

ZONING BY-LAW AMENDMENT

File Number ZNPL2016241
 Related File Number N/A
 Pre-consultation Meeting On —
 Application Submitted On July 6/2016
 Complete Application On July 28/2016

Application Fee ✓
 Conservation Authority Fee N/A
 OSSD Form Provided N/A
 Sign Issued ✓

KR.

This development application must be typed or printed in ink and completed in full. An incomplete or improperly prepared application may not be accepted and could result in processing delays.

Property assessment roll number: 3310-491-001-210-00

Check whether this development application is for approval of:

Zoning by-law amendment
 Lifting holding by-law
 Temporary use extension

A. APPLICANT INFORMATION

Name of Applicant ¹ ERNEST & SUSAN MARIE HOUSE Phone # 519-446-1893
 Address 1853 WINDHAM Rd.3 Fax # _____
 Town / Postal Code SCOTLAND, ON. N0E 1R0 E-mail _____

¹ If the applicant is a numbered company provide the name of a principal of the company.

Name of Agent THOMAS A. CLINE Phone # 519-426-1711
 Address 25 NORFOLK ST. N. Fax # 519-426-7863
 Town / Postal Code SIMCOE, ON. N3Y 3N6 E-mail cline@norfolklawchambers.com

Name of Owner ² SAME AS APPLICANT Phone # _____
 Address _____ Fax # _____
 Town / Postal Code _____ E-mail _____

² It is the responsibility of the owner or applicant to notify the Planner of any changes in ownership within 30 days of such a change.

Please specify to whom all communications should be sent ³: Applicant Agent Owner

³ Unless otherwise directed, all correspondence, notices, etc., in respect of this development application will be forwarded to the Applicant noted above, except where an Agent is employed, then such will be forwarded to the Applicant and Agent.

Names and addresses of any holders of any mortgagees, charges or other encumbrances on the subject lands:

ROYAL BANK, 284 OAKLAND RD, SCOTLAND, ON. N0E 1R0

B. LOCATION/LEGAL DESCRIPTION OF SUBJECT LANDS

Geographic Township	<u>WINDHAM</u>	Urban Area or Hamlet	
Concession Number	<u>2</u>	Lot Number(s)	<u>PT. 6. 1</u>
Registered Plan Number		Lot(s) or Block Number(s)	
Reference Plan Number		Part Number(s)	
Frontage (metres/feet)	<u>566.80 M.</u>	Depth (metres/feet)	<u>168 M.</u>
Width (metres/feet)	<u>582 M.</u>	Lot area (m ² / ft ² or hectares/acres)	<u>1/25 AC - 10.117 HA</u>
Municipal Civic Address	<u>1853 WINDHAM RD. 3</u>		

For questions regarding requirements for a municipal civic address please contact NorfolkGIS@norfolkcounty.ca.

Are there any easements or restrictive covenants affecting the subject lands?

Yes No

If yes, describe the easement or covenant and its effect:

Does the requested amendment implement an alteration to all or any part of the boundary of an area of settlement in the municipality or implement a new area of settlement in the municipality?

Yes No

If yes, please describe its effect including details of the official plan or official plan amendment that deals with the matter:

Does the requested amendment remove the subject land from an area of employment?

Yes No

If yes, please describe its effect including details of the official plan or official plan amendment that deals with the matter:

C. PURPOSE OF DEVELOPMENT APPLICATION

Please explain what you propose to do on the subject lands/premises which makes this development application necessary and include the nature and extent of the amendment requested (if additional space is required, please attach a separate sheet):

SEE ATTACHED PAGE 3(A)

Please explain why the zoning by-law amendment is being requested (if additional space is required, please attach a separate sheet):

- 1) THERE IS A NEED FOR ADDITIONAL PARKING AND ADDITIONAL STORAGE AND LOADING DOCK;
- 2) REZONING IS NECESSITATED TO REDUCE LOT SIZE AND NEED FOR FINANCIAL FLEXIBILITY.

