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TOWN OF TECUMSEH
WWW.TECUMSEH.CA

Town of Tecumseh
Public Council Meeting
Tuesday, May 14, 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 16.5 hectare (40.8 acre) agricultural property situated on the east side of County Road 11 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 (PPS); and
- ii) establish a reduced minimum farm lot area of 16.5 hectares.

V. DELEGATIONS

VI. COMMUNICATIONS

- A. Town of Tecumseh, Notice of Public Meeting, Proposed Zoning By-law Amendment - *Re: Donaldson / Jobin, Agricultural Surplus Dwelling, 6624 County Road 11 (Walker Road)*
- B. Manager, Planning Services / Senior Planner, April 15, 2013, Report No. 12/13 - *Re: Donaldson/Jobin (Purchaser), Agricultural Surplus Dwelling - 6624 County Road 11 (Walker Road), Zoning By-law Amendment, Condition of Consent for Surplus Dwelling Lots (B-11/12)*
- C. Essex Region Conservation Authority (ERCA), April 30, 2013 *Re: Proposed Zoning Bylaw Amendment, 6624 County Road 11 (Walker Road)*
- D. Bylaw 2013-18 - *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, Donaldson / Jobin Agricultural Surplus Dwelling Severance, 6624 County Road 11*
- E. *The Corporation of the County of Essex, May 10, 2013
Re: Zoning Bylaw Amendment, 6624 County Road 11 (Walker Road)*

VII. ADJOURNMENT

TOWN OF TECUMSEH
NOTICE OF PUBLIC MEETING

3.6	PRESENTED TO PUBLIC COUNCIL: MAY 14, 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, May 14th, 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 16.5 hectare (40.8 acre) agricultural property situated on the east side of County Road 11 (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 (PPS); and
- ii) establish a reduced minimum farm lot area of 16.5 hectares.

Provisional consent (Application B-11/12) for the severance of a 0.39 hectare (0.96 acre) surplus dwelling lot (6624 County Road 11) from the subject property was granted by the Committee of Adjustment at its September 17, 2012 meeting. As a condition of severance, and in order to conform to Section 2.3.4.1 c) of the PPS, consideration is being given to the proposed rezoning of the subject property.

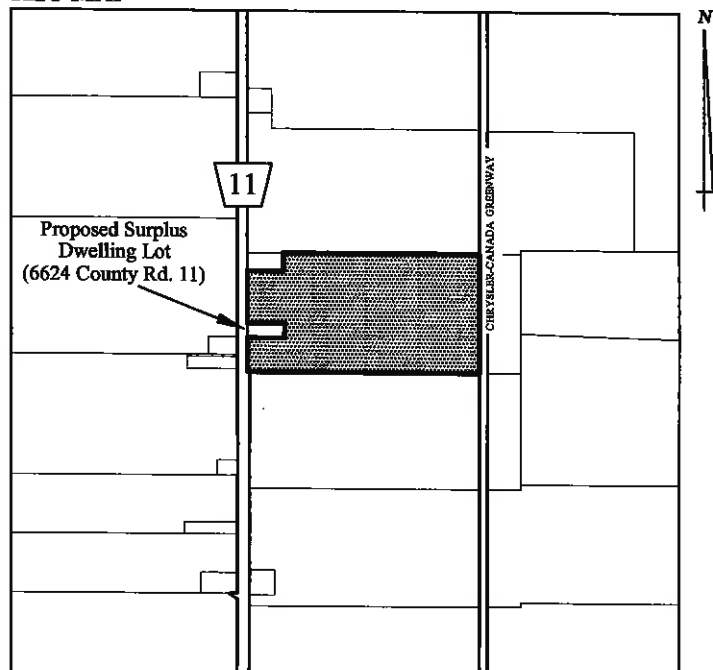
ANY PERSON may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the proposed Zoning By-law amendment.

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 by-law 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 by-law 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 24th DAY
OF APRIL, 2013.

