

Public Council Meeting Agenda

Date: Tuesday, February 28, 2023, 5:00 pm
Location: Tecumseh Town Hall - Council Chambers
917 Lesperance Road
Tecumseh, Ontario N8N 1W9

Pages

A. Roll Call

B. Call to Order

C. Land Acknowledgement

We acknowledge that we are on land and surrounded by water, originally inhabited by Indigenous Peoples who have travelled this area since time immemorial. This territory is within the lands honoured by the Wampum Treaties; agreements between the Anishinaabe, Haudenosaunee, Leni Lenape and allied Nations to peacefully share and care for the resources around the Great Lakes. Specifically, we would like to acknowledge the presence of the Three Fires Confederacy Ojibwe, Odawa, Potawatomi and Huron/Wendat Peoples. We are dedicated to honouring Indigenous history and culture while remaining committed to moving forward respectfully with all First Nations, Inuit and Métis.

D. Disclosure of Pecuniary Interest

E. Introduction and Purpose of Meeting

The purpose of the meeting is to hear public comment on Zoning By-Law Amendment application for 13931 Riverside Drive. The purpose of the application is to amend Zoning By-law 2065 by rezoning the subject property from “Residential Type Two Zone (R2)” to a site-specific “Residential Type Two Zone (R2-8)” to facilitate the construction of a one-storey, two-unit dwelling (semi-detached dwelling) and establish site specific lot provisions.

F. Delegations

1. Rick Babister, Applicant, Lee Bigaouette, President SBT Construction, Mary Ann Keefner, Lawyer, and Nicole Ciarrocchi
Re: Spokespersons for the Applicant, Lauren Stokes
2. Arla Peters, Resident
3. Christina and Matthew Lejkowski, Residents

G. Communications

- | | |
|---|---------|
| 1. Notice of Public Meeting dated January 31, 2023 | 4 - 4 |
| 2. Essex Region Conservation Authority dated February 21, 2023
Re: Zoning By-Law Amendment 13931 Riverside Drive | 5 - 6 |
| 3. Letter from 13808 Riverside Drive dated February 22, 2023
Re: ZBA 13931 Riverside Drive | 7 - 9 |
| 4. Letter from 13918 Riverside Drive dated February 23, 2023
Re: ZBA 13931 Riverside Drive | 10 - 10 |
| 5. Letter from 13926 Riverside Drive dated February 23, 2023 | 11 - 11 |
| 6. Letter from 13934 Riverside Drive dated February 23, 2023
Re: ZBA 13931 Riverside Drive | 12 - 13 |
| 7. Letter from 13938 Riverside Drive dated February 23, 2023
Re: ZBA 13931 Riverside Drive | 14 - 14 |
| 8. Letter from 13942 Riverside Drive dated February 23, 2023
Re: ZBA 13931 Riverside Drive | 15 - 15 |
| 9. Petition dated February 23, 2023
Re: 13931 Riverside Drive | 16 - 16 |

Recommendation

Moved by _____

Seconded by _____

That Communications - For Information 1 through 9 as listed on the Tuesday, February 28, 2023 Public Council Meeting Agenda, **be received.**

H. Reports

Recommendation

Moved by _____

Seconded by _____

That Report DS-2023-01 Zoning By-Law Amendment 13931 Riverside Drive, Scheduling of a Public Meeting, **be received**.

I. Adjournment

Recommendation

Moved by _____

Seconded by _____

That there being no further business, the Tuesday, February 28, 2023 meeting of the Public Council Meeting **be adjourned** at pm.

TOWN OF TECUMSEH
NOTICE OF VIRTUAL/ELECTRONIC PUBLIC MEETING
PROPOSED ZONING BY-LAW AMENDMENT

TAKE NOTICE that the Council of the Corporation of the Town of Tecumseh will hold a virtual/electronic public meeting **Tuesday, February 28th, 2023 at 5:00 p.m.** to consider a proposed Zoning By-law amendment pursuant to the provisions of the *Planning Act, R.S.O. 1990*. Please see below for information on how to provide comments or participate in the virtual/electronic public meeting.

A Zoning By-law amendment application (*Application/File: D19 13931RIV*) has been submitted for a 0.12 hectare (0.29 acre) parcel of land situated on the south side of Riverside Drive, approximately 35 metres (114 feet) east of its intersection with Arlington Boulevard (13931 Riverside Drive) (see Key Map below for location). The purpose of the application is to amend Zoning By-law 2065 by rezoning the subject property from “Residential Type Two Zone (R2)” to a site-specific “Residential Type Two Zone (R2-8)” to facilitate the construction of a one-storey, two-unit dwelling (semi-detached dwelling) and establish site specific lot provisions. The subject property is designated “Residential” in the Tecumseh Official Plan.

ANY PERSON may attend the virtual public meeting and/or make written or verbal representation either in support of or in opposition to the proposed Zoning By-law amendment.

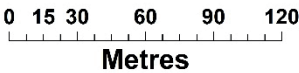
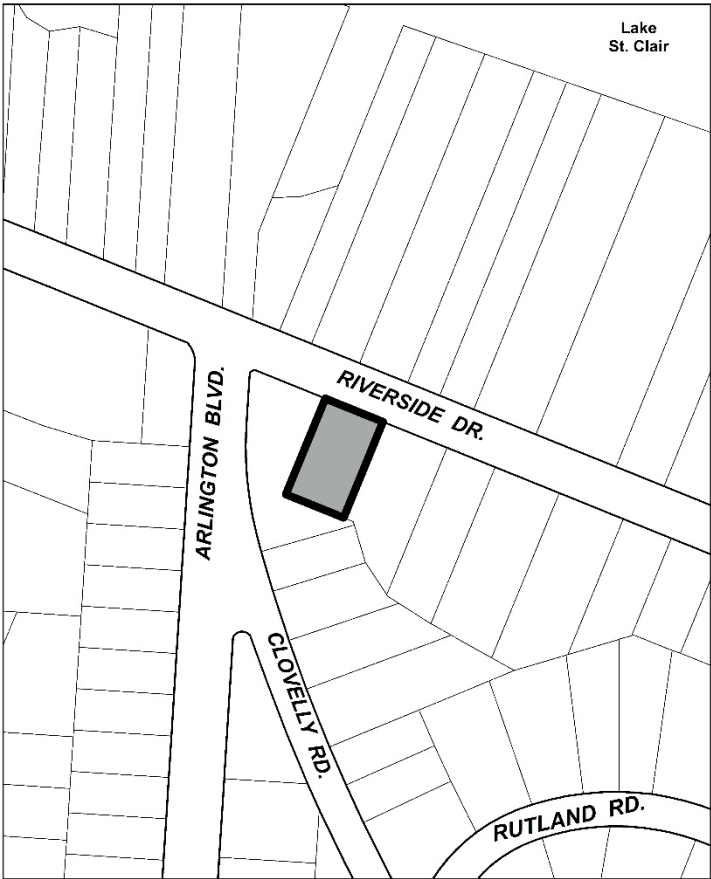
If a person or public body does not make oral submissions at a public meeting or make written submissions to the Corporation of the Town of Tecumseh before the Zoning By-law amendment is passed, the person or public body is not entitled to appeal the decision of the Council of the Corporation of the Town of Tecumseh to the Ontario Land Tribunal.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Corporation of the Town of Tecumseh before the Zoning By-law amendment is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to do so.

