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**Date:** February 14, 2017

**To:** Mayor and Council

**Author:** Kristina Brcic, Town Planner

**RE:** ZBA/03/17 - Application for Zoning Amendment  
Sunvalley Hydroponics Ltd.  
1579 Albuna Townline  
Pt. Lot 18, Concession 8  
Roll No. 3711 290 000 19701

**Report No.:** PDS-2017-008

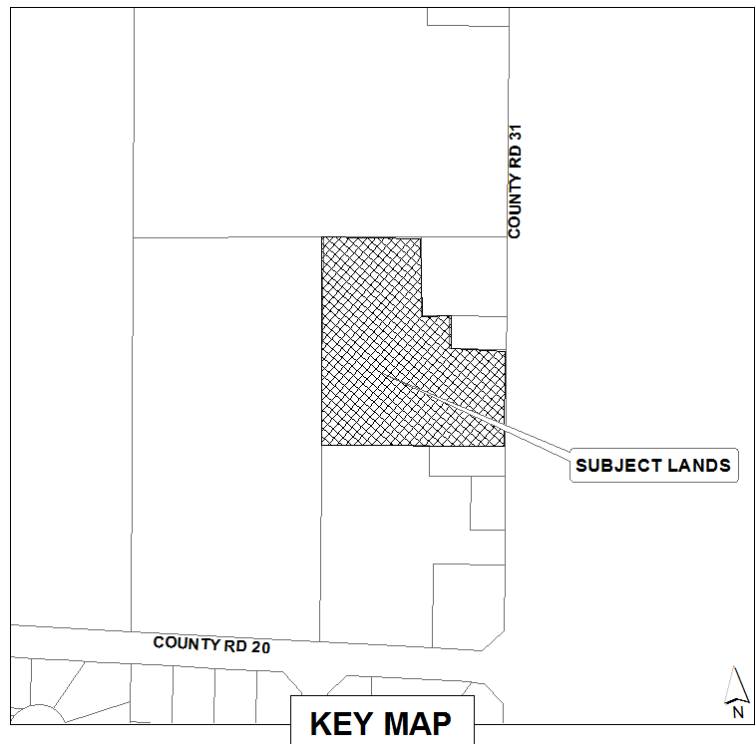
## AIM

To provide the Town of Kingsville Council with information regarding the requested Zoning By-law Amendment for lands known as 1579 Albuna Townline, Pt Lot 18, Concession 8, as a condition of consent approval, file B/16/16.

## BACKGROUND

The lands in question were recently the subject of a consent application (B/16/16) to sever the dwelling as surplus to the farming operation on a 0.147 ha (0.363 ac.) lot. The retained farm (shown in Red on the sketch) is irregular shaped at 1.893 ha. (4.667 ac.). The farm lot

currently contains approximately 2.9 ac of greenhouse. As a condition of the severance B/16/16 the retained farmland requires a zoning amendment to rezone the land from 'Agriculture (A1)' to 'Agriculture (A2)' to prohibit future residential development.



## **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 Zone 1 (A1)’ to ‘Agriculture – Restricted Zone 2 (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 will fulfill the condition of the consent approval to maintain compliance with the surplus dwelling severance policies on the Official Plan and the Provincial Policy Statement.

## **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.

| <b>Agency or Administrator</b>      | <b>Comment</b>   |
|-------------------------------------|--|
| Essex Region Conservation Authority | <ul style="list-style-type: none"><li>• No concerns or objections.</li></ul>               |
| Town of Kingsville Management Team  | <ul style="list-style-type: none"><li>• No concerns with the requested rezoning.</li></ul> |
| County of Essex                     | <ul style="list-style-type: none"><li>• No comments received.</li></ul>                    |

## **RECOMMENDATION**

It is recommended that Council approve Zoning By-law Amendment ZBA/03/17 to rezone the retained lands relative to the granted consent (B/16/16) from ‘Agriculture Zone 1 (A1)’ to ‘Agriculture – Restricted Zone 2 (A2)’ on lands currently known as 1579 Albuna Townline, and adopt the implementing by-law 13-2017.

*Kristina Brcic*

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Manager, Planning & Development Services

*Peggy Van Mierlo-West*

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