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

0 400 800 metres

 Area Affected by the
Proposed Amendment



THE CORPORATION OF THE
TOWN OF TECUMSEH

PLANNING AND BUILDING SERVICES
DEPARTMENT
Report No. 12/13

3.6
PRESENTED TO
PUBLIC COUNCIL:
MAY 14, 2013

7.10
PRESENTED TO
REGULAR COUNCIL:
APRIL 23, 2013

TO: Mayor and Members of Council

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

DATE: April 15, 2013

SUBJECT: Donaldson / Jobin (Purchaser)
Agricultural Surplus Dwelling - 6624 County Road 11 (Walker Road)
Zoning By-law Amendment
Condition of Consent for Surplus Dwelling Lots (B-11/12)
OUR FILE: D19 JOB3

RECOMMENDATIONS:

It is recommended that:

1. The scheduling of a public meeting, to be held on Tuesday, May 14, 2013 at 6:45 p.m. be approved, for the application submitted by Mr. Norman Jobin, to amend the former Township of Sandwich South Zoning By-law to rezone an approximate 16.5 hectare (40.8 acre) agricultural property situated on the east side of County Road 11 (6624 County Road 11), approximately 2 km south of its intersection with 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
 - ii) establish a reduced minimum farm lot area of 16.5 hectares; and
2. The preparation of a draft zoning by-law amendment for consideration at the same meeting be authorized.

BACKGROUND:

Severance application B-11/12 was granted provisional consent by the Committee of Adjustment at its September 17, 2012 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 16.5 hectare (40.8 acre) agricultural parcel situated on the east side of County Road 11 (6624 County Road 11), approximately 2.0 km south of its intersection with 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:

Report 12/13
Donaldson / Jobin (Purchaser)
Agricultural Surplus Dwelling - 6624 County Road 11 (Walker Road)
Zoning By-law Amendment
Condition of Consent for Surplus Dwelling Lots (B-11/12)
OUR FILE: D19 JOB3
April 15, 2013

- i. prohibit a new residential dwelling; and
- ii. establish a reduced minimum farm lot area of 16.5 hectares.

The Committee's decision was appealed to the Ontario Municipal Board (OMB) by Mr. & Mrs. Matt and Kristen Rau on the basis that the proposed retained lot did not meet the minimum lot area of 19.0 hectares (46.95 acres) established in the Zoning By-law. This appeal, however, was withdrawn prior to the commencement of the OMB hearing. Therefore, in accordance with the provisions of the Planning Act, the OMB will issue a notice advising the approval of the Committee of Adjustment is in full force and effect and that the applicant will have one year from its notice to satisfy the Committee's conditions.

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

COMMENTS:

Provincial Policy Statement

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

"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"*

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-11/12.

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.

Report 12/13
Donaldson / Jobin (Purchaser)
Agricultural Surplus Dwelling - 6624 County Road 11 (Walker Road)
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OUR FILE: D19 JOB3
April 15, 2013

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-011/12, 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.

In addition, the consolidated retained farm parcel created through the provisional consent has a total lot area of 16.5 hectares (40.77 acres). The A Zone establishes a minimum of 19 hectares (46.95 acres). Typically, this type of lot area deficiency would be addressed through a minor variance application. Given that the applicant is already required to submit an application for a Zoning By-law amendment, the Committee attached a condition of consent that requires the undersized farm lot area to be addressed through by the requisite Zoning By-law amendment application. Considering that the original lot area (including the severed residential dwelling lot) was also under the established minimum, and that only the residential component of the original farm parcel is being severed, the proposed retained farm parcel provides for the same amount of farmable land as that which currently exists. As noted previously, the farmable area will remain the same 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.

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-11/12 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:

Identify and facilitate development of appropriate public and private lands to support growth, assessment and changing needs.

