



PLANNING & DEVELOPMENT

57 Napier Street, Goderich, Ontario N7A 1W2 CANADA

Phone: 519.524.8394 Ext. 3 Fax: 519.524.5677 Toll Free: 1.888.524.8394 Ext. 3

www.huroncounty.ca

To: Mayor and Members of South Huron Council
From: Craig Metzger, Senior Planner
Date: November 2, 2023
Re: **Housing Update to South Huron Official Plan & Zoning Bylaw**

RECOMMENDATION

The Housing Update amendment to the South Huron Official Plan be adopted by by-law and forwarded to the County of Huron for approval and that the associated amended Housing Update to the South Huron Zoning By-law be approved.

BACKGROUND

The purpose of the Housing Update amendment is to amend policies and provisions in the Official Plan and Zoning By-law to create increased flexibility for new housing units at an increased density as well as include some additional residential and other changes. The Official Plan is due for a Five-Year Review (scheduled for 2024) but requires this amendment in advance to implement recent changes to Provincial legislation (Bill 23, etc.). These same changes affect the Zoning By-law and Council also provided direction in 2022 to improve the Zoning By-law to facilitate residential development at an increased density.

Public consultation and communication regarding the proposed amendments included newspaper and radio advertising and the holding of a day-long Open House on October 18th for the public to drop-in to discuss the amendments with Planners. There were 15 members of the public in attendance at the open house for which the format allowed for ample time to discuss the amendments and answer the public's questions. In addition, throughout October information on the amendments was posted on the municipal website, promotion was undertaken through the municipality's social media channels, and the Planners were available to meet with the public to discuss the amendments.

A public meeting is scheduled for November 6th for Council to receive direct verbal comments from the public on the applications.

During the public consultation period there was a general recognition expressed for the need for additional housing opportunities with comments in support of additional residential units. Other comments included:

- a) Increasing parking requirements for lower density housing types (such as single detached) and some community facility uses (such as arenas, hospitals, clinics).
- b) The need for more affordable housing in the form of co-op housing, such as Exandarea Meadows Housing Co-operative in Exeter.
- c) The amendments are far-reaching and major in scope and should be part of the upcoming Official Plan Review which should occur after the Water and Wastewater Master Plan Update is completed.

In response to the comments, the following is provided:

- a) Increasing parking requirements for lower density housing types beyond 1 space per dwelling unit may result in a less efficient use of land
- b) While more affordable housing is supported and encouraged, the Zoning By-law does not differentiate between land tenure types (lease, co-op, freehold, condominium).
- c) The work being done as part of the Water and Wastewater Master Plan Update will help inform the outcome of the upcoming South Huron Official Plan Review. However, there are aspects of the Review that are not affected by the outcome of the Update (such as updating natural environment designations) so work on the Review can start before the Update is finalized.

REVIEW

The proposed amendments to the Official Plan and Zoning By-law impact multiple sections of the text portion of both documents. There are no mapping changes proposed as part of the amendments.

Subsequent to the original draft amendments outlined at the September 18, 2023 meeting of Council, the following amendments are proposed to further improve usability/readability and consistency and address missing provisions:

- a) Setting parking requirements for triplex and quadruplex dwellings (parking requirements for these two building types are missing in the original Zoning By-law passed in 2018);
- b) Placing the zone sections of the Zoning By-law (Sections 4 through 40) in alphabetical order and renumbering the sections sequentially for increased ease of use;
- c) Updating the table in the Zoning By-law that lists the zone symbol, zone name, and zone section;
- d) Modifying the maximum zone coverage for rowhouse dwellings so it is similar to what is proposed for single detached dwellings (fully serviced), converted dwellings, and dwelling with supports; and
- e) Moving the ARU provisions for residential zones to their respective zone and clarifying that for partially or privately serviced properties that only one (1) ARU is permitted, and the ARU must be on a property of at least 4,000 square metres.

