



The Corporation of The Township of Bonfield

**AGENDA FOR SPECIAL COUNCIL MEETING TO BE HELD
June 18h, 2024 AT 5:30 P.M.**

1. **Call to Order**
2. **Adoption of Agenda**
3. **Disclosure of Pecuniary Interest and General Nature Thereof**
4. **Agenda Item:**
 - a. **Zoning Amendment for Con 10 Pt Lot 35 PCL 11772**
 - I. **Follow up from June 11, 2024 Council meeting**
5. **Adjournment**

Small Community, Big Heart



THE CORPORATION OF THE TOWNSHIP OF BONFIELD

BY-LAW NO. 2024-43

A ZONING BY-LAW

A BY-LAW FOR THE PURPOSE OF AMENDING BY-LAW 2012-49 BEING A BY-LAW TO REGULATE THE USE OF LAND AND THE CHARACTER, LOCATION AND USE OF BUILDINGS AND STRUCTURES IN THE TOWNSHIP OF BONFIELD UNDER THE AUTHORITY OF SECTION 34 OF THE PLANNING ACT, R.S.O. 1990 CHAPTER P. 13.

WHEREAS, upon the request of the property owner of CONCESSION 10, PART LOT 35, PCL 11772 (ZC1/2024), the Council of the Corporation of the Township of Bonfield deems it advisable to amend By-Law No. 2012-49; and

WHEREAS a public meeting was held June 18th, 2024, to process the zoning amendment application and obtain feedback;

NOW THEREFORE, the Council of the Corporation of the Township of Bonfield hereby ENACTS AS FOLLOWS:

1. That By-law 2012-49 Schedule "A" be amended from a Rural Zone regarding property known CONCESSION 10, PART LOT 35, PCL 11772., Talon Lake Road, from a Rural Zone to Special Zone-56 to allow for an accessory structure without a permanent dwelling.
2. That the Schedule to Special Zone 56 is made part of this By-law;
3. Section 5- Special Zones of By-Law 2021-49 is amended by adding the following after section 5.55:
 - 5.56 SPECIAL ZONE NO.56
That special provisions for Special Zone 56 are as follows:
 - 5.56.1 The zone boundaries for Special Zone 56 are described on the attached Schedule to Special Zone No.56, which zone boundaries and map are hereby declared to form part of this By-law.
 - 5.56.2 SPECIAL USES
No person within Special Zone No. 56 may use any lot or erect, alter, or use any building or structure for any purpose except one or more of the following uses:
 - a. A large garage for the purpose of storage.
 - b. No commercial use or habitation shall be permitted in the garage.
 - c. No other accessory structure shall be permitted other than a residential dwelling.
 - d. All uses permitted in the Rural Zone shall apply after the erection of a residential dwelling.
 - 5.56.3 No person shall within the Special Zone. No. 56 shall use any lot, or erect, alter or use any building or structure except in accordance with Schedule "C"-Zone Requirements Table as applicable to a Rural (RU) Zone and the applicable provisions in Section 3-General Provisions.

READ A FIRST, SECOND AND THIRD TIME & FINALLY PASSED THIS 18th DAY OF June 2024.

