

**CORPORATION OF THE TOWNSHIP OF EAST ZORRA-TAVISTOCK COUNCIL
2022 - 2026**

AGENDA

**for the Meeting to be held on Wednesday June 21, 2023 at the
Innerkip Community Centre, 695566 17th Line, Innerkip, Ontario, at 7:00 p.m.**

1. Call to Order & Opening Remarks
2. Approve Agenda
3. Disclosure of Pecuniary Interest and General Nature Thereof
4. General Business:
 - a) Confirm June 7, 2023 Council Meeting Minutes
 - b) Blandford-Blenheim – Terminate Building Services Agreement
 - c) WSP – Secondary Plan Project Update Memo
5. Delegations & Appointments:
 - a) 7:15 p.m. – ZBA Application ZN2-23-03 (Twp. of EZT) – Additional Residential Units (ARUs)
 - b) 7:30 p.m. – John Cockburn – Excess Water-Flow and Flooding (Innerkip Meadows)
6. Reports of Municipal Officers and Committees:
 - a) Conferences and Seminars
 - b) County Council – Updates & Questions
 - c) Staff Reports – Updates & Questions
 - d) Staff Report - #BCO2023 – 05 re: By-law Compliance Reporting
 - e) Staff Report - #CSM2023 – 08 re: Corporate Services Reporting
 - f) Staff Report - #CAO2023 – 07 re: CAO-Treasury Reporting
7. By-laws:
 - a) By-law #2023-21 – Agreement with Tavistock and District Curling Club
8. Other and Unfinished Business:
9. Closed to the Public Session *as authorized under s. 239 of the Municipal Act*:
10. Confirming By-law
11. Adjourn

Placeholder Page for Agenda Item 1 –
Call to order and opening remarks

Use this page to note any opening remarks
you wish to make.

2.

Placeholder Page for Agenda Item 2 –
Approval of the Agenda

Use this page to note items you would like
added to the agenda.

3.

Placeholder Page for Agenda Item 3 –
Disclosure of Pecuniary Interest

Use this page to note any Pecuniary Interests
you wish to declare at the meeting.

The Council of the Township of East Zorra-Tavistock met at the Innerkip Community Centre, Innerkip, Ontario at 9:00 a.m. on Wednesday June 7, 2023.

Members Present: Mayor Phil SCHAEFER, Deputy Mayor Brad SMITH and Councillors Matthew GILLESPIE, Scott RUDY, Jeremy SMITH, Steven VAN WYK and Scott ZEHR.

Members Absent: None.

Staff Present: CAO-Treasurer Karen DePrest, Clerk Will Jaques, Chief Building Official John Scherer, Public Works Manager Tom Lightfoot, Fire Chief Scott Alexander and Human Resources/Safety Coordinator Jennifer Albrecht.

Mayor SCHAEFER welcomed everyone to the meeting, and offered his condolences on behalf of the Township to the families of the victims involved in the recent serious car accident at the intersection of County Road #59 and County Road #33. Deputy Mayor SMITH noted the upcoming Hickson Lions Club Brunch in the Park event. Councillor SMITH advised that it is currently Local Food Week, and also advised that June is Pride Month, National **Indigenous History Month and Senior’s Month.** As well, Councillor SMITH noted the upcoming Innerkip United Church Strawberry Supper. Lastly, Councillor SMITH noted the recent Rural Oxford Economic Development Corporation (ROEDC) AGM and the good work of former Deputy Mayor Don Edmiston on the ROEDC Board, as well as the transition to current Deputy Mayor Brad Smith sitting on that Board. Councillor SMITH also noted the continued hard work of Township resident Keith Stevens on the ROEDC Board.

Approve
Agenda

1. Moved by: Scott ZEHR
 Seconded by: Brad SMITH
 Resolved that Council approve the agenda for the June 7, 2023, meeting as printed and circulated.

CARRIED.

PECUNIARY INTERESTS:

- None.

Confirm
Minutes -
Council

- 2. Moved by: Jeremy SMITH
Seconded by: Matthew GILLESPIE
Resolved that Council confirm the Minutes of the May 17, 2023, Council Meeting, as printed and circulated.

CARRIED.

Correspondence & Reports – No Resolutions:

- ERTH – Spring 2023 Shareholder Newsletter
- May 10, 2023 Recreation Advisory Committee (RAC) Minutes
- May 17, 2023 Police Services Board (PSB) Minutes
- Staff Report - #CBO2023 – 06 re: Building, Development & Drainage Reporting
- Staff Report - #PW2023 – 06 re: Public Works Reporting
- Staff Report - #FC2023 – 05 re: Fire Department Reporting

Correspondence & Reports – Resolutions Following:

ERTH –
Spring 2023
Shareholder
Newsletter

Council reviewed the Spring 2023 Shareholder Newsletter from ERTH Corp.

City of
Woodstock –
Boundary
Adjustment
Discussion
Request

Council discussed the correspondence received from the City of Woodstock regarding establishing a Boundary Adjustment Negotiation Committee to enter into boundary adjustment discussions.

- 3. Moved by: Matthew GILLESPIE
Seconded by: Scott ZEHR
Resolved that the Township of East Zorra-Tavistock advise the City of Woodstock that it will consider their request to enter into Boundary **Adjustment negotiations when the Township’s** current Secondary Planning project, and Strategic Planning process, is finalized.

CARRIED.

South-West
Oxford –
Call to End
Homelessness
Resolution

Council discussed the resolution received from the Township of South-West Oxford regarding the Call to End Homelessness.

- 4. Moved by: Jeremy SMITH
 Seconded by: Scott ZEHR
 Resolved that Council support the resolution from the Township of South-West Oxford regarding the Call to End Homelessness.

CARRIED.

County Council-
Updates &
Questions

Mayor SCHAEFER provided an update on Oxford County Council activities.

May 10, 2023
Recreation
Advisory
Committee
(RAC) Minutes

Council reviewed the May 10, 2023, Recreation Advisory Committee Minutes.

Engineer's
Report –
McLean Drain
2023 project

At 9:33 a.m., Curtis MacIntyre of K. Smart and **Associates Ltd. presented the engineer's report** for the McLean Drain 2023 project.

Questions and comments were made by Council to the Engineer. No correspondence from assessed landowners was filed ahead of the meeting. At the meeting, assessed landowner Bill Vink spoke to his concerns with the project. Assessed landowner Bill Chesney also spoke at the meeting, clarifying that **some of Mr. Vink's concerns may be alleviated** through the proposed work.

Accept
Engineer's
Report –
Prepare for
Court of
Revision

- 5. Moved by: Jeremy SMITH
 Seconded by: Scott ZEHR
Resolved that the Engineer's Report on the McLean Drain 2023 project, having been presented and considered, be provisionally adopted as received;

And further that the Clerk be instructed to prepare and circulate the necessary By-law and Notice of Court of Revision to each ratepayer assessed.

CARRIED.

May 17, 2023
Police Services
Board (PSB)
Minutes

Council reviewed the May 17, 2023, Police Services Board Minutes.

Staff Report
#HRSC2023 –
03 re:
RZone Policy
Implementation

Human Resources/Safety Coordinator Jennifer Albrecht reviewed her report with Council regarding the implementation of an RZone Policy for the Township.

- 6. Moved by: Steven VAN WYK
 Seconded by: Matthew GILLESPIE
 Resolved that Council adopt the RZone policy and
 appendices, as included in Staff Report
 #HRSC2023-03;

And that Council instruct staff to prepare and post
 signage for all municipal facilities with regards to
 the RZone policy;

And further that staff engage with the public
 through an education campaign on what the RZone
 policy represents and the benefits to all residents
 of the Township and those **visiting the Township's**
 facilities.

CARRIED.

Staff Report
 #CBO2023 – 06
 re: Building,
 Development &
 Drainage
 Reporting

Chief Building Official John Scherer reviewed the
 Monthly Building, Development & Drainage Report
 with Council.

Staff Report
 #PW2023 – 06
 re: Public Works
 Reporting

Public Works Manager Tom Lightfoot reviewed the
 Monthly Public Works Report with Council.

Staff Report
 #FC2023 – 05
 re: Fire
 Department
 Reporting

Fire Chief Scott Alexander reviewed the Monthly
 Fire Department Report with Council.

By-law:
 1st & 2nd
 Reading

- 7. Moved by: Matthew GILLESPIE
 Seconded by: Scott ZEHR
 Resolved that the following by-laws be read a first
 and second time:
 - 2023-18 – Budget and Tax Rates By-law
 - 2023-19 – McLean Drain 2023 Provisional
 By-law

CARRIED.

By-law:
 3rd & Final
 Reading

- 8. Moved by: Steven VAN WYK
 Seconded by: Brad SMITH
 Resolved that the following by-law be read a third
 and final time:
 - 2023-18 – Budget and Tax Rates By-law

CARRIED.

Adjourn to
Closed to the
Public Session

9. Moved by: Jeremy SMITH
Seconded by: Scott RUDY
Resolved that Council does now adjourn to a
Closed to the Public Session, at 11:36 a.m., to
consider the following matters:

- March 1, 2023, Closed to the Public Session Minutes (s. 239 (2) (c))
- Human Resources Matter (s. 239 (2) (b))

CARRIED.

Rise from
Closed to the
Public Session

10. Moved by: Scott ZEHR
Seconded by: Jeremy SMITH
Resolved that Council does now rise from its
Closed to the Public Session at 12:25 p.m.

CARRIED.

Confirming
By-law

11. Moved by: Jeremy SMITH
Seconded by: Steven VAN WYK
Resolved that By-law #2023-20 being a by-law to
confirm the proceedings of Council held
Wednesday June 7, 2023, be read a first, second
and third time this 7th day of June, 2023;

And further that the Mayor and Clerk are hereby
authorized to sign the same and affix the corporate
seal thereto.

CARRIED.

Adjourn

12. Moved by: Matthew GILLESPIE
Seconded by: Brad SMITH
Resolved that Council does now adjourn at
12:26 p.m.

CARRIED.

Will Jaques, Clerk

Phil Schaefer, Mayor



Township of Blandford-Blenheim

47 Wilmot Street South
Drumbo, Ontario N0J 1G0

Phone: 519-463-5347
Fax: 519-463-5881
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June 12, 2023

Karen DePrest, CAO/Treasurer
Township of East Zorra-Tavistock
90 Loveys Street
PO Box 100
Hickson, ON N0J 1L0

Re: Building Services Agreement

Please be advised that the Township of Blandford-Blenheim wishes to terminate the Building Services agreement between our two Township's effective July 31, 2023 pursuant to section 2.1 of the agreement.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Rodger Mordue', is written over a light blue horizontal line.

Rodger Mordue
CAO/Clerk

MEMO

TO: Township of East Zorra-Tavistock
FROM: WSP
SUBJECT: EZT Secondary Plan Project Update
DATE: June 11, 2023

1.0 INTRODUCTION

The Township of East Zorra-Tavistock (EZT) is undertaking a technical evaluation project (the “Technical Evaluation”) to consider potential Settlement Area Boundary Expansion(s)(SABE) to the Villages of Tavistock and Innerkip. The goal of the Technical Evaluation is to identify locations to expand the settlement boundaries of Tavistock and Innerkip to accommodate the forecasted residential and employment growth identified through the County’s Phase 1 Comprehensive Review.

This memo summarizes the work completed to date for the East Zorra-Tavistock Secondary Plan Project since the previous update at the October 6th, 2022, Council meeting.

2.0 WORK COMPLETED TO DATE**2.1 PHASE 1**

Phase 1 included a review and analysis of background documents and data and the development of evaluation criteria for identifying the Focused Study Areas (FSA). The outcome of Phase 1 was the selection of preliminary Focused Study Areas for both Tavistock and Innerkip which were presented to Council at its June 15th, 2022, meeting (Maps showing FSAs are shown below as Figure 1 and Figure 2).

2.2 PHASE 2

Phase 2 involves the analysis of the preliminary Focused Study Areas, which includes a series of technical evaluations intended to identify the most appropriate lands for inclusion in the SABE(s). A summary of the status and findings so far (if applicable) for each of the technical evaluations is included below:

TECHNICAL ASSESSMENT

SUMMARY

<p>Agricultural Impact Assessment (AIA)</p>	<ul style="list-style-type: none"> - Draft report prepared by Coville Consulting has been reviewed by Staff and comments have been provided. Comments have been provided to the sub-consultant responsible for this work, Coville Consulting. - Preliminary findings indicate there will be impacts on the agricultural system. - Full AIA will provide a more detailed analysis and offer recommendations to reduce impacts on agricultural operations.
<p>Natural Heritage System Assessment</p>	<ul style="list-style-type: none"> - Draft reports prepared by WSP for both Tavistock and Innerkip have been reviewed by Staff, UTCA, and comments have been provided. WSP is revising the reports based on Staff comments. - Evaluations have been prepared for Tavistock and Innerkip FSAs. - Results have identified high, moderate, and potential constraints to development within the FSAs.
<p>Public Facility Assessment Review</p>	<ul style="list-style-type: none"> - Draft report prepared by WSP has been reviewed by Staff and comments have been provided. WSP is revising the report based on Staff comments. - Focus is on the serving capacity of parks, recreation, schools, and library system. - Final report will highlight any gaps or recommendations for integrating the expansion area into the existing system.
<p>Fiscal Analysis</p>	<ul style="list-style-type: none"> - To be conducted during the Secondary Planning exercise (Phase 3).

<p>Cultural Heritage and Archeological Resources Desktop Review</p>	<ul style="list-style-type: none"> - Draft report prepared by WSP has been reviewed by Staff and comments have been provided. WSP is revising the report based on Staff comments. - Review involves identifying any culturally significant heritage or archaeological resources within the FSAs. - A total of 12 resources with no known official designation (8 in Tavistock and 4 in Innerkip) and 1 local designation in Tavistock based on the Oxford County Heritage Resources Inventory. - All resources are located within existing settlement boundaries (i.e. not within FSAs). - Both FSAs have a high potential for the presence of archaeological resources.
<p>Infill and Intensification Study</p>	<ul style="list-style-type: none"> - Draft report prepared by WSP has been reviewed by Staff and comments have been provided. Updated 2022 land supply numbers have also been provided by Staff. WSP is revising the report based on Staff comments and updated numbers. - Study is focused on verifying and updating growth management and land supply information provided by the County. - Outcome will confirm the remaining land supply within the existing settlement boundaries and the required land needed for the expansion area(s).
<p>Multi-modal Transportation Study Review</p>	<ul style="list-style-type: none"> - Draft report prepared by WSP has been reviewed by Staff and comments have been provided. WSP is revising the report based on Staff comments. - Includes a review of existing and planned transportation facilities and infrastructure, and provides recommendations on integrating the expansion lands into the broader transportation system.
<p>Water Resources Evaluation</p>	<ul style="list-style-type: none"> - Study is intended to identify water resources. - Portions of the Thames-Sydenham & Region Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas are located within both the Tavistock and Innerkip FSAs. - Portions of the Tavistock FSA are located within the Wellhead Protection Area for the Tavistock Municipal Water Well.

<p>Water-Wastewater Servicing Assessment</p>	<ul style="list-style-type: none"> - WSP's water-wastewater team has completed an assessment of the existing water servicing capacity in both Tavistock and Innerkip based on data provided by the County. - A preliminary analysis for the 2047 future conditions was also performed to evaluate the existing system capacity in accommodating the needs of the future growth anticipated by the SABE. - WSP's water-wastewater team is also preparing a Wastewater Servicing Assessment in addition to the Water Servicing Assessment. - The Wastewater Servicing Assessment is on hold as the teams from the East Zorra-Tavistock Secondary Plan, William St Pumping Station Environmental Assessment (EA) and Water-Wastewater Master Plan projects align and coordinate on the findings from these three ongoing studies. - The Class EA Study (commenced in December 2022) for a New Supply Well in Tavistock, is investigating possible locations and solutions to address current and future water supply needs in Tavistock.
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2.2.1 PROJECT SCHEDULE

The project schedule was previously shifted due to unforeseen data gaps and delays in receiving the information to generate the water modelling for Tavistock and Innerkip, which was used to complete the Water Servicing Assessment.

As WSP's water-wastewater team began working on the Wastewater Servicing Assessment, it was identified that inputs and recommendations from both the William Street Pumping Station EA and the County's ongoing Water-Wastewater Master Plan would be required. Incorporating the inputs and recommendations from these parallel studies will ensure that the East Zorra-Tavistock Secondary Plan & SABE project team will utilize the most up-to-date information when selecting possible expansion areas and developing the Secondary Plan. Alignment between all three project teams will also mean that certain tasks are not being duplicated between projects.

The East Zorra-Tavistock Secondary Plan project team will continue to revise the other technical evaluations identified in section 2.2 based on Staff feedback. Once the SABE lands have been endorsed by Council, the project team will then proceed with the Secondary Planning exercise.

2.2.2 CONSULTATION UPDATE

No further consultation events have been held on the project since the Public Open

House held on September 8th, 2022. The Secondary Planning exercise being undertaken during Phase 3 of the project does include additional public consultation events, including a visioning workshop.

3.0 NEXT STEPS

The next steps in the process for the East Zorra-Tavistock Secondary Plan project include:

- Finalizing the Wastewater Servicing Assessment based on input from the William St Pumping Station EA and Water-Wastewater Master Plan projects.
- Finalizing the technical evaluations and consolidating the findings in an overall summary report.
- Identifying the SABE(s) lands based on the technical evaluations and consultation completed in Phase 2.
- Bringing the proposed SABE lands forward to Township Council for endorsement.
- Undertaking the Secondary Planning exercise for the SABE lands (Phase 3).
- Additional consultation and visioning for the Secondary Plan area.
- Bringing the Secondary Plan forward to Township Council for endorsement.
- Bringing the Secondary Plan forward to County Council for approval of the associated Official Plan Amendment (OPA).

