



MUNICIPALITY OF **West Elgin**

Staff Report

Report To: Council Meeting
From: Bryan Pearce, Planner
Date: 2022-01-13
Subject: Housekeeping Amendment to the Zoning By-law – Consideration to Proceed Request

Recommendation:

That West Elgin Council hereby receives the report from Bryan Pearce, regarding Housekeeping Amendment to the Zoning By-law – Consideration to Proceed Request (Planning Report 2022-01);

And that West Elgin Council provides preliminary input on the proposed amendment and authorizes Administration to proceed with a Statutory Public Meeting for the housekeeping amendment, in order to solicit public consultation and bring back future recommendations for Council to make a decision.

Purpose:

The purpose of this Report is to provide Council with discussion on proposed housekeeping amendments to the Zoning By-law for discussion and to obtain authorization to proceed with a statutory public meeting.

Background:

The West Elgin Zoning By-law came into effect on May 28, 2015. A 2020 office consolidation of the Zoning By-law is available on the website at the link below:

<https://www.westelgin.net/en/business-and-development/zoning.aspx>

Since that time, there has been several site-specific amendments submitted by proponents to facilitate development approvals accordingly. Also, the Municipality has done some occasional housekeeping amendments, as detailed below.

In 2019, West Elgin Council updated the zoning by-law to provide definitions and regulations for cannabis; added regulations for shipping containers and storage units; added regulations for lighting facilities; and, removed minimum ground floor area for a dwelling unit where permitted.

In 2020, West Elgin Council updated the zoning by-law, based on the following:

- Deleting the line in the preamble for the Future Residential (FR) Zone - *'In the interim, to prevent premature development, no buildings or structures are permitted.'* to provide clarity;
- Adding a table with FR Zone Standards that match the General Agricultural (A1) Zone Standards table as there are no zone standards in the FR zone;
- Adding a table with Future Development (FD) Zone Standards that match the A1 Zone Standards table as there are no zone standards in the FD zone;

- Adding a new subsection to Section 4.2 Construction Uses called Temporary Buildings which would permit the use of an existing dwelling, mobile home, park model home or travel trailer as a construction or temporary building during the construction of the principle or main building on a property for a period of no greater than twelve months and provided a building permit has been issued for the construction of the principle or main building, and, lastly would require a building permit to include the requirement to remove and/or demolish such temporary buildings, mobile home, park model home and travel trailer within a specified time period;
- Adding a subsection to Section 4.4 Established Building Lines to require the use of established building lines to only be applied where there are at least 50% of the lots developed;
- Delete Schedule “H” – Minimum Distance Separation (MDS) Formulae and update all sections that reference MDS Formulae to apply the Provincially approved MDS Document, as amended from time to time;
- Adding a subsection to Section 1.4 Interpretation to permit changes to typographical or section references without an amendment to the Zoning By-law, where such corrections do not affect the intent of the Zoning By-law; and,
- Fix mapping errors on maps where either the zoned area is in the wrong location on the map or a zone is missing.

In 2021, Council requested the review of mobile food outlets within the Hamlets - this has been incorporated in the draft by-law. As part of the continuous review of the Zoning By-law, in efforts to improve the user-friendliness of the document and areas of concern as a result of development review proposals, the following has been generated as part of the 2022 housekeeping amendment, for Council’s consideration to proceed forward:

- Adding mobile food outlets in C2 Zone;
- Revising the definition of mobile food outlets, to ensure it is a secondary use to a main use.
- Adding RVP Zone permitted uses, for added clarify on Campgrounds and Trailer parks within the Municipality;
- Adding general provisions for Road Side Stands within the Agricultural Zones;
- Modifying established Building lines, to the residential zones and simplified implementation of the provisions;
- Modifying setbacks from County roads, to exempt all settlement areas within the Municipality; and
- Modifying accessory use buildings/structures, to allow for them within the front yard and exterior side yards within the Agricultural Zones.

The draft by-law is attached to this report for reference purposes, to detail the proposed changes noted above. Council may have additional amendment requests for Administration to review as well, that can be discussed at this stage, to incorporate into the proposed amendment to engage with the public on the matter.

Next Steps would include the following:

1. Send out Notice of Public Meeting;

2. Hold a Statutory Public Meeting at a future Council Meeting;
3. Council to make a decision on the Amendment at a future Council Meeting;
4. Send out Notice of Passing/Refusal; and
5. If draft by-law becomes in full force and effect, complete an office consolidation for the website for public access.

Financial Implications:

There are costs associated with Newspaper Notice, to advertise the Public Meeting as well as any decision-making of Council. There is budget allocation for advertising within the Planning Budget to capture this cost.

Further, the decision is appealable to the Ontario Land Tribunal, which could have additional costs associated thereto.

Policies/Legislation:

The housekeeping amendment would be reviewed against the *Planning Act*, Provincial Policy Statement, County of Elgin Official Plan, Municipality of West Elgin Official Plan.

Summary:

Therefore, it is Planning Staff's recommendation that Council provides preliminary input on the proposed amendment and authorizes Administration to proceed with a Statutory Public Meeting for the housekeeping amendment.

Respectfully Submitted,

Bryan Pearce, HBA, CPT, MCIP, RPP
Planner
Municipality of West Elgin

Report Approval Details

Document Title:	Housekeeping Amendment to the Zoning By-law - Consideration To Proceed Request - 2022-01-Planning.docx
Attachments:	- Planning Report 2022-01 - Appendix One - Draft By-law.pdf
Final Approval Date:	Jan 11, 2022

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

Jana Nethercott