

TOWNSHIP OF WELLINGTON NORTH

PUBLIC MEETING - MINUTES

Monday, August 12, 2013

The Public Meeting was held Monday, August 12, 2013 at 7:00 p.m. at the Township of Wellington North Council Chambers, Kenilworth to consider three Zoning Amendment applications.

Present:

Mayor: Raymond Tout
Councillors: Sherry Burke
Mark Goetz
Andy Lennox
Dan Yake

Absent:

Councillor: Andy Lennox

Also Present:

Acting C.A.O.: Michael Givens
Deputy Clerk: Catherine More
Executive Assistant: Cathy Conrad
Township Planner: Linda Redmond

Mayor Tout called the meeting to order. (7:00 p.m.)

Declaration of Pecuniary Interest:

None declared.

Owner/Applicant: Johannes and Lidwinda Teselink

Location of the Subject Land

The property subject to the proposed amendment is described as Part of Lot 20, Concession B with a civic address of 7570 Highway 6, Alihur. The property is 40 hectares (98.8 acres) in size.

The Purpose and Effect of the Application

The purpose and effect of the proposed amendment is to rezone the subject lands to restrict any future residential development on the agricultural, "retained" portion of the property. Additional relief from the zoning by-law is required for an over-sized accessory building on the severed portion – a drive shed with an area of 223 sq.m (2,400 ft²). This rezoning is a condition of severance application B23/13 under the surplus farm dwelling policies that was granted provisional approval by the Wellington County Land Division Committee April 11th, 2013.

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Please note – Section 34 (12) of the Planning Act.

Information – At a meeting under subsection (12), the Council shall ensure that information is made available to the public regarding the power of the Municipal Board under subsection (14.1) to dismiss an appeal if an appellant has not provided the Council with oral submissions at a public meeting or written submissions before a By-law is passed.

1. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on August 15, 2013.

2. Presentation by:

Linda Redmond reviewed the comments provided by Jameson Pickard, Junior Planner, dated July 18, 2013.

The zoning amendment is required as a condition of provisional consent (B23/13) by the Wellington County Land Division Committee. The Planning Department has no objections to implementing this decision. Both the Provincial Policy Statement (PPS) and County Plan provide for surplus farm dwelling severances, provided the agricultural lands are rezoned to prohibit future residential dwellings. The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels where the impact on existing and future farm operations can be kept to a minimum.

Additional zoning relief is also required for the existing accessory structure on the retained residential parcel. The applicant would like to retain the 2,400 sq.ft shed for personal use. Council should be satisfied that the accessory building is intended for personal use and not for commercial purposes.

The subject land is legally described as Part Lot 20, Concession B with a civic address of 7570 Highway 6, Arthur. The land is approximately 40 hectares (98.8 acres) in size.

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The purpose of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural portion of the property and to address the oversized drive shed on the residential portion of the subject lands. This rezoning is a condition of severance application B23/13, that was granted provisional approval by the Wellington County Land Division Committee on April 11th, 2013. The consent will sever the existing farm dwelling and accessory building (1.5 ha. (3.7 ac) from the remainder of the agricultural parcel (38.5 ha. (95.1ac).

The subject property is considered to be within a PRIME AGRICULTURAL area. Section 2.3.4.1(c) of the PPS provides consideration for the severance of a surplus residence, provided that new residential dwellings are prohibited on the remnant parcel of farmland.

Under the Wellington County Official Plan the subject lands are designated PRIME AGRICULTURE and CORE GREENLANDS. This application is required as a result of a severance application. Section 10.3.4 of the Official Plan implements the PPS and requires that the remnant parcel be rezoned to prohibit dwellings.

Section 10.3.4 of the Official Plan states:

“A severance may be considered for an existing residence that is surplus to a farming operation as a result of farm consolidation, provided that:

- a) The remaining vacant farmland is large enough to function as a significant part of the overall farm unit; and
- b) The result of removing the surplus dwelling from the farm does not render the remaining farmlands difficult or inefficient to farm; and
- c) The amount of good farmland retained with the surplus house is kept to a minimum size needed for residential purposes, taking into consideration environmental and topographic features; and
- d) The surplus residence is habitable and is not expected to be demolished by a future owner; and
- e) The Minimum Distance Separation formula will be met, and
- f) The vacant parcel of farmland is rezoned to prohibit a residential use.”

The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels, where the impact on existing and future farm operations can be kept to a minimum.”

