

To: Mayor and Members of Township of Norwich Council

From: Amy Hartley, Development Planner, Community Planning

Application for Zone Change ZN 3-25-18 – The Corporation of the Township of Norwich

REPORT HIGHLIGHTS

- The application for Zone Change proposes several housekeeping changes to the Township of Norwich's Zoning By-law (By-law No. 07-2003-Z) to provide administration updates for clarification as well as updating provisions that are reflective of legislative changes.
- Provisions relating to replacement dwellings and demolition agreements, swimming pools, walk-out deck requirements, and aligning zoning provisions with the Ontario Building Code.
- Planning staff are recommending support of the application, as it is consistent with the policies of the Provincial Planning Statement and maintains the intent and purpose of the Official Plan.

DISCUSSION

BACKGROUND

PROPOSAL:

The Township of Norwich has initiated a housekeeping amendment to the Township's Zoning By-law that will provide administrative updates for clarification as well as updating provisions that are reflective of the Ontario Building Code, correct errors and provide clarification to text, as well as update a number of provisions based on recent development activity, inquiries and planning application volumes.

The Township's Zoning By-Law was enacted in June 2003. Subsequent housekeeping amendments were completed in 2009, 2014, 2016 and 2024. Regular housekeeping exercises are important to properly implement previous Council decisions, clarify existing definitions, regulations, add additional language to aid in clarifying zoning interpretation and to reflect changes to various standards and building trends implemented since the By-law and subsequent amendments were passed to ensure its continued effectiveness.

The proposed changes clarify that the Zoning By-law is to be administered by the person appointed as the Chief Building Official. Previously, the By-law provided that anyone appointed as a by-law enforcement officer administered the By-law which can cause interpretation issues when multiple persons are appointed as by-law enforcement officers. Clarification has also been provided that those persons appointed as Municipal Law Enforcement Officers shall enforce the Zoning By-law.

Section 1.4 of the Zoning By-Law contains lengthy provisions which outline the requirements for building permits. It is staff's opinion that the Zoning By-law is not the proper document to contain these requirements as they are outlined in the Building Code Act. It has been clarified that Minimum Distance Separation Formulae will continue to apply to all development outside of settlement areas within the Township.

The definition of dwelling has been amended to exclude a tent as being a home or residence. This amendment provides clarification with respect to different types of temporary or non-permanent structures and ensures that only fixed, permanent buildings intended for long-term human habitation are recognized as a dwelling.

New definitions have been included for "First Storey" and "Swimming Pool". The Township has experienced differing interpretations with respect to decks over walkout basements and whether the decks are excluded from the total lot coverage of a property. Additionally, differing interpretations have arisen regarding whether a swimming pool is an accessory structure for the purposes of calculating lot coverage. The proposed definition and related provisions clarify that a swimming pool shall not be included in calculating total lot coverage and specify required setbacks.

Provisions relating to replacement dwellings have been included to clarify that buildings associated with construction uses and meant to be used for temporary time period must be authorized by the Township and a demolition agreement must be entered into.

Other general amendments clarify wording for interpretation purposes or removing redundant wording that is captured through other pieces of legislation. The proposed amendments are summarized in Table 1 below:

Provision	Proposed
1.2 - Administration	The by-law shall only be administered by the Chief Building Official.
1.3 - Inspection	Those appointed as Municipal Law Enforcement Officer shall enforce the Zoning By-law.
1.4 – Application for Permits	All development outside of settlements shall comply with Minimum Distance Formulae, remove Building Code Act requirements for permit applications.
1.9 – Minor Variances to the Zoning By-law	Redundant wording has been removed regarding the issuance of a permit once the conditions of a Committee of Adjustment decision have been met where the decision was granted under the provisions of the previous Zoning By-law 19-84.
2.3 – Lots With More Than One Zone	Lots with more than one zone are no longer considered separate lots for the purpose of determining zoning provisions.
Amended definition	Definition of DWELLING is amended to specifically exclude tents as a permitted dwelling type.
New definition	New definition for FIRST STOREY is added to clarify walk out deck requirements.
New definition	New definition for SWIMMING POOL included to clarify interpretation of pools.
Amended definition	Amend definition of BUILDING to remove reference to the Ontario Building Code.