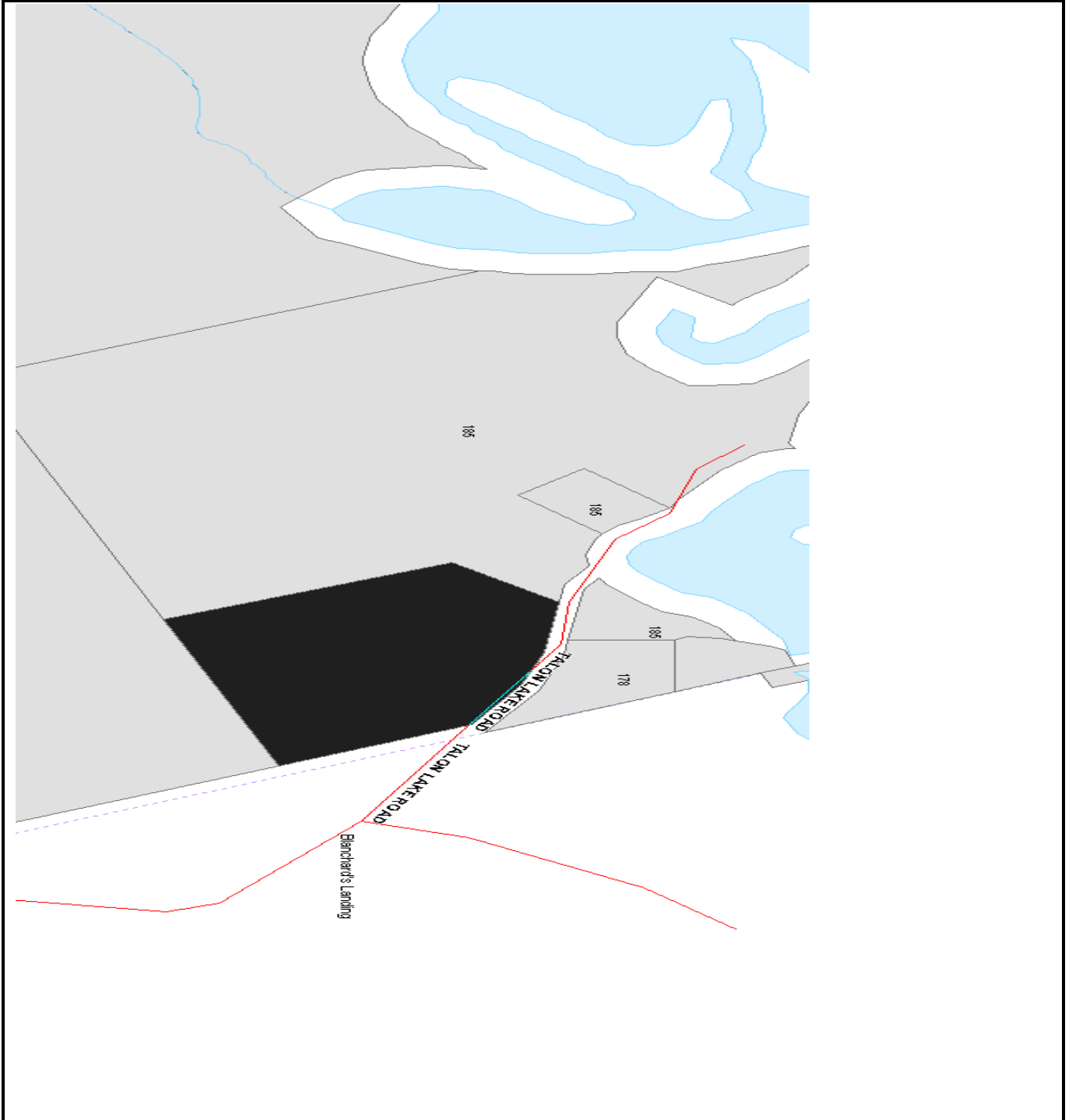
MAYOR

CLERK

**Bylaw 2024-43
Schedule "A"**

Special Zone 56

CONCESSION 10, PART LOT 35, PCL 11772., Talon Lake Road



SCHEDULE TO SPECIAL ZONE NO. 56 (SZ.56)	 SPECIAL ZONE NO. 56 (SZ.56)
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SCHEDULE TO BY-LAW NO. 2024-43	
PASSED THE _____ DAY OF _____, 2024	
_____ MAYOR	_____ CLERK

REPORT TO COUNCIL

DATE: Special Meeting of Council, June 18th, 2024
FROM: Ann Carr, Planning Administrator
SUBJECT: ZC1/2024, Humphries

PURPOSE:

The purpose of this report is to provide further information regarding deferred application ZC1/2024, Humphries.

