



**TOWN OF AMHERSTBURG
SPECIAL COUNCIL MEETING - PLANNING**

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<https://www.amherstburg.ca/livestream>**

Monday, January 9, 2023

4:00 PM

Council Chambers

271 Sandwich Street South, Amherstburg, ON, N9V 2A5

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Pages

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF**
(Public Council Meeting Agenda Items)

4. SPECIAL PLANNING REPORTS

- 4.1 Statutory Public Meeting to Consider a Zoning By-law Amendment, ZBA-25-22, for 7601 Middle Sideroad 3

It is recommended that:

1. Comments from the public, municipal departments, agencies and Council with respect to the proposed Zoning By-law Amendment for lands municipally known as 7601 Middle Sideroad (File ZBA-25-22), owned by Ronnie and Loredana Quaggiotto and represented by Tracey Pillon-Abbs (Pillon Abbs Inc.), **BE RECEIVED** and **SUMMARIZED** in a future report to Council.

- 4.2 Statutory Public Meeting to Consider an Official Plan Amendment, OPA#21 for 8917 Concession 8 49

It is recommended that:

1. Comments from the public, municipal departments, agencies, and Council with respect to Official Plan Amendment for lands municipally known as 8917 Concession 8 (File OPA #21), owned by Raffaele and Gina Meo, **BE RECEIVED** and **SUMMARIZED** in a future report to Council.

- 4.3 Statutory Public Meeting to Consider a Zoning By-law Amendment for 9540 Walker Road 82

It is recommended that:

1. Comments from the public, municipal departments, agencies and Council with respect to the proposed Zoning By-law Amendment for lands municipally known as 9540 Walker Road (File ZBA-21-22) **BE RECEIVED** and **SUMMARIZED** in a future report to Council.

5. ADJOURNMENT

That Council rise and adjourn at p.m.



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT 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: Sarah French	Report Date: December 16, 2022
Author's Phone: 519 736-5408 ext. 2145	Date to Council: January 9, 2023
Author's E-mail: sfrench@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Statutory Public Meeting to Consider a Zoning By-law Amendment, ZBA-25-22, for 7601 Middle Sideroad

1. RECOMMENDATION:

It is recommended that:

1. Comments from the public, municipal departments, agencies and Council with respect to the proposed Zoning By-law Amendment for lands municipally known as 7601 Middle Sideroad (File ZBA-25-22), owned by Ronnie and Loredana Quaggiotto and represented by Tracey Pillon-Abbs (Pillon Abbs Inc.), **BE RECEIVED** and **SUMMARIZED** in a future report to Council.

2. BACKGROUND:

The Town is in receipt of an application for a Zoning By-law Amendment to By-Law 1999-52 from Ronnie and Loredana Quaggiotto and their acting agent Tracey Pillon-Abbs. The subject lands are located on the south side of Middle Sideroad between Howard Avenue and Concession 8 and are municipally known as 7601 Middle Sideroad (refer to Figure 1 in attachments).

The purpose of the application is to establish a site-specific zone to add a retail store as a permitted use on the subject lands. As shown on Figure 2, the site is currently occupied with a single family dwelling, farm building structures and a 48 ft by 50 ft building, currently utilized as the Farmhouse Market. The proposed Zoning By-law Amendment would permit the continued use of the 48 ft by 50 ft building as a retail store, while allowing the property owners to continue agricultural uses on the land.

3. **DISCUSSION:**

The subject lands are designated Agricultural in the Official Plan. The uses permitted in the Agricultural designation shall be limited to agricultural uses including the growing of crops, raising of livestock, agro-forestry, etc., secondary uses that are small scale and compatible with the agricultural uses, agriculture-related commercial and agriculture-related dry processing industrial uses.

The Zoning By-law zones the lands as Agricultural (A) Zone. Currently at this location the following uses are permitted in the Town's Comprehensive Zoning By-law:

- (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) licenced cannabis production facility (2019-075)
- (xvii) nurseries or tree farms;
- (xviii) the exploration and extraction of oil and other similar materials;
- (xix) a bed and breakfast establishment;
- (xx) works of a Conservation Authority;
- (xxi) a public use;
- (xxii) uses accessory to the foregoing permitted uses;
- (xxiii) a winery, brewery or cidery in accordance with Subsection 26(3)(o). (Bylaw 2006-61, By-law 2017-07)

The existing retail store, the Farmhouse Market, does not meet any of the definitions of the permitted uses provided above. Additionally, the Farmhouse Market does not meet the zoning provisions for a rural home occupation. Therefore, the Zoning By-law Amendment is proposed to add 'retail store' as a permitted use on the subject lands.

The applicants' agent, Tracey Pillon-Abbs, has prepared a Planning Justification Report (PJR) justifying the proposed Zoning By-law Amendment. The PJR is provided in the attachments to this report.

The purpose of this initial public meeting is to provide an opportunity for the Applicant to present information and outline the purpose of the application to Council and to hear all

comments regarding the rezoning. As Council is aware, notice for the proposed re-zoning was circulated in accordance to the provisions of the Planning Act. As of the preparation of this report, a number of comments were received by the Town. A summary of the comments are attached to this report.

Following this public meeting, staff will review all of the comments submitted as part of this application and prepare a report for a subsequent Council meeting. The second staff report will summarize all of the comments received and make recommendation(s) regarding the proposed rezoning and any applicable conditions if required.

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality.

5. FINANCIAL MATTERS:

This rezoning will have no impact on the municipal budget. All costs associated with the application are the responsibility of the applicant.

6. CONSULTATIONS:

Refer to attached summary of comments. The Notice of Public Meeting was published in the local newspaper and circulated to the required agencies, property owners and municipal departments in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13 and associated regulations.

7. CONCLUSION:

Subject to and further comments or direction from Council, that the presentation and comments on the proposed re-zoning be received and referred to a future public meeting.



Sarah French
Planner

SF

<p>DEPARTMENTS/OTHERS CONSULTED: Name: Office of Engineering and Public Works Phone #: 519 736-3664 ext. 2313</p> <p>Name: Building Services Phone #: 519 736-5408 ext. 2136</p> <p>Name: Fire Services Phone #: 519 736-6500</p>
--

Name: Union Gas
Email: ONTUGLandsINQ@uniongas.com

Name: Ontario Power Generation
Email: Executivevp.lawanddevelopment@opg.com

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

Name: Windsor Essex Catholic District School Board
Phone #: 519 253-2481

Name: Essex County District School Board
Phone #: 519 255-3200

Report Approval Details

Document Title:	Statutory Public Meeting to Consider a Zoning By-law Amendment, ZBA-25-22, for 7601 Middle Sideroad.docx
Attachments:	<ul style="list-style-type: none">- ZBA-25-22- Notice of Statutory Public Meeting-7601 Middle Sdrd.pdf- ZBA-25-22 Aerials.pdf- ZBA-25-22 7601 Middle Sideroad Site Photos.pdf- ZBA-25-22 PJR 7601 Middle Side Road Amherstburg FINAL.pdf- ZBA-25-22 Farmhouse Market Site Plan.pdf- ZBA-25-22 ZBA Application SIGNED_Redacted.pdf- ZBA-25-22 Circulation List and Map.pdf- ZBA-25-22 2023-006 ZBA- 7601 Middle Sdrd.pdf
Final Approval Date:	Dec 19, 2022

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

No Signature found

Chris Aspila



Melissa Osborne



Tracy Prince



Valerie Critchley

A handwritten signature in black ink, appearing to read "Kevin Fox", with a long horizontal line extending from the end of the signature.

Kevin Fox

CORPORATION OF THE TOWN OF AMHERSTBURG
**NOTICE OF STATUTORY PUBLIC MEETING
TO CONSIDER A ZONING BY-LAW AMENDMENT**

STATUTORY PUBLIC MEETING:

TAKE NOTICE that the Council of the Corporation of the Town of Amherstburg will hold a public meeting on **Monday, January 9, 2023 commencing at 4:00 p.m.** in the Town of Amherstburg Council Chambers, 271 Sandwich Street South, Amherstburg, Ontario. The purpose of this meeting is to consider a proposed amendment to the Town of Amherstburg Zoning By-law 1999-52, under Section 34 of the Planning Act.

ANY PERSON seeking to attend meetings in-person should follow all public health guidance to ensure the safety of themselves and others during the COVID-19 pandemic.

ANY PERSON who wishes to attend and address Council by electronic means, must register with the Clerk's Office no later than 4:00 pm on Thursday, January 5, 2023. To register for electronic participation please email the Deputy Clerk at tfowkes@amherstburg.ca . Once you register, you will be given information on how to make your submission at the electronic meeting by electronic participation. To participate, you will need access to a computer or tablet with internet service or a telephone.

ANY PERSON who wishes watch the meeting proceedings only, please visit <http://video.islive.ca/amherstburg/live.html>

THE SUBJECT LANDS AND PURPOSE OF THIS REZONING APPLICATION:

This rezoning application affects approximately 11.1 ha of land municipally known as the land at 7601 Middle Sideroad (see map below).

This rezoning, if approved, will amend the existing Agricultural Zone to permit a Retail Store as a permitted use on the subject lands. All other provisions of the Agricultural Zone will continue to apply. Site-specific lot and building regulations will be incorporated at this location, in accordance with an approved site plan. The property is designated Agricultural in the Official Plan.

ADDITIONAL INFORMATION:

ANY PERSON may make written representation in support of or in opposition to the proposed Zoning By-law Amendment by email to the Deputy Clerk at tfowkes@amherstburg.ca or in person by appointment for drop-off at the Libro Centre located at 3295 Meloche Road. Comments must be submitted by 4:00 p.m. on Thursday, January 5, 2023 before the meeting and will be read aloud prior to the application being heard by Council.

NO PERSON OR PUBLIC BODY shall be added as a party to the hearing of the appeal unless, before the bylaw was passed, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

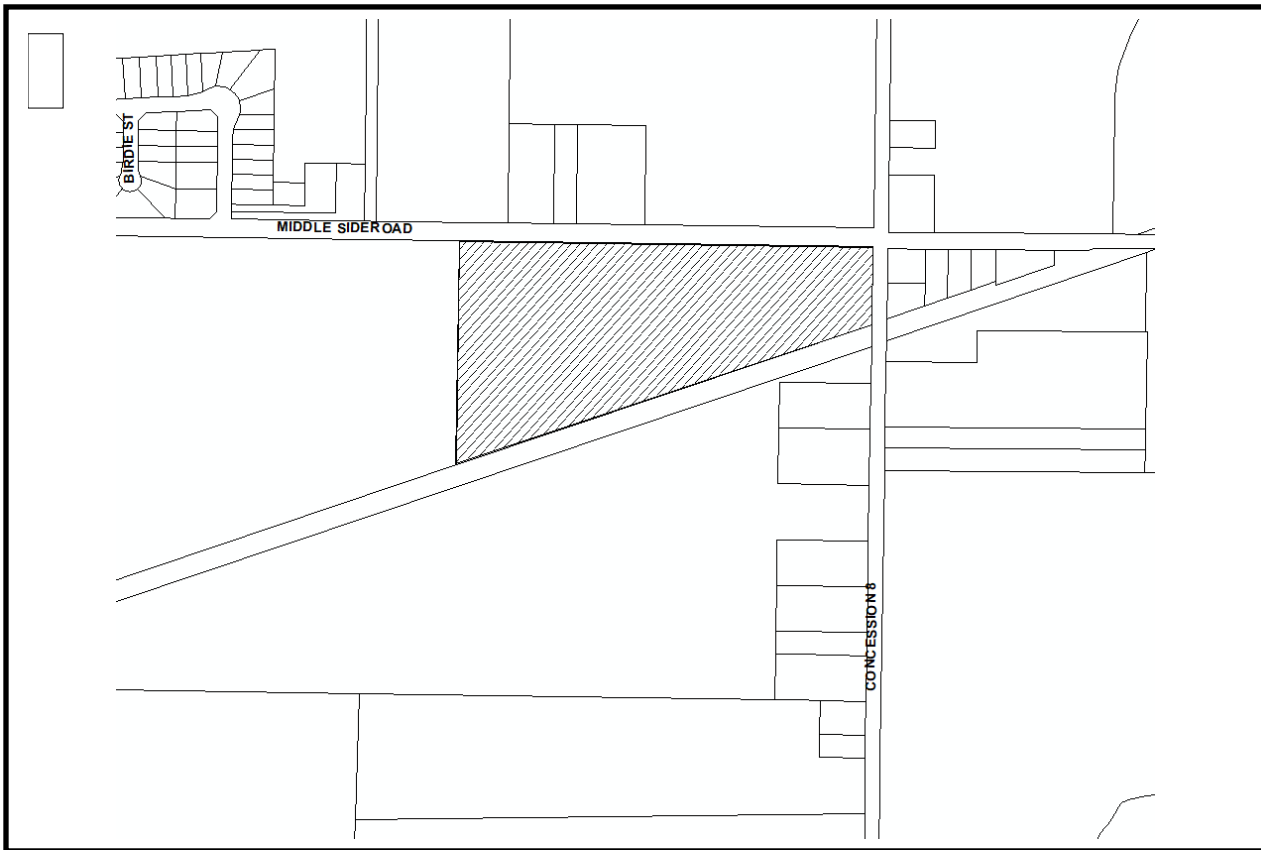
IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting, or make written submissions to the Town of Amherstburg before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to do so.

Further information relating to the proposed Zoning By-law (File# ZBA/25/22) Amendment is available for inspection by calling or emailing the Planning Department Office during normal office hours, 8:30 a.m. to 4:30 p.m. The proposed Zoning By-law Amendment is also available for review on the Town of Amherstburg Website: www.amherstburg.ca. If you wish to be notified of the passage of the proposed Zoning By-law Amendment, you must make a written request to the Town at the address below. The hearing will be available for viewing by livestream by visiting www.amherstburg.ca.

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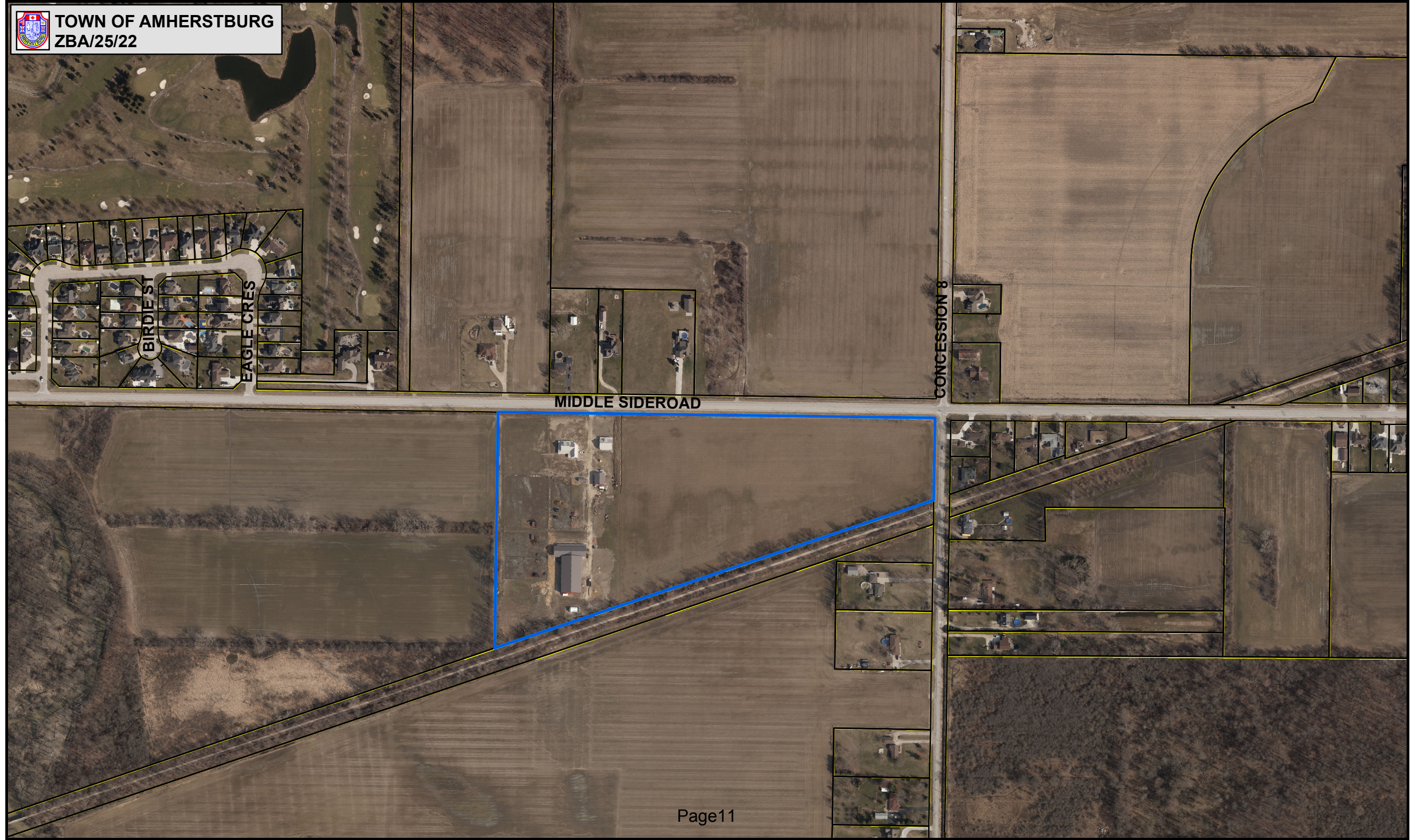
DATED at the Town of Amherstburg this 14th day of December, 2022.