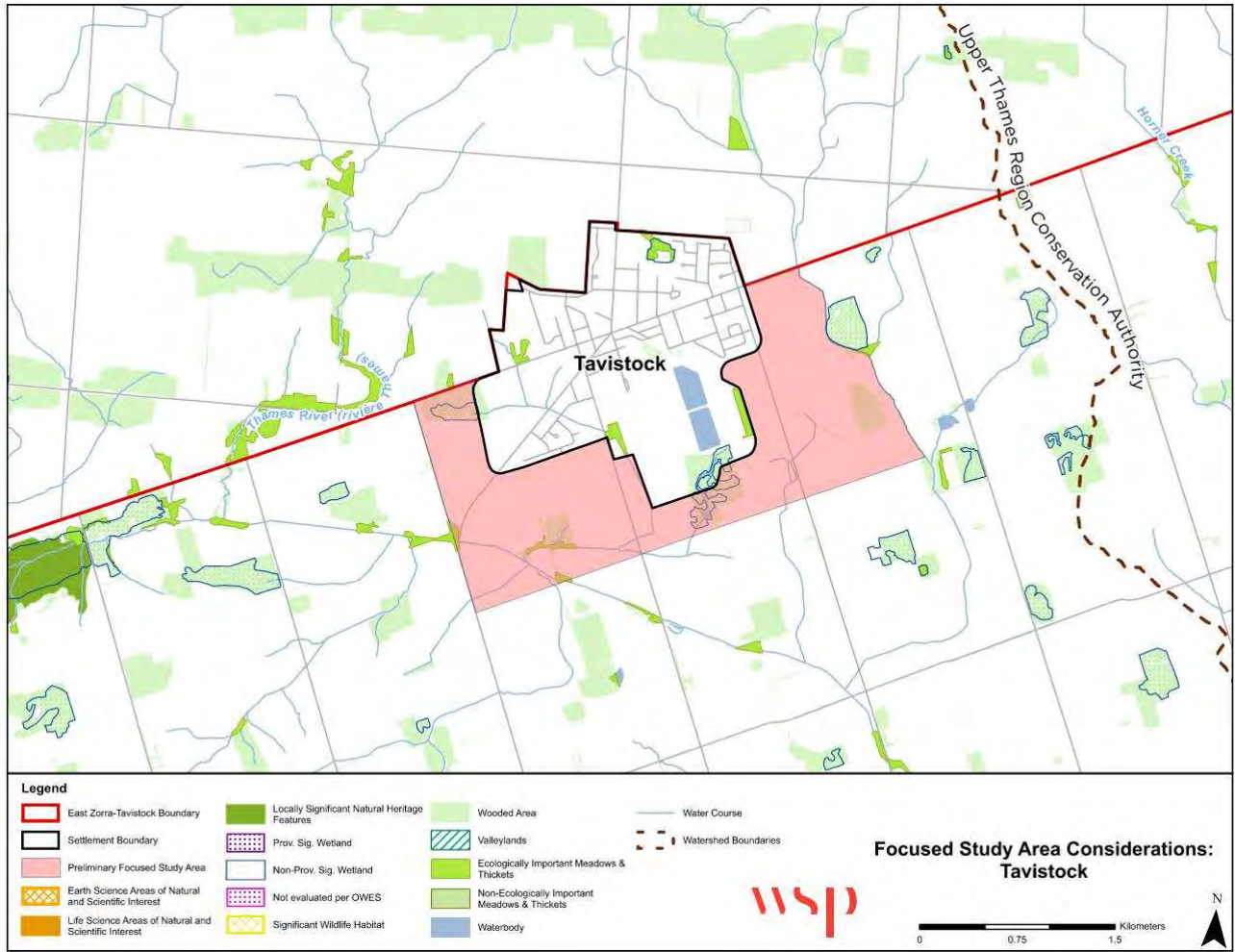


Figure 1: Map showing the Focused Study Area for Tavistock. The Focused Study Area includes lands that are being considered for expansion and does **not** represent the final expansion area.

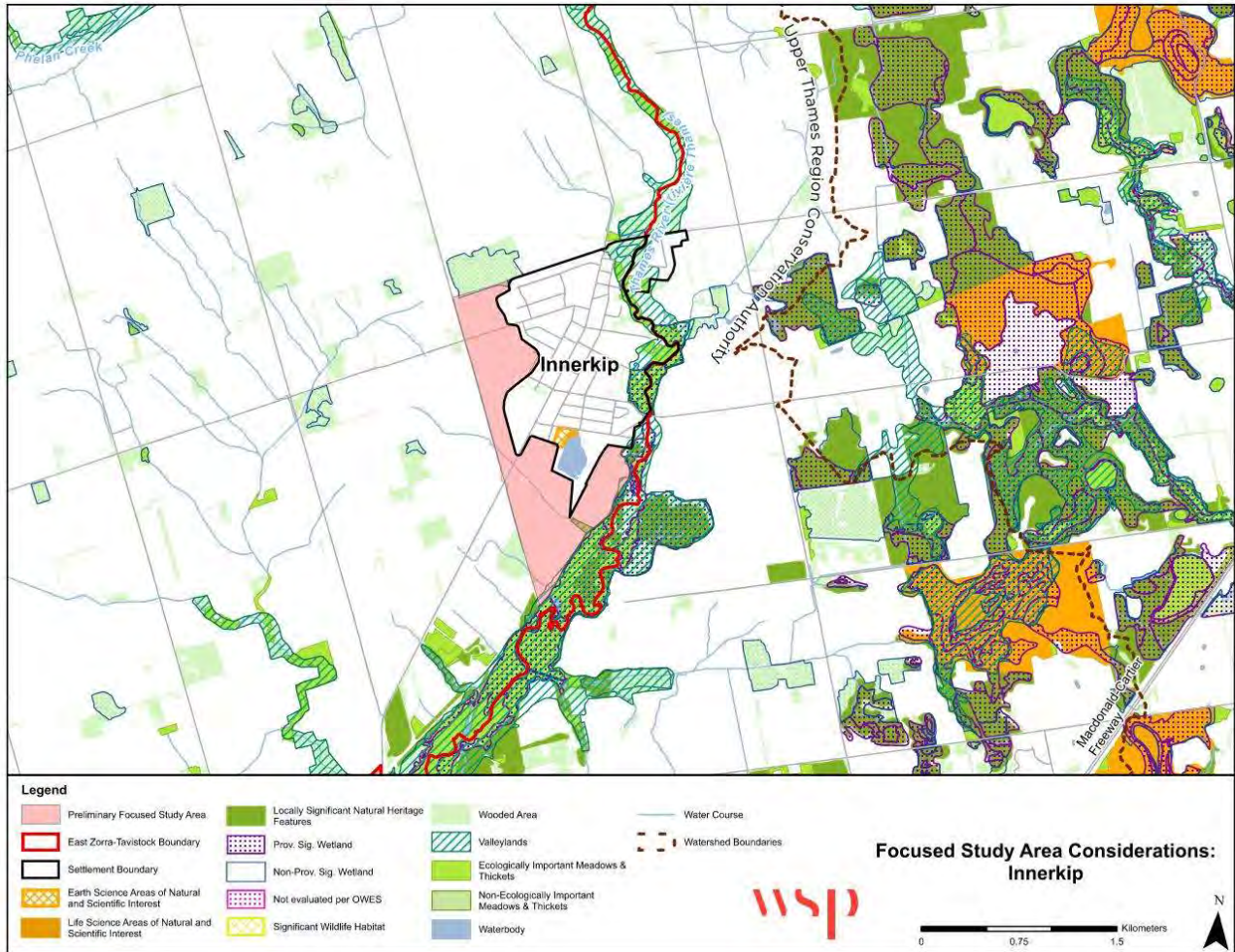


Figure 2: Map showing the Focused Study Area for Innerkip. The Focused Study Area includes lands that are being considered for expansion and does **not** represent the final expansion area.



To: Mayor and Members of Township of East Zorra-Tavistock Council
From: Meghan House, Development Planner (Policy Focus), Community Planning

Application for Zone Change ZN 2-23-03 – Township of East Zorra-Tavistock (Additional Residential Units)

REPORT HIGHLIGHTS

- The zone change application proposes a number of general amendments to the Township Zoning By-law to incorporate standards and requirements for Additional Residential Units (ARUs), as well as to amend related definitions and general provisions and include ARUs as a permitted use in various zones that permit residential uses.
- An Official Plan Amendment (OPA 285) was adopted by County Council on February 8, 2023 and requires that ARUs be generally permitted in serviced settlement areas and enables the Township to permit ARUs in unserviced areas, where appropriate and subject to various criteria. OPA 285 further requires the Township to implement the Official Plan policies in their Zoning By-law.
- Planning staff are of the opinion that the proposed zoning provisions attached to and described in this report are appropriate and will comply with and implement the Official Plan policies.

DISCUSSION

Background

APPLICANT: Corporation of the Township of East Zorra-Tavistock
90 Loveys Street East, PO Box 100 Hickson ON N0J 1L0

LOCATION:

The proposal is for a Township-wide general amendment that would apply to the entire Township.

PROPOSAL:

The purpose of the application for Zone Change is to introduce general amendments to the Township Zoning By-law to implement the policies of Official Plan Amendment No. 285 (OPA 285) adopted by County Council on February 8, 2023. OPA 285 directs that Additional Residential Units (ARUs) shall be permitted within single-detached dwellings, semi-detached dwellings, and street fronting townhouses and/or within a detached accessory building on the same lot where appropriate and subject to various requirements.

The proposed zoning provisions are attached to this report in the form of a draft by-law and are discussed in detail in the Planning Analysis section. The overall intent is to permit ARUs throughout the Township and 'as of right' as much as possible, while setting various standards and requirements to ensure adequate municipal or private water and sewage servicing, the functionality of the property (e.g., access, parking, coverage) and compatibility with adjacent land uses (e.g., landscaped open space, setbacks, screening/fencing).

Application Review

Planning Act

On June 6, 2019, the Province passed the *More Homes, More Choice Act* (Bill 108), which required municipalities to enact Official Plan policies and Zoning provisions to allow for the establishment of 'additional residential units (ARUs)' in a single detached, semi-detached or row house dwelling and/or within a building or structure ancillary to such dwellings. In keeping with that Provincial direction, on January 26, 2022 (through [Report CP 2022-16](#)) County Council directed Planning staff to initiate an amendment to the County Official Plan with respect to permitting ARUs in the County's rural areas (i.e. the five townships).

Following extensive consultation, a report outlining proposed changes to the Official Plan policies and a summary of input received from Township Councils and staff, County staff, and the public was provided to County Council on September 14, 2022 ([Report CP 2022-332](#)). Further comments from Council and the public were provided at the Public Meeting under the Planning Act, held on September 14, 2022, and are described in supplemental report to County Council on October 26, 2022 ([Report CP 2022-371](#)).

One day prior (i.e. October 25, 2022) to County Council considering the above noted report and Official Plan Amendment, the Province released a draft of Bill 23, *More Homes Built Faster Act* for consultation. This Bill proposed a number of changes to the previous provincial direction on additional residential units (ARUs). Given these proposed legislative changes, County Council resolved to defer their decision on the updates to the rural ARU policies to provide an opportunity to assess the potential implications from Bill 23 and associated changes to O. Reg. 299/19.

Bill 23 subsequently received Royal Assent on November 28, 2022 and the amendments to the associated ARU regulations (O. Reg. 299/19) were enacted on December 22, 2022. The approved legislation amended the provincial direction with respect to ARUs in several respects, resulting in minor revisions to the proposed Official Plan policies. The final Official Plan Amendment ([OPA 285](#)) was approved by County Council on February 8, 2023 and is now in force and effect.

The proposed zoning provisions are intended to implement the policies of OPA 285. However, since the approval of that amendment, the Province has released proposed updates to the Provincial Policy Statement ([ERO Posting 019-6813](#)) and further amendments to the Planning Act through Bill 97 ([ERO Posting 019-6821](#)). Bill 97 received Royal Assent on June 8, 2023. The draft PPS doesn't appear to change the Provincial direction regarding ARUs, except for providing clarification of the Province's intent to permit ARUs in prime agricultural areas. Further, the proposed changes to the Planning Act in Bill 97 appear to clarify existing legal requirements for ARUs and not to introduce any new requirements.

For Council's information, Bill 97 made the following amendments regarding ARUs:

- Clarified that the Planning Act provisions limiting municipal requirements to one parking space per unit apply only to the second and third units on a property; and,
- Made various changes to the Planning Act and Development Charges Act to clarify and use of consistent terminology, including:
 - all ARUs are exempt from development charges and parkland dedication requirements (i.e., not just ARUs within a principal dwelling or in a detached structure on a 'parcel of urban residential land' as previously written); and,
 - that decisions regarding new Official Plan policies, Official Plan Amendments, Zoning provisions, and Zoning By-law Amendments for all ARUs cannot be appealed to the Ontario Land Tribunal (i.e., not just ARUs within a principal dwelling or in a detached structure on a 'parcel of urban residential land' as previously written).

These legislative changes don't appear to require any changes to the Official Plan policies adopted through OPA 285. As such, the Townships can continue to proceed with implementation of those policies through zoning.

2020 Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Under Section 3 of the Planning Act, where a municipality is exercising its authority affecting a planning matter, such decisions "shall be consistent with" all policy statements issued under the Act.

The 2020 amendments to the Provincial Policy Statement (PPS) introduced a number of new and updated policies intended to increase the supply and mix of housing, including:

- Requiring that a range of housing options and densities be planned for in order to meet projected housing demand;
- Added references to the terms 'affordable' and 'market-based' in the policies pertaining to the determination of housing need;
- Requiring that planning decisions be aligned with local housing and homelessness plans; and
- Adding specific references to the term 'additional residential units' in the housing policies.

The term 'additional residential units' is specifically referenced in two sections of the PPS (Sections 1.1 and 1.4). However, the latter policies are the most relevant in terms of providing direction on Provincial expectations: Section 1.4 - Housing - Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by permitting and facilitating all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3.

The Provincial Policy Statement, similar to the Planning Act, does not offer a definition of Additional Residential Unit, but rather includes the term within the definitions of 'Housing Options' and 'Residential Intensification' as follows:

Housing Options - means a range of housing types such as, but not limited to single detached, semi-detached, rowhouses, townhouses, stacked townhouses, multiplexes, additional residential units, tiny homes, multi-residential buildings. The term can also refer to a variety of housing arrangements and forms such as, but not limited to life lease housing, co-ownership housing, co-operative housing, community land trusts, land lease community homes, affordable housing, housing for people with special needs, and housing related to employment, institutional or educational uses.

Residential Intensification - includes the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, additional residential units, rooming houses, and other housing options.

The above noted PPS policies generally require that municipalities provide for an appropriate range and mix of housing options and densities to meet projected need in appropriate locations (e.g. fully serviced settlement areas), by permitting and facilitating all types of residential intensification, including additional residential units. However, this direction also needs to be balanced with various other PPS policies pertaining to such matters as the protection of prime agricultural areas and other natural resources, land use compatibility, consideration of natural and man-made hazards, ensuring development is appropriately serviced, and directing growth and development to settlement areas.

The proposed draft amendments to the PPS similarly promote additional residential units as a component to providing housing options. However, a new policy has been introduced in the Agriculture section which clarifies the Provincial intent to include ARUs in the rural area, including on farms. The draft policy 4.3 Agriculture – 4.3.2 Permitted Uses, states as follows:

5. Subordinate to the principal dwelling, up to two additional residential units may be permitted in prime agricultural areas, provided that:
 - any additional residential units are within, attached to, or in close proximity to the principal dwelling,
 - any additional residential unit complies with the MDS formulae;
 - any additional residential unit is compatible with, and would not hinder, surrounding agricultural operations; and,
 - appropriate sewage and water services will be provided.

The additional residential units may only be severed from the lot containing the principal dwelling in accordance with policy 4.3.3.1 [i.e., policies related to lot creation and lot adjustments in prime agricultural areas].

The proposed updates to the PPS have not been approved; however, in the event that they are approved as proposed, there don't appear to be any changes required to the Official Plan policies adopted through OPA 285, so the Townships can continue to proceed with implementation of the policies through zoning.

Official Plan

Official Plan Amendment (OPA 285) was adopted by County Council on February 8, 2023 and the policies are in now force and effect. The intent of OPA 285 was to ensure consistency with the current Provincial direction on ARUs, while also establishing appropriate review criteria to inform and support the development of appropriate zoning provisions for each Township. The policies also allow for each Township to utilize other local implementation measures, such as licensing, servicing standards, and property standards, where deemed to be appropriate. Minor

housekeeping amendments to the policies regarding garden suites were also approved and increase the maximum period that a garden suite may be permitted from ten years to twenty years, consistent with current Planning Act provisions.

The policies of OPA 285 are summarized as follows:

- Specifically referencing the term ‘additional residential units’, including replacement of various references to the term ‘converted dwellings’ throughout the rural sections of the Plan, where appropriate. A definition of ARU(s) was added to the Plan through the ARU amendment for the City of Woodstock, as follows:

Additional Residential Unit (ARU) means a separate, self-contained dwelling unit located within a single detached, semi-detached or street townhouse dwelling, or within a detached building ancillary to such dwelling, and which is located on the same lot as, and is clearly subordinate to, the principal dwelling.

- Requires (in fully serviced settlements) or allows (outside fully serviced settlements) each Township to establish appropriate zoning provisions to allow for ARUs in single detached, semi-detached and townhouse dwellings and/or in a structure ancillary to such dwellings, where they are satisfied the various development review criteria in the Official Plan can be met;
- Set out the maximum number of ARUs per lot depending on the type of residential uses and servicing levels. The Planning Act does not permit municipalities to prohibit the use of up to three residential units on a ‘parcel of urban residential land’ (i.e., residentially zoned lot in a fully serviced settlement). However, it is understood that reasonable criteria can still be established to protect public health and safety.

Although the Planning Act no longer directs that municipalities must authorize the use of ARUs outside of fully serviced settlement areas, it was clear from previous consultation with Township staff, Councils and the public, that there is a desire to allow for ARUs outside of serviced settlements, where appropriate. Accordingly, the proposed draft OPA carries through the previously proposed policy direction in this regard, as follows:

- up to two ARUs per lot (i.e. up to two ARUs in the principal dwelling, or one ARU in an ancillary structure and one ARU in the principal dwelling) in a Serviced Village, subject to confirmation of available water and wastewater servicing capacity;
 - one ARU per lot in a principal dwelling or in an ancillary structure in other settlements (i.e. Rural Clusters and Villages without full municipal services); and,
 - up to two ARUs per lot (i.e. one in the principal dwelling and/or one in an ancillary structure) on an agricultural or rural residential lot. Agricultural lots that already contain more than one dwelling would still be limited to two ARUs in total. An ARU in an ancillary structure on a farm would be subject to approval by the Committee of Adjustment to ensure that the location of the unit and servicing are consistent with the applicable policies and allow for any necessary approval conditions to be applied.
- Criteria for all ARUs:
 - the ARUs shall be clearly secondary and subordinate to the principal dwelling on the lot and have a cumulative gross floor area no greater than 50% of the gross floor area of the principal dwelling on the lot, to a maximum of 100 m² (1076 ft²) on a lot in a settlement (Serviced Village, Village or Rural Cluster) and 140 m² (1506 ft²) on a lot outside of a settlement (agricultural and rural residential lots), except that the entire basement or cellar of the principal dwelling may be used, where permitted by zoning.

