

TOWNSHIP OF HOWICK
PUBLIC MEETING
Wednesday, July 14TH, 2010 at 7:00 P.M.
AT THE HOWICK TOWNSHIP COUNCIL CHAMBERS

MINUTES

Attendance:

Council

Max Demaray, Reeve

Linda Henhoeffter, Councillor

Art Versteeg, Councillor

Andrea Yungblut, Deputy Reeve

Randy Scott, Councillor

Staff

Michele Bennett, Administrative Assistant

Wray Wilson, Public Works Co-ordinator

Mark Farinha, Treasurer

County of Huron

Denise Carnochan, Planner

Others: (per attendance sign-in sheet)

David Schneider; Dennis Cassel; Linda Cassel; Glen Shantz; Collin Martin; Jenny Versteeg

CALL TO ORDER

Reeve Demaray called the Public Meeting to order at 7:00 pm, and turned the meeting over to Huron County Planner Denise Carnochan.

Zoning By-Law Amendment – Concession 8, Part Lot 25 (Martin)

Ms. Carnochan reviewed her report concerning the proposed amendment, noting that the purpose of this amendment is:

1. to change the zoning on a portion (approx. 6 acres in size) of the property from Natural Environment Limited Protection – Special Zone (NE2-1) to Agricultural Small Holding – Special Zone (AG4-15) to recognize a small agricultural parcel, and
2. to permit a cabinetry-building home industry to have a total of four full-time employees, other than the owner.

The subject lands are designated Agricultural in the Township of Howick Official Plan and zoned Natural Environment (NE2-1) on the South East Howick map in the Township of Howick Zoning By-law 23-1984. The Natural Environment Limited Protection – Special Zone (NE2-1) recognizes the existing single detached residence which is located within the natural area on the property. The entire property was incorrectly rezoned to NE2-1 in February 2010 during the bylaw update; the previous zoning was AG1 and NE2-1.

The subject lands currently contain a single detached dwelling, a woodlot, and a small agricultural parcel. Because this property is not of sufficient size to support an agricultural use, the Township Official Plan is supportive of recognizing the property under the Agricultural Small Holding (AG4) provisions of the Zoning By-law. This property meets the maximum lot size of 4 hectares (9.9 acres) for AG4 parcels as it is approximately 6 acres in size.

A home industry is a permitted use within the Agricultural Small Holding (AG4) zone; however, all home industries are subject to several provisions, one being that a home industry is restricted to having two persons, other than the owner, being employed therein on a full-time basis. The applicant has indicated that he would like to have four persons, other than himself, employed on a full-time basis at the cabinetry-making business he will operate. The applicant had originally inquired whether the definition of home industry could be modified for this property, to allow an additional 4 employees for a total of six (6) employees (other than himself) being permitted; the Planner indicated that a home industry with 6 additional employees would exceed the scale which is appropriate on an Agricultural Small Holding (AG4) parcel and that should his business require that number of employees, it should be located within one of the nearby villages.

Section 3.D.8 of the Howick Official Plan states that, "On-farm business activities that are compatible with neighbouring uses and secondary to the farm will be encouraged. Home occupations and small-scale home industries are permitted in the agricultural designation". The issue of scale became problematic if a business requires a great number of employees on-site

because it is likely exceeding the appropriate scale for the agricultural designation and would be better located in a settlement area.

The applicant has since reduced his request to a total of four (4) employees being permitted (i.e. two more than the By-law currently permits). He has indicated that his intention is to be able to employ his sons in his carpentry business when they live off of the property. A total of four (4) full time employees is a reasonable limit for this type of home industry. It is anticipated that this home industry will maintain the residential character of the property and remain secondary in nature.

OTHERS CONSULTED

- Wray Wilson, CBO
- Mike Alcock, Civil Engineering Technologist, County Highways
 - Mike Alcock was consulted in relation to the proposed location of the access to the proposed shop. The applicant has verbally stated that he will be applying to widen the existing access onto Harriston Road, as opposed to applying for a new access.

