



**THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI
SPECIAL COUNCIL MEETING
AGENDA**

Monday, June 29, 2020, 6:30 P.M.

An audio recording of the Open Session of this meeting is being made and will be available through the Municipal Website as a public service to further enhance access to municipal government services and to continue to promote open and transparent government. As a visitor, your presence may be recorded and your name and address may be revealed during certain parts of the Council meeting.

Pages

1. PURPOSE OF THIS SPECIAL MEETING

A Special Meeting of Council to be held on Monday, June 29, 2020 at 6:30, by electronic participation is to continue the Regular Council Meeting held on Thursday June 25, 2020.

2. CALL TO ORDER AND ROLL CALL

3. DECLARATION OF CONFLICT OR PECUNIARY INTEREST AND GENERAL NATURE THEREOF

4. UNFINISHED BUSINESS

4.1 Update Official Plan Review

1

Draft Motion:

BE IT RESOLVED THAT Council receive this report for information purposes.

4.2 Official Plan Amendment and Zoning By-Law Amendment: Home Occupation and Home Industry

3

Draft Motion:

BE IT RESOLVED THAT Council receive this report as information;

AND FURTHER THAT Council accept the MHBC Planning recommendation.

4.3 Official Plan Amendment: Secondary Dwelling Units Direction for Second Statutory Public Meeting

33

Draft Motion:

BE IT RESOLVED THAT Council receive this report as information;

AND FURTHER THAT Council accept the MHBC Planning recommendation.

5. NEW BUSINESS

5.1 Memo 2020-M-067 Notice of Motion - Youth Committee

39

Draft Motion:

BE IT RESOLVED THAT Council direct Staff to prepare a report to inform Council regarding the development of a Youth Committee.

5.2 Memo 2020-M-068 Notice of Motion - Reassessing Municipal Committees

40

Draft Motion:

BE IT RESOLVED THAT Council direct Staff to prepare a report to reassessing Municipal Committees.

41

5.3 Memo 2020-M-069 Notice of Motion - Posting of Audio Recording

Draft Motion:

BE IT RESOLVED THAT Council direct Staff to prepare a report to amend the Procedural By-Law regarding the posting of audio recordings.

6. NOTICE OF MOTION

7. QUESTIONS FROM THE PUBLIC - ITEMS ON THE AGENDA

8. CONFIRMATION BY-LAW

42

Draft Motion:

BE IT RESOLVED THAT By-law 20-1513, being a by-law to confirm the proceedings of the Council of the Corporation of the Municipality of Temagami, be taken as read a first, second and third time and finally passed this xx day of June, 2020;

AND FURTHER THAT the said by-law be signed by the Mayor and Clerk and recorded in the by-law book.

9. ADJOURNMENT

Draft Motion:

BE IT RESOLVED THAT this meeting adjourn at x:xx p.m.

MUNICIPALITY OF TEMAGAMI	
Report Prepared For:	Suzie Fournier, Clerk
Report Prepared By:	Jamie Robinson, BES, MCIP, RPP and Patrick Townes, BA, BEd
Subject:	Update on Official Plan Review
Report Date:	June 25, 2020

The purpose of this Planning Report is to provide Council with an update regarding the Official Plan Review. The Official Plan Review was set to commence in March of 2020, however the impact of the COVID-19 emergency had an effect on the timing and the ability to host meetings at the Municipal office. The recommendation is that Council receive this Report for information purposes.

The following is an update on the process to date:

1. MHBC has reviewed the current Official Plan and associated mapping schedules, and are considering changes to the document that would make the document easier to use, easier to administer and less repetitive. MHBC is considering a document format that would include Neighbourhood specific policies, but also General policies that would apply to all neighbourhoods. This would improve readability and substantially reduce the repetition that exists throughout the document.
2. The Ministry of Municipal Affairs and Housing have been contacted to provide an overview of the Official Plan Review. One of the required tasks of an Official Plan Review where the Ministry is the approval authority is to host a "Core Team Meeting" with all applicable Ministries (MMAH, MNDM, MNRF and MOECP). The purpose of this meeting is to receive comments from all Ministries in order to ensure all interests of the Province are represented in the new Official Plan. The Municipality has reached out to the Ministry with available dates to host a conference call in lieu of an in-person meeting due to the COVID-19 emergency.
3. A meeting under Section 26 of the *Planning Act* is also required at the start of the Official Plan Review process. The purpose of this meeting is to provide members of the public with an overview of the Official Plan Review process and to identify potential issues to be considered through the Official Plan Review. It is common for background work to take place prior to this meeting, however this meeting is meant to inform the public of the project and to outline future public meetings and engagement sessions.

Given the COVID-19 pandemic restrictions for public meetings, combined with the Municipality's protocols, a virtual meeting may be utilized at the discretion of Staff and Council, rather than the traditional in-person Council meeting. Provided members of the public can be adequately circulated and informed of the Section 26 meeting, a virtual meeting may be considered. It is understood that the Municipality has a comprehensive email circulation list.

4. There are certain tasks included in the work plan associated with the Official Plan Review that are best suited for in-person meetings. This includes the “Planning Workshop to Review Neighbourhood Policies” and the “Public Open House”. It is recommended that these sessions be delayed to see if an opportunity is provided in the near future to have in-person meetings. If time passes and in-person meetings are still not possible, virtual meetings may be required to be scheduled.

In summary, the process and timing associated with the Official Plan Review has been delayed due to the COVID-19 emergency. The Official Plan Review is an important project and the overall process is conducive to public interaction and input, including that of Staff, Council, ratepayers, First Nations, stakeholders and agencies. It is recommended that with the assistance of Staff, MHBC continue to work on the background research and tasks that do not require public engagement in a public forum. It is also recommended that meetings that can occur over the telephone or virtually be scheduled over the summer/fall of 2020 – including the following:

- Pre-consultation Meeting with Ministry
- Section 26 Meeting
- Meeting with Temagami First Nation
- Review of Planning Issues with Council

The Municipality should be in a position over the summer of 2020 to approve the Official Plan Amendments associated with Secondary Dwelling Units and Home Industries and Home Occupations. These amendments will be transitioned into the new Official Plan. It is recognized that these items were a priority of Council, and as such will be completed prior to the approval of the new Official Plan.

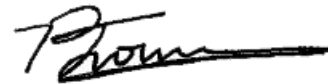
It is recommended that Staff report back to Council with a revised project timeline once the COVID-19 emergency has ended and there the ability host in-person meetings or in the fall of 2020, whichever occurs first.

Respectfully Submitted,

MHBC Planning



Jamie Robinson, BES, MCIP, RPP
Partner



Patrick Townes, BA, BEd
Associate

MUNICIPALITY OF TEMAGAMI	
Report Prepared For:	Suzie Fournier
Report Prepared By:	Jamie Robinson, MCIP, RPP and Patrick Townes, BA, BEd
Subject:	Official Plan Amendment and Zoning By-law Amendment: Home Occupation and Home Industry
Report Date:	June 25, 2020

A. PROPOSAL/BACKGROUND

The Municipality of Temagami has initiated an Official Plan Amendment and a Zoning By-law Amendment to update its planning documents to include modifications to the policies and regulations regarding home occupations and home industries. The Municipality held an Open House to discuss the proposed Official Plan Amendment and Zoning By-law Amendment on August 6, 2019 at the Community Centre and a Statutory Public Meeting on March 12, 2020.

The purpose of the Statutory Public Meeting was to provide members of the public and agencies with an overview of the amendments and an opportunity to provide comments on the proposed policies and regulations. An information Planning Report dated March 3, 2020 (see Attachment #1) was provided for the Statutory Public Meeting. The information Planning Report provided an overview of the amendments and the applicable land use planning framework, but provided no recommendation.

This Planning Report provides a summary of the comments that have been received, an overview of the recommended proposed revisions to the draft Zoning By-law Amendment, and an outline of the proposed schedule to bring the amendment to Council for a final decision. Currently there are no revisions proposed to the draft Official Plan Amendment. A copy of the proposed Official Plan Amendment and updated revised Zoning By-law Amendment will also be provided to those that provided comments and we will request that any comments be provided by July 10, 2020, so that they can be considered in the final recommendation report.

It is recommended that Council receive this Report as information and Staff will prepare a recommendation report for a subsequent meeting of Council. It is further recommended that any additional comments be provided by July 10, 2020.

B. OVERVIEW OF PUBLIC COMMENTS

Following circulation and notice of the Statutory Public Meeting on March 12, 2020, comments were received from members of the public and agencies, including the Temagami Lakes Association and Temagami First Nation. Following the Statutory Public Meeting, Staff have had follow-up conversations with representatives from the Temagami Lakes Association and Temagami First Nation. It should be noted that some comments were provided after the Statutory Public Meeting.

