

The Corporation of the Town of Amherstburg

By-law 2023-007

Being a by-law to adopt Official Plan Amendment #21

to the Official Plan for the Town of Amherstburg

NOW THEREFORE the Council of The Corporation of the Town of Amherstburg, in accordance with the provisions of Sections 17 and 21 of the Planning Act, R.S.O. 1990, hereby enacts as follows:

1. Amendment No. 21 to the Official Plan 2009-30 for the Corporation of the Town of Amherstburg, consisting of the attached explanatory text and map, is hereby adopted;
2. That the Clerk is hereby authorized and directed to make application to the Corporation of the County of Essex for approval of Amendment No. 21 to the Official Plan for the Corporation of the Town of Amherstburg;
3. This By-law shall come into force and take effect on the final passing thereof.

Read a first, second and third time and finally enacted this 13th day of February, 2023.


Michael Prue, Mayor


Kevin Fox, Clerk

AMENDMENT NO.21

TO THE OFFICIAL PLAN FOR THE CORPORATION OF THE TOWN OF AMHERSTBURG

CHANGE OF SCHEDULE 'A' FOR 8917 CONCESSION 8

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DECISION

**With respect to Official Plan Amendment No. 21
Official Plan of the Town of Amherstburg
Subsection 17(34) of the Planning Act**

I hereby approve Amendment No. 21 to the Official Plan for the Town of Amherstburg, as adopted by By-Law 2023-007.

Dated at Essex, Ontario this 19th day of March, 2023



Rebecca Belanger, MCIP, RPP
Manager, Planning Services
County of Essex

THE CONSTITUTIONAL STATEMENT

PART A – THE PREAMBLE does not constitute part of this amendment.

PART B – THE AMENDMENT consisting of the following text and map, constitutes Amendment No. 21 to the Official Plan for The Corporation of the Town of Amherstburg.

PART A - THE PREAMBLE

Purpose of the Amendment

Official Plan Amendment No. 21 will redesignate lands known as 8917 Concession 8 from 'Agricultural' to 'Agricultural Special Policy No. 21' designation in the Official Plan for the Town of Amherstburg.

Location of Lands

This OPA applies to the following land use designations depicted on Schedule A in the Official Plan:

- i) Legal description: Part Lot 13 Concession 8; Part 4 on 12R-6979;

- ii) Municipal address: 8917 Concession 8, Town of Amherstburg.

Basis of the Amendment

An Official Plan Amendment (OPA) was requested to change the policy framework applied to the subject property from 'Agricultural' to 'Agricultural Special Policy No. 21' to support a surplus dwelling severance of a habitable farm house built in 1997.

An Official Plan Amendment (OPA) was proponent initiated and requested to support the surplus dwelling severance of a habitable farm house built in 1997 while the current Official Plan policies require that surplus dwelling severances only be permitted for habitable farm houses built prior to January 1, 1978.

The subject property presently contains the existing farm house built in 1997, an associated accessory structure, approximately 0.6 ha of manicured lawn and trees and approximately 19.8 ha of farmed agricultural land. The proponent purchased the farm in 2021 as part of a farm consolidation and does not require the farm house.

Review and evaluation of the amendment was placed in context of the Provincial Policy Statement 2020 (PPS) and was considered to be consistent with provincial policy

direction. Specifically, the amendment is consistent with provincial agriculture policies regarding residences surplus to a farming operation as the result of a farm consolidation.

Official Plan Amendment No. 21 establishes a site specific policy framework within the 'Agricultural' policies for the subject lands. The Official Plan Amendment No. 21 establishes a site specific agricultural policy framework that will permit a house built prior to 1997 located at 8917 Concession 8, Amherstburg, to be severed from a farm property as a surplus dwelling severance as the result of a farm consolidation. The 1997 date was chosen to provide flexibility in the event that the proponent finds record of the house being built after 1994; the date the tax system registers the house being built in.

The proposed amendment, through the adoption of the Official Plan Amendment No. 21, will conform with the relevant policies of the County of Essex Official Plan policies and the Town of Amherstburg Official Plan policies by providing flexibility to a farmer to sell a house that is not required by the farmer and is not financially feasible for the farmer to maintain. All other policies within the Town of Amherstburg Official Plan regarding surplus dwelling severances will be maintained.

