



Township of Wellington North

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

Public Meeting

Monday, September 10, 2012 at 7:00 p.m.

Municipal Office Council Chambers, Kenilworth

AGENDA

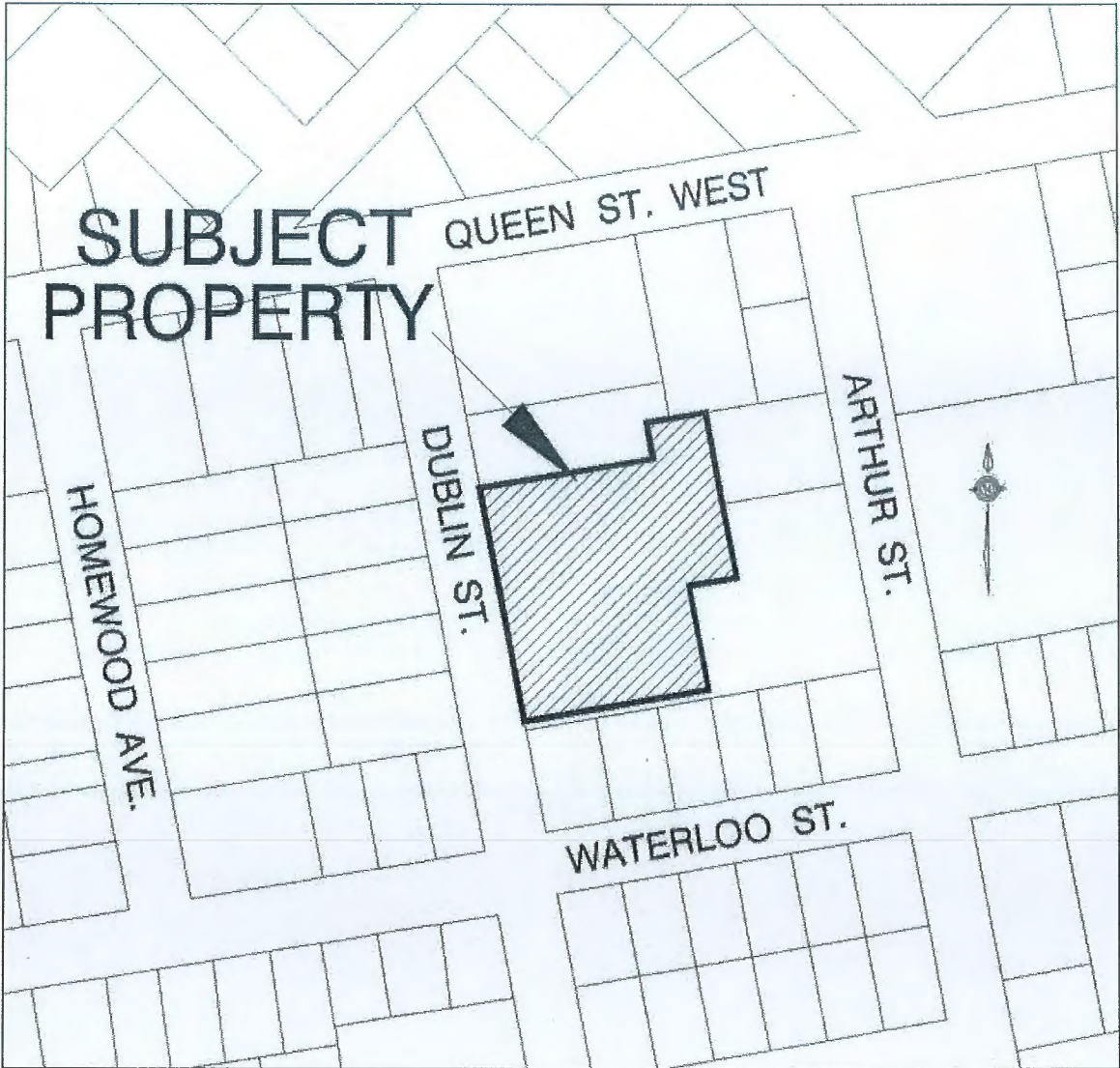
Page 1 of 4

AGENDA ITEM	PAGE NO.
<p>The Mayor will call the meeting to order.</p> <p>Declaration of Pecuniary Interest.</p> <p>Owners/Applicant: HFI Serices Inc.</p>	
<p>Location of the Subject Land The property subject to the proposed amendment has a municipal address of 350 Dublin St. in Mount Forest. The property is approximately 0.53 ha. (1.31 ac.) in size and its location is shown on the map attached.</p> <p>The Purpose and Effect of the Application The purpose and effect of the proposed amendment is to rezone the subject lands to permit a site specific zoning for the sale of used vehicles, new and used car parts and accessories and some general retail sales of antiques and memorabilia. The existing structure will be retained for a proposed commercial use.</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> <ol style="list-style-type: none">1. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on August 20, 2012.	01
<ol style="list-style-type: none">2. Application for Zoning By-law Amendment	02

AGENDA ITEM	PAGE NO.
3. Presentations by: <ul style="list-style-type: none">- Linda Redmond, Planner<ul style="list-style-type: none">- See attached comments and draft by-law	13
4. Review of Correspondence received by the Township: <ul style="list-style-type: none">- Erik Downing, Environmental Planning Technician<ul style="list-style-type: none">- No objection	18
<ul style="list-style-type: none">- Karl Cook, 330 Queen Street West<ul style="list-style-type: none">- No objection	19
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>Owners/Applicant: Antonietta Malfara</p> <p>Location of the Subject Property The property being rezoned is in Part of Lot 31, Divisions 3 & 4, with a civic address of 8684 Highway 6. The subject property is 36.53 ha (90.25 acres) in size with an existing agricultural and residential use as shown on the map attached.</p> <p>The Purpose and Effect of the Application The purpose and effect of the proposed amendment is to rezone the subject lands to restrict any future residential development on the agricultural portion of the property and to address the oversized shed (1930 sq.ft.) on the residential portion of the subject lands. This rezoning is a condition of severance application B23/12, that was granted provisional approval by the Wellington County Land Division Committee in May 2012. The consent will sever the existing parcel with a farm dwelling and accessory building (0.73 ha (1.8 acres)) from the remainder of the agricultural parcel (35.8 ha (88.45 acres)). The property is currently zoned Agricultural (A) and Natural Environment (NE).</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>8. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on August 20, 2012.</p>	<p>20</p>
<p>9. Application for Zoning By-law Amendment</p>	<p>21</p>
<p>10. Presentations by:</p> <ul style="list-style-type: none"> - Linda Redmond, Planner <ul style="list-style-type: none"> - See attached comments and draft by-law 	<p>29</p>
<p>11. Review of Correspondence received by the Township:</p> <ul style="list-style-type: none"> - None <p>12. 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>	

AGENDA ITEM	PAGE NO.
13. Mayor opens floor for any questions/comments.	
14. Comments/questions from Council.	
15. Adjournment	



**SUBJECT
PROPERTY**

QUEEN ST. WEST

HOMEWOOD AVE.

