

Zoning By-law Update: Initial Review **REPORT**



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Prepared for:
The Corporation of the Municipality of Kincardine

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TABLE OF CONTENTS

- 1 | Introduction 1

- 2 | Overview of existing Zoning By-law 2001-87 1

- 3 | Key Issues 3

- 4 | Review of specific Zoning By-law components 6
 - 4.1 Definitions 6
 - 4.2 General provisions 8
 - 4.3 Zoning categories 9
 - 4.4 Other items 18

- 5 | Next steps 19

List of Attachments

Attachment A Proposed Zoning By-law mapping template

1 | Introduction

The Municipality of Kincardine retained MHBC Planning to complete a comprehensive review of Zoning By-law 2003-025. The Zoning By-law is a legal document that specifies how land can be used through regulations (property setbacks, building heights, etc.) and permissions (residential, commercial, agricultural, etc.).

The Municipality's current by-law is 18 years old and requires an update as a result of the recent approval of the Municipality's new Official Plan in 2021. The *Planning Act* requires that municipalities amend their Zoning By-laws within three (3) years of a new Official Plan being in effect. It is also important to ensure the Zoning By-law reflects current practices, changes to provincial policy, and supports the strategic direction of the Municipality.

Through the review process, there will be many opportunities for public and agency input, with the first Council meeting and community meeting tentatively scheduled for mid-September 2022. It is anticipated that the final draft of the Zoning By-law will be before Council during 2023.

Our objective with this Zoning By-law Comprehensive Review is not only to conform to Provincial, County and local policies, but also to improve the usability and readability of the By-law, eliminate redundancies and reflect best practices.

This Initial Review Report is intended to initiate the Zoning By-law Comprehensive Review process by providing high level recommendations for the regulations and permissions that should be updated or incorporated through this process. The following recommendations are based on our preliminary observations, a review of the existing By-law, and early discussions with Municipality and County staff.

2 | Overview of existing Zoning By-law 2001-87

Since its' approval 18 years ago, the Municipality of Kincardine Zoning By-law has undergone various housekeeping amendments and site specific amendments. The organization and structure of the current Zoning By-law is typical of many Ontario Zoning By-laws and is summarized as follows:

Section 1: Title – Identifies the title of the Zoning By-law

Section 2: Application of the By-law – Provides that any building or structure erected or altered shall be in conformity with the provisions of the By-law.

Section 3: Interpretation (Text) – Provides clarification of discretionary and permissive vocabulary used in the By-law.

Section 4: Administration, Enforcement and Penalties – Direction on the administration of the Zoning By-law is provided including the application of the By-law, effective date, validity, repeal of existing By-laws along with penalties, licenses and permits, compliance with other legislation and certificates of occupancy.

Section 5: Definitions – Identifies defined terms within the Zoning By-law and provides definitions.

Section 6: General Provisions – Provides regulations for buildings, structures and uses that generally apply to more than one zone in the Township. This section includes parking regulations.

Section 7: Establishment of Zones – Provides for the zoning symbol and related title that divide the lands within the Municipality.

Section 8: Not Used at This Time – Unused and blank section of the By-law.

Section 9 through 35: Zones – Provides the permitted uses and regulations for each zone within the Municipality as well as any special provisions approved by the by-law.

Section 36: Enactment – Provides direction in the event of any conflict or inconsistency between the By-law and other general or special By-laws.

The Zoning By-law currently contains 25 zone categories, which are summarized as follows:

Category	Zone	Symbol
Agricultural	General Agricultural	A1
Residential	Residential One	R1
	Residential Two	R2
	Residential Three	R3
	Residential Four	R4
	Residential Five	R5

Category	Zone	Symbol
Commercial	General Commercial	C1
	Highway Service Commercial	C2
	Hamlet Highway Commercial	C3
	Local Commercial	C4
	Resort Commercial	C5
	Business Park	C6
	Hamlet Commercial	C7
	Travel Trailer Park and Campground	C8
Industrial	General Industrial	M1
	Extractive Industrial	M2
	Agriculture Commercial / Industrial	ACI
	Rural Commercial /Industrial	RCI
	Energy Centre Industrial	ECI
Airport	Airport	AP
Institutional	Institutional	I
Open Space	Open Space	OS
Waste Disposal	Waste Disposal	WD
Environmental Protection	Environmental Protection	EP
Planned Development	Planned Development	PD

Since the approval of the Zoning By-law in 2003, there have been over 200 amendments approved by the Municipality. Zoning By-law Amendments are identified on the zone maps and in the corresponding text of the By-law with a Special Provision. The Comprehensive Review will be reviewing the zoning regulations of each zone and assess whether changes need to be made, which may help address and/or eliminate some of the special provisions.

3 | Key Issues

The following provides an overview of current zoning issues discussed with Municipal staff and provides preliminary recommendations for potential revisions in the updated Zoning By-law:

- Accessory Buildings:** The Zoning By-law permits reduced yard setbacks for accessory buildings, which is typical in many municipalities. The Zoning By-law also identifies a maximum building height of 4.5 metres in Residential Zones and no more than two storeys in all other zones. Through initial discussions with Staff, the following primary tasks / issues were identified:

