



# Township of Wellington North

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

## PUBLIC MEETING

Monday, July 25th, 2011 at 7:00 p.m.

Municipal Office Council Chambers, Kenilworth

## A G E N D A

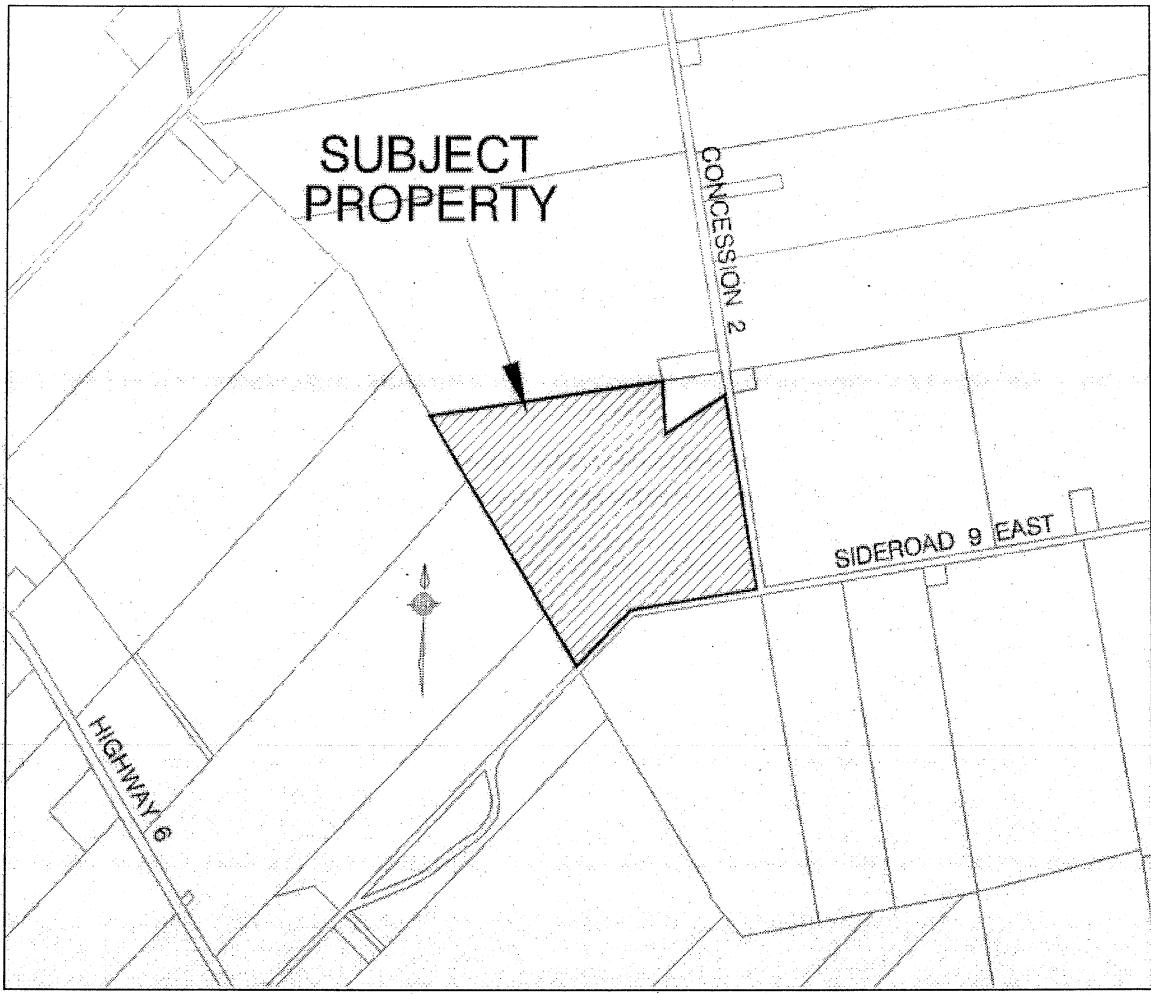
Page 1 of 4

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: Duane Colbers</b></p> <p>THE LOCATION being rezoned is in Part Lot 21 Concession 3, with a civic address of 7778 Sideroad 9 East. The land is approximately 101 acres (40.9 hectares) in size. [See map attached]</p> <p>THE PURPOSE AND EFFECT of the amendment is to rezone the subject lands to prohibit any future residential development on the agricultural portion of the property, to prohibit the keeping of livestock and allow a reduced setback for the existing agricultural building and to allow for an oversized garage on the residential portion of the property. This rezoning is a condition of severance application B6/11, which was granted provisional approval by the Wellington County Land Division Committee. The consent will sever the existing farm dwelling [2.1 ac (0.8 ha)] from the remainder of the agricultural parcel [99 ac (40 ha)]. 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 property owners within 120 m and required agencies and posted on the property on June 29th, 2011.</p>	<p>01</p>

<b>AGENDA ITEM</b>	<b>PAGE NO.</b>
2. Application for Zoning By-law Amendment	02
3. Presentations by: - Denise Whaley, Junior Planner - See attached comments and draft by-law	13
4. Review of Correspondence received by the Township: - Liz Yerex, Resource Planner, GRCA - No objection	15
5. 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.	
6. Mayor opens floor for any questions/comments.	
7. Comments/questions from Council.	

AGENDA ITEM	PAGE NO.
<p><b>Declaration of Pecuniary Interest.</b></p> <p><b>Owners/Applicant: Hedge Apple Farms Limited</b></p> <p>THE LOCATION being rezoned is in Part Lot 7, Concession 5, which previously formed part of the lot located at civic address of 7513 Sideroad 3 East and was subject to severance. The subject lands are located at the northeasterly portion of the original lot, fronting on Sideroad 3 East. The land is approximately 0.9 ha (2.2 ac) in size. [See map attached]</p> <p>THE PURPOSE AND EFFECT of the amendment is to rezone the property from Agricultural (A) to an appropriate zone to permit a parochial school to be established on the property. This rezoning is a condition of severance application B64/11, which was granted provisional approval by the Wellington County Land Division Committee. The consent will sever a lot [0.9 ha (2.2 ac)] from the remainder of the agricultural parcel [37.7 ha (93 ac)]. The property is currently designated Prime Agricultural and Core Greenlands in the Official Plan.</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 property owners within 120 m and required agencies and posted on the property on June 29th, 2011.</p>	<p>16</p>
<p>2. Application for Zoning By-law Amendment</p> <p>3. Presentations by:</p> <ul style="list-style-type: none"> <li>- Denise Whaley, Junior Planner</li> <li>- See attached comments and draft by-law</li> </ul> <p>4. Review of Correspondence received by the Township:</p> <ul style="list-style-type: none"> <li>- None</li> </ul>	<p>17</p> <p>25</p>

<b>AGENDA ITEM</b>	<b>PAGE NO.</b>
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6. Mayor opens floor for any questions/comments.	
7. Comments/questions from Council.	
8. Adjournment.	



THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH

APPLICATION FOR ZONING BY-LAW AMENDMENT

COPY

GUIDELINES

**Introduction:** The submission of an application to the Township of Wellington North to amend the Zoning By-law is provided for in the Ontario Planning Act. As such, this form must be completed and accompanied with the required fee prior to consideration by Council or a committee of Council. The purpose of these Guidelines is to assist persons in completing the application to amend the Zoning By-law. Should you require clarification on any matter covered by this application form, please contact the Municipal Office at the address at the bottom of the page.

**Application Fees:** Each application must be accompanied by the applicable application fee (see below) in the form of a cheque payable to the Township of Wellington North. This fee shall be considered a deposit which is used to pay all legal, planning and other associated costs with respect to the processing of the subject application. If the total costs incurred by the municipality should exceed the amount of the above-noted application fee, the applicant is required to pay the outstanding balance.

**Authorization:** If the applicant (agent or solicitor) is not the owner of the subject land, a written statement by the owner should accompany the application which authorizes the applicant to act on behalf of the owner as it relates to the subject application (See Section H, page 5).

**Drawing:** All applications for Zone change must include an accurate to scale drawing (see Question 22, page 5), preferably prepared by a qualified professional, showing the items listed below:

1. The land subject to the application including its boundaries and dimensions; and the location and nature of any easements or restrictive covenants which affect the subject land;
2. The uses of adjacent and abutting land (e.g. residential, agricultural, extractive, commercial, industrial, recreational, institutional)
3. All abutting lands owned by the owner (if any) and its boundaries and dimensions;
4. The location of all existing as well as proposed buildings, their uses, widths, lengths, numbers of storeys, and setbacks from front, side and rear lot lines;
5. Location of all natural and man-made features on the land (e.g. buildings, structures, fencing, parking areas, road allowances, railways, wells, septic tanks, wooded areas, watercourses, ditches) and the location of any of these features on adjacent or abutting land that may affect this application.

**Supporting Information:** Please bear in mind that additional information may be required by the municipality, County, local and provincial agencies in order to evaluate the proposed amendment. This information is often a requirement of the County Official Plan, Provincial policies and/or applicable regulations. The required information may include studies or reports to deal with such matters as the natural environment, land use compatibility, traffic, water supply, sewage disposal and storm water management.

In addition, the applicant may be required to submit a more detailed site plan, under site plan control, prepared by a qualified professional, showing the proposed development including all new buildings and structures, parking areas, landscaping and other site information as required by the municipality. Ontario Regulation 199/96 for zoning by-law amendments outlines "prescribed" information which is identified by the symbol (◇) besides the question number.

**Approval Process:** Upon receipt of an application, the required fee and other information as may be required. Council will determine whether there is sufficient merit in processing the application further (i.e. the circulation of notice and the holding of at least one public meeting as required by the Ontario Planning Act). The applicant will be requested to attend the public meeting to present the proposal. The applicant will be provided notice of any decision made by Council concerning the application. Zoning amendments are approved by Council. Official Plan amendments are adopted by Council and then forwarded to the County of Wellington for approval, which involves circulation to various agencies for their comments. These agencies may require additional information to evaluate the proposal.

**Further Information: Fees:** \$1500.00 Zoning By-law Amendments

Darren Jones, BCQ  
Building/Zoning Department  
Township of Wellington North  
7490 Sideroad 7 West  
Kenilworth, ON NOG 2E0

or

Cathy More  
Deputy Clerk  
Township of Wellington  
7490 Sideroad 7 West  
Kenilworth, ON NOG 2E0

Phone: 519-848-3620 Fax: 519-848-1119

**Copies:** 3 copies of this application, including the drawing and other information as may be specified shall be required.

Application for Zoning By-law Amendment

Application No. \_\_\_\_\_

**A. THE AMENDMENT**

1. TYPE OF AMENDMENT? Site Specific [ ] Other \_\_\_\_\_

2. WHAT IS THE PURPOSE OF AND REASONS FOR THE PROPOSED AMENDMENT(S)?

\_\_\_\_\_ conditions of severance  
\_\_\_\_\_ BG-11  
\_\_\_\_\_

**B. GENERAL INFORMATION**

3. APPLICANT INFORMATION

a) Registered Owner's Name(s): Duane Colbers  
Address: 7778 Sideroad 9 East  
Phone: Home ( ) 5198482778 Work ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_  
Email: \_\_\_\_\_

b) Applicant (Agent) Name(s): \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: Home ( ) \_\_\_\_\_ Work ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_  
Email: \_\_\_\_\_

c) Name, Address, Phone of all persons having any mortgage charge or encumbrance on the property:

d) Send Correspondence To? Owner  Agent [ ] Other [ ] \_\_\_\_\_

e) When did the current owner acquire the subject land? May 1 2002

4. WHAT AREA DOES THE AMENDMENT COVER?  the "entire" property [ ] a "portion" of the property (This information should be illustrated on the required drawing under item G of this application.)



5. PROVIDE A DESCRIPTION OF THE "ENTIRE" PROPERTY:

Municipal Address: 7778 Sideroad 9 East

Concession: 3 Lot: PT 21 Registered Plan No: \_\_\_\_\_

Area: \_\_\_\_\_ hectares Depth: \_\_\_\_\_ meters Frontage (Width): \_\_\_\_\_ meters

101.65 acres 2609 feet 1650 feet

6. PROVIDE A DESCRIPTION OF THE AREA TO BE AMENDED IF ONLY A "PORTION" OF THE PROPERTY:

Area: \_\_\_\_\_ hectares Depth: \_\_\_\_\_ meters Frontage (Width): \_\_\_\_\_ meters

