

**TOWNSHIP OF NORTH DUNDAS  
PUBLIC MEETING TO CONSIDER A GENERAL HOUSEKEEPING  
ZONING BY-LAW AMENDMENT  
April 13, 2021  
6:30 pm**

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A Public Meeting of Council, under Section 34 of the *Planning Act, R.S.O. 1990*, Chapter P. 13, as amended was held to consider a General Housekeeping Zoning By-law Amendment to the Former Township of Mountain Zoning By-law No. 79-6, the Former Township of Winchester Zoning By-law No. 12-93, the Former Village of Chesterville Zoning By-law No. 04-95 and the Former Village of Winchester Zoning By-law No. 25-96. This meeting was held through Zoom video conferencing, and streamed through Facebook live.

**Roll Call:**

Tony Fraser	Present
Al Armstrong	Present
Gary Annable	Present
Tyler Hoy	Present
John Thompson	Present

Township of North Dundas Staff present included CAO, Angela Rutley; Township Planner, Calvin Pol, Deputy Clerk, Jess Manley who moderated the meeting and Clerk, Jo-Anne McCaslin who recorded the minutes.

**Resolution No.01**

**Moved by Deputy Mayor Armstrong  
Seconded by Councillor Thompson**

**THAT the Public Meeting of the Council of the Township of North Dundas to consider a Zoning By-law Amendment be hereby called to order at 6:30 pm.  
CARRIED.**

**Chairperson Opening Remarks:**

This is a Public Meeting of Council under Section 34 of the Planning Act, to consider a Housekeeping Amendment to the Zoning By-laws of the Township of North Dundas.

I have asked Jo-Anne McCaslin, the Clerk, to take minutes of this meeting.

I would like to acknowledge that it is great to see the amount of public engagement that we have received.

When advertised last month, this public meeting was intended to be an in-person meeting at the Joel Steele Community Center; however, with the Provincial lockdown, and to ensure everyone's safety, we are forced to host this meeting as a virtual meeting.

I apologize for the inconvenience in the change of venue.

This is our first virtual public meeting, and as such, we ask for your patience as we move through the meeting.

The order for the public meeting is as follows:

- a. Presentation of the proposed housekeeping zoning by-law amendment by the Director of Planning.
- b. Questions/Comments by the Mayor
- c. Questions/Comments by the Members of Council
- d. Open questions/comments from the members of the public.

We will now have a presentation regarding the **proposed Housekeeping Amendment** by the Director of Planning, Calvin Pol.

The Chairperson confirmed that in accordance with Section 34 of the Planning Act and Ontario Regulation 545/06, the notice of the public meeting was published in the Chesterville Record on March 11, 2021. A copy of the notice was posted on the Township website on March 24, 2021.

The Chairperson declared the meeting properly constituted as per the requirements of the *Planning Act* and called the meeting to order.

A detailed planning report and draft by-law was prepared by Township Planning Staff, and previously circulated to Council. The Chairperson then turned the meeting over to Township Planner, Calvin Pol who then made a power point presentation outlining the Housekeeping Zoning Amendment.

It was pointed out by the Planner that if a person or public body does not make oral submissions at this public meeting or make written submissions to North Dundas Township before the by-law is passed, the person or public body may not be entitled to appeal the decision of the Council of North Dundas to the Local Planning Appeal Tribunal (LPAT).

**Housekeeping - Zoning Amendment:**

Purpose and Effect

Planner Calvin Pol advised the Council of the Township of North Dundas has initiated a housekeeping by-law amendment to update and harmonize the Township's Zoning By-law definitions, general provisions and some zone requirements.

To rezone multiple farmland properties to prohibit residential use (required as a condition of severance and provincial law) To correct or slightly modify the zoning of five (5) other properties.

Increase the minimum lot size for the R1 zone in Winchester Township from 2,787 m<sup>2</sup> (30,000 ft<sup>2</sup>) to 4,000 m<sup>2</sup> (43,055.7 ft<sup>2</sup>).

#### Barrier-Free Structures

The By-law Amendment will introduce clear consistent regulations exempting barrier-free structures from minimum setbacks.

Barrier-free structures include wheelchair ramps, lifts and other structures designed to provide accessibility to people with disabilities.

Permits may still be required for barrier-free structures as per the Ontario Building Code.

#### Surplus Dwellings

A total of six (6) properties will be rezoned to prohibit residential dwellings.

#### Zoning By-law 79-6

The former Township of Mountain minimum required lot area for uses, other than single dwellings, is being proposed to be increased from 2 ha (5 acres) to 8 ha (20 acres) to be consistent and match the zone requirements in the former Township of Winchester's Rural (RU) Zone (By-law No. 12-93 – Section 10.1 (b)(ii)).

