



Working together with our community

Public Hearings Committee – October 05, 2022

Subject: Applications OPNPL2022250 and ZNPL2022251 are proposing to amend the Official Plan by adding a Site Specific Policy to the existing 'Agricultural' designation of the subject lands and change the zoning from 'Agricultural' to 'Rural Commercial (CR)' to allow an electrical contracting business and warehouse for the lands described as 954 Plowman's Line.

Report Number: CD 22-090
Division: Community Development
Department: Planning
Purpose: For Public Meeting

Recommendation(s):

THAT staff Report CD 22-090 for development applications OPNPL2022250 and ZNPL2022251 be received for information;

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

Public Meeting Notification:

A public meeting is a statutory requirement in accordance with the Planning Act, and is intended to allow members of the public to submit written or oral comments in relation to the proposed development. Additionally, any person may make written submissions at any time prior to County Council making its final decision on the application.

Pursuant to the requirements of the Planning Act R.S.O. 1990, C. P. 13 ("Planning Act"), a notice of the statutory public meeting was posted 20 days in advance of the Public Meeting. Notifications were mailed to neighbors within 120 m of the subject lands; and a yellow notification sign was posted on the site on September 13th, 2022.

Discussion:

The applicant is proposing a site specific Official Plan amendment and a Zoning By-Law amendment to facilitate a 582 sq.m. electrical contracting business and warehouse.

The Official Plan amendment is proposed to add a Site Specific Policy to the existing 'Agricultural' designated lands to allow a contractor's office and warehouse.

The Zoning By-Law amendment is proposed to change the zoning from 'Agricultural (A)' to 'Rural Commercial (CR)' to permit the electrical contactor's office and warehouse with required parking spaces.

An overview summary of the development application that have been submitted for the subject property at 954 Plowman's Line is contained within Attachment A. This includes an outline of the site context, the applications and technical reports, any technical or public feedback to date and overview of development considerations. The draft by-law of the Official Plan and Zoning By-law amendment are included as Attachment C and D.

Strategic Plan Linkage:

This report aligns with the 2019-2022 Council Strategic Priority "Foster Vibrant, Creative Communities" and "Create an Optimal Place for Business".

Explanation: Development that results from applications under consideration can help contribute to a vibrant community and for business.

Conclusion:

A recommendation report will be provided on this matter following review of the circulation, planning considerations and this statutory public hearing meeting regarding the submitted, "complete" development applications.

Attachments:

Attachment A Development Application Overview
Attachment B Existing Planning Policies and Zoning
Attachment C Proposed Official Plan Amendment
Attachment D Proposed Zoning Bylaw Amendment

Approval:

Approved By:
Brandon Sloan, BES, MCIP, RPP
General Manager
Community Development Division

Prepared By:
Mohammad Alam, MPL, MUD, MCIP, RPP
Principal Planner
Community Development Division

Attachment A – Report CD 22-090

DEVELOPMENT APPLICATION OVERVIEW

APPLICATION FILE NUMBERS: OPNPL2022250 & ZNPL2022251

LOCATION: 954 PLOWMAN'S LINE,

APPLICANT: DEVIN THOMSON, CORRY DAVIS AND GORDON HILL

AGENT: CYRIL J. DEMEYERE LIMITED (CJDL)

