

To: **Mayor and Members of Township of Zorra Council**
From: **Spencer McDonald, Development Planner, Community Planning**

Application for Zone Change ZN 5-24-10 – Holly Dube & Tyler Kittmer

REPORT HIGHLIGHTS

- The purpose of the Application for Zone Change is to rezone the subject lands from 'General Agricultural Zone (A2)' to 'Special General Agricultural Zone A2-sp) to recognize the existing lot area in order to facilitate further development of the lands to permit an animal kennel.
- Planning staff are recommending the application be approved as the proposal is generally consistent with the intent of the Provincial Planning Statement and Official Plan policies respecting on-farm diversified uses in prime agricultural areas.

DISCUSSION

Background

OWNER: Holly Dube & Tyler Kittmer
434886 43rd Line, Beachville, ON N0J 1A0

LOCATION:

The subject land is described as Pt. Lot 21, Concession 1 (North Oxford) and is located on the east side of the road between Queen Street and Road 68 and is municipally known as 434886 43rd Line, in the Township of Zorra.

OFFICIAL PLAN:

Schedule "Z-1" Township of Zorra Land Use Plan Agricultural Reserve

TOWNSHIP OF ZORRA ZONING BY-LAW 35-99:

Existing Zoning: General Agricultural Zone (A2)

Requested Zoning: Amended Special General Agricultural Zone (A2-sp)

PROPOSAL:

The purpose of the Application for Zone Change is to amend the existing zoning on the subject lands from 'General Agricultural Zone (A2)' to 'Special General Agricultural Zone (A2-sp) to permit

a dog kennel as a permitted use, and to recognize the existing lot area, being approximately 5.7 ha / 14.2 ac.

The applicants require the zone change as the subject lands are undersized (5.7 ha / 14.2 ac), whereas 30 ha / 74.1 ac is the minimum area for an 'A2' lot. The application is required in order to permit a dog kennel on the subject lands. For Council's information, an animal kennel is a permitted use within the 'A2' zone, and the application is only required due to the fact that the property does not meet the minimum zoning provisions with respect to minimum lot area.

In addition, Planning staff had also asked the applicants to include the maximum number of dogs that the kennel could accommodate in order to place an appropriate, site-specific cap on this as part of the zone change process. The applicants have done this, and further details are provided throughout this report for Council's consideration.

Pre-consultation with the applicants was held in early 2024, at which time it was noted that County Public Works would require a Traffic Impact Assessment / Access Review in order to comment on the appropriateness of the proposed entrance to the future kennel building. Details surrounding the Access Review are provided in the planning analysis section of this report.

Plate 1, Location Map and Existing Zoning, shows the location of the subject property, as well as the existing zoning in the immediate vicinity.

Plate 2a, Aerial Map (2020), provides an aerial view of the subject lands and surrounding area.

Plate 2b, Aerial Map (2020) – Close-up, provides a close-up aerial view of the existing buildings and structures located on the subject property, including the garden suite.

Plate 3, Applicants' Sketch, provides the details of the property boundaries and the existing buildings as well as the proposed dog kennel building.

Application Review

PROVINCIAL PLANNING STATEMENT

The 2024 Provincial Planning Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Under Section 3 of the Planning Act, where a municipality is exercising its authority affecting a planning matter, such decisions shall be consistent with all policy statements issued under the Act.

In Oxford County, all lands located outside of designated settlement areas are considered to be a prime agriculture area, with the applicable policies for such areas primarily contained in Section 4.3. of the PPS.

Section 4.3 of the PPS directs that planning authorities are required to use agricultural system approach and further that prime agricultural areas shall be protected for long term agricultural use. In prime agricultural areas, permitted uses and activities include agricultural uses, agriculture-related uses and on-farm diversified uses. All types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

Section 4.3.2 (Permitted Uses) of the PPS permits agricultural uses, agriculture-related uses and on-farm diversified uses based on provincial guidance. Permitted uses within prime agricultural areas shall be compatible with and shall not hinder surrounding agricultural operations. Criteria for these uses may be based on Provincial guidance or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

The province has published a guidelines document on permitted uses in prime agricultural areas (Guidelines on Permitted Uses in Prime Agricultural Areas, Publication 851), which provides additional guidance on development in these agricultural areas. The guideline document provides that veterinary clinics and animal kennels are to be considered as on-farm diversified uses in prime agricultural areas.

On-farm diversified uses are to be located on a farm property and are to be secondary to the principal agricultural use on the property. On-farm diversified uses are to be compatible with and shall not hinder surrounding agricultural operations and shall be limited in area to minimize the amount of land taken out of agricultural production. These guidelines also direct that on-farm diversified uses may occupy no more than 2% of the property on which it is located, to a maximum of 1 ha (2.47 ac).

OFFICIAL PLAN

The subject property is designated “Agricultural Reserve” on the Land Use Plan for the Township of Zorra in the County Official Plan.

In the Agricultural Reserve designation lands are to be developed for a wide variety of agricultural land uses, such as general farming, animal or poultry operations, regulated livestock farms, cash crop farms and specialty crop farms. Permitted uses also include woodlands, market gardening, tobacco farming, nurseries and orchards, together with farm buildings and structures necessary to the farming operation, and accessory residential uses required for the farm.

The County, as part of broader agricultural policy updates recently approved by the Province, has established comprehensive, locally tailored Official Plan policies and criteria for such uses to further clarify and expand upon the PPS policies and guidelines for such uses. As such, the review criteria for permitted uses in prime agricultural areas specified in these policies serves as the municipal approach, as set out in municipal planning documents, that achieves the same objective as provincial guidance with respect to such uses, as permitted by the PPS.

Section 3.1.4.3 speaks to Secondary Uses, which are comprised of on-farm diversified uses and rural home occupations, together with Agricultural Related Uses, are intended to provide opportunities to strengthen and diversify the rural economy, by allowing for the establishment of businesses and services that support or improve agriculture in the area, supplement and diversify farm incomes, and/or provide home based employment opportunities for farms and other rural residents. Such uses must be compatible with and not hinder agricultural operations, be appropriate for rural services, not undermine or conflict with the planned function of rural settlements and meet various other development criteria.

Section 3.1.4.3.2 of the Official Plan indicates that OFDUs are intended to provide reasonable opportunities for farmers to diversify their farming operation and/or supplement their income from farming, by allowing for certain small-scale business activities to be established as a secondary use on their farm. The policies further direct that such uses may be permitted on an agricultural

lot in accordance with various policy criteria, including limitations on the type, size, scale, and area of such uses, primarily to ensure such uses are:

- clearly secondary to the principal agricultural operation on the lot and limited in area;
- are compatible with, and do not hinder, surrounding agricultural operations;
- protect prime agricultural areas for the long term;
- are appropriate for rural infrastructure and public services; and
- do not undermine or conflict with the planned function of settlements.

Generally, the policies contained in the Official Plan direct that OFDUs will only be permitted on an agricultural lot that is being actively farmed and must be clearly secondary to the agricultural operation on the lot in terms of size, scale and importance. The policies contained in the Official Plan permit the following uses as an OFDU, provided they meet all applicable policy criteria:

- A rural home industry;
- A value-added agricultural facility serving a number of local area farms;
- A value retaining facility;
- A farm-related tourism use;
- A smaller scale agriculture-related use;
- A farm winery; or
- A ground-mounted solar facility.

Additionally, the Official Plan policies specifically identify the following uses that shall not be permitted as an on-farm diversified use:

- Retail uses, office, medical/dental clinics and restaurants;
- Residential uses or accommodation, except for limited, short-term accommodation, including farm vacation rental or bed and breakfast;
- Institutional uses;
- Recreational uses and special event facilities;
- Large scale commercial and industrial uses; and
- Other uses that may attract large numbers of customers or other people, generate significant traffic or not otherwise be appropriate for rural infrastructure or services, create compatibility or enforcement issues, undermine or conflict with the planned function of rural settlements, or otherwise not be consistent with the applicable policies of the Plan.

The area used and/or occupied by an OFDU (including buildings, areas for loading and unloading product, driveways and parking, well and septic systems etc.) will be limited to the minimum area required for the use and will not exceed 2% of the total lot area, to a maximum of 0.8 ha (2 acres).

The policies state that the maximum gross floor area of all buildings and/or structures used for the purposes of an OFDU shall be regulated through the provisions of the Township Zoning By-law, provided that the cumulative gross floor area of all buildings and/or structures used or occupied by an OFDU shall not exceed 557 m² (6,000 ft²), except for limited, minor exceptions as set out in the policies. Further, proposals for such uses shall include a detailed description of the proposed use and be accompanied by a detailed site plan and such uses shall generally be subject to site plan control.

In addition to the foregoing, the OFDU shall directly involve the farmer living on the same lot as the use and may also involve any other permanent residents on the lot, and up to two employees who do not reside on the lot.

ZONING BY-LAW

The subject property is currently zoned 'General Agricultural Zone (A2)' according to the Township's Zoning By-law.

The A2 zone permits the same wide range of agricultural uses as the 'General Agricultural Zone (A2)' including farming, an animal kennel and on-farm diversified uses (subject to further provisions of the Zoning By-law), as well as single detached dwellings accessory to the farm operation. The bylaw requires a minimum lot area of 30 ha (74.1 ac) and a minimum lot frontage of 100 m (328.1 ft) in order to develop the property for any farm related buildings.

The Township Zoning By-law does not include specific direction for kennels within the 'A2' Zone at present. Currently, the 'Agri-Business' Zone is the only zoning classifications which has specific provisions for animal kennels (other than a limited number of site-specific properties which currently have kennels and are controlled under site plan agreements with the Township). Although other zone classifications (i.e. the Agri-Business zone) require a minimum 90 m (295.2 ft) setback from all property lines for an animal kennel (Section 8.2.3), no such provisions are in place for the Township's 'A2' zone at this time.

Agency Comments

The application was circulated to various agencies considered to have an interest in the proposal.

The Township of Zorra Fire Chief, Township of Zorra Director of Public Works, Township of Zorra Chief Building Official/Drainage Superintendent each commented that detailed comments would be provided at the time of site plan approval – (required once zoning is in place to permit the proposed kennel).

Oxford County Public Works provided comment that they are satisfied with the findings of the Access Review prepared by Paradigm Transportation Solutions, dated March 2025. An entrance permit will be required from the County prior to any new entrances being installed.

Upper Thames River Conservation Authority (UTRCA) have indicated that they have no comments or objections regarding the proposal.

Public Consultation

Notice of complete application and public notice were provided to the surrounding property owners on October 16th, 2024 and April 2, 2025, respectively, in accordance with the Planning Act.

As of the date of writing this report three (3) phone calls were received from nearby residents inquiring about the kennel that is being proposed. One caller specifically asked about noise attenuation within the proposed building, to which the owners/applicants responded in writing.

Planning Analysis

The applicants have applied for a zone change to amend the existing zoning on the subject lands from 'General Agricultural Zone (A2)' to 'Special General Agricultural Zone (A2-sp)' to permit their proposed dog kennel business ("Pack Play Doggy Day Care") on the subject lands.

With respect to the direction of the Official Plan, Staff are of the opinion that the proposal maintains the general intent of the Official Plan and specifically, the continued (primary) use of the subject

lands for agricultural, cash cropping purposes, will continue. The proposal does not look to minimize the amount of usable cropland available on the subject property, but rather, will afford the owners the opportunity to continue to crop the workable acreage while also operating a dog kennel business on the subject lands. Additionally, no new lot creation is being proposed as part of the application, and the business will function as part of the overall (undersized) agricultural operation.

Specific details surrounding the new kennel business ("Pack Play Doggy Day Care") will be further refined (i.e. building specifics, parking, signage, lighting, fencing) through the required site plan approval process with the Township. The site plan approval (and subsequent site plan agreement, more specifically) will include direct reference to the supporting technical study provided as part of this application (Access Review, Paradigm Transportation Solutions, March 2025). The Access Review determined that there are two (2) acceptable driveway locations to appropriately access the future dog kennel. These locations, proposed by Paradigm based on the Transportation Association of Canada (TAC) Geometric Design Guide, were confirmed by County Public Works as being acceptable, and the selected location will be further confirmed on the future site plan application and reflected in the site plan agreement, to the satisfaction of both the Township and County.

Further, it is recommended by Staff that minimum setbacks be established from the property lines and the proposed kennel. While the Township Zoning By-law only specifies setback requirements for kennels within the 'Agri-Business' Zone presently, it is common practice in many municipalities (including in Oxford County) to require a minimum 90 m (295.2 ft) setback from all property lines for kennels in other zones such as (in Oxford County) both the 'A1' and 'A2' zone. It is the opinion of Staff that a reduced minimum setback of 40 m (131.2 ft) from all property lines is appropriate to require for the subject property for the future kennel building. Based on the drawing submitted from the applicants, these setbacks are achievable, and by requiring them as a minimum, the Township will help ensure that nuisance-based complaints are minimized and that any future issues of incompatibility are avoided to the extent possible. The proposed kennel building itself appears as though it will maintain a setback of over 90 m (295.2 ft) from any neighboring dwellings. The nearest dwelling, located at 6 Piovesan Crescent, would appear to be approximately 115 m (377 ft) away from the proposed kennel location. Additionally, Staff are recommending that the number of dogs be capped at 25, based on what the applicants has requested.

The applicants provided details surrounding the proposed business itself and continue to provide building specification details which demonstrate the additional measures being taken to ensure noise within the kennel is minimized (i.e. through sound-proofing measures for the walls of the kennel). To this end, Staff are satisfied that the future kennel building will be of an appropriate size and scale for the subject property, will have minimal impact on surrounding properties, and further, will have both existing and planned natural buffering (existing and proposed tree plantings/berming) in place to ensure visual obtrusions are minimized.

Respecting the criteria contained in the County Official Plan regarding on-farm diversified uses, the application would appear to satisfy each of the relevant criteria in place for assessing OFDU's. The proposal will result in an animal kennel which is an appropriate size and scale, is secondary to the primary agricultural use of the subject lands, appears to be compatible with, and would not hinder, surrounding agricultural operations.

In addition to the foregoing, the Township has an Animal Control By-law which provides the requirements and details surrounding the keeping of animals on private properties in the

Township. The applicants are aware of this by-law and will continue to ensure compliance is achieved prior to final site plan approval being granted by the Township.

In light of the foregoing, it is the opinion of this Office that the application for zone change is consistent with the policies of the PPS and the County Official Plan respecting permitted uses in prime agricultural areas. As such, Planning Staff are recommending that the application be approved-in-principle.

At such time as the required mapping and by-law has been prepared, it will be brought forward, reflecting both a cap on the total number of dogs, the minimum setbacks and the lot area, all as described in this report, for final approval. It is expected that the applicants will also prepare the necessary site plan documents in order to finalize the approval for the proposed animal kennel, to the satisfaction of the Township.

RECOMMENDATION

It is recommended that the Council of the Township of Zorra approve-in-principle the proposed Zoning By-law amendment to rezone the subject property to 'Special General Agricultural Zone (A2-sp)' for the purpose of permitting an animal kennel, accommodating up to 25 dogs, on the subject property, described as Pt. Lot 21, Concession 1 (North Oxford), Township of Zorra, municipally known as 434886 43rd Line.

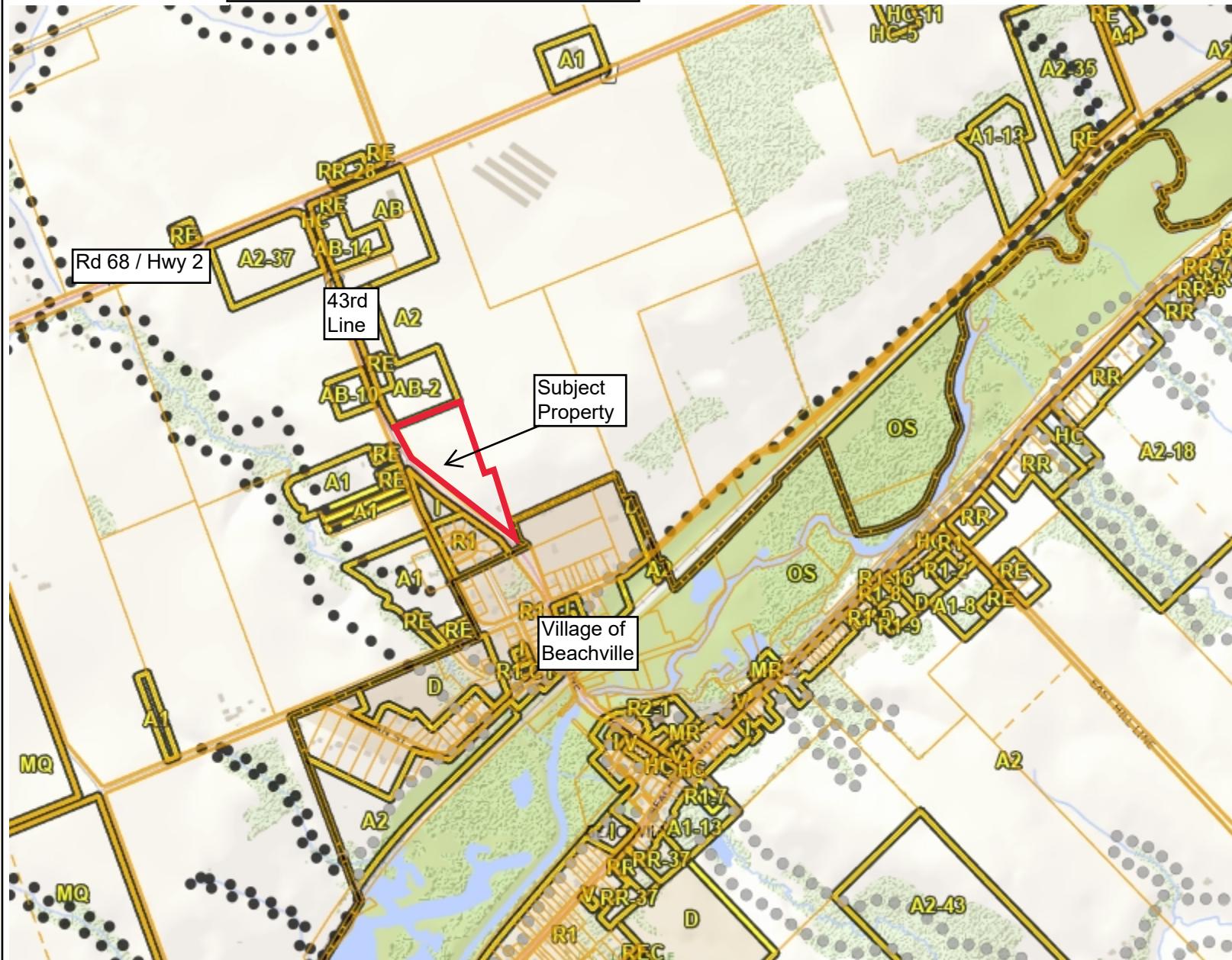
SIGNATURES

Authored by: 


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Reviewed by: 

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Manager of Development Planning



Legend

Parcel Lines

- Property Boundary
- Assessment Boundary
- Unit
- Road
- Municipal Boundary

Zoning Floodlines

- 100 Year Flood Line
- 30 Metre Setback

Regulation Limit

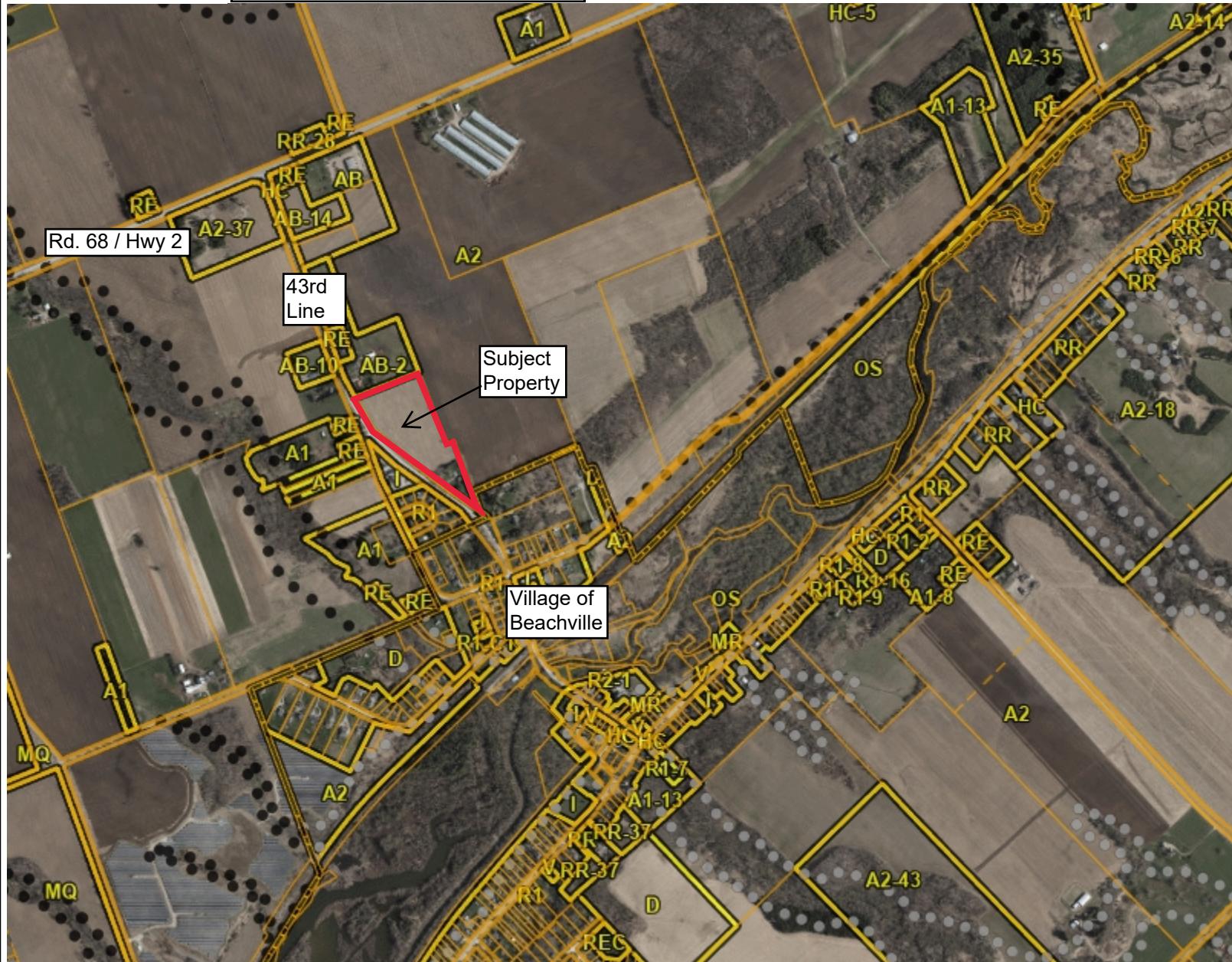
- Conservation Authority Regulation Limit
- Regulatory Flood And Fill Lines

Land Use Zoning (Displays 1:16000 to 1:500)

Notes

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October 16, 2024



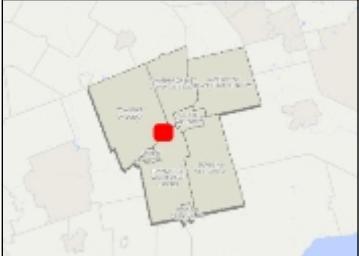
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October 16, 2024



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Notes

Legend

- Parcel Lines
- Property Boundary
- Assessment Boundary
- Unit
- Road
- Municipal Boundary

Zoning Floodlines Regulation Limit

- ❖ 100 Year Flood Line
- ❖ 30 Metre Setback
- ❖ Conservation Authority Regulation Limit
- Regulatory Flood And Fill Lines

□ Land Use Zoning (Displays 1:16000 to 1:500)



Legend

- Parcel Lines**
 - Property Boundary
 - Assessment Boundary
 - Unit
 - Road
 - Municipal Boundary
- Zoning Floodlines**
- Regulation Limit**
 - ◆ 100 Year Flood Line
 - ▲ 30 Metre Setback
 - Conservation Authority Regulation Limit
 - Regulatory Flood And Fill Lines
- Land Use Zoning (Displays 1:16000 to 1:500)**

Notes



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October 16, 2024

Adjacent Land Use – Zone Change Application – Dube, Kittmer

Plate 3 - Applicants' Sketch
File No. ZN5-24-10 - Kittmer & Dube
434886 43rd Line, Township of Zorra



ZN5-24-10_Report

Final Audit Report

2025-04-14

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