

**THE CORPORATION OF THE UNITED COUNTIES**

**OF STORMONT, DUNDAS AND GLENGARRY**

**BY-LAW NO. 5365**

**A BY-LAW** to adopt Official Plan Amendment No. 12 to the Official Plan of the United Counties of Stormont, Dundas and Glengarry.

**WHEREAS** the Official Plan of the United Counties of Stormont, Dundas and Glengarry was adopted by Council on July 17, 2017, and approved by the Minister of Municipal Affairs and Housing on February 4, 2018.

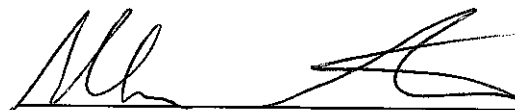
**AND WHEREAS** Section 17 (22) of the Planning Act, R.S.O., 1990 provides for the adoption of an official plan (or amendment) by a municipal council.

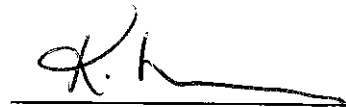
**AND WHEREAS** Official Plan Amendment No. 12 is a site-specific amendment which permits an automobile, commercial, and equipment repair garage in the Agricultural Resources Lands designation on Part of Lot 6, Concession 4 in the Township of North Dundas.

**NOW THEREFORE** the Council of the Corporation of the United Counties of Stormont, Dundas and Glengarry enacts as follows:

1. That Official Plan Amendment No. 12 to the Official Plan of the Corporation of the United Counties of Stormont, Dundas and Glengarry, attached hereto as Schedule "A" to this By-law, is hereby adopted.
2. That this By-law come into force and effect on the final passing thereof.

**READ** and passed in Open Council, signed and sealed this 18<sup>th</sup> day of July, 2022.

  
\_\_\_\_\_  
WARDEN

  
\_\_\_\_\_  
CLERK

**SCHEDULE "A" TO BY-LAW No. 5365**

**AMENDMENT NO. 12 TO THE  
OFFICIAL PLAN FOR THE  
UNITED COUNTIES OF STORMONT,  
DUNDAS AND GLENGARRY**

Owner: Spencer Livingston & Marika Livingston

Official Plan Amendment  
Special Land Use District

Township of North Dundas



**UNITED COUNTIES OF STORMONT  
DUNDAS AND GLENGARRY**

**CERTIFICATION OF COMPLIANCE WITH PUBLIC INVOLVEMENT AND NOTICE  
REQUIREMENTS**

I, Kimberley Casselman, Clerk, hereby certify that the requirements for the giving of notice and the holding of at least one (1) public meeting as set out in Subsection 17(15) of the Planning Act, R.S.O. 1990, and the giving of notice as set out in Subsection 17(23) of the Planning Act, R.S.O. 1990, have been complied with.

Signed  \_\_\_\_\_  
Kimberley Casselman, Clerk

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## **STATEMENT OF COMPONENTS**

### **PART A - PREAMBLE**

Introduces the actual Amendment but does not constitute part of Amendment No. 12 to the Official Plan for the United Counties of Stormont, Dundas and Glengarry.

### **PART B - THE AMENDMENT**

Consists of the following text, which constitutes Amendment No. 12 to the Official Plan for the United Counties of Stormont, Dundas and Glengarry.

### **PART C - THE APPENDICES**

Do not form part of Amendment No. 12 but are provided to clarify the intent and to supply background information related to the Amendment.

## **PART A – PREAMBLE**

### **Purpose**

The purpose of Amendment No. 12 to the Official Plan for the United Counties of Stormont, Dundas and Glengarry, being an amendment initiated by an individual pursuant to Section 22 of the *Planning Act*, resulting in a Special Land Use District, in the Township of North Dundas to permit an Automobile, Commercial and Equipment Repair Garage using existing buildings and infrastructure located on the property. This special land use district will be reflected on Schedule A1 of the SDG OP.

### **Location**

The subject property is described as being Part of Lot 6, Concession 4, in the former Township of Mountain, now the Township of North Dundas, located at 2570 County Road 1 in the Agricultural Resource Lands. The subject property is flagged shaped, with approximately 13.78m of frontage on County Road 1 and measures an area of approximately 4.17 acres in size. The subject property is located at the intersection of County Road 1 and Pepperville Road. The lands surrounding the property are designated as Agricultural Resource Lands, most of which are primarily active agricultural fields.

### **Basis**

In the Official Plan for the United Counties of Stormont, Dundas and Glengarry, the property is presently designated as "*Agricultural Resource Lands*". The purpose of this designation is to protect prime agricultural land for agriculture and agricultural-related uses. The subject property is currently developed with four existing structures located on the property which include a residential dwelling, garage, shop, and silo. The property includes existing vegetation which aids in screening the buildings from the road, and due to the "flag" shape of the lot, the development is set farther back from the road.

The subject property is currently operating a home-based business which services vehicles, primarily conducting oil changes and repairs. The property owners would like to permit an automobile, commercial, and equipment repair garage to operate out of the existing infrastructure located on the property. The proposal to continue the existing automotive business and expand for commercial purposes does not impact any of the active surrounding agricultural and farming land uses as the proposal will be operational utilizing the existing structures on the property.

The proposed site-specific land use district would permit the applicants to continue to operate their home-based business and give them the opportunity to expand so that they may also repair commercial vehicles. The proposed use of the site for an automobile, commercial, and equipment repair garage will utilize existing buildings, and will not conflict with normal agricultural operations on abutting lands. Overall, with the exception of the amendment for the use, the proposal meets the general intent of the Official Plan policies.

