

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

DATE: August 9, 2022

TO: Committee of the Whole

FROM: **Melanie Knight, Senior Planner**

SUBJECT: Site Plan Control By-Law and Fees And Charges By-Law Amendments
Municipality of Mississippi Mills

RECOMMENDATION

THAT Committee of the Whole recommend that Council approve the amendments to the Site Plan Control By-law as detailed in Attachment A to include Shooting Ranges and any uses approved as part of a Minister's Zoning Order in Schedule A of the Site Plan Control By-law and to modify the Fees and Charges By-law, to include a new fee for uses as part of a Minister's Zoning Order, as detailed in Attachment B.

BACKGROUND

New Site Plan By-law Control By-law

In June, Council adopted a new Site Plan Control By-law and Guidelines [Committee of the Whole - June 07, 2022](#)

There are two separate issues that have arisen in the past few months regarding the use of Site Plan Control, shooting ranges and uses that may be permitted through a Minister's Zoning Order (MZO).

With respect to shooting ranges, this issue was raised regarding a shooting range proposed for personal use by a property owner within Mississippi Mills. Staff have been working with the Municipality's solicitor regarding shooting ranges and details regarding the use of Site Plan Control for shooting ranges are included in this report.

With respect to MZOs, in June, the CAO provided a report to Committee and Council regarding the recent request by Mr. Princiotta regarding support for a development on Appleton Side Road [Committee of the Whole - June 21, 2022](#). After further consideration of the issue of MZOs and in light of the upcoming changes to the *Planning Act* (which come into effect January 1, 2023), requiring the issuance of refunds on Site Plan Control application fees if a decision is not rendered within 60 days, staff have provided details regarding the use of Site Plan Control to implement any MZOs in the future.

Shooting Ranges

As previously mentioned, in recent months the issue of the use of property for a shooting range has been raised. In early 2022, Planning Staff issued a Letter of Compliance requested by a landowner to confirm that a shooting range for personal use *only* was permitted on a Rural (RU) zoned property. Staff note that commercial shooting ranges are not currently permitted in the Zoning By-law or Official Plan. While both documents are silent (in that they do not explicitly prohibit shooting ranges) the municipality's legal counsel confirmed that in being silent commercial shooting ranges are considered prohibited until such time that an applicant were to bring forward the necessary amendment applications to explicitly permit a commercial shooting range. A private shooting range is considered a use accessory to a residential use and could be allowed, provided it remained accessory to the principal permitted use.

Site Plan Control

The municipality's legal counsel has confirmed that the Zoning Compliance Letter is factually accurate, in that a shooting range for personal use may be considered an accessory use to a rural property. This interpretation has raised a question of the use of Site Plan Control for shooting ranges, even ones that are permitted for personal use only. Currently the Site Plan Control By-law is silent on shooting ranges, whether for commercial use or personal use.

At the time of the request for the Zoning Compliance letter, the property owner indicated that the Zoning Compliance letter was requested because of an application to the Chief Firearm's Office to establish a formal shooting range for personal use only.

Chief Firearm's Office (CFO)

The CFO is the regulating authority of all formal shooting ranges within the Province of Ontario. The Shooting Clubs and Shooting Ranges Regulations defines shooting ranges as follows:

"a place that is designed or intended for the safe discharge, on a regular and structured basis, of firearms for the purpose of target practice or target shooting competitions."

Legal counsel has also advised municipal staff that the applicable legislation and requirements for approval of a shooting range does not distinguish between a shooting range for commercial or personal use, in that the minimum requirements contained in the regulation for both types of shooting ranges are the same. Shooting ranges must not only comply with Zoning By-laws but also with all other municipal by-laws, such as Noise By-laws, Discharge of Firearms By-law etc.

Site Plan Control for Shooting Ranges

The ability to impose supplemental municipal regulations, such as Site Plan Control, is supported by provisions in the Shooting Clubs and Shooting Ranges Regulations in that

ranges must comply with zoning by-laws and municipal operating licenses, as well as municipal environmental protection legislation.

Site Plan Control can only regulate matters listed in Section 41(4) of the *Planning Act*, namely the location of buildings, structures and works. Under this authority, the Municipality could dictate the location of a shooting range on a lot, require berms or other features to mitigate noise, visual impacts or other compatibility concerns. Other regulations such as hours of operation and the regulation of noise cannot be regulated through Site Plan Control. These regulations would need to be regulated under a different type of municipal by-law such as a Noise By-law, Discharge of Firearms By-law or in the case of a commercial operation, a business licensing by-law.

Site Plan Control can regulate uses that are permitted in the Zoning By-law, including a shooting range for personal use. Site Plan Control cannot be used to prohibit features, designs or operations required under a license issued by the CFO or otherwise required by the federal Firearms Act or the Shooting Clubs and Shooting Ranges Regulations. The Site Plan Control restrictions also should not frustrate the purpose of federal instruments, for example by imposing impossible Site Plan Control conditions that effectively prohibit a range despite being permitted under zoning and licensed by the CFO.

In light of the foregoing, staff are recommending that shooting ranges be added to Schedule 'A' of the Site Plan Control By-law as a use to be regulated under Site Plan Control under the category of a Major Site Plan Control application. Acknowledging that some residents may use their property for informal 'target practice' and not a formal shooting range, staff are recommending that any shooting ranges that are licensed by the CFO and meet the definition of a shooting range as contained in the Shooting Clubs and Shooting Ranges Regulations be used as the definition of shooting range within the Site Plan Control by-law. If the amendment is approved, the changes to the Site Plan Control by-law come into effect immediately upon passing. This proposed amendment would capture all shooting ranges (commercial or personal use) that meet the CFO's definition of shooting range. Any property owner seeking to establish a shooting range for personal use only (as currently permitted in the Zoning By-law as an accessory use) would be required to first obtain Site Plan Control approval from the municipality prior to the municipality providing a Zoning Compliance Letter.