DUBLIN ST.

ARTHUR ST.

WATERLOO ST.



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)?

TO CHANGE THE PRESENT ZONING TO ADD THE
SALE OF USED VEHICLES, MEMORABILIA, PARTS
AND ACCESSORIES

B. GENERAL INFORMATION

3. APPLICANT INFORMATION

a) Registered Owner's Name(s): HFI SERVICES INC

Address: 350 DUBLIN ST MOUNT FOREST

Phone: Home () 519-323-8443 Work () 519-323-9984 Fax () 519-323-4739

b) Applicant (Agent) Name(s): SAME

Address: _____

Phone: Home () _____ Work () _____ Fax () _____

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? JUNE 2008

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: 350 DUBLIN STREET

Concession: _____ Lot: ONE Registered Plan No: GIR 11050

Area: _____ hectares Depth: _____ meters Frontage (Width): _____ meters

APPRX 1.31 acres 238.0 feet 229.9 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

_____ acres _____ feet _____ feet

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

RESIDENTIAL

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

SEE ATTACHED LIST

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

M1 INDUSTRIAL

C. EXISTING AND PROPOSED LAND USES AND BUILDINGS

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

STORAGE FOR CARS LIGHT TRUCKS AND

BOATS. WAS ALSO USED FOR PORTABLE TOILET

BUSINESS

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

SINCE JUNE 2008

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

TO CHANGE THE PRESENT ZONING TO ADD THE
SALE OF USED VEHICLES MEMORABILIA, PARTS AND
ACCESSORIES

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	<u>FIRST BUILDING 1955</u>			
c) Building Height	_____ (m)	<u>20</u> (ft)	_____ (m)	_____ (ft)
d) Number of Floors	<u>1</u>			
e) Total Floor Area (sq.m.)	_____ (sq m)	<u>21484.5</u> (sq ft)	_____ (sq m)	_____ (sq ft)
f) Ground Floor Area (sq.m.) (exclude basement)	_____ (sq m)	<u>21484.5</u> (sq ft)	_____ (sq m)	_____ (sq ft)
g) Distance from building/structure to the:	_____ (sq m)	_____ (sq ft)	_____ (sq m)	_____ (sq ft)
Front lot line	_____ (m)	<u>35</u> (ft)	_____ (m)	_____ (ft)
Side lot line	_____ (m)	<u>35</u> (ft)	_____ (m)	_____ (ft)
Side lot line	_____ (m)	<u>31.6</u> (ft)	_____ (m)	_____ (ft)
Rear lot line	_____ (m)	<u>28</u> (ft)	_____ (m)	_____ (ft)
h) % Lot Coverage	<u>APPOX 50%</u>			
i) # of Parking Spaces	<u>40</u>			
j) # of Loading Spaces	<u>5</u>			

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?

DUBLIN STREET

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Proposed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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: _____

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:

- 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 _____ in the
 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) JAMES N. HEWSON of the TOWNSHIP of the 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 Wellington North of _____ in the County / Region of Wellington this 2nd day of August, 2012

[Signature]
Signature of Owner or Authorized Solicitor or Authorized Agent

Aug 2/12
Date

[Signature]
Signature of Commissioner

Aug 2, 2012
Date

APPLICATION AND FEE OF \$ 1500.00 RECEIVED BY MUNICIPALITY

[Signature]
Signature of Municipal Employee

Aug 2, 2012
Date



350 Dublin St.
Mount Forest, On
N0G 2L3

519-323-9984
Fax: 519-323-4739

Zoning By-Law Amendment

350 Dublin St
Mount Forest, On

It is our hope to change the present zoning to allow the sale of used vehicles and parts at this location.

REASONS:

We have applied to OMVIC for a used vehicle dealer's license to sell mostly antique, collector and muscle cars and trucks. To obtain the license, the property has to be zoned to allow the sale of used vehicles.

My intentions are to use the north building to house the vehicles which are for sale in a warehouse indoor atmosphere. We are not intending to have a used car lot, most vehicles will be inside and it is not our intentions to have vehicles outside overnight or weekends.

OTHER PROPERTIES OWNED BY APPLICANT:

Although not directly owned by HFI Services Inc. Hewson Family Investments Ltd. owns 585 Waterloo St. which joins the property at the south west corner (Dublin and Waterloo St.)

