



**Meeting Date:** February 25, 2026

**Prepared By:** Marion-Frances Ramos Cabral, Planner

**Submitted by:** Stephanie Bergman, RPP, Manager of Planning and Development

**Report No:** PLA-07-2026

**Subject:** Application for Zoning By-law Amendment (ZBA-3-2026), filed by Murray McKercher Professional Corporation (c/o Keenan Coombs) on behalf of CCEX Inc. (c/o Scott Vande Borne)

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**Recommendation:**

THAT Report PLA-07-2026 re: Application for Zoning By-law Amendment ZBA-3-2026 be received;

AND THAT Zoning By-law Amendment Application ZBA-3-2026, as amended, filed by Murray McKercher Professional Corporation (c/o Keenan Coombs) on behalf of CCEX Inc. (c/o Scott Vande Borne), to rezone the subject land from the 'Agricultural (A1)' Zone to 'Agricultural exception 55 (A1-55)' Zone, for the land legally described as Concession 6 N Pt Lots 2 and 3 (former Township of London) and known as 16033 Medway Road, Municipality of Middlesex Centre, be APPROVED.

**Purpose:**

The purpose of this report is to provide Council with a recommendation regarding a Zoning By-law Amendment application for the property located at 16033 Medway Road which is located on the south side of Medway Road (County Road 28) and east of Clarke Road. The property is legally described as Concession 6 N Pt Lots 2 and 3 (former Township of London).

A location map is included as Attachment 1.

**Background:**

The purpose and effect of the Zoning By-law Amendment application is to rezone 1 ha (2.47 ac) of land from 'Agricultural (A1)' to a new site-specific 'Agricultural exception 55(A1-55)' Zone to permit *"a landscape contractor's yard, which includes the use of land, or a portion thereof, for the purposes of storing equipment, vehicles, or landscape materials, provided the land area associated with said use is limited to an area of 1 hectare of land. No buildings and/or structures shall be permitted associated with the*

*landscape contractor's yard*". The effect of the application would legally permit a contractor's yard within the scope of an On-Farm Diversified Use business and ensure it is secondary to the farming operation, and that the land can be reverted to farmland. This application is a result of enforcement of the Zoning By-law where the 'Agricultural (A1)' Zone does not permit non-agricultural uses.

The subject land is approximately 41.3 ha (102 ac) in area and has a broken frontage of 667 m (2,188.3 ft.) on Medway Road. The land contains a single detached dwelling and drive shed for farm vehicles and equipment. An existing commercial landscaping business (CCEX Inc.) also operates from the property and uses the yard east of the single detached dwelling for open storage and stockpiling, and parking machinery.

The applicant indicates the landscaping business is limited to a small area in proximity to the dwelling that uses an existing vehicular entrance to Medway Road. The business uses the site for open storage areas for gravel, stone, soils, mulch and related materials, and to park vehicles and machinery associated with the business. The existing drive shed is not used for the landscaping business. The business generally operates from 7 am to 5 pm and has a total of three employees. The Zoning By-law Amendment application would only rezone the area used for the business and does not include any existing buildings or the areas used by the residential use. No new buildings or development is proposed by the applicant.

If the Zoning By-law Amendment application is approved to permit the use, the property would be subject to Site Plan Approval.

Aside from the above noted residential use and landscaping business, the property is actively farmed. The land is currently split zoned 'Agricultural (A1)' and 'Extractive Industrial exception 4 (M4-4)'. The Zoning By-law Amendment application does not intend to change the (M4-4) zoning on the property. Surrounding land uses are primarily agricultural or agriculturally related uses, and some aggregate extraction within proximity to the south of the subject land.

The land contains regulated area due to the presence of the Talbot Drain. The Talbot Drain crosses the subject lands along the north of the property in proximity to Medway Road and is regulated by the Upper Thames River Conservation Authority.