1. Review permitted height, location, yard setbacks as variances are commonly requested to accommodate Accessory Buildings.
 2. Additional regulations to be added and reviewed to further direct Accessory Buildings and related uses (i.e. parking).
- **Agricultural Accessory Uses:** In the new Provincial Policy Statement, 2020, the Province continued the use of the term “on-farm diversified use”, which can include uses such as home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products. General Provisions 5.21 Farm Business and 5.22 Farm Vacation should be reviewed to expand the uses permitted, consistent with the direction of the PPS and recent amendments to the Bruce County Official Plan.
 - **Secondary Suites:** New policies were added to the Municipality’s Official Plan to permit a secondary unit within a principal dwelling unit (detached, semi-detached, row housing). These permissions were added as a result of recent changes in the *Planning Act* that requires municipalities to permit secondary units in all dwellings within their Official Plan and Zoning By-law. Permissions and regulations should be added to implement these policies in the Zoning By-law, with reference to other municipalities that have recently implemented such amendments.
 - **Surplus Farm Dwelling Severance:** The Provincial Policy Statement and County of Bruce Official Plan both require that retained farmland as a result of a surplus farm residence severance prohibit a residential dwelling. Some municipalities are adding a General Provision and Special Provision to comply with this requirement, which applies to all properties subject to a future surplus farm residence severance. As a result, no Zoning By-law Amendment application would be required. The Special provision would be implemented automatically to prohibit a dwelling on the retained farm parcel upon approval of the severance. Another option is to prepare a site specific amendment that includes the same regulations universally. This site specific amendment can be included as a minor zoning by-law amendment.
 - **Environmental / Climate Change:** The Municipality’s new Official Plan includes policies for Energy Conservation and Climate Change. The Official Plan includes policies that support development, intensification, energy conservation and affordable life-style cost design. The Zoning By-law should build on the direction of the Official Plan and include quantitative provisions to implement items such as EV parking spaces, bicycle parking and impervious cover minimums.
 - **Source Water Protection:** The Municipality’s new Official Plan requires that the Zoning By-law be amended to identify the Wellhead Protection Areas (WHPAs) as identified in the Source Protection Plans and provide regulations to prohibit or restrict significant drinking

water threats from establishing within WHPAs.

- **Parking:** Generally, municipalities include parking and loading provisions in a separate chapter for ease of use. These provisions are referenced more frequently by users of the Zoning By-law. A best practices review of the parking and loading spaces ratios will be completed to confirm appropriate ratios by the type of use. Additional provisions for shared parking between uses and/or reduced requirements should also be considered. Consider the implementation of Electric Vehicle (EV) charging and infrastructure.
- **Mixed Use:** The Municipality's new Official Plan includes policies for Mixed Use development. Mixed Use locations are intended to include a mix of commercial, residential and office uses in order to create an integrated and cohesive development/community. Zoning By-law provisions to permit mixed use development should be established and included in the by-law. A separate section in the By-law is required.
- **Cannabis Production:** The By-law should include a definition and general provisions regarding the production and processing of cannabis. Further review to determine permitted zones for cannabis production and processing is required.
- **Special Provisions:** Currently, Special provisions are contained at the end of each zone category. General practice is to group all Special Provisions together within one chapter for each of use. The By-law should be structured such that all Special Provisions are included in one separate section of the By-law.

Summary of Recommendations

1. Accessory building provisions should be reviewed and analyzed based on best practices and comparative municipal zoning by-laws.
2. Agricultural Accessory Uses should be reviewed and consolidated under the term 'on-farm diversified use'. Additional review of currently-permitted accessory uses will need to be completed.
3. Add a new General Provision for secondary suites to regulate the use in accordance with the Official Plan and recent changes made to the Bruce County Official Plan.
4. Include a general provision and special provision that applies to properties subject to a surplus farm dwelling severance, which would allow for the zone map to be annotated to reflect the special provision without requiring a Zoning By-law Amendment application.
5. Consider the inclusion of quantitative policies that aim to mitigate and address the effects of a changing climate. An analysis of best practices and comparative municipal zoning by-laws should be completed.

6. Implement the Source Protection Plans through mapping and General Provisions in the Zoning By-law.
7. The By-law should have a separate chapter following the General Provisions for parking and loading provisions.
8. Include policies and define Mixed Use development. Consider existing zones that could accommodate Mixed Use development and identify related provisions (i.e. parking).
9. Include policies and provisions around cannabis and related cannabis facilities (production, packing, sales). Determine definition for such uses and include in by-law.
10. The By-law should be also be structured such that all Special Provisions are in one separate section of the By-law, as opposed to the end of each zone

4 | Review of specific Zoning By-law components

The following sections outline specific Zoning By-law components, as well as particular recommendations related to potential revisions to consider.

4.1 Definitions

The definition section is the longest section in the Municipality's Zoning By-law because of its importance of interpreting and implementing the general regulations, permitted uses and zone regulations. Definitions play an important role in the Zoning By-law for several reasons:

1. They provide users with clear and concise definitions for permitted uses and terms used throughout the Zoning By-law.
2. They allow for the Zoning By-law to be more prescriptive. For example, if the term 'Agricultural, General' was not defined, it could mean a number of different things to many people. By including a definition of 'Agricultural, General', it provides more guidance to the users to understand the purpose and intent of the Zoning By-law.
3. They clarify uses which are not permitted by the Zoning By-law. A term that is defined by a Zoning By-law but not listed as a permitted use in any zone is thereby not a permitted use.

Issues	Examples from Existing Zoning By-law	Options to Address
Through recent changes to the Provincial Policy Statement, the County of Bruce Official Plan and Kincardine Official Plan, there is some terminology that is not used or defined in the Zoning By-law.	The term 'Agricultural Related Use' used in the PPS, 2020 is not included in the Zoning By-law.	Definitions from the PPS, Bruce County Official Plan and Kincardine Official Plan, as well as any other relevant legislation, should be reviewed against the definitions in the Zoning By-law to implement these uses and definitions, where appropriate.
Accessory Dwelling Units and Accessory Buildings are relatively recent concepts that require direction regarding implementation and provisions.	The terms 'Accessory Dwelling Unit' and 'Secondary Suite' can be consolidated. Regulations, definitions and implementation policies from Provincial and County plans to be referenced.	Accessory Dwelling Units (ADU) are currently not permitted in Residential zones. Revisions to the permitted uses in the Residential zones will assist with conformity with Provincial and County ADU direction. Consolidation of Accessory Dwelling Units and Secondary Suites should be reviewed further.
There are references in some definitions to legislation and acts that have since been repealed or replaced.	The term 'Commercial School or College' makes reference to the Public Schools Act, which was replaced by the Education Act.	Remove references to legislation and acts that have been repealed and modify references to legislation and acts that have been updated or replaced.

It should be noted that many of the definitions in the Township's Zoning By-law are suitable and should be carried forward.

