



## **PLANNING REPORT for the TOWNSHIP OF PUSLINCH**

Prepared by the County of Wellington Planning and Development Department

**DATE:** February 18, 2016  
**TO:** Kelly Patzer, Development Coordinator  
Township of Puslinch  
**FROM:** Sarah Wilhelm, Senior Planner  
County of Wellington  
**SUBJECT:** **2016 HOUSEKEEPING AMENDMENT TO ZONING BY-LAW 19/85**  
**Township-wide Zoning By-law Amendment**  
**ATTACHMENT:** Table of Proposed Changes

### **SUMMARY**

The purpose of this report is to provide our preliminary comments on a housekeeping amendment to the Township's Zoning By-law. We would recommend that a public meeting be scheduled so that notice may be given to statutory agencies and members of the public.

### **INTRODUCTION**

Housekeeping changes or amendments are intended to keep a zoning by-law relevant with other policy or legislation, user friendly, accurate and manageable. The proposed housekeeping changes have come to light through day to day usage of the document and are to edit, clarify and update the By-law. The housekeeping amendment has been developed in consultation with Robert Kelly, Chief Building Official and Kelly Patzer, Development Coordinator.

### **PROPOSAL**

The housekeeping amendment will:

1. Amend, add and remove definitions and general provisions
2. Amend zone preambles for additional clarity
3. Add or amend other provisions
4. Add minimum distance separation regulations and definitions
5. Amend certain housing and agricultural regulations
6. Amend and add bed and breakfast regulations

A "Table of Proposed Changes" is attached to this report to provide a description, reason and details of the housekeeping amendments proposed. Many of the changes are to clarify or improve definitions, general provisions and other sections of the by-law (see item 1 to 5, 7 to 12 and 15 of the Report Attachment). The following topics will be discussed in additional detail (the number shown in brackets cross-references the attached "Table of Proposed Changes"):

- Separation distance for group homes (6)
- Mini Lakes (13)
- Minimum Distance Separation (MDS) (14)
- Temporary residence during construction (16)
- Second units (17)
- Farm help dwellings (18)
- Bed & Breakfast Establishments (19)
- Map change (20)

## **DISCUSSION**

### **Separation Distance for Group Homes**

In February 2015, the Ontario Human Rights Commission (OHRC) corresponded with municipalities on the topic of “Applying a human rights lens in zoning, licensing and municipal decision-making”. Examples were given of municipalities that have removed minimum separation distance (MSD) and other zoning restrictions for group homes. The Township’s Zoning By-law currently has a 10 km separation distance between group homes. As there is no planning justification for this distance and in light of the Ontario Human Rights Code we would recommend removal of the separation distance.

### **Mini Lakes**

As part of the housekeeping amendment Mini Lakes has requested that the recreation building area cap be increased from 500 sq.m (5,382 sq.ft.) to 1,100 sq.m (11,841 sq.ft.) for the following reasons:

“The existing 500 sq.m. provision is a hold-over from the original 1990 zoning by-law and represented the existing building. That building however will need to be replaced probably within the next 3 years and in order to meet guidelines for accessibility (assuming the Built Environment Standard isn’t already in effect) and building and fire code requirements for the number of people expected to attend at functions like member meetings, a larger building footprint would definitely be required.” Dianne Paron, Mini Lakes

Other proposed changes are to add the date of passing of By-law 9/13 and provide additional clarification of lot coverage.

### **Minimum Distance Separation (MDS)**

The MDS Formulae are intended to minimize nuisance complaints about livestock facilities due to odour and thereby reduce potential land use conflicts. There are two formulae: MDSI and MDSII. MDSI is applied to ensure that appropriate setbacks are provided from existing livestock facilities to proposed development. MDSI is usually dealt with by the County. MDSII is applied to ensure that a new or expanded livestock facility provides appropriate setbacks from existing development. MDSII is usually dealt with by staff of the local building department.

The Province and County both provide a policy basis to apply MDS. The Provincial Policy Statement provides the following policy direction for MDS implementation in Prime Agricultural and Rural Areas (Secondary Agricultural):

“New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.” (Section 1.1.5.9 & 2.3.3.3)

The County Official Plan also provides similar policy direction for Prime and Secondary Agricultural Areas of the County (Section 6.4.10 & 6.5.6).

Guideline 1 of the Implementation Guidelines for the Minimum Distance Separation (MDS) Formula states the following:

“MDS Formulae and criteria are to be referenced in Official Plans, included in zoning by-laws and applied in designations and zones where livestock facilities are a permitted use. MDS will be applied in Prime Agricultural Areas and Rural Areas as defined by the Provincial Policy Statement, 2005.”

MDS is not included in the Puslinch Zoning By-law. There is however, a requirement for 180 m separation from adjacent barns of an intensive agricultural use in the Estate Residential and Rural Residential Zones. These requirements are proposed to be removed as MDS would be the appropriate replacement. By including MDS provisions in the zoning by-law, MDS will be considered “applicable law” for building permit issuance.

