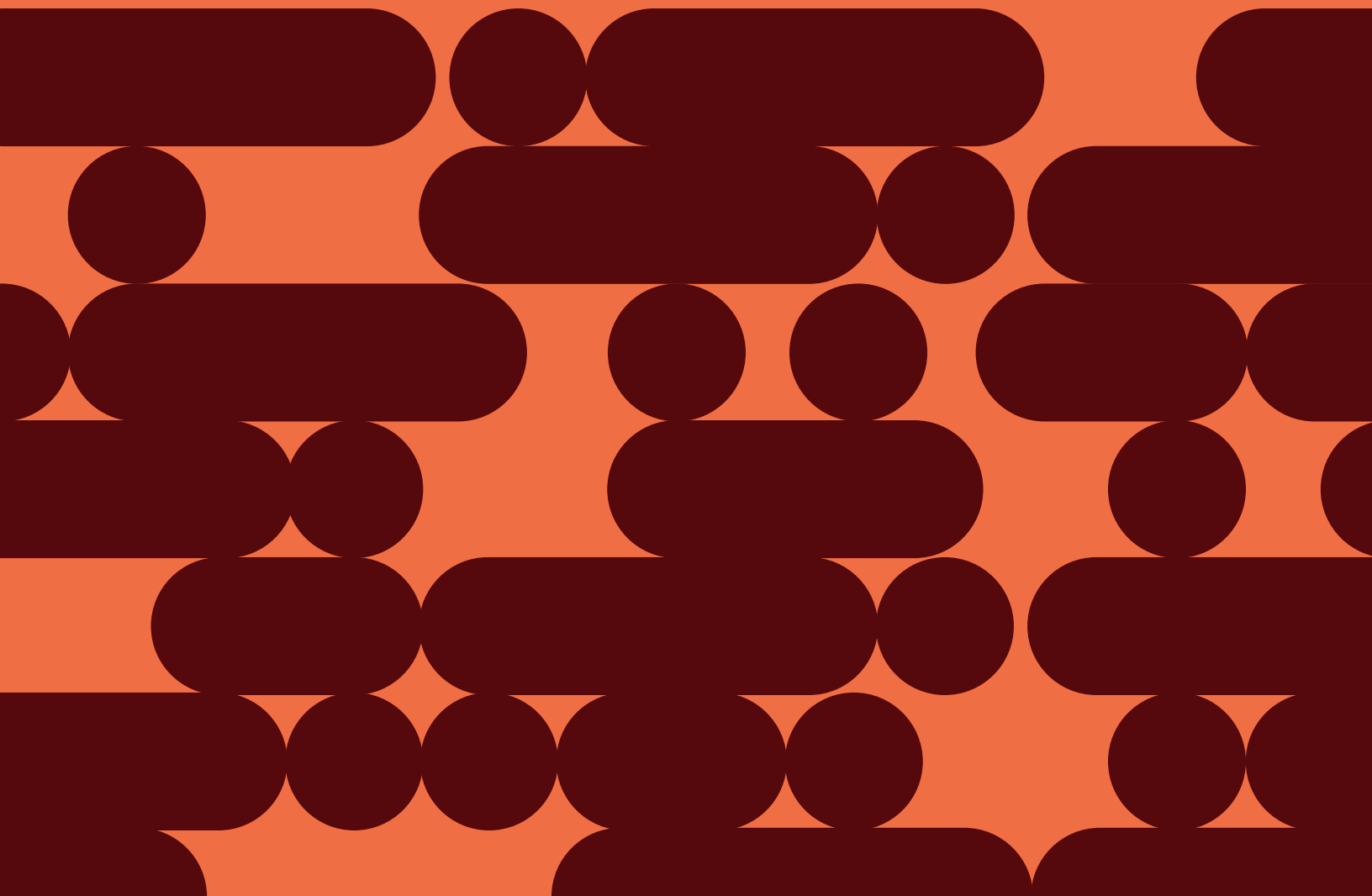


# United Counties of Stormont, Dundas, & Glengarry **Municipal Zoning Review**

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.

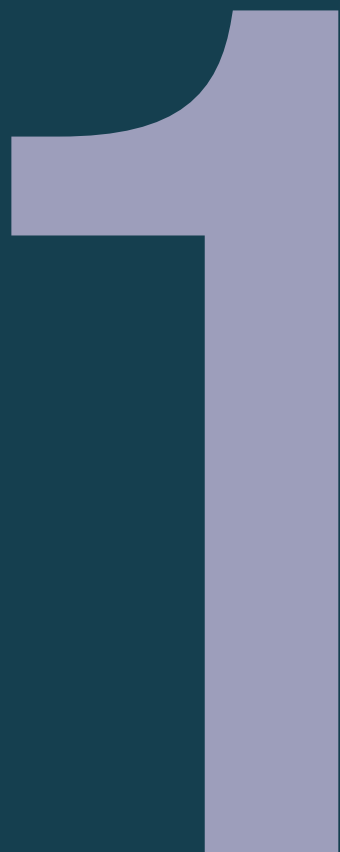
To that end, having an update-to-date zoning by-law ensures that the public and the business community have development regulations that reflect current development trends and practices. This in turn reduces the need to make applications for special variances or amendments to a zoning by-law which can 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<sup>9</sup> 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 20<sup>th</sup> 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 20<sup>th</sup> 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.*

**3.0 TOWNSHIP OF NORTH DUNDAS**

**4.0 MUNICIPALITY OF SOUTH DUNDAS**

**5.0 TOWNSHIP OF NORTH STORMONT**

**6.0 TOWNSHIP OF SOUTH STORMONT**

**7.0 TOWNSHIP OF NORTH GLENGARRY**

**8.0 TOWNSHIP OF SOUTH GLENGARRY**

# Township Of North Dundas

3

## 3.0 Township Of North Dundas

### 3.1 Basic Information

The Township of North Dundas has four zoning by-laws in effect, all of which pre-date the creation of the amalgamated municipality in 1998:

- Township of Mountain Zoning By-law N° 79-6, originally adopted on August 27, 1979;
- Township of Winchester Zoning By-law N° 12-93, originally adopted on December 6, 1993;
- Village of Chesterville Zoning By-law N° 04-95, originally adopted on June 11, 1995; and
- Village of Winchester Zoning By-law N° 25-96, originally adopted on March 5, 1997.

All by-laws have been subject to update and consolidation between 2021 and 2022.

### 3.2 Township of Mountain Zoning By-law Review and Commentary

Section 1 – Authorization & Administration	Comment / Recommendation
General	<p>The overall structure of the administrative section is clear and concise. The pre-amble of By-law quotes former, now repealed, legislative references as does the body of this section. No major changes or recommendations are noted beyond those below.</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>
1.4	Includes outdated references to the Ontario Municipal Board, now the Ontario Land Tribunal
1.5	Confirmation needs to be obtained that certificates of occupancy are issued by the Township
1.7 b)	Summary Convictions Act has been replaced with the Provincial Offences Act
1.8	Recommended this be removed to provide greater flexibility for staff to determine complete application requirements.
1.9	Section quotes former, now repealed, legislative references that should be updated
1.10	Section quotes former, now repealed, legislative references that should be updated
1.12	Section quotes former, now repealed, legislative references that should be updated

Section 2 – Definitions	Comment / Recommendation
General	Like the administrative section, the definitions section is not overly complex and is generally easy to use and follow. Section numbering should be renumbered 2.1, 2.2, 2.3, etc. as provisions are in Section 2 and not Section 1. There are a number of definitions that could be combined due to redundancy.
1.2	Regulation of ‘adverse impact’ is regulated through the Environmental Protection Act. Legal opinion should be obtained to determine if ‘adverse impact’ as defined and regulated under the EPA is ultra vires.
1.7, 1.24, 1.26, 1.27	Consider combining the definitions for auditorium, church, and club to provide greater flexibility
1.8, 1.9, 1.50	Consider combining the definitions of Automobile Body Shop, Automobile Commercial and Equipment Repair Garage, and Garage Commercial to reduce redundancy and introduce greater flexibility
1.10, 1.52	Consider combining the definitions of Automobile Service Station and Gasoline Retail Facility to reduce redundancy and introduce greater flexibility
1.19	As a species of plant, consider removing the definition of cannabis and relying on the standard scientific definition
1.22	Section 1.3 of the By-law states that the zoning administrator administers the by-law, while the definition of Chief Building Official states that they are the administrators of the By-law
1.35 a)	The definition of Accessory Dwelling does not reflect the standard definition of an accessory dwelling. In light of the changes to the Planning Act, this definition should be revised.
1.36	This would appear to be redundant to Section 1.35 and consideration should be given to combining with 1.35.
1.37	Consider deleting Eating Establishment and relying on definition of Restaurant
1.93	Consider need for definition of Registered Plan
1.101	Consider need for definition of Secondhand Shop
Section 3 – General Provisions	Comment / Recommendation
General	Some provisions, particularly related to cannabis growing and processing, would benefit from a legal review to ensure the provisions are not ultra vires and are enforceable. In some case these provisions could be more appropriately located in a site plan control by-law as opposed to a zoning by-law.
3.1 d)	It is assumed this requires the inclusion of the word “height”
3.2	Consider removing and relying on conservation authority to determine building setback
3.7	Needs to be revised to address recent changes to the Planning Act regarding additional dwelling units. Unclear why this provision does not apply to the RU Zone.
3.10	Should include references to plan of condominium for consistency
3.12	Consider reviewing appropriateness / need to regulate fencing height. If appropriate to regulate, consider preparing a separate fence by-law under the Municipal Act

3.15 a) i)	Review for appropriateness and legality. Determination of adverse impacts should be made prior to the establishment of the use, through site plan control
3.15 a) ii) 4, 5, 6, 10, 12, 13	Review for appropriateness and legality. Provisions should be made requirements prior to the establishment of the use, through site plan control
3.16	It is unclear if the entire section has been deleted or just the title of the section
3.17 c)	Consider increasing the time period for reconstruction to 24 months to reflect length of time in processing insurance claims and re-construction
3.17 d), e), f)	These provisions address legal non-compliance not legal non-conformance
3.17 i)	Use of the word “may” is potentially vague
3.18	Consider removing prohibition on dwelling units in a private garage, giving recent changes to the Planning Act that permit dwellings in accessory buildings
3.20	<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>Some parking ratios are based on maximum occupancy and seating. Consider only using floor area to guide ratio to create greater certainty for a property owner (i.e. reconfiguration of seating does not require a building permit and may inadvertently out a place of worship in contravention of the By-law)</p>
3.21	Consider removing as it is likely redundant to exemption provided in By-law for development by a public authority as noted in Section 3.23
3.23	Legislative references are outdated
3.27	Requires revision in light of recent changes to the Planning Act that permit a minimum of three dwelling units per lot
3.28 a)	Should be reviewed and updated against the current setback requirements for the United Counties
3.28 b)	Consider removing this provision and relying on the regulations of the conservation authority to regulate
3.28 c)	Consider appending Provinces MDS Formulae directly to the By-law or simply making a direct reference to compliance with MDS Formulae
3.29 iv)	This provision is redundant and may infringe on the authority of the Committee to determine appropriateness. Further the provision reduces the four tests of a variance to two based on the language used
3.31	Consider expanding these provisions to define when work is considered “done”. Could potentially be expanded to address temporary structures that are intended to be kept on a property over the longer term (i.e. tempos).



Section 4 – Zones	Comment / Recommendation
General	Generally speaking, the number and variety of zones are appropriate for a primarily rural municipality with few major settlement areas. Regardless, the By-law would potentially benefit from an R1 Zone with additional densities permitted for the Township's limited settlement areas. The By-law also only includes a Rural (RU) Zone which is not reflective of the Official Plan's Agricultural and Rural designations.
Section 5 – Residential Zones	Comment / Recommendation
5.1 a)	Permitted uses should be expanded to include other low density residential uses (i.e. semi-detached, townhouse, and duplex). The permitted uses also needs to reflect the additional dwelling unit requirements of the Planning Act. The zone could also include a small scale commercial uses (i.e. café, convenience store, etc.) to encourage a greater mix of uses (particularly on primary roads).
5.1 b)	With respect to minimum lot area, while public services may not be available or contemplated, consider incorporating provisions for 'lots of private servicing' and 'lots on public servicing'.
5.1 b)	The 60 m <sup>2</sup> minimum floor area for residential uses is relatively large, considering that bachelor suites can be accommodated at a minimum floor area of 30 m <sup>2</sup> . Consider removing altogether and relying on the Ontario Building Code to regulate.
5.2	The Estate Residential (ER) Zone does not reflect any of the current land use designations in the Official Plan and should be deleted
5.3 b)	Minimum lot size for mobile home lots would appear to be excessive (assuming that the mobile homes are serviced by communal servicing). This should be reviewed to confirm the sizing is appropriate, particularly in light of the zone's permitted 60% lot coverage.
5.4 a)	Defined terms such as park, and tourist camp should be included in the permitted uses.
5.4 b)	Identifying minimum lot sizes for camp sites would appear on the surface to be unnecessary and more basic minimum lot requirement should be sufficient.
5.5	The placement of this section at the end of Section 5.0 is potentially confusing for the reader and should be located with the general parking provisions.
Section 6 – Commercial Zones	Comments / Recommendations
6.1 a)	Permitted uses contains undefined terms such as funeral home and pool hall. It is recommended that either these terms be defined or removed from the list of permitted uses.
6.1 b)	With respect to minimum lot area, while public services may not be available or contemplated, consider incorporating provisions for 'lots of private servicing' and 'lots on public servicing'.
6.1.13	A number of permitted uses in this exception zone are undefined terms. It is recommended that either these terms be defined.

6.2 a)	Permitted uses contains undefined terms such as Drive-in Theatre. It is recommended that either these terms be defined or removed from the list of permitted uses.
6.2 a)	“Retail outlet accessory to a permitted C2 use” is a permitted use in the Highway Commercial Zone. This appears to be a somewhat vague permission that could be easily misinterpreted to mean any retail store is permitted, so long as it is considered accessory (i.e. would a clothing store be considered an accessory use to a gasoline retail facility?).
6.2 b)	Maximum building height is listed as 9 metres, where 12 metres (approximately 3 storeys) is permitted in C1 Zone. Consider increasing to 12 metres for consistency.
6.3 a) and g)	Signage can also be regulated under the Municipal Act, which may prove a more effective way to regulate signage. If it will continue to be regulated under the Zoning By-law, consider combining subsections for ease of use.
<b>Section 7 – Industrial Zones</b>	<b>Comment / Recommendation</b>
7.1 and 7.2	There are multiple undefined terms in both lists of permitted uses. It is recommended that either these terms be defined or removed from the list of permitted uses.
7.3 a)	The inclusion of sensitive land uses in employment areas is generally not supported by provincial policy. Consider removing.
7.3 d)	Industrial buildings, particularly warehouses, are often built at 30 m plus in height. Consider revising the regulation to remove height limitations to provide greater flexibility for potential users. It may still be appropriate to include height restrictions in close proximity to street frontages as currently worded.
<b>Section 8 – Open Space Zones</b>	<b>Comment / Recommendation</b>
8.1 a)	Permitted uses include agricultural uses, given the restricted nature and limited number of locations where an open space zone would be applicable. Agricultural uses should be reviewed for their appropriateness
8.1 a)	There are multiple undefined terms in both lists of permitted uses. It is recommended that either these terms be defined or removed from the list of permitted uses.

<b>Section 9 – Conservation Zones</b>	<b>Comment / Recommendation</b>
General	<p>Overall this section of the By-law is cumbersome to read and challenging to interpret and it is not clear what the intention of the two zones is, aside from recognizing there different levels of building and use permissions. Some of the confusion may directly related to the title of the two zones, which could be simplified into “Floodplain” and “Floodway” or something similar so it is more easily understood what is being regulated. Further, as these lands are essentially composed of conservation authority regulated lands, consideration should be given to simplifying the approach and relying on conservation authorities to regulate as opposed to municipal staff.</p> <p>Further consideration could be given to illustrating floodplain or conservation authority regulated area as an overlay as opposed to a zone, in order to identify any application that should be forwarded to a conservation authority for permitting.</p>
9.3	Given that conservation authorities regulate development within the floodplain, consider removing.
<b>Section 10 – Rural Zones</b>	<b>Comment / Recommendation</b>
General	Currently there is only one zone applicable to the Rural Area of the former Township of Mountain, being the Rural (RU) Zone. This does not reflect the current (or former) Official Plan and should include, at a minimum, an agricultural zone and mineral aggregate reserve zoning.
10.1 a)	There are multiple undefined terms in both lists of permitted uses. It is recommended that either these terms be defined or removed from the list of permitted uses.
10.1 b)	This section of the By-law would benefit from a ‘purpose and intent’ clause to explain why a ‘residential use’ is permitted, when in the agricultural area, they are significantly restricted under the Official Plan.
10.1 c)	The minimum lot area of 2 ha is not reflective of the Official Plan which requires “a minimum lot size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations”. A spatial analysis should be conducted to identify an appropriate minimum lot size for agricultural uses.
10.2 a)	The By-law does not include a definition of Specialized Farm. Additional standards are required to ensure that these regulations conform to the Official Plan.
10.2 b)	Nothing in any municipal by-law can provide relief from the need to comply with provincial or federal government standards or legislation. As such, this subsection is likely redundant.

10.2 c)	This provision appears to be inconsistent with both the Provincial Policy Statement and Official Plan and should be considered for removal.
<b>Section 11 – Wrecking Yard Zone</b>	<b>Comment / Recommendation</b>
General	The Official Plan refers to Salvage Yard as opposed to Wrecking Yards, to that end, the change of name should be considered for consistency with the Plan
11.2 b)	Consider requiring a setback from ‘uses’ as opposed to zones for greater clarity
<b>Section 13 – Mineral Extraction Zone</b>	<b>Comment / Recommendation</b>
13.1 a)	There are multiple undefined terms in both lists of permitted uses. It is recommended that either these terms be defined or removed from the list of permitted uses.
<b>Section 14 – Institutional Zone</b>	<b>Comment / Recommendation</b>
14.1 a)	There are multiple undefined terms in both lists of permitted uses. It is recommended that either these terms be defined or removed from the list of permitted uses. Overall the list of permitted uses could likely be reduced in a number of cases.
14.1 b)	Yard requirements appear overly restrictive in relation to a minimum lot area of 4,000 m <sup>2</sup> . Yard requirements should be reviewed to ensure they are appropriate, particularly in light of commercial and residential zone yard requirements.
14.2 b)	Nothing in any municipal by-law can provide relief from the need to comply with provincial or federal government standards or legislation. As such, this subsection is likely redundant.
<b>Schedules</b>	<b>Comment / Recommendation</b>
General	Within the legend of the schedule there are multiple inconsistencies between the zones represented in the text of the By-law and the zones listed on the zoning schedules. These should be reconciled.

### 3.3 Village of Chesterville Zoning By-law Review and Commentary

<b>Section 1 – Authorization</b>	<b>Comment / Recommendation</b>
General	The overall structure of the administrative section is clear and concise. No major changes or recommendations are noted beyond those below.
1.4, 1.5	Recommended this be removed to provide greater flexibility for staff to determine complete application requirements.
<b>Section 2 – Conformity Requirements</b>	<b>Comment / Recommendation</b>
General	Given the brevity of this section consideration should be given to combining it with Section 1
2.2	This provision is likely redundant and can be considered for deletion.

Section 3 – Definitions	Comment / Recommendation
General	Like the administrative section, the definitions section is not overly complex and is generally easy to use and follow. There are a number of definitions that could be combined due to redundancy.
3.3	Regulation of ‘adverse impact’ is regulated through the Environmental Protection Act. Legal opinion should be obtained to determine if ‘adverse impact’ as defined and regulated under the EPA is ultra vires.
3.4	Consider revising this definition to reflect the definition contained in the Provincial Policy Statement
3.7, 3.8	Recommend relocating to definitions following definition 3.60
3.12, 3.93, 3.96,	Redundant definitions, consider combining
3.13, 3.100, 3.101,	Redundant definitions, consider combining
3.25	This term is not referenced anywhere else in the document, consider deleting.
3.30	As a species of plant, consider removing the definition of cannabis and relying on the standard scientific definition
3.36	Given that this is a legal definition, consider deleting.
3.39	Consider removing the requirement for two practitioners as it serves little purpose
3.47	Considering removing this definition. By virtue of the buildings conversion, it becomes another use (i.e. duplex, triplex, etc.)
3.48, 3.49, 3.50	Consider whether these definitions are required
3.38, 3.52, 3.53	Redundant definitions, consider combining
3.70	Consider the need for this definition
3.72, 3.73, 3.74	Review the need for these definitions and consider combining
3.80	This definition contains a provision within the definition (i.e. shall not exceed 35% of GFA of the main building). Consider relocating this requirement to the appropriate zones that permit Factory Outlets
3.89, 3.182	Redundant definitions, consider combining
3.107, 3.108	Consider deleting and relying on dictionary definitions
3.112, 3.148	Redundant definitions, consider combining
3.116	Consider deleting and relying on dictionary definition
3.151	This is an overly simplified definition for terms that have significant potential impacts on property owners. Consider splitting into two definitions
3.180	Consider need for this definition
3.181	Consider need in light of definition of Place of Worship
3.183, 3.184	Redundant definitions, consider combining
3.187, 3.188	Redundant definitions, consider combining
3.189, 3.190	Consider need for these definitions
3.212	Consider renaming to Playground or Playfield

3.213	Consider deleting other redundant definitions subsumed under this definition
3.220	Consider deleting as use is no longer relevant
<b>Section 4 – General Provisions</b>	<b>Comment / Recommendation</b>
General	Some provisions, particularly related to cannabis growing and processing, would benefit from a legal review to ensure the provisions are not ultra vires and are enforceable. In some case these provisions could be more appropriately located in a site plan control by-law as opposed to a zoning by-law.
4.3	Consider the creation of a fencing by-law under the Municipal Act for the regulation of fencing and the removal of this provision from the Zoning By-law
4.9	Should include a definition of Established Building Line to clarify when this provision is applicable
4.13	Consider creating two definitions of a group home to distinguish the purpose of the group home (i.e. rehabilitation of incarcerated persons vs independent living facilities for people with disabilities
4.15	It is cautioned that this may be too vague to be enforced through a zoning by-law and is more appropriately a site plan control requirement
4.16	It is cautioned that this is a vague provision which essentially refers to conservation authority regulated land. Consider deleting
4.18 a) i)	Review for appropriateness and legality. Determination of adverse impacts should be made prior to the establishment of the use, through site plan control
4.18 a) ii) 4, 5, 6, 10, 12, 13	Review for appropriateness and legality. Provisions should be made requirements prior to the establishment of the use, through site plan control
4.21	The organization of this section should be reviewed as some provisions are legal non-complying circumstances, others are legal non-conforming circumstances
4.23 j)	Consider whether this provision is needed and the instances in which it would be used (i.e. certain shopping centres or condominiums may be restricted by this)
4.23 l) v)	This provision lacks clarity and should be re-written
4.24.1	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.
4.242 v)	The powers of a council to enact a cash-in-lieu of parking by-law are derived from the Planning Act and not a zoning by-law. Consider removing this provision

4.27 a)	The municipality should consider enacting an animal control by-law under the Municipal Act as opposed to attempting to regulate the keeping of livestock through the zoning by-law
4.27 c)	This would appear on the surface to be an overly vague provision
4.29	This section should be revised to reflect the recent changes to the Planning Act regarding additional dwelling units
4.33 c), d)	Recommending removing and deferring to conservation authority to regulate
<b>Section 5 – Zones</b>	<b>Comment / Recommendation</b>
General	Generally speaking, the number and variety of zones are appropriate for a village and no major changes are recommended with the exception of R1-MX Zone
<b>Section 6 – Residential Areas</b>	<b>Comment / Recommendation</b>
General	Generally speaking, the residential zones are well organized and provisions read clearly. No major changes are suggested.
6.1.5	Given that the village is entirely urban, this provision should be reviewed for appropriateness
6.1.6	Over time these provisions often become increasingly difficult to enforce and maintain particularly as people modify their properties and no building permit is required to modify a driveway. These provisions should be reviewed in light of the municipality's ability to enforce the provision
6.2	Consider adding neighbourhood commercial uses (i.e. cafés, corner stores, etc) as of right with size restrictions
6.2.1	Consider removing maximum density units per net hectare, as this provision is difficult to enforce and would appear to run contrary to provincial policy.
6.3	The permitted uses of this zone appear to be overly prescriptive and read more as policy than regulation. Additionally, consider adding neighbourhood commercial uses (i.e. cafés, corner stores, etc) as of right with size restrictions
6.4	Consider adding neighbourhood commercial uses (i.e. cafés, corner stores, etc) as of right with size restrictions
6.4.1	Consider removing the minimum floor areas for respective dwelling types and rely on Building Code to regulate. In many cases these sizes are in excess of development industry's typical standards
6.5	Consider adding neighbourhood commercial uses (i.e. cafés, corner stores, etc) as of right with size restrictions
6.5.2	Without a rationale for this maximum, this should be considered for deletion
<b>Section 7 – Commercial Areas</b>	<b>Comment / Recommendation</b>
7.1.3	Signage can also be regulated under the Municipal Act, which may prove a more effective way to regulate signage.

