Cuesta PLANNING CONSULTANTS
Urban and Rural Planning and Resource Management

978 First Ave. West
Owen Sound, Ont. N4K 4K5
Tel: (519) 372-9790 Fax: (519) 372-9953

Wendy Elliott
Chief Building Official
Municipality of Northern Bruce Peninsula
56 Lindsay Rd 5, Lions Head, ON
N0H 1W0

May 18th, 2022

Re: Municipality of Northern Bruce Peninsula – Comprehensive Zoning By-Law 2002-54 Housekeeping Update Report

Recommendation:

That this report be accepted by Municipal Staff and Council for information and discussion purposes.

Summary:

The Municipality of Northern Bruce Peninsula (Municipality) commissioned Cuesta Planning Consultants Inc. (CPC) to prepare a report to help initiate a housekeeping update to Comprehensive Zoning By-Law Number 2002-54 (By-law 2002-54) which will be brought to Council on May 24, 2022 for review and comment. Based on Council's direction, a draft by-law will be subsequently prepared in advance of the required Public Meeting under the *Planning Act* process.

The following report provides information and some recommendations with respect to the following matters:

- Boathouses
- Docks
- Food Trucks
- Mini-Storage
- Shipping Containers
- Additional Dwelling Units including Garden Suites
- Tiny Homes
- Permitted Use Guidelines in Agricultural Areas

In addition to the above noted, new definitions for "Columbarium" and "Short Term Accommodation" have been included in this report for staff and Council's consideration as well as new and updated provisions for the following uses: "Private Guest Cabin"; "Tourism Cottage; "Tents, Trailers and Recreational Vehicles"; "Farmers Market" and "Lighting".

The above noted topics resulted from discussions with, and direction from, municipal staff. In preparing the topics and suggestions for staff and council to consider, we reviewed how these matters were treated by a number of other municipalities that have tourism as a significant component of their economy.

Boathouses

By-Law Number 2002-54 includes boathouses as a permitted use in the Environmental Hazard Area Zone under Section 28.2 with specific provisions that regulate the maximum setback distance from any lot line (10 m, 32.8 ft) as well as area (8 m^2, 86 ft^2) and height (5 m, 16 ft) as set out in Section 28.3.

In most zoning by-laws, boathouses are limited in scope and application and are considered as an accessory use that does not contain any residential or commercial use. Boathouses are buildings or structures that have direct access to a water body and are strictly used for the storage of boats and related items. A boathouse can be defined as a building or structure that is accessory to a permitted primary building to be used exclusively for the storage of boats, boating equipment and related boating accessories.

As noted, the zoning provisions for boathouses are limited in By-Law 2002-54 and modifications could be considered to provide some flexibility. By-Law 2002-54 states that boathouses must be setback 10m from any lot line. An amendment to this provision will be required as boathouses are usually adjacent to the water body. By-Law 2002-54 should be revised to reflect a 0 m setback from the lot line that abuts the water. The Town of South Bruce Peninsula has addressed this issue by removing a setback distance requirement for lands directly abutting a body of water. This may also bring some legal non-complying boathouses into compliance with zoning. The updated Zoning By-Law should also note that approvals and permits from the Ontario Ministry of Natural Resources and/or Department of Fisheries and Oceans may be required for boathouses. Boathouses should not be permitted within the waterbody or on the municipally owned Shore Road Allowance unless permission has been granted by the province and an encroachment agreement is in place with the Municipality.

Considerations:

Boathouses should be permitted only on lots that abut a navigable waterway which would include an inland lake, Lake Huron, Georgian Bay or any navigable waterway and would therefore be a permitted use in the Environmental Hazard Area Zone as well as the R1, R2 and RU1 Zones.

By-Law 2002-54 should be revised to reflect a 0 m setback from the lot line that abuts the water.

Consideration should also need to be given to reducing the setbacks to neighbouring lots and increasing the maximum building area to provide more flexibility for the placement and size of boathouses. A minimum shoreline frontage could also be considered by the Municipality (e.g. 20m).

An opportunity exists at this time, to consider adding accessory uses to boathouses that are located outside or above the 100-year flood elevation, such as an accessory dwelling unit or a private guest cabin, provided safe access and egress can be demonstrated.

Suggested Definitions: A "boathouse" is defined as building or structure or part thereof, primarily used for the storage of private boats and equipment accessory to their use, which is accessory use to a residential use, that may include a secondary dwelling unit subject to the provisions of this by-law.