Legally existing uses would continue to be permitted:

Planning Act Section 34(9)(a): *No by-law passed under this section applies, to prevent the **use of any land, building or structure** for any purpose prohibited by the by-law if such land, building or structure **was lawfully used** for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose;*

Any new livestock building must follow the Provincial Minimum Distance Separation Formulae and the Provincial Nutrient Management Act.

The Township of Winchester's Zone Requirements are newer (1993 vs 1979 Mountain).

Mountain Township's By-law does not have an Agriculture (AG) Zone.

Mountain's Zoning By-law needs to be updated once the Official Plan appeal is settled at the Local Planning Appeal Tribunal.

The new Zoning By-law will require a differentiation between Rural and Agricultural lands.

Provincial Modification #13 to the County Official Plan:

In this regard, the minimum lot size for new lots will be generally **40 ha** in size for each of the severed and retained parcels.

## Townhomes in Chesterville and Winchester Village

Definitions for back-to-back and stacked townhouse dwellings will be added.

Maximum height for stacked townhomes will be 12.5 m (max. 3 storeys) – current max. is 11 m.

Front yard setbacks for townhomes in Winchester village will be changed to match Chesterville's By-law as follows:

Front Yard Depth: 6 m to 7 m

Interior Side Yard Width: 1 m to 2 m

Rear Yard Depth: 8 m to 7.5 m

Lot Frontage: 5.5 m to 6.0 m

## Swimming Pool Enclosures

Two sections in the Chesterville Village Zoning By-law No. 04-95 and two sections of the Winchester Village Zoning By-law No. 25-96 are inconsistent with the new Swimming Pool Enclosure By-law No. 2020-16. These sections will be removed. (Fence height: 1.5 m (4.9 ft.) vs 1.22 m (4 ft.)).

## Chesterville Park: Temporary Use to Permanent

The park pavilion building is currently used as a bakery under a temporary zoning.

The proposed amendment will enable the use to continue.

Key maps are provided that will detail the properties that are to be rezoned as a condition of consent and those properties where the zoning will be slightly modified.

Mr. Pol noted that if adopted, this By-law will also slightly modify the zoning of five (5) other properties, and will update some definitions and general provisions, and will also harmonize the by-laws to make them more consistent. Mr. Pol presented all of the proposed schedules contained in the Housekeeping By-law.

Further he stated this By-law is deemed to be in conformity with the policies contained in the United Counties of Stormont, Dundas and Glengarry Official Plan and the Provincial Policy Statement.

## **Comments Received under Section 34(15) of the Planning Act:**

### Comments from Ministries and Public Bodies

No comments were received.

### Comments from Developers:

Two developers of proposed townhomes have expressed no objection to the proposed changes to match Chesterville's By-law.

One developer has expressed his objection to the changes. Most of the changes can be accommodated; however, some may require some tweaking in the proposed design.

Mr. Pol presented a summary of the Comments received from the Public prior to the Public Meeting:

*"I find this very concerning as it puts up a major barrier for residents who want to be more self sufficient, live sustainably and grow and raise their own food. We live in a rural, agricultural community. There are many small-scale farms in the area who feed their families and their neighbours with the food they produce on their 5+ acres. We buy food from such producers weekly for many reasons: it's healthy, locally produced, better for the environment, and keeps our dollars in our community"*

Questions about the proposal including tax implications, and whether existing lots with livestock will be "grandfathered" in.

*"This [proposed amendment] makes it very difficult for North Dundas residents to be able to afford caring for livestock, and is unreasonable to expect in an already agriculture focused region. If this change is made, it would mean that many of my family members and friends would no longer be able to raise cattle and chickens on their land to provide them with income and food. Twenty acres is not needed for a household to host a chicken coops or a couple of cows.*

*I ask that you and the rest of council not agree to change the rural mountain bylaw to needing 20 acres for agricultural use, if you want all former townships to coincide then change Winchester and Chesterville to match Mountain at 5 acres."*

*"I also do not feel that this is a fair meeting as there are many older residents that are not tech savvy that are not able to voice their concerns and being in the Mountain area our internet service is not the best for zoom meetings."*

*Initially, it seems this is a convenience issue to bring things into line with Winchester. Why not the other way, reduce the lot size in Winchester to match the Mountain area. Or why even do it. The reason for this is purely inadequate to move in this direction. We live here to be away from large communities and to be around nature, farmland and animals. A "city"*

*oriented mentality appears to be forcing itself on the rural people. This is not the representation we want, need or deserve. From a personal standpoint, we have about 5.25 acres. We've successfully had a variety of stock including horses, cattle, chickens, turkeys, sheep and goats. No issues, no complaints and a very worthwhile experience for our children growing up. In closing, I implore each and every one of you to seriously consider the action you're proposing and the negative impact on a long-standing rural community. This is not the correct action to take, restricting people from enjoying and using their property for food, education and enjoyment. Particularly for no good reason. Please vote this down.*