0 acres \_\_\_\_\_ feet \_\_\_\_\_ feet

7. WHAT IS THE CURRENT COUNTY OF WELLINGTON OFFICIAL PLAN DESIGNATION OF THE SUBJECT PROPERTY?

Prime agricultural and core green lands

8. LIST LAND USES THAT ARE PERMITTED BY CURRENT OFFICIAL PLAN DESIGNATION

\_\_\_\_\_  
\_\_\_\_\_

9. WHAT IS THE CURRENT ZONING OF THE SUBJECT PROPERTY AND WHAT USES ARE PERMITTED?

agriculture and natural environment

C. EXISTING AND PROPOSED LAND USES AND BUILDINGS

10. WHAT IS THE "EXISTING" USE(S) OF THE SUBJECT LAND?

agricultural

11. HOW LONG HAS THE "EXISTING" USE(S) CONTINUED ON THE SUBJECT LAND?

12. WHAT IS THE "PROPOSED" USE OF THE SUBJECT LAND?

agricultural / residential

13. PROVIDE THE FOLLOWING DETAILS FOR ALL BUILDINGS OR STRUCTURES ON THE SUBJECT LAND:

*(Please use a separate page if necessary.)*

	<u>Existing</u>		<u>Proposed</u>	
a) Type of Building (s) -or Structure (s)				
b) Date of Construction				
c) Building Height	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
d) Number of Floors				
e) Total Floor Area (sq.m.)	_____ (sq m)	_____ (sq ft)	_____ (sq m)	_____ (sq ft)
f) Ground Floor Area (sq.m.) (exclude basement)	_____ (sq m)	_____ (sq ft)	_____ (sq m)	_____ (sq ft)
g) Distance from building/structure to the:				
Front lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
Side lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
Side lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
Rear lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
h) % Lot Coverage				
i) # of Parking Spaces				
j) # of Loading Spaces				

D. EXISTING AND PROPOSED SERVICES

14. WHAT IS THE ACCESS TO THE SUBJECT PROPERTY?

Provincial Highway       Continually maintained municipal road       Right-of-way   
County Road       Seasonally maintained municipal road       Water access

15. WHAT IS THE NAME OF THE ROAD OR STREET THAT PROVIDES ACCESS TO THE SUBJECT PROPERTY?

Sideroad 9 East

16. IF ACCESS IS BY WATER ONLY, PLEASE DESCRIBE THE PARKING AND DOCKING FACILITIES USED OR TO BE USED AND THE APPROXIMATE DISTANCE OF THESE FACILITIES FROM SUBJECT LAND TO THE NEAREST PUBLIC ROAD. (This information should be illustrated on the required drawing under item G of this application.)

\_\_\_\_\_  
\_\_\_\_\_

17. INDICATE THE APPLICABLE WATER SUPPLY AND SEWAGE DISPOSAL:

	Municipal Sewers	Communal Sewers	Private Wells	Other Water Supply	Communal Sewers	Private Septic	Other Sewage Disposal
a) Existing	( )	( )	<input checked="" type="checkbox"/>	( )	( )	<input checked="" type="checkbox"/>	( )
b) Proposed	( )	( )	<input checked="" type="checkbox"/>	( )	( )	<input checked="" type="checkbox"/>	( )

18. HOW IS THE STORM DRAINAGE PROVIDED?

Storm Sewers ( )      Ditches       Swales ( )      Other means (explain below)

\_\_\_\_\_  
\_\_\_\_\_

E. OTHER RELATED PLANNING APPLICATIONS

19. HAS THE CURRENT OWNER (OR ANY PREVIOUS OWNER) MADE APPLICATION FOR ANY OF THE FOLLOWING, EITHER ON OR WITHIN 120 METRES OF THE SUBJECT LAND?

Official Plan Amendment	Yes ( )	No (✓)
Zoning By-law Amendment	Yes ( )	No (✓)
Minor Variance	Yes ( )	No (✓)
Plan of Subdivision	Yes ( )	No (✓)
Consent (Severance)	Yes ( )	No (✓)
Site Plan Control	Yes (✓)	No ( )

20. IF THE ANSWER TO QUESTION 19 IS YES, PLEASE PROVIDE THE FOLLOWING INFORMATION:

File No. and Date of Application: BC6/11 January 2011

Approval Authority: Wellington County

Lands Subject to Application: \_\_\_\_\_

Purpose of Application: \_\_\_\_\_

Status of Application: approved with conditions

Effect on the Current Application for Amendment: \_\_\_\_\_

**F. OTHER SUPPORTING INFORMATION**

21. PLEASE LIST THE TITLES OF ANY SUPPORTING DOCUMENTS: (E.G. Environmental Impacts Study, Hydrogeological Report, Traffic Study, Market Area Study, Aggregate License Report, Stormwater Management Report, etc.)

**G. APPLICATION DRAWING**

22. PLEASE PROVIDE AN ACCURATE DRAWING OF THE PROPOSAL, PREFERABLY PREPARED BY A QUALIFIED PROFESSIONAL. IN SOME CASES IT MAY BE MORE APPROPRIATE TO SUBMIT ADDITIONAL DRAWINGS AT VARYING SCALES TO BETTER ILLUSTRATE THE PROPOSAL. THE DRAWING MUST INCLUDE THE FOLLOWING:

- Owners' / applicant's name;
- Legal description of property;
- Boundaries and dimensions of the subject property and its current land use;
- Dimensions of area of amendment (if not, the entire property);
- The size and use of all abutting land;
- All existing and proposed parking and loading areas, driveways and lanes;

- The nature of any easements or restrictive covenants on the property;
- The location of any municipal drains or award drains;
- Woodlots, forested areas, ANSI's, ESA's, wetlands, floodplain, and all natural watercourses (rivers, stream banks, etc);
- The dimensions of all existing and proposed buildings and structures on the subject land and their distance to all lot lines;
- The name, location and width of each abutting public or private road, unopened road allowance or right of way;
- If access to the subject land is by water only, provide the location of the parking and docking facilities to be used; and
- Other features both on site or nearby that in the opinion of the applicant will have an effect on the application (such as bridges, railways, airports, wells, septic systems, springs, slopes, gravel pits).

THE DRAWING SHOULD ALSO INCLUDE THE SCALE, NORTH ARROW AND DATE WHEN THE DRAWING WAS PREPARED.

**H. AUTHORIZATION FOR AGENTS / SOLICITOR TO ACT FOR OWNER:**

(If affidavit (I) is signed by an Agent / Solicitor on Owner's behalf, the Owner's written authorization below **must** be completed)

I (we) \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_,  
 County/Region of \_\_\_\_\_ do hereby authorize \_\_\_\_\_ to  
 Act as my agent in this application.

\_\_\_\_\_  
*Signature of Owner(s)*

\_\_\_\_\_  
*Date*

I. AFFIDAVIT: (This affidavit be signed in the presence of a Commissioner)

I (we) Duane Colbers of the Township of Wellington North,

County / ~~Region~~ of Wellington solemnly declare that all the statements contained in this application are true, and I, (we), make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the CANADA EVIDENCE ACT.

DECLARED before me at the Township of Wellington North,

County / ~~Region~~ of Wellington this 14 day of June, 2011

Duane Colbers  
Signature of Owner or Authorized Solicitor or Authorized Agent

June 14 2011  
Date

Catherine E. More  
Signature of Commissioner

June 14, 2011  
Date

CATHERINE E. MORE, a Commissioner,  
etc., County of Wellington, Deputy Clerk  
of the Corporation of the Township of  
Wellington North.

