

# AGENDA

## WEST NIPISSING PLANNING ADVISORY COMMITTEE

### VIRTUAL MEETING

Planning Advisory Committee  
January 10, 2021, 6:00 PM Eastern Time

Join Zoom Meeting

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Meeting ID: 265 014 1204

Participant: #

Passcode: 654321

YouTube Link: <https://www.youtube.com/channel/UCG6HWMXnA-RBiH-UdZVCIHg>

- 
1. Meeting called to Order
  2. Declarations of Pecuniary Interest;
  3. Approval of Agenda for January 10, 2022;
  4. Adoption of Minutes: Meeting of December 13, 2021;
  5. **ZBLA2022/01** - Zoning By-Law Amendment Application  
Applicant: Pauline and Gaston Betty  
Property: Principale Street West, Verner
  6. Review of Amendments to Comprehensive Zoning By-Law (continuation from December 13, 2021);
  7. Discussion of Short Term Rental Accommodation By-Law;
  8. Adjournment.

Joie de vivre



[www.westnipissingouest.ca](http://www.westnipissingouest.ca)



## MINUTES

**Municipality of West Nipissing  
Meeting for the Planning Advisory Committee  
On December 13, 2021 at 06:00 PM**

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**PRESENT:**

Yvon Duhaime  
Christopher Fisher  
Fernand Pellerin  
Normand Roberge  
Dan Roveda  
Joanne Savage  
Denis Sénécal

**ABSENT:**

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**1. CALL TO ORDER**

**2. DECLARATION OF PECUNIARY INTEREST**

**3. APPROVAL OF AGENDA**

**RESOLUTION #2021/044**

Moved by: Yvon Duhaime

Seconded by: Chris Fisher

That the Agenda for the meeting of December 13, 2021, be approved as presented.

**CARRIED**

**4. MINUTES**

**RESOLUTION #2021/045**

Moved by: Chris Fisher

Seconded by: Dan Roveda

That the Minutes of meeting held on October 18, 2021 be adopted, as amended.

**CARRIED**

**5. ZBLA2021/13 – Scott and Tracey Brazeau**

**RESOLUTION #2021/046**

Moved by: Normand Roberge

Seconded by: Joanne Savage

**WHEREAS** a public meeting was held for the purpose of amending Zoning By-Law 2014-45 for the property located at 13117 Highway 17, Sturgeon Falls, Ontario;

**AND WHEREAS** written concerns and objections were received: ☐ YES or ☒ NO

**BE IT RESOLVED** THE WEST NIPISSING PLANNING ADVISORY COMMITTEE

☒ RECOMMENDS

☐ DOES NOT RECOMMEND

1. that the Council for the West Nipissing Municipality adopts the proposed zoning by-law to re-zone the property at 13117 Highway 17 from RR (Rural Residential) to RR-4 (Rural Residential Exception Zone 4).
2. Schedule G-6 of By-Law No. 2014/45 shall be amended by changing the zoning designation of the properties shown on Schedule 'A' attached hereto, which properties are more particularly described as Part lot 1, Concession 1, Pedley Township, Municipality of West Nipissing, shown on Schedule 'A', attached hereto from RR-4 (Rural Residential) to RR-4 (Rural Residential Exception Zone 4).

**CARRIED**

## **6. COMPREHENSIVE ZONING BY-LAW AMENDMENT**

On December 13, 2021, Council considered changes to the Comprehensive Zoning By-law.

Submissions were made by residents, Kathleen Thorne, Howie Longfellow and Robert Jolley on the matters of shipping containers and Galvanized steel Structures;

- It was agreed that the matter of Accessory Dwellings be dealt with as a separate issue and along with the discussion concerning Short Term Rental Accommodations.
- Set-back for Accessory Structures in RR, RU and A1 and A2 shall be 3m (increase from 1.4m);
- Shipping Containers shall be permitted to be used as Accessory Structures in all zones except R1 to R4, but additional restrictions shall apply in the SR Zone with respect to lot size, set-backs and numbers permitted. In all other zones normal accessory structure provisions shall apply;
- Galvanized Steel buildings shall be permitted as accessory structures in all zones, but subject to certain restrictions in the SR zone (same as Shipping Containers).
- There was discussion concerning buses, coach bodies, etc., being used as accessory structures. Those have been moved to the prohibited in all zones section of the by-law
- Shipping Containers shall be permitted as temporary uses in Residential (R1-R4) provided that they are not located in the front yard, are set back at least 3.0m from any lot line and do not create a hazard or nuisance to adjacent owners

- Shipping Containers can be used for temporary uses in the residential zones, with restrictions for location and safety for adjacent properties

## **7. SHORT TERM RENTAL ACCOMMODATIONS**

The Committee agreed that the discussion concerning Short Term Rental Accommodations be deferred to next meeting.

## **8. ADJOURNMENT**

### **RESOLUTION #2021/047**

Moved by: Yvon Duhaime

Seconded by: Dan Roveda

**BE IT RESOLVED** that the West Nipissing Planning Advisory Committee meeting of November 15, 2021 be adjourned to December 13, 2021.

**CARRIED**



## PLANNING SUMMARY REPORT

### ZONING BY-LAW AMENDMENT NO. ZBLA2022/01

<b>Registered Owner(s)</b>	Pauline and Gaston Betty
<b>Agent(s)</b>	Goodridge Goulet Planning and Surveying
<b>Property Location</b>	Principale Street West, Verner, ON Part lot 6, M21, Parts 1 and 2 36R14697, Caldwell Township, Municipality of West Nipissing
<b>Purpose and Effect of Application</b>	To amend zoning from R2 to R3 to bring both properties into conformity with lot addition, file C39/20.
<b>Current Zoning</b>	R2 – Residential Zone Two
<b>Proposed Zoning</b>	R3 – Residential Zone Three
<b>Official Plan Land Use</b>	Residential
<b>Consistent with PPS (2014)</b>	Yes
<b>Recommendation</b>	Zoning Amendment be granted.
<b>Notes</b>	<p>Zoning Amendment is requested in order that the original property and lot addition be the same zoning designation.</p> <p>Lot addition is to be a parking lot for the existing property, located at Principale Street West, Verner.</p> <p>Condition of severance file C39/20.</p>

## RECORD OF ALL COMMENTS

APPLICATION	BELL CANADA	MTO	HYDRO ONE	GREATER SUDBURY UTILITIES	CN / CP RAILWAYS	PUBLIC WORKS DEPT.	BUILDING DEPT.
ZBLA2022/01 Pauline and Gaston Betty	•	• No comments	•	•	•	• No issues	• No issues

