



## 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 for Zoning By-law Amendment ZBA-20-24 for 6321 County Road 20**

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#### **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 6321 County Road 20 (File ZBA-20-24) **BE RECEIVED and SUMMARIZED** in a future report to Council.

#### **2. BACKGROUND:**

The Town is in receipt of an application for a Zoning By-law Amendment to By-law 1999-52, as amended, from Chantale Bouchard, c/o Jackie Lassaline, Planner. The subject lands are located on the north side of County Road 20 east of St. Therese, and are municipally known as 6321 County Road 20. It should be noted that the lot lines within the municipal mapping are incorrect. The survey provided in Appendix D provides the accurate lot lines. MPAC has been notified of this error and is working to correct the municipal mapping.

The effect of the amendment will be to allow for the existing roadside stand to sell goods that are produced both on the subject site and locally by other businesses. This rezoning, if approved, will add additional permissions to Home Occupation – Rural (Section 3(10)) provisions, specific to the subject site. The additional permissions will allow for the retail sales of goods that are produced both on the property through the rural home occupation and off the property through local farms and businesses, and allow for the retail sales of goods to occupy up to 50% of the floor area of the rural home

occupation. The rural home occupation will not be permitted to exceed the maximum lot coverage permitted in the Zoning By-law 1999-52, as amended, of 10% of the area of the lot.

In preparing this information report for Council, planning staff have reviewed the following documents/submissions in order to provide comments to Council regarding the proposed development:

1. Town of Amherstburg Official Plan
2. Town of Amherstburg Zoning By-law
3. Relevant legislation – Planning Act
4. Comments Received as of March 7, 2025 (Appendix “H”)

### **3. DISCUSSION:**

The subject lands are designated Agricultural in the Town of Amherstburg’s Official Plan.

Section 3.2 of the Official Plan states:

*Good agricultural lands and viable farming operations are non-renewable resources essential to the economic well being of Amherstburg, Essex County and the Province of Ontario. These non-renewable resources need to be protected, preserved and enhanced to ensure that productive agricultural land continues to exist and is not undermined by non-agricultural activities. The Agricultural policies provide a framework for the protection and maintenance of the agricultural industry not only as a producer of food and other products but also as a foundation for a rural way of life.*

*The policies will ensure that good agricultural land is preserved for agricultural use through the protection of the land base by directing land uses that are not related to or compatible with agriculture away from the agricultural area. The policies will also ensure that the minimum agricultural operation unit size or farm parcel size is maintained equal to the typical agricultural operation while also permitting farming operations to adjust to changing economic and technological conditions. In the Agricultural area of Amherstburg, agriculture is the primary long term land use. The main purpose of the designation is to provide a secure land base for agricultural activities and to support the concept of “right-to-farm”.*

#### **3.2.1 Goals**

*The following goals are established for the Agricultural area:*

- (1) To preserve and enhance good agricultural land for agricultural purposes;*
- (2) To allow farm operators sufficient flexibility to engage in a wide range of agricultural activities;*
- (3) To restrict the type and amount of non-farm development in the agricultural area;*
- (4) To encourage the retention and enhancement of existing windrows, hedgerows, and small woodlots in order to protect the high quality of landscape, provide habitat for wildlife, mitigate wind erosion and protect surface and groundwater resources; and*

*(5) To direct non-agricultural development to Settlement Areas and to control the development of agriculturally related commercial and agriculturally related industrial uses.*

The amendment will allow for the continuation of an existing roadside stand within an agricultural area. The applicant wishes to continue to sell products made both within her rural home occupation including prepared foods, and products from local farmers and businesses including fruits and vegetables, fresh baked goods, jarred products, etc. The applicant's planner, Jackie Lassaline, has prepared a detailed Planning Rationale Report (Appendix E) which contains a list of products sold at the roadside stand, known as Pit's Fresh Veggies. The use is small scale and related to the local farming operations.

The subject lands are zoned Agricultural (A) Zone. The site-specific amendment will provide for increased rural home occupation provisions (Section 3.10) by permitting retail sales of goods that are not manufactured through the rural home occupation and permitting the retail sale of goods to occupy up to 50% of the floor space of the home occupation. As per the Planning Rationale Report, the rural home business consists of the following:

- A 21.2 m<sup>2</sup> mobile vegetable stand
- A 7.2 m<sup>2</sup> exterior walk-in cooler
- A 12 m<sup>2</sup> Euroshed
- Area within the residence for storage and cooking of meals – 44.6 m<sup>2</sup>

The intent of the amendment is to permit Pit's Fresh Veggies to continue to sell the product that they currently sell. Pit's Fresh Veggies was provided a business licence by the Town of Amherstburg to sell product produced on site. However, since the business also sells products produced by off-site farmers and small businesses, it was determined that a Zoning By-law Amendment was required to permit the business to continue to sell the products that are produced off-site.

The proposed amendment is consistent with Section 4.3 of the Provincial Planning Statement (2024). Section 4.3.2.1 states:

*In prime agricultural areas, permitted uses and activities are: 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.*

The farm stall is not on an existing farm, as the property is only 1 acre in size, however it is located within an agricultural area and in close proximity to many farms. The proposed amendment does not remove farmland from agricultural practice and is compatible with agricultural operations. The rural home occupation is small scale and will not be permitted to grow beyond the current 10% maximum lot coverage size as per Section 3.10 of the Zoning By-law.

