



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PLANNING, DEVELOPMENT & LEGISLATIVE 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: Frank Garardo	Report Date: December 19, 2019
Author's Phone: 519 736-5408 ext. 2124	Date to Council: January 27, 2020
Author's E-mail: fgarardo@amherstburg.ca	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: Zoning By-Law Amendment- ES Creek Road (Conc 3 Pt Lot 32)

1. RECOMMENDATION:

It is recommended that:

1. **By-law 2020-009** being a by-law to amend Zoning By-law No. 1999-52, be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

2. BACKGROUND:

The Statutory Public Meeting was held at 5:00 p.m., December 9, 2019 to hear public comments on an application for a Zoning By-law Amendment for the ES Creek Road (Conc 3 Pt Lot 32), Amherstburg. The Zoning By-law Amendment (ZBA) will change the zoning for the subject lands from the "Agricultural (A) Zone" to "Special Provision Agricultural (A-36) Zone". The parcel was the subject of an application for consent (File B/28/19) 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.

3. DISCUSSION:

The subject lands affected by the proposed ZBA are described as Conc 3 Pt Lot 32.

As noted above, the applicant severed a parcel of land being 65.44 m (214.7 ft) ± frontage by an irregular depth with an area of 37,026 sq m (0.85 acres) ± which included a single detached dwelling, which was surplus to the needs of the farming operation. The residence which was the subject of the severance is located at 3671 Creek Road, is not subject to this rezoning. At conclusion of the severance, the

remaining farm parcel subject of the recommended ZBA will have a total area of 92.16 acres ±.

The subject parcel is zoned Agriculture in the Zoning By-Law and Agriculture in the Town's Official Plan.

The effect of the ZBA will 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, 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 ensure no new dwelling units will be permitted. 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.

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality. Should Council not approve the proposed application for ZBA, the consent which has been approved by the Committee of Adjustment could not be finalized. The home which is surplus to the needs of the farming operation could then not be severed and transferred.

5. FINANCIAL MATTERS:

All costs associated with the application are the responsibility of the applicant. Support of agricultural operations promotes stability in agricultural assessment base.

6. CONSULTATIONS:

No further consultations are required on this application. All statutory notice requirements and consultations were met through the planning process.

7. CONCLUSION:

Administration recommends that Zoning By-law 2020-009 be approved by Council, given three readings and finally passed and the Mayor and Clerk be authorized to sign same.



Frank Garardo
Manager of Planning Services

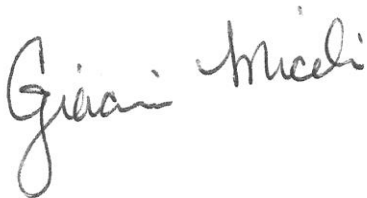
Report Approval Details

Document Title:	Zoning By-Law Amendment for 3671 Creek Road (Conc. 3 Pt Lot 32).docx
Attachments:	- Report to Council-January 27-ZBA ES Creek A-36-ATTACHMENTS.pdf
Final Approval Date:	Jan 21, 2020

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



Cheryl Horrobin



John Miceli



Paula Parker