

# AGENDA

## WEST NIPISSING PLANNING ADVISORY COMMITTEE

### VIRTUAL MEETING

Planning Advisory Committee  
February 14, 2021, 6:00 PM Eastern Time

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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 February 14, 2022;
  4. Adoption of Minutes: Meeting of January 10, 2021;
  5. **ZBLA2022/02** - Zoning By-Law Amendment Application  
Applicant: Shaun McRae, Albert Viau, Lucie Chartrand-Viau  
Property: 116A Nature's Trail Road, Noelville
  6. Resolution: Amendments to Comprehensive Zoning By-Law (follow-up from January 10, 2022);
  7. Discussion of Short-Term Rental Accommodation By-Law (continuation)
  8. Adjournment.

# Joie de vivre



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



## MINUTES

**Municipality of West Nipissing  
Meeting for the Planning Advisory Committee  
On January 10, 2022 at 06:00 PM**

**PRESENT:**

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

**ABSENT:**

**1. CALL TO ORDER**

**2. DECLARATION OF PECUNIARY INTEREST**

**3. APPROVAL OF AGENDA**

**RESOLUTION #2022/001**

Moved by: Normand Roberge

Seconded by: Christopher Fisher

That the Agenda for the meeting of January 10, 2022, be approved as presented.

**CARRIED**

**4. MINUTES**

**RESOLUTION #2022/002**

Moved by: Joanne Savage

Seconded by: Christopher Fisher

That the Minutes of meeting held on December 13, 2021 be adopted, as amended.

**CARRIED**

**5. ZBLA2022/01 – Pauline and Gaston Betty**

**RESOLUTION #2022/003**

Moved by: Christopher Fisher

Seconded by: Normand Roberge

**WHEREAS** a public meeting was held for the purpose of amending Zoning By-Law 2014-45 for the property located at Principale Street West, Verner, 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 Principale Street West, Verner, from R2 (Residential Zone Two) to R3 (Residential Zone Three).
2. Schedule F3-1 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 6, M21, Parts 1 and 2 36R14697, Caldwell Township, Municipality of West Nipissing, shown on Schedule 'A', attached hereto from R2 (Residential Zone Two) to R3 (Residential Zone Three). The ensuing changes will be brought to the next meeting for adoption and recommendation to Council.

**CARRIED**

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

The Committee continued discussions regarding changes to the Comprehensive Zoning by-law, in particular, hearing submissions from residents concerning the placement of storage containers in Shoreline Residential zones and lengthy discussions concerning lot size, coverage, etc. Discussions concerning other types of structures (busses, galvanized steel buildings) also took place.

**7. SHORT TERM RENTAL ACCOMMODATIONS**

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

**8. ADJOURNMENT**

**RESOLUTION #2022/004**

Moved by: Dan Roveda

Seconded by: Christopher Fisher

**BE IT RESOLVED** that the West Nipissing Planning Advisory Committee meeting of January 10, 2022 adjourned to February 14, 2022.

**CARRIED**

# PLANNING REPORT

Proposed Plan of Zoning Amendment File No. ZBLA2022/02

Applicants: Shaun McRae, Albert Viau, Lucie Chartrand-Viau

Date: February 14, 2022



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## **1. INTRODUCTION**

The purpose of this Planning Report is to address all provincial and municipal land use policies governing the proposed re-zoning of the property located 116A Nature's Trail Road, Sturgeon Falls, Ontario. The application is being put forward by the owners, Shaun McRae, Albert Viau, and Lucie Chartrand-Viau, through their agent, Miller and Urso Surveying Inc. This application is concurrent with an application to sever, being considered by the Committee of Adjustment at this evening's meeting.

