



Public Meeting Agenda - Zoning By-law Amendment Township of North Dundas

This Public Meeting is being held to consider a proposed amendment to (Former Township of Mountain) Zoning By-law No. 79-6 under Sections 34 and 39.1 of the Planning Act, R.S.O. 1990, Chapter P. 13, as amended.

December 14, 2021, 6:30 p.m.
636 St. Lawrence St. Winchester, ON

Public Meetings are open to the public and residents are encouraged to attend. However during the COVID-19 Pandemic, individuals who wish to attend in-person must provide proof of double vaccination along with photo ID. Alternatively, the public can watch a live stream of the meeting on the Township's [YouTube Channel](#); however, the Township cannot guarantee the quality of the YouTube recording.

If you wish to speak at the Public Meeting but are not attending in person, you must pre-register in advance of the meeting to participate via Zoom. [Click here](#) to register.

	Pages
1. Call Meeting to Order by Resolution	
2. Confirmation of Record and Notice	
3. Presentation - Director of Planning, Building and Enforcement	1
4. Open Discussion	
5. Concluding Remarks - Chairperson Fraser	
6. Adjournment	



Planning Report

Re: Rezoning Request by Jeremy Dizazzo of 10608 Sandy Row, legally described as West ½ of the East ¼ of Lot 7, Concession 1.

Date of Meeting: December 14th 2021

Official Plan: Agricultural Resource Area

Current Zoning: Rural (RU)

Proposed Zoning: Rural - Temporary Use Nine (RU-T9)

Subject Area: Approximately 122215 m² (30.2 acs)

Existing Use: Single Detached Dwelling

Proposed Use: Same with Garden Suite

1. Purpose:

The Township of North Dundas received a site-specific application to amend the former Township of Mountain Zoning By-law No. 79-6, as amended, to rezone the subject property from “Rural (RU)” to “Rural Temporary Use Nine (RU-T9).”

The proposed Zoning By-law Amendment would allow the owners to install a temporary dwelling unit on their property for a maximum of 20 years (renewable for three (3) year periods thereafter).



2. Background:

The subject area is located within the Agricultural Resource Lands under the United Counties of Stormont, Dundas and Glengarry's Official Plan. The subject area also contains provincially significant wetlands and woodlands on the southern portion of the parcel. The northern portion of the lands are currently being used as a single detached dwelling.



The surrounding uses are primarily residential and agricultural.

3. Policy Direction:

3.1 Planning Act

The Planning Act first introduced "garden suites" in 2002 as a way to keep up with the aging population of Ontario.

Relevant excerpts are as follows:

- "39.1** (1) *As a condition to passing a by-law authorizing the temporary use of a garden suite under subsection 39 (1), the council may require the owner of the suite or any other person to enter into an agreement with the municipality dealing with such matters related to the temporary use of the garden suite as the council considers necessary or advisable...*
- (2) *In this section, "garden suite" means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.*



(3) Despite subsection 39 (2), a by-law authorizing the temporary use of a garden suite shall define the area to which it applies and specify the period of time for which the authorization shall be in effect, which shall not exceed 20 years from the day of the passing of the by-law.”

3.2 Provincial Policy Statement (PPS):

Since April 30, 2014, the Planning Act requires that all decisions of Council affecting planning matters “shall be consistent with” the Provincial Policy Statement (2014).

Relevant excerpts are as follows:

Proposed Location of Garden Suite

“1.4.3 *b) permitting and facilitating:*

- 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and*
- 2. all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;”*

3.3 United Counties of Stormont, Dundas and Glengarry Official Plan:

The lands subject to this amendment are designated as Residential Lands in the United Counties Official Plan.

Relevant excerpts are as follows:

3.5.4 Housing

2. Garden Suites

Garden suites may be permitted as a one-unit, detached, portable, self-contained residential structure that is accessory to and separated from an existing permitted residential dwelling on the same lot. Garden suites are intended to provide supportive housing.

Garden suites may be established in any Land Use District which permits a residential use as per Table 3.5 by the enactment of a Temporary Use By-law under the Planning Act. A Local municipality may require the property owner to enter into an agreement to govern the occupancy, sewage and water services, appearance, maintenance and removal of the unit, and the conditions and penalties for failure to remove the unit. The installation of any garden suite shall have regard to the planning principles set out in Section 3.5.1 and to the requirements for SDG Official Plan a temporary use By-law in Section 8.12.9).

