

Municipality Of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

From: Ryan Jacques, MCIP, RPP
Planner I, Planning Services

Date: September 13, 2018

Subject: Application for Zoning By-law Amendment
PL201800122 – 2077583 Ontario Inc. (Nature's Finest Produce Ltd.)
6874 & 6930 Pain Court Line, Community of Dover

Recommendation

It is recommended that:

1. Zoning By-law Amendment application File D-14 DO/31/18/O, to rezone a portion of the subject property (6874 & 6930 Pain Court Line), in Part of Lot 11, Concession 3, in the Community of Dover, to a site specific Agricultural (A1) zone, to permit further agricultural development, be approved, and the implementing by-law be adopted.

Background

The subject property is located on the southeast corner of Pain Court Line and Bechard Road, in the Community of Dover. The property is split-zoned Rural Industrial (MR), Rural Industrial-769 (MR-769), and Agricultural (A1). It is designated both Rural Industrial Area and Agricultural Area in the Chatham-Kent Official Plan.

The property is approximately 9.5 ha (23.5 ac.) in area and contains:

- i) Over the lands zoned MR and A1 – existing buildings containing an agricultural processing operation (Nature's Finest Produce Ltd.) and associated facilities (ponds).
- ii) Over the lands zoned MR-769 – farmland with an accessory dwelling and bunkhouse. The site-specific zoning allows for a maximum of 635 sq. m combined gross floor area for bunkhouses.

A key map of the subject lands is attached as Appendix A. Photographs of the subject property are attached as Appendix B.

The applicant is proposing to rezone the easterly portion of the subject property, comprising a portion of the lands currently used for agriculture. This include lands to the east of the existing buildings over a portion of the property zoned Rural Industrial (MR), as well as all of the lands zoned MR-769. A diagram of the current zoning of the lands is attached as Appendix C. It is proposed that the lands be rezoned to a site-specific Agricultural (A1) zone. The proposed zone will permit further agricultural buildings to be developed on the lands, which will support the continued operation and growth of the agricultural business operating from the property. The proposed zoning will recognize the existing agricultural uses of the lands subject to the amendment, as well as carry forward the special provision currently in place. A diagram of the proposed zoning of the lands is attached as Appendix D.

The remaining lands zoned MR are not proposed to be rezoned will continue to meet the requirements of the zone.

Comments

Provincial Policy Statement (PPS)

The application does not raise any issues of provincial interest.

Official Plan

The application has been reviewed under the policies of the Official Plan. It has been specifically reviewed under Section 3.7, Rural Industrial Policies, Section 3.10, Agricultural Area Policies, and Section 6.3.3, Planning Tools – Zoning By-law, and generally meets these policies.

The lands subject to the proposed zoning by-law amendment consist of agricultural uses, including farmland with an accessory dwelling and bunkhouse. The lands are not utilized as part of the owner's rural industrial operation located on the property to the west. Surrounding uses include rural industrial uses to the north and west and agricultural uses to the east and south.

The proposal will match the zoning to the current agricultural use of these lands. It will also facilitate further agricultural development on the property. Should the lands be proposed to develop into a rural industrial use in the future, the Rural Industrial policies of the Official Plan will guide the required Zoning By-law Amendment application at that time.

Zoning By-law

As stated above, the proposed zoning by-law amendment will permit further agricultural uses and buildings to be developed on the lands. The proposed zoning will recognize the existing agricultural uses of the lands subject to the amendment, as well as carry forward the special provision currently in place.

The site-specific provisions being carried forward from the current zone are as follows:

- a) The permitted uses also include seasonal and/or year-round labour accommodation
- b) For seasonal and/or year-round labour accommodation the following regulations apply:
 - i) Maximum combined gross floor area – 635 sq. m
 - ii) Minimum setback from a residential use – 10 m
- c) Regulations for garbage containers:
 - i) Minimum to an abutting residential use – 25 m
 - ii) Minimum from a front lot line – 38 m
 - iii) Minimum from a side lot line - 5 m
 - iv) All garbage containers must be located with a solid fenced enclosure

The following site-specific provisions are proposed to be added to the new Agricultural Zone:

- a) The Lot Line abutting Pain Court Line (C-K Road 35) shall be deemed to be the Front Lot Line
- b) Front Yard Depth Minimum – 15 m
- c) Minimum Lot Area – 7.3 ha
- d) Maximum Lot Coverage – 30%

As a result of the amendment, the permitted uses listed in the Rural Industrial zone will no longer be permitted on the Agricultural zoned lands.

