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Public Hearings Committee – July 06, 2021

Subject: ZNPL2021121– An application has been received to amend the Zoning By-law to change the zoning on the subject lands from 'General Industrial (MG)' zone with special provision 14.359 to 'General Industrial (MG)' zone with a site specific special provision to address deficiencies related to interior side yard setback, front yard setback, structure height, and specific provisions pertaining to multiple lots in the area outlined in special provision 14.359.

GRASSMERE CONSTRUCTION LTD. on behalf of 2582571 ONTARIO INC. has put forth the application affecting the lands described as 14 Norfolk County Road 16.

Report Number: CD 21-57
Division: Development and Cultural Services
Department: Planning
Purpose: For Information

Executive Summary:

This Public Meeting report is for a zoning by-law amendment submitted by Grassmere Construction Ltd., on behalf of 2582571 Ontario Ltd., with respect to the subject site located at 14 Norfolk County Road 13 in Courtland. This report describes the proposed application and includes an overview of the relevant policies and regulations that will be evaluated as part of a future comprehensive recommendation report.

The applicant is proposing to build a 632 square metre (sq m) open outdoor display area under a canopy structure for the display and sale of recreational boats. The current zoning is "General Industrial (MG)" and the application proposes a Zoning By-law Amendment to address the following deficiencies related to the MG zone, as well as the existing special provision that applies to a larger area within the Courtland Industrial area:

- 1) Relief of 31.5 metre (m) from Site Specific Provision 14.359 requiring a 36 m distance from an outdoor storage area to a Hamlet Residential (RH) zone, to permit a 4.5 m distance.
- 2) Relief of 11.20 m from Section 7.1.4 h) where outdoor storage is not permitted in the front yard (26.02 m existing front yard defined through previous applications), to permit outdoor storage within 11.20 m of the front yard.
- 3) Relief of 15.5 m from Section 7.4.1 e) i) to permit a 4.5 m minimum interior side yard from the 20 m minimum required interior side yard abutting a residential zone.

- 4) Finally, relief from Section 7.4.1 g) where the maximum structure height is limited by a 45-degree angular plane measured from the edge of any residentially zoned lot. Relief to permit a maximum structure height of 7.50 m is requested.

The Official Plan Amendment and Zoning By-law Amendment applications were deemed complete on May 11, 2021.

This report is being presented as part of the statutory public meeting required by the Planning Act. A subsequent report will be brought forward containing a recommendation for Council consideration.

Site Features and Land Use:

The subject lands are located in the northeast corner of the intersection of Norfolk County Road 13 and Highway 3. The subject lands contain an existing commercial business, known as Lockhart's Odyssey. There are two existing structures, a parking area, and a pond currently established for the business. The lands are approximately 4.99 acres, with approximately 85.2 metres of frontage on Highway 3 and 116.19m of frontage on to Norfolk County Road 13. The lot has a depth of approximately 146 m.

Figure 1. View of Subject Property from Hwy. 3



Discussion:

The proposed Zoning By-law Amendment and Site Plan Amendment would facilitate the installation of a 632 square metre open outdoor display area under a canopy structure for the display and sale of recreational boats. The application was supported by a number of reports and documents, including a planning rationale report, a draft site plan, as well as documents addressing elevations, water and wastewater servicing (and modelling), and storm water management.

Circulation Comments: The technical comments received from Departments and Agencies are attached (Appendix A) and form part of this information report. Full comments will be provided with the recommendation report.

Regard For Public Input:

No public input has been received for this application and therefore was not considered as part of this recommendation.

This report is being presented as part of the statutory public meeting.

Planning Considerations:**Provincial Policy Statement, 2014**

The PPS provides policy direction on matters of provincial interest related to land use planning and development. It promotes efficient development and land use patterns and encourages growth and development within existing settlement areas. The subject land is within the 'settlement area' as defined in the Provincial Policy Statement.

Section 1.1.3.1 identifies that "settlement areas shall be the focus of growth and development." Further it identifies that "land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the impacts of a changing climate;
- e) support active transportation;
- f) are transit-supportive, where transit is planned, exists or may be developed; and
- g) are freight-supportive."

Section 1.2.6 of the Provincial Policy Statement, 2020 focuses on land use compatibility. It states the following: "Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

It goes on to identify that when avoidance is not possible, "planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment."

