



## The Corporation of the Town of Tecumseh

Development Services

**To:** Mayor and Members of Council

**From:** Brian Hillman, Director Development Services

**Date to Council:** June 28, 2022

**Report Number:** DS-2022-27

**Subject:** Zoning By-law Amendment  
Housekeeping Amendment to Town Zoning By-laws  
Additional Residential Unit (ARU) Zoning Regulations  
Scheduling of a Public Meeting  
OUR FILE: D19 ARU

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### Recommendations

It is recommended:

**That** the scheduling of a public meeting, on August 9, 2022 at 6:00 p.m., in accordance with the *Planning Act*, for the consideration of draft housekeeping amendments to the Town's Zoning By-laws (By-laws 1746, 2065 and 85-18) having the effect of introducing zoning regulations for Additional Residential Units (ARUs), in accordance with the Town's Official Plan, **be authorized**.

### Background

In June 2021, the Town of Tecumseh Official Plan ("Tecumseh OP") was approved by the County of Essex (the Approval Authority). The approval of the Tecumseh OP introduced permissive policies dealing with Additional Residential Units (ARUs), both for attached and stand-alone ARUs within the urban and rural areas of the Town.

These policies were established in order to meet the requirement of subsection 16(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. By way of example, the result is that where there is currently one detached house, an additional residential unit could be added to the existing dwelling and a second stand alone residential unit could be placed on the property, resulting in a total of three dwelling units. 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. It should also be noted that in accordance with subsection 34(19.3) of the *Planning Act*, there is no appeal related to a zoning by-law amendment that introduces provisions or standards that implement ARU official plan policies.

In addition, the Tecumseh OP ARU policies ensured local conformity to the County of Essex Official Plan, which also contains policy regarding the establishment of ARUs.

The Tecumseh OP policies establish that the Zoning By-law shall permit ARUs as-of-right in the settlement areas, while site-specific zoning by-law amendments are required in order to introduce an ARU within the Town's agricultural areas. This "as-of-right" policy requires a housekeeping amendment to the Town's three zoning by-laws (By-law 1746, 2065 and 85-18, referred to as "Existing ZBLs"), in order to specifically permit ARUs as a permitted use in each of the respective residential zones and to also establish general zone provisions with respect to ARU minimum building setbacks, maximum floor areas, maximum height and servicing required (e.g. municipal piped water, municipal sanitary sewer or private septic facilities).

## **Comments**

### **Owner-Initiated Re-Zonings To Date**

Soon after the approval of the new Tecumseh OP in June of 2021, the Town began to receive applications to amend the individual Existing ZBLs (as Owner-initiated site-specific rezonings) in advance of the required housekeeping amendments. Administration concluded that in the interim, the establishment of proposed ARUs could be contemplated, subject to a site-specific zoning by-law amendment for individual properties. These five site-specific rezonings allowed the Town to evaluate ARU proposals on an individual basis, providing for their vetting through a public consultation process, and at the same time, assisting Administration with the formulation of standard

ARU zoning regulations that could then be implemented within the Existing ZBLs by way of a housekeeping amendment.

To date, five Owner-initiated rezoning applications have been received for an ARU. Of those, four were within the urban areas of the Town, two of which involved stand-alone ARUs with the other two involving attached ARUs. The lone rural area ARU application was for the conversion of a temporary stand-alone garden suite into a permanent stand-alone ARU. Through the five separate public consultation processes held for these applications, no public comments or concerns were received.

### **Recommended ARU Zoning Regulations**

Administration conducted a survey of various municipalities throughout the Essex County region and Ontario with respect to currently-established guidelines and zoning regulations governing ARUs. The survey results informed the establishment of draft ARU zoning regulations for Tecumseh (see Attachment 1). These draft zoning regulations establish standards for the number of ARUs per property, location/setbacks, size/height, lot coverage, services, parking and other requirements. The draft regulations apply to both ARUs within an existing dwelling and stand-alone ARUs and address ARUs proposed on properties within and outside of the settlement areas of the Town.

### **Town-Wide Housekeeping Amendment for ARU Zoning Regulations**

Administration has initiated preparations for a new Town-wide Zoning By-law (new Town-wide ZBL) through the recent issuance of an RFP to retain a suitable consultant. Council approved funding for this project commencing in 2022 and carrying into 2023. The new Town-wide ZBL will consolidate and update the Existing ZBLs, including zoning regulations for ARUs.

However, given the recent demand for ARUs along with the Provincial expectation that they be permitted as-of-right, it was believed a more expeditious process was necessary to implement ARU permissive zoning regulations sooner by way of a housekeeping amendment to the existing ZBLs.

Accordingly, a public meeting under the *Planning Act* to consider the housekeeping amendments will provide an opportunity to hear concerns and comments, if any, of Town residents and public agencies. If issues with the proposed ARU zoning regulations arise that cannot be resolved at the public meeting, a follow-up report will be provided to Council along with a final recommendation on the housekeeping amendment. If no issues are outstanding after the public meeting, Town Administration

will bring forward housekeeping zoning by-law amendments based on the attached ARU zoning regulations.