For the following review, the text changes are outlined in more detail and organized by the geographic location of the Municipality impacted by the proposed amendment.

Agricultural Area

1. Incorporate policies and provisions to permit Additional Residential Units (ARU) in the agricultural area as follows:
 - a) On commercial scale farms (AG1 zone), up to 2 ARUs are permitted of which one may be a detached unit provided the detached ARU is located within 60 metres of the existing dwelling, uses the same laneway, setback the required front yard distance, and meets Minimum Distance Separation (MDS) setbacks to off-property barns and manure storages.
 - b) On small agricultural holdings (AG4 zone), one ARU is permitted in either the main dwelling or detached building provided the detached ARU is located to the rear or side of the existing dwelling, within 60 metres of the existing dwelling, uses the same laneway, and meets MDS setbacks and the AG4 main building setbacks.

Review: This policy is being implemented across the County with supportive comments from Huron County Federation of Agriculture. The original ARU policy on AG4 zones was to

have the detached ARU within 30 metres of the main dwelling; the feedback was such that 30m was too restrictive when considering the location of accessory buildings, septic fields, laneways, and existing landscaping. The policy was amended to 60m from the main dwelling. As a new policy, the effectiveness of the approach will be monitored.

2. Allow on-farm worker housing in the AG1 and AG3 zones to be permanent housing rather than seasonal, expand the eligible building types, and increase the number of dwelling units to a maximum of six (6) units.

Review: This amendment increases flexibility for farmers and farm business owners to accommodate labour in more permanent dwellings. This responds to both the housing shortage and the need for increased separation of living units for on-farm labour as demonstrated during the pandemic. This housing is required to locate near the existing building cluster and cannot be severed from the property.

3. Add an additional Official Plan agriculture goal recognizing that a strong agricultural economy requires housing while not allowing the decentralization of general housing uses onto prime agricultural lands.

Review: This additional goal reflects the long-standing commitment of the Municipality to protect agricultural land for farming by recognizing that housing required for farming (ARUs and on-farm labour housing) is appropriate but non-farm housing is not.

4. Changes to the AG2 agricultural zone used for the retained farmland from a surplus residence severance as follows:

- a) Add a cannabis production facility as a permitted use.
- b) Remove worker housing as a permitted use.

Review: Permitting cannabis production facilities in the AG2 zone provides additional potential locations for this use which is already permitted in the AG1 zone.

With expanding seasonal housing to permanent, year round housing, worker housing can no longer be permitted in the AG2 zone due to the requirements of the Provincial Policy Statement and the Official Plans (a residence is prohibited on the retained lands from a surplus residence severance).

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.).

Review: These provisions are in response to the Province's Permitted Uses in Prime Agricultural Areas publication which outlines requirements and permissions for On-Farm Diversified Uses (e.g., agri-tourism, value added processing, home industries and home occupations). This amendment creates more flexibility with respect to on-farm businesses while making Site Plan Control available for larger scale agri-tourism type uses.

6. Clarify that Minimum Distance Separation (MDS) does not apply to On-Farm Diversified Uses and Agricultural Commercial Industrial Uses.

Review: The latest version of the Province's Minimum Distance Separation (MDS) Guideline makes the application of MDS to Agricultural Commercial-Industrial Uses (AG3 zone uses) and On-Farm Diversified Uses optional and at the discretion of local municipalities. It is recommended that MDS not apply to either of these uses.

For AG3 uses, these uses locate in the agricultural area due to the nature of the business being agriculturally-related and are not incompatible with livestock operations.

For On-Farm Diversified Uses, the application of MDS could sterilize significant areas of the agricultural area for new barns; as such, MDS is not recommended to apply but rather,

On-Farm Diversified Uses are encouraged to cluster with the on-farm residence to benefit from the Type A MDS Distance applied to that structure. This recommendation is in line with the Official Plan direction to ensure maximum flexibility for farm operators, and to relate development in the Agricultural area to the needs of agriculture and respect the farmer's ability to farm.

