



**THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI
SPECIAL COUNCIL MEETING
AGENDA**

Thursday, March 12, 2020, 6:00 P.M.

Main Level Chambers

An audio recording of the Open Session of this meeting is being made and will be available through the Municipal Website as a public service to further enhance access to municipal government services and to continue to promote open and transparent government. As a visitor, your presence may be recorded and your name and address may be revealed during certain parts of the Council meeting.

Pages

1. PURPOSE OF THIS PUBLIC MEETING

A Public Council Meeting to be held on March 12, 2020 at 6:00 p.m. in the Council Chambers presenting the Official Plan Amendment and Zoning By-Law Applications (OP-19-01 and Z-19-01) and Official Plan Amendment Application (OP-18-01).

2. CALL TO ORDER AND ROLL CALL

3. DELEGATIONS/ PRESENTATIONS

Draft Motion:

BE IT RESOLVED THAT Council receive the presentation from Planning Urban Design & Landscape Architecture regarding Official Plan and Zoning By-Law Amendment.

3.1 Official Plan Amendment and Zoning By-Law Amendment OP-19-01 and Z-19-01

1

3.2 Official Plan Amendment Applications OP-18-01

27

4. ADJOURNMENT

Draft Motion:

BE IT RESOLVED THAT this meeting adjourn at X:XXp.m.

MUNICIPALITY OF TEMAGAMI	
Report Prepared For:	Tammy Lepage
Report Prepared By:	Jamie Robinson, MCIP, RPP and Patrick Townes, BA, BEd
Subject:	Official Plan Amendment and Zoning By-law Amendment Home Occupation and Home Industry Statutory Public Meeting
Report Date:	March 3, 2020

A. PROPOSAL/BACKGROUND

The Municipality of Temagami has initiated an Official Plan Amendment and a Zoning By-law Amendment to update its planning documents to include modifications to the policies and regulations regarding home occupations and home industries. The Municipality held an Open House to discuss the proposed Official Plan Amendment on August 6, 2019 at the Community Centre.

The Statutory Public Meeting is being held for the purpose of providing the public with information on the proposed Official Plan Amendment and Zoning By-law Amendment, and to receive comments regarding the proposed policies and regulations for home occupations and home industries. Notice has been provided to members of the public and agencies based on the requirements of the *Planning Act*. There is no recommendation being considered at the Statutory Public Meeting. Following comments received prior to, and during the Statutory Public Meeting, a subsequent report will be prepared with a final recommendation to Council.

The Municipality has expressed interest in revising the policies and regulations in order to possibly make the home occupation and home industry provisions more permissive. For example, there were concerns that the list of examples provided in the Zoning By-law had the potential of being interpreted as a complete list rather than examples. A review of the existing policies in the Official Plan and the regulations in the Zoning By-law has been undertaken to inform possible modifications to the planning documents in order to make the provisions related to home occupations and home industries more clear and permissive.

The purpose of this report is to provide an overview of the proposed amendments to both the Official Plan and the Zoning By-law regarding home occupations and home industries.

B. GENERAL INFORMATION

Advances in technology, societal and economic changes, in addition to flexible work schedules, have enabled people to work from their homes and have encouraged the establishment and growth of home-based businesses. Home-based businesses constitute a growing trend. They can enhance the local employment mix, contribute to generating local jobs and possibly act as an incubator for small businesses.

There are positive aspects to providing for and potentially encouraging home-based businesses. Local municipalities must; however, consider how to balance the promotion of an economic activity while regulating such uses to ensure that these uses do not negatively impact the environment or water quality or negatively impact surrounding residential properties are appropriately avoided, managed and/or mitigated.

In the Municipality of Temagami, home-based businesses would generally fall into the category of a home occupation or the category of a home industry.

Traditionally, home industries/home occupations are to be essentially undetectable to the surrounding neighbourhood and passersby. They are clearly secondary to the main residential use and should not result in negative impacts to the surrounding area. In considering expanding the scope of home industries and home occupations, these uses must continue to be compatible with surrounding residential areas.

C. OFFICIAL PLAN AMENDMENT

The Official Plan for the Municipality of Temagami includes several provisions relating to home industries and home occupations, defined as follows:

Home Industry – An occupation conducted in whole or in part in a building accessory to a single detached dwelling, and such home industry is clearly secondary to the main residential use of the property, does not change the residential character of the neighbourhood, and as further defined in the Zoning Bylaw.

Home Occupation – Any gainful occupation which is conducted within the dwelling unit by the resident(s) of the dwelling, and such home occupation is clearly secondary to the main residential use, does not change the residential character of the dwelling and as further defined in the Zoning By-law.

With regard to general economic development policies, Section 2.3 of the Official Plan speaks to commercial uses to occur in the Urban Neighbourhood as well as referencing that home occupations, home industries and tourism services may be established in the Rural Neighbourhoods; the Village of Temagami and Temagami North being the Urban Neighbourhood with the Rural Neighbourhoods being comprised of Lake Temagami, Matabitchuan, Marten River, and Backcountry.

While the specific home occupation and home industry policy details in each of the neighbourhoods have slight differences, the basic principle is the same. A home occupation is to be carried out in a residential dwelling, be incidental to the residential use and shall not change the residential character of the dwelling. This is proposed to be amended in the Official Plan, to permit home occupations and home industries both within a residential dwelling, and within an accessory building. A copy of the proposed Official Plan Amendment has been attached to this report.

A home industry may be permitted but would be subject to a Zoning By-law amendment and site plan approval process. Again, a home industry is to be clearly incidental to the primary residential use of the property.

D. ZONING BY-LAW AMENDMENT

The Municipality's Zoning By-law permits home industries and home occupations subject to a number of regulations to ensure that these are small in scale, the potential for negative impacts on adjacent residential uses is minimized and the general residential character of the neighbourhood is maintained.

HOME INDUSTRY USES

1. Existing Provisions

The Municipality's Zoning By-law defines Home Industry as follows:

HOME INDUSTRY shall mean a gainful occupation including an electrical, woodworking, carpentry, window frame, welding, plumbing, machine or small engine repair shop, or a live bait supplier. A Home Industry is conducted entirely in an accessory building or part of an accessory building on a Rural Residential or Remote Residential lot by the residents. A home industry does not include a contractor's yard. (By-law 13-1121)

As set out in Section 6.22 of the Zoning By-law, the following general provisions would apply to home industries:

A home industry may be carried out in the R1, R2 and R3 Zones in accordance with the following and in accordance with the provisions of Section 7.4.3, Section 7.5.3 and Section 7.6.3.

- (a) there is no external advertising other than a sign erected in accordance with any bylaws of the Municipality regulating signs;*
- (b) the external storage of goods, materials or equipment is not permitted;*
- (c) such home industry is not an obnoxious use, trade, business or manufacture;*
- (d) such home industry is clearly secondary to the main residential use, does not change the residential character of the dwelling and in no case shall the accessory building used for the home industry have a gross floor area greater than forty percent (40%) of the ground floor area of the dwelling;*
- (e) not more than two (2) persons, other than the owner of the dwelling shall be employed in a home industry on a full-time basis;*
- (f) except in the case of island lots, for every person, other than the owner of the dwelling employed therein on a full-time basis, one parking space shall be provided but shall not be located in the front yard or flanking yard;*

- (g) *except in the case of island lots, one on-site parking space shall be provided for patrons of the home industry and such parking space shall not be provided in the front yard;*
- (h) *except in the case of island lots, an accessory building used for a home industry shall not be located in the front yard or flankage yard of the residential lot; and*
- (i) *notwithstanding any of the provisions of this By-law, an accessory building used for a home industry shall have a minimum setback from the property line of five (5.0) metres.*

For home industry uses, Section 6.33 of the Zoning By-law requires the provision of 1 parking space per employee plus 1 parking space for patrons. This would be in addition to the minimum parking that must be provided for the residential unit.

2. Discussion of Potential Amendments to Zoning By-law Provisions

The definition of home industry itself includes a list of specific uses. As noted previously, concern has been expressed that the list provided in the home industry Zoning By-law definition may be interpreted as a complete list and that there may be additional uses, similar to those listed, which may fall within the category of a home industry use.

The definition of home industry does not provide an exhaustive list as the term “such as” is used. Similar uses to these may be permitted.

A more appropriate approach that listing specific uses in the definition may be to include categories of uses or types of use that would be permitted as a home occupation. For example, small scale manufacturing; assembly; processing or repair. This language would provide more flexibility.

The Municipality’s current standards limits a home industry use to an accessory building. Based on our research, some municipalities have provided for some flexibility as to the use being within an accessory building or a portion of the residential dwelling.

As a result, the Municipality may also wish to consider adding provisions to reflect that a home industry may also be accommodated in a portion of a residential dwelling. As an example, a welding business may be located within an accessory building; however, a portion of the residential dwelling may be used as the office associated with that business. There should continue to be limitations as to the gross floor area being used for the home industry to ensure that it remains limited in scale and secondary to the residential use.

To provide clarification and flexibility, the definition of home industry could be modified to read, as follows:

HOME INDUSTRY shall mean a gainful occupation, secondary to a Residential Use, which includes fabrication, light manufacturing, processing, assembly or repair of goods that is including an electrical, woodworking, carpentry, window

~~frame, welding, plumbing, machine or small engine repair shop, or a live bait supplier. A Home Industry is conducted entirely in an accessory building, or part of an accessory building and/or part of a residential dwelling on a Rural Residential or Remote Residential lot. by the residents.~~ A home industry may include, but not be limited to, such uses as electrical, woodworking, carpentry, window frame, welding, plumbing, machine or small engine repair shop, or a live bait supplier. A home industry does not include a contractor's yard.

Permitting a home industry, or a part thereof, to be located within a portion of the residential dwelling would also necessitate a revision to Section 6.22 of the Zoning By-law.

We would suggest a rewording of subsection (d), and the addition of the following as subsection (e), and the renumbering of the subsequent subsections.

- (d) *such home industry is clearly secondary to the main residential use, **and** does not change the residential character of the dwelling **and lot**;*
- (e) *in no case shall the accessory building, **or part thereof, and/or portion of the residential dwelling** used for the home industry have a **combined** gross floor area greater than forty percent (40%) of the ground floor area of the dwelling;*

We note that the Municipality's Zoning By-law does not permit a home industry as of right. While the term "Home Industry" is defined within the Zoning By-law and general provisions are outlined in Section 6.22, the specific regulations within the three zones that are referenced (R1, R2 and R3) state that a home industry is only permitted subject to a site specific rezoning. This is reasonable approach, as a rezoning allows for consideration of each home industry proposal on a site specific basis; within the context of the proposal itself, and the area in which it is to be located. A rezoning is also subject to a formal public consultation process which provides opportunities for the area residents to review and provide comments on that specific proposal.

HOME OCCUPATION USES

1. Existing Provisions

The Municipality's Zoning By-law defines a Home Occupation as follows:

HOME OCCUPATION shall mean any gainful occupation which is conducted within the dwelling unit by the resident(s) of the dwelling, and such home occupation is clearly secondary to the main residential use, does not change the residential character of the dwelling and as further defined in this Zoning By-law.

As set out in Section 6.23 of the Zoning By-law, the following general provisions would apply to home occupations:

A Home Occupation may be carried out in certain zones, where permitted, subject to the following:

- (a) no person, other than a resident of the dwelling unit and one non-resident employee may be employed in the home occupation, except in the R1, R2 and R3 Zones where two non-resident employees may be employed in the home occupation;*
- (b) there is no display, other than an un-illuminated sign not greater than one (1.0) square metre in size, to indicate to persons outside that any part of the dwelling unit or lot is being used for a purpose other than a dwelling unit, except in the, R1 and R2 Zones where no such sign is permitted;*
- (c) such home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling unit nor creates or becomes a public nuisance, particularity in regard to noise, noxious odours or emission of smoke, traffic or parking;*
- (d) such home occupation does not interfere with television or radio reception;*
- (e) there is no outside storage of goods or materials and there is no use of any part of an accessory building;*
- (f) not more than twenty five per cent (25%) of the gross floor area of the dwelling unit or forty six (46.0) square metres, whichever is the lesser, is used for the purposes of a home occupation;*
- (g) such home occupation uses may include a service or repair shop, a personal service shop, tradesperson, the office of a doctor, dentist, lawyer, or a real estate agent, insurance agent, planner, architect, or engineer, professional offices but a clinic, a hospital, a nursing home, a tea room and an animal hospital shall not be deemed to be home occupations;*
- (h) when retail sales are carried out as part of a home occupation located on a lot accessible by a municipally maintained road, one on-site parking space shall be provided in addition to any required for the dwelling unit and employees;*
- (i) (By-law 13-1121) except in the R1 and R2 Zones, one parking space shall be provided for each employee not residing in the residence.*

For an office, including a home occupation, Section 6.33 of the Zoning By-law requires the provision of 1 parking space per 30 square metres of gross floor area. This would be in addition to the minimum parking that must be provided for the residential unit.

Home occupation uses are listed as permitted uses within the Remote Residential (R1) Zone (Section 7.4.1), the Remote Residential (R2) Zone (Section 7.5.1), the Rural Residential (R3) Zone (Section 7.6.1), and the Low Density Residential (RL) Zone (Section 7.7.1.1). Within each of these zones the home occupation must be in accordance with the provisions of Section 6.23.

2. Discussion of Potential Amendments to Zoning By-law Provisions

In this case, the wording of the definition of a home occupation is broader; however, Section 6.23(g) sets out a list of example home occupation uses. As noted previously,

concern has been expressed that this list may be interpreted as a complete list rather than simply examples. To add clarification as to the interpretation of this section, we would suggest that Section 6.23(g) be modified to read as follows:

*(g) such home occupation uses may include, **but not be limited to, such uses as a service or repair shop, a personal service shop, tradesperson, the office of a doctor, dentist, lawyer, or a real estate agent, insurance agent, planner, architect, or engineer, professional offices but a clinic, a hospital, a nursing home, a tea room and an animal hospital shall not be deemed to be home occupations;***

The most recent matter which has prompted the Municipality's discussions regarding home occupations and home industries, the Simpson Diving Facility, included the notion of "teaching" or "instruction" as a home occupation use.

