



**Date:** May 23, 2023

**To:** Mayor and Council

**Author:** George Robinson, MCIP, RPP  
Manager of Planning

**RE:** ZBA-2023-4 – Zoning By-law Amendment for 14 and 40 Cameron  
Side Road -2396323 Ontario Inc (Peter Kettler) and Rivard  
Engineered Products Inc (Jeremy Truax)  
Roll numbers: 3711-570-000-00700 and 3711-570-000-00800

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## **RECOMMENDED ACTION**

1. That Zoning By-law amendment application ZBA-2023-4 to amend the zoning on the subject parcels in the Town of Kingsville from 'Agriculture (A1)' and 'Light Industrial (M1)' to 'Light Industrial Exception 12 (M1-12)' to facilitate a future lot addition and development of outdoor storage for the existing business **BE APPROVED** with the following:
  - i. Outdoor storage accessory to the industrial use permitted
  - ii. Minimum landscaped buffer setback for the outdoor storage from a residential zone of 5 m (16.4 ft.) or as established on an approved site plan, whichever is greater
  - iii. Minimum landscaped buffer setback for the outdoor storage on all other sides abutting an agricultural zone shall be 3 m (10 ft.)
  - iv. Increase to the permitted outdoor storage lot coverage allowance to 60%;
2. **By-law 36-2023** being a by-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

## **BACKGROUND**

The Town of Kingsville has received the above-noted application for lands located on the north side of South Talbot Road, east of Cameron Side Road (see location map attached as Appendix A). 40 Cameron Side Road is designated 'Agriculture' in the Official Plan, and zoned 'Agriculture (A1)' in the Comprehensive Zoning Bylaw. The receiving lands at 14 Cameron Side Road is designated 'Agriculture' in the Official Plan, and zoned 'Light Industrial (M1)' in the Comprehensive Zoning Bylaw.

The applicant is proposing to sever and convey approximately 1.57 ha (3.90 acres) of land from 40 Cameron Side Road W to 14 Cameron Side Road West as a lot addition (see Appendix B for Survey). The additional lands are being purchased by 14 Cameron Side Road to provide more outdoor storage area for the business which manufactures a variety of prefabricated building materials include roof trusses and floor systems.

A zoning amendment is required to change the zoning of the lot addition lands and the receiving lands at 14 Cameron Side Road from 'Agriculture (A1)' and 'Light Industrial (M1)' to 'Light Industrial Exception 12 (M1-12)'. If this zoning amendment is approved, the application for the consent for lot addition will go to a future Committee of Adjustment meeting (town file B/21/22).

## **DISCUSSION**

### **1) Provincial Policy Statement (PPS), 2020:**

When reviewing a planning application to determine if it represents sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statement (PPS): “The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.”

The subject lands are prime agricultural and as such subject to the policies of Section 2.3, Agriculture under PPS. Section 2.3.6 specifically relates to the subject application as it addresses, “Non-Agricultural Use in Prime Agricultural Areas”.

Section 2.3.6.2 goes on to outline, “Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible.”

Comment: The applicant has provided a Planning Justification Report prepared by Oakview Land Use Planning which has a comprehensive analysis of the PPS. Administration concurs with the provincial policy interpretations in this report, attached as Appendix C.

### **2) Town of Kingsville Official Plan**

The Official Plan for the Town of Kingsville designates the subject property ‘Agricultural’. The proposed development is consistent with Section 8.7.1 Existing Land Uses and Buildings (pg. 102) which outlines criteria for the recognition of existing land uses and buildings. Specifically, the use of the property developed many years ago prior to the Official Plan for a use that would not be consistent with the current designation. However, the Plan recognizes the use as legal conforming through the zoning.

Agricultural policies in the Official Plan (Section 3.1(h)) permit “small scale commercial and dry industrial uses, as defined in the Zoning By-law” however there is a

requirement that these uses be located on a County Road. This section also requires that the zoning by-law “establish adequate setback and buffering requirements to ensure that any potential incompatibilities with surrounding uses are minimized.”

Comment: The applicant applied for the Zoning By-law Amendment in order to update the zoning regulations and apply the industrial zoning to the proposed lot addition which would be an addition to the existing dry industrial use. The applicant has provided a Planning Justification Report prepared by Oakview Land Use Planning which has a comprehensive analysis of the County and Town Official Plans. Administration concurs with the official plan interpretations in this report, attached as Appendix C. Additional setbacks and landscaping are a requirement of the zoning amendment.