Section 1.6.6.7, related to stormwater management policies, provides specific performance indicators, including:

- prevention of contaminant loads;
- erosion and changes in water balance;
- mitigation of risks to human health, safety, and the environment;
- promotion of water conservation and efficiency; and
- low impact development.

Planning Comments: *The proposed development is located within Courtland within the existing Courtland Protected Industrial area on the west side of the settlement area. Planning staff will provide a full conformity check based on the above mentioned policies of the PPS, 2020 within the recommendation report.*

Norfolk County Official Plan

The subject lands are designated “Protected Industrial” in the Official Plan.

Protected Industrial areas are characterized by their high visual profile and accessibility and are generally comprised of industrial, employment, accessory commercial and related uses. This designation is expected to accommodate a wide range of industrial uses requiring high visibility and good accessibility. High quality design will be essential in these areas and some restrictions on uses will be applied to ensure attractive streetscapes.

Section 7.12.1 indicates that the predominant land use shall be a wide range of employment and industrial uses. It also indicates that “open storage shall be screened such that it is not visible from a Provincial Highway or arterial road.” Further, it states the following:

- d) A separation distance, determined in consultation with the Ministry of the Environment and Climate Change and the relevant guideline related to land use compatibility, shall be established between an industrial use and any sensitive land use. This separation distance shall be enforced through a site specific amendment to the Zoning By-law and site plan control through the use of a minimum building setback applied to any industrial use building adjacent to an established or approved sensitive land use.
- e) In locating any sensitive land use in the vicinity of any established or approved industrial use, the County shall establish appropriate separation distances in consultation with the Ministry of the Environment and Climate Change and the relevant guideline related to land use compatibility.
- f) Deviation from the established separation distances shall require detailed supporting studies of the potential impacts on the sensitive land use by the Industrial use, and vice-versa, and any recommended mitigation measures.
- g) Separation distances between sensitive land uses and Protected Industrial uses, or for Protected Industrial uses abutting Provincial Highways or arterial roads shall be required to provide a higher standard of amenity in terms landscaping building materials and outdoor storage which shall be implemented through the Zoning By-law, as a condition of draft plan approval and/or through site plan control and may include measures such as:
 - i. building orientation, design and setbacks;
 - ii. landscaping and screening;
 - iii. access controls;
 - iv. road improvements and widenings;
 - v. restrictions on the range of permitted uses; and
 - vi. restrictions on outside storage.

- h) Adequate off-street parking and loading facilities shall be provided for all permitted uses for employees and visitors. Vehicle access shall be oriented such that industry-related traffic will be discouraged from using local roads where other options are available. Loading facilities and service areas shall be located to avoid conflict between pedestrian circulation, service vehicles and movement along the public rights-of-way.
- i) The provision of appropriate and adequate landscaping and/or other forms of buffering shall be provided to:
 - i. enhance all parking lots, and outdoor loading, storage and service areas; and
 - ii. provide separation between the use and any adjacent use, where appropriate.
- j) Industrial uses shall be developed in such a manner to ensure protection and screening of outdoor storage areas from all adjacent roads.

Specific to Courtland's Protected Industrial Area, Section 7.12.3.1 indicates the following:

- a) Notwithstanding Section 7.12.1 (Protected Industrial Designation – Permitted Uses) to the contrary, a full range of industrial uses shall be permitted within the Site Specific Policy Area, subject to the industrial use(s) being serviced by approved water and wastewater treatment facilities.
- b) Any existing residential development may be recognized in the Zoning By-law.
- c) No new residential development shall be permitted.
- d) In order to promote aesthetic quality, proposals for industrial development within the Site Specific Policy Area that are visible from adjacent roads shall be required to provide a higher standard of amenity in terms of landscaping, building materials or outdoor storage, in accordance with the policies of Section 7.12.2(g) (Protected Industrial Designation – Land Use Policies)

Planning comments: *The proposed development will be further reviewed based on the above mentioned policies. A conformity check of the Official Plan policies will be provided within the recommendation report.*

Norfolk County Zoning By-Law 1-Z-2014

The subject lands are currently zoned "General Industrial (MG)".

