

## Township of Southgate

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## Staff Report PL2022-049

**Title of Report:** PL2022-049-C3-23 Jerry Jack

**Department:** Clerks

**Branch:** Planning Services

**Council Date:** July 6, 2022

### Recommendation:

**Be it resolved that** Council receive Staff Report PL2022-049 for information; and

**That** Council direct staff to bring forward a by-law including a holding symbol and waiving necessity for site plan control or a development agreement;

### OR

**That** Council direct staff to bring forward a by-law without a holding symbol removed but still requiring a development agreement to be implemented for the paved apron.

**Property Location: 145724 Southgate Road 14**



### Subject Lands:

The subject lands are described as Con 10, Lots 19 and 20, Geographic Township of Proton and are approximately 80ha (200 acres). The lands have frontage on Southgate Road 14.

**The Purpose** of the proposed zoning bylaw amendment application is to add to the list of permitted uses a commercial vehicle repair shop to allow for the maintenance and annual safety inspection of trucks and trailers.

**The Effect** of the proposed zoning by-law amendment would be to rezone a portion of the subject lands from Agricultural A1 to agricultural exception (A1-521) to allow for the proposed use.

## **Background**

A Public meeting was held virtually on March 23, 2022. Supporting documents and comments posted on the website are available at:

<https://www.southgate.ca/en/municipal-services/planning-applications-public-notice.aspx#C3-22-Jerry-and-Velda-Jack>

The comments received include:

The Public Works Department indicate that a Commercial Entrance and paved apron are required.

The County of Grey staff indicate that from a general planning perspective it is recommended that a tree buffer be established along the western boundary of the shed/parking area to provide a noise/visual buffer from the neighbouring property. immediately east of the subject lands, and is proposing to service the aggregate vehicles through the subject application. The County would recommend that zoning restrictions be put in place to ensure that only aggregate vehicles from the neighbouring pit operation are permitted to be serviced on this property, in order to avoid an influx of large trucks to the area, without further study or review. It is further recommended that provisions be established that would limit aggregate trucks from being regularly stored on the subject property.

The SVCA indicate the proposal is generally acceptable to SVCA staff. SVCA staff recommend that tree clearing to the south of the proposed house and east of the proposed barn/shed does not occur on the property. Provided this recommendation is followed, it is the opinion of SVCA staff that the preparation of an EIS to address impacts to the woodlands, is not recommended at this time, as impacts to the woodlands would be negligible.

## **Staff comments:**

With respect to the County of Grey Comments the Township can require site plan approval to require trees to be planted to accommodate this recommendation from the County. The County suggestion to regulate the usage of the shop to the aggregate operation trucks and prevent storage of the trucks onsite can be regulated in a zoning bylaw if required.

The Township public works department comments are intended to protect the road pavement from continued and increased truck traffic. This is a standard requirement for all shops located on paved roads. Not implementing this condition would create a double standard within the Township where certain groups are required to pave the entrance and others are not.

There was considerable discussion by Council regarding the need for trees and the need to pave the apron of the property. The question was asked why does he need to do it now when nothing is going to change?

The servicing and or storage of aggregate trucks on the site at the present time is in contravention of the bylaw as it is not zoned as part of the aggregate operation. This relates to the Counties concerns and desires to place controls on this use of the property.

Staff are of the opinion that this is an opportunity for the use to be recognized in the zoning and measures put in place to protect Township assets, such as the road, from damage. With respect to the Trees staff are less concerned about the trees as there is no outside storage proposed except for the parking of trucks. There are two ways to address the above issue. The first is to zone the property with a Holding symbol with a condition that it be removed following the installation of the apron. The second way is to require a development agreement be entered into with the applicant agreeing to pave the apron.

Based on these responses Township staff are satisfied that the application can be approved with the requirement to pave the apron of the driveway.

### **Financial Considerations:**

It is my understanding that there will be no tax implications to the township or applicant.

### **Staff Policy Review**

Staff have reviewed this application based on the Planning Act, the Provincial Policy Statement (PPS), Southgate Official Plan and the Zoning By-law.

### **The Provincial Policy Statement 2020 (PPS)**

The PPS has been reviewed in its entirety, however, only the most relevant policies have been identified below. The subject land would constitute "Rural Area" under the definition of the PPS. The PPS allows for a variety of uses in the rural areas:

#### **1.1.4.1 In rural areas located in municipalities:**

f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;

The PPS supports the diversification of the rural economy. The proposed Industrial use shop will support farming and grow the rural economic base. The lands are

further categorized as Agricultural lands by the PPS. The subject lands are considered as Agricultural; below is a review of those policies.

