Public Meeting - Bylaw Amendment Monday July 6, 2020 at 7:30 p.m.

Outdoor storage in the Agricultural Zone (A1) for the commercial use of a residential property.

AGENDA

1. **Welcome and Introductions – Mayor Hal Parker, Chair of Planning Board**

2. **Conduct -** Please wait to be recognized by the Mayor before speaking. Please silence cell phones. The meeting is being broadcast online, so please use the microphones provided. Due to COVID-19, please ensure 2m spacing between people who are not in your household.

3. **Background Information** – Council adopted the current Official Plan (long range goals and vision for the Municipality) in 2019 and updated the Zoning and Subdivision (Development) Bylaws in July 2019. The Development Bylaw outlines specific requirements which must be met for development. Approval of both the Official Plan and Bylaw involve public meetings, with specific processes to follow to ensure public participation, and they are approved at two separate Council meetings before receiving approval from the Provincial Minister. The Development Bylaws cannot be more lenient than any provincial regulations. Council must follow the bylaws.

4. **Outdoor Storage in a Commercial Use of a Residential Property**

   Council has received an application from a resident at 1030 Rustico Road who wishes to have an export car lot on his property. This is not a permitted use in the current Development Bylaw; therefore, as permitted in the bylaws, the municipality is currently soliciting comments from residents within 500 ft of the property regarding the request for an export car lot to be permitted on the property. If an export car lot is approved as a permitted commercial use on a residential property, it would only apply to this particular property. Planning Board will review the comments received at their meeting on July 8 at 6:30 p.m. and make a recommendation to Council for their meeting on July 15 at 7:30 p.m. This is not the topic of the Public Meeting**.**

5. **Information about the Bylaw Amendment:**

   Clause 4.7.1.(v),) in the section about commercial use on a residential property, limits the number of cars parked or stored on a lot to three more than are registered at the property, unless they are inside a building. This is not viable for an export car lot; therefore, the owner has also applied to have an amendment made to the Development Bylaws which could permit him to store cars outdoors.

Proposed addition:

"4.7.4. After following the process in Section 3.15.5 of this bylaw, Council may approve a commercial use and waive the regulations of Section 4.7.1(v) in the Agricultural (A1) Zone, if the proposed outdoor storage is not considered to be an obnoxious use, and it will be located in the rear yard and screened from view by means of a landscape buffer of adequate size or architectural screening such as a wall, fence or other appropriate structure."

**Note the definition for obnoxious use includes noise, smells, unsightly storage, dust etc.*

This amendment may change as the proposal is debated. There may also be an amendment proposed that limits the total number of cars permitted to be stored on a property.

If the proposed amendment is eventually passed, it could then apply to all the properties in the Agricultural (A1) Zone. As it is now written, Council would need to give approval for individual properties, and nearby residents would be consulted, before approval would be granted.

6. Presentation by Arthur Neill

The residents proposing this amendment were given the opportunity to share some information prior to the public meeting, and the following letter was submitted (It has been edited for clarity):

To whom it may concern, *June 10, 2020*

We are applying for an outdoor storage lot at 1030 Rustico Road, North Milton, for vehicles that will be exported to the US. The area for the storage is 36 ft by 65ft where the vehicles will be held till time of shipping. There will be 6-8 vehicles at a time. There will not be any work done on the vehicles at time of storage. It will strictly be storage only.

As for the residents in the community, there will be nothing for them to be worried about - such as noise, people coming and going at all hours. The vehicles will be lined up in a proper manner. It won't be an eye sore for anyone.

In order to meet all obligations for my Dealers License for Highway Safety, there will have to be a sign on the building and one at the road, stating "Neill's Auto Exports".

The sign will be approximately 2ft by 2 ft at the road. The sign on the building will be as required.

We have also spoken with some of neighbors and they said they have no problem with an outdoor storage.

Thank you, *Arthur & Heather Neill*

7. Questions from the Public

8. Correction of Typographical Error in Bylaw

There will be an amendment to correct a typographical error on the 2019 Development Bylaw.

The Development Bylaw in Section 3:16 (3) states;

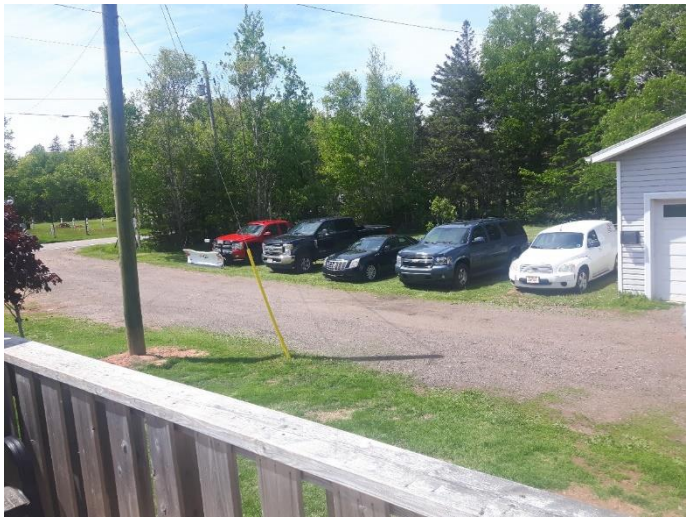
"Prior to amending this bylaw, Council shall provide public notice and hold a public meeting pursuant to the provisions of Section 3.12 in this bylaw." The reference made to 'Section 3.12' was a typographical error, as it ought to be "**Section 3.17**", which refers to the Public Meetings. (Section 3:12 is AUTHORIZATION FOR INSPECTION).