Suggested Provision:

A 'Boathouse' may be permitted only on a 'Waterfront Lot" subject to the following provisions:

May be erected 0 metres (0 ft.) from the Lot line that abuts the water body, and on a 'waterfront lot' – Lake Huron/Georgian Bay shall be located above the Department of Fisheries and Oceans 80th Percentile Elevation of 176.96 metres I.G.L.D. *unless approvals by the Crown have been granted.*

Shall be no closer than 5.0 metres (16 ft.) to an abutting 'Lot'

The Maximum Building Height measured from the side of the structure that abuts the water body shall be 5.0 metres (16 ft.);

The Maximum 'Floor Area, Gross' shall be 37 m2 (400 ft2);

Docks

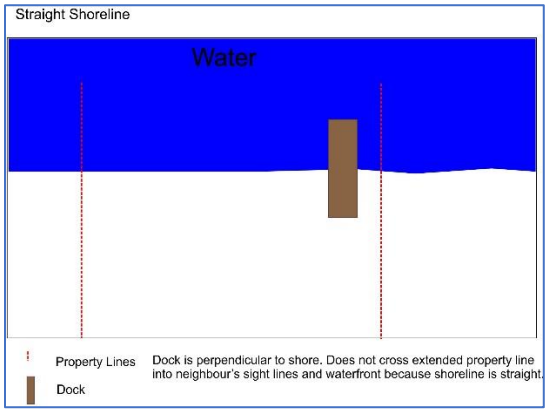
By-Law 2002-54 presently associates docking with boat launching for municipally owned lands and is defined as “the use of land owned and maintained by the Corporation for the launching and docking of boats.” Although boat launching and docking are permitted in the Open Space (OS) and Environmental Hazard Area (EH)) Zones, By-Law 2002-54 lacks provisions related to docks except in relation to marinas wherein docking facilities must contain a minimum of 30 m (98 ft) frontage on a navigable waterway.

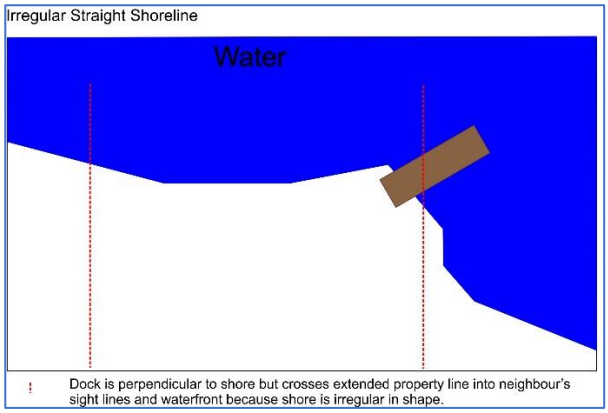
There are also some minor inconsistencies of the term “docking” in By-Law 2002-54 which should be clarified. Specifically, the Open Space Zone permits municipal boat launching and docking, whereas the Environmental Hazard Area Zone permits boat launching and docking and housing.

It is recommended that the updated By-Law 2002-54 provide a more general definition for docking and add specific provisions for docks within the Open Space, Environmental Hazard Area, R1, R2, C1 and RU1 Zones.

During the preparation of this report, our office reviewed several municipal comprehensive zoning by-laws. Both the Township of Georgian Bay and Town of Gravenhurst provide detailed provisions for docks in their Zoning By-Laws. Georgian Bay defines docks as “a structure for the mooring of boats, attached to or forming part of the mainland or used in conjunction with a use on the mainland or attached to, touching or forming part of a ramp.” In the Gravenhurst Zoning By-Law, docks are described as “an accessory structure built at or anchored over water at which watercraft are berthed or secured to and which may provide a foundation for a boathouse.” An updated definition for docking should reference their purpose such as for the launching and mooring of boats, and their location (i.e over water or over a water body etc.). As previously noted, the definition for docking should not be specific to municipally owned lands.

With respect to provisions, a common setback distance from side lot lines is 5 m. The Municipality may want to incorporate provisions related to minimum shoreline frontage, maximum width and maximum projection into water. The updated By-Law 2002-54 should also take into account the fact that the configuration of shorelines differ from property to property which can affect the placement of docks. Generally, docks are sited perpendicular to the shoreline, however, docks placed on nonlinear shorelines may lead to encroachment into the side lot line thereby impeding the line of vision or enjoyment of the neighbouring property as illustrated below.





<u>Considerations:</u>

To prevent the encroachment illustrated in the second figure, docks should be located a certain distance (5 m) from, and parallel to, the side lot line.

The Municipality should consider including a minimum shoreline frontage of 20m as well as the 5m setbacks from side lot lines noted above.

The Municipality should consider the following general definition for "dock":

Suggested Definition: A "dock" is defined as an accessory structure built at or anchored over water at which watercraft are berthed or secured to and which may provide a foundation for a boathouse."

As docks often encroach onto shore road allowances owned by the Municipality, an encroachment agreement may be required as part of the approval process. This could be specifically noted in By-law 2002-54 if deemed necessary by the Municipality.

It may be beneficial to note in the updated By-Law 2002-54 that the Ministry of Northern Development, Mines, Natural Resources and Forestry (MNRF) will require a work permit for any docks that are in physical contact with more than 15 square metres of Crown owned lands (lakebed), prior to any construction.

Consideration should be given to permitting a dock use in the OS, EH, C1, R1, R2 and RU1 Zones or only on Waterfront Lots in a similar manner to the proposed boathouse provision.

