

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH  
PUBLIC MEETING  
AUGUST 26, 2019 @ 7:00 P.M.  
MUNICIPAL OFFICE COUNCIL CHAMBERS, KENILWORTH**

**PAGE  
NUMBER**

**CALLING TO ORDER** - Mayor Lennox

**DISCLOSURE OF PECUNIARY INTEREST**

**OWNERS/APPLICANT**

Clarence & Verna Martin

**LOCATION OF THE SUBJECT LAND**

The land subject to the proposed amendment is described as PT Lot 19, Concession 6, and is Municipally known as 7409 Sideroad 7 W, Geographic Township of Arthur. The property is approximately 22.25 ha (55 ac) in size. *The location is shown on the map attached.*

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**PURPOSE AND EFFECT OF THE APPLICATION**

The purpose and effect of the proposed amendment is to rezone the subject lands to permit a dog kennel. The lands are currently zoned Agricultural (A) and are occupied by a single dwelling and sheds. The applicants are proposing to use the existing 1536 ft<sup>2</sup> shed for the dog kennel. Additional relief may be considered at this meeting.

**NOTICE**

Notices were mailed to property owners within 120 m of the subject property as well as the applicable agencies and posted on the subject property on July 29<sup>th</sup>, 2019.

**PRESENTATIONS**

Michelle Innocente, Senior Planner, County of Wellington, Township of Wellington North

3

- Planning Report dated August 21, 2019

**CORRESPONDENCE FOR COUNCIL'S REVIEW**

- Grand River Conservation Authority, Email dated July 31, 2019 (No Objections)

10

**REQUEST FOR NOTICE OF DECISION**

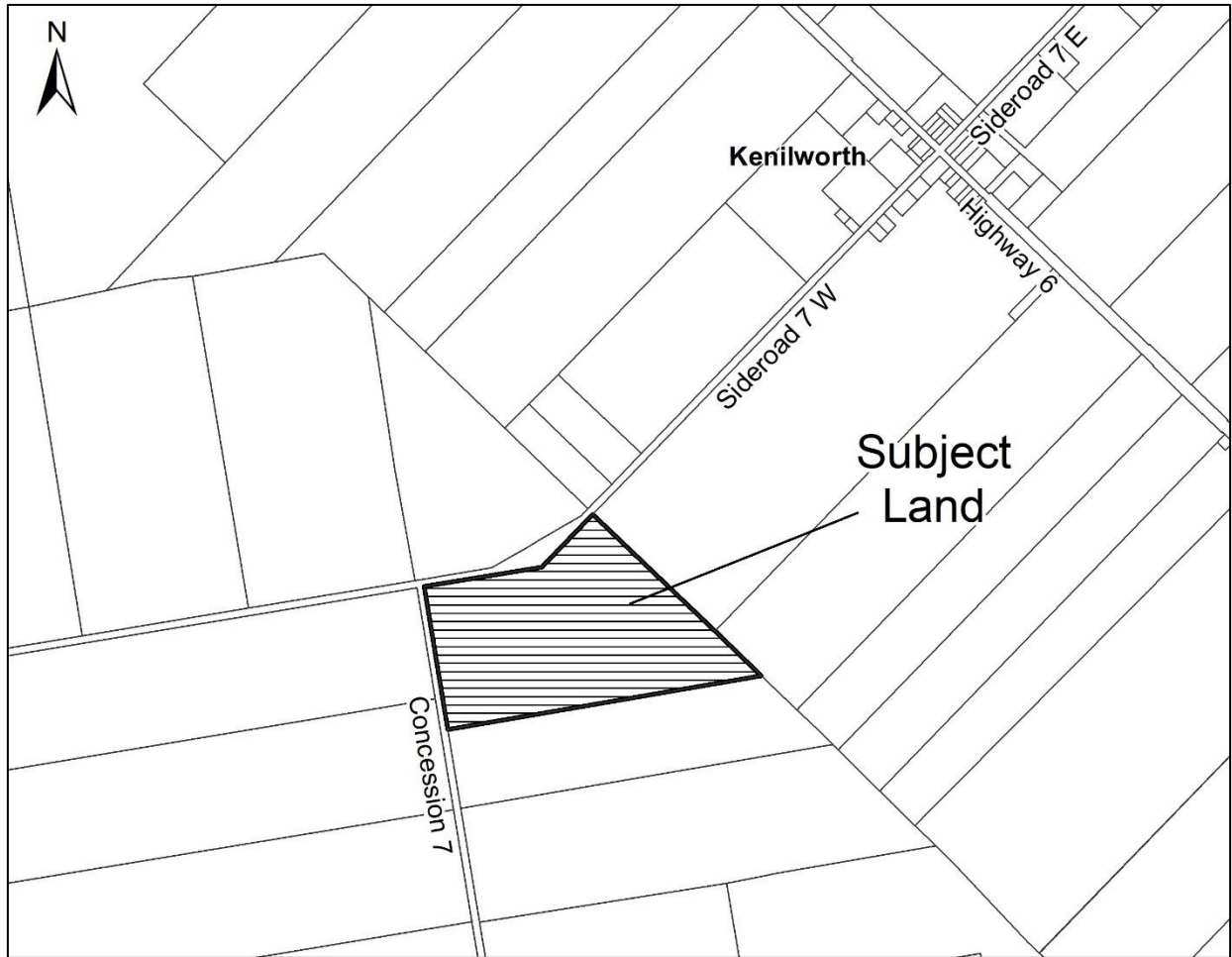
The by-law will be considered at the regular council meeting following the public meeting. Persons wishing notice of the passing of the by-law must submit a written request.

