

AMENDMENT NO. 22
(GENERAL UPDATE)
TO THE
MUNICIPALITY OF BLUEWATER
OFFICIAL PLAN

**SCHEDULE 1
CORPORATION OF THE
MUNICIPALITY OF BLUEWATER
BY-LAW - 2022**

Being a By-law to adopt a ‘General Update’ amendment to the Bluewater Official Plan;

Whereas the Municipal Council of the Corporation of the Municipality of Bluewater considers it advisable to adopt an amendment to the Bluewater Official Plan, as amended; and

Now Therefore the Council of the Corporation of the Municipality of Bluewater adopts the amendment as follows:

1. This by-law shall apply to all lands within the Municipality of Bluewater.
2. This by-law affects the Bluewater Official Plan, as attached as Schedule B.
3. That the Clerk is hereby authorized and directed to provide Notice of Adoption of the Amendment in accordance with Section 17(23) of the Planning Act, RSO 1990, as amended.
4. The plan authorized by this by-law shall come into effect pursuant to Section 17(27) of the Planning Act, RSO 1990, as amended.
5. This By-law shall come into force and take effect on the day of final passing thereof.

Read a first and second time this XX day of XXXXXXXX, 2022.

Read a third time and finally passed this XX day of XXXXXXXX, 2022.

Paul Klopp, Mayor

Chandra Wilson, Clerk

CONSTITUTIONAL STATEMENT

PART 'A'

Part 'A' is the preamble to Amendment No. 22 to the Official Plan for the Municipality of Bluewater, and does not constitute part of this amendment. It provides general introductory information on the purpose, location and basis of the amendment.

PART 'B'

Part 'B' consisting of the following maps (Schedule 'B') and text constitutes Amendment No. 22 to the Official Plan for the Municipality of Bluewater. Part 'B' contains the housekeeping text amendment and land use designation change.

PART 'C'

Part 'C' is the appendix and does not constitute part of this amendment. The appendices contain the background data, planning considerations and public participation associated with this amendment. Although the attached appendices do not constitute part of the formal amendment, they do provide explanatory material. In cases where a more detailed interpretation of the amendment is required, such an interpretation will be obtained from the appendices.

PART 'A' PREAMBLE

AMENDMENT NO. 22 TO THE OFFICIAL PLAN FOR THE MUNICIPALITY OF BLUEWATER

1. PURPOSE

The purpose of the Official Plan Amendment is primarily to include direction in the Official Plan and Zoning By-law to allow for more flexible housing options including:

- additional residential uses in towns, villages and agricultural settings;
- intensification within urban neighbourhoods; and
- housing units on the main and upper floors of select properties in Downtown Zurich and Hensall (pending public feedback). Housing units will continue to be permitted above or behind commercial uses on the traditional main streets (King Street in Hensall and Goshen Street N in Zurich).

There are also several housekeeping type amendments proposed to maintain consistency with the Huron County Official Plan (2021) and Provincial Policy Statement (2020). This is an amendment under Sections 17 and 21 of the Planning Act and not a Five Year Review under Section 26 of the Planning Act.

This Amendment will:

Agriculture

1. Incorporate policies and provisions to permit Additional Residential Units in the agricultural area as follows:
 - a. On commercial scale farms (AG1), an ARU is permitted in either or both of the main dwelling and detached unit provided the detached ARU is located within 60 metres of the existing building cluster and utilizes the same laneway.
 - b. On small agricultural holdings (AG4) a single ARU is permitted in either the main dwelling or detached structure provided the detached ARU is located within 60 metres of the main dwelling and utilizes the same laneway.
2. Clarify that Minimum Distance Separation is not applicable to On-Farm Diversified Uses or Agricultural Commercial Industrial (AG3) uses.
3. Amend the application of MDS to cemeteries such that cemeteries are treated as a Type A Land Use (single distance) rather than a Type B Land Use (double distance).
4. Expand permissions for on-farm accommodation for farm labour to building types other than a mobile home.

5. Update On-Farm Diversified Use policies and provisions to reflect updated Provincial Policy and permit a wider range of on-farm businesses (on-farm markets, on-farm events facility, etc).

