

**The Corporation of the Municipality of West Grey**  
**By-law Number 33 - 2014**

**Being** a By-law to amend Zoning By-law No. 37-2006, of the Municipality of West Grey;

**Whereas** the Council of the Corporation of the Municipality of West Grey deems it in the public interest to pass a By-law to amend By-law No. 37-2006;

**And whereas** pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, as amended, By-laws may be amended by Councils of Municipalities;

**Now Therefore the Council of the Municipality of West Grey hereby enacts as follows:**

1. By-law No. 37-2006 is hereby amended by affecting the lands described as Part Lots 8, 9, 10 and 11, Concession 1 SDR, Geographic Township of Bentinck, Municipality of West Grey and shown as "subject lands" on Schedule "25C".
2. Schedule "25" to By-law No. 37-2006 is hereby amended by changing the zone symbol on the subject property from 'A3' (Restricted Rural), 'I' (Institutional) and 'C2-87' (Highway Commercial Exception) to 'C2-325-h' (Highway Commercial Exception with holding suffix) and 'OS-h' (Open Space with holding suffix) as shown on Schedule "25C" as affixed hereto.
3. Section 35 to By-law No. 37-2006 is hereby amended by deleting subsection 35.87 (C2-87).
4. Section 35 to By-law No. 37-2006 is hereby amended by adding the following subsection: "35.325"

**C2-325 (See Schedule 25)**

Notwithstanding Subsection 18.1, those lands zoned 'C2-325' shall only be used as follows:

**1. Permitted Uses**

- Auction Sales Arena
- Automotive Sales and Service Establishment
- Automotive Service Station
- Automotive Washing Establishment
- Banquet Hall
- Beer Store
- Boat Sales, storage and Service Establishment
- Building Supply Outlet having a minimum floor area of 929 square metres;
- Bulk Sales Establishment having a minimum floor area of 929 square metres;
- Bus Depots
- Commercial Nursery or Greenhouse
- Dry Cleaning Depot
- Equipment Sales, Rental and Leasing Outlet
- Farm Implement Sales and Service Outlet
- Garden Centre
- Grocery Store having a minimum floor area of 929 square metres;

- Hotel
- Liquor Store
- Motel
- Pharmacy having a minimum floor area of 929 square metres
- Public Uses
- Public Buildings
- Private Club
- Recreational Trailer Sales and Service Establishment
- Rental Outlet
- Restaurants (Dining, Drive-In, Drive-Thru, Take-Out)
- Retail Store (may include Grocery Store and/or Pharmacy) having a minimum floor area of 929 square metres;
- Veterinarian Clinic
- U-Brew Establishment
- Wholesale Outlets having a minimum floor area per unit of 929 square metres;
- Accessory Uses, Buildings and Structures in accordance with Section 6.1

The holding symbol ("h" suffix) shall not be removed from any lands zoned 'C2-325' until a Site Plan Agreement has been prepared for those lands to the satisfaction of the Municipality of West Grey, Town of Hanover and County of Grey Transportation Department. Such Agreement shall reflect Sections 8.5 ii (c) and (d) and Schedule Map 3q of the County of Grey Official Plan. In addition, where the proposed development involves a building supply outlet, grocery store, pharmacy, retail store, or other store representing a combination thereof, and such development occupies a floor area exceeding 2787 square metres, a retail market study justifying the need for the additional floor space of the proposed nature within the Town of Hanover and this Secondary Plan Area shall be prepared to the satisfaction of the respective Councils of the Town of Hanover and the Municipality of West Grey.

## **2. Regulations**

The regulations of Section 18.2, 18.3, 18.4, and 18.5 and all other relevant provisions of By-law No. 37-2006 shall apply excepting however that:

Minimum lot area: 2000 square metres

Minimum lot frontage: 30.5 metres

5. Schedule "25C" and all other notations thereon are hereby declared to form part of this By-law.
6. This By-law shall come into force and take effect upon being passed by Council subject to any approval necessary pursuant to the Planning Act, R.S.O. 1990, as amended and subject to Amendment No. 42-05-28-OPA-122 to the County of Grey Official Plan coming into effect.

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**Read a first and second time this 21<sup>st</sup> day of April, 2014.**

**Read a third time and finally passed this 21<sup>st</sup> day of April, 2014.**

**(Signed)**  
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**Kevin Eccles, Mayor**

**(Signed)**  
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**Larry C. Adams, CAO/Deputy Clerk**

**Notice of the Passing of a Zoning By-law**  
**By the Corporation of the Municipality of West Grey**

**Take notice** that the Council of the Corporation of the Municipality of West Grey passed By-law Number 33-2014 on the 21<sup>st</sup> day of April, 2014, under Section 34 of the Planning Act, R.S.O. 1990, as amended.