7. Amend the application of Minimum Distance Separation (MDS) so cemeteries are treated as a Type A Land Use (single distance) rather than a Type B Land Use (double distance).

Review: By designating all cemeteries in the Municipality as 'Low Visitation', a Type A Land Use (single distance) will apply. This change is recommended in response to several minor variance applications across the County where the reduction of the double distance for new barns in proximity to cemeteries was deemed appropriate. The odour impact to the cemetery was less so from the barn itself and experienced more so on days when the spreading of manure occurred (manure spreading is a normal farm practice and not subject to MDS).

8. In the Agricultural Small Holding (AG4) zone, remove converted dwelling as a permitted use, remove livestock limitations, and update location requirements for buildings containing livestock and other accessory buildings.

Review:

Converted dwelling is removed as the number of units in a residential building is addressed through the proposed ARU provisions.

As a result of a recent legal proceeding, the limitation on livestock in the AG4 zone is deemed unenforceable since it conflicts with the Nutrient Management Act. As a result, those provisions are being removed and new provisions added to allow a new barn to be constructed on an AG4 parcel subject to Minimum Distance Separation (MDS). Most AG4 properties will not be large enough to accommodate a commercial scale livestock barn due to MDS; however, many may be able to accommodate a hobby scale barn.

9. Clarify that the sale of forest products as part of a General Agriculture Use is for forest products that are cultivated and produced on site.

Review: General agriculture use includes the sale of field crops, vegetables, fruit, horticultural crops, biomass, and nursery stock produced on site. The sale of forest products that are not produced on site might, depending on its scale, be either an on-farm diversified use that's accessory to a general agriculture use or alternatively, belong in an AG3 or commercial zone.

Urban Settlement Areas

10. Incorporate policies and provisions for Additional Residential Units (ARU) in R1, R2 and R3 zones in fully serviced settlement areas (e.g., Exeter, Centralia, Huron Park, Crediton). ARU provisions are also proposed to permit ARUs for single detached dwellings in partially/private serviced settlement areas (e.g., Dashwood, Shipka, Kirkton, Woodham, etc.) subject to lot size considerations due to their servicing by septic systems.

Review: These amendments implement the direction of the More Homes, More Choices Act, 2019 (Bill 108) requiring policies authorizing Additional Residential Units. The Act requires official plans and zoning by-laws to permit up to two (2) ARUs on properties that are fully serviced with a maximum of one (1) ARU in a detached structure and the remainder in the main dwelling. The Zoning By-law already meets a portion of this requirement in that it has permitted a converted dwelling in fully serviced settings since its initial passing (as did the pre-amalgamation Bylaws) and second unit policies dating back to the Stronger Communities Through Affordable Housing Act (2011). The amendments

update this approach and extend it to partially/private serviced areas, although only permitting one (1) ARU and making it subject to lot sizes sufficient to meet nitrate considerations (as outlined in the Ministry of Environment D-5-4 Guideline).

11. Require new semi-detached, duplex, and converted dwellings as well as triplexes to be on full services.

Review: Residential development in the partially/private serviced settlement areas has been almost exclusively single detached dwellings. Due to nitrate considerations (as outlined in the Ministry of Environment D-5-4 Guideline), the amendments propose to limit residential development in the R1 zone in those areas to single detached dwellings.

12. Permit mobile homes to be utilized for detached ARUs in R1, R2 and R3 zones.

Review: Mobile homes are a form of permanent housing that can assist in housing affordability. In addition, there are two local mobile home manufacturers so permitting mobile homes also helps support and strengthen the local economy.

13. Introduce or refine residential definitions for rowhouse (in place of multiple attached dwelling), additional residential unit (in place of second unit), multiple unit dwelling (in place of apartment, stacked townhouse, etc.), dwelling with supports (in lieu of hospice, group home, transitional housing, overnight respite care, etc.), dwelling, accessory dwelling, and residential density (including low, medium, and high density).

