



Municipality of Northern Bruce Peninsula Planning Report



Application: Official Plan 5 year review and New Comprehensive Zoning By-law

File: NBP OPA 13, Z-91-16

Meeting Date: July 31, 2017

From: Jakob Van Dorp, Senior Planner
County of Bruce Planning and Development

Subject: Information and Discussion on various Official Plan and Zoning Topics

Recommendation:

That this report be received for information; and

That Council provide direction as appropriate regarding the various topics.

Background:

A Draft of the Official Plan Update and proposed Comprehensive Zoning By-law Text has been released, and three open houses held.

This report contains information about a variety of topics that have been identified and not yet fully addressed or would benefit from Council’s comments and preliminary direction. Subject to this meeting, refined policies or adjustments to the proposed plans may occur.

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1. Occupancy of Trailers on Vacant and Developed Lots

Objectives appear to be:

- Provide for reasonable use of property
- Have appropriate enforcement tools to address unreasonable use which could relate to:
 - Overloading onsite sewage disposal systems
 - Duration of occupancy
 - Nuisance
 - Renting a cottage out while living in a tent/trailer on the lot

It appears from the discussion on June 12th that Council has interest in permitting occasional use of tents/trailers on a lot with a dwelling.

On July 24th, Council approved a request for relief from provisions of the tent and trailer by-law in association with a family reunion.

We have thus set out to prepare provisions that may be appropriate for tents, trailers, and RVs. Driveway setbacks are derived from provisions that were developed and applied in the Municipality of Brockton. In respect of the number of tents, etc. a greater reliance would be placed on the tent and trailer by-law. Two provisions that could be removed to provide additional flexibility are highlighted below. If Council wishes to proceed we would recommend that the tent and trailer by-law be reviewed over the winter to ensure that it supports the objectives outlined above.

3.6.10 Parking, Storage, and Occupancy of Tents, Trailers, and Recreational Vehicles

- i) The parking or storage of any Trailer or Recreational vehicle without current license plates on lands zoned for residential purposes shall be prohibited unless it is stored in an enclosed garage or other accessory building.
- ii) No part of the required front or exterior side yard of any lot except for a driveway shall be used for the temporary parking or storage of any trailer, boat, bus, recreational vehicle, camper, or coach. Such vehicles parked in a driveway shall be located so no part of the vehicle on or above the ground is within 1.2 metres of the side lot line and shall be set back a

minimum of 2 metres (~ 6.5 feet) from the nearest edge of the sidewalk or paved boulevard, or 2 metres (~ 6.5 feet) from the nearest edge of the curb if there is no sidewalk, or 3 metres (~9.8 feet) from the nearest edge of the travelled portion of the road, if there is no sidewalk and no curb;

- iii) Not more than thirty percent (30%) of the aggregate area of the side yards and rear yard of any residential zoned lot shall be occupied by parking spaces or storage spaces for motor vehicles, trailers, boats and motorized snow vehicles; no part of any such vehicle, on or above the ground, shall be located within 1.2 metres (~ 4feet) of the side or rear lot line or on any lands zoned EH-Environmental Hazard.
- iv) Except where provided and subject to the provisions of: Section 3.1.2 – Temporary Buildings and Construction Facilities; Section 12 – Resort Commercial (RC) zone; or Section 13 – Travel Trailer Park and Campground (TTP) zone, The use of tents, trailers, and recreational vehicles for human habitation shall be prohibited except:
 - a. On a lot which meets the minimum lot area requirements for the zone in which it is located;
 - b. For the occasional and temporary accommodation of non-paying guests, provided that a detached dwelling exists on the property and no secondary suite or private guest cabin exists on the property; and
 - c. In accordance with the driveway provisions outlined in Section 3.6.9. (ii); or
 - d. In accordance with the minimum side and rear yard setback requirements for the zone

Note: The Municipality's Tent and Trailer By-law also regulates the placement and use of Tents and Trailers.

2. Minimum Dwelling unit size

As per the minutes of the June 12 Council Meeting, we have amended the minimum floor area to 754 square feet.

Although it was discussed that this be a net floor area (inside the walls), on further consultation with the Chief Building Official we are recommending that, for administrative purposes in determining conformity with the by-law, the measurements be taken from the outside walls (which are already used/calculated for other purposes during the building permit process, and are used by MPAC and insurance).

We have thus prepared a recommended definition for the purposes of calculating floor area for dwellings, which is based on a definition that appears to work well in South Bruce Peninsula.:

~~“Floor Area, Gross” or “Gross Floor Area” means the aggregate of the area of all floors measured from the inside face of exterior walls and includes attic, cellar, basement, mezzanine areas, mechanical rooms, common walls, stair wells, garbage and electrical rooms, attached enclosed parking garage and similar service areas accessory and attached to the main use.~~

“Floor Area, Gross” or “Gross Floor Area” in the case of a residential dwelling, means the total area of all year-round habitable rooms located above finished grade and measured between the exterior faces of the exterior walls, but does not include garages, breezeways, and unenclosed porches, sunrooms and verandas. In the case of a building other than a residential dwelling, means the aggregate of the area of all floors devoted to retail sales, customer service and office use, industrial uses, recreational uses, institutional uses, as measured from the exterior faces or the exterior walls but not including mezzanine areas, mechanical rooms, common halls, stairwells, garbage and electrical rooms and parking structures.

We have left the apartment calculations as “net” floor area as these deal with areas within a larger building/structure.

Subsequent to the Council meeting we received further public submissions, including the results of a survey which was sent by Darlene James (Real Estate Agent) to her clients and which generated approximately 85 responses. The survey indicates support for smaller dwellings and is found in the correspondence to this agenda. We have also received a concern that smaller residences could lead to additions/renovations (with or without permits) that overload septic capacity. We note that additions above a defined threshold trigger a septic capacity review under the Building Code.

3. Sea Cans / Shipping Containers:

Shipping containers are currently prohibited in the Municipality. There may be properties in which their use is appropriate. In our previous conversation we noted that some other jurisdictions have taken a variety of approaches to shipping containers including separate provisions for temporary uses (moving, renovations) versus permanent placement.

Council indicated that further information and recommendations should be brought forward.

We recommended:

1. Define Shipping containers specifically in the by-law
2. Include provisions for shipping containers etc. on a driveway during moving under the Temporary buildings and structures provisions of the by-law (in addition to construction/renovation).
3. Require removal within 30 days of the completion of construction, and not more than 5 day for moving etc.
4. Include setbacks to roadway / curb / sidewalk / for temporary uses.
5. Permit shipping containers as a permanent accessory building to a principal building in non-residential zones, including Rural zones over 2 hectares (5 ac)
6. Apply the same screening / planting requirements for shipping containers as for outdoor storage.

We are proposing the following temporary provisions:

- **ADDED To 3.1.2 Temporary construction uses etc.**

Notwithstanding Section 3.1.2.3, a maximum of one Shipping Container may be located on a driveway subject to the following provisions:

- i) Where construction is underway, subject to the provisions of Section 3.1.2 above;
- ii) Where an occupant is in the process of moving, for a period not exceeding **fourteen (14) days (this could increase to 30 days).**
- iii) located so no part of the container on or above the ground is within:
 - a. a daylight triangle

- b. 1.2 metres of the side lot line; and
- c. 2 metres (~ 6.5 feet) from the nearest edge of the sidewalk or paved boulevard, or 2 metres (~ 6.5 feet) from the nearest edge of the curb if there is no sidewalk, or 3 metres (~9.8 feet) from the nearest edge of the travelled portion of the road, if there is no sidewalk and no curb;

We are proposing the following provisions for permanent placement of containers:

3.6.7 Shipping Containers

A shipping container may be permitted as an accessory detached building in the following zones: RU1, HC, CLI, AP, EX, MIS, OS, OSR, HI, RC, TTP, IN, INR, C1 subject to the following provisions:

- .1 The permanent placement of shipping containers shall only be permitted as an accessory use to a main permitted building on a property;
- .2 One shipping container may be permitted per 0.4 hectares of property, to a maximum of 4 shipping containers on a lot.
- .3 Shipping containers shall be located in interior side yards and rear yards only and must comply with all other regulations of the applicable zone in which they are located
- .4 In any zone other than a Rural zone Shipping containers shall be subject to the provisions of Section 3.17 – Open Storage Areas and shall require a Planting Area / Visual Screening in accordance with Section 3.15. In a Rural zone a Planting Area / Visual Screening from the street and any dwelling on an adjacent lot shall be required as per Section 3.15 except that the planting area may be located adjacent to the container.
- .5 Shipping Containers shall not be used for the purpose of a commercial storage facility;
- .6 Shipping containers shall not be stacked;
- .7 Unless otherwise permitted in this By-law a shipping container shall not be located in a required parking area;
- .8 A shipping container shall not be placed or used for the purpose of display or advertising.
- .9 A shipping container shall not be used for human habitation except where permitted and in accordance with the provisions of Section 3.6.9, Private Guest Cabin and Section 5.5 Hunting Cabins

Observations:

Can I Sleep or live in a Shipping Container?

- The by-law would limit habitation of a shipping container to a private guest cabin (Bunkie) or a hunting cabin.
- Although a private guest cabin is permitted in various zones, the only zone where a shipping container is permitted that a private guest cabin is also permitted is the RU1 General Rural zone. Should a shipping container private guest cabin be permitted elsewhere? Staff recommend not.
- If someone came forward with a fully-engineered plan to build a dwelling out of shipping containers, they would cease to be considered shipping containers and could be stacked to create a multiple-storey dwelling in any zone that permits a dwelling.

Public Comments on shipping containers:

Kevin Doyle has submitted comments (June 21st, July 24th) suggesting that shipping containers be permitted in any zone but no more than 1 container for lots less than 5 acres, with requirements for natural colours (green, brown, black) and strict setbacks.

4. Seasonal Dwellings:

Council did not appear to be interested in defining residential uses as ‘seasonal’ where they do not have year-round road access.

The definition has been amended to refer only to islands which are not attached to the mainland:

(g) “Dwelling, Seasonal” means a dwelling that is located on an Island that is not attached to the mainland and notwithstanding that it may be designed and/or constructed for year round or permanent human habitation is used only for seasonal occupancy.

5. Hunting Cabins

Council appeared to have some interest in seeing what provisions could look like for hunting cabins. Staff have developed the following provisions. Note that enforcement of provisions such as “on a temporary basis” would likely prove to be a challenge, and hunt cabin provisions could be used to establish small dwellings/cottages, for which size considerations are discussed above in this report.

Potential provisions:

DEFINITION: “Hunting Cabin” Means a building or structure with one or more rooms, at least partially furnished, and may include facilities for food preparation and overnight accommodation, on a temporary basis, for the purpose of accommodating anglers/hunters. A hunting cabin is not a dwelling as otherwise defined in this by-law.

5.5 Hunting Cabins

Where permitted by this by-law a Hunting Cabin may be permitted subject to the following provisions:

- .1 Notwithstanding Section 3.5.4 ‘Existing Lots’ the minimum lot area shall be 40 hectares (100 acres)
- .2 Notwithstanding Section 3.6 ‘Accessory Buildings, Structures, and Uses’, the Minimum setback to any lot line shall be 30 metres (100 ft).
- .3 The maximum floor area, gross shall be 70 square metres (754 sq. ft)
- .4 The maximum cleared area in association with a hunting cabin shall be 2000 square metres (0.5 ac).
- .5 A Maximum of one hunting cabin shall be permitted on a lot
- .6 A maximum of three Accessory buildings and structures, having a combined floor area, gross of 50 square metres (538 sq ft) may be erected in conjunction with a hunting cabin.

- .7 A hunting cabin on a lot not having direct access to a Class 1 Street shall be subject to Site Plan Control.