The housekeeping amendment would introduce two new general provisions, one for MDSI and another for MDSII. These are the same as, or very similar to other provisions elsewhere in the County. Corresponding definitions have also been included to support MDS implementation and are consistent with the MDS Guidelines.

### **Temporary Residence during Construction**

The Township currently follows a Council approved policy of March 1, 2013 for dealing with a temporary residence during construction of a new one. These take the form of either:

1. a temporary mobile home when a new dwelling is constructed on a vacant lot; or
2. a temporary single detached dwelling when a new dwelling is constructed on the same lot.

The current policy requires minor variance approval for either circumstance. The proposed regulations would allow these temporary residences as of right-of-right subject to the following:

- only apply to the Agricultural (A) Zone
- restrict the timeframe of the temporary residence to 12 months after the building permit for the new dwelling is issued
- require that the Chief Building Official be satisfied with water and sewage, securities to ensure removal of temporary dwelling

### **Second Units**

In 2011, the province approved Bill 140, the Strong Communities through Affordable Housing Act. This legislation was intended to ensure that a full range of housing, including affordable housing, is provided in Ontario. County staff is in the process of reviewing County Official Plan policies relative to the legislation. Once the County review is complete, we would recommend that Puslinch Council revisit the provision of second units in the Township.

Under the current policy environment, in Prime and Secondary areas of the County, the Official Plan allows for an accessory apartment unit within the main residence on a lot, provided that adequate water supply and sewage disposal systems are available. In Country Residential Areas the Plan permits residential uses in single detached houses at low densities.

We have prepared new regulations to allow for accessory apartments within the main dwelling on an agricultural or estate residential lot. In all cases, the unit cannot exceed 45% of the principal dwelling but no more than 100 m<sup>2</sup> (1,076 sq.ft.) and must connect to the existing well and septic system. In the case of estate residential lots, there is a maximum of 55 sq.m (592 sq.ft.) above grade proposed. Accessory apartments are not to be permitted in a detached building or structure.

### **Farm Help**

The current by-law does not permit farm help as-of-right. New farm help residences may only be permitted through a site-specific zoning by-law amendment. The new provisions for a “secondary dwelling accessory to a farm” would allow for a farm help dwelling as-of-right for farms with a minimum lot area of 35 ha (86 ac). There are standards included to ensure that the second dwelling would be located within a 61 m (200 ft) radius of the farm residence and share a common driveway. New definitions are included.

### **Bed and Breakfast**

Currently, a bed and breakfast (B&B) is a defined use in the by-law, but is not a permitted use in any zone. The Housekeeping amendment would:

- Provide for an expanded bed and breakfast establishment definition with up to five guest rooms
- Allow for a bed and breakfast establishment in the Agricultural (A) Zone
- Add new parking requirements for B&B establishments
- Add B&B establishments to the list of uses not considered to be a home occupation for clarification purposes

### **Map Change**

A map change is proposed to remove kennel zoning (A-2) from the severed lands of application B47/15 (Watson) located at Part Lot 10, Concession 4. This would satisfy a condition of approval of the severance as the new lot would be too small for a kennel under the Township’s Dog Control By-law.

### **PUBLIC AND AGENCY COMMENTS**

There are no public or agency comments at this time as the application will be circulated at the time of public meeting notice.

### **NEXT STEPS**

We would recommend that the public meeting for this amendment be scheduled. Materials associated with the housekeeping amendment should be available to the public at the Township office prior to the public meeting date. Following the public meeting, Township Council may further consider any matters raised by the public, statutory agencies and any other comments and concerns identified. We will be in attendance at the public meeting to present the amendment and hear public comments and Council discussion.

Our planning recommendations will be provided following the public meeting and resolution of any outstanding issues.

Respectfully submitted  
County of Wellington Planning and Development Department



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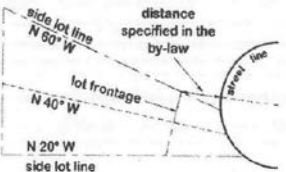
Sarah Wilhelm, BES, MCIP, RPP  
Senior Planner

