

Municipality Of Chatham-Kent

Community Development

Planning Services

To: Mayor and Member of Council

From: Ryan Jacques, MCIP, RPP
Director, Planning Services

Date: April 20, 2021

Subject: Applications for Consent and Zoning By-law Amendment
PL202100073 – 1204977 Ontario Limited
29108 Hughes Road, Community of Camden (North Kent)

Recommendations

It is recommended that:

1. Consent application File B-51/21 to sever and convey a portion of land, approximately 9.5 ha (23.45 ac.) in area, shown as Part 1 on the applicant's sketch, in Part of Lots 1 & 2, Concession 5, Gore, in the Community of Camden, as a lot addition, be approved, subject to the following conditions:
 - a) that the Chatham-Kent Zoning By-law be amended to:
 - i. amend Special Zone Provision No. 370 to permit existing agricultural uses to continue;
 - ii. rezone the severed lands and a portion of the receiving lot to the site-specific Rural Industrial-370 (MR-370) zone; and,
 - iii. rezone the retained parcel to a site-specific Agricultural zone to recognize the reduction in lot area;
 - b) that the lot addition to be severed, shown as Part 1 on the applicant's sketch, be conveyed to the owner of the abutting parcel (1315 Jackson Street / PIN 00600-0203, 0113, & 0166) and Section 50(3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcel of land that is subject of this consent;
 - c) that the applicant pay \$100 for the cost associated with the apportionment of assessment under the Drainage Act related to the subject lands;

- d) that a hard copy and AutoCAD.dwg version of the final reference plan projected to the NAD 83/UTM Zone 17N coordinate system be submitted to the Municipality; and
 - e) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification. It will be necessary to allow up to three (3) working days after all conditions have been fulfilled and documentation filed for the issuance of the Certificate (stamping of deeds).
2. Zoning By-law Amendment application File D-14 CA/19/21/O be approved and the implementing by-law be adopted.

Background

The subject property is located on the west side of Hughes Road, north of Base Line, in the Community of Camden (Roll No. 3650 360 001 19900). The lands are approximately 27.5 ha (68.2 ac.) in area and contain two (2) agricultural buildings and three (3) silos. The lands are designated Agricultural Area in the Chatham-Kent Official Plan and zoned Agricultural (A1) and Rural Industrial-370 (MR-370). A key map showing the location of the subject lands is attached as Appendix A. Pictures showing the subject lands and surrounding area are attached as Appendix B.

The application is proposing to sever and convey the portion of the subject lands west of the Chauncey Drain as a lot addition to the abutting parcel to the west (1315 Jackson Street). The lot addition lands are approximately 9.5 ha (23.45 ac.) in area, shown as Part 1 on the applicant's sketch attached as Appendix C, and contain one (1) agricultural building and three (3) silos. These structures are currently part of the agricultural processing facility (Jackson Seed Service) on the receiving lot. In sum, the proposal will accommodate planned and future expansions of the agricultural processing facility while allowing the current agricultural uses to continue until development on these lands occurs. The retained farm parcel will be approximately 18.0 ha (44.75 ac.) in area and will contain the remaining agricultural building.

A Zoning By-law Amendment is required to implement the proposed severance and prepare the severed parcel for development. The zoning amendment is discussed in more detail in the Comments section below.

Comments

Provincial Policy Statement

The application does not raise any issues of provincial interest.

Official Plan

The proposed lot addition has been reviewed under the policies of the Chatham-Kent Official Plan. It has been specifically reviewed under Section 3.10, Agricultural Area Policies, and Section 6.3.3, Planning Tools (Consent), and complies with these policies.

The Official Plan, specifically under Policy 3.10.2.18.2(d), permits consent for the enlargement of a lot, subject to the following conditions:

- i) the viability of the retained lot as a farm parcel is not threatened;*
- ii) a need must be demonstrated in which the proposed enlargement is for a non-farm use;*
- iii) the proposed severance must merge with the lot being enlarged in accordance with Sections 50(3) and (5) of the Planning Act.*

The proposed line of severance follows the existing municipal drain, and will facilitate the enlargement of the existing industrial lot that abuts the subject property. The additional land will be utilized by the receiving lot as additional area for its seed processing facility. The retained farm parcel will remain a viable farm parcel and will maintain frontage onto Hughes Road.

