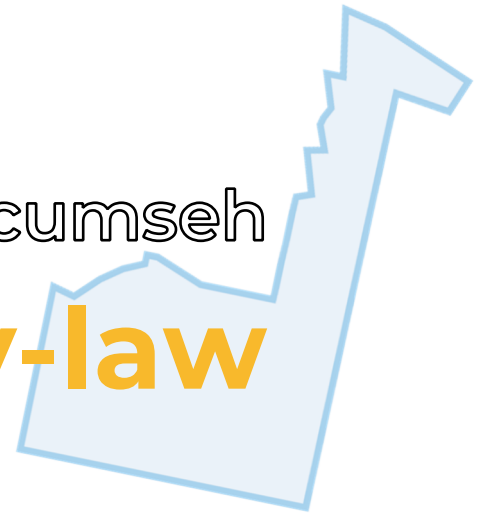




Town of Tecumseh

New Zoning By-law



Draft Discussion Paper (Technical Memo No. 1)

December 2022



Table of Contents

1	Introduction	1
1.1	Background	1
1.2	Preparing the New Zoning By-law	4
1.3	Purpose and Overview of this Discussion Paper	6
2	Policy Context	7
2.1	Planning Act	7
2.2	Provincial Policies and Guidelines	10
2.3	Town of Tecumseh Official Plan	12
3	Zoning in Tecumseh	15
3.1	Overview of Existing Zoning By-laws	15
3.2	Steps to Zoning By-law Harmonization	15
3.3	Site-Specific Exceptions	16
3.4	Minor Variances	18
3.5	Current Approach to Mapping	20
4	Principles for Preparing the New Zoning By-law	22
4.1	Zoning By-law Format and Layout	22
4.2	Zoning By-law Structure	23
4.3	Mapping Principles	25
4.4	Transition and Implementation	30
5	Key Issues and Opportunities	32
5.1	Official Plan Conformity	32
5.2	Additional Residential Units	37
5.3	Agricultural Zoning	39
5.4	Ancillary Uses in Employment Areas	44
5.5	Cannabis Cultivation and Production	46
5.6	Climate Change and Sustainability	48
5.7	Conservation Authority Regulations and Requirements	50
5.8	Future Development Area Zoning	55



5.9	General Issues	56
5.10	Mixed-Use Area Zoning	57
5.11	Neighbourhood Zoning	59
5.12	Parking Requirements	61
5.13	Short-Term Accommodations	64
5.14	Lake St. Clair Sightlines.....	65
6	Next Steps	67



1 Introduction

The Town of Tecumseh (the “Town”) has begun a process to prepare a new Zoning By-law that replaces the Town’s existing three Zoning By-laws. Zoning By-laws are a legal planning tool that guide the way in which our communities are built. Zoning By-laws regulate the use of land, as well as the character, location and size of buildings and structures throughout a municipality. The Town of Tecumseh Official Plan sets a broader vision and policies for the growth and development of the Town, while the Zoning By-law implements the policies through detailed, legal regulation of development. This section outlines the purpose of the Town of Tecumseh’s Zoning By-law Review and the purpose of this Discussion Paper.

1.1 Background

The Zoning By-law divides land into various zone categories such as residential, commercial, and employment, and establishes what uses are permitted and where buildings can be located on a property. The Town of Tecumseh is subject to three existing Zoning By-laws. The Tecumseh Zoning By-law (1746) was first adopted in 1987, the St. Clair Beach Zoning By-law was first adopted in 1994, and the Township of Sandwich South Zoning By-law was first adopted in 1985. Over the years, numerous amendments and site-specific amendments have occurred to each by-law.

This Project includes consolidating the Town’s existing three Zoning By-laws into one Zoning By-law that is updated with contemporary uses and standards. The preparation of a new Zoning By-law follows approval of the Town’s new Official Plan by the County of Essex in 2021. The creation of a new Zoning By-law will serve as an opportunity to implement the updated vision for the Town by putting the Official Plan’s general policies into specific regulations that are required to be met when developing or using a property.

In accordance with Section 26(9) of the *Planning Act*, zoning by-laws are to be reviewed within 3 years of completing an Official Plan Review. The new Tecumseh Zoning By-law will need to be consistent with the new Official Plan and needs to be reviewed due to the age of current standards, and large number of amendments and minor variances that have been approved over the years to facilitate development. In addition to this statutory requirement, this review provides an opportunity to modernize and streamline the Town’s zoning outlook, while introducing new land use zones, definitions, and standards

The Town of Tecumseh has retained WSP Canada Inc. (WSP) to assist with completion of the work associated with the new Zoning By-law.

1.1.1 What is Zoning?

In Ontario, a municipality’s zoning by-law is governed by Section 34 of the *Planning Act*. The *Planning Act* is provincial legislation and is described further in Section 2.1. The requirements within Section 34 of the Act enable councils to pass zoning by-laws to regulate the use of land



and the location, height, bulk, size, floor area, spacing, character and use of buildings and structures, as well as other characteristics. The regulations within zoning by-laws help create harmonious neighbourhoods and communities by managing land use conflicts and separating or mitigating incompatible land uses to ensure that adjacent land uses are compatible. It allows for the many uses that are required to be accommodated in a municipality to be organized in a manner that is systematic and coordinated, while facilitating the creation of complete communities for residents to live, work and play. Zoning by-laws collectively place every piece of property in a municipality into a particular zone category based on how the land should be used (e.g., residential, commercial, institutional, open space, etc.). A zoning by-law also implements the direction of an Official Plan and contains specific requirements for parcels of land including but not limited to:

- Permitted uses and building types;
- Building height;
- Where buildings and structures can be located on a lot (i.e., front, side and rear yard setbacks);
- Lot standards such minimum lot area and frontage; and
- Parking standards.

As a result, every piece of land in the Town has a certain set of regulations regarding what kind of buildings and structures can be put there and how they can be used. Each zone category is represented by a symbol (e.g., R1, for Residential First Density) which represent how the lands are to be used with restrictions on the location and size of buildings. The Zoning By-law is a written document containing the zone regulations, as well as additional sections for general provisions that are applicable to all of the zone categories and other standards. The document is associated with schedules (maps) showing where the various zone categories apply across the Town.

1.1.2 Overview of Tecumseh's Zoning By-laws

A notable outcome of the Town's new Zoning By-law will be the consolidation of the three existing by-laws, including numerous amendments which have accumulated over the years. The various Zoning By-laws currently in place, brought about through previous government amalgamations as well as land transfer, include the following as shown on **Figure 1**:

- **Zoning By-law 1746:** Applies to the former Town of Tecumseh
- **Zoning By-law 2065:** Applies to the former Village of St. Clair Beach
- **Zoning By-law 85-18:** Applies to the former Township of Sandwich South



