



Planning Report

To: Township of Huron-Kinloss Council

From: Benito Russo, Planner

Date: July 17, 2023

Re: Zoning By-law Amendment Application - Z-2023-045 (Huron-Kinloss)

Recommendation:

Subject to a review of submissions arising from the public meeting:

That Council approve Zoning By-law Amendment Z-2023-045 as attached and the necessary by-law be forwarded to Council for adoption.

Summary:

The purpose of this application is to complete a housekeeping amendment to the Huron-Kinloss Zoning By-law, which will apply to the entire Township of Huron-Kinloss. The proposed provision amendments, among others, include increased permitted uses of Additional Residential Units.

If approved, the proposed changes would permit the establishment of a second dwelling unit in the AG1, AG3 and AG4 zones for a total of two dwelling units per lot. As well as reflect recent legislative changes in relation to Additional Residential Units.

These changes will result in improved clarity and flexibility for select provisions, facilitate additional residential units, and reflect recent legislative changes.

Planning Analysis:

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including relevant agency comments (attached), and planning policy sections.

Zoning By-law Amendments

The purpose of this application is to complete a housekeeping amendment to the Township of Huron-Kinloss Zoning By-law. The application includes proposed amendments to the text of the comprehensive document. The proposed changes are described in the Proposed Zoning By-law Updates and Edits document attached to this report and summarized below:

- Remove definitions for “Dwelling, Accessory Second Unit”, and “Dwelling, Secondary Farm Residence”.
- Add definitions for “Dwelling, Additional Residential Unit”, and “Dwelling, Additional Residential Unit On Farm”.
- Replace all references to “Dwelling, Accessory Second Unit” with “Dwelling, Additional Residential Unit”.
- Replace all references to “Dwelling, Secondary Farm Residence” with “Dwelling, Additional Residential Unit on Farm”.
- Add and amend provisions for “Dwelling, Additional Residential Unit” and “Dwelling, Additional Residential Unit On Farm”.
- Add permitted uses of a “Dwelling, Additional Residential Unit On Farm” to Section 6.1 Agricultural Residential (AG1) Zone.
- Add permitted uses of a “Dwelling, Additional Residential Unit” to Section 8.1 Agricultural Residential (AG3) Zone.
- Add permitted uses of a “Dwelling, Additional Residential Unit On Farm” to Section 9.1 Agricultural Residential (AG4) Zone.

If approved, the amendments would provide clarity and consistency in Zoning By-law interpretation and may reduce the number of requested variances or site-specific amendments to the Zoning By-law. A number of these changes are being proposed to bring the Zoning By-law into conformity with provincial direction, namely additional residential unit policies, and as such do not have associated appeal rights.

Additional amendments were considered by Township and County staff but were deemed to require broader more in-depth review and/or amendments to the Township Official Plan prior to amending the Township Zoning By-law. Township and County staff will continue to monitor application types and volumes and will bring additional housekeeping amendments forward for Council consideration if and when needed.

Additional Residential Units

The Huron-Kinloss Zoning By-law contains various provisions to permit additional residential units. Under provincial Bill 23 it is required that municipalities expand these provisions to permit two additional dwelling units on low density fully serviced lots in settlement areas. In

addition, no appeals are permitted to be submitted with respect provisions relating to additional residential units.

Under the Bruce County Official Plan, additional residential units are permitted in the rural and agricultural designations. The proposed amendments to the Huron-Kinloss Zoning By-law would add additional dwelling units as a permitted use in conformity with the Bruce County Official Plan requirements.

The proposed provisions are consistent with Provincial and County requirements and will facilitate an increase in available supply of housing.

Appendices

- Agency Comments
- Public Comments
- Zoning By-law Updates and Edits
- Public Notice

Agency Comments

The Corporation of the Township of Huron-Kinloss: No comment.

The Corporation of the Municipality of Kincardine: No comment.

BM Ross: No comments.

Historic Saugeen Métis: No objection or opposition.

Saugeen Valley Conservation Authority: The application is generally acceptable to the SVCA. It is recommended that Additional Residential Unit policies have regard for Section 3.1, Natural Hazard policies of the PPS, 2020. See below for full comment.

Transportation & Environmental Services: No comment.

Public Comments: One (1) comment has been received requesting additional information and to be informed of the decision.