Present zoning:

AGRICULTURE

Proposed zoning:

RESTRICTED RURAL COMMERCIAL

Present official plan designation:

AGRICULTURAL

Explain how the application for zoning by-law amendment conforms to the official plan:

EXISTING OPERATION IS AGRICULTURALLY RELATED AND HENCE CONFORMS TO THE OFFICIAL PLAN

Are the subject lands within an area where zoning with conditions apply?

Yes No

If yes, please describe how the application conforms to the official plan policies relating to zoning with conditions:

Approximate area of lands affected by the proposed amendment:

+/- 120,000 SQ.FT. - 11,148.36 SQ.M.

D. PROPERTY INFORMATION

Present use of the subject lands:

FRUIT AND VEGETABLE MARKET AND SALE OF ANCILLARY PRODUCTS

C. PURPOSE OF DEVELOPMENT APPLICATION – CONT'D

To rezone the subject lands restricted to animal hospital, commercial greenhouse, tree and plant nursery, open storage accessory thereto, fruit and vegetable outlet, single detached dwelling.

ZONING BY-LAW AMENDMENT

Proposed use of the subject lands:

NO CHANGE

Present use of adjacent properties:

AGRICULTURE WITH EXCEPTION OF A COMMERCIAL OUTLET ON LANES SOUTH OF SUBJECT LANDS

Is there a site specific zone on the subject lands?

No

Are there any existing buildings or structures on the subject lands?

Yes No

If yes, please describe the type of building or structure and in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure and its dimensions or floor area:

1,300 SQ.FT. - 120.7 SQ.M. DWELLING

1,500 " " - 139.3 " " BARN

3,250 " " - 301.9 " " EXISTING FARM MARKET

Are there any buildings or structures proposed to be built on the subject lands?

Yes No

If yes, please describe the type of building or structure and in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure and its dimensions or floor area:

AN ADDITIONAL PURPOSE OF REZONING APPLICATION IS TO PROVIDE FOR A NEW

STRUCTURE FOR STORAGE AND PACKAGING PURPOSES, AND TO PROVIDE A LOADING
DOCK.

Are any existing buildings on the subject lands designated under the Ontario Heritage Act as being architecturally and/or historically significant?

Yes No

If yes, identify and provide details of the building:

The date the subject lands was acquired by the current owner:

1977

If known, the date existing buildings or structures were constructed on the subject lands:

DWELLING - 1977; BARN - 1978; MARKET BLDG. - 1998

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If known, the length of time the existing uses have continued on the subject lands:

17 YEARS

E. PREVIOUS USE OF THE PROPERTY

Has there been an industrial or commercial use on the subject lands or adjacent lands?

Yes No Unknown

If yes, specify the uses:

EXCEPT EXISTING MARKET

Has the grading of the subject lands been changed through excavation or the addition of earth or other material?

Yes No Unknown

Has a gas station been located on the subject lands or adjacent lands at any time?

Yes No Unknown

Has there been petroleum or other fuel stored on the subject lands or adjacent lands at any time?

Yes No Unknown

Is there reason to believe the subject lands may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

Provide the information you used to determine the answers to the above questions:

If you answered yes to any of the above questions, a previous use inventory showing all known former uses of the subject lands, or if appropriate, the adjacent lands, is needed.

Is the previous use inventory attached?

Yes No

F. STATUS OF OTHER PLANNING DEVELOPMENT APPLICATIONS

Has the subject land or land within 120 metres of it been or is now the subject of an application under the Planning Act, R.S.O. 1990, c. P. 13 for:

1. a minor variance or a consent;
2. an amendment to an official plan, a zoning by-law or a Minister's zoning order; or
3. approval of a plan of subdivision or a site plan?

20 OR 25 YEARS AGO, APPLICANTS APPLIED FOR A SEVERANCE FOR RESIDENTIAL BLDG. WHICH WAS REFUSED.

Yes No Unknown

ZONING BY-LAW AMENDMENT

If yes, indicate the following information about **each application**:

File number:

UNKNOWN

Land it affects:

..

Purpose:

..