**MAYOR OPENS FLOOR FOR ANY COMMENTS/QUESTIONS**

**COMMENTS/QUESTIONS FROM COUNCIL**

**ADJOURNMENT**

CLARENCE & VERNA MARTIN





## **PLANNING REPORT**

### **for the TOWNSHIP OF WELLINGTON NORTH**

Prepared by the County of Wellington Planning and Development Department

**DATE:** August 21, 2019  
**TO:** Mike Givens, C.A.O.  
Township of Wellington North  
**FROM:** Michelle Innocente, Senior Planner  
County of Wellington  
**SUBJECT:** **Clarence & Verna Martin**  
**7409 Sideroad 7 W**  
**Part Lot 19, Con. 6 (Arthur)**  
**Zoning By-law Amendment – Dog Kennel**

**Planning Opinion** This zone amendment will rezone the property to permit a dog kennel to operate on a site specific basis on the subject lands. This amendment is required as the current by-law restricts the use in all zones unless specifically permitted by an amendment. The amendment is also required to comply with the Kennel Licencing process outlined in the Township’s Kennel License By-law.

Planning Staff generally have no concerns with the rezoning application to permit a kennel on the property. Under the Township Kennel Licensing By-law, the applicant will have to submit a detailed site plan showing how outdoor access will be provided to the dogs to the satisfaction of the Township.

## **INTRODUCTION**

The property subject to the proposed amendment is described as Part Lot 19, Concession 6, Geographic Township of Arthur, with a civic address of 7409 Sideroad 7 W and is approximately 22 ha (54.4 ac).

## **PROPOSAL**

The purpose of the application is to rezone the subject lands to permit the operation of a dog kennel within the existing 32 ft by 48 ft accessory building as shown on Figure 1. The property is currently occupied by a dwelling, garage, accessory building (proposed kennel) and implement shed.

## **PROVINCIAL POLICY STATEMENT (PPS)**

The subject property is located within a PRIME AGRICULTURAL area. Section 2.3.3.1 of the PPS states “In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses”.

“Proposed agriculture-related and on-farm diversified uses shall be compatible with, and shall not hinder surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents,

which achieve the same objective.”

### **GROWTH PLAN**

The Growth Plan for the Greater Golden Horseshoe (GGH) provides growth management policy direction for the GGH, which includes Wellington County. All planning decisions are required to conform to the applicable policies and provisions of the Growth Plan. We are satisfied that the policies in the Growth Plan have been met and the proposed development generally conforms to the Growth Plan.

### **WELLINGTON COUNTY OFFICIAL PLAN**

The subject lands are designated PRIME AGRICULTURAL and GREENLANDS within the County Official Plan. Identified features include a significant wooded area. Kennels are considered a permitted use within the Prime Agricultural area under Section 6.4.3 of the Plan. The location of the proposed kennel is well removed from the significant wooded area on the property.