KEY MAP



Sarah French
Planner, Planning Services
Town of Amherstburg
Libro Centre
3295 Meloche Road
Amherstburg, Ontario N9V 2Y8
Telephone: (519) 736-5408
Fax No. (519) 736-9859
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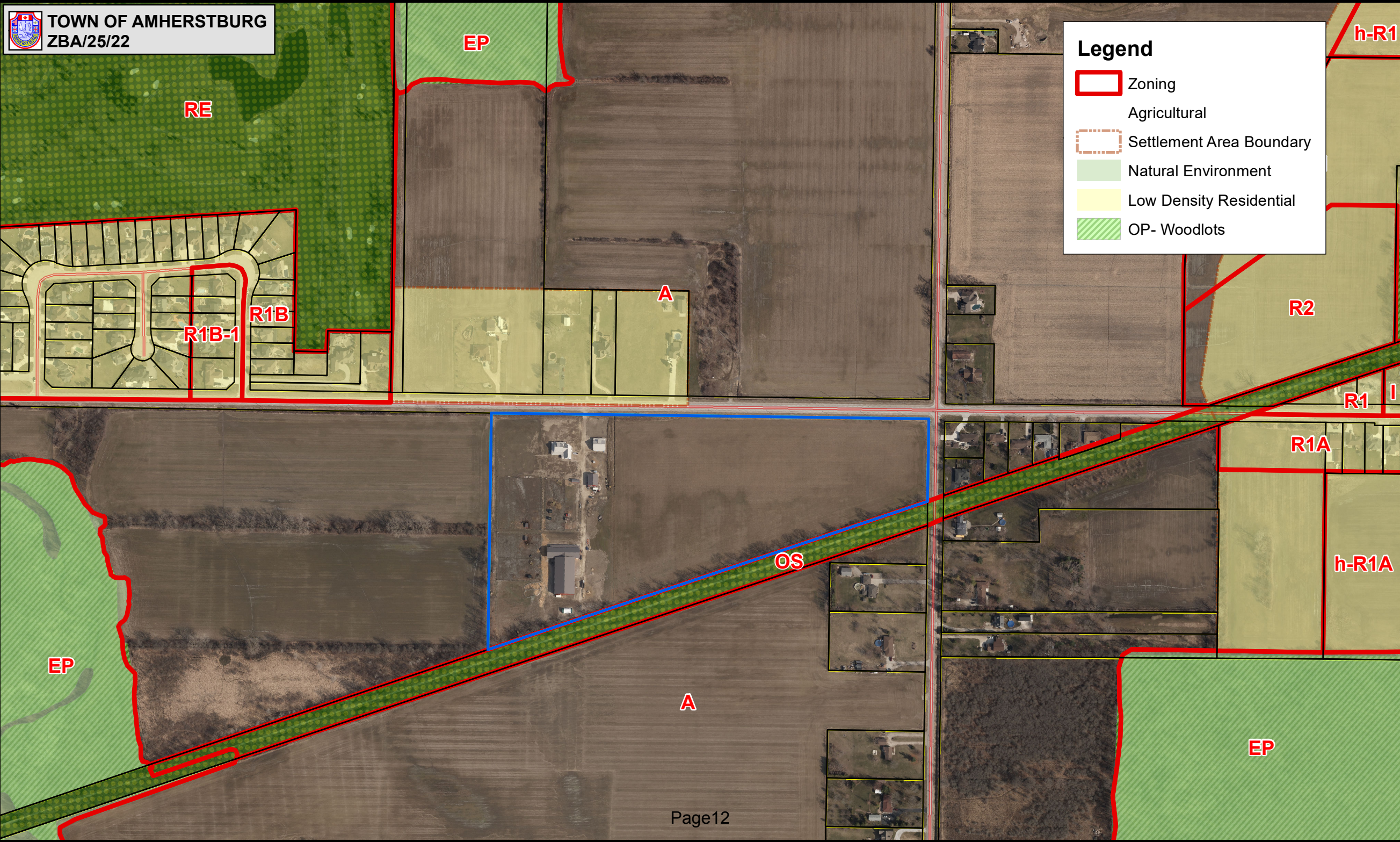


BIRDIE ST

EAGLE CRES

MIDDLE SIDEROAD

CONCESSION 8



Legend

- Zoning
- Settlement Area Boundary
- Natural Environment
- Low Density Residential
- OP- Woodlots

7601 Middle Sideroad Site Photos







PLANNING JUSTIFICATION REPORT

ZONING BY-LAW AMENDMENT

Proposed Agriculture-Related Use
(Retail Store)

7601 Middle Side Road
(McGregor)
Amherstburg, Ontario

November 1, 2022

Prepared by:



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1.0 INTRODUCTION

I have been retained by Ronnie and Loredana Quaggiotto, (herein the 'Applicant') to provide a land use Planning Justification Report (PJR) in support of a proposed development located at 7601 Middle Side Road (McGregor) (herein the "Site") in the Town of Amherstburg, Province of Ontario.

The Site is approximately 11 ha in size and currently has an existing single detached dwelling and accessory structures.

It is proposed to use an existing accessory building as a retail store (The Farmhouse Market) and provide on-site parking.

The proposed retail will be primarily agriculture-related and include selling products from the farm and from local agricultural and non-agricultural small businesses.

The Site is serviced by municipal water and a private septic system.

In order to accommodate the proposal, a site specific Zoning By-law Amendment (ZBA), is to be approved by the Town of Amherstburg to permit a retail store as an additional permitted use for the Site.

The purpose of this report is to review the relevant land use documents, including Provincial Policy Statement (PPS) 2020, County of Essex Official Plan (COP), Amherstburg Official Plan (OP) and Amherstburg Zoning By-law (ZBL).

A pre-consultation with the municipality has been completed by the Applicant.

2.0 SITE AND SURROUNDING LAND USES

2.1 Legal Description

The Site is legally described as Pt N ½ Lt 6, Concession 7, Anderdon as in R661521; S/T R177969; Amherstburg and locally known as 7601 Middle Side Road (McGregor) in the Town of Amherstburg, County of Essex, Province of Ontario.

The Site has been owned by Ronnie and Loredana Quaggiotto, the Applicant, since July 2020.

The Site is made up of one (1) parcel located on the south side of Middle Side Road and the west side of 8th Concession Road, west of the settlement area of McGregor (see the area in blue on Figure 1 – Air Photo).

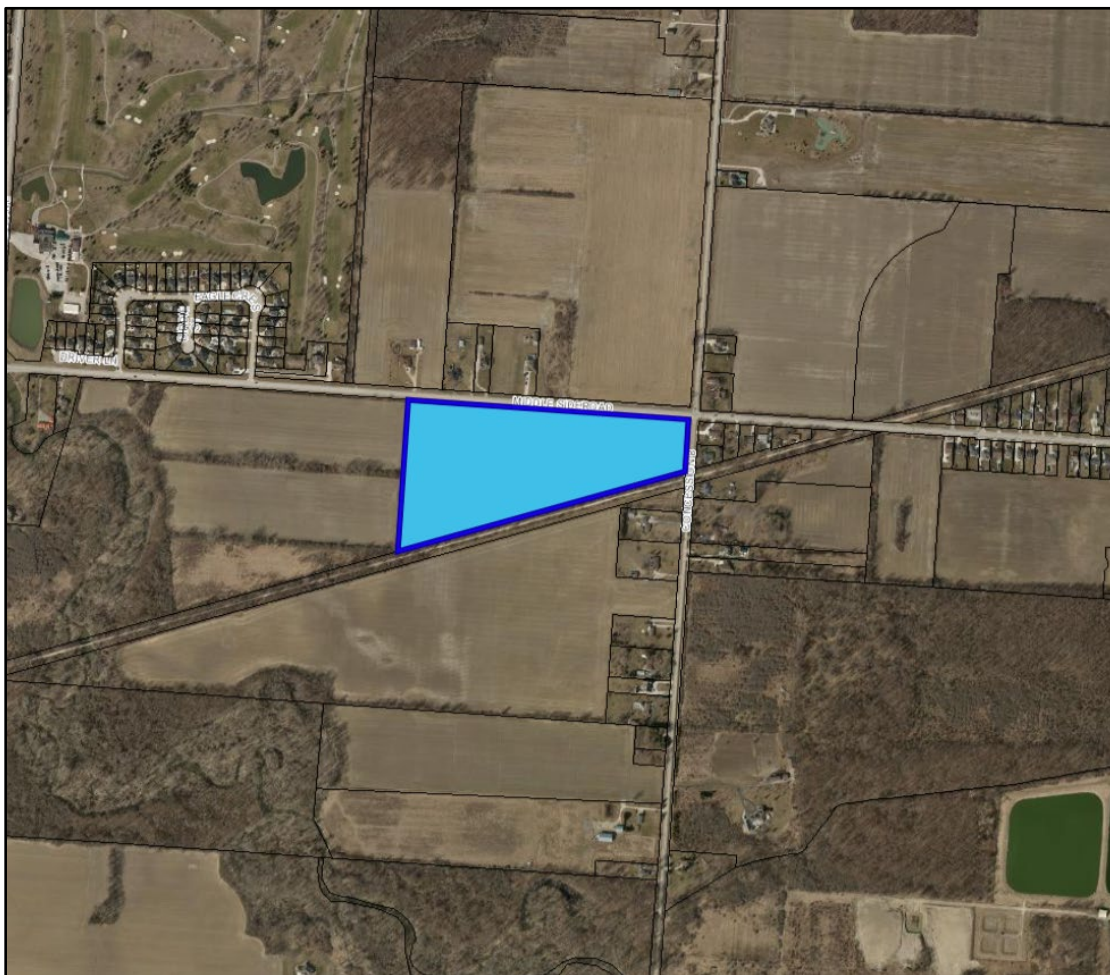


Figure 1 – Air Photo (Source Town of Amherstburg GIS Mapping)

2.2 Physical Features of the Site

2.3.1 Size and Site Dimension

The Site subject to the application is an irregularly shaped parcel.

The entire Site consists of a total area of approximately 11 ha with 551.38 m of frontage along Middle Side Road and 103.63 m of frontage along 8th Concession Road.

2.3.2 Structures

The Site has an existing single detached dwelling and accessory structures.

2.3.3 Vegetation and Soil

The majority of the Site is being farmed.

There are existing trees on the Site, including a hedgerow along the entire south property line and a portion of the west property line.



The soil is made up of Brookston Clay (Bc).

2.3.4 Topography

The Site is flat.

The Site is outside the regulated area of the Essex Region Conservation Authority (ERCA) with the exception of a small portion of land along the entire north property line and a portion of the west property line.

A portion of the Site is impacted by Source Water Protection (Event Base Area 4).

2.3.5 Other Physical Features

Access to the Site is currently from an existing gravel driveway from Middle Side Road.

2.3.6 Municipal Services

The Site is serviced by municipal water and a private septic system.

The Site is part of the Canard River watershed area. The Major Bondy Drain is located along a portion of the west property line, and the Major Drain and Extension is located along the entire north property line.

2.3.7 Nearby Amenities

There are nearby local amenities within the nearby settlement areas of Amherstburg and McGregor.

The subject property is in close proximity to regional roadways, including Howard Avenue and Walker Road.

2.3 Surrounding Land Uses

Overall, the Site is located in a rural area. Surrounding land uses include the following:

- a) **North** – Residential and agricultural uses
- b) **East** – Residential and agricultural uses
- c) **South** – Residential, trail and agricultural uses
- d) **West** – Recreation and agricultural uses

3.0 DEVELOPMENT PROPOSAL

3.1 Proposal

It is proposed to use an existing accessory building as a retail store (The Farmhouse Market) and provide on-site parking.

The Site is serviced by municipal water and a private septic system.

A concept plan has been prepared by GA Designs dated June 28, 2022(see Figure 2 – Concept Plan).

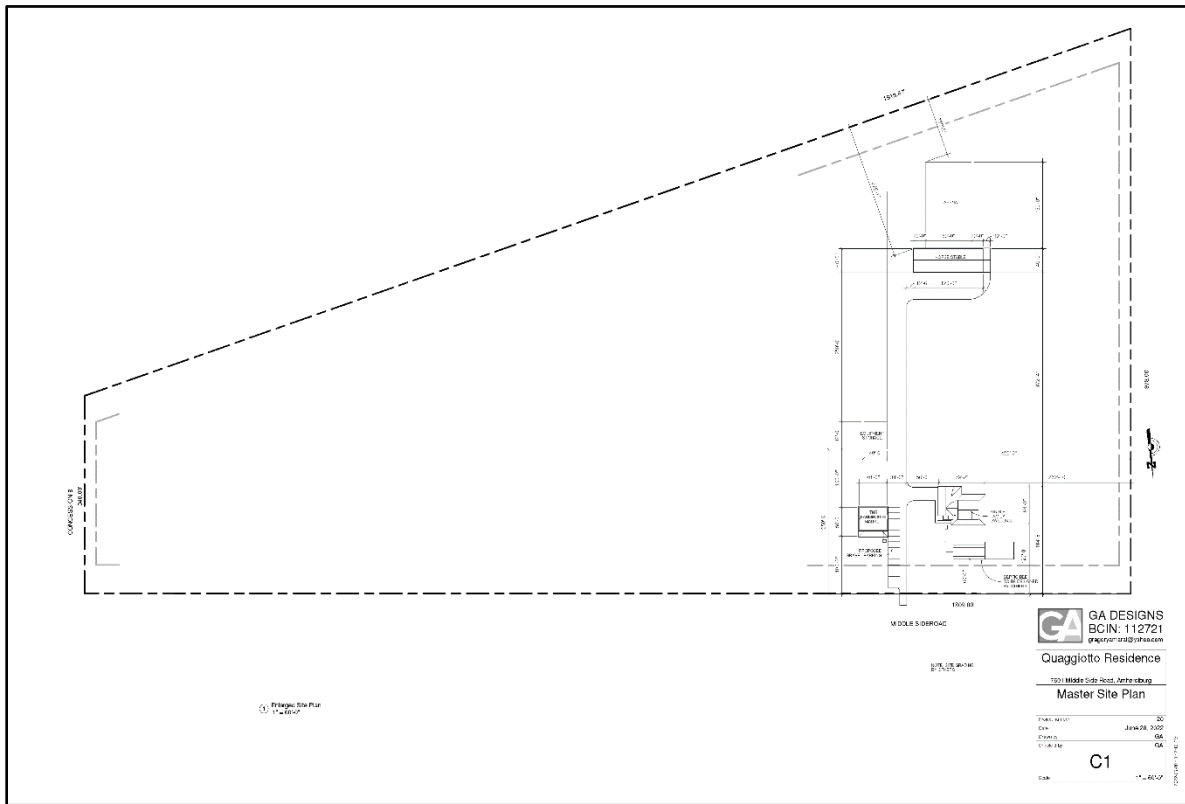


Figure 2 – Concept Plan

Access to the Site will remain from Middle Side Road, using an existing driveway.

The parking area is gravel and will accommodate 14 parking spaces, including 2 barrier-free spaces.

Barrier-free parking spaces will have a sign posted to identify the location of the spaces.

The existing septic system is located in front of the single detached dwelling.

The existing accessory building is located beside the existing single detached dwelling. The building is 14.63 m x 15.24m (44 ft x 50 ft) in size.

Farming of the Site will continue.

The proposed retail will be primarily agriculture-related and include selling products from the farm and from agricultural and non-agricultural local small businesses.

Items that will be sold include the following meats, milk, cheese, maple syrup, honey fruits and flowers.

Products such as soaps, candles, and teas will be prepared on-site in a kitchen at the back of the store.

The retail store will also offer soups, salads, beverages, and sauces.

Services may include cooking/education classes for small groups, demos, sampling, events and farm tours.

3.2 Public Consultation Strategy

The Planning Act requires that the Applicant submit a proposed strategy for public consultation with respect to an application as part of the complete application requirements.

As part of a public consultation strategy, the Applicant proposes that the required public meeting will be sufficient.

4.0 APPLICATIONS AND STUDIES

4.1 Zoning By-Law Amendment (ZBA) Application

In order to accommodate the proposal, a site specific Zoning By-law Amendment (ZBA), is to be approved by the Town of Amherstburg.

The current zoning for the Site is “Agricultural (A) Zone”, as set out on Map 26 of the Zoning By-law.

It is proposed to amend the current zoning of the Site to a site specific “Agricultural (A-XX) Zone” to permit a retail store as an additional permitted use.

The ZBA is detailed, and the justification is set out in Section 5.1.4 of this PJR.

