



**TOWN OF AMHERSTBURG
SPECIAL COUNCIL MEETING
AGENDA**

Tuesday, May 23, 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

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.

Pages

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

3. SPECIAL PLANNING REPORTS

3.1 Proposed Zoning By-law Amendment for Breweries in Agricultural Areas 3

It is recommended that:

1. The report from the Manager of Planning Services dated May 4, 2017, regarding the Proposed Zoning By-law Amendment for Breweries in Agricultural Areas **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, Zoning By-law 2017-07 **BE CONSIDERED** at a future regular Council meeting.

3.2 Proposed Zoning By-law Amendment - 248 Crystal Bay Drive 8

It is recommended that:

1. The report from the Manager of Planning Services dated May 9, 2017, regarding a Proposed Zoning By-law Amendment at 248 Crystal Bay Drive **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, Zoning By-law 2017-44 **BE CONSIDERED** at a future regular Council meeting.

4. ADJOURNMENT

That Council rise and adjourn at p.m.

Statutory Public Meeting under Section 34 of the Planning Act



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: May 4, 2017
Author's Phone: 519 736-5408 ext. 2124	Date to Council: May 23, 2017
Author's E-mail: rbelanger@amherstburg.ca	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: Proposed Zoning By-law Amendment for Breweries in Agricultural Areas

1. RECOMMENDATION:

It is recommended that:

1. The report from the Manager of Planning Services dated May 4, 2017 regarding the Proposed Zoning By-law Amendment for Breweries in Agricultural Areas **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, Zoning By-law 2017-07 **BE CONSIDERED** at a future regular Council meeting.

BACKGROUND:

The purpose of this Zoning By-law Amendment is to implement regulations regarding breweries/cideries in By-law 1999-52, as amended. The by-law will come into force and effect when the Official Plan Amendment is approved by the County of Essex. The Zoning By-law Amendment proposes to add breweries/cideries into the agricultural regulations, specifically with the winery provisions and provide a minor modification to the one of the winery regulations.

3. DISCUSSION:

At the November 14, 2016 meeting, Council authorized administration to initiate an Official Plan Amendment process to add breweries and cideries as an additional use to

an agricultural operation in those areas designated Agricultural in the Town's Official Plan. The Town of Amherstburg Planning Division had received one inquiry about the opportunity to develop a micro-brewery as a secondary use to an agricultural operation on lands designated and zoned agricultural.

The Town held public meetings on February 27th at 4:30 pm and March 27th. The Official Plan Amendment was adopted by Council on April 10th, and sent to the County along with all required supporting information within the statutory timeframe. The County has received the documentation and sent the Amendment to the Ministry of Municipal Affairs and Housing and Ontario Ministry of Agriculture and Rural Affairs for their comments.

In order to implement Official Plan Amendment #4 (OPA#4) into the Town's Zoning By-law, the attached amendment has been prepared. The amendment proposes to add the words brewery/cidery directly after winery in each case. Further, Section 26(3)(o) of the by-law subsection (iii) is proposed to be amended by allowing the grapes, barley, hops, apples, etc. to be produced from the local area and on-site in the winemaking/brewing as opposed to requiring that the grapes/crop must be produced only on-site. Over the last five years, there have been instances when due to extremely cold weather in winter months much of the grape crop was lost. Through discussion with local winemakers and planners it has come to my attention that the language in Section (iii) requiring the grapes to be produced on-site only in the winemaking for the product was impractical. The language has been modified to state that the grapes/crop will be produced on-site and from a local crop. It is recommended that the language still meets the intent of the Provincial Policy Statement and Guidelines on Permitted Used in Agricultural Areas as Provided by OMAFRA.

A definition of cidery has also been prepared which is in keeping with definition of a winery and brewery allowing for a limited tasting and retail component which will be restricted in size based on the Official Plan policies and zoning regulations.

4. RISK ANALYSIS:

There are no risks associated with this application.

5. FINANCIAL MATTERS:

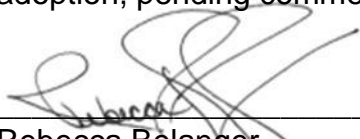
There are no financial implications associated with this report.

