



City of Kawartha Lakes  
Rural Zoning By-law Review

**DRAFT**  
**ASSESSMENT OF KEY ISSUES**  
**& METHODOLOGY REPORT**

December 2020



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# 1.0 Introduction

The City of Kawartha Lakes, in conjunction with WSP Canada Group Limited (WSP), is undertaking the review and consolidation of its existing rural area zoning by-laws. In addition to the statutory requirement to conform to the City's 2012 Official Plan, this rural zoning by-law review provides an opportunity to modernize and streamline the City's rural area zoning requirements. The Rural Zoning By-law Review represents Phase 1 of the larger zoning by-law review project and is the focus of this Report. Phase 2 of the project will involve the review and consolidation of the 5 urban area zoning by-laws, and the review of the Oak Ridges Moraine Zoning By-law. This will be initiated following completion of the Rural Zoning By-law Review and is not discussed in this Report.

## 1.1 Background

The City currently administers 13 comprehensive zoning by-laws in its rural areas, applying to various geographies (i.e., former Townships prior to amalgamation). Zoning by-laws are detailed municipal by-laws, enacted in accordance with the Planning Act, and used to regulate and control the use of land, and the erection, use and expansion of buildings and structures in the City. It is a key planning tool administered by the City to ensure land use compatibility, maintain community character, and implement many other planning objectives. The principal objective of this project is to consolidate the 13 rural zoning by-laws into a single, new Rural Zoning By-law, which will significantly streamline administration and create more consistency in the City's regulations.

Prior to completing this Assessment of Key Issues and Methodology Report, a Discussion Paper has been prepared, which:

- Summarizes relevant policy and legislation to be considered through this Rural Zoning By-law Review;
- Outlines potential issues to be considered and addressed in the Rural Zoning By-law;
- Assesses whether the existing rural area zoning by-laws conform to the City's Official Plan policies and identifies some key policy gaps;
- Establishes the principles that will guide the preparation of the Rural Zoning By-law; and,
- Documents preliminary options and recommendations to address key issues.

The purpose of this Assessment of Key Issues and Methodology Report is to take the recommendations in the Discussion Paper and translate them into a set of strategic directions for undertaking the Rural Zoning By-law Review. The process of reviewing and consolidating the 13

existing rural area zoning by-laws is a complex and technical exercise to improve the current rural area zoning framework. In particular, this Report establishes a methodology for consolidating the 13 existing rural area zoning by-laws into one new, Rural Zoning By-law. The Discussion Paper also included an assessment of various key policy implementation issues, of which a selection is explored in more detail in this Report. This Report therefore is intended to establish a clear methodology for preparing the first Draft Rural Zoning By-law.

## 1.2 Overview of this Assessment of Key Issues and Methodology Report

This Assessment of Key Issues and Methodology Report represents the first task in Stage 2 of the Rural Zoning By-law Review (**Figure 1**) and will provide the basis for the substantial effort required in consolidating 13 zoning by-laws containing nearly 200 zones and preparing the First Draft Rural Zoning By-law. Following the release of the First Draft Rural Zoning By-law, two more iterations of the Rural Zoning By-law will be prepared to respond to and refine in consideration of input received.



Figure 1 - Rural Zoning By-law Review Project Timeline

The objectives of the Report are to:

- Establish a methodology for consolidating the 13 zoning by-laws into one new zoning by-law;
- Document further research and best practice assessments to inform how various key policy issues will be addressed, building on the higher-level assessment in the Discussion Paper;
- Establish a clear path forward to rationalize the existing rural area zoning by-laws and produce defensible recommendations, which are aligned with Provincial and City policies and guidelines; and,
- Set the stage for future public and stakeholder consultation in Stage 2.

It is anticipated that this Assessment of Key Issues and Methodology Report will be completed in two major iterations. The first iteration of the Report contains recommendations as well as options or directions for preparing the Rural Zoning By-law. Throughout the Report, key

recommendations and possible options have been identified in blue and green boxes, respectively.

Recommendation

Option

From these recommendations and options, and informed by further public and stakeholder consultation, the subsequent iteration of the Report will present refined recommendations to proceed with the preparation of the Rural Zoning By-law.

Subsequent sections of the Assessment of Key Issues and Methodology Report build on the Discussion Paper in the following manner:



- **Section 2.0: Steps to Harmonization** – Identifies a recommended methodology for consolidating the 13 existing rural area zoning by-laws into one new Zoning By-law, including:

- Creating consistency and consolidating zones based on permitted uses, as well as simplifying permitted use terminology;
- Consolidating lot and building requirements amongst the zones;
- Reviewing and assessing whether Site-Specific Exceptions need to be carried forward, deleted, or otherwise reviewed or modified;
- Consolidating the general provisions; and,
- Consolidating other defined terms.



- **Section 3.0: Rural Zoning By-law Format and Layout** – Outlines recommendations with respect to the structure and sequencing of sections for the Rural Zoning By-law, and directions for preparing the schedules (mapping of zones).



- **Section 4.0: Key Zoning Issues** – Builds on the options presented in the Discussion Paper around the key policy issues which must be considered and/or addressed, including:

- Waterfront Areas;
- On-Farm Diversified Uses;
- Environmental Protection; and,
- Flooding / Hazard Lands.





- **Section 5.0: Next Steps** – Brings together the recommendations of the Assessment of Key Issues and Methodology Report which form the work plan for preparing the First Draft Rural Zoning By-law. This section will also discuss the next stage of public and stakeholder consultation and the input that is required to finalize this Report.

## 2.0 Harmonizing the Rural Area Zoning By-laws

Harmonization represents the first step in preparing the new Rural Zoning By-law and involves comparing, analyzing, and bringing together the provisions of the 13 existing rural area zoning by-laws. This effort is anticipated to result in a simplification of zone categories, and the introduction of a single set of definitions and general provisions in one Rural Zoning By-law. The First Draft Rural Zoning By-law will be prepared based on this consolidated set of zones and zoning regulations, and will undergo further refinements to address key issues and Official Plan policy direction.

Establishing a thoughtful and efficient methodology for the harmonization of the existing rural area zoning by-laws is a critical consideration prior to writing the Rural Zoning By-law. Careful consideration is required with respect to the impact of consolidating zoning by-laws. The process of consolidating and simplifying the zones will result in a degree of change compared to how lands are currently regulated in the City. By merging zone categories, for example, changes may be introduced with respect to setbacks, building height, permitted uses, or other requirements. The process of merging the definition of a use will result in new terminology that may represent an increase or a decrease in the scope or extent of activities that constitute that use, compared with the previous regulatory framework. The process of harmonizing and integrating the general provisions may result in the application of new requirements where requirements do not exist before or the loss of requirements if they are not carried forward into the new Rural Zoning By-law.

The steps outlined in the following sections represent the work plan which will be followed to harmonize the existing rural area zoning by-laws. This process must achieve an appropriate balance of maintaining existing property rights and entitlement while also creating a simpler, easier to administer Rural Zoning By-law compared to the existing framework of 13 zoning by-laws. Additionally, the new zoning by-law must be prepared to conform to the policies of the City of Kawartha Lakes Official Plan.

### 2.1 Background

Each of the 13 existing rural area zoning by-laws contain regulations which differ across the former Townships which now comprise the City of Kawartha Lakes. While the zoning by-laws share similarities, there are also numerous differences in the zones, the provisions and terminology used.

A ‘zone’ is a distinct category of land use, which establishes a list of permitted uses, such as a single detached dwelling, as well as lot and building requirements, such as building height and setbacks. The reader refers to the schedule to identify which ‘zone’ applies to a property or area of land. Within the existing rural area zoning by-laws, there are collectively 193 distinct zone categories which apply to all rural lands in the City, including 65 residential, 42 industrial, 35 commercial, 19 agricultural, 12 community facility, 8 environmental protection, 6 open space, and 6 other zones (including aggregate and institutional uses).

Further, there have been 968 approved site-specific amendments to the existing zoning by-laws which will be reviewed through this exercise (**Figure 2**). A site-specific amendment is a distinct zone category that applies to one or a group of properties. A site-specific amendment is passed by Council as an amendment to the zoning by-law to address and implement an application to change land use or to permit development in a manner that does not fully correspond with one of the existing broader zone categories established in the by-law. Over time, the City has thus accumulated nearly 1,000 of these types of amendments across the 13 rural zoning by-laws. This is a normal situation and is comparable to other municipalities.

As a first step to preparing the First Draft Rural Zoning By-law, it is necessary to compare and consider recommendations to simplify the existing permitted uses, definitions, and provisions of the rural area zoning by-laws. Each of 193 zones in the existing rural area zoning by-laws will be reviewed as a candidate for harmonization. Ultimately, the 13 by-laws will be brought together, providing one comprehensive set of zones, including permitted uses and lot and building requirements, definitions, and provisions. It is a clear objective of this Rural Zoning By-law to merge zones, where feasible and appropriate, to reduce duplication in the regulations across the City’s rural area to allow for easy interpretation as well as to introduce more consistency in the City’s standards.

Further, the City of Kawartha Lakes Official Plan provides policy direction through broad land use policies, permitted uses, and standards that will be implemented through updated provisions in

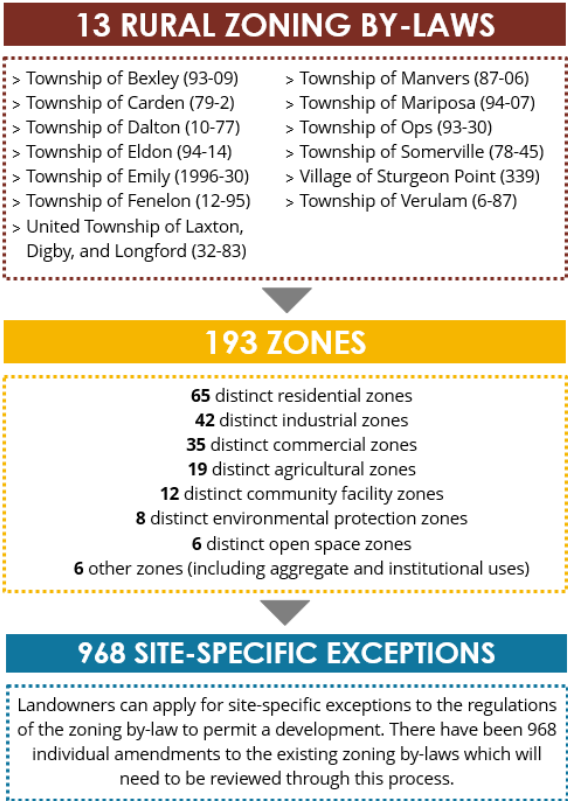


Figure 2 – Existing rural area zoning in the City of Kawartha Lakes



the Rural Zoning By-law. Any new or revised zones, standards, or permitted uses created through this harmonization exercise must be evaluated against the Official Plan.

## 2.2 Steps to Zone Harmonization

The consolidation of the existing rural area zoning by-laws is the critical first step to preparing the Rural Zoning By-law. Harmonization should not result in any significant variances from the existing standards; rather, the exercise should result in a Rural Zoning By-law that best represents the existing zoning by-laws and minimizes deviations from the current standards, while still bringing about a greater degree of simplification compared to 13 separate by-laws. To harmonize zones within a given zone category, it is practical to group zones that are similar in terms of permitted uses and zone standards. There is often duplication among the 13 by-laws and this exercise presents an opportunity to reduce the number of zones and restructure the zone hierarchy.

In order to consolidate the existing rural area zoning by-laws, the following approach will be implemented to ensure that a thorough and well-documented process of harmonization achieves the principles of the Rural Zoning By-law Review. Overall the process (outlined in **Figure 3**) involves tabulating the existing zone information, merging zones based on a number of similar factors to establish a preliminary set of zones, and then fine tunes the zone uses and requirements where required for Official Plan conformity

### Step 1: Tabulate the Zones and Group Similar Zones

The first step is to tabulate and compare all of the zone categories to assess opportunities for consolidation. This step brings together the permitted uses and lot and building requirements of the 193 zones into a working document for comparison and analysis. Ultimately, this step will serve as the foundation for the remaining steps in the zone harmonization exercise, as well as provide a comparison of permitted uses and other terminology used amongst the zones. The existing zones will not be altered in this step, as it is the intent of this step to simply compare the existing permitted uses and lot and building requirements.

The permitted uses and lot and building requirements from across the existing zones will be compiled into a comparison table which lists and compares the existing uses and standards. Within these tables, similar zones will be grouped together based on the following criteria:

1. The first grouping of zones will bring together zones where there are similar permitted uses. For example, each the Rural Residential One zones across the existing rural area by-laws generally permit similar uses (i.e., a single detached dwelling and home occupation), so these zones are logically grouped together.
2. A second step for refining the grouping of zones will be to compare the lot and building requirements. For example, amongst the large number of zones that

permit only single detached dwellings, there are differences in terms of the minimum lot frontage or lot area, or servicing requirements.

The outcome of this first step is a table of zones where each zone category is grouped based on similarities in terms of permitted uses and, secondly, lot and building requirements. This provides a basis to consider how the zones could be consolidated.

## Step 2: Merge Zones

Once similar zones are grouped together in Step 1, the existing permitted uses and lot and building requirements within each grouping will be reviewed under several lenses. Consideration must be made to the degree to which the zones are similar in intent and purpose prior to merging them.

This exercise is intended to carry forward and streamline the existing permitted uses, as discussed below, within updated zone categories. It will not result in adding new or removing existing permitted uses but focuses on opportunities to simplify the standards amongst the similar groupings of zones.

The harmonized permitted uses will be captured under updated zone categories which reflect the intended function, application, or built form of the zone. For example, some of the existing zones will be harmonized into new Waterfront Zones which apply along the City's waterfront areas and ultimately work to implement the Waterfront designation of the City's Official Plan.

### Step 2A: Merging Zones Based on Permitted Uses

Firstly, consideration will be made to simplify the terminology for uses addressed in the By-laws. The table of zones, grouped for similarities in permitted uses amongst the zones, allows terminology in terms of permitted uses to be easily compared. For example, some zones might permit a "single detached dwelling" whereas others may use the term "detached dwelling" or "single family dwelling." The new zoning by-law will need to utilize a single term which would be selected from the existing terminology. Additionally, recognizing the age of the existing by-laws, consideration should be made to update the term based on more modern terminology used in other zoning by-laws and broader development practice. Furthermore, in some cases, terminology should be updated for consistency with terminology used in the Official Plan where applicable. For example, the Official Plan uses both terms "home occupation" and "home industry" which should be differentiated in the By-laws.

In harmonizing permitted uses, either an existing term will be selected or a new term (permitted use) will be selected which best reflects the existing permitted use. The goal of this step is to establish a preliminary list of new uses. The criteria for developing the list of uses include:

1. **Establish consistency and eliminate duplication in the names of uses across the existing zones.** Within each grouping of existing zones, there will be some

differences in the terminology of permitted uses between zones, as well as instances where the same use is essentially permitted but a different term is being used. It is desirable to eliminate instances of duplication and ensure consistency between terms for existing permitted uses. For example, within the residential zone category there are number of similarly worded permitted uses, related to mobile homes, which present an opportunity to eliminate duplication, including “mobile homes”, “mobile home park” and “a mobile home park.” The outcome of this step is to establish a list of consolidated uses based solely on the content of the existing Zoning By-laws.

2. **Simplify and modernize the names of uses.** Once the terminology has been simplified and redundancy minimized, there are opportunities to review some terms for their modernity, to ensure, where possible, the Rural Zoning By-law reflects more modern terminology and development practice. For example, modern zoning by-laws do not usually use the term “amusement arcade” but rather may simplify this use as a “place of entertainment”. Further, the term “single detached dwelling” is more appropriate compared with “single family dwelling” as the zoning by-law is not a means of regulating or defining a “family” but rather a use. Additionally, for example, the Verulam By-law permits a “beverage room” which could be permitted more broadly through an updated term, such as a restaurant or bar. In this step, the terminology should be updated to reflect these best practices.

There will be many similarities across these lists of specific uses which would present an opportunity to identify a singular general term, for example ‘retail uses’, and defer details such as related to outdoor storage/display to the general provisions. The goal of this step is to arrive at a singular general term to replace all similar terms which have the same intended meaning.

3. **Ensure consistency with terminology used in the Official Plan.** Finally, the terminology should also reflect terminology used in the Official Plan, where applicable. This will help to ensure that there are clear linkages between the policies of the Official Plan and the implementing provisions of the Rural Zoning By-law. This will only apply in instances where the Official Plan uses terminology. Since the Rural Zoning By-law is much more detailed than an Official Plan, there will only be some instances where an equivalent term in the Official Plan is used.

The completion of this exercise to update the list of permitted uses will begin to inform how the zones can be merged. In particular, it will likely inform how the agricultural, commercial, institutional, open space, environmental protection and industrial zones can be merged, since these types of zones are mainly differentiated by their permitted uses. Based on the exercise conducted above, the groupings of zones will begin to emerge where there are obvious similarities in permitted uses. The merging of zones based on permitted uses will result in a new zone category that implements all of the permitted uses that feed into the zone, as a first step.

## Step 2B: Merging Zones Based on Lot and Building Requirements

The steps conducted so far will have resulted in the grouping of similar zones, the introduction of a simplified approach to permitted use terminology, as well as some preliminary recommendations for merged zones based on similarities in permitted uses. However, some zones may not be merged simply on the basis that they have similar permitted uses. Some zones, while the permitted uses will be similar, will have very different lot and building requirements, so further analysis is required. This is anticipated to be the case for any residential zones, in particular.

Generally, when consolidating the lot and building requirements across the various grouped zones, the most permissive standard should be carried forward to minimize instances of creating legal non-conformity. However, the City has many diverse areas that have different lot and building requirements related to servicing or neighbourhood character that will require a more thoughtful approach. It will be imperative through this step to document significant changes and changes which require further discussion or research to ensure an appropriate standard is being used.

Firstly, zones should only be merged where the permitted uses are very similar or identical. Second, where this is confirmed to be the case, zones can be merged on the basis of similarities in minimum lot frontage and lot area, as these are the key determinants of lot creation and community character. Third, where it is determined that the permitted uses, lot area/lot frontage requirements are similar, consideration is made to merge zones if the building height and yard requirements are also similar. It is very likely that, amongst the numerous zones being merged, there are going to be many minor differences between the zones as well as significant differences between the zones and it will be unlikely that the zones will be perfectly identical amongst the By-laws. As such, thresholds with respect to the appropriateness of merging zones should be used to guide decision-making about when zones are “similar enough” that they can be merged. To assist with consolidating zones, a set of thresholds have been established to guide decision making and ensure a consistent approach is employed when harmonizing lot and building requirements of similarly group zones (**Table 1**). The criteria in the table below have been established based on a preliminary review of the consolidated lot and building standards in the existing rural area zoning by-laws.

Where zones are deemed to meet the ‘thresholds’ for merging the zones based on lot and building requirements, a new, merged zone category is produced which will utilize the most permissive standard amongst the zones being merged. For example, if a zone with a maximum building height of 9.5 m is being merged with a zone with a maximum building height of 10.0 m, the maximum building height of 10.0 m will be retained. As per **Table 1**, when these differences exceed the thresholds, there is a need to document the change for further discussion and assessment to ensure that the larger increases in development permission is going to be appropriate. Lot and building requirements which have a difference which falls under the

threshold will be updated to the more permissive standard within the grouping, while those over the threshold will be documented for further review and research.

Table 1 - Thresholds for harmonizing existing lot and building standards

Standard	Minor lot and building requirement difference for the purposes of merging zones	Significant lot and building requirement difference when merging zones (i.e., documentation and further assessment is needed to assess impacts)
<b>Min. Yards</b>	Differences of about 1.5 m or less.	Differences greater than 1.5 m.
<b>Max. Lot Coverage</b>	Differences of about 10% or less.	Differences of greater than 10%.
<b>Max. Height</b>	Differences of less than about a ½ storey (1.5 m).	Differences of greater than a ½ storey (about 1.5 m).
<b>Min. Lot Frontage</b>	Differences of about 10% or less. (e.g., 1.5 m for a 15 m lot frontage)	Differences of more than 10%.
<b>Min. Lot Area</b>	Differences less than 10 ha (agricultural). Differences less than 0.1 ha (other zones).	Differences of greater than 10 ha (agricultural). Differences of greater than 0.1 ha (other zones).

Throughout Step 2, it is anticipated that the harmonization of some zone categories, such as the community facility/institutional, open space, aggregate, and environmental protection zones, will be straightforward and result in minimal changes to existing permissions which would require further discussion. However, the existing 65 residential, 42 commercial, 35 industrial, and 19 agricultural zones will require significantly more effort and iteration to harmonize and establish new zone categories, including those for the waterfront and hamlet areas.

### Step 3: Preliminary Set of Zones

The completion of the steps above will result in a preliminary set of zones for initial consideration in the First Draft Rural Zoning By-law. The outcome of the work in the preceding steps is to produce a reduced set of zones that implement consistent terminology and are merged in a manner that minimizes instances of creating legal non-compliance and legal non-conformity. All of the assessments completed above will be documented and the new zones will be inserted into the first working draft Rural Zoning By-law document.

