



7490 Sideroad 7 W, PO Box 125,
Kenilworth, ON N0G 2E0

www.wellington-north.com

519.848.3620

1.866.848.3620 FAX 519.848.3228

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Public Meeting

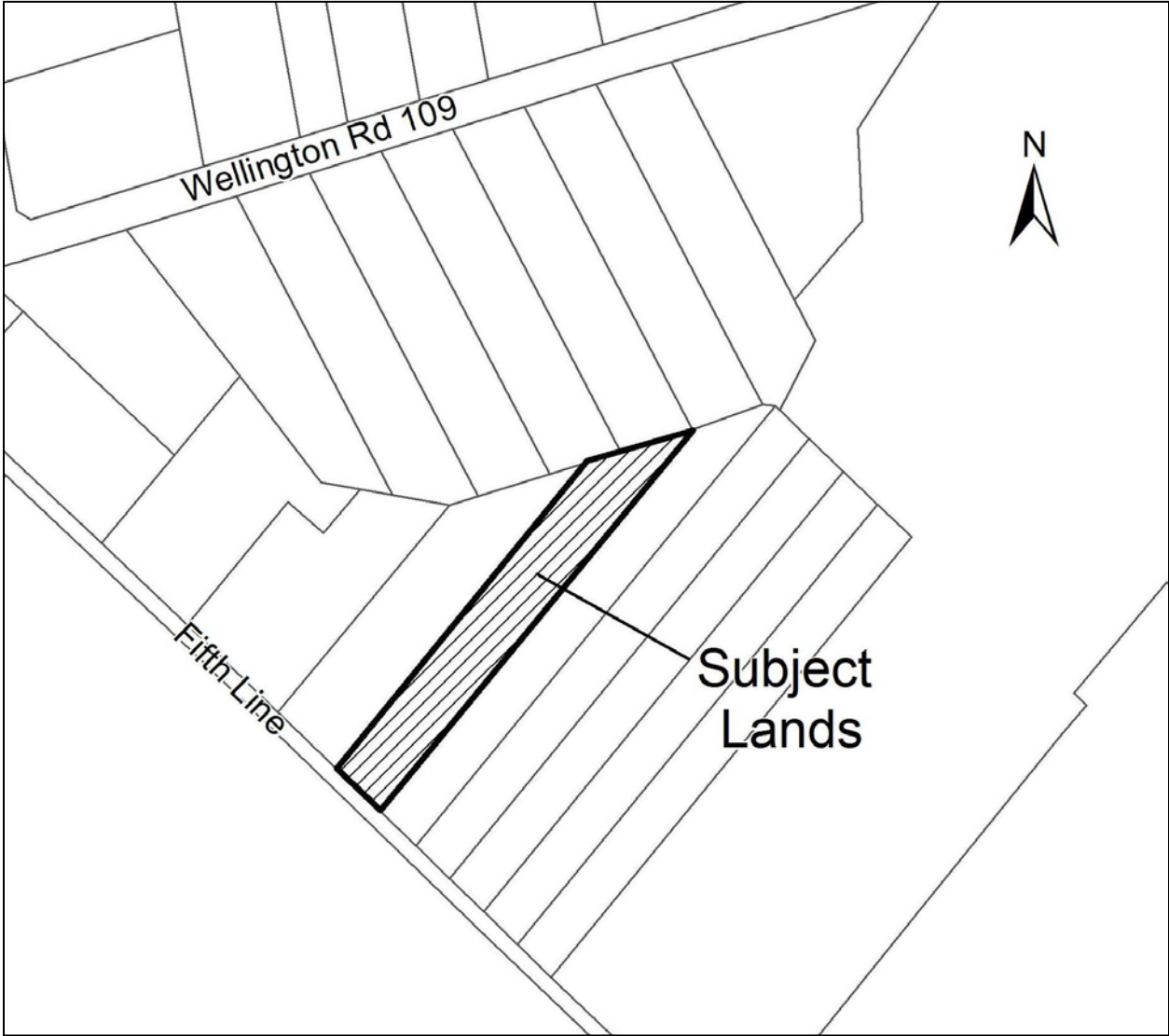
Monday, April 24, 2017 at 7:00 PM

Municipal Office Council Chambers, Kenilworth

AGENDA

AGENDA ITEM	PAGE NO.
<p><u>CALLING TO ORDER</u></p> <ul style="list-style-type: none">- Mayor Lennox <p><u>DISCLOSURE OF PECUNIARY INTEREST(S) AND THE GENERAL NATURE THEREOF</u></p> <p><u>OWNERS/APPLICANT</u></p> <ul style="list-style-type: none">- Ronald and Tracey Yule <p><u>LOCATION OF THE SUBJECT LAND</u></p> <p>The land subject to the proposed amendment is described as Lot 28, Concession 6, 61R-20510 Pt 1, Municipally known as 7303 Fifth Line, Geographic Township of West Garafraxa. The property is 4.04 hectares (10 acres) in size. The location is shown on the map attached.</p> <p><u>PURPOSE AND EFFECT OF THE APPLICATION</u></p> <p>The purpose and effect of the proposed amendment is to rezone the subject lands from Natural Environment to a site specific Natural Environment Zone to permit a residential dwelling. The applicants wish to rebuild a house that was destroyed in a fire, and are requesting to construct a single detached dwelling that will include an in-law suite (i.e. accessory apartment) on the subject property.</p>	1

AGENDA ITEM	PAGE NO.
<p><u>NOTICE</u></p> <p>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 March 29, 2017.</p> <p><u>PRESENTATIONS</u></p> <p>Elizabeth Martelluzzi, Junior Planner.</p> <ul style="list-style-type: none">- See attached report and draft by-law prepared. <p><u>CORRESPONDENCE FOR COUNCIL'S REVIEW</u></p> <ul style="list-style-type: none">- None. <p><u>REQUEST FOR NOTICE OF DECISION</u></p> <p>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.</p> <p><u>MAYOR OPENS FLOOR FOR ANY COMMENTS/QUESTIONS</u></p> <p><u>COMMENTS/QUESTIONS FROM COUNCIL</u></p> <p><u>ADJOURNMENT</u></p>	<p>2</p>



