

PLANNING JUSTIFICATION REPORT

ZONING BY-LAW AMENDMENT

**Proposed Agriculture-Related Use
(Retail Store)**

**7601 Middle Side Road
(McGregor)
Amherstburg, Ontario**

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Prepared by:



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1.0 INTRODUCTION

I have been retained by Ronnie and Loredana Quaggiotto, (herein the 'Applicant') to provide a land use Planning Justification Report (PJR) in support of a proposed development located at 7601 Middle Side Road (McGregor) (herein the "Site") in the Town of Amherstburg, Province of Ontario.

The Site is approximately 11 ha in size and currently has an existing single detached dwelling and accessory structures.

It is proposed to use an existing accessory building as a retail store (The Farmhouse Market) and provide on-site parking.

The proposed retail will be primarily agriculture-related and include selling products from the farm and from local agricultural and non-agricultural small businesses.

The Site is serviced by municipal water and a private septic system.

In order to accommodate the proposal, a site specific Zoning By-law Amendment (ZBA), is to be approved by the Town of Amherstburg to permit a retail store as an additional permitted use for the Site.

The purpose of this report is to review the relevant land use documents, including Provincial Policy Statement (PPS) 2020, County of Essex Official Plan (COP), Amherstburg Official Plan (OP) and Amherstburg Zoning By-law (ZBL).

A pre-consultation with the municipality has been completed by the Applicant.

2.0 SITE AND SURROUNDING LAND USES

2.1 Legal Description

The Site is legally described as Pt N ½ Lt 6, Concession 7, Anderdon as in R661521; S/T R177969; Amherstburg and locally known as 7601 Middle Side Road (McGregor) in the Town of Amherstburg, County of Essex, Province of Ontario.

The Site has been owned by Ronnie and Loredana Quaggiotto, the Applicant, since July 2020.

The Site is made up of one (1) parcel located on the south side of Middle Side Road and the west side of 8th Concession Road, west of the settlement area of McGregor (see the area in blue on Figure 1 – Air Photo).

