Application for Zone Change
ZN 3-17-14 – Dey’s Equipment Centre Inc.

REPORT HIGHLIGHTS

- The application for zone change proposes to amend the existing ‘Special Limited Agricultural Zone (A1-1)’ that applies to the property to permit an entrance onto Oxford Road 13, a new storage and repair shop west of the existing dwelling, and outdoor storage within the exterior side yard.

- The proposed amendment will facilitate the construction of a new storage and repair shop west of the existing dwelling, as well as an expansion to the existing agricultural equipment dealership.

- Planning staff are recommending approval of the application as the proposal is generally consistent with the policies of the Provincial Policy Statement and County Official Plan with respect to permitted uses in the agricultural area.

DISCUSSION

Background

OWNER: Dey’s Equipment Centre Inc.
185022 Cornell Road, Tillsonburg ON, N4G 4G8

LOCATION:
The subject property is described as Part Lot 21, Concession 10 (South Norwich), Part 2, 41R-5193, Township Norwich. The property is located on the southeast corner of Cornell Road and Oxford Road 13, and is municipally known as 185022 Cornell Road.

COUNTY OF OXFORD OFFICIAL PLAN:
Schedule “N-1” Township of Norwich Land Use Plan Agricultural Reserve
TOWNSHIP OF NORWICH ZONING BY-LAW 07-2003-Z:

Existing Zoning: Special Limited Agricultural Zone (A1-1)
Proposed Zoning: Amended Special Limited Agricultural Zone (A1-1)

PROPOSAL:

The application for zone change proposes to amend the existing ‘Special Limited Agricultural Zone (A1-1)’ that applies to the property to permit an entrance onto Oxford Road 13, a new storage and repair shop west of the existing dwelling, and outdoor storage within the exterior side yard.

The subject property is currently occupied by an existing farm implement dealer/repair shop, storage building and accessory dwelling. Surrounding land uses are predominately agricultural lands, with a number of rural residential lots to the immediate east and northwest.

Plate 1, Existing Zoning & Location Map, shows the location of the subject property and existing zoning in the immediate vicinity.

Plate 2, Aerial Map (2015) with Existing Zoning, provides an aerial view of the subject property and surrounding area.

Plate 3, Applicant Sketch, shows the location of the existing buildings/structures on the property.

Application Review

PROVINCIAL POLICY STATEMENT:

The 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.

Further, Section 2.3 directs that prime agricultural areas shall be protected for long term agricultural use. In prime agricultural areas, permitted uses and activities include agricultural uses, agriculture-related uses and on-farm diversified uses. All types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

Proposed agricultural-related 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 (Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas), as set out in municipal planning documents. New land uses, including the creation of lots, and new or expanding livestock facilities shall also comply with the minimum distance separation formulae.

According to the PPS, agricultural-related uses are farm related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit
from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

OFFICIAL PLAN:

The subject site is located within the ‘Agricultural Reserve’ designation according to the Township of Norwich Land Use Plan, as contained in the County Official Plan.

In the Agricultural Reserve, lands are to be developed for a wide variety of agricultural land uses, such as general farming, animal or poultry operations, regulated livestock farms, cash crop farms and specialty crop farms. Permitted uses also include woodlands, market gardening, tobacco farming, nurseries and orchards, together with farm buildings and structures necessary to the farming operation, and accessory residential uses required for the farm.

The County is currently in the process of reviewing its agricultural policies as part of the current 5-year Official Plan review. This review will include consideration of the changes to the agricultural-related use policies in the 2014 PPS. However, until this review and any associated amendments are completed, the current Official Plan policies (which reflect the 2005 PPS agricultural related use policies) will continue to apply.

Agriculture-related uses permitted in the Agricultural Reserve include agricultural commercial and agricultural industrial uses. Subject to the policies of Section 3.1.4.6, Area Council may permit the establishment of new agricultural commercial activities subject to compliance with the following criteria:

- The predominant activity will be related to the farm operation and unable to function successfully or properly without a location in close proximity to that farm operation. Uses which do not satisfy these criteria will be directed to designated settlement areas to reinforce the traditional community and service functions of these areas.
- Only proposals stating a specific use will be considered by the Area Council. The land area proposed for the agricultural commercial or agricultural industrial use will be consistent with the requirements of the proposed use.
- The proposal must demonstrate that nearby underdeveloped or vacant, properly zoned sites are unsuitable for the proposed use before other properties are rezoned.
- For new uses, the Area Council will also be satisfied that the following locational criteria have been considered:
  - the use is proposed on existing undersized agricultural parcels of a size and shape which constrains agricultural activity;
  - the use is proposed in an area made unsuitable for agriculture by former or surrounding land uses.
- The location of the new use shall not create a traffic hazard due to proximity to bridges, railway crossings, curves or grades or any other potential traffic hazard. Further, such uses shall be located on a road capable of accommodating the nature of the traffic anticipated to be generated.
- The new use shall be limited in scale so that they do not hinder surrounding agricultural operations or other existing land uses. Appropriate scale limitations for such uses shall be established and may include limits on total floor area for associated buildings and structures, number of employees, open storage, sale of goods and materials and other provisions necessary to limit the overall type and scale of use.
- New agricultural commercial or agricultural industrial uses will be located in conformity with Minimum Distance Separation Formula I.
The proposed uses will be of a size and scale suitable for private services.