How to Provide Comments or Participate in an Electronic Public Meeting

Public Meetings are being held virtually through electronic means and live-streamed on the Town’s website. Any person who wishes **to make oral submissions** during the electronic Public Meeting **must register as a delegate**. To register as a delegate, persons may use the online registration form on the Town’s website at www.tecumseh.ca/delegations or by providing their contact information (name, address, email and phone number) to the Town Clerk **by 12:00 p.m. (noon) on Tuesday, February 28, 2023**. Registered delegates will receive the necessary log-in details to the meeting. By registering as a delegate persons are consenting to their image, voice and comments being recorded and available for public viewing on the Town’s website. **Written submissions** may also be provided to the Clerk **by 12:00 p.m. (noon) on Thursday, February 23, 2023**.

KEY MAP



 Lands Subject to Proposed Amendment

If you wish to be notified of the decision of the Council of the Corporation of Town of Tecumseh on the proposed Zoning By-law amendment, **you must make a written request** to the Corporation of the Town of Tecumseh, c/o Robert Auger, Director Legislative Services & Clerk, at the mailing address noted below.

ADDITIONAL INFORMATION and any associated reports/documents relating to this matter are available for review during regular office hours at the Town Municipal Office on Lesperance Road.

The Public Meeting Agenda regarding this application will be available on the Town’s website (<https://calendar.tecumseh.ca/meetings>) on Friday, February 24, 2023.

DATED AT THE TOWN OF TECUMSEH
THIS 31ST DAY OF JANUARY, 2023.

ROBERT AUGER
DIRECTOR LEGISLATIVE SERVICES & CLERK
TOWN OF TECUMSEH
917 LESPERANCE ROAD
TECUMSEH, ONTARIO, N8N 1W9



February 21, 2023

Mr. Enrico De Cecco
Town of Tecumseh, Planner
917 Lesperance Road
Tecumseh, Ontario, N8N 1W9

planning@erca.org
P.519.776.5209
F.519.776.8688
360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

Dear Mr. De Cecco:

RE: Zoning By-Law Amendment D19 13931RIV 13931 RIVERSIDE DR E
ARN 374437000003400; PIN: 752660071
Applicant: L J B FAMILY HOLDINGS INC

The Town of Tecumseh has received an Application for a Zoning By-Law Amendment for the subject property. The applicant is requesting a zoning by-law amendment to facilitate the construction of a one-storey, two-unit dwelling (semi-detached dwelling) and establish site specific lot provisions. The following is provided as a result of our review of Zoning By-Law Amendment D19 13931RIV.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the *Planning Act* as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of Lake St. Clair. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

We note the following in regards to safe ingress/ egress at the subject property:

Section 3.1.2 of the Provincial Policy Statement notes that Development and Site Alteration shall not be permitted within:

c. areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard

Section 3.1.7 notes, further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, Development and Site Alteration may be

Mr. De Cecco
February 21, 2023

permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

- a. development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standard
- b. vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies
- c. new hazards are not created and existing hazards are not aggravated; and
- d. no adverse environmental impacts will result

The low lying nature of roadway in this area may result in excess water over the road in a flooding event. ERCA advises that the Town of Tecumseh and the Municipal Emergency Services (fire, police) confirm that they have the ability to access these parcels in order to fulfill the roles and responsibilities of first responders during times of flooding and in order to fulfill the municipality's responsibilities under Section 3.1.7 of the Provincial Policy Statement (2020) noted above.

The proposed development will also be required to meet the minimum required floodproofing elevation requirement.

FINAL RECOMMENDATION

The applicant must obtain a Section 28 Permit from ERCA prior to undertaking any development on the site.

Upon review of the application and available background information, we note that the low lying nature of the roadway may result in excess water over the road during a 1:100 year flood event. The Municipality must confirm, through applicable emergency services (i.e. fire, police, etc.), that they have the ability to safely access this area during a 1:100 year flood event, in order to fulfill the municipality's responsibilities under Section 3.1.7 of the Provincial Policy Statement (2020). Additionally, the proposed development will be required to meet the minimum required floodproofing elevation requirement.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Kathleen Schnekenburger
Resource Planner



Please see attached letter of opposition to a proposed Zoning By-Law amendment.

Regards,

[REDACTED]

[REDACTED]
13808 Riverside Drive East
Tecumseh, ON N8N 2M5

February 22, 2023

Corporation of the Town of Tecumseh
c/o Robert Auger
Directory Legislative Service & Clerk
917 Lesperance Road
Tecumseh, ON N8N 1W9

Sent by Fax to: 519-735-6712

Re: Proposed Zoning By-Law Amendment
Application/File: D19 13931RIV

To Mr. Auger,

I am writing this letter to voice my strong opposition to the proposed zoning by-law amendment noted above. The proposed amendment refers to the "parcel of land situated on the south side of Riverside Drive, approximately 25 metres (114 feet) east of its intersection with Arlington Boulevard (13931 Riverside Drive)". The proposal would re-zone the property from R2 to R2-8, allowing a semi-detached dwelling with specific lot provisions. This is in a neighbourhood that is solidly single-family dwellings.

I am a new resident of Tecumseh. I moved into my new home at 13808 Riverside Drive East in July 2022. One of the reasons that I chose to leave the area that I previously lived in for almost 20 years, in Lakeshore, was because of precisely the type of development that is being proposed here. The multi-unit/semi-detached dwellings were significant areas of concern in my previous home not only for me, but also many of my neighbours. This resulted in a mass exodus of residents. I was fortunate enough to find my current home in Tecumseh and have thoroughly enjoyed my short time here so far and had hoped that this would be my "forever home". I specifically moved to this area of Tecumseh because it feels cozy and warm and looks beautiful and established. Living on the lake, aesthetics for myself and neighbours is of utmost importance and "line of sight" is most often respectfully maintained. There is also a "line of sight" on the non-water side of our properties. The proposed amendment would significantly impinge on the current "line of sight", in an aesthetically *unpleasant* fashion, for myself, my neighbours and the neighbourhood in general. I cringe at the idea of having to deal with the same changes in zoning and developments that are ultimately not consistent with the feel of a neighbourhood and I would imagine not what those of us already established in the area sought out when we made the decision to live here. In addition, it is very likely that such a bylaw amendment would negatively impact on my significant investment in my home in the town of Tecumseh: neighbourhood property values are likely to decrease if the character and scale of the neighbourhood is allowed to be rezoned in the manner proposed. As such, I am **vehemently opposed** to the proposed Zoning By-Law Amendment, as I know many of us who live, grow and contribute here also do.