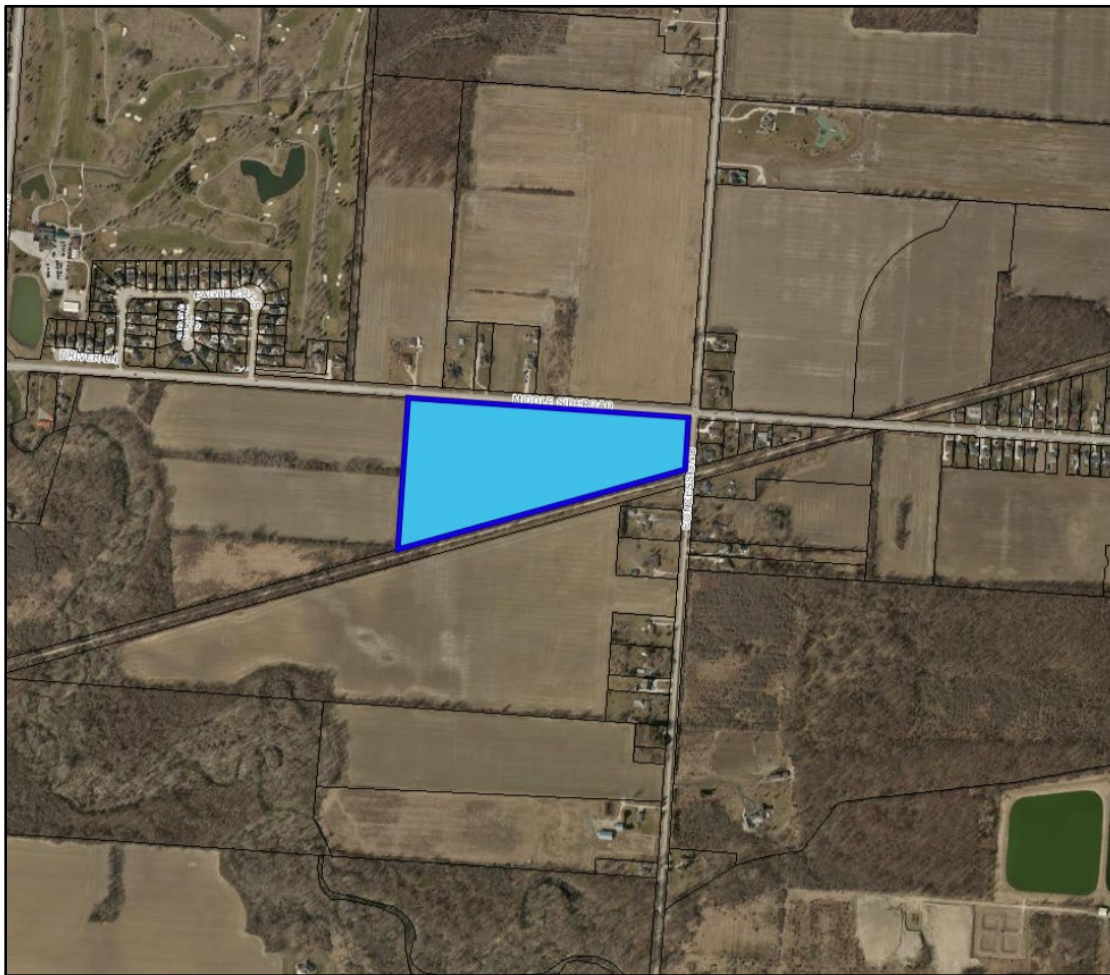


Figure 1 – Air Photo (Source Town of Amherstburg GIS Mapping)

2.2 Physical Features of the Site

2.3.1 Size and Site Dimension

The Site subject to the application is an irregularly shaped parcel.

The entire Site consists of a total area of approximately 11 ha with 551.38 m of frontage along Middle Side Road and 103.63 m of frontage along 8th Concession Road.

2.3.2 Structures

The Site has an existing single detached dwelling and accessory structures.

2.3.3 Vegetation and Soil

The majority of the Site is being farmed.

There are existing trees on the Site, including a hedgerow along the entire south property line and a portion of the west property line.



The soil is made up of Brookston Clay (Bc).

2.3.4 Topography

The Site is flat.

The Site is outside the regulated area of the Essex Region Conservation Authority (ERCA) with the exception of a small portion of land along the entire north property line and a portion of the west property line.

A portion of the Site is impacted by Source Water Protection (Event Base Area 4).

2.3.5 Other Physical Features

Access to the Site is currently from an existing gravel driveway from Middle Side Road.

2.3.6 Municipal Services

The Site is serviced by municipal water and a private septic system.

The Site is part of the Canard River watershed area. The Major Bondy Drain is located along a portion of the west property line, and the Major Drain and Extension is located along the entire north property line.

2.3.7 Nearby Amenities

There are nearby local amenities within the nearby settlement areas of Amherstburg and McGregor.

The subject property is in close proximity to regional roadways, including Howard Avenue and Walker Road.

2.3 Surrounding Land Uses

Overall, the Site is located in a rural area. Surrounding land uses include the following:

- a) **North** – Residential and agricultural uses
- b) **East** – Residential and agricultural uses
- c) **South** – Residential, trail and agricultural uses
- d) **West** – Recreation and agricultural uses

3.0 DEVELOPMENT PROPOSAL

3.1 Proposal

It is proposed to use an existing accessory building as a retail store (The Farmhouse Market) and provide on-site parking.

The Site is serviced by municipal water and a private septic system.

A concept plan has been prepared by GA Designs dated June 28, 2022(see Figure 2 – Concept Plan).

