



THE CORPORATION OF THE TOWNSHIP OF PUSLINCH
MARCH 23, 2022 PUBLIC INFORMATION MEETING
VIRTUAL MEETING BY ELECTRONIC PARTICIPATION

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AGENDA

DATE: Wednesday, March 23, 2022

PUBLIC INFORMATION MEETING: 7:00 P.M.

Order of Business:

1. Zoning By-Law Application D14/HUT – James and Sharon Hutton – 6547 Wellington Road 34, Rear Part Lots 2 and 3, Concession 2

THE PURPOSE AND EFFECT of the application is to amend the Township of Puslinch Comprehensive Zoning Bylaw 23-2018 from Agricultural (A) Zone and Natural Environment (NE) Zone to:

1. Site Specific Agricultural (A-) to permit one 86m² home business (office) within a detached structure; and
2. Site Specific Natural Environment (NE-) to permit an existing detached accessory structure to be converted to a 206m² detached Additional Dwelling Unit (ADU).

Public Notice and County of Wellington Report Attached

2. Zoning By-Law Amendment D14/HOM – Township of Puslinch Initiated Zoning Amendment Relating to Home Industry Provisions

THE PURPOSE AND EFFECT – The Township has undertaken a review of the existing zoning provisions related to Home Industries (Section 4.12) and are considering changes



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to provisions within Zoning By-law 023/18 related to this use. The proposed changes include but are not limited to: the minimum lot sizes permitted to have a home industry; outdoor storage; setbacks including from abutting dwellings; scale and maximum area. This is a Township initiated amendment that affects all lands in the Township of Puslinch where home industries are a permitted use (unless otherwise specified).

Public Notice and County of Wellington Report Attached



THE TOWNSHIP OF PUSLINCH NOTICE OF THE PUBLIC MEETING

Public Meetings are being conducted via Zoom Webinars.
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Webinar ID: 873 8749 4491
Passcode: **236478**

International numbers available: <https://us02web.zoom.us/j/87387494491>

TAKE NOTICE that pursuant to the Planning Act, R.S.O. 1990, as amended, the Council of the Township of Puslinch will hold a public meeting to present the received public input regarding proposed amendments to the Township of Puslinch Zoning By-law # 2019-023 (File No. D14/HUT) on **Wednesday, March 23rd, 2022 at 7:00 p.m.**

Meeting Place:

Please note that the Township Offices are closed to the public in response to COVID-19 and as such, Public Meetings are being conducted electronically.

How to Participate:

Public Meetings are being conducted via Zoom Webinars. The public is invited to participate by registering for this webinar at the link shown above.

Please note the meeting is video and audio recorded and all electronic meetings are uploaded to the municipality's YouTube page. By requesting to participate in the meeting by electronic means, you are consenting to have your likeness and comments recorded and posted on YouTube.

MAKING A WRITTEN SUBMISSION

The public is invited to participate by submitting written comments to the application in support or opposition of the application. Your full name and address must be on the submission. You can submit written comments via email to the **Township Clerk's office at the address below** no later than **Monday, March 21, 2022 by 4:30 p.m.** to ensure that your comments are included in the Committee Agenda. Any written comments or objections submitted are made public as part of the application process and the public record and will be considered by the Committee.

You can also mail written comments to:

Township of Puslinch
7404 Wellington Rd 34
Puslinch ON NOB 2J0

Or place them in the Township Office mail slot no later than **Monday, March 21, 2022 at 4:30 p.m.** to ensure that your comments are included in the Public Meeting Agenda.

The Township will NOT be responsible for Canada Post delays. Please mail your comments with sufficient time, as they must be received in the Municipal Office by the date and time noted above to be included in the Committee Agenda.

MAKING AN ORAL SUBMISSION

The public is invited to participate by speaking to the applications in support or opposition of the application. If you wish to participate in the meeting to provide verbal comments to speak in support or opposition, please contact the Township Clerk's office at the address below by **Monday, March 21, 2022 at 4:30 p.m.** and you will be provided with instructions on how to participate in the meeting. Instructions will also be provided during the meeting to ensure that those watching the public hearing will be given the opportunity to speak.

THE LAND SUBJECT to the application is described as Rear Part Lots 2 and 3, Concession 2, Township of Puslinch, municipally known as 6547 Wellington Road 34, Township of Puslinch. The subject lands are shown on the Key Map.

THE PURPOSE AND EFFECT of the application is to amend the Township of Puslinch Comprehensive Zoning By-law 23-2018 from Agricultural (A) Zone and Natural Environment (NE) Zone to:

1. Site Specific Agricultural (A-) to permit one 86m² home business (office) within a detached structure; and
2. Site Specific Natural Environment (NE-) to permit an existing detached accessory structure to be converted to a 206m² detached Additional Dwelling Unit (ADU).

ORAL OR WRITTEN SUBMISSIONS may be made by the public either in support or in opposition to the proposed Zoning By-law Amendment. Any person may attend the public meeting and make an oral submission or direct a written submission to the Township Clerk at the address below. All those present at the public meeting will be given the opportunity to make an oral submission, however; it is requested that those who wish to address Council notify the Township Clerk in advance of the public meeting.

TAKE NOTICE that if a person or public body would otherwise have an ability to appeal the decision of the Council of the Township of Puslinch to the Ontario Land Tribunal (OLT) but the person or public body does not make oral submissions at a public meeting or make written submissions to the Township of Puslinch before the by-law is passed, the person or public body is not entitled to appeal the decision.