SENT ELECTRONICALLY ONLY: BRusso@brucecounty.on.ca and bcplwa@brucecounty.on.ca

June 28, 2023

County of Bruce Planning & Development Department
30 Park Street
Walkerton, Ontario N0G 2V0

ATTENTION: Benito Russo, Planner

Dear Mr. Benito Russo,

RE: Z-2023-045 Housekeeping (Huron-Kinloss)
Township of Huron-Kinloss

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). SVCA staff has also provided comments as per our Memorandum of Agreement (MOA), dated September 2019, with the County of Bruce representing natural hazards, and water resources; and the applications have also been reviewed through our role as a public body under the *Planning Act* as per our CA Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

Purpose

The purpose of this application is to complete a housekeeping amendment to the Huron-Kinloss Zoning By-law, which will apply to the entire Township of Huron-Kinloss. The proposed provision amendments, among others, include increased permitted uses of Additional Residential Units. If approved, the proposed changes would permit the establishment of a second dwelling unit in the AG1, AG3 and AG4 zones for a total of two dwelling units per lot. As well as reflect recent legislative changes in relation to Additional Residential Units. These changes will result in improved clarity and flexibility for select provisions, facilitate additional residential units, and reflect recent legislative changes.

Recommendation

In general, SVCA staff find the proposed zoning by-law amendment acceptable. We note the following:

The application is generally acceptable to SVCA staff. The proposed amendment is general in nature and applies to the entire Township of Huron-Kinloss. As such, the proposal is not directly affected by natural hazard features such as floodplains, watercourses, shorelines, wetlands, valley slopes or other natural hazard features of interest to SVCA. However, future development/redevelopment projects

may be located within or adjacent to natural hazard features and/or a SVCA Regulated Area and may require review by the SVCA. SVCA staff understands that all existing policies for natural hazard features outlined in the PPS, 2020 will apply to each development proposal and we trust these proposals will continue to be forwarded to the SVCA for comment.

Specifically, SVCA has concern for reconstruction of additional units in existing dwellings or accessory structures that are affected by natural hazards and/or where there is no safe ingress/egress to the existing dwellings/structures. As such, SVCA staff recommends proposed future Zoning By-law regulations to permit additional dwelling units will have regard for Section 3.1, Natural Hazard policies of the PPS, 2020.

Section 3.1.1 of the PPS, 2020 states, in general, that development shall be directed to areas outside of hazardous lands (flooding hazards, erosion hazards, dynamic beach hazards), and hazardous sites (organic soils, leda clay, unstable bedrock.); and further that, section 3.1.2 c) of the PPS states, in general, that development and site alteration shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard.

Summary

SVCA staff has reviewed the application in accordance with our MOA with the County of Bruce, and as per our mandated responsibilities for natural hazard management, including our regulatory role under the *Conservation Authorities Act*.

The application is generally acceptable to the SVCA.

Please inform this office of any decision made by the Township of Huron-Kinloss and/or the County of Bruce with regard to the application. We respectfully request to receive a copy of the decisions and notices of any appeals filed. Should you have any questions, please contact the undersigned.

Sincerely,



Michael Oberle
Environmental Planning Coordinator
Saugeen Conservation
MO/

cc: Jennifer White, Clerk, Township of Huron-Kinloss (via email)
Larry Allison, SVCA Member representing the Township of Huron-Kinloss (via email)

Huron-Kinloss Proposed Zoning By-law Updates and Edits

Section 3 - Definitions

Existing:

“Dwelling, Accessory Second Unit”, shall mean a residential dwelling unit, as defined herein, which is located within and subordinate to a single detached dwelling, semi-detached dwelling or street fronting townhouse dwelling. An accessory second unit shall contain a kitchen and a bathroom.”

Proposed:

Deleting “Dwelling, Accessory Second Unit” in its entirety to be replaced with:

“Dwelling, Additional Residential Unit” means a residential dwelling unit either wholly contained within a ‘Dwelling, Single Detached’, a ‘Dwelling, Semi-detached’ or a ‘Dwelling, Street Facing Townhouse, or wholly contained within an accessory building on a lot containing a ‘Dwelling, Single Detached’, a ‘Dwelling, Semi-detached’ or a ‘Dwelling, Street Facing Townhouse’.

Existing:

“Dwelling, Secondary Farm Residence”, shall mean one additional dwelling unit located on a farm used as the primary residence for an active and operating farmer or for a full-time farm employee of an active farm on which the dwelling is located. A Secondary Farm Residence Dwelling may be located within a Single Detached Dwelling or may be in the form of a second Single Detached Dwelling on the lot.

Proposed:

Deleting “Dwelling, Secondary Farm Residence” in its entirety to be replaced with:

“Dwelling, Additional Residential Unit On Farm” means one additional dwelling unit located on a farm on which a ‘Dwelling, Single Detached Farm Residence’ is already established. A ‘Dwelling, Additional Residential Unit On Farm’ may be located within a ‘Dwelling, Single Detached Farm Residence, a non-agricultural accessory building, or may be in the form of a second ‘Dwelling, Single Detached Farm Residence’ on the lot.

