



Notice of Passing of a Zoning By-law

Date of Notice: July 17, 2026
By-Law No.: 65-26
Date Passed by Council: July 14, 2026
Appeal Deadline: August 3, 2026
File No.: ZBA 373
Applicant: Ruthven Greenhouse Construction Ltd.
Property: 120 Mersea Road 5

Take notice that the Council of the Corporation of the Municipality of Leamington passed the above-noted Zoning By-law, under Section 34 of the Planning Act, R.S.O., 1990, c.P.13. Council has considered the written and oral submissions from the public on this matter.

The purpose and effect of this by-law is to rezone the property known as 120 Mersea Road 5 to permit the following additional uses: Agricultural Contractor's Yard and Accessory Uses including an office or Caretaker's Residence. The change in zoning also establishes specific zone provisions for an Agricultural Contractor's Yard including Minimum Landscaped Open Space, Minimum Interior Side Yard setback, parking requirements, and a Minimum Distance Separation between the use and adjacent residential uses.

The By-law also introduces two new definitions to the Zoning By-law for an Agricultural Contractor's Yard and a Caretaker's Residence.

A description of the lands to which the By-law applies and/or a key map showing the location of the lands to which the By-law applies are attached.

This decision is subject to appeal to the Ontario Land Tribunal e-file service or with the Planning and Development Services office directly, before **4:30 PM on August 3, 2026**. A summary of the appeal procedure is enclosed.

Where no appeal, if within such 15 days, no notice of appeal is given, the decision of the committee is final and binding, and the municipal clerk shall notify the applicant and shall file a certified copy of the decision with the clerk of the municipality.

Additional Information: A copy of the Zoning By-law in its entirety can be found at leamington.ca/bylaws, or by contacting Planning and Development Services at 519-326-5761 ext. 1407, or planning@leamington.ca.

Brenda M. Percy, Clerk
Municipality of Leamington
111 Erie Street North
Leamington, ON N8H 2Z9

Explanatory Note

The purpose of By-law No. 65-26 is to rezone the property known as 120 Mersea Road 5 to permit the following additional uses: Agricultural Contractor's Yard and Accessory Uses including an office or Caretaker's Residence. The change in zoning also establishes the following specific zone provisions for an Agricultural Contractor's Yard:

Minimum Landscaped Open Space	30%
Minimum Interior Side Yard (East)	5 metres
Minimum Interior Side Yard (West)	9 metres

Parking requirement for the Agricultural Contractor's Yard shall be 26 spaces including barrier free spaces.

The Minimum Separation Distance between a Class 1 Agricultural Contractor's Yard and a residential use shall be 15 metres.

The By-law also introduces two new definitions to the Zoning By-law:

CONTRACTOR'S YARD, AGRICULTURAL, shall mean a lot, building or structure used by a contractor or service provider whose primary activity is the provision of direct products or services to farm operations in the area, for the storage of materials, supplies, vehicles and equipment, and for the maintenance or repair of equipment used in connection with such agricultural support services.

For the purposes of this definition, the use shall be directly related to and support agricultural operations, shall benefit from being located in close proximity to farm operations, and shall not include a Salvage Yard, waste transfer station, Transportation Depot, retail sales establishment, manufacturing use, processing plant, or the stockpiling of aggregate, fill, scrap, waste or recyclable materials, and shall not include the parking or dispatch of commercial vehicles unrelated to the agricultural support business carried on from the lot.

All materials and supplies shall be stored wholly within an enclosed building, and any outdoor storage shall be limited to operable vehicles and equipment associated with the permitted use, unless otherwise expressly permitted by this By-law.

CARETAKER'S RESIDENCE, shall mean one dwelling unit located on the same lot as, and accessory and subordinate to, a permitted commercial, industrial or institutional

use, and occupied by a person employed or engaged in the management, operation, maintenance, supervision or security of the principal use, and may include members of that person's household. A caretaker's residence may include an accessory office or check-in area used for controlling access to the property, receiving visitors, and signing in persons entering the premises, provided that such office or check-in area is incidental to the principal use and shall not constitute a separate office, commercial use, or public service area. It shall not include the following as defined in this By-law: Bed and Breakfast Establishment, Boarding House (large and small), Boat House, Farm Worker Dwelling (on-site and off-site), Group Home, Hotels, Inn, Lodging House, Mobile Homes, Motels, Nursing Home, Tavern, Travel Trailer.

Comments were received at the Public Meeting with respect to the Zoning By-law Amendment Application ZBA 373, including:

- Concerns that natural heritage considerations were not fully addressed;
- Concerns about land use compatibility between the proposed use and adjacent uses were not fully addressed;
- Concern that the proposed use is not "small scale" and does not meeting the criteria for agricultural-related use;
- Concern that the proposed use may introduce biosecurity risks from nearby greenhouse to the subject property;
- The potential for traffic impacts and impacts to the adequacy of the road surface from the proposed use on Mersea Road 5;
- Concern about the ability of the Municipality to enforce the permitted use of a Contractor's Yard focusing and operating only in the agricultural area; and

