



Township of Wellington North

P.O. Box 125 • 7490 Sideroad 7 W • Kenilworth • ON • N0G 2E0

PUBLIC MEETING

Monday, April 19th, 2010 at 6:45 p.m.

Municipal Office Council Chambers, Kenilworth

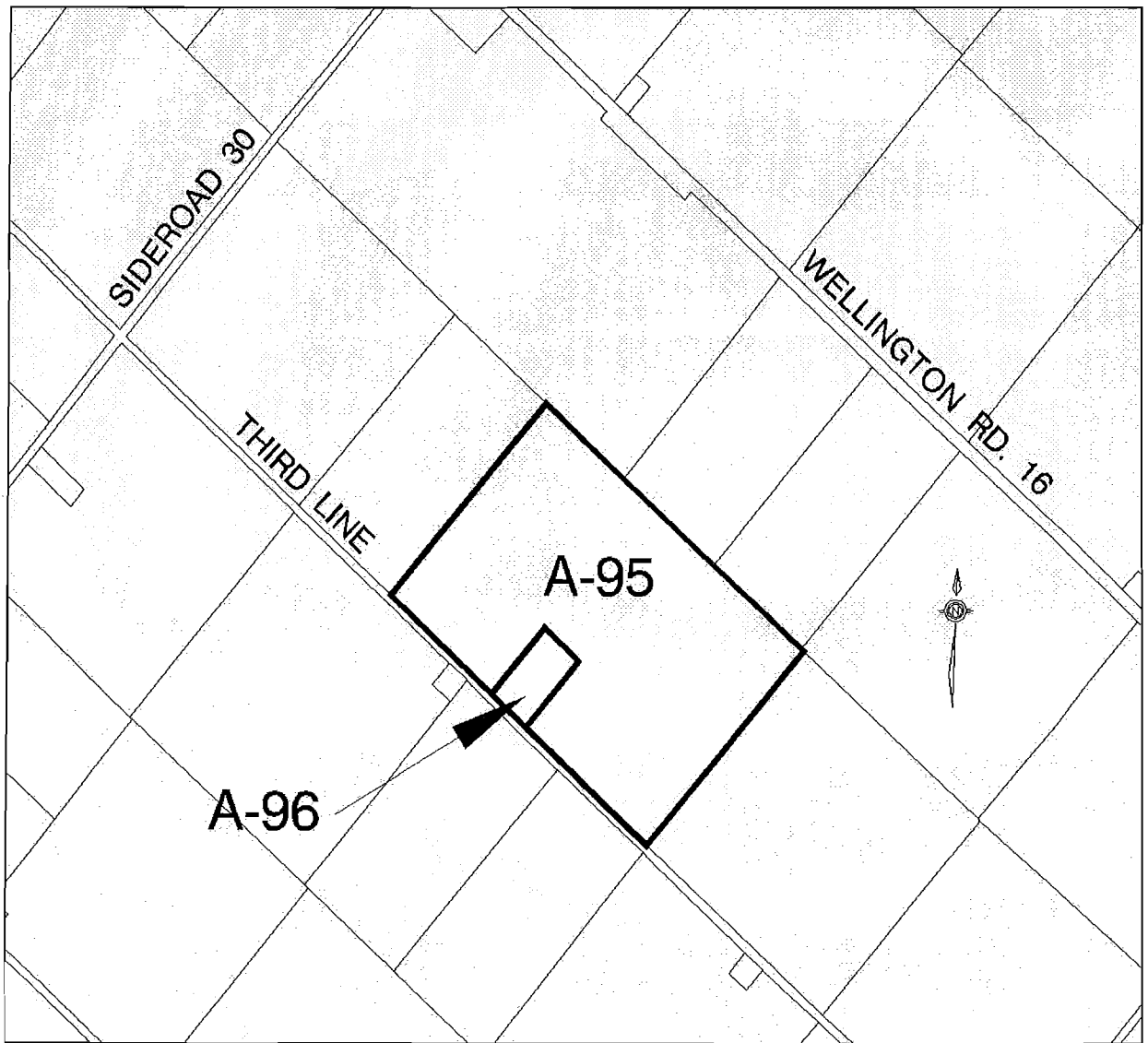
A G E N D A

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AGENDA ITEM	PAGE NO.
<p>The Mayor will call the meeting to order.</p> <p>Declaration of Pecuniary Interest.</p> <p>Owners/Applicant: Debra Schill</p> <p>THE LOCATION being rezoned is in Part Lot 28, Concession 4, former Township of West Garafraxa, with a civic address of 7293 Third Line. The land is approximately 150 acres in size. See attached map.</p> <p>THE PURPOSE AND EFFECT of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural land (A-95) and to regulate the housing of livestock in the existing barn (A-96). This rezoning is a condition of severance application B26/10, that has been granted provisional consent by the Wellington County Land Division Committee. The consent will sever the existing farm dwelling, barn and other accessory buildings (6.1 acres) from the remainder of the agricultural parcel (143.9 acres). The property is currently zoned Agricultural.</p> <p>Please note – Section 34 (12) of the Planning Act.</p> <p>(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.</p> <p>1. Notice for this public meeting was sent to required agencies and property owners within 120 m as well as posted on the property on March 24th, 2010.</p>	01