If you have any questions or would like to discuss my thoughts on the proposal further, please do not hesitate to contact me either by phone [REDACTED] or email:

[REDACTED]. I would like to be notified of the decision of the Council of the Corporation of the Town of Tecumseh on this proposed Zoning By-law amendment.

Kind regards

[REDACTED]

[REDACTED]
13918 RIVERSIDE DR E
N8N1B6

Town of Tecumseh
917 LESPERANCE
TEC. ONT
N8N1W9

RECEIVED

FEB 23 2023

Town of Tecumseh


I'm opposed to the rezoning change at 13931 RIVERSIDE DR E
I do not think this change conforms to the single family
homes currently in the neighbourhood

[REDACTED]

RECEIVED

FEB 23 2023

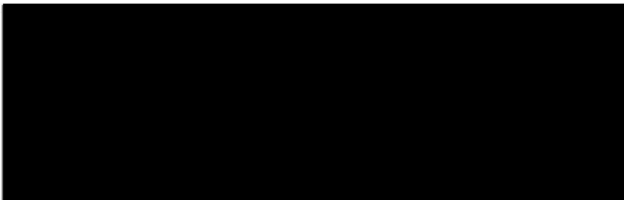
Town of Tecumseh


13926 Riverside Drive E.
Tecumseh, Ontario
N8N 1B6

To: TOWN OF TECUMSEH
917 Lesperance Road
Tecumseh, Ontario
N8N-1W9 CANADA

I'm opposed to the re-zoning change at 13931 Riverside Drive E.
It does not conform with the neighborhood because all the homes are single dwellings. It would
be a shame to ever change the beautiful look of Riverside Drive.

Regards,



[REDACTED]
13934 Riverside Dr E
Tecumseh, ON N8N 1B6
[REDACTED]

RECEIVED

FEB 23 2023

Town of Tecumseh

February 22, 2023

Response to: Proposed Zoning By-Law Amendment for 13931 Riverside Dr E

In Summary, we have reviewed report DS-2023-01 to Council as submitted by Brian Hillman regarding this proposed Zoning By-Law Amendment and we *strongly and vehemently object to this proposed Amendment to the Zoning By-Law.*

Please refer to our specific comments and concerns listed below.

Proposed Zoning By-Law Amendment (page 2 of 16)

By-Law 2065 (R2) was specifically put in place to limit land use to single-unit detached dwellings. Additionally, By-Law 2065 (R1), which pertains to properties on the North side of Riverside Dr, was also put in place to limit land use to single-unit detached dwellings. Minimum lot size is set at 75' frontage. This sets the tone for the size and type of dwellings that are considered appropriate for the area under review. This affects market price of homes in the area. This proposed amendment would allow for lot sizes of 44' and 46'; well below the standard of 75'. We would also question the assertion that the proposed dwelling will comply with the current side yard setbacks of 10' (based on a 90-foot lot). The preliminary drawing seems to show the side yard on the west to be less than 10'.

Provincial Policy Statement (pages 3 to 6 of 16)

We do not have objection to the Provincial Policy Statement in general, but do take exception to the conclusion of the writer that "the application for the proposed residential development is consistent with the PPS".

Planning authorities shall identify *appropriate* locations.... In our opinion this is not an appropriate location. What review has the Town of Tecumseh undertaken to identify such appropriate locations within already developed areas. What is your plan?

What is your assessment of the potential negative impacts this decision would have on the surrounding properties? What precedents will be set by this decision? Will townhouses anywhere in an R2 or R1 zone be acceptable to this Council? If so, then there should be full disclosure of this intent and why not change the By-Laws all together? At least potential buyers of expensive properties would be aware of the risk of what might be built next to them.

Please do not misunderstand. We believe that there are some wonderful developments in Tecumseh that encompass townhouses and even a mix of townhouses and single unit dwellings. They were well planned, thought out and located.

This proposal does not have the characteristics of a well-planned development that makes sense in this particular area of Tecumseh, but rather an opportunistic attempt to mitigate a poor purchase decision.

County of Essex Official Plan (pages 6 to 8 of 16)

3.2.7 Intensification and Redevelopment – “The County encourages *well-planned intensification development projects..... to facilitate economic and social benefits for the community*”

We would argue that this single project is **not** a “well-planned intensification development project” and will in fact have **negative** economic impact for the surrounding community.

Tecumseh Official Plan (pages 8 to 13 of 16)

There is a lot of detail in this plan. We will only conclude (similar to our comments above) that we disagree with the conclusion reached by the writer. This is **not** the right location for this type of development that in our opinion is not well planned from the perspective of the surrounding Community. This is a “one-off single development” that does not contemplate the community as a whole.

Thank you for your consideration of our objections to this proposed Zoning By-Law Amendment.



Response to: Zoning By-Law Amendment for 13931 Riverside Dr.

Summary: We strongly object to this proposal with line-item specifics and general concerns listed below.

FEB 23 2023

Point of objection Report#DS-2023-01 (page 2 of 16)

Town of Tecumseh

By-Law 2065 (R2) was put in place to limit land use to single family homes which established a value for home investment. A change to this established residential area to subdivide a singular lot to accommodate a semi attached home and split the property to (2) 45' Lots will have a significant affect on that value commitment from the township's original zoning.

Are 45' lots now acceptable, and can anyone decide to subdivide their lot for the purpose of turning a profit?

Is this an abuse of by-law amendments to support speculators and home flippers?

Point of objection Report#DS-2023-01 (page 3 of 16)

The provincial policy statement 1.1,c discusses accommodating an appropriate affordable and market-based range and mix of residential types.

This works well in new brownfield developments but creates value conflicts in existing established neighborhoods. Would the one extra property tax from splitting a formerly single unit home pay the township for the devaluation of multiple surrounding properties?

Point of objection Report#DS-2023-01 (page 6 of 16)

This property at 13931 Riverside Dr. is in the 'Natural Hazard' zone which raises the question of, why would the township choose to increase housing density in a Flood Zone? Is this not contrary to the latest planning practices?

Point of objection Report#DS-2023-01 (page 8 of 16)

In the County of Essex Official Plan 3.2.7 talks about well-planned intensification development projects in the Settlement Areas ... to facilitate economic and social benefits for the community. In this case the end result is a devaluation for the community to the benefit of a single investor. I am sure this was not the intent of this planning statement.

Thank you for your time to consider our objections.

[REDACTED]
13942 Riverside Dr. E.
Tecumseh, Ontario N8N1B6

RECEIVED

FEB 23 2023

February 22, 2023

Town of Tecumseh

RE: Zoning By-law Amendment, 13931 Riverside Drive

I am writing to advise the committee that I am **OPPOSED** to this Zoning By-law Amendment.

