

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
PUBLIC MEETING AGENDA – DECEMBER 13, 2021 AT 2:00PM
VIA WEB CONFERENCING**

HOW TO JOIN

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://us02web.zoom.us/j/86588533040>

Description: Public Meeting Under the Planning Act

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

855 703 8985 (Toll Free) or 1 438 809 7799 (*long distance charges may apply*)

Webinar ID: 865 8853 3040

**PAGE
NUMBER**

CALLING TO ORDER - Mayor Lennox

DISCLOSURE OF PECUNIARY INTEREST

ZBA 26/21 Elvin & Ruthetta Martin

OWNERS/APPLICANT

Elvin & Ruthetta Martin

LOCATION OF THE SUBJECT LAND

The land subject to the proposed amendment is described as Div 3 to 4 Pt Lot 18 EOSR; Div 1 Pt Lot 19 EOSR, with civic address of 9217 Highway 6, Kenilworth. The property is approximately 58.56 ha (144.70 ac) in size. *The location is shown on the map attached.*

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PURPOSE AND EFFECT OF THE APPLICATION

The purpose and effect of the proposed amendment is to rezone the property to permit a new 455.22 m² (4,900 ft²) farm equipment repair shop and permit a maximum of 4 employees on site. Additional relief may be considered at this meeting.

NOTICE

Notices were mailed to property owners within 120 m of the subject property as well as the applicable agencies and posted on the subject property on November 22, 2021.

PRESENTATIONS

Asavaari Jadhav, Junior Planner & Matthieu Daoust, Planner, County of Wellington, Township of Wellington North

- o Planning Report dated December 7, 2021

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CORRESPONDENCE FOR COUNCIL'S REVIEW

REQUEST FOR NOTICE OF DECISION

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.

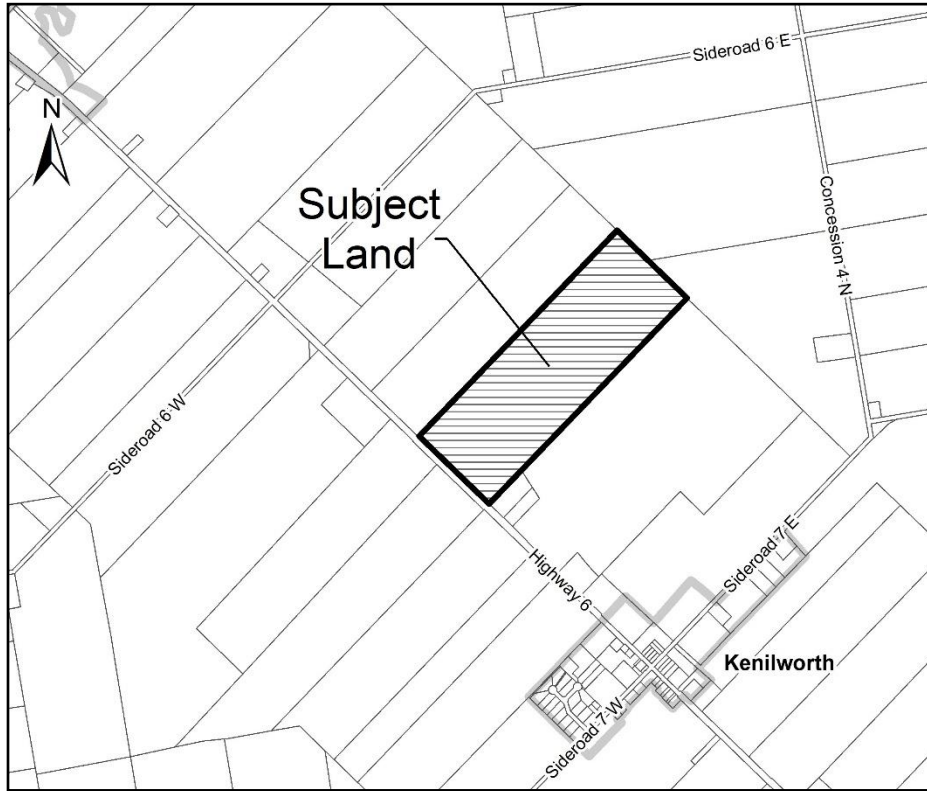
MAYOR OPENS FLOOR FOR ANY COMMENTS/QUESTIONS

COMMENTS/QUESTIONS FROM COUNCIL

ADJOURNMENT

Recommendation:

THAT the Public Meeting of December 13, 2021 be adjourned at _____ pm.





**PLANNING REPORT
for the TOWNSHIP OF WELLINGTON NORTH**

Prepared by the County of Wellington Planning and Development
Department

DATE: December 7th, 2021
TO: Darren Jones, C.B.O.
Township of Wellington North
FROM: Asavari Jadhav, Junior Planner
Matthieu Daoust, Planner
County of Wellington
SUBJECT: **Elvin and Ruthetta Martin**
Div 3 to 4 Pt Lot 18 EOSR; Div 1 Pt Lot 19 EOSR
Zoning By-law Amendment (ZBA 26/21)

Planning Opinion

The proposed zoning amendment would provide relief from home industry regulations to establish a 455.22 m² (4,900 ft²) farm equipment repair shop and permit a maximum of four (4) employees who are not permanent residents on the property. The property is currently zoned Agricultural (A) and Natural Environment (NE). The proposal would amend the lands currently zoned Agricultural.

The home industry criteria provided in the zoning by-law is intended to regulate the size and scale of these types of uses in the Prime Agricultural areas. This criterion was established under the former Provincial Policy requirements for secondary uses in Prime Agricultural areas in which small scale was defined and further regulated through local zoning by-laws. Under the current Provincial Policy State (PPS) criteria, the size and scale is contained by an area of operation that shall not exceed 2% of the area of the farm to a maximum area of 1 ha. This proposal does not exceed the aforementioned figures.

Based on the PPS criteria staff are satisfied that the proposal is in general conformity with the County of Wellington Official Plan and we are supportive of the request to rezone the property. The business remains secondary to the main agricultural use and complies with the other home industry regulations under the Zoning By-law.

INTRODUCTION

The subject property is legally described as Div 3 to 4 Pt Lot 18 EOSR; Div 1 Pt Lot 19 EOSR, with civic address of 9217 Highway 6, Kenilworth. The property is approximately 58.56 ha (144.70 ac) in size. The land is currently occupied by an existing dwelling, garage and a barn.

PROPOSAL

The proposed amendment is to rezone the subject lands to provide relief from the home industry regulations establish a 455.22 m² (4,900 ft²) farm equipment repair shop and permit a maximum

of four (4) employees who are not permanent residents on the property. The proposal would amend the current Agricultural zone.

PROVINCIAL POLICY STATEMENT (PPS)

The subject property is located within the PRIME AGRICULTURAL area. Under the PPS permitted uses within prime agricultural areas include: agricultural uses, agricultural related uses, and on-farm diversified uses. An on-farm diversified use is defined as: uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.

According to the Province's *Guidelines on Permitted Uses in Ontario's prime Agricultural Areas (Publication 851)*, a home industry on a commercial farm is not limited to producing products that are agriculturally related. The guidelines also recommend that such uses not occupy more than 2% of the area of a farm (up to a maximum of 1 hectare in area). Municipalities may set building size limits/caps to regulate building size to a scale deemed appropriate in the prime agricultural area.

WELLINGTON COUNTY OFFICIAL PLAN

The subject lands are designated PRIME AGRICULTURE and CORE GREENLANDS. Identified environmental features include Grand River Conservation Authority regulated Flood Plain. The proposed use is beyond the required 30m set back from the environmental feature on the subject property.

Under section 6.4.3 of the Plan, secondary uses including home businesses and farm businesses are permitted. Section 6.4.4 further outlines that a home business includes home industries which "are small in scale with a limited number of employees, and minimal off site impacts – examples include minor equipment repair, woodworking, crafts, and welding".



Figure1: 2015 aerial photo

ZONING BY-LAW

The subject property is zoned Agricultural (A) and Natural Environment (NE). Home Industries are permitted within the Agricultural zone subject to criteria outlined in Section 6.14. Section 6.14 b) a home industry may include such uses as a woodworking shop and furniture fabrication.

The amending bylaw will address areas under the Home Industry criteria and site specific zoning that this use is not in compliance with as follows:

Building size

The applicant is proposing to build a 455.22 m² (4,900 ft²) farm equipment repair shop. As per Section 6.14(d), the maximum square footage for any or all buildings or structures used for a home industry shall not exceed 232.25 m² (2,500 ft²) of floor area which shall include but is not limited to: generator room, lunchroom, office, mechanical room, basement area and inside storage area. The applicant has also indicated that as the business scales up they are to have no more than four (4) employees who are not permanent residents on the property engaged in the home industry.

PLANNING DISCUSSION

Home Industry criteria

The home industry criteria provided in the zoning by-law is intended to regulate the size and scale of these types of uses in the Prime Agricultural areas. The criteria was established under the former PPS requirements for secondary uses in Prime Agricultural areas in which small scale was defined and further regulated through local zoning by-laws. The current PPS (2020) policies for on-farm diversified uses which replaces secondary uses has broadened the area of operation to reflect the farm size. Under the new PPS criteria, the size and scale is contained by an area of operation that shall not exceed 2% of the area of the farm to a maximum area of 1ha (10,000 m²). In this instance, based on the application submitted the workshop operation does not exceed the aforementioned figures.


Draft Zoning By-law:

Planning Staff have prepared a draft site specific by-law that provides relief from the regulations of the home industry to establish a 455.22 m² (4,900 ft²) farm equipment repair shop and permit a maximum of four (4) employees who are not permanent residents on the property. The draft by-law is attached to this report for public viewing and Council's consideration.

We trust these comments will be of assistance to Council in their consideration of this matter.