The Planning Department recommends approval of the application.

During discussion, questions were raised from Mr. David Schneider and Councillor Scott with regards to limitations of additional employees. Mr. Schneider is concerned the business will further expand without supervision and stipulations. Ms. Carnochan stated, under the provisions of the By-law future growth is only allowable if land supply is available. Mr. Martin would be allowed to expand his business if he relocated to a more suitable property, perhaps within one of the villages. He will however, not receive permission to do so on Concession 8, Pt. Lot 25 as per the Zoning By-Law. Deputy Reeve Yungblut addressed her concerns on relocation. She would like to see Agricultural Business remain outside of villages.

Mr. Schneider is concerned the dust collectors needed for this type of business will produce a continuous noise or hum and also inquired about business hours. He has asked that steps be taken to keep the noise collectors to a minimum. Mr. Martin explained that an outside dust collector to recycle air will be available and that there is a possibility that the collector be located on the back portion of the building, therefore keeping noise levels down. He also stated, dust collectors available today create little disturbance. Wray Wilson, Public Works Superintendent stated through site plan control the collector may be placed on the west side instead of east side. Mr. Martin noted business hours will run from 9:00 am until 5:30 pm. Ms. Carnochan further stated through discussion any relocation of the operation would not be permitted on the property due to conservation land, and further noted any expansion would not be permitted under the Zoning By-Law.

Mr. Schneider noted that he wishes to remain in good standing with Mr. Martin as his neighbour. This discussion will be recorded in the minutes and he trusts Mr. Martin keep to his word and does not wish to dispute Mr. Martin continuing with his operation.

Mr. Schneider then left the meeting at 7:25 pm.

Zoning By-Law Amendment – Concession A, Part Lot 28 (Howick Homes)

Ms. Carnochan reviewed her report relating to the application, noting that the purpose of the amendment is to change the zoning on Part Lot 28, Concession A, Part 1 of Reference Plan 22R5187, in the Village of Wroxeter to Village Residential Medium Density (VR2) to permit a multi-unit residential development.

The subject lands are designated Urban in the Howick Township Official Plan and currently zoned Development (D) on the Wroxeter Main map of the Township of Howick Zoning By-Law 23-1984. An error occurred during the February 2010 Zoning By-law update where the zoning on this property was amended from Village Residential Low Density-Special Zone (VR1-14) to Developmental (D); this was not an intentional amendment.

One goal of the Howick Official Plan is to provide a broad mix of housing choices, both to rent and own, in sufficient supply and variety in type, cost and location to meet the varying housing needs of the community. The proposed type of development could be attractive to seniors which is a growing demographic in the Huron County community. The Township of Howick Official Plan permits higher density residential uses where design compatibility with the surrounding area is not an issue and provided the size of the parcel is appropriate for the proposed use and conforms to the provisions of the Zoning By-law.

In terms of neighbourhood compatibility, while the subject lands are currently vacant, neighbouring land uses include agriculture, natural environment and low-density residential

development. Given that the subject parcel is located at the edge of the Village of Wroxeter, it is unlikely that the proposed multi-unit development will create incompatibilities with the existing neighbourhood from an aesthetic or functional perspective. This parcel fronts onto Main Street which is a publicly owned and operated road thus no access onto the County Road 12 (Brussels Line) will be necessary.

In terms of zoning compliance, the subject parcel meets the minimum lot size requirement of the Village Residential Medium Density (VR2) zone and could accommodate a multi-unit building.

However, due to concerns on behalf of the County's Highway Department in relation to the location of fencing, trees, and lighting, in addition to other planning considerations including parking areas and lot grading and drainage, it is recommended that this property be placed under site plan control and that a site plan agreement be signed prior to the issuing of a building permit. The Planner discussed the proposed site plan control by-law with the applicant on June 25, 2010, at which time the applicant was agreeable to the recommendation.