Review: Updated definitions are required to reflect new housing-related language.

14. Permit “dwelling with supports” in R1, R2 and R3 zones.

Review: This term replaces a “group home” throughout the Zoning By-law and adopts a wider interpretation which also includes other dwelling types where enhanced supports are provided such as transitional housing, hospice, respite care, or crisis care facility. This more inclusive definition moves away from having to define and permit each use separately within the Zoning By-law.

15. Permit triplexes in the R1 zone and multiple unit dwellings in the R2 zone.

Review: The introduction of more dense forms of housing is required to deliver the number and type of units required by our community now and into the future. The amendment proposes that the low density residential areas (R1) generally permit up to 3 units as of right. The medium density areas (R2) would permit all uses permitted in the R1 zone as well as rowhouses and multiple unit dwellings up to three (3) storeys.

16. Remove the unit maximum for rowhouses in the medium density (R2) residential area.

Review: The amendment proposes a new approach to the density framework in medium/high density residential areas (R2 and R3) which moves away from unit maximums and adopts an approach based on the built form of the dwelling (i.e., type of dwelling, number of storeys, etc.).

17. Revise parking requirements to:

- a) Reduce the requirements for a dwelling with supports to 2 spaces and for Huron County Housing Corporation managed or owned dwelling units to 1 space per 4 dwelling units.
- b) Set the parking requirements to 1 space per dwelling unit in the C5 zone, 1 space per dwelling unit for a triplex and quadruplex, and 1 unenclosed space per rowhouse unit.
- c) Permit tandem parking for all residential units with less than 5 units.
- d) Allow all uses, not just commercial uses, to use off-site parking to meet their parking requirements.

Review: The reduction in the minimum number of parking spaces per dwelling is designed to alleviate those situations where the Zoning By-law unnecessarily requires more parking than the use requires. The amendment fosters a more market-based approach to help to facilitate and streamline these development approvals and it's recognized that the property owner can still opt to include more parking spaces than required to meet the needs of the specific development.

The minimum parking requirements for Huron County Housing Corporation is in recognition that the County, as the local Housing Authority, provides subsidized housing to individuals and/or households who, in many cases, do not own a vehicle.

The parking space requirements for triplex and quadruplex dwellings are missing in the original Zoning By-law passed in 2018 so are added now.

Tandem residential parking would now become an option for smaller dwellings (less than 5 units) as a means of more efficiently using land and promoting intensification.

In a similar vein, uses in all zones would be available to use off-site parking as a means of meeting the minimum parking requirements.

18. Clarify the requirements for residential development in the mixed commercial development (C5) zone and require the minimum building height to be 2 storeys (7 metres). The Official Plan would be revised to provide flexibility in building heights.

Review: Since C5 zones are found adjacent to the C4 (Core Commercial) zone the amendment proposes new buildings in this transitional area match the 2 storey minimum of the C4 zone. If it's appropriate for a specific development to be only one storey, then only a minor variance or rezoning would be necessary, not an official plan amendment.

19. Reduce and standardize interior side yard setbacks from 3 metres and 1.8 metres to 1.5 metres for all building types in residential zones except quadruplexes and multiple unit dwellings.

Review: This amendment is designed to address a commonly amended provision within the Zoning Bylaw. Reducing the interior side yard setbacks has been frequently requested in recent, new developments and helps facilitate infill lots and intensification within existing neighbourhoods while ensuring sufficient area for drainage exists.

20. Increase the maximum zone coverage for single detached dwellings (fully serviced), converted dwellings, and dwelling with supports to 45% from 40% but limit the main building to 40%. For rowhouses, increase the maximum zone coverage to 42% from 40% but limit the main building to 40%.

