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Town of Tecumseh
Public Council Meeting
Tuesday, March 12, 2013
6:45 PM
Tecumseh Town Hall

MEETING:

I. CALL TO ORDER

II. ROLL CALL

III. DISCLOSURE OF PECUNIARY INTEREST

IV. 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 19.3 hectare (47.9 acre) agricultural property situated on the east side of County Road 43 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
- ii) prohibit a livestock operation within structures in existence as of the date of the passing of the subject zoning by-law amendment.

V. DELEGATIONS

VI. COMMUNICATIONS

- A. Town of Tecumseh Notice of Public Meeting, Proposed Zoning By-law Amendment - *Re: 3754 County Road 43*
- B. Manager, Planning Services / Senior Planner, February 4, 2013, Report No. 05/13 - *Re: Nostadt / Tracey (Purchaser) Agricultural Surplus Dwelling, Zoning By-law Amendment, 3754 County Road 43, Condition of Consent for Surplus Dwelling Lots (B-13/12)*
- C. Essex Region Conservation Authority (ERCA) - *Re: Notice of Public Meeting re Zoning By-law Amendment, 3754 County Road 43*
- D. The Corporation of the County of Essex, March 4, 2013
Re: Comments re Proposed Zoning By-law Amendment, 3754 County Road 43
- E. Bylaw 2013-09 - *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*

VII. ADJOURNMENT

TOWN OF TECUMSEH
NOTICE OF PUBLIC MEETING

1.6	PRESENTED TO PUBLIC COUNCIL: MARCH 12, 2013
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PROPOSED ZONING BY-LAW AMENDMENT

TAKE NOTICE that the Council of the Corporation of the Town of Tecumseh will hold a public meeting **Tuesday, March 12th, 2013 at 6:45 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 19.3 hectare (47.9 acre) agricultural property situated on the east side of County Road 43 (see Key Map below) 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
- ii) prohibit a livestock operation within structures in existence as of the date of the passing of the subject zoning by-law amendment

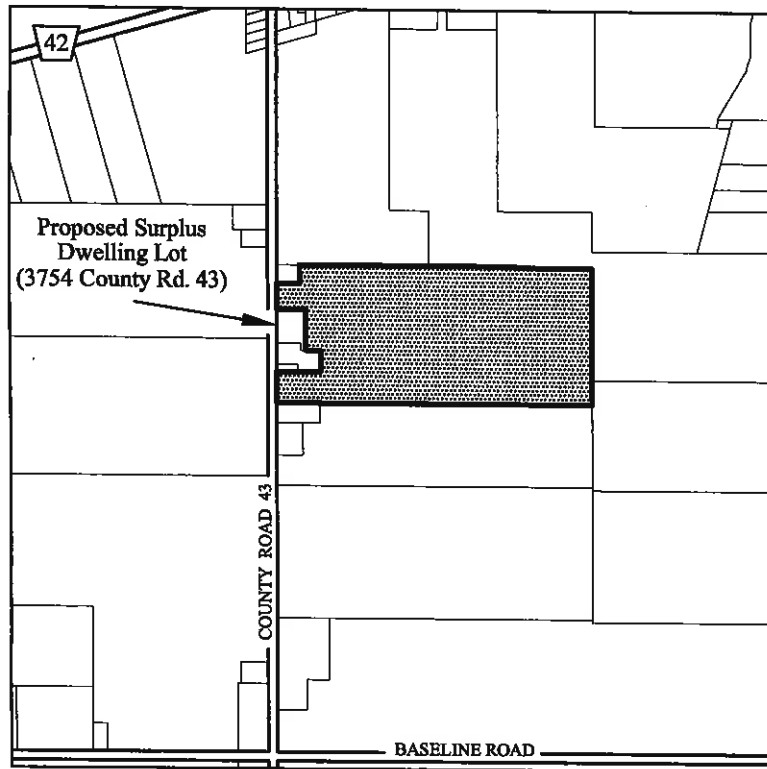
Provisional consent (Application B-13/12) for the severance of a 0.4 hectare (1.0 acre) surplus dwelling lot (3754 County Road 43) from the subject property was granted by the Committee of Adjustment at its October 15, 2012 meeting. As a condition of severance, and in order to conform to Section 2.3.4.1 c) of the PPS, it is necessary 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 that files an appeal of a decision of the Town of Tecumseh in respect of the proposed Zoning By-law amendment does not make oral submissions at a public meeting or make written submissions to the Town of Tecumseh before the proposed Zoning By-law amendment is adopted, the Ontario Municipal Board may dismiss all or part of the appeal.