Status/decision:

..

Effect on the requested amendment:

..

If additional space is required, please attach a separate sheet.

Is the above information for other planning developments applications attached?

Yes No

G. PROVINCIAL POLICY

Is the requested by-law amendment consistent with the provincial policy statements issued under subsection 3(1) of the *Planning Act*, R.S.O. 1990, c. P. 13?

Yes No

If no, please explain:

Are the subject lands within an area of land designated under any provincial plan or plans?

Yes No

If yes, does the requested amendment conform to or does not conflict with the provincial plan or plans?

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Are any of the following uses or features on the subject lands or within 500 metres (1,640 feet) of the subject lands, unless otherwise specified? Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Lands		Within 500 Metres (1,640 feet) of Subject Lands (Indicate Distance)	
Livestock facility or stockyard (if yes, complete Form 3 – available upon request)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No _____ distance
Wooded area	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No _____ distance
Municipal landfill	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No _____ distance
Sewage treatment plant or waste stabilization plant	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No _____ distance
Provincially significant wetland (class 1, 2 or 3) or other environmental feature	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No _____ distance
Floodplain	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No _____ distance
Rehabilitated mine site	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No _____ distance
Non-operating mine site within one kilometre	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No _____ distance
Active mine site within one kilometre	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No _____ distance
Industrial or commercial use (specify the use(s))	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No _____ distance
Active railway line	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No _____ distance
Seasonal wetness of lands	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No _____ distance
Erosion	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No _____ distance
Abandoned gas wells	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No _____ distance

H. SERVICING AND ACCESS

Indicate what services are available or proposed:

Water Supply

- Municipal piped water
- Communal wells
- Individual wells
- Other (describe below)

Sewage Treatment

- Municipal sewers
- Communal system
- Septic tank and tile bed
- Other (describe below)

Storm Drainage

- Storm sewers
- Open ditches
- Other (describe below)

If other, describe:

Will the requested amendment permit development on a privately owned and operated individual or communal septic system that produces more than 4500 litres of effluent per day as a result of the development being completed?

Yes No

If yes, the following reports will be required: a servicing options report and a hydrogeological report.

Have you consulted with Public Works & Environmental Services concerning stormwater management?

Yes No

Has the existing drainage on the subject lands been altered?

Yes No



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Does a legal and adequate outlet for storm drainage exist?

Yes No Unknown

Existing or proposed access to subject lands:

Unopened road Provincial highway
 Municipal road Other (describe below)

If other, describe:

Name of road/street:

1853 WINDHAM RD. 3.

I. OTHER INFORMATION

Is there a time limit that affects the processing of this development application?

Yes No

If yes, describe:

Is there any other information that you think may be useful in the review of this development application? If so, explain below or attach on a separate page.

SEE ATTACHMENT

K. NOTIFICATION SIGN REQUIREMENTS

For the purpose of public notification and in order for staff to locate your lands, you will be given a sign to indicate the intent and purpose of your development application. It is your responsibility to:

1. Post one sign per frontage in a conspicuous location on the subject lands
2. Ensure one sign is posted at the front of the subject lands at least three feet above ground level
3. Notify the Planner when the sign is in place in order to avoid processing delays
4. Maintain the sign until the development application is finalized and thereafter removed

L. PERMISSION TO ENTER SUBJECT LANDS

Permission is hereby granted to Norfolk County staff to enter the premises subject to this development application for the purposes of making inspections associated with this application, during normal and reasonable working hours.

Ernie House
Owner/Applicant/Agent Signature

2/24/16
Date

M. FREEDOM OF INFORMATION

For the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*, I authorize and consent to the use by or the disclosure to any person or public body any information that is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P. 13 for the purposes of processing this development application.

Ernie House
Owner/Applicant/Agent Signature

2/24/16
Date

N. DECLARATION

I, ERNEST HOUSE

of NORFOLK COUNTY

solemnly declare that:

all of the above statements and the statements contained in all of the exhibits transmitted herewith are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of The Canada Evidence Act.

