

**THE CORPORATION OF THE TOWNSHIP OF TAY
PUBLIC MEETING OF MUNICIPAL COUNCIL
PROPOSED ZONING BY-LAW AMENDMENT
3350 FESSERTON SIDE ROAD**

**DECEMBER 9, 2009
7:00 P.M.**

**MUNICIPAL OFFICE COUNCIL CHAMBERS
MINUTES**

PRESENT:

Mayor Scott Warnock
Deputy Mayor Michael Ladouceur (Chair)
Councillor Nelson Baumgardner
Councillor Rick Black
Councillor Axel Frandsen
Councillor Bill Rawson
Councillor James Pearsall

STAFF PRESENT:

Simone Latham, CAO/Deputy Clerk
Alison Thomas, Clerk
Mara Burton, Director of Planning & Development
Joanne Sanders, Director of Finance
Nick Colucci, Director of Public Works
Brian Thomas, Fire Chief

1. CALL TO ORDER

The meeting was called to order at 7:43 p.m.

2. MOMENT OF SILENT REFLECTION

Mayor Warnock called for a moment of silent reflection.

3. DECLARATIONS OF PECUNIARY INTEREST

None were presented.

At this point, Mayor Warnock turned the meeting over to the Deputy Mayor Ladouceur, Chair of the Planning & Development Committee.

The Chair of the Planning & Development Committee announced that this is a Public Meeting of Council held in compliance with By-law No. 98-75 and Section 34 of the *Planning Act*. This meeting is being held with respect to Proposed Amendment to the General Zoning By-law Number 2000-57 for the property addressed as 3350 Fesserton Side Road.

The Chair noted all persons present will be given the opportunity to ask questions and comment on the proposed amendment and that any person who requires further notice should give their name and address to staff prior to leaving the meeting. The Public Meeting provides the Committee with the opportunity to receive comments and/or concerns from residents on the proposed change in land use; however, please note that no further opportunity for public comment will be provided.

In addition the Chair noted that in accordance with the *Planning Act*, if a person does not provide comments at the Public Meeting or a written submission prior to the final Council decision the Ontario Municipal Board may, on an appeal; dismiss the appeal on the basis that no concerns were raised during the public process.

4. STATEMENT OF PUBLIC NOTICE

The Chair then called on the Director of Planning & Development to describe the method by which notice of this meeting was given.

The Director of Planning and Development reviewed the process of notice and notice of the Proposed Zoning By-law Amendment was mailed to all assessed persons having properties within 120 metres of the subject land and any agencies that may have an interest and was posted on the property on November 18th, 2009, therefore the 20 day notice requirement has been met.

5. STATEMENT OF CORRESPONDENCE RECEIVED

5.1 Report from the Director of Planning and Development – Proposed Zoning By-law Amendment – 3350 Fesserton Side Road.

5.2 Correspondence from the Simcoe County District School Board who indicate they have no comment on this application.

5.3 Correspondence from the Severn Sound Environmental Association who indicate that Site 1 would result in the least impact to the wetland and forest habitat.

6. PRESENTATION OF A REPORT BY TOWNSHIP STAFF

6.1 Report from the Director of Planning and Development – Proposed Zoning By-law Amendment – 3350 Fesserton Side Road.

The Director provided an overview of the proposed Zoning By-law Amendment to rezone the subject property from the Environmental Protection “EP” Zone to the Rural Holding “RU(H)” Zone in order to permit the construction of a single detached dwelling on the subject property. The Holding is proposed until such time as a development agreement has been entered into with the Township in order to bring the access portion of Fesserton Side Road up to municipal standards as it is currently an unopened road allowance.

Mr. Jamie Robinson from Meridian Planning Consultants appeared before Council regarding the proposed rezoning. Mr. Robinson commented that they do support the comments within the staff report by the Director of Planning & Development and that as this is an existing lot that the Township's Official Plan does provide for some flexibility that would allow the change in use. In conclusion, he requested that staff accept the submitted environmental report and that staff be directed to prepare the by-law for the next regular Council meeting.