The lot in question has a 90 Ft. frontage. It is perfectly suitable for building a large single dwelling home, similar to other homes in the surrounding neighbourhood. As the lot is too small to subdivide into 2 lots with the required minimum of 75 Ft frontages, this amendment is nothing more than an attempt to circumvent the current R2 zoning requirements.

The fact that the owners overpaid for the lot during the period of bidding wars, with housing prices rising at unheard of rates (that you will note are now falling), does not make it the committees job to fix their bad investment decision.

Last year they attempted to sell it, lowering the asking price well below what they paid for it, just to cut their losses. Obviously they never received an offer that was acceptable to mitigate their losses.

Also, I would describe the timing of this request for a Zoning By-law Amendment suspect, knowing that a lot of home owners in the neighbourhood are away in Florida or some other warm climate location during this time of year.

And why would we trust them to build a quality structure when they have not maintained the the property in a manner that would lead one to believe they would be good neighbours.

I also take exception to the fact that you put all kinds of restrictions on the north and south sides of Riverside Drive, and then come along and casually say that sure, just change the by-law for the south side so they can build a semi-detached dwelling. This is a prime residential area and it needs to remain that way. Don't be de-valuing our properties.

There are other properties in the area that could potentially go up for sale. Does this mean that someone could then buy them and create lots smaller than 75 feet of frontage and build more semi-detached dwellings in the area? You would be setting a dangerous precedent, which would change the whole "character" of the neighbourhood.

What next, an apartment building?

Strongly Opposed,
[REDACTED]

FEB 23 2023

Petition

A zoning By-Law amendment application (application/File: D19 13931RIV) has been submitted for a 0.12 Hectar (0.29 acre) parcel of land situated on the south side of Riverside Drive, approx. 35 meters (114 feet) east of its intersection with Arlington Blvd.

We oppose this decision and would like to have your signature to keep this area as Single dwelling

Town of Tecumseh

NAME	Address	Phone	Signature
	13934 Riverside Dr E		
	13934 RIVERSIDE DR. E		
	13938 RIVERSIDE DR. E		
	13938 RIVERSIDE DR E		
	13942 Riverside Dr E.		
	13950 Riverside Dr		
	13994 Riverside Dr E		
	13994 Riverside Dr E		
	13975 Riverside Dr E		
	13926 RIVERSIDE DR E		
	13918 RIVERSIDE DR E		
	13611 RIVERSIDE		
	13636 RIVERSIDE DR		
	13639 RIVERSIDE DR		
	13640 "		
	13660 "		
	13720 RIVERSIDE DR E.		
	13720 RIVERSIDE DR E		
	13710 RIVERSIDE RD		
	13633 RIVERSIDE DR.		
	13834 Riverside Dr E		
	13814 Riverside Dr. E		
	13805 Riverside Dr E		
	13803 Riverside Dr E		
	13760 RIVERSIDE DR		
	13752 RIVERSIDE		
	13742 Riverside Dr.		
	13739 Riverside Dr		
	13739 Riverside Dr		
	13707 RIVERSIDE DR E		
	13685 Riverside Dr E		



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 25, 2023

Report Number: DS-2023-01

Subject: Zoning By-law Amendment
13931 Riverside Drive
Scheduling of a Public Meeting
OUR FILE: D19 13931RIV

Recommendations

It is recommended:

That the scheduling of a public meeting, to be held on Tuesday, February 28, 2023 at 5:00 p.m., in accordance with the *Planning Act* for a zoning by-law amendment application submitted for a 0.12 hectare (0.29 acre) parcel of land situated on the south side of Riverside Drive, approximately 35 metres (114 feet) east of its intersection with Arlington Boulevard (13931 Riverside Drive), seeking to amend Zoning By-law 2065 by rezoning the subject land from “Residential Type Two Zone (R2)” to a site-specific “Residential Type Two Zone (R2-8)” in order to facilitate the construction of a one-storey, two-unit dwelling (semi-detached dwelling) and establish site specific lot provisions, **be authorized**.

Executive Summary

A zoning by-law amendment application has been filed in order to change the zoning pertaining to a 0.12 hectare (0.29 acre) parcel of land situated on the south side of Riverside Drive, approximately 35 metres (114 feet) east of its intersection with Arlington Boulevard (13931 Riverside Drive) in order to facilitate the construction of a one-storey, two-unit dwelling (semi-detached dwelling). The purpose of this report is to

request 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

L.J.B. Family Holdings (“the Owner”) owns a 0.12 hectare (0.29 acre) residential lot with 27.4 metres (90 feet) of frontage on the south side of Riverside Drive, approximately 35 metres (114 feet) east of its intersection with Arlington Boulevard (13931 Riverside Drive) (“subject property”). The subject property is currently occupied by one single-unit dwelling (see Attachment 1).

Proposed Zoning By-law Amendment

The Owner has submitted a Zoning By-law amendment application seeking to amend Zoning By-law 2065 by rezoning the subject land from “Residential Type Two Zone (R2)” to a site-specific “Residential Type Two Zone (R2-8)” in order to facilitate the construction of a one-storey, two-unit dwelling (semi-detached dwelling) and establish site specific lot provisions. The proposed R2-8 zone will also allow for the future subdivision of the subject property along the common wall dividing the semi-detached dwelling, so each dwelling unit is on a separate property.

The current R2 zone that applies to the subject property permits single-unit detached dwellings. The proposed new two-unit dwelling will comply with all yard provisions of the current R2 zone that apply to single-unit dwellings (i.e. front/rear/side setbacks, lot coverage, etc.). The existing dwelling on the property is proposed to be demolished as part of the redevelopment proposal.

Along with the application, the Owner has provided a preliminary site plan (see Attachment 2) and architectural renderings (see Attachment 3) depicting the proposed two-unit dwelling. Each unit within the two-unit dwelling will have a floor area of 241.5 square metres (2,600 square feet).

Surrounding Land Uses

The subject land is situated within a predominately low density residential neighbourhood with relatively large single-unit dwellings on large lots surrounding the subject property along Riverside Drive, Arlington Boulevard and Clovelly Road. A commercial property and a private school are located farther to the west of the subject property on the south side of Riverside Drive. A church is located to the south of the school on the east side of St. Mark’s Road (see Attachment 4).

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 residential development. 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

- a) Healthy, liveable and safe communities are sustained by:
- b) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- c) 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)...uses to meet long-term needs;

...

- 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

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years...

Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

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;
 - c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
 - ...
 - d) are transit-supportive, where transit is planned, exists or may be developed
- Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.
- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.
- 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.
- 1.4 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:

...

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 and employment opportunities; and
 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- 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.

6.0 Definitions

Residential intensification: means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) redevelopment, including the redevelopment of brownfield sites;
- b) the development of vacant or underutilized lots within previously developed areas;
- c) infill development;

- d) development and introduction of new housing options within previously developed areas.”