c. Robert Kelly, Chief Building Official

# Table of Proposed Changes

## Township of Puslinch Housekeeping Amendment

### Definitions

#	DESCRIPTION	By-law Reference	Proposed Amendment to By-law
1	<b>LOT FRONTAGE</b> <b>DEFINITION FOR CUL-DE-SACS OR CURVED FRONTAGES</b> <ul style="list-style-type: none"> <li>for clarification</li> </ul>	2(120) Definitions	(a) <del>“LOT FRONTAGE” means the horizontal distance between the side lot lines of a lot, such distance being measured along a line which is parallel to the front lot line of the lot at the minimum front yard depth required hereby on such lot.</del> <u>the horizontal distance between the side lot lines measured along the front lot line, but where the front lot line is not a straight line or where the side lot lines are not parallel, the lot frontage is to be measured by a line 6.0 m back from and parallel to the chord of the lot frontage, and for the purpose of this paragraph the chord of the lot frontage is a straight line joining the two points where the side lot lines intersect the front lot line.</u>
		New Appendix A	<u>“APPENDIX A ILLUSTRATIONS OF DEFINITIONS AND PROVISIONS”</u> <u>Note: The diagrams and illustrations on the following pages are for the purposes of illustration only and do not form part of the zoning by-law.</u>
2	<b>UNDERGROUND STRUCTURES</b> <ul style="list-style-type: none"> <li>for clarification</li> <li>new regulation for projections into required yards</li> </ul>	2(181)  <u>3(23)(a)vii</u>	<del>“STRUCTURE” means anything constructed or erected, the use of which requires location on or in the ground, or attached to something located on or in the ground, but does not include the permanent way of a railway, any paved surface located directly on the ground</del> <u>or sewage systems.</u> <u>Underground service structures such as sewage systems and firefighting tank reservoirs which do not project more than 2.0 metres into a required interior side yard or rear yard, and which do not project more than 3.0 m into a required front yard or exterior side yard.</u>
3	<b>FRONT LOT LINE</b> <b>DEFINITION FOR CORNER LOTS</b> <ul style="list-style-type: none"> <li>clarifies that shortest lot line is front lot line</li> </ul>	2(121) Definitions	(a) <del>“FRONT LOT LINE” means:</del> <ol style="list-style-type: none"> <li><del>in the case of an interior lot, the street line of the lot</del> <u>the line dividing the lot from the street;</u></li> <li><del>in the case of a corner lot, either street line of the lot, whereas the other street line shall be deemed an exterior side lot line</del> <u>the shorter lot line abutting a street; or</u></li> </ol>
4	<b>BUILDING HEIGHT</b> <b>ILLUSTRATIONS</b> <ul style="list-style-type: none"> <li>for clarification</li> </ul>	New Appendix A	<u>“APPENDIX A ILLUSTRATIONS OF DEFINITIONS AND PROVISIONS”</u> <u>Note: The diagrams and illustrations on the following pages are for the purposes of illustration only and do not form part of the zoning by-law.</u>

## General Provisions

#	DESCRIPTION	By-law Reference	Proposed Amendment to By-law
5	<b>SITE ALTERATION  “DUMPING”</b> <ul style="list-style-type: none"> <li>dumping is dealt with under Municipal Act, Site Plan Agreement or Site Plan Control</li> </ul>	3(6) General Provisions	<b>GRADING</b>  <b>(b) DUMPING</b> Unless such activity is accessory to a permitted use, no person shall dump or otherwise deposit or store any topsoil, earth, sand, gravel or fill on any lot unless written permission has first been obtained from the Building Inspector. This provision does not apply to any dumping which is accessory to a permitted use.
6	<b>SEPARATION  DISTANCE FOR GROUP HOMES</b> <ul style="list-style-type: none"> <li>removal of 10 km separation distance</li> </ul>	3(7) General Provisions	Notwithstanding any other provisions of this By-law to the contrary, a Group Home may be permitted in any single dwelling unit provided there is no Group Home or similar facility within 10 kilometres of the proposed facility and the dwelling unit must have <u>has</u> 20 square metres per person residing within the unit. Group Homes must be registered with the municipality as per Section 236 of <del>T</del> <u>h</u> e Municipal Act, R.S.O 1980, Chapter 302.
7	<b>OPEN STORAGE</b> <ul style="list-style-type: none"> <li>clarification of open storage requirements for home occupations</li> <li>increase in height for screening from 1.5 m to 2.0 m</li> </ul>	3(9) General Provisions  3(15) General Provisions	<b>(f)</b> No home occupation shall create or become a public nuisance, particularly with regard to noise, traffic, emissions, parking or radio or television interference, <del>nor shall any open storage be permitted in conjunction with a home occupation except in accordance with the provisions of Subsection 3(15) hereof.</del>  <b>(h)</b> <u>Any open storage permitted in conjunction with a home occupation shall comply with the provisions of Section 3(15).</u>  <b>(a) OPEN STORAGE REGULATIONS</b>  <b>(iv)</b> No open storage area shall be visible from any street or from any adjacent lot, where such adjacent lot is located in a zone other than a Commercial Zone or an Industrial Zone, and to this end any open storage area shall be screened, wherever necessary in order to comply with this provision, by a planting strip containing an opaque fence, wall or other opaque barrier not less than <del>1.5</del> <u>2.0</u> metres in height, except that this provision shall not apply to any open storage area accessory to an agricultural use or to the outside display and sale of goods and materials in conjunction with a permitted commercial use.