7. QUESTION & CLARIFICATION PERIOD – PUBLIC

The Chair inquired if there were any questions from the audience in regards to this matter.

Mr. John Ross, 38 Richard Street, inquired as to the location of the property. The Director outlined the location of the property.

Mr. Ross inquired as to why if the property is deemed to be environmentally protected is a change being proposed (i.e. change in criteria). The Director reported that a natural heritage study was completed in 1995 that identified areas within the Township that were environmentally sensitive. In addition, she noted that site is identified as a significant woodlot but that the consultants report has identified four buildable sites within the existing lot. The Director commented that per Township records there has been no change; however, land owners have the right to have a review conducted respecting designation and use of land.

8. SPEAKERS IN SUPPORT & OPPOSITION

The Chair inquired if there were any speakers in support or opposition in regards to this matter.

None were presented.

9. QUESTION & CLARIFICATION PERIOD - COUNCIL

The Chair inquired if there were any questions from Council in regards to this matter.

Councillor Frandsen inquired as to what feedback has been received from the Severn Sound Environmental Association (SSEA). The Director advised that SSEA has advised that Site 1 would be the preferred location which they would be willing to support. In addition, she noted that Council may pass a by-law allowing development on one area of the site and retain the environmentally protected zoning on the majority.

10. FINAL STATEMENT BY THE MAYOR

The Chair advised that in accordance with the *Planning Act*, if a person does not provide comments at the Public Meeting or a written submission prior to the final decision, the Ontario Municipal Board may, on an appeal, dismiss the appeal on the basis that no concerns were raised during the public process.

11. **ADJOURNMENT**

MOVED BY: COUNCILLOR AXEL FRANSEN

SECONDED BY: COUNCILLOR RICK BLACK

**THAT THIS PUBLIC MEETING PER PLANNING ACT
ADJOURNED AT 7:56 P.M.**

CARRIED.

MAYOR

CLERK

**THE CORPORATION OF THE TOWNSHIP OF TAY
PUBLIC MEETING OF MUNICIPAL COUNCIL
PROPOSED HOUSEKEEPING AMENDMENT TO
ZONING BY-LAW 2000-57**

**DECEMBER 9, 2009
7:00 P.M.**

**MUNICIPAL OFFICE COUNCIL CHAMBERS
MINUTES**

PRESENT: Mayor Scott Warnock
Deputy Mayor Michael Ladouceur (Chair)
Councillor Nelson Baumgardner
Councillor Rick Black
Councillor Axel Frandsen
Councillor Bill Rawson
Councillor James Pearsall

STAFF PRESENT: Simone Latham, CAO/Deputy Clerk
Alison Thomas, Clerk
Mara Burton, Director of Planning & Development
Joanne Sanders, Director of Finance
Nick Colucci, Director of Public Works
Brian Thomas, Fire Chief

1. CALL TO ORDER

The meeting was called to order at 7:59 p.m.

2. MOMENT OF SILENT REFLECTION

Mayor Warnock called for a moment of silent reflection.

3. DECLARATIONS OF PECUNIARY INTEREST

None were presented.

At this point, Mayor Warnock turned the meeting over to the Deputy Mayor Ladouceur, Chair of the Planning & Development Committee.

The Chair of the Planning & Development Committee announced that this is a Public Meeting of Council held in compliance with By-law No. 98-75 and Section 34 of the *Planning Act*. This meeting is being held with respect to Proposed Housekeeping Amendments to the General Zoning By-law Number 2000-57.

The Chair noted all persons present will be given the opportunity to ask questions and comment on the proposed amendment and that any person who requires further notice should give their name and address to staff prior to leaving the meeting. The Public Meeting provides the Committee with the opportunity to receive comments and/or concerns from residents on the proposed change in land use; however, please note that no further opportunity for public comment will be provided.

In addition the Chair noted that in accordance with the *Planning Act*, if a person does not provide comments at the Public Meeting or a written submission prior to the final Council decision the Ontario Municipal Board may, on an appeal; dismiss the appeal on the basis that no concerns were raised during the public process.