### **ZONING BY-LAW**

The subject lands are zoned Agricultural (A). Section 6.5 of the by-law states:

“...a kennel is a restricted use in all zones within the Township of Wellington North. Kennels are prohibited uses unless specifically permitted by an amendment to this By-law. Where specifically permitted by an amendment to this By-law, no land, building or structure shall be used for a kennel, unless the land, building and structure is in compliance with the approved By-Law to regulate and provide for the keeping, control and licensing of dogs within the Township of Wellington North.”

An amendment to the zoning by-law is required to permit a kennel on the subject property.

### **KENNEL LICENSING**

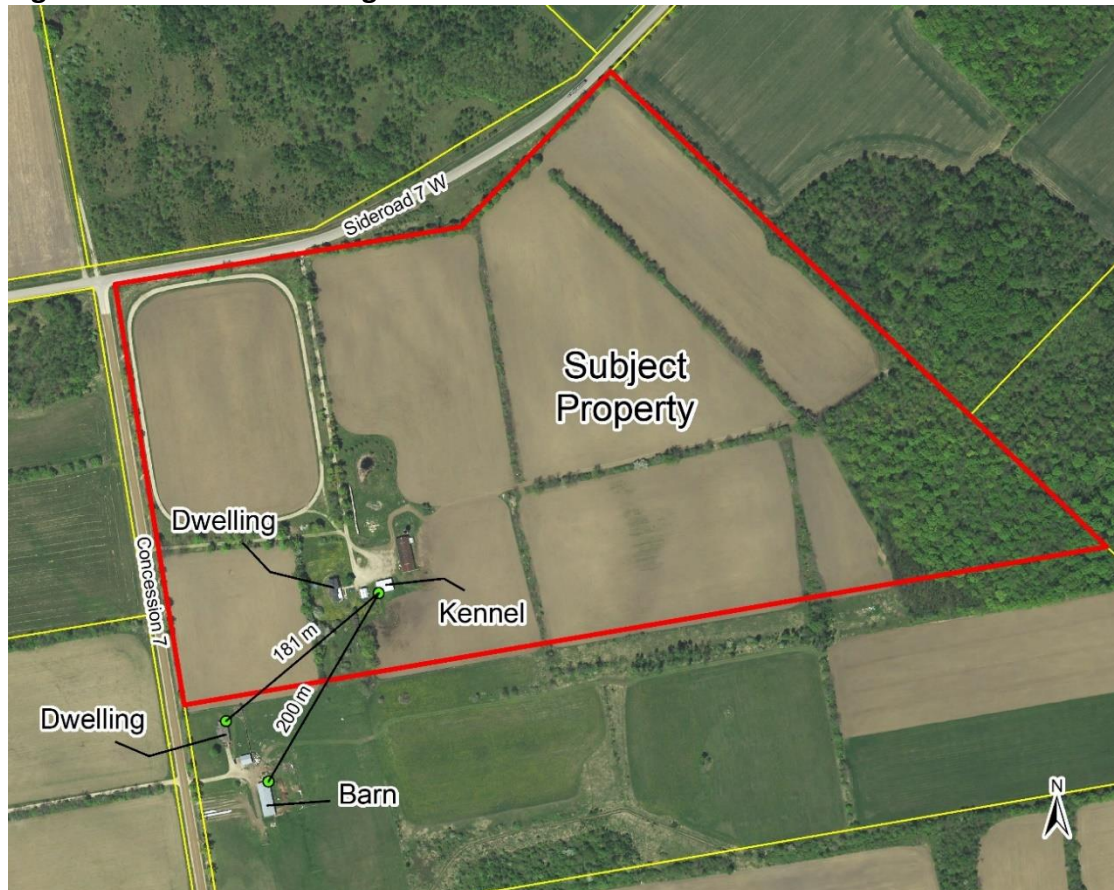
The Township has recently updated the Kennel Licensing By-law (046-17), being a By-law to regulate and provide for the keeping, control and licensing of dogs within the Township of Wellington North. This by-law sets out a number of requirements and standards for kennel operations. Operators must apply for and obtain a license from the Township.

Under the Kennel Licensing By-law, a kennel may only be permitted on a property that is within an Agricultural zone and has a minimum lot area of 25 acres. The proposed kennel appears to meet the minimum eligibility requirements set out in the kennel by-law as the applicant’s property is located within the agricultural area (zoned Agricultural (A)) and the property is 54.4 acres in size.

