



**TOWN OF AMHERSTBURG  
SPECIAL COUNCIL MEETING  
AGENDA**

**Monday, February 27, 2017**

**4:30 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)**

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**Pages**

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

### 3. SPECIAL PLANNING REPORTS

#### 3.1 Official Plan Amendment to consider the Addition of Breweries in Agricultural Areas

4

It is recommended that:

1. The report from the Manager of Planning Services dated February 2, 2017, regarding Official Plan Amendment No. 4 for the Addition of Breweries in Agricultural Areas **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, that Official Plan Amendment No. 4, By-law 2017-08, **BE CONSIDERED** at a future regular Council meeting.

#### 3.2 Zoning By-law Amendment for 6000 County Road 20- Ure's Country Kitchen and Variety

50

It is recommended that:

1. The report from the Manager of Planning Services dated January 30, 2017 regarding the Zoning By-law Amendment for Part of Lot 67, Concession 6 W, 6000 County Rd 20, Amherstburg **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, Zoning By-law 2017-11 **BE CONSIDERED** at a future regular Council meeting.

It is recommended that:

1. The report from the Manager of Planning Services dated January 30, 2017 regarding a proposed Draft Plan of Subdivision and Zoning By-law Amendment for Kingsbridge Subdivision Phase 8B-1 **BE RECEIVED**;
2. The Draft Plan of Subdivision, File No. 37-T-17001, from 1078217 Ontario Ltd., as shown on the attached Schedule A, during this statutory Public Meeting **BE CONSIDERED**;
3. Pending Council consideration of written and oral comments received at this Public Meeting, that administration **BE DIRECTED** to advise the approval authority (County of Essex) that Council supports Draft Plan Approval for this phase of Kingsbridge Subdivision; and,
4. Pending Council consideration of written and oral comments received at this Public Meeting, Zoning By-law 2017-05 **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: February 2, 2017
Author's Phone: 519 736-5408 ext. 2124	Date to Council: February 27, 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: Official Plan Amendment to consider the Addition of Breweries in Agricultural Areas

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1. **RECOMMENDATION:**

It is recommended that:

1. The report from the Manager of Planning Services dated February 2, 2017, regarding Official Plan Amendment No. 4 for the Addition of Breweries in Agricultural Areas **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, that Official Plan Amendment No. 4, By-law 2017-08, **BE CONSIDERED** at a future regular Council meeting.

2. **BACKGROUND:**

At the meeting on November 14, 2016, 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 has recently 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 making of "craft" beers and specialty beers is a recent trend in the Province. Areas suitable for the growing of grapes and fruit are also suitable for hops, barley and other

grains related to beer production. The Town's Official Plan permits wineries in areas designated Agricultural provided that the development and any expansion to the existing winery shall meet all of the specific criteria in the Agricultural policies section of the Official Plan. Further wineries are restricted to site specific regulations in the Agricultural Zone and site plan control.

Following the update and release of the Provincial Policy Statement (PPS) in 2014 and to promote consistency across the Province, the Ontario Ministry of Food and Rural Affairs (OMAFRA) produced a guideline titled, "Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas" in 2016. The guideline assists in interpreting each of the three permitted uses in Ontario's Prime Agricultural Areas: agricultural uses, agricultural-related uses, and on-farm diversified uses.

The County of Essex Official Plan, Section 3.3.3.3 identifies wineries, breweries and associated uses which are secondary and directly related to the principal agricultural use on the property as an agricultural-related use.

### **3. DISCUSSION:**

The PPS views agricultural land as a valuable resource that should be protected. Accordingly, development outside of settlement areas is limited. At the same time, the PPS has allowed some diversification of the agricultural economy through value-added, small-scale agricultural industries and commercial uses. The Town will need to consider promoting further diversification in agriculture while ensuring the resource is not undermined through inappropriate developments which do not adhere to the criteria in the PPS, Official Plan and the *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas*.

The PPS, Section 2.3.1 states:

*"2.3.1 Prime agricultural areas shall be protected for long-term use for agriculture.*

*Prime agricultural areas are areas where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by Classes 1, 2 and 3 soils, in this order of priority.*

*2.3.2 Planning authorities shall designate specialty crop areas in accordance with evaluation procedures established by the Province, as amended from time to time.*

#### **2.3.3 Permitted Uses**

*2.3.3. 1 In prime agricultural areas, permitted uses and activities are: agricultural uses, secondary uses and agriculture-related uses.*

*Proposed new secondary uses and agriculture-related uses shall be compatible with, and shall not hinder, surrounding agricultural operations. These uses shall be limited in scale, and criteria for these uses shall be included in municipal*

*planning documents as recommended by the Province, or based on municipal approaches which achieve the same objective.”*

Agriculture includes the production of crops and raising of livestock and a range of associated activities. It is the predominate land use in the Town and is important to the local and regional economy and to the Town’s identity and character.

The OMAFRA guideline document further identifies that wineries and cideries may fit the definition of agriculture-related uses if they are able to meet all PPS criteria for that category of uses. However, care must be taken to ensure these uses are appropriate to available rural water and wastewater services. High water use/effluent generation operations may be incompatible in prime agricultural areas and may be better suited to areas on full urban services. The appropriate scale to qualify as an agriculture-related use needs to be assessed on a case-by-case basis.

The Town’s Official Plan Section 3.2.2(c) states:

*“Agriculture-related commercial and agriculture-related dry processing industrial uses shall be permitted in the ‘Agricultural’ designation provided they are small-scale, compatible with, and do not hinder surrounding agricultural operations. Such uses must also be directly related to the farm operation and are required in close proximity to the farm operation such as retail sales of produce grown on the farm, wineries, market gardening, nurseries, bulk seed storage, warehousing of produce, cold storage, and packaging or processing facilities or grain and seed storage facilities. Operations that require significant amounts of water and/or produce significant amounts of effluent will not be permitted.”*

The Town’s Official Plan, 2010 had included the necessary policy criteria to assess agriculture-related uses on a case-by-case basis. The amendment process put forward for direction to Council is specific to add breweries into areas designated and zoned Agricultural to the winery policies and provisions.

The policy criteria in the Town of Amherstburg Official Plan will ensure that a brewery/cidery operation is secondary to the principal agricultural use of the property by restricting the size of the operation, requiring the amount of land for crop production, ensuring appropriate servicing can be accommodated, restricting any future severance from the agricultural parcel and limiting maximum floor area of the brewery use. The Town would also have the ability to ensure that the requirements of the Province and the Town are met on an application specific basis. It is the intention that breweries/cideries would also be subject to site plan control to ensure the development is built and maintained as approved by Council.

The Official Plan Amendment will require the approval of the County of Essex as the delegated approval authority by the Province. The approval of an Official Plan Amendment would come into effect after the end of the public consultation, adoption, approval and appeal period.

The process which is presented for Council’s consideration is a policy change only and therefore no mapping update would be necessary to the Official Plan, only text changes.

Consequently mapping will not be provided as part of the Official Plan Amendment in this case.

**4. RISK ANALYSIS:**

The recommendation presents no risk to the municipality.

**5. FINANCIAL MATTERS:**

There is no cost associated with this recommendation. The proposed Official Plan Amendment will be undertaken by the Planning Division following Sections 17 and 22, of the *Planning Act*.

**6. CONSULTATIONS:**

Pre-consultation has occurred with the Manager of Planning, County of Essex, regarding the required process as the delegated approval authority for an OPA by the Province.

Consultation has occurred with the Policy Planner from the Town of Essex, regarding the process which the Planning Department undertook in 2012 to include breweries in areas designated agricultural in the Official Plan.

On February 3, 2017 a conference call was held with the Marion-Frances Cabral, Municipal Planning Advisor, MMAH and Drew Crinklaw, Rural Planner, OMAFRA to discuss the proposed Official Plan Amendment. Both Marion and Drew expressed their support for the OPA and Drew offered to provide correspondence to the municipality identifying no objection with the addition of the words “brewery” and “cidery” after winery in the agricultural policies of the Town’s Official Plan. It is anticipated that this correspondence from OMAFRA is forthcoming to the attention of the Town in the near future.

The Essex Region Conservation Authority (ERCA) provided correspondence which stated that they have no objections to the Official Plan Amendment.

*This space left blank intentionally.*

**7. CONCLUSION:**

Consideration by Council to diversify the agricultural economy with this policy initiative would recognize that Official Plan policies need to remain up-to-date with on-going trends in the region and Province. It is recommended that the Official Plan Amendment be directed for approval at an upcoming Council Meeting, pending comments received at this public meeting.



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Rebecca Belanger  
**Manager of Planning Services**

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**DEPARTMENTS/OTHERS CONSULTED:**

**Name: Bill King, Manager of Planning Services, County of Essex**  
**Phone #: 519 776-2029**

**Name: Jeff Watson, Policy Planner, Town of Essex**  
**Phone #: 519 776-7336**

**Name: Drew Crinklaw, Rural Planner, Ontario Ministry of Agriculture, Food and Rural Affairs**  
**Phone #: 519 873-4085**

**Name: Marion-Francis Cabral, Planner, Ministry of Municipal Affairs & Housing**  
**Phone #: 519 873-4769**

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



## Report Approval Details

Document Title:	Statutory Public Meeting to Consider Official Plan Amendment No. 4 for the Addition of Breweries in Agricultural Areas.docx
Attachments:	- Statutory Public Meeting to Consider OPA No. 4 for Breweries in Agricultural Areas - ATTACHMENTS.pdf
Final Approval Date:	Feb 17, 2017

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



**Mark Galvin - Feb 16, 2017 - 12:49 PM**



**Justin Rousseau - Feb 17, 2017 - 9:55 AM**



**John Miceli - Feb 17, 2017 - 11:45 AM**



**Paula Parker - Feb 17, 2017 - 12:46 PM**

AMENDMENT NO. 4  
TO THE OFFICIAL PLAN  
FOR THE  
TOWN OF AMHERSTBURG

Prepared By:  
Planning Services Division, Town of Amherstburg

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AMENDMENT NO. 4 TO THE OFFICIAL PLAN OF THE TOWN OF AMHERSTBURG

I, Paula Parker, Clerk of the Town of Amherstburg, certify that this is a/the original/duplicate original/certified copy of Amendment No. 4 to the Official Plan of the Town of Amherstburg.

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CLERK- Paula Parker

DRAFT

APPROVAL PAGE

This Amendment to the Official Plan for the Town of Amherstburg which has been adopted by the Council of the Corporation of the Town of Amherstburg is hereby approved in accordance with Section 21 of the Planning Act, R.S.O. 1990, as AMENDMENT No. 4 to the Official Plan for the Town of Amherstburg.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approval Authority

DRAFT

**THE CORPORATION OF THE TOWN OF AMHERSTBURG  
BY-LAW NO. 2017-08**

**By-law to adopt amendment No. 4 to the  
Official Plan for the Town of Amherstburg**

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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, as amended, hereby enacts as follows:

1. THAT Amendment No. 4 to the Official Plan for the Town of Amherstburg consisting of the attached text is hereby adopted.

THIS By-Law shall come into full force and effect upon the final passage thereof.

Read a first, second and third time and finally passed this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
MAYOR – ALDO DICARLO

\_\_\_\_\_  
CLERK – PAULA PARKER

THE CONSTITUTIONAL STATEMENT

PART “A” – THE PREAMBLE does not constitute part of this Amendment.

PART “B” – THE AMENDMENT, consisting of the following text, constitutes Amendment No. 4 to the Official Plan for the Town of Amherstburg.

DRAFT

AMENDMENT NO. 4  
TO THE OFFICIAL PLAN  
FOR THE TOWN OF AMHERSTBURG

PART "A" - THE PREAMBLE

1. PURPOSE

The purpose of this Amendment is to introduce language that would permit brewery, cidery and associated uses in combination with an agricultural operation to be specifically added into the winery policies on lands designated "Agricultural" in the Town of Amherstburg Official Plan.

2. BACKGROUND

The Town's Official Plan addresses agricultural policies within Section 3.2.2. The goals in the Official Plan for the agricultural areas are to preserve and enhance good agricultural land for farming purposes and to allow farm operators sufficient flexibility to engage in a wide range of agricultural activities. Secondary uses shall be permitted in the agricultural designation provided they are small-scale, compatible with, and do not hinder surrounding agricultural operations. Such uses shall be secondary to the principal use of the property, namely agriculture.

The proposed Official Plan Amendment is general in nature, and will add language into the winery section of the Agricultural Policies permitting breweries, cideries, and associated uses with an agricultural operation on lands designated "Agricultural" amending Policy 3.2.2(8) of the Town of Amherstburg Official Plan. The Amendment would apply to all areas designated "Agricultural" in the Town of Amherstburg. Breweries and cideries would be permitted in the "Agricultural" designation provided that any new development and any expansion meet all of the criteria listed in policy 3.2.2(8) of the Official Plan.

3. BASIS

The Town has received inquiries about the development of micro-breweries on lands designated and zoned for agricultural uses. The making of "craft" beers, specialty beers made on a limited production basis, is a recent trend. Areas suitable for the growing of grapes are also suitable for hops, barley, apples and other grains related to beer and cider production. The Town of Amherstburg Official Plan, Section 3.2.2 (8) states:



- (8) *Wineries are permitted in the Agriculture designation, provided that any proposed new development, and any expansion of an existing winery, shall meet all of the following conditions:*
- a) *Wineries shall only be permitted on lots 4 hectares (10 acres) or greater in area. This minimum lot size only applies to the consideration of a proposed winery or expansion to an existing winery and not the creation of new lots;*
  - b) *A winery shall not be severed from the winery farm parcel;*
  - c) *A minimum of 2 hectares (5 acres) of the winery farm parcel shall be capable of and committed to the production of grapes or other produce used in the winery;*
  - d) *A winery shall be located where access is provided by a road capable of accommodating the traffic generated, with arterial and collector roads being the preferred location for such uses. The location of access to the site shall not create a traffic hazard due to inadequate sight lines or any other traffic hazard. A traffic analysis may be required;*
  - e) *The requirements of the Province and the Town (or its designated agent) regarding water supply and sewage disposal must be met. Where private water and/or sewage disposal systems are proposed, the development must be of a size and scale that can be adequately serviced by such private systems;*
  - f) *The maximum size of a winery shall not exceed 1.5 percent coverage of the winery farm parcel, to a maximum of 2,323 square metres (25,000 square feet) of gross floor area aboveground, whichever is less;*
  - g) *The display, retail sale and/or tasting of wine produced on the winery farm parcel shall be permitted accessory to a permitted winery, provided the area dedicated to this purpose is limited to a maximum of 25 percent of the winery gross floor area aboveground which may be in addition to the total size of the winery. The retail sale of gifts, promotional and other non-local material shall also be permitted provided the area dedicated to this purpose is limited to a maximum of 20 percent of the total retail floor area;*
  - h) *Educational and/or historical displays directly related to the wine and grape producing industry shall be permitted accessory to a permitted winery provided the maximum floor area dedicated to such purpose is limited to 10 percent of the winery gross floor area aboveground;*
  - i) *A restaurant may be permitted accessory to a winery, subject to an amendment to the Zoning By-law; and,*
  - j) *Banquet halls and conference facilities shall not be permitted at wineries.*

The proposed Official Plan Amendment would be consistent with the policies in the neighbouring municipality of the Town of Essex relating to the addition of breweries to winery policies with an agricultural use as restricted by a number of specific criteria.

The amending language to the Official Plan would add “breweries” and “cideries” subject to the same criteria as wineries.

Section 1.0 of the PPS states that *“in respect of the exercise of any authority that affects a planning matter, section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act.”*

The Ontario Ministry of Agriculture, Food and Rural Affairs released draft Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas for input and discussion in February 2015. A later version of Publication 851 was obtained by the Town in the fall of 2016 to assist with interpretation of the policies in the Provincial Policy Statement, 2014 (PPS) on the uses that are permitted in prime agricultural areas.

According to the OMAFRA Guidelines *“it is the intent of the PPS and these guidelines to allow uses in prime agricultural areas that ensure settlement areas remain the focus of growth and development and:*

- *agriculture remains the principal use in prime agricultural areas*
- *prime agricultural areas are protected for future generations*
- *land taken out of agricultural production, if any, is minimal*
- *regard is given to the long-term (multi-generational) impact on prime agricultural areas*
- *normal farm practices are able to continue unhindered*
- *agricultural and rural character and heritage are maintained as much as possible*
- *uses are compatible with agricultural uses*
- *they make a positive contribution to the agricultural industry, either directly or indirectly*
- *servicing requirements (e.g., water and wastewater, road access, fire services, policing) fit with agricultural context”*

The guideline states that *“given the wide differences in municipal approaches to permitted uses, these guidelines aim to increase the consistency across the province. While consistency with these guidelines is preferred, Policy 2.3.3.1 of the PPS allows municipalities to develop their own criteria for permitted uses in municipal planning documents as long as they achieve the same objectives as the provincial guidelines.”* The guidelines further differentiate between value-added facilities and value-retaining facilities. *“Value-added facilities transform raw commodities into new forms that enhance their value, such as pressing apples into bottling cider, making wine, milling*

*grain, processing cherries and preserving and roasting grain for livestock feed.” “Value-retaining facilities located on farms serve to maintain the quality of raw commodities.”*

Section 2.2 of the Guideline document provides that PPS criteria for agriculture related uses must be met to qualify as an agriculture-related use which may include farm related commercial, farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity. PPS definitions

The OMAFRA Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas states:

*“Policy 2.3.3.2 of the PPS states that all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected. Value-retaining facilities on the farm must be recognized and permitted as agricultural uses in official plans and zoning by-laws. Zoning requirements such as location of buildings or structures may need to be met and where applicable, site plan control may be required to address matters such as site specific layout details (Section 2.5.3). Value-added facilities differ from value-retaining facilities. Value-added facilities process agricultural commodities into new forms or products that enhance their value. They may involve the addition of ingredients or processing of agricultural commodities (e.g., chopping and canning vegetables, pressing apples and bottling cider, making wine, milling grain, cherry pitting and preserving, and preserving and roasting grain for livestock feed).”*

Section 3.3.3.3 of the County of Essex Official Plan identifies agriculture-related uses as *“Wineries, breweries and associated uses which are secondary and directly related to the principal agricultural use on the property.”*

The policy criteria in the Town of Amherstburg Official Plan will ensure that a brewery/cidery operation is secondary to the principal agricultural use of the property by restricting the size of the operation, requiring the amount of land for crop production, ensuring appropriate servicing can be accommodated, restricting any future severance from the agricultural parcel and limiting maximum floor area of the brewery use. The Town would also have the ability to ensure that the requirements of the Province and the Town are met on an application specific basis. It is the intention that breweries/cideries would also be subject to site plan control to ensure the development is built and maintained as approved by Council.

## PART “B” - THE AMENDMENT

All of this part of the document, entitled, “Part ‘B’ - The Amendment” consisting of the following text constitutes Amendment No. 4 to the Official Plan for the Town of Amherstburg.

