



**TOWN OF AMHERSTBURG  
SPECIAL COUNCIL MEETING  
AGENDA**

**Monday, December 11, 2017**

**5:30 PM**

**Council Chambers**

**271 Sandwich Street South, Amherstburg, ON, N9V 2A5**

For information pertaining to this agenda or to arrange for any additional accessibility needs please contact Tammy Fowkes, Deputy Clerk at [tfowkes@amherstburg.ca](mailto:tfowkes@amherstburg.ca)

Information will be gathered in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). All comments and communications received will become part of the public record unless you expressly request the Town to remove it. If you want to learn more about why and how the Town collects your information, write to the Town Clerk's Office, 271 Sandwich Street South, Amherstburg, ON N9V 2A5 or call 519-736-0012.

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**Pages**

- 1. CALL TO ORDER**
- 2. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF**

### 3. SPECIAL PLANNING REPORTS

#### 3.1 Zoning By-law Amendment for 6245 Concession 6 N, Part Lot 3, Concession 6

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It is recommended that:

1. The report from the Manager of Planning Services dated November 16, 2017, regarding the Zoning By-law Amendment for 6245 Concession 6 N, Part Lot 3, Concession 6 **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, Zoning By-law 2017-99 **BE CONSIDERED** at a future Regular Council Meeting.

### 4. ADJOURNMENT

That Council rise and adjourn at     p.m.



## 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: Rebecca Belanger	Report Date: November 16, 2017
Author's Phone: 519 736-5408 ext. 2124	Date to Council: December 11, 2017
Author's E-mail: <a href="mailto:rbelanger@amherstburg.ca">rbelanger@amherstburg.ca</a>	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: Zoning By-law Amendment for 6245 Concession 6 N, Part Lot 3, Concession 6

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#### 1. RECOMMENDATION:

It is recommended that:

1. The report from the Manager of Planning Services dated November 16, 2017, regarding the Zoning By-law Amendment for 6245 Concession 6 N, Part Lot 3, Concession 6 **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, Zoning By-law 2017-99 **BE CONSIDERED** at a future Regular Council Meeting.

#### 2. BACKGROUND:

The lands are subject of a decision of the Committee of Adjustment 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.

#### 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 Mark and Tammy Paquette. The subject lands affected by the proposed amendment are described as Part of Lot 3, Concession 6; the residence which was the subject of the severance is located at 6245 Concession 6 N is not subject to this rezoning. At

conclusion of the severance, the remaining farm parcel subject of the Zoning By-law Amendment will have a total area of 46.37 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/16/17) 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, 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 requires 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 could not be finalized. The home which is surplus to the needs of the farming operation could then not be severed and transferred.

**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. Support of agricultural operations promotes stability in agricultural assessment base.

**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.

At the time of the preparation of this report, comments had been received from the Town’s Fire Department and Building Department stating no concerns with the application.

**7. CONCLUSION:**

It is recommended that the Zoning By-law Amendment be directed for approval at a future regular Council Meeting, pending comments received at this public meeting.



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Rebecca Belanger  
**Manager of Planning Services**

jm

**DEPARTMENTS/OTHERS CONSULTED:**

**Name: Office of Engineering and Public Works**  
**Phone #: 519 736-3664 ext. 313**

**Name: Building Services**  
**Phone #: 519 736-5408 ext. 4136**

**Name: Fire Services**  
**Phone #: 519 736-6500**

**Name: Union Gas**  
**Email: [ONTUGLandsINQ@uniongas.com](mailto:ONTUGLandsINQ@uniongas.com)**

**Name: Ontario Power Generation**  
**Email: [Executivevp.lawanddevelopment@opg.com](mailto:Executivevp.lawanddevelopment@opg.com)**

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

**Name: Windsor Essex Catholic District School Board**  
**Phone #: 519 253-2481**

## Report Approval Details

Document Title:	Zoning By-law Amendment for 6245 Concession 6 N, Part Lot 3, Concession 6.docx
Attachments:	- Report to Council- December 11- ZBA- 6245 Conc 6 N- ATTACHMENTS.pdf
Final Approval Date:	Dec 4, 2017

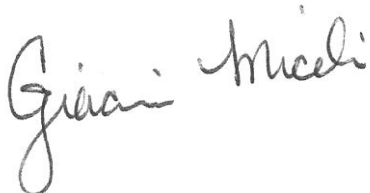
This report and all of its attachments were approved and signed as outlined below:



**Mark Galvin - Nov 29, 2017 - 1:28 PM**



**Justin Rousseau - Nov 30, 2017 - 10:12 AM**



**John Miceli - Dec 1, 2017 - 1:22 PM**



**Paula Parker - Dec 4, 2017 - 11:44 AM**





Town of Amherstburg  
6245 Concession 6 N



6253-6257

TEXAS RD

6233

6421

CONCESSION 6 N

6204



**CORPORATION OF THE TOWN OF AMHERSTBURG  
NOTICE OF PUBLIC MEETING**

**TAKE NOTICE** that the Council of the Corporation of the Town of Amherstburg will hold a public meeting on **Monday, December 11, 2017 commencing at 5:30 p.m.** in the Town of Amherstburg Council Chambers, 271 Sandwich Street South, Amherstburg, Ontario, to consider a proposed amendment to the Town of Amherstburg Zoning By-law 1999-52 under Section 34 of the Planning Act, RSO 1990 cP.13.

**THE SUBJECT LAND** affected by the proposed amendment is described as Part of Lot 3, Concession 6, municipally known as 6245 Concession 6 N. The property has 673 ft frontage and 2205 ft depth with a total area of 46.37 acres (see key map below).

**THE PURPOSE OF THE AMENDMENT** is to change the zoning of the subject lands noted above from the “**Agricultural (A) Zone**” to “**Special Provision Agricultural (A-36) Zone**”. The parcel is designated Agricultural in the Town’s Official Plan. The lands described above are subject to an application for consent (File B/16/17) to sever a dwelling which is surplus to the needs of a farming operation.

**THE EFFECT OF THE ZONING BY-LAW AMENDMENT** will be to allow for general agricultural use on the subject property and prohibit any new dwelling unit on the land. The “Special Provision Agricultural (A-36) Zone” is established as a site specific zone for the retained agricultural parcel created through consent, to prohibit new residential uses on these lands.

**ANY PERSON** may attend the public meeting and/or make written or verbal representation in support of or in opposition to the proposed Zoning By-law Amendment.

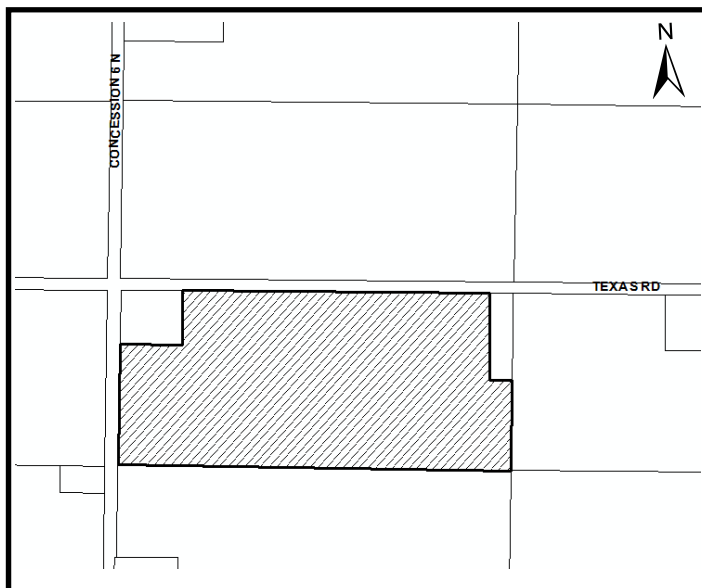
**IF A PERSON OR PUBLIC BODY** does not make oral submissions at a public meeting or make written submissions to the Town of Amherstburg before the by-law is passed, the person or public body is not entitled to appeal the decision of the Town of Amherstburg to the Ontario Municipal Board.

**IF A PERSON OR PUBLIC BODY** does not make oral submissions at a public meeting, or make written submissions to the Town of Amherstburg before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there is reasonable grounds to do so.

**ADDITIONAL INFORMATION** relating to the proposed Zoning By-law Amendment (File No. ZBA/17/17) is available for inspection at the Town of Amherstburg Planning Offices at the Libro Centre, 3295 Meloche Road, during normal office hours, 8:30 a.m. to 4:30 p.m. or at the Town website [www.amherstburg.ca](http://www.amherstburg.ca). If you wish to be notified of the passage of the proposed by-law you must make a written request to the Town at the address below.

