



## The Corporation of the Town of Tecumseh

Development Services

**To:** Mayor and Members of Council

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

**Date to Council:** January 28, 2025

**Report Number:** DS-2025-01

**Subject:** Official Plan and Zoning By-law Amendments  
5881 Malden Road  
Scheduling of a Public Meeting  
OUR FILE: D19 5881MAL

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### Recommendations

It is recommended:

**That** Report DS-2025-01, entitled “Official Plan and Zoning By-law Amendments 5881 Malden Road Scheduling of a Public Meeting,” **be received**;

**And that** the scheduling of a public meeting on Tuesday, February 25, 2025 at 5:00 p.m., in accordance with the *Planning Act*, for Official Plan and Zoning By-law Amendment applications affecting a 1.3 hectare (3.2 acre) parcel of land situated on the west side of Malden Road, approximately 77 metres (252 feet) south of its intersection with North Talbot Road (5881 Malden Road), the purpose of which is to:

- i) introduce a site-specific policy that would permit the creation of five residential lots serviced with private on-site sanitary services for infill/rounding-out developments, where the lots will have frontage onto Malden Road; and
- ii) re-zone the subject parcel from “Agricultural Zone (A-33)” to “Hamlet Residential Zone (RH)”

**be authorized.**

## Executive Summary

Official Plan and Zoning By-law amendment applications have been filed in order to introduce a site-specific Official Plan policy and change the zoning pertaining to a 1.3 hectare (3.2 acre) parcel of land situated on the west side of Malden Road, approximately 77 metres (252 feet) south of its intersection with North Talbot Road (5881 Malden Road). These applications would facilitate the future creation of five single unit residential lots having frontage onto Malden Road. The purpose of this report is to request the scheduling of a public meeting related to the proposed applications in accordance with the requirements of the *Planning Act*.

## Background

### Subject Property and Proposed Applications

The Owner of a 53.1 hectare (131.2 acre) property located on the west side of Malden Road, south of North Talbot Road (5881 Malden Road), has submitted Official Plan and Zoning By-law amendment applications to facilitate the creation of five single unit residential lots on the easterly 1.3 hectare (3.2 acre) portion fronting on the west side of Malden Road (see Attachment 1). The entire 53.1 hectare (131.2 acre) property is currently being used for agricultural purposes and two-thirds of it are within the Maidstone Hamlet Settlement Area.

The amendments would have the effect of:

- i) introducing a site-specific policy in the Official Plan that would permit the creation of five residential lots, comprising infilling or rounding out, serviced with private on-site sanitary services and having direct frontage onto Malden Road; and
- ii) re-zoning the subject parcel from “Agricultural Zone (A-33)” to “Hamlet Residential Zone (RH)”.

The Owner provided a preliminary concept plan that illustrates the five proposed residential lots that would front onto the west side of Malden Road (see Attachment 2). Each proposed lot has a minimum frontage of 30.48 metres (100 feet), a depth of 68.57 metres (225 feet) and a minimum lot area of approximately 2000 square metres (21,528 square feet). This preliminary concept plan also identifies a 24.38-metre (80-foot) wide strip of land for a future road allowance providing access to the balance of the applicant’s lands where a future subdivision is envisioned in accordance with the Maidstone Hamlet Secondary Plan policies and land use plan (see Attachment 3). As part of a future consent application to create the five residential lots, this strip of land

should be required to be conveyed to the Town to ensure it is secured as a public right-of-way.

## **Previous Planning Applications**

In May of 2022, the Owner applied to the Committee of Adjustment for consent to sever the five aforementioned lots (Applications B-04-23 to B-08-23). Administration provided a report to the Committee recommending against its approval for reasons of non-conformity with the Town's Official Plan. This application was ultimately deferred by the Committee to enable the Owner and its consultant to further discuss Official Plan policy considerations with Administration. As a result of those consultations, the subject OPA and ZBA applications were filed.

