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MUNICIPALITY OF KINCARDINE

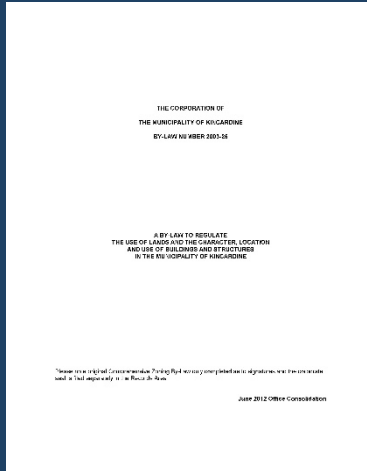
COMPREHENSIVE ZONING BY-LAW UPDATE

Progress update to Council

December 13th, 2023

Introduction

- Here today to:
 - Provide an update on the work that has been underway by the team.
 - Summarize input received from community to date.
 - Provide information regarding next steps and timing.



Background

- Current Zoning By-law dates from 2003 and was last updated in 2012.
- The *Planning Act* requires update to Zoning By-law 3 years after Official Plan update comes into force.
- With new OP approved in 2021, work on ZBL updates has been underway.
- Initial Review Report and community input has guided revisions to the ZBL.

What do Zoning By-laws regulate?

- The *Ontario Planning Act* provides the authority for municipalities to pass Zoning By-laws.

Zoning By-laws may:

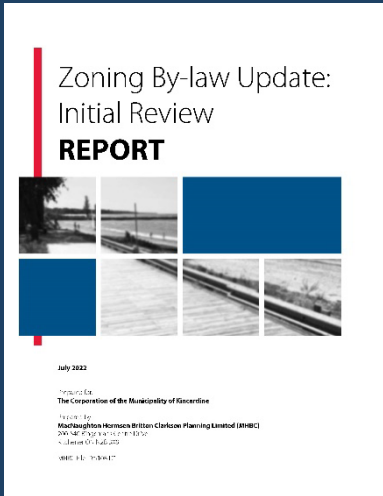
- Restrict the use of land and the location and use of buildings or structures;
- Prohibit the location of buildings or structures on lands for a multitude of reasons (e.g. flooding, contaminated sites, significant wetlands);
- Regulate the height, bulk, location, size, floor area, spacing, character and, use of buildings or structures;
- Regulate the frontage and depth of a lot and the proportion of area of a lot that may be occupied by buildings or structures

Project goals

- As previously indicated to Council, the project goals have been:
 - *Incorporate direction from new Official Plan into Zoning By-law.*
 - *Conform to recent Provincial policies.*
 - *Improve usability and readability, ensuring document is clear.*
 - *Utilize current information to update mapping.*

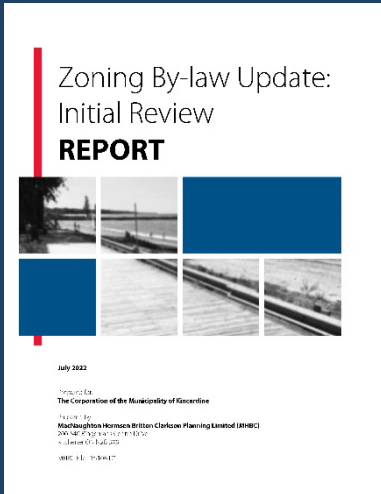
Initial Review report

- Prepared as a result of MHBC review of By-law and consultation with County and Municipal staff.
- Provided high-level recommendations for review and updates.
- Report released for review by the community, with opportunities for input through late 2022.
- Report has guided our revisions to date.



Initial Review report (cont'd)

- Key issues identified in report:
 - Accessory buildings / uses
 - Secondary suites / Surplus farm dwellings
 - Environment / Climate change
 - Sourcewater protection
 - Parking
 - Mixed Use
 - Cannabis production
 - Special provisions
 - Other: Definitions, mapping, categories, language, diagrams



Community open houses

Community Open House #1 – September 27th, 2022

Municipality of Kincardine Zoning By-law update Open House Comment Sheet

Background

The existing Kincardine Zoning By-law (2003-025) is being updated as a result of the approval of the new Official Plan in 2021. The Planning Act requires that municipalities amend their Zoning By-law within 3 years of a new Official Plan being in effect. This update is being done to ensure the Zoning By-law complies with the new Official Plan, but also current planning practices, changes to Provincial policy, and strategic direction of the Municipality.

Tonight's Open House provides the community with an opportunity to review work conducted to date on the project, specifically the recently-released Initial Review Report. There will continue to be a number of opportunities for public participation throughout the process of updating the Zoning By-law, so please continue to follow along on the Municipal website for updates.

If you wish to be notified of any future public meetings, please ensure that you have included your name and contact information on the sign-in sheet here today.