Permitting greater gross floor area for ARUs outside of settlement areas is intended to provide additional size flexibility for such units on lots outside of settlements, given the generally larger lot sizes, fewer anticipated impacts to adjacent properties and municipal services, and the gross floor area currently permitted for garden suites (i.e. that may seek conversion to an ARU);

- ARUs would not be permitted on a lot that already contains other accessory units/uses, including a boarding house, lodging house or group home, or a home occupation that is characterized by higher occupancy, including a bed and breakfast or a farm vacation rental. However, flexibility has been provided for the Townships to consider allowing ARUs in combination with garden suites or existing converted dwellings, provided the total number of additional dwelling units does not exceed the maximum permitted by the ARU policies;
 - centralized waste water and water supply and/or individual on-site water supply and sewage services are demonstrated to be adequate to serve the proposed use;
 - dwellings and lots are large enough to accommodate the ARU and provide for adequate parking, landscaping, stormwater management, and outdoor amenity areas;
 - any new buildings, additions and/or exterior alterations/features will generally maintain the built form and character of the principal dwelling and surrounding area;
 - principal dwelling must have direct, individual vehicular access to a public street and all ARUs shall generally use the same driveway and parking area;
 - there is adequate access from the front lot line and parking area to each ARU for both occupant use and emergency response;
 - to the extent feasible, existing trees and other desirable vegetation are preserved;
 - land use compatibility concerns will not be created or intensified;
 - potential impacts on environmental and/or heritage resources and any environmental constraints or land use compatibility issues can be satisfactorily addressed; and,
 - all other municipal requirements, such as servicing, stormwater management, waste management and emergency access, can be adequately addressed.
- Additional criteria for ARUs in a detached ancillary structure:
 - minimum lot area of 0.6 ha (1.48 ac) for lots without municipal wastewater services;

Note: There were questions from County Council with respect to the need for a minimum lot area in policies, given that on-site sewage systems are largely regulated by the Ontario Building Code (OBC). The PPS directs that individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts and that planning authorities should assess the long-term impacts of individual on-site sewage services on the environmental health of rural settlements areas when reviewing/updating their official plan. The OBC requirements do not take into consideration the potential cumulative impacts from multiple septic systems and wells in a particular area. Therefore, the above noted minimum lot area requirement, which was determined in consultation with local building officials and is consistent with existing lot area standards in the County and Provincial guidelines, was included in the Official Plan policies to provide a reasonable minimum standard until such time as more detailed study can be undertaken to establish more specific lot size standards and study requirements for the sustainable operation of septic systems in the County.

- except on an agricultural lot, the ancillary structure must be located in the rear or interior side yard;
- the siting, design and orientation of the ancillary structure, parking area and outdoor amenity areas will allow for privacy for occupants of the ARU, principal dwelling and abutting residential properties and minimize visual impacts on adjacent residential uses; and,
- proposals outside of settlement areas must meet, or not further reduce, Minimum Distance Separation (MDS I) requirements;
- On a farm, the ancillary structure must be located within the established residential area on the lot (i.e. the area comprising the principal dwelling and accessory residential structures, driveway, outdoor amenity areas and individual on-site services). An ARU in a new ancillary building shall be located a maximum distance of 30 m (98 ft) from the principal dwelling and should share the individual on-site water supply and sewage services and utility services with the principal dwelling, where possible. The cumulative area of the lot utilized for residential purposes shall be minimized to the extent feasible and not exceed 0.8 ha (2 ac). Further, the location of the additional residential unit and/or new services shall not result in the removal of agricultural land from production and/or negatively impact the function of the farm or an adjacent farm;
- Zoning provisions for ARUs are to be implemented through a comprehensive Township initiated amendment to the Zoning by-law, except where otherwise specifically noted in the policies (i.e. where a zone change or minor variance process is required to confirm adequacy of servicing or address other review criteria). Other privately initiated amendments to the Zoning by-law provisions to permit an ARU will not generally be permitted;
- An ARU cannot be severed from the lot containing the principal dwelling and, where a surplus dwelling is proposed to be severed as a result of farm consolidation, any ARU must remain with the surplus dwelling; and,
- Area municipalities may use other tools and measures to assist with tracking and regulating ARUs including, but not limited to, registration and/or licensing requirements, design guidelines, property standards by-laws, etc.

Zoning By-law

Through the development of Official Plan policies, Planning staff also developed a discussion draft of the associated zoning provisions to illustrate how the policies could potentially be implemented locally and serve as a starting template for the necessary updates to the Township Zoning By-Laws. Through the local discussions on these draft provisions it was noted that many of the ARU policies related to compatibility with adjacent land uses could potentially be addressed by retaining or slightly amending the existing zoning provisions that apply to residential development, such as maximum lot coverage, minimum yards and setbacks, and maximum height and lot coverage for accessory structures.

The changes to the Planning Act through Bill 23 have now eliminated the ability for municipalities to use site plan control for residential development of 10 units or less. Therefore, additional zoning provisions regarding building form, setbacks, locations of windows and doors, and screening of entrances, parking and amenity areas have been considered and are proposed in the draft zoning provisions to help ensure compatibility of ARUs with adjacent land uses. However, it is also acknowledged that zoning provisions would apply broadly to all ARUs, or to ARUs within a specific zone, rather than on a site by site basis. As such, there may still be some context specific

situations where a minor variance to the provisions may be reasonable to reflect existing site specific conditions. In addition, Township Council may wish to consider the need for other tools, such as licensing, registration and/or development standards/agreements to regulate the establishment of ARUs and this will be discussed further in the analysis section.

Outside of fully serviced settlements a site specific zoning amendment process, or approval by the Committee of Adjustment, may be appropriate to ensure that matters such as servicing capacity are appropriately addressed. For Council's information, zoning amendments to permit ARUs within a principal dwelling outside of a fully serviced settlement, are not subject to third party appeals to the OLT. Further, third party appeals are now limited for all minor variances. Therefore, if the Township determines that a planning process is still a desirable alternative to permitting ARUs 'as of right', applicants would not generally be at risk of a third party appeal (i.e., from an opposing neighbour). However, Planning staff are not recommending requiring a planning process for ARUs outside of settlements, except in the case of an ARU in a detached accessory structure on a farm as discussed through this report.

Agency Comments

Township of East Zorra-Tavistock staff was consulted throughout the development of the draft Zoning Provisions and are in agreement with the proposed draft provisions. Township staff requested that the Zoning provisions exclude parking spaces within enclosed garages as parking spaces for ARUs, and/or for residential development more broadly, in response to parking issues in settlements and that the maximum gross floor area for ARUs within serviced settlements be reduced to 50 m² to reduce the potential for parking and servicing issues. The draft provisions have been amended to reflect the advice of Township staff and a number of updates were also identified through consultation and are discussed in the Analysis section of the report.

Township staff has agreed to implement a process to check servicing capacity with County Public Works prior to issuance of a Building Permit and has indicated that a full licensing or registration program is likely beyond the current staffing capacity of the Township. The Township Fire Chief expressed concerns regarding identification of dwelling units during an emergency, particularly those within detached accessory buildings, and this may be an operational consideration for the Township.

County of Oxford Public Works provided the following comments:

1. Each application for a Building Permit to establish an ARU within in a settlement serviced by County water or sewage systems must be circulated to the County to confirm capacity. A formal process, forms, templates, etc. should be developed in consultation with the Townships. This process should occur prior to an application for Building Permit being deemed complete and Townships may amend their 'Building By-law' or equivalent document to incorporate this process;
2. Property owners should be advised, that the County is not responsible for the condition, capacity or performance of water and wastewater infrastructure once within the lot boundaries, such as low water pressure due to an increased number of units on the lot and or distance from the street. It's the property owner's responsibility (qualified person/designer) to confirm water and wastewater demands for the property, and the size/capacity of municipal services required. Any repairs or upgrades to municipal or private services would be at the cost of the owner. Further it is noted that only one water service, one wastewater service, and one meter (for billing) are permitted per lot, and any private sub-metering of water usage by additional units would be at the discretion of the property owner;

3. The County Allocation Protocol, which forms an internal protocol/agreement between Public Works, Community Planning and Area Municipalities, should be amended to address ARUs and other infill development (e.g., to include the process described above and establish unit caps for specific systems); and,
4. Zoning provisions that specify the number of ARUs permitted for each settlement serviced by County water and sewage systems will need to be agreed upon in consultation with the Townships. For the Township of East Zorra-Tavistock the appropriate number of permitted ARUs based on servicing capacity is as follows:
 - o Up to 2 ARUs per lot in the Village of Tavistock, except that no ARUs should be permitted in the contributory area for the William Street Sewage Pumping Station (SPS) at the current time;
 - o Maximum of 1 ARU per lot in the Village of Innerkip; and,
 - o Areas of the Village of Hickson that are served by a municipal water system, are already limited to a maximum of 1 ARU per lot by the Official Plan policies and Public Works is satisfied with that limit.

Comments 1, 2 and 3 are being addressed through ongoing discussions with Public Works. However, Planning staff are also recommending that the Township incorporate confirmation regarding servicing capacity into their Building Permit process to the extent possible through amendments to all applicable forms, checklists, etc. and/or by amending the Township Building By-law. Comment 4 has been incorporated into the proposed draft zoning provisions.

The Upper Thames River Conversation Authority (UTRCA) advised that properties affected by natural hazards may not necessarily be zoned to reflect the natural hazard and municipal staff and landowners should continue to consult with the UTRCA when ARUs are proposed within and adjacent to hazard lands.

Grand River Conservation Authority (GRCA), Southwestern Public Health and Bell Canada indicated that they have no comments or objections with respect to the proposed zone change.

Public Consultation

Notice of Complete Application was published in the Ayr News on May 17, 2023, the Oxford Review on May 25, 2023 and Wilmot-Tavistock Gazette on May 18, 2023 and Notice of Public Meeting was published in the Ayr News on May 31, 2023 and the Oxford Review and Wilmot-Tavistock Gazette on June 1, 2023. As of the date of writing the report, Planning staff had not received any public inquiries or comments regarding the proposal.

The proposed zoning provisions are intended to implement the Official Plan policies adopted through OPA 285 and consultation with the public was undertaken as part of development of the policies.

Planning Analysis

The proposed Zoning provisions were developed in consultation with Township staff and County Public Works, other agency comments have been addressed as indicated in the 'Agency Comments' section above. The following is a description of the proposed standards and requirements and their intent and rationale.

Converted Dwellings

OPA 285 amended the policies regarding converted dwellings to permit up to four units in a Serviced Village subject to Township zoning provisions and removed converted dwellings up to two units as a permitted use in unserviced areas (i.e., rural settlements, rural residential and agricultural properties), as the ARU provisions provide a similar opportunity to convert single unit residential dwellings to include two dwelling units. The policies permit the Township zoning by-law to permit two to four units within a converted dwelling in Serviced Villages and the proposed zoning amendment includes 'converted dwellings up to four units' as a permitted use in the 'Residential Type 3 Zone (R3)', subject to specific zoning provisions.

The proposed zoning provisions would not permit converted dwellings on the same lot as an ARU or garden suite, within a settlement that does not have adequate servicing capacity, or on a lot containing natural hazards, unless clearance or approval has been obtained from the Conservation Authority having jurisdiction. Also entrances to the dwelling units are proposed to be required to be shared or located to side or rear, stairways or balconies are to be located to the side or rear and a minimum of 100 m² of landscaped open space be required in the rear yard for all units to share or be divided up equally.

Garden Suites

The current zoning requirements for garden suites have not been modified except to permit authorizing the use a garden suite for up to 20 years, instead of up to 10 years as currently provided for in the existing zoning provisions. A site specific zone change to allow for a garden suites as a temporary use is still required by the Planning Act and the Official Plan policies.

Zones Where ARUs are Permitted and Number and Size of Units

Under the Planning Act, municipalities are not permitted to prohibit ARUs on a lot with both a municipal water system and municipal sewage system (i.e., a 'parcel of urban residential land'). Municipalities are not required to permit ARUs in unserviced areas, but ARUs in these areas are encouraged through exemptions from development charges/parkland dedication and the zoning provisions with respect to ARUs are protected from appeals to the OLT. Accordingly, the Official Plan policies for ARUs require Townships to permit up to two ARUs in fully serviced settlement areas, but Townships have some additional choice regarding how to implement ARUs in unserviced settlements and agricultural areas.

Planning staff's current understanding of the Provincial direction on ARUs is that such units are largely expected to be permitted 'as of right' in single detached, semi-detached and townhouse dwellings in most fully serviced settlement areas, unless there is a clear planning basis for not doing so. Permitting units 'as of right' means that no planning process would be required, only that a building permit be obtained. However, it is also understood that municipalities are permitted to develop reasonable local standards and minimum requirements that will need to be met for such units to be established, particularly in cases where they are to be located in a building or accessory to the primary dwelling.

In keeping with the Official Plan policies and comments from County Public Works regarding servicing capacity, the maximum number and size of units is proposed as follows:

- the proposed zoning provisions would not permit an ARU on the same lot as a converted dwelling or a garden suite, within a settlement that does not have adequate servicing capacity, or on a lot containing natural hazards, unless clearance or approval has been obtained from the Conservation Authority having jurisdiction. With respect to lots containing an existing garden suite, under the Official Plan policies an ARU may be permitted on the same lot as a garden suite where the remaining policies for ARUs can be met; however, it is recommended that these situations be addressed on a site specific basis through a Minor Variance application;
- residential lots with full municipal services (e.g., R1, R2, R3, CC and V zones), may permit up to 2 ARUs, with a maximum cumulative gross floor area for all ARUs of 50% of the gross floor area of the principal dwelling or 50 m² (538 ft²), whichever is the lesser. ARUs are proposed to be prohibited in the contributory area of the William Street SPS until upgrades are complete. A new Zoning Amendment to permit ARUs in this area could be introduced once upgrades are complete. The number of ARUs in the Village of Innerkip is proposed to be limited to one, either within the principal dwelling or in a detached accessory structure, based on servicing capacity limitations;
- residential lots in a settlement without a municipal sewage system (e.g., R1, R2, RE, RR, ER and V zones), may be permitted a maximum of 1 ARU located within the principal dwelling or in a detached accessory structure, with a maximum cumulative gross floor area for all ARUs of 50% of the gross floor area of the principal dwelling or 100 m² (1076 ft²), whichever is the lesser; and,
- residential and agricultural lots outside of settlements (e.g., A1, A2, RR, and RE zones), may be permitted up to 2 ARUs, with a maximum cumulative gross floor area for all ARUs of 50% of the gross floor area of the principal dwelling or 140 m² (1507 ft²), whichever is the lesser. Committee of Adjustment approval is required by the Official Plan policies for detached ARUs on farms to confirm the location of the ARU and associated servicing.

Notwithstanding the maximum gross floor area provisions outlined above, it is proposed that the entire basement or cellar of the principal dwelling be permitted to be used for the purposes of an ARU, provided there are no other additional residential units or garden suites on the lot. This exception would permit a basement or cellar that is larger than the gross floor area limit to be used in its entirety without the need for a minor variance.

The 'permitted uses' for zones that permit residential uses are proposed to be amended as follows:

- ARUs are added in the following zones: 'Residential Type 1 Zone (R1)'; 'Residential Type 2 Zone (R2)'; 'Village Zone (V)'; 'Rural Residential Zone (RR)'; 'Residential Existing Lot Zone (RE)'; 'Limited Agricultural Zone (A1)'; and 'General Agricultural Zone (A2)' and the permitted use 'converted dwellings' is amended to permit only 'existing' converted dwellings in those zones;
- ARUs are added as a permitted use within an 'existing' single detached dwelling in the 'Central Commercial Zone (CC)' and the permitted use 'converted dwelling' is amended to permit only 'existing' converted dwellings. In Serviced Villages the CC Zone is within the Village Core designation, which is intended to be a predominately commercial area. Although low density residential uses are permitted in the Village Core designation, it is recommended that ARUs only be permitted within existing single detached dwellings in the

CC zone to ensure new residential uses in that area are higher density and/or accessory to commercial uses;

- ARUs are added and 'converted dwellings up to four units' is retained in the 'Residential Type 3 Zone (R3)'; and,
- ARUs have not been added as a permitted use in zones that permit residential uses only as accessory to a permitted non-residential use, including the 'Agri-Business Zone (AB)'; 'Institutional Zone (I)'; and, 'Recreational Zone (REC)' and converted dwellings have been deleted as a permitted use in those zones. Residential uses in AB, I and REC zones are intended to be accessory to and support the primary non-residential use of the property and are not intended to be intensified.

Standards and Requirements for All ARUs

Lot Area, Lot Frontage, Lot Coverage and Setbacks – for ARUs within a principal dwelling the lot area, lot frontage, lot coverage and setbacks are proposed to be the same as required for the principal dwelling as it is anticipated that the space requirements of adding units within the principal dwelling would be primarily limited to provision of on-site parking.

Entrances and Stairways – within settlements, new entrances and stairways are proposed to be required to be located to the side or rear of the principal dwelling and a minimum unobstructed pathway to the entrance would be required for emergency access.

Parking – one parking space would be required for each ARU in addition to the minimum required parking spaces for the principal dwelling (e.g., two spaces are required for a single detached dwelling). The parking spaces are permitted to be in tandem (one behind the other) and a new definition of 'Parking Space – Tandem' is proposed to clarify that tandem means only two parking spaces, not three or more parking spaces in a row. In response to Township concerns regarding parking issues and past challenges with the use of garages for storage rather than parking, the proposed parking provisions exclude spaces within an enclosed garage from the determination of 'required parking' for ARUs, converted dwellings and garden suites. The existing maximum of 50% coverage of the front yard for parking spaces is proposed to remain.

The Township has indicated that they may want to also consider excluding parking spaces within an enclosed garage from the determination of 'required parking' for single detached dwellings and semi-detached dwellings. Planning staff is of the opinion that this exclusion may have merit for addressing parking issues, but a full review of the implications of such a change should be undertaken prior to making broader amendments to the parking provisions. For example, the maximum front yard coverage of 50% may not be appropriate for semi-detached dwellings where the minimum lot frontage is 9 m and 2 parking spaces with minimum width of 2.7 m would occupy 5.4 m or 60% of the front yard, as well there may be implications for approved, but unbuilt development.