Public Meeting Agenda
April 19th, 2010

AGENDA ITEM	PAGE NO.
2. Presentations by: <ul style="list-style-type: none">- Linda Redmond, Township Planner- See attached comments and draft by-law from Mark Van Patter, Senior Planner	02
3. Review of Correspondence received by the Township: <ul style="list-style-type: none">- Liz Yerex, Resource Planner, GRCA- No objection- Darren Jones, Chief Building Official, Township of Wellington North- Has concerns	09 11
4. 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.	
5. Mayor opens floor for any questions/comments.	
6. Comments/questions from Council.	
7. Adjournment.	



April 13, 2010

Darren Jones, Building Official
Township of Wellington North
7490 Sideroad 7 W
Kennilworth, ON N0G 2E0

Dear Mr. Jones:

**Re: Debra Schill – Pt. Lot 28, Conc. 4 (former West Garafraxa Twp.)
Restrict Agricultural Land from Future Residential
Restrict Use of Existing Barn for Livestock
Draft Zoning By-law Amendment**

PLANNING OPINION

The rezoning is required as a condition of provisional consent (B26/10) by the Wellington County Land Division Committee. We do not have any concerns with implementing this decision. Both the PPS and County Plan provide for surplus farm dwelling severances, provided the retained lands are rezoned to prohibit future residential dwellings. It is not usual to maintain an existing barn for storage and restrict its use for livestock. The amendment deems the barn and other accessory buildings to meet the zoning by-law in terms of building height, floor areas and hobby barn regulations. In the current case, the future owners of the barn have requested to be able to have a hobby farm operation. In the rezoning, I have required that the MDS 2 is met to the front property line of the neighbouring dwelling across the road.

SUBJECT LAND

The land being rezoned is in Part Lot 28, Concession 4, former Township of West Garafraxa, with a civic address of 7293 Third Line. The land is approximately 150 acres in size.

PURPOSE

This rezoning is a condition of severance application B26/10, that has been granted provisional consent by the Wellington County Land Division Committee. The consent will sever the existing farm dwelling, barn and other accessory buildings (6.1 acres) from the remainder of the agricultural parcel (143.9 acres). The property is currently zoned Agricultural. 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 regulate the housing of livestock in the existing barn / accessory buildings.

PROVINCIAL POLICY STATEMENT (PPS)

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. Section 2.3.3.3 requires new land uses to comply with the Minimum Distance Separation Formulae (MDS).

WELLINGTON COUNTY OFFICIAL PLAN

The subject lands are designated PRIME AGRICULTURE. Section 10.3.4 of the Plan implements the PPS and requires that the remnant parcel be rezoned to prohibit dwellings. Section 6.4.11 requires the application of the MDS to new land uses.

ZONING BY-LAW

The subject property is zoned Agriculture (A).

PLANNING CONSIDERATIONS

Prohibiting a Dwelling on Agricultural Lands

This portion of the rezoning is pretty straight-forward and adheres to established policy.

Non-Complying Accessory Buildings

As a result of the severance, the residential dwelling would be considered the main use and the farm buildings would be accessory. The existing buildings would exceed the height (Section 6.1.3 & Section 8.2.7.2), allowable ground floor area of 1,000 sq. ft. (Section 6.1.4 ii) and allowable ground floor area for a hobby barn (Section 8.3.1). These deficiencies should be recognized in the rezoning. I don't have concerns with providing this relief.

Minimum Distance Separation 1

The prospective purchaser of the dwelling parcel wishes to make use of the barn for a limited amount of livestock (i.e. hobby barn use). The applicant's solicitor, Mary-Lou Fletcher, has written the Township requesting that the rezoning permit: 6 goats, 6 sheep, 5 ponies, 3 miniature pigs, 3 miniature cattle, 3 miniature donkeys, 1 llama and 1 alpaca. I have run both a MDS 1 (on neighbour's house) and MDS 2 (subject barn), and both of the required setbacks are less than the existing 200 metre separation, between the barn and the neighbouring dwelling. I have added a regulation in the draft by-law requiring that the MDS 2 be met for any livestock usage of the barn. In order to increase protection for the neighbour's dwelling, the separation distance shall be to the dwelling's front lot line rather than to the dwelling itself.