AND TAKE NOTICE that if a person or public body does not make oral submissions at a public meeting, or make written submissions to the Township of Puslinch 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 (OLT) unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

REQUEST FOR NOTICE OF DECISION regarding the Zoning By-law amendment must be made in written format to the Township Clerk at the address shown below.

ADDITIONAL INFORMATION regarding the proposed amendment, including information about appeal rights, is available by emailing between 9:00 a.m. and 4:30 p.m. at the Township of Puslinch Municipal Office. If you require the information in an alternative format, please contact the Clerk's office at the email address below and arrangements can be made.

Dated at the Township of Puslinch on this
25th day of February 2022.

Courtenay Hoytfox
Municipal Clerk
Township of Puslinch

For more information or to register an oral or written submission please contact planning@puslinch.ca

KEY MAP





PLANNING REPORT for the TOWNSHIP OF PUSLINCH

Prepared by the County of Wellington Planning and Development Department

MEETING DATE: March 23rd, 2022
TO: Glenn Schwendinger, CAO
Township of Puslinch
FROM: Zach Prince, Senior Planner
County of Wellington
SUBJECT: **PUBLIC MEETING – James Hutton and Sharon Hutton
Zoning By-law Amendment Application D14/HUT
Rear Part Lots 2 & 3, Concession 2
6547 Wellington Road 34**
ATTACHMENTS: **1 – Aerial of Subject Lands
2 – Sketch Provided by Applicant**

SUMMARY

The purpose of this application is to amend the Township of Puslinch Zoning By-Law 23-2018 to permit a 86m² home business within a detached accessory structure and permit an existing detached accessory structure to be converted to a 206m² detached accessory apartment 73 m from the primary dwelling and located in the Agricultural Zone.

A public meeting is scheduled for March 23rd, 2022. This report provides a preliminary overview of the proposal, highlights key planning policies to be considered, details comments received to date and explains the next steps in the planning review process.

It is recommended that this Public Meeting Report regarding the proposed Zoning By-law Amendment D14/HUT be received for information.

INTRODUCTION

The subject property is legally known as Rear Part Lots 2 & 3, Concession 2 and municipally known as 6547 Wellington Road 34 within the Township of Puslinch. The lands are approximately 22.66 ha (55.99 ac) and contains an existing dwelling, a detached accessory structure (former primary dwelling), a second detached structure (proposed home office), pool and pool shed. The surrounding properties are rural residential and agriculture. A subject property map is identified in **Attachment 1**.

PROPOSAL

The purpose of the Zoning By-law amendment is to rezone the subject property from Natural Environment (NE) to a site specific Natural Environment zone and Agricultural (A) to Agricultural Site Specific to legalize an existing detached accessory structure (former main dwelling) to be converted to a detached Accessory Apartment located in the NE zone, and to permit a home business within a separate existing accessory structure located in the A zone. The proposed

Accessory Apartment is located 73 m (239 ft) from the primary dwelling, and is 206m² in area. The home business is proposed to be 86m² (925 ft²) in area and occupy a portion of an existing detached accessory structure (269 m²). A copy of the applicant's sketch has been included within this report as **Attachment 2** and photos provided by the applicant are included as **Attachment 3**.

BACKGROUND

The original dwelling, which is now proposed to be considered an Accessory Apartment and is the subject of this application, was originally constructed in the 1960's (based on information from MPAC). The previous owner of the site was issued a permit to build what is now the primary dwelling on the site in 2014. However, in order for the new dwelling to be permitted the original dwelling was required to be renovated to a recreational building so that the use was no longer considered a dwelling. It is understood that the building remained a separate dwelling.

The applicant acquired the subject property in September 2014 and prior to his acquisition, the previous owner had constructed the new single family dwelling. The applicant has identified that the original dwelling was converted back to a residential dwelling at the time the current owner acquired the property in 2014. Since that time, the Township received a complaint regarding the use which has triggered the need to address this issue of non-compliance with the Zoning By-law.

A Minor Variance application was heard by the Township's Committee of Adjustment on August 10th, 2021. At that time the application was to recognize the non compliance of the distance required for an Accessory Apartment to the main dwelling only (73 m rather than the required 15 m), the application was denied by the Committee. Since the minor variance application, an enlarged home business has been identified and included in the non-compliance for the property which is also included in this proposed zoning by-law amendment.

A housekeeping amendment was approved by Township Council in January 2021 which modified the accessory apartment provisions to allow an accessory apartment above or within a detached structure in the Agricultural (A) zone. Previous to the amendment an accessory apartment was only permitted within the main dwelling or above a detached structure (ie garage).

The County adopted OPA 112 in 2020 which brought the Official Plan in to conformity with Bill 108 regarding additional dwelling units. The changes to the Official Plan included the number of units permitted on a lot and the requirement for units to be Ancillary to the main dwelling on the lot. The Township has initiated a review of the Zoning By-law to align with OPA 112.

SUPPORTING STUDIES AND REPORTS

- Letter from Robson Development Consulting, dated: December 10th, 2021
- Sketch Provided by Applicant

PROVINCIAL POLICY - PROVINCIAL POLICY STATEMENT (PPS 2020)

The PPS provides a policy framework on matters of provincial interest and guides land use planning and development within the Province of Ontario. As the subject lands are located outside of a settlement area the Rural Area and Land use policies apply. All land use decisions

must be consistent with Provincial Policy, included below are several key policies set out within the PPS that Council will need to consider.