**DATED** at the Town of Amherstburg this 16<sup>th</sup> day of November, 2017.

**KEY MAP**



Rebecca Belanger, MCIP, RPP  
Manager of Planning Services  
Town of Amherstburg  
Libro Centre  
3295 Meloche Road  
Amherstburg, Ontario N9V 2Y8  
Telephone: (519) 736-5408  
Fax No. (519) 736-9859  
Website: [www.amherstburg.ca](http://www.amherstburg.ca)

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**CORPORATION OF THE TOWN OF AMHERSTBURG  
BY-LAW NO. 2017-99**

**By-law to amend Zoning By-law No. 1999-52  
6245 Concession 6 N, Amherstburg**

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**WHEREAS** By-law 1999-52, as amended, is a land use control by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Amherstburg;

**AND WHEREAS** the Council of the Town of Amherstburg deems it appropriate and in the best interest of proper planning to amend By-law 1999-52, as herein provided;

**AND WHEREAS** this By-law conforms to the Official Plan for the Town of Amherstburg;

**NOW THEREFORE** the Council of the Corporation of the Town of Amherstburg enacts as follows:

1. Schedule "A", Map 34 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from A to A-36" on Schedule "A" attached hereto and forming part of this By-law from "Agricultural (A) Zone" to "Special Provision Agricultural (A-36) Zone".
2. THIS By-law shall take effect from the date of passage by Council and shall come into force in accordance with Sections 34 of the Planning Act, R.S.O. 1990, c.P. 13.

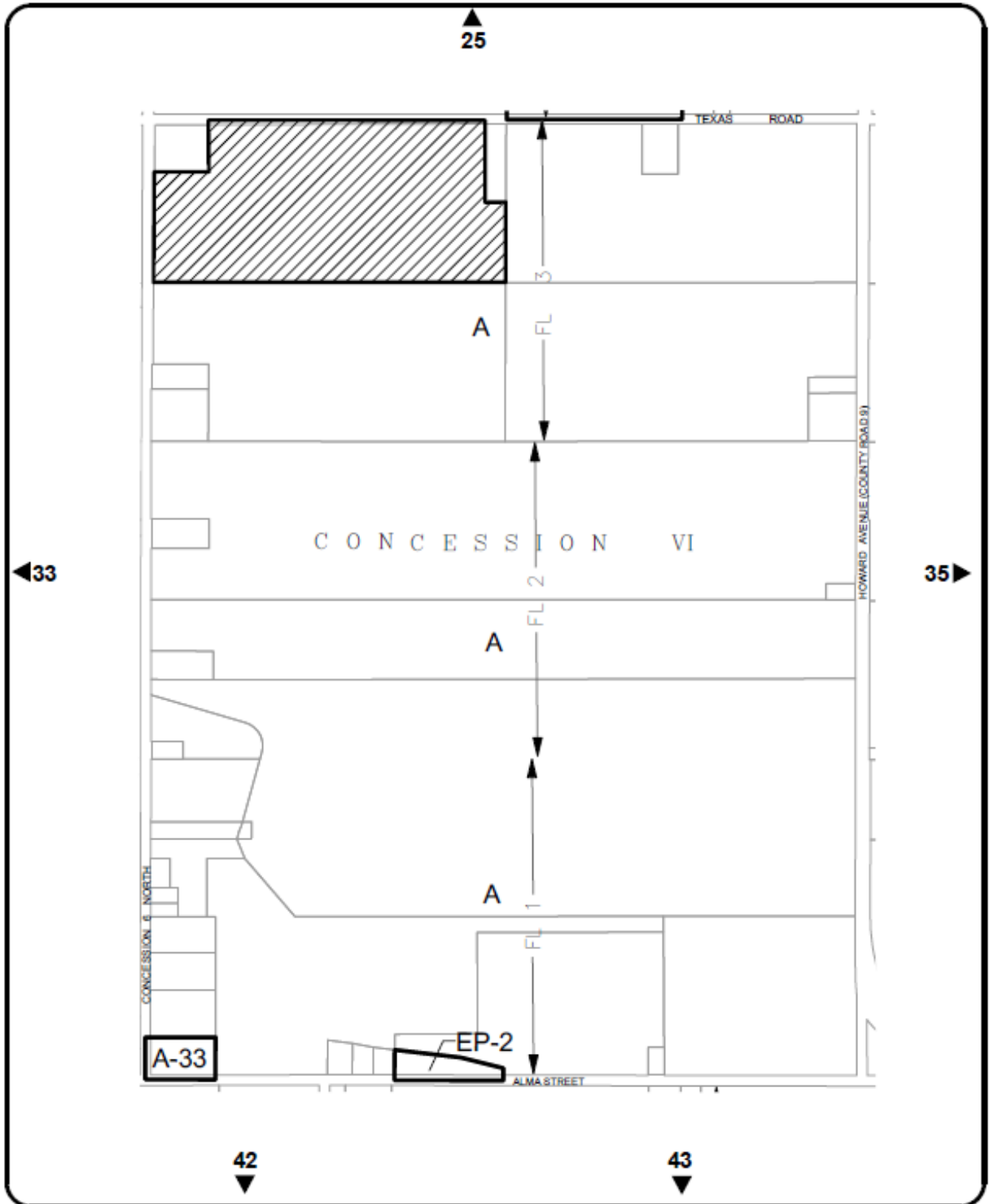
Read a first, second and third time and finally passed this 8<sup>th</sup> day of January, 2018.

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MAYOR- ALDO DICARLO


\_\_\_\_\_  
CLERK- PAULA PARKER

**TOWN OF AMHERSTBURG**

SCHEDULE "A" TO BY-LAW No. 2017-99  
A BY-LAW TO AMEND BY-LAW No. 1999-52



**SCHEDULE 'A'**  
**MAP 34**  
ZONING BY-LAW NO. 1999-52

A to A-36 

MAYOR- ALDO DICARLO

CLERK- PAULA PARKER

## Janine Mastronardi

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**From:** Angelo Avolio  
**Sent:** Monday, November 20, 2017 9:57 AM  
**To:** Janine Mastronardi; Giovanni (John) Miceli; Antonietta Giofu; Todd Hewitt; Lee Tome; Paula Parker; Antonio Marra; Michelle Lavin-Faucher; Ron Meloche; Mark Galvin; 'ONTUGLLandsINQ@uniongas.com'; 'Executivevp.lawanddevelopment@opg.com'; planning@erca.org; Denise Kimmerly (denise\_kimmerly@wecdsb.on.ca); 'malzner@essexpower.ca'; 'bbratt@essexpowerlines.ca'  
**Subject:** RE: Notice of Public Meeting- ZBA 6245 Conc 6 N, Amherstburg

No comments.

AA

### Angelo Avolio

*Chief Building Official*

Town of Amherstburg - Libro Centre

3295 Meloche Rd., Amherstburg, ON, N9V 2Y8

Tel: 519-736-5408 Fax: 519-736-9859 TTY: 519-736-9860



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**From:** Janine Mastronardi  
**Sent:** Monday, November 20, 2017 9:45 AM  
**To:** Giovanni (John) Miceli; Antonietta Giofu; Todd Hewitt; Lee Tome; Paula Parker; Antonio Marra; Michelle Lavin-Faucher; Angelo Avolio; Ron Meloche; Mark Galvin; 'ONTUGLLandsINQ@uniongas.com'; 'Executivevp.lawanddevelopment@opg.com'; [planning@erca.org](mailto:planning@erca.org); Denise Kimmerly ([denise\\_kimmerly@wecdsb.on.ca](mailto:denise_kimmerly@wecdsb.on.ca)); 'malzner@essexpower.ca'; 'bbratt@essexpowerlines.ca'  
**Subject:** Notice of Public Meeting- ZBA 6245 Conc 6 N, Amherstburg

Good morning,

As per Planning Act regulations please find attached the circulation of a Notice of Public Meeting and application for proposed Zoning By-law Amendment in the Town of Amherstburg, for your information and comments.

Please provide the Town with any comments by November 27<sup>th</sup>, 2017.

Regards,  
Janine

## Janine Mastronardi

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**From:** Ron Meloche  
**Sent:** Monday, November 20, 2017 10:43 AM  
**To:** Janine Mastronardi  
**Cc:** Lee Tome  
**Subject:** RE: Notice of Public Meeting- ZBA 6245 Conc 6 N, Amherstburg

Janine, fire has no concerns with this application

### Ron Meloche

*Assistant Deputy Chief / Fire Prevention & Inspection Officer*

271 Sandwich St. South, Amherstburg, ON, N9V 2A5  
Tel: 519-736-6500 Fax: 519-736-3683 TTY: 519-736-9860



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**Sent:** November-20-17 9:45 AM  
**To:** Giovanni (John) Miceli; Antonietta Giofu; Todd Hewitt; Lee Tome; Paula Parker; Antonio Marra; Michelle Lavin-Faucher; Angelo Avolio; Ron Meloche; Mark Galvin; 'ONTUGLLandsINQ@uniongas.com'; 'Executivevp.lawanddevelopment@opg.com'; [planning@erca.org](mailto:planning@erca.org); Denise Kimmerly ([denise\\_kimmerly@wecdsb.on.ca](mailto:denise_kimmerly@wecdsb.on.ca)); 'malzner@essexpower.ca'; 'bbratt@essexpowerlines.ca'  
**Subject:** Notice of Public Meeting- ZBA 6245 Conc 6 N, Amherstburg

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Please provide the Town with any comments by November 27<sup>th</sup>, 2017.

Regards,  
Janine

**Janine Mastronardi**  
*Planning Office Clerk*