

MUNICIPALITY OF NORTHERN BRUCE PENINSULA
MINUTES OF SPECIAL COUNCIL MEETING NO. 17-15
MONDAY, JUNE 12, 2017 AT 9:00 A.M.

MEMBERS PRESENT: Mayor Milt McIver
Deputy Mayor Patricia Greig
Councillor Tom Boyle
Councillor Griffin Salen
Councillor Rob Rouse (arrived 9:15 a.m.)

STAFF PRESENT: Chief Administrative Officer, Bill Jones
Clerk, Mary Lynn Standen
Chief Building Official, Wendy Elliott
Planning Student, Joe Barcellos
Secretary, Charlotte Martindale

OTHERS PRESENT: Jakob Van Dorp

1. CALL TO ORDER AND DISCLOSURE OF PECUNIARY INTEREST

Mayor McIver called the meeting to order at 9:02 a.m. and Council members were reminded to disclose any pecuniary interest that may arise during the course of the meeting. No disclosures of pecuniary interest were expressed at this time.

2. APPROVAL OF THE AGENDA

Moved by T. Boyle Resolution # 15-01-2017
Seconded by G. Salen

THAT the content of the agenda be approved as presented.

Carried

3. ADOPTION OF THE MINUTES

There are no 'ADOPTION OF THE MINUTES' for Special Council Meeting No. 17-15, June 12, 2017

4. PUBLIC MEETING

There is no 'PUBLIC MEETING' for Special Council Meeting No. 17-15, June 12, 2017

5. DELEGATION

There is no 'DELEGATION' for Special Council Meeting No. 17-15, June 12, 2017

6. CONSIDERATION OF AGENDA ITEMS

1. Bruce County Planning Report
Re: File No. NBP OPA 13, Z-91-16
Revisions to the Official Plan for Tobermory, Lion's Head and Ferndale
Official Plan 5 year review and New Comprehensive Zoning By-law

Mr. Jakob Van Dorp reviewed the Official Plan document with Council, Staff and the public.

With Council's permission, the topic of Short Term Accommodations was brought forward.

The first topic of discussion was the regulation/licensing/zoning of Short Term Accommodations (bed and breakfast, hostel, cottage rental, etc.).

Regulations/licensing/zoning of Short Term Accommodations

Councillor Rouse entered the meeting at 9:15 a.m.

Mr. Van Dorp noted the pros and cons of the Short Term Accommodations that he had received. The pros are as follows: cottage renters spend a significant amount of money in the community (boat tours, restaurants, shopping, etc.), employment is created (cleaners, landscapers, trades people), fills the void when other forms of accommodation are unavailable (motels/hotels are full during July and August). He noted that rentcottage.com guests are screened (name, address, telephone number, licence plate number, proof of valid homeowner insurance or renter contents insurance etc.). Further, it is believe that cottage rental property values are very good and affordable. In addition, this rental brokerage requires that restrictions on the maximum number of guests and restrictions on pets are in place.

Mr. Van Dorp addressed the cons as: concern about occupancy levels and septic system/environmental impacts, use of bunkies within rentals, dwellings located in residential areas being specifically designed for rental or bed and breakfast purposes, the difference in standards and tax assessment for hotels, motels, etc. versus individual cottages.

It was noted that faulty septic systems can be investigated by the Chief Building Officials if complaints are reported to the Municipality.

Another issue raised was the impact on the landfills.

Discussion ensued and the following recommendation was moved:

Moved by T. Boyle
Seconded by P. Greig

Resolution # 15-02-2017

THAT Council does not consider the matter of Short Term Accommodations during the Comprehensive Zoning By-law update process currently taking place.

Carried

The Mayor noted that this matter of Short Term Accommodations will be reviewed in 2018/2019.

It was recommended that all correspondence received to date on the topic of Short Term Accommodations be brought forward when the topic is opened to discussion by Council in 2018/2019 in order that the authors of that correspondence are not required to re-submit.

Occupancy of Trailers on Vacant and Developed Lots

Mr. Van Dorp gave different scenarios of how and when tents/trailers could be located on lots (vacant and with dwellings), and options with different provisions/restrictions.