Housing

Section 1.4.3.b 2) states that, “Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area” by “permitting and facilitating, all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3”

Rural Areas

Section 1.1.4 states that Rural Areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. In accordance with Section 1.1.4.1 d) “Healthy, integrated and viable rural areas should be supported by encouraging the conservation and redevelopment of existing rural housing stock on rural lands.”

Rural Lands

Permitted uses in areas located on Rural Lands include, 1.1.5.2 c) “residential development, including lot creation, that is locally appropriate.” And Section 1.1.5.8 “New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.”

Natural Heritage

Section 2.1 of the PPS provides direction for Natural Heritage. Specifically, Section 2.1.1 states that, “natural features and areas shall be protected for the long term” and Section 2.1.2 states that, “the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.” Development and site alteration within or adjacent to significant wetlands and woodlands is not permitted unless there are no negative impacts. The proposal does not include any new development or site alteration in the areas new the Natural Heritage features on the site.

PROVINCIAL POLICY – A PLACE TO GROW, PROVINCIAL GROWTH PLAN (2020)

Similar to the PPS, the Growth Plan directs growth to settlement areas, unless where otherwise permitted. Section 2.2.9 establishes policies for Rural Areas. Within Rural Areas, there are Rural Lands, which are defined as “lands which are located outside of settlement areas and which are outside prime agricultural areas”. Further, Section 2.2.9 permits development outside of settlement areas provided they are compatible with the rural landscape and surrounding land uses, sustained by rural service levels and not adversely affect agricultural uses or resource-based uses. Development of the subject lands are to comply with these policies.

PROVINCIAL POLICY - GREENBELT PLAN

The subject lands are not located within the Greenbelt Plan Area.

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated as Secondary Agricultural, Core Greenlands and Greenlands within the County of Wellington Official Plan. Identified features include Wetlands, Provincially Significant Wetlands, Environmentally Sensitive Area, Significant Wooded Area, Slope Erosion Allowances and Flood Plain regulated by GRCA. The subject lands are also located within the Paris Galt Moraine Policy Area.

As per Section 4.4.6.2 of the Official Plan, an Additional Residential Unit (ARU) may be permitted as a separate standalone Ancillary Building or as part of an Ancillary Building. An Additional Residential Unit is prohibited from being severed from the property and is subject to the following criteria being met:

- Located within the main building cluster and outside of hazard lands;
- Secondary to the primary dwelling;
- Adequate services are available; and
- MDS can be met

Section 8.3.8 of the Official Plan permits a home occupation in a single detached dwelling unit provided that the home occupation is a business which is clearly secondary to the residential use and does not generate noise, odour, traffic or visual impacts which may have adverse effect on nearby properties.

ZONING BY-LAW

According to Schedule 'A' of Zoning By-law No. 023-18 the subject property is zoned Agricultural (A), Agricultural Site Specific (sp1), Natural Environment (NE), and contains the Environmental Protection Overlay.

A Zoning By-law amendment is required to recognize the existing dwelling unit as a standalone Accessory Apartment (ADU). Section 4.2 of the Township's By-law allows an accessory apartment within a detached building that is located within the Agriculture (A) Zone. It appears that the existing unit is located within a portion of the site that is zoned as Natural Environment (NE) Zone, where the use is not permitted.

As per Section 4.2.b i) and Section 4.2.b v) accessory apartment permitted in a detached dwelling is to be located within 15 m of the single detached dwelling on the lot where as the existing unit has a setback is 73m and shall not exceed 40 percent of the floor area of the principal dwelling unit to a maximum of 130 m², the existing unit is of size 206m².

Further, as per Section 4.11 a) a home business is permitted within an accessory structure in the Agriculture (A) Zone and the application is proposing to permit a home business of 86m², which exceeds the permitted area in the By-law (50 m²).

A portion of the subject property is also zoned to permit a kennel (sp1), staff will evaluate the option of removing this provision as there is no existing kennel on the lands.

When drafting the Zoning By-law, consideration should be given to the conformity of the proposal with Provincial Policy and the County of Wellington Official Plan, including the scale and compatibility of the proposal and the timing of this proposal relative to the Township's review of Accessory Apartments.

AGENCY AND PUBLIC COMMENTS

This application was circulated to statutory agencies by the Township of Puslinch on January 5th, 2022. The following comments have been provided at the time of preparation of this report:

- **Grand River Conservation Authority (GRCA):** No objection.
- **Wellington Source Water Protection:** Since this property is located in a vulnerable area (wellhead protection area, issues contributing area, intake protection zone etc.), but the activity(ies), as indicated, would not create a significant drinking water threat, the application can be screened out and it does not require a Section 59 notice under the *Clean Water Act*.
- **Township Ecologist:** No comment.
- **Township Engineer (GM BluePlan):** No concerns.
- **Township Hydrologist (Natural Resource Solutions Inc.):** No comment.
- **Township Fire & Rescue Services:** The department has no concerns with the application provided adequate emergency vehicle access is maintained to all buildings to ensure a quick response in an emergency.
- **Planning Development and Advisory Committee (PDAC):** The application was discussed at the PDAC meeting held on March 8th, 2022. Formal minutes have not been adopted by council at this but comments include; not allowing the accessory apartment to be severed in the future, opportunities to reduce the size of the proposed apartment, and no concerns regarding proposed home office.
- **Wellington County Roads Department:** No comments.