STATUTORY PUBLIC HEARING

DATE: OCTOBER 5TH, 2022

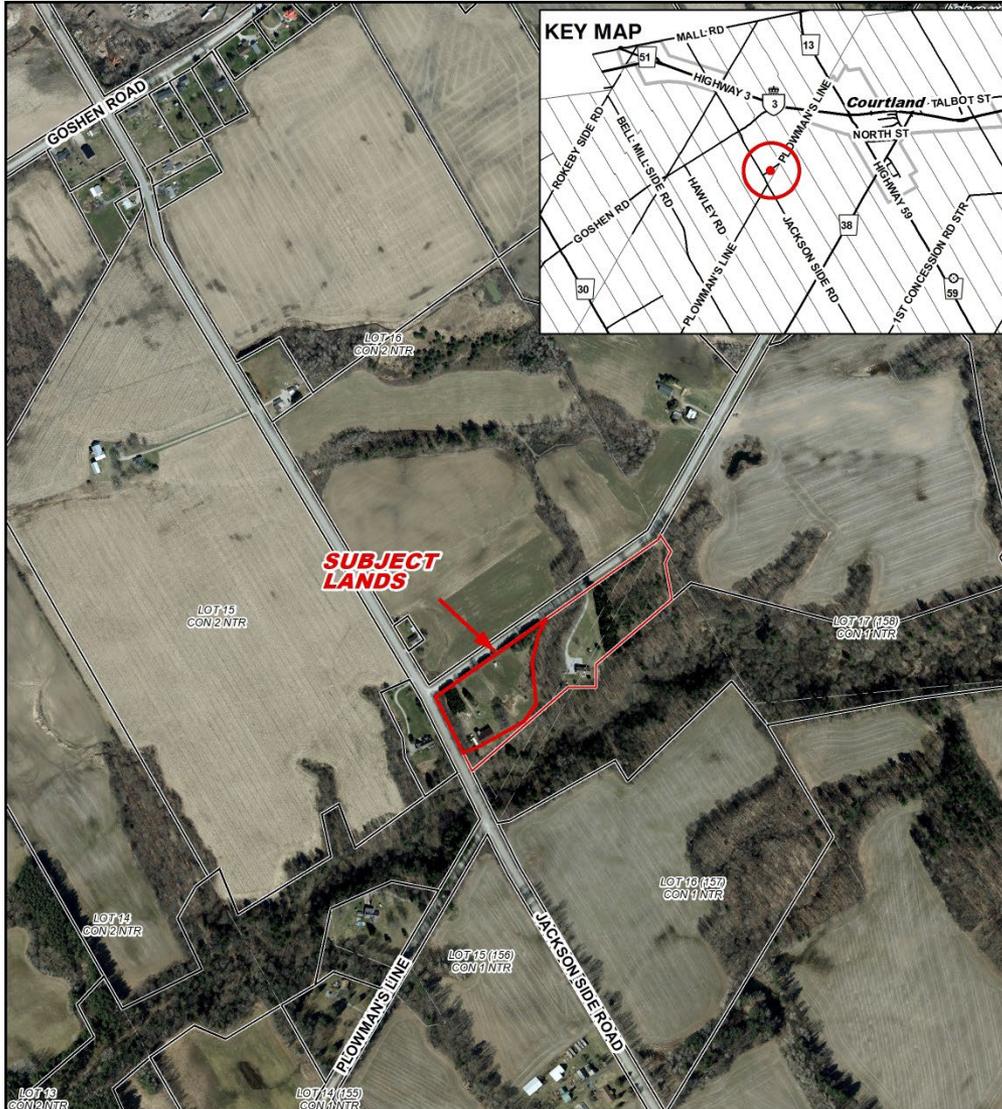
Site Context

Characteristics:

- Located at the intersection of Plowman's Line and Jackson side Road, Courtland;
- 3.77 hectares of total land
 - One existing single detached house;
 - One Barn to be demolished; One 230.60 sq.m. wood-sided shed and one Steel Shed to be retained.
 - Natural Separation between 954 & 980 Plowman's Line.

Surrounding Land Use:

- **North:** Agricultural
- **East:** Agricultural & Hazard Lands
- **South:** Hazard Lands & Wood lands
- **West:** Agricultural & Hazard Lands

