



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: July 27, 2021

Report Number: PBS-2021-40

Subject: Zoning By-law Amendment (Additional Residential Unit)
Cameron and Margaret Brown
12305 County Road 34
Scheduling of a Public Meeting
OUR FILE: D19 12305C34

Recommendations

It is recommended:

That the scheduling of a public meeting, on September 14, 2021 at 5:00 p.m., in accordance with the *Planning Act*, for the application submitted by Cameron and Margaret Brown to amend the Zoning By-law 85-18 by rezoning a 0.57 hectare (1.4 acre) property situated on the south side of County Road 34, approximately 500 metres west of its intersection with Manning Road (12305 County Road 34), from “Hamlet Residential Zone (RH)” to a site-specific “Hamlet Residential Zone (RH-6)” in order to facilitate the construction of one additional residential unit (ARU) on the property, in accordance with subsection 11.2.3 of the Town of Tecumseh Official Plan, **be authorized**.

Executive Summary

A zoning by-law amendment application has been filed in order to change the zoning pertaining to a 0.57 hectare (1.4 acre) property situated on the south side of County Road 34, approximately 500 metres west of its intersection with Manning Road (12305 County Road 34), from “Hamlet Residential Zone (RH)” to a site-specific “Hamlet Residential Zone (RH-6)” in order to facilitate the construction of one additional residential unit (“ARU”) on the property, in accordance with subsection 11.2.3 of the Town of Tecumseh Official Plan (“Tecumseh OP”). This Report is requesting the scheduling of a public meeting related to the proposed zoning by-law amendment in accordance with the requirements of the *Planning Act*. The preparation of

draft ARU design regulations will be undertaken for presentation to Council through this rezoning process.

Background

Subject Property and Surrounding Area

Cameron and Margaret Brown (“the Applicants”) own a 0.57 hectare (1.4 acre) property situated within the Maidstone Hamlet Settlement Area on the south side of County Road 34, approximately 500 metres west of its intersection with Manning Road and known municipally as 12305 County Road 34 (“subject property”) (see Attachment 1). The subject property, currently occupied by a 241 square metre (2,600 square foot) single-unit residential dwelling, is located at the easterly extent of a tier of single-unit dwellings situated on relatively deep lots fronting on the south side of the County Road 34. Directly across County Road 34 to the north are another tier of single unit dwellings beyond which are agricultural lands. A cemetery, elementary school, church and park are located further to the west across County Rd 34. To the east are a few single unit dwellings and agricultural lands while the former railway right-of-way lands abut to the south, beyond which are more agricultural lands that front the north side of Highway No. 3 (see Attachment 2).

Zoning By-law Amendment Application

Over the past year, the Applicant has been in discussions with Town Administration regarding the proposed construction of one ARU on the rear (southern) portion of the subject property, behind the existing dwelling. This ARU would be constructed to initially allow for a relative of the Applicants to move to the property and live in an independent stand-alone residential dwelling unit separate from the existing home which is occupied by the Applicants. The Applicants have provided a preliminary site plan, floor plan and architectural elevations that provide details of the proposed ARU (see Attachments 3, 4 and 5 respectively) which are summarized as follows:

- a one-storey, 172 square metre (1,860 square foot) ARU to be located approximately 41 metres (135 feet) to the south of the existing single-unit dwelling. The ARU would have a minimum side yard depth of 4.5 metres (15 feet) and a minimum rear yard depth of approximately 66 metres (219 feet). The driveway that services the existing residence will be extended to the ARU to provide vehicular access and parking;
- the front (northern) portion of the proposed ARU is a three-car garage serving both the ARU and the main dwelling on the lot. The balance of the ARU comprises two bedrooms, one bathroom, a living room, a dining/kitchen area and a laundry room. In addition, an outdoor patio area is proposed along the south side of the ARU; and
- all utilities/services (gas, hydro, municipal water, etc.) other than sanitary/septic services for the ARU are proposed to be provided by connecting to the services from the existing

dwelling. The ARU is proposed to be serviced by a new on-site septic system to be designed and installed by a qualified designer/installer. The location of the new septic system will be determined at a later date in accordance with the Ontario Building Code. In addition, the location of the existing septic system (which provides service to the existing dwelling) will be confirmed prior to the design of the new system for the ARU. Based on the size of the proposed ARU and the significant area of the subject property, Town Administration believes that the second septic system for the ARU can be accommodated. The Applicant has been advised that resolution of all servicing issues will be required prior to any building permit being issued to facilitate the construction of the ARU.

