; • 3.8(m) increased rear yard setback if accessory building contains windows facing rear yard - siting can still be mentioned as it is regulated via accessory building standards; • 3.8(n) requirement for a detached secondary unit to be located a minimum of 3 metres from the main building - siting requirements can mention that it shall be in accordance with OBC
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<p>3.8</p>	<p>The number of units permitted should be as follows:</p> <ul style="list-style-type: none"> • Urban serviced residential lots = 3 (1 main and 2 additional) • Partial or privately serviced lots (including AG and RU) = 2 (1 main and 1 additional) • A third can potentially then be established on the partial/private serviced lots through a zoning amendment, in which the Township can ensure the potential impacts are fully evaluated from a planning perspective
<p>3.9</p>	<p>Generally should be looking to ease-up these requirements to create less confusion and make it easier for people and staff to interpret/regulate.</p> <p>(b) this is a tough regulation to monitor – consider removing</p> <p>(c) sign by-law should be regulating this - .5m² is also very small, even for residential signage. consider using a real estate sign as a baseline size?</p> <p>(f) this is a difficult provision to regulate – maybe reword to state that heavier manufacturing or loud machinery cant be used?</p> <p>(j) no real planning reason for the retail sales maximum area – suggest removal- it is also very difficult to regulate.</p> <p>(k) this provision is ambiguous – suggest rewording to limit the number of on-site, non-resident employees</p> <p>(l) Consider reducing the parking required to accommodate a home-based business</p>
<p>3.10</p>	<p>(a) this is a tough regulation to monitor – consider removing</p> <p>(b) similar to (a), what is the reason for this. There are limitations on the size of accessory buildings already noted in 3.1 – if all the activity is conducted indoors, then why does it matter how much of the ancillary building is used for the business.</p> <p>(c) simplify the wording: (open storage is permitted ancillary to the home industry, but shall not occupy more than X of the lot area and shall be screened to the satisfaction of the Township</p> <p>(d) difficult to regulate but not detrimental to keep in</p> <p>(e) no real planning reason for the retail sales maximum area – suggest removal</p> <p>(c) sign by-law should be regulating this - 1m² is quite small – consider using a real estate sign as a baseline size?</p> <p>(h) - this provision is ambiguous – suggest rewording to limit the number of on-site, non-resident employees</p> <p>(i) Consider reducing the parking required to accommodate a home-based business</p>

3.11	This section would be difficult to enforce as is and is not something that is a major concern outside of parking areas – consider simplifying and referencing site plan control by-law and/or property standards by-law where details/nuisances could be addressed.
3.12	This section is dated and can likely be removed, given the regulation of agricultural uses via the PPS, OP, using MDS/zoning provisions Staff are not reviewing nutrient management plans and MDS is already a requirement
3.13	This section solely refers to Municipal Property Standards and Fencing By-laws – considering the exemption of residential developments of 10 units or less from site plan control, the Township should consider adding some landscaping and screening requirements. Alternatively, the Township may opt to include these provisions in specific zones
3.15	This should be located in Section 1.16
3.16	This should be located in Section 1.16 and replace 1.16(8) Simplify this wording “Where a lot is divided into more than one zone, each portion of the lot must be used in accordance with the respective zone” The zone boundary should not be treated as a lot
3.18	(a) is covered under 1.7 – recommend deletion (d) is covered under 1.16(10) – recommend deletion (f)(iv) – “may” is a less onerous term for the reconstruction here – consider using “shall only” for the reconstruction in accordance with floodproofing. (g) this can be simplified to a general statement about not exacerbating any pre-existing instance(s) of non-compliance, and shall otherwise comply with all other applicable zone requirements. (h) can be simplified by removing unnecessary references to land titles – last sentence can be deleted as it is confusing to the reader May be a little outside the scope, but should consider a delegation of authority for Director of Planning to approve alterations of non-complying/non-conforming uses/buildings within a certain threshold if all other provisions are complied with
3.19	(a)(i) Need to ensure that the wording does not restrict additional residential units in an ancillary building (b) consider using “permitted dwelling” in place of “conventional dwelling”
3.20	(e) the limiting of open storage to 3m in height is kind of arbitrary There should be a specific reference indicating that machinery, equipment, vehicles, or materials associated with agricultural uses are not to be considered Open Storage
3.21	While the reference is valid, the OP is not applicable law and so any sort of challenge to this provision may cause difficulties for enforcement. Suggest creating an organic soils overlay to solve this issue, and then subject new development located within this overlay to provide Geotech/engineering study or designs to support development
3.22	Many of the provisions in the section refer to an encroachment agreement being required for scenarios where the patio wouldn’t actually “encroach” (a) remove “unless under an encroachment agreement) (b) if it’s private property and the patio would not result in the elimination of parking below the minimum, the Township should not care...unless it’s a shared or public lot

