



The Corporation of the Town of Tecumseh

Development Services

To: Mayor and Members of Council

From: Brian Hillman, Director Development Services

Date to Council: July 12, 2022

Report Number: DS-2022-29

Subject: Zoning By-law Amendment
Agricultural Zone Additional Residential Unit (Stand-Alone)
6715 Malden Road
Scheduling of a Public Meeting
OUR FILE: D19 6715MAL

Recommendations

It is recommended:

That the scheduling of a public meeting, on August 9, 2022 at 5:30 p.m., in accordance with the *Planning Act*, for an application seeking to amend the Zoning By-law 85-18 by rezoning a 1.74 hectare (4.29 acre) parcel of land situated on the west side of Malden Road (6715 Malden Road), approximately 900 metres (2,952 feet) south of its intersection with South Talbot Road, in order to permit a stand-alone Additional Residential Unit on the property, in accordance with subsection 4.1.2 xii) of the 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 1.74 hectare (4.29 acre) parcel of land situated on the west side of Malden Road (6715 Malden Road), approximately 900 metres (2,952 feet) south of its intersection with South Talbot Road, in order to permit a stand-alone Additional Residential Unit (ARU) on the property, in accordance with subsection 4.1.2 xii) of the Tecumseh Official Plan (Tecumseh OP). The recommendation in this Report is to

schedule a public meeting related to the proposed zoning by-law amendment in accordance with the requirements of the *Planning Act*.

Background

Property Location and Surrounding Land Uses

The subject 1.74 hectare (4.29 acre) parcel of land situated is on the west side of Malden Road (6715 Malden Road), approximately 900 metres (2,952 feet) south of its intersection with South Talbot Road (see Attachments 1A and 1B). The subject property is currently occupied by a 176 square metre (1,900 square foot) single-unit residential dwelling, an 80 square metre (864 square foot) detached garage associated with the residential dwelling, a 62 square metre (672 square foot) pole barn and one small utility shed. The majority of the property is used for agricultural purposes. Agricultural lands surround the subject property in all directions.

Zoning By-law Amendment Application

In recent months, the applicant has been in discussions with Town Administration regarding the proposed construction of one ARU to be located to the immediate south of the existing primary dwelling on the subject property. This ARU will be constructed to initially allow for the Applicant's mother to live in an independent stand-alone residential dwelling unit separate from the existing home which will be occupied by the Applicant. The Applicant has provided a preliminary site plan and floor plan illustrating details of the proposed ARU (see Attachments 2 and 3 respectively) which are summarized as follows:

- a one-storey, 104 square metre (1,120 square foot) ARU to be located approximately 30 metres (98 feet) to the south of the existing single-unit detached primary dwelling. An existing secondary driveway that is located to the south of the primary driveway servicing the existing residence is being proposed as the access point for the ARU in order to provide vehicular access and parking;
- the ARU comprises a one-car garage, one bedroom, one bathroom/laundry room, a living room, and a dining/kitchen area. In addition, an outdoor open front porch and patio area are proposed along the north and south side of the ARU respectively; 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 confirmed at a later date in accordance with the Ontario Building Code. Town Administration believes that the second septic system for the ARU can be accommodated based on the size of the property. 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 to rezone the property from “Agricultural Zone (A)” to a site-specific “Agricultural Zone (A-39)” in order to facilitate the construction of the ARU, in accordance with subsection 4.1.2 xii) of the Tecumseh Official Plan (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;

1.4.3 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...;

In summary, the PPS encourages and supports the establishment of ARUs and 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 ARU on the subject property is consistent with the PPS.

County of Essex Official Plan

The subject lands are situated within a rural area identified in the County Official Plan ("County OP"). 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.”

As noted below, the Tecumseh OP contains detailed ARU policies addressing the foregoing matters. It is the opinion of the writer that the application to amend the zoning by-law to facilitate the proposed ARU is in conformity with the County OP.