Matters which have been identified as requiring further research or significant changes will be explored. A memorandum will be prepared which outlines the key matters requiring further discussion or refinement for consideration, and where required input, by the City of Kawartha Lakes. This memorandum will also list how the existing zones have been translated into the preliminary set of new zones. This will likely focus on when zones were merged which exceeded

the thresholds, and the research and analysis used to inform why that decision will not represent an impactful situation.

Aerial photos and best practice research will be used to inform this research and determine the most appropriate directions. This step will result in a refined set of zones, including permitted uses and lot and building requirements for the Rural Zoning By-law. It is noted that Steps 1-3 are intended to be an iterative process, and that upon further review or analysis, there may be a need to revisit an earlier step to ensure accurate harmonization.

#### **Step 4: Review of New Consolidated Zones for Conformity with the Official Plan**

The City of Kawartha Lakes Official Plan provides policy direction through broad land use policies, permitted uses, and standards that will need to be reviewed against the refined zones established through Steps 1-3 above. As the principal tool for implementing planning policy, the task of ensuring that the Rural Zoning By-law implements the policy framework of the Official Plan is a key undertaking. The Rural Zoning By-law must conform with the Official Plan, per the requirements of the Planning Act.

The existing rural area zoning by-laws for the former municipalities have not benefited from the preparation of the City's 2012 Official Plan and therefore do not implement its policy direction, resulting in potential conformity issues. This step will result in direct changes, including additions and removals, to the lot and building requirements and permitted uses across the harmonized zones in order to implement the Official Plan.

The Official Plan also includes policies that may affect permitted uses outside of the land use designation policies. For example, there are broad provisions regarding garden suites and home-based businesses. These types of policies will be identified for incorporation into the Rural Zoning By-law, including new general provisions or overlays, as required.

This step involves reviewing the permitted uses and zone standards against the policies of the Official Plan. This methodology should involve a comparison of how the new zone categories relate to the land use designations of the Official Plan. Geographic Information Systems (GIS) will be used to assist in this analysis, to show the spatial relationship of each zone and the permitted uses. Once this relationship is established, the relevant zones applicable to each land use category will be compared. This assessment will result in one or more of the following possible modifications to the zones:

1. If the zone is permitting uses that are no longer permitted by the Official Plan, consideration will need to be made to delete the permitted use from the zone. In this circumstance, any legally existing use will receive legal non-conforming status. Alternatively, depending on the permissions and policies of the Official Plan as it relates to legally existing uses, there may be an opportunity to permit existing uses or to create a site-specific exception zone to permit the use.



2. There may be instances where the zone is highly unexpected based on the policies and permissions of the Official Plan. For example, it would be unexpected to identify an industrially zoned property located in a Waterfront designation, where such a zone would not be expected or contemplated. These issues will need to be reviewed on a case-by-case basis to assess options for modifying the zone. In some cases, retaining the zone may be appropriate if the Official Plan contains sufficient policies enabling the continuation of the use and the development permissions. In other cases, the zone category might have to be changed to reflect the permitted uses in the new designation. It is also possible that these instances could result in a potential update to the Official Plan, if it is the City's intent to recognize the permission in a land use designation. Any potential Official Plan updates will be documented.
3. Additionally, the zone will need to be reviewed against the standards of the Official Plan with respect to any particular requirements regarding lot size, lot and building requirements or criteria surrounding permitted uses. Generally speaking, the Official Plan does not typically contain a great deal of detail regarding lot and building requirements, except in certain circumstances. For example, the Official Plan requires a minimum lot area of 40 hectares in the Prime Agricultural designation, whereas the existing Eldon Zoning By-law establishes a minimum lot area of 25 hectares in the A1 Zone. The Official Plan also sets out a number of lot and building requirements within the Waterfront Designation, including minimum lot areas and frontages. This issue, elaborated on in **Section 4.1** of this Report, will require further analysis as it is anticipated that many existing lots and buildings / structures along the waterfront do not comply with these Official Plan policies. However, for the most part, the Zoning By-law usually has significant flexibility to establish lot and building requirements that reflect existing uses and neighbourhood character.

For convenience purposes, the steps, milestones, and key decision points of this methodology are conceptually depicted in **Figure 3**, below.

**Recommendation** | The zones established in the 13 existing rural area zoning by-laws will be reviewed and harmonized in accordance with the methodology outlined in this Report.

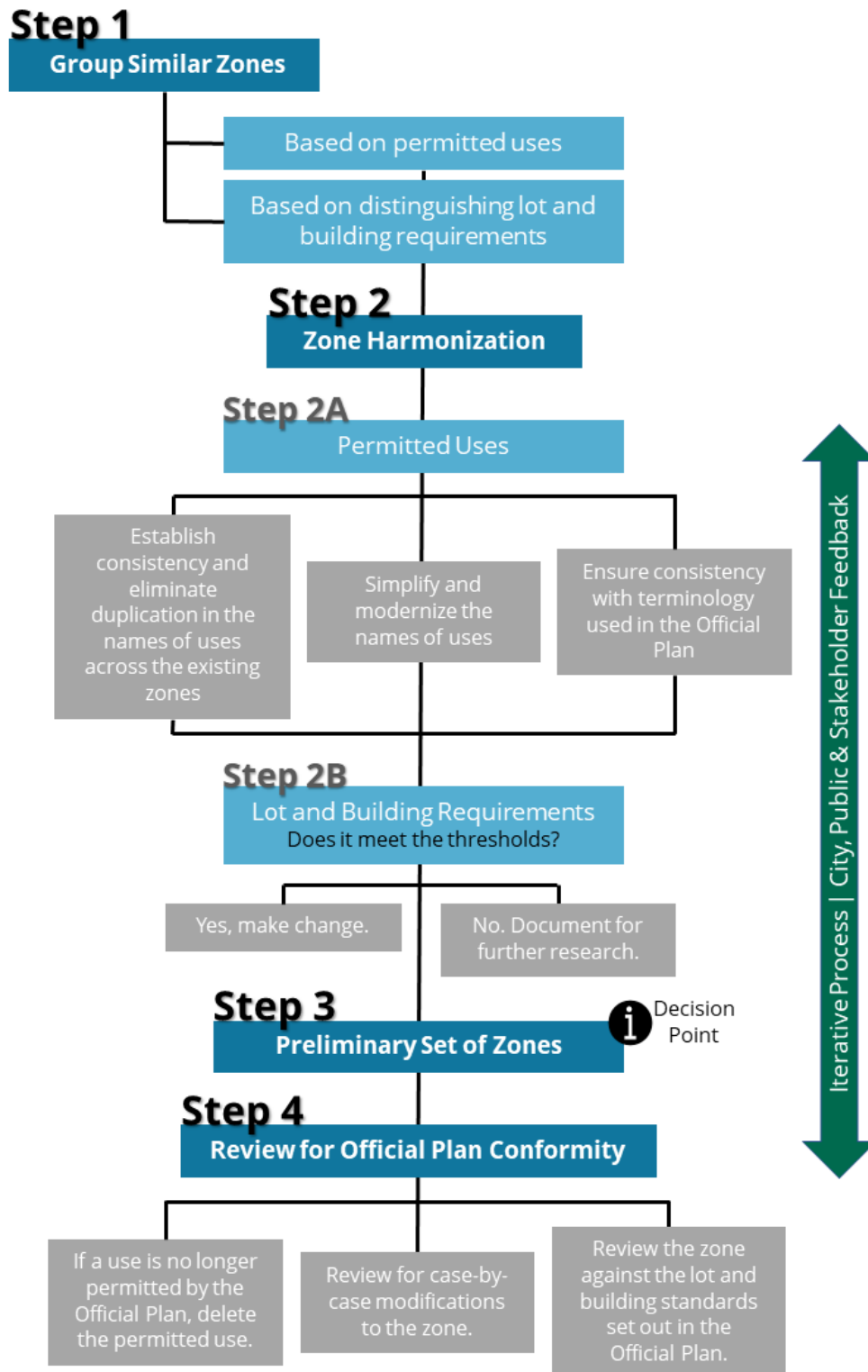


Figure 3 - Zone harmonization work flow

## 2.3 Review and Consolidation of Site-Specific Exceptions

The existing rural area zoning by-laws contain nearly 1,000 site-specific exceptions. The Discussion Paper outlined three possible options to consider when reviewing site-specific exceptions. Based on the recommendations of the Discussion Paper, it is recommended that **Option #2: Review and Harmonize** be carried forward as the preferred methodology to conduct the review of site-specific exceptions. A full repeal of the site-specific exceptions is not recommended as it would have significant impacts on current development entitlement and would likely generate significant appeals and property owner opposition. Additionally, retaining all existing site-specific exceptions as-is would create significant conformity, administration, and interpretation issues within the Rural Zoning By-law.

It is noted that the First Draft Rural Zoning By-law will not include reviewed or consolidated site-specific exceptions, and that this exercise will take place concurrently with the Second Draft Rural Zoning By-law to minimize the number of iterations and revisions and released alongside the Final Draft Rural Zoning By-law. It is also important that these amendments to the various rural area zoning by-laws be assessed for conformity with the City's Official Plan. This means having a documented methodology and understanding the implications of deleting the various types of site-specific exceptions.

The review of exception zones should also be treated as an opportunity to inform the parent Rural Zoning By-law itself. Reviewing the exceptions can provide insight into more contemporary building practice, site-specific definitions, or modern uses that can inform minor and modest updates to the terminology or the standards in the parent Rural Zoning By-law.

This exercise will require a conscious effort that is informed by decision-making guidelines when determining which amendments should remain and which amendments may be deleted. To maintain transparency, this process should be well-documented and consideration should be given to the form of notification from the City of Kawartha Lakes to land owners affected by the deletion or modification of a site-specific provision. The outcome of this exercise will likely result in many site-specific exceptions being deleted, based on the criteria outlined below. Generally, site-specific exceptions will fall into one or more of the following categories:

- Use Exception Provisions – permitting uses beyond those normally allowed in the parent zone, often resolving situations of non-conformance.
- Use Limitation Provisions – restricting uses on a site to specific uses, which may be more restrictive than the general zoning category. There may be a number of reasons for these provisions but usually they are related to some site-specific conditions where there is a desire to more carefully control the development.

- Lot and Building Requirement Modifications – permitting development with less than the required standards such as yards, parking, lot coverage or area, and/or height. These are often circumstances where relief from the by-law requirement is needed to customize zoning to a specific proposal or the variance is considered to be too major to be a minor variance. In some cases, the exception might function as a complex, “stand-alone” zone with detailed, self-contained requirements rather than exceptions to the parent zone. This may even include site-specific definitions.

The following methodology is recommended to complete the review and consolidation of site-specific exception exercise.

### **Step 1: Preparatory Work**

Site-specific exceptions are tied to one or more specific parcels of land (or portions of parcels) within the City of Kawartha Lakes. This first step will involve ensuring that all of the latest approved site-specific exceptions have been received from the City of Kawartha Lakes and confirming that they are georeferenced.

### **Step 2: Site-Specific Exception Review**

This task will involve a significant amount of effort in making decisions if a site-specific exception should be retained, modified or deleted. WSP will conduct one comprehensive review of all the site-specific exceptions in this task, which involves a number of sub-tasks and a one-by-one review of the exception zones. When reviewing the site-specific exceptions, each exception will either be carried forward to the subsequent steps, deleted or otherwise modified in accordance with the methodology.

1. Firstly, any site-specific exception which is now fully and explicitly permitted in the provisions and standards of the new Rural Zoning By-law should be deleted because it no longer requires the site-specific zone to be permitted.
2. If the site-specific exception is retained after step 1 because it continues to not be permitted in the parent zone, the next step involves confirming the construction status of the development contemplated by the site-specific exception. Site-specific exceptions are generally sought to facilitate a certain development or use, and therefore there is an opportunity delete a site-specific exception, subject to certain criteria, if the development or use has been constructed. Aerial imagery will be used to conduct one check of these flagged site-specific exceptions. Some site-specific exceptions, such as site-specific zoning to permit a plan of subdivision, will be straightforward to confirm whether it is built or not based on aerial imagery. Those which cannot be easily verified will be flagged for City Staff input, if available (e.g., a site-specific provision to permit an accessory structure or new use such as a kennel). The following steps will then be followed to complete the review of site-specific exceptions.

3. If the development or use is not constructed or has yet to be implemented, the site-specific exception will typically be retained. However, if an exception is old (e.g., say, over five years old) since Council adoption of the by-law, it is possible that the property owner no longer has an intention to build in accordance with the exception, and it may be deleted. In this case, the exception will be flagged for input from City staff who may have knowledge about this circumstance and the need to contact the owner. Depending on input from City staff, there may be an opportunity to delete the exception zone.
4. If the development or use contemplated by the site-specific exception is constructed or implemented, the next step is to confirm if the exception continues to be required or not. This involves the following sub-steps:
  - a. If the site-specific exception is related to a use which is not permitted in the new Rural Zoning By-law, the exception will have to be reviewed against the City's Official Plan to confirm whether the use conforms to the applicable land use policies.
    - i. If the site-specific permitted use does not conform to the Official Plan, a decision will be required as to whether it is appropriate to delete the use and hence render the use as legal non-conforming. City Staff will provide input at this stage and these instances will be documented and further assessed on a case-by-case basis given the significant implication of this decision.
    - ii. If the site-specific permitted use is permitted in the City's Official Plan, it should be carried forward. There may also be an opportunity to update the parent zone to add the use as a permitted use in the parent zone, since it is contemplated in the Official Plan. However, in many cases, the Official Plan permits uses only by meeting criteria through a development application, and it is often going to be appropriate to maintain the site-specific exception and not to add the use into the parent zone.
  - b. If the site-specific exception is related to lot and building requirements and the development is built, the risk of deleting the site-specific provision is that the property/development would fall under legal non-complying status. The magnitude of this risk will vary. In some cases, this may not be a concern if it is unlikely that legal non-compliance will represent a restriction on the property (e.g., it is not likely that future development on the lot may be restricted). In other cases, if the legal non-compliance could represent a risk then it may be desirable to carry forward the exception (e.g., it is likely that future development potential may be restricted).

- i. The first check involves determining whether to retain or delete the exception in considering the risk of the triggering legal non-complying status.
    - ii. If the site-specific exception is retained, there is an opportunity to delete individual provisions if they are no longer needed. The exception will be reviewed to delete unnecessary provisions and update terminology of the lot and building requirements.
  - c. If the exception is a more complex exception with detailed lot and building requirements, some provisions may no longer be necessary. However, it may be beneficial to carry forward the entire development specific exception to ensure it reads consistently and to minimize the risk of appeal of the Rural Zoning By-law.
5. Throughout this review, any zoning standards or provisions which have frequently been amended will be identified as possible indicators that a larger update is warranted in the parent Rural Zoning By-law.

### **Step 3: Confirm Retained Site-Specific Exceptions Against Parent By-law**

Once the list of retained site-specific exceptions has been compiled, each exception will be reviewed against the new parent by-law to align terminology as much as feasible. For example, if the new Rural Zoning By-law uses the term “exterior side yard”, and the site-specific exception uses “flankage side yard”, the provision would be updated accordingly. This will need to be completed carefully, as utilizing new similar terminology in the parent by-law may change the intent of the exception, where the definition of a use or a standard has changed in the parent zoning by-law. If the new parent by-law has increased the scope of permission, then this is not a concern. However, if the new parent zoning by-law’s definition has reduced the scope of a permitted use, it may have an implication on the exception zone. In some cases, it may be desirable to retain the original terminology and/or to add a new definition to the parent zoning by-law.

### **Step 4: Format Site-Specific Exceptions into a Consistent Structure and Template**

The finalized set of site-specific exceptions will be inputted into a standardized document template which will be used for all existing and future site-specific exceptions. This template will be designed to capture all elements of the existing exceptions and for transferability into future stages of the City’s zoning by-law review project (i.e., the urban area zoning by-laws).

It is anticipated that each of the site-specific exceptions will be sequentially renumbered based on the date of enactment (i.e., Exception No. 1 being the oldest). GIS will be leveraged for this process to ensure that the updated site-specific exceptions remain tied to the original parcel. Currently, the existing zoning by-laws number the exceptions by their base zone (e.g., there is an R1-1



exception zone and a C1-1 exception zone). However, this can create complexity. Sequentially numbering all exceptions, regardless of their base zone, is a more simplified approach to organizing a large number of exception zones.

During the transition period before the Rural Zoning By-law is adopted by Council and following the release of the updating site-specific exceptions, each application for a rezoning that would produce a site-specific exception would need to be logged to determine the type of relief being sought, its applicability against the new Rural Zoning By-law, and timeframe for the enactment of the relief (i.e., construction timing). It is recommended that City staff employ the new standard template for site-specific exceptions once it is finalized.

For convenience purposes, the steps, milestones, and key decision points of this methodology are conceptually depicted in **Figure 4**, below.

**Recommendation** | It is recommended that the review of site-specific exceptions be conducted concurrently with preparing the Second or Third Draft Rural Zoning By-law, in accordance with the methodology outlined in this Report.

**Recommendation** | The site-specific exceptions of the existing rural area zoning by-laws will be reviewed and consolidated in accordance with the methodology outlined in this Report.

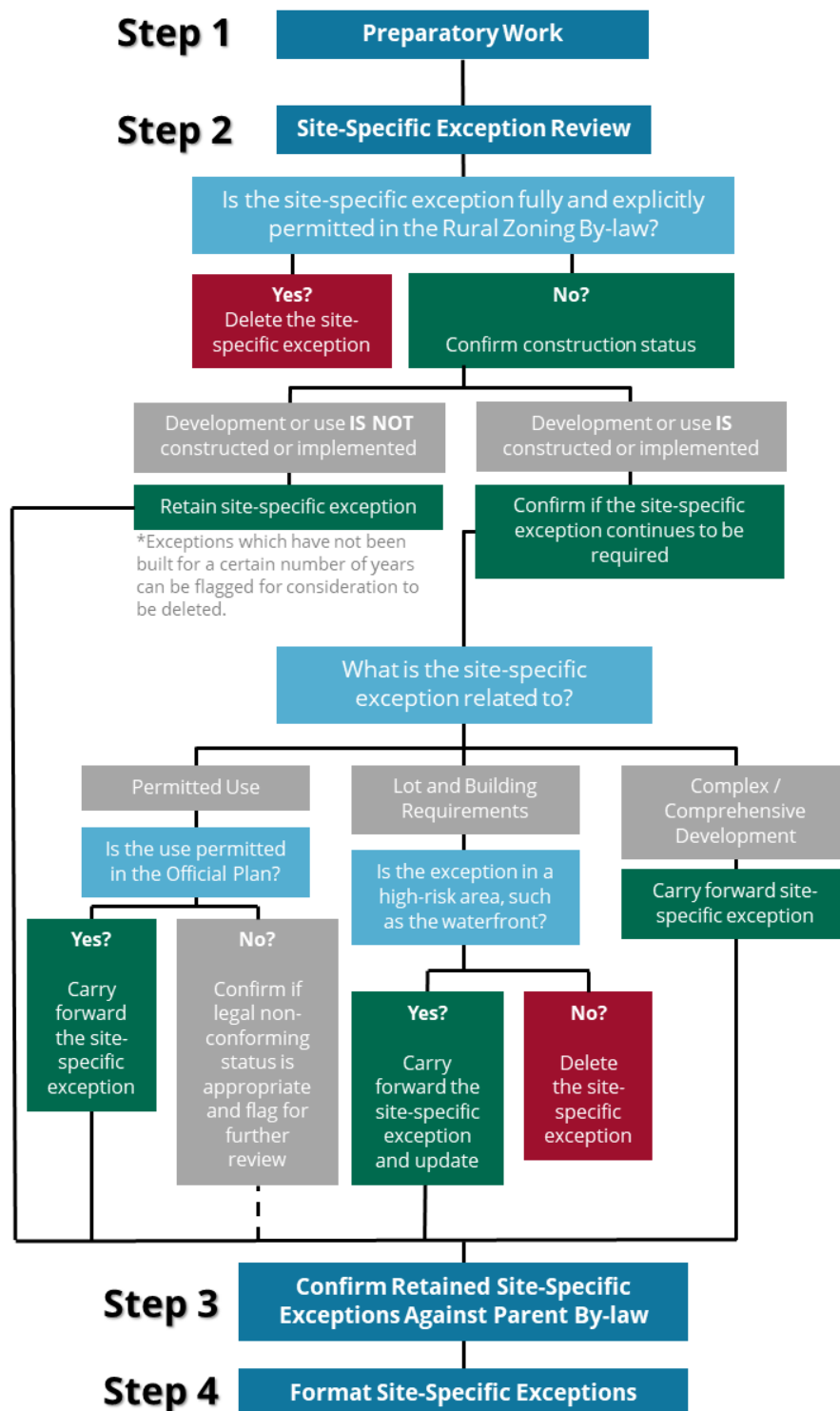


Figure 4 - Site-specific exception review work flow

## 2.4 Harmonizing Definitions

The process of harmonizing 13 zoning by-laws into one also will involve the creation of a single new set of definitions. While the zoning by-laws may utilize similar terms and similar definitions, there are likely going to be many instances of distinction. This section identifies a methodology for consolidating the various definitions and terminology amongst the 13 existing zoning by-laws into one document.