**FILE: ZBLA2022/01**

**PROPERTY: Principale Street West, Verner**

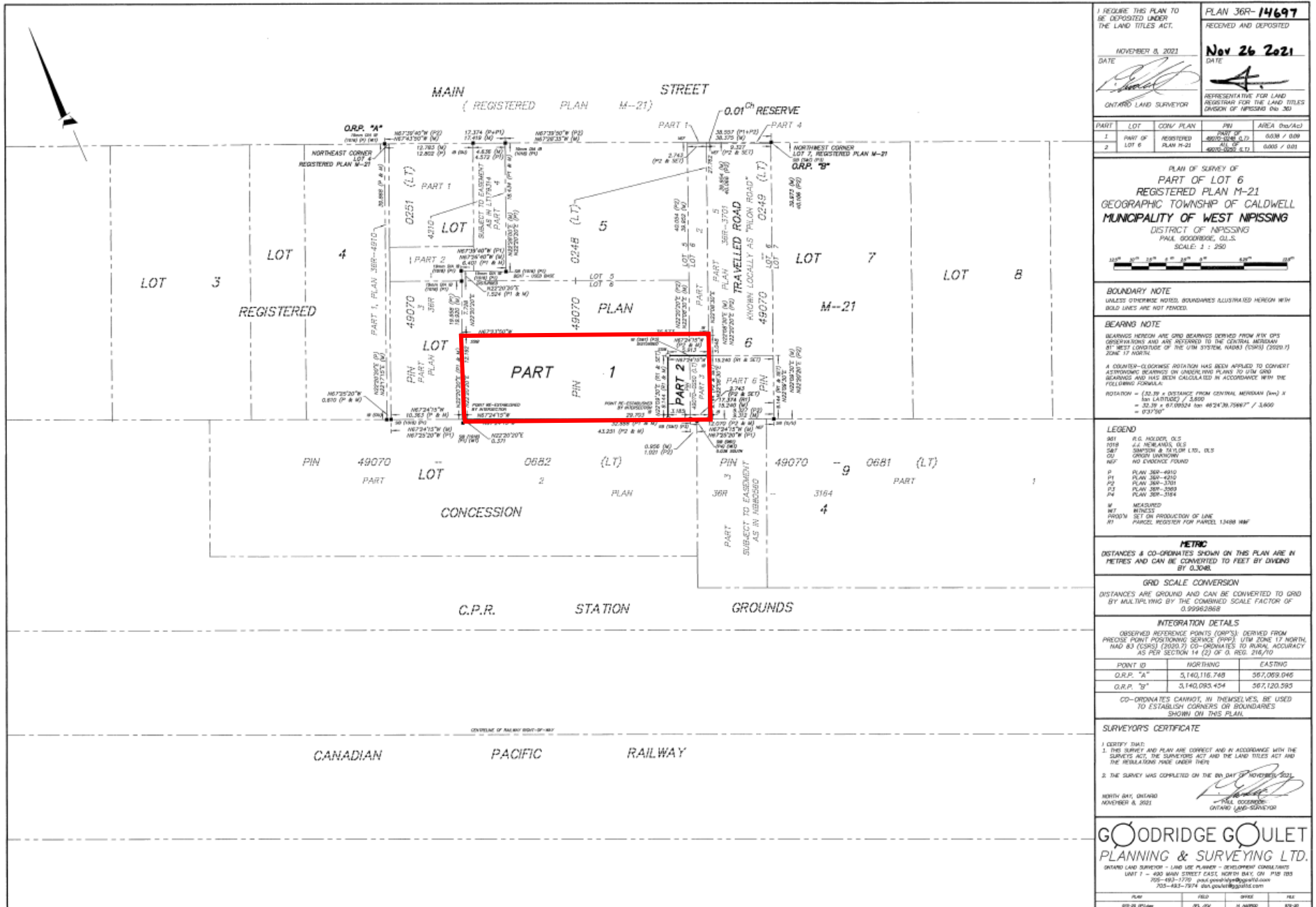
**APPLICANT: Pauline and Gaston Betty**



FILE: ZBLA2022/01

PROPERTY: Principale Street West, Verner

APPLICANT: Pauline and Gaston Betty

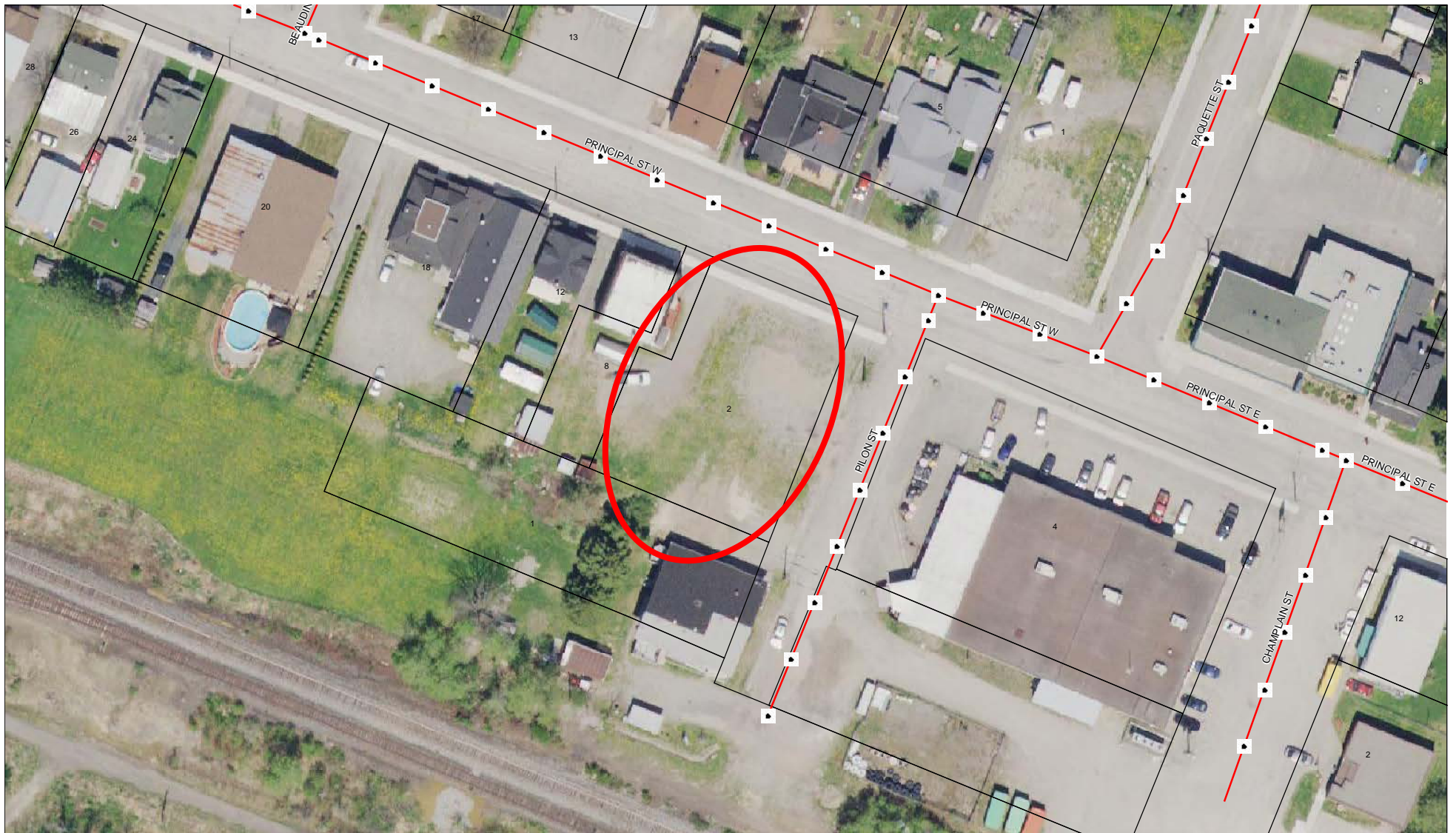




**FILE: ZBLA2022/01**

**PROPERTY:** Principale Street West, Verner

**APPLICANT: Pauline and Gaston Betty**



# MEMORANDUM

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**TO:** Planning Advisory Committee Members

**FROM:** Melanie Ducharme, Municipal Clerk/Planner

**DATE:** January 5, 2022

**RE:** PROPOSED AMENDMENTS TO ZONING BY-LAW 2014-45

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On December 13, 2021, Council considered changes to the Comprehensive Zoning By-law.