Conclusion

The proposed zoning by-law amendment has been reviewed in the context of the Provincial Policy Statement, the Chatham-Kent Official Plan and Zoning By-law and will be in full conformity, if approved. Therefore, the application is being recommended for approval.

Areas of Strategic Focus and Critical Success Factors

The recommendation in this report supports the following areas of strategic focus:

☒ Economic Prosperity:

Chatham-Kent is an innovative and thriving community with a diversified economy

☐ A Healthy and Safe Community:

Chatham-Kent is a healthy and safe community with sustainable population growth

☐ People and Culture:

Chatham-Kent is recognized as a culturally vibrant, dynamic, and creative community

☐ Environmental Sustainability:

Chatham-Kent is a community that is environmentally sustainable and promotes stewardship of our natural resources

The recommendation in this report supports the following critical success factors:

☐ Financial Sustainability:

The Corporation of the Municipality of Chatham-Kent is financially sustainable

☐ Open, Transparent and Effective Governance:

The Corporation of the Municipality of Chatham-Kent is open, transparent and effectively governed with efficient and bold, visionary leadership

☐ Has the potential to support all areas of strategic focus & critical success factors

☐ Neutral issues (does not support negatively or positively)

Consultation

Internal

Technical Advisory Committee

The Technical Advisory Committee supports the application.

Financial Implications

There are no financial implications resulting from the recommendation.

Prepared by:



Ryan Jacques, MCIP, RPP
Planner I, Planning Services

Reviewed by:



Bruce McAllister, MCIP, RPP
Director, Planning Services

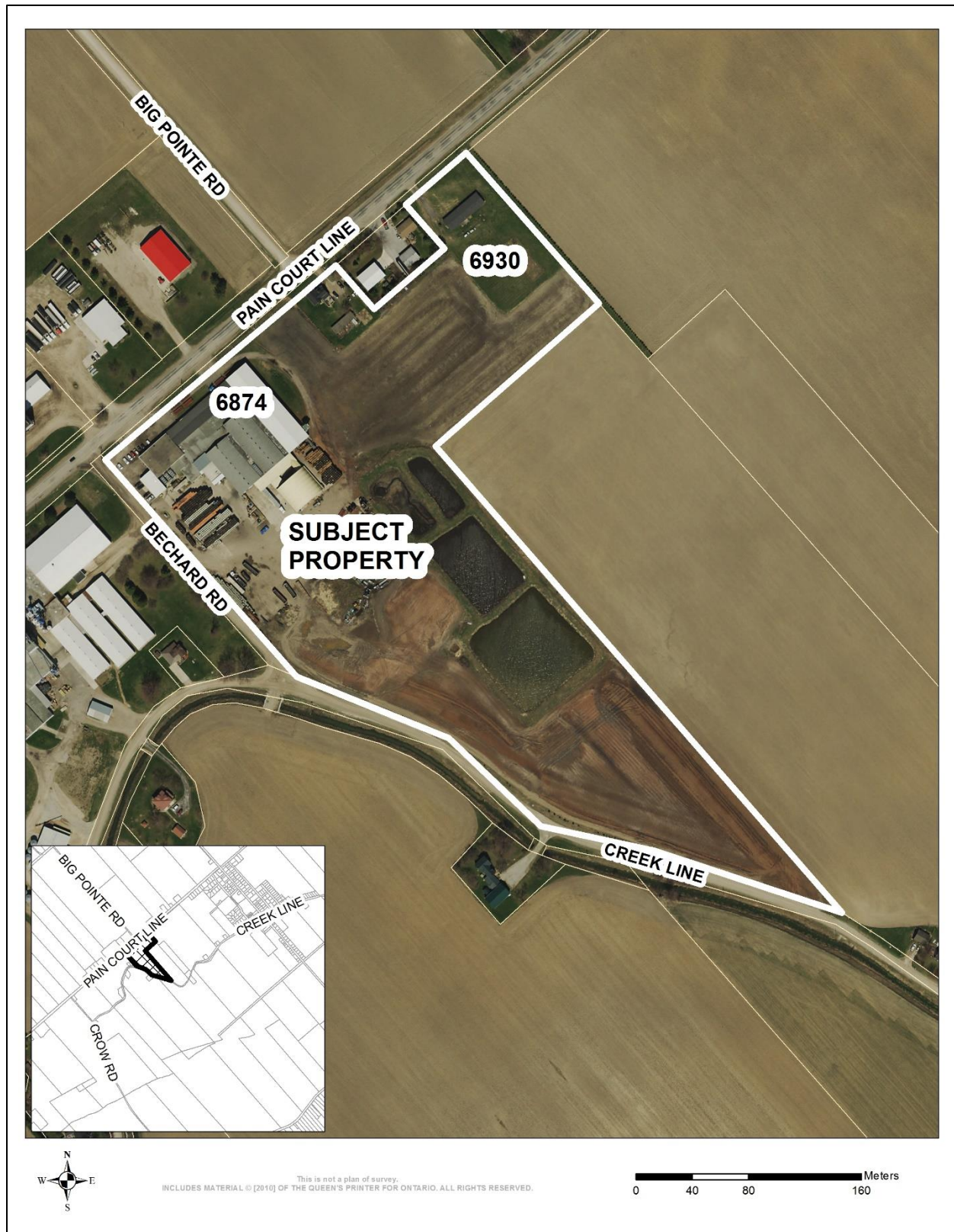
Reviewed by:

John Norton
General Manager
Community Development

Attachments: Appendix A – Key Map
Appendix B – Site Photos
Appendix C – Current Zoning
Appendix D – Proposed Zoning
By-law to amend No. 216-2009

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Appendix A – Key Map



Appendix B – Site Photos



Looking south toward the easterly frontage of the subject property along Pain Court Line. An existing bunkhouse is located at this location.



Looking south toward the westerly frontage of the subject property along Pain Court Line. An existing dwelling is located at this location. Existing rural industrial buildings are located further west (background).

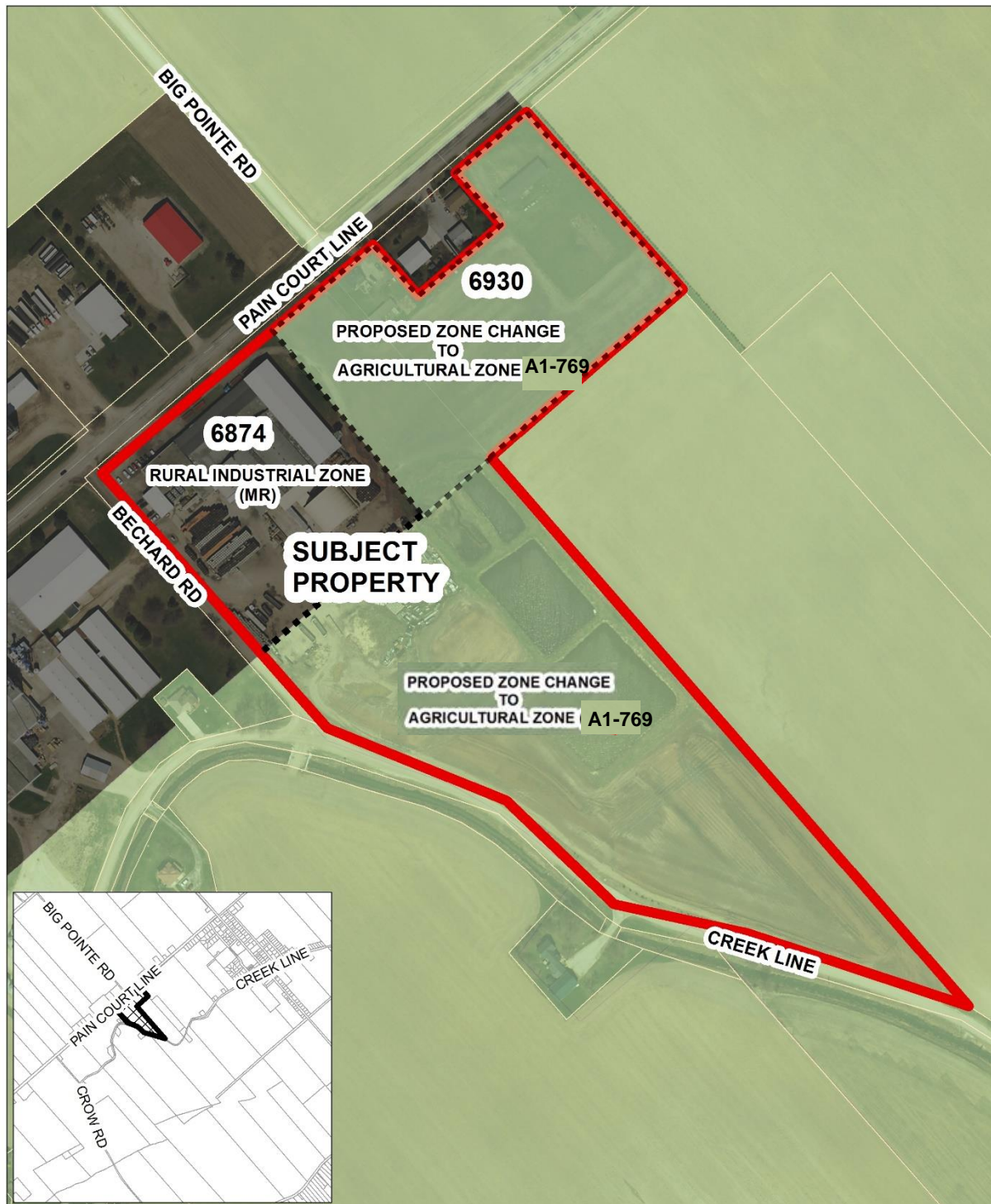


Looking east toward the westerly frontage of the subject property along Pain Court Line.
An existing rural industrial building is located at this location.

Appendix C – Current Zoning



Appendix D – Proposed Zoning



This is not a plan of survey.
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By-law Number _____
of The Corporation of the Municipality of Chatham-Kent
A By-law to Amend Zoning By-law 216-2009 of the Municipality of Chatham-Kent
(2077583 Ontario Inc.)
CityView # PL201800122

Whereas an application has been received for an amendment to the zoning by-law for a certain parcel of land in the Community of Dover in order to rezone the lands to permit new Agricultural development;

And Whereas the proposed use would conform to the Official Plan;

And Whereas Council, after due investigation and consideration, concurs in the proposed amendments;

Now therefore be it and it is hereby enacted as By-law Number _____ of the Corporation of the Municipality of Chatham-Kent:

- 1. That Schedule “A” of the By-law 216-2009, as amended, of the Municipality of Chatham-Kent, be amended by changing the zoning classification from Rural Industrial (MR), Rural Industrial-769 (MR-769), and Agricultural (A1) to Agricultural-769 (A1-769) on the lands so depicted on Schedule “A” hereto annexed and also forming part of this by-law.
