



# ***Township of Wilmot*** **REPORT**

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**REPORT NO.** DS 2019-09  
**TO:** Council  
**PREPARED BY:** Andrew Martin, Manager of Planning/EDO  
**DATE:** March 18, 2019  
**SUBJECT:** Township Zoning By-law Review

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## **Recommendation:**

**That Report DS 2019-09 be received for information.**

## **Background:**

The Township of Wilmot Zoning By-law 83-38 was passed by Council on June 13, 1983 and received approval from the Ontario Municipal Board on January 17, 1984. A number of comprehensive and housekeeping amendments and changes have been made to the by-law since that time, along with more than 400 amendments related to site specific uses and developments.

With the anticipated approval of Township of Wilmot OPA 9 by the Region of Waterloo in the coming weeks, the Planning Act requires the Township to update the zoning by-law to conform to the Official Plan within three years of the approval of the revision/update to the Township Official Plan.

## **Discussion:**

There are a number of areas within the Township Zoning By-law for which updates are required as a result of changes in associated plans, Acts, and modernized language. The following is a list of areas within the zoning by-law that have been identified to date for review, but which may be expanded based on public and agency review.

## **Areas of review**

### *Definitions*

Although there have been additions and modifications to the definitions section of the by-law since 1983, a number of the definitions contained within the zoning by-law require rephrasing to update references to other legislation and acts, as well as to use socially acceptable language. Staff have been compiling comparable definitions of similar sized municipalities in Ontario as well as the other area municipalities in Waterloo Region. Additionally, consideration will be given to whether

the range of defined uses is expanded or whether more generic terms are used to provide a greater range for flexibility and interpretation of the zoning by-law. For example, current commercial zones permit a “commercial establishment where goods are sold or services rendered”. This definition provides flexibility for interpreting types of retail or service businesses, but staff do receive inquiries as to what types of retail are permitted. There may be merit in providing further explanation by expanding the list of defined terms.

#### *General regulations – accessory structures*

The forms and densities of development have changed since 1983, but little modification has occurred to the general regulations of the by-law as they pertain to accessory structures.

Presently, accessory structures such as sheds have a static maximum floor area, height and setbacks regardless of the geographic location or parcel size of a residential property. For example, under the current zoning, the same size and height restrictions apply to a privately serviced lot of 3100m<sup>2</sup> in Haysville as they do to a fully serviced urban residential property of 354m<sup>2</sup> in New Hamburg. Among other considerations, a review will look at lot coverage percentage instead of static maximums, setbacks based on building height, and/or reduced setbacks based on space required to provide minimum maintenance.

#### *General regulations – home and farm related businesses*

The zoning by-law presently regulates businesses operating from a residence as well as on-farm businesses.

With respect to home based businesses (home occupations), the zoning currently establishes a maximum floor area for the business, and prohibits employees and retail sales. Home occupations have historically included a range of businesses including personal services such as hair cutting and small home based offices like tax services. The type and number of home based businesses have increased including online businesses with a home based office, a wider range of home healthcare practitioners (message therapy, chiropractic services etc.), and a number of personal/group training businesses.

Farm related businesses (farm related occupations) are currently regulated in the zoning by-law and are permitted on farm properties of at least 35ha. The businesses are geared towards serving the agricultural community, are secondary to the main use of the property for farming, and are not permitted to have employees. Examples of these businesses are farm machinery repair and primary processing facilities such as sawmills and grain drying/storage operations. As updated by OPA 9, the Township Official Plan changes the terms used to describe these businesses by establishing policies for agriculture-related uses (similar to farm related occupations) and on-farm diversified uses (agri-tourism, home industries and production of value-added agricultural products from the farm operation on the property).

A review of the regulations with respect to both home based and farm related businesses will be undertaken as they relate to the nature of businesses currently operating or anticipated to start up in the Township as well as changes in official plan policies relating to these uses.

#### *General regulations – off-street parking*

In the review and approval of development applications, off-street parking is often a contentious issue. Both sides of the argument are often presented – the lack of parking available and the

impact that a perceived excess of parking has on the development opportunities for a property. With an increased number of redevelopment projects and prescribed intensification requirements, a review of parking standards for all uses is required. This analysis includes compiling comparable standards from similar sized municipalities in Ontario as well as the other area municipalities in Waterloo Region. Specific areas of consideration will be the standards for accessible parking, commuter bicycle parking, the size of parking spaces (perpendicular, angle and parallel), parking lot aisle widths, parking in relation to property lines, and a review of surfacing requirements (permeable and impermeable surfaces).

