



## MUNICIPALITY OF **West Elgin**

### Staff Report

---

**Report To:** Council Meeting

**From:** Heather James, Planner

**Date:** 2022-04-14

**Subject:** Zoning By-law Amendment 2022 Housekeeping Amendment

---

#### **Recommendation:**

That West Elgin Council hereby receives the report from Heather James regarding zoning by-law amendment 2022 housekeeping amendment to the West Elgin Zoning By-law 2015-36, File No. D14 01-2022, for all applicable lands within the municipality;

And that West Elgin Council approve the zoning by-law amendment 2022 housekeeping amendment, in accordance with the draft by-law attached to this report; and

Further That West Elgin Council consider the by-law to amend the Zoning By-law, as presented in the by-law portion of the April 14, 2022 Council Agenda.

#### **Purpose:**

The purpose of this Report is to provide Council with a proposed housekeeping amendment to the Zoning By-law and to hold a statutory public meeting to gather comments on the proposed amendment.

#### **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 to include revisions to the Future Residential (FR) and Future Development (FD) Zones; added new zone provisions for Section 4.2 Temporary Buildings; revised Section 4.4 Established Building Lines; updated references to Minimum Distance Separation Formulae and how it is to be applied; revised to Section 1.4 Interpretation; and fixed mapping errors on applicable maps.

At the January 13, 2022 Council meeting, the Municipal 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.

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 included in the 2022 housekeeping amendment:

1. That Section 17. Hamlet Commercial (C2) Zone, of By-law No. 2015-36, as amended, be amended by modifying Section 17.1.1 Permitted Uses, by inserting “Mobile Food Outlet” after “gas bar”.
2. That Section 2. DEFINITIONS, of By-law No. 2015-36, as amended, be amended by modifying the definition of “Mobile Food Outlet”, by inserting “, as a secondary use to the main use” after “public”.
3. That Section 26. Recreational Vehicle Park (RVP) Zone, of By-law No. 2015-36, as amended, be amended as follows:
  - a. By modifying Section 26.1.1 Permitted Uses, by inserting the following:
    - i. “club as an accessory use” after “campground or trailer park”; and
    - ii. “laundry establishment” as an accessory use, “management office as an accessory use”; “mobile food outlet as a secondary use”; “retail store as a secondary use”; and “washroom facilities as an accessory use” after “dwelling unit or single unit dwelling as an accessory use”.
  - b. By modifying Section 26.2 Special Use Regulations, by inserting Section 26.2.4, after Section 26.2.3, as follows:

#### 26.2.4 RETAIL STORE

Where a retail store is erected as a secondary use to the campground or trailer park, it shall:

- a) only be used by the members of the campground or trailer park, or their approved visitors.
  - b) shall comply with the following:
    - a. Table 26-1.
    - b. have a maximum building floor area of 46.5 square metres (500 square feet).
    - c. up to a maximum 10% floor area of a building with more than one use.
    - d. have a maximum outdoor space associated with the retail store of 4.65 square metres (50 square feet).
4. That Section 2. DEFINITIONS, of By-law No. 2015-36, as amended, be amended by inserting the following after the “Road” definition:

#### “Road Side Stand

shall mean a structure used to sell fruits, vegetables, or flowers, is accessory to the agricultural use of the site and a minimum of 60% of the goods and materials for sale are grown or produced on site.”

5. That Section 4. GENERAL PROVISIONS, of By-law No. 2015-36, as amended, be amended by inserting the following after Section 4.31 provisions:

**“4.32 ROAD SIDE STANDS**

Notwithstanding Section 4.1 to the contrary, a road side stand, shall be subject to the following:

- a) shall be permitted only within the Agricultural Zones;
- b) shall not exceed 10 square metres in floor area;
- c) shall not exceed 3 metres in height
- d) may be erected in the front yard or exterior side yard;
- e) may be erected closer to the street line than the main building is to the street line;
- f) may be erected not closer than 1 metre from the lot line.”

6. That Section 2. DEFINITIONS, of By-law No. 2015-36, as amended, be amended by deleting and replacing “Established Building Line”, with the following:

**“Established Building Line**

means the average distance from the street line of the existing single unit dwellings, where one side of one block has more than one-half of the lots built upon.”

7. That Section 4.4 Established Building Lines, of By-law No. 2015-36, as amended, be further amended by the following:

- a. modifying subsection c), by inserting “between intersecting streets or roads, being the block”, after “road”.
- b. inserting the following after subsection c):
  - i. “d) Section 4.4 shall only be applied within the Residential Zones.
- e) That the established building line shall be deemed to be the following:
  - i) In the case of an interior lot, the average distance from the street line of the existing dwellings on either side of the subject lot.
  - ii) In the case of a corner lot, the average distance from the street line of the existing dwellings on the two lots on the one side of the subject lot, away from the intersection, within the block.

8. That Section 4.15 Minimum Setbacks from County Roads, of By-law No. 2015-36, as amended, be further amended by deleting “\*not applicable within settlement area of Rodney and West Lorne” and replacing it with “These provisions are not applicable within the settlement areas of Rodney, West Lorne, New Glasgow, Eagle, Clachan and Port Glasgow.”
9. That Section 4.1 Accessory uses, Buildings and Structures, of By-law No. 2015-36, as amended, be further amended the following:
  - a. modifying subsection c), by inserting “, save and except within the Agriculture Zones” after “exterior side yard”; and
  - b. modifying subsection d) by inserting “, save and except within the Agriculture Zones” after “is to that street”.

The draft by-law is attached to this report. Due to comments received from Council and the public on the proposed amendment, a further revision to the zoning by-law amendment may be required.

### **Public Meeting Notice:**

The public meeting notice was published in the West Elgin Chronicle on March 24, 2022. The notice of public meeting met the circulation requirements under the Planning Act. 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 prior to the public meeting. At the time of submission of this report, no comments were received from public agencies, municipal staff and the public. Comments were received from municipal staff when the draft zoning by-law amendment was written in January 2022 and incorporated into the document.

### **Financial Implications:**

There are costs associated with newspaper notices (notice of public meeting and notice of decision), 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:**

#### **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 2022-01 Housekeeping Amendment to the Zoning By-law – Consideration to Proceed Request.

**Report Approval Details**

Document Title:	Zoning By-law Amendment 2022 Housekeeping Amendment - 2022-07-Planning.docx
Attachments:	- 2022-xx - Housekeeping Zoning By-law Amendment.docx
Final Approval Date:	Apr 11, 2022

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

Jana Nethercott