The following uses are permitted in the MG zone:

- a) ambulance service
- b) *animal hospital*
- c) *auction centre*
- d) bus terminal
- e) call centre
- f) *Cannabis Production and Processing*, subject to General Provisions 3.21 [25-Z-2018]
- g) construction shop
- h) *contractor's yard*

- i) crematorium
- j) fire hall
- k) food processing, excluding abattoir
- l) general material manufacturing
- m) graphics and design
- n) industrial supply
- o) material processing, excluding asphalt plant, cement works and concrete batching
- p) *merchandise service shop*
- q) *office, industrial, accessory to a permitted use*
- r) personal and health services for employees, accessory to an industry on the same *lot*
- s) research and development facility
- t) retail sales accessory to an industry on the same *lot*
- u) storage
- v) taxi terminal
- w) telecommunications and data processing
- x) trade school
- y) transportation
- z) *vehicle services and repair, including automobile body shop and industrial garage*
- aa) *wholesale outlet.*

The lands are also subject to a site specific provision, 14.359. The provision indicates the following:

In lieu of the uses *permitted* in the MG Zone, the following uses shall apply:

- a) day care centre
- b) fitness and health care facility
- c) industrial supply establishment
- d) *office, industrial*
- e) *open storage* accessory to any *permitted* use
- f) processing, manufacturing and light assembly plant provided there is not a high requirement of either strength or quantity of waste, or a high volume requirement of public water and provided that no refining, heavy forging, casting or smelting operations are carried out
- g) research and development facilities
- h) *restaurant*
- i) retail sales related to industrial on same *lot*
- j) sports facility
- k) *truck terminal* provided that it is not on the portion of the lands shown on Schedule 14.359.1 as Part 1
- l) any use *permitted* in an ML Zone except an *automobile service and repair station.*

No *building, structure* or open storage shall be located any nearer than 36

metres from No *building, structure* or open storage shall be located any nearer than 36 metres from any RH Zone.

The surrounding area consists of a variety of industrial, agricultural, and commercial uses zoned appropriately through the General Industrial (MG), Rural Industrial (MR), Agricultural (A), and Service Commercial (CS) zones. In addition, there is also two existing residential lots, owned by the owner of the subject property, surrounded by the subject property, and abutting highway 3. These properties are zoned residential hamlet and continue to be designated under the Protected Industrial zone.

The applicants are requesting to amend the zoning from the existing General Industrial (MG) with special provision 14.359 to include a site specific provision to permit 4.5 m from an outdoor storage area to a Hamlet Residential (RH) zone (where 36 m is required by 14.359) and to address the following:

	Zoning Provision	Proposed	Deficiency
e) minimum <i>interior side yard</i> :	3 metres	Existing	N/A
i) abutting a residential Zone	20 metres	4.5 m	15.5 m
g) maximum <i>building height</i> :	subject to a 45 degree <i>angular plane</i> measured from the edge of any residential, commercial or institutional <i>Zoned lots</i>	7.50 m	
h) <i>outdoor storage</i> :	prohibited in any <i>front yard</i> or any <i>required exterior side yard</i>	Permission to have storage of 11.20 m of the front yard (26.02 m existing frontyard)	Currently not permitted

Planning Comments: *The proposed development would facilitate an outdoor storage area, but would not facilitate a further increase in the industrial use of the site. A full evaluation of the proposed zoning by-law amendment will be provided within the recommendation report.*

Strategic Plan Linkage:

This report aligns with the 2019-2022 Council Strategic Priority "Create an Optimal Place for Business".

Explanation: The proposed development is to enable the expansion of an existing business within the community.

Conclusion: The purpose of this report is to summarize the planning application proposal, provide the comments received from applicable departments and agencies, summarize comments received from member of the public, and to provide general information in relation to the overall application. A staff report with related recommendations will be submitted to Council for consideration at a later date.

Recommendation(s):

THAT Report CD 21-57, Public Hearing report for ZNPL2021121, be received for information;

THAT any outstanding technical comments received be provided to the applicant and addressed prior to submission of a future recommendation

AND THAT any comments received as part of the statutory public meeting be considered in a future recommendation staff report.

