

**Minutes of an Amherstburg Municipal Council Special Meeting
Held At 6:00 P.M. in Council Chambers On Tuesday, April 14,
2009**

PRESENT:

Mayor Wayne Hurst
Deputy Mayor Robert Bailey
Councillor Rick Fryer
Councillor Robert (Bob) Pillon
Councillor John Sutton
Councillor Rosa White

ALSO PRESENT:

Pamela Malott, CAO/Clerk
Lory Bratt, Planning Coordinator
Kristina Pozar Di Paolo, Acting Deputy Clerk
Jackie Hubbs, Manager Development Services

ABSENT WITH NOTICE:

Councillor Paul Renaud (Illness)

1. CALL TO ORDER

Mayor Wayne Hurst called the meeting to order at 6:08 P.M.

2. DISCLOSURE OF PECUNIARY INTEREST

No disclosures of pecuniary interest were required to be made.

3. REPORTS OF MUNICIPAL OFFICERS

A Report by Lory Bratt dated March 27, 2009 regarding a proposed Zoning Bylaw Amendment for Pt Lot 90, Concession 8 was discussed.

The Town is in receipt of an application for a proposed Zoning Bylaw Amendment for property being Part Lot 90, Concession 8 to rezone the subject lands from Special Provision Agricultural (A-11) Zone to Agricultural (A) Zone.

4. COMMENTS FROM THE PUBLIC

No comments were made by members of the public present at this meeting. A sign in sheet is attached to and forms a part of these minutes.

Moved By Councillor R. Fryer
Seconded By Councillor R. Pillon

That the report by Lory Bratt dated March 27, 2009 regarding a proposed Zoning-By-Law Amendment for Part 90, Concession 8 be received;

And further that Zoning Bylaw 2009-28 be considered at the regular Council meeting of April 14, 2009.


Motion Carried

5. ADJOURNMENT

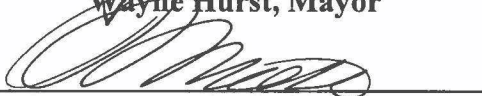
Moved by Councillor J. Sutton
Seconded by Deputy Mayor Bailey

That we rise and adjourn at 6:12 P.M.

Motion Carried



Wayne Hurst, Mayor



Pam Malott, CAO



Council Report

Report To: Mayor Wayne Hurst and Members of Council
Date of Meeting: April 14, 2009 at 6:00 p.m.
Prepared By: Lory Bratt, Planning Coordinator
Submitted By: Jackie Hubbs, Manager of Development Services
Date of Report: March 27, 2009
Subject: **Proposed Zoning Bylaw Amendment
Part Lot 90, Concession 8**

RECOMMENDATION:

That the report by Lory Bratt dated March 27, 2009 regarding a proposed Zoning Bylaw Amendment for Pt Lot 90, Concession 8 be received;

And further that Zoning Bylaw 2009-28 be considered at the regular Council meeting of April 14, 2009.

EXECUTIVE SUMMARY:

The Town is in receipt of an application for a proposed Zoning Bylaw Amendment for property being Part Lot 90, Concession 8 to rezone the subject lands from Special Provision Agricultural (A-11) Zone to Agricultural (A) Zone.

REPORT:

The Town is in receipt of an application for Zoning Bylaw Amendment to Bylaw 1999-52, as amended, under Section 34 of the Planning Act from Harry and Joe Grondin, Agents on behalf of Helen Sellars.

The property affected by the proposed amendment is located on the northeast corner of Howard Avenue (Essex Road 9) and South Sideroad, and is described as Part Lot 90, Concession 8. The subject land has 809.30 ft frontage on Essex Road 9 and a depth of 3006 ft along the South Sideroad with a total area of 68.34 acres.

The proposed amendment to the Zoning Bylaw would change the zoning of the subject lands from "Special Provision Agricultural (A-11) Zone" to "Agricultural (A) Zone". The lands are designated Agricultural in the Official Plan. The lands are subject to an application for consent to sever a dwelling which is surplus to the needs of the farming operation.

In the analysis of the subject application, a number of points have been reviewed:

(1) Provincial Policy Statement

The Planning Act R.S.O. 1990, c.P. 13, requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the Act. The Provincial Policy Statement (PPS) issued by the Ministry of Municipal Affairs and Housing, provides policy direction on matters of provincial interest related to land use planning and development. They include such issues as the protection of ecological and natural systems, providing cost-effective and orderly development, the protection and enhancement of the quality and quantity of ground water and surface water and the function of sensitive ground water recharge/discharge areas, aquifers and headwaters to name a few.

The P.P.S. Section 2.3 provides for the protection of prime agricultural areas and for the promotion of agricultural uses and normal farm practices.

The requested rezoning provides for the full range of agricultural uses on the subject lands and the severed dwelling is surplus to the needs of the farming operation.