APPLICATION AND FEE OF \$ 1500.00 RECEIVED BY MUNICIPALITY

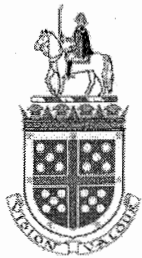
\_\_\_\_\_  
Signature of Municipal Employee

\_\_\_\_\_  
Date









## COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT  
GARY A. COUSINS, M.C.I.P., DIRECTOR  
TEL: (519) 837-2600  
FAX: (519) 823-1694  
1-800-663-0750

ADMINISTRATION CENTRE  
74 WOOLWICH STREET  
GUELPH, ONTARIO  
N1H 3T9

July 5, 2011

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

Dear Mr. Jones:

**Re: Duane Colbers – Part Lot 21, Concession 3  
7778 Sideroad 9 East  
Restrict Agricultural / Reduced Setback for Accessory / Oversized Accessory  
Draft Zoning By-law Amendment**

### PLANNING OPINION

The zoning amendment is required as a condition of provisional consent (B6/11) by the Wellington County Land Division Committee. We have no objections to implementing this decision.

Both the PPS and County Plan provide for surplus farm dwelling severances, provided the agricultural lands are rezoned to prohibit future residential dwellings. The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels where the impact on existing and future farm operations can be kept to a minimum. Also on the retained parcel, the by-law will address the larger (234m<sup>2</sup>) agricultural building having deficient setback from the lot line and will prohibit the keeping of livestock in both agricultural buildings.

The by-law will also address the oversized accessory structure on the residential parcel (severed). The accessory structure is described as a metal clad garage. The relief requested appears to be minor in nature, however council should be satisfied that the accessory structure will be used for residential rather than commercial purposes.

### SUBJECT LAND

The subject land is legally described as Part Lot 21, Concession 3 and has a civic address of 7778 Sideroad 9 East. The lands are approximately 40.9 ha (101.1 ac).

### PURPOSE

The purpose of the amendment is to rezone the subject lands to prohibit any future residential development on the agricultural portion of the property, to prohibit the keeping of livestock and allow a reduced setback for the existing agricultural building and to allow for an oversized garage on the residential portion of the property. This rezoning is a condition of severance application B6/11, which was granted provisional approval by the Wellington County Land Division Committee. The consent will sever the existing farm dwelling [0.8 ha (2.1 ac)] from the remainder of the agricultural parcel [40.1 ha (99 ac)]. The property is currently zoned Agricultural.

## 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.

### Minimum Distance Separation (MDS)

The PPS states in Section 2.3.3.3 that: "new land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formulae." In this case MDS1 would only apply to any livestock facilities on the retained lands. While the retained lot contains two (2) barns, the barns would not meet the necessary separation from the new lot. The applicant has proposed that they will be used as a drive shed and storage. This by-law will address MDS 1 concerns by prohibiting the keeping of livestock in the existing buildings.

## WELLINGTON COUNTY OFFICIAL PLAN

The subject lands are designated PRIME AGRICULTURE and CORE GREENLANDS. This application is required as a result of a severance application. Section 10.3.4 of the Official Plan implements the PPS and requires that the remnant parcel be rezoned to prohibit dwellings.

Section 10.3.4 of the Official Plan states:

*"A severance may be considered for an existing residence that is surplus to a farming operation as a result of farm consolidation, provided that:*

- a) The remaining vacant farmland is large enough to function as a significant part of the overall farm unit; and*
- b) The result of removing the surplus dwelling from the farm does not render the remaining farmlands difficult or inefficient to farm; and*
- c) The amount of good farmland retained with the surplus house is kept to a minimum size needed for residential purposes, taking into consideration environmental and topographic features; and*
- d) The surplus residence is habitable and is not expected to be demolished by a future owner; and*
- e) The Minimum Distance Separation formula will be met, and*
- f) The vacant parcel of farmland is rezoned to prohibit a residential use.*

*The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels, where the impact on existing and future farm operations can be kept to a minimum."*

## ZONING BY-LAW

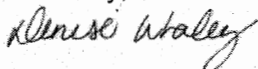
The subject lands are zoned Agricultural (A) and Natural Environment (NE). There will be two site specific zones required on the subject lands. The first site specific will prohibit a residential use, prohibit keeping livestock in the agricultural buildings and reduce the required setback for the agricultural building to the severed 0.8ha (2.1ac) residential parcel from 18.3m (60ft) to 6.8m, (22.5ft). The second site specific will address the oversized accessory structure on the 0.8ha (2.1ac) residential parcel.

### Non-Complying Accessory Building

While the residence formed the farm parcel all accessory uses were permitted to utilize 10% of the lot area. As a result of the severance, the residential dwelling lot would be reviewed under Section 6.1 ii, which requires that in addition to the maximum 10% lot area accessory structures not exceed a ground floor area of 92.9m<sup>2</sup> (1,000ft<sup>2</sup>). In this case there is a metal clad garage with a floor area of 160.5m<sup>2</sup> (1,728ft<sup>2</sup>).

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

Sincerely,



Denise Whaley, (Hons) B.A.  
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;

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 21, Concession 3, as shown on Schedule "A" attached to and forming part of this By-law from:

- **Agricultural (A) to "Agricultural Exception (A-108)**
- **Agricultural (A) to "Agricultural Exception (A-109)**

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

**"33.108**  
**Pt Lot 21, Concession 3**

**A-108 Notwithstanding any other section of this by-law to the contrary, the following regulations shall apply:**

- 1) **A residential dwelling shall be prohibited in this zone.**
- 2) **The keeping of livestock is prohibited in the existing agricultural buildings (234m<sup>2</sup> and 44.6m<sup>2</sup>). Any new agricultural buildings shall conform to MDS and all other requirements of Section 8.**
- 3) **The side yard setback of the existing 234m<sup>2</sup> agricultural building, located near the northeast corner of the severed residential lot fronting on Sideroad 9 East, is reduced to 6.86m.**
- 4) **Other agricultural uses that are not accessory to a dwelling are permitted subject to Section 8."**

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

**"33.109**  
**Pt Lot 21, Concession 3**

**A-109 Notwithstanding Sections 6.1.4ii, 8.3.1 or any other section of this by-law to the contrary, the existing accessory building may have a total floor area of 160.5m<sup>2</sup>."**

