



**TOWN OF AMHERSTBURG
SPECIAL COUNCIL MEETING
AGENDA**

Monday, February 12, 2018

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

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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 3794 Concession 3 N, Part Lot 11, Concession 2

3

It is recommended that:

1. The report from the Manager of Planning Services dated January 22, 2018, regarding the Zoning By-law Amendment for 3794 Concession 3 N, Part Lot 11, Concession 2 **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, Zoning By-law 2018-11 **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: January 22, 2018
Author's Phone: 519 736-5408 ext. 2124	Date to Council: February 12, 2018
Author's E-mail: rbelanger@amherstburg.ca	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: Zoning By-law Amendment for 3794 Concession 3 N, Part Lot 11, Concession 2

1. RECOMMENDATION:

It is recommended that:

1. The report from the Manager of Planning Services dated January 22, 2018, regarding the Zoning By-law Amendment for 3794 Concession 3 N, Part Lot 11, Concession 2 **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, Zoning By-law 2018-11 **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 Eugene and Jeannette Bezaire. The subject lands affected by the proposed amendment are described as Part of Lot 11, Concession 2; the residence which was the subject of the severance is located at 3794 Concession 3 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 48.5 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/20/17) 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 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 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.

The Essex Region Conservation Authority (ERCA) provided correspondence which stated that the western portion of the subject lands are regulated under section 28 of the Conservation Authorities Act, and the property owner will be required to obtain a Permit and/or clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.

“The subject property contains a natural heritage feature that is identified as a significant wetland (Canard River Marshes (ER 2)), significant woodland, significant valley land, significant wildlife habitat under the Provincial Policy Statement (PPS, 2014).”

“The required demonstration of no negative impact, in accordance with the relevant PPS policies outlined above, is most effectively accomplished through the completion of an Environmental Impact Assessment (EIA). However, other options may exist as an adequate demonstration of no negative impact. Our information also indicates that the subject property may support habitat of endangered species and threatened species.”

“As the purpose of this zoning amendment is to prohibit future dwellings from being constructed on the subject property, it is our opinion that the approval of this application would be a satisfactory demonstration of no negative impact on the natural heritage feature. **Therefore, no Environmental Impact Assessment is required, and there are no outstanding natural heritage concerns associated with this application. We have no objections to this application for Zoning Amendment.**”

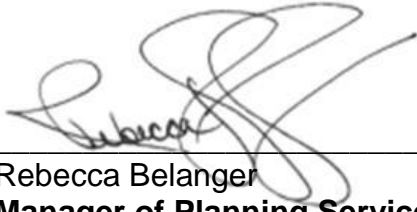
The Engineering and Public Works Department identified no objection to the application.

The Building and Fire Departments identified no objection to the application.

This space left blank intentionally.

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.



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

Name: Ontario Power Generation
Email: 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 3794 Concession 3 N, Part Lot 11, Concession 2.docx
Attachments:	- Report to Council- Feb. 12- Statutory Pub Mtg- ZBA- 3794 Conc 3 N- ATTACHMENTS.pdf
Final Approval Date:	Jan 30, 2018

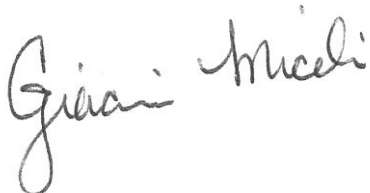
This report and all of its attachments were approved and signed as outlined below:



Mark Galvin - Jan 29, 2018 - 4:04 PM



Justin Rousseau - Jan 30, 2018 - 11:44 AM



John Miceli - Jan 30, 2018 - 2:23 PM



Paula Parker - Jan 30, 2018 - 2:42 PM



**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, February 12, 2018 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 11, Concession 2, municipally known as 3794 Concession 3 N. The property has 680 ft frontage and 2220 ft depth with a total area of 48.5 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/20/17) 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.

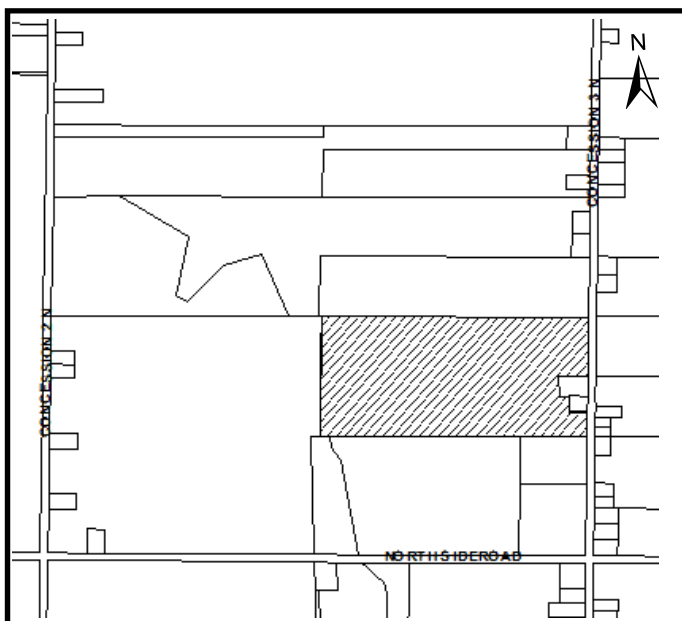
IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting or make written submissions to the Town of Amherstburg before the by-law is passed, the person or public body is not entitled to appeal the decision of the Town of Amherstburg to the Ontario Municipal Board.

