



*DV8* CONSULTING

# Rural Municipality of North Shore Presentation of the Draft Bylaw

August 26, 2020 - North Shore Community Center

August 27, 2020 – Grand Tracadie School Center

Presentation by Hope Parnham of DV8 Consulting

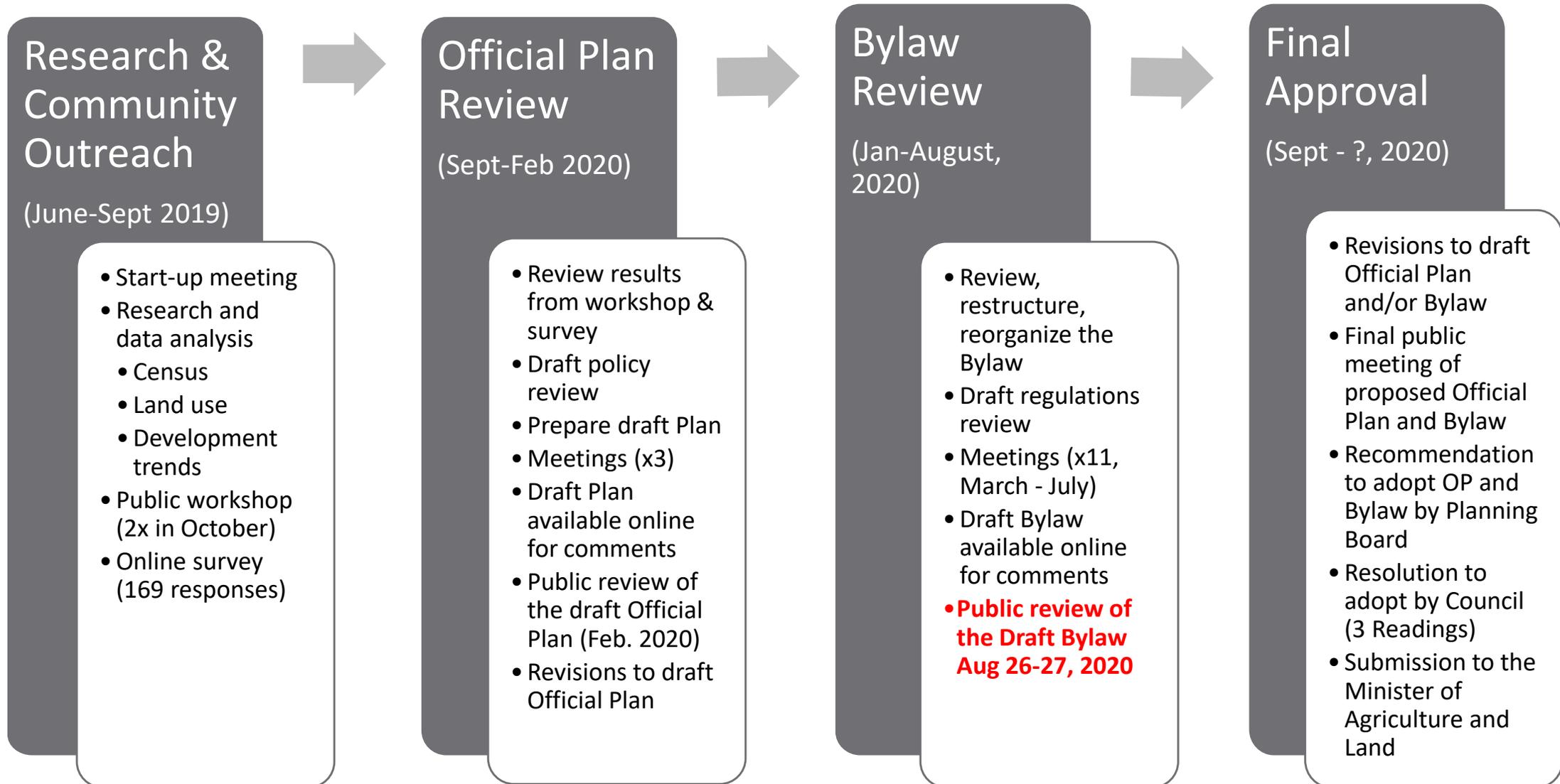
# Tonight's Agenda

1. ... for those of you here about Short Term Rentals...
2. *Recap* – What's an Official Plan? What's a Bylaw?
3. Overview of Bylaw Review Process
4. Administration
5. General Provisions (regulations)
6. Zone specific regulations and the Zoning Map
7. Subdivisions
8. Q&A

# Short Term Rentals

RECAP – What's an Official Plan? What's a Bylaw?

# Official Plan & Bylaw Review Timeline:



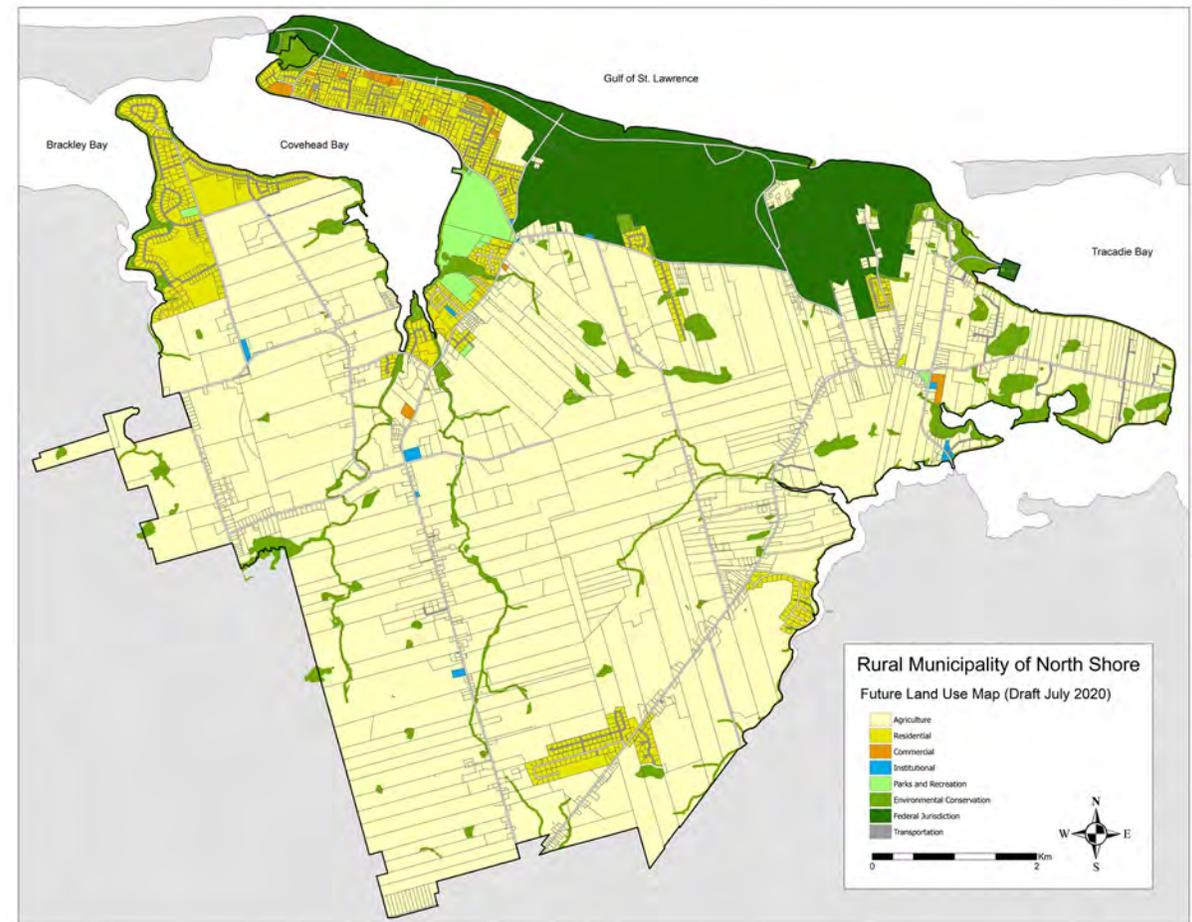
# RECAP: What is an **Official Plan**?

*Official Plan:* a policy document that translates local needs into policies and plan actions.

*Future (General) Land Use Map:* describes the future land uses or preferred land uses

The Official Plan and Future Land Use Map will guide Council's decisions for the next 5 years.

It is legally binding.



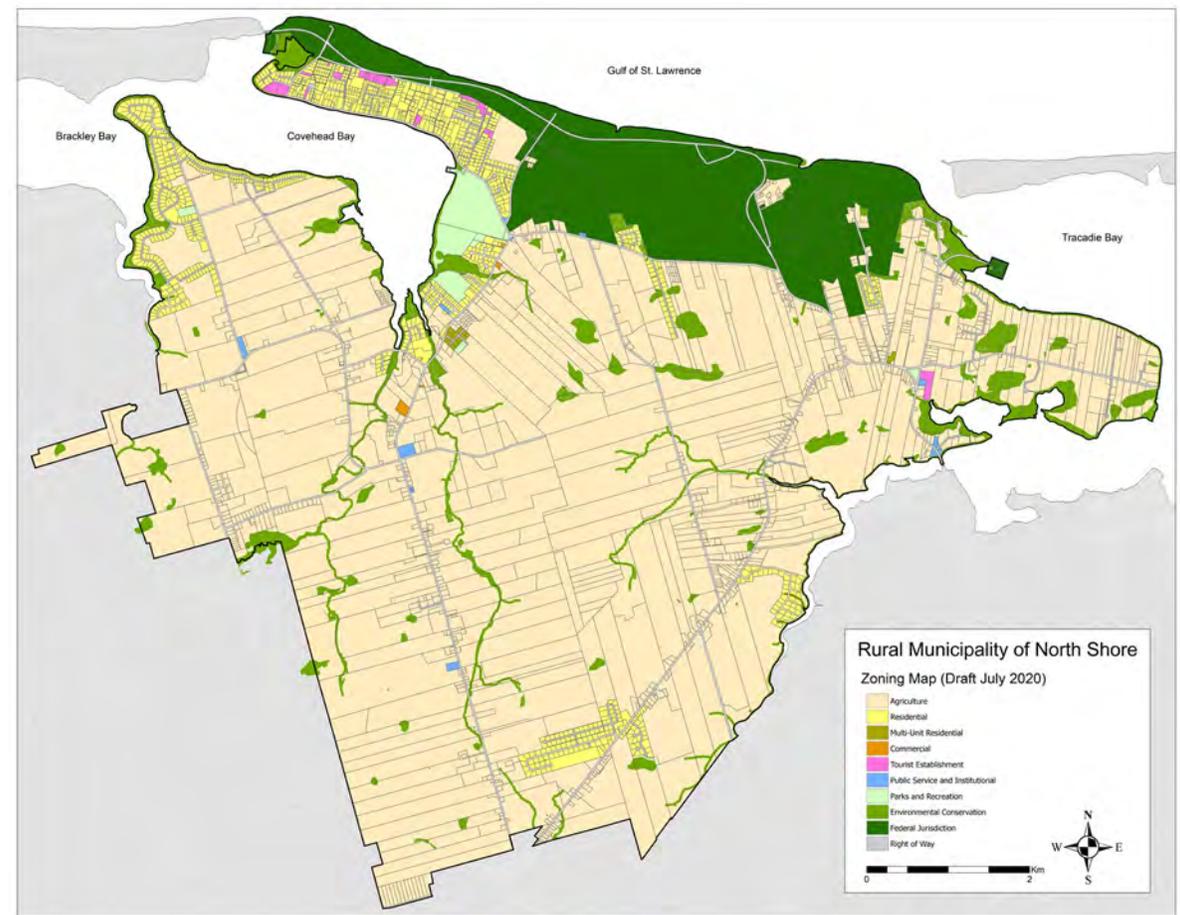
# RECAP: What is a **Land Use Bylaw**? (aka. Development Control or Zoning Bylaw)

**Land Use Bylaw:** the regulations (aka. rules) for land use, development and subdivisions.

\*where you can build, what you can build and what land uses are permitted

**Zoning Map:** identifies the zone for each property. Different “rules” apply to different properties, depending on the zone.

The regulations in the *Bylaw* must be supported the policies in the *Official Plan*



# What happens when we adopt a new Bylaw:

1. The Land Use Bylaw has an “Effective Date”.
2. If your property, building or land use legally exists today, you can continue to legally exist after any new regulations are adopted, whether or not those new regulations allow your current use or not.
3. Land Use Bylaw regulations only apply to your property when you **subdivide, develop or change the use** of the property, because these actions require a Development Permit or Subdivision Approval.

# Overview of Bylaw Review Process

# Guiding principles for the Official Plan:

- We **preserve** the areas and characteristics that are valued.
- We **protect** those that are vulnerable.
- **Enhance** the undesirable.
- **Guide future development** to appropriate areas, because further development and change is inevitable over time.

# Guiding principles for the Bylaw:

- **User-friendly** – an organized document, written in plain language and no hidden ‘fine print’;
- **Clear** – explains exactly what someone can do as-of-right with their property; and if not as-of-right, what the process is to apply for a decision of council and criteria for their decision making.
- **Consistent** – with other similar jurisdictions; between communities within the same municipality, and between properties in the same zone.
- **Fair** – regulations apply to *what, where and how*, but not *who*.
- **Efficient** – eliminate arbitrary and unnecessary approval processes that delay decision making.

# General things that were changed:

- **Reorganize** – put sections in the correct place
- Address **duplications and contradictions**
- **Remove unnecessary regulations** enforced by a different authority (i.e. provincial and/or federal jurisdictions)
- **Active voice** and selective word choice, say what you mean, be clear, and be concise.
- Use **consistent language** throughout and define the terms that need to be defined.

# New Bylaw Structure:

1. Introduction and Administration (application processes)
2. General Provisions (regulations that apply everywhere)
3. Zones – regulations that apply to specific zones
4. Subdivisions
5. Appendices:
  - Zoning Map
  - Definitions
  - Fee Schedule
  - Provincial Regulations

Administration – Sections 1, 2 and 3

# Application Types:

1. Development Permit
2. Variance
3. Bylaw and Official Plan Amendment
4. Subdivision

# 1. Development Permits (Section 3.4):

A development permit is **required** when you:

- Change the use of a property;
- Change a structure on a property (build, alter or demolish);
- Change the grade (dig, dump, place, move or pave).

The Bylaw outlines what information is **required** to apply for a permit. This information is necessary to confirm that the application meets the Bylaw regulations.

## **2. Variance (Section 3.8):**

**If your development does not meet Bylaw requirements...**

**A variance is a request to Council for an exception to the rules with respect to:**

- setbacks in the front, rear, side and/or flankage yard;
- lot area, lot coverage, lot frontage; and/or
- building height.

Variations are intended to provide flexibility and to recognize unique and reasonable requests that are consistent with the intent and purpose of the Official Plan and Bylaw.

### **3. Bylaw Amendments (Section 3.10):**

**If your development does not meet Bylaw requirements...**

**You can apply for a Bylaw Amendment (or Rezoning) to change those requirements.**

The Bylaw amendment process requires:

- public notice and a public meeting; and
- Council approval.

A **rezoning** changes what regulations apply to your property.

A **general amendment** changes the regulations for everyone, not just for your development.

## 4. Subdivisions (Section 16):

A subdivision application is required to **change the boundaries of your property** such as:

- to adjust the boundaries between 2 lots,
- to create new lots (with or without new roads), or
- to consolidate 2 or more lots into a single lot.

# Proposed changes in the administration sections:

- **Authority of the Development Officer**

As-of-right developments in any zone (which meet all requirements of the bylaw) no longer require Council's approval.

- **Remove "special permitted uses"**

Land uses will be either permitted or not. 'Special permitted uses' create uncertainty and open doors to decisions based on biases.

- **Created a Reconsideration Process**

A new intermediate (optional) step between a decision and an IRAC appeal, to reduce costs and time delays for residents, developers and the municipality.

# Proposed changes in Bylaw administration:

- **Changes to the stormwater management requirements:**
  - Existing: A drainage plan is required for ALL new building developments.
  - Proposed Bylaw includes exclusions to this requirement:
    - If the development is within a subdivision with a preapproved stormwater management plan;
    - Small buildings on large lots;
    - A building raised on posts (water flows under);
    - Replacement of a structure (same size, same place)

## General Provisions (regulations) – Section 4

# What are General Provisions (regulations):

- **Regulations that apply to all** developments regardless of Zone;
- **Exemptions** to the rules
- **Special regulations** that apply to specific land uses (i.e. excavation pits, home occupations; tourism establishments).
- **Regulations for “non-conforming” properties** (legally existing but don't meet the current regulations)

# Changes to standard regulations (those that apply to all developments):

- Building separation distances (NEW)
- Land Use Edges and Landscaping (REVISED for clarification).
- On-site parking requirements (CHANGED)
  - Dwellings changed from 1 space to 2 spaces/dwelling;
  - All other uses, revised as not to require Council approval.
- Minimum vertical elevation requirement (UPDATED):
  - Changed from “2m above sea level” to 3.0 m CGVD 2013 (3.846 chart datum)

# Exemptions to the rules:

Note that these exemptions are pre-approved and don't require a Variance application.