### Table of Proposed Changes

## General Provisions

#	DESCRIPTION	By-law Reference	Proposed Amendment to By-law
8	<b>CONTRACTOR'S YARD NOT A HOME OCCUPATION</b> <ul style="list-style-type: none"> <li>for clarification</li> </ul>	3(9) General Provisions	(g) None of the following uses shall be considered home occupations except where such uses are specifically permitted herein: <u>(x) a contractor's yard</u>
9	<b>ONE MAIN BUILDING PER LOT</b> <ul style="list-style-type: none"> <li>New provision to clarify no more than one main building per lot outside of identified zones</li> <li>Renaming of provision title</li> </ul>	3 General Provisions  3(13)	<del>( )</del> <u>ONE MAIN BUILDING PER LOT</u> <u>No more than one main building shall be constructed on a lot except for the following:</u> a) <u>Permitted buildings within an agricultural, commercial, institutional, or industrial zone.</u>  <del>(13) LOTS WITH MORE THAN ONE USE OR ZONE</del> <u>( ) ONE OR MORE PERMITTED USES PER LOT OR ZONE</u>
10	<b>SEPTIC</b> <ul style="list-style-type: none"> <li>Removal as septic is now under Building Code</li> </ul>	3(22)(b) General Provisions	<del>(xvii) RESTRICTED USES</del> <del>Any use unable to obtain the approval of private water or sanitary treatment and disposal facilities from the Medical Officer or Health of the Wellington-Dufferin-Guelph Health Unit, owing either to the quantity of water required therefor which cannot be provided by a public water system, or to the quality of effluent produced thereby;</del>

### Table of Proposed Changes

## Preamble

#	DESCRIPTION	By-law Reference	Proposed Amendment to By-law
11	<b>PREAMBLE TO PERMITTED USES</b> <ul style="list-style-type: none"> <li>for clarification</li> </ul>	5 A Zone	(2) USES PERMITTED <del>No person shall, within any A Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following A uses, namely:</del> <u>No person shall use land or erect, alter or use any buildings or structures within an Agricultural (A) Zone, except in accordance with the following provisions:</u>
		6 HR Zone	(2) USES PERMITTED <del>No person shall, within any HR Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following HR uses, namely:</del> <u>No person shall use land or erect, alter or use any buildings or structures within a Hamlet Residential (HR) Zone, except in accordance with the following provisions:</u>
		7 RR Zone	(2) USES PERMITTED <del>No person shall, within any RR Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following RR uses, namely:</del> <u>No person shall use land or erect, alter or use any buildings or structures within a Resort Residential (RR) Zone, except in accordance with the following provisions:</u>
		7A MR Zone	(2) USES PERMITTED <del>No person shall, within any RR Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following RR uses, namely:</del> <u>No person shall use land or erect, alter or use any buildings or structures within a Millcreek Residential Area (MR) Zone, except in accordance with the following provisions:</u>
		7B ML Zone	(2) USES PERMITTED <del>No person shall, within any RR Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following RR uses, namely:</del> <u>No person shall use land or erect, alter or use any buildings or structures within a Mini Lakes (ML) Zone, except in accordance with the following provisions:</u>
		8 ER1 Zone	(2) USES PERMITTED <del>No person shall, within any ER1 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following ER1 uses, namely:</del> <u>No person shall use land or erect, alter or use any buildings or structures within an Estate Residential Type 1 (ER1) Zone, except in accordance with the following provisions:</u>



## Preamble

#	DESCRIPTION	By-law Reference	Proposed Amendment to By-law
11	<b>PREAMBLE TO PERMITTED USES</b> <ul style="list-style-type: none"> <li>for clarification</li> </ul>	9 ER2 Zone	(2) USES PERMITTED <del>No person shall, within any ER2 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following ER2 uses, namely:</del> <u>No person shall use land or erect, alter or use any buildings or structures within an Estate Residential Type 2 (ER2) Zone, except in accordance with the following provisions:</u>
		10 RUR Zone	(2) USES PERMITTED <del>No person shall, within any RUR Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following RUR uses, namely:</del> <u>No person shall use land or erect, alter or use any buildings or structures within a Rural Residential (RUR) Zone, except in accordance with the following provisions:</u>
		11 C1 Zone	(2) USES PERMITTED <del>No person shall, within any C1 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following C1 uses, namely:</del> <u>No person shall use land or erect, alter or use any buildings or structures within a Hamlet Commercial (C1) Zone, except in accordance with the following provisions:</u>
		12 C2 Zone	(2) USES PERMITTED <del>No person shall, within any C2 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following C2 uses, namely:</del> <u>No person shall use land or erect, alter or use any buildings or structures within a Highway Commercial (C2) Zone, except in accordance with the following provisions:</u>
		13 C3 Zone	(2) USES PERMITTED <del>No person shall, within any C3 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following C3 uses, namely:</del> <u>No person shall use land or erect, alter or use any buildings or structures within an Commercial (C3) Zone, except in accordance with the following provisions:</u>
		14 C4 Zone	(2) USES PERMITTED <del>No person shall, within any C4 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following C4 uses, namely:</del> <u>No person shall use land or erect, alter or use any buildings or structures within a Resort Commercial (C4) Zone, except in accordance with the following provisions:</u>