4.2 Other Applications

In addition to the ZBA application, the proposed development will be subject to Site Plan Control (SPC) approval and a building permit, which are currently underway.

4.3 Supporting Studies

4.3.1 Lot Grading

A lot grading plan has been prepared by Verhaegen Land Surveyors dated July 31, 2022.

5.0 PLANNING ANALYSIS

5.1 Policy and Regulatory Overview

5.1.1 Provincial Policy Statement (PPS), 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development providing for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environments.

The PPS is issued under Section 3 of the Planning Act and came into effect on May 1, 2020. It applies to all land use planning matters considered after this date.

The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The following provides a summary of the key policy considerations of the PPS as it relates to the proposed development.

PPS Policy #	Policy	Response
1.0Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns.....	<p>The proposed use is appropriate for the Site.</p> <p>The use does not impact the development pattern of the area.</p> <p>The accessory building is close to the building cluster on the Site.</p>
1.1.4.1	f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;	<p>The sale of agricultural merchandise on agricultural lands further promotes the diversification of the economy and employment opportunities through sustainable management of land.</p> <p>Further the proposed retail store will support local agricultural and non-</p>

PPS Policy #	Policy	Response
		agricultural small businesses.
1.1.5.2	On rural lands located in municipalities, permitted uses are: d) agricultural uses, agriculture-related uses , on-farm diversified uses and normal farm practices, in accordance with provincial standards;	A retail store that is primarily for the retailing of agriculture-related products is an agriculture-related use. 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.”
1.1.5.4	Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.	The character of the Site will not change. Farming will continue.
1.1.5.7	Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.	Agricultural uses on the Site will be protected.
2.3.3.1	In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses.	The proposed use of a retail store will not hinder the surrounding agricultural operations. Ontario Ministry of Agricultural Food and Rural

PPS Policy #	Policy	Response
	<p>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.</p>	<p>Affairs (OMAFRA) <i>Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, Publication 851</i>, sets out the criteria for on-farm diversified uses.</p> <p>The proposed retail will be primarily agriculture-related and include selling products from the farm and from local small businesses.</p> <p>The retail activity being proposed for the Site is intended to be directly related to and supportive of local agricultural operations by allowing for the sale of locally produced product.</p>

Therefore, the proposed development is consistent with the PPS and the Province's vision for long-term prosperity and social well-being.

5.1.2 County of Essex Official Plan (COP)

The County of Essex is the upper tier municipality to the Town of Amherstburg. The County's Official Plan (COP) is dated February 19, 2014, as modified by the Ministry of Municipal Affairs and Housing (MMAH) on April 28, 2014.

The purpose of the COP is to implement the PPS. The COP provides a cross-boundary policy framework from which more detailed land use planning can be continued by the local municipalities. Local OPs will implement and be in conformity with the COP by providing more detailed strategies, policies, and land use designations for planning and development at the local level.

The subject lands are within the "Agricultural" designation as shown on Schedule "A1" Land Use Plan attached to the COP (see area in red on Figure 3 – COP).

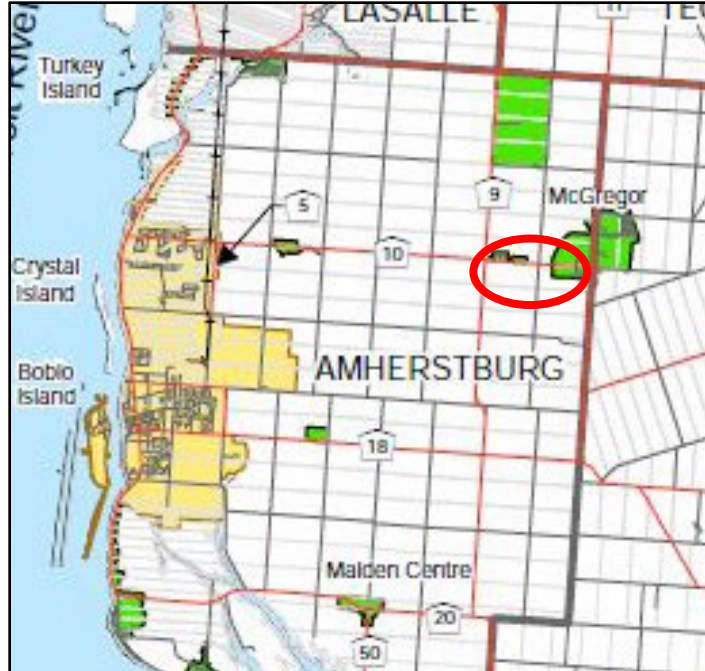


Figure 3 – COP

The following provides a summary of the relevant COP policy considerations as it relates to the proposed application.

COP Policy #	Policy	Response
1.5	b) To protect prime agricultural areas and encourage a broad range of agricultural, agriculture-related and secondary uses to ensure that the agricultural industry can continue to thrive and innovate.	The County OP supports agriculture-related uses. It is not uncommon for specialty-type retail stores to exist in a rural setting.
3.3.2 – Agricultural Goals	a) To protect prime agricultural areas for agricultural purposes to ensure the continued long-term availability of this resource.	The area will be protected as farming will continue.
	d) To restrict the type and amount of non-farm development in the “Agricultural” designation by encouraging non-farm uses to locate in the existing	The proposed use is appropriate to be located in the agricultural area. The farm-to-table type merchandise that will be sold

COP Policy #	Policy	Response
	"Settlement Areas" identified on Schedule "A1".	from the proposed retail store directly benefits from being located within close proximity to farm operations, as a separation of the uses would create the potential for food spoilage to occur.
3.3.3.1 – Permitted Uses	a) Agricultural Uses, Secondary Uses and Agriculture-Related Uses.	<p>The proposed use is considered an agriculture-related use and is permitted in the agricultural designation.</p> <p>There is no anticipated conflict between the retail store use and the surrounding agricultural area.</p>
3.3.3.3 - Agriculture-Related Uses	<p>Agriculture-related uses are farm-related commercial and farm-related industrial uses that are small-scale and directly related to the farm operation and are required in close proximity to the farm operation. Examples include but are not limited to the following:</p> <p>a) Seed, pesticide, fertilizer storage (including distribution).</p> <p>b) Agricultural storage and processing facilities involving the storage and processing of crops and/or livestock from a local farm operation in the area.</p> <p>c) Fruit/vegetable/flower stands & farm markets that retail produce derived from the principal agricultural use on the property.</p> <p>d) Wineries, breweries and associated uses, which are secondary and directly</p>	<p>The proposed retail store will be small-scale and includes primarily selling products from the farm and from local agricultural and non-agricultural businesses.</p> <p>The merchandise sold at the store will be agricultural or agriculturally related.</p> <p>Farm-gate sales (products produced on the subject property and on farms in the surrounding area) will be the primary merchandise sold.</p>

COP Policy #	Policy	Response
	<p>related to the principal agricultural use on the property.</p> <p>Local municipal Official Plans shall contain policies for agriculture-related uses.</p>	

Therefore, the proposed development conforms to the COP and an amendment is not required.

5.1.3 Amherstburg Official Plan (OP)

The Town of Amherstburg Official Plan (OP) was adopted by Council on April 14, 2009 (By-law No. 2009-30) and approved by the County of Essex on July 15, 2009. The office consolidation version is dated April 10, 2017.

The OP implements the COP and PPS and establishes a policy framework to guide land use planning decisions related to development and the provision of infrastructure and community services throughout the Town.

The current designation of the Site subject to development is “Agricultural” identified on Schedules “A” and “B-5” - Land Use Plan (see the area in red on Figure 4 – OP).

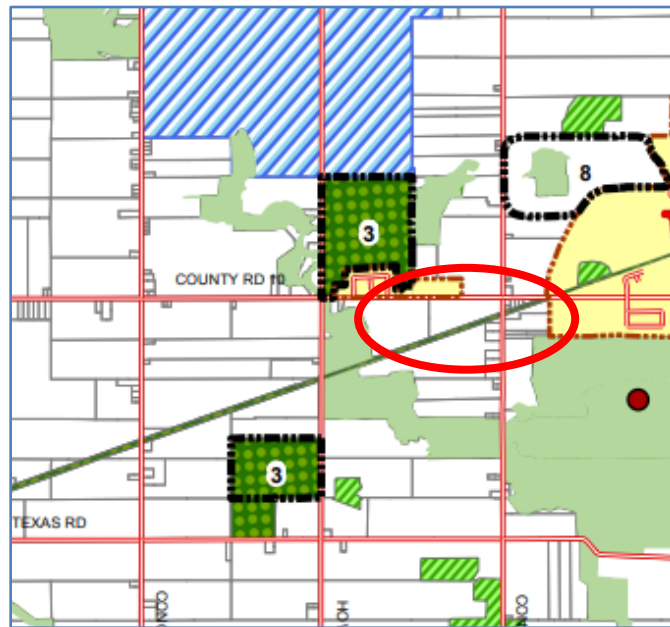


Figure 4 – OP

The following provides a summary of the key policy considerations of the OP as it relates to the proposed development.

OP Policy #	Policy	Response
3.2 – Agricultural Goals	<p>The following goals are established for the Agricultural area:</p> <p>(1) To preserve and enhance good agricultural land for agricultural purposes;</p> <p>(2) To allow farm operators sufficient flexibility to engage in a wide range of agricultural activities;</p> <p>(3) To restrict the type and amount of non-farm development in the agricultural area;</p>	<p>The proposed retail will be primarily agriculture-related and include selling products from the farm and from local small businesses.</p> <p>The Site has access to municipal water and private sanitary sewer systems.</p> <p>The Site provides for drainage.</p> <p>There are no environmental concerns or man-made hazards.</p> <p>The proposed use will be an accessible location for produce and grocery-type merchandise for both the residents of McGregor and the region.</p> <p>The existing accessory structure is located close to the roadway, which will provide efficient ease of access.</p> <p>No new driveway is required.</p>
3.2.2	<p>(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.</p>	<p>Agriculture-related commercial uses are permitted.</p> <p>The retail store will be located in an existing accessory building and will not hinder the surrounding agricultural</p>

OP Policy #	Policy	Response
	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;	<p>operation as it will be kept small-scale.</p> <p>The sale of agricultural merchandise on agricultural lands further promotes the diversification of the economy and employment opportunities through sustainable management of land.</p> <p>The proposed retail store includes selling products from the farm and from local agricultural businesses.</p>
	(19) Agri-tourism, including occasional demonstration events, temporary attractions (e.g. corn field mazes) and farm tours are permitted in the Agricultural designation and may be subject to a temporary use by-law.	The proposed farm tours, events and educational cooking classes support agri-tourism.

Therefore, the proposed development conforms to the general intent of the OP.

5.1.4 Amherstburg Zoning By-law (ZBL)

The Town of Amherstburg Zoning By-Law (ZBL) #1999-52 was approved by Council on December 13, 1999. Office consolidated version dated December 2019.

A ZBL implements the PPS, the COP and the Town OP by regulating the specific use of property and provide for its day-to-day administration.

The current zoning for the Site is “Agricultural (A) Zone”, as set out on Map 26 of the Zoning By-law (see the area in red on Figure 5 – ZBL).

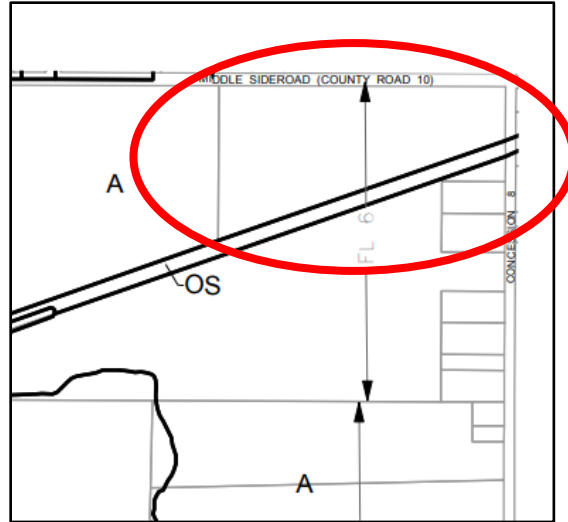


Figure 5 – ZBL

Section 26 of the ZBL sets out the permitted uses in the A Zone, which does not include the proposed retail store.

It is proposed to amend the current zoning of the Site to a site specific “Agricultural (A-XX) Zone” to permit a retail store as an additional permitted use.

Retail store is defined as:

(290) “RETAIL STORE” means a building or part of a building where goods, wares, merchandise, articles or things are offered or kept for retail sale at retail and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, articles or things sufficient only to service such store but does not include any wholesale business or business supply use, or any establishment otherwise defined or classified.

All other A Zone requirements shall comply, including parking for the proposed use.

Based on the size of the existing accessory structure (14.63 m x 15.24m / 222.92 m²)m the required parking for a retail store (1 per 25 m² (269 sq. ft.)), a total of 9 parking spaces are required, and 14 parking spaces are being provided, including 2 barrier-free spaces.

6.0 SUMMARY AND CONCLUSION

6.1 Context and Site Suitability Summary

6.1.1 Site Suitability

The Site is ideally suited for agriculture-related use (retail store) for the following reasons:

- The land area is sufficient to accommodate the proposed development,
- The Site is level, which is conducive to easy vehicular movements,
- The Site has access to municipal water and private sanitary sewer systems,
- The Site provides for drainage,
- There are no environmental concerns or man-made hazards, and
- The location of the proposed use is appropriate in that it will enhance the agricultural area.

6.1.2 Compatibility

The proposed retail store will be strategically located close to the roadway to provide efficient ease of access. No new driveway is required.

The Site is compatible with the surrounding area.

6.1.3 Good Planning

The proposal represents good planning. The proposed use is considered agriculture-related.

6.1.4 Natural Environment Impacts

The proposal does not have any negative natural environmental impacts.

6.1.5 Municipal Services Impacts

The Site has access to partial municipal services.

6.1.6 Social and/or Economic Conditions

The proposed development does not negatively affect the social environment.

The proposed development promotes efficient development and land use pattern, which sustains the financial well-being of the municipality.

The proposed use will be an accessible location for produce and grocery-type merchandise for both the residents of McGregor and the region.

The proposal does not cause any public health and safety concerns.

The proposal represents a cost effective development pattern that minimizes land consumption and servicing costs.

There will be no urban sprawl.

6.2 Conclusion

The proposal to use the Site for a retail store is appropriate and the application for the ZBA should be approved by the Town of Amherstburg as it is consistent with the PPS, conforms with the intent and purpose of the COP and OP, is consistent with the ZBL and represents good planning.

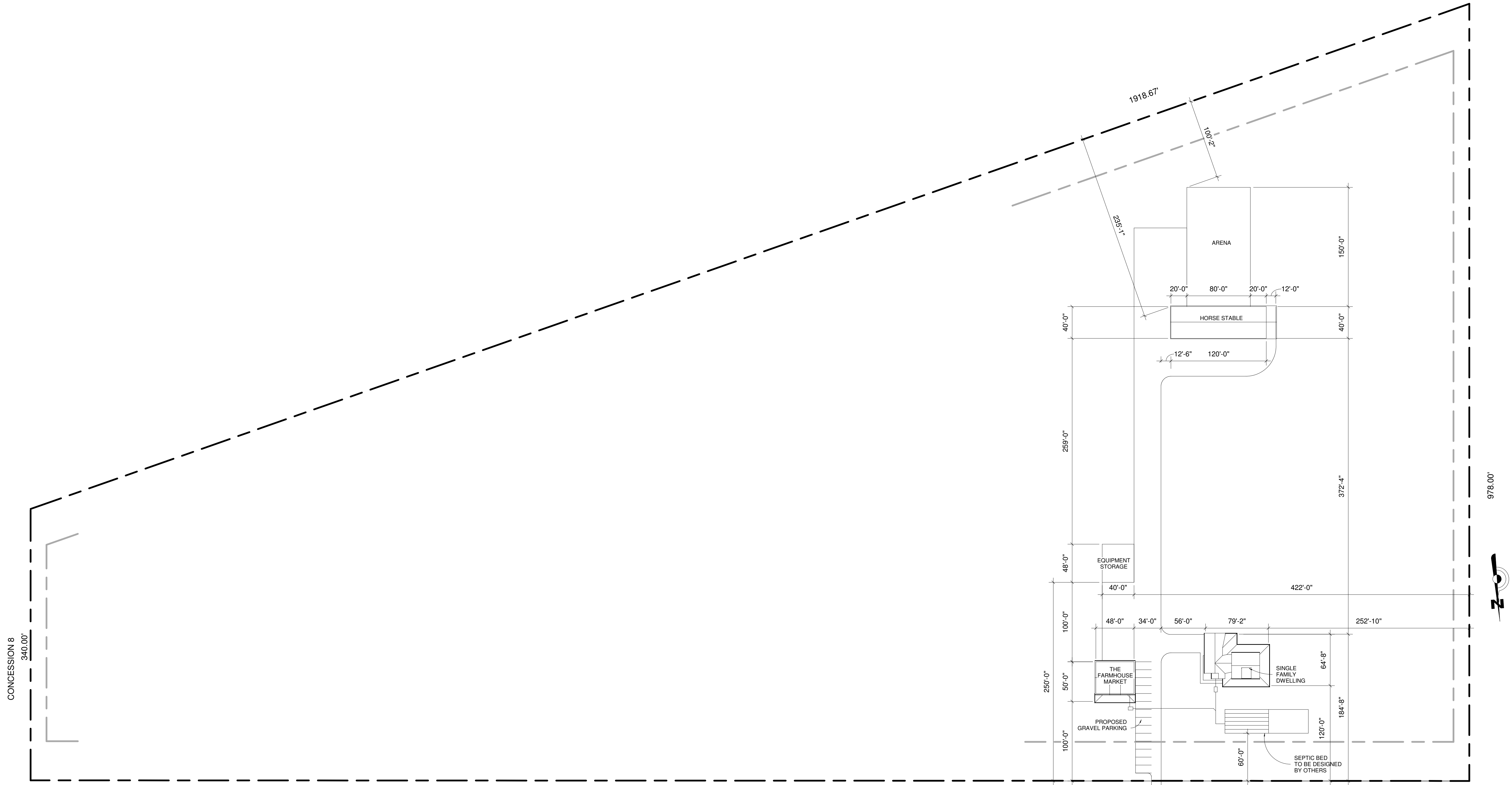
Planner's Certificate:

I hereby certify that this report was prepared by Tracey Pillon-Abbs, a Registered Professional Planner (RPP), within the meaning of the Ontario Professional Planners Institute Act, 1994.



