



Municipality of Northern Bruce Peninsula Planning Report



Meeting Date: October 10, 2017
To: Northern Bruce Peninsula Council
From: Jakob Van Dorp, Senior Planner
County of Bruce Planning and Development
Subject: New Comprehensive Zoning By-law

Recommendation:

That this report be received for information;

That Council provide direction with respect to:

- *Mapping of 100 year flood elevations along Lake Huron/Georgian Bay (Topic 1a);*
- *Setbacks for development on inland lakes; (Topic 1b)*
- *Mapping of Provincially Significant Wetland boundaries that do not correspond to identified flood hazards (Topic 1c)*
- *Mapping of 120m lands adjacent to PSWs (Topic 1d)*
- *October 14, 2017 as an 'end date' for requests to review mapping so that "final" hazard mapping can be completed and incorporated into zoning schedules (Topic 1e);*
- *Advanced Sewage Disposal Systems on Small Lots (Topic 2);*
- *Agricultural Uses in Rural areas of Tobermory (Topic 3)*
- *Further Revisions as outlined in Appendix 'C'(Topic 4)*

And further that Council direct staff to undertake the revisions to the proposed zoning by-law as indicated, publish the revised draft by-law and associated schedules, and circulate notice for a Public Meeting to hear submissions from the public at the Tobermory Community Centre on Saturday December 2, 2017.

Background

This report is a followup to a report presented on the September 25, 2017 Council Agenda and in response to an Open House and Public Meeting in respect of the proposed Official Plan Update and New Comprehensive Zoning By-law which was held on that date.

Agency Comments

To date comments have been received from:

- Source Water Protection office

- Grey Bruce Health Unit
- Ministry of Transportation

These comments relate for the most part to the Official Plan Update and are attached as appendices to that report on this agenda.

Public Consultation

The public consultation strategy was reviewed in the September 25th report.

Public Comments

There have been many comments received from the public in respect of the proposed zoning by-law. The following section is a followup to the September 25th report and previous reports to Council and highlights issues and options for some of the key themes or topics that have been generating interest. The options presented have been reviewed by staff; should other alternatives be proposed we would recommend that they be subject to review prior to Council providing direction.

- 1) Mapping of Environmental Hazards, further related to:
 - a. Great Lakes and Lake Huron Shoreline;
 - b. Inland Lakes;
 - c. Provincially Significant Wetlands;
 - d. PSW adjacent lands (Site Plan Control area, not a hazard)
 - e. Mapping Accuracy (including other inland areas)
- 2) Advanced Sewage Disposal Systems on small lots
- 3) Agricultural Uses in Rural areas of Tobermory
- 4) Scope of Changes to the by-law

Public Comments from the meeting are attached as minutes and comments received since September 25th are attached as Correspondence to this agenda, and have been reviewed. Staff has continued to endeavour to acknowledge each comment, and to respond directly and personally wherever possible to address concerns that were raised in advance of this meeting. Due to the volume of comments received this was not always possible to achieve. Some comments have proposed changes to the draft by-law and where staff recommends that these be incorporated they are indicated either below or in Appendix 'C' which lists further changes to the proposed by-law that have been identified.

The following report responds to these issues or questions and provides some options for Council to consider.

1. Environmental Hazards.

The purpose of mapping Environmental Hazards is to identify and be able to direct development outside of areas where there are hazards to life and property due to naturally occurring processes.

a. Should the 100-year Flood Elevation (Great Lakes and Lake Huron Shoreline) be mapped?

The 100-year flood event is based on the Ministry of Natural Resources' 1989 Report which provides specific elevations above sea level for different sections of shoreline along the

Great lakes. The proposed by-law would apply 100-year flood elevation provisions as below to correspond to the MNRFs modeled 100-year flood elevations.