## 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  
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

<b>Attachment Number</b>	<b>Attachment Name</b>
1.	Proposed ARU Zoning Regulations

## Town of Tecumseh Additional Residential Units (ARU)

## Proposed ARU Zoning Regulations

Regulation	Residential Zones Attached ARU	Residential Zones Stand-Alone ARU	Agricultural Zone Attached ARU	Agricultural Zone Stand-Alone ARU
<b>Permitted Use</b>	<ul style="list-style-type: none"> <li>As-of-right in each of the following dwelling unit types: single unit detached; semi-detached and townhouse dwellings</li> </ul>	<ul style="list-style-type: none"> <li>As-of-right associated with each of the following dwelling unit types: single unit detached and semi-detached dwellings</li> </ul>	<ul style="list-style-type: none"> <li>As-of-right in a single unit detached dwelling (maximum of one ARU per property)</li> </ul>	<ul style="list-style-type: none"> <li>Subject to site-specific rezoning (maximum of one ARU per property)</li> </ul>
<b>Location/Setbacks</b>	<ul style="list-style-type: none"> <li>Subject to zoning that applies to main dwelling</li> </ul>	<ul style="list-style-type: none"> <li>1.5 metres from interior side and rear lot lines</li> <li>0.6 metres if located above first storey of accessory structure abutting a rear laneway</li> <li>A two-storey ARU having a window adjacent to a property line requires a 3 metre setback from side and rear lot lines</li> <li>Permitted in rear and interior side yards except on the north side of Riverside Drive in which case a detached ARU shall be permitted in the front yard only</li> <li>Shall not be closer than 3 metres from main dwelling</li> </ul>	<ul style="list-style-type: none"> <li>Subject to zoning that applies to main dwelling</li> </ul>	<ul style="list-style-type: none"> <li>1.5 metres from interior side and rear lot lines</li> <li>0.6 metres if located above first storey of accessory structure abutting a rear laneway</li> <li>A two-storey ARU having a window adjacent to a property line requires a 3 metre setback from side and rear lot lines</li> <li>Permitted in rear and side yards</li> <li>Must be within 30 m of primary dwelling and no closer than 3 metres</li> </ul>
<b>Size/Height</b>	<ul style="list-style-type: none"> <li>GFA maximum of 50% of primary dwelling unit except that it can occupy the whole of a basement</li> </ul>	<ul style="list-style-type: none"> <li>6.5 metres in height</li> <li>GFA maximum of 100 square metres and no greater than 50% of primary dwelling unit</li> </ul>	<ul style="list-style-type: none"> <li>GFA maximum of 50% of primary dwelling unit except that it can occupy the whole of a basement</li> </ul>	<ul style="list-style-type: none"> <li>6.5 metres in height</li> <li>GFA maximum of 100 square metres and no greater than 50% of primary dwelling unit</li> </ul>

Regulation	Residential Zones Attached ARU	Residential Zones Stand-Alone ARU	Agricultural Zone Attached ARU	Agricultural Zone Stand-Alone ARU
<b>Municipal Services</b>	<ul style="list-style-type: none"> <li>• One water and sanitary service per lot for main dwelling and ARU</li> <li>• Shall be on full municipal sanitary and water services</li> <li>• Except where no municipal sanitary sewer is available, ARU on a private septic system must meet the requirements of the Ontario Building Code (OBC).</li> </ul>	<ul style="list-style-type: none"> <li>• One water and sanitary service per lot for main dwelling and ARU</li> <li>• Shall be on full municipal sanitary and water services</li> <li>• Except where no municipal sanitary sewer is available, ARU on a private septic system must meet the requirements of the OBC.</li> </ul>	<ul style="list-style-type: none"> <li>• One water and sanitary service per lot for main dwelling and ARU</li> <li>• ARU on a private septic system must meet the requirements of the OBC</li> </ul>	<ul style="list-style-type: none"> <li>• One water and sanitary service per lot for main dwelling and ARU</li> <li>• ARU on a private septic system must meet the requirements of the OBC</li> </ul>
<b>Parking/ Access</b>	<ul style="list-style-type: none"> <li>• 1/ARU</li> <li>• Must have direct pedestrian access (i.e. cannot be accessed through primary unit)</li> </ul>	<ul style="list-style-type: none"> <li>• 1/ARU</li> </ul>	<ul style="list-style-type: none"> <li>• 1/ARU</li> <li>• Must have direct pedestrian access (i.e. cannot be accessed through primary unit)</li> </ul>	<ul style="list-style-type: none"> <li>• 1/ARU</li> </ul>
<b>Other Requirements</b>	<ul style="list-style-type: none"> <li>• The accessory residential dwelling unit shall have its own exterior entrance separate from the exterior entrance to the primary dwelling unit, but shall not be permitted on an elevation, or façade of the building that faces a public street or private road; and shall have no means of internal access to the primary dwelling unit, except that access to a primary and second dwelling through a common vestibule entry is permitted</li> </ul>	<ul style="list-style-type: none"> <li>• Detached ARU cannot be severed from lot</li> </ul>	<ul style="list-style-type: none"> <li>• The accessory residential dwelling unit shall have its own exterior entrance separate from the exterior entrance to the primary dwelling unit, but shall not be permitted on an elevation, or façade of the building that faces a public street or private road; and shall have no means of internal access to the primary dwelling unit, except that access to a primary and second dwelling through a common vestibule entry is permitted</li> </ul>	<ul style="list-style-type: none"> <li>• Detached ARU cannot be severed from lot.</li> </ul>