Tracey Pillon-Abbs, RPP
Principal Planner





CONCESSION 8
340.00'

1918.87'

100'-2"

235'-11"

150'-0"

ARENA

20'-0"

80'-0"

20'-0"

12'-0"

40'-0"

HORSE STABLE

12'-6"

120'-0"

40'-0"

2559'-0"

48'-0"

EQUIPMENT STORAGE

40'-0"

100'-0"

250'-0"

50'-0"

100'-0"

48'-0"

34'-0"

56'-0"

79'-2"

252'-10"

THE FARMHOUSE MARKET

PROPOSED GRAVEL PARKING

64'-8"

SINGLE FAMILY DWELLING

184'-8"

60'-0"

SEPTIC BED TO BE DESIGNED BY OTHERS

1809.00'

MIDDLE SIDEROAD

978.00'



NOTE: SITE GRADING BY OTHERS

① Enlarged Site Plan
1" = 60'-0"

GA DESIGNS
BCIN: 112721
gregoryamaral@yahoo.com

Quagiotto Residence

7601 Middle Side Road, Amherstburg

Master Site Plan

Project number	20
Date	June 28, 2022
Drawn by	GA
Checked by	GA

C1

Scale 1" = 60'-0"

2022-06-28 10:12:10 PM

See attached PJR

(c) Does the application implement an alteration to the boundary of an area of settlement or implement a new area of settlement?

- Yes
- No

If yes, provide details of the official plan or official plan amendment that deals with this matter:

10. Current Zoning of subject land Agricultural 'A' Zone, Map 26

11. Nature and extent of rezoning requested Proposed to permit a retail store as an additional permitted use

12. Reasons why rezoning is requested To allow the sale of products from the farm and local small businesses. See PJR for details.

13. Current use of subject land Agricultural and rural residential uses

14. Length of time current use of subject land has continued Unknown

15. Is the subject land within an area where the municipality has pre-determined:

(a) minimum and maximum density requirements

- Yes
- No

(b) minimum and maximum height requirements

- Yes
- No

If yes, state the requirements _____

16. Number and type of buildings or structures **existing** on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:

See attached PJR and Site Plan

17. Date of construction of existing buildings and structures on the subject land:

Unknown

18. Date subject land acquired by current registered owner 2020

19. Proposed use of subject land A retail store. See PJR for details.

20. Number and type of buildings or structures **proposed** to be built on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:

See attached PJR

21. Type of water supply:

- municipally owned and operated piped water supply
- well
- Other (specify) _____

22. Type of sanitary sewage disposal:

- municipally owned and operated sanitary sewers
- septic system
- Other (specify) _____

If the requested amendment permits development on a privately owned and operated individual or communal septic system and more than 4,500 litres of effluent will be produced per day as a result of the development being completed the applicant is required to submit a:

- (i) servicing options report, and
- (ii) a hydrogeological report

23. Type of storm drainage:

- sewers
- ditches
- swales
- Other (specify) _____

24. If known, indicate whether the subject land is the subject of an application under the Planning Act for:

- consent to sever
- approval of a plan of subdivision

If known, indicate the file number and status of the foregoing application:

25. If known, indicate if the subject land has ever been the subject of an application for rezoning under Section 34 of the Planning Act:

If known, indicate whether the subject land has ever been the subject of a Minister's Zoning Order and, if known, the Ontario Regulation number of that order.

26. Does the requested amendment remove the subject land from an area of employment in the official plan?

- Yes
- No

If yes, state the current official plan policies, if any, dealing with the removal of land from an area of employment.

27. Is the subject land within an area where zoning with conditions may apply?

Yes No

If yes, how does this application conform to the official plan policies relating to zoning with conditions?

28. Is the requested amendment consistent with policy statements issued under subsection 3(1) of the Planning Act (i.e. 2005 Provincial Policy Statement)?

Yes No

Comments See attached PJR

29. Is the subject land within an area of land designated under any provincial plan or plans?

Yes No

If yes, does the requested amendment conform to or does not conflict with the provincial plan or plans?

30. Is the land associated with any natural environment area or adjacent to or abutting lands that are designated as a Wetland or Natural Environment?

Yes No

If yes, an Environmental Impact Assessment is required, for approval by the Town and Essex Region Conservation Authority, to be completed in accordance with the County of Essex Guidelines for Environmental Impact Assessments or when Council considers it appropriate, additional requirements may be made to the Guidelines in accordance with more detailed locally adopted terms of reference for an Environmental Impact Assessment.

31. Will the proposed project include the addition of permanent above ground fuel storage?

Yes No

Dated at the Town of Amherstburg this 1st day of November, 2022.

X L. Quagotto

(signature of applicant, solicitor or authorized agent)

I, Loredana Quagotto of the Town of Amherstburg
in the County/District/Regional Municipality of Essex solemnly declare that
all the statements contained in this application are true, and I make this solemn declaration
conscientiously believing it to be true, and knowing that it is of the same force and effect as
if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the Town of Amherstburg in the County
of Essex this 1st day of November, 2022.

X L. Quagotto

Applicant, Solicitor or Authorized Agent

[Signature]

A Commissioner, etc.

Tracey Lynn Cecilia Pillon-Abbs, a Commissioner, etc.,
Province of Ontario, for Pillon Abbs Inc
Expires August 4, 2023

NOTES:

Each copy of the application must be accompanied by a sketch, drawn to scale, showing:

- a) the boundaries and dimensions of the subject land;
- b) the location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines;
- c) the approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples of features include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks/tile fields;
- d) the current uses on land that is adjacent to the subject land;
- e) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- f) if access to the subject land is by water only, the location of the parking and docking facilities to be used;
- g) the location and nature of any easement affecting the subject land.

NOTE: A deposit of \$1,000.00, and a flat fee of \$2290, along with an ERCA development review fee of \$400.00 for major ZBA applications or \$275.00 for minor ZBA applications, must accompany your completed application for a zoning by-law amendment. The total payable to the Town of Amherstburg is \$3690 for major ZBA applications and \$3565 for Minor ZBA Applications. Any unused portion of the deposit will be returned after the passing of the ZBA.

A flat fee of \$1041.00 plus an ERCA review fee of \$275.00, totalling \$1316, must accompany your completed application for a Holding (h) Removal zone change.

A flat fee of \$1041.00 plus an ERCA review fee of \$275.00, totalling \$1316, must accompany your completed application for a zone change from A to A-36.

AUTHORIZATION

(Please see note below)

To: Clerk
Town of Amherstburg

Description and Location of Subject Land:

7601 Middle Side Road, Amherstburg, ON

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize Pillon Abbs Inc. of the Municipality of Chatham-Kent to:

- (1) make an application on my/our behalf to the Council for the Town of Amherstburg;
- (2) appear on my behalf at any hearing(s) of the application; and
- (3) provide any information or material required by Town Council relevant to the application.

Dated at the Town of Amherstburg in
the County of Essex, this 1st day of November, 2022.

[Signature]
Signature of Witness

X [Signature]
Signature of Owner

Signature of Witness

Signature of Owner

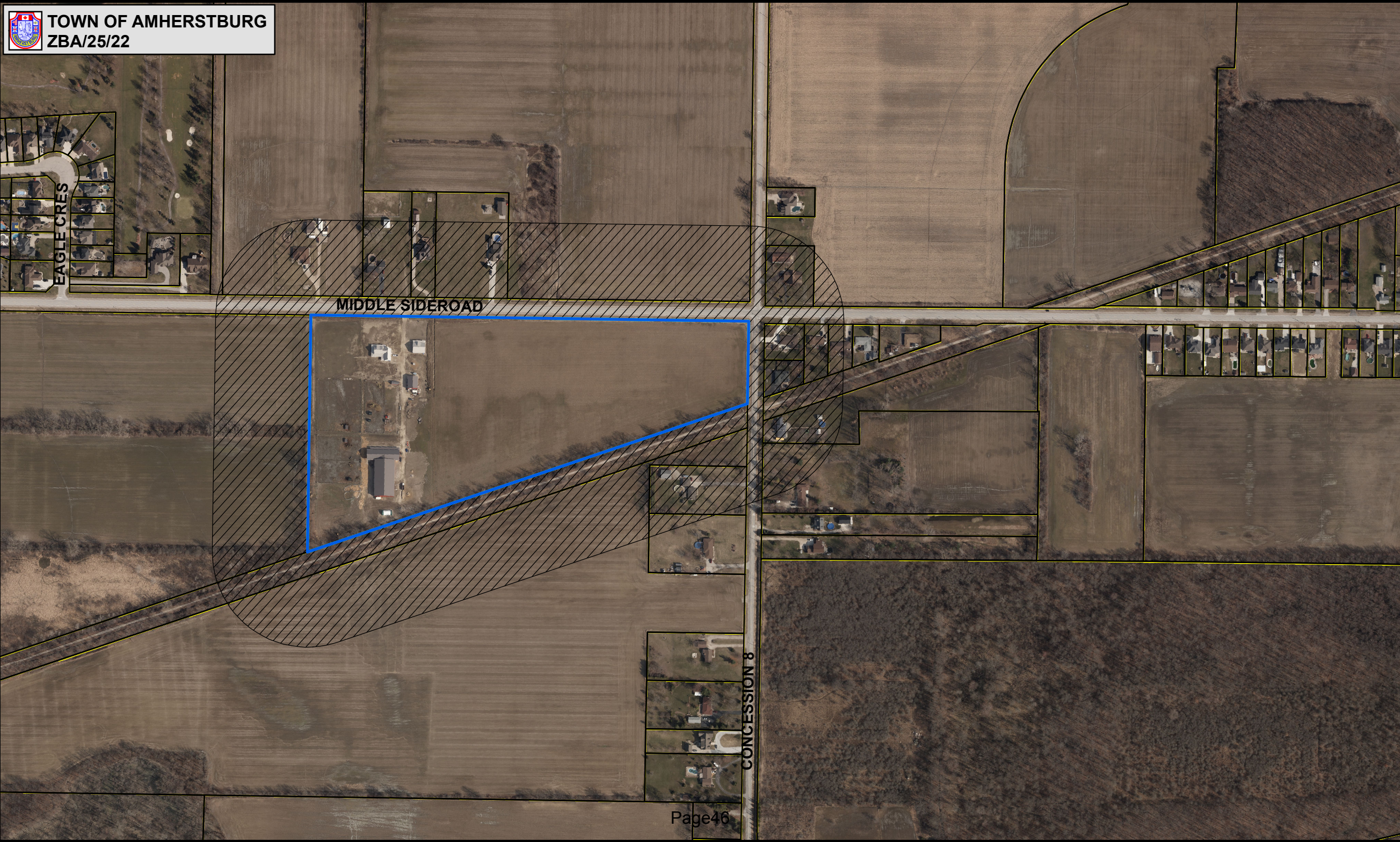
Signature of Witness

Signature of Owner

* Note: This form is only to be used for applications which are to be signed by someone other than the owner.

ZBA/25/22 7601 Middle Side Rd.

ARN	ADD1	STREETNAME	MAILADD1
372938000005700	8021	MIDDLE SIDEROAD	8021 MIDDLE SIDEROAD
372938000005900	8061	MIDDLE SIDEROAD	8061 MIDDLE SIDEROAD
372938000005800	8041	MIDDLE SIDEROAD	8041 MIDDLE SIDE RD
372938000002400	8470	8TH CONCESSION RD	8470 8TH CON RD
372938000002300		8TH CONCESSION RD	2801 HOWARD AVENUE
372938000002100		MIDDLE SIDEROAD	8400 DISPUTED RD
372938000002200	7601	MIDDLE SIDE RD	7601 MIDDLESIDE ROAD
372938000002500	8460	8TH CONCESSION RD	8460 8TH CONCESSION RD
372938000005400	8483	CONCESSION 8 RD	8483 CONCESSION 8 RD
372938000005600	8491	8TH CONCESSION RD	8491 8TH CONCESSION RD
372938000000010		GREENWAY CRT	360 FAIRVIEW AVE
372938000005300	8475	8TH CONCESSION RD	8475 8TH CONC
372938000000020		CONCESSION RD 8	360 FAIRVIEW AVE
372943000002900	7680	MIDDLE SIDEROAD	7680 MIDDLE SIDEROAD
372943000003000	7570	MIDDLE SIDEROAD	7570 MIDDLE SIDEROAD
372943000002990	7620	MIDDLE SIDEROAD	7620 MIDDLESIDE ROAD
372943000003100	7520	MIDDLE SIDEROAD	7520 MIDDLESIDE ROAD
372943000003300		HOWARD AVE	PO BOX 100
372943000002800		MIDDLE SIDEROAD	2501 OUELETTE AVE
372943000002700		MIDDLE SIDEROAD	114 MEADOWVIEW AVENUE
372943000002750	8010	MIDDLE SIDEROAD	8010 MIDDLE SIDE RD



EAGLE CRES

MIDDLE SIDEROAD

CONCESSION 8

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2023-006**

**By-law to amend Zoning By-law No. 1999-52
7601 Middle Sideroad, Amherstburg**

WHEREAS By-law 1999-52, as amended, is a land use control by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Amherstburg;

AND WHEREAS the Council of the Town of Amherstburg deems it appropriate and in the best interest of proper planning to amend By-law 1999-52, as herein provided;

AND WHEREAS this By-law conforms to the Official Plan for the Town of Amherstburg;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg enacts as follows:

1. Schedule "A", Map 26 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from A to A-44" on Schedule "A" attached hereto and forming part of this By-law from "Agricultural (A) Zone" to "Special Provision Agricultural (A-44) Zone".
2. THAT Section 26(4) of By-law 1999-52, as amended, is hereby amended by adding a new subsection (jj) as follows;

"(jj) A-44 (7601 Middle Sideroad)

Notwithstanding any other provisions of this By-law to the contrary, within any area zoned as A-44 on Schedule "A" hereto, the zone requirements of Section 26 of the By-law shall apply with the addition of the following special provisions:

- (i) Uses Permitted;
 - (a) Retail store;
 - (b) Any use permitted in an A Zone"
3. THAT all other appropriate regulations for the use of land and the character, location and use of buildings and structures conforms to the regulations of the Commercial General Zone, as applicable and all other general provisions or regulations of By-law 1999-52, as amended from time to time.

THIS By-law shall take effect from the date of passage by Council and shall come into force in accordance with Section 34 of the Planning Act, R.S.O. 1990.