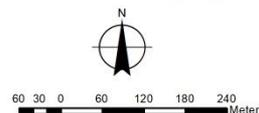


Legend

- Subject Lands
- Lands Owned

2020 Air Photo

8/22/2022

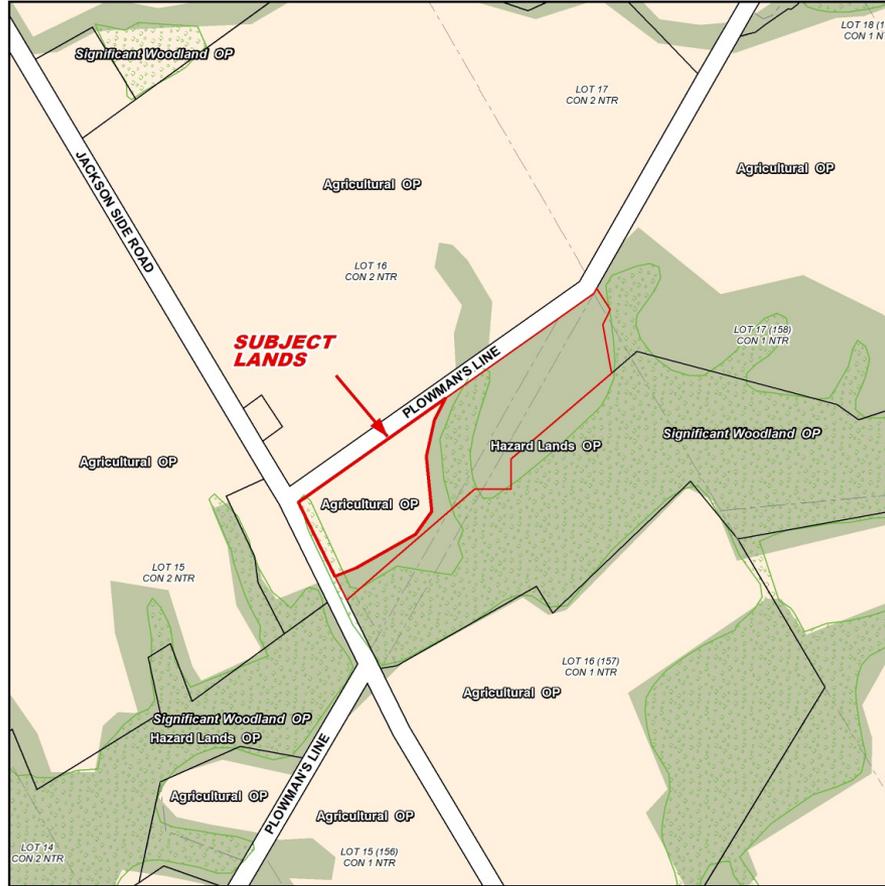


Site Context



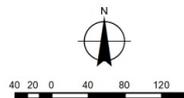
MAP B
PROPOSED OFFICIAL PLAN AMENDMENT MAP
 Geographic Township of MIDDLETON

OPNPL202225
 ZNPL202225



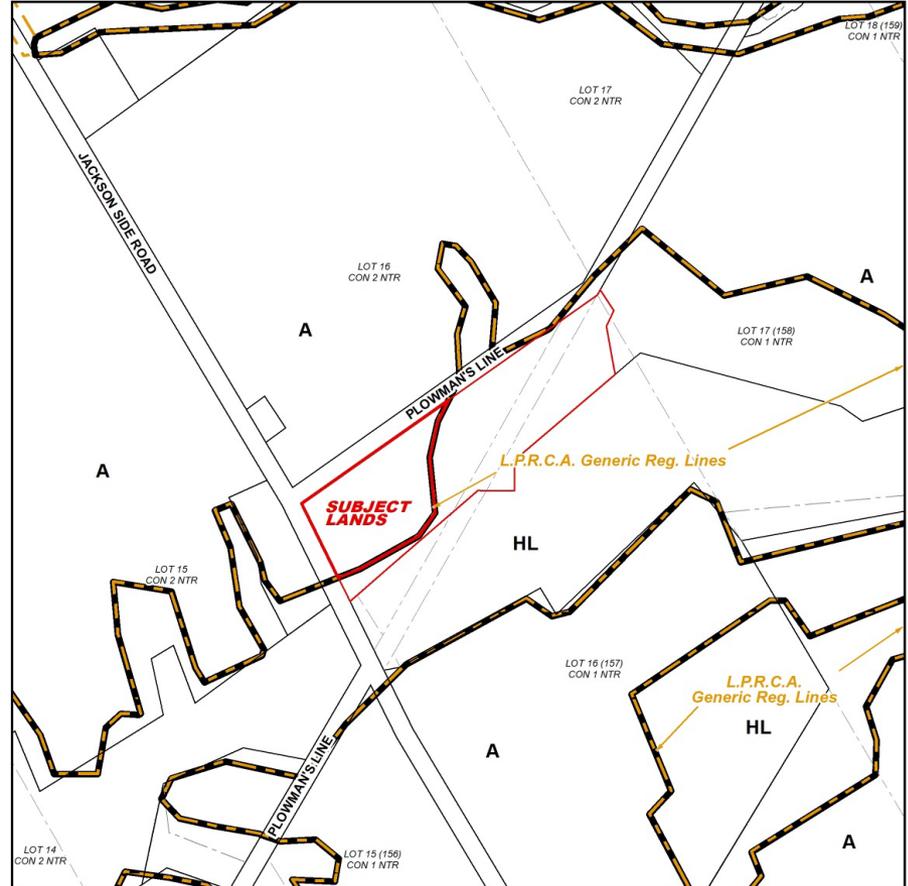
From: Agricultural
To: Agricultural with
Site Specific Policy Area

8/22/2022



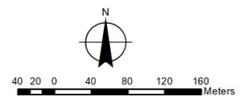
MAP C
PROPOSED ZONING BY-LAW AMENDMENT MAP
 Geographic Township of MIDDLETON