Landscaped Open Space in the Rear Yard – in lieu of a requirement for 'unit assigned' amenity space it is proposed that a minimum of 75 m² (807 ft²) of landscaped open space in the rear yard be required for one additional residential unit and a minimum 100 m² (1076 ft²) for two additional residential units and such landscaped open space shall be accessible to all dwelling units or access apportioned to each dwelling unit. This requirement is intended to provide adequate amenity and utility space for occupants of the principal dwelling and all ARUs.

Additional Standards and Requirements for Units within a Detached Accessory Structure

Lot Area – for ARUs within a detached accessory structure a greater lot area requirement is proposed to permit adequate space for the ARU structure, a parking space, and an access walkway, and, where required, additional or upgraded private sewage system(s). The basis for the minimum lot area requirement for detached ARUs on lots with private sewage services is included in the discussion of Official Plan policies on Page 6 of this report.

Permitted Location and Maximum Setback from the Street – detached ARUs within settlements are proposed to be located to rear or side of the principal dwelling and a maximum of 40 m (147.6 ft) from the public street for emergency access.

Permitted Location and Maximum Setback from the Principal Dwelling on a Farm – detached ARUs must be located a maximum of 30 m (98.4 ft) from the principal dwelling on a farm, this provision was included in the Official Plan policies to ensure that units remain close to the principal residential use to conserve farmland, ensuring the unit is clearly secondary to and remains with the main dwelling, reduce potential for conflict with agriculture, and limit impacts to MDS setbacks for surrounding agricultural uses.

Privacy and Screening – it is proposed that minimum screening (i.e., privacy fencing) be required for ARUs within settlements and that decks, balconies, and rooftop patios and windows facing the property line not be permitted. The fencing provisions have been drafted to scope the amount of fencing required for screening an ARU in a detached structure on larger, rural properties within rural settlements.

Other Amendments

- New definitions and addition of an index: ‘Additional Residential Units’; ‘Individual On-site Sewage System’; ‘Individual On-site Water System’; ‘Municipal Sewage System’; ‘Municipal Water System’; ‘Natural Hazards’; ‘Parking Space, Tandem’; ‘Principal Dwelling’; ‘Private Communal Sewage System’; and, ‘Private Communal Water System’.
- Amended definitions: ‘Converted Dwelling’; ‘Dwelling Unit’; ‘Parking Area’; and, ‘Multi-unit Dwelling’.
- Dwelling Units Below Grade – amendments to the existing section are proposed to reflect the new definition of natural hazards and where dwelling units below grade are not be permitted.
- Home Occupations – amendments to the home occupation provisions are proposed to limit which home occupations are permitted on the same property as an ARU, converted dwelling or garden suite. Home occupations permit up to one employee and/or higher occupancy and are proposed to not be permitted within ARUs (i.e., only permitted within the principal dwelling). Within settlements, bed and breakfast establishments and home daycares are proposed to not be permitted on the same property as an ARU, converted dwelling, or garden suite to avoid issues with parking, traffic, and servicing capacity.
- Municipal Services – amendments to the existing section that requires connection to available municipal services is proposed to also require confirmation of adequate municipal water and sewage service capacity prior to permitting development that generates additional usage.

- It has been identified that the site specific provisions for the 'Special Residential Type 1 Zone (R1-28)', 'Special Residential Type 3 Zone (R3-7)' and 'Special Restricted Industrial (MR-3(H))' that were added by By-law No. 2020-42 were inadvertently deleted through housekeeping zoning amendments (By-law No. 2021-09) and these special provisions are included in the draft by-law to correct this error. Key Map 7 refers to these site specific zones and no schedule changes are required.

Municipal Licensing/registration and other considerations

Other municipalities have taken various approaches to licensing or registering ARUs. Some municipalities already have rental licensing programs under the Municipal Act and have incorporated ARUs into that program. Other municipalities have developed licensing/registration programs specific to ARUs and/or scoped site plan approval (prior to Bill 23 and removal of this authority). Townships in Oxford County have indicated that administration of a full municipal licensing/registration system is likely beyond the existing capacity of Township staff and is not a preferred option. Through consultation with the Townships, there has been discussion of amending Building By-laws and/or requiring a one-time confirmation that the ARU(s) meet all municipal requirements prior to issuance of a Building Permit. Planning staff recommend that the Township consider how operational matters, such as emergency response and addressing, could be best managed.

Conclusions

The proposed zoning provisions are intended to implement the Official Plan policies adopted by County Council through OPA 285. The Official Plan policies set out the minimum standards that the Township Zoning must maintain, or can build from as deemed appropriate based on local conditions. The proposed draft zoning provisions contain additional requirements and standards with respect to municipal servicing capacity and compatibility of new units within existing areas that reflect local conditions and interests. Staff anticipate monitoring the effectiveness and clarity of the zoning provisions and evaluating the number and nature of minor variance applications that result, with the expectation that certain requirements may need to be revisited once there has been sufficient time to assess their effectiveness.

Planning staff are of the opinion that the proposed zoning provisions attached to and described in this report are appropriate and will comply with and implement the Official Plan policies.

RECOMMENDATIONS

1. **That the Council of the Township of East Zorra-Tavistock approve-in-principle the proposed Zoning By-Law amendment (File No. ZN2-23-03) to introduce amendments to Township Zoning By-Law No. 2003-18 and that the By-law be brought back to a subsequent Council meeting.**
2. **And further, that Council direct Township staff to work with County staff to implement a process to confirm servicing capacity, which is acceptable to both the County and Township, prior to approval of any Building Permit to establish an Additional Residential Unit.**

3. **And further, that Council direct Township staff to review and report back to Council regarding implementation of a licensing/registration system or other process to confirm compliance with all municipal requirements.**
4. **And further, that Planning staff be requested to report back to Council once the amended By-law provisions have been in effect for at least six months to identify any implementation or interpretation issues and the number and nature of Minor Variance applications submitted to facilitate Additional Residential Units.**

SIGNATURES

Authored by: *Original signed by*

Meghan House, MCIP, RPP
Development Planner (Policy Focus)

Review by: *Original signed by*

Paul Michiels, Manager of Policy Planning

OXFORD COUNTY

ADDITIONAL RESIDENTIAL UNITS TOWNSHIPS

PUBLIC MEETING
ZONE CHANGE ZN2-23-03

TOWNSHIP OF
EAST ZORRA-TAVISTOCK
JUNE 21, 2023



- Under the Planning Act, municipalities can not prohibit up to two Additional Residential Units (ARUs) per lot containing a single detached, semi-detached or street townhouse dwelling in fully serviced settlements
 - Other limitations in Act and Regulation 299/19
 - Policies/provisions protected from appeals
 - Units exempt from development charges and parkland dedication
- No specific direction/requirements for unserviced areas, but some protection from appeals
- County Council approved OP policies for rural Townships on February 8, 2023
- OP policies direct Townships to implement the policies through their Zoning By-laws

“ADDITIONAL RESIDENTIAL UNIT”, means a *dwelling unit* located within the *principal dwelling* on the *lot* or in a permanent detached *accessory building* on the *lot*, and which is secondary and subordinate to the *principal dwelling* on the *lot*.



- OP policies require that the zoning permit up to two ARUs per lot (i.e. two in the principal dwelling or one in the principal dwelling and one in an ancillary structure) in zones permitting single detached, semi-detached and/or street townhouse dwellings (e.g., R1, R2, R3, V and CC), where adequate servicing capacity exists
- municipal water and wastewater services – must confirm adequate capacity is available, but limited in specific areas where constraints are known:
 - 2 ARUs per lot in Tavistock, except no ARUs in contributory area of William Street Sewage Pumping Station
 - 1 ARU per lot in Innerkip
- subject to various other criteria applicable to all ARUs

VILLAGES & RURAL CLUSTERS

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- policies enable Township to permit one ARU per lot, either within the principal dwelling or in a detached structure in zones permitting single detached, semi-detached and street townhouse dwellings (e.g., R1, R2, V, RE, RR, ER)
- min. lot area of 0.6 ha (1.48 ac) for unit in detached structure
- where there is municipal water supply – must confirm adequate capacity and connect
- must demonstrate adequacy of private services (i.e., on-site septic and/or well)
- subject to various other criteria applicable to all ARUs

- policies enable Township to permit up to two ARUs per lot (i.e. two in the principal dwelling or one in the principal dwelling and one in an ancillary structure)
- minimum lot area of 0.6 ha (1.48 ac) for unit in detached structure
- where a lot contains more than one dwelling, still only permitted to have two ARUs per farm unit
- ARUs in a detached structure on a farm subject to approval by Committee of Adjustment to ensure locational criteria are met
- must demonstrate adequacy of private services (i.e., on-site septic and/or well)
- subject to various other criteria applicable to all ARUs

- ARU(s) must be clearly secondary to the principal dwelling
- max. gross floor area (GFA) of all ARUs is 50% of the GFA principal dwelling on the lot, to a maximum of:
 - 50 m² (538 ft²) within a serviced settlement;
 - 100 m² (1,076 ft²) within a settlement; and
 - 140 m² (1,506 ft²) outside of a settlement (i.e. farm or RR lot)
- min access for occupants and emergency response
- minimum parking and landscaped open space requirements

CRITERIA FOR ARU IN DETACHED STRUCTURE

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- structure to be located in rear or interior side yard, except on farms
- min side and rear yards and building height same as existing for accessory buildings
- max setback for fire access
- avoid impacts to agricultural operations on the farm or nearby farms - max distance of 30 m from principal dwelling on a farm and must comply with MDS I
- minimize potential impacts on adjacent properties – minimum fencing, no windows above ground floor or upper level balconies, decks, and rooftop patios

- **Converted Dwellings**
 - removed from AB, I and REC
 - changed to 'up to four units', permitted in R3 Zone
- **other definitions and minor changes**
 - updated servicing and natural hazard terminology to match OP/PPS
 - definition of tandem parking space
 - permit residential dwellings in basement or cellar
 - home occupation only in principal dwelling
 - home daycare and bed and breakfast not permitted on same lot as ARUs, converted dwelling or garden suite in a settlement
 - correction to site specific provisions
- **revise Garden Suite provisions to allow such units to remain for up to 20 years**

1. That the Council of the Township of East Zorra-Tavistock approve-in-principle the proposed Zoning By-Law amendment (File No. ZN2-23-03) to introduce amendments to Township Zoning By-Law No. 2003-18 and that the By-law be brought back to a subsequent Council meeting.
2. And further, that Council direct Township staff to work with County staff to implement a process to confirm servicing capacity, which is acceptable to both the County and Township, prior to approval of any Building Permit to establish an Additional Residential Unit.
3. And further, that Council direct Township staff to review and report back to Council regarding implementation of a licensing/registration system or other process to confirm compliance with all municipal requirements.
4. And further, that Planning staff be requested to report back to Council once the amended By-law provisions have been in effect for at least six months to identify any implementation or interpretation issues and the number and nature of Minor Variance applications submitted to facilitate Additional Residential Units.

OXFORD COUNTY

ADDITIONAL RESIDENTIAL UNITS TOWNSHIPS

QUESTIONS



**THE CORPORATION OF THE
TOWNSHIP OF EAST ZORRA-TAVISTOCK**

COUNTY OF OXFORD

BY-LAW NUMBER #2023-__

A By-Law to amend Zoning By-Law Number 2003-18, as amended.

WHEREAS the Municipal Council of the Corporation of the Township of East Zorra-Tavistock deems it advisable to amend By-Law Number 2003-18, as amended.

THEREFORE, the Municipal Council of the Corporation of the Township of East Zorra-Tavistock, enacts as follows:

- That Section 4.0 to By-Law Number 2003-18, as amended, is hereby further amended by adding the following at the beginning thereof:

INDEX OF DEFINITIONS

<u>A</u>	<u>H</u>	Processing Plant for Agricultural Products and/or By-Products
Abattoir	Height	Public Garage, see 'Garage, Public'
Accessory	Home Occupation	Public Library
Additional Residential Unit	Hospital, Private	Pump Island
Agricultural-Related Uses	Hospital, Public	
Airstrip, Private	Hotel or Motel	
Alter		<u>R</u>
Amenity Area		Recreational or Athletic Facility or Club
Animal Kennel	<u>I</u>	Recreational Trail
Assembly hall	Improved Street, see 'Street, Improved'	Recreational Vehicle
Asphalt or Concrete Batching Plant	Individual On-site Sewage System	Rendering Plant
Attic	Individual On-site Water System	Retail Store
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Building Inspector/Chief Building Official	Long Term Care Facility	School
Business or Professional Office	Lot	Public School
By-law Enforcement Officer, Zoning Officer, or Chief Building Official	Lot Area	Private School
	Corner Lot	Commercial School
	Lot Coverage	Seasonal Trailer Park or Campground
	Lot Depth	Septic System and/or Holding Tank
	Lot Frontage	Semi-Detached Dwelling, see 'Dwelling'
	Interior Lot	Service Shop
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<u>C</u>	Lot Line	Soil Processing Operation
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Cellar	Exterior Side Lot Line	Storey
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Communications Establishment	Side Lot Line	
Conservation Project		
Consultant in Agriculture		

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County	Minimum Distance Separation	Studio
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<u>D</u>	Mobile Home	Third Party Review
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Ground Floor Area	Private Hospital, see 'Hospital,
Group Home	Private
Guest Room	

2. That Section 4.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting Sections 4.14, 4.24, 4.28, 4.37, 4.38, 4.49, 4.51, 4.52, 4.99, 4.101, 4.107, 4.109, and 4.124.
3. That Section 4.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting all section numbers for definitions.
4. That Section 4.0 to By-Law Number 2003-18, as amended, is hereby further amended by adding the following definitions in alphabetical order:

"ADDITIONAL RESIDENTIAL UNIT", means a *dwelling unit* located within the *principal dwelling* on the *lot* or in a permanent detached *accessory building* on the *lot*, and which is secondary and subordinate to the *principal dwelling* on the *lot*. *Additional residential unit(s)* shall not include a *trailer*, a *mobile home*, a *motor home* or *recreational vehicle* as defined herein.

"DWELLING", means a *building* occupied or capable of being occupied as the home or residence of one or more *persons*, but shall not include a *trailer*, a *mobile home*, a *motor home* or *recreational vehicle* as defined herein. A *dwelling* may include a *mobile home* for the purposes of an *accessory dwelling* to a *farm* in the A1 or A2 Zones.

"APARTMENT DWELLING", means a *dwelling* of two or more *storeys* containing three or more *dwelling units* sharing a common hall or halls and a common entrance at street level or above the first floor.

"BOARDING OR LODGING HOUSE", means a *dwelling*, containing not more than four *guest rooms* used or maintained for accommodation of the public, in which the owner or head lessee supplies, for hire or gain, lodgings with or without meals for three or more *persons* but does not include any other establishment otherwise defined or classified herein.

"CONVERTED DWELLING", means a *single detached dwelling* which has been altered or converted to contain no more than four *dwelling units*, unless otherwise specified in this By-law.

"DUPLEX DWELLING", means the whole of a *dwelling* that is divided horizontally into two separate *dwelling units* each of which has an independent entrance either directly from the outside or through a common vestibule.

"MULTIPLE UNIT DWELLING", means a *dwelling* consisting of three or more *dwelling units*, which are horizontally and/or vertically attached, which may be entered from an independent entrance directly from the outside or from an internal common space or an access balcony and in which 50% or more of *dwelling units* have direct access to grade or a roof terrace. A *multiple unit dwelling* includes a triplex, a fourplex, a sixplex and a townhouse, but shall not include an *additional residential unit*, a *converted dwelling*, a *street fronting townhouse* or an *apartment dwelling*.

“PRINCIPAL DWELLING”, means the *single detached dwelling, semi-detached dwelling, or street fronting townhouse dwelling* that has been *altered* to contain *additional residential unit(s)* and/or is located on the same *lot* as an *additional residential unit* in an *accessory building*.

“SEMI-DETACHED DWELLING”, means one of a pair of two attached *dwelling units*, divided in whole or in part by a common interior vertical wall with a minimum area above grade of 10 m² (107.6 ft²), each of which has an independent entrance either directly from the outside or through a common vestibule.

“SINGLE DETACHED DWELLING”, means a *building* that was designed and built to contain only one *dwelling unit*, but shall not include a mobile home.

“STREET FRONTING TOWNHOUSE DWELLING”, means a *dwelling* consisting of three or more *dwelling units* that are aligned horizontally and divided vertically in whole or in part by common walls, with a minimum area above grade of 10 m² (107.6 ft²), and each of which has an independent entrance directly from the outside and fronts onto a public *street*.

“DWELLING UNIT”, means a suite of two or more rooms, designed or intended to be used for human habitation and to accommodate a single household, in which sanitary conveniences and cooking facilities are provided and which has a private entrance either from the outside of the *building* or through a common hallway or vestibule.

“GARAGE, PUBLIC”, means a *building* or place where *motor vehicles* are hired or kept or used for hire, or where such vehicles and gasoline or oils are stored or kept for sale, or a *building* or place used for the purpose of servicing, maintaining, repairing (including body and fender work and painting), washing or cleaning *motor vehicles*, but does not include any *use* otherwise defined or classified herein.

“INDIVIDUAL ON-SITE SEWAGE SYSTEM”, means sewage systems, as defined in O. Reg. 332/12 under the Building Code Act, 1992, that are owned, operated and managed by the owner of the *lot* upon which the system is located.

“INDIVIDUAL ON-SITE WATER SYSTEM”, means individual water supply systems that are owned, operated and managed by the owner of the *lot* upon which the system is located.

“MUNICIPAL SEWAGE SYSTEM”, means a sewage works with the meaning of Section 1 the Ontario Water Resources Act that is owned or operated by the *County*, including centralized and decentralized systems.

“MUNICIPAL WATER SYSTEM”, means a drinking-water system within the meaning of Section 2 of the Safe Drinking Water Act, 2002, that is owned or operated by the *County*, including centralized and decentralized systems.

“NATURAL HAZARDS”, means property or lands that could be unsafe for development due to naturally occurring processes and includes riverine flooding hazards, riverine erosion hazards, and wetlands regulated under the Conservation Authorities Act and associated regulations.

"PARKING AREA", means an area provided for the parking of *motor vehicles* and may include *parking aisles, parking spaces* and ingress and egress lanes, but shall not include any part of a public *street*. *Parking area* may include a *private garage*, unless otherwise specified in this Zoning By-law.

"PARKING SPACE", means an area having an adequate means of ingress and egress to and from a public *street, lane or parking aisle* for the temporary parking or storage of *motor vehicles*, and may include a *private garage*, unless otherwise specified in this Zoning By-law.

"PARKING SPACE, TANDEM", means two *parking spaces*, one behind the other, which are accessed by the same *parking aisle*.

