

The Corporation of the Town of Lakeshore

Report to Council

Community & Development Services

Development Services



To: Mayor & Members of Council
From: Tammie Ryall, Director of Community & Development Services
Date: December 7, 2020
Subject: Effects of Greenhouse Development

Recommendation

Direct Administration to prepare an interim control by-law to study the effects of greenhouse development in Lakeshore, as presented in the report of the Director of Community & Development Services presented at the December 15, 2020 Council meeting.

Background

On December 10, 2019, Council passed the following resolution:

Direct Administration to bring back a report regarding a light pollution by-law relating to greenhouses.

This report is provided in response to this resolution.

Comments

Nuisance By-law

Section 129 of the *Municipal Act, 2001*, permits a municipality to “prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors”. These are nuisance-type by-laws. Municipalities commonly use these powers to regulate noise.

The powers under section 129 also permit a municipality to create a permitting system under which a municipality can issue permits for the type of nuisance that is prohibited or regulated. The power includes the power “to impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans”. A nuisance by-law is one method of regulating such nuisances and may be considered along with other planning-related approaches to minimize these types of effects before they become a problem instead of after they become a problem.

Planning Comments

Storey Samways Planning Ltd. was retained to research the topic including: any deficiencies in the Town of Lakeshore Official Plan, and Zoning By-law; and, to research other by-laws that municipalities have passed to regulate the impacts of greenhouse including cannabis operations. Their report is attached as Attachment 1.

An Interim Control By-law is recommended in order to study the success of different approaches to control greenhouse operations.

An Interim Control is a special type of zoning by-law which can be enacted under Section 38 of the Planning Act.

Interim control by-laws put a temporary freeze on some land uses while the municipality is studying or reviewing its policies. The freeze can be imposed for up to one year, with a maximum extension of another year.

There is no ability to appeal an interim control by-law when it is first passed; however, an extension to a by-law may be appealed.

The *Planning Act* provides that an interim control by-law remains in effect past the two-year period if the new zoning by-law which replaces the interim control by-law is appealed to the provincial Local Planning Appeal Tribunal.

Administration recommends that the approach of using an Interim Control By-law be used in order to carry out land use planning studies, including a review of using a nuisance by-law.

Others Consulted

Storey Samways Planning Ltd.

Financial Impacts

There are no immediate financial impacts resulting from the recommendations. If needed, this will be funded from the approved 2021 budget.

Attachment:

Storey Samways Planning Report

Report Approval Details

Document Title:	Effects of Greenhouse Development.docx
Attachments:	- Attachment 1, Lakeshore Options re Nuisance Effects Report (Revised December 9 2020).pdf
Final Approval Date:	Dec 10, 2020

This report and all of its attachments were approved and signed as outlined below:

Tammie Ryall

Kristen Newman