
REPORT TO COUNCIL

MEETING DATE: 14th January 2025
TO: Mayor and Council
FROM: Nicky Kunkel, CAO Clerk-Treasurer / Simon Blakeley, Planning Administrator
SUBJECT: Proposed Amendment to Zoning By-law 2012-49

RECOMMENDATION:

That Council for the Township of Bonfield authorizes staff advance to public consultation on the proposed Amendment to Zoning By-law 2012-49; and that the mandatory public meeting be scheduled to take place providing the public with an opportunity to review and discuss the proposed provisions.

BACKGROUND INFORMATION:

The Province of Ontario has made several legislative changes in recent years and months including amendments to the Ontario Planning Act, and the passing of a new Provincial Planning Statement (PSS) on the 20th October 2024. One of the primary intentions behind the changes is to support the acceleration of new housing delivery in ways that address the ongoing housing affordability crisis and to reduce 'red tape'; making it easier for property owners and tenants to build and access new affordable and attainable housing solutions, and to reduce restrictions on other forms of development (i.e. accessory structures).

The Township of Bonfield is primarily a rural community, meaning residents are generally required to travel to access their place of work / leisure, purchase groceries, and other essential services. While the current situation is generally understood; best practice planning principles seek to direct new housing towards the settlements (or Hamlets) of Bonfield and Rutherglen; especially, given the presence of public amenities and community facilities that can reduce an individuals' dependency on private modes of transportation. The existing Official Plan and Comprehensive Zoning By-law for the Township of Bonfield also discourages cluster and ribbon development in locations where possible.

Planning decisions are permitted through various legislated acts, including the Municipal Act, the Planning Act, the Building Code Act, and the Fire Prevention Act to name a few. Zoning by-laws provide clarification on the uses permitted (or otherwise) and prescribe matters pertaining to the minimum and maximum lot size, frontage, and coverage; plus, the floor area, height and setback(s) associated with primary and accessory structures permitted in any given zone.

In reviewing current planning policies, procedures, and by-laws for the Township of Bonfield it is noted, aside from the Special Zones, that broader 'housekeeping' amendments have not been proposed since the current Comprehensive Zoning By-law 2012-49 came into effect on the 28th of August 2012.

The purpose of the proposed draft ‘housekeeping’ amendment to Zoning By-law 2012-49 was outlined in a separate report, presented to Council by the Township’s CAO Clerk-Treasurer, on the 24th September 2024. At that meeting, it was noted how the more recent provincial legislative and regulatory changes put in effect have impacted the current and ongoing review of the Township’s Official Plan and Comprehensive Zoning By-law by J. L Richards Limited, the consultants hired to oversee such works.

As noted in that report, Planning and Development staff have had meetings with residents who want to build smaller / more affordable **Additional Dwelling Units** on existing lots. Other residents are seeking permission to either build new, or perhaps recognize existing non-conforming uses as **Hunt Camps**. In addition, the demand for **Shipping Containers** and other forms of **Accessory Structures** continues to increase. The proposed housekeeping amendment to the Comprehensive Zoning By-law seeks to provide greater clarity and certainty on these four subject areas plus other planning and building-related matters.

STAKEHOLDER AND COMMUNITY ENGAGEMENT

Since Council gave approval to proceed on the 24th September 2024, staff have engaged the Planning Advisory Committee (PAC) plus other stakeholders, to gain their feedback on several occasions, prior to the proposed Final Draft Amendment to the Comprehensive Zoning By-law, hereby presented to Council. The following provides a summary of the activities that have taken place so far:

1. 2022-2024 - The PAC was consulted as part of the ongoing Official Plan review. Feedback was also sought from external agencies and other stakeholders before the current proposed OP was submitted to the Ministry of Municipal Affairs and Housing (MMAH) in July of 2024. Land use planning and policy-related matters discussed in the context of the ongoing OP Review have influenced the direction and priorities established within the proposed Draft Amendment to the Comprehensive By-law. A full review of the Comprehensive Zoning By-law will take place following adoption of the new Official Plan and will also incorporate applicable stipulations outlined in the proposed amendment to the comprehensive zoning by-law if approved.
2. 10th October 2024 - The PAC was advised of the Townships’ intent to produce a new by-law as an amendment to the current zoning by-law, and the report from the Township’s CAO Clerk-Treasurer to Council (dated 24th September 2024) was included as an item for discussion.
3. 16th October 2024 - At a regular scheduled meeting of the PAC, committee members agreed to support and assist staff in constructing the proposed amendment to the by-law. A ‘workshop’ was also tentatively scheduled to take place on Tuesday 12th November at 6:00pm.

4. 2nd November 2024 - A special retreat of Council was held to discuss broader Strategic Planning matters, at which, an update on the proposed Amendment to the Comprehensive Zoning By-law was also provided.

5. 6th November 2024 - An email was sent to the PAC requesting their consideration of five research questions as follows:

i. Which buildings and structures do you think there will be the greatest demand for, and why?

ii. Which zoning requirements (from the examples provided) do you think make the most sense for Bonfield?

iii. How might the proposed policies and zoning requirements relate to the future strategic direction of Bonfield?

iv. What other examples are you aware of from communities of a similar size & profile, etc.?

v. Do you have any other ideas or suggestions related to Additional Dwelling Units (ADUs) and/or accessory structures that we should consider?

The PAC was also provided with prior notification of the proposed Special Meeting; plus, a Zoom link for anyone that could not attend in person (per standard procedure).

6. 8th November 2024 - Links to applicable documents including the current Official Plan and Comprehensive Zoning By-law plus the Planning Act 1990 [Amended] and the Provincial Planning Statement 2024 were circulated to the PAC for reference.

7. 11th November 2024 - The Full and Updated Agenda Package was circulated to the PAC ahead of the Special Meeting. This included a document containing a summary review of regional and province-wide best practice examples related to the four subject areas. That review was largely focussed on smaller, rural municipalities generally comparable to the Township of Bonfield.

8. 12th November 2024 - A Special Meeting of the Planning Advisory Committee was held to discuss the four subject areas. The session started with a presentation on the four subject areas, and the discussion included a summary of applicable laws, and other standards related to the preferred size, design, and location of such structures and permitted uses.

9. 14th November 2024 - A summary note, plus the minutes of the special meeting on the 12th November was circulated to the PAC. The committee was asked to provide comments by 25th November 2024.

10. 14th-29th November 2024 - Staff collaborated internally across departments to prepare a first draft amendment to the comprehensive zoning by-law, informed by conversations with the PAC; plus, other conversations held with the NBMCA, and J.L Richards Limited (OP / ZBL consultant) in respect of other legal and technical planning matters.

11. 29th November 2024 - A summary note, plus minutes of the previous special meeting, was again circulated to the PAC, together with a copy of the first draft amendment to the comprehensive zoning by-law for its 'first review'.

12. 3rd December 2024 - A further meeting of the PAC was held to review & discuss the first draft of the proposed by-law. Further questions were raised by the PAC pertaining to how best to strike a balance between the proposed lot coverage in rural areas, and the proposed % size of ADUs allowed to be permitted in relation to the primary dwelling unit; and also, matters related to the current status of lakes north of Highway 17 understood to be '*at capacity*'. The PAC were also questioned re: their availability to attend a follow-up meeting proposed to take place on the 10th December 2024.

13. 4th December 2024 - Further clarification was sought from both J.L. Richards Limited and the NBMCA in relation to matters raised by the PAC the day before.

14. 4th - 9th December 2024 - A further period of review took place to consider the feedback of all stakeholders involved in this process. J. L Richards provided a response on the 6th December 2024 in the form of proposed tracked changes to the first draft by-law, as presented to the PAC on the 3rd December 2024. In response to the matter of proposed lot coverage (and development) within the **rural** zone, J. L Richards proposed the following under Section 3.45.5.1 of the first draft:

'Notwithstanding the policies of this By-law, lot coverage for detached ADUs, shall not exceed:

- i) In the case of lots of less than 1 ha, a maximum of 15%;*
- ii) In the case of lots 1 ha or greater but less than 5 ha, a maximum of 10%;*
- iii) In the case of lots of 5 ha or greater, a maximum of 5%.'*

Staff held an internal discussion on this matter and, taking into account previous comments made by the PAC, instead proposed a uniform lot coverage of **15%** across all rural zones. This was incorporated into the propose second draft.

