

To: Mayor and Members of Township of East Zorra-Tavistock Council

From: Dustin Robson, Development Planner, Community Planning

Application for Zone Change **ZN 2-24-1 – 2143559 Ontario Inc.**

REPORT HIGHLIGHTS

- The purpose of this application is to rezone the subject lands from ‘Agri-Business Zone (AB)’ to ‘Special Agri-Business Zone (AB-sp)’ to permit a concrete and building supplies business.
- Planning staff are recommending approval of the application as the proposal generally consistent with the policies of the Provincial Policy Statement and maintains the general intent and purpose of the Official Plan.

DISCUSSION

Background

OWNER: 2143559 Ontario Inc.
3981 Perth Line 26, Stratford, ON N5A 653

APPLICANT: Adam Decaire
4688 Perth Road 107, Stratford, ON N5A 6S2

LOCATION:

The subject lands are described as Part Lot 8, Concession 16, in the former Township of East Zorra, now in the Township of East Zorra-Tavistock. The lands are located on the north side of 715649 Oxford Road 4, lying between 17th Line and 16th Line, and are municipally known as 715649 Oxford Road 4.

COUNTY OF OXFORD OFFICIAL PLAN:

Schedule “E-1”	Township of East Zorra-Tavistock Land Use Plan	Agricultural Reserve
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TOWNSHIP OF EAST ZORRA-TAVISTOCK ZONING BY-LAW 2003-18:

Existing Zoning:	Agri-Business Zone (AB)
Proposed Zoning:	Special Agri-Business Zone (AB-16)

PROPOSAL:

The purpose of this application is to rezone the subject lands from 'Agri-Business Zone (AB)' to 'Special Agri-Business Zone (AB-sp)' in order to add a concrete and building supplies business as a permitted use. The applicant has advised that the business supplies insulated concrete forms in addition to under slab and above grade insulation, in floor heat panels, drainage tiles, and fiberglass rebar. The main customer base for the business is the agricultural community according to the applicant. No additional changes are proposed for the 'AB' zone provisions as part of this application.

The lands subject to this application currently contain an existing main building approximately 986.6 m² (10,620 ft²) in size and a coverall building in the rear yard approximately 557.4 m² (6,000 ft²) in size. Both buildings would be used by the proposed business. The lands formerly had a farm implement dealership operating from the site.

The subject lands are located on the north side of Oxford Road 4, west of Innerkip, and have direct access to Oxford Road 4. Surrounding land uses are a variety of agri-businesses and agricultural uses.

Plate 1 – Location Map and Existing Zoning indicates the location of the subject property and the existing zoning in the immediate vicinity.

Plate 2 – Aerial Photography (2020), shows an aerial view of the subject lands.

Plate 3, Applicant's Sketch, identifies the location of the existing buildings and structures and private services.

Application Review

Provincial Policy Statement (2020)

The 2020 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Under Section 3 of the *Planning Act*, where a municipality is exercising its authority affecting a planning matter, such decisions shall be consistent with all policy statements issued under the Act.

Section 2.3 (Agriculture) directs that prime agricultural areas shall be protected for long term agricultural use. Permitted uses in prime agricultural areas include agriculture, agriculture-related uses and on-farm diversified uses. New land uses shall comply with the minimum distance separation (MDS I) formulae.

Section 2.3.6.1 directs that planning authorities may only permit non-agricultural uses in prime-agricultural areas for resource extraction, in accordance with policies 2.4 and 2.5, or limited non-residential uses, provided all of the following are demonstrated:

1. the land does not comprise a specialty crop area;
2. the proposed use complies with the minimum distance separation formulae;
3. there is an identified need within the planning horizon for additional land to be designated to accommodate the proposed uses; and,
4. alternative locations have been evaluated, and there are no reasonable alternative locations which avoid prime agricultural areas and there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

Further, Section 2.3.6.2 directs that impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible.

Official Plan

The subject lands are designated 'Agricultural Reserve' according to Schedule 'E-1' - Township of East Zorra-Tavistock Land Use Plan contained in the Official Plan.

According to Section 3.1.1 of the Official Plan, the goal of the Agricultural Reserve policies is to ensure prime agricultural lands are preserved for food and fibre production by avoiding the fragmentation of the land base, by minimizing conflict between agricultural and non-agricultural uses and by supporting the needs of the agricultural community by permitting land uses which are complementary to and supportive of agriculture.

Further, a strategic aim of the Agricultural Reserve policies is to prevent situations of land use conflict in the agricultural designations by careful management of non-farm uses, including rural residential development, recreational uses, commercial and industrial uses and aggregate resource extraction.

