



The Corporation of the Town of Tecumseh

Planning & Building Services

To: Mayor and Members of Council

From: Brian Hillman, Director Planning & Building Services

Date to Council: April 13, 2021

Report Number: PBS-2021-18

Subject: Proposed Housekeeping Amendment to Zoning By-law 85-18 to Limit Permitted Uses on Agriculturally Zoned Lands in Settlement Areas
Results of Public Meeting and Adoption of By-law
OUR FILE: D19 HOUS2020

Recommendations

It is recommended:

That a by-law having the effect of amending Zoning By-law 85-18 for all lands zoned “Agricultural Zone (A)” within the settlement areas as delineated in the newly-adopted Town of Tecumseh Official Plan from Agricultural Zone (A) to a site-specific Agricultural Zone (A-33), in order to prohibit livestock intensive agricultural uses, mushroom operations and greenhouse operations, in keeping with PBS-2020-24 and PBS-2021-18, **be adopted**.

Executive Summary

There are currently three separate settlement areas in the Town’s recently-adopted Official Plan that collectively identify areas where long-term urban uses are to be established. Within each of these three settlement areas, future development lands are either within a Future Development designation (requiring further study and Official Plan amendments to determine and identify the ultimate preferred urban land uses) or a specific urban land use designation (such as the Maidstone Hamlet Residential designation). These future development lands in the three settlement areas continue to be zoned Agricultural Zone (A) in the corresponding Zoning By-law, recognizing the current use of the property for farming prior to their development and conversion to urban uses. Although land being used for agricultural uses is a common and normal precursor to the process of urbanization, there are instances where the

introduction of more intensive agricultural uses on these lands can frustrate the long-term objective for their conversion to urban uses.

Accordingly, on October 13, 2020, Council held a public meeting to offer public/agency comment on a proposed housekeeping amendment to the Zoning By-law that would have the effect of placing the properties currently zoned Agricultural Zone (A) and that are within an identified settlement area into a restrictive Agricultural Zone. This restrictive Agricultural Zone would allow agricultural uses with the exception of livestock intensive agricultural uses, mushroom operations and greenhouse operations.

This Report summarizes the comments received at the aforementioned public meeting with Administrative comments, and provides a recommended final course of action.

Background

Current Policy Framework

There are currently three separate settlement areas in the Town's recently-adopted Official Plan that collectively identify areas where long-term urban uses are to be established. These are the Tecumseh North Settlement Area, Oldcastle Hamlet Settlement Area and Maidstone Hamlet Settlement Area (see Attachments 1A, 1B and 1C respectively). Within each of these three settlement areas, future development lands are either within a Future Development designation (requiring further study to determine and identify the ultimate preferred urban land uses to be implemented by Official Plan amendments) or a specific urban land use designation (such as the Maidstone Hamlet Residential designation). All other lands in the Town outside of these settlement areas are either identified in the Official Plan for long-term agricultural use or natural heritage use, with the exception of the lands locally known as the Coxon lands at Manning Road and the 401 that are designated for specific commercial uses.

The future development lands in the three settlement areas continue to be zoned Agricultural in the corresponding Zoning By-law, recognizing the current use of the property for farming prior to their development and conversion to urban uses (see Attachment 2). Although land being used for agricultural uses is a common and normal precursor to the process of urbanization, there are instances where the introduction of more intensive agricultural uses on these lands can frustrate the long-term objective for their conversion to urban uses. More intensive forms of agricultural uses include livestock intensive agricultural uses, mushroom operations and greenhouse operations. There is a significant financial investment in these types of uses that commonly results in them remaining active for an extended period of time, thereby potentially delaying the lands' conversion to urban uses. In some instances, these more intensive forms of agricultural uses may have attributes that create incompatibilities with future urban development.

It was therefore recommended that the Zoning By-law be amended to prohibit these intensive agricultural uses on lands zoned Agricultural located in the settlement areas. A detailed

Planning Analysis on the proposed housekeeping zoning by-law amendment was provided to Council by way of PBS-2020-24.

Public Meeting

On October 13, 2020, Council held a public meeting in accordance with the *Planning Act* to offer public/agency comment on a proposed housekeeping amendment to the Zoning By-law that would have the effect of placing the properties currently zoned Agricultural Zone and that are within an identified settlement area into a restrictive Agricultural Zone. This restrictive Agricultural Zone would allow agricultural uses with the exception of livestock intensive agricultural uses, mushroom operations and greenhouse operations.