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 13TH DAY
OF FEBRUARY, 2013.

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



 Area Affected by the
Proposed Amendment



**THE CORPORATION OF THE
TOWN OF TECUMSEH**

**PLANNING AND BUILDING SERVICES
DEPARTMENT
Report No. 05/13**

1.6	3.10
PRESENTED TO PUBLIC COUNCIL: MARCH 12, 2013	PRESENTED TO REGULAR COUNCIL: FEBRUARY 12, 2013

TO: Mayor and Members of Council

FROM: Chad Jeffery, MA, MCIP, RPP
Manager, Planning Services/Senior Planner

DATE: February 4, 2013

SUBJECT: Nostadt / Tracey (Purchaser) - Agricultural Surplus Dwelling
Zoning By-law Amendment
3754 County Road 43
Condition of Consent for Surplus Dwelling Lots (B-13/12)
OUR FILE: D19 NOST

RECOMMENDATIONS:

It is recommended that:

1. The scheduling of a public meeting, to be held on Tuesday, March 12, 2013 at 6:45 p.m., for the application submitted by Ms. Deborah Tracey, to amend the former Township of Sandwich South Zoning By-law to rezone an approximate 19.3 hectare (47.9 acre) agricultural property situated on the east side of County Road 43 (3754 County Road 43) 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
 - ii) prohibit a livestock operation within structures in existence as of the date of the passing of the subject zoning by-law amendment;

be authorized.
2. A draft zoning by-law amendment be prepared for consideration at the same meeting.

BACKGROUND:

Severance application B-13/12 was granted provisional consent by the Committee of Adjustment at its October 15, 2012 meeting. The application proposed the creation of one surplus dwelling lot having a total lot area of 0.4 hectares (1.0 acre) from an agricultural property and the retention of the remnant 19.3 hectare (47.9 acre) agricultural parcel (see Attachment 1). The Committee determined that the application conformed to the relevant Official Plan Land Division Policies for lands designated Agricultural in the Sandwich South Official Plan.

The current Provincial Policy Statement, which came into effect in 2005, establishes the following land division policy for Agricultural lands:

Report 05/13

Nostadt /Tracey (Purchaser) - Agricultural Surplus Dwelling - Zoning By-law Amendment

3754 County Road 43

Condition of Consent for Surplus Dwelling Lots (B-13/12)

OUR FILE: D19 NOST

February 4, 2013

“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 the planning authority ensures that new residential dwellings are prohibited on any vacant 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”*

Provisional consent was granted by the Committee of Adjustment conditional to the passing of a zoning by-law amendment on the retained farm parcel that would prohibit:

- i. a new residential dwelling; and
- ii. a livestock operation within structures in existence as of the date of the passing of the subject zoning by-law amendment. This condition is necessary due to the close proximity of a farm building located to the east of the surplus dwelling. This farm building has the potential to house livestock and to do so would contravene the Minimum Distance Separation (MDS) provisions.

An application to amend the zoning by-law for the subject retained farm parcel has now been filed with the Town.

COMMENTS:

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. Although livestock uses are to be prohibited within existing structures through the proposed zoning by-law amendment, livestock uses would be still be permitted within any new structures on the retained parcel, subject to meeting the MDS provisions, thereby ensuring they are adequately separated from residential dwellings on adjacent properties (including the subject surplus dwelling).

Zoning

The subject property is currently zoned Agricultural Zone (A) (see Attachment 3), which permits agricultural and agricultural related uses, including one single unit dwelling per lot. 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 for application B-13/12, 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 two aforementioned uses. Town Administration does not have any concerns with the proposed site specific rezoning.