Area	Current By-law 2002-54	Proposed, per 1989 MNRF Report	Note
Lake Huron Pike Bay to Cape Hurd	177.6	177.6	(no change from current by-law 2002-54)
Cape Hurd to Stormhaven	177.6	177.7	(+10 cm from current by-law 2002-54)
Georgian Bay	177.6	177.8	(+20 cm from current by-law 2002-54)

Some comments have suggested that because the proposed coastal Hazard mapping has been adjusted in numerous cases based on further review, the mapping is inherently flawed and represents a potential negative impact to coastal property values where lands are identified as subject to “Environmental Hazards.” The impression is that, if the flood line is mapped, it should be accurate.

The mapping that has been produced represents a significant improvement over the information that is currently available. Some adjustments to the proposed maps have occurred, mainly in areas with thick forest cover. Although most adjustments have been minor, there are a few significant areas that have been adjusted. For example, all dwellings in the “Mill Point” area in Pike Bay have been confirmed to be above the 100-year flood elevation. The GSCA is continuing to process requests that have been received, with the mapping becoming increasingly refined.

Although the combination of remote mapping and site reviews is generating good results, the Pilot Project steering Committee Recommendation 8 did acknowledge that “accurate shoreline mapping is not, in all cases, available and that the impacts associated with great lakes can be addressed through written provisions in the comprehensive zoning by-law.”

Advantages of Mapping the 100 year flood elevation include:

- Provides a clear and Transparent way to show that there are areas along the shoreline that are not appropriate for buildings and structures
- Easier to implement as it provides a basis for scoping where surveys may be required to address setbacks and floodproofing elevations
- Methodology represents a good balance between precision and cost to establish location of 100-year flood elevation (more precision could be achieved through LIDAR or surveys at far greater cost)
- Identify areas of existing development where proactive measures could be undertaken to address or mitigate hazards associated with the Great Lakes

Disadvantages of Mapping 100-year flood elevation

- Accuracy is increased, but not perfect

- Perceived adverse impact on property value associated with lands being identified ‘EH Environmental Hazard’

Advantages of Removing the 100-year flood elevation from the Schedules include:

- Addressing current landowner’s concerns regarding land values associated with ‘Environmental Hazards’
- Removes responsibility from Municipality, and places it on current or prospective owners who wish to build anything to prove that their proposed development / lot is not subject to hazards (ie more topographic surveys completed)

Disadvantages of Removing the 100-year flood elevation from the Schedules include:

- Text provisions (Zoning over Water Bodies and Setbacks to Lakes, Rivers, and Drains) which are intended to establish the basis of the hazard mapping may not adequately communicate impacts to properties.
- Currently available alternatives have their own challenges - current shoreline “Environmental Hazard” mapping is not consistent, and property boundaries information which is derived from various sources is not relevant for communicating hazards. There would be a practical problem in illustrating where land stops and water begins.
- Removal of shoreline hazard mapping could imply to some that there are no hazards associated with the shoreline, and for others text references and the absence of information could create a heightened level of concern – resulting in multiparty confusion about the nature and extent of shoreline hazards.
- Less certainty could result in more people requesting topographic surveys to determine hazards before they buy a property, and more people needing to get surveys completed to determine if they have adequately addressed setbacks / elevations.

Options regarding 100-year flood elevations

- i) GSCA continues to refine Schedules based on mapping requests received by October 14, 2017. Schedules incorporating these refinements to be published by November 10, 2017; or
- ii) Council directs that 100-year flood line be removed from zoning schedules. If Council chooses this option we would recommend that the Schedules, text of the by-law, and interactive mapping software clearly indicate that Coastal Flooding Hazards have not been shown and that it is the landowner’s responsibility to seek professional assistance in determining the nature and extent of coastal hazards.

Planning and Building Department Staff, who are responsible for administration of the by-law on a day-to-day basis, recommend Option 1 as Option 2 is not practical for implementation.

b. Potential Wave Uprush Area – Setbacks to Lakes Rivers and Drains

The Potential Wave Uprush Area is addressed through text provisions of the by-law under “Setbacks to Lakes, Rivers and Drains.” Council has directed that the Red Line which was used to illustrate this area be removed from draft zoning schedules.