<p>3.23</p>	<p>Minimum parking ratios/rates could be considered high for some uses (likely due to being based around older standards of practice), and do not appear to have been reviewed recently. Minimum parking requirements should be modernized to align with current planning trends, shifts in industry, and/or community behaviour. Notwithstanding this, automobiles are necessary and relied-upon within rural communities, so careful consideration needs to be given to potential implications.</p> <p>Most of the standards and information could be distilled down to a table containing information on:</p> <ul style="list-style-type: none"> • Parking Materials • Tandem Parking • Parking Space Dimensions • Barrier Free Dimensions • Barrier Free Requirements • Parking Access for more than 4 <ul style="list-style-type: none"> ○ Two way ○ One way <p>(a)(ii) – licence plate stickers no longer used – perhaps a rewording to state that long term storage of an unlicensed dilapidated vehicle is not permitted – this is still difficult to regulate</p> <p>(g) for parking situated on a separate lot than the use it serves – there should be a renewable agreement required regardless of ownership for offsite parking...ownership could change in the future and if an agreement was not entered into, the new owner could remove the parking, and thus create a noncompliance issue with the use it serves</p> <p>(h) the two bulleted points can be combined “abuts a street or abuts a lot in a residential zone”</p> <p>(i) – parking rates - the parking requirements outlined in Section 3.23 of the ZBL need to reflect the maximums in subsection 35.1(1.1) of the Act (1 space per residential unit in a single-detached, semi-detached, or rowhouse - currently 2)</p> <p>(j) – bike parking rates is very confusing and should simply be outlined the same as vehicle parking in a table. A note should be included at the start of the table to state that unless a use is listed in the table, no bicycle parking is required.</p> <p>In an effort to encourage less hard space and car dependence – a provision should be added to the parking section allowing for the Township to approve a reduction of up to 25% of required parking if substantiated by a parking study prepared by a qualified professional</p> <p>No residential use should be requiring more than 1 space</p> <p>Parking rates based on number of employees is tough to keep consistent, and could be changing</p>
<p>3.24</p>	<p>this section can be daunting to read through for someone unfamiliar. It would be easier in a list or table form to make it clearer to the reader.</p>

<p>3.25</p>	<p>this section should preclude with a statement that, notwithstanding the permitted projections, this by-law does not authorize or permit a projection which would result in an encroachment.</p> <p>This information would be easier to interpret if it were presented in a table format</p> <p>Roofline should be mentioned in first row</p> <p>Language can be simplified where necessary (e.g. “into any required front, rear, or any side yard” to “into any required yard”).</p> <p>These should also be changed to read as “a maximum distance of X, but no closer than X”</p> <p>Wheelchair ramps should have no maximum</p> <p>Look at clarifying wording to say “height of walking platform” not “maximum height of any part thereof”</p> <p>Can likely merge the two canopy projections (at least 2.13m in vert clearance, and entrances to apartment buildings) – and maybe just have a distinction between the two, though not sure its necessary</p>
<p>3.27</p>	<p>This section is overly complex with wording and can be presented more simply – the MTO has designated a by-pass corridor for 138, it is designated as such.</p> <p>The Township should consider the use of a symbol on all lands subject to the restriction on development, as this provision may be easy to miss given lack of appropriate clarity on zoning schedules. The former provisions reference the use of an "-M" symbol as a flag.</p>
<p>3.29</p>	<p>This information should be presented in a table format by topic / setback / details to make it easier to identify and interpret</p> <p>Naming of the section is misleading – this should be entitled “Special Setbacks”</p> <p>FCM guidelines for rail lines should be reflected in the zoning by-law (minimum setbacks, berming requirements, etc.)</p> <ul style="list-style-type: none"> • Res, Inst, Commercial, Rec = 30m setback + 2.5m high berm, or min 120m • Light and Medium Industrial = 15m +2m high berm, or min 60m • Heavy industrial = 15m
<p>3.30</p>	<p>These are difficult to regulate unless a registry/licencing system is in place (i.e. typically no building permit/planning act triggers required due to no change of occupancy)</p> <p>Group home separation distances have become increasingly controversial, especially in the context of providing housing suitable for those requiring special accommodation – these are arbitrary and should be reviewed.</p> <p>Separation distances should not be from other group homes, but rather “sensitive” or non-compatible uses such as a school or something.</p> <p>(c) this provisions implies that these uses are not permitted on highways and county roads – likely not necessary.</p>

