

Date: February 6, 2017

To: Mayor and Council

Author: Kristina Brcic, Town Planner

RE: Zoning By-law Amendment ZBA/15/16
Elivira & Andreas Miller
851 County Road 34
CON STR, PT LOT 259
Roll No. 3711 410 000 00500

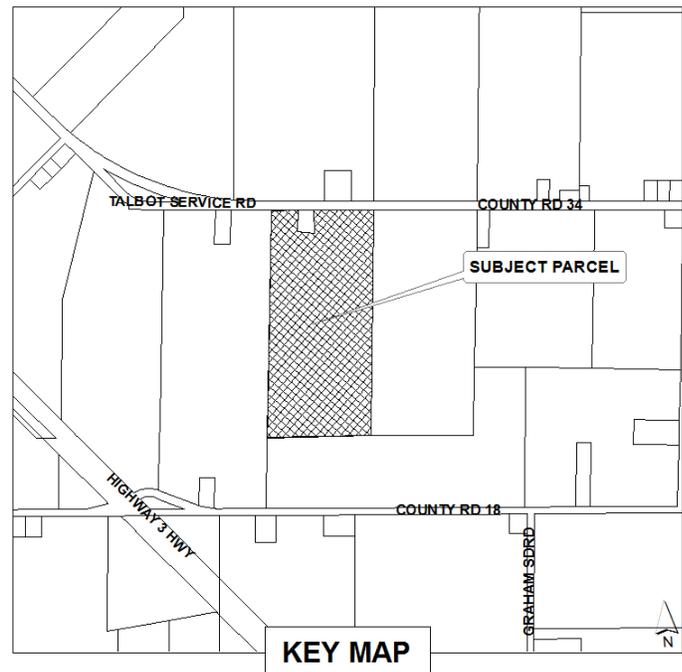
Report No.: ZBA/15/16

AIM

To provide the Town of Kingsville Council with information regarding the requested Zoning By-law Amendment for lands known as 851 County Road 34, CON STR, PT LOT 259, as a condition of consent under file B/20/16.

BACKGROUND

The subject land is a 19.84 ha. (49.11 ac.) irregular shaped farm parcel designated 'Agriculture' by the Official Plan and zoned 'Agriculture (A1)' under the Kingsville Comprehensive Zoning By-law. The farm lot currently contains farm outbuildings that the purchaser plans to keep. As a condition of a decision by the Committee of Adjustment to allow the severance (B/20/16) of a dwelling deemed surplus to the farming operation on a 0.359 ha (0.89 ac.) lot located at 851 County Road 34, the owner is required to make application for an amendment to the Comprehensive Zoning By-law 1-2014 to rezone the retained land from 'Agriculture (A1) Zone' to 'Agriculture – Restricted (A2) Zone' to prohibit new residential dwellings and comply with the policies of the Provincial Policy Statement, 2014 (PPS) regarding the severance of a residence surplus to a farming operation.



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.

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.

Comment: The requested amendment maintains the intent of the Comprehensive Zoning By-law.

LINK TO STRATEGIC PLAN

There is no specific link to the strategic plan.

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 received. |

RECOMMENDATION

It is recommended that Council approve Zoning By-law Amendment ZBA/15/16 to rezone the retained lands relative to the granted consent (B/20/16) from 'Agriculture (A1)' to 'Agriculture - Restricted (A2)' on lands currently known as 851 County Road 34.

Kristina Brcic

Kristina Brcic, MSc, BURPI
Town Planner

Robert Brown

Robert Brown, H.Ba, MCIP, RPP
Manager, Planning & Development Services

Peggy Van Mierlo-West

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