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 \_\_\_\_\_, 2011

READ A THIRD TIME AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011

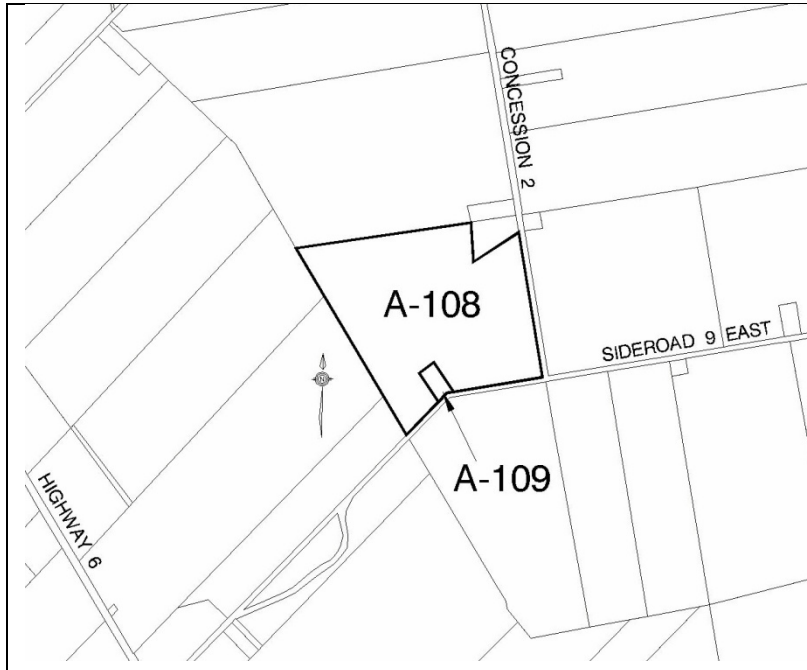
\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

**THE TOWNSHIP OF WELLINGTON NORTH**

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

**Schedule "A"**



**Rezone from Agricultural (A) to Agricultural Exceptions (A-108 and A-109)**

Passed this \_\_\_\_ day of \_\_\_\_\_ 2011.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

## **EXPLANATORY NOTE**

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

**THE LOCATION** being rezoned is in Part Lot 21, Concession 3, former Township of Wellington North, with a civic address of 7868 Sideroad 9. The lands are approximately 40.8ha (101.1 acres) and is occupied by a residence, and three metal clad accessory buildings.

**THE PURPOSE AND EFFECT** of the amendment is to rezone the subject lands to restrict any future residential development and prohibit keeping livestock in the agricultural buildings on the agricultural land (A-108) and allow for a reduced setback for the 160.5m<sup>2</sup> agricultural building and to allow an oversized metal clad garage on the residential portion of the lands (A-109). This rezoning is a condition of severance application B06/11, that was granted provisional approval by the Wellington County Land Division Committee on January 18, 2011. The consent will sever the existing farm dwelling, and accessory buildings (0.8 ha [2.1 acres]) from the remainder of the agricultural parcel (40.1 ha [99 acres]).



RECEIVED

JUL - 8 2011

PLAN REVIEW REPORT: Township of Wellington North  
Darren Jones, Chief Building Official

DATE: JULY 5, 2011  
GRCA FILE: Wellington/Well.N/ZC/C

YOUR FILE:

RE: Application for Zoning By-law Amendment  
Part Lot 21, Concession 3, Former Township of Arthur, Wellington North Township

GRCA COMMENT: \*

The Grand River Conservation Authority has no objection to the proposal to amend the zoning of the property to prohibit any future residential development on the agricultural portion of the property, prohibit the keeping of livestock and allow a reduced setback from the existing agricultural building and to allow for an oversized garage on the residential portion of the property.

BACKGROUND:

1. Resource Issues:

The subject property contains tributaries of the Conestogo River and associated flood plain and allowances. These areas are subject to Ontario Regulation 150/06.

2. Legislative/Policy Requirements and Implications:

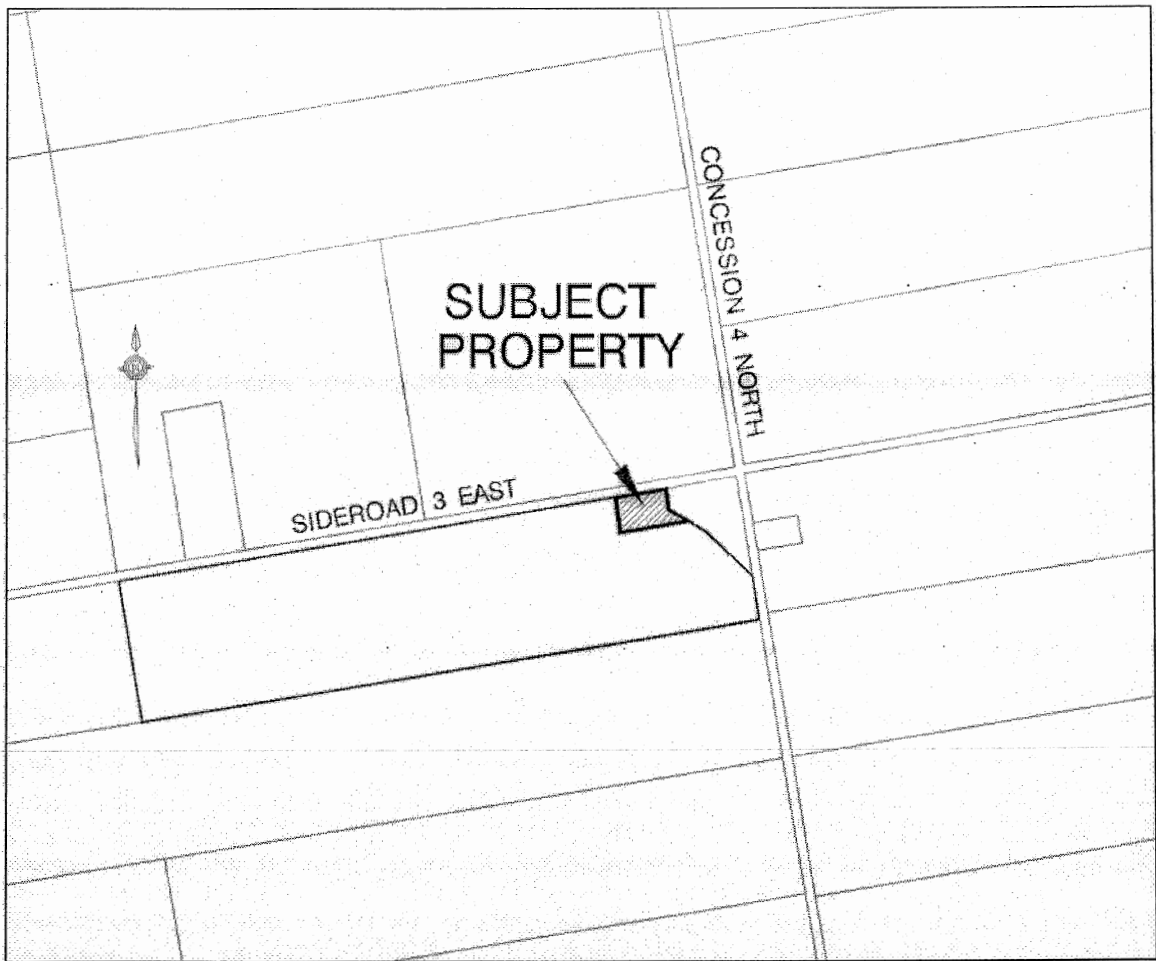
Please be advised that any future development within the flood plain or allowance to the flood plain will require future review from this office.

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

None

*Liz Yerep*  
Liz Yerep  
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.*



Corporation of the Township of Wellington North

Application for Zoning By-law Amendment

Application No. \_\_\_\_\_

A. THE AMENDMENT

1. TYPE OF AMENDMENT? Site Specific [ ] Other \_\_\_\_\_

2. WHAT IS THE PURPOSE OF AND REASONS FOR THE PROPOSED AMENDMENT(S)?  
New Partial school

B. GENERAL INFORMATION

3. APPLICANT INFORMATION

a) Registered Owner's Name(s): Hedge Apple Farms Ltd

Address: 7513 Sdrd 3 E RR6 Mount Forest ON N0G 2L0

Phone: Home (519) 323 4642 Work ( ) Fax ( )

b) Applicant (Agent) Name(s): Ervin Bauman

Address: R.R. 2 Kenilworth

Phone: Home (519) 323 1135 Work ( ) Fax ( )

c) Name, Address, Phone of all persons having any mortgage charge or encumbrance on the property:

Abner B Wideman RR6 Mt Forest 519 323 3494  
FCC Listowel 519 291 3450

d) Send Correspondence To? Owner [x] Agent [ ] Other [ ] owner will contact his mortgage holder

e) When did the current owner acquire the subject land? 2005

4. WHAT AREA DOES THE AMENDMENT COVER? [ ] the "entire" property [ ] a "portion" of the property

(This information should be illustrated on the required drawing under item G of this application.)





**13. ◊ PROVIDE THE FOLLOWING DETAILS FOR ALL BUILDINGS OR STRUCTURES ON THE SUBJECT LAND:**

(Please use a separate page if necessary.)

	<u>Existing</u>	<u>Proposed</u>
a) Type of Building(s) or Structure(s)	<u>none</u>	<u>Wood Frame Parocial</u>
b) Date of Construction	_____	_____
c) Building Height	_____ (m.) _____ (ft.)	<u>Basement to peak</u> (m.) <u>30</u> (ft.)
d) Number of Floors	_____	<u>2 floors Basement + main</u>
e) Total Floor Area	_____ (sq. m.) _____ (sq. ft.)	_____ (sq. m.) <u>1716</u> (sq. ft.)
f) Ground Floor Area (exclude basement)	_____ (sq. m.) _____ (sq. ft.)	_____ (sq. m.) <del>1716</del> <u>3422</u> (sq. ft.)
g) Distance from building/structure to the:		
Front lot line	<u>34</u> (m.) _____ (ft.)	_____ (m.) _____ (ft.)
Side lot line	<u>64</u> (m.) _____ (ft.)	_____ (m.) _____ (ft.)
Side lot line <i>F</i>	<u>30</u> (m.) _____ (ft.)	_____ (m.) _____ (ft.)
Rear lot line	<u>27.8</u> (m.) _____ (ft.)	_____ (m.) _____ (ft.)
h) % Lot Coverage	<u>.9 h.</u>	_____
i) # of Parking Spaces	_____	_____
j) # of Loading Spaces	_____	_____

**D. EXISTING AND PROPOSED SERVICES**

**14. ◊ WHAT IS THE ACCESS TO THE SUBJECT PROPERTY?**

Provincial Highway [ ]      Continually maintained municipal road []      Right-of-way [ ]  
 County Road []      Seasonally maintained municipal road [ ]      Water access [ ]

**15. WHAT IS THE NAME OF THE ROAD OR STREET THAT PROVIDES ACCESS TO THE SUBJECT PROPERTY?**

Sideroad 3 E

16. ◊ IF ACCESS IS BY WATER ONLY, PLEASE DESCRIBE THE PARKING AND DOCKING FACILITIES USED OR TO BE USED AND THE APPROXIMATE DISTANCE OF THESE FACILITIES FROM SUBJECT LAND TO THE NEAREST PUBLIC ROAD. (This information should be illustrated on the required drawing under item G of this application.)

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17. ◊ INDICATE THE APPLICABLE WATER SUPPLY AND SEWAGE DISPOSAL:

	Municipal Water	Communal Water	Private Well	Other Water Supply	Municipal Sewers	Communal Sewers	Private Septic	Other Sewage Disposal
a) Existing	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
b) Proposed	[ ]	[ ]	[✓]	[ ]	[ ]	[ ]	[✓]	[ ]

18. ◊ HOW IS STORM DRAINAGE PROVIDED?:

Storm Sewers [✓] Ditches [✓] Swales [ ] Other means [explain below]

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**E. OTHER RELATED PLANNING APPLICATIONS**

19. ◊ HAS THE CURRENT OWNER (OR ANY PREVIOUS OWNER) MADE APPLICATION FOR ANY OF THE FOLLOWING, EITHER ON OR WITHIN 120 METRES OF THE SUBJECT LAND?

Official Plan Amendment	Yes [ ]	No [ ]
Zoning By-law Amendment	Yes [ ]	No [ ]
Minor Variance	Yes [ ]	No [ ]
Plan of Subdivision	Yes [ ]	No [ ]
Consent (Severance)	Yes [✓]	No [ ]
Site Plan Control	Yes [ ]	No [ ]

20. ◊ IF THE ANSWER TO QUESTION 19 IS YES, PLEASE PROVIDE THE FOLLOWING INFORMATION:

File No. and Date of Application: aprox. 2009

Approval Authority: \_\_\_\_\_

Lands Subject to Application: \_\_\_\_\_

Purpose of Application: \_\_\_\_\_

Status of Application: \_\_\_\_\_

Effect on the Current Application for Amendment:

**F. OTHER SUPPORTING INFORMATION**

21. PLEASE LIST THE TITLES OF ANY SUPPORTING DOCUMENTS: (e.g. Environmental Impacts Study, Hydrogeological Report, Traffic Study, Market Area Study, Aggregate License Report, Stormwater Management Report, etc.)