The below is a summary of the comments that have been provided to date, including prior to, during and following the Statutory Public Meeting.

Members of Council:

- There needs to be a distinction between home industry and home occupation uses on inland properties vs. shoreline/island properties.
- The provision that restricts the number of employees permitted is too restrictive and should be removed.

Public:

- Questions relating to how taxes are calculated for properties that have a home industry or home occupation.
- The size of 140 square metres is too large and exceeds a size that would be secondary to a principal use.

Temagami Lakes Association:

- Include a setback of 15 metres from the shoreline for uses to be permitted (provide clarification on the shoreline activity area).
- The wording of proposed Section 6.22(e) is problematic. The intent is to allow a home industry to be conducted in either or both the dwelling and accessory building. The numerical limits work if the home industry is in either building but do not work if the home industry is in both. As well, the numerical limits appear to provide for a rather dramatic increase in the potential size of home industries in accessory buildings. Currently, the accessory building is limited to 40% of the ground floor area of the dwelling - that 40% might typically be 40 to 80 m². It is proposed to increase the maximum building size to 140 m², which in a waterfront area seems quite large even if required to be set back from shore.
- The proposed Section 6.23(j) seems reasonable. It requires that if an accessory building is used for a home occupation, the lot be at least 1 ha in area. Would not a similar requirement in Section 6.22, if an accessory building is used for a home industry, be appropriate?

Temagami First Nation:

- Consider reducing the size of a home industry in an accessory building.

C. OFFICIAL PLAN AMENDMENT

The current Official Plan includes policies that require a home occupation to be carried out in a residential dwelling; to be incidental to the residential use; and that it shall not change the residential character of the dwelling. The Official Plan Amendment proposed to change this policy to permit home occupations in both a residential dwelling and within an accessory building. Similarly, it is proposed that home industries also be permitted within a residential dwelling or an accessory building. While the Official Plan Amendment would permit a home industry in the

shoreline area, a Zoning By-law Amendment and site plan approval process would be required to evaluate the appropriateness of the Home Industry on each specific lot.

While the specific home occupation and home industry policy details in each of the neighbourhoods have slight differences, the basic principle is the same. A home occupation and home industry is to be incidental to the residential use and shall not change the residential character of the dwelling. These parameters can be controlled by implementing measures to limit the intensity of the use of a home industry and home occupation on a residential property. A copy of the proposed Official Plan Amendment is included as Attachment #2 to this Planning Report.

D. ZONING BY-LAW AMENDMENT

The Municipality's Zoning By-law permits home industries and home occupations, subject to a number of regulations to ensure that they are small in scale; the potential for negative impacts on adjacent residential uses is minimized; and, the general residential character of the neighbourhood is maintained.

The draft Zoning By-law Amendment that was presented to Council at the Statutory Public Meeting proposed the following for home industries:

- An updated definition for a home industry.
- Permit a home industry within a residential dwelling in addition to an accessory building.
- Set a maximum size for a home industry use that is not greater than 40% of the ground floor area of the dwelling.
- If a home industry is located within an accessory building the maximum size is 140 square metres.

The draft Zoning By-law Amendment that was presented to Council at the Statutory Public Meeting proposed the following for home occupations:

- An updated definition for a home occupation.
- Permit a home occupation within a residential dwelling in addition to an accessory building.
- Set a maximum size for a home occupation use in an accessory building of 50 square metres if the lot is greater than 1 hectare in lot area.

E. SUMMARY

Following a review of the comments received on the draft Official Plan Amendment and the draft Zoning By-law Amendment, it is recommended that the draft Zoning By-law Amendment be revised to reflect the comments that were received. The following is a summary of the recommended modifications to the draft Zoning By-law Amendment that are found at Attachment #3 to this Planning Report:

- Include a provision in the Zoning By-law that requires a minimum setback of 15 metres from the shore for buildings that contain a home industry or home occupation.
- Reduce the size of a home industry use that is permitted in an accessory building for shoreline lots.

- Review and determine maximum sizes for home occupations and home industries within dwelling units and accessory buildings that assist to ensure the use is incidental to the principal residential use.
- The reference to the maximum number of employees associated with a home occupation and home industry use have been removed from the Zoning By-law. From a land use planning context, the most appropriate way to limit the scale of operation is through the maximum floor area provisions provided in the Zoning By-law for home occupation and home industry uses.

The revisions to the proposed draft Zoning By-law Amendment are minor and it is Staff's opinion that the proposed changes to the draft Zoning By-law Amendment do not warrant a second Statutory Public Meeting.

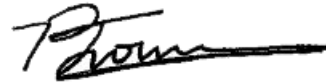
On this basis, it is recommended that Council receive this Report as information and Staff will prepare a recommendation report for a subsequent meeting of Council. It is further recommended that any additional comments be provided by July 10, 2020.

Respectfully Submitted,

MHBC Planning



Jamie Robinson, BES, MCIP, RPP
Partner



Patrick Townes, BA, BEd
Associate

MUNICIPALITY OF TEMAGAMI	
Report Prepared For:	Tammy Lepage
Report Prepared By:	Jamie Robinson, MCIP, RPP and Patrick Townes, BA, BEd
Subject:	Official Plan Amendment and Zoning By-law Amendment Home Occupation and Home Industry Statutory Public Meeting
Report Date:	March 3, 2020

A. PROPOSAL/BACKGROUND

The Municipality of Temagami has initiated an Official Plan Amendment and a Zoning By-law Amendment to update its planning documents to include modifications to the policies and regulations regarding home occupations and home industries. The Municipality held an Open House to discuss the proposed Official Plan Amendment on August 6, 2019 at the Community Centre.

The Statutory Public Meeting is being held for the purpose of providing the public with information on the proposed Official Plan Amendment and Zoning By-law Amendment, and to receive comments regarding the proposed policies and regulations for home occupations and home industries. Notice has been provided to members of the public and agencies based on the requirements of the *Planning Act*. There is no recommendation being considered at the Statutory Public Meeting. Following comments received prior to, and during the Statutory Public Meeting, a subsequent report will be prepared with a final recommendation to Council.

The Municipality has expressed interest in revising the policies and regulations in order to possibly make the home occupation and home industry provisions more permissive. For example, there were concerns that the list of examples provided in the Zoning By-law had the potential of being interpreted as a complete list rather than examples. A review of the existing policies in the Official Plan and the regulations in the Zoning By-law has been undertaken to inform possible modifications to the planning documents in order to make the provisions related to home occupations and home industries more clear and permissive.

The purpose of this report is to provide an overview of the proposed amendments to both the Official Plan and the Zoning By-law regarding home occupations and home industries.

B. GENERAL INFORMATION

Advances in technology, societal and economic changes, in addition to flexible work schedules, have enabled people to work from their homes and have encouraged the establishment and growth of home-based businesses. Home-based businesses constitute a growing trend. They can enhance the local employment mix, contribute to generating local jobs and possibly act as an incubator for small businesses.

There are positive aspects to providing for and potentially encouraging home-based businesses. Local municipalities must; however, consider how to balance the promotion of an economic activity while regulating such uses to ensure that these uses do not negatively impact the environment or water quality, or negatively impact surrounding residential properties are appropriately avoided, managed and/or mitigated.

In the Municipality of Temagami home-based businesses would generally fall into the category of a home occupation or the category of a home industry.

Traditionally, home industries/home occupations are to be essentially undetectable to the surrounding neighbourhood and passersby. They are clearly secondary to the main residential use and should not result in negative impacts to the surrounding area. In considering expanding the scope of home industries and home occupations, these uses must continue to be compatible with surrounding residential areas.

C. OFFICIAL PLAN AMENDMENT

The Official Plan for the Municipality of Temagami includes several provisions relating to home industries and home occupations, defined as follows:

Home Industry – An occupation conducted in whole or in part in a building accessory to a single detached dwelling, and such home industry is clearly secondary to the main residential use of the property, does not change the residential character of the neighbourhood, and as further defined in the Zoning Bylaw.

Home Occupation – Any gainful occupation which is conducted within the dwelling unit by the resident(s) of the dwelling, and such home occupation is clearly secondary to the main residential use, does not change the residential character of the dwelling and as further defined in the Zoning By-law.

With regard to general economic development policies, Section 2.3 of the Official Plan speaks to commercial uses to occur in the Urban Neighbourhood as well as referencing that home occupations, home industries and tourism services may be established in the Rural Neighbourhoods; the Village of Temagami and Temagami North being the Urban Neighbourhood with the Rural Neighbourhoods being comprised of Lake Temagami, Matabitchuan, Marten River, and Backcountry.