The applicants have indicated that the kennel will be located within the existing 32 ft by 48 ft accessory building. Section 2.9.7 of the Kennel Licensing By-law requires that *“access to a fenced area to the outside that permits the animals to access the outside area and return to the inside area on its own accord” be provided.* The applicant has not indicated where outdoor access will be provided on site.

Finally, Section 2.19 of the Kennel Licensing By-law outlines that a kennel shall not be located less than 150 m (492 ft) of any adjacent house or livestock barn. The proposed kennel is to be located approximately 181 m (594 ft) from the closest neighbours dwelling and 200 m (656 ft) from the closest barn housing livestock and 190 m (623 ft) from the closest vacant lot. Figure 1 below shows the proposed location of the kennel on the subject property and approximate setbacks to the abutting uses.

**Figure 1: Air Photo Showing Setbacks**



Source: County of Wellington, 2015

## PLANNING CONSIDERATIONS

### Compatibility

The subject property is located on a farm and is surrounded by agricultural uses. The farm parcel adjacent to the subject lands contains a dwelling that is approximately 181 metres from the proposed kennel and a barn that is approximately 200 metres from the proposed kennel. The vacant parcel opposite the subject property is greater than 200 metres from the proposed kennel. Section 2.26 of By-law 046-17 (Township Operation and Licensing of Kennel By-law) states the following with respect to setbacks:

*No person shall own or operate a kennel or facility or structure used in connection with the kennel and established before the passage of this bylaw, located less than 150 metres (492 feet) of any adjacent property owners habitable building or buildings for the keeping of livestock.*

The setbacks exceed the minimum 150 metres required by By-law 046-17.

The applicant is proposing that the kennel house a maximum of 10 dogs. The applicant will be required to provide a detailed site plan as part of the kennel license application. This site plan will need to include an outdoor fenced area for the animals to access on their own accord.

**Draft Zoning By-law**

A draft zoning by-law amendment has been attached to this report for public review and Council's consideration which introduces a site specific exception permitting a kennel on the subject lands.

Respectfully submitted  
County of Wellington Planning and Development Department



Michelle Innocente, RPP  
Senior Planner

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH  
BY-LAW NUMBER \_\_\_\_\_.**

**BEING A BY-LAW TO AMEND ZONING BY-LAW NUMBER 66-01  
BEING THE ZONING BY-LAW FOR THE TOWNSHIP OF WELLINGTON NORTH**

WHEREAS, the Council of the Corporation of the Township of Wellington North deems it necessary to amend By-law Number 66-01; as amended pursuant to Section 34 of The Planning Act, R.S.O. 1990, as amended.

NOW THEREFORE the Council of the Corporation of the Township of Wellington North enacts as follows:

1. THAT Schedule "A" Map 1 to By-law 66-01 is amended by changing the zoning on lands described as Part Lot 19, Concession 6 in the Geographic Township of Arthur as shown on Schedule "A" attached to and forming part of this By-law from:

- **Agricultural (A) to Agricultural Exception (A-48)**

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

<b>33.48</b> Part Lot 19, Con 6 7409 Sideroad 7 W	<b>A-48</b>	Notwithstanding any other section of this by-law to the contrary, a Kennel may be permitted in addition to the uses permitted under the Agriculture (A) Zone, and shall operate in accordance with the regulations set out in the Townships Dog Licencing By-law, as amended;
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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 \_\_\_\_\_, 2019

READ A THIRD TIME AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019

\_\_\_\_\_.