"PRIVATE COMMUNAL SEWAGE SYSTEM", means a sewage works within the meaning of section 1 of the Ontario Water Resources Act that serves six or more *lots* or private residences and is not owned by a municipality.

"PRIVATE COMMUNAL WATER SYSTEM", means a non-municipal drinking-water system within the meaning of section 2 of the Safe Drinking Water Act, 2002 that serves six or more *lots* or private residences.

5. That Section 5.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting Subsection 5.5 and replacing it with the following new subsection 5.5:

5.5 CONVERTED DWELLINGS AND ADDITIONAL RESIDENTIAL UNITS

5.5.1 CONVERTED DWELLINGS

5.5.1.1 WHERE PERMITTED

Where listed as a permitted use in the Zone, a *converted dwelling* containing up to four *dwelling units* is permitted subject to compliance with the provisions of this Section and all other provisions of the Zone in which the *lot* is located.

5.5.1.2 WHERE NOT PERMITTED

Converted dwellings shall not be permitted:

- i) on any *lot* containing an *additional residential unit* or a *garden suite*;
- ii) on any *lot* located in within a settlement defined in Section 2.7.2.1, unless adequate *municipal water system* and/or *municipal sewage system* capacity to service the *converted dwelling* has been determined and/or confirmed by the *County*; or,
- iii) on any *lot* containing *natural hazards*, unless clearance or approval from the Conservation Authority having jurisdiction has been obtained, or on any *lot* that does not meet Provincial access standards during a regulatory flood event.

5.5.1.3 ALTERATIONS TO DWELLING

Alterations to an *existing single detached dwelling* shall meet the following requirements:

- i) entrances on the front of the building shall be limited to one, which may be shared by *dwelling units* via an internal vestibule or corridor;
- ii) additional exterior entrance(s) shall only be located in the *rear yard* or *interior side yard*;
- iii) there shall be no exterior stairways or balconies except one open fire escape which shall be located only in the *rear yard* or *interior side yard*; and,
- iv) the lot has a minimum of **100 m²** (1076 ft²) of *landscaped open space* located in the *rear yard* that is accessible to all *dwelling units* and/or exclusive access is apportioned to each *dwelling unit*.

5.5.2 ADDITIONAL RESIDENTIAL UNITS

5.5.2.1 WHERE PERMITTED

Where listed as a permitted use in the Zone, *additional residential units* are permitted subject to the provisions of this Section and compliance with all other provisions of the Zone in which the *lot* is located.

Additional residential units located outside of a settlement defined in Section 2.7.2 shall be required to satisfy the minimum distance separation requirements, as determined through the application of the *Minimum Distance Separation Formula I* (MDS I) or not further reduce an existing insufficient MDS I setback.

5.5.2.2 WHERE NOT PERMITTED

Additional residential units shall not be permitted:

- i) on any *lot* within the following settlements as defined in Section 2.7.2:
 - a) the contributory area for the William Street Sewage Pumping Station in Tavistock (Serviced Village).
- ii) on any *lot* containing a *boarding or lodging house*, a *group home*, a *garden suite*, a *converted dwelling*, a *duplex dwelling*, a *mobile home*, or a *bed and breakfast establishment*;
- iii) on any *lot* located in within a settlement defined in Section 2.7.2, unless adequate *municipal water system* and/or *municipal sewage system* capacity to service the *additional residential unit(s)* has been confirmed by the *County*;
- iv) on any *lot* containing *natural hazards*, unless clearance or approval from the Conservation Authority having jurisdiction has been obtained, or on any *lot* that does not meet Provincial access standards during a regulatory flood event;

- v) on any *lot* serviced by a *private communal water system* and/or *private communal sewage system*; and,
- vi) notwithstanding the provisions of Section 5.9 and 5.17, on any *lot* serviced by an *individual on-site sewage system* where the *lot area* doesn't meet the minimum *lot area* provisions of this Section or the Zone in which the *lot* is located whichever is the greater.

5.5.2.3 PROVISIONS FOR ALL ADDITIONAL RESIDENTIAL UNITS

All *additional residential units* shall comply with the provisions of Table 5.5.2.3.

TABLE 5.5.2.3 – PROVISIONS FOR ALL ADDITIONAL RESIDENTIAL UNITS				
Provision	R1, R2, R3, CC and V Zones, where served by both a <i>municipal water system</i> and <i>municipal sewage system</i>	R1, R2 and V Zones, where not served by a <i>municipal sewage system</i>	RE and RR Zones in a <i>settlement area</i> (as defined in Section 2.7.2)	A1, A2, RR, and RE Zones outside of a <i>settlement area</i> (as defined in Section 2.7.2)
Number of Additional Residential Units per lot , Maximum	2, in the Village of Tavistock, except as per 5.5.2.2 i) 1, in the Village of Innerkip	1	1	2
Cumulative Gross Floor Area for all Additional Residential Units , Maximum	50% of the <i>gross floor area</i> of the <i>principal dwelling</i> , or 50 m² (538 ft ²) of <i>gross floor area</i> , whichever is the lesser	50% of the <i>gross floor area</i> of the <i>principal dwelling</i> , or 100 m² (1076 ft ²) of <i>gross floor area</i> , whichever is the lesser		50% of the <i>gross floor area</i> of the <i>principal dwelling</i> , or 140 m² (1507 ft ²) of <i>gross floor area</i> , whichever is the lesser
Gross Floor Area for an Additional Residential Unit in a Basement or Cellar	Notwithstanding the maximum gross floor area provision, the entire <i>basement</i> or <i>cellar</i> of the <i>principal dwelling</i> may be used for the purposes of an <i>additional residential unit</i> , provided there are no other <i>additional residential units</i> or <i>garden suites</i> on the <i>lot</i>			
Location of Entrances	All <i>dwelling units</i> shall be accessed through a common entrance from an internal corridor or vestibule, except that separate entrance(s) may be located in the <i>rear yard</i> or <i>interior side yard</i> .			
Location of Exterior Stairways	There shall be no exterior stairways except a required emergency exit which shall be located only in the <i>rear yard</i> or <i>interior side yard</i> .			
Unobstructed Pathway to Entrance of Unit(s) , Minimum	1.2 m (3.9 ft) wide unobstructed pathway from the <i>front lot line</i> to the entrance. Unobstructed means no obstruction or encroachments to a height of up to 2.3 m (7.5 ft).			
Parking Spaces , Minimum	1 space per <i>additional residential unit</i> is required. Such spaces may be <i>tandem parking spaces</i> , provided no tandem parking space for an <i>additional residential unit</i> is located within a <i>private garage</i> .			

TABLE 5.5.2.3 – PROVISIONS FOR ALL ADDITIONAL RESIDENTIAL UNITS				
Provision	R1, R2, R3, CC and V Zones, where served by both a <i>municipal water system</i> and <i>municipal sewage system</i>	R1, R2 and V Zones, where not served by a <i>municipal sewage system</i>	RE and RR Zones in a <i>settlement area</i> (as defined in Section 2.7.2)	A1, A2, RR, and RE Zones outside of a <i>settlement area</i> (as defined in Section 2.7.2)
Landscaped Open Space in Rear Yard, Minimum	75 m ² (807 ft ²) for 1 <i>additional residential unit</i> and 100 m ² (1076 ft ²) for 2 <i>additional residential units</i> and such <i>landscaped open space</i> shall be accessible to all <i>dwelling units</i> or exclusive access is apportioned to each <i>dwelling unit</i> .			

5.5.2.4 PROVISIONS FOR DETACHED ADDITIONAL RESIDENTIAL UNITS

An *additional residential unit* in a detached *accessory building* shall comply with the provisions of Table 5.5.2.3 and Table 5.5.2.4, where a conflict exists, the provisions of Table 5.5.2.4 will prevail.

TABLE 5.5.2.4 – PROVISIONS FOR DETACHED ADDITIONAL RESIDENTIAL UNITS					
Provision	R1, R2, R3, CC and V Zones, where served by both a <i>municipal water system</i> and <i>municipal sewage system</i>	R1, R2 and V Zones, where not served by a <i>municipal sewage system</i>	RE and RR Zones, in a <i>settlement area</i> (as defined in Section 2.7.2)	RR and RE Zones, outside of a <i>settlement area</i> (as defined in Section 2.7.2)	A1 and A2 Zones
Lot Area, Minimum	600 m ² (6,458.5 ft ²)	0.6 ha (1.48 ac)	0.6 ha (1.48 ac)	0.6 ha (1.48 ac)	0.6 ha (1.48 ac)
Permitted Location	<i>Rear yard</i> or <i>interior side yard</i> of <i>principal dwelling</i>				Any yard, except a <i>required yard</i>
Required Yards and Setbacks and Lot Coverage	In accordance with Table 5.1.1.3 Regulations for Accessory Uses and Table 5.5.2.3 Provisions for All Additional Residential Units – Maximum Gross Floor Area for all <i>Additional Residential Units</i> , whichever is the lesser				In accordance with Zone Provisions for “All Other Buildings and Structures”
Building Height, Maximum	In accordance with Table 5.1.1.3 Regulations for Accessory Uses and shall not exceed the <i>height</i> of the <i>principal dwelling</i>				5.5 m (18 ft)
Distance from the Principal Dwelling, Minimum	In accordance with Table 5.1.1.3 Regulations for Accessory Uses				1.2 m (3.9 ft)
Distance from the Principal Dwelling, Maximum	No provision	No provision	No provision	No provision	30 m (98.4 ft)
Distance from Public Street, Maximum	40 m (147.6 ft)	40 m (147.6 ft)	40 m (147.6 ft)	No provision	No provision

TABLE 5.5.2.4 – PROVISIONS FOR DETACHED ADDITIONAL RESIDENTIAL UNITS					
Provision	R1, R2, R3, CC and V Zones, where served by both a <i>municipal water system</i> and <i>municipal sewage system</i>	R1, R2 and V Zones, where not served by a <i>municipal sewage system</i>	RE and RR Zones, in a <i>settlement area</i> (as defined in Section 2.7.2)	RR and RE Zones, outside of a <i>settlement area</i> (as defined in Section 2.7.2)	A1 and A2 Zones
Privacy Fence, Minimum	A solid privacy fence with a minimum height of 1.8 m around the perimeter of the <i>rear yard</i>	A solid privacy fence with a minimum height of 1.8 m along a <i>lot line</i> where the detached dwelling unit is located within 7.5 m (24.6 ft) of that <i>lot line</i>		No provision	No provision
Window Openings above Ground Floor	Not permitted in a wall facing an <i>interior side yard</i> or <i>rear yard</i>			No provision	No Provision
Decks, Balconies and Rooftop Patios	Not permitted			No provision	No Provision

6. That Section 5.0 to By-Law Number 2003-18, as amended, is hereby further amended by deleting subsection 5.7 and replacing it with the following new subsection 5.7:

5.7 **DWELLING UNITS BELOW GRADE**

No *dwelling unit* shall be created in a *cellar* or *basement*, where the *building* or *structure* is located within a *natural hazard* or the *lot* does not meet Provincial access standards during a regulatory flood event.

7. That Section 5.0 to By-Law Number 2003-18, as amended, is hereby further amended by deleting subsections 5.10.1 and 5.10.2 and replacing it with the following new subsections 5.10.1 and 5.10.2:

5.10.1 ZONING AMENDMENT REQUIRED

Prior to placing a *garden suite* on a *lot*, an amendment to this Zoning By-Law under Section 39 of the Planning Act, as amended, will be required. The by-law will prescribe the period of time, up to twenty years, authorizing the temporary use of the *garden suite*.

5.10.2 GARDEN SUITE OCCUPANCY

The *garden suite* shall be occupied by:

- the retired parents or grandparents of a *lot* owner or the *lot* owner's spouse, or
- the retiring *lot* owner provided that the main *dwelling* is occupied by the child or grandchild of the retiring *lot* owner.

8. That Section 5.0 to By-Law Number 2003-18, as amended, is hereby further amended by deleting subsection 5.13.1 and replacing it with the following new subsection 5.13.1:

5.13.1 WHERE PERMITTED

A *home occupation* is permitted within a residential *dwelling unit* and/or an *accessory building* on the same *lot*, subject to compliance with the provisions of this Section and all other provisions of the Zone in which the *lot* is located. A *home occupation* is not permitted within an *additional residential unit*, *converted dwelling*, or *garden suite*.

9. That Section 5.0 to By-Law Number 2003-18, as amended, is hereby further amended by deleting subsections 5.13.7, 5.13.8 and 5.13.9 and replacing them with the following new subsections 5.13.7 and 5.13.8:

5.13.7 BED AND BREAKFAST ESTABLISHMENT

A *bed and breakfast establishment* shall be considered a *home occupation* located in a *single detached dwelling*. Notwithstanding the *gross floor area* limit for a *home occupation* in subsection 5.13.2, a *bed and breakfast establishment* shall be limited to three guest rooms. In a settlement, a *bed and breakfast establishment* is not permitted on a *lot* containing *additional residential unit(s)*, a *converted dwelling*, or a *garden suite*.

5.13.8 HOME DAYCARE

A home daycare, located in a *single detached dwelling*, a *semi-detached dwelling*, or a *duplex dwelling* with accommodation for up to and including 5 children, shall be considered a *home occupation*. The *gross floor area* limit for a *home occupation* in subsection 5.13.2, shall not apply to a home daycare. In a settlement, a home daycare is not permitted on a *lot* containing *additional residential unit(s)*, a *converted dwelling*, or a *garden suite*.

10. That Section 5.0 to By-Law Number 2003-18, as amended, is hereby further amended by deleting the existing Section 5.16.1 and replacing it with a new subsection 5.16.1 as follows:

5.16.1 No land shall be used or built upon and no *building or structure* shall be altered, erected, used or expanded for any purpose unless the land is serviced by municipal services, including, as applicable, *municipal water system*, *municipal sewage system*, drainage systems and *improved streets*, which meet all applicable *County* and/or *Township* standards. Adequacy of *municipal water*

system and municipal sewage system capacity shall be confirmed by the County prior to issuance of a Building Permit.

11. That Section 5.0 to By-Law Number 35-99, as amended, is hereby further amended by deleting the provisions in Table 5.19.2.1 for “Residential Uses” and replacing them with the following new provisions for “Residential Uses”:

TABLE 5.19.2.1 - PARKING STANDARDS		
Land Use Category	Use	Number of Vehicle Parking Spaces Required
Residential Uses	- single detached dwelling - duplex dwelling - semi-detached dwelling - mobile dwelling - street fronting townhouse dwelling	- 2 per dwelling unit
	- bed and breakfast - boarding or lodging house	- 1 per guest room
	- home occupation	- 1 space
	- garden suite	- 1 per garden suite
	- additional residential unit	- 1 per additional residential unit
	- residential units in a portion of a non-residential building - multiple unit dwelling - apartment dwelling - converted dwelling	- 1.5 per dwelling unit
	- long term care facility	- 1 per 3 beds or fraction thereof

12. That Section 5.0 to By-Law Number 35-99, as amended, is hereby further amended by deleting subsection 5.19.2.3 and replacing it with the following new subsections 5.19.2.3 and 5.19.2.4:

5.19.2.3 TANDEM PARKING SPACES

Where parking is provided at the *dwelling unit* in an individual *driveway*, the required parking for that *dwelling* may be provided by *tandem parking spaces*.

5.19.2.4 PARKING SPACES WITHIN A PRIVATE GARAGE

Where parking is provided at the *dwelling unit* in an individual *driveway*, *parking spaces* may be within a *private garage*, with the exception that *parking spaces* within a *private garage* shall not be used as *required parking spaces* for *additional residential units*, *converted dwellings* and *garden suites*.

13. That Section 6.0 to By-law Number 35-99, as amended, is hereby further amended by deleting Section 6.1: Uses Permitted and replacing it with the following:

6.1 **USES PERMITTED**

No person shall within any A1 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the A1 uses in Table 6.1:

TABLE 6.1: USES PERMITTED
• an additional residential unit within the principal dwelling, in accordance with the provisions of Section 5.5;
• an animal kennel, in accordance with the provisions of Section 5.3 and Section 6.2.3;
• a communications structure;
• a conservation project;
• an existing converted dwelling, containing up to two dwelling units;
• a farm, but does not include a regulated farm as defined in this Zoning By-Law;
• a garden suite, in accordance with the provisions of Section 5.10;
• a group home, in accordance with the provisions of Section 5.12;
• a home occupation, in accordance with the provisions of Section 5.13;
• an on-farm composting facility;
• an oil or gas well;
• a public use, in accordance with the provisions of Section 5.22;
• a seasonal fruit, vegetable, flower or farm produce sales outlet, provided the produce is the product of the farm on which the outlet is located;
• a single detached dwelling if accessory to a farm;
• a single detached dwelling on an existing lot zoned A1 on the date of passage of this Zoning By-law;
• a wayside sand or gravel pit in accordance with the provisions of Section 5.33.

14. That Section 6.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting subsections 6.2.4 and 6.2.5.

15. That Section 6.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting subsection 6.2.6 and replacing it with the following new subsection 6.2.6:

6.2.6 LOCATION OF NEW OR ENLARGED ACCESSORY DWELLINGS, ADDITIONAL RESIDENTIAL UNITS AND GARDEN SUITES

New or enlarged accessory dwellings, additional residential units, garden suites, and temporary dwellings, shall be required to satisfy the minimum distance separation requirements as determined through the application of the *Minimum Distance Separation Formula I (MDS I)*, or not further reduce an existing insufficient *MDS I* setback.

16. That Section 6.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting subsection 6.3.
17. That Section 7.0 to By-law Number 35-99, as amended, is hereby further amended by deleting Section 7.1: Uses Permitted and replacing it with the following:

7.1 **USES PERMITTED**

No *person* shall within any A2 Zone use any *lot* or *erect, alter* or use any *building* or *structure* for any purpose except one or more of the A2 uses in Table 7.1:

TABLE 7.1: USES PERMITTED
• <i>an additional residential unit</i> within the <i>principal dwelling</i> , in accordance with the provisions of Section 5.5;
• <i>an animal kennel</i> , in accordance with the provisions of Section 5.3 and Section 7.2.9;
• <i>a communications structure</i> ;
• <i>a conservation project</i> ;
• <i>an existing converted dwelling</i> , containing up to two <i>dwelling units</i> ;
• <i>a farm</i> ;
• <i>a garden suite</i> , in accordance with the provisions of Section 5.10;
• <i>a group home</i> , in accordance with the provisions of Section 5.12;
• <i>a home occupation</i> , in accordance with the provisions of Section 5.13;
• <i>a regulated farm</i> ;
• <i>an on-farm composting facility</i> ;
• <i>an oil or gas well</i> ;
• <i>a private airstrip</i> ;
• <i>a public use</i> , in accordance with the provisions of Section 5.21;
• <i>a seasonal fruit, vegetable, flower or farm produce sales outlet</i> , provided the produce is the product of the <i>farm</i> on which the outlet is located;
• <i>a single detached dwelling</i> if <i>accessory to a farm or regulated farm</i> ;
• <i>a wayside sand or gravel pit or stone quarry</i> in accordance with the provisions of Section 5.33.