With regard to the proposed zoning amendments, the following is a short summary of the changes have been made to the recommended amendments, based on Committee's discussion on December 13, 2021. The complete text of the By-Law is also attached, with the changes noted in red.

1. It was agreed that the matter of Accessory Dwellings be dealt with as a separate issue and along with the discussion concerning Short Term Rental Accommodations.
2. Set-back for Accessory Structures in RR, RU and A1 and A2 shall be 3m (increase from 1.4m);
3. Shipping Containers shall be permitted to be used as Accessory Structures in all zones except R1 to R4, but additional restrictions shall apply in the SR Zone with respect to lot size, set-backs and numbers permitted. In all other zones normal accessory structure provisions shall apply;
4. Galvanized Steel buildings shall be permitted as accessory structures in all zones, but subject to certain restrictions in the SR zone (same as Shipping Containers).
5. There was discussion concerning buses, coach bodies, etc., being used as accessory structures. Those have been moved to the prohibited in all zones section of the by-law
6. Shipping Containers shall be permitted as temporary uses in Residential (R1-R4) provided that they are not located I the front yard, are set back at least 3.0m from any lot line and do not create a hazard or nuisance to adjacent owners
7. Shipping Containers can be used for temporary uses in the residential zones, with restrictions for location and safety for adjacent properties

## BY-LAW 2022/\_\_\_\_

### BEING A BY-LAW TO AMEND ZONING BY-LAW NO. 2014/45 TO INCORPORATE GENERAL AMENDMENTS TO THE ZONING BY-LAW

**WHEREAS** Comprehensive Zoning By-law 2014/45 was adopted by Council in 2014 and Council has determined that amendments are warranted to specific sections of By-law 2014/45;

**AND WHEREAS** the Council of the Corporation of the Municipality of West Nipissing has ensured that adequate information has been made available to the public, and has held at least one (1) public meeting after due notice for the purpose of informing the public of the By-law;

**AND WHEREAS** it is deemed desirable to amend the zoning by-law pursuant to Section 34 of the Planning act R.S.O. 1990, as amended;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING ENACTS AS FOLLOWS:**

#### **~~1. SECTION 4.1 – ACCESSORY DWELLING UNIT~~**

#### **~~Add Section 4.1.1, 4.1.2 and 4.1.3 to follow Section 4.1~~**

##### **~~4.1.1 – Accessory Dwelling on a Residential Lot~~**

~~Notwithstanding any other provision of this By-law regarding the number of dwelling units on a single lot, an accessory dwelling is permitted in the Rural (Ru), Rural Residential (RR) and Shoreline Residential (SR) Zones subject to the following provisions:~~

- ~~a) For the purposes of this section, an accessory dwelling is defined as a second single detached dwelling on a property;~~
- ~~b) A maximum of one (1) accessory dwelling is permitted on the property;~~
- ~~c) The accessory dwelling shall meet all of the lot regulations applicable to the principal single detached dwelling and shall meet all other applicable provisions of this By-law, and any other fire, health, safety or occupancy regulations or by-laws;~~
- ~~d) A minimum of one parking space is provided for the accessory dwelling and does not result in a separate driveway being required.~~

~~4.1.2 – Notwithstanding Section 4.1 and 4.1.1, in the Rural (Ru) or Rural Residential (RR) Zones, only one accessory dwelling unit or accessory dwelling is permitted on a lot.~~

~~4.1.3 – Where an accessory dwelling is erected on a lot in the SR Zone, a sleeping cabin is not permitted.~~

~~Section 4.2.2 is amended by adding “accessory dwelling” following “sleeping cabin”, to read: “No detached accessory building or structure shall be used for human habitation or an occupation for gain, except for a permitted sleeping cabin, accessory dwelling or for a home industry”.~~

Tables 6.2 and 9.2 will be updated to include an Accessory Dwelling in the Permitted Accessory Uses for the RR, RU and SR zones.

## 2. SECTION 4.2 - ACCESSORY USES, BUILDINGS AND STRUCTURES

*Replace Section 4.2.3 with the following*

**4.2.3 Location on a lot:** Accessory buildings, structures or uses are permitted in any yard, provided such building, structure or use:

- is not permitted in the required front yard or the required exterior side yard; and
- in the R1 – R4, SR C1 - C3 Zones is not built closer than 1.2 metres to any lot line except that common semi-detached private garages may be centered on the mutual lot line.
- In the RR, RU, A1 and A2 zone is not built closer than 4.5-3.0m to any lot line

## 3. SECTION 4.2.11 - STORAGE CONTAINERS AND GALVANIZED STEEL STRUCTURES

*Amend Section 4.2.11 as follows:*

### **Section 4.2.11 Storage Containers and Galvanized Steel Structures:**

A shipping/storage container or galvanized steel structure may be used for the purpose of an accessory structure subject to the following:

- (a) No person shall, in the Residential One (R1), Residential Two (R2), Residential Three (R3) or Residential Four (R4), ~~General Commercial (C1) or Highway Commercial (C2)~~ Zones, use ~~any truck, bus, coach, transport truck trailer, streetcar body, railway car body,~~ a railway shipping (storage) container for the purpose of an accessory structure.
- (b) No person shall, in the SR (Shoreline Residential Zone), use a shipping container or a galvanized steel structure except as hereinafter provided
  - i. The property on which the shipping/storage container or galvanized steel structure is to be placed has a minimum of lot area of 4000m<sup>2</sup> (one acre)
  - ii. A maximum of one (1) shipping container or galvanized steel structure is permitted;
  - iii. No shipping container shall exceed 12m (40') in length;
  - iv. All other regulations of this by-law concerning Accessory Structures are met;

## 4. SECTION 4.22.1(d) PROHIBITED USES/ACTIVITIES

***Amend Section 4.22.1 to add new paragraph (d) to restrict certain items from being used as accessory structures in all zones***

(d) use any truck, bus, coach, transport truck trailer, streetcar body, railway car body, railway or similar structure of any kind, for the purpose of an accessory structure

## 5. SECTION 4.28.1 – TEMPORARY USES:

***Amend Section 4.28.1 Construction as follows:***

- a) A temporary building, structure, storage container or trailer incidental to the construction of a principal building on a lot is permitted in all Zones provided:
- that a valid building permit has been issued, but only for as long as it is necessary for the work in progress and until the work is completed or abandoned. In this case, 'abandoned' shall mean the failure to proceed with the work within a one-year time period.
  - No temporary structure shall be located in the required Front Yard.
  - No temporary structure shall be located closer than 3m to any side or rear lot line; and
  - the Municipality reserves the right to inspect any such structure to ensure that it does not affect, impede or restrict the use, enjoyment or safety of any abutting or adjacent property.

