



# Planning Report

## Zoning Amendment

RE:	Mr. E. Byers application to rezone part of a property to permit a warehouse, accessory office and a chip stand.
Meeting Date:	August 16, 2017
Current Zoning:	Highway Commercial (C2)
Proposed Zoning:	Light Industrial – Exception Four (ML-4)
Official Plan:	Employment District
Subject Area:	1.19 ha (2.94 ac)
Existing Use:	Vacant Land
Proposed Use:	Warehouse, office, chip stand

---

## 1. Purpose and Effect

The Township of North Dundas has received a site-specific zoning amendment application for part of the property legally described as Part of Lot 24, Concession 7, Part of Part 1 on Reference Plan 8R-0972, Geographic Township of Mountain, now the Township of North Dundas. The purpose of the application is to rezone part of the property from General Commercial (C2) to Light Industrial – Exception Four. If approved, the effect would be that part of the property will be able to be used for a warehouse, accessory office and a chip stand. As the subject property is within a significant wellhead protection zone, this site specific zoning amendment includes a special provision for a 100 metre setback from municipal well #5 (services Winchester).

## 2. Background

The subject property is located just outside of the settlement boundary of Winchester, near the intersection of County Road 31 and County Road 43. The subject land is the northern part of the property known as 2140 County Road 31. The existing surrounding uses are commercial (gas station and restaurant), residential, and agricultural. Directly across the County Road from the subject

land is a municipal well which will have an impact the location of uses (buildings, accessory structures and septic fields) on the lands.

If approved, Mr. Byers intends to move the existing business (Empire Construction) from 12555 County Road #43 to the subject lands.



### 3. Policy Direction

#### 3.1 Provincial Policy Statement

Ontario has a set of Provincial Policy Statements (2014), of which the Council must have regard for the following relevant excerpts:

- 1.1.3.2 b) a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.
- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.
- 1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.
- 1.3.1 Planning authorities shall promote economic development and competitiveness by:
  - a) providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;

b) 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;

**1.3.2.1** 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.

**1.3.2.3** Planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations.

### **3.2 Official Plan – United Counties of Stormont, Dundas and Glengarry**

The subject property is within the Employment District in the area surrounding Winchester, which permits industrial and commercial type uses. Relevant excerpts are as follows:

**3.06.3 Rural Area**  
**Employment Districts** will be permitted in strategic locations such as major highway intersections where exposure to the traveling public or labour market area is essential to the vitality of commercial or industrial enterprise.

**3.06.7.4 Industrial Area**  
Industries should be located to take advantage of existing or planned **infrastructure** or transportation services (air, rail, water, road);  
Locations shall be avoided which will create land use conflicts or where the type of industry has the potential to pollute groundwater or surface water resources e.g. sensitive aquifers, recharge areas or well head protection areas.  
Mixed use business parks and employment areas are encouraged and should be designed through zoning and site plan control to facilitate the integration of complementary industrial and commercial land uses.

**3.06.6.2. Servicing Capacity**  
Servicing capacity shall be available and adequate to support existing and proposed uses.

**3.06.6.3. Frontage and Access**  
All uses shall have frontage on and direct access to an open and maintained year round public road.

**3.06.6.4. Measures for Landscaping, Buffering, Screening and Land Use Compatibility**

A primary planning principle is to promote land use compatibility and to encourage compatible land uses to locate adjacent to each other. Where this is not possible or where development involves the expansion of existing adjacent incompatible uses, the Plan promotes the use of landscaping, buffering and screening techniques to reduce land use conflicts.

**4.06.3.11. Wellhead Protection Areas**

Wellhead protection areas (WHPA) may be established around municipal wells as a measure to protect the capture area which supplies groundwater for these wells. Zoning, site plan control and site alteration by-laws may be used to protect wellhead protection areas (WHPA)...

**4.06.3.12. Municipal Regulatory Controls**

...Local Municipalities shall be encouraged to implement appropriate controls for the protection of vulnerable aquifers and wellhead protection areas.



**3.3 Zoning By-law 79-6**

The former Township of Mountain Zoning By-law No. 79-6 lists “warehouse” as a “Light Industrial” use. As a “chip stand” is not a use permitted in the Light Industrial Zone a special exception zone would need to be created. All other applicable zoning provisions should be able to be met on the subject lands. The special exception zone will need to recognize the Source Water Protection Area and setbacks.

**3.4 Source Water Protection**

Part of the subject lands are located in a Wellhead Protection Area – A (WHPA-A), and Source Water Vulnerability Score (IPZ) of 10. This is the highest level of protection for the municipal well. South Nation Conservation’s Source Water Protection team have recommended that the uses be limited to those requested, as the property is located in a sensitive wellhead protection zone. Any change of use would require a rezoning (zoning amendment to add a new use) and would provide an opportunity for a review of the proposed activities which could be prohibited or restricted under the Source Water Protection Plan.

Based on the wellhead protection policies and in consultation with the Source Water Protection Team, the Township Planning Department recommends that the permitted uses on the subject lands be limited to a warehouse and an accessory office, and a chip stand (the exact uses requested by the applicant). It is also recommended that the buildings and structures be located at least 100 metres from the wellhead (Well #5), outside of the highest level of wellhead protection (WPHA – A).

#### **4. Analysis and Comments**

The subject land is located across the County Road from a municipal well . The Notice of Public Meeting stated that the proposed rezoning would allow Light Industrial Uses on the property, including a warehouse and an accessory office, and a chip stand. Based on the information gathered from the Source Water Protection Team during the preparation of the Planning Report, it is recommended that the uses in the proposed new zone be limited to a warehouse and accessory office, and a chip stand. The location of the buildings and structures is subject to Wellhead Protection Area requirements for setbacks from a municipal well.



#### **5. Recommendation**

That Council consider comments from the public and adjacent neighbours during the public meeting before rendering a decision on the proposed amendment,

That proposed Zoning Amendment constitutes good planning and is consistent with the Provincial Policy Statement and the Official Plan, therefore Council should approve the rezoning.

That Council determine that no further notice is required under Section 34(17) of the Planning Act; and

That By-law No. 2017-32, being a By-law to amend the Former Township of Mountain Zoning By-law No. 79-6, as amended, be read and passed.

Prepared by:

\_\_\_\_\_

Date: Click or tap to enter a date.

Jamila Sheffield, Planning Technician

I hereby certify that this report was prepared under the supervision of a Registered Professional Planner within the meaning of the Ontario Professional Planners Institute Act, 1994.

\_\_\_\_\_

Date: Click or tap to enter a date.

Calvin Pol, MCIP, RPP, BES  
Director of Planning, Building and Enforcement