## **PART B - THE AMENDMENT**

### **The Introductory Statement**

All this part of the document entitled, Part B - The Amendment, consisting of the following text and Schedule "A", constitutes Amendment No. 12 to the Official Plan for the United Counties of Stormont, Dundas, and Glengarry.

### **Details of the Amendment**

The Official Plan of the United Counties of Stormont, Dundas and Glengarry is amended as follows:

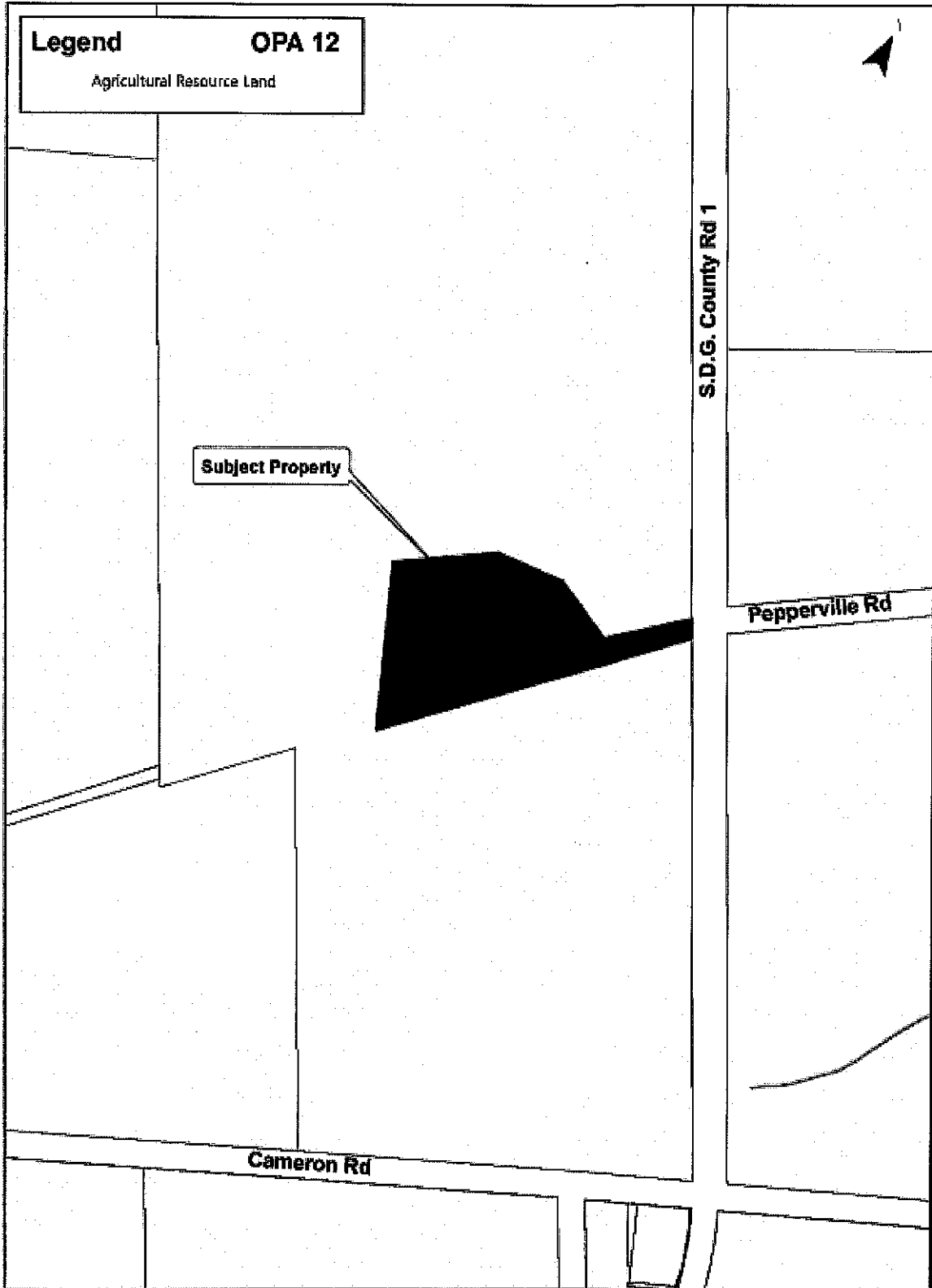
1. Schedule A1: Township of North Dundas is hereby amended by re-designating the lands shown as "Subject Property" on Schedule "A" to Amendment No. 12 attached hereto, into "Section 9.1 Special Land Use Districts."
2. "Table 9.1.1 - Special Land Use Districts, Township of North Dundas" is hereby amended by adding the following:

*"Notwithstanding the Agricultural Resource Lands policies to the contrary, an automobile, commercial, and equipment repair garage shall be permitted on the lands"*

### **Implementation**

1. The existing policies of the Stormont, Dundas and Glengarry Official Plan respecting the Rural District and other general policies are still applicable to the subject lands.
2. The Amendment shall be implemented through an amendment to the Township of North Dundas's Zoning By-law.

Schedule "A"  
OPA 12





## **PART C – THE APPENDICES**

**APPENDIX A: NOTICE OF PUBLIC MEETING**

**APPENDIX B: RECORD OF PROCEEDING**

**APPENDIX C: PLANNING RATIONALE**

## Appendix A: Notice of Public Meeting



### NOTICE OF A PUBLIC MEETING



#### CONCERNING A PROPOSED AMENDMENT TO THE OFFICIAL PLAN OF THE UNITED COUNTIES OF STORMONT, DUNDAS AND GLENGARRY AND PROPOSED AMENDMENT TO THE (FORMER TOWNSHIP OF MOUNTAIN) ZONING BY-LAW OF THE CORPORATION OF THE TOWNSHIP OF NORTH DUNDAS

**TAKE NOTICE** that the Council of The Corporation of the Township of North Dundas will hold a public meeting on the 12<sup>th</sup> of July at 6:00 p.m. at the North Dundas Council Chambers, 638 St. Lawrence Street, Winchester, Ontario to hear the planning merits and gather public input regarding a proposed amendment to the Official Plan of the United Counties of Stormont, Dundas and Glengarry and consider a proposed amendment to Zoning By-law 79-6 (former Township of Mountain) under Sections 22 and 34 of the *Planning Act, R.S.O. 1990*, Chapter P. 13, as amended.