Declared before me at:

NORFOLK COUNTY

In PROVINCE OF ONTARIO

This 22nd day of SEPTEMBER Fifty
A.D. ~~2015~~ 2016

A Commissioner, etc.

Ernie House

Owner/Applicant/Agent Signature

O. OWNER'S AUTHORIZATION

If the applicant is not the registered owner of the lands that is the subject of this development application, the owner must complete the authorization set out below.

I/We _____ am/are the registered owner(s) of the lands that is the subject of this development application for a zoning by-law amendment.

I/We authorize _____ to make this development application on my/our behalf and to provide any of my/our personal information necessary for the processing of this development application. Moreover, this shall be your good and sufficient authorization for so doing.

Owner

Date

Owner

Date

1. OTHER INFORMATION

This application is submitted as the initial phase of a two-phase process:

1. to seek approval of the zoning by-law amendment evidenced by the enclosed application; and
2. if the rezoning is approved, to apply for a severance to sever off the existing farm market, plus additional lands, to accommodate a proposed expansion of the market and the parking area.

If the zoning change to "Rural Commercial" is approved, it is recognized that the Applicants may have to put in place an appropriate septic system. It is not proposed to incur that expense until the issues of the rezoning and severance are resolved.

The existing farm market has been in place since 1998 and demand for its produce and ancillary items has increased over the years to the point where expansion of the market is desirable, to address existing deficiencies. Proposed upgrades to the farm market include a larger retail area, larger storage area, an enlarged parking area and loading dock.

While initially, the preponderance of produce sold from the market was generated from the abutting farmland and an adjacent farm, in recent years the focus has changed to provide customers with a wide variety of locally produced products. Obviously, from time to time, that produce is supplemented with produce secured from the Ontario Food Terminal, however, mainly from Norfolk County vendors. The reality is that there is an exchange of produce; produce from the adjacent farm holdings being shipped and sold at the Ontario Food Terminal and supplementary produce secured for purposes of the existing market.

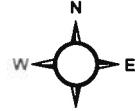
The specifics of the proposed expansion to the building envelope have not yet been finalized and will not be finalized until such time as there is an approval, in principle, of what we are proposing. What is obvious, however, is that we will comply with all existing County regulations.

We have received advice that what we are proposing is in conformity with the Provincial Policy Statement, the Norfolk County Official Plan and is in accord with the initiative of Council to encourage the sale of locally produced products. Products produced locally and sold from the market include jams, homemade preserves, baked goods, honey, maple syrup, cheeses, prepackaged bacon, eggs and flowers.