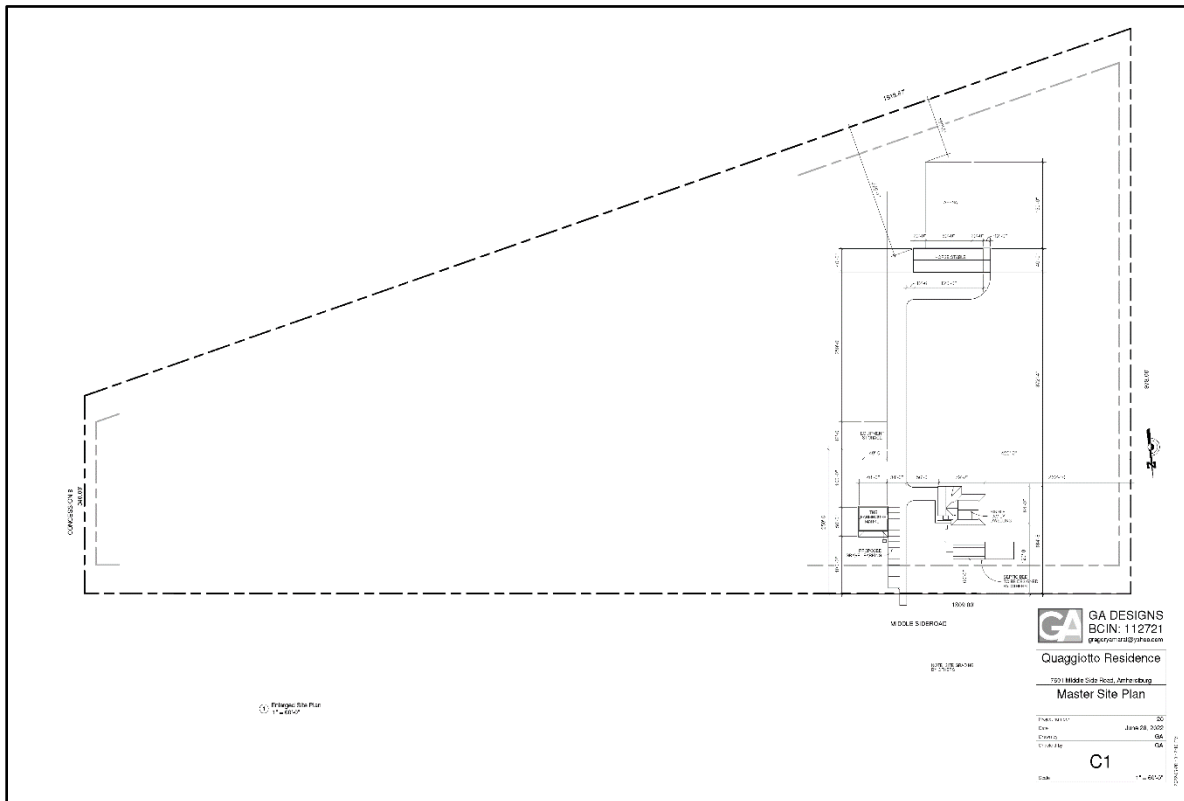


Figure 2 – Concept Plan

Access to the Site will remain from Middle Side Road, using an existing driveway.

The parking area is gravel and will accommodate 14 parking spaces, including 2 barrier-free spaces.

Barrier-free parking spaces will have a sign posted to identify the location of the spaces.

The existing septic system is located in front of the single detached dwelling.

The existing accessory building is located beside the existing single detached dwelling. The building is 14.63 m x 15.24m (44 ft x 50 ft) in size.

Farming of the Site will continue.

The proposed retail will be primarily agriculture-related and include selling products from the farm and from agricultural and non-agricultural local small businesses.

Items that will be sold include the following meats, milk, cheese, maple syrup, honey fruits and flowers.

Products such as soaps, candles, and teas will be prepared on-site in a kitchen at the back of the store.

The retail store will also offer soups, salads, beverages, and sauces.

Services may include cooking/education classes for small groups, demos, sampling, events and farm tours.

3.2 Public Consultation Strategy

The Planning Act requires that the Applicant submit a proposed strategy for public consultation with respect to an application as part of the complete application requirements.

As part of a public consultation strategy, the Applicant proposes that the required public meeting will be sufficient.

4.0 APPLICATIONS AND STUDIES

4.1 Zoning By-Law Amendment (ZBA) Application

In order to accommodate the proposal, a site specific Zoning By-law Amendment (ZBA), is to be approved by the Town of Amherstburg.