Section 5.D.5. of the Howick Official Plan states that lot sizes will be based on the suitability of soils for sewage disposal. In June of 2005, a nitrate study and hydro-geological review was prepared by R.J. Burnside and Assoc. Ltd. for the subject lands (Note: the study was submitted with a severance application to the County of Huron). This study indicates that septic systems may have to be on raised beds due to the high water table, and that these systems should be constructed under the direction of a qualified engineer. This is another aspect of the development which can be considered in more detail at the time of site design and the site plan agreement.

OTHERS CONSULTED

- Wray Wilson, CBO/Zoning Administrator
- Mike Alcock, Civil Engineering Technologist, County Highways Department

The Planning Department recommends the following:

- That Council pass a site plan control by-law to make the property subject to site plan control;
- That this application for rezoning be approved.

Through discussion Councillor Scott and Deputy Reeve Yungblut addressed their concerns regarding flooding and multi-residential use concerns with neighbouring properties.

Ms. Carnochan stated she has no concerns with flooding and no objections have been received from neighbouring property owners. The proposed multi-residential unit will house an older population.

Zoning By-Law Amendment – Concession 3, South Part Lot 20 (Cassel)

Ms. Carnochan reviewed her report concerning the application, advising that the purpose of the amendment is:

1. to change the zoning on from General Agriculture-Special Zone (AG1-4) to Agricultural Small Holding-Special Zone (AG4-16) to recognize a small agricultural parcel, and
2. to permit a single wide mobile home on a solid masonry foundation to be established on the property.

The subject property is designated Agriculture in the Howick Township Official Plan and is currently zoned General Agriculture Special Zone (AG1-4) on the South East Howick map of the Township of Howick Zoning By-Law 23-1984. The current zoning of the property (AG1-4) permits a sign manufacturing and retail establishment. No such business has operated on the property for some time and the owners would like the zoning amended to reflect the current use. Because this property is not of sufficient size to support an agricultural use, the Township Official Plan is supportive of recognizing the property under the Agricultural Small Holding (AG4) provisions of the Zoning By-law. This property meets the maximum lot size of 4 hectares (9.9 acres) for AG4 parcels as it is approximately one (1) acre in size.

The subject lands are currently vacant after a fire destroyed the previous residence and home business buildings on May 17, 2010. The applicant is proposing to place a single wide mobile home on the property. This requires recognition through a Special Zone (AG4-16) because the Township of Howick Zoning By-law currently permits the establishment of double, but not single-wide, mobile homes in the Agricultural Small Holding (AG4) zone. The establishment of a single-wide mobile home is supportable in the Agricultural designation provided it is constructed with a solid, masonry foundation and therefore resembles a permanent, as opposed to a mobile, dwelling.

In terms of zoning compliance, the proposed location of the mobile home is in the center of the one (1) acre property and will meet all of the zone provisions of the Agricultural Small Holding (AG4) zone.

OTHERS CONSULTED

- Wray Wilson, CBO/Zoning Administrator

The Planning Department recommends approval of the application.

Mr. Cassel stated that he has since changed his plans for housing. He has now decided to place a double wide modular home on this property instead of a mobile home. Jenny Versteeg, also present at the meeting and owner of neighbouring property, stated she has no concerns as long as it wasn't going to be a mobile home.

Zoning By-Law – Housekeeping Changes

Ms. Carnochan explained that the purpose of a Housekeeping amendment is to make any required changes to the existing Zoning By-law resulting from out-of-date provisions, difficult wording, or to address recurring issues or amendments to a particular provision or use. The purpose of this particular housekeeping is to rectify some issues that occurred during the recent Zoning By-law update. The minor additions to the proposed by-law amendment do not change the overall intent, purpose or effect of the Zoning By-law amendment. Council will need to pass a By-law under Section 34(17) of the Planning Act to incorporate those minor changes which were not circulated.