7.2, 7.3	There is a substantial crossover between these two zones. To that end, they should be reviewed to understand why they are required if the permitted uses are so similar. Often the distinguishing factor is that highway commercial zones are restricted to: automobile-orientated and automobile-related uses, while general commercial zones permit all other commercial uses. Further there are many undefined terms that should either be defined, or removed from the lists of permitted uses.
7.2.2 a), b)	Consider removing the minimum floor areas for respective dwelling types and rely on Building Code to regulate. In many cases these sizes are in excess of development industry's typical standards
7.2.1, 7.3.1	While the General Commercial Zone has a minimum lot area of 464.5 m <sup>2</sup> , there is no minimum lot area for the Highway Commercial Zone. Consider consistent approach to minimum lot area
<b>Section 8 – Industrial Areas</b>	<b>Comment / Recommendation</b>
8.1.1	This is a cumbersome provision with likely little relevance in an industrial zone. Consider removing
8.2	There are multiple undefined terms in both lists of permitted uses. It is recommended that either these terms be defined or removed from the list of permitted uses.
8.2.2	Consider simplifying to a generic setback for ease of use
8.3	There are multiple undefined terms in both lists of permitted uses. It is recommended that either these terms be defined or removed from the list of permitted uses.
8.3.1	There are no additional setbacks identified for lots that abut a sensitive land use (i.e. residential) consider additional setback requirements
<b>Section 9 – Institutional</b>	<b>Comment / Recommendation</b>
9.1	There are multiple undefined terms in both lists of permitted uses. It is recommended that either these terms be defined or removed from the list of permitted uses.
<b>Section 10 – Rural Area</b>	<b>Comment / Recommendation</b>
General	Currently there is only one zone applicable to the Rural Area of the former Village of Chesterville, being the Rural (RU) Zone. This does not reflect the current (or former) Official Plan and should include, at a minimum, an agricultural zone and mineral aggregate reserve zoning.
10.1 a)	There are multiple undefined terms in both lists of permitted uses. It is recommended that either these terms be defined or removed from the list of permitted uses.
10.1.1 a)	The minimum lot area of 12 ha is not reflective of the Official Plan which requires “a minimum lot size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations”. A spatial analysis should be conducted to identify an appropriate minimum lot size for agricultural uses.



<b>Section 11 – Open Space Area</b>	<b>Comment / Recommendation</b>
11.1	There are multiple undefined terms in both lists of permitted uses. It is recommended that either these terms be defined or removed from the list of permitted uses.
<b>Section 12 – Hazard Lands Area</b>	<b>Comment / Recommendation</b>
12.1	There are multiple undefined terms in both lists of permitted uses. It is recommended that either these terms be defined or removed from the list of permitted uses.

### 3.4 Township of Winchester Zoning By-law Review and Commentary

<b>Section 1 – Authorization &amp; Administration</b>	<b>Comment / Recommendation</b>
General	The overall structure of the administrative section is clear and concise. No major changes or recommendations are noted beyond those below.
<b>Section 2 – Definitions</b>	<b>Comment / Recommendation</b>
General	Like the administrative section, the definitions section is not overly complex and is generally easy to use and follow. There are a number of definitions that could be combined due to redundancy. Additionally, the numbering convention needs to be changed to reflect these provisions are located in Section 2, not Section 1
1.2	Regulation of 'adverse impact' is regulated through the Environmental Protection Act. Legal opinion should be obtained to determine if 'adverse impact' as defined and regulated under the EPA is ultra vires.
1.4	Consider revising this definition to reflect the definition contained in the Provincial Policy Statement
1.7	Consider relocating this definition to definition 1.33 for ease of reference
1.9, 1.46	Redundant definitions, consider combining
1.17	As a species of plant, consider removing the definition of cannabis and relying on the standard scientific definition
1.20	Consider renaming to Place of Worship to reflect all faith groups
1.38	Consider deletion. Likely crosses over in 'people zoning'. This could be replaced by a definition of 'household' if needed, or 'housekeeping unit'
1.39	This term is not found anywhere else in the By-law, consider deleting
1.43, 1.44	Consider combining to reduce redundancy
1.2	Consider creating two definitions of a group home to distinguish the purpose of the group home (i.e. rehabilitation of incarcerated persons vs independent living facilities for people with disabilities)

1.14, 1.15, 2.64,	Review the need for these definitions
2.62, 2.63	Review the need for these definitions in light of the fact that the township is land locked
2.67	This is an incorrect definition and should be reviewed. Non-conforming and non-complying are two separate definitions
3.1 d)	Review for need as township is land locked
3.6	Should include a definition of Established Building Line to clarify when this provision is applicable
3.8 ii)	Consider removing chart illustrating conceptual flight path and replacing with 1,143 m buffer around helipad and note requirement to obtain clearance from Transport Canada.
3.11 a) i)	Review for appropriateness and legality. Determination of adverse impacts should be made prior to the establishment of the use, through site plan control
3.11 a) ii) 4, 5, 6, 10, 12, 13	Review for appropriateness and legality. Provisions should be made requirements prior to the establishment of the use, through site plan control
3.13	The organization of this section should be reviewed as some provisions are legal non-complying circumstances, others are legal non-conforming circumstances
3.13 b)	Consider expanding the commencement period to 24 months to reflect lengthy insurance processing times
3.14	Review restriction on residential occupancy of a garage as in light of changes to additional dwelling unit provisions in the Planning Act
3.16	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.
3.17	This would appear to be redundant in light of the exclusion of pits and quarries from all other zones
3.20	These provisions should be updated in light of the additional dwelling unit changes to the Planning Act
3.21	Consider appending Provinces MDS Formulae directly to the By-law or simply making a direct reference to compliance with MDS Formulae
3.22 a)	Review for conformity with current county and local roads policies
3.22 c)	Consider using an overlay to denote conservation authority regulated area as opposed to including actual setbacks
3.23	This would appear to be redundant in light of the requirements of the official plan and Planning Act
3.24 i)	Provision uses inconsistent imperial measurements.
3.24 iv)	This provision is redundant and may infringe on the authority of the Committee to determine appropriateness. Further the provision reduces the four tests of a variance to two based on the language used

3.25	Consider expanding address temporary structures that are intended to be kept on a property over the longer term (i.e. tempos).
<b>Section 4 – Zones</b>	<b>Comment / Recommendation</b>
4.1	An Airport (SRA) Zone is included in the list of zones. Is this required as there is not airport in the Township?
<b>Section 5 – Residential Zones</b>	<b>Comment / Recommendation</b>
5.1 a)	Consider including performance standards for both serviced and underserved lots to address potential future servicing of urban areas
5.1 a)	Nee to review permitted uses in light of additional dwelling unit legislation in the Planning Act
5.1 a)	Consider adding neighbourhood commercial uses (i.e. cafés, corner stores, etc) as of right with size restrictions
5.2 a)	Consider adding neighbourhood commercial uses (i.e. cafés, corner stores, etc) as of right with size restrictions
<b>Section 6 – Commercial Zones</b>	<b>Comment / Recommendation</b>
6.1 a)	Permitted uses contains undefined terms. It is recommended that either these terms be defined or removed from the list of permitted uses.
6.1 b)	Consider adding neighbourhood commercial uses (i.e. cafés, corner stores, etc) as of right with size restrictions
<b>Section 7 – Industrial Zones</b>	<b>Comment / Recommendation</b>
7.1 a)	Permitted uses contains undefined terms. It is recommended that either these terms be defined or removed from the list of permitted uses. Specifically, Light Manufacturing, which is an important term to define
7.2 a)	Permitted uses contains undefined terms. It is recommended that either these terms be defined or removed from the list of permitted uses.
7.3 a)	The inclusion of sensitive land uses in employment areas is generally not supported by provincial policy. Consider removing.
<b>Section 8 – Institutional Zone</b>	<b>Comment / Recommendation</b>
8.1 a)	Permitted uses contains undefined terms. It is recommended that either these terms be defined or removed from the list of permitted uses.
<b>Section 10 – Rural Zone</b>	<b>Comment / Recommendation</b>
10.1 a)	There are multiple undefined terms in both lists of permitted uses. It is recommended that either these terms be defined or removed from the list of permitted uses.

<b>Section 11 – Special Rural Zones</b>	<b>Comment / Recommendation</b>
General	This section is cumbersome to read and interpret and would benefit from a ‘purpose and intent’ statement to clarify the need for the section. Further, this section is also composed of eight different, and very specific zones with very few zone provisions which raises the question of the need for many of these zones.
<b>Schedules</b>	<b>Comment / Recommendation</b>
General	Within the legend of the schedule there are inconsistencies between the zones represented in the text of the By-law and the zones listed on the zoning schedules. These should be reconciled.

### 3.5 Village of Winchester Zoning By-law Review and Commentary

<b>Section 1 – Title</b>	<b>Comment / Recommendation</b>
General	There is likely little need for a stand alone section of the By-law to indicate how the By-law can be cited. It is recommended this section be deleted and the provision moved to Section 18
<b>Section 2 – Conformity and Non-conformity</b>	<b>Comment / Recommendation</b>
General	This section is generally well organized and would be clear to a land use planning professional or legal professional, however the language used is quite technical in nature and could be simplified for ease of use by a lay person
2.7	Consider extending the termination period to two years in line with case law.
2.13	Consider deferring to conservation authority to regulate
2.15	The intention of this provision is clear, but the language used is cumbersome. Consider revising
2.16	Consider removing chart illustrating conceptual flight path and replacing with 1,143 m buffer around helipad and note requirement to obtain clearance from Transport Canada.
<b>Section 3 – Definitions</b>	<b>Comment / Recommendation</b>
3.14, 3.15	Review need for two separate definitions and consider combining
3.35	Consider need in light of definition of Place of Worship
3.61.7	Review need for definition of a Converted Dwelling House, as once the conversion has taken place, it has de facto become a duplex or triplex, etc.
3.61.10, 3.85, 3.86	There is redundancy between the definitions. Consider deleting 3.61 and relying on the remaining definitions

3.63	Should include a definition of Established Building Line to clarify when this provision is applicable
<b>Section 4 – General Provisions</b>	<b>Comment / Recommendation</b>
4.1	There is a need to revise this provision in light of changes to the Planning Act regarding additional dwelling units
4.2.7	Consider reviewing appropriateness / need to regulate fencing height. If appropriate to regulate, consider preparing a separate fence by-law under the Municipal Act
4.14.1	This signage provision is very small and should be reviewed to ensure it is appropriate
4.17.2	The only way to vary provisions of a by-law is through either amendment or variance. This provision should be reviewed to determine if it is ultra vires
4.19	There is a need to revise this provision in light of changes to the Planning Act regarding additional dwelling units. It would also appear redundant in light of Section 4.1
4.21.1	There is a need to revise this provision in light of changes to the Planning Act regarding additional dwelling units.
4.22	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.
4.24.1	There is a need to revise this provision in light of changes to the Planning Act regarding additional dwelling units.
4.26	Signage can also be regulated under the Municipal Act, which may prove a more effective way to regulate signage. If it will continue to be regulated under the Zoning By-law, consider combining subsections for ease of use.
4.27	This is redundant in light of the way the Planning Act is structured and should be considered for removal.
<b>Section 6 – Residential Type 1 (R1) Zone</b>	<b>Comment / Recommendation</b>
6.1.2	'Other uses in accordance with Section 4' is a vague provision. Consider adding neighbourhood commercial uses (i.e. cafés, corner stores, etc) as of right with size restrictions
6.2.2	Minimum lot frontages have been reduced dramatically in the past 20-years in low density zones in the range of 10-15 metres. Consider reducing to increase potential densities and improve efficient use of land
6.2.7	Consider removing and relying on the Ontario Building Code to regulate.

<b>Section 7 – Residential Type 2 (R2) Zone</b>	<b>Comment / Recommendation</b>
7.1.2	'Other uses in accordance with Section 4' is a vague provision. Consider adding neighbourhood commercial uses (i.e. cafés, corner stores, etc) as of right with size restrictions
7.2.1.7, 7.2.2.7, 7.2.3.7, 7.2.4.7, 7.2.5.7	Consider removing and relying on the Ontario Building Code to regulate.
<b>Section 8 – Residential Type 3 (R3) Zone</b>	<b>Comment / Recommendation</b>
8.1.2	'Other uses in accordance with Section 4' is a vague provision. Consider adding neighbourhood commercial uses (i.e. cafés, corner stores, etc) as of right with size restrictions
8.2.1.7, 8.2.2.7, 8.2.3.7, 8.2.4.7, 8.2.5.7, 8.2.6.7, 8.2.7.7,	Consider removing and relying on the Ontario Building Code to regulate.
<b>Section 9 – Residential Type 4 (R4) Zone</b>	<b>Comment / Recommendation</b>
9.1.2	'Other uses in accordance with Section 4' is a vague provision. Consider adding neighbourhood commercial uses (i.e. cafés, corner stores, etc) as of right with size restrictions
9.2.1.7	Consider removing and relying on the Ontario Building Code to regulate.
<b>Section 10 – General Commercial (C1) Zone</b>	<b>Comment / Recommendation</b>
10.1.1	There are multiple undefined terms in both lists of permitted uses. It is recommended that either these terms be defined or removed from the list of permitted uses.
10.2.3	Consider removing and relying on the Ontario Building Code to regulate.
<b>Section 11 – Highway Commercial (C2) Zone</b>	<b>Comment / Recommendation</b>
11.1.1	There are multiple undefined terms in both lists of permitted uses. It is recommended that either these terms be defined or removed from the list of permitted uses.

11.2.3	Consider removing and relying on the Ontario Building Code to regulate.
<b>Section 12 – Shopping Centre (C3) Zone</b>	<b>Comment / Recommendation</b>
12.1.1	Consider permitting residential uses above the first storey to increase the mix of uses
<b>Section 13 – Industrial (M1) Zone</b>	<b>Comment / Recommendation</b>
13.1.2	The legislative reference should be updated. Further there are a number of commercial uses permitted in this zone that do not comply with the official plan policies regarding employment uses and should be considered for removal
13.2.16	The only way to vary provisions of a by-law is through either amendment or variance. This provision should be reviewed to determine if it is ultra vires
<b>Section 15</b>	<b>Comment / Recommendation</b>
General	This is a blank section and should be removed and renumbered.
<b>Section 16 – Institutional (I) Zone</b>	<b>Comment / Recommendation</b>
16.1.2	Consider the inclusion of residential uses as accessory uses. In many instances residences are often included with institutional uses such as places of worship, schools, nursing homes
16.1.2	Consider reclassifying Home for the Aged and Nursing Home as residential uses and developing residential provisions for these uses
<b>Section 17 – Development (D) Zone</b>	<b>Comment / Recommendation</b>
General	The purpose of this zone would likely be understood by land use planning professionals only. It would benefit from a ‘purpose and intent’ statement to explain when the use of the zone is appropriate.
<b>Section 19 – Administration, Enforcement, and Penalties</b>	<b>Comment / Recommendation</b>
General	The overall structure of the administrative section is clear and concise. No major changes or recommendations are noted beyond those below.
19.4	Confirmation needs to be obtained that certificates of occupancy are actually issued by the Village
<b>Section 20 – Approval</b>	<b>Comment / Recommendation</b>
General	There is likely little need for a stand alone section of the By-law to indicate how the By-law can be cited. It is recommended this section be deleted and the provision moved to Section 18

### 3.6 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. Please note that a combined review is presented for all four by-laws, the following acronyms are used to differentiate between each:

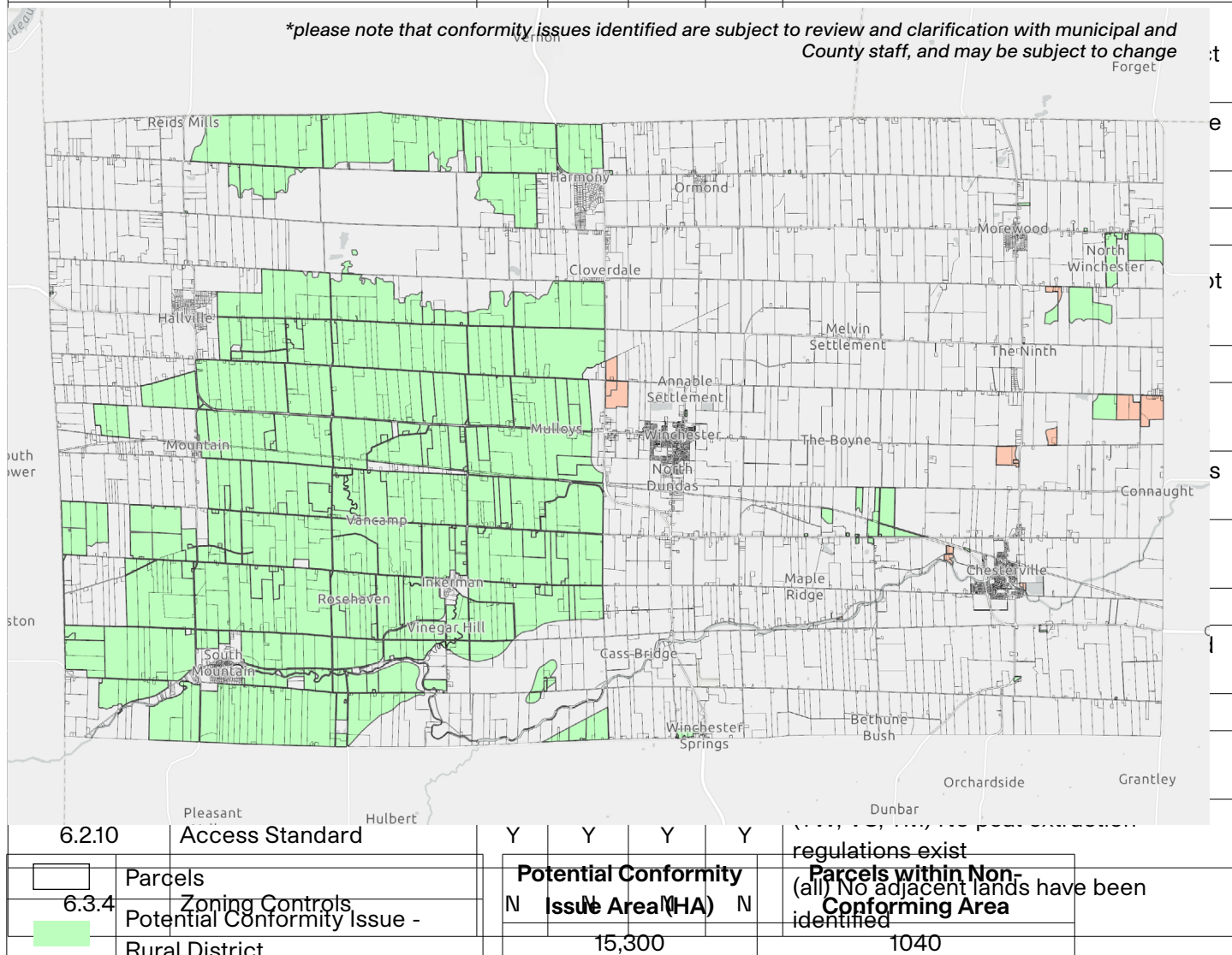
- (TM) Township of Mountain
- (TW) Township of Winchester
- (VC) Village of Chesterville
- (VW) Village of Winchester

Policy	Title/Topic	Conformity				Comment
		(TM)	(TW)	(VC)	(VW)	
3.2.1.5	Resource Uses in Settlement Areas	Y	Y	Y	Y	
3.4.6	Rural District	Y	Y	Y	NA	
Table 3.5	Permitted Uses for Settlement Areas and Rural Lands	Y	Y	Y	Y	
3.5.1.3	Frontage and Access	Y	Y	Y	Y	
3.5.1.4	Measures for Landscaping, Buffering, Screening and Land Use Compatibility	Y	Y	Y	Y	
3.5.1.5	Separation Distances and Influence Areas	N	N	N	N	(all) Industrial separation distances are not incorporated
3.5.1.5.1	MDS Formulae	Y	Y	Y	NA	
3.5.1.6	Accessible Communities	P	P	P	P	(all) Ramps are addressed in encroachments section. Handicapped parking provisions would be beneficial
3.5.1.7	Zoning	Y	Y	Y	Y	
3.5.1.11	Complete Communities	P	P	P	P	(all) 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)
3.5.2.2	Residential Areas	Y	Y	Y	Y	



3.5.2.3	Commercial Areas, Main Streets, and Downtowns	Y	Y	Y	Y	(VC) However there is a mixed density residential zone that appears to try to achieve this goal
3.5.2.4	Industrial Areas	Y	Y	Y	Y	
3.5.2.6	Infill and Intensification	Y	P	P	P	
3.5.2.9	Shoreline Development and Lake Development	Y	Y	Y	Y	
3.5.4.1	Land Supply for Housing and Affordability	Y	Y	Y	Y	(VW, TW, VC) With limited servicing intensification in urban areas may be limited.
3.5.4.2	Garden Suites	Y	Y	Y	Y	
3.5.4.3	ARUs	N	N	N	N	
3.5.4.5	Group Homes	Y	Y	Y	Y	
3.5.4.6	Home Based Businesses and Bed and Breakfast Establishments	Y	Y	Y	Y	
3.5.6.4	Scrap Yard Development Requirements	Y	Y	Y	Y	
3.5.7	Lots of Record	Y	Y	Y	Y	
4.3.2.4	Barrier Free Access	P	P	P	P	
4.3.3.7	Source Water Protection	N	N	N	N	
4.3.3.8	Municipal Regulatory Control - sewage and services	N	N	N	N	(all) Ramps are addressed in encroachments section. Handicapped parking provisions would be beneficial

4.3.5.2	Amendment & Planning Principles for Waste Management	N	N	N	N	(all) There is no incorporation of source water protection regulations
4.3.6.1	Provincial Highways	N	N	N	N	
4.3.6.2	County Roads	Y	Y	Y	Y	(all) 800 metre setback in not included
4.3.6.6	Rail	N	N	N	N	(all) Landscaping requirements are included by not from provincial highways



### 3.7 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

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.

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.

**3.8 Minor Variance & Zoning Amendment Trends**

*Historical minor variance and zoning amendment data was unavailable at the time of writing.*

# Municipality of South Dundas

4

## 4.0 Municipality Of South Dundas

### 4.1 Introduction

By-law N°2010-48 is the Zoning By-law for the Municipality of South Dundas. The By-law was originally adopted on July 20<sup>th</sup>, 2010 and has been subject to updates and amendments since that time. The most recent update was on November 2022. The total length of the document is 181 pages, not including Appendices. The By-law currently contains 28 distinct zones.

### 4.2 Zoning By-law Review & Commentary

<b>Section 1 – Authorization &amp; Administration</b>	<b>Comment / Recommendation</b>
<b>General</b>	The overall structure of the administrative section is clear and concise. No major changes or recommendations are noted beyond those below.
<b>1.9</b>	Gendered references should be revised to “their”.
<b>1.13(2)(c)</b>	Delete, as gendered language is not needed in the document
<b>1.13(6)</b>	Interpretation of Zone Boundaries unnecessarily dense. Can be cut down significantly. See City of Ottawa Section 32 for example
<b>1.13(8)</b>	This section seems like it can be a definition of Lot Coverage and not necessary here.
<b>Section 2 – Definitions</b>	<b>Comment / Recommendation</b>
<b>General</b>	Like the administrative section, the definitions section is not overly complex and is generally easy to use and follow. Consider including section numbering for ease of reference, consistent with previous section (2.1, 2.2.,2.3, etc.). There are a number of definitions that could be combined due to redundancy or eliminated as they are commonly understood terms.
<b>Adverse Effects</b>	This can be deleted. Appears to be speaking to Environment Protection Act definitions which are covered under that Act and isn't required here.
<b>Agricultural Use</b>	Definition can be paired down and made consistent with the definition under the PPS
<b>Alter</b>	Definition can be removed, this is a commonly understood term.
<b>Attached</b>	Definition can be removed
<b>Attic</b>	Definition can be removed
<b>Automotive definitions</b>	Many can be paired down and simplified, particularly with respect to accessory uses. Simply include retail functions instead of listing all that can be sold on site.
<b>Automotive Service Station and Automotive Store</b>	Consider revising this definition to include service bays described in Automotive Store and allowing the sale of gasoline as an accessory function. Also, consider removing Automotive Store as a use as this could fall under “Retail Us” in general.
<b>Biomass Energy System and Bio-Solids</b>	This could be combined with Alternative Energy System definition.
<b>Building By-law</b>	Consider removing. The term is vague not reference any By-law in particular. If a By-law needs to be referenced, it can be done in the appropriate sections of this by-law.