Report 05/13

Nostadt /Tracey (Purchaser) - Agricultural Surplus Dwelling - Zoning By-law Amendment

3754 County Road 43

Condition of Consent for Surplus Dwelling Lots (B-13/12)

OUR FILE: D19 NOST

February 4, 2013

Summary

The proposed zoning by-law amendment is in keeping with the Provincial Policy Statement and if adopted, fulfills two of the conditions of consent for application B-13/12 regarding the prohibition of a new residential dwelling and a livestock operation within existing structures. 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:

Encouraging the orderly and proper development for the Town has been identified as a key strategic priority.

Report 05/13
Nostadt /Tracey (Purchaser) - Agricultural Surplus Dwelling - Zoning By-law Amendment
3754 County Road 43
Condition of Consent for Surplus Dwelling Lots (B-13/12)
OUR FILE: D19 NOST
February 4, 2013

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

Prepared by:



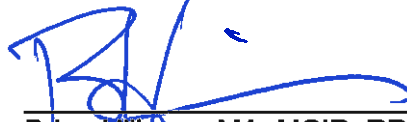
Enrico De Cecco, BA (Hons.), MCIP, RPP
Junior Planner

Reviewed by:



Chad Jeffery, MA, MCIP, RPP
Manager, Planning Services/Senior Planner

Reviewed by:



Brian Hillman, MA, MCIP, RPP
Director of 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 NOST\Report 05-13 - D19 NOST Surplus Dwelling ZBA.docx)

Report 05/13

Nostadt /Tracey (Purchaser) - Agricultural Surplus Dwelling - Zoning By-law Amendment

3754 County Road 43

Condition of Consent for Surplus Dwelling Lots (B-13/12)

OUR FILE: D19 NOST

February 4, 2013



Report 05/13

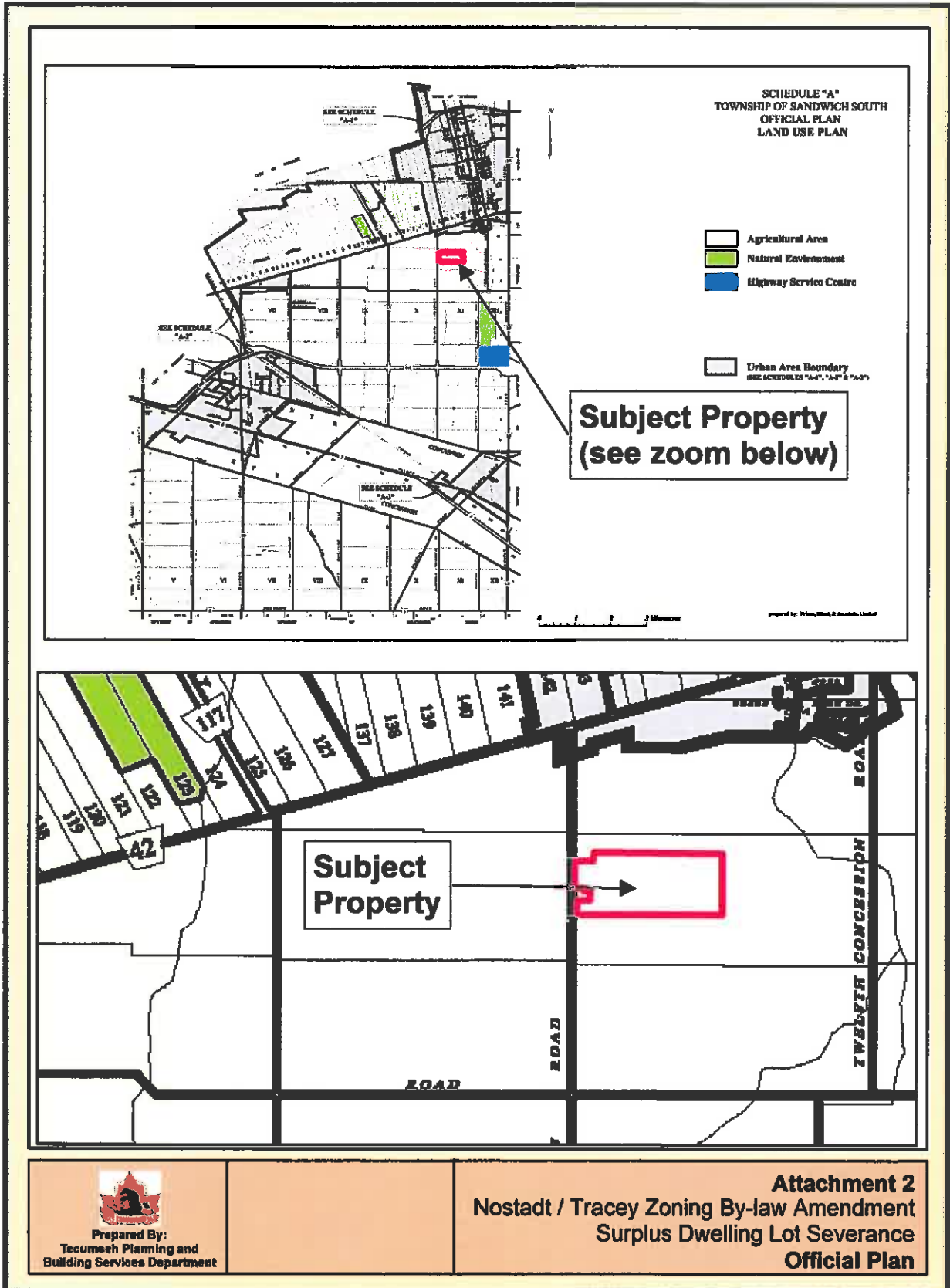
Nostadt /Tracey (Purchaser) - Agricultural Surplus Dwelling - Zoning By-law Amendment