Food Trucks

In the various Zoning By-Laws considered, food trucks are referred to by a variety of names such as mobile restaurants, refreshment trailers, food wagons and motorized food vendors. In By-Law 2002-54, food trucks are referenced as portable food outlets which are defined as "a trailer, tent or vehicle that is designed to be made mobile, from which food is prepared and offered for sale to the public for consumption outside." By-Law 2002-54 is restrictive with respect to these portable food outlets as they are only permitted as an accessory use to a public event held on municipal lands for a period of time not exceeding seven consecutive days. Chip wagons are also found in By-Law 2002-54 and are described as "a trailer, or vehicle that is designed to be made mobile from which food is prepared and offered for sale to the public for consumption outside" and are only permitted as an accessory use in a commercially zoned property. Portable food outlets and chip wagons are terms that are derived from of the general "eating establishment" use which are permitted in the Business District Commercial and Hamlet Commercial Zones and are subject to the setback provisions of those zones.

For clarity, there should be a definition for a food truck type establishment that consolidates portable food outlets and chip wagons as defined in By-Law 2002-54. The Town of South Bruce Peninsula utilized "restaurant – mobile" as an umbrella term for food trucks and has defined the term as "any vehicle, trailer, cart or other structure not placed on a permanent foundation which is equipped for cartage, storage and the preparation of food stuffs, beverages, confections and where such items are offered directly for consumption to the general public and excluding private guests and includes a chip wagon, mobile canteen and other refreshment vehicles."

Common provisions for food trucks and similar uses, require that they are accessory to a principal building/use on a property, subject to the setback provisions of the relevant Zone category that applies to the land and require a valid business licence. Additionally, municipalities may set a maximum number of food trucks at a given time. The Town of Innisfil has limited the total number of food trucks to 10 at any given time whereas South Bruce Peninsula permits a total of 29 food trucks in the Town which are allocated to geographic areas (e.g. 10 are permitted within the Sauble Beach area and 6 are permitted in the Town of Wiarton).

The Town of Innisfil's Zoning By-Law adds limits on food trucks or "refreshment trailers" by setting a maximum number of 1 food truck per lot and a maximum food truck size of 20 m^2 as well as other provisions related to seating and parking.

Both the Town of South Bruce Peninsula and the Town of Innisfil permit food trucks in Commercial, Industrial and Institutional Zones. The Town of South Bruce Peninsula further regulates where food trucks can be located by only permitting them in the Industrial and Institutional Zones if the food trucks are a part

of scheduled route or special event. The Town of South Bruce Peninsula also permits food trucks as of right on publicly owned parkland and municipally owned road allowances, subject to any other applicable laws.

Most municipalities that permit food trucks require that the food truck owner/operator obtain a valid business licence. The process is established through a food truck business licence by-law that sets out the regulations for food trucks and the method for obtaining the business licence. The Town of South Bruce Peninsula issues business licences for food trucks through a first come first served application process. The application requirements include a completed application form, Grey Bruce Health Unit approval, a positive propane inspection by a Certified Gas Fitter, proof of general automobile liability insurance, written confirmation of compliance with the zoning, description of the food menu and a plan for addressing grey water, grease and garbage. The Town of Innisfil's approach requires a fully dimensioned site plan, proof of insurance, authorization from the property owner and approval from the municipal health unit and fire department. The Town of Innisfil will determine compliance with zoning following the submission. The Town of Innisfil also features vehicle requirements that the approved food trucks operators must meet.

A method of allocation for the location and number of food trucks is required. The Town of Collingwood uses a lottery system for food truck applications on public land. The Town first establishes pre-approved locations and will subsequently hold an annual lottery to assign those spots to a food truck owner. The food truck owners would be required to submit an application for their desired public location by the deadline and if there are multiple applications for the same spot then the Town will hold a lottery to determine who will be permitted to operate at that location. Applicants have the ability to apply for multiple locations, where they can rank them by their preference and should they miss out on their top choice, they will be entered into another lottery for their second choice and so forth.

The present provisions for food trucks in Zoning By-Law 2002-54 are fairly restrictive as noted previously and it may only be necessary to provide a revised definition to incorporate "chip wagons" in the draft food trucks definition which is set out below.

Considerations:

Suggested Definition" "Food Truck" means any vehicle, trailer, tent cart or other structure designed to be made mobile and not placed on a foundation and is equipped for the storage, preparation and sale of food, beverages and confections and where such items are offered for sale directly to the public for consumption outside and includes chip wagons, mobile canteens and any other similar mobile refreshment vehicle".

To maintain control, consideration may be given to limiting food trucks to parkland areas and specific settlement area locations which could include municipally owned road allowances. Appropriate zones for food trucks would include OS, C1, C2 and C3 zones.

Food trucks should be subject to regulatory and application requirements. The Municipality should consider preparing and passing a food truck by-law under the Municipal Act in concert with this housekeeping amendment. This by-law can include a maximum number of annual food trucks within the Municipality and set out the method for allocation of location of food trucks along with specific application requirements.