Attachment(s):

Maps 1 to 4
Appendix A Circulation Comments
Appendix B Planning Rationale Report
Appendix C Site Plan

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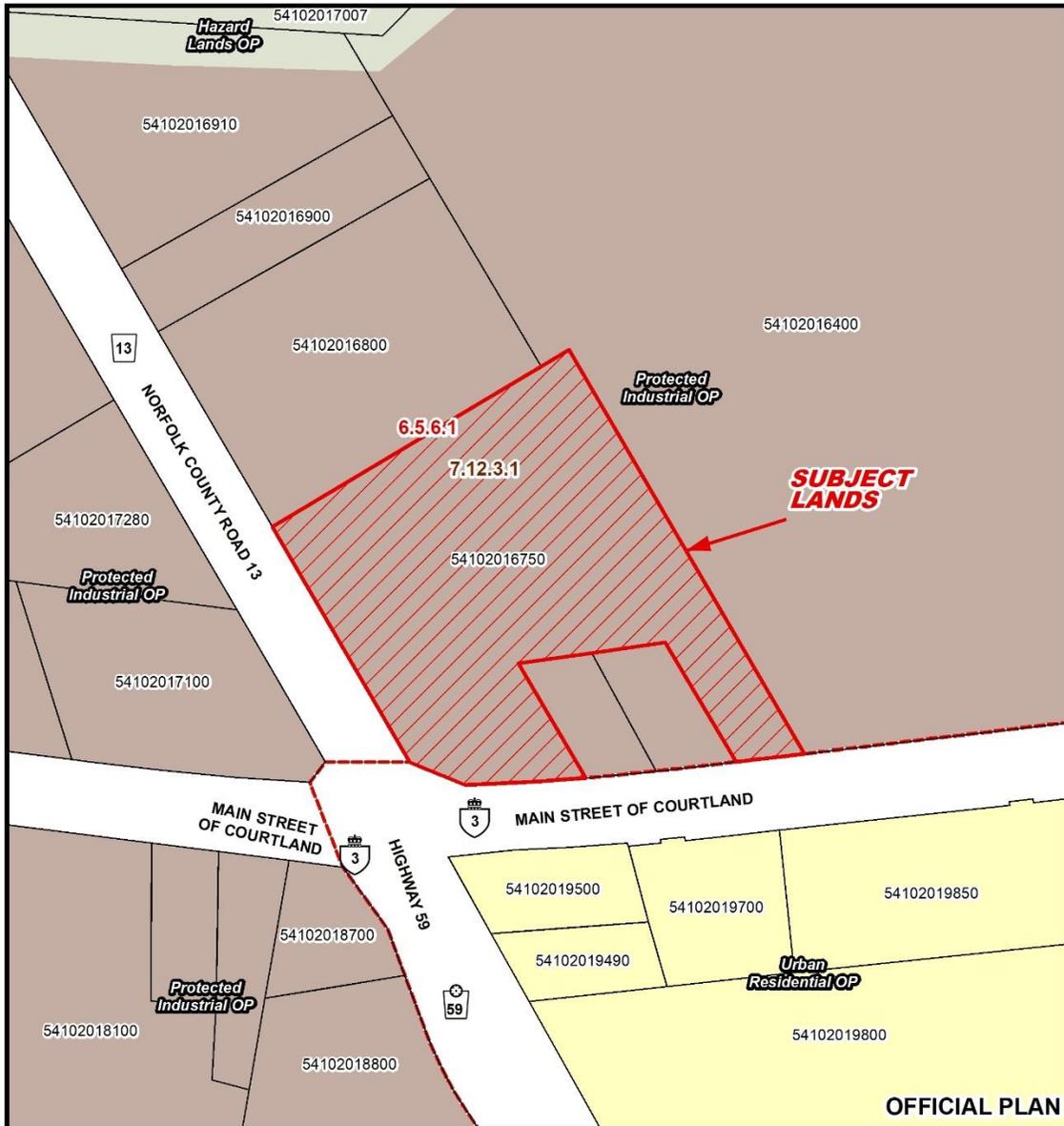
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MAP 2