INFORMATION:

Special Zones are a planning term and are required for the purpose that the Zoning By-Law has not captured every use of a building or property within the zoning by-law. For instance, there is no explosives warehouse within the Zoning By-Law. Therefore, if the Township was presented with a building permit for an explosives warehouse a "Special Zone" would need to be presented to the Council as an amendment to the Zoning By-Law. This is the current procedure within the Zoning By-law. There is a standard, prescribed, process for this application to ensure there is public input and all applicants are treated equitably, while considering all other parts of the Zoning Bylaw. Due to recently discovered zoning infractions, Township staff is reviewing the rules and policies of Council through Zoning and the Official Plan with more detail.

This mechanism also permits the Township to place site specific conditions within the zoning amendment to ensure that the intent of the zoning by-law remains, while permitting the proposed new use of the building or property.

If the Humphries placed the residence first and then the garage there would not be a need for an amendment, therefore the garage with the conditions listed on the by-law maintains the intent of the zoning, as well as the concerns that Council have with habitation happening in buildings that are not permitted for such a use. If in the future the conditions are not maintained and adhered to then the Township must enforce the conditions of the amendment.

The conditions listed in the Zoning By-Law amendment for Special Zone 56 are:

1. No commercial use: This condition is placed so that the structure remains only for personal use. Any other use would require re-zoning.
2. No other structure shall be permitted other than a residential building: - This condition ensures that only a house can be built to maintain the intent of the zoning.
3. Not to be used for the purpose of habitation: This condition is for health and safety reasons and for the purpose of the Building Code.

Creating a Special Zone is the procedure to follow when there is a need to deviate from the Zoning By-Law on a site specific and case by case basis.

If the building permit that was issued had been completed, we would still require the Humphries to rezone to meet the current requirements of the Zoning By-law or ask them to tear it down.

Township staff as well as the Humphries looked at building the garage on the adjacent property which the applicant believed the topography did not provide an economical solution. A temporary use by-law was reviewed for the circumstance as well. However, it would require approval every three years and if the next Council did not approve to extend the temporary use by-law the Humphries could be forced to take down the building. In this situation, it is not good long-term planning as the Humphries do not have a timeline in which they wish to build a house. If they were planning to build in three to five years this would be a more favourable approach.

A planning report was prepared and presented to Council regarding application ZC1/2024, Humphries for a special zone 56. (SZ-56) To allow for an accessory structure (storage) without a primary dwelling.

Further to the report, an amendment was forwarded to the CAO to send to the Council prior to the meeting and was spoke of at the Council meeting on June 11th, 2024 describing the property history as well as the history of the Humphries obtaining a previous building permit to construct the building.

Council deferred the motion and by-law to be reconsidered at a Special Meeting of Council for the purpose of more options to be presented to Council after consultation with legal. Council had suggested the option of merging the properties together to be what they were prior to the 2012 severance, as the accessory building could have been built as part of the campground property.

Russell Christie LLP, Ed Veldboom confirmed that the severance may be able to be cancelled and a title search would be required prior to confirming. The process is outlined below. He also suggested a zoning amendment is possible if the proposed use does not conform to the zoning bylaw.

Council also suggested that they would cover future costs of the applicant if any were incurred in the re-application of a consent or zoning amendment when the applicants were ready to construct their single-family dwelling on the subject property.

OPTIONS:

1. Cancellation Certificate

In some situations, the original consent granted for a parcel of land may no longer be wanted or needed. This could occur, for example, where a parcel created by consent may need to be widened to accommodate a driveway. In these cases, the original consent may need to be cancelled.

Owners can apply to the consent-granting authority (Council) for a certificate of cancellation for a parcel that was previously severed with a consent. It may even be the case that a consent-granting authority may require the owner to apply as a condition of

approval. Once a certificate of cancellation is issued, the parcel would be treated as though the previous consent had not been given. This could mean that the parcel would merge with neighbouring lands that are owned by the same person.

As per Section 53 (45) of the Planning Act.