The idea of including home teaching and a small learning facility as part of the current list in section 6.23(g) was raised in response to review and consideration of the Simpson Diving Facility proposal. Based on a review of the Municipality's current home occupation provisions, indoor teaching such as one-on-one/small scale tutoring, video training, etc. would be permitted, subject to compliance with all of provisions of Section 6.23. Verbiage could be added to this section to formally address private teaching or instruction. Such as,

*(g) such home occupation uses may include, **but not be limited to, such uses as a service or repair shop, a personal service shop, tradesperson, the office of a doctor, dentist, lawyer, or a real estate agent, insurance agent, planner, architect, or engineer, professional offices, **indoor teaching/tutoring/instruction** but a clinic, a hospital, a nursing home, a tea room and an animal hospital shall not be deemed to be home occupations;***

We would suggest; however, that the Municipality consider also adding provisions to limit the scale of this type of use beyond the maximum square footage which is currently in place. A provision to assist in limiting the scale of the use could be to limit the amount of parking on a lot. For example, a maximum of 5 parking spaces shall be permitted for a home occupation use.

The question raised for the diving facility proposal related more to that component of the instruction which was being conducted outdoors. Based on our research, outdoor instruction, particularly referring to outdoor swimming lessons, has been the topic of discussion and review by other municipalities as well. There are varying opinions as to whether these should be considered appropriate home occupation uses, specifically given potential noise impacts to surrounding properties.

We would caution against encouraging home occupation, or home industry, uses outdoors as this may result in negative impacts on the surrounding properties, i.e. noise.

Applications for these types of uses could be considered via amendment, and would be based on their site specific merits.

Based on our research, some municipalities have permitted home occupation uses to be located in an accessory structure. The examples within the Municipality's current home occupation provisions refer to a tradesperson, which is defined as a "carpenter, plumber, electrician, welder, general contractor or a person engaged in a similar occupation, providing a service to the general public". It may be that the use of an accessory structure for related equipment or materials could be an integral part of the home business. The Municipality may wish to consider permitting the use of an accessory building for a home occupation use. If so, we would suggest that specific provisions be included to limit the overall gross square footage being used for the home occupation. This would assist in ensuring that the home occupation is limited in scale. We would also suggest that the Municipality may want to consider limiting the home occupation use of an accessory building to properties with a specific lot area minimum. This provision would then relate to a rural lot versus a more urban residential lot. To provide for the use of an accessory structure, the definition of home occupation would have to be modified, for example

*HOME OCCUPATION shall mean any gainful occupation which is conducted within the dwelling unit **or an enclosed accessory structure**, by the resident(s) of the dwelling, and such home occupation is clearly secondary to the main residential use, does not change the residential character of the dwelling and as further defined in this Zoning By-law.*

This would then necessitate an amendment to Section 6.23 to ensure that the use is still limited in scale and potentially to limit this provision to lots with more of a rural character.

For example,

An accessory building or structure may only be used for the purpose of a home occupation if the lot is a minimum of 1 hectare in size and the home business does not occupy more than 50 square metres of the accessory building or structure;

The minimum 1 hectare would limit the use of an accessory building to rural and remote residential lots. The maximum gross floor area provisions of Section 6.23(f) would continue to apply; being not more than twenty five percent (25%) of the gross floor area of the dwelling unit or forty six (46.0) square metres, whichever is the lesser.

A copy of the proposed Zoning By-law Amendment has been attached to this report.

D. ADDITIONAL CONSIDERATIONS - SHORELINE AREAS

There is a considerable amount of waterfront/shoreline areas within the Municipality. As noted in the policies of the Municipality's Official Plan, shoreline areas are to be protected. Specific

Official Plan policies speak to this matter. In Section 2.17 of the Municipality's Official Plan, it states:

It is a goal of the Municipality to maintain shorelines and the area between the shoreline and any buildings in their natural state and as a vegetative buffer, to protect the visual and environmental integrity of the lakes. The principle of development in the vegetative buffer shall be minimal disturbance on the ground, shrub and canopy layers.

Such policies go on to speak of a Shoreline Activity Area and includes the following:

Such Shoreline Activity Area is a portion or cumulative portions of a shoreline frontage of a lot where accessory shoreline structures such as boathouses, docks, pumphouses, gazebos and decks are permitted, as well as access to the water for activities such as swimming or boat launching. To maintain an appropriate balance between a natural shoreline and built form, the Shoreline Activity Area should be focused within a defined area and be limited in extent. The extent of the Shoreline Activity Area shall be a function of the shoreline frontage and the primary use of the lot and shall be set out in the Zoning By-law.

Section 6.40 of the Municipality's Zoning By-law sets out specific provisions relating to the extent and use of a Shoreline Activity Area. Some of these provisions relate to remote or rural residential lots on which home occupation and home industry uses would be permitted and/or considered. In keeping with the policies of the Official Plan, provisions could be added to Sections 6.22 and 6.23 to require that any structure (accessory or main residential building) to be used for a home occupation or home industry cannot be located within a Shoreline Activity Area.

E. SUMMARY

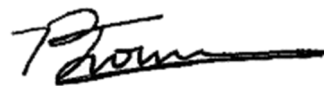
The existing Official Plan policies and Zoning By-law provisions are proposed to be amended to provide clarification as to the interpretation of the examples of uses which have been referenced. The premise of encouraging local economic activity through home industry and/or home occupation uses is important, but it is also important to ensure that uses are compatible with existing residential uses.

Following the Statutory Public Meeting, staff will review the comments and feedback received. A subsequent report will be prepared that provides an analysis of the comments and feedback received, and to provide a final recommendation for Council prior to adoption of the Official Plan Amendment and the passing of the Zoning By-law.

Respectfully Submitted,
MHBC Planning

A handwritten signature in black ink, appearing to read 'J. Robinson', with a long horizontal flourish extending to the right.

Jamie Robinson, BES, MCIP, RPP
Partner

A handwritten signature in black ink, appearing to read 'P. Townes', with a long horizontal flourish extending to the right.

Patrick Townes, BA, BEd
Associate

Official Plan Amendment No. 4

Municipality of Temagami

DRAFT

**Amendment Number 4 to the
Official Plan of the
Municipality of Temagami**

The attached explanatory text and constituting Amendment Number 4 to the Official Plan for the Municipality of Temagami, was prepared and adopted by the Council of the Corporation of the Municipality of Temagami, by By-law Number 2020-_____ in accordance with the provisions of Sections 17 and 22 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

Mayor

Municipal Clerk

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

BY-LAW NO. 20-XXXX

Being a By-law to adopt Amendment No. 4 to the Official Plan for the Municipality of Temagami.

WHEREAS The Corporation of the Municipality of Temagami is empowered to amend its Official Plan as required;

AND WHEREAS Sections 17 and 22 of the Planning Act, R.S.O. 1990, Chapter P. 13, as amended, provide Council such authority to amend its Official Plan;

AND WHEREAS the policies of the Official Plan of the Municipality of Temagami are approved and in force and effect at this time;

AND WHEREAS the Council of the Corporation of the Municipality of Temagami deems it necessary and desirable to adopt an amendment to the Official Plan of the Temagami;

NOW THEREFORE the Council of the Corporation of the Municipality of Temagami enacts as follows:

1. Amendment No.4 to the Official Plan for the Municipality of Temagami, consisting of the explanatory text is hereby adopted.
2. That the Clerk of the Municipality of Temagami is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

This By-law will take effect on the date of its passage, subject to the provisions of Section 34(30) and (31) of the Planning Act, R.S.O. 1990, c.P.13.

READ A FIRST TIME THIS _____ day of _____, 2020

READ A SECOND, THIRD TIME, and finally passed this _____ day of _____, 2020

Mayor

Clerk

Certification

Certified that the above is a true copy of By-law No. 2020-____ as enacted and passed by Council of the Municipality of Temagami on the ____ day of _____, 2020.