While the specific home occupation and home industry policy details in each of the neighbourhoods have slight differences, the basic principle is the same. A home occupation is to be carried out in a residential dwelling, be incidental to the residential use and shall not change the residential character of the dwelling. This is proposed to be amended in the Official Plan, to permit home occupations and home industries both within a residential dwelling, and within an accessory building. A copy of the proposed Official Plan Amendment has been attached to this report.

A home industry may be permitted but would be subject to a Zoning By-law Amendment and site plan approval process. Again, a home industry is to be clearly incidental to the primary residential use of the property.

D. ZONING BY-LAW AMENDMENT

The Municipality's Zoning By-law permits home industries and home occupations subject to a number of regulations to ensure that these are small in scale, the potential for negative impacts on adjacent residential uses is minimized and the general residential character of the neighbourhood is maintained.

HOME INDUSTRY USES

1. Existing Provisions

The Municipality's Zoning By-law defines Home Industry as follows:

HOME INDUSTRY shall mean a gainful occupation including an electrical, woodworking, carpentry, window frame, welding, plumbing, machine or small engine repair shop, or a live bait supplier. A Home Industry is conducted entirely in an accessory building or part of an accessory building on a Rural Residential or Remote Residential lot by the residents. A home industry does not include a contractor's yard. (By-law 13-1121)

As set out in Section 6.22 of the Zoning By-law, the following general provisions would apply to home industries:

A home industry may be carried out in the R1, R2 and R3 Zones in accordance with the following and in accordance with the provisions of Section 7.4.3, Section 7.5.3 and Section 7.6.3.

- (a) there is no external advertising other than a sign erected in accordance with any bylaws of the Municipality regulating signs;*
- (b) the external storage of goods, materials or equipment is not permitted;*
- (c) such home industry is not an obnoxious use, trade, business or manufacture;*
- (d) such home industry is clearly secondary to the main residential use, does not change the residential character of the dwelling and in no case shall the accessory building used for the home industry have a gross floor area greater than forty percent (40%) of the ground floor area of the dwelling;*
- (e) not more than two (2) persons, other than the owner of the dwelling shall be employed in a home industry on a full-time basis;*
- (f) except in the case of island lots, for every person, other than the owner of the dwelling employed therein on a full-time basis, one parking space shall be provided but shall not be located in the front yard or flanking yard;*
- (g) except in the case of island lots, one on-site parking space shall be provided for patrons of the home industry and such parking space shall not be provided in the front yard;*
- (h) except in the case of island lots, an accessory building used for a home industry shall not be located in the front yard or flankage yard of the residential lot; and*

- (i) *notwithstanding any of the provisions of this By-law, an accessory building used for a home industry shall have a minimum setback from the property line of five (5.0) metres.*

For home industry uses, Section 6.33 of the Zoning By-law requires the provision of 1 parking space per employee plus 1 parking space for patrons. This would be in addition to the minimum parking that must be provided for the residential unit.

2. Discussion of Potential Amendments to Zoning By-law Provisions

The definition of home industry itself includes a list of specific uses. As noted previously, concern has been expressed that the list provided in the home industry Zoning By-law definition may be interpreted as a complete list and that there may be additional uses, similar to those listed, which may fall within the category of a home industry use.

The definition of home industry does not provide an exhaustive list as the term “such as” is used. Similar uses to these may be permitted.

A more appropriate approach that listing specific uses in the definition may be to include categories of uses or types of use that would be permitted as a home occupation. For example, small scale manufacturing; assembly; processing or repair. This language would provide more flexibility.

The Municipality's current standards limits a home industry use to an accessory building. Based on our research, some municipalities have provided for some flexibility as to the use being within an accessory building or a portion of the residential dwelling.

As a result, the Municipality may also wish to consider adding provisions to reflect that a home industry may also be accommodated in a portion of a residential dwelling. As an example, a welding business may be located within an accessory building; however, a portion of the residential dwelling may be used as the office associated with that business. There should continue to be limitations as to the gross floor area being used for the home industry to ensure that it remains limited in scale and secondary to the residential use.

To provide clarification and flexibility, the definition of home industry could be modified to read, as follows:

*HOME INDUSTRY shall mean a gainful occupation, **secondary to a Residential Use, which includes fabrication, light manufacturing, processing, assembly or repair of goods that is** ~~including an electrical, woodworking, carpentry, window frame, welding, plumbing, machine or small engine repair shop, or a live bait supplier. A Home Industry is conducted entirely in an accessory building, or part of an accessory building~~ **and/or part of a residential dwelling** on a Rural Residential or Remote Residential lot. ~~by the residents. A home industry may include, but not be limited to, such uses as electrical, woodworking, carpentry, window frame, welding, plumbing, machine or small engine repair shop, or a live bait supplier. A home industry does not include a contractor's yard.~~*

Permitting a home industry, or a part thereof, to be located within a portion of the residential dwelling would also necessitate a revision to Section 6.22 of the Zoning By-law.

We would suggest a rewording of subsection (d), and the addition of the following as subsection (e), and the renumbering of the subsequent subsections.

- (d) such home industry is clearly secondary to the main residential use, ~~and~~ does not change the residential character of the dwelling **and lot**;*
- (e) in no case shall the accessory building, **or part thereof, and/or portion of the residential dwelling** used for the home industry have a **combined** gross floor area greater than forty percent (40%) of the ground floor area of the dwelling;*

We note that the Municipality's Zoning By-law does not permit a home industry as of right. While the term "Home Industry" is defined within the Zoning By-law and general provisions are outlined in Section 6.22, the specific regulations within the three zones that are referenced (R1, R2 and R3) state that a home industry is only permitted subject to a site specific rezoning. This is reasonable approach, as a rezoning allows for consideration of each home industry proposal on a site specific basis; within the context of the proposal itself, and the area in which it is to be located. A rezoning is also subject to a formal public consultation process which provides opportunities for the area residents to review and provide comments on that specific proposal.

HOME OCCUPATION USES

1. Existing Provisions

The Municipality's Zoning By-law defines a Home Occupation as follows:

HOME OCCUPATION shall mean any gainful occupation which is conducted within the dwelling unit by the resident(s) of the dwelling, and such home occupation is clearly secondary to the main residential use, does not change the residential character of the dwelling and as further defined in this Zoning By-law.

As set out in Section 6.23 of the Zoning By-law, the following general provisions would apply to home occupations:

A Home Occupation may be carried out in certain zones, where permitted, subject to the following:

- (a) no person, other than a resident of the dwelling unit and one non-resident employee may be employed in the home occupation, except in the R1, R2 and R3 Zones where two non-resident employees may be employed in the home occupation;*
- (b) there is no display, other than an un-illuminated sign not greater than one (1.0) square metre in size, to indicate to persons outside that any part of the dwelling unit or lot is being used for a purpose other than a dwelling unit, except in the, R1 and R2 Zones where no such sign is permitted;*

- (c) *such home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling unit nor creates or becomes a public nuisance, particularly in regard to noise, noxious odours or emission of smoke, traffic or parking;*
- (d) *such home occupation does not interfere with television or radio reception;*
- (e) *there is no outside storage of goods or materials and there is no use of any part of an accessory building;*
- (f) *not more than twenty five per cent (25%) of the gross floor area of the dwelling unit or forty six (46.0) square metres, whichever is the lesser, is used for the purposes of a home occupation;*
- (g) *such home occupation uses may include a service or repair shop, a personal service shop, tradesperson, the office of a doctor, dentist, lawyer, or a real estate agent, insurance agent, planner, architect, or engineer, professional offices but a clinic, a hospital, a nursing home, a tea room and an animal hospital shall not be deemed to be home occupations;*
- (h) *when retail sales are carried out as part of a home occupation located on a lot accessible by a municipally maintained road, one on-site parking space shall be provided in addition to any required for the dwelling unit and employees;*
- (i) *(By-law 13-1121) except in the R1 and R2 Zones, one parking space shall be provided for each employee not residing in the residence.*

For an office, including a home occupation, Section 6.33 of the Zoning By-law requires the provision of 1 parking space per 30 square metres of gross floor area. This would be in addition to the minimum parking that must be provided for the residential unit.

Home occupation uses are listed as permitted uses within the Remote Residential (R1) Zone (Section 7.4.1), the Remote Residential (R2) Zone (Section 7.5.1), the Rural Residential (R3) Zone (Section 7.6.1), and the Low Density Residential (RL) Zone (Section 7.7.1.1). Within each of these zones the home occupation must be in accordance with the provisions of Section 6.23.