Above the 100-year flood elevation, the current zoning by-law outlines two approaches to addressing wave-related impacts for new development.

1. Elevate buildings and structures to a minimum floodproofing elevation; or
2. Employ a development setback of 15 metres from the 100-year flood elevation

The Proposed Zoning by-law maintains this concept.

We have also received comments in different themes:

- **Theme 1:** floodproofing elevation (proposed to be 179.1m for all areas) is not based in fact and does not take shoreline variations into account (which could permit reduced floodproofing distances or elevations); studies should be completed.

Response: For comparative purposes, a shoreline Management Plan has been completed for South Bruce Peninsula (SBP). This Plan is translated into the Comprehensive Zoning By-law with provisions for various sections of shoreline. This plan and the zoning by-law also bases development provisions on setbacks from the 100-year flood elevations from the 1989 MNRF report – 177.6m for Lake Huron, and, for the SBP shores of Georgian Bay, 177.9 metres. The shoreline management plan does not change the 100-year flood elevation.

The South Bruce Peninsula by-law provisions are:

1. 9 metre setback from 100-year flood elevation for new development, **and** floodproofed to minimum elevations.
2. 9 metre setback from 100-year flood elevation for additions, or no closer to lake than existing, provided the existing is above the 100-year flood elevation **and** floodproofed.
3. Decks permitted on existing as long as no part of the deck is below the 100-year flood elevation.

The SBP zoning by-law also establishes floodproofing requirements for various reaches (see table below). Areas which are within the Fishing Islands have a lower floodproofing elevation; exposed areas (Lake Huron side of the Fishing Islands, and Sauble Beach north) have floodproofing elevations of 179.0 metres.

On the Georgian Bay side, Hope Bay has a floodproofing elevation of 179.1 metres.

LAKE HURON	
Reaches H1-H9	Sauble Beach to Hawk's Nest Point -- Elevation 179.0 m Geodetic Survey of Canada datum (GSC)
Reaches H10 to H16	Hawk's Nest Point to Indian Point -- Elevation 178.4 m (GSC)
Reaches H17 to H19	Indian Point to St. Jean Point – Elevation 178.2 m (GSC)
Reaches H20	St. Jean Point to Pike Bay -- Elevation 178. 7 m (GSC)
Reach H21	Lake Huron Side of the Fishing Islands -- Elevation 179.0 m (GSC)
GEORGIAN BAY	
Reach G35	East Town Boundary to 736 Frank St. – Elevation 178.7 m (GSC)
Reach G36 to G37	736 Frank St to the former Amabel Twp. Boundary -- Elevation 178.2 m GSC
Reach G38	Amabel Boundary to Cape Croker Boundary – elevation 179.0 m GSC
Reach G39	Hope Bay – elevation 179.1 m GSC

Given that the Shoreline of Northern Bruce Peninsula is often comparable to the exposed bedrock shoreline of the Fishing Islands, and that there is a greater “fetch” for Northern Bruce Peninsula (more of Lake Huron) than South Bruce Peninsula, a conservative wave uprush allowance (15 metres) and a slightly increased elevation (179.1) appears to be appropriate. On the Georgian Bay side, the proposed 100-year flood elevation is the same as that indicated for the adjacent area of South Bruce Peninsula.

- **Theme 2:** The priority should be to direct development outside of the wave uprush allowance, with mitigation (floodproofing) as a last resort;
Response: We generally agree. The [Natural Hazards] Pilot Project Steering committee, in its review of this issue, identified that the concept of a greater setback or lesser setback with floodproofing should be retained.
- **Theme 3:** A 30 metre coastal influence area should be indicated, and the setback should be 15 metres for all new development unless supported by coastal engineering report that demonstrates that a lesser setback is appropriate
Response: The [Natural Hazards] Pilot Project Steering committee, in its review of this issue, identified that the concept of a greater setback or floodproofing as found in the current zoning by-law 2002-54 should be retained.
- **Theme 4:** The by-law should clearly note the potential for site-specific coastal engineering to provide alternatives
Response: This could be addressed through an explanatory note (within, but not part of the by-law) that identifies the possibility of a minor variance application supported by coastal engineering.
- **Theme 5:** 30 metre provision for lots created Since 2000 may be challenging to implement
Response: We have reviewed this provision and recommend that it can be addressed through site-specific provisions for the affected lots that have been created since that time.