The current zoning for the Site is “Agricultural (A) Zone”, as set out on Map 26 of the Zoning By-law.

It is proposed to amend the current zoning of the Site to a site specific “Agricultural (A-XX) Zone” to permit a retail store as an additional permitted use.

The ZBA is detailed, and the justification is set out in Section 5.1.4 of this PJR.

4.2 Other Applications

In addition to the ZBA application, the proposed development will be subject to Site Plan Control (SPC) approval and a building permit, which are currently underway.

4.3 Supporting Studies

4.3.1 Lot Grading

A lot grading plan has been prepared by Verhaegen Land Surveyors dated July 31, 2022.

5.0 PLANNING ANALYSIS

5.1 Policy and Regulatory Overview

5.1.1 Provincial Policy Statement (PPS), 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development providing for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environments.

The PPS is issued under Section 3 of the Planning Act and came into effect on May 1, 2020. It applies to all land use planning matters considered after this date.

The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The following provides a summary of the key policy considerations of the PPS as it relates to the proposed development.

PPS Policy #	Policy	Response
1.0Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns.....	<p>The proposed use is appropriate for the Site.</p> <p>The use does not impact the development pattern of the area.</p> <p>The accessory building is close to the building cluster on the Site.</p>
1.1.4.1	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;	<p>The sale of agricultural merchandise on agricultural lands further promotes the diversification of the economy and employment opportunities through sustainable management of land.</p> <p>Further the proposed retail store will support local agricultural and non-</p>

PPS Policy #	Policy	Response
		agricultural small businesses.
1.1.5.2	On rural lands located in municipalities, permitted uses are: d) agricultural uses, agriculture-related uses , on-farm diversified uses and normal farm practices, in accordance with provincial standards;	A retail store that is primarily for the retailing of agriculture-related products is an agriculture-related use. The PPS defines an agriculture-related use as: “those farm-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.”
1.1.5.4	Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.	The character of the Site will not change. Farming will continue.
1.1.5.7	Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.	Agricultural uses on the Site will be protected.
2.3.3.1	In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses.	The proposed use of a retail store will not hinder the surrounding agricultural operations. Ontario Ministry of Agricultural Food and Rural

PPS Policy #	Policy	Response
	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.	<p>Affairs (OMAFRA) <i>Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, Publication 851</i>, sets out the criteria for on-farm diversified uses.</p> <p>The proposed retail will be primarily agriculture-related and include selling products from the farm and from local small businesses.</p> <p>The retail activity being proposed for the Site is intended to be directly related to and supportive of local agricultural operations by allowing for the sale of locally produced product.</p>

Therefore, the proposed development is consistent with the PPS and the Province's vision for long-term prosperity and social well-being.

5.1.2 County of Essex Official Plan (COP)

The County of Essex is the upper tier municipality to the Town of Amherstburg. The County's Official Plan (COP) is dated February 19, 2014, as modified by the Ministry of Municipal Affairs and Housing (MMAH) on April 28, 2014.

The purpose of the COP is to implement the PPS. The COP provides a cross-boundary policy framework from which more detailed land use planning can be continued by the local municipalities. Local OPs will implement and be in conformity with the COP by providing more detailed strategies, policies, and land use designations for planning and development at the local level.

The subject lands are within the "Agricultural" designation as shown on Schedule "A1" Land Use Plan attached to the COP (see area in red on Figure 3 – COP).

