



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: February 14, 2017

To: Mayor and Council

Author: Robert Brown, H. Ba, MCIP, RPP
Manager, Planning & Development Services

RE: Zoning By-law Amendment ZBA/04/17 & Site Plan Approval SPA/02/17
720 Road 4 W
Part of Lot 8, Concession 4 WD

Report No.: PDS-2017-006

AIM

To provide the Town of Kingsville Council with information regarding the requested Zoning By-law Amendment and Site Plan Approval request for lands known as 720 Road 4 W (County Road 18).

BACKGROUND

The subject land is a 0.4 ha (1 ac.) agricultural residential parcel. The applicant is proposing to construct a 19.5 m x 24.3 m (64 ft. x 80 ft.) pole barn type structure to house a small scale manufacturing business. The business produces hand crafted lightweight concrete products such as flower boxes, fire pits and mantels. All of the activities of the business will be located within the building including production, supply storage and finished product. Shipments to or from the business are approximately once per week. The operation employs on average 4 to 5 people made up of family and non-family members. While a home industry is permitted within the Agricultural (A1) Zone the proposed business would exceed the limits of a home industry both in terms of size and number of employees. As such a zoning amendment would be necessary to permit the proposed business on a site-specific basis. In addition to the zoning amendment site plan approval has also been suggested to outline the layout and location of the proposed development.

DISCUSSION

1) Provincial Policy Statement (PPS), 2014:

Section 2.3.6.1 b) states that, 'Planning authorities may only permit non-agricultural uses in prime agricultural areas for:

b) limited non-residential uses, provided that all of the following are demonstrated:

1. the land does not comprise a specialty crop area;

Comment: the subject parcel is with an area comprised of Brookston Clay soil which is best suited to traditional cash crops and is not considered to support specialty crop production.

2. the proposed use complies with the minimum distance separation formulae;

Comment: there is no indication of active livestock operations within 500 m of the subject property.

3. there is an identified need with the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use; and

Comment: the proposed zoning amendment is not seeking to remove lands from their current designation. Although the lands are clearly located in a prime agricultural area the lands themselves have not been used for agricultural purposes for some time. Uses such as that proposed are not uncommon in agricultural areas and actually help to provide additional employment opportunities in rural areas beyond simply agriculture. As a fully contained use in the proposed shed there will be no impact to the surrounding prime agricultural area or other agricultural residential parcels nearby. The shed itself is a very common structure in any rural environment and will not alter the character of the area.

4. alternative locations have been evaluated, and

- i. there are no reasonable alternative locations which avoid prime agricultural areas; and
- ii. there are no reasonable alternative location in prime agricultural areas with lower priority agricultural lands.

Comment: Kingsville does not have a significant amount of land devoted to the establishment of small businesses such as this which are feasible in the short-term to purchase. There is however opportunities to better utilize small agricultural residential parcels for limited small to medium scale businesses which can be integrated into a prime agricultural area.

2) County of Essex Official Plan

The County OP is very similar to that of PPS in terms of applicable policies. The proposed development would be consistent with the County Official Plan.

3) Town of Kingsville Official Plan

The subject property is designated 'Agriculture' and subject to the policies under Section 3.1 of the Official Plan for the Town of Kingsville. Section 3.1 echoes most of the same policies as PPS but does mention home occupations and small scale home industry. These types of uses are more specifically regulated by the provisions of the Zoning By-law. Subject to the approval of an appropriate zoning amendment the decorative concrete manufacturing business contained within the proposed shed and subject to site plan approval will comply with the Official Plan policies.

4) Comprehensive Zoning By-law – Town of Kingsville

The subject property is zoned 'Agriculture (A1)'. The attached site plan has been reviewed and the proposed new development will require a site specific amendment to permit the proposed use and address an increase in the permitted lot coverage from 10% to 15% for a detached accessory building. Despite this increase the total permitted lot coverage will only be 17% still well within the permitted 30% maximum. It will also be necessary to permit an increased height from 5 m (16.4 ft.) to 7.6 m (25 ft.) for the proposed building. The amendment will also highlight that outdoor storage of raw materials or finished product is not permitted. All other aspects of the proposed development will be in full compliance with the provisions of the Town of Kingsville Zoning By-law 1-2014.

5) Site Plan

The development of the site consists of the construction of a 19.5 m x 24.4 m (64 ft. x 80 ft.) pole type shed and associated driveway connection and parking area. The business will require a new septic system to service the washroom facilities for the employees. The applicant intends to landscape around the new building with trees and grass to help it to blend in with the existing lot. Storm water will need to be managed on the site through proper grading. The lot has access to a municipal drain along Road 4 W for outlet purposes. Pictures of the subject parcel along with an example of one of the products being produced are attached as Appendix 'C'.

LINK TO STRATEGIC PLAN

The Strategic Plan specifies under Objective, Priorities and Projects, Subsection III:

“To Develop an economic vision based on our strengths and opportunities that will retain existing and attract new businesses.”

The requested site plan agreement will achieve this Objective of the Strategic Plan by allowing the establishment of a new business.

FINANCIAL CONSIDERATIONS

Building permit fees will be acquired at the time of the building permit issuance. There will also be an increase in assessment once the development builds out.

A common objection to the zoning amendments on agricultural properties such as this has been that the applicant has an unfair competitive advantage, based on taxes i.e. agricultural classification.

Comment: The applicant is not currently taxed on an agricultural rate but rather a residential rate similar to most rural residential lots or small agricultural parcels.

MPAC has been consulted in the past on similar requested zoning changes and have indicated that the new building would be assessed based on its commercial use and taxed accordingly at a commercial rate. The overall property would then have a mixed tax classification of residential/commercial.

CONSULTATIONS

Agency or Administrator	Comment
Essex Region Conservation Authority Watershed Planner	<ul style="list-style-type: none">• Full comment is attached as Appendix 'A';• ERCA has noted that a permit will be required as the subject parcel is within the regulated area of the Oxley Drain• They have expressed no concerns related to storm water management and have no objection to the proposed site plan or zoning amendment
Town of Kingsville Management Team	<ul style="list-style-type: none">• No concerns with the requested site plan.• The proposed building will need to comply with the requirements of the OBC.
County of Essex	<ul style="list-style-type: none">• Full comment is attached as Appendix 'B'• Proposed structures will need to be located a minimum of 110 ft. from the centre line of County Rd 18 and a permit will be required if any changes are proposed to the existing entrance

RECOMMENDATION

It is recommended that Council:

- 1) approve zoning amendment application ZBA/04/17 to rezone the subject property to a site specific 'Agriculture Zone 1Exception 59 (A1-59)' to permit a manufacturing use, limited to the production of decorative concrete products and adopt the implementing by-law.
- 2) approve the proposed site plan, subject to the conditions outlined in the site plan agreement, for the construction of a 19.5 m x 24.4 m (64 ft. x 80 ft.) building and associated driveway and parking area and authorize the Mayor and Clerk to sign the site plan agreement and register said agreement on title.

Robert Brown

Robert Brown, H. Ba, MCIP, RPP
Manager, Planning & Development Services

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer