



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 25, 2024

Report Number: DS-2024-19

Subject: Zoning By-law Amendment
Oldcastle Heights Residential Subdivision
Northeast Corner of 8th Concession/North Talbot Road
Scheduling of a Public Meeting
Our File: D19 OLDRES

Recommendations

It is recommended:

That Report DS-2024-19 entitled “Zoning By-law Amendment, Oldcastle Heights Residential Subdivision, Northeast Corner of 8th Concession/North Talbot Road Scheduling of a Public Meeting” **be received**;

And that the scheduling of a public meeting, to be held on Tuesday, July 23, 2024 at 5:00 p.m., in accordance with the *Planning Act* for a zoning by-law amendment application submitted for a 20.8 hectare (51.3 acre) parcel of land located at the northeast corner of the 8th Concession/North Talbot Road intersection (Oldcastle Heights Residential Subdivision), seeking to amend Zoning By-law 85-18 by revising the current “Residential Zone 2 (R2-4)” regulations that apply to the property, in order to establish a minimum interior side yard width of 1.5 metres (4.9 feet) for all two-storey residential dwellings, **be authorized**;

And further that the giving of Notice of Intent to pass a by-law removing the Holding (H) zoning symbol that applies to the subject lands, in accordance with the provisions of the *Planning Act*, **be authorized**, subject to the completion of all

applicable requirements of the approved development agreement that applies to the subject lands.

Executive Summary

A zoning by-law amendment application has been filed to change the zoning pertaining to a 20.8 hectare (51.3 acre) parcel of land located on the northeast corner of the 8th Concession/North Talbot Road intersection (Oldcastle Heights Residential Subdivision). The proposed rezoning amends Zoning By-law 85-18 by revising the current “Residential Zone 2 (R2-4)” regulations that apply to the property to establish a minimum interior side yard width of 1.5 metres (4.9 feet) for all two-storey residential dwellings. Through this Report, Administration 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

Pillon Abbs Inc., on behalf of the Owner, has submitted a Zoning By-law amendment application for an approximate 20.8 hectare (51.3 acre) parcel of land located on the northeast corner of the 8th Concession/North Talbot Road Intersection (Oldcastle Heights Residential Subdivision) (“subject land”) (see Attachment 1).

The residential subdivision will have 220 units comprising 132 single-unit dwellings, 6 semi-detached dwellings and 19 townhouse dwellings, along with associated buffer and passive open space areas, multi-purpose pathways, stormwater corridors and a stormwater pond, as approved by the County of Essex by way of Draft Plan of Subdivision (File No. 37-T-21004) (see Attachment 2).

Proposed Zoning By-law Amendment

The Owner is proposing to amend Zoning By-law 85-18 by revising the current “Residential Zone 2 (R2-4)” regulations that apply to the property to establish a minimum interior side yard width of 1.5 metres (4.9 feet) for all two-storey residential dwellings. The current R2-4 zone establishes a minimum interior side yard width of 1.8 metres (5.9 feet) for two-storey dwellings. This proposed new side yard width would apply to all two-storey single-unit, semi-detached and townhouse dwellings. The current 1.2-metre (3.9-foot) minimum side yard width for one-storey dwellings would remain in effect.

The Owner has advised that establishing a new minimum interior side yard width of 1.5 metres (4.9 feet) would facilitate greater flexibility in the design and layout of two-storey dwellings that are proposed to be constructed within the residential subdivision.

Past Planning Approvals

As noted above, Draft Plan of Subdivision Approval from the County of Essex was granted in February of 2022. One of the conditions of the County approval was that the Owner enter into a development agreement with the Town. The Owner entered into the requisite development agreement in May of 2022. The development agreement established servicing, design and construction requirements necessary for the development of the residential subdivision. It included provisions for sanitary, storm, water, sidewalks, multi-use pathways, parkland dedication/cash contribution, tree plantings and other associated works as well as a requirement for the provision of a performance security to ensure the satisfactory completion of the required works and the ultimate conveyance of the works to the Town. The development agreement also included the clauses that were required by the County of Essex by way of the conditions attached to the approval of the Draft Plan.

Over the past two years, the Owner has been working towards the completion of all requirements established in the development agreement and is nearing completion of the servicing of the Phase One lands, which will allow the construction of 152 residential units (see Attachment 2). Upon substantial completion of the Phase One works, the Owner will be seeking permission for the issuance of building permits.

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*. The following excerpts are relevant to and supportive of the application for the proposed new minimum side yard width regulation:

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

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting **efficient development** and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;

...

- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and **standards to minimize land consumption and servicing costs.**

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;

...

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and **compact form**, while avoiding or mitigating risks to public health and safety.

...

1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a **compact form**, mix of uses and densities that allow for the **efficient use of land, infrastructure** and public service facilities.

1.4 Housing

- 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:

...

- d) promoting densities for new housing which **efficiently use land**, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and
- e) 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 development that results in 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 proposed zoning by-law amendment is consistent with the PPS.