2. Discussion of Potential Amendments to Zoning By-law Provisions

In this case, the wording of the definition of a home occupation is broader; however, Section 6.23(g) sets out a list of example home occupation uses. As noted previously, concern has been expressed that this list may be interpreted as a complete list rather than simply examples. To add clarification as to the interpretation of this section, we would suggest that Section 6.23(g) be modified to read as follows:

- (g) *such home occupation uses may include, **but not be limited to, such uses as** a service or repair shop, a personal service shop, tradesperson, the office of a doctor, dentist, lawyer, or a real estate agent, insurance agent, planner, architect, or engineer, professional offices but a clinic, a hospital, a nursing home, a tea room and an animal hospital shall not be deemed to be home occupations;*

The most recent matter which has prompted the Municipality's discussions regarding home occupations and home industries, the Simpson Diving Facility, included the notion of "teaching" or "instruction" as a home occupation use.

The idea of including home teaching and a small learning facility as part of the current list in section 6.23(g) was raised in response to review and consideration of the Simpson Diving Facility proposal. Based on a review of the Municipality's current home occupation provisions, indoor teaching such as one-on-one/small scale tutoring, video training, etc. would be permitted, subject to compliance with all of provisions of Section 6.23. Verbiage could be added to this section to formally address private teaching or instruction. Such as,

*(g) such home occupation uses may include, **but not be limited to, such uses as a service or repair shop, a personal service shop, tradesperson, the office of a doctor, dentist, lawyer, or a real estate agent, insurance agent, planner, architect, or engineer, professional offices, indoor teaching/tutoring/instruction** but a clinic, a hospital, a nursing home, a tea room and an animal hospital shall not be deemed to be home occupations;*

We would suggest; however, that the Municipality consider also adding provisions to limit the scale of this type of use beyond the maximum square footage which is currently in place. A provision to assist in limiting the scale of the use could be to limit the amount of parking on a lot. For example, a maximum of 5 parking spaces shall be permitted for a home occupation use.

The question raised for the diving facility proposal related more to that component of the instruction which was being conducted outdoors. Based on our research, outdoor instruction, particularly referring to outdoor swimming lessons, has been the topic of discussion and review by other municipalities as well. There are varying opinions as to whether these should be considered appropriate home occupation uses, specifically given potential noise impacts to surrounding properties.

We would caution against encouraging home occupation, or home industry, uses outdoors, as this may result in negative impacts on the surrounding properties, i.e. noise.

Applications for these types of uses could be considered via amendment, and would be based on their site specific merits.

Based on our research, some municipalities have permitted home occupation uses to be located in an accessory structure. The examples within the Municipality's current home occupation provisions refer to a tradesperson, which is defined as a "carpenter, plumber, electrician, welder, general contractor or a person engaged in a similar occupation, providing a service to the general public". It may be that the use of an accessory structure for related equipment or materials could be an integral part of the home business. The Municipality may wish to consider permitting the use of an accessory building for a home occupation use. If so, we would suggest that specific provisions be included to limit the overall gross square footage being used for the home occupation. This would assist in ensuring that the home occupation is limited in scale. We would also suggest that the

Municipality may want to consider limiting the home occupation use of an accessory building to properties with a specific lot area minimum. This provision would then relate to a rural lot versus a more urban residential lot. To provide for the use of an accessory structure, the definition of home occupation would have to be modified, for example

*HOME OCCUPATION shall mean any gainful occupation which is conducted within the dwelling unit **or an enclosed accessory structure**, by the resident(s) of the dwelling, and such home occupation is clearly secondary to the main residential use, does not change the residential character of the dwelling and as further defined in this Zoning By-law.*

This would then necessitate an amendment to Section 6.23 to ensure that the use is still limited in scale and potentially to limit this provision to lots with more of a rural character.

For example,

An accessory building or structure may only be used for the purpose of a home occupation if the lot is a minimum of 1 hectare in size and the home business does not occupy more than 50 square metres of the accessory building or structure;

The minimum 1 hectare would limit the use of an accessory building to rural and remote residential lots. The maximum gross floor area provisions of Section 6.23(f) would continue to apply; being not more than twenty five percent (25%) of the gross floor area of the dwelling unit or forty six (46.0) square metres, whichever is the lesser.

A copy of the proposed Zoning By-law Amendment has been attached to this report.

D. ADDITIONAL CONSIDERATIONS - SHORELINE AREAS

There is a considerable amount of waterfront/shoreline areas within the Municipality. As noted in the policies of the Municipality's Official Plan, shoreline areas are to be protected. Specific Official Plan policies speak to this matter. In Section 2.17 of the Municipality's Official Plan, it states:

It is a goal of the Municipality to maintain shorelines and the area between the shoreline and any buildings in their natural state and as a vegetative buffer, to protect the visual and environmental integrity of the lakes. The principle of development in the vegetative buffer shall be minimal disturbance on the ground, shrub and canopy layers.

Such policies go on to speak of a Shoreline Activity Area and includes the following:

Such Shoreline Activity Area is a portion or cumulative portions of a shoreline frontage of a lot where accessory shoreline structures such as boathouses, docks, pumphouses, gazebos and decks are permitted, as well as access to the water for activities such as swimming or boat launching. To maintain an appropriate balance between a natural shoreline and built form, the Shoreline Activity Area should be focused within a defined area and be limited in extent. The extent of the Shoreline Activity Area shall be a function of the shoreline frontage and the primary use of the lot and shall be set out in the Zoning By-law.

Section 6.40 of the Municipality's Zoning By-law sets out specific provisions relating to the extent and use of a Shoreline Activity Area. Some of these provisions relate to remote or rural residential lots on which home occupation and home industry uses would be permitted and/or considered. In keeping with the policies of the Official Plan, provisions could be added to Sections 6.22 and 6.23 to require that any structure (accessory or main residential building) to be used for a home occupation or home industry cannot be located within a Shoreline Activity Area.

E. SUMMARY

The existing Official Plan policies and Zoning By-law provisions are proposed to be amended to provide clarification as to the interpretation of the examples of uses which have been referenced. The premise of encouraging local economic activity through home industry and/or home occupation uses is important, but it is also important to ensure that uses are compatible with existing residential uses.

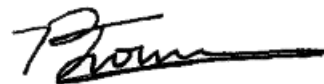
Following the Statutory Public Meeting, staff will review the comments and feedback received. A subsequent report will be prepared that provides an analysis of the comments and feedback received, and to provide a final recommendation for Council prior to adoption of the Official Plan Amendment and the passing of the Zoning By-law.

Respectfully Submitted,

MHBC Planning



Jamie Robinson, BES, MCIP, RPP
Partner



Patrick Townes, BA, BEd
Associate

Official Plan Amendment No. ____

Municipality of Temagami

DRAFT

**Amendment Number ____ to the
Official Plan of the
Municipality of Temagami**

The attached explanatory text and constituting Amendment Number ____ to the Official Plan for the Municipality of Temagami, was prepared and adopted by the Council of the Corporation of the Municipality of Temagami, by By-law Number 2019-____ in accordance with the provisions of Sections 17 and 22 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

Mayor

Municipal Clerk

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

BY-LAW NO. 2020-____

**A By-law to adopt Amendment No. ____ to the
Official Plan for the Municipality of Temagami.**

WHEREAS The Corporation of the Municipality of Temagami is empowered to amend its Official Plan as required;

AND WHEREAS Sections 17 and 22 of the Planning Act, R.S.O. 1990, Chapter P. 13, as amended, provide Council such authority to amend its Official Plan;

AND WHEREAS the policies of the Official Plan of the Municipality of Temagami are approved and in force and effect at this time;

AND WHEREAS the Council of the Corporation of the Municipality of Temagami deems it necessary and desirable to adopt an amendment to the Official Plan of the Temagami;

NOW THEREFORE the Council of the Corporation of the Municipality of Temagami enacts as follows:

1. Amendment No. ____ to the Official Plan for the Municipality of Temagami, consisting of the explanatory text is hereby adopted.
2. That the Clerk of the Municipality of Temagami is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

This By-law will take effect on the date of its passage, subject to the provisions of Section 34(30) and (31) of the Planning Act, R.S.O. 1990, c.P.13.

READ A FIRST AND SECOND TIME on the _____ day of _____, 2020.

READ A THIRD TIME and finally passed this _____ day of _____, 2020.

Mayor

Municipal Clerk

Certification

Certified that the above is a true copy of By-law No. 2020-____ as enacted and passed by Council of the Municipality of Temagami on the _____ day of _____, 2020.

