

Planning Report
Zoning By-law Amendment for
2150 Joslin Road
Part of Lot 38, Concession 5,
Township of Gainsborough

Township of West Lincoln

February 2015



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Appendix “A”
Proposed Zoning By-law Amendment

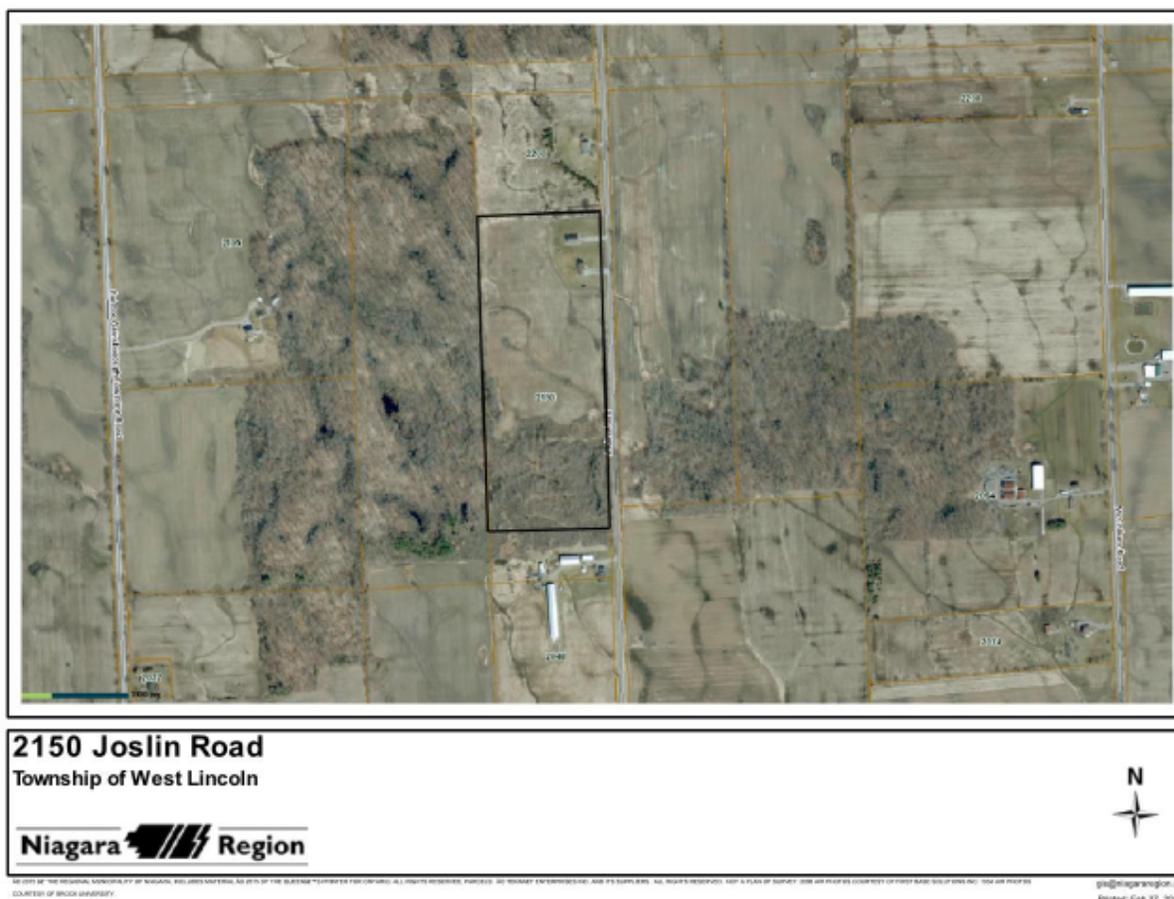
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1. Introduction

Quartek Group Inc., were retained by Calvin Komdeur, a resident at 2150 Joslin Road, Part of Lot 38, Concession 5, Township of Gainsborough in the Township of West Lincoln, Regional Municipality of Niagara to prepare the planning report in support of a proposed Zoning By-law amendment for a landscaping company as a home industry.

Subject Lands

The property is located within the rural agricultural area of the Township of West Lincoln on the west side of Joslin Road, south of Sixteen Road.



The subject land consist of approximately 10 ha (25 acres) of land having roughly 5 ha (17.3 acres) of the property in agricultural production, i.e. field crops. About 4 ha is woodlot and environmental conservation area, with the remainder of the lot, about 1 ha, being landscaped area associated with the residential dwelling and the existing detached accessory building.