- Height (no changes)
- Side Yard Setbacks for attached dwellings (no changes)

# Changes in special regulations for land uses.

## 1. Home Occupations (Section 4.8)

- Existing requirements have not changed.
- Added: A preapproved list of types of home occupations (which includes tourism establishments). If your business type is not on the list, your application will go to Council for review to confirm it is not cause a nuisance.
- Note Tourism Establishments (within your home) have additional requirements.

# Changes in special regulations for land uses.

## 2. Tourism Establishments (Section 4.24)

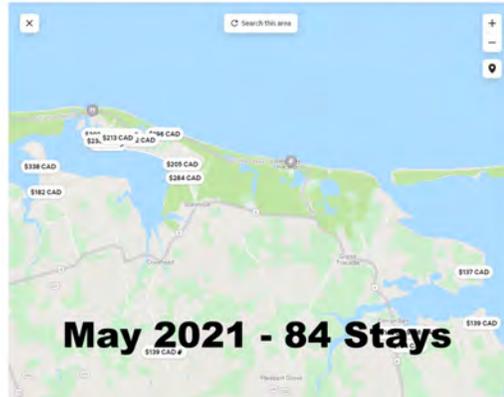
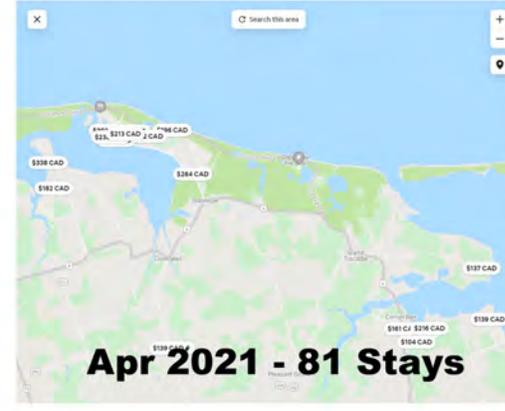
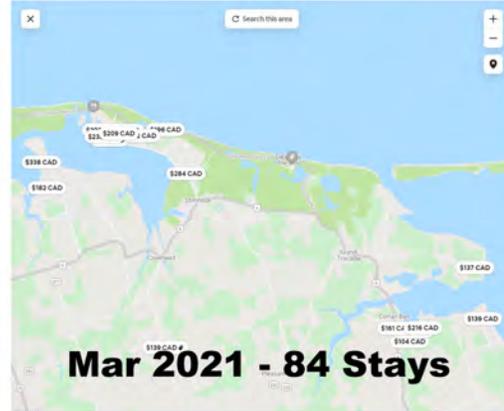
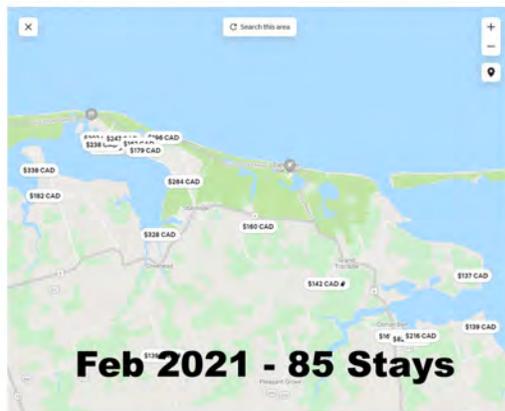
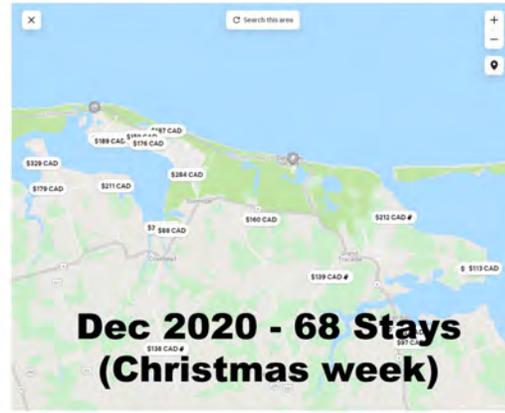
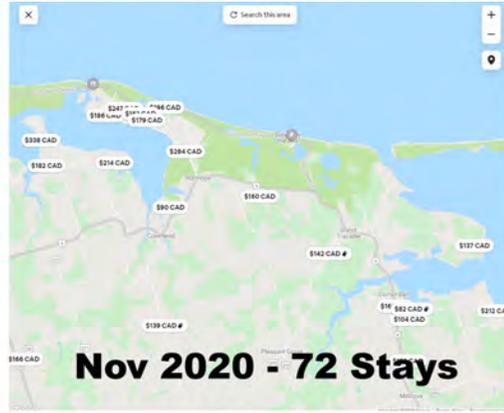
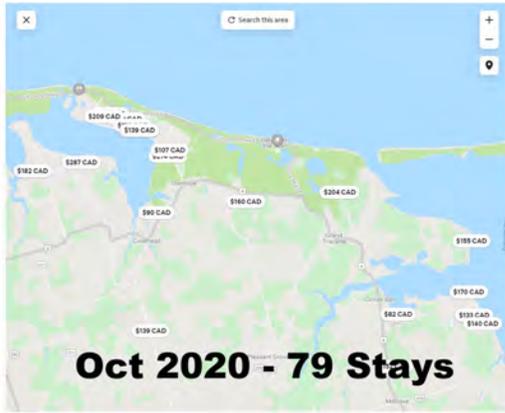
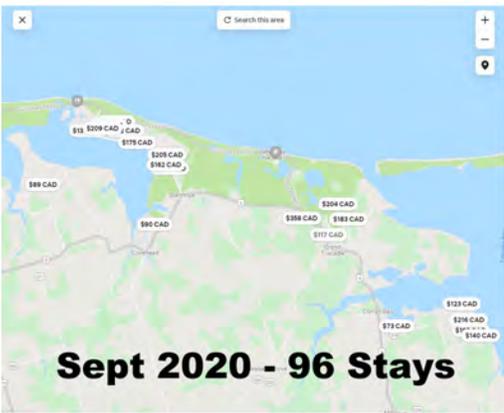
As defined in the provincial *Tourism Industry Act* (**NOT NEW**):

Tourism establishment means an establishment that **provides temporary accommodation for a guest** for a continuous **period of less than one month**, and includes a building, structure or place in which accommodation or lodging, with or without food, is furnished **for a price** to travelers...

... such as a cabin, cottage, housekeeping unit, hotel, lodge, motel, inn, hostel, bed and breakfast establishment, resort, travel trailer, travel trailer park, recreational vehicle park, houseboat, camping cabin and campground.

**Under Provincial legislation, ALL TOURISM ESTABLISHMENTS need to be licensed. (NOT NEW)**

**If you are currently a Tourist Establishment operator  
and you are NOT licensed,  
Please become informed of your risks and responsibilities.**



North Shore Tourist Establishments with vacancies over the next 12 months (AirBnB, 08-25-2020).

# Changes in special regulations for land uses.

## 2. Tourism Establishments (Section 4.24)

There are 2 types of Tourist Establishments (TEs):

1. **Home-share** – renting your primary residence for a short period of time; or renting a portion of your primary residence while you are living in it.
2. **Commercial Tourist Establishment** – the rental of any other property (not your house) for accommodation for a guest, for less than a month, for a fee... this is a commercial activity.

**\*\*\*PLEASE NOTE\*\*\***  
It can't be considered a  
**HOME OCCUPATION** if the  
tourist establishment is  
not in your home.

**Remember: Both types need to be licensed. (NOT NEW)**

# Changes in special regulations for land uses.

## 2. Tourism Establishments (Section 4.24)

### New Regulations for “Home-Share type” TEs:

- The dwelling shall be the operator’s primary residence – redundant regulation, as it required for ALL home occupations.
- Include your license number in your advertisement (NEW)
- Maximum 3 bedrooms may be rented – if the operator is at home – as is consistent with current Bed & Breakfast regulations.
- NEW - A maximum number of nights (120) - when the operator is not at home – this is a recommended practice which is used to avoid operators claiming residency in multiple locations.
- Regulations relating to parking, signage and utility services are consistent with current Bed & Breakfast regulations.

# Changes in special regulations for land uses.

## 2. Tourism Establishments (Section 4.24)

What does it mean to be a “**commercial – type**” TE?

- Commercial-types of TEs will be treated like commercial land uses and a new **Tourism Establishment Zone** has been created specifically for these land uses.
- Existing, licenced commercial-type TEs – may be located in the TE Zone on the new Zoning Map; OR, may be located in the Residential (R) Zone where they may continue to operate as a non-conforming use.
- If operators are concerned about the non-conforming status, feel free to apply to rezone your property to TE.