### 1. DETAILS OF THE AMENDMENT

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

That Section 3.2.2 Agricultural policies, subsection (8), is amended by adding breweries/cideries after wineries as follows:

- (8) “Wineries, breweries and cideries are permitted in the Agriculture designation, provided that any proposed new development, and any expansion of an existing winery, brewery and cideries shall meet all of the following conditions:
- a) Wineries, breweries and cideries shall only be permitted on lots 4 hectares (10 acres) or greater in area. This minimum lot size only applies to the consideration of a proposed winery, brewery or cidery or expansion to an existing winery, brewery or cidery and not the creation of new lots;
  - b) A winery, brewery, cidery shall not be severed from the winery, brewery, cidery farm parcel;
  - c) A minimum of 2 hectares (5 acres) of the winery, brewery, cidery farm parcel shall be capable of and committed to the production of grapes, barley, hops or other produce used in the winery, brewery or cidery;
  - d) A winery, brewery or cidery shall be located where access is provided by a road capable of accommodating the traffic generated, with arterial and collector roads being the preferred location for such uses. The location of access to the site shall not create a traffic hazard due to inadequate sight lines or any other traffic hazard. A traffic analysis may be required;
  - e) The requirements of the Province and the Town (or its designated agent) regarding water supply and sewage disposal must be met. Where private water and/or sewage disposal systems are proposed, the development must be of a size and scale that can be adequately serviced by such private systems;
  - f) The maximum size of a winery, brewery or cidery shall not exceed 1.5 percent coverage of the winery, brewery or cidery farm parcel, to a maximum of 2,323 square metres (25,000 square feet) of gross floor area aboveground, whichever is less;”
  - g) The display, retail sale and/or tasting of wine, beer or cider produced on

the winery, brewery or cidery farm parcel shall be permitted accessory to a permitted winery, brewery, cidery provided the area dedicated to this purpose is limited to a maximum of 25 percent of the winery, brewery, cidery gross floor area aboveground which may be in addition to the total size of the winery, brewery, cidery. The retail sale of gifts, promotional and other non-local material shall also be permitted provided the area dedicated to this purpose is limited to a maximum of 20 percent of the total retail floor area;

- h) Educational and/or historical displays directly related to the wine, grape, barley and hops producing industry shall be permitted accessory to a permitted winery, brewery and cidery provided the maximum floor area dedicated to such purpose is limited to 10 percent of the winery, brewery, cidery gross floor area aboveground;
- i) A restaurant may be permitted accessory to a winery, brewery, cidery subject to an amendment to the Zoning By-law; and,
- j) Banquet halls and conference facilities shall not be permitted at wineries, breweries and cideries.

## 2. IMPLEMENTATION AND INTERPRETATION

This document will be implemented by the Town of Amherstburg by enacting an appropriate amendment to the Zoning By-law of the Town of Amherstburg and enacted through an Amendment to the Town's Site Plan By-law.



regs@erca.org  
P.519.776.5209  
F.519.776.8688

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

February 09, 2017

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

Dear Ms. Belanger:

RE: Application for Official Plan Amendment. OPA 4 ENTIRE MUNICIPALITY  
Applicant: Town of Amherstburg

The following is provided for your information and consideration as a result of our review of the Notice of Public Meeting to Consider Application for Official Plan Amendment OPA 4. The purpose of the application is to amend the Official Plan policies for all areas designated "Agricultural" in the Town of Amherstburg. The proposed amendment is general in nature, and will add language into the winery section of the agricultural policies permitting breweries, cideries and associated uses within the agricultural operation on lands designated "Agricultural" amending policy 3.2.2(8) of the Town of Amherstburg Official Plan.

We have reviewed this Official Plan Amendment based on our existing policies and guidelines on plan review. We have no objection to this amendment to the Official Plan.

If you should have any questions or require any additional information, please do not hesitate to contact the ERCA Watershed Planner, Michael Nelson by phone at (519) 776-5209 ext. 347 or by e-mail at [mnelson@erca.org](mailto:mnelson@erca.org).

Thank you.

Sincerely,

Michael Nelson, Watershed Planner  
/mn



**THE CORPORATION OF THE TOWN OF AMHERSTBURG**  
**OFFICE OF PLANNING, DEVELOPMENT & LEGISLATIVE SERVICES**

**MISSION STATEMENT:**

<b>Author's Name: Rebecca Belanger</b>	<b>Report Date: October 21, 2016</b>
<b>Author's Phone: 519 736-5408 ext. 2124</b>	<b>Date to Council: November 14, 2016</b>
<b>Author's E-mail: rbelanger@amherstburg.ca</b>	<b>Resolution #: N/A</b>

**To: Mayor and Members of Town Council**

**Subject: Official Plan Amendment for the Addition of Breweries in Agricultural Areas**

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**1. RECOMMENDATION:**

It is recommended that:

1. The report from the Manager of Planning Services dated October 21, 2016, regarding an Official Plan Amendment for the addition of breweries in agricultural areas **BE RECEIVED**; and,
2. Administration **BE AUTHORIZED** to initiate an Official Plan Amendment process for breweries in agricultural areas.

**2. BACKGROUND:**

The Town of Amherstburg Planning Division has recently received inquiries about the development of micro-breweries on lands designated and zoned agricultural. The making of "craft" beers and specialty beers is a recent trend in the Province. Areas suitable for the growing of grapes are also suitable for hops, barley and other grains related to beer production. The proposed Official Plan Amendment process would consider the merits of adding a brewery as a permitted use in areas designated Agricultural in the Official Plan. The Town's Official Plan permits wineries in areas designated Agricultural provided that the development and any expansion to the existing winery shall meet all of the specific criteria in the Agricultural policies Section of the Official Plan. Further wineries are restricted to site specific regulations in the Agricultural Zone.

The Official Plan for the Town of Amherstburg was approved by the County of Essex in 2009, and finalized by Ontario Municipal Board Settlement in 2010. The Official Plan provides the policy direction pertaining to planning and development within the

municipality for the next 15-20 years. As well, the Official Plan conforms to the policies in the 2005 Provincial Policy Statement, set out in the Ontario *Planning Act*. The Official Plan review will begin in the near future to conform to the Provincial Policy Statement (PPS) 2014.

The Town's Official Plan needs to be reviewed and revised from time to time to address matters that have arisen since its implementation. These might stem from new land use requests, changes in provincial legislation or from matters of interpretation and enforcement. Section 1.1 of the Town's Official Plan states "*The document, however, should not be considered static and will be reviewed every five years in accordance with the Planning Act or sooner should economic, environmental, or social conditions suggest that an amendment in policy direction and/or land use designations would be in the public's best interest*".

It should be noted that in the neighbouring municipality of the Town of Essex, the Official Plan and Zoning By-law permits a brewery in combination with an agricultural operation in the agricultural designation and zone. This planning policy initiative began in 2012 based on a request by a landowner to allow a brewery in the agricultural area.

### **3. DISCUSSION:**

The PPS views agricultural land as a valuable resource that should be protected. Accordingly, development outside of settlement areas is limited. At the same time, the PPS has allowed some diversification of the agricultural economy through value-added, small-scale agricultural industries and commercial uses. The Town will need to consider promoting further diversification in agriculture while ensuring the resource is not undermined through inappropriate developments which do not adhere to the criteria in the PPS, Official Plan and the *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas*.

The PPS, Section 2.3.1 states:

*"2.3.1 Prime agricultural areas shall be protected for long-term use for agriculture.*

*Prime agricultural areas are areas where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by Classes 1, 2 and 3 soils, in this order of priority.*

*2.3.2 Planning authorities shall designate specialty crop areas in accordance with evaluation procedures established by the Province, as amended from time to time.*

#### *2.3.3 Permitted Uses*

*2.3.3. 1 In prime agricultural areas, permitted uses and activities are: agricultural uses, secondary uses and agriculture-related uses.*

*Proposed new secondary uses and agriculture-related uses shall be compatible with, and shall not hinder, surrounding agricultural operations. These uses shall*



*be limited in scale, and criteria for these uses shall be included in municipal planning documents as recommended by the Province, or based on municipal approaches which achieve the same objective.”*

Agriculture includes the production of crops and raising of livestock and a range of associated activities. It is the predominate land use in the Town and is important to the local and regional economy and to the Town’s identity and character.

The Ontario Ministry of Agriculture, Food and Rural Affairs has released the final *Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas*, October 2016 after the opportunity for public input and discussion during 2015 and 2016. *“Ontario’s prime agricultural land is a finite, non-renewable resource comprising less than five per cent of Ontario’s land base. It is the foundation for food, fibre and fur production, the local food economy, agri-food exports, economic prosperity and the growing bio-based economy.”*

The PPS defines an Agriculture-related use as *“those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity”*.

The guideline document further identifies that wineries and cideries may fit the definition of agriculture-related uses if they are able to meet all PPS criteria for that category of uses. However, care must be taken to ensure these uses are appropriate to available rural water and wastewater services. High water use/effluent generation operations may be incompatible in prime agricultural areas and may be better suited to areas on full urban services. The appropriate scale to qualify as an agriculture-related use needs to be assessed on a case-by-case basis.

The Town’s Official Plan Section 3.2.2(c) states:

*“Agriculture-related commercial and agriculture-related dry processing industrial uses shall be permitted in the ‘Agricultural’ designation provided they are small-scale, compatible with, and do not hinder surrounding agricultural operations. Such uses must also be directly related to the farm operation and are required in close proximity to the farm operation such as retail sales of produce grown on the farm, wineries, market gardening, nurseries, bulk seed storage, warehousing of produce, cold storage, and packaging or processing facilities or grain and seed storage facilities. Operations that require significant amounts of water and/or produce significant amounts of effluent will not be permitted.”*

The Town’s Official Plan, 2010 had included the necessary policy criteria to assess agriculture-related uses on a case-by-case basis. The amendment process put forward for direction to Council is specific to add breweries into areas designated and zoned Agricultural to the winery policies and provisions.

The Official Plan Amendment will require the approval of the County of Essex as the delegated approval authority by the Province. The approval of an Official Plan Amendment would come into effect after the end of the public consultation, adoption, approval and appeal period. A component of the OPA process will involve municipal consultation with the Province including the Ministry of Municipal Affairs and Housing as

the one window to the Province for pre-consultation, and the Ontario Ministry of Agriculture, Food and Rural Affairs.

The process which is presented for Council's consideration is a policy change only and therefore no mapping update would be necessary to the Official Plan, only text changes. Consequently mapping will not be provided as part of the Official Plan Amendment in this case.

**4. RISK ANALYSIS:**

The recommendation presents no risk to the municipality.

**5. FINANCIAL MATTERS:**

There is no cost associated with this recommendation. The proposed Official Plan and Zoning By-law Amendment processes will be undertaken by the Planning Division following Sections 17 and 22 and Section 34, of the *Planning Act*.

**6. CONSULTATIONS:**

Pre-consultation has occurred with the Manager of Planning, County of Essex, regarding the required process as the delegated approval authority for an OPA by the Province.

Consultation has occurred with the Policy Planner from the Town of Essex, regarding the process which the Planning Department undertook in 2012 to include breweries in areas designated agricultural in the Official Plan.

*This space left blank intentionally.*

**7. CONCLUSION:**

The initiation of the Official Plan Amendment process to consider adding breweries as an additional use in areas designated agricultural is recommended to Council at this time. Public Consultation will be a part of the Amendment process. Consideration by Council to diversify the agricultural economy with this policy initiative would recognize that Official Plan policies need to remain up-to-date with on-going trends in the region and Province.



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Rebecca Belanger  
**Manager of Planning Services**

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**DEPARTMENTS/OTHERS CONSULTED:**

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## **SECTION 3 RESOURCE-BASED LAND USE POLICIES**

### **3.1 GENERAL**

The intent of this Official Plan is to develop policies and to define, through Schedule “A” - Land Use Plan and the more detailed Schedule “B” - Land Use Plan - Settlement Areas, the nature and extent of future growth and to determine the use of land in an orderly, attractive and economically viable manner. The objectives of the Land Use Policies and Plan portion of the Official Plan are:

- (1) To maintain an appropriate balance between areas to be used for Agricultural, Natural Environmental features, Residential, Commercial, Industrial, Open Space, and Institutional activities;
- (2) To designate major land use areas to ensure the proper functioning of each use, and desirable spatial distribution based on sound planning principles and analysis;
- (3) To establish a land use pattern that ensures that services and utilities are efficiently utilized;
- (4) To ensure that the central area/“old Town” is strengthened as the focal point of community life and commerce;
- (5) To ensure that areas that have been identified as environmentally sensitive, having scenic value or hazardous potential are sufficiently protected; and
- (6) To ensure that sufficient areas have been set aside for employment opportunities.

The policies of Section 3 of this Plan deal with lands that are resource-based, including the Agricultural, Extractive Industrial and Natural Resources such as provincially significant wetlands, environmentally sensitive areas, woodlots and lands with development limitations within the Town of Amherstburg. Development activities within these designations are restricted to uses that protect the resource, its economic viability and its sustainability. Section 4 of this Plan will deal with the Settlement Areas of the Town of Amherstburg. It is within the Settlement Areas that development intended to accommodate the anticipated population increases, industrial and commercial growth will be directed. It is the intent of this Plan to direct non-resource-based development to the Settlement Areas of this Plan.

### **3.2 AGRICULTURAL LAND USES**

Good agricultural lands and viable farming operations are non-renewable resources essential to the economic well being of Amherstburg, Essex County and the Province of Ontario. These non-renewable resources need to be protected, preserved and enhanced to ensure that productive agricultural land continues to exist and is not undermined by non-agricultural activities. The Agricultural policies provide a framework for the protection and maintenance of the agricultural industry not only as a producer of food and other products but also as a foundation for a rural way of life.

The policies will ensure that good agricultural land is preserved for agricultural use through the protection of the land base by directing land uses that are not related to or compatible with agriculture away from the agricultural area. The policies will also ensure that the minimum agricultural operation unit size or farm parcel size is maintained equal to the typical agricultural operation while also permitting farming operations to adjust to changing economic and technological conditions. In the Agricultural area of Amherstburg, agriculture is the primary long term land use. The main purpose of the designation is to provide a secure land base for agricultural activities and to support the concept of “right-to-farm”.

### 3.2.1 Goals

The following goals are established for the Agricultural area:

- (1) To preserve and enhance good agricultural land for agricultural purposes;
- (2) To allow farm operators sufficient flexibility to engage in a wide range of agricultural activities;
- (3) To restrict the type and amount of non-farm development in the agricultural area;
- (4) To encourage the retention and enhancement of existing windrows, hedgerows, and small woodlots in order to protect the high quality of landscape, provide habitat for wildlife, mitigate wind erosion and protect surface and groundwater resources; and
- (5) To direct non-agricultural development to Settlement Areas and to control the development of agriculturally related commercial and agriculturally related industrial uses.

### 3.2.2 Policies

The following policies shall apply to those lands designated "Agricultural" on Schedules "A" and "B" of this Plan:

- (1)
  - (a) *The 'Agricultural' designation on Schedules 'A' and 'B' shall mean that the predominant use of the lands shall be for agriculture and uses connected with the conservation of water, soil, wildlife and other natural resources. The agricultural uses permitted include the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures including accommodation for full-time farm labour when the size and nature of the operation requires additional employment;*
  - (b) *Secondary uses shall be permitted in the 'Agricultural' designation provided they are small-scale, compatible with, and do not hinder surrounding agricultural operations. Such uses shall be secondary to the principal use of the property, namely agriculture, such as farm occupations and home occupations as per Section 3.2.2. (18) of this Plan, bed and breakfast establishments or agricultural trucking establishments;*
  - (c) *Agriculture-related commercial and agriculture-related dry processing industrial uses shall be permitted in the 'Agricultural' designation provided they are small-scale, compatible with, and do not hinder surrounding agricultural operations. Such uses must also be directly related to the farm operation and are required in close proximity to the farm operation such as retail sales of produce grown on the farm, wineries, market gardening, nurseries, bulk seed storage, warehousing of produce, cold storage, and packaging or processing facilities or grain and seed storage facilities. Operations that require significant amounts of water and/or produce significant amounts of effluent will not be permitted;*
  - (d) *Wayside pits and quarries are permitted in the 'Agricultural' designation subject to Section 2.24 and other applicable policies of this Plan;*
  - (e) *Portable asphalt plants are permitted in the 'Agricultural' designation subject to Section 2.25 and other applicable policies of this Plan. (Modification #20)*
- (2) *Mushroom operations including the growing, harvesting, cleaning, packaging and shipping of mushrooms and any other uses related to mushroom production including the creation of compost are also permitted in the Agricultural designation. However,*

*the establishment of a new mushroom farm or the expansion of an existing operation shall only be permitted subject to the following conditions;*

- (a) A site plan control agreement shall be required to address appropriate setbacks, building size and location, parking, lighting, drainage, buffering, screening, and landscaping and any other matters under Section 41 of the Planning Act;*
  - (b) Minimum setbacks for the establishment of new or the expansion of an existing mushroom operation shall be required in the Comprehensive Zoning By-law to ensure adequate separation from existing residential and other sensitive land uses. (Modification #21)*
- (3) All new and expanding livestock facilities are permitted in the Agricultural designation without an amendment to the Zoning By-Law provided the proposed location is in compliance with the minimum distance separation (MDS) formula contained in the implementing Zoning By-Law;
- (4) Tree farms and retail nursery outlets are permitted in the Agricultural designation without an amendment to the Zoning By-Law provided that all goods and materials for sale are grown or produced on site. Those establishments that have goods and materials for sale that are not grown or produced on site will require an amendment to the Town's Zoning By-Law to place the subject property in an agricultural defined area that specifically outlines the type of facility permitted including the area of the site and/or buildings that may be used for retail/display purposes, and to address appropriate setbacks, building size and location, parking, loading, road access, lighting, drainage, buffering, screening and landscaping and any other matters under Section 34 and 41 of the Planning Act;
- (5) *number left for future use; (Modification #22)*
- (6) *Existing social, recreational, and institutional uses such as churches, schools, cemeteries, community halls, retirement homes, golf courses, public uses, airports, receiving and transmission towers, and historic sites are permitted uses within the Agricultural designation subject to further considerations and policies of this Plan. Any proposed expansion of these uses shall be limited to the boundaries of the existing site and no conveyance of agricultural land shall be permitted to accommodate the expansion; (Modification #23)*
- (7) Greenhouse operations shall be permitted provided that lands developed for greenhouse activities or agricultural operations that require extensive structures may be subject to on-site stormwater management as a condition of development. Impacts of light pollution on abutting land uses will also be assessed. If a greenhouse operation is located on a site with municipal water supply, limitations may be applied to the utilization of the water for agricultural purposes and/or the farm/greenhouse development may be required to upgrade the water system to accommodate the demand and/or the water usage may be metred and recycling of irrigated water may be required. If the greenhouse is developed on a private individual water supply system, a ground water study shall be required to assess the potential for groundwater interference and groundwater supply and if applicable, a Permit to Take Water under the Ontario Water Resources Act will be required. Recycling of water may also be required. Any goods and material offered for sale shall be limited to small-scale retailing of products grown and produced on site. Where the proposed use would involve the sale of goods and materials that are not grown and produced on the site, a Zoning By-law amendment shall be required to place the subject

property in a site specific agricultural zone that identifies the type of facility permitted including the area of the site and/or buildings that may be used for retail/display purposes and to address any other matters under Section 34 of the Planning Act;

- (8) Wineries are permitted in the Agriculture designation, provided that any proposed new development, and any expansion of an existing winery, shall meet all of the following conditions:
- a) Wineries shall only be permitted on lots 4 hectares (10 acres) or greater in area. This minimum lot size only applies to the consideration of a proposed winery or expansion to an existing winery and not the creation of new lots;
  - b) A winery shall not be severed from the winery farm parcel;
  - c) A minimum of 2 hectares (5 acres) of the winery farm parcel shall be capable of and committed to the production of grapes or other produce used in the winery;
  - d) A winery shall be located where access is provided by a road capable of accommodating the traffic generated, with arterial and collector roads being the preferred location for such uses. The location of access to the site shall not create a traffic hazard due to inadequate sight lines or any other traffic hazard. A traffic analysis may be required;
  - e) The requirements of the Province and the Town (or its designated agent) regarding water supply and sewage disposal must be met. Where private water and/or sewage disposal systems are proposed, the development must be of a size and scale that can be adequately serviced by such private systems;
  - f) The maximum size of a winery shall not exceed 1.5 percent coverage of the winery farm parcel, to a maximum of 2,323 square metres (25,000 square feet) of gross floor area aboveground, whichever is less;
  - g) The display, retail sale and/or tasting of wine produced on the winery farm parcel shall be permitted accessory to a permitted winery, provided the area dedicated to this purpose is limited to a maximum of 25 percent of the winery gross floor area aboveground which may be in addition to the total size of the winery. The retail sale of gifts, promotional and other non-local material shall also be permitted provided the area dedicated to this purpose is limited to a maximum of 20 percent of the total retail floor area;
  - h) Educational and/or historical displays directly related to the wine and grape producing industry shall be permitted accessory to a permitted winery provided the maximum floor area dedicated to such purpose is limited to 10 percent of the winery gross floor area aboveground;
  - i) A restaurant may be permitted accessory to a winery, subject to an amendment to the Zoning By-law; and,
  - j) Banquet halls and conference facilities shall not be permitted at wineries;
- (9) *Existing, new and expanded aquaculture or fish farming, including the growing, harvesting, cleaning, packaging and shipping of fish and any other uses related to fish production are permitted. However, the establishment of a new fish farm or the expansion to an existing operation is subject to Site Plan Control. When considering an application for Site Plan Control, Council shall be satisfied that: (Modification #10)*
- a) approvals have been obtained from the Ministry of the Environment for the issuance of a “permit to take water” for water draw down from ground or surface sources and that the volumes of water are not adverse to the long term planning of the community;
  - b) approvals have been obtained from the Ministry of the Environment for a “certificate of approval” for sewage treatment works and water discharge from the fish farm operation;
  - c) approvals have been obtained from the Ministry of Natural Resources for an

## SECTION 26            AGRICULTURAL (A) ZONE

### (1)    SCOPE

The provisions of this Section shall apply in all Agricultural (A) Zones except as otherwise provided in the Special Provision Subsection of this Section.

### (2)    USES PERMITTED

No person shall within any A Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following A uses, namely:

- (i)    an agricultural use, including a dwelling unit and including an intensive agricultural use subject to Subsection 26(3)(k) of this By-law;
- (ii)    an existing dwelling;
- (iii)    a single detached dwelling including a dwelling on an undersized lot in accordance with Subsection 26(3)(j);
- (iv)    an existing mobile home;
- (v)    a mobile home accessory to an agricultural use, subject to Subsection 26(3)(l);
- (vi)    a rural home occupation; in accordance with Section 3(10);
- (vii)    a retail farm sales outlet;
- (viii)    a veterinary clinic;
- (ix)    a wayside pit;
- (x)    animal burial grounds, dog kennels and boarding kennels, in accordance with Subsection 26(3)(m) of this By-law;
- (xi)    forestry uses excluding any establishments that either process forestry products or sell processed forestry products such as lumber yards;
- (xii)    greenhouses subject to Subsection 26(3)(n);
- (xiii)    greenhouse, commercial subject to Subsection 26(3)(n);
- (xiv)    hunting, game and wildlife preserves;
- (xv)    grass landing strips;
- (xvi)    nurseries or tree farms;
- (xvii)    the exploration and extraction of oil and other similar materials;
- (xviii)    a bed and breakfast establishment;
- (xix)    works of a Conservation Authority;
- (xx)    a public use;
- (xxi)    uses accessory to the foregoing permitted uses;
- (xxii)    *a winery in accordance with Subsection 26(3)(o). (By-law 2006-61)*

### (3)    ZONE REQUIREMENTS

No person shall, within any A Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

#### (a)    Lot Area (Minimum)

- (i)    agricultural and accessory uses

*40.0 ha  
(By-law 2006-61)*



(b)	Lot Frontage (Minimum)	
	(i) agricultural and accessory uses	140.0 m
	(ii) other uses	30.0 m
(c)	Front Yard Depth (Minimum)	
	(i) residential uses	15.0 m
	(ii) non-residential uses	25.0 m
(d)	Interior Side Yard Width (Minimum)	
	(i) residential uses	7.5 m
	(ii) non-residential uses	15.0 m
(e)	Exterior Side Yard Width (Minimum)	
	(i) residential uses	15.0 m
	(ii) non-residential uses	25.0 m
(f)	Rear Yard Depth (Minimum)	
	(i) residential uses	15.0 m
	(ii) non-residential uses	30.0 m
(g)	Lot Coverage (Maximum)	
	(i) agricultural and accessory uses	10%
	(ii) other uses	30%
(h)	Landscaped Open Space (Minimum)	
	For non-agricultural uses	30%
(i)	<i>Height (Maximum)</i>	10 m <i>(By-law 2006-61)</i>
(j)	Undersized Lots	
	On an existing undersized lot complying with the conditions of Section 3(18)(c), or on a lot legally created subsequent to the passage of this By-law, a maximum of one single detached dwelling shall be permitted whether or not it is accessory to a permitted agricultural use. Such dwelling shall be located no closer than 300 metres from any lot containing an existing intensive agricultural use, and shall be subject to the following requirements:	
	(i) Front Yard Depth (Minimum)	10 m
	(ii) Interior Side Yard Width (Minimum)	4.0 m
	(iii) Exterior Side Yard Width (Minimum)	10 m

- (iv) Rear Yard Depth (Minimum) 10 m
- (v) Lot Coverage (maximum) 20%
- (vi) *Accessory buildings or structures*  
*A building or structure accessory to a single detached dwelling may locate anywhere within an interior side yard or rear yard provided that such accessory building or structure is not located closer than 3.0 metres to any lot line. All other regulations of the Accessory Uses provision of Section 3(1) shall apply. (By-law 2006-40)*

All other relevant provisions of the A Zone apply.

*The provisions of this Subsection shall apply to the construction of a new dwelling on an existing undersized lot in the Agricultural Zone, and to the alteration or replacement of an existing dwelling on an existing undersized lot in the Agricultural Zone except as otherwise provided in Subsection 3(18)(a) and 3(18)(b). (By-law 2006-61)*

(k) Separations for Intensive Agricultural Uses

No non-residential building or structure directly associated with an intensive agricultural use shall be established and no building or structures for such use shall be erected or altered or expanded unless it complies with the Minimum Distance Separation (MDS II) calculation using Schedule "D" to this By-law.

No facility for the storage of liquid manure in association with an intensive agricultural use shall hereafter be erected or altered except where such facility

- (i) is constructed of concrete or steel;
- (ii) is constructed
  1. with wall that extend a minimum of 1.5 metres above the surrounding grade level; or
  2. with walls that extend 0.6 metre or more above the surrounding grade level, above which a chain-link fence enclosure extends to a total of no less than 1.5 metres above the surrounding grade level; or
  3. on grade with a solid concrete cover that is capable of carrying loads consistent with the weight of farm vehicles and local climatic conditions;
- (iii) is sufficient size to accommodate the total amount of manure generated by the intensive livestock farm in any 250-day period.

(l) Mobile Homes as Supplementary Housing to an Agricultural Use

No person shall use or permit the use of any mobile home or trailer for the purposes of supplementary housing to an agricultural use on any lot in the A

Zone for the living, sleeping or eating accommodation of temporary seasonal employees unless a seasonal permit has been obtained from the Town.

(m) Regulations for Boarding Kennels

Unless located within a single unit dwelling or attached garage, no boarding kennel, as defined herein, shall be permitted closer than two thousand (2,000) feet to an existing dwelling on a lot other than the lot upon which the boarding kennel is proposed.

(n) Greenhouse Regulation

- (i) Greenhouses or commercial greenhouses *having a gross floor area greater than 500 square metres shall not be permitted unless a development agreement has been entered into with the Town regarding stormwater management and lighting.*
- (ii) *Where ventilation fans associated with any greenhouse exhaust into a side and/or a rear yard the minimum side and/or rear yard requirement shall be 25 metres;*
- (iii) *All greenhouses that use artificial lighting for growing purposes during the night shall be located a minimum distance of 150 metres from any residential use;*
- (iv) *All greenhouses shall be located a minimum distance of 45 metres from any residential use located on a separate lot;*
- (v) *No manure, compost or equipment may be stored within 30 metres of a street allowance, a watercourse, or a residential use located on a separate lot;*
- (vi) *All greenhouses shall be subject to site plan control.*

(By-law 2006-61)

(o) **Winery Regulations**

*A winery shall only be permitted subject to the following provisions:*

- (i) *Lot Area (Minimum)* *4 ha*  
*provided that the minimum lot area shall only apply to the consideration of establishing a new winery and not the severance or creation of a new lot;*
- (ii) *Gross Floor Area (Maximum)* *1.5% of the lot area  
or 2,323 m<sup>2</sup>,  
whichever is lesser*

- (iii) *All wines produced shall be from locally grown fruit, predominantly grown on the same lands as the winery, with a minimum of 2 hectares of the farm parcel capable of and committed to the production of grapes or other produce used in the winery;*
- (iv) *Accessory display and retail sale of wine produced on site shall not exceed 25% of the gross floor area of the winery but may be in addition to the winery floor area;*
- (v) *Accessory retail sale of other goods shall not exceed 20% of the gross floor area of ancillary retail permitted under clause (iv) above;*
- (vi) *Accessory educational and/or historical displays or areas directly related to the wine and grape producing industry shall be permitted accessory to a permitted winery provided the maximum floor area dedicated to such purpose is limited to 10 percent of the winery gross floor area; and,*
- (vii) *all wineries shall be subject to site plan control.*

*All other provisions of the Agricultural Zone shall apply.*

*(By-law 2006-61)*

# 2014 Provincial Policy Statement

Under the *Planning Act*

[Ontario.ca/PPS](http://Ontario.ca/PPS)

## **2.3 Agriculture**

2.3.1 *Prime agricultural areas* shall be protected for long-term use for agriculture.

*Prime agricultural areas* are areas where *prime agricultural lands* predominate. *Specialty crop areas* shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the *prime agricultural area*, in this order of priority.

2.3.2 Planning authorities shall designate *prime agricultural areas* and *specialty crop areas* in accordance with guidelines developed by the Province, as amended from time to time.

### **2.3.3 Permitted Uses**

2.3.3.1 In *prime agricultural areas*, permitted uses and activities are: *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses*.

Proposed *agriculture-related uses* and *on-farm diversified uses* shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

2.3.3.2 In *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with provincial standards.

2.3.3.3 New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the *minimum distance separation formulae*.

## **2.3.4 Lot Creation and Lot Adjustments**

2.3.4.1 Lot creation in *prime agricultural areas* is discouraged and may only be permitted for:

- a) *agricultural uses*, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) *agriculture-related uses*, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*;
- c) *a residence surplus to a farming operation* as a result of farm consolidation, provided that:
  - 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*; and
  - 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and
- d) *infrastructure*, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

2.3.4.2 Lot adjustments in *prime agricultural areas* may be permitted for *legal or technical reasons*.

2.3.4.3 The creation of new residential lots in *prime agricultural areas* shall not be permitted, except in accordance with policy 2.3.4.1(c).

## **2.3.5 Removal of Land from Prime Agricultural Areas**

2.3.5.1 Planning authorities may only exclude land from *prime agricultural areas* for expansions of or identification of *settlement areas* in accordance with policy 1.1.3.8.

## **2.3.6 Non-Agricultural Uses in Prime Agricultural Areas**

2.3.6.1 Planning authorities may only permit non-agricultural uses in *prime agricultural areas* for:

- a) extraction of *minerals, petroleum resources* and *mineral aggregate resources*, in accordance with policies 2.4 and 2.5; or

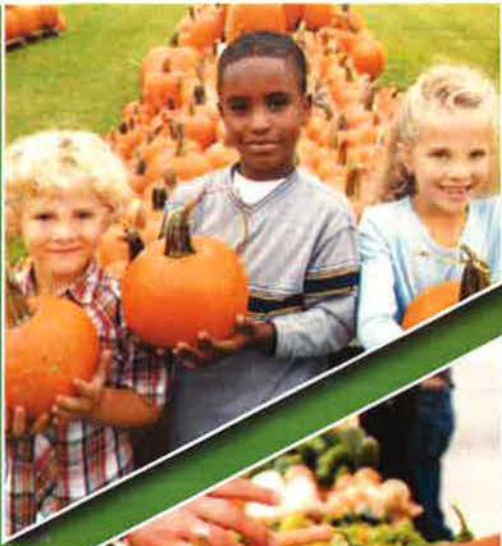
- b) limited non-residential uses, provided that all of the following are demonstrated:
1. the land does not comprise a *specialty crop area*;
  2. the proposed use complies with the *minimum distance separation formulae*;
  3. there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use; and
  4. alternative locations have been evaluated, and
    - i. there are no reasonable alternative locations which avoid *prime agricultural areas*; and
    - ii. there are no reasonable alternative locations in *prime agricultural areas* with lower priority agricultural lands.

2.3.6.2 Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible.



# Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas

Publication 851



# 1. INTRODUCTION

## 1.1 Purpose and Scope of the Guidelines

The Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas will help municipalities, decision-makers, farmers and others interpret the policies in the Provincial Policy Statement, 2014 (PPS) on the uses that are permitted in *prime agricultural areas*<sup>1</sup>. It comprises the provincial guidelines referred to in Policy 2.3.3.1 of the PPS.

This document provides guidance on:

- *agricultural, agriculture-related and on-farm diversified* uses described in Policy 2.3.3. of the PPS
- removal of land for new and expanding *settlement areas* (PPS Policy 2.3.5) and limited non-agricultural uses in *prime agricultural areas* (PPS Policy 2.3.6)
- mitigation of impacts from new or expanding non-agricultural uses (PPS Policy 2.3.6.2)

Relevant policies and definitions from the PPS referred to in these guidelines are included in Appendix 1.

These guidelines are meant to complement, be consistent with and explain the intent of the PPS policies and definitions. Where specific parameters are proposed, they represent best practices rather than specific standards that must be met in every case. These parameters are based on the judgement and experience of the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) and the Ontario Ministry of Municipal Affairs (MMA) as well as consultation with municipalities and stakeholders on how to be consistent with PPS policies.

### PPS Policy 2.3.3.1

In *prime agricultural areas*, permitted uses and activities are: *agricultural uses, agriculture-related uses and on-farm diversified uses*.

Proposed *agriculture-related uses* and *on-farm diversified uses* shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objective.

## 1.2 Ontario's Prime Agricultural Areas

Ontario's *prime agricultural land* is a finite, non-renewable resource comprising less than 5% of Ontario's land base. It is the foundation for food, fibre and fur production, the local food economy, agri-food exports, economic prosperity and the growing bio-based economy.

The PPS states that Ontario's *prime agricultural areas* shall be protected for long-term use for agriculture and defines *prime agricultural areas* as areas where *prime agricultural lands* predominate. Planning authorities (e.g., municipalities) are required to designate<sup>2</sup> *prime agricultural areas* in their official plans, including *specialty*

<sup>1</sup> Words in *italics* are defined in Appendix 1 in accordance with the PPS.

<sup>2</sup> The term "designate" is not defined in the PPS. The province's preferred approach to designating *prime agricultural areas* in official plans, and one that is followed by most municipalities, is to have "agriculture" or "*prime agricultural area*" as a category of land use identified on a land use schedule or map with corresponding policies in the official plan. Other approaches that achieve the same objectives of 1) mapping the lands and 2) through policies, provide for their protection and identify permitted uses, may also be acceptable.

### 2.1.3 Examples of Uses that Would Typically Not be Agricultural Uses

Examples of uses that would typically not be *agricultural uses* because they do not meet PPS definitions or criteria include:

- dog kennels
- grain dryers or mechanical garages serving several producers/customers
- retail operations
- landscape businesses
- off-season vehicle storages
- recreational facilities such as campsites, golf courses, fairgrounds, racetracks or ball parks
- restaurants

While not satisfying the definition and criteria of *agricultural uses*, some of these uses may meet the definitions and criteria for *agriculture-related uses* or *on-farm diversified uses*.

## 2.2 Agriculture-Related Uses

As described in the PPS definition, *agriculture-related uses* are farm-related commercial and industrial uses. They add to the vitality and economic viability of *prime agricultural areas* because they are directly related to and service farm operations in the area as a primary activity. These uses may be located on farms or on separate *agriculture-related* commercial or industrial properties.

**Agriculture-related uses:** means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

PPS, definitions

### 2.2.1 PPS Criteria for Agriculture-Related Uses

All of the following criteria must be met to qualify as *agriculture-related uses* in *prime agricultural areas*.

#### 1. Farm-related commercial and farm-related industrial use.

(from the PPS definition of *agriculture-related uses*)

Farm-related commercial uses may include uses such as retailing of *agriculture-related* products (e.g., farm supply co-ops, farmers' markets and retailers of value-added products like wine or cider made from produce grown in the area), livestock assembly yards and farm equipment repair shops if they meet all the criteria for this category of uses.

Farm-related industrial uses may include uses such as industrial operations that process farm commodities from the area such as abattoirs, feed mills, grain dryers, cold/dry storage facilities, fertilizer storage and distribution facilities, food and beverage processors (e.g., wineries and cheese factories) and agricultural biomass pelletizers if they meet all the criteria for this category of uses. Many of these uses add value to the agricultural commodities produced in the area.

Residential, recreational and institutional uses do not fit the definition of *agriculture-related uses*.

**2. Shall be compatible with, and shall not hinder, surrounding agricultural operations.**

(from PPS Policy 2.3.3.1) Note: this policy applies to both *agriculture-related uses* and *on-farm diversified uses*.

“Surrounding agricultural operations” are interpreted in these guidelines to include both the property on which the use is located and the area of potential impact around the property. The area of impact may vary depending on the use. To be compatible with and not hinder surrounding agricultural operations, *agriculture-related uses* should meet all of the following:

- **Ensure surrounding agricultural operations are able to pursue their agricultural practices without impairment or inconvenience.** While *agriculture-related uses* (and *on-farm diversified uses*) may or may not be subject to the *minimum distance separation formulae*<sup>4</sup>, proximity to nearby livestock facilities may still be a consideration in locating these uses. This will help to avoid conflict between new uses and farming due to odour or other nuisances related to *normal farm practices*. Examples of other potential sources of conflict include noise that disturbs nearby farm operators and their livestock, trespass incidents, soil compaction, dust and impacts on water quantity or quality. Some uses can result in an increase in traffic that may conflict with slow-moving farm vehicles on local roads. Avoid these uses or mitigate their impacts in *prime agricultural areas*.
- **Uses should be appropriate to available rural services (e.g., do not require the level of road access, water and wastewater servicing, utilities, fire protection and other public services typically found in settlement areas).** Approval for a new land use on a property with individual, on-site water and sewage services requires demonstration of “no negative impacts” as per Policy 1.6.6.4 of the PPS. Urban-type uses typically unsuitable in *prime agricultural areas* include large food or beverage processing plants. These facilities should be on municipal services.

Wineries and cideries may fit the definition of *agriculture-related uses* if they are able to meet all PPS criteria for that category of uses. These uses require licensing from the Alcohol and Gaming Commission of Ontario ([www.agco.on.ca](http://www.agco.on.ca)) in order to operate. Ensure these uses are appropriate to available water and wastewater services. High water use/effluent generation operations would normally be incompatible in *prime agricultural areas* and may require capacity beyond what is available on the site. The appropriate scale to qualify as an *agriculture-related use* needs to be assessed on a case-by-case basis. A necessary first step is to identify required approvals and other requirements to be met to support the use. Examples include a Permit to Take Water or Environmental Compliance Approval under the *Ontario Water Resources Act, 1990*, and a Building Permit under the *Ontario Building Code, 1992*.

*Agriculture-related uses* that are compatible when first established may expand and grow over time. Before building permits are issued, the municipality needs to be satisfied that zoning requirements are met. If the compatibility criterion or any other PPS criteria cannot be met, the building permit may be withheld and the expanded business may need to be relocated to a suitable location outside of the *prime agricultural area*.

PPS Policy 2.3.4.1 b) addresses lot creation for *agriculture-related uses*. Lot creation may be permitted for *agriculture-related uses* provided that any new lot is limited to a minimum size needed to accommodate the use and its wastewater and water servicing requirements. A best practice is to consider alternatives before creating a new lot.

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<sup>4</sup> See Minimum Distance Separation Implementation Guidelines for details ([ontario.ca/cvge](http://ontario.ca/cvge)).

- **Maintain the agricultural/rural character of the area (in keeping with the principles of these guidelines and PPS Policy 1.1.4).** Compatibility may be achieved by:
  - re-using existing buildings or locating businesses within existing buildings unless an alternative location reduces overall impacts on agriculture in the area
  - designing new structures to fit in aesthetically with the agricultural area
  - minimizing outdoor storage and lighting
  - avoiding major modification of land and removal of natural heritage features
  - visually screening uses from neighbours and roadways
  - limiting the use of signage and ensuring that any signage fits with the character of the area
- **Meet all applicable provincial air emission, noise, water and wastewater standards and receive all relevant environmental approvals.** A use that will result in air, noise or odour emissions (e.g., fabrication plant or equipment repair shop) may require an Environmental Compliance Approval issued under the *Environmental Protection Act, 1990*. Some uses that have high water requirements or generate a significant amount of wastewater (e.g., produce washing, food processing and wine-making) could require a Permit to Take Water and/or sewage works approvals under the *Ontario Water Resources Act, 1990*.
- **The cumulative impact of multiple uses in *prime agricultural areas* should be limited and not undermine the agricultural nature of the area.** Whether a proposed new use is compatible depends in part on other uses in the area and how the area would be affected by all of these uses. For example, the cumulative impact on ground and surface water in the area, wear and tear on roads, traffic safety and demand for policing and fire protection are basic compatibility considerations. The principles of permitted uses identified in Section 1.4 and all compatibility components discussed in this section are to be maintained.

The PPS requires *prime agricultural areas* be protected for long-term *agricultural use* and that impacts from non-agricultural uses in the *prime agricultural area* are mitigated. The discussion on impact mitigation in Sections 3.1.3 and 3.2.4 may also be applicable to *agriculture-related uses* and *on-farm diversified uses*.

### 3. Directly related to farm operations in the area. (from the PPS definition of *agriculture-related uses*)

*Agriculture-related uses* must be directly related to farms in the area, primarily providing products or services that are associated with, required by or that enhance agricultural operations in the area. “Directly related to” means that the use should reflect the type of agricultural production in the area. Examples include:

- vegetable processing around the Holland Marsh
- processing tomatoes in the Leamington and Chatham-Kent areas
- farm equipment repair, farm input suppliers and grain drying in major cash crop areas
- ginseng drying and distributing in Ontario’s Sand Plain area

For a value-added facility to be classified as an *agriculture-related use*, “in the area” would refer to the area where the feedstock (e.g., crops or livestock) originates. “In the area” is not based on a set distance or on municipal boundaries. It is based on how far farmers will reasonably travel for the agriculture-related products or services. Some commodities are transported further than others. In Ontario, grain elevators usually store bulk grain for farms within a few kilometers as it is not economical to transport grain a long distance. Reasonable travel distance varies, however, with the bulk of the commodity and the density of agricultural operations. In areas with a high density of agricultural activity, the area within which feedstock is transported may be closer than in Northern Ontario or elsewhere where the density of agricultural activity is relatively low.

For example, a winery primarily using grapes grown in the area could be an *agriculture-related use*. A winery making wine from grapes or concentrate shipped in from another region of Ontario, another province or another country, would not be. A winery that brings in grapes or concentrate from another area, may, however, be an *on-farm diversified use* if all the criteria for that category of uses are met. Uses that are not directly related to farm operations in the area, because they use agricultural products from outside the area, may be *on-farm diversified uses* if all the criteria for those uses are met.

There may be instances when *agriculture-related uses* that normally provide products or services to farm operations in the area need to bring agricultural commodities in from outside of the area. An apple storage and distribution facility may need to bring in apples grown elsewhere in the province or country to meet customer demand when crop losses occur locally. However, the primary feedstock for *agriculture-related uses* must be farms in the area.

To qualify as *agriculture-related uses*, farmers' markets must sell produce grown in the area. Farmers' markets selling a variety of produce, both from the area and beyond, and potentially non-agricultural items like baked goods, coffee and crafts, could have both *agriculture-related* and *on-farm diversified* components. The criteria for both categories of use would need to be met.

Uses that provide products or services beyond the immediate agricultural area such as cold storage facilities near airports or other transportation hubs, or meat packing plants that process meat from a long distance, often shipped by transport truck or shipping container, are not *agriculture-related uses*. They do not directly relate to farm operations in the area. Even if these uses provide some products or services to farms in the area, they are located in serviced industrial or commercial land in *settlement areas*, rather than *prime agricultural areas*.

#### **4. Supports agriculture.**

(from the PPS definition of *agriculture-related uses*)

This criterion limits uses to those primarily focused on supporting agriculture. For example, a grain elevator used by farmers in the area supports and benefits area farms.

An example of an operation in a *prime agricultural area* that supports area agriculture is the Elmira Produce Auction. The co-operatively-run produce auction creates a market for regional produce in the Waterloo area. It aims to support growers in the area and increase family farm revenue by encouraging local farms to diversify into higher-value fruits and vegetables. The auction has affected crop production in the area, with more land now devoted to fruit and vegetable production to supply a growing number of area restaurants and institutions.

#### **5. Provides direct products and/or services to farm operations as a primary activity.**

(from the PPS definition of *agriculture-related uses*)

This criterion requires that *agriculture-related uses* directly service farm operations as a primary activity.

"Direct products and/or services" refers to uses that serve an agricultural need or create an opportunity for agriculture at any stage of the supply chain (e.g., seed or fertilizer supplier, farm equipment repair, value-added food and beverage processing and distribution or retail of agricultural commodities grown in the area).

General-purpose commercial and industrial uses that serve a broad customer base (e.g., building supply centres, window manufacturers, fencing companies, paint stores, pre-cast concrete businesses and contractors' yards) are not *agriculture-related uses* even if they have farm operators as customers.

Serving farm operations must be a primary function or main activity of the business. As a rule, general purpose commercial and industrial uses should be located outside of *prime agricultural areas* (i.e., in *settlement areas* or on *rural lands*).

Many hamlets, villages and towns near active agricultural areas cluster general purpose and *agriculture-related uses* within their *settlement areas*, within easy access to farm operations. Some provide servicing to encourage economic development. Directing growth and *development* that is not imperative in *prime agricultural areas* to *settlement areas* is consistent with PPS Policy 1.1.4.2.

In the past, some farm implement dealerships and repair shops have located in *prime agricultural areas* because of land availability and proximity to customers. Municipalities may have permitted this to achieve efficient development patterns in *settlement areas*. Given that current PPS policy emphasizes the need for *agriculture-related uses* to provide direct products and/or services to farm operations as a primary activity, a farm equipment dealership or farm equipment repair shop might be justified as an *agriculture-related use* in a *prime agricultural area* if servicing farm operations in the area is a primary focus of the business and all other *agriculture-related uses* criteria are met. However, businesses that sell or repair farm implements, along with items catering to a broad customer base such as lawn mowers, snow blowers, other machinery, parts, toys and clothing, should be directed to *settlement areas*, *rural lands* or lower priority agricultural lands as discussed in Section 3.2.

Uses that process and/or store predominantly non-agricultural source materials (e.g., compost, leaf and yard waste, food processing waste, sewage biosolids) are not *agriculture-related uses*, even if the products of such facilities are spread on farmland. The primary function of such facilities is to manage non-agricultural waste streams, rather than produce a product for application to farmland. Facilities that process and/or store agricultural source materials from agricultural operations in the area as their primary activity may fit the definition of *agriculture-related uses*.



Uses that do not benefit from being close to farm operations but wish to take advantage of lower costs in *prime agricultural areas* would not be classified as *agriculture-related uses*.

Since *agri-tourism uses* do not provide products or services to farm operations, they would not qualify as *agriculture-related uses*. If located on farms and meeting all other criteria, these uses may be *on-farm diversified uses*.

To assess whether a proposed use meets the test of providing direct products and/or services to farm operations as a primary activity, municipalities should require evidence demonstrating that the use will service farm operations as a primary business activity (i.e., inputs are primarily produced in the area or customers are primarily farm operators in the area). As a best management practice, municipalities may require evidence that the use cannot be located in *settlement areas* or on *rural lands*.

#### **6. Benefits from being in close proximity to farm operations.** (from the PPS definition of *agriculture-related uses*)

To meet this criterion, *agriculture-related uses* must benefit from or need to be located near the farm operations they serve. Benefits may include more effective or efficient operations due to access to feedstock, roads suited to slow-moving farm vehicles, reduced transportation distance and risk of spoilage and marketing opportunities associated with being part of an agricultural cluster.

## 2.2.2 Examples of Agriculture-Related Uses

Figure 2 provides examples of uses that could be classified as *agriculture-related uses* if they meet all of the PPS criteria.



Apple storage and distribution centre serving apple farm operations in the area



Farmers' market primarily selling products grown in the area\*



Processing of produce grown in the area (e.g., cider-making, cherry pitting, canning, quick-freezing, packing)\*



Grain dryer farm operations in the area



Agricultural research centre\*



Winery using grapes grown in the area\*



Abattoir processing and selling meat from animals raised in the area\*



Flour mill for grain grown in the area



Farm equipment repair shop\*



Livestock assembly yard or stock yard serving farm operating in the area



Auction for produce grown in the area



Farm input supplier (e.g., feed, seeds, fertilizer) (serving farm operations in the area)

**Figure 2.** Examples of *agriculture-related uses* provided all PPS criteria are met.

\* Source: Shutterstock



### 2.2.3 Examples of Uses that Would Typically Not be Agriculture-Related Uses

Examples of uses that would typically not be *agriculture-related uses* because they do not meet PPS definitions or criteria include:

- large food processing plants, large wineries and other uses that are high-water-use or effluent generators and are better suited to locations with full municipal services
- micro-breweries and distilleries
- contractors' yards, construction companies, landscapers, well drillers, excavators, paint or building suppliers
- sewage biosolids storage and composting facilities for non-agricultural source material
- antique businesses
- art or music studios
- automobile dealerships, towing companies, mechanics shop or wrecking yards
- rural retreats, recreational uses and facilities, campgrounds or fairgrounds
- conference centres, hotels, guest houses or restaurants
- furniture makers
- institutions such as schools or clinics
- seasonal storage of boats, trailers or cars
- veterinary clinics
- trucking yards

While not meeting the criteria for *agriculture-related uses*, some of these uses may fit under *on-farm diversified uses* if all criteria for that category of uses are met.

## 2.3 On-Farm Diversified Uses

A wide variety of uses may qualify as *on-farm diversified uses* based on the PPS definition, as long as they meet the criteria described below. *On-farm diversified uses* should be related to agriculture, supportive of agriculture or able to co-exist with agriculture without conflict. *On-farm diversified uses* are intended to enable farm operators to diversify and supplement their farm income, as well as to accommodate value-added and *agri-tourism uses* in *prime agricultural areas*.

**On-farm diversified uses:** means uses that are secondary to the principal *agricultural use* of the property, and are limited in area. *On-farm diversified uses* include, but are not limited to, home occupations, home industries, *agri-tourism uses*, and uses that produce value-added agricultural products.

PPS, definitions

### 2.3.1 PPS Criteria for On-Farm Diversified Uses

All of the following criteria must be met to qualify as *on-farm diversified uses*, in accordance with the PPS.

#### 1. Located on a farm.

(from the label "*on-farm*" *diversified uses* and from the definition's requirement that the use be secondary to the principal "*agricultural use*" of the property)

*On-farm diversified uses* must be located on a farm property that is actively in *agricultural use*. The *on-farm diversified uses* provisions in the PPS do not apply to small residential lots in the *prime agricultural area*.



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.

Table with 2 columns: Author's Name, Report Date, Author's Phone, Date to Council, Author's E-mail, Resolution #.

To: Mayor and Members of Town Council

Subject: Zoning By-law Amendment for 6000 County Road 20- Ure's Country Kitchen and Variety

1. RECOMMENDATION:

It is recommended that:

- 1. The report from the Manager of Planning Services dated January 30, 2017 regarding the Zoning By-law Amendment for Part of Lot 67, Concession 6 W, 6000 County Rd 20, Amherstburg BE RECEIVED; and,
2. Pending Council consideration of written and oral comments received at this public meeting, Zoning By-law 2017-11 BE CONSIDERED at a future regular Council meeting.

2. BACKGROUND:

Randy and Laurie Ure ("the Applicants") have filed an application with the Town to amend the Town of Amherstburg Zoning By-law 1999-52 for a 0.85 acre parcel of land situated on the south side of County Rd 20, municipally known as 6000 County Road 20. The subject lands affected by the proposed amendment are described as Part of Lot 67, Concession 6 W. An aerial view map showing the location of the subject lands is attached to this report.

The proposed amendment to the Zoning By-law has been requested to allow for the additional use for the establishment of an 18-hole miniature golf course. The parcel is

zoned Special Provision Commercial Neighbourhood (CN-1) in the Town of Amherstburg Zoning By-law 1999-52, as amended, and designated Neighbourhood Commercial in the Town's Official Plan.

### 3. **DISCUSSION:**

The subject lands have been under the ownership of Randy and Laurie since 1988 and they wish to diversify their business opportunities. Presently, they operate a gas station, convenience store, restaurant and sale of wood on the site. The owners propose to remove the chainsawing and sale of wood on the eastern portion of the lands and replace it with a high-end miniature golf course which has been professionally designed by Harris Miniature Golf Designers.

Neighbouring uses include residential to the east, north, and south, and a coin operated car wash to the west. The property fronts onto County Road 50 and County Road 20. Section IV of the Provincial Policy Statement (PPS) states that growth and development shall be focussed within urban and rural settlement areas while supporting the viability of rural areas. *"It recognizes that the wise management of land use change may involve directing, promoting or sustaining development."* Section 1.1.1 of the PPS states that *"Healthy, liveable and safe communities are sustained by: accommodating an appropriate range and mix of residential, employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs."*

The County of Essex Official Plan includes these lands as part of the Secondary Settlement Area. The request for an additional commercial use on these lands would be in conformity with the County of Essex Official Plan. Section 4.4.1 of the Town's Official Plan, the Neighbourhood Commercial Policies state: *"the scale of development shall be guided by the population of the area to be served, the location of the site relative to abutting land uses and road classification. The actual size of the uses permitted will be specified by the Zoning By-law."*

*Adequate parking shall be provided for all permitted uses, and access points to such parking shall be limited in number and designed in a manner that will minimize the danger to both vehicular and pedestrian traffic.*

*No open storage shall be permitted in Neighbourhood Commercial areas.*

*The location of the Neighbourhood Commercial areas shall be in accordance with Schedules "A" and "B". Any new Neighbourhood Commercial facilities will require an amendment to this Plan, and shall be sited to minimize its effect on adjoining Residential areas.*

*The building or buildings contained within a Neighbourhood Commercial area, and any lighting or signs, shall be designed and arranged so as to blend in with the character of the adjacent Residential area, and all development will be subject to Site Plan Control.*

*The Neighbourhood Commercial uses may be included in separate zoning classifications in the implementing Zoning By-Law."*

The owners have submitted their application for site plan control which has been circulated to agencies and departments as well as the Town's Accessibility Committee for comments.

**4. RISK ANALYSIS:**

The public meeting is the initial step in the planning process to hear public and agency comments regarding the proposed additional use of the lands to determine if any concerns are raised. A copy of the site plan for the miniature golf course has been included with the attachments. There is an opportunity to address any issues with the site plan through additional consultation and meetings, and Council is only requested to consider adding the use of the miniature golf course at this time.

**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 site is not located within an area regulated under the jurisdiction of the ERCA (under Section 28 of the *Conservation Authorities Act*) and that they have no objections.

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**7. CONCLUSION:**

It is recommended that comments received at this public meeting be summarized into a report and brought back for Council's information and consideration at an upcoming Council meeting.



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Rebecca Belanger  
**Manager of Planning Services**

af

**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:	Statutory Public Meeting to Consider Zoning By-law Amendment for 6000 County Rd 20.docx
Attachments:	- Statutory Public Meeting to Consider ZBA for 6000 County Rd 20 - ATTACHMENTS.pdf
Final Approval Date:	Feb 17, 2017

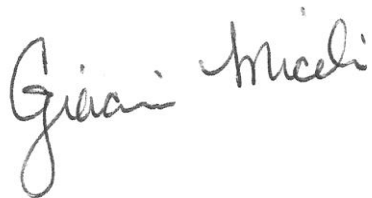
This report and all of its attachments were approved and signed as outlined below:



**Mark Galvin - Feb 10, 2017 - 1:49 PM**



**Justin Rousseau - Feb 10, 2017 - 3:01 PM**



**John Miceli - Feb 15, 2017 - 1:54 PM**



**Paula Parker - Feb 17, 2017 - 11:42 AM**



Town of Amherstburg  
ZBA-2-17 - 6000 County Rd 20



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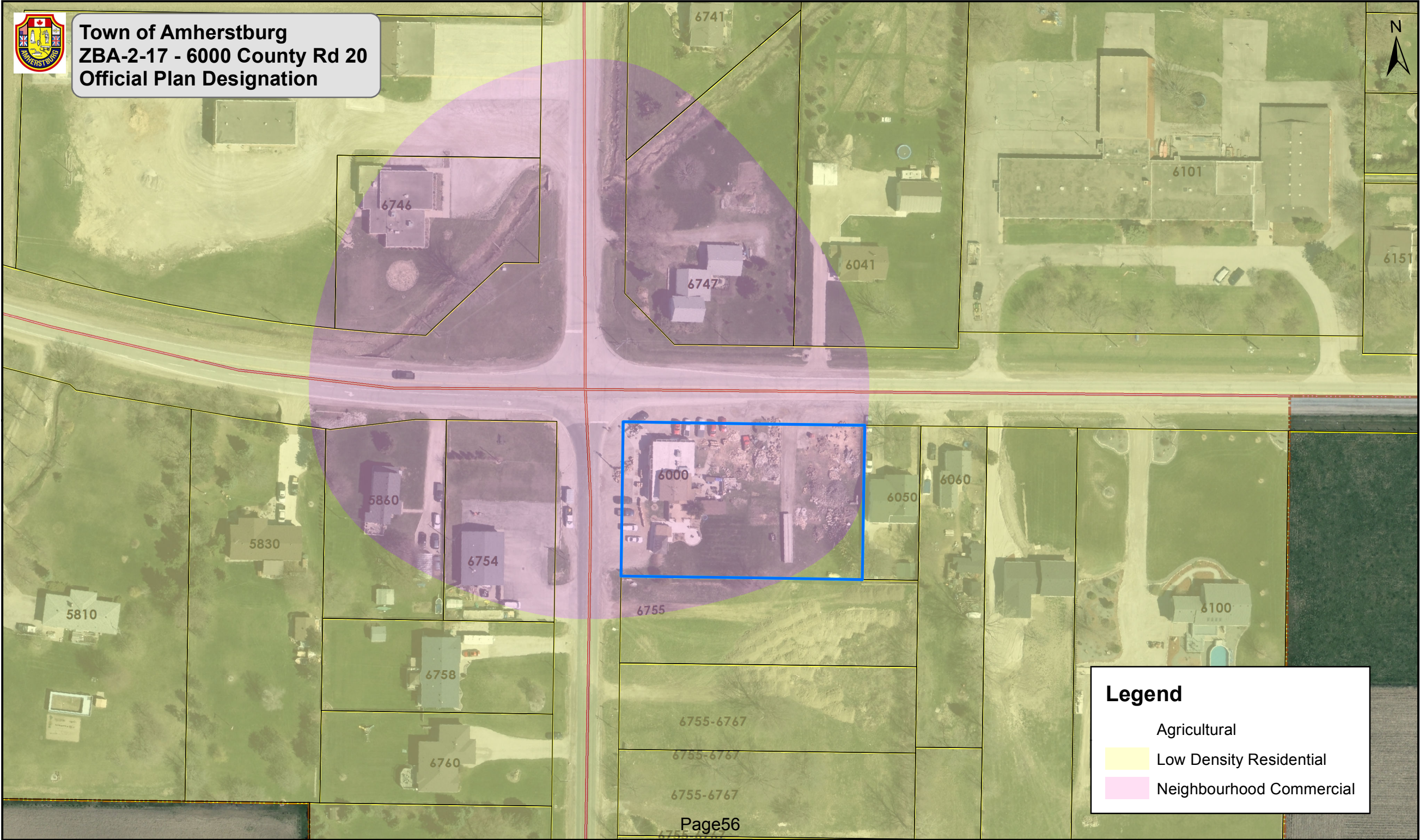
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**Town of Amherstburg  
ZBA-2-17 - 6000 County Rd 20  
Official Plan Designation**

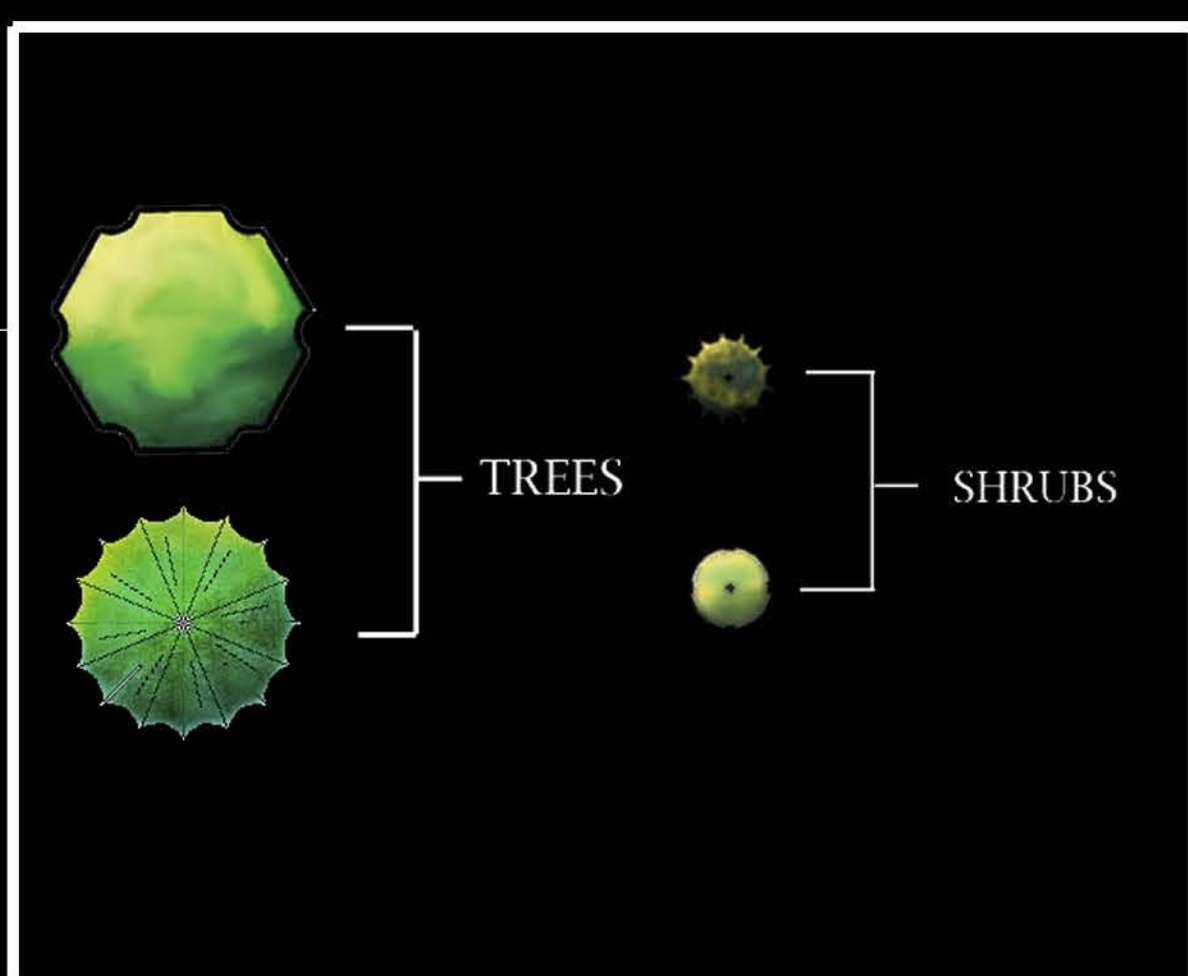
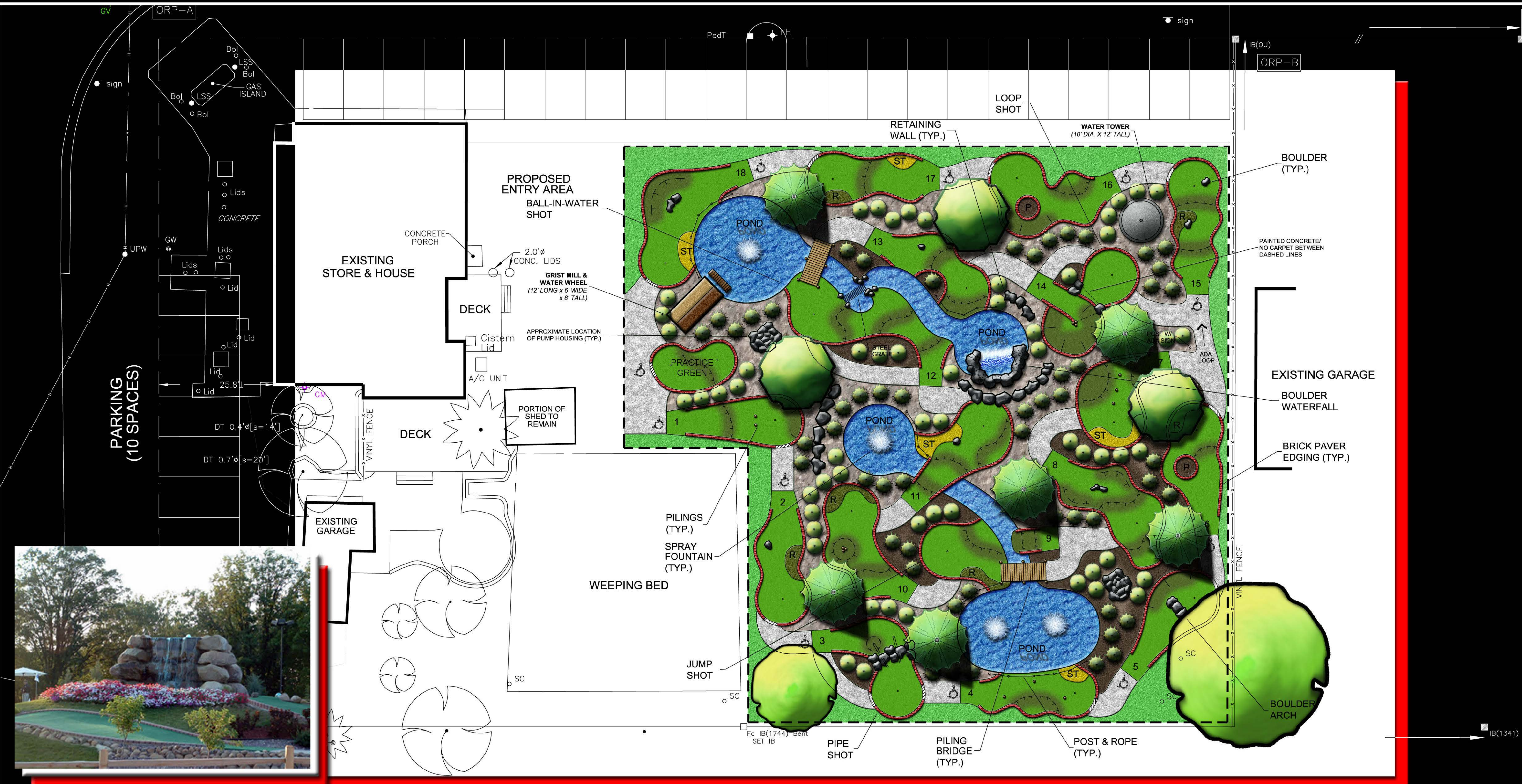


**Legend**

- Agricultural
- Low Density Residential
- Neighbourhood Commercial







**HARRIS**  
Miniature Golf  
THE LEADER IN COURSE DESIGN & CONSTRUCTION  
For 50+ Years!

Handicap accessible portions of the course(s) are designed in accordance with ADAAG (Americans with Disabilities Act Accessibility Guidelines) Chapter 10 Section 1007.

REUSE OF DOCUMENTS:  
This document, and the designs incorporated herein, are the property of Harris Miniature Golf Courses, Inc. and are not to be used in whole or in part for construction of this, or any other project without written authorization of Harris Miniature Golf Courses, Inc.

Scale 1" = 10' - 0"

0' 10' 20'

GRAPHICS LEGEND:  
R- Rough  
ST- Sand Trap  
\*Note: color carpet may be used in place of natural sand  
Elevation Change  
Embarkment

PROJECT: Ure's Miniature Golf Harrow, Ontario

DRAWN BY: J. Onyszczyk DATE: 11 / 16 / 16  
CHECKED BY: A. Lynn JOB #: 16-82-2

COLOR RENDERING SHEET: 10 OF 10

REVISIONS:

DATE PRINTED: 11 / 21 / 16

**CORPORATION OF THE TOWN OF AMHERSTBURG  
BY-LAW NO. 2017-11**

**By-law to amend Zoning By-law No. 1999-52  
6000 County Rd 20, 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 73 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from CN-1 to CN-13" on Schedule "A" attached hereto and forming part of this By-law from "Special Provision Commercial Neighbourhood (CN-1) Zone" to "Special Provision Commercial Neighbourhood (CN-13) Zone".
2. Section 17(4) Special Provisions of the Town of Amherstburg Zoning By-law 1999-52 is hereby amended by adding a new clause (m) after clause (l) as follows:  
    “(m) CN-13  
        Notwithstanding any other provisions of this by-law to the contrary, within any area zoned CN-13 on Schedule "A" hereto, the following special provisions shall apply:  
            (i) Uses Permitted
  1. an automobile service station;
  2. a miniature golf course;
  3. any use permitted in CN Zone.
3. That Section 2, Definitions of the Town of Amherstburg Zoning By-law 1999-52, as amended, is hereby amended by the addition of the following definition to be inserted into the By-law in an appropriate alphabetic location.  
    “Miniature golf course” means an area of land or a building, structure or premises or part thereof, operated for profit or gain as a commercial place of amusement in which facilities are provided to simulate the game of golf or any aspect of the game on a small scale, but does not include a golf ball driving range.”
4. 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.

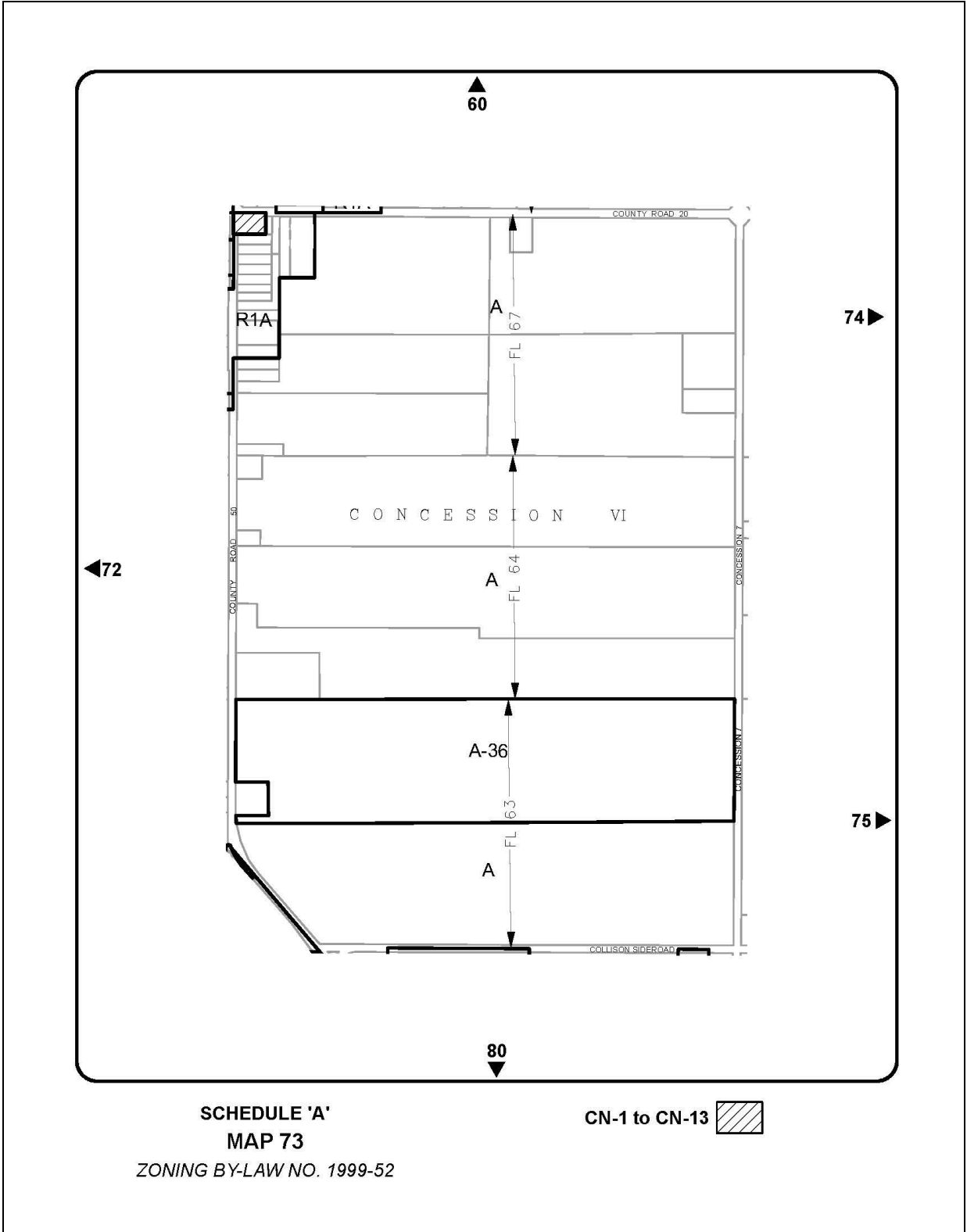
Read a first, second and third time and finally passed this \_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
MAYOR- ALDO DICARLO

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

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW NO. 2017-11  
A BY-LAW TO AMEND BY-LAW NO. 1999-52



MAYOR- ALDO DICARLO

CLERK- PAULA PARKER



regs@erca.org  
P.519.776.5209  
F.519.776.8688

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

February 09, 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-2-17 6000 COUNTY RD 20  
ARN 372952000002200; PIN: 705730001

The following is provided for your information and consideration as a result of our review of Zoning By-Law Amendment ZBA-2-17. The purpose of the amendment to the zoning by-law is to amend the permitted uses on the subject lands. The parcel is zoned Special Provision Commercial Neighbourhood (CN-1) Zone in the Town of Amherstburg zoning by-law and designated Neighbourhood Commercial in the Official Plan.

