



# Township of Wellington North

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

## PUBLIC MEETING

Monday, June 28th, 2010 at 7:00 p.m.

Municipal Office Council Chambers, Kenilworth

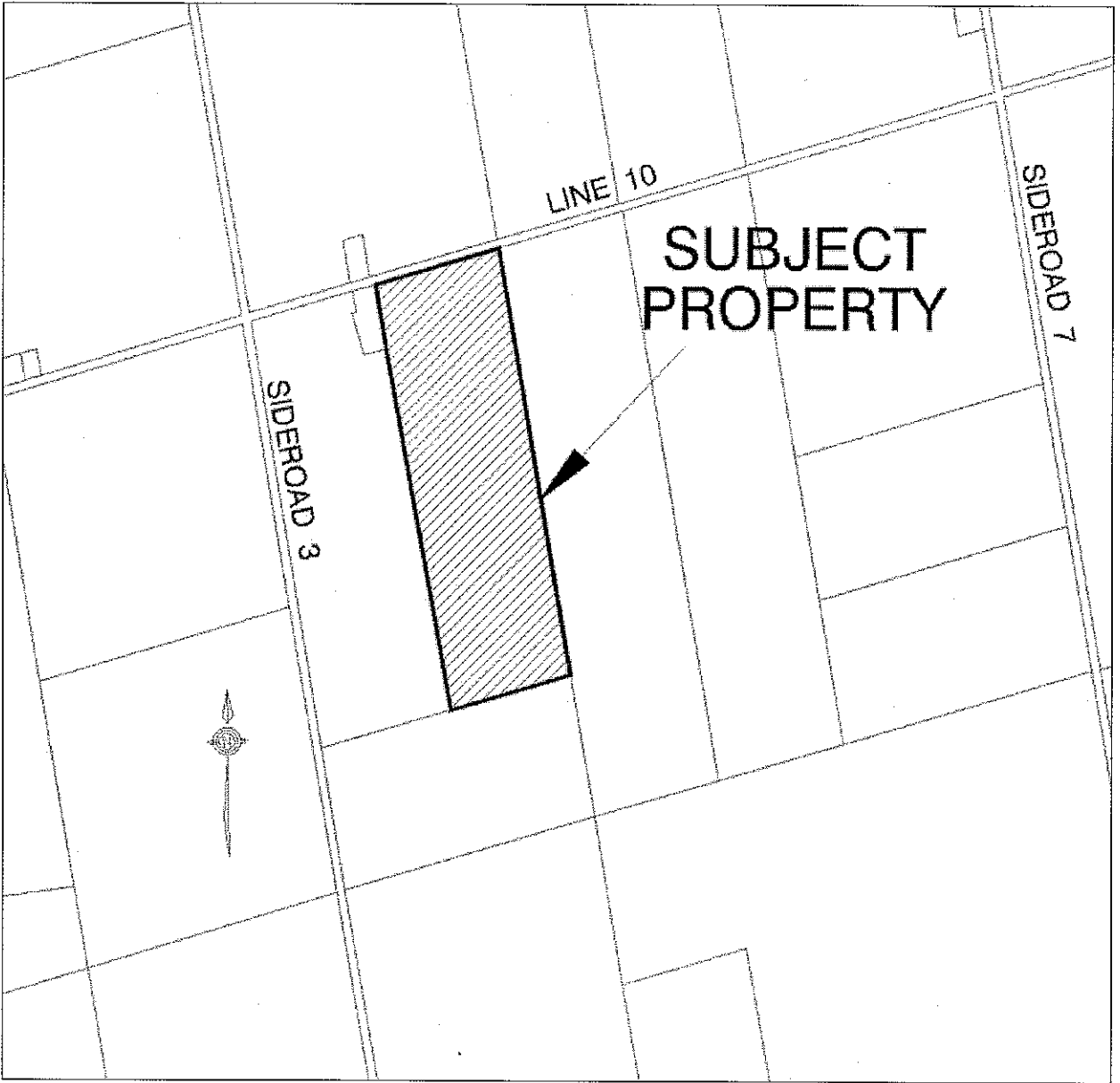
## A G E N D A

Page 1 of 2

AGENDA ITEM	PAGE NO.
<p><b>The Mayor will call the meeting to order.</b></p> <p><b>Declaration of Pecuniary Interest.</b></p> <p><b>Owners/Applicant: Arlene Barbara Pronk</b></p> <p><b>THE LOCATION</b> being rezoned is in Part of Lot 4, Concession 10, former Township of West Luther, with a civic address of 8185 Tenth Line. The land is approximately 74.6 acres in size. The location of the property is shown on the key map attached.</p> <p><b>THE PURPOSE AND EFFECT</b> of the amendment is to rezone the retained farm parcel to A-97, restricting future residential development on the agricultural portion of the property and to rezone the severed parcel to A-98, recognizing existing non-complying accessory buildings and requiring that the number of livestock on the property complies with MDS 2 setbacks as measured from the severed parcel's property line. This rezoning is a condition of severance application B9/10, that has been granted provisional consent by the Wellington County Land Division Committee. The consent will sever the existing farm dwelling from the remainder of the agricultural parcel as per the surplus farm dwelling policies. 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 style="text-align: center;"><b>01</b></p>