Summary of Recommendations:

1. Definitions from the PPS, Bruce County Official Plan and Kincardine Official Plan, as well as any other relevant legislation, should be reviewed against the definitions in the Zoning By-law to implement these uses and definitions, where appropriate.
2. As deemed appropriate, permitted uses should be defined in the Definition Section to provide clear and concise direction on the intended uses.

3. Remove references to legislation and acts that have been repealed and modify references to legislation and acts that have been updated or replaced.
4. The Municipality should continue to list definitions alphabetically.
5. The Municipality should leave the definition section towards the front of the Zoning By-law as it exists today to minimize any possible user disruptions.
6. The Municipality should use bold font to identify terms throughout the Zoning By-law that are defined.

4.2 General provisions

The existing zoning by-law provides general provisions for the following uses, structures and performance standards:

Existing General Provisions in Zoning By-law 2003-25	
<ul style="list-style-type: none"> • Permitted Uses in All Zones • Public Uses, Buildings and/or structures • Accessory Buildings and Structures • Accessory Dwelling Unit – Apartment • Non-Complying Buildings • Non-Conforming Use • Conflicting Regulations • Greater Restrictions • Number of Detached Dwellings Per ‘R’ – Residential Zone Lot • Frontage on a Class One (1) Street • Frontage on a Class Two (2) Street/Private Street • Home Occupation – Professional Use • Home Occupation – Household and Domestic Arts • Home Occupation – Agricultural Business • Bed and Breakfast Establishment • Loading Space Requirements • Existing Lots • Off-Street Parking Requirements • Planning Strips/Privacy Fence 	<ul style="list-style-type: none"> • Sight Triangles • Through Lots • Yard Encroachments • Established Building Line Setback • Exceptions to Maximum Height Regulations • Zoning Over Water Bodies • Watercourse Setbacks • Setbacks from Waste Disposal Areas • Country Road and Municipal Street Setbacks • Setback from Airport Zone • Storage of Unlicensed Vehicles and Trailers • Signs • Secondary Suites • Wayside Pits/Quarries/Portable Asphalt Plans • Minimum Distance Separation • Requirements for Kennels • Drainage of Lots • Setbacks from Private Streets

Summary of Recommendations

1. General provisions should be comprehensively reviewed to ensure the direction is clear and easy to follow.

4.3 Zoning categories

The following is a review of our preliminary assessment of the existing zoning categories and suggested revisions as applicable.

General Agricultural (A1)

The A1 Zone implements the Agricultural Area designation of the Bruce County Official Plan and comprises the majority of land within the Municipality. There is opportunity to expand the list of permitted uses in accordance with the changes to the PPS to permit 'on-farm diversified uses'. This would provide more flexibility to landowners and streamline current A1 Zone regulations.

The Province's Minimum Distance Separation (MDS) Guidelines aim to achieve the goal of separating incompatible uses. Reference should be made in the A1 zone to the MDS Guidelines currently in Section 6.36 of the Zoning By-law.

Recommendations:

1. Expand the list of permitted uses to include 'on-farm diversified uses' as described in the PPS, and associated regulations to regulate same.
2. Review the regulations in accordance with best practices and compare against similar zoning by-laws.
3. Reference MDS guidelines section of Zoning By-law.

Residential One (R1)

The Residential One (R1) Zone implements the Residential designation in the Municipality's Official Plan and Hamlet designation in the County's Official Plan. The R1 Zone is intended to only permit single detached dwelling, semi-detached dwelling, duplex dwelling, secondary suites, bed and breakfast establishments and other accessory uses.

Recommendations:

1. Review the permitted uses in accordance with the Official Plan.
2. Consider including provisions for secondary suites and additional regulations for secondary suite size.
3. Consideration should be given to revised naming conventions for residential zones (Ex. 'Residential One' to 'Rural Residential' or 'Hamlet Residential').

Residential Two (R2)

The R2 Zone implements the Residential designation in the Municipality's Official Plan. The R2 Zone permits a single detached dwelling, semi-detached dwelling, duplex dwelling, secondary suites, bed and breakfast establishments and other accessory uses. The R2 zone generally permits smaller lot sizes, setbacks and other provisions when compared to the R1 zone.

Recommendations:

1. Review the permitted uses in accordance with the Official Plan. Secondary suites shall be permitted within the R2 zone within the main dwelling unit.
2. Review provisions for secondary suites. Include additional regulations for secondary suite size.
3. Consideration should be given to whether the separate R2 Zone category is necessary or if consolidation could occur with the R1 Zone.
4. Consideration should be given to revised naming conventions for residential zones (Ex. 'Residential Two' to 'Urban Residential').

Residential Three (R3)

The R3 Zone implements the Residential designation in the Municipality's Official Plan and permits a single-detached dwelling, duplex dwelling, triplex dwelling, quadraplex, boarding house, row dwelling, semi-detached dwelling, secondary suites, bed and breakfast establishments and other non-residential uses. The R3 Zone permits a mix of medium density uses with a greater height and smaller lot area requirements when compared to the R1 and R2 Zone. Medium density residential uses are generally more affordable than low-density single detached dwellings.

Recommendations:

1. Consideration should be given to whether single-detached dwellings should be permitted in the R3 Zone.
2. Review the permitted uses in accordance with the Official Plan. Secondary suites shall be permitted within the R3 zone within the main dwelling unit (Single-detached, semi-detached, row houses).
3. Review the existing zone regulations against best practices.
4. Consideration should be given to revised naming conventions for residential zones (Ex. 'Residential Three' to 'Medium Density Residential').

Residential Four (R4)

The R4 Zone further implements high and medium density residential designations in the Municipality's Official Plan and permits apartment dwelling and non-residential uses, including a Nursing Home and Public Park. This is the highest residential density zone in the current Zoning

By-law.

Recommendations:

1. Consideration should be given to whether additional higher density uses should be permitted in the R4 Zone, including townhouse units, such as Stacked Townhouses and Back-to-Back Townhouses.
2. Review regulations against best practices.
3. Consideration should be given to revised naming conventions for residential zones (Ex. 'Residential Three' to 'Medium Density Residential').
4. Consideration should be given to revised naming conventions for residential zones (Ex. 'Residential Four' to 'High Density Residential').