- a) A title search is required to ensure that the original lands have not changed ownership and can merge on title.
- b) The cancellation certificate would cancel the previous severance and would have to be registered to the title and transferred to the campground property. The cancellation would only apply to the parts of the severance subject to the zoning amendment. The original severance also resulted in a transfer to roadway to the Township and this would not be cancelled.
- c) After the cancellation certificate is processed, the property would need to be rezoned to C3 to be incorporated back into the campground, as the rural zone still does not permit the construction of the structure prior to a residence.
- d) Once the Humphries retire or wish to build their new home, the property would need to go through the process of a consent again to be removed from the campground Commercial, Resort Zone.
- e) Once the parcel is ready to be severed out of the campground again, it would need to be rezoned back to Rural to become a residential lot within the Zoning By-Law as Section 3.33 of the Zoning By-Law, only permits one dwelling for the owner and the Humphries already have a dwelling on the campground property.

Analysis: This option was confirmed to be acceptable by the legal team. However, there are many steps that need to occur now and in the future. It is the least economical. The property would be merged and rezoned in 2024 and then at the future date (construct a Single-Family Dwelling) the reverse would need to occur. The property would have to be severed and rezoned per the consent file and survey of 2012 which would mean the costs would be less as a new survey would not be required. A planning report has been completed for the 2012 file as well, saving additional funds. The process will be in the future, with a future Council, so if Council wishes that there be no cost to the Humphries, as the current applicant, then a resolution would be required to detail this as well. This would be processed by the legal team to proceed with the cancellation and staff can begin the rezoning process to convert the land back to Commercial Resort (C3). The zoning amendment will require 60-75 days and the application fee is \$1,000. For the cancellation certificate, the lawyer would process it so a timeline is not known, and the fees will be approximately \$3,000. These fees would apply when the process was reversed as well.

2. Application to rezone Special Zone (SZ-56)

- a) Rezone the property Special Zone-56 as per the application and planning report.

Analysis: A special zone creates a new zone that applies only to the subject property in the application and only for the proposed use identified. This has been the method used within the Township since the original zoning bylaw was adopted in 2012 if a

proponent required an amendment. This application requires an amendment in order to construct a 30x40 personal storage building on the property prior to the primary use of a residence.

As detailed above a Special Zone has been proposed to Council to meet the requirements of the applicant. After considerable discussion on available options the applicant has chosen to proceed with the request for a Special Zone. There are conditions outlined to ensure the use remains as proposed and Council's concerns are addressed. Council may add conditions as well. The current conditions are suggested to mitigate the concerns that have been realized on other properties where accessory buildings were built prior to a primary residence. The Special Zone Bylaw applies to the property and any future owners of the property are bound to the same conditions and regulations as outlined, and applicable to the applicant.

3. Do not permit the rezoning or the structure.

Council can defeat the motion for the bylaw which will mean the property zone is not amended and no structures can be constructed or placed on the property until the primary residence is constructed. The applicant has the right to appeal the decision of Council with the Land Tribunal within 20 days of the decision. Council would be responsible for hiring a legal team to represent their decision at the tribunal hearing(s).

OPTIONS SUMMARY

Option 1- Council would not accept the Special Zone 56 Bylaw, it would need to be defeated. Then Council can suggest to the Humphries they apply for a cancellation certificate of the 2012 consent approval and rezoning. If the proposal is not approved by Council this would be an option for the Humphries to consider as it is supported by Council and meets the intent of the zoning bylaw without any changes to the campground property. It has also been suggested by Council that they would incur the costs related to this option if the parcels were to be consolidated and then re-severed by the same applicant. This decision should be provided for with a separate motion of Council.

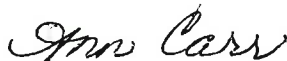
Option 2- Accept the current Special Zone 56 Bylaw as presented or add additional conditions. All fees have been paid and there are no other costs.

Option 3- Do not accept the Special Zone 56 Bylaw. The applicant has opportunity to appeal the decision of Council.

RECOMMENDATION:

That Council recommends Option No. _____ for the purpose of zoning application ZC1/2024, Humphries.