Where Permitted: RU1 General Rural (farm lot).

Some Options:

1. Define hunting cabins but do not permit them to be established
2. Define hunting cabins and establish provisions for their use, but do not permit them as of right (require site-specific application)
3. Define hunting cabins, provisions for their establishment, and permit them in RU1 General Rural Zones.

Recommendation:

- (1) Define hunting cabins but do not permit them to be established

6. Minimum Size for Private Guest Cabins

Minimum size (10.2m²) has been included in the proposed zoning by-law.

Note that in the R2 Resort Residential zone a private guest cabin would not be permitted on waterfront lots less than 4000 square metres and non-waterfront lots less than 8000 square metres. This could be modified to 4000 square metres for any R2 lots.

7. Minimum Distance Separation Guidelines where the Municipality has Flexibility in Application

The action item arising from this topic was cemeteries; we have identified all rural cemeteries as a Class 'A' land use which means that they would be accorded the same setback from new livestock facilities as a dwelling.

8. Livestock Facilities in 'Rural' Tobermory

We had recommended that the by-law consider provisions related to small numbers of bees, rabbits, and chickens; we have not had the opportunity to address this topic further in the draft by-law at this time.

9. Parking

Parking for Tour Boats and other marinas has been referred to a separate study.

We understand that the clerk is reporting back to Council on the cash-in-lieu of parking rates.

Another parking-related issue that we have received comments on relates to parking space sizes and dimensions. Daryl M. Robins Consulting which does a lot of site planning for development in the Municipality and other areas has commented that parking space requirements are larger than required in some other jurisdictions which makes it difficult to meet parking requirements onsite and/or results in additional site clearing. Current parking space size requirements are 3m wide with lengths ranging from 5.5m for 90 degree parking to 6m for parallel parking, with some variation for different angles for parking (30, 45, 60 degrees). We have reviewed parking standards which suggest that we may be able to trim some width from the required parking spaces and have done so already, to 2.75m. Parallel parking spaces should be slightly longer (6.7m / 22 ft) so there may be some further adjustments to these spaces.

10. Servicing Policies

Previously we reviewed factors affecting effluent concentration in groundwater, risks of cumulative impacts of sewage disposal systems on groundwater, the pilot study the Municipality had previously undertaken. We discussed the possibility that advanced sewage disposal systems could aid in improving groundwater quality on small lots, and that they should perhaps be required for new/replacement septic systems on lots below a particular size threshold, which we thought might be in the 2000 square metre range.

We suggest that it may be appropriate to consider areas where there is a Municipal Water Supply (Lion's Head) to permit a lower threshold, as there is less risk to immediately adjacent water supplies.

Since that meeting we have reviewed and input data from several previously completed Nitrate Studies in various areas of the Peninsula into a table and tested them to see the outcome.

Based on this work we are recommending that lots with Municipal Water supply that are under 2400 square metres be required to have an advanced sewage disposal system. Lots which have no Municipal water supply (ie full private services) should have an advanced sewage disposal system if they are less than 3700 square metres.

Norbert Woerns, a hydrogeologist who lives in the area, has submitted comments supporting the 2400 square metre threshold and suggesting that it may be too small. Mr. Woerns has found that in most cases lots in rural areas less than 4000 square metres are unable to meet MOECC criteria for protection of groundwater resources without enhanced sewage treatment. Mr. Woern's letter is attached as correspondence to this agenda. We have suggested 3700 square metres for areas where there are individual drinking water supplies in order to provide some flexibility, however it could be

applied at 4000 square metres which is just under 1 acre and equal to the minimum lot area for waterfront rural lots.

We have also reviewed provisions for higher-density development, such as semi-detached/duplex dwellings and accessory apartments. These provisions would be most relevant to the settlement areas (Lion's Head and Ferndale, and unserviced areas of Tobermory).