6. CONSULTATIONS:

The Manager of Planning Services from the County of Essex was consulted prior to the preparation of the report and Zoning By-law Amendment.

7. **CONCLUSION:**

It is recommended that By-law No. 2017-07 be directed to the next Council meeting for adoption, pending comments received at this public meeting.



Rebecca Belanger
Manager of Planning Services

af

Report Approval Details

Document Title:	Statutory Public Meeting to Consider a Zoning By-law Amendment for Breweries in Agricultural Areas.docx
Attachments:	- 2017-07 - Breweries and Cideries in Agricultural Areas final.pdf
Final Approval Date:	May 16, 2017

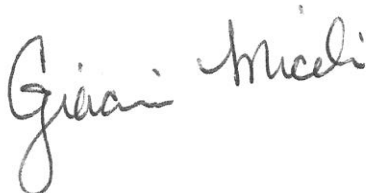
This report and all of its attachments were approved and signed as outlined below:



Mark Galvin - May 10, 2017 - 9:25 AM



Justin Rousseau - May 10, 2017 - 11:06 AM



John Miceli - May 15, 2017 - 3:47 PM



Paula Parker - May 16, 2017 - 12:57 PM

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2017-07**

**By-law to amend Zoning By-law No. 1999-52
Breweries and Cideries in Agricultural Areas**

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. That Section 26(2)(xxii) of the Town of Amherstburg Zoning By-law 1999-52, as amended, is hereby amended by the addition of the following permitted use:

“(xxii) a winery, brewery, or cidery in accordance with Subsection 26(3)(o)”;
2. Section 26(3)(o) Agricultural Zone Requirements, is hereby amended by the addition of breweries and cideries as permitted use. All references of “winery” will include the addition of the words “brewery” and “cidery”.
3. Section 26(3)(o)(iii) is hereby amended by re-wording the clause as follows:

“All wines, beers, and ciders shall be produced from locally grown fruit and crops, with a minimum of 2 hectares of the farm parcel capable of and committed to the production of the grapes or other crops used on-site or in a local winery, brewery, or cidery;”
4. Section 2, Definitions of the Town of Amherstburg Zoning By-law 1999-52, as amended, is hereby amended by addition the following definition to be inserted into the By-law in an appropriate alphabetic location.

“Cidery” means a facility for the manufacture of cider and may include, in combination therewith, a retail store and a tasting room for the sale of cider produced on the same lot and interior.
5. That all other appropriate regulations for the use of land and the character, location and use of buildings and structures conforms to the regulations of the Agricultural Zone, as applicable and all other general provisions or regulations of By-law 1999-52, as amended from time to time.

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 ___ day of _____, 2017.

MAYOR- ALDO DICARLO

CLERK- PAULA PARKER

Statutory Public Meeting under Section 34 of the Planning Act



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: May 9, 2017
Author's Phone: 519 736-5408 ext. 2124	Date to Council: May 23, 2017
Author's E-mail: rbelanger@amherstburg.ca	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: Proposed Zoning By-law Amendment- 248 Crystal Bay Drive, By-law 2017-44

1. RECOMMENDATION:

It is recommended that:

1. The report from the Manager of Planning Services dated May 9, 2017, regarding a proposed Zoning By-law Amendment, 248 Crystal Bay Drive, By-law 2017-44, **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, Zoning By-law 2017-44 **BE CONSIDERED** at a future regular Council meeting.

2. BACKGROUND:

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 from Steve and Larry Laing. An aerial view map showing the location of the subject lands is attached to this report.

3. DISCUSSION:

The subject lands affected by the proposed amendment are described as Part of Lot of Lot 4 and Part of Water Lot, Boblo Island, Part 2 on 12R-25377 municipally known as 248 Crystal Bay Drive. The property has approximately 98.66 ft ± frontage on Crystal Bay Drive and a depth of 634 ft ± with an actual land mass of 0.74 acres.

The proposed amendment to the Zoning By-law would change the Zoning for the subject lands noted above from the “Recreational (RE) Zone” to Holding- Residential Type 1A Zone (h-R1A) Zone”. The land is designated Recreation Special Policy Area 6 in the Official Plan.