Generally speaking, the first step in harmonizing the definitions is to select a suitable, representative definition from one of the 13 zoning by-laws as a starting point. After that, it is important to understand how the new definition differs from the other by-laws. With respect to permitted use definitions, this may mean the selected definition is either more permissive or less permissive. For other definitions, there may be a meaningful difference in terms of how a standard is calculated and the implications of this should be contemplated (e.g., how lot frontage is calculated). It may be desirable to modify the definition to incorporate aspects from other by-laws to minimize impacts. However, the definition should still be precise and enforceable by nature. Further refinements to the definitions may be required to implement more modern terminology or building practice, and to reflect any definitions or requirements of the Official Plan.

The following methodology is recommended to complete the review and harmonization of the existing definitions. **Table 2**, below, provides an example of how this methodology will be used. It is not intended to be an exhaustive example and is included for demonstration purposes only.

1. The terminology across the rural area zoning by-laws will be compared through a desktop review. It is anticipated that there will be common terms across each by-law (e.g., the various yards and lot lines). Through this exercise, definitions of these common terms which are generally representative of them all will be identified. A preliminary list of defined terms will be prepared based on this desktop review.
2. As a starting point, each term will be populated with a definition from one of the existing parent zoning by-laws which is considered to best represent the intent of the use or the term. The initial source of the definition will be documented. Modifications may be made to the definition to better reflect other similar definitions in the other by-laws, while ensuring the definition remains clear, precise and enforceable. It may be desirable to document major modifications for future research and reference.
3. A core principle of this Rural Zoning By-law Review is to simplify and modernize the language and writing of the existing by-laws. Since it is the definitions that ultimately characterize a use, it is important that existing definitions are reviewed for consistency and updated to reflect current planning practice.

- a. A consistent approach to structuring a definition will be used. For example, all defined terms will begin with “Means...”.
  - b. Standard language rules for definitions should apply. Definitions should not be based on a long list of examples but clearly describe the nature, function or built form of a use as appropriate. Definitions should also not have zoning provisions layered inside of them as this makes it difficult to maintain the By-law as it is amended over time. This can lead to contradicting elements of the By-law if one part of the By-law is amended but not the definition that also contains the layered requirements.
  - c. The definition will be reviewed to avoid incorporating provisions which are best located in other areas of the By-law. This can sometimes occur when a use or other feature is defined. It is a best practice to lift any requirements out of a definition and to incorporate them in a more suitable place in the By-law. When reviewing definitions, matters that are better suited to be in the general provisions section will be identified. An example which illustrates this thought process is included in **Table 2** below, and is shown for supporting purposes.
  - d. Throughout this exercise, it will be important to ensure that instances of legal non-conformity or non-compliance are not being introduced as a result of the modifications to the definitions. This can occur if the definition of a use is contracted in terms of the activities contemplated, or if the definition of technical standard involves a different methodology for calculating the standard. The various modifications made in the preceding steps will be considered with that in mind.
4. The defined terms will be reviewed against the City’s Official Plan to confirm Official Plan conformity. Definitions noted in the Official Plan must be analyzed to determine how they may be implemented in the Rural Zoning By-law. Any definitions that require updating or to be added will be identified.
5. This list of defined terms will also be informed through the zone harmonization exercise, which will ultimately refine the list of permitted uses. All uses identified in the Rural Zoning By-law will be accompanied by a corresponding definition.
6. The preliminary list of definitions, ordered alphabetically and shown in an index of definitions, will be incorporated into the First Draft Rural Zoning By-law. However, much like other components of the review and harmonization exercise, the harmonization of definitions will be an iterative process. Once the remainder of the First Draft Rural Zoning By-law is prepared, a final review of the definitions will be conducted to ensure all required terms are captured and applied consistently through the document.

7. The final step of the definition harmonization exercise, and once the set of definitions is finalized, will involve incorporating user-friendly elements to support the definitions. Defined terms that are used throughout the Rural Zoning By-law will be underlined to identify which words have a corresponding definition as a convenience feature. Further, illustrative diagrams will be prepared to accompany certain definitions which would benefit from added visual clarity and to aid in interpretation.

Table 2 - Example of the definition review methodology

Example of Definition Review Methodology – Yard			
By-law	Township of Dalton By-law 10-77	Township of Ops By-law 93-30	Township of Verulam Zoning By-law 6-87
<b>Term – Yard</b>	<b>YARD</b> means an open, uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-Law. In determining 'yard' measurements, the minimum horizontal distance from the respective lot lines shall be used. Where a daylighting triangle is provided for a corner lot, the minimum 'yard' requirement from the hypotenuse of the daylighting triangle shall be the lesser of the 'yards' required along the exterior lot lines (street lines) of the lot.	<b>Yard:</b> A space, appurtenant to a building, structure or excavation, located on the same lot as the building, structure or excavation, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted.	<b>"YARD"</b> means a space, appurtenant to a building, structure or excavation, located on the same lot as the building, structure or excavation, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in this By-law.
<b>Comment</b>	This term addresses two matters (i.e., the second and third sentences)	This is a well written definition that clearly	This term is similar to that used in the Ops Zoning By-law, which

Example of Definition Review Methodology – Yard			
By-law	Township of Dalton By-law 10-77	Township of Ops By-law 93-30	Township of Verulam Zoning By-law 6-87
	which may be better suited for incorporation in a general provision regarding daylighting triangles.	articulates how 'yard' is defined.	may mean this definition is representative of the various by-laws.
<b>Sample Preliminary Definition</b>	<p><b>YARD</b> means the open, uncovered, and unoccupied space of a lot appurtenant to a building, structure, or excavation, except where permitted by this By-law.</p> <p><i>The proposed definition is written to clearly and directly articulate the purpose of the term. Matters which are better suited for a general provision(s) have been removed.</i></p>		
<b>Official Plan Direction</b>	<p>The City's Official Plan does not provide a definition for 'yard' and does not outline any specific policies which would influence this definition. This is a technical definition.</p>		

It is noted that a table of this nature will not be prepared for the review each definition, but is rather intended to illustrate the process for the purposes of this Report. For convenience purposes, the steps, milestones, and key decision points of this methodology are conceptually depicted in **Figure 5**, below.

**Recommendation** | The definitions of the existing rural area zoning by-laws will be reviewed and consolidated in accordance with the methodology outlined in this Report.





Figure 5 - Definition harmonization work flow

## 2.5 Harmonizing General Provisions

Each of the 13 existing zoning by-laws contains a set of general provisions, which apply across the various zones. The general provisions address a wide range of technical matters, such as servicing requirements, parking and loading space standards, setbacks from rail lines, and standards applicable to certain land uses, for example. It is efficient to incorporate these types of provisions into a separate section, as they would instead need to be repeated multiple times across the

various zones. As with other sections of the By-law, the 13 existing rural area zoning by-laws contain different general provisions addressing different matters and include different standards. The general provisions of the various existing rural area zoning by-laws are written in a variety of styles and are also structured differently.

As a first step, a desktop review of the existing rural area zoning by-laws will be conducted to identify a series of general provisions which are representative of the various by-laws. This harmonization exercise will follow a more organic process. A database/spreadsheet will not be used to compare the various general provisions as it is expected it will not provide a great amount of value for the time required to bring together the general provisions across the 13 existing rural area zoning by-laws. It is anticipated that the initial list of general provisions will represent a cumulative list of all general provisions amongst the 13 by-laws with a decision made to select standards from a representative by-law. In other words, no topic covered will be omitted in the first working draft set of standards.

While a preliminary set of general provisions will be compiled based on the existing by-laws, it is also an objective of this Rural Zoning By-law review to introduce modern standards and to implement the City's Official Plan. A best practice review of other zoning by-laws will inform other changes to the set of general provisions. Key considerations in undertaking this harmonization will include identifying and documenting where instances of legal non-conformity can or will be created. However, it is noted that general provisions have less implications on private property rights than parent zone permitted uses and lot and building requirements. Rather, general provisions are intended to provide greater detail to guide future development.

The set of general provisions will be contained in a singular 'General Provisions' chapter and will be ordered alphabetically for improved wayfinding and interpretation. Consideration will be made to establish a separate Parking and Loading standards chapter as well as a chapter on Specific Use Provisions, if this helps with the readability of the By-law.

**Recommendation** | The general provisions of the existing rural area zoning by-laws will be reviewed and consolidated into a singular section in accordance with the steps listed in this Report.

## 2.6 Harmonizing Administrative and Interpretation Sections

The 13 rural area zoning by-laws also contain various sections addressing the interpretation, administration and implementation or enactment of the by-law. While these will certainly vary amongst the 13 by-laws, these types of sections are fairly common and standardized and the process of consolidating them is not anticipated to be an onerous task. Generally speaking, there is minimal risk with respect to creating legal non-compliance or non-conformity or introducing other issues when completing these sections.

The Administration section typically outlines the responsibilities for administering the by-law, granting permits and permissions for existing uses, and enforcing the by-law. The Interpretation section outlines specific requirements for the way the document is to be read and the interpretation of the maps and schedules. For example, an explanation between singular and plural words, and various other technical matters that must be understood in order to properly read the document. Finally, the final chapter of a Zoning By-law usually includes Enactment clauses with the Mayor and Clerk's signatures.

The existing rural area zoning by-laws contain a wide range of different administrative and interpretation provisions. Similar to the proposed methodology for harmonizing the general provisions, a set of provisions that are representative of the various existing by-laws will be compiled. However, it is also anticipated that a best practice review of other recently adopted zoning by-laws will inform the addition or removal of certain existing provisions.

A preliminary review of the existing rural area zoning by-laws suggests that these sections are often included as the last chapters of the by-laws (e.g., the Manvers, Ops, and Laxton, Digby, and Longford Zoning By-laws). It is desirable to include the administrative and interpretation sections at the outset of a zoning by-law to provide the necessary provisions and context to assist the user. The set of introductory, administration, and interpretation provisions will be consolidated in an 'Administration and Interpretation' section as the first chapter of the Rural Zoning By-law.

Further, updates are anticipated to be considered based on best practice and examples in other Ontario municipalities. For example, many new zoning By-laws in Ontario incorporate "transition" clauses to address applications that are in-process or have been recently approved, and exempt those projects from having to comply with the new zoning by-law, provided they were in compliance with the zoning by-law that was previously in effect.

**Recommendation** | The administration and interpretation provisions of the existing rural area zoning by-laws will be reviewed and updated based on best practices, and consolidated into Section 1 (Administration and Interpretation) of the Rural Zoning By-law.

## 2.7 Summary

To prepare the First Draft Rural Zoning By-law, it is necessary to rationalize and harmonize the various components of the existing rural area zoning by-laws. The methodologies presented in the preceding section will be followed to prepare the First Draft Rural Zoning By-law. The First Draft Rural Zoning represents a significant milestone as it will be the culmination of harmonizing the existing rural area zoning by-laws and work to address key gaps and issues.

## 3.0 Rural Zoning By-law Format and Layout

This Rural Zoning By-law Review will result in a single, modern and consolidated rural area zoning by-law that is user-friendly and easy to interpret by staff, the development industry, and the public. The existing 13 rural area zoning by-laws, some of which date back to as early as the 1970s, are structured in differing formats and templates. The new Rural Zoning By-law provides an opportunity to reimagine a modern format and layout for the City of Kawartha Lakes.

This section builds on the previously completed Discussion Paper, which analyzed the existing structure of the various existing by-laws, and proposed a series of principles to guide the update of the by-law text and mapping. The intent of this section is to take the high-level content from the Discussion Paper and outline recommendations to guide the preparation of the First Draft Rural Zoning By-law.

### 3.1 Rural Zoning By-law Text Layout

#### 3.1.1 Format and Structure Principles

An objective of this Rural Zoning By-law Review is to undertake editorial and housekeeping modifications to develop a contemporary and easy-to-read Rural Zoning By-law which contains easily legible regulations. The following principles have been established in the Discussion Paper to guide the format and layout review exercise of the Rural Zoning By-law text:

- The Rural Zoning By-law will be used by a very diverse audience; therefore, the format and content of the By-law should be user-friendly to the greatest extent possible;
- The document should be accessible and navigable in both digital and print formats;
- Visual schematics and 3D illustrations should be provided to assist in the interpretation of complex definitions or provisions;
- Tables and matrices should be utilized to organize and present information, such as permitted uses and lot and building requirements, in lieu of separate text-heavy chapters;
- Distinctive parts of the By-law should be separated into unique chapters to reduce the length of any given individual section; and,

- City staff, Council, the development industry, and the public can efficiently use the document to identify the zoning and regulations of a property without inadvertently missing any provisions that are applicable to their lot or their project.

Establishing a user-friendly Rural Zoning By-law format for users will be integral to the efficient use and administration of the new by-law.

### 3.1.2 Recommended Approach

There are many possible directions and options to consider in determining a recommended approach to the format and layout of the Rural Zoning By-law. The Discussion Paper introduced a series of principles, best practice examples, and possible directions with respect to the format and layout of the Rural Zoning By-law. Subsequently, through meetings with the Rural Zoning By-law Review Task Force and City Staff, input and feedback was received on the material presented in the Discussion Paper to help shape a recommended approach to develop the document template for the Rural Zoning By-law. This Assessment of Key Issues and Methodology Report presents a recommended approach for the format and layout of the First Draft of the Rural Zoning By-law.

#### Zone Labels

The City's existing rural area zoning by-laws reflect a traditional zone structure where the zoning permissions are broken down into a number of key zone categories (e.g., residential, commercial, agricultural). The updated zone categories will be reviewed to ensure they directly relate to the intended function of the zone category (e.g., Hamlet Residential Zones, Waterfront Zones).

Having an easy-to-understand nomenclature, or labelling system, for all properties on the Rural Zoning By-law mapping is imperative to ensure that zoning regulations are consistently applied and interpreted, both in the by-law text and mapping. It is recommended that a standardized zone labeling system be introduced in the zoning by-law's administration/interpretation sections, to provide orientation to the reader. The label should be sequenced to outline prefixes, the zone, site-specific exceptions, and any suffixes or overlays. **Table 3** outlines a proposed template for zone labelling. Of course, not all zones will consist of all of the elements shown in Table 3. Some zones may simply consist of a Base zone.

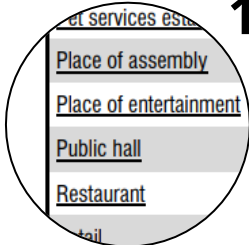
Table 3 - Zone label template

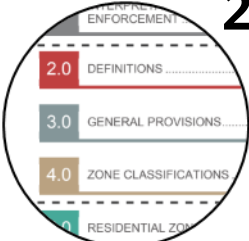
	Prefix	Zone	Exception	Suffix
	<b>(H) RR1-1-FP</b>			
Zone Label	(H)	RR1	1	FP
<b>Function</b>	Holding	Rural Residential Zone Type One	Exception #1	Floodplain Overlay suffix (for example)
<b>Note</b>	Holding zones referencing different terms to be satisfied prior to lifting the (H).	Base zone provides permitted uses and standards. The zone code should be a maximum of 3 alphanumeric characters.	Site-specific exceptions will be renumbered sequentially in the Rural Zoning By- law.	Overlays that relate to specific use restrictions, entitlements, or subtle differences in base regulations.

### Document Format

For discussion purposes, **Figure 6** presents the proposed format for the Rural Zoning By-law text. This is not intended to represent any recommended provisions or zones, but is rather intended to illustrate the general document format and layout. The suggested template includes colour-coded sections for wayfinding. The setup also has white space on the side of pages which can be used for informal notations and for supportive illustrations.

The proposed document template will also include the following accessibility and user-friendly features:

- 

Defined terms throughout the by-law document will be underlined to signal to the reader that the term is defined and is subject to its corresponding definition in the by-law.
- 

Each zone category will be contained within a distinct document section. This also provides an opportunity in the web-based mapping platform to include a link to the base zone chapter which applies to user's property and to be more user-friendly to readers. Section references will be included on all pages to improve document wayfinding.



3

Lot and Building Requirements		
Minimum front yard (m)	4.5 (1)	4.5 (1)
Minimum rear yard (m)	7.5	15.0
Minimum interior side yard (m)	1.2 (2)(3)	1.2 (2)(3)
Minimum exterior side yard (m)	2.4 (1)	4.5 (1)
Minimum lot coverage (%)	50.0	50.0
Maximum height (m)	11.0	

Tables and matrices will be introduced to present and organize information and standards. Each zone chapter will have a series of consistent tables/matrices to present the permitted uses and lot and building requirements for each zone.

4

<b>14.0 SITE-SPECIFIC EXCEPTIONS</b>
<b>14.1 Site-Specific Exceptions</b>
Exception Number (old exception number)
Applicable By-law
Setback

All Site-Specific Exceptions will be contained within a consolidated chapter and be formatted within a consistent template, as previously discussed in **Section 2.0** of this Report.

5

metres shall be
<b>3.3 ACCESSORY STRUCTURES</b>
The following provisions apply to accessory structures. These provisions apply to structures and parking areas.
a) General
i) ...

An easy to read font will be used that is legible when zoomed in on. This font selection will account for Accessibility for Ontarians with Disabilities Act standards for those with visual impairments.

**Recommendation** | It is recommended that the First Draft Rural Zoning By-law be prepared in the document template shown in **Figure 6**.

**Recommendation** | It is recommended that a standardized zone labelling system be employed in accordance with **Table 3**.

## RURAL RESIDENTIAL ZONES

2

# 5.0 Rural Residential Zones

## 5.1 Permitted Uses in the Rural Residential Zones

Table 5-1: Permitted Uses in the Rural Residential Zones						
Permitted Use	Zones					
	RR1	RR2	RR3	RR4	RR5	RR6
<b>RESIDENTIAL USES</b>						
Single Detached Dwelling	✓	✓	✓	✓	✓	✓
Vacation Dwelling			✓	✓	✓	✓
<b>COMMUNITY USES</b>						
Community Facility		E				
<b>ACCESSORY USES</b>						
Home Based Occupation	✓	✓	✓	✓	✓	✓
Boathouse <sup>(1)</sup>					✓	✓

## 5.2 Lot and Building Requirements in the Rural Residential Zones

Table 5-2: Permitted Uses in the Rural Residential Zones						
Lot Requirements	Zones					
	RR1	RR2	RR3	RR4	RR5	RR6
Minimum Lot Frontage (m)						
Private Services	15	15	20	20	25	25
Municipal Services	20	20	25	25	30	30
Minimum Lot Area (ha.)	25	25	40	40	40	40
Minimum Front Yard (m)	7.5	7.5	7.5	15	15	15
Minimum Lot Coverage (%)	25	25	25	25	30	30
Minimum Interior Side Yard (m)	6	6	6	15	15	15

### Notations

1. This use is subject to specific use provisions under Section 4.0.

2. Where a garage faces on a front lot line or an exterior lot line, the minimum setback to the garage shall be 6m.

SAMPLE RURAL ZONING BY-LAW | DATE  
City of Kawartha Lakes

Figure 6 - Sample Rural Zoning By-law Template

## 3.2 Mapping Transition and Format

### 3.2.1 Mapping Principles

The Discussion Paper identifies some examples of recent mapping layouts and establishes principles for producing legible, clear maps. It is an objective of this Rural Zoning By-law Review to generally transition the City to a web-based or web-friendly zoning system, including integration with Geographic Information Systems (GIS), a spatial database that can be used to manage zoning information. This provides the opportunity for the City to manage the Rural Zoning By-law efficiently and to utilize an online, interactive zoning map tool, where residents and the development industry can access up-to-date zoning information. Digital mapping will be searchable and scalable, and allow a resident or property owner to search for a specific property.

Formal printed maps would accompany the Rural Zoning By-law in Portable Document Format (PDF) format. Going forward, the City will need to decide how future administration and updates to the hard copy maps will be managed.

### 3.2.2 Recommended Approach

Due to the geographic scale of the City of Kawartha Lakes, the map set would include an Index Map of the City's rural area, divided into a number of sectors. Each of the sectors on the index map would have a map which provides the detailed zoning information. In a digital PDF format, the Index map could be hyperlinked to the individual maps or all of the maps could be included in one document. Due to the rural and agricultural nature of much of the City, it is expected that different map scales will apply to different areas of the City to ensure the maps remain legible. For example, a smaller viewing scale, zoomed in map could be created for defined geographic areas of the City where there is a greater variety in zones and/or smaller parcel sizes (e.g., waterfront and hamlet areas).

The maps will be principally black and white (i.e., white parcel fabric and coloured outlined zone boundaries). This black and white approach is suitable for the rural nature of the City of Kawartha Lakes, where there are large parcels and less complexity/variation in the zones applied in a given area. Full colour maps are generally appropriate in more urban areas due to the variation in land uses and parcel shapes and sizes, and are not recommended for the Rural Zoning By-law. However, there is an opportunity to integrate colour elements in the Rural Zoning By-law mapping. For example, and as discussed in **Section 4.0** of this Assessment of Key Issues and Methodology Report, some features including floodplains/hazard lands and/or waterfront areas may be subject to overlay zoning which applies specific regulations to a defined area. Should these overlays or special areas be implemented in the Rural Zoning By-law, they will be indicated in colour to distinguish them from the zone and parcel boundaries.