We have learned that there are some ongoing concerns with these systems performing the level or standard previously thought, particularly in colder climates. As of January 1st of this year changes to the Building Code came into effect which apply a new testing regime for these systems, and at present there are only 4 systems which meet this new regime and are thus approved under the Building Code. We believe that these systems, if properly maintained, will still function better than a standard class-IV system, however we suggest that they be considered primarily to provide an enhanced level of treatment for development of existing lots of record (make existing conditions better), rather than a means to permit new development at a higher density.

Provisions For Semi Detached / Duplex:

Provisions	No municipal water or sewer	Municipal Water	Municipal Sewer
minimum lot area – sewage disposal system	8000 m ² (86,111 ft ²) (a)	6000 m ² (16,146 ft ²) (a)	Not Applicable
Minimum lot area – sewage disposal system – advanced	7500 m ² (80,729.32 ft ²) (a)	3000 m ² (16,146 ft ²)	Not Applicable
Minimum lot area- Municipal Sewer	Not Applicable	Not Applicable	1000 m ² (10,764 ft ²) (a)

Provisions For Accessory Apartments:

Number of Bedrooms	Minimum Floor Area, Net per apartment	Additional Minimum Lot Area, Lot serviced by Sewage Disposal System, per apartment	Additional Minimum Lot Area, Lot Serviced by Sewage Disposal System – Advanced, per apartment
Dwelling unit consisting of single room	40 sq. metres (430.5 sq. ft.)	1800 sq. metres (19,375 sq ft)	900 sq. metres (9687 sq. ft)
Dwelling unit containing one bedroom	50 sq. metres (538 sq. ft.)	1800 sq. metres (19,375 sq ft)	900 sq. metres (9687 sq. ft)
Dwelling unit containing two bedrooms	60 sq. metres (646 sq. ft.)	2700 sq. metres (29,063 sq ft)	1300 sq. m. (13,993 sq. ft)
Dwelling unit containing three bedrooms	70 sq. metres (754 sq. ft.)	3900 sq. metres (21,528 sq ft)	1800 sq. metres (19,375 sq. ft.)
Dwelling unit containing more than three bedrooms	70 sq. metres (754 sq. ft. plus 10 sq. metres (108 sq. ft.) for each bedroom in excess of three.	250 square metres of lot area per 100L of daily design flow	125 square metres of lot area per 100 L of daily design flow.

What is the net effect?

In rural areas, many of the “older” lots would require an advanced sewage disposal system when it comes time to replace the system. Most lots in subdivisions created in the last ~20 years have larger lot areas or require advanced sewage treatment, or both, depending on hydrogeological conditions.

We have not contemplated permitting more than one dwelling unit on a lot in the R2 Resort Residential designation, either in the form of secondary suites, apartments, or detached accessory dwelling units. We have received a comment requesting that these be permitted, and that maximum separation distance between these and the main

dwelling be increased to allow additional privacy. Our recommendation is against accessory dwelling units in the R2 Resort residential zone, beyond the private guest cabin which can function as a “detached bedroom.” Additional units would not serve to increase the supply of affordable housing in and around settlement areas where services are available and growth and intensification should generally be directed.

In settlement areas like Lions Head, most lots are under 0.2 ha (1/2 ac) and thus would require an advanced sewage disposal system. It would likely be difficult to achieve higher-density development given the minimum lot area of 2400 square metres plus 900 square metres to permit a bachelor / 1 bedroom apartment on a single-detached lot. Similarly, it would be difficult to approve additional apartment uses associated with commercial development on smaller lots in the downtown area.

This is less of an issue in areas of Tobermory that are connected to the Municipal sewer system, provided that there is sufficient capacity in the sewage lagoon.

Achieving modest new development and infilling on private sewage disposal systems in Lion’s Head, Tobermory, and Ferndale may not be compatible with groundwater protection. We have reviewed and prepared recommended lot sizes based on a generalized review of the MOE’s D5-4 guideline to protect groundwater resources. The outcome is that low intensity development requires more expensive advanced individual onsite sewage disposal system and medium “intensity” development (like Townhouses) requires large lot areas that are in very short supply. It may be appropriate to consider whether these costs would be better directed towards Municipal Infrastructure (water and sewer). This would further support the Infrastructure recommendations of the Economic Development Strategy recently received by the Municipality.

