



MUNICIPALITY OF **West Elgin**

Staff Report

Report To: Council Meeting

From: Heather James, Planner

Date: 2020-10-08

Subject: Zoning Report 2020 West Elgin Zoning By-law Housekeeping Amendment

Recommendation:

That West Elgin Council hereby receives the report from Heather James regarding a 2020 housekeeping amendment to the West Elgin Comprehensive Zoning By-law 2015-36, File No. D14 04-2020, for all applicable lands within the municipality; and,

That West Elgin Council consider the By-law to amend the Zoning By-law, subject to the conditions on the By-law, as presented in the By-law portion of the agenda.

Purpose:

The proposed Zoning By-law Amendment (File No. D14 04-2020) will update the Zoning By-law by updating and providing zoning regulations, provide clarity, update out of date references, and fix mapping errors.

Background:

At the September 10, 2020 Council meeting, the planner brought forward a report to Council outlining the proposed changes to the West Elgin Zoning By-law. Council agreed with the changes and directed staff to proceed with holding a public meeting.

The proposed Zoning By-law Amendment includes the following:

- adding the following after subsection f) to Section 1.4 Interpretation:
 - g) No amendment to this By-law shall be required in order for the Corporation to typographical changes or changes to section references, where in the opinion of the Corporation, such corrections do not affect the intent of the By-law.
- adding the following at the end of Section 3.5 Multiple Zones:

Zone lines shall not be deemed to be lot lines where zones share a common boundary.
- changing the name of Section 4.2 from Construction Uses to Temporary Buildings and Construction Uses.
- adding the following after subsection b) to Section 4.2 Temporary Buildings and Construction Facilities:

- c) For the purpose of Section 4.2 only, an existing dwelling, mobile home, park model trailer, travel trailer or similar transportable accommodation, shall be considered to be a temporary building or construction facility when approved by the Chief Building Official.
 - i) In no instance shall an existing dwelling, mobile home, park model trailer, travel trailer or similar transportable accommodation, be used for a temporary building or construction facility for a period lasting no longer than one (1) year commencing on the date in which the Building Permit is issued.
 - ii) An existing dwelling, mobile home, park model trailer, travel trailer or similar transportable accommodation, may only be used for a temporary building or construction facility during the construction of the principal or main use on a property.
 - iii) A Building Permit issued for such construction shall note the requirement to remove and/or demolish such temporary buildings, mobile home, park model trailer, travel trailer or similar transportable accommodation within ninety (90) days from when building occupancy has been granted by the Chief Building Official.
- adding the following after subsection b) to Section 4.4 Established Building Lines:
 - c) Section 4.4 shall only be applied where at least 50% of the lots on a street or road have a single unit dwelling erected.
- Section 5. General Agricultural (A1) Zone by:
 - Deleting the following in the last sentence of the introduction to

‘... Minimum Distance Separation II.’

And replacing with the following:

‘...Minimum Distance Separation (MDS) Formulae as established by the Province and implemented under the guidelines established by the Province, as amended from time-to-time.’
 - Deleting the following in Section 5.2.1 Livestock Buildings, Structures and Manure Storage Facilities – Minimum Distance Separation:

‘... Schedule “H” Minimum Distance Separation II (MDS II).’
 - Deleting subsection b) of Section 5.2.6 Single Unit Dwellings in its entirety and replacing with the following:

b) comply with provincially approved Minimum Distance Separation (MDS) Document.
- Section 6. Agricultural (A2) Zone, by deleting the following in Section 6.2.1 Livestock Buildings, Structures and Manure Storage Facilities – Minimum Distance Separation:

‘... Schedule “H” Minimum Distance Separation II (MDS II).’

And replacing with the following:

‘... Minimum Distance Separation (MDS) Formulae as established by the Province and implemented under the guidelines established by the Province, as amended from time-to-time.’

- Section 7. Restricted Agricultural (A3) Zone, by deleting subsection b) of Section 7.2.6 Single Unit Dwellings in its entirety and replacing with the following:

b) comply with provincially approved Minimum Distance Separation (MDS) Document.