Urban Settlement Areas

6. Incorporate provisions for Additional Residential Units (ARU) in R1, R2 and R3 zones in fully serviced settlement areas with available reserve capacity (ie. Hensall and Zurich) and unserved settlement areas (ie. Blake, Brucefield, Varna, etc) subject to lot size and area for septic systems. Additional Residential Units will not be permitted in the Lakeshore Settlement Area.
7. Permit mobile and modular homes to be utilized for detached ARUs in R1, R2 and R3 zones.
8. Introduce definitions for rowhouse (in place of multiple attached), additional residential unit, multi-unit residential building (in lieu of apartment, stacked townhouse, etc), residential with supports (in lieu of hospice, group home, emergency shelter, etc).
9. Remove unit maximums in low, medium and high density residential areas.
10. Clarify that lot creation and/or intensification is permitted based on MOE D-Series Guidelines for Nitrates and the County's Nitrate Terms of Reference. A contingency bed is no longer required for new lot creation but all lots must be sized for conventional septic systems.

Downtown

11. Permit housing units on the main and upper floors of properties in Downtown Hensall and Zurich located on side streets. Housing units will continue to be permitted above or behind commercial uses along traditional main streets (King Street in Hensall and Goshen Street N in Zurich).

Lakeshore

12. Clarify that all lot creation in the Lakeshore Residential Designation will be based on the lot standards of the Lakeshore Residential (LR1) zone and not the Recreational (RC1) zone. This is to reflect the growing trend of lakeshore properties being utilized year round.
13. Clarify in the Official Plan that all infrastructure required for a development must be located in the same designation and zone on the same property.

2. LOCATION

The amendment applies to all lands within the Municipality of Bluewater.

3. BASIS

This is a municipally initiated amendment which seeks to update many policies in the Plan. The purpose and effect of the General Update is primarily to include direction in the Official Plan and Zoning By-law to allow for more flexible housing options including:

- additional residential uses in towns, villages and agricultural settings;
- intensification within urban neighbourhoods; and
- housing units on the main and upper floors of select properties in Downtown Zurich and Hensall (pending public feedback). Housing units will continue to be permitted above or behind commercial uses on the traditional main streets (King Street in Hensall and Goshen Street N in Zurich).

There is a corresponding Zoning By-law Amendment to implement these changes.

PART 'B'

AMENDMENT NO. 22 TO THE OFFICIAL PLAN FOR THE MUNICIPALITY OF BLUEWATER

1. INTRODUCTION

All of this part of the document entitled Part 'B' consisting of the following text, constitute Amendment No. 22 to the BLUEWATER Official Plan.

2. DETAILS OF THE AMENDMENT

2.1 The text of the Municipality of Bluewater Official Plan is hereby amended by:

- a) Amend Section 3.2 by the addition of the following:
To recognize that a strong agricultural economy requires housing but not to allow the decentralization of general housing uses onto prime agricultural lands.
- b) Amend Section 3.3.1. by replacing the last two paragraphs with the following:
A maximum of two (2) additional residential units ancillary to a main dwelling may be permitted on farms engaged in commercial scale farming, either within the farm dwelling and/or in an accessory building. If located within an accessory building, the additional residential unit must:
 - meet MDS requirements;
 - be situated within close proximity to the existing dwelling or the existing cluster of buildings;
 - use the existing driveway for access as the main farm dwelling;
 - Have appropriate services available. The additional residence is encouraged but not required to share water and wastewater services with the existing dwelling.Additional residential units will not be permitted to be severed onto a separate lot, and may not be considered for a surplus farmhouse severance.
In addition to the main dwelling and additional residential units, a farm parcel is also permitted to contain accommodations for additional farm labourers if demonstrated to be required by the farm operation. The accommodations can take multiple forms, are not limited to temporary forms of housing but must be located within close proximity to the building cluster.

