



January 23, 2014

Ms. Donna Clermont, CAO/Clerk
Township of Southwold
35663 Fingal Line
General Delivery
Fingal, ON N0L 1K0

Dear Ms. Clermont:

RE: A By-law to Amend Zoning By-law No. 2011-14

The attached Amendment to Zoning By-law No. 2011-14 found in Appendix 'B' of the attached report is intended to:

- Bring the By-law into conformity with the approved Official Plan which came into effect on November 1, 2013.
- Incorporate Provincial comments submitted on June 15, 2012; and subsequently,
- Consolidate Zoning By-law amendments approved by the Township since February 14, 2011, the date Zoning By-law 2011-14 was approved and from the previous By-law .

A public meeting under the provisions of the Planning Act and its regulations is required. If you have any questions or concerns, please contact this office.

Yours very truly,

ZELINKA PRIAMO LTD.

George Balango, BES, MCIP, RPP
Senior Planner

Richard Zelinka, MES, MCIP, RPP
Principal Planner

REPORT

TO: Mayor and Members of Council
Township of Southwold

FROM: George Balango, BES, MCIP, RPP
Zelinka Priamo Ltd.

DATE: January 13, 2014

RE: **A By-law to Amend Zoning By-law No. 2011-14**

INTRODUCTION

The purpose of this report is to recommend an amendment to Zoning By-law No. 2011-14 for a public meeting in compliance with the requirements of the Planning Act.

Zoning By-law No. 2011-14 was adopted on February 14, 2011. The By-law came into force on November 1, 2013, the date the Official Plan was approved, as modified by the Ministry of Municipal Affairs and Housing.

This report reviews the reasons for the recommended amendment and describes the recommended amendments to the Schedule 'A' Maps and to the text in Zoning By-law 2011-14.

There are two Appendices. Appendix A contains Provincial comments on Zoning By-law No. 2011-14 and responses to these comments. The Provincial comments were received from the Ministry of Municipal Affairs and Housing (MMAH) on June 15, 2012. The responses to the Provincial comments were forwarded to the Township on August 1, 2012. The recommended amendment incorporates Provincial comments as described in the 'Action' column of Appendix A. Appendix B contains the recommended amendment to Zoning By-law No. 2011-14.

A strikeout and additions copy of the Zoning By-law is provided as a separate document.

BACKGROUND

The recommended amendments are in response to the above noted Provincial comments and the need to bring the By-law into conformity with the approved Official Plan as modified.

Map and text amendments to Zoning By-law No. 2011-14 are largely based on the modifications to the Official Plan complemented by the comments on Zoning By-law from Provincial Ministries the most significant being:

- The MMAH and the Ministry of Natural Resources (MNR) concerns are that the Zoning By-law boundaries correspond to expansion of the North Port Stanley settlement area boundary and that zoning protect natural heritage features (Earth Science Area of Natural and Scientific Interest (ANSI) and Significant Woodlots) in the area and Significant Woodlots in the remainder of the Township.
- The Ministry of Agriculture, Food and Rural Affairs (OMAFRA) requested deletion of the Agriculture 2 (A2) Zone. The A2 Zone was intended to restrict livestock, mushroom and greenhouse operations adjacent to settlement areas.
- In May, 2013 the MNR confirmed the location of Provincially Significant Wetlands (PSWs) and required that these be designated in the Official Plan. The Official Plan was modified to designate PSWs. The public was made aware of the location of the PSWs at the public meeting conducted by the Township to consider the latest modifications to the Adopted Official Plan on July 29, 2013.
- Implement the Significant Woodlands policy and overlay designation in compliance with Official Plan policy and Provincial Policy.

The remaining Provincial comments are technical in nature, intended to implement Provincial legislation and policy governing Green Energy, Aggregate Resources, Oil, Gas and Salt Resources, Environmental Protection and Ontario Water Resources.

Finally, the recommended amendments consolidate amendments to Zoning By-law No. 2011-14 approved by the Township after February 14, 2011 and address housekeeping details (e.g. renumbering sections and subsections) related to amendments.

SUMMARY OF AMENDMENTS

Amendments to Schedule 'A' Maps

Amendments to the Schedule 'A' Maps are found in Appendix B. Two categories of amendments are recommended to Schedule 'A' [Map No. 1 to Map No. 17(c)]. The first category is in response to the MMAH modifications to the approved Official Plan and the comments received from the Province. The second category is housekeeping including changing Zone Symbols from consolidating Zoning By-law amendments which have been approved since February 14, 2011.