### **Policy Regulation:**

#### Provincial Planning Statement, 2024:

Section 3 of the Planning Act requires all decisions made under the Act "to be consistent with" the Provincial Planning Statement, 2024(PPS). The following PPS policies are relevant to the proposed development and need to be considered when evaluating the subject applications.

Section 4.3 of the PPS speaks to 'Agriculture'. Planning authorities are required to use an agricultural system approach, based on provincial guidance, to maintain and enhance a geographically continuous agricultural land base and support and foster the long-term economic prosperity and productive capacity of the agri-food network. Additionally, as part of the agricultural land base, prime agricultural areas, including specialty crop areas, shall be designated and protected for long-term use for agriculture.

Permitted uses within prime agricultural areas include agricultural uses, agriculture-related uses, and on-farm diversified uses based on provincial guidance. 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 provincial guidance or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

New land uses in prime agricultural areas, including the creation of lots and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.

### **Middlesex County's Official Plan**

The County of Middlesex Official Plan designates the subject land as Agricultural Area. The County Plan recognizes agriculture as the predominant land use and an economic mainstay within the County. The Agricultural policies are intended to protect agricultural lands from the intrusion of land uses that are not compatible with agricultural operations.

Agricultural Areas shall generally permit the following use:

- a) agricultural uses;
- b) up to two farm residences provided the second farm residence is a temporary residential unit;
- c) forestry uses;
- d) mineral aggregate and petroleum extraction;
- e) conservation;
- f) public and private open space and recreation facilities (subject to Provincial Policy Statement 2020 policies for site-specific non-agricultural uses provided in Section 2.3.6.1 (b) of the Provincial Policy Statement);
- g) home occupation
- h) occasional agricultural demonstration events such as a plowing match;
- i) retail stands for the sale of agricultural products produced on the farm unit upon which the retail stand is located; and
- j) bed and breakfast establishments;
- k) Additional Residential Units in accordance with Section 2.3.7.4.
- l) Agriculture-related uses and on-farm diversified use in accordance with Section 3.3.5; and
- m) public uses.

Section 3.3.5 states that Agriculture-Related and On Farm Diversified Uses directly related to, and supportive of, agricultural operation, including feed mills, grain drying, abattoirs, agricultural research centres, farm equipment repair shops, agri-tourism and veterinary clinics may be permitted providing the following policies are considered:

- a) the agriculture-related and on-farm diversified uses cannot reasonably be located in a Settlement Area and must be located in proximity to farming activities;
- b) such uses shall be located to conform with the Minimum Distance Separation Formula;

- c) where local zoning by-laws do not provide as of right zoning for agriculture related and on-farm diversified uses a site specific amendment to the Zoning By-law is approved;
- d) the agriculture-related and on-farm diversified uses shall not require large volumes of water nor generate large volumes of effluent and shall be serviced with appropriate water supply and sewage treatment facilities;
- e) agriculture-related and on-farm diversified uses shall be located and designed to minimize potential adverse impacts upon adjacent residential or other sensitive uses by buffering measures such as landscaping, berming and building setback and layout;
- f) the location agriculture-related and on-farm diversified uses must provide for a minimum sight distances from the access points in either direction along a County or local road;
- g) the site plan policies of local official plan;
- h) the agriculture-related or on-farm diversified uses shall be in accordance with the Provincial Guidelines on Permitted uses in Prime Agricultural Areas;
- i) for on-farm diversified uses, the relationship of the proposed use to the underlying farm operation;
- j) agriculture-related and on-farm diversified uses are to remain with the Agricultural Areas land use designation and are permitted without the need to amend this plan; and
- k) proposed access to highways under the jurisdiction of the Province of Ontario, or proposed access in proximity of such highways or interchange ramp terminals, shall be subject to the regulations and policies of the Ministry of Transportation and design and construction of these proposed accesses will be subject to the approval of the Ministry.