**G. APPLICATION DRAWING**

22.◇ PLEASE PROVIDE AN ACCURATE DRAWING OF THE PROPOSAL, PREFERABLY PREPARED BY A QUALIFIED PROFESSIONAL. IN SOME CASES IT MAY BE MORE APPROPRIATE TO SUBMIT ADDITIONAL DRAWINGS AT VARYING SCALES TO BETTER ILLUSTRATE THE PROPOSAL. THE DRAWING MUST INCLUDE THE FOLLOWING INFORMATION:

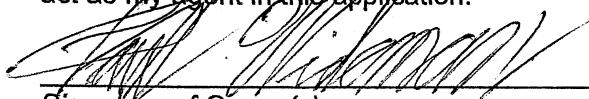
- owner's/applicant's name;
- legal description of property;
- boundaries and dimensions of the subject property and its current land use;
- dimensions of area of amendment (if not, the entire property);
- the size and use of all abutting land;
- all existing and proposed parking and loading areas, driveways and lanes;
- the nature of any easements or restrictive covenants on the property;
- the location of any municipal drains or award drains;
- woodlots, forested areas, ANSI's, ESA's, wetlands, floodplain, and all natural watercourses (rivers, stream banks, etc.);
- the dimensions of all existing and proposed buildings and structures on the subject land and their distance to all lot lines;
- the name, location and width of each abutting public or private road, unopened road allowance or right of way;
- if access to the subject land is by water only, provide the location of the parking and docking facilities to be used; and
- other features both on site or nearby that in the opinion of the applicant will have an effect on the application (such as bridges, railways, airports, wells, septic systems, springs, slopes, gravel pits).

THE DRAWING SHOULD ALSO INCLUDE THE SCALE, NORTH ARROW AND DATE WHEN THE DRAWING WAS PREPARED.

**H. AUTHORIZATION FOR AGENT/SOLICITOR TO ACT FOR OWNER:**

(If affidavit (I) is signed by an Agent/Solicitor on Owner's behalf, the Owner's written authorization below must be completed)

I (we) Paul Wideman of the Township of Wellington North in the County/Region of Wellington do hereby authorize Ervin C. Bauman to act as my agent in this application.

  
\_\_\_\_\_  
Signature of Owner(s)

\_\_\_\_\_  
Date

I. **AFFIDAVIT:** (This affidavit must be signed in the presence of a Commissioner)

I (we) ERVIN BAUMAN of the Township of Wellington North County/Region of Wellington solemnly declare that all the statements contained in this application are true, and I, (we), make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the **CANADA EVIDENCE ACT**.

DECLARED before me at the Township of Wellington in the County/Region of Wellington this 9 day of June, 2011.

Ervin Bauman  
Signature of Owner or Authorized Solicitor or Authorized Agent

June 9, 2011  
Date

Lokeine Brown  
Signature of Commissioner

June 9, 2011  
Date

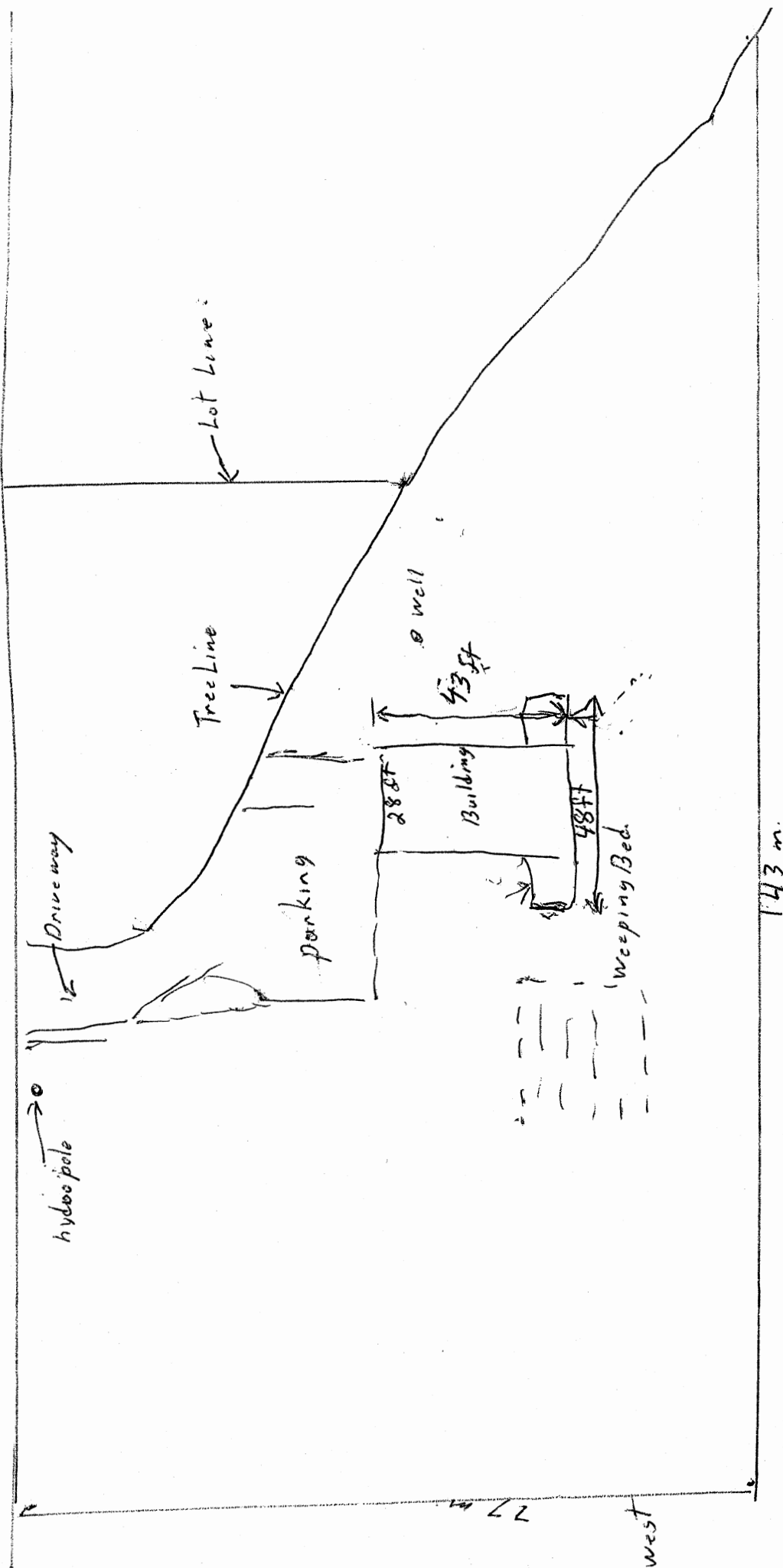
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**APPLICATION AND FEE OF \$ 1500.- RECEIVED BY THE MUNICIPALITY:**

[Signature]  
Signature of Municipal Employee

June 9, 2011  
Date

Side road 3



Total Lot Area 19 H

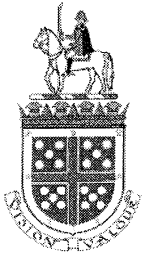
South

143 m.

