



## 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.

<b>Author's Name:</b> Sarah French	<b>Report Date:</b> April 11, 2025
<b>Author's Phone:</b> 519 736-5408 ext. 2145	<b>Date to Council:</b> April 29, 2025
<b>Author's E-mail:</b> sfrench@amherstburg.ca	<b>Resolution #:</b>

**To:** Mayor and Members of Town Council

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

---

#### 1. **RECOMMENDATION:**

It is recommended that:

1. **By-law 2025-020** being a by-law to amend Zoning By-law No. 1999-52, to amend the zoning for the subject lands known as 6321 County Road 20 be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

#### 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.

A Statutory Public Meeting under the Planning Act was held on March 24, 2025, at which no comments were received from members of the community or Council.

In preparing this report to Council, administration has reviewed the submission and the following documents:

- Planning Act, R.S.O. 1990
- Provincial Planning Statement 2024

- County of Essex Official Plan (2014)
- Locally Adopted County of Essex Official Plan (2024)
- Town of Amherstburg Official Plan
- Town of Amherstburg Zoning By-law 1999-52
- Written and Oral comments received

### **3. DISCUSSION:**

This Zoning Amendment, if approved, will rezone the subject lands from “**Agricultural (A) Zone**” to “**Special Provision Agricultural (A-48) Zone**”.

The submitted application seeks to establish a site-specific zone to add additional permitted uses to the home occupation section of the Zoning By-law, as a permitted use on the subject lands. 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.

### ***PLANNING ANALYSIS***

The submitted application is consistent with the Provincial Policy Statement and in conformity with the County of Essex Official Plan and the Town of Amherstburg Official Plan. The applicant’s planner, Jackie Lassaline, has submitted a Planning Justification Report, which is attached to this report as Appendix D.

The following section will identify the planning rationale to support the recommendation of this report.

### ***Planning Act (R.S.O. 1990)***

*The purposes of the Planning Act are;*

*“(a) to promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act;*

*(b) to provide for a land use planning system led by provincial policy;*

*(c) to integrate matters of provincial interest in provincial and municipal planning decisions;*

*(d) to provide for planning processes that are fair by making them open, accessible, timely*

*and efficient;*

*(e) to encourage co-operation and co-ordination among various interests;*

*(f) to recognize the decision-making authority and accountability of municipal councils in planning. 1994, c. 23, s”*

*The proposal is consistent with Section 2 of the Planning Act which requires that the Council have regard to matters of provincial interest including (the following are excerpts*

*from Section 2 of the Planning Act that apply to this development):*

- the protection of the agricultural resources of the Province;*
- the adequate provision of a full range of housing, including affordable housing;*
- the appropriate location of growth and development;*

The proposed zoning amendment does not result in the removal of agricultural land nor provide a use that will have a negative impact on agricultural production. The roadside stand is small in scale and benefits from being close to agriculture. It sells produce grown by local farmers. The proposal appears to be consistent with the Planning Act.

### ***Provincial Planning Statement 2024***

The Provincial Planning Statement was issued under section 3 of the Planning Act and came into effect October 20, 2024. It replaces the Provincial Policy Statement that came into effect on May 1, 2020.

The Provincial Planning Statement provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Planning Statement sets the policy foundation for regulating the development and use of land province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

When reviewing a planning application to determine if the requested Zoning By-law Amendment (ZBA) makes sound planning, it is imperative that the proposed development is consistent with the Provincial Planning Statement (PPS).

The PPS provides policy direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS recognizes that the wise management of development may involve directing, promoting, or sustaining growth. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs while achieving efficient development patterns.

The following policy excerpts from the PPS are particularly applicable to the subject application:

### ***4.3 Agriculture***

#### ***4.3.1 General Policies for Agriculture***

- 1. Planning authorities are required to use an agricultural system approach, based on provincial guidance, to maintain and enhance a geographically continuous agricultural land base and support and foster the long-term economic prosperity and productive capacity of the agri-food network.*
- 2. As part of the agricultural land base, prime agricultural areas, including specialty crop areas, shall be designated and protected for long-term use for agriculture.*
- 3. Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the prime agricultural area, in this order of priority.*

### **4.3.2 Permitted Uses**

1. *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.*

1. *In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.*
2. *New land uses in prime agricultural areas, including the creation of lots and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.*
3. *A principal dwelling associated with an agricultural operation shall be permitted in prime agricultural areas as an agricultural use, in accordance with provincial guidance, except where prohibited in accordance with policy 4.3.3.1.c).*

The roadside farm stand 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.

Therefore, it is the opinion of the author of this report that the proposed amendment is consistent with the Provincial Planning Statement (2024).

### **County of Essex Official Plan 2014**

The County of Essex Official Plan was adopted on February 19, 2014 and was approved by the province on April 28, 2015. All lower tier Official Plans or amendments must comply with the policies of the upper tier Official Plan (County). The applicable County policies that should be considered when assessing the merits of the subject Official Plan Amendment include:

### **3.3 Agricultural**

#### **3.3.2 Goals**

The following goals are established for those lands designated as “Agricultural” on Schedule “A1”:

- a) To protect prime agricultural areas for agricultural purposes to ensure the continued long-term availability of this resource.
- b) To promote and protect agricultural uses and normal farm practices on lands within the “Agricultural” designation.
- c) To allow and encourage farm operators to engage in a wide range of agricultural activities.
- d) To restrict the type and amount of non-farm development in the “Agricultural” designation by encouraging non-farm uses to locate in the existing “Settlement Areas” identified on Schedule “A1”.
- e) To only permit the expansions of existing Primary Settlement Areas onto lands designated “Agricultural” where demonstrated need for such an expansion has been justified either through a Local Comprehensive Review or a comprehensive review.
- f) To discourage lot creation in the “Agricultural” designation and establish a County-wide minimum farm parcel size that protects the agricultural land base from fragmentation. The minimum farm parcel size shall ensure that the size of new agricultural lots are appropriate for the type of agricultural use(s) common in the area and are sufficiently large enough to maintain flexibility for future changes in the type or size of agricultural operation.
- g) To ensure new farm and non-farm uses comply with the Minimum Distance Separation Formulae, as amended by the Province from time to time.
- h) To encourage the retention of woodlots as integral components of the farm operation for agroforestry and the other benefits woodlands provide.

#### **3.3.3.1 Permitted Uses**

The following uses are permitted within the “Agricultural” designation subject to the policies of this section:

- a) Agricultural Uses, Secondary Uses and Agriculture-Related Uses.
- b) Forestry, conservation uses, wildlife and fisheries management.
- c) Watershed management and flood and erosion control projects carried out or supervised by a public agency.
- d) A single detached dwelling in conjunction with an agricultural use, on an existing lot of record, and on a newly created lot approved as a residence surplus to a farming operation.
- e) Accessory farm accommodation, in accordance with Section 3.3.3.5 of this Plan.
- f) Passive recreational uses such as pedestrian trails.

#### **3.3.3.2 Secondary Uses**

Secondary uses are secondary to the principal use of a property and may include, but are not limited to home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property. The following policies apply to secondary uses:

- a) Local municipal Official Plans shall contain criteria for the establishment of secondary uses that ensure the following:
  - i) The use shall not hinder surrounding agricultural uses.

ii) *The amount of land and size of the building devoted to the use is limited in proportion to the principal use and buildings on the property such that the use is clearly secondary to the principal use on the lot.*

iii) *Limits are established on the total number of employees, as well as the number of outside employees that do not reside on the property*

iv) *That the zoning or sign by-law regulate signage.*

v) *That the use does not change the agricultural character of the area.*

vi) *That the use does not create a safety hazard or become a public nuisance, particularly in regard to traffic, parking, noise, noxious odours or other emissions.*

vii) *Limits on outdoor storage.*

b) *Home industry uses are occupations, trades, businesses, professions, or crafts that are secondary to the agricultural use or agriculture-related use or residential use on the property.*

*Home industry uses shall generally be confined to an outbuilding within the existing farm-building cluster and include but are not limited to small engine repair, woodworking and metal working.*

*Home industry uses shall generally not exceed 90 square metres; however, local Official Plans may provide for larger home industry uses subject to the establishment of policies that:*

i) *Demonstrate that the increased size of the use is not more appropriately located within a settlement area.*

ii) *Balance the needs of the home industry with the needs of other businesses in the community that contribute to the vitality and mixture of uses within settlement areas and bear the financial risks of site specific operations that are not shared by the relatively insulated home industry.*

iii) *Ensure compatibility with adjacent or nearby uses by preventing adverse effects.*

### **3.3.3.3 Agriculture-Related Uses**

*Agriculture-related uses are farm-related commercial and farm-related industrial uses that are small-scale and directly related to the farm operation and are required in close proximity to the farm operation. Examples include but are not limited to the following:*

a) *Seed, pesticide, fertilizer storage (including distribution).*

b) *Agricultural storage and processing facilities involving the storage and processing of crops and/or livestock from a local farm operation in the area.*

c) *Fruit/vegetable/flower stands & farm markets that retail produce derived from the principal agricultural use on the property.*

d) *Wineries, breweries and associated uses, which are secondary and directly related to the principal agricultural use on the property.*

*Local municipal Official Plans shall contain policies for agriculture-related uses.*

The roadside stand can be considered a secondary use on the property. Secondary uses can include uses such as home occupations. The roadside stand is considered a home occupation and is limited in size, does not hinder surrounding agricultural areas, clearly secondary to the main use on the site (the residence) and does not create a nuisance with regards to traffic due to the parking provided within the driveway on the site. It is the opinion of the author of this report that the proposed amendment is in conformity with the County of Essex Official Plan (2014).

## **County of Essex Official Plan 2024**

The County of Essex adopted a new Official Plan on November 6, 2024. The Official Plan is awaiting final adoption by the Ministry of Municipal Affairs and Housing.

All lower tier Official Plans or amendments must comply with the policies of the upper tier Official Plan (County). The applicable County policies that should be considered when assessing the merits of the subject Zoning By-law Amendment include:

### *Principle 3: Agricultural Sustainability*

*Agriculture is an integral component of the economy of the County and is the majority of the land base in the County. The agricultural landscape is a defining feature of the County. Sustaining the agricultural land base and growing the agricultural economy are priorities within the Official Plan. Included in the agricultural economy is ensuring appropriate housing for agricultural workers.*

#### *5.A.1 – General Agricultural Policies*

*The following general policies are established for those lands shown as “Agricultural” on Schedule “A1”:*

*5.A.1.1 In Agricultural Areas, as shown on Schedule “A1”, agricultural uses and normal farm practices will be promoted and protected.*

*5.A.1.2 The removal of land from the “Agricultural” designation shall only be considered for settlement area expansions, or identification of settlement areas and limited non-agricultural uses, provided that the following conditions are met:*

- a) the land does not comprise a specialty crop area;*
- b) there is a demonstrated need as part of a Local Settlement Area Review within the planning horizon for additional land to be designated to accommodate the proposed use;*
- c) there are no reasonable alternative locations which avoid the “Agricultural” designation;*
- d) there are no reasonable alternative locations in the “Agricultural” designation with a lower priority Canada Land Inventory soils classification; and,*
- e) impacts from any new or expanding non-agricultural use on surrounding agricultural operations and lands should be mitigated to the extent feasible.*

*5.A.1.3 Some of the policies contained within Section 5.B, Aggregates, of this Plan may also pertain to lands designated “Agricultural”.*

*5.A.1.4 Normal farm practices, including but not limited to, agroforestry and spraying, are permitted on all lands designated “Agricultural”. If tree harvesting is to occur it should be based on acceptable forest management practices. Advice from a qualified specialist and the use of woodlot management plans by landowners is required.*

#### *5.A.2 – Permitted Uses*

*5.A.2.1 The following uses are permitted within the “Agricultural” designation subject to the policies of this section:*

- a) Agricultural Uses, Agriculture-Related Uses and On-Farm Diversified Uses.*
- b) Forestry, conservation uses, wildlife and fisheries management.*
- c) Watershed management and flood and erosion control projects carried out or supervised by a public agency.*

- d) *A single detached dwelling in conjunction with an agricultural use, on an existing lot of record, and on a newly created lot approved as a residence surplus to a farming operation.*
- e) *Accessory farm accommodation, in accordance with the policies in this Plan.*
- f) *Additional residential units in accordance with the provisions in the Planning Act and the Provincial Planning Statement (2024). Where two additional residential units are proposed, at least one of these additional residential units is to be located within or attached to the principal dwelling, and any additional residential units shall comply with the Minimum Distance Separation Formulae.*
- g) *Public active transportation uses such as pedestrian trails and bicycle lanes.*
- h) *The extraction of petroleum resources, mineral aggregate resources and mineral resources shall be permitted in accordance with the policies in Section 5.B of this plan.*

*5.A.2.2 Agriculture-related uses are farm-related commercial and farm-related industrial uses that are small-scale and directly related to the farm operation and are required in close proximity to the farm operation. Examples include but are not limited to the following:*

- a) *Seed, pesticide, fertilizer storage (including distribution).*
- b) *Agricultural storage and processing facilities involving the storage and processing of crops and/or livestock from a local farm operation in the area.*
- c) *Fruit/vegetable/flower stands & farm markets that retail produce derived from the principal agricultural use on the property.*
- d) *Wineries and associated uses, which are secondary and directly related to the principal agricultural use on the property. Local municipal Official Plans shall contain policies for agriculture-related uses.*

*5.A.2.3 On farm-diversified uses include but are not limited to: home occupations, home industries, agri-tourism ventures, and uses that produce value-added agricultural products from the farm operation on the property. Local municipal Official Plans shall contain criteria for the establishment of on-farm diversified uses that address the following:*

- a) *The use shall not hinder surrounding agricultural uses.*
- b) *The amount of land and size of the building devoted to the use is limited in proportion to the principal use and buildings on the property such that the use is clearly secondary to the principal use - agriculture.*
- c) *The zoning or sign by-law shall regulate signage.*
- d) *The use must integrate with the agricultural character of the area.*
- e) *The use does not create a safety hazard or become a public nuisance, particularly in regard to traffic, parking, noise, noxious odours or other emissions.*
- f) *Outdoor storage related to on-farm diversified uses shall be limited in area, integrate with the agricultural character of the area, and does not create a safety hazard.*

Home occupations are permitted as on-farm diversified uses. Due to the size of the property, the main use of the property is a residential use. The home occupation is secondary to the main use of the property, does not hinder surrounding agricultural areas, provides a direct benefit to surrounding agricultural uses and is small in scale. Half of the products sold through the roadside stand are created through the home occupation, with the remaining products being grown or produced through local farmers and businesses. It is the opinion of the author of this report that the proposed amendment is in conformity with the County of Essex Official Plan (2024).



## **Town of Amherstburg Official Plan**

The Official Plan currently designates the subject lands as Agricultural (refer to Appendix B). There are several applicable policies that can be referenced in discussion regarding the proposed amendment. These include:

### **Section 3.2 Agricultural**

#### **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.*

#### **3.2.2 Policies**

*(1) (a) The 'Agricultural' designation on Schedules 'A' and 'B' shall mean that the predominant use of the lands shall be for agriculture and uses connected with the conservation of water, soil, wildlife and other natural resources. The agricultural uses permitted include the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures including accommodation for full-time farm labour when the size and nature of the operation requires additional employment;*

*(b) Secondary uses shall be permitted in the 'Agricultural' designation provided they are small-scale, compatible with, and do not hinder surrounding agricultural operations. Such uses shall be secondary to the principal use of the property, namely agriculture, such as farm occupations and home occupations as per Section 3.2.2. (18) of this Plan, bed and breakfast establishments or agricultural trucking establishments;*

*(c) Agriculture-related commercial and agriculture-related dry processing industrial uses shall be permitted in the 'Agricultural' designation provided they are smallscale, compatible with, and do not hinder surrounding agricultural operations.*

*Such uses must also be directly related to the farm operation and are required in close proximity to the farm operation such as retail sales of produce grown on the farm, wineries, market gardening, nurseries, bulk seed storage, warehousing of produce, cold storage, and packaging or processing facilities or grain and seed storage facilities. Operations that require significant amounts of water and/or produce significant amounts of effluent will not be permitted;*

