

DECISION
With respect to an Official Plan Amendment
Subsection 17(34) of The Planning Act

I hereby approve as modified all of **Amendment No. 4** to the Official Plan for the Township of Centre Wellington adopted by the Township of Centre Wellington By-law Number 2009-069 on November 23, 2009.

Dated at the City of Guelph this 10th day of January, 2010.



Gary A. Cousins, R.P.P., M.C.I.P.
Director of Planning and Development
Corporation of the County of Wellington

**AMENDMENT NO. 4 TO THE MUNICIPAL
OFFICIAL PLAN FOR THE TOWNSHIP OF
CENTRE WELLINGTON**

November 23, 2009

THE CORPORATION OF THE TOWNSHIP OF CENTRE WELLINGTON

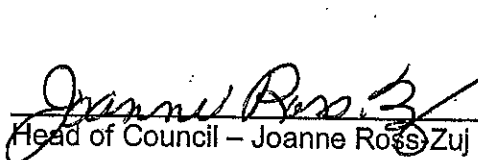
BY-LAW 2009-069

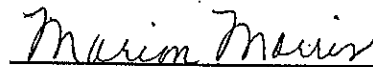
A By-law to Adopt Amendment No. 4 to the Municipal Official Plan for the Township of Centre Wellington, in order to designate the lands affected by the amendment as Policy Area PA1-14

The Council of the Corporation of the Township of Centre Wellington, pursuant to the provisions of the Planning Act, R.S.O. 1990, as amended, does hereby enact as follows:

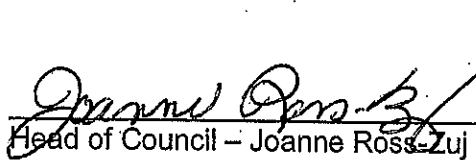
1. THAT Amendment Number 4 to the Municipal Official Plan for the Township of Centre Wellington, consisting of the attached maps and explanatory text, is hereby adopted.
2. THAT this By-law shall come into force and take effect on the day of the final passing thereof.

READ A FIRST AND SECOND TIME THIS 23rd DAY OF NOVEMBER 2009.


Head of Council – Joanne Ross Zuj


Clerk – Marion Morris

READ A THIRD TIME AND FINALLY PASSED THIS 23rd DAY OF NOVEMBER 2009.


Head of Council – Joanne Ross Zuj


Clerk – Marion Morris

CERTIFIED TO BE A TRUE COPY


DEPUTY CLERK

**AMENDMENT NUMBER 4
TO THE
TOWNSHIP OF CENTRE WELLINGTON MUNICIPAL OFFICIAL PLAN**

INDEX

PART A - THE PREAMBLE

The Preamble provides an explanation of the proposed amendment including the purpose, location, and background information, but does not form part of this amendment.

PART B - THE AMENDMENT

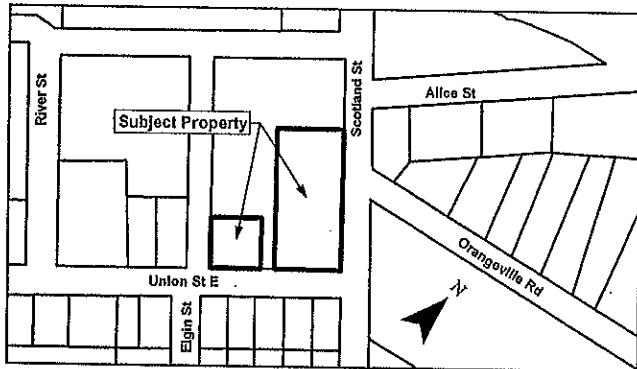
The Amendment describes the changes and/or modifications to the Township of Centre Wellington Municipal Official Plan which constitute Official Plan Amendment Number 4.

PART A - THE PREAMBLE

PURPOSE

The purpose of this amendment is to apply a Policy Area to the Official Plan designation of the subject land. The effect of the amendment is to permit a 50 unit apartment building with a maximum density of 85 units per hectare.

LOCATION



The subject property is at the northwest corner of Scotland Street and Union Street East in the Fergus Urban Centre.

BASIS FOR THE AMENDMENT

The subject land is designated Residential and Core Greenlands by the Township of Centre Wellington Official Plan. The maximum permitted density according to the Township of Centre Wellington Official Plan is 65 units per hectare. The proposed density is approximately 85 units per hectare. The County of Wellington Official Plan provisions in effect at the time of application would permit a maximum density of 100 units per hectare within the Fergus Urban Centre. The subject land is comprised of two parcels, which are separated by a driveway providing access to Wellington Condominium 48. One parcel has an area of approximately 0.46 hectares, and the second smaller parcel has an area of approximately 0.13 hectares. The subject land is part of the Fergus Urban Centre according to the County of Wellington Official Plan and the Township of Centre Wellington Official Plan. In the Township Official Plan, the lands are designated Residential and Core Greenlands. The Core Greenlands designation is a result of the site being partially within the floodplain of the Grand River, according to the Conservation Authority. It is the smaller of the two parcels that is within the floodway of the Grand River and development is prohibited on this parcel.