- **Theme 6:** Existing buildings and structures – rebuilding and additions.
Response: The by-law recognizes that structures exist and provides for additions or replacement in the event of catastrophe (subject to floodproofing noted above). We would generally recommend that the opportunity be taken wherever possible through redevelopment to locate further from shoreline hazards.

Recommendation regarding Setbacks to Great Lakes:

Continue as proposed, but remove provisions for lots created since 2000;

c. Inland Lakes Setback

Inland Lakes were initially mapped with a 15 metre Environmental Hazard setback from their high water mark, similar to the direction of the County Official Plan for treatment of watercourses and policies for development on inland lakes. Specific text provisions proposed standards for additions to existing buildings and structures in based on their proximity to the lake.

The area to be zoned “Environmental Hazard” was subsequently reduced to the high water mark of the lake, with the 15 metre area removed from the schedule.

From our analysis of the lakes we found that the majority of development is currently at a 10 metre or greater setback from inland Lakes.

Text provisions were simplified to provide a 15 metre setback for new development, and to permit additions to existing buildings and structures provided that they are not less than 10 metres from the lake. The provisions also generally permit an unenclosed structure (deck or gazebo) and a boathouse (on one’s property).

These provisions could benefit from further clarification that additions be permitted above an existing dwelling, so long as additional ground area is not occupied within 10 metres of the lake.

We have heard some comments requesting that flexibility in setbacks to the shoreline for vacant lots be maintained, based on:

- The relatively small number of vacant lots remaining on the inland lakes,
- That some of these are infill lots where development on either side is closer to the lake and side lot lines (end up looking at neighbours cottage),
- That some are lots with constraints such as slopes or exposed rock which can create additional challenges for placing buildings and structures,

To address these concerns Council could consider establishing a 10 metre setback for new development and for additions to existing buildings/structures on inland lakes. We would not recommend any less than 10 metres for the reasons outlined in the September 25th report. A summary of changes through this process is found in the table below.

	Main building	Additions to main building	Accessory buildings
Current Zoning By-law 2002-54 (option i below)	7.6 metres (yard setback)	7.6 metres	1 metre, boathouse 8 square metres maximum, 0m from lake, 10m from lot line
Initial Proposed by-law (2013 and May and July Open Houses)	15	No closer than existing, not permitted where more than 10% of dwelling within 10m of lake	Same as main building, except: Unenclosed – 1m Boathouse 0m from lake
Currently proposed by-law (September 25 Open House and Public Meeting (Option ii below))	15 (new)	10 metres	Same as main building, except: Unenclosed – 1m Boathouse 0m from lake
Option (iii) below	10 metres	10 metres	Same as main building, except: Unenclosed – 1m Boathouse 0m from lake

Options for Inland Lakes

- i) Use provisions from current zoning by-law (7.6 metres) – not recommended
- ii) Continue as proposed; clarify that additions are permitted above existing dwellings that do not meet 10 metre setback so long as no additional ground area is occupied within 10 metres of the lake;
- iii) Same as (i) but reduce setback for new development on existing lots from 15 metres to 10 metres; or

d. Provincially Significant Wetlands (PSWs)

Municipalities are directed, through the Provincial Policy Statement, to prohibit development and site alteration in PSWs and to prohibit development on lands adjacent to PSWs unless the function of the lands has been evaluated and it can be demonstrated that there will be no negative impact on the wetland feature or its ecological functions. The PPS notes that it these policies are not intended to limit the ability of agricultural uses to continue.