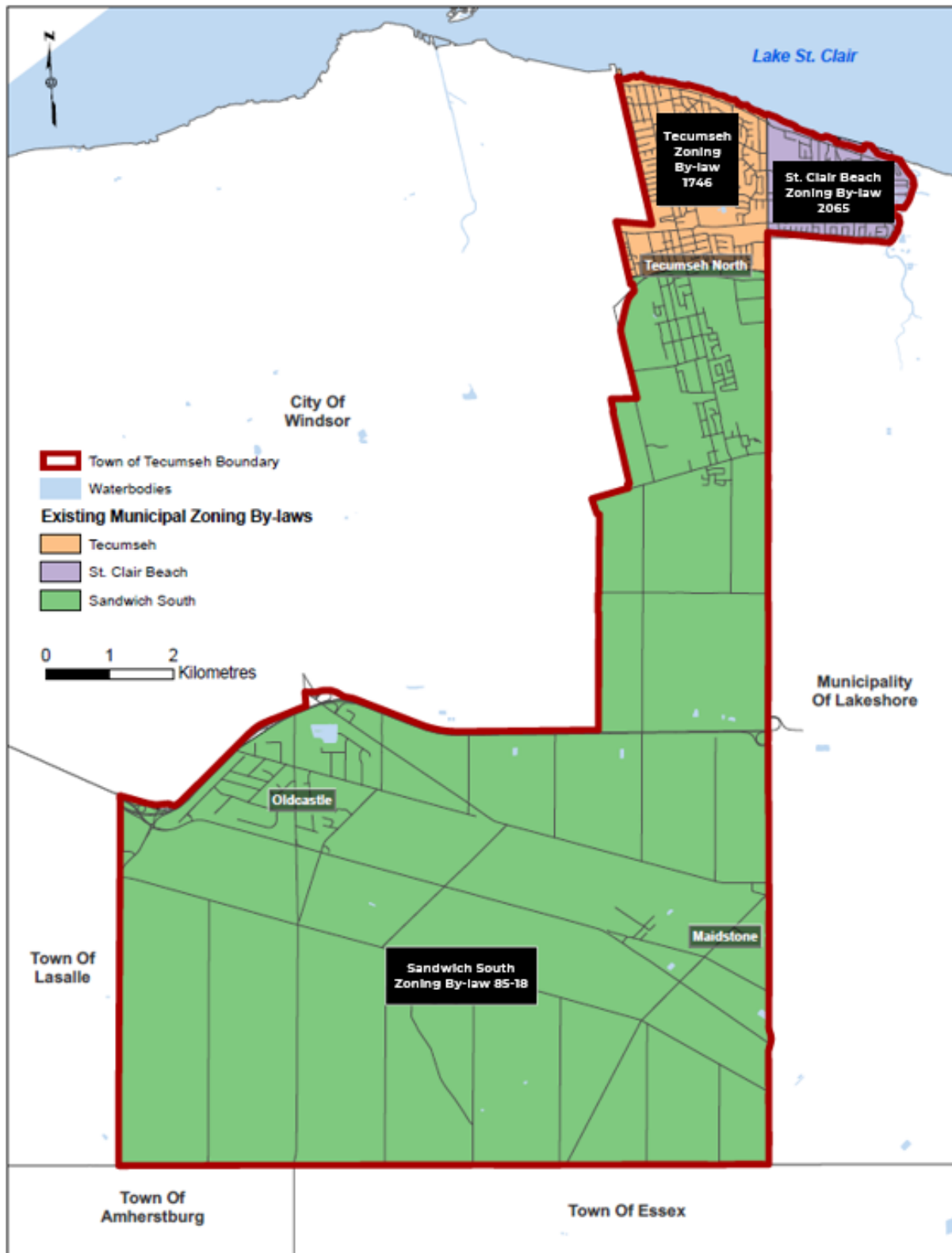


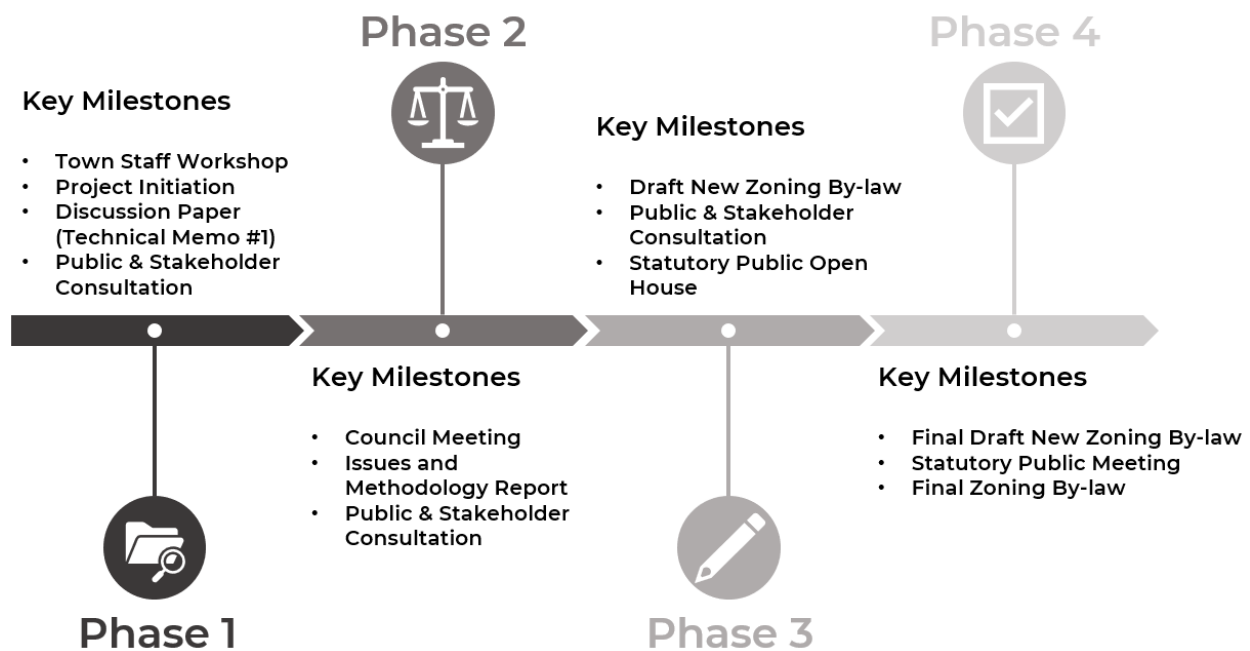
Figure 1 - Overview of Existing Tecumseh Zoning By-laws



While these by-laws have been updated through site-specific amendments, housekeeping amendments and other improvements, there is significant opportunity for streamlining, modernization and alignment with policy objectives. Consolidating the by-laws will require merging different general provisions, definitions, and even zones into a set of coordinated standards, using the three by-laws as a basis. The new Zoning By-law will need to find the right balance of retaining existing detail while streamlining administration and creating equity in the provisions across the whole Town. Further to the consolidation, the standards are to be reviewed and updated to reflect modern practice and development standards and Official Plan conformity.

1.2 Preparing the New Zoning By-law

The process to prepare the new Zoning By-law is being undertaken over four phases and is anticipated to be completed by the end of 2023.



The following provides a more detailed overview of each phase of technical work, alongside the various consultation milestones that will take place throughout the project.

Phase 1 – Background Review/Study

- During this Phase, the current Zoning By-law will be reviewed to determine required changes, based on initial consultations with Town staff, external agencies and interest groups, and the public.
- The project webpage will be launched on the Town’s website to raise project awareness and provide opportunities to the public to provide feedback on the new Zoning By-law.



- A Town Staff Workshop will be held to introduce the project and seek input on key zoning issues to be included in the Draft Discussion Paper.
- The Draft Discussion Paper will be circulated to Town staff, external agencies and stakeholders for comment. This will also include consultation with Indigenous communities, technical agencies, and a Town-wide virtual public open house.
- A Final Discussion Paper will be prepared, integrating feedback received through engagement activities in Phase 1.

Phase 2 – Proposed Regulatory Alternatives

- A presentation will be made to Council that introduces the project and engagement conducted to date, and the key issues and opportunities for the new Zoning By-law identified in the Final Discussion Paper.
- A draft Issues and Methodology Report will be prepared to build on the Discussion Paper by outlining a series of recommendations for changes to the Zoning By-law. The Report will also include a proposed template for the new Zoning By-law, and an approach to reviewing site specific exceptions included in the current Zoning By-law.
- The draft Issues and Methodology Report will be reviewed with Town staff and finalized based on input received through consultation with Indigenous communities, technical agencies, and the public. The Report will be made available on the Town's project webpage, for information.
- A final Issues and Methodology Report will be prepared, integrating feedback received through engagement activities in Phase 2.

Phase 3 – Draft New Zoning By-law

- Based on the recommendations set out in the Issues and Methodology Report, a draft Zoning By-law will be prepared in coordination with Town staff, including a Draft Zoning Schedule (map).
- The draft Zoning By-law will be reviewed with the Town staff for comment prior to consultation with Indigenous communities, technical agencies and the public. The Draft Zoning By-law will also be presented at a Statutory Public Open House under Section 34(12)(b) of the *Planning Act*. Prior to the Statutory Public Open House, the Draft Zoning By-law and supporting materials will be made available on the project webpage.

Phase 4 – Refinement and Finalization

- A Final Draft Zoning By-law and Zoning Schedule will be prepared and will be reviewed by Town staff for additional refinement.
- The Final Draft Zoning By-law will be presented at a virtual Statutory Public Meeting as required under the *Planning Act*.



- A Final Zoning By-law will be prepared to address comments received at the Statutory Public Meeting and will be presented to Council for consideration of adoption.

1.3 Purpose and Overview of this Discussion Paper

This Discussion Paper is organized to summarize the background research and consultation that has taken place and the preliminary recommendations that will guide work in the next stage of the review process, which involves preparing the Issues and Methodology Report. The following topics are addressed in this Discussion Paper:

- **Section 2.0 – Policy Context** identifies and summarizes the applicable legislative, policy, and regulatory framework in Ontario, and how it relates to this Project.
- **Section 3.0 – Zoning in Tecumseh** reviews the existing Zoning By-laws and analyzes the existing zoning regime in the Town and details the steps to harmonize the Zoning By-laws.
- **Section 4.0 – Principles for Preparing the New Zoning By-law** outlines several core principles that will guide the preparation of the New Zoning By-law.
- **Section 5.0 – Issues and Opportunities** discusses some of the major issues and opportunities that have been identified to-date and will need to be considered.
- **Section 6.0 – Next Steps** summarizes the key conclusions of this Discussion Paper and outlines the next steps for the review process.



2 Policy Context

The following Section provides an overview of relevant provincial and municipal policies that enable the need and role of a municipal Zoning By-law. Additional policy detail is outlined in Section 5 as it relates to identified zoning issues.

2.1 Planning Act

The *Planning Act* is the principal legislation that prescribes how municipalities may plan, manage, and regulate land use in Ontario's communities. The *Planning Act* outlines matters of Provincial interest and enables the Province to issue policy statements which provide direction to municipalities on these matters of Provincial interest.

The *Planning Act* enables municipal councils to pass a variety of tools that relate to the planning and regulation of land use and the built environment. Under Section 16 of the *Planning Act*, most municipalities, including the Town of Tecumseh, must prepare and adopt official plans in accordance with the process and requirements for content described in the Act. Official plans contain goals, objectives and policies to guide decision making on a wide range of land use planning and related matters. Municipal decisions, by-laws and public works are to conform to the policies of the official plan (Section 24(1)). The Town adopted their new Official Plan in 2021, which was developed and approved under this section of the Act. In accordance with Section 24(1), a zoning by-law must be prepared to conform to the Official Plan.

Section 34 of the *Planning Act* enables councils to develop and pass zoning by-laws to regulate the use of land and the location, height, bulk, size, floor area, spacing, character and use of buildings and structures, as well as parking and loading requirements and other specified matters. Further, zoning by-laws may be used to prohibit the use of land or erection of buildings and structures:

- in wetlands, lands with steep slopes or otherwise hazardous land;
- in contaminated lands or in areas with sensitive groundwater or surface water features;
- in significant natural features and areas; and/or
- in significant archaeological resource sites.

In accordance with Section 24(1), zoning by-laws must also conform to the official plan and be consistent with the Provincial Policy Statement. Zoning by-laws are viewed as one of the primary implementation tools of the official plan, effecting its policies.

Zoning by-laws are legally enforceable documents with very precise requirements for each property in the municipality. A property owner is not entitled to obtain a building permit unless their proposed building, structure or change in land or building use meets the requirements of the zoning by-law. Further, persons who have erected a building or structure or changed the use of land or the use of a building which does not meet the zoning by-law may be subject to penalties as outlined in the *Planning Act*.



If a person wishes to use their property or construct a building or structure that does not meet the zoning requirements, they may apply for a minor variance or a zoning by-law amendment. Minor variances may be granted by the Committee of Adjustment in accordance with Section 45(1) of the *Planning Act*, provided the variance satisfies the four tests of the *Planning Act*. Major deviations from the requirements of the zoning by-law require an amendment to the By-law.

2.1.1 Smart Growth for Our Communities Act, Bill 73

The *Smart Growth for Our Communities Act* (Bill 73), 2015, made significant amendments to the *Planning Act*, along with the *Development Charges Act*. In broad terms, the reforms introduced by Bill 73 are intended to give citizens a greater, more meaningful say in determining how their communities will grow, and to give municipalities more tools to fund community services and growth. In total, the Bill proposed over 200 amendments to the *Planning Act*, with a number of major amendments proposed. Bill 73 adds “built form” as a matter of provincial interest to be regarded by municipalities in accordance with Section 2 of the *Planning Act*.

The Bill also precluded global appeals of Official Plans, or policies that implement provincially approved matters, as well as providing for alternative notice provisions for planning applications. Of note, site-specific amendments to new zoning by-laws are not permitted within the first 2 years after they come into force, except as permitted by Council. The prohibition of site-specific amendments only applies to comprehensive zoning by-laws that repeal and replace all former zoning by-laws and are related to a zoning review conducted under 26(9) of the *Act*. Council may pass resolutions on a case-by-case basis or to a class of applications in order to allow applications to be made.

Furthermore, changes to the *Act* remove the ability to apply for a minor variance 2 years following the passing of an applicant-initiated site-specific zoning by-law amendment, unless authorized by Council. Additionally, municipalities now have the authority to establish additional criteria through a municipal by-law that would better respond to the local context.

2.1.2 More Homes, More Choice Act, Bill 108

On May 2, 2019, the Provincial government unveiled its proposal for streamlining the development approvals process through proposed Bill 108, the *More Homes, More Choice Act*. The *Act* received Royal Assent on June 6, 2019 and includes amendments to several pieces of legislation, including the *Planning Act* and the *Local Planning Appeal Tribunal Act*, with the stated objective of making residential development faster and more affordable.

Among the most significant changes were:

- 1 The timeframe for making a decision has been reduced for most planning applications:
 - a. Official Plan Amendment applications may be appealed by the applicant after 120 days (previously 210 days) without a decision.