<p>3.31</p>	<p>K - Health Canada requires all commercial cannabis production facilities to have air treatment control – this requirement may be redundant but not hurtful if kept (a) and (b) should be clarified – the Township has provided suggested wording for this which will be used – the issue is that these requirements lump natural hazards and heritage into the same boat</p>
<p>3.34</p>	<p>shipping containers (definition of a shipping container needs to be simplified) This section is overly complicated and onerous on the applicant – should be simplified and state at the start that it applies to shipping containers intending to be used as standalone permanent accessory buildings Requirements for site plan control should be removed Organize this information into a table Split the section into two:</p> <ul style="list-style-type: none"> • Shipping Containers actively used in commercial shipping/logistics • Shipping containers used as an accessory building
<p>3.35</p>	<p>Clarify that a shipping container may be used as a temporary building or structure for the purpose of the section</p>
<p>3.36</p>	<p>Should consider the inclusion of a statement around maintaining in good repair Township can consider a window during which these are permitted (i.e. November to April)</p>
<p>3.38</p>	<p>should just delete the first paragraph altogether and incorporate reference to OP schedule (there are no unstable slopes currently in South Stormont)</p>
<p>3.40</p>	<p>is the Township following up on wayside pits and quarries if no building permits or zoning approvals are required. (c) should flat out state “all lands used to accommodate wayside pits and quarries shall be rehabilitated to their previous state upon completion of the public project to which they’re associated”</p>
<p>Zones</p>	<p>Comments / Recommendations</p>
<p>General</p>	<p>All permitted use and zone provision information can be summarized in tables for each to simplify the document and make it easier to read Additional provisions noted at the end of each zoning category should be simplified or eliminated as they are addressed elsewhere in the by-law Community Garden should be defined as a use and permitted in every zone in the municipality</p>

<p>Residential Zones</p>	<p>Given the recent changes to the Planning Act respecting as-of-right permissions for residential units, the Township should be reflecting these in the zones</p> <p>The many residential zones should be considered for merging, this will increase permissions for development without the need for costly and time-consuming zoning amendments. Plus, more compact and diverse residential forms can be facilitated with the change</p> <p>There are many residential zones in the Townships zoning by-law. The following are recommended to be merged to simplify permissions and regulations:</p> <ul style="list-style-type: none"> • Merge RS1 & RS2 Zones – eliminate RS1C and reduce single detached standards • Maintain RS3 Zone • Merge RSS1 & RSS2 Zones into one “Residential Single Service” • Merge RH1, RH2, RR1, & RR2 Zones into one “Residential Private Service” or “Rural Residential” – these zones are almost all the same other than the single detached vs. semi/duplex permissions. <ul style="list-style-type: none"> ○ RH1 = predominantly used in the hamlets and rural areas – the remainder of the zones are very sparsely even used. <p>Zone provisions should also be presented in a comprehensive table for clarity</p> <p>Minimum dwelling unit sizes should be removed from the zone provisions</p> <p>The “Dwelling per lot maximum” should be removed from the higher density zones</p>
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<p>Residential Zones</p>	<p>Group homes need to be permitted in all residential zones</p> <p>The Township regulates density in RS3 – do not need a maximum number of dwelling units per lot – this is an arbitrary requirement</p> <p>For development of 4 or more units, “Municipal Piped services”, site plan control would normally be triggered and would require more detailed drawings, servicing details, and information to be prepared by a qualified professional. The Township may wish to consider including a requirement for the information listed in Section 1.15 to be prepared by a qualified professional for development containing more than X-number of residential units. Further, the Township may also wish to include the requirement for servicing capacity and grading information to be submitted, unless otherwise covered under the building by-law or other applicable policy.</p> <p>The municipal services provision should be expanded to state that the developer demonstrate sufficient capacity of said systems prior to issuance of building permit.</p> <p>5.11 – commercial vehicle parking needs to be removed, and addressed under general regulations. Otherwise reworded to be less strict – many people have work vehicles – they should be permitted at home within reason (i.e. not a tractor-trailer)</p> <p>New recommended Zoning List:</p> <ul style="list-style-type: none">• RS1 (formerly RS1C, RS1, & RS2)• RS2 (formerly RS3)• RSS (formerly RSS1 & RSS2)• RPS (formerly RH1, RH2, RR1, & RR2)• RMP (same)
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<p>Commercial Zones</p>	<p>The Zoning By-law contains four distinct commercial zones.</p> <p>For a municipality of this size, four zones is not likely necessary; however, the split is logical</p> <p>In an effort to promote more opportunities for mixed-use, the Township could expand on residential permissions in the CG and CH zones, or create a new “Mixed Commercial Residential (MCR)” Zone:</p> <ul style="list-style-type: none"> • Should permit standalone non-residential uses, but not standalone residential • If working into existing zones, residential uses should be required to integrate physically with the non-residential use <p>Important function to separate highway commercial and general commercial uses, however, tourist commercial and recreational commercial zones are very similar in intent and scope</p> <p>Consider merging the CR and CT zones – they have many of the same uses and very similar development standards – this would reduce the number of zones and complexity of the by-law</p> <p>6.5 – these can maybe be harmonized...there really isn’t a huge difference in the increased setbacks and realistically, you could have two similar uses having different requirements because theyre zoned differently</p> <p>New recommended zoning list:</p> <ul style="list-style-type: none"> • CG • CH • CTR (Commercial, Tourist/Recreational) • CMR (Commercial, Mixed Residential)
<p>Industrial Zones</p>	<p>The zoning by-law contains four distinct industrial zones</p> <p>The distinguishing of light-medium-heavy industrial may not be necessary in South Stormont – at least not the way current zones are set up. Following a quick review of permitted uses in the CH, ML, and MM zones, there may be an argument for merging the ML and MM. The ML zone contains many uses that are shared with the CH and MM zones, the MM zone can be reserved for Class I and II industries, whereas the MH and MR can remain.</p> <p>There are only 2 parcels of land currently zoned ML, with the reminder majority MM.</p> <p>Section 7.5: remove accessory dwelling minimum floor areas, and consider implementing the D-Series guidelines via additional language.</p> <p>New recommended zoning list:</p> <ul style="list-style-type: none"> • M (merging of ML and MM) • MH (maintained) • MR (maintained)