**And take notice** that the Zoning By-law may be appealed to the Ontario Municipal Board by filing with the Clerk of the Corporation of the Municipality of West Grey not later than the 14<sup>th</sup> day of May, 2014, a notice of appeal setting out the objection to the By-law and the reasons in support of the objection, accompanied by the fee prescribed under the Ontario Municipal Board Act, S.O. 1994.

**Only** individuals, corporations and public bodies may appeal a Zoning By-law to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

**If** a person or public body that files an appeal of a decision of the Municipality of West Grey in respect of the proposed Zoning By-law, does not make oral submissions at the Public Meeting or make written submissions to the Municipality of West Grey before the proposed Zoning By-law is adopted, the Ontario Municipal Board may dismiss all or part of the appeal.

**An explanation** of the purpose and effect of the By-law, describing the lands to which the By-law applies, and a Key Map showing the location of the lands to which the By-law applies are attached. The complete By-law is available for inspection in my office during regular business hours.

**Dated at the Municipality of West Grey**  
**this 24<sup>th</sup> day of April, 2014.**

Mark Turner, Clerk  
Municipality of West Grey  
402813 Grey Rd. 4, RR 2,  
DURHAM, ON N0G 1R0  
Ph: (519) 369-2200  
Fax: (519) 369-5962

**Explanatory Note**

This By-law applies only to those lands described as Part Lots 8, 9, 10 and 11, Concession 1 SDR, Geographic Township of Bentinck, Municipality of West Grey, as shown on Schedule 25C affixed hereto.

The purpose of the Zoning By-law Amendment is to change the zoning of lands from 'A3' (Restricted Rural), 'I' (Institutional) and 'C2-87' (Highway Commercial Exception) to 'C2-325-h' (Highway Commercial Exception with holding suffix) and 'OS-h' (Open Space with holding suffix). The 'C2-325' zone would create opportunities for new commercial uses which are generally not suited to locate within the downtown of Hanover due to their size and/or nature, and which do not compete on a functional basis with Hanover's downtown. Permitted uses include: automotive uses; restaurants; motels; hotels; bulk sales establishments; garden centres; theatres; places of entertainment; and, building supply stores, retail stores, grocery stores and pharmacies, having floor areas of 929 square metres per

unit. The 'OS' zone would permit such uses as places of recreation, passive recreation, parks and conservation areas.

The Council of the Municipality of West Grey has adopted this By-law and is now circulating it in accordance with Provincial Regulations.

The subject lands are also currently the subject of an application to amend the County of Grey Official Plan. That amendment is intended to establish a "Secondary Plan" on the subject lands for the purposes to creating opportunities for 'Highway Commercial' and 'Open Space' uses.

**Ontario Municipal Board**  
Commission des affaires municipales  
de l'Ontario



**ISSUE DATE:** November 5, 2015

**CASE NO(S):** PL140376

**PROCEEDING COMMENCED UNDER** subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Magwood Family Farms  
Subject: Proposed Official Plan Amendment No. 122  
Municipality: Upper Tier County of Grey  
OMB Case No.: PL140376  
OMB File No.: PL140376  
OMB Case Name: Magwood Family Farms v. Grey (County)

**PROCEEDING COMMENCED UNDER** subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Magwood Family Farms  
Subject: By-law No. 33-2014  
Municipality: Municipality of West Grey  
OMB Case No.: PL140376  
OMB File No.: PL140430

**Heard:** September 9, 2015 by telephone conference call

**APPEARANCES:**

**Parties**

**Counsel**

Municipality of West Grey and  
Town of Hanover

Stephen D'Agostino

Orland Magwood and  
1063755 Ontario Ltd.

Denise Baker

County of Grey

Erroll Treslan

**MEMORANDUM OF ORAL DECISION DELIVERED BY M. C. DENHEZ ON  
SEPTEMBER 9, 2015 AND ORDER OF THE BOARD**

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[1] This Official Plan (“OP”) and rezoning dispute in the County of Grey (“the County”) has been settled.

[2] Planning had been undertaken, to expand Highway Commercial uses and other uses abutting the Town of Hanover (“Hanover”). The focus was on lands just beyond the Town boundary, in the Municipality of West Grey (“West Grey”).