**6. Table 9.1 and 9.2 PERMITTED USES AND ACCESSORY USES IN AGRICULTURAL AND RURAL ZONES**

***Amend Note (b) in Tables 9.1 and 9.2, as follows:***

Table 9.1 note (b)

Where a residential lot having an area of 4 hectares or less is created by consent, the permitted principal uses are limited to the principal uses for a Rural Residential (RR) Zone, as noted in Table 6.1, and is subject to the lot requirements for the Rural Residential (RR) Zone, as noted in Table 6.3.

Table 9.2 Note (b)

Where a residential lot having an area of 4 hectares or less is created by consent, the permitted accessory uses are limited to the accessory uses for a Rural Residential (RR) Zone, as noted in Table 6.2, and is subject to the lot requirements for the Rural Residential (RR) Zone, as noted in Table 6.3.

This By-law shall take effect on the date of passage and come into force in accordance with Section 34 of the Planning Act, RSO 1990, Ch. P 13

**ENACTED AND PASSED THIS \_\_\_\_ DAY OF JANUARY, 2022 AS WITNESSED BY THE SEAL OF THE CORPORATION AND THE HANDS OF ITS PROPER OFFICERS.**

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JOANNE SAVAGE  
MAYOR

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MELANIE DUCHARME  
CLERK



# MEMORANDUM

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**TO:** Planning Advisory Committee Members

**FROM:** Melanie Ducharme, Municipal Clerk/Planner

**DATE:** January 5, 2022

**RE:** PROPOSED AMENDMENTS TO ZONING BY-LAW 2014-45  
CONCERNING ACCESSORY DWELLINGS

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On December 13, 2021, Council considered changes to the Comprehensive Zoning By-law, one of which was a proposed amendment to permit second Accessory Dwellings in certain zones. That discussion was postponed pending consideration of the matter concerning Short Term Rental Accommodations.

There were concerns raised by residents that such second dwellings would be used for short-term rental accommodations. Studies have indicated that the vast majority of short-term rental accommodations consist of dwellings which owned by persons living elsewhere in the municipality or outside the municipality.

The applications received over the past few years for second dwellings are almost all of two categories:

1. Persons wishing to build permanent homes on cottage properties but want to keep the existing cottage; and
2. Persons desiring to build a dwelling for aging parents or other persons requiring some level of care while maintaining a sense of independence.

In my memorandum concerning short term rental accommodations (attached), there are a number of considerations, in addition to land use issues, that need to be taken into consideration in making decisions about Short Term Rental Accommodations.

All of this to say that Short Term Rental Accommodations and Second Accessory Dwellings, while both land use issues, should be considered each on their own merit.

# MEMORANDUM

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**TO:** Planning Advisory Committee

**FROM:** Melanie Ducharme, Clerk/Planner

**DATE:** December 8, 2021

**RE:** **SHORT TERM RENTAL ACCOMMODATIONS**

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## **Introduction:**

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At a Planning Advisory Committee meeting held earlier this year, Committee Member Normand Roberge raised the issue of Short Term Rentals (STA's) and requested that staff bring back a report and recommendation for consideration by this committee.

In carrying out consultation for proposed amendments to the Comprehensive Zoning By-law, in particular, in considering an amendment which may permit second accessory dwellings in certain zones, many of the concerns raised about this proposed amendment were that these second dwellings could potentially be used for short term rental accommodation.

The by-law amendment was initially proposed by staff as a result of an increasing number of requests from owners wanting to build a new year-round dwelling on lots where a cottage already exists or owners wanting to build a second dwelling to accommodate aging parents. However, given the concerns raised, it seemed an opportune time to open dialogue on STA's and to seek recommendation from this Committee regarding further amendments to the By-law which would regulate or prohibit STA's.

## **Recommendation**

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That the Planning Advisory Committee recommends that Council for the Municipality of West Nipissing direct staff to develop regulations for Short Term Rentals of residential dwelling units for consideration by the Municipality of West Nipissing, including necessary amendments to the Municipality's Official Plan and/or Zoning By-law to:

1. a) Define Short Term Rentals;
- b) Permit Short Term Rentals in certain Zones subject to provisions; and/or
- c) Establish a Licensing By-law for Short Term Rentals.

**OR**

2. a) Define Short Term Rentals;
- b) Prohibit Short Term Rentals

## **Background**

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The purpose of this report is to provide a brief overview regarding options available to regulate Short Term Rentals including an overview of other municipal approaches across Ontario. In preparing this report, I have looked to our neighbours to the east, the City of North Bay, who have recently undertaken the same process.

In addition to the City of North Bay, I have looked to by-laws and staff reports carried out by other municipalities as well as a toolkit published by Third Space Planning consulting firm; *Regulating Short-Term Rentals: A Toolkit for Canadian Local Governments*. The tool kit was created in collaboration with



over 100 municipal partners to help local municipalities find solutions for regulating Short Term Rentals within their communities. A link to the toolkit is as follows: <https://www.thirdspaceplanning.ca/str-toolkit-2021>

### **What is a Short-Term Rental (STR)?**

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An STR is the rental of a residential dwelling unit, either the entire dwelling or room(s) within it, for a short duration of time. STRs can occur in all housing types, including residential homes, seasonal cottages and apartments. STR's are generally utilized by tourists accessed through apps such as Airbnb.

While STR's are getting a fair bit of media attention, the reality is that people have always rented out their cottages, condos and summer dwellings through classified ads, word of mouth, etc. What is new is the online applications such as Airbnb which have made it quicker and more convenient than ever to rent such places on a mobile phone, tablet or laptop. I can attest that I have used Airbnb on numerous occasions and have found them to be quite useful, particularly in a recent trip to Europe where obtaining hotel accommodation can be very challenging and expensive.

### **Potential Benefits & Drawbacks of STRs**

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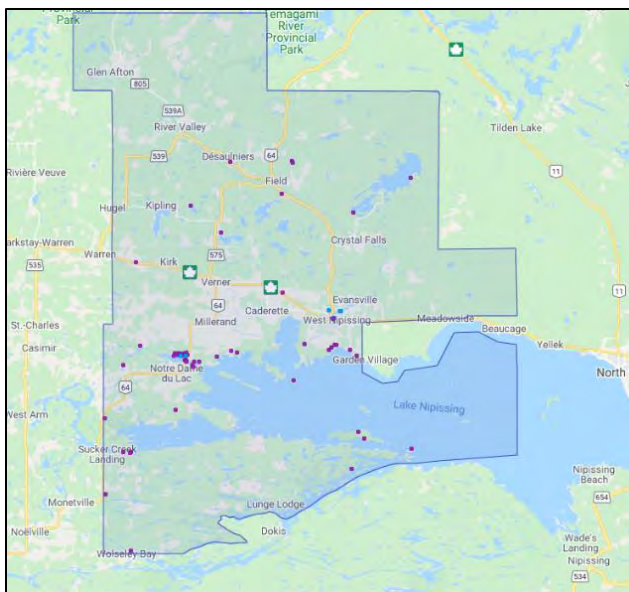
STRs can provide both benefits and drawbacks to local communities. Below is a brief list of potential benefits and drawbacks.