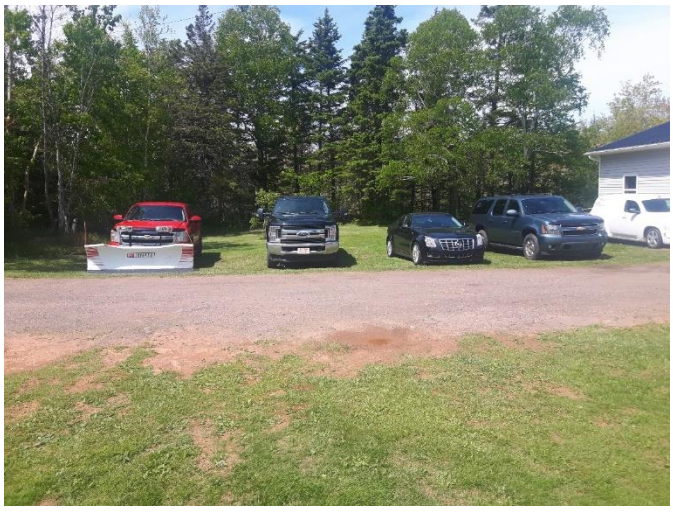
9. Written submissions

Comments must be received at develop@miltonvalepark.com , or at the Council Office at the Milton Community Hall (fax 902-368-1152, or 7B New Glasgow Road, Rte 224, North Milton PE C1E 0S7) before 12 noon, Wednesday, July 8.

10. Next Steps

Planning Board will meet at 6:30 p.m. Wednesday July 8 at the Milton Community Hall to discuss the amendment. The Planner will be consulted. A recommendation will be made to Council to address at their meeting at 7:30 p.m. on Wednesday, July 15, 2020. If a bylaw amendment is approved, it must be read, approved and adopted at two separate Council meetings, before being approved by the Minister..





From the Rural Municipality of Miltonvale Park Development Bylaw:

4.7 COMMERCIAL USE ON A RESIDENTIAL PROPERTY

4.7.1. A *commercial use* may operate in a *dwelling* or in an *accessory building* to a *dwelling* on a *residential lot* provided:

i. The *owner* of the business ordinarily resides in the *dwelling*;

ii. Not more than two (2) employees live outside the *dwelling*;

iii. Not more than twenty five percent (25%) of the *floor area* of the *dwelling* is used for the *commercial use*;

iv. Adequate off-*highway* parking is provided on the *lot* for both the *dwelling* and the *commercial use* in accordance with Appendix 3;

v. No *outdoor storage* of materials or outdoor product *display* is used in conjunction with the *commercial use,* and where the commercial use involves services for vehicles, no more than 3 vehicles, in addition to those registered to the property owner may be parked or stored on the *lot* at any time, additional vehicles may be parked or stored on the *lot* within a wholly enclosed *building*

vi. A maximum of two (2) commercial vehicles may be parked or stored on the *lot*, and additional vehicles may be parked or stored on the *lot* within a wholly enclosed *building*.

vii. *Premise sign*s shall be restricted to a maximum of 0.56 m^2 (6 ft^2);

viii. No mechanical equipment shall be used on the *lot* except what is reasonably consistent with the *use* of the *dwelling;*

ix. The external appearance of the *dwelling* is not altered; and

x. Where the property is serviced by an on-site water supply and sewerage disposal system, the intensification of use and any necessary upgrades to the system(s) must be approved by the responsible *provincial government* department.

4.7.2. The following commercial uses are permitted on a residential property:

i. Home daycare, subject to provincial regulations;

ii. Tourist establishment, subject to Section 4.6 of this bylaw;

iii. A personal service shop;

iv. Home office, providing clerical, computer and/or telephone based services;

v. Custom sewing, crafts or production of visual arts;

vi. Multi-level marketing retail sales;

vii. Catering, for off-premise delivery of products;

viii. Private lessons, tutoring or training sessions;

ix. Health and wellness services; and

x. Craft Studio

4.7.3. Notwithstanding the above provisions, but after having followed the process in Section 3.15.5 of this bylaw, *Council* may approve an alternative commercial use provided *Council* is satisfied the commercial use will be compatible with adjacent land uses, and that no permanent injury will be caused to the existing and permitted uses of adjoining properties.