3754 County Road 43

Condition of Consent for Surplus Dwelling Lots (B-13/12)

OUR FILE: D19 NOST

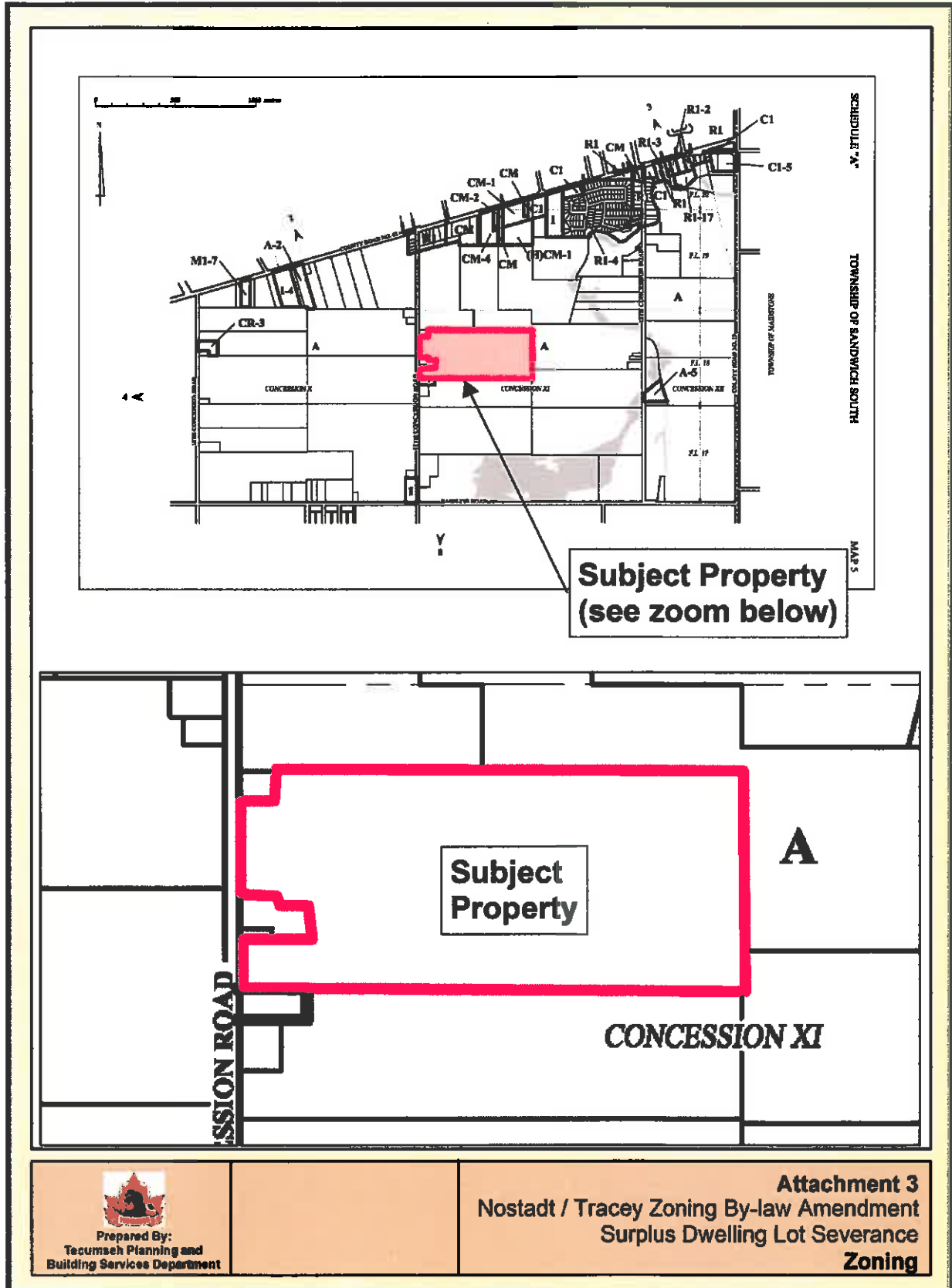
February 4, 2013




Prepared By:
Tecumseh Planning and
Building Services Department

Attachment 2
Nostadt / Tracey Zoning By-law Amendment
Surplus Dwelling Lot Severance
Official Plan

Report 05/13
Nostadt / Tracey (Purchaser) - Agricultural Surplus Dwelling - Zoning By-law Amendment
3754 County Road 43
Condition of Consent for Surplus Dwelling Lots (B-13/12)
OUR FILE: D19 NOST
February 4, 2013




Prepared By:
Tecumseh Planning and
Building Services Department

Attachment 3
Nostadt / Tracey Zoning By-law Amendment
Surplus Dwelling Lot Severance
Zoning



Essex Region
Conservation
Authority

360 Fairview Avenue West, Suite 311, Essex, ON, Canada, N8M 1Y6 | P 519-776-5209 | F 519-776-8688 | erca.org | ourgreenlegacy.org



2012 Board of Directors February 21, 2013

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Gord Queen
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Secretary Treasurer**
Richard Wyma

Member of



Conservation
ONTARIO
Natural Champions

1.6	PRESENTED TO PUBLIC COUNCIL: MARCH 12, 2013
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Ms. Laura Moy, Clerk
Town of Tecumseh
917 Lesperance Road
Tecumseh, ON N8N 1W9

Dear Ms. Moy:

RE: Notice of Public Meeting to Consider Zoning By-Law Amendment (ZBA) - Con 11, Pt Lot 18; 3754 County Road 43; ARN: 37445600004400; PIN: 752380263; Applicant: Debbie Tracey Pf Jack Nostadt; Regulated Area: Lavin Drain And 11th Concession Drain.

The following is provided for your information and consideration as a result of our review of the above referenced Notice of Public Meeting to Consider Zoning By-Law Amendment (ZBA). We note that we have provided past correspondence on this property related to the consent application for surplus dwelling lots (B-13-12).