The first category of Schedule 'A' Map Amendments are:

- The Zoning Maps are amended by:

- Delineating Hazard Lands;
 - Adding a Natural Area and Adjacent Lands overlay on Significant Woodlots and on lands adjacent to Significant Woodlots;
 - Adding the Natural Area and Adjacent Lands overlay illustration to the Legend on the Schedule A Maps; and
 - Revising the legends to show that Hazard Lands are illustrated and delineated.
- Map No.'s 2, 5 and 8 are amended by adding Environmental Protection (EP) Symbols and adding a Natural Area and Adjacent Lands overlay on lands adjacent to the EP Symbol. The Symbol EP is applied to Provincially Significant Wetlands.
 - Map No. 9 and Map No. 10 (North Port Stanley) are amended by adding the Natural Area and Adjacent Lands overlay to the Earth Science Area of Natural and Scientific Interest and to the lands adjacent to the Earth Science Area of Natural and Scientific Interest, as shown on Schedule A-4 North Port Stanley in the Official Plan.
 - Map No. 9 and Map No. 10 (North Port Stanley) are amended by configuring the North Port Stanley Settlement Area boundary to implement Schedule 'A-4' North Port Stanley in the Official Plan and in response to comments 38 and 39 found in Appendix 'A' from the MMAH and the MNR.
 - Map No. 10 (North Port Stanley) is amended by deleting the Agricultural (A2) Symbol and adding the Settlement Reserve (SR) Symbol within the Settlement Area boundary.
 - Map No.'s 4, 7 and 9 are amended in response to comment 30 from the OMAFRA requesting the deletion of the Agricultural (A2) Zone. The amendments to these Maps are:
 - Map No. 4 is amended by:
 - Deleting the Symbol A2-1 and replacing it with the Symbol A1-9;
 - Deleting the Symbol A2-2 and replacing it with the Symbol A1-10;
 - Deleting the Symbol A2-4 and replacing it with the Symbol A1-13; and
 - Deleting the Symbol A2 and replacing it with the Symbol A1.
 - Map No.7 is amended by:
 - Deleting the Symbol A2-3 and replacing it with the Symbol A1-11;
 - Deleting the Symbol A3-2 and replacing it with the Symbol A3; and
 - Deleting the Symbol A2 and replacing it with the Symbol A1.
 - Map No. 9 is amended by :
 - Deleting the Symbol A2 and replacing it with the Symbol A1.

- Map No. 11 (Community of Ferndale) is amended by deleting the Symbol SR and replacing it with the Symbol A1, in response to a request by the Ministry of Transportation.
- Map No. 13 (Community of Shedden) and Map No. 2 are amended by incorporating a parcel of land having an area of approximately 900 m² (0.2 acres) into Map No. 13 from Map No. 2. These lands were added to 35668 Talbot Line by a Land Division Committee decision on application E15/10.

The second category of Schedule 'A' Map Amendments are:

- Map No. 1 is amended by replacing the Symbol A1-9 with the Symbol A1-17 and replacing the Symbol A3-2 with the Symbol A3.
- Map No. 2 is amended by replacing the Symbol A1-10 with the Symbol A1-12 and by replacing the Symbol A1-11 with the Symbol A1-16.
- Map No. 3 is amended by adding the Symbol A1-14. Zone symbol A-14 incorporates the provisions from By-law No. 2011-23 to amend By-law No. 1677 (previous Zoning By-law) which permits a dog kennel subject to special provisions.. Zoning By-law 2011-14 was not amended concurrently with By-law No. 2011-23 to amend By-law No. 1677. Zone A1-14 permits a dog kennel subject to special provisions.
- Map No. 8 is amended by deleting the Symbol A3-2 and replacing it with the Symbol A3.
- Map No. 9 is amended by adding the Symbol A1-15. Zone symbol A-15 incorporates the provisions from Bylaw No.2011-48 to amend By-law No. 1677 which prohibits new dwellings and requires a minimum lot frontage of 15 m (50 ft.). Zoning By-law 2011-14 was not amended concurrently. Zone A-15 prohibits new dwellings and requires a minimum lot frontage of 15 m (50 ft.).
- Map No. 12 is amended by adding the Symbol VC-5 a special provision which allows car wash, gas bar, motor vehicle sales and service and commercial storage facility, in addition to the broad range of uses permitted in the Village Commercial (VC) Zone. The VC Zone is currently in effect on the site. In the previous By-law the lands were zoned to permit the uses proposed in the VC-5 Zone. The owner of the lands is in the process of preparing a site plan application to facilitate the development of the site. The uses permitted in the VC and proposed VC-5 Zones are permitted in the General Commercial designation in the Southwold Official Plan.
- Map No. 10 is amended by adding the Symbol R1-16. In the previous By-law the lands were zoned R1-43. This R1-43 Zone came into force approximately half a year prior to the approval of Zoning By-law 2011-14 in February 2011. The R1-16 is a special provision Zone which permits a home occupation in an accessory building located in the front yard.