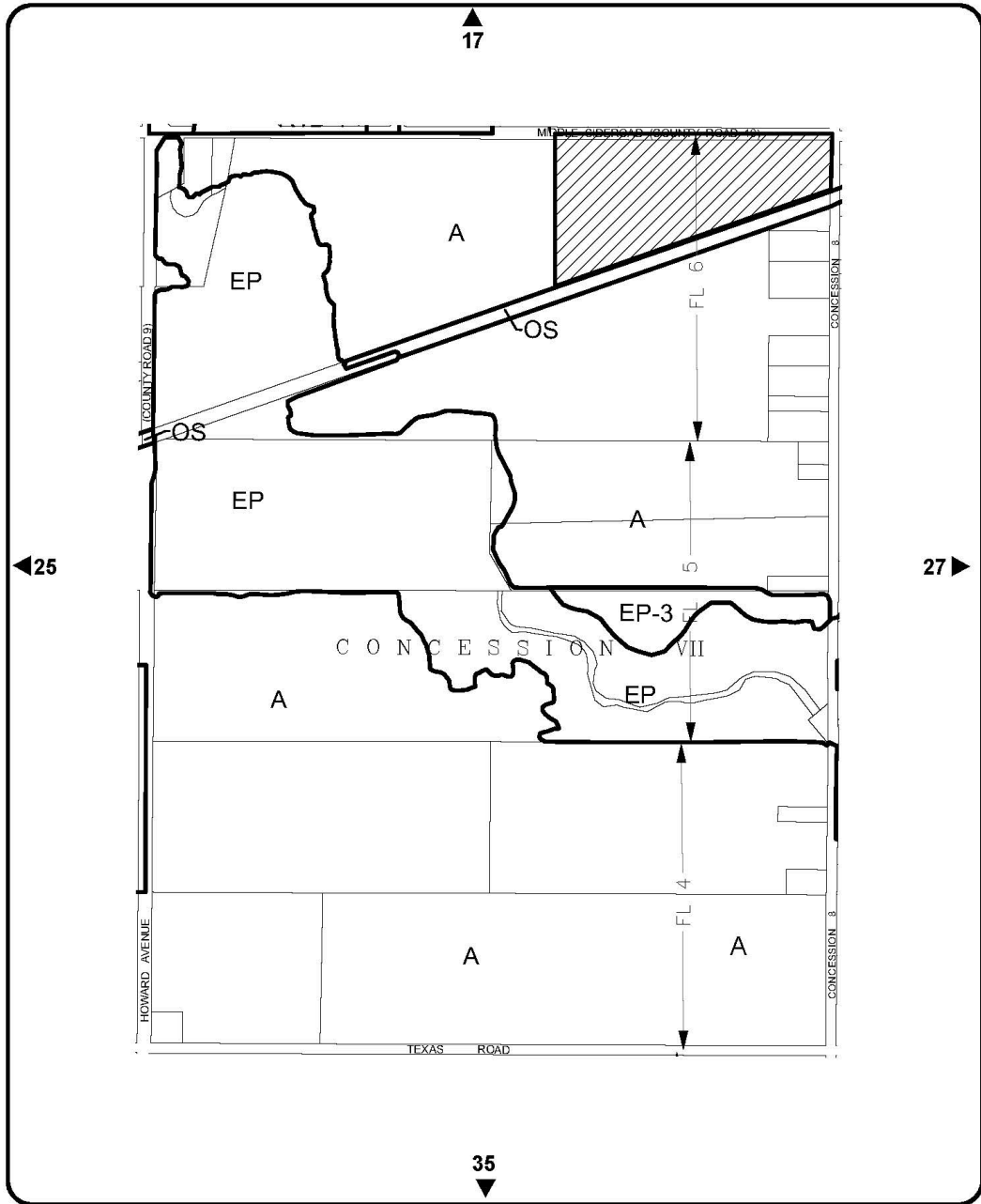
Read a first, second and third time and finally passed this --th day of January, 2023.

MAYOR- MICHAEL PRUE

CLERK- KEVIN FOX

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2023-006
A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'
MAP 26
ZONING BY-LAW NO. 1999-52

A to A-44 



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT 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: Statutory Public Meeting to Consider an Official Plan Amendment, OPA#21 for 8917 Concession 8

1. RECOMMENDATION:

It is recommended that:

- 1. Comments from the public, municipal departments, agencies, and Council with respect to Official Plan Amendment for lands municipally known as 8917 Concession 8 (File OPA #21), owned by Raffaele and Gina Meo, BE RECEIVED and SUMMARIZED in a future report to Council.

2. BACKGROUND:

An application as been received from Raffaele and Gina Meo to amend the Official Plan for lands known as 8917 Concession 8, Amherstburg (refer to Figure 1).

This Official Plan Amendment application affects approximately 20.45 hectares of land located on the east side of Concession 8 between North Townline Road and North Sideroad.

This Official Plan Amendment, if approved, will amend the existing Official Plan designation on the subject lands from an "Agricultural" to an "Agricultural Special Policy Area 21". The amendment will allow for a habitable farm house built in 1997 to be severed from the farm lot through the surplus dwelling as a result of a farm consolidation process.

Raffaele and Gina Meo purchased the farm property in 2021 in order to grow their farming operation. They currently farm approximately 87 hectares (216 acres) of farm land in Essex County. It is typical for farmers to purchase large plots of land that have habitable farm houses on the property. Often farmers do not need the farm houses and it is not financially feasible for farmers to keep the houses or to rent them out. Surplus dwelling

severance policies exist to help farmers sell houses that are not required as part of their farming operation.

3. DISCUSSION:

The Official Plan currently designates the subject lands as Agricultural.

The Official Plan Agricultural policies permit the severance of a habitable farm house that was existing as of January 1, 1978, through the surplus dwelling severance process. The applicants are requesting that the Official Plan Amendment amend the date in the Official Plan to allow a house built prior to 1997 to be severed from the property through the surplus dwelling severance policy. The house on the property was built in 1994, however the applicants have requested the use of 1997 as the date in the policy in case there are any discrepancies with when the house was built.

The Town’s Official Plan contains the 1978 policy due to policies that were provided in the 1996 Provincial Policy Statement (PPS) requiring that surplus dwelling severances only be permitted for houses built prior to 1978. The policy was removed from the PPS in the 2005 version of the PPS. Table 1 below provides a review of the Essex County municipalities’ policies regarding the age of a house for a surplus dwelling severance.

Table 1: Official Plan Policy Review of Essex County Municipalities Regarding the Minimum Age of a Surplus Dwelling Severance Farm House

Municipality	Official Plan Policy
Town of Essex	The Official Plan provides no minimum age for the farm house, however it requires that the house must be habitable.
Town of Kingsville	The Official Plan requires that the farm house must be in existence prior to the date of the passing of the Plan (2011).
Municipality of Lakeshore	The Official Plan provides no minimum age for the farm house.
Town of LaSalle	The Official Plan requires that the farm house must be in existence prior to the date of the passing of the Plan (2018).
Municipality of Leamington	The Official Plan requires that the farm house must be in existence prior to the date of the passing of the Plan (2007). Additionally, the Official Plan requires that the owner has owned or has been part owner of both farms for a minimum period of one year prior to the date of the application.
Town of Tecumseh	The Official Plan provides no minimum age for the farm house, however it requires that the house must be habitable.

Provincial Policy Statement

The Provincial Policy Statement was issued under Section 3 of the Planning Act and came into effect on May 1, 2020. The Provincial Policy Statement provides policy direction

on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for all Ontarians.

The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

When reviewing a planning application to determine if the requested Official Plan Amendment (OPA) makes sound planning, it is imperative that the proposed amendment is consistent with the Provincial Policy Statements (PPS).

The Provincial Policy Statement provides policy direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS recognizes that the wise management of development may involve directing, promoting, or sustaining growth. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns.

The following policy excerpts from the PPS are particularly applicable to the subject applications:

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:
 - a. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and*
 - b. 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).*

County of Essex Official Plan

The County of Essex Official Plan was adopted on February 19, 2014 and was approved by the province on April 28, 2015. All lower tier Official Plans or amendments must comply with the policies of the upper tier Official Plan (County). The applicable County policies that should be considered when assessing the merits of the subject Official Plan Amendment include:

Section 3.3.3.4 Lot Creation under Specific Agricultural Policies set out the following policies:

3.3.3.4 Lot Creation

The County shall undertake an Agricultural Lot Size Study to determine the minimum parcel size for all types of agricultural lots, including, but not limited to, new lots for agricultural uses, specialty crop areas, and agriculture-related uses. Until such time as this Study is approved by County Council and implemented by amendment to this Plan, existing agricultural lot creation policies at the local level shall remain in effect.

However, lot creation in the “Agricultural” designation is discouraged and will only be permitted in accordance with Provincial Policy, local Official Plan policies and the following:

- a) *Lot creation to accommodate an agricultural use shall only be considered where the lots proposed are of a size appropriate for the type of agricultural uses common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations. These agricultural lots shall also comply with the Minimum Distance Separation Formulae.*
- b) *Lot creation to accommodate an agriculture-related use shall only be considered where the use is compatible with surrounding agricultural operations and the new lot is limited to a minimum size needed to accommodate the use and appropriate sewage and water services. These agriculture-related lots shall also comply with the Minimum Distance Separation Formulae.*
- c) *Lot creation to accommodate a habitable residence surplus to a farming operation as a result of farm consolidation is permitted subject to the local Zoning By-law being amended, to prohibit new residential dwellings on the vacant remnant parcel of farmland created by the severance.*
- a) *In order to maintain County-wide consistency in the implementation of this policy, farm consolidation will be interpreted to permit both contiguous and non-contiguous farm parcel consolidations.*
- b) *Local municipalities may establish a minimum lot size for the remnant farm parcel in accordance with this Policy.*
- c) *Lot creation to permit new infrastructure uses is permitted where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.*
- d) *Lot adjustments for legal or technical reasons, such as for easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot are also permitted.*
- e) *In order to maintain County-wide consistency in the implementation of this policy, lot line adjustments will be interpreted to prohibit the creation of new residential or non-farm parcels.*

Town of Amherstburg Official Plan

The Official Plan currently designates the subject lands as Agricultural (refer to Figure 2). Section 3.2 of the Official Plan provides the policies for Agricultural Land Uses. Section 3.2 states:

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”.

Section 3.2.2.14 of the Official Plan sets the policies for surplus dwelling severances. The policies state:

(14) Where a habitable farm house existing as of January 1, 1978 is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation), a consent may be considered to sever the surplus dwelling from the farm unit, provided that, in addition to the general consent policies of this Plan, all of the following conditions are met:

a) the lot severed for the surplus dwelling is large enough to accommodate the use and on-site servicing (i.e. subsurface sewage disposal and well) while ensuring that as little acreage as possible is taken out of productive agricultural land and shall generally be less than one (1) hectare in size;

b) the Minimum Distance Separation Formulae can be met with the formulae applied as if the property severed for the surplus farm dwelling was zoned or designated as a residential lot; and

As a condition of the consent, the remnant parcel shall be rezoned under the Comprehensive Zoning By-law to ensure that no new dwelling units shall be permitted on it and a condition stating that ‘no additional dwelling units shall be permitted on the remnant parcel’ shall be registered on title. (Modification #27)

6.7 PLANNING IMPACT ANALYSIS

It is a policy of this Plan that a Planning Impact Analysis will be used to evaluate applications for an Official Plan Amendment and, depending on the magnitude of the development, a Zoning By-law Amendment, to determine the appropriateness of the proposed change and to identify what measures are needed to reduce any adverse impacts on surrounding land uses. The Planning Impact Analysis will supplement the

consideration of compliance with the permitted use, location, scale of development, and other criteria applicable to the relevant land use designation. Proposals for changes in the use of land which require the application of a Planning Impact Analysis will be evaluated based on:

(1) Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area on the character and stability of the surrounding neighbourhood.

Due to the minor nature of the amendment, the applicant was not required to provide a Planning Justification Report or Planning Rationale Report. The intent of this report to Council is to provide the justification required for the proposed Official Plan Amendment.

The proposed Official Plan Amendment is consistent with the policies in the Provincial Policy Statement, 2020, specifically the policies regarding residences that are surplus to farming operations. The proposed Official Plan Amendment is in conformity with the County of Essex Official Plan, specifically the policies regarding residences that are surplus to farming operations. It can be noted that there are no other municipalities within the County of Essex that require surplus houses to be existing as of January 1, 1978. The Municipality of Leamington provides the most restrictive policies, requiring that the farm house be built prior to the date of the passing of the plan (2007). The Municipality of Leamington's policies are the most restrictive of the County of Essex municipalities, other than Amherstburg, simply due to the age of their Official Plan.

The proposed Official Plan Amendment is in conformity with all other policies in the Town of Amherstburg Official Plan. If passed, the applicants will be required to go through the surplus dwelling severance process. The process includes a consent and minor variance application to be considered by the Committee of Adjustment. If the Committee of Adjustment approve the applications, the applicants will also be required to apply for a Zoning By-law Amendment to re-zone the farmland to restrict any future dwellings to be permitted on the remnant parcel. Additionally, the applicants will be required to register a condition on title stating that 'no additional dwelling units shall be permitted on the remnant parcel'.

This application has been circulated to several agencies, surrounding properties and internal municipal departments. Attached is a copy of all comments that have been received to date.

The purpose of this meeting is to receive the applicants' proposed amendment and note any comments from the public, agencies, and Council. Following this meeting, staff will review all the comments received and prepare a subsequent report with recommendations for Council's consideration at a future meeting.

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality.

5. FINANCIAL MATTERS:

All costs associated with the application are the responsibility of the applicant.

6. CONSULTATIONS:

The Notice of Public Meeting was published in the local newspaper and circulated to the required agencies, property owners and municipal departments in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13, and associated regulations.

7. CONCLUSION:

Subject to and further comments or direction from Council, that the presentation and comments on the proposed amendment be received and referred to a future meeting.



Sarah French
Planner

DEPARTMENTS/OTHERS CONSULTED:

Name: Office of Engineering and Public Works
Phone #: 519 -736-3664 ext. 2313

Name: Building Services
Phone #: 519-736-5408 ext. 2136

Name: Fire Services
Phone #: 519-736-6500

Name: Windsor Police

Name: Union Gas
Email: ONTUGLandsINQ@uniongas.com

Name: Ontario Power Generation
Email: Executivevp.lawanddevelopment@opg.com

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

Name: County of Essex
Phone #: 519-776-6441

Name: Windsor Essex Catholic District School Board
Phone #: 519-253-2481

Name: Greater Essex County District School Board
Phone #: 519-255-3200

Report Approval Details

Document Title:	Statutory Public Meeting to Consider an Official Plan Amendment, OPA 21 8917 Concession 8.docx
Attachments:	<ul style="list-style-type: none">- OPA 21 8917 Conc 7 Notice of Stat Public Meeting.pdf- OPA 21 Aerials.pdf- OPA 21 8917 Concession 8 Site Photos.pdf- OPA 21 House pictures.pdf- OPA 21 Application_Redacted.pdf- OPA 21 Buffer map and list.pdf- 2023-007 DRAFT OPA 8917 Conc 8 2.pdf
Final Approval Date:	Dec 21, 2022

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

No Signature found

Chris Aspila



Melissa Osborne



Tracy Prince



Valerie Critchley



Kevin Fox

CORPORATION OF THE TOWN OF AMHERSTBURG
**NOTICE OF STATUTORY PUBLIC MEETING
TO CONSIDER AN OFFICAL PLAN AMENDMENT**

STATUTORY PUBLIC MEETING:

TAKE NOTICE that the Council of the Corporation of the Town of Amherstburg will hold a public meeting on **Monday, January 9, 2023 commencing at 4:00 p.m.** in the Town of Amherstburg Council Chambers, 271 Sandwich Street South, Amherstburg, Ontario. The purpose of this meeting is to consider a proposed amendment to the Town of Amherstburg Official Plan.

ANY PERSON seeking to attend meetings in-person should follow all public health guidance to ensure the safety of themselves and others during the COVID-19 pandemic.

ANY PERSON who wishes to attend and address Council by electronic means, must register with the Clerk's Office no later than 4:00 pm on Thursday, January 5, 2023. To register for electronic participation please email the Deputy Clerk at tfowkes@amherstburg.ca . Once you register, you will be given information on how to make your submission at the electronic meeting by electronic participation. To participate, you will need access to a computer or tablet with internet service or a telephone.

ANY PERSON who wishes watch the meeting proceedings only, please visit <http://video.islive.ca/amherstburg/live.html>

THE PURPOSE OF THIS OFFICIAL PLAN AMENDMENT:

This Official Plan and Rezoning application affects approximately 20.5 hectares of land located at 8917 Concession 8 (see map below).

This Official Plan Amendment, if approved, will amend the existing official plan designation on this property from an "Agricultural" to an "Agricultural Special Policy" designation. The purpose of this amendment is to allow a surplus dwelling severance as the result of a farm consolidation for a habitable farm house existing as of January 1, 1997 rather than the current provision that requires that the surplus dwelling be a habitable farm house existing as of January 1, 1978. All other policies will remain the same.

ADDITIONAL INFORMATION:

ANY PERSON may make written representation in support of or in opposition to the proposed Official Plan Amendment by email to the Deputy Clerk at tfowkes@amherstburg.ca or in person by appointment for drop-off at the Libro Centre located at 3295 Meloche Road. Comments must be submitted by 4:00 p.m. on Thursday, January 5, 2023 before the meeting and will be read aloud prior to the application being heard by Council.

NO PERSON OR PUBLIC BODY shall be added as a party to the hearing of the appeal unless, before the bylaw adopting the amendment was passed, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

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 proposed Official Plan Amendment is adopted, the person or public body is not entitled to appeal the decision of the County of Essex to the Ontario Land Tribunal.

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 proposed Official Plan Amendment is adopted, the person or public body may not be added as a party to the hearing

Information will be gathered in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). All comments and communications received will become part of the public record unless you expressly request the Town to remove it. If you want to learn more about why and how the Town collects your information, write to the Town Clerk's Office, 271 Sandwich Street South, Amherstburg, ON N9V 2A5 or call 519-736-0012.

