



TOWNSHIP OF WILMOT

DEVELOPMENT SERVICES *Staff Report*

REPORT NO: DS 2020-020

TO: COUNCIL

SUBMITTED BY: Harold O’Krafka, MCIP RPP
Director of Development Services

PREPARED BY: Andrew Martin, MCIP RPP, Manager of Planning/EDO

REVIEWED BY: Grant Whittington, CAO

DATE: August 24, 2020

SUBJECT: Township Zoning By-law Update

RECOMMENDATION:

THAT Council approve amendments to By-law 83-38, being the Township of Wilmot Zoning By-law, as outlined in Report DS 2020-13 and DS 2020-020.

SUMMARY:

This report supplements Report DS 2020-13 considered at the Public Meeting held at the July 27, 2020 Council meeting. This report outlines additional comments received after finalization of Report DS 2020-13 and after the July 27, 2020 Public Meeting.

BACKGROUND:

Report DS 2020-13 provided a detailed summary of the public consultation process that started in March of 2019 and that led up to the current proposed updates to the Zoning By-law. The report summarized the proposed updates to the Township Zoning By-law including public and agency comments received through the consultation process and how those comments were addressed.

Included as an attachment to Report DS 2020-13 was the draft by-law update which identified modified or deleted text with a ~~strike through~~ symbol and new text, modifications and re-ordering with red text.

REPORT:

The changes already considered by Council at the July 27, 2020 meeting remain largely unchanged. This report identifies three areas where slight modifications have been made to the document for inclusion in amending By-law 2020-26 (being the by-law to update Township Zoning By-law 83-38). These areas are Subsection 6.32.1 (age of backyard chickens), Subsection 7.5.10 (maximum height of accessory structures on undersized agricultural properties) and Subsections 20.1 and 20.4 (reference to Aggregate Resources Act and subsection numbering).

Subsection 6.32.1

As presented at the Public Meeting, this subsection includes that a maximum of four hens (no roosters), not less than 4 months old, may be permitted on a property of 0.2 hectares or larger.

Staff received comments from a member of the public questioning the age restriction. The intent of including an age was to assist in determining the sex of the chicken to avoid inadvertent acquisition of roosters. The age was based on a review of other municipal by-laws. With that said, it is not realistic that staff will be able to monitor the age of chickens and as such, staff have removed the age reference. The section still prohibits roosters to avoid potential noise complaints. The subsection now reads:

A maximum of four hens (no roosters) may be permitted on a property of 0.2 hectares or larger.

Subsection 7.5.10

As presented at the Public Meeting, this subsection includes a height restriction for accessory buildings on agricultural properties having a lot area of less than 1.2ha. The intent was to apply the same standards from a residential zone to agriculturally zoned properties that essentially can only be used for residential purposes. Upon further review, it would appear onerous to remove the existing ability to construct taller accessory structures (for example a two storey detached garage) on large residential properties when sufficient setbacks are provided. The subsection has been reworded to maintain the existing zoning provisions when a setback 3.0m or greater is provided (consistent with the existing zoning by-law), but restrict the height to the residential standard of 4.5m when a setback of less than 3.0m is provided in line with residential zones.

With respect to maximum accessory building height on agriculturally zoned properties with a lot area of less than 1.2ha, subsection 7.5.10 now reads:

10.5 metres when an accessory building has a side or rear yard setback of 3.0m or greater

4.5 metres, but not more than one (1) storey, when an accessory building has a side or rear yard setback of less than 3.0m

Subsections 20.1 and 20.4

On August 7, 2020 staff received comments from Citizens for Safe Ground Water related to requested updates to Zone 14 (Extractive Industrial). These comments are the first time these items have been raised following four open houses and a public meeting held over the last 16 months.

Given the timing of submission of these requests, there has been no opportunity for public consultation on the requested changes. Staff are of the opinion that the current process of considering extractive industrial operations through a public zoning and aggregate resources act process has functioned well in establishing parameters for extractive industrial operations. With that said, there may be merit to further considering refinements to the zoning and if given direction by Council, staff could include this review within the 2021 Development Services work plan.

The comments provided did highlight a need to update the reference from the Pits and Quarries Control Act to the Aggregate Resources Act. As well the comments highlight a typographical error in numbering within the subsection.

The By-law does include two subsections that deal with these types of corrections in the future.

Subsection 3.7 includes that where any legislation or portion thereof is referenced herein, it is intended that such references should be interpreted to include any subsequent legislation and related regulations that may amend or replace the specific statute.