4. STATEMENT OF PUBLIC NOTICE

The Chair then called on the Director of Planning & Development to describe the method by which notice of this meeting was given.

The Director of Planning and Development reviewed the process of notice and advised that notice of the Proposed Zoning By-law Amendment was mailed to any agencies that may have an interest and advertised in the Midland Mirror on November 18th, 2009, therefore the 20 day notice requirement has been met.

5. STATEMENT OF CORRESPONDENCE RECEIVED

- 5.1 Report from the Director of Planning and Development – 2009 Housekeeping Amendment to Zoning By-law 2000-57.
- 5.2 Correspondence from the Simcoe County District School Board who indicate they have no comment on this application.
- 5.3 Correspondence from Mr. and Mrs. Tickell, 15425 Highway 12, requesting that tent/tarp accessories be permitted year-round.

6. PRESENTATION OF A REPORT BY TOWNSHIP STAFF

- 6.1 Report from the Director of Planning and Development – Proposed Housekeeping Amendment to Zoning By-law 2000-57

The Director provided an overview of the proposed housekeeping amendments to Zoning By-law 2000-57 to address new items, errors and omissions, etc. that effect the implementation of planning in the municipality. She noted that often the changes are intended to make the Zoning By-law more clear and concise and about half of the items (1, 2, 5, 8, 11, 12, 13, 15, 17, 18, 20, 21, 23, 27, 30, 32, 33, 34 and 3) either replaces wording that is not defined in the By-law with words that have the same meaning but are defined in the By-law or deletes zones that no longer exist and fixes other minor errors that have no effect on the planning of the municipality.

The Director then outlined the following amendments to the Zoning By-law:

1. Item 1 will revise the definition of mobile home to ensure that it is as defined by the Ontario Building Code and by replacing the words tent trailer, which is not defined in the By-law, with the words, motor home and camper trailer, which are defined in the By-law. Further the word designed will be replaced with the appropriate word defined.
2. Item 2 replaces the undefined term “flankage” with the defined term “exterior”.
3. Item 3 prevents the construction of Quonset huts in residential areas to maintain the character of the neighbourhood. This is something that has been done for many years, however, can be identified up front in the By-law.
4. Item 4 addresses tent/tarp accessory shelters. Under the current provisions, these structures have to meet the provisions for accessory structures and therefore must be located beside or behind houses (unless it is a waterfront lot) and all other provisions for accessory buildings. Generally these tents are used in the winter to keep the weather off boats and cars and if taken down each year, they tend to last a couple of seasons. However, staff has noted that sometimes these structures are kept up year round for storing household items and are in some cases looking shabby. As such, staff is recommending that these structures only be permitted from October 15th to April 15th each year.
5. Item 5 clarifies that it is ground floor area that the by-law is referring.
6. Item 6 permits detached accessory buildings to a dwelling (garage) 54 square metres (581 square feet) in area to be 3 metres (9.8 feet) to the interior side yard and permits sheds that are 10 square metres (108 square feet) in area to be 1 metre from the interior side yard in Rural and Agricultural Zones, whereas they would otherwise have to be setback 6 metres (20 feet). Barns and other agricultural or rural buildings will still have to meet the 6 metre setback.
7. Item 7 ensures that accessory apartments are not put inside duplexes or townhouses or within apartments where they would not be good planning.
8. Item 8 replaces the heading and this paragraph applies to all lots that do not front on an improved public street. The heading does not form part of the legal and therefore this provision applies to all lots notwithstanding the heading. However, needed clarification to prevent confusion.
9. Item 9 ensures that non-conforming buildings can be reconstructed in another location on the property that may bring them into more compliance with the setbacks of the zone.

