



## MUNICIPALITY OF THAMES CENTRE

**REPORT NO.** PDS-022-25

**FILE NO.** Z6-25

**TO:** Mayor and Members of Council

**FROM:** E. Besch, Planner

**MEETING DATE:** April 28, 2025

**SUBJECT:** Zoning By-law Amendment Application (Z6-25); Apple Land Station Inc. c/o Dan Muzylowsky (Applicant); 329 Richmond Street

### RECOMMENDATION:

**THAT** Application for Zoning By-law Amendment Z6-25 as requested by Apple Land Station Inc. to rezone the subject property from the Agricultural (A) Zone to a site-specific Agricultural (A-17) Zone to 'gift shop', 'bakery' and 'recreation use – outdoor' as permitted uses on the property, as well as all other uses permitted in the parent Agricultural (A) Zone for lands legally described as Part of Lot 9, Concession 1, N.R.T., (geographic Township of North Dorchester), Municipality of Thames Centre be **APPROVED**;

**AND THAT** the implementing by-law be **CONSIDERED**, as included in the by-law portion of the agenda.

### PURPOSE:

The purpose and effect of this Application is to rezone the subject property from the Agricultural (A) Zone to a site-specific Agricultural (A-17) Zone to 'gift shop', 'bakery' and 'recreation use – outdoor' as permitted uses on the property.

### BACKGROUND:

The subject property is a 20.2 hectare (49.91 ac) agricultural lot situated on the west side of Richmond Street, just north of Trafalgar Street. The lands contain a single detached dwelling, retail/storage building, barn and coverall. The remainder of the lands are used as an 'adventure farm', apple orchard and various other agricultural uses such as a pumpkin patch, corn maze, Christmas tree farm and sunflower field. While the primary use of the land is agricultural, the retail store, bakery and play area operate as an on-farm diversified use and agritourism destination, primarily during fall to winter months.

To support the business, the applicant is proposing to construct a 625 m<sup>2</sup> open air pavilion in which to sell produce grown on site and from local farmers. This would replace temporary event tents that the applicant currently uses at various times throughout the year. While the

use of the structure is agricultural in nature in the form of a 'market garden', the applicant is requesting to recognize the additional uses on the site, which have been in operation for the last 12 years. This will allow the applicant to make changes to or expand the business without further planning applications.

The lands are designated 'Agricultural' according to the Thames Centre Official Plan, and zoned Agricultural (A) Zone and a site-specific Agricultural (A-17) Zone which permits a market garden. While specifically identified within this zone, staff also note that a market garden is listed as an agricultural use in the Zoning By-law, which is a permitted use in the parent A Zone. The A-17 Zone currently only covers a small portion of the front of the lot. The subject application proposes to expand the zone to cover the entire property, while adding the additional permitted uses and including provisions to limit the size of the lot devoted to the on-farm diversified use, as is required under the current Provincial policies.

Surrounding land uses are predominantly agricultural in nature.

## ANALYSIS:

Under the Provincial Planning Statement 2024 (PPS), prime agricultural areas are defined as areas where prime agricultural lands predominate, which includes the subject lands. Given that agricultural land is a limited resource, these areas are to be protected according to the province being a matter of provincial interest within the *Planning Act* and the Provincial Planning Statement.

In prime agricultural areas, permitted uses and activities according to the PPS include: agricultural uses, agriculture-related uses and on-farm diversified uses (OFDUs). The County of Middlesex Official Plan permits on-farm diversified uses subject to criteria including the criteria indicated in the provincial guidelines, being the *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas*. Staff would like to note, Thames Centre's Official Plan does not currently contain policies that speak directly to OFDUs as it predates the province's guideline document. Staff would also like to note, although not currently in effect due to appeal, the application is in line with the OFDU policies within Official Plan Amendment No. 27, Thames Centre's Updated Official Plan.

With respect to the bakery, gift shop and outdoor recreation area, staff note that these uses could be considered as OFDUs provided the evaluation criteria have been met. To assist Municipalities in determining whether a proposed use is an OFDU under the PPS, the Ontario Ministry of Agricultural, Food and Agri-business (previously referred to as Ontario Ministry of Agricultural, Food and Rural Affairs (OMAFRA)) released a document in 2016 entitled *The Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas*. Through that document, all of the following criteria must be met for a use to qualify as an OFDU:

### 1) Located on a farm.

- As noted within the planning application, the property is primarily used for agricultural purposes in the form of apple orchards, field crop cultivation, pumpkins, etc. This criterion has been satisfied.