The effect of the Zoning By-law Amendment will be to allow for the residential use to continue as it exists on the subject property. At such a time that the owner proposes new or altered residential development on the subject lands, an authorization from the Ontario Ministry of Natural Resources and Forestry under the *Endangered Species Act*, will be required prior to the Removal of the Holding Symbol. The proposed Amendment to the Zoning By-law is in conformity with the policies in the Official Plan and the Provincial Policy Statement provided that the lands are placed into a holding (h) symbol. The lands are designated Special Policy 6 allowing for single detached residential uses.

The property was identified as potential to be screened for natural heritage features under Section 2.1 of the Provincial Policy Statement during pre-consultation between the Town and the Essex Region Conservation Authority (ERCA)/ Ontario Ministry of Natural Resources and Forestry (OMNRF). Through the screening of natural heritage features and the application of Section 2.1 of the Provincial Policy Statement and application of the Town of Amherstburg Official Plan, it was recommended by ERCA that: *“there has been some previous consultations/site visits with MNRF in the past dealing with properties in this area. If MNRF has no concerns with the proceeding with application submission for rezoning in this area, informally I would suggest that an EIA would be scoped to include issues relating to Endangered and Threatened Species and potential Significant Wildlife Habitat only. We can issue a formal confirmation of this scoping once the meeting suggested has clarified that there are no outstanding concerns with this area of the island”.*

Pre-consultation was recommended by the Town to the OMNRF and ERCA to discuss obtaining approval under Section 2.1.7 of the PPS (Endangered and Threatened Species). The applicants retained the consulting services of a biologist and an authorization to proceed was obtained from the OMNRF pending an understanding that the property would be rezoned into a holding (h- R1A Zone).

It is not uncommon to rezone a property and place it into a Holding Symbol until a site plan has been determined and/or additional authorizations obtained from Ministries and agencies. As the future building envelope for the home on the property is unknown at this time, the approval of a Zoning By-law Amendment to Holding Residential Type 1, pending a future authorization was the recommended approach by the OMNRF and the ERCA.

4. RISK ANALYSIS:

In order to meet the minimum obligations of the Provincial Policy Statement with this rezoning application, it is recommended that the subject lands be placed into a Holding Symbol.

5. FINANCIAL MATTERS:

The cost associated with the applications and planning processes are the responsibility of the developer.

6. CONSULTATIONS:

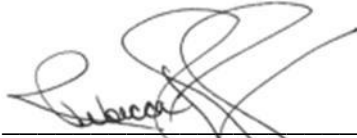
The proposed Zoning By-law Amendment was published and circulated to the required agencies, property owners and municipal departments in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13 and associated regulations.

- The Essex Region Conservation Authority (ERCA) provided correspondence which stated that the subject lands are regulated under Section 28 of the *Conservation Authorities Act*, requiring a permit prior to undertaking any construction.
 - “-The subject parcel falls within the regulated area of the Detroit River. The property owner will be required to obtain a permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.
 - Our office has reviewed the proposal and has no concerns relating to stormwater management.
 - Our information indicates that the subject lands support habitat of endangered species and threatened species.
 - As per Policy 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.”
 - In accordance with the above PPS Policy, it is the Planning Authority's responsibility to ensure that all issues related to the provincial Endangered Species Act and associated regulations have been satisfactorily addressed prior to granting approval of the application. It is our understanding that the Municipality has received correspondence between the owner's consulting ecologist and the Ministry of Natural Resources and Forestry (MNRF).
 - This correspondence indicates that the MNRF would not consider the current application of rezoning of the subject property to a holding Residential Type 1A (h-R1A) Zone as an activity which could potentially lead to a contravention of the Endangered Species Act.
 - It is noted that in order for the holding zone symbol to be removed from the parcel, the proponent will need to satisfy the Municipality that impacts associated with development have been adequately addressed, including any impacts to potential habitat regulated under the Endangered Species Act. Future inquiries regarding the Endangered Species Act should be made to Aylmer District office.
 - Our review of the application confirms that all other aspects of the natural heritage policies of the PPS 2014 have been addressed, we would therefore have no objections to this application”.
- The Town's Building Division submitted a comment of no objection to the proposed Zoning By-law Amendment.
- The Town's Engineering and Public Works Department has identified that they have no comments on this application.