Municipal Clerk

DRAFT

THE CONSTITUTIONAL STATEMENT

The following Amendment to the Official Plan for the Municipality of Temagami consists of three parts:

Part A – THE PREAMBLE does not constitute part of this Amendment.

Part B – THE AMENDMENT, consisting of the text of Amendment No. __ to the Official Plan to the Municipality of Temagami. There is no map or schedule associated with the Amendment.

Part C – THE APPENDICES do not constitute part of this Amendment. The appendices contain the background material, planning considerations and public involvement associated with this Amendment.

Part A – Preamble

Purpose

The purpose of this amendment is to revise policies in the Municipality of Temagami Official Plan to provide clarification for the development permissions related to Home Occupations and Home Industries, following direction from Council.

Location

Amendment No. ____ is a textual amendment and generally applies to all lands within the Municipality, therefore there is no schedule provided with the Amendment.

Basis

The Provincial Policy Statement (2014), the Strong Communities through Affordable Housing Act (2011), and the Promoting Affordable Housing Act (2016) provide direction to Municipalities to ensure that their planning documents (Official Plans and Zoning By-laws) provide for opportunities for the development of affordable housing in the form of second units.

In adopting this Official Plan Amendment, Council relies on the following basis:

- The Provincial Policy Statement (2014) speaks to permissions for home occupations and home industries on rural lands, and encourages development within settlement areas.
- The Municipality of Temagami's Official Plan includes a definition for a home occupation and a home industry, and also policies for the various Neighbourhoods that state how these uses may be carried out.
- A desire by the Municipality to provide for clearer regulations for home occupations and home industries resulted in a proposed amendment to the implementing Zoning By-law. Based on the amendment proposed to the implementing Zoning By-law, amendments to the Official Plan are required to also clarify where home occupations and home industries shall be permitted.
- The need to amend the Official Plan arose following direction to amend the Zoning By-law to provide some clarification as to the interpretation of the examples of uses which have been referenced in the Zoning By-law.

Part B – The Amendment

1.0 Introductory Statement

Part B – The Amendment, consisting of the following text constitutes Amendment No. 3 to the Official Plan for the Municipality of Temagami.

2.0 Details of the Amendment

The Official Plan of the Municipality of Temagami is amended in accordance with the following:

(red text represents additions or deletions)

Urban Neighbourhood

4.36 Home Occupations

Home occupations shall only be carried out in a residential dwelling or an enclosed accessory structure, and shall be incidental to the residential use. The home occupation shall not change the residential character of the dwelling.

One employee who does not reside on the property may be employed in the home occupation except on a remote residential or rural residential lot where a maximum of two non-residents of the property may be employed. The sale of goods or the provision of a service shall only be permitted if adequate parking is provided as set out in the Zoning Bylaw or in the case of a water access lot, adequate docking facilities. Sale of goods or the provision of a service shall not result in an unacceptable level of increased vehicular or boat traffic nor may it become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interfere with the enjoyment of the residential amenities of the Neighbourhood.

The specific home occupations permitted within the Urban Neighbourhood shall be set out in the Zoning By-law and may differ between remote residential and rural residential lots and other types of lots. However, as a guide, occupations such as small engine repair and minor boat repairs are not considered to be home occupations. Home occupations such as oil or watercolour painting, making crafts and writing, professional offices, the business office of tradespeople and couriers, as set out in the Zoning By-law, are permitted.

4.3.7 Home Industry

Home industries such as electrical, carpentry and plumbing shops may be permitted in an accessory building to a single detached dwelling unit, part of an accessory building and/or part of a residential dwelling. In addition, a contractor's

yard is permitted as a home industry on a Rural Residential or Remote Residential lot in the Urban Neighbourhood. Home industries shall proceed by way of a rezoning. As part of the rezoning process, Council shall consider the adequacy of the accessory building for the use proposed, the potential impact of the home industry on adjacent residential areas, the potential for the home industry to become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interferes with the enjoyment of the residential amenities of the Neighbourhood, the adequacy of on-site parking and other matters as may be set out in the Zoning By-law. However, home industries shall not be carried out in a wet or dry boathouse and there shall be no outside storage associated with the home industry, except for a contractor's yard, as set out in the Zoning By-law. Up to two persons, plus the owner may be employed in a home industry.

A Home Industry, including a contractor's yard, shall at all times be clearly incidental to the primary residential use of the property and shall be subject to Site Plan Control.

Lake Temagami Neighborhood

5.3.8 Home Occupations

Home occupations shall only be carried out in a residential dwelling or an enclosed accessory structure, and shall be incidental to the residential use. The home occupation shall not change the residential character of the dwelling or the character of the dwelling.

Two employees who do not reside in the dwelling may be employed in the home occupation. The sale of goods or the provision of a service shall only be permitted if adequate docking facilities can be provided and an unacceptable level of increased boat traffic does not result nor does it become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interferes with the enjoyment of the residential amenities of the Neighbourhood.

The specific home occupations permitted within the Lake Temagami Neighbourhood shall be set out in the Zoning By-law. However, as a guide, occupations such as small engine repair and minor boat repairs are not considered to be home occupations. Home occupations such as oil or watercolour painting, making crafts and writing, professional offices, the business office of tradespeople, as set out in the Zoning By-law, are permitted.

5.3.9 Home Industry

Home industries such as electrical, carpentry, plumbing and contractors, except a contractor's yard (Section 5.3.18), as set out in the Zoning By-law may be permitted in an accessory building to a single detached dwelling unit, part of an accessory building and/or part of a residential dwelling on a Remote Residential

lot in the Lake Temagami Neighbourhood. Home industries shall proceed by way of a rezoning. As part of the rezoning process, Council shall consider the adequacy of the accessory building for the use proposed, the potential impact of the home industry on adjacent residential areas, the potential for the home industry to become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interferes with the enjoyment of the residential amenities of the Neighbourhood the environment and other matters as may be set out in the Zoning By-law. However, home industries shall not be carried out in a wet or dry boathouse and there shall be no outside storage associated with the home industry. Up to two persons, plus the owner may be employed in a home industry.

A Home Industry shall at all times be clearly incidental to the primary residential use of the property and shall be subject to Site Plan Control.

Marten River Neighbourhood

6.3.8 Home Occupations

Home occupations shall only be carried out in a residential dwelling or an enclosed accessory structure, and shall be incidental to the residential use. The home occupation shall not change the residential character of the dwelling.

Two employees who do not reside in the dwelling may be employed in the home occupation. The sale of goods or the provision of a service shall only be permitted if adequate parking is provided as set out in the Zoning By-law. Sale of goods or the provision of a service shall not result in an unacceptable level of increased vehicular or boat traffic nor shall it become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interfere with the enjoyment of the residential amenities of the Neighbourhood.

The specific home occupations permitted within the Marten River Neighbourhood shall be set out in the Zoning By-law. However, as a guide, occupations such as small engine repair and minor boat repairs are not considered to be home occupations. Home occupations such as oil or watercolour painting, making crafts and writing, professional offices, the business office of tradespeople and couriers, as set out in the Zoning By-law, are permitted.