## **2. SITE AND BACKGROUND INFORMATION**

The property is located on Nature's Trail Road off of Wolseley Bay Road at the extreme south limit of West Nipissing. The property owned by the Applicant is 60m (200') of frontage and is approximately 1.13 Ha (2+ acres). This property is located in the former unincorporated Township of Falconer and all of the structures were built before 1987, which is the date of the prior zoning by-law governing the West Nipissing Planning Area. Accordingly, all of the structures are currently legal-non-conforming and complying. There are currently two dwellings on the property as well as a number of accessory structures and outbuildings on the property. Both dwellings have their own septic system.

## **3. DEVELOPMENT PROPOSAL**

The purpose and effect of this application is to recognize the existing situation and the situation which will be created by the proposed severance. The owner is proposing to re-zone the property from SR (Shoreline Residential) to SR-14 (Shoreline Residential Exception Zone 14) to recognize the following:

- the lot area(s) of 0.57 and .55 Ha.
- the number of (4) of accessory structures on each severed lot;
- the reduced set back(s) of the septic systems from the lot line(s) <3.0m

## **4. POLICY CONTEXT**

Land use policies and regulations affecting the subject lands include the Planning Act, R.S.O., 1990 and the associated 2014 Provincial Policy Statement at the Provincial Level. At the municipal level, the West Nipissing Official Plan, the Municipality of West Nipissing Zoning By-law 2014-45 and Site Plan Control By-Law No. 2015-63 affect the subject lands.

### **4.1 Provincial Policy Statement**

The *Provincial Policy Statement 2014 (PPS)* provides a policy framework for land use within the Province of Ontario. It is the responsibility of the local planning authority(s), in this case the Municipality of West Nipissing, to uphold the policies of the PPS, pertaining to land use planning and development. In particular, the planning authorities must ensure that their decisions are consistent with key provincial interests.

The within proposal is consistent with the Provincial Policy Statement as it relates to limited residential development in the rural areas as well as resource based recreational uses which includes recreational dwellings.

## 5. LOCAL POLICY DOCUMENTS

Local policy documents include the West Nipissing Official Plan, Zoning By-law and Site Plan Control By-Law.

### 5.1 Official Plan

The Municipality of West Nipissing is guided by the West Nipissing Official Plan which was adopted by Council on April 15, 2008 and approved by the Ministry of Municipal Affairs and Housing on December 7, 2011. The policies of the Reside District are included for the Committee's consideration. The following provides a summary of the existing Official Plan policies and relevant considerations for the site:

#### 5.1.2 Table 3.1 – Permitted Land Uses

The proposed residential use is consistent with the policies of the West Nipissing Official Plan. <b>Table 3.1 - Permitted Land Uses in Designated Urban and Rural Settlement Areas and the Rural Area</b>				
Land Use Category <sup>1</sup>	Urban Settlement Area	Rural Settlement Area	Rural Area	
			Waterfront District	Rural District
<b>Scope of Permitted Residential Uses in District</b> (see also Sections 3.06.5.1, 3.06.2, 3.06.8.2, 3.06.8.9, 3.06.10)	<b><u>Residential District:</u></b> <ul style="list-style-type: none"> <li>• full range of low, medium and high density housing types</li> <li>• specialized housing types: group homes, crisis care, social assisted</li> </ul>	<b><u>Residential Uses:</u></b> <ul style="list-style-type: none"> <li>• full range of low and medium density housing types</li> <li>• specialized housing types: group homes, crisis care, social assisted (excluding high density)</li> </ul>	<b><u>Residential Uses:</u></b> <ul style="list-style-type: none"> <li>• seasonal and permanent residential uses</li> </ul>	<b><u>Rural District:</u></b> <ul style="list-style-type: none"> <li>• limited low density (single and two unit housing)</li> <li>• specialized housing types: group homes, crisis care, social assisted (excluding high density)</li> </ul>

### 6.2 Zoning By-Law

The proposal is to re-zone the property from SR (Shoreline Residential;) to SR-14 (Shoreline Residential Exception Zone 14).