NEXT STEPS

The public meeting for this application is scheduled for March 23rd, 2022. We will be in attendance at the public meeting to hear the applicant's presentation and any public comments. 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

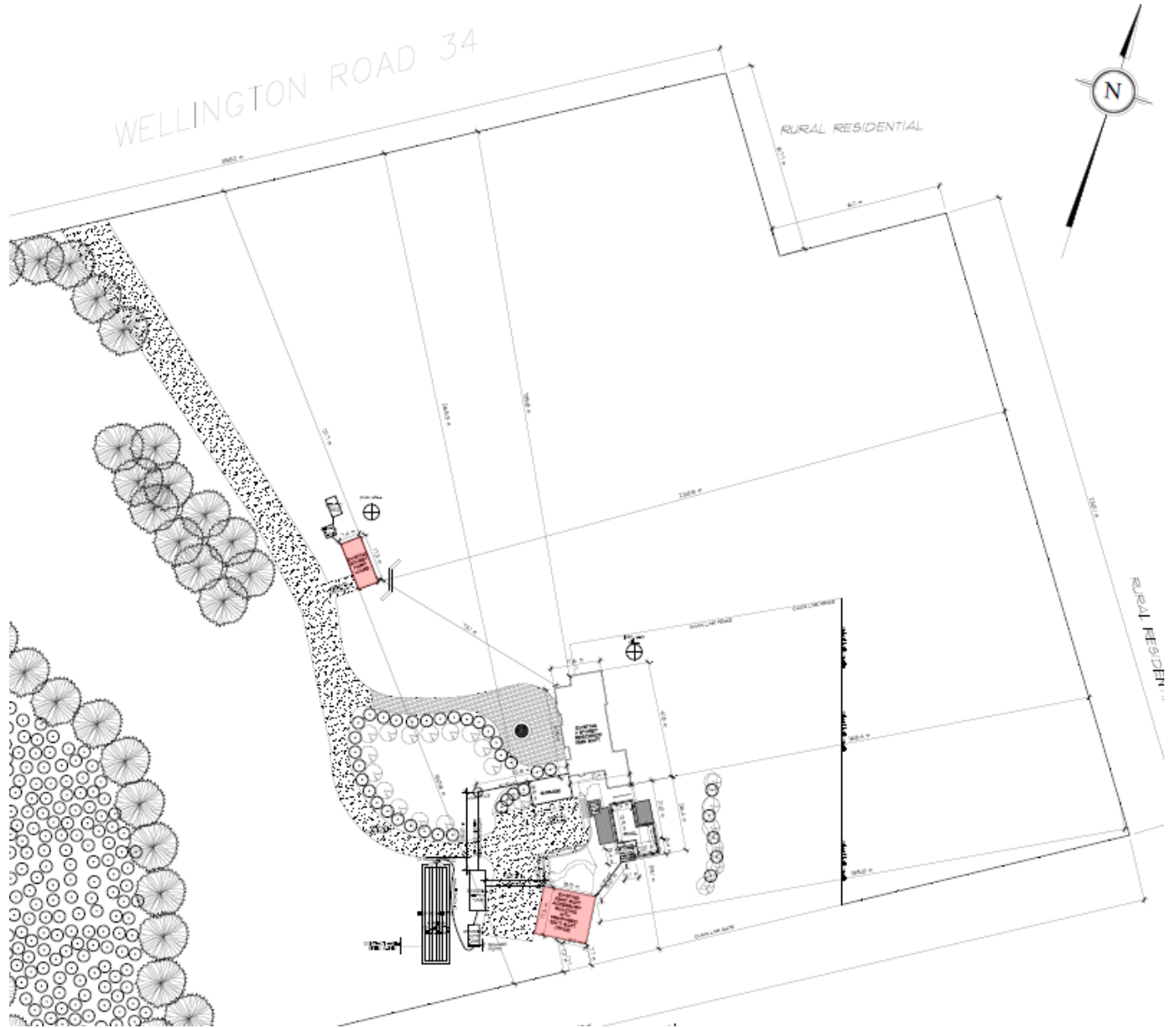


Zach Prince MCIP RPP
Senior Planner

ATTACHMENT 1 – Aerial of Subject Lands



ATTACHMENT 2 - Sketch provided by Applicant



ATTACHMENT 3 – Photos of existing dwellings provided by Applicant





THE TOWNSHIP OF PUSLINCH

NOTICE OF TOWNSHIP INITIATED ZONING AMENDMENT COMPLETE APPLICATION & PUBLIC MEETING

TAKE NOTICE that the Township has initiated a Zoning By-law Amendment to By-law 023/18 and the Council of the Township of Puslinch will hold a public meeting on **Wednesday March 23, 2022 at 7:00 pm** to consider a Zoning Amendment to Zoning By-law 023/18 (File D14-HOM), pursuant to the requirements of Section 34 of the Planning Act, R.S.O., 1990, as amended. **Please note that the Township Offices are closed to the public in response to COVID-19 and as such, all Public Information Meetings are being conducted electronically.**

Please note the meeting is video and audio recorded and all electronic meetings are uploaded to the municipality's YouTube page. By requesting to participate in the meeting by electronic means, you are consenting to have your likeness and comments recorded and posted on YouTube.

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Passcode: **236478**

International numbers available: <https://us02web.zoom.us/j/kb2bws5MVT>

THE PURPOSE AND EFFECT – The Township has undertaken a review of the existing zoning provisions related to Home Industries (Section 4.12) and are considering changes to provisions within Zoning By-law 023/18 related to this use. The proposed changes include but are not limited to: the minimum lot sizes permitted to have a home industry; outdoor storage; setbacks including from abutting dwellings; scale and maximum area. This is a Township initiated amendment that **affects all lands** in the Township of Puslinch where home industries are a permitted use (unless otherwise specified).