6.3.9 Home Industry

Home industries such as electrical, carpentry, plumbing, including a contractor's yard and machine shops may be permitted in an accessory building to a single detached dwelling unit on a Rural Residential or Remote Residential lot in the Marten River Neighbourhood. Other home industries may be permitted in an accessory building to a single detached dwelling unit, part of an accessory building and/or part of a residential dwelling. Home industries shall proceed by

way of a rezoning. As part of the rezoning process, Council shall consider the adequacy of the accessory building for the use proposed, the potential impact of the home industry on adjacent residential areas, the potential for the home industry to become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interferes with the enjoyment of the residential amenities of the Neighbourhood, the environment and other matters as may be set out in the Zoning By-law. However, home industries shall not be carried out in a wet or dry boathouse and there shall be no outside storage associated with the home industry, except for a contractor's yard, as set out in the Zoning By-law. Up to two persons, plus the owner may be employed in a home industry.

A Home Industry, including a contractor's yard, shall at all times be clearly incidental to the primary residential use of the property and shall be subject to Site Plan Control.

Matabitchuan Neighbourhood

7.3.8 Home Occupations

Home occupations shall only be carried out in a residential dwelling or an enclosed accessory structure, and shall be incidental to the residential use. The home occupation shall not change the residential character of the dwelling.

Two employees who do not reside in the dwelling may be employed in the home occupation. The sale of goods or the provision of a service shall only be permitted if adequate parking is provided as set out in the Zoning By-law. Sale of goods or the provision of a service shall not result in an unacceptable level of increased vehicular or boat traffic nor does it become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interferes with the enjoyment of the residential amenities of the Neighbourhood.

The specific home occupations permitted in the Matabitchuan Neighbourhood shall be set out in the Zoning By-law. However, as a guide, occupations such as small engine repair and minor boat repairs are not considered to be home occupations. Home occupations such as oil or watercolour painting, making crafts and writing, professional offices, the business office of trades people and couriers, as set out in the Zoning By-law, are permitted.

7.3.9 Home Industry

Home industries such as electrical, carpentry, plumbing, including a contractor's yard and machine shops may be permitted in an accessory building to a single detached dwelling unit on a Rural Residential or Remote Residential lot in the Matabitchuan Neighbourhood. Other home industries may be permitted in an accessory building to a single detached dwelling unit, part of an accessory building and/or part of a residential dwelling. Home industries shall proceed by

way of a rezoning. As part of the rezoning process, Council shall consider the adequacy of the accessory building for the use proposed, the potential impact of the home industry on adjacent residential areas, the potential for the home industry to become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interferes with the enjoyment of the residential amenities of the Neighbourhood, the environment and other matters as may be set out in the Zoning By-law. However, home industries shall not be carried out in a wet or dry boathouse and there shall be no outside storage associated with the home industry, except for a contractor's yard, as set out in the Zoning By-law. Up to two persons, plus the owner may be employed in a home industry.

A Home Industry, including a contractor's yard, shall at all times be clearly incidental to the primary residential use of the property and shall be subject to Site Plan Control.

Backcountry Neighbourhood

8.3.8 Home Occupations

Home occupations shall only be carried out in a residential dwelling or an enclosed accessory structure, and shall be incidental to the residential use. The home occupation shall not change the residential character of the dwelling.

Two employees who do not reside in the dwelling may be employed in the home occupation. Sale of goods or the provision of a service shall not result in an unacceptable level of increased boat traffic nor will it become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interfere with the enjoyment of the residential amenities of the Neighbourhood.

The specific home occupations permitted in the Backcountry Neighbourhood shall be set out in the Zoning By-law. However, as a guide, occupations such as small engine repair and minor boat repairs are not considered to be home occupations. Home occupations such as oil or watercolour painting, making crafts and writing, professional offices, the business office of tradespeople and couriers, as set out in the Zoning By-law, are permitted.

8.3.9 Home Industry

Home industries such as electrical, carpentry, plumbing, including a contractor's yard and machine shops may be permitted in an accessory building to a single detached dwelling unit on a Rural Residential or Remote Residential lot in the Backcountry Neighbourhood. Other home industries may be permitted in an accessory building to a single detached dwelling unit, part of an accessory building and/or part of a residential dwelling. Home industries shall proceed by way of a rezoning. As part of the rezoning process, Council shall consider the adequacy of the accessory building for the use proposed, the potential impact of

the home industry on adjacent residential areas, the potential for the home industry to become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interfere with the enjoyment of the residential amenities of the Neighbourhood, the environment and other matters as may be set out in the Zoning By-law. However, home industries shall not be carried out in a wet or dry boathouse and there shall be no outside storage associated with the home industry, except for a contractor's yard, as set out in the Zoning By-law. Up to two persons, plus the owner may be employed in a home industry.

A Home Industry, including a contractor's yard, shall at all times be clearly incidental to the primary residential use of the property and shall be subject to Site Plan Control.

Definitions

Home Occupation – Any gainful occupation which is conducted within the dwelling unit or an enclosed accessory structure, by the resident(s) of the dwelling, and such home occupation is clearly secondary to the main residential use, does not change the residential character of the dwelling and as further defined in the Zoning By-law.

Home Industry – An occupation conducted in whole or in part in a building accessory to a single detached dwelling, part of an accessory building and/or part of a residential dwelling on a Rural Residential or Remote Residential lot; and such home industry is clearly secondary to the main residential use of the property, does not change the residential character of the neighbourhood, and as further defined in the Zoning Bylaw.

All other policies of the Official Plan of the Municipality of Temagami shall apply.

3.0 Implementation and Interpretation

The provisions of the Official Plan regarding the implementation of that Plan shall also apply to this Amendment. In all other respects the provisions of the Municipality of Temagami Official Plan shall apply.

Upon approval of this Amendment, Council shall consider an implementing Zoning By-law.

The provisions of the Official Plan, as amended from time to time, shall apply in regard to the Amendment.

DRAFT

Part C – The Appendices

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

BY-LAW NO. 20-XXXX

Being a By-law to amend the Municipality of Temagami By-law No. 06-650 as amended to change the definitions and provisions for Home Occupation/Home Industry

WHEREAS the Council of the Corporation of the Municipality of Temagami is empowered to pass By-laws to regulate the use of land pursuant to Section 34 of the Planning Act, R.S.O. 1990, c.P.13;

NOW THEREFORE the Corporation of the Municipality of Temagami enacts the following as follows:

1. That Section 5 - Definitions of By-law 06-650, as amended, include the following changes for the definition of Home Occupation:

HOME OCCUPATION shall mean any gainful occupation which is conducted within the dwelling unit **or an enclosed accessory structure**, by the resident(s) of the dwelling, and such home occupation is clearly secondary to the main residential use, does not change the residential character of the dwelling and as further defined in this Zoning By-law.