Middlesex County Official Plan Amendment No. 4 was adopted by County Council in January 2026 and makes minor changes to Section 3.3.5 above. While the policies are not in-effect yet, Council can take them into consideration when evaluating the proposal.

Specifically, subsection a) is revised to remove reference to on-farm diversified uses since the nature of the use can be located on a farm.

Additionally, subsection i) further clarifies that an on-farm diversified use is “located on a farm, is secondary to the principal agricultural use of the property, and is limited in size and scale relative to the size of the farm property” consistent with provincial policies and guidelines.

### **Middlesex Centre’s Official Plan**

The subject land is designated ‘Agricultural’ by Middlesex Centre’s Official Plan. Goals of the Official Plan include preserving agriculture as the primary land use outside of settlement areas within the Municipality, protecting agricultural areas from interference or encroachment from conflicting land uses, or uses which could reduce or negatively impact the future flexibility or efficiency of agricultural operations, and to encourage good farm management and stewardship practices.

Permitted uses within the Agricultural area includes all forms of farming, related buildings and structures, practices and uses of the land. Additional uses include the following:

- Commercial or industrial activities directly related to agriculture and required in close proximity to associated farming operations, or “value-added” agriculturally related uses as defined in Section 12.0.
- Retail sale of farm produce produced on individual properties or communally among neighbouring farms. Such communal operations should not be of a size, scale or nature likely to negatively affect the rural character of the area in question. Size and scale will be further regulated in the Municipality’s zoning by-law.
- Forestry and woodlots.
- Bed and Breakfast Establishments.
- Home Occupations.
- Natural areas and conservation uses.
- Residence Surplus to a Farming Operation.
- Small scale public and private passive recreation areas, subject to site specific zoning.
- Commercial Wind Energy Generation Systems (CWEGS) subject to site specific Zoning By-law Amendment.

It is noted that the adopted Official Plan amendment (OPA 59, adopted May 18, 2022), as modified and approved by the County of Middlesex (approved September 26, 2023) is not in-effect. However, it provides clarity regarding on-farm diversified uses that the Municipality can refer to while evaluating site-specific requests. Proposed policies are noted below:

Proposed Section 2.5 of OPA 59 states that non-agricultural uses may be permitted in the form of On-Farm Diversified Uses within the Agricultural Area, subject to the policies below and provided they satisfy the PPS definition of On-Farm Diversified Uses and the OMAFRA guidelines on permitted uses in Ontario’s Prime Agricultural Areas. The intent to is allow farm operators to supplement their income through a secondary use or activity provided it does not become the primary use of the property.

- a) On-Farm Diversified Uses may include uses such as, but not limited to, home industries, agri-tourism, farm market, provided the criteria set out below are met.
- b) Any other non-agricultural use located on a farm that meets the criteria set out Section 2.5.1 may be permitted.
- c) All On-Farm Diversified Uses shall be subject to applicable policies to that use elsewhere in this Plan.
- d) Certain On-Farm Diversified Uses (such as Home Occupations) may be permitted as-of-right by the Zoning By-law, however a Zoning By-law Amendment may be required to permit uses that are not generally permitted within, or accessory to, a residential dwelling.
- e) All On-Farm Diversified Uses shall be subject to site plan control.
- f) Proponents may be required to enter into an agreement with the Municipality to ensure the use adheres to the requirements of this plan.
- g) Examples of uses that would not be considered On-Farm Diversified Uses may include: equipment or vehicle dealerships, hotels, landscape businesses, manufacturing plants, trucking yards, full-scale restaurants, banquet halls, recurring events with permanent structures, large scale active-recreational uses or spectator sports facilities, among others.

