

The Municipality of Central Manitoulin

Public Meeting

Agenda

Thursday, May 25th, 2023 at 6:45 P.M.

Via teleconference

at the

MUNICIPAL OFFICE

6020 HWY 542, MINDEMOYA, ONTARIO

1. Electronic meeting called to Order
2. Adoption of the Agenda
3. Opening Remarks
 - a) Chair
4. Application to be Considered
 - i) Official Plan Amendment File No's. 2-07ZBL-23-001
-Applicant/Owner – Sharpe Farm Supplies Ltd.
5. Council Comments
6. Public Comments
7. Chair's Closing Remarks
8. Adjournment

MANITOULIN PLANNING BOARD
ZONING BY-LAW AMENDMENT - PLANNING REPORT
May 16, 2023

Applicant/Owner: Sharpe Farm Supplies Ltd.
Agent/Solicitor: Matt Hollands
File No: 2-07ZBL-23-001
Property Description: Lot 6, Conc. XI
Excepting Part 2 on Highway Plan P-2314-18 as described
by Instrument No. T14583
(#361 Hartley Side Road South), Township of Campbell
Municipality of Central Manitoulin, District of Manitoulin.

1. PROPOSAL:

A Zoning Amendment Application has been received from Matt Hollands on behalf of Sharpe Farm Supplies Ltd. to permit a commercial-type retail store/warehouse (± 24.4 metres X ± 15.2 metres) and a weight scale (± 3.0 metres X ± 36.6 metres) in an Agriculture (A) Zone, which are to be accessory uses to the existing residential dwelling.

2. REASON:

Section 6.3 f) of the Municipal Zoning By-law No. 2022-07 for the Municipality of Central Manitoulin permits accessory structures that do not exceed sixty-six (66) square metres in size. Therefore an Amendment to the Zoning By-law is required to permit the two oversized structures.

3. SUBJECT LANDS:

i) History:

The subject ± 40 Hec. lot was created by Consent to Sever, File No. B13-07, approved by the Manitoulin Planning Board in 2007. In 2007 there was a dwelling and an accessory structure located within this lot. The applicant has owned the lot since November 2022.

According to the application, there is a dwelling and two accessory sheds located within the subject land. Mr. Hollands, agent for the application, advised that 2 or 3 employees are expected once the store is operational in a couple of years and that parking will be provided for the customers on-site.

ii) Access:

The applicants access their property from an existing entrance, #371 Hartley Side Road South, a maintained municipal road. The Municipality has provided a copy of the entrance permit application and advised that the entrance was issued for the property last year (2022).

The subject lot also fronts on Highway No. 542. The Ontario Ministry of Transportation (MTO) was circulated for comments prior to the formal circulation of the application. In summary, MTO supports the application in principle with the following comments, which were provided to Mr. Hollands:

- No new access to the subject lands from Hwy 542 right-of-way will be permitted
- All access is to remain off of Hartley Sideroad
- No MTO Permits are required.

- iii) Servicing: Water supply is via private individual well
Sewage disposal is via a private individual septic system
- iv) Fire Protection: Volunteer fire fighters
- v) School Bussing: Available
- vi) Garbage Collection/Disposal: Garbage collection is available

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4. OFFICIAL PLAN POLICIES:

- i) Official Plan Designation Agriculture Area - Prime Agriculture Area
- ii) Proposed Designation: Agriculture (A) and Conservation (02)
- iii) Comments:

There will be no change in the Official Plan designation

There is a simultaneous application for Official Plan (OP) Amendment, File No 2-07OPA-23-001. Despite OP Policy C.4.1.4 and G-27-119, if approved, the OP amendment will permit the commercial-type retail store/warehouse (±371 square metres) as an 'On Farm Diversified Use' in a Prime Agriculture Area, which is larger than the permitted size of 250 square metres

5. ZONING BY-LAW (BY-LAW NO. 2002-07):

- i) Current Zoning, Agriculture (A) and Conservation (02)
- ii) Proposed Zoning Same
- iii) Comments:

Zoning By-law No. 2002-07, Section 6.3 f) states

'No accessory building shall exceed sixty-six (66) square metres and ten (10 metres) in height in a residential zone.'

There will be no change to the current zoning. The land subject to this proposal will remain as zoned, with the addition of a Special Provision of the Municipal Zoning By-law to permit the two oversized structures, in an Agriculture (A) Zone, accessory to the existing residential dwelling

6. PROVINCIAL POLICY STATEMENT (PPS) 2020

PPS Section 2.3.3 - Permitted Uses states

*'In Prime Agriculture areas, permitted uses and activities are
- agriculture uses, agriculture related uses and on farm diversified uses.'*

Section 3 of the Planning Act requires that decisions affecting planning matters 'shall be consistent with' policy statements issued under the Act. Planning decisions for the Manitoulin Planning Area must be consistent with Policies of the PPS. The proposed 'On Farm Diversified Uses' do not exceed the recommended maximum size in the Ontario Ministry of Agriculture, Forestry and Rural Affairs (OMAFRA) Guideline on Permitted Uses in Ontario's Prime Agriculture Areas. It is considered that the farm diversified uses of this proposal are in conformity with the PPS 2020

7. RECOMMENDATIONS:

Providing there are no extenuating circumstances or additional information to be considered there would appear to be no expected adverse effects with the development proposal.