### 6.3 Site Plan Control By-Law

The West Nipissing Site Plan Control By-Law No. 2015-63 was enacted as a tool to establish areas of Site Plan Control in order for the municipality to ensure that development in specifically designated zones will proceed in accordance with certain standards.

Section 1C(i) of the Site Plan Control By-Law provides that any lands which are the subject of a development approval, including a zoning amendment, shall be subject to the provisions of the By-Law. Since the property is non-complying with respect to lot-coverage, set-backs and parking, it is recommended that a Site Plan Control Agreement be registered on title to ensure that no further development or expansion of uses occur on the property.

## **7. CORRESPONDENCE/INFORMATION ATTACHED**

Notice was circulated to property owners within 120 meters (400 feet) of the subject lands and public bodies and utilities as required by Regulation. Copies of those comments are attached as Appendix 1.

## **8. SUMMARY AND RECOMMENDATIONS**

In accordance with the provisions of the *Planning Act*, the undersigned has reviewed the proposal having regard to matters of provincial interest and for consistency with the Provincial Policy Statement 2014.

In addition, the application has been reviewed within the context of the West Nipissing Official Plan and Zoning by-law No. 2014-45. The proposed zoning amendment application to re-zone the property from RU (Rural) to SR-14 (Shoreline Residential Exception Zone 14) is recommended.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read 'Melanie Ducharme', with a long horizontal line extending to the right.

