

Public Council Meeting
AGENDA

Tuesday, July 26, 2016, 5:00 pm
Tecumseh Town Hall
www.tecumseh.ca

Pages

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **DISCLOSURE OF PECUNIARY INTEREST**

4. **INTRODUCTION AND PURPOSE OF MEETING**

The purpose of the meeting is to consider a proposed Zoning By-law amendment pursuant to the provisions of the *Planning Act, R.S.O. 1990*. The purpose of the proposed amendment is to rezone an approximate 19.9 hectare (49.1 acre) agricultural property situated on the north side of the South Talbot Road/10th Concession intersection from “Agricultural Zone (A)” to a site specific Agricultural Zone in order to prohibit the construction of a residential dwelling unit in accordance with Section 2.3.4.1 c) of the Provincial Policy Statement (PPS). Provisional consent for the severance of a 0.39 hectare (0.96 acre) surplus dwelling lot (7258 South Talbot Road) from the subject property was granted by the Committee of Adjustment at its May 16, 2016 meeting (Application B-11/16). As a condition of severance, and in order to conform to Section 2.3.4.1 c) of the PPS, it is necessary to undertake the aforementioned Zoning By-law Amendment.

5. **DELEGATIONS**

6. **COMMUNICATIONS**

- a. Notice of Consideration, June 29, 2016 1
Re: Proposed Zoning By-law Amendment - 7258 South Talbot Road
- b. Manager, Planning, Report No. 12/16 2
Re: Zoning By-law Amendment - 7258 South Talbot Road
- c. Bylaw 2016-57 9
Being a by-law to amend By-law 85-18, the Town’s Comprehensive Zoning By-law for those lands in the former Township of Sandwich South

7. **ADJOURNMENT**

TOWN OF TECUMSEH
NOTICE OF PUBLIC MEETING

PROPOSED ZONING BY-LAW AMENDMENT

TAKE NOTICE that the Council of the Corporation of the Town of Tecumseh will hold a public meeting **Tuesday, July 26th, 2016 at 5:00 p.m.** in the Town Municipal Office at 917 Lesperance Road to consider a proposed Zoning By-law amendment pursuant to the provisions of the *Planning Act, R.S.O. 1990*.

The purpose of the proposed amendment is to rezone an approximate 19.9 hectare (49.1 acre) agricultural property situated on the north side of the South Talbot Road/10th Concession intersection (see Key Map below) from "Agricultural Zone (A)" to a site specific Agricultural Zone in order to prohibit the construction of a residential dwelling unit in accordance with Section 2.3.4.1 c) of the Provincial Policy Statement (PPS).

Provisional consent for the severance of a 0.39 hectare (0.96 acre) surplus dwelling lot (7258 South Talbot Road) from the subject property was granted by the Committee of Adjustment at its May 16, 2016 meeting (Application B-11/16). As a condition of severance, and in order to conform to Section 2.3.4.1 c) of the PPS, it is necessary to undertake the aforementioned Zoning By-law Amendment.

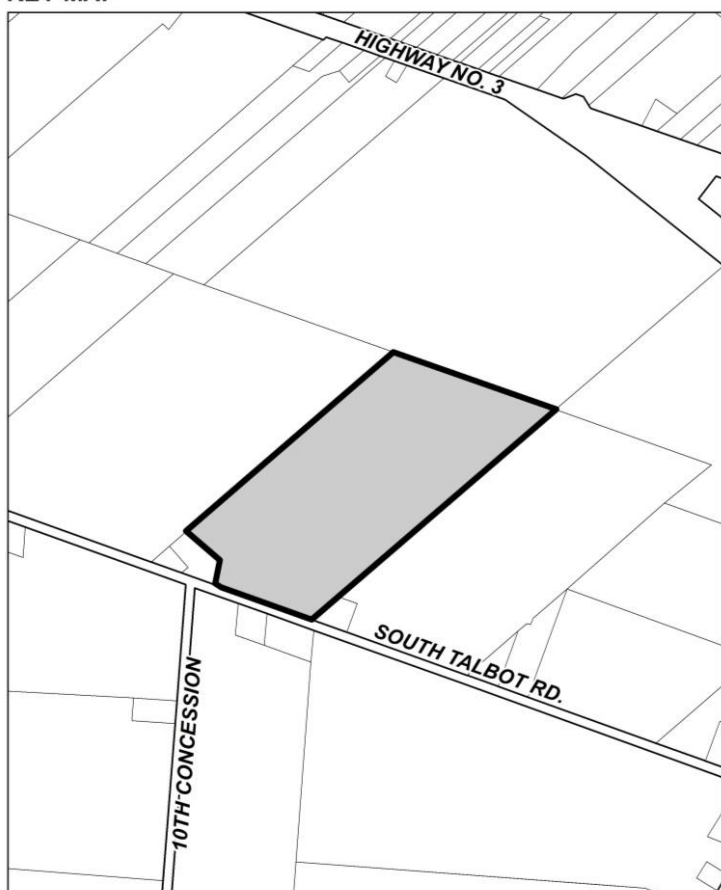
ANY PERSON may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the proposed Zoning By-law amendment.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Corporation of the Town of Tecumseh before the Zoning By-law amendment is passed, the person or public body is not entitled to appeal the decision of the Council of the Corporation of the Town of Tecumseh to the Ontario Municipal Board.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Corporation of the Town of Tecumseh before the Zoning By-law amendment is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