**Figure 7**, below provides a proposed example of the new mapping format for the City of Kawartha Lakes Rural Zoning By-law. This style of mapping presents the option for the City to offer both online mapping and hard copy maps as an option for Rural Zoning By-law users. The maps are proposed to be 11in. x 17in. (tabloid) size sheets. The exact breakdown of the municipality on the index map will be determined once feedback has been received on this proposed mapping approach. It is noted that the maps shown are for illustrative purposes only and not intended to represent recommended zoning. Refinement to the zone boundaries, labelling, legend etc. will be undertaken as part preparing the First Draft Rural Zoning By-law.

**Recommendation** | It is recommended the zone mapping be aligned with the City's selected approach to Geographic Information Systems (GIS).

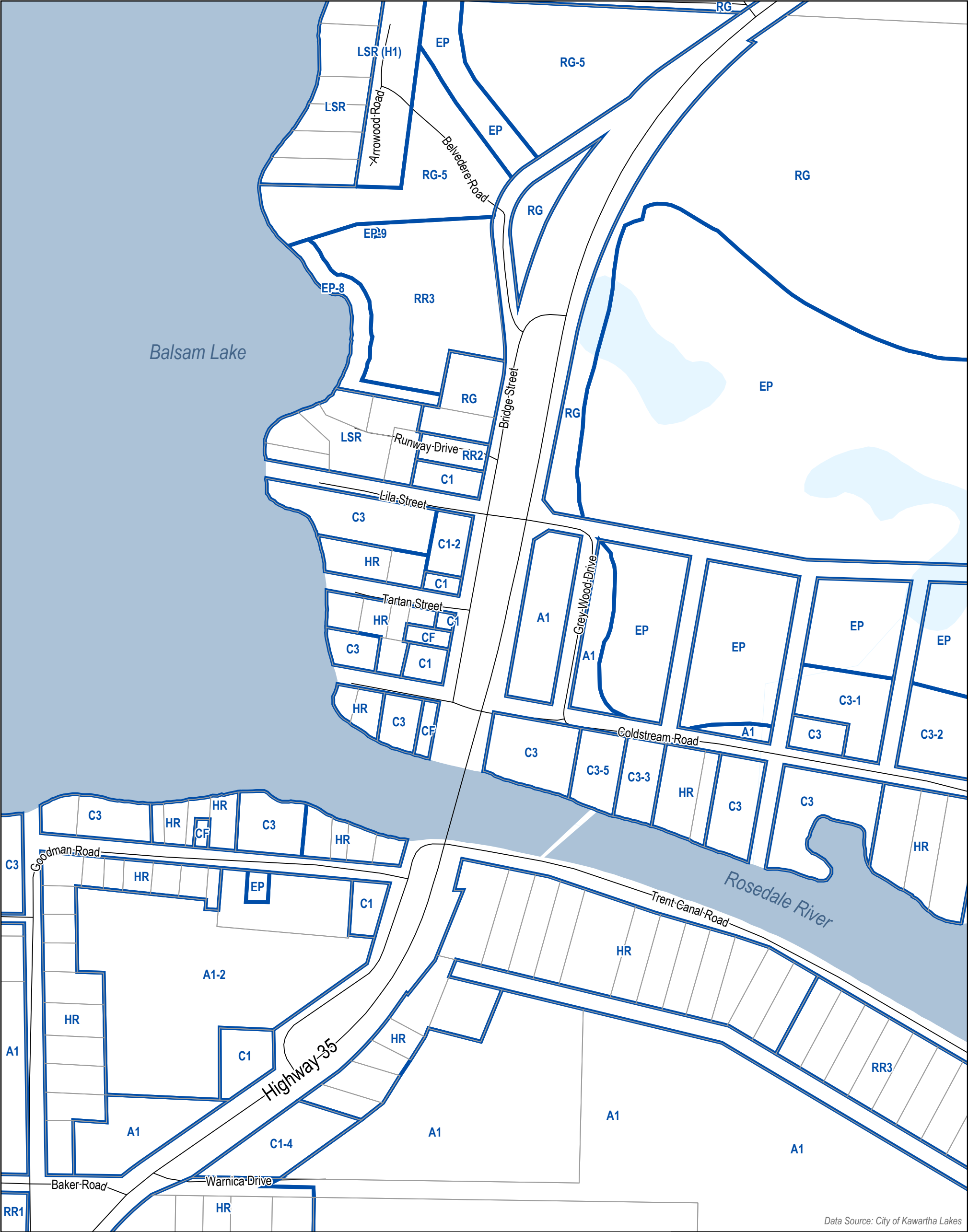
**Recommendation** | It is recommended that zone mapping be prepared principally in black and white, with limited colour used to accent specific elements such as zone boundaries and overlays. An Index Map would be divided into several sectors to ensure that maps are read at an appropriate scale and remain legible. Finer scale map insets can be used to highlight areas where more granular parcel detail is present, such as waterfront and hamlet areas.

Figure 7 - Proposed new mapping format



City of Kawartha Lakes Rural Area Zoning By-law  
Schedule A to By-law X-X - Zone Maps

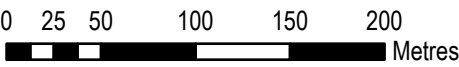
Zone Map No. X



Data Source: City of Kawartha Lakes

- Legend**
- Zoning
  - Parcels

For internal review only. This Map does not reflect actual or proposed zoning and is intended to provide an illustration of map style.



Note: This is a Placeholder locational map for the purposes of this template. The final zone template will include the index zone maps once the full index map is laid out.



## 4.0 Key Zoning Issues

This section addresses several key issues to be considered through the rural zoning by-law review which will be subject to further public and stakeholder consultation. Stemming from the Discussion Paper and subsequent meetings with the Rural Zoning By-law Review Task Force and City Staff, issues explored in this Report have a greater degree of complexity and a range of potential options to address these issues is available. These key zoning issues warranting more detailed analysis are: Waterfront Areas, On-Farm Diversified Uses and Agriculture-Related Uses, Environmental Protection, and Flooding / Hazard Lands. These issues driven primarily by the need to bring the Zoning By-law into conformity with more recent planning policy.

These issues were introduced in the Discussion Paper, which provided a review of existing policy, zoning and preliminary considerations and options to address the conflicts or gaps between the policy and zoning. This Assessment of Key Issues and Methodology Report will explore these issues further and will propose recommendations to be implemented through the Rural Zoning By-law. The Discussion Paper should be referred to for additional context.

### 4.1 Waterfront Areas

#### 4.1.1 Overview of Official Plan Policy and Existing Zoning Context

The City of Kawartha Lakes includes significant waterfront areas along its many lakes, rivers, and other waterbodies. Waterfront areas provide significant ecological, economic, and social benefits for the City of Kawartha Lakes, and are a key part of the City's identity. However, there are a number of competing pressures along the waterfront, including new development, the need to consider climate change and water quality. The Rural Zoning By-law will become one of several tools at the City's disposal to regulate development along the waterfront to address these matters.

The waterfront areas in the City of Kawartha Lakes, as identified in the City's Official Plan (the Waterfront land use designation), include lands fronting and functionally relating to lakes and significant rivers, such as the Scugog, Gull, and part of Burnt River (Section 20.3.3). The objective of the Waterfront designation is to protect surface water quality through setback requirements, minimum lot sizes, septic inspections, preservation of aquifers, shoreline naturalization efforts, and development restrictions in sensitive areas (Section 20.2). Section 20.2 further recognizes low density seasonal and permanent residential development as the primary land use. Where there is wetland between the open water and the upland, the Waterfront designation does not apply unless the lands have been divided and/or developed prior to the adoption of the Official Plan (Section 20.3.4).

Section 20.3.7 of the City's Official Plan intends for a natural form and function to dominate, and promotes a naturalized or naturally vegetative shoreline to be retained or restored. Section 20.4 establishes a series of minimum lot area and lot frontage requirements, as summarized in **Table 4**.

Table 4 - Minimum lot areas and lot frontage requirements, City of Kawartha Lakes Official Plan

Lot Type	Minimum Lot Area	Minimum Lot Frontage
Waterfront Lots (with the exception of island lots)	4,000 sq. m. (0.4 ha.)	60 m
Infilling Residential Lots	3,000 sq. m. (0.3 ha.)	30 m
Island Lots	8,000 sq. m (0.8 ha.)	90 m (provided there is suitable building envelop that is not within 30 m from the high-water mark)

The existing rural area zoning by-laws regulate minimum lot frontage along the waterfront to varying degrees, generally ranging from 25 - 30 m lot frontages. These standards will be reviewed and, if necessary, updated through the zone harmonization exercise.

**Recommendation** | To establish minimum lot frontages and minimum lot areas that are consistent with the requirements of Section 20.4 of the Official Plan. Consideration may be made to recognize existing lots of record which do not meet these minimum requirements but were legally created lots. The key is to ensure that the Zoning By-law is not permitting the creation of smaller lots that do not meet the requirements of the Official Plan.

The Official Plan establishes various requirements regarding waterfront area setbacks, shoreline frontage protection and other provisions which are currently not clearly implemented by the existing zoning by-laws. Section 20.5 provides further lot and building standards to ensure that buildings and structures are compatible with natural surroundings. To achieve the appropriate balance between natural and built form, the extent of shoreline activity areas (i.e., areas of disturbance), including where boathouses, pump houses, and other structures are located, are subject to the following criteria:

- 25% of the shoreline frontage or up to 23 m, whichever is lesser on a residential lot;
- 25% of the shoreline frontage of an open space block up to 30 m, whichever is less for a residential development;



- 33% of the shoreline frontage for resort and tourist commercial lots; and
- 50% of shoreline frontage for marinas.

Currently, the existing zoning by-laws do not include provisions that implement these requirements. None of the existing rural area zoning by-laws establish specific requirements for managing the proportion of the shoreline frontage that can be built (e.g., width of docks and boathouses) versus a maintained natural state as described in Section 20.5.

The existing rural area zoning by-laws also contain a range of different provisions with respect to marine facilities such as boathouses and docks. The Verulam Zoning By-law defines the term ‘marine facilities’ as an accessory building or structure which is used to take a boat into or out of the water, to moor, to berth, or store a boat. This includes a boat launch, boat lift, dock, or boathouse, but does not include space for human habitation or boat service, repair, or sales facility.

The Fenelon Zoning By-law explicitly defines the terms ‘boathouse’ and ‘dock’ rather than generalizing the terms as in the case of the Verulam Zoning By-law. A general provision is established which permits boat houses and docks, as well as pump houses (which is not otherwise defined), in a yard fronting onto a navigable waterway and a maximum height of 4.5 m. The requirements and the definitions used in the current Zoning by-laws to address marine structures will provide a starting point for creating the new Rural Zoning by-law, but updates will be needed to consider Official Plan conformity and consistency in terminology, to consider best practice and to improve clarity.

Section 34.5 of the Official Plan includes specific directives regarding the zones that will be created in the Waterfront designation. Residential lots in the Waterfront designation that front onto a public road that is maintained year-round can be zoned to permit both seasonal and permanent residential uses. The Official Plan directs that the zoning by-law establish two residential zones for residential lots within the Waterfront Designation that front onto a limited service road (Section 34.5). The first zone is intended to permit a seasonal occupancy (Limited Service Seasonal), while the other zone is intended to permit both seasonal and year-round occupancy (Limited Service Residential). However, there is also an opportunity to establish additional waterfront residential zones which could be applied to reflect the varying shoreline and natural conditions along the waterfront. This could also help implement specific policies which require a more restrictive setback from at-capacity trout lakes or varying existing built-form conditions.

**Recommendation** | Establish at least three waterfront residential zones. This will include a zone to permit both seasonal and permanent residential uses on public roads. For lands fronting onto limited service roads, at least two zones will be required, including a Limited Service Seasonal zone and Limited Service Residential zone, to implement the policy direction of the Official Plan.

**Option** | Establish variations on the three base waterfront zones noted above which reflect the varying shoreline and built-form conditions along the waterfront in the City of Kawartha Lakes. This could include the Limited Service Seasonal and Limited Service Residential zones, as well as tailored sub zones such as zones for at-capacity trout lakes, within the Lake Simcoe Watershed, or to address waterfront areas characterized by different development patterns.

#### 4.1.2 Lake Management Plans

Lake Management Plans have been prepared by the Kawartha Region Conservation Authority for all major lakes in the City to determine the current state of the lakes with regard to lake health and community values, and to help understand what actions can be undertaken to improve them. The Lake Management Plans have been reviewed to consider how the Rural Zoning By-law can help implement the principles and recommendations of prescribed by these documents.

A core objective of the Lake Management Plans is to enhance the natural integrity of the shoreline, which is rich in biodiversity and provides multiple benefits to the lake ecosystem. The Plans describe the zone between land and water as the 'Ribbon of Life'. Action A4 of the Head Lake and Rush Lake Management Plan is to naturalize along shorelines, which include educating residents on considerations for shoreline development, such as maintaining a buffer of natural vegetation and minimizing artificial surfaces to 25% or less of total shoreline frontage.

Further, the Balsam and Cameron Lake Management Plan and Sturgeon Lake Management Plan recommend that a site plan control by-law be developed to require new development along shorelines to comply with measures such as maintaining natural vegetation and establishing building setbacks that protect water quality and sensitive ecological areas. The subsequent sections of this Report introduce and propose a number of approaches to zoning along the waterfront, including minimum setbacks and regulations for shoreline structures, which broadly support the Lake Management Plans. As such, a specific recommendation or option to implement the Lake Management Plans is not identified in this section. The Lake Management Plans also note that there is an opportunity for the City to consider implementing site plan control to support the Rural Zoning By-law provisions. Only major settlement and hamlet areas within the City are currently designated as site plan control areas, meaning that the City currently does not apply site plan control to the waterfront areas.

#### 4.1.3 Water Setback

The Official Plan establishes various policies and expectations regarding the setbacks of buildings and structures from the water's edge and there is a need to implement these policies in the new Zoning By-law. There will be a need to balance the requirement for enhanced waterfront/shoreline protection with existing private property rights, particularly for existing development. For example, should a minimum water setback be introduced in the Rural Zoning By-law, there may be significant impacts on existing developments which fall within this setback and this must be understood and considered.

Section 3.11 of the Official Plan establishes policies to implement minimum water setbacks. It is the intent of the Official Plan that buildings, structures, and septic systems be located at least 30 m from the high-water mark. Notwithstanding this requirement, the Plan acknowledges that there are existing buildings and structures that do not meet this 30 m setback and that there are existing lots where this setback may not be feasible. In these instances, expansion, and reconstruction of existing buildings and structures is contemplated within the 30 m setback so long as it meets some minimum criteria, including an absolute minimum setback of 15 m (Section 3.11.2). It appears to be the intent of the Official Plan that while a minimum 30 m setback is required, there are instances where this may not be feasible and that a 15 m setback from the high-water mark is appropriate in those instances. Further, where the 30 m setback is not feasible, there are a number of criteria which must be satisfied including the location of the septic system, maintaining the vegetation protection zone, and generally minimizing the extent/impact of the expansion or reconstruction.

**Recommendation** | That a minimum setback of 30 m be established from the high-water mark in the Waterfront designated areas. Marine structures, such as a boathouse and dock, and/or covered decks would be permitted within the 30 m setback, subject to meeting criteria. Any new development, expansion, alteration, or reconstruction of buildings or structures beyond this setback would be permitted, subject to the other applicable lot and building requirements of the zone.

Once this 30 m minimum setback from the high-water mark is introduced, there is a need to consider options for implementation within the Rural Zoning By-law which recognize existing development as well as vacant lots within the 15 - 30 m setback. The first option considered in this Report relates to an existing building or structure that lawfully exists between 15 and 30 m from the high-water mark. In these cases, the Official Plan permits reconstruction and expansion of existing buildings and structures within this area, subject to criteria. These criteria could include requiring an enhanced natural vegetation buffer along the water's edge to help minimize the impact of the development or confirming the overall depth of the lot (i.e., to confirm that there is no alternative location to reconstruct the building or structure).

**Option** | That existing buildings or structures (or portions of them) that are legally existing between 15 and 30 m from the high-water mark are permitted to be reconstructed or altered, and may be modestly expanded, subject to criteria to implement the policies of the Official Plan. Criteria could include a maximum expansion (as a percentage of the footprint), maximum height, contribution to the vegetation protection zone or criteria relating to the idea that there are no alternative locations for the expansion to occur.

Further, where the 30 m setback renders an existing vacant lot of record unbuildable (i.e., limits infill development) as the lot depth is less than or not much greater than 30 m, there is an opportunity to introduce provisions in the Rural Zoning By-law to permit development on these lots to proceed. One option involves defining and introducing 'established building line' provisions. An established building line applies to a vacant lot which falls between two legally existing buildings. A line, which connects the front main walls of these buildings on either side of the lot, would establish the new site-specific building setback (i.e., the average setback between the two neighbouring lots). The advantage of this provision is the ability to maintain the existing character of the given waterfront area where neighbouring building or structures are closer than 30 m from the high-water mark. A challenge with this provision is that given the varying lot frontages and ununiform setbacks along waterfront areas, the objective of protecting waterbodies from new incompatible development may not be maintained. Where an established building line applies to a lot, in no case could new buildings or structures be permitted closer than 15 m from the high-water mark.

**Option** | That provisions for an established building line be introduced to permit development on a vacant lot of record within the 15 - 30 m setback, in consideration of criteria, but not closer than 15 m from the high-water mark.

Where existing, legal development is setback less than 15 m from the high-water mark, parameters for reconstruction or alterations could be established to help implement the Official Plan criteria to minimize the extent or impact of the reconstruction or alteration. This could include limiting the reconstruction to the lawfully existing floor area, height, and setbacks of the existing building or structure. Alternatively, there is an option to allow reconstruction within a different footprint, provided the new footprint is more desirable and supports achieving the criteria of the Official Plan.

**Option** | That, where reconstruction of a legally existing building or structure is proposed within the 15 m setback, reconstruction should be limited to the existing building footprint and existing height. However, criteria could be established to enable some flexibility regarding the location of the reconstruction, provided the reconstruction occurs in a manner that advances the policies of the Official Plan (e.g., a reduced footprint within the 15 m setback, reduced height, establishment of a vegetation protection zone, etc.).

The Official Plan further requires that a minimum setback of 300 m be established from at-capacity lake trout lakes. The Official Plan notes that South Anson Lake and Big Trout Lake are considered to be at-capacity, and the creation of new lots is not permitted within 300 m except on existing lots of record and under strict criteria intended to protect water quality (Section 3.3.21). It appears to be the intent of the Official Plan to apply this minimum setback to larger scale developments (e.g., a Draft Plan of Subdivision), as there would be few lots which comply with this much deeper setback requirement. As such, it may not be appropriate to create a zone with a 300 m setback. The setback could be implemented via an overlay or a general provision.

**Option** | To consider a 300 m setback from at-capacity lake trout lakes as a general provision in the Zoning By-law.

#### 4.1.4 Shoreline Naturalization & Shoreline Structures

As discussed previously, the Official Plan establishes requirements for a shoreline buffer / shoreline activity area (Section 20.5.2 of the Official Plan, as summarized previously in Section 4.1.1 of this Report). The intent of this policy is to achieve the appropriate balance between natural and built form by limiting the extent of shoreline activity (i.e., areas of disturbance), including boathouses, pump houses, and other structures, to a maximum area (or width) of the “shoreline frontage.” Shoreline frontage is not a defined term in the Official Plan and it is unclear if the policies are intended to be interpreted as applying a maximum disturbance in the area of the lot between the water’s edge and some unspecified depth (perhaps 15 metres, as the minimum building setback) or, if the policies are intended to define shoreline frontage as the width of the lot at the water’s edge and are intended to limit the width of buildings or structures. At a minimum, the Rural Zoning By-law should implement the policy directions of Section 20.5.2 to limit the extent of shoreline activity to some extent, but there are a wide range of options to implement these requirements.

**Recommendation** | That provisions be established within the Rural Zoning By-law to limit the extent of shoreline activities, including docks, boathouses, pump houses and other structures, and maintain a naturalized shoreline. Options for these provisions are explored in this report.

To implement this policy direction, there are three main options to consider, as follows and discussed in detail below:

- Establish requirements for a shoreline buffer to help preserve a natural state along the waterfront;
- Establish a shoreline naturalization requirement; and/or,
- Implement the policies of Section 20.5.2 of the Official Plan which involves limiting the extent of shoreline activity areas through the introduction provisions that limit the cumulative width(s) and other development standards of shoreline structures.

First, there is an opportunity for the Rural Zoning By-law to consider establishing requirements for a shoreline buffer to help preserve a natural state along the waterfront. Within this minimum buffer, new shoreline activities would be restricted to a certain proportion of the shoreline frontage area. For example, the Township of Muskoka Lakes Zoning By-law defines the shoreline buffer as a natural area maintained in its predevelopment state for the purposes of buffering buildings on a lot. The By-law requires that the area be planted with indigenous trees and shrubs and specifies a minimum density of these plantings.

