



# THE CORPORATION OF THE TOWNSHIP OF SEGUIN

## STAFF REPORT

<b>PREPARED FOR:</b> Township Council	<b>DEPARTMENT:</b> Development and Protective Services
<b>AGENDA DATE:</b> May 2, 2011	<b>REPORT NO.:</b> DPS-PL-2011-026

<b>SUBJECT:</b> Seguin Township Official Plan and Zoning By-law Review Project Outline
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### **PURPOSE:**

To obtain Council's approval of a project outline for the Five Year Official Plan review, related review of Zoning By-law 2006-125 and obtain approval to retain Meridian Planning Consultants to undertake this assignment.

### **RECOMMENDATION(S):**

1. Meridian Planning Consultants be retained to undertake the Five Year review of the Seguin Official Plan and related review of the Seguin Zoning By-law 2006-125 as contained in the report from the Director of Planning DPS-2011-026.
2. This Official Plan and Zoning By-law review be funded from the 2011 Capital Budget in the amount of \$50,000.00.

### **BACKGROUND:**

The Township of Seguin Official Plan (OP) was adopted by Council on January 9, 2006 and came into effect on April 24, 2007. It is important to occasionally re-examine the Official Plan and assess how it is holding up to meeting its original goals and objectives and modify the plan as needed to meet new challenges.

The Planning Act requires that Seguin Council undertake a review of the OP not less frequently than every five years. The purpose of this review is to ensure ongoing OP effectiveness, bringing it into conformity with current provincial legislation, improving and enhancing its use and adding any new policies which will contribute to achieving the principle goals of our community.

Since the Seguin OP is a relatively new official plan, this 5 year review is not anticipated to yield major changes but to improve and refine the use of the OP.

## ANALYSIS:

### Legislative Requirements

Section 26(1) of the Planning Act requires a review the official plan every 5 years after the plan comes into effect to ensure conformity, consistency and regard with relevant provincial plans, policy statements and interests.

Subsection 26(3) of the Planning Act requires Council to hold a special public meeting to hear and discuss revisions that may be required before revising the OP.

Section F.8 of the Seguin Official Plan provides a summary of the elements to be considered as part of a 5 year review process. They consist of the following:

- a) the effectiveness of the Plan in protecting water quality, natural and cultural heritage resources, natural resources and habitat and the general environment within the Township;
- b) the continuing relevance of the vision that forms the basis of all policies found in this Plan;
- c) the degree to which the objectives of this Plan have been met;
- d) the amount and location of lands available for urban development;
- e) whether the Township has realized a desirable balance of commercial and industrial assessment in relation to residential assessment;
- f) the Township's role within the District and its relationship with other municipalities;
- g) development trends in the District and their effect on development in the Township; and,
- h) the nature of any Province-wide planning initiatives and their implications on the Township of Seguin.
- i) regard to provincial interests under Section 2 of the *Planning Act*, as amended from time to time, and, consistency with the Provincial Policy Statement, 2005, as amended or revised from time to time

The existing OP is still a very modern planning document. Since it was developed and approved, several important Provincial initiatives and legislative changes affecting land use planning have taken place. These include various amendments to the Planning Act under Bill 51 enacted in October of 2006, the Endangered Species Act 2007, the Green Energy Act 2009, and most recently, the Northern Ontario Growth Plan 2011.

The Township of Seguin Zoning By-law 2006-125 (ZB) is also a modern document. It was adopted by Council on September 18, 2006 and in force and effect on that date. The zoning by-law is also the first zoning by-law for Seguin Township. Over the past 5 years, several minor amendments have been made to the by-law to improve its use. Subsection 26(9) of the Planning Act requires that the ZB must be brought into conformity with the OP within 3 years of changes to the OP coming into effect. Given the very specialized and detailed nature of many OP polices, it would be appropriate to undertake a concurrent review of the related Sections of the ZB. This would allow the fullness and implication of any potential policy changes in the OP to be considered and carried forward in the ZB by Council at the same general time.

Council has recognized there are practical advantages to proceeding concurrently with the 5 year Official Plan Review and the update of the Zoning By-law. Council has set aside \$50,000.00 in the 2011 capital budget to proceed with this project.

### **Scope of Work: Official Plan**

Review and update the OP as necessary to address the review requirements of Section F.8 of the OP. And more specifically the following matters:

- Review and update the goals of the OP as required.
- Identify new objectives which may be appropriate to better meet the goals of the OP.
- Review and identify appropriate changes to the Land Use Designations and Overlay Designation policies of the OP.
- Review and identify appropriate changes to the Transportation and Servicing policies of the OP.
- Review and identify appropriate changes to the Plan Implementation and Interpretation polices, Schedules and Appendices of the OP.
- Review and update the OP as necessary to have regard to matters of provincial interest and remain consistent with the Provincial Policy Statement.
- Update the Plan as necessary to be in conformity with the “Growth Plan for Northern Ontario 2011”.
- Review and update the OP to implement and benefit from changes to Provincial Planning Polices such as those changes introduced by Bill 51. This should include but not be limited to examining policy opportunities:
  - to require additional material from applicants in support of applications to amend the OP and the ZB, Site Plan approval, Subdivisions and Consent applications;
  - for utilizing zoning by-laws with conditions;
  - for requiring pre-consultation before submitting OP, ZB, Consent, Subdivision and Site plan approval applications;
  - for requiring matters of exterior building design, sustainable site design elements and facilities designed to have regard for persons with disabilities to be addressed pursuant to site plan approval, and
  - review and identify appropriate changes to the General Development Polices of OP.

- Assess implications of the Endangered Species Act 2007 and identify OP policies that may be necessary and appropriate.
- Assess implications of the Green Energy Act 2009 and identify OP policies that may be necessary and appropriate.

### **Scope of Work: Zoning By-law**

Zoning By-law 2006-125 has undergone several house keeping by-law amendments since it came into force and effect on September 18, 2006. These amendments corrected various minor technical and typographical errors and omissions to both the text of the by-law and zoning maps. The housekeeping tasks required to correct and update the Township ZB maps are in process of being completed and fully integrated into the Township's GIS. This review of the Zoning By-law is therefore intended to focus on the text of the Zoning By-law 2006-125.

Identify appropriate changes and enhancements to the ZB that may be appropriate to conform with and implement the Official Plan including review of the following:

- Interpretation and Administration of the By-law including provisions respecting minor revisions to the by-law necessary to correct typographical errors or omissions to text and mapping without formal amendment to the by-law.
- General Provisions Section including waterfront accessory structures and non-complying lots, buildings and structures and non-conforming uses and shoreline structures and facilities.
- Parking and Loading Standards for residential areas and commercial uses including marinas.
- Residential, Commercial, Industrial, Rural, Institutional and, Open Space, Environmental Protection and Definitions sections for conformity with proposed Official Plan policies.
- Development standards for shoreline structures in all zones.
- Consideration of including technical drawings in the by-law to assist in interpretation of requirements and definitions.

## **CONCLUSIONS:**

### **Development of Terms of Reference**

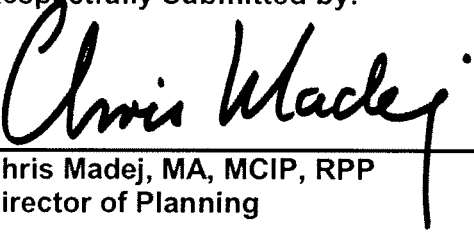

The Meridian Planning Consultants, in consultation with the Township, shall prepare a more detailed OP/ZB Review project "Terms of Reference" including a time table for project milestones based upon this "Project Outline" staff report. It is anticipated that the time line for the completion of this OP/ZB review shall be one year from the time the Meridian Planning Consultants is retained.

The project "Terms of Reference" would be presented to Council for approval in principle prior to the start up of this project and would presented for public review and comment as part of the public meeting required under subsection 26(3) of the Planning Act.

## Public Consultation

Consultations with the public, Lake Associations and other stakeholders are essential to the success of this review. The terms of reference shall include a public consultation component that encourages participation and considers all comments received. This public consultation shall not be limited to the statutory requirements of the Planning Act. It may include additional public meetings, workshops, surveys, web materials and news letters. Consultations with individual stakeholder groups such as the Lake Associations and the local business community should be also held. The Township shall provide administrative assistance in arranging these meetings and consultations together with copying related meeting documents and handouts.

It is suggested that the special Council public meeting required by subsection 26(3) of the Planning Act be held on Saturday July 9<sup>th</sup> or 16<sup>th</sup> or August 20<sup>th</sup> 2011 (Meridian is available on these dates). This will allow both year round and seasonal residents the opportunity to participate. Council direction on a meeting date is respectfully requested.

Respectfully Submitted by: 
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Reviewed by: 
Tom Stockie, CAO