The agricultural commercial and agricultural industrial proposal will be in compliance with the Environmental Resource and Resource Extraction policies.

The proposal shall be subject to site plan approval to address concerns related to setbacks, building location, buffering and screening, etc.

Agricultural commercial and agricultural industrial uses are considered to be part of the farm operation and the severance of such a use from the farm parcel shall not be permitted.

**TOWNSHIP OF NORWICH ZONING BY-LAW:**

The subject property is currently zoned ‘Special Limited Agricultural Zone (A1-1)’ according to the Township’s Zoning By-law. The ‘A1-1’ zone permits a farm, accessory farm dwelling, farm implement dealer, seasonal produce outlet, home occupation and service and repair shop for agricultural vehicles.

Special provisions are also included to recognize a lot area of 5.3 ha (13.1 ac), limit the location of the farm implement dealer to the west side of the existing service and repair shop, as well as the location of the outside farm implement display to the area between Cornell Road and the farm implement dealer, but not within the exterior side yard. The driveway providing access to the farm implement dealer is also only permitted between the existing driveway and County Road 13, but not the exterior side yard.

It should be noted that the exterior side yard is considered the area between the front lot line (abutting Oxford Road 13) and the nearest building on the property.

In this case, the applicant proposes to amend the current zoning to permit an entrance onto Oxford Road 13, with the exterior side yard, a new storage and repair shop west of the existing dwelling, and outdoor storage within the exterior side yard. It should be noted that the current zoning was implemented to limit the impacts of the existing development on Oxford Road 13.

**AGENCY COMMENTS:**

The application was circulated to those agencies that were considered to have an interest in the proposal. The following comments were received.

The **County Public Works Department** has no concerns with the proposed new entrance onto Oxford Road 13, but notes that an entrance permit will be required should Council be supportive of the proposal.

The **Township Chief Building Official** indicated that the proposed development is subject to site plan control.

The **Township Director of Public Works and Long Point River Conservation Authority** indicated that they have no concerns with the proposal.

**PUBLIC CONSULTATION:**

Notice of complete application and notice of public meeting regarding the application were circulated to surrounding property owners on September 5, 2017 and September 26, 2017.
Planning Analysis

The application for zone change proposes to amend the existing ‘Special Limited Agricultural Zone (A1-1)’ that applies to the property to permit an entrance onto Oxford Road 13, a new storage and repair shop west of the existing dwelling, and outdoor storage within the exterior side yard.

As the proposal will facilitate the expansion of an existing agricultural-related commercial use, which will continue to be directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity, Planning staff are satisfied that the proposal is consistent with the relevant policies of the PPS.

While the applicant is proposing an addition to an existing agricultural-related commercial use, Staff note that the proposal should still be evaluated with respect to the policies of Section 3.1.4.6. In this case, it is not anticipated that the proposed expansion will have any further impact on traffic as the majority of the proposed expansion is attributed to storage purposes. The County Public Works Department has also indicated that they have no concerns with the proposed new entrance onto Oxford Road 13.

The applicant also proposes to store equipment within the exterior side yard. As the proposed open storage area will be setback sufficiently from Oxford Road 13 and Cornel Road, it is not anticipated that the proposed development will have any negative impacts on sightlines along the road. While this is the case, it is recommended that a provision be included to ensure the storage area is not located within the required 15 m (49.2 ft) exterior side yard, rather than the full area between the existing farm implement dealer building and front lot line.

While the applicant proposes to increase the scale of the existing use, it is not anticipated that the development will have any further impacts on surrounding agricultural operations or other existing land uses, than what currently exists. The proposed expansion will be located within the developed area of the property, to the west of the existing dwelling, and the property appears to be of a sufficient size to accommodate for adequate private services. It should be noted that the applicant will be required to amend the existing site plan that applies to the property, should the application for zone change be approved.

As noted, the existing zoning is proposed to be amended to allow for a second entrance onto Oxford Road 13 and a new storage and repair shop west of the existing dwelling, as the existing zoning requires any future development to be located to the west of the existing service and repair shop. A special provision will also be included to ensure the proposed equipment storage area is located outside of the required 15 m (49.2 ft) exterior side yard.

In light of the foregoing, it is the opinion of this Office that the proposed zone change is generally consistent with the policies of the Provincial Policy Statement and maintains the general intent and purpose of the County Official Plan. As such, Planning Staff are satisfied that the application can be given favourable consideration.
RECOMMENDATION

It is recommended that the Council of the Township of Norwich approve the zone change application submitted by Dey’s Equipment Centre Inc., whereby the existing ‘Special Limited Agricultural Zone (A1-1)’ that applies to the lands described as Part Lot 21, Concession 10 (South Norwich), Part 2, 41R-5193, Township Norwich is to be amended to permit an entrance onto Oxford Road 13, a new storage and repair shop west of the existing dwelling, and outdoor storage within the exterior side yard.

SIGNATURES

Authored by: original signed by Rebecca Smith, MCIP, RPP
Development Planner

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Senior Planner
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