ADDITIONAL INFORMATION relating to this matter is available for review during regular office hours at the Town Municipal Office on Lesperance Road.

KEY MAP



DATED AT THE TOWN OF TECUMSEH
THIS 29TH DAY OF JUNE, 2016.

LAURA MOY, CLERK
TOWN OF TECUMSEH
917 LESPERANCE ROAD
TECUMSEH, ONTARIO
N8N 1W9

0 62.5 125 250 375 500
Metres

 Lands Subject to
Proposed Amendment



**THE CORPORATION OF THE
TOWN OF TECUMSEH**

**PLANNING AND BUILDING SERVICES
DEPARTMENT
Report No. 12/16**

TO: Mayor and Members of Council

FROM: Chad Jeffery, MA, MCIP, RPP
Manager, Planning

DATE: June 8, 2016

DATE TO COUNCIL: June 28, 2016

SUBJECT: Zoning By-law Amendment
Condition of Consent for Surplus Dwelling Lot (B-11/16)
Agricultural Surplus Dwelling – 7258 South Talbot Road
Charles and Carol McLean
OUR FILE: D19 MCLEAN

RECOMMENDATIONS

It is recommended that:

1. The scheduling of a public meeting, to be held on Tuesday, July 26, 2016 at 5:00 p.m., for the application submitted by Mr. & Mrs. McLean, to amend the former Township of Sandwich South Zoning By-law to rezone an approximate 19.9 hectare (49.1 acre) agricultural property situated on the north side of South Talbot Road/10th Concession intersection (7258 South Talbot Road), from "Agricultural Zone (A)" to a site specific Agricultural Zone in order to:
 - i) prohibit the construction of a residential dwelling unit in accordance with Section 2.3.4.1 c) of the Provincial Policy Statement; and
2. The preparation of a draft zoning by-law amendment for consideration at the same meeting, be authorized.

BACKGROUND

Severance application B-11/16 was granted provisional consent by the Committee of Adjustment at its May 16, 2016 meeting. The application proposed the creation of a 0.39 hectare (0.96 acre) surplus dwelling lot from an agricultural property and the retention of the remnant 19.9 hectare (49.1 acre) agricultural parcel situated on the north side of South Talbot Road/10th Concession intersection (7258 South Talbot Road) (see Attachment 1). The Committee determined that the application conformed to the Sandwich South Official Plan in that it met the intent of the Land Division Policies for Surplus Dwelling Lots on lands designated Agricultural.

The consent was granted subject to standard conditions including the passing of a zoning by-law amendment on the retained farm parcel that would prohibit a new residential dwelling. Based on the foregoing, an application to amend the Zoning By-law for the subject retained farm parcel has now been filed with the Town.

Planning and Building Services Report 12/16
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COMMENTS

Provincial Policy Statement, 2014

The Planning Act establishes that Council, when making decisions that affect a planning matter, “shall be consistent with” the 2014 Provincial Policy Statement (“PPS”) issued under *The Planning Act*. The PPS establishes the following land division policy for surplus dwelling severances on Agricultural lands:

“2.3.4 Lot Creation and Lot Adjustments

2.3.4.1 Lot creation in prime agricultural areas is discouraged and may only be permitted for:

- c) a residence surplus to a farming operation as a result of farm consolidation, provided that:*
- 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and*
 - 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective.”*

The subject rezoning is intended to satisfy the condition that new residential dwellings are prohibited on the vacant retained farm parcel created by application B-11/16.