ORAL OR WRITTEN SUBMISSIONS

Oral or written submission may be made by the public either in support or in opposition to the proposed Zoning Amendment. Any person may attend the public meeting and make an oral submission or direct a written submission to the Township Clerk at the email address planning@puslinch.ca by **Monday, March 21, 2022 at 4:30pm**. You will be provided with instructions on how to participate in the meeting. All those present at the public meeting will be given the opportunity to make an oral submission, however; it is requested that those who wish to address Council notify the Township Clerk in advance of the public meeting. Instructions will also be provided during the meeting to ensure that those watching the public meeting will be given the opportunity to speak.

TAKE NOTICE that if a person or public body does not make an oral submission at a public meeting or make a written submission to the Township of Puslinch before the Zoning By-law Amendment is passed, the person or public body is not entitled to appeal the decision of the Council of the Township of Puslinch to the Ontario Land Tribunal (OLT).

AND TAKE NOTICE that if a person or public body does not make an oral submission at a public meeting or make a written submission to the Township of Puslinch before the Zoning By-law Amendment is passed, the person or public body may not be added as a party to the hearing of an appeal before the OLT unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

REQUEST FOR NOTICE OF DECISION regarding the Zoning By-law Amendment must be made in written format to the Township Clerk at the address shown below.

ADDITIONAL INFORMATION regarding the proposed amendment is available for review online at www.puslinch.ca. If you need an accessible format, please email planning@puslinch.ca or call (519) 763- 1226 ext. 5.

Dated at the Township of Puslinch on this 25th of February, 2022.

Courtenay Hoytfox
Municipal Clerk
Township of Puslinch
Phone (519) 763-1226
planning@puslinch.ca



PLANNING REPORT for the TOWNSHIP OF PUSLINCH

Prepared by the County of Wellington Planning and Development Department

MEETING DATE: March 23rd, 2022
TO: Glenn Schwendinger, CAO
Township of Puslinch
FROM: Zach Prince, Senior Planner
Meagan Ferris, Manager of Planning and Environment
County of Wellington
SUBJECT: **PUBLIC MEETING REPORT**
D14/HOM - Internal Zoning By-law Amendment – Home Industries
ATTACHMENTS: **1 – Chart with existing provisions and proposed changes**
2 - Policy Review

SUMMARY

The Township introduced provisions for Home Industries through the current Zoning By-law 23/18. Through day to day use and previous public engagement it has been identified that changes may need to be considered to avoid and reduce conflicts and complaints for new home industries in the Township. These concerns and a detail summary of Provincial and local policies were provided in a previous information report to Council in September 2021. The intent of this report is to provide Council and the public with a summary of information regarding this use; an update on public engagement and to present and seek feedback on draft proposed adjustments to the Zoning By-law.

It is recommended that this Public Meeting report regarding the proposed Zoning By-law Amendment D14/HOM be received for information.

INTRODUCTION

The intent of the report is to provide Council and the public with a summary of information, an update on public engagement and comments received to date, and propose draft changes to the Zoning By-law. The aforementioned proposed changes can be seen in **Attachment 1** and Planning staff are seeking feedback from the public and Council regarding the suggested changes. This report has been prepared in addition to the Information and Options reports received by Puslinch Council on September 22nd 2021.

Home Industries are currently permitted as of right in the Agricultural (A) and Rural Residential (RUR) zones and subject to regulations in Section 4.12 Home Industries. Home Industries themselves can be a number of different uses including a carpentry shop, a metal working shop, a welding shop, minor equipment repair shop, etc. By definition and general provisions, Home Industries differ in the Township's zoning By-law from Home Businesses. A Home Industry may operate in an accessory building and include generally more intensive uses than Home Businesses. The proposed changes would apply to Home Industries in the Township only.

Previous concerns identified included parking, outdoor storage, noise generated from equipment or machinery, businesses that primarily meet onsite but provide off site services, and storage of toxic chemicals.

POLICY REVIEW

A detailed policy review relative to applicable Provincial and County policies was provided in a previous information report presented to Council September 22nd, 2021. This information has been included within **Attachment 2** for review.

In summary, provincial policy generally permits home industries in the Rural Area and in Prime Agricultural Areas as an on-farm diversified use. Within the Prime Agricultural Area, there are provincial guidance/criteria provided regarding on-farm diversified uses, which a home industry may fall under. The County of Wellington also allows home and farm businesses and small scale commercial, industrial and institutional uses in the Secondary Agricultural Area designation. The Township of Puslinch Zoning By-law does not distinguish between the prime agricultural and secondary agricultural land use designations.

PUBLIC ENGAGEMENT & AGENCY COMMENTS

It is noted that the previous information report identified a series of community concerns received as part of a previous housekeeping process and issues related to By-law enforcements/complaints. These comments have also been considered in Planning staff's review and as part of the public comments. Since the information report, the Township has undertaken additional public engagement. A summary of the engagement process and comments received to date are found below:

Resident Survey (Engage Puslinch)

The Township launched a survey through Bang the Table relative to Home Industries on December 6th, 2021. The survey will remain open for public comments until March 30th, 2022, and staff will provide Council a summary of the results within a future planning recommendation report.