Municipal Clerk

THE CONSTITUTIONAL STATEMENT

The following Amendment to the Official Plan for the Municipality of Temagami consists of three parts:

Part A – THE PREAMBLE does not constitute part of this Amendment.

Part B – THE AMENDMENT, consisting of the text of Amendment No. __ to the Official Plan to the Municipality of Temagami. There is no map or schedule associated with the Amendment.

Part C – THE APPENDICES do not constitute part of this Amendment. The appendices contain the background material, planning considerations and public involvement associated with this Amendment.

Part A – Preamble

Purpose

The purpose of this amendment is to revise policies in the Municipality of Temagami Official Plan to provide clarification for the development permissions related to Home Occupations and Home Industries, following direction from Council.

Location

Amendment No. ____ is a textual amendment and generally applies to all lands within the Municipality, therefore there is no schedule provided with the Amendment.

Basis

The Provincial Policy Statement (2014), the Strong Communities through Affordable Housing Act (2011), and the Promoting Affordable Housing Act (2016) provide direction to Municipalities to ensure that their planning documents (Official Plans and Zoning By-laws) provide for opportunities for the development of affordable housing in the form of second units.

In adopting this Official Plan Amendment, Council relies on the following basis:

- The Provincial Policy Statement (2014) speaks to permissions for home occupations and home industries on rural lands, and encourages development within settlement areas.
- The Municipality of Temagami's Official Plan includes a definition for a home occupation and a home industry, and also policies for the various Neighbourhoods that state how these uses may be carried out.
- A desire by the Municipality to provide for clearer regulations for home occupations and home industries resulted in a proposed amendment to the implementing Zoning By-law. Based on the amendment proposed to the implementing Zoning By-law, amendments to the Official Plan are required to also clarify where home occupations and home industries shall be permitted.
- The need to amend the Official Plan arose following direction to amend the Zoning By-law to provide some clarification as to the interpretation of the examples of uses which have been referenced in the Zoning By-law.

Part B – The Amendment

1.0 Introductory Statement

Part B – The Amendment, consisting of the following text constitutes Amendment No. 3 to the Official Plan for the Municipality of Temagami.

2.0 Details of the Amendment

The Official Plan of the Municipality of Temagami is amended in accordance with the following:

(red text represents additions or deletions)

Urban Neighbourhood

4.36 Home Occupations

Home occupations shall only be carried out in a residential dwelling or an enclosed accessory structure, and shall be incidental to the residential use. The home occupation shall not change the residential character of the dwelling.

One employee who does not reside on the property may be employed in the home occupation except on a remote residential or rural residential lot where a maximum of two non-residents of the property may be employed. The sale of goods or the provision of a service shall only be permitted if adequate parking is provided as set out in the Zoning Bylaw or in the case of a water access lot, adequate docking facilities. Sale of goods or the provision of a service shall not result in an unacceptable level of increased vehicular or boat traffic nor may it become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interfere with the enjoyment of the residential amenities of the Neighbourhood.

The specific home occupations permitted within the Urban Neighbourhood shall be set out in the Zoning By-law and may differ between remote residential and rural residential lots and other types of lots. However, as a guide, occupations such as small engine repair and minor boat repairs are not considered to be home occupations. Home occupations such as oil or watercolour painting, making crafts and writing, professional offices, the business office of tradespeople and couriers, as set out in the Zoning By-law, are permitted.

4.3.7 Home Industry

Home industries such as electrical, carpentry and plumbing shops may be permitted in an accessory building to a single detached dwelling unit, part of an accessory building and/or part of a residential dwelling. In addition, a contractor's

yard is permitted as a home industry on a Rural Residential or Remote Residential lot in the Urban Neighbourhood. Home industries shall proceed by way of a rezoning. As part of the rezoning process, Council shall consider the adequacy of the accessory building for the use proposed, the potential impact of the home industry on adjacent residential areas, the potential for the home industry to become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interferes with the enjoyment of the residential amenities of the Neighbourhood, the adequacy of on-site parking and other matters as may be set out in the Zoning By-law. However, home industries shall not be carried out in a wet or dry boathouse and there shall be no outside storage associated with the home industry, except for a contractor's yard, as set out in the Zoning By-law. Up to two persons, plus the owner may be employed in a home industry.

A Home Industry, including a contractor's yard, shall at all times be clearly incidental to the primary residential use of the property and shall be subject to Site Plan Control.

Lake Temagami Neighborhood

5.3.8 Home Occupations

Home occupations shall only be carried out in a residential dwelling or an enclosed accessory structure, and shall be incidental to the residential use. The home occupation shall not change the residential character of the dwelling or the character of the dwelling.

Two employees who do not reside in the dwelling may be employed in the home occupation. The sale of goods or the provision of a service shall only be permitted if adequate docking facilities can be provided and an unacceptable level of increased boat traffic does not result nor does it become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interferes with the enjoyment of the residential amenities of the Neighbourhood.

The specific home occupations permitted within the Lake Temagami Neighbourhood shall be set out in the Zoning By-law. However, as a guide, occupations such as small engine repair and minor boat repairs are not considered to be home occupations. ~~Home occupations such as oil or watercolour painting, making crafts and writing, professional offices, the business office of tradespeople, as set out in the Zoning By-law, are permitted.~~

5.3.9 Home Industry

Home industries ~~such as electrical, carpentry, plumbing and contractors~~, except a contractor's yard (Section 5.3.18), as set out in the Zoning By-law may be permitted in an accessory building to a single detached dwelling unit, part of an accessory building and/or part of a residential dwelling on a Remote Residential

lot in the Lake Temagami Neighbourhood. Home industries shall proceed by way of a rezoning. As part of the rezoning process, Council shall consider the adequacy of the accessory building for the use proposed, the potential impact of the home industry on adjacent residential areas, the potential for the home industry to become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interferes with the enjoyment of the residential amenities of the Neighbourhood the environment and other matters as may be set out in the Zoning By-law. However, home industries shall not be carried out in a wet or dry boathouse and there shall be no outside storage associated with the home industry. Up to two persons, plus the owner may be employed in a home industry.

A Home Industry shall at all times be clearly incidental to the primary residential use of the property and shall be subject to Site Plan Control.

Marten River Neighbourhood

6.3.8 Home Occupations

Home occupations shall only be carried out in a residential dwelling or an enclosed accessory structure, and shall be incidental to the residential use. The home occupation shall not change the residential character of the dwelling.

Two employees who do not reside in the dwelling may be employed in the home occupation. The sale of goods or the provision of a service shall only be permitted if adequate parking is provided as set out in the Zoning By-law. Sale of goods or the provision of a service shall not result in an unacceptable level of increased vehicular or boat traffic nor shall it become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interfere with the enjoyment of the residential amenities of the Neighbourhood.

The specific home occupations permitted within the Marten River Neighbourhood shall be set out in the Zoning By-law. However, as a guide, occupations such as small engine repair and minor boat repairs are not considered to be home occupations. ~~Home occupations such as oil or watercolour painting, making crafts and writing, professional offices, the business office of tradespeople and couriers, as set out in the Zoning By-law, are permitted.~~

6.3.9 Home Industry

Home industries ~~such as electrical, carpentry, plumbing, including~~ a contractor's yard and machine shops may be permitted in an accessory building to a single detached dwelling unit on a Rural Residential or Remote Residential lot in the Marten River Neighbourhood. ~~Other home industries may be permitted in an accessory building to a single detached dwelling unit, part of an accessory building and/or part of a residential dwelling.~~ Home industries shall proceed by

way of a rezoning. As part of the rezoning process, Council shall consider the adequacy of the accessory building for the use proposed, the potential impact of the home industry on adjacent residential areas, the potential for the home industry to become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interferes with the enjoyment of the residential amenities of the Neighbourhood, the environment and other matters as may be set out in the Zoning By-law. However, home industries shall not be carried out in a wet or dry boathouse and there shall be no outside storage associated with the home industry, except for a contractor's yard, as set out in the Zoning By-law. Up to two persons, plus the owner may be employed in a home industry.

A Home Industry, including a contractor's yard, shall at all times be clearly incidental to the primary residential use of the property and shall be subject to Site Plan Control.

Matabitchuan Neighbourhood

7.3.8 Home Occupations

Home occupations shall only be carried out in a residential dwelling or an enclosed accessory structure, and shall be incidental to the residential use. The home occupation shall not change the residential character of the dwelling.