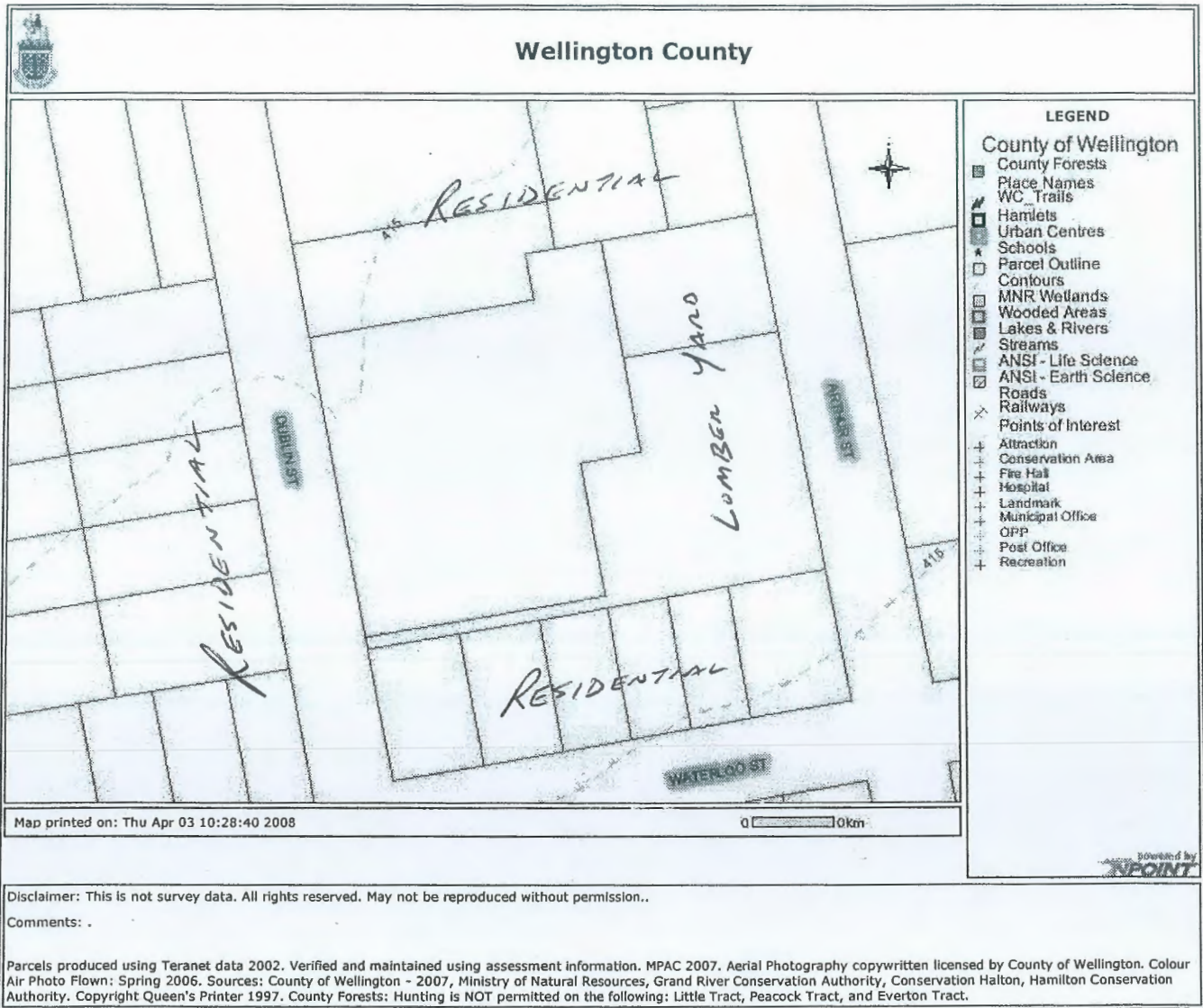
EASEMENTS AND RIGHT OF WAYS:

Looking at the survey there appears to be numerous Right of Ways which effect in said property. The Right of Ways are to the property at the rear to provide them access to Dublin St these Right of Ways have not been used since we acquired the property. HFI also has a right of way over the lumber yard property to the north driveway where they need access to Dublin St. It is impossible for the lumber yard to use the Right of Way to the south because the corners are too sharp to turn a truck.

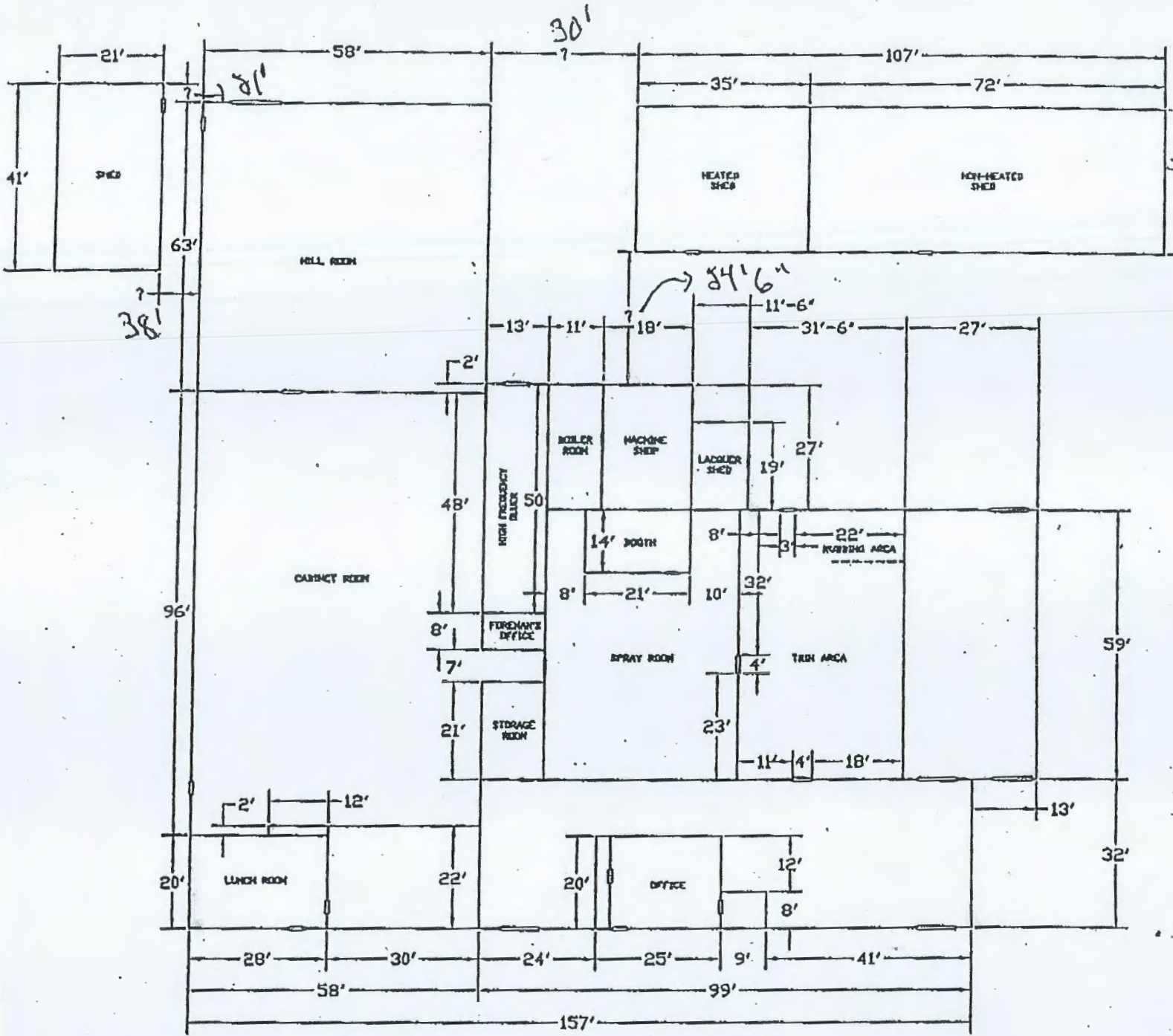
There is also a misunderstanding with the homeowner to the south on Waterloo St. In the past they have felt they have the Right of Way over the said property. This is false. The Right of Way they have is over the back of the properties they own on Waterloo St. It was my understanding to provide coal. This right of way has not been used for years and is grown over by bushes and a 4ft wall in the second yard.



HFI SERVICES INC



HFI SERVICES INC





COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
GARY A. COUSINS, M.C.I.P., DIRECTOR
T 519.837.2600
F 519.823.1694
1.800.663.0750

ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH ON N1H 3T9

September 5, 2012

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

Dear Mr. Jones:

**Re: Draft Zoning By-law Amendment
H.F.I Services Inc.
350 Dublin St.
Rezone to permit sale of used cars and parts**

PLANNING OPINION

This zoning by-law amendment would allow for the sale of used vehicles as well as some accessory uses such as the sale of auto parts and memorabilia. The property is currently zoned Industrial and is located within a primarily residential area. The County Official Plan has provisions which recognize legally established uses which do not conform with the policies of an Official Plan but may be recognized as a permitted use in the local Zoning By-law. It further provides direction that a Council may consider zoning the property to allow a similar or more compatible use. In this instance the current industrial zoning would permit a wide variety of uses that may not be compatible with the surrounding residential area. It is staffs opinion that the proposed site specific commercial zoning would be more compatible with the surrounding area. Additionally, with the C3 zoning category, it is possible that other future uses which are more in keeping with the intentions of the Official Plan designation could be accommodated on the subject lands in the future and would not adversely affect the transition to more compatible uses in the future.

SUBJECT LAND

The subject land is legally described as Pt Lot 2 Lot 3 Lot 4 Pt Lot; 2 To Pt Lot 4, municipally described as 350 Dublin Street. The land is approximately 0.53 ha. (1.31 ac.) ha in size and is occupied by an existing industrial building.

PURPOSE

The purpose of the amendment is to rezone the subject lands to permit the sale of used cars and parts on an industrial zoned property within a residential area of Mount Forest.



August 2012

PROVINCIAL POLICY STATEMENT (PPS)

The subject property is considered to be within the settlement area of Mount Forest. Section 1.1.3.1 of the Provincial Policy Statement states that "settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted." Settlement areas are encouraged to include a mix of densities and land uses.

WELLINGTON COUNTY OFFICIAL PLAN

The subject lands are designated RESIDENTIAL. Section 8.3.2 of the Official Plan identifies objectives for the RESIDENTIAL areas of urban centres, stating that an effort be undertaken to ensure potential compatibility issues between residential and other land uses are minimized.

Permitted uses within the designated RESIDENTIAL areas of urban centres include residential dwellings, including a variety of housing types. Additionally, "non-residential uses such as schools, churches, clinics, local convenience stores, home occupations, neighbourhood parks and other public facilities may be permitted."

Section 13.8.2 of the plan deals with Status Zoning and states "A legally established use which does not conform with the policies of an Official Plan may be recognized as a permitted use in the Zoning By-law in accordance with its current use and performance standards. A Council may also consider zoning the property to allow a similar or more compatible use or to provide for a limited expansion of the current use".

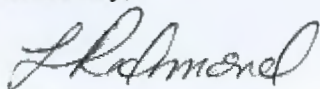
The objectives of the Official Plan would ultimately encourage the current industrial use to cease in the future in favour of more compatible uses as described above. Section 8.3.3 - Permitted Uses in the Official Plan does not permit Automotive sales in the Residential area, however, we recognize that the subject property did contain a use which was permitted in the M1 zone of the Zoning By-law. With both these considerations in mind, future changes to the property should ideally be in keeping with the Official Plan policy direction and not permit development which would hinder the movement to a more compatible use in the future.

ZONING BY-LAW

The subject lands are zoned Industrial (M1). The industrial zone permits a variety of industrial uses which would not be compatible with the surrounding residential uses. The draft by-law places the property into a C3 – Neighbourhood Commercial zone and includes a site specific to allow the sale of used vehicles and uses accessory such as the sale of auto parts, antiques and automotive memorabilia.

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

Sincerely,



Linda Redmond B.A.
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 3 to By-law 66-01 is amended by changing the zoning on lands described as Pt Lot 2 Lot 3 Lot 4 Pt Lot; 2 To Pt Lot 4, with a civic address of 350 Dublin Street, as shown on Schedule "A" attached to and forming part of this By-law from Industrial (M1) to "Commercial Exception (C3-47)
2. THAT Section 32, Exception Zone 2 – Mount Forest, is amended by the inclusion of the following new exception:

32.47 Pt Lot 2 Lot 3 Lot 4 Pt Lot; 2 To Pt Lot 4	C3-47 Notwithstanding any other section of this by-law to the contrary, in addition to the uses permitted in the Neighborhood Commercial (C3) Zone, the land zoned C3-47 may also be used for the sale of used vehicles. Including the following uses as accessory only to the main use of used auto sales: <ol style="list-style-type: none">1. The sale of new and used car parts;2. The sale of Automotive memorabilia3. Antiques. Subject to all the above uses being located within the existing building and no outside sales permitted.
---	--