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/2/18) 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. 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 22nd day of January, 2018.

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

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**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2018-11**

**By-law to amend Zoning By-law No. 1999-52
3794 Concession 3 N, Amherstburg**

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 3 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.

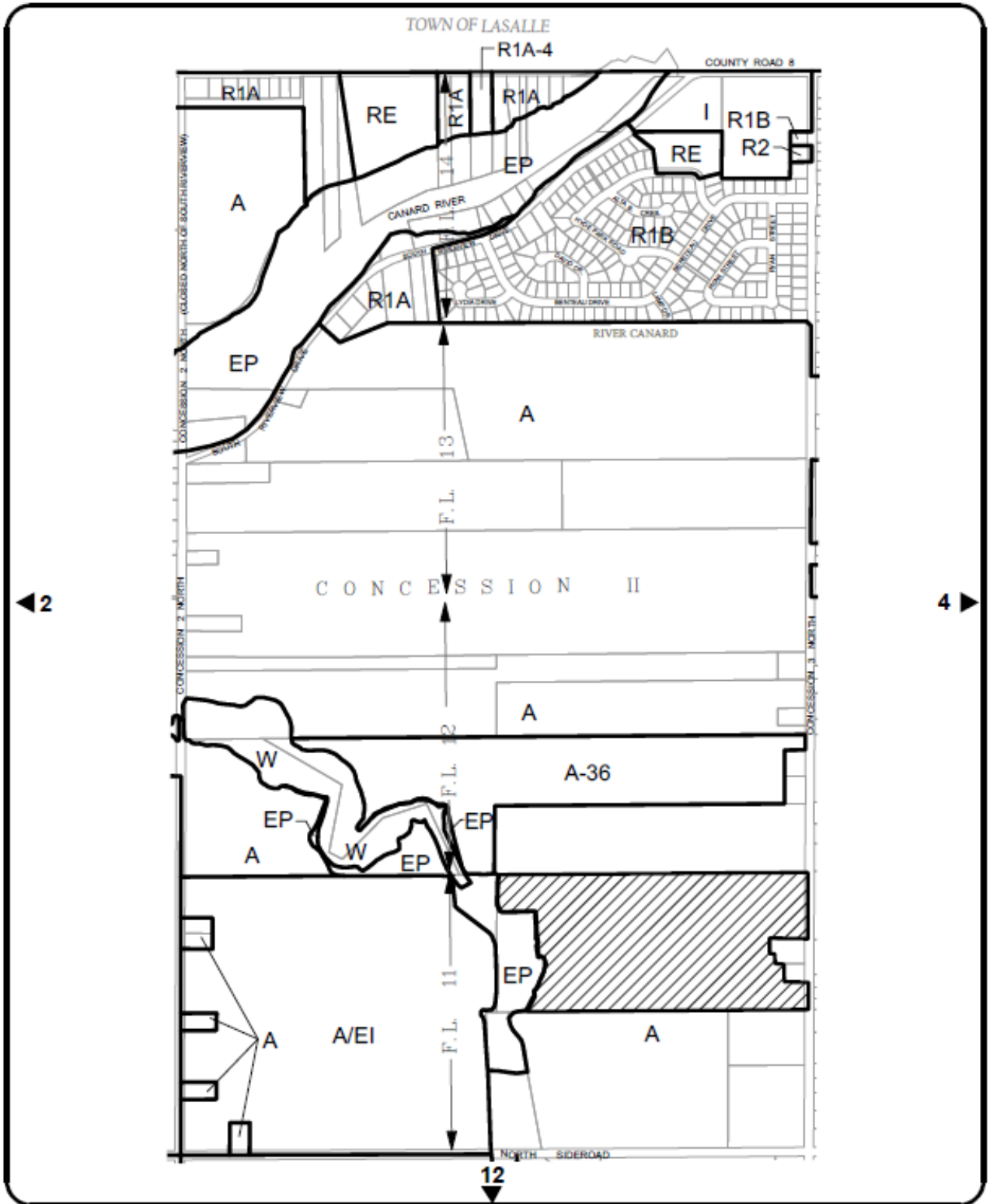
Read a first, second and third time and finally passed this 12th day of February, 2018.