For the owner's information, we note that portions of the above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the *Conservation Authorities Act*, (Ontario Regulation No. 158/06). Prior to any construction or site alteration, or other activities affected by the regulations, the property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority. In addition, we note that the Lavin Drain and 11th Concession Drain run through the subject parcel. Accordingly, the Department of Fisheries and Oceans (DFO) drain classification system may be applicable should the owner propose future works in the vicinity of this drain such as the installation of a culvert or drainage outlet. These types of proposed works would need to be reviewed in accordance with the federal *Fisheries Act* and may need Federal Authorization with respect to potential fish habitat issues. As detailed in our Level III agreement with the DFO, the ERCA is responsible for the evaluation of proposed works as to their impacts on fish habitat.

We note that we have reviewed the application for zoning by-law amendment and have no concerns relating to stormwater management.

We note that the subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance under the Provincial Policy Statement (PPS).

Based on our review, we have no objections to the application.

.../2



Ms. Laura Moy, Clerk

February 21, 2013

Page 2

If you should have any questions or require any additional information, please do not hesitate to contact the ERCA office by phone at (519) 776-5209 or by fax at (519) 776-8688.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Byrne', with a long horizontal flourish extending to the right.

Tim Byrne

Coordinator of Flood & Erosion Control

/mn

C: Debbie Tracey Pf Jack Nostadt

1.6
PRESENTED TO
PUBLIC COUNCIL:
MARCH 12, 2013



Corporation of the County of Essex
Planning Services

William J. King, AMCT, MCIP, RPP
Manager of Planning Services

March 4, 2013

Ms. Laura Moy, Clerk
Committee of Adjustment
Town of Tecumseh
917 Lesperance Road
Tecumseh, Ontario
N8N 1W2

Feuillets de transmission par télécopieur Post-It™ Fax Note	7671B	Date March 4, 13	# of pages Nbr de pages 1
To / À Laura Moy		From / De Bill King	
Co./Dept. / Cie/Service Town of Tecumseh		Co. / Cie	
Phone # / N° de tél.		Phone # / N° de tél.	
Fax # / N° de télécopieur 519-776-6712		Fax # / N° de télécopieur	

Dear Ms. Moy:

RE: ZBA, Part Lot 18, Concession 11, East Side of County Road No. 43, South of County Road No.42, Municipal Number 3754

Please be advised that the County has reviewed the aforementioned application and the comments provided are engineering related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 43.

The Applicant will be required to comply with the following County Road regulations:

County By-Law Number 2481 – A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.

County By-Law Number 2480 – A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.

The minimum setback for any proposed structures on this property must be 110 feet from the center of the original ROW of County Road No. 43 due to the presence of the 11th Concession Municipal Drain. Applications must be filed with the County to obtain the necessary permits for any changes to existing entrances and structures, or the construction of new entrances or structures.

We are requesting a copy of the Decision of the aforementioned application. Should this application be approved we are requesting a copy of the revised survey plan of the subject lands in order to update our mapping records. Thank you for your assistance and cooperation in this matter.

Sincerely,

William J. King AMCT/MCIP RPP
Manager, Planning Services

13-MAR-05
cc: B. Hillman
E. Decco - SJ

THE CORPORATION OF THE TOWN OF TECUMSEH

BY-LAW NO. 2013-09

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

(D19 NOST – Nostadt Agricultural Surplus Dwelling Severance - 3754 County Road 43)

4.11
PRESENTED TO
REGULAR COUNCIL:
MARCH 12, 2013

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 (2005) 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-13/12 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;

1.6
PRESENTED TO
PUBLIC COUNCIL:
MARCH 12, 2013

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

1. That Schedule "A", Map 5, to By-law 85-18, as amended, is hereby further amended by changing the zoning classification for those lands as depicted on Schedule "A" attached hereto and forming part of this by-law from "Agricultural Zone (A)" to "Agricultural Zone (A-23)".
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 15.3.24 to immediately follow subsection 15.3.23 and to read as follows:

"15.3.24 Defined Area A-24 as shown on Schedule "A", Map 5 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;
- iii) livestock operations within structures in existence as of the date of passing (March 12, 2013) of the By-law incorporating subsection 15.3.24 into Zoning By-law 85-18.

b) Permitted Building and Structures

- i) Buildings and structures for the uses permitted in subsection 15.3.24 a);
- ii) Accessory buildings and structures for the uses permitted in subsection 15.3.24 a)."

