



Report to: Reeve and Members of Council

From: Ian Clendening, Planner

Date: Thursday, June 8, 2017

Subject: Report #17-032 Planning
PLZBA2017024 Proposed Zoning By-law Amendment
(Housekeeping Amendment)

Report Purpose:

The purpose of this report is to provide Council with information concerning a Township initiated application to amend proposing housekeeping amendments to the Township of Minden Hills Zoning By-law 06-10, and to initiate a public meeting in accordance with Section 34 of the *Planning Act*.

Background:

The Township's current Zoning By-law, By-law 06-10 was passed by Council on February 23, 2006, and approved by the Ontario Municipal Board on August 9, 2006. The Zoning By-law represented the first Township wide Zoning replacing the former By-laws of Anson Hindon and Minden, Lutterworth, and Snowdon. Since its passing the Zoning By-law has undergone only two housekeeping amendments, By-law 07-043 and 13-65.

The current housekeeping amendments are broad ranging with a primary focus on providing additional clarity through clear language and consistent definitions; as well as providing new regulations on hunt camps and two storey accessory structures which were previously largely unregulated, and not permitted respectively. Of additional note, the proposed amendments establish the requirement for minimum distance separation requirements for farm buildings, and accessible parking. A detailed explanation of the more significant changes are provided below, and a comprehensive list of the changes and justifications is provided as an appendix, together with a copy of the draft by-law, and a draft version of the proposed amendment in both a red-line format and as the final text.

The current amendments are intended to serve as a first phase of a more comprehensive update to the Township's Planning documents, with the second phase addressing updates to the Township's Official Plan as well as more broad updates to the Township's Zoning By-law. As a Zoning By-law must comply with

the Official Plan, certain items cannot be addressed in Zoning until such time as changes are made to the Official Plan.

Major Amendments:

The following items are discussed in detail below as they represent more substantive changes to the current Zoning By-law.

Two Storey Accessory Structures:

The Township is unique in not allowing for two storey accessory structures. The proposed amendments would allow for two storey accessory structures, and a sleeping cabin to be located on the second storey or half storey above the first storey of an accessory building. Such structures would not be allowed to be located within 40 metres of the high water mark, and could not exceed 6 metres in height (vs. 4.5 metres currently). The two storey structures would not be permitted the same exemption of a typical one storey garage which can locate to a distance of 2 metres from a side or rear yard in most residential situations.

The 40 metre (131'4") setback was chosen to ensure that such structures do not become a dominating characteristic of the shoreline areas where they may be permitted. The number was also chosen to echo the Official Plan direction to limit lot coverage within 40 metres of the shoreline, and directing buildings to limit the height of buildings to ensure that building height does not intercept the mature, natural tree line when viewed from the water. Conversely, for single storey structures within the 40 metre setback the 4.5 metre height limit has been reduced to 3.5 metres, which will largely only serve to regulate the height of existing non-complying buildings already located in such areas.

Hunt Camps:

The Township's Zoning By-law had traditionally allowed for Hunt Camps in the Rural (RU) Zone on lands owned by the Crown. A Zoning By-law may regulate land based on use, but may not do so based on the user (or owner), while activities undertaken by the Crown are typically exempt from Municipal By-laws, private individuals on Crown lands are not. Since the adoption of the current Zoning By-law, several applications were made to permit Hunt Camps with all known examples approved, however upon review Planning Staff determined that the requirement for the Rural Zone land to be owned by the Crown is *ultra vires* (without authority), and the municipality stopped enforcing this requirement. Unfortunately, this left the Zoning By-law without regulatory tools such as minimum lot size and maximum building size which are often used by municipalities in order to ensure such buildings fulfill their intent, and do not create adverse effects.

At the 1st Open House one member of the public raised the issue that the 25ha (61ac.) minimum lot size may be too restrictive as this would be less than an original lot and concession which has been divided only once, which would result in a 20.25ha (50ac) lot.

During the Township's review of Hunt Camps it was found that there is great variation in the minimum lot sizes required, as shown below.

Municipality	Minimum Lot size
Central Frontenac	5ha
Seguin	25ha
Gravenhurst	10ha
Muskoka Lakes	40ha

Based on the comment from the public and subsequent review, Staff were amenable to the reduction to 20.25ha (50ac) as this size maintains the general intent of having a large area separated from possible land use conflicts.