POTENTIAL BENEFITS	POTENTIAL DRAWBACKS
<ul style="list-style-type: none"><li>• Income generation for STR operators</li><li>• Higher housing values</li><li>• Greater choice for consumers</li><li>• Personalized local experiences</li><li>• Efficient use of space</li><li>• Support local tourist economy</li></ul>	<ul style="list-style-type: none"><li>• Housing loss</li><li>• Housing unaffordability</li><li>• Unfair advantages over other hospitality service providers (such as hotels and motels)</li><li>• Increased contraventions of local regulations</li><li>• Community disruption</li></ul>

The Municipality is aware of many properties, mostly lakefront, being used for STR's, particularly during the summer months. To date, concerns raised by abutting owners have largely related to noise and disruption of privacy, however with housing prices increasing rapidly province-wide, this opportunity for STR's only exacerbate the issue.

West Nipissing does not currently have any policies or regulations specifically relating to STRs. In fact, very few communities in Northern Ontario have any policies or regulations at this point in time. As it currently stands, STR operators face no restrictions with the exception of other potentially applicable By-laws such as; Clean Yards, Zoning, Noise, etc.

According to AIRDNA Market Minder, an online data capture site, there are 34 active listings in the West Nipissing Area <https://www.airdna.co/vacation-rental-data/app/ca/ontario/west-nipissing/overview>. The statistics indicate that the market is growing and that the average rental price has increased significantly over the past 12 months. Below is a map of West Nipissing with the purple dots indicating the location of available rental units as of today's date:



## Housing - Affordability and Availability

Housing burdens exist province-wide with acceptable and affordable housing being in short supply almost everywhere. Accordingly, the pressure of short-term rentals on rental housing is very important. There is concern that the increase in STRs leads to a worsening of both housing availability and affordability with non- principal dwelling unit STRs being the main culprit.

There are two basic types of STRs, each of which have different levels of potential impacts on housing affordability and availability.

Principal dwelling unit STR	A rental unit that is the whole principal dwelling or a room within someone's principal dwelling.
Non-principal dwelling unit STR	A rental unit that is a dwelling unit but not someone's principal dwelling unit;

The definitions are significant because a Principal Dwelling Unit STR isn't associated with the loss of a dwelling, however the non-principal dwelling unit STR removes a potential long-term dwelling from the available sale/rental market. Given the statistics in West Nipissing, it appears that the bulk of the available STR rental accommodation consists of Non-Principal dwelling units, presumably cottages or camps owned by individuals who reside elsewhere in the municipality or in other municipalities.

## Municipal Accommodation Tax

The Province of Ontario permits municipalities to apply a municipal accommodation tax to accommodation providers, including hotels, motels, bed and breakfast establishments and including STR operators. This regulatory tool can be included in; the licence application and approval process. Currently, the Municipality of West Nipissing does not have a municipal accommodation tax by-law, however if such a by-law were enacted, revenue could be generated from these Short Term Rentals which could be used for other tourism initiatives.

## Options to address STRs

While some other jurisdictions are considering, or have implemented regulations for STRs, every municipality is different and the regulations in each municipality will be different (much like camping trailers), depending on what the local municipality is trying to achieve by enacting such a by-law. Unfortunately, there is no "one size fits all" approach, however potential regulation approach should consider the following:

- Mitigating conflicts/compatibility issues between residential communities and STRs;
- Identifying the economic impacts that STRs can have on the community (both good and bad);
- Acknowledging the importance of tourism & recreation and the potential positive and negative outcomes of STRs in that regard;

Listed below are the three primary options available to Council, and the various means of enforcement that have been applied elsewhere. The three primary options developed below are inspired by a vast number of communities of all shapes and sizes.

#### ***Option 1 – REGULATE STRS***

Two options for regulating STR's are outlined below, with the second being more restrictive due to appurtenant licensing requirements. As both are land use matters, the Zoning By-Law and/or Official Plan would have to be amended and public consultation would be required in either case.

- Amend the Official Plan and Zoning By-law 2014-45 to define STRs and permit their use in certain zones subject to specific provisions (such as minimum lot size, etc.). If applicable provisions cannot be met, a Planning Act application (Official Plan Amendment and/or Zoning By-law Amendment) would be required.
- Amend Official Plan and Zoning By-Law 2014-45 to define STRs and permit in certain Zones subject to provisions, and establish a Licensing By-law for STRs to be subject to specific licensing requirements.

#### ***Option 2 – PROHIBIT STRS***

Amend the Official Plan and Zoning By-Law to define STRs and prohibit them in all zones, unless by site specific Zoning By-law Amendment.

#### ***Option 3 – MAINTAIN STATUS QUO AND RELY ON EXISTING BY-LAWS FOR REGULATION***

Continue to monitor existing and new STRs and use other means such as following By-laws; Property Standards, Noise, and any other by-law that may be relevant under site-specific circumstances.

It should be noted that each of the options listed above have varying degrees of implications on the current human resources both from an administrative and enforcement perspective. Depending on option approved, there may also be implications on other municipal departments (i.e. Planning, Building, Licensing, Fire, etc.).

#### **Financial/Legal Implications**

The full financial implications of regulating STRs will depend on the option selected by Council. If Council directs staff to develop regulations, an analysis of the financial implications will be explored and presented, commensurate with the level of regulation requested.

Respectfully Submitted,

Melanie Ducharme  
Municipal Clerk/Planner



**WEST NIPISSING PLANNING ADVISORY COMMITTEE**  
**ZBLA2021/16 – PROPOSED AMENDMENTS TO WEST NIPISSING**  
**COMPREHENSIVE ZONING BY-LAW NO. 20145-45**

**MEETING HELD JANUARY 10, 2022**

# RECORD OF COMMENTS/WRITTEN SUBMISSIONS

December 13, 2022:

- Kathleen Thorne-Rochon
- Thea Sebastiany/Robin Frazier
- Gene Samarian
- Clear Lake Cottagers Association
- Jocelyne & Jean Anawati

January 10, 2022:

- Bob Jolley

## **West Nipissing Planning Advisory Committee**

Proposed amendments to Comprehensive Zoning By-law No. 2014-45

Public Meeting December 13, 2021

I am writing in opposition to the proposed change to:

### **SECTION 4.1 - Accessory dwelling (specifically in Shoreline Residential Zone)**

The stated purpose of this proposed change is to address housing supply – a goal supported by both the Provincial Policy Statement (PPS) and the Municipality's Official plan. I would argue that the creation of additional dwelling units in the SR zone will not serve to increase housing supply, but actually have the opposite effect.

Secondary residential units on waterfront property are ripe for potential abuse as short-term commercial tourist accommodation (STA). A 2-bedroom, 1-bath residence may generate \$1200-1400/month as a residence, but can demand \$1000-\$1500/week or more as STA. The conversion of properties from residential use to STA has a negative impact of the available housing stock and is detrimental to the character of neighborhoods. The addition of secondary dwelling units will increase the demand for these properties among speculators and investors and could result in the loss of the both the primary and secondary units to STA, multiplying the loss of net residential units.

STAs also generally exceed the occupancy of residential units. Where a 2-bedroom, 1 bath residence on average would accommodate 2-4 people, the same structure used as STA are often advertised to accommodate 6-8 people. Many SR properties not serviced by municipal water and sewer infrastructure and the inflated occupancy resulting from additional residential or STA units will add capacity and density to these areas and pose a potential threat related to water and sewage issues and access to other municipal services.

The issue of STAs issue has multiplied with the boost in popularity of online platforms such as Air BnB and VRBO and in the last few years West Nipissing has seen an increase of this type of use. In recent years there have been several studies conducted on the impact of residential properties being used as Short-Term Accommodations (STA).