Public Information Centre (PIC) & Planner Meeting

The Township hosted a PIC on December 7th, 2021 with a notice being sent out on November 25th, 2021. The PIC was attended by 4 members of the public. Planning staff also set aside a day (December 10th) for the public have a meeting with County Planning staff to answer any additional public questions and comments. The comments received through this process include:

- Consistency of existing provisions with Provincial Guidelines in the Prime Agricultural Area;
- How does the Township currently monitor Home Industries and is there an opportunity for the Township to collect information via other sources to better understand how changes will impact existing operators;
- Concerns related to outdoor storage permissions, including setbacks to property lines, and size limits,
- Consideration should be given to the use of shipping containers as part of a home industry and included in the size permissions,
- Ensuring there are no on site sales included in a home industry,
- Ability for the Township to track businesses, and ensuring home industries are taxed at a commercial rate.

Puslinch Development Advisory Committee (PDAC)

Immediately following the PIC on December 7th, 2021, the proposal was also considered and comments on by the PDAC. The following comments were received:

- Does the Township require home industries to register their business?
- How are the number of employees determined?

- When a small business grows then there appears to be some that take advantage and expand their businesses without moving to a larger property and add more vehicles and employees at their current location.
- Setbacks, screening, lot size and number of employees are appropriate concerns and site plan control may be a good tool to control business sizes

Agency Comments

As required under the *Planning Act*, the application was circulated to agencies and Township staff for review. At the time of this report, no comments were received.

TOWNSHIP ZONING BY-LAW

Planning staff have completed a review of the existing zoning provisions and public comments received to date and have included proposed draft changes to the home industry regulations as seen in **Attachment 1**. The proposed changes are summarized below:

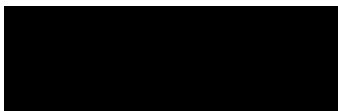
- Amend the definition of a “Home Industry” to provide clarification for sharing the use of a building
- Added a provision in Section 4.4.2 Accessory Buildings and Structures to reference Home Industries
- Add a larger minimum lot area: 1 ha (2.5 ac)
- Add a minimum setback from adjacent dwellings and vacant lots: 30 m
- Add a requirement for the home industry to be located in a stand alone structure (ie cannot be shared with other uses)
- Clarify motor vehicle permissions as part of the home industry
- Requirement for site plan approval or a change of use permit to use an existing building
- Adding additional prohibited uses, including kennel and outdoor storage.

CONCLUSION

The public meeting for this application has been scheduled for March 23rd, 2022. Planning staff will be in attendance at the public meeting to hear any public input, and Council comments.

We trust that these initial comments are of assistance to the Township. Our final planning recommendations, including a final draft by-law and an update on public comments, will be provided to Council following the public meeting and resolution of any outstanding items.

Respectfully submitted
County of Wellington Planning and Development Department



Zach Prince, RPP MCIP
Senior Planner



Meagan Ferris, RPP MCIP
Manager of Planning and Environment

ATTACHMENT 1: Chart with existing provisions and proposed changes

Township of Puslinch 2022 Proposed Home Industry Amendments

#	Zoning By-law Section	Existing Provision/Section	Proposed Provision/Section	Recommendation	
1.	3.0	Definitions	<p>Home Industry: a small-scale use providing a service that is accessory to a dwelling unit or agricultural operation. A home industry may be conducted in whole or in part in an accessory building and may include a carpentry shop, a metal working shop, a welding shop, or minor equipment repair shop etc., but does not include any activity relating to the operation or maintenance of a vehicle or any activity requiring the use of toxic chemicals.</p>	<p>Home Industry: a small-scale use providing a service that is accessory to a dwelling unit or agricultural operation. A home industry may be conducted in whole or in part in shall be located entirely within an accessory building and may include a carpentry shop, a metal working shop, a welding shop, or minor equipment repair shop etc., but does not include any activity relating to the operation or maintenance of a motor vehicle or any activity requiring the use of toxic chemicals.</p>	<p>Revise wording to align with added provision that the home industry must be located in a building and be the sole occupant of a building.</p>
2.	4.4.2	Accessory Uses, Buildings, and Structures	<p>Accessory Buildings and Structures</p> <p>a) No accessory building or structure shall be erected on a lot prior to the erection of the principal building on the lot.</p> <p>b) No accessory building or structure shall be used for human habitation or as a home business, unless expressly permitted by this By-law.</p> <p>c) No accessory building or structure or part thereof shall be located within:</p> <p style="padding-left: 20px;">I. an easement that is in favour of a public authority;</p> <p style="padding-left: 20px;">II. a sight triangle; or</p> <p style="padding-left: 20px;">III. One (1) metre from the principal building on the lot.</p> <p>d) Nothing in this By-Law shall apply to prevent the erection of a:</p> <p style="padding-left: 20px;">I. gatehouse, anywhere in a front yard or exterior side yard in an Industrial Zone;</p> <p style="padding-left: 20px;">II. boat house or boat dock at the edge of a watercourse; or</p> <p style="padding-left: 20px;">III. a partially enclosed shelter for use by children while waiting for a school bus, anywhere in a front yard or exterior side yard in an Agricultural (A) Zone.</p> <p>e) No more than three accessory buildings or structures shall</p>	<p>Accessory Buildings and Structures</p> <p>a) No accessory building or structure shall be erected on a lot prior to the erection of the principal building on the lot.</p> <p>b) No accessory building or structure shall be used for human habitation or as a home business, unless expressly permitted by this By-law.</p> <p>c) No accessory building or structure or part thereof shall be located within:</p> <p style="padding-left: 20px;">I. an easement that is in favour of a public authority;</p> <p style="padding-left: 20px;">II. a sight triangle; or</p> <p style="padding-left: 20px;">III. One (1) metre from the principal building on the lot.</p> <p>d) Nothing in this By-Law shall apply to prevent the erection of a:</p> <p style="padding-left: 20px;">I. gatehouse, anywhere in a front yard or exterior side yard in an Industrial Zone;</p> <p style="padding-left: 20px;">II. boat house or boat dock at the edge of a watercourse; or</p> <p style="padding-left: 20px;">III. a partially enclosed shelter for use by children while waiting for a school bus, anywhere in a front yard or exterior side yard in an Agricultural (A) Zone.</p> <p>e) No more than three accessory buildings or structures shall</p>	<p>Add wording to clarify the setback permissions of an accessory building containing a home industry.</p>

