Land Use Policy Review - Implementation Report

THE DISTRICT MUNICIPALITY OF MUSKOKA

This project is part of the extended **Integrated Watershed Management (IWM)** initiative, focusing on reducing flooding impacts and enhancing Muskoka River Watershed (MRW) health. It's one of seven chosen for expansion from the original twelve projects. This initiative supports and advances the implementation for an IWM approach for the entire MRW.

You can find more information on the Phase One Report "Review Land Use Policy" and the accompanying Summary Factsheet on the District of Muskoka Website at: www.muskoka.on.ca/iwmprojects

Background

This report extends the 2022 Land Use Policy Review for the District of Muskoka. The review covered land use policies in upper and lower tier municipalities across the MRW. The Land Use Policy Review highlighted both policy directives and practical tools for implementing IWM. It recommended a detailed study on local policy application, which would identify existing methods, best practices, opportunities for collaboration, and next steps.

Purpose

This report was prepared to provide a better understanding of how existing policy frameworks translate into zoning and other implementation mechanisms that are currently applied within the MRW. It also provides a focus on mechanisms enabled by Provincial legislation (most notably the Planning Act, but also including the Municipal Act) as well as existing cross-connector and complementary initiatives that may already be in place.

Scope

- ✓ Reviewing Comprehensive Zoning By-laws in 13 lower-tier municipalities and specific case studies.
- ✓ Identifying Site Plan Control application within watershed municipalities, considering legislative changes.
- ✓ Assessing the Community Planning Permit System where implemented.
- ✓ Summarizing zoning framework consistencies and inconsistencies in the MRW.
- ✓ Identifying best practices and opportunities for consistency and IWM principal integration.
- ✓ Exploring potential cross-connector opportunities to support key IWM principles.

Key Principles of IWM

- Watershed/ecosystem-based approach (geographically based planning and management)
- Interjurisdictional coordination
- Adaptive policy frameworks and implementation tools
- Science/evidence-based approach to policy formulation and implementation
  - ✓ Identified performance criteria
  - ✓ Quantifiable metrics
  - ✓ Cumulative impacts over time and geography
- Monitoring programs, reporting, feedback loops

Zoning Frameworks

A Zoning By-law is a local rule that puts city plans and provincial rules into action. It sets specific, legally binding rules for how we can use land and what we can build on it. These rules divide municipalities into different zones, each with its own land use and development regulations. In Ontario, these rules are guided by the Planning Act.

The Planning Act

allows local city councils to regulate:

- Land use
- Building placement
- Types of buildings and their usage
- Lot sizes, building height, density, and setback from streets
- Minimum requirements for doors, windows, and other openings in buildings
- Parking needs

Zoning By-laws

can also prohibit land use or construction in areas that are:

- Prone to flooding, have steep slopes, are rocky, low-lying, marshy, unstable, hazardous, erosion-prone, or at risk from natural or human-made hazards
- Contaminated, have sensitive groundwater or surface water features, or are located in areas vulnerable to drinking water contamination
- Ecologically important, such as wildlife habitats, wetlands, woodlands, ravines, valleys, or along lake, river, or stream shores
- Sites of significant archaeological value

Zoning Approaches

- **Shoreline Zones:** Clear and measurable boundaries, such as using the high-water mark, ensure consistent zoning. Language clarity in the Zoning By-law aids long-term administration.
- **Watershed Overlay:** A promising approach for catchment-based zoning requires collaboration among municipalities. A watershed-wide group may be needed, possibly facilitated by the District.
- **Holding By-laws:** Delay development until conditions are met, a flexible tool for regulating low-density residential development near shorelines.
- **Community Planning Permit By-law:** A streamlined planning process combining zoning, minor variance, and site plan applications. It offers a flexible approach to land use, harmonizing zoning and site plan functions. Neither Bill 23 nor Bill 97 affected the Community Planning Permit System's establishment under the Planning Act. Some municipalities may need support to implement it.



Site Plan Control

Site Plan Control, along with zoning, is crucial for lower-tier municipalities to regulate development near waterbodies, natural heritage features, and hazard lands.

Provincial changes via Bill 23 and Bill 97 have limited the tools for regulating development under Site Plan Control.

Regulating Elements:

- Zoning: Building placement, height, lot coverage
- Parking: Layout, dimensions, entrance, snow storage
- Landscaping: Vegetation retention, new plantings
- Environmental Protections: Shoreline buffers, setbacks
- Natural Constraints: Steep slopes, floodplains, landfill areas
- Engineering Works: Drainage, construction mitigation
- Parkland: Dedication (if required)
- Accessory Uses: Buildings, shoreline structures
- Servicing: Water/sewer connections, septic systems, well placement

By-Laws:

All watershed municipalities have Site Plan Control By-laws as part of their development approval process. Inconsistencies exist, but some align Site Plan Control with IWM principles (e.g., Bracebridge, Gravenhurst, Sequin Township).

Application: Site Plan Control varies across municipalities, with more use in urban areas. In shoreline residential areas, it's consistently applied in five municipalities (Bracebridge, Gravenhurst, Georgian Bay, Huntsville, and Lake of Bays). Application depends on location, property conditions, and development scale.

Agreements: Municipalities can request Site Plan Agreements to be registered on property titles under the Planning Act. Registration practices vary based on the issues addressed and development complexity.

Securities: Municipalities have differing practices for collecting securities under Site Plan Control By-laws, mainly to ensure compliance with development requirements. Some retain a portion for short-term monitoring, with long-term conditions addressed in Site Plan Agreements.

Enforcement: Only four of the watershed municipalities (Dysart, Seguin, Georgian Bay, and Perry) incorporate enforcement references in local Site Plan Control By-laws.