*Official Plan POLICY 7.2.7 – Existing licensed tourism establishments (accommodations) which operate as commercial land uses will be supported.*

# Changes in special regulations for land uses.

## 2. Tourism Establishments (Section 4.24)

New Regulations for “**commercial – types**” TEs:

- Commercial-types of TEs are permitted in the TE and Commercial Zones.
- Include your license number in your advertisement (NEW)
- *Extra benefits* to being a commercial-type – you are also permitted to have accessory commercial uses (food service, spa services, recreational activities, etc.) to support your guests.

# Changes in special regulations for land uses.

## 3. Secondary Suites and Garden Suites (NEW)

Note: Garden Suites are currently permitted as temporary structures.

**What is a Secondary Suite?** A small, accessory apartment unit within a dwelling or within an accessory building – as defined by the National Building Code. Often referred to as an “in-law suite”, granny-flat, basement/garage apartment, garden suite.

### What has changed?

- Secondary suites will now be permitted in single-detached dwellings that meet development standards.
- Secondary suites are no longer required to be “temporary”

# Changes in regulations for non-conforming properties

1. Non-conforming Buildings – buildings/structures already in existence which do not meet setback requirements, or which exceed height requirements. (NO CHANGES)
2. **Non-conforming Lots** – an existing property that is under-sized, or does not meet frontage requirements for the zone. (NEW REGULATIONS)
3. Non-conforming Uses – an existing use that is not permitted in the zone in which the property is located. (NO CHANGES)

# Changes in regulations for Non-conforming properties

## 2. Nonconforming Lots (Section 4.15)

- Minimum lot size (area) and frontage regulations are in place to ensure adequate spacing between building structures, between highway access points, and between on-site services (sewerage disposal and water wells).
- Minimum lot size (area) and frontage regulations are also used to ensure the character of a neighbourhood is maintained over time. (i.e. low density development in rural areas).

### **Why are we concerned about Nonconforming Lots?**

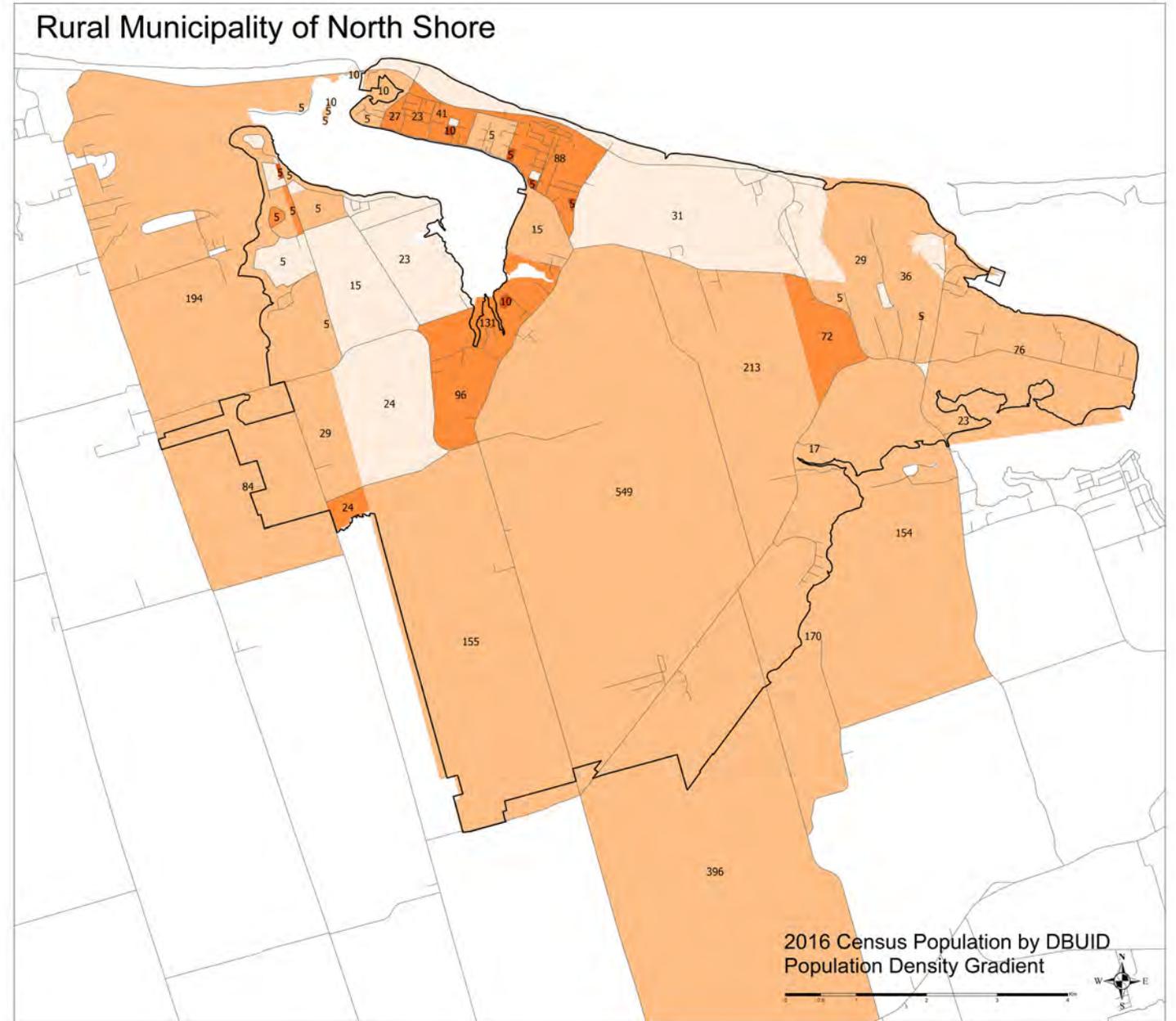
The density of development in parts of the municipality exceeds that which is considered acceptable for on-site services and your **water resources are at risk in these areas.**

(from Oct. 2019 workshop)  
**Population & Housing**

Population (2016):  
2,080

Average population  
density: 29 people/km<sup>2</sup>

Stanhope peninsula =  
92 people/km<sup>2</sup>



(from Oct. 2019 workshop)

# Population & Housing

# of dwellings = 1604

Average dwelling density:

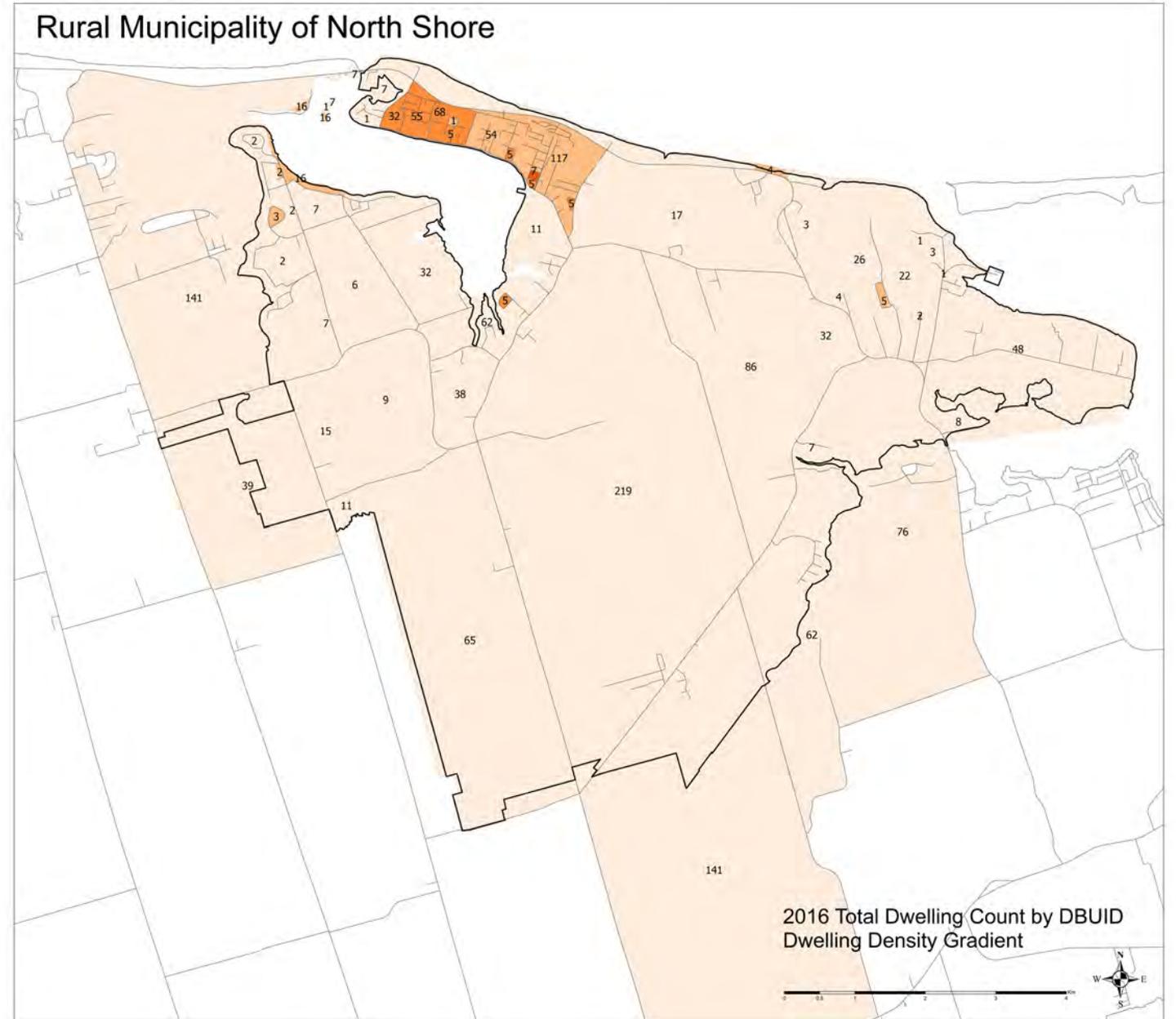
15.3 dwellings/km<sup>2</sup>

1.8 persons/dwelling

Stanhope peninsula:

**156 dwellings/km<sup>2</sup>**

0.56 persons/dwelling



# Changes in regulations for Non-conforming properties

## 2. Nonconforming Lots (Section 4.15)

### **NEW regulations for non-conforming lots:**

- Existing nonconforming lots that are already developed are not effected.
- Land use is restricted to single detached dwelling with no additional intensification (i.e. no home occupations, no NEW tourist establishments, and no secondary suites)
- Reduced maximum height – to prevent towering effect of 3-storey dwellings on small lots adjacent to existing 1-storey cottages.

### **If your property is nonconforming AND does not meet minimum provincial standards for on-site services:**

- on-site sewerage disposal system to be designed by an engineer
- confirmation that well can be located appropriately from adjacent services.

# Non-conforming Lots

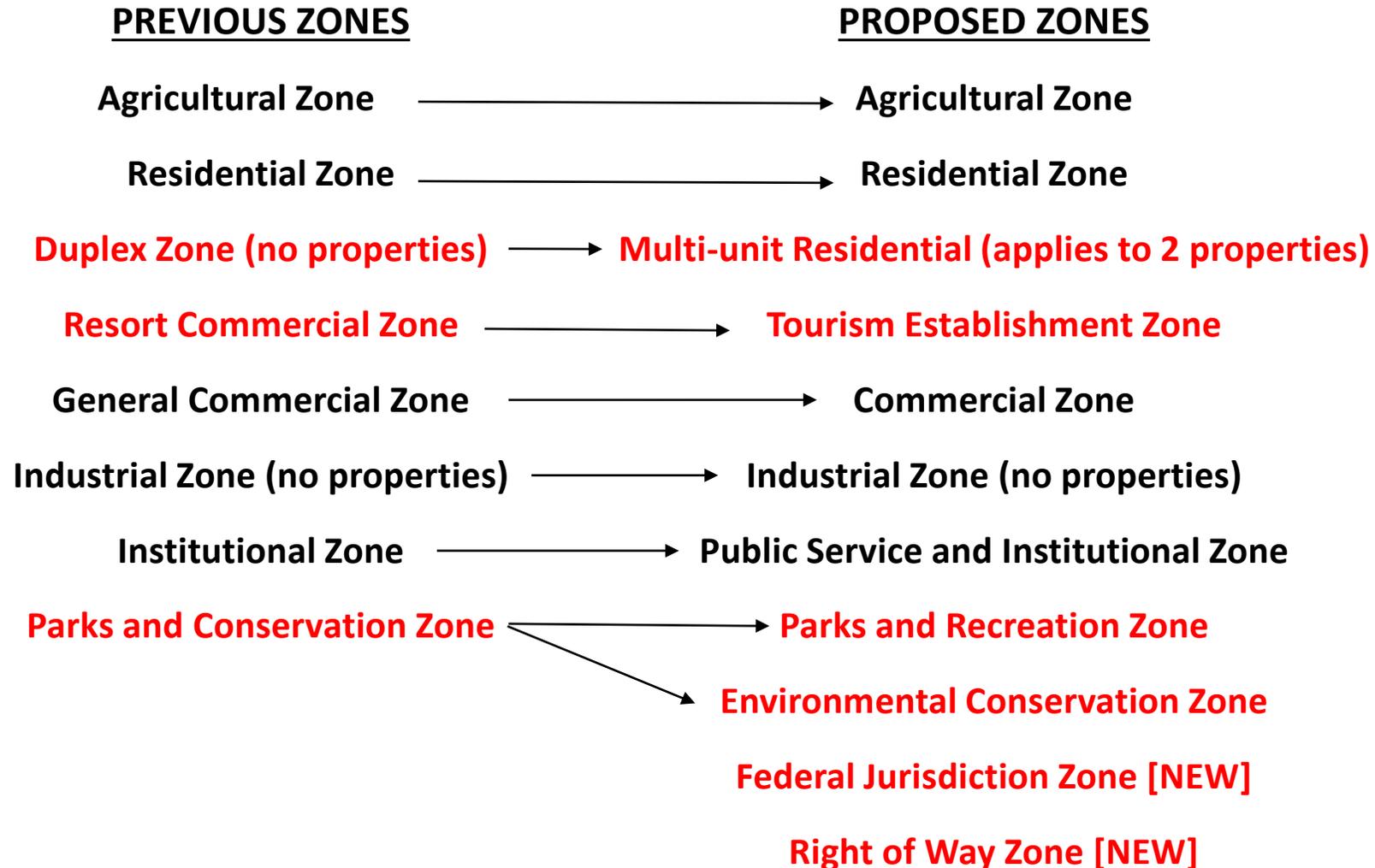
Less than 25,000 sq ft (0.57 acres) in Lot Area based on tax assessment data.

Note that 25,000 sq ft (0.57 acres) is the current minimum lot area required under provincial legislation for the installation of on-site water and on-site sewage disposal systems.