Section 3.1.4.6.1 – Development Criteria for Agricultural Commercial or Agricultural Industrial Uses provides policy direction for existing agricultural related uses and states that agricultural related uses located on a separate parcel from a farm operation and recognized by Agricultural Business zoning in the Area Zoning By-law, as of January 14, 2009, may be permitted to re-develop for the following uses, subject to a site-specific Zoning By-law amendment:

- An agricultural commercial or agricultural industrial use, in accordance with the policies of this section;
- Uses permitted in the standard Agricultural Business Zone in the Area Zoning By-law and other uses which are related to, or generally supportive of, agriculture; and,
- An industrial or commercial use, provided that any re-development is limited to a specific use or uses.

The criteria within Section 3.1.4.6.1 specify that only proposals stating a specific use will be considered by the Area Council or the Oxford County Land Division Committee. To ensure that a proposed use is limited in scale and that the land area proposed for a specific agricultural commercial or agricultural industrial activity will be consistent with the requirements of the proposed use, any proposal for such use shall be accompanied by a detailed site plan showing the location of buildings and structures; septic beds, areas for parking, storage and landscaping; lot grading and drainage, points of access; and any other information deemed to be relevant to the proposal.

Further, the location of agricultural commercial and agricultural industrial uses shall not create a traffic hazard due to proximity to bridges, railway crossings, curves or grades or any other potential traffic hazard. Any agricultural commercial and agricultural industrial use shall be located on a road capable of accommodating the access and the nature of the traffic anticipated to be generated, according to the authority with jurisdiction over the road.

Zoning By-law

The subject property is zoned 'Agri-Business Zone (AB)' in the Township of East Zorra-Tavistock Zoning By-Law. The 'AB' zone permits a variety of uses including a landscaping business, a farm implement dealer, a farm produce retail outlet, a retail outlet, and a manufacturing plant.

The 'AB' zone requires a minimum lot frontage of 45 m (216.5 ft), minimum lot depth of 60 m (196.9 ft) and minimum lot area of 0.4 ha (1 ac). The existing lot area and dimensions appear to meet the provisions of the 'AB' zone.

The 'AB' zone does not permit the storage of goods or materials outside any buildings except that the open storage of goods or materials may be permitted to the rear of the main building provided that:

- such open storage is accessory to the use of the main non-residential building on the lot;
- such open storage complies with the yard and setback requirements of this Section;
- any portion of the area used for open storage, where it does not adjoin the outside wall of a building, shall be enclosed by a fence extending at least 1.5 m (4.9 ft) in height from the ground, constructed of new materials; and,
- notwithstanding the open storage yard, setback and enclosure requirements, the open storage of finished goods or materials shall be permitted for the purposes of display or sale.

Agency Comments

The Township's Fire Chief, the Township Chief Building Official, the Township Public Works Manager, the Oxford County Public Works Department, Enbridge, Southwestern Public Health, and Canada Post have indicated no concerns with the proposal.

Public Consultation

Notice of the Zone Change was provided to the public and surrounding property owners in accordance with the requirements of the *Planning Act*. At the time of writing this report, no comments have been received.

Planning Analysis

The applicant has applied to rezone the subject lands to 'Special Agri-Business Zone (AB-sp) to add a concrete and building supplies business to the list of permitted uses. The subject lands have historically been used for farm implement dealership purposes and contains an existing main building approximately 986.6 m² (10,620 ft²) in size and a coverall structure approximately 557.4 m² (6,000 ft²) in size.

The subject lands are located within the Agricultural Reserve according to the Official Plan. While the Plan contains extensive provisions for the protection of prime agricultural areas for agricultural use, Section 3.1.4.6.1 establishes criteria through which existing agricultural related uses are recognized and permitted to re-develop, subject to a site-specific Zoning By-law amendment.

With respect to the various criteria outlined in Section 3.1.4.6.1, staff are of the opinion that the proposal itself is suited for the location, is limited in scale, and based on the initial feedback from

the County Public Works Department, the proposal is located on a road capable of accommodating the access and the nature of the traffic anticipated to be generated. It is also the opinion of staff that the proposal will continue to make use of the existing private services and infrastructure for the specific use, and that adequate area exists for appropriate setbacks, buffering, and screening.

Staff are satisfied that the proposed rezoning to the 'Special Agri-Business Zone (AB-sp)' to permit a concrete and building supplies business is sufficiently compatible with agriculture and existing land uses in the area. The nature of the proposed business is such that it serves the agricultural community as a considerable portion of their business is devoted to products used for livestock housing purposes (forms, in floor panels, etc.). Planning staff are of the opinion that the application does not offend the policies of the Provincial Policy Statement (PPS) as the existing zoning of the subject lands permits a variety of similar type uses (i.e. a farm drainage contractor). Further, the proposed rezoning will facilitate the establishment of a business which can serve both the agricultural community and surrounding areas while being compatible with surrounding agricultural operations.