A drainage swale bounds the area of the lot that is used for the residential use, including the existing accessory building and lawn area which consists of roughly 1 ha. The swale forms a natural divide between the residence and the lands on the lot that are in active agricultural production.

Surrounding Land Uses

The surrounding land uses are predominately rural and agricultural land uses. Immediately to the west of the property is a significant woodlot/environmental conservation area and to the north is a wetland.

2. Proposal

The proposal is to amend the Zoning By-law to permit a home industry to allow for a landscaping company. The landscaping company will be run by the applicant with a maximum of two employees. There will be no retailing of landscaping materials. The area of the site devoted to the landscape business includes the use of the detached accessory building and the area to the rear of the building. The area will be used for vehicle parking and small equipment storage. A parking area will be provided for 2 trailers, 1 skid steer, 1 pick-up, and 1 box dump-truck pick-up. There will be very limited on-site storage of materials, only small amounts leftover from a job or for on-going projects. The outside storage associated with the home industry will be located behind or beside the existing accessory building. The existing gravel area on the south side of the accessory building will be expanded to accommodate the vehicle parking, equipment storage, and storage of landscape materials, i.e. mulch screenings.

The proposed Zoning By-law amendment is to amend the zoning to a site specific zone to permit a home industry. A proposed zoning by-law amendment is attached as Appendix "A".

3. Planning Impact Analysis

2014 Provincial Policy Statement

The Provincial Policy Statement provides for a policy led planning system that supports improved land use planning and management and a more effective and efficient land use planning system. The Policy Statement is complimented by provincial plans and regional and local planning policies.

The Provincial Policy Statement protects agricultural areas by protecting agricultural lands from non-agricultural or agriculturally related uses, directing urban lands uses to settlement areas and providing for a coordinated approach to address expansion of infrastructure, protects natural and cultural heritage resources and protects against hazards and promotes a strong economy through recreational, tourism and other economic opportunities. Combined the Provincial Policy Statement is aimed at providing for sustainable communities and long term prosperity.

Specifically, Policy 1.7.1 states that long-term economic prosperity should be supported by promoting opportunities for economic development, and promoting the sustainability of the agri-food and agri-product businesses by protecting agricultural resources and minimizing land use conflicts.

The Agricultural policies state that: “In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses.” Further, proposed new agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. The criteria for these uses may be based on guidelines developed by the Province or municipal approaches set out in planning documents which achieve the same objective.

On-farm diversified uses is defined as: *“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.”*

These policies set out a high level framework for protecting agricultural land in the province while also supporting economic activities that will allow for agricultural uses to be economically viable and sustainable. The proposed zoning by-law amendment is consistent with the policy guidance of the Provincial Policy Statement as it does not create land use conflicts or impact the viability of agricultural land or remove land from agricultural production.

Regional Policy Plan

The Regional Policy Plan designates the lands Good General Agriculture. A strategic objective of the Plan is to recognize the changing nature of agriculture and support farm diversification activities that contribute to the long term economic sustainability of the agricultural industry.

Some of the specific objectives for agricultural lands include:

- To preserve Niagara's agricultural lands. The unique agricultural lands suitable for tender fruits and grapes have the highest priority for preservation. Good general agricultural lands have the second highest priority for protection.
- To provide an efficient and orderly pattern of land uses in the Agricultural and Rural Areas, which lessens land use conflicts, which requires a minimum of municipal services and conserves natural resources.
- To protect farmers' right-to-farm by minimizing the potential for conflicts between farm and non-farm uses.
- To support activities that enable farming and farmers to:
 - Become more competitive, sustainable and environmentally friendly;
 - Adapt to new and changing markets;
 - Diversify into and take advantage of new agricultural opportunities;
 - Improve the understanding of agriculture by the general public; and
 - Broaden operations to diversify economic activities and add value to their primary products.
- To recognize the role of the Region to establish flexible, performance based criteria for use by the local municipalities, and recognize variations in the range of diversification activities within individual municipalities
- To recognize the range of impacts that different types of value added activities may have on the farm and on surrounding farms and provide for different regulatory provisions.

The above objectives are implemented through the agricultural policies, below are the applicable policies for evaluating the proposed zoning by-law amendment.