2. That Section 5 - Definitions of By-law 06-650, as amended, include the following changes for the definition of Home Industry:

HOME INDUSTRY shall mean a gainful occupation, **secondary to a Residential Use, which includes fabrication, light manufacturing, processing, assembly or repair of goods that is including an electrical, woodworking, carpentry, window frame, welding, plumbing, machine or small engine repair shop, or a live bait supplier. A Home industry is** conducted entirely in an accessory building, or part of an accessory building **and/or part of a residential dwelling** on a Rural Residential or Remote Residential lot. **by the residents**. A home industry may include, but not be limited to, such uses as electrical, woodworking, carpentry, window frame, welding, plumbing, machine or small engine repair shop, or a live bait supplier. **A home industry does not include a contractor's yard.**

3. That Section 6.22(d) - Home Industry of By-law 06-650, as amended, is hereby amended to read:

(d) such home industry is clearly secondary to the main residential use, **and** does not change the residential character of the dwelling **and lot**;

4. That Section 6.22 - Home Industry of By-law 06-650, as amended, is hereby amended by adding the following as subsection (e), and renumbering the subsequent subsections:

(e) in no case shall the accessory building, **or part thereof, and/or portion of the residential dwelling** used for the home industry have a **combined** gross floor area greater than forty percent (40%) of the ground floor area of the dwelling, **if located in a dwelling, or 140 square metres if located in an accessory building.**

5. That Section 6.23(g) - Home Occupation of By-law 06-650, as amended, is hereby amended to read:

(g) such home occupation uses may include, **but not be limited to, such uses as** a service or repair shop, a personal service shop, tradesperson, the office of a doctor, dentist, lawyer, or a real estate agent, insurance agent, planner, architect, or engineer, professional offices, **indoor teaching/tutoring/instruction** but a clinic, a hospital, a nursing home, a tea room and an animal hospital shall not be deemed to be home occupations;

6. That Section 6.23 - Home Occupation of By-law 06-650, as amended, is hereby amended by adding the following:

(j) An accessory building or structure may only be used for the purpose of a home occupation if the lot is a minimum of 1 hectare in size and the home business does not occupy more than 50 square metres of the accessory building or structure;

7. That Section 6.23 - Home Occupation of By-law 06-650, as amended, is hereby amended by adding the following:

(k) A maximum of 5 parking spaces shall be permitted.

This By-law will take effect on the date of its passage, subject to the provisions of Section 34(30) and (31) of the Planning Act, R.S.O. 1990, c.P.13.

READ A FIRST TIME THIS _____ day of _____, 2020

READ A SECOND, THIRD TIME, and finally passed this _____ day of _____, 2020

Mayor

Clerk

MUNICIPALITY OF TEMAGAMI	
Report Prepared For:	Tammy Lepage
Report Prepared By:	Jamie Robinson, BES, MCIP, RPP and Patrick Townes, BA, BEd
Subject:	Official Plan Amendment: Secondary Dwelling Units Statutory Public Meeting
Report Date:	March 3, 2020

A. PROPOSAL/BACKGROUND

The Municipality of Temagami has initiated an Official Plan Amendment to update its Official Plan document to include policies regarding secondary dwelling units. The Municipality held an Open House to discuss the proposed Official Plan Amendment on August 6, 2019 at the Community Centre.

The Statutory Public Meeting is being held for the purpose of providing the public with information on the proposed Official Plan Amendment and to receive comments regarding the proposed policies for secondary dwelling units. Notice has been provided to members of the public and agencies based on the requirements of the *Planning Act*. There is no recommendation being considered at the Statutory Public Meeting. Following comments received prior to, and during the Statutory Public Meeting, a subsequent report will be prepared with a final recommendation to Council.

The purpose of this report is to provide an overview of the relevant Provincial policies regarding secondary dwelling units, and to provide an overview and analysis of the proposed Official Plan Amendment document. A draft Official Plan Amendment has been prepared and is attached to this report.

B. PROVINCIAL POLICY FRAMEWORK

The Provincial Policy Statement (PPS) speaks to the accommodation of an appropriate range and mix of residential units (including second units (secondary dwelling units), affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs.

The Strong Communities through Affordable Housing Act, 2011 (Bill 140) set out requirements and tools for municipalities to establish policies that would allow secondary dwelling units in new and existing developments, provided that they are in appropriate areas.

Such policies were to allow for secondary dwelling units through the establishment of a secondary dwelling unit in an existing dwelling or the use of a residential unit in a building or structure accessory to an existing dwelling. It was recognized that these policies would also need to deal with such matters as appropriate locations and constraints. As set out in Ontario's

Long-Term Affordable Housing Strategy, the Province seeks to support social and economic inclusion, end chronic homelessness and meet the housing needs of all Ontarians.

In keeping with Provincial legislation and policies, the Municipality of Temagami's Official Plan currently includes policies to promote affordable housing through permissions for accessory apartments and garden suites. The proposed Official Plan Amendment will implement the Province's direction to include policies to permit secondary dwelling units.

Following the passing of Bill 108, Section 16(3) of the *Planning Act* permits an Official Plan to contain policies that authorize the use of additional residential units by authorizing:

- a) the use of two residential units in a detached house, semi-detached house or rowhouse; and
- b) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse.

C. MUNICIPAL OFFICIAL PLAN POLICIES

Within the Urban area, the Municipality currently permits a wide variety of housing by type, size and tenure including single detached, semi-detached, mobile home units in mobile home parks and other forms of low, medium and high density residential development.

Housing within the Rural area is currently limited to single detached dwelling units, in keeping with the existing character of the area and in recognition of the servicing constraints. Current Official Plan policies would not permit garden suites and apartments in houses in the rural area.

To recognize the diversity of areas within the Municipality while setting out principles and policies for the consideration of development, land use designations within the Municipality are structured into Neighbourhood Planning Areas.

Current Official Plan policies do not permit garden suites and accessory apartments (secondary dwelling units) in the Rural area. The draft Official Plan Amendment includes wording which would expand the permissions for secondary dwelling units within the Rural area.

D. MUNICIPAL ZONING BY-LAW

The Municipality's Zoning By-law provides a number of definitions including the following:

ACCESSORY APARTMENT shall mean a second dwelling unit in a single detached dwelling for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation, and sleeping. Such dwelling is an accessory use to the main dwelling.

ACCESSORY BUILDING shall mean a detached building located on the same lot as the main building, the use of which is incidental or secondary to that of the main building and which

is not used for human habitation, and includes a detached garage, a boathouse or a sleep cabin on a residential lot. (By-law 07-745)

DWELLING UNIT, SEASONAL shall mean a single detached dwelling unit constructed as a secondary place of residence for seasonal vacations and recreational purposes and not as a principal residence of the owner or occupant thereof.

DWELLING UNIT shall mean one room or a group of rooms in a building used or designed or intended to be used as a single, independent and separate housekeeping establishment and,

- (a) in which food preparation and sanitary facilities are provided for the exclusive use of the residents of the dwelling unit, and*
- (b) which has a private entrance from outside the building or from a common hallway or stairway inside the building, but*
- (c) does not mean or include a tent, or a room or suite of rooms in a bed and breakfast establishment, boarding or rooming house, hotel, motel, motor hotel, or tourist commercial establishment.*

GARDEN SUITE shall mean an additional temporary dwelling unit temporarily located on a residential lot intended for the sole occupancy of one or two adult persons and serviced from the services of the primary/main residential dwelling on the same property. (By-law 13-1121)

SLEEP CABIN shall mean an accessory building used for non-commercial sleeping accommodation accessory to a dwelling in the Special Management Area, Integrated Management Area, Remote Residential, or Rural Residential Zones. (By-law 07-745)

Zoning permissions and specifications are set out using these definitions. Residential units (year-round or seasonal) are set out based on permitted uses within each zone. With regard to Sleep Cabins, Section 6.41 of the Zoning By-law sets out the following:

Notwithstanding Section 6.30, sleep cabins are permitted on lots in the Remote Residential (R1), (R2) and Rural Residential (R3) Zones and on existing residential lots in the SMA and IMA Zones in accordance with the following standards. (By-law 07-745)

- a) Sleep cabins shall not be more than one (1) storey in height. (By-law 07-745)*
- b) On any residential lot existing on the date of passing of this By-law, less than four tenths (0.4) hectares in size in the SMA, IMA, R1, R2 and R3 Zones, one (1) main dwelling unit and a maximum of one (1) sleep cabin without bathroom and kitchen facilities is permitted.*
- c) On any residential lot existing on the date of passing of this By-law greater than four tenths (0.4) hectares in size in the SMA, IMA, R1, R2 and R3 Zones and any residential lots created after the approval of this By-law in the R1, R2 and R3 Zones, one (1) main dwelling unit and a maximum of two (2) sleep cabins are permitted, in accordance with the provisions of this Section. (By-law 07-745)*
- d) The maximum gross floor area of the first sleep cabin on any lot in the SMA, IMA, R1, R2 or R3 Zone shall not exceed seventy two (72.0) square metres and where permitted, the second sleep cabin shall not exceed thirty six (36.0) square metres.*

- e) *On a lot greater than or equal to four tenths (0.4) hectares in the R1 Zone and R2 Zone, one (1) sleep cabin may have bathroom or kitchen facilities, where the sleep cabin is connected to the water supply and/or sewage disposal system of the main dwelling on the lot and subject to the other provisions of this By-law while the second sleep cabin, where permitted shall have neither bathroom nor kitchen facilities.*
- f) *On an existing lot greater than or equal to one and six tenths (1.6) hectares in the R1, R2, and R3 Zones, only one (1) sleep cabin with bathroom and kitchen facilities may be permitted provided that the sleep cabin is connected to approved independent, onsite water supply and sewage disposal systems. The sleep cabin with kitchen and bathroom facilities and the associated water supply and sewage disposal systems shall be located on the lot such that a lot containing the sleep cabin and water supply and sewage disposal systems can be severed from a lot containing the main cabin and associated water supply and sewage disposal systems with the severed and retained lots and buildings conforming to the lot size, lot frontage, building setback standards and all other relevant standards of this By-law. (By-law 07-745)*

For the purposes of calculating the number of sleep cabins on a lot, a boathouse with sleeping accommodations, is deemed to be a sleep cabin.

For the purpose of complying with the provisions of this section, the severed sleep cabin with kitchen and bathroom facilities shall be deemed to be the main building on the new lot and shall conform to the standards for a main building on a lot.

Sleep cabins shall not be used to accommodate guests as part of a bed and breakfast establishment. (By-law 13-1121)

Pending the final disposition of the draft Official Plan Amendment relating to secondary dwelling units, an amendment to the Zoning By-law would be required to incorporate specific provisions for secondary dwelling units. It is our opinion that such provisions would be structured in a similar way as the above sleep cabin provisions.

E. ANALYSIS

The provision of a range and mix of housing, along with the promotion of affordable housing, is both desirable and beneficial to communities in that it seeks to ensure that housing is available for a wide spectrum of individuals. Provincial legislation regarding the provision of an appropriate range and mix of residential uses (including secondary dwelling units, affordable housing and housing for older persons) fundamentally relates to the provision of year-round housing. The Municipality's Official Plan policies regarding accessory apartments (secondary dwelling units) and garden suites also relate to the provision of year-round housing.

The Ministry of Municipal Affairs and Housing prepared a Second Units Info Sheet – Spring 2017 which speaks to municipalities allowing secondary dwelling units in designations or zones that permit detached, semi-detached, or row dwellings. It also notes the following,

There may be circumstances where second units may not be appropriate given other planning considerations and policies, particularly relating to health and safety or the natural environment. For example:

- areas that are prone to flooding*
- waterfront areas/developments on private roads that are not maintained and where emergency access may be limited*
- areas adjacent to lakes with limited lake capacity*
- areas of recreational dwellings where there may be a lack of year round roads and/or which lack other daily needs and services residents may require.*

The goals, objectives and policies of the Official Plan consistently speak to the conservation of semi-wilderness values and characteristics of the Municipality as well as the community's natural and cultural heritage. Official Plan policies relating to each of the Neighbourhood Planning Areas consistently speak to the impact of the size and number of sleep cabins on a lot which can affect the intensity of use on the property. These policies also speak to sleep cabins being located in such a way as to reduce their visual impact on the surrounding area.

In considering permissions for additional secondary dwelling units, the Municipality must bear in mind the goals and objectives of the Official Plan and consider any potential impacts. The Municipality should strive to balance the provision of additional residential units with the preservation of its semi-wilderness characteristics. The cumulative effect of permitting additional dwelling units should be managed in such a way as to ensure that the Municipality's services and facilities are not unduly strained.

The proposed policies relating to secondary dwelling units include a provision that not more than one secondary dwelling unit is permitted in association with each principal dwelling on the same lot. To accommodate secondary dwelling units while maintaining the general purpose and intent of current policies relating to sleep cabins, a provision has also been included in the draft Official Plan Amendment which states that a sleep cabin with bathroom and kitchen facilities shall be deemed to be a secondary dwelling unit.

The implementation of the proposed policies would accommodate secondary dwelling units as well as sleeping cabins. The following is an example to illustrate the application of the proposed secondary dwelling unit policy along with existing Zoning By-law provisions relating to sleeping cabins.

On a residential lot existing on the date of the passing of the Zoning By-law that is greater than 0.4 hectares in size in the SMA, IMA, R1, R2 and R3 Zones or a residential lot created after the approval of the Zoning By-law in the R1, R2 and R3 zones, the proposed policies would accommodate:

- one primary dwelling unit
- one secondary dwelling unit
- a maximum of 2 sleeping cabins (with bathroom or kitchen but not both)

The amendment would permit two year round dwelling units as well as a maximum of two seasonal sleeping cabins, subject to all other provisions of the Zoning By-law, i.e. confirmation that adequate servicing can be accommodated on the site.

F. SUMMARY

The proposed Official Plan Amendment has been attached to this report for reference in advance of the Statutory Public Meeting. Secondary dwelling units are proposed to be added to the permitted uses within the Rural area of the Municipality. A new definition for a secondary dwelling units is recommended:

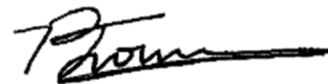
Secondary Dwelling Unit - A self-contained residential unit with a private kitchen, bathroom facilities and sleeping areas created by an interior renovation or exterior addition to the primary dwelling unit or accommodated within an accessory building or part thereof. Such residential unit is an accessory use to the main dwelling.

Following the Statutory Public Meeting, staff will review the comments and feedback received. A subsequent report will be prepared that provides an analysis of the comments and feedback received, and to provide a final recommendation for Council prior to adoption of the Official Plan Amendment. Following adoption of the proposed Official Plan Amendment, an implementing Zoning By-law Amendment will be required to bring the Zoning By-law into conformity with the updated secondary dwelling unit policies.