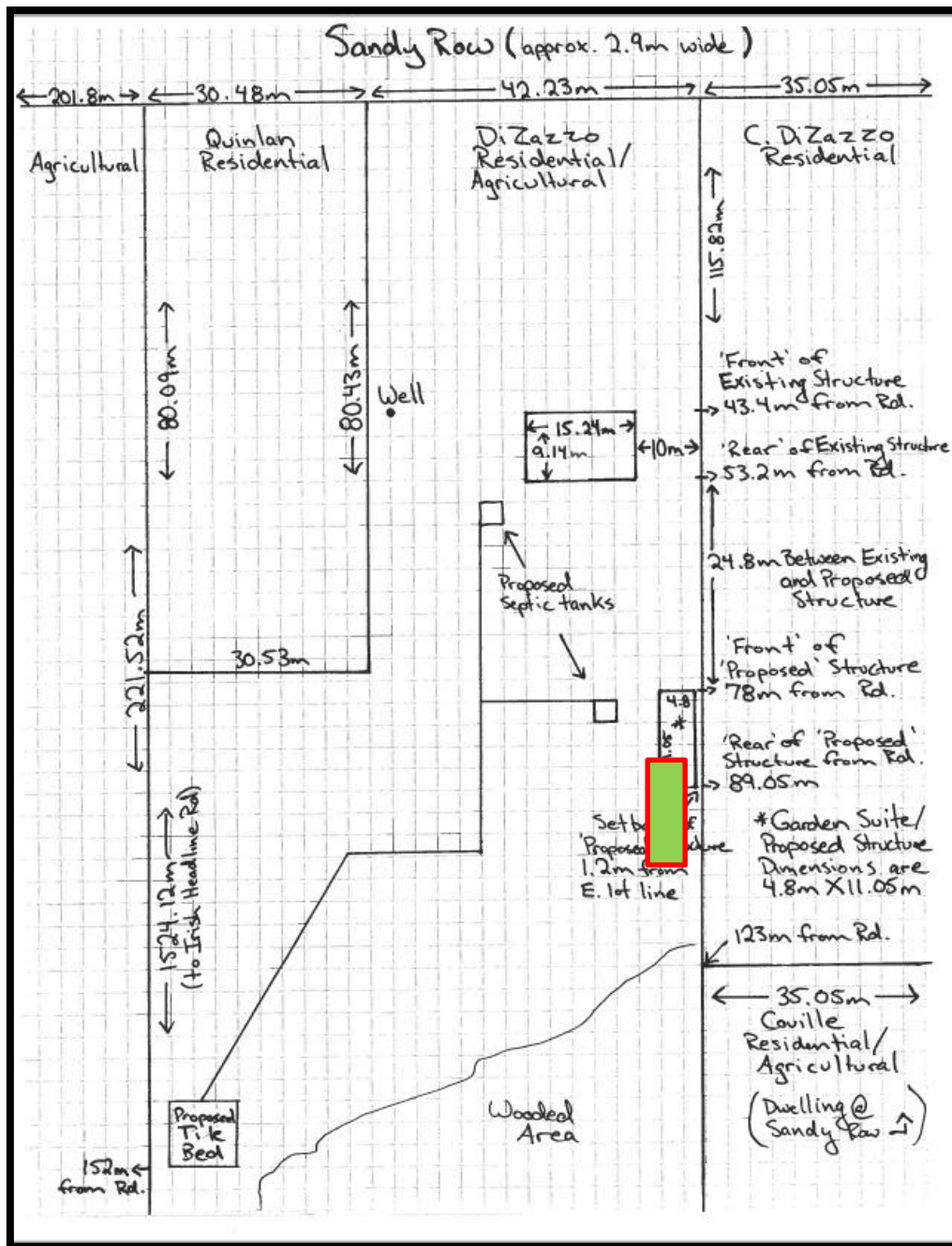
3.4 Zoning By-law 79-6:

The proposed temporary use zone (RU-T9) is required due to the limited timeline of a “garden suite.” In 2011, the Province of Ontario extended the time limit in the Planning Act to allow for garden suites for a term not exceeding 20 years (formerly was 10 years).

4. Analysis:

When considering a new garden suite in the Township, several site specific issues must be considered such as:

1. The location of the garden suite: setbacks from property lines and other buildings for aesthetic and fire safety considerations;
2. The location and availability of parking;
3. The type and size of property where the garden suite is being considered;
4. The servicing of the garden suite;
5. The housing needs of the occupant of the unit.



Owners will have to enter into an agreement with the Township for the occupancy and removal of the Garden Suite (draft by-law attached).

This application for a temporary use follows the intent of the *Planning Act*, *Provincial Policy Statement* and the *County Official Plan* for garden suites.

5. Comments:

No comments have been received.

6. Recommendation:

The proposed amendment constitutes good planning, conforms with the Official Plan and Planning Act and therefore Township Council should consider approving the proposed temporary use amendment. Secondly, that Council consider any comments from the public and adjacent neighbours during the public meeting before considering the proposed amendment.