MAP 1

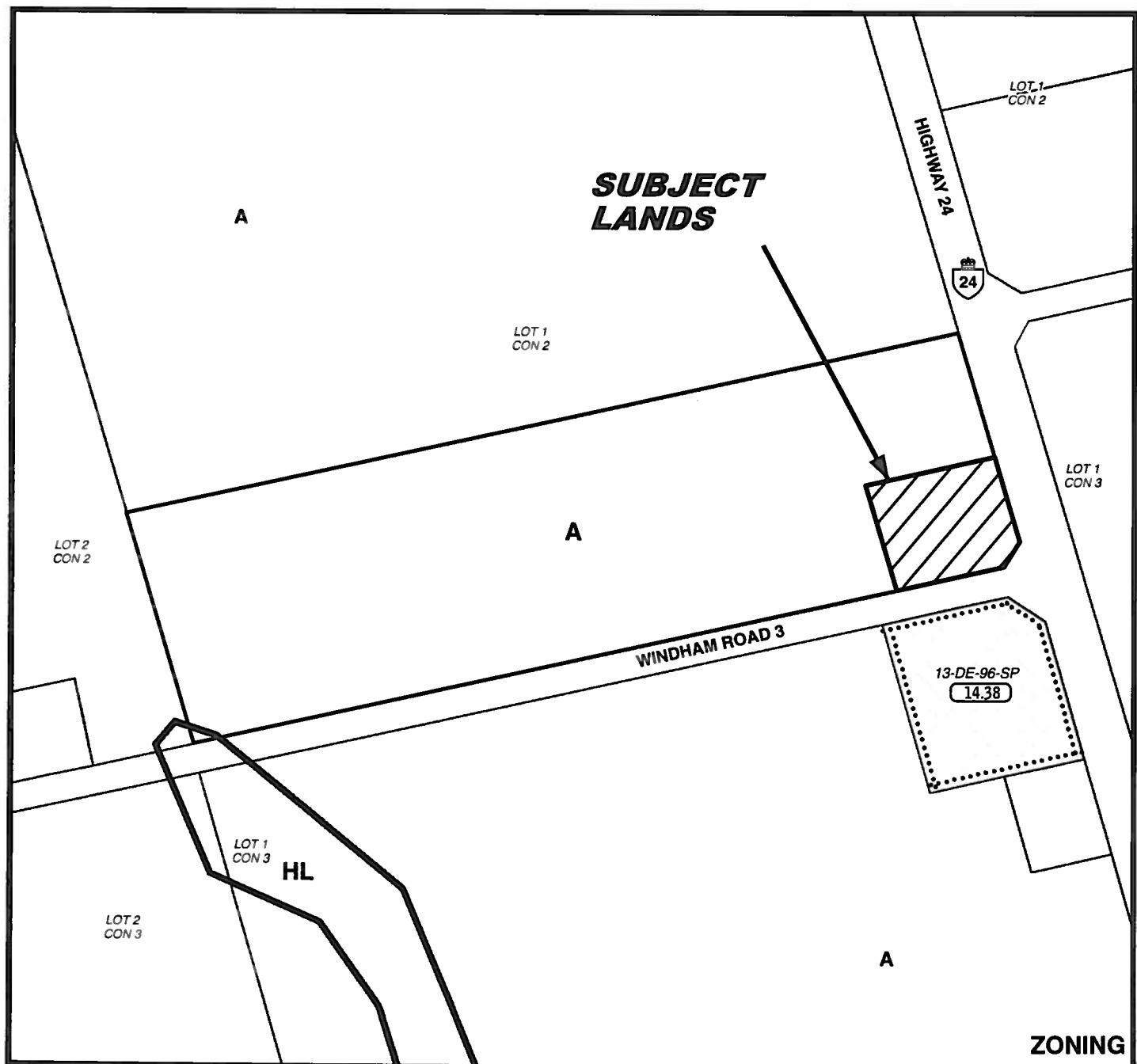
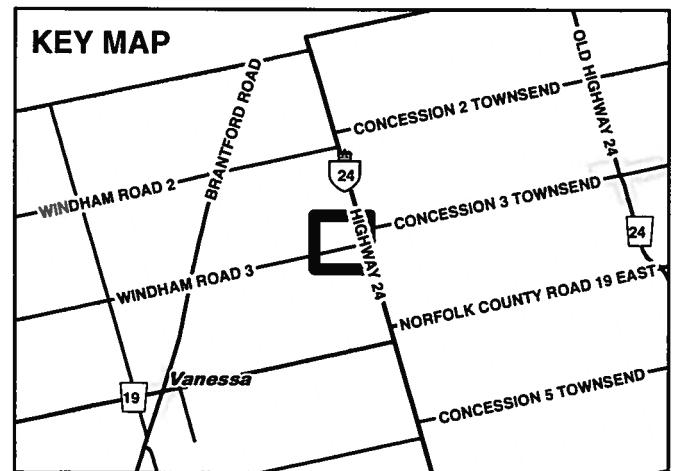
File Number: ZNPL2016241

Geographic Township of
WINDHAM



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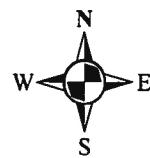
30 15 0 30 60 90 120 Meters



MAP 2

File Number: ZNPL2016241

Geographic Township of WINDHAM



10 20 30 40
Meters

1:4,000

SUBJECT LANDS

Significant Woodland = O.P. OT b

Agricultural O.P.