18. That Section 7.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting subsections 7.2.4 and 7.2.5.
19. That Section 7.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting subsection 7.2.6 and replacing it with the following new subsection 7.2.6:

7.2.6 LOCATION OF NEW OR ENLARGED ACCESSORY DWELLINGS, ADDITIONAL RESIDENTIAL UNITS AND GARDEN SUITES

New or enlarged accessory *dwelling*s, *additional residential units*, *garden suites*, and temporary *dwelling*s, shall be required to satisfy the minimum distance separation requirements as determined through the application of the *Minimum Distance Separation Formula 1 (MDS 1)*, or not further reduce an *existing* insufficient *MDS 1 setback*.

- 20. That Section 7.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting subsection 7.3.
- 21. That Section 8.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting “a converted dwelling, in accordance with the provisions of Section 5.5” from Table 8.1.
- 22. That Section 8.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting the words “sanitary sewers and public water supply” in Table 8.2, under “Lot Area” and replacing it with “a municipal sewage system”.
- 23. That Section 8.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting subsection 8.3.
- 24. That Section 9.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting Section 9.1: Uses Permitted and replacing it with the following:

9.1 **USES PERMITTED**

No *person* shall within any RR Zone use any *lot* or *erect*, *alter* or use any *building* or *structure* for any purpose except one or more of the RR *uses* in Table 9.1:

TABLE 9.1: USES PERMITTED
• <i>an additional residential unit</i> , in accordance with the provisions of Section 5.5;
• <i>an existing converted dwelling</i> , containing up to two <i>dwelling units</i> ;
• <i>a garden suite</i> , in accordance with the provisions of Section 5.10;
• <i>a home occupation</i> , in accordance with the provisions of Section 5.13;
• a public use, in accordance with the provisions of Section 5.22;
• <i>a single detached dwelling</i> ;
• <i>a wayside sand or gravel pit</i> or <i>stone quarry</i> in accordance with the provisions of Section 5.33.

- 25. That Section 9.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting subsection 9.3.
- 26. That Section 10.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting Section 10.1: Uses Permitted and replacing it with the following:

10.1 **USES PERMITTED**

No person shall within any RE Zone use any *lot* or *erect*, *alter* or use any *building* or *structure* for any purpose except one or more of the RE uses in Table 10.1:

TABLE 10.1: USES PERMITTED
• an <i>additional residential unit</i> , in accordance with the provisions of Section 5.5;
• an <i>existing converted dwelling</i> , containing up to two <i>dwelling units</i> ;
• a <i>garden suite</i> , in accordance with the provisions of Section 5.10;
• a <i>home occupation</i> , in accordance with the provisions of Section 5.13;
• a public use, in accordance with the provisions of Section 5.22;
• a <i>single detached dwelling</i> ;
• a <i>wayside sand or gravel pit</i> or <i>stone quarry</i> , in accordance with the provisions of Section 5.33.

27. That Section 10.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting subsections 10.3.

28. That Section 11.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting Section 11.1: Uses Permitted and replacing it with the following:

11.1 **USES PERMITTED**

No person shall within any ER Zone use any *lot* or *erect*, *alter* or use any *building* or *structure* for any purpose except one or more of the ER uses in Table 11.1:

TABLE 11.1: USES PERMITTED
• an <i>additional residential unit</i> , in accordance with the provisions of Section 5.5;
• an <i>existing converted dwelling</i> , containing up to two <i>dwelling units</i> ;
• a <i>garden suite</i> , in accordance with the provisions of Section 5.10;
• a <i>home occupation</i> , in accordance with the provisions of Section 5.13;
• a public use, in accordance with the provisions of Section 5.22;
• a <i>single detached dwelling</i> ;
• a <i>wayside sand or gravel pit</i> or <i>stone quarry</i> , in accordance with the provisions of Section 5.33.

29. That Section 11.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting subsections 11.3.

30. That Section 12.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting Section 12.1: Uses Permitted and replacing it with the following:

12.1 **USES PERMITTED**

No person shall within any R1 Zone use any *lot* or *erect, alter* or use any *building* or *structure* for any purpose except one or more of the R1 uses in Table 12.1:

TABLE 12.1: USES PERMITTED
• <i>an additional residential unit</i> , in accordance with the provisions of Section 5.5;
• <i>an existing converted dwelling</i> , containing up to two <i>dwelling units</i> ;
• <i>a garden suite</i> , in accordance with the provisions of Section 5.10;
• <i>a group home</i> , in accordance with the provisions of Section 5.12;
• <i>a home occupation</i> , in accordance with the provisions of Section 5.13;
• <i>a public use</i> , in accordance with the provisions of Section 5.22;
• <i>a single detached dwelling</i> .

31. That Section 12.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting all instances of the words “sanitary sewers are” in Table 12.2 and replacing them with “a *municipal sewage system* is” and deleting all instances of the words “sanitary sewers and public water supply” in Table 12.2 and replacing them with “a *municipal sewage system* and *municipal water system*”.
32. That Section 12.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting the preamble to subsection 12.3 Special Provisions for a Converted Dwelling (R1-C) and replacing it with the following:

12.3 **SPECIAL PROVISIONS FOR A CONVERTED DWELLING (R1-C)**

An existing converted dwelling containing up to two *dwelling units* is permitted within a *single detached dwelling* on R1-C zoned *lots*.

33. That Section 12.5 to By-Law Number 2003-18, as amended, is hereby amended by adding the following subsection at the end thereof.

12.5.28 **Location: Part Lots 34 & 35, Concession 13 (East Zorra), being Part Lot 7 of Registered Plan 1609, R1-28 (Key Map 7)**

- 12.5.28.1 Notwithstanding any provisions of this Zoning By-Law to the contrary, no person shall within any ‘R1-28’ Zone use any *lot*, or *erect, alter* or use any *building* or *structure* for any purpose except the following:

all uses permitted in Section 12.1 of this Zoning By-Law.

- 12.5.28.2 Notwithstanding any provision of this Zoning By-Law to the contrary, no person shall within any ‘R1-28’ Zone use any *lot*, or *erect, alter* or use any *building* or *structure* except in accordance with the following provisions:

12.5.28.2.1 FRONT YARD

Minimum Depth **7.0 m (23 ft.)**

12.5.28.2.2 That all provisions of the R1 Zone in Section 12.2 to this Zoning By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply *mutatis mutandis*.

34. That Section 13.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting Section 13.1: Uses Permitted and replacing it with the following:

13.1 **USES PERMITTED**

No *person* shall within any R2 Zone use any *lot* or *erect, alter* or use any *building* or *structure* for any purpose except one or more of the R2 uses in Table 13.1:

TABLE 13.1: USES PERMITTED
• <i>an additional residential unit</i> , in accordance with the provisions of Section 5.5;
• <i>an existing converted dwelling</i> , containing up to two <i>dwelling units</i> ;
• <i>a duplex dwelling</i> ;
• <i>a home occupation</i> , in accordance with the provisions of Section 5.13 ;
• <i>a public use</i> , in accordance with the provisions of Section 5.22;
• <i>a semi detached dwelling</i> ;
• <i>a single detached dwelling</i> .

35. That Section 13.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting the preamble to Section 13.2 and replacing it with the following:

13.2 **ZONE PROVISIONS**

No *person* shall within any R2 Zone use any *lot* or *erect, alter* or use any *building* or *structure* unless the *lot* is served by both a *municipal sewage system* and *municipal water system* and is in accordance with the provisions in Table 13.2:

36. That Section 13.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting the term “converted dwelling” from the heading of the 3rd column of Table 13.2.

37. That Section 14.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting Section 14.1: Uses Permitted and replacing it with the following:

14.1 **USES PERMITTED**

No *person* shall within any R3 Zone use any *lot* or *erect, alter* or use any *building* or *structure* for any purpose except one or more of the R3 uses in Table 14.1:

TABLE 14.1: USES PERMITTED

<ul style="list-style-type: none"> • <i>an additional residential unit</i>, in accordance with the provisions of Section 5.5;
<ul style="list-style-type: none"> • <i>an apartment dwelling</i>;
<ul style="list-style-type: none"> • <i>a boarding or lodging house</i>;
<ul style="list-style-type: none"> • <i>a converted dwelling</i>, containing up to four <i>dwelling units</i>, in accordance with the provisions of Section 5.5;
<ul style="list-style-type: none"> • <i>a home occupation</i>, in accordance with the provisions of Section 5.13;
<ul style="list-style-type: none"> • <i>a multiple unit dwelling</i>;
<ul style="list-style-type: none"> • <i>a public use</i>, in accordance with the provisions of Section 5.22;
<ul style="list-style-type: none"> • <i>a street fronting townhouse</i>.

38. That Section 14.3 to By-Law Number 2003-18, as amended, is hereby amended by adding the following subsection at the end thereof.

14.3.7 **Location: Part Lots 34 & 35, Concession 13 (East Zorra), being Part Lot 7 of Registered Plan 1609, R3-7 (Key Map 7)**

- 14.3.7.1 Notwithstanding any provisions of this Zoning By-Law to the contrary, no *person* shall within any 'R3-7' Zone *use any lot, or erect, alter or use any building or structure* for the purpose except the following:

all uses permitted in Section 14.1 of this Zoning By-Law.

- 14.3.7.2 Notwithstanding any provision of this Zoning By-Law to the contrary, no *person* shall within any 'R3-7' Zone *use any lot, or erect, alter or use any building or structure* except in accordance with the following provisions:

14.3.7.2.1 FRONT YARD

Minimum Depth

7.0 m (23 ft.)

- 14.3.7.2.2 That all provisions of the R1 Zone in Section 12.2 to this Zoning By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply *mutatis mutandis*.

39. That Section 15.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting Section 15.1: Uses Permitted and replacing it with the following:

15.1 **USES PERMITTED**

No *person* shall within any V Zone *use any lot or erect, alter or use any building or structure* for any purpose except one or more of the V *uses* in Table 15.1:

TABLE 15.1: USES PERMITTED
• an <i>additional residential unit</i> , in accordance with the provisions of Section 5.5;
• an <i>automobile service station</i> ;
• a <i>bakeshop</i> ;
• a <i>business or professional office</i> ;
• a <i>commercial school</i> ;
• a <i>community centre</i> ;
• an <i>existing converted dwelling</i> , containing up to two <i>dwelling units</i> ;
• a <i>dwelling unit</i> in a portion of a non-residential <i>building</i> ;
• an <i>eating establishment</i> ;
• a <i>financial institution</i> ;
• a <i>fraternal lodge or institutional hall</i> ;
• a <i>funeral home</i> ;
• a <i>home occupation</i> , in accordance with the provisions of Section 5.13;
• a <i>laundromat</i> ;
• a <i>medical centre</i> ;
• a <i>parking lot</i> ;
• a <i>personal service establishment</i> ;
• a <i>place of entertainment</i> ;
• a <i>public library</i> ;
• a <i>public use</i> , in accordance with the provisions of Section 5.22;
• a <i>retail store</i> ;
• a <i>retail outlet</i> , a <i>wholesale outlet</i> or a <i>business office accessory</i> to a permitted <i>use</i> ;
• a <i>service shop</i> ;
• a <i>single detached dwelling</i> ;
• a <i>studio</i> ;
• a <i>veterinary clinic</i> , with no outside kennels or runs.

40. That Section 15.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting the preamble to Section 15.2 and replacing it with the following:

15.2 **ZONE PROVISIONS**

No person shall within any V Zone use any *lot* or *erect*, *alter* or use any *building* or *structure* except in accordance with the provisions in Table 15.2:

The *lot area* provision for residential *uses* are cumulative with the *lot area* provision for non-residential *uses* when such residential *use* is located on the same *lot* with a permitted non-residential *use*. No person shall use any *lot* or *erect*, *alter* or use any *building* or

structure for the any of the *uses* in Table 15.1 unless the *lot* is served by partial services (a *municipal sewage system* or a *municipal water system*) or by private services (*individual on-site sewage system* and *individual on-site water system*).

41. That Section 15.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting subsection 15.3.
42. That Section 16.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting Section 16.1: Uses Permitted and replacing it with the following:

16.1 **USES PERMITTED**

No *person* shall within any CC Zone use any *lot* or *erect, alter* or use any *building* or *structure* for any purpose except one or more of the CC *uses* in Table 16.1:

TABLE 16.1: USES PERMITTED
• an <i>additional residential unit</i> , within an <i>existing single detached dwelling</i> and/or in a <i>building accessory</i> to an <i>existing single detached dwelling</i> , in accordance with Section 5.5;
• an administrative office of the <i>Corporation</i> , the <i>County</i> , the Government of Ontario, or the Government of Canada;
• an <i>automobile service station</i> ;
• a bakeshop;
• a <i>business or professional office</i> ;
• a <i>commercial school</i> ;
• a <i>community centre</i> ;
• an <i>existing converted dwelling</i> , containing up to two <i>dwelling units</i> ;
• a <i>dwelling unit</i> in a portion of a non-residential <i>building</i> except that in the case of an <i>automobile service station</i> such dwelling shall not be permitted;
• an <i>eating establishment</i> ;
• a financial institution;
• a <i>fraternal lodge or institutional hall</i> ;
• a funeral home;
• a <i>group home</i> , in accordance with the provisions of Section 5.12;
• a <i>home occupation</i> , in accordance with the provisions of Section 5.13;
• a laundromat;
• a <i>medical centre</i> ;
• a <i>parking lot</i> ;
• a <i>personal service establishment</i> ;
• a <i>place of entertainment</i> ;

TABLE 16.1: USES PERMITTED
• a <i>public library</i> ;
• a <i>public use</i> , in accordance with the provisions of Section 5.22;
• a <i>recreational or athletic facility or club</i> ;
• a <i>retail store</i> ;
• a <i>service shop</i> ;
• a <i>single detached dwelling</i> ;
• a <i>studio</i> ;
• a <i>veterinary clinic</i> , with no outside kennels or runs.

43. That Section 16.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting the preamble to Section 16.2 and replacing it with the following before Table 16.2:

16.2 **ZONE PROVISIONS**

No *person* shall within any CC Zone use any *lot* or *erect, alter* or use any *building* or *structure* except in accordance with the provisions in Table 16.2:

The *lot area* provision for residential *uses* are cumulative with the *lot area* provision for non-residential *uses* when such residential *use* is located on the same *lot* with a permitted non-residential *use*. No *person* shall use any *lot* or *erect, alter* or use any *building* or *structure* for the any of the *uses* in Table 16.1 unless the *lot* is served by a *municipal sewage system* and *municipal water system*.

44. That Section 16.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting subsection 16.3.
45. That Sections 17.0, 18.0, and 19.0 to By-law Number 2003-18, as amended, are hereby further amended by deleting all instances of the words “sanitary sewers are” and replacing them with “a *municipal sewage system* is” and deleting all instances of the words “sanitary sewers and public water supply” and replacing them with “a *municipal sewage system* and *municipal water system*” throughout Tables 17.2, 18.2, and 19.2.
46. That Section 18.3 to By-Law Number 2003-18, as amended, is hereby amended by adding the following subsection at the end thereof.

18.3.3 **Location: Part Lots 34 & 35, Concession 13 (East Zorra), being Part Lot 7 of Registered Plan 1609, MR-3(H) (Key Map 7)**

- 18.3.3.1 Notwithstanding any provisions of this Zoning By-Law to the contrary, no *person* shall within any ‘MR-3’ Zone use any *lot*, or *erect, alter* or use any *building* or *structure* for any purpose except the following:

all *uses permitted* in Section 18.1 of this Zoning By-Law.

18.3.3.2 Notwithstanding any provisions of this Zoning By-Law to the contrary, no *person* shall within any 'MR-3' Zone *use any lot, or erect, alter or use any building or structure* for any purpose except in accordance with the following provisions:

18.3.3.2.1 Holding Provisions

Where the symbol "H" appears on a zoning map following the zone symbol MR-3, those lands shall not be developed or used unless this By-law has been amended to remove the "H" symbol.

18.3.3.2.1.1 Criteria for the Removal of the Holding Provision

Prior to the removal of the "H" symbol, the owner shall prepare a noise/odour study and traffic impact study to the satisfaction of the Township of East Zorra-Tavistock and the County of Oxford for the purpose of identifying appropriate land *use(s)* within the 150 m (492.1 ft) sewage lagoon buffer and further, that appropriate buffering and/or mitigation of odour, noise and traffic impacts are adequately addressed relative to the adjacent residential and institutional uses.

18.3.3.2.2 That all provisions of the MR Zone in Section 18.2 to this Zoning By-Law, as amended, shall apply, and further that all other provisions of this By-Law, as amended, that are consistent with the provisions herein contained shall continue to apply *mutatis mutandis*.

47. That Section 22.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting "a converted dwelling, in accordance with the provisions of Section 5.5 of this Zoning By-law" from Table 22.1.
48. That Section 22.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting all instances of the words "sanitary sewers are" and replacing them with "a *municipal sewage system* is" and deleting all instances of the words "sanitary sewers and public water supply" and replacing them with "a *municipal sewage system* and *municipal water system*" throughout Table 22.2.
49. That Section 22.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting subsection 22.3.
50. That Section 23.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting "a converted dwelling, in accordance with the provisions of Section 5.5 of this Zoning By-law" from Table 23.1.
51. That Section 23.0 to By-law Number 2003-18, as amended, are hereby further amended by deleting all instances of the words "sanitary sewers are" and replacing them with "a *municipal sewage system* is" and deleting all instances of the words "sanitary sewers and public water supply" and replacing them with "a *municipal sewage system* and *municipal water system*" throughout Table 23.2.
52. That Section 23.0 to By-law Number 2003-18, as amended, is hereby further amended by deleting subsection 23.3.

53. This By-Law comes into force in accordance with Sections 34(21) and (30) of the Planning Act, R.S.O. 1990, as amended.

READ a first and second time this __ day of _____, 2023.

READ a third time and finally passed this __ day of _____, 2023.