The permitted uses for agricultural lands are listed below.

### "2.3.3 Permitted Uses

2.3.3.1 In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses.

Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives."

The definitions of Agricultural use, Agricultural related use and on farm diversified use are provided below from the PPS. All of the shops being proposed within the Township at the present time fall within one of the three definitions below and are therefore consistent with the definitions within the Provincial Policy.

Agricultural use "means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full time farm labour when the size and nature of the operation requires additional employment."

Agricultural related uses: means those farm uses related commercial and farm related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and or services to farm operations as a primary activity. On farm diversified uses: "means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value added agricultural products."

This proposed shop would be considered an on-farm diversified use which is permitted in a Prime Agricultural area.

### **Minimum Distance Separation (MDS)**

Regarding MDS, it has been reviewed and there are no barns that will be negatively impacted by the proposed shop. Staff have reviewed the MDS Guidelines and there are no concerns regarding MDS.

The proposal will not hinder surrounding agricultural operations and will not require infrastructure development. The proposal is consistent with the definitions and

policies of the PPS including promoting diversification of the economic base and employment opportunities. Based on the foregoing, the proposal appears to be consistent with the PPS.

### **Township Official Plan**

The Township of Southgate Official Plan (OP) designates the subject lands "Agricultural" and "Hazard lands". The OP provides for small scale commercial and industrial uses on properties greater than 20ha to a maximum of 750m<sup>2</sup> in size. The maximum outside storage is 500m<sup>2</sup> in addition to the 750m<sup>2</sup> building size. The proposal is to use the existing agricultural building which is 641m<sup>2</sup>. There is no outdoor storage proposed for the proposed use aside from parking of vehicles awaiting service. The proposal complies with the above policy as well as when you look at the definition of small scale below.

The Official Plan defines Small Scale on parcels larger than 20 hectares as: a maximum structure size of 750m<sup>2</sup> and a maximum outdoor storage display area of 500m<sup>2</sup> will be permitted. If the structure is less than 750m<sup>2</sup>, the outside display area may be increased, so that the combined outside display area and structure does not exceed 1250 m<sup>2</sup>.

The proposal meets this definition and is therefore considered small scale under the policies of the Township Official Plan.

The Township Official Plan section 5.1.1 Agricultural designation permitted uses include the following:

"iv. small scale commercial and industrial uses;"

As noted above, the proposal meets the Official Plan Definition of Small Scale and is therefore considered a permitted use in the Agricultural Designation.

### **Section 5.1.3 Development Policies**

6. The maximum structure size for new or expanding small scale commercial and industrial uses shall be 750 square metres, with a maximum outdoor storage size of 500 square meters. Where the maximum structure size is less than 750 square metres, more outdoor storage space will be permitted up to a combined maximum of 1250 square metres. Such uses will only be permitted on farm parcels greater than 20 hectares, all subject to satisfying the Development Policies as outlined in this Section. Council may, in the future, limit the commercial or industrial use through the implementing Zoning Bylaw Amendment.

The proposal is consistent with the development policies of the Official Plan and through site plan control can be made to blend in with the rural landscape. The proposal will assist the owner by allowing the ability of the owner to service their fleet of trucks without the need to travel out of the area.

## Zoning By-law

The proposed zoning by-law amendment would change the zone symbol on a portion of the subject lands to permit the Shop within a new agricultural exception zone (A1-521). The Environmental Protection Zone Boundary may be adjusted based on Conservation Authority comments. The zoning will also provide regulations for setbacks for the use. Site Plan control will also be required in order to implement specific control measures to address potential nuisance issues such as noise, dust and visual impact.

## Conclusions

Based on the above policy review and the information provided and comments received, the proposal is consistent with the Policies of the Provincial Policy Statement, The County of Grey Official Plan, The Township of Southgate Official Plan. Staff have provided to options for Council's consideration.

Respectfully Submitted,

**Municipal Planner:** *Original Signed By*  
Clinton Stredwick, BES, MCIP, RPP



**CAO Approval:** *Original Signed By*  
Dave Milliner, CAO

**Attachments: None**