Official Plan Designation

The subject property is designated “Agricultural” on Schedule “A” of the former Sandwich South Official Plan (see Attachment 2). The policies encourage the conservation and preservation of land for agricultural purposes and agricultural related uses. The proposed rezoning ensures that the retained farm parcel is not used for non-agricultural related purposes.

Zoning

The subject property is currently zoned Agricultural Zone (A) (see Attachment 3), which permits agricultural and agricultural related uses, including a single unit dwelling. In order to conform to subsection 2.3.4.1 c) of the Provincial Policy Statement, and to satisfy the previously noted condition of severance application B-11/16, it is necessary to place the consolidated retained farm parcel in a site specific Agricultural Zone that will allow the full range of agricultural uses but prohibit the construction of a residential dwelling.

The total farmable area of the retained farm parcel will remain the same as before (when the severed house was part of it) as no new residential dwelling will be allowed on the farm lot. Accordingly, Town Administration does not have any concerns with the proposed site specific rezoning.

Planning and Building Services Report 12/16
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Summary

The proposed zoning by-law amendment is in keeping with the Provincial Policy Statement and if adopted, fulfills one of the conditions of consent for application B-11/16 regarding the prohibition of a new residential dwelling and the establishment of a reduced minimum lot area. A public meeting to consider the rezoning in accordance with the requirements of the *Planning Act* will provide an opportunity to hear concerns and comments, if any, of neighbouring owners and public agencies.

CONSULTATIONS

The application was reviewed at recent Planning Staff Review meeting(s) by:

Planning and Building Services

FINANCIAL IMPLICATIONS

There are no financial implications.

LINK TO STRATEGIC PRIORITIES

No.	2015-16 Strategic Priorities	Applicable
1.	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.	✓
2.	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.	✓
3.	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.	
4.	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.	
5.	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.	

COMMUNICATIONS

Not applicable

Website Social Media News Release Local Newspaper

Planning and Building Services Report 12/16
Charles and Carol McLean
Agricultural Surplus Dwelling – 7258 South Talbot Road
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OUR FILE: D19 MCLEAN
June 8, 2016

This report has been reviewed by senior Administration as indicated below and recommended for submission by the CAO.

Prepared by:



Enrico De Cecco, BA (Hons.), MCIP, RPP
Junior Planner

Reviewed by:



Chad Jeffery, MA, MCIP, RPP
Manager, Planning

Reviewed by:



Brian Hillman, MA, MCIP, RPP
Director, Planning and Building Services

Recommended by:



Tony Haddad, MSA, CMO, CPFA
Chief Administrative Officer

ED

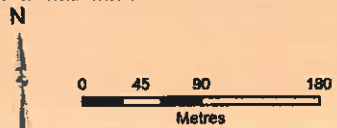
Attachment(s):
1. Location Map
2. Official Plan Map
3. Zoning Map

File Name (R:\ZBA & OPA APPLICATIONS\D19 MCLEAN\Planning Report 12-16 - D19MCLEAN - McLean Surplus Dwelling ZBA.docx)