Mini-Storage

Mini-storage is currently referred to in By-Law Number 2002-54 as "mini-storage units" and is defined as "any commercial or industrial building or structure where things may be stored for a price." Mini-storage units are permitted within the Highway Commercial and Industrial Zones. As demand for mini-storage units continues to grow due to declining availability of storage space for both homeowners and business

owners, there appears to be a need to provide greater flexibility for where mini-storage units may be permitted in the Municipality.

Considerations:

It is recommended that mini-storage be permitted in the Hamlet Commercial in addition to the Highway Commercial and Industrial Zones. With respect to zone provisions, mini-storage uses are subject to the provisions of the applicable zone.

Parking requirements for mini-storage need to be reconsidered and reduced as this type of use does not seem to need any significant amount of parking. Driving aisle width is a greater on-site consideration for this type of use than parking spaces. No additional uses such as outside storage should be permitted in conjunction with a mini-storage facility.

Shipping Containers

Shipping containers are currently not included in 2002-54. Municipalities such as the Town of South Bruce Peninsula, Township of Huron-Kinloss and the Town of Blue Mountains have included provisions for shipping containers in their Zoning By-laws. Shipping containers can be defined as a container not exceeding a 6.5m length, a width of 2.5 m or a height of 2.6 m that is designed for the storage of goods which can be loaded onto trucks, trains or ships for the purposes of transporting goods. Definitions also indicate that shipping containers do not contain wheels or motors and should be considered as immobile structures.

Some municipalities consider shipping containers to be accessory uses on a property with certain provisions. The Zones in which shipping containers are permitted across different municipalities varies significantly. For example, South Bruce Peninsula only permits shipping containers in Industrial Zones, whereas the Municipality of Huron-Kinloss permits them in the Agricultural and Industrial Zones and the Town of Blue Mountains permits shipping containers as permanent structures in most Zones, *including Residential and Commercial Zones.*

Provisions that apply to shipping containers primarily relate to their location on a lot, setback distances from lot lines, size and height, etc. Use for human habitation is expressly prohibited. The number of containers permitted on a lot and if the shipping containers are permanent or temporary should be considered and identified in the relevant Zones.

Considerations

It is recommended that the Municipality incorporate a shipping container definition into the Zoning By-Law and either prohibit the use in all zones or include the use in specific zones and subject to specific provisions that regulate their size, the maximum number of shipping containers permitted on a lot, their location on a lot and the minimum setback distances from lot lines.

The stacking shipping containers could be an option where more than one is permitted on a lot such as within the Highway Commercial and Industrial Zone or Rural Commercial Zones. Setbacks and screening tools would be implemented in these zones via specific provisions and/or site plan control.

In all Zones where a shipping container is used as permanent storage, a permit from the Ontario Building Code is required.

Should the Municipality consider permitting shipping containers in Residential Zones and Commercial Zones that are not conducive to space extensive uses, no stacking of containers would be permitted and a limit of one (1) per lot should be considered.

Suggested definition:

"Shipping Containers" means a pre-fabricated metal container having a floor, ceiling or roof, walls, and door(s) designed for and used in the storage, packing or transport of freight, articles, goods, non-toxic materials, or commodities by ship, rail or truck. For the purpose of this definition, a shipping container does not have wheels and does not include a motor or transport trailer. For the purposes of this By-law, a shipping container shall be deemed to be an accessory building when permanently located on a lot and shall not be used for human habitation.

When permitted in a zone, the shipping container shall only be permitted in a rear yard and conform to rear yard setbacks and shall be screened from public view. The shipping container shall not be any closer to the exterior side lot line than the main building in the zone.

Suggested Use/Provisions:

A shipping container may be permitted as an accessory detached building in the following zones: RU1, RU2, HCM, RCM, EX, MIS, and OS, subject to the following provisions:

The permanent placement of shipping containers shall only be permitted as an accessory use to a main permitted building on a property;

One shipping container may be permitted per 0.4 hectares of property, to a maximum of 4 shipping containers on a lot.

Shipping containers shall be located in interior side yards and rear yards only and shall comply with all setbacks and other regulations of the applicable zone in which they are located

In any zone other than a Rural zone, Shipping containers shall be subject to the provisions related to Open Storage Areas and shall require a Planting Area / Visual Screening.

In a Rural zone a Planting Area /Visual Screening from the street and any dwelling on an adjacent lot shall be required and may be located adjacent to the container.

Shipping Containers shall not be used for the purpose of a 'warehouse, self-storage'

Shipping containers shall not be stacked;

Unless otherwise permitted in this By-law a shipping container shall not be located in a required parking area;

A shipping container shall not be placed or used for the purpose of display or advertising.

Additional Dwelling Units

Bill 108, More Homes, More Choice Act, 2019 amended Section 16 (Official Plans) of the *Planning Act* to legislate "Additional Dwelling Units" policies within municipal Official Plans in Ontario by authorizing "the use of two residential units in a detached house, semi-detached house or rowhouse **and** the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse."