PART B – THE AMENDMENT

Details of the Amendment

All of this part of the document, entitled 'Part B – The Amendment' consisting of the following text and Schedule 'A' constitutes Official Plan Amendment No. 21 to the Official Plan 2009-03 for the Town of Amherstburg.

The Official Plan of the Town of Amherstburg is amended as follows:

That Section 3.2.3 Agricultural Special Areas is amended by adding subsection 2 as follows:

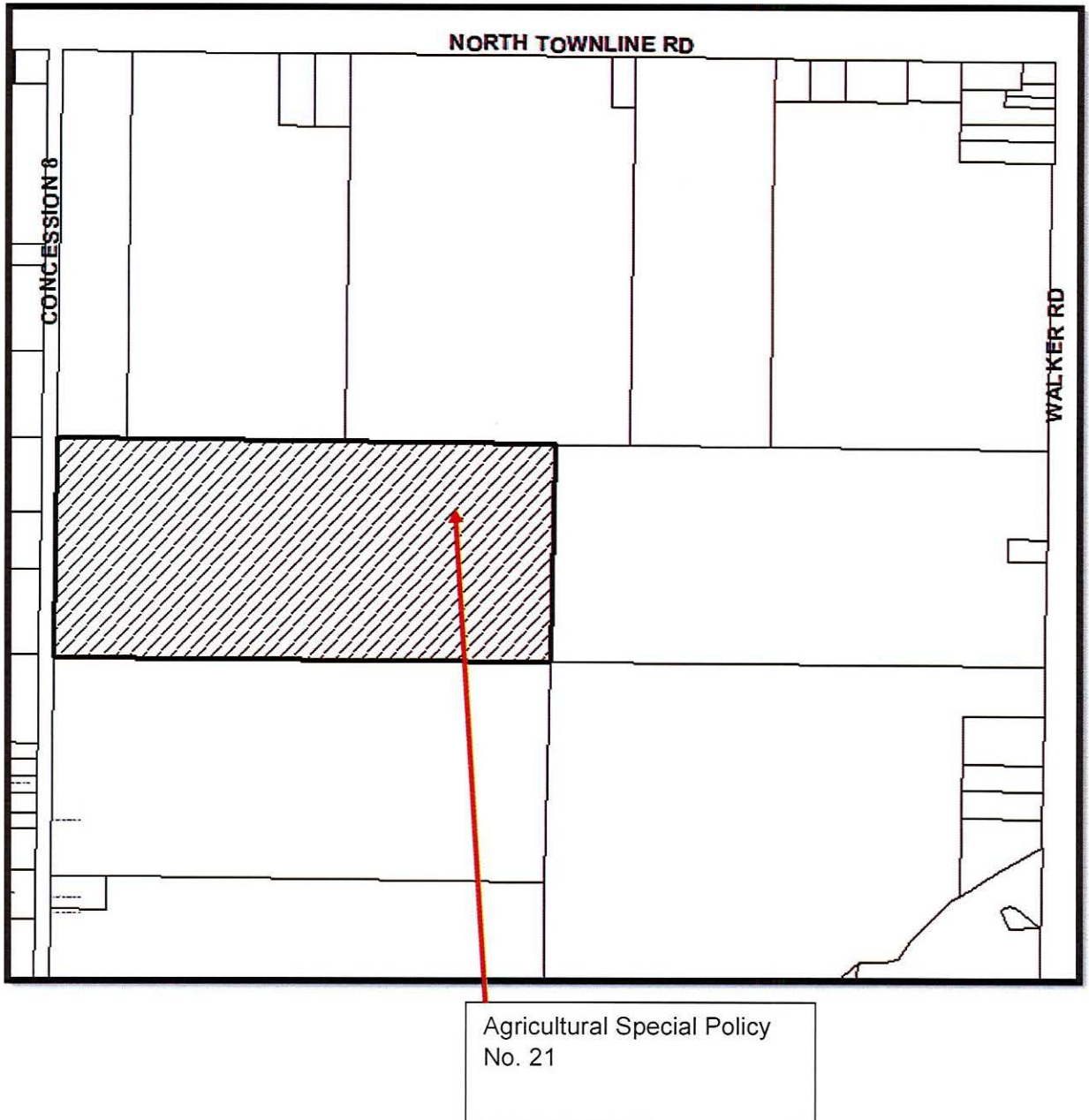
(2) For lands designated under Special Policy Area 21 on Schedules "A" and "B" in the Town of Amherstburg Official Plan, located at the municipal address known as 8917 Concession 8 and shown as Part Lot 13, Concession 8; and Part 4 on 12R-6979, a house built prior to January 1, 1997 shall be permitted to be severed from a farm lot through the surplus dwelling severance process.