- The OMNRF provided correspondence and consultation as noted above in the body of the Council Report.

7. CONCLUSION:

It is recommended that the information contained within this report along with any comments obtained at the public meeting be summarized and brought back in a future report along with the amending by-law into a Holding Residential Type 1 Category for consideration at the next available Council Meeting.



Rebecca Belanger, MCIP, RPP
Manager of Planning Services

RLB

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: Ontario Ministry of Natural Resources and Forestry
Phone #: 519 773-4757

Report Approval Details

Document Title:	Statutory Public Meeting to consider a Zoniong By-law Amendment for 248 Crystal Bay Drive .docx
Attachments:	- Report To Council- May 23- Crystal Bay- 2017-44 - Attachments.pdf
Final Approval Date:	May 17, 2017

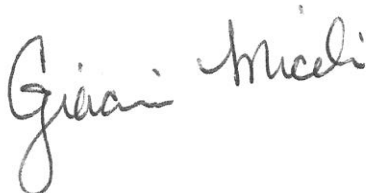
This report and all of its attachments were approved and signed as outlined below:



Mark Galvin - May 11, 2017 - 10:37 AM



Justin Rousseau - May 12, 2017 - 9:52 AM



John Miceli - May 16, 2017 - 10:19 AM



Paula Parker - May 17, 2017 - 11:43 AM

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2017-44**

**By-law to amend Zoning By-law No. 1999-52
248 Crystal Bay Drive, Boblo Island**

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 83 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from RE to h-R1A" on Schedule "A" attached hereto and forming part of this By-law from "Recreation (RE) Zone" to "holding-Residential Type 1A (R1A) 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.

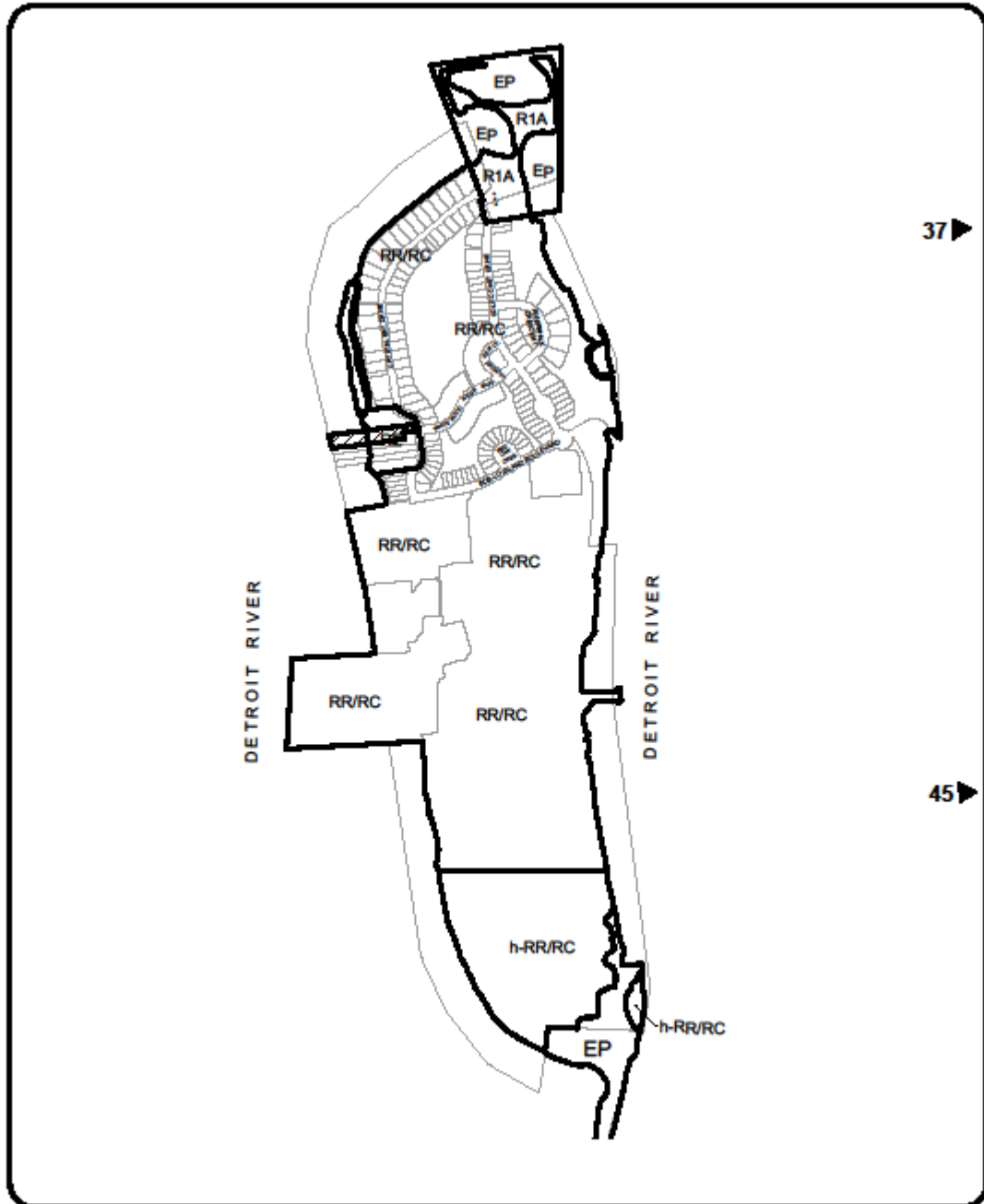
Read a first, second and third time and finally passed this 23rd day of May, 2017.