The most common issues identified are:

- Environmental – primarily overloading of sewage systems beyond capacity
- Parking – STA parking requirements often surpasses that of residential use
- Noise
- Building Code and Safety
- Housing affordability
- Neighbourhood Compatibility
- Unfair competition for commercial tourist accommodation required
- Unfair Tax policies (income and property tax classifications)

Municipalities are starting to realize the challenges associated with this type of unauthorized commercial use of residentially zoned properties and many are now amending zoning by-laws to recognize STA as a specific use category and address these challenges.

In this instance, I believe we are “putting the cart before the horse” and this change should not be considered until the municipality updates the zoning bylaw to define and address the use of residential properties as short-term tourist accommodations.

Even then, I believe this proposed change conflicts with the Municipality of West Nipissing Official Plan (OP). The planning board may argue that the proposal to allow “a second single detached dwelling” on property zoned SR will address the priority of housing supply identified in the PPS and OP but a closer review of the Municipality’s Official Plan reveals that this change is contrary to several other sections, especially regarding Waterfront Development.

Most importantly I draw your attention to **Section 3.06.8(9)(A)(ii) of the Municipality of West Nipissing Official Plan:**

**Waterfront Development – Planning Principles - Size, Frontage and Physiography.**

*New lots should be created only when it can be shown to the satisfaction of the Municipality that site conditions are suitable to permit the proper siting of buildings and sewage disposal systems and to obtain a sufficient quantity and quality of potable water.*

*Consideration should be given to the adequacy of water supply and sewage disposal for both the severed and retained portions of the subject property and to impacts on neighbouring properties, as well as the cumulative impacts of development on the sustainability of water resources.*

*New lots are required to be 1.0 ha [2.47 acres] in size unless technical information pertaining to the physical characteristics and hydrogeology of the site in accordance with MOE D-Series guidelines or their successor documents can demonstrate that a smaller lot size can be supported; but in no case should a lot be created that is less than 0.4 ha [1.0 acre].*

This section of the Official Plan was appealed by the Municipality, specifically in relation to minimum lot size for waterfront development. According to the decision document for Case # PL120042 issued by the Ontario Municipal Board (OMB) on September 16, 2016.

**Waterfront Lot Creation**

*[18] The Municipality’s preference was for a minimum waterfront lot size of 0.4 ha. MMAH preferred a minimum waterfront lot size of 1.0 ha.*

*[19] The overarching issue is the protection of water quality and the appropriate disposition of sanitary waste.*

*[20] The proposed modification must temper the interest in development with appropriate environmental protection.*

The OMB decision amended this section of the WN Official Plan so that it would “have regard for matters of provincial interest set out in s. 2 of the (Planning) Act and is consistent with the 2014 PPS (provincial Policy Statement)...and conforms to the GPNO (Growth Plan for Northern Ontario)” and it made these changes even though the Municipality and MMAH had already reached a settlement on the issue. In fact, the OMB decision tightened up the language to give less leeway and flexibility and ensure that any development under the 1.0 ha minimum would have to meet specified environmental

guidelines. The directive was that waterfront lots of under 1.0 ha are only permitted if “the site is able to meet the requirements of the Ministry of Environment and Climate Change D- Series guidelines with respect to physical characteristics and hydrogeology of the site.”

The stated intent of this decision by the OMB was to “temper the interest in development with appropriate environmental protection”. The proposal to amend the zoning bylaw to allow “a second single detached dwelling” in the SR zone and the resulting increased population density on the municipality’s waterfronts is not consistent with the Official Plan, and in fact appears to be an attempt to get around the Ontario Municipal Board ruling on minimum lot size. If MMAH or the OMB felt that having 2 residences on a 1.0 ha waterfront lot was appropriate or acceptable, MMAH would not have made the initial modification to the Official Plan, or the Municipality would have won its appeal.

Although the Provincial Policy Statement was updated for 2020, the following policies on which the 2016 OMB decision was based remain unchanged:

***Provincial Policy Statement 2020***

***1.1.3(c) - avoiding development and land use patterns which may cause environmental or public health and safety concerns;***

***1.1.5.1 - When directing development on rural lands, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.***

Additionally, the Provincial Interests in Section 2 of the Planning Act referenced by the OMB in its decision remains unchanged since the time of the OMB decision.

***Planning Act 1900 (last update October 2021) – Section 2 - Provincial interest***

***The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,***

- (a) the protection of ecological systems, including natural areas, features and functions;***
- (b) the protection of the agricultural resources of the Province;***
- (c) the conservation and management of natural resources and the mineral resource base;***
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;***
- (e) the supply, efficient use and conservation of energy and water;***
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;***
- (g) the minimization of waste;***
- (h) the orderly development of safe and healthy communities;***
- (i) the protection of the financial and economic well-being of the Province and its municipalities;***

- (o) *the protection of public health and safety;*
- (p) *the appropriate location of growth and development;*

The Growth Plan for Northern Ontario has not been updated between 2016 and present and therefore the following section still applies:

***Growth Plan for Northern Ontario – 4.1 Preamble***

*How communities are planned and designed has far-reaching impacts. Well-planned and thoughtfully designed communities will attract investment and support economic development, attract and retain skilled workers, strengthen cultural identity and heritage and maintain a clean and healthy environment. The policies in this section of the Plan support community planning in Northern Ontario that balances the equally important priorities of human, economic and environmental health.*

Considering that most of the lots zoned as SR within the municipality are far smaller than the 1.0 ha required for new lot creation and given that the policies of the three referenced foundational documents on which the OMB based their decision have not changed since 2016 it would be fair to expect that these same policies, which local planning decisions must consistent with, would be applicable to the proposed amendment and it would not stand on appeal.

Submitted by Kathleen Thorne Rochon  
November 29, 2021



**From:** [North Shore](#)  
**To:** [Melanie Ducharme](#); [Tanya Lelievre](#)  
**Subject:** Re: OBJECTION to the Proposed amendments to the Comprehensive Zoning By-Law No. 2014-45 under Section 34 of the Planning Act, RSO 1990.  
**Date:** December 10, 2021 5:14:24 AM

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**CAUTION:** This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Day Melanie and Tanya,

Please accept this email as written confirmation requesting notification of the decision. In addition, we would appreciate confirming receipt of our email indicating our objection to the proposed amendments.

Have a great weekend, Thea

On Fri, Dec 10, 2021 at 5:06 AM North Shore <[theasebastiany@gmail.com](mailto:theasebastiany@gmail.com)> wrote:

We **STRONGLY OBJECT** to the proposed amendments to the Comprehensive Zoning By-Law No. 2014-45 under Section 34 of the *Planning Act, RSO 1990*.

Typically Municipalities implement measures in an effort to protect their water front and residential areas, primarily to minimize any detrimental environmental impacts and to promote beautification of their jurisdiction. In addition to the UNLIMITED and UNREGULATED recreational camping trailers / storage interfering with our enjoyment of our home, this proposed amendment will further degrade our property and surrounding area. The Municipality has a duty to protect their jurisdiction and to enhance the beauty of the area to attract new tax paying homeowners. Executing the proposed amendments will ultimately encourage additional clutter and degradation of the area. As it stands, there is little to no enforcement on the existing By-Laws and many yards are overrun with unsightly junk, despite the detrimental effects it has on the neighbouring properties that take pride in their homes.

