

# **The Corporation of the Town of Lakeshore**

## **Report to Council**

### **Community & Development Services**

#### **Development Services**



**To:** Mayor & Members of Council

**From:** Kim Darroch, Manager of Development Services

**Date:** February 19, 2020

**Subject:** ZBA-18-2019, 499 Talbot RD and 581 N. Talbot RD, (Sylvestre)

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#### **Recommendation**

Council approve Zoning By-law Amendment Application ZBA-18-2019 (By-law No. 020-2020), Town of Lakeshore By-law 2-2012, as amended), to rezone a portion of the farm parcel, indicated as the "Retained Farmland" on the Key Map, Appendix 1, located at 499 Talbot Road and 581 North Talbot Road, in the Town of Lakeshore, from "A, Agriculture" to a site-specific "A-1, Agriculture" zone which prohibits a single detached dwelling.

#### **Background**

The subject land is a 39.6 hectare (97.7 acre) parcel of farmland located east of Wilson Side Road, west of Hopgood Side Road, and is located on the north side of County Road 34, in the former Township of Maidstone, known municipally as, 499 Talbot Road and 581 North Talbot Road (See Appendix 1).

The subject property is designated 'Agricultural' in the Town of Lakeshore Official Plan and is split zoned Agriculture (A) and Rural Commercial / Employment (CR) zone (note: the CR zone is located on the surplus or severed lot only and not on the retained farmland) in the Lakeshore Zoning By-law, 2-2012, as amended. The subject property is not part of any hazard lands, significant valley lands, woodlands or wetlands. It is located within the ERCA Limit of Regulated Area.

Recently, provisional consent (File: B/25/2019) was granted to sever a surplus dwelling lot from the farm parcel. In order to meet conditions of the provisional consent, the applicants have submitted an application to rezone the surplus dwelling lot to recognize the non-farm use and to rezone the remnant (retained) farmland to prohibit single detached dwellings. As a result of the surplus lot creation, the severed lot is automatically recognized for its non-farm residential use, as long as it is under 4 hectares or 9.88 acres. As the surplus farm lot is under 4 ha, there is no need to rezone the severed lot.

## Comments

### Provincial Policy Statement

The PPS permits *“a residence surplus to a farming operation as a result of farm consolidation,”* to be severed, *“provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance.”*

Comment: It was a condition of the consent application which created the surplus dwelling lot, that a zoning by-law amendment application be submitted to the Town for the retained lands, following the surplus lot creation to ensure that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance. In addition, the Town of Lakeshore Official Plan (Section 6.2.3 b) ii requires that the non-farm parcel will be zoned to recognize the non-farm residential use and will not accommodate a livestock operation. By severing off the surplus lot, from the farm lot, the Zoning By-law automatically recognizes the surplus lot's non-farm use (as a result of the lot's smaller size). Therefore the proposal is consistent with the PPS.

### County Official Plan and Lakeshore Official Plan and Zoning By-law

The proposal conforms to the land use and consent policies of the Agricultural designations of both the County and Lakeshore Official Plans. In order to satisfy a condition of the provisional consent to sever a surplus dwelling from the farm parcel, the “Retained Farmland” will be re-zoned from “A, Agriculture” to a site-specific “A-1 Agriculture zone” which shall prohibit a single detached dwelling.

### Conclusion

Staff recommend approval of the zoning by-law amendment as it is consistent with the Provincial Policy Statement and conforms to the County and Town of Lakeshore Official Plans.

Under the Planning Act, when considering a Zoning By-law Amendment, Council has the following four alternatives when making its decision:

1. Alternative 1 - Refusal - should Council choose to refuse an application to amend a Zoning By-law, under Subsection 34(10.9) of the Planning Act, it is now required that a Notice of Refusal be issued, not later than 15 days after the day of the refusal, containing the prescribed information, to be given to:
  - (a) the person or public body that made the application;
  - (b) each person and public body that filed a written request to be notified of a refusal; and
  - (c) any prescribed person or public body.

As part of the required prescribed information, the Notice of Refusal must also now contain a written explanation for the refusal.

*Comment - In this particular instance, the Applicant would have the option of appealing Council's decision to the LPAT.*

2. Alternative 2 - Deferral - deferral of an application often occurs when further information or consultation is required, usually becoming apparent after the scheduled public meeting date has been set or after the planning report has been completed. Consequently, it is usually something that Administration will recommend either in the planning report or in lieu of the written recommendations. From Council's perspective, a deferral option is often considered should new issues arise at the public meeting or when Council feels that it requires further information in order to make an informed decision.

*Comment - At the time of writing, no additional information or studies were deemed necessary.*

3. Alternative 3 - Approve as modified or revised - this is an approach used where the planning review of the application or the consultation process reveals the need for mitigation measures or compromises. Often the planning report will recommend to approve the application, subject to certain modifications, conditions, etc., that are slightly different from what has been requested in the application. From Council's perspective it may also choose to approve the application, but also modify the approval to the recommendations as submitted.

*Comment - There are no modifications that would substantially improve the application.*

4. Alternative 4 - Approval - the application is approved as submitted without modifications.

Based on the foregoing, the Town's Planner supports Alternative 4 (Approval).

### **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 financial impacts resulting from the recommendation.

**Attachment(s): Appendix 1 – Key Map**

### Report Approval Details

Document Title:	ZBA-18-2019 Sylvestre.docx
Attachments:	- Appendix 1 Key Map - Sylvestre.pdf
Final Approval Date:	Feb 28, 2020

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

Tammie Ryall

Truper McBride