

Zoning By-law Review Project



Introduction

The Municipality of Clarington is reviewing its current Zoning By-laws. The Clarington Official Plan and key provincial planning documents have been updated. As a result, regulations and zones in the current By-laws are conflicting and must be updated.

Why review Clarington's Zoning By-laws?

The Planning Act sets out rules for land use planning in Ontario. It requires municipalities to review and update their Zoning By-laws to follow their Official Plan within three years of completing an Official Plan review.

The Zoning By-law review will:

- Ensure conformity with the Clarington Official Plan and provincial planning documents
- Improve clarity and usability
- Address emerging trends
- Reflect current planning standards and best practices

DEFINITIONS

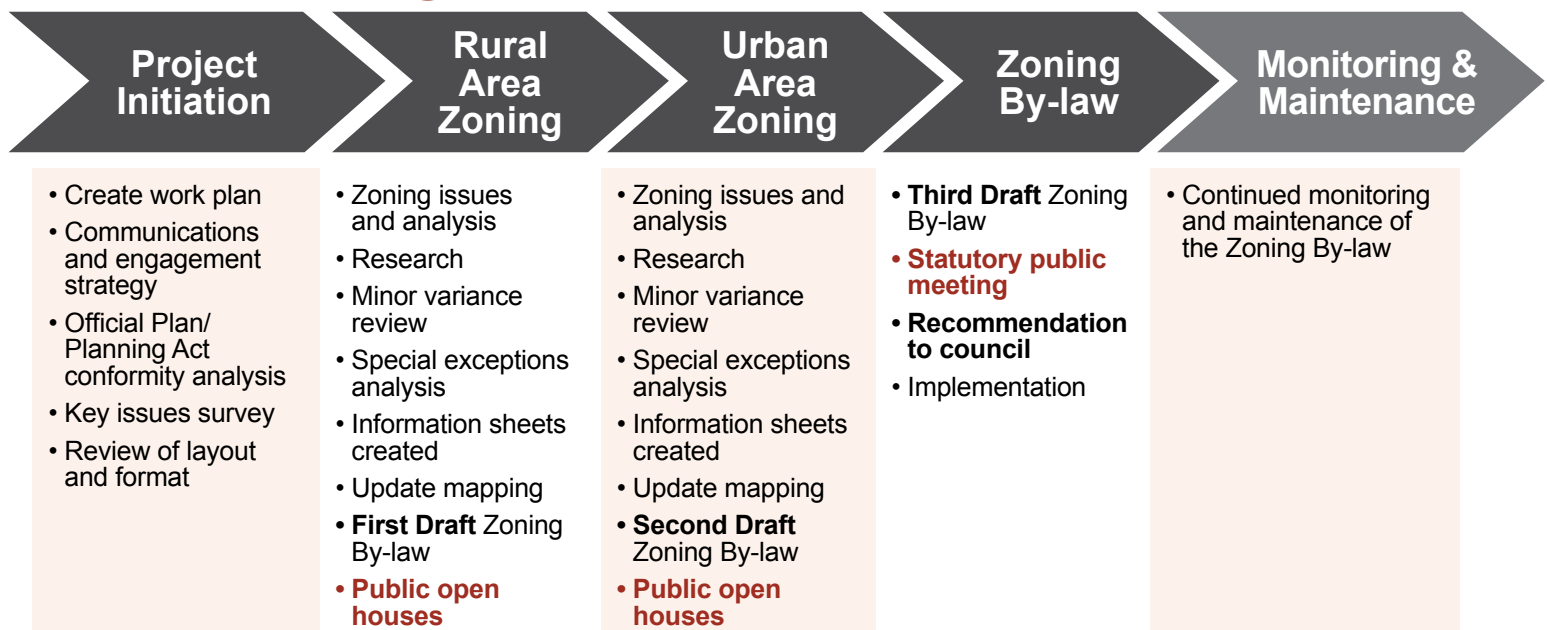
Official Plan

The main policy document that municipalities use to manage growth and development decisions.

Zoning By-law

A legal document that implements the policies of the Official Plan. It regulates the use of the land (e.g. commercial, residential) and the required standards (e.g. building size, property setbacks) for each use.

Zone Clarington Work Plan





The review process

ZONE Clarington is reviewing, consolidating and updating the Municipality's two Zoning By-laws, **84-63** and **2005-109**. These two Zoning By-laws will be replaced with a single new Zoning By-law that conforms with and implements the Clarington Official Plan.

Residents and stakeholders are invited to make comments and provide feedback throughout the review process.

How does the Zoning By-law Review affect me?

The Zoning By-law defines permitted uses for land and regulations for buildings and structures. Before changing the use of a property or constructing new buildings or additions, you need to consult the Zoning By-law to see what is allowed. The Zoning By-law review may change what you are allowed to do on your property.

First draft Zoning By-law now available

A first draft of the new Zoning By-law is available at www.clarington.net/ZoneClarington. The draft includes updated regulations and definitions for all of Clarington and rural zoning regulations. Drafting this Zoning By-law is an ongoing process. Urban zoning regulations are under development and will be released in a future second draft of the Zoning by-law.

ZONE Clarington Guiding Principles:

- Implement the Official Plan, helping Clarington to develop and thrive
- Modernize and improve the Zoning By-law
- Respect our unique mix of urban and rural communities

eMap Tool

View our eMap tool to compare current zoning for land areas in Clarington to proposed zoning in the draft Zoning By-Law.

We want to hear from you

Your comments on the draft Zoning By-law are very valuable. The Zoning By-law review is an ongoing exchange between the municipality and the community. Ensure your ideas are considered during the review and submit your feedback online at www.clarington.net/ZoneClarington, email ZoneClarington@clarington.net or call 905-623-3379.