The Residential land use designation permits a variety of residential uses, ranging from single detached dwellings to apartment buildings. The designation also permits a variety of non-residential uses such as churches, schools, and neighbourhood commercial. The maximum density of residential use permitted by the Township Official Plan is presently 65 units per hectare. The density of the development as proposed is 85 units per hectare. At the time of application, the County of Wellington Official Plan specifically refers to a permitted density of 100 units per hectare within the Fergus Urban Centre. This is a carry-over from the former Town of Fergus Official Plan.

Therefore, the application requires an amendment to the Township of Centre Wellington for the purposes of maximum density, but would comply with the provisions of the County of Wellington Official Plan that were in effect at the time of application.

Provincial Policy Documents

Growth Plan for the Greater Golden Horseshoe ("Growth Plan")

The subject application must conform with the Growth Plan for the Greater Golden Horseshoe, enacted in June of 2006. Under the Growth Plan, development is directed to settlement areas such as the Fergus Urban Centre that have full municipal services available. The Growth Plan requires development of "greenfields" to achieve density targets, and also requires municipalities to plan to meet targets for "intensification" within the "built boundary". The subject site is within the built boundary, and the application to permit development at a higher density than what is presently permitted is considered to be a form of residential intensification. Therefore the proposed development generally conforms with the Growth Plan.

Provincial Policy Statement, 2005 ("PPS")

Similar to the Growth Plan, the PPS directs development to fully serviced settlement areas and encourage intensification. The subject application is consistent with these objectives.

However, the PPS also contains a range of other policies that must be considered. Specifically, Section 3.1 of the PPS requires consideration of Natural Hazards. This is reflected in the Core Greenlands designation applying to the site. Prior to submitting the Official Plan and Zoning By-law amendments, the developer engaged in preconsultation with the Township and the GRCA regarding the impact of potential flooding of the Grand River on this site. It was determined through this preconsultation that development of an apartment building on this site was possible. The GRCA assisted the developer in delineating the regulatory floodline on this site, and determining the part of the site on which development can be permitted. Safe access/evacuation from the site in the event of flooding has also been considered.

The portions of the site that cannot be developed must be placed in a restrictive zoning category (such as EP – Environmental Protection) in the proposed zoning by-law amendment when it is adopted.

Provided appropriate consideration of flooding is carried forward into all appropriate development approvals (i.e. the zoning amendment and site plan), the subject application is consistent with the PPS.

Applicable Official Plans

County of Wellington Official Plan

The proposed Official Plan Amendment generally conforms with the County of Wellington Official Plan.

Township Official Plan

The application requires an Amendment to the Township Official Plan in order to permit a density greater than 65 units per hectare. The residential land use designation permits development of an apartment building. Section D.2.5 sets out the criterion for consideration of medium density development.

<p>That medium density development on full municipal services should not exceed 35 units per hectare (14 units per acre) for townhouses or row houses and 65 units per hectare (26 units per acre) for apartments.</p>	<p>An Official Plan Amendment is required to permit a density greater than 65 units per hectare. Such application conforms to the County of Wellington Official Plan provisions in effect at the time of application, which permit a density of up to 100 units per hectare in the Fergus Urban Centre.</p>
<p>On-site amenity areas for the occupants of the residential units.</p>	<p>Zoning by-law regulations specify the amount of amenity area required on an apartment site. This will be considered as part of site plan approval.</p>
<p>That the design of the proposed height, setbacks, landscaping and vehicular circulation, will ensure that it will be compatible with existing or future development on adjacent properties.</p>	<p>These design elements have been considered in the proposed site plan for the development. The building height and setbacks are comparable to existing buildings in the neighbourhood. Compatibility will also be addressed through site plan approval where building elevations, landscaping and lighting will be required.</p>
<p>Adequate on-site landscaping to screen outdoor amenity areas both on the site and on adjoining property, to buffer adjacent residential areas and to improve the overall appearance of the development.</p>	<p>The zoning by-law requires minimum landscaped areas, and buffer strips.</p>
<p>Adequate off-street parking, access and appropriate circulation for vehicular traffic, particularly emergency vehicles.</p>	<p>The zoning by-law specifies the minimum required amount of off-street parking. Access to the site is from Scotland Street. A traffic impact study has been prepared and accepted by the County of Wellington Roads Dept. The Township will not permit access from Union Street.</p>
<p>Adequate grading to ensure that drainage from the property is directed to public storm drainage facilities and not to adjoining properties.</p>	<p>Grading is to be addressed as part of site plan approval.</p>
<p>That adequate services such as water, sewage disposal, storm water, roads and hydro are available or shall be made available to service the development.</p>	<p>Adequate services are available or can be made available.</p>
<p>That a separate zone(s) is established for multiple residential developments.</p>	<p>The zoning by-law requires R4 zoning for apartment sites.</p>

There are other policies within the Township Official Plan that are relevant to this application. The subject site is within the Fergus Heritage Area according to our Official Plan. Section C.2.10 of the Official Plan requires consideration of the impact of the proposed development on the Heritage Area, and states that *development projects requiring planning approval, which are of a size, scale or character not in keeping with the surrounding heritage resources, should not be allowed.* The proposed apartment building is compatible with the adjacent apartment buildings to the north and west of the site. The proposed building elevations were reviewed by Heritage Centre Wellington as part of the circulation of this application and no concerns were raised. There are no protected heritage properties adjacent to the site, so a Heritage Impact Assessment was not required.

