

December 10, 2008

BY EMAIL

Ms. Kathy Coulthart-Dewey
CAO
Tay Valley Township
217 Harper Road
R.R. No. 4
Perth, Ontario
K7H 3C6

Dear Ms. Coulthart-Dewey:

**Re: Zoning By-law Harmonization - Project Report
Our File: 98096**

This letter is intended as a summary report for the Inter-municipal Zoning By-law Harmonization project. The Inter-municipal Zoning By-law Harmonization project was initiated by Tay Valley Township to promote discussion amongst neighbouring municipalities regarding the water-oriented provisions in municipal Zoning By-laws and to measure whether there may be any agreement in principle for undertaking further discussions in relation to harmonizing any of the zoning provisions.

The following activities have been undertaken as part of this project:

- Obtained and reviewed the Comprehensive Zoning By-laws of all municipalities that share a common municipal boundary with Tay Valley Township (ie. Lanark Highlands, Drummond North-Elmsley, Rideau Lakes, Central Frontenac, South Frontenac);
- Contacted municipal staff at the municipalities to explain the project and to seek their cooperation;
- Developed a comparison of selected water-oriented zoning provisions (attached);
- Discussed the findings with an appropriate staff person at each municipality to confirm accuracy and interpretation of zoning provisions with respect to their municipality, and finalized the summary document;
- Presented the findings to Tay Valley Council, as well as at a Public Information Meeting;
- Held a “planning-level” meeting with municipal representatives to review overall findings and to discuss opportunities for harmonization.

The planning-level meeting was hosted on December 2nd as a forum to review the findings in greater detail, and to explore whether there would be any opportunities amongst municipalities to harmonize zoning by-laws. The meeting was attended with representatives from all municipalities,

with the exception of South Frontenac (unable to attend). Through the course of discussion, a number of observations were noted:

1. All municipalities are at varying stages of amending their respective planning documents (i.e. Official Plans and Zoning By-laws). Given the timing of these processes, it would be difficult to coordinate a harmonization effort.
2. The perceived frustration expressed by the development community with respect to the planning approvals process is in part due to the differences in municipal planning processes at the municipal level. For example, where site plan approval is a requirement in one municipality and not in another, the planning approval is viewed as onerous in the municipality where site plan approval is a requirement.
3. In situations where zoning provisions have the same intention (e.g. repair and restoration of non-complying dwellings), municipal interpretation and implementation of similar provisions can be variable.
4. To some degree, some zone provisions are based on Ministry standards (e.g. 30m water setback). Other standards are arbitrary in nature, however, deemed to be appropriate to the political/planning environment (e.g. sleeping cabin as a permitted use).
5. As a planning exercise, the harmonization project has been very useful. All municipal representatives felt that the exercise was helpful in understanding the differences in approaches to waterfront zoning and sharing experiences. It was noted that, while there may be some merit in harmonizing certain provisions, there also may be some pressure to consider similar exercises with other municipalities that share common municipal boundaries.

As a result of this planning exercise, the following can be concluded:

1. Since zoning by-law provisions are intended to lead development towards a desired standard, the uniqueness of zoning by-laws comes as a result of a complex process of planning fundamentals, political interest, and public participation. Where zoning by-law provisions are similar (or have similar intent), effort should be applied towards applying consistency in interpretation and implementation. Differences in zone provisions may be perfectly acceptable, and therefore, do not require any level of harmonization.
2. Effort should be focussed on harmonizing the approvals process rather than zoning provisions that are the result of a complex planning process. This would address the common view from the development community that the planning process is onerous and difficult to work with. For example, the use of site plan approval among all municipalities would be beneficial in terms of achieving some level harmonization, while enabling municipalities the ability to achieve a uniqueness in the desired form of development.

With regards to pursuing the harmonization project further, either by acting alone or by seeking consensus with neighbouring municipalities, direction from Council is required. Novatech would



be pleased to attend a Committee/Council meeting to present the findings and to answer questions with respect to this project.

Yours truly,

NOVATECH ENGINEERING CONSULTANTS LTD.

A handwritten signature in black ink, appearing to read "Steve Pentz", is written over a light blue horizontal line.

Steve Pentz, MCIP, RPP
Planner

Encl. – Comparison table of Zoning By-law provisions