<b>Building Line</b>	Consider removing as this is better defined through Setback definitions.
<b>Built Heritage Resources</b>	Consider removing as this definition is addressed in the Heritage Act.
<b>Campground Recreational, Campground Tourist, and Campsite</b>	Consider combining these uses as they are very similar and could efficiently be combined
<b>Cellar</b>	Redundant as this is the same definition for Basement
<b>Cemetery (Pet)</b>	Can be combined with Cemetery definition
<b>Chief Building Official</b>	Can be removed, not necessary to define in the By-law
<b>Church</b>	Revise to “Place of Worship” and change “Church hall” to “hall”
<b>Commercial Garage</b>	Remove, redundant with Automotive Service Station
<b>Commercial Greenhouse</b>	Unclear why mushrooms are not included
<b>Commercial Patio</b>	Definition should be expanded to include bars, and other commercial establishments that may benefit from a patio.
<b>Community Centre</b>	Lots of overlap with Assembly Hall, consider revisions to merge these two or better differentiate these two uses.
<b>Conservation Authority</b>	Consider removal.
<b>Contractor’s Shop or Yard</b>	Definition can be trimmed down. Not necessary to detail range of contractor types
<b>Corporation, Council and County</b>	All can be removed.
<b>Coverage</b>	Can be removed.
<b>Cultural Heritage Landscape</b>	Similar to Built Heritage Resource, can be removed.
<b>Custom Workshop</b>	Definition can be streamlined and should be revised to “Workshop” as throughout by-law, various terms refer to Workshop
<b>Day Nursery</b>	Consider revising to Day Care as it’s more commonly understood
<b>Dry Cleaning Outlet or Plant</b>	Outlet can be removed and fit within Personal Service Establishment/Shop while Plant can be included as a Light Industrial Use
<b>Converted Dwelling</b>	Recommend removing Floor Space requirement from definition.
<b>Four-Plex Dwelling</b>	Consider deleting as this term is not used anywhere in the By-law and could be defined as an apartment.
<b>Dwelling – Mobile Home Modular Home Park Model Trailer</b>	Consider whether these terms are required. If Mobile Home zone is removed, these may be redundant.
<b>Person</b>	Can be removed from definitions.

Point of Reception	This term is only used in the definitions. Can be removed as this will be covered through technical studies undertaken by other professionals.
Printing Shop	Consider including this as a Personal Service Shop. This term is only used with General Commercial zoning and can be removed as Personal Service Shop is permitted in that zone as well.
Private Garage	This term can be removed as this is a commonly understood term in the context of a dwelling.
Sign, Legal	This can be removed as it should more appropriately be covered in the Sign By-law.
Swimming Pool	Consider whether this can be removed as a generally understood term.
Vehicle	Same as previous. Consider whether this can be removed as a generally understood term.
Volt	Remove. This term is a commonly understood term and not technically relevant to a Zoning By-law.
Water Frontage	This could benefit from a diagram
Watt	Similar to Watt. This not technically relevant to a Zoning By-law, it can be removed.
Yard	These definitions would benefit from a diagram.
Zoning Administrator	This term can be removed.
<b>Section 3 – General Provisions</b>	<b>Comment / Recommendation</b> <b>Note some inconsistencies with how numbers are written out and the use of metres vs. m.</b>
General	Some provisions, particularly related to cannabis growing and processing, would benefit from a legal review to ensure the provisions are not ultra vires and are enforceable. In some case these provisions could be more appropriately located in a site plan control by-law as opposed to a zoning by-law.
3.1 a)	3 <sup>rd</sup> point: Unclear why an accessory structure/building/garage with a common wall would not require a rear or side setback  4 <sup>th</sup> point: Unclear why heat pumps or Air Conditioner shouldn't be permitted with a minimum interior side yard, assuming it can meet the 1.5 m setback.
3.1 d)	This appears to contradict the 3 <sup>rd</sup> point in 3.1 a) and potentially negate the accessory use provisions?
3.2 a) and b)	These two provisions can be combined and church should be changed to place of worship
3.3 a)	Not necessary to state "Up to four guest rooms" this is already established as the limit in the definitions.
3.4	Section can be deleted. Already established that uses/buildings must meet the regulations of the zoning by-law
3.6	If definition is expanded to included other commercial uses, include in preamble in addition to restaurants.
3.6 b)	Consider removing this provision as main commercial roadways with restaurants/bars often abut residential zones.



3.8	This section can be included as a note within the parking section
3.9	This provisions can be written more clearly and consider moving to residential zone section.
3.10	Section can be pared down and should also include Condominium Agreement
3.12 f)	Parking provisions should be listed in the parking section
3.13	Can delete reference to any federal or provincial regulations these always supersede the by-law
3.14	Unclear why a Home Industry located within a home is limited to 40sq.m. while up to 50 sq.m. is permitted in an accessory building. Consider making consistent.
3.15 a)	Consider establishing size limitation similar to previous section for consistency.  Revise m <sup>5</sup> to m <sup>2</sup>
3.16 b)	This is redundant based on the second point in 3.16 a).
3.19 d)	This seems unnecessary
3.20	Consider moving this to the Parking section.  Consider adding note that loading spaces must be provided for each use on a particular lot in accordance with the provisions of the following table.  Consider revising minimum length to 9 metres.
3.20 c)	Should remove "and such space shall not form part of any street or required parking area,".  Consider adding screening or landscaping requirements when adjacent to residential areas.
3.20 e)	Consider removal as any new development requiring approval would be required to meet the provisions of this by-law
3.22 i)	This provision is unclear, consider simplifying language
3.23	Review provisions in light of revised provincial direction on additional residential units
3.24	Consider listing Open Storage as an accessory use within the appropriate zone sections rather than listing where permitted in this section. This would change the preamble and remove the need for item f)
3.25	Revise end of sentence to ...installed that the light is directed downwards, away from adjacent lots and streets.

3.27	<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>Consider grouping residential uses together and commercial uses together</p> <p>For restaurant and adult entertainment parlour, consider parking rate per floor area rather than per seat</p> <p>Should include section on Accessible Parking Spaces and Consider requirements for Bicycling parking.</p> <p>Consider Aisle Widths requirements for different angled parking</p>
3.27 f)	Rewrite for clarity
3.27 g)	Drainage is not a zoning matter, remove
3.27 h)	Remove as this was addressed with non-compliant uses section
3.32 d)	This can be deleted
3.37	Consider including reference to Garden Suite
3.38	Consider presenting this section in a table
<b>Section 4 - Zones</b>	<b>Comment / Recommendation</b>
General	<p>Consider reducing the number of Residential Zones, in particular merging R1 and R2 zones. Also consider grouping zones between Rural and Urban zones, Grouping Environmental zones and collapsing Mineral Aggregate Zones.</p> <p>List of Zones does not match body of the document, Industrial Zones are listed as MG and MR while in the document, it's M1, M2, M3.</p> <p>Consider moving sections 4.3 – 4.7 to Section 1 of the By-law for general interpretation.</p> <p>Holding zone explanation should follow South Stormont's example of:</p> <p>Any parcel or area of land in any Zone may be further classified as a holding zone with the addition of the suffix "-H." The holding classification added to a given zone shall prohibit development of land until such time as the policies of the Official Plan related to holding zones are compiled with, at which time, the H may be removed by an amendment under Section 36 of the Planning Act. While a holding zone is in effect, no lands shall be used and no buildings or structures shall be erected or used for any purpose other than those uses existing for such land, building or structure on the date of passing of this By-law and for the uses specifically permitted in the particular holding zone.</p>

Section 5.0 – Residential Zones	Comment/Recommendation
General	<p>Consider merging a number of the residential zones. The breakdown is overly specific and based on the number of exceptions in certain areas, such as with the Residential Hamlet, the zoning does not appear to be appropriate.</p> <p>Urban Residential zones can likely be reduced to 3 zones R1-R3, Rural Estate can be removed as this zone is not present in the Township, Rural Hamlet and Rural Water Front can potentially be merged into a single Rural Residential zone. In areas where lots of commercial uses are added through Exceptions, consider establishing a Commercial zone with residential opportunities. Rural Mobile Homes, should also be removed as this zone isn't present in the Township.</p> <p>Consider permitting non-residential uses within urban residential zones to promote more complete communities. This can include but not be limited to convenience stores, grocery stores, personal service stores. Recommend including size limit for these non-residential uses.</p> <p>Consider eliminating minimum Dwelling Unit Areas to promote a range of dwelling types.</p> <p>Consider reducing permitted maximum dwelling heights. Currently 10.5 meters would permit up to four storeys for a single detached. 9.7 m would be more appropriate.</p> <p>Where a Holding zone is applied, include description of the condition for removal of the Holding. For example, if a servicing study is required, geotechnical examination, etc.</p> <p>For ease of reference, simply list the permitted uses in each zone rather than reference a previous zone(s).</p> <p>Temporary Zoning descriptions are often missing the time reference in the preamble. Likely meant to be three years.</p>
5.1(2)(k)	Reference to general provisions isn't necessary.
5.2(2)(a) and (b)	Consider reducing minimum lot sizes and minimum frontages. These lots sizes are very large in particular when considered with maximum lot coverages. This appears to be supported by the number of exception zones with reduced lot sizes.
5.2(5)	Dwelling Unit above garage is now permitted as an additional unit through the Provincial Policy Statement and should not be a temporary permission.
5.3(1)	Consider not permitting R1, single detached dwellings to encourage more dense forms of housing in higher density zones.
5.3(2)(a) and (b)	Consider reducing minimum Lot Area and Lot Frontage for uses from previous zones.
5.3(2)(m)	It is unclear what Main Building Spacing is referring to.
5.4(1)	<p>Consider including some non-residential uses such as convenient stores or small grocery stores to promote more complete communities.</p> <p>Similarly, consider not permitting uses from previous zones (single detached and semi-detached dwellings), to encourage higher densities in the R4 zone.</p>

5.4(2)(a) and (b)	Consider reduced minimum Lot Area and Lot Frontage, this would result in a large lot for a Fourplex and is supported by the number of exceptions seeking relief from these provisions.
5.4(2)(c)	Consider reducing minimum Front Yard Depth especially considering that Exterior Side Yard is set at 7.5 m
5.5	Consider creating a Rural Mixed Use which would allow both residential uses and commercial uses as desired through the number of exceptions which allow either revised residential provisions or non-residential uses within the zone.
5.6	Consider merging Rural Estate and Rural Waterfront zones into Rural Residential zone. Include Bed and Breakfast as a permitted Use.
5.10	<p>Consider revising the wording of 5.10(1) – Distance Between Buildings. This section is confusing. This provision should be included in any zone that permits apartment buildings and recommend limiting to a specific distance or simplifying to a minimum of half the height of the average building heights.</p> <p>Rooming and Boarding house limit should be included in the definition of Rooming and Boarding House and this provision can be eliminated.</p> <p>Not required to reference Section 3. Can remove.</p>
<b>Section 6 – Commercial Zones</b>	<b>Comments / Recommendations</b>
<b>General</b>	<p>Consider consolidating Commercial Zones. As noted previously, neighbourhood commercial uses can be permitted in residential zones. Local Commercial Zone should be removed as this is not present in the Township. Highway Commercial and Tourist Commercial could likely be merged under a new Highway Commercial zone such that Commercial Zones would be as follows:</p> <p>General Commercial Highway Commercial Rural Commercial</p> <p>If a new Rural Mixed Use zone is created, it can be listed within the Commercial Zones.</p> <p>Review list of Permitted Uses and collapse. Often uses are listed individually rather than the defined term. For example, it is not necessary to list Tailor and Dry Cleaner when Personal Service Shop would suffice or Boutique and Antique Shop when Retail Store would suffice.</p> <p>Consider including Mixed Use buildings with residential Dwelling Units or Accessory Dwellings as permitted uses in the General Commercial zone to promote more complete communities.</p>

6.1 b)	With respect to minimum lot area, while public services may not be available or contemplated, consider incorporating provisions for 'lots of private servicing' and 'lots on public servicing'.
6.1.13	A number of permitted uses in this exception zone are undefined terms. It is recommended that either these terms be defined.
6.6	Permitted uses contains undefined terms such as Drive-in Theatre. It is recommended that either these terms be defined or removed from the list of permitted uses.
6.2 a)	"Retail outlet accessory to a permitted C2 use" is a permitted use in the Highway Commercial Zone. This appears to be a somewhat vague permission that could be easily misinterpreted to mean any retail store is permitted, so long as it is considered accessory (i.e. would a clothing store be considered an accessory use to a gasoline retail facility?).
6.2 b)	Maximum building height is listed as 9 metres, where 12 metres (approximately 3 storeys) is permitted in C1 Zone. Consider increasing to 12 metres for consistency.
6.3 a) and g)	Signage can also be regulated under the Municipal Act, which may prove a more effective way to regulate signage. If it will continue to be regulated under the Zoning By-law, consider combining subsections for ease of use.
<b>Section 7 – Institutional Zones</b>	<b>Comment / Recommendation</b>
General	This section is concise and well developed. Provisions 7.2 (3) and (4) can be removed.
<b>Section 8 – Industrial Zones</b>	<b>Comment / Recommendation</b>
General	Industrial Zones should be reorganized into Light Industrial, Heavy Industrial and Rural Industrial  Wrecking Yard/Salvage Yard can be merged into the Industrial Zones
<b>Section 9 – Open Space Zones</b>	<b>Comment/Recommendation</b>
General	This section is generally well done. Simply recommend removing specification that a public washroom and/or changeroom is part of the permitted use. This should be permitted with any park, if so desired.
<b>Section 10 – Agricultural Zones</b>	<b>Comment / Recommendation</b>
General	Consider adding Home Based Occupations as a permitted use.  Consider adding provisions for Surplus Farm Lots.  Consider reviewing lands Zoned for Agricultural Purposes. A high number of exceptions seek to add Rural Industrial uses.

<b>Section 11 – Rural Zones</b>	<b>Comment / Recommendation</b>
General	General this appears to work well. However, consideration should be given to reducing the minimum Lot Frontage for Single Detached dwellings.
<b>Section 12 – Wrecking Yard Zone</b>	<b>Comment / Recommendation</b>
General	The Official Plan refers to Salvage Yard as opposed to Wrecking Yards, to that end, the change of name should be considered for consistency with the Plan.  Accessory Dwellings should not be permitted within this zone as it is not a permitted use or accessory use according the Official Plan.
<b>Schedules</b>	<b>Comment / Recommendation</b>
General	Within the legend of the schedule there are multiple inconsistencies between the zones represented in the text of the By-law and the zones listed on the zoning schedules. These should be reconciled.

### 4.3 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.

<b>Policy</b>	<b>Title/Topic</b>	<b>Conforms (Y/P/N)</b>	<b>Comment</b>
<b>3.2.1.5</b>	Resource Uses in Settlement Areas	Y	
<b>3.4.6</b>	Rural District	Y	
<b>Table 3.5</b>	Permitted Uses for Settlement Areas and Rural Lands	Y	Not all uses are permitted throughout the Rural Districts and additional tourist uses could be included (bed and breakfasts, Lodgings)
<b>3.5.1.3</b>	Frontage and Access	Y	
<b>3.5.1.4</b>	Measures for Landscaping, Buffering, Screening and Land Use Compatibility	Y	
<b>3.5.1.5</b>	Separation Distances and Influence Areas	Y	
<b>3.5.1.5.1</b>	MDS Formulae	Y	
<b>3.5.1.6</b>	Accessible Communities	N	
<b>3.5.1.7</b>	Zoning	Y	
<b>3.5.1.11</b>	Complete Communities	P	In some zones this is true but usage types are largely segregated.

<b>3.5.2.2</b>	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) No direction provided for accessible parking in medium and high density residential zones</p>
<b>3.5.2.3</b>	Commercial Areas, Main Streets, and Downtowns	P	<p>The By-law doesn't expressly deal with intensification or can be more encouraging of such mixed use developments.</p> <p>Commercial uses are not encouraged within residential zones.</p>
<b>3.5.2.4</b>	Industrial Areas	Y	
<b>3.5.2.6</b>	Infill and Intensification	P	Permissions limited, given current zoning by-law organization around segregated uses
<b>3.5.2.9</b>	Shoreline Development and Lake Development	P	Portions of the By-law note a 20 m setback from High Water mark
<b>3.5.4.1</b>	Land Supply for Housing and Affordability	P	Accessibility and Affordability are not appropriately addressed within the By-law. More permissive zoning and addressing accessibility concerns could help to address these issues.
<b>3.5.4.2</b>	Garden Suites	Y	
<b>3.5.4.3</b>	ARUs	Y	
<b>3.5.4.5</b>	Group Homes	Y	
<b>3.5.4.6</b>	Home Based Businesses and Bed and Breakfast Establishments	Y	
<b>3.5.6.4</b>	Scrap Yard Development Requirements	Y	
<b>3.5.7</b>	Lots of Record	Y	

<b>4.3.2.4</b>	Barrier Free Access	<b>N</b>	There are no regulations related to ramps, accessible parking or other such accessibility factors
<b>4.3.3.7</b>	Source Water Protection	<b>N</b>	There are no regulations related to Source Water Protection
<b>4.3.3.8</b>	Municipal Regulatory Control - sewage and services	<b>P</b>	
<b>4.3.5.2</b>	Amendment & Planning Principles for Waste Management	<b>Y</b>	
<b>4.3.6.1</b>	Provincial Highways	<b>Y</b>	
<b>4.3.6.2</b>	County Roads	<b>Y</b>	
<b>4.3.6.6</b>	Rail	<b>Y</b>	
<b>4.3.6.7</b>	Airports	<b>N/A</b>	
<b>Table 5.2</b>	Resource Lands and Scope of Uses	<b>Y</b>	
<b>5.3.4</b>	Lot Sizes (Agriculture)	<b>Y</b>	
<b>5.4.4</b>	Zoning - Aggregate	<b>Y</b>	
<b>5.4.6</b>	Wayside pits and quarries, Portable Asphalt and Concrete Plants	<b>Y</b>	
<b>5.4.8</b>	Peat Extraction	<b>N</b>	No peat extraction regulations
<b>5.5.2</b>	Natural Heritage - Adjacent Lands	<b>N</b>	No reference to natural heritage
<b>5.5.6</b>	Wetlands	<b>P</b>	Zoning allows some uses, such as golf courses, in Wetland areas
<b>6.2.1</b>	Scope of Uses (Natural Hazards)	<b>Y</b>	
<b>6.2.2</b>	Flooding	<b>Y</b>	
<b>6.2.3</b>	Organic Soils	<b>N</b>	No regulations related to Organic Soils
<b>6.2.4</b>	Unstable Slopes	<b>P</b>	Current unstable slope provisions are somewhat limited
<b>6.2.6</b>	Karst	<b>N</b>	No regulations related to Karst
<b>6.2.10</b>	Access Standard	<b>N</b>	No access standard for
<b>6.3.4</b>	Zoning Controls	<b>N</b>	



## 4.4 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.

## 4.5 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.

### 4.5.1 Minor Variances

A total of 19 minor variances (MVs) were submitted from 2020 to the end of 2022. The applications address a range of provisions including lot coverage, yard setbacks, accessory structure coverage, separation distance, lot area and frontage and use. Generally, MV processes are intended for abnormal situations or extenuating circumstances and the requests largely reflect this.

Recent variances appear to request reductions in lot areas and yard setbacks, which may suggest review of the minimum requirements within the By-law and whether they are consistent with modern construction approaches.

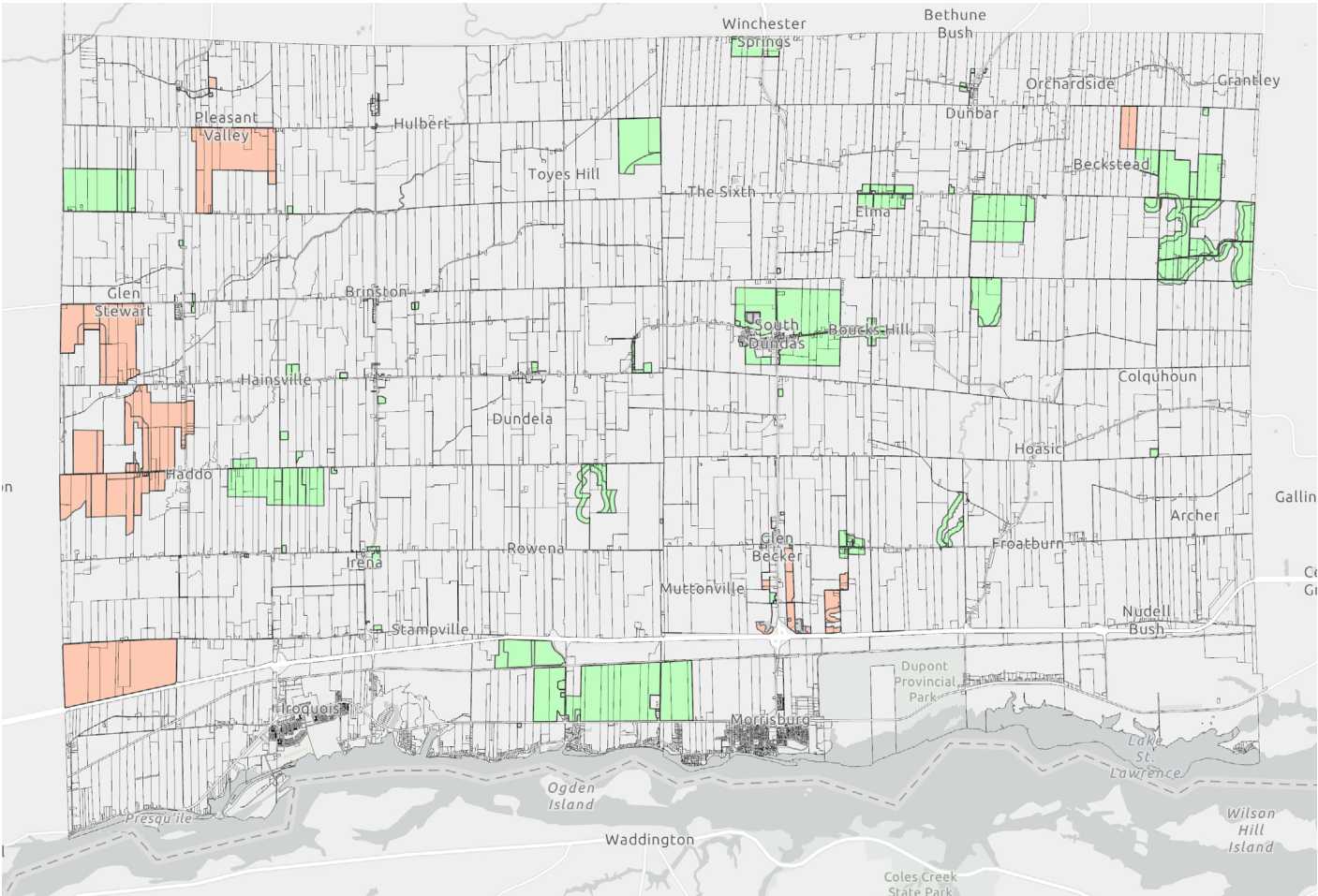
One application of interest was a variance to permit dwelling units in the rear portion of a commercial property in the CG zone. This type of request is consistent with best practices and PPS direction to develop mixed-use complete communities.

### 4.5.2 Zoning Amendments




A total of 53 zoning by-law amendments were submitted from 2019 to the end of 2022, 7 of which were initiated as housekeeping amendments by the Township. A majority of the private applications (19) were for lands located in the Agricultural Zone and largely dealt with Surplus Farmlands and/or future Resource Extraction. Additionally, a number of Amendments were sought to permit reduced Lot Dimensions and Setback reductions within the Rural ④ and Residential Hamlet ⑥ zones.

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. 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.



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

	Parcels	<b>Potential Conformity Issue Area (HA)</b>	<b>Parcels within Non-Conforming Area</b>
	Potential Conformity Issue - Rural District	4260	380
	Potential Conformity Issue - Agricultural District		

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.



**Township of North Stormont**

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## 5.0 Township Of North Stormont

### 5.1 Basic Information

By-law No. 09-2014 is the Zoning By-law for the Township of North Stormont. It was originally adopted on January 28, 2014 but has undergone a number of updates since. The most recent update and consolidation the document was adopted in October 2021. The total length of the document is 133 pages, excluding zoning schedules. The By-law currently contains 25 distinct zones.