On August 5th, 2021, the County of Bruce enacted Official Plan Amendment C-2021-015 which revised existing policies and added new policies to implement Additional Residential Units (ADUs) as set out in Section 16(3) of the *Planning Act*. As a result, the Municipality will be required to update its Official Plan to conform with the *Planning Act* and the Bruce County Official Plan (BCOP).
Official Plan Amendment C-2021-015 requires that ADUs must be permitted within the Residential land use designations in the Official Plan and any other designation where residential uses are permitted as a primary use as well as in Agricultural designations.

It is recommended that the Municipality prepare and process the required Official Plan Amendment in concert with the subject housekeeping by-law amendment.

Following is a review of the changes required in By-Law Number 2002-54 to conform with Official Plan Amendment C-2021-015.

The changes to the BCOP will require that Additional Dwelling Units (ADUs) be permitted in any zone where a residential dwelling is a principal use and in Agricultural/Rural zones. This results in ADUs being permitted in RU1, RU2, R1, R2, R3, R4 and R5 Zones.

There are some further qualifications. In Rural Recreational and Inland Lake Developments areas, which are primarily zoned R2, ADUs are restricted to one (1) unit which is to be in the primary residence. The lot must meet lot area requirements to qualify for an ADU unless supported by a Servicing Study.

In agricultural areas, primarily zoned RU1 and RU2, only one ADU is permitted within a primary residential dwelling or in a separate detached dwelling. The ADU is in addition to temporary farm accommodation for seasonal workers. Both the ARU and accommodation for farm help are to be located within the farm cluster. While Official Plan Amendment C-2021-015 references agricultural areas only, most municipalities are implementing a similar locational requirement (farm cluster) on established farms on Rurally designated lands to avoid creating new Minimum Distance Separation (MDS) conflicts.

Official Plan Amendment C-2021-015 further restricts ADUs by prohibiting their use on any legally non-complying lot (width and area) and limits ADUs to one (1) ADU on lots less than 0.4 hectares in rural and agricultural areas unless supporting by a Servicing Study.

The County reporting for as well as Official Plan Amendment C-2021-015 itself provide some additional direction on how ADUs are to be regulated.

- Up to two ADUs are permitted in the primary residence or one ADU in the primary residence and one in an accessory structure, unless otherwise specified
- All construction and servicing shall conform to the Ontario Building Code
- A potable water supply must be available
- No new driveway is to be created and parking area is to be shared
- Minimum setbacks for the principal dwelling shall be employed for the ADU.

Items related to on-site and off-site compatibility, unit size, lot coverage, parking and servicing requirements are to be addressed by the Municipality in its Official Plan and By-law 2002-54.

The following are examples of variations in approach to permitting ADUs in several municipalities. These municipalities are generally fully serviced areas.

The City of Windsor permits ADUs for any Zone category that permits single unit dwelling, semi-detached dwelling, or townhome dwellings. Specifically, two ADUs are permitted within a single unit dwelling, semi-detached dwelling, or townhome dwellings and one ADU is permitted within an accessory building which is accessory to a single unit dwelling, semi-detached dwelling unit, or townhome dwelling unit. Windsor prohibits ADUs in Zones that do not permit the aforementioned dwelling types, within the basement of dwellings that are located in a floodplain and where two ADUs are located within the main residential

building and one ADU is located in an accessory building then no more ADUs are permitted on the property which essentially establishes a maximum of 3 ADUs.

The general provisions for an ADU are that the minimum gross floor area is 40 m^2 and the maximum gross floor area is 100 m^2, one parking space shall be provided for the first and second ADU and that the third ADU shall not require a parking space Windsor's Zoning By-Law provides further direction for underground ADUs with respect to drainage to prevent the potential of flooding. Provisions for ADUs located in an accessory structure include providing direct pedestrian access from the road, municipal servicing, a minimum setback distance of 1.2m from the rear and side lot lines and that the height does not surpass the primary structure.

The Municipality of Clarington defines ADUs as "a self-contained dwelling unit located within a permitted residential dwelling or an accessory building secondary to the principal residential building on the same lot." A maximum of 3 ADUs are permitted within any single detached, semi-detached or townhouse dwelling that is legally permitted and within an accessory structure on the same lot. Clarington does not permit ADUs in the Environmental Protection Zone. Rather than setting a minimum and maximum gross floor area, a provision of Clarington's by-law requires that the floor area of the ADU must be less than the floor area of the primary dwelling unit. As for the provision of access, ADUs within the primary residential building may be accessed through a common door and additional separate entrances must be accessed through the rear or side yard. Each ADU is required to have 1 parking space. Some unique provisions from Clarington are that ADUs must be registered with the municipality and that home occupations are permitted in ADUs. Specific regulations for ADUs in accessory buildings are that the structure must conform to Zone specific front yard and exterior side yard setbacks, a minimum rear yard and interior side yard setback of 1.8 m which is much shorter than the minimum setback distances for the Residential Zones, as well as setting maximum lot coverage and height provisions.

