To: Reeve and Members of North Huron Council
From: Laura Simpson, Planner
Date: 8 August 2019
Re: Z03-19 Temporary Use Zoning By-law Amendment, Concession 14, South Part Lot 33, Concession 13, Part North Part Lot 33 & 34, Part; Road Allowance, East Wawanosh Ward, Township of North Huron (86457 Norman Line)
Owner/Applicant: Brian and Brenda Wellstead/ Tim Wellstead

RECOMMENDATION

It is recommended that the application Z03-19 for a temporary use zoning by-law be approved with the amended by-law wording to deem the MDS of the temporary dwelling unit to comply, by a resolution under Section 34(17) of the Planning Act.

PURPOSE and DESCRIPTION

The purpose of the proposed temporary use zoning by-law amendment is to permit a temporary secondary dwelling unit on 86457 Norman Line, East Wawanosh Ward, Township of North Huron. The temporary secondary dwelling unit is permitted to be used by farm employees or farm family who are involved in the farming operation and will be required to be removed at the expense of the owner when it is no longer required or the temporary use by-law expires. The temporary dwelling unit must be either a mobile home or modular home, designed to be moveable, and will have a maximum ground floor area of 130 sq. metres (1400 sq. feet). The temporary dwelling will be clustered with the existing buildings and will not be entitled to a severance from the farm parcel. The proposed by-law can be in effect for up to 20 years, with the renewal of the by-law requiring a further public meeting.

This by-law amends Zoning By-law 82-2008, Township of North Huron Zoning By-law, for the duration of the temporary use.

Figure 1: Aerial photo of subject property outlined in red
PLANNING COMMENTS

The Planning Act

Section 39.1 of the Planning Act defines ‘garden suite’ as: a one-unit detached residential structure containing kitchen and bathroom facilities that is ancillary to an existing residential structure and that is designed to be portable. This section of the Planning Act also authorizes that Council may pass a temporary by-law permitting the use of a garden suite with the condition that an agreement is required for matters related to the temporary use of the garden suite that Council considers necessary or advisable.

North Huron Official Plan

The subject property is designated Agriculture, Natural Environment Limited Protection and Natural Environment Full Protection in the North Huron Official Plan. The North Huron Official Plan encourages flexibility for farm operators to engage in differing types, sizes and intensities of agricultural operations. The policies in Section 4.3.2 Residences in Agriculture Areas recognize residences as part of the farm unit that are secondary to the farm and where the type and size of a farm operation warrants the need for an additional farm residence, one mobile home may be permitted as a secondary residence for the accommodation of farm family or labourers working on the farm operation.

Criteria in the above policy for a temporary secondary dwelling unit (garden suite) to be permitted include:

- The temporary secondary dwelling unit is to be removed once the need for the additional farm residence has ceased. The agreement drafted and the Planning Act state that the use may continue for up to 20 years and after that requires a renewal of the temporary use by-law if the use is proposed to continue. The agreement states that unless being renewed, the unit must be removed at the owner’s expense.
- The temporary secondary dwelling unit shall meet Minimum Distance Separation requirements. The proposed location of the garden suite is deficient to the unoccupied neighbouring livestock barn. The Temporary Use Zoning Amendment would recognize the garden suite at a deficient MDS, should the existing barn be occupied with livestock in the future. The garden suite does not significantly impact the existing barn because any future expansion or reconstruction of the
livestock barn would be limited by the existing residence on the subject property. The existing house is currently deficient to the neighbouring barn for MDS and the proposed location of the garden suite is not to be located significantly closer to the barn.

- **The temporary secondary dwelling unit shall be situated within the existing cluster of buildings, be provided with adequate sewage treatment, and use the existing driveway for access.** The applicant is proposing to locate the garden suite in close proximity to the existing barn and dwelling, using the tree line for privacy and connecting into the existing waterline from the house to barn. They are not requesting any new additional driveways or entrances onto Norman Line and both dwelling units will use the existing driveway.

This application is supportive of the goals for Agriculture lands and is supported by the Official Plan policies in Section 4. With the Temporary Zoning Amendment recognizing the deficient MDS from the garden suite to the neighbouring barn, this application conforms to the North Huron Official Plan and is consistent with the Provincial Policy Statement.

*North Huron Zoning By-law*

The subject property is zoned AG1- General Agriculture, NE1- Natural Environment Full Protection and NE2- Natural Environment Limited Protection. Section 3.11 Garden Suites of the North Huron Zoning By-law identifies that as a condition to passing a by-law authorizing the temporary use of a garden suite under the Planning Act, the Council may require the owner of the suite or any other person to enter into an agreement with the Township to address matters such as the installation, maintenance, and removal of the garden suite, period of occupancy by the persons named in the agreement, and monetary or other form of security Council may require for actual or potential costs to the Township related to the garden suite.

An agreement for the Township to enter into with the applicants and landowners has been drafted and is recommended to be entered into after the enactment of this by-law and prior to the issuing of a Building Permit for the garden suite.

Section 4.6 of the North Huron Zoning By-law states that a new residential structure must meet the Minimum Distance Separation (MDS) Formulae from surrounding barns. The Temporary Zoning Amendment proposes to recognize the garden suite unit from the nearest neighbouring barn for the period that it is in effect. The existing residence limits the barn from future expansion as it is already deficient to the calculated MDS and the addition of a temporary second dwelling unit does not provide significantly further limitations.

The garden suite and existing structures are not within the Natural Environment Zoning or identified natural environment features, and no negative impact is anticipated on the Natural Environment because of this application.
COMMENTS RECEIVED
There were no comments received from the public during the commenting period. Comments received from the Maitland Valley Conservation Authority identified that the subject property contains Regulated Lands, including wetlands, river valley lands and floodplain, and as the proposed development is outside of areas of concern or hazard, they had no objections to the temporary zoning amendment application. This report was prepared in advance of the Public Meeting and Council should consider any comments that may arise at the Public Meeting.

Sincerely,

Original Signed By
Laura Simpson,
Planner MCIP, RPP