- b. Zoning By-law Amendment applications may be appealed by the applicant after 90 days (previously 150 days) without a decision.
 - c. Plan of Subdivision applications may be appealed by the applicant after 120 days (previously 180 days) without a decision.
- 2 New rules related to appeals of planning decisions:
- a. Third-party appeals of Plan of Subdivision decisions are limited to key participants (the Province, the Municipality, utility companies, applicant, etc.). Members of the general public may no longer appeal a subdivision decision.
 - b. The Ontario Land Tribunal (OLT) may make decisions based on the best planning outcomes, rather than a strict reading of applicable policy only.
 - c. The OLT now has final say in appeals, whereas previously under the existing OLT rules Council may have had the opportunity to reconsider decisions.
 - d. Eliminating appeals of Plans of Subdivision by members of the public will result in fewer appeals of subdivisions overall and reduce the timeline from approval to clearance of conditions. Changes to the appeal process may result in faster resolution of appeals.
- 3 Expanded the requirements and removed barriers for municipalities to permit 'additional residential units' (formerly known as second units, secondary suites, accessory dwelling units etc.) in their Official Plans and Zoning By-laws. Municipalities are now required to permit additional residential units (ARU's) in single, semi-detached and row homes and in an accessory building or structure, totaling three residential units on the property.

The new Zoning By-law presents an opportunity to streamline the development review process in Tecumseh and respond to the changes introduced through Bill 108.

2.1.3 More Homes for Everyone Act, Bill 109

On April 14, 2022, the Province's Bill 109 received royal assent providing legislative direction to implement the *More Homes for Everyone Act, 2022*. Through Bill 109, the Province mandated a series of changes that affect the development application review process including:

- Site Plan Control approvals appointed to Staff;
- Removing Council as approval authority for Site Plan Control;
- Removes the ability of municipalities to refuse Site Plan Control;
- Modifying SPC timelines to 60 days;
- Reducing Zoning By-law Amendment applications timelines to 90 days;
- Requiring refunds of fees for Site Plan Control and Zoning By-law Amendment applications that do not meet the timelines;
- Introduces appeal rights to clients related to complete applications; and



- Allows the Minister to suspend timelines for approval and send approval for a new Official Plan to the Ontario Land Tribunal.

These changes will be supported by the new Zoning By-law which will streamline the zoning regime in the Town of Tecumseh and refine zoning standards to meet the needs of a growing community.

2.1.4 More Homes Built Faster Act, Bill 23

In October 2022, the Province released the *More Homes Built Faster Act* (Bill 23) with the stated goal of increasing housing supply and encouraging attainable housing. At the time of preparing this Discussion Paper, the Act had been released by the Province for public consultation. The implications of Bill 23 will be closely monitored by the Project Team and any implications on the new Zoning By-law will be addressed in subsequent reports prepared as part of this project.

2.2 Provincial Policies and Guidelines

Provincial policies and guidelines are intended to provide policy direction to decision makers on matters of provincial interest related to land use planning and development. This includes providing a framework for comprehensive, integrated, place-based and long-term planning that supports and integrates the principles of strong communities, a clean and healthy environment and economic growth, for the long term. The following section provides an overview of those Provincial policies and guidelines that will inform the new Zoning By-law.

2.2.1 Provincial Policy Statement

The Provincial Policy Statement is a statement of the Province's position on land use planning matters and is issued under Section 3 of the *Planning Act*. The Provincial Policy Statement, 2020 came into effect May 1, 2020. The Provincial Policy Statement, 2020 (PPS, 2020) contains policies on community development, employment areas, housing, public space, infrastructure, economic development, energy, resource management, natural heritage, agriculture, cultural heritage and public health and safety. It promotes the development of healthy, livable and safe communities, and the efficient use of land and infrastructure through more compact development, a mix of uses, and access to multiple modes of transportation.

Decisions on land use planning matters, including the goals, objectives and policies of official plans, must be consistent with the PPS, 2020. The new Tecumseh Official Plan is consistent with the policies of the PPS, 2020. The PPS, 2020, in the preamble, recognizes Zoning By-laws as an important tool for implementing the PPS, 2020, and planning authorities are required to keep their zoning by-law up to date and consistent with the Official Plan and the PPS, 2020.

2.2.2 Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas

The Ministry of Agriculture, Food and Rural Affairs (OMAFRA) developed the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (Publication 851), 2016, as a guide to assist in interpreting the Provincial Policy Statement, 2020 and outline the range of uses that are



allowed in prime agricultural areas. The Provincial Policy Statement, 2020 currently permits a range of uses in Ontario's prime agricultural areas, which are categorized as: agricultural uses, agriculture-related uses and on-farm diversified uses. The intent of the Guidelines is to support a thriving agricultural industry and rural economy and allow uses in prime agricultural areas that ensure settlement areas remain the focus of growth and development. The Tecumseh Official Plan includes policies that implement the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas.

2.2.3 Minimum Distance Separation Formulae Document

In Ontario's rural and prime agricultural areas, the PPS, 2020 requires that new land uses, including the creation of lots and new or expanding livestock facilities, comply with the Minimum Distance Separation (MDS) formulae and guidelines.

The MDS formulae and guidelines are land use planning tools that determine setback distances between livestock barns, manure storages or anaerobic digesters and surrounding land uses, with the objective of minimizing land use conflicts and nuisance complaints related to odour. Demonstrating that an MDS setback can be met, may be required before a land use planning approval or building permit can be issued.

MDS comprises two separate but related formulae that act jointly to help site either new development or new/expanding livestock facilities:

- **MDS I** setbacks are determined between proposed new development and existing livestock barns, manure storages and/or anaerobic digesters.
- **MDS II** setbacks are determined between proposed new or altered livestock facilities and/or anaerobic digesters and existing or approved development, lot lines and road allowances.

The Sandwich South Zoning By-law includes Minimum Distance Formulae provisions related to New Livestock Intensive Agricultural Uses. Section 15.2.1 notes that the erection of any main building or accessory manure handling and storage structure for a livestock intensive agricultural use must comply with the separation distances from existing, neighbouring uses derived through the application of the Minimum Distance Separation Formula II. The new Zoning By-law will need to ensure that the Minimum Distance Formulae provisions align with the Town's Official Plan and provincial guidance to further minimize land use conflicts related to odour.

2.2.4 Clean Water Act and Source Protection

Zoning is considered to be a key implementation tool to implement Source Protection Plans, which have been prepared and implemented across Ontario under the *Clean Water Act*. The intent of these plans is in part to limit land uses and activities which can pose a threat to drinking water. The policies for limiting land uses and activities are relevant to zoning, which can directly implement these policies. Under the Act, the Essex Region Source Protection Plan has been prepared and rely upon land use policies to ensure that municipal drinking water sources are protected.



In accordance with Section 40 of the *Clean Water Act*, the Town is required to amend its Official Plan to conform with its applicable Source Protection Plan within five years of its approval. Further, Section 42 of the Act requires zoning by-laws to be updated. Section 39 requires that all decisions made by Council under the *Planning Act* and the *Condominium Act* shall conform to the significant threat policies established by the Source Protection Plans, regardless of local planning policies and by-laws, to implement the Source Protection Plans. Section 5.4.1 of the Tecumseh Official Plan contains policies related to source water protection. There will be a need to introduce appropriate zoning provisions and mapping to implement the Official Plan policies related to source water protection.

With respect to zoning by-laws, the Guide outlines that zoning by-laws can prohibit the use of land, buildings and structures in vulnerable areas; continue to allow agriculture as a main use, but prohibit certain accessory uses or structures, such as structures intended to store agricultural materials in specific areas; limit the size of additions or prohibit additions in vulnerable areas; and provide an overlay zone to define a building envelope, to restrict the size, location or nature of the development, or to impose other restrictions as may be deemed necessary by the municipality.

2.3 Town of Tecumseh Official Plan

2.3.1 Overview

The new Town of Tecumseh Official Plan was approved by the County of Essex on June 21, 2021. The Official Plan establishes the future pattern of development for the Town of Tecumseh for a 25-year planning horizon. The purpose of the Town's Official Plan is:

- To provide direction and establish policies which will be used by Council, the Committee of Adjustment, municipal staff and other affected stakeholders when making decisions with respect to land use planning and growth in the Town while ensuring consistency with the Provincial Policy Statement, 2020 and conformity with the County of Essex Official Plan;
- To establish goals and policies that protect and enhance the quality of life and quality of place of the Town, while promoting a healthy, livable and complete community, wise use of its natural resources, community services, infrastructure, and a strong economy and addressing climate change mitigation and adaptation;
- To establish a land use pattern that ensures a basic compatibility between and among the Town's various land uses;
- To direct all future non-agriculture development to locate within designated urban areas, where a full range of municipal infrastructure and community facilities and services can be provided in an economically and environmentally sound manner which is sustainable over the long term; and
- To ensure that good agricultural land is preserved and enhanced for agricultural use.

The Official Plan makes several references to zoning by-laws, including several specific issues for consideration in this review. Specifically, Section 10.2 directs that the Town will prepare a



new Zoning By-law to zone lands in accordance with the policies and designations contained in the Official Plan. It is a core objective of this review to bring the Town's new Zoning By-law into conformity with the updated Official Plan.

2.3.2 Maidstone Hamlet Secondary Plan

The Maidstone Hamlet Secondary Plan provides a comprehensive land use and servicing policy framework for the Maidstone Hamlet. This Secondary Plan is contained in Section 11.2 of the Town's Official Plan. The policies and land use designations of the Maidstone Hamlet Secondary Plan are intended to provide a policy framework that will allow for the proper evaluation of individual future development applications located within the hamlet while establishing a clear vision for its future.

Informed by the various visioning sessions part of establishing the Secondary Plan framework for Maidstone Hamlet, the following Community Guiding Principles were established:

- That the overall future design of Maidstone Hamlet should attempt to recognize and preserve the patterns and character revealed in the existing community; and,
- That key elements and patterns of the existing rural landscape be incorporated into the future design of the hamlet.

The principal components of the Secondary Plan, which are to be achieved through individual developments, are summarized below:

- New municipal parkland totaling almost 10 hectares;
- Open space areas that are linked by an integrated multipurpose trail system;
- Pike Creek, to the greatest extent possible, is to remain a natural, undisturbed watercourse, through the establishment of a “protective” corridor;
- A highly interconnected street system (modified grid) with shorter block lengths allowing for a more balanced transportation system that works better for cyclists, pedestrians, and the automobile;
- Maintain Malden Road as a “character road”;
- Provide opportunities for commercial development (including uses such as retail, office uses, gas station, restaurant) at strategic locations; and
- The general pattern of new residential lots is for larger single unit lots to be abutting existing residential development, gradually moving to a range of smaller single unit residential and other forms of more intensive housing forms towards the outer limits of the hamlet.

In preparing the new Zoning By-law there may be a need to review the application of the Hamlet Residential (HR) zone in the Sandwich South Zoning By-law and confirm the application of Agricultural (A) zone in future development areas. However, the ultimate implementation of the Secondary Plan, particularly application of zoning, will need to occur through other processes to ensure that future zoning is aligned with specific development plans.



2.3.3 Tecumseh Hamlet Secondary Plan

The Town of Tecumseh has re-initiated a process to prepare a new Secondary Plan for lands within the Tecumseh Hamlet Settlement Area, as shown in **Figure 2**. The Secondary Plan will address the integration of existing and new development and related infrastructure requirements to facilitate growth.

The outcomes of the Tecumseh Hamlet Settlement Area Secondary Plan will be considered as the two projects progress; however, it is anticipated that the implementation of site-specific zoning within the Secondary Plan Area in the new Zoning By-law will be completed alongside future development applications.