OPNPL2022250
 ZNPL2022251



From: A
To: A with Special provision

8/22/2022

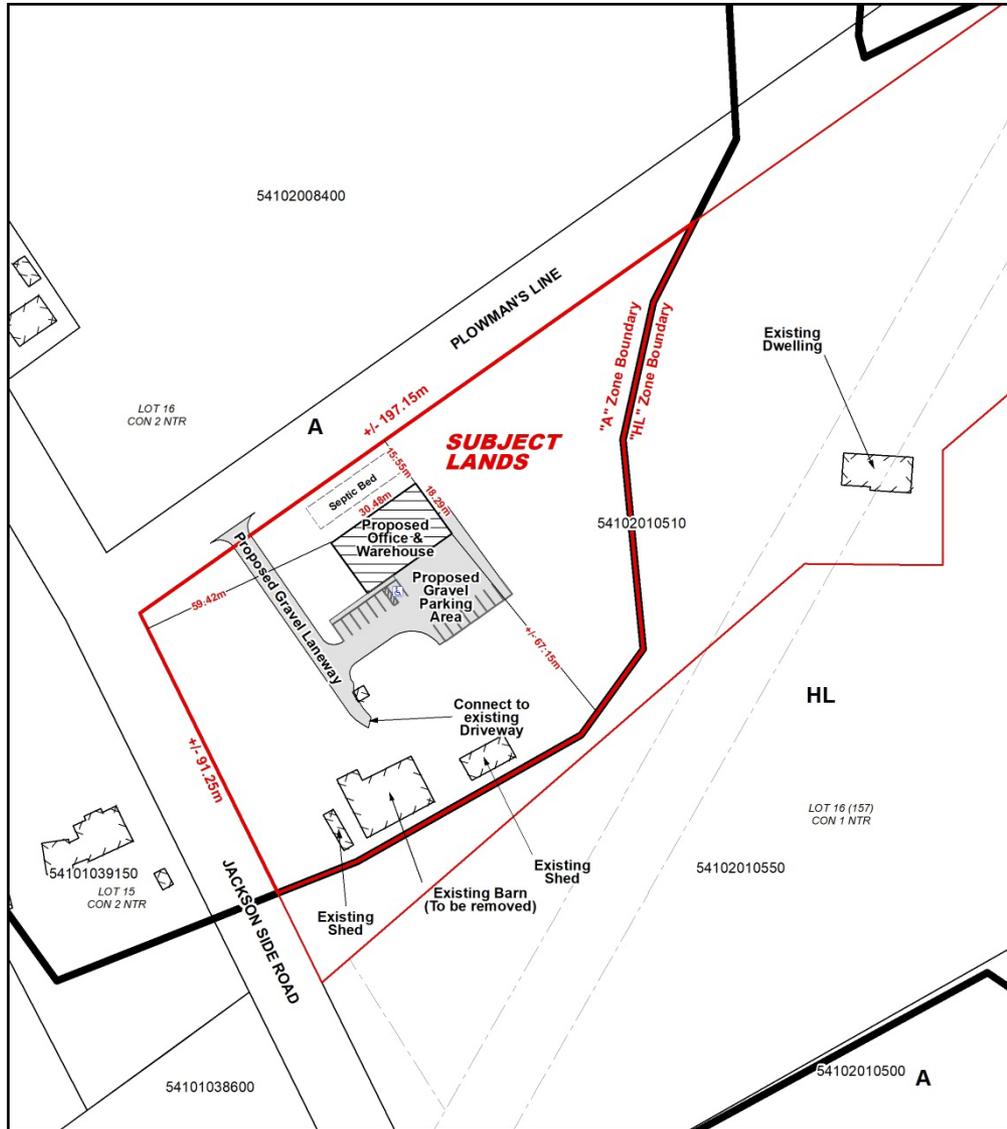


Development Proposal

- 582 sq.m. Electrical Contracting Office and Warehouse
- One Storey
- Height to be determined
- Approximate 9 Employment;
- 2 regular on-site Staff; 7 Staff mostly remote.

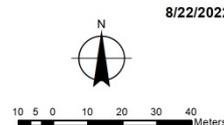
Proposed Amendment

- **Official Plan Amendment:** A Site Specific Policy to allow Electrical Business and Warehouse;
- **Zoning:** From “Agricultural’ (A) to Rurla Commercial (CR).



Legend

- Subject Lands
- Lands Owned



PRELIMINARY REVIEW

Technical Reports

- Planning Justification Report, prepared by CJDJL, June 27, 2022
- Traffic Impact Brief, prepared by F.R. Berry & Associates, dated January 25, 2022

Consultation Comments to Date

Technical

- Technical comments will be provided at the Recommendation Report stage.

Public

- No Public comments has been received so far.

PRELIMINARY CONSIDERATIONS



Park/Trails: Cash-in-Lieu of parkland dedication will be required.



Parking: Parking count will be based on the area of the office and warehouse space. 15 spaces are proposed;



Traffic: 10-15 vehicles trip is estimated per day and not traffic improvement is warranted;



Building Height: unknown at this time.



Servicing: private servicing proposed.



Hazard Lands & Woodlands: Hazard Lands and Significant Woodlands are outside of the development proposal.

