

# Municipality of Lakeshore – Report to Council

## Growth & Sustainability

### Community Planning



**To:** Mayor & Members of Council

**From:** Urvi Prajapati, BEDP, MES  
Planner 1

**Date:** February 14, 2022

**Subject:** Zoning By-Law Amendment ZBA-1-2022 – 21575 Lakeshore Road 303

---

### Recommendation

Approve Zoning By-law Amendment Application ZBA-1-2022 (By-law 21-2022, Municipality of Lakeshore By-law 2-2012, as amended), to rezone the subject property from Agricultural Zone Exception 31 (A-31) to Agricultural (A) 21575 Lakeshore Road 303 (indicated on the Key Map, Appendix A), in the Municipality of Lakeshore; and

Direct the Clerk to read By-law 21-2022 to amend the Zoning By-law, By-law 2-2012, as presented at the March 15, 2022 Council meeting.

### Background

The applicant has applied for a zoning by-law amendment of the subject lands to rezone a portion of a farm parcel from (A-31) to Agricultural (A). Previously, the subject land contained a recycling facility which was established through a site plan agreement between the Municipality and the owner. However, the facility has closed its recycling facility for the last two years and is no longer operational. Therefore, the owner wants to remove the zone exception and change the zone from A-31 to just Agricultural (A).

### Proposal

The proposed zoning by-law amendment application affects a 0.81 ha (2.0 acre) portion of a farm parcel located on the north side of Highway 401 and south of Lakeshore Road 303. The entire parcel is 23 ha (58 acres). The surrounding properties include agricultural land of varying sizes. The legal description of the land is Con 3 N PT Lot 21 and is situated in the community of Tilbury North. The subject property is situated in the flood prone area and comes under the conservation authority of Lower Thames Valley Conservation Authority (LTVCA).

<b>Subject Land:</b> (21575 Lakeshore Road 303)	0.81 ha (2.0 acre) Existing Use – Non-operational recycling facility Proposed Use – agriculture
--	---

	Access — Lakeshore Road 303 Services — municipal water, septic
<b>Neighbouring Land Uses:</b>	North: Agricultural Lands South: Agricultural Lands East: Agricultural lands West: Agricultural lands
<b>Official Plan:</b>	Agricultural
<b>Existing Zoning:</b>	Agricultural Zone Exception 31 (A-31)

## Comments

### ***Provincial Policy Statement***

The proposed application was reviewed under the rural and agricultural policies of the 2020 Provincial Policy Statement (PPS) and it was determined that the development is consist with the below policies:

#### **1.1.4 Rural Areas**

1.1.4.1 Healthy, integrated and viable rural areas should be supported by:

- a) Building upon rural character, and leveraging rural amenities and assets;*
- e) Using rural infrastructure and public service facilities efficiently;*
- f) Promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;*
- g) Providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;*

#### **1.1.5 Rural Lands in Municipalities**

1.1.5.2 *On rural lands located in municipalities, permitted uses are:*

- d) Agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;*

## **2.3 Agriculture**

### **2.3.3 Permitted Uses**

2.3.3.1 *In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses.*

- *Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which*

*achieve the same objectives.*

*2.3.3.2 In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.*

### **County of Essex Official Plan**

The subject site is located just outside the secondary settlement area in the County of Essex Official Plan and therefore falls under the Agricultural designation. The following are the permitted uses of the agricultural designation:

#### **3.3.3.1 Permitted Uses**

The following uses are permitted within the “Agricultural” designation subject to the policies of this section:

a) Agricultural Uses, Secondary Uses and Agriculture-Related Uses.

### **Municipality of Lakeshore Official Plan**

The site is designated as Agricultural in the Lakeshore Official Plan. The majority of lands within the Municipality are designated Agricultural and consist entirely of prime agricultural lands. The following criteria of the agricultural land use applies:

#### **6.2.1 Permitted Uses**

- a) The primary use of land will be for agricultural uses, agriculturally-related uses and secondary agricultural uses including: the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment; conservation uses; resource extraction, resource-based, and compatible uses.

The proposal for the subject parcel is to return to practice Agriculture on the land and it already meets the permitted uses and will be abiding by the Official Plan designation.

### **Zoning By-law**

The subject property is currently zoned A-31, in the Lakeshore Zoning By-law 2-2012, as amended.

A Zoning By-law Amendment Application has been submitted to rezone the subject property to Agriculture (A). The Lakeshore Zoning By-law 2-2012, as amended defines Agriculture as the following:

AGRICULTURAL USE – shall mean the cultivation of land, the production of crops and the selling of such produce on the premises, and the breeding and care of livestock and the selling of such livestock or the product of such livestock raised on the premises, and without limiting the generality of the foregoing includes aviaries, apiaries, fish farming,

animal husbandry, the raising of birds, fish and fur bearing animals, horses, riding stables, horse training tracks, agricultural research stations and the raising and harvesting of field, bush, or tree crops, market gardening, nurseries, and greenhouses. However, agricultural use does not include facilities for the permanent or temporary housing of persons employed on the lot and, does not include a marihuana for medical purpose production facility and industrial hemp production facility

### ***Correspondence from external and internal agencies***

The application was circulated to external and internal agencies and the Lower Thames Valley Conservation Authority (LTVCA) had to say the following:

Please note that a permit will be required from the office of LTVCA prior to any construction that might take place on the subject land.

No comments were received from internal agencies opposing the rezoning of the subject lands. Additionally, it is be noted that no new buildings or structures are being proposed on the subject property.

Therefore, administration recommends that Council approve the zoning by-law amendment.

### ***Conclusion***

Administration recommends approval of the zoning by-law amendment, as it is consistent with the Provincial Policy Statement and conforms to the County of Essex and the Lakeshore Official Plans.

Based on the foregoing, Administration recommends that Council approve ZBA-1-2022 (Bylaw 21-2022).

### ***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.

### ***Attachment***

Appendix A – Applicant's sketch map

## Report Approval Details

Document Title:	Zoning By-Law Amendment Application ZBA-1-2022 - 21575 Lakeshore Rd. 303.docx
Attachments:	- Key Plan.PNG
Final Approval Date:	Mar 9, 2022

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

Aaron Hair

Tammie Ryall

Justin Rousseau

Kristen Newman

Truper McBride