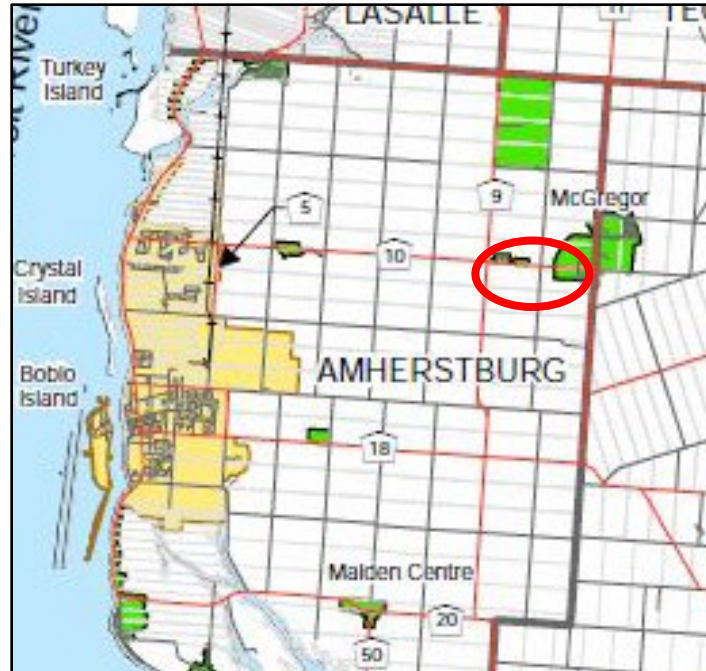


Figure 3 – COP

The following provides a summary of the relevant COP policy considerations as it relates to the proposed application.

COP Policy #	Policy	Response
1.5	b) To protect prime agricultural areas and encourage a broad range of agricultural, agriculture-related and secondary uses to ensure that the agricultural industry can continue to thrive and innovate.	The County OP supports agriculture-related uses. It is not uncommon for specialty-type retail stores to exist in a rural setting.
3.3.2 – Agricultural Goals	a) To protect prime agricultural areas for agricultural purposes to ensure the continued long-term availability of this resource.	The area will be protected as farming will continue.
	d) To restrict the type and amount of non-farm development in the “Agricultural” designation by encouraging non-farm uses to locate in the existing	The proposed use is appropriate to be located in the agricultural area. The farm-to-table type merchandise that will be sold

COP Policy #	Policy	Response
	"Settlement Areas" identified on Schedule "A1".	from the proposed retail store directly benefits from being located within close proximity to farm operations, as a separation of the uses would create the potential for food spoilage to occur.
3.3.3.1 – Permitted Uses	a) Agricultural Uses, Secondary Uses and Agriculture-Related Uses.	<p>The proposed use is considered an agriculture-related use and is permitted in the agricultural designation.</p> <p>There is no anticipated conflict between the retail store use and the surrounding agricultural area.</p>
3.3.3.3 - Agriculture-Related Uses	<p>Agriculture-related uses are farm-related commercial and farm-related industrial uses that are small-scale and directly related to the farm operation and are required in close proximity to the farm operation. Examples include but are not limited to the following:</p> <p>a) Seed, pesticide, fertilizer storage (including distribution).</p> <p>b) Agricultural storage and processing facilities involving the storage and processing of crops and/or livestock from a local farm operation in the area.</p> <p>c) Fruit/vegetable/flower stands & farm markets that retail produce derived from the principal agricultural use on the property.</p> <p>d) Wineries, breweries and associated uses, which are secondary and directly</p>	<p>The proposed retail store will be small-scale and includes primarily selling products from the farm and from local agricultural and non-agricultural businesses.</p> <p>The merchandise sold at the store will be agricultural or agriculturally related.</p> <p>Farm-gate sales (products produced on the subject property and on farms in the surrounding area) will be the primary merchandise sold.</p>

COP Policy #	Policy	Response
	<p>related to the principal agricultural use on the property.</p> <p>Local municipal Official Plans shall contain policies for agriculture-related uses.</p>	

Therefore, the proposed development conforms to the COP and an amendment is not required.

5.1.3 Amherstburg Official Plan (OP)

The Town of Amherstburg Official Plan (OP) was adopted by Council on April 14, 2009 (By-law No. 2009-30) and approved by the County of Essex on July 15, 2009. The office consolidation version is dated April 10, 2017.

The OP implements the COP and PPS and establishes a policy framework to guide land use planning decisions related to development and the provision of infrastructure and community services throughout the Town.