Phil Schaefer - Mayor

Will Jaques - Clerk

DRAFT FOR CONSULTATION (JUNE 2023)

Opening Address

Good Evening Mayor Schaefer, Councillors, and staff.

My name is John Cockburn of 74 Curtis Street, InnerKip Meadows.

I am the delegate of the Innerkip Meadows Group.

I will be presenting to you this evening on behalf of the residents of Innerkip Meadows.

I am here to address the very serious issue of excess ground water flow and flooding in the Innerkip Meadows subdivision.

For the last 5 plus years since moving into the subdivision we have been faced with a deluge of underground water that starts with the early spring thaw and runs continuously for 3-4 weeks at a time.

During this time our sump wells are inundated with water, with sump pumps running non-stop 24/7.

We have various water management configurations throughout the subdivision, above and beyond what the builder initially provided, that being one well, one pump.

Example:

The majority of residents now have two sump pumps running simultaneously on separate drainage pipes out of one well.

Other residents have two sump pumps running simultaneously out of two wells.

Of those residents some are running as many as five pumps simultaneously over two wells and are still subjected to flooding.

Most of us have additional pumps on standby, as they tend to break down regularly.

These pumps run non-stop 24/7 for 3-4 weeks at a time and do frequently burnout.

Sump pumps are designed to work intermittently, not continuously for hours, days and weeks on end.

We have suffered structural damage with cracks and fissures in our basements due to water pressure beneath the foundation. Water is seeping in between the cement basement floor and the top rim of the sump well. The water is not always confined to the drainage pipe that is designed to direct and carry the water into the well itself.

Those of us who have finished basements are concerned that our insurance will only cover a portion of the damages especially where flooding has occurred more than once, as is the case in our neighbourhood.

There are those of us who have invested in natural gas generators, to ensure the power to our homes is uninterrupted during the thaw period, at which time our pumps are running continuously 24/7. This is not a cheap expenditure but it's better than a flooded basement and the costs and health risks associated with flooding. The ground water at its peak will breach the top of the well within a minute if the pumps are not working continuously.

Opening Address

Cont'd

In spite of all our best efforts, there are those who are still faced with flooding. What we have been able to do thus far, are simply band-aid solutions. What is required is a permanent solution.

Furthermore, there are residents in our neighbourhood who are unable to get flood insurance as a result of previous claims made in the subdivision. This means the full cost of reparations falls solely on the homeowner. New residents who buy into the subdivision are unaware of the issues related to excess ground water overflow and flooding. Those individuals are only made aware of the problem when they attempt to get home insurance that includes ground water, surface water, rising water table and flood insurance. They are flatly denied.

This is why some residents have chosen to cut their losses and sell their homes. Unfortunately they sell and pass on the burden to the next unsuspecting purchaser.

These issues can no longer be ignored and need to be dealt with as a matter of urgency. I would like to think that the Mayor and Councillors of East Zorra-Tavistock have our best interests at heart and can empathize with our situation and will do the right thing and provide us with the permanent solution that we so badly need.

We understand that Councillor Smith is aware of our situation and that a Master Drainage Plan is in the budget for Innerkip for 2023, and that Innerkip Meadows will be included in that review.

While we welcome the drainage study, to be conducted in Innerkip Meadows, we still need assurances from the Township that a ground water study will be conducted independently, looking at the water table and the source of our water issues, as we are of the opinion that we are dealing with two separate issues. Although they may be related in some fashion, drains alone may not be enough to rectify our situation.

I will also raise the issue of our home and land values which may be effected as a result of the flooding in The Meadows subdivision. There are many of us that are retiree's who have invested in Innerkip Meadows and intend to keep their investment and equity intact. We can only be assured of that by the supportive action of your Worship, the Councillors & staff.

We chose to buy and invest in the Township of East Zorra-Tavistock. We are in support of Council and the future growth of the Township. Therefore, our expectation is that the Township will afford the residents the same support and commitment by providing us with an action plan that mitigates the excess ground water and flooding issues that we are currently being subjected to each spring thaw. We trust we can rely on the support of the Mayor, Councillors and staff on this matter.

We would like to be kept up to date in writing of the progress and findings of any works undertaken within the subdivision, in relation to our situation. In addition we would also ask that the minutes of this evenings meeting to be provided on an email.

I will now bring to your attention some questions and statements that have been provided to me from the residents of Innerkip Meadows.

Innerkip Meadows Subdivision

innerkip meadows subdivision

Excessive Groundwater Overflow and Flooding

Presentation by John Cockburn on behalf of the residents of Innerkip Meadows, June 21, 2023

Innerkip Meadows Subdivision

Subdivision Application Process Overview (The Planning Act, R.S.O. 1990, c.P.13)

It is our understanding that as part of the application process for new residential subdivisions, all conditions of the draft approval must be met before authorization is granted by the Approval Authority. Only then can the subdivision be registered with the Land Registry Office.

The findings must support the merits of the the proposal against such criteria as;

- 1) Conformity with the official plan and the impacted compatibility with the neighbouring uses of the land.
- 2) Suitability of the land for the proposed purpose. In this case residential lots.
- 3) Suitability of proposal for affordable housing.
- 4) Adequacy of roads, water supply and sewage disposal, school sites.
- 5) **The need to ensure protection from flooding or other hazards.**

These are all standard requirements when planning a subdivision in Ontario.

In deciding on the application, the Approval Authority shall be consistent with the Provincial Policy Statement (PPS) and must conform not conflict with any applicable plan.

Therefore the Council must ensure that Provincial policies and plans are applied as part of the land use planning decision making process.

If these above standards are not met, then the Township/Council is responsible for the reparation under law.

- Our belief is that the Hydro-Geo study that was conducted for the application of The Meadows subdivision was either inadequate or not current for the conditions that exist in this geographical location or the appropriate drainage, stormwater drains, weeping tiles, etc. have not been put in place to mitigate excess groundwater and flooding within the subdivision.
- We ask that the township undertake a new study identifying the source of the groundwater and the best method of stopping or mitigating the flow.
- As part of that study we recommend that a separate Hydro-Geo study be conducted. The Ontario Geological Survey provides geoscience information on the location, character of surface water-bearing layers, groundwater aquifers etc. The OGS offer 3D aquifer mapping studies. (Free Gov Resource)

Innerkip Meadows Subdivision

Subdivision Application Process Overview (The Planning Act, R.S.O. 1990, c.P.13)

- We have signed a petition collectively asking for councils help in resolving our excess groundwater & flooding issues. Will the Council commit to providing us with the help we need in resolving these issues once and for all?
- Who was on the land division committee for The Meadows subdivision?
- Who was the Approval Authority for Innerkip Meadows Subdivision?
- Has the Municipality relied on historical data in its application for the subdivision or was there a new study conducted?
- Was the Hydro-Geographical study given any merit in the decision making process that allowed the subdivision to go ahead?
- **If so, why then are we faced with the situation we find ourselves in today?**

Innerkip Meadows

Questions for the Township Regarding Hydro-Geo Study:

- It is common knowledge that the water table in our subdivision rises in the spring to 1.5 metres (roughly 5 feet). Groundwater recharge areas and aquifers potentially run underneath our homes. (2022 Watershed report) 4.b.
- What was the date that the Hydro-Geographical Study was done in support of the Townships application for Innerkip Meadows subdivision?
- Who conducted the groundwater and geotechnical study on behalf of the Township?
- What were the results, findings and recommendations of the Hydro-Geo Study? We would like to be provided a copy of the Hydro-Geographical study and all supporting documents that were submitted to the Approval Authority in support of the application for The Meadows subdivision.
- Can you provide the residents assurances and confirmation that we are not sitting on an aquifer?
- Have all basements been built above the water table and verified by an engineer?
- Was the depth of the basement considered as part of the building regulation and inspection process?

Innerkip Meadows

Municipal Drainage Act

- Again we ask the Township for its support and commitment in resolving our excess groundwater and flooding issues.
- The Township has a responsibility to its residents under the Drainage Act Ontario. (Drainage Act R.S.O.1990, c.D.17)
- The Municipality is responsible for maintaining the drainage works after construction is completed.
- What responsibility does the Township/Municipality have under the Municipal Drainage Act Legislation?

A: When a petition under the Drainage Act is submitted a municipality has a legal obligation to ensure that the Drainage Act process for a petition drain is followed, i.e. the municipality provides a venue for the Drainage Act process to take place, and that the report is adopted by bylaw (Section 45(2)). Once a report on a petition has been adopted by bylaw the municipality has a legal obligation to ensure that the drain is constructed in accordance with the engineer's report (Section 58(5) and Section 64). After the drain is constructed the municipality has a legal obligation to maintain the drain (Section 74 and 79) in accordance with the maintenance provisions in the report. In order to ensure proper future drain maintenance, the municipality should appoint a Drainage Superintendent (Section 93).

- When was the last time a drainage study was undertaken in our subdivision?
- Is there a drainage superintendent for the Municipality? If so, who has been appointed as drainage superintendent?
- Who is the supervisor overseeing the drainage maintenance work?
- While the Township has agreed to undertake a drainage study in Innerkip Meadows, which we welcome whole heartedly, this still does not guarantee the residents of Innerkip Meadows that our issues with excessive groundwater and flooding will be mitigated.
- What assurances will we be given that our issues and concerns will be taken seriously?

Innerkip Meadows

Municipal Drainage Act Legislation: Independent Parties Adding Excess Groundwater

- If a Hydro-Geographical study reveals that an independent party is responsible for adding excess groundwater that is causing the issues residents are experiencing at that time ((Section 80(1) & 80(2)) would come into play.
- Anyone who obstructs or impedes the function of the drainage works in any way is required to repair or remove the obstruction. If a property owner fails to do so, the municipality can remedy the situation at the property owner's expense ((Section 80(1) & 80(2)).
- Municipalities are guaranteed the right of access for the purpose of inspection and maintenance of drainage works (Section 95(3)).
- Trout Lake comes to mind...
- As part of your drainage study we would recommend that Trout Lake be thoroughly investigated to rule it out as potential source of underground water.

Innerkip Meadows

Closing Statement

- We need to be kept informed of the progress in writing throughout the various stages of any study conducted with relationship to drainage, excessive ground water and potential for flooding that may effect us in the future.
- We would like the Mayor and Councillors to provide us with an action plan and schedule for the start and completion of any works undertaken in regards to the excess groundwater overflow and flooding.
- We would also like to have the minutes of tonight's meeting sent to myself, as an email attachment for distribution to the residents group.
- Any documents that we have requested should also be forwarded to myself for distribution.
- There is only one outcome that will be acceptable to the residents of Innerkip Meadows that is the complete cessation of flooding in our area. This can only be achieved with the cooperation and support of our Honourable Mayor, Councillors and staff, working in partnership with the residents of Innerkip Meadows.
- In closing I would like to thank Mayor Schaefer, Councillors and Staff for their time this evening.

Innerkip Meadows

Resources

- Planning Act, R.S.O. 1990,c.P.13
- <https://www.ontario.ca/laws/view>
- <https://www.ontario.ca/laws/statute/90p13>
- Subdivision of land part VI
- Subdivision of land, plan of subdivision approvals 51
- <https://OMAFRA.gov.on.ca>
- Drainage Act Ontario (Solving Drainage problems in urban areas)
- Ontario Geographical Survey (www.ontario.ca)

#6.a

Placeholder page for Agenda Item 6.a –
Conferences & Seminars

#6.b

Placeholder page for Agenda Item 6.b - County Council – Update & Questions

#6.c

Placeholder page for Agenda Item 6.c –
Staff Reports and Questions for Staff

STAFF REPORT

Report #BCO2023-05

To: His Worship the Mayor and Members of Council

From: Melanie Shiell, By-law Compliance Officer

Re: By-law Compliance – June 2023 Council Report

Date: June 14, 2023

Departmental Highlights:

- None to report

Legislative Updates:

- None to report

By-law Compliance Activity for April 2023

OCCURRENCE TYPE	NUMBER OF NEW OCCURRENCES (Commenced this Month)		NUMBER OF ON-GOING OCCURRENCES (Commenced prior to this Month)	YEAR TO DATE OCCURRENCES	
	Open	Closed	Open	Open	Closed
Property Standards	2	1	1	2	5
Clean Yard					
Animal Control	2	1			2
Parking	4	4			4
Noise	3	3			3
Zoning			1	1	
Illegal Dumping					
Inquiry	1	1			1
Canine	1	1			2
Other					
TOTAL	13	11	2	3	17


Attachments:

- None

Recommendation:

1. None. For Council information only.

Reviewed by C.A.O.:



Karen DePrest
Chief Administrative Officer

Report prepared
and submitted by:



Melanie Shiell
By-law Compliance Officer

Department Approval:



Will Jaques
Corporate Services Manager/Clerk

STAFF REPORT

Report #CSM2023-08

To: His Worship the Mayor and Members of Council

From: Will Jaques, Corporate Services Manager

Re: Corporate Services – June 2023 Council Report

Date: June 14, 2023

Departmental Highlights:

- None.

Legislative Updates:

- None.

Status of Land Use Planning Matters:

Applicant	Location	Application Type	Nature of Application	Status of Applications
Engberts	21 Burton St., Innerkip	Severance	Severance of an existing parcel of land.	Severance application approved and conditions being fulfilled.
Oxford Road Developments 5 Inc.	Extension of Phase #1 subdivision (Innerkip)	SDA OPA ZBA	OPA and ZBA required as part of the application for subdivision.	Applications received.
Stevenson	201 Stonegate Rd., Innerkip	Severance	Severance of an existing parcel of land.	Severance application approved and conditions being fulfilled.

Applicant	Location	Application Type	Nature of Application	Status of Applications
2825085 Ontario Inc.	32 Jacob St. E. Tavistock	Severance	Severance of an existing parcel of land (2 new lots).	Severance application approved and conditions being fulfilled.
Leslie	844944 Braemar Side Road	Severance	Severance of an existing parcel of land.	Severance application approved and conditions being fulfilled.
peopleCare Inc.	28 William St. S., Tavistock	Severance	Severance of an existing parcel of land.	Severance application approved and conditions being fulfilled.
Feltz	636584 14 th Line	MVA	Relief to allow for an increase in the max. height of an accessory building.	Process complete.
Maurer	65 Young Street, Innerkip	MVA	Relief to allow for an increase in the max. size of an accessory building.	Application received.
Township of East Zorra-Tavistock	Township-wide	ZBA	ZBA to recognize ARU policies in the Zoning By-law.	Public Meeting to be held June 21/23.

Attachment:

- None.

Recommendation:

1. None. For Council Information.

Reviewed by C.A.O:



Karen DePrest
Chief Administrative Officer

Report prepared and submitted by:



Will Jaques
Corporate Services Manager

STAFF REPORT

Report #CAO2023-07

To: His Worship the Mayor and Members of Council

From: Karen DePrest, CAO/Treasurer

Re: CAO/Treasury – June 2023 Council Report

Date: June 14, 2023

Departmental Highlights:

- The draft year-end budget to actual monitoring report is shown below, under “Financial Highlights”. Staff continue to work on the year-end adjusting entries and balancing in preparation for the upcoming 2022 audit, so several numbers have changed since last month’s report. This summary report now also shows the year-to-date spending for 2023 by department against the approved 2023 budget.
- Now that the 2023 budget has been approved, staff are working on updates to the Township’s user fees so that a revised schedule can be provided to Council at its August meeting for implementation on September 1st.
- The RFP for the Tavistock Spray Pad Project closed on June 13th. Staff will be conducting evaluations of the proposals next Wednesday, June 21st, in hopes of presenting an award recommendation to Council at its July 5th meeting.
- Staff have scheduled training sessions on the new Municipal Alcohol Policy and will be conducting subsequent information sessions for user groups externally in the coming months. Staff are already providing interested renters with the policy should their event fall after the September 1st implementation date.
- As a reminder, the County of Oxford is hosting a Council Communications training session on Wednesday July 12, 2023, for members of Council and staff. The session will be held in the Council Chambers at the Oxford County Administration Building.

- Our 2022 final audit has been deferred to July 5th and 6th to allow for additional work to be completed by some of the more junior staff as part of their co-op training. The 2022 financial statements will be presented to Council at their August 2nd meeting.

Legislative Updates:

- None

Financial Highlights:

Township of East Zorra-Tavistock
 SUMMARY OF NET DEPARTMENTAL BUDGETARY TAX IMPACTS
 Operating and Capital Budgets Monitoring Summary

Revised Date: 16-06-2023
 % Budget Period: 45.75%

Net Budgets By Department	2022 Approved	2022 Actual to Date*	2023 Approved	2023 Actuals To Date	2022 Difference (Budget - Actual)	% 2023 Actual / 2022 Budget	Remarks
Building, Locates and Drainage	428,353	374,179	358,264	99,346	(258,918)	27.73%	
Corporate Services	2,202,772	2,349,126	2,503,187	1,153,162	(1,350,026)	46.07%	2023 Actual is net of Admin Building construction (2022 item)
Fire and Protective Services	1,292,954	1,189,784	1,311,282	246,058	(1,065,224)	18.76%	Fire payroll only billed once annually
Parks and Recreation	515,178	624,170	832,686	196,886	(635,800)	23.64%	
Public Works	3,158,117	3,196,819	3,127,430	1,027,839	(2,099,590)	32.87%	
Treasury Services	(944,423)	(1,374,225)	(889,653)	(628,776)	260,877	70.68%	1/2 year OMPF received to date
	6,652,951	6,359,852	7,243,196	2,094,515	-5,148,682	31.48%	

Attachments:

- None

Recommendation:

- None

Respectfully submitted by:



Karen DePrest
 Chief Administrative Officer/Treasurer

**THE CORPORATION OF THE
TOWNSHIP OF EAST ZORRA-TAVISTOCK
COUNTY OF OXFORD
BY-LAW # 2023 - 21**

**Being a by-law to enter into an Agreement with
Tavistock and District Curling Club**

WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25, S. 8 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS the Council of the Township of East Zorra-Tavistock and Tavistock and District Curling Club deem it appropriate to enter into agreement for the purpose of establishing rights and responsibilities related to use, operation and maintenance of the curling rink space and upper and lower curling lounge at the Tavistock Arena.

NOW THEREFORE THE COUNCIL OF THE TOWNSHIP OF EAST ZORRA-TAVISTOCK ENACTS AS FOLLOWS:

1. That Schedule "A" attached hereto and forming part of this by-law, being an agreement between the Corporation of the Township of East Zorra-Tavistock and Tavistock and District Curling Club, is hereby approved.
2. That the Mayor and CAO-Treasurer are hereby authorized to sign, on behalf of the Township of East Zorra-Tavistock, the agreement, attached hereto as Schedule "A".