*I'd like to express my opinion nonetheless on the proposed change to agricultural bylaw in Mountain from 5 ac to 20 ac. We have 11 acres. When we bought our property in 2016, we bought it purposely knowing that it allowed hobby farms. Currently we don't have one but may have plans to in the future. Now, we'll have all this worthless land...what's the point of having this much land when you're restricted and can't use it to its full potential? What happens when you want to resell and attract potential buyer of hobby farms? The value of our land then goes down in the eyes of buyers while the 20ac plus goes up. There is no reason for this change in by-law. We are in the country surrounded by hobby farms with less than 20ac of land I might add and its beautiful and peaceful that way. Please leave the by-law as is. Thank you for reading."*

What is the Rural (RU) zone referring to? Is this the same as the areas designated Rural District in the Schedule 1A Land Use map?

Yes

Does this amendment apply to properties designated as Agricultural Resource Lands on Schedule 1A?

Yes

Will properties smaller than 20 ac that have existing agricultural uses be grandfathered in?

Yes

or will agricultural uses have to cease on these properties if the amendment is passed?

No

If the amendment is passed, can agricultural use (ex. grow crops) continue to be performed on a property smaller than 20 ac if the tenant farmer owns more than 20 ac himself?

Yes

If the amendment is passed, will this affect property tax rates for those properties that are smaller than 20 ac and currently classified as farmland?

*“I understand that tonight you will be discussing the size of property required to have livestock. The proposed increase to twenty acres is quadrupling the current five acre minimum and is too steep. It is not fair to treat the hobby farmers that way. Most people cannot afford to obtain that acreage as land and property prices are at an all-time high.*

*I also understand that there are many places that have too many animals per acre. Is it possible to use animal units instead of increasing the required acreage? That way one could have one large animal or a few smaller animals. For example, 1 horse or cow per acre or that could mean 4 goats or 4 sheep and a few chickens. You will have to decide what the animal units would be. Thank you for your time.”*

### **Recommendation by Director Pol:**

Based on the questions, comments received and options available, it is advised that Section 2.2 of draft by-law which reads:

*“That in Section 10.1(c) – Lot Area (minimum), the text “2 ha (5 ac)” is hereby replaced by “8 ha (20 ac)”*

be removed from the proposed Housekeeping Zoning By-law and;  
That a separate open house be held, when in-person meetings are permitted, to fully discuss and consider this issue. This will afford the opportunity to have the public, representatives from various agencies, public bodies, interest groups, and ministries present to respond to questions and provide input to Council.

The Chairperson asked Members of Council if they had any questions or concerns and then opened the Public Meeting to questions and comments from the public.

### **Chairperson’s Comments/Questions:**

I would like to thank everyone that took the time to register for this meeting and thank those that sent in comments in advance of today’s meeting. The questions and comments received largely relate to the proposed change to the Township of Mountain’s Rural zones.

Due to the number of questions and concerns that we have received regarding this topic, and further to Director Pol’s comments, I am recommending that we have a separate Open House when in person meetings are possible, to fully discuss and consider this issue.



I would like staff to consult with the DFA and our local OFA representative in advance of the Open House to ensure that we receive and consider their feedback in addition to comments from the public. This will permit Council to fully consider all options.

I would also like Ministry and County staff experts to be invited to the Open House, to be available to provide additional information and answer questions.

I recommend that we table Section 2.2 of the By-law, and remove it from what is being considered later tonight.

Mayor Fraser asked Council members if they agreed to table Section 2.2 of By-law No. 2021-27:

Do I have consensus from members of Council to remove Subsection 2.2 of By-law No. 2021-27 that reads: *“That in Section 10.1(c) – Lot Area (minimum), the text “2 ha (5 ac)” is hereby replaced by “8 ha (20 ac)”*, with the understanding that the Township of North Dundas will host a separate advertised open house and public meeting regarding this issue, once the Covid restrictions are lifted?

Deputy Mayor Armstrong agreed with the deferring Section 2.2 the By-law and agreed more discussion is needed. He compared this discussion to previous discussion relating to the Fire By-law where all affected parties were consulted for comments.

Councillor Thompson, Councillor Annable and Councillor Hoy agreed to deferring Section 2.2 of the By-law

Chairperson Fraser advised members of the public that Council will officially consider this By-law and amendments at the Regular Meeting of Council immediately following this Public Meeting before putting it to a vote. Members of the public will be able to watch the livestream via the Township Facebook Page.

The removal of this section means the existing 2 ha (5 ac) requirement will remain in effect in the former Township of Mountain.