Report 12/13
Donaldson / Jobin (Purchaser)
Agricultural Surplus Dwelling - 6624 County Road 11 (Walker Road)
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Condition of Consent for Surplus Dwelling Lots (B-11/12)
OUR FILE: D19 JOB3
April 15, 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:



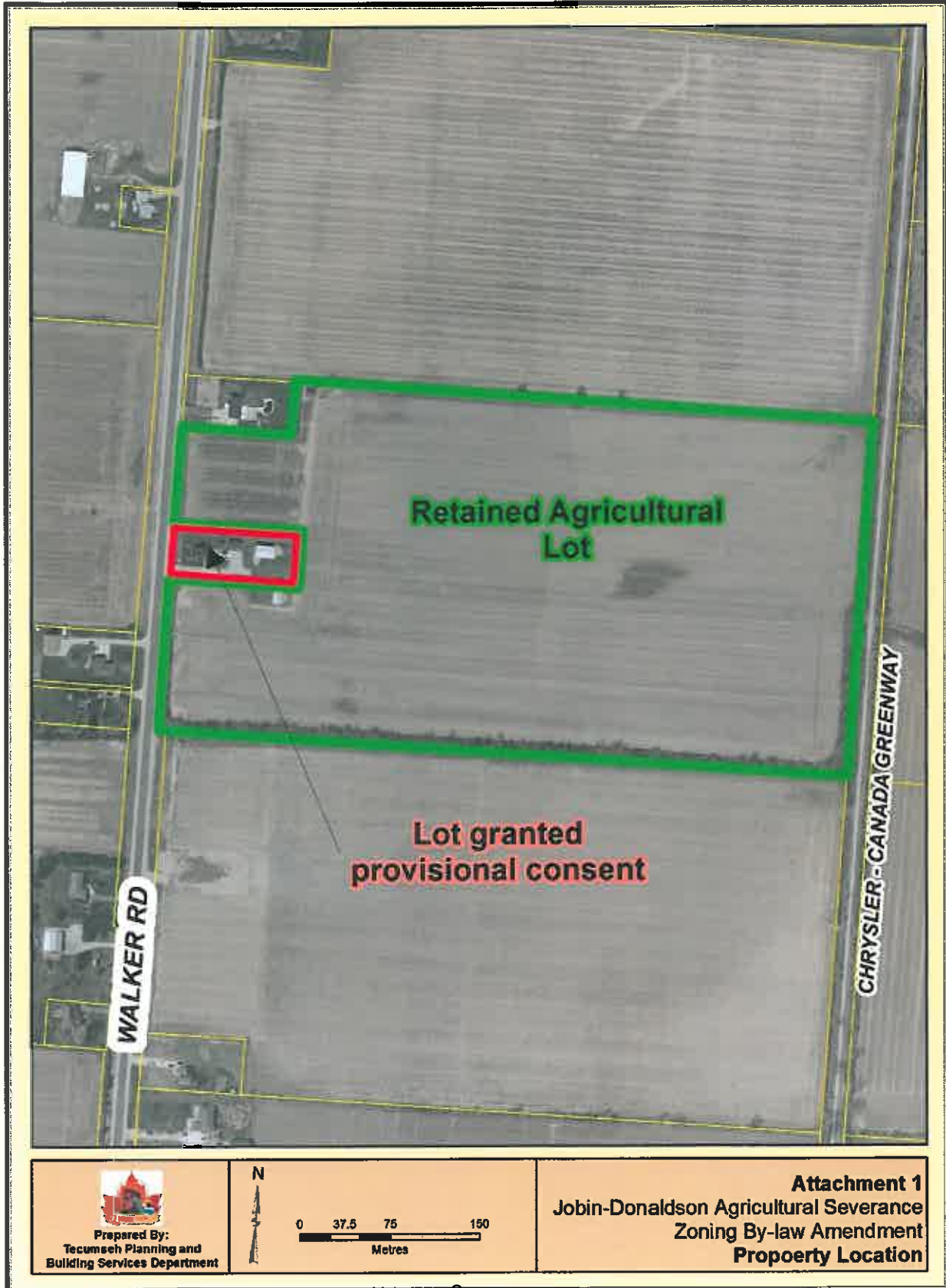
Tony Haddad, MSA, CMO, CPFA
Chief Administrative Officer

