



COUNTY OF BRUCE

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

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Chris LaForest, Director

July 26, 2013

N-13-46

Robert A. Beccarea

By email: beccarea.156@gmail.com

RE: Request for information at Miller Lake Community Group's AGM

Thank you for your letter outlining planning and land-use related questions that are of interest to members at your upcoming meeting. The Department and Municipal staff have reviewed your questions, and offer the following in response to your queries. Please see the following information and attachments.

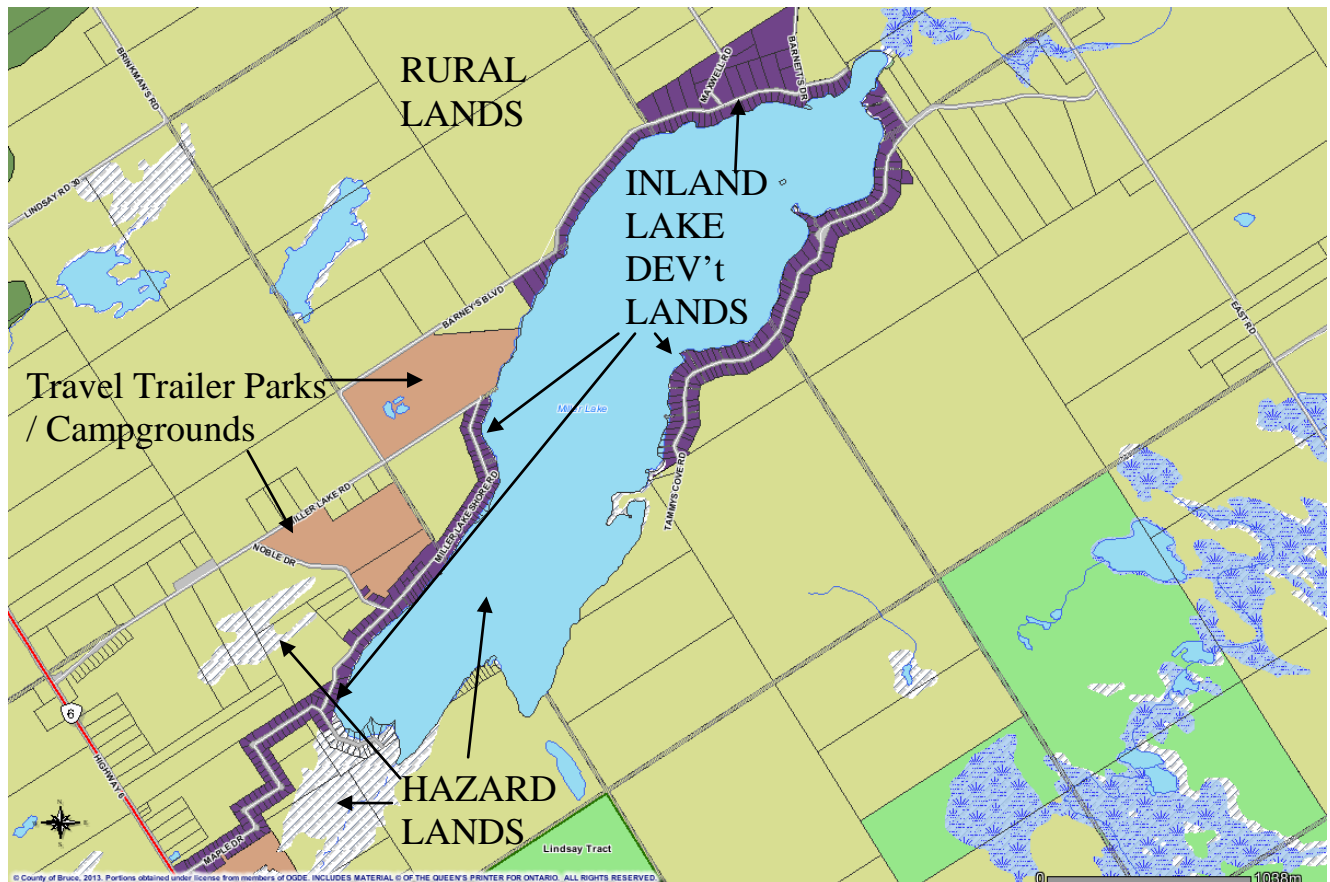
1. Back Lot Development

a) What are the as a right minimum lot size permissions for lot creation by severance or plan of subdivision in the RU2 and RU1 zones.

Lot creation is subject to the policies of the Bruce County Official Plan.