File Number: ZNPL2021121 & SPPL2021122

Geographic Township of MIDDLETON



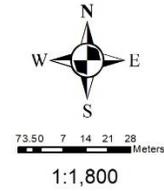
OFFICIAL PLAN

2021-05-12

MAP 3

File Number: ZNPL2021121 & SPPL2021122

Geographic Township of MIDDLETON

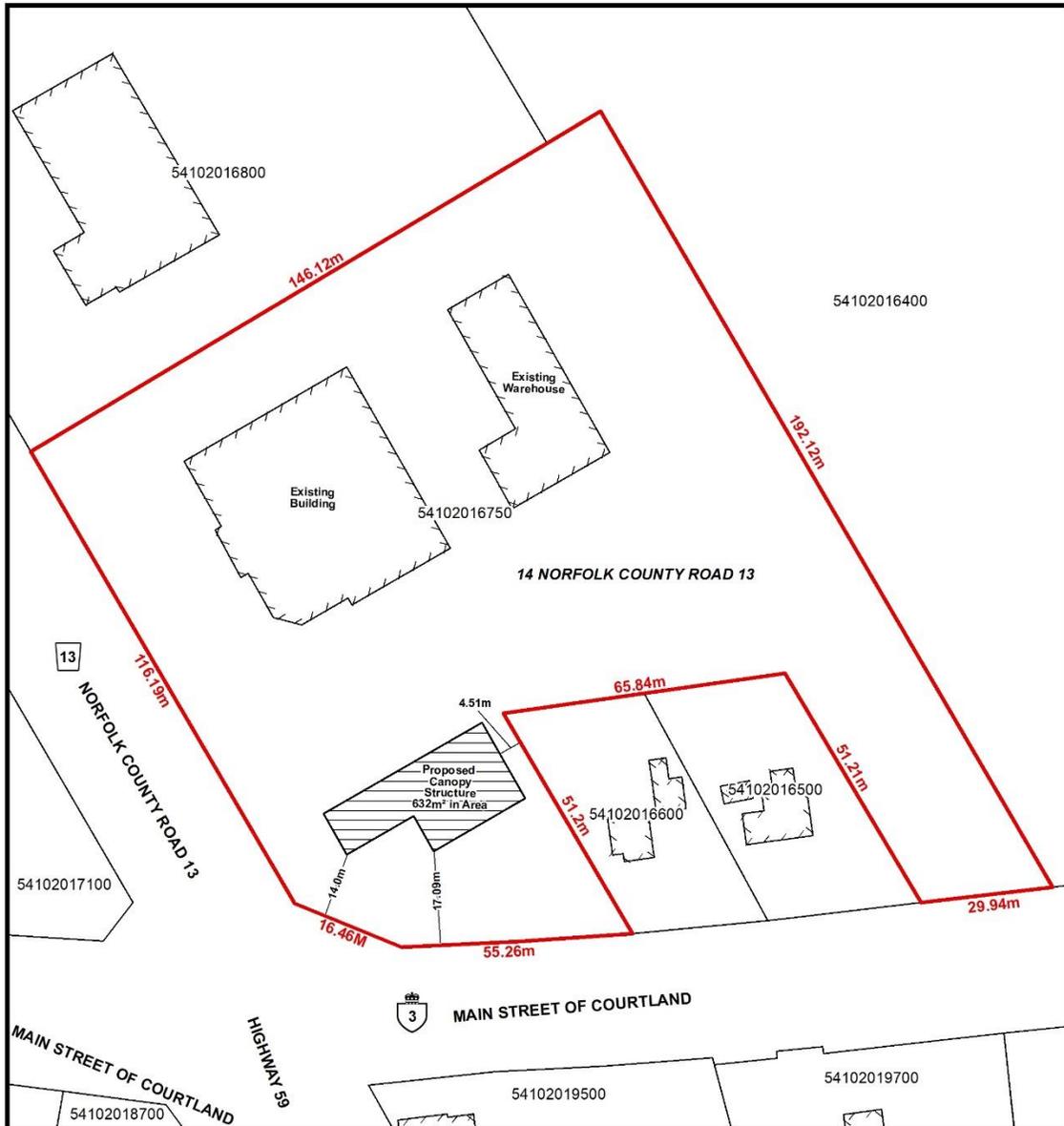


2021-05-12

MAP 4
File Number: ZNPL2021121 & SPPL2021122
Geographic Township of MIDDLETON



4.5 9 13.5 18 Meters
1:1,200



APPENDIX A

Circulation Comments

Geographic Information Systems: Reviewed. No Comment.

Zoning Administrator: The zoning table must show the deficiencies as applying for as stated.