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Melanie Ducharme, Planner



Figure 1 – Aerial Imagery



Figure 2 – Proposed Zoning Amendment Sketch

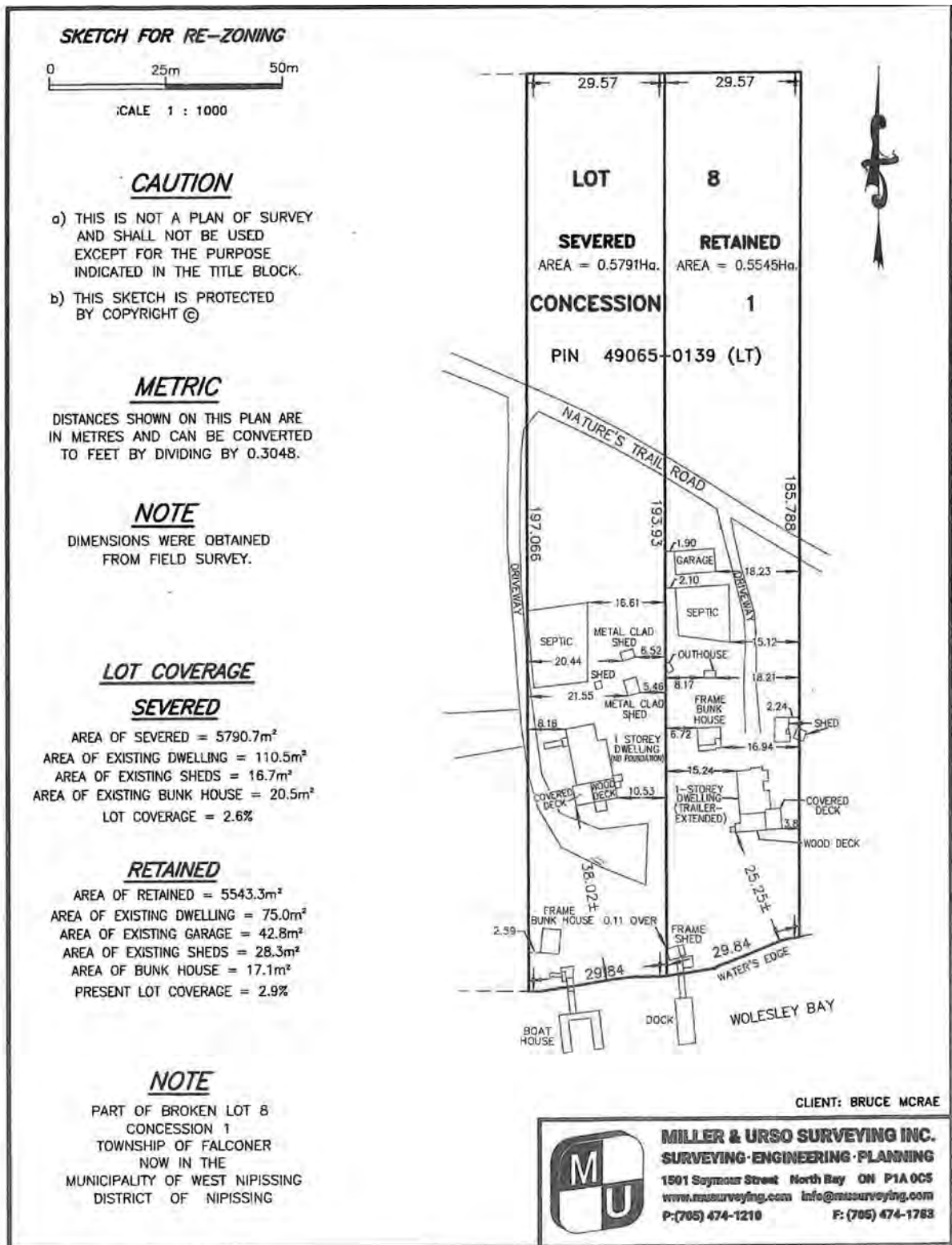


Figure 3 – West Nipissing Official Plan – Land Use Schedule

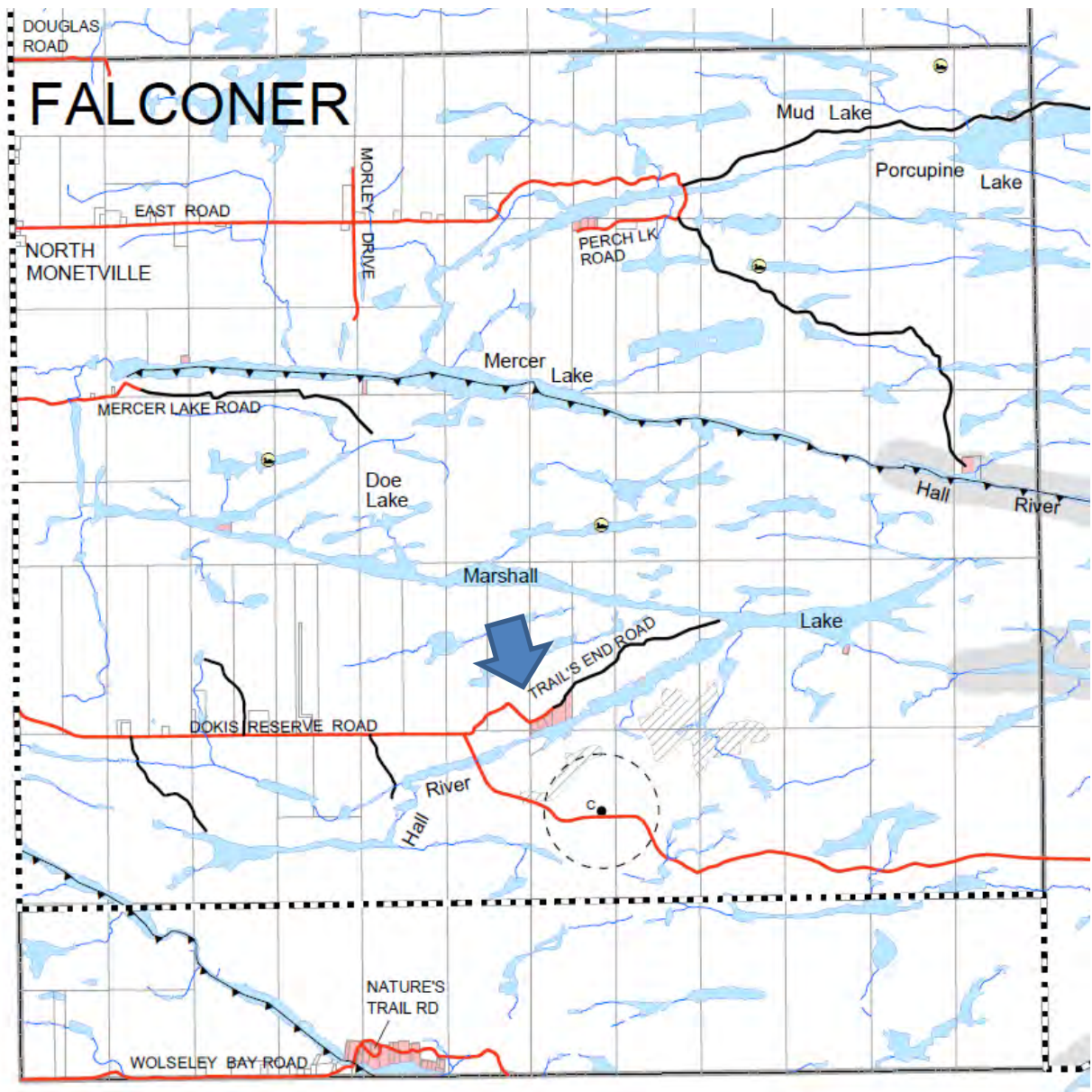
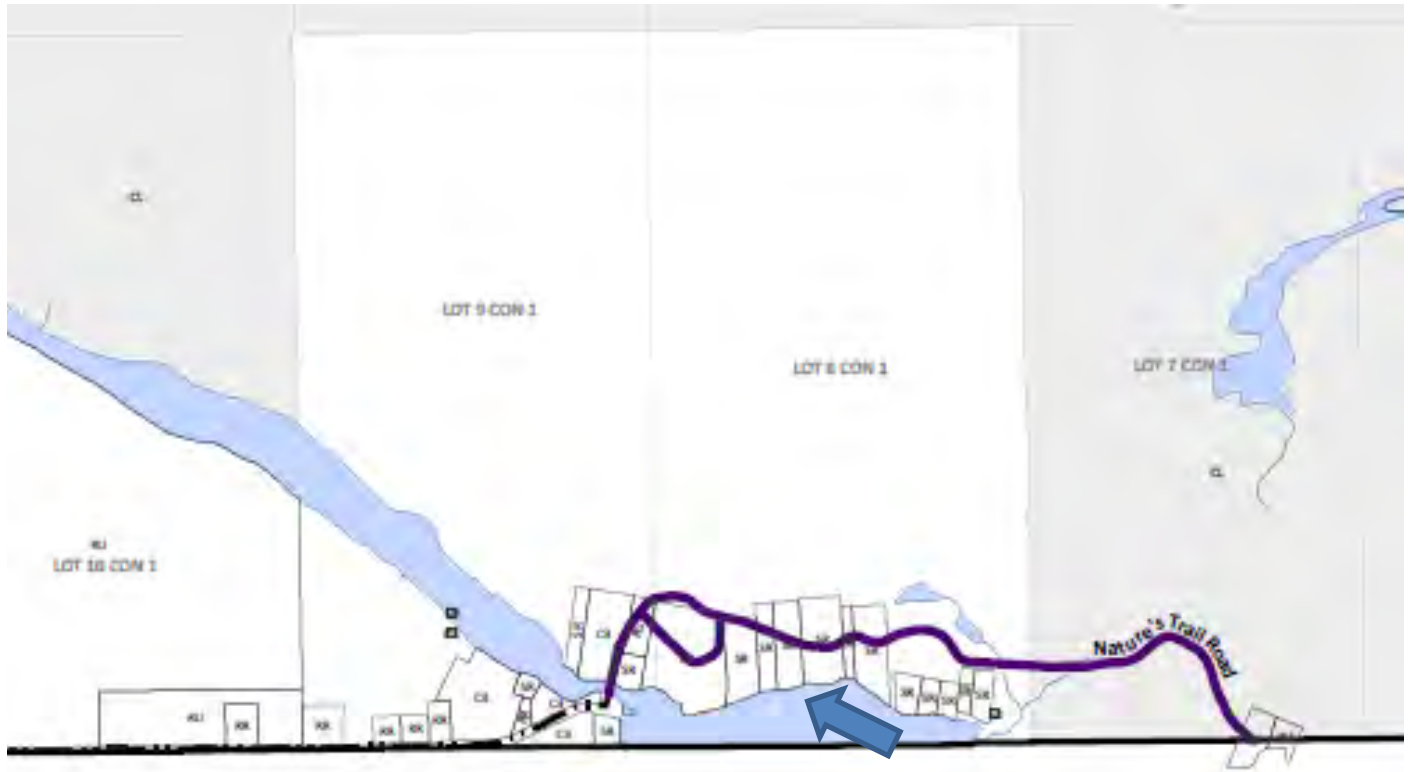