### 5.2 Zoning By-law Review & Commentary

Section 1 – Authorization & Administration	Comments / Recommendations
<b>General</b>	<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>
<b>1.4</b>	(b) should consider deletion - this timeline would trigger a zoning amendment or minor variance if they did not comply – these timelines are addressed in both building permits and site plan agreements.
<b>1.9</b>	could potentially remove to reduce document bloat

<p><b>1.10</b></p>	<p>(2) – if removing gendered language, (c) is no longer needed</p> <p>(5) the wording can be simplified – this is overly complex and difficult to interpret with no real value</p> <p>(6) – this can be trimmed significantly</p> <p>(7) – this provision should be deleted or relocated to the “additional commercial zone provisions” so it doesn’t get lost – Section 1 of the by-law is rarely a common reference when reviewing development</p> <p>(8) – should include “...unless otherwise exempted by the provisions of this by-law”</p> <p>(11) – should say “Minimum Distance Separation (MDS) Formulae”, as it is the first mention in the document</p> <p>(12) – paragraphs 2 and 3 can be removed – they are redundant (3) is also addressed in 1.2(2) already</p> <p>(14) should add a clarifier that the zone boundaries shall not be construed to be the “lot lines” for the purpose of zoning.</p> <p>(15) – should add language to state that all by-law provisions are provided in metric, and that even if imperial measurements are presented, they are for convenience/referenced only, and the metric measurements will apply.</p> <p>(17) – remove, redundant</p>
<p><b>1.11</b></p>	<p>This section is lengthy and onerous. The building by-law and site plan control by-law will already outline requirements for building permits and plans</p> <p>Some of the bullets can be merged to reduce length of section</p> <p>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 X-number of 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.</p>

Section 2 – Definitions	Comments / Recommendations
<b>General</b>	<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>Sample images would be very helpful to a layperson's ability to interpret zoning definitions – such as sight triangle. These should show lot lines, lots, yards, height measurement, etc.</p>
<b>Overlapping / Similar Definitions</b>	<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"> <li>• Ag industrial establishment / processing establishment – processing could potentially just be lumped under Ag-related</li> <li>• Agricultural Service Establishment – kind of relates to the above two, and could be ag-related / home industry – could be ag-related <ul style="list-style-type: none"> <li>○ Also – this could be Farm Supply Establishment</li> </ul> </li> <li>• “Retail” – consider lumping into two categories: retail food, and retail general <ul style="list-style-type: none"> <li>○ Antique Shop</li> <li>○ Building Supply Outlet</li> <li>○ Convenience Store</li> <li>○ Factory Outlet</li> </ul> </li> <li>• Art Gallery and Museum could be merged into one definition</li> <li>• Only really need 3 Automobile/Motor Vehicle definitions – excluding heavy vehicles: <ul style="list-style-type: none"> <li>○ 1 for sales/rental</li> <li>○ 1 for body shop (this can include inspections)</li> <li>○ 1 for service station <ul style="list-style-type: none"> <li>▪ Includes gas sales/convenience</li> <li>▪ Includes service bays for oil changes/minor repairs</li> </ul> </li> <li>○ Revise the automobile uses to simplify and capture the above</li> </ul> </li> </ul>



<p><b>Overlapping / Similar Definitions</b></p>	<ul style="list-style-type: none"> <li>• Office / Bank, Financial Institution</li> <li>• Cemetery / Pet Cemetery can be merged</li> <li>• Day Nurseries – the Day Nurseries Act was repealed in 2015.....both these can be merged into “Day Care” for clarity, in accordance with the “Child Care and Early Years Act</li> <li>• Equestrian Use – this is an ag use/ag-related use</li> <li>• Farm Produce Outlet – this is an on farm diversified or ag-related use – doesn’t need own definition <ul style="list-style-type: none"> <li>○ Market Garden is same</li> </ul> </li> <li>• Farm Supply Establishment</li> <li>• Institutional Use – “fire hall” <ul style="list-style-type: none"> <li>○ Place of Worship</li> <li>○ Hospital</li> </ul> </li> <li>• Floor Area Gross/Net <ul style="list-style-type: none"> <li>○ Combine into one definition, and clarify between residential (total area within outside walls, excluding garage, carports, basement, attic, etc) and non-residential uses (the total area of all floors contained in the outside walls</li> </ul> </li> <li>• Grade/Established Grade</li> <li>• Greenhouse, Agricultural is an AG use by PPS</li> <li>• Group Home definitions could be merged</li> <li>• Equestrian use is an ag use</li> <li>• Include “equipment repair” into both domestic and commercial/industrial sales/ rental uses....these are all related</li> <li>• Landscaped open space and Open Space could be combined</li> <li>• Open Storage and Open Storage Area</li> <li>• Outdoor Commercial Patio, and Patio – have one definition and state Outdoor Commercial Patio – distinguish, in the case of a residential use: “means a surfaced, unenclosed open space of land at grade ancillary to a residential dwelling unit or an outdoor seating area, operated ancillary to a restaurant, bar, place of assembly, nightclub, or other non-residential use.”</li> <li>• Place of Entertainment captures “Arena/Hall” within the definition <ul style="list-style-type: none"> <li>○ Recreation Establishment is very similar to Outdoor Recreational Facility and Place of Entertainment</li> </ul> </li> <li>• School Commercial and Private are the same thing – can merge</li> </ul>
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<b>Overlapping / Similar Definitions</b>	<ul style="list-style-type: none"> <li>• Solar energy system / Renewable Energy System <ul style="list-style-type: none"> <li>◦ Wind Energy System</li> </ul> </li> <li>• Public street / street</li> <li>• Micro-Brewery / U-Brew, Small Batch Brewery</li> <li>• Water body can likely be merged with watercourse</li> </ul>
<b>Regulations or Provisions within Definitions</b>	<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"> <li>• Agricultural Use, Small – provides a limit of 5 Nus</li> <li>• Bed &amp; Breakfast – max of four (4) rooms</li> <li>• Boarding, Lodging, and Rooming House – max 3 storey height, 600m<sup>2</sup> area, min number of 4 people</li> <li>• Campground – consisting of at least 5 camp sites</li> <li>• Retaining Wall – having a minimum vertical height of 0.3 metres above grade</li> <li>• Lot, Corner – 135 degrees reference</li> <li>• Micro-Brewery – reference to 25% and 400m<sup>2</sup></li> <li>• Private Road – providing access to at least 2 properties</li> <li>• 2.220(2)(b) – are for the common use of more than 5 residential units – maybe change to “for the common use of multiple residential units/lots held”</li> <li>• 2.220(3) – remove the 5 lot reference and just say” and which serve one lot</li> <li>• Swimming pool – no real need to indicate the depth of inflatable pools</li> </ul>
<b>Outdated, Unused, or Unnecessary Definitions</b>	<ul style="list-style-type: none"> <li>• Adverse effects</li> <li>• Attached</li> <li>• Attic</li> <li>• Balcony</li> <li>• Motor vehicle inspection garage</li> <li>• Building By-law</li> <li>• Cannabis</li> <li>• Car port</li> <li>• Cellar</li> <li>• Corporation</li> <li>• Council</li> <li>• County</li> <li>• Detached</li> </ul>

<p><b>Outdated, Unused, or Unnecessary Definitions</b></p>	<ul style="list-style-type: none"> <li>• Erect</li> <li>• Existing</li> <li>• Delete the “[word] see [word]” instances....these are not needed and the definition should be clear enough</li> <li>• Factory outlet – this is essentially “accessory retail”</li> <li>• Greenhouse definitions – keep commercial greenhouse, but ag is permitted</li> <li>• Habitable room</li> <li>• Highway</li> <li>• Livestock Barns – covered in ag use</li> <li>• Livestock facility – covered in ag use</li> <li>• Main Wall</li> <li>• Municipality</li> <li>• Negative Impacts – ambiguous and paints the Twp into a corner if challenged</li> <li>• Noise Control Barrier – not used</li> <li>• One Hundred Year Flood</li> <li>• Permitted – addressed in section 1</li> <li>• Permitted uses – addressed in section 1</li> <li>• Person</li> <li>• Porch</li> <li>• Premises</li> <li>• Public Access Point</li> <li>• Retaining Wall</li> <li>• Screening</li> <li>• Seat</li> <li>• Sign</li> <li>• Street line, ultimate</li> <li>• Storey</li> <li>• Swale</li> <li>• Tavern – replace with “bar” – Liquor License Act was repealed in 2021</li> <li>• Tent and trailer park – essentially a campground or mobile home park. Not needed</li> <li>• Turbine Height</li> <li>• Water frontage</li> </ul>
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**Opportunities to  
Simplify Definition  
Wording**

- Motor Vehicle – update to: “includes an automobile, motorcycle, recreational vehicle, motorized boat, motorized snow vehicle and any other vehicle propelled or driven otherwise than by muscular power, but excludes a heavy vehicle.”
- “Building” – this can be significantly reduced to “means a structure that has a roof, walls and a floor that stands more or less permanently in one place.”
- “Established Grade” – just have it say “grade” - means the average elevation of the finished level of the ground adjoining all the walls of a building.
- Floor Area
- Home-based Business – “farm” and “agricultural operation” is redundant
- Lot, Corner – remove references to 135 degree angle
- Lot Coverage – remove second sentence
- Lot Depth – delete second sentence
- For Lots and related details, create a subsection to organize all of them into one area
- Park – suggestion: “includes a playground, sports field, botanical garden, outdoor public swimming pool or parkway, and may also include accessory buildings or structures such as a maintenance building, washroom or canteen.”
- Public street – second sentence is redundant “a public street is not private”
- Setback – this can reduced to “the horizontal distance between a building or structure and a lot line, road centreline, high water mark, or other topographical feature. In the case of a water body, the setback shall be measured from the top of bank or high water mark.
  - Lot line setbacks are defined as follows:
    - Front
    - Side
    - Rear
    - Exterior side
- Winery – can collapse the list into a few “examples” of ancillary uses directly related to the operation of the winery
- Yard should be subcategorized for ease of interpretation
  - Exterior Side
  - Front
  - Rear
  - Side
- Zone provisions – “means the regulations outlined in each respective zone contained in this by-law”

<p><b>Reduction of the number of definitions for Dwellings</b></p>	<p>Dwellings could be more simply classified as the following:</p> <ul style="list-style-type: none"> <li>• Single</li> <li>• Semi / Duplex</li> <li>• Rowhouse</li> <li>• Multi-unit</li> <li>• Apartment</li> <li>• Dwelling Unit</li> <li>• Additional Residential Unit</li> <li>• Accessory Dwelling Unit</li> </ul>
<p><b>Definition Revisions to Consider</b></p>	<ul style="list-style-type: none"> <li>• Agricultural Uses – revise to align with PPS definition</li> <li>• Bunk House needs revision as it is intended as accessory to ag uses as well.</li> <li>• Garden Suite – maybe reference subsection 39.1 of the Act</li> <li>• Parking Space – remove last few words speaking to “for the handicapped”...its unnecessary</li> <li>• Remove driving range from Place of Entertainment</li> <li>• Top of Bank – maybe add some language speaking to, “unless otherwise identified in a topographical survey prepared by an Ontario Land Surveyor”</li> </ul>

<p><b>New Uses that should be defined</b></p>	<ul style="list-style-type: none"> <li>• Agricultural Tourism - 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.</li> <li>• Heavy equipment and vehicle sales, rental and servicing – example: “includes the sale, rental, servicing and accessory storage of heavy vehicles including farm vehicles or equipment, and transport trucks or trailers.”</li> <li>• Heavy vehicle – example: “means a commercial motor vehicle as defined in the Highway Traffic Act, as amended or re-enacted from time to time, and includes a bus and any other passenger motor vehicle with capacity for more than ten passengers, fire apparatus, road-building machine or farm vehicle as defined in that Act, and all other types of construction equipment, but excludes a motor vehicle.” <ul style="list-style-type: none"> <li>○ This is intended to capture the heavier side of the motor vehicle uses</li> </ul> </li> <li>• Backyard Chickens should be defined, especially because they have specific use provisions</li> <li>• Urban Agriculture or Community Garden – i.e. small scale growing of crops with no animals or livestock.</li> <li>• 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</li> </ul>
<p><b>Section 3 – General Provisions</b></p>	<p><b>Comments / Recommendations</b></p>
<p><b>General</b></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"> <li>• Parking</li> <li>• Landscaping</li> <li>• Site layout</li> <li>• Pedestrian access</li> <li>• Servicing</li> </ul> <p>Consider addition of “Special Event” provisions</p> <ul style="list-style-type: none"> <li>• a separate by-law is strongly recommended to help facilitate this, as building permits or zoning approval may not be necessary</li> <li>• intended to capture larger gatherings and activities on private property, such as a wedding, celebration, concert, or the like</li> </ul>

<p><b>3.1</b></p>	<ul style="list-style-type: none"> <li>the wording could be simplified</li> </ul> <p>(2) Delete second sentence and reference “Consolidated lot Development” provision for exceptions</p> <p>(3) update language to match changes via Planning Act</p> <p>(4) replace “use” with building or structure / also clarify “no closer to a lot line adjacent to a street, than the minimum required for the main building”</p> <p>(5) delete – this is redundant</p> <p>(6) Change the sub header to “accessory building height exceptions” – delete (a) and introduce an accessory building height provision in each zone. (b) change this paragraph to reflect the above, and clarify, AG, Rural, or non-residential zone, may be increased....”</p> <p>(7) include minimum accessory building provisions in the individual zones</p> <p>(8) – this provision should be in the distinct zone, and should be changed to say: “reword to state that accessory uses are to be included in the overall total lot occupancy calculation for the respective zone”</p> <p>(9)(a) delete last sentence</p> <ul style="list-style-type: none"> <li>(b) delete - this is redundant</li> </ul> <p>(10)(a) – should also state that non-residential uses are allowed to have them</p> <ul style="list-style-type: none"> <li>(b) – simplify wording:” the outdoor furnace shall comply with the setback requirements for the permitted use”</li> <li>(c) update wording</li> </ul>
<p><b>3.3</b></p>	<p>(3) – 30m may be quite onerous and prohibitive</p>
<p><b>3.4</b></p>	<p>some PPS/OP concerns with wording as this use is already prohibited in residential lots. There are some contradictory issues with the backyard chickens provisions, mainly that they conflict with permissions under the OP and PPS for Ag/Rural properties – when compared with “small Ag uses” they are similar in nature</p> <ul style="list-style-type: none"> <li>(1) may not conform with OP or PPS – i.e. prohibiting ag use technically</li> <li>(2) should work in some limit related to lot size</li> <li>(3) same as above, need to define the use separate from small ag, or ag on lots of record</li> <li>(4)(b) is redundant / (c) this doesn’t really change much, considering the setback requirements for each respective use</li> </ul>

3.5	<p>(1) contradicts definition, which is 4 units</p> <p>(2) maybe allow for one or more rooms to be in an Ag or RU area? May allow more opportunities</p> <p>(3) “shall not be permitted as an accessory use” is confusing</p> <p>(4) regulations on expansions should be removed, this is arbitrary</p> <p>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>
3.7	(1) change to, and “may include the posting of financial securities”
3.8	should reword to capture other uses which may desire a patio (i.e. brewery / winery)
3.10	Could include an example with a curved corner lot
3.11	(1) – clarify “10 automobiles <u>within the lot</u> ”
3.12	add language to clarify that a minor variance or ZBLA is not required to permit if established building line is identified
3.15	<p>this whole section should be updated in accordance with Bill 23 changes</p> <p>Language and standards need to be simplified and updated to align with Planning Act changes under Bill 23 – “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 3.15 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"> <li>• (2) change to allow for an ARU in ancillary building in middle unit if physical access can be provided without traversing through another dwelling or property</li> </ul>



<p><b>3.15</b></p>	<ul style="list-style-type: none"> <li>• (3) strip down to say that a maximum of 2 ARUs will be permitted on a fully serviced lot</li> <li>• (7) - statement on maximum floor area in relation to principal dwelling - an accessory building is not otherwise limited by this provision...not needed</li> <li>• (9) arbitrary requirement which places unnecessary restriction – no new front doors/entrances</li> <li>• (10) - increased rear yard setback if accessory building contains windows facing rear yard - siting can still be mentioned as it is regulated via accessory building</li> <li>• (11) 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</li> </ul> <p>The number of units permitted for additional residential units should be as follows:</p> <ul style="list-style-type: none"> <li>• Urban serviced residential lots = 3 (1 main and 2 additional)</li> <li>• Partial or privately serviced lots (including AG and RU) = 2 (1 main and 1 additional)</li> <li>• 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</li> </ul>
<p><b>3.16</b></p>	<p>(1) – dwelling units sizes are regulated by the building code, this provision should be removed.</p> <ul style="list-style-type: none"> <li>• (2) Group home separation distances should be reviewed throughout the County to ensure consistency and reduce where applicable so as not to be discriminatory. The OP also requires group homes to be permitted in all residential districts.</li> </ul>

3.17	<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>(2)(c) how is this regulated or monitored....suggest removal</p> <p>(2)(d) not sure if this provisions is necessary, but no harm in keeping</p> <p>(4) – maximum number of home based businesses.....there could be multiple at one time that do not have any more impact than 1....consider removing</p> <p>(8) location of business</p> <ul style="list-style-type: none"> <li>• (a) combine with (b), allowing for a home-based business to be in a dwelling unit, attached garage, or accessory building.</li> <li>• (b) replace with language stating that a home-based business in a residential zone shall only be operated indoors, whereas in an agricultural or rural zone may be conducted outdoors</li> <li>• (c) consider removing altogether. The provisions related to nuisance and residential character should be sufficient.</li> </ul> <p>(9) remove this requirement – hard to monitor and regulate</p> <p>(10) consider increasing number of non-resident employees to 2 across the board</p> <p>(12) – this should be regulated in accordance with the Townships sign by-law</p>
3.19	include recreational vehicle in the list
3.23	remove. This is redundant
3.30	This section should be deleted as it is covered in 3.34 – special setbacks
3.31	Include a requirement to have the agreement registered on title
3.32	<p>Consider developing specific requirements for scenarios where people wish to use these as accessory buildings, subject to refinishing/painting maintain them in good order</p> <p>Shipping containers to be used as permanent storage should also be permitted in the AG and RU zones, subject to being screened to the satisfaction of the Township and maintained in good repair.</p>

<p><b>3.34</b></p>	<p>This information should all be organized into an easy to read table from (1) to (10)</p> <p>(2) Consider including FCM guidelines into the provisions for railines</p> <ul style="list-style-type: none"> <li>• FCM guidelines for rail lines should be reflected in the zoning by-law (minimum setbacks, beaming requirements, etc.) <ul style="list-style-type: none"> <li>○ Res, Inst, Commercial, Rec = 30m setback + 2.5m high berm, or min 120m</li> <li>○ Light and Medium Industrial = 15m +2m high berm, or min 60m</li> <li>○ Heavy industrial = 15m</li> </ul> </li> </ul> <p>(6) this section on Water can likely be simplified, and needs to be brought into conformity with OP re: 30m setback from normal high water mark</p> <ul style="list-style-type: none"> <li>• (a) remove, this is a policy and dealt with by OP</li> <li>• (b) consider removing this as well, given comment above</li> <li>• (c) establish this as a minimum setback for development and site alteration from high water mark of a waterbody (30m) / municipal drains 15m, no need for further details, except that any reduction shall require an evaluation of impacts on the feature to the satisfaction of the Municipality, but shall be no less than 15m</li> <li>• (d) delete</li> <li>• (e) delete</li> <li>• (f) doesn't conform to OP – remove</li> <li>• (g) remove unnecessary</li> <li>• (h) not needed</li> <li>• (j) this is a really specific case and likely not necessary</li> </ul> <p>(9) this should be revised to say that development and site alteration <u>shall not be</u> permitted within 120 metres of a PSW.....too loose as it is now.</p> <p>(10) simply reference, where any lot is adjacent to an unstable slope identified on Schedule B# of the OP,</p> <p>Add standards for cannabis production and processing</p>
<p><b>3.36</b></p>	<p>Suggest incorporation of a seasonal time frame when these are permitted in residential zones</p>
<p><b>3.37</b></p>	<p>temporary uses (3) is quite specific and doubt you would run into common occurrences or issues with this</p>

<b>3.40</b>	(3) is requiring an agreement to be signed with the County.....the Zoning by-law should not be dictating this unless its an agreement with the Township.....otherwise, 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”
<b>3.41</b>	<p>Yard Encroachments should be organized into a simplified table, in its current form this section is very confusing</p> <ul style="list-style-type: none"> <li>• Include air conditioning units</li> </ul>
<b>Section 4 – Parking</b>	<b>Comments / Recommendations</b>
<b>4.1</b>	<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>No more than 1 space per unit should be required as a minimum for a residential use</p> <p>Parking rates based on seating numbers or number of employees should be reviewed, this is really difficult to measure/monitor for changes in use</p> <p>A second table should be added to speak to bicycle parking requirements in urban settlement areas</p> <ul style="list-style-type: none"> <li>• Statement that unless a use is listed in the table, bicycle parking is not required</li> </ul>
<b>4.2</b>	<p>(6)(b) –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>Add a new section speaking to tandem parking permissions (in accordance with O.Reg 299/19)</p> <p>In an effort to encourage less hardspace 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>

Zones	Comments / Recommendations
General / Section 5	<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</p> <p>Additional provisions noted at the end of each zoning category should be simplified or eliminated as they are addressed elsewhere in the by-law</p> <p>Community Garden should be defined as a use and permitted in every zone in the municipality</p> <p>5.3 – not sure if this is needed</p> <p>5.4(1) – the description is not necessarily appropriate – its sometimes not a matter of approval in principle, but rather a question of outstanding issues related to development conditions like servicing or constraints. Should be simplified and South Stormont's wording can be used:</p> <ul style="list-style-type: none"> <li>Any parcel or area of land in any Zone may be further classified as a holding zone with the addition of the suffix "-H." The holding classification added to a given zone shall prohibit development of land until such time as the policies of the Official Plan related to holding zones are compiled with, at which time, the H may be removed by an amendment under Section 36 of the Planning Act. While a holding zone is in effect, no lands shall be used and no buildings or structures shall be erected or used for any purpose other than those uses existing for such land, building or structure on the date of passing of this By-law and for the uses specifically permitted in the particular holding zone.</li> </ul> <p>5.7 – this should be removed. Unstable slopes are identified as a feature, and large parcels may have a small portion of unstable slope associated with them. Not sure if a signifier is needed</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 (i.e. up to 3 units in various scenarios on serviced urban lots)</p> <p>The Township has done a good job of limiting the number of residential zones – that said, R1 and R2 could likely be merged, as well as RMHS and RMHP, with a new zone list consisting of:</p> <ul style="list-style-type: none"> <li>R1</li> <li>R2</li> <li>R3</li> <li>RR</li> <li>RMH</li> <li>this will increase permissions for development without the need for costly and time-consuming zoning amendments, which is encouraged through recent changes to the Planning Act. Plus, more compact, and diverse residential forms can be facilitated with the change, without the need to undergo amendments</li> </ul>

<p><b>Residential Zones</b></p>	<p>Suggest reducing the minimum requirements where possible to allow for more compact forms of development/infill opportunities – in some cases a commercial use in CG zone with private services only needs a 30m frontage, whereas a residential use on private services requires 45m....is this necessary?</p> <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>Consider reducing exterior side yard setbacks for Township Roads, so long as sight triangle is respected</p> <p>The “Dwelling per lot maximum” should be removed from the higher density zones</p> <p>Group homes need to be permitted in all residential zones</p> <ul style="list-style-type: none"> <li>• It should be evaluated as to whether the restriction of Type 2 Group Homes is in conformity with the OP</li> </ul> <p>One set of standards should be used to capture both partial service scenarios (use more restrictive as baseline) for all provisions like frontage</p> <p>Higher density zones should not be permitting lower density built forms as-of-right, these zones should encourage more intense development</p> <p>R3 Zone</p> <ul style="list-style-type: none"> <li>• 6.3(2)(a) – consider whether “development form” in table is necessary (restriction of number of units in a rowhouse)</li> </ul> <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 1.11 or a new section in 3.0 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 servicing capacity and grading information to be submitted, unless otherwise covered under the building by-law or other applicable policy.</p> <ul style="list-style-type: none"> <li>• The municipal services provision should be expanded to state that the developer demonstrate sufficient capacity of said systems prior to issuance of building permit.</li> </ul> <p>6.8 can likely be deleted altogether, as everything is otherwise captured under general provisions</p>
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<p><b>Commercial Zones</b></p>	<p>The use of two main zones is a good level of simplicity and regulation (CG and CH)</p> <p>Accessory dwellings/dwelling units should be added as permitted uses</p> <p>7.1(1) – clarify that apartment is permitted as part of a mixed use development containing a permitted commercial use</p> <ul style="list-style-type: none"> <li>• Remove institutional use</li> </ul> <p>7.1(2)(a) – remove “NOTE” regarding interior side lot line</p> <p>7.2(2)(a) – lot with full services should have a minimum lot area minimum</p> <ul style="list-style-type: none"> <li>• remove “NOTE” regarding interior side lot line</li> </ul> <p>Hotels should be permitted in CH zone</p> <p>Section 7.3</p> <ul style="list-style-type: none"> <li>• this should be reworded to clarify “detached accessory dwellings”</li> <li>• delete (b) and replace with a statement regarding parking requirements <ul style="list-style-type: none"> <li>○ Another bullet should be added to state that multiple accessory dwelling units may be established, subject to the requirements of the R3 or R4 zones</li> </ul> </li> <li>• delete, this is redundant</li> <li>• delete</li> </ul> <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"> <li>• Should permit standalone non-residential uses, but not standalone residential</li> <li>• If working into existing zones, residential uses should be required to integrate physically with the non-residential use</li> </ul> <p>New recommended zoning list:</p> <ul style="list-style-type: none"> <li>• CG</li> <li>• CH</li> <li>• CMR (Commercial, Mixed Residential)</li> </ul>
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<p><b>Industrial Zones</b></p>	<p>The use of a general industrial zone and rural industrial zone is appropriate for the size and setting of the Township.</p> <p>A frontage of 30m is likely sufficient as a minimum for unserviced industrial lots</p> <p>Cannabis production and processing should be permitted at least in the MR zone, consider M zone, subject to new separation distances</p> <p>9.1(2) Minimum lot size in M zone could likely be reduced to 1000 with proper servicing, akin to MR</p> <p>9.2(2) – remove the distinction between Moose Creek and the rest of the Township and merge requirements – unnecessary</p> <p>9.3(1) - this should be reworded to clarify “detached accessory dwellings” – these uses should also be permitted only in the MR zone</p> <ul style="list-style-type: none"> <li>• (2) delete</li> <li>• (3) replace with reference to D Series Guidelines – setbacks adjacent to sensitive uses will be determined in accordance with site plan control and D-6 series guidelines</li> <li>• (4) delete</li> <li>• (5) delete or just maintain as a note</li> </ul>
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<p><b>Agricultural/Rural Zones</b></p>	<p><b>Section 11.1 – Agricultural Zone</b></p> <p>11.1(2) present the larger lot areas in hectares</p> <ul style="list-style-type: none"> <li>Consider reduction of setbacks to 10m for all non-res</li> <li>(b) should include agricultural use (existing lots of record) – to help better regulate and guide surplus severances</li> <li>NOTE1: this is an unnecessary requirement</li> <li>NOTE2: Kennel setback contradicts 3.20 setback for kennel (150m)...this number should be changed to 200m</li> </ul> <p>11.2(1) – should clarify a bunk house is permitted</p> <p>11.2(3) – should be changed to “MDS” – new and expanding agricultural uses are subject to the applicable requirements of the MDS formulae</p> <p>11.2(4) – min frontage of a flag lot could be reduced anywhere from 7m to 10m</p> <ul style="list-style-type: none"> <li>Add another sub-bullet to state that the retained agricultural lands resulting from a severance residence surplus to a farming operation shall be considered an existing lot of record for the purposes of Section 11.1(2)(b) - to help better regulate and guide surplus severances</li> </ul>
<p><b>Section 12.1 – Rural Zone</b></p>	<p>Consider reduction of setbacks to 10m for all non-res</p> <p>(2) These tables should be reduced in scope if possible – try to merge things like equestrian use and “other” uses</p> <ul style="list-style-type: none"> <li>(b) include lots of record</li> </ul> <p>12.3(1) - An bunk house should not be allowed to contain an additional residential unit, but should be permitted in addition to an additional residential unit.</p> <p>12.3(3) – should be changed to “MDS” – new and expanding agricultural uses are subject to the applicable requirements of the MDS formulae</p> <p>12.3(4) considering above, delete</p> <p>12.3(5) – delete</p> <p>12.3(6) – delete</p> <p>12.3(7) – delete and include right in the tables of provisions</p>

<p><b>Other Zones</b> This Section is intended to address the review of all other zones in the zoning by-law.</p>	<p><b>Institutional</b></p> <p>8.1(2)(a) – the NOTE should be deleted respecting a zero setback for internal lot lines</p> <p>8.2(2) - delete</p> <p><b>Open Space</b></p> <p>10.1(2) – the zone requirements need to be presented like all the other zones. Despite the intention of the zone to not accommodate many buildings, these still need direction (i.e. clubhouse for a permitted use or accessory buildings)</p> <ul style="list-style-type: none"> <li>• Set up the zone requirements consistent with other zones</li> <li>• Suggest requiring a minimum frontage of 6m 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 4(f))</li> <li>• Suggest requiring a minimum frontage of 3m where the intent is for pedestrian access only</li> <li>• Setbacks should all be 6m</li> </ul> <p><b>Wrecking Yard Zone</b></p> <p>Set up the zone requirements consistent with other zones</p> <ul style="list-style-type: none"> <li>• Suggest 4 or 5 ha for lot area</li> </ul> <p><b>Flood Plain Zone</b></p> <p>16.2 – should add a paragraph stating that, notwithstanding an existing dwelling may be located in a Flood Plain Zone, an additional residential unit shall not be permitted</p> <p><b>Wetland Zone</b></p> <p>This zone is not used at all – consider removal, and relying on conservation authorities act and PSW regulations for regulated areas</p>
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### 5.3 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.