### **3) Comprehensive Zoning By-law – Town of Kingsville**

The lot addition lands, shown as Part 1 on the applicant’s sketch, has an area of 1.57 ha (3.9 acres). The lot addition lands are located within the Agricultural (A1) Zone while the receiving lot is zoned Light Industrial (M1).

The retained parcel will have an area of approximately 30.1 ha (74.46 ac.) and provide a frontage of 143 m (469.3 ft.) on South Talbot Road. The subject property is presently zoned Agriculture (A1) in the Comprehensive Zoning By-law.

The receiving lands will have an area of approximately 3.19 ha (7.90 ac.) and provide a frontage of 107.2 m (351.8 ft.) on Cameron Side Road. The subject property is presently zoned Light Industrial (M1) in the Comprehensive Zoning By-law.

A zoning amendment is required to change the lot addition lands and the receiving lands at 14 Cameron Side Road to Light Industrial Exception 12 (M1-12). The applicant is seeking the following site specific zoning regulations:

<b>Category</b>	<b>Proposed Amendment</b>
Permitted Use	Outdoor storage, assembly and staging accessory to the manufacturing of roof truss and floor systems
Special Regulation A	Notwithstanding any other provision of the by-law to the contrary an outdoor storage, assembly and staging area shall maintain a minimum setback from a residential zone of 5 m (16.4 ft.) or as established on an approved site plan, whichever is greater
Special Regulation B	Within the required 5 m (16.4 ft.) residential zone setback screening and landscaping shall be provided via an approved site plan amendment
Special Regulation C	Minimum setback on all other sides abutting an agricultural zone shall be 3 m (10 ft.)

Special Regulation D	Increase to the permitted outdoor storage lot coverage allowance to 60%
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Comment: The applicant has requested site-specific regulations to reflect the operational needs of the industrial operation. If the zoning by-law amendment is approved the site will be subject to site plan approval where the buffering and landscaping requirements will be finalized.

## **FINANCIAL CONSIDERATIONS**

The proposed development will result in an increase in tax assessment. Further, the expanded manufacturing of roof trusses supports Kingsville's, and the region's goals for both economic development and housing.

## **ENVIRONMENTAL CONSIDERATIONS**

Expansion of an industrial use into currently agricultural lands reduces the amount of land available for food production and increased hard surfacing will result in an increased water run-off of the lands. Storm water management, drainage, and landscaping will be special areas of concern during a subsequent Site Plan Control application to mitigate negative impacts of the development.

## **CONSULTATIONS**

In accordance to O. Reg. 545/06 of the *Planning Act*, property owners within 120m of the subject site boundaries received the Notice of Public Meeting by mail. Any written comments received at the time of report writing are added as Appendix D.

### **Agency & Administrative Consultation**

In accordance with O. Reg. 545/06 of the Planning Act, Agencies and Town Administration received the Notice of Public Meeting by mail and/or email. At the time of writing, the following comments have been received from circulated agencies.

### **Town of Kingsville Technical Advisory Committee**

Building Department:

- Ensure all building services are contained within existing property lines and do not cross over into newly established lines.
- Each property will need to ensure that the storm water is managed and maintained on each of the newly created properties and does not adversely affect neighboring properties. Note the use of swales, retaining walls, etc. may be required to gain compliance.

- A review of all abutting lots should be completed to assess if there are any lot grading issues where existing lots are not maintaining and managing their own storm water on their own property. It was noted in the meeting that there is a common drain that runs along the rear properties off Cameron Sideroad. Which should be reviewed and identified so that if any easement or permanent modifications are required this is incorporated before or in conjunction with the proposed zoning changes. Note: a permit may be required for any works on private property, contact the building department to discuss.
- Any new structures will be required to be designed and constructed in accordance with the Ontario Building Code. All applicable law shall be met at the time application is submitted. To help achieve this they should work with a qualified designer with a Building Code Identification number.

#### Fire Department

- Limited information provided, information regarding fire access routes and water provisions will need to be addressed at Site Plan approval phase.

#### Engineering

- A number of technical requirements for Site Plan may be difficult to secure. Photometric plan, storm water management report, transportation impact, and site servicing plan required.
- Municipal Drain bisects proposed expanded site. Drainage Engineer report and subsequent relocation of Drain to be absorbed 100% by applicant.

#### PREPARED BY:




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George Robinson, MCIP, RPP  
Manager of Planning

#### REVIEWED BY:




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Richard J.H. Wyma, CSLA  
Director of Community and Development Services