*(18) Farm occupations and home occupations carried out for remuneration and as defined in the Zoning By-Law are permitted in the Agricultural designation. However, the implementing Zoning By-Law shall establish those farm and home occupations that will be permitted without an amendment to the Zoning By-Law and those that will require a site specific amendment to permit the use by way of a defined area.*

- a) *In general, farm occupations that are clearly required to be located in the Agricultural area and provide a service primarily to the agricultural community, such as a tile drainage contractor or a seed corn dealership, will be permitted without a by-law amendment.*
- b) *All other types of farm occupations that are carried out for remuneration such as welding shops, repair shops, etc., will be permitted if they meet all of the regulations/provisions of the Zoning By-Law.*
- c) *Because farm occupations and other types of land uses on adjacent lots may have compatibility problems if located too closely to one another, the Zoning By-Law will ensure that a buffer area is maintained between the uses. To achieve this, the location of new and the expansion of existing farm occupations shall comply with the setback criteria established in the Zoning By-law.*
- d) *Existing farm occupations that do not comply with the requirements of the Zoning By-law will be allowed to continue but will not be permitted to expand without a minor variance or Zoning By-law amendment.*
- e) *Home occupations that are totally contained within the dwelling unit, including attached garages, will be permitted without an amendment to the Zoning Bylaw. However, any home occupation that requires the use of anything on the subject property other than the dwelling, except for parking and a sign will require a Zoning By-law amendment.*
- f) *The municipality may decide to require a business license for all farm and home occupations. If such a by-law is passed in accordance with the Municipal Act, the provisions of the business license must be adhered to. If the license is revoked, the use will no longer be permitted in accordance with the provisions of the by-law.*
- g) *The development of any new, or expansion of a legally existing commercial or Industrial use which are not farm or home occupations, as defined in the Zoning By-law, are not permitted in the Agricultural designation and shall require an amendment to this Plan. Prior to the Plan being amended, Council must be satisfied that the proposed development cannot locate in an area already appropriately designated, is consistent with the PPS, that the proposed location is in compliance with the minimum distance separation (MDS) formula contained in the Town's Zoning By-law, that any proposed expansion of an existing use shall be limited to the boundaries of the existing site and no conveyance of agricultural land shall be permitted to accommodate the expansion and that the application satisfies the criteria included in Section 8.4 of this Plan.*  
*(Modification # 28)*
- h) *Applications to sever farm or home occupations from the balance of the subject property shall not be allowed.*

*(19) Agri-tourism, including occasional demonstration events, temporary attractions (e.g. corn field mazes) and farm tours are permitted in the Agricultural designation and may be subject to a temporary use by-law.*

*Section 6.7 of the Town of Amherstburg Official Plan – Planning Impact Analysis sets out several criteria that must be considered as part of an Official Plan Amendment or Zoning By-law amendment. These include:*

## **6.7 PLANNING IMPACT ANALYSIS**

*It is a policy of the Official Plan that a Planning Impact Analysis will be used to evaluate applications for an Official Plan Amendment and, depending on the magnitude of the development, a Zoning By-law Amendment, to determine the appropriateness of the proposed change and to identify what measures are needed to reduce any adverse impacts on surrounding land uses. The Planning Impact Analysis will supplement the*

*consideration of compliance with the permitted use, location, scale of development, and other criteria applicable to the relevant land use designation. Proposals for changes in the use of land which require the application of a Planning Impact Analysis will be evaluated based on:*

*(1) Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area on the character and stability of the surrounding neighbourhood.*

*(2) The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses.*

The amendment will allow for the continuation of an existing roadside farm 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 D) which contains a list of products sold at the roadside farm stand, known as Pit's Fresh Veggies. The use is small in scale and related to the local farming operations. Administration concurs with the Planning Rationale Report that the proposed amendment is in conformity with the Town's Official Plan.

#### Zoning By-law 1999-52

The subject lands are zoned Agricultural (A) Zone in the Zoning By-law 1999-52, as amended. A home occupation is a permitted use on the subject site.

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 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.

#### 4. RISK ANALYSIS:

There is a risk that a decision on a zoning matter is appealed to the Ontario Land Tribunal. The risks noted below provides further clarity on this depending on the recommendation and Council decision on the matter.