### 2) Secondary to the principal agricultural use of the property

- The application notes the lands are used for agricultural purposes. Staff do not anticipate the bakery, gift shop and recreation area will interfere with field crop

cultivation or other agricultural uses provided the area be limited through zoning provisions. Therefore, the uses can be considered secondary to the principal agricultural use of the property. This criterion has been satisfied.

### **3) Limited in area**

- As noted above, the gift shop and bakery are located within an existing building that is also used for agricultural storage purposes. Based on information within the mapping system, staff have calculated the area proposed to be used for the bakery, gift shop and outdoor recreation area as approximately 5000 m<sup>2</sup>. This equates to approximately 2% of the subject property, and staff are of the opinion this can be considered limited in area.

### **4) Includes but is not limited to home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products**

- The gift shop and bakery both utilize goods made on site as well as from local producers. The outdoor recreation area can be considered an agri-tourism use as it brings customers to the site to pick apples, take a tractor ride, tour a corn maze, etc. The site is also used for selling Christmas trees during winter and pumpkins during the fall season. Staff are of the opinion these uses can be considered an OFDU being secondary to the main agricultural use of the property and limited in area. This criterion has been satisfied.

### **5) Shall be compatible with, and shall not hinder, surrounding agricultural operations.**

- The property is very much an active farm, which is supported by the agri-tourism business. The bakery, gift shop and outdoor recreation uses are not anticipated to hinder the existing agricultural uses given the size, scale, and location. The property operates as a farm for the majority of the year, and only the bakery and gift shop are operated year-round. The outdoor recreation area is open during limited times, primarily in the fall and early winter. This criterion has been satisfied.

The Thames Centre Official Plan requires that prior to the approval of a zoning by-law amendment, it shall be established to the satisfaction of Council that:

### **1) Soil and drainage conditions are suitable to permit the proper sitting of buildings;**

- There are no new buildings or structures proposed to accommodate the gift shop, bakery and outdoor recreation area. The proposed open-air pavilion is considered an agricultural structure and will require a building permit. At this time, considerations for drainage will be made.

### **2) Services and utilities, whether they are municipal or private, can adequately accommodate the proposed development. Full municipal or communal sanitary and water services will be the preferred method of servicing development;**

- No additional private servicing is required to accommodate the uses.

### **3) The road system is adequate to accommodate projected increases in traffic;**

- Access to the site is via Richmond Street, which is a local road under the jurisdiction of Thames Centre. As the applicant is proposing to recognize existing uses on the site, no additional traffic is anticipated. Further, no concerns were identified by the Director of Public Works or the County Engineer in the circulation of this application.

**4) The land fronts on a public road (unless specifically noted as an approved private road) which is of a reasonable standard of construction and maintenance.**

- The lands front onto a public road, maintained to rural standards. Furthermore, as noted, the Director of Public Works and the County Engineer identified no concerns in the circulation of this application.

**5) Lot frontage and area is suitable for the proposed use and conforms to the standards required by the implementing Zoning By-law;**

- The lot frontage and lot area are suitable for the proposed use and conform to the standards of the zoning by-law.

**6) Adequate measures will be taken to alleviate or prevent any adverse effects that the proposed use may possibly have upon any proposed or existing adjacent use or on the natural heritage features and functions.**

- Unacceptable adverse effects on surrounding uses are not anticipated given the nature of the proposal and the fact that the business has been in operation for 12 years without concern. At this time, the applicant is proposing to construct a pavilion to replace event tents and to provide a permanent location to operate their market garden during peak times of the year. Adequate parking is provided on-site, and no concerns have been received at this time. Finally, there are no natural heritage features located on the property.

Based on the foregoing, the subject proposal is consistent with the Provincial Planning Statement and conforms to the County of Middlesex and Thames Centre Official Plans.

**CONSULTATION:**

County Engineer:

No comments.

Director of Public Works:

No concerns with the application.

Drainage Superintendent:

No comment.

## Upper Thames River Conservation Authority

The subject lands associated with application Z06-25 are not affected by any regulations made pursuant to Section 28 of the *Conservation Authorities Act*. The UTRCA has **no objections** to the application, and we have **no** Section 28 approval requirements.

In the circulation of the notice of public meeting to surrounding property owners, no responses have been received from the public as of the date of this report.

### **FINANCIAL IMPLICATIONS:**

None.

### **STRATEGIC PLAN LINK**

**Pillar:** *Smart Planning*

**Goal:** *Make smart planning decisions to grow the community, while maintaining a "hometown feel"*

### **ATTACHMENTS:**

Location Map

Prepared by: E. Besch, Planner

Reviewed by: A. Storrey, Director of Planning & Development Services

Reviewed by: D. Barrick, Chief Administrative Officer