Recommendations:

- Establish a zoning provision that requires an advanced sewage disposal system for any new/replacement sewage disposal system on lots which are less than 3700 square metres (full private services) or 2400 square metres (municipal water services).
- Establish a minimum additional lot area requirements for higher-density development (above).
- Apply these provisions to Urban zones on septic systems and to the R2 Resort Residential zone.
- Incorporate Infrastructure recommendations (infrastructure development plan, and municipal services advantages) from Economic Development Strategy into Official Plan
- Initiate process to provide / expand Municipal Water and Sewer service infrastructure in settlement areas.

11. Decks, Docks, Boathouses

Council requested that we address docks on rivers. We have:

- Added that a boathouse may be located along a navigable waterway flowing directly into Lake Huron/Georgian Bay (in addition to inland lakes and Lake Huron/Georgian Bay)
- Defined boat launching and docking as follows:

“Boat Launching & Docking” means a structure that is used to take a boat into or out of a navigable waterway, or to moor a boat. The definition includes a launching ramp, boat lift, or dock but does not include any building or roofed or enclosed structure, fuel pumps or any boat servicing, repair or sales facility.

- Added minimum dock setback from side lot line of 5 metres (16.5 ft).

These changes would preclude boat covers such as this one found on google images:



Kevin Doyle has submitted comments that:

- 400 square feet is too small for a boathouse, suggesting 600 square feet as an alternative
- Request that the provisions not specify that a boathouse is on a lot which precludes boathouses from being located in the water.

Observations include:

- We have initiated, but not yet met with First Nations to discuss implications of land claims to lake beds on boat launching docking and structures in lakes and rivers
- There are very few boathouses located in the water in the Municipality. Most structures have been constructed on land above the water with removable and extendable marine railway systems to reach the water.
- Boat canopies such as that above tend to be seasonal and removable and could be appropriate.
- The Municipality could consider size provisions in addition to setbacks for such canopies to limit their visual impact.
- Kawartha Lakes has a maximum boathouse size of 320 square feet.
- Boathouse size beyond these considerations could be addressed through minor variance applications, or by having a maximum size that is tied to lot area and/or water frontage, however this could be cumbersome to implement.

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

We previously reviewed a number of these features (significant wetlands, woodlands, valleylands, areas of natural and scientific interest, fish habitat, habitat of endangered species and threatened species, and noted that we have identified an approach to significant wetlands and coastal wetlands (development prohibited) and adjacent lands (site plan control), and have mapping that could allow us to identify areas of natural and scientific interest. We identified the following options and recommendation:

Options

Areas of Natural and Scientific Interest and their adjacent lands could be subject to:

- The same zoning as surrounding areas, if the range of development permitted as-of-right is considered to have no impact on the ANSI.
- A narrower range of permitted uses, noting that the PPS does permit *agricultural uses to continue*
- A Natural Heritage Holding zone provision which requires a evaluation of the development and a site plan agreement prior to development
- An entirely separate zone category which prohibits development and site alteration, and which requires an Environmental Impact Study prior to development / site alteration.

One further consideration is whether there are opportunities to harmonize treatment of these areas with the new Niagara Escarpment Plan, which appears to recognize limited development, similar to the concept of a narrower range of permitted uses. We have reached out to NEC staff regarding implementation of this policy but had not received a response at the time of writing this report.

Recommendation

1. Natural Heritage Holding Zone provision, which requires evaluation of the proposal and a site plan agreement prior to development; or
2. Narrower range of uses such as existing agricultural uses, conservation, forestry, detached dwelling, and accessory buildings, structures, and uses

13. “Open Space” Zoning Conservation Organization Lands

Lands meeting the criteria described in our last report have been placed 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, distinct from the municipal parkland zone.

14. Environmental Hazard Zoning: Great Lakes / Georgian Bay

We have received some comments in respect of the Great Lakes / Georgian Bay setbacks where flooding and wave uprush are the most significant concern.