Stay up-to-date

Visit www.clarington.net/ZoneClarington and subscribe to ZONE Clarington updates, register as an interested party and hear about upcoming information centres, public meetings and revised drafts of the Zoning By-law.

Resources

Current Clarington Zoning By-laws:
www.clarington.net/Zoning

Clarington Official Plan:
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Zoning By-law Review Project



Secondary apartments

In Ontario, actions are being taken to improve affordable housing and municipalities are making changes to further support the development of affordable housing in their communities. Clarington's response began with the recent review of our Official Plan. Policies are being implemented in the draft Zoning By-law to expand and enhance existing urban area permissions to allow secondary apartments in new and existing homes within Clarington's rural areas.

SECONDARY APARTMENT

A self-contained residential unit with a kitchen, bathroom and sleeping area(s) within a dwelling or accessory structure to a dwelling (ex. detached garage). They are also commonly referred to as secondary suites, basement apartments, granny flats, or in-law apartments.

Policy framework

The Strong Communities through Affordable Housing Act, 2011 introduced changes to Provincial policy and legislation to support secondary apartments in communities. The changes require municipalities to allow secondary apartments in their Official Plans. During the recent review of the Clarington Official Plan, policies were strengthened to enhance permissions and development criteria for secondary apartments throughout the municipality.

Where we are today

Zoning By-law 84-63, which zones land south of the Oak Ridges Moraine, allows secondary apartments within three of Clarington's urban areas: Courtice, Bowmanville and Newcastle. Secondary apartments are not permitted in rural areas and require an amendment to the Zoning By-law to permit them.

Zoning By-law 2005-109, which zones lands on the Oak Ridges Moraine, does not permit secondary apartments within the area. An amendment to the Zoning By-law is required to permit them.

Currently in Clarington, approximately 90 per cent of houses are single detached, semi-detached or townhouses. Apartment units account for approximately six per cent of all housing (2016 Census). In recent years, there has been increased interest from the public to allow secondary apartments on rural properties. Allowing secondary apartments in the rural area will provide additional housing options for family members or live-in caregivers, or an affordable option for individuals or families looking to rent.

Where we are headed

ZONE Clarington has examined provincial policy and other municipal regulations on secondary apartments. When developing the Official Plan, the public was consulted and presented with possible options on this issue. Input was received and informed the policies of the Official Plan.

To ensure compatibility with the surrounding area, the Zoning By-law review has considered regulatory measures to ensure secondary apartments are, in fact, secondary to the main house. Important factors to consider are the size of the secondary apartment and location of its entrance.



What is proposed?

To implement the updated policies in Clarington's Official Plan, it is proposed to change existing rules to allow secondary apartments within the Rural Residential (RR) and Agricultural (A) zones. They are also allowed within existing dwellings in the Environmental Protection (EP) zone. Each property in these zones is eligible for one secondary apartment as-of-right (i.e. without having to seek amendment to the Zoning By-law) if the apartment is located within a permitted dwelling, or above or within a detached secondary building.

The draft Zoning By-law contains the following regulations for secondary apartments:

- They are not permitted on a lot that has more than one dwelling, unless the other dwellings are for farm workers.
- A secondary apartment must have a minimum floor area of 40 metres squared and not exceed 40 per cent of the floor area of the main house.
- If in a detached garage, the secondary apartment cannot be more than 50 per cent of the floor area of the garage and must be within 30 metres of the main house.
- In Urban and Settlement Areas, the entrance to the apartment must be either shared with the main house entrance, or be in the side or rear yard.
- Secondary apartments are not permitted below the floodplain elevation.

What do you think?

The Zoning By-law review is an ongoing exchange between the Municipality and the community. We

want to hear your thoughts on the proposed zoning regulations for **secondary apartments** in Clarington.

- What do you like about expanding permissions for secondary apartments to Clarington's rural areas?
- Do you see any challenges arising from secondary apartments in the rural areas?
- The proposed regulations limit the size of secondary apartments and the location of the entrance. Are there other ways to help ensure secondary apartments remain secondary to the main house?
- Have you had experience with this issue? Would the proposed changes improve that experience?

Ensure your ideas are considered during the review and submit your feedback online at www.clarington.net/ZoneClarington, email ZoneClarington@clarington.net or call 905-623-3379 ext. 2415.

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Resources

Secondary Units Resources – Ministry of Municipal Affairs and Housing:

www.mah.gov.on.ca/Page9575.aspx

Municipality of Clarington Basement or In-House Apartment Information:

www.clarington.net/InHouseApartment

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Zoning By-law Review Project



Agricultural and related land uses

The regulation of land uses allowed in agricultural areas is important to help protect limited and prime farm lands for long-term use and to ensure a sustainable agricultural industry.

The review of Clarington's Zoning By-laws has looked at provincial policies and local operations, and is working to find a balance between the need to protect prime agricultural areas while allowing more flexibility for other uses.

Policy framework

Ontario's Provincial Policy Statement with guidelines from Permitted Uses in Ontario's Prime Agricultural Areas provide policies that protect farm operations and promote healthy rural economies. Provincial policy divides agricultural areas into three use categories: **agricultural, secondary and agriculture-related**.

AGRICULTURAL USES are strongly encouraged and supported by provincial policy and includes land being used primarily for things such as growing crops or raising livestock, including associated buildings.

SECONDARY USES allow farmers to supplement their income to help maintain the viability of their farm. Also known as "on-farm diversified uses," secondary uses can include home businesses,

bakeries, corn mazes or art studios. Secondary uses must be limited in size, secondary to, compatible with, and not hinder the primary agricultural uses.