Residential Five (R5)

The R5 Zone provides further residential designations for mobile type dwellings. Permitted uses in the R5 Zone include a Mobile Home, Mobile Home Park, Mobile Home Park Lot, Public Park, buildings and structures accessory to a permitted use, and Additional Detached Dwelling to a Mobile Home Park.

Recommendations:

1. Consider renaming the R5 Zone to 'Lifestyle Community Residential Zone' to reflect the permitted uses.
2. Review the existing zone regulations against best practices.
3. Consideration should be given to revised naming conventions for residential zones (Ex. 'Residential Five' to 'Life Style Community Residential').

General Commercial (C1)

The C1 Zone implements the Core Commercial designation in the Municipality's Official Plan. The Core Commercial designation permits a range of commercial uses and complementary residential uses. The Core Commercial designation applies only within the urban area boundaries of Kincardine and Tiverton and provides uses primarily servicing the day-to-day needs of the residents of the community and surrounding agricultural areas.

Recommendations:

1. The integration and support of residential uses within the C1 Zone should be considered. There may be opportunities to further support mixed-use in the Core Commercial designation area through the form of apartment units above and to the rear of non-residential buildings.
2. Review permitted uses to ensure a full range of commercial, retail, office, institutional,

- entertainment, recreation and government facilities are permitted. Residential uses are also to be permitted to encourage mixed-use areas.
3. Review provisions to permit offices in Commercial Core designation and C1 Zone. Consider limiting office uses to foster a more active streetscape with retail uses.
 4. Consider limiting automotive intense uses, such as Bus Depot, Car Wash, Automobile and rental establishment, to reduce conflicts with other commercial uses.
 5. The regulations should be reviewed against best practices.

Highway Service Commercial (C2)

The C2 Zone implements the Highway Commercial designation in the Municipality's Official Plan. The Highway Commercial designation permits uses related primarily to automobile services and maintenance. Additional retail, service and restaurant uses are also permitted. Highway Service Commercial uses are permitted only in urban area boundaries of Kincardine and Tiverton.

Recommendations:

1. Consider the integration of the Highway Service Commercial Zone and Hamlet Highway Commercial Zone. This is further discussed below.
2. Review conflicting land uses and identify compatibility of uses for Highway Service Commercial and Hamlet Highway Commercial zones.
3. Consider the implementation of the current Official Plan 'Mixed Use' designation for several properties zoned C2.
4. The regulations should be reviewed against best practices.

Hamlet Highway Commercial (C3)

The C3 Zone permits uses related primarily to automobile services and maintenance. Uses permitted in the Highway Service Commercial (C2) Zone include more intensive uses, such as hotel or motel, laundromat, large retail, and Building Supply and Sale uses. The Hamlet Highway Commercial (C3) zone is only permitted in the Hamlet Communities of Armow, Bervie, Glammis, Millarton, Underwood and North Bruce. The

Recommendations:

1. Consider the integration of the Highway Service Commercial Zone and Hamlet Highway Commercial Zone. C3 zone could be implemented through a Special Provision.
2. Review conflicting land uses and identify compatibility of uses for Highway Service Commercial and Hamlet Highway Commercial zones.
3. If Hamlet Highway Commercial is to remain as is, consider defining this zone for mixed-

use.

4. Review existing ‘Accessory Dwelling Unit – Apartment’ provision in the C3 zone.

Local Commercial (C4)

The C4 Zone only permits a convenience store, laundromat, personal service establishment, Public Park, and video outlet/rental establishment. There is opportunity to expand the list of permitted uses to include additional uses identified in the Mixed Use designation of the Official Plan. The C4 zone does not appear to be commonly used in the Municipality.

Recommendations:

1. Consider integration of the C4 Zone into one of the other commercial zones.
2. Consider implementing permitted uses in the Official Plan Mixed Use designation.
3. Review regulations against best practices.

Resort Commercial (C5)

The C5 Zone implements the Resort Commercial Designation in the Municipality’s Official Plan and permits a mix of entertainment and recreational type uses, including a Marina, Marine, Recreation and Small Engine Establishment, Place of Entertainment, Public Park and/or a Restaurant (including Take-Out or Portable Food Outlet).

Recommendations:

1. Review permitted uses in accordance with the Official Plan.
2. The regulations should be reviewed against best practices.

Business Park (C6)

The C6 Zone implements the Business Park designation in the Municipality’s Official Plan. The C6 Zone is currently divided into three separate categories: C6 – Large Formal Commercial; C6 – Highway Service Commercial; and, C6 – Light Industrial.

Recommendations:

1. Review permitted uses in accordance with the Official Plan.
2. Consider opportunity to simplify C6 Zones into one universal category.
3. Consider opportunity to include the ‘C6 - Light Industrial’ category with the M1 – General Industrial Zone.
4. The regulations should be reviewed against best practices.

Hamlet Commercial (C7)

The C7 Zone permits a mix of local type commercial uses, including a convenience store, laundromat, personal service establishment, public park, restaurant and Video Outlet/Rental Establishment. Permitted uses in the C7 Zone are similar to permitted uses in the C4 Zone, except for restaurant and veterinary clinic uses. Opportunities to consolidate zones with similar permitted uses should be explored.

Recommendations:

1. Consider integration of the C7 Zone into one of the other commercial zones.
2. Consider implementing permitted uses in the Official Plan Mixed Use designation.
3. Review regulations against best practices.

Travel Trailer Park and Campground (C8)

The C8 Zone permits a campground use. Additional permitted uses include an existing single-detached dwelling and an accessory dwelling unit.

Recommendations:

1. Consider integration of the C8 Zone into the C5 Zone. Campground uses could be implemented through a Special Provision.
2. Campground regulations should be reviewed against best practices.

General Industrial (M1)

The M1 Zone implements the Industrial designation in the Municipality's Official Plan. The M1 Zone also includes the Bruce Power Nuclear Facility through a special provision

Recommendations:

1. Review the M1 Zone to expand the permitted uses, as appropriate, to implement the Industrial designation in the Official Plan.
2. Review current Ministry of Environment Guideline D-6 (Compatibility Between Industrial Facilities and Sensitive Land Use) regarding separation distances to ensure compliance with provincial direction. Implement D-6 Guidelines from Official Plan.
3. Review regulations against best practices.