In addition to the foregoing policies, it should be noted that the subject property falls within an area of the Town that is subject to subsection 3.1.2 “Natural Hazards” of the PPS with respect to the provision of “safe access” of emergency services during times of flooding events. In particular, the depth of water within the municipal roadway abutting the subject property (Riverside Drive) has the potential, under extreme coastal flooding events to reach a depth of over 0.6 metres (1.9 feet). In this regard, the Town has prepared a Flood Response Action Plan and owns a high-water rescue vehicle. Accordingly, the Town’s Fire Chief & CEMC has confirmed that safe access for Natural Hazards properties within Tecumseh can be provided in accordance with subsection 3.1.2 “Natural Hazards” of the PPS and has recommended that planning and building permit applications affected by this policy can be processed.

In summary, the PPS establishes that the Town should be supporting and promoting residential infill 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. The PPS also supports the development of a broad range of housing types and tenures and encourages residential intensification within identified urban areas where such areas have appropriate levels of servicing.

The subject proposal is in a location and of a form of residential development that achieves all of the foregoing policy objectives. It provides an alternative form of housing type at a density that provides for a more compact built form. The proposed development is also considered to be intensification in accordance with the definition contained in the PPS. In addition, the proposed development is serviced by the Tecumseh Transit System and is in close proximity to a bus stop. Based on the foregoing, it is the opinion of the writer that the application for the proposed residential development is consistent with the PPS.

County of Essex Official Plan

The subject property is within an identified Primary Settlement Area of the County 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 Tecumseh. The following goals and policies of the County OP are most relevant in the assessment of the subject proposal:

“3.2 SETTLEMENT AREAS

3.2.2 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, and to a lesser extent, within full serviced secondary 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.

...

- e) Local Official Plans are encouraged to provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area as outlined below:

- i) Maintaining at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification, redevelopment and if necessary,

lands which are designated and available as defined by Provincial Policy.

- ii) Maintaining at all times, where new development is to occur, at least a 3 year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.
- iii) Permitting and facilitating all forms of housing, including special needs housing, required to meet the social, health and well-being requirements of current and future residents.

3.2.7 Intensification and Redevelopment

The County encourages well-planned intensification development projects in the Settlement Areas to encourage more efficient use of land and municipal infrastructure, renew urban areas and to facilitate economic and social benefits for the community.

The County also specifically encourages residential intensification and redevelopment within Primary Settlement Areas in order to increase their vitality, offer a range of housing choices, efficiently use land and optimize the use of infrastructure and public service facilities.”

In accordance with the aforementioned goals and policies, it is the opinion of the writer that the proposed development conforms to the County OP.

Tecumseh Official Plan

The subject land is currently designated “Residential” on Schedule “B-1” of the Tecumseh OP (see Attachment 5) and is subject to the “Low Density Residential” policies contained therein. The type of dwelling being proposed is contemplated by this designation provided it can be appropriately integrated with the existing and proposed development pattern by meeting the applicable policies of the Plan.

The Tecumseh OP provides broad support for the type of dwelling being 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;
- iii) 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;
- iv) to encourage the infilling and rounding out of the existing development pattern in urban areas of the Town where a full range of municipal infrastructure (including a piped sanitary sewer system), community facilities, and goods and services can be provided in a cost-effective and environmentally sound manner;
- v) to ensure that existing and new residential areas are walkable and, to the greatest extent possible, are supported by all modes of transportation;
- vi) to promote and encourage residential intensification activities in areas of the Town where a full range of municipal infrastructure, community facilities, and goods and services are readily available. Residential intensification includes infilling, ARUs, conversions and redevelopment;

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. A minimum of 15 percent of all new housing within the Town should be provided through residential infill and/or intensification, as identified as a target in the County of Essex Official Plan. Residential intensification shall be defined as a net increase in residential units or accommodation within a given property, site or area and includes:

- a. redevelopment, including the redevelopment of brownfield sites;
 - b. the development of vacant or underutilized lots within previously developed areas;
 - c. infill development
- vi) within existing stable residential areas, applications for infill or redevelopment must be located and organized to fit with neighbouring properties and must satisfactorily address the criteria contained in Section 3.18 of this Plan. In fully serviced areas, intensification through moderate increases in building height or density, and gradual transition to more intense forms of housing may be approved in neighbourhoods that are adjacent or in close proximity to such items as transit routes, commercial areas, community facilities and/or significant areas of open space.”

The Tecumseh OP contemplates the type of residential development being proposed and encourages the redevelopment and intensification of residential areas where appropriate. As noted above, in determining its appropriateness, the proposed development is to be evaluated against the relevant land use compatibility criteria contained in Section 3.18 of the Tecumseh OP, as follows:

“3.18 Land Use Compatibility

In order to foster a sustainable development pattern, some land uses need to inter-relate while others are best separated. Further development and redevelopment in the Town will be guided by principles of land use compatibility that respect the quality and stability of existing areas and provide for suitable transition between areas of differing use, sensitivity, urban design treatment and intensity in order to avoid or mitigate adverse effects. Land use compatibility does not mean “the same as” but to coexist harmoniously with one another.

3.18.1 Matters to be Assessed

Development and/or land use change must demonstrate that the resultant form, function and use of land are compatible with surrounding land uses. The demonstration of compatible development and land use change must consider the potential for impacts related to the character, planned function and/or ecological integrity of an area as well as the

health and safety of humans. Where there exists a potential for negative impacts, the following land use compatibility matters shall be assessed:

- i) shadowing;
- ii) loss of privacy due to intrusive overlook;
- iii) increased levels of light pollution, noise, odour, dust or vibration;
- iv) increased level of traffic that can disrupt the intended function or amenity of a use or area or cause a decrease in the functionality of active transportation or transit;
- v) reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas or setting;
- vi) visual intrusion that disrupts the streetscape or buildings;
- vii) built form in terms of scale and massing; and
- viii) the loss or impairment of significant views of natural features and areas to residents.

3.18.2 Mitigation Measures

Mitigation Measures Mitigation measures may be used to achieve development and land use compatibility. Such measures may include one or more of the following:

- i) ensuring adequate setbacks and minimum yard requirements;
- ii) establishing appropriate transition in building heights, coverage and massing;
- iii) requiring fencing, walls, landscaping or berming to create a visual screen;
- iv) designing the building in a way that minimizes adverse effects;

- v) maintaining mature vegetation and/or adding new landscaping features;
- vi) controlling access locations, driveways, service areas and activity areas; and
- vii) regulating location, treatment and size of accessory uses and structures, lighting, parking areas, garbage storage facilities and signage.

Planning Act tools including Zoning By-law standards, site plan control, development agreements and other measures will be used to implement mitigative measures that achieve compatible land use change and development.”

Based on an initial review of the preliminary site plan, the proposed one-storey, two-unit dwelling will meet the foregoing compatibility criteria.