Zones

# What changed in Zoning?

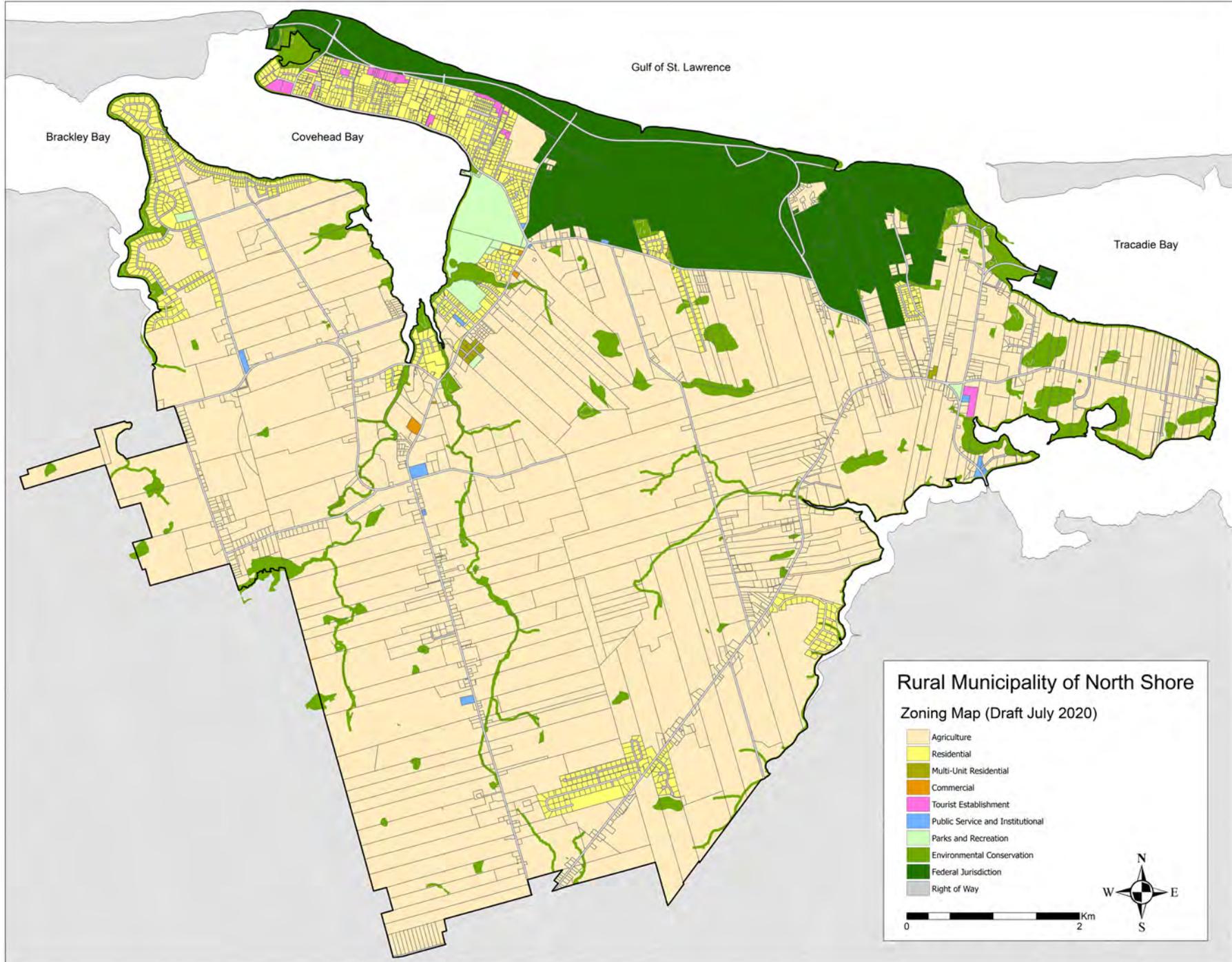


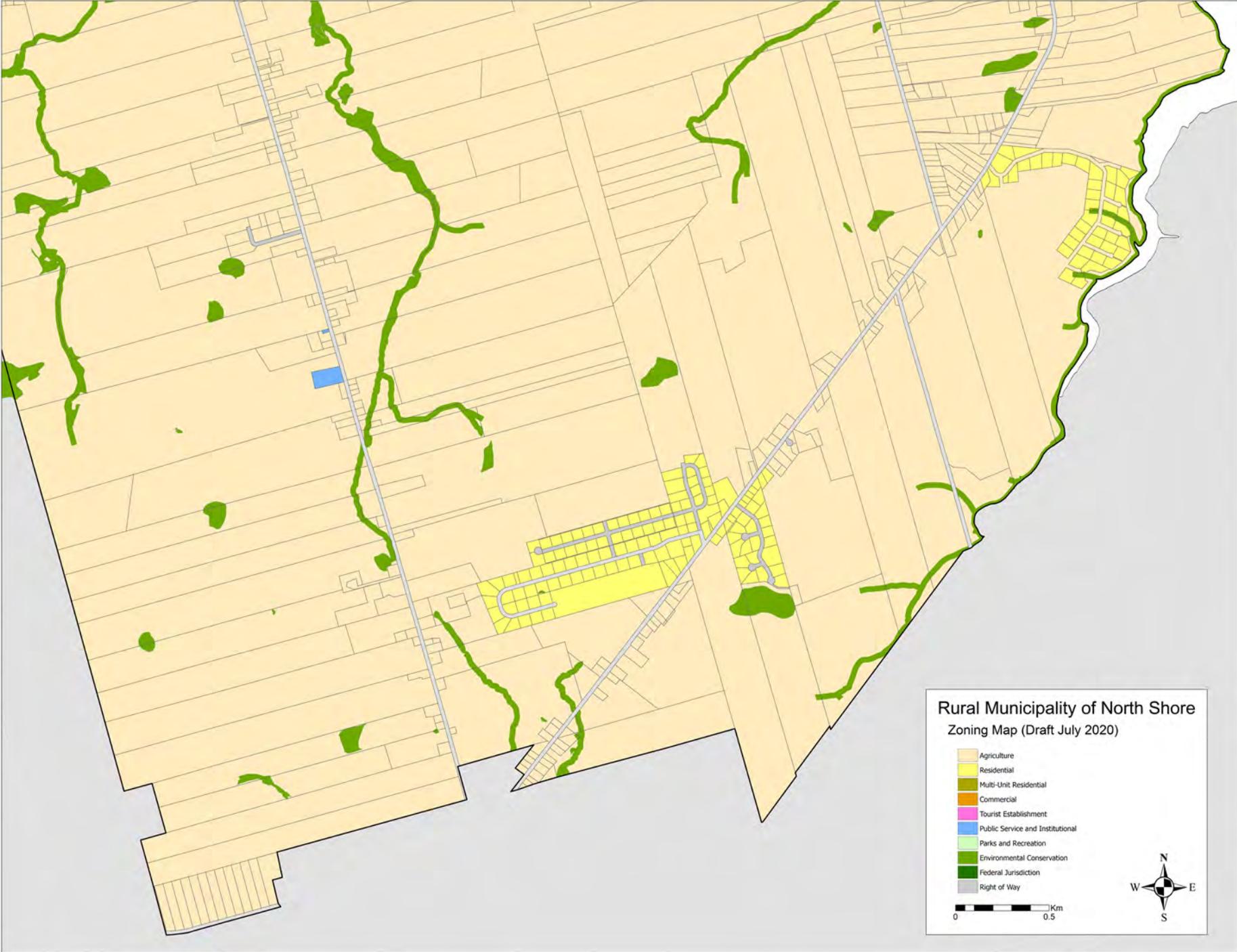
# What changed in Zoning?

1 acre Residential Lots in the Agricultural Zone

Zones	Agriculture	Residential	Multi-Unit Residential	Tourist Establishment	Commercial	Industrial	Public Service/ Institutional	Parks and Recreation	Environmental Conservation	National Park	Right of Way
<b>Single Dwelling</b>	<b>0.4 ha (1 acre)</b>	0.4 ha (1 acres)	0.4 ha (1 acres)	0.4 ha (2 acres)							
Lot area (minimum)	0.4 ha (1 acre)	0.4 ha (1 acres)	0.4 ha (1 acres)	0.4 ha (2 acres)							
Lot frontage (minimum)	45.7 m (150 ft)	45.7 m (150 ft)	45.7 m (150 ft)	45.7 m (150 ft)							
Lot coverage (maximum)	25%	25%	25%	25%							
Front yard setback (minimum)	15.2 m (50 ft)	15.2 m (50 ft)	15.2 m (50 ft)	15.2 m (50 ft)							
Side yard setback (minimum)	4.6 m (15 ft)	4.6 m (15 ft)	7.6 m (25 ft)	7.6 m (25 ft)							
Rear yard setback (minimum)	7.6 m (25 ft)	7.6 m (25 ft)	7.6 m (25 ft)	7.6 m (25 ft)							
Flankage yard setback (minimum)	15.2 m (50 ft)	15.2 m (50 ft)	15.2 m (50 ft)	15.2 m (50 ft)							
Building height (maximum)	10.6 m (35 ft)	10.6 m (35 ft)	10.6 m (35 ft)	10.6 m (35 ft)							
<b>All other uses</b>											
Lot area (minimum)	0.8 ha (2 acres)		0.8 ha (2 acres)	0.4 ha (2 acres)	0.4 ha (1 acres)	0.4 ha (1 acres)	0.4 ha (1 acres)				
Lot frontage (minimum)	45.7 m (150 ft)		45.7 m (150 ft)	45.7 m (150 ft)	45.7 m (150 ft)	45.7 m (150 ft)	45.7 m (150 ft)				
Lot coverage (maximum)	25%		25%	25%	25%	25%	25%	10%	10%	NA	NA
Front yard setback (minimum)	15.2 m (50 ft)		15.2 m (50 ft)	15.2 m (50 ft)	15.2 m (50 ft)	15.2 m (50 ft)	15.2 m (50 ft)	7.6 m (25 ft)	7.6 m (25 ft)	NA	NA
Side yard setback (minimum)	7.6 m (25 ft)		7.6 m (25 ft)	7.6 m (25 ft)	7.6 m (25 ft)	7.6 m (25 ft)	7.6 m (25 ft)				
Rear yard setback (minimum)	7.6 m (25 ft)		7.6 m (25 ft)	7.6 m (25 ft)	7.6 m (25 ft)	7.6 m (25 ft)	7.6 m (25 ft)				
Flankage yard setback (minimum)	15.2 m (50 ft)		15.2 m (50 ft)	15.2 m (50 ft)	15.2 m (50 ft)	15.2 m (50 ft)	15.2 m (50 ft)				
Building height (maximum)	10.6 m (35 ft)		10.6 m (35 ft)	10.6 m (35 ft)	10.6 m (35 ft)	10.6 m (35 ft)	10.6 m (35 ft)	7.6 m (25 ft)	7.6 m (25 ft)	NA	NA
<b>Subdivision with central services</b>											
Lot area (minimum)		0.2 ha (0.5 acres)									
Lot frontage (minimum)		22.9 m (75 ft)									
Front/Flankage yard setback (minimum)		7.6 m (25 ft)									

Consistency in Development Standards across zones.