On parcels in the agricultural designation which are not engaged in commercial scale farming, a total of one (1) Additional Residential Unit is permitted within the main dwelling or within an accessory building which is located in the immediate vicinity of the main dwelling, complies with Minimum Distance Separation Formulae, and utilizes the same access point and laneway. A consent for lot creation will not be permitted for Additional Residential Units.
Garden suites are also permitted on a temporary basis in a moveable structure ancillary to the dwelling and subject to the policies outlined in the Settlement Area Section. Existing garden suite may transition to a permanent Additional Residential Unit should they meet all of the policy criteria.
- c) Section 3.3.10 is amended by the replacement of the last sentence with the following:
All cemeteries are considered low visitation and shall be considered a Type A Land Use for the purpose of MDS.
- d) Amend Section 3.3.10. with the addition of the following after the first sentence:
"Unless where specified specifically by this Plan such as in reference to low visitation cemeteries, agricultural commercial or industrial uses and/or on farm diversified uses).
- e) Delete Section 3.3.8 and replace with the following:
On-Farm Diversified Uses

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, including wineries. On-farm diversified uses are small-scale business uses and are permitted in the agricultural designation, provided they:

- Are secondary to the principal agricultural use of the property;
- Are operated by persons residing on the farm/small holding;
- Do not interfere with the farm operation and do not conflict with the surrounding uses;
- Do not occupy large amounts of farmland and are limited in area;
- Have adequate servicing:
 - i. If Municipal water and/or sewage services are available, the property shall be connected to municipal water and/or sewage services; or
 - ii. If Municipal services are not available, the property can be serviced by the water supply and sewage disposal system on the property;
- Do not cause a traffic or safety concern;
- Obtain relevant permits from the Health Unit;
- Provide safe access onto an open public road;
- Are not severed from the property onto their own lot; and
- Comply with the provisions of the zoning by-law which may regulate these uses.

On farm diversified uses shall be permitted in accordance with the definitions and provisions in the Zoning by-law.

On-Farm Diversified Uses are not subject to Minimum Distance Separation requirements and are encouraged to cluster with the on-farm residence where possible.

On-Farm Diversified Uses may be subject to Site Plan Control.

- f) Amend Section 3.3.7. with the addition of the following:
Agriculturally Related Commercial and Industrial Operations are not subject to Minimum Distance Separation requirements, nor are barns required to meet MDS requirements when siting in proximity to an agricultural related commercial or industrial use.
- g) Amend Section 7.2. by deleting the definitions of 'Low, Medium and High Density Housing' and replacing with the following:
Low Density: permitted dwelling types includes single detached, semi-detached, duplex, triplex, quadraplex and converted dwellings and will generally be two storeys in height. In addition, low density residential uses are permitted to have additional residential units.

Medium Density: consists of low density uses, rowhouses and multi-unit buildings not exceeding three storeys.

High Density: consists of multi-unit residential uses generally greater than three storeys in height.

Additional Residential Unit: a self-contained residential unit with kitchen and bathroom facilities that is located within a single detached, semi-detached or rowhouse dwelling unit or within a building or structure which is accessory to single detached, semi-detached, triplex, fourplex, or rowhouse dwelling.

Dwelling with Support: means a residence for the short or long term accommodation of persons who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being. This shall include, for example, a group home, crisis care facility, hospice, respite care, but shall not include a hotel or motel.

- h) Amend Section 7.4.4.2.5. by deleting and replacing with the following:
Additional Residential Units
Additional Residential Units are self-contained residential units with kitchen and bathroom facilities that are located:

In full service areas: within a single detached, semi-detached or rowhouse dwelling unit or within a building or structure which is accessory to single detached, semi-detached, triplex, fourplex, or rowhouse dwelling.

In partially or privately serviced areas: within a single detached or within a detached structure accessory to a single detached.