Section 2.5.1 provides criteria for assessing On-Farm Diversified Uses. These uses must demonstrate that it will:

- a. Be secondary to the principal agricultural use of the property;
- b. Be limited in area to a maximum of 2% of the property on which the uses are located, to a maximum of 1 ha;
- c. Not prevent or preclude the on-going agricultural use of the property;

Site-specific zoning and Site Plan Control may be required to establish limits to the proposed use, location and time periods of operation, or other elements to ensure the proposed use meets the policies of this plan

### **Middlesex Centre's Zoning By-law**

The subject land is zoned 'Agricultural (A1)' in Middlesex Centre's Zoning By-law. The current zoning permits agricultural uses including a single detached dwelling, limited agriculturally related uses including existing grain handling facilities and riding schools, and limited non-agricultural uses such as a dog kennel, bed and breakfast, wayside pit and portable asphalt plant.

The application proposes the following changes:

	<b>Existing Zone 'Agricultural (A1)' Zone</b>	<b>Proposed Zone 'Agricultural exception 55 (A1-55)' Zone</b>
Permitted Uses	<i>accessory use</i> <i>agricultural use</i> <i>bed and breakfast establishment</i> <i>conservation use</i> <i>converted dwelling</i> <i>dog kennel</i> <i>forestry use</i> <i>grain handling facility, existing legally on the date of the passing of this By-law</i> <i>home occupation</i> <i>riding school</i> <i>single detached dwelling</i> <i>portable asphalt plant</i> <i>wayside pit</i>	All uses permitted within the A1 Zone  <i>Contractor's Yard</i>
Special Provisions	-	The <i>Contractor's Yard</i> includes the use of land, or a portion thereof, for the purpose of storing equipment, vehicles, or landscape materials, provided the land area associated

	Existing Zone 'Agricultural (A1)' Zone	Proposed Zone 'Agricultural exception 55 (A1-55)' Zone
		<p>with said use is limited in area to 1 hectare of land.</p> <p>No buildings and/or structures shall be permitted associated with the <i>Contractor's Yard</i>.</p>

**Consultation:**

Notice of Complete Application and Public Meeting were circulated to agencies, as well as property owners in accordance with the *Planning Act* and Ontario Regulation 543/06.

Staff did not receive comments from members of the public, area landowners or stakeholders.

**Agency Comments:**

At the time of writing this report the following comments had been received:

The Municipality's Chief Building Official reviewed the application and has no objection and advises that the permitted use should be listed as a contractor's yard without prior permission/approvals. The applicant will need to apply for Site Plan Approval.

The Public Works and Engineering Department reviewed the application and has no concerns related to servicing the site. The applicant will need to apply for Site Plan Approval and enter into an agreement with the Municipality.

The Fire Chief reviewed the application and has no objections.

The County Engineer requests that the entrance to the parcel be upgraded with hot mix asphalt paving to reflect the commercial use of the property. The owner should be required to enter into an agreement with the County of Middlesex for these improvements, an entrance permit issued by this office would suffice as a form of this agreement.

Upper Thames River Conservation Authority (UTRCA) recognizes that the Talbot Drain is present on the property and is affected by riverine flooding and erosion hazards. The UTRCA has no objections to the Zoning By-law Amendment application as the Amendment is required to recognize an existing use without proposing new development, and the portion of the subject lands proposed to be rezoned are outside of the approximate regulated area.

**Analysis:**

The current Middlesex Centre Official Plan does not contain policies that permit 'On-Farm Diversified Uses'. However, these types of uses are permitted within the County Official Plan and PPS subject to criteria and staff can rely on the existing policies to evaluate rezoning proposals without the need for an Official Plan Amendment.

The requested Official Plan Amendment seeks to consider the proposed development as an 'On-Farm Diversified Use', and an evaluation against relevant policies and guidelines is below.