It should also be noted that the subject property is within the Lake St. Clair Floodprone Area on Schedule “D” of the Tecumseh OP. Subsection 5.5.3 iv) of the Tecumseh OP establishes that development and site alteration may be permitted in the Lake St. Clair Floodprone Areas, in consultation with ERCA, where the risk to public safety and other effects can be absorbed, managed or mitigated in accordance with the following standards:

- a. the flooding and erosion hazards can be safely addressed, and the development and site alteration is carried out in accordance with flood-proofing standards, protection works standards, and access standards;
- b. existing hazards are not aggravated or new hazards are not created;
- c. no adverse environmental impacts will result;
- d. vehicles and people have a way of safe ingress and egress during times of flooding, erosion or other emergencies;
- e. the development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances; and
- f. development is carried out in accordance with established standards and procedures.

As noted earlier in this Report, under the section addressing PPS policies, the Town’s purchase of a high-water rescue vehicle along with the adoption of its

Flood Response Action Plan enables the foregoing criteria to be satisfied. In addition, the minimum elevation of openings for the proposed buildings will need to be in accordance with ERCA flood-proofing regulations.

Based on all of the foregoing, the Tecumseh OP encourages the type of residential development being proposed for the subject property, subject to the review, evaluation and public/stakeholder consultation process being undertaken as part of the required Zoning By-law Amendment process.

Zoning By-law 2065

As noted earlier in this Report, the subject land is currently zoned “Residential Type Two Zone (R2)” (see Attachment 6), which permits single-unit dwellings. The proposed zoning by-law amendment changes the zoning on the subject property from “R2” to a site-specific “R2-8” in order to facilitate the construction of the proposed two-unit dwelling and establish minimum frontage and lot area provisions in order to facilitate any future potential severance of the property in order to place each unit within the two-unit dwelling on its own conveyable lot for freehold ownership.

Conclusion

Having regard to the range, scale, location and nature of surrounding uses, the location of the proposed dwelling along with the current policy environment encouraging standards that support residential intensification and more compact and efficient development, it is believed that there is merit in considering the requested application to permit the proposed residential intensification on the subject land.

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 taken into consideration as part of 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, a Zoning By-law amendment by-law will be brought forward for Council's consideration at a subsequent Council Meeting.

Consultations

Community Safety
Public Works & Engineering Services

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 checked="" 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:

Wade Bondy
Director Community Safety & Fire Chief

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Engineering Services

Reviewed by:

Brian Hillman, MA, MCIP, RPP
Director Public Works & Engineering Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1.	Property Location Map
2.	Preliminary Site Plan
3.	Preliminary Architectural Renderings
4.	Property Location and Surrounding Land Uses Map
5.	Official Plan Map
6.	Zoning Map



Prepared By:
Development Services



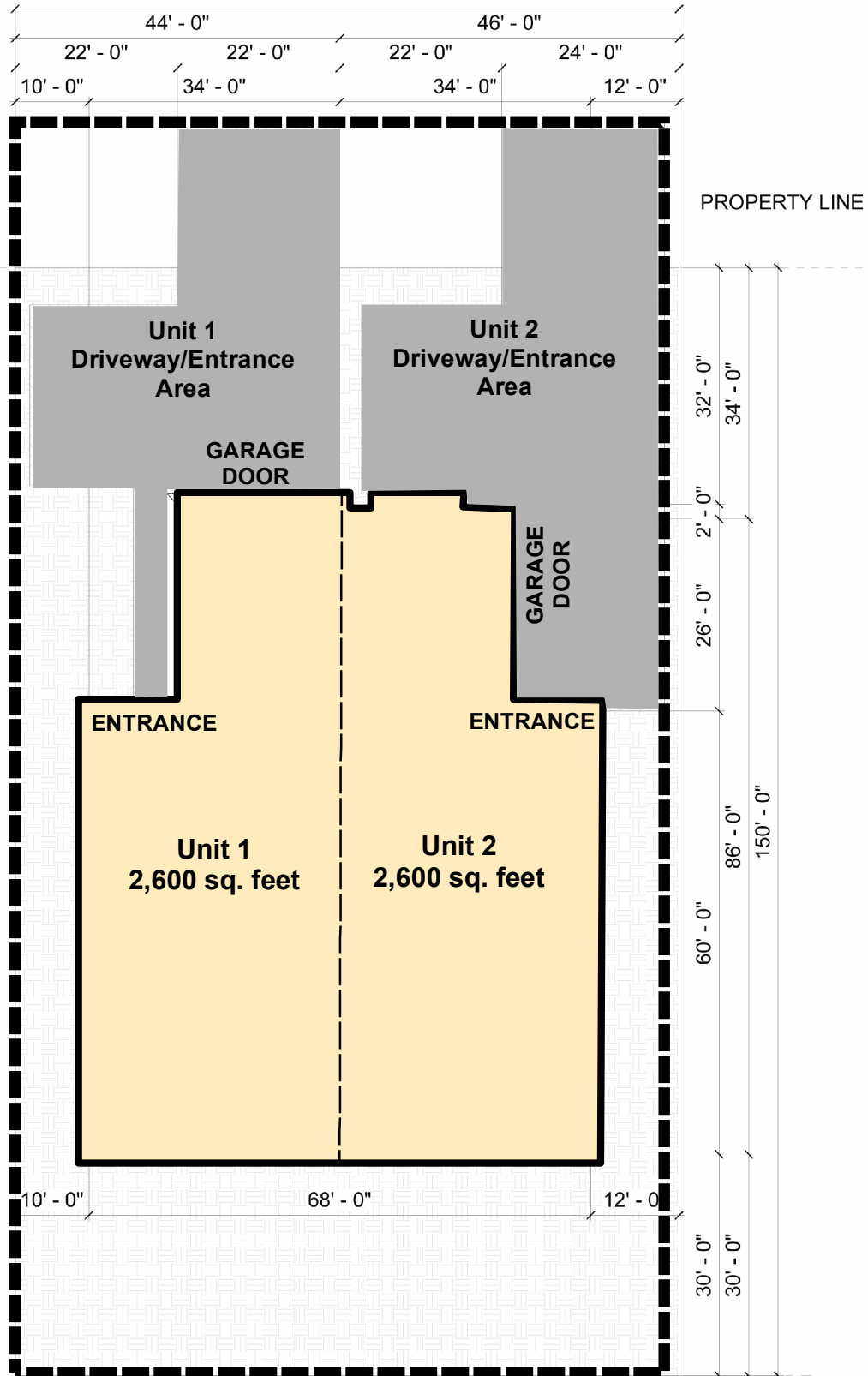
Legend:



Subject
Property

Attachment 1, DS-2023-01
Zoning By-law Amendment
13931 Riverside Drive
Property Location

RIVERSIDE DRIVE



Prepared By:
Development Services

Attachment 2, DS-2023-01
Zoning By-law Amendment
13931 Riverside Drive
Preliminary Site Plan