## Preamble

#	DESCRIPTION	By-law Reference	Proposed Amendment to By-law
11	<b>PREAMBLE TO PERMITTED USES</b> • for clarification	15 IND Zone	(2) USES PERMITTED <del>No person shall, within any IND Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following IND uses, namely:</del> <u>No person shall use land or erect, alter or use any buildings or structures within an Industrial (IND) Zone, except in accordance with the following provisions:</u>
		16 EXI Zone	(2) USES PERMITTED <del>No person shall, within any EXI Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following EXI uses, namely:</del> <u>No person shall use land or erect, alter or use any buildings or structures within an Extractive (EXI) Zone, except in accordance with the following provisions:</u>
		17 DI Zone	(2) USES PERMITTED <del>No person shall, within any DI Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following DI uses, namely:</del> <u>No person shall use land or erect, alter or use any buildings or structures within a Disposal Industrial (DI) Zone, except in accordance with the following provisions:</u>
		18 I Zone	(2) USES PERMITTED <del>No person shall, within any I Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following I uses, namely:</del> <u>No person shall use land or erect, alter or use any buildings or structures within an Institutional (I) Zone, except in accordance with the following provisions:</u>
		19 OS Zone	(2) USES PERMITTED <del>No person shall, within any OS Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following OS uses, namely:</del> <u>No person shall use land or erect, alter or use any buildings or structures within an Open Space (OS) Zone, except in accordance with the following provisions:</u>
		20 NE Zone	(2) USES PERMITTED <del>No person shall, within any NE Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following NE uses, namely:</del> <u>No person shall use land or erect, alter or use any buildings or structures within a Natural Environment (NE) Zone, except in accordance with the following provisions:</u>

## Other Provisions

#	DESCRIPTION	By-law Reference	Proposed Amendment to By-law
12	<b>FRONT YARD IN RESORT RESIDENTIAL ZONE</b> <ul style="list-style-type: none"> <li>Front yard depth regulation needed</li> </ul>	7(3) Zone Requirements	(c) FRONT YARD <u>DEPTH (MINIMUM) 7.5 m</u>
13	<b>MINI LAKES</b> <ul style="list-style-type: none"> <li>Add date of passing of By-law 9/13</li> </ul>	7B(5)(c) Site Front Yard (Minimum)	Fourth sentence of paragraph: Notwithstanding the above, this By-law recognizes those accessory buildings or structures which existed prior to the date of passing of this By-law <u>December 19, 2012</u> that are within the front yard or have a front yard less than 2.0 metres.
		7B(5)(d) Site Side Yard (Minimum)	Third sentence of paragraph: Notwithstanding the above, this By-law recognizes those accessory buildings or structures which existed prior to the date of passing of this By-law <u>December 19, 2012</u> that have a side yard less than 0.6 metres.
		7B(5)(e) Site Rear Yard (Minimum)	Third sentence of paragraph: Notwithstanding the above, this By-law recognizes those accessory buildings or structures which existed prior to the date of passing of this By-law <u>December 19, 2012</u> that have a rear yard less than 0.6 metres.
	<ul style="list-style-type: none"> <li>for clarification of lot coverage</li> </ul>	7B(5)(h) Site Coverage (Maximum)	<p><del>The coverage of a site by all buildings and structures, including accessory buildings or structures, shall not exceed 35%, with the exception of open sided carports and uncovered decks not exceeding 0.6 m in height. Notwithstanding the above, this By law recognizes those buildings or structures including accessory buildings or structures, which existed prior to the date of passing of this By-law that have a coverage which exceeds 35%.</del></p> <p><u>Notwithstanding any other provision of this By-law to the contrary, the coverage of all buildings or structures, including accessory buildings or structures, within each site or lot area shall not exceed 35%. Open sided carports and uncovered decks not exceeding 0.6 m in height are exempt from the site coverage maximum.</u></p> <p>Notwithstanding the above, this By-law recognizes those buildings or structures including accessory buildings or structures, which existed prior to <u>December 19, 2012</u> that have a coverage which exceeds 35%.</p>

### Table of Proposed Changes

## Other Provisions

#	DESCRIPTION	By-law Reference	Proposed Amendment to By-law	
13	<b>MINI LAKES</b> <ul style="list-style-type: none"> <li>increase in recreation building from 500 square metres to 1,100 square metres</li> </ul>	7B(6)(e) Building Floor Area (Maximum)	laundromat variety store recreation building	100 square metres 150 square metres <del>500 square metres</del> <u>1,100 square metres</u>

## Minimum Distance Separation

#	DESCRIPTION	By-law Reference	Proposed Amendment to By-law
14	<b>MINIMUM DISTANCE SEPARATION</b> <ul style="list-style-type: none"> <li>Provincial Policy requires inclusion of MDS in zoning by-laws</li> <li>Additional definitions have been added to support MDS implementation</li> <li>Definitions are consistent with MDS Guidelines</li> </ul>	3( ) General Provisions	<u>MINIMUM DISTANCE SEPARATION – MDS I AND II</u>  (a) <u>MDS I – NEW NON-FARM USES</u> <u>Notwithstanding any other yard or setback provisions of this By-law to the contrary, no residential, institutional, commercial, industrial or recreational use, located on a separate lot and permitted within the Agricultural (A) Zone or any other zone in which agricultural uses are permitted, shall be erected or altered unless it complies with the Minimum Distance Separation I (MDS I) setback from a livestock facility, calculated using the Formulas published by the Province of Ontario, as may be amended from time to time. The above provisions shall not apply to lots existing as of the date of passing of this By-law, which are less than 4 hectares in area.</u>  (b) <u>MDS II – NEW OR EXPANDING LIVESTOCK FACILITIES AND MANURE STORAGE FACILITIES</u> <u>Notwithstanding any other yard or setback provisions of this By-law to the contrary, no livestock facility or manure storage facility shall be erected or expanded unless it complies with the Minimum Distance Separation II (MDS II) setback, calculated using the Formulas published by the Province of Ontario, as may be amended from time to time. Notwithstanding the above, an existing manure storage system which does not meet MDS II requirements, may be replaced by a more compatible system which results in a reduction in the separation distance required, provided the livestock housing capacity is not increased.</u>