5.1.3 – Swimming Pools	Clarify location and setback requirements for swimming pools.
5.1.3.1 – Swimming Pools	Specify that the area of an unenclosed swimming pool shall not be calculated in determining total lot coverage.
Table 5.32.1 – Permitted Projections into Required Yards	Provide wording and clarification about uncovered decks, stoops etc. in relation to the FIRST STOREY to address interpretation issues.
Table 5.32.1 – Permitted Projections into Required Yards	Specify interior side yard and add exterior side yard with front yard for the yard in which a projection is permitted. The wording is currently vague.
Table 5.1.1.3 – Accessory Use Provisions (Permitted Location)	Clarify which yard an accessory structure is permitted and how the defined yard is determined.
5.3.1.3 – Construction Uses Permitted	Provides direction where a replacement dwelling is proposed, the existing dwelling is considered a construction use and is only authorized by a Demolition Agreement with the Township.
5.21.1.7.3	Rewording of the provisions for clarity with respect to location of a driveway and the maximum width.

APPLICATION REVIEW

2024 PROVINCIAL PLANNING STATEMENT

The 2024 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. In particular, the PPS focuses growth within settlement areas and promotes efficient development patterns that optimize the use of land, resources and public investment in infrastructure and public service facilities.

Section 2.3.1 of the PPS states that healthy, liveable, and safe communities are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term and cost-effective development patterns and standards to minimize land consumption and servicing costs.

Further, Section 3.1 directs that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and existing infrastructure and public service facilities. A range of uses and opportunities for intensification and redevelopment should also be promoted where it can be accommodated in settlement areas.

OFFICIAL PLAN

No specific sections of the Official Plan are impacted as the proposed amendment deals with a number of minor changes as required to the Zoning By-law to correct errors and incorrect references within various sections of the By-law.

According to Section 2.1.1 [GROWTH MANAGEMENT], in order to manage growth, it is a strategic initiative of the Official Plan to ensure designated growth settlements are developed with efficient land use patterns and densities to minimize land consumption, to control infrastructure costs, and to limit growth pressure in rural areas. Section 4.1 (Strategic Approach) further states that the County shall aim to ensure existing designated land supplies and infrastructure be efficiently utilized, including achievement of intensification targets, prior to designating new areas for growth.

Section 4.2.2.4 [SERVICED VILLAGES] directs that Serviced Villages are settlements characterized by a broad range of uses and activities which have been developed or are proposed for development on centralized wastewater and water supply facilities.

Section 6.2.1 [OBJECTIVES FOR RURAL SETTLEMENT RESIDENTIAL DESIGNATIONS] states that compact urban form and residential infilling, as well as a range of housing types, shall be promoted in all rural settlement areas where appropriate given the level of infrastructure available.

Section 10.3.5 [ZONING BY-LAWS AND NON-CONFORMING USES] identifies that the Zoning By-Law is the primary means of implementing the policies of the Official Plan by defining the uses permitted in specific locations within a municipality, and to provide specific development standards relating to those uses.

ZONING BY-LAW

The proposed amendment impacts all sections of the Zoning By-law, to correct errors, provide clarification to the definitions, general provisions and omissions that have occurred since the drafting of the existing By-law and subsequent amendments.

A complete summary of the proposed changes including proposed wording is attached to this report for Council's consideration.

AGENCY COMMENTS

At the time of the writing of this report, no comments have been received with regard to this application.

PUBLIC CONSULTATION

Notices of both Complete Application and Notice of Public Meeting regarding the application were provided in accordance with the requirements of the Planning Act. The notices were published in both the Norfolk News and Tillsonburg News on February 12, 2026.

Planning Analysis

The application proposes a number of general amendments to the Zoning By-law to correct minor errors and provide clarification to text provisions.

Typographical and grammatical changes listed and included in the chart above are classified as minor modifications that would not change the intent of any section of the Zoning By-law. These proposed modifications would facilitate easier interpretation of the Zoning By-law and are intended to reflect the original approvals by Township Council that were not properly implemented.

The intent of clarifying provisions relating to Swimming Pools relate to interpretation questions of whether a swimming pool is considered an accessory structure or not, and whether the main zoning setbacks would apply to the pool. Planning Staff agree that the current accessory structures setbacks are too restrictive to apply to swimming pools. As such, the proposed amendments allow for a 1.2 m (3.9 ft) setback from side lot line, rear lot lines, and street lines. Additionally, the proposed amendments clarify that swimming pools shall not be included in the calculation of total coverage.

A new definition is proposed for 'First Storey' as Building staff have found that there are interpretation issues where a property contains a walk-out basement and a deck is proposed above. Uncovered decks that are above one storey are considered a structure by definition and therefore the main zoning provisions for accessory structures apply which has caused issues with respect to rear yard depth provisions. The definition of First Storey and related provisions provide a measurable height of a storey rather than associated it to an average grade which could vary for each property.

Other proposed changes are a result of examining historical planning application types and daily experience with the Zoning By-Law, as well as reflecting updated building trends in consultation with the Township's Chief Building Official and Clerk.

It should be noted that the proposed text will not eliminate any 'as of right' uses or previous zoning approvals given by Council.