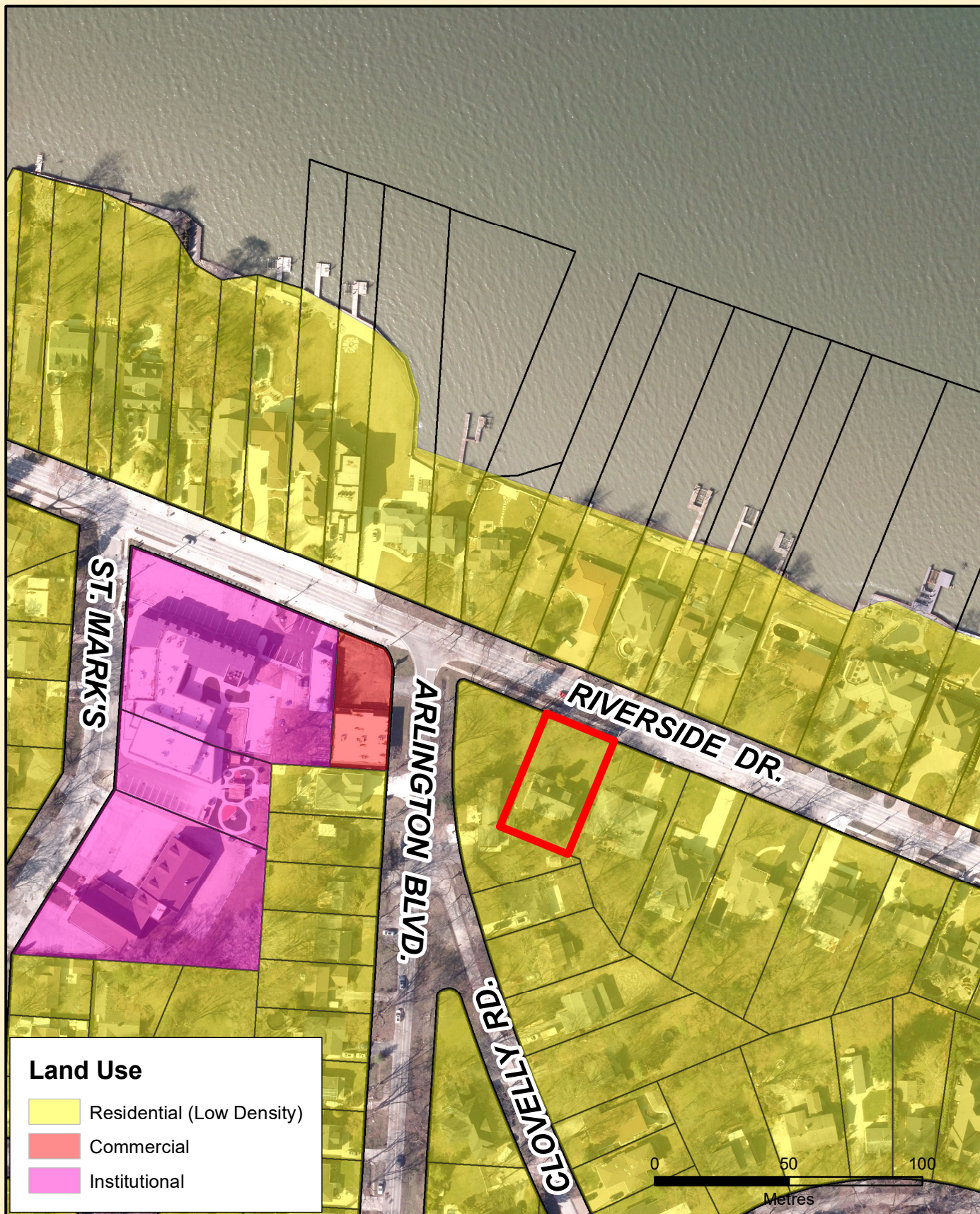


Views from Riverside Drive, facing south.



Prepared By:
Development Services

Attachment 3, DS-2023-01
Zoning By-law Amendment
13931 Riverside Drive
Preliminary Architectural Renderings