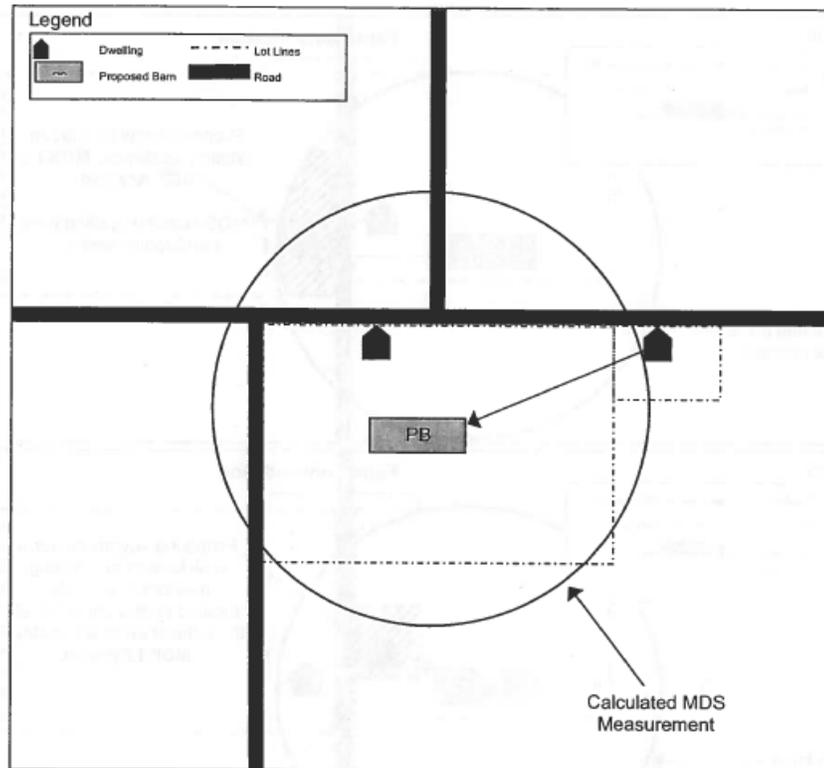
Minimum Distance Separation

Provincial direction for separation siting of livestock facilities originated in 1970, with the introduction of the publication entitled, A Suggested Code of Practice. A Suggested Code of Practice recommended fixed setbacks between livestock facilities and surrounding dwellings, residential zones, lot lines and roads. In 1976, the Agricultural Code of Practice was published which incorporated a number of changes and provided

a two-way approach to separating livestock facilities from non-compatible uses and vice-versa. It introduced the concept of a sliding scale for separation distances, since fixed distances were too restrictive, or too lenient, depending on the size and type of farm.

As part of the Agricultural Code of Practice, the Minimum Distance Separation I (MDS I) formula was established to determine setbacks between proposed new development and existing livestock facilities. The Minimum Distance Separation II (MDS II) formula was established under the Agricultural Code of Practice to determine setbacks between proposed new, enlarged or renovated livestock facilities and other existing or approved development. Both the MDS I and MDS II Formulae were updated slightly in 1995. In 2006, both MDS I and MDS II calculation was updated while the formulae and guidelines were combined into one document, known as OMAFRA Publication 707, Minimum Distance Separation (MDS) Formulae: Implementation Guidelines.

The guidelines and formula were again updated in 2016, however the Township does not have correct language giving effect to these guidelines, in their full and intended use as the Zoning By-law only applies the Guidelines to residences, rather than to both new and or expanded livestock facilities. The proposed amendments rectify this.



Lot Frontage:

The definition of Lot Frontage has been revised to be more intuitive and, in the case of shoreline properties, to have a more direct relationship between a property's frontage and the extent of development permitted along such frontage.

Currently the lot frontage is measured at a distance set back the required front yard. As the lot frontage determines the 'maximum cumulative width' of shoreline structures, the existing definition can result in overly permissive, or unnecessarily restrictive requirements when a lot does not have parallel side lot lines (eg, shaped like a pie).

The proposed amendments are more intuitive and have a more direct relationship between the regulations and the desired outcomes by defining the lot frontage as the frontage along such water in most cases.