ED

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

File Name (R:\ZBA & OPA APPLICATIONS\D19 JOB3 - Jobin - Donaldson\Report 11-13 - D19JOB3 Jobin-Donaldson Surplus Dwelling ZBA.docx)

Report 12/13
Donaldson / Jobin (Purchaser)
Agricultural Surplus Dwelling - 6624 County Road 11 (Walker Road)
Zoning By-law Amendment
Condition of Consent for Surplus Dwelling Lots (B-11/12)
OUR FILE: D19 JOB3
April 15, 2013

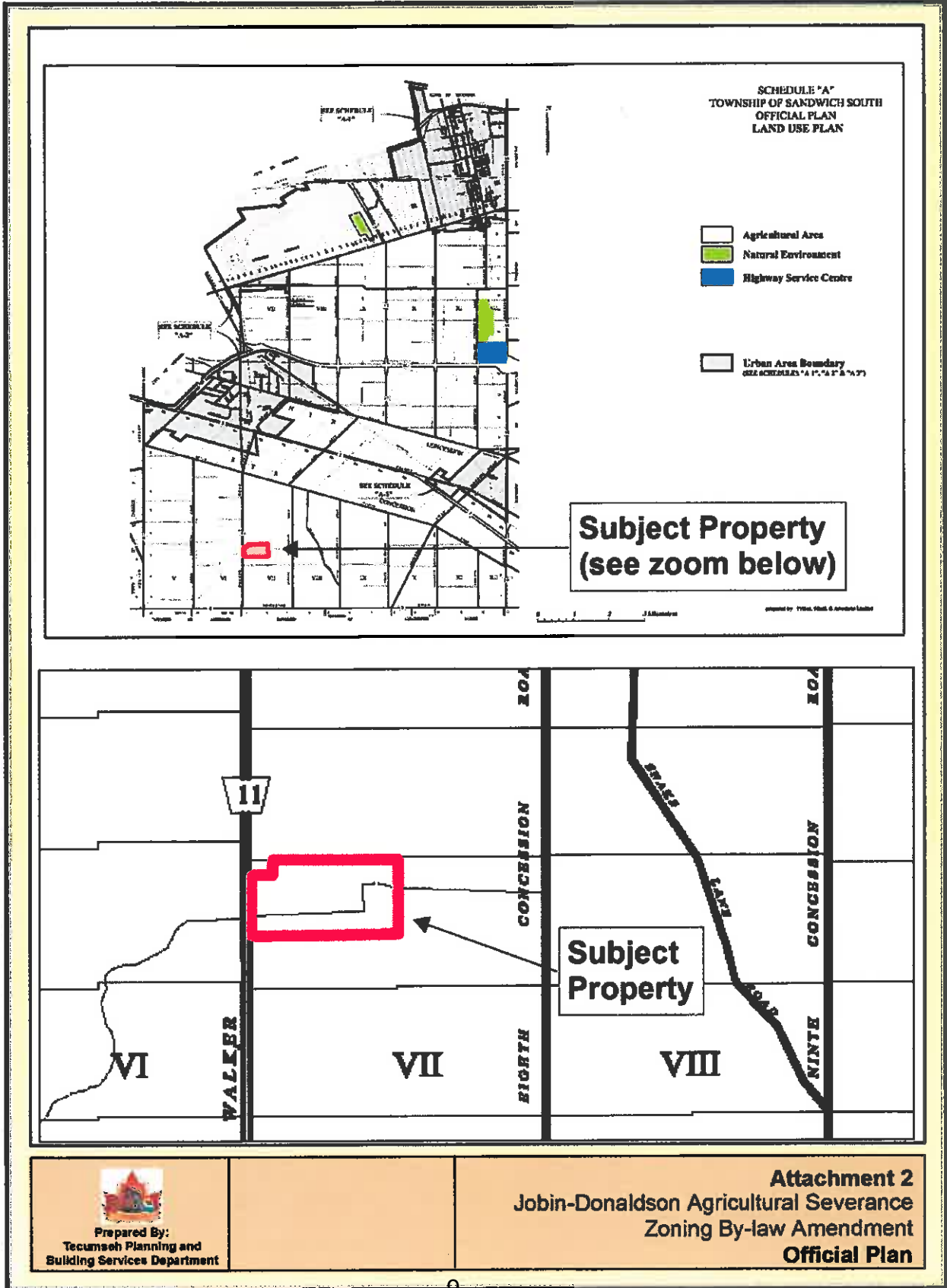



Prepared By:
Tecumseh Planning and
Building Services Department

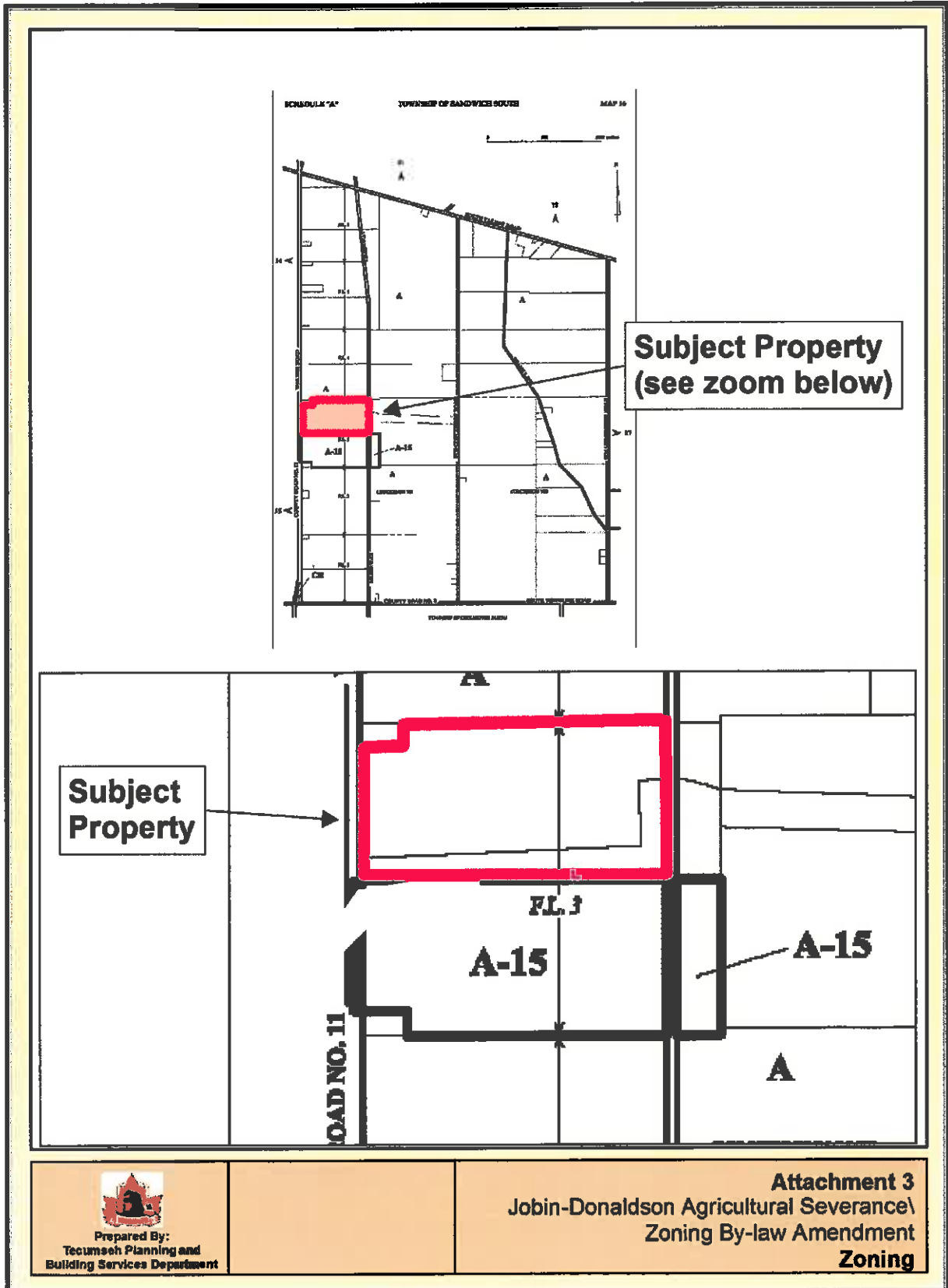
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Attachment 1
Jobin-Donaldson Agricultural Severance
Zoning By-law Amendment
Property Location