## **Surrounding Land Uses**

The surrounding land uses are summarized as follows (see Attachment 4):

- i) a vacant commercially designated and zoned lot directly abuts the subject parcel to the north at the southwest corner of the intersection of Malden Road and North Talbot Road, beyond which are agricultural lands and a few single detached dwellings;
- ii) agricultural lands are situated directly across Malden Road to the east. Farther to the east and north along Manning Road are some commercial uses including a convenience store/gas station and a Tim Horton's drive-thru establishment on the northeast corner of the Manning Road/County Road 46 intersection;
- iii) single-unit residential lots are located to the south fronting on the east and west sides of Malden Road (the subject applications contemplate the creation of five single unit lots that would be an extension of this development pattern); and
- iv) agricultural lands abut to the west.

## **Supporting Document**

The Owner has provided a Planning Justification Report – Proposed Residential Infill Development, 5881 Malden Road, Storey Samways Planning Ltd. - November 2024 ("PJR"). The PJR evaluated the proposed development and land use against the Provincial Planning Statement ("PPS"), the County of Essex Official Plan ("County OP"), the Tecumseh Official Plan ("Tecumseh OP") and Zoning By-law 85-18.

The PJR concluded that:

“The best planning outcome would clearly be minor adjustments to the Tecumseh Official Plan, with implementing zoning, to permit the proposed lot creation by consent utilizing individual on-site sewage services, for rounding out and/or infill purposes for the following reasons:

1. Such development on partial services, while not the preferred approach of full municipal services in the Provincial Planning Statement (PPS), is still consistent with the PPS, when full services are not present, nor anticipated in a reasonable time frame.
2. Such development implements recent provincial legislation aimed at providing more opportunities for additional housing.
3. Such development conforms with the County Official Plan (COP) with regard to the use of partial services for infilling and rounding out residential projects.
4. It recognizes that the provision of municipal sanitary service, originally proposed in 2002 to be available by 2010 for the MSA, are now, based on more recent updates of the Tecumseh Wastewater Master Plan (TWMP), to be decades away, and is clearly not a strategic priority of the Town.

...

My analysis of the PPS, COP and TOP, and the requisite provision for Official Plan and Zoning amendments focusses on the potential for private on-site sewage services for infilling and rounding out.

...

In my opinion, the partial service exemption for infilling would permit the five-lot infill residential development to proceed on partial services and results in the best planning outcome.”

Town Administration has reviewed the PJR and is generally satisfied that the analysis and recommendations are sufficient to support consideration of the proposed applications and to proceed to the statutory public meeting.

## Comments

### Provincial Planning Statement

The Provincial Planning Statement (“PPS”), which came into effect on October 20, 2024, is a policy document issued under the authority of Section 3 of the *Planning Act*. The *Planning Act* establishes that Council decisions affecting planning matters “**shall be consistent**” with the policies of the PPS.

The following PPS policies are most relevant with respect to the subject applications:

“Chapter 1 – Vision

...

Ontario will increase the supply and mix of housing options, addressing the full range of housing affordability needs. Every community will build homes that respond to changing market needs and local demand. Providing a sufficient supply with the necessary mix of housing options will support a diverse and growing population and workforce, now and for many years to come.

#### 2.2 Housing

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

...

a) permitting and facilitating:

1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and
2. all types of residential intensification...

#### 2.3 Settlement Areas and Settlement Area Boundary Expansions

##### 2.3.1 General Policies for Settlement Areas

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

2. Land use patterns within settlement areas should be based on densities and a mix of land uses which:
  - a) efficiently use land and resources;
  - b) optimize existing and planned infrastructure and public service facilities;
3. Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

### 3.6 Sewage, Water and Stormwater

...

2. Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. For clarity, municipal sewage services and municipal water services include both centralized servicing systems and decentralized servicing systems.

...

4. Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, **individual on-site sewage services** and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

5. Partial services shall only be permitted in the following circumstances:

...

- b) within settlement areas, to allow for infilling and minor rounding out of existing development on partial services provided that site conditions are suitable for the long-term provision of such services with no negative impacts.”