AGRICULTURE-RELATED USES are commercial or industrial uses that are directly related to farming operations, but are not usually carried out on a farm. These include farm equipment sales, feed and flour mills, sawmills or other operations that add value to crops grown in the area, such as a large-scale cidery that uses apples from across the region.

Clarington's Official Plan includes these policies to support primary agricultural uses while permitting limited secondary uses on farms and directing agriculture-related uses off farmland.



Where we are today

Currently, non-residential uses allowed on lands zoned Agricultural are limited to primary agricultural uses, farm produce sales outlets, bed and breakfasts and home businesses. Any other secondary use on a farm requires a Zoning By-law amendment. Larger agriculture-related industrial uses also require a Zoning By-law amendment and are directed to rural lands.

What have we reviewed?

During the Clarington Official Plan review, Clarington Council asked the Zoning By-law review team to consult with Clarington's Agricultural Advisory Committee and to consider greater flexibility toward agricultural and non-agricultural uses. The consultations provided **ZONE Clarington** with a better understanding of the different types of primary agricultural, secondary, and agriculture-related uses that could exist and their potential impacts. As we finalize the Zoning By-law, we will continue to consult with the Agricultural Advisory Committee and community to review potential secondary uses.

What is proposed?

The draft Zoning By-law states what primary agricultural uses are, along with what and where agriculture-related uses are permitted. It also permits a wider range of secondary on-farm uses not currently allowed. Anything not specifically permitted in the Agricultural Zone must go through a Zoning By-law amendment.

AGRICULTURAL USES

The draft Zoning By-law permits primary agricultural uses, such as growing crops and raising livestock, along with their associated buildings such as barns. Agricultural uses also include greenhouses, farm-worker accommodations and related processing facilities, defined as **Farm Processing – Value-Retaining**.

Farm Processing – Value Retaining

The activity of processing and/or storing crops to maintain their quality and ensure they remain saleable. Examples include controlled-atmosphere storage, cleaning, grading, sorting, drying, simple bulk packaging, evaporation of maple sap into syrup and honey extraction.

Farm Processing – Value Retaining is permitted on farms if the majority of crops processed are from the farm. Value-retaining facilities that process crops not grown on the farm would be considered a Farm Related Industrial Establishment.

SECONDARY USES

The Zoning By-law permits specific secondary on-farm uses that work with and fit within agricultural areas, including:

- Farm processing – value added
- Farm experience activities
- Farm produce outlets
- Home businesses
- Home industries
- Bed and breakfasts

Farm Processing – Value Added

The activity of turning crops into a new product to enhance their value, such as making cider from apples or jam from berries. Farm Processing – Value-Added facilities are permitted on farms in the Agricultural Zone but they are subject to some regulation.

Farm Processing – Value Added facilities must be secondary and directly related to the principal farm use, and the majority of the crop processed in the final product must come from the farm. The floor area of the facility is limited to 560 metres squared, some of which may be used for retail space. The draft Zoning By-law contains other regulations about outdoor storage and displays. Value-Added facilities that process crops not grown on the farm would be considered a Farm Related Industrial Establishment.





Farm Experience Activities

Farm Experience Activities can include horseback riding, hay rides, farm tours, cooking classes and apple picking. The draft Zoning By-law permits these activities in the Agricultural Zone. Farm experience activities must be secondary and directly related to the primary agricultural use of the farm with ongoing interaction with the agricultural activities. The draft Zoning By-law contains regulations about the size and location of a farm experience activity.

Farm Produce Outlets

The draft Zoning By-law permits farm produce outlets in the Agricultural Zone so farmers can sell their crops directly to customers. Buildings or structures are permitted for these sales, but may not exceed 100 metres squared and must be operated by the owner of the farm. Along with crops, these outlets may also sell a limited amount of value-added products produced on the farm, along with locally produced home-crafts, flowers and bedding plants.

Home Businesses

The draft Zoning By-law permits home businesses in residential dwellings in the Agricultural and Rural Residential Zones, and within existing homes in the Environmental Protection Zone. Home businesses include childcare, instructional services, personal services and food catering. The draft Zoning By-law outlines a number of regulations, such as the maximum floor area and number of employees, and types of businesses permitted in certain types of dwellings.

Home Industries

Home industries are similar to home businesses but are more intensive in their use. Home industries include activities like a carpenter's or electrician's shop, engine repair and the repair and sale of antiques. Home industries are permitted in the Rural Residential Zone on lots of at least one hectare and in the Agricultural Zone on lots of at least two

hectares, and some regulations depend on which of these zones the home industry is in. These regulations include maximum floor area and number of employees, outdoor display and storage and retail sales.

Bed and Breakfasts

The draft Zoning By-law permits bed and breakfast establishments in all Zones within the Rural Residential Zone Category, within existing dwellings in the Environmental Protection Zone, and in the Agricultural Zone. In all cases, the bed and breakfast must be within a single-detached dwelling and is limited to three guest rooms.

Other secondary on-farm uses that are not specifically permitted in the draft Zoning By-law would be considered on a case-by-case basis and would require a Zoning By-law amendment.

Only uses that are compatible with and do not hinder the primary agricultural use of the farm would be permitted.

The approach of permitting some secondary uses in the Agricultural Zone without requiring an amendment tries to strike a balance between the protection of farmland and flexibility for economic opportunities.

Farm Event Venue

A "farm event venue" is not permitted in the draft Zoning By-law. These commercial event venues operating secondary to a farm would require a Zoning By-law amendment. The draft Zoning By-law applies "farm event venue" as an exception to specific locations that previously received a zoning by-law amendment for such a use.

Agriculture-related uses

Agriculture-related Uses can be commercially or industrially related to farming but are more intensive or large scale than secondary on-farm uses and are directed away from prime agricultural lands.

Farm Related Commercial Establishments include uses such as small tractor dealerships or farm equipment repair shops. These are not permitted on farms in the Agricultural Zone, but 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 include large-scale value-added or value-retaining processing facilities, such as biomass pelletizers, and abattoirs. Farm-related industrial establishments are not permitted and would require a Zoning By-law amendment on a site-specific basis.

There are other land uses related to agriculture, many of which would be permitted under a different zone category. For example, a farmers' market or farm supply store would be considered "retail" which is permitted in the Rural Commercial Zones RC1 and RC2. Other agriculture-related uses not specifically permitted or that do not fall under an appropriate permitted use would require a zoning by-law amendment.



What do you think?

The Zoning By-law review is an ongoing exchange between the Municipality and the community. We want to hear your thoughts on the proposed zoning for **agricultural and related land uses** in Clarington.

- What types of uses do you feel meet the definition and criteria for a secondary use?
- There are specific types of secondary on-farm uses permitted currently. Are there other types of secondary uses that should be permitted without a Zoning By-law amendment?
- Are there types of secondary uses that would concern you if they were permitted, and if so, why?
- Should value-added facilities have their retail area limited, or should these facilities have a maximum permitted total area and leave it to the operator to determine how much of that area is devoted to retail?

Ensure your ideas are considered during the review and submit your feedback online at www.clarington.net/ZoneClarington, email ZoneClarington@clarington.net or call 905-623-3379 ext. 2415.

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Resources

Current Clarington Zoning By-laws:
www.clarington.net/Zoning

Clarington Official Plan:
www.clarington.net/OfficialPlan

Guidelines on Permitted Uses in Ontario Prime Agricultural Areas:
www.omafra.gov.on.ca/english/landuse/permitteduses.htm

Clarington By-law 2010-139 (Site Plan Control):
weblink.clarington.net/WebLink/0/doc/28953/Page1.aspx

Zoning By-law Review Project



Rural Residential Lots

Clarington's Zoning By-law review project is taking a close look at how zoning has been done in the past and how it could be improved in the future. The zoning of rural residential lots is one example where the current rules have led to some confusion.

Where we are today

Regardless of their size, lots in Clarington's rural areas and outside of hamlets and Rural Clusters (RC) are typically zoned Agricultural (A), even if the only use on the lot is residential. While zoned Agricultural (A), the regulations for this zone do not allow farming or certain farm-related uses to occur if the lot size is less than two hectares.

Where we are headed

In Ontario, there are generally two different ways municipalities have approached zoning for small rural residential properties. One is similar to Clarington's current approach of zoning the lands Agricultural (A) which restricts farms and farm-related uses on

smaller lots through regulations. The other approach, recommended in the Draft Zoning By-law, is to zone these lots as Rural Residential (RR). The Rural Residential (RR) zone is applied to lots outside of urban areas that are intended primarily for a residential use and are not considered to be of sufficient size to maintain viable farm operations or provide a sufficient buffer from neighbouring properties.

Keeping with the ZONE Clarington guiding principle to modernize and improve usability of the Zoning By-law, the review has assessed the pros and cons of taking a more direct approach to zoning small rural residential lots that better reflects their principal residential use.





What is proposed in the draft Zoning By-law?

The draft Zoning By-law contains a new Rural Residential (RR) Zone Category, which is applied to all residential lots less than two hectares in size and are not located in a rural settlement area, such as a hamlet. Permitted uses on Rural Residential (RR) lots include single-detached dwellings, secondary apartments, bed and breakfasts and home businesses. Home industries are permitted on lots of at least one hectare lot size. Agricultural uses are not permitted on properties zoned Rural Residential.

What Do You Think?

The Zoning By-law review is an ongoing exchange between the Municipality and the community. We want to hear your thoughts on the proposed zoning regulations for **Rural Residential Lots**.

- Do you find this new approach to zoning non-farming rural lots more straightforward and less confusing?
- What are your thoughts on applying a zone to rural residential lots that more closely reflects the permitted uses?

Ensure your ideas are considered during the review and submit your feedback online at www.clarington.net/ZoneClarington, email ZoneClarington@clarington.net or call 905-623-3379 ext. 2415.

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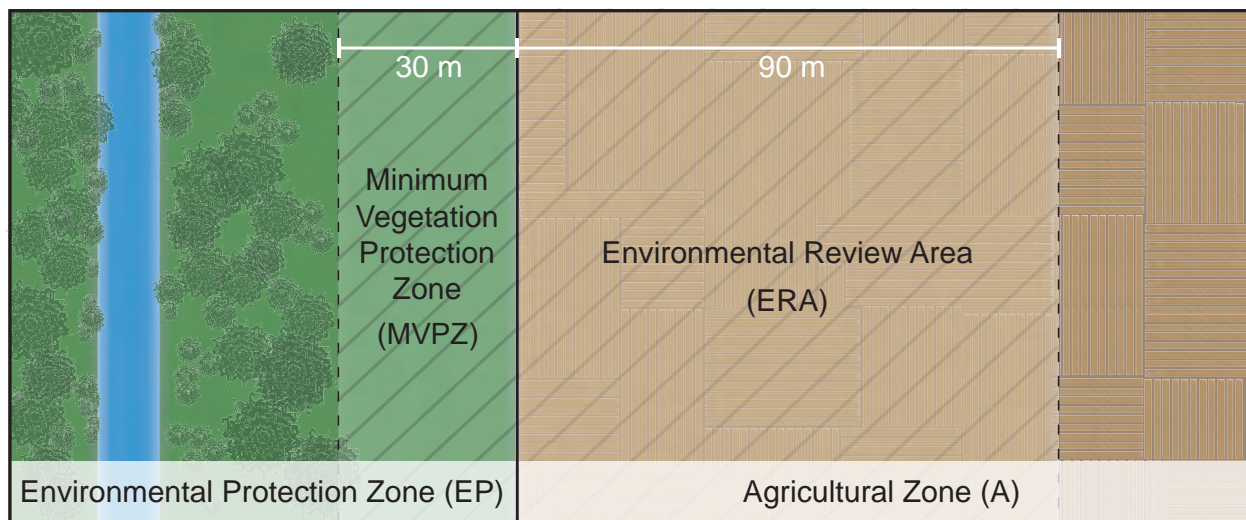
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Zoning By-law Review Project



Environmental Protection and buffers

There are numerous provincially, regionally and locally mandated environmental protection policies that need to be implemented in the new Zoning By-law. Significant environmental features will be protected by an Environmental Protection (EP) Zone. The EP Zone covers the natural heritage features and includes a Minimum Vegetation Protection Zone (MVPZ). An Environmental Review Area (ERA) surrounds the EP Zone.



Regulatory framework

Environmental protection policy direction comes from the Provincial Policy Statement, the Greenbelt Plan, and the Oak Ridges Moraine Conservation Plan. There is further direction from the Region of Durham Official Plan, the Central Lake Ontario Conservation Authority (CLOCA), and the Ganaraska Region Conservation Authority (GRCA). These environmental protection policies are contained in the Clarington Official Plan and must be implemented in the Zoning By-law.

Environmental protection

The Environmental Protection Area designation in the Clarington Official Plan encompasses environmental features and natural hazards that make up the natural heritage system, as well as hazard lands.

How was the Environmental Protection Area created?

The Environmental Protection Area designation in the Official Plan was created using the Conservation Authorities' base map data on their ecological land classification system, watercourses, valleylands and natural hazards. Information from the Ministry of Natural Resources on Provincially Significant Wetlands and Areas of Natural and Scientific Interest were included.

The Environmental Protection Area designation includes:

- Wetlands
- Fish and riparian corridors
- Valleylands
- Significant woodlands
- Areas of natural and scientific interest
- Beach bluffs
- Floodplains

Minimum Vegetation Protection Zone

The Minimum Vegetation Protection Zone acts as a vegetated buffer. The goal is for this area that surrounds a natural heritage feature (such as a woodlot) or a hydrologically sensitive feature (wetland or watercourse) to contain self-sustaining vegetation to protect the feature. In the new Draft Zoning By-law, it forms part of the Environmental Protection Zone, providing a transition area between the feature and the surrounding land use.

In Rural Areas, the Minimum Vegetation Protection Zone extends **30 metres** from the protected feature.

In Urban and Settlement Areas the extent of the Minimum Vegetation Protection Zone varies depending on the type of feature, as follows:

- **30 metres** for wetlands
- **15 metres** for fish habitat, riparian corridors, valleylands, significant woodlands, watercourses, seepage areas and springs
- **10 metres** for woodlands not associated with and/or adjacent to a hydrologically sensitive feature

Why do we need a Minimum Vegetation Zone?

Depending on the feature a Minimum Vegetation Protection Zone is buffering, it may serve to filter nutrients and other contaminants from runoff or supply food to aquatic systems. The vegetation buffer dissipates energy and reduces erosion from flood waters, acts as a refuge habitat and movement corridor, and overhanging vegetation keeps temperatures cool for fish and wildlife. The Minimum Vegetation Protection Zone may require an environmental study.

What development is permitted within the Environmental Protection Zone?

Development is not permitted in the Environmental Protection Zone or within the Minimum Vegetation Protection Zone (which is part of the EP Zone). Farm uses, excluding buildings and structures, are permitted.

There are policies in the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan, and the Official Plan that permit the development of a single detached dwelling on lots where permission existed prior to the adoption of those plans. These lots are sometimes referred to as "Existing Lots Of Record."

The dates for lots to be considered Existing Lots Of Record are:

- **Greenbelt Plan Area**
 - December 16, 2004
- **Oak Ridges Moraine Plan Area**
 - November 15, 2001
- **Lands in the remainder of the Municipality**
 - July 11, 2017





Environmental Review Area

The Environmental Review Area (ERA) extends 90 metres from the Minimum Vegetation Protection Zone. It is called the “Minimum Area of Influence” in the Official Plan and existing Zoning By-law 2005-109 which covers the Oak Ridges Moraine.

The ERA is an overlay that triggers an environmental study prior to development in accordance with the underlying zone permissions.

Why do we need an ERA?

The ERA ensures evaluation of potential impact of any development on an environmentally significant feature.

What development is permitted?

The uses permitted in the Environmental Review Area are based on the underlying zone (e.g. Agriculture). A environmental study must demonstrate that there will be no adverse effects on the feature or its related function.

The Environmental Review Area triggers the need for a site plan application. Through the requirement of a site plan application under section 41 of the Planning Act, and Section 23.8 of the Official Plan, staff can ensure all policies of the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan and the Official Plan, including the submission of an environmental study are met.

Why are policies different for rural and urban areas?

The Oak Ridges Moraine Conservation Plan and the Greenbelt Plan both establish a 30-metre Minimum Vegetation Protection Zone from natural heritage features. This 30-metre Minimum Vegetation Protection Zone also applies to Rural Areas in Clarington that are not within the Greenbelt or the Oak Ridges Moraine.

Within Urban and Settlement Areas, the Provincial Policy Statement is the applicable legislation. It states that natural heritage features and their adjacent lands must be protected.

The Official Plan states that in Urban and Settlement Areas wetlands will have a 30-meter Minimum Vegetation Protection Zone buffer, whereas other environmental features require a 15-metre buffer. The Minimum Area of Influence is 120 metres from an environmental feature.