DRAFT AMENDMENT

I have attached a draft zoning by-law amendment for Council's consideration.

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

Sincerely,

Mark Van Patter, RPP
Senior Planner

C: Mary-Lou Fletcher, applicant's solicitor and agent

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;

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 described as Part Lot 28, Concession 4, former Township of West Garafraxa), as shown on Schedule "A" attached to and forming part of this By-law from:

- **Agricultural (A) to "Agricultural Exception (A-95)**
- **Agricultural (A) to "Agricultural Exception (A-96)**

2. THAT Section 33, Exception Zone 3 – Rural Areas, is amended by the inclusion of the following new exception:

"33.95	A-95	Notwithstanding any other section of this by-law to the contrary, a residential dwelling shall be prohibited in this zone. Other agricultural uses, that are not accessory to a dwelling, are permitted.
L28, C4 (WG)		

3. THAT Section 33, Exception Zone 3 – Rural Areas, is amended by the inclusion of the following new exception:

"33.96	A-96	Notwithstanding Sections 6.1.3, 8.2.7.2, 6.1.4ii, 8.3.1 or any other section of this by-law to the contrary, the height and floor areas of the accessory buildings shall be deemed to comply with this by-law. Limited livestock shall be permitted within the accessory barn / buildings, provided the Minimum Distance Separation (2) distance to the residential use across the road is maintained. The required separation distance shall be measured to the residential lot's front lot line, rather than to the dwelling itself.
L28, C4 (WG)		

4. 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.
5. 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 _____, 2010

READ A THIRD TIME AND PASSED THIS _____ DAY OF _____, 2010

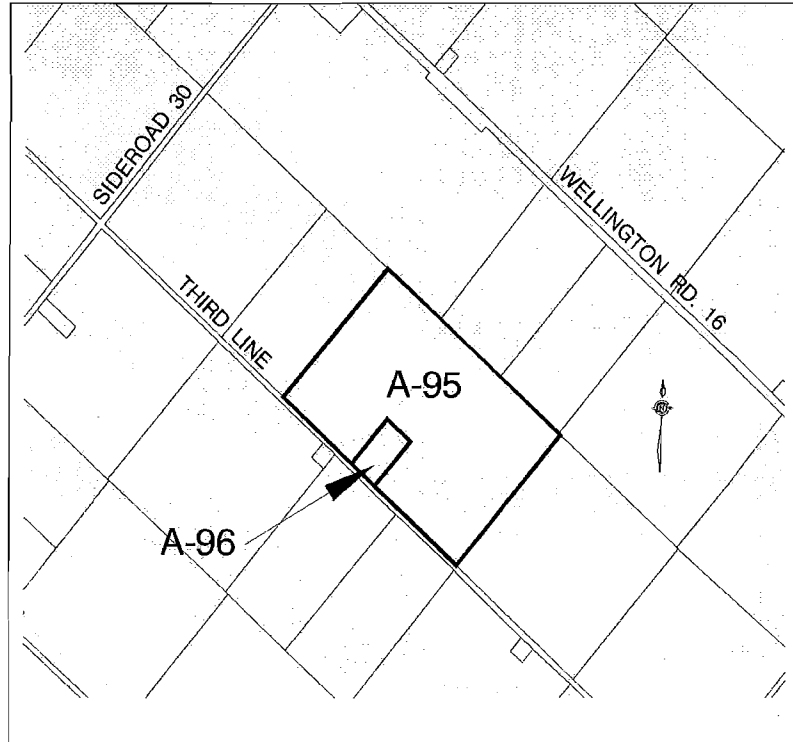
MAYOR

CLERK

THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NO _____.

Schedule "A"



Rezone from Agricultural (A) to Agricultural Exceptions (A-95 and A-96)

Passed this ____ day of _____ 2010.

MAYOR

CLERK

EXPLANATORY NOTE

BY-LAW NUMBER _____.

THE LOCATION being rezoned is in Part Lot 28, Concession 4, former Township of West Garafraxa, with a civic address of 7293 Third Line. The land is approximately 150 acres in size.

THE PURPOSE AND EFFECT of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural land (A-95) and to regulate the housing of livestock in the existing barn (A-96). This rezoning is a condition of severance application B26/10, that has been granted provisional consent by the Wellington County Land Division Committee. The consent will sever the existing farm dwelling, barn and other accessory buildings (6.1 acres) from the remainder of the agricultural parcel (143.9 acres). The property is currently zoned Agricultural.