Prepared by:

Original Signed
Danielle Ward, Junior Planner

Date: November 14th, 2021

I hereby certify that this report was prepared under the supervision of a Registered Professional Planner within the meaning of the Ontario Professional Planners Institute Act, 1994.

Original Signed
Calvin Pol, MCIP, RPP, BES
Director of Planning, Building and Enforcement

Date: December 9th, 2021

BY-LAW No. 2021-82

EXPLANATORY NOTE

Purpose and Effect of the By-law

The Township of North Dundas has received an application to amend the former Township of Mountain By-law No. 79-6 to rezone a property from Rural (RU) to Rural Temporary Use Nine (RU-T9) to permit the construction of a garden suite.

The lands affected by this amendment are described as West ½ of the East ¼ of Lot 7, Concession 1, former Township of Mountain, now the Township of North Dundas, County of Dundas, municipally known as 10608 Sandy Row, South Mountain (PIN# 661070351).

If the proposed by-law amendment is adopted, the subject land will be rezoned to Rural - Temporary Use Nine to allow the construction of a garden suite. As per Section 39.1.3 of the Planning Act, a by-law authorizing the temporary use of a garden suite, shall define the area to which it applies and specify the period of time for which the authorization shall be in effect, with a maximum of 20 years from the day of passing the by-law. In order to ensure the period of time outlined in Section 39.1.3 of the planning act is followed, the Owners will have to enter into an agreement with the Township for the occupancy and removal of the Garden Suite.

The property/land to which the proposed Zoning By-law amendment applies is not subject of another application under the *Planning Act*.

Applicant:

Jeremy DiZazzo

Owners

Edward DiZazzo and Christine DiZazzo

Roll Number:

0511-011-000-25000

***Being a By-law to amend the former Township of Mountain Zoning
By-law No. 79-6, as amended***

WHEREAS pursuant to the provisions of Sections 34 and 39.1 of the *Planning Act, R.S.O. 1990*, as amended, the Council of a Municipality may enact by-laws and temporary use by-laws regulating the use of lands and the erection of buildings thereon;

AND WHEREAS By-law No. 79-6, as amended, regulates the use of land and the use and erection of buildings and structures within the former Township of Mountain, now the Township of North Dundas;

AND WHEREAS the Council of the Corporation of the Township of North Dundas deems it expedient and advisable to authorize the temporary use of land, buildings or structures for the purposes set out herein, that is otherwise prohibited by Zoning By-law Number 79-6 as amended, of the former Township of Mountain; insofar as they relate to certain lands to which said By-law applies as hereinafter set forth;

AND WHEREAS the matters set out in this By-law are deemed to be in conformity with the Official Plan of the United Counties of Stormont, Dundas and Glengarry and the 2020 Provincial Policy Statement;

NOW THEREFORE the Council of The Corporation of the Township of North Dundas enacts as follows:

1.0 The lands affected by this amendment are described as West ½ of the East ¼ of Lot 7, Concession 1, former Township of Mountain, municipally known as 10608 Sandy Row, being PIN# 661070351;

2.0 That (the former Township of Mountain) By-law Number 79-6, as amended, is hereby amended as follows:

2.1 That Subsection 10.1 Rural Zone (RU) of By-law Number 79-6, is hereby amended by inserting the following new subsection immediately after the contents thereof:

10.1(e) Temporary Uses:

(9) Rural - Temporary Use Nine (RU-T9)

Notwithstanding the provisions of subsection 10.1 (a) to the contrary, on lands zoned RU-T9 (10608 Sandy Row), (Roll #0511-011-000-25000-0000), a Garden Suite shall be permitted as a temporary use and shall be located a minimum of 1.2 metres from the easterly side lot line.

Condition: That the owners enter into an agreement with the municipality dealing with:

- a) the installation, maintenance and removal of the garden suite;
- b) the period of occupancy of the garden suite by any of the persons named in the agreement; and
- c) the monetary or other form of security that the council may require for actual or potential costs to the municipality related to the garden suite.

.../2

2.2 That Schedule “A” of (Township of Mountain) Zoning By-law No. 79-6 is hereby amended as follows:

2.2.1 That the area affected by Section 1 and shown on Schedule “1” of this By-law, shall henceforth be zoned “Rural - Temporary Use 9 (RU-T9)” and shall cease to be zoned “Rural (RU)”.

- 3.0** All other applicable provisions of (the former Township of Mountain) By-law Number 79-6, as amended, shall continue to apply.
- 4.0** Date By-law Effective and Term
- 4.1** Subject to the giving of notice of passing of this by-law, in accordance with Section 34 (18) of the *Planning Act, 1990*, as amended, this By-law shall come into force on the date of passing by the Council of the Corporation of the Township of North Dundas where no notice of appeal or objection is received, pursuant to Section 34 (21) of the *Planning Act, 1990*, as amended.
- 4.2** This by-law shall continue in force and effect for a term not to exceed twenty (20) years, unless it is repealed at an earlier date.
- 5.0** All other applicable provisions of the former Township of Mountain Zoning By-law No. 79-6, as amended, shall continue to apply.