NEXT STEPS AND RECOMMENDATION

- Consideration of Public Hearing Input
- Review of all Technical Comments
- Recommendation Report

Public Hearing Committee Report Recommendation:

THAT staff Report CD 22-090 for development OPNPL2022250 c& ZNPL2022251 be received for information;

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

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Attachment B

PLANNING CONSIDERATIONS AND APPLICABLE POLICIES

Planning Act Considerations

Section 2 of the *Planning Act* outlines those land use matters that are of provincial interest and for which all county planning decisions shall have regard. The provincial interests that apply to development on this site are listed below:

- the orderly development of safe and healthy communities;
- the adequate provision of employment opportunities;
- the protection of the financial and economic well-being of the Province and its municipalities;
- the appropriate location of growth and development.

Provincial Policy Statement, 2020 Considerations

The Provincial Policy Statement, 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning and development, which is intended to be complemented by local policies addressing local interests. The PPS promotes healthy, livable and safe communities through the efficient use of land throughout the Province of Ontario.

The PPS policies are intended to be complemented by local policies addressing local interests. The PPS policies relevant to this site are sections 1.1.4 and 1.1.5 relating to areas outside the settlement area, such as rural areas and rural lands.

Section 1.1.5.2 states that the rural lands located in the municipality outside of settlement areas and prime agricultural lands, home occupations and home industries are permitted.

Planning Staff will further review the rural lands and agricultural related policies of PPS 2020 as it relates with the subject lands and the development proposal.

Official Plan Considerations

Existing Land Use Designation: "Agricultural"

Section 6.7.1 related to Agricultural lands provides directions and policies related to protection of agricultural lands. The Policy states that the County will preserve and foster, as one of its primary objectives, a thriving agricultural industry and the associated rural lifestyle. The land base dedicated to agricultural production must, therefore, be protected and the use of the land must be predominantly agriculturally-oriented, with natural resource extraction as an important secondary component.

The main threat to the preservation of the rural character lies in the potential influx of large numbers of incompatible uses into the agricultural areas. Although a certain degree of rural non-farm growth provides benefits to the community, the extent of such development should be limited.

The following shall be the policy of the County:

a) The County is committed to the protection of prime agricultural land. The County recognizes, however, that where growth and development occur, it is likely that land with significant agricultural productivity will need to be utilized. Priority shall be given to less productive agricultural land for non-agricultural development, where it is feasible and practical to do so.

Unless otherwise designated, use of prime agricultural land shall be subject to the policies of Section 7.2 (Agricultural Designation) of this Plan. New non-agriculturally related uses on prime agricultural land shall not be permitted, unless otherwise specifically permitted by this Plan.

Section 7.2.1 (h) and 7.2.2 (h) include specific requirements that should be addressed when contemplating a 'home industry' within a designated 'Agricultural' area.

7.2.1 (h) Permitted Use

The following uses may also be permitted, provided these uses do not conflict with existing farming operations, or with any policies related to Provincially Significant Features or Natural Heritage Features:

Home occupations and home industries, subject to the policies of Section 7.2.2 (Agricultural Designation – Land Use Policies);

7.2.2 (h) Land Use Policy of Home Industry

Home industries shall be permitted provided that such activities are wholly conducted within an accessory building (, and the use remains clearly secondary to the principal use of the resident of the property. In order to ensure that the scale of the business is clearly accessory to the main permitted use, the gross floor area of the home industry shall not exceed the gross floor area of the residential unit.

Section 8.8 Noise, Vibration, Odour and Light Emissions

The noise generated by new commercial or industrial uses shall not be transmitted to either existing or proposed residential or other sensitive areas at a level that exceeds that introduced by road traffic adjacent to or within the residential area.

Planning Comments: An official Plan amendment may not be required if the proposed use is considered as a 'Home Industry' while consistent with all other relevant Official Plan Policies. Change of designation or zoning of Agricultural lands would require strong justifications and conformity to Agricultural land policies. Staff will provide a detail policy analysis of agricultural lands at the time of recommendation report.

Zoning By-Law Considerations

Existing Zoning: "Agricultural"

Uses permitted in the "Agricultural zone" as outlined in the Zoning By-law 1-Z-2014 include "home industry" which would be the closest related use of electrical contractor shop and warehouse.

As per Official Plan policy 7.2.2 h), "...Examples of home industries include small scale carpentry, electrical, welding machine and small engine repair or similar uses."

The definition of "home industry" as per the Zoning By-law 1-Z-2014:

"HOME INDUSTRY" shall mean a craft, trade, guild, or service such as automobile service, but not an automobile service and repair station, merchandise service, but not a merchandise service shop, or custom workshop, or similar uses, carried on as a secondary use entirely within an accessory building on a lot provided the individual carrying out the craft, trade, guild or service resides within a dwelling unit located on the same lot. A home industry does not include an automobile body shop."