Two employees who do not reside in the dwelling may be employed in the home occupation. The sale of goods or the provision of a service shall only be permitted if adequate parking is provided as set out in the Zoning By-law. Sale of goods or the provision of a service shall not result in an unacceptable level of increased vehicular or boat traffic nor does it become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interferes with the enjoyment of the residential amenities of the Neighbourhood.

The specific home occupations permitted in the Matabitchuan Neighbourhood shall be set out in the Zoning By-law. However, as a guide, occupations such as small engine repair and minor boat repairs are not considered to be home occupations. ~~Home occupations such as oil or watercolour painting, making crafts and writing, professional offices, the business office of trades people and couriers, as set out in the Zoning By-law, are permitted.~~

7.3.9 Home Industry

Home industries ~~such as electrical, carpentry, plumbing, including~~ a contractor's yard and machine shops may be permitted in an accessory building to a single detached dwelling unit on a Rural Residential or Remote Residential lot in the Matabitchuan Neighbourhood. ~~Other home industries may be permitted in an accessory building to a single detached dwelling unit, part of an accessory building and/or part of a residential dwelling.~~ Home industries shall proceed by

way of a rezoning. As part of the rezoning process, Council shall consider the adequacy of the accessory building for the use proposed, the potential impact of the home industry on adjacent residential areas, the potential for the home industry to become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interferes with the enjoyment of the residential amenities of the Neighbourhood, the environment and other matters as may be set out in the Zoning By-law. However, home industries shall not be carried out in a wet or dry boathouse and there shall be no outside storage associated with the home industry, except for a contractor's yard, as set out in the Zoning By-law. Up to two persons, plus the owner may be employed in a home industry.

A Home Industry, including a contractor's yard, shall at all times be clearly incidental to the primary residential use of the property and shall be subject to Site Plan Control.

Backcountry Neighbourhood

8.3.8 Home Occupations

Home occupations shall only be carried out in a residential dwelling or an enclosed accessory structure, and shall be incidental to the residential use. The home occupation shall not change the residential character of the dwelling.

Two employees who do not reside in the dwelling may be employed in the home occupation. Sale of goods or the provision of a service shall not result in an unacceptable level of increased boat traffic nor will it become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interfere with the enjoyment of the residential amenities of the Neighbourhood.

The specific home occupations permitted in the Backcountry Neighbourhood shall be set out in the Zoning By-law. However, as a guide, occupations such as small engine repair and minor boat repairs are not considered to be home occupations. ~~Home occupations such as oil or watercolour painting, making crafts and writing, professional offices, the business office of tradespeople and couriers, as set out in the Zoning By-law, are permitted.~~

8.3.9 Home Industry

Home industries ~~such as electrical, carpentry, plumbing, including~~ a contractor's yard and machine shops may be permitted in an accessory building to a single detached dwelling unit on a Rural Residential or Remote Residential lot in the Backcountry Neighbourhood. ~~Other home industries may be permitted in an accessory building to a single detached dwelling unit, part of an accessory building and/or part of a residential dwelling.~~ Home industries shall proceed by way of a rezoning. As part of the rezoning process, Council shall consider the adequacy of the accessory building for the use proposed, the potential impact of

the home industry on adjacent residential areas, the potential for the home industry to become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interfere with the enjoyment of the residential amenities of the Neighbourhood, the environment and other matters as may be set out in the Zoning By-law. However, home industries shall not be carried out in a wet or dry boathouse and there shall be no outside storage associated with the home industry, except for a contractor's yard, as set out in the Zoning By-law. Up to two persons, plus the owner may be employed in a home industry.

A Home Industry, including a contractor's yard, shall at all times be clearly incidental to the primary residential use of the property and shall be subject to Site Plan Control.

Definitions

Home Occupation – Any gainful occupation which is conducted within the dwelling unit or an enclosed accessory structure, by the resident(s) of the dwelling, and such home occupation is clearly secondary to the main residential use, does not change the residential character of the dwelling and as further defined in the Zoning By-law.

Home Industry – An occupation conducted in whole or in part in a building accessory to a single detached dwelling, part of an accessory building and/or part of a residential dwelling on a Rural Residential or Remote Residential lot; and such home industry is clearly secondary to the main residential use of the property, does not change the residential character of the neighbourhood, and as further defined in the Zoning Bylaw.

All other policies of the Official Plan of the Municipality of Temagami shall apply.

3.0 Implementation and Interpretation

The provisions of the Official Plan regarding the implementation of that Plan shall also apply to this Amendment. In all other respects the provisions of the Municipality of Temagami Official Plan shall apply.

Upon approval of this Amendment, Council shall consider an implementing Zoning By-law.

The provisions of the Official Plan, as amended from time to time, shall apply in regard to the Amendment.

Part C – The Appendices

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

BY-LAW NO. 2020 - _____

DRAFT

Revisions made for Statutory Public Meeting on March 12, 2020 are in green.

Revisions made following Statutory Public Meeting are in track changes.

A By-law to amend the Municipality of Temagami By-law No. 06-650 as amended to change the definitions and provisions for Home Occupation/Home Industry

WHEREAS the Council of the Corporation of the Municipality of Temagami is empowered to pass By-laws to regulate the use of land pursuant to Section 34 of the Planning Act, R.S.O. 1990, c.P.13;

NOW THEREFORE the Council of the Corporation of the Municipality of Temagami hereby enacts as follows:

1. That Section 5 - Definitions of By-law 06-650, as amended, include the following changes for the definition of Home Occupation:

HOME OCCUPATION shall mean any gainful occupation which is conducted within the dwelling unit or an enclosed accessory structure, by the resident(s) of the dwelling, and such home occupation is clearly secondary to the main residential use, does not change the residential character of the dwelling and as further defined in this Zoning By-law.

2. That Section 5 - Definitions of By-law 06-650, as amended, include the following changes for the definition of Home Industry:

HOME INDUSTRY shall mean a gainful occupation, secondary to a Residential Use, which includes fabrication, light manufacturing, processing, assembly or repair of goods that is including an electrical, woodworking, carpentry, window frame, welding, plumbing, machine or small engine repair shop, or a live bait supplier. A Home industry is conducted entirely in an accessory building, or part of an accessory building and/or part of a residential dwelling on a Rural Residential or Remote Residential lot. by the residents. A home industry may include, but is not be limited to, such uses as electrical, woodworking, carpentry, window frame, welding, plumbing, machine or small engine repair shop, or a live bait supplier. A home industry does not include a contractor's yard.

3. That Section 6.22(d) - Home Industry of By-law 06-650, as amended, is hereby amended to read:

(d) such home industry is clearly secondary to the main residential use, and does not change the residential character of the dwelling and lot;

4. That Section 6.22 - Home Industry of By-law 06-650, as amended, is hereby amended by adding the following as subsection (e), and renumbering the subsequent subsections:

(e) Maximum area of a home industry:

- i. ~~in no case shall the accessory building, or part thereof, and/or portion of the residential dwelling used for the home industry have a combined~~If located in a dwelling, the home industry shall occupy a maximum area of gross floor area greater than forty percent (40%) of the ground floor area of the dwelling. ~~i~~
- ii. ~~If located in a dwelling, or an accessory building, the home industry shall not occupy an area greater than 140 square metres for a property not on a waterbody or more than 83 square metres for a property abutting a waterbody. -if located in an accessory building.~~
- iii. If the home industry is conducted within both the dwelling and an accessory building, the maximum areas identified in subsections (i) and (ii) shall also apply.

5. That Section 6.22 - Home Industry of By-law 06-650, as amended, is hereby amended by adding the following as subsection (j) & (k), and renumbering the subsequent subsections:

(j) Where permitted on shoreline properties, any accessory building used for the home industry shall be setback a minimum of 15 metres from the shoreline.

(k) An accessory building or structure may only be used for the purpose of a home industry if the lot is a minimum of 0.5 hectares in size.

- ~~5-6.~~ That Section 6.23 (g) - Home Occupation of By-law 06-650, as amended, is hereby amended to read:

(g) such home occupation uses may include, but not be limited to, such uses as a service or repair shop, a personal service shop, tradesperson, the office of a doctor, dentist, lawyer, or a real estate agent, insurance agent, planner, architect, or engineer, professional offices, indoor teaching/tutoring/instruction but a clinic, a hospital, a nursing home, a tea room and an animal hospital shall not be deemed to be home occupations;

- ~~6-7.~~ That Section 6.23 - Home Occupation of By-law 06-650, as amended, is hereby amended by adding the following:

(j) An accessory building or structure may only be used for the purpose of a home occupation if the lot is a minimum of 4-0.5 hectare in size and the home ~~business-occupation~~ does not occupy more than 50 square metres of the accessory building or structure;

- ~~7-8.~~ That Section 6.23 - Home Occupation of By-law 06-650, as amended, is hereby amended by adding the following:

(k) A maximum of 5 parking spaces shall be permitted on mainland properties.