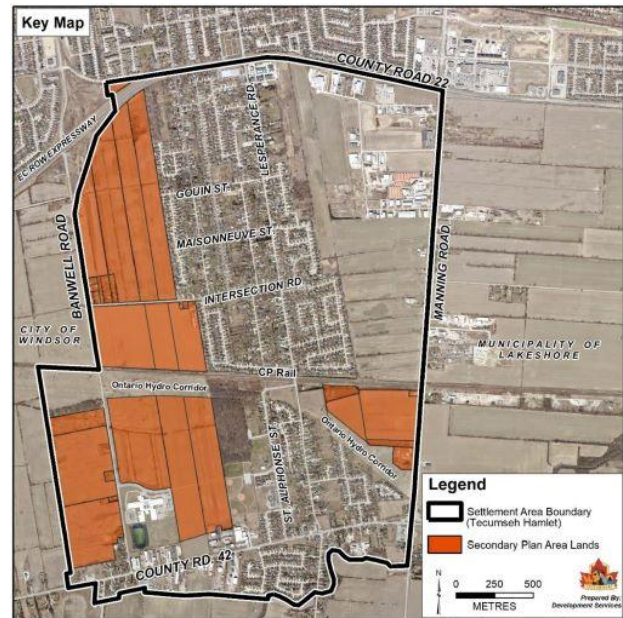


Figure 2 - Tecumseh Hamlet Secondary Plan Area



3 Zoning in Tecumseh

3.1 Overview of Existing Zoning By-laws

The Town of Tecumseh is governed by three separate Zoning By-laws (as shown previously on **Figure 1**). These Zoning By-laws represent the three former municipalities (Town of Tecumseh, Village of St. Clair Beach and Township of Sandwich South) that existed separately prior to the January 1, 1999 amalgamation of the three areas. The three By-laws include the following:

- **Zoning By-law 1746:** Applies to the former Town of Tecumseh and includes a total of eleven different zones.
- **Zoning By-law 2065:** Applies to the former Village of St. Clair Beach and includes a total of six different zones.
- **Zoning By-law 85-18:** Applies to the former Township of Sandwich South and includes a total of sixteen different zones.

A key objective of this new Zoning By-law is to review and consolidate existing zones where possible, with the goal of reducing the number of overall zones and ensuring that the zones implement the policies of the Official Plan. Any consolidation efforts will need to consider the implications of creating legal non-compliance with new zone standards. Potential impacts on community character should also be considered when merging zones. As such, it may be appropriate to establish tailored zone categories, overlays, or zone suffixes for specific geographies in the Town.

3.2 Steps to Zoning By-law Harmonization

Preparing a new Zoning By-law affords the Town an opportunity to streamline the By-law, increase the usability of the By-law and to reduce duplication. This can be done through a detailed review of the existing zone structures to identify where there are current inefficiencies and duplication. In order to consolidate the existing zoning by-laws, a thorough and well-documented approach will be employed to ensure that the process of harmonization achieves the principles for the new Zoning By-law as discussed in Section 4.

Below is an overview of the steps to zoning by-law harmonization:

- **Step One – Group Similar Zones Based on Permitted Uses:** The first step in reviewing the existing zones is to tabulate the permitted uses and lot and building requirements of the existing zones. For example, in Tecumseh, there are three General Commercial zones that can be reviewed side-by-side. A revised zone structure can then be developed based on the Official Plan. Three circumstances usually arise - new zones are added, zones are consolidated, and some existing zones may be deleted. Such decisions are only made after the analysis of the permitted uses and zone standards is completed and conformity with the Official Plan checked.



- **Step Two – Review Permitted Uses within the Zone Group:** Once similar zones are grouped, the permitted uses within that structure will need to be reviewed in order to update terminology to reflect current building forms, uses and planning practice. In harmonizing the permitted uses, it is important that there is a clear understanding of how the existing permissions have been translated or deleted and that each of these decisions have been documented.
- **Step Three – Review Definitions in Conjunction with the Assessment of Permitted Uses:** Existing definitions must be compared and contrasted in conjunction with the review of the use permissions for the new zone hierarchy. Since it is the definitions that ultimately characterize the uses permitted, it is important that existing definitions are reviewed for consistency, updated to reflect current planning practice, and that it is clearly documented where changes have been made. This is also an opportunity to clearly articulate the nature of a use to minimize the need for interpretation once the By-law comes into effect.
- **Step Four – Compare and Contrast Zoning Regulations for Zones to be Harmonized:** In areas of new, greenfield development, zoning regulations function to ensure that a specific building form or density is achieved. As a community matures, the function of zoning changes from ensuring a specific development form to establishing an envelope within which change can occur on individual lots. As such, where development has occurred, the zone standards can be blended and harmonized to the greatest degree possible. The rule of thumb for harmonizing zones in a new by-law is to retain the minimum or least restrictive standard in order to avoid situations of non-conformity. For example, lot area and frontage standards will be reduced to the lowest common denominator. Coverage will be established at the highest level permitted in the zones that are being combined. A careful understanding of the design implications on the existing built form and the potential for lot creation of blending zone standards is key.

In addition, the Official Plan provides policy direction through broad land use categories, permitted uses and, to a lesser extent, standards that will be implemented through the zoning provisions of the new Zoning By-law. Any new standards created as a result of harmonizing zones must be evaluated against the Official Plan to ensure conformity.

3.3 Site-Specific Exceptions

The new Zoning By-law will identify options and opportunities where site-specific exceptions and special provisions can be consolidated or eliminated. The overall objective of reviewing the site-specific exceptions is to minimize how many are included in the new Zoning By-law, to the extent feasible, in order to develop a new Zoning By-law that is streamlined and easier to administer and interpret.

Between the Town's three existing Zoning By-laws, there are nearly 250 site-specific exceptions, which are exceptions applied to defined land(s) and added through a zoning by-law amendment process. In most cases, a site-specific exception is applied to one property; however, it may be applied to multiple properties including an entire block or subdivision.

There are three options to consider when reviewing site-specific exceptions, based on the desired outcome of the new Zoning By-law. The review of site-specific exceptions is anticipated



to take place alongside the preparation of the Final Draft Zoning By-law to minimize the number of iterations and revisions and to align with the ultimate new zone structure.

Option 1: Complete Repeal

The first option involves repealing all existing site-specific exceptions. This option would have significant impacts on current development permissions and would likely generate significant appeals and opposition. Given that some exceptions would have been approved before and after the Town's new Official Plan, site-specific exceptions may be required to implement specific policies of the Official Plan. It is not recommended that all site-specific exceptions be repealed through the new Zoning By-law.

Option 2: Review and Harmonize

The second option involves reviewing and harmonizing existing site-specific exceptions to reduce the overall number of exceptions and align with the new Zoning By-law. The following opportunities may arise in reviewing the site-specific exceptions:

- Where the zoning changes due other recommendations made in the new By-law (e.g., allowing on-farm diversified uses as-of-right), the need for the site-specific exception may be eliminated;
- The site-specific is expired in the case of temporary use by-laws;
- The site-specific exception is old, was not implemented, and the permission is no longer desirable to carry forward based on landowner interest or Official Plan conformity; and/or
- The intent of the site-specific exception was to guide the development of a site and now that it has been built, the provisions of the site-specific exception no longer provide value.

The decision of whether to keep, delete, or modify existing site-specific exceptions should be clearly documented. It is expected that a tracking table will be prepared to methodically work through all of the exceptions and ensure clear direction can be provided to update the zone mapping. Once a decision has been made to maintain an exception, it would need to be integrated into the new Zoning By-law template. The existing Zoning By-laws number their exceptions sequentially based on their parent zone (e.g., R1, R2, C1, M1, etc.), which means there may be instances of two or more site-specific exceptions with the same identifier across the three by-laws. Going forward, the remaining site-specific exceptions can be comprehensively renumbered in the text and mapping of the new Zoning By-law to form a sequential order regardless of the parent zone (e.g., #1, #2, #3) or continue the existing approach to numbering based on the parent zone. The approach of sequential numbering creates administrative efficiencies in that each new site-specific exception would be added after the last one on the list.

Option 3: Retain All Site-Specific Exceptions

Retaining all site-specific exceptions could create significant conformity, administration, and interpretation issues. This option would retain the status-quo and the site-specific exception would be carried over as written on the day of adoption. The existing format, definitions, and



style of the site-specific exception would not align with the new Zoning By-law; however, this approach would have the least impact on existing development rights.

3.4 Minor Variances

In accordance with Section 45 of the *Planning Act*, the Town's Committee of Adjustment may approve minor variances from the provisions of the zoning by-law to provide some relief from its requirements. This is commonly used to provide minor changes to setback requirements, parking requirements, height requirements or other provisions.

An analysis of minor variances provides input to the new Zoning By-law by highlighting trends in the types of additional permissions or zoning relief that has been sought historically. Identification of any common trends or elements of zoning that have frequently been subject to alteration may indicate the need to adjust a particular standard. The focus of the new Zoning By-law should be on developing zoning provisions that balance restrictiveness and permissiveness, thus minimizing the need for minor variances.

From 2012 to present day, the Town of Tecumseh has processed a total of 315 applications for minor variance. As seen in **Figure 3**, 43% of all minor variance applications submitted to the Town were in related to the Sandwich South Zoning By-law. The remaining 35% and 22% of all applications were in relation to the Tecumseh and St. Clair Beach Zoning By-laws, respectively.

APPLICATIONS FOR MINOR VARIANCE (2012 - PRESENT)

■ Tecumseh Zoning By-law ■ St. Clair Beach Zoning By-law ■ Sandwich South Zoning By-law

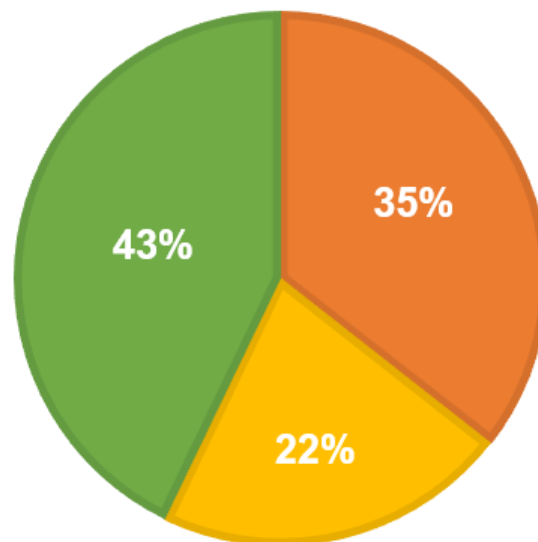


Figure 3 - Summary of minor variance frequency

To understand the purpose of these minor variances, **Table 1** provides an overview of the top three zoning provisions in each Zoning By-law where relief has been sought from 2012 to present day.