Based on the foregoing, the Applicant has filed an application with the Town to amend Zoning By-law 85-18 for the subject property in order to rezone the property from "Hamlet Residential Zone (RH)" to a site-specific "Hamlet Residential Zone (RH-6)" in order to facilitate the construction of the ARU, in accordance with subsection 11.2.3 v) of the Tecumseh OP.

Comments

Provincial Policy Statement

The *Planning Act* establishes that Council, when making decisions that affect a planning matter, "shall be consistent with" the 2020 Provincial Policy Statement ("PPS") issued under the *Planning Act*.

There are a number of policies within the PPS that support the applications for the proposed ARU. The following are the relevant excerpts from the PPS:

"1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, livable and safe communities are sustained by:

...

- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons)...

...

- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;

1.1.3 Settlement Areas

1.1.3.1 Settlement areas shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion.

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

...

b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes...; and
2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;

c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;

...

f) establishing development standards for residential intensification, redevelopment and new residential development

which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.”

In summary, the PPS encourages and supports development on lands that are identified for urban growth in approved settlement areas. It also establishes that the Town should be supporting and promoting residential infill development that results in a more compact built form and makes more efficient use of existing services while offering a range of housing forms/types to meet expected needs. Based on the foregoing, it is the opinion of the writer that the application to amend the zoning by-law to facilitate the proposed construction of an ARU on the subject property is consistent with the PPS.

County of Essex Official Plan

The subject lands are situated within a Secondary Settlement Area identified in the County Official Plan (“County OP”). Secondary Settlement Areas are small hamlets or villages that have been historically identified in local Official Plans and have varying levels of community investment such as partial services or public buildings. The County OP establishes that new development will be permitted within the boundaries of the Secondary Settlement Areas provided such development is consistent with the PPS, the intent of the County OP and the policies of the local Official Plan.

Subsection 3.2.5 g) ii) of the County OP establishes that new development will generally be limited to infilling ... and limited residential intensification.

With respect to ARUs, the County OP contains the following policy direction:

“3.2.8 Affordable Housing

The County supports the provision of affordable housing for low and moderate income households through the following policies:

...

- f) The County generally permits second dwelling units within all single detached, semi-detached, and townhouse dwelling units where a residential unit is not permitted in an ancillary structure to those house types on the property. If the principle residential dwelling on the property contains only a single residential unit, then an accessory structure may contain the second dwelling unit on the property.

Local municipal Official Plans and implementing Zoning By-laws, will contain detailed policies and provisions relating to second dwelling units which generally support their creation, including but not limited to the following:

- i) Areas of the municipality where second dwelling units would be inappropriate such as floodprone areas or areas with inadequate servicing.
- ii) Minimum unit size, access and parking requirements.
- iii) Whether second dwelling units will be phased into new developments, at the time of development/design/construction.
- iv) The health and safety requirements for second dwelling units to be contained within an accessory structure.
- v) Garden suites.”

Accordingly, it is the opinion of the writer that the application to amend the zoning by-law to facilitate the proposed construction of an ARU is in keeping with the policy direction of the County OP.

Tecumseh Official Plan

The subject property is located in the Maidstone Hamlet Settlement Area and is designated “Maidstone Hamlet Residential” on Schedule “B-3” of the Tecumseh OP (see Attachment 6). Subsection 11.2.3 v) establishes the following criteria for the establishment of a stand-alone ARU:

- “v) a stand-alone ARU, as an ancillary use to a single unit detached or semi-detached dwelling unit shall be permitted, subject to the following criteria:
 - a. the ARU is subordinate to the primary dwelling on the lot;
 - b. the ARU can be integrated into its surroundings with negligible visual impact to the streetscape;
 - c. the ARU is compatible in design and scale with the built form on the lot and the surrounding residential neighbourhood in terms of massing, height and visual appearance;
 - d. there are full municipal services and no servicing constraints, except where the property is not yet serviced by municipal sanitary sewers, consideration may be given to a private on-site sewage service subject to approval of the Town’s Building Department and there is no other ARU or garden suite on the property; and
 - e. other requirements such as parking, access, stormwater management, tree preservation, landscaping and the provision of amenity areas are adequately addressed.”

The foregoing policy was included in the Town's recently approved Official Plan to implement subsection 17(3) of the Planning Act which establishes that an official plan shall authorize the use of an ARU in a detached house, semi-detached house or rowhouse as well as in a structure ancillary to one of these dwelling types. This is a very clear legislative statement that fundamentally requires the municipality to accommodate this type of housing intensification opportunity. The Province views this approach as one of the ways to address housing affordability, responding to changing demographics, ensuring the optimization of municipal infrastructure and achieving sustainable compact communities.

Based on the foregoing policy and Planning Act requirement and a review of the preliminary site plan, floor plan and architectural elevations of the ARU, it appears that the application to amend Zoning By-law 85-18 to permit an ARU on the subject property generally conforms to the Official Plan.

However, concurrent with the requisite public and agency consultation process required through the zoning by-law amendment process, Town Administration will establish a list of site design regulations that will be used to evaluate the proposed ARU and all future ARUs that are proposed in the Town. These design regulations along with a final recommendation on this proposed application will be brought forward for Council consideration by way of a future report. The Applicant has been advised that the final design regulations that are approved may require revisions to the size/design/location of the ARU proposed through the preliminary drawings received.

Zoning By-law 85-18

The subject property is currently zoned "Hamlet Residential (RH)" in Zoning By-law 85-18 (see Attachment 7). The RH Zone permits the single-unit dwelling located on the property. As per the policy direction in the Tecumseh Official Plan, regulations permitting urban area ARUs as-of-right, without the need for a zoning by-law amendment, have yet to be incorporated into the comprehensive zoning by-laws governing development throughout Tecumseh. A work program with respect to this issue is under development by Administration. In the interim, until this matter is addressed in a more comprehensive manner, it is proposed that the establishment of ARUs be subject to a zoning by-law amendment and to the aforementioned guidelines to be developed during this current site-specific rezoning process.

Zoning By-law Amendment Procedures in the Tecumseh OP

Section 10.18, Amendment Procedures, of the Tecumseh OP establishes that due regard shall be given to the following matters when contemplating a zoning by-law amendment:

- i) the degree of conformity of the proposed amendment to the general intent and philosophy of this Plan, particularly the planning principles as set out in Section 2.3, and consistency with provincial policy;

- the proposed amendment generally conforms to the policies of the Official Plan and, as noted earlier in this Report, is consistent with the PPS. It is important to note that the Planning Act also clearly establishes that ARUs are to be permitted;
- ii) the availability and suitability of land already designated for the proposed use, and the need for (or market feasibility of) the proposed use;
 - the subject lands are designated to permit the use proposed by the application. The rezoning simply implements the policies of the Official Plan.
- iii) the compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, with adjacent and planned uses;
 - the proposed ARU is considered residential intensification and is compatible with the surrounding residential uses.
- iv) the ability of the Town's infrastructure to accommodate the proposal;
 - as noted above, the all utilities/services (gas, hydro, municipal water, etc.) other than sanitary/septic services for the ARU are proposed to be provided by connecting to the services from the existing dwelling. The ARU is proposed to be serviced by a new on-site septic system to be designed and installed by a qualified designer/installer. The location and size of the new septic system will be determined in accordance with the Ontario Building Code.
- v) The adequacy of the transportation system to accommodate the proposal;
 - the construction of the ARU will not create any adverse impacts on the operation of the abutting roadway network.

Summary

The proposed zoning by-law amendment is consistent with the Provincial Policy Statement and the Planning Act and conforms to both the County OP and Tecumseh OP. Based on the foregoing, consideration of the proposed site-specific zoning by-law amendment is warranted along with the development of draft ARU design regulations. 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. A follow-up report will be provided to Council identifying any issues that are identified (if any), the aforementioned design regulations and a final recommendation on the application.

Consultations

Public Works & Environmental Services

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 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 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:

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Reviewed by:

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Director Planning & Building Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Property Location Map
2	Property Location and Surrounding Land Uses Map
3	Preliminary Site Plan
4	Preliminary Floor Plan
5	Preliminary Architectural Elevations
6	Official Plan Map
7	Zoning Map