Proposed:

Replacing all mention of:

“Dwelling, Accessory Second Unit” with “Dwelling, Additional Residential Unit”

“Dwelling, Secondary Farm Residence” with “Dwelling, Additional Residential Unit On Farm”

Section 4.6 Dwelling, Accessory Secondary Unit

Existing:

4.6 Dwelling, Accessory Secondary Unit

Where a dwelling, accessory secondary unit is permitted in a residential zone by this By- law, such Dwelling, Accessory Secondary Unit shall only be constructed or used in accordance with the following:

- a) Located within a single detached dwelling, a semi-detached dwelling or a street fronting townhouse dwelling and not permitted within an accessory building and/or structure.
- b) A maximum of one (1) dwelling, accessory secondary unit per lot is permitted, and shall be accessory to the main dwelling.
- c) Driveway access to both the main dwelling and the dwelling, accessory secondary unit shall be limited to one access so that no new entrance from the street shall be created, except as permitted by Section 5.1.10 [Driveways].
- d) One parking space will be provided for the dwelling, accessory secondary unit, in addition to the required parking for the main dwelling.
- e) A home business shall not be permitted within a dwelling, accessory secondary unit.

Proposed:

Modified Section 4.6 to the following:

4.6 Dwelling, Additional Residential Unit

Except as provided by Section 4.7 (Dwelling, Additional Residential Unit On Farm), where listed as a permitted use (refer to “Uses Permitted” sections of this By-law), a ‘Dwelling, Additional Residential Unit’ shall be permitted, subject to the following provisions:

- a. Where full municipal services are provided, up to two ‘Dwelling, Additional Residential Unit’ per lot of record shall be permitted;
- b. Where private or partial municipal services are provided, one ‘Dwelling, Additional Residential Unit’ per lot of record shall be permitted if the lot area is 0.4 hectares or greater. Within the Lakeshore Area as identified on Schedule ‘A’ a ‘Dwelling, Additional Residential Unit’ is not permitted on partial municipal or private services;
- c. Applicable permits under the Ontario Building Code are required to be issued by the Chief Building Official;
- d. Only exists along with its principal dwelling unit, and it is not a stand-alone, principal unit, capable of severance;
- e. Able to connect to water and septic or sewer services;
- f. Shall only be permitted where sufficient water service and sewer or septic capacity exists or can be made available;
- g. In the case of a ‘Dwelling, Semi-Detached’ or ‘Dwelling, Street Facing Townhouse’, each principal dwelling unit must be located on a separate lot of record;
- h. In the Rural Recreation Area and Inland Lake Development designation (Silver Lake and Purvis Lake areas), only one Additional Residential Unit may be permitted, and only within a building containing a primary residential dwelling;
- i. When permitted to be located within a detached accessory building, only one ‘Dwelling, Additional Residential Unit’ is permitted per lot in a detached accessory building;
- j. Where located in an accessory building the ‘Dwelling, Additional Residential Unit’ may be located in a new, or existing, detached accessory building and shall be in accordance with the provisions of Section 4.1;
- k. Any ‘Dwelling, Additional Residential Unit’ shall be located within a maximum distance of 30 m from the principal dwelling;

- l. The 'Additional Residential Unit' must share the parking and yards provided for the principal dwelling unit, and no new driveway may be created;
- m. Requires conservation authority approval in areas identified in the flood fringe overlay;
- n. 'Home Occupation' is not permitted in a 'Dwelling, Additional Residential Unit'; and,
- o. The combined total of a principal residential unit, additional residential unit(s), and a garden suite shall not exceed three units on a lot.

Section 4.7 Dwelling, Secondary Farm Residence

Existing:

4.7 Dwelling, Secondary Farm Residence

Secondary farm residence dwellings may be permitted in the AG1 and AG4 zones by site-specific Zoning By-law amendment, subject to all the provisions of this By-law and the following:

- a. Shall be restricted to one additional dwelling unit used for the accommodation of full-time farm help, or for occupants engaged in full-time operation of the farm, or for retiring farmers.
- b. Shall be situated on lots having an area of greater than 30 ha in the AG1 zone and lots having an area of greater than 13 ha in the AG4 zone.
- c. Where a second single detached dwelling is proposed, shall be situated within the existing farm building cluster a maximum distance of 30 metres from the farm building cluster.
- d. A home business shall not be permitted within a secondary farm residence dwelling.
- e. The secondary farm residence shall not be considered for future severance from the farm operation.
- f. The secondary farm residence shall meet applicable MDS guidelines.
- g. Driveway access to both the main dwelling and the accessory second unit shall be limited to one access so that no new entrance from the street shall be created, except in the case of a corner lot, where one entrance from each street may exist.