The Municipality of Brighton describes ADUs as "A self-contained residential unit for human habitation designed with private cooking, plumbing and sanitary facilities; which is located within a principal dwelling unit or within a structure or building accessory to the principal dwelling unit." In Brighton, ADUs are permitted in all of the various Residential Zones in addition to the Rural and Agricultural Zones within a single detached dwelling, a semi-detached dwelling, a rowhouse and accessory building. To address legal non-conforming residential buildings, the municipality permits ADUs in the primary residential unit or accessory building regardless of the date of construction. Unlike Windsor and Clarington, Brighton only permits a maximum of 2 ADUs on a lot, one of which may be permitted in the main residential building with the other situated in an accessory building. Akin to Clarington, there is no set minimum or maximum floor area for ADUs, instead the size provision is directed to be smaller than the main residential building. However, for ADUs in accessory buildings there is a general maximum height of 4.5 m and they are subject to the same front and exterior side yard setbacks as the main building with a 1.2 m setback from the interior side yard and rear yard lot line. ADUs are subject to the availability of municipal or private servicing systems. An uncommon ADU provision implemented from Brighton is that an exclusive private amenity area with a minimum size of 10 m2 shall be provided through the form of a balcony, deck, patio etc. Some of the prohibitive provisions state that ADUs are not permitted within 10 m of an Environmental Protection Zone and ADUs cannot be accessed from a private road or right of way. Access is to be provided from a public street via an existing residential entrance and where an ADU is contained within the primary residential dwelling, the ADU shall have a separate exterior entrance from the side or rear of the building. The Municipality of Brighton features several more provisions for ADUs that should be considered by the Municipality if the aim is to provide significant direction and limitations for ADUs.

Considerations:

When implementing ADU regulations, the Municipality must consider the following, as well as conformity to the policies set out in Bruce County Official Plan Amendment C-2021-015:

- The Zones that will permit ADUs
- The number of ADUs permitted per property (including Garden Suites/Tiny Homes)
- Servicing requirements

- Parking requirements (one parking space per ADU is
- Access
- Specific regulations (setbacks, size, height, lot coverage, location etc.) for attached and accessory ADUs
- Ontario Fire Code, Ontario Building Code and other regulations from the Zoning By-Law
- Process for providing official municipal permission for residents to construct ADUs (typically done through a building permit)

Suggested Definition: "Additional Residential Unit" means a separate residential unit that is located within a detached house, semi-detached house, or rowhouse, or within a building or structure that is ancillary to a detached house, semi-detached house, or rowhouse. (BCOP definition)

Further discussion should occur with Council and staff prior to proposing a recommended approach for the establishment of ADUs.

Garden Suites and Tiny Homes

Garden Suites

The incorporation of garden suites as temporary and portable accessory residential units that are designed for a certain group of individuals, typically the elderly, is commonplace in municipal Official Plans and Zoning By-Laws. However, with the passing of Bill 108 municipalities have begun to provide flexibility for garden suites by permitting them in more land use designations and zones and allowing them to be converted into permanent ADUs.

Official Plan Amendment C-2021-015 requires that local official plans include garden suites as a minimum in Residential designations. Garden suites may also be permitted in other designations subject to policy and legislative requirements and at the discretion of the Municipality. Garden Suites may also be converted to permanent ADUs providing the suite can conform to all relevant requirements, thereby eliminating the time constraints of any garden suite temporary use by-law.

Currently, garden suites are permitted in the Residential designation only in the Northern Bruce Peninsula Official Plan. However, secondary suites are prohibited if a garden suite is already established on a lot, and garden suites are subject to a re-zoning and site plan control.

An amendment to the local Official Plan will be required to incorporate the updated policies to help facilitate garden suites in the Municipality. Should the Municipality wish to retain time limits on garden suites, the option to support garden suites through a temporary use by-law is still available without an option to permanently convert the suite to an ADU. The Municipality would enter into an agreement with the owner of the garden suite to deal with specific matters such as installation, maintenance, removal, period of occupancy and forms of security.

As By-Law 2002-54 currently does not contain any provisions for garden suites, an amendment is required for a property owner to establish them on their lot via a temporary use by-law in the appropriate zones.

Considerations: The Municipality should consider garden suites as permitted uses, subject to a temporary use by-law in any zone where an ADU is permitted. Garden suites should be included in any ADU calculations, particularly if the Municipality is considering policies related to permanent conversion of garden suites to ADUs.

Tiny Homes
Similar in some respect to garden suites, tiny homes are a new concept that does not to date have a standardized definition or application across Ontario. Tiny homes have been regarded as a new form/reimagined model of garden suites.

The Province characterizes tiny homes as small, private and self-contained dwelling units that contain living and dining areas, kitchen and bathroom facilities and a sleeping area which is intended for year-round use.