To recap, we **STRONGLY OBJECT** to the proposed amendments for the following reasons:

- Further degradation of the SR and RR areas
- Lack of enforcement with current By-Laws
- Property line setback requirements are minuscule and will interfere with the view / enjoyment of the adjacent properties
- Property line setback requirements should be 15 meters and a minimum lot size requirement of one (1) acre or greater
- Deplorable that the Municipality may permit large and obstructive storage containers that rust over time to be situated less than four feet beside your home and adjacent to waterways
- Accessory Structures will further obstruct views and deteriorate adjacent properties
- Property values will continue to decline
- We already lost a sale on our home as a result of the Municipality permitting unlimited RV camping and storage in Shoreline Residential areas and this additional amendment will deem our house (investment) worthless
- Our health and quality of life have been gravely impact by the actions and lack of action of the Municipality
- The Municipality is Liable for permitting the degradation of the area and detrimentally affecting our ability to enjoy our home

We invested in West Nipissing by purchasing our retirement home on Lake Nipissing and pay high property taxes for absolutely NO Municipal Services. We do not receive any municipal services for water, sewage, garbage pick up and we even have to maintain our own road. Yet the Municipality would rather promote FREE camping and storage in residential areas on the backs of the taxpayers with no regard to our quality of life; as we helplessly watch our property values plummet. Unfortunately, at this time, we would never encourage anyone to move to this jurisdiction based on the Municipalities lack of regulations and lack of protecting the tax paying homeowners and their investments.

Respectfully and without Prejudice,

*Thea Sebastiany and Robin Frazer*

From: [gene.samarian](#)  
To: [info](#)  
Cc: [Melanie Ducharme](#); [Jay Barbeau](#); [Joanne Savage](#)  
Subject: November 15th public meeting.  
Date: December 10, 2021 8:04:48 AM  
Attachments: [Screenshot\\_20211210-073638.png](#)

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**CAUTION:** This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I cannot even believe that this meeting is scheduled when people without internet cannot attend or give oral presentations. Please postpone this meeting until all residents have the option to attend.

I am writing to inform you that I am I do not agree with this construction part

7:36

65%



NOTICE OF VIRTUAL PUBLIC MEETING ON DECEM...



westnipissing.ca



West Nipissing Ovest

FR



#### 4. SECTION 4.22.1(d) PROHIBITED USES/ACTIVITIES

**PURPOSE:** to remove the Shoreline Residential (SR) zone from the zones in which galvanized steel structures are prohibited.

**EFFECT:** galvanized steel accessory structures would be permitted in the Shoreline Residential zone, subject to the provisions of 4.2, above.

#### 5. SECTION 4.28.1 – CONSTRUCTION:

**PURPOSE:** to amend the scope of permitted temporary buildings/structures during construction to include a storage container (See Can)

container (Sea Can).

**EFFECT:** storage containers would be permitted to be placed temporarily on properties in zones where they are typically prohibited for the purpose of storage on a property in which construction. The provision will require that such containers are permitted only for the period of the open building permit.

**6. Table 9.1 and 9.2 PERMITTED USES AND ACCESSORY USES IN AGRICULTURAL AND RURAL ZONES**

**PURPOSE:** to amend Note (b) for consistency with Table 9.3

**EFFECT:** to bring conflicting paragraphs into consistency. Minimum RU lot size was changed in 2017 from 10 Ha to 4 Ha, however; the Notes in Tables 9.1 and 9.2 were not updated.



**Municipality of West Nipi...**

3,731 Page likes



Not all construction done needs a permit. 11.3.3.1 basic renovations in the Ontario Building Code states you can maintain your home without a permit for certain construction projects.

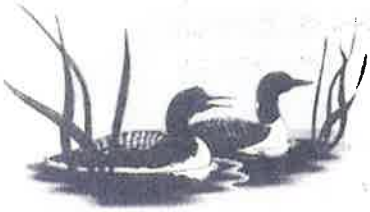
Also there are plenty projects in a person's property that do not need permit either and with the fact that construction theft is on the rise because of the excessively increasing prices of construction material, a good storage option is being taken away. Who would be responsible for the theft of material if property owners cannot use a means of protecting their materials?

Please take this underlying phrase out of the current reading of the by law. As my internet will not allow me to functionally attend a zoom meeting, I am hoping this email will be handled according to law.

**CLEAR LAKE COTTAGERS' ASSOCIATION of FIELD**

**ASSOCIATION CHALETS LAC CLAIR de FIELD**

*P.O. Box 98, FIELD, ON P0H 1M0*



24 November 2021

RE: PROPOSED AMENDMENTS TO ZONING BYLAW 2014-45  
PUBLIC MEETING 13 DEC 2021

Att: Melanie Ducharme, Municipal Clerk

The express purpose of Clear Lake Cottagers Association is to protect our lake and advocate on behalf of the residents. With that in mind, I wish to raise concerns over the proposals that will be discussed on 13 December 2021.

Initially, I would suggest there is no basis to relate any of the proposed changes to "affordable housing" as is outlined in your correspondence. If anything, changes would be opening the door to new recreational properties offered for B & B or weekly rentals. I would suggest that the wording in new article 4:2:2 would provide little deterrence to such activity and it would be impossible for the municipality to properly police this situation which already exists to some extent.

The original planning for our lake community was based on one residence on a good sizeable lot. This presumably would provide privacy and respect the capacity of the lake to support households and residents.

As I understand it, the municipality has previously increased the potential number of lake users by allowing owners to add an accessory dwelling as part of the primary residence. There is little doubt with the more people using the lake the greater the concern over maintaining water quality.

The municipality's new proposal.4:1:1 goes even further by suggesting owners be allowed to build detached accessory buildings on their property. This creates the possibility of doubling the number of buildings affecting the lake and opens the door to B & B and weekly rentals.

Water quality is a prime concern but the municipality should not be overlooking the inherent rights of existing property owners who purchased property with the understanding that building would remain limited.

I also note that articles 4:1 and 4:1;1 employ a different definition of "accessory dwelling". Reading the proposal would almost seem to enable owners to have an accessory dwelling as part of their residence and then establish a second detached accessory dwelling on the property (provided there was no existing sleep camp). Three households....this is not justified.

Your correspondence indicates the municipality has had increased requests to expand the use of shoreline properties. Taxpayers have a right to transparency and learn who the municipality is attempting to benefit with the proposed changes. I would suggest that the changes are not acceptable to the greater majority of our property owners.

The new provision 4:2:11 allowing the use of storage containers on shoreline properties and 4:2:1d allowing galvanized buildings seem to have made their way into the proposals in the absence of any actual business planning. There is no evidence presented that would justify the need to remove existing protections against abusive storage. Presumably the municipality would be powerless to control storage in old vehicles etc. if existing protections are removed. These new proposals are not in the best interests of the majority of our members. Once again, we would like to know, who has suggested that these changes are necessary and reasonable?

Our Association has previously submitted concerns that proposed controls over travel trailers (usage and storage on shoreline properties) do not adequately protect our lake and landowners.

In totality, I would submit that the majority of our members who are landowners and pay taxes to this municipality would be against the majority of these recommended changes. Our membership would welcome more control over the issues that are included in these proposals, vs. the wide opened approach being taken. These changes will be seen as a backward step vs. progress.

We will be sharing the notice of public meeting with our membership and encouraging them to respond to the invitation and participate in the 13 Dec 2021 meeting.