Figure 4 – West Nipissing Zoning By-law No. 2014-45



## Appendix 1 – Agency Comments

<div>  <div> WEST NIPISSING PLANNING ADVISORY COMMITTEE  MEETING HELD FEBRUARY 14, 2021 </div> </div>							
RECORD OF ALL COMMENTS							
APPLICATION	BELL CANADA	MTQ	HYDRO ONE	GREATER SUDBURY UTILITIES	CN / CP RAILWAYS	PUBLIC WORKS DEPT.	BUILDING DEPT.
<b>ZBLA2022/02</b> - Shaun McRae, Albert View, Lucie Chartrand- View - 116A Nature's Trail Road	•	• No comments or concerns	• No comments or concerns	• No conflict	•	• No water • No sewer • Road currently not maintained	• No issues

# MEMORANDUM

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**TO:** Planning Advisory Committee Members

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

**DATE:** February 11, 2022

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

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On January 10, 2022, the Planning Advisory Committee further discussed proposed changes to the Comprehensive Zoning By-law.

The following is a synopsis of the results of that discussion, which have been incorporated into the attached draft by-law for recommendation to Council;

- Storage containers continue to be prohibited in the R1-R4 urban zones;
- Storage containers will be permitted in the SR Zone on lots having an area of 1 acre or more, are limited to one (1) only and are considered an accessory structure and subject to all accessory structure provisions regarding placement and lot coverage;
- Galvanized steel buildings are permitted Accessory Structures in all zones with the exception of (Shoreline Residential) SR, in which they are limited to one (1) only and the same 1 acre minimum lot size as SR;
- Temporary Uses be expanded in the R1-R4 (urban) urban zones to include Storage containers, subject to the issuance of a valid building permit and are limited to the time period of the valid building permit;
- Minimum side and rear yard set-backs for Accessory Structures in the RR, RU, A1, and A2 zones is increased from 1.2m to 3m.

There was a short discussion concerning the use of busses, etc., as accessory structures. I do not believe that this should be a permitted use in any zone and do not recommend amending the current prohibition.

Further correspondence received subsequent to the last meeting is also attached.

THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

BY-LAW 2022/\_\_\_

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

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**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 4.2 - 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 3.0m to any lot line

**2. SECTION 4.2.11 - STORAGE CONTAINERS**

*Amend Section 4.2.11 as follows:*

**Section 4.2.11 Railway Shipping (Storage) Containers/Galvanized Steel Buildings:**

- (a) No person shall, in the Residential One (R1), Residential Two (R2), Residential Three (R3) or Residential Four (R4) Zones, use any truck, bus, coach, transport truck trailer, streetcar body, railway car body, railway shipping (storage) container, or similar structure of any kind, for the purpose of an accessory structure;
- (b) No person shall, in the Shoreline Residential (SR) Zone, use any truck, bus, coach, transport truck trailer, streetcar body, railway car body, or similar structure of any kind, for the purpose of an accessory structure.
- (c) No person shall, in the Residential One (R1), Residential Two (R2), Residential Three (R3) Residential Four (R4) Zones permit more than one (1) galvanized steel building which galvanized steel structure shall, for the purposes of this by-law, be considered an Accessory Structure and subject to the all regulations relating thereto including placement, lot coverage, etc;

- (d) No person shall, in the Shoreline Residential (SR) zone;
  - a. permit more than one (1) storage container or galvanized steel building, which storage container or galvanized steel structure shall, for the purposes of this by-law, be considered an Accessory Structure and subject to the all regulations relating thereto including placement, lot coverage, etc;
  - b. permit a storage container or galvanized steel building on any lot having an area of less than 4000m<sup>2</sup> (1 acre);

### **3. 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.

### **4. 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 Four (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 Four (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>

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

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.

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### Potential Benefits & Drawbacks of STRs

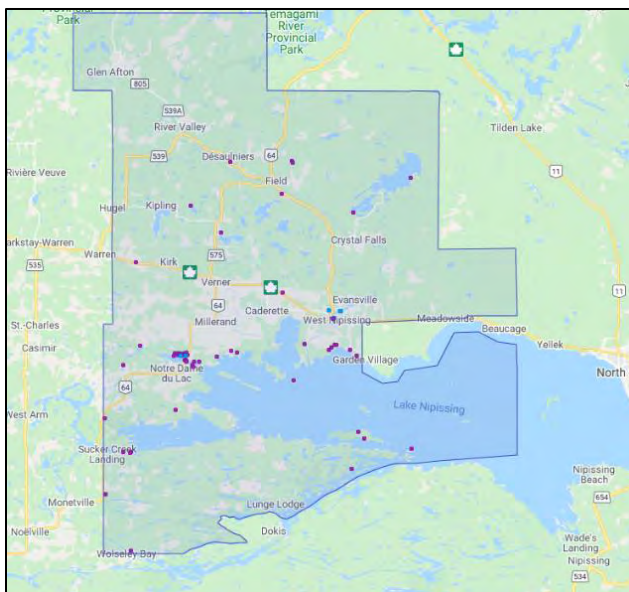
STRs can provide both benefits and drawbacks to local communities. Below is a brief list of potential benefits and drawbacks.

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 FEBRUARY 14, 2022**

# RECORD OF COMMENTS/WRITTEN SUBMISSIONS

December 13, 2022:

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

January 10, 2022:

- Bob Jolley

February 14, 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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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.

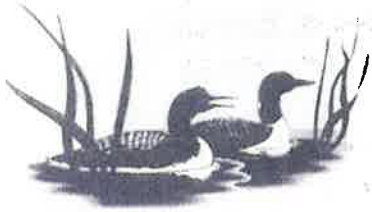
Also there are plenty projects in a person's property that do not need permit either and with the fact that construction theft is on the rise because of the excessively increasing prices of construction material, a good storage option is being taken away. Who would be responsible for the theft of material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

31 January 2022

Ms. Melanie Ducharme,  
Municipal Clerk  
Municipality of West Nipissing

RE: PROPOSED ZONING BYLAW AMENDMENTS

Advisory Committee recommendations to council will affect most residents. As a resident of Clear Lake, I have particular interest in how shoreline residential properties will be affected. I will continue my involvement in the public consultation process to ensure valid concerns are noted.

My position on the issues in your draft amendments are as follows:

**Accessory Dwelling on Lot - Sec 4.1.1** - Either one accessory unit (in main dwelling) or one accessory dwelling (separate building) be allowed on any lot. Restrictions against use of boathouse, garden suite, coach house as a dwelling continue to apply

Provisions be included to allow shoreline residents to retain a cottage as an accessory dwelling when building a full time home. (note restrictions on use for STR - see below)

**Storage Containers - Sec 4.2.11** - Provision prohibiting use of storage containers on Shoreline Residential lots to remain in effect.

**Galvanized Steel Structures - Sec 4.2.11 (d)**- prohibition on use of these structures on Shoreline Residential lots to remain in effect.

**Buses, coach bodies, etc., Sec 4.22.1 (d)** There should be a prohibition against the use of these items as accessory structures in all zones.

**Temporary use / storage containers- Sec 4.28.1** temporary use of storage containers for building/renovation should apply in all zones with set time restrictions

**Recreational Trailers** - Use for dwelling on shoreline residential lot should be restricted to 14 consecutive days or 28 days in a calendar year. Maximum of two trailers per lot at one time. Owners to apply to municipal office to apply for variance and register trailer and arrange septic inspection when longer time period required.

Provision be included to allow use of recreational trailer as temporary accommodation during construction of a dwelling on shoreline residential lot, provided that the accommodation for no longer than 1 year total

**Bed & Breakfast** - Boni fide Dwelling unit within dwelling occupied by owner on shoreline residential lot eligible to be used for B & B

**Short Term Rental (STR)** - If B & B already operated on shoreline residential lot, no other STR permitted.

Only main dwelling on shoreline residential lot ( when not being used for B & B ) to be used for STR . Accessory Dwelling on shoreline lot not to be used for STR

### **RATIONALE FOR PROPOSALS**

I agree with your assertion that the above issues are top of mind in many other jurisdictions.

My priority concern is preservation of my investment on the lake. Without question, any steps taken by council that could increase use of any waterbody could cause requisite damage to our water supply and environment.

Shoreline lots on Clear Lake are not large ( just less than 1 acre) . Some residents use wells, but the majority of the owners draw water directly from the same lake that is already somewhat affected by the waste water from the 93 dwellings. Proposals that could potentially double or triple water use are very concerning to me and my neighbours.

The West Nipissing Official Plan, acknowledges the sensitivities of rural settlement areas and requires the municipality to conduct studies, investigations or other reasonable steps before passing by-laws or amendments. While other neighbouring jurisdictions have undertaken lake studies as part of their process, before implementing changes to zoning bylaws, West Nipissing has not done so.

Waterfront properties are popular. Municipal authorities often recognize this by providing different controls in bylaws . I am suggesting we need more restrictions on additional dwellings, B& B and STR on shoreline lots in West Nipissing as outlined.

I am in favour of a continued prohibition on the use of metal storage containers and galvanized steel buildings on shoreline properties. The committee has not been provided with any evidence that there is a demonstrated need for change, and I am comfortable in suggesting the highest majority of our lakefront owners would be against any changes. In addition, the committee has already reached a consensus that a shoreline lot should be a minimum size of 1 acre to qualify for storage container , so why would a change be warranted?

I have learned that some surrounding jurisdictions have expressed less openness to use of these containers than is proposed here in West Nipissing. Some towns restrict use to commercial areas, others have required that the containers be aesthetically enhanced, while some require owners to build fences or landscaping to cover them.

In closing, I recognize that municipal staffing levels create enforcement and administrative challenges, but I continue to believe that the laws and processes employed in changing those laws must be designed to protect the taxpayers, not reduce municipal workload and satisfy the need of any one person involved in the planning process.

Not all people are law abiding, but the bylaws should be based on the assumption that the largest majority will adhere.

I have sent emails to the Board members, but I would still appreciate you formally sharing these comments with the members of the Planning Advisory Committee and look forward to the meeting on 14 Feb 2022.

Sincerely Yours

Bob Jolley  
116 Northshore Rd  
Field , ON  
P1B 9G3  
705-472-2599  
rajjolley@gmail.com