At the end of the first public meeting, Council directed Administration to prepare a report addressing the comments received and provide a recommended final course of action on the proposed housekeeping amendment for consideration at a future Regular Council Meeting. This Report has been prepared in accordance with Council's direction.

Comments

Comments Received at October 13, 2020 Public Meeting

The majority of the comments received at the Public Meeting (both verbally and in writing) were related to the opposition of the issuance of a building permit in 2020 for a greenhouse operation (cannabis) on lands located on the south side of King's Highway No. 3, east of the Greenlawn Memorial Cemetery. The building permit was issued based upon, among other things, a greenhouse being a permitted agricultural use in the Agricultural Zone at the time the permit was granted.

The following are the issues raised at the October 13, 2020 Public Meeting that are not related to the above-noted issue. The comments are summarized and followed by Town Administration's response.

Public Comment Provided

- The proposed zoning by-law amendment does not restrict the ability of cannabis being grown in the open-air as a crop.

Administration's Response

The intent of the proposed zoning by-law amendment is to regulate the development of current agricultural lands within an identified settlement area in order to prohibit intensive agricultural uses that have the potential to frustrate the long-term objective for their conversion to urban uses. The growing of a crop (i.e. corn, soy-beans, vegetables, or even cannabis) in the open air does not affect the ability of a property to convert to urban uses in a short period of time once a property Owner decides to develop the lands for urban uses. The intent of the

proposed zoning by-law amendment is to prevent the construction of significant and costly long-term agricultural buildings and structures on a property, not the type of crop that is grown.

Public Comment Provided

- A property owner currently has a number of animals on his/her property that, by definition, would classify the property as a livestock intensive agricultural use. Will the proposed housekeeping by-law render the existing use illegal?

Administration's Response

The proposed zoning by-law amendment will not prohibit any use that was legally in existence prior to the adoption of the by-law. If a livestock intensive agricultural use was in existence prior to Council's adoption of the proposed zoning by-law amendment, that use shall be permitted to continue.

Public Comment Provided

- The proposed zoning by-law amendment is welcomed, however, it should consider permitting small-scale, accessory greenhouses (i.e. garden greenhouses) that are typically associated with a residential use that is located on the property.

Administration's Response

This request appears reasonable when considering that the Zoning By-law currently permits accessory uses to residential uses, subject to appropriately limiting the size of the accessory use, building or structure. Accordingly, the proposed zoning by-law amendment will permit one accessory greenhouse associated with a permitted residential use on a property, in accordance with the Accessory Uses provisions established in subsection 5.27 of Zoning By-law 85-15. In addition, it will establish a maximum size of 70 square metres (753 square feet) for an accessory greenhouse. This building floor area is the existing maximum size permitted for accessory buildings and structures in residentially-zoned areas. Permitting the current standard "10% of lot size" that applies to agriculturally-zoned properties could result in greenhouse structures that are large enough to encumber the longer term development of the property for urban purposes. Therefore, a maximum greenhouse size of 70.0 square metres (753 square feet) is proposed as a permitted accessory building.

Summary

In summary, it is the opinion of the writer, along with Town Administration, that the concerns/issues raised by those in attendance at the public meeting and through written correspondence to the Town have been adequately addressed. It is also the opinion of the writer that the proposed housekeeping zoning by-law amendment is consistent with the Provincial Policy Statement, conforms to the County Official Plan and recently-adopted Town Official Plan and will result in appropriate development based on sound land use planning principles.

Accordingly, Town Administration recommends that Council pass a by-law amending Zoning By-law 85-18 in accordance with PBS-2021-18.

Consultations

None

Financial Implications

None

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	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 ☒

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

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Reviewed by:

Chad Jeffery, MA, MCIP, RPP
Manager Planning Services

Reviewed by:

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

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1A	Tecumseh North Settlement Area Land Use Map
1B	Oldcastle Hamlet Settlement Area Land Use Map
1C	Maidstone Hamlet Settlement Area Land Use Map
2	Lands Zoned Agricultural Within Settlement Areas Map