The majority of these comments have been in respect of properties on the Lake Huron side (100 year flood elevation of 177.6 remains unchanged). We have received a few comments from the area between Cape Hurd and (approximately) Stormhaven where the 100 year flood elevation is increasing 0.1 metres to 177.7 metres, and almost no comments from the Georgian Bay side where the flood elevation is increasing 0.2 metres, to 177.8 metres.

We have noted that the associated floodproofing elevation for Georgian Bay is 178.0 metres which is just 0.2 metres above the 100-year flood level. We would suggest that Council consider applying the same flood proofing elevation for this shoreline as is applied to the Lake Huron shoreline, of 179.1 metres. We reviewed the available contour information for the Georgian Bay shoreline and note that nearly every building/structure (except the odd boathouse) appears to be located above this elevation, and most vacant lots have a steep shoreline so compliance is unlikely to be a problem. The Grey Sauble Conservation Authority also supports a 179.1m floodproofing elevation throughout the Municipality.

Many of the comments we have received are in respect of where the line occurs on the map, and we have clarified that the line is based on the best information available but can be refined if better information is available.

Question:

How should lots that have no building envelope above the 100-year flood elevation should be addressed. The zoning by-law places all lands below the 100-year flood elevation in the EH-Environmental Hazard zone.

Preliminary Recommendation: Require a zoning by-law amendment if shoreline hazards are proposed to be filled in order to permit development on an existing lot of record. This would trigger a site review and limit fill to the extent necessary to facilitate development. Filling should not be permitted as a means to increase developable lot area and thereby facilitate severance of new lots.

15. Environmental Hazard Zoning: Inland Lakes

We have received a number of comments in respect of development on inland lakes, many expressing disbelief that potential flooding and erosion could warrant a 15 metre “Environmental Hazard” setback and expressing concerns about lot value and insurance.

We have noted that a 15 metre setback is applied in other jurisdictions on inland lakes, including the Town of South Bruce Peninsula. We also note that Muskoka applies a 20 metre setback to the shoreline on inland lakes.

Some confusion may have resulted from the fact that, on the great lakes, setbacks are applied from the 100-year flood elevation line whereas on inland lakes the setbacks are included within the line shown on the proposed maps/schedules.

Current setbacks are:

- 7.6 metres to lot line.

Proposed setbacks are:

- 15 metres to high water mark for new development (included in mapping);
- Additions permitted for existing development as long as 90% of the building is 10 metres from the high water mark, and the addition is no closer to the lake than existing

We reviewed development along Miller Lake and Cameron Lake and found that:

- Most lots have already been developed
- On many lots the existing cottage is 15 metres or more from the lake
- Approximately 85% of the lots would have 90% of the dwelling 10m from the shoreline so could have an addition.

We are looking into opportunities to refine the setbacks in this area.

16. Watercourse Setback Reduction

The setback to a watercourse was recommended in the Pilot Project Steering Committee Report. This applies to generally smaller watercourses that are not mapped as EH Environmental Hazard; if the watercourse has EH mapping associated with it greater than 15 metres then development is not permitted within the EH zone.

17. Dyers Bay Gravel Pit Site

We have received comments throughout the process, and further comments at the July 8 open houses, expressing:

- concerns from neighbours about permitting camping at this location; and
- a request on the part of the landowner to establish zoning on the property that permits the owner's intended uses which are more appropriate than the obsolete zoning associated with the former gravel pit.

We recommend that the current zoning category (Extractive Industrial) be carried over into the new by-law and that this site-specific proposal be dealt with through a separate zoning application process.

18. Roxy's Gas Station / Variety

We have received comments that the zoning does not appear to reflect existing uses, and will investigate this further with the owner to determine their history and whether and how best to recognize existing uses in the new by-law.

19. Other Public Comments / Questions:

Public comments and questions received by the Planning Department and Municipality through the first two Open Houses and through direct correspondence are attached as items of correspondence to this agenda.

Respectfully Submitted,

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Bruce County Planning and Development