<p>Agricultural/ Rural Zones</p>	<p>Section 10 – Agricultural Zone</p> <p>10.2 – 1 additional residential unit should be permitted, in addition to an accessory dwelling, so long as its located within the main dwelling</p> <ul style="list-style-type: none"> (a) An accessory dwelling should not be allowed to contain an additional residential unit (b) Reference to intensive livestock operations is redundant and can likely be removed (c) can be simplified to just state that all development shall comply with MDS I & II (d) surplus dwelling provisions: <ul style="list-style-type: none"> • Flag lot frontage should be reduced to minimum 7m, while including a maximum width for flag lots of 12 metres – this would help strengthen application of severance policies for Ag lands • Clarify proper numbering for lot of record reference • Could work these regulations into the main zone provisions (e) no need for wayside pit/quarry reference (f) open storage reference can be removed (g) can be worked into the zone provision table and removed from this section
	<p>Section 11 – Rural Zone</p> <p>Consider merging the requirements for ag-related uses, ag small, etc. with “other uses” – not really needed to have two so close together</p> <p>11.2 – 1 additional residential unit should also be permitted, in addition to accessory dwelling, so long as it’s located within the main dwelling</p> <ul style="list-style-type: none"> (a) An accessory dwelling should not be allowed to contain an additional residential unit (b) can be simplified to just state that all development shall comply with MDS I & II (c) can be worked into the zone provision table and removed from this section (d) Reference to intensive livestock operations is redundant and can likely be removed <p>Add a new section regarding flag lots – can be worked into main provisions for single detached dwellings</p>

<p>Other Zones</p> <p>This Section is intended to address the review of all other zones in the zoning by-law.</p>	<p>Institutional Some of the requirements (setbacks specifically) are quite onerous, and would potentially cause issues for smaller lots – maybe for the larger uses (i.e. hospital) a larger setback is appropriate, but for something smaller it may not be as important</p> <p>Open Space Section 9.1(b)</p> <ul style="list-style-type: none"> • Set up the zone requirements consistent with other zones • Suggest requiring a minimum frontage of 7m where access may be provided to a building or parking area of an open space use (allows ingress/egress to meet minimum requirement in Section 3.23(f)) • Suggest requiring a minimum frontage of 3m where the intent is for pedestrian access • Setbacks should all be 6m and lot coverage 35% <p>Mineral Resource Zones</p> <p>MXP</p> <ul style="list-style-type: none"> • Do not believe it is necessary to have building height limits or lot coverage regulations <p>MXQ</p> <ul style="list-style-type: none"> • Is it necessary to have a minimum lot area for this use of 10 ha (or at all) • Do not believe it is necessary to have building height limits or lot coverage regulations <p>Salvage Yard The yard requirements seem arbitrary – maybe revise these to be consistent with each other.</p> <p>Waste Management Building height restrictions not necessary in this zone 14.2 – additional provisions</p> <p style="padding-left: 40px;">14.2(a) should adopt an approach similar to kennels for determining separation OR use MDS approach to ensuring undeveloped lots are not sterilized by new waste management sites</p> <p>Flood Plain An additional residential unit is not permitted to be established within a dwelling that is located in a Flood Plain Zone</p> <p>Development Reserve The three areas that this zone is applied to do not really make a lot of sense with respect to “reserving” the land for development</p> <ul style="list-style-type: none"> • Eamers corners should be a holding • Parkway site should be open space • Moulinette should be open space
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6.3 Conformity with Official Plan Policies

The table below comprises the conformity review of the zoning by-law against official plan policies that were identified as having applicability/implications for zoning. Under the ‘Conformity’ column, ‘Y’ means full conformity, ‘P’ means partial conformity, and ‘N’ means not in conformity.