Extractive Industrial (M2)

The M2 Zone provides provisions for aggregate extraction operations and related uses. Permitted uses include Pit, Quarry, Portable Asphalt Plant, Wayside Pit or Quarry, and related buildings and structures for aggregate operations.

Recommendations:

1. Review Mineral Resource policies set out in the Bruce County Official Plan and Municipality's Official Plan.
2. Consider the implementation of a special provision to permit Extractive Industrial uses in the M1 Zone and remove the current M2 Zone.
3. When preparing zoning schedules, consider reviewing Schedule 'C' of the Municipality's Official Plan which shows primary and secondary sand and gravel resources and primary bedrock resources as derived from mapping completed by the Department of Mines and Northern Development and utilized by the Ministry of Natural Resources in its Aggregate Resources Inventory. Consider an overlay of aggregate resources on the zoning schedules.
4. Review regulations against best practices.

Agriculture Commercial / Industrial (ACI)

The ACI Zone permits supportive agricultural uses. These include uses such as a Farm Implement Establishment; Feed Mill & Elevator; Food Processing, Primary; Livestock Assembly Yard; Nursery; Public Garage; and, Veterinarian Clinic. Limited residential development is permitted as existing at the date of passing of the By-law. ACI Zones are typically located within Highway Commercial designations of the Official Plan.

Recommendations:

1. The regulations should be reviewed against best practices.

Rural Commercial /Industrial (RCI)

The RCI Zone applies to lands designated 'R – Rural' on Schedule A of the County of Bruce Official Plan. The RCI Zone permits non-residential rural uses in the ACI Zone. The RCI Zone does not appear to currently apply to any zones within the Municipality.

Recommendations:

1. Review applicability of RCI Zone.
2. Consider if RCI Zone can integrate with current ACI Zone through a Special Provision.

Energy Centre Industrial (ECI)

The ECI Zone implements the Industrial area designation of the Municipality's Official Plan. The ECI zone is further divided into two categories, the ECI1 Zone and the ECI2 Zone. The ECI1 Zone permits light industrial type uses, whereas the ECI2 Zone permits heavy industrial type uses. Both zones have been considered.

ECI1- (Energy Centre Industrial Light)

The ECI1 Zone (Energy Centre Industrial Light) permits the following uses: Agricultural; Contractor's Yard; Convenience Store; Factory Sales Outlet; Industrial Use (light, non-effluent producing); Industrial Training Facility; Offices; Rental Establishment; Research Establishment/Laboratory; Service Establishment; Warehouse; Wholesale Outlet, and restaurant (as an accessory use). Lands zoned ECI1 are typically clustered together with other lands zoned ECI1 and ECI2 and are located around the Bruce Power facility.

ECI2 – (Energy Centre Industrial Heavy)

The ECI2 Zone (Energy Centre Industrial Heavy) permits a majority of the uses in the ECI1 Zone. Additional permitted uses in the ECI2 Zone include a Bulk Fuel Depot, Greenhouse, Manufacturing, and Transport Depot. Additional accessory uses permitted in the ECI2 Zone include a convenience store, Factory Sales Outlet, Offices and a Restaurant. Lands zoned ECI2 are typically clustered together with other lands zoned ECI1 and ECI2 and are located around the Bruce Power facility.

Recommendations:

1. Consider merging the ECI2 zone with the ECI1 Zone through a special provision. Consideration should also be given to whether the ECI zones are included as part of the Industrial zoning.
2. Simplify the existing zone name from ECI1 and ECI2 to simply ECI.
3. Review regulations against best practices.

Airport (AP)

The AP Zone delineates the area and policies relating to the Kincardine Airport. The AP Zone further implements Airport related policies set forth in the Bruce County Official Plan and Municipality of Kincardine Official Plan. Permitted uses in the AP Zone include an aircraft hangar, airport strip, driving academy and other buildings and structures related to the airport.

Recommendations:

1. Consideration be given to the need for a separate zoning category for the airport.
2. Review existing zoning surrounding airport to ensure compliance with Federal regulations.
3. Review regulations against best practices.

Institutional (I)

The I Zone implements the Institutional designation in the Municipality's Official Plan. The Municipality's Official Plan identifies that Major institutional uses are permitted in the Institutional designation of the Official Plan. The Official Plan further identifies that small scale institutional uses

are generally compatible with and permitted in residential designations.

Recommendations:

1. Review the permitted uses in accordance with the County and Municipality Official Plans.
2. Consider any additional provisions regarding institutional uses occurring on residential designations.
3. Review regulations against best practices.

Open Space (OS)

The OS Zone implements the Major Open Space Area designation in the Bruce County Official Plan and the Open Space designation in the Municipality's Official Plan. Permitted uses currently include: a Campground (in conjunction with a public authority), Golf Course, Public Park, Parking Lot, Recreation Centre, Auditorium, Playground, and Swimming Pool. Provisions for the construction or alteration of any building or structure are included in the current OS Zone.

Recommendations:

1. The Municipality is currently completing a Parks and Recreation Master Plan. The integration of the Parks and Recreation Master Plan should be discussed and reviewed to ensure a consistent open space framework is applied to the Municipality.
2. Consider implementing a maximum building area provision to regulate the size and type of building or structure that could be constructed or altered.

Waste Disposal (WD)

The WD Zone permits the following: An accessory building or structure for the purpose of administration or storage facilities; Material Recycling Facility; Waste Disposal Site; Communal Sewage Disposal System; and, Sewage Treatment Plant. The Municipality Official Plan includes general direction on the local and size of Waste Disposal Facilities. The Municipality Official Plan identifies Waste Disposal uses as industrial type use and refers to the Ministry of the Environment, Conservation and Parks (MECP) for regulatory standards.

Recommendations:

1. Consider including the permitted uses in the WD Zone as a Special Provision in the M1 Zone. This is similar to what is suggested for the integration of the EX Zone in the M1 Zone through special provisions.
2. Review current MECP standards for waste disposal facilities.
3. Review regulations against best practices.