While implementing these types of provisions addresses the Official Plan's broader policies and objectives regarding shoreline naturalization, these types of provisions present some administration and implementation challenges. For example, many existing shoreline properties would be rendered non-complying with this new regulation as they currently exceed the maximum proportion (e.g., 25%) set out in the Official Plan. Further, where the development of a shoreline structure or feature does not require a building permit, enforcement of this provision would occur primarily on a complaint-basis. As noted in **Section 4.1.3** of this Report, the Official Plan establishes an absolute minimum setback of 15 m from the high-water mark which is presumed to be minimum depth of this shoreline buffer. There would be a need to consider reasonable exclusions which could be permitted to encroach within the buffer. This could include a pedestrian pathway from the principal dwelling to shoreline, or stairs and ramps, up to a prescribed width.

**Option** | That a minimum shoreline buffer is established to a depth of 15 m which only permits shoreline activities (e.g., boathouses and docks) to a maximum of 25% of the shoreline frontage (or up to 23 m) for residential lots. A maximum 33% and 50% limit would apply to resort/tourist commercial uses and marinas, respectively.

The second option, which may work in conjunction with the first option, is to establish a shoreline naturalization requirement in the new Rural Zoning By-law. This provision would require that a certain percentage of the shoreline frontage be maintained as natural vegetation and would not



be permitted to be landscaped or otherwise used for buildings, structures or hardscaping. While such a requirement is not explicitly prescribed by the Official Plan across the Waterfront designation, this requirement would support the Plan's objectives directly. This requirement has been implemented by some other municipalities as explored in the Discussion Paper. Consideration must be made as to whether this type of a provision is in accordance with Section 34 of the Planning Act, which sets out the types of matters that can be regulated by zoning. The Planning Act does not describe this type of regulation explicitly, but the regulation might be considered as falling within any number of the matters that the municipality can regulate in zoning, including the use of land, the location of structures (which is not defined in the act), or prohibiting the use of land or buildings and structures in sensitive areas.

There are also challenges with implementing this type of requirement, because landscaping and hardscaping is not subject to a building permit and thus non-compliance could occur over time. Education about the requirement would be needed to help discourage this from occurring. As such, enforcement would, in part, occur only on a complaint basis. Further, the City would need to start obtaining information about existing shoreline naturalized areas from any building permit applicants in order to be able to determine compliance with applicable law before any building permit is issued. This type of provision requires careful consideration with respect to enforcement and administration and will represent a change in the way the City reviews building permit applications in the Waterfront areas. There are also likely many lots and areas of the City that would not comply with the requirement. As an alternative, such a requirement could be implemented through site plan control and/or could only be applicable only to new lots rather than applying it to existing areas.

**Option** | To consider a requirement for a portion of the shoreline area, considered to be the area between the water's edge and the dwelling and/or 15 metres, to be maintained in a natural state (e.g., 25% - 50%). Variations on this option can include applying this requirement only to new lots and/or setting some exclusions or ability to expand uses on any existing lots where this requirement is being applied retroactively.

The third option to implement the policies of Section 20.5.2 of the Official Plan involves limiting the extent of shoreline activity areas through the introduction provisions that limit the cumulative width(s) and other development standards of shoreline structures to help minimize the visual impact of development and maintain a naturalized shoreline buffer. For example, the Huntsville Zoning By-law requires the following with respect to shoreline structures:

- Maximum cumulative width of all shoreline structures (which includes a boathouse, boat port, deck, dock, gazebo, pump house, outdoor sauna or hot tub, stairs and ramps) of 25% of the lot frontage to a maximum of 15 m;



- Higher maximums are established for the tourist commercial and shoreline commercial zones (33%) and marina zone (50%);
- Maximum width of a boathouse of 10 m;
- Maximum projection into the water for docks of 15 m;
- Maximum floor area of a boathouse (100 sq. m) and maximum projection of 15 m (6 m along a narrow watercourse) into the water;
- Maximum height and floor area of a pumphouse, 2 m and 9 sq. m respectively;
- Maximum floor area of 15 sq. m for a gazebo;
- Minimum setback of 20 m and maximum floor area of 9 sq. m of a sauna/hot tub; and,
- Maximum number of shoreline structures of one dock and one boathouse/boat port, and one additional shoreline structure (which does not apply in shoreline commercial, institutional, and marina zones).

The Township of Rideau Lakes Zoning By-law defines the term “marine facility” which means “an accessory building which is used to place a boat into or out of a water body, or used to moor, berth, or store a boat. This definition may include a boat ramp, boat lift, dock, boathouse, boat port, slip, but shall not include any building used for human habitation nor any marina or boat service, repair or sales facility”. The By-law permits marine facilities as an accessory use in any zone, subject to a maximum height of 6 m, a maximum floor area (not including attached decks) of 83 sq. m., and minimum side yard of 4.5 m. Establishing a maximum width of shoreline structures would complement the minimum shoreline buffer and would limit shoreline activity area to a maximum width of the lot frontage.

**Option** | That a maximum cumulative width of various shoreline structures (such as boathouses and docks) be established. A series of criteria would be established to permit expansion and alteration of existing shoreline structures. This could also include other lot and building requirements for shoreline structures, such as maximum floor area, height, maximum number of structures, etc.

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

The regulation of permitted land uses in agricultural areas is important to help protect the long-term viability of limited and prime farm lands. Ontario’s prime agricultural land is a finite resource, which comprises less than 5% of Ontario’s land base<sup>1</sup>. The Provincial Policy Statement states that

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<sup>1</sup> Source: Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas

Ontario's prime agricultural areas shall be protected for long-term use for agriculture. However, the Provincial Policy Statement also permits additional land uses within prime agricultural areas to support a strong agricultural industry and rural economy, while maintaining the land base for agriculture.

According to the 2016 Agricultural Census, there were 1,265 farms in the City of Kawartha Lakes in 2016, which represents a decrease from the 1,366 farms in 2011. There were 45 farms under 10 ac. (4 ha.) in size, while 238 were between 10 and 69 ac. (4 and 28 ha.), 356 farms were between 70 and 129 ac. (28 and 52 ha.), and 626 were 130 ac. (52 ha.) or larger (**Figure 8**).

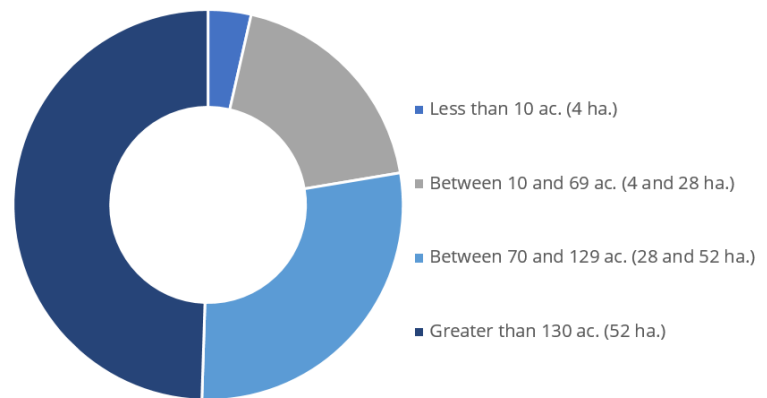


Figure 8 - City of Kawartha Lakes 2016 farm size breakdown

The City of Kawartha Lakes Official Plan establishes the Prime Agricultural designation (Section 15.3.1), as well as a limited range of other uses permitted alongside a farm operation. However, the policies and guidelines relating to on-farm diversified and agriculture-related uses have evolved since the City's Official Plan was prepared. This Rural Zoning By-law Review presents an opportunity to review the current Provincial policies and guidelines for agricultural areas, and identify areas for updates to the City's Official Plan, which ultimately would provide direction for the Rural Zoning By-law.

There is a lack of consistency with regard to permitted uses in the rural area zoning by-laws and conflicts exist between the zoning by-laws and the City's Official Plan. Further, the Official Plan is not up-to-date with Provincial policy. As it is the City's intent to update the Official Plan, there are limited options for pre-zoning (i.e., to permit a use without the need for a site-specific zoning by-law amendment) on-farm diversified uses under the current policy framework and it would be premature to pre-zone for agriculture-related uses. The Discussion Paper notes that there is an opportunity to establish some limited as-of-right permissions (i.e., pre-zoning) and criteria for on-farm diversified uses and outlines some considerations for the Rural Zoning By-law. Further, the City's Official Plan provides the basis for the Rural Zoning By-law to carry forward permissions for existing commercial and industrial uses within the Prime Agricultural designation. This Report puts forward options for on-farm diversified and agriculture-related uses given the current Official Plan policy context.

**Recommendation** | That the City of Kawartha Lakes consider updates to the Official Plan to provide a policy framework conforming to new Provincial Policy and Guidelines. Until such time as the policies are updated, there may be limited opportunities to establish a zoning framework for on-farm diversified and agriculture-related uses.

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

The Province finalized the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas in 2016 to provide further guidance to interpret the policies of the Provincial Policy Statement regarding uses permitted in prime agricultural areas, including on-farm diversified and agriculture-related uses. The Guidelines provide examples of the types of uses that constitute on-farm diversified and agriculture-related uses.

The Province defines Agriculture-Related Uses as, "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."

On-Farm Diversified Uses are defined as, "uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products."

Derived from the PPS policies, the following criteria (**Table 5**) for permitted uses in prime agricultural areas have been established in the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas.

Table 5 - Criteria for permitted uses in prime agricultural areas (Source: Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas)

Type of use	Criteria as provided by PPS policies and definitions
<b>Agricultural</b>	<ol style="list-style-type: none"> <li>1. The growing of crops, raising of livestock and raising of other animals for food, fur or fibre</li> <li>2. Includes associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment</li> <li>3. All types, sizes and intensities of <i>agricultural uses</i> shall be promoted and protected in accordance with provincial standards</li> <li>4. <i>Normal farm practices</i> shall be promoted and protected in accordance with provincial standards</li> </ol>
<b>Agriculture-Related</b>	<ol style="list-style-type: none"> <li>1. Farm-related commercial and farm-related industrial uses</li> <li>2. Shall be compatible with and shall not hinder surrounding agricultural operations</li> <li>3. Directly related to farm operations in the area</li> <li>4. Supports agriculture</li> <li>5. Provides direct products and/or services to farm operations as a primary activity</li> <li>6. Benefits from being in close proximity to farm operations</li> </ol>
<b>On-Farm Diversified</b>	<ol style="list-style-type: none"> <li>1. Located on a farm</li> <li>2. Secondary to the principal <i>agricultural use</i> of the property</li> <li>3. Limited in area</li> <li>4. Includes, but is not limited to, home occupations, home industries, <i>agri-tourism uses</i> and uses that produce value-added agricultural products</li> <li>5. Shall be compatible with, and shall not hinder, surrounding agricultural operations</li> </ol>

#### 4.2.2 Best Practice Scan

**Table 6**, below, outlines the difference between agriculture-related and on-farm diversified uses, and outlines how the City of Kawartha Lakes compares with other municipalities with respect to Official Plan and zoning by-law regulations.

Table 6 - Policy and zoning assessment against the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas

Jurisdiction	Official Plan Assessment	Zoning By-law Assessment
<b>Provincial Guidelines</b>	<p><b>Approaches to Regulating On-Farm Diversified Uses</b></p> <p>On-farm diversified uses should be related to agriculture, supportive of agriculture or able to co-exist with agriculture without conflict. On-farm diversified uses are intended to enable farm operators to diversify and supplement their farm income, as well as to accommodate value-added and agri-tourism uses in prime agricultural areas.</p> <p>Examples of on-farm diversified uses include:</p> <ul style="list-style-type: none"> <li>– Value-added uses that could include materials from outside the surrounding agricultural area (e.g., processor, winery, cheese factory)</li> <li>– Home occupations</li> <li>– Home industries (e.g., sawmill, welding, woodworking, seasonal storage of boats and trailers)</li> <li>– Agri-tourism and recreation uses</li> <li>– Retail uses</li> <li>– Café/small restaurant</li> </ul> <p>The Guidelines note that uses with high servicing needs and/or generate significant traffic, such as banquet halls, and large scale recurring events with permanent structures are not considered on-farm diversified uses.</p>	
<b>City of Kawartha Lakes</b>	<p>The City of Kawartha Lakes Official Plan (2012) defines the term 'agriculture-related uses' as "uses that are small in scale and directly related to the farm operation and required to be located in close proximity to the farm operation such as grain drying, handling, and storage facility." The Official Plan appears to use the term agriculture-related uses to refer to on-farm diversified uses.</p>	<p>Overall, the existing rural area zoning by-laws vary in their approach to permitting 'agriculture-related uses', which are equated to on-farm diversified uses for the purposes of this discussion. Some examples of these types of uses include:</p> <ul style="list-style-type: none"> <li>– Bexley Zoning By-law (Rural General zone) – agricultural produce storage,</li> </ul>

Jurisdiction	Official Plan Assessment	Zoning By-law Assessment
	<p>The Official Plan further defines ‘secondary uses’ as “uses provide value added agricultural products from the farm operation such as farm markets, farm produce stands, farm vacation establishments, farmhouse dining rooms, farm wineries or cideries and bed and breakfast establishments.” This term aligns with the intent of value-added uses as contemplated in the Provincial Guidelines.</p> <p>The Prime Agricultural designation permits:</p> <ul style="list-style-type: none"> <li>– agricultural uses</li> <li>– agricultural-related uses</li> <li>– single detached dwellings accessory to the other permitted uses</li> <li>– garden suites</li> <li>– secondary uses, including kennels</li> <li>– wayside pits and quarries</li> <li>– agri-business (subject to criteria)</li> <li>– existing residential lots</li> </ul>	<p>market garden farm, and produce outlets, farm implement dealers, kennels, firewood splitting, riding/boarding stables and bed and breakfasts</p> <ul style="list-style-type: none"> <li>– Eldon Zoning By-law (Agricultural and Rural General zones) – such as farm equipment sales, grain drying/cleaning, nursery/greenhouses, auction uses, bed and breakfast, feed mill, grain cleaning</li> <li>– Ops Zoning By-law (Agricultural and Agricultural Support zones) – such as a bed and breakfast, farm produce outlet, home industries, portable saw mills, produce storage and similar uses, feed mils, fertilizer supplies, contractors, welding shops etc.</li> </ul>
<b>Prince Edward County</b>	<p>The County’s Official Plan (Adopted November 1993, Office Consolidation January 2011) aims to preserve agricultural land and protect it from incompatible uses and fragmentation. Within the Prime Agricultural designation, agriculture uses, limited agricultural related commercial and industrial uses (such as farm produce processing and storage warehouses, equestrian</p>	<p>The Prince Edward County Zoning By-law (Approved October 2006) permits a range of agriculture uses within its three Rural zones. In addition to permitted residential uses, a range of non-residential uses including agriculture, commercial greenhouses, a farm, farm produce outlet, garden and nursery sales &amp; supply establishment, kennel, farm</p>

Jurisdiction	Official Plan Assessment	Zoning By-law Assessment
	<p>centres, abattoirs and cheese-making facilities are permitted), and farm and estate wineries are permitted.</p> <p>The County is currently undertaking an Official Plan Review. In February 2018, a Draft Official Plan was released. The Agricultural designation permits agricultural uses, on-farm diversified uses, agricultural related uses, and public uses/utilities. With respect to on-farm diversified uses, the Draft Official Plan carries forward the Guidelines and establishes a series of criteria to permit the uses, and directs the zoning by-law to established standards for specific types of on-farm diversified uses. Agri-tourism uses and wineries/breweries/cideries/distilleries are permitted as on-farm diversified uses, subject to criteria.</p>	<p>winery and mobile restaurant, amongst others, are permitted. The by-law does not define 'on-farm diversified uses' but rather establishes a series of uses would be classified as such.</p> <p>The permitted residential uses include one single detached dwelling, a rural home business, private home daycare, bed and breakfast establishment, group home, accessory uses, and accessory farm accommodation.</p> <p>Of note, the By-law defines both 'estate winery' and 'farm winery'. The operative difference between the two uses is that a farm winery is associated with agricultural uses on the same farm lot, whereas an estate winery permits broader range of commercial amenities such as a kitchen or dining facility. Estate wineries are not pre-zoned and are applied on a site-specific basis. Farm wineries are subject to a general provision which regulates the size and scale of the operation.</p>
<b>Township of Woolwich</b>	<p>The Township is undertaking an agricultural review to address emerging issues and support the farming community. The proposed Official Plan Amendment will revise the existing term 'on-farm business' to 'on-farm diversified uses,</p>	<p>Concurrent with the Official Plan Amendment to implement the agricultural review, the Township has initiated a zoning by-law amendment to conform to the revised Official Plan policies. Existing provisions for 'on-farm</p>



Jurisdiction	Official Plan Assessment	Zoning By-law Assessment
	<p>which will include the tests as established in the Provincial Guidelines. The existing policies for 'on-farm businesses' were deemed to restrictive from what is currently permitted in the PPS and Guidelines.</p> <p>The Official Plan will regulate on-farm diversified uses through the following criteria:</p> <ul style="list-style-type: none"> <li>– The farm is actively in agricultural use;</li> <li>– It is limited in area to minimize the amount of land taken out of agricultural production and ensure agriculture remains the principal use;</li> <li>– Be secondary to the agricultural use (spatially and temporally);</li> <li>– Does not generally exceed 2% of the total size of the farm parcel up to a maximum of 1 ha. (subject to further criteria);</li> <li>– Is not severed from the farm parcel;</li> <li>– Does not include any obnoxious or dangerous matter or waste; and,</li> <li>– Complies with the environmental policies in the Official Plan.</li> </ul>	<p>businesses' are being updated to be 'on-farm diversified uses'.</p> <p>The zoning by-law will permit value-added uses (such as processors, packagers, wineries), farm related commercial (such as equipment sales, maple syrup equipment, co-op farm sales operations), agri-tourism, and non-commercial greenhouse sales operations as on-farm diversified uses.</p> <p>Other key proposed changes include:</p> <ul style="list-style-type: none"> <li>– Regulating the maximum lot coverage of the area of operation for on-farm diversified uses relative to farm size (e.g., 0.5% for veterinary clinics and dog kennels; 1% for winery, cidery, micro brewing, retail uses, and ground mounted solar facilities; and 2% for dry industrial, value retention and value-added uses);</li> <li>– Permitting on-farm diversified uses on lots with a minimum area of 6 ha.;</li> <li>– New permissions for 'Home Business – Tradesperson' on lots up to 10ha. to provide the opportunity to add additional uses to smaller parcels; and,</li> </ul>

Jurisdiction	Official Plan Assessment	Zoning By-law Assessment
	Township Council will consider these proposed changes in March 2020.	<ul style="list-style-type: none"> <li>– Reflecting the current Minimum Distance Separation guidelines.</li> </ul> <p>The existing zoning by-law permits a dog kennel and veterinary clinic as a primary permitted use; however, as the Guidelines require that they be secondary to the farm, these uses have been removed and captured under the General Regulations as on-farm diversified uses.</p> <p>The existing zoning by-law permits agri-tourism within the agriculture zone. The definition for agri-tourism limits the use to the following activities: hay or corn maze, petting zoo, hay/sleigh rides, buggy or carriage rides, farm tours, and processing demonstrations. The Township will require appropriate site-specific planning approvals (i.e., not pre-zoning) for other types of uses, such as a bed and breakfast, seasonal events, wine tasting, and retreats.</p> <p>Other secondary on-farm uses that are not specifically permitted in the by-law would be considered on a case-by-case basis through a zoning by-law amendment, which includes a Farm Event Venue.</p>

Jurisdiction	Official Plan Assessment	Zoning By-law Assessment
<b>Municipality of Clarington</b>	<p>The Clarington Official Plan (June 2018) permits on-farm diversified uses, including agri-tourism, within the Countryside designation, which includes both Prime Agricultural and Rural areas, subject to the criteria established in the Guidelines. Within the Prime Agricultural and Rural Areas, agricultural uses, on-farm diversified, and agriculture-related uses are permitted. Further regulations are established within the Rural Areas for kennels and the landscape industry.</p> <p>Home-based occupations and home industry uses are also permitted, subject to criteria and the provisions of the zoning by-law. These uses are limited to 30% of the habitable area of the residence, does not include outside storage, and is not permitted to change the residential character of the structure.</p>	<p>The Draft Clarington Zoning By-law (2018) permits the following within the Agricultural Zone:</p> <ul style="list-style-type: none"> <li>– Agricultural Uses, including Farm Processing – Value Retaining uses.</li> <li>– Secondary Uses, including Farm Processing – Value Added, Farm Experiences, Farm Produce Outlets, Home Business, Home Industries, and Bed and Breakfasts</li> </ul> <p>The Draft Zoning By-law defines value retaining processing facilities to include grading, sorting, packing drying of crops primarily produced on the farm. Value-added processing facilities are those which process and refine crops produced on properties of the farm to a final retail product, including wineries, cideries, jams and baked goods. A farm produce outlet is defined as being secondary to a farm in which produce grown on the farm is offered for sale, and may include value-added farm products.</p>
<b>Township of Puslinch</b>	<p>The County of Wellington Official Plan (Adopted May 1999), which applies to the Township of Puslinch, permits agricultural uses, secondary uses including home businesses and farm</p>	<p>The Township's Zoning By-law (April 2018) permits a Farm Related Business in the Agricultural Zone (A). A Farm Related Business is defined to be an on-farm diversified use,</p>