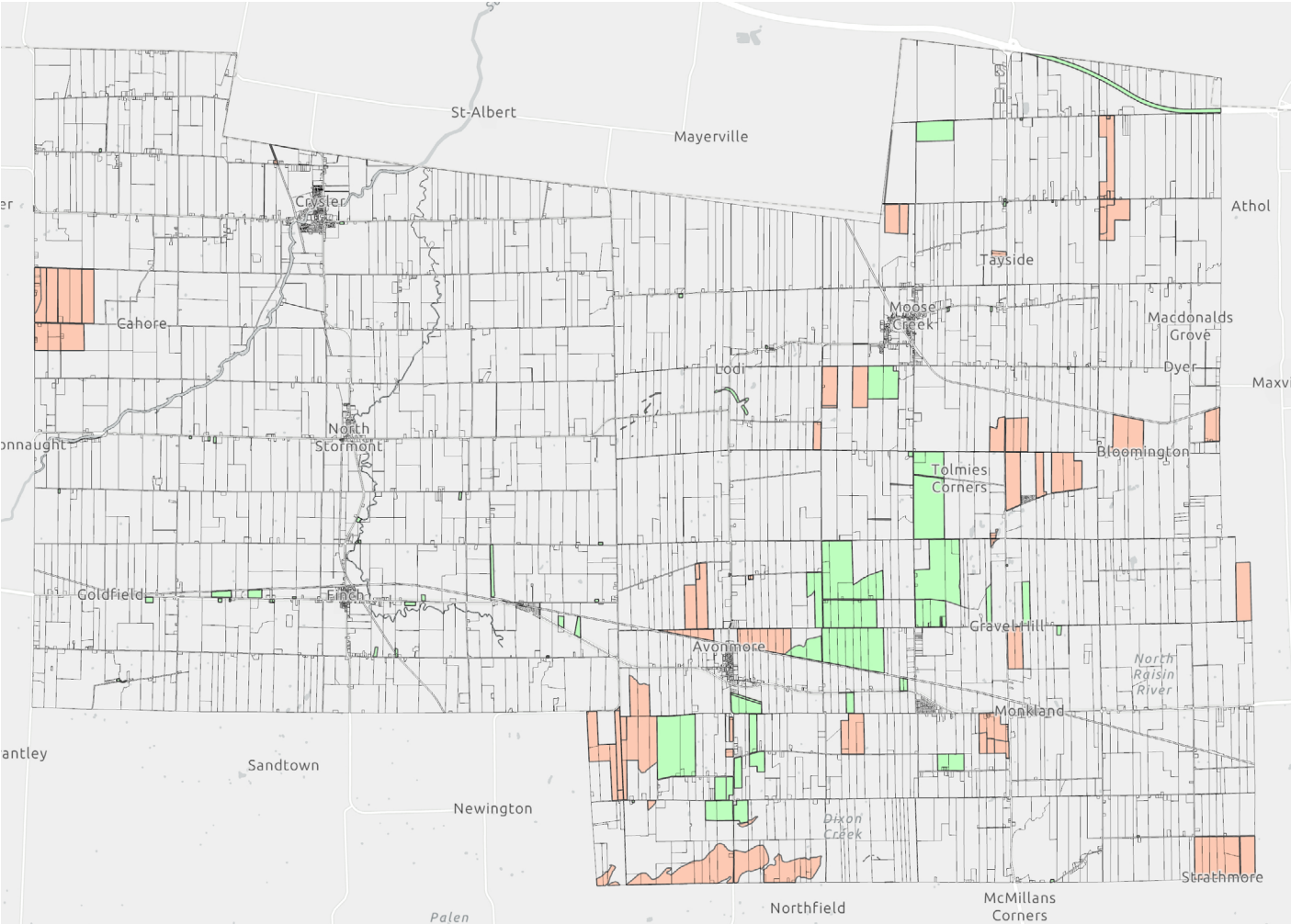
Policy	Title/Topic	Conforms (Y/P/N)	Comment
3.2.1.5	Resource Uses in Settlement Areas	Y	
3.4.6	Rural District	Y	
Table 3.5	Permitted Uses for Settlement Areas and Rural Lands	Y	"convenience commercial" as list in the OP is not explicitly captured in permitted uses within all the zones that fall under 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	Y	
3.5.1.5.1	MDS Formulae	Y	The Township should consider exemptions to MDS I for existing lots of record in the AG and RU zones
3.5.1.6	Accessible Communities	Y	Language could be clarified that an accessibility ramp may project as far as needed (without breaching property line)
3.5.1.7	Zoning	Y	
3.5.1.11	Complete Communities	Y	
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	With limited servicing intensification in certain urban areas may be limited.  Permissions for intensification currently limited in majority R1 zoning - though Planning Act changes will open up opportunities.
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 residential zones to avoid confusion or clarify wording.
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 sourcewater 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	Y	

4.3.5.2	Amendment & Planning Principles for Waste Management	<b>P</b>	300 metre setback is applied to dwellings from the WD Zone, but does not mention settlement areas, and does not speak to boundaries of the fill area  This may not be consistent with OP and separation distance requirement
4.3.6.1	Provincial Highways	<b>Y</b>	
4.3.6.2	County Roads	<b>Y</b>	
4.3.6.6	Rail	<b>P</b>	30m setback minimum required from the rail ROW; however, should contain minimum setback triggers for noise and vibration in accordance with FCM Guidelines.
4.3.6.7	Airports	<b>NA</b>	
Table 5.2	Resource Lands and Scope of Uses	<b>Y</b>	
5.3.4	Lot Sizes (Agriculture)	<b>Y</b>	However, existing lots of record and retained lands leftover from surplus dwellings should be addressed.
5.4.4	Zoning - Aggregate	<b>Y</b>	
5.4.6	Wayside pits and quarries, Portable Asphalt and Concrete Plants	<b>Y</b>	
5.4.8	Peat Extraction	<b>N</b>	No peat extraction regulations exist
5.5.2	Natural Heritage - Adjacent Lands	<b>P</b>	Adjacent lands are identified for ANSI, PSW, and FP
5.5.6	Wetlands	<b>Y</b>	
6.2.1	Scope of Uses (Natural Hazards)	<b>Y</b>	
6.2.2	Flooding	<b>Y</b>	
6.2.3	Organic Soils	<b>N</b>	No specific provisions or restrictions exist in relation to organic soils and the submission of additional information/specific design considerations
6.2.4	Unstable Slopes	<b>Y</b>	
6.2.6	Karst	<b>NA</b>	
6.2.10	Access Standard	<b>N</b>	Access standards not incorporated into zoning by-law for development on/near hazard lands.
6.3.4	Zoning Controls	<b>P</b>	Potentially contaminated sites are not addressed, though this does not restrict the Township from applying a holding symbol to identify one and outline requirements.

5.4 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*

<div></div>	Parcels	Potential Conformity	Parcels within Non-
<div></div>	Potential Conformity Issue - Rural District	Issue Area (HA)	Conforming Area
<div></div>	Potential Conformity Issue - Agricultural District	3400	263

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.

## 5.5 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.

### 5.5.1 Minor Variances

A total of 24 Minor Variances were submitted from 2020 to the end of 2022. Most of the minor variances involved context-specific setback reductions for dwellings, MDS I and II reductions, Agricultural lot size reductions, with no real trends being identified. This is expected as the MV process is intended for abnormal situations or extenuating circumstances – and setback reduction requests are a common occurrence.

Three applications were submitted to reduce the minimum lot area required for an agricultural use – it is presumed that the lack of any provisions related to agricultural lots of record is triggering the need for these variances. The Township can eliminate these types of requests while still maintaining conformity with the PPS and OP by introducing exceptions for lots of record. It is suggested that South Stormont's current approach be used.

While only a single application was received related to a bunk house – the language around a bunk house being established accessory to a farm (in addition to a dwelling) should be clarified, as this is overly restricting permitted ag uses.

### 5.5.2 Zoning Amendments

A total of 32 zoning amendments were submitted from 2020 to the end of 2022. While most of the zoning amendments were context-specific to an individual site or proposal, a number of applications were received in relation to allowing for more housing opportunities – in many cases, simply allowing for a semi-detached or other two-unit dwelling to be constructed on a formerly “single detached” only zone. Some of the other notable applications included requests related to allowing for more mixed-use scenarios to be established on certain properties.

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 and mixed-use housing forms in the Township. This could be achieved by eliminating single-detached only zones from serviced urban areas, as well as allowing for greater permissions to establish apartments in commercial zones.

# 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
<b>General</b>	<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>
<b>1.14</b>	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.
<b>1.15</b>	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.
<b>1.16(11)</b>	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.
<b>1.19</b>	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
General	<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><b>Overlapping / Similar Definitions</b></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"> <li>• Animal Hospital &amp; Veterinary Establishment – some consistency between these definitions to better delineate ‘domestic’ vs. ‘large animal’ may be better.</li> <li>• Box Retail / Retail / Gift Shop Retail / Building Supply Store / Etc. - many different types of retail that can be captured under a single definition</li> <li>• 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</li> <li>• Only really need 3 Automobile/Motor Vehicle definitions – excluding heavy vehicles: <ul style="list-style-type: none"> <li>○ 1 for sales/rental</li> <li>○ 1 for body shop (this can include inspections)</li> <li>○ 1 for service station <ul style="list-style-type: none"> <li>▪ Includes gas sales/convenience</li> <li>▪ Includes service bays for oil changes/minor repairs</li> </ul> </li> <li>○ Revise the automobile uses to simplify and capture the above</li> </ul> </li> <li>• Bank or Financial Office / Office, Business or Professional / Research and Development Centre</li> <li>• Business Training Centre</li> <li>• Club, Non-profit/Community Centre</li> <li>• Flood Line / Flood Plain</li> <li>• School / School, Private</li> <li>• Micro-Brewery / Small Batch Brewery</li> </ul>
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<p><b>Regulations or Provisions within Definitions</b></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"> <li>• Agricultural Use, Small – provides a limit of 5 NUs</li> <li>• Bed and Breakfast Establishment – maximum of four rooms</li> <li>• Boarding House - has a building height not exceeding three storeys and a building area not exceeding 600m<sup>2</sup></li> <li>• Box Retail - often more than 50,000 square feet</li> <li>• Day Nursery (both) – Day Nurseries Act was repealed in 2015. Also limiting max of 5 children for private.</li> <li>• Dwelling, Converted – min floor area of 55m<sup>2</sup></li> <li>• Open Storage – soft drink coolers and freezers occupying more than 4m<sup>2</sup></li> <li>• Gasoline Bar – limiting 10m<sup>2</sup> shelter</li> <li>• Home Based Business</li> <li>• Laundromat – 2 machines</li> <li>• Micro-Brewery (tasting/dining/retail no more than 25% to 400m<sup>2</sup>)</li> <li>• Parking Garage – for more than four vehicles</li> <li>• Parking Lot, Public – parking of four or more vehicles</li> <li>• Outdoor commercial patio – encroachment agreement</li> </ul>
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<p><b>Outdated, Unused, or Unnecessary Definitions</b></p>	<ul style="list-style-type: none"> <li>• Dressmaker/tailor shop</li> <li>• Floor Area – remove reference to minimum floor area</li> <li>• Air Treatment Control</li> <li>• Cellar</li> <li>• Cannabis</li> <li>• Corporation</li> <li>• Council</li> <li>• County</li> <li>• Garage, Private</li> <li>• Hereafter</li> <li>• Herein</li> <li>• Intensive Livestock Operation</li> <li>• Monument sales and manufacturing (could be a class industrial use)</li> <li>• Small Batch Brewery</li> <li>• Municipality</li> <li>• Occupy</li> <li>• Premises</li> <li>• Public Authority</li> <li>• Public Use</li> <li>• Sawmill, Portable</li> <li>• Second-hand shop</li> <li>• Showroom</li> <li>• Sod farm – is an agricultural use</li> <li>• Use – do we need to define this</li> <li>• Video rental outlet</li> <li>• Water access</li> </ul>
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<b>Opportunities to Simplify Definition Wording</b>	<ul style="list-style-type: none"> <li>• Boat House</li> <li>• Accessory Building</li> <li>• 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)</li> <li>• Gasoline Bar – simplify</li> <li>• 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</li> <li>• Home Industry</li> <li>• Industrial Uses per D-Series Guidelines (use first two sentences of each definition)</li> <li>• Lot, Corner – it’s a lot at the intersection of two streets</li> <li>• Lot Coverage – change to include accessory buildings</li> <li>• Lot Line, Front</li> <li>• Sign.</li> <li>• 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.</li> </ul>
<b>Reduction of the number of definitions for Dwellings</b>	<p>Dwellings could be more simply classified as the following:</p> <ul style="list-style-type: none"> <li>• Single</li> <li>• Semi / Duplex</li> <li>• Rowhouse</li> <li>• Multi-unit</li> <li>• Apartment</li> <li>• Dwelling Unit</li> <li>• Additional Residential Unit</li> <li>• Accessory Dwelling Unit</li> </ul>
<b>Definition Revisions to Consider</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Established Building Lines need to be made clearer and merged</li> <li>• Suggest changing “secondary unit” to “additional residential unit” to align with Planning Act language</li> </ul>

<p><b>New Uses that should be defined</b></p>	<ul style="list-style-type: none"> <li>• 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.”</li> <li>• 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.”</li> <li>• Urban Agriculture or Community Garden – i.e. small scale growing of crops with no animals or livestock.</li> <li>• 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.”</li> <li>• 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</li> </ul>
<p><b>Section 3 – General Provisions</b></p>	<p><b>Comments / Recommendations</b></p>
<p><b>General</b></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"> <li>• Parking</li> <li>• Landscaping</li> <li>• Site layout</li> <li>• Pedestrian access</li> <li>• Servicing</li> </ul> <p>Consider addition of “Special Event” provisions</p> <ul style="list-style-type: none"> <li>• a separate by-law is strongly recommended to help facilitate this, as building permits or zoning approval may not be necessary</li> <li>• intended to capture larger gatherings and activities on private property, such as a wedding, celebration, concert, or the like</li> </ul>



3.1	<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>
3.2	<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>
3.3	<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>
3.4	<p>This section may be redundant given the overall intent of the zoning by-law and provisions of Section 1 – consider for removal</p>
3.6	<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"> <li>• 3.8(e) requirement for accessory water/sewer service connections with the primary dwelling;</li> <li>• 3.8(g) statement on minimum floor area;</li> <li>• 3.8(h) statement on maximum floor area in relation to principal dwelling - an accessory building is not otherwise limited by this provision;</li> <li>• 3.8(j) prohibiting a new exterior doorway entrance added to the front wall of the dwelling;</li> <li>• 3.8(l) restricting height in both metres and storeys - height is already regulated via the accessory building provisions;</li> <li>• 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;</li> <li>• 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</li> </ul>
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<p><b>3.8</b></p>	<p>The number of units permitted should be as follows:</p> <ul style="list-style-type: none"> <li>• Urban serviced residential lots = 3 (1 main and 2 additional)</li> <li>• Partial or privately serviced lots (including AG and RU) = 2 (1 main and 1 additional)</li> <li>• 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</li> </ul>
<p><b>3.9</b></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 - .5m<sup>2</sup> 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><b>3.10</b></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 - 1m<sup>2</sup> 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>

<b>3.11</b>	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.
<b>3.12</b>	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
<b>3.13</b>	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
<b>3.15</b>	This should be located in Section 1.16
<b>3.16</b>	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
<b>3.18</b>	(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
<b>3.19</b>	(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”
<b>3.20</b>	(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
<b>3.21</b>	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
<b>3.22</b>	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><b>3.23</b></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"> <li>• Parking Materials</li> <li>• Tandem Parking</li> <li>• Parking Space Dimensions</li> <li>• Barrier Free Dimensions</li> <li>• Barrier Free Requirements</li> <li>• Parking Access for more than 4 <ul style="list-style-type: none"> <li>○ Two way</li> <li>○ One way</li> </ul> </li> </ul> <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><b>3.24</b></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>

3.25	<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, read, 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>
3.27	<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>
3.29	<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"> <li>• Res, Inst, Commercial, Rec = 30m setback + 2.5m high berm, or min 120m</li> <li>• Light and Medium Industrial = 15m +2m high berm, or min 60m</li> <li>• Heavy industrial = 15m</li> </ul>
3.30	<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>

<b>3.31</b>	<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</p> <p>(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>
<b>3.34</b>	<p>shipping containers (definition of a shipping container needs to be simplified)</p> <p>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</p> <p>Requirements for site plan control should be removed</p> <p>Organize this information into a table</p> <p>Split the section into two:</p> <ul style="list-style-type: none"> <li>• Shipping Containers actively used in commercial shipping/logistics</li> <li>• Shipping containers used as an accessory building</li> </ul>
<b>3.35</b>	<p>Clarify that a shipping container may be used as a temporary building or structure for the purpose of the section</p>
<b>3.36</b>	<p>Should consider the inclusion of a statement around maintaining in good repair</p> <p>Township can consider a window during which these are permitted (i.e. November to April)</p>
<b>3.38</b>	<p>should just delete the first paragraph altogether and incorporate reference to OP schedule (there are no unstable slopes currently in South Stormont)</p>
<b>3.40</b>	<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>
<b>Zones</b>	<b>Comments / Recommendations</b>
<b>General</b>	<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</p> <p>Additional provisions noted at the end of each zoning category should be simplified or eliminated as they are addressed elsewhere in the by-law</p> <p>Community Garden should be defined as a use and permitted in every zone in the municipality</p>

<p><b>Residential Zones</b></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"> <li>• Merge RS1 &amp; RS2 Zones – eliminate RS1C and reduce single detached standards</li> <li>• Maintain RS3 Zone</li> <li>• Merge RSS1 &amp; RSS2 Zones into one “Residential Single Service”</li> <li>• Merge RH1, RH2, RR1, &amp; 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"> <li>○ RH1 = predominantly used in the hamlets and rural areas – the remainder of the zones are very sparsely even used.</li> </ul> </li> </ul> <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><b>Residential Zones</b></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"> <li>• RS1 (formerly RS1C, RS1, &amp; RS2)</li> <li>• RS2 (formerly RS3)</li> <li>• RSS (formerly RSS1 &amp; RSS2)</li> <li>• RPS (formerly RH1, RH2, RR1, &amp; RR2)</li> <li>• RMP (same)</li> </ul>
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<p><b>Commercial Zones</b></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"> <li>• Should permit standalone non-residential uses, but not standalone residential</li> <li>• If working into existing zones, residential uses should be required to integrate physically with the non-residential use</li> </ul> <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"> <li>• CG</li> <li>• CH</li> <li>• CTR (Commercial, Tourist/Recreational)</li> <li>• CMR (Commercial, Mixed Residential)</li> </ul>
<p><b>Industrial Zones</b></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"> <li>• M (merging of ML and MM)</li> <li>• MH (maintained)</li> <li>• MR (maintained)</li> </ul>

<p><b>Agricultural/ Rural Zones</b></p>	<p><b>Section 10 – Agricultural Zone</b></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"> <li>(a) An accessory dwelling should not be allowed to contain an additional residential unit</li> <li>(b) Reference to intensive livestock operations is redundant and can likely be removed</li> <li>(c) can be simplified to just state that all development shall comply with MDS I &amp; II</li> <li>(d) surplus dwelling provisions: <ul style="list-style-type: none"> <li>• 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</li> <li>• Clarify proper numbering for lot of record reference</li> <li>• Could work these regulations into the main zone provisions</li> </ul> </li> <li>(e) no need for wayside pit/quarry reference</li> <li>(f) open storage reference can be removed</li> <li>(g) can be worked into the zone provision table and removed from this section</li> </ul>
	<p><b>Section 11 – Rural Zone</b></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"> <li>(a) An accessory dwelling should not be allowed to contain an additional residential unit</li> <li>(b) can be simplified to just state that all development shall comply with MDS I &amp; II</li> <li>(c) can be worked into the zone provision table and removed from this section</li> <li>(d) Reference to intensive livestock operations is redundant and can likely be removed</li> </ul> <p>Add a new section regarding flag lots – can be worked into main provisions for single detached dwellings</p>

<p><b>Other Zones</b></p> <p><b>This Section is intended to address the review of all other zones in the zoning by-law.</b></p>	<p><b>Institutional</b></p> <p>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><b>Open Space</b></p> <p>Section 9.1(b)</p> <ul style="list-style-type: none"> <li>• Set up the zone requirements consistent with other zones</li> <li>• 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))</li> <li>• Suggest requiring a minimum frontage of 3m where the intent is for pedestrian access</li> <li>• Setbacks should all be 6m and lot coverage 35%</li> </ul> <p><b>Mineral Resource Zones</b></p> <p><b>MXP</b></p> <ul style="list-style-type: none"> <li>• Do not believe it is necessary to have building height limits or lot coverage regulations</li> </ul> <p><b>MXQ</b></p> <ul style="list-style-type: none"> <li>• Is it necessary to have a minimum lot area for this use of 10 ha (or at all)</li> <li>• Do not believe it is necessary to have building height limits or lot coverage regulations</li> </ul> <p><b>Salvage Yard</b></p> <p>The yard requirements seem arbitrary – maybe revise these to be consistent with each other.</p> <p><b>Waste Management</b></p> <p>Building height restrictions not necessary in this zone</p> <p>14.2 – additional provisions</p> <p>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><b>Flood Plain</b></p> <p>An additional residential unit is not permitted to be established within a dwelling that is located in a Flood Plain Zone</p> <p><b>Development Reserve</b></p> <p>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"> <li>• Eamers corners should be a holding</li> <li>• Parkway site should be open space</li> <li>• Moulinette should be open space</li> </ul>
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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	