- i) Amend Section 7.5.3.2. by deleting:
“character and architectural design of existing development”
- j) Amend Section 7.5.3.3 by replacing the first sentence with:
“Shall demonstrate compliance with the County’s Residential Intensification Guidelines”.
- k) Amend Section 7.5.3.3 by deleting the last bullet point.
- l) Amend Section 7.5.3.6 by replacing (a) with the following:
The proposed built form is compatible with the surrounding neighbourhood and demonstrates compliance with the County’s Residential Intensification Guidelines.
- m) Amend Section 7.5.3.6(g) by deleting:
“and microclimatic conditions such as shadowing”.
- n) Amend Section 7.5.3 by replacing each reference to ‘Second Residential Units’ with ‘Additional Residential Units’.
- o) Amend Section 7.5.3.1. by the addition of the following:
All new residential developments should have consideration for the need for housing options for all income types and household sizes. A mix of housing tenures and forms is recognized for its benefits to the entire community.
- p) Amend Section 7.5.3.14. by deleting ‘Group Home’ and replacing with the following:
Healthy, complete communities are inclusive of all residents. A dwelling with supports, as defined within the Official Plan, is permitted in all residential areas with the exception of the Lakeshore Settlement Area.
- q) Amend Section 7.5.3.2. with the addition of the following:
There is a substantial supply of single detached dwellings in established neighbourhoods within Primary Settlement Areas. Single detached dwellings continue to meet some of the housing need but a broader range of housing forms will be permitted and promoted in low density areas. Intensification is considered compatible in established neighbourhoods; with respect to residential development, ‘compatible’ means development or redevelopment which may not necessarily be the same as or similar to the existing development in the vicinity, but shall not creating undue, adverse impacts on adjacent properties.
- r) Amend Section 7.5.3.3. by deleting and replacing with the following:

Residential Development (Low, Medium and High Density)

A variety and mix of housing will facilitate the provision of a full range of housing options including building type, size, tenure (eg. rental, ownership, life lease, etc) affordability, housing which contains supports and location.

New residential development, including infill and intensification, shall occur at a density which efficiently uses land, resources, infrastructure, public lands and community facilities. Intensification and the development of currently designated lands will form the primary method of meeting new housing need and demand which supports the preservation of farmland and natural areas, promotes energy efficiency and maximizes community investments in infrastructure.

New residential development will be directed to locations where adequate services are available. Services to be considered include but are not limited to water supply, wastewater disposal, stormwater management, roads, sidewalks, and public facilities (e.g. schools, parks and open spaces). Where appropriate, new or improved active transportation infrastructure such as walking trails and/or bike paths should be incorporated into the design of new developments.

Healthy neighbourhoods are inclusive of all housing needs. Uses such as group homes, hospice, overnight respite, emergency housing, transitional housing or others which are defined as Residential with Supports will be permitted in all residential areas.

Additional Residential Units (ARUs) shall be permitted either within the main dwelling and/or in a structure accessory to a residence. A maximum of two Additional Residential Units are permitted per dwelling unit in fully serviced residential areas.

Additional Residential Units shall:

- Be connected to municipal services (water and wastewater);
- Subject to the provisions of the Zoning Bylaw.

New developments in fully serviced greenfield areas are required to be developed to a higher density than existing residential neighbourhoods of the settlement areas. For example, including higher density building types, designing buildings with Additional Residential Units, establishing reduced lot area and frontage requirements, etc. All new developments of 10 or more units will demonstrate how market-based needs such as affordability have been addressed.

High density residential developments are encouraged to locate within or close to the Core Commercial Area or along arterial streets. Co-location of high density uses with parks and/or other community destinations such as community mailboxes is encouraged.

Higher density developments will be subject to Site Plan Control including exterior design control. Adherence to the County's Residential Intensification Guidelines shall be demonstrated.