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 _____, 2012

READ A THIRD TIME AND PASSED THIS _____ DAY OF _____, 2012

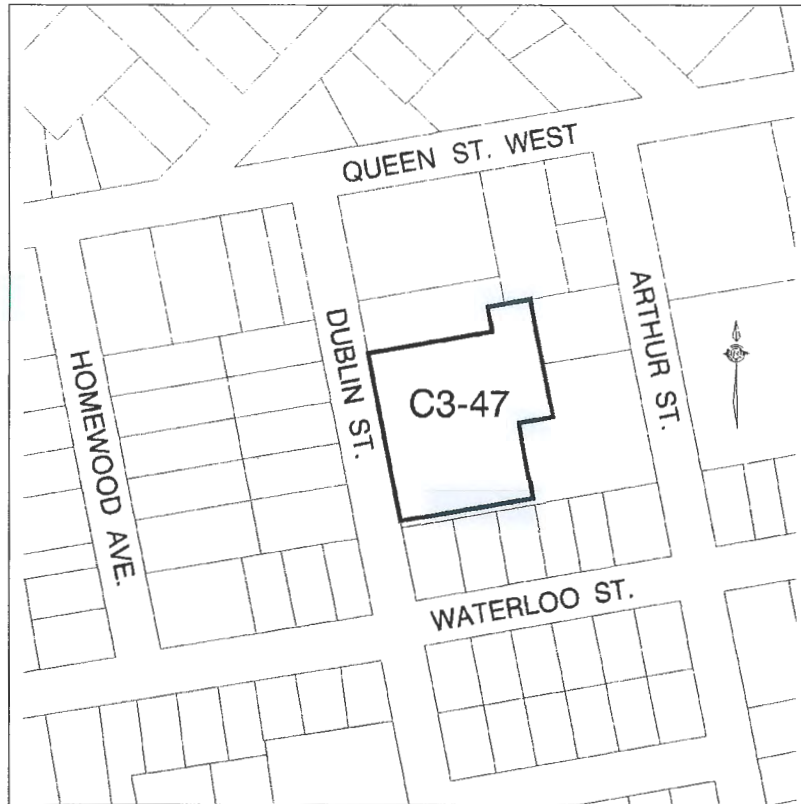
MAYOR

CLERK

THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NO _____.

Schedule "A"



Rezone from Industrial (M1) to Commercial Exception (C3-47)

Passed this ____ day of _____ 2012.

MAYOR

CLERK

EXPLANATORY NOTE

BY-LAW NUMBER _____.

THE LOCATION being rezoned is municipally described as 350 Dublin St. The land is approximately 0.53 ha. (1.31 ac.) in size and is occupied by an existing industrial building.

THE PURPOSE AND EFFECT of the amendment is to rezone the subject lands to permit the sale of used vehicles and parts and some accessory sales on the subject lands.



1078 Bruce Rd. 12,
P.O. Box 150
Formosa ON
Canada N0G 1W0

Tel 519-367-3040
Fax 519-367-3041
publicinfo@svca.on.ca
www.svca.on.ca

September 5, 2012

Township of Wellington North
7490 Sideroad 7, W
Kenilworth, ON
N0G 2E0

ATTENTION: Darren Jones, Building/Zoning Dept.

Dear Mr. Jones:

RE: Proposed Zoning By-Law Amendment
350 Dublin St.
Geographic Town of Mount Forest
Town of Wellington North

The Saugeen Valley Conservation Authority (SVCA) has reviewed this proposed Zoning By-law amendment in accordance with the SVCA's mandate and policies and the Memorandum of Agreement between the Authority and the County of Wellington with respect to Plan Review. The SVCA has no objection to the approval of this proposed Zoning By-law amendment.

For this particular property, there are no significant natural heritage features or natural hazards affecting the property.

All of the plan review functions listed in the agreement have been assessed with respect to this proposed Zoning By-law amendment. The Authority is of the opinion that the proposed zoning By-law amendment appears to comply with the relevant policies of the Wellington Official Plan and Provincial Policies referred to in the agreement.

We trust this information is helpful. Should questions arise, please do not hesitate to contact this office.

Yours Sincerely,

Erik Downing
Environmental Planning Technician

ED/

cc: Mark Mackenzie, SVCA Director, via email

Conservation
Through
Cooperation

A MEMBER OF



Conservation
ONTARIO
Natural Champions

To Whom it may concern:

I have no objection to the proposed
zone change.