9. That Section 6.23 - Home Occupation of By-law 06-650, as amended, is hereby amended by adding the following:

(l) Where permitted on shoreline properties, any accessory building used for the home industry shall be setback a minimum of 15 metres from the shoreline.

10. That Section 6.22 (e) - Home Industry and Section 6.23 (a) – Home Occupation of By-law 06-650, as amended, regarding the maximum number of employees is removed, and renumbering the subsequent subsections.

This By-law will take effect on the date of its passage, subject to the provisions of Section 34(30) and (31) of the Planning Act, R.S.O. 1990, c.P.13.

READ A FIRST AND SECOND TIME on the _____ day of _____ 2020.

READ A THIRD TIME and finally passed this _____ day of _____ 2020.

Dan O'Mara, Mayor

Suzie Fournier, Municipal Clerk

MUNICIPALITY OF TEMAGAMI	
Report Prepared For:	Suzie Fournier, Clerk
Report Prepared By:	Jamie Robinson, BES, MCIP, RPP and Patrick Townes, BA, BEd
Subject:	Official Plan Amendment: Secondary Dwelling Units Direction for Second Statutory Public Meeting
Report Date:	June 25, 2020

A. BACKGROUND

The Municipality of Temagami has initiated an Official Plan Amendment to update its Official Plan document to include policies regarding Secondary Dwelling Units. The Municipality held an Open House to discuss the proposed Official Plan Amendment on August 6, 2019 at the Community Centre; and also held a Statutory Public Meeting on March 12, 2020.

The purpose of the Statutory Public Meeting was to provide members of the public and agencies an opportunity to provide comments on the draft policies for Secondary Dwelling Units, in accordance with the *Planning Act*. There was no recommendation included in the Planning Report dated March 3, 2020 (see Attachment #1).

Comments on the draft policies were received prior, during and following the March 12, 2020 Statutory Public Meeting. Staff have had an opportunity to review all the information and are recommending revisions to the proposed Official Plan Amendment regarding Secondary Dwelling Units. Based in the proposed revisions to the Official Plan Amendment, it is recommended that a second Statutory Public Meeting be scheduled, due to the nature of, the revisions that are being considered.

This Planning Report provides:

- a summary of the comments that have been received;
- an overview of the concepts to be addressed through the revisions to the Official Plan Amendment;
- a request that an implementing Zoning By-law Amendment be undertaken; and,
- an outline of the proposed schedule to bring the amendments to Council for a final decision.

This Report does not contain revisions to the Draft Official Plan Amendment. The recommendation is that Council receive this Report for information purposes and direct staff to schedule a second Public Meeting to consider the Draft Official Plan Amendment and to schedule a concurrent Public Meeting to consider a Draft Zoning By-law Amendment.

B. OVERVIEW OF COMMENTS

Following circulation and notice of the Statutory Public Meeting on March 12, 2020, comments were received from members of the public, and agencies, including the Temagami Lakes

Association and Temagami First Nation. Following the Statutory Public Meeting, Staff have had follow-up conversations with representatives from the Temagami Lakes Association and Temagami First Nation.

The below is a summary of the comments that have been provided to date; including prior to, during and following the Statutory Public Meeting.

Council Members:

- Noted that 70% of the residents on Lake Temagami are year-round residents and concerns that the comments that are being provided exclude year-round residents.
- Support the amendment and represents ways to improve septic systems.
- Sleep cabins are already in place it just provides an opportunity for a kitchen and a washroom in the building.
- Concerns regarding the use of second units for rentals and competing with existing tourist commercial uses.
- Second units are already permitted depending on size of property but still need to look at from a good planning perspective.
- Would like to see second units permitted where they are appropriate, planned, legal and appropriately sized.
- Should be looking at a lake capacity study for Lake Temagami to see threshold of what would be allowed.
- Encouraged members of the public to provide comments to Councillors.

Members of the public:

- Amendments are beneficial to property owners on the lake and provide much needed economic development with little impact to the environment.
- In need of reduced restrictions for kitchens and washrooms in sleeping cabins.
- Second units are meant for an urban population and not a recreational one.
- Expressed concerns for second units on islands, including limited parking at the base of Lake Temagami Access Road, effects of intensification on cold water lakes and fish habitat on Jumping Cariboo, Rabbit and other cold water lakes, and limited emergency access.
- If secondary dwelling units are rented out there could be an impact on existing tourist commercial uses.
- If a secondary dwelling unit and additional accessory building is proposed, a Zoning By-law Amendment to allow these would be an appropriate process.
- There is a need for secondary dwelling units within the Urban Neighbourhood.
- Highlighted the need for remedial work to the water towers and sewage systems in the Urban Neighbourhood – need to ensure the municipal infrastructure is in place to support second units.
- Second units could be permitted on maintained year-round roads that are accessible for emergency services.
- The Backcountry Neighbourhood is not appropriate for second units.

- Temagami is working on their strategic plan and results should be known before moving ahead.

Temagami Lakes Association:

- Written comments were provided on March 9, 2020 and on May 15, 2020 (from Anthony Usher Planning Consultant).
- Property owners have expressed concern to the Temagami Lakes Association that the stated intent of the amendments increasing availability of affordable housing and housing for older persons via development of second units seems poorly suited for the Lake Temagami neighborhood of predominantly remote recreational properties with limited access and infrastructure.
- Questions related to the timing of the amendments associated with the Official Plan Review and the strategic plan.
- The Province does not interpret this direction as requiring second units to be permitted throughout a municipality, or if they are, that they be permitted under the same conditions throughout. Some of the public comments on OPA 3 indicate there may be some misunderstanding on this point. The Official Plan already fully implements this direction in the Urban Neighbourhood, through the accessory apartments policies in section 2.2.2.
- Bunkies, or sleep cabins as they are called in Temagami's planning documents, are not contemplated in (nor prohibited by) the *Planning Act* or Provincial policy. They are a purely local matter, commonly permitted in lakeland municipalities. Every lakeland official plan and zoning bylaw I have ever seen considers bunkies to be accessory buildings on residential lots - but never a type of dwelling, never a "residential unit", never a garden suite.
- OPA 3 represents a substantial, and completely inappropriate, increase in the amount of habitation permitted on waterfront residential lots that have only water access and individual services.
- OPA 3 includes elements contrary to the letter and intent of the Planning Act.
- OPA 3 is potentially inconsistent with the Provincial Policy Statement.
- OPA 3 does not respond to any demonstrated need in Temagami.
- OPA 3 does not reflect conventional best practice in lakeland planning.
- Because normal appeal rights do not apply to OPA 3, the Municipality should proceed with particular caution.
- I do not believe there is any justification for any aspect of OPA 3 as it would apply to Lake Temagami. I therefore recommend that if this amendment proceeds, no aspect of it apply to the Lake Temagami Neighbourhood. (The definition of "secondary dwelling units", as such, is satisfactory.)
- Without getting into details, there are some confusing aspects of the Official Plan, and some apparent inconsistencies between the Plan and the comprehensive zoning bylaw, with respect to sleep cabins. As the Official Plan review proceeds, there may also be public interest in revisiting the sleep cabin policies. These would certainly be appropriate to address as part of the Plan review.

Temagami First Nation:

- Written comments were provided on March 11, 2020 and MHBC had a call with representatives on May 15, 2020.
- The proposed amendment does not align with direction from the Ministry.
- There are locations that are not appropriate for second units, including waterfront areas.
- How were the lakes within the Municipality considered through this process? i.e. lake capacity, flooding, emergency access.
- Concerns over pressure on resources – environmental and archaeological.
- Need to examine the intensity of use for properties when second units are proposed.
- Need careful consideration for fish habitat, water quality, parking availability, and recreational uses.
- Second units on Lake Temagami is not an appropriate method to address affordable housing.
- Recommend that second units only occur where access is provided on a municipally maintained road.
- Need to consider other developments on Lake Temagami.
- There are locations in the Municipality where second units are not appropriate.
- Need to look at the cumulative impact on resources and the potential increase and pressure on emergency services.
- Should second units only be considered within an area with access to emergency services? i.e. specific distance from Bear Island.
- Do additional dwelling units lead to the need for additional docks.
- Preference is to review a Zoning By-law Amendment at the same time as the Official Plan Amendment.
- Possible to identify permitted uses in the Official Plan and to require a Zoning By-law Amendment for new second units.

