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Date: June 1, 2018

To: Mayor and Council

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Interim Town Planner

RE: Application for Zoning By-law Amendment ZBA/12/18 by
Paul Allan Repko,
400 Road 2 East, Part of Lot 3, Concession 2, ED

Report No.: PDS 2018-030

AIM

To provide the Town of Kingsville Council with information regarding the requested Zoning By-law Amendment for lands known as 400 Road 2 East, Part of Lot 3, Concession 2, ED, as a condition of consent under file B/05/18.

BACKGROUND

The parcel is 29.8 ha (73.72 ac.) in size and consists of a single detached dwelling and vacant farmland. At the May 15, 2018 Committee of Adjustment meeting, provisional consent (B/05/18) was given to sever an existing dwelling and outbuilding, deemed surplus to the prospective purchaser, on a 1.22 (3.291 ac.) lot. As a condition of that consent, it was required that the retained farm parcel be rezoned to prohibit the construction of future dwellings. This condition is required by both Provincial and Town policies.

DISCUSSION

When considering a request for a Zoning By-law Amendment, it is important to review the request on the basis of the following documents to determine whether the request is appropriate:

1) Provincial Policy Statement, 2014 (PPS):

When reviewing a planning application to determine if it represents sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statement (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.”

Policy section 2.3.4.1 states:

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

c) a residence surplus to a farming operation as a result of farm consolidation, provided that:

- 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and*
- 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective.*

Comment: The subject land was severed to separate a residence surplus to the needs of the farming operation. Therefore, the requested Zoning By-law Amendment from ‘Agriculture (A1)’ to ‘Agriculture – Restricted (A2)’ will ensure that the severance is consistent with the PPS by prohibiting residential development on the remnant parcel but still allow for farming operations to continue. Part of the potential continuation of farming operations may involve the development of greenhouses which often includes bunkhouses. As a matter of clarification it is not the intention of PPS to prohibit a bunkhouse as it not a traditional dwelling and would not provide the opportunity to lead to additional severance from the subject property.

2) Town of Kingsville Official Plan

The subject land is designated ‘Agriculture’ within the Official Plan for the Town of Kingsville. Section 3.1, pertaining to lands designated ‘Agriculture’, establishes goals to preserve prime agricultural land for agricultural purposes and restricts the type and amount of non-farm development in ‘Agriculture’ designated areas. Additionally, section 7.3.1, pertaining to Agriculture Land Division, permits the severance of a dwelling that is considered surplus to the needs of the farm operation conditional on the remnant parcel resulting from the severance being rezoned to prohibited new residential dwellings.

Comment: The requested Zoning By-law Amendment conforms to the relevant policies of the Official Plan for the Town of Kingsville.

3) Comprehensive Zoning By-law 1-2014

The subject land is currently zoned 'Agriculture (A1)' in the Comprehensive Zoning By-law for the Town of Kingsville. As a condition of the consent the Zoning By-law Amendment to 'Agriculture – Restricted (A2)' will prohibit new residences to be built on the retained farmland. As noted under PPS it is not the intention of the policy to restrict continue agricultural use which in Kingsville can often require a bunkhouse accessory to a greenhouse. At present the standard A2 zone would prohibit all forms of residential use including a bunkhouse. It is recommended that the retained parcel be placed in a site-specific Agriculture – Restricted Exception 1 (A2-1)' which would continue to permit a bunkhouse accessory to a greenhouse but would still prohibit other residential uses, particularly detached dwellings to maintain the intent of PPS and the Official Plan.

LINK TO STRATEGIC PLAN

Manage growth through sustainable planning.

FINANCIAL CONSIDERATIONS

There is no financial impact as a result of this zoning amendment.

CONSULTATIONS

1) Public Consultations

In accordance to O. Reg 545/06 of the Planning Act, property owners within 120m of the subject site boundaries received the Notice of Public Meeting by mail. To date, no comments have been received by members of the public.

2) Agency & Administrative Consultation

In accordance with O. Reg 545/06 of the *Planning Act*, Agencies and Town Administration received the Notice of Public Meeting by mail and/or email.

Agency or Administrator	Comment
Essex Region Conservation Authority	<ul style="list-style-type: none">No objections. (See Appendix A).
Town of Kingsville Management Team	<ul style="list-style-type: none">No concerns with the requested rezoning.
County of Essex	<ul style="list-style-type: none">No comments expected.

RECOMMENDATION

It is recommended that Council approve Zoning By-law Amendment application ZBA/12/18 to rezone the retained farm lands as a condition of consent File B/05/18 from 'Agriculture, (A1)' to "Agriculture – Restricted Exception 1, (A2-1)" located in Part of Lot 3 Concession 2, ED, as known as 400 Road 2 E, Town of Kingsville and adopt the implementing by-law.

David French

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Interim Town Planner

Robert Brown

Robert Brown, H, Ba, MCIP, RPP
Manager, Planning Services

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer