



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: June 22, 2021

Report Number: PBS-2021-30

Subject: Zoning By-law Amendment (Condition of Consent Application B-07/21)
John White
5648 North Talbot Road
Scheduling of a Public Meeting
OUR FILE: D19 5648NTR

Recommendations

It is recommended:

That the scheduling of a public meeting, on July 27, 2021 at 6:30 p.m., in accordance with the *Planning Act*, for the application submitted by John White to amend the Sandwich South Zoning By-law 85-18 by rezoning a 0.78 hectare (1.93 acre) property situated on the north side of North Talbot Road, approximately 110 metres (360 feet) west of its intersection with 9th Concession Road (5648 North Talbot Road), from “Agricultural Zone (A-33)” to “Hamlet Residential Zone (RH)” in order to facilitate the creation of one new residential lot and the future construction of one single-unit dwelling, **be authorized**.

Executive Summary

A zoning by-law amendment application has been filed in order to change the zoning pertaining to a 0.78 hectare (1.93 acre) property situated on the north side of North Talbot Road, approximately 110 metres (360 feet) west of its intersection with 9th Concession Road (5648 North Talbot Road) from “Agricultural Zone (A-33)” to “Hamlet Residential Zone (RH)” in order to facilitate the creation of one new residential lot and the future construction of one single-unit dwelling. The subject property is also the subject of Consent Application B-07/21 which was approved by the Committee of Adjustment at its May 31, 2021 meeting thereby providing provisional consent to the creation of the aforementioned new residential lot. One of

the conditions of consent was that both the proposed severed and retained lots be rezoned "Hamlet Residential Zone (RH)", in accordance with the consent policies of the Official Plan. 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*.

Background

Subject Property and Surrounding Area

John White ("the Applicant") owns a 0.78 hectare (1.93 acre) property situated on the north side of North Talbot Road, approximately 110 metres (360 feet) west of its intersection with 9th Concession Road (5648 North Talbot Road) "subject property" located within the Oldcastle Hamlet Settlement Area (see Attachment 1). The subject property is currently occupied by a single-unit residential dwelling that is part of a tier of single-unit dwellings situated on relatively deep lots fronting on the north side of the North Talbot Road between Weston Park to the west and 9th Concession Road to the east. The former railway right-of-way abuts the subject property to the north, beyond which are vacant lands currently used for agriculture fronting the south side of County Road 46. Across North Talbot Road to the south is another tier of single-unit dwellings beyond which are situated agricultural lands. An abattoir is located approximately 400 metres to the southwest of the subject property (see Attachment 2).

Committee of Adjustment Consent Application

Consent Application B-07/21 was filed with the Town by the Applicant in order to divide the property into two separate parcels. This application was approved by the Committee of Adjustment at its May 31, 2021 meeting. The effect of the consent application was to:

- i) sever a vacant residential lot having a frontage of 30.48 metres (100 feet), an irregular depth and an approximate lot area of 2907 square metres (0.72 acres); and
- ii) retain a lot containing an existing dwelling, detached garage and a shed, having a frontage of 61.1 metres (200.5 feet), an irregular depth and an approximate lot area of 4883.9 square metres (1.2 acres) (see Attachment 3).

The lands are designated "Residential" in the Town of Tecumseh Official Plan and zoned "Agricultural Zone (A-33)" in the Sandwich South Zoning By-law (see Attachments 4 and 5). One of the conditions of consent was that both the severed and retained lots be rezoned "Hamlet Residential Zone (RH)", in accordance with the consent policies of the Official Plan. The proposed severed lot would be serviced by municipal piped water and a private septic facility, pending the extension of municipal sanitary sewers to this area.

Zoning By-law Amendment Application

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 “Agricultural Zone (A-33)” to “Hamlet Residential Zone (RH)” to facilitate the future construction of one single-unit detached dwelling on the newly created vacant lot.

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 residential development. The following are the relevant excerpts from the PPS:

“1.1.3 Settlement Areas

- 1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.
- 1.1.3.2 Land use patterns within settlement areas shall be based on 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.”

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 a residential dwelling on the proposed severed lot is consistent with the PPS.

County of Essex Official Plan

The subject lands are situated within a Primary Settlement Area identified in the County Official Plan. As with the PPS, the County Official Plan directs that future urban development be directed to fully serviced settlement areas. While the subject property is not currently serviced by municipal sanitary sewers, it is within an urban settlement area where the Town has been, and is continuing with, the installation of sanitary sewers. In the interim, single-unit residential infilling lots serviced by a private septic facility in accordance with the Ontario Building Code is acceptable.

Accordingly, it is the opinion of the writer that the application to amend the zoning by-law to facilitate the proposed construction of a residential dwelling on the proposed severed lot is in conformity with the County of Essex Official Plan.

Tecumseh Official Plan

The subject property is located in the Oldcastle Hamlet Settlement Area and is designated "Residential" on Schedule "B-2" of the Tecumseh Official Plan (see Attachment 4). The policies permit the severance of the land for residential uses, however the consent policies, under subsection 6.4 iv), state:

- "iv) consents shall be granted only if they comply with the provisions of the Town's Zoning By-law. Where a by-law amendment or minor variance is necessary, it shall be a condition of the decision."

Based on the foregoing policy, and the fact that the subject property is designated "Residential" and intended for residential use, approval of a zoning by-law amendment in order to place the lands into the "Hamlet Residential Zone (RH)" is appropriate and necessary.

Subsection 8.2.2 i) of the Official Plan establishes that new development shall be directed to the Settlement Areas and that higher order forms of servicing, including municipal water and sanitary sewer services, are the preferred form of service infrastructure. Notwithstanding the stated preference for full municipal services, this subsection recognizes that where lands had been previously designated for development, the current level of servicing may continue until full municipal services are extended to these areas by the Town. The subject property is serviced with municipal water and although it is not currently serviced by municipal sanitary sewers, it is within an urban settlement area where the Town has been, and is continuing with, the installation of sanitary sewers.

It is the opinion of the writer that the application to amend the zoning by-law to facilitate the proposed construction of a residential dwelling on the proposed severed lot is in conformity with the Tecumseh Official Plan.

Zoning By-law 85-18

The subject property is currently zoned “Agricultural Zone (A-33)” in Zoning By-law 85-18 (see Attachment 5). The A-33 Zone permits agricultural uses with the exception of livestock intensive agricultural uses, mushroom operations and greenhouse operations. The Applicant is proposing to rezone the subject property to “Hamlet Residential Zone (RH)” in order to meet the consent policies of the Official Plan, bring the zoning into conformity with the “Residential” designation of the Official Plan and to satisfy Condition 5 of the Committee of Adjustment’s decision to grant provisional consent to create a new residential lot on the subject property in accordance with Application B-07/21. Both severed and retained lots will comply with the regulations established in the RH zone.

Zoning By-law Amendment Procedures in the Official Plan

Section 10.18, Amendment Procedures, of the Official Plan 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 is in keeping with the policies of the Official Plan and has the effect of directing development to an identified settlement area.
- 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 severance and resulting single-unit dwelling use of the property is considered infill development, is in keeping with the development pattern that exists on the north side of North Talbot Road and south of the former railway line. Any future development on the lands designated Business Park on the north side of the former railway line will need to address Ministry of the Environment, Conservation and Parks (MECP) land use compatibility guidelines through appropriate zoning restrictions and site plan control mitigation measures.
- iv) the ability of the Town’s infrastructure to accommodate the proposal;
 - As a conditions of consent approval, both the severed and retained parcels will be required to be serviced with separate water supplies, storm and private septic

systems to the satisfaction of the Town of Tecumseh Public Works & Environmental Services department and the Building Services division. In addition, a new access culvert and driveway will be required across the open municipal drain (Shuttleworth Drain) to the severed parcel in accordance with Section 78 of the *Ontario Drainage Act, RSO. 1990*, and the Owner will be required to submit a Request for Improvements Form to the Town for the required new access culvert.

- v) The adequacy of the transportation system to accommodate the proposal;
- The construction of one additional single-unit dwelling 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 conforms to both the County of Essex Official Plan and Tecumseh Official Plan. Based on the foregoing, consideration of the proposed zoning by-law amendment is warranted. 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. If concerns are received that cannot be addressed at the public meeting, a follow-up report will be provided to Council. Otherwise, the proposed by-law amendment will be brought forward at a subsequent Council meeting for its consideration.

Consultations

None

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:

Enrico DeCecco, BA (Hons), MCIP, RPP
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Reviewed 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	Property Location Map
2	Property Location and Surrounding Land Uses Map
3	Approved Consent Application Sketch
4	Official Plan Map
5	Zoning Map