Sincerely Yours

A handwritten signature in black ink, appearing to read 'Howie Longfellow', with a stylized flourish at the end.

Howie Longfellow, President  
Clear Lake Cottagers' Association of Field  
705-758-1205

Jean & Jocelyne Anawati  
58 Fourth Street  
Sturgeon Falls, ON P2B 3G4

2021/11/28

Municipality of West Nipissing

RE: PROPOSED AMENDMENTS TO ZONING BYLAW 2014-45  
PUBLIC MEETING 13 DEC 2021

Att: Melanie Ducharme, Municipal Clerk

We are residents of Lac Clair in Field, Ontario. With that in mind, we wish to raise concerns over the proposals that will be discussed on 13 December 2021.

We would suggest there is no basis to relate any of the proposed changes to "affordable housing" as is outlined in your correspondence to the Clear Lake association.

If anything, changes would be opening the door to new recreational properties offered for B & B or weekly rentals. We would suggest that the wording in new article 4:2:2 would provide little deterrence to such activity and it would be impossible for the municipality to properly police this situation which already exists to some extent.

The original planning for our lake community was based on one residence on a good sizeable lot. This presumably would provide privacy and respect the capacity of the lake to support households and residents.

As we understand it, the municipality has previously increased the potential number of lake users by allowing owners to add an accessory dwelling as part of the primary residence.

There is little doubt with the more people using the lake the greater the concern over maintaining water quality.

The municipality's new proposal.4:1:1 goes even further by suggesting owners be allowed to build detached accessory buildings on their property. This creates the possibility of doubling the number of buildings affecting the lake and opens the door to B & B and weekly rentals.

Water quality is a prime concern but the municipality should not be overlooking the inherent rights of existing property owners who purchased property with the understanding that building would remain limited.

We also note that articles 4:1 and 4:1:1 employ a different definition of "accessory dwelling". Reading the proposal would almost seem to enable owners to have an accessory dwelling as part of their residence and then establish a second detached accessory dwelling on the property (provided there was no existing sleep camp). Three households....this is not justified.



Your correspondence, to the Clear Lake Association, indicates the municipality has had increased requests to expand the use of shoreline properties. Taxpayers have a right to transparency and learn who in the municipality is attempting to benefit with the proposed changes. We would suggest that the changes are not acceptable to the greater majority of the property owners.

The new provision 4:2:11 allowing the use of storage containers on shoreline properties and 4:2:1d allowing galvanized buildings seem to have made their way into the proposals in the absence of any actual business planning. There is no evidence presented that would justify the need to remove existing protections against abusive storage. Presumably the municipality would be powerless to control storage in old vehicles etc. if existing protections are removed.

These new proposals are not in the best interests of the majority of the present residents of Lac Clair. Once again, we would like to know, why these changes are necessary and reasonable, and consider avoiding them.

The Clear Lake Association has previously submitted concerns that proposed controls over travel trailers (usage and storage on shoreline properties) do not adequately protect our lake and landowners.

In totality, we would submit that the majority of the residents of Lac Clair, who are landowners and pay taxes to the West Nipissing municipality would be against the majority of these recommended changes. We would welcome more control over the issues that are included in these proposals, vs. the wide opened approach being taken. These changes will be seen as a backward step vs. progress.

Respectfully



Jocelyne & Jean Anawati



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**From:** Robert Jolley <rajjolley@gmail.com>  
**Sent:** December 14, 2021 7:28 AM  
**To:** Melanie Ducharme <mducharme@municipality.westnipissing.on.ca>  
**Cc:** Howie Longfellow <crimson@netspectrum.ca>  
**Subject:** YOUTUBE MEETING

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Melanie.

As you are aware. I tuned into the youtube meeting last night. I erroneously believed that I could communicate via computer ( as in Zoom meetings). I did initially try the telephone connection, but found the delay and the conversations in french very confusing so I went back to the youtube to watch.

I apologize for any confusion, but I do not recall hearing clarification that telephone connection was required to speak or I would have ditched youtube and used the phone only from the onset.

In any event once I was recognized, I had missed portions of the communications including Howie Longfellow's call. Suffice to say after speaking with Howie, I am submitting the attached letter to ensure the committee understands my personal concerns.

Your assistance in forwarding this on to the committee is appreciated.

Bob Jolley  
705-472-2599  
705-494-5330 - summer  
[rajjolley@gmail.com](mailto:rajjolley@gmail.com)

13 December 2021

RE: PROPOSED AMENDMENTS TO ZONING BYLAW 2014-45  
PUBLIC MEETING 13 DEC 2021

To: Melanie Ducharme, Municipal Clerk

From: Bob Jolley (seasonal resident - Clear Lake, Field)

I signed into the youtube meeting last evening. I admit I misunderstood the nature of the venue (telephone connection required) but after much confusion, I was acknowledged by the Committee Chair. The councillor indicated Clear Lake concerns had already been addressed by Mr. Longfellow so I limited my comments. As I intend to follow the "storage container & accessory dwelling issues through to council, and having spoken with Mr. Longfellow, since the meeting I am providing the following to clarify my personal position to the planning committee before any decisions are reached.

- 1) In my opinion, the committee member who made the comments regarding "right of view" was confusing matters by discussing the ability to see past objects.. Concerns that have been raised relate to the "aesthetics" of storage containers. Everyone will agree they are an eyesore. The planners and council should do everything reasonable to mitigate that reality in the bylaw. The municipality has the ability to protect property owners from unwarranted actions of neighbours. The existing bylaw which the committee apparently choses to change presently protects owners of shoreline properties.
- 2) Ideally, I agree with the committee Chair's initial comment that he did not support changing the bylaw to expand storage on shoreline properties. Short of you mentioning that you get a lot of inquiries about containers, the committee has not been provided with any business case that would substantiate a need for change . I am concerned that the committee did not ask to expand on those comments to clarify the extent and source of complaints.
- 3) I believe councillor Fischer made a good point indicating the bylaw could be less restrictive in regard to shoreline property storage on larger properties. As such I would see the following to be a reasonable compromise.
- 4) The bylaw restrictions against storage on Shoreline properties should remain in effect for all shoreline properties 1 acre in size or smaller.
- 5) Storage on shoreline properties in excess of 1 acre in size could be permitted in accordance with new regulations implemented by the municipality. Those regulations would reflect property

setback and the size of allowable storage sea cans would be set in relation to the property size.

- 6) All storage receptacles would be stored in back yards away (not on lakefront side or bordering shoreline) .
- 7) Storage containers should be coloured and placed in a position that would be the least obvious to viewing from neighbouring properties and the shoreline.
- 8) Any person intending on using storage containers ( other than the standard small container) in accordance with the bylaw should be required to report their intentions and consult with the municipal building department before doing so. This would include use of old vehicles for storage purposes.
- 9) The building department should provide onsite inspection of installations of storage containers that are larger than the standard 20' long containers to ensure compliance with the bylaw.
- 10) The bylaw should outline concrete steps that can be taken by the municipality to inspect and remove containers used in breach of the bylaw. All costs to be assumed by the property owners.
- 11) Any changes to the bylaw to be widely advertized before implementation.

Thank you

R. Jolley  
116 Northshore Rd  
Field, ON  
705-494-5330  
705-472-2599  
rajjolley@gmail.com