Subsection 23.4 states that technical revisions may be made to this By-law without the need for a Zoning By-law Amendment. Technical revisions means the correction of numbering, cross-referencing, grammar, punctuation or typographical errors, mapping errors, or revisions to format in a manner that does not change the intent of this By-law.

Given these items were highlighted before the by-law was passed, Subsection 20.1.2 has been updated to correctly reference the Aggregate Resources Act and Subsection 20.4 has been renumbered in the proper sequential order.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

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. The Junior Planner contract which assisted in providing department capacity to work through the update, was funded from this capital project, and was extended from September 2019 until December 31, 2019 with funding continued from the Capital Program. Any overage in project costs will be funded proportionately from General Levy and Development Charges.

ATTACHMENTS:

Attachment A Comments from Citizens for Safe Ground Water

Attachment A: Comments from Citizens for Safe Ground Water

Attn: Harold O’Krafka and Andrew Martin
Re: Wilmot OP Policy Revisions



We (CSGW) would like to show our support for the existing standards regarding aggregate that have been set within the township and urge that these standards be upheld.

We have reviewed the proposed zoning by-law changes and have undertaken a Best Practices review of zoning by-law regulations in other jurisdictions. Cambridge, Brantford, Hamilton and West Perth are examples of municipalities with detailed zoning regulations for quarries. Some include sizeable setbacks of the extraction area from lands zoned residential, buffering requirements, etc. Section 20 (beginning on pg. 81 regarding mineral aggregate zone 14) sets a strong foundation toward protecting Wilmot’s health and safety. However, we request the following revisions and additions that would have the effect of further protecting the wellbeing of our communities and protection of our groundwater. These regulations are essential in order to set strong municipal standards.

We recommend the following:

- 1.) Permitted Uses:
Regulation 20.1.3 be revised to include wash ponds as a prohibited feature. The revised section would read as follows:

“The processing of extracted materials from the site including crushing, screening, washing, sorting and storage of materials, but not including any temporary or permanent asphalt hot mix plant or ready mix concrete plant or wash ponds (in regional recharge areas according to the Source Protection Plan).
- 2.) In Section 20.1.2 the reference to the Pits and Quarries Control Act should be replaced with the Aggregate Resources Act.
- 3.) The numbering of subsections 20.2.4 thru 20.2.7 should be revised to 20.4.4 thru 20.4.7.
- 4.) Subsection 20.2.7 should be deleted and replaced with the “Extraction Area regulations below
- 5.) The following additional regulations should be added to Section 20.4:

Open Storage and storage of aggregate, top soil or overburden shall not be permitted within:	i) 90 m of a residential Zone; ii) 90 m of a lot occupied by an existing residential use;
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	<ul style="list-style-type: none"> iii) 30 m of any other lot line or Zone line, iv) Notwithstanding the above, earth berms required to buffer the permitted use shall be permitted within the areas. Such berms shall not be permitted within three metres of a lot line or Zone boundary.
Extraction Area:	<ul style="list-style-type: none"> i) No extraction of material from a pit or quarry shall occur within 120 metres of an abutting property that is within a Residential Zone; ii) No extraction of material from a pit or quarry shall occur within 90 metres of any boundary on which the extraction is occurring.
Yard Requirements for Processing of Material:	<ul style="list-style-type: none"> i) no processing of extracted material shall occur within 90 metres of any boundary on which the extraction is occurring, ii) no processing of extracted material shall occur within 120 metres of an abutting property that is within a Residential Zone.
Planting Areas:	All buildings, structures, parking areas, and pit areas, except for a wayside pit, shall be screened from a street, unopened road allowance and from any land zoned Residential by a continuous row of trees consisting of deciduous or coniferous species which will attain a minimum height of 6 metres.
Parking Area and Driveways:	<ul style="list-style-type: none"> i) No parking area and no internal road other than one access road on each lot shall be located within 45 metres of any street or any lot occupied by a dwelling. ii) Vehicular access from a street shall be provided at not more than one location on each lot and shall not be located within 75 metres of a dwelling or a street intersection or within 45 metres of a curve in a street and shall be located so that there are no obstructions to sight within the triangular area contained by the street line and lines joining a point on the access road 9 metres perpendicularly distant from the street line to the points on the street line 9 metres from the entrance of the access road.

Thank you for your time and consideration.

Samantha Lernout
Citizens for Safe GroundWater Inc.