Proposed:

Modified Section 4.7 to the following:

4.7 Dwelling, Additional Residential Unit On Farm

A 'Dwelling, Additional Residential Unit On Farm' shall be permitted together with a 'Dwelling, Single Detached Farm Residence' in the AG1 and AG4 zones, subject to all the provisions of this By-law and the following:

- a. Shall be located within 30 metres of the 'Dwelling, Single Detached Farm Residence';
- b. Applicable permits under the Ontario Building Code are required to be issued by the Chief Building Official;
- c. It only exists along with the 'Dwelling, Single Detached Farm Residence' use, and shall not be considered for future severance;
- d. Able to connect to water and septic or sewer services;
- e. Must share the parking and yards provided for the 'Dwelling, Single Detached Farm Residence' unit, and no new driveway may be created;
- f. May be located within a 'Dwelling, Single Detached Farm Residence', or may be located in a new, or existing, detached non-agricultural accessory building;
- g. Where the 'Dwelling, Additional Residential Unit On Farm' is proposed to be erected outside of the 'Dwelling, Single Detached Farm Residence', it shall meet applicable MDS guidelines;
- h. In the Rural Recreation Area and Inland Lake Development designation (Silver Lake and Purvis Lake Areas), only one Additional Residential Unit may be permitted, and only within a building containing a primary residential dwelling;
- i. Requires conservation authority approval in areas identified in the flood fringe overlay;
- j. The combined total of a "Dwelling, Single Detached Farm Residence", a 'Dwelling, Additional Residential Unit On Farm', and 'Dwelling, Garden Suite' may not exceed two units on a lot; and
- k. A home business shall not be permitted within a 'Dwelling, Additional Residential Unit On Farm'.

Section 6.1 Agricultural Residential (AG1) Zone

Existing:

AG1 Zone currently does not permit a secondary dwelling.

Proposed:

Adding to Permitted Uses:

- Dwelling, Additional Residential Unit On Farm (Section 4.7)

Section 8.1 Agricultural Residential (AG3) Zone

Existing:

AG3 Zone currently does not permit a secondary dwelling.

Proposed:

Adding to Permitted Uses:

- Dwelling, Additional Residential Unit (Section 4.6)

Section 9.1 Agricultural Residential (AG4) Zone

Existing:

AG4 Zone currently does not permit a secondary dwelling.

Proposed:

Adding to Permitted Uses:

- Dwelling, Additional Residential Unit On Farm (Section 4.7)



County of Bruce
Planning & Development Department
30 Park Street, Box 848
Walkerton, ON N0G 2V0
brucecounty.on.ca
226-909-5515



June 22, 2023

File Number(s): Z-2023-045

Public Meeting Notice

**You're invited: Public Meeting
to consider proposed changes to the Township of Huron-
Kinloss Zoning By-law
July 17, 2023, at 7:00 p.m. in the Council Chambers at 21
Queen Street, Ripley, Ontario**

The purpose of this application is to complete a housekeeping amendment to the Huron-Kinloss Zoning By-law, which will apply to the entire Township of Huron-Kinloss. The proposed provision amendments, among others, include increased permitted uses of Additional Residential Units.

If approved, the proposed changes would permit the establishment of a second dwelling unit in the AG1, AG3 and AG4 zones for a total of two dwelling units per lot. As well as reflect recent legislative changes in relation to Additional Residential Units.

These changes will result in improved clarity and flexibility for select provisions, facilitate additional residential units, and reflect recent legislative changes.

Learn more

You can view limited information about the application at <https://brucecounty.on.ca/living/land-use>. Additional information, including the supporting materials, can be provided upon request by e-mailing bcplwa@brucecounty.on.ca or calling 226-909-5515. Information can also be viewed in person at the County of Bruce Planning Office noted above, between 8:30 a.m. and 4:30 p.m. (Monday to Friday).

The Planner on the file is: Benito Russo

Have your say

Comments and opinions submitted on these matters, including the originator's name and address, become part of the public record, may be viewed by the general public and may be published in a Planning Report and Council Agenda. Comments received after July 13, 2023 may not be included in the Planning report but will be considered if received prior to a decision being made, and included in the official record on file.

On the day of and during the Public Meeting you can participate in-person in the Council Chambers at the Township of Huron-Kinloss.

How to access the public meeting

For information on how to participate in the public meeting, please visit the Township's website at <https://calendar.huronkinloss.com/meetings>.

Please contact the Township of Huron-Kinloss at jwhite@huronkinloss.com or 519-395-3735 ext. 123 if you have any questions regarding how to participate in the meeting.

Stay in the loop

If you'd like to be notified of the decision of the approval authority on the proposed application(s), you must make a written request to the Bruce County Planning Department. For more information about this matter, including information about appeal rights, contact bcplwa@brucecounty.on.ca.

Know your rights

Section 34(11) of the [Planning Act](#) outlines rights of appeal for Zoning By-law Amendment applications.

If a person or public body would otherwise have an ability to appeal the decision of the Council of Township of Huron-Kinloss to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to Township of Huron-Kinloss before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Township of Huron-Kinloss before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

For more information please visit the Ontario Land Tribunal website at <https://olt.gov.on.ca/appeals-process/>.