READ and passed in Open Council, signed and sealed this 14th day of December, 2021.

MAYOR

CLERK

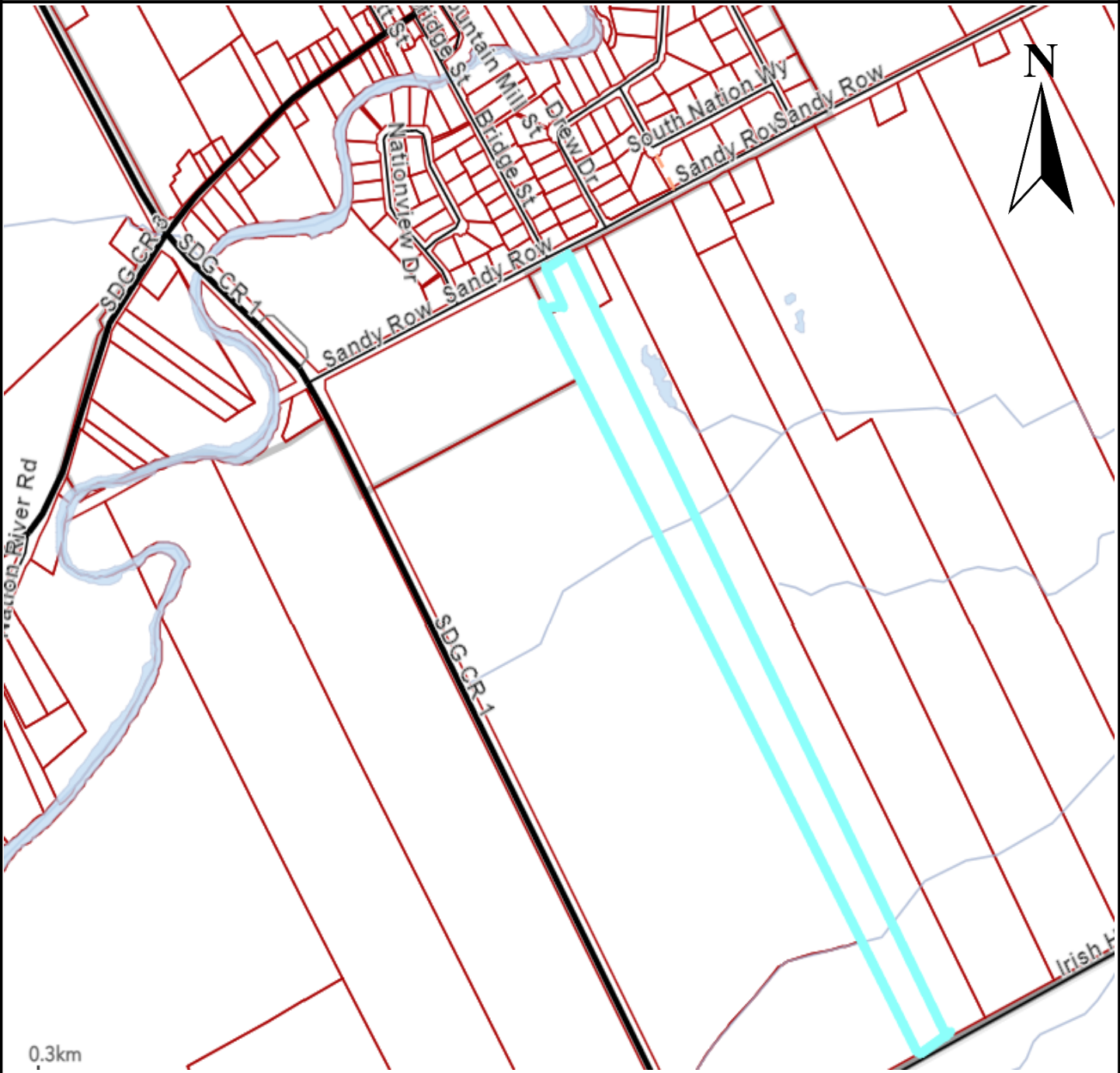
SCHEDULE “1”

BY-LAW No. 2021-82

Enacted by the Council of the Township of North Dundas this 14th Day of December, 2021.

Mayor

Clerk



— Area to be changed from Rural (RU) to Rural - Temporary Use 9 (RU-T9).

West ½ of the East ¼ of Lot 7, Concession 1, former Township of Mountain, now Township of North Dundas, municipally known as 10608 Sandy Row, South Mountain (PIN# 661070351, Roll# 0511-011-000-25000-0000).