County of Essex Official Plan

The subject land is within an identified Primary Settlement Area of the County of Essex Official Plan (County OP). The goals and policies of the County OP encourage a range of residential development within identified settlement areas such as the fully serviced urban areas of the Town of Tecumseh. The following goals and policies of the County OP are most relevant in the assessment of the subject application:

“3.2 SETTLEMENT AREAS

3.2.2 Goals

The following goals are established for those lands designated as settlement areas on Schedule “A1”:

- a) Support and promote public and private re-investment in the Primary Settlement Areas
- ...
- c) To promote development within Primary Settlement Areas that is compact, mixed-use, pedestrian oriented, with a broad range of housing types, services and amenities available for residents from all cultural, social and economic backgrounds.
- ...
- i) Promote residential intensification within Primary Settlement Areas

3.2.4 Primary Settlement Areas

Primary Settlement Areas are the largest and traditional centres of settlement and commerce in the County. Protection of these communities by focusing growth and investment is a priority of the County.

3.2.6 General Settlement Area Policies

The following policies apply to all "Settlement Areas" identified on Schedule "A1" of this Plan:

...

- b) The County supports residential intensification within Primary Settlement Areas."

In accordance with these goals and policies, it is the opinion of the writer that the proposed zoning by-law amendment conforms to the County OP.

Tecumseh Official Plan

The subject land is currently designated "Residential" in the Tecumseh Official Plan (Tecumseh OP) (see Attachment 3). The types of dwellings proposed in the subdivision are permitted by this designation.

The Tecumseh OP provides broad support for the type of residential development proposed. With respect to the proposed land use, the Tecumseh OP establishes the following:

“4.2.1 Goals

The following goals are established for the Residential area:

...

- ii) to encourage the development of a greater variety of housing types in the Town to meet the future housing needs of all households, and to meet the provincial housing objectives as set out in the Provincial Policy Statement and County of Essex Official Plan;

4.2.2 Policies

The following policies shall apply to those lands designated Residential on the Land Use Schedules of this Plan:

- i) the use of lands designated Residential shall be for all forms of housing, including special needs housing, in accordance with subsections 4.2.2.1, 4.2.2.2 and 4.2.2.3;

...

- v) the intensification of residential lands shall be encouraged and standards of development that will assist in achieving this objective shall be a priority for the Town.”

Based on the foregoing, the Tecumseh OP contemplates the type and the built-form of residential dwellings and associated zoning regulations proposed for the subject lands.

Zoning By-law 85-18

As noted above, the current “Residential Zone 2 (R2-4)” (see Attachment 4) that applies to the subject land establishes a minimum interior side yard width of 1.8 metres (5.9 feet) for two-storey dwellings within the subdivision.

The intent of the minimum side yard width is to maintain a sense of open space and to ensure that there is adequate space for rear yard access and exterior maintenance along the side yard. Where there is a second storey, the current minimum yard provision increases from 1.2 metres (3.9 feet) to 1.8 metres (5.9 feet).

Town Administration believes that the reduction in the minimum side yard width from 1.8 metres (5.9 feet) to 1.5 metres (4.9 feet) is marginal and continues to achieve the aforementioned objectives and is a generally accepted side yard provision.

All other zoning requirements established by the R2-4 zone will remain the same. Given the foregoing, Town Administration believes that the intent of the By-law will be maintained and has no concerns with the proposed zoning by-law amendment.

Future Planning Approvals

In accordance with Section 10.3 of the Official Plan, the Holding (H) zoning symbol that applies to the current "Residential Zone 2 (R2-4)" may only be removed once the development agreement has been fully executed and registered on title. It is anticipated that once the proposed zoning by-law amendment is finalized and all applicable requirements of the development agreement are met, the Owner will formally apply for Holding (H) removal. At that point, a Notice of Council's Intent to remove the Holding (H) symbol can be issued in accordance with the provisions of the *Planning Act*. Upon removal of the Holding (H) symbol, building permits may be issued.

Conclusion

Based on the foregoing, it is recommended that a public meeting be scheduled in accordance with the provisions of the *Planning Act*. A public meeting to consider the proposed amendment will provide an opportunity to hear concerns and comments, if any, of neighbouring owners and other interested stakeholders/agencies. It is important that the concerns and comments of these stakeholders be taken into consideration as part of the full evaluation of the application.

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.

In addition, it is recommended that the giving of Notice of Council's Intent to remove the Holding (H) zoning symbol from the subject lands, in accordance with the Planning Act, be authorized, subject to the completion of all applicable requirements of the approved development agreement that applies to the subject lands.

Consultations

Public Works & Engineering Services

Financial Implications

None.

Link to Strategic Priorities

Applicable	2023-2026 Strategic Priorities
<input checked="" type="checkbox"/>	Sustainable Growth: Achieve prosperity and a livable community through sustainable growth.
<input type="checkbox"/>	Community Health and Inclusion: Integrate community health and inclusion into our places and spaces and everything we do.
<input type="checkbox"/>	Service Experience: Enhance the experience of Team Tecumseh and our citizens through responsive and respectful service.

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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Reviewed by:

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Reviewed by:

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Director Development Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1.	Property Location Map
2.	Approved Draft Plan of Subdivision

Attachment Number	Attachment Name
3.	Official Plan Map
4.	Zoning Map