Table 1 - Overview of minor variance requests

Tecumseh Zoning By-law (Total 178 Applications)		
Number of Applications & Percent of Total Applications	By-law Section	Provision
10 (R1 Zone) – 6%	7.1.5	Maximum Lot Coverage for R1 Zone: 30%
28 (R2 Zone) – 16%	6.1.5	Maximum Lot Coverage for R2 Zone: 30%
13 – 7%	6.1.11	Minimum Rear Yard Depth for R1 Zone: 7.6 metres, except for any lot on the north side of Riverside Drive, the mid-point of the wall nearest to Lake St. Clair of any new dwelling or any addition to an existing dwelling, shall not extend beyond the established building line. For the purpose of this paragraph only, the established building line shall be the straight line joining the nearest point of the wall of the adjacent dwelling to the nearest point of the wall of the next adjacent dwelling.
9 – 5%	5.25.1 d) i)	Accessory structures shall not exceed 10% of total lot area or 90 sq. m. in area, whichever is the lesser, and no individual accessory building or structure shall exceed 50 sq. m. in area.
St. Clair Beach Zoning By-law (Total of 102 Applications)		
Number of Applications & Percent of Total Applications	By-law Section	Provision
28 – 27%	7.1.3 e) iii)	Minimum Interior Side Yard
10 – 10%	7.1.3 b)	Minimum Lot Frontage for R2 Zone: 75 feet
6 – 6%	7.1.3 a)	Minimum Lot Area for R2 Zone: 9,000 square feet
Sandwich South Zoning By-law (Total of 135 Applications)		
Number of Applications & Percent of Total Applications	By-law Section	Provision
21 – 16%	14.1.9 c)	Minimum Side Yard Width in M1 Zone: 6.0 metres



19 – 14%	5.27.1 d) i)	Accessory uses in residential zones cannot exceed 10 percent of total lot area or 90 sq. m. in area, whichever is the lesser, and no individual accessory building or structure exceed 70 sq. m. in area.
15 -11%	14.1.5	Maximum Lot Coverage in the M1 Zone: 40%

The findings of this minor variance analysis generally suggest that the majority of minor variance applications to the Tecumseh and St. Clair Beach Zoning By-laws are in relation to the R1 and R2 Zone of each By-law. This is not unexpected as infill and intensification takes place in existing residential neighbourhoods, and there has generally been a trend towards constructing larger homes which meet modern household needs. As such, the standards may no longer correspond to current building practice. There is an opportunity when reviewing the new zone standards to consider trends in infill and intensification within neighbourhoods to maintain the existing character, while providing flexibility for the development of new homes and built form typologies. The high number of variances sought to the Tecumseh Zoning By-law along Lake St. Clair further underscore the need to review these provisions, as discussed in Section 5 of this Report.

Analysis in regard to the Sandwich South Zoning By-law indicates that the highest number of applications have been in relation to the M1 Zone pertaining to setbacks and lot coverage. This is also not unexpected as a significant portion of the lands within this Zoning By-law are within an identified employment node in the Town’s Official Plan. As full municipal servicing is incrementally extended to employment areas, including sanitary sewer connections, intensification of existing employment lands is anticipated given that land is no longer required for septic system infrastructure. Further, and as industries evolve and grow, the new Zoning By-law will need to consider building standards to ensure that the needs of an evolving industrial base can be accommodated.

The outcome of this analysis assists in identifying the aspects of the existing zoning by-laws where the standards may not be reflective of current development interests. However, it is important to recognize that minor variances are applied for and evaluated on a case-by-case basis. Even where a zone has been varied many times, this may not necessarily mean the standard is not suitable. Rather, a large number of minor variances assists with identifying aspects of the by-laws that require further research and review.

It should be noted that a significant number of variances does not necessarily mean the provisions are not working well. Rather, in some cases, the variance may be desirable as it provides a public process for evaluating the application.

3.5 Current Approach to Mapping

Zoning by-law maps illustrate the application of different zones across the municipality, usually including streets and the lot fabric. The zoning maps complement the zoning by-law text, showing which zone applies to each parcel of land in the municipality. The use of colour, lines of different weight, and patterns is very common in zoning maps in order to show different zones



or provisions that may apply. The mapping for the Town of Tecumseh's current three Zoning By-laws is currently administered via portable document format (PDF) maps on the Town's website. Each of the three Zoning By-laws follows its own format or template and span a range of original publication dates. The current zoning schedules are in black and white, with no use of colour, and use different types and sizes of fonts.



4 Principles for Preparing the New Zoning By-law

One of the objectives of preparing a new Zoning By-law is to create an improved and progressive document that is effective, user-friendly, and easy to interpret by staff, the development industry, Town Council, and the public. The new Zoning By-law presents an opportunity to revise how the current Zoning By-laws are structured and formatted to create a modern and contemporary Zoning By-law for the Town of Tecumseh. This section provides an overview of the principles and technical matters that may be considered when preparing a new zoning by-law to clearly communicate zoning regulations.

4.1 Zoning By-law Format and Layout

An objective of the new Zoning By-law is to undertake editorial and housekeeping modifications to develop a contemporary and easy-to-read zoning by-law which contains easily understood and clearly written regulations. A properly structured by-law, from an administration perspective, is streamlined in its organization and facilitates and simplifies future by-law updates.

The following principles have been established to guide the structural review exercise of the new Zoning By-law text:

- The Zoning By-law will be used by a very diverse audience; therefore, the format and content of the By-law should be user-friendly to the greatest extent possible;
- The document should be accessible for people with disabilities (e.g., avoiding the use of italicized words in favour of bolded or underlined words as well as consideration for font size, spacing and contrast) and navigable in both digital and print formats;
- Visual schematics and 3D illustrations should be provided to assist in the interpretation of complex definitions or provisions;
- Tables and matrices should be utilized to organize and present information, such as permitted uses and lot and building requirements, in lieu of separate text-heavy chapters. There are two overarching options to consider when organizing permitted uses into tables/matrices:
 - The first approach involves creating a permitted uses tables for each category (e.g., agricultural, residential etc.) within each zone's chapter.
 - The second approach involves creating a master zone uses table with selected permissions identified.
- Distinctive parts of the By-law should be separated into unique chapters to reduce the length of any given individual section (e.g., creating a separate Site-Specific Exceptions chapter is a means to reduce lengthy zone provisions sections); and



- Town staff, Council, the development industry, and the public can efficiently use the document to identify the zoning and regulations of a property without inadvertently missing any provisions that are applicable to their lot or their project.

4.2 Zoning By-law Structure

There are currently three existing Zoning By-laws in the Town of Tecumseh that cover all the lands in the Town. Each existing Zoning By-law applies to a specific area. Each of the By-laws follow a similar structure, with some differences in sections. For comparison purposes, **Table 2** identifies the sections within the existing Zoning By-laws.

Table 2 - Overview of Existing Zoning By-law Structures

By-law Section	Zoning By-law 1746	Zoning By-law 2065	Zoning By-law 85-18
General	Section 1	Section 1	Section 1
Administration	Section 2	Section 2	Section 2
Definitions	Section 3	Section 3	Section 3
Zones and Zoning Maps	Section 4	Section 4	Section 4
General Provisions	Section 5	Section 5	Section 5
Residential Type One Zone	Section 6	Section 6	Section 6
Residential Type Two Zone	Section 7	Section 7	Section 6A
Residential Type Three Zone	Section 8	Section 8	-
Hamlet Residential	-	-	Section 7
Local Commercial	Section 9	-	
Highway Commercial	Section 10	-	Section 9A
General Commercial	Section 11	Section 9	Section 8
Neighbourhood Commercial	Section 12	-	Section 9
Hamlet Commercial	-	-	Section 10
Rural Commercial	-	-	Section 11
Commercial-Industrial	-	-	Section 12
Hamlet Commercial-Industrial	-	-	Section 13
Restricted Industrial	Section 13	-	-
General Industrial	Section 14	-	Section 14
Agricultural	-	-	Section 15
Recreational	Section 15	Section 10	-



By-law Section	Zoning By-law 1746	Zoning By-law 2065	Zoning By-law 85-18
Community Facility	Section 16	Section 11	Section 16
Holding	Section 17	Section 12	Section 18
Parks and Open Space	-	-	Section 17
Business Park	-	-	Section 19
Highway Service Centres	-	-	Section 20

Through the examination of the structure of the existing Zoning By-laws, it is evident that there is some consistency in the sections that has been implemented. The by-laws have a standardized format with no visuals to accompany the text. The following summarizes some of the characteristics of the existing by-law structure which may inform the new Zoning By-law structure:

- Sections 1-5 of the Zoning By-laws are largely consistent;
- Zoning By-law 1746 and 2065 are largely similar in terms of structure given their predominant urban built form and geography of St. Clair Beach and Tecumseh. There is an opportunity to cluster residential zones and commercial zones in discrete chapters to reduce the overall number of sections;
- Zoning By-law 85-18 contains a suite of rural and hamlet zones, reflective of the rural geography of Sandwich South. There is an opportunity to cluster rural zones and agricultural zones in discrete chapters to reduce the overall number of sections;
- Zoning By-law 85-18 also contains employment zones reflective of the Oldcastle Hamlet Business Park area;
- Zoning By-law 85-18 contains a Parks and Open Space zone that is unique to Sandwich South, whereas Zoning By-law 2065 and 1746 employ a Recreational zone to fulfill a similar function;
- Zoning By-law 85-18 includes the primary agricultural zone that applies predominantly across Sandwich South – the other two by-laws do not contain agricultural zones;
- All three Zoning By-laws contain a dedicated Holding zone which is applied to lands to limit permitted uses to existing buildings and structures;
- There is no dedicated Environmental Protection or similar zone in any of the existing by-laws;
- Parking and loading requirements are currently contained within the General Provisions section of each by-law. There is an opportunity to create a distinct ‘Parking and Loading’ section which contains all applicable requirements; and
- Site-specific exceptions are contained in each zone chapter in each of the existing by-laws.

An important aspect of this Review will be to take these standardized documents and make them more visually appealing with the addition of graphics and images in a more modern format.



The consolidation of all existing Zoning By-laws will allow for a comprehensive document that is not repetitive and will allow for easy reading and understanding by the public.

4.3 Mapping Principles

The management and administration of zoning information across the Town of Tecumseh is an important consideration through this Review. As other municipalities have undergone comprehensive zoning by-law reviews, different approaches to mapping style have been employed to depict zoning across a municipality. It is important that municipalities consider the 'look and feel' of their mapping, generally contained in schedules to the zoning by-law text, which can be accessed both as hard-copy maps and from online mapping databases.

The existing Zoning By-laws each have associated maps outlining the respective areas the zoning applies to. The Town administers their mapping in PDF (hard-copy format) online. All of the mapping associated with the current in-effect Zoning By-laws are shown in black and white and use a range of styles, fonts, and layouts (**Figure 4**).