- The Region will attempt to ensure a viable agricultural industry through such means as:
 - The protection of unique and good general agricultural lands;
 - Support for a large range of farm diversification activities in appropriate locations and at a scale suitable to the farm and the agricultural area where they contribute to economically sustainable agriculture;
- Policy 5.B.27 Home Occupations and Home Industries may be permitted as secondary uses.

The establishment of a landscaping business as a home industry is appropriate as it will serve not only the surrounding agricultural area, but all the broader community. The proposed use does not impact on the agricultural use of the property and complements

the agricultural activity. The size and scale of the operation is considered small and will not detract from the principal agricultural use of the lands and maintains the rural character of the area. The landscaping business also does not generate adverse impacts on adjacent properties, is located setback from adjacent natural heritage features including a wetland and woodlands, and is considered to be consistent with the Regional Official Plan.

Township of West Lincoln Official Plan

The Township of West Lincoln Official Plan designates the lands Good General Agricultural and Natural Heritage System.

- a) Uses permitted within all Agricultural Areas: Uses secondary to the principal agricultural use of the property, including, but not limited to, home occupations, bed and breakfast establishments, home industries and uses that provide value-added agricultural products from the farm operation on the same property.

17.17 Home Industry

Home industries may be permitted by Zoning By-law Amendment in Agricultural, Hamlet Area designations provided that:

- a) The use is small in scale and remains secondary to the principal use of the property,
- b) In the Agricultural Area, all of the property remains designated and zoned agricultural,
- c) New uses are compatible with and do not hinder surrounding agricultural uses,
- d) The use complies with other policies in the Plan, and
- e) No future severance is permitted in the Agricultural Area

The activities permitted in a home industry shall be established in the implementing zoning by-law.

Policy Context Summary

The requested Zoning By-law amendment will permit a home industry, specifically a landscape company. The site will be used for the parking of vehicles and equipment trailers and small amounts of landscaping materials but not for stock piling of landscape materials or for the resale of materials. The business is to provide off-site landscaping services to customers. Vehicles will leave the site in the morning and return at the end of the day to park for the night. The proposed home industry will be located on the part

of the lot that is currently used for residential purposes. There is a portion of the lot where the house and accessory building are located that is grassed and used for residential purposes. This area is bound by an existing drainage swale and the area of the lot used for agricultural production is located on the other side of the drainage swale. The proposed use of a small portion of the lot for the home industry will not remove land from agricultural production and it will not impact the agricultural use on the property or any future agricultural use. In addition, the proposed home industry does not impact on adjacent natural heritage features, including the wetland on the adjacent property to the north, the adjacent woodlands to the west or the woodlands at the south end of the subject lands.

The agricultural use on the property is well defined by the existing drainage swales and the woodlot to the south, there is no opportunity to use more of the land for agricultural production as it would bring the agricultural use too close to the dwelling or result in the removal of the woodlot. The proposed home industry will be located on a portion of that land that is currently used as part of the residential area of the property and is not going to impact on the agricultural use on the other side of the drainage swale and the proposed use will not expand and take agricultural land out of active agricultural production. The home industry is a secondary use on the property and will be operated by a resident of the property. Overall, the scale of the home industry is considered to be small scale, is appropriate as a secondary use, and does not adversely impact on the rural character of the area or the property. No new buildings are required to accommodate the home industry. While the existing gravel parking area will be expanded, it is to the rear of the existing accessory building, is sufficiently setback, and will be screened from view.

Township of West Lincoln Zoning By-law

The lands are zoned Agricultural Zone (A2) which permits a home industry subject to a Zoning By-law amendment.

3.52a “Home Industry”

Shall mean a gainful occupation including carpentry, electrical, woodworking, window framing, welding, plumbing, machine or auto repair shop, service shop or blacksmith, conducted in whole or in part in an accessory building to a single family detached dwelling by the residents, provided that:

- (a) there is no external advertising other than a sign erected in accordance with any Bylaws of the Corporation regulating signs;
- (b) there is no outside storage of goods, materials or equipment unless fully enclosed by a fence or other enclosure which provides visual screening;

- (c) such home industry is not an obnoxious trade, business or manufacture;
- (d) such home industry is clearly secondary to the main residential use and does not change the residential character of the dwelling;
- (e) not more than 2 persons, other than the owner, are employed therein on a full-time basis; and,
- (f) such home industry satisfies all requirements of the Ontario Building Code and all applicable By-laws and Regulations.
- (g) the lot shall be an existing lot with not less than 24 metres of frontage and 60 metres of depth and a total area of not less than 1,850 square metres. (By-law 2006-135)

The proposed home industry complies with all of the general provisions of the zoning by-law for home industries.