Information about PSWs from the “Natural Heritage Reference Manual” is attached as Appendix ‘A’

Comments received regarding PSWs express concern that, in some cases, these wetlands have not been previously identified within the EH Environmental Hazard zone, are not accurate, that the EH-PSW zone poses a threat to the enjoyment of property, results in loss

in value and/or government 'seizure' of land, and that Council should make its own decisions. As the layers are provided and administered by the province, we have generally directed boundary related queries, and queries regarding property tax relief for PSW lands to the MNR.

There do appear to be some legitimate concerns regarding the accuracy of the PSW mapping, and limited resources on the part of the province to review and update the maps. Through this process the Municipality has directed considerable resources into preparing updated mapping of Environmental Hazards including areas subject to flooding hazards that are associated with wetlands.

In the absence of more reliable information to determine the extent of Provincially Significant Wetlands, Council may wish to direct that the hazardous lands associated with PSWs be zoned "EH-PSW" and that the other areas be excluded from the EH-PSW zone (Option 2 below). The province can then determine if it is able to provide more accurate maps for the purposes of the zoning by-law.

Options for PSWs:

- i) Map PSW boundaries as provided by the Ministry of Natural Resources;
 - ii) "Clip" the boundaries of the EH-PSW zone to the hazard layer mapped through this project; or
- e. Lands Adjacent to Provincially Significant Wetlands (Green line)

The Provincial Policy Statement "Test" for development on lands adjacent to a PSW is that the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

The PPS policy is not intended to prevent agricultural uses from continuing, and does not prohibit development – but signals that some work is required to avoid impacts to the wetland. Information about adjacent lands from the Provincial Natural Heritage Reference Manual is also found in Appendix 'A'.

The Province recommends 120m as the adjacent lands for a PSW. The Municipality may develop its own approaches for determining the extent of adjacent lands and level of effort required to meet the PPS test, as long as they achieve the same objective. The Municipality may tailor requirements to take into account existing development, existing land use entitlements and the existing land use fabric.

It is worth noting that the Province also recommends 120m adjacent lands for habitat of endangered and threatened species (not well mapped) significant woodlands (not currently mapped); significant wildlife habitat (not currently mapped); life science areas of natural and scientific interest, and fish habitat (generally, the Lake). These have not been specifically identified as being subject to site plan control.

Is there a difference between being adjacent to these features and adjacent to PSWs? PSWs themselves are the only feature in which development and site alteration (except for agricultural uses to continue) are to be prohibited; in the other natural heritage features

development is subject to a lower threshold – for example subject to Endangered Species Act, or demonstration of no negative impact.

The Pilot project steering committee specifically addressed PSW adjacent lands and recommended that the Municipality:

- Not include these adjacent lands within the Environmental Hazard “zone”
- Recognize them in plans, authorize site plan control in plans, and have the Municipality of Northern Bruce Peninsula “develop and adopt site plan control standards to the extent that the requirements for site plan approvals on “adjacent lands” are known and predictable.”

We have identified Site Plan Control standards as a followup project, with separate terms of reference, however we understand the concern about undefined regulations. The purpose would be to establish straightforward standards to address the impacts anticipated from development permitted by the by-law, with minimal administrative burden. For example, we would suggest that efforts on adjacent lands for existing lots of record which are zoned R1, R2, Hamlet Residential and entirely within the adjacent lands be limited to following best practices. Some of the typical best practices that we have often seen included in new development proposals, which could be appropriate for these situations, include items such as the following:

- Avoiding clearing more trees and vegetation than necessary,
- Avoiding clearing during migratory bird breeding season (June-July)
- Using siltation control to avoid runoff from disturbed areas until soil is revegetated and stabilized
- Preparing a grading plan for new buildings/structures or site alteration greater than a particular size, such as 10 square metres)
- Focusing heavy equipment operations during construction to daytime hours (avoidance of dawn/dusk activities)
- Using dark sky compliant lighting

It is important to note that this is a provisional list and additional or revised may be ultimately recommended.