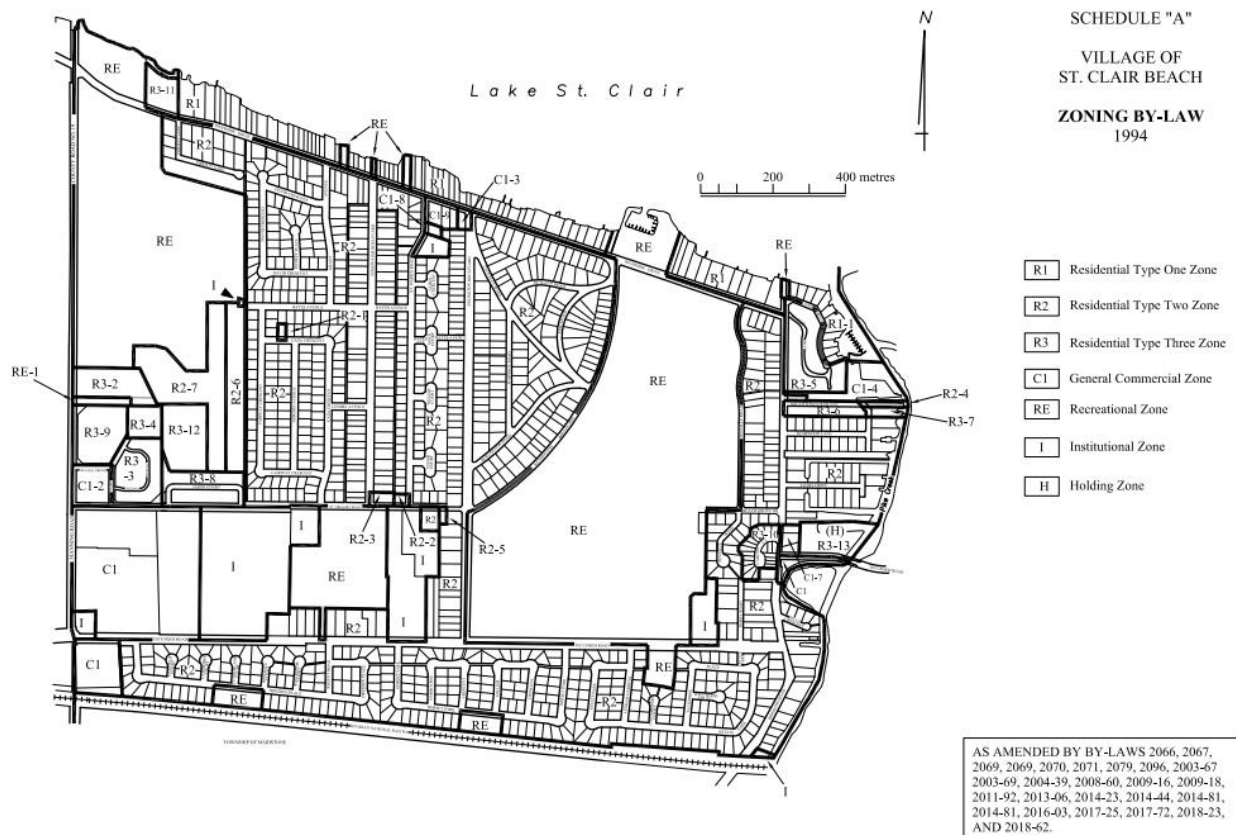


Figure 4 - Village of St. Clair Beach Zoning By-law (Schedule "A")



The following provides an overview of the current in-effect schedules:

Table 3 - Overview of existing schedules

Tecumseh Zoning By-law 1746	St. Clair Beach Zoning By-law 2065	Sandwich South Zoning By-law 85-18
Schedule A Zone Mapping	Schedule A Zone Mapping	Schedule A Zone Mapping
Schedule B Flood Protection Areas	Schedule B Areas Susceptible to Flooding	Schedule B Areas Affected by Special Height Regulations (Windsor Airport)

It is anticipated that the various Zone Mapping Schedules will be consolidated in to a new, harmonized Schedule A that applies across the Town. Schedule B from By-law 1746 and 2065 may be harmonized to show flooding and hazards-related mapping on one schedule. In consultation with Town staff, the applicability of Schedule B of By-law 85-18 will be reviewed. Schedule B of By-law 85-18 applies to a portion of the Oldcastle settlement area.

Geographic Information Systems (GIS) can be used as a tool to administer zoning information including tracking amendments, new site-specific exceptions, and minor variances. It is an objective of this new Zoning By-law to generally transition the Town to a web-based or web-friendly zoning system, including integration with GIS. This provides the opportunity for the Town to manage the Zoning By-law efficiently and to utilize an online, interactive zoning map tool, where residents can access up-to-date zoning information. However, formal PDF (hard copy) maps would accompany the Zoning By-law. There are a diverse range of zone mapping precedents which can be considered by the Town which integrate of a wide range of design considerations, including colour, font, line weight, and scale. The following principles will guide the creation of new mapping layout and format for the new Zoning By-law:

- The maps can be both published as PDF or accessed on an interactive platform;
- Digital mapping should be searchable and scalable, and allow a user to search for a specific property;
- The mapping approach for the Zoning By-law should harmonize the three existing Zoning By-laws and streamline future updates;
- A consistent template and format for all map schedules should be established, including legends, scales, and colouring, where appropriate; and
- As much as possible, the maps must be accessible, particularly when considering the use of colour mapping, as this can be challenging for colour blind or visually impaired users to use.

A standard map set could include a map of the Town, divided into sectors on an Index Map. Users would then be guided to a specific numbered map to find the detailed zoning for their



property. This approach is commonly adopted by municipalities, including the Municipality of Lakeshore (Figure 5) and Township of King Zoning By-law (Figure 6).

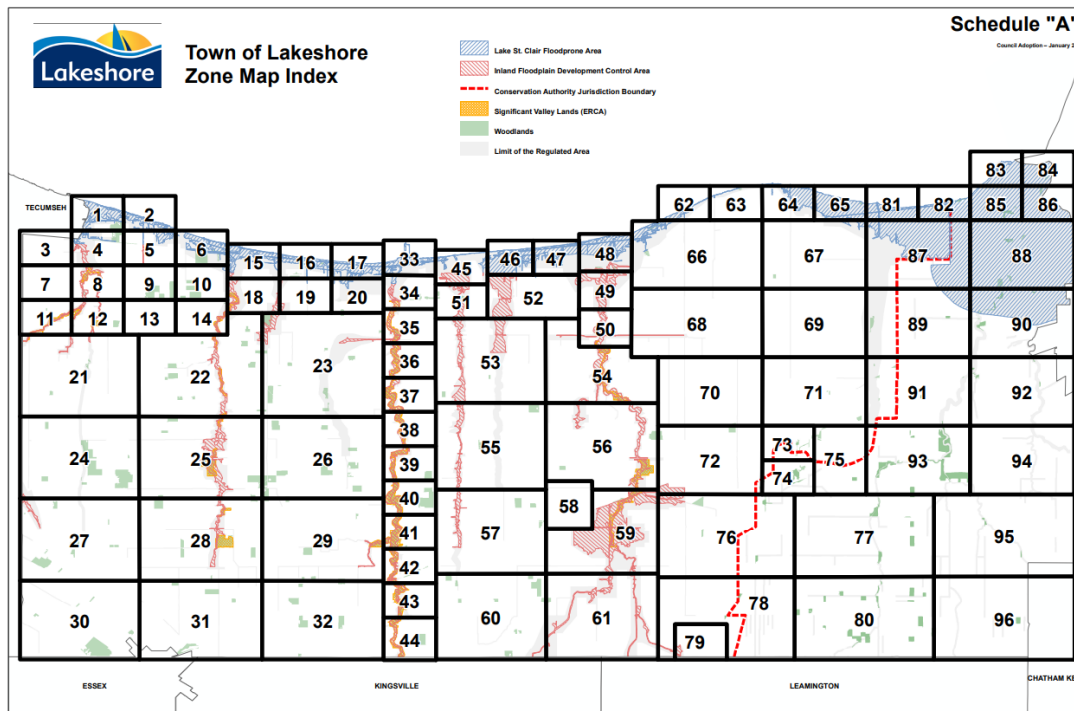


Figure 5 - Municipality of Lakeshore Zoning By-law Index Map

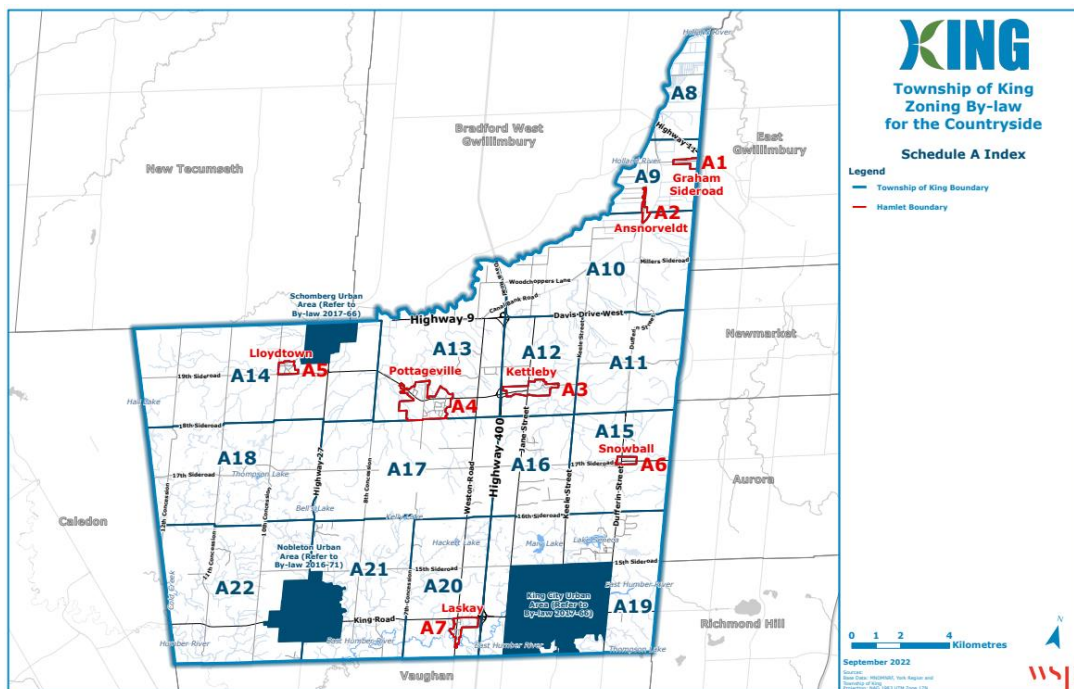


Figure 6 - Township of King Rural Zoning By-law Index Map



It is recommended that a separate zone layer be used to improve performance and usability through the development of the Zoning By-law. The Town will need to confirm its preferred approach to data management (i.e., parcel-based zoning vs. a separate zone layer) for the final delivery of GIS data.

Overlays

In order to integrate special considerations and provisions into Zoning By-laws, municipalities are introducing the implementation of overlay mapping features. Overlays can be represented as hatched, dotted or crossed areas and are associated with provisions specific to the areas where the overlay is shown in addition to the underlying requirements for that zone. Overlays are helpful in applying provisions that are geographically based, and which do not line up with zones. For example, overlays can be applied in cases where provisions for floodplains or environmental features need to be applied. The application of overlays needs to be carefully thought through as it can impact clarity and legibility of the mapping. A careful balance is necessary to ensure that the maps provide the information required but are also easy to read and understand.

Roads

The current Tecumseh Zoning By-laws depict zone boundaries along the centreline of the road. Considering this, it is recommended that the new Zoning By-law continue to place roads in a 'zone' and have any zone boundaries placed in the centreline of the road. The zone maps will need to consider how this approach is applied to different classifications of roads within Tecumseh (e.g., private roads and condominium roads).