It was suggested that setbacks be in place where tents/trailers are located on property (vacant and with dwellings).

Bruce County Planning recommends that Options B and C of the Planner's Report may require additional Municipal resources for administration and enforcement (due to higher burden of proof) and (b) or (c) may be more appropriately dealt with separately from the Official Plan/ Zoning By-law process in progress for 2017.

Minimum Dwelling unit size

Mr. Van Dorp reviewed the Apartment/Dwelling sizes and compared with other municipalities within Bruce County.

He also noted that the net floor measurement area is measured within the outside walls, instead of the outside perimeter.

Councillor Boyle likes the trend towards smaller homes, not tiny homes. He noted the Municipality should be watching carefully to the size of sheds that may happen on lots with smaller homes. Mr. Van Dorp noted that accessory building can only be 5% of the property size.

It was noted that if someone wants to build a house less than 1,000 sq. ft., they can apply for a minor variance.

It was suggested that if a dwelling is less than 538 sq. ft., the property owner shouldn't be allowed to have a trailer on that property, or a bunkie, etc.

The Chief Building Official had concerns with the smaller home. It is not practical; rooms need to meet minimum requirement size, minimal habitable space and getting rid of the minimum floor space.

Staff is to provide further information to adjust size of a dwelling to 754 sq. ft., net floor area (inside the walls).

Sea Cans/Shipping Containers

Discussion ensued with regard to the recommendations for the sea cans/shipping containers.

Mr. Van Dorp will do a report with the total number of restrictions.

Seasonal Dwellings

Some areas where there are seasonal dwellings are Jackson Cove, Rush Cove, Old Woman's River Road, Hope Bay and the Islands.

Some of these areas are not accessible during the winter months or accessible by road year round.

The consensus was that Council was happy with how seasonal dwellings are addressed.

Hunting Cabins

It was recommended that the Private Guest Cabin and Reduced Dwelling unit size provisions be used with respect to 'hunting cabins', if they are to be permitted.

Forestry buildings are a permitted use in the 'General Rural' zone.

Minimum Size for Private Guest Cabins

Private Guest cabins are for non-paying guests and owners, they function as a detached bedroom, but can have impacts on the septic system.

Councillor Rouse left the meeting at 10:48 a.m. and returned at 10:50 a.m.

The Planning Student left the meeting at 10:52 a.m. and returned at 10:58 a.m.

Minimum Distance Separation Guidelines where the Municipality has Flexibility in Application

It was recommended that the Minimum Distance Separation (MDS) setbacks be done on a case by case basis, with regard to Guidelines #7, 9, and 35.

The Chief Administrative Officer left the meeting at 10:58 a.m. and returned at 11:01 a.m.

It was recommended that closed cemeteries be identified and classify them as Type 'A' land uses for the purposes of calculating MDS II setbacks.

Livestock Facilities in 'Rural' Tobermory

Councillor Rouse noted that most of the farmland in the Tobermory area falls within the settlement area and suggested that the area be from Cape Hurd Road, north.

Mr. Van Dorp will look into this issue.

The Chief Building Official left the meeting at 11:07 a.m. and returned at 12:07 p.m.

Bruce County Planning Department recommended including provisions similar to those used in Meaford, drawing further on OMAFRA Urban Agriculture resources to address backyard poultry, rabbits, fish, and bees in rural zones in Tobermory, including caps on the number, setbacks to lot lines and adjacent dwellings, and maximum facility size; give some consideration to Lion's Head; do not include provisions for other forms of (new) livestock facilities with settlement areas.

Parking Space Requirements for Tour Boat Operations

Councillor Salen declared a Conflict of Interest and remained seated in his chair.

Deputy Mayor Greig requested that Lion's Head Marina and the Dyer's Bay Dock be included in this area, as well.

Councillor Rouse noted that the cash-in-lieu of parking is too low.

Bruce County Planning is recommending that if the Municipality wishes to pursue a parking requirement ratio for tour Boat Operations, they recommend that it occur through a specific study outside of this process.

