



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

MISSION STATEMENT: *Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

Author's Name: Janine Mastronardi	Report Date: January 27, 2023
Author's Phone: 519 736-5408 ext. 2134	Date to Council: February 13, 2023
Author's E-mail: jmastronardi@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Statutory Public Meeting to Consider a Zoning By-law Amendment for lands severed from 6436 Concession 6 N

1. **RECOMMENDATION:**

It is recommended that:

1. Comments from the public with respect to Zoning By-law Amendment for lands severed from 6436 Concession 6 N (File ZBA-02-23), owned by 806574 Ontario Inc. and James Shaw **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, Zoning By-law 2023-026 **BE CONSIDERED** at the regular Council meeting following this public meeting.

2. **BACKGROUND:**

The lands are the subject of a decision of the Committee of Adjustment for Application B/01/23, which approved a surplus dwelling severance with associated conditions. The rezoning of the subject property to A-36 is a condition of the consent decision. Condition (5) of the decision states:

5. *That the retained farmland to be rezoned to ensure that no new dwelling units shall be permitted and the requirement for this non-development be registered against the title of the property.*

3. DISCUSSION:

The Town is in receipt of an application for a Zoning By-law Amendment to By-law 1999-52, as amended under Section 34 of the Planning Act, R.S.O. 1990 c.P. 13 from 806574 Ontario Inc. and James Shaw. The subject lands affected by the proposed amendment are described as Part of Lot 6, Concession 5, municipally known as part of W/S Concession 6 N; the residence which was the subject of the severance is located at 6436 Concession 6 N is not subject to this rezoning. At the conclusion of the severance, the remaining farm parcel subject of the Zoning By-law Amendment will have a total area of 20.4 hectares (50.4 acres) ±.

The proposed amendment to the Zoning By-law would change the zoning for the subject lands noted above from the “Agricultural (A) Zone” to “Special Provision Agricultural (A-36) Zone”. The land is designated Agricultural in the Town’s Official Plan. The parcel was the subject of an application for consent (File B/01/23) to sever a dwelling which is surplus to the needs of the farming operation. The rezoning of the subject property to A-36 is a condition of the consent decision.

The effect of the Zoning By-law Amendment will be to allow for general agricultural uses on the subject property and prohibit any new dwelling units on the land.

The application is consistent with the Provincial Policy Statement (2020), specifically Section 2.3.4.1(c) which provides for lot creation for a residence surplus to a farming operation as a result of farm consolidation provided that new residential dwellings are prohibited on any vacant remnant parcel created by the severance. The application is also in conformity with the Town’s Official Plan, specifically Section 3.2.2(14), which provides for surplus dwelling severances subject to the remnant parcel being rezoned to prohibit a dwelling unit. The proposed lot size as well as the intended land use for the subject parcel complies with the zone requirements for the Special Provision Agricultural Zone.

Should Council not approve the proposed application for Zoning By-law Amendment, the consent which has been approved by the Committee of Adjustment cannot be finalized. The home which is surplus to the needs of the farming operation could then not be severed and transferred.

Planning staff will be reviewing all of the questions and comments received from this statutory public meeting, will be assessing all information provided by the Applicant and all internal and external departmental and agency comments, and will be preparing a subsequent staff report that discusses how the above items are being addressed. The second staff report will summarize all of the comments received and make recommendation(s) regarding the proposed rezoning and any applicable conditions if required.

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality.

5. FINANCIAL MATTERS:

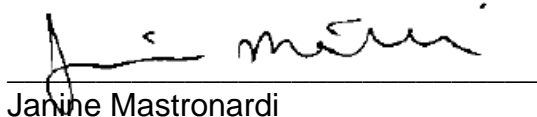
All costs associated with the application are the responsibility of the applicant. Should the decision be appealed to the Ontario Land Tribunal then the Town will incur costs.

6. CONSULTATIONS:

The Notice of Public Meeting was published in the local newspaper and on the Town website and circulated to the required agencies, property owners and municipal departments in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13 and associated regulations.

7. CONCLUSION:

Following the statutory public meeting, planning staff will be preparing a subsequent report for Council that will include a comprehensive analysis of all of the comments and recommendations received, and will provide a professional planning opinion and a staff recommendation with respect to the requested zoning by-law amendment.



Janine Mastronardi
Planner

JM

DEPARTMENTS/OTHERS CONSULTED:

Name: Office of Engineering and Public Works
Phone #: 519 736-3664 ext. 2313

Name: Building Services
Phone #: 519 736-5408 ext. 2136

Name: Fire Services
Phone #: 519 736-6500

Name: Union Gas
Email: ONTUGLandsINQ@uniongas.com

Name: Ontario Power Generation
Email: Executivevp.lawanddevelopment@opg.com

Name: Essex Region Conservation Authority
Phone #: 519 776-5209

Name: County of Essex

Phone #: 519 776-6441

Name: Windsor Essex Catholic District School Board

Phone #: 519 253-2481

Name: Greater Essex County District School Board

Phone #: 519-255-3200

Report Approval Details

Document Title:	Statutory Public Meeting to Consider a Zoning By-law Amendment for lands severed from 6436 Concession 6 N.docx
Attachments:	<ul style="list-style-type: none">- Appendix A- ZBA-02-23- Aerial.pdf- Appendix B- ZBA-02-23- Site Photo.pdf- Appendix C- B-01-23- Decision.pdf- Appendix D- Summary of Comments for ZBA-02-23- Lands Severed from 6436 Conc 6 N.pdf- Appendix E- 120 m Circulation Map and List.pdf- Appendix F- 2023-026- ZBA- WS Conc 6 N- A-36- DRAFT.pdf
Final Approval Date:	Feb 8, 2023

This report and all of its attachments were approved and signed as outlined below:

No Signature found

Chris Aspila



Melissa Osborne



Tracy Prince



Valerie Critchley

A handwritten signature in black ink, appearing to read "Kevin Fox", with a long horizontal line extending from the end of the signature.

Kevin Fox