Review: This amendment facilitates infill development and intensification within existing neighbourhoods and promotes more compact form while still allowing space for an accessory structure (such as a shed). The increased zone coverage for rowhouses is a smaller percentage to ensure sufficient area is available for surface water management (these properties have a smaller minimum zone area). Zone coverage is not increased in private/partially serviced areas due to septic system concerns.

21. Reduce the front yard setback for single detached (fully serviced), converted dwellings, semi-detached, duplex, and dwelling with supports from 7.5 metres and for rowhouses from 7 metres to 4.5 metres for the main dwelling and 6 metres for an attached garage.

Review: Reduced front yard setback allows the main house to be closer to the street creating a more urban form and bringing more "eyes on the street", especially with the current permission for porches to encroach into the front yard setback. The setback in front of an attached garage is larger to ensure there is a parking space in front of it and encourages variety in the building façade (especially for rowhouse).

22. Remove link semi-detached dwelling as a permitted building type.

Review: A link semi-detached dwelling is a semi-detached dwelling that is only connected by a below grade wall, above grade it appears as two single detached dwellings. This is an unused and unnecessary building type as it has no advantages over constructing a semi-detached dwelling or two single detached dwellings now that ARUs are permitted and the interior side yards for buildings containing up to 3 dwelling units are being standardized.

23. For multiple unit dwellings, remove the provisions regulating the location of common walkways and reduce the outdoor amenity area requirements to a single communal outdoor amenity area of a minimum of 100 square metres in a square or rectangular orientation.

Review: Regulating the location of common walkways is unnecessary as it can be addressed through site plan approval. Combining the private and communal outdoor amenity area provisions into a single requirement that reduces complexity will still provide sufficient outdoor amenity area.

24. Add provisions to automatically recognize semi-detached, duplex, triplex, quadruplex, rowhouse, and multiple unit dwellings that are subdivided into separately conveyable units as being deemed to comply with their respective zone provisions.

Review: This provision facilitates the separation of these dwellings into separately saleable units without requiring a zoning by-law amendment or minor variance approval. The review of the appropriateness of the separation will occur as part of the land division approval, which will likely be a consent application.

25. Add a policy and provision requiring new residential areas to meet a minimum density threshold of 15 main dwelling units/hectare and a new Residential Greenfield (RG1) zone is proposed in response. A special RG1-1 zone would require R3 specific uses in the RG1-1 zone to be a minimum of 50 metres from all R1 and R2 zoned properties.

Review: New developments must demonstrate efficient use of land and services and the 15 main dwelling units/hectare provides a minimum threshold. Using the RG1 zone to pre-zone larger areas for residential development produces increased flexibility in housing types (the RG1 zone permits R1, R2, and R3 uses) and reduces the time required for the development approval process. There are no properties proposed to be zoned RG1 at this time but is anticipated through either property-specific applications by developers or as an outcome of the upcoming Official Plan Review.

26. Add a policy requiring the design of residential development, including infill and intensification, within established areas to demonstrate compliance with the Huron County Residential Intensification Guidelines (RIGS).

Review: The RIGS help ensure new infill and intensification developments in the County achieve a good fit within an existing neighbourhood, respects existing character; enhances existing streetscapes; and provides new housing that offers variety and a broader mix and range of housing types.

27. Add microbrewery as a permitted use in the M1 (Light Industrial) zone and brewery as a permitted use in the M2 (General Industrial) zone.

Review: Currently, neither brewery nor microbrewery are explicitly listed as permitted uses in either the M1 or M2 zones. This amendment proposes to allow the less intensive microbrewery use in the M1 zone while the more industrially-focused brewery use would only be permitted in the M2 zone due to its potential off-site impacts.

Lakeshore Residential

28. Additional Residential Units would continue to not be permitted within the Lakeshore Residential designation or LR1 zone.