We note that we have already provided our comments on the application for site plan control associated with this parcel of land.

## **NATURAL HAZARD POLICIES OF THE PPS, 2014**

We have reviewed our floodline mapping for this area and it has been determined this site is **not** located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the *Conservation Authorities Act*). As a result, a permit is not required from ERCA for issues related to Section 28 of the *Conservation Authorities Act*, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the *Conservations Authorities Act*, (Ontario Regulation No. 158/06).

## **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 is not within or adjacent to any natural heritage feature that may meet the criteria for significance under the Provincial Policy Statement (PPS 2014). Based on our review, we have no objection to the application with respect to natural heritage policies.

## **FINAL RECOMMENDATION**



Ms. Belanger  
February 09, 2017

Our office has reviewed the proposed amendment to the zoning by-law and we have no objection to the admendment of the permitted uses.

If you should have any questions or require any additional information, please do not hesitate to contact the ERCA Watershed Planner, Michael Nelson by phone at (519) 776-5209 ext. 347 or by e-mail at [mnelson@erca.org](mailto:mnelson@erca.org).

Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Mike Nelson".

Michael Nelson, *Watershed Planner*  
/mn





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 30, 2017
Author's Phone: 519 736-5408 ext. 2124	Date to Council: February 27, 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: Proposed Draft of Subdivision and Zoning By-law Amendment for Kingsbridge Subdivision Phase 8B-1 File No.37-T-17001

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1. **RECOMMENDATION:**

It is recommended that:

1. The report from the Manager of Planning Services dated January 30, 2017 regarding a proposed Draft Plan of Subdivision and Zoning By-law Amendment for Kingsbridge Subdivision Phase 8B-1 **BE RECEIVED**;
2. The Draft Plan of Subdivision, File No. 37-T-17001, from 1078217 Ontario Ltd., as shown on the attached Schedule A, during this statutory Public Meeting **BE CONSIDERED**;
3. Pending Council consideration of written and oral comments received at this Public Meeting, that administration **BE DIRECTED** to advise the approval authority (County of Essex) that Council supports Draft Plan Approval for this phase of Kingsbridge Subdivision; and,
4. Pending Council consideration of written and oral comments received at this Public Meeting, Zoning By-law 2017-05 **BE CONSIDERED** at a future regular Council meeting.

**2. BACKGROUND:**

1078217 Ontario Limited (“the Applicant”) has filed an application with the County of Essex for approval of a Draft Plan of Subdivision for 56 lots which would support 55 single dwelling units in Kingsbridge Subdivision (County of Essex File No. 37-T-17001). The County of Essex, as the approval authority, has circulated the proposed subdivision and requested that the municipality hold a public meeting based on Section 51(21) of the Planning Act to obtain public comments.

The subject lands are located east of Knobb Hill Drive and north of McLellan Avenue and are described as Part of Lots 12 and 13, Concession 1 (Anderdon). The land area associated with the proposed plan of subdivision is 4.896 hectares (12.10 acres).

The developer is seeking a Zoning By-law Amendment concurrently with the Draft Plan of Subdivision from the “Agricultural (A) Zone” to “Residential First Density (R1) Zone”. The proposed Amendment to the Zoning By-law is in conformity with the policies in the Official Plan. The lands are designated Low Density Residential in the Town’s Official Plan.

**3. DISCUSSION:**

The County of Essex, through correspondence provided to the Town on January 18, 2017, requested that the municipality hold the statutory Public Meeting to obtain comments on the application for Draft Plan of Subdivision which is Phase 8B-1 of Kingsbridge Subdivision.

The proposed Plan of Subdivision provides for 55 single detached dwellings. The proposed Draft Plan of Subdivision contemplates a maximum gross residential density of 11.234 units per hectare which is within the allowance of 22 units per hectare. The subject property is designated Low Density Residential in the Town’s Official Plan and therefore the proposal conforms with the land use policies in the Town’s Official Plan. The application is consistent with the Provincial Policy Statement and the County of Essex Official Plan.

Adjacent Land Uses

North	Vacant Future Residential Development
South	Single Detached Residential Uses
East	Single Detached Residential Uses
West	Knobb Hill Drive and Pat Thrasher Park

All of the proposed lots will front onto 20m wide public streets which connect to Knobb Hill Drive. The subject lands are part of an existing Master Plan for Kingsbridge Subdivision. The proposed development will have full municipal water, sanitary and storm sewer services.

The lands are presently zoned Agricultural (A) Zone and the applicant has concurrently requested a rezoning to Residential First Density (R1) Zone to permit the single detached dwellings and lot sizes proposed in the subdivision. A certificate to



that effect has been received from the Ontario Land Surveyor retained by the developer.

The Plan of Subdivision is attached as Schedule A to this report. The developer is providing a continuation of the size and style of single detached dwellings found in Kingsbridge Subdivision. The development will conform to the standards in the Town's Development Manual and other policies. A pre-application meeting was held on January 11, 2017 with the applicant, Manager of Planning from the County, Administration from the Town and ERCA to discuss complete application submission requirements and to confirm any outstanding matters.

On December 16, 2016 the developer obtained the Letter of Clearance from the Ontario Ministry of Natural Resources and Forestry. The site servicing drawings have been reviewed by the Public Works department and the developer should be in a position to begin servicing the subject lands shortly after obtaining draft plan approval and any requirement permits and clearances from other departments/agencies as required. Town Administration has been working closely with the County and ERCA to finalize the stormwater design for this phase of the development. The final details regarding routing, planning for major and minor storm events, overland flow routing and managing to prevent ponding in the field are yet to be confirmed by Baird and Associates.

Through additional engineering analysis commissioned by the developer, there has been a confirmation that sanitary capacity is available for this phase of the development.

During the previous phases of Kingsbridge, concern had been raised about the availability of a second road access to Knobb Hill and this phase of the subdivision would provide the access for not only the new 55 lots but the existing homes on Brown, Lavers and Welsh that had identified a preference for the access in the past.

The County is presently seeking the Town's endorsement of the proposed draft Plan of Subdivision. The County of Essex as the approval authority has directed the municipality to hold the statutory public meeting for the subdivision and Zoning By-law Amendment and obtain public comments, and that these concerns from partner agencies would be addressed prior to approval by the County.

The approval of a draft Plan of Subdivision is granted for a three year time period at which time an extension can be requested by the developer.

#### **4. RISK ANALYSIS:**

The recommendation presents little to no risk to the municipality.

#### **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 lands are not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the *Conservation Authorities Act*). As a result a permit is not required for issues related to Section 28. There is concern however with the potential impact of the quality and quantity of runoff in the downstream watercourse due to future development on this site. It is recognized that water resources management concerns are being addressed through their comments on the Draft Plan of Subdivision and involvement in the review of the stormwater management plans for the subject development and request inclusion of the following conditions in the Subdivision Agreement:

1. That the developer undertakes an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm, to the satisfaction of the Municipality and the Essex Region Conservation Authority.
2. That the developer installs stormwater management measures identified above, as part of the development of the site, to the satisfaction of the Municipality and the Essex Region Conservation Authority.
3. That the developer obtains the necessary permit or clearance from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities.

The Essex Region Conservation Authority is aware that the owners have already submitted an Application for Permit to this office along with the required fees and are in the process of reviewing the application along with other associated reviews of the application for draft plan of subdivision.

An Environmental Impact Assessment is not required for this application for zoning by-law amendment because the location of the subject property is physically separated from the natural heritage feature by existing development or infrastructure. **Therefore, this application is consistent with the natural heritage policies of the PPS 2014.**

The Engineering and Public Works Department provided comments which are attached to this report identifying comments relating to the servicing drawings.

Union Gas Limited ("Union") provided correspondence stating a request that as a condition of final approval the owner/developer provide to Union Gas the necessary easements and/or agreements required by Union for the provision of gas services for this project in a form satisfactory to Union.

Canada Post provided correspondence which states that the mail service will be provided through the use of centralized Community Mail Boxes (CMBs).

**7. CONCLUSION:**

It is recommended that comments received at this public meeting regarding the Zoning By-law Amendment be summarized into a report and brought back for Council's information along with the draft By-law for Council's consideration at the next meeting. It is further recommended, that Council approve a motion of support for Kingsbridge Phase 8B-1 and that any comments received at this public meeting be sent to the County of Essex as required in regard to draft plan of subdivision 37-T-17001.



---

Rebecca Belanger  
**Manager of Planning Services**

af

**DEPARTMENTS/OTHERS CONSULTED:**

**Name: Bill King, Manager of Planning Services, County of Essex**

**Phone#: 519 776-6441 ext. 1329**

**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**

**Name: Canada Post**

**Phone #: 519 494-1596**

## Report Approval Details

Document Title:	Statutory Public Meeting to Consider Draft Plan of Subdivision and ZBA for Kingsbridge Subdivision Phase 8B-1.docx
Attachments:	- Statutory Public Meeting to Consider Plan of Subdivision and ZBA for Kingsbridge Phase 8B-1 - ATTACHMENTS.pdf
Final Approval Date:	Feb 17, 2017

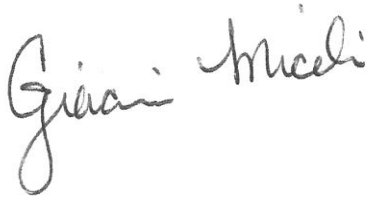
This report and all of its attachments were approved and signed as outlined below:



**Mark Galvin - Feb 10, 2017 - 1:52 PM**



**Justin Rousseau - Feb 14, 2017 - 4:37 PM**



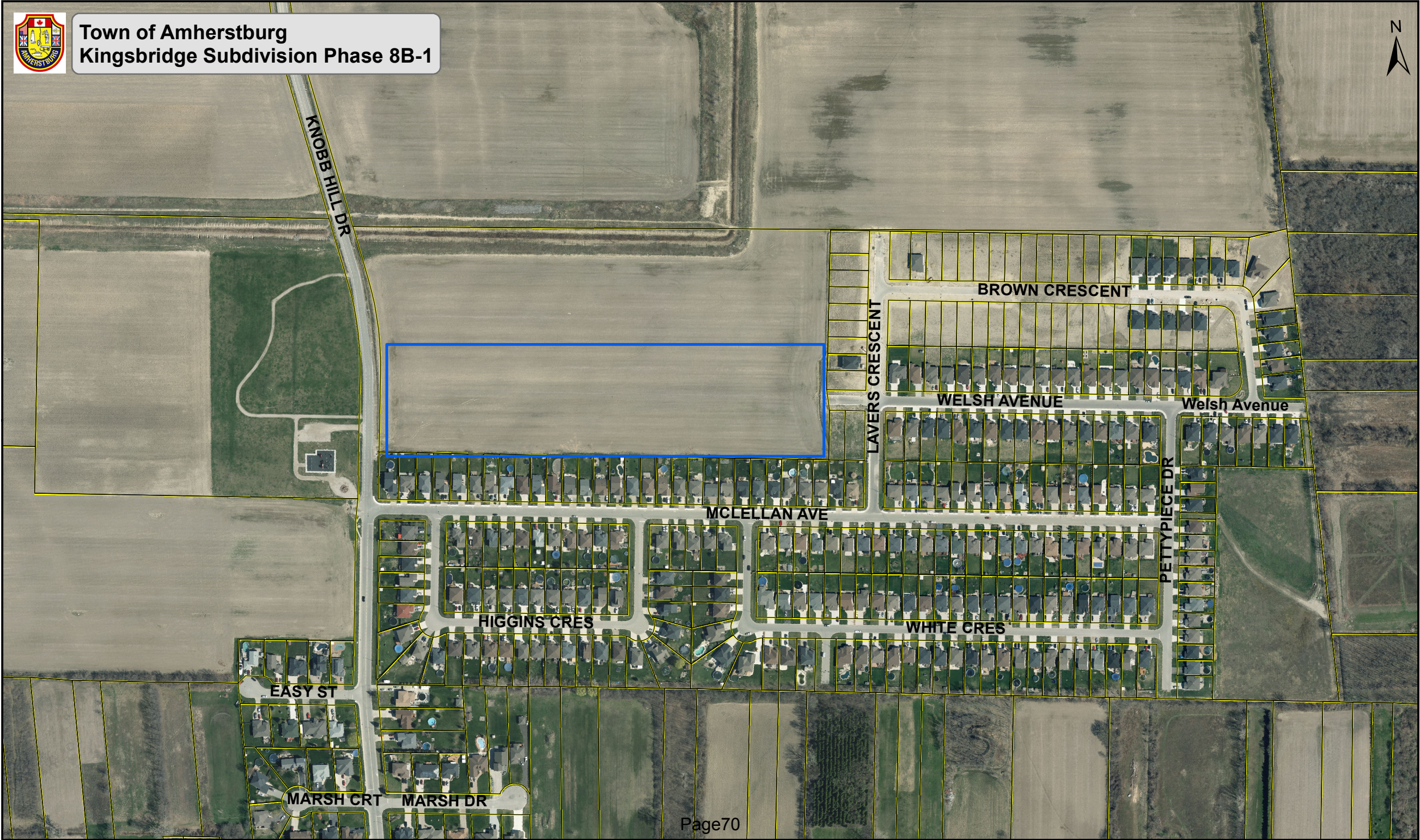
**John Miceli - Feb 15, 2017 - 1:45 PM**



**Paula Parker - Feb 17, 2017 - 11:34 AM**



Town of Amherstburg  
Kingsbridge Subdivision Phase 8B-1





**Office of the Manager, Planning Services**

William J. King, AMCT, MCIP, RPP  
Manager, Planning Services

January 18, 2017

Town of Amherstburg  
Attention: Ms. Paula Parker  
271 Sandwich Street South  
Amherstburg, ON N9V 2A5

**Subject: Public Notice of an Application and  
Request to Hold a Public Meeting  
Location: Part of Lots 12 and 13, Concession 1 (Anderson)  
Applicant: 1078217 Ontario Limited  
County of Essex File No.: 37-T-17001**

Dear Ms. Parker:

Pursuant to Subsection 51(20) of the Planning Act the County of Essex requests the Town of Amherstburg to give notice and hold a public meeting concerning the attached proposed draft plan of subdivision, County of Essex File No. 37-T-17001.

It is also requested that you give Public Notice of the Application in accordance with Subsection 51(20) of the Planning Act and Subsection 4 of Ontario Regulation 544/06. As noted in Subsection 51(20) the approval authority for plans of subdivision is required to give notice of the receipt of an application at least 14 days prior to making a decision. The regulation provides that the approval authority may require the local municipality to provide public notice of the receipt of an application on its behalf.

Notice of the public meeting shall be given to the public and identified agencies in accordance with Subsection 4 of Ontario Regulation 544/06. The notice of a public meeting shall:

- (i) indicate the date, time and location of the public meeting;
- (ii) include a description of the proposed plan of subdivision;
- (iii) include a key map showing the location of the land proposed to be subdivided;
- (iv) indicate where and when additional information regarding the proposed plan of subdivision will be available to the public for inspection;

- (v) include the following statement:

If a person or public body that files an appeal of a decision of the County of Essex as the approval authority in respect of the proposed plan of subdivision, does not make oral submissions at the public meeting, if one is held, or make written submissions to the County of Essex before the proposed draft plan of subdivision is approved or refused, the Ontario Municipal Board may dismiss the appeal;

- (vi) include the following statement:

If you wish to be notified of the decision of the County of Essex in respect of this proposed plan of subdivision, you must make a written request to the County of Essex 360 Fairview Avenue West, Essex, ON, N8M 1Y6, indicating the County of Essex file number;

- (vii) indicate, if known, if the land proposed to be subdivided is the subject of an application under the Act for approval of a proposed official plan or plan amendment or for a zoning by-law amendment or a Minister's zoning order amendment or a minor variance, and the file number of the application(s);

- (viii) indicate to whom written submissions in respect of the proposed plan of subdivision are to be made.

The public meeting shall be held no sooner than 14 days after the requirements for the giving of notice of the public meeting have been met.

Within 15 days of the public meeting, the municipality or planning board must submit the information in Subsection 6 of Ontario Regulation 544/06 to the Manager, Planning Services, County of Essex.

Thank you for your assistance in this matter.

Yours truly,



**WILLIAM J. KING, AMCT, MCIP, RPP**  
Manager, Planning Services

Enclosure

c.c. Rebecca Belanger  
Mike Dunn



**CORPORATION OF THE TOWN OF AMHERSTBURG  
NOTICE OF PUBLIC MEETING  
FOR A PROPOSED PLAN OF SUBDIVISION**

**TAKE NOTICE** that the Council of the Corporation of the Town of Amherstburg will hold a public meeting **Monday, February 27<sup>th</sup>, 2017 at 5:00 p.m.** in the Town of Amherstburg Council Chambers, 271 Sandwich Street South to consider a proposed Plan of Subdivision pursuant to the provisions of the Planning Act, R.S.O. 1990.

The County of Essex (the Approval Authority) has received Application No.37-T-17001 for approval of a Plan of Subdivision on Part of Lots 12 and 13, Concession 1 (Anderdon) from 1078217 Ontario Limited, generally located east of Knobb Hill Drive and north of McLellan Avenue. The lands are vacant and have a total area of 4.896 hectares (12.10 acres).

The applicants are proposing the creation of 55 single detached dwellings in Kingsbridge Subdivision. See Map on back of page for details. The lands are designated Low Density Residential which allows for residential development in the Town's Official Plan. The County of Essex on January 18, 2017 requested as per Section 51(20) of the Planning Act, that the Town of Amherstburg give notice and hold a public meeting to advise the public that the application for draft Plan of Subdivision is being processed. This proposed land to be subdivided is also subject of an application for a Zoning By-law Amendment, File No. ZBA/1/17.

**ANY PERSON** may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the proposed Plan of Subdivision. Comments and opinions submitted on these matters, including your name may become part of the public record and may be viewed by the general public and may be published in a planning report or reproduced in a Town of Amherstburg Council agenda and/or minutes. A Planning Report prepared by staff will be presented to Council at the public meeting. Written or verbal submissions from the public at this meeting will become part of the file to be forwarded to the County of Essex, the approval authority for plans of subdivision.

**IF A PERSON OR PUBLIC BODY** does not make oral submissions at the public meeting or make written submissions to the County of Essex in respect of the proposed plan of subdivision before the approval authority gives or refuses to give approval to the draft plan of subdivision, the person or public body is not entitled to appeal the decision of the County of Essex to the Ontario Municipal Board.