In light of the foregoing, it is the opinion of this Office that the application is consistent with the policies of the PPS and maintains the general intent and purpose of the Official Plan. As such, Planning staff are satisfied that the application can be given favourable consideration.

RECOMMENDATIONS

It is recommended that the Council of the Township of East Zorra-Tavistock approve the Zone Change Application submitted by 2143559 Ontario Inc., whereby lands described as Part Lot 8, Concession 16 (East Zorra), Township of East Zorra-Tavistock, are to be rezoned from 'Agri-Business Zone (AB)' to 'Special Agri-Business Zone (AB-sp).'

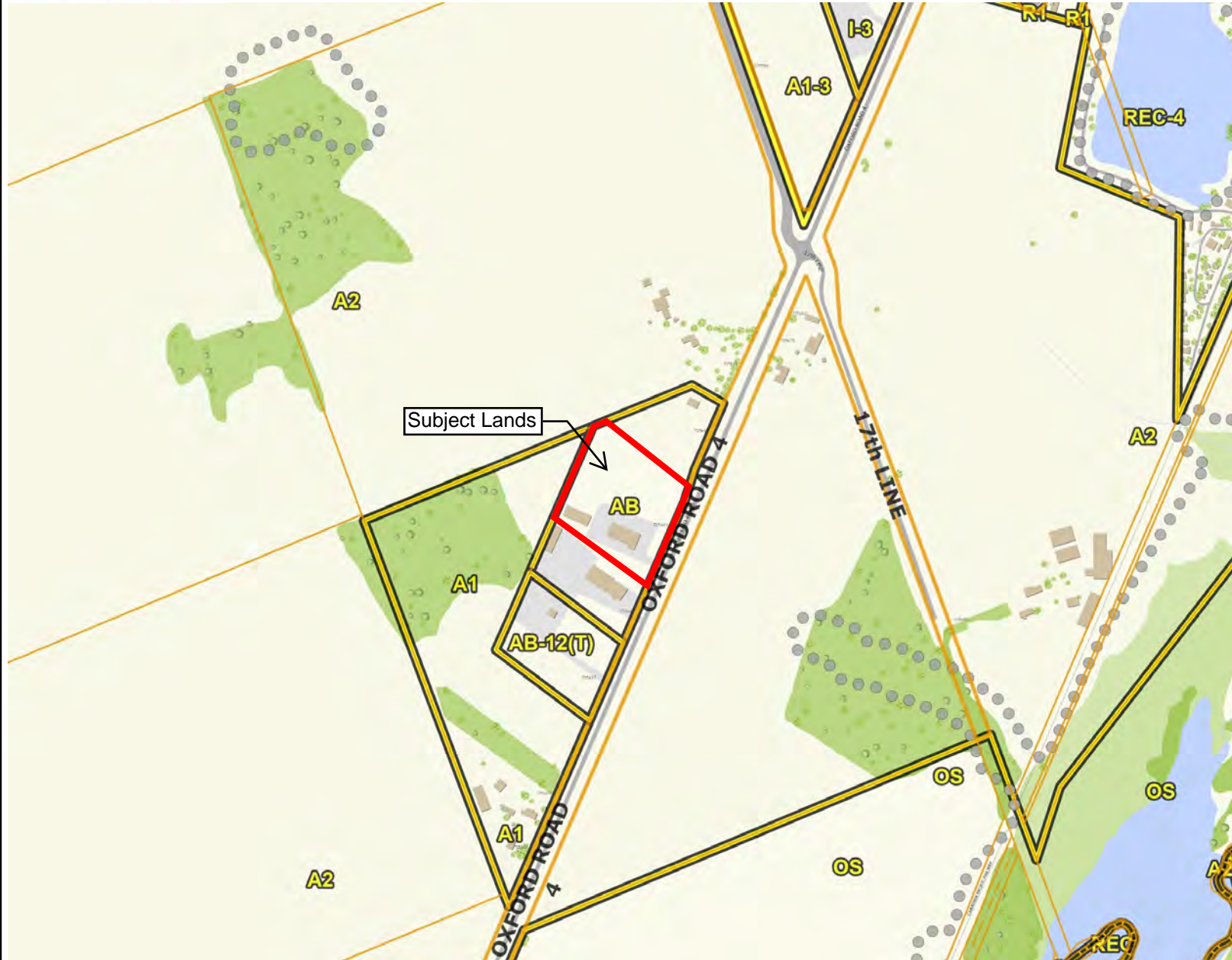
SIGNATURES

Authored by: *'original signed by'*

Dustin Robson, MCIP, RPP
Development Planner

Approved for submission by: *'original signed by'*

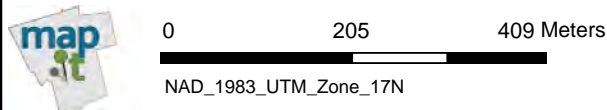
Eric Gilbert, MCIP, RPP
Manager of Development Planning