It is the opinion of this Office that the proposed rezoning application is consistent with the policies of the Provincial Planning Statement and is in keeping with the policies of the Official Plan. As such, Planning staff recommend that the proposed zone change be approved.

RECOMMENDATIONS

- 1. It is recommended that the Council of the Township of Norwich approve the zone change application (ZN 3-25-18), submitted by the Township of Norwich, to introduce general housekeeping amendments to the Township Zoning By-law No. 07-2003-Z as described in Report CP 2026-82.**

SIGNATURES

Authored by: *"Original Signed by"* Amy Hartley
Development Planner

Approved for submission: *"Original Signed by"* Eric Gilbert, MCIP, RPP
Manager of Development Planning

ZN3-25-18 – Township Wide Housekeeping

Chart of proposed amendments

Provision	Current	Proposed
1.2	This By-Law shall be administered and enforced by such person or persons as shall be appointed from time to time by by-law of the Corporation as the "By-Law Enforcement Officer" or "Chief Building Official".	This By-Law shall be administered by such person as shall be appointed from time to time by by-law of the Corporation as the "Chief Building Official".
1.3	<p><u>Inspection</u></p> <p>The By-Law Enforcement Officer or Zoning Officer, or an officer or employee of the Corporation acting under the direction of Council may enter upon any property or premises at any reasonable time for the purpose of administering or enforcing this By-Law.</p>	<p><u>Enforcement</u></p> <p>This By-Law shall be enforced by such person or persons as appointed from time to time by by-law of the Corporation as a "Municipal Law Enforcement Officer".</p>
1.4	<p><u>APPLICATION FOR PERMITS</u></p> <p>1.4.1 In addition to all the requirements of the Corporation's Building By-Law, or any other by-law of the Corporation, every application for a building permit shall be accompanied by a plan in duplicate, (a copy of which shall be retained by the Corporation), drawn to scale and showing the following:</p> <p>1.4.1.1 The true dimensions of the lot to be built upon or otherwise used.</p> <p>1.4.1.2 The proposed location, height and dimensions of any building, structure or use proposed for such lot.</p>	<p><u>MINIMUM DISTANCE SEPARATION FORMULAE</u></p> <p>1.4.1 All development within the Township of Norwich outside of settlement areas shall comply with the Minimum Distance Separation (MDS) formulae established by the Province, as amended from time to time, in accordance with the requirements of the applicable zones in this By-law, unless specifically exempted.</p>

	<p>1.4.1.3 The proposed location and dimensions of any yards, setbacks, landscaped open space, off-street parking spaces or off-street loading facilities required by this By-Law.</p> <p>1.4.1.4 The location of all existing buildings or structures on the lot shown on the plan.</p> <p>1.4.1.5 A statement signed by the owner, indicating the exact use proposed for each aforesaid building, structure, or use, and giving all information necessary to determine if such proposed or existing building, structure or use conforms with the requirements of this By-Law.</p> <p>1.4.2 In addition to the requirements of Subsection 1.4.1, information for the application of the Minimum Distance Separation Formula I (MDS I) shall be required in accordance with the provisions of those zones set out in this By-law, unless specifically exempted. This information shall include certified surveyed distances for all required MDS I setbacks, where required by the Chief Building Official.</p> <p>1.4.3 In addition to the requirements of Subsection 1.4.1, an application for a building permit for a building to house livestock and poultry and/or for a manure storage facility, shall include information required for the application of the Minimum Distance Separation Formula II (MDS II). This information shall include surveyed distances for all required MDS II</p>	
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	setbacks, where required by the Chief Building Official.	
1.9	<p><u>MINOR VARIANCES TO THE ZONING BY-LAW</u></p> <p>Notwithstanding subsection 1.9, all minor variances granted during the period two years prior to the adoption of this By-law, for relief from the provisions of By-law 19-84 of the Township of Norwich, and to any amendments thereto, by the Committee of Adjustment for the Township of Norwich or the County of Oxford or by the Ontario Land Tribunal shall remain in full force and effect and shall be considered minor variances to this By-law and a building permit may be issued by the Chief Building Official provided that compliance has occurred with the terms and conditions of any decision of the Committee of Adjustment, the County or the Ontario Land Tribunal.</p>	<p><u>MINOR VARIANCES TO THE ZONING BY-LAW</u></p> <p>Notwithstanding subsection 1.8, all minor variances granted during the period two years prior to the adoption of this By-law, for relief from the provisions of By-law 19-84 of the Township of Norwich, and to any amendments thereto, by the Committee of Adjustment for the Township of Norwich or the County of Oxford or by the Ontario Land Tribunal shall remain in full force and effect and shall be considered minor variances to this By-law.</p>
2.3	<p><u>LOTS WITH MORE THAN ONE ZONE</u></p> <p>Where a lot is divided into more than one zone, each such portion of the lot shall be considered as a separate lot for the purposes of determining zone provisions of this By-Law and shall be used in accordance with the provisions of this By-Law for the applicable zones, but no lot shall have more than one residential dwelling on the whole lot except as specifically provided in this By-Law.</p>	<p><u>LOTS WITH MORE THAN ONE ZONE</u></p> <p>Where a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of this By-law for each of the applicable zones but no lot shall have more than one residential dwelling on the whole lot except as specifically provided in this By-Law.</p>
4.36	<p>"DWELLING", means a building occupied or capable of being occupied as the home or residence of one or more persons, but shall not include a trailer, a mobile home, a motor home or recreational vehicle as defined herein. A dwelling may include a mobile</p>	<p>"DWELLING", means a building occupied or capable of being occupied as the home or residence of one or more persons, but shall not include a trailer, tent, a mobile home, a motor home or recreational vehicle as defined herein. A dwelling may include a mobile home for the</p>