27 m

West





## COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT  
GARY A. COUSINS, M.C.I.P., DIRECTOR  
TEL: (519) 837-2600  
FAX: (519) 823-1694  
1-800-663-0750

ADMINISTRATION CENTRE  
74 WOOLWICH STREET  
GUELPH, ONTARIO  
N1H 3T9

July 5, 2011

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

Dear Mr. Jones:

**Re: Hedge Apple Farms (Ervin Bauman) – Part Lot 7, Concession 5  
7513 Sideroad 3 East  
Rezone to permit parochial school  
Draft Zoning By-law Amendment**

### **PLANNING OPINION**

The zoning amendment is required as a condition of provisional consent (B64/11) by the Wellington County Land Division Committee. The Official Plan provides policies to address this type of special development in the prime agricultural area. We 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 severed portion (0.9 hectares) of the property to allow for a parochial school and accessory uses.

### **SUBJECT LAND**

The subject land being rezoned is in Part Lot 7, Concession 5, which previously formed part of the lot located at civic address of 7513 Sideroad 3 East and was subject to severance. The subject lands are located at the northeasterly portion of the original lot, fronting on Sideroad 3 East. The land is approximately 0.9 ha (2.2 ac) in size.

### **PURPOSE**

The purpose of the amendment is to rezone the subject lands from Agricultural (A) to an appropriate zone to allow a parochial school to be established on the property. This rezoning is a condition of severance application B64/11, that was granted provisional approval by the Wellington County Land Division Committee in June 2011. The consent will sever the 0.9 ha (2.2 ac) lot from the remainder of the agricultural parcel [37.7 ha (93 ac)].

### **WELLINGTON COUNTY OFFICIAL PLAN**

The subject lands are designated PRIME AGRICULTURE and CORE GREENLANDS.

In the Official Plan, Section 6.4.3 c) allows for community service facilities in prime agricultural areas. Section 6.4.10 further states that: "*community service facilities are restricted to buildings, structures and uses for which a location in the prime agricultural area is necessary for reasons of public safety or government service delivery, such as...schools, churches and cemeteries required for local communities that rely extensively on horse drawn vehicles as their sole means of transportation.*"

It is our understanding that the proposed parochial school will be servicing the local Mennonite Community, who rely exclusively on horse and buggy and active transportation.



Minimum Distance Separation

Minimum Distance Separation 1 calculations were completed for the consent application for this property using the provided Farm Data Sheet for the livestock facilities located to the east (Pillar) and west (Bauman) of the subject lands. The application meets the MDS 1 requirements and we have no concerns.

**ZONING BY-LAW**

The subject lands are currently zoned Agricultural (A) and Natural Environment (NE). The rezoning of the agricultural lands will allow for an additional use of parochial school and associated accessory uses subject to the regulations for reduced lots in an Agricultural zone. A draft by-law is attached.

**PLANNING CONSIDERATIONS**

It is the County's position that a site specific Agricultural zone is preferable to an Institution (IN) zone for regulating parochial schools. Applying a site specific agricultural zone will not further affect MDS since it is still considered an agricultural use, however it will limit any other institutional uses which may not be compatible in a prime agricultural area.

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

Sincerely,



Denise Whaley, (Hons) B.A.  
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;

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 7, Concession 5, as shown on Schedule "A" attached to and forming part of this By-law from Agricultural (A) to "Agricultural Exception (A-110)
2. THAT Section 33, Exception Zone 3 – Rural Areas, is amended by the inclusion of the following new exception:

**"33.110  
Pt Lot 7, Con 5**

**A-110 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-110 may be permitted a parochial school and accessory uses such as playgrounds, ball diamonds, and parking areas.**

**The lands shall further be subject to the regulations under Section 8.5 Reduced Lot Regulations.**

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 \_\_\_\_\_, 2011

READ A THIRD TIME AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011

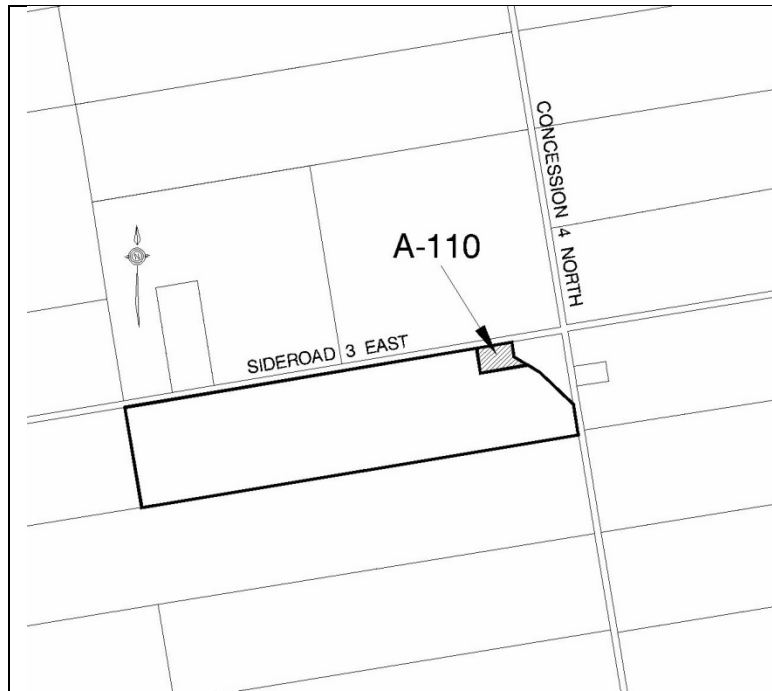
\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

**THE TOWNSHIP OF WELLINGTON NORTH**

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

**Schedule "A"**



**Rezone from Agricultural (A) to Agricultural Exception (A-110)**

Passed this \_\_\_\_ day of \_\_\_\_\_ 2011.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

## **EXPLANATORY NOTE**

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

**THE LOCATION** being rezoned is legally described as Part Lot 7, Concession 5 and which previously formed part of the lot located at civic address of 7513 Sideroad 3 East. The land is approximately [0.9 ha (2.2 ac)] in size and is currently farmed.

**THE PURPOSE AND EFFECT** of the amendment is to rezone 0.9 hectares (2.2 acres) of the subject property from Agricultural (A) to a site-specific exception zone to permit a parochial school and accessory uses, serving a local community that relies extensively on horse drawn vehicles as their sole means of transportation. This rezoning is a condition of severance application B65/11, that was granted provisional approval by the Wellington County Land Division Committee in June, 2011. The consent will sever a [0.9 ha (2.2 ac)] from the remainder of the agricultural parcel [37.7 ha (93 ac)].