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 21st DAY OF JUNE, 2023.

Phil Schaefer, Mayor

seal

Will Jaques, Clerk

LEASE AGREEMENT

THIS LEASE made effective as of the 1st day of January 2023

BETWEEN:

TAVISTOCK and DISTRICT CURLING CLUB
1 Adam Street
Tavistock, Ontario, N0L 2J0

-and-

The Corporation of the Township of East Zorra-Tavistock
90 Loveys Street
Hickson, Ontario, N0J 1L0

Whereas by the parties hereto wish to enter into a Lease whereby The Tavistock Curling Club (the Tenant) leases for a term of 12 (twelve) months, from and including the 1st day of January 2023, to and including the 31st day of December 2023, the curling rink space and upper and lower curling lounge at 1 Adam Street, Tavistock known municipally as the Tavistock Arena (the "Leased Premises");

Now therefore this agreement witness that in consideration of the sum of two thousand four hundred fifty dollars (\$2,450.00) plus applicable taxes which represent and will be applied to the first month's lease payment due and owing hereunder, the receipt and sufficiency of which is hereby acknowledged and the parties agree as follows.

1. Lease Term

The Landlord hereby leases to the Tenant the premises for a term of twelve (12) months commencing on January 1, 2023, (the "Commencement Date") and ending on December 31, 2023. The Tenant shall have and is hereby granted options to renew the term of this Lease for four further periods of twelve months each upon mutual agreement with the Landlord. Such extended terms to begin upon the expiration of the initial term of this Lease and all terms, covenants, and provisions of this Lease shall apply to such extended terms, with the exception that the Tenant shall pay rent during such extended time at the rate of \$2,450.00 per month plus applicable taxes. If the Tenant elects to exercise any options, it shall do so by giving the Landlord notice in writing of its intention at least 3 months prior to the expiration of the then current term of this Lease.

2. Basic Rent and Additional Rent

The Tenant covenants and agrees to pay the Landlord during the lease term, without any setoff or deductions unless specifically disclosed in this agreement, the full amount of all Basic Rent, as hereinafter defined, due hereunder as shall become due under the Lease, all of which hereunder may be collectively called "Rent". All amounts referred to herein are exclusive of applicable taxes commencing January 1, 2023.

The Tenant covenants and agrees to pay during the term of this Lease to the Landlord the Basic Rent which is the sum of twenty-nine thousand four hundred dollars (\$29,400.00) per annum plus all applicable taxes, payable in monthly installments of two thousand four hundred fifty dollars (\$2,450.00) plus all applicable taxes commencing on the 1st day of January, 2023.

The Landlord agrees to deduct the amount of \$425.00 from the January Rent invoice annually.

3. Utilities

The Landlord covenants and agrees to pay the utility charges connected with the hydro, water, natural gas, and internet for the Leased Premises. The tenant covenants and agrees that they shall pay all monthly and installation charges associated with installing a separate telephone or cable services.

4. Keys

The Tenant covenants and agrees that the keys entrusted to the tenant for the fulfillment of the contract shall not be duplicated and must be fully protected at all times and returned to the Landlord at the expiration of the contract period.

5. Delivery and Storage

The Tenant covenants and agrees that it is their responsibility to be on site for all deliveries of supplies and equipment. All supplies and equipment associated with this contract are to be received without the assistance of the Landlord's staff or equipment.

mfb

Mail delivery is not permitted to the leased space. The Tenant is responsible for all mail delivery to a post office box as paid for by the Tenant or alternative address.

6. Fixturing

All existing improvements prior to the commencement of the Lease shall remain in the premises at the termination or expiration of the Lease and the Tenant shall not be responsible to remove any such pre-existing leasehold improvements at the termination or expiration of the Lease. However, the Tenant shall be responsible for removed leasehold improvements constructed or altered by the Tenant in the premises during the term of the Lease. The Tenant shall repair any damage caused by the removal of its chattels, furniture and equipment from the Lease Premises.

7. "As Is" Condition

The Tenant agrees to accept the Lease Premises on an "as is" basis. The Tenant shall be permitted to install new leasehold improvements or make alterations to the existing leasehold improvements subject to the reasonable approval of the Landlord, and in accordance with the provisions of the Lease.

8. Use and Occupancy

The Lease Premises shall be used solely for the use of a curling rink and lounge. The Tenant acting reasonably and in accordance with all relevant by-laws and the Lease may change the use of the premises with the written consent of the Landlord. The Tenant shall occupy the Lease premises effective as of the Commencement Date.

9. Licensing

No alcoholic beverages will be allowed or consumed anywhere within the facility or on the premises unless the required licensing is obtained from the Alcohol and Gaming Commission of Ontario and in accordance with the Liquor Licence and Control Act. A copy of licensing must be provided to the Landlord. The insurance as specified in Section 17 must include additional coverage with respect to the sale and consumption of alcohol.

10. Equipment

The Tenant covenants and agrees that any employee or subcontractor of the tenant will, respective of the lease be held responsible for all damages which may occur to the Landlord's or private property resulting from the faulty operation or usage of equipment by them or their employees.

The Tenant covenants and agrees that they and any subcontractor shall provide and maintain adequate and suitable means to save the sites and contents from injury, dust, and defacement during the term of the lease and services required hereunder by means of approved protection where necessary or directed by the Township.

11. Repair and Maintenance

The Tenant covenants that during the term of the Lease and any renewal thereof the Tenant shall keep in good condition the Premises including all equipment, alterations and additions made thereto, and shall, with or without notice, promptly make all needed repairs and all necessary replacements as would a prudent owner.

The Tenant shall permit the Landlord or a person authorized by the Landlord to enter the Premises to examine the condition thereof and view the state of repair at reasonable times. If upon such examination repairs are found to be necessary, written notice of the repairs required shall be given to the Tenant by or on behalf of the Landlord and the Tenant shall make the necessary repairs within the time specified in the notice.

The Tenant covenants and agrees that the Leased Premises shall be kept clean, clear of waste, paper, garbage, combustible materials and obstructions, and shall not cause or permit any noises or odours which would constitute a nuisance to emanate from the area of operation. The tenant shall be responsible for the cleaning materials and goods required for maintaining maintenance.

If the Tenant refuses or neglects to keep the Premises in good repair the Landlord may, but shall not be obliged to, make any necessary repairs and shall be permitted to enter the Premises, for the purpose of effecting the repairs without being liable to the Tenant for any loss, damage, or inconvenience to the Tenant in connection with the Landlord's entry and repairs. If the Landlord makes repairs, the Tenant shall pay the cost of them immediately as Additional Rent.

12. Structural Repair and Maintenance

The Landlord covenants that during the term of the Lease and any renewal thereof the Landlord shall to repair and maintain or cause to be repaired and maintained the structure of the building, the exterior, walls, roofs, pipes, plumbing, electrical wiring, and other installations of a structural nature.

Structural is defined as the exterior side only, of the exterior walls, roof, doors, window and other components of these walls are to be included as part of the structure. The steel structure on the

inside of the curling surface will also be included as part of the structure. Additional items covered by the Landlord are as follows, inspection of the emergency and fire related equipment, refrigeration components i.e.: header pipes, refrigerated floor & dehumidifier. Exterior door that serve as common entrance to Curling Club and Upper Hall. The make up air duct above the curling surface supplying the Arena.

13. Curling Surface

The Landlord covenants that during the term of the Lease and any renewal thereof the Landlord shall provide to the Tenant a curling rink floor surface suitably refrigerated to make and maintain a curling ice surface and such provision shall coincide with ice making operations for the arena ice surface or shorter period of time during the arena ice season.

The Tenant will be responsible for making the curling ice and maintaining the curling ice surface and related areas. The humidity is to be maintained at 55% or less in order to minimize the corrosion effect on structural components of the building. Some variation of humidity level will be allowed during the ice season as required to maintain the ice quality.

14. Ice Rentals

The Tenant covenants to permit the Landlord the right to book the curling facility as part of a rental of the entire facility and make arrangements for any non-ice season rentals of the curling facility (ice surface only) in accordance with the approved rental regulations and guidelines. The Landlord will coordinate with the Tenant for non-ice season rentals.

Additionally, the Tenant covenants and agrees to permit the Tavistock Agricultural Society to have access to the premises (ice surface only) at no charge in order to hold the annual fall fair.

15. Snow Removal

The Landlord covenants that during the term of the Lease and any renewal thereof the Landlord shall maintain the grounds including parking lot and sidewalk snow removal within 48 hours.

16. Alterations and Additions

If the Tenant, during the term of this Lease or any renewal of it, desires to make any alterations or additions to the Premises, including but not limited to: erecting partitions, attaching equipment, and installing necessary furnishing or additional equipment of the Tenant's business, the Tenant may do so at their own expense, at any time and from time to time if the following conditions are met:

- (a) Before undertaking any alteration or addition the Tenant shall submit to the Landlord a plan showing the proposed alterations or additions and the Tenant shall not proceed to make any alteration or addition unless the Landlord has approved the plan, and the Landlord shall not unreasonably or arbitrarily withhold their approval;
- (b) Any and all alterations or additions to the Premises made by the Tenant must comply with all applicable building code standards, fire code and by-laws of the municipality in which the Premises are located.

The Tenant shall be responsible for and pay the costs of any alterations, additions, installations or improvements that any governing authority, municipal, provincial or otherwise, may require to be made in, on or to the Premises.

All alterations and additions to the Premises made by or on behalf of the Tenant, other than the Tenant's trade fixtures, shall immediately become the property of the Landlord without compensation to the Tenant.

17. Insurance and Indemnification

The Tenant shall take out and keep in force the following policies of insurance issued by an Insurer acceptable to the owner. The Tenant shall provide to the Corporation of the Township of East Zorra-Tavistock and proof of said insurance, prior to the commencement of the lease. The Township shall be listed as an additional insured and held harmless with respect to any actions or operations of the Tenant.

The Tenant covenants to keep the Township indemnified against all claims and demands whatsoever by any person, whether in respect of damage to person or property, arising out of or occasioned by the maintenance, use or occupancy of the Premises or the sublicensing or assignment of same or any part thereof. And the Tenant further covenants to indemnify the Township with respect to any encumbrance on or damage to the Premises occasioned by or arising from the act, default, or negligence of the Tenant, its officers, agents, servants, employees, contractors, customers, invitees or Tenants and the Tenant agrees that the foregoing indemnity shall survive the termination of this Lease.

The Tenant shall carry multi-peril or all-risks insurance in its own name insuring against the risk of damage to the Tenant's property within the Premises caused by fire, lightning, storm or other perils and the policy shall provide for coverage on a replacement cost basis to protect the Tenant's

stock-in-trade, furniture, equipment, trade fixtures, decorations and improvements and the Township shall be a named insured thereon.

The Tenant shall carry public liability and property damage insurance to cover the Tenant's business and all operations and activities conducted by the Tenant on the Premises, its directors, officers, employees and agents in an amount not less than \$5,000,000.00 per occurrence, in which policy or policies the Township shall be named as an additional insured and include a cross-liability endorsement and a waiver of any right of subrogation, contribution or recourse by the Tenant's insurer(s) against the Township and its employees.

The Tenant shall carry adequate Tenant's Legal Liability insurance to cover the Tenant's business and all operations and activities conducted by the Tenant, its directors, officers, employees and agents and the Tenant shall provide a copy of such policy(ies) to the Township forthwith upon execution of this Lease.

Upon the execution of the Lease, the Tenant shall provide copies of the insurance policies required by this Section to the Township and where the Township is an additional insured, such policies shall contain a 30 day notice of cancellation clause to the Township. The Tenant shall provide renewal certificates of all such insurance policies on or before the expiration date endorsed upon such policy during the Term of this Lease. The Tenant acknowledges that proof of insurance shall be provided on a standard form used by the Township, a copy of which has already been received by the Tenant.

18. Employment

The Tenant and any subcontractor of the Tenant will, respective of this Lease,

- (1) Employ only residents of Canada and those persons legally able to work in Canada
- (2) In employing persons, refrain from discriminating against any person by reason of their race, religion, political affiliations or gender.

19. Occupational Health and Safety Act

The Tenant must ensure compliance with the Ontario Health and Safety Act and indemnify the Township of East Zorra-Tavistock for any failure to do so.

20. Compliance with the Accessibility for Ontarians with Disabilities Act

The Tenant shall ensure that all its employees and agents receive training regarding the provision of goods and services contemplated herein to persons with disabilities in accordance with Section 6 of the Ontario Regulation 429/07 and Section 7 of Ontario Regulation 191/11 made under the Accessibility for Ontarians with Disabilities Act, 2005, as amended.

21. Assignment/Subletting

The Tenant shall not assign or sublet this Lease to a third party without the prior written consent of the Landlord, which consent shall not be unreasonably withheld or delayed. All subleasing shall be subject to the Landlord's consent and governed by the Lease. No assigning, subletting or parting with possession of the Lease Premises shall in any way relieve the Tenant from fulfillment of any obligations under the Lease.

22. No Representation

There are no covenants, representations, agreements, warranties or conditions in any way relating to the subject matter of this agreement expressed or implied, collateral or otherwise, except as expressly set forth herein.

23. Time of Essence

Time shall be the essence of this Lease.

24. Signage

The Tenant shall be permitted to install interior Building signage as mutually agreed upon by both parties. All costs in connection with the design, installation, maintenance, repairs and removal will be the sole responsibility of the Tenant. All signage shall be subject to the Landlord's consent.

25. Enurement

This Lease shall enure to and be binding upon the parties hereto and their respective successors and permitted assign.

26. Notice

The Payments of Rent only shall be made payable to the order of The Corporation of the Township of East Zorra-Tavistock at 90 Loveys Street, Hickson, Ontario, N0J 1L0 or such other name and address as the Landlord shall from time to time designate.

27. Acts of Default and Landlord's Remedies

1. An act of Default has occurred when:

- (a) The Tenant has failed to pay Rent for a period of 30 consecutive days upon the receipt of invoice.
- (b) The Tenant has breached their covenants or failed to perform any of their obligations under this Lease; and
 - (i) The Landlord has given notice specifying the nature of the default and the steps required to correct it; and
 - (ii) The Tenant has failed to correct the default as required by the notice;
- (c) The Tenant has;
 - (i) Become bankrupt or insolvent or made an assignment for the benefit of Creditors;
 - (ii) Had its property seized or attached in satisfaction of a judgement;
 - (iii) Had a receiver appointed;
 - (iv) Committed any act or neglected to do anything with the result that a Construction Lien or other encumbrance is registered against the Landlord's property;
 - (v) Taken action if the Tenant is a corporation, with a view to winding up, dissolution or liquidation
- (d) Any insurance policy is cancelled or not renewed by reason of the use or occupation of the Premises, or by reason of non-payment of premiums.

2. When an Act of Default on the part of the Tenant has occurred:

- (a) The current month's rent together with the next three months rent shall become due and payable immediately; and
- (b) The Landlord shall have the right to terminate the Lease and to re-enter the Premises and deal with them as they may choose.

3. If, because an Act of Default has occurred, the Landlord exercises their right to terminate this Lease and re-enter the Premises prior to the end of the Term, the Tenant shall nevertheless be liable for payment of Rent and all other amounts payable by the Tenant in accordance with the provisions of this Lease until the Landlord has re-let the Premises.

28. Governing Law

This agreement shall be governed by the laws of the Province of Ontario.

29. Termination

Either the Tenant or the Landlord may terminate this lease for breach of contract by either party on thirty (30) days notice in writing by either party. Should termination notice be given by either the Landlord or Tenant, then the Tenant shall continue to provide payment for the full term of the Lease until such reasonable time the Landlord can replace the Tenant.

30. Landlord's Consent

The undersigned hereby consents to and has the authority to bind the Landlord, the foregoing Lease, but not any further assignment of the Lease or sublease of the leased premises.

31. Notice

- (1) Any notice required or permitted to be given by one party to the other pursuant to the terms of this Lease may be given

To the Landlord at:

Township of East Zorra-Tavistock
90 Loveys Street, PO Box 100
Hickson, Ontario, N0J 1L0

To the Tenant at:

mtb ✓ Tavistock and District Curling Club ✓ *mtb*
1 Adam Street, P.O. Box 584
Tavistock, Ontario, N0L 2J0

- (2) The above addresses may be changed at any time by giving ten (10) days written notice.
- (3) Any notice given by one party to the other in accordance with the provisions of this Lease shall be deemed conclusively to have been received on the date delivered if the notice is served personally or seventy-two (72) hours after mailing if the notice is mailed.

32. Registration

The Tenant shall not at any time register notice of or a copy of this Lease on Title to the property of which the premises form part without consent of the Landlord.

33. Interpretation

- (1) The words importing the singular number only shall include the plural, and vice versa, and words importing the masculine gender shall include the feminine gender, and words importing persons shall include firms and corporations and vice versa.

mtb

(2) Unless the context otherwise requires, the word "Landlord" and the word "Tenant" wherever used herein shall be constructed to include the executors, administrators, successors and assigns of the Landlord and Tenant, respectively.

IN WITNESS WHEREOF, the parties hereto have executed this Lease as of the date first above written.

TENANT

THE TAVISTOCK AND DISTRICT CURLING CLUB

Margaret L. Green May 20, 2023
Dated
President: Margaret L. (Peggy) Green
I have the Authority to bind the Corporation

LANDLORD

THE CORPORATION OF THE TOWNSHIP OF EAST ZORRA-TAVISTOCK

Karen DePrest
CAO/ Treasurer
I have the Authority to bind the Corporation

Dated

Phil Schaefer
Mayor
I have the Authority to bind the Corporation

Dated

mth

**THE CORPORATION OF THE
TOWNSHIP OF EAST ZORRA-TAVISTOCK
COUNTY OF OXFORD
BY-LAW # 2023 - 22**

Being a by-law to confirm all actions and proceedings of the Council.

NOW THEREFORE THE COUNCIL OF THE TOWNSHIP OF EAST ZORRA-TAVISTOCK ENACTS AS FOLLOWS:

All actions and proceedings of the Council taken at its meeting held on the 21st day of June, 2023 except those taken by By-law and those required by law to be done by resolution are hereby sanctioned, ratified and confirmed as though set out herein provided, however, that any member of this Council who has dissented from any action or proceeding or has abstained from discussion and voting thereon shall be deemed to have dissented or abstained, as the case may be, in respect of this By-law as it applies to such action or proceeding.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 21st DAY OF JUNE, 2023.

Phil Schaefer, Mayor

seal

Will Jaques, Clerk