Wayside Pits & Quarries

The current section on Wayside Pits and Quarries has been deleted in its entirety as parts of it contain replicates the permitting requirements set out by the Ministry of Natural Resources (rehabilitation, Certificate of Approval), while the 300 metre setback from a residence is overly restrictive, especially given the MNR requirement for dust mitigation in the event of a sensitive receptor (e.g., residence) is located within 300 metres, and noise mitigation if a sensitive receptor is located within 150 metres. It should be emphasized that Wayside

Pits and Wayside Quarries are intended to be temporary, and are undertaken by a public authority.

Required Setbacks

In addition to the implications mentioned above, the proposed amendments serve to increase or reduce the setback in a few situations. Specifically the proposed amendments would:

- require a minimum 3 metre setback from a private road. Currently the Township does not require a minimum setback from such roads. The intent of this is to ensure an appropriate separation from traffic and allow for a degree of buffering between the two uses of the property.
- Reduce the front yard setback from 23m to 15m for through lots (bounded by water and a public street) in the Shoreline Residential (SR) zone, and allow accessory structures to be located closer to the street line than the principle building in such circumstances. Currently, through lots on water are severely restricted by means of applying the front yard to both the street side, and the water side of the lot. The 15m. setback is the same as the required front yard for a Shoreline Residential (SR) lot not on water.
- Revised language now ensures that sight triangles would be required where a private road meets a public street.

Parking & Loading

The proposed changes include a new requirement for designated accessible parking where 3 more parking stalls are required. The changes to the parking section also establish the minimum size of parking stalls and the width of aisles accessing such parking stalls.

In regards to Loading Spaces, the proposed amendments change the situation in which loading spaces must be provided from “any purpose involving the receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise or raw materials” to any Commercial, Industrial and Institutional zones, and increases the minimum size of building at which point a loading space must be provided from 0 to 250 m². The intent of these amendments are to maintain best practices, and remove any ambiguity as to when such spaces are required.

Consultation:

The Township has engaged in an extensive public consultation process which has included hosting two Open Houses which were held from 3pm to 7pm on Wednesday, May 3, 2017 and Monday May 29, 2017. Notice of the Open Houses were advertised in the Haliburton Highlander, Minden Times and on the

Township's website which also hosted a web page devoted to informing the public of the proposed amendments and soliciting the public's input.

Staff are now moving forward with the required Public Meeting, of which there are intended to be two, with a second and final Public Meeting planned for the Council Meeting of June 29, 2017, in the event that any modifications are necessary which necessitate an additional Public Meeting.

To date Staff have received several comments submitted through the website, and in addition to verbal comments at the 1st and 2nd Open House. Comments submitted by e-mail identified concerns for a consistent high water setback for new and existing lots (currently 23m for lots prior to 2005 and 30m for lots created after 2005 and Rural zoned lots); and a desire for a reduced frontage for new lots (currently 60m, with recognition of existing undersized lots). If desired, both matters, would require changes to the Official Plan to implement, and as such are outside of the scope of the current amendment.

During the 1st Open House members of the Public identified concerns over the land use permissions for properties in the identified floodplain, and the lot size requirements proposed for hunt camps. While it is recognized that the current Township Zoning By-law does not accurately reflect the extent of the flood hazard identified in the 1984 Flood Risk Mapping, the current amendment did not set out to change the zoning of property or the permitted uses in such zones, and as such was outside of the scope of the current amendment.

Concerns were raised about the maximum projection of a dock in shallow water being restricted, those raising the issue were content that Minor Variances/Re-zoning is an option where situations are unique and justifiable.

Financial Implications:

There are no financial implications for the 2017 budget.

Recommendation:

That Council receive Report #17-032 Planning PLZBA2017024 Proposed Zoning By-law Amendment (Housekeeping Amendment) as information;

And further, that By-law No. 17-68 be approved to amend various sections of the Township's Zoning By-law 06-10;

Respectfully submitted,

<original signed by>

Ian Clendening, MPI.
Planner

Attachments:

- List of proposed Changes
- Draft By-law (with red-line revisions)
- Draft By-law (edits approved)
- Accessible Parking Chart
- Loading Space Chart
- Draft By-law 17-68