A condition of this consent is that the lot addition lands be conveyed to the owner of the receiving lot (1315 Jackson Street) and that Section 50(3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcel of land that is subject of this consent. This will ensure the lands merge in accordance with the above-noted policy.

Further, the Official Plan permits industrial development that is supportive of the Agricultural Area and is required to be in close proximity to farming operations.

Specifically Section 3.10.2.2 states *the Agricultural Area designation means that the primary use shall be agriculture, farm-related industrial and farm-related commercial uses and accessory uses.*

Overall, the application maintains the general intent and purpose of the Official Plan.

Zoning By-law

The subject property is currently zoned Agricultural (A1) and Rural Industrial-370 (MR-370). To support the future development of the subject lands, it is recommended that:

- the severed lands and a portion of the receiving lot be rezoned to the Rural Industrial-370 (MR-370) zone;

- the Special Zone Provision No. 370 be amended to permit existing agricultural uses; and,
- The retained parcel be rezoned to the site specific Agricultural-1540 (A1-1540) zone to recognize the reduced lot area.

The current site specific zone contains the following provisions:

- a) When a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of the applicable zone for that portion of the property*
- b) Notwithstanding anything to the contrary in MR-370 (a), the zone line between two or more zones shall not be deemed a lot line for the purpose of front, side or rear yard setbacks*

This site-specific Rural Industrial (MR) zone is currently utilized by the existing lot to permit a range of rural industrial uses while also recognizing the property as one lot for the purpose of the by-law. This was implemented to ensure the receiving lot and subject property could function appropriately.

The severed lands are located just outside of the Dresden settlement area boundary. They are therefore in close proximity to compatible land uses, including other established industrial properties. As well, the area of the subject lands is sufficient for accommodating future development that meets the zoning regulations of the MR zone.

The proposed recommendation will ensure the subject lands can continue to function as it does today, while also allowing the existing agricultural use to continue.

Conclusion

The proposed severance and zoning by-law amendment have 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 applications are being recommended for approval.

Areas of Strategic Focus and Critical Success Factors

The recommendations in this report support 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 recommendations in this report support 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

There was no consultation required as part of these applications.

Financial Implications

There are no financial implications resulting from these recommendations.

Prepared by:


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Reviewed by:


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Reviewed by:


Ryan Jacques, MCIP, RPP
Director, Planning Services

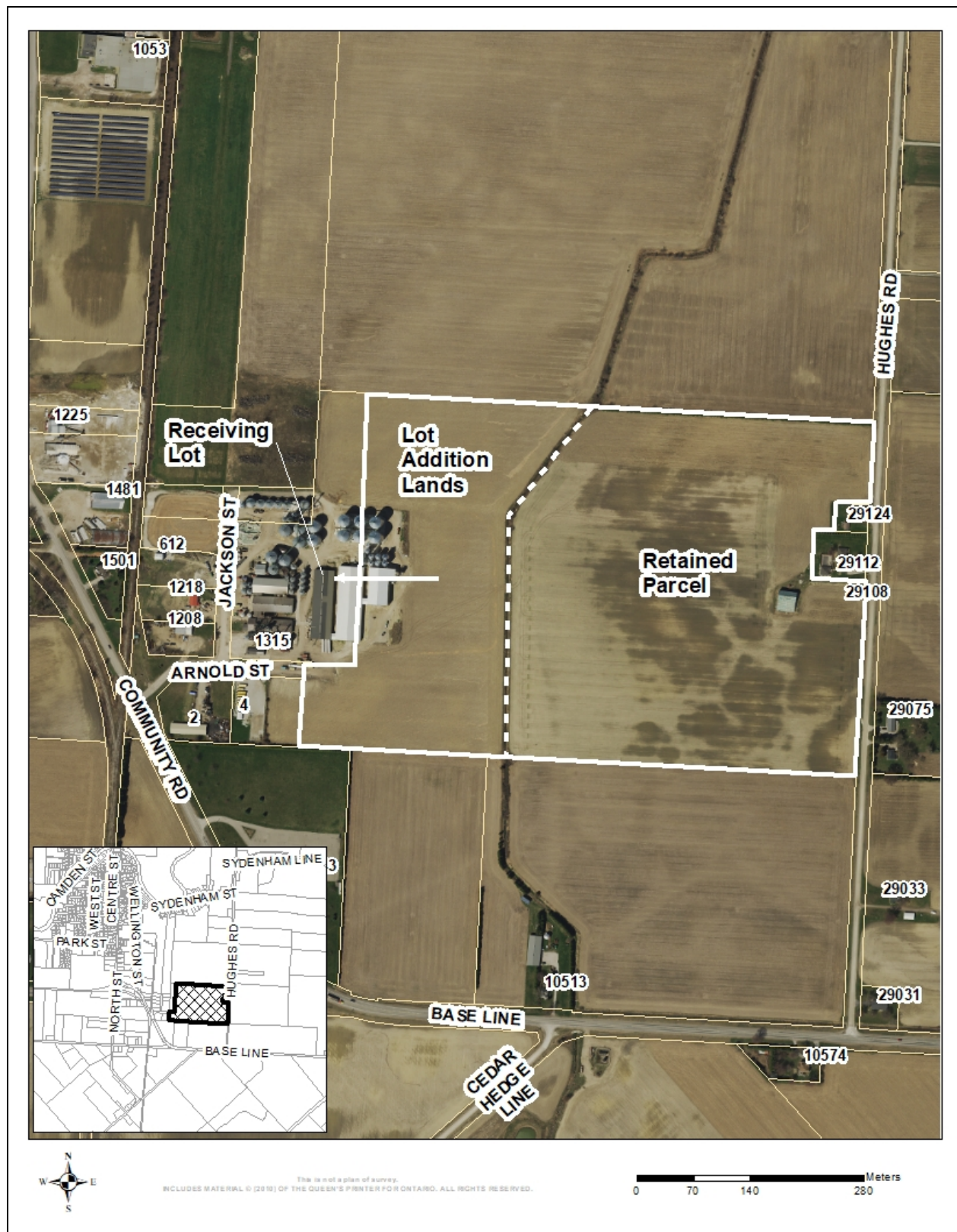
Reviewed by:


Bruce McAllister, MCIP, RPP
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Community Development

Attachments: Appendix A – Key Map
Appendix B – Site Photos
Appendix C – Applicant's Sketch

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Appendix A – Key Map



Appendix B – Site Photos



Looking east from Jackson Street at the receiving lot operated by Jackson Seed Service.



Looking west from Hughes Road towards the severed and retained parcels.

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
(1204977 Ontario Limited)
CityView # PL202100073

Whereas an application has been received for an amendment to the zoning by-law for a certain parcel of land in the Community of Camden in order to rezone the lands to implement the proposed severance;

And Whereas the proposed uses 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 Agricultural (A1) to Agricultural-1554 (A1-1554) and Rural Industrial-370 (MR-370) 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 adding to the list of Exception No., the following:

1554

- 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:

A1-1554

- 4. That Schedule “B”, Zone Exceptions, of the said By-law 216-2009, be amended by adding the following Exception Areas:

Exception No.	Special Zone Symbol	Special Zone Provisions
1554	A1-1554	Notwithstanding any other provision of the by-law to the contrary, the following shall also apply: i) Lot area minimum – 44.7 ac.

5. That Schedule “B”, Zone Exceptions, of the said By-law 216-2009, be amended by deleting the Special Zone Provisions for Exception No. 370, in its entirety, and replacing it with the following Special Zone Provisions:

Exception No.	Special Zone Symbol	Special Zone Provisions
370	MR-370	<p>Notwithstanding any other provision of the by-law to the contrary, the permitted uses also include:</p> <p>a) Existing agricultural uses</p> <p>The following shall also apply:</p> <p>i. When a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of the applicable zone for that portion of the property</p> <p>ii. Notwithstanding anything to the contrary in MR-370 (a), the zone line between two or more zones shall not be deemed a lot line for the purpose of front, side or rear yard setbacks</p>

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 17th day of May, 2021.

Mayor – Darrin Canniff

Clerk - Judy Smith

This is Schedule “A” to By-law Number _____ of the Corporation of the Municipality of Chatham-Kent passed on the 17th day of May, 2021.

