



## The Corporation of the Town of Tecumseh

Planning & Building Services

**To:** Mayor and Members of Council

**From:** Chad Jeffery, Manager Planning Services

**Date to Council:** February 26, 2019

**Report Number:** PBS-2019-04

**Subject:** Zoning By-law Amendment  
11079 County Road 34  
Condition of Consent Application (B-08/18)  
OUR FILE: D19 JOBLAFF

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### Recommendations

It is recommended:

1. **That** the scheduling of a public meeting, to be held on Tuesday, March 26, 2019, at 5:30 p.m., for the application submitted by Mr. Paul Jobin, to amend Sandwich South Zoning By-law 85-18 to rezone an approximate 10.5 hectare (26.0 acre) agricultural property situated on the south side of County Road 34 (11079 County Road 34), approximately 680 metres west of its intersection with Malden Road, from “Agricultural Zone (A)” to a site specific “Agricultural Zone (A-30)” in order to prohibit a residential dwelling from being constructed on the lands and establish a minimum lot area of 10.5 hectares, in accordance with Condition No. 9 of severance application B-08/18, **be authorized.**

### Background

Severance application B-08/18 was granted provisional consent by the Committee of Adjustment at its April 16, 2018 meeting. The purpose of the application was to create a 0.3 hectare (0.8 acre) non-farm related residential lot from an agricultural property and the retention of the remnant 10.5 hectare (26.0 acre) agricultural parcel on the south side of County Road 34 (11079 County Road 34), approximately 680 metres west of its intersection with Malden Road (see Attachment 1). The Committee determined that the application conformed to the Land Division Policies for those lands designated “Maidstone Hamlet Residential” in the Sandwich South Official Plan.

In addition to standard conditions, the consent was granted subject to the passing of a zoning by-law amendment on the retained 10.5-hectare farm parcel that would:

- prohibit a residential dwelling from being constructed on the lands; and
- establish a minimum lot area of 10.5 hectares

The proposed zoning will prevent a new residential dwelling from being constructed on the retained parcel and potentially being located in such a manner that it adversely affects the future ability to develop the lands in a manner that is consistent with the detailed design policies established through the Maidstone Hamlet Secondary Plan process. Development of the lands will only occur once appropriate municipal services are available and all planning applications (Zoning By-law amendment and Plan of Subdivision) are approved.

A reduced minimum lot area is required as the retained lot will not comply with the minimum lot area established for lands zoned Agricultural Zone (A) which is 19 hectares.

Based on the foregoing, an application to amend the Sandwich South Zoning By-law 85-18 for the subject retained farm parcel has now been filed with the Town.

## **Comments**

### **Provincial Policy Statement, 2014**

The Planning Act requires that municipal councils, when making decisions on planning matters, “shall be consistent with” with the 2014 Provincial Policy Statement (“PPS”).

The subject lands are within the Maidstone Hamlet Urban Area which is considered a Settlement Area. Section 1.1.3 of the PPS contains policies related to settlement areas, relevant excerpts of which include:

- “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.”

Given that the PPS encourages and supports development on lands identified for urban growth in settlement areas, the proposed rezoning would be in keeping with the policy direction outlined in the PPS.

### **County of Essex Official Plan**

The County Official Plan identifies the Maidstone Hamlet as a Secondary Settlement Area and encourages urban development within identified settlement areas.

The following policies of the County Official Plan are most relevant in the assessment of the subject proposal:

### **“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.
- e) All types of land uses are permitted within the Secondary Settlement Areas designation subject to the specific land use policies of the local Official Plans.”

In accordance with the aforementioned policies, the proposed rezoning conforms to the County of Essex Official Plan.

### **Official Plan Designation**

As noted previously, the subject property is located within the Maidstone Hamlet Urban Area and is currently designated “Maidstone Hamlet Residential” on Schedule “A-3” of the former Sandwich South Official Plan (see Attachment 2). This designation encourages the future development of the lands for residential purposes that are in accordance with the plan established through the Maidstone Hamlet Secondary Plan process.