Rural Municipality of North Shore  
Zoning Map (Draft July 2020)

- Agriculture
- Residential
- Multi-Unit Residential
- Commercial
- Tourist Establishment
- Public Service and Institutional
- Parks and Recreation
- Environmental Conservation
- Federal Jurisdiction
- Right of Way

0 0.5 Km

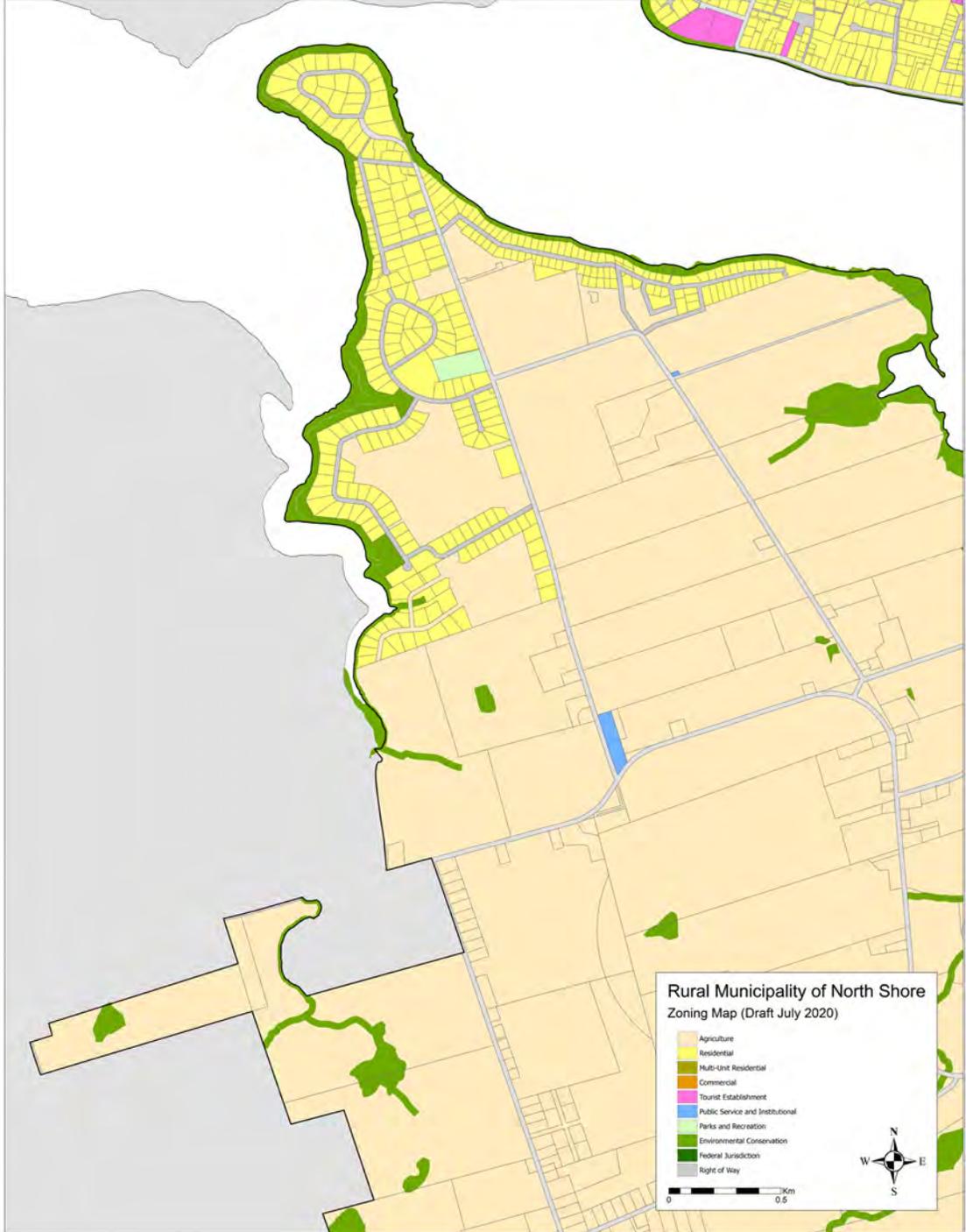


# Rural Municipality of North Shore

Zoning Map (Draft July 2020)

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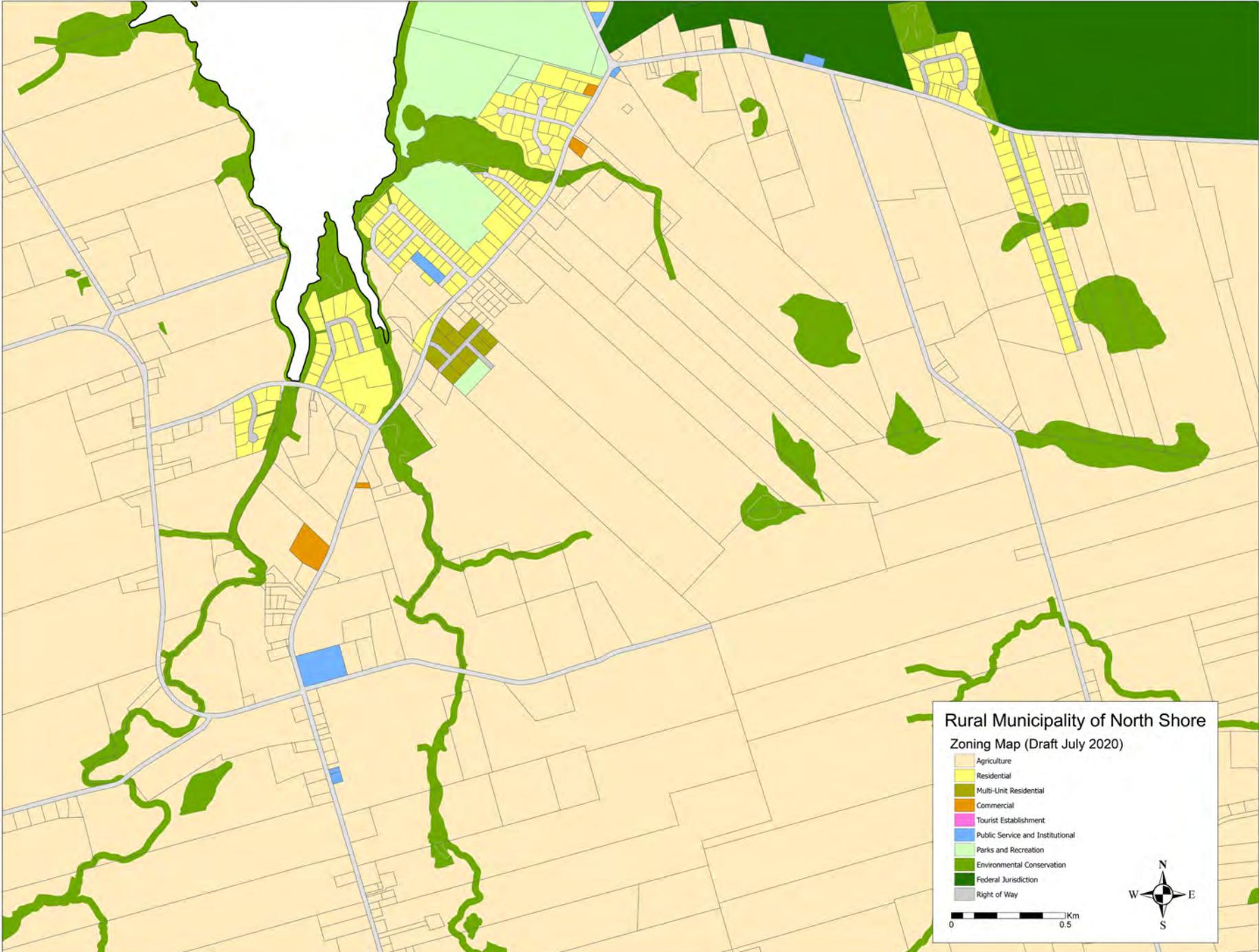