#### *Residential zone regulations*

The zoning by-law presently contains nine residential zones which include a range of lot sizes, property line setbacks and types and forms of dwellings. Given the legislated requirement for both intensification and higher density greenfield development, a review of residential zone regulations will provide an opportunity to confirm the standards for existing neighbourhoods as well as standards to frame future development and redevelopment. This review will include regulations for second units, height and setbacks, lot coverage, the potential for minimum outdoor amenity areas and limitations on impermeable surface coverage. Some overlap may occur with the review of parking and accessory building regulations.

#### *Backyard chickens and urban agriculture*

Presently the zoning by-law restricts the keeping of any livestock (including chickens) to agriculturally zoned properties of 1.2ha or greater. This review will include consideration of zoning to allow the keeping of backyard chickens on residential properties as well as agricultural properties of less than 1.2ha.

As updated by OPA 9, the Township Official Plan includes policies to promote a strong and diverse local food system and speaks specifically to temporary farmers' markets in existing and newly planned neighbourhoods and encourages home and community gardens throughout the Township where appropriate. The zoning regulations will be reviewed to provide for further implementation of these policies.

#### *Conformity*

The zoning by-law will be reviewed in its entirety to ensure conformity with applicable legislation, including but not limited to Provincial plans as well as the Regional and Township Official Plans. Some specific areas of conformity review include the prohibition of land uses that may pose a risk to Source Water Protection Areas, Minimum Distance Separation (MDS) regulations, and appropriate zoning and identification of lands regulated by the Grand River Conservation Authority.

#### *Consolidation and housekeeping*

Since its approval in 1983, there have been more than 400 amendments to the zoning by-law as well as close to 600 minor variances. Staff are reviewing these amendments and variances to determine common requests and consistencies in approved changes. This information will be used to determine whether there are updates that can occur to the by-law to address frequently requested variances such as accessory building sizes or setbacks as well as looking at similar site specific amendments that can be consolidated.

## **Public consultation timeline**

The following is a plan to achieve the greatest possible public feedback to frame an update to the Township Zoning By-law while moving the process forward in a timely manner.

### April 2019

The first component of consultation will be highlighting that the Township is commencing the update. This will include notifications on the Township's website and twitter feeds, local news media, and the Township community signs. This notification will include an invitation to review the current zoning by-law and complete an online survey ranking the importance of the proposed major areas of review and seeking input on any additional areas to be given specific consideration.

For those who prefer in person discussions and who would prefer to complete a survey in printed form, two drop in format open houses will be provided – one in Baden and one in New Dundee. The specific dates and locations are still to be confirmed. A copy of the draft survey is attached in printed form to this report.

Depending on the interest and attendance from the April meetings, staff will consider, for further consultation, whether online surveys will be sufficient to provide feedback on the drafting of new/modified regulations. The remaining time frames reference a survey, but further open houses may be scheduled.

### May 2019

In early May a second survey will be released to request comments on the consideration of zoning regulations permitting backyard chickens and urban agriculture opportunities.

In late May, a third survey will be released to request comments on changes to regulations pertaining to accessory structures, off-street parking, and home and farm occupations.

### June 2019

In early June, a fourth survey will be released to request comments on potential updates to residential zones for second units, height and setbacks, lot coverage, the potential for minimum outdoor amenity areas and limitations on impermeable surface coverage.

In the event that any additional public open houses are determined to be of value during the initial stages of consultation they will be scheduled throughout May and June.

### July – August 2019

Public consultations will not be scheduled during the months of July and August to avoid summer holidays. During these months staff will continue to draft proposed amendments the zoning by-law based on the feedback received from surveys, and if scheduled, additional public meetings.

### September 2019

A minimum of two public open houses, will be scheduled throughout September. The number and location will be determined based on the public involvement received in the earlier months of consultation. The open houses will provide the opportunity to review draft zoning regulations pertaining to the survey and open house topics.

### October – November 2019

During the months of October and November, the draft zoning by-law update will be finalized and in November the Public Open House and Public Meeting prescribed by the Planning Act will be scheduled to consider the draft document.

### **Agency consultation timeline**

#### April – September 2019

Township staff have advised the Grand River Conservation Authority and the Region of Waterloo that the Township will be commencing a zoning by-law review.

Specific areas of GRCA involvement will be refining the mapping and zoning regulations as they relate to the current “F” suffix (flood susceptible lands) as well as identifying appropriate zoning for other regulated areas.

The Region of Waterloo will be involved in the general conformity exercise, as well as refining the applicable limits of source water protection areas and limiting the uses permitted within those areas in accordance with Chapter 8 of the Regional Official Plan.

The Federation of Agriculture will be invited to provide comments during the update process, specifically in the areas of updating Minimum Distance Separation regulations, the refinement of farm related occupation regulations, and the consideration of regulations permitting backyard chickens.