4.4 Transition and Implementation

The new Zoning By-law should include a section on transition. Many other municipalities incorporate transition provisions to assist with ensuring that applications or recent approvals are not unnecessarily interrupted by the completion of the new Zoning By-law, and that any such approvals are allowed to proceed to construction without requiring a further zoning approval under the new Zoning By-law. Including transition provisions will help reduce appeal risks and eliminate the need for additional variances to grant approval status to recently approved development applications. Consideration may be made to utilize transition provisions that address:

- Recent building permit approvals;
- Recent zoning amendments (however, these should be incorporated directly into the new Zoning By-law as exceptions or within the parent zones);
- Recent minor variances (recognizing that the repeal of the existing Zoning By-laws may cause concern with respect to the legality of recognizing a minor variance to a repealed by-law. In some cases, municipalities have chosen not to fully repeal the old by-law but to



incorporate language that enables previous minor variances to be recognized for the purposes of enabling the transitional provisions);

- Recent site plan approvals; and
- Recent plan of plan of subdivision approvals (although the underlying zoning should be carried forward so this may not be necessary).

Normally, transition provisions are also associated with a sunset clause, indicating that the transitional status expires within a few years of the Zoning By-law coming into effect. For example, the new Township of King Rural Zoning By-law includes transition provisions for building permit, minor variance, site plan, and consent applications that were submitted and/or deemed complete prior to the new by-law coming into effect. An expiration clause is also provided, noting that the transition provisions expire within three years of the passing of the by-law. Other municipalities, such as the Town of Lincoln, tie transition provisions to entering into a site plan agreement prior to the new by-law coming into effect.



5 Key Issues and Opportunities

5.1 Official Plan Conformity

To implement and be responsive to the objectives and policies of the Town of Tecumseh's new Official Plan, there is a need to align the Zoning By-law zone categories with the land use designations and built form requirements identified in the Plan.

In accordance with Section 24(1) of the *Planning Act*, municipal decisions, by-laws and public works must conform to the policies of the Official Plan. Collectively, the provisions and regulations of the Zoning By-law are among the key mechanisms through which the policies of the Official Plan are implemented.

The Official Plan places all lands in the Town into various land use designations which are illustrated on Schedule B of the Official Plan. The land use designations are associated with a list of permitted uses and types of development that will be allowed, subject to certain criteria or policies. The Zoning By-law is the most important vehicle for implementing the Official Plan as it translates the broader land use permissions and requirements of the Official Plan into specific regulations and permitted uses which are legally enforced. The Official Plan, unlike the Zoning By-law, is not legally enforced by the Town. The Official Plan relies on the Zoning By-law to help achieve the Official Plan's long-term vision through enforceable regulations. The Zoning By-law should not be more permissive than the Official Plan. If a use is not permitted in an area by the Official Plan, it should not be permitted through zoning. The Zoning By-law must be updated to modify the permitted uses so that they are more in line with the Official Plan. This is a key reason for preparing a new zoning by-law, as it will bring the Town's legal tools in line with the Town's current policy.

Official Plan Land Use Designations

Table 4 offers a brief summary and characterization of each Official Plan Land Use Designation. The purpose of this analysis is to identify conflicts or gaps in how the current Zoning By-laws conform to the Town's Official Plan. The analysis is intended to identify potential conflicts between the Official Plan's policies and zoning. It is anticipated that this analysis will form the basis for conducting a more detailed review of mapping and permitted uses when the second Technical Memo is prepared. Further, this analysis may yield changes to the zone categories to better align with the land use designations in the Official Plan.



Table 4 - Town of Tecumseh Official Plan Land Use Analysis

Official Plan Land Use Designation	Key Zoning By-law Considerations
<p>Agricultural</p> <p>This designation is intended to preserve lands for agricultural purposes, discourage fragmentation of existing farms, and allow farm operators to engage in a wide range of agricultural activities.</p>	<ul style="list-style-type: none"> - The predominant use of land shall be agricultural, including the full range of uses consider by Provincial policy. - Agriculture-related uses are permitted subject to a zoning by-law amendment. - On-farm diversified uses are permitted as-of-right, subject to criteria. - Greenhouse operations and on-site housing are permitted as-of-right. - Cannabis greenhouse operations and other cannabis production uses are permitted subject to a zoning by-law amendment. - Mushroom operations require a zoning by-law amendment <p>It is recommended that a comprehensive review of the permitted uses in the Agricultural zone of the Sandwich South Zoning By-law be reviewed to align with modern practices and the Official Plan.</p>
<p>Residential</p> <p>This designation is intended to encourage an adequate supply of new residential uses in a variety of housing types.</p>	<ul style="list-style-type: none"> - Low-density uses are permitted as-of-right and include single and semi-detached dwellings and duplexes. - Medium density uses require a zoning by-law amendment and include a wide range of townhouse and apartment-style units. The maximum height is 4 storeys. - High density uses require a zoning by-law amendment and include apartments, nursing homes, and retirement homes. The maximum height is 6 storeys. <p>It is recommended that a series of zones be established to reflect the range of densities contemplated by the Official Plan. The existing Zoning By-laws do not currently provide regulations for high density uses, and there is an opportunity to provide greater direction for infill in existing residential neighbourhoods. Both medium and high-density residential uses require a zoning by-law amendment. The new Zoning By-law will</p>



Official Plan Land Use Designation	Key Zoning By-law Considerations
	<p>carry forward existing zoning permissions to maintain the original permitted uses.</p>
<p>General Commercial</p> <p>This designation is intended to recognize existing commercial districts and to allow for their continued development/redevelopment.</p>	<ul style="list-style-type: none"> - A wide range of commercial uses are permitted within this designation, including retail and office uses, automotive-related uses, hotels, and service establishments. - The Official Plan requires the zoning by-law to set out standards related to parking, loading, landscaping, buffering, and outside storage. <p>It is recommended that the existing General Commercial zones of the existing Zoning By-laws be reviewed to streamline the range of permitted uses and provide further site planning direction (e.g., landscaping, buffers etc.)</p>
<p>Main Street Mixed-Use</p> <p>This designation applies to properties along the Tecumseh Road corridor and is intended to provide retail and mixed-use residential uses that are street-oriented and create a main street setting.</p>	<ul style="list-style-type: none"> - A range of commercial uses, including retail, restaurants, and service uses are permitted and directed to be situated on the ground floor. - Medium and high density residential uses are permitted in upper-storey locations or to the rear of commercial buildings. - The Tecumseh Road Main Street Community Improvement Plan provides direction to help realize the pedestrian-oriented form of development along this corridor. - New automotive-related uses and drive-throughs are not permitted within this designation. <p>There is an opportunity to establish a new zone(s) to implement the policies of this designation. The Official Plan provides a basis to develop the zone(s) and there may be an opportunity to pre-zone certain lands for mixed-use development.</p>
<p>Business Park</p> <p>This designation is intended to provide for a wide range of employment uses, including</p>	<ul style="list-style-type: none"> - A range of employment uses are permitted within this designation. - A series of ancillary uses such as offices, restaurants, and gas stations are permitted along certain corridors to serve the industrial areas and broader community.



Official Plan Land Use Designation	Key Zoning By-law Considerations
<p>manufacturing, research and development, and warehousing.</p>	<ul style="list-style-type: none"> – Cannabis-related uses are not permitted within the Business Park designation. – Some undeveloped lands in the designation have servicing restrictions which may require the application of holding provisions in the Zoning By-law. <p>The application of existing Industrial and Business Park zones in the Zoning By-laws should be reviewed. There may be a need to establish a range of ‘employment’ zones that permit ancillary uses and recognize different areas of the Town (e.g., Oldcastle Hamlet vs. Tecumseh). Overall, a key outcome of the new Zoning By-law should be to achieve conformity with the Official Plan, particularly with respect to permitted uses in the Business Park designation.</p>
<p>Highway Service Centre</p> <p>This designation applies to an area north of Highway 401 and west of Manning Road. It is intended to provide for a highway transportation-related service centre to support the trucking industry and motoring public.</p>	<ul style="list-style-type: none"> – A single highway service centre facility is the intended use of the site, including garages, service stations, overnight accommodations, and ancillary service uses. – The Official Plan directs the zoning by-law to place all lands within this designation in an appropriate holding zone pending approval of a comprehensive development and servicing plan for the site. <p>There is an opportunity to develop a new Highway Service Centre zone that recognizes the unique function of these lands within the Town’s Urban Structure. A holding zone can then be applied to the lands, limiting development to existing uses until such time as the requirements of the Official Plan are met to lift the holding provision.</p>
<p>Community Facility</p> <p>This designation applies to private and public institutional uses, schools, and community facilities to support the needs of residents.</p>	<ul style="list-style-type: none"> – A wide range of institutional use including schools, places of worship, nursing homes, and clubs are permitted in this designation. <p>There is an opportunity to review and carry forward the existing Community Facility zones in the existing Zoning By-laws to ensure alignment with the objectives of this designation.</p>



Official Plan Land Use Designation	Key Zoning By-law Considerations
<p>Recreational</p> <p>This designation applies to parks and open spaces throughout the Town.</p>	<ul style="list-style-type: none"> - A range of indoor and outdoor, public and private recreational uses such as parks, playgrounds, golf course, and arenas are permitted in this designation. <p>There is an opportunity to review and carry forward the existing Recreational and Open Space zones in the existing by-laws to align standards across the Town.</p>
<p>Natural Heritage System</p> <p>The Natural Heritage System is comprised of three components, as discussed in greater detail in Section 5.7.1:</p> <ul style="list-style-type: none"> - Natural Environment - Natural Environment Overlay - Restoration Opportunities Overlay 	<ul style="list-style-type: none"> - Within the Natural Environment designation, which applies to features such as significant wetlands and woodlands, development and site alteration is not permitted. - Within the Natural Environment overlay, development and site alteration is only permitted subject to further study to confirm no negative impacts on the features or functions. - The Restoration Opportunities overlay applies to lands where potential ecological restoration could occur through future planning applications. <p>There is an opportunity to establish a new Environmental Protection zone that could be applied within lands designated Natural Environment. Section 5.7.1 discusses the various options to consider in the new Zoning By-law.</p>
<p>Future Development</p> <p>This designation applies to lands where future urban land uses (e.g., residential, commercial, employment) are contemplated, subject to future study.</p>	<ul style="list-style-type: none"> - Until such time as urban land uses are permitted, subject to an Official Plan Amendment, existing uses and agricultural uses (in accordance with the Agricultural designation) are permitted, with the exception of intensive livestock operations, mushroom farms, and greenhouse operations. - Developed parcels are required to be placed in a zone that recognizes existing uses. - Undeveloped parcels are required to be placed in the Agricultural zone, with the exception of the above noted uses. <p>There is an opportunity to review the application of zoning within the Future Development designation. Section 5.8 discusses this issue in further detail.</p>



Key Zoning Directives

Beyond land use designations, the Town's Official Plan includes other policies in various sections which provide specific direction for consideration in the new Zoning By-law. The following is a list of these other relevant policies that will need to be considered in preparing the Zoning By-law:

- The Zoning By-law will ensure that Minimum Distance Separation (MDS) formulae are applied to address compatibility concerns in the rural area (Section 3.3);
- There is a need to consider standards for electric power facilities (Section 3.5);
- Existing institutional uses within the Agricultural designation will be zoned appropriately to guide further expansions (Section 3.8);
- Bed and breakfast uses are permitted in single detached dwellings, subject to a zoning by-law amendment (Section 3.9);
- Mobile homes are only permitted as seasonal farm help accommodation and as garden suites (Section 3.10);
- Wayside pits and quarries, portable asphalt and concrete plants used by a public authority will be permitted as-of-right and directed away from the Natural Heritage System and Settlement Areas (Section 5.3);
- The Zoning By-law is required to establish the minimum number of bicycle parking spaces for each type of land use within Settlement Areas (Section 9.3); and
- There is a need to review the permitted uses and lot and building requirements on lands within the Maidstone Hamlet Residential designation (Section 11.2.3).