The Ontario Guidelines on Permitted Uses Guide, produced by Ontario Ministry of Agriculture, Foods and Rural Affairs (OMAFRA, 2016) states that a farm stand can be considered an agriculturally related use and can include retailing of farm products grown in the area. An on-farm diversified use might also include the sales of goods produced beyond the area or unrelated to agriculture. The farm stand benefits local farmers and does not remove any land from production, due to its location on a predominately residential parcel of land. It is appropriately placed within an agricultural area. While it is not located on a farm, it benefits local farming operations through the sale of their produce.

The purpose of this initial public meeting is to provide an opportunity for the applicant to present information and outline the purpose of the application to Council and to hear all comments regarding the rezoning. As Council is aware, notice for the proposed re-zoning was circulated in accordance to the provisions of the Planning Act. As of the preparation of this report, a number of comments were received by the Town. A summary of the comments is attached to this report as Appendix "H".

Following this public meeting, staff will review all of the comments submitted as part of this application and prepare a report for a subsequent Council meeting. 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. Additional analysis of planning policy will be provided in the follow-up report to Council with a staff recommendation.

#### **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. CORPORATE STRATEGIC ALIGNMENT:

*Vision: Preserving our past while forging our future.*

<i>Amherstburg Community Strategic Plan 2022 - 2026</i>	
<p><b>PILLAR 1</b> <b>Deliver Trusted &amp; Accountable Local Government</b></p> <ul style="list-style-type: none"><li><input type="checkbox"/> Improve trust between council and staff, and residents, by strengthening governance and internal accountability structures.</li><li><input type="checkbox"/> Deliver transparent and efficient financial management.</li><li><input type="checkbox"/> Increase effective communication and engagement with residents.</li><li><input type="checkbox"/> Develop our staff team, resources, and workplace culture.</li><li>✓ Continue to deliver strong core municipal services.</li><li><input type="checkbox"/> Ensure Amherstburg is an inclusive accessible and welcoming community committed to reconciliation.</li></ul>	<p><b>PILLAR 3</b> <b>Encourage Local Economic Prosperity</b></p> <ul style="list-style-type: none"><li><input type="checkbox"/> Encourage development of commercial and industrial lands.</li><li><input type="checkbox"/> Continue to promote local tourism industry, especially overnight accommodation.</li><li><input type="checkbox"/> Continue to facilitate downtown development for residents and visitors.</li><li><input type="checkbox"/> Continue to leverage partnership opportunities with other provincial, federal, and local governments, agencies, and organizations.</li></ul>
<p><b>PILLAR 2</b> <b>Invest in Community Amenities and Infrastructure</b></p> <ul style="list-style-type: none"><li><input type="checkbox"/> Maintain safe, reliable and accessible municipal infrastructure and facilities.</li><li><input type="checkbox"/> Increase access to recreation opportunities for all ages.</li><li><input type="checkbox"/> Finalize and execute plans for town-owned lands (e.g. Duffy's site, Belle Vue)</li><li><input type="checkbox"/> Create public access to water and waterfront</li><li><input type="checkbox"/> Prioritize opportunities to reduce environmental impacts of Town operations and increase Town resilience to climate change.</li></ul>	<p><b>PILLAR 4</b> <b>Shape Growth Aligned with Local Identity</b></p> <ul style="list-style-type: none"><li><input type="checkbox"/> Define and communicate a vision for the Town's future and identity.</li><li><input type="checkbox"/> Promote and plan for green and "climate change ready" development.</li><li><input type="checkbox"/> Review and implement policies that promote greater access to diverse housing.</li><li><input type="checkbox"/> Protect the Town's historic sites and heritage.</li><li>✓ Preserve the Town's greenspaces, agricultural lands, and natural environment.</li></ul>

## 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.

*S. French*



## Report Approval Details

Document Title:	Statutory Public Meeting to Consider a Zoning By-law Amendment ZBA-20-24 for 6321 County Road 20.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - ZBA-20-24- Notice of Statutory Public Meeting- 6321 Cty Rd 20-RM.pdf</li><li>- Appendix B - ZBA-20-24 APPLN 6321 CO RD 20 BOUCHARD JL JUNE 11 2024_Redacted-RM.pdf</li><li>- Appendix C - ZBA-20-24 Aerials-RM.pdf</li><li>- Appendix D - Survey 12R06139.-RM.pdf</li><li>- Appendix E - Planning Rationale Report JANUARY 21 2025 REV2 JL-RM.pdf</li><li>- Appendix F - 6321 County Road 20 Site Photos-RM.pdf</li><li>- Appendix G - Council Circulation List-RM (1).pdf</li><li>- Appendix H - Summary of Correspondence Received on ZBA-18-24-since July 26, 2024-RM.pdf</li><li>- Appendix I - 2025-020- ZBA- 6321 County Road 20 DRAFT-RM.pdf</li></ul>
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