The Municipality should have regard for Section 6.18 -Parking Area Regulations, of the municipal Zoning By-law. Council should be satisfied that this proposal does not cause any undesirable affects with abutting land uses and is suitable for the proposed use providing for safe and easy access for vehicles and pedestrians within the subject land.

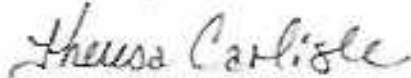
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Council should have regard for Section 6.15 - Licenses, Permits and Other By-laws, and may wish to consider if the Municipality has the means to address:

any future ancillary uses/activities associated with the farm related uses; outside storage; noise, hours of operation, seasonal vs year round operation, fire safety, garbage, lighting; signage; adequate washroom facilities, water and sewage disposal

Based on the aforementioned analysis, it is recommended the subject application for Zoning By-law Amendment may be approved by Council, to permit the oversized structures, if in their judgement the proposal is favourable to the advancement and well being of the Municipality to permit a commercial-type retail store/warehouse (± 24.4 metres X ± 15.2 metres) and a weight scale (± 3.0 metres X ± 36.6 metres) in an Agriculture (A) Zone, accessory to the existing residential dwelling on a site specific basis within the subject land

Respectfully Submitted,



Theresa Carlisle, ACST
Secretary-Treasurer

THE MUNICIPALITY OF CENTRAL MANITOULIN

BY-LAW NO. 2023-16

Being a By-law to Amend Zoning By-law No. 2002-07

Being a By-law for the purpose of amending Zoning By-law No. 2002-07, being a By-law to regulate the Use of Land of the Municipality of Central Manitoulin, under the Authority of Section 34 of the Planning Act, R.S.O. 1990, Chapter P. 13, as amended.

Whereas, the Municipality of Central Manitoulin has ensured that adequate information has been made available to the public, and has held at least one (1) public meeting after due notice for the purpose of informing the public of this by-law;

And Whereas, Council deems it appropriate to concur, whereby Restricted Area Zoning By-law No. 2002-07 is amended to permit a commercial type retail store/warehouse and a weigh scale larger than currently permitted of sixty-six (66) square metres in size in an Agriculture (A) Zone, within lands described as being Lot 6, Conc. XI, excepting Part 2 on Hwy Plan P-2314-18, located at #361 Hartley Side Road South, Township of Campbell, Municipality of Central Manitoulin, District of Manitoulin.

And Whereas, upon considering representations in respect to the zoning proposal and the report of the Secretary-Treasurer of the Manitoulin Planning Board, the Council of the Municipality of Central Manitoulin, deems it advisable to amend Zoning By-law No. 2002-07, as amended.

Now Therefore, the Council of the Municipality of Central Manitoulin, enacts as follows:

- (1) Section 8, Special Provisions, of the Restricted Area Zoning By-law No. 2002-07 is hereby amended to add the following Subsection **8.109**

Despite Section 6.3 f) of Restricted Area Zoning By-law No. 2002-07 permits the additional use of a commercial type retail store/warehouse having a maximum size of 371 square metres and a weigh scale having a maximum size of 110 square metres, in an Agriculture (A) Zone accessory to the existing dwelling, to be located and used on a Site Specific bases, as identified on attached Schedule 'A' and within lands described in Subsection (2).

- (2) Subsection (1) applies to that parcel of land described as being Lot 6, Conc. XI, excepting Part 2 on Hwy Plan P-2314-18, located at #361 Hartley Side Road South, Township of Campbell, Municipality of Central Manitoulin, District of Manitoulin, as registered in the Land Registry Office for the Registry Division of Manitoulin (31).
- (3) All other uses, performance standards and provisions of Restricted Zoning By-law 2002-07, which apply to the Agriculture (A) Zone which are not specifically varied hereby continue to apply to the land described under Subsection (2) of this By-law.
- (4) That it is hereby certified that this amending By-law is in conformity with the Official Plan for the District of Manitoulin.
- (5) Schedule 'A' hereto attached shall be considered to be part of this By-law.
- (6) This by-law shall come into force in accordance with the provisions of Section 34 of the Planning Act, R.S.O. 1990 Chapter P. 13 and take effect on the date of its final reading subject to the expiration of the 20 day appeal period, provided in Section 34(19) of the Planning Act and subject to the approval of the Ontario Land Tribunal (OLT) where objections to this by-law are filed with the Municipal Clerk together with the prescribed fee.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS ___ DAY OF _____ 2022.**

Richard Stephens, Mayor

Denise Deforge, CAO/Clerk

I, _____, Clerk of the Municipality of Central Manitoulin, hereby certify that the foregoing is a true copy of By-law 2023-16 passed by the Council of the Municipality of Central Manitoulin on the ___ day of _____, 2023.

Clerk