[3] Hanover and West Grey worked together with the County to create a planning framework for that to unfold. This framework was ultimately adopted as Official Plan Amendment No. 80 (“OPA 80”), approved by the Ontario Municipal Board (“the Board”), by decision issued on October 24, 2012.

[4] In the words of West Grey's planner, it was “the intention of OPA 80 that urban growth... be planned through a Secondary Plan process.” OPA 80 foresaw a Special Policy Area on approximately 140 hectares immediately southeast of Hanover, within West Grey.

[5] On the recommendation of Hanover and West Grey, the County proceeded to adopt Official Plan Amendment No. 122 (“OPA 122”) accordingly.

[6] West Grey’s existing Zoning By-law No. 37-2006 had not previously recognized Highway Commercial uses in that location. West Grey then adopted new Zoning By-law No. 33-2014 for that purpose and for related purposes mentioned in OPA 122.

[7] However, there are lands in the subject area owned by Orland Magwood and 1063755 Ontario Ltd. They carry on business as Magwood Family Farms (“Magwood”). Magwood expressed concern that its agricultural operations, on its own property, would be negatively affected by OPA 122 and Zoning By-law No. 33-2014. Magwood was particularly concerned by the prospect of roads that, it believed, were planned across its

own property. Magwood appealed OPA 122 and Zoning By-law No. 33-2014 to the Board.

[8] In the lead-up to the hearing, however, the parties reached consensus. They executed Minutes of Settlement, including proposed revisions to OPA 122 and the rezoning. In particular, they agreed to a framework for decision-making in accordance with accepted planning and environmental standards.

[9] The Board has carefully considered all the evidence, notably the affidavit testimony of Ron Davidson, the planner for West Grey. It was his expert opinion that, subject to the revisions as agreed, OPA 122 and Zoning By-law No. 33-2014 (as modified) met all statutory criteria, and represented good planning. On review, the Board finds no grounds to disagree with that undisputed opinion.

## **ORDER**

[10] The Board hereby orders:

1. The appeal of Orland Magwood and 1063755 Ontario Ltd., carrying on business as Magwood Family Farms, is allowed in part. In accordance with s. 17(50) of the *Planning Act* ("the Act"), the County of Grey OPA 122 is hereby modified in accordance with Attachment 1 and brought into full force and effect.
2. In accordance with s. 34(26) of the Act, Zoning By-law No. 33-2014 of the Municipality of West Grey is hereby amended in accordance with Attachment 2 and brought into force and effect.
3. The Attachments to this Order shall form part of this Order.

4. In the event of difficulties respecting the implementation of this Order, the Board may be spoken to.

*"M. C. Denhez"*

M. C. DENHEZ  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Ontario Municipal Board**

A constituent tribunal of Environment and Land Tribunals Ontario  
Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248



## ATTACHMENT 1

### 8.5 *Highway Commercial*

Modify policy 8.5 i) as follows:

“i) Permitted Uses

The ‘Highway Commercial’ designation is intended to provide opportunities for new commercial uses which are not suited to locate within the downtown of Hanover due to their size and/or nature, and which do not compete on a functional basis with Hanover’s downtown.

Permitted uses shall include, but are not limited to: automotive uses; restaurants; motels; hotels; bulk sales establishments; garden centres; theatres; places of entertainment; and, building supply outlets, grocery stores, wholesale outlets, pharmacies, retail stores, or combination thereof, provided such uses occupy a minimum of 929 square metres of floor area **and agricultural uses existing at the time of the approval of Official Plan Amendment 122 dated September 9, 2015.**”

Modify policy 8.5 ii) a), b) and n) as follows:

“ii) General Policies

a. The lands designated ‘Highway Commercial’ shall be zoned with a “h” (holding) suffix in the implementing amendment to the Municipality of West Grey Comprehensive Zoning By-law. The “h” suffix shall not be removed until all servicing issues have been addressed and a Site Plan Agreement has been registered on title. In addition, where the proposed development involves a building supply outlet, grocery store, pharmacy, retail store or other store representing a combination thereof, and such development occupies a floor area exceeding 2787 square metres, the “h” suffix shall not be removed until a retail market study justifying the need for the additional floor space based on the type of the commercial use within the Town of Hanover and this Secondary Plan Area has been prepared to the satisfaction of the ~~respective Councils of the Town of Hanover and the Municipality of West Grey~~ **in consultation with the Town of Hanover. The “h” suffix is not applicable to permitted agricultural uses.**”