Environmental Protection (EP)

The EP Zone implements Hazard Lands Area designation in the Bruce County Official Plan and the Environmental Protection designation in the Municipality's Official Plan. Permitted uses in the EP Zone include Agriculture, Conservation Area, Public Park and Passive Recreation.

Recommendations:

1. Review the permitted uses in accordance with the County and Municipality Official Plans.
2. Consult with the Conservation Authorities to ensure regulated areas and EP Zones are appropriately mapped. Mapping of the EP areas is to be provided by the County and Conservation Authorities and the Comprehensive Review will rely on existing data. No new mapping or ground testing will be undertaken as part of this review.
3. Consideration should be given to the creating an overlay for certain Hazard Areas identified by the Conservation Authorities (e.g. Dynamic Beach, steep slopes, floodway).

Planned Development

The PD Zone applies to several areas throughout the Municipality and primarily functions as an extension of the EP Zone. The PD Zone prohibits the construction of new buildings or structures.

Recommendations:

1. Review current lands zoned as PD. Consider the rezoning of PD lands for other uses.
2. Implement various special provisions for the PD zone brought in through housekeeping amendments.

4.4 Other items

Through the initial review to date, a number of additional items for consideration have been identified.

- **Mapping:** Mapping is currently displayed in black and white. The zoning of lands is often difficult to read, creating the potential for confusion in zoning interpretation.

Recommendation: Create zone maps in colour to improve the user experience. Attached is an example of what is recommended to be created, with colours added for easy reference. A revised index map is included as well.

- **Diagrams:** Many Zoning By-laws now include diagrams to illustrate regulations such as setbacks, lot frontage, building height, etc. These diagrams help users visualize and understand the regulations. At present, there are no diagrams included in the Municipality's

Zoning By-law.

Recommendation: Include diagrams in an Appendix to illustrate regulations and definitions from the Zoning By-law, as necessary.

- **Language:** The terms and language used throughout the existing Zoning By-law is inconsistent. Permitted uses are titled differently in various sections of the By-law. For example, the terms ‘Bulk Fuel Storage’ and ‘Bulk Fuel Depot’ are used to describe the same permitted uses. The term ‘Bulk Fuel Depot’ is defined in the current Zoning By-law and should be consistently referenced when referring to areas that involve the storage and distribution of fuels, gas, oils, etc. Consistent language should be used throughout the new Zoning By-law to clarify the intent.

Recommendation: Ensure consistent language throughout the new Zoning By-law.

- **Special Provisions:** Special Provisions are listed in each separate zone category. General practice is now to add a new section in the Zoning By-law to consolidate and list all Special Provisions. This helps the readability and use of the By-law particularly as the individual zone categories become shorter and easier to manage. In addition, all Special Provisions should be reviewed to determine whether they would comply with the Zoning By-law and can now be eliminated or carried forward in the new Zoning By-law.

Recommendation: Create a new Section at the end of the Zoning By-law for all Special Provisions. Ensure all Special Provisions are reviewed and determine relevance and whether they should be varied forward or deleted