yours truly

Karl Cook

Karl Cook

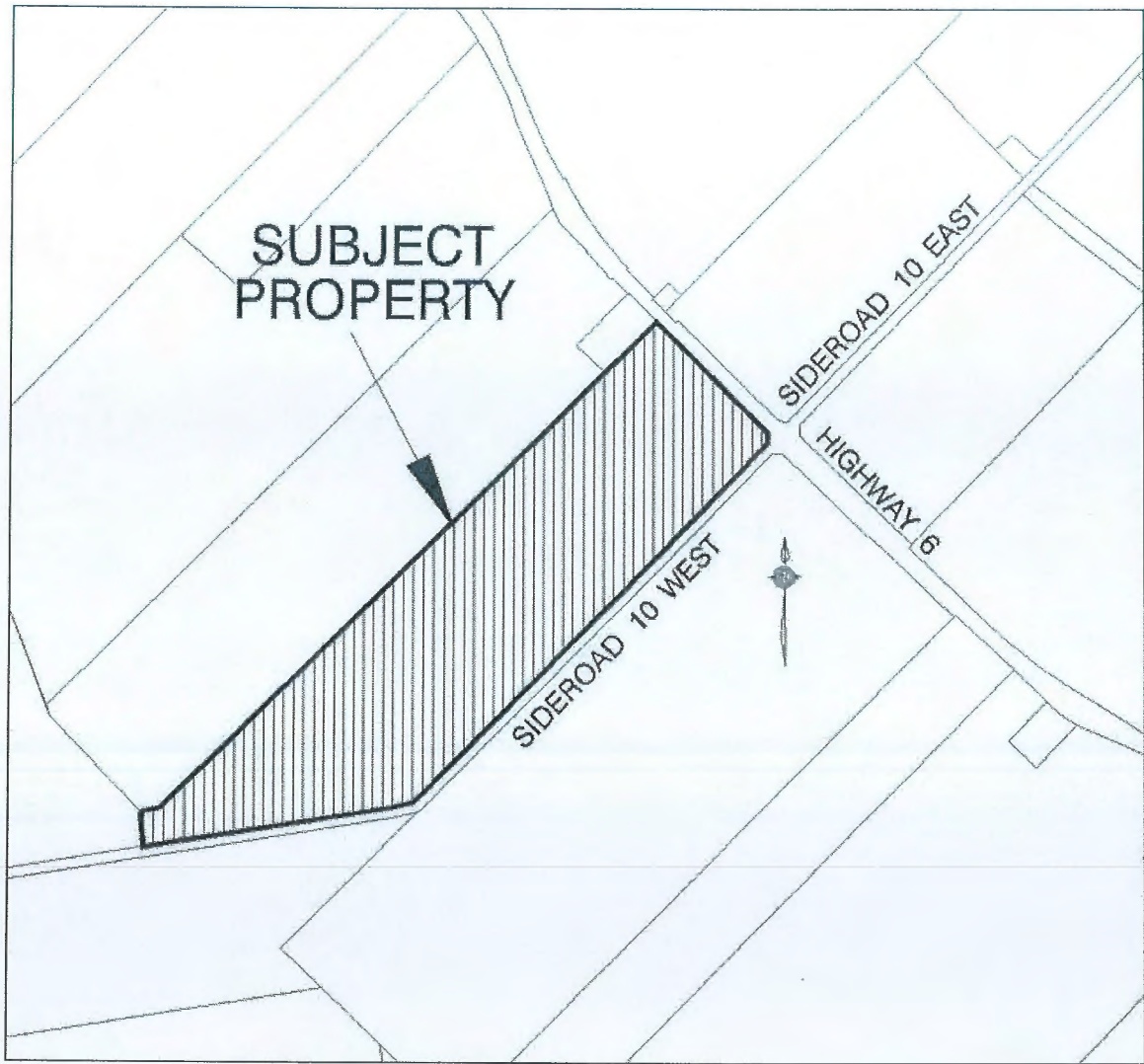
330 Queen St. W

Mt. Forest

RECEIVED

SEP - 4 2012

IWP, OF WELLINGTON NORTH



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)?
SATISFY A CONDITION OF CONSENT APPLICATION B23/12 BY ZONING THE RETAINED LAND TO ALLOW FOR AN OVERSIZED ACCESSORY BUILDING AND TO PROHIBIT A RESIDENTIAL USE OF THE SEVERED LANDS

B. GENERAL INFORMATION

3. APPLICANT INFORMATION

a) Registered Owner's Name(s): ANTONIETTA MALFARA

Address: 8684 HIGHWAY No 6 ARTHUR, ONTARIO N0G1A0

Phone: Home () 519 848-6258 Work () _____ Fax () _____

b) Applicant (Agent) Name(s): DEREK G GRAHAM LIMITED

Address: PO BOX 295 ELORA ONTARIO N0B 1S0

Phone: Home () _____ Work () 519 846-5533 Fax () _____

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

d) Send Correspondence To? Owner [] Agent [] Other [] _____

e) When did the current owner acquire the subject land? 88/10/04

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: 8684 HIGHWAY 6 ARTHUR ONTARIO N0G1A0

Concession: WOSR Lot: PT.DIV3&4 Registered Plan No: _____

Area: _____ hectares Depth: _____ meters Frontage (Width): _____ meters

88.45+/- acres AVG.3733'+/- feet 998'+/- feet

6. PROVIDE A DESCRIPTION OF THE AREA TO BE AMENDED IF ONLY A "PORTION" OF THE PROPERTY: PARCEL A ~ RECOGNISE ALL EXISTING STRUCTURES

PARCEL B PROHIBIT NEW RESIDENCE SEE SKETCH FOR DIMENSIONS

Area: _____ hectares Depth: _____ meters Frontage (Width): _____ meters

_____ acres _____ feet _____ feet

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

PRIME AGRICULTURAL AND CORE GREENLANDS

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

PRIME AGRICULTURAL AND CORE GREENLANDS

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

C. EXISTING AND PROPOSED LAND USES AND BUILDINGS

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

RESIDENTIAL AND AGRICULTURAL

11. HOW LONG HAS THE "EXISTING" USE(S) CONTINUED ON THE SUBJECT LAND?
MANY YEARS PRE 1988

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

SAME

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					
	HOUSE & SHED			SAME	
b) Date of Construction	2 1/2 STOREY HOUSE PRE 1950	SHED VERY OLD			
c) Building Height		(m)	(ft)	(m)	(ft)
d) Number of Floors	2 1/2				
e) Total Floor Area (sq.m.)		(sq m)	HOUSE 1908 +/- SHED 1930(sq ft)	(sq m)	(sq ft)
f) Ground Floor Area (sq.m.) (exclude basement)		(sq m)	954+/-	(sq m)	(sq ft)
g) Distance from building/structure to the:		(sq m)	(sq ft)	(sq m)	(sq ft)
Front lot line	SEE SKETCH	(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	3.7%				
i) N/A ~ # of Parking					
j) N/A ~ # of Loading					

D. EXISTING AND PROPOSED SERVICES

14. WHAT IS THE ACCESS TO THE SUBJECT PROPERTY?

Provincial Highway [1 Continually maintained municipal road [1 Right-of-way [1
County Road [1 Seasonally maintained municipal road [1 Water access [1

15. WHAT IS THE NAME OF THE ROAD OR STREET THAT PROVIDES ACCESS TO THE SUBJECT PROPERTY? HIGHWAY # 6 & SIDEROAD 10W

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	()	()	(X)	()	()	(X)	()
b) Proposed	()	()	(X)	()	()	(X)	()

18. HOW IS THE STORM DRAINAGE PROVIDED?

Storm Sewers () Ditches (X) Swales () Other means (explain below)
STREAM THROUGH PARCEL

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 (X)	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: B23/12 FEB 25, 2012

Approval Authority: COUNTY OF WELLINGTON

Lands Subject to Application: SAME PARCEL

Purpose of Application: SEVER SURPLUS FARM DWELLING & SHED

Status of Application: SATISFYING CONDITIONS UNDERWAY

Effect on the Current Application for Amendment: ONE OF CONDITIONS OF B23/12

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.) NONE

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 I Solicitor on Owner's behalf, the Owner's written authorization below must be completed)

I ANTONIETTA MALFARA of the TOWNSHIP of WELLINGTON NORTH in the County of WELLINGTON do hereby authorize DEREK G. GRAHAM LIMITED to Act as my agent in this application.