Prepared By:
Development Services

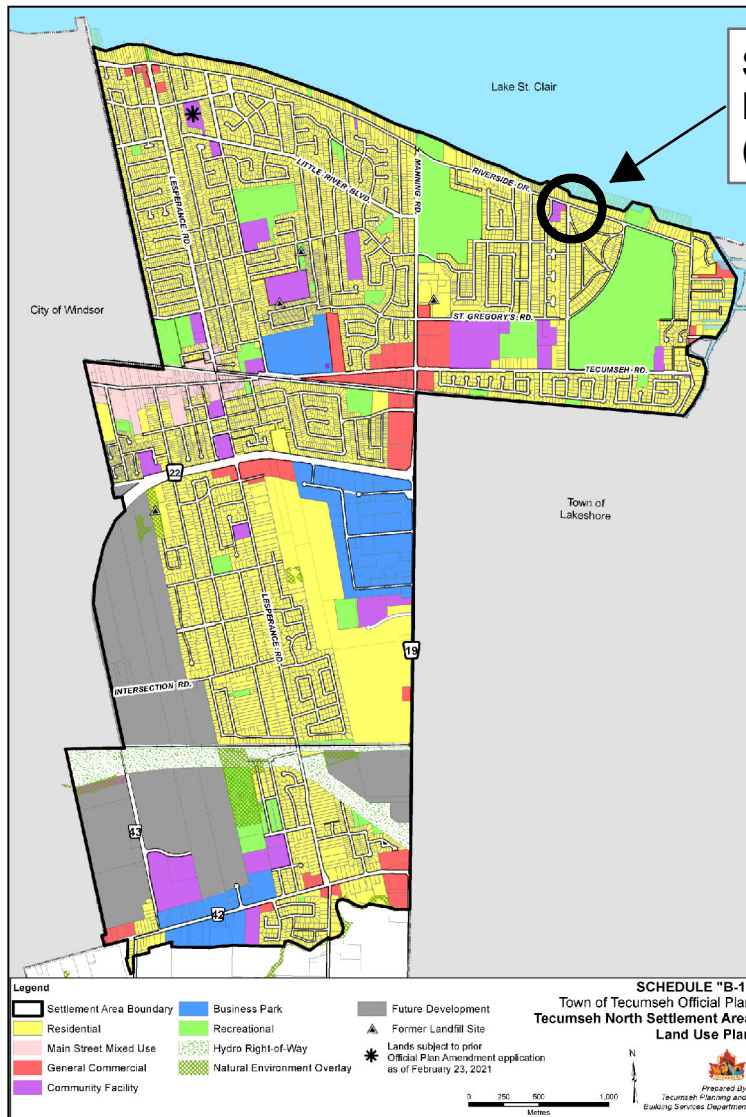


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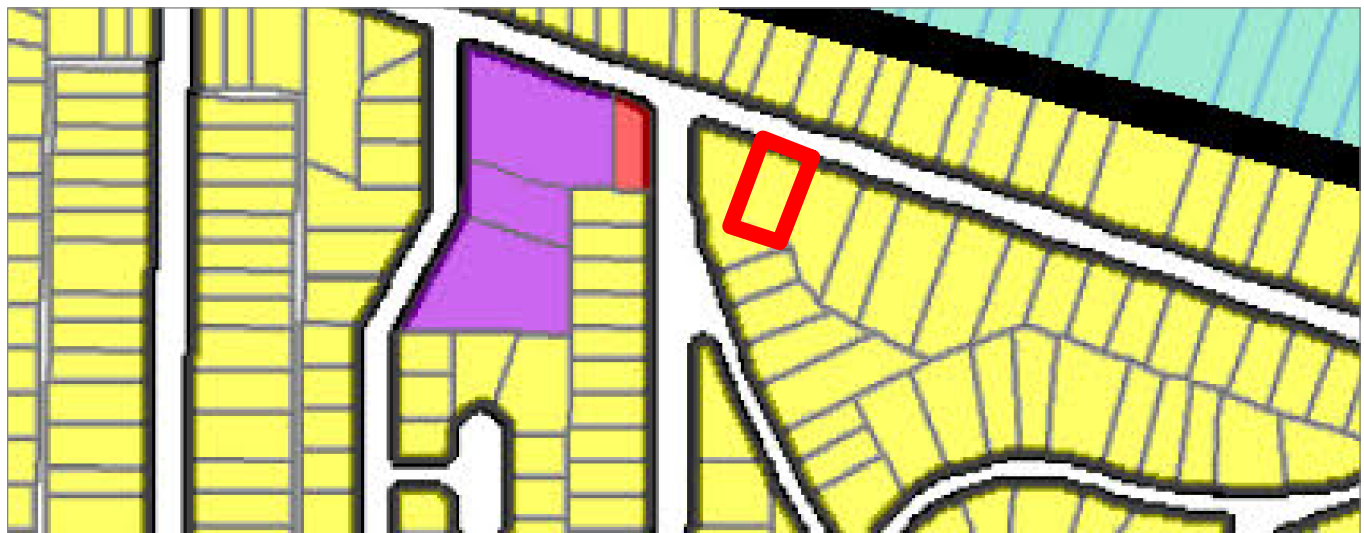


Subject
Property

Attachment 4, DS-2023-01
Zoning By-law Amendment
13931 Riverside Drive
Property Location and Surrounding Land Uses



**Subject
Property
(see zoom below)**

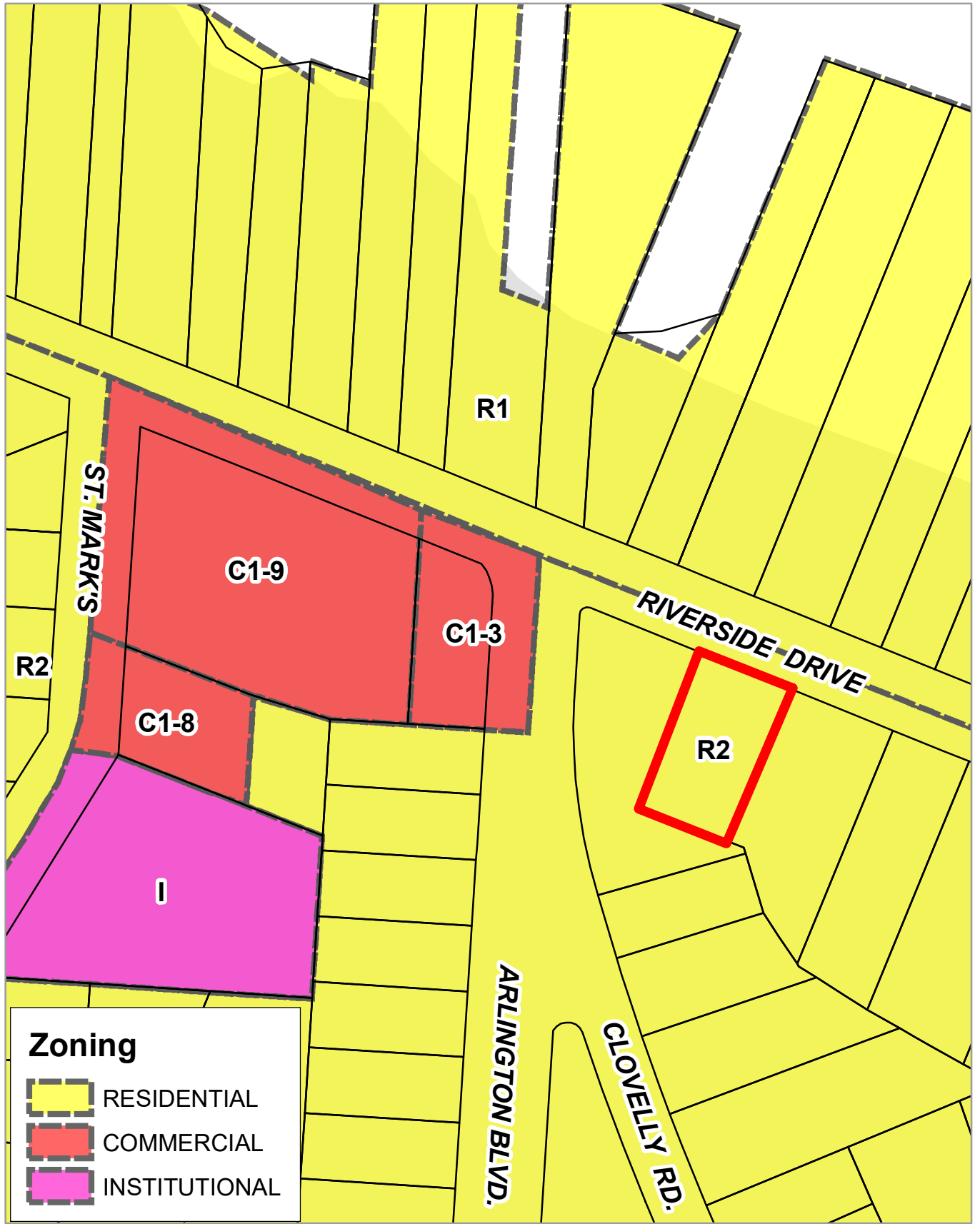


Prepared By:
Development Services



Subject Property


Attachment 5, DS-2023-01
Zoning By-law Amendment
13931 Riverside Drive
Official Plan



Zoning

-  RESIDENTIAL
-  COMMERCIAL
-  INSTITUTIONAL

Legend:

-  Subject Property

Attachment 6, DS-2023-01
Zoning By-law Amendment
13931 Riverside Drive
Zoning



Prepared By:
Development Services

