



The Corporation of the Township of Perry

MINUTES

PUBLIC MEETING

ZONING BY-LAW

Saturday, March 29th, 2014

10:00 a.m.

Council Chambers, 1695 Emsdale Road, Emsdale, Ontario

Any and All Minutes are to be considered Draft until approved by Council at the Regular Meeting of Council

IN ATTENDANCE

- Mayor:** John Dunn
- Councillors:** Norm Hofstetter, Mary Anne Love, Jim Cushman, and Les Rowley
- Clerk/Administrator:** Beth Morton
- Consultant:** Jim Dyment, MHBC Planning
- Members of the Public:** See Sign In Sheet

Mayor John Dunn opened the Public Meeting by presenting the following Resolution.

Resolution No. 2014-92

Moved by: Jim Cushman Seconded by: Mary Anne Love

Be it resolved that this Public Meeting under Section 34 of the Planning Act for the proposed Zoning By-law be opened at 10:00 a.m. with Mayor Dunn presiding in the Chair.

Carried.

After opening, Mayor Dunn outlined that this is a Public Meeting to hear public comments and answer questions regarding the proposed Zoning By-law. He stated that the Planning Act requires that a statutory Public Meeting be held to receive these comments and to allow for public input before Council decides whether or not to pass the by-law.

Mayor Dunn then outlined how the Public Meeting would be conducted. He noted that the Clerk, Beth Morton will advise as to when, how and to whom notice of the public meeting was circulated and will confirm proper notice was given.

Following that, the Township's Consultant, Jim Dyment of MHBC, will provide a brief presentation and describe the changes to the Zoning By-law that have been incorporated since the last public meeting.

Mayor Dunn noted to everyone that the public meeting is not a public debate on a matter. The public will be afforded the opportunity to provide their comments or questions prior to the consultant providing a response to the comments. People providing comments or questions are asked to present them through the Chair.

After the public has had the opportunity to provide their comments and questions, Council will then have the opportunity to question Mr. Dymant. Mayor Dunn then advised that Council will consider adoption of the Zoning By-law at a future meeting, but was not specific on the date.

Mayor Dunn noted that all persons addressing Council must state their full name and mailing address and must direct their comments through the Chair.

Mayor Dunn then asked Ms. Morton to please advise how and to whom notice of the public meeting was circulated.

Ms. Morton advised that Notice of the public meeting on the Zoning By-law was provided in accordance with the provisions of the *Planning Act, 1990*. Notice was given by publication in a newspaper that is of sufficiently general circulation in the area to which the proposed Zoning By-law would apply that it would give the public reasonable notice of the public meeting. Notice was placed in the *Almaguin News* and mailed to all persons that requested notification. Notice was also posted on the Township's web site and hard copies of the draft Zoning By-law were made available at the municipal office.

The notice included the time, date and location of the meeting, an explanation of the purpose of the meeting for the proposed Zoning By-law. The notice was provided at least 20 days prior to today's meeting in accordance with the *Planning Act*.

Following Ms. Morton, Mayor Dunn then advised that he now declared this to be a public meeting to deal with the proposed new Zoning By-law for the Township of Perry and called on Jim Dymant of MHBC to describe the changes to the Zoning By-law that has been incorporated as part of the review.

Jim Dymant provided a full summary of the Zoning By-law process. He noted that the Zoning By-law was approved in 2002 and since its enactment there have been 77 site specific amendments. All mapping has been updated to reflect the recently adopted Official Plan. Draft 3.0 of the Zoning By-law was released for public review in November 2013. There have been a number of public consultation sessions throughout the process, specifically: Public Workshop No. 1 on July 5, 2013; Special Meeting of Council on August 14, 2013; Public Workshop No. 2 on August 23, 2013; Special Meeting of Council on November 12, 2013; and lastly, the Public Meeting today, March 29th, 2014.

After providing a full explanation of the Zoning By-law, Mr. Dymant turned the Meeting back to Mayor Dunn who then asked those members of the public who wish to speak in connection with the proposed Zoning By-law to stand and clearly state their name, full address and postal code for the record.

Fred Collins, president of the Foote Lake Association, provided Council with a three-page report on the By-law. Following Mr. Collins submission, Mr. Dymant responded by advising that: Section 3.11 ensures that uses are regulated by the zone lines on the map. However, the zone regulations, such as setbacks and lot areas, are based on the size of the lot. Existing undersized lots are protected by Section 3.14 of the By-law. One of the minor changes made in the most recent draft was providing a separate section on non-complying lots rather than combining them with non-complying buildings and structures. Any new lots must now comply with the new provisions of the Zoning By-law. Section 3.16 of the By-law permits only one dwelling per lot unless otherwise specified in the Bylaw. During Mr. Dymant's response, he indicated that the By-law now allows accessory dwelling units within houses in the R1, R2, R3 and RR zones. However, accessory dwelling units are not permitted in the SR, LSR or SBR zones. Mr. Collins was concerned about the exception for the SBR-1 zone. Mr. Dymant explained that this was a site exception that relates only to one property in the Zoning By-law. That exception is carried through from an existing By-law passed to amend the current Zoning By-law, By-law 2002-10. Mr. Dymant also noted that they have gone back and forth using RUR versus RR for the Rural Residential zones. There have been some inconsistencies within the text of the By-law; however, the mapping is consistent. They have now gone back to using a simple RR symbol for rural residential.