Section 3.13 of the Zoning By-law 1-Z-2014 provides zoning criteria for Home Industry.

Any home industry shall be subject to the following provisions:

a) there shall be no goods, wares or merchandise, other than arts and crafts produced on the premises, offered or exposed for sale or rent on the premises;

b) there shall be no change to the exterior appearance of the building used to accommodate the home industry;

c) two (2) employees in addition to the proprietor shall be permitted (does not include farm workers on a registered farm);

d) no home industry shall occupy more than 100 square metres of the usable floor area of the building in which it is located; in cases where there is more than one (1) home industry, the cumulative total usable floor area of the building occupied by the home industries shall not exceed 100 square metres;

e) no home industry shall occupy any portion of a dwelling;

f) no outdoor storage accessory to the home industry shall be permitted;

g) no home industry shall be located in a building which is closer than 10 metres from an interior lot line.

Instead of considering the proposed electrical business as a “Home Industry”, the application proposed to change the zoning from “Agricultural (A)” to “Rural Commercial (CR)” zone. Use Permitted in “Rural Commercial (CR)” zone includes

1. contractor shop, and
2. contractor supply and service shop

Planning Comments: The development proposal will be further reviewed based on the related OP policies for agricultural lands, zoning by-law criteria for home industry and planning justification for zoning change from Agricultural (A) to Rural Commercial (CR) zone.



The Corporation of Norfolk County

By-Law X-OP-2022

Being a By-law to Adopt Amendment Number XXX to the Norfolk County Official Plan in respect of the lands described as PLAN 182 BLOCK 108 LOT 2 PART LOTS 1 & 3 in the County of Norfolk (municipally known as 954 Plowman's Line).

WHEREAS the *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended, Section 17 (22) states that "When the requirements of subsection (15) to (21), as appropriate, have been met and the Council is satisfied that the plan as finally prepared is suitable for adoption, the Council may adopt all or part of the Plan and, unless the plan is exempt from approval submit it for approval.";

AND WHEREAS the Council of The Corporation of Norfolk County has considered an amendment to the Norfolk County Official Plan in accordance with the provisions of the Planning Act, R.S.O. 1990, c.P.13 as amended, Sections 17, 21 and 22.

NOW THEREFORE the Council of The Corporation of Norfolk County hereby enacts as follows:

1. That amendment number XXX to the Norfolk County Official Plan as set out in the text and Schedule "A" attached hereto is hereby adopted.
2. That the effective date of this By-Law shall be the date of passage thereof.

ENACTED AND PASSED this 20th day of September, 2022.

Mayor

County Clerk

Amendment Number XXX to the Norfolk County Official Plan

Part A: Preamble to the Amendment

The purpose of amendment number XXX to the Norfolk County Official Plan is to add a Site Specific Policy to the existing 'Agricultural' designated lands to allow a contractor's office and warehouse.

Location of the Lands Affected

The lands affected by this Amendment are municipally known as 954 Plowman's Line, and legally described as Plan 182 Block 108 Lot 2 Part Lots 1 & 3, Courtland, in the County of Norfolk.

Basis of the Amendment

The basis for permitting this Amendment is to accommodate an electrical contractor's office and warehouse in an Agricultural designated land to serve both the local farming and other trade and individual clients.

Part B: The Amendment

That the Norfolk County Official Plan is hereby amended as follows:

Map Schedule Amendment

That Schedule B, Land Use, in the Norfolk County Official Plan is amended by identifying all the lands shown as the subject lands on 'Schedule "A"' attached to and a part of this amendment with the site specific policy number.

Text Amendment

X.X.X.XX Simcoe – 954 Plowman's Line Site Specific Policy Area [X-OP-2022, Amendment XXX]