Respectfully,



Ann Carr
Planning Administrator

I concur with this report,



Nicky Kunkel
CAO Clerk Treasurer

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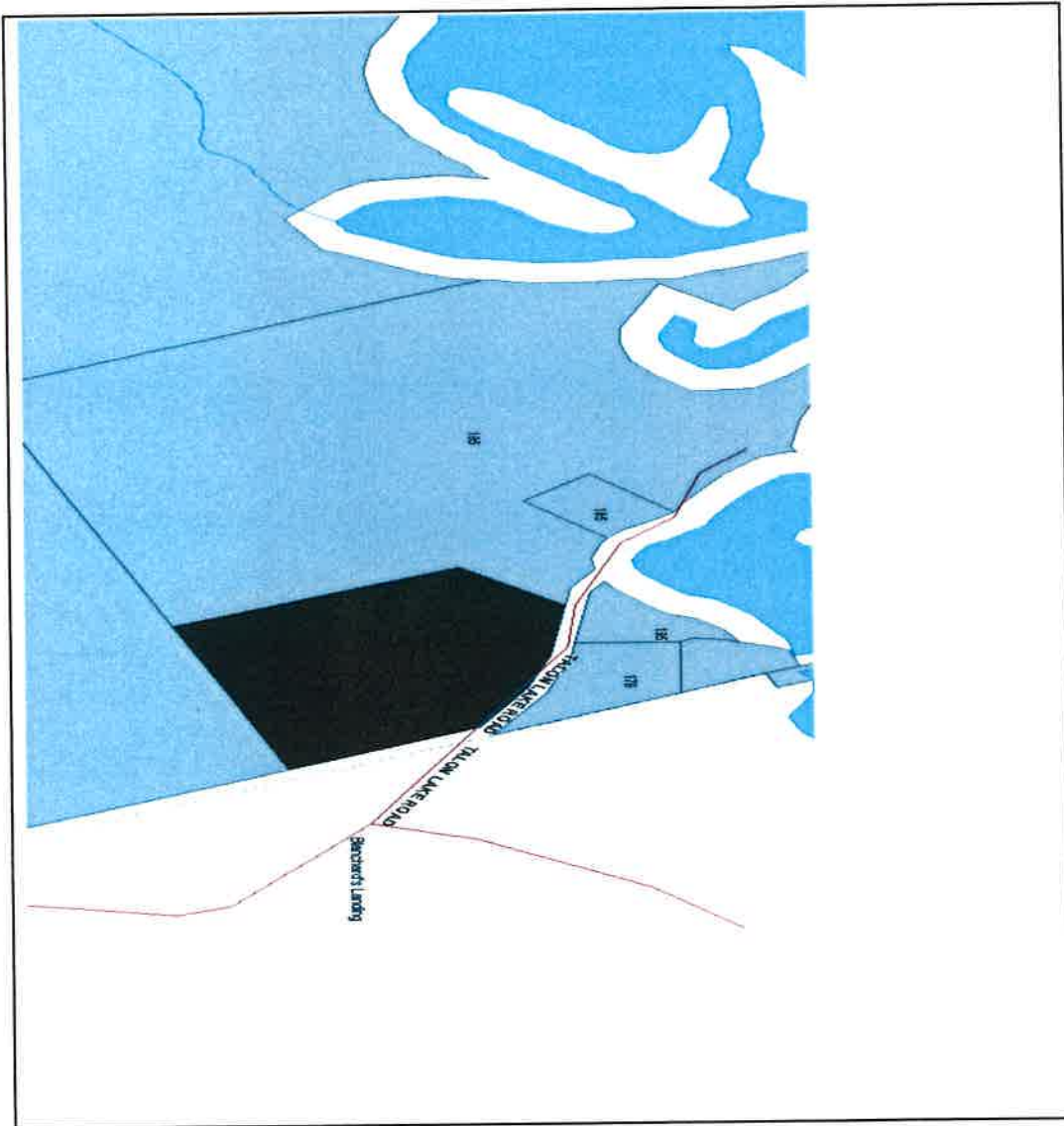
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CLERK



SCHEDULE TO SPECIAL ZONE
NO. 56 (SZ.56)



SPECIAL ZONE NO. 56
(SZ.56)

SCHEDULE TO BY-LAW NO. 2024-43

PASSED THE _____ DAY OF _____, 2024

MAYOR

CLERK