**Public Meeting Agenda  
June 28<sup>th</sup>, 2010**

<b>AGENDA ITEM</b>	<b>PAGE NO.</b>
1. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on June 7, 2010.	
2. Presentations by: <ul style="list-style-type: none"><li>- Linda Redmond, Planner</li><li>- See attached comments</li></ul>	02
3. Review of Correspondence received by the Township: <ul style="list-style-type: none"><li>- Darren Jones, Chief Building Official, Township of Wellington North</li><li>- Has concerns</li> <li>- Liz Yerex, Resource Planner, GRCA</li><li>- No objection</li></ul>	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.	



June 21, 2010

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

Dear Mr. Jones:

**Re: Arlene Pronk – Part Lot 4, Conc. 10 (former West Luther 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 (B09/10) 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 property owners have indicated that it is their intention to sell the severed parcel and to ensure flexibility for prospective purchasers. In the site specific zoning amendment, I have required that the MDS 2 is met to the property line of the neighbouring dwellings.

#### **SUBJECT LAND**

The land being rezoned is in Part Lot 4, Concession 10, former Township of West Luther, with a civic address of 8185 Tenth Line. The land is approximately 74.6 acres in size.

#### **PURPOSE**

This rezoning is a condition of severance application B09/10, 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 (5.5 acres) from the remainder of the agricultural parcel (69.1 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 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

The applicant's solicitor, Grant & Archeson LLP, has indicated that the severed parcel is being listed for sale and they do not know what type of livestock a prospective purchaser may wish to raise. Therefore, the applicants have requested that the number of nutrient units permitted on the parcel is limited to five.

The minimum distance separation required from a hobby farm containing five total nutrient units will vary depending on the type of livestock and manure/material storage. From running a number of MDS 1 and 2 reports on the proposed severed parcel and surrounding dwellings I have found that the majority of typical hobby farm livestock (i.e. horses) equalling five nutrient units will meet both MDS setback requirements. However, there are a small number of livestock (i.e. Feeder Pigs) which, due to high odour potential, would exceed MDS 2 setbacks at only five nutrient units. Therefore, I added a regulation in the draft by-law requiring that the MDS 2 be met for any livestock usage of the barn, opposed to restricting the number of nutrient units to five as requested by the applicant. Compliance with MDS 2 is calculated by the Chief Building Official at the time of building permit.

**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,

Charlie Toman, B.E.S.  
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;

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 of Lot 4, Concession 10, former Township of West Luther), as shown on Schedule "A" attached to and forming part of this By-law from:

- **Agricultural (A) to "Agricultural Exception (A-97)**
- **Agricultural (A) to "Agricultural Exception (A-98)**

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

**"33.97            A-97            Notwithstanding any other section of this by-law  
L4, C10 (WL)            to the contrary, a residential dwelling shall be  
prohibited in this zone. Other agricultural uses,  
that are not accessory to a dwelling, are permitted.**

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

**"33.98            A-98            Notwithstanding Sections 6.1.3, 8.2.7.2, 6.1.4ii,  
L4, C10 (WL)            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 neighbouring residential uses is  
maintained. The required separation distance shall  
be measured to the residential lot's property line,  
rather than to the dwelling itself.**