Excerpts that are relevant to the proposed application include the following:

#### **“1.5.6 Maidstone Hamlet Secondary Plan**

A community-based Secondary Plan process was initiated by the Town in order to formulate a comprehensive land use and servicing policy framework and concept plan to facilitate the development of a co-ordinated, properly serviced and livable community in Maidstone Hamlet. The policies and land use designations incorporated into the Official Plan by amendment number 9 are intended to provide a policy framework that will allow for the proper evaluation of individual development applications located within the hamlet while establishing a clear vision for the hamlet’s future.

#### **(c) Preferred Concept Plan**

A preferred conceptual road pattern and land use pattern for Maidstone Hamlet was presented in Discussion Paper No. 2 and is generally incorporated into the Official Plan as Schedules “A-3” and “C- 1”. The principle components of the preferred concept plan,

which shall be achieved as individual developments are designed, reviewed and approved, are summarized below and are designated and/or shown conceptually on Schedules “A-3” and “C-1” of the Official Plan.

### 3.14 Maidstone Hamlet Secondary Plan

#### 3.14.1 Goals

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

- v) 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;
- viii) to require a development pattern that is in accordance with the guiding principles of the Maidstone Hamlet Secondary Plan, as established in Subsection 1.5.6 of this Plan and which reflects and implements the general design direction shown on Schedules “A-3” and “C-1” of this Plan.

#### 3.14.2 Policies

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

- i) residential development shall primarily consist of single detached dwelling units. More intensive forms of residential development may be permitted in accordance with Section 1.5.6c) of the Plan and subject to consideration by way of site specific zoning by-law amendments;
- iv) the creation of new lots for residential purposes will primarily occur by plan of subdivision. However, consents for residential lots will be permitted in accordance with the policies contained in Section 4 of this Plan. All lotting and road patterns, regardless of how the lot is created, shall be designed in accordance with subsection 1.5.6 of this Plan and reflect and implement the general design direction shown on Schedules “A-3” and “C-1” of this Plan;

#### 4.3 Maidstone Hamlet Residential (Land Division)

In areas designated “Low Density Residential”, “Medium Density Residential”, and “Maidstone Hamlet Residential”, division of land by consent shall only be permitted in accordance with the following policies:

- iii) for lands within the “Maidstone Hamlet Residential” designation, the proposed new lot shall be in accordance with subsection 1.5.6c) and Schedule “A-3” of this Plan.”

In accordance with the aforementioned goals and policies, the proposed rezoning ensures that the retained parcel does not have a new home constructed on it at this time such that it could prevent the future full development of the lands in accordance with the Sandwich South Official Plan.

### Zoning

The subject property is currently zoned Agricultural Zone (A) (see Attachment 3), which establishes a minimum lot area of 19.0 hectares (46.9 acres). In order to conform to the aforementioned policies of the Sandwich South Official Plan and to satisfy the conditions of severance application B-08/18, it is necessary to place the retained farm parcel in a site-specific “Agricultural Zone (A-30)”.

As noted above, the A-30 zone will establish a minimum lot area of for the retained lot of 10.5 hectares and prevent new residential development on the lands until appropriate municipal services become available and development can proceed in accordance with the design plan established through the Maidstone Hamlet Secondary Plan process. As noted, development of the lands will only occur once appropriate municipal services are available and all planning applications (Zoning By-law amendment and Plan of Subdivision) are approved in the future.

### Summary

The proposed zoning by-law amendment is in keeping with the Provincial Policy Statement, County of Essex Official Plan and Sandwich South Official Plan. If adopted, the rezoning fulfills Condition No. 9 of consent application B-08/18. 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.

### Consultations

None

### Financial Implications

None

## Link to Strategic Priorities

Applicable	2017-18 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 the Town of 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 the Town 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  
Junior Planner

Reviewed by:

Chad Jeffery, MA, MCIP, RPP  
Manager Planning Services

Reviewed by:

Brian Hillman, MA, MCIP, RPP  
Director Planning & Building Services

Recommended by:

Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
1	Property Location Map
2	Official Plan Map
3	Zoning Map