In addition, although some members of the PAC had indicated at the previous meeting on the 3rd December 2024 they'd like to see the '*Residential Limited Services Zone*' included as part of the list of zones in which ADUs could be permitted (subject to other zoning provisions); a separate telephone call with J. L Richards did reveal some concerns related to Lake Health, Water Quality, and '*at capacity*' lakes consistent with other assessments produced by the NBMCA.

15. 6th December 2024 - A second draft of the proposed amendment to the comprehensive zoning by-law was circulated to the PAC ahead of a proposed discussion at the next proposed PAC meeting on the 10th December 2024. The second draft included comments received from J.L. Richards, intended to ensure consistency with other zoning provisions. Staff again sought clarification from PAC members re: their availability to attend a meeting on the 10th December.

16. 9th December 2024 - Further feedback was received from the NBMCA in regard to the water quality and lake health of Turtle Lake, Lake Talon, and Kaibuskong Bay. In their response, the NBMCA stated: *'studies indicate **that lake areas North of Highway 17 are already at land use capacity for additional dwelling units.** In order to maintain the health of the watershed **the NBMCA would not recommend / consider any further development near these lakes.** Additionally, much of the area is within a provincial park'. The NBMCA is responsible for protecting and conserving waterbodies within the North Bay-Mattawa watershed through prescribed regulations and the Conservation Authorities Act - which is applicable law for planning & building purposes.*

17. 10th December 2024 - Quorum was confirmed, and a special meeting of the PAC took place as scheduled for a second review of the proposed by-law, and additional comments received from the NBMCA. The PAC again raised questions regarding the extent to which lands adjoining Turtle Lake, Lake Talon, and Kaibuskong Bay are considered *'at capacity'*, and whether attached or detached ADUs might be considered acceptable in the Residential Limited Services (RLS) zone, subject to other zoning provisions. The current bylaw allows secondary dwellings within the RLS zone, so the compromise of allowing ADUs within this zone would be limited to only one ADU. Confirmation of this compromise was sought from the NBMCA. It was also proposed that the existing provisions within the comprehensive zoning bylaw for secondary dwellings and garden suites should be removed.

18. 11th December 2024 - Further clarification was sought from the NBMCA on matters raised at the special meeting of the PAC on the 10th December, regarding ADUs in the RLS Zone.

19. 12th December 2024 - Another response was received from the NBMCA, again reaffirming the agency views Lake Talon, Kaibuskong Bay, and Turtle Lake to be *'at capacity'*. The response stated: *'from what I understand the existing vacant lots were factored into the Lake Capacity Assessment as being developed. I would agree that existing lots could be developed as originally intended and subject to setbacks, building codes and regulations for shoreline development'*. The response continues: *'I would interpret the vacant existing lots had the intention that only one dwelling was proposed, no additional dwellings could be added and no existing lots should be further severed to create new lots'*. The agency also stated they: *'can't comment on what would be required for septic systems on the vacant lots, but rather have owners reach out directly to our OSS branch on a case-by-case basis'*.

20. 12th December 2024 - Although the initial response was clear; for added certainty, and recognizing the stated 'concerns' of a PAC member, staff replied to the NBMCA as follows:

'As a point of clarification, attached Secondary Dwellings are currently permitted in the RLS Zone. PAC discussed whether 1 ADU (to replace the Secondary Dwelling) might be considered acceptable [subject to NBMCA approval, and other planning considerations] in the RLS Zone.

The outstanding question they might ask is:

Would the NBMCA prefer that single ADU be attached (per existing policy); Or

Would a 'detached ADU' alternately be considered?

My understanding is you're saying no ADUs (or Secondary Dwellings) will be permitted by the NBMCA in the RLS Zone; so, I'd just like to be absolutely clear on that point'.

21. 13th December 2024 - The NBMCA responded as follows:

*'The NBMCA's view is that the **existing vacant lots were considered to be developed at the time of the Lake Capacity Assessments.** The development of the lots would be **based on a single dwelling unit** and that **additional secondary units were not intended to be built on the existing vacant lots** in the LCA'.*

22. Friday 13th December 2024 - Taking into consideration all the information staff had received on this matter, the Townships' Chief Building Official provided further comments to members of the Planning Advisory Committee via email on Friday 13th December. That communication emphasized the need for the Township, and its residents, to abide by 'all applicable laws' related to building, plus planning and development matters. A copy of that email is also appended to this Planning Report for reference.