The requested Zoning Bylaw Amendment would appear to conform to the Provincial Policy Statement.

(2) Official Plan

The subject property is designated Agricultural in the Official Plan. Section 3.2 provides for the preservation of agricultural land for agricultural purposes and allows farm operators sufficient flexibility to engage in a wide range of agricultural activities.

The proposed rezoning is a condition of the recently approved surplus dwelling severance. The lot severed for the non farm use will neither create nor add additional dwelling units.

An antique store and fish outlet, which are currently permitted uses under the A-11 zoning, will no longer operate on this site and the applicant is requesting that the entire parcel be rezoned to a general Agricultural (A) Zone.

The requested rezoning would appear to conform to the relevant Official Plan policies.

(3) Comprehensive Zoning Bylaw 1999-52

The subject property is currently zoned Special Provision Agricultural (A-11) Zone. The A-11 Zone permits an antique store in the existing buildings only, in addition to all other

uses permitted in Subsection 26(2) being the Agricultural (A) Zone provisions. The A-11 zoning provides for specific lot and building requirements relative to an antique store and a fish outlet both of which no longer operate on the site. The rezoning will retain the parent zone of Agricultural while eliminating the use of the property for an antique store and fish outlet.

The condition of consent only applied to the severed parcel, however the applicants are requesting a general Agricultural (A) Zone on the entire parcel as the site specific uses are no longer applicable to the site.

The proposed lot size, the location of buildings and structures as well as the intended land use for both the severed and retained parcel appear to comply with the zone requirements for the Agricultural Zone.

A copy of the Notice of Public Meeting together with the draft Zoning Bylaw Amendment is attached.

COMMUNICATIONS

The proposed Zoning Bylaw Amendment was circulated/published to the required agencies and property owners in accordance with the requirements of the Planning Act., R.S.O. 1990, c.P. 13 and associated regulations for the April 14, 2009 public meeting. Any comments received on or before April 14, 2009 will be provided to Council at the public meeting.

CONCLUSION:

The requested Zoning Bylaw Amendment would appear to:

- (1) be consistent with relevant policies of the Provincial Policy Statement;
- (2) conform with relevant policies of the Town's Official Plan;
- (3) maintain the intent of the Zoning Bylaw 1999-52, as amended, and;
- (4) allow for appropriate land use.

All respectfully submitted for Council consideration.


Lory Bratt, AMCT
Planning Coordinator

LB/jm
enclosures

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 **Tuesday, April 14, 2009 commencing at 6:00 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 LANDS affected by the proposed amendment is located on the northeast corner of Howard Avenue (Essex Road 9) and South Sideroad, and is described as Part Lot 90, Concession 8 (formerly Malden) in the Town of Amherstburg. The subject land has 809.30 ft. frontage on Essex Road 9 and a depth of 3006 ft. along the South Sideroad with a total area of 68.34 acres. Please refer to Key Map below.

THE PURPOSE OF THE AMENDMENT TO ZONING BY-LAW No. 1999-52 is to change the zoning of the subject lands noted above from the "Special Provision Agricultural (A-11) Zone" to "Agricultural (A) Zone". The lands are designated Agricultural in the Town's Official Plan. The lands are subject to an application (File B/1/09) for consent 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 of the subject property and remove the permitted uses and building requirements relative to an antique store and fish outlet which are no longer applicable to the site.

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.

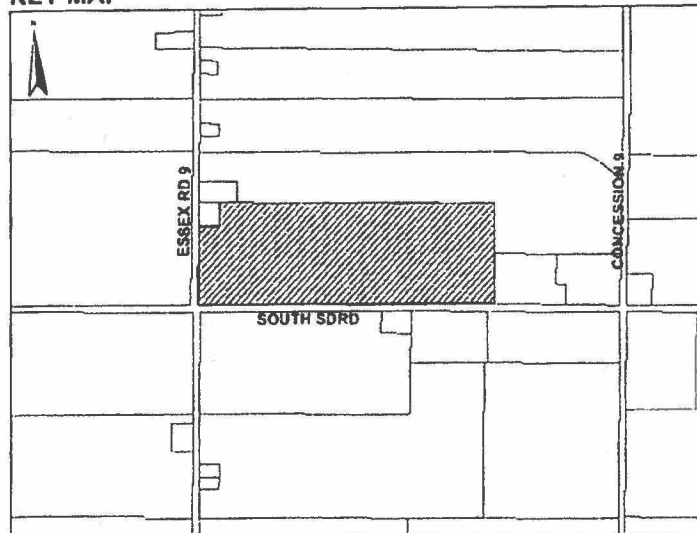
IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting or make written submissions to the Town of Amherstburg before the by-law is passed, the person or public body is not entitled to appeal the decision of the Town of Amherstburg to the Ontario Municipal Board.