**THE LANDS** to which the Official Plan Amendment and Zoning By-law Amendment apply to is legally described as, Concession 4 Part Lot 6, being Parts 1, 2, 3 and 4 on Reference Plan SR5569, former Township of Mountain, now the Township of North Dundas, County of Dundas, municipally known as 2570 County Road 1, Mountain Ontario as indicated by the shaded area on the attached Key Map.

**1. THE PROPOSED OFFICIAL PLAN AMENDMENT** would change the Official Plan designation from "Agricultural Resource Lands" to "Special Land Use District" to permit the use of a commercial automobile and equipment repair garage. The effect of the proposed Official Plan Amendment is that an automotive, commercial vehicle, and equipment repair garage would be permitted on the subject land. If the proposed amendment is adopted by the United Counties, the subject lands will be designated as "Special Land Use District" and cease to be designated as "Agricultural Resource Lands".

#### **NOTICE FOR THE OFFICIAL PLAN AMENDMENT**

If you wish to be notified of the adoption of the proposed Official Plan Amendment, or of the refusal of a request to amend the Official Plan, you must make a written request to the United Counties of Stormont, Dundas and Glengarry, 28 Pitt Street, Cornwall, Ontario, K6J 3P2. Any appeal of the proposed Official Plan Amendment must be made to the Clerk of the United Counties after the United Counties have rendered its decision in this matter.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the United Counties of Stormont, Dundas and Glengarry before the proposed Official Plan Amendment is adopted, the person or public body is not entitled to appeal the decision of the United Counties of Stormont, Dundas and Glengarry to the Ontario Municipal Board.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to United Counties of Stormont, Dundas and Glengarry before the Official Plan Amendment is adopted, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to add the person or public body as a party.

**2. THE PROPOSED ZONING BY-LAW AMENDMENT** would change the zoning of the land from the "Rural (RU)" zone to "Rural Exemption Twenty-Nine (RU-29)" zone. The purpose of the amendment is to permit an automotive, commercial vehicle, and equipment repair garage on the subject property. If the By-law is adopted by North Dundas Township Council, the subject lands will be zoned to permit an automotive, commercial vehicle, and equipment repair garage on the property.

#### **NOTICE FOR THE ZONING BY-LAW AMENDMENT**

PUBLIC MEETING  
NOTICE

~ 2 ~

OFFICIAL PLAN AMENDMENT  
ZONING BY-LAW AMENDMENT

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Township of North Dundas before the Zoning By-law Amendment is passed, the person or public body is not entitled to appeal the decision of the Council of The Corporation of the Township of North Dundas to the Ontario Municipal Board.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Township of North Dundas before the Zoning By-law Amendment is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

The proposed Zoning By-law Amendment will not come into full force and effect until such time as the related amendment to the Official Plan for the United Counties of Stormont, Dundas and Glengary (as described in Item 1 above) is approved by the Council of the Corporation of the United Counties of Stormont, Dundas and Glengary and subject to coming into force under the provisions of the Planning Act.

**ANY PERSON** may attend the public meeting and/or make written or verbal representations either in support of or in opposition to the proposed Official Plan Amendment or Zoning By-law Amendment.

**ADDITIONAL INFORMATION** relating to the proposed Official Plan Amendment and Zoning By-law Amendment is available for inspection from Monday to Friday between 8:30 a.m. and 4:30 p.m. at the Township Office located at 636 St. Lawrence Street, or by contacting the Planning Department at (613) 774-2105, Ext 238.

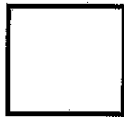
Dated at the Township of North Dundas this 13<sup>th</sup> day of June 2022.

Kimberley Casselman  
County Clerk  
United Counties of  
Stormont, Dundas & Glengary  
26 Pitt Street, Suite 32  
Cornwall, ON, K6J 3P2  
1-(800)-267-7158 (Phone)  
(613) 836-2913 (Fax)  
[www.sdgcounties.ca](http://www.sdgcounties.ca)

Nancy Johnston  
Township Clerk  
Township of North Dundas  
636 St. Lawrence Street  
P.O. Box 489  
Winchester, ON, K0C 2K0  
(613) 774-2105 (Phone)  
(613) 774 5699 (Fax)  
[www.northdundas.com](http://www.northdundas.com)



### KEY MAP



**Area Affected by the Proposed Amendments:**

2570 County Road 1, Mountain, ON,  
Legally described as Concession 4 Part Lot 6, being Parts 1, 2,  
3 and 4 on Reference Plan: 8R5569 former Township of  
Mountain, now the Township of North Dundas, County of  
Dundas.