- That Section 11. Rural Residential (RR) Zone, by deleting the following from subsection b) of Section 11.2.2 Single Unit Dwellings:

'b) ... Schedule "H", Minimum Distance Separation I (MDS I).'

And replacing with the following:

b) ... Minimum Distance Separation (MDS) Formulae as established by the Province and implemented under the guidelines established by the Province, as amended from time-to-time.'

- Section 12. Hamlet Residential (HR) Zone, by deleting the following from Section 12.2.2 Single Unit Dwellings:

'... Schedule "H", Minimum Distance Separation I (MDS I) ...'

And replacing with the following:

'... Minimum Distance Separation (MDS) Formulae as established by the Province and implemented under the guidelines established by the Province, as amended from time-to-time.'

- Section 13. Lakeshore Residential (LR) Zone, by deleting the following from Section 13.2.2 Single Unit Dwellings:

'... Schedule "H", Minimum Distance Separation I (MDS I) ...'

And replacing with the following:

'... Minimum Distance Separation (MDS) Formulae as established by the Province and implemented under the guidelines established by the Province, as amended from time-to-time ...'

- Section 15. Future Residential (FR) Zone, by:

- Deleting the last sentence in the introductory paragraph.

~~*'In the interim, to prevent premature development, no buildings or structures are permitted.'*~~

- Adding the following at the end of Section 6.1.1 Permitted Uses:

Table 14-1 Future Residential (FR) Zone Standards:

1	Minimum Lot Area	(1)
2	Minimum Lot Frontage	(2)
3	Maximum Lot Coverage	10%
4	Front Yard Depth	15 m
5	Side Yard Width	15 m (3) 10 m (4)
6	Rear Yard Depth	15 m
7	Maximum Building Height	10.5 m

FOOTNOTES	
(1)	the area of the lot on the day it was created
(2)	the frontage of the lot on the day it was created
(3)	for lot frontages > 100 m
(4)	for lot frontages < 100 m

- Section 18. Highway Commercial (C3) Zone, by deleting the following from subsection 8 in Table 17-1 of Section 18.1.1 Permitted Uses:

‘... Schedule “H”, Minimum Distance Separation I (MDS I) ...’

And replacing with the following:

‘...Minimum Distance Separation (MDS) Formulae as established by the Province and implemented under the guidelines established by the Province, as amended from time-to-time ...’

- Section 24. Institutional (LR) Zone, by deleting the following from subsection 8 in Table 23-1 of Section 24.1.1 Permitted Uses:

‘... Schedule “H”, Minimum Distance Separation I (MDS I) ...’

And replacing with the following:

‘...Minimum Distance Separation (MDS) Formulae as established by the Province and implemented under the guidelines established by the Province, as amended from time-to-time ...’

- Section 25. Open Space (OS) Zone, as amended, by deleting the following from subsection 5 in Table 24-1 of Section 25.1.1 Permitted Uses:

‘... Schedule “H”, Minimum Distance Separation I (MDS I) ...’

And replacing with the following:

‘... Minimum Distance Separation (MDS) Formulae as established by the Province and implemented under the guidelines established by the Province, as amended from time-to-time ...’

- Section 29. Future Development (FD) Zone, of By-law No. 2015-36, by adding the following at the end of Section 29.1.1 Permitted Uses:

Table 28-1 Future Development (FD) Zone Standards:

1	Minimum Lot Area	(1)
2	Minimum Lot Frontage	(2)
3	Maximum Lot Coverage	10%
4	Front Yard Depth	15 m
5	Side Yard Width	15 m (3) 10 m (4)
6	Rear Yard Depth	15 m
7	Maximum Building Height	10.5 m

FOOTNOTES	
(1)	the area of the lot on the day it was created
(2)	the frontage of the lot on the day it was created
(3)	for lot frontages > 100 m
(4)	for lot frontages < 100 m