That Schedules "A" and "B" of the Official Plan of Amherstburg are amended to show the location of Special Policy Area 21.

Implementation of the Amendment

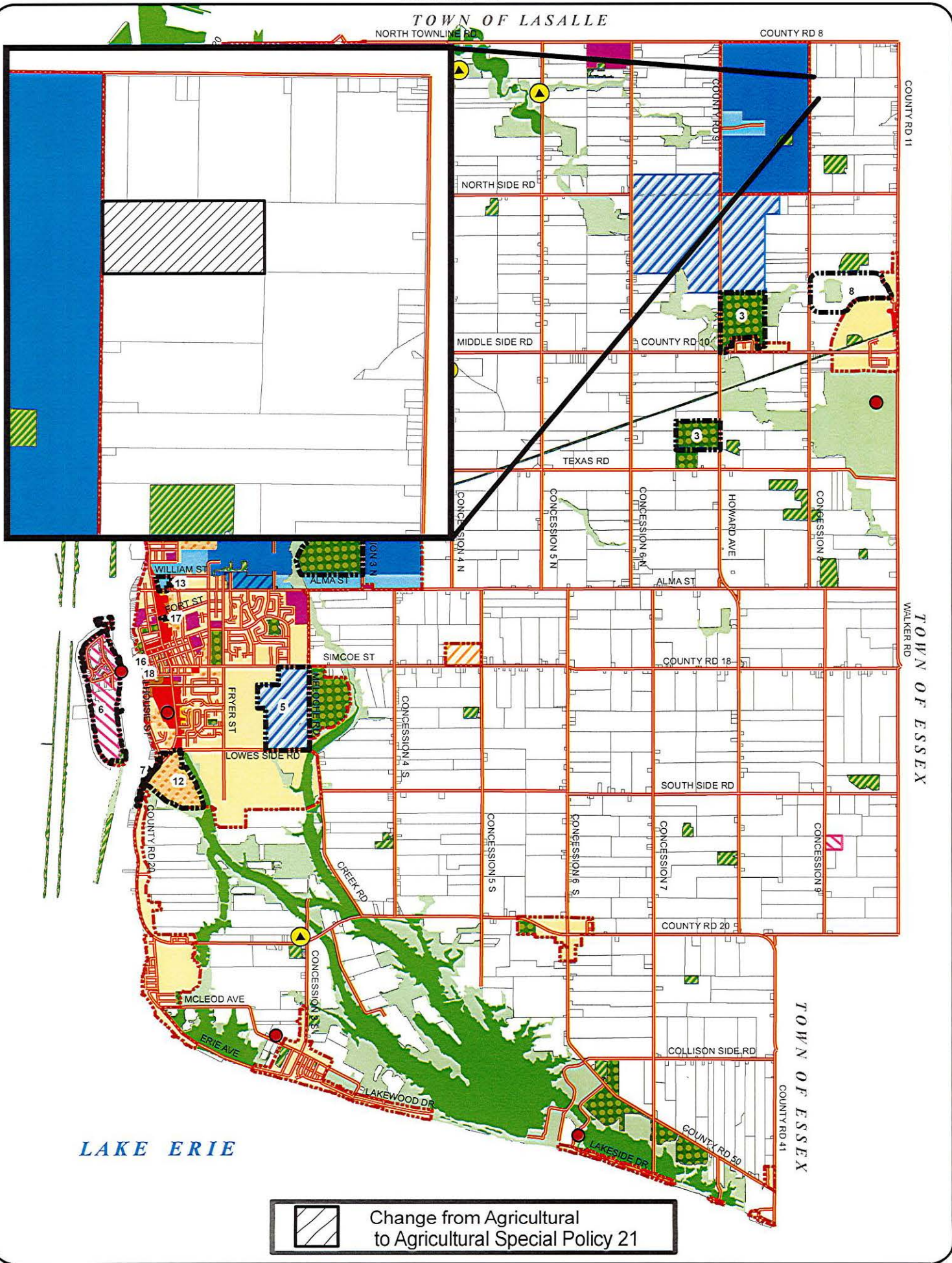
Official Plan Amendment No. 21 will be implemented through Bylaw # 2023-007.

