



The Corporation of the Municipality of
Central Elgin

REPORT

DATE: November 1st, 2019

REPORT: CEP.66.19
CEPO FILE: Y2-12-19

TO: Mayor Sally Martyn and Council

PREPARED BY: Jim McCoomb, Manager of Planning Services
Central Elgin Planning Department

SUBJECT: Application to Amend Township of Yarmouth By-law 1998 – 43588 Sparta
Line – Ships Ahoy Marine

ATTACHMENTS:

TO COUNCIL: November 12th, 2019

RECOMMENDATION:

THAT Report CEP.66.19 be received;

AND THAT direction be given by Council to prepare a site-specific draft amendment to the Zoning By-law to permit automotive trade at 43588 Sparta Line on lands that may be legally described as the South Part of Lot 8, Concession 4, geographic Township of Yarmouth, now Municipality of Central Elgin;

AND FURTHER THAT a date for a public meeting be established in accordance with Ontario Regulation 545/06 as amended. (***Recommended Date: December 9th, 2019 @ 7:05 p.m.***)

ORIGIN:

- Through the consultation process, the applicant advised that they are looking to add motor vehicle sales and service to the permitted uses on the subject lands, which are currently used for the sale and service of watercraft. The proposed uses would take place within the existing building, and no additions are proposed. The proposed use meets with the definition for “automotive trade” within By-law 1998.
- Staff have reviewed the application and documentation provided by the applicant and are satisfied that the application is complete relative to the requirements of Subsections 34(10.1) and 34(10.2) of the Planning Act, R.S.O., 1990 as amended. In accordance with Subsection 4.1(d) of By-law 1864, the applicant has been notified that the application is considered complete.

ANALYSIS:

1) Location:

The subject lands, which are located on the north side of Sparta Line, adjacent to Garrod Lane, have approximately 33.5 metres (110 feet) of frontage on Sparta Line and are approximately 0.38 hectares (0.95 acres) in lot area (see Location Plan). Municipally known as 43588 Sparta Line, they may be legally described as the South Part of Lot 8, Concession 4, geographic Township of Yarmouth, now Municipality of Central Elgin.

Uses surrounding the subject lands are predominantly a mix of residential and commercial.

The subject lands are within 120 metres of lands designated as "Natural Heritage" in the Municipality's Official Plan. However, since the proposed amendment seeks only to add a use that is similar to the existing use and no new development is proposed, staff are not recommending that Council require anything further on the Natural Heritage policies.

Location Plan: 1



2) Proposal:

The purpose of the application is to rezone the lands from the current site-specific Industrial (C1-7) Zone to allow for automotive trade. The proposed use is similar to the existing use, which involves the repair and sale of watercraft. However, automotive trade is specifically defined in the by-law. To permit the proposed use, an amendment to the by-law is required.

3) Existing Policies/Regulations:

a) 2014 Provincial Policy Statement:

The subject lands are within a "rural area" as defined by the 2014 Provincial Policy Statement (PPS). The PPS states that rural areas include rural settlement areas, and that rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted (Policy 1.1.4.2).

While rural development areas in the Central Elgin Official Plan are not considered "settlement areas" they function very similarly as existing areas of concentrated, non-agricultural

development. It is my opinion that the proposed amendment would be consistent with the policies of the PPS.

b) County of Elgin Official Plan:

The subject lands are designated as "Agricultural Area" within the County of Elgin Official Plan. The Agricultural policies of the Plan (C2.2) recognize that "certain lands outside of settlement areas have been designated for non-agricultural development by the lower tier Official Plans and these lands are deemed to not be within the prime agricultural area and are instead subject to the relevant policies of this Plan and the policies of the lower tier Official Plan." This is the case with the subject lands, which are located in a "Rural Development Area" that recognizes the pockets of non-agricultural development in the Agricultural designation and has policies which recognize the existing residential and commercial uses.

It is my opinion that the proposed amendment would conform to the policies of the County of Elgin Official Plan.

c) Official Plan Policies:

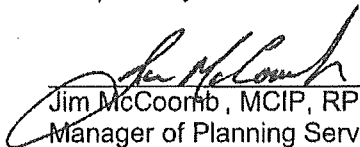
The subject lands are located within the "Rural Development Area" designation in accordance with Schedule "A" – Land Use Plan to the Municipality of Central Elgin Official Plan. Subsection 4.1.5.1 Rural Development Area Policies states that where land is shown as Rural Development Area on Schedule A to this Plan, the predominant use of land shall be for residential purposes. It goes on to state that parks, public uses, community facilities and existing commercial and industrial uses may also be permitted.

The proposed amendment is to add to an existing commercial use. Based on the information above, it is my opinion that a decision would conform to the policies of the Municipality of Central Elgin Official Plan.

d) Zoning By-law No. 1998:

The subject lands are located within a site-specific Industrial (C1-7) Zone in the Township of Yarmouth Zoning By-law No. 1998, as amended. The zone permits industrial-commercial uses, office use in connection with an industrial-commercial use, living quarters for a night watchman, an adult entertainment parlour, and a gasoline filling station. An amendment to the by-law is required in order to permit automotive trade as a permitted use.

Respectfully submitted:


Jim McCoomb, MCIP, RPP
Manager of Planning Services

Approved for submission:


Donald N. Leitch
CAO/Clerk