23. Friday 13th - Wednesday 18th December 2024 - Members of the PAC stated their views in response to comments received from the NBMCA, plus the Township's CBO and Planning Administrator. Requests for additional information were made, and responded to, as follows:

24. Friday 17th December 2024 - PAC were sent the following:

1. A record of the Stakeholder and Community Engagement activities that have taken place to date re: the proposed by-law amendment to comprehensive zoning by-law 2012-49 (including information contained within this Planning Report).
2. A copy of the notes previously shared with the PAC following the PAC 'workshop' held on 12th November 2024

3. Scanned copies of email correspondence which has taken place with both the NBMCA and J. L. Richards Limited throughout the course of current deliberations.
4. A copy of the Lake Talon Lakeshore Capacity Assessment (LCA) shared by NBMCA.
5. A copy of the Turtle Lake Lakeshore Capacity Assessment (LCA shared by NBMCA).

25. 20th December 2024 - The following was circulated to the Planning Advisory Committee:

- A table summarizing the general intent and rationale which underpins the changes proposed within the draft amendment to Comprehensive Zoning By-law 2012-49;
- A copy of the summary table for comparison purposes; and
- The proposed draft amendment to the comprehensive zoning by-law

26. 3rd January 2025 - A copy of this Planning Report was sent to the PAC ahead of its scheduled meeting on Tuesday 7th January 2025 for information purposes. This report will also be circulated to Council ahead of its next scheduled meeting on Tuesday 14th January 2025.

27. 7th January 2025 - The Planning Advisory Committee met to review and discuss the proposed Final Draft Amendment to the Comprehensive Zoning By-law. The conversation centered mainly around the proposed zoning provisions as they relate to Secondary Dwelling Units and/or Additional Dwelling Units (ADUs) and how applications for such uses might be considered within the context of the Residential Limited Services (RLS) zone, and/or other properties located within 300 meters of a lake deemed to be 'at capacity'. Following a lengthy conversation, PAC unanimously agreed to revised wording for inclusion in the 'Rules and Regulations to be Observed'. These edits were made to paragraphs 3.45.4 and 3.45.5 of the proposed Amendment to the Zoning By-law hereby attached.

ANALYSIS

Over the past few months, staff have engaged the PAC and other stakeholders extensively throughout the process of researching, developing, and drafting the proposed amendment to the comprehensive by-law as presented.

The exercise has been a collaborative process, and stakeholders have been given several opportunities to provide constructive feedback, having due regard to the perspectives and legal considerations of all other parties involved in this process.

The proposed amendment to the comprehensive zoning by-law is made in direct response to new provincial legislation including the need to ensure sufficient and suitably located affordable and attainable housing solutions; while also, seeking to address some other 'housekeeping' matters

ahead of the ongoing review of the Official Plan, and the future replacement Comprehensive Zoning Bylaw for the Township of Bonfield.

The proposed draft amendment establishes clear zoning provisions and presents an opportunity for residents to benefit from new permitted development rights in the form of Additional Dwelling Units (ADUs), Hunt Camps, Shipping Containers, and other Accessory Structures, in various zones throughout the township. The amendment is, by design, *'pro-development'* while having regard to all applicable laws. Specific changes are summarized as follows:

Additional Dwelling Units

- Not currently permitted in any zones throughout the Township.
- Proposed to be permitted in the Residential, First Density (R1), Residential, Second Density (R2) and Rural Zone(s)
- Not proposed to be permitted in:
 1. The Residential Limited Services (RLS) or Residential Multi-Attached (RM) Zones; Or
 2. The Commercial (C1, C2, C3) or Industrial (M1, M2, M3) zones; Or
 3. Other zones subject to Environmental Protection (EP), Open Space (O), Hazards (HAZ), or Waste Disposal (WD); Or
 4. Any zone / location where the septic outflow would be within 300 metres of an *'at capacity'* lake.

Secondary Dwelling Units

- No longer to be permitted in any zone (replaced by ADUs where applicable).

Hunt Camps

- Not currently permitted in any zones throughout the Township.
- Proposed to be allowed within the Rural Zone, on lots with a minimum size area of 1 Hectare.