Section C.3.4 of the Township Official Plan deals with flooding hazards. *Generally development will be directed away from areas in which conditions exist which would pose a threat to public health and safety. Development and site alteration will not be permitted in the floodway of a river or stream.* The proposed application will result in development being directed away from the floodway.

IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of this Amendment shall be in accordance with the relevant policies of the Township of Centre Wellington Municipal Official Plan and the County of Wellington Official Plan.

PART B - THE AMENDMENT

All of this part of the document entitled Part B - The Amendment, consisting of the following text constitutes Amendment No. 4 to the Township of Centre Wellington Municipal Official Plan.

DETAILS OF THE AMENDMENT

The Municipal Official Plan of the Township of Centre Wellington is hereby amended as follows:

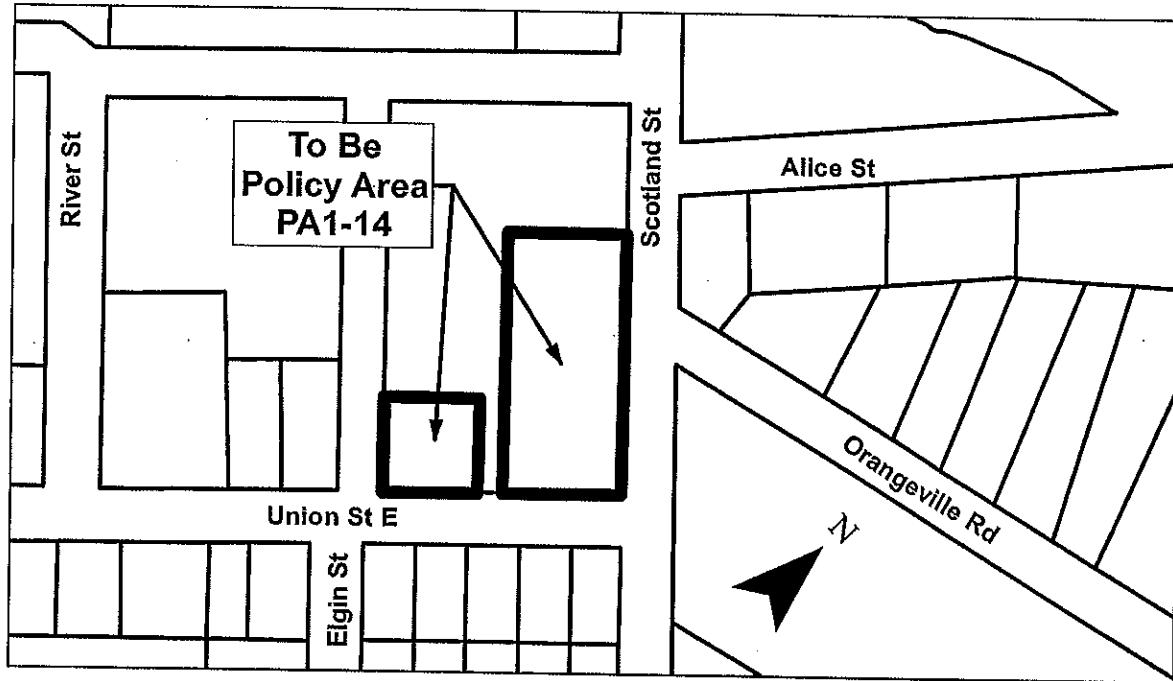
1. THAT Schedule A1 be amended by identifying the subject land as *Policy Area PA1-14* in accordance with the attached Schedule "A", which forms part of this Amendment.
2. THAT Section *D.10.2 Policy Area Descriptions* be amended by adding the following new Policy Area Description PA1-14:

PA1-14 Sheldon Creek Apartment Building (Fergus Urban Centre)

*Notwithstanding anything else in this Plan to the contrary, on land identified as **PA1-14**, the permitted uses shall include an apartment building with a maximum of 50 units or a maximum density of 85 units per hectare. Two zone flood plain provisions shall be applied to the subject land. Portions of the site that are within the floodway shall be zoned so as to prohibit development. Development is permitted in the flood-fringe in accordance with Section 5.4.5 of the County of Wellington Official Plan.*

THE CORPORATION OF THE TOWNSHIP OF CENTRE WELLINGTON

SCHEDULE "A"
OF
OFFICIAL PLAN AMENDMENT NO. 4



THIS IS SCHEDULE "A" OF AMENDMENT NO. 4 TO THE TOWNSHIP OF CENTRE WELLINGTON MUNICIPAL OFFICIAL PLAN