

Municipality of Lakeshore – Report to Council

Growth and Sustainability

Community Planning



To: Mayor & Members of Council

From: Ian Search, BES
Planner I

Date: January 8, 2024

Subject: Zoning By-law Amendment ZBA-18-2023 – 1096 Lakeshore Road 107

Recommendation

Approve Zoning By-law Amendment Application ZBA-18-2023 (Zoning By-law 2-2012, as amended), to rezone the lands known legally as, Part of Lot 16, Concession 5 West of Belle River, Maidstone, designated as Parts 2, 3 and 4 on Plan 12R-29565, being part of the Property Identifier Number 75012-0077(LT), and known municipally as 1096 Lakeshore Road 107, from “Agriculture (A)” to “Agriculture Zone Exception 117 (A-117)” zone (indicated as “1096 Lakeshore Rd 107 Retained Farmland” on the Key Map, Appendix B), in the Municipality of Lakeshore; and

Direct the Clerk to read By-law 11-2024 during the Consideration of By-laws, all as presented at the January 30, 2024 Council meeting.

Background

The Municipality of Lakeshore has received a Zoning By-law amendment application for the farm property known as 1096 Lakeshore Road 107, located on the northeast corner of Lakeshore Road 107 and Walls Road, north of Highway 401, west of County Road 25. The subject property is designated “Agriculture” in the Lakeshore Official Plan and zoned “Agriculture” in the Lakeshore Zoning By-law 2-2012. It is currently 47.14 acres (19 hectares) in lot area.

A provisional consent (file: B-28-2023) was granted from the Lakeshore Committee of Adjustment to sever a surplus farm dwelling from this subject farm parcel as a separate residential lot. It is 1.117 acres in lot area and indicated as Part 1 on the attached registered survey Plan 12R-29565. The retained farmland is indicated as Part 2, Part 3 and Part 4 together on Plan 12R-29565.

As a condition of their consent approval from the Committee of Adjustment, the applicants are applying to rezone the retained farmland to prohibit residential dwellings, as required in the Lakeshore Official Plan and Provincial Policy Statement.

Additionally, the applicant is applying to recognize the deficient area of the retained farmland (indicated as Part 2, Part 3 and Part 4 together on Plan 12R-29565) as part of the Zoning By-law Amendment application. The lot area will be 18.6 hectares following the severance, whereas the Lakeshore Zoning By-law requires a farm parcel to be 19 hectares in size.

Subject Land: 47.14 acres (19 hectares)
Existing Use – Agriculture
Proposed Use – Agriculture and one rural residential lot
Access — Lakeshore Road 107 and Walls Road
Services — Municipal water

Surrounding Uses: North: Agriculture
South: Agriculture
East: Agriculture
West: Agriculture

Official Plan: Agricultural

Existing Zoning: Agriculture (A)

Provincial Policy Statement (PPS)

The proposed rezoning application is consistent with the PPS. Section 2.3.4.1 requires the planning authority to ensure that new residential dwellings are prohibited on the retained farmland created by the surplus farm dwelling severances. A provisional consent (B-28-2023) was granted to sever a surplus dwelling from this farm parcel as a separate lot. As a condition of consent, and as required by the PPS, the applicants are rezoning the retained farmland to prohibit residential dwellings.

County of Essex Official Plan

The rezoning application conforms to the County of Essex Official Plan and is consistent with their land use policies:

3.3.3.4 Lot Creation

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.

Lakeshore Official Plan

The subject property is designated Agricultural in the Lakeshore Official Plan, and the

rezoning application conforms to the Agricultural Designation policies.

6.2.3 Agricultural Lot Creation & Lot Adjustment

A consent to sever may be granted for the following purposes:

b) Where a previous or current farm acquisition has rendered a habitable farm dwelling surplus to the needs of a farm operation, subject to the following conditions:

- i) the remnant farm parcel will be zoned so as to prohibit the construction of any additional dwellings;*
- ii) the non-farm parcel will be zoned to recognize the non-farm residential use and will not accommodate a livestock operation;*
- iii) any livestock facilities to remain on the retained parcel will not be made unsuitable for further livestock operations if the Minimum Distance Separation I provisions cannot be met; and*
- iv) the implementing Zoning By-law will not impose a setback on nearby expanding livestock operations greater than that required by the application of Minimum Distance Separation II Formula including the Minimum Distance Separation Guidelines.*

The application will prohibit the construction of any additional dwellings on the retained farmland in accordance with the Official Plan. The surplus dwelling lot will automatically be recognized in the Zoning By-law for non-farm residential use that cannot accommodate a livestock operation due to its lot size. There are no livestock facilities on the retained land and no known facilities in the general area of the severed lot.

Lakeshore Zoning By-law

The subject property is currently zoned Agriculture (A), in the Lakeshore Zoning By-law 2-2012, as amended.

In order to satisfy a condition of the provisional consent to sever the surplus dwelling lot from the farm parcel (File: B/28/2023), a Zoning By-law Amendment Application has been submitted to rezone the remnant parcel to prohibit residential dwelling units.

Additionally, the applicant is applying to recognize the deficient area of the retained farmland (indicated as Part 2, Part 3 and Part 4 together on Plan 12R-29565) as part of the Zoning By-law Amendment application. The lot area will be 18.6 hectares following the severance, whereas the Lakeshore Zoning By-law requires a farm parcel to be a minimum of 19 hectares in size. The proposed severed lot has been restricted in lot size to exclude any cultivated farmland and it is recommended that the lot area of the retained farmland be recognized as part of the rezoning.

Comments

The application was circulated to internal departments and no comments or concerns

were received.

Conclusion

Based on the foregoing, it is recommended that Council approve ZBA-18-2023 (By-law 11-2024) as per the Recommendation section of this report.

Others Consulted

Notice was given to agencies and the general public as required under the provisions of the *Planning Act* and regulations. As of the writing of this report, no comments were received from the public and no concerns were expressed from any agencies.

Financial Impacts

There are no budget impacts resulting from the recommendation.

Attachments

Appendix A – Aerial Map
Appendix B – Key Map
Appendix C – Draft Survey

Report Approval Details

Document Title:	ZBA-18-2023 - 1096 Lakeshore Road 107.docx
Attachments:	- Appendix A - Aerial Map.pdf - Appendix B - Key Map.pdf - Appendix C - Draft Survey.pdf
Final Approval Date:	Jan 25, 2024

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

Prepared by Ian Search

Submitted by Sahar Jamshidi and Tammie Ryall

Approved by Justin Rousseau and Truper McBride