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The subject lands are zoned Agricultural (A) and Natural Environment (NE). There will be two site specific zones required on the subject lands. The first site specific provision will prohibit a dwelling on the 38.5 ha (95.1 ac) agricultural parcel and the second will address the accessory structure on the 1.5 ha (3.7 ac) residential parcel.

As a result of the severance, the residential dwelling would be considered the main use and the existing accessory structure would be reviewed under section 6.1 as accessory uses to a residential dwelling. In this case there is a shed with a floor area of 222.9 sq.m (2,400 sq.ft), which exceeds the allowable ground floor area for this lot of 117.9 sq.m (1,270 sq. ft). (Section 6.1.4 ii).

3. Review of Correspondence received by the Township:
 - Nathan Garland, Resource Planner, GRCA
 - No objection

4. The by-law will be considered at the Regular Council Meeting following the public meeting. Mayor Tout asked those wishing to receive further notices regarding this application to make their request in writing.

5. Mayor Tout opened the floor for any questions/comments.
Nathan Martin, counsel for applicant, was present to answer any questions.

6. Comments/questions from Council.
None.

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Applicant: The Corporation of the Township of Wellington North

The changes are of a general nature and apply throughout the Township of Wellington North.

The purpose and effect of the proposed amendment is to provide provisions within the Zoning By-law to allow and regulate the use of trailers, seacans and shipping containers or other similar structures, on commercial, industrial and large agricultural properties. This is a Township initiated “housekeeping” amendment to the Comprehensive Zoning By-law. The Zoning By-law currently does not have any provisions in place to regulate these types of structures.

Please note – Section 34 (12) of the Planning Act.

(12) Information. – At a meeting under subsection (12), the council shall ensure that information is made available to the public regarding the power of the Municipal Board under subsection (14.1) to dismiss an appeal if an appellant has not provided the council with oral submissions at a public meeting or written submissions before a By-law is passed.

7. Notice for this public meeting was sent to required agencies and published in the Wellington Advertiser on July 19, 2013.

8. Presentations by:

- Linda Redmond, Senior Planner, reviewed her comments dated July 22, 2013

The use of shipping containers, storage trailers, seacans and shipping containers are being placed on properties and used for storage or other purposes. Wellington North’s comprehensive Zoning By-law 66-01 does not specifically define and regulate the use of these container types. The purpose of this draft by-law is to introduce criteria to regulate the use of these types of containers and other similar means of storage.

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The appropriate placement of these types of storage containers through the proposed zoning regulations will not only reduce the complexity of enforcement but will also enhance both the urban and rural character of the Township.

This proposed housekeeping amendment to the Comprehensive Zoning By-law has been initiated by Township staff in order to address the use of storage trailers, seacans and shipping containers as a means of storage. Currently the Zoning By-law neither defines nor specifically regulates the use or location of these container types. Staff have met a number of times to discuss this issue and formulate criteria to regulate and manage this use appropriately. As such the following changes are proposed:

Section 5, Definitions, be amended by adding a definition for “Storage trailers, Seacans and Shipping Containers”. In addition definitions for “Transport Terminal” and “Transport Trailer” are being added to provide further clarification.

Section 6, General Provisions, is being amended by adding a new subsection (under Section 6.32, Temporary Uses, Buildings and Structures). Subsection 6.32.1 under the heading of “Storage Trailers, Seacans and Shipping Containers” provides criteria for the use of these structures which are incidental to an existing use, as follows:

- a) For the use of storage, as accessory only, for a permitted commercial or industrial use on lands zoned accordingly, or on agricultural zoned lands greater than 10 hectares.
- b) Unless stated elsewhere in this By-law, no more than a cumulative total of three (3) storage trailers, seacans or shipping containers, shall be permitted on any property;
- c) No storage trailer, seacan or shipping container shall be permitted to locate in any minimum required yard setbacks;
- d) A storage trailer, seacan or shipping container shall not be located in any required parking areas and in no case shall encroach into any required minimum landscaped buffer or open space;

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- e) Notwithstanding any other provision of this section to the contrary, a storage trailer seacan or shipping container on a construction site in any Zone being developed on a stand alone basis or under a plan of subdivision is permitted only for the purposes of storing equipment and materials incidental to construction, subject to the following restrictions:
 - i) shall be subject to subsection c);
 - ii) not exceed six in number; and
 - iii) shall be removed from the site within 60 days of completing the work;
- f) A storage trailer, seacan or shipping container shall not be placed in any zone for the purpose of display or advertising;
- g) A storage trailer, seacan or shipping container shall not be used for the purposes of screening or fencing and must be in a condition free from rust, peeling paint and any other form of visible deterioration;
- h) A storage trailer, seacan or shipping container shall be included in all calculations for the purpose of determining maximum lot coverage; and
- i) Notwithstanding any other provision to the contrary a storage trailer, seacan or shipping container shall not be used for the purpose of a commercial storage facility or mini storage establishment, unless the property is specifically zoned to permit that use.