Schedule A



Schedule 'A'

TOWN OF LASALLE



Change from Agricultural to Agricultural Special Policy 21

TOWN OF AMHERSTBURG
OFFICIAL PLAN

SCHEDULE "A"
LAND USE PLAN



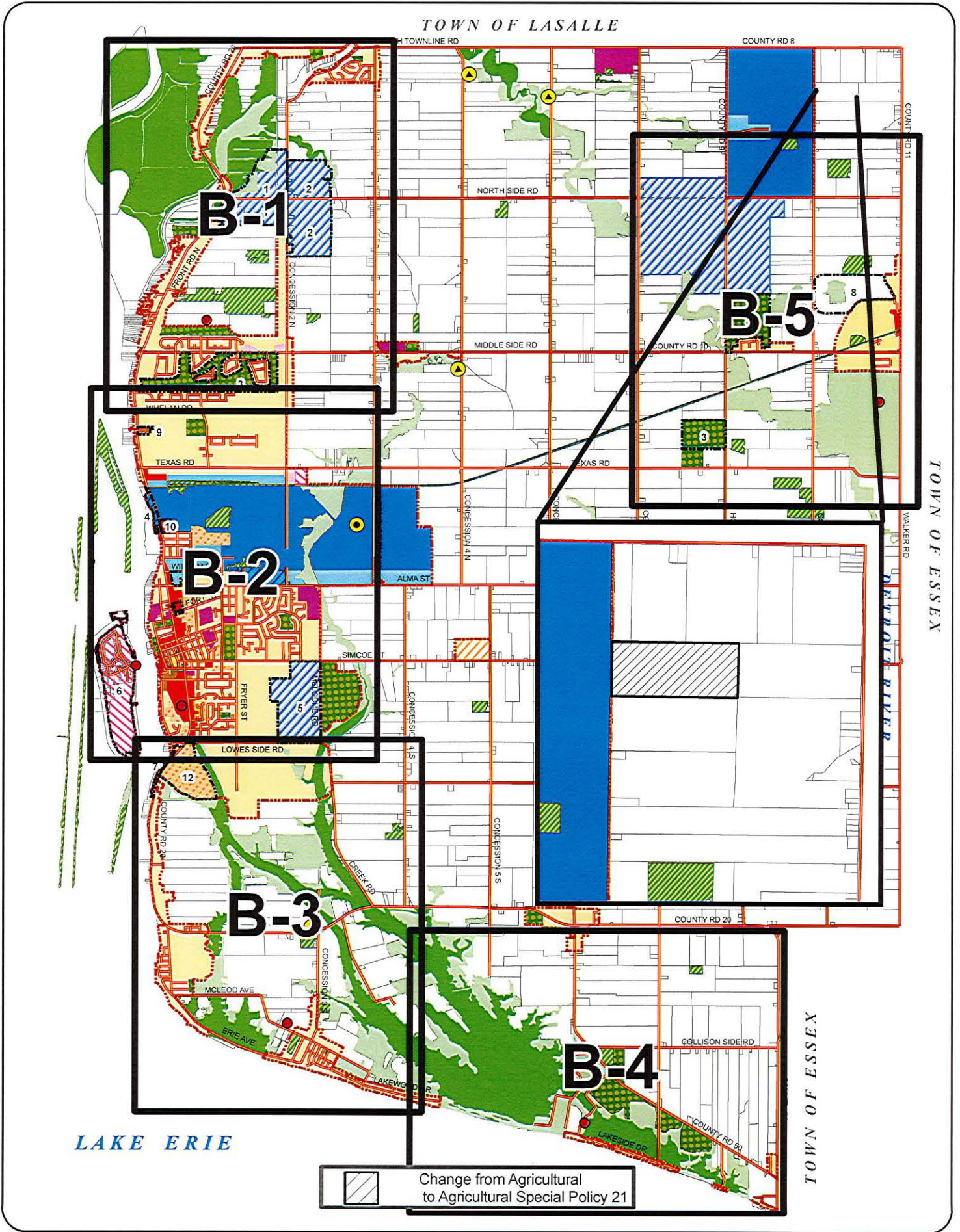
0 0.5 1 2 KM


Legend

- Sewage Treatment Facility
- Closed Landfill Site
- Open Landfill Site
- Agricultural
- Heritage Residential
- Recreational Development
- Special Policy
- Modular Home Residential
- Settlement Area Boundary
- Neighbourhood Commercial
- Medium Density Residential
- Open Space
- Provincially Significant Wetlands
- Special Industrial
- Natural Environment
- Light Industrial
- Woodlots
- Heavy Industrial
- Low Density Residential
- General Commercial
- High Density Residential
- Extractive Industrial
- Office Residential
- Institutional

Schedule 'B'

TOWN OF LASALLE
























 Change from Agricultural to Agricultural Special Policy 21

TOWN OF AMHERSTBURG
OFFICIAL PLAN

SCHEDULE "B"
(Index Map)
LAND USE PLAN

Legend

- | | | |
|---|--|---|
|  Agricultural |  Heritage Residential |  Recreational Development |
|  Settlement Area Boundary |  Modular Home Residential |  Open Space |
|  Provincially Significant Wetlands |  Neighbourhood Commercial |  Special Policy |
|  Natural Environment |  General Commercial |  Closed Landfill Site |
|  Woodlots |  Special Industrial |  Open Landfill Site |
|  Low Density Residential |  Light Industrial |  Sewage Treatment Facility |
|  Medium Density Residential |  Heavy Industrial | |
|  High Density Residential |  Extractive Industrial | |
|  Office Residential |  Institutional | |



File No.: 37-OP-2023-001
Municipality: Town of Amherstburg
Subject Lands: 8917 Concession 8

Date of Decision: March 19, 2023
Date of Notice: March 19, 2023
Last Date of Appeal: April 10, 2023

NOTICE OF DECISION

With respect to an Official Plan Amendment
Subsection 17(35) and 21 of the Planning Act

A decision was made on the date noted above to approve Amendment No. 21 to the Official Plan for the Town of Amherstburg, as adopted by By-law 2023-007.

Purpose and Effect of the Official Plan Amendment

