

To: Mayor and Members of Tillsonburg Council

From: Heather St. Clair, Development Planner, Community Planning

Application for Zone Change ZN 7-20-10 – Nagy

REPORT HIGHLIGHTS

- The application for zone change proposes to rezone the subject lands from 'Future Development Zone (FD)' to 'Special Future Development Zone (FD-sp)' to permit a contractor's yard, as well as a public storage use on the subject lands.
- Planning staff are recommending approval of the application as it is generally consistent with the policies of the Provincial Policy Statement and the County Official Plan with respect to permitted uses on lands designated for Industrial uses.

DISCUSSION

Background

OWNER: Olga Nagy
52 Vesison Street, Tillsonburg ON N4G 1V1

APPLICANT: Lajos David Nagy
1801 Highway 3, Tillsonburg ON N4G 4G8

LOCATION:

The subject lands are described as Part Lot 3, Concession 5 in the Town of Tillsonburg. The subject lands are located on the south side of Highway 3, east of Clearview Drive and are municipally known as 1801 Highway 3, Tillsonburg.

COUNTY OF OXFORD OFFICIAL PLAN:

Schedule "T-1"

Town of Tillsonburg
Land Use Plan

Industrial

TOWN OF TILLSONBURG ZONING BY-LAW NO.3295:

Existing Zoning:

Future Development Zone (FD)

Proposed Zoning:

Special Future Development Zone (FD-sp)

PROPOSAL:

The application for zone change proposes to rezone the subject lands from 'Future Development Zone (FD)' to 'Special Future Development Zone (FD-sp)' to permit the property to be used as a contractor's yard and to permit the existing shop on the subject lands, which is approximately 680 m² (7,319.4 ft²) to be used for public storage purposes.

The subject lands are approximately 3,877.3 m² (41,735.3 ft²) in size, with approximately 28.5 m (93.5 ft) of frontage on Highway 3 and contain the existing shop, as well as an existing single detached dwelling, built in approximately 1967. Surrounding land uses predominately consist of industrial lands to the north, vacant industrial lands that are currently in agricultural production to the south as well as the CN Railway to the northeast and a number of existing residential parcels to the immediate west, which are also located within the 'FD' zoning.

Plate 1, Location Map with Existing Zoning, shows the location of the subject property and the existing zoning in the immediate vicinity.

Plate 2, Close-up of Subject Lands (2015 Air Photo), provides an aerial view of the subject property and shows the location of the existing shop on the subject lands.

Application Review

PROVINCIAL POLICY STATEMENT:

The 2020 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Under Section 3 of the Planning Act, where a municipality is exercising its authority affecting a planning matter, such decisions shall be consistent with all policy statements issued under the Act.

Section 1.1.3 of the PPS directs that settlement areas shall be the focus of growth and development and that land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources, are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available and avoid the need for their unjustified and/or uneconomical expansion. Land use patterns within settlement areas shall also minimize negative impacts to air quality and climate change and promote energy efficiency.

Section 1.3 of the PPS addresses employment uses and provides that planning authorities shall promote economic development and competitiveness by:

- providing for an appropriate mix and range of employment (including industrial, commercial, and institutional uses) to meet long-term needs;

- providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- encouraging compact, mixed-use development that incorporates compatible employment uses to support livable and resilient communities, and
- planning for, protecting and preserving employment areas for current and future uses;
- ensuring the necessary infrastructure is provided to support current and projected needs.

The PPS provides that employment areas are those areas designated in an Official Plan for clusters of business and economic activity. As the subject lands are designated as Industrial lands in the County Official Plan, they can be considered an employment area.

Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.

OFFICIAL PLAN:

The subject lands are designated as Industrial according to the Land Use Plan for the Town of Tillsonburg, as contained in the County's Official Plan. Industrial areas include those lands that are designated for the full range of industrial type activity including light industrial, medium and heavy industrial uses. Such uses may generate on and off-site effects such as traffic, noise, vibration, fumes or visual appearances.

Permitted uses on lands designated as Industrial include assembling, manufacturing, fabricating, processing, repair activities, storage and warehousing industries and construction industries, together with processing, office, sales and management activities and in order to maintain the viability of the Industrial Area, Town Council shall limit the amount of non-industrial activity permitted in the Industrial designation.

While the subject lands are designated as Industrial they, along with a number of other properties to the immediate west, are currently occupied by single detached dwellings.

Section 10.3.5 of the Official Plan provides policy guidance for the recognition of non-conforming uses in the Zoning By-law. The policies provide that although it is the general intent of the plan that the long-term use of land conform with the objectives and policies of the Plan, a legally established land use may be recognized as a permitted use in the Zoning By-law provided that Town Council is of the opinion that:

- the use does not involve hazardous activities or substances;
- the use does not contribute to air, water, or land pollution problems;
- the use can or has achieved an acceptable measure of compatibility with adjacent uses, is not associated with any building deterioration or lack of property maintenance, does not generate traffic that threatens the safety of the surrounding area, and does not interfere with the development of conforming uses in the surrounding area;
- the long-term continuation and any potential expansion of use will not detract from the general intent of the Official Plan;
- recognition of the use is not likely to result in proposals to amend the Plan to allow similar types of uses.

