



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: March 23, 2021

Report Number: PBS-2021-13

Subject: Housekeeping Amendment to Sandwich South Zoning By-law 85-18
Restriction of Cannabis Greenhouse Operations in the Agricultural (A)
Zone in accordance with the Policies of the Tecumseh New Official
Plan
Scheduling of a Public Meeting
OUR FILE: D19 HOUSE202

Recommendations

It is recommended:

That Report PBS-2021-13, entitled “Housekeeping Amendment to Sandwich South Zoning By-law 85-18, Restriction of Cannabis Greenhouse Operations in the Agricultural (A) Zone in accordance with the Policies of the Tecumseh New Official Plan, Scheduling of a Public Meeting”, be **approved**;

And that the scheduling of a public meeting, to be held on April 27, 2021, in accordance with the *Planning Act*, for the proposed housekeeping zoning by-law amendment to the Sandwich South Zoning By-law 85-18 to restrict cannabis greenhouse operations in the Agricultural (A) zone, in accordance with the policies of the Tecumseh new Official Plan, **be authorized**;

And further that a by-law making the development of new mushroom, greenhouse and cannabis greenhouse operations subject to site plan control in accordance with Section 10.4.3 of the new Tecumseh Official Plan, **be adopted**.

Background

On February 23, 2021, Town Council adopted the new Town of Tecumseh Official Plan. The Official Plan was subsequently forwarded to the County of Essex (the Approval Authority) for final approval.

As part of the new Official Plan, specific Agricultural land use and site plan control policies related to greenhouse operations, cannabis greenhouse operations and mushroom operations were established. Specifically, the following land use policies were established for lands designated Agricultural:

“4.1.2 Policies

The following policies shall apply to those lands designated Agricultural on the Land Use Schedules of this Plan:

...

- iv) greenhouse operations including packing and shipping facilities and on-site housing are permitted in the Agricultural designation and the agricultural zones of the Zoning By-law. The aforementioned uses, buildings, and structures are subject to site plan control;
- v) cannabis greenhouse operations including the growing, harvesting, cleaning, packaging, and shipping of cannabis and any other uses related to cannabis production are also permitted in the Agricultural designation but require an amendment to the Zoning By-law and are subject to site plan control. When an application for a by-law amendment to allow a cannabis operation is made, Council shall have due regard to the following:
 - a. the proximity of the proposed operation to existing residential uses and zones;
 - b. the location of the proposed operation and other existing uses with respect to the prevailing winds;
 - c. the introduction of appropriate design details mitigating potential adverse impacts from odour and night light, with the ability to include appropriate terms in a site plan agreement to address such issues; and
 - d. comments and recommendations of the Ministry of Agriculture, Food and Rural Affairs and the Ministry of the Environment, Conservation and Parks;
- vi) mushroom operations including the growing, harvesting, cleaning, packaging, and shipping of mushrooms and any other uses related to mushroom production are also permitted in the Agricultural designation but require an amendment to the Zoning By-law and are subject to site plan control. When an application for a by-law amendment to allow a

mushroom operation is made, Council shall have due regard to the following:

- a. the proximity of the proposed operation to existing residential uses and zones;
- b. the location of the proposed operation and other existing uses with respect to the prevailing winds;
- c. the introduction of appropriate design details mitigating potential adverse impacts from odour, with the ability to include appropriate terms in a site plan agreement to address this issue; and
- d. comments and recommendations of the Ministry of Agriculture, Food and Rural Affairs and the Ministry of the Environment, Conservation and Parks.”

With respect to the requirement for Site Plan Control, the new Official Plan establishes the following:

“10.4.3 Application of Site Plan Control

Expansions to existing and the establishment of new medium and high density residential developments, commercial, industrial, recreational and institutional developments shall be subject to site plan control. **The development of new mushroom, greenhouse and cannabis greenhouse operations shall also be subject to site plan control. The Town’s Site Plan Control By-law will be reviewed and maintained to identify those uses and parameters of the site plan control process.”**

Comments

The existing Zoning By-law allows all types of greenhouses as a permitted use on lands zoned “Agricultural (A) Zone”. In order to implement the change in policy approach contained in the new Official Plan, it is appropriate to amend the Zoning By-law in order to establish that cannabis greenhouse operations are not permitted as-of-right in the Agricultural Zone as they are only to be permitted where the Zoning By-law is amended on a site-specific basis to permit the use. This approach is consistent with the new Official Plan policy. It is noted that the Zoning By-law currently does not allow mushroom operations as a permitted use on lands zoned “Agricultural (A) Zone”, which conforms to the new Official Plan.

Any amendment to the Zoning By-law is subject to the provisions of Section 34 of the Planning Act, which establishes the need for Council to hold a statutory public meeting. Accordingly, it is recommended that Council authorize the scheduling of a public meeting in order to offer stakeholders an opportunity to provide input on the proposed amendment to prohibit cannabis greenhouse operations as-of-right in the Agricultural Zone.

In addition, the Town’s site plan control by-law passed under Section 41 of the Planning Act should be amended to establish that mushroom operations, greenhouse operations and cannabis greenhouse operations are subject to site plan control in accordance with the new Official Plan.

It should be noted that the purpose of this housekeeping zoning by-law amendment is different from the prior housekeeping zoning by-law amendment related to placing properties currently zoned Agricultural (A) Zone **that are within an identified settlement area** into a restrictive Agricultural (A) Zone. The restrictive Agricultural (A) Zone proposed through that housekeeping amendment would continue to allow agricultural uses in settlement areas with the exception of livestock intensive agricultural uses, mushroom operations and all types of greenhouse operations. A public meeting for that housekeeping amendment was held on October 13, 2020 and a follow-up report and draft zoning by-law amendment for consideration of adoption will be brought back to Council in the near future.

Consultations

None

Financial Implications

None

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input 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:

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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
None	