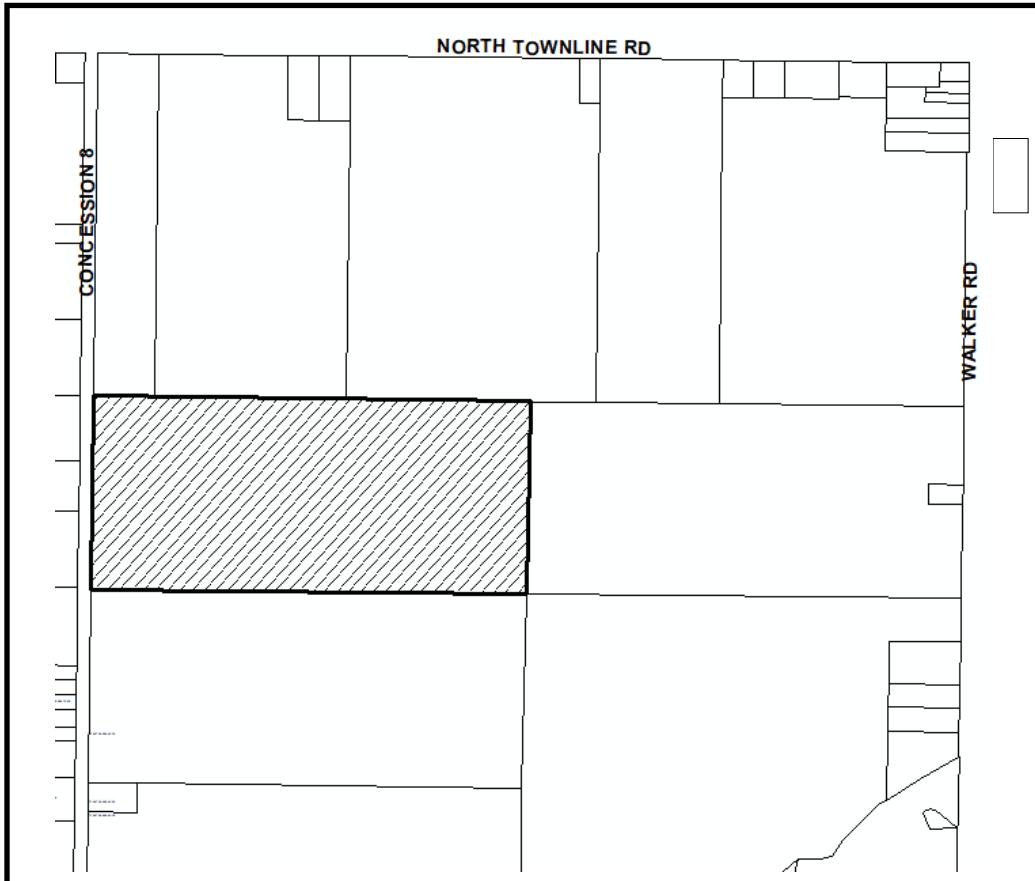
of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

Further information relating to the proposed Official Plan Amendment (File OPA #21) is available for inspection by calling or emailing the Planning Department Office during normal office hours, 8:30 a.m. to 4:30 p.m. The proposed Official Plan Amendment is also available for review on the Town of Amherstburg Website: www.amherstburg.ca. If you wish to be notified of the adoption of the proposed Official Plan Amendment, or the refusal of a request to amend the official plan you must make a written request to the Town at the address below.

The meeting will be available for viewing by livestream by visiting www.amherstburg.ca.

DATED at the Town of Amherstburg this 14th day of December, 2022.

KEY MAP



Sarah French, Planner
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

Information will be gathered in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). All comments and communications received will become part of the public record unless you expressly request the Town to remove it. If you want to learn more about why and how the Town collects your information, write to the Town Clerk's Office, 271 Sandwich Street South, Amherstburg, ON N9V 2A5 or call 519-736-0012.



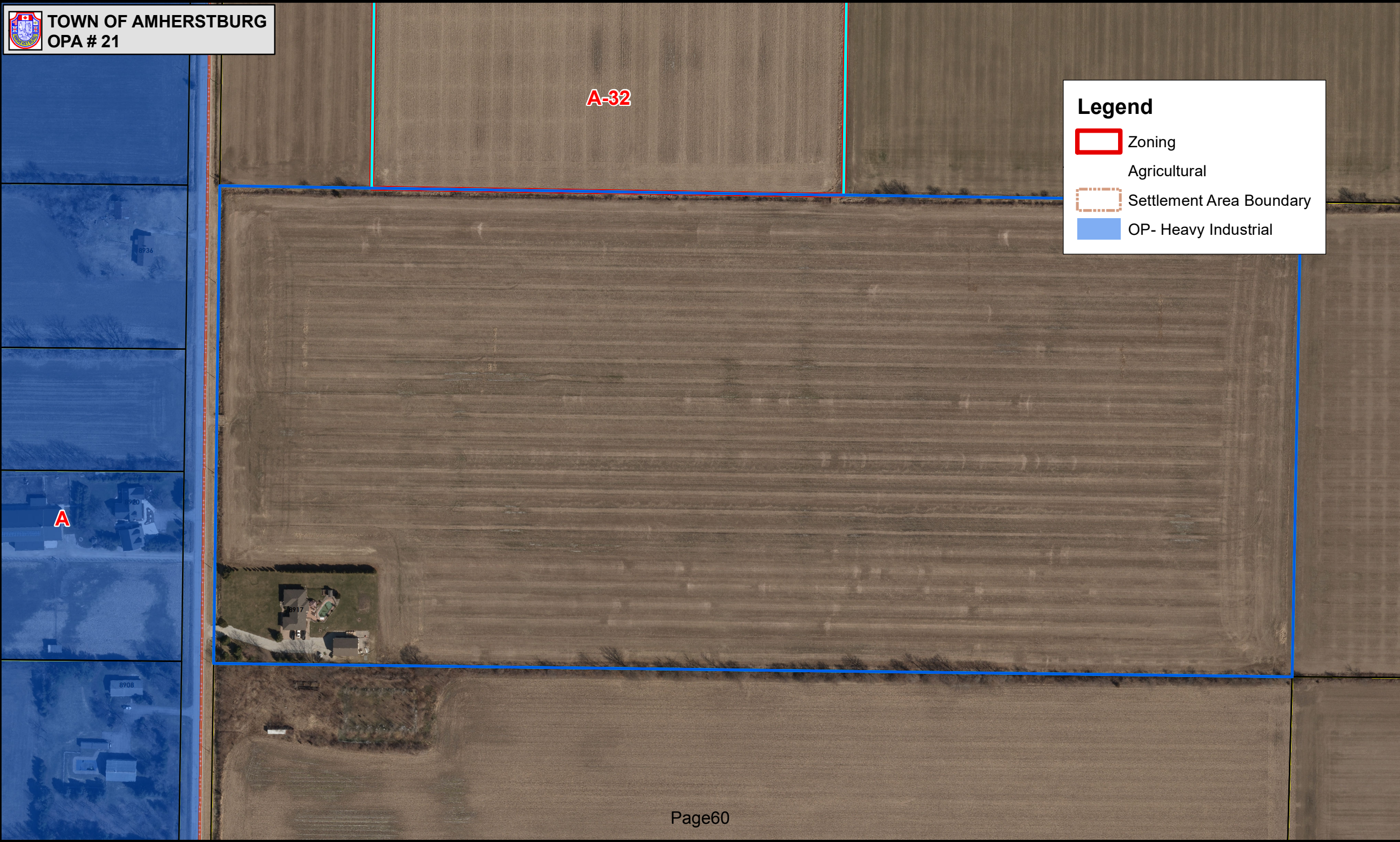
CONCESSION 8

8936





8920

8917

8908



Legend

-  Zoning
-  Agricultural
-  Settlement Area Boundary
-  OP- Heavy Industrial

8917 Concession 8 Site Photos









Municipal Fee Received:	PAID.
Municipal Deposit Received:	
ERCA Fee Received:	

FORM 1
PLANNING ACT
APPLICATION FOR OFFICIAL PLAN AMENDMENT
TOWN OF AMHERSTBURG

Application No. OPA No. 21

1. Name of approval authority County of Essex
2. Date application received by municipality November 17, 2022
3. Date application deemed complete by municipality _____
4. Name of registered owner RAFFAELE AND GINA MEO
Telephone number _____
Address _____
Email _____
Name of registered owner's solicitor or authorized agent (if any) _____
Telephone number _____
Address _____
Email _____

Please specify to whom all communications should be sent:

- registered owner solicitor agent

5. Location and description of subject land:
Municipality AMHERSTBURG
Concession No. 8 Lot(s) No. PART W1/2 LOT 13
Registered Plan No. _____ Lot(s) No. _____
Reference Plan No. 1 2 R - 6 9 7 9 Part(s) No. 4
Street Address 8 9 1 7 C O N C . 8 , M C G R E G O R N O R 1 J 0
Assessment Roll No. 3 7 2 9 4 7 0 0 0 0 4 7 5 0

6. Existing Size of Subject Parcel:
Frontage 3 0 1 . 2 2 M Depth 6 8 2 . 1 5 M Area 2 0 . 4 6 H A
7. Current use of subject land AGRICULTURAL AND RESIDENTIAL DWELLING
8. Proposed change to Official Plan land use **designation** affecting subject land:
Current Official Plan designation AGRICULTURAL
Current land use(s) permitted AGRICULTURAL AND DWELLING
Proposed Official Plan designation SAME – NO CHANGE
Proposed land use(s) permitted SAME – NO CHANGE

Note: If a change in land use designation is proposed, the applicant is to provide a copy of the Map Schedule from the Official Plan with the proposed change and accompanying text indicated thereon.

9. Proposed change to Official Plan land use **policy** affecting subject land:

Existing land use policy to be deleted or amended 32.2.2(14) BY DELETING "1978" IN FIRST LINE AND INSERTING "1997" IN ITS PLACE

Land use policy to be added NO NEW POLICY IS TO BE ADDED, ONLY THE MINOR MODIFICATION NOTED ABOVE

Purpose of new or amended land use policy IT WOULD ALLOW THE COMMITTEE OF ADJUSTMENT TO CONSIDER THE SEVERANCE OF THE EXISTING DWELLING FROM THE FARM, IT NOW BEING SURPLUS AS A RESULT OF FARM CONSOLIDATION

New land uses permitted by change in land use policy NO NEW LAND USES WILL BE PERMITTED

Text of proposed land use policy change being applied for IN SECTION 32.2.2(14) DELETE "1978" AND INSERT "1997" IN ITS PLACE

(use a separate sheet of paper if necessary)

10. Current land use of abutting property:

- North AGRICULTURAL
- South AGRICULTURAL
- East AGRICULTURAL
- West ROADWAY, THEN AGRICULTURAL

11. Does the requested amendment alter all or any part of the boundary of an area of settlement in the municipality or establish a new area of settlement in the municipality?

- Yes
- No

If yes, state the current official plan policies, if any, dealing with the alteration or establishment of an area of settlement.

12. Type of water supply:

- municipally owned and operated piped water supply
- well
- Other (specify)

13. Type of sanitary sewage disposal:

- municipally owned and operated sanitary sewers
- septic system

Other (specify) _____

If the requested amendment permits development on a privately owned and operated individual or communal septic system and more than 4,500 litres of effluent will be produced per day as a result of the development being completed the applicant is required to submit a:

- (i) servicing options report, and
- (ii) a hydrogeological report

14. Type of storm drainage:

- sewers
- ditches
- swales
- Other (specify) _____

15. Please indicate whether the subject land or any land within 120 metres of the subject land is the subject of an application made by the applicant for approval of one of the following: NO

- an official plan amendment
- a zoning by-law amendment
- a Minister=s zoning order amendment
- a minor variance
- a plan of subdivision
- a consent
- a site plan

Please provide the following with respect to the application(s):

File number _____

Name of the approval authority _____

Lands affected _____

Purpose _____

Status _____

Effect on the amendment proposed by this application _____

16. Does the requested amendment remove the subject land from an area of employment in the official plan?

- Yes
- No

If yes, state the current official plan policies, if any, dealing with the removal of land from an area of employment.

17. Is the requested amendment consistent with policy statements issued under subsection 3(1) of the Planning Act (ie. 2005 Provincial Policy Statement)?

- Yes
- No

Comments: _____

18. Is the subject land within an area of land designated under any provincial plan or plans?

Yes No

If yes, does the requested amendment conform to or does not conflict with the provincial plan or plans?

19. Is the land associated with any natural environment area or adjacent to or abutting lands that are designated as a Wetland or Natural Environment?

Yes No

If yes, an Environmental Impact Assessment is required for approval by the Town and Essex Region Conservation Authority, to be completed in accordance with the County of Essex Guidelines for Environmental Impact Assessments or when Council considers it appropriate additional requirements may be made to the Guidelines in accordance with more detailed locally adopted terms of reference for an Environmental Impact Assessment.


Dated at the TOWN of AMHERSTBURG this 17th day of NOV., 2022.



(signature of applicant, solicitor or authorized agent)

I, Raffele Mao of the Town of Amherstburg in the County/District/Regional Municipality of Essex solemnly declare that all the statements contained in this application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the Town of Amherstburg in the County of Essex this 17th day of November, 2022.



Applicant, Solicitor or Authorized Agent



A Commissioner, etc.
Janine Quintina Mastronardi, a Commissioner, etc.,
Province of Ontario, for the
Corporation of the Town of Amherstburg.
Expires June 30, 2024

NOTE: A deposit of \$1000.00, and a flat fee of \$2500, along with an ERCA development review fee of \$300.00 (total of \$3800.00 payable to the Town of Amherstburg), must accompany your completed application. Any unused portion of the deposit will be returned after the decision on the OPA.

OPA #21 8917 Conc 8 (120M)

ARN	ADD1	STREETNAME
372947000005100		NORTH TLINE
372947000003200	8920	8TH CONCESSION RD
372947000005000		NORTH TOWNLINE RD
372947000002200	7949	HOWARD AVE
372947000002300	7969	HOWARD AVE
372947000003300	8908	8TH CONCESSION RD
372947000005200	8571	NORTH TOWNLINE RD
372947000006300		WALKER RD
372947000006400		WALKER RD
372947000003100		8TH CONCESSION RD
372947000004750	8917	8TH CONCESSION RD
372947000003000	8936	8TH CONCESSION RD
372947000004650		8TH CON RD
372947000004800	8011	NORTH TOWNLINE RD



CONCESSION 8

37294700003500

37294700003600

37294700003700

37294700001501

37294700004650

AMENDMENT NO.21

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

CHANGE OF SCHEDULE 'A' FOR 8917 CONCESSION 8

DRAFT

TABLE OF CONTENTS

1.0 OFFICIAL DOCUMENTATION PAGES

- 1.1 Clerk's Certificate Page
- 1.2 Adopting By-law

2.0 CONSTITUTIONAL STATEMENT

3.0 PART A – THE PREAMBLE

- 3.1 Purpose of the Amendment
- 3.2 Basis of the Amendment

4.0 PART B - THE AMENDMENT

- 4.1 Details of the Amendment
- 4.2 Implementation of the Amendment

DRAFT

DECISION

With respect to Official Plan Amendment No. 21 to the Official Plan for The Corporation of the Town of Amherstburg

Subsection 17(34) of the Planning Act

I hereby approve Amendment No. 21 to the Official Plan 2009-30 for The Corporation of the Town of Amherstburg, as adopted by By-law #2023-007

Dated at Essex, Ontario this day of , 2023.

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

The Corporation of the Town of Amherstburg

By-law 2023-007

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

to the Official Plan for the Town of Amherstburg

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

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

Read a first, second and third time and finally enacted this 23rd day of January, 2023.

Michael Prue, Mayor

Kevin Fox, Clerk

THE CONSTITUTIONAL STATEMENT

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

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

DRAFT

PART A - THE PREAMBLE

Purpose of the Amendment

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

Location of Lands

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

- i) Legal description: Part Lot 13 Concession 8; Part 4 on 12R-6979;
- ii) Municipal address: 8917 Concession 8, Town of Amherstburg.

Basis of the Amendment

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

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

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

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

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

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

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

PART B – THE AMENDMENT

Details of the Amendment

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

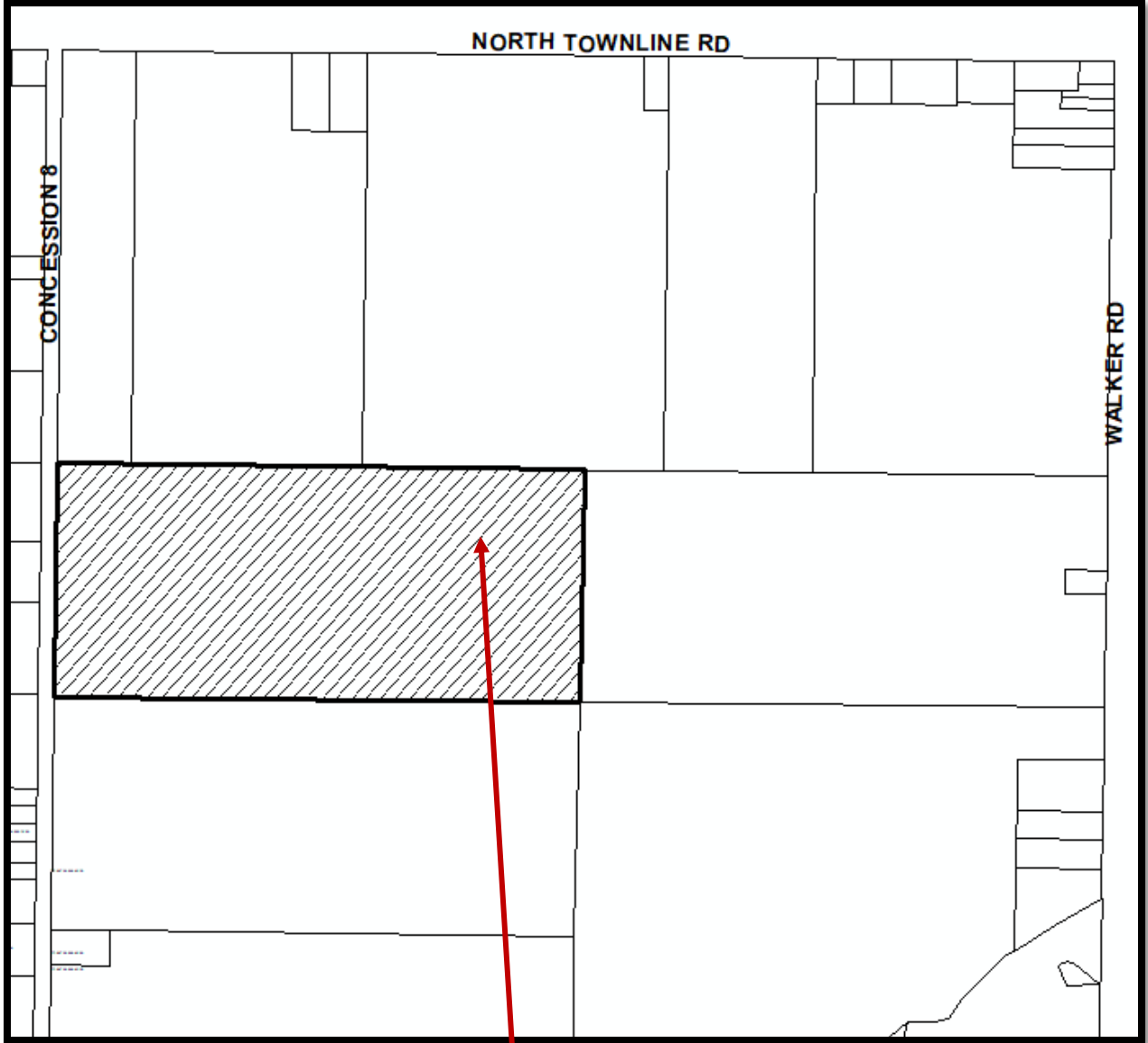
The Official Plan of the Town of Amherstburg is amended as follows:

“Property known municipally as 8917 Concession 8 and shown as Part Lot 13, Concession 8; and Part 4 on 12R-6979 is hereby redesignated from ‘Agricultural’ designation to ‘Agricultural Special Policy No. 21’ designation on Schedule ‘A’ to the Official Plan 2009-03 for the Town of Amherstburg and as shown on Schedule ‘A-1’ attached hereto.”

Implementation of the Amendment

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

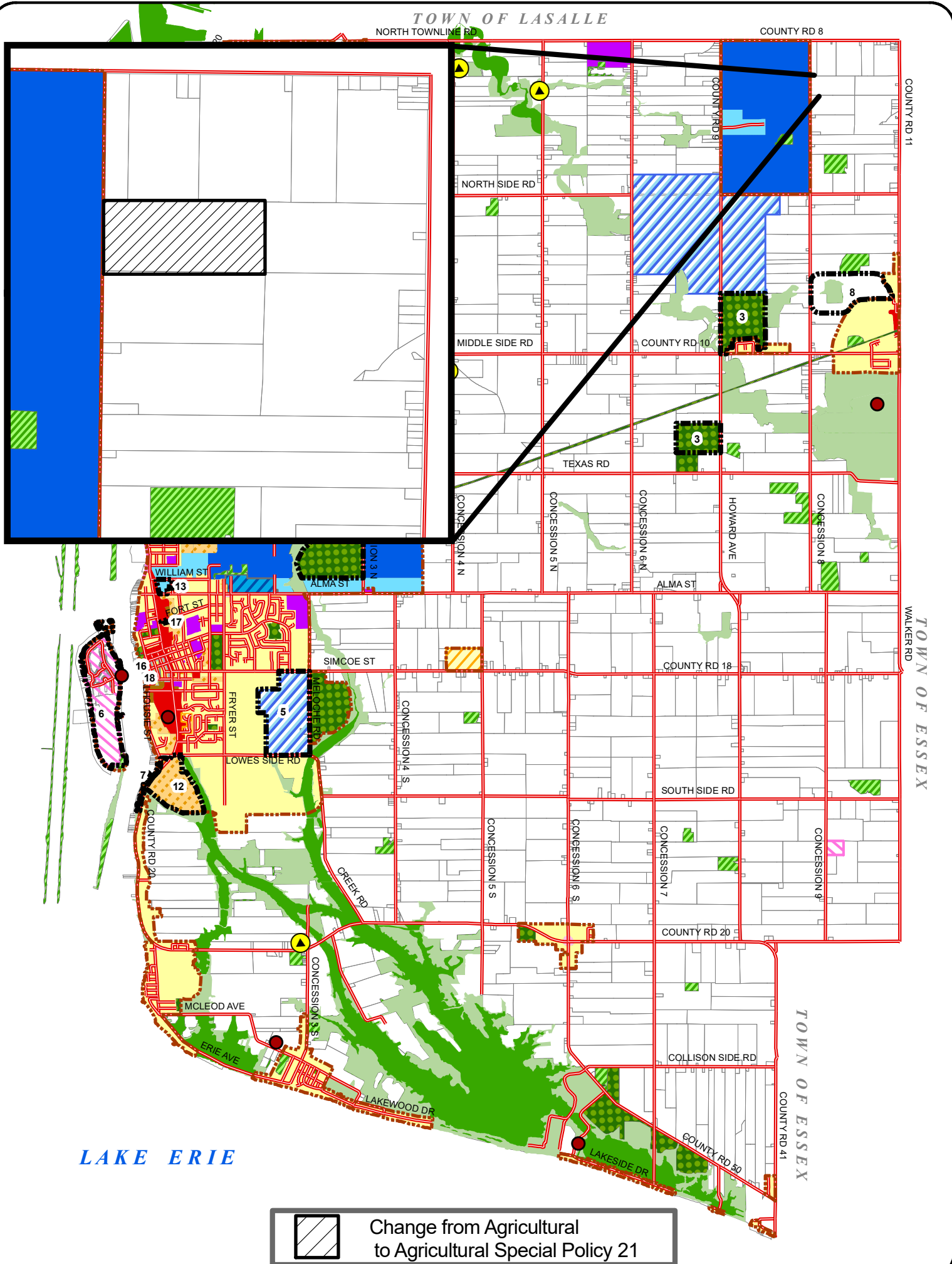
Schedule A



Agricultural Special Policy
No. 21

Schedule 'A'

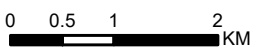
TOWN OF LASALLE



 Change from Agricultural to Agricultural Special Policy 21

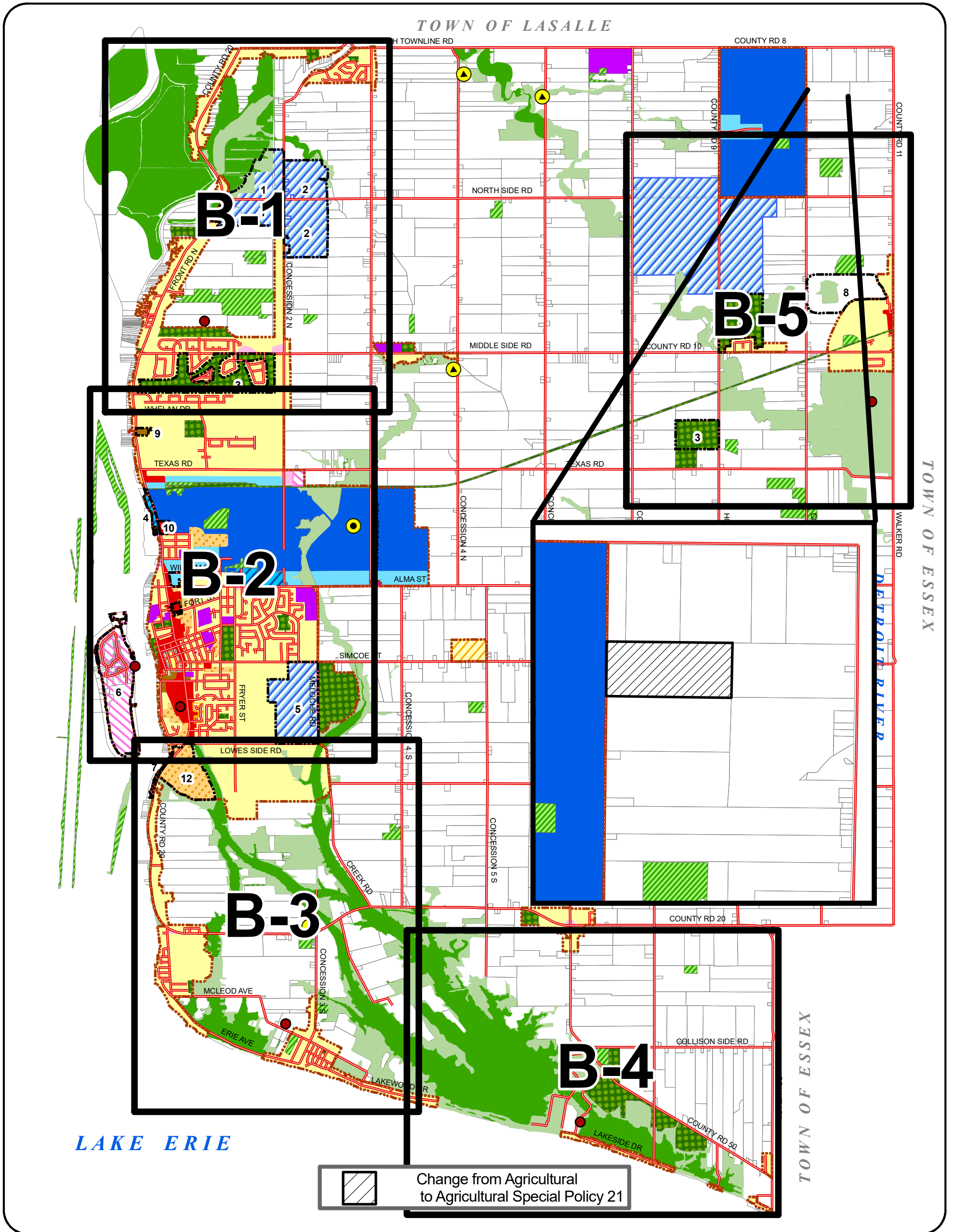
TOWN OF AMHERSTBURG OFFICIAL PLAN

SCHEDULE "A" LAND USE PLAN



Legend

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



**TOWN OF AMHERSTBURG
OFFICIAL PLAN**

**SCHEDULE "B"
(Index Map)
LAND USE PLAN**

Legend

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





THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT 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: Janine Mastronardi	Report Date: December 16, 2022
Author's Phone: 519 736-5408 ext. 2134	Date to Council: January 9, 2023
Author's E-mail: jmastronardi@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Statutory Public Meeting to Consider a Zoning By-law Amendment for 9540 Walker Road

1. **RECOMMENDATION:**

It is recommended that:

1. Comments from the public, municipal departments, agencies and Council with respect to the proposed Zoning By-law Amendment for lands municipally known as 9540 Walker Road (File ZBA-21-22) **BE RECEIVED and SUMMARIZED** in a future report to Council.

2. **BACKGROUND:**

The Town is in receipt of an application for a Zoning By-law Amendment to By-Law 1999-52 from Jove Vasovski on behalf of 1156618 Ontario Limited. The subject lands are located on the west side of Walker Road (County Road 11) between Wellington Street and Middle Sideroad and is municipally known as 9540 Walker Road (refer to Figure 1).

The purpose of the application is to amend the Commercial General zone to reduce the County Road setback, reduce the buffer strip width on the north side of the property and permit parking and a loading space in the front yard. The site has remained vacant for 16 years since the bowling alley was demolished in 2006. The applicant is proposing the construction of an 8125 sq ft, one-storey, 5 unit commercial plaza with a pharmacy as the anchor tenant with four remaining commercial units available. A site picture is attached as Figure 2.

In preparing this information report for Council, planning staff have reviewed the following documents/submissions in order to provide comments to Council regarding the proposed development:

1. Town of Amherstburg Official Plan
2. Town of Amherstburg Zoning By-law
3. Relevant legislation – Planning Act
4. Comments Received as of December 23rd (Appendix “C”)

(Note: an administrative discussion and analysis of the documentation provided by the applicant will be provided as part of the subsequent report to Council)

3. **DISCUSSION:**

The Official Plan designates the lands as General Commercial. The applicable excerpts from the Official Plan are as follows:

Commercial Land use Designations

The Commercial classification of land shall mean that the predominant use of land in the area so designated shall be in accordance with the uses as defined in these sub-classifications: Neighbourhood Commercial and General Commercial. The General Commercial designation also has special added policies for select areas to guide automobile oriented development to appropriate locations on Sandwich Street and Simcoe Street, to permit added enhancements in gate way locations and to provide incentives for the core area. In addition, such non-commercial use as are complementary to and serve the respective Commercial uses shall also be permitted where defined as such under the commercial sub-classification definitions. In addition, there are commercial areas identified as Special Policy Areas.

General Commercial

The uses permitted in the General Commercial designation shall include those commercial establishments offering goods and services which primarily serve the whole of the municipality's market area and shall include such uses as retail commercial establishments, places of entertainment, assembly halls, eating establishments, hotels, motels, community facilities, public uses, recreational uses, convenience stores whether in the form of individual stores or in a shopping centre form of construction and/or ownership, and residential uses above the first floor.

Adequate buffer planting shall be provided between the commercial use and any adjacent residential areas and such buffer planting may include provisions for grass strips, berms, screening and appropriate planting of trees and shrubs, or distance, and all development will be subject to Site Plan Control and any lighting or signs shall be designed and arranged so as to be as least distracting as possible to adjoining residential uses. Every effort will be made to reduce the number of driveway entrances along Arterial Roads by ensuring that, wherever possible, mutual driveway entrances serving two

or more lots or developments are provided or planned for through Site Plan Control.

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

Council approval of a Zoning By-law amendment would be required prior to the development proceeding as proposed.

Planning staff will be reviewing all of the comments received from this statutory public meeting and will be assessing all information provided by the Applicant and all internal and external departmental and agency comments, and will be preparing a subsequent staff report that discusses how the above items are being addressed.

The Town's Zoning By-law currently zones the subject lands Commercial General (CG). Within this zone category, a broad range of commercial land uses are permitted.

The Applicant is requesting that current zone provisions that apply to these lands be amended to a special provision Commercial General Zone to permit parking and a loading space in the front yard, a decrease in the buffer strip on the north side of the property from 3 m to 2.13 m, and decrease the County Road setback to from 26 m to 25.21 m implement the final approved site plan.

As part of the regulations of the Planning Act, the application has been circulated to the area residents within 120 m and various agencies. All comments received to date are attached as Appendix "C".

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality.

5. FINANCIAL MATTERS:

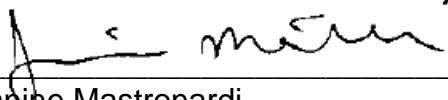
All costs associated with the application are the responsibility of the applicant. Should the decision be appealed to the Ontario Land Tribunal then the Town will incur costs.

6. CONSULTATIONS:

The Notice of Public Meeting was published in the local newspaper and on the Town website 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.

7. CONCLUSION:

Following the statutory public meeting, planning staff will be preparing a subsequent report for Council that will include a comprehensive analysis of all of the comments and recommendations received, and will provide a professional planning opinion and a staff recommendation with respect to the requested zoning by-law amendment.