**IF A PERSON OR PUBLIC BODY** does not make oral submissions at the public meeting or make written submissions at the public meeting or make written submissions to the County of Essex in respect of the proposed plan of subdivision before the approval authority gives or refuses to give approval to the draft plan of subdivision, 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 are reasonable grounds to do so.

**IF A PERSON OR PUBLIC BODY** that files an appeal of a decision of the County of Essex as the approval authority in respect of the proposed Plan of Subdivision, does not make oral submissions at the public meeting, if one is held, or make written submissions to the County of Essex before the proposed draft plan of subdivision is approved or refused, the Ontario Municipal Board may dismiss the appeal.

**ADDITIONAL INFORMATION** relating to the proposed Plan of Subdivision is available for inspection at the Town of Amherstburg Municipal Offices at 3295 Meloche Road, during normal office hours, 8:30 a.m. to 4:30 p.m.

If you wish to be notified of the decision of the County of Essex in respect of the proposed Plan of Subdivision, you must make a written request to Mr. Bill King, Manager of Planning Services, County of Essex, 360 Fairview Avenue West, Essex, ON N8M 1Y6, indicating the County of Essex File Number 37-T-17001.

Written submissions in respect to the proposed Plan of Subdivision are to be made to the attention of Ms. Rebecca Belanger, Manager of Planning Services, Town of Amherstburg, at the address listed below.

**Dated** at the Town of Amherstburg this 27<sup>th</sup> day of January, 2017.

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)

**INTEGRATION DATA**

COORDINATES ARE DERIVED FROM GRID OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (1997.0).  
COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) O.REG 216/10

POINT ID	NORTHING	EASTING
ORP-A	N4666980.543	E326223.181
ORP-B	N4666751.080	E326277.117

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

**CURVE SCHEDULE**

CURVE	RADIUS	ARC	CHORD	CHORD BEARING
CT	303.05	33.11	33.10	N01°01'20"E

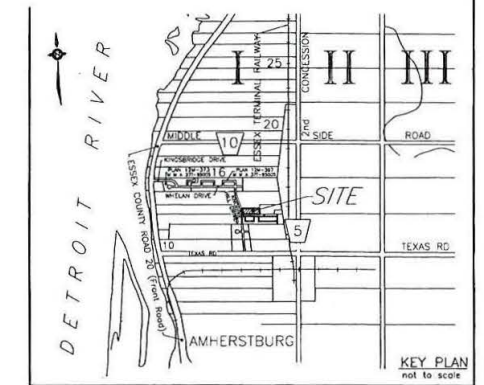
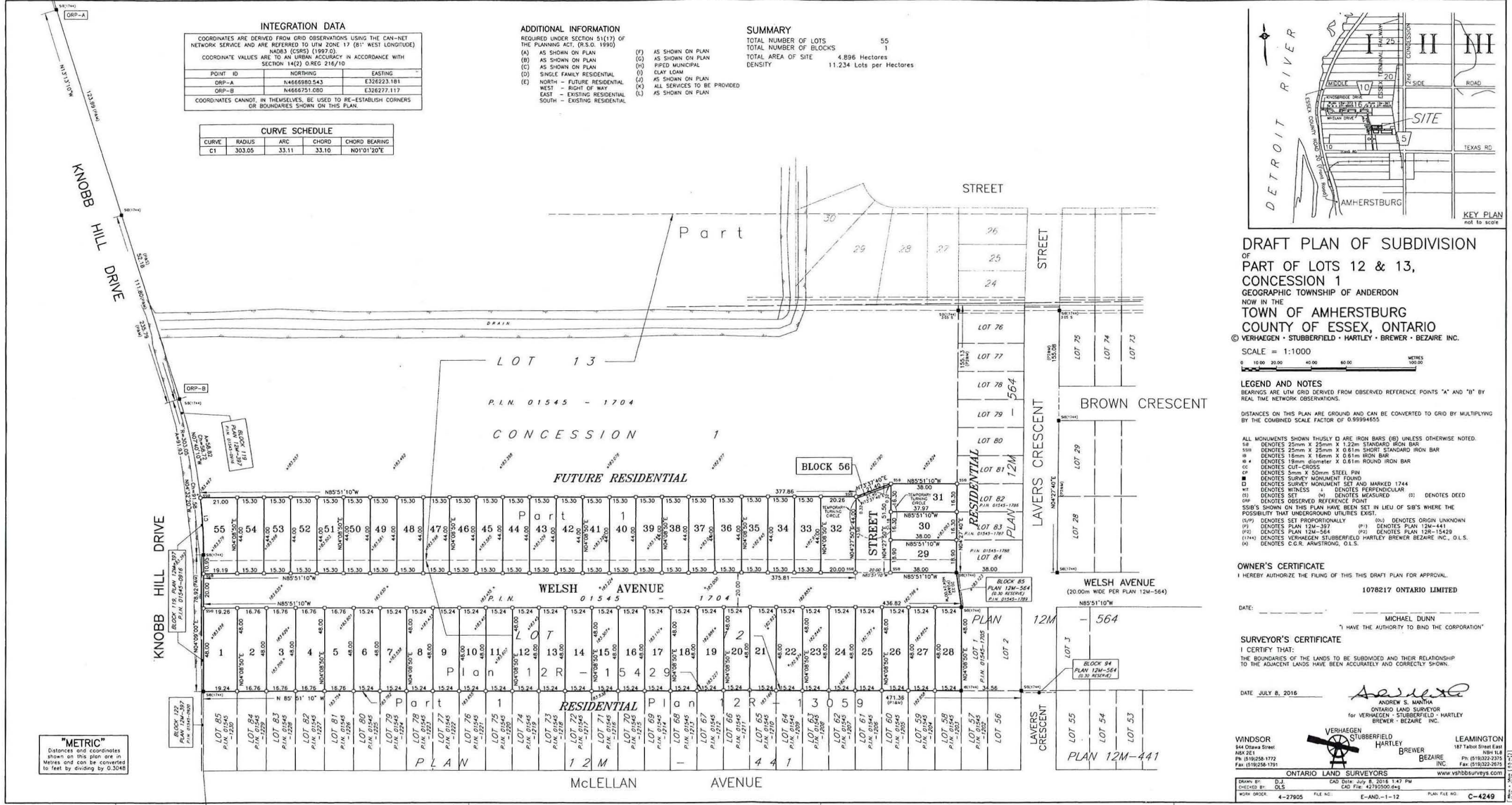
**ADDITIONAL INFORMATION**  
REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT, (R.S.O. 1990)

(A) AS SHOWN ON PLAN  
(B) AS SHOWN ON PLAN  
(C) AS SHOWN ON PLAN  
(D) SINGLE FAMILY RESIDENTIAL  
(E) NORTH - FUTURE RESIDENTIAL  
WEST - RIGHT OF WAY  
EAST - EXISTING RESIDENTIAL  
SOUTH - EXISTING RESIDENTIAL

(F) AS SHOWN ON PLAN  
(G) AS SHOWN ON PLAN  
(H) PIPED MUNICIPAL  
(I) CLAY LOAM  
(J) AS SHOWN ON PLAN  
(K) ALL SERVICES TO BE PROVIDED  
(L) AS SHOWN ON PLAN

**SUMMARY**

TOTAL NUMBER OF LOTS 55  
TOTAL NUMBER OF BLOCKS 1  
TOTAL AREA OF SITE 4.896 Hectares  
DENSITY 11,234 Lots per Hectares



**DRAFT PLAN OF SUBDIVISION**  
OF  
**PART OF LOTS 12 & 13,**  
**CONCESSION 1**  
GEOGRAPHIC TOWNSHIP OF ANDERDON  
NOW IN THE  
**TOWN OF AMHERSTBURG**  
**COUNTY OF ESSEX, ONTARIO**  
© VERHAEGEN • STUBBERFIELD • HARTLEY • BREWER • BEZARE INC.

SCALE = 1:1000  
0 10.00 20.00 40.00 60.00 80.00 100.00 METRES

**LEGEND AND NOTES**  
BEARINGS ARE UTM GRID DERIVED FROM OBSERVED REFERENCE POINTS "A" AND "B" BY REAL TIME NETWORK OBSERVATIONS.  
DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99994555

ALL MONUMENTS SHOWN THUSLY □ ARE IRON BARS (IB) UNLESS OTHERWISE NOTED.  
58 DENOTES 25mm X 25mm X 1.22m STANDARD IRON BAR  
59 DENOTES 25mm X 25mm X 0.61m SHORT STANDARD IRON BAR  
60 DENOTES 19mm X 19mm X 0.61m IRON BAR  
61 DENOTES 19mm diameter X 0.61m ROUND IRON BAR  
62 DENOTES CUT-CROSS  
63 DENOTES 5mm X 50mm STEEL PIN  
64 DENOTES SURVEY MONUMENT FOUND  
65 DENOTES SURVEY MONUMENT SET AND MARKED 1744  
66 DENOTES WITNESS 67 DENOTES PERPENDICULAR  
68 DENOTES SET 69 DENOTES MEASURED  
70 DENOTES OBSERVED REFERENCE POINT  
71 DENOTES SET IN LIEU OF SIB'S WHERE THE POSSIBILITY THAT UNDERGROUND UTILITIES EXIST.  
72 DENOTES SET PROPORTIONALLY 73 DENOTES ORIGIN UNKNOWN  
74 DENOTES PLAN 12M-397 75 DENOTES PLAN 12M-441  
76 DENOTES PLAN 12M-564 77 DENOTES PLAN 12M-15429  
78 DENOTES VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZARE INC., O.L.S.  
79 DENOTES C.G.R. ARMSTRONG, O.L.S.

**OWNER'S CERTIFICATE**  
I HEREBY AUTHORIZE THE FILING OF THIS DRAFT PLAN FOR APPROVAL.  
**1078217 ONTARIO LIMITED**  
DATE: \_\_\_\_\_ MICHAEL DUNN  
"I HAVE THE AUTHORITY TO BIND THE CORPORATION"

**SURVEYOR'S CERTIFICATE**  
I CERTIFY THAT:  
THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS HAVE BEEN ACCURATELY AND CORRECTLY SHOWN.  
DATE JULY 8, 2016  
ANDREW S. MANHA  
ONTARIO LAND SURVEYOR  
for VERHAEGEN • STUBBERFIELD • HARTLEY • BREWER • BEZARE INC.

**VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZARE INC.**  
WINDSOR 844 Ottawa Street NEX 2E1 Ph: (519)258-1772 Fax: (519)258-1791  
LEAMINGTON 187 Talbot Street East N8B 1L8 Ph: (519)322-2375 Fax: (519)322-2616  
ONTARIO LAND SURVEYORS www.verhasurveys.com  
DRAWN BY: D.J. CAD DATE: July 8, 2016 1:47 PM  
CHECKED BY: OLS CAD FILE: 4279050.dwg  
WORK ORDER: 4-27905 FILE NO.: E-AND-1-12 PLAN FILE NO.: C-4249

**"METRIC"**  
Distances and coordinates shown on this plan are in Metres and can be converted to feet by dividing by 0.3048



The Corporation of the  
**Town of Amherstburg**  
ENGINEERING & PUBLIC WORKS

512 SANDWICH STREET SOUTH  
AMHERSTBURG, ONTARIO  
N9V 3R2

Phone: (519) 736-3664

Fax: (519) 736-7080

[www.amherstburg.ca](http://www.amherstburg.ca)

## MEMO

**To:** Matthew Baird  
**From:** Todd Hewitt  
**Date:** January 10, 2017  
**File No.:** PWD-SD-2016-002  
**Subject:** Kingsbridge Phase 8B-1 – Servicing Drawings

Matt,

We have completed a review of the servicing drawings submitted last week.

Overall, the drawings should include a sanitary layout plan, storm layout plan and water layout plan. All these should be on separate sheets and the sewer design sheets should be shown on the sheets.

### Cover Page

- In note box, remove the reference to the Director. Provide the data to Engineering and Public Works

### Sheet 2

- Arrow for watermain text box (Knobb Hill) pointing to storm sewer
- Southerly valve not required at the Knobb Hill/Welsh Avenue tie in.
- Label all water services as WSV, not CS
- At the end of Street 'A' watermain show plug at the end of the pipe, also, the southerly valve is not required.
- Why is there 300mm pipe throughout the entire phase that then ties into an existing 200mm sanitary pipe? This 200mm pipe then ties into a 250mm pipe. Please review the sizing of the pipes in this phase.

### Sheet 4

- Same notes apply to Sheet 2

### Sheet 5

- Show the sanitary and storm pipes from Street 'A' in the profile (in the manholes)

Sheet 7

- Same notes as Sheet 2 apply
- Show the asphalt / granular transition

Sheet 8

- The hydrant at the end of the watermain seems unnecessary as there are no homes on Knobb Hill and the park is across the road. If the hydrant is required for fire protection radius please advise, otherwise it can be removed. If it is removed the existing blow-off that is being removed will need to be relocated to the end of the pipe.

Sheet 9

- Knobb Hill cross section is still being revised. It will not be the same as Welsh
- Welsh cross section will require 1.5m sidewalk
- Review location of gasmain on all cross sections

Sheet 11

- All lots require 2 rear yard catchbasins as per plan view
- Plan view applies to all lots. Remove reference to Lots 1 to 16

Sincerely,

Todd Hewitt  
Manager of Engineering

## Amy Farkas

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**From:** Lee Tome <ltome@amherstburg.ca>  
**Sent:** Tuesday, February 07, 2017 7:30 AM  
**To:** Amy Farkas; Ron Meloche  
**Subject:** FW: Draft Plan of Subdivision - Internal Review - Kingsbridge Subdivision Phase 8B-1  
**Attachments:** ZBA-1-17 - Application.pdf; Application for Approval of a Plan of Subdivision.pdf; County Request for Public Meeting - January 18, 2017.pdf; Draft Plan of Subdivision.pdf; Draft Subdivision Agreement Kingsbridge Phase 8B-1.docx; Memo - Crozier Baird - July 16, 2016.pdf; Memo - Internal Review.pdf; Memo re Site Servicing - PW Comments.pdf; Notice of Public Mtg- Proposed Plan of Subdivision-February 27, 2016.pdf; Site Servicing Drawings - Kingsbridge Phase 8B-1.pdf; Stormwater Management Report - June 22, 1999.pdf; Welsh Avenue Extension ESA Screening Report - December 19, 2016.pdf

Good morning Amy

Amherstburg Fire has no objection to the draft plan for the Kingsbridge subdivision phase 8B-1.  
Lee

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**From:** Amy Farkas [<mailto:afarkas@amherstburg.ca>]  
**Sent:** February-03-17 9:23 AM  
**To:** Lee Tome; Ron Meloche  
**Subject:** RE: Draft Plan of Subdivision - Internal Review - Kingsbridge Subdivision Phase 8B-1

Good morning Lee and Ron,

I've attached the documents for your review. Please let me know if you have any problems opening them.

Ron – I'll add you to the planning application email circulations from here on in!

Regards,  
Amy

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**From:** Lee Tome [<mailto:ltome@amherstburg.ca>]  
**Sent:** Friday, February 03, 2017 7:56 AM  
**To:** Amy Farkas  
**Cc:** Ron Meloche  
**Subject:** RE: Draft Plan of Subdivision - Internal Review - Kingsbridge Subdivision Phase 8B-1

Good morning Amy

I attempted to review the draft plan and found I do not have access to the development services folder in G drive. It denies me access. One other thing, could you add Ron Meloche to anything you send me please. I am in the process of working with Ron to transition this work to Ron in the future and I would like to work with him on these items before he takes over

**Lee Tome**  
*Deputy Chief*

**From:** [ONTUGLLandsINQ](mailto:ONTUGLLandsINQ)  
**To:** [Amy Farkas](mailto:Amy.Farkas)  
**Subject:** RE: Notices of Public Meetings - Kingsbridge Subdivision, OPA No. 4, & Ure's Miniature Golf  
**Date:** Wednesday, February 08, 2017 8:36:40 AM

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Thank you for your correspondence with regards to draft plan of approval for the above noted project.

It is Union Gas Limited's ("Union") request that as a condition of final approval that the owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Union.

Should you require any further information, please contact the undersigned.

**Mary Jane Patrick**

Analyst, Land Services  
Union Gas Limited | A Spectra Energy Company  
50 Keil Drive North | Chatham, ON N7M 5M1  
Tel: 519.436.4600 ext 5004578  
email: [mpatrick@uniongas.com](mailto:mpatrick@uniongas.com)



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**From:** Amy Farkas [mailto:[afarkas@amherstburg.ca](mailto:afarkas@amherstburg.ca)]  
**Sent:** February-06-17 11:43 AM  
**To:** Antonietta Giofu; Bruce Bratt; Dave Attwood; Denise Kimmerly-Machier; ERCA Notice & Applications ([planning@erca.org](mailto:planning@erca.org)); Giovanni (John) Miceli; Lee Tome; Mark Alzner; Mark Galvin; Michelle Lavin-Faucher; Ontario Power Generation Inc; Paula Parker; Ron Meloche; Shane McVitty; Stephen Brown; Tammy Fowkes; Todd Hewitt; ONTUGLLandsINQ  
**Subject:** Notices of Public Meetings - Kingsbridge Subdivision, OPA No. 4, & Ure's Miniature Golf

Good afternoon,

As per Planning Act regulations please find attached the circulation of the Notices of Public Meetings for two proposed Zoning By-law Amendments, an Official Plan Amendment, and a Draft Plan of Subdivision in the Town of Amherstburg, for your information and comments.

Please provide the town with any comments by February 10<sup>th</sup>, 2017.

Regards,  
Amy

**Amy Farkas**

*Planning Office Clerk*

3295 Meloche Rd., Amherstburg, Ontario, N9V 2Y8  
Tel: 519-736-5408 ext 2134 Fax: 519-736-9859 TTY: 519-736-9860

**NOTICE OF PUBLIC MEETING  
TO CONSIDER A ZONING BY-LAW AMENDMENT**

**TAKE NOTICE** that the Council of the Corporation of the Town of Amherstburg will hold a public meeting on **Monday, February 27, 2017 commencing at 5:00 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 are located to the east of Knobb Hill Drive and north of McLellan Avenue, and are described as Concession 1, Part of Lots 12 and 13. The property has 78.92 m frontage on Knobb Hill and a depth of ± 398.19 m with a total area of 4.896 hectares (see 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 “**Agricultural (A) Zone**” to “**Residential First Density (R1) Zone**” to permit the development of 55 single detached dwelling units in Kingsbridge Subdivision. The proposed Amendment to the Zoning By-law is in conformity with the policies in the Official Plan. The lands are designated Low Density Residential in the Town’s Official Plan.

The draft plan of subdivision application which is County of Essex file No. 37-T-17001, will be considered at the same public meeting.