- 2. That Schedule “B” Zone Exceptions of the said By-law 216-2009, be amended by deleting from the list of Special Zone Symbols, the following:

MR-769

- 3. That Schedule “B” Zone Exceptions of the said By-law 216-2009, be amended by adding to the list of Special Zone Symbols, the following:

A1-769

- 4. That Schedule “B”, Zone Exceptions, of the said By-law 216-2009, be amended by deleting the Special Zone Provisions of Exception No. 769 in their entirety and replacing with the following:

Exception No.	Special Zone Symbol	Special Zone Provisions
769	A1-769	<div>a) The Lot Line abutting Pain Court Line (C-K Road 35) shall be deemed to be the Front Lot Line</div> <div>b) Front Yard Depth Minimum – 15 m</div> <div>c) Minimum Lot Area – 7.3 ha</div> <div>d) Maximum Lot Coverage – 30%</div> <div>e) The permitted uses also include seasonal and/or year-round labour accommodation</div> <div>f) For seasonal and/or year-round labour accommodation the following regulations apply:<div>i) Maximum combined gross floor area – 635 sq. m</div></div>

		<div>ii) Minimum setback from a residential use – 10</div> <div>g) Regulations for garbage containers:</div> <div>i) Minimum to an abutting residential use – 25 m</div> <div>ii) Minimum from a front lot line – 38 m</div> <div>iii) Minimum from a side lot line - 5 m</div> <div>iv) All garbage containers must be located with a solid fenced enclosure</div>
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This By-law shall come into force and effect upon the final passing thereof, subject to the provisions of the Planning Act, R.S.O. 1990 Chapter. P.13, as amended.

Read a First, Second and Third Time the 1st day of October, 2018.

Mayor – Randy R. Hope

Clerk - Judy Smith

This is Schedule “A” to By-law Number _____ of the Corporation of the Municipality of Chatham-Kent passed on the 1st day of October, 2018.

