By-law Number 2020-008

A by-law to adopt Amendment Number 250
to the County of Bruce Official Plan

Authority is provided in Sections 17 and 21 of the Planning Act, R.S.O. 1990, as amended.

The Council for the Corporation of the County of Bruce enacts By-law 2020-008 as follows:

1. Amendment Number 250 to the County of Bruce Official Plan attached and forming part of this by-law is approved.

2. That this By-law come into force and take effect on the day of the final passing thereof, subject to the provisions of the Planning Act, R.S.O. 1990, as amended.

Passed this 9th day of January, 2020

___________________________________________
Mitch Twolan
Warden

___________________________________________
Donna Van Wyck
Clerk
Part B – The Amendment

Introductory Statement

All of this part of the document entitled “Part B – The Amendment” and consisting of the following text, constitutes Amendment Number 250 to the Bruce County Official Plan.

The Purpose of the Official Plan Amendment is to reduce barriers to the re-creation of crown survey lots, lots with legal non-conforming development that have merged on title, and lot additions to undersized lots, while managing the potential for adverse water quality impacts of development on undersized lots with private services.

The Amendment

1. The Bruce County Official Plan is amended by adding the following subsection
   Section 6.5.3.1: Land Division Policies / General Policies

   6.5.3.1.1 Merged and Undersized Lots

   County Council acknowledges that some types of lots can merge on title if they have the same owner and may not meet current planning criteria for severance. County Council wishes to provide opportunities for lots to be re-created or to have boundary adjustments in certain circumstances.

   The policies of this section apply to consent applications that propose:

   • To re-create lots merged on title; or
   • To provide lot additions to or between existing undersized lots.

   i) Merged Lots:
      a. Merged lots may be re-created by consent if the lots conform to Land Division Policies of the Plan;
      b. Further to policy 6.5.3.1.xiii, the re-creation of one or more original Township lots by consent is not considered to be creating new lots. Such consents are not intended to be subject to information requirements and/or conditions of approval related to future uses unless such uses are proposed as part of the application.
      c. Where more than one dwelling or use exists on the same lot, lots may be re-created for the additional dwelling or use despite policies to the contrary so long as the following criteria are met:
         i) The owner/applicant/agent must satisfy the zoning administrator that each and every lot to be severed or retained has existing development that was legally established; this policy does not permit the creation of vacant lots;
         ii) The additional dwelling/use on the lot must have occurred as a result of lots merging on title, and not as a result of additional uses being constructed on a lot in accordance with the zoning by-law (for example a detached accessory dwelling on a commercial lot or a secondary dwelling on a lot for farm help);
         iii) The Chief Building Official of the Municipality confirms that the dwelling or use is habitable/usable at the time of application;
         iv) Where a connection to municipal or communal sewage disposal systems is not available, each and every proposed lot must be able to accommodate its own sewage disposal system within the property. Although not preferred, existing shared wells may be permitted, and easements may be established for existing shared wells;
         v) When re-creating merged, developed lots in accordance with this policy, the approval authority may approve consent(s) with different boundaries than the original lots where such boundaries better
accommodate buildings, structures, services, access, or a more even distribution of land between lots; and

vi) Where the resulting lots are smaller than 4000 square metres, a zoning “holding” provision or development agreement must be registered on title of the undersized lots to prevent further intensification of the use by way of enlargement or increase of total plumbing fixtures beyond 20 (twenty) fixture units unless the lot is connected to a municipal or communal sewer system with capacity or the proposed development is supported by a nitrate study as outlined in Section 4.7.5.8 of this Plan.

ii) Lot adjustments / additions:

a. Lot adjustments and additions within the Agricultural designation are permitted subject to Section 6.5.3.3 Consents – Agricultural Areas

b. In all other designations, lot adjustments are permitted for legal and technical reasons. Lot adjustments are limited to such purposes as easements, correction of deeds, quit claims and minor boundary adjustments; all of which do not result in the creation of a new lot.

c. Notwithstanding servicing or lot area policies, boundary adjustments and lot additions from lots with private sewage disposal systems that are smaller than 4000 square metres or the minimum lot area for their designation are permitted as long as the lot addition does not result in the enlarged parcel becoming larger than the parcel that is becoming smaller.

d. Notwithstanding servicing or lot area policies, where 2 or more independently transferable lots are being consolidated into fewer total lots, the resulting lots may be certified despite continuing to be undersized.

e. Boundary adjustments and lot additions are not permitted to add lands outside of a settlement area to lands within a settlement area.

2. The Bruce County Official Plan is further amended by deleting the final sentence from Policy 6.5.3.3.6 – Consents – Agricultural Areas, as shown below:

“Lot enlargements for the expansion of an existing Secondary Compatible Use as per Section 5.5.4.1; or existing Farm Related Commercial or Industrial Use as per Section 5.5.9; or existing Institutional Use as per Section 5.5.10 shall be limited in area and shall only be of sufficient size to accommodate the commercial, industrial or institutional use, accessory buildings (where including accessory buildings does not render the lot excessively large in the opinion of the Land Division Committee), a well and a sewage disposal system, while ensuring that as little acreage as possible is removed from the agricultural lands. As a condition of consent, the remnant parcel shall be rezoned for agricultural purposes only provided it is vacant.”