TOWN OF TILLSONBURG ZONING BY-LAW:

The subject lands are zoned as 'Future Development Zone (FD)' in the Town of Tillsonburg Zoning By-law No. 3295. Permitted uses in the 'FD' zone include a farm, a home occupation, a public use, a seasonal fruit and vegetable stand, as well as an existing single detached dwelling and any existing accessory buildings, together with any alterations thereto made after the passing of the By-law, provided such alterations do not enlarge the gross floor area of such dwelling or accessory building by more than 25%.

Development standards for lands zoned 'FD', as contained in Table 18.2 provide that minimum lot area and frontage requirements for non-residential uses are 1,400 m² (15,070 ft²) and 30 m (98.4 ft), respectively. A minimum 20 m (65.5 ft) setback is required from an Arterial Road (such as Highway 3), and a minimum front yard setback of 7.5 m (24.6 ft) is required, while a minimum 10 m (32.8 ft) rear yard and 6 m (18.7 ft) interior side yard is required for a non-residential use.

The Zoning By-Law defines a contractor's shop or yard as the use of land, buildings or structures for the purpose of storing equipment, vehicles or material used by a construction contractor or other building trade, together with any associated maintenance, assembly or shop work.

AGENCY COMMENTS:

The application was circulated to various public agencies considered to have an interest in the proposal.

The Tillsonburg Building Services Department has commented that if approved, the existing shop will require a change of use permit, in compliance with the Ontario Building Code and that the applicant should be aware of Noise By-law 4255 as it relates to the proposed use and the existing neighbouring residential uses. The development of the contractor's yard will be subject to site plan control.

The Chamber of Commerce has questioned the number of existing public storage units within the Town of Tillsonburg, and questioned whether employment opportunities would be restricted without limitations on such uses.

The Oxford County Public Works Department have indicated they have no comment with respect to this application.

PUBLIC CONSULTATION:

Notice of complete application and notice of public meeting regarding this application were circulated to surrounding property owners on August 19, 2020 and September 4, 2020 in accordance with the requirements of the Planning Act. As of the writing of this report, no comments have been received from the public.

Planning Analysis

The application for zone change proposes to rezone the subject lands from 'Future Development Zone (FD)' to 'Special Future Development Zone (FD-sp)' to permit a contractor's yard on the subject lands and a public storage use within an existing 680 m² (7,319.4 ft²) accessory building on the property.

The subject lands contain an existing single detached dwelling, built in approximately 1967, as well as the said residential accessory structure and are located on the east side of a cluster of existing residential parcels along Highway 3 that are also zoned as 'FD' in the Town Zoning By-law, while being designated as Industrial in the Oxford County Official Plan.

The 'Future Development Zone (FD)' is intended to restrict development opportunities until such time as development can be considered that is in keeping with the overarching land use designation, which in this case is intended for industrial development. It is the intention of the Official Plan that the long-term use of the subject lands will conform to the objectives and policies of the Plan and that the change of use of a legally established land use that does not conform to the Official Plan will result in a new land use that is more in keeping with the intent of the Industrial designation or will not further impede the ability of the lands to develop for a use more in keeping with the intent of the Official Plan in the future.

The applicant is proposing a small industrial use, consisting of a contractor's yard and public storage building within an existing detached accessory structure on the subject lands, which was constructed in 1990, according to the applicant, which predates the current Zoning By-law Number 3295, which was adopted in 2008.

Planning staff are generally satisfied that the proposed uses can be considered in keeping with the overall policy direction of the Official Plan for lands designated as industrial. Further, Planning staff are of the opinion that the limited scale of the proposed uses, which will be located within an existing building on the subject lands, approximately 680 m² (7,319.45 ft²) in size, will result in minimal impact on surrounding land uses, which are also zoned as 'FD' in the Town Zoning By-law and it is noted that the change of use permit required by the Town Building Department will require the applicant to enter into a site plan control agreement with the Town to address design considerations for the site to further ensure minimal impact is had on surrounding sensitive land uses, such as the establishment of fencing or vegetative buffering from neighbouring residences. Additionally, it is recommended that any open storage on the lot be compliant with the Open Storage provisions of the General Industrial zone.

To this end it is noted that the proposed uses are unlikely to involve any hazardous activities or substances and are not expected to interfere with the future development of the subject lands or surrounding land uses for industrial purposes and it is the opinion of Planning staff that the proposed uses will not detract from the general intent of the PPS and the County Official Plan to preserve employment areas.

In light of the foregoing, this Office is satisfied that the applicant's proposal to rezone the subject lands to permit a contractor's shop and a public storage business within the existing residential accessory building is consistent with the Provincial Policy Statement and maintains the general intent and purpose of the Official Plan and can be supported from a planning perspective.

RECOMMENDATION

It is recommended that the Council of the Town of Tillsonburg approve the zone change application submitted by Olga Nagy (Lajos Nagy), whereby the lands described as Part Lot 3, Concession 5 in the Town of Tillsonburg, known municipally as 1801 Highway 3, are to be rezoned from 'Future Development Zone (FD)' to 'Special Future Development Zone (FD-sp)' to allow for the development of a contractor's yard & shop and a public storage business within an existing non-residential building on the subject lands.

SIGNATURES

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