



The Corporation of the Town of Tecumseh

Planning & Building Services

To: Mayor and Members of Council

From: Chad Jeffery, Manager Planning Services

Date to Council: November 27, 2018

Report Number: PBS-2018-40

Subject: Zoning By-law Amendment
Agricultural Surplus Dwelling – 5500 Sexton Side Road
Condition of Consent for Surplus Dwelling Lot (B-06/18)
OUR FILE: D19 5500SE

Recommendations

It is recommended:

1. **That** the scheduling of a public meeting, to be held on Tuesday, January 22, 2019, at 6:30 p.m., for the application submitted by 538073 Ontario Inc., to amend Sandwich South Zoning By-law 85-18 to rezone an approximate 19.4 hectare (48.0 acre) agricultural property situated on the east side of Sexton Side Road (5500 Sexton Side Road), approximately 325 metres south of its intersection with County Road 46, from “Agricultural Zone (A)” to a site specific “Agricultural Zone (A-28)” 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
 - ii) prohibit a livestock facility within the existing farm building, in accordance with the Minimum Distance Separation (MDS) Formula, **be authorized**;
2. **And that** the preparation of a draft zoning by-law amendment for consideration at the same meeting, **be authorized**.

Background

Severance application B-06/18 was granted provisional consent by the Committee of Adjustment at its March 19, 2018 meeting. The application proposed the creation of a 0.4

hectare (1.0 acre) surplus dwelling lot from an agricultural property and the retention of the remnant 19.4 hectare (48.0 acre) agricultural parcel on the east side of Sexton Side Road (5500 Sexton Side Road), approximately 325 metres south of its intersection with County Road 46 (see Attachment 1). The Committee determined that the application conformed to the Land Division Policies for Surplus Dwelling Lots on lands designated Agricultural in the Sandwich South Official Plan.

In addition to standard conditions, the consent was granted subject to the passing of a zoning by-law amendment on the retained 19.4 hectare farm parcel that would prohibit:

- a new residential dwelling, in accordance with the requirements of Section 2.3.4.1 c) of the Provincial Policy Statement; and
- a livestock facility within the existing farm building, in accordance with the Minimum Distance Separation (MDS) Formula.

Based on the foregoing, an application to amend the Sandwich South Zoning By-law 85-18 for the subject retained farm parcel has now been filed with the Town.

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-06/18. In addition, the rezoning will prohibit livestock operations from operating within the existing farm building that is located on the retained farm parcel, as this farm building will be in close proximity to the severed residential dwelling. The zoning will not prevent a new farm building from being constructed on the retained farm parcel for livestock operations if such farm building complies with the Minimum Distance Separation (MDS) Formula.

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 residential uses or 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 conditions of severance application B-06/18, it is necessary to place the 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 and the establishment of a livestock operation within the existing farm building.

Summary

The proposed zoning by-law amendment is in keeping with the Provincial Policy Statement and, if adopted, fulfills the condition of consent for application B-09/16 regarding the prohibition of a new residential dwelling and the establishment of a livestock operation in the existing farm building. 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

None

Financial Implications

None

Link to Strategic Priorities

Applicable	2017-18 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 the Town of 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 the Town 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:

Enrico DeCecco, BA (Hons), MCIP, RPP
Junior Planner

Reviewed by:

Chad Jeffery, MA, MCIP, RPP
Manager Planning Services

Reviewed by:

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

Recommended by:

Tony Haddad, MSA, CMO, CPFA
Chief Administrative Officer

Attachment Number	Attachment Name
1	Property Location Map
2	Official Plan Map
3	Zoning Map