Respectfully submitted

County of Wellington Planning and Development Department



Asavari Jadhav
Junior Planner



Matthieu Daoust, MCIP RPP
Planner

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
BY-LAW NUMBER _____.**

**BEING A BY-LAW TO AMEND ZONING BY-LAW NUMBER 66-01
BEING THE ZONING BY-LAW FOR THE TOWNSHIP OF WELLINGTON NORTH**

WHEREAS, the Council of the Corporation of the Township of Wellington North deems it necessary to amend By-law Number 66-01; as amended pursuant to Section 34 of The Planning Act, R.S.O. 1990, as amended

NOW THEREFORE the Council of the Corporation of the Township of Wellington North enacts as follows:

1. THAT Schedule 'A' Map 1 to By-law 66-01 is amended by changing the zoning on lands legally described as Div 3 to 4 Pt Lot 18 EOSR; Div 1 Pt Lot 19 EOSR, with civic address of 9217 Highway 6, Kenilworth, as shown on Schedule "A" attached to and forming part of this By-law from **Agricultural (A) to Agricultural Exception (A-111)**

<p>33.111 Div 3 to 4 Pt Lot 18 EOSR; Div 1 Pt Lot 19 EOSR Elvin & Ruthetta Martin</p>	<p>A-111</p>	<p>Notwithstanding Section 6.14 d) of this By-law, a maximum floor area of 455.22m² (4,900 ft²) for all buildings is permitted for a home industry which shall include but is not limited to; generator room, lunchroom, office, mechanical room, basement area and inside storage areas.</p> <p>Notwithstanding Section 6.14 e) of this By-law, a maximum of four (4) employees who are not permanent residents on the property shall be engaged in the Home Industry.</p>
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2. THAT except as amended by this By-law, the land as shown on the attached Schedule 'A' shall be subject to all applicable regulations of Zoning By-law 66-01, as amended.
3. THAT this By-law shall come into effect upon the final passing thereof pursuant to Section 34(21) and Section 34(22) of The Planning Act, R.S.O., 1990, as amended, or where applicable, pursuant to Sections 34 (30) and (31) of the Planning Act, R.S.O., 1990, as amended.

READ A FIRST AND SECOND TIME THIS _____ DAY OF _____, 2021

READ A THIRD TIME AND PASSED THIS _____ DAY OF _____, 2021

_____.

_____.

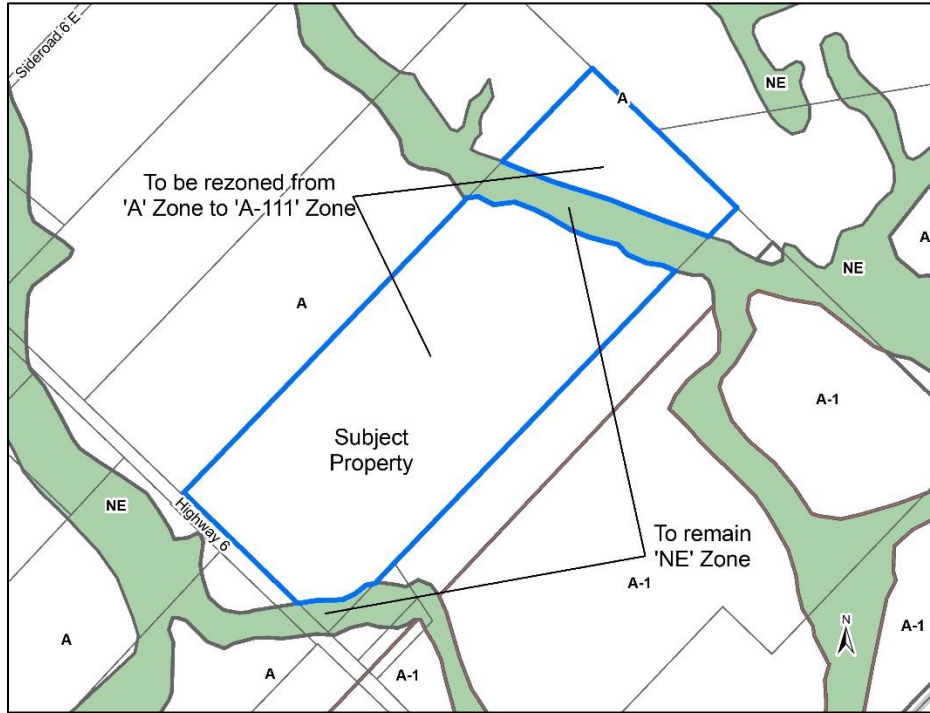
MAYOR

CLERK

THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NO. _____

Schedule "A"



This is Schedule "A" to By-law _____.

Passed this ___ day of _____ 2021

MAYOR

CLERK

EXPLANATORY NOTE

BY-LAW NUMBER _____.

THE LOCATION OF THE SUBJECT LANDS

The subject property is legally described as Div 3 to 4 Pt Lot 18 EOSR; Div 1 Pt Lot 19 EOSR, with civic address of 9217 Highway 6, Kenilworth. The lands subject to the amendment is 58.56 ha (144.70 ac) in size and are currently zoned Agriculture (A) and Natural Environment (NE).

THE PURPOSE AND EFFECT of the amendment is to rezone the subject lands to permit an on farm diversified use. The applicant is proposing to construct a 455.22 m² (4,900 ft²) farm equipment repair shop and seeking relief to permit a maximum of four (4) employees on site who are not permanent residents on the property.