### Table of Proposed Changes

## Minimum Distance Separation

#	DESCRIPTION	By-law Reference	Proposed Amendment to By-law
14	MINIMUM DISTANCE SEPARATION	2( ) Definitions	<u>“LIVESTOCK”,</u> means farm animals kept for use, propagation, or for intended profit or gain and without limiting the generality of the foregoing includes: dairy, beef and veal cattle, horses, swine, sheep, goats, mink rabbits and fowl.
		2( ) Definitions	<u>“LIVESTOCK BARNs”,</u> means one or more permanent structures located on a lot which are intended for keeping or housing livestock, and are structurally sound and reasonably capable of housing livestock.
		2( ) Definitions	<u>“LIVESTOCK FACILITIES”,</u> include all livestock barns and manure storages, as well as all unoccupied barns and unused manure storages on a lot.
		2( ) Definitions	<u>“MANURE STORAGE”,</u> means a permanent storage which is structurally sound and reasonably capable of storing manure and which contain liquid manure (less than 18% dry matter) or solid manure (greater than or equal to 18% dry matter), and may exist in a variety of: locations, materials, coverings, configurations and elevations as identified in the Minimum Distance Separation Implementation Guidelines issued by the Province of Ontario.
	Estate Residential 8(3) Zone Requirements	(i)	<del>SEPARATION DISTANCE FROM ADJACENT BARNs</del> No single detached dwelling shall be located closer than 180 metres to the barns of an intensive agricultural use on adjacent property.
	Estate Residential 9(3) Zone Requirements	(i)	<del>SEPARATION DISTANCE FROM ADJACENT BARNs</del> No single detached dwelling shall be located closer than 180 metres to the barns of an intensive agricultural use on adjacent property.
	Rural Residential 10(3) Zone Requirements	(i)	<del>SEPARATION DISTANCE FROM ADJACENT BARNs</del> No single detached dwelling shall be located closer than 180 metres to the barns of an intensive agricultural use on adjacent property.

### Table of Proposed Changes

## Housing and Agricultural Regulations

#	DESCRIPTION	By-law Reference	Proposed Amendment to By-law
15	<b>DWELLING SIZE</b> <ul style="list-style-type: none"> <li>Removal of minimum dwelling unit size as it is not necessary to regulate</li> </ul>	3(5)(e) Dwelling Unit Area (Minimal)	<del>(i) A dwelling unit consisting of a single dwelling—90 square metres.</del> <del>(ii) Any other dwelling unit—40 square metres for a bachelor dwelling unit plus an additional 10 square metres for each bedroom.</del>
16	<b>TEMPORARY RESIDENCE DURING CONSTRUCTION</b> <ul style="list-style-type: none"> <li>New provision would remove the need for minor variance approval for temporary residence during construction</li> </ul>	3( ) General Provisions	<u><b>TEMPORARY RESIDENCE DURING CONSTRUCTION</b></u>  <u>(a) Where a new single detached dwelling is being constructed on a vacant lot in an Agricultural (A) Zone, a mobile home may be located and used as a temporary residence on the same lot during the construction of a new residence for a period of time not to exceed 12 months after the building permit for the new dwelling is issued, provided all requirements of the Chief Building Official are satisfied, including the provision of adequate sewage disposal and water supply, and the posting of sufficient securities to ensure the removal of the temporary dwelling.</u>  <u>(b) Where a new single detached dwelling is being constructed to replace an existing single detached dwelling on the same lot in an Agricultural (A) Zone, the existing dwelling may continue to be used as a temporary residence during the construction of the new residence for a period of time not to exceed 12 months after the building permit for the new dwelling is issued, provided all requirements of the Chief Building Official are satisfied, including the provision of adequate sewage disposal and water supply, and the posting of sufficient securities to ensure the removal of the temporary dwelling.</u>