Zoning By-law mapping shows the Minimum Vegetation Protection Zone and Environmental Review Area in the Rural Areas only. In the Rural Areas, these clearly marked buffers will trigger a Site Plan Control application to ensure environmental protection. In Urban and Settlement Areas, the environmental protection policies will be implemented through site-specific development applications.

Determining boundaries

The boundaries of the Environmental Protection (EP) Zone were created based on data from the Conservation Authorities and Ministry of Natural Resources that represents natural heritage features, hydrologically sensitive features and natural hazards. The proposed Zoning By-law contains a regulation that provides for the extent of the boundaries to be determined through consultation with the appropriate Conservation Authority and review of an Environmental Study.

Additions, removals and trimming

Additions

Small vegetated areas were added to the Environmental Protection Zone if they met the criteria for inclusion in the Environmental Protection Area designation with the exception of their size. Additions only occurred where there was a direct connection to a well-vegetated natural heritage feature, and there was no development on the lands.

Removals

Woodlands that were cleared for development in accordance with the current Zoning By-laws were removed from the Environmental Protection Zone. This was only done if no other hazard, natural heritage feature or hydrologically sensitive features were present.

Trimming

The Minimum Vegetation Protection Zone and/or the Environmental Review Area was adjusted where they were separated from the associated natural heritage feature or hydrologically sensitive feature by a road or rail line.

What do you think?

The Zoning By-law review is an ongoing exchange between the Municipality and the community. We want to hear your thoughts on the proposed zoning for **Environmental Protection Zones and Buffers**.

- What are the benefits of protecting our significant environmental features with an Environmental Protection Zone?
- What challenges do you see arising with development near environmental features?
- What concerns do you have that should be taken into consideration?
- Is anything unclear and should be explained better?
- Have you had a direct experience with this issue? Would the proposed changes improve that experience?

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Clarington Official Plan:
www.clarington.net/OfficialPlan

Oak Ridges Moraine Conservation Plan (2017):
www.mah.gov.on.ca/Page13788.aspx

Greenbelt Plan (2017)
www.mah.gov.on.ca/Page13783.aspx

Provincial Policy Statement (2014):
www.mah.gov.on.ca/AssetFactory.aspx?did=10463



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Zoning By-law Review Project



Site Plan Control

A site plan is a set of drawings that illustrate how a property is intended to be developed and typically identifies buildings, driveways, parking areas, sidewalks, landscaping, fences, light fixtures, grading, drainage, and site servicing. Site plans often include various technical reports and studies in support of the development proposal.



Site Plan Control is established in a separate by-law, but relates to the Zoning By-law review because there are specific zone categories and overlays that will trigger the need for a site plan approval.

Right now, the Site Plan Control By-law from 2010 (2010-139) is in effect. A proposed amendment to the Site Plan Control By-law is being developed through consultations with various stakeholders. Most notably, the proposal will identify specific criteria for waiving the requirement for site plan approval in some areas.

Policy framework

Ontario's Planning Act provides municipalities with a tool known as Site Plan Control, which requires the applicant and the Municipality work together through a site plan approval process. The site plan approval process promotes functional and attractive development, while ensuring the policies of the Official Plan, the regulations of the Zoning By-law and certain standards and regulations are met, all to minimize negative impacts on surrounding land.

Where we are today

The Site Plan Control By-law that is in effect today requires site plan approval across the entire Municipality for all commercial, industrial, and institutional developments, along with residential developments with four or more units. Developments with three or less units do not require site plan approval unless the proposed buildings or structures are on lands within the Oak Ridges Moraine within the Environmental Protection Zone (including the Minimum Vegetation Protection Zone), Minimum Area of Influence, or Landform Conservation Area.



Which policies have changed?

Both the Oak Ridges Moraine Conservation Plan and Greenbelt Plan were updated in 2017. Part of the updates were to no longer require a natural heritage and/or hydrological evaluation for agricultural, agriculture-related, and secondary on-farm uses if the proposed development is within the Minimum Area of Influence. In other words, the two provincial plans no longer require environmental studies for some agricultural uses, which removes the Municipality's need for site plan approvals.

What is proposed?

The proposed Site Plan Control By-law will still require site plan approval for all commercial, industrial, institutional, and residential developments with four or more units. Within the Environmental Protection and Minimum Vegetation Protection Zones, all residential and agricultural buildings or structures will require site plan approval.

We are proposing to rename the Minimum Area of Influence to the Environmental Review Area. Within the Environmental Review Area, residential buildings and structures will require site plan approval but Agricultural uses will not.

Clarington has borrowed a strategy from other municipalities concerning Landform Conservation Areas. Rather than requiring site plan approval, potential negative impacts of a development are reduced through zoning regulations, which limits the area of a lot that can be disturbed and the amount of surfaces that cannot absorb rainwater.

In our review of the site plan application process, we considered what types of developments have specific requirements imposed on them and which ones don't. This has helped to establish criteria to determine whether or not an application is necessary.

To reduce red tape, exemptions are proposed in the Site Plan Control By-law to allow the Director of Planning Services to waive the need for site plan approval if the development is within the Environmental Review Area or the Minimum Vegetation Protection Zone and will have minimal impact.