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 # ZBA/2/09) is available for inspection at the Town of Amherstburg Municipal Offices at 271 Sandwich Street South, during normal office hours, 8:30 a.m. to 4:30 p.m.

DATED at the Town of Amherstburg this 19th day of March, 2009.

KEY MAP



Pamela Malott, CAO, Clerk
Town of Amherstburg
271 Sandwich Street South
Amherstburg, Ontario N9V 2A5
Telephone: (519) 736-5408
Fax No. (519) 736-9859
Website: www.amherstburg.ca

CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2009-28

Being a by-law to amend Zoning By-law No. 1999-52, as amended

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 HEREBY ENACTS AS FOLLOWS:

1. Schedule "A", Map 53 of By-law 1999-52, as amended, is hereby further amended by changing the Zone symbol on those lands shown as "ZONE CHANGE FROM A-11 to A" on Schedule "A" attached hereto and forming part of this By-law from "Special Provision Agricultural (A-11) Zone" to "Agricultural (A) Zone".
2. This By-law shall take effect from the date of passage by Council and shall come into force in accordance with Section 34 of the Planning Act, R.S.O. 1990.

Read a first, second and third time and finally passed this 14th day of April, 2009.

Mayor- Wayne Hurst

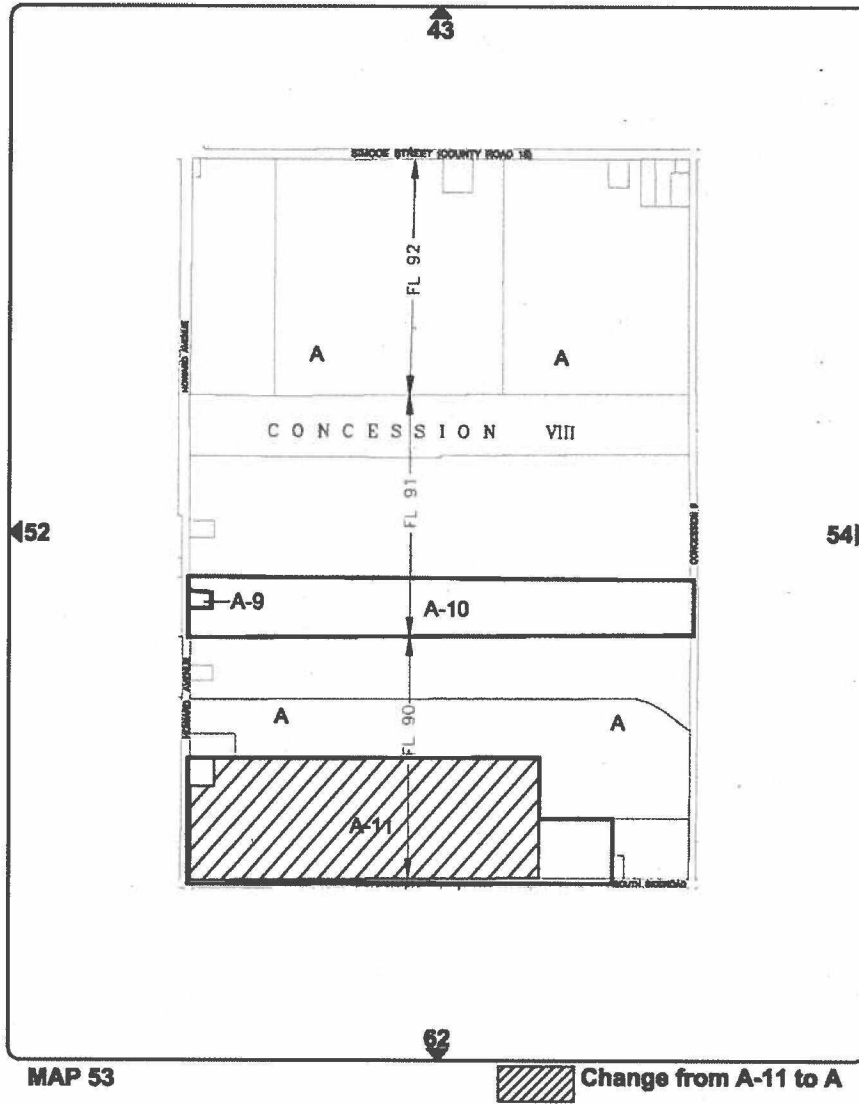
CAO/Clerk- Pamela Malott

Certified to be a true copy of By-Law
No. 2009-28 passed by the Amherstburg
Municipal Council on April 14, 2009.

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2009-28
A BY-LAW TO AMEND BY-LAW No. 1999-52,

PASSED THIS 14TH DAY OF APRIL, 2009



MAYOR- WAYNE HURST

CAO/CLERK- PAMELA MALOTT