Comments:

Name: _____

Address: _____

E-mail address: _____

Phone: _____

Please leave this sheet with staff at the meeting, or submit it to:

BY PERSON OR REGULAR MAIL **VIA EMAIL**
Kincardine staff (Dwayne Mohab, Director of Planning and Building) **MHBC staff (Nick Bisognat, Assistant)**
Municipality of Kincardine **Kincardine2022update@mhbcplan.com**
1575 Concession 5, Kincardine, ON N2Z 2V8



Municipality of Kincardine

Zoning By-law update project

Frequently Asked Questions

Q: What is a Zoning By-law?

A: Zoning By-laws are legal documents that divide a municipality into different land use zones. Zoning By-laws specify permitted uses (e.g. commercial or residential) and regulate standards (building use and location). They provide a legal way of managing land use and future development and can protect you from conflicting and possibly dangerous land uses in your community.

Q: What will be the result of the new Zoning By-law review?

A: A new Zoning By-law for the entire Municipality will be created. The new Zoning By-law may change how you land use permissions and regulations that currently exist for some lands. A new Zoning By-law may also include a minor change to various lands to implement the new Official Plan.

Q: Why is new zoning necessary?

A: The new zoning is intended to implement the policies of the new Official Plan approved in 2021 and guide the use of land, buildings and structures. Without the proposed changes to zoning, new development in the existing zoning framework may not achieve the intent of the new Official Plan.

Q: How does the Municipality enforce and implement its Zoning By-law?

A: When an individual applies for a building permit, 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 with the Zoning By-law, the building permit cannot be issued.

Q: How may the new Zoning By-law affect landowners?

A: The new zoning by-law may have one of three effects:

- The existing zones and/or special provisions are renamed or reclassified such that it is administrative in nature and does not impact existing zoning permissions or regulations;
- The change in zoning allows for additional uses and built forms that are currently not permitted by the existing zoning by-law; or
- Uses and built forms that are currently permitted under the existing zoning by-law may no longer be permitted.

When the new zoning by-law results in a legally existing use no longer being permitted, these uses and/or buildings may be considered to be legal non-conforming (see explanation below).

Q: What is legal non-conforming?

A: Legal non-conforming status is applied to legally existing land, buildings, and uses that do not comply with the new zoning.

Legal non-conforming land, buildings, and uses will continue to be permitted, provided that the land owner does not change the use of the property building or location of the building. If new buildings, additions to existing buildings or a change in use is proposed, the new zoning requirements would apply. In the long term, there is the risk that all legal non-conforming uses will convert to the use permitted in the Zoning By-law and thus implement the vision of the Municipality of Kincardine Official Plan.

Q: What happens if my property's current zoning is changed and deemed legal non-conforming?

A: The proposed new zoning has no effect on the continued use of any property. If and when the proposed new zoning comes into effect there will be no change to the requirements imposed and you can continue to stay in your home and/or operating your business without any implications. It will be business-as-usual. The zoning requirements will only apply to new development or changes to use of the property.

Q: What impact may the new Zoning By-law have on the value of my property and property taxes?

A: The zoning of properties has little to no impact on the assessed value of properties. The Municipal Property Assessment Corporation (MPAC) assesses the value of properties based on as many as 200 different factors. Five major factors usually account for 60% of a property's value including location, lot size/dimensions, living area, age of the house and quality of construction. More information on MPAC's property assessment valuation process can be obtained by visiting <https://www.municipalityofkincardine.com/assessments>.

Property taxes are not calculated based on the market value but rather the assessed value of the property. The market value of a property depends on a host of factors including the state of the economy and the individual purchaser's preferences.

Q: What if I don't want the new Zoning By-law to apply to my property?

A: A property owner is not able to opt-out of a Zoning By-law, since it is meant to apply to all properties within a Municipality. However, we encourage you to submit comments to the MHBC team and Municipal staff to be heard in the proposed Zoning By-law as it is developed. Staff will come along at the proposed new zoning by-law and will review all comments received prior to making a final recommendation to Council.

Prepared by MHBC Planning, in consultation with the Municipality of Kincardine September 2022



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Comments received

- Input provided via comment forms, online submissions, directly on maps.
- Comment themes:
 - Requests for review of zoning for onsite environmental features.
 - Requests for review to change lands to permit residential use.
 - Requests to review regulations for coastline properties.
 - Requests to review accessory use provisions (urban areas and outside)

Recent work undertaken

- Draft Zoning By-law prepared by MHBC and provided for staff review.
- Focused review of environmental features to ensure SVCA mapping appropriately reflected.
- Detailed working sessions undertaken to focus on different aspects of By-law.
- Revisions undertaken by team to reflect items discussed (text and mapping).
- Final Zoning By-law draft underway.

Next steps

- Dec 2023 – Jan 2024: final steps and review by Municipal staff / MHBC
- Early 2024: draft Zoning By-law released for community review and comment (mapping and text). Open House #2 also being held.
- Spring 2024: final revisions to Zoning By-law and Council adoption.
- Early summer 2024: final Zoning By-law in effect.

Closing

- Exciting and important project for the Municipality of Kincardine.
- Significant undertaking, both for MHBC and Municipal staff for review.
- Further opportunities and methods will be available for community input.
- MHBC is looking forward to finishing updates so that a new Zoning By-law is implemented.

Thank you!

Questions?