**Comments from members of the public:**

Terresa McIntosh, 11581 County Rd 3, Inkerman  
Agreed with deferral. Looks forward to the public meeting.  
Would like to see the Winchester by-law and the Mountain by-law to understand rational (Winchester at 20 acres, Mountain at 5 ac.)



Thomas Schoch, 214 Queen St. West, Chesterville

Asked Council to review all types of farming when considering the new by-law, especially the market garden farming initiatives. Great opportunity to plan for the future.

He stated North Dundas does farming well.

Appreciates the deferral.

Marika Livingstone, 2570 County Rd 1, Mountain

Fully supports moving toward a nutrient unit base policy. Falls in line with source water protection policies.

Bethany Elkins, 10894 County Rd 3 South Mountain

Thanks for calm discussion and clarification.

Concern for future generations.

Managing 20 acres daunting.

Agrees with animal units per acre (easier to understand).

Christina Suffel, 11827 County Rd 3 Mountain

Concerned with advertising notice (Chesterville Record) doesn't cover Mountain.

Appreciates waiting.

How do you know who is grandfathered and what can be done?

In addition to the above noted comments, earlier in the day, Ms Suffel emailed a petition to Council that requested Council to amend the by-law for rural residents of North Dundas Township to allow livestock.

Dave Gobey, 10225 Clark Rd Mountain

Would like clarification of confusion.

Grandfathering is inadequate – deters future growth.

Feels 5 acres or less is adequate.

Email questions to Planning Technician.

Chrisann Harding, 2384 Development Rd. Mountain

Recently purchased 6 acres with the understanding she could build a house, have a horse, cow etc. and market garden.

She hopes to be grandfathered.

Amanda Giles, 11516 County Rd 5 Inkerman

Province dictating to the Township is a red flag.

Dwellings on agricultural land should be allowed.

Council should consider certain residences to be constructed on farm land to encourage more small farms.

North Grenville has a sliding scale of livestock units based on lot size.

Shane Freeman, 468 Annable St. Winchester

Glad for deferral.

Family farm burned. His Mother would be able to sell the whole farm, but severing 20 acres is not allowed.

Joanne Havekes, 2579 County Rd 1, Mountain

Glad for deferral. Looks forward to public meeting.

Why not allow the existing zoning to continue and let the nutrient and agriculture experts make the call if the farmer is not properly managing the nutrients?

Tammy Zollinger, 11845 Spruit Rd, Mountain

OFA and DFA don't represent small hobby farms (only large farms).

Farmers cannot severance more than 2 acres; where are the 20 acres parcels? (people cry when trees are cut down).

Misinformation is being spread because proper information is not provided to public.

Chesterville Record – North Dundas Times more.

Russell  $\frac{3}{4}$  of acre for a few chickens. 20 acres way too much for backyard people.

Looks forward to public meeting.

Carol & David Bryan, 10676 County Rd 43, Mountain

Glad for deferral so all can attend public meeting to express concerns and desires.

As a long-time farmer, he has many reasons to support smaller parcels.

Jackie Kelly- Pemberton, 2824 Pemberton Rd. Inkerman

OFA Director Zone 11

Great conversation.

Looks forward to working with all those concerned to move this by-law forward.

Tony Kiar, 10633 Maple Street, South Mountain

Raised on farm, retired teacher. Really grateful for the discussion and planning to ensure food security in the time of falling apart supply chains.

Chantal Prieur, 11229 Levere Rd. Mountain

Looks forward to public meeting.

Nutrient unit-based system would be most effective.

Communication methods - saw it on Facebook North Dundas Times.

Andrew Cinnamon representing Park View Homes

Concerned with Sections 4.7 4.8 of the proposed by-law.

Parking spaces a concern for (Dream Haven Estates development.)

Calvin Pol advised these issues may be dealt with on a site-specific basis.

Gord Fetterly, 11209 County Rd 43, Mountain

Small farmers (small acreage) spend money in local businesses. He thinks there is a place in the economy for the small acreage farms. Prefers reference to small scale as opposed to hobby farms.

Asked what is the difference between Rural Zone and Agriculture Zone.

Chairperson Fraser thanked all who participated in the public meeting. We are an agricultural community and want to make sure we do this right. He stated the by-law would be considered during the regular meeting.

**Resolution No. 02**

**Moved by Councillor Hoy**

**Seconded by Deputy Mayor Armstrong**

**THAT the Public Meeting of the Council of the Corporation of the Township of North Dundas to consider a Zoning By-law Amendment adjourn at 7:52 pm.**

**CARRIED.**

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Tony Fraser, CHAIRPERSON

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Jo-Anne McCaslin, CLERK

These minutes are approved as presented April 27, 2021.