As these typically relate to specific building proposals it may be possible to have these best practices referred to staff to be addressed through the building permit process. This could avoid additional burdens that may be associated with site plan approvals. It may also be the case that these best practices are broadly applicable and should be adopted throughout the Municipality to mitigate impacts of development.

Where there is an opportunity to do so, Development should be encouraged to locate outside of the PSW adjacent lands; recall that PSW are wetlands which, given a choice, may not be great to build next to. Noting again that these provisions do not prevent agricultural uses from continuing, implementation of the above noted best practices may be appropriate for activities such as redevelopment and additions to existing disturbed areas, with additional review triggered for new uses or significant increases in disturbed areas.

Should the adjacent lands be mapped in the zoning by-law? The tradeoff in this situation appears to be between transparency and perceived impacts.

Advantages to mapping PSW Adjacent lands	Advantages to not mapping PSW Adjacent lands
<ul style="list-style-type: none"> • Easy to illustrate – supports transparency • Easy to implement – lots are “in” or “out” • Signals important features nearby that are worthy of protection 	<ul style="list-style-type: none"> • Avoid perceived negative impact on current property value associated with line on a map
Disadvantages to mapping PSW Adjacent lands	Disadvantages to not mapping PSW Adjacent lands
<ul style="list-style-type: none"> • Level of effort required to address impacts may be suitable best practices everywhere – why single out these areas? • Perceived impact on property value associated with line on a map • Line is offset from PSW boundaries; confidence in accuracy of PSW boundaries is limited 	<ul style="list-style-type: none"> • Trust/disclosure issue (why wasn't it mapped where everyone can see it?)

Mapping Options for Adjacent Lands:

Subject to Council’s direction regarding mapping PSWs (1 “d” in this report)

- i) Map 120m adjacent Lands to PSWs and identify as site plan control area;
- ii) Recognize and exempt existing built-up areas such as R1, R2, HR zones etc (typically associated with Rural Recreation, settlement area, hamlet) to take into account existing development, existing permitted uses and the existing land use fabric and map other lands;
- iii) Do Not Map the adjacent lands

Staff recommends 120m adjacent lands be mapped.

f. Mapping Accuracy including other Inland Hazards

Some requests for review have been received regarding other Hazards including location of slope erosion hazards (typically in proximity to Niagara Escarpment) and introduction of Hazard mapping to properties that were not previously identified as having hazards. These were referred to the GSCA for review, with the note that the objective is not to create hazards but rather to identify hazards to buildings and structures that exist on the ground to protect life and property. Identifying these hazards does not prevent agricultural uses or activities, and is important as some hazards are not immediately apparent. Some hazards, such as flooding hazards on agricultural lands, may be able to be mitigated, for example through drain improvements, or increasing the elevation of a specific area, and the by-law gives the Chief Building Official the authority to consult with such expertise as is warranted

to determine if hazards exist. Until such mitigation occurs, however, we would recommend that lands that exhibit hazards to buildings and structures be identified.

Progress of Assessments

The GSCA is continuing to review hazard requests and planning further site visits for specific situations. We recommend that Council establish October 14, 2017 as an end date for requests so that the GSCA can finish reviewing the requests that they have received and any changes can be incorporated into final schedules to be published at least 3 weeks in advance of any further public meetings for the proposed zoning by-law.

We noted that there are 4 private landowners where additional hazard areas have been identified. Staff contacted with 3 of the 4 owners and reviewed the mapping, and left a message with the 4th.

Recommendation:

Establish October 14, 2017 as an end date for new requests for Environmental Hazard area reviews.

2. Advanced Sewage Disposal Systems for Small Lots

Background information on this topic was outlined in the September 25 report under the Local Official Plan Update. The proposed zoning by-law includes provisions to require a “sewage disposal system – advanced treatment unit for new or replacement septic systems on R1, R2, and HR Hamlet Residential lots under 2400 square metres serviced by Municipal water and lots under 3700 square metres where there are no municipal services.