Bill 23 - More Homes Built Faster Act

- It revises the 'development' definition for Site Plan Control to exclude residential buildings with 10 or less units.
- Limited control over exterior design elements.

Bill 97 - Helping Homebuyers, Protecting Tenants Act

- Bill 97 modifies the Planning Act regarding Site Plan Control.
- It includes parcels of land with 10 or less residential units within a 'prescribed area' of within 130 meters of specific features.

** Note: In Muskoka, 'prescribed areas' were defined as 150 meters from the shoreline – essentially the new Bill reduces site plan control.*

Securities are collected to ensure that development activities are conducted as planned and that specific requirements, like landscaping and stormwater management, are met. A portion of these funds may be held for short-term monitoring, usually one year, to confirm post-development compliance.

Effective By-Law Enforcement

One example of effective by-law enforcement from outside the MRW is the Town of Innisfil and includes enforcement for:

- Development without an approved site plan (where required).
- Failure to provide or maintain facilities.
- Failure to enter into an agreement.
- Failure to develop in accordance with an approved Site Plan.

Incorporating IWM into Development Review Case Study - The Sustainable New Communities Program (City of Brampton)

- The Sustainable New Communities Program offers potential for MRW municipalities in an IWM context.
- This approach is structured around three phases:
  1. Develop sustainability guidelines.
  2. Create a sustainability metrics framework.
  3. Develop Official Plan policies to support these metrics.
- The program evaluates sustainability performance using a point-based system, resulting in bronze, silver, or gold scores.
- The scores are required for specific applications: Zoning By-law Amendment, Block or Precinct Plan, Draft Plans of Subdivision (10+ residential units), and "Full" Site Plans.
- There are three key components to the Sustainable New Communities Program: a) identified sustainability metrics; b) a web-based sustainability assessment tool; and c) sustainability score thresholds.
- A similar IWM Metrics Program can adapt to MRW municipalities, specific development classes, or designated areas, like the Waterfront.

Examples of Municipal Act By-laws:

- Tree Preservation By-laws to regulate tree cutting.
- Site Alteration By-laws to oversee land grading and fill placement.
- Shoreline development regulations, promoting responsible land use near waterbodies and safeguarding the natural heritage of these areas.
- Blasting activities.
- Responsible pesticide/fertilizer use.

Municipal Act: Empowering Local Governance

The Municipal Act grants municipalities the authority to regulate the natural environment and land use within their jurisdictions. Municipalities leverage this versatile framework to address local environmental concerns through tailored by-laws, enhancing sustainability efforts, protecting natural assets, and promoting responsible land use practices.

Examples of Natural Capital Assets

- Lakes
- Rivers
- Wetlands
- Coastal Wetlands
- Forests
- Fields
- Dunes
- Soil

Cross Connector Opportunities:

Several tools and cross-connector initiatives align with IWM and can complement its objectives:

Examples:

- **Natural Capital Asset Management:** The incorporation of natural capital assets within asset management and local planning.
- **Climate Response Alignment:** Climate response initiatives/plans and IWM share ecological methodologies.
- **Waterfront Development and Septic Systems:** Managing septic systems, a critical component of waterfront development, can mitigate water quality impacts in the MRW.
- Some municipalities have implemented septic system reinspection programs as a tool for water quality management.



Report Recommendations

Aligned with the Land Use Policy Review Report (2022), the recommendations are grouped into five integrated themes:

- **Short and Long-term Implementation:** Develop Integrated Watershed Plans, introduce watershed-wide performance standards, and improve consistency in applying Municipal Act tools.
- **Watershed-Wide Technical Working Group:** Create a group for optimization, data sharing, and consistency.
- **Challenges:** Address resource allocation and enforcement issues.
- **Partnerships:** Foster collaboration with various stakeholders.
- **Future Studies:** Identify areas for further research to enhance IWM.

IWM – Official Plan Checklist

Core Considerations

✓ **Vision, Goals, and Objectives:**

- Identify IWM as a foundational pillar supporting the vision, goals, and objectives.
- Incorporate IWM principles into these foundational sections.

✓ **Terminology:** Deliberately consider language strength for policy effectiveness.

✓ **Prescriptive Policy:** Ensure policies are actionable and not merely descriptive.

✓ **Importance of Good Mapping:** Include mapping for understanding policy impacts.

✓ **Focus on Implementation:** Establish connections between policies and implementation mechanisms.

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For the complete report and further information on Integrated Watershed Management (IWM), the twelve projects (including the seven extended ones), and efforts towards an Integrated Watershed Management approach for the Muskoka River Watershed, please visit www.muskoka.on.ca/iwmprojects.

This project has received funding support from the Government of Ontario.
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Integrating IWM Principles within Official Plans

✓ **Watershed/Ecosystem Based Approach**

- Structure policies around a watershed system approach.
- Weave IWM principles throughout different plan components.

✓ **Science/Evidence Based, Outcome Oriented**

- Integrate evidence-based policies with quantifiable metrics.
- Use scientific data to inform policy and set measurable benchmarks.

✓ **Cumulative Effects**

- Address cumulative impacts through policy tests.
- Manage impacts at both site and system levels.

✓ **Interjurisdictional Coordination**

- Collaborate with neighboring municipalities and various government levels.
- Support partnerships and actionable policy for shared regulatory authority.

✓ **Monitoring Programs, Reporting, Feedback Loops**

- Establish monitoring structures for policy feedback.
- Define circumstances requiring monitoring and reporting.
- Set policy connections between monitoring and stakeholders, providing guidance for reports.