Policy	Title/Topic	Conforms (Y/P/N)	Comment
3.2.1.5	Resource Uses in Settlement Areas	Y	
3.4.6	Rural District	Y	Township should consider explicitly listing “Bed and Breakfast” as a permitted use in the Rural and AG Zones to avoid confusion.
Table 3.5	Permitted Uses for Settlement Areas and Rural Lands	Y	“Convenience commercial” as list in the OP is not explicitly captured in permitted uses within the zones that fall under the Residential District
3.5.1.3	Frontage and Access	Y	
3.5.1.4	Measures for Landscaping, Buffering, Screening and Land Use Compatibility	Y	
3.5.1.5	Separation Distances and Influence Areas	P	Separation distances for Class I, II, and III Industrial uses are not currently addressed, but defined.
3.5.1.5.1	MDS Formulae	Y	
3.5.1.6	Accessible Communities	Y	
3.5.1.7	Zoning	Y	
3.5.1.11	Complete Communities	P	While a full range of uses are provided, zones have a tendency to focus on segregation of land use vs permitting mixed uses (where appropriate) - ZBL only allows for small number of residential units as part of commercial

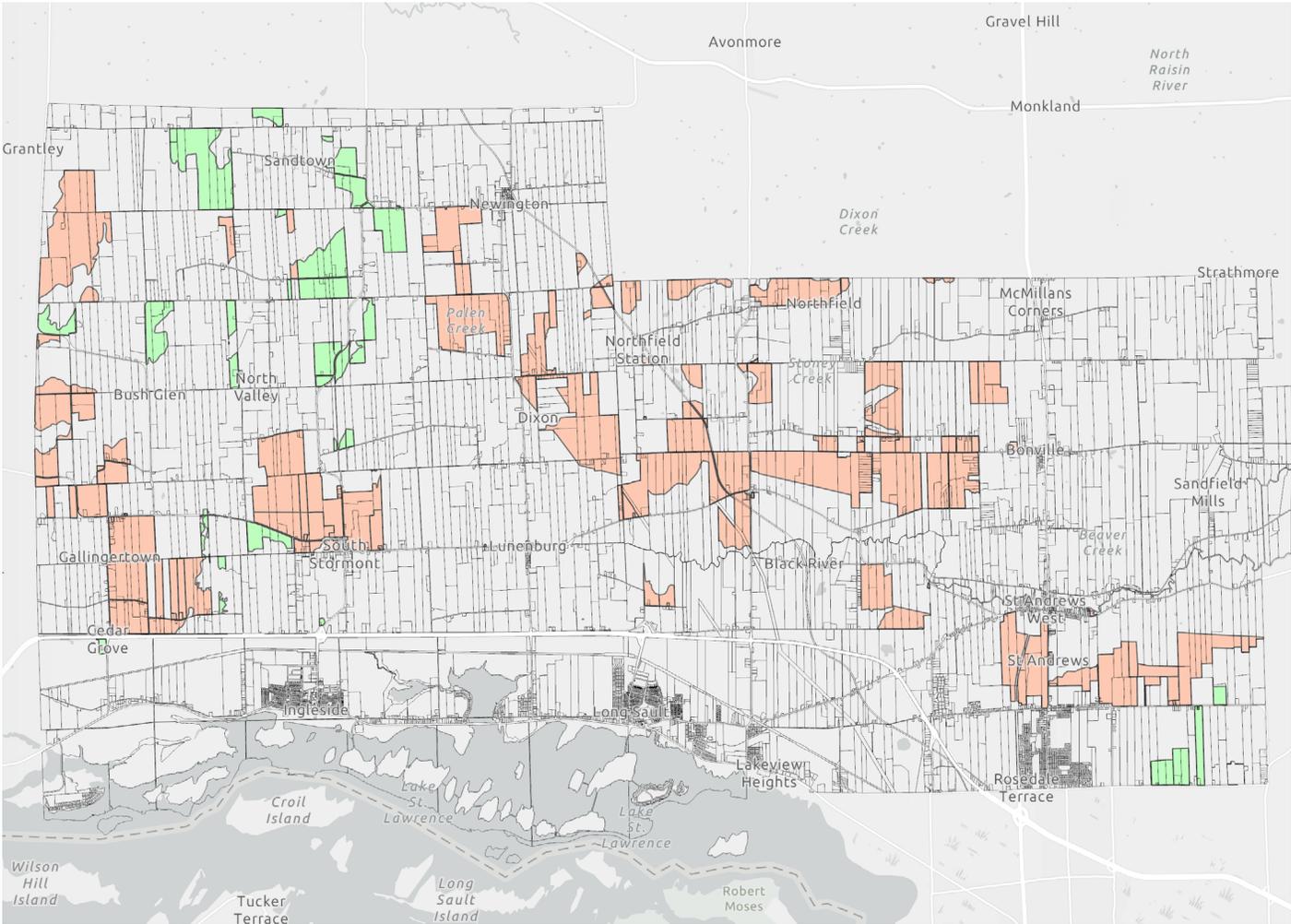
3.5.2.2	Residential Areas	P	<p>“Considering exemptions to residential development 10 units or less from site plan control, Township may want to address:</p> <p>(10) - zoning by-law does not currently direct where waste disposal enclosures and pick up will be located.</p> <p>(11) no specific requirements are outlined for firefighting and emergency vehicles, though these are captured under OBC</p> <p>(14) Limited direction provided for accessible parking in medium and high density residential zones”</p>
3.5.2.3	Commercial Areas, Main Streets, and Downtowns	Y	
3.5.2.4	Industrial Areas	Y	
3.5.2.6	Infill and Intensification	P	<p>With limited servicing intensification in certain urban areas may be limited.</p> <p>Permissions for intensification currently limited in majority R1 zoning - though Planning Act changes will open up opportunities.</p>
3.5.2.9	Shoreline Development and Lake Development	Y	
3.5.4.1	Land Supply for Housing and Affordability	Y	
3.5.4.2	Garden Suites	Y	Should include language in the ZBL clarifying that a Garden Suite can be established accessory to a permitted residential dwelling on the same lot, subject to approval of a temporary use by-law.
3.5.4.3	ARUs	N	Only 1 additional residential unit is permitted currently.
3.5.4.5	Group Homes	Y	
3.5.4.6	Home Based Businesses and Bed and Breakfast Establishments	P	Township should consider explicitly listing “Bed and Breakfast” as a permitted use in appropriate Zones to avoid confusion.
3.5.6.4	Scrap Yard Development Requirements	Y	