In the area around Miller Lake the prevailing Official Plan designation is **Rural**, as shown on the map below. These areas are generally zoned **RU2** and **RU1**.

Generally, smaller existing "Back lots" on roads around Miller Lake are within the **Inland Lake Development** designation. This designation essentially recognizes existing developed areas. Areas that had not historically been developed are designated rural. There are limited areas within the "Rural" designation (RU2 / RU1 zoning) that have road frontage.



Section 6.5.3.4 of The Bruce County Official Plan provides policies for consents within the Rural designation (typically zoned RU1 / RU2 in NBP).

The short version of severance potential in this area is that an original township lot (typically 100 ac) may be surveyed into:

- 2 x 20 ha (50 ac) parcels with both parcels having frontage on opened and maintained roads
- 2 x non-farm residential lots + retained lots; only one consent may be permitted at a time, and a previously severed non-farm residential lot must be built upon before a severance of a second lot will be considered. Lot area is to be generally 0.4 ha to 0.6 ha, although lots up to 4 ha may be considered based on a planning report justifying the lot area.

There are a number of other policy requirements which are described in this section of the Plan.

There are no “as of right” provisions for development by plan of subdivision in the Rural Designation and its ancillary RU2 or RU1 zones.

b) What would be required to create such development of those vacant parcels.

A proposal for larger scale development in the Rural designation could come in the form of:

- A Proposal to expand the Inland Lake Development designation to include additional lands, which would require an amendment to the Official Plan
- A Proposal to establish an “Estate Residential” designation which also requires amendment to the Official Plan.

Within this Inland Lake Development Designation, development policies in the Official Plan state that:

“New development will generally take the form of residential infilling in areas already substantially developed or the rounding out of existing development. Such development shall not be interpreted to include any development which would have the effect of significantly expanding the existing built-up area.” (Bruce County Official Plan Section 5.4.4.1)

A proposal for development by subdivision of remaining parcels would require an amendment to the Official Plan. As part of the Official Plan Amendment, studies would be required to justify the proposed development and address the potential for increased development to impact the lake. These would likely include (but may not be limited to)

- Water and Sewer servicing study (reviewing the options for communal / private servicing and justifying the recommended approach)
- Hydrogeological Investigation
- Nitrate Study
- Surface Water Impact Assessment
- Environmental Impact Study (which may address a number of factors)
- Archaeological Assessment
- Stormwater Management Plan

The full suite of studies which may be required in support of a Planning application is described in Section 6.19 of the Bruce County Official Plan. Plan Amendments, associated zoning by-law amendments, and subdivisions are a public process which includes direct mail circulation of property owners within 120m (400’), a notice posted on the lands subject to an application, and public meetings.

c) What are the Current permitted uses and prohibited uses in those zones

Please see the attached zone provisions for the RU1 and RU2 zones.

2. Municipal Provincial Controls for Shoreline Development

a) What zoning regulations exist respecting the construction of breakwalls above and below the shoreline’s high water mark

Section 6.12 of the By-Law says that areas below the high water mark are zoned EH Environmental Hazard.

Section 28 of the By-Law provides EH zone provisions and is attached.

The By-law permits non-habitable buildings or structures designed for flooding or erosion control purposes.

b) Similarly, the building of ramps and boathouses, and their sizes

The EH zone permits boat launching and docking and also permits boat houses.

Boat houses in the EH zone are to be 10m from a lot line, a maximum of 86 square feet, and maximum of 5m (16') in height. At present this height is measured to the mid-point between the eaves and the peak.

Section 6.3.4 Yards for residential uses provides that:

- v) Detached accessory buildings, designed and used only for the storage of boats and boating accessories, and located on lots, which adjoin a body of water, shall not require a rear yard setback but shall comply with all other provisions of the By-law.

If the boathouse is in the hazard zone, it cannot be more than 86 square feet. If it is NOT in the hazard zone, it is subject to general zone provisions for accessory buildings (same as any other building):

6.3.4 Yards for Residential Uses

Despite any other provisions of this by-law, any accessory building or structure, in any residential zone or non-farm residential use in a Rural Zone, may be erected in any yard subject to the following restrictions:

- i) When located in a rear yard, such accessory building or structure shall be located no closer than 1 m (3 ft) to the side and/or rear lot line. Further, any part of such accessory building or structure shall be setback 3 m (9.8 ft) from any part of a dwelling on an adjoining lot.
- ii) When located in a interior side yard, an accessory building or structure may be positioned no closer than 1 m (3 ft) to an interior side lot line. Where a mutual private garage is erected on the lot line between two lots, no interior side yard setback is required.
- iii) Where erected in a exterior side yard no accessory building or structure shall be located closer than 6 m (19.6 ft) to any road line.
- iv) Detached garages or any part thereof, may be located in front of the principle structure provided it complies with the minimum front yard setback requirements and minimum side yard requirements.
- v) Detached accessory buildings, designed and used only for the storage of boats and boating accessories, and located on lots, which adjoin a body of water, shall not require a rear yard setback but shall comply with all other provisions of the By-law.

c) How is Section 6.12 of the ZBL relevant to these issues

6.12 ZONING OVER WATER BODIES

Except as otherwise provided, all lands below the high water mark elevation of 177.6 m G.S.C. (582.6 ft), the water body itself, the space above the water body and the area from the inland side of any shore road allowance to the high water mark, are zoned Environmental Hazard Area. Such Environmental Hazard Area Zone shall extend to the international boundary where applicable and all inland lakes over 2 hectares (4.9 acres) in area.

This section provides that land below the high water mark is zoned Environmental Hazard. There are also areas that are zoned environmental hazard for other reasons (wetlands etc, or wave uprush areas).

What is required to construct items (a) and (b) and who provides those permissions

All buildings and structures are required to comply with the zoning by-law.

Structures under 10 square metres (108 square feet) do not require a building permit under the Ontario Building Code. This does not exempt them from the requirement to comply with the provisions of the zoning by-law.

Any structure or site alteration below the high water mark requires approval of the Ministry of Natural Resources (MNR) and/or Department of Fisheries and Oceans (DFO). In many cases this is in the form of a permit. Some works do not require a permit from one agency or the other, but both agencies' requirements should be reviewed.

MNR work permit information can be found here:

http://www.mnr.gov.on.ca/en/Business/CrownLand/2ColumnSubPage/STEL02_165788.html

DFO information is located here:

<http://www.dfo-mpo.gc.ca/regions/central/pub/habitat-on/05-eng.htm>

3. Is either a Community Group or a Municipal or Provincial Authority able to control, and if so, what needs to be done:

a) Boat and engine sizes

Transport Canada is the regulatory authority. Some waterways are regulated. You can find the regulations here: <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2008-120/>

Jet ski speed and navigation

Transport Canada regulates speed in some areas. The Transport Canada website indicates that there are unposted shoreline speed restrictions. More information is located here. There are also age-based restrictions on horsepower and boat classes.

http://www.tc.gc.ca/eng/marinesafety/debs-obs-quick-quick_visitor-1610.htm

b) Boathouses adjacent to a person's lot

As noted above, these are regulated by DFO and MNR and are subject to the Municipality's zoning by-law for EH lands.

c) Swim rafts and docks adjacent to public rights of way and parkland areas

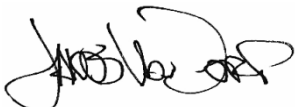
I understand this to refer to swim rafts / docks for the use of back lot residents. Generally these rights-of-way have been established in order to ensure that back lot residents can get to the lake.

Locating these facilities within the lake would be subject to any applicable DFO and/or MNR requirements. The Municipality does not permit installation of such fixtures or appurtenances on Municipal property.

Please note also that the Municipality of Northern Bruce Peninsula is currently undergoing a review of the Comprehensive Zoning By-Law which is likely to result in a new comprehensive by-law being passed for all lands within the Municipality. Among other changes, this new by-law may increase the permitted size of a boathouse to 37 square metres (400 square feet), increase setbacks requirements from inland lakes to 15 metres (50 feet), and change the height regulations to the peak of a structure. Please see the attached notice with information on where to find the proposed new by-law as well as dates and times for public open houses and where to send written comments.

Sincerely,

County of Bruce



Jakob Van Dorp, B.Sc., M.Pl.
Area Planner for Northern Bruce Peninsula
County of Bruce Planning and Economic Development

Attachments

- RU1 and RU2 zone provisions
- EH zone provisions
- Newspaper Advertisement for new by-law Open Houses

SECTION 10 RU2 - RURAL ZONE 2 (RESTRICTED RURAL)

All uses permitted in the RU1 zone under [Section 9.1](#) are permitted in the RU2 zone except intensive agricultural uses and liquid manure storage facilities. **The zone provisions of [Section 9.2](#) shall apply to the RU2 zone.**

10.1 SPECIAL PROVISIONS

RU2-a Exempt from [Section 6.15.1](#) (Frontage on a public road)

RU2-b Pt. Lot 34, Conc. 8 EBR (Lindsay)

RU2 permitted uses and provisions except:

- Max. number of guest rooms in Bed & breakfast establishment shall be 7
- Max. number of guests shall be 14

RU2-c Lot 33 & 34, Conc. 9 EBR (Lindsay).

