



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

Mission Statement: As stewards of the Town of Amherstburg, we strive to improve the quality of life of all residents through the delivery of effective, efficient, and affordable services.

Author's Name: Sarah French	Report Date: March 7, 2025
Author's Phone: 519 736-5408 ext. 2145	Date to Council: March 24, 2025
Author's E-mail: sfrench@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

**Subject: Statutory Public Meeting to consider a Zoning By-law Amendment
ZBA-04-25 for the retained farmland severed from 5010 County Road
18**

1. RECOMMENDATION:

It is recommended that:

1. Comments from the public, municipal departments, agencies and Council with respect to the proposed Zoning By-law Amendment for lands municipally known as the retained farmland severed from 5010 County Road 18 (File ZBA-04-25) **BE RECEIVED and SUMMARIZED** in a future report to Council.

2. BACKGROUND:

The lands are the subject of a decision of the Committee of Adjustment for Application B/04/25, which approved a surplus dwelling severance with associated conditions. The rezoning of the subject property to A-49 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. Additionally, that the rezoning restrict livestock within the existing accessory structure, at its current location, on the retained farmland.

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 Robert

Marc Knight, c/o Amanda Camlis. The subject lands affected by the proposed amendment are described as Concession 5, Part Lots 44 and 45, municipally known as the retained farmland severed from 5010 County Road 18. The residence and accessory structures which was the subject of the surplus dwelling severance is located at 5010 County Road 18 are 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 21.05 hectares \pm .

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-48) Zone". The land is designated Agricultural in the Town's Official Plan. The parcel was the subject of an application for consent (File B/04/25) to sever a dwelling and accessory structures which are surplus to the needs of the farming operation. The rezoning of the subject property to A-48 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. In addition, the Zoning By-law Amendment will restrict the housing of livestock within the accessory structure located on the retained farmland. Due to the proximity of the farm building in relation to the dwellings at 5231 Concession 5 S, 5090 County Road 18 and the proposed surplus dwelling, the building would not be able to meet Minimum Distance Separation requirements for housing livestock. As an accessory building can be converted to house livestock without a building permit, it was recommended that the rezoning include a provision to restrict livestock within the structure at its current location. This will not limit the farmer from building a livestock facility that complies with Minimum Distance Separation, should he want to house livestock on the property in the future.

The application is consistent with the Provincial Policy Statement (2024), specifically Section 4.3.3.1(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. At the date of the writing of this report, no comments from the public were received.

7. CORPORATE STRATEGIC ALIGNMENT:

Vision: Preserving our past while forging our future.

<i>Amherstburg Community Strategic Plan 2022 - 2026</i>	
<p>PILLAR 1 Deliver Trusted & Accountable Local Government</p> <ul style="list-style-type: none"><input type="checkbox"/> Improve trust between council and staff, and residents, by strengthening governance and internal accountability structures.<input type="checkbox"/> Deliver transparent and efficient financial management.<input type="checkbox"/> Increase effective communication and engagement with residents.<input type="checkbox"/> Develop our staff team, resources, and workplace culture.<input checked="" type="checkbox"/> Continue to deliver strong core municipal services.<input type="checkbox"/> Ensure Amherstburg is an inclusive accessible and welcoming community committed to reconciliation.	<p>PILLAR 3 Encourage Local Economic Prosperity</p> <ul style="list-style-type: none"><input type="checkbox"/> Encourage development of commercial and industrial lands.<input type="checkbox"/> Continue to promote local tourism industry, especially overnight accommodation.<input type="checkbox"/> Continue to facilitate downtown development for residents and visitors.<input type="checkbox"/> Continue to leverage partnership opportunities with other provincial, federal, and local governments, agencies, and organizations.
<p>PILLAR 2 Invest in Community Amenities and Infrastructure</p> <ul style="list-style-type: none"><input type="checkbox"/> Maintain safe, reliable and accessible municipal infrastructure and facilities.<input type="checkbox"/> Increase access to recreation opportunities for all ages.	<p>PILLAR 4 Shape Growth Aligned with Local Identity</p> <ul style="list-style-type: none"><input type="checkbox"/> Define and communicate a vision for the Town's future and identity.<input type="checkbox"/> Promote and plan for green and "climate change ready" development.

<input type="checkbox"/> Finalize and execute plans for town-owned lands (e.g. Duffy's site, Belle Vue) <input type="checkbox"/> Create public access to water and waterfront <input type="checkbox"/> Prioritize opportunities to reduce environmental impacts of Town operations and increase Town resilience to climate change.	<input type="checkbox"/> Review and implement policies that promote greater access to diverse housing. <input type="checkbox"/> Protect the Town's historic sites and heritage. <input checked="" type="checkbox"/> Preserve the Town's greenspaces, agricultural lands, and natural environment.
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8. **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.



Sarah French
Planner

Report Approval Details

Document Title:	Statutory Public Meeting to Consider a Zoning By-law Amendment ZBA-04-25 for 5010 County Road 18.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - ZBA-04-25- Notice of Statutory Public Meeting- 5010 County Rd 18-RM.pdf- Appendix B - ZBA-04-25 Application_Redacted.-RM.pdf- Appendix C - ZBA-04-25 Aerials-RM.pdf- Appendix D - Sketch of surplus lot-RM.pdf- Appendix E - Site photo-RM.pdf- Appendix F - B-04-25- Decision-RM.pdf- Appendix G - Council Circulation List-RM.pdf- Appendix H - Summary of Correspondence Received on ZBA-04-25-since March 7, 2025-RM.pdf- Appendix I - 2025-019- ZBA- farmland severed from 5010 County Rd 18 DRAFT-RM.pdf
Final Approval Date:	Mar 12, 2025

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". The signature is stylized with a large, sweeping "K" and a long, horizontal stroke extending to the right.

Kevin Fox