## Appendix B: Record of Proceedings

### THE CORPORATION OF THE TOWNSHIP OF NORTH DUNDAS RESOLUTION

Regular Meeting

Resolution 2022-<sup>290</sup>

Date: July 12, 2022

Moved By:

Seconded By:

John Thompson  
[Signature]

**BE IT RESOLVED THAT Council receives and approves the Planning Report for the Official Plan Amendment #12 and Zoning Bylaw amendment for Livingston and has no objections to and recommends approval to the United Counties of SD&G of the Official Plan Amendment.**

**FURTHER THAT Council directs the Clerk to prepare the statutory record, in accordance with the requirements of the Planning Act, to be forwarded to the United Counties of Stormont Dundas and Glengary as the approval authority.**

Carried

Deferred

Defeated

MAYOR

| Recorded Vote:         | Yea | Nay |
|------------------------|-----|-----|
| Mayor Fraser           | ___ | ___ |
| Deputy Mayor Armstrong | ___ | ___ |
| Councillor Annable     | ___ | ___ |
| Councillor Thompson    | ___ | ___ |
| Councillor Bergeron    | ___ | ___ |



**ACTION REQUEST – BYLAW**  
Planning, Building & Enforcement

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**To: Mayor and Members of Council**

**Date of Meeting: July 12, 2022**

**Subject: Bylaw No. 2022-60**

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**RECOMMENDATION:**

**THAT Bylaw No. 2022-60 being a Bylaw to amend former Township of Mountain Zoning Bylaw No. 79-6 as amended, be read and passed in Open Council signed and sealed this 12<sup>th</sup> day of July 2022.**

**BACKGROUND:**

The Township of North Dundas received a site-specific application to amend the former Township of Mountain Zoning Bylaw No. 79-6, as amended to rezone the subject property from "Rural (RU) to "Rural Exception 29 (RU-29)"

The subject property is currently also subject of an Official Plan Amendment (OPA #12) to re-designate the land from "Agricultural Resource Lands" to "Special Land Use District".

The subject property, purchased in 2020, is currently a residential property with a small rural home occupation. The property was severed as a surplus dwelling in 2017, and contains a single detached dwelling, a detached garage, a grain silo, and a large accessory building.



The purpose of this amendment is to permit an Automotive, Commercial, and Agricultural Equipment repair garage utilizing the existing infrastructure located on the property. The applicant is not expanding the footprint of the existing repair garage. The exception will permit the subject property to operate an Automotive, Commercial, and Agricultural Equipment garage.

The attached bylaw permits the re-zoning of the subject property in the Township of Mountain Zoning Bylaw 79-6 from Rural (RU) to Rural Exception 29 (RU-29), with the exception that the bylaw will not come into effect until the successful passing of the United

Counties of Stormont, Dundas and Glengary Official Plan Amendment #12 and appeal period. This means that the Automotive, Commercial, and Agricultural Equipment garage will not be a permitted use on the property until after the appeal period for Official Plan Amendment #12 is complete and no appeals have been filed.

**OPTIONS AND DISCUSSION:**

1. Approve the recommendation - recommended.
2. Do not approve the recommendation - not recommended.

**FINANCIAL ANALYSIS:**

No Financial Impact at this time.

**OTHERS CONSULTED:**

Applicant  
Chief Building Official  
Government Agencies  
United Counties of SD&G  
Public bodies as required under the Planning Act  
Neighbours within 120 m of the property

**ATTACHMENTS:**

Livingston Official Plan Amendment #12- Report  
Planning Report- Livingston  
Draft Bylaw No. 2022-60



## Planning Report

|                         |  |
|-------------------------|--|
| <b>Re:</b>              | Zoning Bylaw Amendment request by Spencer and Marika Livingston the property legally described as Part of Lot 6, Concession 4, being Parts 1, 2, 3 and 4 on Reference Plan 8R5569, former Township of Mountain, now the Township of North Dundas, County of Dundas, Municipally known as 2570 County Road 1. |
| <b>Date:</b>            | June 29 <sup>th</sup> 2022   |
| <b>Attachments:</b>     | Appendix I: Zoning   |
| <b>Official Plan:</b>   | Agricultural Resource Lands Designation  |
| <b>Current Zoning:</b>  | Rural (RU)   |
| <b>Proposed Zoning:</b> | Rural Exception 29 (RU-29)   |
| <b>Subject Area:</b>    | Approximately 3.99 acres   |
| <b>Existing Use:</b>    | Residential, Home Occupation for minor Auto Repairs  |
| <b>Proposed Use:</b>    | Residential and Automotive, Commercial, and Agricultural Equipment Repair  |

### **1.0 PURPOSE & EFFECT**

The purpose of this application is to amend Zoning Bylaw 79-6 (former Township of Mountain), as amended, to rezone part of the subject property from the "Rural (RU)" to "Rural Exception Twenty-Nine (RU-29)" to permit an automotive, commercial, and agricultural equipment repair garage on the subject property utilizing existing infrastructure.

The applicants have also applied for an Official Plan Amendment (OPA #12) to the United





Counties of Stormont, Dundas and Glengarry's (SD&G) Official Plan to re-designate the land from "Agricultural Resource Lands" to "Special Land Use District".

The United Counties Official Plan Amendment (OPA #12) is scheduled to be heard at the same meeting as the Zoning Amendment, July 12<sup>th</sup> 2022.

The application proposes an automobile, commercial, and equipment repair garage utilizing the existing infrastructure located on the property.

## **2.0 BACKGROUND**

Since the property was purchased in 2020, the applicant has been operating a small home occupation (automotive repair) from an accessory structure that was constructed in 2019. The home, originally built in 1830 was originally part of the surrounding farmland, and was severed as a surplus dwelling in 2017. The residential lot, which is flag shaped, contains a detached garage, grain silo, and the aforementioned accessory building, as well as the dwelling.

## **3.0 SUBJECT AREA & SURROUNDING SITE**

The subject property is known as 2570 County Road 1, Mountain, Ontario. The property is bounded to east and west by "Rural (RU)" lands and Rural Exception 18 (RU-18) to the north and south.