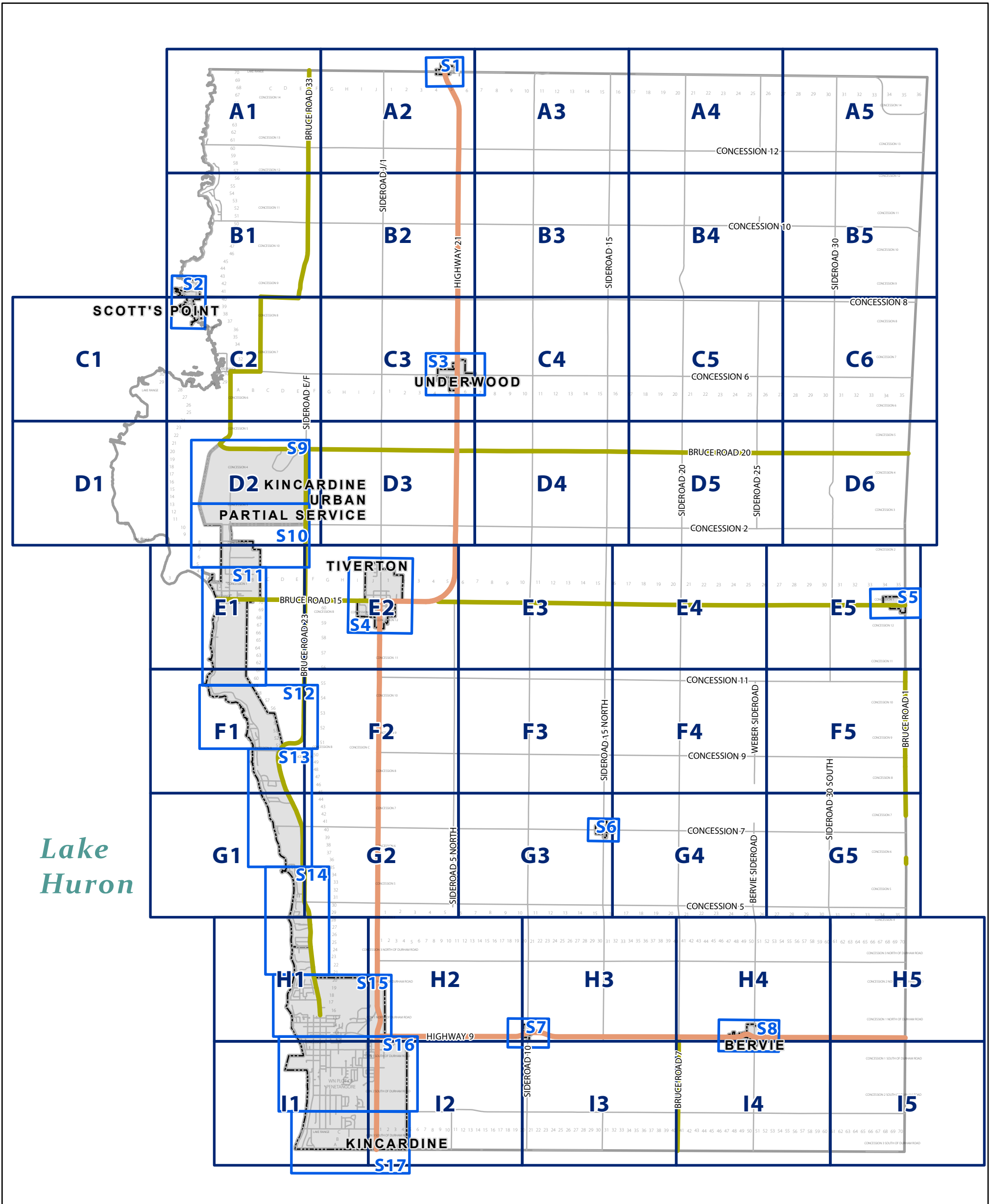
5 | Next steps

This Initial Review Report marks the beginning of the Zoning By-law Comprehensive Review process and summarizes MHBC’s preliminary observations. With Council’s direction, the recommendations will be implemented through this process.

There will be many opportunities for public and agency input, including in-person events where permitted, as well as opportunities for online input. The first consultation session is tentatively scheduled for mid-September, 2022, and will follow from the Council meeting where the report is presented to Council. It is proposed this event will be completed as an in-person open house format, with provision for providing comments digitally through the Municipal online portal.

Attachment A

Proposed zoning index map and sample maps



Lake Huron

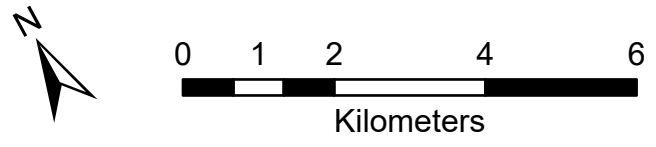


Schedule 'A'

Zoning Grid Key Map Index

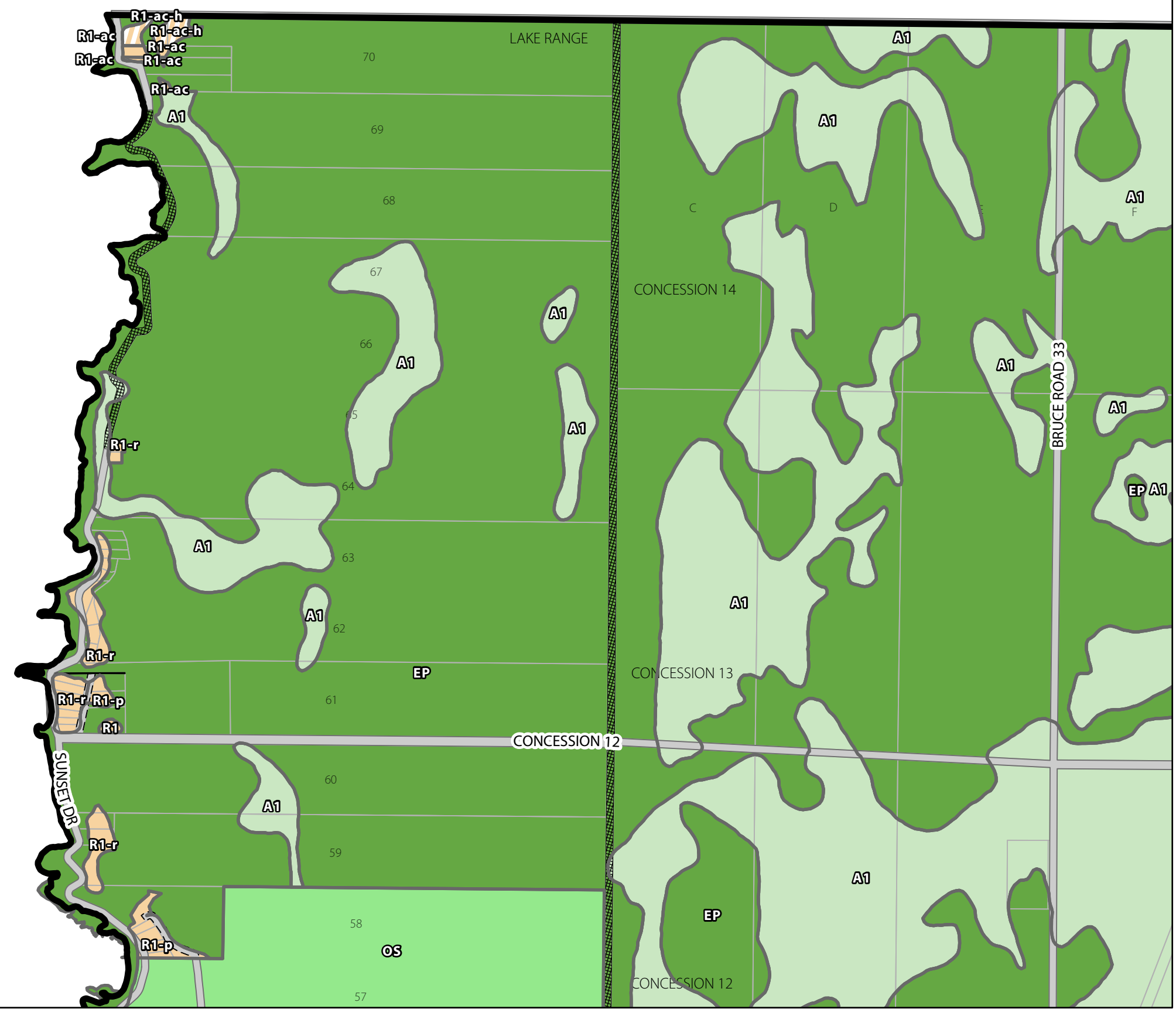
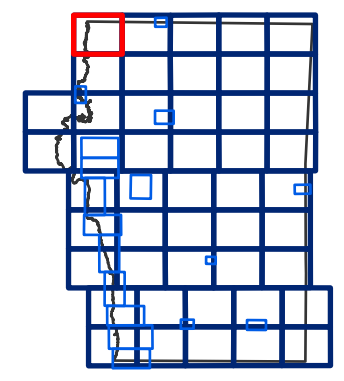
Zoning By-law 2022-xx