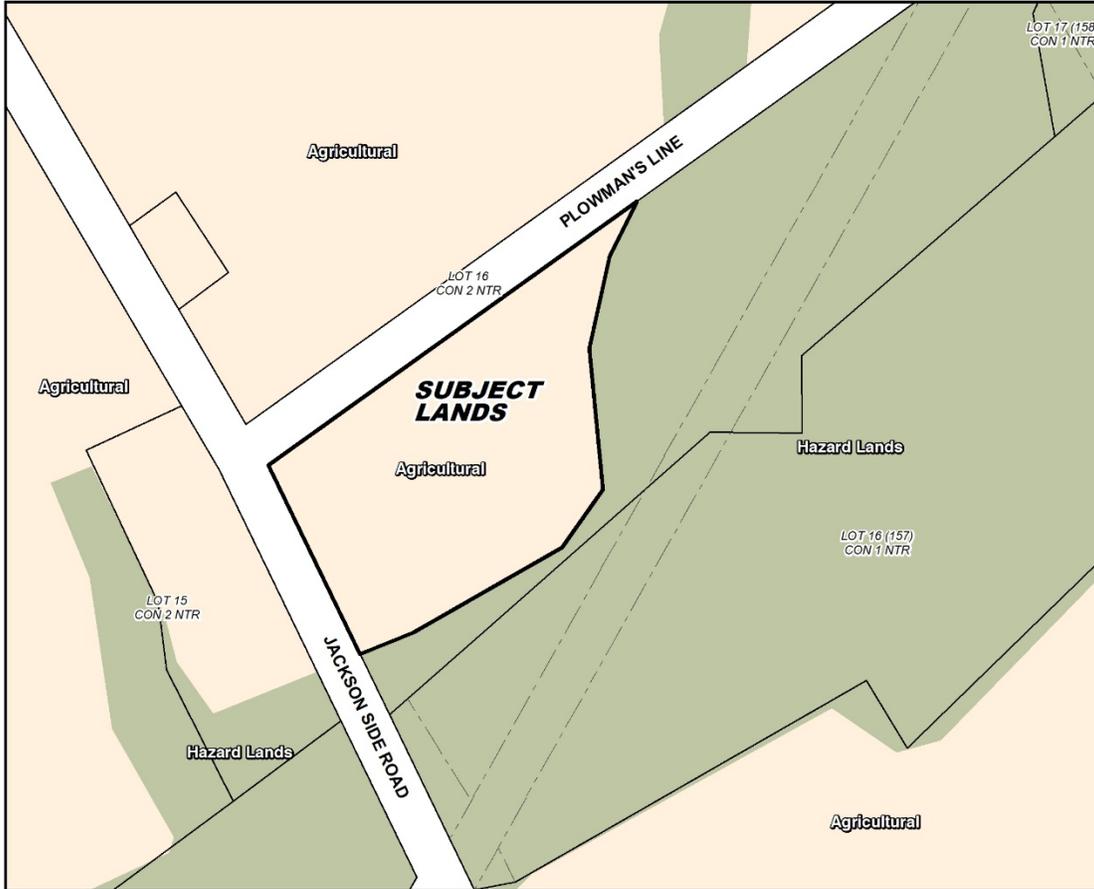
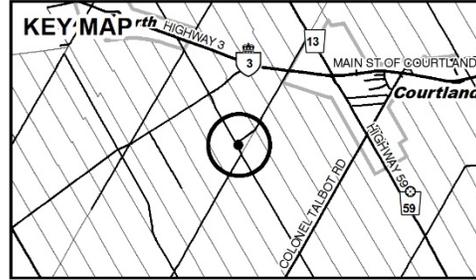
THAT on land designated Agricultural – Site Specific Policy Area X.X.X.XX on Schedule "B" to this Plan, the following uses shall also be permitted:

- Electrical Contactor's Office
- Warehouse

Part C: Additional Information

This document will be implemented by Norfolk County enacting an appropriate amendment to the Norfolk County Zoning By-Law 1-Z-2014.

SCHEDULE A
Amendment No.
 to the
OFFICIAL PLAN
 for
NORFOLK COUNTY
 in the Geographic Township of
MIDDLETON



LEGEND

 Subject Lands

From: Agricultural
To: Agricultural with
Site Specific Policy Area

Official Plan Designations

 Agricultural
 Hazard Lands



1:2,500





The Corporation of Norfolk County

By-Law **XX-Z-2021**

Being a By-Law to Amend Zoning By-Law 1-Z-2014, as amended, for property described as Plan 182 Block 108 Lot 2 Part Lots 1 & 3, Courtland, in the County of Norfolk (municipally known as 954 Plowman's Line).

WHEREAS Norfolk Council is empowered to enact this By-Law, by virtue of the provisions of Section 34 of the *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended;

AND WHEREAS this By-Law conforms to the Norfolk County Official Plan.

NOW THEREFORE the Council of The Corporation of Norfolk County hereby enacts as follows:

1. That Schedule A of By-Law 1-Z-2014, as amended, is hereby further amended by changing the zoning to the subject lands identified on Map A (attached to and forming part of this By-Law) from "Agricultural (A)' Zone to 'Rural Commercial (CR)' Zone as having reference to Subsection 14.**XXX**;

2. That Subsection 14 Special Provisions is hereby further amended by adding the following:

14.**XXX** In addition to the uses *permitted* in the Rural Commercial (CR), an electrical contractor's office and warehouse shall be *permitted*.