### **Final zoning by-law**

It is anticipated that the updated zoning by-law will be before Council for approval in December 2019 or early January 2020.

### **Strategic Plan Conformity:**

Updates to the Township zoning by-law, and the public input processes used in considering these updates, serve to ensure that all four goals of the Wilmot Township Strategic Plan are met. Those goals are that we are an engaged community; that we have a prosperous economy; that we protect our natural environment; and, that we enjoy our quality of life.

### **Financial Considerations:**

The Zoning By-Law Update was included within the 2018 Capital Program with funding derived from the General Levy and Development Charges.

### **Conclusion:**

Following the conformity and rationalization updates to the Township Official Plan culminating in the adoption OPA 9, the next key update to Township planning documents is the Township Zoning By-law. This report outlines major themes for which updates to the by-law are required. The proposed consultation process provides an opportunity for residents to help scope the areas of review as well as to provide comments on the specific areas for review that have been highlighted.

The timeframes outlined within the report are ambitious, and while staff will work towards these timeframes, should significant public interest arise with respect to any new or already identified areas of review, additional time may need to be allocated to those respective areas.

As Council is aware, the Provincial government is proposing changes to the Growth Plan for the Greater Golden Horseshoe and has also indicated that they are reviewing the Planning Act and Provincial Policy Statement. The outcome of any proposed changes may also impact the timing outlined in this report.

Within subsequent reporting to Council, staff will highlight any necessary changes to the timeframes presented in this report.

Andrew Martin, MCIP RPP  
Prepared by Manager of Planning/EDO

Harold O’Krafka, MCIP RPP  
Submitted by Director of Development Services

Grant Whittington  
Reviewed by Chief Administrative Officer



# TOWNSHIP OF WILMOT

The Township of Wilmot is reviewing its Zoning By-law and is looking for your input on what improvements and changes should be made to the by-law.

This survey will be the first of a number of opportunities to be involved in the Zoning By-law review.

In order to provide authenticity to the comments received, you are required to provide your name and street address. This information will not be used for any other purposes and you will not be contacted unless requested.

**Please provide your first and last name \***

**Please provide your street address (address number and street name). \***

**Are you a resident of Wilmot Township? \***

 Yes No

**Are you a business owner in Wilmot Township? \***

 Yes No

**Please select any of the following areas of employment that apply to you.**

 Building and construction Engineering Farming I am a student Land surveying Land use planning Real estate Other

**Please describe your area of employment**

**Have you read any of the Township's current zoning by-law?**

- Yes  No

**Where did you access the portion(s) of the by-law that you have read?**

- Online  At the Township Administration Complex  I have a copy of the by-law
- By email from a Township planner  Other

The following areas have been identified to date as significant areas of review within the Zoning By-law. We would like your assistance in confirming the areas of review.

**Please select any item below that you agree needs to be reviewed. \***

- |   |  |
|---|--|
| <input type="checkbox"/> Definitions  | <input type="checkbox"/> Regulations for accessory structures (sheds, pools etc.)  |
| <input type="checkbox"/> Regulations for home based businesses  | <input type="checkbox"/> Regulations for farm based businesses   |
| <input type="checkbox"/> Backyard chickens and urban agriculture  | <input type="checkbox"/> Second units (apartments in houses and accessory buildings)                                       |
| <input type="checkbox"/> Residential zoning regulations (setbacks, height, density, outdoor amenity areas etc.) | <input type="checkbox"/> Parking (accessible parking, bicycle parking, parking sizes, number of required spaces)           |
| <input type="checkbox"/> Restricting lands uses within source water protection areas                            | <input type="checkbox"/> Minimum distance separation (distances between agricultural facilities and non agricultural uses) |
| <input type="checkbox"/> I have additional areas that I wish to identify  |  |



For any of the areas of review you identified, please use the spaces below to provide any additional information that you feel would be helpful in the review process.

**Definitions**

**Regulations for accessory structures (sheds, pools etc.)**

**Regulations for home based businesses**

**Regulations for farm based businesses**

**Backyard chickens and urban agriculture**

**Second units (apartments in houses and accessory buildings)**

**Residential zoning regulations (setbacks, height, density, outdoor amenity areas etc.)**

**Parking (accessible parking, bicycle parking, parking sizes, number of required spaces)**

**Restricting lands uses within source water protection areas**

**Minimum distance separation (distances between agricultural facilities and non agricultural uses)**

**Please provide details on additional areas that should be considered in reviewing the Township Zoning By-law**

**If you would like to be notified of future meetings, surveys or other updates with respect to the Zoning By-law review, please provide your email address and/or your mailing address.**

Thank you for completing this survey.

Please visit [www.Wilmot.ca/ZoningUpdate](http://www.Wilmot.ca/ZoningUpdate) for updates on this process.