400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519.621.2761 Toll free: 866.900.4722 Fax: 519.621.4844 Online: www.grandriver.ca

PLAN REVIEW REPORT Township of Wellington North
Darren Jones, Building/Zoning Department

DATE: MARCH 29, 2010 YOUR FILE:
GRCA FILE: Wellington/Well N/ZC/C

RE: Application for Zoning By-law Amendment
Lot 28, Concession 4, former Township West Garafraxa
7293 Third Line

GRCA COMMENT: *

The Grand River Conservation Authority has no objection to the amendment to rezone the subject lands to restrict any future residential development on the agricultural portion of the property and to regulate the housing of livestock in the existing barn.

BACKGROUND:

1. Resource Issues:

A small portion of the subject property (south east corner) falls within the regulated allowance to a wetland. This area is subject to Ontario Regulation 150/06.

2. Legislative/Policy Requirements and Implications:

Please be advised that any future construction or other alteration within the regulated area will require the prior written approval of the Grand River Conservation Authority.

3. Additional Information/Suggestions provided in an advisory capacity:

None


Liz Yerek
Resource Planner
Resource Management Division

* *These comments are respectfully submitted to the Committee and reflect the resource concerns within the scope and mandate of the Grand River Conservation Authority.*



ISO 14001 Registered





L28C4 Garafraxa

LEGEND

- WATERSHED BOUNDARY (GRCA)
- UTILITY LINE (NRVIS)
- ROADS-ADDRESSED (MNR)
- RAILWAY (NRVIS)
- MUNICIPAL BOUNDARY (GRCA)
- DRAINAGE-NETWORK (GRCA)
- PARCELS-ASSESSMENT (MPAC)
- LOTS (NRVIS)
- FLOODPLAIN (GRCA)
- ENGINEERED
- APPROXIMATE
- ESTIMATED
- WETLAND (GRCA)
- PARKS (GRCA)
- REGULATION LIMIT (GRCA)
- DRAINAGE-POLY (NRVIS)
- WOODED AREA (MNR)
- HEDGEROW
- PLANTATION
- TREED

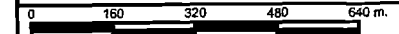


GRCA Disclaimer

This map is for illustrative purposes only. Information contained hereon is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.

The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to:

<http://grims.grandriver.ca/docs/SourcesCitations1.htm>



NAD 1983, UTM Zone 17 Scale 1:14,144





Township of Wellington North

P.O. Box 125 • 7490 Sideroad 7 W • Kenilworth • ON • N0G 2E0

April 15, 2010

Township of Wellington North
7490 Sideroad 7 West
Kenilworth, Ontario
N0G 2E0

Re: Debra Schill
Part Lot 28, Concession 4, former West Garafraxa Township
Roll Number 23-49-000-018-10500-0000

SUBJECT LAND

The land being rezoned is in Part Lot 28, Concession 4, former Township of West Garafraxa, with a civic address of 7293 Third Line. The land is approximately 150 acres in size.

PURPOSE

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BUILDING DEPARTMENT CONSIDERATIONS

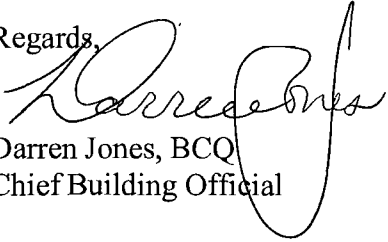
The severed portion will be 6.1 acres. 6.1 acres within the Agricultural Zone is permitted a 710 square foot hobby barn, the existing barn on the subject property is 7242 square feet. The applicant's solicitor is requesting to limit the animal use on the subject property to 6 goats, 6 sheep, 5 ponies, 3 miniature pigs, miniature cattle, 3 miniature donkeys, 1 lama and 1 alpaca. The existing barns capacity is much greater than the proposed use.

The Building Department has concerns with this proposal because limiting animal use within a barn with a much greater capacity will be very difficult to enforce and possibly very costly to the municipality if action had to be taken to bring the property in to conformance with the Zoning By-law. The proposed purchasers may be well aware of the requirements and restrictions of the By-law however when the property is resold future owners may not fully understand these requirements.

My recommendation to Council is that the zoning prohibit all agricultural use on the severed parcel or that the barn be removed and replaced with a hobby barn that complies with the requirements of the Zoning By-law.

I trust that these comments will be helpful to Council in their consideration of this Zoning By-law amendment.

Regards,


Darren Jones, BCQ
Chief Building Official