Janine Mastronardi
Planner

JM

DEPARTMENTS/OTHERS CONSULTED:

Name: Office of Engineering and Public Works
Phone #: 519 736-3664 ext. 2313 & 2314

Name: Building Services
Phone #: 519 736-5408 ext. 2136

Name: Fire Services
Phone #: 519 736-6500

Name: Union Gas
Email: ONTUGLandsINQ@uniongas.com

Name: Ontario Power Generation
Email: Executivevp.lawanddevelopment@opg.com

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

Name: Windsor Essex Catholic District School Board
Phone #: 519 253-2481

Name: Greater Essex County District School Board
Phone #: 519-255-3200

Report Approval Details

Document Title:	Statutory Public Meeting to Consider a Zoning By-law Amendment for 9540 Walker Road.docx
Attachments:	<ul style="list-style-type: none">- Figure 1- Aerial of Area.pdf- Figure 2- ZBA-21-22 Site Picture.pdf- Appendix C- Summary of Correspondence Received on ZBA-21-22.pdf- Figure 4- 120m Circulation Area.pdf- Figure 5- Site Plan.pdf- Appendix F- 2023-002- ZBA- 9540 Walker Road- DRAFT.pdf
Final Approval Date:	Jan 6, 2023

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



Melissa Osborne



Tracy Prince



Valerie Critchley



Kevin Fox







Summary of Correspondence Received on Proposed ZBA at 9540 Walker Rd

Below is a summary of the comments received by the Planning Services Division on ZBA/21/22.

ERCA:

No comments received.

County of Essex:

Please be advised that the County has reviewed the aforementioned applications and the comments provided are engineering-related only. These applications have not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 11. The Applicant will be required to comply with the following County Road regulations:

County By-Law Number 2480 – A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.

County By-Law Number 2481 – A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.

The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road No. 11. Permits are necessary for any changes to existing entrances and structures, or the construction of new structures.

Further consultation will be required once a site plan has been circulated to the County of Essex.

We are requesting a copy of the Decision of the aforementioned application. Thank you for your assistance and cooperation in this matter.

Windsor Police:

Windsor Police has no concerns or objections with this proposal to change the site's zoning from General Commercial to a site specific designation that will permit a one-storey, multi-unit commercial plaza on the subject property. Any issues that pertain to establishing and maintaining public safety and security, plus ensuring proper police incident response capability, can be addressed during the site plan review stage of any applications to redevelop the property.

Fire:

Good morning,

My comments for Housekeeping ZBA, 433 Sandwich ST, and 6101 County Road 20 are all the same.

No issue at this time.

For 9540 Walker Road, I want to reiterate concerns Amherstburg Fire has already issued for future development in McGregor. We currently do not have adequate water flow in the McGregor area for any major build. Though we do not have an issue with a commercial plaza being built in McGregor in principal, depending on the size of the build we will most likely require either:

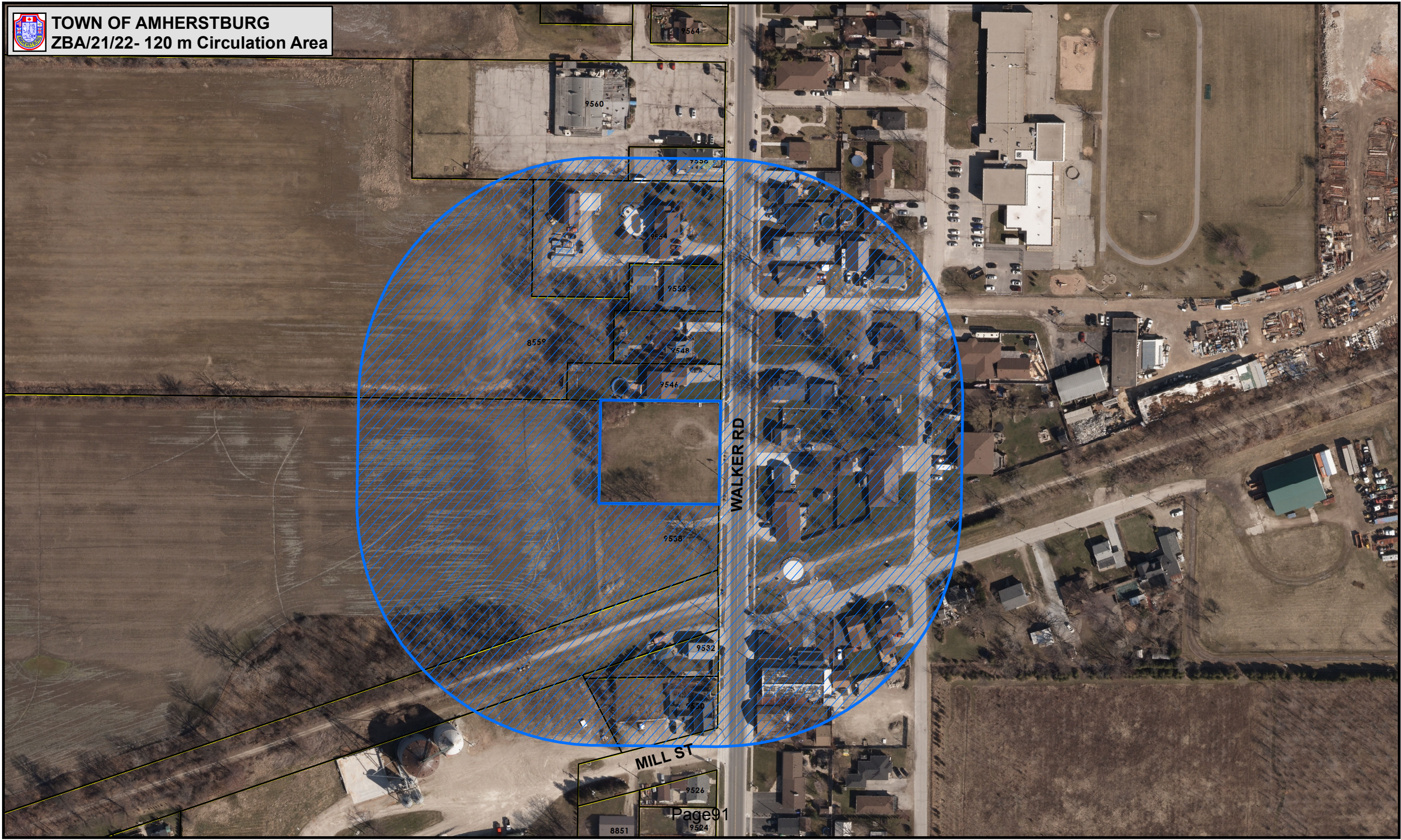
1. The building to be sprinklered,
2. Built in such a non-combustible way that the building be subdivided with fire walls to ensure that it remains small enough for us to protect, or
3. The municipality upgrade the water main and hydrant system to allow greater flow in that part of town.

This will be a common note for all development in that area of town when a change is requested.

We continue to follow the Water Supply for Public Fire Protection Guidelines by Fire Underwriters.

IS:

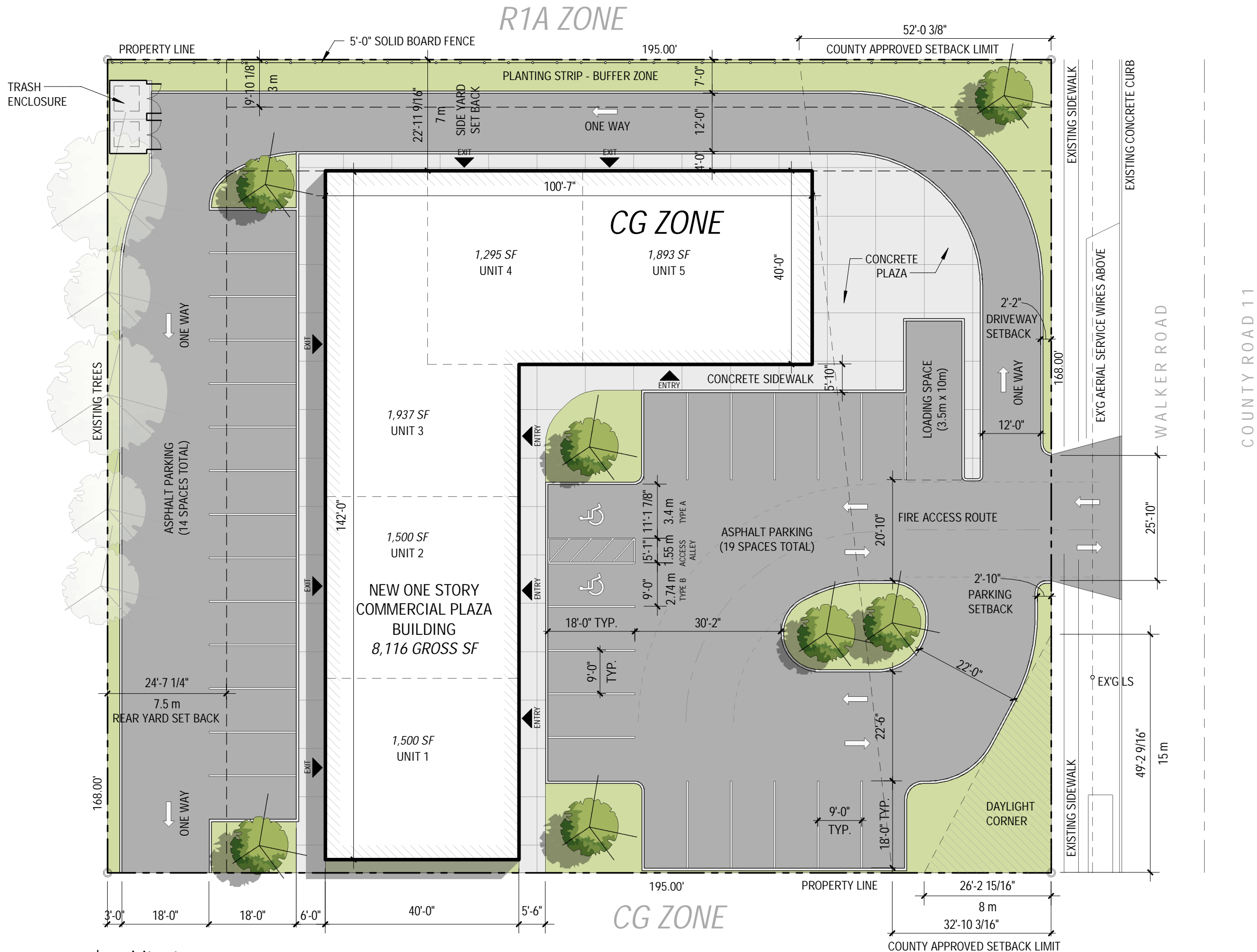
No comments on the application. It is the expectation that the future development of these properties will be subject to the Site Plan Control process and it will be at that time that Infrastructure Services will provide comments regarding site servicing, right-of-way issues, drainage, storm water management, etc.. It should be noted that a potable water study will be required to ensure proper flow and fire protection.



ZBA/21/22- 9540 Walker Road- 120 m Circulation List

ARN	ADD1	STREETNAME
372943000010000	9532	WALKER RD
372943000010200		WALKER RD R
372943000009400	9558	WALKER RD
372943000010100	9530	WALKER RD
372943000009500	9554	WALKER RD
372943000009300	9560	WALKER RD
372943000009800	9540	WALKER RD
372943000009900	9538	WALKER RD
372943000000010		GREENWAY CRT
372943000009600	9552	WALKER RD
372943000009730	9548	WALKER RD
372943000009750	9546	WALKER RD
372943000009700	8559	8TH CONCESSION RD

40 Properties in the Town of Essex on East Side of Walker Road



PARKING CALCULATION

NEW COMMERCIAL PLAZA BUILDING

FUTURE USES: RETAIL, BUSINESS, OFFICES, & PHARMACY

8,116 SF / 269 SF = 30.1

REQUIRED PARKING = 31 SPACES

PROVIDED PARKING = 33 SPACES

PROPOSED COMMERCIAL PLAZA

SITE PLAN

9540 WALKER ROAD, MCGREGOR ON N0R 1J0

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2023-002**

**By-law to amend Zoning By-law No. 1999-52
9540 Walker Road, Amherstburg**

WHEREAS By-law 1999-52, as amended, is a land use control by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Amherstburg;

AND WHEREAS the Council of the Town of Amherstburg deems it appropriate and in the best interest of proper planning to amend By-law 1999-52, as herein provided;

AND WHEREAS this By-law conforms to the Official Plan for the Town of Amherstburg;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg enacts as follows:

1. THAT Section 15(4)(q) of By-law 1999-52, as amended, is hereby added;

“ CG-17 (9540 Walker Road)

Notwithstanding any other provisions of this By-law to the contrary, within any area zoned CG-17 on Schedule “A” hereto, the zone requirements of Section 15 of the By-law shall apply with the addition of the following special provisions:

- (i) Notwithstanding Section 3(12)(b)(i) the planting strip along the north property line shall be a minimum of 2.13 m.
 - (ii) Notwithstanding Section 3(16)(e)(i) a loading space may be provided in the front yard in the CG-17 Zone.
 - (iii) Notwithstanding Section 3(23)(g) parking may be provided in the front yard in the CG-17 Zone.
 - (iv) Notwithstanding Section 3(26)(a) the required minimum setback from the centerline of County Road 10 shall be 25.21 metres.”
2. THAT all other appropriate regulations for the use of land and the character, location and use of buildings and structures conforms to the regulations of the Commercial General Zone, as applicable and all other general provisions or regulations of By-law 1999-52, as amended from time to time.

THIS By-law shall take effect from the date of passage by Council and shall come into force in accordance with Section 34 of the Planning Act, R.S.O. 1990.

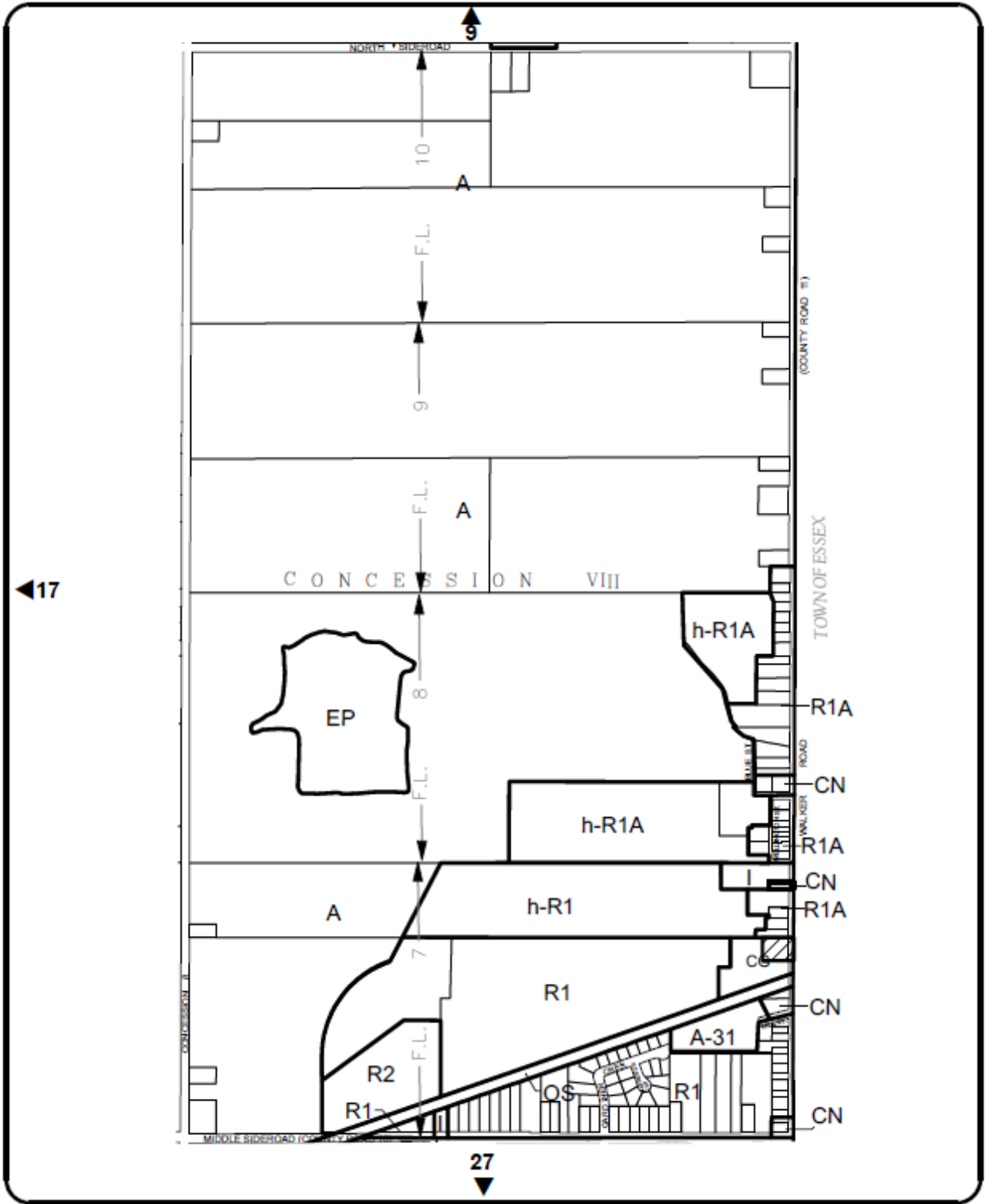
Read a first, second and third time and finally passed this --th day of January, 2023.

MAYOR- MICHAEL PRUE

CLERK- KEVIN FOX

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2023-002
 A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'
MAP 18
 ZONING BY-LAW NO. 1999-52

CG to CG-17 