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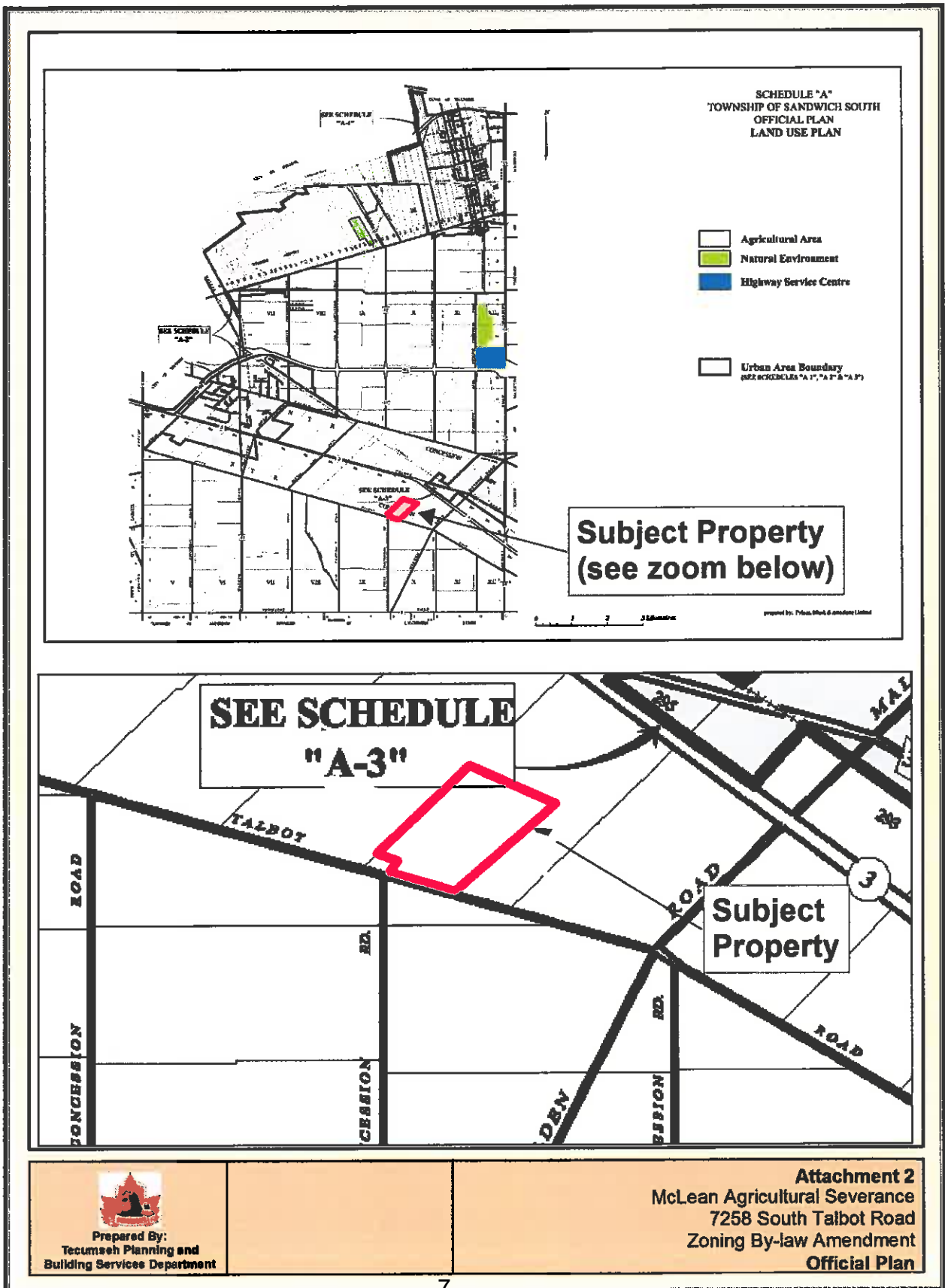



Prepared By:
Tecumseh Planning and
Building Services Department

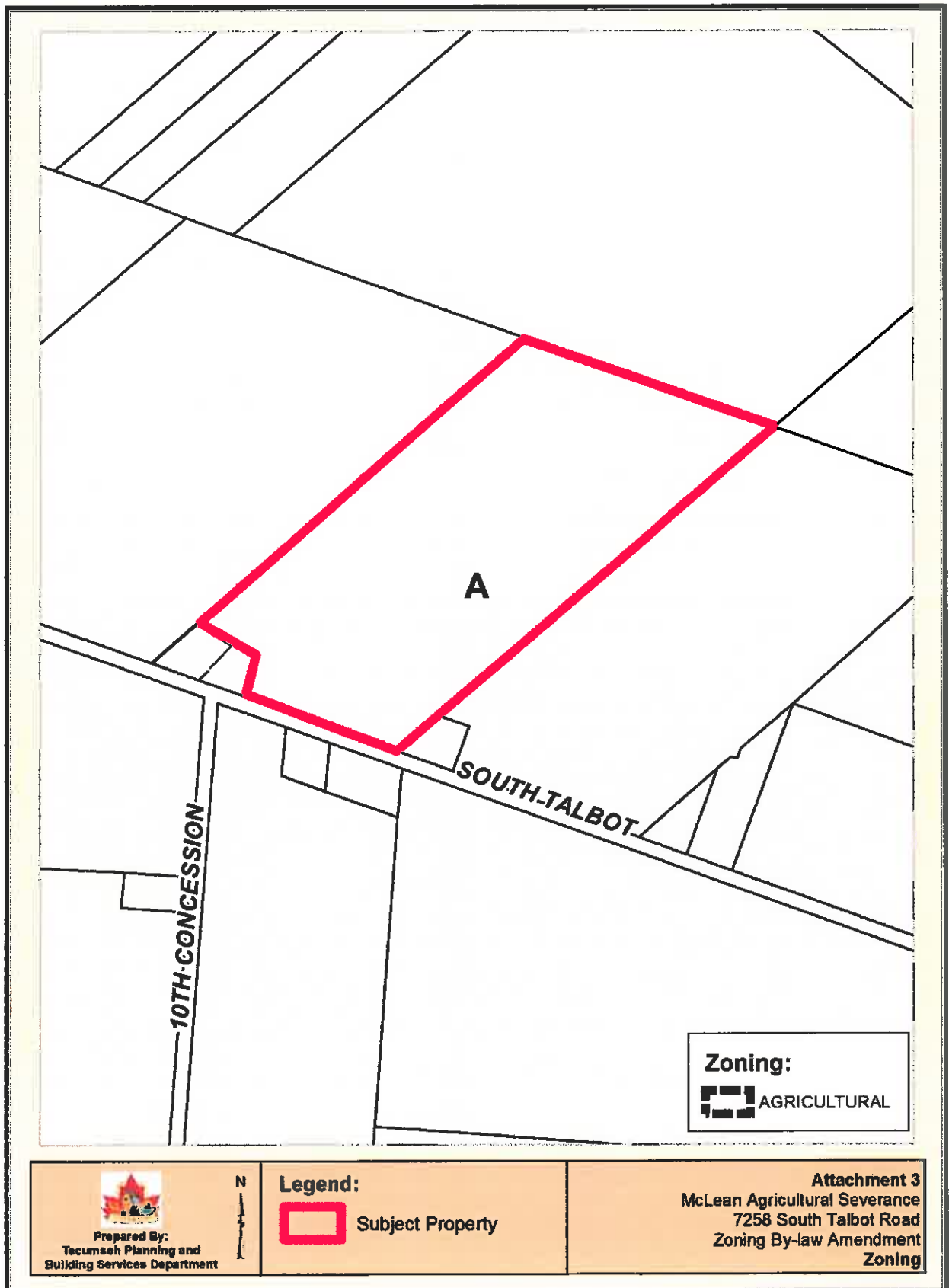


Attachment 1
McLean Agricultural Severance
7258 South Talbot Road
Zoning By-law Amendment
Property Location

Planning and Building Services Report 12/16
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THE CORPORATION OF THE TOWN OF TECUMSEH

BY-LAW NUMBER 2016-57

Being a by-law to amend By-law 85-18,
the Town's Comprehensive Zoning
By-law for those lands in the former
Township of Sandwich South

WHEREAS By-law No. 85-18 is the Town's comprehensive zoning by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Tecumseh, for lands situated within the former Township of Sandwich South;

AND WHEREAS the Council of the Corporation of the Town of Tecumseh deems it necessary and in the best interest of proper planning to further amend By-law No. 85-18;

AND WHEREAS the Provincial Policy Statement (2014) requires the remnant land from a surplus dwelling consent be zoned so as not to allow a residential dwelling on the remnant parcel;

AND WHEREAS the Committee of Adjustment granted provisional consent to application B/11-16 for the creation of one surplus dwelling lot with a condition that the remnant lands be zoned so as not to allow a residential dwelling;

AND WHEREAS this By-law conforms to the Official Plan in effect for the Town of Tecumseh for lands in the former Township of Sandwich South;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF TECUMSEH ENACTS AS FOLLOWS:

1. **THAT** Schedule "A", Map 13, to By-law 85-18, as amended, is hereby further amended by changing the zoning classification for those lands depicted on Schedule "A" attached hereto and forming part of this by-law from "Agricultural Zone (A)" to "Agricultural Zone (A-26)";
2. **THAT** By-law 85-18, Section 15, Agricultural Zone (A) Regulations, as amended, is hereby further amended by the addition of a new subsection 15.3.26 to immediately follow subsection 15.3.25 and to read as follows:

"15.3.26 Defined Area A-26 as shown on Schedule "A", Map 13 to this By-Law.

a) Permitted Uses

Uses permitted in the Agricultural Zone (A) as established in subsection 15.1.1, with the exception of the following uses which shall be prohibited:

- i) single family residential uses;
- ii) household occupation or agricultural household occupation.

b) Permitted Building and Structures

- i) Buildings and structures for the uses permitted in subsection 15.3.26 a);
- ii) Accessory buildings and structures for the uses permitted in subsection 15.3.26 a).

c) Zone Provisions

All lot and building requirements shall be in accordance with subsections 15.1.3 to 15.2.3, inclusive, of this By-law.”