RU2 permitted uses and provisions plus:

- craft store
- restaurant
- One exterior sign is permitted for advertising

RU2-e Pt Lot 25, Con 2 WBR (Lindsay) (Mosiuk)

- Outside storage/display of goods shall be permitted in accordance with [Section 6.28](#) Open Storage Commercial and Industrial Zones
- The outside/storage display shall be limited to goods (garden sheds and lawn furniture) produced on site
- Reduced front yard setback to 8m (26ft) – reduced front yard setback will apply only to the storage/display of goods produced on site and not to any permanent buildings or structures that require a building permit.

RU2-f Lot 1, Con 4 WBR (Eastnor) (Meagher)

- Permitted uses shall be limited to forestry, conservation areas and wildlife sanctuary.
- Buildings and structures shall be prohibited.

RU2-g Part Lot 95, Plan 385, 2493 Bruce Rd 9 (Eastnor) Madill Z-6-2005.62, By-law 2005-35 F&E 5 Aug 2005

- minimum lot area shall be increased from 0.5ha (1.2 ac) to 2.73ha (6.75ac)
- construction of a detached dwelling in accordance with [Section 10.2](#) (R1 zone provisions) shall be permitted

RU2-i 1519 West Rd; Pt Lts 24/25 Con 3WBR (Eastnor) Thistle Z-33-2008.62, By-law 2009-03 F&E 9 Feb 2009

- minimum lot area shall be reduced from 39ha (96ac) to 22 ha (54ac).

RU2-j-H Pt Lot 51 Con 1WBR, RP 3R5992 Pt 1 (St Edmunds) Rowland Z-76-2009.68 Bylaw 2010-60 12Jul2010

- Provisions of an Environmental Impact Study to the satisfaction of Grey Sauble Conservation Authority and the County of Bruce, that justifies the removal of the Holding symbol
- Provision of a Site Servicing Report to the satisfaction of the appropriate approval authority.

RU2-2012-35 Pt Lt 4 Town Plot Bury WBR, Plan 3R8342 Pt 1 (St Edmunds) (Blue Heron Z-52-2011.68)

- Permitted uses shall be limited to those existing on the date of passing of this by-law.
- Any further development will require an Environmental Impact Study to address the natural heritage and hazard features on the subject and adjacent properties.

SECTION 9 RU1 - RURAL ZONE 1 (GENERAL RURAL)

9.1 USES PERMITTED

No person shall within the RU1 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- detached dwelling
- cottage dwelling
- accessory detached dwelling
- agricultural uses
- specialized agricultural uses
- sod farm
- Home Based Business - bed and breakfast establishment in accordance with [Section 6.11](#)
- Home Based Business - professional uses in accordance with [Section 6.7](#)
- Home Based Business - domestic and household arts in accordance with [Section 6.8](#)
- Home Based Business - rural business in accordance with [Section 6.9](#)
- liquid manure storage facilities in accordance with [Section 8.1](#) and 8.4
- wildlife sanctuaries
- conservation Areas
- forestry
- buildings, structures and uses accessory to a permitted use

9.2 ZONE PROVISIONS

No person shall within the RU1 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

Provisions	Agricultural Uses	Other uses
minimum lot area	39 ha (96 ac)	0.5 hectares (1.2 ac)
minimum lot frontage	100 m (328 ft)	89.9 m (294.9 ft)
minimum front yard	30 m (98 ft)	30 m (98 ft)
minimum exterior side yard	30 m (98 ft)	30 m (98 ft)
minimum side yard	20 m (65.6 ft)	10 m (32.8 ft)
minimum rear yard	20 m (65.6 ft)	10 m (32.8 ft)
minimum ground floor area for detached dwellings	46.45 m ² (500 ft ²)	46.45 m ² (500 ft ²)
minimum habitable floor area for detached dwellings	92.9 m ² (1000 ft ²)	92.9 m ² (1000 ft ²)
maximum building height detached dwellings	10 m (32.8 ft)	10 m (32.8 ft)
maximum lot coverage	5%	15%
minimum separation distance from accessory detached dwelling to any structure where animals are housed	30 m (98 ft)	not applicable