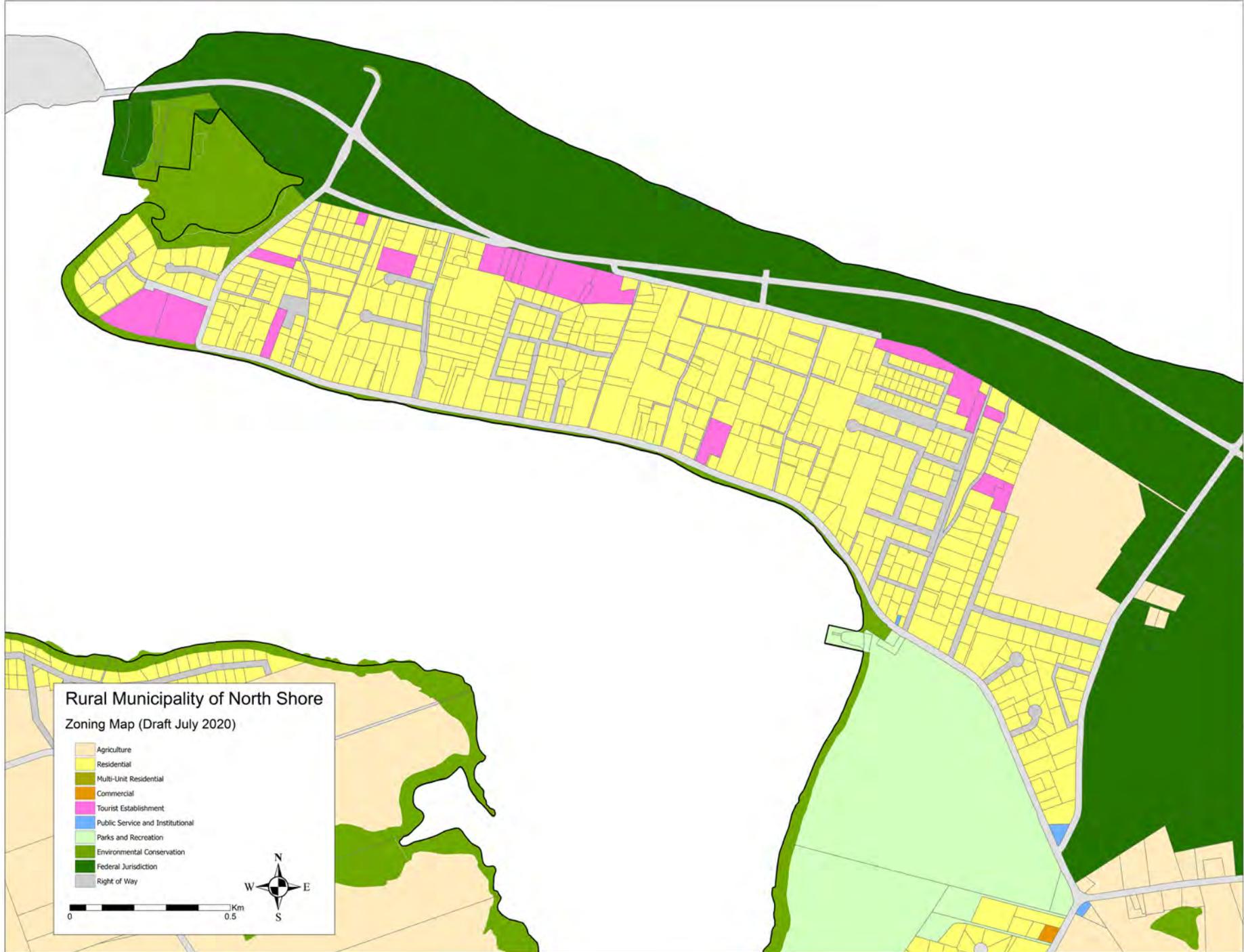
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0 0.5 Km





Subdivisions

# What is a subdivision?

- Subdivide a lot into two or more lots;
- Subdivide a lot (with a semidetached dwelling) into 2 lots each with a single unit;
- Subdivide one lot off of a parent (large) parcel;
- Subdivide one lot into many lots and build a new road;
- Adjust boundaries between two or more lots, without creating or losing any lots; or
- Consolidate two or more lots into one lot.

**Includes any change to the legal description of your property boundaries.**

# What has changed in the Subdivision Process?

- Clear requirements for each step of the subdivision application process.
- Subdivision have built in exemptions to the rules (note: no variances are permitted).

# Exemption: Reduced lot frontage and size

Reduced lot frontage on panhandle lot or on an inside curve of a street.



# Exemption: Reduced lot frontage and size

An undersized lot may be consolidated (made larger) and still be undersized.



# Special Requirements: Agriculture Zone

Maximum 4 lots off of an existing lot in the Agricultural Zone (No Change).

An existing lot is a lot which existing prior to January 25, 1989



# Special Requirements: Watercourses and Wetlands

A watercourse/wetland must be shown on the survey plan.

The Environmental Buffer (15m) must be shown on the survey.



# Special Requirements: Watercourses and Wetlands

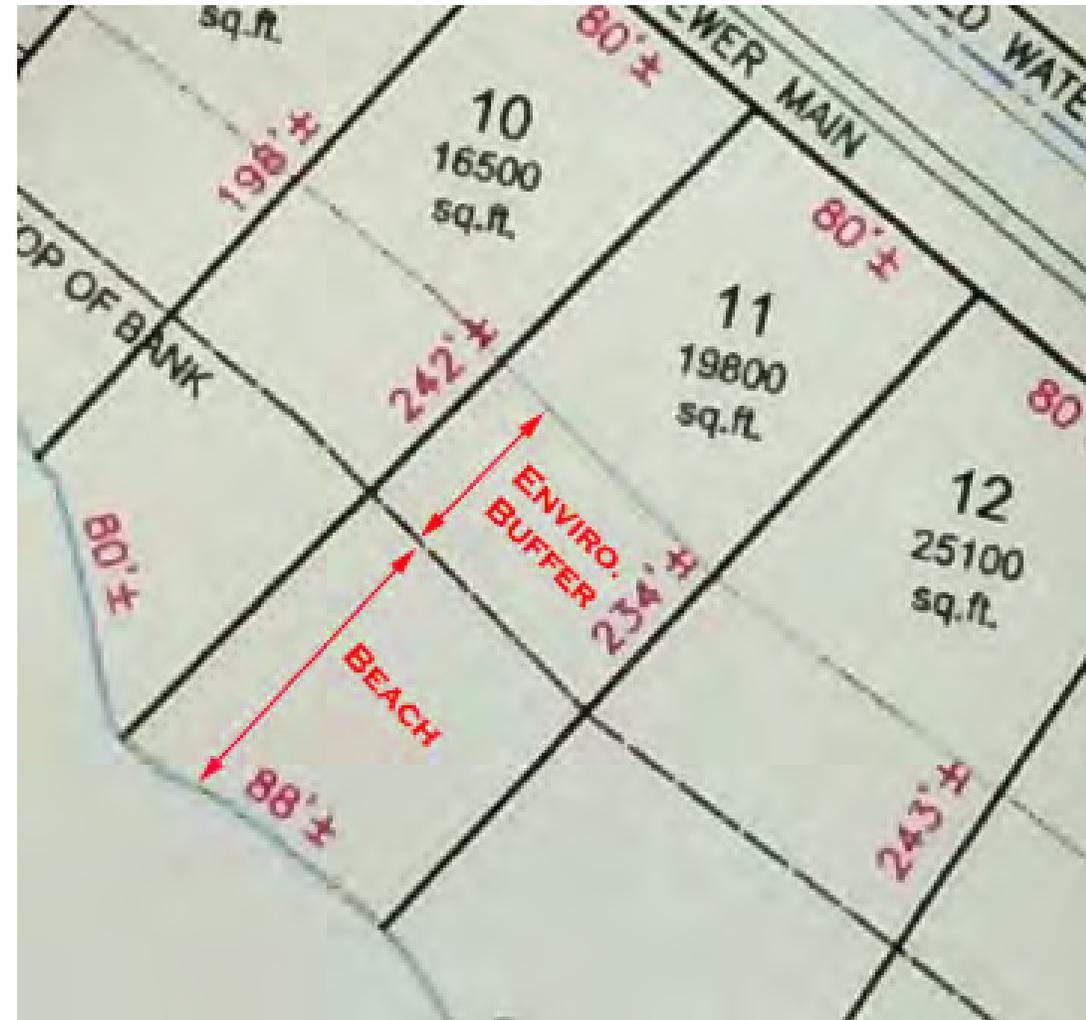
The area of the watercourse/wetland does not count within the minimum lot area.



# Special Requirements: Watercourses and Wetlands

The area of the Environmental Buffer may count within the minimum lot area,

but may NOT be included in the developable area (setbacks measured to edge of buffer).



Q&A