Antonietta Malfara

 Signature of Owner(s)
 ANTONIETTA MALFARA

July 29 - 2012

 Date

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

I, DEREK G. GRAHAM of the TOWNSHIP OF CENTRE WELLINGTON of the

County of WELLINGTON solemnly declare that all the statements contained in this application are true, and I, 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 CENTRE WELLINGTON in the County | Region of WELLINGTON this 29 day of JULY, 2012


Signature of Authorized Agent **DEREK G. GRAHAM OLS OLIP**


July 29, 2012
Date


Signature of Commissioner

July 29, 2012
Date

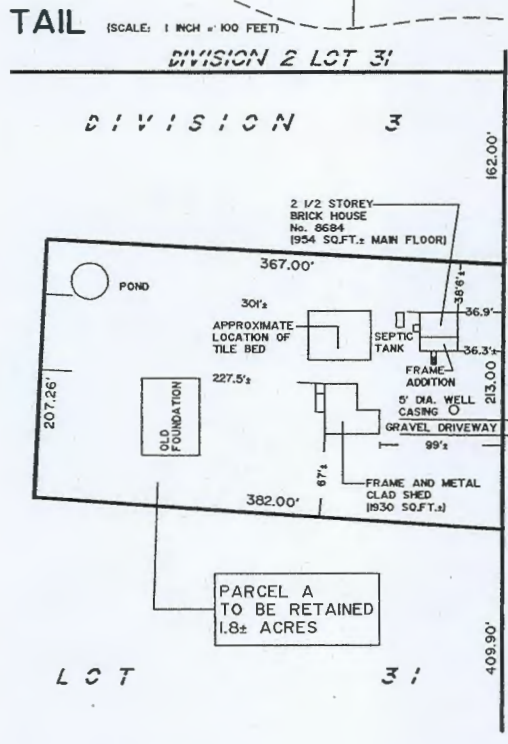
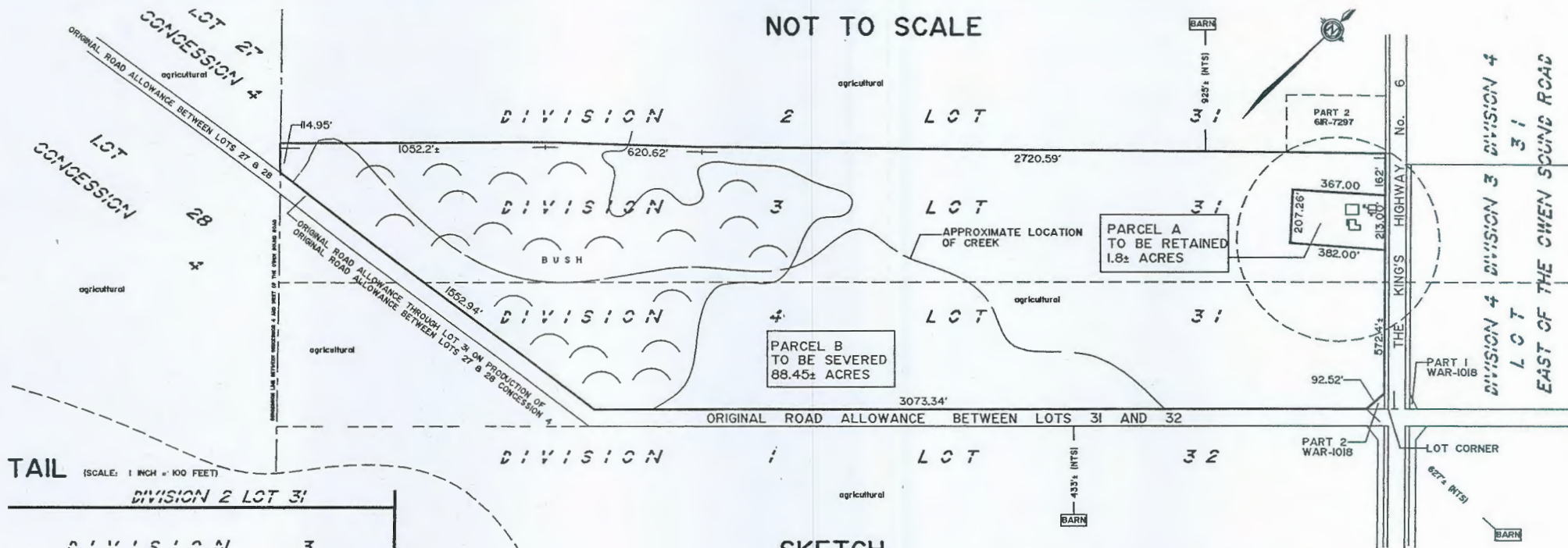
Alexandra Frances Graham, a Commissioner, etc.,
County of Wellington, for Derek G. Graham Limited.
Expires September 10, 2013.

APPLICATION AND FEE OF \$ 1,500 RECEIVED BY MUNICIPALITY


Signature of Municipal Employee

Aug 10, 2012
Date

NOT TO SCALE



**SKETCH
OF PART OF DIVISIONS 3 AND 4 OF LOT 31
WEST OF THE OWEN SOUND ROAD
TOWNSHIP OF WELLINGTON NORTH**

(FORMERLY GEOGRAPHIC TOWNSHIP OF ARTHUR)
COUNTY OF WELLINGTON
SCALE : 1 INCH = 100 FEET
DEREK GIBSON GRAHAM
PROFESSIONAL SURVEYOR

THIS IS NOT A PLAN OF SURVEY
ALL DIMENSIONS SUBJECT TO FINAL FIELD SURVEY
ALL DIMENSIONS APPROXIMATE AND DERIVED FROM OFFICE RECORDS,
FIELD MEASUREMENTS AND FROM COUNTY OF WELLINGTON
ON LINE GIS MAPPING (2005 PHOTOGRAPHY)

