

Type of Decision									
Meeting Date	Friday, February 4, 2011				Report Date	Thursday, January-20-11			
Decision Required		Yes	X	No	Priority	X	High		Low
Direction		Information Only		X	Type of Meeting	X	Open		Closed
REPORT TITLE									
Zoning By-law Changes update Report #04/02/11/1201									

Subject: Report from meeting with Anne McVean and Bruce Howarth re: amendments to our Zoning By-law to encourage controlled development.

BACKGROUND/EXECUTIVE SUMMARY: In 2010 Council agreed to pursue changes to the current Zoning By-Law to ensure that any future development within the municipality would be controlled and would protect the rights of homeowners. Thursday, January 20<sup>th</sup>, I met with Anne and Bruce and have the following to report.

1. As explained briefly at the January 21<sup>st</sup> meeting, the simplest solution to the issue of controlling development and protecting residential rights is to declare the entire municipality residential. What would happen then is that each and every request for alternate use would have to come before Council through an application for a Zoning By-Law exemption. Bruce will update the definitions in our by-law to reflect what is allowed (home based businesses will be included).
2. Any pre-existing uses will be grandfathered.
3. Council would have to follow the Official Plan (OP) and the Provincial Policy Statement (PPS) in making any decisions as to what uses are allowed or not allowed. The applicant would have the opportunity to appeal the decision to the OMB. The OMB is to "take the decision of the Council into consideration" but may overturn it. This process will give Council some control in development patterns but will not provide a definitive list of what they will and will not allow within the municipality. The OP and PPS still need to be considered.
4. The entire process should take about 4 months. Bruce and Anne should have the amendments completed within 2-3 weeks however there is a legislated process which includes public notices and public meetings which must be followed.
5. Bruce and/or Anne will attend the public meeting, should Council wish, to help to answer any questions from Council or the public.
6. We spoke of providing protection against airports near residential areas and I was told that because air space is considered Federal jurisdiction a Municipal by-law would have no bearing. They cited a case where a municipal decision was taken to the OMB (for an individual private hangar from a residence) and the municipality lost.
7. Similarly with the railway corridor. There is nothing that can be done from a zoning/planning perspective to prevent any use of that land unless it is purchased by a private individual or company in which case its use would have to be approved by Council as in #1 above. If a federal or provincial organization purchased the

land, its use could not be affected by any zoning by-law. Municipalities simply do not have that jurisdiction.

8. To clear up a couple points:
  - a. Our by-law currently allows only one residential unit per property.
  - b. That does not exclude more than 1 use per property – this would cover those instances where there is a residence and a commercial operation on the same property. Example – a home and a number of cottages for rent, or a home/residence and a motel or store.
  - c. Our by-law does not allow two residences on the same property. Even a lot with one full-time residence and one part-time structure to be rented occasionally is not allowed. The rental of a cottage/structure for a short term (even to family) is not considered a commercial use and is not allowed unless it meets the definition of bunkhouse (does not have in door plumbing or a kitchen.)
9. Based on Council input in 2010 the changes will also clarify the following:
  - a. The allowance of mobile homes as residential units;
  - b. The allowance of mobile home parks within the municipality (would only be allowed upon approval of council);
  - c. Setbacks along the pipeline;
10. If any further considerations, questions, we should contact them ASAP to include all amendment in the same process.

Financial Considerations/Budget Impact: Nil - The County Planning Department will give us a certain number of hours free of charge per year. I believe that this task will fall within that range.

Policy Impact: None

Approved and Recommended by the Clerk

Melinda Reith,

Municipal Clerk

*Melinda Reith*