A zoning by-law amendment is required to permit the home industry because the Township Official Plan policies require a zoning amendment for a home industry in the agricultural area in order to evaluate the compatibility of the home industry with the agricultural uses and to ensure that the proposed use will not remove land from active agricultural production or impact the viability and future use of agricultural land on the property or on adjacent properties. The proposed zoning by-law amendment will be a site specific amendment to permit a landscape company as a home industry. The business will be run and staffed by residents of the dwelling and will primarily be a place to park vehicles and small landscaping equipment. There will be minimal on-site storage of landscaping materials and these will be screened and appropriately stored in concrete block bays that are 2 m x 4m in size which will keep the site orderly and also inherently restrict the amount of landscaping material stored on site.

The home industry will allow a young entrepreneur to start his own landscaping company without having to purchase an industrial site for the business before the business has been established. Home industries are an important tool for economic development as it provides a low cost or financially accessible means for starting a business and building clientele and demand.

The proposed Zoning By-law Amendment is to amend the zoning for the property to a site specific zoning to permit a landscape company as a home industry. The proposed development is suitable for the site in terms of size, screening from the road, and that the use will not impact on the agricultural use on the property or the natural heritage features.

4. Conclusion

The proposed Zoning By-law amendment to permit a landscape company as a home industry is consistent with the Provincial Policy Statement, and is supported by the policy framework of the Regional Policy Plan and the Township Official Plan. The proposed home industry will maintain the rural agricultural character of the area and will not impact on current or future agricultural production on the site or on nearby properties.

The size and scale of the operation is appropriate for the site and the small on-site changes required to accommodate this proposed use are minimal as it will simply result in a gravel parking pad to the rear and south of the existing accessory building and seven concrete block bays for storage of small amounts of landscaping materials.

No adverse impacts are anticipated from the proposed use and no special site specific provisions are being requested. The proposed plan meets all of the standards set out for Home Industries in the zoning by-law and the official plan. The proposed zoning bylaw amendment will result in the start-up of a new small business that may be an incubator for a larger business in the future and therefore supports economic development as well as meeting all the land use policies.

Appendix “A”

Proposed Zoning By-law Amendment

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2015-

**A BY-LAW TO AMEND ZONING BY-LAW NO. 79-14, AS
AMENDED, OF THE TOWNSHIP OF WEST LINCOLN**

**WHEREAS THE TOWNSHIP OF WEST LINCOLN COUNCIL IS EMPOWERED
TO ENACT THIS BY-LAW BY VIRTUE OF THE PROVISIONS OF SECTION 34
OF THE PLANING ACT, 1990;**

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF
WEST LINCOLN HEREBY enacts as follows:

1. That Schedule 'A' Map 1 to Zoning By-law No. 79-14, as amended, is hereby amended by changing the zoning on Part of Lot 38, Concession 5, in the former township of Gainsborough, now in the Township of West Lincoln, shown as the subject lands on Schedule 'A', attached hereto and forming part of this By-law.
2. That Schedule 'A' Map 1 to Zoning By-law 79-14, as amended, is hereby amended by changing the zoning on the subject lands shown on Schedule 'A' attached hereto and forming part of this By-law from an "Agricultural (A2) zone to an "Agricultural Exception (A2-xxx) zone.
3. That Section 29 of Zoning By-law 79-14, as amended, is hereby amended by adding the following to Section 29:

A2-XXX Notwithstanding the provisions of the "Agricultural (A2) Zone" the subject lands shall be subject to the following additional provisions:

- (a) All permitted uses and regulations of the Agricultural 'A2' Zone shall continue to apply, except as amended.
- (b) That a home industry for a landscape company is a permitted use

4. AND THAT this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED THIS
XX DAY OF XXXXX 2015.**

MAYOR DOUGLAS JOYNER

CAROLYN LANGLEY, CLERK

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2015-

This By-law involves a parcel of land located on the west side of Joslin Road, municipally known as 2150 Joslin Road and legally described as being Part of Lot 38, Concession 5, in the former Township of Gainsborough, now in the Township of West Lincoln.

The subject lands are currently zoned as Agricultural A2. The rezoning is to permit a home industry. The application is required because the Official Plan policies requiring a rezoning for a home industry in the agricultural area. The rezoning will permit a landscape company as a home industry on the property.

File:

Applicants: C. Komdeur

Appendix “B”

Proposed Site Plan