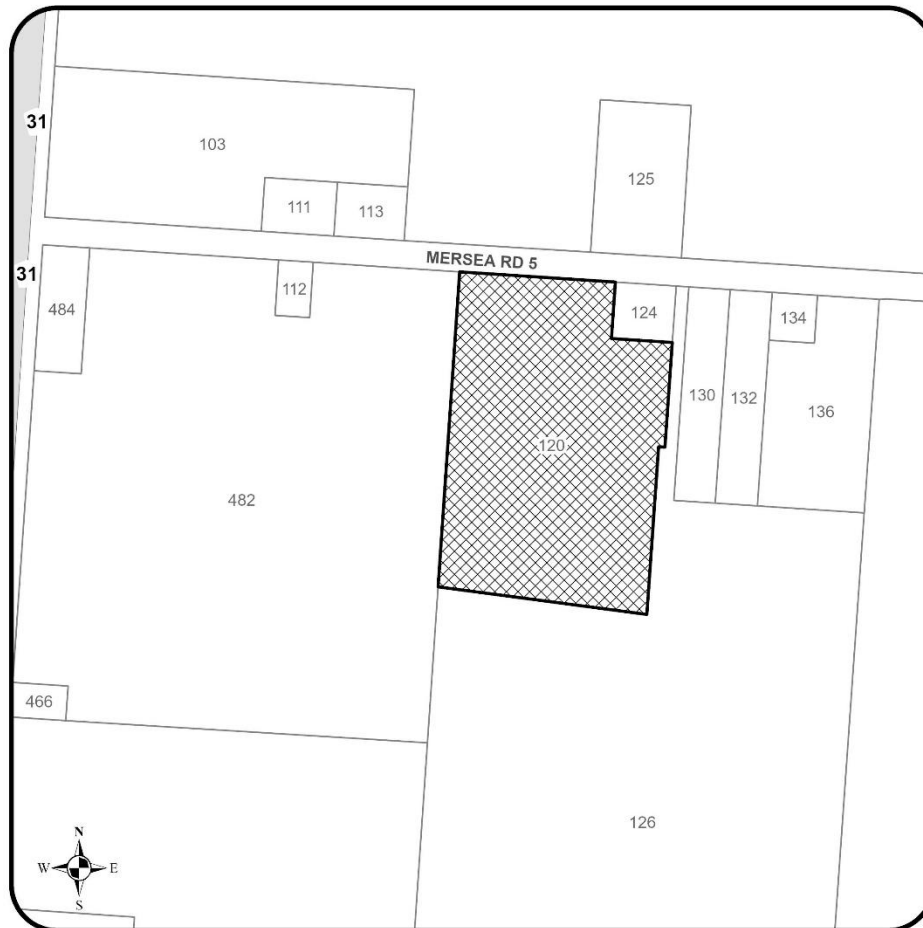
Council considered these comments when making their decision.

Location of Lands Affected

120 Mersea Road 5

Con 4 PT Lot 1 RP 12R21544 Parts 1 and 3

Bylaw Key Map





Right To Appeal to the Ontario Land Tribunal: Procedure for Filing an Appeal

If you wish to appeal a decision made by the Leamington Committee of Adjustment, you must follow these steps:

Who Can Appeal?

- Only the **applicant**, the **Minister**, or a **specified person or public body** who made written or oral submissions to the Municipality of Leamington prior to the Committee's decision may file an appeal.
- A person or public body cannot be added to the appeal hearing unless they made a submission to the Committee before the decision or the Ontario Land Tribunal deems there are reasonable grounds to add them as a party.

Deadline for Filing

- The **appeal deadline is 20 days** from the date of the notice of decision.
- If no appeal is filed within this period, the decision of the Committee will be **final and binding**.
- If no appeal is filed, the Secretary-Treasurer will notify the applicant and file a certified copy of the decision with the Municipal Clerk.

Required Information and Fees

When filing your appeal, you must provide the following:

1. Reasons for the Appeal

Clearly state the reasons you are appealing the decision.

2. Ontario Land Tribunal (OLT) Fee

- **\$1,100.00 per application**, payable to the **Minister of Finance**.
- If filing online, this fee can be paid through the OLT e-file service.
- If submitting by mail or in person, pay by **certified cheque or money order**.

Note: You may request a reduction of the OLT fee to **\$400.00** when filing the appeal.

The request must be made at the time of filing. For more details, refer to the OLT Fee

Schedule: <https://olt.gov.on.ca/fee-chart/>.

3. Municipal Processing Fee

- **\$130.00 per application**, payable to the **Municipality of Leamington** by **certified cheque**.
- This fee must be paid **separately** from the OLT fee and submitted in person or by mail to the Municipality of Leamington.

Procedure for Filing an Appeal

1. Obtain the Appeal Form

- Visit the Ontario Land Tribunal (OLT) website at <https://olt.gov.on.ca/> to download the appeal form.

2. File Your Appeal

You have two (2) options for filing your appeal:

Option 1: e-File Service

- Go to the OLT e-file service at <https://olt.gov.on.ca/e-file-service/>.
- First-time users must create a My Ontario Account.
- Select **Leamington (Municipality): Clerk and Secretary-Treasurer** as the approval authority.

Option 2: Submit in Person or by Mail

- Submit your completed appeal form to:
ATTN: Clerk
Municipality of Leamington
111 Erie Street North
Leamington, ON N8H 2Z9
- Appeals must be received **no later than 4:30 PM on the last day of the appeal period**.
- If you submit after 4:30 PM, your appeal will be considered filed on the next business day.

If the OLT e-file service is unavailable, you may also submit your appeal via email to planning@leamington.ca.

For more information, you can contact Planning and Development Services of the Municipality of Leamington at planning@leamington.ca or visit the OLT website.