

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH  
PUBLIC MEETING - MINUTES  
MONDAY, APRIL 24, 2017 AT 7:00 P.M**

/The Public Meeting was held at the Municipal Office Council Chambers, Kenilworth to consider an Official Plan Amendment application and a Zoning Amendment application.

**Present:**

**Mayor: Andy Lennox  
Councillors: Sherry Burke  
Lisa Hern  
Steve McCabe  
Dan Yake**

**Staff Present:**

**CAO: Michael Givens  
Clerk: Karren Wallace  
Executive Assistant: Cathy Conrad  
Treasurer: Kimberly Henderson  
Interim Director of Public Works: Derek McCaughan  
Economic Development Officer: Dale Small  
Fire Chief: Dave Guilbault  
Senior Planner: Linda Redmond**

**Mayor Lennox called the meeting to order.**

**Declaration of Pecuniary Interest:**

No pecuniary interest declared.

**OWNER/APPLICANT: Ronald and Tracey Yule**

**LOCATION OF THE SUBJECT LAND**

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

**PURPOSE AND EFFECT OF THE APPLICATION**

The purpose and effect of the proposed amendment is to rezone the subject lands from Natural Environment to a site specific Natural Environment Zone to permit a residential dwelling. The applicants wish to rebuild a house that was destroyed in a fire, and are requesting to construct a single detached dwelling that will include an in-law suite (i.e. accessory apartment) on the subject property.

## **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 March 29, 2017 pursuant to the provisions of the *Planning Act*.

## **PRESENTATIONS**

Linda Redmond, Senior Planner reviewed comments provided by Elizabeth Martelluzzi, Junior Planner, dated April 19, 2017.

## **PLANNING OPINION**

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

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

### **Location**

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

### **Proposal**

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

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

### **PROVINCIAL PLANNING POLICY**

The PPS encourages intensification and a range of housing types. Section 1.4.3(b)(2) requires planning authorities to permit and facilitate “all forms of intensification, including second units.”

**COUNTY OFFICIAL PLAN**

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

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

<i>“One second unit may be allowed in a building or structure that is ancillary to a single detached dwelling, provided that a second unit does not already exist on the property. Local Municipalities may enact zoning provisions to address the following matters:</i>	
a) That safe road access can be provided;	The existing access onto Fifth Line will be used.
b) the establishment of a second unit does not require the creation of an additional driveway access;	The existing driveway will be utilized for access.
c) that adequate off-street parking can be provided on site for both the main residence and second unit without detracting from the visual character of the area;	Section 6.27.8 of the by-law requires 1 parking space per single-detached dwelling. It also requires 1 parking space per accessory dwelling unit. The proposed garage and the existing driveway on the property are large enough to accommodate these requirements.
d) that any exterior alterations to the main residence, necessary to accommodate the second unit, are made in the side or rear yards;	The dwelling will be purpose-built to accommodate the second dwelling. There will be a second entrance on the front elevation to serve the second dwelling
e) that adequate amenity areas are provided for the main residence and second unit;	The property is approximately 4 ha (10 acres) in size. There is potential for outside amenity area on the site to service the second unit.

f) the second unit meets the applicable Building Code, Fire Code, and local property regulations;	All applicable code requirements will need to be met. The Township will be reviewing these requirements at the building permit stage.
g) that adequate water and sewage disposal services can be provided to the second unit; and,	Water and sewage disposal servicing of the second unit will be required to meet the Building Code requirements. The Township will be reviewing this at the building permit stage.
h) Whether a garden suite and second unit will not be permitted on the same lot.	The amending by-law will address this requirement by prohibiting a garden suite on the same lot.
A second unit will not be allowed in a dwelling located in hazardous lands	The dwelling is not located in hazardous lands.

**ZONING BY-LAW**

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

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

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

Council should decide which zoning is appropriate.

**ADDITIONAL INFORMATION**

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

**CORRESPONDENCE FOR COUNCIL'S REVIEW**

Nathan Garland, Resource Planner, Grand River Conservation Authority  
- No Objections

**REQUEST FOR NOTICE OF DECISION**

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

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

Applicants were in attendance to answer any questions regarding the application.

**COMMENTS/QUESTIONS FROM COUNCIL**

No comments/questions from Council

**ADJOURNMENT**

**RESOLUTION 006**

Moved by: Councillor McCabe

Seconded by: Councillor Burke

*THAT the Public Meeting of April 24, 2017 be adjourned at 7:12 p.m.*

**CARRIED**

---

**CLERK**

---

**MAYOR**