**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. *We cannot guarantee the exact time the application will be considered by Council as the time varies depending on the number of items on the agenda and complexity of each application brought forward.*

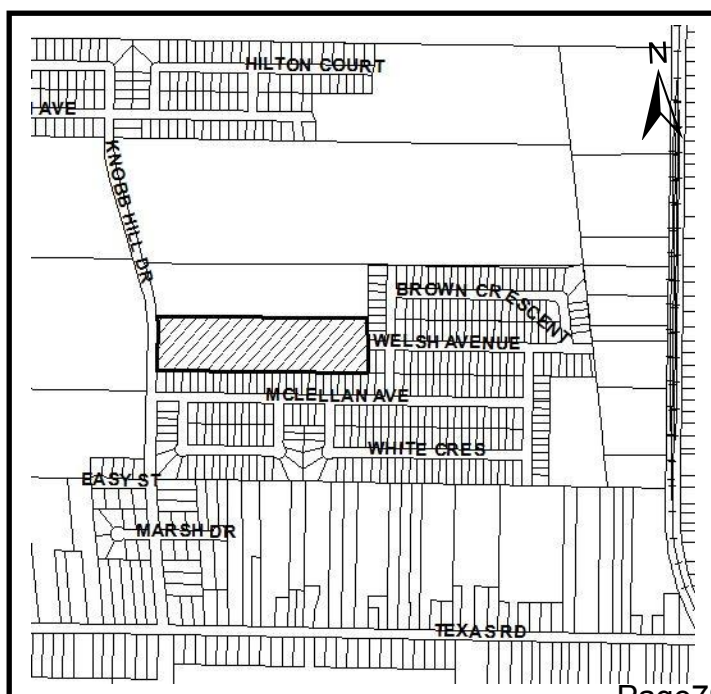
**IF A PERSON OR PUBLIC BODY** does not make oral submissions at a public meeting or make written submissions to the Town of Amherstburg before the by-law is passed, the person or public body is not entitled to appeal the decision of the Town of Amherstburg to the Ontario Municipal Board.

**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/1/17) 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 26<sup>th</sup> day of January, 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)

**INTEGRATION DATA**

COORDINATES ARE DERIVED FROM GRID OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (1997.0). COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) O. REG 216/10

POINT ID	NORTHING	EASTING
ORP-A	N4666980.543	E326223.181
ORP-B	N4666751.080	E326277.117

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

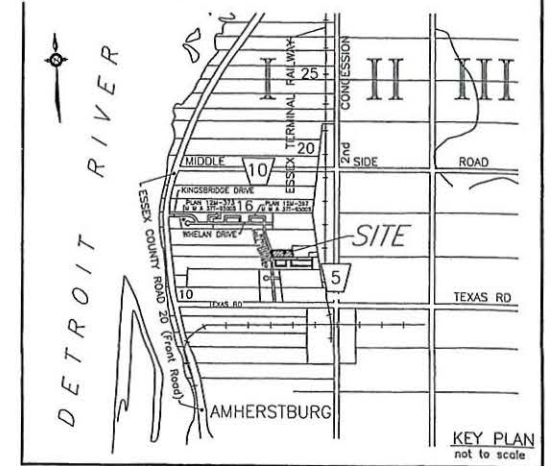
**CURVE SCHEDULE**

CURVE	RADIUS	ARC	CHORD	CHORD BEARING
C1	303.05	24.71	24.71	N00°13'40"E

**ADDITIONAL INFORMATION**  
 REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT, (R.S.O. 1990)

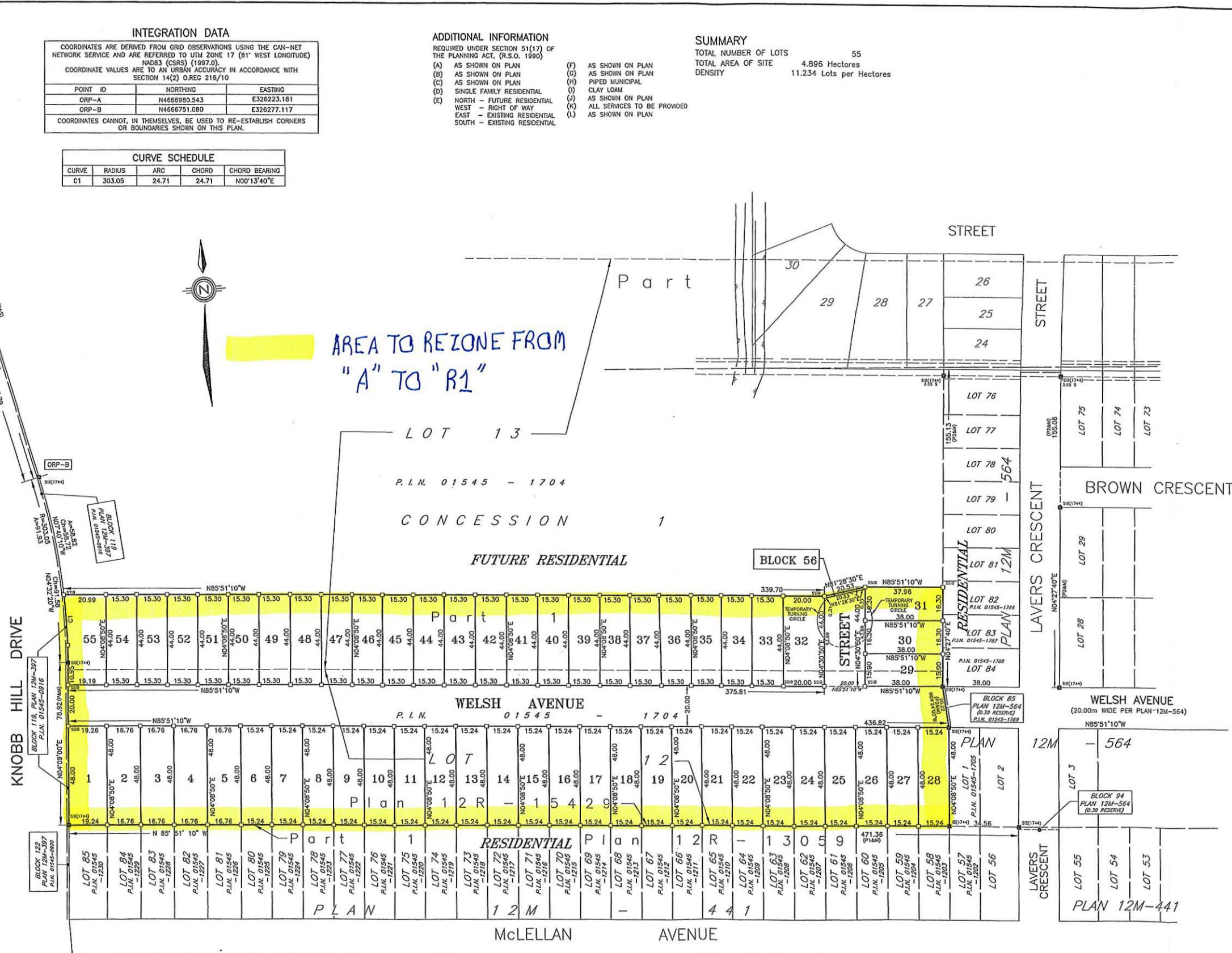
(A) AS SHOWN ON PLAN	(F) AS SHOWN ON PLAN
(B) AS SHOWN ON PLAN	(G) AS SHOWN ON PLAN
(C) AS SHOWN ON PLAN	(H) PIPED MUNICIPAL
(D) SINGLE FAMILY RESIDENTIAL	(I) CLAY LOAM
(E) NORTH - FUTURE RESIDENTIAL	(J) AS SHOWN ON PLAN
WEST - RIGHT OF WAY	(K) ALL SERVICES TO BE PROVIDED
EAST - EXISTING RESIDENTIAL	(L) AS SHOWN ON PLAN
SOUTH - EXISTING RESIDENTIAL	

**SUMMARY**  
 TOTAL NUMBER OF LOTS 55  
 TOTAL AREA OF SITE 4.896 Hectares  
 DENSITY 11.234 Lots per Hectares



AREA TO REZONE FROM "A" TO "R1"

LOT 13  
 P.L.N. 01545 - 1704  
 CONCESSION 1  
 FUTURE RESIDENTIAL



**DRAFT PLAN OF SUBDIVISION**  
 OF PART OF LOTS 12 & 13,  
 CONCESSION 1  
 GEOGRAPHIC TOWNSHIP OF ANDERDON  
 NOW IN THE  
 TOWN OF AMHERSTBURG  
 COUNTY OF ESSEX, ONTARIO  
 © VERHAEGEN • STUBBERFIELD • HARTLEY • BREWER • BEZAIRE INC.

SCALE = 1:1000  
 0 10.00 20.00 40.00 60.00 80.00 100.00 METRES

**LEGEND AND NOTES**  
 BEARINGS ARE UTM GRID DERIVED FROM OBSERVED REFERENCE POINTS "A" AND "B" BY REAL TIME NETWORK OBSERVATIONS.  
 DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99994655

ALL MONUMENTS SHOWN THUSLY □ ARE IRON BARS (Ø) UNLESS OTHERWISE NOTED.  
 S# DENOTES 25mm X 25mm X 1.22m STANDARD IRON BAR  
 # DENOTES 25mm X 25mm X 0.61m SHORT STANDARD IRON BAR  
 # DENOTES 16mm X 16mm X 0.61m IRON BAR  
 # DENOTES 19mm diameter X 0.61m ROUND IRON BAR  
 CC DENOTES CUT-CROSS  
 SP DENOTES 5mm X 50mm STEEL PIN  
 DENOTES SURVEY MONUMENT FOUND  
 □ DENOTES SURVEY MONUMENT SET AND MARKED 1744  
 W.P. DENOTES WITNESS L DENOTES PERPENDICULAR  
 S) DENOTES SET M) DENOTES MEASURED (Ø) DENOTES DEED  
 CP DENOTES OBSERVED REFERENCE POINT  
 SSB'S SHOWN ON THIS PLAN HAVE BEEN SET IN LIEU OF SIB'S WHERE THE POSSIBILITY THAT UNDERGROUND UTILITIES EXIST.  
 (S/P) DENOTES SET PROPORTIONALLY (Ø) DENOTES ORIGIN UNKNOWN  
 (P1) DENOTES PLAN 12M-397 (P2) DENOTES PLAN 12M-441  
 (P2) DENOTES PLAN 12M-554 (P3) DENOTES PLAN 12R-15429  
 (1744) DENOTES VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZAIRE INC., O.L.S.  
 (Ø) DENOTES C.O.R. ARMSTRONG, O.L.S.

**OWNER'S CERTIFICATE**  
 I HEREBY AUTHORIZE THE FILING OF THIS THIS DRAFT PLAN FOR APPROVAL.  
 1078217 ONTARIO LIMITED  
 DATE: \_\_\_\_\_  
 MICHAEL DUNN  
 I HAVE THE AUTHORITY TO BIND THE CORPORATION"

**SURVEYOR'S CERTIFICATE**  
 I CERTIFY THAT:  
 THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS HAVE BEEN ACCURATELY AND CORRECTLY SHOWN.

DATE JULY 4, 2016  
 ANDREW S. MANTHA  
 ONTARIO LAND SURVEYOR  
 for VERHAEGEN • STUBBERFIELD • HARTLEY • BREWER • BEZAIRE INC.

VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZAIRE INC.  
 WINDSOR 944 Ottawa Street N8K 2E1 Ph: (519) 258-1772 Fax: (519) 258-1751  
 LEAMINGTON 167 Tebot Street East N8H 1L8 Ph: (519) 322-2375 Fax: (519) 322-2375  
 www.vshbbsurveys.com  
 ONTARIO LAND SURVEYORS  
 DRAWN BY: D.J. CAD Date: July 7, 2016 2:03 PM  
 CHECKED BY: OLS CAD File: 42790500.dwg  
 WORK ORDER: 4-27805 FILE NO.: E-AND-1-12 PLAN FILE NO.: C-4249



**CORPORATION OF THE TOWN AMHERSTBURG  
BY-LAW NO. 2017-05**

**By-law to amend Zoning By-law No. 1999-52,  
Kingsbridge Subdivision, 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 20 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 R1" on Schedule "A" attached hereto and forming part of this By-law from "Agricultural (A) Zone" to "Residential First Density (R1) 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.

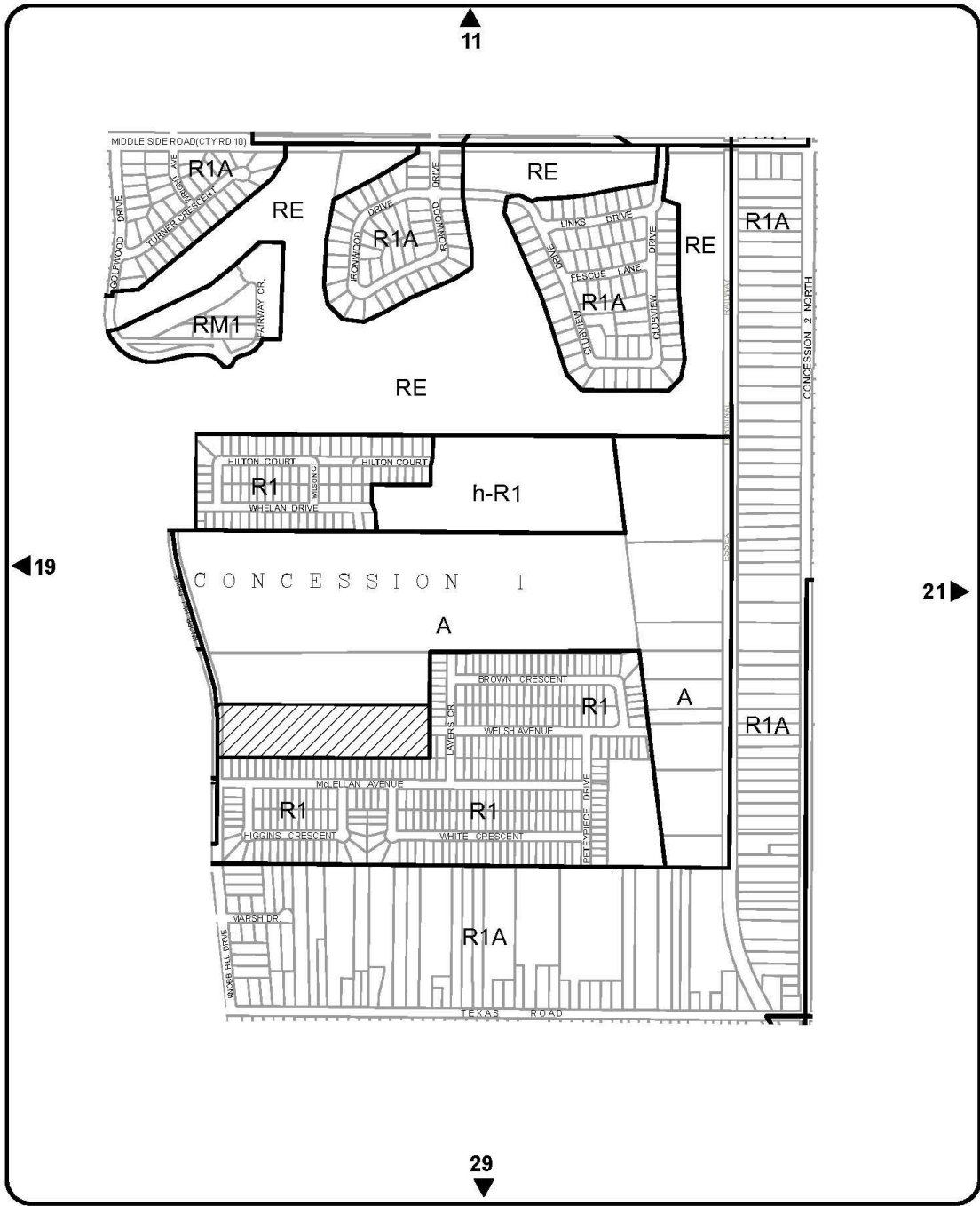
Read a first, second and third time and finally passed this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
MAYOR- ALDO DICARLO

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

**TOWN OF AMHERSTBURG**

**SCHEDULE "A" TO BY-LAW NO. 2017-05  
A BY-LAW TO AMEND BY-LAW NO. 1999-52**



**SCHEDULE 'A'**  
**MAP 20**  
ZONING BY-LAW NO. 1999-52

A to R1 

MAYOR- ALDO DICARLO

CLERK- PAULA PARKER



regs@erca.org  
P.519.776.5209  
F.519.776.8688

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

February 09, 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-1-17 KNOBB HILL DR (Welsh Cres Extension-8B Phase-1)  
ARN 372942000018100; PIN: 015451704  
Applicant: 1078217 ONTARIO LIMITED

The following is provided for your information and consideration as a result of our review of Zoning By-Law Amendment ZBA-1-17. The purpose of the amendment is to change the zoning of the subject lands from Agricultural (A) Zone to Residential First Density (R1) Zone to permit the development of 55 single detached dwelling units in the Kingsbridge Subdivision (37-T-17001).

## **NATURAL HAZARD POLICIES OF THE PPS, 2014**

We have reviewed our floodline mapping for this area and it has been determined this site is **not** located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the *Conservation Authorities Act*). As a result, a permit is not required from ERCA for issues related to Section 28 of the *Conservation Authorities Act*, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the *Conservations Authorities Act*, (Ontario Regulation No. 158/06).

## **WATER RESOURCES MANAGEMENT**

We are concerned with the potential impact of the quality and quantity of runoff in the downstream watercourse due to future development on this site. We recognize that water resources management concerns are being addressed through our comments on the draft plan of subdivision and our involvement in the review of the stormwater management plans for the subject development. We request inclusion of the following conditions in the Subdivision Agreement:

1. That the developer undertakes an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm, to the satisfaction of the Municipality and the Essex Region Conservation Authority.
2. That the developer installs stormwater management measures identified above, as part of the development of the site, to the satisfaction of the Municipality and the Essex Region Conservation Authority.

Ms. Belanger  
February 09, 2017

3. That the developer obtains the necessary permit or clearance from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities.

We are aware the the owners have already submitted an Application for Permit to this office along with the required fees. We are in the process of reviewing the application along with our other associated reviews of the application for draft plan of subdivision.

**NATURAL HERITAGE POLICIES OF THE PPS 2014**

It is our recommendation to the Municipality that an Environmental Impact Assessment is not required for this application for zoning by-law amendment because the location of the subject property is physically separated from the natural heritage feature by existing development or infrastructure. Therefore, we can advise the Municipality that this application is consistent with the natural heritage policies of the PPS 2014.

We request to receive a copy of the Notice of Decision on this application.

If you should have any questions or require any additional information, please do not hesitate to contact the ERCA Watershed Planner, Michael Nelson by phone at (519) 776-5209 ext. 347 or by e-mail at [mnelson@erca.org](mailto:mnelson@erca.org).

Thank you.

Sincerely,



Michael Nelson, *Watershed Planner*  
/mn