3. **THAT** this By-law shall take effect from the date of passage by Council and shall come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990*.

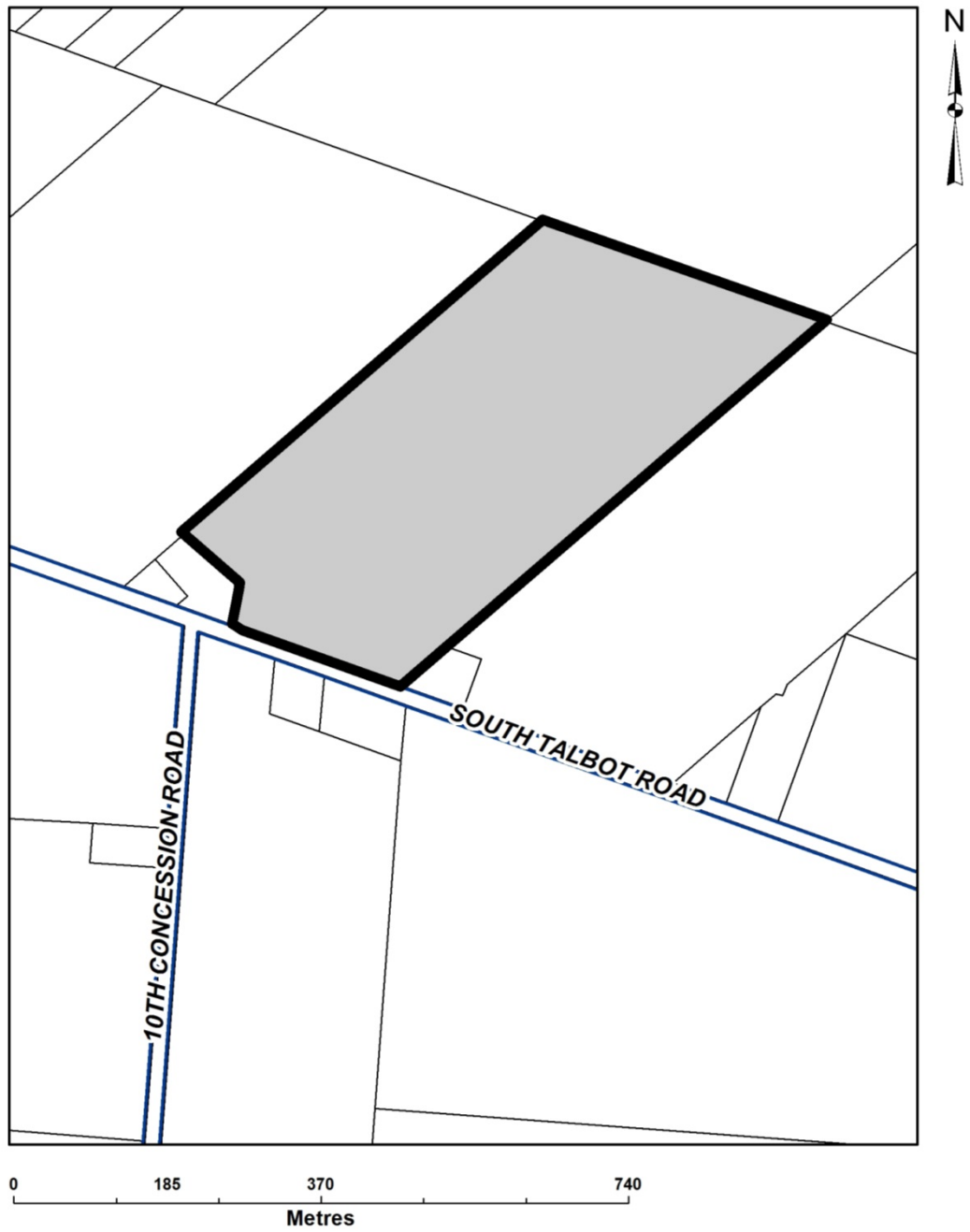
READ a first, second, and third time, and finally passed this 26th day of July, 2016.


“SEAL”

Gary McNamara, Mayor

Laura Moy, Clerk

SCHEDULE "A"
7258 SOUTH TALBOT ROAD
CONCESSION STR, PT. S. 1/2 LOT 295
TOWN OF TECUMSEH



 Change from "A" to "A-26"

This is Schedule "A" to By-law No. 2016-57.
Passed the 26 th day of July 2016

Signed

Mayor

Clerk