#	Zoning By-law Section	Existing Provision/Section	Proposed Provision/Section	Recommendation
		<p>be permitted on a lot in any Residential Zone, unless otherwise permitted by this By-law</p> <p>f) Regulations in Table 4.1 shall also apply to accessory buildings and structures.</p>	<p>be permitted on a lot in any Residential Zone, unless otherwise permitted by this By-law</p> <p>f) Regulations in Table 4.1 shall also apply to accessory buildings and structures.</p> <p>g) A home industry shall be subject to the regulations in Section 4.12</p>	
3.	4.12	<p>General Provisions – Home Industries</p> <p>a. The following regulations apply to a home industry where permitted by this By-law:</p> <p>i. The home industry shall be clearly incidental and secondary to the principal residential use to which it is accessory and shall not change the residential character of the dwelling;</p> <p>ii. A home industry shall not be permitted to operate or locate in any part of a dwelling unit;</p> <p>iii. The total number of home industries permitted shall be limited to one per lot;</p> <p>iv. No home industry shall create or become a public nuisance, particularly with regard to noise, traffic, emissions, parking or radio or television interference;</p> <p>v. Only two on-site employees, in addition to the permanent residents of the dwelling unit, may be employed by the home industry;</p> <p>vi. The home industry shall meet the same yard provisions as required for the principal use on the lot for the Zone in which it is located;</p> <p>vii. The maximum total floor area dedicated to a home industry on a lot shall not exceed 100 m²; and</p> <p>viii. The following uses are specifically prohibited as a home industry:</p> <ol style="list-style-type: none"> 1) a restaurant; 2) animal clinic or agricultural animal clinic; 3) warehouse; or, 4) the repairing, sale or storage of vehicles, mobile homes, trailers, or heavy machinery. 	<p>a. The following regulations apply to a home industry where permitted by this By-law:</p> <p>i. Minimum Lot Area: 1 ha (2.5 ac)</p> <p>ii. Minimum Setback to off-site dwelling, dwelling unit and vacant lots: 30m</p> <p>iii. The home industry shall be clearly incidental and secondary to the principal residential use to which it is accessory and shall not change the residential character of the dwelling;</p> <p>iv. A home industry shall not be permitted to operate or locate in any part of a dwelling unit;</p> <p>v. The total number of home industries permitted shall be limited to one per lot;</p> <p>vi. No home industry shall create or become a public nuisance, particularly with regard to noise, traffic, emissions, parking or radio or television interference;</p> <p>vii. Only two on-site employees, in addition to the permanent residents of the dwelling unit, may be employed by the home industry;</p> <p>viii. A maximum of three motor vehicles directly related to the home industry are permitted to be parked on the same lot provided the vehicles are located within a building or behind a building and screened from public view to the satisfaction of the Township;</p> <p>ix. The home industry shall meet the same yard provisions as required for the principal use on the lot for the Zone in which it is located;</p> <p>x. The maximum total floor area dedicated to a home industry on a lot shall not exceed 100 m²;</p>	<p>Add regulations to the existing home industry permissions including lot area, setback to sensitive uses, clarify commercial vehicle parking associated with the use, clarify the home industry shall be the sole use and add additional prohibited uses.</p>

#	Zoning By-law Section	Existing Provision/Section	Proposed Provision/Section	Recommendation
			<p>xi. A Home Industry shall be the sole use of a building or structure;</p> <p>xii. The following uses are specifically prohibited as a home industry:</p> <ul style="list-style-type: none"> 1) a restaurant; 2) animal clinic or agricultural animal clinic; 3) warehouse; 4) the repairing, sale or storage of motor vehicles, mobile homes, transport trucks, trailers, or heavy machinery. 5) kennel 6) outdoor storage 	

ATTACHMENT 2: Policy Review

PROVINCIAL POLICY

PROVINCIAL POLICY STATEMENT (PPS), 2020

Rural Lands:

All planning policies must be consistent with the PPS. Within the Rural lands the following uses are permitted, Section 1.1.5.2: *“On rural lands located in municipalities, permitted uses are:*

- a) the management or use of resources;*
- b) resource-based recreational uses (including recreational dwellings);*
- c) residential development, including lot creation, that is locally appropriate;*
- d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;*
- e) home occupations and home industries;*
- f) cemeteries; and*
- g) other rural land uses.”*

Prime Agricultural Areas and Lands

Section 2.3.3.1 states: *“In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.”*

The PPS defines ‘on-farm diversified uses’ as: *uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products. Ground-mounted solar facilities are permitted in prime agricultural areas, including specialty crop areas, only as on-farm diversified uses.*

Publication 851 (Guidelines on Permitted Uses in the Prime Agricultural Areas)

Section 1.1 of the publication states: *“The guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas will help municipalities, decision-makers, farmers and others interpret the policies in the Provincial Policy Statement, 2014 (PPS) on the uses that are permitted in the prime agricultural areas. It comprises the provincial guidelines referred to in Policy 2.33.1 of the PPS.”*

The Guidelines provide examples of Agricultural uses, Agricultural-Related uses and On-farm diversified uses. Home industries are permitted as an on farm diversified use, subject to the criteria in Section 2.3.3 of the PPS.