This housekeeping amendment proposes the following changes:

1. To remove the Conservation Authority Notification Areas (CANA) labels from the Open Space –Parkland (OS2) zones
 - The Conservation Authority Notification Areas (CANA) layer was added to the Open Space-Parkland (OS2) layer in error; these areas consist of baseball diamonds, soccer fields and other municipal parks and therefore do not require Conservation Authority Notification Areas.
2. To amend the legal non-complying uses provision to allow buildings to be reconstructed in a location other than the original provided the new location does not further reduce the compliance with the provision of the By-law to which the original building did not comply.
 - This amendment was intended to be included in the recent complete update process. The effect of this amendment is that landowners will be able to, for example, re-build a house in a location other than the original, so long as they do not locate closer to the neighbouring barns in a case of non-compliance with the Minimum Distance Separation Formula setbacks. This amendment is designed to create more flexibility within the Zoning By-law.
3. To amend the General Provisions section with the addition of a provision regarding the location and use of outdoor fuel combustion appliances.
 - This amendment was intended to be included in the recent complete update process.
4. To amend the zoning on Concession A, Part Lot 28, Parts 2, 3, 4, 5, 6, 7, and 8 on RP 22R-5187 in the Village of Wroxeter from Development (D) to Village Residential Low Density (VR1-14) to correct an error which occurred during the recent Zoning By-law Update.
 - This amendment is a result of a 2005 Zoning By-law Amendment not being consolidated within the By-law; this error was recently noticed and is now proposed to be amended to its' intended zoning.
5. To add the provisions for Village Residential –Special Zone (VR1-14) to regulate minimum lot sizes and recognize the lot frontages, to allow the lands to be developed for single detached residential use.
 - This amendment is a result of a 2005 Zoning By-law Amendment not being consolidated within the By-law; this error was recently noticed and is now proposed to be amended to its' intended zoning.
6. To amend Section 1, Title and Scope with the addition of 1.20, a provision which states that all Acts stated in this By-law are in accordance with the most recent Revised Statutes of Ontario.
 - The purpose of this amendment is to update the Zoning By-law be consistent with updated legislation.
7. To reformat and renumber the General Provisions section.
 - The purpose of this amendment is to make the By-law more organized and user-friendly.
8. To amend the mapping on Plan 316 S Pt Lot 15 in the Village of Wroxeter to be zoned Open Space (to correct an error which occurred during the recent Zoning By-law Update).

- This error was recently noticed and is now proposed to be amended to its intended zoning.

In addition to the above changes which were circulated to the public and required agencies, the following additional changes are proposed:

9. To change the colour of the Open Space- Hazard Land (OS1) and Open Space-Parkland (OS2) layers on the mapping to create more of a distinction between these areas and the Natural Environment- Full Protection (NE1 zone)
10. To add lot numbers into the Zoning By-law mapping to increase the user-friendliness of the document.
11. To change the Institutional (I) zones on several of the key maps to Community Facility (CF) as intended during the recent Zoning By-law update process; a few of these zones were not changed in error and are now proposed to be amended to their intended zoning.
12. To amend several of the General Agriculture-Special zones and Agricultural Small Holding Special zone labels to reflect the proper annotation; these were amended in error during the recent Zoning By-law update process.

OTHER PLANNING MATTERS

Proposed Cash-in-Lieu of Parkland By-Law

Ms. Carnochan presented a report recommending that Council consider passing a ‘Cash In-Lieu of Parkland’ by-law that would provide direction and set criteria for determining the amount payable. The by-law would provide clarity and consistency.

After brief discussion, it was determined that this matter will be brought back to the next Council meeting for further consideration.

ADJOURNMENT

MOTION #206/10

Moved by Yungblut

Seconded by Scott

THAT HOWICK TOWNSHIP COUNCIL now adjourns the July 14th, 2010 Public Meeting at 7:45 pm, and forthwith convenes the Special Meeting of Howick Township Council at this time. **CARRIED**

REEVE

ACTING CLERK