10. Item 10 clarifies that unenclosed decks, stairs and ramps can be added to legal non-conforming buildings and clarifies the date of legal non-conforming is January 1, 1994.
11. Item 11 adds stairs as a permitted yard encroachment and removes terraces which are constructed on top of a flat roof for which the building must comply to the setback, so the provision is redundant.
12. Item 12 clarifies that it a year round water service that is what the provision is regarding.
13. Item 13 clarifies that the provision is for waterfront lots abutting Georgian Bay.
14. Item 14 adds provisions for maximum driveway widths to preserve front yards and prevent the widening of driveways that would take up the majority of the front yard.
15. Item 15 corrects the size of a planting strip from 2.4 to 2.5 metres to ensure consistency in the document.
16. Item 16 adds disabled parking requirements as per the *Accessibilities for Ontarians with Disabilities Act (AODA)*.
17. Items 17, 18, 20 and 21 delete zones that no longer exist.
18. Item 19 permits all R2 uses in the R2-11 Zone rather than limiting the uses to a duplex dwelling, allowing conversion to a detached dwelling.
19. Item 22 permits all R2 uses in the R2-20 Zone rather than limiting the uses to a semi-detached dwelling, allowing conversion to a detached dwelling.
20. Item 24 adds provisions for a semi-detached dwelling where the units are divided by a common wall and a lot line, or where both units are constructed on one lot.
21. Item 25 adds a lot frontage and area per townhouse unit rather than one size for any number of units. In the past this has been done by a site specific amendment to the ZBL.
22. Item 26 gives more specifics for what is considered to be an open or picket fence as per the requirements for the Wycliffe development by requiring that fences be at least 1/3rd open as opposed to saying that they be picket or other open type fences. Originally this provision came out of the waterfront Study that was done in 2003.
23. Item 27 deletes the RMH-1 Zone as it is no longer needed.
24. Item 28 corrects the interior side yard setback in the Neighbourhood Commercial zone so that it is not less if abutting a residential zone, but is simply 4.5 metres in all cases.

25. Item 29 clarifies the provisions for existing as meaning the existing number of trailers, or camp sites. In the Tourist Accommodation zone we use the word existing before the permitted uses seasonal campground or camp and trailer park. The term existing was added years ago to these permitted uses in order to ensure that they do not expand without a zoning by-law amendment. The provision is being added to ensure clarity. This item also provides regulations for accessory residential detached dwellings in the Tourist Accommodation Commercial Zone. There is already case law on this matter so this has no effect other than to make it even clearer.
26. Item 30 deletes the provisions for County and Provincial Highway setbacks as permits are required from the Ministry of Transportation and that the County changes their setbacks on a situational basis and permits are required from the MTO. Neither of these have been issues in the past.
27. Item 32 clarifies that only one residential unit is permitted accessory to an Industrial use.
28. Item 34 clarifies the section that regulates the size of accessory uses in the Prestige Industrial and item 33 adds the same provisions for General Industrial to ensure that they do not exceed 10% of the gross floor area of the building or 232 square metres (2,500 square feet), whichever is more restrictive. This provision already exists in the Prestige Industrial Zone and should have been included in the General Industrial Zone.
29. Item 35 zones a small piece of the former Bavarian House, being 2426 Rumney Road, to provide for a lot line adjustment to straighten out the lot line such that a portion of the commercial property can be added to the rural property next door. This amendment cleans up the sliver of land.
30. Item 36 rezones a portion of Bramhall Park and Candlelight Village from the Residential Mobile Home Park Exception One "RMH-1" Zone to the "RMH" Zone as there is no longer a need for the site specific amendment.
31. Item 37 rezones a portion of land from the Environmental Protection Zone to the Rural Zone to recognize an existing dwelling at 1880 Gervais Road and correct the drafting error.
32. Item 38 rezones a portion of land at 3 Beacon Street from the Lakeside "LS" zone to the Shoreline Residential "SR" Zone to fix a drafting error.
33. Item 39 rezones 307 Assiniboia Street from the R2-15 Zone to the R2 Zone as there are no longer two detached dwellings on the property and therefore no need for the exception.