The purpose of Official Plan Amendment No. 21 is to amend the designation on the property located at 8917 Concession 8 from 'Agricultural' to 'Agricultural Special Policy No. 21' to support a surplus dwelling severance of a habitable farm house built in 1997. A copy of the decision is attached.

Effect of Written Submissions on Decision

All written submissions received by the Town and County Planning regarding OPA No.21 were considered as a part of the County's review process. No modifications are proposed through the County's decision.

When and How to File An Appeal

Notice to appeal the decision to the Ontario Land Tribunal (OLT) formerly LPAT, must be filed with the County of Essex no later than 20 days from the date of this notice as shown above as the last date of appeal.

The notice of appeal should be sent to the attention of the Manager, Planning Services at the address shown below and it must,

(1) include the reasons for the appeal, and a completed **Appeal Form (A1) Planning Act** available from the OLT website: <https://olt.gov.on.ca/appeals-process/forms/>

(2) be accompanied by the prescribed filing fee payable by certified cheque or money order to the Minister of Finance.

Who Can File An Appeal

Only individuals, corporations or public bodies may appeal a decision of the approval authority to the Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the amendment was adopted, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

When the Decision is Final

The decision of the County of Essex is final if a Notice of Appeal is not received on or before the last date of appeal noted above.

Getting Additional Information

Additional information about the amendment, including a complete version of the amendment, is available for public inspection during regular office hours at the County of Essex at the address noted below or from the Town of Amherstburg.

Mailing Address for Filing a Notice of Appeal:

County of Essex
Rebecca Belanger, Manager – Planning Services
360 Fairview Avenue West
Essex, ON N8M 1Y6
Email: rbelanger@countyofessex.ca
Tel: (519) 776-6441, Ext. 1325