Servicing Policies

Bruce County Planning is recommending that the Municipality establish a zoning provision that requires an advanced sewage disposal system for any new/replacement sewage disposal system on lots which are less than a specific lot area (to be determined, but likely in the 2000 square metre range). In addition, establish a minimum additional lot area requirement for higher-density development. To apply these provisions to Urban zones on septic systems and to the R2 Resort Residential zone.

Councillor Salen left the meeting at 11:37 a.m. and returned at 11:39 a.m.

Decks, Docks, Boathouses

It was noted that if a deck is less than 15 sq. m, no permit is required. The same can be said about a deck that is not higher than 61 cm. (24 in.).

Some options to consider are limiting the dock width at the shore; establish setbacks for docks from side lot lines; define docks on residential lots as seasonal structures (vs permanent installations); establish maximum area and/or setbacks for lakeside decks from side lot lines similar to those for Greenough Harbour.

Council requested Mr. Van Dorp to address docks on rivers.

Zoning for Natural Heritage Features, such as Significant Areas of Natural and Scientific Interest

Bruce County Planning are recommending that the Natural Heritage Holding Zone provision requires evaluation of the proposal and a site plan agreement prior to development.

The Planning Student left the meeting at 12:06 p.m. and returned at 12:07 p.m.

Zoning of Public and Conservation Organization Lands that are within the Conservation Land Tax Incentive Program or otherwise exempt from Municipal Taxation

Bruce County Planning recommended placing these lands in an Open Space – Rural zone that reflects their use as conservation lands and removes them from the inventory of vacant lots in the Municipality. They recommend that this zone be distinct from the Municipal parkland zones; including properties that are already exempt from taxation in this zone would avoid the assertion by conservation organizations that zoning precludes development and thus assessment should be reduced or eliminated; identifying undevelopable lands may have an ancillary benefit to the Municipality of increasing the desirability and value of adjacent properties.

Moved by P. Greig
Seconded by T. Boyle

Resolution # 15-02-2017

THAT this report be received for information; and

THAT Council provide direction as appropriate regarding the various topics.

Carried

2. Public Comments
Re: Received by June 8, 2017 at 1:00 p.m.

Moved by R. Rouse
Seconded by G. Salen

Resolution # 15-03-2017

THAT Council receive the attached Public Comments, as information.

Carried

7. OTHER BUSINESS

There is no 'OTHER BUSINESS' for Special Council Meeting No. 17-15, June 12, 2017.

8. CORRESPONDENCE

There is no 'CORRESPONDENCE' for Special Council Meeting No. 17-15, June 12, 2017.

9. READING OF BY-LAWS

Moved by R. Rouse
Seconded by G. Salen

Resolution # 15-04-2017

RECOMMENDATION:

THAT the following listed by-law be given 1st, 2nd, and 3rd reading, and enacted:

2017-47 BEING A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF NORTHERN BRUCE PENINSULA HELD MONDAY, JUNE 12, 2017

Carried

10. CLOSED SESSION

There is no 'CLOSED SESSION' for Special Council Meeting No. 17-15, June 12, 2017

11. RECONVENE FROM "CLOSED SESSION" TO RESUME COUNCIL MEETING

There is no 'CLOSED SESSION' for Special Council Meeting No. 17-15, June 12, 2017

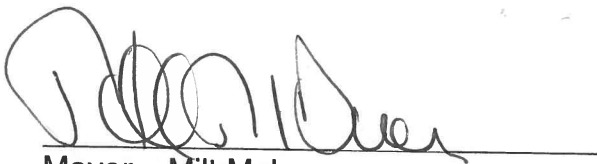
12. ADJOURNMENT

Moved by R. Rouse
Seconded by P. Greig

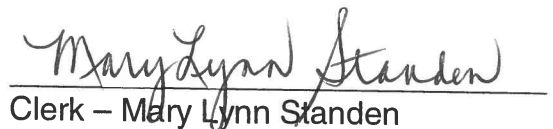
Resolution # 15-05-2017

THAT the meeting does now adjourn at 12:23 p.m.

Carried



Mayor – Milt McIver



Clerk – Mary Lynn Standen

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