Ronald and Tracey Yule



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

Prepared by the County of Wellington Planning and Development Department

DATE: April 19, 2017
TO: Mike Givens, C.A.O.
Township of Wellington North
FROM: Linda Redmond, Senior Planner
County of Wellington
SUBJECT: **Ron and Tracey Yule**
Lot 28, Concession 6
Zoning By-law Amendment

PLANNING OPINION

The amendment would rezone the subject lands to a Natural Environment exception zone to permit the construction of a single detached dwelling with a second unit. The Natural Environment does not currently permit the construction of new structures or a second dwelling.

We are satisfied that the proposal is in general conformity with the County of Wellington Official Plan and the Provincial Policy Statement.

Location

The subject property is legally described as Lot 28, Concession 6, and municipally known as 7303 Fifth Line, Geographic Township of West Garafraxa. The property is 1.97 hectares (4.9 acres) in size.

Proposal

The applicants wish to construct a single detached dwelling with an accessory apartment, neither of which are currently permitted in the Natural Environment Zone.

BILL 140 - STRONG COMMUNITIES THROUGH AFFORDABLE HOUSING ACT

Bill 140 made changes to various laws, including the *Planning Act* that went into effect in January 2012. The *Planning Act* changes require municipalities to establish Official Plan and Zoning provisions, authorizing the establishment of second units in detached, semi-detached and row houses, as well as in ancillary structures.

PROVINCIAL PLANNING POLICY

The PPS encourages intensification and a range of housing types. Section 1.4.3(b)(2)

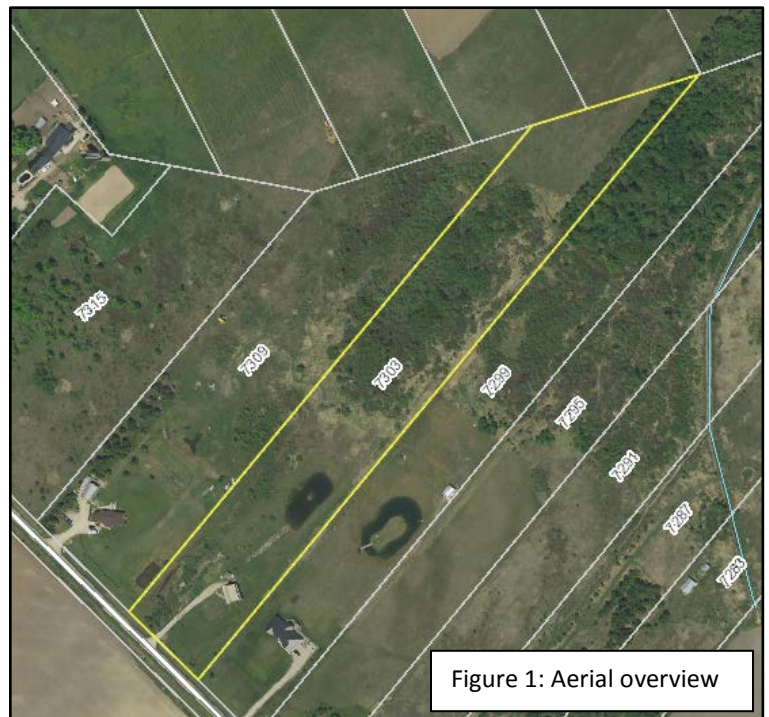


Figure 1: Aerial overview

requires planning authorities to permit and facilitate “all forms of intensification, including second units.”