- Deleting Schedule “H” – Minimum Distance Separation (MDS) Formulae from the List of Schedules in its entirety.
- Schedule “A” Map No. 25 changing the zoning from General Agricultural (A1) Zone to Restricted Agricultural (A3) for Concession 6 Western Division, Part of Lot 2, RP 11R-8942 Part 1 (20892 Hoskins Line), in the geographic Township of Aldborough.
- Schedule “A” Map No. 30 changing the zoning from Agricultural (A2) Zone to General Agricultural (A1) for Concession 2 Eastern Division, Part of Lot 17, in the geographic Township of Aldborough.
- Schedule “A” Map No. 48 changing the zoning from Agricultural (A2) Zone to Restricted Agricultural (A3) for Concession 8, Part of Lot 9 (22759 Queens Line), in the geographic Township of Aldborough.
- Schedule “A” Map No. 57 changing the zoning from Restricted Agricultural (A3) Zone to General Agricultural (A1) and from General Agricultural (A1) to Restricted Agricultural (A3) Zone for Concession 11, Part of Lot 10 (23271 Thomson Line), in the geographic Township of Aldborough.
- Schedule “A” Map No. 69 changing the zoning from General Agricultural (A1) to Restricted Agricultural (A3) Zone for Concession 12, Part of Lot 14 (24249 Silver Clay Line), in the geographic Township of Aldborough.

Public Meeting Notice:

The public meeting notice was published in the West Elgin Chronicle on September 17, 2020. The notice of public meeting met the requirements under the Planning Act, which states the notice of a public meeting for a zoning by-law must be circulated no less than 20 days prior to the public meeting. The notice along with the proposed zoning by-law amendment was also posted on the Municipality's website for the public's review.

Circulation of the Application:

The application was circulated to the applicable commenting agencies 20 days prior to the public meeting. One comment from a public agency was received from Lower Thames Conservation Authority, indicating they have no objections.

Comments were received from the municipal Chief Building Official indicating they had no concerns. No comments were received from the public at the time of submission of this report.

Financial Implications:

None.

Policies/Legislation:

Provincial Policy Statement (PPS):

Under Section 3(5) of the *Planning Act*, the Municipality “shall be consistent with” matters of provincial interest as set out in the Provincial Policy Statements (PPS).

Conclusion: The proposed zoning by-law amendment application is consistent with the PPS.

County of Elgin Official Plan:

A zoning by-law amendment is required to be in conformity with the upper tier Official Plan.

Comment: The proposed zoning by-law amendment conforms to the policies of the County of Elgin Official Plan and an amendment the County’s Official Plan is not required.

Conclusion: The proposed zoning by-law amendment application conforms with the County of Elgin Official Plan.

Municipality of West Elgin Official Plan:

Section 10.51. Conformity with the Official Plan states except as may be otherwise provided for by this Plan, the Zoning By-law shall zone land in conformity with the land use designations and policies of this Plan and shall establish regulations to control the use of land and the character, location and use of buildings and structures.

Comment: The proposed zoning by-law amendment conforms to the policies of the Municipality of West Elgin Official Plan and an amendment to the Official Plan is not required.

Conclusion: The proposed zoning by-law amendment application conforms to the Municipality of West Elgin Official Plan.

Related Documents:

Planning Report 2020-21 2020 West Elgin Zoning By-law Housekeeping Amendment Introduction; and Proposed Zoning By-law Amendment to the Municipality of West Elgin Comprehensive Zoning By-law 2015-36.

Report Approval Details

Document Title:	Zoning Report 2020 West Elgin Zoning By-law Housekeeping Amendment - 2020-25-Planning.docx
Attachments:	<ul style="list-style-type: none">- 2020-xx - 2020 WE ZBL Housekeeping Amendment.docx- Sched. A-1 - 20892 Hoskins Line.pdf- Sched. A-2 - Roll343400007001000.pdf- Sched. A-3 - 22759 Queens Line.pdf- Sched. A-4 - 23271 Thomson Line.pdf- Sched. A-5 - 24249 Silver Clay Line.pdf
Final Approval Date:	Oct 5, 2020

This report and all of its attachments were approved and signed as outlined below:

Jana Nethercott