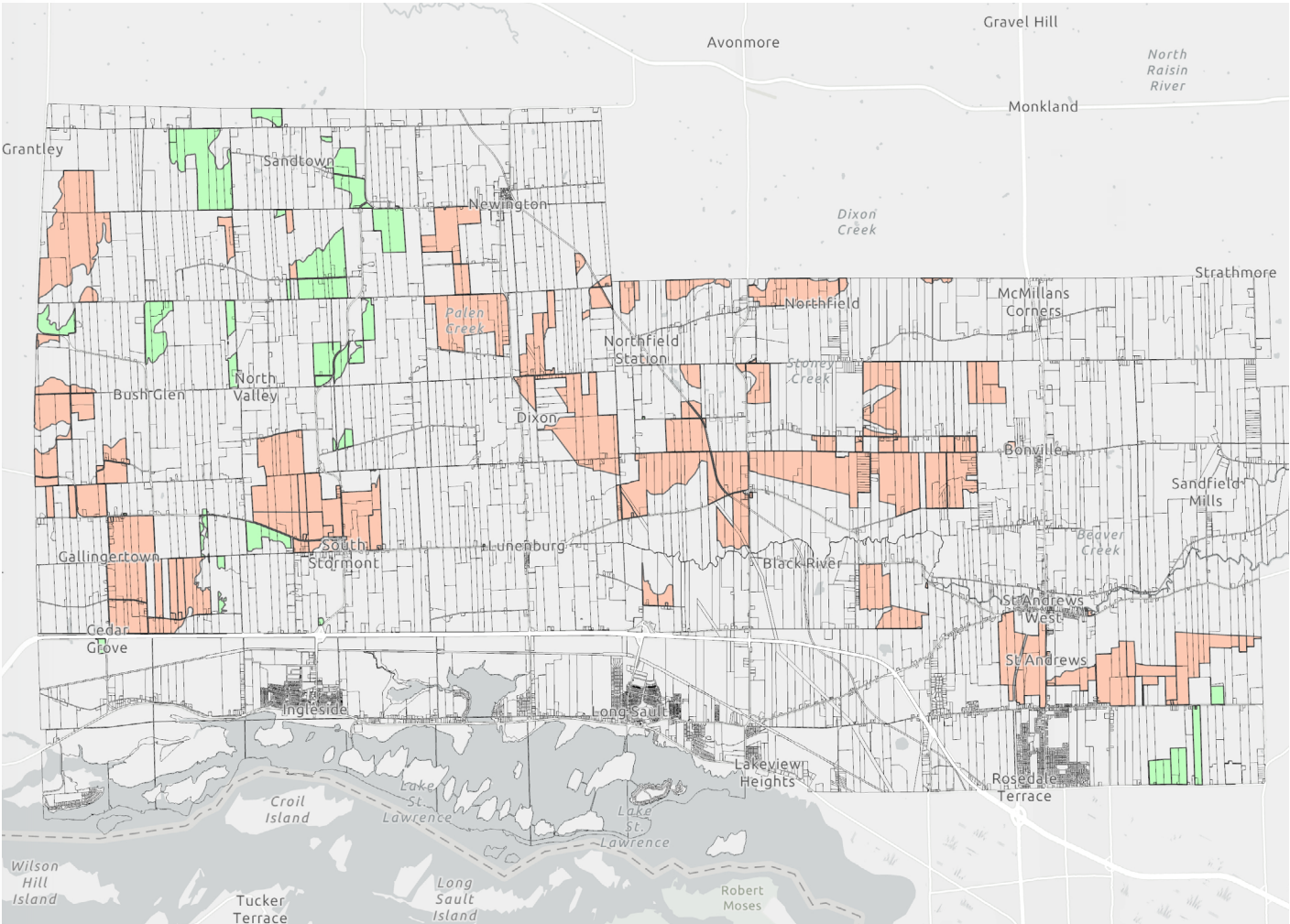
3.5.7	Lots of Record	Y	
4.3.2.4	Barrier Free Access	P	Barrier free parking requirements are provided, and ramps are addressed in permitted projections. Limited requirements otherwise unless subject to site plan control.
4.3.3.7	Source Water Protection	N	There is no incorporation of source water protection 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 Area (HA)	Parcels within Non-Conforming Area
	Potential Conformity Issue - Rural District	6200	558
	Potential Conformity Issue - Agricultural District		

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.

**Township of North Glengarry**

7

## 7.0 Township Of North Glengarry

### 7.1 Basic Information

By-law N° 39-2000 is the Zoning By-law for the Township of North Glengarry. It was originally adopted on August 14, 2000, and has undergone several updates, with the most recent in September 2013. Despite this, the document has not been comprehensively reviewed since adoption. The total length of the document is 131 pages, excluding zoning schedules. The By-law currently contains 28 distinct zones.

### 7.2 Zoning By-law Review & Commentary

Section 1 – Authorization & Administration	Comments / Recommendations
General	<p>This section is concise and easy to follow. It generally needs review to ensure consistent with more recent/appropriate legislation.</p> <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, and 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 – this would be pending the OPA to the SDG Plan.</p>
1.4	Update to more recent legislation.
1.9	Revise gendered language

<b>1.13</b>	May want to consider further developing this section, see South Dundas ZBL, Section 1.13
<b>Section 2 – Definitions</b>	<b>Comments / Recommendations</b>
<b>General</b>	<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>Supplemental images to help illustrate zoning concepts and/or certain defined terms would be helpful to staff and public understanding.</p> <p>As part of any future update, the uses defined within each zone need to be harmonized with the uses defined in Section 2.</p>

<p><b>Overlapping / Similar Definitions</b></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"> <li>• Agricultural uses / related uses: <ul style="list-style-type: none"> <li>○ Farm produce outlet is covered</li> <li>○ Intensive Livestock Operation is redundant and captured under agricultural use</li> </ul> </li> <li>• Animal Hospital &amp; Veterinary Establishment – some consistency between these definitions to better delineate ‘domestic’ vs. ‘large animal’ may be better.</li> <li>• Established Building Line, Rural / Established Building Line, Urban – these can be merged and have subsections to delineate</li> <li>• Only really need 3 Automobile/Motor Vehicle definitions – excluding heavy vehicles: <ul style="list-style-type: none"> <li>○ 1 for sales/rental</li> <li>○ 1 for body shop (this can include inspections)</li> <li>○ 1 for service station <ul style="list-style-type: none"> <li>▪ Includes gas sales/convenience</li> <li>▪ Includes service bays for oil changes/minor repairs</li> </ul> </li> <li>○ Revise the automobile uses to simplify and capture the above</li> <li>○ Delete gasoline retail facility</li> </ul> </li> <li>• Clinic <ul style="list-style-type: none"> <li>○ Medical/Dental Office can be captured under “Clinic”</li> </ul> </li> <li>• Coverage <ul style="list-style-type: none"> <li>○ Lot Coverage</li> </ul> </li> <li>• Nursing Home <ul style="list-style-type: none"> <li>○ Home for the Aged</li> <li>○ Retirement Home</li> </ul> </li> <li>• Park – it is unnecessary to delineate between public and private parks based on the definition provided.</li> <li>• Rental Establishment <ul style="list-style-type: none"> <li>○ Service Outlet – these could be combined into one use and under one roof</li> </ul> </li> <li>• “Retail” can be used to capture a handful of definitions – consider scoping retail between general vs. food-based, or large vs. small retail:</li> </ul>
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<b>Overlapping / Similar Definitions</b>	<ul style="list-style-type: none"> <li>○ Automotive store (minus the body shop/service bay aspects)</li> <li>○ Building Supply Centre</li> <li>○ Convenience Store</li> <li>○ Pet Shop</li> <li>○ Wholesale Establishment</li> <li>● Tent and Trailer Park / Tent and Trailer Site – can both be merged into a “campground” use</li> <li>● Salvage Yard / Wrecking Yard – these are quite similar</li> </ul>
<b>Regulations or Provisions within Definitions</b>	<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"> <li>● Building (Temporary Building) – time limit of 2 years for removal or demolition.</li> </ul>
<b>Outdated, Unused, or Unnecessary Definitions</b>	<ul style="list-style-type: none"> <li>● Attic</li> <li>● Building Line</li> <li>● Carport</li> <li>● Cellar</li> <li>● Corporation</li> <li>● Council</li> <li>● County</li> <li>● Erect</li> <li>● Existing</li> <li>● Family</li> <li>● Habitable Room</li> <li>● Health Service</li> <li>● Highway</li> <li>● Lodging House</li> <li>● Municipality</li> <li>● Person</li> <li>● Private Garage</li> <li>● Rural Home Occupation – can be captured under existing definitions</li> <li>● Sign, Legal</li> <li>● Waterbody/Watercourse Setback – this is already defined in “Setback”</li> </ul>

<p><b>Reduction of the number of definitions for Dwellings</b></p>	<p>Dwellings definitions strike a good balance between clarification without over-defining. However, suggest the following:</p> <ul style="list-style-type: none"> <li>• Add definition for “Additional Residential Unit” – example: “shall mean a self-contained dwelling unit located within and in addition to a primary dwelling unit in a single detached, semi-detached, or row house dwelling, or within a building ancillary to a single detached, semi-detached, or row house dwelling.”</li> <li>• Delete “Apartment Accessory”, as this is captured in the additional residential unit definition and/or “Accessory Dwelling Unit”.</li> <li>• Delete Converted Dwelling</li> <li>• Remove references to family in the accessory dwelling definitions</li> </ul>
<p><b>Definition Revisions to Consider</b></p>	<ul style="list-style-type: none"> <li>• Agricultural Use – revise to be consistent with the PPS definition</li> <li>• Alter – include language to address change of use for buildings and land</li> <li>• Automobile Service Station – consider addition of language to permit accessory retail</li> <li>• Coverage – suggest changing to clarify that it is percentage of lot area covered by all buildings and roofed structures on a lot, but does not include uncovered decks, patios, or swimming pools.</li> <li>• Floor Area – consider whether necessary to include last paragraph relating to 2.2 metre clearance for consideration of floor area</li> <li>• Garden Suite – align with Planning Act definition: “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.”</li> <li>• “Home Occupation” – consider trimming the scale to which this use is defined to reduce confusion; however, good definition. Should include clarity that the use shall be clearly secondary to the use of the dwelling as a residence.</li> <li>• “Home Industry” – consider including language to explicitly restrict autobody shops, repair, sales, service, etc.</li> <li>• “Open Storage” – consider inclusion of language to exempt agricultural equipment and materials associated with the operation of a farm or agricultural use.</li> <li>• “Rental Establishment” – consider inclusion of sales in definition</li> <li>• “Temporary Garage” – simplify definition and remove standards.</li> </ul>

<p><b>New Uses that should be defined</b></p>	<ul style="list-style-type: none"> <li>• <b>Abattoir</b> – example: “shall mean any land, buildings or structures wherein agricultural commodities such as cereal grains, corn, and soybeans are customarily dried.”</li> <li>• <b>Agriculture-related use</b> – example: “means those 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.”</li> <li>• <b>Agri-tourism</b> – 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.”</li> <li>• <b>“Campground”</b> – to capture tent and trailer park/site</li> <li>• <b>Class I, II, &amp; III Industrial Uses</b> – include definitions in accordance with the D-Series Guidelines prepared by MMAH. <ul style="list-style-type: none"> <li>○ <b>Can capture: Manufacturing Industry</b></li> </ul> </li> <li>• <b>Grain Drying Facility</b> – example: “shall mean any land, buildings or structures wherein agricultural commodities such as cereal grains, corn, and soybeans are customarily dried.”</li> <li>• <b>Recreational Cabin</b> – 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.”</li> <li>• <b>Special Event</b> – 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</li> <li>• <b>“Renewable Energy System”</b> – definition that should capture solar panels, wind, etc., and consider differentiating between domestic and large-scale.</li> <li>• <b>“Organic Soils”</b> – example: “means those soils normally formed in a water saturated environment (e.g. wetland) where the soil is not exposed to the air for a sufficient enough time to permit the break down of vegetative material.”</li> <li>• <b>“Institutional Use”</b> – should be intended to capture uses associated with government agencies, organizations, EMS services (fire halls), libraries, etc.</li> <li>• <b>“Place of Worship”</b></li> </ul>
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Section 3 – General Provisions	Comments / Recommendations
<b>General</b>	<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"> <li>• Parking</li> <li>• Landscaping</li> <li>• Site layout</li> <li>• Pedestrian access</li> <li>• Servicing</li> </ul> <p>Must include new section addressing Additional Residential Units which are permitted on any serviced lot with Single-Detached, Semi-Detached, and Row House Units. An additional unit may be located within the primary residential dwelling as well as within a detached accessory building.</p> <p>Add section addressing Section on Garden Suites in accordance with Section 39 of the Planning Act.</p> <p>Should include Section addressing Bed and Breakfasts. Can refer to Section 3.4 of South Glengarry Zoning By-law.</p> <p>Should include Section addressing Short Term Rentals. Can refer to Section 3.41 of South Dundas Zoning By-law</p> <p>Should include Section on Setbacks from Rail Line (30 m) in conformity with the Official Plan</p> <p>Further to By-law 13-2015, Shipping Containers, if permission in additional areas is contemplated, consider requiring that the container be finished and maintained at a level to the satisfaction of the Township. Recommend reviewing South Stormont’s Section 3.34 as an example.</p>
<b>3.1</b>	(iv) – Consider consolidating some provisions for ease of legibility.
<b>3.2</b>	This can be deleted, it is addressed in Section 1
<b>3.4</b>	This should be moved within the Parking and Loading Sections.
<b>3.5</b>	This section can be deleted as it’s more appropriately dealt with in the Building Code.
<b>3.6</b>	Consider including this as a provision of the Residential Zones for ease of reference.
<b>3.8(b)</b>	Group homes should be permitted in all Residential Zones as directed in the Official Plan.
<b>3.9</b>	Consider a separate section on Boat houses or within Accessory Structure section as this section deals with items permitted to exceed otherwise established height limits.
<b>3.10</b>	Consider eliminating specific floor area limits as they are difficult to enforce and may not reflect the requirement of the business. Suggest maintaining the fractional limit of 25%.
<b>3.10(a)(x)</b>	Consider revising this parking requirement to only 1 per additional employee or eliminating entirely. If the business is conducted by someone who lives on the premises, their parking requirements are already accounted for with the standard parking requirements.

<b>3.10.(b)(vi)</b>	Consider revising parking requirement to reflect the number of employees of the business.
<b>3.11</b>	<p>Revise section to be consistent with style of previous Home business section.</p> <p>And again, consider eliminating the specific floor area limit of the Home industry</p>
<b>3.12</b>	Recommend removing and replacing with Section on Minimum Distance Separation requirements.
<b>3.13</b>	Consider revising to be consistent with other By-laws such as that from South Glengarry
<b>3.14</b>	<p>General: Consider merging with the Parking section for ease of legibility.</p> <p>(b) Consider reducing the minimum required length to 9 metres.</p> <p>(e) Consider eliminating.</p> <p>(g) Review to ensure service lanes sufficiently exist to allow for this. If not, consider permitting delivery/loading from the street and regulate through designated spaces or time periods to control.</p>
<b>3.16</b>	<p>(a) Consider setting an end date for when reconstruction/restoration must be completed by.</p> <p>(d) This can be eliminated as it's addressed in Section 1.16</p>
<b>3.17</b>	Ensure the correct legislation is referenced.
<b>3.18</b>	Review to be consistent with changes to the PPS, particularly with regards to units within a garage.
<b>3.21</b>	<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>No more than 1 space per unit should be required as a minimum for a residential use</p> <p>Review required parking rates and consider reducing across all uses.</p> <p>Parking rates based on seating numbers should be reviewed, this is really difficult to measure/monitor for changes in use, suggest removal and base only off floor area instead.</p> <p>Drainage can be removed as this is required for Site Plan considerations.</p> <p>Additions to buildings can be eliminated as new development is required to meet the zoning regardless.</p> <p>Accessible Parking should be included in this section.</p> <p>A second table should be added to speak to bicycle parking requirements in urban settlement areas</p>
<b>3.22</b>	(c) Consider eliminating this as it is not a measurable regulation but rather a policy direction.
<b>3.33</b>	Consider grouping near height exception section as they deal with similar issues.

Zones	Comments / Recommendations
<p><b>General /</b></p> <p><b>Section 4</b></p>	<p><b>General</b></p> <p>Consider collapsing and/or consolidating zones in order to create a simplified and more efficient by-law.</p> <p>Consider using tables to display permitted uses/permissions across the various zones for ease of legibility</p> <p><b>4.3 – Boundaries of Zones</b></p> <p>This section should be moved to Section 1</p> <p><b>4.5 – holding zones</b></p> <ul style="list-style-type: none"> <li>• the description is not necessarily appropriate – its sometimes not a matter of approval in principle, but rather a question of outstanding issues related to development conditions like servicing or constraints. Should be simplified and South Stormont’s wording can be used: <ul style="list-style-type: none"> <li>○ Any parcel or area of land in any Zone may be further classified as a holding zone with the addition of the suffix “-H.” The holding classification added to a given zone shall prohibit development of land until such time as the policies of the Official Plan related to holding zones are compiled with, at which time, the H may be removed by an amendment under Section 36 of the Planning Act. While a holding zone is in effect, no lands shall be used and no buildings or structures shall be erected or used for any purpose other than those uses existing for such land, building or structure on the date of passing of this By-law and for the uses specifically permitted in the particular holding zone.</li> </ul> </li> </ul> <p>Section 4 should also provide details on temporary use zones, for example:</p> <ul style="list-style-type: none"> <li>• Temporary Use Zones – Other temporary uses, including garden suites, may be authorized from time to time by Zoning By-law amendment pursuant to Section 39 of the Planning Act. These are listed separately at the end of the appropriate zone category and are identified with the symbol and corresponding number “- t#” because of their temporary nature. Example: (R1 – t1)</li> </ul>

<p><b>Section 5 - Residential Zones</b></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 (i.e. up to 3 units in various scenarios on serviced urban lots).</p> <p>Consider reducing the number of Residential Zones. Urban Residential Zones can be reduced to 3 zones. Rural Residential Zones can also be collapsed where similar to urban residential zones, simply differentiate between fully serviced, partially serviced and private serviced lots within the zone.</p> <p>Consider the incorporation of a Residential, Agricultural Surplus (RAS) Zone to capture surplus dwelling lots (either here or in the Rural Zone section).</p> <p>Consider whether there is a need to delineate between the two different scenarios of partial servicing? These could potentially be collapsed into a single partial service standard.</p> <p>Minimum dwelling unit sizes should be removed.</p> <p>Suggest reducing the minimum requirements where possible to allow for more compact forms of development/infill opportunities (i.e. lot areas and frontage requirements).</p> <p>Consider lowering maximum building heights for low-density housing forms. 9.7 metres (approximately 3 storeys) may be more appropriate.</p> <p>Consider not permitting lower density housing forms in higher density zones to encourage greater densities.</p> <p>Consider permitting limited commercial uses such as convenience stores or personal service uses, with floor area limitations, for residential zones.</p> <p><b>5.9 – Converted Dwelling</b></p> <p>Consider revising restrictions to allow for conversion of more recent construction and allowing greater flexibility.</p>
<p><b>Section 6 - Commercial Zones</b></p>	<p>There is likely not a need for 5 distinct commercial zones in the Township – this number could potentially be reduced to 4 or 3 zones, to largely distinguish between larger/Highway Commercial scale uses and more urban/core commercial uses.</p> <p>CG and CGS zones could be merged, consider an overlay for districts that are meant to be subject to the present CGS zone.</p> <p>Local Commercial Zone can be eliminated if these same uses are permitted within residential zones.</p> <p>Suggest reviewing permitted use lists and eliminating redundancies. For example, dry cleaning establishment can be considered a personal service shop.</p> <p>Consider reducing minimum lot and setback requirements, particularly in the CG zone where a high number of amendments have sought to reduce these provisions.</p>

<p><b>Section 8 – Village Core Area Zones</b></p>	<p>Consider reducing the minimum lot and setback standards, in particular for residential uses, to allow for greater flexibility.</p> <p><b>8.2(a) – Dwelling Units</b></p> <p>Eliminate minimum dwelling unit sizes</p>
<p><b>Section 9 – Open Space Zone</b></p>	<p>Consider including minimum lot area or frontage if facilities are intended to be located on site. At present, there is no direction in the event of a proposed active recreational use with facilities is proposed.</p>
<p><b>Section 10 – Industrial Zones</b></p>	<p>2 Industrial zones makes sense for the Township. Should consider Wrecking Yard (Salvage Yard) as a zone to be grouped with Industrial zones.</p>
<p><b>Section 11 – Agricultural Zones</b></p>	<p>Recommend merging Restricted Agricultural and General Agricultural Zones and use the Rural Zone for any less intensive agricultural uses.</p> <p>Eliminate Maple Sugar Operation as a separate use.</p> <p>Recommend including new Subzone to address Surplus Lands.</p> <p>Consider reducing minimum lot frontage for Agricultural and Conservation/forestry Uses</p> <p>11.3 – (a) and (b), can merge and address through one simplified new section on Minimum Distance Separations. See comment on new Section 3.12.</p> <p>Consider adding Subsection on Flag Lots and Subsection on Hobby Farms here.</p>
<p><b>Section 12 – Rural Zone</b></p>	<p>Consider adding Bed and Breakfast as a permitted use.</p> <p>Consider including other non-residential/commercial uses to diversify the Rural Area.</p> <p>Consider reduced minimum Lot Minimum requirements.</p> <p>12.2 (b) – Can be addressed through a new simplified Minimum Distance Separation section.</p> <p>12.2 (c) – Consider reduced minimum lot frontage for hobby farms.</p>



<p><b>Other Zones - this Section is intended to address the review of all other zones in the zoning by-law.</b></p>	<p><b>13 – Wrecking Yard</b> As noted, consider moving this into the Industrial Zones.</p> <p><b>14 - Waste Disposal</b> Consider increasing minimum Interior Side Yard setback to 50 metres. Include Subsection to address additional minimum distance separations in addition to already existing separation from dwelling. Recommend no Waste Disposal Zone to be established within: - 150 metres from a watercourse or waterbody; and - 500 metres from any Residential or Institutional zone.</p> <p><b>15.1 – Mineral Aggregate – Pit zone</b> Recommend increasing minimum distance from a dwelling on another lot to 150 metres.</p> <p><b>15.2 – Mineral Aggregate – Quarry Zone</b></p> <p><b>16 and 17 – Flood Plain Zone and Wetlands Zone</b> Recommend organizing under an Environmental Protection Zone section.</p>
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### 7.3 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	P	The prohibition of livestock/resource uses within settlement areas is implied through a combination of provisions, but not explicitly stated. Recommend adding a section speaking to restricting keeping of livestock.
3.4.6	Rural District	Y	Uses between the AG, AR, and RU zones need to be reviewed and harmonize with the permitted uses in the OP.
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	P	The wording of Section 3.7 is a little confusing and should be simplified/revised to better reflect intent of OP