The property is currently designated "Agricultural Resource Lands Designation" in the SD&G Official Plan and will require an Official Plan Amendment to "Special Land Use District" to accommodate the proposed



use. It is currently zoned "Rural (RU)" and requires a Zoning Amendment to "Rural Exception 29 (RU-29)" to accommodate the proposed use.

The surrounding lands are primarily designated "Rural District" with some lands also designated as "Extractive Resource Lands (Mineral Aggregate Reserve)" in the SD&G

Official Plan. The surrounding zones are primarily "Rural (RU)" and "Agricultural Resource Lands" in the Official Plan.

## **4.0 POLICY DIRECTIONS**

### **4.1 Provincial Policy Statement 2020**

Ontario has a set of Provincial Policy Statements which Township Council's decisions must be consistent with. The relevant policy sections are listed as follows:

#### **Part IV**

The Provincial Policy Statement focuses growth and development within urban and rural settlement areas while supporting the viability of rural areas. It recognizes that the wise management of land use change may involve directing, promoting, or sustaining development. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs.

#### **1.7 Long Term Economic Prosperity**

1.7.1 Long Term Economic Prosperity should be supported by:

(a) promoting opportunities for economic development and community investment-readiness.

(i) sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agri-food network.

2.3.2 Planning authorities are encouraged to use an agricultural system approach to maintain and enhance the geographic continuity of the agricultural land base and the functional and economic connections to the agri-food network.

2.3.3.1 In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses. 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.

2.3.6.1 Planning Authorities may only permit non-agricultural uses in prime agricultural areas for

(b) limited non-residential uses, provided that all of the following are demonstrated:

1. The land does not compromise a specialty crop area;

4. Alternative locations have been evaluated, and

i) there are no reasonable alternative locations which avoid prime agricultural areas; and

ii) there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands

2.3.6.2 Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible.

#### 6.0 Definitions

**Agricultural System:** a system comprised of a group of inter-connected elements that collectively create a viable, thriving agricultural sector. It has two components:

- a) An agricultural land base comprised of prime agricultural areas, including specialty crop areas, and rural lands that together create a continuous productive land base for agriculture; and
- b) An agri-food network which includes infrastructure, services, and assets important to the viability of the agri-food sector.

The proposed zoning amendment is consistent with the 2020 Provincial Policy Statement as it promotes economic development while also enhancing the viability of agricultural systems by providing agri-food network infrastructure repairs.

#### 4.2 United Counties of Stormont, Dundas and Glengarry Official Plan

Table 5.2-Resource Lands and Scope of Uses

|                                    |  |
|------------------------------------|--|
| <b>Agricultural Resource Lands</b> | <ul style="list-style-type: none"><li>- Agricultural uses</li><li>- Agricultural- related uses and on-farm diversified uses</li><li>- Forestry use or woodlands</li><li>- Conservation uses</li><li>- Existing dwellings and dwellings on lots created by consent under Section 8.12.13 and legally existing uses, buildings, or structures</li><li>- Public service facilities which are more appropriately located in the rural area because of their type, size, or the catchment area they serve</li><li>- Mineral aggregate operation as an interim use</li><li>- Passive outdoor recreation use excluding buildings and golf courses</li><li>- Passive outdoor recreation use excluding buildings and golf courses</li><li>- Natural heritage features and areas</li><li>- Wayside Pits or Quarries</li><li>- Legally existing uses, buildings or structures</li></ul> |
|------------------------------------|--|

#### 5.3.2 Scope of Permitted Uses

Existing non-agricultural uses, buildings or structures may be expanded provided they will be compatible with farm operations. If proposals are made for a non-agricultural use, an Official Plan Amendment would be required to permit the use. The lands would remain in an agricultural designation however site-specific

provisions would permit the specific use identified in the proposal. Should approval be obtained it would only permit the use specified in the proposal and is not intended to establish a 'general approval' for a series of uses.

#### 5.3.3 On-Farm Diversified Uses

On-farm diversified uses are secondary to the principal agricultural use of the property, and are limited in the 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 uses shall be compatible with, and shall not hinder, surrounding agricultural operations.

The applicant has applied for an Official Plan Amendment in order to permit an automobile, commercial, and agricultural equipment repair garage. The existing shop was originally utilized as a home occupation, however now the applicant is looking to expand the business, utilizing the same building footprint but completing more commercial equipment repair work.

#### **4.3 Former Township of Mountain Zoning By-law No. 79-6**

The subject land is currently zoned "Rural (RU)" and is proposed to be rezoned to "Rural (RU-29)" which will permit an Automotive, Commercial, and Agricultural Equipment Repair shop.

Currently permitted uses within the Rural zone are as follows:

- 10.1 a) Permitted Uses
- Accessory dwelling
  - Single-family dwelling
  - Apiary
  - Conservation use
  - Country clubs
  - Farm
  - Farm produce outlet
  - Forestry use but not including a sawmill
  - Existing cemeteries
  - Golf course
  - Kennel (See Section 10.2 (f)) By-law 94-09
  - Market/nursery gardening
  - Private club
  - Private Park
  - Public Park
  - Public use
  - Specialized farm
  - Rural home occupation
  - Wayside pit

- 10.1 c) **Zone Requirements - Other Uses**  
Lot Area (minimum) 2 ha 5 ac  
Lot Frontage (minimum) 38 metres 125 ft Lot Coverage (maximum) 20%  
Yard Requirements (minimum)  
Front 15 metres  
Rear 15 metres  
Side 10 metres

## **5.0 ANALYSIS**

The proposed Zoning By-law Amendment will change the zoning of the subject property at 2570 County Road 1 from Rural (RU) to Rural Exception 29 (RU-29) to permit an Automotive, Commercial, and Agricultural Equipment Repair shop.