3.5.7	Lots of Record	Y	
4.3.2.4	Barrier Free Access	P	Barrier free parking requirements are provided, and ramps are addressed in permitted projections. Limited requirements otherwise unless subject to site plan control.
4.3.3.7	Source Water Protection	N	There is no incorporation of source water protection regulations in the text nor schedules. Should consider including an overlay or direct reference to OP schedules containing this information.
4.3.3.8	Municipal Regulatory Control - sewage and services	P	While each zone contains details related to adequate servicing, there should be language in the General Provisions speaking to this. No separation distances for waste stabilization ponds and septage facilities No minimum setback distance from the limit of natural hazard for individual on-site sewage disposal
4.3.5.2	Amendment & Planning Principles for Waste Management	N	500 metre setback is addressed, but does not mention settlement areas Additional provisions for Waste Management Zone includes a minimum setback of 200m from an existing dwelling - this is not consistent with OP and separation distance requirement
4.3.6.1	Provincial Highways	P	There are no requirements for screening open storage or loading areas from main roads, including highways - however, there are siting requirements prohibiting them in a front or exterior side yard
4.3.6.2	County Roads	Y	
4.3.6.6	Rail	N	Only contains setbacks from the point of intersection of a railway and road Should contain minimum setbacks in accordance with FCM Guidelines.
4.3.6.7	Airports	NA	
Table 5.2	Resource Lands and Scope of Uses	Y	
5.3.4	Lot Sizes (Agriculture)	Y	
5.4.4	Zoning - Aggregate	Y	

5.4.6	Wayside pits and quarries, Portable Asphalt and Concrete Plants	Y	
5.4.8	Peat Extraction	N	No peat extraction regulations exist
5.5.2	Natural Heritage - Adjacent Lands	P	Adjacent lands are identified for ANSI, PSW, and FP
5.5.6	Wetlands	Y	Locally significant wetlands are not identified in the ZBL
6.2.1	Scope of Uses (Natural Hazards)	Y	
6.2.2	Flooding	Y	
6.2.3	Organic Soils	P	Stronger wording on requirements for supporting study/information is needed to fully comply
6.2.4	Unstable Slopes	NA	
6.2.6	Karst	NA	
6.2.10	Access Standard	N	Access standards not incorporated into zoning by-law for development on/near hazard lands.
6.3.4	Zoning Controls	P	Potentially contaminated sites are not addressed, though this does not restrict the Township from applying a holding symbol to identify one and outline requirements.

6.4 Conformity with Official Plan Land Use Schedules

With the final approval of the Rural Land Use Schedules for the OP, a number of changes to the underlying zoning designations will need to be pursued in order to achieve conformity. These changes are primarily related to OP designation changes from Rural to Agricultural or vice-versa. The map below and accompanying table provide a summary overview of parcels identified as having a potential non-conformity with the official plan land use schedule. Further review and refinement will be possible through consultation with the associated GIS layers provided to the municipality.



**please note that conformity issues identified are subject to review and clarification with municipal and County staff, and may be subject to change*

	Parcels
	Potential Conformity Issue - Rural District
	Potential Conformity Issue - Agricultural District

Potential Conformity Issue Area (HA)	Parcels within Non-Conforming Area
6200	558

Parcel Mapping has been provided by Teranet and may have been modified by the Counties. Contents provided on an 'as is' and 'as available' basis. Teranet and its suppliers make no warranties or representations regarding contents (including accuracy of measurements and currency of contents). NOT A PLAN OF SURVEY.

Other Municipal and County data shown is not intended as survey accurate data and should be used as reference only.

6.5 Minor Variance & Zoning Amendment Trends

A high-level assessment of minor variance and zoning by-law amendment applications was undertaken to determine whether any additional changes to the ZBL should be considered. This exercise is a common approach to identifying development trends in the community and potentially informing any regulation adjustments in response. This exercise can play a helpful role in reducing the volume of applications, time, and costs associated with approvals for all parties.