The Provincial guideline, titled 'Guidelines on Permitted Uses in Ontario's Prime Agricultural Area', aids municipalities, decision-makers, and proponents when interpreting and implementing agricultural policies of the PPS. On-Farm Diversified Uses are permitted within prime agricultural areas and subject to the criteria within this Guideline. The criteria are evaluated below:

1. Located on a farm

*The proposed use is located on an actively farmed parcel that is approximately 100 acres in area.*

2. Secondary to the principal agricultural use of the property

*The principal use of the property continues to be cash crop farming and the associated farm residence. The landscaping business is limited in area and does not dominate the site nor is considered the main use of the land.*

3. Limited in area

*Provincial guidelines generally limit On-Farm Diversified Uses to 2% of the total area of the farm to a maximum of 0.8 ha (2 ac) inclusive of all buildings, infrastructure, parking, and outdoor use and storage. The applicant proposes to limit the landscaping business, inclusive of the driveway and open storage areas, to 1 ha which represents approximately 2.4% of the total land.*

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

*The proposed use is considered to be a light industrial use and does not produce value-added agricultural products nor have a direct relation to the agricultural use of the land or surrounding area.*

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

*Planning Staff do not anticipate negative impacts that will be incompatible with or hinder surrounding agricultural operations. It is noted that the landscaping business is limited in scale and does not require servicing, buildings, office space, or other amenities that would further intensify the site. Additionally, the business conducts operations off-site and is not intended to be open to members of the public.*

*Planning Staff are satisfied that by limiting the landscaping business to 1 ha and through a site plan agreement, any impacts such as encroachment on the surrounding agricultural land will be mitigated.*

The Guidelines also provide examples of uses that would typically not be considered as On-Farm Diversified Uses and this includes industrial and commercial uses such as hotels, and large scale landscape businesses, manufacturing plants and trucking yards. Additionally, uses with high water and sewage needs and/or that generate significant traffic would not be considered On-Farm Diversified Uses.

The County Official Plan provides criteria when evaluating On-Farm Diversified Uses noted below:

- a) the agriculture-related and on-farm diversified uses cannot reasonably be located in a Settlement Area and must be located in proximity to farming activities;

*The proposed operations and use of the land is considered an industrial use and planning staff continue to direct such uses to Settlement Areas on industrial-zoned land where there are fewer sensitive land uses nearby and sufficient infrastructure to service the site and proposed use. There is no increased benefit to locate the proposed use within the agricultural area since the operations service urban and rural areas.*

*The applicant has indicated that the nature of the business requires the open storage of organic materials which limits the in nearby settlement areas. Additionally, the applicant resides on the property and can continue to farm the land and operate the landscaping business.*

- b) such uses shall be located to conform with the Minimum Distance Separation Formula;

*A MDS 1 setback shall only be required for rezoning or redesignation proposals where it permits non-agricultural uses to the list of permitted uses for a lot and where the proposed amendment will permit a more sensitive land use.*

*Additionally, MDS 1 setbacks from existing livestock facilities and anaerobic digesters will generally not be needed for land use planning applications which propose On-Farm Diversified Uses. However, Municipalities can require it for certain types of uses that generate a higher density of human activity or occupation such as agri-tourism or accommodation uses.*

*Planning Staff are satisfied that MDS 1 is not required to support this Amendment.*

- c) where local zoning by-laws do not provide as of right zoning for agriculture related and on-farm diversified uses a site specific amendment to the Zoning By-law is approved;

*The Zoning By-law Amendment application is required to permit the use on this property since it is not permitted as-of-right within the 'Agricultural (A1)' Zone.*

- d) the agriculture-related and on-farm diversified uses shall not require large volumes of water nor generate large volumes of effluent and shall be serviced with appropriate water supply and sewage treatment facilities;

*The landscaping business does not require water or sanitary servicing.*

- e) agriculture-related and on-farm diversified uses shall be located and designed to minimize potential adverse impacts upon adjacent residential or other sensitive uses by buffering measures such as landscaping, berming and building setback and layout;

*The existing business is limited in area and it is not expected that it would have adverse impacts on neighbouring residential or sensitive land uses within the area. Planning Staff are primarily concerned with the impact that the use will have on the*

*agricultural use on the subject land but acknowledge that it can be addressed through limiting the size and implementing on-site controls through a site plan agreement.*