The subject property is surrounded by agricultural and rural uses. The addition of an Automotive, Commercial, and Agricultural Equipment Repair shop will provide a rural opportunity for economic development, which also acts as a key aspect in the existing Agri-food network, by repairing vehicles & farm equipment utilized in the surrounding area.

**6.0 COMMENTS**

No comments have been received.

**7.0 RECOMMENDATION**

The proposed amendment constitutes good planning, conforms with the Official Plan and Provincial Policy Statement 2020, and therefore Township Council should consider approving the proposed zoning amendment.

Secondly, that Council considers any comments from the public and adjacent neighbours during the public meeting before considering the proposed amendment.

Prepared By:

ORIGINAL SIGNED  
Danielle Ward, BES, MES  
Junior Planner

June 30<sup>th</sup> 2022  
Date

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.

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

July 4<sup>th</sup> 2022  
Date

## Appendix C: Planning Rationale



April 29, 2022

United Counties of Stormont, Dundas and Glengarry  
26 Pitt Street, Suite 223  
Cornwall, ON K6J 3P2

Township of North Dundas  
636 St. Lawrence Street  
P.O. Box 489  
Winchester, ON K0C 2K0

**RE: Application for Official Plan and Zoning By-Law Amendment  
2570 County Road 1  
Lot 6, Concession 4, Geographic Township of Mountain  
Township of North Dundas  
United Counties of Stormont, Dundas, and Glengarry  
Owners: Spencer Livingston and Marika Livingston**

To Whom It May Concern,

ZanderPlan Inc. has been retained by the property owners to assist with an Official Plan Amendment and Zoning By-law Amendment to permit the establishment of a commercial garage on the property located at 2570 County Road 1 in the Geographic Township of Mountain. The subject property is flag-shaped and measures approximately 4.17 acres in size, located near the intersection of Pepperville Road and County Road 1. The lot was created as part of a surplus farm dwelling severance. There are four existing buildings located on the site, including a residential dwelling, attached garage, shop, and silo. There is existing frontage of approximately 13.78 m on County Road 1. The owners operate a home-based business for automobile service from the existing buildings. The purpose of the applications is to seek an Official Plan Amendment and Zoning By-Law Amendment to add broader automobile uses on the site. This will be required to permit the function of an automobile, commercial, and equipment repair garage.

### **Subject property**

The subject property is located in Part of Lot 6, Concession 4 in the Geographic Township of Mountain, in an area characterized by agricultural and rural land uses. The subject property is flag-shaped, with approximately 13.78 m of frontage on County Road 1 and measures an area of approximately 4.17 acres in size (Figure 1). The subject property sits at the intersection of County P.O. Box 20148 Perth, Ontario K7H 3M6 ph: 613-264-9600 fax: 613-264-9609 [www.zanderplan.com](http://www.zanderplan.com)

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Road 1 and Pepperville Road. There are four existing buildings located on the site including a residential dwelling, garage, shop, and silo. The silo is located in the northeast of the subject property. The single-detached dwelling with attached garage is located in the centre of the property with approximately 23.4 m setback from the eastern property boundary. The building used as a shop is located in the southwest, with a 11.8 m setback from the western property boundary. The property includes existing vegetation which aids in screening the buildings from the road, and due to the "flag" shape of the lot, the development is set quite far back from the road. The subject property is currently operating a home-based business which services vehicles, primarily conducting oil changes and repairs. The property owners would like to permit an automobile, commercial, and equipment repair garage to operate out of the existing infrastructure.



**Figure 1. Aerial Photograph of Parcel Boundary of 2570 County Road 1**  
Source: AgMaps

## Surrounding Uses

The surrounding lands to the north, south, and west of the subject property are designated as Agricultural Resource Lands according to the Official Plan - Land Use Schedule A1. These lands are zoned as Special Exception Zones 18 (RU-18) according to the Township of Mountain Zoning By-Law Schedule A and are primarily active agricultural fields; the exception zone prohibits the



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construction of a dwelling. The lands abutting County Road 1 to the east of the subject property are zoned as Rural lands with frontage on Pepperville Road. The property south of Pepperville Road is designated as Agricultural Resource Lands with a civic address of 2579 County Road 1. This property is zoned for rural activity and is characterized by farming operations. The proposal to continue the existing automotive business and expand for commercial purposes does not impact any surrounding agricultural and farming land uses as it will operate from existing infrastructure, is set well back from the county road, is surrounded by agricultural fields, and will continue to comply with all zoning provisions. It is appropriately set back from the County Road and is screened with existing vegetation.

## **Provincial Policy Statement, 2020**

The Provincial Policy Statement (PPS, 2020), created under the authority of Section 3 of the *Planning Act*, identifies matters of Provincial interest which must be considered when planning applications are filed in Ontario. Approval authorities are required to ensure that decisions on planning matters are consistent with these policies.

**Section 1.0** speaks to building strong healthy communities by promoting efficient land use and development patterns. The proposal seeks to efficiently develop this land by using existing buildings, servicing and current infrastructure to establish a commercial business. **Section 1.1.1 (d)** seeks to avoid development and land use patterns that would prevent efficient expansion of settlement areas. With the Zoning By-law and Official Plan amendment, the permitted uses will align with the promotion of efficient development and land use patterns without constraining any expansion of settlement areas. The existing residential use will remain on the site.