Review: The Lakeshore Residential area is a seasonal/permanent residential area composed exclusively of single detached dwellings containing one dwelling unit. Introducing the permission for ARUs into this area would be a significant change and should be considered as part of a broader discussion on the future of this area in next year's Official Plan Review. As such, the policy addition is only to make it clear that ARUs are not being added to this area at this time.

Natural Environment

29. Reduce the maximum ground floor area of accessory buildings in the Natural Environment (NE1) zone from 100 square metres to 50 square metres.

Review: This amendment reduces the maximum size to one more appropriate for an accessory building storing the equipment necessary for the maintenance of the permitted uses which include trails, stairs, and small bridges.

General Implementation

30. Replace "medical marihuana production facility" with "cannabis production facility" throughout the Zoning By-law with updated requirements.

Review: This amendment reflects the legislative change permitting the production of cannabis for more than medical purposes – hence the name change. The additional provisions introduce setbacks for these facilities from sensitive uses (e.g., residences, community facilities, etc.) of 150 metres where the production facility has air treatment control and 300 metres where it does not.

In the M1 and M2 zones, the facility must have air control equipment and be entirely due to their more likely location in an urban area with more sensitive uses in proximity. In the AG1, AG2, and AG3 zones, the requirements to be entirely indoor and have air control are not applied due to their rural location and generally fewer sensitive uses.

31. Clarify that all residential uses are subject to the Sewage Treatment Facility Buffer Overlay.

Review: The existing provision prohibits all residential uses within the Sewage Treatment Facility Buffer Overlay but then only lists some building types. The amendment replaces the partial list of building types with references to the potentially affected residential zones (R1, R2, R3, R4, & R5).

32. Require new residential lot creation in the partially/private serviced settlement areas, including the lakeshore, to comply with Provincial requirements for nitrates (Ministry of Environment D-5-4 Guideline) using Huron County's Terms of Reference for Nitrate Studies.

Review: Using the County's nitrate study terms of reference in combination with the Ministry of Environment's guideline ensures new lots are suitably sized to address nitrate concerns. New lots would be a minimum of 2,000 square metres (0.5 acres) and continue to be sized based on a conventional septic system, but a contingency tile bed area would not be required.

33. Clarify that the latest Federal legislation is always referred to in the Zoning By-law.

Review: The existing provision states that references in the Zoning By-law to Provincial legislation is to the latest version of that legislation, including any updates to the legislation since the By-law was passed. Modifying the provision to also include Federal legislation avoids having to update the By-law as the Federal legislation changes.

34. Delete redundant provisions that are already addressed elsewhere in the Zoning By-law.

Review: Requirements that are repeated in multiple locations are deleted to avoid unnecessary confusion and length to the By-law while maintaining the original requirement. The revised Zoning By-law is proposed to have 4 fewer total pages once approved.

35. Clarify that the provisions regarding storage containers does not apply to storage containers which are disassembled and utilized as building materials in compliance with the Ontario Building Code.

Review: This clarification is included to implement a recent decision of an Ontario Land Tribunal hearing within the County.

36. Add roads and trails to the list of public services and utilities not regulated by the Zoning By-law.

Review: This clarification is added to make explicit what has been the past and ongoing practice.

37. Sections 4 through 40 of the Zoning By-law are put in alphabetical order by zone symbol and the sections re-numbered sequentially while the table that lists the zone symbol, zone name, and zone section is updated to reflect the re-ordering and addition of the new RG1 zone.

Review: The re-ordering of this sections and updating of the table will make the By-law easier to use.

CONCLUSION

It is recommended that the Official Plan Amendment be adopted and forwarded to the County of Huron for approval and the associated amended Zoning By-law Amendment be approved. Both amendments are consistent with the Provincial Policy Statement, 2020 and conform to the Huron County Official Plan.

Please note this report is prepared without the benefit of input from the public as may be obtained through the public meeting. Council should carefully consider any comments and/or concerns expressed at the public meeting prior to making their decision on these amendments.

Sincerely,

Craig Metzger
Senior Planner