



**TOWNSHIP OF WELLINGTON NORTH  
PUBLIC MEETING - MINUTES  
MONDAY, SEPTEMBER 14, 2015 AT 7:05 P.M.  
FOLLOWING COMMITTEE OF ADJUSTMENT**

Please note – Section 34 (12) of the Planning Act.

(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.

Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on August 24, 2015 pursuant to the legislation.

**PRESENTATIONS**

Linda Redmond, Senior Planner, reviewed her comments dated September 1, 2015.

This amendment would allow for the development of a new parochial school. The zoning amendment is required as a condition of provisional consent (B36/15) by the Wellington County Land Division Committee. The Official Plan provides policies to address this type of special development in the prime agricultural area. The Planning Department is satisfied that the proposal is in general conformity with the County of Wellington Official Plan and is supportive of the request to rezone the severed portion (1.53 hectares) of the property to allow for a parochial school.

The land subject to the proposed amendment is described as Part Lot 3, Concession 12, Geographic Township of West Luther, with 94m of frontage on Line 12. The property is 1.53 hectares (3.78 acres) in size and is currently zoned Agricultural and Natural Environment. The surrounding land uses are primarily farms.

The purpose of the amendment is to rezone the subject lands to allow a parochial school on the severed portion of property. This rezoning is a condition of severance application B36/15, that has been granted provisional consent by the Wellington County Land Division Committee (figure 1). The consent will sever the subject lands (1.53 ha) from the retained residential parcel (1.76 ha).

Under the Wellington County Official Plan the subject property is designated PRIME AGRICULTURAL in the Wellington County Official Plan. Section 6.4.9, permits Community Services Facilities. This includes schools 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 transportation.

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The establishment of new community service facilities may only be allowed through a zoning by-law amendment where need and alternative locations have been adequately addressed. Section 4.3.3 of the Official Plan provides policy direction in this regard. In this case the subject lands do not form part of a larger farm parcel and are segregated from the surrounding farms by an existing natural environment area. The surrounding livestock facilities are not further impacted or limited with respect to MDS 1 or 11 and the amending by-law will further relieve this issue.

The subject lands are currently zoned Agricultural (A) and Natural Environment (NE). The draft by-law will place the entire parcel within an Agricultural Exception zone. The site specific 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.

It is the County's position that an Agricultural Exception 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.

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 in the vicinity of the subject lands. The application meets the MDS 1 requirements and we have no concerns. However in order to further establish compliance in the future the exception for this property will include a clause stipulating that the parochial school shall be considered a type A use for the purposes of MDS 1 & 11 calculations.

**REVIEW OF CORRESPONDENCE RECEIVED BY THE TOWNSHIP**

- Valerie Lamont, Resources Information Technician, SVCA
- Acceptable.

**BY-LAW**

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

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

The Applicant was present to answer any questions regarding this application.

**COMMENTS/QUESTIONS FROM COUNCIL**

None

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**OWNER/APPLICANT: 2220468 Ontario Inc. (Braeker)**

**The Property Subject to the Proposed Amendment** is described as Part Lots 7 & 8, Registered Plan 60R-2901, with a municipal address of 198 Main Street N, Mount Forest. The land subject to the amendment is 0.27 hectares (0.69 acres) in size.

**The Purpose and Effect of the Application is to** rezone the subject lands to the subject lands to permit automotive sales in addition to the current automotive service and repair business. The property is currently zoned Central Commercial (C1) Zone.

Please note – Section 34 (12) of the Planning Act.

(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.

Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on August 24, 2015 pursuant to the legislation.

**PRESENTATIONS**

Linda Redmond, Senior Planner, reviewed her comments dated September 1, 2015.

This zoning by-law amendment would allow for the sale of new and used vehicles as well as recognize the existing use of automotive service and repair. The property is currently zoned Central Commercial (C1) which is intended to accommodate intensive commercial uses that are pedestrian oriented. The subject lands have been occupied by an automotive use for many years although Automotive sales is not generally considered a downtown type of business. However, 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. It is staff's opinion that the proposed site specific commercial zoning would permit the historical automotive use, while retaining the C1 zoning category. This option would then make it possible for other future uses which are more in keeping with the intentions of the Official Plan designation to be accommodated on the subject lands and would not adversely affect the transition to more compatible uses in the future.

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The land subject to the proposed amendment is located in the central business district of Mount Forest. The property is legally described as Part Lots 7 & 8, Registered Plan 60R-2901, with a municipal address of 198 Main Street North, Mount Forest. The land subject to the amendment is 0.27 hectares (0.69 acres) and has frontage on Main Street and Birmingham St East. The property is currently occupied by a 557 sq.m. (6000 sq.ft.) building which has historically been used as an automotive sales and repair facility.

The purpose of the application is to rezone the subject lands to permit automotive sales in addition to the current automotive service and repair business. The property is currently zoned Central Commercial (C1) Zone.

The subject lands have been occupied by a car dealership and associated service and repair for many years. This use is not permitted in the current C1 zoning category, but would be permitted in a C2 (highway commercial) zoning category. A number of years ago the automotive sales component of the use ceased, while the service and repair continued. This current use would be considered legal non-conforming because the use was legally established. In order to obtain legal non-conforming status the use would have to have continued in an uninterrupted fashion since the passing of the by-law. Since the automotive sales have not been continuous and uninterrupted, this use cannot resume operation without the required zoning approval.

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.

Under the Wellington County Official Plan the subject lands are designated CENTRAL BUSINESS DISTRICT. This area is identified as the downtown areas of urban centres with a strong focus on business, administrative and cultural activities. Permitted uses within the CBD areas of urban centres include retail office, service, administrative and entertainment. Uses that rely on vehicular rather than pedestrian traffic and generally require larger land area to operate are not generally permitted within the CBD area and are more appropriately located in a highway commercial location. The plan specifically references automotive sales and service establishments as a highway commercial use.

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”. In this regard the property has been used historically for automotive sales and service for many years.

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The objectives of the Official Plan would ultimately encourage the current automotive use to cease in the future in favour of more compatible uses as described above. Section 8.4.3 - Permitted Uses in the Official Plan does not permit automotive sales and service in the Central Business District, however, we recognize that the subject property has contained this use for many years. 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.

The subject lands are zoned Central Commercial (C1) which does not permit automotive uses. These types of uses tend to require larger sites and are geared to the traveling public. The land base supports the proposed use and the automotive service is still in operation. The proposed automotive sales will be accessory to the existing use. The draft by-law will include a site specific to allow the sale of new and used vehicles as well as the service component.

**REVIEW OF CORRESPONDENCE RECEIVED BY THE TOWNSHIP**

- Michael Oberle, Environmental Planning Technician, SVCA
- Acceptable.

**BY-LAW**

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

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

The Applicant was present to answer any questions.

**COMMENTS/QUESTIONS FROM COUNCIL**

Councillor Burke stated that she is always in full support of business expansions and that it is good to see entrepreneurs that want to expand.

Councillor McCabe commented that he is glad to see the use going back to automotive.

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**ADJOURNMENT**

**RESOLUTION 8**

Moved by: Councillor Burke

Seconded by: Councillor McCabe

*THAT the Public Meeting of September 14, 2015 be adjourned at 7:16 p.m.*

**CARRIED**

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**CLERK**

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**MAYOR**