<b>Administration's Recommendation</b>	<b>Decision of Council</b>	<b>Who can appeal the decision to OLT.*</b>	<b>Costs to the Town if Appealed</b>
Recommend approval	Approve the Recommendation	The Applicant who requested the zoning amendment, the property owner, the Minister, specified persons and public bodies.	Legal consulting and Administrative time to defend the decision before OLT.
Recommend to deny the application	Approve the Recommendation	The Applicant who requested the zoning amendment, the property owner, the Minister, specified persons and public bodies.	Planning and legal consulting services to defend Council's decision and legal consulting and Administrative time to defend Administration's recommendation before OLT.
Recommend approval	Refuse the Recommendation  Note: The Planning Act defines a tied vote as a refusal.	The Applicant who requested the zoning amendment, the property owner, the Minister, specified persons and public bodies.	Planning and legal consulting services to defend Council's decision and legal consulting and Administrative time to defend Administration's recommendation before OLT.
Recommend to deny the application	Refuse the Recommendation  Note: The Planning Act defines a tied vote as a refusal.	The Applicant who requested the zoning amendment, the property owner, the Minister, specified persons and public bodies.	Legal consulting and Administrative time to defend the decision before OLT.
Recommend to approve (or deny)	Request to defer decision on the grounds of requiring additional information.	The Applicant who requested the zoning amendment, the property owner, the Minister, specified persons and public bodies.	In this scenario it allows for the applicant to consider if the additional information requested by Council, rather than an OLT hearing is preferred. As OLT hearings are costly and time consuming the applicant

			may elect to provide the additional information.
--	--	--	--------------------------------------------------

\*In all matters the Municipality, the Minister of Municipal Affairs and Housing, any Specified Public Bodies have the right to appeal a zoning decision. The table above is to provide clarity on other parties who can appeal.

**5. FINANCIAL MATTERS:**

All costs associated with the application are the responsibility of the Applicant. Should Council’s decision be appealed to the Ontario Land Tribunal, the Town will incur costs, as noted above. OLT appeals of any nature can be costly with estimated costs of a hearing at a minimum \$6,000/day, noting that those daily costs could be substantially higher depending on the specific nature of an appeal, the hearing, and should Town Administration be required to be before OLT as both witnesses for an Applicant and defense of a decision.

**6. CONSULTATIONS:**

The Notice of Public Meeting was published in the local newspaper 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.

No further consultation is required.

**7. CORPORATE STRATEGIC ALIGNMENT:**

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

<i>Amherstburg Community Strategic Plan 2022 - 2026</i>	
<p style="text-align: center;"><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><input checked="" type="checkbox"/> 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 style="text-align: center;"><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 style="text-align: center;"><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 style="text-align: center;"><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><input checked="" type="checkbox"/> Preserve the Town’s greenspaces, agricultural lands, and natural environment.</li> </ul>

**8. CONCLUSION:**

It is the opinion of administration that the Zoning By-law Amendment allows for the appropriate development of the subject lands, is consistent with the policies of the Provincial Planning Statement, 2024, and conforms with the policies of the County of Essex Official Plan and the Town of Amherstburg Official Plan.

Administration recommends that Zoning By-law 2025-020 be approved by Council, given three readings and finally passed and the Mayor and Clerk be authorized to sign same.




---

Sarah French  
**Planner**

## Report Approval Details

Document Title:	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 APPLN 6321 CO RD 20 BOUCHARD JL JUNE 11 2024_Redacted-RM.pdf</li><li>- Appendix B - ZBA-20-24 Aerials-RM.pdf</li><li>- Appendix C - Survey 12R06139.-RM.pdf</li><li>- Appendix D - Planning Rationale Report JANUARY 21 2025 REV2 JL-RM.pdf</li><li>- Appendix E - 6321 County Road 20 Site Photos-RM.pdf</li><li>- Appendix F - Council Circulation List-RM (1).pdf</li><li>- Appendix G - Summary of Correspondence Received on ZBA-20-24-RM.pdf</li><li>- Appendix H - 2025-020-ZBA-6321 County Rd 20 DRAFT RM.pdf</li></ul>
Final Approval Date:	Apr 16, 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 written in a cursive style with a long, sweeping underline that extends to the left and then curves back under the name.

Kevin Fox