MAYOR

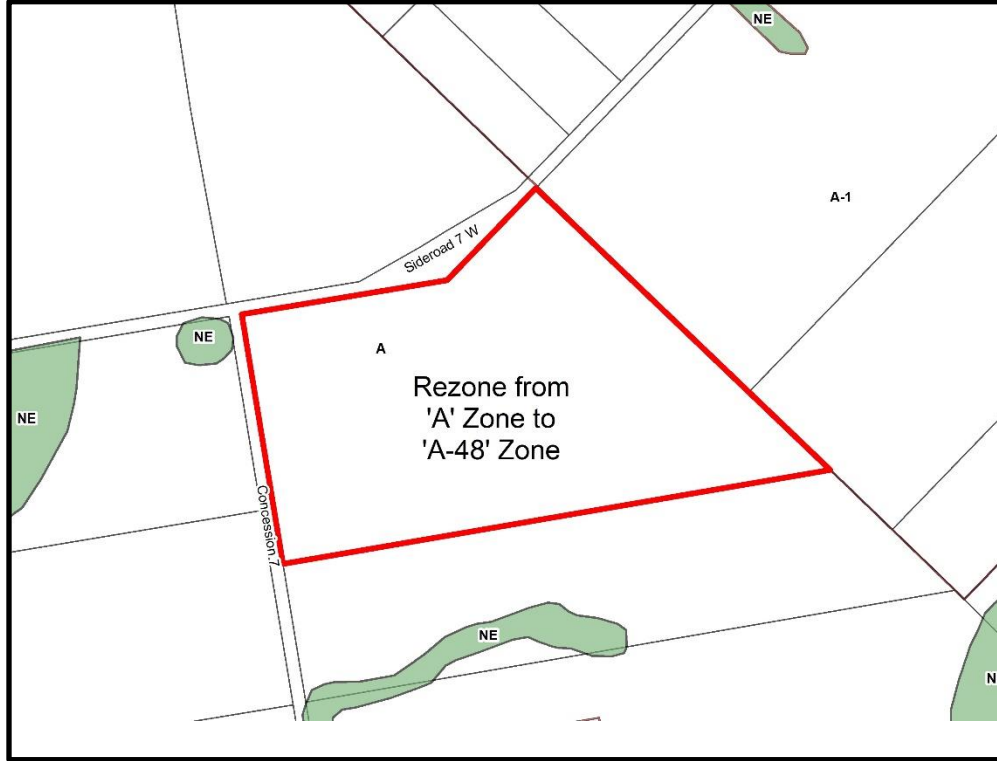
\_\_\_\_\_.

CLERK

**THE TOWNSHIP OF WELLINGTON NORTH**

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

**Schedule "A"**



**Rezone from Agricultural (A) to Agricultural Exception (A-48)**

Passed this \_\_\_ day of \_\_\_\_\_ 2019.

\_\_\_\_\_.

MAYOR

\_\_\_\_\_.

CLERK



**EXPLANATORY NOTE**

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

**THE LOCATION** being rezoned is Part Lot 19, Concession 6, Geographic Township of Arthur, with a civic address of 7409 Sideroad 7 W. The lands subject to the amendment is 22 ha (54.4 ac) in size and is currently zoned Agriculture (A).

**THE PURPOSE AND EFFECT** of the amendment is to rezone the subject lands to permit a Dog Kennel to operate on the subject lands.

From: Laura Warner <lwarner@grandriver.ca>  
Sent: July 31, 2019 10:09 AM  
To: Tammy Pringle  
Subject: RE: NOTICE OF A PUBLIC MEETING TO CONSIDER AMENDMENTS TO THE  
COMPREHENSIVE ZONING BY-LAW 66-01: Clarence & Verna Martin  
Attachments: 7409 Sideroad 7 W\_map.pdf

Hi Tammy,  
The GRCA has no concerns with the subject application as only small portions of the property are regulated by the GRCA due to a neighbouring watercourse and wetland feature. We do not anticipate any negative impacts to these features as a result of this application.

Kind regards,  
Laura

Laura Warner | Resource Planner  
Grand River Conservation Authority  
400 Clyde Road, Cambridge ON N1R 5W6  
P: (519) 621-2763 x 2231 | F: (519) 621-4844  
lwarner@grandriver.ca | www.grandriver.ca

From: Tammy Pringle <tpringle@wellington-north.com>  
Sent: Friday, July 26, 2019 3:51 PM  
Subject: FW: NOTICE OF A PUBLIC MEETING TO CONSIDER AMENDMENTS TO THE COMPREHENSIVE  
ZONING BY-LAW 66-01: Clarence & Verna Martin