In terms of implementation, Tiny homes would be subject to the policies and zoning provisions related to ADUs if the Tiny home has been established on a more permanent foundation and adequately serviced.

However, Tiny homes could also follow the direction of garden suites as temporary structures that are established through temporary use by-laws and land leasing agreements.

Tiny homes must meet one of the following two standards, CSA-Z240.2.1-09 Structural Requirements for Manufactured Homes and CSA A277-08 Procedure for Factory Certification of Buildings. If the Municipality intends to permit factory built tiny homes, then the requirement to meet either CSA-Z240.2.1-09 or CSA A277-08 should be noted in By-Law 2002-54.

It is also suggested that the Municipality consider the ability for Tiny homes to be serviced from the existing primary residential structure, rather than being subject to connecting to municipal servicing lines or private systems independently.

Additionally, the advancement of technology has made off-grid servicing a viable option that the Municipality could consider in rural settings of the Municipality. Off-grid systems allows homeowners to generate their own renewable energy which can be used to power the standard home appliances. Off-grid systems include composting toilets, grey water systems, solar panels and batteries. As tiny homes require less energy and serving compared to a primary residential building, off-grid systems could make for an ideal servicing option, particularly if the Tiny home has been established via a temporary use by-law.

Considerations: The Municipality should consider including a new Tiny Home definition which would allow Tiny homes similar permissions as garden suites.

Suggested Definition:

“Tiny Home means a detached residential building containing one dwelling unit that is accessory to a principal residential building and that is designed to be portable and provide year-round living accommodations in accordance with the garden suite provisions of the Planning Act, but does not include recreational vehicles, travel trailers, tent trailers or motor homes. “

Permitted Use Guidelines in Agricultural Areas

Amendment Number C-2022-026 to the Bruce County Official Plan revised existing policies and created new policies regarding permitted uses in Agricultural Areas. The policy modifications outlined below will need to be reflected in the Zoning By-Law for the Zones that implement with the Agricultural Areas land use designation. The bolded and italicized sections below reflect uses that “are to be permitted” in By-law 2002-54. All other uses should only be permitted through a site-specific amendment to By-law 2002-54.

“5.5.4.1 Permitted Uses in Agricultural Areas

Agricultural Areas shall permit:

a) Agriculture uses, as defined by the Provincial Policy Statement including ***agriculture, aquaculture, apiaries, agro- forestry, associated on-farm buildings and structures, growing of crops for***

***biomass, maple syrup production, the growing of plants for food production, nurseries, the primary and secondary farm residence, and temporary farm accommodation for workers*;**

b) Agriculture related uses, as defined by the Provincial Policy Statement, including commercial or industrial uses that are directly related to the processing of agricultural products produced on the same property or providing products or services to farm operations in the area, in accordance with the policies of Section 5.5.9, and ***retail stands for the sale of agricultural products produced on the farm unit where the retail stand is to be located*;**

c) Limited on farm diversified uses, as defined by the Provincial Policy Statement, and accessory to the agriculture operation are permitted on farms. The following uses shall be permitted by local Zoning By-Laws: ***bed and breakfast establishments, farm vacations, and occasional agricultural demonstration events such as a plowing match***. Further on farm diversified uses, secondary to the principal agricultural use of the property may be permitted within Agricultural Areas provided that such uses: are zoned in the Zoning By-law for that use; All on-farm diversified uses shall be: compatible with and shall not hinder surrounding agriculture operations; and limited in area to a maximum of 2% of the subject property area up to one hectare. Lot area and lot coverage for on farm diversified uses will be in accordance with the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas;

d) Wayside pits and portable asphalt plants are permitted uses in accordance with the Zoning By-Law; and,

e) Schools, churches and cemeteries that service the immediate rural community relying on horse-drawn vehicles as the primary means of transportation shall also be permitted in accordance with Section 5.5.10 [Institutional Uses (Agricultural Areas)].

f) A Temporary Garden Suite and/or Additional Residential Unit are permitted on the same lot as part of the farm unit. Forestry, public conservation, public open space and passive recreation are also permitted in the agricultural area."

Other New Definitions/Provisions

Municipal staff has provided the following definitions to be added to By-law 2002-54 as part of the housekeeping amendment, subject to Council and public comments.

Definitions

"Columbarium" shall mean a structure designated for interring cremated human remains in sealed compartments known as a niche.

This use should be added as a permitted use in the Institutional Zone.

"Short Term Accommodation" means a private residential dwelling that is rented to provide accommodations to a person or persons on a temporary basis for a period of less than 30 days and to which the Residential Tenancies Act, 2006, S.O. 2006, c. 17, as may be amended from time to time, does not apply. Short-Term Accommodations do not include bed and breakfast establishments, hotels, motels, lodges or other commercially zoned accommodation uses for the travelling public.

Municipal staff have directed this use be added to the R1 and R2 zones. However, based on public and agency feedback, there may be an opportunity to include this use in other appropriate zones. The Municipality may also consider licensing or registering these operations.