Tecumseh Official Plan

The subject property is designated Agricultural on Schedule “B” of the Tecumseh OP (see Attachment 4). Subsection 4.1.2 xii) establishes the following criteria for the establishment of a stand-alone ARU within the agricultural areas of the Town:

- “xii) a stand-alone ARU, as an ancillary use to a primary single unit dwelling, shall be permitted subject to a Zoning By-law amendment and appropriate zoning regulations being in place. The following criteria will be considered as the basis for all Zoning By-law amendments to permit a stand-alone ARU:
 - a. the ARU is subordinate to the primary dwelling on the lot;
 - b. there is no other ARU or garden suite on the property;
 - c. the ARU should use the same access as the primary single unit dwelling and be located within the cluster of existing buildings;

- d. the ARU will not be eligible for severance in the future;
- e. there are adequate services including municipal water; and
- f. other requirements such as parking, tree preservation, landscaping and the provision of amenity areas are adequately addressed;"

Based on the foregoing, it is the opinion of the writer that the application to amend Zoning By-law 85-18 to permit a stand-alone ARU on the subject property conforms to the Official Plan. With respect to the proposal to use the existing second driveway access (rather than the existing access to the primary dwelling), the Applicant has advised that it will prevent the need to construct a driveway across the yard in front of the primary dwelling. Town Administration has considered this design request and has no concerns.

Zoning By-law 85-18

The subject property is currently zoned "Agricultural Zone (A)" in Zoning By-law 85-18 (see Attachment 5). The A Zone permits the single-unit dwelling located on the property but currently does not permit an ARU. As per the requirements of the Official Plan, a stand-alone ARU proposed for the agricultural area of the Town requires an amendment to the zoning by-law.

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 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, subject to a zoning by-law amendment and the policies established for ARUs in agricultural areas. The proposed 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;
 - Town Administration does not foresee compatibility issues arising with the establishment of the proposed ARU.
- iv) the ability of the Town's infrastructure to accommodate the proposal;
 - all utilities/services (gas, hydro, municipal water, private on-site septic system, etc.) will be required through the subsequent building permit approval process.
- v) The adequacy of the transportation system to accommodate the proposal;
 - the ARU will not create any adverse impacts on the operation of the abutting roadway network.

Evaluation of Proposed ARU Against Proposed ARU Zoning Regulations

A comparison of the proposed ARU and the draft town-wide ARU zoning regulations is provided in the table below. The proposed ARU zoning regulations are anticipated to be incorporated into the Town's municipal zoning by-law in the near future, subsequent to the public consultation process which includes a Public Meeting on August 9, 2022.

Site Design Characteristic	Administration's Draft Guidelines for Stand Alone ARUs in Agricultural Area	Proposed Stand Alone ARU
General Location	Permitted in rear and interior side yards. Must be within 30 (98 feet) metres of primary dwelling and no closer than 3 (9.8 feet) metres.	Complies with regulation.

Site Design Characteristic	Administration's Draft Guidelines for Stand Alone ARUs in Agricultural Area	Proposed Stand Alone ARU
Setbacks	Minimum 1.5 metres (4.9 feet) from side/rear lot lines.	Complies with regulation.
Size	Maximum GFA of 100 sq. m. (1,076 sq. ft.) and no greater than 50% of primary dwelling.	104 sq. metres (1,120 sq. feet). Due to building design, the proposed ARU is marginally (4 square metres / 44 square feet) over the recommended maximum GFA. Town Administration has no concerns with the size of the proposed ARU. When the garage components for both the primary dwelling and ARU are deducted, the ARU is 41% of the GFA of primary dwelling.
Height	Maximum of 6.5 metres (21.3 feet).	Complies with regulation.
Municipal Services	One water service per lot for main dwelling and ARU. ARU on a private septic system must meet the requirements of the Ontario Building Code (OBC).	Complies with regulation.
Parking	1 space / ARU.	Complies with regulation.

The proposed ARU's location, design, size and setbacks from lot lines are generally consistent with the draft ARU Zoning Regulations.

Summary

The proposed zoning by-law amendment is consistent with the PPS 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. 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 issues arise at the Public Meeting that are not immediately resolved, a summary of the issues, along with a final recommendation on the application will follow by way of a future Planning Report. If, however, all issues are resolved, a Zoning By-law amendment by-law will be brought forward for Council's consideration at a subsequent Council Meeting.

Consultations

None

Financial Implications

None

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
☒	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
☒	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
☐	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
☒	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
☐	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
Planner

Reviewed by:

Chad Jeffery, MA, MCIP, RPP
Manager Planning Services & Local Economic Development

Reviewed by:

Brian Hillman, MA, MCIP, RPP
Director Development Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1A.	Property Location and Surrounding Land Uses Map
1B	Property Location Map – Detail View
2.	Preliminary Site Plan
3.	Preliminary ARU Floor Plan
4.	Official Plan Map
5.	Zoning Map