The current designation of the Site subject to development is “Agricultural” identified on Schedules “A” and “B-5” - Land Use Plan (see the area in red on Figure 4 – OP).

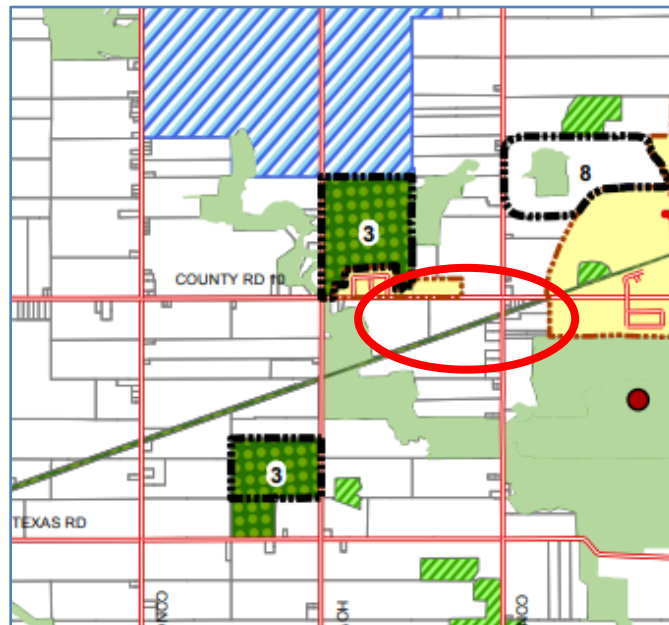


Figure 4 – OP

The following provides a summary of the key policy considerations of the OP as it relates to the proposed development.

OP Policy #	Policy	Response
3.2 – Agricultural Goals	<p>The following goals are established for the Agricultural area:</p> <p>(1) To preserve and enhance good agricultural land for agricultural purposes;</p> <p>(2) To allow farm operators sufficient flexibility to engage in a wide range of agricultural activities;</p> <p>(3) To restrict the type and amount of non-farm development in the agricultural area;</p>	<p>The proposed retail will be primarily agriculture-related and include selling products from the farm and from local small businesses.</p> <p>The Site has access to municipal water and private sanitary sewer systems.</p> <p>The Site provides for drainage.</p> <p>There are no environmental concerns or man-made hazards.</p> <p>The proposed use will be an accessible location for produce and grocery-type merchandise for both the residents of McGregor and the region.</p> <p>The existing accessory structure is located close to the roadway, which will provide efficient ease of access.</p> <p>No new driveway is required.</p>
3.2.2	<p>(c) Agriculture-related commercial and agriculture-related dry processing industrial uses shall be permitted in the 'Agricultural' designation provided they are small scale, compatible with, and do not hinder surrounding agricultural operations.</p>	<p>Agriculture-related commercial uses are permitted.</p> <p>The retail store will be located in an existing accessory building and will not hinder the surrounding agricultural</p>

OP Policy #	Policy	Response
	Such uses must also be directly related to the farm operation and are required in close proximity to the farm operation such as retail sales of produce grown on the farm, wineries, market gardening, nurseries, bulk seed storage, warehousing of produce, cold storage, and packaging or processing facilities or grain and seed storage facilities. Operations that require significant amounts of water and/or produce significant amounts of effluent will not be permitted;	operation as it will be kept small-scale. The sale of agricultural merchandise on agricultural lands further promotes the diversification of the economy and employment opportunities through sustainable management of land. The proposed retail store includes selling products from the farm and from local agricultural businesses.
	(19) Agri-tourism, including occasional demonstration events, temporary attractions (e.g. corn field mazes) and farm tours are permitted in the Agricultural designation and may be subject to a temporary use by-law.	The proposed farm tours, events and educational cooking classes support agri-tourism.

Therefore, the proposed development conforms to the general intent of the OP.

5.1.4 Amherstburg Zoning By-law (ZBL)

The Town of Amherstburg Zoning By-Law (ZBL) #1999-52 was approved by Council on December 13, 1999. Office consolidated version dated December 2019.