MAYOR- ALDO DICARLO


CLERK- PAULA PARKER

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2017-44
A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'
MAP 83
ZONING BY-LAW NO. 1999-52

RE to h-R1A 

MAYOR- ALDO DICARLO

CLERK- PAULA PARKER



Town of Amherstburg
ZBA-5-17- 248 Crystal Bay Dr





regs@erca.org
P.519.776.5209
F.519.776.8688

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

May 08, 2017

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-5-17 248 CRYSTAL BAY DR
ARN 372964000014100; PIN: 015690267
Applicant: LAING STEPHEN

The following is provided for your information and consideration as a result of our review of Zoning By-Law Amendment ZBA-5-17. We understand that the purpose of this application is to change the zoning of the subject lands from "Recreation (RE) Zone" to "Holding Residential Type 1A (h-R1A) Zone".

NATURAL HAZARD POLICIES OF THE PPS, 2014

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). The subject parcel falls within the regulated area of the Detroit River. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration 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

Our information indicates that the subject lands support habitat of endangered species and threatened species. As per Policy 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."

In accordance with the above PPS Policy, it is the Planning Authority's responsibility to ensure that all issues related to the provincial *Endangered Species Act* and associated regulations have been satisfactorily addressed prior to granting approval of the application. It is our understanding that the Municipality has received correspondence between the owner's consulting ecologist and the Ministry of

Ms. Belanger
May 08, 2017

Natural Resources and Forestry (MNRF). This correspondence indicates that the MNRF would not consider the current application of rezoning of the subject property to a holding Residential Type 1A (h-R1A) Zone as an activity which could potentially lead to a contravention of the *Endangered Species Act*. It is noted that in order for the holding zone symbol to be removed from the parcel, the proponent will need to satisfy the Municipality that impacts associated with development have been adequately addressed, including any impacts to potential habitat regulated under the *Endangered Species Act*. Future inquiries regarding the *Endangered Species Act* should be made to Aylmer District office of the MNRF via e-mail: ESA.Aylmer@ontario.ca and through following the attached MNRF Technical Bulletin: Aylmer District Species at Risk Screening Process, for further clarification. Therefore, the current rezoning application and the subsequent process for future development on the parcel as outlined above is deemed to satisfy Policy 2.1.7 of the PPS 2014.

FINAL RECOMMENDATION

Our review of the application confirms that all other aspects of the natural heritage policies of the PPS 2014 have been addressed, we would therefore have no objections to this application.

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

Sincerely,



Michael Nelson, *Watershed Planner*
/cor