The potential exemptions include:

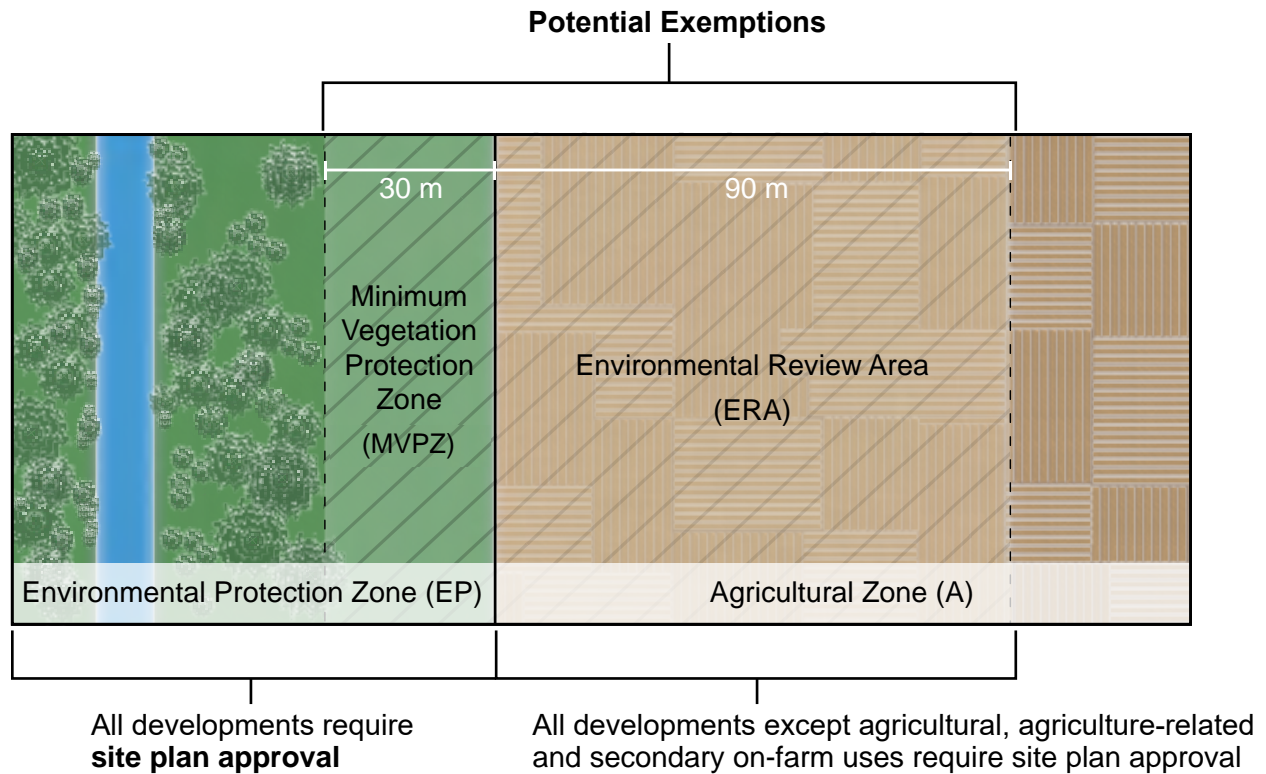
- Redevelopment within an existing footprint
- Exterior modifications to existing buildings and structures that do not impact the existing footprint
- Replacement of a septic system provided it is located within the same footprint
- Residential accessory buildings and structures with a footprint less than 90 square meters
- Decks, patios and porches with a footprint less than 50 square meters

Proposals not meeting the above criteria that are separated from a Natural Heritage feature by an existing development may be considered, provided it will not significantly alter existing surface water flow direction, quantity or quality

Agriculture-related commercial and industrial uses, commercial greenhouses, and home industries are proposed to require site plan approval through the Site Plan Control By-law.

Additional research and consultation with relevant Departments, Agencies and the Agricultural Advisory Committee is proposed for the consideration of adding requirements for secondary on-farm uses identified in the proposed Zoning By-law (i.e. farm processing – value added, farm experience activities, farm produce outlets, and farm event venues).

Exemptions may occur on lands outside of settlement areas, for example, in an Environmental Protection Zone abutting an Agricultural Zone.



What do you think?

The Zoning By-law review is an ongoing exchange between the Municipality and the community. We want to hear your thoughts on the proposed **Site Plan Control By-law**.

- What type of secondary on-farm uses do you feel should require site plan approval?
- What do you think about the criteria for waiving site plan approval?

Ensure your ideas are considered during the review and submit your feedback online at www.clarington.net/ZoneClarington, email ZoneClarington@clarington.net or call 905-623-3379 ext. 2415.

Stay up-to-date

Visit www.clarington.net/ZoneClarington and subscribe to ZONE Clarington updates, register as an interested party and find out about upcoming information centres, public meetings and revised drafts of the Zoning By-law.

Resources

Current Clarington Zoning By-laws:
www.clarington.net/Zoning

Clarington Official Plan:
www.clarington.net/OfficialPlan

Clarington By-law 2010-139 (Site Plan Control):
weblink.clarington.net/WebLink/0/doc/28953/Page1.aspx

Oak Ridges Moraine Conservation Plan (2017):
www.mah.gov.on.ca/Page13788.aspx

Greenbelt Plan (2017):
www.mah.gov.on.ca/Page13783.aspx

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Site-specific Zoning Review



The Municipality is working with local Conservation Authorities to carry out site-specific reviews of properties. The reviews will examine environmental features and proposed Environmental Protection (EP) zoning where requested by property owners to inform the Zoning By-law Review.

Properties will be assessed using the following process:



Property owner contacts Municipality

1

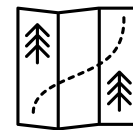
The property owner is added to the site review list. A confirmation letter will be sent. Any additional information about the property should be shared with the Municipality at this time.



Information gathering

2

Staff compile existing information and data about the property. E.g. descriptions of environmental features, environmental studies, letters from agencies, site descriptions from property owners.



Mapping review

3

Staff conduct a critical review of the mapping data and other available information. Refinements may be found and concerns may be addressed at this time without visiting the property. If a closer evaluation is needed, a site visit is scheduled.



Site visit scheduled, if needed

4

If needed, the property owner will be contacted to schedule a site visit. Staff will visit the property to review and evaluate the environmental features.