In summary, the subject applications are facilitating the creation of five single residential lots that can be characterized as infill or rounding out of the existing settlement pattern

along Malden Road. In instances of infill or minor rounding out, the PPS establishes that the Town may allow residential development proposals which rely on private on-site sewage services (where municipal sewage services or private communal sewage services are not available, planned or feasible). Although the Town's Water and Wastewater Master Plan identifies that the Maidstone Hamlet will be serviced with sanitary sewers, the Master Plan anticipates that these works will not be completed until 2040 at the earliest. Given these considerations, the subject proposal is consistent with the foregoing policy objectives of the PPS.

## **County of Essex Official Plan**

The subject parcel is within an identified Secondary Settlement Area of the County Official Plan ("County OP"). Accordingly, the following goals and policies of the County OP are most relevant in the assessment of the subject proposal:

### **"3.2 SETTLEMENT AREAS**

...

#### **3.2.5 Secondary Settlement Areas**

The County recognizes the diversity among the many different Secondary Settlements Areas and accordingly has established the following policy framework that recognizes this diversity:

a) New development will be permitted to the boundaries of the Secondary Settlement Areas as shown on Schedule "A2" provided such development is consistent with the Provincial Policy Statement, the intent of this Plan, and the policies of the local Official Plan.

...

c) New development is encouraged on full municipal services unless there are interim servicing policies in the local Official Plan that are in effect at the time of approval of this Plan.

...

g) Secondary Settlement Areas, or portions thereof, that generally contain or are planned for non-employment uses, are subject to the following additional policies:

...

- ii) New development will generally be limited to infilling, redevelopment on existing lots of records, and limited residential intensification.
- iii) Residential intensification, **outside of infilling**, shall only occur on full municipal sewage services and municipal water services.

Although the County OP requires full municipal servicing for new development within Secondary Settlement Areas, an exception is contemplated in cases of infilling. Given the infill nature of the subject applications, it is the writer's opinion that the proposed applications conform to the County OP.

### **Tecumseh Official Plan**

The subject property is designated "Maidstone Hamlet Residential - 30.48 metre frontage lots" on Schedule "B-3" of the Tecumseh Official Plan ("Tecumseh OP") (see Attachment 3). This designation requires that new lots be larger than those permitted elsewhere in the Hamlet so that they will be consistent with the existing form of development and larger lots currently situated along Malden Road (which has a special "character road" policy associated with it in the Maidstone Hamlet Secondary Plan policies of the Official Plan). The proposed residential lots meet the minimum lot depth (45.72 metres) and minimum lot frontage (30.48 metres) permitted by this designation and are in keeping with the land use concept plan shown on Schedule "B-3" of the Tecumseh OP.

The current policy framework for future development within the Maidstone Hamlet (on lands that were not already designated and zoned for residential uses) establishes that development may only proceed on full municipal services (water and sanitary). This direction is articulated in the following subsections of the Tecumseh OP:

#### "11.2.2 Maidstone Hamlet Residential Goals

The following goals are established for the Maidstone Hamlet Residential area:

...

- vi) to ensure that new residential development occurs in a manner in keeping with the capacity of the services available and the financial capability of the municipality;
- vii) to encourage residential development in the hamlet where a full range of municipal infrastructure (including a piped sanitary sewer



system) can be provided in a cost-effective and environmentally sound manner; and

- viii) to require a development pattern that is in accordance with the guiding principles of the Maidstone Hamlet Secondary Plan, as established in Section 11.2.1 of this Plan and which reflects and implements the general design direction shown on Schedules “B-3” and “E-3” of this Plan.

#### 11.2.5 Maidstone Hamlet Servicing Policies

...

##### 11.2.5.2 Municipal Sanitary Sewer Services

All development in the Maidstone Hamlet will be serviced by municipal sanitary sewer services in accordance with Section 8.2 of this Plan.

...

#### 8.2 Municipal Water and Sanitary Sewer Services

...

