



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: May 25, 2021

Report Number: PBS-2021-27

Subject: Town of Tecumseh New Official Plan
Proposed County of Essex Modifications to Council-Adopted Official
Plan, February 2021
OUR FILE: D08 TNOP

Recommendations

It is recommended:

That the Planning and Building Services Report PBS-2021-27 Town of Tecumseh New Official Plan, Proposed County of Essex Modifications to Council-Adopted Official Plan, **be received**;

And that the modifications proposed by the County of Essex to the Council-Adopted Town of Tecumseh New Official Plan **be endorsed**.

Background

On February 23, 2021, Town Council adopted the new Official Plan for the Town of Tecumseh following an extensive public, stakeholder and agency engagement process which included Public Information Centres (PICs), an on-line engagement platform and a formal Public Meeting. A detailed review of the process undertaken in the preparation of the new Official Plan was provided to Council and the public by way of report PBS-2020-35 dated September 29, 2020 and report PBS-2021-01, dated January 26, 2021.

Subsequent to Council's adoption of the new Official Plan, the document was forwarded to the County of Essex (Approval Authority) for final review and approval. As part of the review process, the County of Essex Planning Department engaged in further discussions with a representative of the Walpole Island First Nation, the Essex Region Conservation Authority

and the Ministry of Municipal Affairs and Housing regarding the policies contained in the new Official Plan.

Through this review process, fifteen proposed modifications to the new Official Plan were identified by the County Planner (see Attachment 1). These proposed modifications were developed in consultation with Town Administration and can be grouped into the following policy areas:

- 1) Additional Residential Units (ARUs)**
- 2) Water Resources and Hazard Lands Policies**
- 3) Indigenous Consultation**
- 4) Other Minor Modifications**

The County Planner has asked that these proposed modifications be reviewed with Council in order to seek its endorsement prior to the new Official Plan, with modifications, being brought forward to County Council for final approval. Accordingly, the following section provides a summary of the proposed modifications along with Administrative comments.

Comments

1) Additional Residential Units (ARUs) (Modifications 6, 7 and 15)

The Planning Act establishes that an official plan shall authorize the use of ARUs by authorizing:

- i) the use of two residential units in a detached house, semi-detached house or rowhouse (townhouse); and
- ii) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse (townhouse).

The Council-adopted new Official Plan permits ARUs only in the Residential and Maidstone Hamlet Residential designations and establishes that ARUs within a primary dwelling are permitted as-of-right whereas site-specific zoning by-law amendments are necessary for a stand-alone ARU.

Upon further review and discussions with MMAH, it has been clarified that the intent of the legislation was in fact to permit ARUs as-of-right in both urban and rural areas and allow for a total of three units per property (the primary dwelling, an ARU within the primary dwelling and an ARU as an ancillary residential use).

Accordingly, the proposed modifications establish the following changes to the policies for ARUs:

- ARUs would be permitted in the **Agricultural** designation within a primary dwelling as-of-right (i.e. without the need for a Zoning By-law amendment) or in a stand-alone building as an ancillary use to the primary dwelling subject to a Zoning By-law amendment. However, only one ARU per property would be permitted in the Agricultural designation and a stand-alone ARU will not be eligible for severance in the future;
- ARUs would also be permitted as-of-right in the **Residential** designation in a stand-alone building as an ancillary use to a single or semi-detached primary dwelling unit, subject to meeting criteria to be established in the implementing Zoning By-law;
- ARUs would also be permitted as-of-right in the **Maidstone Hamlet Residential** designation in a stand-alone building as an ancillary use to a single or semi-detached primary dwelling unit, subject to meeting criteria to be established in the implementing Zoning By-law. Further, both types of ARUs would be permitted in advance of full municipal services on lots having a private on-site sewage service, subject to the approval of the Town's Building Department. If serviced by a private on-site sewage service, only one ARU would be permitted on the property.

It is believed that the proposed modifications balance the directive of the Planning Act with the growth management policies and planning principles contained in the Provincial Policy Statement, County of Essex Official Plan and the new Tecumseh Official Plan and are supported by Administration.

2) **Water Resources and Hazard Lands Policies (Modifications 8 and 9)**

The proposed modifications make the following changes to the Water Resources and Hazard Lands policies as a result of further consultation with ERCA representatives:

- under the Source Water Protection policies, the terms Intake Protection Zone 3 and Event Based Area have been more clearly defined and related policies have been added;
- policy language has been added which establishes that the Town will notify the Source Protection Authority and Source Protection Committee of proposals to engage in an activity that may result in the creation of a new transport pathway or the modification of an existing transport pathway, which may include, but not be limited to a modification to a surface watercourse or municipal drain; and
- under subsection 5.5.1, Limit of the Regulated Area (LORA), the scope of what constitutes the LORA has been broadened.

The foregoing are technical modifications which provide clarity and are supported by Administration.

3) Indigenous Consultation (Modification Nos. 1, 2, 11, 13 and 14)

As a result of consultation between the County Planning Department and a representative of Walpole Island First Nation, minor changes were made to a number of policies in the adopted OP. The changes are intended to better reflect the direction of the PPS 2020 and to clarify that consultation is to be held with Indigenous communities generally, above and beyond providing input into planning documents, including on matters of cultural heritage resources and natural heritage preservation.

The foregoing modifications are supported by Administration.

4) Other Minor Modifications (Modifications 3, 4, 5, 10 and 12)

Modification 3 – clarifies that mobile homes are permitted as garden suites.

Modification 4 – establishes that climate change impacts can also be reduced through the development review process and the preparation of secondary plans, master plans, and local comprehensive reviews.

Modification 5 – enhances the Accessibility/Universal Design policies by establishing that development applications will be reviewed in such a manner to ensure that accessibility for persons with disabilities and the elderly will be improved and by removing land use barriers which restrict their full participation with the community.

Modification 10 – adds the County of Essex as a road authority to be consulted where a proposed lot severance fronts a County Road.

Modification 12 – establishes that Temporary Use By-laws for garden suites can be granted by Council for a period of up to 20 years, consistent with the Planning Act.

The foregoing modifications are supported by Administration.

Next Steps in the New Official Plan Process

Upon Council's endorsement of the proposed modifications, the County Planner will provide a recommendation to County Council to approve the Town of Tecumseh New Official Plan as adopted by Town Council with the noted modifications. Subsequent to its approval, notice of the decision will be provided by the County and appeal rights will be available in accordance with the provisions of the Planning Act.

Consultations

County of Essex Planning

Essex Region Conservation Authority

Financial Implications

None

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" 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 checked="" 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 checked="" 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:

Chad Jeffery, MA, MCIP, RPP
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**

1

Proposed County Modifications to the Town of Tecumseh Adopted
Official Plan, February 2021