LOT 2
CON 2

WINDHAM ROAD 3

LOT 2
CON 3

Agricultural O.P.

Agricultural O.P.

OFFICIAL PLAN

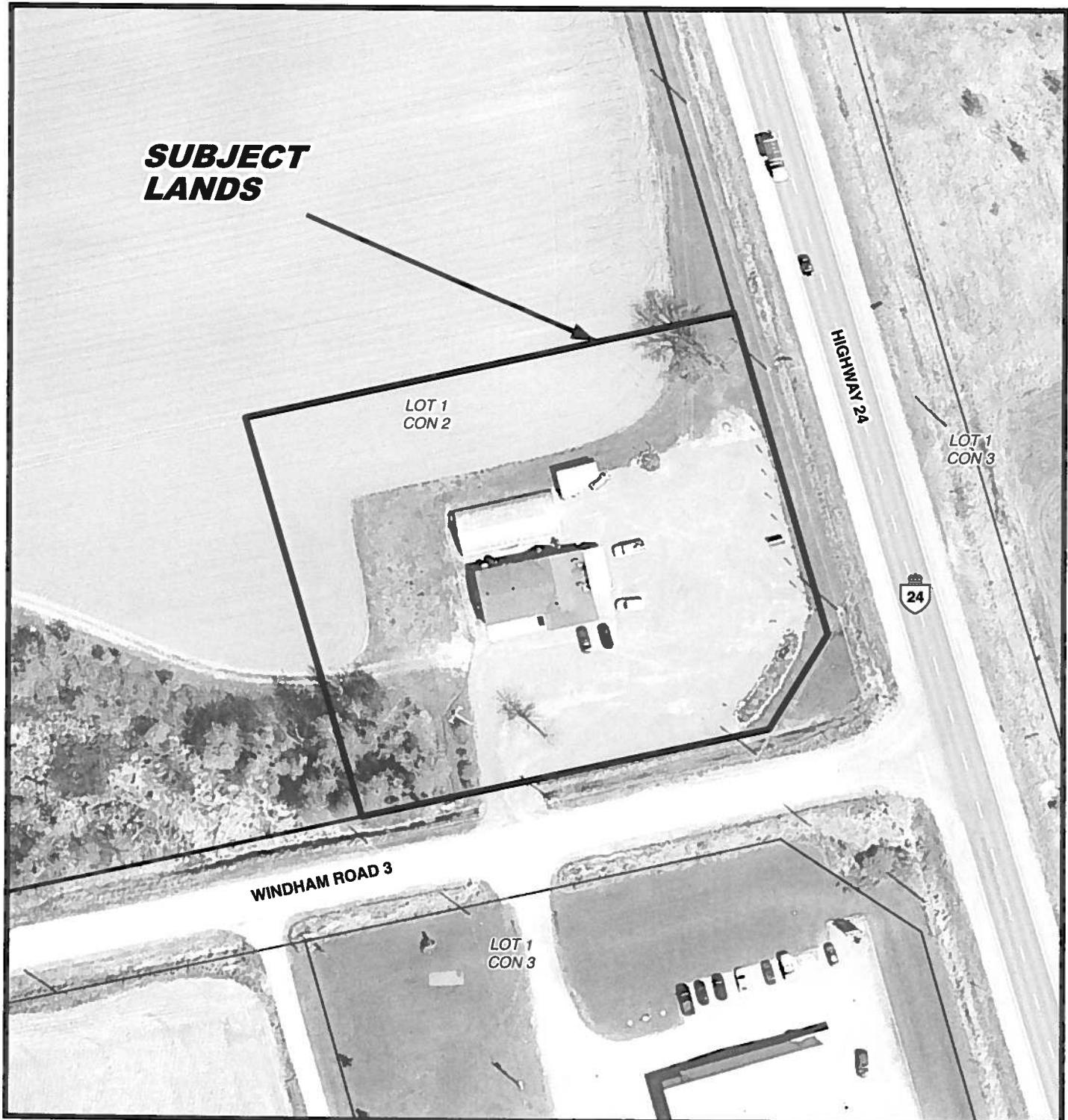
MAP 3

File Number: ZNPL2016241

Geographic Township of WINDHAM