Final results

5

The results of the site-specific review are sent to the property owner. The Municipality will seek to address inquiries while ensuring that the proposed zoning follows Provincial and Regional policy.



The time it takes to carry out a review depends on many factors, including weather. All requested reviews will be completed before a second draft of the zoning by-law is released.

Zoning By-law Review Project



Frequently Asked Questions

Why are we reviewing Clarington's Zoning By-laws?

The Planning Act, which sets out the ground rules for land use planning in Ontario, requires that municipalities review and update their municipal zoning by-law(s) to conform to their Official Plan no later than three years after the Official Plan comes into effect. After a comprehensive review, an amendment to the Clarington Official Plan was adopted by Council on November 1, 2016 and approved by the Region of Durham on June 19, 2017.

New zoning will likely be adopted in some places to meet the land uses described in the updated Official Plan. With Clarington's two existing Zoning By-laws, the opportunity to consolidate Zoning By-laws 84-63 and 2005-109 into one comprehensive Zoning By-law will help to avoid redundancy, improve consistency and will allow for easier use.

What does the ZONE Clarington work plan include?

The entirety of both by-laws will be reviewed, including:

- Definitions
- General and special provisions
- Zone categories and site-specific exceptions
- Zoning by-law layout and design

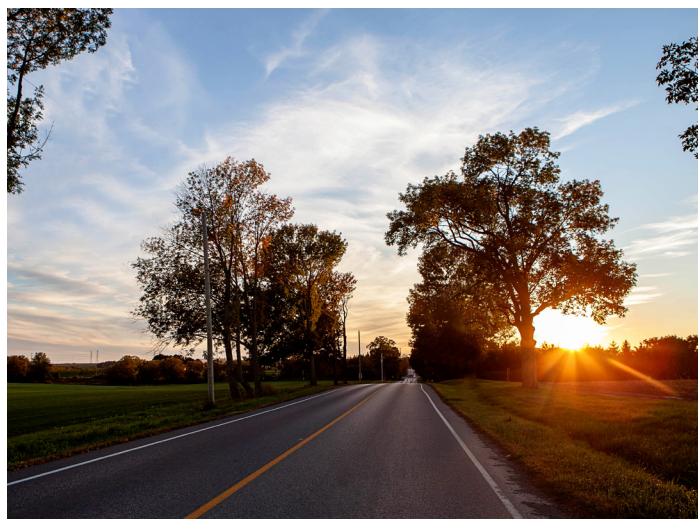
The review will be conducted in two stages that will address Clarington's rural areas (including lands within the Oak Ridges Moraine) and urban areas (including Bowmanville, Courtice, Newcastle and Orono). Following the review of each stage, the public will be invited to open house sessions to learn about the proposed changes and provide their feedback. To help us plan for communities in Clarington, we encourage public participation in ZONE Clarington. Interested parties can subscribe for project updates, including notices of open house sessions, at www.clarington.net/ZoneClarington.

How does the Zoning By-law review affect me?

Zoning by-laws define permitted uses for lands and specifies regulations for buildings and structures on this land. If you are considering changing the use of your property or constructing new buildings and/or additions to existing buildings, you will need to consult the Zoning By-law to see what is permitted. The by-law review may change what was previously permitted on your property to allow more flexibility or, possibly, to be more restrictive, depending on how your property is designated in the Official Plan.

What if my property does not comply with the new zoning?

When new zoning is established, the new regulations and provisions cannot eliminate structures and/or uses that already exist. Existing buildings and structures that are lawfully used for such a purpose on the date of passing of the by-law will become 'legal non-conforming' so long as they continue to be used for that purpose. Therefore, permission to exist 'as-is' will not be lost when zoning changes permit otherwise moving forward.



What happens if my property zoning changes and is deemed 'legal non-conforming'?

When the proposed zoning comes into effect, there will be no change to the requirements imposed upon your property. You can continue living in your home and/or operating your business without any implications - provided the uses continue 'as-is.'

Once a use or structure is removed, the legal non-conforming status stops. To make changes to a legal non-conforming use and/or structure, permissions may be required through a Zoning By-law amendment or minor variance if the proposed changes do not comply with the new zoning of the property.

What if I do not want the new zoning to apply to my property?

We encourage the community to participate in the ZONE Clarington consultation process so that we can consider your concerns at every stage of the project. Public meeting dates will be advertised at least two weeks in advance of their scheduled times. Stay informed on project updates, including notices of open house sessions, by subscribing to updates at www.clarington.net/ZoneClarington.

Once the Zoning By-law has been approved by Council, you may be able to appeal it to the Local Planning Appeal Tribunal. The Municipality must give notice of the new by-law's passing within 15 days of its approval. You will then have 20 days after the notice of passing of the by-law to file a notice of appeal with the Municipal Clerk.



How will the new Zoning By-law be implemented?

Zoning establishes a set of rules so that the community has a common understanding of how property will be used. The Municipality enforces the Zoning By-law to protect the rights of all its residents. When an individual applies for a building permit, municipal staff are required to ensure that the proposed use, building or structure complies with the Zoning By-law. If the proposed use, building or structure does not comply, the building permit cannot be issued.

If a building permit was not required and there is a violation of the Zoning By-law, Municipal By-law Enforcement will meet with the property owner to discuss what is needed to make the property comply with current zoning. If the owner does not take steps to correct the problem, the Municipality may lay charges against the property owner.

How will changes to the Zoning By-law affect my property taxes?

Property taxes are calculated by multiplying the assessed value of your property by the property-class tax-rate of your land. The assessed value of property is determined by the Municipal Property Assessment Corporation (MPAC), not the Municipality of Clarington. MPAC uses several factors to assess land values. More information on how MPAC assesses properties is available www.mpac.ca.

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