“b. Proposals for new development shall be subject to a Site Plan Control Agreement involving the property owner and the

~~Municipality of West Grey, as well as the Town of Hanover and the County of Grey Transportation Services Department where deemed desirable.”~~

- “n. Notwithstanding section 8.5(i) and 8.5(ii) to this Plan, existing uses, which were legally established prior to the ~~adoption of~~ **approval of** Official Plan Amendment #122 **dated September 9, 2015**, shall be permitted to continue to be used for such purposes, ~~including the continued use of agricultural properties, in accordance with section 8.9 of this Plan.~~ No expansions will be permitted to livestock **agricultural uses** ~~operations~~ within these lands.”

## **8.6 Open Space**

Modify policy 8.6 i) as follows:

### “i) Permitted Uses

The ‘Open Space’ designation is intended to provide opportunities for active and recreation activities.

Permitted uses shall be various forms of public and private open space including parks, playgrounds, picnic areas, sports fields, tennis courts, community trails and other recreational facilities **and agricultural uses existing at the time of the approval of Official Plan Amendment 122 dated September 9, 2015.**”

Modify policy 8.6 ii) d) as follows:

### “ii) General Policies

- d. Notwithstanding section 8.6(i) and 8.6(ii) to this Plan, existing uses, which were legally established prior to the ~~adoption~~ **approval** of Official Plan Amendment # 122, **dated September 9, 2015** shall be permitted to continue to be used for such purposes, ~~including the continued use of agricultural properties, in accordance with section 8.9 of this Plan.~~ No expansions will be permitted to livestock **agricultural uses** ~~operations~~ within these lands.”

## 8.8 Transportation

Modify policy 8.8 iv) as follows:

- “iv) The construction of new municipal arterial/collector roads crossing generally in the area of the easterly Hanover-West Grey municipal boundary between the northerly limit of Grey Road 4 and the southerly limit of Knappville Road within the Secondary Plan area may be required. The alignment, design and need for any new municipal arterial/collector roads within those limits will be determined by a Class Environmental Assessment pursuant to the Environmental Assessment Act and the goal of minimizing any impact on existing agricultural operations shall be a significant consideration. An amendment to this Plan will not be required for the identification or construction of any new municipal arterial/collector roads approved pursuant to the Class Environmental Assessment. ~~In such instances, the road pattern shall be in the best interest of the Secondary Plan area, the Town of Hanover and the Municipality of West Grey. New arterial roads as shown in approximate locations on Secondary Schedule Map 3q will be required within the area adjacent to the Secondary Plan Area at some point in the future. An extension of 22<sup>nd</sup> Avenue southward from Grey Road 4 will also be required when new development within the area of the Secondary Plan located west of Grey Road 28 warrants such road construction.”~~