Report 12/13
Donaldson / Jobin (Purchaser)
Agricultural Surplus Dwelling - 6624 County Road 11 (Walker Road)
Zoning By-law Amendment
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OUR FILE: D19 JOB3
April 15, 2013



Report 12/13
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OUR FILE: D19 JOB3
April 15, 2013





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

2013 Board of Directors April 30, 2013

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Secretary Treasurer**
Richard Wyma

Member of



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) - Part of Lot 3, Concession 7; 6624 County Road 11; ARN: 374442000000900; PIN: 013990109; Applicant: ; Regulated Area: Merrick Creek 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).

For the owner's information, we note that 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 (specifically any works within the vicinity of the Merrick Creek or the Oldcastle Road Drain, such as the installation of a culvert access or drainage outlet), 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.

The subject property is adjacent to (within 120 metres of), a natural heritage feature that may meet the criteria for significant woodland and/or significant wildlife habitat under the Provincial Policy Statement (PPS). Sections 2.1.4 b) and d) of the PPS state "Development and site alteration shall not be permitted in significant woodlands south and east of the Canadian Shield..." and "significant wildlife habitat... unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions". Section 2.1.6 of the PPS states "Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.3, 2.1.4 and 2.1.5 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions". This demonstration of no negative impact is most effectively accomplished through the completion of an Environmental Impact Assessment (EIA). The Change in zoning to prohibit construction of residential dwelling unit is adequate demonstration of no negative impact.

.../2



Ms. Laura Moy, Clerk

April 30, 2013

Page 2

We note that the subject parcel is adjacent to a property which is owned and/or managed by the Essex Region Conservation Authority. Prior to any construction and/or site alteration activities adjacent to this property, or for general information regarding this ERCA-owned property, please contact Kevin Money, Director, Conservation Services at (519) 776-5209 ext. 351.

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

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
Director, Watershed Management Services
/mn

8.11
PRESENTED TO
REGULAR COUNCIL:
MAY 14, 2013

3.6
PRESENTED TO
PUBLIC COUNCIL:
MAY 14, 2013

THE CORPORATION OF THE TOWN OF TECUMSEH

BY-LAW NO. 2013-18

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 JOB3 – Donaldson / Jobin Agricultural Surplus Dwelling Severance
6624 County Road 11)

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/11-12 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;

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

1. That Schedule "A", Map 16, 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-25)".
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 15.3.25 to immediately follow subsection 15.3.24 and to read as follows:

"15.3.25 Defined Area A-25 as shown on Schedule "A", Map 16 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 15.3.25 a);
- ii) Accessory buildings and structures for the uses permitted in subsection 15.3.25 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, with the exception of the following site specific regulation:

i) Minimum Lot Area 16.5 hectares (40.77 acres) ”

