

**AGENDA
AUGUSTA TOWNSHIP
SPECIAL MEETING
April 17, 2019 @ 11:30 P.M.**

- A. Call to Order
- B. Approval of Agenda
- C. Disclosure of Interest and Nature Thereof
- D. Presentation
- E. ZBLA - Dixon
- F. Question Period for the Public
- G. Question Period for the Press
- H. Adjournment



**THE CORPORATION OF THE TOWNSHIP OF AUGUSTA
By-law No. 3412-2019**

BEING A BY-LAW TO AMEND BY-LAW No. 2965

WHEREAS pursuant to the provisions of the Planning Act, Section 34, the Council of a Municipality may enact by-laws to regulate the use of land, buildings or structures for any purpose set out therein that is otherwise prohibited;

AND WHEREAS By-law No. 2965 regulates the use of land and the use and erection of buildings and structures within the Township of Augusta;

NOW THEREFORE the Council of the Corporation of the Township of Augusta enacts as follows:

1. The following new section is added to section 7.6.4:

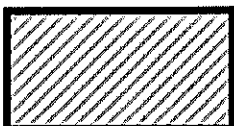
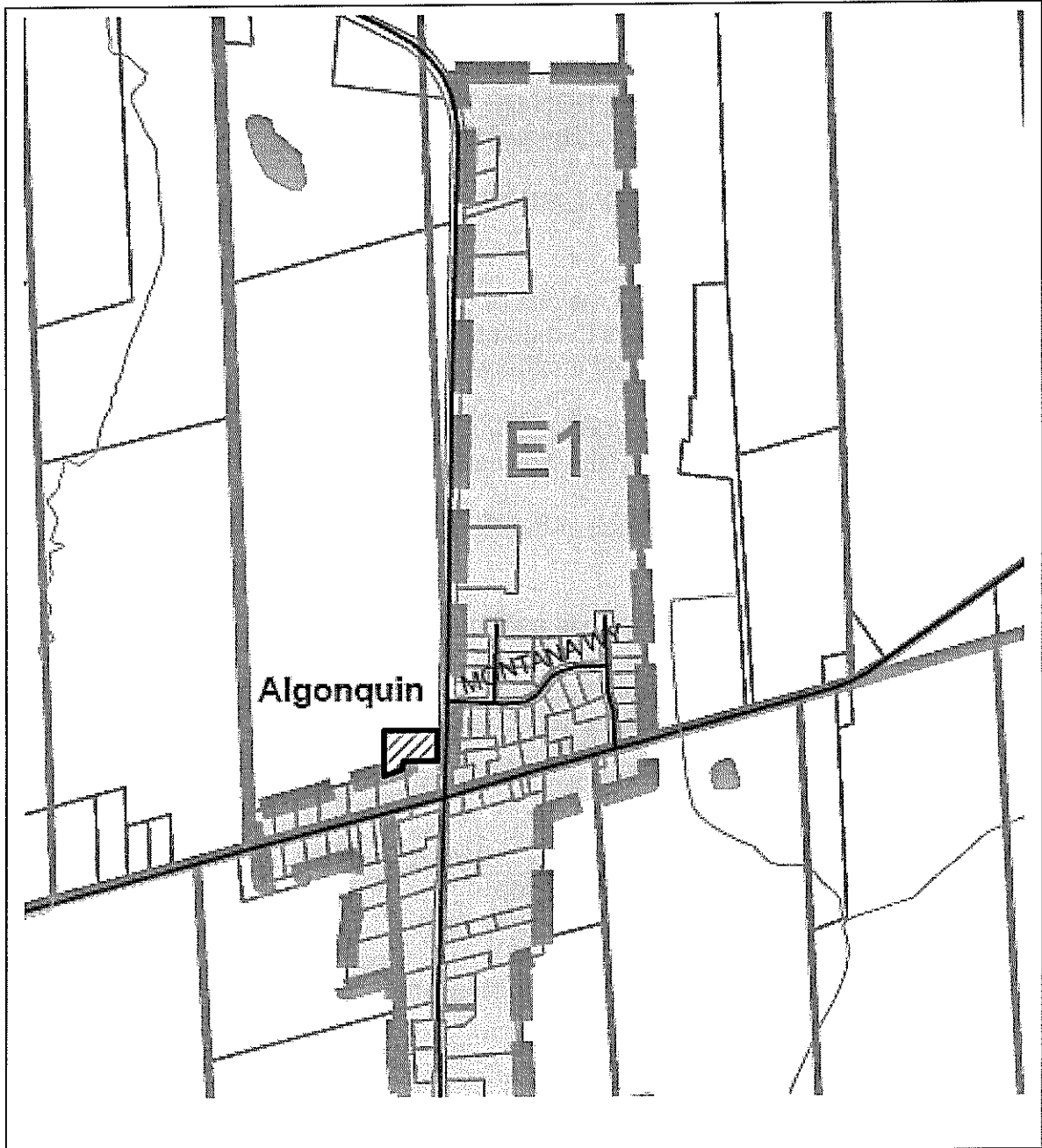
Notwithstanding the list of permitted uses stated in section 7.6.1, on lands zoned Village Commercial Exception One (CV-X1), permitted uses shall be limited to the following:

- Retail Grocery Store
 - Farm Produce Outlet
 - Snack Bar or Coffee Shop
 - Accessory Uses to the foregoing
2. Schedule E of By-law 2965 is hereby amended in accordance with Schedule A of this By-law.
 3. All other applicable provisions of By-law 2965 shall continue to apply.

Read a first and second time this 17 day of April, 2019.

Read a third time and adopted this 13th day of April, 2019.

SCHEDULE A to BY-LAW 3381-2018



**Area to be rezoned from Rural (RU) to Village
Commercial Exception 1 (CV-X1)**

Committee	Planning Advisory Committee
Date	April X, 2019
Title	Resolution of LPAT Appeal, Arnold Dixon
Recommendation	i. That the Committee recommend that the proposed zoning by-law amendment be approved.

REPORT

Severance applications B88 -17 which was approved by the United Counties of Leeds and Grenville created a new 2 acre parcel intended to be used for commercial purposes. The proponent, Mr. Arnold Dixon, intended to develop the newly created property in the form of a country grocery store, a farm produce outlet and a gas bar. Accordingly Mr. Dixon had submitted a zoning by-law amendment application as well as a site plan control application to allow the proposed uses. Both applications were approved by PAC and Council

Securing the zoning by-law amendment was required as a condition of the severance granted by the United Counties. Mr. Dixon has met all of the conditions for the severance with the exception of the required zoning amendment. The granting of the severance is conditional on meeting all of the conditions. The consent application will lapse on May 16, 2019 if all of the conditions are not met. Lapsing means that the consent will not be confirmed and the lot will not be created.

Council's decision to approve the zoning amendment was appealed. The appeal was filed with the Local Planning Appeals Tribunal (LPAT) against the by-law amendment by a local resident citing concerns related to the development of the gas bar. LPAT has accepted to hear the appeal and it is expected that a hearing will be held 2 to 3 months from now.

As is the case with all land use planning appeals there is merit in trying to find a resolution prior to beginning the hearing process. LPAT (formerly the Ontario Municipal Board (OMB)) hearings can be very expensive undertakings for the municipality, the appellant and the applicant and as such trying to find a solution which can eliminate the need for a formal process or perhaps shorten the hearing time is a benefit to all parties.

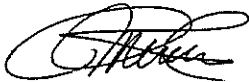
In this case Mr. Dixon approached the Township with a proposal to abandon the gas bar component of the project. His decision to do so was based on the additional costs related to defending the proposed use at the LPAT hearing as well as an understanding from the appellant's appeal documents that there were no concerns directly related to the country grocery store. The appellant was approached by the Township's solicitor with a proposal to eliminate the gas bar use in exchange for a withdrawal of the appeal.

Given the time sensitive nature of the conditional consent granted by te United Counties, an administrative decision was made to proceed with a revised zoning by-law amendment which would allow for the grocery store / coffee shop component of the project but would eliminate the gas bar.

If PAC and Council are in agreement with this approach to resolving the appeal, the zoning amendment can be in place prior to the consent lapsing date allowing Mr. Dixon to move forward with a revised site plan eliminating the gas bar.

At the time that this report was prepared it had not been confirmed that the appellant had accepted to withdraw his appeal on the basis of the proposed revision to the zoning by-law.

Prepared by:



Pierre Mercier, MCIP, RPP
Planner – Augusta Township