In lieu of the corresponding provisions in the Rural Commercial (CR), *Zone*, the following shall apply:

- a) Maximum *usable floor area* of an electrical contractor's office and warehouse is 560 sq.m.

In lieu of the corresponding provisions of section 4.9, the following shall apply:

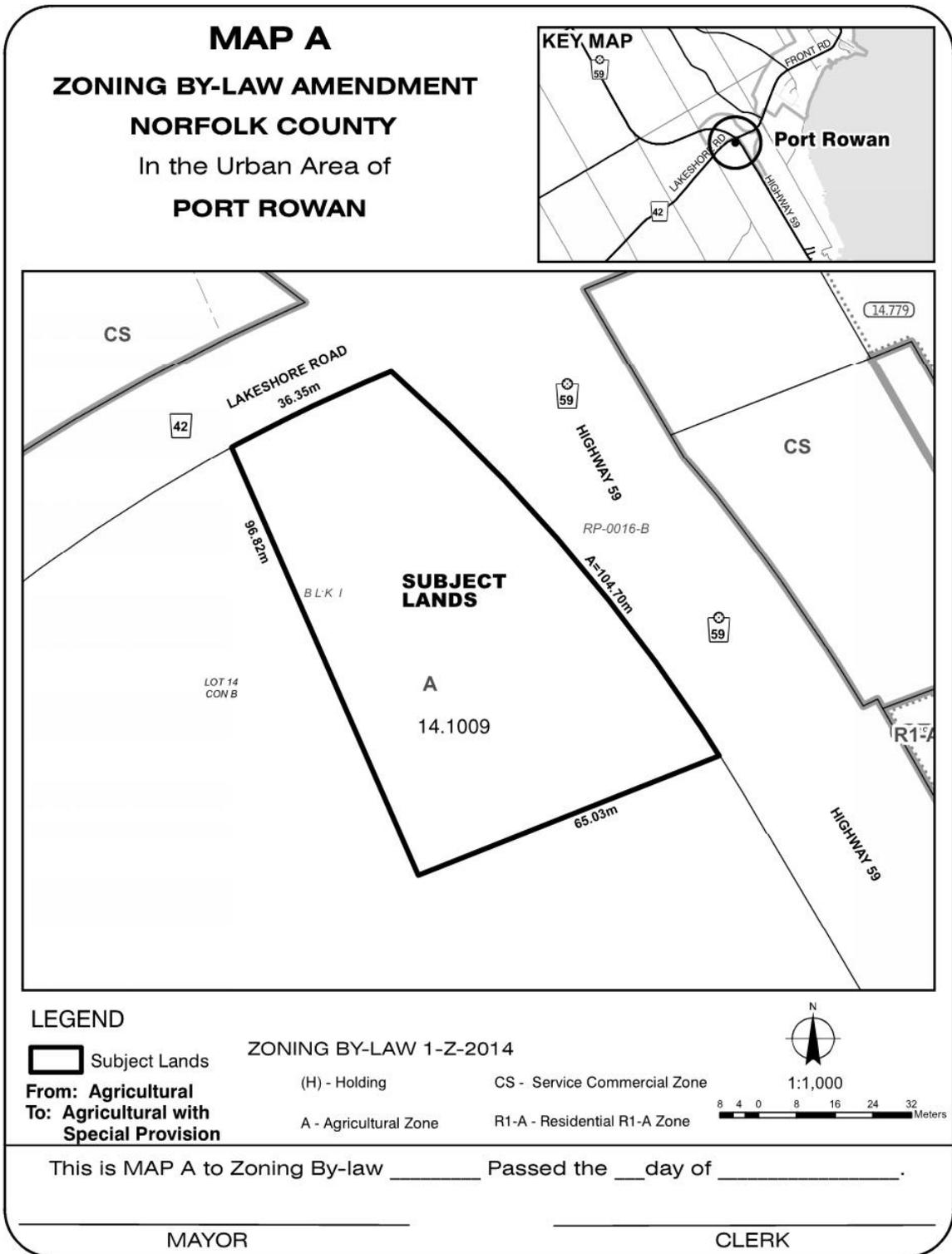
- a) The total parking space required for an electrical contractor's office and warehouse is 15 including one accessible parking space.

3. That the effective date of this By-Law shall be the date of passage thereof.

ENACTED AND PASSED this 16th day of November, 2021.

Mayor

County Clerk



**Explanation of the Purpose and Effect of
By-Law 31-Z-2021**

This By-Law affects a parcel of land described as Lot 1, Block 1, Plan 16B, Urban Area of Port Rowan, Norfolk County, located at 3098 Lakeshore Road.

The purpose of this By-Law is to add a special provision to the existing zoning on the subject lands to permit a *Marine Craft Repair Shop as a Home Industry*.