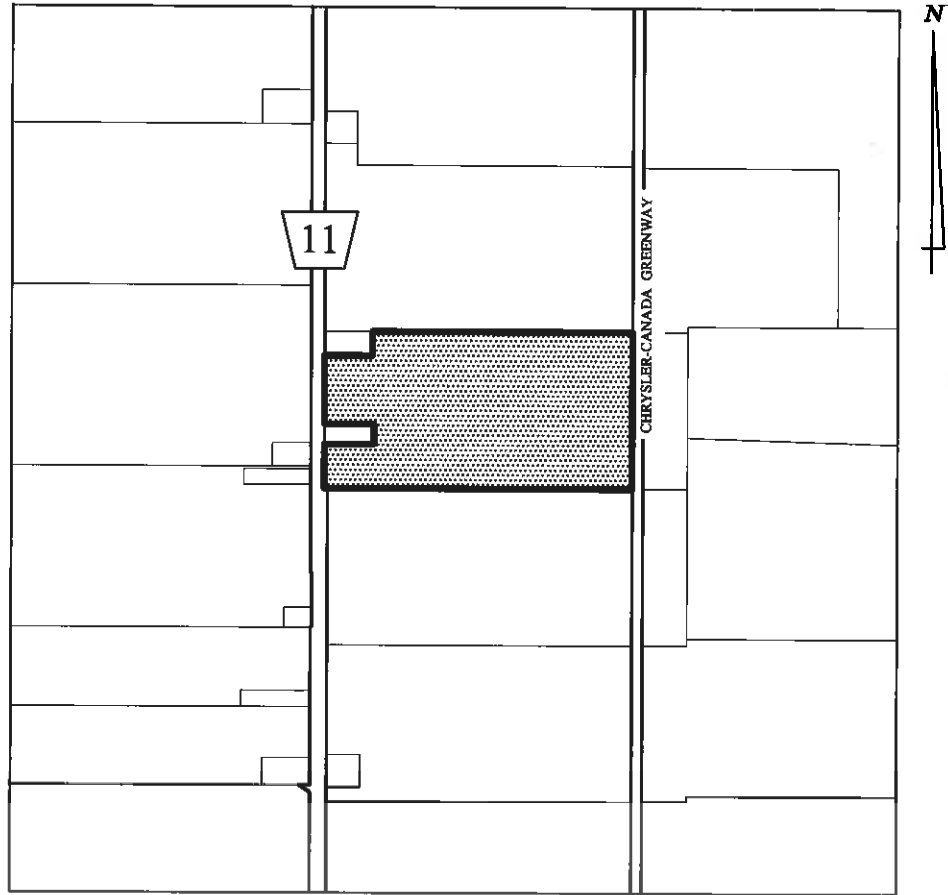
3. This By-law shall take effect from the date of passage by Council and shall come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990*.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 14th DAY OF MAY, 2013.

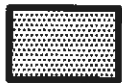
Gary McNamara, Mayor

Laura Moy, Clerk

SCHEDULE "A"
 CON 7 - N PT LOT 3
 6624 COUNTY ROAD 11
 TOWN OF TECUMSEH



0 400 800 metres



Change from "A" to "A-25"

This is Schedule "A" to By-law No. 2013-18
 Passed the 14TH day of MAY, 2013.
 Signed

 Mayor

 Clerk



Corporation of the County of Essex
 Planning Services

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

May 10, 2013

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

Feuillets de transmission par télécopieur		Date	# of pages
Post-It™ Fax Note		7871B	MAY 10, 13
To / À	From / De	# des pages	
Laura Moy	Bill King	1	
Co./Dept. / Cler/Service	Co. / Cie		
Town of Tecumseh			
Phone # / N° de tél.	Phone # / N° de tél.		
Fax # / N° de télécopieur	Fax # / N° de télécopieur		
519 735 6712			

Dear Ms. Moy:

RE: ZBA, Part Lot 3, Concession 7, East Side of County Road No. 11, South of South Talbot Road, Municipal Number 6624 Walker Road

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. 11.

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. 11 due to the presence of the Oldcastle Road 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. Thank you for your assistance and cooperation in this matter.

Sincerely,

William J. King AMCT MCIP RPP
 Manager, Planning Services

3.6
 PRESENTED TO
 PUBLIC COUNCIL:
 MAY 14, 2013