COUNTY OFFICIAL PLAN

The subject property is designated PRIME AGRICULTURAL and CORE GREENLANDS. The Core Greenlands represent a floodplain and wetland which are located towards the rear of the property, behind the proposed dwelling. Section 6.4.3 e) and f) of the plan permit a single detached home and second units. The second unit policies of Section 4.4.6.1 of the plan (second units within a main residence) permit one second unit in a single detached dwelling on a property, provided that a second unit does not already exist on the property.

Further, the Official Plan provides the following direction regarding Second units:

4.4.6.1 – Second Units Within a Main Residence	
<i>“One second unit may be allowed in a building or structure that is ancillary to a single detached dwelling, provided that a second unit does not already exist on the property. Local Municipalities may enact zoning provisions to address the following matters:</i>	
Criteria	Comment
a) That safe road access can be provided;	The existing access onto Fifth Line will be used.
b) the establishment of a second unit does not require the creation of an additional driveway access;	The existing driveway will be utilized for access.
c) that adequate off-street parking can be provided on site for both the main residence and second unit without detracting from the visual character of the area;	Section 6.27.8 of the by-law requires 1 parking space per single-detached dwelling. It also requires 1 parking space per accessory dwelling unit. The proposed garage and the existing driveway on the property are large enough to accommodate these requirements.
d) that any exterior alterations to the main residence, necessary to accommodate the second unit, are made in the side or rear yards;	The dwelling will be purpose-built to accommodate the second dwelling. There will be a second entrance on the front elevation to serve the second dwelling
e) that adequate amenity areas are provided for the main residence and second unit;	The property is approximately 4 ha (10 acres) in size. There is potential for outside amenity area on the site to service the second unit.
f) the second unit meets the applicable Building Code, Fire Code, and local property regulations;	All applicable code requirements will need to be met. The Township will be reviewing these requirements at the building permit stage.
g) that adequate water and sewage disposal services can be provided to the second unit; and,	Water and sewage disposal servicing of the second unit will be required to meet the Building Code requirements. The Township will be reviewing this at the building permit stage.
h) Whether a garden suite and second unit will not be permitted on the same lot.	The amending by-law will address this requirement by prohibiting a garden suite on the same lot.
A second unit will not be allowed in a dwelling located in hazardous lands	The dwelling is not located in hazardous lands.

ZONING BY-LAW

The subject lands are currently zoned Natural Environment (NE). The NE zone does not permit the construction of new structures nor a second unit.

We have attached two options for an amending by-law for Council review. The first is to remove the Natural Environment (NE) zoning from the portion of the property that does not include wetlands or floodplain features, and to rezone that area to Agricultural Exception (A-193). The Agricultural zone already allows a single dwelling and therefore this zoning would permit the second dwelling within the main residence and remove the Natural Environment zoning from the lot.

The second option for the amending by-law would keep the Natural Environment zoning and create a site-specific Natural Environment Zone (NE-1). This would allow provisions for the construction of a dwelling and to allow a second unit within the main residence.

Council should decide which zoning is appropriate.

ADDITIONAL INFORMATION

The applicants have indicated that the property had an existing dwelling which has recently been destroyed by fire. Since they are reconstructing the building without maintaining the yard depths, height, area size or volume of building, the dwelling cannot be considered a legal non-conforming use and therefore needs to be addressed through this rezoning application.