##### 8.2.2 Policies

- i) in general, new development will be directed to the Settlement Areas, as identified on Schedule “B”. Higher order forms of servicing, including full municipal water and sanitary sewer services are the preferred form of service infrastructure, and will be required for all development in the Town’s Settlement Areas. **The only exception is for lands which were previously designated and zoned for development and the approved form of servicing at the time was municipal piped water and individual on-site sewage services.** This level of servicing may continue on these lands until full municipal services are extended to these areas by the Town.”

Given that the unique exception in subsection 8.2.2 does not apply to the subject parcel, the Tecumseh OP requires full municipal services (both water and sanitary) prior to any development taking place.

However, based on the policies of the PPS and County OP regarding infill/rounding out development on private on-site services noted above, the proposed amendment to establish a new site-specific policy for only Malden Road may be considered. An

additional basis for consideration of this site-specific policy is contained in the following section of the OP:

“11.2.1.3 Preferred Concept Plan

The following goals are established for the Residential area:

...

- xiii) allow single unit development on a lotting pattern that has regard to the existing lotting pattern, such that where existing single tier residential lots exist, new lots abutting will have a minimum depth of 45.72 metres and larger widths (30.48 metre minimum) and completion of the existing lotting pattern (single tier of lots, with direct connection) on Malden Road and Talbot Road to maintain their character of homes “looking upon” the street (exception is south side of Talbot Road, west of the railway);”

When considering the proposed OPA to introduce a site-specific policy, the implications of such a policy need to be considered in terms of any precedent it might set. In particular, it must be determined whether the rationale being used to support the site-specific policy is sufficiently unique to avoid setting a precedent for wide-spread development on private septic systems in Maidstone Hamlet.

In this regard, the subject amendments will enable the completion of the development pattern contemplated by the Maidstone Hamlet Secondary Plan along Malden Road. The proposed creation of five lots fronting Malden Road on this relatively small parcel of land can be considered infill or rounding off given its position between the existing strip of residential lots fronting Malden Road to the southwest and the vacant commercially zoned lot to the northeast.

Administration has identified that the subject parcel is the only area along an existing municipal road in the Maidstone Hamlet that could qualify as infill or rounding out. The residential designation that applies to the subject parcel requires larger lots which could adequately accommodate private on-site services. Other areas of the Maidstone Hamlet fronting on an existing municipal road contemplate smaller lots which are not conducive to private septic systems.

It is also worth noting that, despite the proposal to permit development on private septic systems, the Town’s full urban development charge will still apply. Accordingly, funds will be collected toward the future construction of sanitary infrastructure for Maidstone Hamlet.

In light of the foregoing, the proposed applications generally conform to the Tecumseh OP and do not create a precedent as these unique circumstances do not exist elsewhere in the Maidstone Hamlet.

## **Zoning By-law 85-18**

As noted earlier in this Report, the subject parcel is currently zoned “Agricultural Zone (A-33)” (see Attachment 5). The proposed Hamlet Residential Zone (RH) zone would establish the minimum lot area and frontage required to facilitate the future lot creation via the consent to sever process.

## **Conclusion**

Having regard to the scale, location and nature of surrounding uses, along with the current policy environment encouraging standards that support residential intensification and the unique development and servicing circumstances, there is merit in considering the subject Official Plan and Zoning By-law amendment applications.

Accordingly, it is recommended that a public meeting be scheduled in accordance with the provisions of the *Planning Act* as a means to seek public input. A public meeting to consider the proposed amendments 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 considered during the full evaluation of the applications.

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, Official Plan and Zoning By-law amendment by-laws will be brought forward for Council’s consideration at a subsequent Council Meeting.

## **Consultations**

Public Works & Engineering Services  
County of Essex  
Chief Building Official

## **Financial Implications**

None.

## Link to Strategic Priorities

Applicable	<a href="#">2023-2026 Strategic Priorities</a>
<input checked="" type="checkbox"/>	Sustainable Growth: Achieve prosperity and a livable community through sustainable growth.
<input checked="" 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:

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.	Property Location Map
2.	Proposed Consent Sketch

<b>Attachment Number</b>	<b>Attachment Name</b>
3.	Official Plan Map
4.	Property Location and Surrounding Land Uses
5.	Zoning Map