## Housing and Agricultural Regulations

#	DISCUSSION	By-law Reference	Proposed Amendment to By-law
17	<b>SECOND UNITS</b> <ul style="list-style-type: none"> <li>definition expanded</li> </ul>	2(66)(iv) Definitions	(a) "Accessory Dwelling Unit" Means a dwelling unit accessory to a permitted non-residential use <u>or accessory to a permitted single detached dwelling in an Agricultural (A) Zone, Estate Residential Type 1 (ER1) Zone or Estate Residential Type 2 (ER2) Zone.</u>
	<ul style="list-style-type: none"> <li>allows dwelling units in basement or cellar</li> </ul>	3(5) Dwelling Units	(c) LOCATION WITHIN BASEMENT OR CELLAR <del>(i) No dwelling unit shall be located in its entirety within a basement.</del> ( ) No part of any dwelling unit shall be located within a basement of a non-residential building. ( ) No habitable room shall be located within a cellar <u>unless it has a floor to ceiling height of at least 1.95 m.</u>
	<ul style="list-style-type: none"> <li>allows accessory apartments in A Zone in a single detached dwelling</li> </ul>	5(2) Permitted Uses Agricultural Zone	<u>An accessory apartment in a single detached dwelling on a lot in accordance with Section 5(3).</u>
		5(3)(e) REDUCED LOT REQUIREMENTS	<u>Add "an accessory apartment within a single detached dwelling on a lot in accordance with Section 3(1.1)" as a permitted use to Section 5(3)(e)(ii) and 5(3)(e)(v)2.a)</u>
	<ul style="list-style-type: none"> <li>provides regulations for accessory apartments in main dwelling</li> </ul>	5(3) Requirements Agricultural Zone	(g) <u>ACCESSORY APARTMENTS</u>  <u>LOT AREA (MAXIMUM) 0.4 ha</u>  <u>FLOOR AREA (MAXIMUM) 45% of the Floor Area of the Principal Dwelling but no more than 100 m<sup>2</sup>. In this context "Floor Area" means the total Floor Area of the Building measured from the exterior face of outside walls, or centre line of common walls, including Cellars and Basements with a floor to ceiling height of at least 1.95 m. Floor Area does not include stairs, landings, cold cellars, garages and carports. The accessory apartment must connect to the existing well and septic which services the main dwelling</u>  <u>SERVICING</u> <u>ACCESSORY BUILDINGS</u> <u>Accessory apartments are not permitted in a detached building or structure</u>

### Table of Proposed Changes

## Housing and Agricultural Regulations

#	DISCUSSION	By-law Reference	Proposed Amendment to By-law
17	<p><b>SECOND UNITS</b></p> <ul style="list-style-type: none"> <li>allows accessory apartment in ER1 Zone</li> </ul>	8(2) Permitted Uses Estate Residential Type 1 Zone	<u>An accessory apartment in a single detached dwelling on a lot in accordance with Section 8(3).</u>
	<ul style="list-style-type: none"> <li>provides regulations for accessory apartment in main dwelling</li> </ul>	8(3) Requirements Estate Residential Type 1 Zone	<p><u>(j) ACCESSORY APARTMENTS</u></p> <p><u>LOT AREA (MINIMUM)</u> 0.8 ha</p> <p><u>FLOOR AREA (MAXIMUM)</u> 45% of the total Floor Area of the Principal Dwelling but no more than 100 m<sup>2</sup>, with a maximum of 55 m<sup>2</sup> above grade. In this context “Floor Area” means the total Floor Area of the Building measured from the exterior face of outside walls, or centre line of common walls, including Cellars and Basements with a floor to ceiling height of at least 1.95 m. Floor Area does not include stairs, landings, cold cellars, garages and carports.</p> <p><u>SERVICING</u> The accessory apartment must connect to the existing well and septic which services the main dwelling</p> <p><u>ACCESSORY BUILDINGS</u> Accessory apartments are not permitted in a detached building or structure</p>
	<ul style="list-style-type: none"> <li>allows accessory apartment in ER2 Zone</li> </ul>	9(2) Permitted Uses Estate Residential Type 2 Zone	<u>An accessory apartment in a single detached dwelling on a lot in accordance with Section 9(3).</u>
	<ul style="list-style-type: none"> <li>provides regulations for accessory apartment in main dwelling</li> </ul>	9(3) Requirements Estate Residential Type 2 Zone	<p><u>(j) ACCESSORY APARTMENTS</u></p> <p><u>LOT AREA (MINIMUM)</u> 0.4 ha</p>

### Table of Proposed Changes



## Housing and Agricultural Regulations

#	DISCUSSION	By-law Reference	Proposed Amendment to By-law
17	<b>SECOND UNITS</b>	9(3) Requirements Estate Residential Type 2 Zone	<p><u>FLOOR AREA</u> <u>(MAXIMUM)</u></p> <p><u>SERVICING</u></p> <p><u>ACCESSORY BUILDINGS</u></p> <p><u>45% of the total Floor Area of the Principal Dwelling but no more than 100 m<sup>2</sup>, with a maximum of 55 m<sup>2</sup> above grade. In this context "Floor Area" means the total Floor Area of the Building measured from the exterior face of outside walls, or centre line of common walls, including Cellars and Basements with a floor to ceiling height of at least 1.95 m. Floor Area does not include stairs, landings, cold cellars, garages and carports.</u></p> <p><u>The accessory apartment must connect to the existing well and septic which services the main dwelling</u></p> <p><u>Accessory apartments are not permitted in a detached building or structure</u></p>
18	<p><b>FARM HELP DWELLINGS</b></p> <ul style="list-style-type: none"> <li>new provisions would allow for a secondary dwelling accessory to a farm as-of-right if the farm is at least 35 ha in size</li> </ul>	<p>5(2) Requirements Agricultural Zone</p> <p>5(3) New subsection</p> <p>2(73.1) Definitions</p>	<p><u>( ) SECONDARY DWELLING ACCESSORY TO A FARM</u></p> <p><u>( ) REGULATIONS FOR ESTABLISHMENT OF A SECONDARY DWELLING ACCESSORY TO A FARM</u></p> <p><u>LOT AREA</u>                      <u>35.0 ha</u></p> <p><u>(MINIMUM)</u></p> <p><u>LOCATION</u></p> <p><u>A second residential dwelling shall be located within the Farm Building Cluster. The second residential dwelling unit must be detached from the main residential dwelling, shall share a common driveway with the main farm residence, and shall be located within a 61.0 m radius of the main farm residence. A second residential dwelling shall be provided with a potable water supply and adequate private sewage treatment facility.</u></p> <p><u>TYPE OF RESIDENTIAL DWELLING</u>      <u>A second residential dwelling unit may be traditionally constructed, prefabricated, modular or a mobile home.</u></p> <p><u>FARM</u></p> <p><u>Means a parcel of land, which the predominant activity is agricultural and includes associated buildings and structures such as residential dwellings, livestock facilities, farm implement buildings, silos, granaries and similar buildings and structures.</u></p>