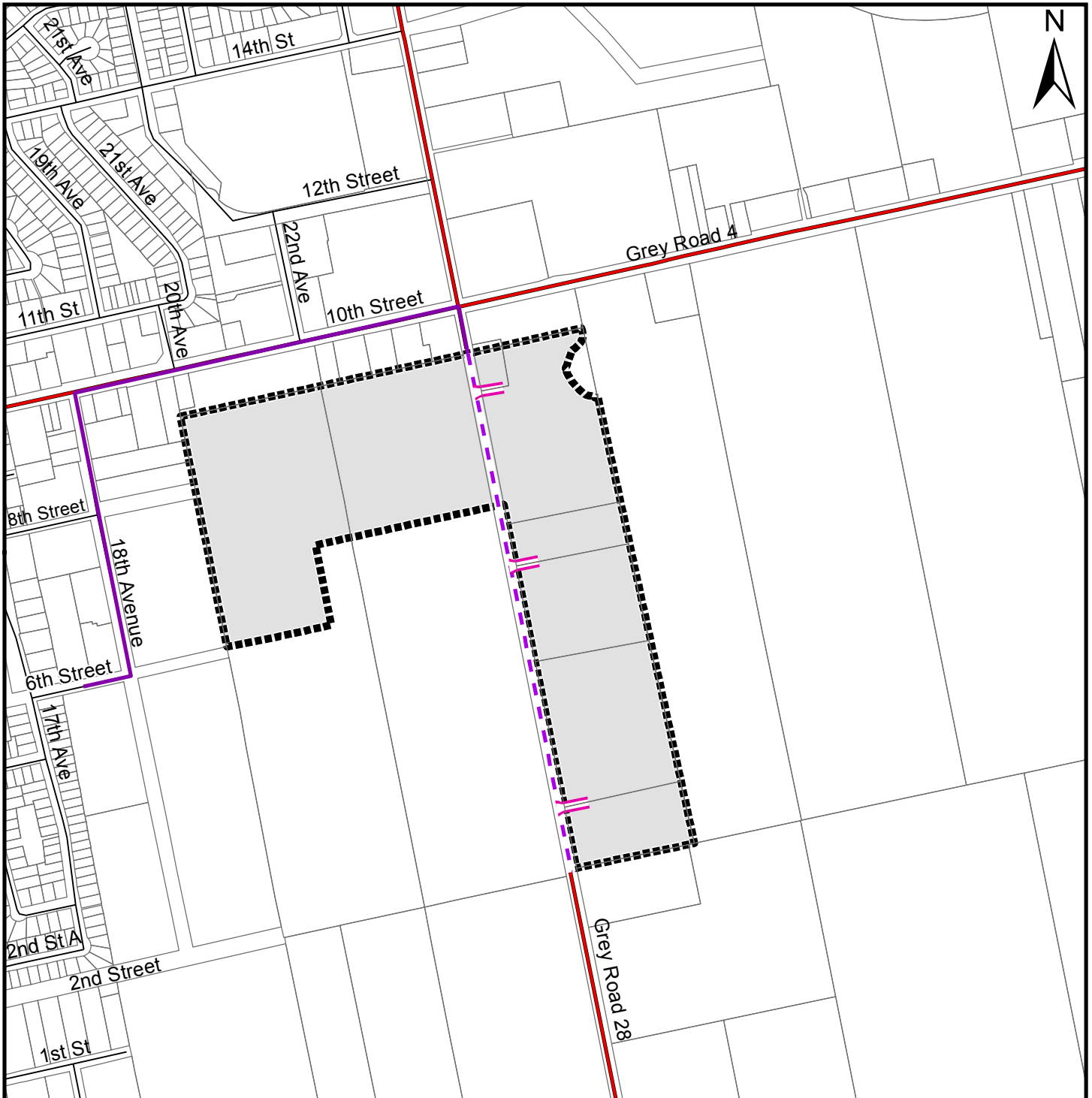
## 8.9 Existing Land Uses

Modify policy 8.9 as follows:





“The Secondary Plan is intended to provide opportunities to private land owners to develop their respective properties. Notwithstanding the land use designations shown on Secondary Schedule Map 3p ~~existing uses, which were legally established prior to the approval of Official Plan Amendment 122 dated September 9, 2015 shall be permitted to~~ and the resulting opportunities, those land uses, buildings and structures legally existing on the date of adoption of this Secondary Plan may continue to be used for such purposes.”

### **Map 3 q.**

Delete Map 3q and replace it as follows:



**LEGEND**

-  Hanover / West Grey Secondary Plan Area
-  Existing Municipal Water and Sanitary Sewer Mains
-  Proposed Municipal Water and Sanitary Sewer Main Extensions within the Secondary Plan Area
-  Proposed Location of Shared Entrances

The location of additional roads and other municipal servicing extensions within the Secondary Plan Area will be determined when specific details regarding development proposals are made available.

THE COUNTY OF GREY OFFICIAL PLAN

**SECONDARY SCHEDULE**  
Servicing and Transportation

MAP 3q

**HANOVER / WEST GREY**  
**SECONDARY PLAN**

SCALE 1:10 000

## ATTACHMENT 2

### 1. Permitted Uses

Amend Section 4 by adding a new bullet under the heading "1. Permitted Uses" as follows:

- “• Agricultural Uses including Livestock Agricultural Uses, legally existing on September 9, 2015.”

Amend Section 4 by deleting the holding provision and replacing as follows:

“The holding symbol ("h" suffix) shall not be removed from any lands zoned 'C2-325' until a Site Plan Agreement has been prepared for those lands to the satisfaction of the Municipality of West Grey and Town of Hanover . Such Agreement shall reflect Sections 8.5 ii (c) and (d) and Schedule Map 3q of the County of Grey Official Plan. In addition, where the proposed development involves a building supply outlet, grocery store, pharmacy, retail store, or other store representing a combination thereof, and such development occupies a floor area exceeding 2787 square metres, a retail market study justifying the need for the additional floor space within the Town of Hanover and this Secondary Plan Area shall be prepared to the satisfaction of the Municipality of West Grey. The “h” suffix is not applicable to permitted agricultural uses.”