34. Item 40 rezones a portion of 15202 Highway 12 from the Environmental Protection Zone to the Rural Zone to recognize the location of an existing dwelling to correct a drafting error.
35. Item 41 rezones 139 Richard Street from the Village Commercial Exception Five “C1-5” Zone to the Village Commercial “C1-6” Zone to add a two storey detached dwelling, a bed and breakfast and a home occupation as uses permitted to adjust for changes to the property whereby the existing building was removed from the site.
36. Item 42 rezones 288 Albin Road from the R1-8 zone that only permits an accessory building to the Limited Service Residential “LSR” Zone to recognize the existing dwelling and correct a drafting error.
37. Item 43 rezones 64 and 66 Meadows Avenue from the Environmental Protection “EP” Zone to the Village Residential Exception Three “R1’3” Zone to fix a drafting error.
38. Item 44 rezones the former pumping station on Sunset Court from the Institutional “I” Zone to the Shoreline Residential “SR” Zone to match the zoning of the abutting properties that purchased the lands.

7. QUESTION & CLARIFICATION PERIOD – PUBLIC

The Chair inquired if there were any questions from the audience in regards to this matter.

None were received.

8. SPEAKERS IN SUPPORT & OPPOSITION

The Chair inquired if there were any speakers in support or opposition in regards to this matter.

Mr. Earl Somerton, 8 Caswell Rd, inquired as to why the tarped sheds cannot be retained year-round as they are significant work to take up and down. The Director advised that they are intended to be temporary structures to cover vehicles, boats, etc. in the winter months to provide cover. In addition, he inquired as to if the proposed regulation is passed that the existing structures be grandfathered.

Mr. Ross, 38 Richard St., expressed his concerns regarding the method of advertising and inquired as to whether or not the site-specific affect homeowners have been notified. The Director advised that staff try to provide the best means of advertising. Mr. Ross expressed his frustration regarding the difference in language between documents and the continued restriction on use of property.

Mr. Ron Arbour, 445 William St. commented that the tarps provide a temporary storage solution for refuse, etc. and noted that the tarps are often temporary until a shed/garage may be built.

Mrs. Erna Teedon, 72 Richard St. commented that she uses her tarp year-round as she has seasonal vehicles that require shelter. Mr. Teedon commented that the tarped sheds are an affordable alternative to a built garage and area a great way to house items of value.

Mrs. Penny Minns, 75 Richard St. noted that as it is an older subdivision that does not come with garages, as new subdivisions do, that the tarps provide shelter for those who cannot afford to construct a garage.

Mr. Gary Hart, 18 Bay St. inquired as to whether or not individual zoning amendments may be pursued if necessary for the tarped sheds.

Mrs. Rae Reynolds, 99 Hoyt Ave. commented that it is not always possible to erect and remove the tarped sheds as they wish to. She further noted that it provides cover for her vehicle as she is unable to afford a garage.

9. QUESTION & CLARIFICATION PERIOD - COUNCIL

The Chair inquired if there were any questions from Council in regards to this matter.

Deputy Mayor Ladouceur commented that he is not in favour of the restrictions on tarped sheds.

Councillor Rawson commented that he is not in favour of restrictions on tarped sheds.

Mayor Warnock noted that he understands the functionality and uses of the tarped sheds and therefore is not in favour of restrictions on tarped sheds. In addition, he commented that while they should be permitted that they must also be maintained so they do not become a property standards concern.

Councillor Pearsall commented that he is not in favour of the restrictions proposed on tarped sheds.

10. FINAL STATEMENT BY THE MAYOR

The Chair advised that in accordance with the *Planning Act*, if a person does not provide comments at the Public Meeting or a written submission prior to the final decision, the Ontario Municipal Board may, on an appeal, dismiss the appeal on the basis that no concerns were raised during the public process.

11. ADJOURNMENT

MOVED BY: COUNCILLOR RICK BLACK

SECONDED BY: COUNCILLOR AXEL FRANSEN

**THAT THIS PUBLIC MEETING PER PLANNING ACT
ADJOURNED AT 8:47 P.M.**

CARRIED.

MAYOR

CLERK