A ZBL implements the PPS, the COP and the Town OP by regulating the specific use of property and provide for its day-to-day administration.

The current zoning for the Site is “Agricultural (A) Zone”, as set out on Map 26 of the Zoning By-law (see the area in red on Figure 5 – ZBL).

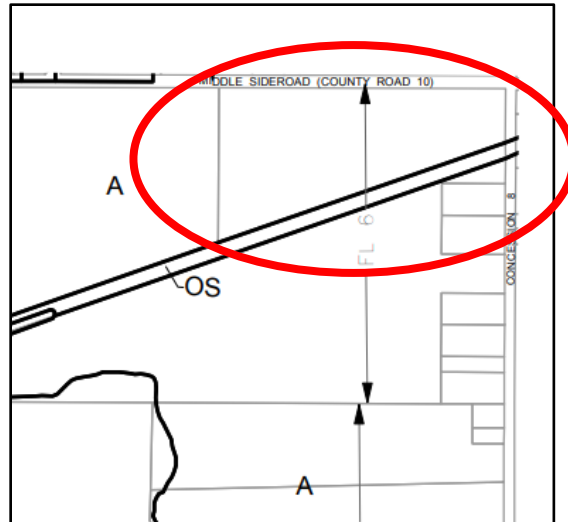


Figure 5 – ZBL

Section 26 of the ZBL sets out the permitted uses in the A Zone, which does not include the proposed retail store.

It is proposed to amend the current zoning of the Site to a site specific “Agricultural (A-XX) Zone” to permit a retail store as an additional permitted use.

Retail store is defined as:

(290) “RETAIL STORE” means a building or part of a building where goods, wares, merchandise, articles or things are offered or kept for retail sale at retail and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, articles or things sufficient only to service such store but does not include any wholesale business or business supply use, or any establishment otherwise defined or classified.

All other A Zone requirements shall comply, including parking for the proposed use.

Based on the size of the existing accessory structure (14.63 m x 15.24m / 222.92 m²)m the required parking for a retail store (1 per 25 m² (269 sq. ft.)), a total of 9 parking spaces are required, and 14 parking spaces are being provided, including 2 barrier-free spaces.

6.0 SUMMARY AND CONCLUSION

6.1 Context and Site Suitability Summary

6.1.1 Site Suitability

The Site is ideally suited for agriculture-related use (retail store) for the following reasons:

- The land area is sufficient to accommodate the proposed development,
- The Site is level, which is conducive to easy vehicular movements,
- The Site has access to municipal water and private sanitary sewer systems,
- The Site provides for drainage,
- There are no environmental concerns or man-made hazards, and
- The location of the proposed use is appropriate in that it will enhance the agricultural area.

6.1.2 Compatibility

The proposed retail store will be strategically located close to the roadway to provide efficient ease of access. No new driveway is required.

The Site is compatible with the surrounding area.

6.1.3 Good Planning

The proposal represents good planning. The proposed use is considered agriculture-related.

6.1.4 Natural Environment Impacts

The proposal does not have any negative natural environmental impacts.

6.1.5 Municipal Services Impacts

The Site has access to partial municipal services.

6.1.6 Social and/or Economic Conditions

The proposed development does not negatively affect the social environment.

The proposed development promotes efficient development and land use pattern, which sustains the financial well-being of the municipality.

The proposed use will be an accessible location for produce and grocery-type merchandise for both the residents of McGregor and the region.

The proposal does not cause any public health and safety concerns.

The proposal represents a cost effective development pattern that minimizes land consumption and servicing costs.

There will be no urban sprawl.

6.2 Conclusion

The proposal to use the Site for a retail store is appropriate and the application for the ZBA should be approved by the Town of Amherstburg as it is consistent with the PPS, conforms with the intent and purpose of the COP and OP, is consistent with the ZBL and represents good planning.

Planner's Certificate:

I hereby certify that this report was prepared by Tracey Pillon-Abbs, a Registered Professional Planner (RPP), within the meaning of the Ontario Professional Planners Institute Act, 1994.



Tracey Pillon-Abbs, RPP
Principal Planner