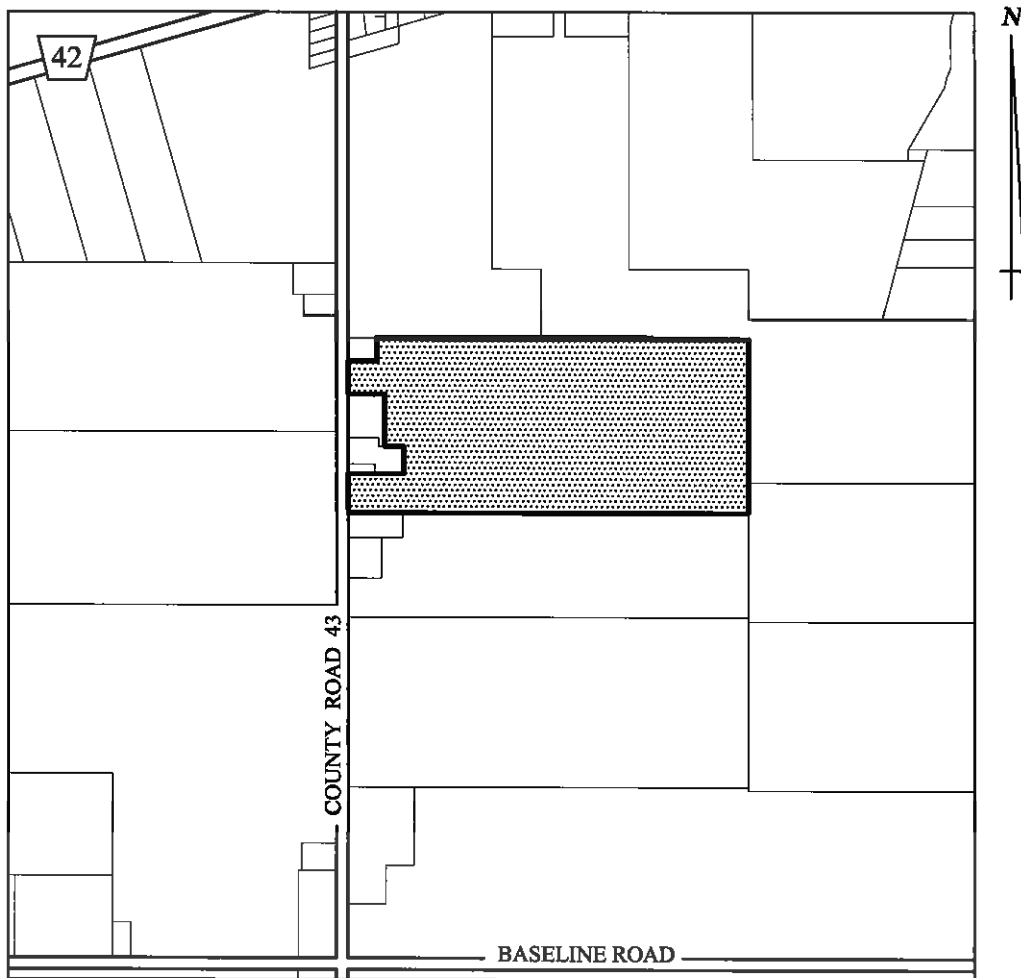
3. This By-law shall take effect from the date of passage by Council and shall come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990*.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 12th DAY OF MARCH, 2013.

Gary McNamara, Mayor

Laura Moy, Clerk

SCHEDULE "A"
 CON 11 W PT LOT 18
 3754 COUNTY ROAD 43
 TOWN OF TECUMSEH



0 400 800 metres



Change from "A" to "A-24"

This is Schedule "A" to By-law No. 2013-09.
 Passed the 12TH day of MARCH, 2013.
 Signed

 Mayor

 Clerk