SECTION 28 – EH - PROVISIONS FOR ENVIRONMENTAL HAZARD AREA ZONE

28.1 USES PERMITTED

No person shall within any Environmental Hazard Zone use any lot for any purpose except for one or more of the following uses:

- parks, conservation areas, picnic areas, historic sites
- existing agricultural uses
- boat launching and docking and housing
- pumphouse
- forestry

28.2 STRUCTURES PERMITTED

No person shall within any Environmental Hazard Zone erect, alter or use any building or structure for any purpose except for one or more of the following:

- non-habitable buildings or structures designed for the purposes of flood and/or erosion control
- boat house

28.3 ZONE PROVISIONS

No person shall within any Environmental Hazard Zone use any land or erect, alter or use any building or structure, except in accordance with the following provisions:

<u>Provisions</u>	<u>Flood Control Buildings</u>	<u>Boat House</u>
minimum building setback from any lot line	10 m (32.8 ft)	10 m (32.8 ft)
maximum building area	20 m ² (215 ft ²)	8 m ² (86 ft ²)
maximum building height	3 m (9.8 ft)	5 m (16 ft)

28.4 MINOR ADJUSTMENTS TO ZONE BOUNDARY

Notwithstanding the boundaries designated for the EH-Environmental Hazard Zone shown on Schedule 'A' to this By-law, minor changes may be made to these boundaries without a formal amendment to this By-law. Such minor boundary changes must be approved in writing by the Grey-Sauble Conservation Authority and the Chief Building Official of the Corporation.



On a new Zoning By-law



- ✓ Tuesday August 13, 2013
3:00 pm to 7:00 pm
- ✓ Friday August 16, 2013
12:00 pm to 4:30 pm



Council Chambers
Municipal Office
56 Lindsay Road 5



1-519-881-1782
1-877-681-1291



dsmith@brucecounty.on.ca



Website
www.brucecounty.on.ca



Open House

Northern Bruce Peninsula

New Comprehensive Zoning Bylaw

All residents of the Municipality of Northern Bruce Peninsula are invited to attend an **OPEN HOUSE**, on Tuesday , **August 13, 2013** from 3:00 p.m. to 7:00 p.m., or on Friday , **August 16, 2013** from 12:00 p.m. to 4:30 p.m., in the Council Chamber, Northern Bruce Peninsula Municipal Office, 56 Lindsay Road 5. The purpose of the Open House is to provide residents with an opportunity to review the proposed new Comprehensive Zoning By-law for the Municipality of Northern Bruce Peninsula. There will be no formal presentation at either Open House .

Purpose and Effect of the proposed Comprehensive Zoning By-law – The Municipality of Northern Bruce Peninsula proposes to replace the current Comprehensive Zoning By-Law #2002-54. The new Comprehensive Zoning By-law will provide detailed land use regulations and mapping to facilitate decision making by Council, public agencies and private interests with regard to the use and development of land within the Municipality.

The new Comprehensive Zoning By-law will change ALL existing land use zones and provide new Definitions, General Provisions and Zones throughout the Municipality. Examples of changes and new Zones include, but are not limited to: All Zoning Schedules (maps) will be updated; new and revised ‘Definitions’; new Lake Residential (LR) Zone to replace the R2 zone; new zoning for Downtown Commercial (C1) and Highway Commercial (C2); new zones for lands in the Agriculture/Rural parts of the Municipality; policies for ‘Private Guest Cabins’, Septic Systems, & development on ‘Street with limited services’ plus other changes. The Comprehensive Zoning By-law affects all lands within the Municipality .

Additional Information – A copy of the proposed Comprehensive Zoning By-law is available for viewing between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday at:

County of Bruce Planning Department
578 Brown Street
Warton, ON NOH 2T0

Municipality of Northern Bruce Peninsula
56 Lindsay Road 5 , R.R. #2
Lion’s Head , ON NOH 1W0

The proposed Comprehensive Zoning By-law is also available at:
<http://www.brucecounty.on.ca> (Under ‘Quick Links’, ‘Planning Applications’, ‘Search Applications’ and ‘File Number’ Z-33-13.66)
AND at <http://www.northbrucepeninsula.ca>

Written comments should be forwarded to the Planner responsible for the file, **David Smith** by mail at Bruce County Planning, 30 Park Street, Box 848, Walkerton ON NOG 2V0 or by e-mail at dsmith@brucecounty.on.ca no later than **TUESDAY, AUGUST 27, 2013.**

David Smith MCIP, RPP Senior Planner,
County of Bruce Planning & Economic Development Department (July 30, 2013)