TENTATIVE PROPOSED ADDITION

"4.7.4. After following the process in Section 3.15.5 of this bylaw, Council may approve a commercial use and waive the regulations of Section 4.7.1(v) in the *Agricultural (A1) Zone, if the proposed outdoor storage is not considered to be an obnoxious use, and it will be located in the rear yard and screened from view by means of a landscape buffer of adequate size or architectural screening such as a wall, fence or other appropriate structure."

Note the definition for obnoxious use includes noise, smells, unsightly storage, dust etc.

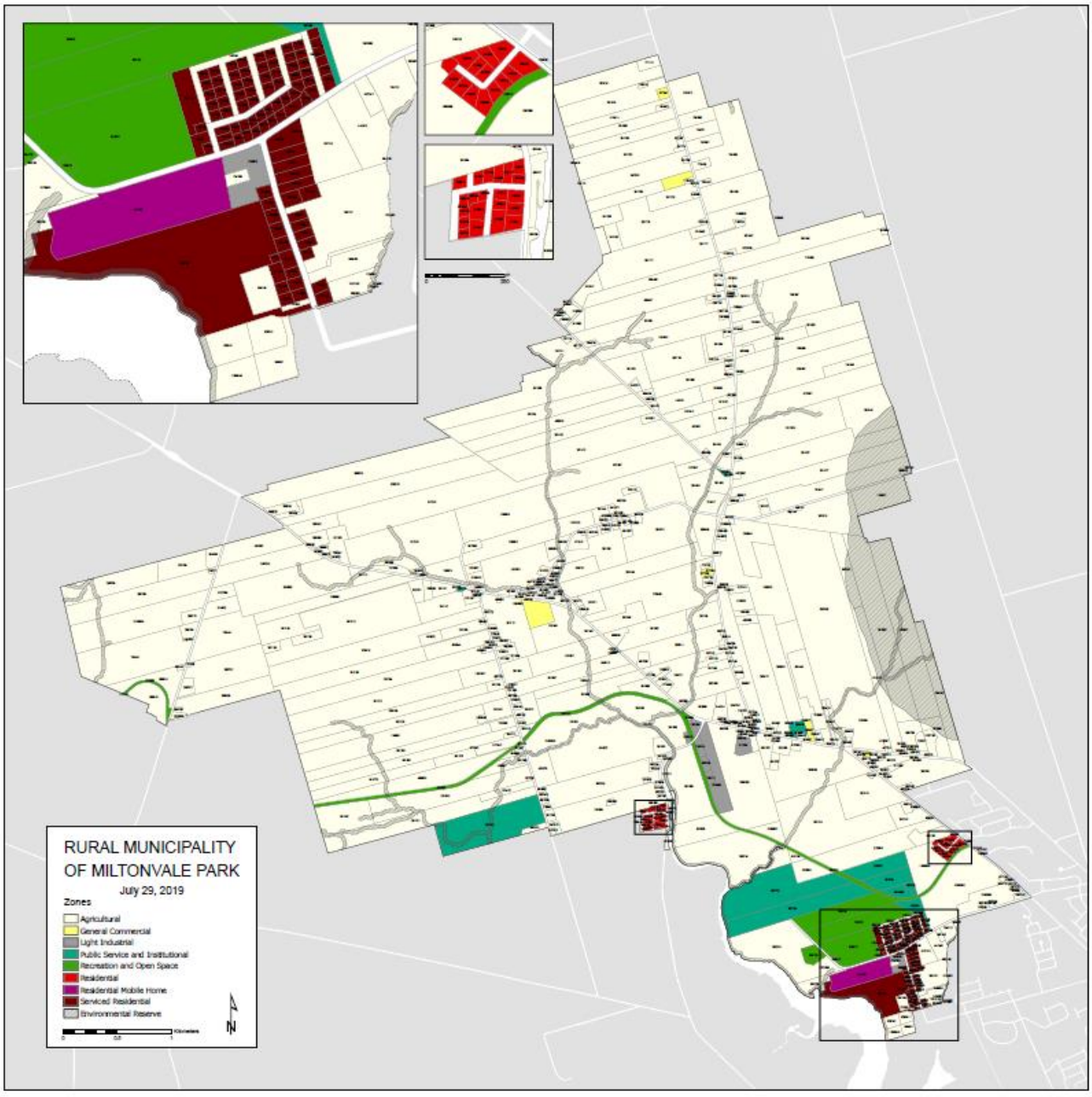
Section 3.15.5 (Process referred to in the proposed amendment)

Before *Council* considers a *variance* in excess of 10%, the *Development Officer* shall:

i. Receive from the *owner* sufficient funds to cover the costs associated with a mailout and the application fee;

ii. Provide written notice by ordinary mail or hand delivery, explaining the details of the proposed application, to all *owners* within 152 m (500 ft.) of the boundaries of the subject *lot*;

iii. Ensure that the notice identifies the subject *lot* and describes the application and the date by which written comments must be received;

iv. Accept comments within fourteen (14) calendar days from the date of the notice. *Planning Board* shall consider the application having regard for the criteria in Sections 3.10.1 and shall make a recommendation to *Council*.

*The **Agricultural (A1)** Zone is cream coloured and makes up most of the land mass in the municipality.