6.5.1 Minor Variances

A total of 34 minor variances (MVs) were submitted from 2020 to the end of 2022. Most applications involved setback reductions for primary and accessory buildings, but nothing out of the ordinary – MV processes are intended for abnormal situations or extenuating circumstances and setback reduction requests are a common occurrence.

Several applications were submitted in relation to the establishment of a secondary unit (additional residential unit) as follows:

- 2 for increasing ancillary building height to accommodate a dwelling unit
- 2 for allowing 2 exterior doorways

Given the recent changes to the planning act and need to support affordable housing options – secondary unit provisions need to ensure that they are not creating unnecessary barriers. The 2 exterior door provision is problematic to this goal.

Further to the above – there was also a request approved to reduce the separation distance between Type 1 Group Homes – separation of group homes and other special needs housing has been seen as an issue, particularly through a human rights and access to housing lens. The Township should consider the number of requests

Frontage reductions in the rural area were discussed with staff as an item to review through this process – there were two applications for reduced frontages as a result of smaller lot severances.

6.5.2 Zoning Amendments

A total of 14 zoning by-law amendments were submitted from 2020 to the end of 2022, three of which were initiated as housekeeping amendments by the Township. All of the non-township-initiated amendments were relatively context and site-specific, with no real trends being identified.

Notwithstanding this, Considering the Township's desire to encourage more affordable and diverse housing opportunities, requirements to rezone properties from a single-detached to permit a two-unit dwelling such as a duplex or semi-detached create an unnecessary barrier. One such application was received and processed. Given the recent changes to the Planning Act under Bill 23, the Township may wish to consider increasing permissions for a greater range of lower-density housing forms everywhere in the Township.

It is understood that the County is currently considering amendments to the OP to action the authorities under Section 39.2 of the Planning Act, allowing for local councils to delegate authority to an individual or committee to pass by-laws of a minor nature. If approved, this would potentially reduce the cost and time needed to facilitate rezoning applications needed to fulfill surplus dwelling severance obligations related to prohibiting residential uses on retained lands.

Summary Recommendations

9

9.0 Summary Recommendations

The following section provides a summary of the eight key recommendations arising from this report that the project team recommends the United Counties' local municipalities pursue. These should be read in conjunction with the municipality-specific review comments and recommendations contained in each respective municipal review section of this report.

- **Initiate Final Review and Rezoning of Non-conforming Lands to align with Official Plan** – Digital spatial analysis maps have been prepared using GIS and County data to identify lands in each Township which, based on their current zoning, do not appear to conform to the most up-to-date land use designations. Most of these lands are located within the rural areas. These lands should be reviewed for accuracy by municipal staff and rezoned by each respective Township in accordance with the requirements of the Planning Act.
- **Go Above and Beyond the Planning Act Requirements for Public Consultation in Respect of any Updates** – In order to foster a zoning by-law that truly meets the needs of the community, as well as capture differing perspectives on key issues, each municipality should be prepared to engage with the public beyond the statutory public meeting requirements outlined in the Planning Act. It is suggested that municipalities engage with neighbouring municipal staff and key stakeholders in the community in respect of issues, organize open houses and information sessions, and allow for early feedback on any proposed changes.
- **Update and Maintain Zoning By-laws to be 'Current'** – Zoning by-laws in the United Counties range in age between 12 to 43 years, although most by-laws appear to be the subject of regular consolidation and 'housekeeping' if not comprehensive reviews. With the approval of the new County Official Plan, all local municipalities are required under the Planning Act to review their zoning by-laws for conformity within the next two years. Older zoning by-laws, particularly the four zoning by-laws of the Township of North Dundas, which have been in effect since prior to the creation of the current municipality in 1998, are in greater need of consolidation and update.
- **Adopt a Consistent Approach to Zoning** – While each local municipality administers their own zoning by-law (which is recommended to continue) all local municipalities are subject to one singular County Official Plan (i.e. there are no local official plans in effect). Further, the public and business community often have difficulties distinguishing between the roles and responsibilities of the United Counties and the local municipalities, which also leads to difficulty in understanding the rationale for differences between local zoning by-laws (i.e. it can be confusing to understand why a provision needs to differ between two adjacent, and similarly structured, municipalities). As such, it is recommended that the United Counties and local municipalities explore the creation of one template zoning by-law that can be adapted to local circumstances. Additionally, local municipalities should explore opportunities to harmonize approaches to standard zoning provisions (i.e. minimum lot sizes, setbacks, etc.) or at a minimum naming conventions, definitions, and zones.
- **Maintain Traditional Approaches to Zoning Regulation** – Options exist for local municipalities to adopt differing forms of zoning regulation, such as form-based

codes or community planning permit systems. However, given the limited use of these approaches in Ontario, familiarity with traditional zoning by-laws by the public and business community, and the generally straightforward context of the local municipalities, it is recommended that local municipalities maintain their use of a traditional zoning by-law at this time.