MAYOR- ALDO DICARLO


CLERK- PAULA PARKER

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2018-11
 A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'
Map 3
 ZONING BY-LAW NO. 1999-52

A to A-36 

MAYOR- ALDO DICARLO

CLERK- PAULA PARKER

Janine Mastronardi

From: Lee Tome
Sent: Monday, January 22, 2018 3:31 PM
To: Janine Mastronardi
Cc: Ron Meloche
Subject: FW: Notice of Public Meeting- ZBA 3794 Conc 3 N, Amherstburg
Attachments: ZBA-2-18- Notice of Public Meeting- 3794 Conc 3 N.pdf; ZBA-2-18- Application- 3794 Conc 3 N.pdf

Hi Janine

Amherstburg Fire has no objection to the zoning by-law amendment from Agricultural (A) Zone to Special Provision (A-36) Zone.

Lee Tome

Deputy Chief

271 Sandwich St. South, Amherstburg, ON, N9V 2A5
Tel: 519-736-6500 x2230 Fax: 519-736-3683 TTY: 519-736-9860



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From: Janine Mastronardi
Sent: January-22-18 10:15 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; Denise Kimmerly (denise_kimmerly@wecdsb.on.ca); 'malzner@essexpower.ca'; 'bbratt@essexpowerlines.ca'
Subject: Notice of Public Meeting- ZBA 3794 Conc 3 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 January 26th, 2018.

Regards,
Janine

Janine Mastronardi

From: Angelo Avolio
Sent: Monday, January 22, 2018 3:00 PM
To: Janine Mastronardi
Subject: RE: Notice of Public Meeting- ZBA 3794 Conc 3 N, Amherstburg

Comments

- Certification of septic system
- Accessory structure part of the severance for the residential or part of the farm.?

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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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; Denise Kimmerly (denise_kimmerly@wecdsb.on.ca); 'malzner@essexpower.ca'; 'bbratt@essexpowerlines.ca'
Subject: Notice of Public Meeting- ZBA 3794 Conc 3 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 January 26th, 2018.

Regards,
Janine



regs@erca.org
P.519.776.5209
F.519.776.8688

360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

January 25, 2018

Ms. Rebecca Belanger, Manager of Planning Services
Town of Amherstburg
271 Sandwich St. S.
Amherstburg, ON, N9A 4L2

Dear Ms. Belanger:

RE: Zoning By-Law Amendment ZBA-2-18
3794 CONCESSION 3 N
ARN 372950000001000; PIN: 015480556
Applicant: Eugene & Annette Bezaire

The following is provided for your information and consideration as a result of our review of Zoning By-Law Amendment ZBA-2-18. The purpose of this application is to amend the general agricultural zone use on the subject lot (vacant farmland) to that of "Special Provision Agricultural (A-36) Zone". This amendment is required as a result of previous consent approval B-20-17 for the creation of a surplus dwelling lot. This zoning change will prohibit any new residential dwellings or uses on the subject property.

NATURAL HAZARD POLICIES OF THE PPS, 2014

The western portion of the above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the *Conservation Authorities Act*, (Ontario Regulation No. 158/06). This portion of the subject parcel falls within the regulated area of the Long Marsh Drain. The property owner would be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration within the vicinity of the regulated Long Marsh Drain, or other activities affected by the regulations.

WATER RESOURCES MANAGEMENT

Our office has reviewed the proposal and has no concerns relating to stormwater management.

NATURAL HERITAGE POLICIES OF THE PPS, 2014

The subject property contains a natural heritage feature that is identified as a significant wetland



Ms. Belanger
January 25, 2018

(Canard River Marshes (ER 2)), significant woodland, significant valleyland, significant wildlife habitat under the Provincial Policy Statement (PPS, 2014).

Section 2.1.4 of the PPS 2014 states – “Development and site alteration shall not be permitted in “significant wetlands ...” and “significant coastal wetlands.”

Section 2.1.5 of the PPS, 2014 states - Development and site alterations shall not be permitted in significant woodland... and significant valleyland... and significant wildlife habitat...unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Section 2.1.8 of the PPS 2014 states – “Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.” The required demonstration of no negative impact, in accordance with the relevant PPS policies outlined above, is most effectively accomplished through the completion of an Environmental Impact Assessment (EIA). However, other options may exist as an adequate demonstration of no negative impact.

Our information also indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS 2014 – “Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.” It is the proponent’s responsibility to exercise due diligence in ensuring that all issues related to the provincial Endangered Species Act and its regulations have been addressed.

FINAL RECOMMENDATION

As the purpose of this zoning amendment is to prohibit future dwellings from being constructed on the subject property, it is our opinion that the approval of this application would be a satisfactory demonstration of no negative impact on the natural heritage feature. Therefore, no Environmental Impact Assessment is required, and there are no outstanding natural heritage concerns associated with this application. We have no objections to this application for Zoning Amendment.



Ms. Belanger
January 25, 2018

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Corinne Chiasson
Resource Planner
/cor