Minister's Zoning Order (MZO)

As noted in the staff report on June 21, 2022, the Provincial Office of the Auditor General issued a report on the use of MZOs under the current (and recently re-elected) provincial government, which highlighted a number of issues with MZOs with respect to the municipal planning process.

MZOs are not required to be consistent with the Provincial Policy Statement (PPS), which is the guiding document that all municipalities must have regard for in their land use planning decisions. MZOs are also not required to adhere to municipal Official Plan policies or other master planning documents such as Infrastructure Master Plans or

Transportation Master Plans, which can significantly cause municipal issues with respect to water and wastewater systems and infrastructure capacity as well as transportation networks. As a result, a substantial amount of the planning 'work' related to MZO's is deferred to the Site Plan Control stage.

As part of Bill 109 which made recent changes to the *Planning Act*, the Province has also introduced a different type of provincial order that could be issued called the Community Infrastructure Housing Accelerator (CIHA), which based on the description, would be a municipally requested type of MZO. At the time of writing this report, there have been few updates from the Province on the CIHA; however, considering there may very well be an additional type of provincial order related to planning approvals in the future, staff have suggested wording to capture this potential in the proposed amendments as "uses permitted under a Minister's Zoning Order or other provincial order."

Typical Planning Process and Fees

Outside of the MZO process, developments that are not contemplated by the Official Plan or Zoning By-law, would normally require an Official Plan Amendment and Zoning By-law Amendment process to be completed before the Site Plan Control process would begin. These amendments would require the applicant to submit a comprehensive application with plans and studies, such as servicing and stormwater management reports, a planning rationale, a transportation study and in some cases other specific studies such as noise or environmental study to justify and rationalize an amendment to the municipality's Official Plan and Zoning By-law. These plans and studies are also reviewed in consideration of the municipality's own guiding policy framework outlined in the Official Plan, Transportation Master Plan, Active Transportation Plan and Infrastructure Master Plan.

Through this normal planning process, staff would undertake a thorough review of the amendment applications, often using peer reviewers to assist, to ensure that the proposed development can be appropriately accommodated within the municipality's infrastructure system, transportation network, meets the PPS and constitutes good planning. The Site Plan Control stage would typically implement any approvals that were granted at the amendment stages focusing on reviewing detailed grading and drainage, site servicing, landscaping and site design as well as the implementation of any recommendations arising from the required studies such as noise mitigation measures or environmental buffers.

The planning fees related to Official Plan Amendments and Zoning By-law Amendments are reflective of the level of effort required by municipal staff to review, analyze and make recommendations to Council regarding these types of applications. Currently the municipality's 2022 Planning Fees for an Official Plan Amendment is: \$3500.00 and for a Major Zoning By-law Amendment: \$3640.00. There is a joint fee of \$5355.00 if an applicant were to apply for a joint Official Plan Amendment and Zoning By-law Amendment application. The current Fees and Charges by-law also includes a

requirement for additional peer review requirements (and related expenses) that are to be covered by the applicant.

MZO, Site Plan Control and Fees

The MZO process essentially downloads the amendment processes to the Site Plan Control stage. In other examples from other municipalities, and in the one presented to Council this year, the justification was that the MZO process does not exempt the requirement for plans and studies but rather these would be required, reviewed and implemented as part of the Site Plan Control stage. As a result, a Site Plan Control application that was a result of an MZO still requires the same level of effort, staff time and resources that would be required through the Official Plan Amendment and Zoning By-law Amendment processes; however, at a reduced cost of only \$2704.00 for a Site Plan Control application (based on 2022 Major Site Plan Control fee), a reduction of \$5355.00 in planning fees.

In light of the foregoing, staff are recommending that Schedule A of the 2022 Site Plan Control By-law be amended to include 'uses permitted through a Minister's Zoning Order or other provincial order' to ensure that any MZO is captured in the Site Plan Control process. Staff are also recommending an amendment to the 2022 Fees and Charges By-law to ensure that the Site Plan Control fee for a use permitted through an MZO (or other provincial order) is reflective of the level of effort and staff time required to evaluate the application. Staff are recommending a fee of \$8059.00 be required for Site Plan Control applications arising from an MZO. This fee accounts for the Major Site Plan Control fee and the joint Official Plan and Zoning By-law Amendment (\$2704.00 + \$5355.00).

SUMMARY

Staff have recently identified two specific land use issues that are recommended to be included in the Site Plan Control by-law. As contained in this report, staff are of the opinion that amending the Site Plan Control by-law to include a shooting range and any uses permitted as a result of a MZO (or other provincial order) warrant the regulatory use of Site Plan Control. In addition, staff are recommending an amendment to the Fees and Charges By-law to add a specific Site Plan Control application fee for uses permitted through provincial order which is reflective the level of effort, staff time and work required to fully evaluate such proposed developments.

All of which is respectfully submitted by,

Approved by,



Melanie Knight
Senior Planner



Ken Kelly
CAO

ATTACHMENTS:

Attachment A – Site Plan Control By-law

Attachment B – Fees and Charges By-law amendment