- **Incorporate Best Practices** - When undertaking the development of new zoning by-laws by local municipalities, it is recommended that these by-laws incorporate the noted best practices contained in Section 2 of this report. At a basic level, zoning provisions such as parking rates, minimum development standards (setbacks, lot coverage, lot area, etc.) should be reviewed in every by-law and updated to align with recent shifts to more 'flexible' planning frameworks as seen throughout the province. In many cases, current provisions are onerous and result in the need for additional planning approvals. Of specific note, are the recommendations around 'right-sized' regulations. Of the zoning by-laws currently in effect, most contain a regulatory structure that likely exceeds the ability of local municipalities to effectively regulate with small staff complements involved in planning, building, and by-law enforcement (often ranging from one to three people).
- **Recognizing Jurisdictional Limits** - All the by-laws reviewed included provisions and regulations that intersect, and in some cases, cross-over into the jurisdiction of other authorities such as: conservation authorities (with respect to development in natural hazards); Transport Canada (with respect to airport zoning regulations); Health Canada and the Criminal Code of Canada (with respect to the regulation of cannabis growing and processing). While intersecting with other authorities is not in-and-of-itself problematic, and common within planning in Ontario (i.e. such as inclusion of Ministry of Transportation Permit Control Area regulations, or setbacks from railways otherwise regulated by the rail authority), jurisdictional cross-over can create regulatory redundancies, and in some cases may be determined to be *ultra vires* and illegal in other cases. To that end, local municipalities should update their zoning by-laws through this lens to determine in what cases regulation should be left to solely to another authority.
- **Using the Powers of the Municipal Act** - Municipalities have many broad authorities given to them under the Municipal Act in contrast to the Planning Act, which has relatively very scoped and restricted authority to address matters of land use. While it is common in Ontario to see municipalities use zoning by-laws to regulate such matters as: fencing, signage, the keeping of animals, adult entertainment, and property standards, these matters may be more effectively regulated through the adoption of individual by-laws under the Municipal Act. In other cases (particularly considering limited staff resources) these matters may be best regulated under a zoning by-law. To that end, when reviewing zoning by-laws, local municipalities should also review complementary by-laws passed under the Municipal Act to ensure consistency, and to determine whether the matter is more appropriately regulated under that Act.

Anticipated Improvements To Service Delivery Outcomes

10

10.0 Anticipated Improvements To Service Delivery Outcomes

The adoption of new zoning by-laws by the United Counties' local municipalities is anticipated to have positive qualitative and quantitative impacts. In assessing the quantitative impacts, recent minor variance and zoning amendment application data from the last three years was reviewed for trends and improvement opportunities. While it is recognized that variances and amendments to a zoning by-law can sometimes be unavoidable and/or desirable based on context, a review of this data provides an indication of how often relief from, or changes to, the provisions of the zoning by-law are needed to facilitate desired development. To that end, variance and amendment activity can be an appropriate metric to assess potential service delivery improvements and identify specific areas of regulation to review and update.

Based on the data provided by local municipalities, an average of 44 variance applications and 39 zoning by-law amendment applications are processed annually across the County. With an estimated processing time of two months for a minor variance and three months for a zoning by-law amendment, this amounts to a combined 205 months of application processing time (including statutory appeal periods) per year in which development is not permitted to proceed, pending approval.

Further to the above, based on the review of municipal data, it is estimated that approximately one-third of all variances and amendments are

related to zoning provisions that municipalities are regularly providing relief or exceptions to, or provisions that have been identified in this review as being in need to revision. To that end, through the updating of the respective zoning by-laws, it is estimated that the public and business community in the United Counties could save approximately 68 months of application processing time and eliminate, on average, the need for up to 15 variances and 13 zoning by-law amendments per year. With respect to some municipalities, it is estimated that this could mean a reduction in up to 38 variances per year, and 17 zoning by-law amendments, depending on geographical, topographical, or regulatory contexts.

While fees for variances and zoning by-law amendments vary from one municipality to the next, based on a desktop review of current application fees in the United Counties, on average municipalities charge \$563 for a variance, and \$1,685 for a zoning by-law amendment. A one-third reduction in variances and amendments would result in an estimated savings to the public of \$30,350 per year in application fees alone. It is noted that many variance and zoning by-law amendment applications can also result in the need for applicants to retain professionals such as land use planners, engineers, lawyers, surveyors, and/or biologists to assist in providing supporting information for applications which can easily range from \$2,000 to over \$10,000 per application depending on the complexity and context (this does not include costs to defend an appealed application before the Ontario Land Tribunal).

This analysis does not include overall savings to local municipalities as planning application fees in the United Counties are not based on a full-cost recovery model, and as such, additional savings to municipal budgets can be anticipated. However, it can be presumed that a reduction in the number of minor variances and zoning by-law amendments as a result of updated zoning by-laws would translate to reductions in administrative costs and resources for the municipality. These processes can often involve multiple technical and support staff, committee members, council, and even third party review consultants, all of which have independent costs associated with their participation in the processing of these applications.

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