Jurisdiction	Official Plan Assessment	Zoning By-law Assessment
	<p>businesses in the Prime Agricultural designation. While the Official Plan does not specifically reference on-farm diversified uses, the term ‘farm businesses’ aligns with its intent.</p> <p>Farm business, are intended to be small scale and provide value-added products from the farm, such as cottage wineries, value-added processing/packing, sales outlets for agricultural products produced on the farm, seed cleaning, and pick-your-own uses. The Official Plan does not set out specific criteria for farm businesses, but notes that they may be allowed subject to zoning provisions.</p>	<p>and includes agri-tourism business, micro-brewery, distillery, or winery, value-added processing and pick-your-own operations, and depends directly on the farm for the business to operate.</p> <p>Specific use provisions are established to limit the scale of the operation and the minimum lot area where a Farm Related Business is permitted. This includes:</p> <ul style="list-style-type: none"> <li>– Establishing a minimum lot area of 3 ha and containing a primary agricultural use;</li> <li>– Setting a maximum area of the lot for the farm related business of 15% or 1 ha of the lot;</li> <li>– Establishing a maximum floor area of 5000 sq. m.;</li> <li>– Limiting the size of retail sales that form part of the farm related business and establishing further regulations; and,</li> <li>– Limiting overnight accommodations to a permitted bed and breakfast establishment.</li> </ul>

Jurisdiction	Official Plan Assessment	Zoning By-law Assessment
<b>Town of Innisfil</b>	<p>The Town of Innisfil Official Plan (2018) encourages a broad range of agricultural and on-farm diversified uses which maintain the character of the Countryside. On-farm diversified uses include home industries, home occupations, farm gate sales, and processing of agricultural products from the farm operation. Within an agricultural area, on-farm diversified uses are limited to a bed and breakfast establishment, home industry, home occupation, farm-gate sales, cooking school, agri-tourism uses, and small-scale value-added processing/packaging. The following criteria are established to regulate the scale of the use in the agricultural area:</p> <ul style="list-style-type: none"> <li>– The maximum total floor area of the on-farm diversified use is 500 sq. m., except for produce storage, grain dryers, livestock assembly, or farm gate sales.</li> <li>– The maximum area of the use is limited to 2% of lot coverage to a maximum 1 ha. in size.</li> <li>– On-farm diversified uses are encouraged on lower quality agricultural lands.</li> </ul>	<p>The Town of Innisfil Zoning By-law (April 2013) establishes Agricultural General, Agricultural Specialty Crop, and Agricultural Rural zones. The Agricultural Specialty Crop and Agricultural General zones are the most restrictive in terms of primary permitted uses, which include agricultural uses and existing nursery uses. The Agricultural Rural zone is tailored towards agriculture-related uses and permits a broader range of primary uses.</p> <p>Within the Agricultural General and Specialty Crop zones, the following accessory uses are permitted: secondary agricultural uses, bed and breakfast (Agricultural General only), farm gate sales or accessory retail use which is agriculturally related, home industry, and pet day care establishment.</p> <p>Secondary agricultural uses are those which provide value-added agricultural products from the farm operation, such as cleaning/processing of crops, for the purposes of retail sale or further processing. With respect to farm gate sales, this use is permitted closer to the front lot line than the principal dwelling, whereas other accessory buildings are not.</p>

Jurisdiction	Official Plan Assessment	Zoning By-law Assessment
	<ul style="list-style-type: none"> <li>– The maximum size of a farm gate sales buildings is 200 sq. m.</li> </ul> <p>Within a rural area, the full range of on-farm diversified uses are permitted.</p> <p>Within a specialty crop area, on-farm diversified uses are limited to a bed and breakfast establishment, home occupation within a dwelling unit, farm gate sales, and small-scale value-added processing/packaging.</p>	
<b>Provincial Guidelines</b>	<p><b>Approaches to Regulating Agriculture-Related Uses</b></p> <p>As specified in the Provincial Policy Statement definition, agriculture-related uses are farm-related commercial and industrial uses. They add to the vitality and economic viability of prime agricultural areas because they are directly related to and service farm operations in the area as a primary activity. These uses may be located on farms or on separate agriculture-related commercial or industrial properties.</p> <p>Examples of on-farm diversified uses include:</p> <ul style="list-style-type: none"> <li>– Farmers’ market primarily selling products grown in the area;</li> <li>– Grain dryer farm operations / flour mill for grain grown in the area;</li> <li>– Abattoir processing and selling meat from animals raised in the area;</li> <li>– Processing of produce grown in the area;</li> </ul>	

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	<ul style="list-style-type: none"> <li>– Farm equipment repair shop;</li> <li>– Auction for produce grown in the area; and,</li> <li>– Farm input supplier (such as seeds, fertilizer, feed) servicing farm operations in the area.</li> </ul> <p>The Guidelines not that uses that do not benefit from being close to farm operations, but wish to take advantage of lower costs in prime agricultural area would not be classified as agriculture-related uses.</p>	
<b>City of Kawartha Lakes</b>	<p>The City defines the term ‘agri-business uses’ as “agriculture related uses that require proximity to agricultural operations such as abattoirs, livestock marketing or sales yard, a seed cleaning plant, an agricultural produce warehouse or similar agri-business uses providing inputs, service storage or processing outputs from the farm operation.”</p> <p>Agri-business uses may be permitted provided there are no reasonable alternative locations, which avoid Prime Agricultural designated lands, and there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands. These uses are subject to site plan control.</p>	<p>There is significant variability across the 13 existing rural area zoning by-laws with respect to permitted uses in the various agricultural zones. Each rural area zoning by-law typically includes at least two rural zone categories that facilitate agricultural uses and a range of other agriculture-related uses including limited industrial and commercial uses. For example, the by-laws permit uses such as a farm implement dealer, fertilizer blending and supply outlet, retail sales outlet for sales and service of farm related supplies and materials, machinery storage.</p>
<b>Township of Woolwich</b>	<p>The Township is undertaking an agricultural review in order to address emerging issues and support the farming community. The current Official Plan (October 2000) does not</p>	<p>The Woolwich Zoning By-law (1986) does not permit agriculture-related uses as-of-right within the Agricultural zone, and appears to take a similarly restrictive approach as the</p>



Jurisdiction	Official Plan Assessment	Zoning By-law Assessment
	contemplate agriculture-related uses as-of-right. Any farm-related non-residential uses are subject a development application and are not permitted within the Prime Agricultural areas.	Official Plan. In the proposed updates to the Zoning By-law, it is noted that some uses such as kennels could be revised through a site-specific amendment to be considered as an agriculture-related use.
<b>Prince Edward County</b>	<p>The County's Official Plan (Adopted November 1993, Office Consolidation January 2011) aims to preserve agricultural land and protect it from incompatible uses and fragmentation. Within the Prime Agricultural designation, agriculture uses, limited agricultural related commercial and industrial uses (such as farm produce processing and storage warehouses, equestrian centres, abattoirs and cheese plants are permitted), and farm and estate wineries are permitted.</p> <p>The County is currently undertaking an Official Plan Review. In February 2018, a Draft Official Plan was released. The Agricultural designation permits agricultural uses, on-farm diversified uses, agricultural related uses, and public uses/utilities. With respect to agriculture-related uses, the Official Plan permits the use on farms or on separate agriculture-related commercial or industrial properties, subject to criteria.</p>	<p>The Prince Edward County Zoning By-law (2006) does not explicitly permit or define 'agriculture-related uses', but rather permits a limited range of these non-residential uses within its general Rural zones. The Rural zones permit an equestrian centre and garden and nursery sales and supply establishment, for example, as-of-right.</p> <p>The Zoning By-law establishes a Rural Industrial zone which permits a broad range of uses in line with the Official Plan permissions for agricultural industrial uses. These defined uses include: agricultural processing, an abattoir, aerodrome, cheese factory, farm and garden machinery sales and service, motor vehicle repair garage, workshop, contractor's yard, micro brewery, winery, and public works.</p>
<b>Municipality of Clarington</b>	The City's Official Plan (June 2018) permits non-agricultural uses, commercial or industrial agri-	The Draft Zoning By-law (2018) directs agriculture-related uses away from prime

Jurisdiction	Official Plan Assessment	Zoning By-law Assessment
	<p>business uses in the Rural Areas of the Countryside designation, subject to a number of criteria. Industrial agri-businesses (such as farm machinery sales, feed mills, and abattoirs) require a site-specific zoning by-law amendment to confirm that the use directly serves the agricultural community, does not change the character of the rural area, and adequate parking is provided.</p> <p>Within the Prime Agricultural and Rural Areas, agricultural uses, agriculture-related uses, and on-farm diversified uses are permitted. Agriculture-related uses are defined in line with the Guidelines, and no further criteria is established for this use.</p> <p>Commercial agri-businesses (undefined) are encouraged to located within Settlement Areas, however, they are permitted in the Rural area subject to a site-specific zoning by-law amendment, subject to criteria. These criteria include: not being located on prime agricultural land unless a study has demonstrated that soil capability is suitable, be suitable with its surrounding, does not affect the character of the area, be in conformity with the Minimum Distance Separation formulae, and not conflict with or detract from agricultural operations.</p>	<p>agricultural lands. Farm Related Commercial Establishments, such as farm machinery dealerships or repair shops, are only permitted in two Rural Commercial Zones (RC1 and RC2). These are areas in the countryside where there are shops and services, but not farming operations. Farm Related Industrial Establishments, such as biomass pelletizers and abattoirs, are not permitted as-of-right and would require a site-specific zoning by-law amendment.</p>

Jurisdiction	Official Plan Assessment	Zoning By-law Assessment
<b>Township of Puslinch</b>	<p>The County's Official Plan, which applies to the Township of Puslinch, permits agriculture-related uses in the Prime Agricultural designation. Agriculture-related uses are those farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation, including livestock assembly, grain drying, cold storage, and animal husbandry.</p> <p>The Official Plan does not set out specific criteria regarding agriculture-related uses, however, it notes that they are permitted in appropriate locations and subject to zoning provisions.</p>	<p>The Township's new Zoning By-law permits agriculture-related uses in the Agricultural Zone (A) as-of-right, subject to the lot and building standards of the Agricultural Commercial Zone (AC). The By-law carries forward the definition for agriculture-related uses from the Guidelines, and notes that it includes agricultural service and supply establishments, and farm products processing and storage facilities.</p> <p>The Agriculture Commercial zone also permits uses such as farm products sales outlets, auction sales establishments, animal clinics, and nurseries.</p>
<b>Town of Innisfil</b>	<p>The Town of Innisfil Official Plan (2018) encourages a broad range of agricultural and agriculture-related uses which maintain the character of the Countryside. On-farm diversified uses include home industries, home occupations, farm gate sales, and processing of agricultural products from the farm operation.</p> <p>Within an agricultural area, agriculture-related uses are only permitted through a site-specific rezoning, where it is demonstrated that the use is small scale, is compatible with and does not hinder the surrounding farm operation, and the</p>	<p>The Town of Innisfil Zoning By-law (April 2013) establishes Agricultural General, Agricultural Specialty Crop, and Agricultural Rural zones. The Agricultural Rural zone is tailored towards agriculture-related uses and permits a broader range of primary uses, whereas the Agricultural General and Specialty Crop zones are tailored towards primarily agricultural uses with on-farm diversified uses.</p> <p>The Agricultural Rural zone permits a broad range of primary agriculture-related uses, including agricultural processing, agricultural</p>

Jurisdiction	Official Plan Assessment	Zoning By-law Assessment
	<p>use supports the agricultural character of the area. Further, this use is subject to site plan approval.</p> <p>Agriculture-related uses include any commercial or industrial operations that are directly related to and service the farm operations in the area, such as farm produce and livestock sales, farm supply and equipment sales, and farm product storage and processing. The following criteria are established to regulate the scale of the use in the agricultural area:</p> <ul style="list-style-type: none"> <li>– The maximum total floor area of the agriculture-related use is 500 sq. m., except for produce storage, grain dryers, livestock assembly, or farm gate sales.</li> <li>– Lot creation is permitted for agriculture-related uses, subject to criteria.</li> </ul>	<p>produce warehouse, auction establishment, farm implement dealer, kennel, and riding &amp; racing stable. This appears to direct agriculture-related uses away from prime agricultural and specialty crop areas.</p>

#### 4.2.3 Options for On-Farm Diversified Uses

Overall, the municipalities reviewed in the best practice scan permit a wide range of different uses as on-farm diversified uses within their agricultural and rural zones. More recent zoning by-laws include general provisions for these uses to ensure that they are limited in size/scale and remain as secondary uses to the principal use of the lot.

There is an opportunity to establish some as-of-right permissions for on-farm diversified uses within the Rural Zoning By-law. Considering the City's Official Plan definition, "agriculture-related uses" is equated to the current term "on-farm diversified uses", and are thereby permitted in the Prime Agricultural designation. However, in the absence of detailed Official Plan policy, there may be limitations to these permissions.

Many of the existing rural area zoning by-laws already permit a range of on-farm diversified uses, such as market garden farms, a bed and breakfast, grain drying, home occupation, sawmill, and seasonal fruit/produce outlet.

There are two general approaches to consider for defining on-farm diversified uses. The first option involves simply defining the term "on-farm diversified use" and establishing a general provision which limits the on-farm diversified uses to specific types of uses (e.g., value-added, value-retaining facilities) and further limits of development (e.g., minimum farm size, maximum lot coverage). Definitions could be established for these different uses. This approach is similar to that used in the proposed amendment to the Township of Woolwich Zoning By-law. Alternatively, the term on-farm diversified uses may not be used in the Rural Zoning By-law at all, but the individual types of uses could be identified in the zones (e.g., farm gate sales, bed and breakfast, etc.). The latter approach is clearer and is recommended.

Specific types of permitted on-farm diversified uses which could be considered and permitted as secondary to the agricultural use could include: value-added facilities (e.g., bakery, cidery, packaging), agri-tourism (e.g., horseback ride, farm tour, apple picking), farm produce outlets (i.e., for products grown on the farm which the use is secondary to), home industries (e.g., welding, woodworking), veterinary clinics, and kennels. Based on the Guidelines, it is suggested that home businesses can be permitted as a secondary use to the primary residential use. The second approach would involve defining each individual use which is contemplated as an on-farm diversified use and treating them individually throughout the By-law. Where necessary, specific use provisions could be established for the different uses (e.g., farm wineries, pick-your-own facilities) to provide additional regulations. Within the permitted uses of the zone category, each use would be listed. This approach is similar to that used in the Prince Edward County Zoning By-law.

It is recommended that in the absence of clear policy direction from the Official Plan, larger-scale uses, such as estate wineries, which have greater off-site impacts on traffic, noise, or scale, not be permitted pre-zoned. These types of uses would require a zoning by-law amendment to ensure policy conformity is achieved. Further, criteria for on-farm diversified uses could be established in conjunction with any associated Official Plan Amendment to clearly articulate the City's direction for on-farm diversified uses.

For clarity, the following uses would not be considered on-farm diversified uses: large scale equipment or vehicle dealerships, uses that generate significant traffic, large scale recurring events with permanent structures, and large-scale recreational facilities.

**Recommendation** | That on-farm diversified uses be identified and permitted in the Agricultural zone with specific definitions and provisions. This can be achieved based on the current policy, but a policy update may be considered to broaden the types of on-farm diversified uses that can be contemplated.

Alongside any updates to the City's Official Plan, it will be important to establish specific lot and building requirements for on-farm diversified uses, including a minimum lot area that must be met for on-farm diversified uses to be permitted. If a given parcel is smaller in size (e.g., less than 4-6 ha.), the size of the on-farm diversified use would be relatively large compared to the smaller farming operation, and a cap on the maximum area of the on-farm diversified use (e.g., 2%) would be very restrictive in terms of the land area that would be available for an on-farm diversified use. In the City of Kawartha Lakes, most farm parcels are larger than 4 ha., with only 3.5% of farm parcels being less than 4 ha. Therefore, for example, if on-farm diversified uses were only permitted on lots over 4 ha. in size, 96.5% of farm lots would be permitted to establish an on-farm diversified use.

When determining policy updates to the City of Kawartha Lakes Official Plan, the City will need to balance the need to provide flexibility to make farm operations on smaller lots viable, while ensuring that these smaller lots are valued as farmland, and not for the dwelling and business operation. The Township of Woolwich has opted to permit on-farm diversified uses on lots equal to or greater than 6 ha., while the Township of Centre Wellington establishes a minimum farm size of 4 ha.

**Option** | That on-farm diversified uses only be permitted on farm lots which meet an established minimum lot area. Other municipalities establish minimum lot sizes ranging from 4 to 10 hectares in size to permit on-farm diversified uses.

Further, the Guidelines are clear that large-scale or repeated events with permanent structures (e.g., event venues) are not considered on-farm diversified uses. There is an opportunity, however,

for the Rural Zoning By-law to consider farm event venues to be permitted either through a temporary use by-law or zoning by-law amendment, where appropriate.

**Option** | That a definition for a Farm Event Venue be included in the Rural Zoning By-law, but not permitted as-of-right and requiring a site-specific zoning by-law amendment or temporary use by-law.

#### 4.2.4 Options for Agriculture-Related Uses

Agriculture-related uses are intended to support the general farming community, and are not directly linked or accessory to an individual farm operation like an on-farm diversified use. The City of Kawartha Lakes Official Plan offers limited guidance for these uses and does not provide a foundation upon which to pre-zone the use (i.e., permit without the need for a site-specific zoning by-law amendment). Further, the Guidelines for Permitted Uses in Ontario's Prime Agricultural Areas do not provide explicit direction as to the location of the use and notes that these uses may be located on farms or on separate agriculture-related commercial or industrial properties. Overall, it will not be the intent of the Rural Zoning By-law to pre-zone for agriculture-related uses. Rather, new agriculture-related uses should be required to seek a re-zoning so that the use and proposal can be evaluated against the policies of the Official Plan.

The municipalities reviewed in the best practice scan take generally similar approaches to regulate agriculture-related uses. Most commonly, municipalities establish a specific zone(s) and definitions for these uses (e.g., Puslinch, Innisfil, Clarington) to direct the use away from prime agricultural areas, and may not pre-zone for these uses (i.e., requiring a site-specific zoning by-law amendment).

In the absence of pre-zoning, there is an opportunity for the Rural Zoning By-law to define the term 'agriculture-related use' and establish criteria for the use which could be applied on a site-specific basis through a zoning by-law amendment. This approach to require a zoning by-law amendment for agriculture-related uses is generally aligned with that used in the Town of Innisfil, Township of Woolwich and Municipality of Clarington.

**Recommendation** | That agriculture-related uses not be permitted as-of-right in the Agriculture zone in the Rural Zoning By-law. A separate zone can be established which establishes permissions for agriculture-related uses. This may be identified as the Rural Service zone or similar. This zone would be applied only through a re-zoning process and can also be applied to any legally existing agriculture-related uses where permitted by the Official Plan.

There is a range of criteria which could be applied to agriculture-related uses to ensure compatibility with surrounding agricultural uses. Consideration should be given to advance these



criteria alongside any Official Plan Amendment to ensure the Rural Zoning By-law properly captures the City's intent for these uses. For example, the Township of Woolwich Official Plan requires farm-related non-residential uses in the rural land use designation to comply with the following:

- Conformity to the zoning by-law and policies of the Official Plan;
- Where feasible, not be located on Prime Agricultural Lands, as identified in the Regional Official Plan;
- Be prohibited in a woodlot except where an exception is obtained from the Region;
- Minimize impacts on Environmental Areas in accordance with the Environmental policies of the Plan; and,
- An analysis of land use compatibility.

The list of criteria should be established with input from the agricultural community and should reflect current gaps or issues being experienced. Other criteria, based on the Guidelines, could include:

- Maintaining the rural character of the area;
- Demonstration of need for the specific geographic market or service area; and,
- Requiring impact mitigation (e.g., Minimum Distance Separation (MDS) formulae).

**Option** | Establish various criteria regarding agriculture-related uses, such as lot size, MDS applicability, etc., which could be implemented in the zone that permits agriculture-related uses.

