

AMENDMENT NO. 13
(GENERAL UPDATE)
TO THE
MUNICIPALITY OF HURON EAST
OFFICIAL PLAN

**SCHEDULE 1
CORPORATION OF THE
MUNICIPALITY OF HURON EAST
BY-LAW - 2022**

Being a By-law to adopt a 'General Update' amendment to the Huron East Official Plan;

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

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

1. This by-law shall apply to all lands within the Municipality of Huron East.
2. This by-law affects the Huron East 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 September, 2022.

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

Bernie MacLellan, Mayor

Jessica Rudy, Clerk

CONSTITUTIONAL STATEMENT

PART 'A'

Part 'A' is the preamble to Amendment No. 13 to the Official Plan for the Municipality of Huron East, 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. 13 to the Official Plan for the Municipality of Huron East. 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. 13 TO THE OFFICIAL PLAN FOR THE MUNICIPALITY OF HURON EAST

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 Units (ARU) in town, village and agricultural settings; and
- intensification within existing urban neighbourhoods.

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) and ARU is permitted in either the main dwelling or a detached unit 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 and unserviced settlement areas subject to lot size and area for septic systems.
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. Amend the building types permitted and 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.

Core Commercial

11. Clarify commercial requirements when a residential use is located to the rear of a ground floor commercial use.

2. LOCATION

The amendment applies to all lands within the Municipality of Huron East.

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; and
- intensification within existing urban neighbourhoods.

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

PART 'B'

AMENDMENT NO. 29 TO THE OFFICIAL PLAN FOR THE MUNICIPALITY OF HURON EAST

1. INTRODUCTION

All of this part of the document entitled Part 'B' consisting of the following text, constitute Amendment No. 29 to the HURON EAST Official Plan.

2. DETAILS OF THE AMENDMENT

2.1 The text of the Municipality of Huron East 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 3.3.1i. by replacing the second bullet of the third paragraph 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.
- c) Amend Section 3.3.2. with the addition of the following:
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, utilizes the same access point and laneway, and shares either water or septic services with the existing dwelling. 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. 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.
- d) Section 3.3.12 is amended by the following:
All cemeteries are considered low visitation and shall be considered a Type A Land Use for the purpose of MDS.
- e) Amend Section 3.1 by replacing the existing On Farm Diversified Use Definition with the following:
On Farm Diversified Use: means 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.

- f) Amend Section 3.3.6. with the addition of the following in the fifth paragraph:
“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).

- g) Delete Section 3.3.4 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.

- h) Amend Section 3.3.3. 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.
- i) Amending Section 5.1 by removing the following:
To promote architecturally compatible housing types and lot sizes in existing neighbourhoods.
To guide the location and development of Community Facility uses, ensuring their compatibility with surrounding land uses
- j) Amend Section 5.2 by replacing each reference to ‘Second Residential Units’ with ‘Additional Residential Units’.
- k) Amend Section 5.3.1.1. by removing the following:
To maintain stable and attractive neighbourhoods. New housing should be carefully designed to blend with the form, scale, character and architectural design of existing development.
- l) Amend Section 5.3.1.1. 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.
- m) Amend Section 5.3.1.2. 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 or within a building or structure which is accessory to single detached, semi-detached, or rowhouse dwelling.

- n) Amend Section 5.3.1.2. by deleting 'Group Home' and replacing with the following:
Residential with Supports: 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.
- o) Amending Section 5.3.1.2.2 by deleting the following:
Low density housing will comprise most of the residential land area and the predominant housing type will be the single detached residence. Semi-detached and duplex dwellings will be sensitively integrated and sited to create a pleasing visual effect and balance in the residential environment.
- p) Section 5.3.1.2.1. with the addition of the following:
There is a substantial supply of single detached dwellings in established neighbourhoods within Clinton. 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.
- q) Amending Section 5.3.1.2. by deleting subsections 2 (Low Density), 3 (Medium Density) and 4 (High Density) and replace 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.

- r) Amending 5.3.2.2.2e) 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 generally be located above and behind non-residential uses fronting onto Victoria and Albert Streets and at streetlevel and above elsewhere in the Core Commercial Areas.
- s) Section 5.4.2.3. is hereby deleted and replaced with the following:
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 subject as per the requirements of the Zoning Bylaw. An Additional Residential Unit will not be permitted on a privately serviced lot that is less than 1.0 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 will be further restricted by the Zoning Bylaw for settings with known sensitive hydrogeological conditions, such as Henfryn and Ethel. 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.
- t) Section 5.4.3.4. is amended by the replacement of the term 'Group Homes' and replacement with the term 'Residential with Supports'.
- u) Amending Section 10.5 with the addition of the following
Where new lots are proposed on partial or private servicing, the minimum lot size will reflect year round use and be as determined by the hydrogeological nitrate study completed in accordance with Provincial Guidelines and the County of Huron's Terms of Reference. All new lots will be sized for a conventional septic system but there is no requirement to provide a contingency tile bed.

PART 'C'

APPENDICES

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

Background

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