**Section 1.6.6.1** speaks to sewage, water, and stormwater services. The subject property would not require any new infrastructure or public service facilities, optimizing existing infrastructure available for the site. **Section 1.6.6.1 (b)** speaks to the accommodation of growth that promotes the efficient use for existing municipal sewage services. The proposal would not require any new infrastructure to support the expanded use. **Section 1.6.7.4** speaks to transportation systems where land use patterns, density, and mix of uses should minimize the number of vehicle trips while supporting current and future use of transit. The proposed development is not anticipated to impact traffic within the area, given the size and scale of the operation. The property fronts to a County Road where higher levels of traffic are already anticipated.

**Section 2.0** Wise Use and Management of Resources speaks to the maintenance and protection of the natural heritage, water, agriculture, and cultural heritage. The subject property is surrounded by agricultural lands but is not itself used for agricultural purposes; the lot was created as a result of a surplus farm dwelling severance. **Section 2.3.1** speaks to prime

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agricultural areas that need to be protected for long-term agricultural use. The existing infrastructure and buildings have no known impact on abutting agricultural lands or activity. The lot was previously severed from abutting agricultural lands and is not of sufficient size for agricultural uses. The buildings to support the expanded use are already in place, and are set back from the County Road and screened with existing vegetation. As a result, the proposal does not restrict or impede any agricultural activity as it will be using existing infrastructure. Section 2.3.6.2 speaks to non-agricultural uses in prime agricultural areas that mitigate the impact of new or expanding development on these lands. The proposal for a change in permitted use will not affect any agricultural operation, as the existing development does not pose as a threat or impede on the existing natural resources or agricultural lands. There are not any viable properties nearby to support the proposed automotive use, the buildings and infrastructure are existing, and the property fronts to a higher-level County Road.

Section 3.0 protecting Public Health and Safety speaks to reducing the potential risks by directing development away from areas where there is an unacceptable risk to public health or safety, such as floodplains and human-made hazards. The existing infrastructure and buildings do not have any negative impact on surrounding land uses and a change in permitted uses will comply with all safety and public health policies outlined in this section. There are not any identified natural or human-made hazards on or within proximity to the site.

Overall, the proposal is consistent with the 2020 Provincial Policy Statement.

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

The current Official Plan for the United Counties of Stormont, Dundas, and Glengarry was adopted in 2018. The subject property falls within the Agricultural Resource Lands designation on the Official Plan Schedule A1 within the Township of North Dundas (Figure 2).

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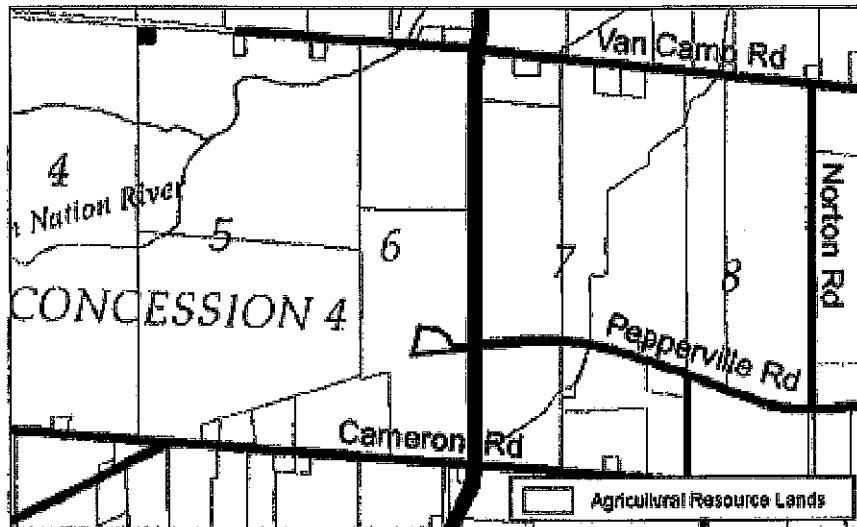


Figure 2. Official Plan Designation - Schedule A  
Source: United Counties of Stormont, Dundas, and Glengarry Official Plan

Section 5.2 of the Official Plan speaks to the Resource Management policies with a goal to protecting resources and minimizing land use conflicts. As per Section 5.2.2, the scope of uses and applications are outlined in Table 5.2 listing permitted and prohibited uses. Any land uses that conflict with normal agricultural operations is prohibited. The existing buildings and infrastructure on the subject property would not impact or conflict with the surrounding agricultural lands or operation, as described above. The buildings and servicing are existing and are set back from the County Road, and the property includes vegetative screening. Permitted uses in Table 5.2 include legally existing uses, buildings, or structures. The proposed uses on the site will continue to use existing buildings and infrastructure, and service vehicles that are used for commercial as well as agricultural purposes. This will not impact any surrounding lands, nor have any negative effects on agricultural-related uses over the long term.

Section 5.3 of the Official Plan speaks specifically to the Agricultural Resource Lands designation. As per Section 5.3.2, the scope of permitted uses on Agricultural Resource Lands includes agricultural related-uses, existing dwellings, and public service facilities. This section permits the use of existing dwellings that are legally existing uses, buildings, or structures. The property owners seek to expand the automotive business and permit the expanded automobile servicing uses to operate out of the existing buildings. As per Section 5.3.2, existing non-agricultural uses, buildings, or structures may be expanded provided they will be compatible with farm operations. There is no anticipate impact on surrounding agricultural uses or farming operations; however,

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the expansion of the existing home based automotive-related business to a commercial business is not permitted under the current Official Plan designation.