The draft by-law also provides additional criteria related to the use of temporary structures which are used for the retail sales of seasonal products (ie. garden centre). These structures are typically located within the parking areas of existing retail stores. The zoning by-law currently does not have criteria regulating these structures. The draft by-law proposes to limit the use to a four month period and provide a lot coverage cap.

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9. Review of Correspondence received by the Township:
 - Nathan Garland, Resource Planner, GRCA
 - No objection
 - Erik Downing, Environmental Planning Coordinator, Saugeen Conservation
 - No objection
10. The by-law will be considered at the regular council meeting following the public meeting. Persons wishing notice of the passing of the By-law must submit a written request.
11. Mayor opens floor for any questions

Gerald Shepetunko, 8720 Hwy 6, Arthur, requested further information regarding the following:

- What is the difference between a seacan and a storage container under the proposed by-law?
- A licenced trailer, a truck box or seacan can be used as storage containers for waste compactors and garbage bins. These containers are also used for storage of electronics and generators for wind turbines. Transport trailers are capable of being used.
- Why can a container not be used on a farm that is less than 25 acres? Where did the number for a maximum of 3 containers come from?
- If two or more containers are joined together are they then considered to be one container?
- On construction sites there are many sub trades. If each of those sub trades has a storage container for temporary use there could be more than six. How will that be considered?
- The proposed by-law does not allow these containers to be used for advertising. There are legal trucks that are sitting that are advertising.

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Ms. Redmond provided:

- The definition provided in the proposed by-law captures all the different types of containers.
- This proposed by-law is for unlicensed containers. Property standards by-laws also deal with the use of containers.
- There are two components to the agricultural zone. One is the farm parcel and the other deals with reduced agricultural lots. There are different uses allowed in the two types of zoning. All lots in the rural area are considered agricultural. Rural residential is a maximum of 25 acres. These would have to be looked at on an individual basis and may have to go through some type of zoning relief or minor variance.
- In discussions with other municipalities three units seemed to be common.
- Joining containers together would be a building code issue.
- The Zoning By-law will permit a maximum of six storage containers for construction sites.
- The by-law wouldn't permit a structure in the front yard. Storage containers are not meant to be signs and wouldn't be allowed in the front yard.

Joe Abate, 7597 Jones Baseline, Arthur, has a six acre commercial property that already has more than six containers. How will it be affected? Will he be able to replace the containers? Will existing containers be grandfathered in? On occasion his business has to call in shipping containers, such as when a refrigeration unit breaks down. Is there a limit on how long they can be used?

Ms. Redmond explained that if the use of the containers was legally permitted the container could be replaced. Temporary use of storage containers is allowed for six months.

Wayne Baker, 8730 Wellington Road 14, stated that small business owners can find it difficult to make ends meet. Storage containers are seen as a way of offsetting development charges. There is a small cost for the containers, limited taxation and no development charges. What future costs are going to be involved in using these containers? Mr. Baker felt that it would be more appropriate to allow five units rather than three.

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12. Comments/questions from Council.

Mayor Tout explained that anyone wanting more than three storage containers can go through the process to allow them. The issue is abuse of the system. By not regulating the use of storage containers there is the potential for abuse of the system. Three containers would provide just under 1,500 sq. ft. If someone already has more than three they will be allowed to keep them for now.

Ms. Redmond stated that the existing storage containers will be grandfathered in. Any use existing legally can continue and would be considered legal non-conforming.

Councillor Goetz confirmed that this by-law doesn't mean that you can only have three; you have to go through the procedure to have more.

Councillor Yake inquired about temporary structures, ie. for moving. Ms. Redmond explained that this would already be considered under the property standards by-law.

13. Adjournment 7:37 p.m.

DEPUTY CLERK

MAYOR