- Provincial Highway
- County Road
- Municipal Road
- Municipal Boundary
- Settlements
- GRID_Settlements

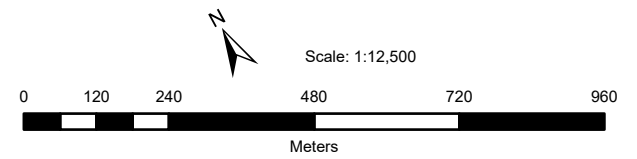


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Schedule 'A'
 Zoning By-law 2022-xx
 Map A1 -- page 1/64



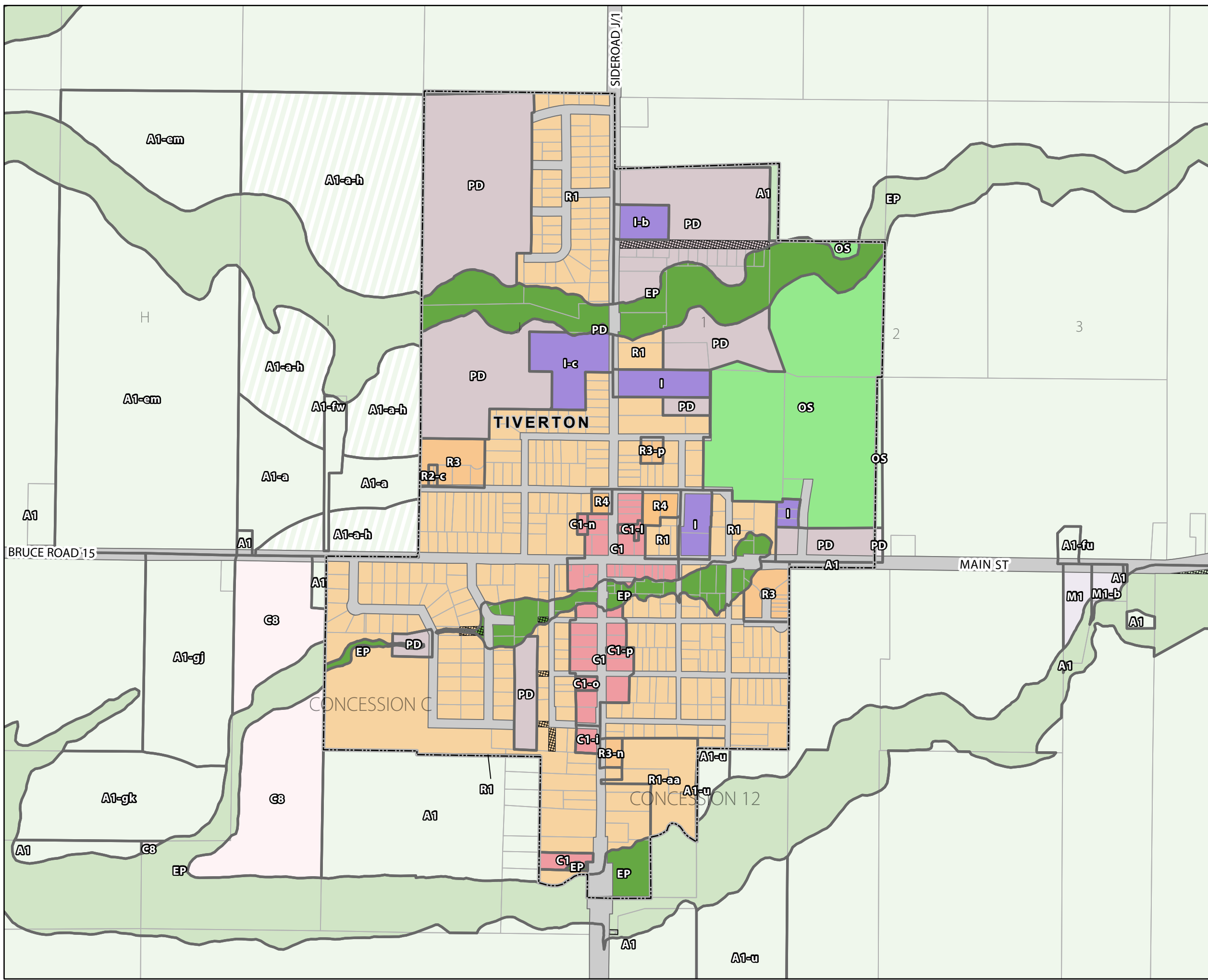
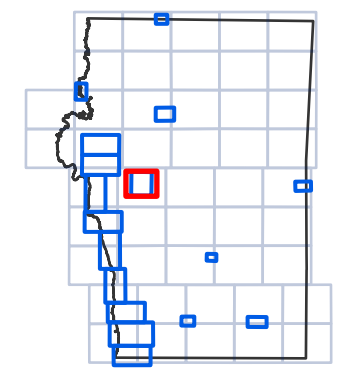
- Municipal Boundary
- Property Parcels
- Zone Name**
- A1 - General Agriculture
- EP, EP-1 - Environmental Protection
- OS - Open Space
- R1 - Residential One
- R1-h - Residential One - Holding



THIS IS SCHEDULE 'A' TO THE COMPREHENSIVE ZONING BY-LAW NO. 2022-xx PASSED THIS xx DAY OF [month, 20xx].
 MAYOR Gerry Glover
 CLERK [name]

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Schedule 'A'
 Zoning By-law 2022-xx
 Map S4 -- page 51/64



Legend

- Municipal Boundary
- Settlements
- Property Parcels
- Road Allowance**
- Right-of-Way
- Road Allowance
- Unopened Road Allowance
- Zone Name**
- A1 - General Agriculture
- C1 - General Commercial
- EP, EP-1 - Environmental Protection
- I - Institutional
- OS - Open Space
- PD - Planned Development
- R1 - Residential One
- R2 - Residential Two
- R3 - Residential Three
- R4 - Residential Four

Scale: 1:8,000

0 75 150 300 450 600
Meters

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 MAYOR Gerry Glover
 CLERK [name]

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