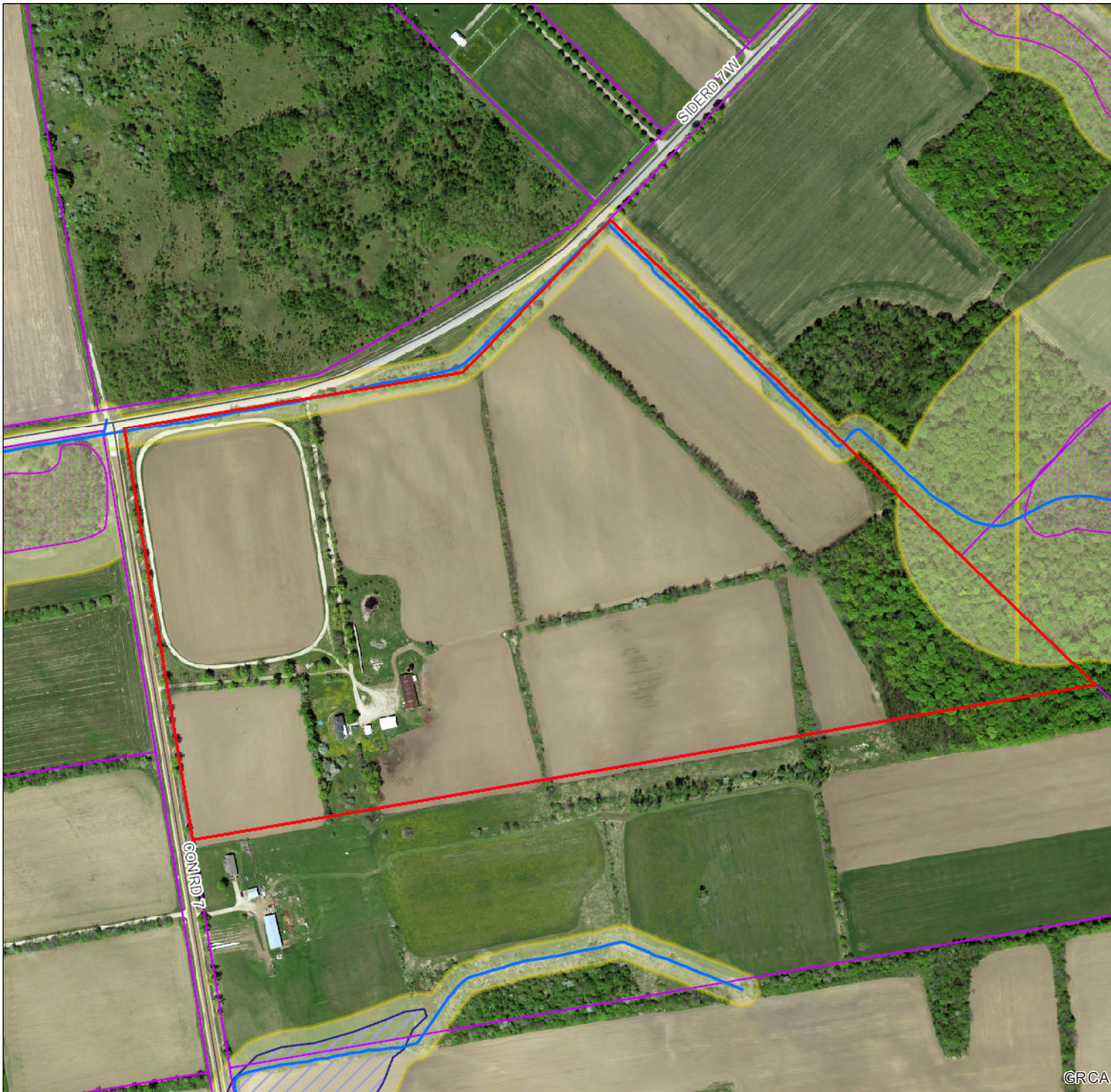
Tammy Pringle  
Development Clerk, Township of Wellington North  
519.848.3620 ext. 4435 | 7490 Sideroad 7 W, PO Box 125, Kenilworth, ON N0G 2E0

Focused on Building Capacity

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7409 Sideroad 7 W, Arthur



Legend

- Regulation Limit (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Floodplain (GRCA)
  - Engineered
  - Estimated
  - Approximate
  - Special Policy Area
- Slope Valley (GRCA)
  - Steep
  - Oversteep
  - Steep
- Slope Erosion (GRCA)
  - Oversteep
  - Toe
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Parcel - Assessment (MPAC/MNRF)

This legend is static and may not fully reflect the layers shown on the map. The text of Ontario Regulation 150/06 supercedes the mapping as represented by these layers.

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