- s) Amend 7.5.4.1.7. by deleting the second bullet and replacing with the following:
Residential development will be encouraged in the Core Commercial Area. Multi-unit forms of housing will be permitted in accordance with the policies of this Plan including conversion of existing commercial buildings and new residential construction. Residential uses will be located above and behind non-residential uses fronting onto traditional main streets and at streetlevel and above on supporting/side streets within the Core Commercial Area. Where a residential use is located above/behind, a minimum of 50% of the ground floor areas must be used for commercial, office or community facility use and the non-residential use must extend across the entire frontage of the building.
- t) Section 7.6.2. is amended by the addition of the following:
7.6.2.4. Additional Residential Units
Additional Residential Units will be permitted in privately serviced settlement areas subject to appropriate standards of health and safety with respect to on-site sewage disposal and general lot planning. A total of one (1) Additional Residential Unit is permitted on a private serviced lot, either within the dwelling or in a building or structure accessory to the dwelling.
An Additional Residential Unit will not be permitted on a privately serviced lot that is less than 2.0 acres unless supported by a Nitrate Study completed in accordance with Provincial Guidelines and the County Terms of Reference for Nitrate Studies.
Additional Residential Units are not permitted on lots which are legal non-conforming with respect to minimum lot area.
The Zoning Bylaw will establish the zones within which Additional Residential Uses may be permitted and shall include provisions to regulate the use.
- u) Amend Section 7.4.10.4 with addition of below after 'nitrates':
"and the County of Huron's Terms of Reference for Nitrate Studies. All lots will be sized to accommodate a conventional septic system but a contingency bed area is not required".

- v) Amend Section 7.7.2.1. by adding the following:
17) Additional Residential Units are not permitted within the Lakeshore Residential Designation.
- w) Amend Section 7.7.2.1.7. with addition of below after 'nitrates':
"and the County of Huron's Terms of Reference for Nitrate Studies. All lots will be sized to accommodate a conventional septic system but a contingency bed area is not required".

PART 'C'

APPENDICES

The appendices do not form part of the amendment but are for information purposes only.

Background

The purpose of the Official Plan Amendment is primarily to include direction in the Official Plan and Zoning By-law to allow for more flexible housing options including:

- additional residential uses in towns, villages and agricultural settings;
- intensification within urban neighbourhoods; and
- housing units on the main and upper floors of select properties in Downtown Zurich and Hensall (pending public feedback). Housing units will continue to be permitted above or behind commercial uses on the traditional main streets (King Street in Hensall and Goshen Street N in Zurich).

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This Amendment will:

Agriculture

1. Incorporate policies and provisions to permit Additional Residential Units (ARU) in the agricultural area as follows:
 - a. On commercial scale farms (AG1), an ARU is permitted in either or both of the main dwelling and detached unit provided the detached ARU is located within 60 metres of the main dwelling and utilizes the same laneway.
 - b. On small agricultural holdings (AG4) a single ARU is permitted in either the main dwelling or a detached structure provided the detached ARU is located within 60 metres of the main dwelling, in the rear or side yard, and utilizes the same laneway.
2. Clarify that Minimum Distance Separation is not applicable to On-Farm Diversified Uses or Agricultural Commercial Industrial (AG3) uses.
3. Amend the application of MDS to cemeteries such that cemeteries are treated as a Type A Land Use (single distance) rather than a Type B Land Use (double distance).
4. Expand permissions for on-farm accommodation for farm labour to building types other than a mobile home.
5. Update On-Farm Diversified Use policies and provisions to reflect updated Provincial Policy and permit a wider range of on-farm businesses (on-farm markets, on-farm events facility, etc).

Urban Settlement Areas

6. Incorporate provisions for Additional Residential Units (ARU) in R1, R2 and R3 zones in fully serviced settlement areas with available reserve capacity (ie. Hensall and Zurich) and unserviced settlement areas (ie. Blake, Brucefield, Varna, etc) subject to lot size and area for septic systems. Additional Residential Units will not be permitted in the Lakeshore Settlement Area.
7. Permit mobile and modular homes to be utilized for detached ARUs in R1, R2 and R3 zones.
8. Introduce definitions for rowhouse (in place of multiple attached), additional residential unit, multi-unit residential building (in lieu of apartment, stacked townhouse, etc), residential with supports (in lieu of hospice, group home, emergency shelter, etc).
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10. Clarify that lot creation and/or intensification is permitted based on MOE D-Series Guidelines for Nitrates and the County's Nitrate Terms of Reference. A contingency bed is no longer required for new lot creation but all lots must be sized for conventional septic systems.

Downtown

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Lakeshore

12. Clarify that Additional Residential Units are not permitted.