## Housing and Agricultural Regulations

#	DISCUSSION	By-law Reference	Proposed Amendment to By-law	
18	<b>FARM HELP DWELLINGS</b> <ul style="list-style-type: none"> <li>addition and removal of definitions to support new regulations</li> </ul>	2(73.2) Definitions	<u>FARM BUILDING CLUSTER</u>	<u>Means the close grouping of the main buildings and structures on a farm contained within a limited area so that the remaining land is used for agriculture. Buildings and structures within the cluster shall share a common driveway.</u>
		2(65) Definitions	<del>(f)</del> <del>“Agricultural Service Dwelling”</del>	<del>Means a temporary dwelling to provide sleeping accommodation and sanitary facilities for seasonal farm workers and such temporary dwelling may include facilities for cooking.</del>
		2(65) Definitions	<del>(f)</del> <u>“Secondary Dwelling Accessory to a Farm”</u>	<u>Means a dwelling to provide for farm help.</u>

## Bed and Breakfast Establishments

#	DISCUSSION	By-law Reference	Proposed Amendment to By-law	
19	<b>BED &amp; BREAKFAST ESTABLISHMENT</b> <ul style="list-style-type: none"> <li>Use is currently not permitted in any zone</li> <li>Would be permitted in the A Zone</li> </ul>	5(2) Permitted Uses Agricultural Zone	<u>An accessory bed and breakfast establishment in accordance with Section 3.(1.1).</u>	
		2(23) Definitions	(23) <u>“BED AND BREAKFAST ESTABLISHMENT (B&amp;B)”</u>	<u>means a single detached residential dwelling in which the proprietor resides and supplies up to five furnished rooms and may serve breakfast on a temporary basis to overnight guests for monetary gain. It does not include a restaurant, hotel, motel, and boarding or rooming house or any other form of residential dwelling as defined by this By-law.</u>

### Table of Proposed Changes

## Bed and Breakfast Establishments

#	DISCUSSION	By-law Reference	Proposed Amendment to By-law
19	<b>BED &amp; BREAKFAST ESTABLISHMENT</b> <ul style="list-style-type: none"> <li>General provisions added to regulate number of rooms and other requirements</li> </ul>	3( <del>1.1</del> ) General Provisions	<u>ACCESSORY BED AND BREAKFAST ESTABLISHMENT (B&amp;B)</u>  <u>Within the Agricultural (A) Zone, where bed and breakfast establishments are permitted, such uses shall be in accordance with the provisions for such zones and shall also comply with the following regulations:</u> <ul style="list-style-type: none"> <li>(a) <u>No more than 5 guest rooms shall be provided in a B&amp;B;</u></li> <li>(b) <u>Any exterior stairways required for a B&amp;B shall be located in a side or rear yard; and</u></li> <li>(c) <u>All new B&amp;B establishments shall comply with the requirements of this Zoning By-law, other local by-laws, and any applicable provincial regulations such as the Ontario Building Code and Fire Code, as amended.</u></li> </ul>
	<ul style="list-style-type: none"> <li>Addition of B&amp;B to list of uses not considered home occupations</li> </ul>	3(9) Home Occupations	(g) None of the following <u>(xi) Bed and Breakfast Establishment</u> uses shall be considered home occupations except where such uses are specifically permitted herein
	<ul style="list-style-type: none"> <li>Parking requirements added</li> </ul>	3(16) General Provisions	(b) PARKING SPACE REQUIREMENTS FOR RESIDENTIAL USES (MINIMA)  (iii) <u>Bed and Breakfast Establishments</u>
			<u>1 parking space for each room or suite used for the purposes of lodging for the travelling public, in addition to the required parking for the dwelling unit</u>

## Map Change

#	DISCUSSION	By-law Reference	Proposed Amendment to By-law
20	<b>MAP CHANGE</b>	Schedule 'A'	A map change to remove kennel zoning (A-2) from the severed lands of B47/15 (Watson) located at Part Lot 10, Concession 4.