Derek G. Graham Limited

Professional Land Surveying
Land Use Planning

OFFICE:
7669 Colborne Street East
Elora, Ontario
NOB ISO
(519) 846-5533 (telephone)
(519) 846-9305 (facsimile)

MAILING ADDRESS:
P.O. Box 295
Elora, Ontario
NOB ISO

PER: Ontario Land Surveyor	
ACAD DATE	JULY 17, 2012
FILE	16 - WOSR ARTHUR
NOTE: Valid copy with embossed seal only	

SEAL



COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
GARY A. COUSINS, M.C.I.P., DIRECTOR
T 519.837.2600
F 519.823.1694
1.800.663.0750

ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH ON N1H 3T9

August 31, 2012

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

Dear Mr. Jones:

**Re: Draft Zoning By-law Amendment
Malfara – Pt Lot 31, Divisions 3 & 4 (Arthur)
8684 Highway 6
Restrict Agricultural Land from Future Residential and Relief for Existing Shed**

PLANNING OPINION

The zoning amendment is required as a condition of provisional consent (B23/12) 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.

Additionally, the applicants have requested zoning relief for the existing 1930 ft² accessory structure on the severed parcel.

SUBJECT LAND

The subject land is legally described as Part of Lot 31, Divisions 3 & 4, geographic Township of Arthur, and has a civic address of 8684 Highway 6. The land is approximately 36.53 ha. (90.25 ac.) in size and is occupied by a dwelling and accessory structure.

PURPOSE

The purpose of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural portion of the property. This rezoning is a condition of severance application B23/12. The consent will sever the existing farm dwelling and oversized accessory building on 0.73 ha. (1.8 ac.) from the remainder of the agricultural parcel totaling 35.8 ha. (88.45 ac.). Additionally, as part of this application site specific zoning relief is requested for the severed property in order to permit the existing 1930 ft² accessory structure.

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.

WELLINGTON COUNTY OFFICIAL PLAN

The subject lands are designated PRIME AGRICULTURE, and CORE GREENLAND. The Core Greenland features include agricultural drains, a creek and forested area to the rear of the

property. 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). The attached draft by-law places a site specific exception to prohibit a dwelling on the 35.8 ha. (88.45 ac.) agricultural parcel. An additional site specific exception would allow for the 1930 ft² shed, on the severed parcel 0.72 ha (1.8 ac.). The existing Natural Environment zone occurring on the property will remain unchanged.

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

Sincerely,



Logan Juffermans
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 Lot 31, Division 3 & 4 (Arthur), as shown on Schedule "A" attached to and forming part of this By-law from:
 - **Agricultural (A) and Natural Environment (NE) to "Agricultural and Natural Environment Exception (A-121) & (NE-121)**
 - **Agricultural (A) to "Agricultural Exception (A-122)**

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

33.121	A-121 NE-121	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."
Part Lot 31, Div. 3 & 4		

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

33.122	A-122	Notwithstanding Section 6.1 or any other section of this by-law to the contrary, the existing accessory building (1930 sq.ft) existing on the day of passing of this by-law shall be deemed to comply with the accessory building requirements.
Part Lot 31, Div. 3 & 4		And further no other accessory structures will be permitted on the property included a building used for a home industry without an amendment to this by-law.

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 _____, 2012

READ A THIRD TIME AND PASSED THIS _____ DAY OF _____, 2012

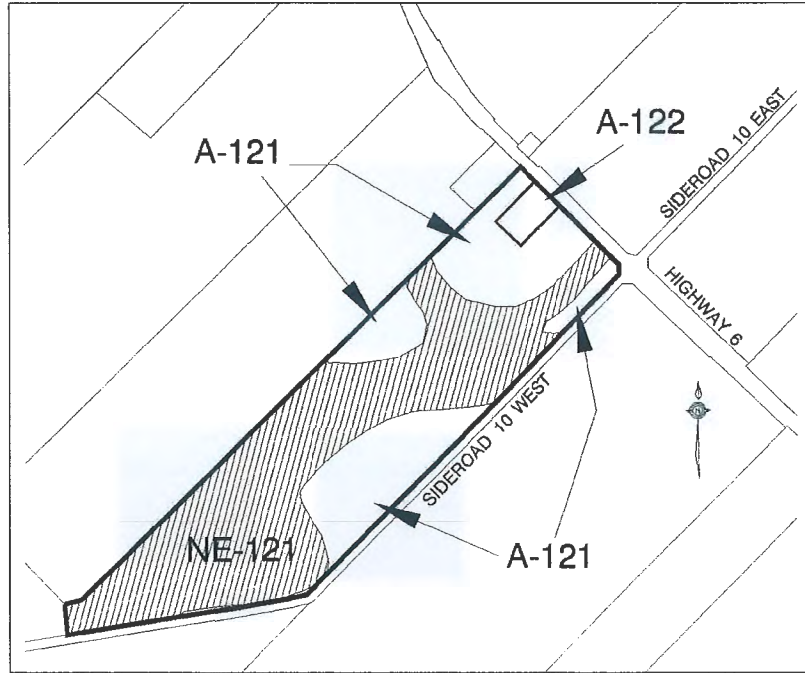
MAYOR

CLERK

THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NO _____.

Schedule "A"



Passed this ____ day of _____ 2012.

MAYOR

CLERK

EXPLANATORY NOTE

BY-LAW NUMBER _____.

THE LOCATION being rezoned is legally described as Part of Lot 31, Divisions 3 & 4, geographic Township of Arthur, and has a civic address of 8684 Highway 6. The land to be rezoned is 36.53 ha. (90.25 ac.) in size and is occupied by a dwelling and an accessory structure.

THE PURPOSE AND EFFECT of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural portion of the property. This rezoning is a condition of severance application B23/12, that was granted provisional approval by the Wellington County Land Division Committee. The consent will sever the existing farm dwelling on 0.73 ha. (1.8 ac.) from the remainder of the agricultural parcel 35.3 ha. (88.45 ac.). The property is currently zoned Agricultural and Natural Environment. Additionally, the zone amendment will also provide relief for the oversized 1930 sq. ft accessory structure on the 0.73 ha. (1.8 ac.) parcel.