	home for the purposes of a second accessory dwelling to a farm in the A1 or A2 Zones.	purposes of a second accessory dwelling to a farm in the A1 or A2 Zones.
	New definition	“First.Storey” means the storey with its floor closest to grade and having its ceiling more than 1.8 m (6 ft) above grade.
	New definition	“Swimming.Pool” means any unenclosed body of water contained by artificial means and located on a privately owned Lot provided that such artificial means may contain water having a depth exceeding 610mm (24 inches) at any point or a potential liquid surface area exceeding 2.0m ² (21.5 ft ²).
	“BUILDING”, means any edifice, whether temporary or permanent, used or intended to be used for shelter, accommodation or enclosure of persons, animals or chattels other than a lawful boundary wall or fence or as defined in the Building Code Act, R.S.O. 1992, as amended.	“BUILDING”, means any edifice, whether temporary or permanent, used or intended to be used for shelter, accommodation or enclosure of persons, animals or chattels other than a lawful boundary wall or fence.
5.1.3	“The area of an unenclosed swimming pool shall not be calculated in determining total lot coverage”	An unenclosed swimming pool shall: “a) only be permitted in an interior side yard, exterior side yard, or rear yard, b) be located a minimum 1.2 m (3.9 ft) setback from a side lot line, c) be located a minimum 1.2m (3.9 ft) setback from a rear lot line, c) be located a minimum 1.2m (3.9 ft) setback from the street line; b);
5.1.3.1	New section number	The area of an unenclosed swimming pool shall not be calculated in determining total lot coverage.

Table 5.32.1	Not exceeding one storey in height	Steps, decks, balconies, stoops, landings, and ramps provided that all such structures are uncovered, unenclosed and do not extend above the First Storey of the building served.
Table 5.32.1	Does not specify interior/exterior side	Specify interior side yard and add exterior side yard with front yard
Table 5.32.1	“Covered decks, stoops or landings not exceeding one storey in height”	Steps, decks, balconies, stoops, landings, and ramps, provided they are covered, remain otherwise unenclosed, and do not project above the First Storey of the building they serve.
Table 5.1.1.3	Permitted Location: (All Other Zones) “In accordance with the yard and setback provisions of the zone in which such building or structure is located”	<p><u>Residential Zones Permitted Location</u> Any yard other than a front yard or minimum required exterior side yard,</p> <p><u>All Other Zones Permitted Location</u> Any yard other than a minimum required front yard or minimum required exterior side yard.</p>
5.3.1.3	“the building or structure is not used for human habitation; and”	“the building or structure is not used for human habitation unless the Corporation has authorized and entered into a Demolition Agreement;”
5.21.1.7.3	<u>MAXIMUM DRIVEWAY WIDTH - RESIDENTIAL ZONES</u> Within a residential zone, a maximum of 50%, or 6.0 m (19.8 ft) of the front yard or exterior side yard may be occupied by a driveway.	<u>MAXIMUM DRIVEWAY WIDTH - RESIDENTIAL ZONES</u> Within a residential zone, the width of a driveway shall be limited to a maximum of 50% of the yard in which it is located or 6.0 m (19.8 ft), whichever is greater.
General	Minor typographical and grammatical errors	<ul style="list-style-type: none"> • Correct misnumbering of Section 7.6.33 • Correct previous housekeeping numbering error in Section 7.6.11, 18.4.11, 18.4.12 and 22.3.9

		<ul style="list-style-type: none">• Correct site specific zone headings for MG-14, MG-11, MG-15 and MG-12• Renumber Section 22.3.9 to 22.4.9 to align with zoning permissions
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