Respectfully submitted
County of Wellington Planning and Development Department



Elizabeth Martelluzzi, Junior 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 described as Lot 28, Concession 6, 61R-20510 Pt 1, Geographic Township of West Garafraxa, as shown on Schedule "A" attached to and forming part of this By-law from **Natural Environment (NE) to Agricultural Exception zone (A-193).**
2. THAT Section 33, Exception Zone 3, is amended by the inclusion of the following new exception:

33.193 Lot 28, Con 6 61R-20510 Pt 1	In addition to the uses permitted in the Agricultural (A) zone and notwithstanding any other sections of this by-law to the contrary, the land zoned A-193 may be permitted an accessory dwelling unit located within the main residence.
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3. 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.
4. 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 _____, 2017

READ A THIRD TIME AND PASSED THIS _____ DAY OF _____, 2017

_____.

MAYOR

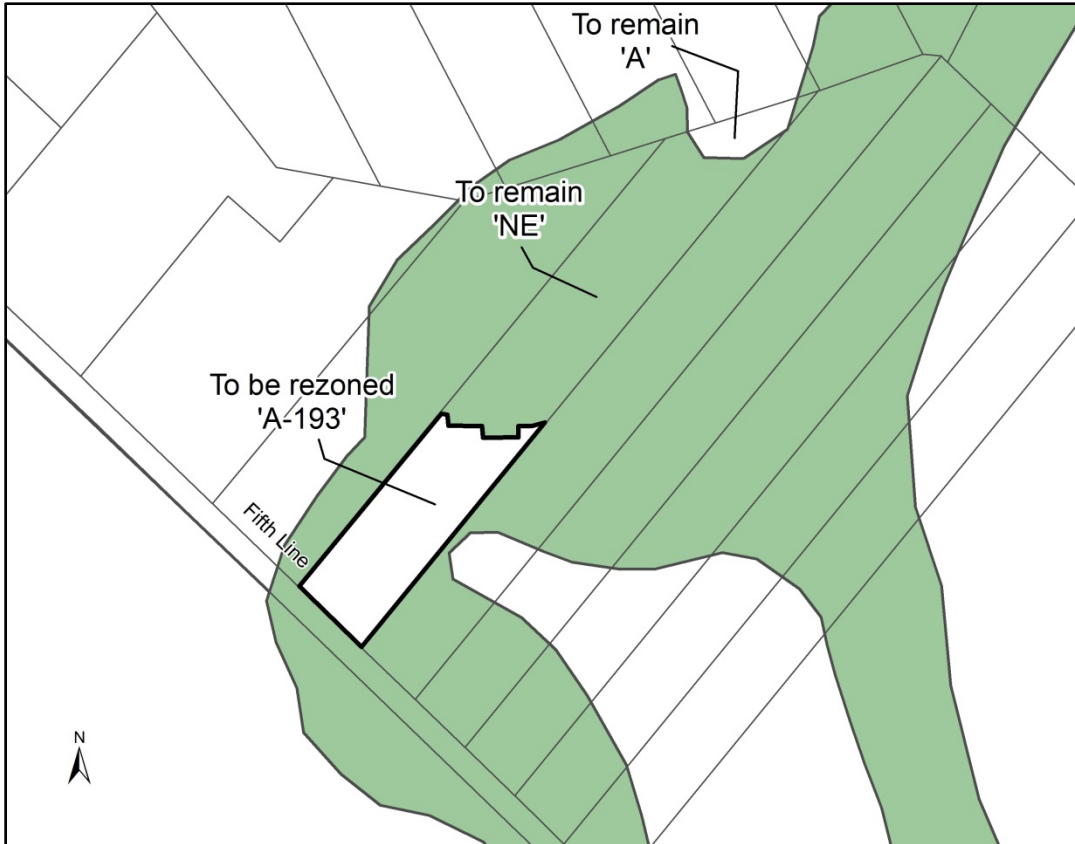
_____.

CLERK

THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NO. _____

Schedule "A"



Rezone from Natural Environment (NE) to Agricultural Exception (A-193)

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

Passed this ____ day of _____ 2017

MAYOR

CLERK

EXPLANATORY NOTE

BY-LAW NUMBER _____.

THE LOCATION OF THE SUBJECT LANDS

The subject lands are legally described Lot 28, Concession 6, 61R-20510 Pt 1, Geographic Township of West Garafraxa and municipally known as 7303 Fifth Line. The property is 4.04 hectares (10 acres) in size.

THE PURPOSE AND EFFECT of the rezoning is to rezone the subject lands from Natural Environment (NE) to an Agricultural Exception zone (A-193) to permit an accessory dwelling with the main residence. The zone amendment will also amend the NE zone boundary.