- Schedule A Index Map is amended to incorporate amendments to Map No. 1 to Map No. 17 (C).

Amendments to the Text

Recommended amendments to the text of the By-law include:

Section 1.0 Administration and Interpretation

- Minor corrections in response to MMAH comments in Appendix A.

Section 2.0 Definitions

- Delete and add definitions in response to comments from MMAH, OMAFRA Ministry of Environment (MOE) and MNR by:
 - Deleting definitions which duplicate other definitions and deleting definitions linked to alternative energy; and
 - Adding definitions which are consistent with Provincial policy for mineral aggregate, oil and gas, natural heritage and agriculture;
- Edit (clarify, correct) the definitions of Agricultural Use, Asphalt Plant, Portable, Home Occupation, Housing Capacity (for livestock) and Public Utility (add 'sewer' in the list of public utilities); and
- Add a definition of Automobile Repair Garage.

Section 3.0 General Provisions

- Deletions, additions, revisions, clarifications and corrections in response to MMAH, OMAFRA MNR, MOE, MTO and Conservation Authority (CA) comments to:
 - Require environmental impact studies to demonstrate no negative impacts on environmental protection zones and on natural areas;
 - Establish separation distances between existing petroleum resources and to regulate development around decommissioned wells; in compliance with the Oil, Gas and Salt Resources Act;
 - Revise portable asphalt plant provision to allow this use in all zones with the exception of the Environmental Protection Zone;
 - Delete Provincial highways from sight visibility setback regulations;
 - Delete Wind Energy Accessory Systems; and
 - Revise safe minimum distance separation from drains and natural watercourses and minimum distance separation from waste management facilities.

- Housekeeping amendments to:
 - Revise the regulations for home occupation and home industry (formerly titled agricultural home based business) to comply with the Official Plan policies as modified;
 - Add public utility as a use permitted in all zones; and
 - Revise the water, sewer, and storm water services provisions to state that public or private services are allowed subject to approval by the regulatory authority;

Section 4.0 Zones and Zone Mapping

- Technical and housekeeping changes in response to comments from the MMAH and the OMAFRA to delete and add zone symbols including;
 - Deleting the Agricultural 2 (A2) Zone Category and deleting the Zone Symbol, “A2”;
 - Adding Settlement Reserve (SR) as a Zone Category and adding the Zone Symbol (SR);
 - Deleting Temporary Use (t), Holding (h) from Zone Category and Zone Symbol; and
 - Revising the Holding Zone provision, h-2 to clarify no negative impact on natural heritage features.

Section 5.0 Agricultural (A1) Zone

- Additions and deletions in response to comments from the OMAFRA and the MOE to:
 - Delete duplicative uses;
 - Delete reference to separation distance between livestock barns and other sensitive land uses and settlement area boundaries in favour of MDSII formula;
 - Delete manure pit regulations which conflict with nutrient management regulations; and
 - Add a regulation to indicate need for environmental compliance approval for water treatment performed in greenhouse operations.
- Renumbering subsections as a result of the additions and deletions;
- Consolidate amendments approved since February 14, 2011 into the Special Provision subsection; and
- Add Special Provisions relocated from the former Agricultural 2 (A2) Zone.

Section 6.0 Agricultural 2 (A2) Zone

- Delete entirely in response to comment from the OMAFRA that zones which restrict agriculture in the vicinity of settlement areas is not consistent with Provincial Policy.
- Special Provisions from the deleted Agricultural 2 (A2) Zone are consolidated into the Agricultural 1 (A1) Zone Special Provisions.

Section 7.0 Agricultural 3 (A3) Zone

- This section applies to farm lots which are zoned to prohibit residential uses.
- Delete phrase prohibiting livestock and mushroom farms.
- Revise subsection heading and delete a special provision.

Section 8.0 Residential 1 (R1) Zone

- Amendments approved since February 14, 2011, are consolidated under Special Provisions.

Section 11.0 Village Commercial (VC) Zone

- Consolidate special provision VC-4 (Map 14 Fingal). Special provision VC-5 (Map 12 Talbotville) formerly zoned B5-22 in Zoning By-law 1677 is added. Special provision VC-5 adds automotive uses and commercial storage facility.

Section 19.0 Extractive Industrial (EI) Zone

- In response to comments from MNR, add Section 19A.0 Extractive Industrial (EI) Zone to be consistent with Provincial policy.

Appendix "A" – Minimum Distance Separation

- In response to comments from OMAFRA add definitions of Type A and Type B land uses. Type A and Type B land uses are taken from OMAFRA MDS guideline document.

RECOMMENDATION

It is recommended that Council authorize a public meeting under the provisions of the Planning Act to hear public comments on the recommended amendments to Zoning By-law 2011-14.