The owners are proposing an Official Plan Amendment to designate the subject property under a Special Land Use District to permit the use of the automobile, commercial, and equipment repair garage. Section 9.1 speaks to Special Land Use Districts, outlining permitted uses and development criteria for various locations. Table 9.1.1 outlines all special land use districts in the Township of North Dundas. The proposed wording and addition to the table is below:

| Item | Roll Number        | Legal Description  | Development Criteria   |
|------|--------------------|--------------------|--|
| 19   | 0511-011-004-79202 | Pt. Lot 6, Conc 4. | Notwithstanding the Agricultural Resource Land policies to the contrary, an automobile, commercial, and equipment repair garage shall be permitted on the lands. |

Overall, with the exception of the amendment for the use, the proposal meets the general intent of the Official Plan policies. The proposed use of the site for an automobile, commercial, and equipment repair garage will utilize existing buildings, and will not conflict with normal agricultural operations on abutting lands.

#### North Dundas Zoning By-Law No. 79-6

The subject property falls in the Rural Zone (RU) as shown on Schedule A – Township of Mountain according to Zoning By-Law No. 79-6 (Figure 3). Abutting lands are in a Rural Exception zone which prohibits the construction of a dwelling; this is as a result of a surplus farm dwelling severance for the subject property. As a result of this site specific zone, no new residential uses are anticipated to be established in close proximity to the subject property and therefore impacts from the proposed use on abutting lands is expected to be minimal.

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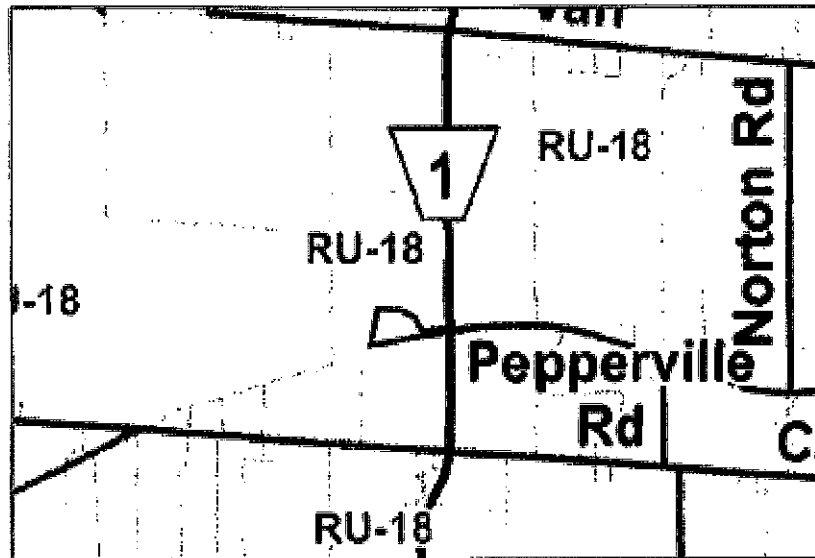


Figure 3. Zoning By-Law 79.6 – Schedule A  
Source: Township of Mountain

Section 10.1 speaks to permitted uses in the Rural zone, including accessory dwelling, single family dwelling, agricultural uses, country clubs and rural home occupations. The existing building is used to operate a rural home occupation, complying with all Zoning provisions outlined in this Section of the By-law. The proposal seeks a Zoning By-law Amendment to change the permitted use to an Automobile, Commercial and Equipment Repair Garage using the existing infrastructure and buildings. As per Section 10.1, the automobile, commercial and equipment repair garage would follow under the Zoning requirements for *other uses*. The subject property must have a minimum lot area of 2 hectares, with a lot frontage of 38 metres. The subject property measures 4.17 acres (1.69 hectares) in size and has a lot frontage of 13.78m, therefore some exceptions to these provisions will be required as part of the Zoning By-law Amendment. The business will be operating from existing buildings and infrastructure which previously comply with Zoning provisions. A special exception zone will need to be implemented to permit the use of the Automobile, Commercial and Equipment Repair Garage. This will have no impact on surrounding lands and operations as it was previously operating as a home-based business.

The purpose of this proposal is to zone the subject property under a Special Exception Zone to permit the use of an automobile, commercial, and equipment repair garage. As per Section 10.1(d), the proposed wording for the special exception zone is listed below:

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## **Rural – Exception "X" (RU-X)**

*Notwithstanding the provisions of Section 10.1 (a) and Section 10.1 (c) hereof the contrary, the lands zoned RU-X shall be used in accordance with the following provisions:*

### **Permitted Use: Automobile, Commercial and Equipment Repair Garage Zone Requirements**

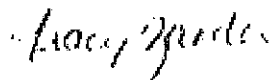
- **Lot Area (minimum)**                      16875 square metres
- **Lot Frontage (minimum)**              13.37 metres

### **Summary**

The owners are seeking an Official Plan Amendment and Zoning By-Law Amendment for the subject property located at 2570 County Road 1 in the Geographic Township of Mountain. The land is currently designated under the Agricultural Resource Lands designation as per the United Counties of Stormont, Dundas, and Glengarry Official Plan, and zoned as Rural (RU) land as per Zoning By-Law No. 79-6. The subject property contains four existing buildings including a silo, house, garage, and shed. The property owners are currently operating a home-based business that services vehicles including tractors. The Official Plan Amendment is proposed to create a Special Land Use District to permit the Automobile, Commercial and Equipment Repair Garage using existing buildings and infrastructure. A Zoning By-Law Amendment is sought to create a Special Exemption zone to permit the use of an Automobile, Commercial and Equipment Repair Garage in the RU zone, and to recognize the existing lot size and frontage. The proposal meets the general objectives set out in the United Counties of Stormont, Dundas, and Glengarry Official Plan and is consistent with the 2020 Provincial Policy Statement.

Should you have any further questions, please do not hesitate to contact the undersigned.

Sincerely,



Tracy Zander, M.P.I, MCIP, RPP