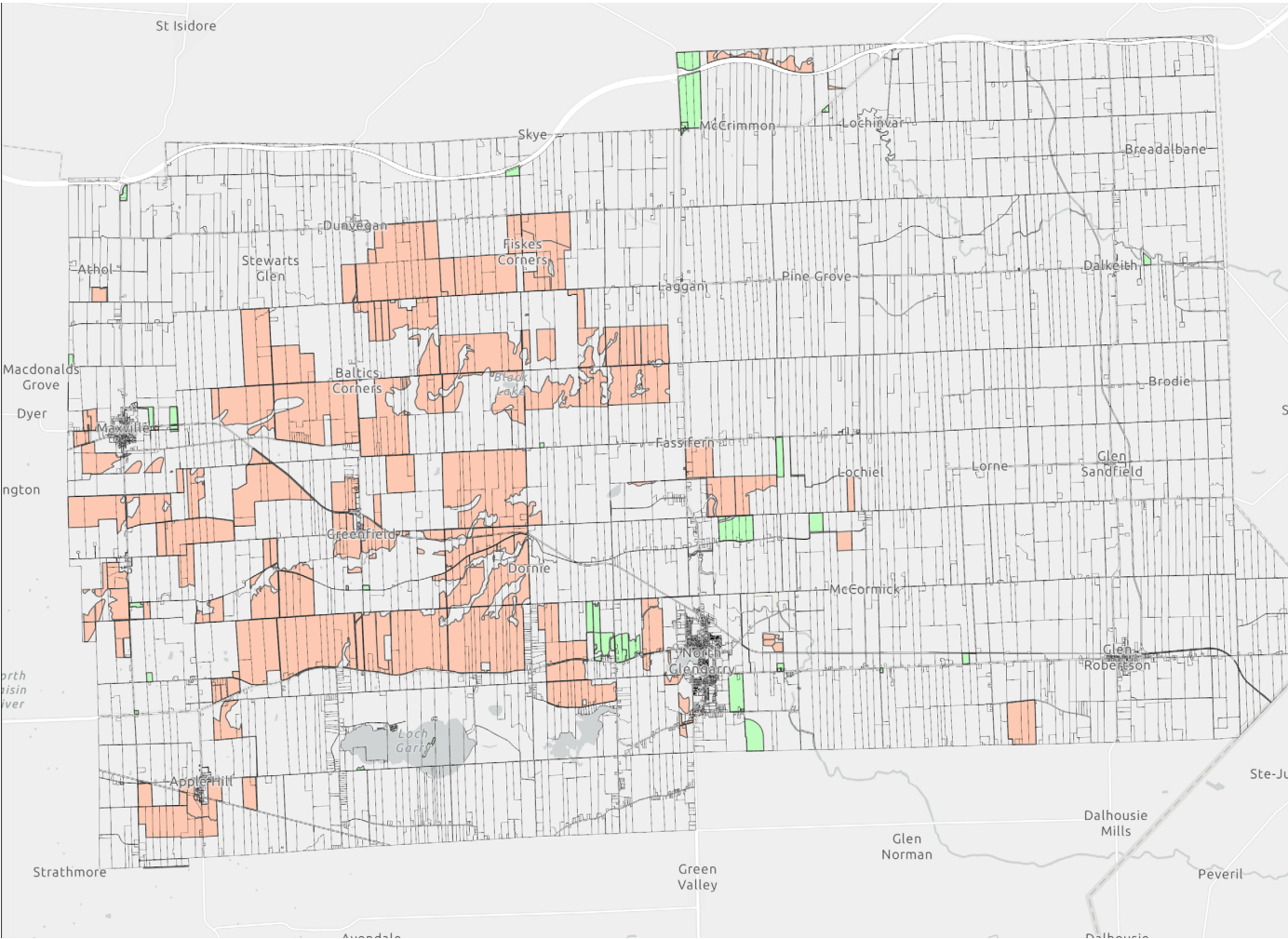
<b>3.5.1.4</b>	Measures for Landscaping, Buffering, Screening and Land Use Compatibility	Y	
<b>3.5.1.5</b>	Separation Distances and Influence Areas	N	Provisions should be included speaking to separation distance requirements for Class I, II, and III Industries. Separation distances for waste-related uses need to be added
<b>3.5.1.5.1</b>	MDS Formulae	Y	Provisions should be added to exclude lots of record within the context of MDS
<b>3.5.1.6</b>	Accessible Communities	N	only currently addressed in a site specific amendment, not within the main by-law
<b>3.5.1.7</b>	Zoning	Y	
<b>3.5.1.11</b>	Complete Communities	Y	While limited, opportunities for mixed-use development does exist
<b>3.5.2.2</b>	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) No direction provided for accessible parking in medium and high density residential zones”</p>
<b>3.5.2.3</b>	Commercial Areas, Main Streets, and Downtowns	Y	
<b>3.5.2.4</b>	Industrial Areas	Y	
<b>3.5.2.6</b>	Infill and Intensification	P	With limited servicing intensification in certain urban areas may be limited. Permissions for intensification currently limited in majority single detached zoning - though Planning Act changes will open up opportunities.
<b>3.5.2.9</b>	Shoreline Development and Lake Development	P	Zone provisions need to be updated to address delineation of municipal drains and natural watercourses. Loch Garry and Middle Lake are not explicitly addressed in the zoning by-law, and may benefit from having a special overlay to help with conformity.
<b>3.5.4.1</b>	Land Supply for Housing and Affordability	Y	

3.5.4.2	Garden Suites	P	A new section should be added to General Provisions speaking to Garden Suite permissions and the requirement to have them established via temporary use by-law and registered agreement.
3.5.4.3	ARUs	N	Provisions for additional residential units are not sufficient and must reflect changes under Bill 23
3.5.4.5	Group Homes	P	Current Group Home provisions may be too stringent (i.e. use of per capita measure with separation distance of 1km)
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 residential zones to avoid confusion or clarify wording.
3.5.6.4	Scrap Yard Development Requirements	Y	
3.5.7	Lots of Record	Y	
4.3.2.4	Barrier Free Access	N	No provisions currently in place to address barrier free design considerations
4.3.3.7	Source Water Protection	N	There is no incorporation of sourcewater 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	setbacks relating to waste stabilization and septage facilities not included
4.3.5.2	Amendment & Planning Principles for Waste Management	Y	
4.3.6.1	Provincial Highways	P	Does not specifically mention Highways
4.3.6.2	County Roads	N	No reference to setbacks from County Road
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	N/A	
Table 5.2	Resource Lands and Scope of Uses	Y	
5.3.4	Lot Sizes (Agriculture)	Y	
5.4.4	Zoning - Aggregate	P	No aggregate reserve zone or overlay exists in the zoning by-law
5.4.6	Wayside pits and quarries, Portable Asphalt and Concrete Plants	Y	




5.4.8	Peat Extraction	N	No provisions related to peat extraction
5.5.2	Natural Heritage - Adjacent Lands	N	Provincially significant wetlands should be explicitly mentioned, no mention of separation distances otherwise. Does address setbacks from water and slopes.
5.5.6	Wetlands	P	Provincially significant wetlands should be explicitly mentioned, no mention of separation distances otherwise. The WL zone does address this OP requirement.
6.2.1	Scope of Uses (Natural Hazards)	P	The by-law needs to be updated to address shifts in the setbacks permitted from certain waterbodies and needs to better reflect requirements for studies/geotechnical information.
6.2.2	Flooding	Y	
6.2.3	Organic Soils	N	No mention of organic soils or related provisions.
6.2.4	Unstable Slopes	Y	
6.2.6	Karst	N	No mention of karst topography, though may not exist.
6.2.10	Access Standard	N	No mention of access standard in relation to hazard land access and development
6.3.4	Zoning Controls	N	Zoning by-law does not currently address or speak to contaminated sites.

7.4 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 Area (HA)	Parcels within Non-Conforming Area
	Potential Conformity Issue - Rural District	8900	520
	Potential Conformity Issue - Agricultural District		

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.

## **7.5 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.

### **7.5.1 Minor Variances**

A total of 30 Minor Variance applications were submitted from 2020 to the end of 2022.

The majority of these applications addressed the Rural ⑦ and Agricultural ⑥ zones, however these largely dealt with a range of issues including lot area and frontage, reconstruction periods, establishing uses, and permitting accessory uses as primary uses. No obvious trend was identified. The remaining applications address reduced lot area, frontages and setbacks for a variety of properties located within the Residential First Density, Residential Fourth Density and Village Core zones. 8 applications were submitted for reductions to the minimum lot area for agricultural uses. The variances within the Residential zones appear to be unique situations, however the reduction in minimum Setbacks and Lot Area, in particular, within the Village Core area suggest these provisions could be reviewed for reductions.

### **7.5.2 Zoning Amendments**

A total of 46 zoning amendments were submitted between 2020 and the end of 2022. Nearly half of those the application (20) were for sites located within the Agricultural zones. While a few of these applications were context-specific to an individual site or proposal, the majority of those related to Surplus Lands and the prohibition of either agricultural lands or dwellings located on severed or retained portions of land. This concentration of applications speaks to the need for a section within the By-law to be developed which specifically addresses Surplus Dwelling Severances.

The remaining applications dealt with a range of site-specific amendments across a variety of zones. No clear patterns were observed. One item of note is that an application was received which ultimately rezoned a property to a new Residential Mixed Use zone which was not reflected in the Zoning By-law.

Further to the above, 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.



# Township of South Glengarry



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## 8.0 Township Of South Glengarry

### 8.1 Basic Information

By-law N° 09-2014 is the Zoning By-law for the Township of South Glengarry. It was originally adopted on September 28, 2009, and has undergone several updates, with the most recent in June 2022. Despite this, the document has not been comprehensively reviewed since adoption. The total length of the document is 151 pages, excluding zoning schedules. The By-law currently contains 27 distinct zones.

### 8.2 Zoning By-law Review & Commentary

Section 1 – Authorization & Administration	Comments / Recommendations
<b>General</b>	<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>
<b>1.9</b>	is this provision necessary, could potentially remove to reduce document bloat
<b>1.10</b>	<p>(2)(c) – delete, as gendered language is not really needed in the document</p> <p>(6) – suggest trimming this section down. How often are zone boundaries contested in this regard.</p> <p>(7) – the second paragraph should be relocated to the commercial zone section 7.2 so it is not forgotten/lost – Section 1 of the by-law is rarely a common reference when reviewing development</p> <p>(8) should include language to state “unless otherwise exempted by the provisions of this by-law”</p> <p>(12) – paragraphs 2 and 3 can likely be removed to reduce bloat. This is already addressed in subsection 1.2.</p> <p>(15) - should add language to state that all by-law provisions are provided in metric, and that even if imperial measurements are presented, they are for convenience/referenced only, and the metric measurements will apply.</p> <p>(17) can possibly be removed as it is somewhat redundant</p>

1.11	<p>this section is lengthy and can be onerous. The building by-law and site plan control by-law will already outline requirements for building permits and plans</p> <p>Some of the bullets can be merged to reduce length of section</p> <p>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 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 grading information to be submitted, unless otherwise covered under the building by-law or other applicable policy.</p>
<b>Section 2 – Definitions</b>	<b>Comments / Recommendations</b>
<b>General</b>	<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>Sample images would be very helpful to a layperson's ability to interpret zoning definitions – such as sight triangle. These should show lot lines, lots, yards, height measurement, etc.</p>

<p><b>Overlapping / Similar Definitions</b></p>	<ul style="list-style-type: none"> <li>• Agricultural Machinery Sales and Service <ul style="list-style-type: none"> <li>○ Farm Equipment Sales and Service</li> </ul> </li> <li>• Agricultural Industry <ul style="list-style-type: none"> <li>○ Grain Drying and Storage Facility</li> </ul> </li> <li>• Agri-tourism <ul style="list-style-type: none"> <li>○ Vacation Farm</li> <li>○ Alternative accommodations</li> </ul> </li> <li>• Active Recreational Use <ul style="list-style-type: none"> <li>○ Adventure Games</li> <li>○ Driving Range</li> <li>○ Golf Course</li> <li>○ Mini Golf</li> <li>○ Outdoor Recreation Facility</li> </ul> </li> <li>• Retail - consider lumping into two categories: “retail food”, and “retail general” <ul style="list-style-type: none"> <li>○ Antique Shop</li> <li>○ Bake Shop</li> <li>○ Building Supply Outlet</li> <li>○ Convenience Store</li> <li>○ Farm Supply Establishment</li> <li>○ Food Store</li> <li>○ Furniture and Home Improvement Centre</li> <li>○ Garden Centre</li> <li>○ Pet Shop</li> <li>○ Second-hand Store</li> </ul> </li> <li>• Office <ul style="list-style-type: none"> <li>○ Bank or Financial Office</li> <li>○ Business Office</li> </ul> </li> <li>• Art Gallery and Museum</li> <li>• Place of Entertainment <ul style="list-style-type: none"> <li>○ Place of Assembly</li> <li>○ Bingo Hall</li> <li>○ Community Centre (maybe) -</li> </ul> </li> </ul>
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<p><b>Overlapping / Similar Definitions</b></p>	<ul style="list-style-type: none"> <li>• Boat House <ul style="list-style-type: none"> <li>○ Marine Facility</li> <li>○ Dock, Floating</li> <li>○ Dock, Permanent</li> </ul> </li> <li>• Manufacturing <ul style="list-style-type: none"> <li>○ Monument Sales and Manufacturing</li> </ul> </li> <li>• Campground – Recreational <ul style="list-style-type: none"> <li>○ Campground – Tourist</li> </ul> </li> <li>• Cemetery <ul style="list-style-type: none"> <li>○ Cemetery, Pet</li> <li>○ Mausoleum</li> </ul> </li> <li>• Clinic <ul style="list-style-type: none"> <li>○ Medical Clinic</li> </ul> </li> <li>• Coverage <ul style="list-style-type: none"> <li>○ Lot Coverage</li> </ul> </li> <li>• Day Nursery – Licensed – day nurseries act was repealed in 2015 <ul style="list-style-type: none"> <li>○ Day Nursery – Private</li> <li>○ can be merged into “Day Care” for clarity, in accordance with the “Child Care and Early Years Act</li> </ul> </li> <li>• Dry Cleaning Depot <ul style="list-style-type: none"> <li>○ Dry Cleaning and Laundry Establishment</li> </ul> </li> <li>• Institutional Use <ul style="list-style-type: none"> <li>○ Fire Hall</li> <li>○ Religious Institution</li> </ul> </li> <li>• Flea Market <ul style="list-style-type: none"> <li>○ Farmer’s Market</li> </ul> </li> <li>• Floor Area Gross / Net – merge these and use subsections to delineate between gross and net</li> <li>• Established Grade <ul style="list-style-type: none"> <li>○ Grade</li> </ul> </li> <li>• Garden Nursery <ul style="list-style-type: none"> <li>○ Greenhouse</li> </ul> </li> </ul>
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<p><b>Overlapping / Similar Definitions</b></p>	<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>○ Sod Farm</li> </ul> </li> <li>• Group Home Type 1 / Type 2</li> <li>• Home Occupation <ul style="list-style-type: none"> <li>○ Home Business, Rural</li> </ul> </li> <li>• Long-Term Care Home <ul style="list-style-type: none"> <li>○ Hospice</li> <li>○ Home of the aged</li> <li>○ Retirement Home</li> <li>○ Nursing Home</li> </ul> </li> <li>• All of the following definitions can likely be broken into 3 or 4: <ul style="list-style-type: none"> <li>○ Marine Craft Body Shop</li> <li>○ Marine Craft Repair Garage</li> <li>○ Motor Vehicle Body Shop</li> <li>○ Motor vehicle Dealership</li> <li>○ Motor vehicle Gas Bar</li> <li>○ Motor Vehicle Rental Agency</li> <li>○ Motor Vehicle Repair garage</li> <li>○ Motor Vehicle Service Station</li> <li>○ Motor Vehicle Washing Establishment</li> <li>○ Only really need 3 motor vehicle related definitions for uses: <ul style="list-style-type: none"> <li>▪ 1 for sales and rental, which could include accessory minor servicing</li> <li>▪ 1 for body shop, which would primarily be focused on major repair/ painting</li> <li>▪ 1 for service station – includes gas sales/convenience, service bays for oil changes, accessory minor servicing</li> <li>▪ The sales/rental and service stations could include marine craft, and allow for elimination of marine-specific definitions</li> </ul> </li> </ul> </li> <li>• Micro Brewery <ul style="list-style-type: none"> <li>○ U-Brew</li> </ul> </li> <li>• Open Storage <ul style="list-style-type: none"> <li>○ Open Storage Area</li> </ul> </li> <li>• Outdoor Commercial Patio</li> </ul>
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<p><b>Overlapping / Similar Definitions</b></p>	<ul style="list-style-type: none"> <li>○ Patio</li> <li>• A single definition for Park should be used for both private and public park</li> <li>• Recreational Commercial Establishment <ul style="list-style-type: none"> <li>○ Fitness Club</li> </ul> </li> <li>• School, Commercial <ul style="list-style-type: none"> <li>○ School, Private</li> </ul> </li> <li>• Public utility <ul style="list-style-type: none"> <li>○ Utility</li> </ul> </li> <li>• Motor Vehicle <ul style="list-style-type: none"> <li>○ Vehicle</li> </ul> </li> <li>• Veterinarian Establishment – may only need 2 definitions to distinguish between domestic animals with limited accommodations (no large animals), and all other animals with accommodations for extended stays/treatments (large and small animals) <ul style="list-style-type: none"> <li>○ Veterinary Clinic – Small Animal</li> <li>○ Veterinary or Animal Hospital</li> </ul> </li> <li>• Welding Shop <ul style="list-style-type: none"> <li>○ Workshop</li> </ul> </li> <li>• Winery <ul style="list-style-type: none"> <li>○ Winery/Cidery – Agri-Tourism</li> </ul> </li> </ul>
<p><b>Regulations or Provisions within Definitions</b></p>	<ul style="list-style-type: none"> <li>• Boarding, Lodging, and Rooming House – max height of 3 storeys and building area max of 600m<sup>2</sup>, min four persons</li> <li>• Cabin, Sleeping – minimum and maximum areas for structure</li> <li>• Lot Corner – the 135 degree angle reference should be removed</li> <li>• Micro-Brewery – reference to 25% and 400m<sup>2</sup></li> </ul>

<p><b>Outdated, Unused, or Unnecessary Definitions</b></p>	<ul style="list-style-type: none"> <li>• Adverse effects</li> <li>• Attached</li> <li>• Attic</li> <li>• Balcony</li> <li>• Building Area</li> <li>• Building Line</li> <li>• Main Wall</li> <li>• Car Port</li> <li>• Chip Stand</li> <li>• Church</li> <li>• Commercial Garage</li> <li>• Commercial School, Skill</li> <li>• Commercial School, Trade Profession</li> <li>• Contractor's Shop</li> <li>• Concrete Batching Plant</li> <li>• Corporation</li> <li>• Council</li> <li>• Detached</li> <li>• Erect</li> <li>• Existing</li> <li>• Farm</li> <li>• Finished Grad</li> <li>• Fish Habitat</li> <li>• Floor Area – Dwelling</li> <li>• Habitable Room</li> <li>• Human Habitation</li> <li>• Nursing Home</li> <li>• Influence area – unless this term is being integrated into the document, there is no need to define it</li> <li>• Inn</li> <li>• Lease</li> <li>• Lease Line</li> </ul>
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<p><b>Outdated, Unused, or Unnecessary Definitions</b></p>	<ul style="list-style-type: none"> <li>• Main Wall</li> <li>• Mobile Home</li> <li>• Mobile Home Space</li> <li>• Municipality</li> <li>• Negative Impacts</li> <li>• Noise Control Barrier</li> <li>• Nursing Home</li> <li>• One Hundred Year Flood</li> <li>• Outdoor Commercial Patio – suggest removing and maintaining the provisions regarding patios serving a commercial use in Section 3</li> <li>• Permitted – this is addressed clearly in Section 1</li> <li>• Permitted Uses – this is addressed clearly in Section 1</li> <li>• Person</li> <li>• Porch</li> <li>• Premises</li> <li>• Public Access Point</li> <li>• Recreational Use, Active</li> <li>• Recreational Use, Passive</li> <li>• Riding Stable</li> <li>• Road, Private</li> <li>• Road, Public</li> <li>• Rooming House</li> <li>• Seat</li> <li>• Sign</li> <li>• Single Detached Dwelling</li> <li>• Street Line, Ultimate</li> <li>• Storey</li> <li>• Swale</li> <li>• Tavern</li> <li>• Video Rentals Outlet</li> <li>• Wildlife Habitat – may not be necessary as this is employed through policies of PPS and OP</li> <li>• Wrecking Yard</li> </ul>
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<b>Opportunities to Simplify Definition Wording</b>	<ul style="list-style-type: none"> <li>• Clinic – remove reference to “one or more legally...” its assumed that at least one person works there.</li> <li>• Home Business, Rural – suggest deletion of the later sentences specifying certain examples, as these are reasonably assumed to be permitted as part of the business</li> </ul>
<b>Reduction of the number of definitions for Dwellings</b>	<p>Dwellings could be more simply classified as the following:</p> <ul style="list-style-type: none"> <li>• Single</li> <li>• Semi / Duplex</li> <li>• Rowhouse</li> <li>• Multi-unit</li> <li>• Apartment</li> <li>• Dwelling Unit</li> <li>• Additional Residential Unit</li> <li>• Accessory Dwelling Unit</li> </ul>

<p><b>Definition Revisions to Consider</b></p>	<ul style="list-style-type: none"> <li>• Agricultural Uses – revise to align with PPS definition</li> <li>• Established Building Line – should be referring to existing built-up lots along a block or specific area</li> <li>• Equipment Rental / Sales and Rental <ul style="list-style-type: none"> <li>○ Should maintain consistent wording: “Sales, Service, and Rental”, but qualify each with “Domestic” and “Commercial”, based on scope.</li> </ul> </li> <li>• Established Building Line – should be revised to clarify that it is: <ul style="list-style-type: none"> <li>○ Where legally established buildings exist on adjacent lots, shall be the average of the two setbacks from the centreline of the street</li> <li>○ Where at least one legally established building exists on an adjacent lot, shall be the average of the minimum required setback for the principle use and the setback of the legally established building</li> </ul> </li> <li>• Established Watercourse line – could potentially take the same approach, however, water features are a little different and conditions can be site specific</li> <li>• Garden Suite – Should reference Section 39 of the Planning Act for clarity and to delineate between additional residential units and garden suites</li> <li>• Home Industry – given the rural context of the sites that will be able to accommodate home industries, may wish to allow for smaller scale mechanics and repair shops.</li> <li>• Home of the aged – this act was repealed in 2010.</li> <li>• Kennels or Cattery – just keep kennel</li> <li>• Lot Coverage - means the horizontal area at grade of all buildings and roofed structures on a lot. For the purposes of this definition, decks, patios, and swimming pools are not to be included within the lot coverage calculation.</li> <li>• Motor Vehicle – should be revised to include marine craft as well</li> <li>• Natural Heritage Feature – should be updated in accordance with PPS definition or PPS should be referenced</li> <li>• Secondary Dwelling Unit – ensure that this definition aligns with Planning Act</li> <li>• Setback – this can reduced to “the horizontal distance between a building or structure and a lot line, road centreline, high water mark, or other topographical feature. In the case of a water body, the setback shall be measured from the top of bank or high water mark. <ul style="list-style-type: none"> <li>○ Lot line setbacks are defined as follows: <ul style="list-style-type: none"> <li>▪ Front</li> <li>▪ Side</li> <li>▪ Rear</li> <li>▪ Exterior side</li> </ul> </li> </ul> </li> </ul>
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<p><b>New Uses that should be defined</b></p>	<ul style="list-style-type: none"> <li>Consider Agriculture-related use for consistency with PPS: “means those 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.” <ul style="list-style-type: none"> <li>“Equestrian Establishment” could be captured in this definition</li> <li>Farm Produce Outlet’</li> </ul> </li> <li>Urban Agriculture or Community Garden – i.e. small scale growing of crops with no animals or livestock.</li> <li>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</li> </ul>
<p><b>Section 3 – General Provisions</b></p>	<p><b>Comments / Recommendations</b></p>
<p><b>General</b></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"> <li>Parking</li> <li>Landscaping</li> <li>Site layout</li> <li>Pedestrian access</li> <li>Servicing</li> </ul> <p>Consider addition of “Special Event” provisions</p> <ul style="list-style-type: none"> <li>a separate by-law is strongly recommended to help facilitate this, as building permits or zoning approval may not be necessary</li> <li>intended to capture larger gatherings and activities on private property, such as a wedding, celebration, concert, or the like</li> </ul>

3.1	<p>(2) – should incorporate reference to consolidated lot development/agreement (3.34)</p> <p>(4) this provision is confusing, simplify, for example: “within a residential or estate residential zone, the following provisions apply to accessory:</p> <ul style="list-style-type: none"> <li>• Maximum area of 100m<sup>2</sup> (suggest using a 10% lot coverage instead of a m<sup>2</sup>)</li> <li>• Minimum setbacks</li> <li>• Max Height</li> </ul> <p>(4), (5), (6) can all be combined and presented as a simple table</p> <p>(8) this is redundant</p> <p>(9)(b) – this is redundant, as it is an accessory building</p> <p>(10)(b) just use the numerical or simplify the measurement.</p> <p>This section should be more clear as to what the accessory building height restrictions are for other zones – only notes residential</p>
3.2	<p>(2) remove servicing portion of the paragraph and rework into (4)</p> <p>(3) don't believe this is necessary to contain in the zoning by-law</p> <p>(4) just state that in general all agri-tourism uses and facilities shall be serviced by an appropriate on-site sewage system per OBC</p> <p>(5) the agri-tourism use is already permitted on the site. OBC would require a change of use depending on past use, but not required to be in zoning</p>
3.3 – Air Conditioners & Pumps	<p>Simplify: combine (1) and (2) “....subject to the following:</p> <ul style="list-style-type: none"> <li>• Shall be screened by an enclosure or landscaping if located in a yard adjacent to a street</li> <li>• Shall be setback a minimum of 3m from a street line</li> <li>• Shall be setback a minimum of 0.6m from all other lot lines</li> </ul>
3.3 – Motor Vehicle Uses	<p>(2) is not needed – should be established in SPC bylaw</p> <p>(6) should add clarification to state that stacking capacity is to be contained “within the site”</p>