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:

5. THAT Schedule "A" Map 1 to By-law 66-01 is amended by changing the zoning on lands described as Lot 28, Concession 6, 61R-20510 Pt 1, Geographic Township of West Garafraxa, as shown on Schedule "A" attached to and forming part of this By-law from **Natural Environment (NE)** to **Natural Environment exception zone (NE-1)**.
6. THAT Section 33, Exception Zone 3, is amended by the inclusion of the following new exception:

33.194 Lot 28, Con 6 61R-20510 Pt 1	The lands zone NE-1 may be permitted a dwelling, and an accessory dwelling unit located within the main residence.
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7. 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.
8. 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 _____, 2017

READ A THIRD TIME AND PASSED THIS _____ DAY OF _____, 2017

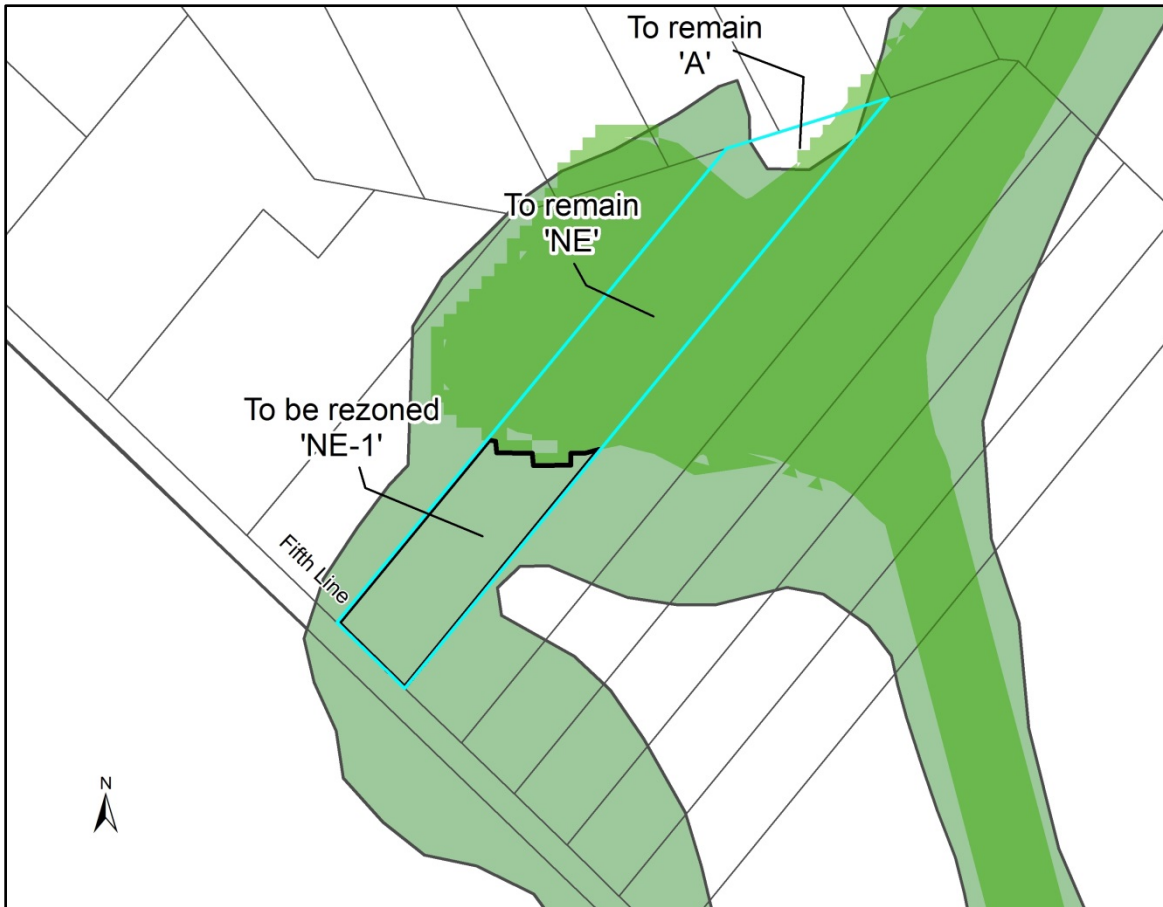
MAYOR

CLERK

THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NO. _____

Schedule "A"



Rezone from Natural Environment to Natural Environment Exception (NE-1)

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

Passed this ___ day of _____ 2017

MAYOR

CLERK

EXPLANATORY NOTE

BY-LAW NUMBER _____.

THE LOCATION OF THE SUBJECT LANDS

The subject lands are legally described as Lot 3, Concession 6, and municipally known as 9531 Concession 6 N, Geographic Arthur Township. The property is 1.97 hectares (4.9 acres) in size.

THE PURPOSE AND EFFECT of the rezoning is to rezone the subject lands from Natural Environment (NE) to a site specific Natural Environment zone (NE-1) to permit the construction of a dwelling and an accessory dwelling to be located within the main residence.