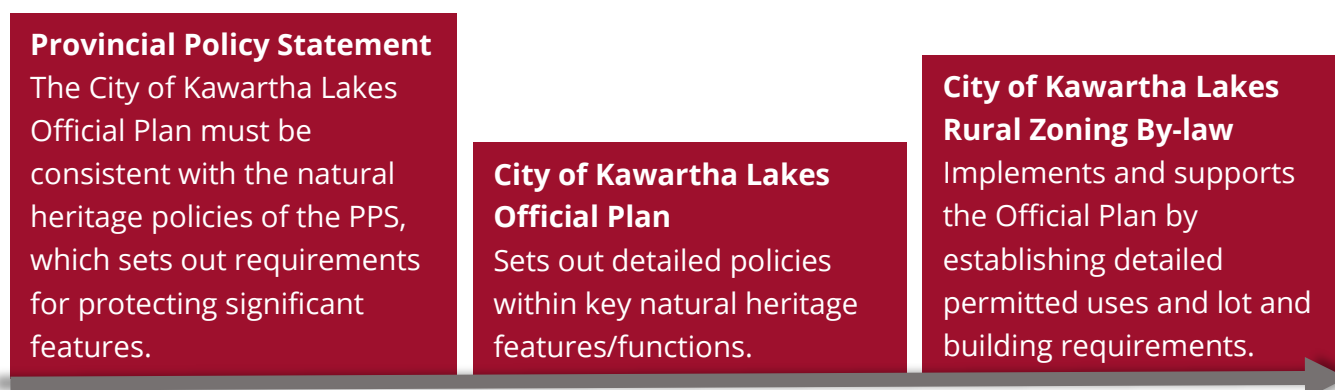
The City's current Official Plan establishes policies which would permit existing commercial and industrial uses to be zoned to recognize the use subject to some criteria in the Prime Agricultural lands. This could be achieved through the establishment of a 'Rural Service' or similar zone, which permits only existing commercial and industrial uses, as well as a range of agriculture-related uses similar to the approach used in the Rural Industrial zone in Prince Edward County. This zone would be applied through future site-specific zoning by-law amendments, except where an existing use is present. Given the specific nature of what is considered an agriculture-related use, it is recommended that a specific list of permitted uses be established in lieu of simply defining and permitting 'agriculture-related uses'.

The types of uses which could be considered to be agriculture-related uses include agricultural service and supply establishments, farm products processing and storage facilities, an abattoir,

and/or agri-business uses providing inputs, service storage or processing outputs from the farm operation.

### 4.3 Environmental Protection

The Rural Zoning By-law has a role in supporting the direction set out in the City of Kawartha Lakes Official Plan regarding environmental protection and conservation. There is a need to establish a clear environmental protection zone(s) regulations in the By-law that can be applied through the development application process to support the protection and enhancement of natural heritage features, where identified. For the purposes of this Rural Zoning By-law, environmental protection policy direction comes from the Provincial Policy Statement, the Conservation Authorities, and ultimately the City of Kawartha Lakes Official Plan.



#### 4.3.1 City of Kawartha Lakes Official Plan and Existing Zoning Context

The Environmental Protection designation of the City's Official Plan encompasses a number of features/areas that require different approaches to zoning. Schedule A of the Official Plan delineates an Environmental Protection land use designation, while Schedule B provides supplementary information, identifying various specific environmentally sensitive features. The features were mapped based on the data and information available when preparing the Official Plan, and therefore the delineation of features and buffers may not be highly accurate or current.

Section 17.1 of the Official Plan notes that the goal of the designation is to identify land that is subject to flooding, identified as a Provincially Significant Wetland, or is unsuitable for development due to physical hazards.

Each of the existing rural area zoning by-laws, except for Laxton, Digby, Longford, Sturgeon Point, and Verulam, establish a variant of an environmental protection zone. In Laxton, Digby, Longford, Sturgeon Point, and Verulam environmental protection is provided through Open Space zones. The basis for and labelling of these zones varies across the different by-laws. In the Eldon Zoning By-law, the Environmental Protection zone is subject to a minimum setback of the applicable yard for the zone, or a setback of 15 m, whichever is greater. The zone permits conservation uses, bird

and wildlife sanctuary, flood and erosion control works, and forestry uses, and prohibits new buildings or structures except for flood and erosion control and docks. The Mariposa Zoning By-law establishes an Environmental Protection zone which is subject to a setback equal to the applicable yard requirement for the zone or a water setback of 15 m, whichever is greater. The zone permits agricultural uses, conservation uses, bird or wildlife sanctuaries, flood and erosion control works, forestry uses. New buildings or structures are prohibited.

Overall, there is considerable variation in how the Environmental Protection zones are used in the existing rural area zoning by-laws. Some of the by-laws appear to orient the zone towards protective zoning for hazard lands rather than natural heritage protection, and others permit non-conservation uses within the zone. In the Ops Zoning By-law, the Hazard Lands zone is intended to reflect the limits of the floodplain and/or wetlands identified by the Conservation Authority or Province. The zone permits limited non-residential uses including erosion control, flood control, and existing uses. Enlargements of existing buildings within the zone are permitted up to 25% of the legally existing ground floor area.

The Zoning By-law should, at a minimum, establish an Environmental Protection zone to carry forward existing Environmental Protection zoning and to help support the implementation of the Official Plan's Environmental Protection designation. The zone could also be applied to prevent development within hazardous lands where appropriate. Zoning for hazardous lands is discussed separately in this Report.

**Recommendation** | It is recommended that an Environmental Protection zone be established in the new Rural Zoning By-law. Any existing Environmental Protection or similar zone mapping in the rural area zoning by-laws should be carried forward into an Environmental Protection zone. Any site-specific updates to the zoning will also be carried forward to ensure site-specific studies are reflected in the delineation and zoning of environmental features.

To help understand how existing Environmental Protection zoning compares to the Environmental Protection designation of the Official Plan, the two map sets have been overlaid. Across the existing by-laws, there are instances where the zoning aligns very closely with the Official Plan mapping layer, and other instances where the alignment is very poor. **Figure 9** depicts the existing zoning layer (thin black lines with zone symbols in black) for the Carden Zoning By-law over the Official Plan Land Use Schedule mapping (coloured areas shown behind the zoning). On the left, the Environmental Protection zone generally aligns with the boundaries of the Environmental Protection designation in the Official Plan, whereas, on the right, the Official Plan Environmental Protection designation (in green) is more restrictive and a range of different zones apply. In this instance, the Carden Zoning By-law appears to use the Environmental Protection zone to reflect floodplains and restrict development in these areas.

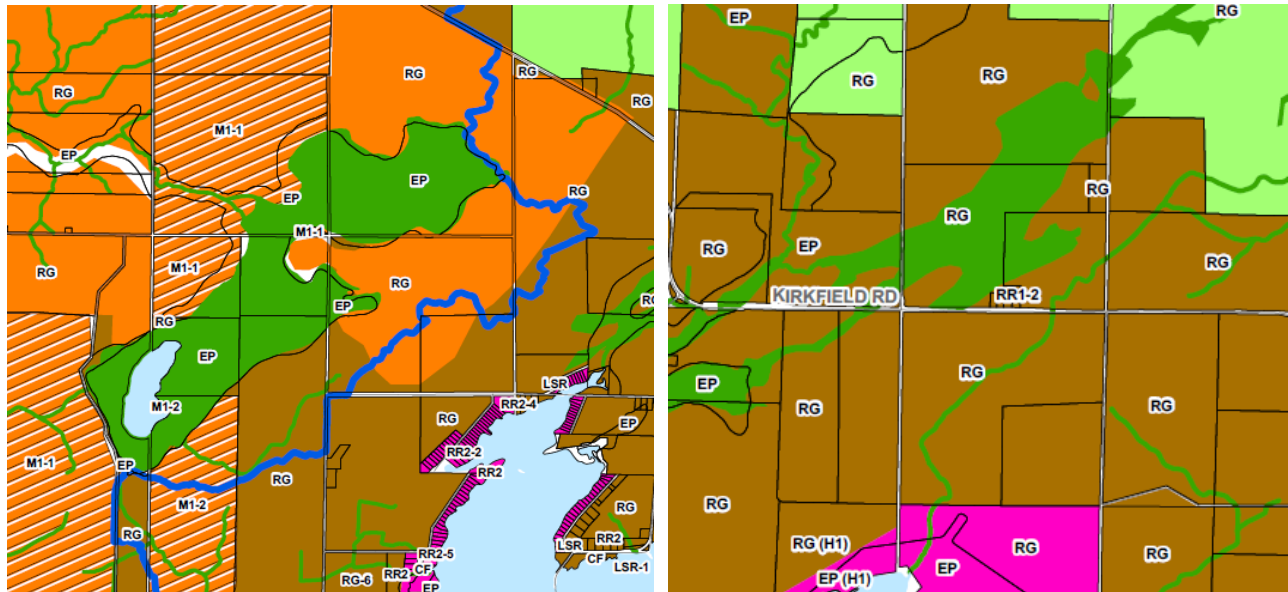


Figure 9 - Overlay of Carden Zoning By-law overtop the City of Kawartha Lakes Official Plan (Schedule A)

#### 4.3.2 Zoning Options for ANSIs, Unevaluated and Locally Significant Wetlands, Significant Woodlands and Significant Wildlife Habitat

Schedule B of the Official Plan breaks down the Environmental Protection designation into a number of different sensitive natural heritage features. This includes Areas of Natural and Scientific Interest (ANSIs), Unevaluated Wetlands, Significant Woodlands, Significant Wildlife Habitat and Locally Significant Wetlands (Provincially Significant Wetlands are also shown and are discussed in the next section). It is the intent of the Official Plan that these features will be protected from development and that an Environmental Impact Study (EIS) will be required to confirm the extent of the features.

Generally, the Official Plan's mapping does not provide a suitable basis to zone ANSIs, unevaluated wetlands, woodlands, wildlife habitat and locally significant wetlands through this Rural Zoning By-law Review process. While the zoning by-law is an important tool to support the protection of these features, the opportunity exists for the features to be rezoned to an Environmental Protection zone as an outcome of a development approval process. Since these features were mapped when the Official Plan was developed, features may not be accurately reflected. Zoning them at this time would be premature and would negatively impact property rights where the features are shown in the Official Plan but do not actually exist.

It is the intent of the Official Plan that the features be confirmed and an appropriate buffer established primarily through a development application process by way of an EIS to confirm the boundaries of these features and to make recommendations for their protection, including any buffers. An EIS is triggered by any number of Planning Act applications, such as a rezoning, plan of subdivision or site plan approval process. The EIS results in specific delineation of features and

buffers, which can be subsequently implemented in zoning. With respect to significant woodlands, the City is in the process of developing a tree cutting by-law to protect and preserve trees which can be a supportive implementation tool. With respect to significant wildlife habitat, due to reasons of sensitivity and confidentiality in the precise location of these areas, the Official Plan only broadly identifies these areas and it is not appropriate to zone the extent of the areas. Furthermore, wetlands are subject to the Conservation Authority's regulated area and the Conservation Authority permitting process is an opportunity to help trigger the need for an EIS in relation to development or site alteration in proximity of these features.

**Recommendation** | The Rural Zoning By-law will not specifically zone areas of natural and scientific interest, unevaluated wetlands, significant woodlands, significant wildlife habitat, and locally significant wetlands as mapped in the Official Plan due to the lack of accurate data and supportive studies. An Environmental Protection zone will be established in the zoning by-law and can be applied to the feature and its buffer as an outcome of development application processes.

While the zoning of these features as shown in the Official Plan is not recommended at this time, there is an option to apply a Holding Symbol (H), in accordance with Section 36 of the Planning Act, as a tool to require an EIS and to only permit development when the EIS is completed. Given the rural nature of the City, when a property owner submits a development application to facilitate development, there are existing tools which trigger the requirement to complete a site-specific EIS which would determine the extent of buffers for these features.

The benefit of establishing a Holding Symbol (H) is to provide a screening tool to trigger an EIS in those instances where a development is permitted as-of-right, does not require planning or site plan approvals, and is able to proceed to the building permit stage. However, if a Holding Symbol applies, the applicant would still be required to lift the hold prior to development which is a decision of Council and requires an application process. A condition to lift the holding would be the completion of an EIS.

**Option** | Apply a Holding Symbol (H) where sensitive environmental features are mapped in the Official Plan. Where this Holding applies, development would be restricted until the Holding Symbol (H) is lifted. A condition to lift the (H) would be the completion of an Environmental Impact Study (EIS). Mapping of the Holding would be based on Official Plan Mapping (Schedule B) and/or revised Provincial mapping, where applicable and available.

#### 4.3.3 Zoning Options for Provincially Significant Wetlands

There is an opportunity to zone the Provincially Significant Wetlands (PSWs) in the Rural Zoning By-law. Zoning is one of a range of tools available for the implementation of PSW protections.

However, there are other tools in place to ensure the protection of PSWs, including an option to consider PSWs as a feature subject to a Holding Symbol (H) as discussed previously. However, considering that PSWs are generally mapped accurately by the Province and that there are explicit requirements in the Provincial Policy Statement and Official Plan which prohibit development and site alteration, there is an opportunity to consider zoning the PSWs within a protective zone category. Additionally, it is noted that Conservation Authorities include wetlands within their regulated area, providing a potential means of screening and resulting in appropriate protections through their permitting process and a required EIS.

For example, Norfolk County introduced a PSW zone in its zoning by-law in 2014 based on mapping provided by the Ministry of Natural Resources and Forestry which is implemented in the County's Official Plan. In May 2019, Norfolk County put forward an amendment to the PSW zone to better align with updated Provincial mapping.

The first option with respect to implementing policy for PSWs is to take no action through this process. Rather, the features would be zoned as an outcome of a development application process, as in the case of the features discussed in Section 4.3.2. The second option involves zoning PSWs within the Environmental Protection zone using the mapping from the Province. The third option would involve establishing a dedicated zone for PSWs which is effectively the same as zoning them Environmental Protection except that they would have a clear zone category. The final option, consistent with the option discussed previously for other protected features, involves applying a Holding symbol to PSWs. The holding symbol would be lifted in conjunction with the completion of an EIS.

**Option** | Do not proactively zone Provincially Significant Wetlands through this Zoning By-law Review process. The features would be protected through the completion of Environmental Impact Studies required in conjunction with development applications.

**Option** | Zone Provincially Significant Wetlands within the Environmental Protection zone, based on Provincially Significant Wetlands identified on Schedule B of the Official Plan and Provincial data.

**Option** | Zone Provincially Significant Wetlands within a Provincially Significant Wetland zone, based on the Official Plan and Provincial data.

**Option** | That a Holding Symbol (H) be placed on Provincially Significant Wetlands. A condition to lift the (H) would be the completion of an Environmental Impact Study (EIS).



#### 4.3.4 Waterbodies

Given the previously discussed options and recommendations to review the existing zoning by-law mapping and implement updated waterfront zoning regulations, there is a need to confirm the currency of the existing mapping of waterbodies and watercourses to ensure accuracy. It is intended that waterbodies will not be zoned within a zone category, but they will be used in the maps to form the edges of zoning for adjacent lands. The mapping data from the existing rural area zoning by-laws should be confirmed against any recent City data of waterbodies and watercourses. For example, as shown in **Figure 10**, there appears to be some waterbodies, circled, within the Laxton Digby Longford Zoning By-law which are not fully delineated and are within a zone category.



Figure 10 - Mapping gap in the Laxton Digby Longford Zoning By-law

**Recommendation** | That existing mapping data from the rural area zoning by-laws be confirmed for currency and accuracy against recent City data of waterbody and watercourse features. The more accurate data will be used in the base zone layer in the new Zoning By-law.



## 4.4 Flooding / Hazardous Lands

A zoning by-law is a tool that regulates the use of land, buildings, and structures which can help ensure that appropriate development controls are in place in hazardous lands, such as floodplains. There are a range of zoning tools which can be adopted by municipalities to provide appropriate protections and justification for conservation based. The Discussion Paper provided a preliminary assessment of this issue which is built upon in this section to provide options to consider for mapping floodplain features and including floodplain provisions within the Rural Zoning By-law.

### 4.4.1 Official Plan Context and Kawartha Conservation Floodplain Mapping Studies

Kawartha Conservation is undertaking a floodplain mapping project to complete and/or update floodplain mapping for ten priority flood damage centres (**Figure 11**). Several areas in the City of Kawartha Lakes have been identified as flood damage centres which do not have sufficient mapping and modelling to understanding the flooding extent. Through a technical exercise, this mapping study ultimately determines the regulatory flood line, which is the area of land adjoining a watercourse or waterbody which has been, or may be, subject to flood hazards.

There is an opportunity through this Rural Zoning By-law Review to review the revised mapping prepared to-date by the Conservation Authority and confirm the most appropriate approach to zoning for floodplain protection. The City's Official Plan provides a policy basis to consider incorporating this updated Conservation mapping. Flood prone areas are a component of the Environmental Protection land use designation, which is shown on Schedule A. Section 17.3.4 of the Official Plan expresses that the true limit of land subject to flooding may not be accurately reflected and defers to the City and Conservation Authority to review and approve the revised limit. Section 17.3.5 notes that where detailed floodplain or wetland mapping exists or becomes available, the boundaries of the

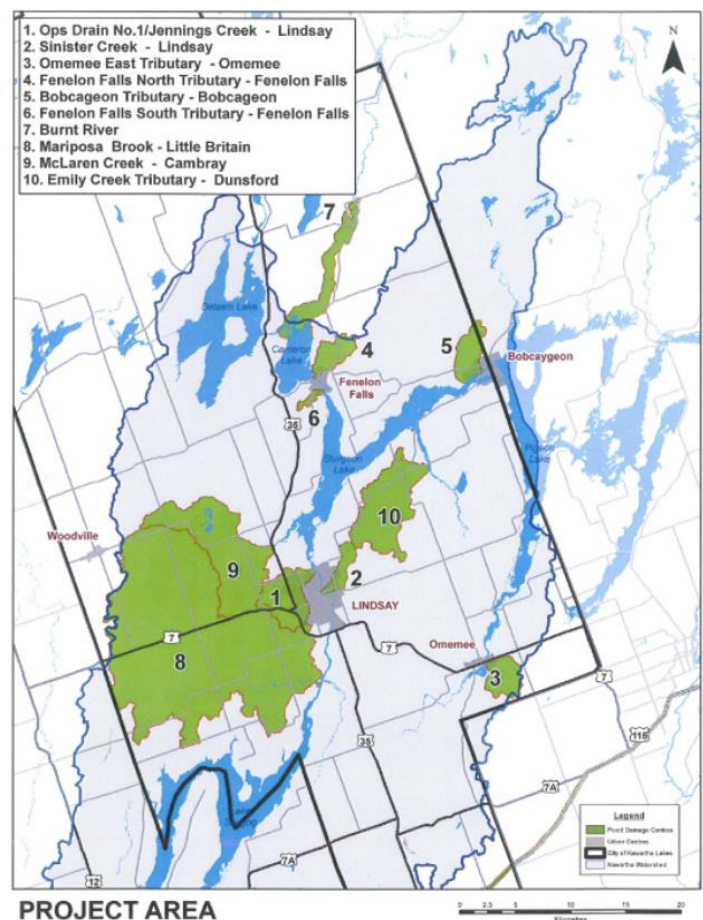


Figure 11 - Kawartha Conservation Floodplain Mapping Project Area

Environmental Protection designation within the Official Plan may be interpreted as corresponding to the limits of the floodplain or wetland.

The Kawartha Conservation Mapping Study has been completed for a number of the defined study areas. To assist in understanding the degree to which the current rural area zoning by-laws align with the revised mapping, the existing zoning in the Verulam Zoning By-law along the Dunsford Creek (left) and the revised mapping from the Dunsford Creek Floodplain Mapping Study (right) have been compared (**Figure 12**). In the zoning map below, it appears that the Open Space (OS) zone shown in green is applied as a type of floodplain protection. Within the OS zone in the Verulam Zoning By-law, only agricultural or forestry, public park, and public uses are permitted. Further, no buildings are permitted within the OS zone except for erosion or flood controls and a boat dock or launching facility. Of note, the aerial imagery in the mapping below suggests that there are several existing residential dwellings and other structures within the OS zone boundary which are not otherwise permitted within the zone. These instances will need to be reviewed during the preparation of the Rural Zoning By-law. Further, the Verulam Zoning By-law contains a general provision relating to floodplains which restricts the permitted uses within a floodplain, which means the area below the high-water mark of a waterbody, but does not otherwise map the feature.

The revised mapping from the Dunsford Creek Floodplain Mapping Study (right) completed in draft in April 2019 presents more detailed and updated floodplain, delineated in red, to make informed decisions about future land use and identify flood hazard reduction opportunities.