<b>3.4</b>	<p>(2) maybe allow for one or more rooms to be in an Ag or RU area? May allow more opportunities</p> <p>(3) 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>(4) confusing to word it this way – if it's not listed as a permitted use, then its not permitted....“shall not be permitted as an accessory use” is confusing</p> <p>(5) regulations on expansions should be removed, this is arbitrary</p>
<b>3.5</b>	delete, this is redundant
<b>3.6</b>	delete, this is captured in Section 1
<b>3.7</b>	This is hard to regulate, unless there are standards for illumination in site plan control or design guidelines or to other references
<b>3.9</b>	Suggest using Ottawa's approach to established building lines where at least one lot on either side of the subject lot has a legal building established, the owner could construct a new building closer to the street line than prescribed, but no closer than the average of the existing buildings.
<b>3.11</b>	Should consider some language for exceptional circumstances where an easement/private right of way can provide access to a public road
<b>3.12</b>	<p>This Section and the Secondary Units section should be merged as they are closely related</p> <p>(a) consider some language to except corner lots</p> <p>(b) should reword to apply all accessory building standards to the garden suite, and eliminate (c) and (d)</p> <p>(e) requirement for garden suite to be located a minimum of 3 metres from the main building – should instead, siting requirements can mention that it shall be in accordance with OBC</p>
<b>3.14</b>	Separation distances and standards need to be made consistent across the County
<b>3.15</b>	<p>3.15 – Home industry / Section 3.18 should be merged, these uses are very similar in nature</p> <p>(1) 300 metres seems quite significant, however, if there haven't been issues then could be maintained (NOTE: 300 metres is the recommended minimum separation distance for Class III industrial uses, per the D-series guidelines)</p> <p>(2) issues with the ability for the municipality to monitor/regulate the 25% restriction, further, the restriction on accessory building size used for home industry should be removed to further support home business. The even half the separation in (1) is likely good enough to mitigate any major issues (keep in mind this is the</p> <p>(3) consider including some language for the requirement of landscaping or physical screening</p> <p>(4) – the second half of this sentence may be hard to regulate</p> <p>(5) – consider whether the sign by-law regulates this sufficiently enough already, may not be necessary</p>

<b>3.16</b>	<p>(1) how is this maximum regulated/monitored, given the low-key nature of home occupations</p> <p>(3) specify “on-site” employee</p> <p>(4) similar to home industry, issues with the ability for the municipality to monitor/regulate the 25% restriction</p> <p>(5) agree with the restriction on open storage, but home occupation should be permitted within an accessory building, so long as all activities are contained within – this would be more flexible for businesses/people working from home</p> <p>(8) – consider whether the sign by-law regulates this sufficiently enough already, may not be necessary</p> <p>(10) this would be quite difficult to regulate, the other provisions in this section should be sufficient – maybe scale back to state that any retail sale of goods shall be directly associated with the occupation</p>
<b>3.23</b>	<p>(4) should reword this to include any development consisting of more than X number of dwellings as well, given exemptions from site plan control for 10 or less units</p> <p>(5) should be updated or a new subsection added to address multi-unit development between 4 and 10 units (or another range)</p>
<b>3.25</b>	Consider whether there should be an exception for garden suites
<b>3.28</b>	(5)(b) – EOHU is no longer administrator of septic approvals
<b>3.29</b>	Reword to comply with Bill 23 changes
<b>3.32 – Poultry</b>	<p>The wording of the section is confusing (the lot area references – is poultry not permitted on lands greater than these sizes?</p> <p>(1) &amp; (2) can be merged – Poultry shall only be permitted accessory to a single detached dwelling on a lot</p>
<b>3.32 – Prohibited</b>	(5) are they permitted as seasonal dwellings on developed lots? Should clarify
<b>3.34</b>	Should include language requiring the signing of a lot consolidation agreement and registration on title – prevent issues with sale of adjacent lot with standalone accessory building or other use
<b>3.35</b>	<p>The last sentence should be reviewed – maybe better addressed as a technical “existing lot of record” within the Ag zone</p> <p>The Township should consider permissions for flag lots in the RU zone too if the intent is to preserve farmland</p>

<p><b>3.37 – Secondary Dwelling Units</b></p>	<p>this whole section should be updated in accordance with Bill 23 changes</p> <p>Language and standards need to be simplified and updated to align with Planning Act changes under Bill 23:</p> <ul style="list-style-type: none"> <li>• “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.</li> <li>• 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”).</li> <li>• 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.).</li> </ul> <p>(2) this provision can be confusing – if someone’s seeking to establish a new unit in their existing dwelling, the smaller unit can just be titled the “secondary” unit – suggest rewording to clarify provision for an additional residential unit in an ancillary building</p> <p>(4) this would be regulated via building code, no harm in keeping, but also not needed</p> <p>(5) second sentence can likely be removed as it is redundant</p> <p>(6) need to delete as it doesn’t conform to planning Act</p> <p>(10) reference to garden suite needs to be removed</p>
<p><b>3.37 – Shipping Containers</b></p>	<p>Permissions should be considered for people wanting to use these as storage buildings, subject to refinishing/upkeep</p> <p>They should be permitted in the Ag and Rural zones, subject to being located in a rear yard and screened from view of the street</p>
<p><b>3.38</b></p>	<p>A graphic would be helpful here to explain</p>



<p><b>3.39</b></p>	<p>These should be organized into an easy to read table</p> <p>(7)(d) unsure of the reference to the OP being made – the 15m is for municipal drains and other unnamed watercourses. This reference can be included, but to my knowledge is not across the board.</p> <p>(7) with respect to existing lots of record (in relation to FP zone as well) and water setbacks, not recommended to exempt water setbacks based on an established building line; however, South Stormont's flood plain provisions could be used as a reference, which allow for single detached dwellings to be constructed or enlarged on existing lots of record in the FP zone, subject to floodproofing and approval from CA</p> <p>In reference to Table 6.1 of the OP:</p> <ul style="list-style-type: none"> <li>• Raisin River and branches, South Nation River and branches, Loch Garry, Middle Lake, Delisle River, Beaudette River, Black Creek, Hoople Creek, Castor River, Garry River, Mill Pond, Grays Creek, Payne Creek <ul style="list-style-type: none"> <li>○ Flood Plain Mapping Prepared - Regulatory Flood Line or Erosion Hazard</li> <li>○ Slope Stability mapping available - Setbacks determined based on slope stability classification and associated geotechnical investigation</li> </ul> </li> <li>• All other rivers, streams, watercourses = 15m from top of bank, except as otherwise determined.</li> </ul> <p>Considering the above, the language around the water setbacks should be revised to reflect the flexibility of the OP</p>
<p><b>3.43</b></p>	<p>Planning Act intends for mobile homes to be used as garden suites – should clarify this, but otherwise language should be revised to clearly state that otherwise, these shall not be used for human habitation.</p>
<p><b>3.44</b></p>	<p>(c) is requiring an agreement to be signed with the County.....the Zoning by-law should not be dictating this unless its an agreement with the Township.....otherwise, 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><b>3.45</b></p>	<p>This information should all be presented in a simple table</p> <p>(1) this is very specific and highly unlikely to be monitored – suggest removal</p>
<p><b>Section 4 – Parking</b></p>	<p><b>Comments / Recommendations</b></p>
<p><b>4.1</b></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>No more than 1 space per unit should be required as a minimum for a residential use</p> <p>Parking rates based on seating numbers or number of employees should be reviewed, this is really difficult to measure/monitor for changes in use, suggest removal</p> <p>A second table should be added to speak to bicycle parking requirements in urban settlement areas</p> <ul style="list-style-type: none"> <li>• Statement that unless a use is listed in the table, bicycle parking is not required</li> </ul>

<b>4.3</b>	“barrier free” should be used throughout the section
<b>4.4</b>	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
<b>4.6</b>	this should also include changes in use, as a change in use could trigger the need for additional parking (or less)
<b>4.8</b>	the angled row should include a little more detail as to what constitutes an “angled” parking space (i.e. up to 80 degree angle?)
<b>4.9</b>	is redundant considering the requirements earlier in the section. The barrier free provisions should be simplified and reference OBC.
<b>4.10</b>	<p>(1) parking in urban settlement areas should not be permitted to be gravel or crushed stone</p> <p>(5) – stickers are no longer being used</p> <p>In an effort to encourage less hardspace 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>tandem parking needs to be permitted as per the Planning Act (O.Reg 299/19) for additional residential units – suggest allowing this for any lot containing 3 or fewer dwelling units to be more accommodating</p>
<b>4.11</b>	should be aligned with landscaping requirements in Section 4.12(2)
<b>4.12</b>	<p>(2) this provision should be revised – a privacy fence should not be required along every street line for a parking area for more than 4 vehicles</p> <p>(3) it should be revised to state that any parking area for more than 4 vehicles that abuts a residential zone must have a fence on the mutual lot line</p>
<b>4.15</b>	This is not consistent with the queuing provisions of 3.8(1) – minimum is 10
<b>4.20</b>	loading bay, this isn’t really necessary as a standalone provision
<b>4.23</b>	this should be covered in site plan control by-law or design guidelines....otherwise needs to be reworded to be more clear

Zones	Comments / Recommendations
General / Section 5	<p>The presentation of all permitted use and zone provision information in tables is good for clarity – however, they could be reorganized to be more understandable to the average lay person (ex. dividing servicing scenarios within columns instead of rows)</p> <p>Suggest including a “living” table at the rear of the document for special exception zones, but provide reference to such in the zone section – this will allow the zones to be navigated more clearly and efficiently</p> <p>Suggest inclusion of “additional provisions” following the zone tables to clarify any additional notes or requirements</p> <p>Some of the zones are not presenting information in a consistent way the rest of the by-law (tables vs. lists), this can be confusing for both staff and the public in identifying applicable standards and knowing where to find information.</p> <p>Section 5 should also provide details on temporary use zones and special exception zones, for example:</p> <ul style="list-style-type: none"> <li>• Temporary Use Zones – Other temporary uses, including garden suites, may be authorized from time to time by Zoning By-law amendment pursuant to Section 39 of the Planning Act. These are listed separately at the end of the appropriate zone category and are identified with the symbol and corresponding number “- t#” because of their temporary nature. Example: (R1 – t1)</li> <li>• Special Exception Zones – Where a zone symbol is followed by the suffix “-#” this shall mean that a specific exception is being made to one or more of the standards of that zone for a specific area governed by the By-law. All other provisions of the By-law shall continue to apply. Example: (R1 – 1)</li> </ul> <p><b>5.2 – holding zones</b></p> <ul style="list-style-type: none"> <li>• the description is not necessarily appropriate – its sometimes not a matter of approval in principle, but rather a question of outstanding issues related to development conditions like servicing or constraints. Should be simplified and South Stormont’s wording can be used: <ul style="list-style-type: none"> <li>○ Any parcel or area of land in any Zone may be further classified as a holding zone with the addition of the suffix “-H.” The holding classification added to a given zone shall prohibit development of land until such time as the policies of the Official Plan related to holding zones are compiled with, at which time, the H may be removed by an amendment under Section 36 of the Planning Act. While a holding zone is in effect, no lands shall be used and no buildings or structures shall be erected or used for any purpose other than those uses existing for such land, building or structure on the date of passing of this By-law and for the uses specifically permitted in the particular holding zone.</li> </ul> </li> </ul>

<p><b>Section 6 - Residential Zones</b></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 (i.e. up to 3 units in various scenarios on serviced urban lots)</p> <p>The Township has done a good job of limiting the number of residential zones – that said, R1 and R2 could likely be merged, with a new zone list consisting of:</p> <ul style="list-style-type: none"> <li>• R1</li> <li>• R2</li> <li>• R3</li> <li>• LSR</li> <li>• this will increase permissions for development without the need for costly and time-consuming zoning amendments, which is encouraged through recent changes to the Planning Act. Plus, more compact, and diverse residential forms can be facilitated with the change, without the need to undergo amendments</li> <li>• Consider the incorporation of a Residential, Agricultural Surplus (RAS) Zone to capture surplus dwelling lots (either here or in the Rural Zone section).</li> </ul> <p>Is there a need to delineate between the two different scenarios of partial servicing? These could potentially be collapsed into a single partial service standard</p> <p>Minimum dwelling unit sizes should be removed</p> <p>Suggest reducing the minimum requirements where possible to allow for more compact forms of development/infill opportunities (i.e. lot areas and frontage requirements)</p> <p>Consider reducing exterior side yard setbacks for Township Roads, so long as sight triangle is respected</p> <p>It is good that the highest density zone (R4) does not permit lower density built forms.</p>
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<p><b>Section 7 - Commercial Zones</b></p>	<p>There is likely not a need for 4 distinct commercial zones in the Township – this number could potentially be reduced to 3 or 2 zones, to largely distinguish between larger/Highway Commercial scale uses and more urban/core commercial uses.</p> <p>Suggest a combination of the CG and CI Zones at minimum, resulting in the following zone list:</p> <ul style="list-style-type: none"> <li>• CC</li> <li>• CG (combination of CG and CI) – the permitted uses between these two zones are quite similar, but the development standards would need to be harmonized (likely could use Hamlet Commercial as a baseline, given the CG zone currently has almost the same development standards as the CH zone)</li> <li>• CH</li> <li>• Considering the above, the Township could also consider simply employing a CG and CH zone to further simplify</li> </ul> <p>It's good to see that mixed residential uses are promoted in each of the zones (except CH) – Upper Floor, rear, and accessory attached residential units all appear to be the same thing. Could likely collapse into “accessory dwelling units.</p> <p>7.1 – permits “detached residential” – is this intending to be accessory to commercial uses? Or are detached standalone residential dwellings the intent.</p> <p>7.2(1-3) – likely are just typos, but these should be collapsed into one subsection. The way it is written is confusing as to what setback applies. Understand 9m for a CH use, but 6m may be sufficient for others.</p> <p>Consider the incorporation of permissions for apartment buildings with integrated commercial uses as well to promote more mixed-use forms in the core areas</p>
<p><b>Section 9 - Industrial Zones</b></p>	<p>The four industrial zones in use make sense for the context of the Township</p> <p>The standards can be merged in the tables where they are the same</p> <p>The Salvage Yard Zone should be organized in the same way as the rest of the zoning by-law for consistency</p> <p>Cannabis production and processing should be permitted at least in the MR zone, consider M zone, subject to new separation distances</p> <p>Consider permitting accessory dwellings in the MR zone</p>

<p><b>Section 10 - Agricultural/Rural Zones</b></p>	<p>Section 10 outlines the provisions applicable to the rural zones, which include RU, ER, and AG</p> <p>(10.1) - Minimum lot area requirements can potentially be reduced for fully serviced lots</p> <p>(10.1) - Minimum setbacks could be reduced to 10m for all yards to reduce number of minor variances and allow for more flexibility while still allowing for acceptable setback</p> <p>10.2(2) – the Township should consider allowing for agricultural uses / clarifying that agricultural uses may be established on existing lots of record having a lot area greater than X-hectares (presumably less than 20) – this would eliminate the need for special approvals and allow for smaller-scale ag uses</p> <ul style="list-style-type: none"> <li>• Further to this, a provision could also be added speaking to the consideration of retained farmland from a surplus severance being considered an “existing lot of record” for the purposes of ag uses – would cut down on the number of special exceptions/additional approvals being required</li> </ul> <p>This section should incorporate the flag lot provisions and consider allowing flag lot scenarios for rural lots as well.</p> <p>Could potentially reduce the lot frontage for residential uses on rural lots</p> <p>Suggest removing specific references to properties in exception zones</p>
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<p><b>Other Zones</b> - this Section is intended to address the review of all other zones in the zoning by-law.</p>	<p><b>11.2 Waste Disposal</b></p> <p>(b) this setback should be revised to 500m to conform with OP and Section 3.38 of the ZBL</p> <p><b>12.2(1) standards for MXR zone</b></p> <p>This could lead to some confusion as to what zone is applicable..suggest revising to state that standards shall be the same as those for the RU zone, but that no buildings shall be constructed.</p> <p><b>13 – Environmental Protection Zones</b></p> <p>The opening paragraph to this section is confusing as it only pertains to the NZ zone – suggest relocating this text or adding descriptions for each of the zones outlined in this section</p> <p>This entire section is quite confusing due to content being spread out – all provisions pertaining to each distinct zone should be grouped together under one sub header or section in order to organize content</p> <p>It is understood that new floodplain maps are in the process of being adopted and that the section will require an overhaul</p> <p><b>14 - Open Space</b></p> <p>Provisions are simple which is good for an open space zone – however, frontage is unnecessarily large. In essence, this would prohibit smaller scale parks/parklets. Suggest that frontage be tied to intended access (vehicles vs. pedestrians) in which a smaller frontage could apply. At the very least frontage could be reduced across the board.</p>
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### 8.3 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	
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 all the zones that fall under the Residential District
3.5.1.3	Frontage and Access	P	There are no exceptions provided for lots of record on private roads, or other scenarios except a condo development.

<b>3.5.1.4</b>	Measures for Landscaping, Buffering, Screening and Land Use Compatibility	Y	
<b>3.5.1.5</b>	Separation Distances and Influence Areas	Y	
<b>3.5.1.5.1</b>	MDS Formulae	Y	
<b>3.5.1.6</b>	Accessible Communities	Y	
<b>3.5.1.7</b>	Zoning	Y	
<b>3.5.1.11</b>	Complete Communities	Y	
<b>3.5.2.2</b>	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>
<b>3.5.2.3</b>	Commercial Areas, Main Streets, and Downtowns	Y	
<b>3.5.2.4</b>	Industrial Areas	Y	
<b>3.5.2.6</b>	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>
<b>3.5.2.9</b>	Shoreline Development and Lake Development	Y	
<b>3.5.4.1</b>	Land Supply for Housing and Affordability	Y	
<b>3.5.4.2</b>	Garden Suites	Y	
<b>3.5.4.3</b>	ARUs	N	Only 1 additional residential unit is permitted currently.
<b>3.5.4.5</b>	Group Homes	Y	

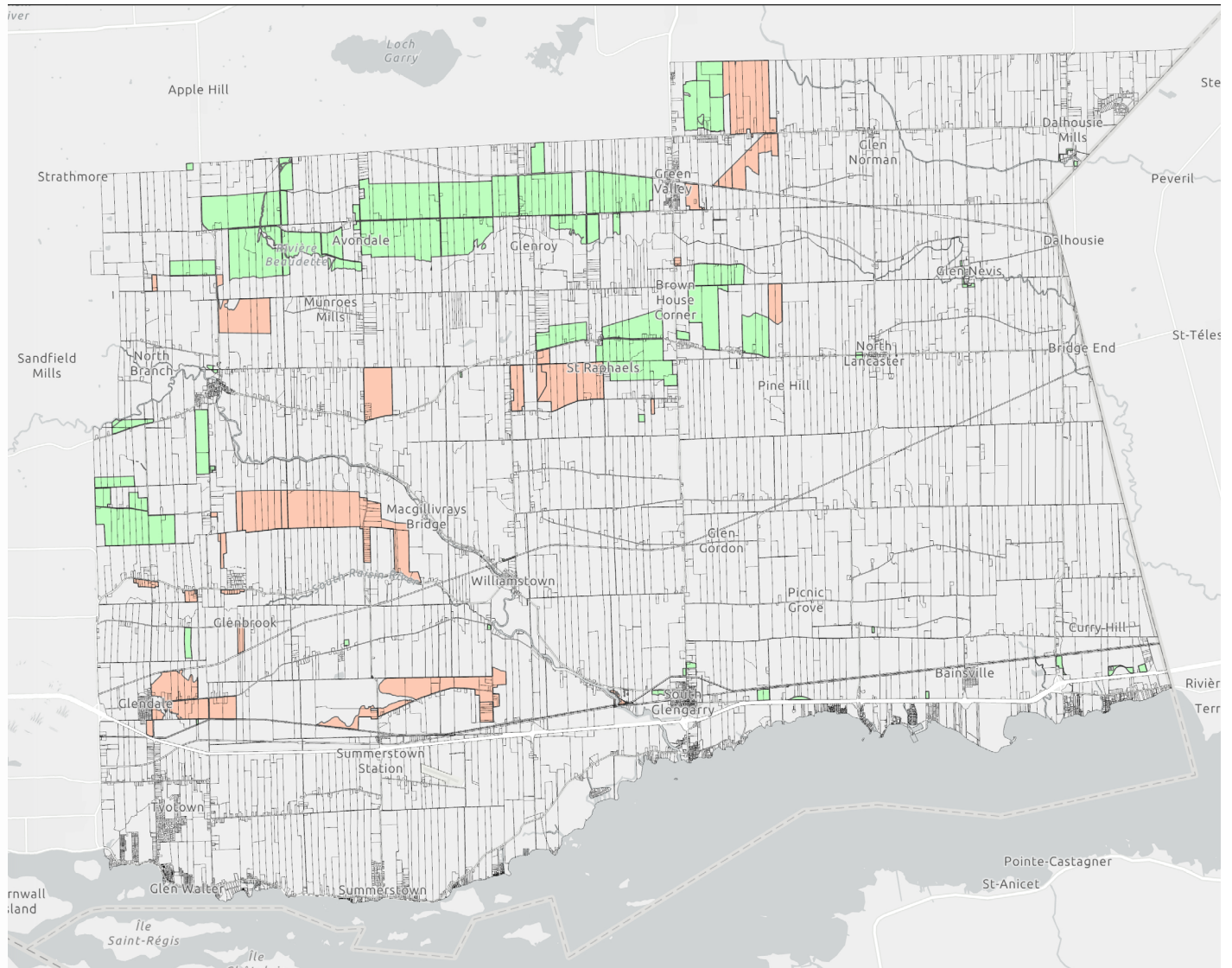


<b>3.5.4.6</b>	Home Based Businesses and Bed and Breakfast Establishments	Y	
<b>3.5.6.4</b>	Scrap Yard Development Requirements	Y	
<b>3.5.7</b>	Lots of Record	Y	
<b>4.3.2.4</b>	Barrier Free Access	P	
<b>4.3.3.7</b>	Source Water Protection	N	There is no incorporation of source water protection regulations in the text nor schedules. Should consider including an overlay or direct reference to OP schedules containing this information, if applicable.
<b>4.3.3.8</b>	Municipal Regulatory Control - sewage and services	Y	
<b>4.3.5.2</b>	Amendment & Planning Principles for Waste Management	Y	
<b>4.3.6.1</b>	Provincial Highways	Y	
<b>4.3.6.2</b>	County Roads	Y	
<b>4.3.6.6</b>	Rail	P	30m setback minimum required from the rail ROW; however, should contain minimum setback triggers for noise and vibration in accordance with FCM Guidelines.
<b>4.3.6.7</b>	Airports	NA	
<b>Table 5.2</b>	Resource Lands and Scope of Uses	Y	
<b>5.3.4</b>	Lot Sizes (Agriculture)	Y	However, existing lots of record and retained lands leftover from surplus dwellings should be addressed.
<b>5.4.4</b>	Zoning - Aggregate	Y	
<b>5.4.6</b>	Wayside pits and quarries, Portable Asphalt and Concrete Plants	Y	
<b>5.4.8</b>	Peat Extraction	P	Peat extraction provisions are included, but do not speak to reclamation, unless otherwise addressed in a site alteration by-law.




<b>5.5.2</b>	Natural Heritage - Adjacent Lands	Y	
<b>5.5.6</b>	Wetlands	Y	
<b>6.2.1</b>	Scope of Uses (Natural Hazards)	Y	
<b>6.2.2</b>	Flooding	Y	
<b>6.2.3</b>	Organic Soils	Y	
<b>6.2.4</b>	Unstable Slopes	P	Not entirely clear that a geotechnical is required for development on unstable slope
<b>6.2.6</b>	Karst	NA	
<b>6.2.10</b>	Access Standard	N	Access standards not incorporated into zoning by-law for development on/near hazard lands.
<b>6.3.4</b>	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.

## 8.4 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
11,400	460

*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.*

## **8.5 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.

### **8.6.1 Minor Variances**

A total of 115 Minor Variance applications were submitted from 2019 to the end of 2022.

8 applications were submitted for reductions to the minimum lot area for agricultural uses. Expanded provisions for existing lots of record for agricultural uses should be considered – there were several applications for “undersized” lots, whether created through surplus severance or due to being historically existing lots. Consider basing off South Stormont’s approach.

47 applications involved the reduction of a waterbody/watercourse setback. (In many cases, the setbacks being requested would result in a setback greater than 15 metres). The Township should consider options for exempting existing lots of record/buildings from the requirement to obtain a minor variance when a proposal involves an existing lot of record/existing dwelling, subject to approval from the CA.

31 Applications involved non-water setback reductions – while this may seem like a lot, most of the cases appear to be context specific. However, the Township should consider reducing minimum setbacks in the Ag zone, as well as exterior side yard setbacks within residential/urban zones to reduce these cases in the future.

2 of the 3 applications submitted in relation to home occupations were for increased % dwelling areas dedicated to the occupation – the Township should consider how this standard is typically regulated and/or monitored in cases where someone does not inquire, or no building permit is required. Suggest either an increase or elimination of the percentage as a regulation.

The only other noticeable trend in the applications was related to increases in the maximum floor area permitted for accessory buildings in residential zones (which is 100m<sup>2</sup>) – to reduce the number of requests of this nature, it is suggested that a lot coverage % be used in lieu of a specific area, which allows for more flexibility on larger lots. Most municipalities use 10% as a maximum.

Most of the remaining minor variances involved context-specific relief of height, floor area, MDS separation or parking requirements, with no real trends being identified – MV processes are intended for abnormal situations or extenuating circumstances and setback reduction requests are a common occurrence.

### 8.6.2 Zoning Amendments

A total of 51 zoning amendments were submitted between 2019 and the end of 2022. While most of the zoning amendments were context-specific to an individual site or proposal, a number of applications were received in relation to surplus dwelling severances. More specifically, as part of rezoning retained lands from a surplus dwelling, a number of the sites required a reduction of the minimum lot area permitted for an agricultural use. This further supports the need for including provisions that allow for a retained agricultural parcel, following a surplus dwelling severance, to be classified as an existing lot of record with a smaller lot area than a typical agricultural parcel.

Further to the above, 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

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## 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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