Provisions

Municipal staff also provided the following provisions to be added to By-law 2002-54 as part of the housekeeping amendment within the relevant sections, subject to further comment from Council, agencies and members of the public.

Provisions related to the Private Guest Cabin use and Tourist Cottage Rental Establishment use are intended to clarify and update existing provisions. Of note, the guest cabin provisions proposed would require the guest cabin to be located no closer to lot lines than the main residential use.

With respect to the Tourist Cottage Rental Establishment use and the associated Tourism Cottage use, the minimum gross floor area requirements for the Tourism Cottage use have been reduced from 60m2 to 29.7m2 to provide more flexibility for this use. More detailed requirements related to servicing, parking and buffering have also been included in the updated provisions.

The "Tents, Trailers, and Recreational Vehicles" would allow for the personal (non-commercial) use of tents, trailer and recreational vehicles on a temporary and occasional basis and in accordance with the associated Tent and Trailer By-law.

New provisions for a farmer's market use define appropriate lot line setbacks for the use.

"Private Guest Cabin"

Where listed as a 'Permitted Use', a Private Guest Cabin may be permitted as an accessory use - detached structure to be used in accordance with the following:

A maximum of one (1) Private Guest Cabin per 'Lot of Record' shall be permitted;
A 'Private Guest Cabin' shall not be permitted on a lot with a 'Dwelling, Secondary Suite' or a 'Dwelling, Garden Suite;'
A 'Private Guest Cabin' shall not be permitted on a lot that does not meet the minimum lot area requirements for the zone in which it is located;
The Private Guest Cabin shall have a maximum height of 5.0 metres (16 ft.);
There shall be no kitchen/cooking facilities and/or washing/toilet/washroom facilities in the Private Guest Cabin;
The Private Guest Cabin shall be for the accommodation of non-paying guests only;
The Private Guest Cabin shall have a Minimum 'Floor Area, Gross' of 10.2 m2 (110 ft2) and a Maximum 'Floor Area, Gross' of 23.0 m2 (247 ft2);
A Private Guest Cabin can be housed in a permitted accessory structure, subject to all other Zone provisions
A Private Guest Cabin shall be subject to all other Zone Provisions for Principal/Primary/Main buildings.

"Tourist Cottage Rental Establishment"

A 'Tourist Cottage Rental Establishment', in addition to all other requirements of this By-law, shall comply with the following additional provisions:

'Tourist Cottage'

Minimum 'Floor Area, Gross' for a 'Tourist Cottage' 29.7 m2 (320 ft.2)
Minimum separation distance between each 'Tourist Cottage' 6.0 metres (19.6 ft)
Number of 'Tourist Cottage' per 'Tourist Cottage Establishment' 30 'Tourist Cottages' per hectare (12

'Tourist Cottage' per acre)
Maximum 'Tourist Cottage' Height 5.0 metres (16 ft.) and a maximum of one storey in height

Each 'Tourist Cottage' within a 'Tourist Cottage Rental Establishment' shall be located on an internal access road which shall have a dust free surface and shall be a minimum travelled width of 4.0 metres (13 ft.) for one-way traffic and 6.0 metres (20 ft.) for two-way traffic flow.

The 'Tourist Cottage Rental Establishment' shall provide a communal or municipal water system, appropriate sewage disposal facilities, solid waste collection, storm water management/drainage, and road maintenance.

Each 'Tourist Cottage' shall be provided with one car parking space and visitor parking shall be provided on the basis of one space for every three (3) 'Tourist Cottages'.

A Planting Area/Visual Screening shall be provided around a 'Tourist Cottage Rental Establishment' as per the requirements of this By-law and/or Site Plan Control

A 'Tourist Cottage Rental Establishment' may be subject to Site Plan Control as per the Planning Act RSO 1990.

"Tents, Trailers, and Recreational Vehicles"

Except where otherwise provided for in this By-law, the use of tents, trailers, and recreational vehicles for human habitation shall be prohibited except:

For the occasional and temporary accommodation of non-paying guests, provided that a detached dwelling exists on the property; and
In accordance with the driveway provisions outlined in Section 3.26.13; or
In accordance with the minimum side and rear yard setback requirements for the Zone and
In accordance with the Municipality's Tent and Trailer By-law.

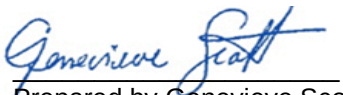
"Lighting"

The Municipality of Northern Bruce Peninsula is a 'Dark Skies' community and any outdoor lighting *shall* be 'dark sky compliant'.

"Farmers Market Provisions"

Notwithstanding the provisions of the applicable zone, where a Farmers Market is a permitted use and consists solely of freestanding outdoor booths, tables, stands, tents, or similar portable or semi-portable structures no freestanding outdoor booth, stand, table, tent or similar portable or semi-portable structure shall be located closer than 3 metres (9. 8 ft) to any lot line.

Respectfully submitted,



Prepared by Genevieve Scott
Cuesta Planning Consultants Inc.