Respectfully Submitted,
MHBC Planning



Jamie Robinson, BES, MCIP, RPP
Partner



Patrick Townes, BA, BEd
Associate

Official Plan Amendment No. 3

Municipality of Temagami

DRAFT

**Amendment Number 3 to the
Official Plan of the
Municipality of Temagami**

The attached explanatory text and constituting Amendment Number 3 to the Official Plan for the Municipality of Temagami, was prepared and adopted by the Council of the Corporation of the Municipality of Temagami, by By-law Number 2020-_____ in accordance with the provisions of Sections 17 and 22 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

Mayor

Municipal Clerk

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

BY-LAW NO. 20-XXXX

Being a By-law to adopt Amendment No. 3 to the Official Plan for the Municipality of Temagami

WHEREAS The Corporation of the Municipality of Temagami is empowered to amend its Official Plan as required;

AND WHEREAS Sections 17 and 22 of the Planning Act, R.S.O. 1990, Chapter P. 13, as amended, provide Council such authority to amend its Official Plan;

AND WHEREAS the policies of the Official Plan of the Municipality of Temagami are approved and in force and effect at this time;

AND WHEREAS the Council of the Corporation of the Municipality of Temagami deems it necessary and desirable to adopt an amendment to the Official Plan of the Temagami;

NOW THEREFORE the Council of the Corporation of the Municipality of Temagami enacts as follows:

1. Amendment No. 3 to the Official Plan for the Municipality of Temagami, consisting of the explanatory text is hereby adopted.
2. That the Clerk of the Municipality of Temagami is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

This By-law will take effect on the date of its passage, subject to the provisions of Section 34(30) and (31) of the Planning Act, R.S.O. 1990, c.P.13.

READ A FIRST TIME THIS _____ day of _____, 2020

READ A SECOND, THIRD TIME, and finally passed this _____ day of _____, 2020

Mayor

Clerk

Certification

Certified that the above is a true copy of By-law No. 2020-____ as enacted and passed by Council of the Municipality of Temagami on the ____ day of _____, 2020.

Municipal Clerk

DRAFT

THE CONSTITUTIONAL STATEMENT

The following Amendment to the Official Plan for the Municipality of Temagami consists of three parts:

Part A – THE PREAMBLE does not constitute part of this Amendment.

Part B – THE AMENDMENT, consisting of the text of Amendment No. __ to the Official Plan to the Municipality of Temagami. There is no map or schedule associated with the Amendment.

Part C – THE APPENDICES do not constitute part of this Amendment. The appendices contain the background material, planning considerations and public involvement associated with this Amendment.

Part A – Preamble

Purpose

The purpose of this amendment is to include policies in the Municipality of Temagami Official Plan to implement Provincial policies regarding secondary dwelling units; and to permit secondary dwelling units within all neighbourhoods in the Municipality, following direction from Council of the Corporation of the Municipality of Temagami.

This amendment implements the goals and objectives of the Official Plan by providing opportunities for a range of housing types and densities to accommodate a diversity of lifestyles, age groups, income levels and persons with special needs.

Location

Amendment No. 3 is a textual amendment and generally applies to all lands within the Municipality, therefore there is no schedule provided with the Amendment.

Basis

The Provincial Policy Statement (2014), the Strong Communities through Affordable Housing Act (2011), and the Promoting Affordable Housing Act (2016) provide direction to Municipalities to ensure that their planning documents (Official Plans and Zoning By-laws) provide for opportunities for the development of affordable housing in the form of second units (secondary dwelling units).

In adopting this Official Plan Amendment, Council relies on the following basis:

- The Provincial Policy Statement (2014) which speaks to the accommodation of an appropriate range and mix of residential, including second units (secondary dwelling units), affordable housing and housing for older persons;
- Bill 140, The Strong Communities through Affordable Housing Act, 2011 which came into effect on January 1, 2012. This Bill made changes to the Planning Act, expanding on the affordable housing options by requiring that municipalities set policies that would allow second units (secondary dwelling units) in new and existing developments provided that they are in appropriate areas;
- Bill 7, The Promoting Affordable Housing Act, 2016, and Ontario's Long Term Affordable Housing Strategy Update, which expanded and enhanced the range of land use planning and municipal finance tools that municipalities can use to build more affordable market housing; and
- The Municipality of Temagami's Official Plan which sets out policies to promote affordable housing.

- A desire by the Municipality to permit secondary dwelling units on waterfront properties meeting lot area and lot frontage specification.

The Provincial policy framework related to promoting affordable housing encourages and requires Municipalities to permit secondary dwelling units in some form, at the discretion of the Municipality within their planning documents. Council has provided direction to permit secondary dwelling units in the form of accessory apartments in all neighbourhoods of the Municipality, including shoreline properties.

DRAFT

Part B – The Amendment

1.0 Introductory Statement

Part B – The Amendment, consisting of the following text constitutes Amendment No. 3 to the Official Plan for the Municipality of Temagami.

2.0 Details of the Amendment

The Official Plan of the Municipality of Temagami is amended in accordance with the following:

A) Revision to text within Section 2.2.2 Housing as follows:

(red text represents additions or deletions)

Housing in the rural areas is currently limited to single detached dwelling units, in keeping with the existing character of the area and in recognition of the servicing constraints. The policies of this Plan contemplate the possible introduction of higher density residential uses in the form of condominium and similar developments, subject to the policies of this Plan. Garden suites and Secondary Dwelling Units ~~apartments-in-houses~~ are ~~not~~ permitted in the rural area.

Secondary Dwelling Units may be permitted in single detached dwellings or in a building or structure ancillary to a single detached dwelling within the rural area (including shoreline properties) provided that:

- All requirements of the Zoning By-law, including the provisions to govern compatibility with the principal dwelling and surrounding land uses, as well as the size of the Secondary Dwelling Unit and other standards including the Building Code and other relevant municipal and provincial regulations can be satisfied;
- It has been determined that on-site servicing, including a septic system and private wells, have sufficient capacity for the Secondary Dwelling Unit.
- A Secondary Dwelling Unit shall not be permitted in the front yard as defined by the Zoning By-law.

The Zoning By-law shall contain provisions to regulate the establishment of Secondary Dwelling Units.

New residential development may occur in rural areas through limited severances on existing patented lots and by the creation of new lots from Crown land in a manner that allows for the conservation of wilderness and semi-wilderness values; and considers the impact of adjacent uses.

B) Revise all references to “Accessory Apartments” to read “Secondary Dwelling Units”.

C) Include Secondary Dwelling Unit as a permitted use in various designations

Sections 4.3.3, 5.3.2, 5.3.3, 6.3.2, 6.3.3, 7.3.2, 7.3.3 & 8.3.2, 8.3.3 shall be amended by including “Secondary Dwelling Unit” as a permitted accessory use.

D) Implement a maximum number of year round residents per lot by amending various sections pertaining to Sleep Cabins

Add the following provision to Sections 4.3.5, 5.3.5, 6.3.5, 7.3.5 and 8.3.5,

A sleep cabin with bathroom and kitchen facilities is deemed to be a Secondary Dwelling Unit.

C) Delete definition of ‘Apartments-in-House’ from Appendix C

~~Apartments-in-House—These are second self-contained units in detached or semidetached houses in a residential zone serviced by a publicly owned or operated sewage system and which satisfy special provisions of the Ontario Building Code and the Fire Code.~~

D) Add new definition of ‘Secondary Dwelling Unit’ to Appendix C

Secondary Dwelling Unit - A self-contained residential unit with a private kitchen, bathroom facilities and sleeping areas created by an interior renovation or exterior addition to the primary dwelling unit or accommodated within an accessory building or part thereof. Such residential unit is an accessory use to the main dwelling.

All other policies of the Official Plan of the Municipality of Temagami shall apply.

3.0 Implementation and Interpretation

The provisions of the Official Plan regarding the implementation of that Plan shall also apply to this Amendment. In all other respects the provisions of the Municipality of Temagami Official Plan shall apply.

Upon approval of this Amendment, Council shall consider an implementing Zoning By-law.

The provisions of the Official Plan, as amended from time to time, shall apply in regard to the Amendment.

Part C – The Appendices