Legend

- Parcel Lines**
 - Property Boundary
 - Assessment Boundary
 - Unit
 - Road
 - Municipal Boundary
- Zoning Floodlines**
- Regulation Limit**
 - 100 Year Flood Line
 - ▲ 30 Metre Setback
 - Conservation Authority Regulation Limit
 - Regulatory Flood And Fill Lines
- Land Use Zoning (Displays 1:16000 to 1:500)

Notes



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey

March 28, 2024



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Notes



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NAD_1983_UTM_Zone_17N



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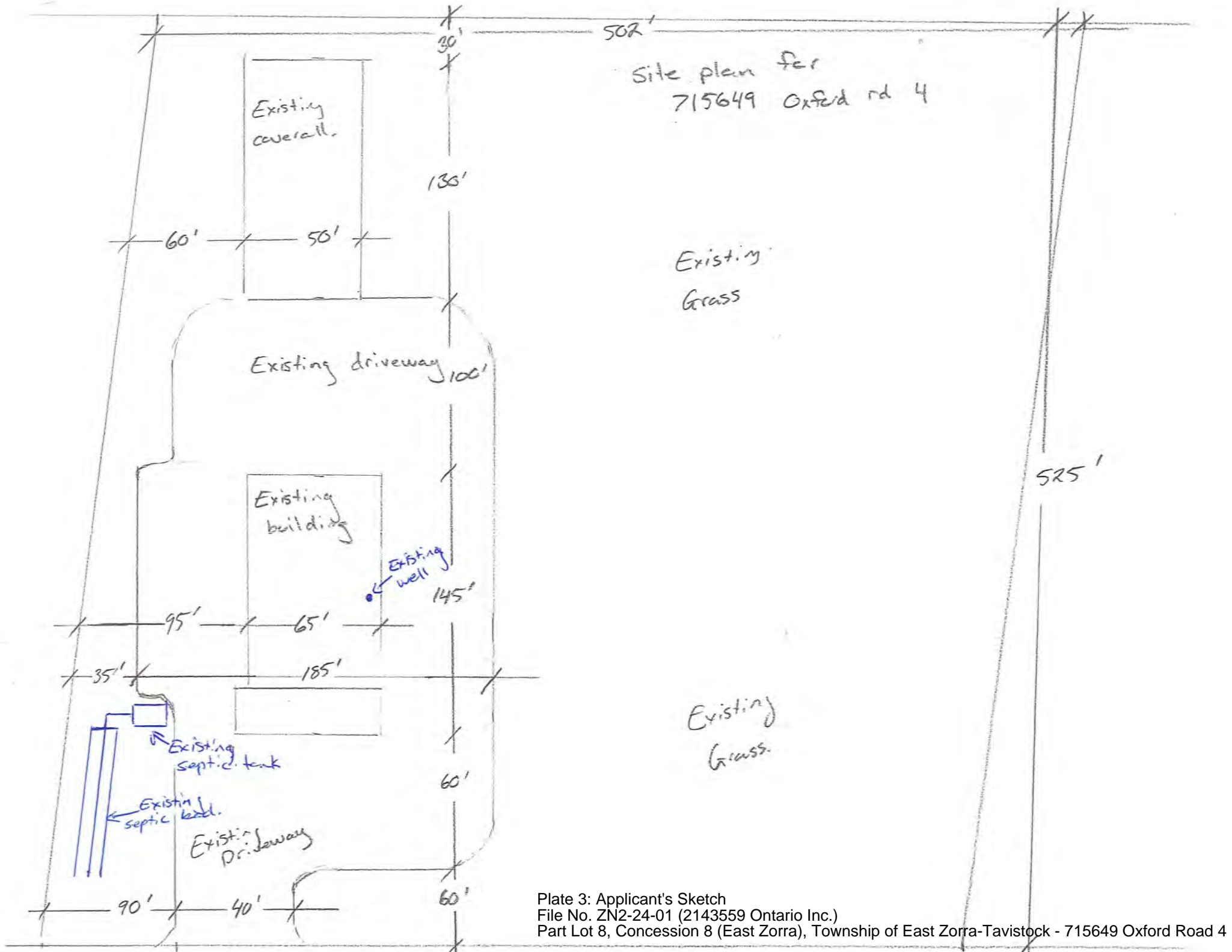


Plate 3: Applicant's Sketch
 File No. ZN2-24-01 (2143559 Ontario Inc.)
 Part Lot 8, Concession 8 (East Zorra), Township of East Zorra-Tavistock - 715649 Oxford Road 4