1:1,000



2016-08-10

MAP 4

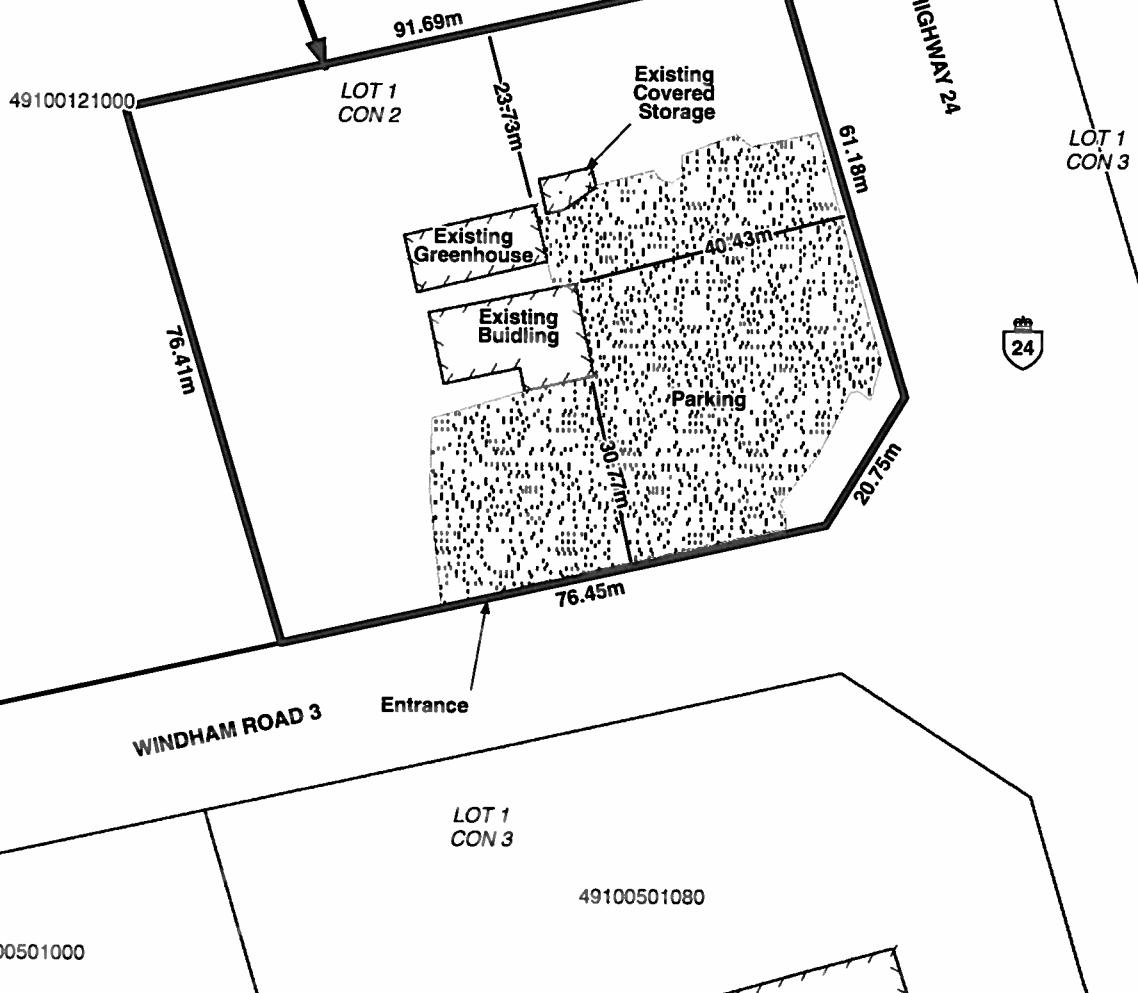
File Number: ZNPL2016241

Geographic Township of WINDHAM



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SUBJECT LANDS



2016-08-10