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

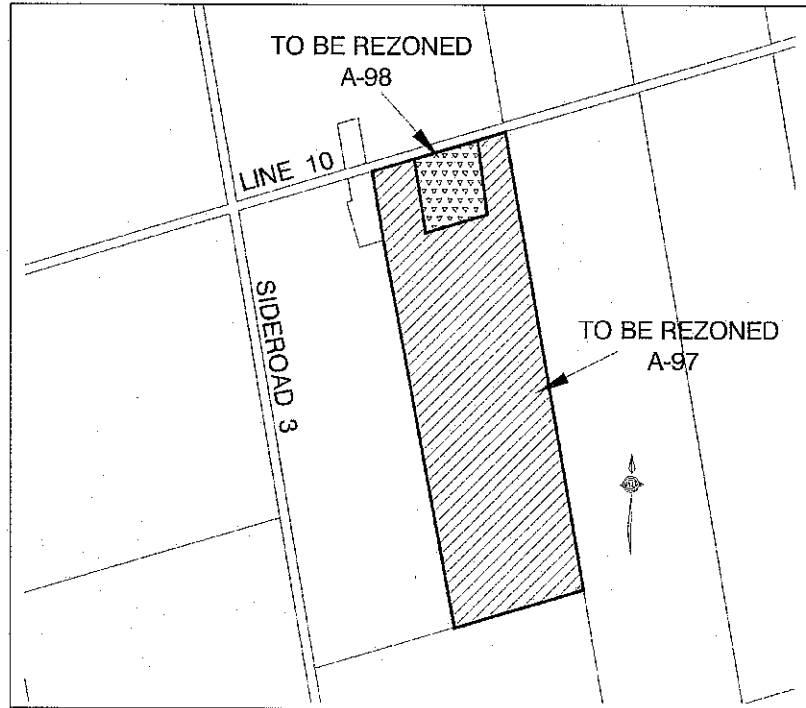
\_\_\_\_\_  
CLERK



**THE TOWNSHIP OF WELLINGTON NORTH**

**BY-LAW NO \_\_\_\_\_.**

**Schedule "A"**



**Rezone from Agricultural (A) to Agricultural Exceptions (A-97 and A-98)**

Passed this \_\_\_\_ day of \_\_\_\_\_ 2010.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

## **EXPLANATORY NOTE**

**BY-LAW NUMBER \_\_\_\_\_.**

**THE LOCATION** being rezoned is in Part of Lot 4, Concession 10, former Township of West Luther, with a civic address of 8185 Tenth Line. The land is approximately 74.6 acres in size.

**THE PURPOSE AND EFFECT** of the amendment is to rezone the retained farm parcel to A-97, restricting future residential development on the agricultural portion of the property and to rezone the severed parcel to A-98, recognizing existing non-complying accessory buildings and requiring that the number of livestock on the property complies with MDS 2 setbacks as measured from the severed parcel's property line. This rezoning is a condition of severance application B9/10, that has been granted provisional consent by the Wellington County Land Division Committee. The consent will sever the existing farm dwelling from the remainder of the agricultural parcel as per the surplus farm dwelling policies. The property is currently zoned Agricultural.



# Township of Wellington North

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

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June 23, 2010

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

**Re: Arlene Barbara Pronk**  
Concession 10, Part Lot 4, former Township of West Luther  
Roll Number 23-49-000-015-17900-0000

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## **SUBJECT LAND**

The location being rezoned is in Part of Lot 4, Concession 10, former Township of West Luther, with a civic address of 8185 Line 10. The land is approximately 74.6 acres in size.

## **THE PURPOSE AND EFFECT**

The purpose and effect of the amendment is to rezone the retained farm parcel to A-97, restricting future residential development on the agricultural portion of the property and to rezone the severed parcel to A-98, recognizing existing non-complying accessory buildings and requiring that the number of livestock on the property complies with MDS 2 setbacks as measured from the severed parcel's property line. This rezoning is a condition of severance application B9/10, that has been granted provisional consent by the Wellington County Land Division Committee. The consent will sever the existing farm dwelling from the remainder of the agricultural parcel as per the surplus farm dwelling policies. The property is currently zoned Agricultural.

## **BUILDING DEPARTMENT CONSIDERATIONS**

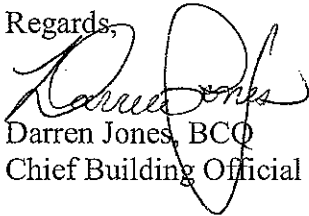
The severed portion will be 5.5 acres. 5.5 acres within the Agricultural Zone is permitted a 650 square foot hobby barn, the existing barn on the subject property is 3300 square feet. The applicant's solicitor is requesting to limit the animal use on the subject property to five nutrient units. The existing barns capacity is much greater than the proposed use. Also located on the property is a 2600 square foot accessory building. The Zoning By-law restricts the size of accessory building to 1000 square feet on agricultural properties that are less than 25 acres.

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 prohibits 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



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, Chief Building Official

RECEIVED  
JUN 21 2010

DATE: JUNE 16, 2010  
GRCA FILE: Wellington/Well.N/ZC/C

YOUR FILE:

TWP. OF WELLINGTON NO

RE: Application for Zoning By-law Amendment  
Part Lot 4, Concession 10, Township of Wellington North (West Luther)

GRCA COMMENT: \*

The Grand River Conservation Authority has no objection to the proposal to rezone the lands to restrict any future residential development on the agricultural portion of the property and restrict the number of nutrient units in the existing bank barn.

BACKGROUND:

1. Resource Issues:

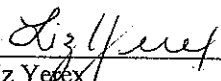
A small portion of the property lies within the regulated allowance of a wetland. The wetland is located on the adjacent parcel

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 Yee  
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.*