Shipping Containers

- Not currently permitted in any zones throughout the Township.
- Proposed to be permitted in various zones as an accessory structure for storage purposes only, and subject to site-specific setback criteria in different zones.

Accessory Structures

- Currently allowed, with specific provisions in different zones.
- The proposed changes will continue to permit storage sheds to be constructed for the storage of materials & tools.
- Where the construction of a new principal dwelling is proposed, an accessory building can be constructed simultaneously - subject to agreement with the Township.
- In all instances, human habitation will not be permitted within *'accessory structures'* as they are unsuitable and not permitted for human occupancy purposes.

Please also refer to the draft amendment to the comprehensive zoning by-law, and the summary chart enclosed alongside this report for reference.

CONCLUSION

The Township of Bonfield is currently facing significant growth challenges; which also presents an opportunity to unlock (or permit) new forms of development not currently permitted within the adopted Official Plan and Comprehensive Zoning By-law for the Township.

The very nature of the planning system requires taking a 'long-term view' in regard to future growth and development, so the needs and expectations of its residents may effectively be balanced with broader social, economic, and environmental considerations.

The need to introduce an amendment to the existing comprehensive zoning by-law at this time is clear. The Township has witnessed new trends arising (some positive, some negative) and is seeking to put in place effective zoning provisions to guide, permit, and where necessary, restrict different forms of development in the near term.

Although it is acknowledged some proponents may be disappointed with the recommendation(s) proposed specifically in regard to the Residential Limited Services (RLS) zone; it is noted members of the PAC did request that further consultation take place with the NBMCA, which has consistently raised concerns regarding the water quality and lake capacity of lakes North of Highway 17. In this regard, the Township of Bonfield is duty-bound to consider the issues and concerns raised by the Conservation Authority, as it is the authority responsible for overseeing watershed planning and management activities within the Township of Bonfield.

Given the responses provided by the NBMCA, staff are now proposing that new Secondary Dwellings Units shall no longer be permitted within the RLS Zone, and that Additional Dwelling Units (whether attached or detached) will also not be permitted in the RLS Zones North of Highway 11, and in all other locations, where the septic outflow would be within 300 metres of an '*at capacity*' lake.

That said, given existing lots of record are understood to have been included within previous lake capacity calculations; owners of the few vacant remaining undeveloped residential lots within the Residential Limited Services (RLS) Zone(s) North of Highway 17 may still be able to develop their properties on a '*case by case basis*', subject to NBMCA approval re: the proposed design and location of appropriate septic systems.

Putting that issue to rest; all the changes proposed through the amendment to comprehensive zoning by-law 2012-49 are intended to demonstrate a positive and proactive approach to sustainable land use planning and development within the Township.

The provisions contained will effectively balance social, economic, and environmental planning considerations at the community-level until such time as a replacement Official Plan and Comprehensive Zoning By-law comes into effect. The amendment hereby proposed is also considered to be consistent with the legislative and policy-based objectives contained within the Ontario Planning Act [as amended], the newly updated Provincial Planning Statement 2024, and other applicable laws.

Next Steps

The following next steps, and approximate timeframes, are proposed:

1. If Council resolves to approve the enclosed draft amendment to the proposed Comprehensive Zoning By-law as is, or subject to amendments, a public consultation will be launched at the end of January 2025 to gain the public's feedback on the proposed changes;
2. A public meeting will be scheduled to take place on or around Friday 28th February 2025; during which, the public will be provided a further opportunity to understand the changes, engage with experts, and provide comments on the proposed draft.
3. Following the public meeting, responses will be consolidated, and any approved and/or necessary changes introduced within the proposed amendment to the comprehensive zoning by-law.
4. A legal opinion will then be sought on the proposed wording of the amendment before the Zoning By-law is returned to Council for its final reading.

Submitted respectfully,

I concur with this report,

Simon Blakeley

Simon Blakeley
Planning Administrator

Mike Pilon

Mike Pilon
Chief Building Official

Nicky Kunkel

Nicky Kunkel
CAO

Attached:

1. Proposed Draft Amendment to Comprehensive Zoning By-law 2012-49 (Third Reading)
2. CBO Email to members of the Planning Advisory Committee dated 13th March 2024.
3. Proposed Zoning By-law Amendment Table for Comparison Purposes.