C. DISCUSSION/ANALYSIS

The provision of a range and mix of housing, along with the promotion of affordable housing, is both desirable and beneficial to communities in that it seeks to ensure that housing is available for a wide spectrum of individuals.

Provincial legislation regarding the provision of an appropriate range and mix of residential uses (including secondary dwelling units, affordable housing and housing for older persons) fundamentally relates to the provision of permanent housing not recreational properties. The Municipality's Official Plan policies regarding accessory apartments and garden suites provide a basis in the Official Plan for the establishment of secondary dwelling units on residential properties

Based on the research that has been undertaken, and the comments provided, the following conclusions are reached:

- 1) The updates to the *Planning Act* to require municipalities to permit second units are intended to apply to permanent housing and not recreational situations.

- 2) The implementation of Second Unit legislations should be considered differently in settlement areas and rural areas in comparison to shoreline areas.
- 3) The Municipality of Temagami has existing Official Plan policies and Zoning By-law regulations that permit sleeping cabins on many shoreline properties. Sleep cabin size and the kitchen and washroom permissions are provided on a sliding scale, based on lot size.
- 4) Based on the existing Official Plan and Zoning By-law, on the largest of properties on Lake Temagami (over 1.6 hectares), a sleeping cabin is permitted to contain a kitchen and a washroom. Based on the definitions in the *Planning Act*, this is a dwelling unit. As a result, the Zoning By-law currently permits a second dwelling unit, although it is called a sleeping cabin by the current documents.
- 5) The key distinction between these the existing Official Plan and Zoning By-law permissions that enable a sleeping cabin to have a kitchen and a washroom and the second unit provisions contemplated by the *Planning Act*, is the distinction that the *Planning Act* version is used for permanent housing and the sleeping cabin provisions in the Official Plan are for recreational purposes.
- 6) It is recommended that the amendments to the Official Plan be focused in two areas:
 - a. Secondary unit policies for settlement areas and rural areas to provide for additional affordable housing opportunities. This will implement the changes to the *Planning Act*.
 - b. Updates to the nomenclature in the Municipality's Official Plan to recognize that a sleeping cabin with a kitchen and a washroom is a dwelling unit. Modifications to the complementary policies of the Official Plan are also required to reflect the change in nomenclature.
- 7) The existing policies and associated Zoning By-law provisions enable secondary units (called sleeping cabins) to be located on the largest of shoreline lots on Lake Temagami (over 1.6 hectares).
- 8) The current Official Plan policies enable a Zoning By-law Amendment to be considered to permit a second dwelling unit (called a sleeping cabin) on a lot on Lake Temagami with less than 1.6 hectares of lot area.
- 9) The original Public Meeting dealt only with the Official Plan Amendment. The review has been structured in this manner as it was important to establish a policy direction for the Official Plan Amendment prior to considering any changes to the Zoning By-law. Now that comments have been received, and a policy direction for the Draft Official Plan Amendment

has been established, it would be prudent to consider a concurrent Zoning By-law Amendment to implement the proposed revisions to the Official Plan.

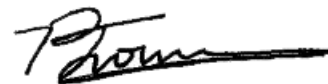
- 10) A second Statutory Public Meeting to consider the revisions to the Official Plan Amendment and a Statutory Public Meeting to introduce the Zoning By-law Amendment is recommended for August 6, 2020. Copies of the proposed amendments would be made available more than 20 days prior to the Statutory Public Meeting, and also sent directly to those who have provided comments to date. Following comments received at the Statutory Public Meeting on August 6, 2020, a final recommendation would be taken to Council at a subsequent Council Meeting.

These amendments are important components of the Official Plan and the Zoning By-law. It is important that adequate consultation and engagement takes place prior to making a final decision. These amendments will be incorporated into the planning documents following Council's decision.

Respectfully Submitted,
MHBC Planning

A handwritten signature in black ink, appearing to read 'J. Robinson', with a stylized, flowing script.

Jamie Robinson, BES, MCIP, RPP
Partner

A handwritten signature in black ink, appearing to read 'P. Townes', with a stylized, flowing script.

Patrick Townes, BA, BEd
Associate



Corporation of the Municipality of Temagami

Memo No.
2020-M-067

Memorandum to Council

Subject: Notice of Motion

Agenda Date: June 25, 2020

Attachments:

RECOMMENDATION

BE IT RESOLVED THAT Council direct Staff to prepare a report to inform Council regarding the development of a Youth Committee.

INFORMATION

At the Council meeting of June 4, 2020, Councillor Shymko provided a notice of his intent to bring forward a motion regarding the development of a Youth Committee.

Youth Committees, or sometimes called Youth Councils, can provide Council with a different perspective as well as provide a training area for Municipal Staff. Typically they operate best when there is a purpose they are wholly responsible for whether it be programming or a part of Municipal Infrastructure. There are benefits that can be derived such a greater sense of community.

Respectfully Submitted
Craig Davidson
Treasurer/Administrator



Corporation of the Municipality of Temagami

Memo No.
2020-M-068

Memorandum to Council

Subject: Notice of Motion

Agenda Date: June 25, 2020

Attachments:

RECOMMENDATION

BE IT RESOLVED THAT Council direct Staff to prepare a report to reassessing Municipal Committees.

INFORMATION

At the Council meeting of June 4, 2020, Councillor Shymko provided a notice of his intent to bring forward a motion regarding Municipal Committees.

Presently, the Municipality has a Recreation Events Committee which is more community oriented and focused on planning and support for the events that would occur in a normal year, the Committee of Adjustment, which is a quasi-judicial Committee that makes decisions on planning matters, and an ad hoc Planning Committee that is available should Council want more input in planning related matters. Other matters have been brought to the directly to Council.

There are some processes presently underway where Council may want to establish ad hoc committees or working groups such as Strategic Plan Implementation, Official Plan Review, Service Delivery Review, Waste Management Master Plan, and Broadband Enhancement.

Previously, the Municipality had standing committees for different departments. Typically these are most beneficial when Council finds that policy and guidance roles are larger than what can be covered through a Council meeting. With these, policy and guidance recommendations would come from the committee to Council for consideration. It is important to remember that established committees, the Recreation Events Committee aside, are an extension of the role Council has and should not be established to perform management duties.

Respectfully Submitted
Craig Davidson
Treasurer/Administrator



Corporation of the Municipality of Temagami

Memo No.
2020-M-069

Memorandum to Council

Subject: Notice of Motion

Agenda Date: June 25, 2020

Attachments:

RECOMMENDATION

BE IT RESOLVED THAT Council direct Staff to prepare a report to amend the Procedural By-Law regarding the posting of audio recordings.

INFORMATION

At the Council meeting of June 4, 2020, Councillor Shymko provided a notice of his intent to bring forward a motion regarding the policies surrounding our audio recordings.

Based on the discussion for this motion, Staff can amend the Procedural By-Law appropriately and present it for Council's consideration at our next regular session.

Respectfully Submitted
Craig Davidson
Treasurer/Administrator

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

BY-LAW NO. 20-1513

Being a By-Law to confirm the proceedings of Council of the Corporation of the Municipality of Temagami

WHEREAS pursuant to Section 5(1) of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, the powers of a municipality shall be exercised by its Council; and

WHEREAS pursuant to Section 5(3) of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, a municipal power, including a municipality's capacity rights, powers and privileges under Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, shall be exercised by By-Law unless the municipality is specifically authorized to do otherwise; and

WHEREAS it is deemed expedient that the proceedings of the Council of the Corporation of the Municipality of Temagami at this Session be confirmed and adopted by By-Law.

NOW THEREFORE the Council of the Corporation of the Municipality of Temagami hereby enacts as follows:

1. **THAT** the actions of the Council of The Corporation of the Municipality of Temagami in respect of all recommendations in reports and minutes of committees, all motions and resolutions and all actions passed and taken by the Council of the Corporation of the Municipality of Temagami, documents and transactions entered into during the June 25, 2020 Regular meeting of Council are hereby adopted and confirmed, as if the same were expressly embodied in this By-Law.
2. **THAT** the Mayor and proper officials of The Corporation of the Municipality of Temagami are hereby authorized and directed to do all the things necessary to give effect to the action of the Council of The Corporation of the Municipality of Temagami during the said meetings referred to in paragraph 1 of this By-Law.
3. **THAT** the Mayor and the Treasurer/Administrator or Clerk are hereby authorized and directed to execute all documents necessary to the action taken by this Council as described in Section 1 of this By-Law and to affix the Corporate Seal of The Corporation of the Municipality of Temagami to all documents referred to in said paragraph 1.

Read a first, second and third time and finally passed this 25th day of June, 2020.

Mayor

Clerk