Table 1 Criteria for permitted uses in the prime agricultural areas, provides criteria for uses in prime agricultural areas, regarding On-Farm Diversified uses, the following applies:

1. Located on a farm
2. Secondary to the principal agricultural use of the property
3. Limited in area
4. Includes, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products
5. Shall be compatible with, and shall not hinder, surrounding agricultural operations.

Section 2.3.3 provides examples of what would not be an On-Farm Diversified Use, including:

Large-scale equipment or vehicle dealerships, hotels, landscape businesses, trucking yards, large-scale recurring events, institutional uses (Churches, schools, nursing homes, cemeteries)

Publication 853 (The Minimum Distance Separation (MDS) document)

MDS is largely addressed within the zoning by-law; however, there are some guidelines that Council may want to consider.

Guideline 13: Non-Application of MDS to Accessory Structures

When an MDS I setback is required by a municipality for building permit applications on a lot which existed prior to March 1, 2017, in accordance with Implementation Guideline #7, an MDS I setback shall NOT be required for proposed structures accessory to a dwelling, including, but not limited to: decks, garages, gazebos, greenhouses, outbuildings, patios, picnic areas and sheds.

Guideline 35: MDS Setbacks for Agriculture-Related Uses and On-Farm Diversified Uses

MDS I setbacks from existing livestock facilities and anaerobic digesters will generally not be needed for land use planning applications which propose agriculture-related uses and onfarm diversified uses. However, some proposed agriculture-related uses and on-farm diversified uses may exhibit characteristics that could lead to potential conflicts with surrounding livestock facilities or anaerobic digesters. Therefore, it may be appropriate for municipalities to require an MDS I setback to permit certain types of these uses.

Guideline 36: Non-Application of MDS Within Settlement Areas

MDS I setbacks are NOT required for proposed land use changes (e.g., consents, rezonings, redesignations, etc.) within approved settlement areas, as it is generally understood that the long-term use of the land is intended to be for non-agricultural purposes.

GROWTH PLAN, 2020

The Growth Plan introduced Agricultural System Mapping which designates areas as Prime Agricultural and provides policies related to permissions within these areas. The County’s Agricultural system mapping limits many of the same uses as the Growth Plan within the Prime Agricultural Designation.

GREENBELT PLAN, 2017

A portion of Puslinch falls within the Provincial Greenbelt Plan and should be considered when looking to at agricultural properties and on-farm diversified uses. For lands falling within prime agricultural areas of the Protected Countryside, the following policies shall apply:

3.2.3.1. All types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted based on provincial Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with and shall not hinder surrounding agricultural operations.

LOCAL POLICY

COUNTY OF WELLINGTON OFFICIAL PLAN

The Official Plan provides direction for Home Businesses in the County, Section 4.2.6 States: “Wellington County supports the trend towards more home based businesses and will facilitate new home business through planning policy.

In the Urban System, home businesses will be small in size and normally restricted to the occupants of the property. These uses will be oriented towards providing services rather than retail functions. Compatibility with surrounding residential development is a primary consideration.

In the Rural System, home businesses similar to those allowed in the Urban System are encouraged. Additionally, the following uses may be considered:

- *“sales outlets for agricultural products produced on the farm;*
- *home industries which are small in scale with limited employees, and minimal off site impact;*
- *bed and breakfast establishments*
- *farm vacation enterprises.”*

Within the Prime Agricultural Designation in Section 6.4.3 the following uses are permitted:

- “a) agricultural uses*
- b) secondary uses including home businesses and farm businesses*
- c) agriculture-related uses*
- d) existing uses*
- e) single detached homes*
- f) Additional Residential Units subject to Sections 4.4.6*
- g) garden suites subject to Section 4.4.7*
- h) accessory residence*
- i) forestry uses*
- j) wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts*
- k) licensed aggregate operations*
- l) community service facilities*
- m) group homes on existing lots of records*
- n) kennels on existing lots of record”*

Section 6.4.4 Home Businesses and Farm Businesses states: *“Home businesses are home occupations and home industries that are secondary to the principal use of the property and may be allowed, subject to zoning provisions, as a means of supplementing farm incomes and providing services in agricultural areas and may include:*

- *small home occupations conducted from the main residence with employment normally limited to the occupants of the property – examples include bed and breakfast, day care, hairdresser, and professional services;*
- *home industries which are small in scale with a limited number of employees, and minimal off-site impacts – examples include minor equipment repair, woodworking, crafts, and welding;”*

Section 6.5.3 of the Official Plan also establishes permitted uses in the Secondary Agricultural designation, which include those permitted in the Prime Agricultural Designation and small scale commercial, industrial and institutional uses.

Section 6.5.4 provides the following regarding Commercial, Industrial and Institutional uses in the Secondary Agricultural Area.

“Small scale commercial, industrial and institutional uses may be permitted provided that:

- a) appropriate sewage and water systems can be established;*
- b) the proposed use is compatible with surrounding uses;*
- c) the use requires a non-urban location due to:*
 - *market requirements;*
 - *land requirements;*
 - *compatibility issues.*
- d) the use will not hinder or preclude the potential for agriculture or mineral aggregate operations;*
- e) the use will be small scale and take place on one lot and large scale proposals or proposals involving more than one lot will require an official plan amendment.”*