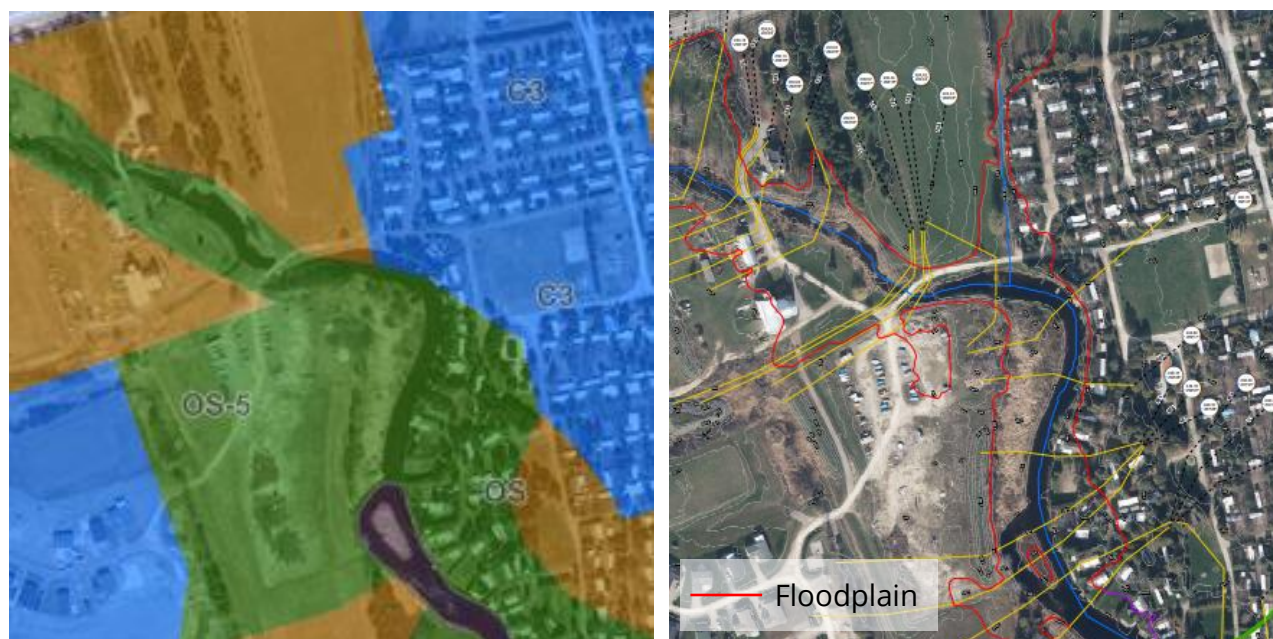


Figure 12 - Verulam Zoning By-law along the Dunsford Creek (left) and the revised floodplain mapping from the Dunsford Creek Floodplain Mapping Study (right)



There are other instances within the existing rural area zoning by-laws where there are no specific floodplain protections indicated on the zone mapping. In the example below, the Omemee East Tributary Floodplain mapping (right) delineates a regulatory flood line in red which is not reflected in the existing Emily Zoning By-law mapping (left) where a blanket Agricultural (A1) zone applies to the parcels (**Figure 13**). However, to address flood concerns, the Emily Zoning By-law establishes a 15 m setback which applies to all buildings and structures from the high-water mark of any watercourse located in the Agricultural or Environmental zones in Section 3.18. The By-law further establishes requirements to ensure that no exterior openings to any residential dwelling are permitted below a minimum opening elevation which is equal to the high-water level for an adjacent waterbody or watercourse.

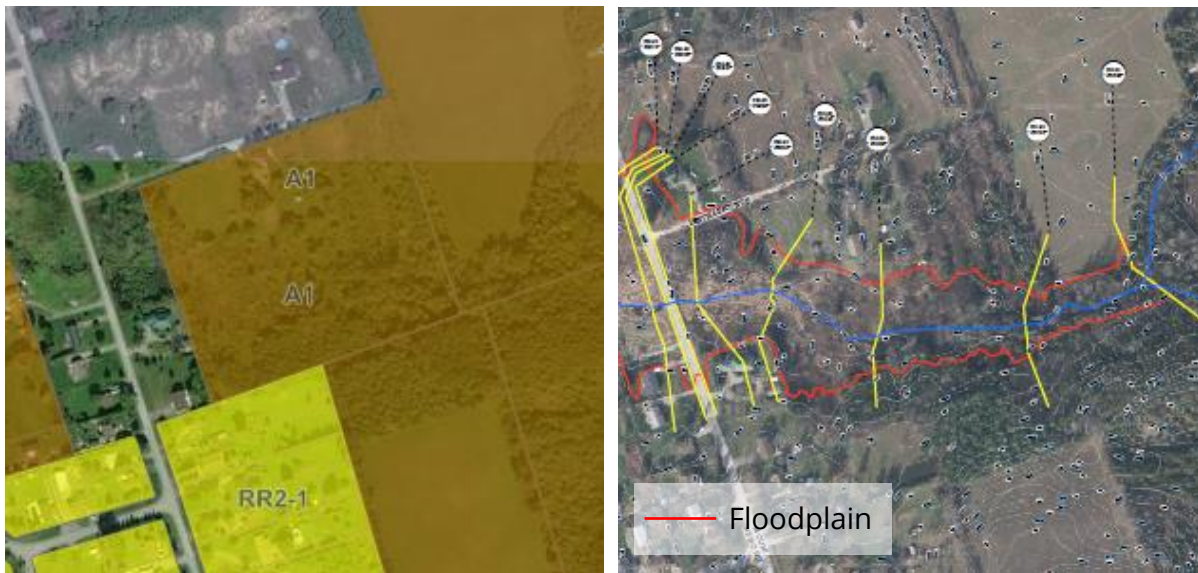


Figure 13 - Emily Zoning By-law along the Omemee East Tributary (left) and the revised floodplain mapping from the Omemee East Tributary Floodplain Mapping Study (right)

#### 4.4.2 Addressing Flood Prone Areas in the Rural Zoning By-law

There are several options to consider in addressing flood prone areas in the Rural Zoning By-law. Each option is associated with advantages and challenges in implementation, and generally work to achieve the same objectives of restricting development within the floodplain.

##### Utilize the Environmental Protection Zone to Address Hazardous Lands

The Environmental Protection designation of the Official Plan is comprised of lands subject to flooding hazards, as well as other natural heritage areas. Similarly, the Environmental Protection zones of the existing rural area zoning by-laws are oriented towards establishing protective zoning of hazard lands, in addition to protecting other natural features. Therefore, following the recommendation to carry forward the existing Environmental Protection zones for natural heritage protection, this zone will also continue to provide floodplain protections where they exist

today. There is an opportunity to compare the updated floodplain mapping prepared by the Conservation Authority to the existing Environmental Protection zone layer. Should discrepancies be identified between this detailed floodplain mapping and the zone layer, modifications can be made to protect the identified floodplain areas within the Environmental Protection zone.

A challenge associated with this option is that by combining floodplain protections with general natural heritage feature protections, there is a reduced opportunity to incorporate any provisions that are specific to flood prone areas. While the Official Plan permits the expansion of a non-complying building or structure within a floodplain, development and site alteration as it relates to natural heritage features is more strictly regulated. Further, this option may include expanding the area to which the Environmental Protection zone applies, which may cause questions to arise from landowners in the City.

**Option** | That lands subject to flooding hazards be incorporated and mapped within the Environmental Protection zone. Modifications can be made to this zone layer based on the updated floodplain mapping prepared by the Conservation Authority.

### **Create a new Floodplain Zone**

There is also an opportunity to consider zoning lands within the revised floodplain mapping within a new dedicated Hazard Land/Floodplain Zone. This zone would apply to lands which have been accurately mapped by the Conservation Authority through the previously completed mapping studies. A challenge associated with this option would be discerning how the existing rural area zoning by-laws applied their Environmental Protection zones (or similar) to flood prone areas, versus other natural features. Given the age the rural area zoning by-laws, the original intent of this mapping is not likely to be known, and the boundaries of natural features will have evolved over time. Further, flood prone areas and natural features are often connected in terms of their function and are not easily separated.

An advantage of establishing a dedicated Hazard Land/Floodplain Zone is the ability to establish specific provisions in the Rural Zoning By-law related to development within the floodplain, including the expansion and alteration of existing buildings and structures.

For example, the Chatham-Kent Zoning By-law establishes a Hazard Land zone which applies to the floodplain and wetlands. The zone permits existing agricultural uses, accessory buildings, conservation, an existing dwelling, flood and erosion control, forestry or woodlots, outdoor recreation uses, and wildlife preservation and fisheries. The Chatham-Kent By-law also establishes a general provision for flood proofing within the flood fringe (as mapped by the Conservation Authorities) which defers to the Conservation Authority to establish the elevation of a habitable room or mechanical room, for example. The flood proofing and flood fringe areas are mapped on a separate Schedule.

**Option** | Where specific floodplain mapping information is available, lands within the regulatory floodplain could be placed in dedicated a Hazard Land/Floodplain Zone to restrict development on the property.

### Implement an Overlay Zone to Address Flooding Hazards

Overlay zones allow for the layering of zoning regulations in specific geographic areas which are not easily captured by the individual zones and which may be applicable across multiple zones. With respect to flood and hazard lands, an overlay can be introduced to apply specific regulations to a defined area. A floodplain overlay would clearly identify lands within the City which are within a floodplain and would be intended to implement the policies of Section 17.3 of the Official Plan, including the uses permitted under Section 17.3.1.

The City of Sarnia Zoning By-law establishes a Natural Hazard overlay which applies to areas where there is potential for natural hazards such as ravine and shoreline floodplains and erosion as identified by the St. Clair Region Conservation Authority. Prior to development occurring in the overlay areas, the Conservation Authority is required to be consulted. In the example shown in **Figure 14**, the base Suburban Residential 1 (SR1) zone applies to the entire property, with the Natural Hazard overlay adding further requirements for development to proceed. Along watercourses, the zone boundaries extend to the centreline of the watercourse.

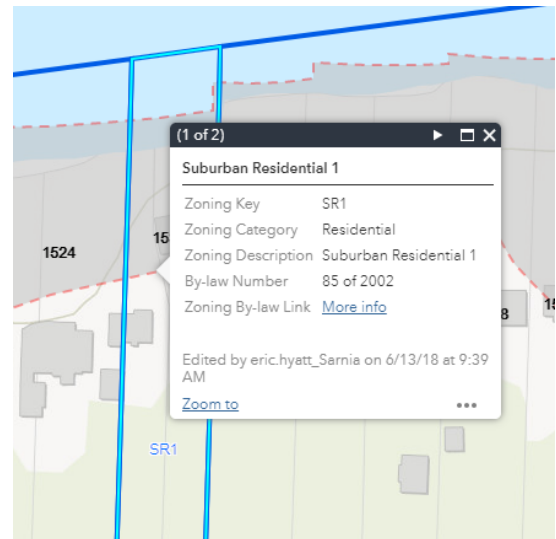


Figure 14 - Natural Hazard Overlay (City of Sarnia Zoning By-law)

An overlay can also provide flexibility in how zoning provisions are applied to a given parcel. The Draft Township of Ignace Zoning By-law introduces a Flood Plain Overlay which, notwithstanding the base zone, prohibits development except for the following uses: agricultural uses, boathouse, boat launch, conservation, forestry use, golf course, marina (excluding buildings) park, resource management and sewage treatment/water works facilities. Within the Overlay, the renovation, repair, maintenance of existing buildings is permitted up to 20% of the gross floor area that existed at the date of passing the By-law, provided that the maximum lot coverage provisions of the application underlying zone are complied with.

One challenge with implementing a floodplain overlay in the Rural Zoning By-law is that many of the existing rural area zoning by-laws zone the floodplains within an Environmental Protection zone. Should an overlay be established, there would be a duplication of regulations which apply to

the feature and consideration would have to be made about how to treat the underlying Environmental Protection zone.

**Option** | Where detailed floodplain mapping is available, a floodplain overlay can be introduced to apply specific regulations for development within the floodplain to implement the Official Plan (Section 17.3). A base zone would apply under the overlay and alterations/expansions of existing uses or buildings could be permitted, subject to a maximum size.

#### **Illustrate the Conservation Authority Regulatory Limit**

While Conservation Authority requirements are applicable law and are required in addition to zoning regulations, the Rural Zoning By-law should generally not attempt to incorporate other agencies' standards. Should the requirements of the various Conservation Authorities change, this would require changes to the Rural Zoning By-law.

However, there is an option in the Rural Zoning By-law to illustrate the Conservation Authority's regulated areas in an appendix to address flooding concerns. Since all development within the Conservation Authority regulatory limit is subject to receiving a permit from the Conservation Authority, the map would serve as a convenience to the user to know when the Conservation Authority should be consulted as part of a development project.

**Option** | That a map of the Conservation Authority regulated areas be included as a non-operative tool in the Rural Zoning By-law and as a convenience feature to the user. The Conservation Authority would be able to confirm the regulatory floodplain through a permit application.

The Rural Zoning By-law is one of many tools that the City can use to implement floodplain protections. The Official Plan establishes very restrictive policies with respect to flood protections, including limited permitted uses and requirements for the expansion, enlargement, or alteration of legal non-conforming buildings or structures. If zoning requirements are not included, there are other tools available to ensure that development is restricted in hazardous lands in accordance with the Official Plan and Provincial policy.

#### **4.5 Consideration for Official Plan Policy Updates**

This Assessment of Key Issues and Methodology Report builds upon the previously completed Discussion Paper and relies upon applicable policies and guidelines to analyze the key zoning issues. Throughout this Report and the Discussion Paper, there are numerous preliminary recommendations made regarding the need for policy updates or changes stemming from these zoning issues. **Table 7**, below, has been prepared to summarize the topic, applicable policy or

guideline, and preliminary recommendations to address these policy issues that have been recommended thus far in the Zoning By-law Review process. It is anticipated that the City of Kawartha Lakes will undertake some concurrent policy updates to the City's Official Plan through this Rural Zoning By-law Review process.

Table 7 - Summary of Recommended Policy Updates

Topic	Applicable Policy, Legislation or Guideline	Preliminary Recommendation for Official Plan Policy
<b>Issue Explored in this Report and Requiring Policy Guidance</b>		
On-Farm Diversified Uses and Agricultural Related Uses	Provincial Policy Statement  Guidelines on Permitted Uses in Ontario's Prime Agricultural Uses	That the City of Kawartha Lakes undertake policy framework updates to implement Provincial Policy and Guidelines. This may include detailed criteria for on-farm diversified uses, including specific uses or criteria to limit the scale of the use. Policy guidance regarding agriculture-related uses could also clarify the role of this use in supporting the agricultural community and ensure they are directed away from prime agricultural area.
<b>Other Issues from the Discussion Paper Requiring Policy Guidance</b>		
Additional Residential Units	<u>Planning Act</u>  O. Reg. 299/19: Additional Residential Units	That the City of Kawartha Lakes undertake policy updates to permit the use of two additional residential units (ARUs) in a detached, semi-detached house or row house, and an additional residential unit in an ancillary building or structure. Consideration should be had for where the ARUs are situated on a lot, policies for different servicing conditions, and policies to consider pressures to subdivide the property resulting from two dwellings on a lot.
Cannabis-Related Uses	<u>Cannabis Act</u>  <u>Cannabis Control Act</u>	That the City of Kawartha Lakes consider how cannabis-related uses will be regulated. This could include additional definitions, limiting the use to specific



Topic	Applicable Policy, Legislation or Guideline	Preliminary Recommendation for Official Plan Policy
		areas of the City, and/or establishing buffer or other siting requirements.
Green Energy	Bill 34 (Green Energy Act Repeal <u>Planning Act</u> Provincial Policy Statement	<p>Given the recent changes enacted through Bill 34, there is an opportunity for the City of Kawartha Lakes to consider policy and zoning regulations regarding the development of renewable energy projects, including renewable energy uses and accessory structures. The Official Plan will need to establish a policy framework relating to alternative energy systems.</p> <p>On February 28, 2020, the Province released the Provincial Policy Statement, 2020 (PPS, 2020) which came into effect on May 1, 2020. One of the changes from the PPS, 2014 is a revised definition for 'on-farm diversified uses' which now permits ground-mounted solar facilities in prime agricultural areas, including speciality crop areas, only as on-farm diversified uses.</p>

# 5.0 Conclusions & Recommendations

## 5.1 Preparing the First Draft Rural Zoning By-law

Preparing the First Draft Rural Zoning By-law represents a significant undertaking which will bring together the 13 existing rural area zoning by-laws into one harmonized document and which responds to the various issues and changes outlined in this Report. The process of preparing this report involved in-depth research and has been informed by consultation in Phase 1. The recommendations presented in this Assessment of Key Issues and Methodology Report will ultimately inform the preparation of the First Draft Rural Zoning By-law. The options contemplated in this Report will be subject to further consultation and refinement to ensure the Rural Zoning By-law reflects the needs of the community and varying geographies of the City of Kawartha Lakes. Once consultation takes place, this Report and its recommendations will be refined.

**Section 2.0** of this Report outlines the detailed steps which will be followed to harmonize the existing rural area zoning by-laws and document the approach to this significant undertaking. The recommended work flow involves a series of steps to ensure that the consolidation process is transparent and well-documented. This, in conjunction with further consultation, will ultimately ensure that the Rural Zoning By-law is defensible and is supported by Staff, City Council, and the public and stakeholders.

## 5.2 Summary of Recommendations

The key recommendations resulting from this Report are listed as follows. This list does not include the Options presented throughout this report, which are subject to further consultation. Once consultation occurs, the final recommendations will be compiled.

### Section 2.0 | Harmonizing the Rural Area Zoning By-laws

1. The zones established in the 13 existing rural area zoning by-laws will be reviewed and harmonized in accordance with the methodology outlined in this Report.
2. It is recommended that the review of site-specific exceptions be conducted concurrently with preparing the Second or Third Draft Rural Zoning By-law, in accordance with the methodology outlined in this Report.
3. The site-specific exceptions of the existing rural area zoning by-laws will be reviewed and consolidated in accordance with the methodology outlined in this Report.

4. The definitions of the existing rural area zoning by-laws will be reviewed and consolidated in accordance with the methodology outlined in this Report.
5. The general provisions of the existing rural area zoning by-laws will be reviewed and consolidated into a singular section in accordance with the steps listed in this Report.
6. The administration and interpretation provisions of the existing rural area zoning by-laws will be reviewed and updated based on best practices, and consolidated into Section 1 (Administration and Interpretation) of the Rural Zoning By-law.

### Section 3.0 | Rural Zoning By-law Format and Layout

1. It is recommended that the First Draft Rural Zoning By-law be prepared in the document template shown in **Figure 6**.
2. It is recommended that a standardized zone labelling system be employed in accordance with **Table 3**.
3. It is recommended the zone mapping be aligned with the City's selected approach to Geographic Information Systems (GIS).
4. It is recommended that zone mapping be prepared principally in black and white, with limited colour used to accent specific elements such as zone boundaries and overlays. An Index Map would be divided into several sectors to ensure that maps are read at an appropriate scale and remain legible. Finer scale map insets can be used to highlight areas where more granular parcel detail is present, such as waterfront and hamlet areas.

### Section 4.0 | Key Zoning Issues

5. To establish minimum lot frontages and minimum lot areas that are consistent with the requirements of Section 20.4 of the Official Plan. Consideration may be made to recognize existing lots of record which do not meet these minimum requirements but were legally created lots. The key is to ensure that the Zoning By-law is not permitting the creation of smaller lots that do not meet the requirements of the Official Plan.
6. Establish at least three waterfront residential zones. This will include a zone to permit both seasonal and permanent residential uses on public roads. For lands fronting onto limited service roads, at least two zones will be required, including a Limited Service Seasonal zone and Limited Service Residential zone, to implement the policy direction of the Official Plan.
7. That a minimum setback of 30 m be established from the high-water mark in the Waterfront designated areas. Marine structures, such as a boathouse and dock,

- and/or covered decks would be permitted within the 30 m setback, subject to meeting criteria. Any new development, expansion, alteration, or reconstruction of buildings or structures beyond this setback would be permitted, subject to the other applicable lot and building requirements of the zone.
8. That provisions be established within the Rural Zoning By-law to limit the extent of shoreline activities, including docks, boathouses, pump houses and other structures, and maintain a naturalized shoreline. Options for these provisions are explored in this report.
  9. That the City of Kawartha Lakes consider updates to the Official Plan to provide a policy framework conforming to new Provincial Policy and Guidelines. Until such time as the policies are updated, there are limited opportunities to establish a zoning framework for on-farm diversified and agriculture-related uses.
  10. That on-farm diversified uses be identified and permitted in the Agricultural zone with specific definitions and provisions. This can be achieved based on the current policy, but a policy update may be considered to broaden the types of on-farm diversified uses that can be contemplated.
  11. That agriculture-related uses not be permitted as-of-right in the Agriculture zone in the Rural Zoning By-law. A separate zone can be established which establishes permissions for agriculture-related uses. This may be identified as the Rural Service zone or similar. This zone would be applied only through a re-zoning process and can also be applied to any legally existing agriculture-related uses where permitted by the Official Plan.
  12. It is recommended that an Environmental Protection zone be established in the new Rural Zoning By-law. Any existing Environmental Protection or similar zone mapping in the rural area zoning by-laws should be carried forward into an Environmental Protection zone. Any site-specific updates to the zoning will also be carried forward to ensure site-specific studies are reflected in the delineation and zoning of environmental features.
  13. The Rural Zoning By-law will not specifically zone areas of natural and scientific interest, unevaluated wetlands, significant woodlands, significant wildlife habitat, and locally significant wetlands as mapped in the Official Plan due to the lack of accurate data and supportive studies. An Environmental Protection zone will be established in the zoning by-law and can be applied to the feature and its buffer as an outcome of development application processes.
  14. That existing mapping data from the rural area zoning by-laws be confirmed for currency and accuracy against recent City data of waterbody and watercourse

features. The more accurate data will be used in the base zone layer in the new Zoning By-law.

### **5.3 Further Exploration of Key Zoning Issues**

This Assessment of Key Issues and Methodology Report addresses four key zoning issues which will be addressed through this review process. As a first step, a series of preliminary options and recommendations have been included in this Report.

A series of public and stakeholder workshops to be held in Winter 2021 will provide an opportunity for meaningful and interactive discussion with participants around the key zoning issues presented in this report. It is anticipated that each session would be facilitated in a roundtable-format to start, with smaller breakout groups working through the options or questions to address the issues.