

Municipality of Lakeshore – Report to Council

Growth and Sustainability

Planning Services



To: Mayor and Members of Council

From: Ian Search, BES
Planner I

Date: July 15, 2024

Subject: Zoning By-law Amendment ZBA-10-2024 – 475 Rochester Townline Road

Recommendation

Approve Zoning By-law Amendment Application ZBA-10-2024 (Zoning By-law 2-2012, as amended), to rezone the lands known legally as, Part of Lot 6 Concession East Ruscom River, Rochester, designated as Part 2, Plan 12R24838; Part of Lots 5 and 6 Concession East Ruscom River, Rochester as in R1125247 except Part 1, Plan 12R12267, Part 1, Plan 12R24838 and Part 1 Plan 12R29786; subject to RO14657 partially surrendered by R254458; subject to an easement in gross over Part 1, Plan 12R23363 as in CE331496; subject to an easement in gross over Parts 1, 2, 3 & 4 on Plan 12R25263 as in CE549039; Town of Lakeshore, being part of the Property Identifier Number 75051-0114(LT), and known municipally as 475 Rochester Townline Road, from “Agriculture (A)” to “Agriculture Zone Exception 1 (A-1)” zone (indicated as “475 Rochester Townline Rd Retained Land” on the Key Map, Appendix B), in the Municipality of Lakeshore; and

Direct the Clerk to read By-law 78-2024 during the Consideration of By-laws, all as presented at the August 13, 2024 Council meeting.

Strategic Objectives

This does not relate to a Strategic Objective; however, it is a core service of the Municipality.

Background

The Municipality of Lakeshore has received a Zoning By-law Amendment application for the farm property known municipally as 475 Rochester Townline Road. The property is zoned “Agriculture” in the Lakeshore Zoning By-law 2-2012. It is currently a 68.27 acre (27.62 hectare) farm located north of County Road 42, south of County Road 2, on the west side of Rochester Townline Road (Appendix A).

A provisional consent (file: B-36-2023) was granted from the Lakeshore Committee of Adjustment on January 31, 2024 to sever a surplus farm dwelling from 475 Rochester Townline Road as a separate residential lot, indicated as Part 1 on Plan 12R-29786 (Appendix C). The lot to be severed will have an area of 1.147 acres (0.46 ha) and a lot frontage of 61.88 metres (203.02 feet), which will incorporate a dwelling and accessory structures (Appendix D).

As a condition of the provisional consent, the applicant is applying to rezone the retained farmland parcel to prohibit residential dwellings on that parcel of land (Appendix B), as required in the Lakeshore Official Plan and Provincial Policy Statement.

Subject Land:	68.27 acres (27.62 hectares) Existing Use – Agriculture Proposed Use – Agriculture and one rural residential lot Access — Rochester Townline Road Services — Municipal water, private sanitary
Surrounding Uses:	North: Agriculture, Canadian Pacific Limited right-of-way South: Agriculture, rural residential lots East: Agriculture West: Agriculture
Official Plan:	Agricultural
Existing Zoning:	Agriculture (A)

Comments

The application was circulated to internal departments and no objections to the rezoning were received.

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 parcel created by a surplus farm dwelling severance. A provisional consent (B-36-2023) was granted to sever a surplus dwelling from the farm as a separate lot. As a condition of consent, and as required by the PPS, the applicants are rezoning the retained farmland parcel 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 parcel 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 farmland parcel 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. The retained farmland parcel will comply with the minimum frontage and area requirements for a parcel of land that supports agricultural uses and will be rezoned to “Agriculture Zone Exception 1” (A-1) which prohibits a single detached dwelling.

The surplus dwelling lot will meet the minimum frontage and area requirements for a rural residential lot zoned Agriculture (A) – no rezoning of this parcel is necessary.

Conclusion

Based on the foregoing, it is recommended that Council approve ZBA-10-2024 (By-law 78-2024) 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 – Registered Survey
Appendix D – Draft Survey

Report Approval Details

Document Title:	ZBA-10-2024 - 475 Rochester Townline Road.docx
Attachments:	- Appendix A - Aerial Map.pdf - Appendix B - Key Map.pdf - Appendix C - Registered Survey.pdf - Appendix D - Draft Survey.pdf
Final Approval Date:	Jul 26, 2024

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

Prepared by Ian Search

Submitted by Urvi Prajapati, Ryan Donally and Tammie Ryall

Approved by the Corporate Leadership Team