The by-law also expands the minimum lot area requirements for additional dwelling units to address lot area requirements for these uses. Based on typical lot areas where Municipal sewer services are not available there are very limited opportunities for additional apartment uses that would be consistent with groundwater protection.

Options regarding Small Lots:

With regards to single-detached dwellings on existing lots of record, Council may wish to:

- i) Retain the provisions as proposed (2400 square metres on Municipal Water, 3700 square metres on full private services;
- ii) Establish a smaller lot area where advanced sewage disposal systems would be required (i.e. 2400 square metres); or
- iii) Direct that provisions requiring advanced sewage disposal systems for single-detached dwellings on existing undersized lots of record be removed from the proposed by-law, noting that some lots may require these systems regardless based on local conditions, and that proposed servicing policies in the Local Official Plan may require some adjustment in respect of vacant lots.

Council should consider retaining lot area provisions regarding new higher-density development (semi-detached, duplex, apartments) within settlement areas as these provisions could provide an alternative to site-specific studies in some circumstances.

3. Agricultural Uses in Rural areas of Tobermory

There has been renewed interest in this topic which had been discussed earlier in the process (June 12th report) but was set aside on July 31st. The current Zoning by-law 2002-54 uses a RU2 Restrictive Rural Zone for Rural areas in Tobermory and other sensitive areas of the Municipality which prohibits “intensive” agricultural uses, defined as “the housing of livestock and associated manure facilities for 150 animal units or more, or 1.5 animal units per tillable acre.” The need for this definition has been replaced by the Nutrient Management Act which applies to new or expanding livestock facilities.

Livestock facilities are not generally compatible with urban areas due to the higher density and range of uses that are expected to occur. Impacts of livestock facilities can include both odour-related issues and groundwater impacts from manure, particularly in a fractured bedrock (karst) environment such as Tobermory. While existing facilities are permitted to remain, investment in new livestock facilities should occur outside of urban areas where there is a lower intensity of uses.

Should Council wish to maintain the provisions of the Current zoning by-law 2002-54 in respect of livestock facilities we would recommend that they be clarified as follows in order to balance the rural interests with the settlement area designation:

- Clarify that it applies to the lesser of 150 nutrient units or 1.5 nutrient units per tillable acre; include nutrient units as defined in Provincial MDS guidelines in definitions.
- Minimum Distance Separation applies and calculations treat adjacent sensitive uses as a Type ‘B’ land use (2x the type ‘A’ setback that applies to clusters of residential uses and to settlement areas).

Options for Agricultural Uses:

- i) Use proposed provisions which prohibit new livestock facilities in these settlement areas;
- ii) Use provisions from current zoning by-law 2002-54 that is in force and effect, with the clarifications noted above;

4. Scope of Changes to By-law and Consultation

The challenge of preparing a new comprehensive zoning by-law is that it often does involve considerable change.

The consultation process was outlined in the September 25th report. This report is prepared in support of ongoing public consultation that will provide Council with additional information to consider prior to making a decision.

Discussion of Other Changes

Appendix ‘B’ is a review of changes between the current zoning by-law 2002-54 and the proposed by-law. The format generally corresponds to the order of the “Side by Side” zoning by-law. This Appendix has been expanded from the review provided in the September 25, 2017 report.

Note that in all zones special provisions have been carried over where they permit uses or setbacks that are not permitted in the new by-law. Provisions related only to lot area or

frontage have generally not been carried forward as these were typically applied to create the lots.

The table notes that there may be opportunities to make changes to the proposed zoning by-law in order to retain provisions in the existing by-law which offer greater flexibility or may have been missed but have merit, to increase clarity, to address errors.

We have also received public comments that refer to specific opportunities for changes.

Further changes that are recommended are outlined in Appendix 'C'.

Summary

This report has been prepared to provide a general overview of topics that have generated the most interest-to-date in the proposed comprehensive zoning by-law for the Municipality of Northern Bruce Peninsula, and to provide a detailed review of the first several sections of the zoning by-law.

Respectfully submitted,

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