*The landscaping business is not within proximity to natural heritage features and significantly setback from the Thames River located south of the subject lands.*

- f) the location agriculture-related and on-farm diversified uses must provide for a minimum sight distances from the access points in either direction along a County or local road;

*The landscaping business does not propose to use any buildings or structures, and appears to be setback from the roadway and would not impact the sight lines at the access points. The applicant will need to ensure all proper permits are obtained from the County to erect any signage associated with the landscaping business. Any open storage areas must comply with Section 4.23 of the Zoning By-law including locating open storage areas only in the side and rear yards.*

- g) the site plan policies of local official plan;

*Section 10.5 details how site plan control will be implemented in accordance with the Site Plan Control By-law. The proposed use is not considered an exempt use or development. The Municipality will require the applicant to enter into a site plan agreement with the Municipality. As mentioned previously, on-site improvements and development will be reviewed through site plan control.*

- h) the agriculture-related or on-farm diversified uses shall be in accordance with the Provincial Guidelines on Permitted uses in Prime Agricultural Areas;

*Evaluation of the proposed landscaping business as an on-farm diversified use is provided above in this report.*

- i) for on-farm diversified uses, the relationship of the proposed use to the underlying farm operation;

*The landscaping business does not have a direct relationship with cash-crop farm operation occurring on the balance of the lands. However, the applicant resides on and farms the subject lands.*

- j) agriculture-related and on-farm diversified uses are to remain with the Agricultural Areas land use designation and are permitted without the need to amend this plan; and

*The land will remain within the Agriculture designation in both the County Official Plan and Middlesex Centre Official Plan.*

- k) proposed access to highways under the jurisdiction of the Province of Ontario, or proposed access in proximity of such highways or interchange ramp terminals, shall be subject to the regulations and policies of the Ministry of Transportation and design and construction of these proposed accesses will be subject to the approval of the Ministry.

*Development and access are not proposed in proximity to a Provincially controlled highway or interchange.*

In review of the proposed zone, Planning Staff find the requested permitted use for a *contractor's yard*, when evaluated as an On-Farm Diversified Use, appropriate to permit the landscaping business with the special regulations that no buildings or structures be permitted and that the landscaping business is limited to 1 ha as defined in the Schedule A of the amending by-law.

In review of the Zoning By-law, Planning Staff identifies that Section 4.23 "Open Storage" provisions apply to the landscaping business. Since all activities on the subject lands are open storage, Planning Staff recommends the following provisions within the 'Agricultural exception 55 (A1-55)' zone to ensure the business can operate.

- Notwithstanding Section 4.23 a), open storage associated with a *Contractor's Yard* may be the principal use within the A1-55 Zone
- Section 4.23 e) shall apply to open storage associated with a *Contractor's Yard* within the A1-55 Zone regardless of being located on a lot whereon the main use is an agricultural use.

Planning Staff are satisfied that *Contractor's Yard* can be permitted when considered as an On-Farm Diversified Use due to its limited scale and intensity on the lands, and limited impact to surrounding agricultural and sensitive land uses.

Planning Staff recommend that the subject application, as amended by Planning Staff, be approved, as the proposal is consistent with the Provincial Planning Statement, 2024, the County of Middlesex Official Plan and Middlesex Centre's Official Plan.

This opinion is provided without the benefit of receiving comments at the public meeting from members of the public, agencies, and Council. Should new information arise regarding this proposal prior to or at the public meeting, Council is advised to take such information into account when considering the applications.

**Financial Implications:**

None.

**Strategic Plan:**

This matter aligns with the following strategic priorities:

- Vibrant Local Economy

**Attachments:**

Attachment 1 – Location Map ZBA-3-2026 16033 Medway Road

Attachment 2 – Planning Justification Report ZBA-3-2026 16033 Medway Road

Attachment 3 – Applicant's Sketch ZBA-3-2026 16033 Medway Road