Wanda Ferrante, on behalf of POWR MAG provided an 11 page submission to the Township. Ms. Ferrante outlined POWR MAG's continued concern in regards to protecting scenic vistas. Mr. Dymant outlined that this can be seen as a subject of perception. He advised that the By-law must be clear and not subject to interpretation. In an effort to deal with the visual impact of development adjacent to the shoreline, the Zoning By-law has redefined height, limiting the maximum height to 10 metres from finished grade. The By-law also requires a 30 metre vegetative buffer between buildings and the shoreline, limits gross floor area in the SBR zone to about 1,300 ft², and limits lot coverage within the first 60 metres (200 feet) of the shoreline.. Persons wishing to establish larger buildings, either by gross floor area or height, would need to seek Council's approval through an amendment and that would be a public process wherein the neighbours would be consulted. Mr. Dymant advised that he believes that we have done everything that we can to establish an enforceable regulation with respect to minimizing visual impact.

There were further discussions about the Township incorporating a Tree Cutting By-law. Mr. Dymant also noted that the Township does impose site plan control on waterfront developments and, through that process, can consider visual impact to a greater extent.

POWR MAG provided then section by section review of the By-law identifying a number of areas: typographical errors in the Rural Residential zones; Typographical errors in the Industrial Zones use table; topsoil to be added to the regulations related to extraction. Mr. Dymant noted that the Zoning By-law requires an amendment to change a pit to a quarry by amending the By-law from M3P to M3Q. Only lands presently licensed for quarries are zoned M3Q in the By-law.

Mr. Dymant further advised that a provision will be added to allow only recycling of clean aggregate in the Section 3.18; a typographical error was noted in Section 3.28; there were questions on the M3P and MEQ Zones. Mr. Dymant noted that portable processing plants have been added as permitted uses in the M3P and M3Q zones. Sawmills are permitted uses in pits, typically as an after use done at the bottom of the pit and permitted in the Rural Zone. Mr. Dymant also noted that we have not specifically defined asphalt plants and hence, they are not permitted. Mr. Dymant also

advised that we have deleted the permission for a pit in an M4 zone and have revised the setbacks for processing equipment from residential uses to clarify the intent of the provision.

Mr. Dymont commented that we have not revised the provisions for resource management or forestry in the EP zone as the Ministry of Natural Resources advises that, if done sensitively and properly, it may be inappropriate use of land. POWR MAG commented on the waste disposal overlay in Kearney and Mr. Dymont advised that that this would be corrected. Mapping has been corrected in Lots 28 Concession 10.

POWR MAG also made a suggestion that the Township consider a Sign By-law in the future.

Mayor Dunn then asked if Council had any questions or comments to Mr. Dymont.

Council requested that Mr. Dymont review the issue related to the use of shipping containers for agricultural buildings. Mr. Dymont advised that he could update the By-law to allow a shipping container to be used as an agricultural building on a lot that is otherwise vacant but being used for an agricultural use.

Mayor Dunn advised that those wishing to receive further notice of the passing of the Zoning By-law must make a written request as per previous instruction. Council will consider the proposed by-law at a Council Meeting in the future. Should Council make a decision on the by-law, please be advised there is a 20-day appeal period from the date of notice of passage of the by-law during which time any person may appeal the decision of Council to the Ontario Municipal Board.

Having received questions and comments from the public and Committee, Mayor Dunn presented the following resolution.

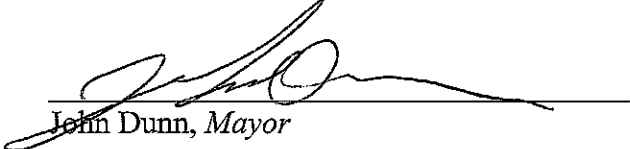
Resolution No. 2014-93

Moved by: Norm Hofstetter

Seconded by: Les Rowley

Be it resolved that the Council of the Township of Perry does hereby now adjourn from this Public Meeting at 12:10 p.m. until our next Regular Meeting or call of the Chair.

Dated this 16th day of April, 2014.



John Dunn, Mayor



Beth Morton, Clerk/Administrator