5.2 Additional Residential Units

Policy and Legislative Context

Additional residential units (ARUs) are self-contained residential units with a private kitchen, bathroom facilities, and sleeping areas, within dwellings or within structures ancillary to a dwelling (e.g., within/above a detached garage). The *Planning Act* requires an official plan to contain policies that authorize the use of two residential units in a detached house, semi-detached house or rowhouse, and an additional residential unit in an ancillary building or structure. This is to support the Province's goal of encouraging ARUs as a way to increase affordable housing options, provide independent living for a family member, and generate income for homeowners.

The associated Regulations (Ontario Regulation 299/19) sets out requirements and standards to remove barriers to the establishment of ARUs, as follows:

- If the primary residential unit requires a parking space, one (1) parking space for each of the additional residential units must be provided;



- A parking space for an additional residential unit may be provided through tandem parking; and,
- Where a Zoning By-law is passed that sets a parking standard lower than a standard of one (1) parking space for each of the additional residential units, the municipal Zoning By-law parking standard would prevail.

The Town of Tecumseh Official Plan recognizes the need to encourage the provision of a broad range of housing forms, tenures, and sizes to meet the needs of all households, including households of low-income levels. The Official Plan emphasizes the role of ARUs in accommodating long-term housing demands through intensification projects including the provision of additional residential units within single, semi-detached and townhouse dwellings. Notably, the Official Plan includes distinguishing criteria for ARUs within a primary dwelling versus within a standalone structure.

Section 4.2.2 notes that 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 the Official Plan which aims to achieve development and land use compatibility. This includes an ARU that can be permitted within a single unit detached, semi-detached, townhouse dwelling unit or standalone structure subject to certain criteria.

Section 4.1.2 implements criteria for permitting an ARU within a primary single unit dwelling in agricultural areas to achieve a balance between protecting the integrity of agricultural lands while also diversifying the provision of housing. While ARUs are permitted as of right within existing dwellings, the Official Plan requires a zoning by-law amendment for those within standalone structures. This is to allow for consideration of factors related to access, servicing and overall compatibility.

The Official Plan also includes garden suites as an alternative type of secondary housing; however, it is distinct from the notion of an ARU contemplated in the Official Plan.

Existing Zoning

In 2022, the Town undertook a separate process to update its three Zoning By-laws to include zoning standards or permissions related to ARUs in line with the new Official Plan. Three by-laws were adopted by Town Council in October 2022 to implement changes to each existing Zoning By-law. The by-laws introduce general provisions for both attached and detached (stand-alone) ARUs, as well as updated permitted uses in residential zones.

Prior to the Town-initiated amendment, it appears that site-specific exceptions were applied within Residential zones to permit more than one dwelling on a lot (e.g., duplex dwellings or additional detached dwelling). Further, the Town's three Zoning By-laws do not contain provisions for garden suites or granny flats.



Discussion and Preliminary Recommendations

In preparing the new Zoning By-law, it is anticipated that the recently adopted zoning framework for ARUs, adopted by Council in October 2022, will be carried forward. There may be a need to align the terminology and structure of the ARU provisions to better integrate with the structure of the new Zoning By-law. There is also an opportunity to introduce new definitions for both attached and stand-alone ARUs in the new Zoning By-law for additional clarity. Clear definitions will be imperative to respond to the Official's Plan direction for attached versus detached units within agricultural areas. In addition, provisions related to garden suites should be considered to help guide future applications for these temporary uses.

It is acknowledged that Bill 23 amends the *Planning Act* as it relates to official plans, zoning by-laws and appeal rights regarding ARUs with the intent of permitting up to three residential units on a parcel of urban residential land. This may be in the form of two residential units within the principal building plus one in an ancillary building; or three residential units in a principal building provided there is no residential unit in an ancillary building. The implications of Bill 23 will be considered as the new Zoning By-law project progresses.

5.3 Agricultural Zoning

5.3.1 On-farm Diversified and Agriculture-Related Uses

Policy and Legislative Context

Agriculture-related uses are defined by the Provincial Policy Statement, 2020 as “those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.” The Province finalized Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas in 2016. The Guidelines provide further guidance for interpreting the uses permitted in the prime agricultural areas as addressed by the policies of the Provincial Policy Statement, 2020. The Guidelines provide examples of the types of uses which constitute agriculture-related uses, including:

- Farmers’ market primarily selling products grown in the area;
- Grain dryer farm operations / flour mill for grain grown in the area;
- Abattoir processing and selling meat from animals raised in the area;
- Processing of produce grown in the area;
- Farm equipment repair shop;
- Auction for produce grown in the area; and
- Farm input supplier (such as seeds, fertilizer, feed) servicing farm operations in the area.



The Guidelines note that uses that do not benefit from being close to farm operations but wish to take advantage of lower costs in prime agricultural area, would not be classified as agriculture-related uses.

On-farm diversified uses are those uses that are located on a farm, are secondary to the principal agricultural use of the property and are limited in area. While agriculture-related uses typically serve the broader farming community, an on-farm diversified use is a use that is accessory to a single farming operation. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.

On-farm diversified uses allow farm owners to supplement their operation with different activities to help maintain the viability of their business and mitigate against the risks of uncertainty and volatility in agricultural operations alone. Guidance for regulating on-farm diversified uses is provided in the Provincial Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas. Examples of on-farm diversified uses include:

- Value-added uses that could include materials from outside the surrounding agricultural area (e.g., processor, winery, cheese factory);
- Home occupations;
- Home industries (e.g., sawmill, welding, woodworking, seasonal storage of boats and trailers);
- Agri-tourism and recreation uses;
- Retail uses; and
- Café/small restaurant.

The Guidelines note that uses with high servicing needs and/or that generate significant traffic, such as farm event venues, banquet halls, and large scale recurring events with permanent structures are not considered on-farm diversified uses.

The new Town of Tecumseh Official Plan establishes policies and criteria for on-farm diversified uses and agriculture-related uses in Section 4.1.2. The Official Plan contemplates the following:

Agriculture-Related Uses

- These uses shall be permitted subject to a zoning by-law amendment and site plan control review.
- Agriculture-related uses are subject to the following criteria:
 - the use shall be compatible with and not hinder surrounding agricultural uses;
 - the use shall be appropriate to the rural service level available including road access, water and wastewater, and fire protection service;
 - the use shall comply with the Sign By-law;
 - the use will not change the agricultural character of the area;



- the use will not create a safety hazard or become a public nuisance, particularly in regard to traffic, parking, noise, noxious odours or other emissions; and
- adequate limits on outdoor storage are established.

On-Farm Diversified Uses

- These uses are permitted as-of-right (i.e., without a zoning by-law amendment) subject to the following criteria:
 - the use shall be compatible with and not hinder surrounding agricultural uses;
 - the use shall be appropriate to the rural service level available including road access, water and wastewater, and fire protection service;
 - the amount of land and size of the building devoted to the use is limited in proportion to the principal use and buildings on the property such that the use is clearly secondary to the principal use on the lot. As a general guideline, the amount of land area devoted to the use should not exceed two percent of the farm parcel to a maximum area of one hectare and the gross floor area of buildings used for on-farm diversified uses should not exceed 20 percent of the two percent;
 - limits are established on the total number of employees, as well as the number of outside employees that do not reside on the property;
 - the use shall comply with the Sign By-law;
 - the use will not change the agricultural character of the area;
 - the use will not create a safety hazard or become a public nuisance, particularly in regard to traffic, parking, noise, noxious odours or other emissions;
 - adequate limits on outdoor storage are established; and
 - home occupations which are ancillary to the principal use of the property, and which are carried out for remuneration and as defined in the Zoning By-law are permitted in the Agricultural designation. Home occupations that are totally contained within the dwelling unit, including attached garages, will be permitted without an amendment to the Zoning By-law. However, any home occupation that requires the use of anything other than the dwelling, including attached garages, except for parking, will require a By-law amendment. The implementing Zoning By-law will contain specific regulations pertaining to the size, number of employees, parking, signage, and other matters associated with a home occupation use.

Existing Zoning

The St. Clair Beach and Tecumseh Zoning By-laws do not regulate rural areas of the Town and therefore do not contain existing regulations for on-farm diversified uses or agriculture-related uses.



The Sandwich South Zoning By-law contains a range of regulations and standards related to these uses which will need to be review and revised to ensure conformity with the Official Plan. Within the Agricultural (A) zone, the By-law permits a ‘household occupation or agricultural household occupation’, and ‘market gardens’, which appear to be on-farm diversified uses. The Hamlet Commercial/Industrial (CMH) zone permits a wide range of agriculture-related uses including a ‘farm supply outlet’, ‘grain drying or processing operation’ and ‘farm equipment and service establishment’. It appears to the intent of this zone to direct agriculture-related uses away from prime agricultural lands. The Rural Commercial (CR) zone permits a similar range of agriculture-related uses, applied on a site-specific basis within the agricultural area. There are no general provisions or specific-use regulations for these uses.

Discussion and Preliminary Recommendations

Recent Zoning By-laws in Ontario permit a wide range of different uses as on-farm diversified uses within their agricultural and rural zones. These by-laws include general provisions for these uses to ensure that they are limited in size/scale and remain as secondary uses to the principal use on the lot. There is an opportunity to establish as-of-right permissions for on-farm diversified uses within the new Zoning By-law to implement the Official Plan policies.

There are two general approaches to consider for defining on-farm diversified uses. The first option involves simply defining the term “on-farm diversified use” and establishing a general provision which limits the on-farm diversified uses to specific types of uses (e.g., value-added, value-retaining facilities) and further limits of development (e.g., minimum farm size, maximum lot coverage). Definitions could be established for these different uses. Alternatively, the term on-farm diversified uses may not be used in the Zoning By-law at all, but the individual types of uses could be identified in the zones (e.g., farm gate sales, bed and breakfast, etc.). The latter approach is clearer and is recommended.

Specific types of permitted on-farm diversified uses which could be considered and permitted as secondary to the agricultural use could include: value-added facilities (e.g., bakery, cidery, packaging); agri-tourism (e.g., horseback ride, farm tour, apple picking); farm produce outlets (i.e., for products grown on the farm which the use is secondary to); home industries (e.g., welding, woodworking); veterinary clinics; and, kennels. Based on the Guidelines, it is suggested that home businesses can be permitted as a secondary use to the primary residential use. The second approach would involve defining each individual use which is contemplated as an on-farm diversified use and treating them individually throughout the By-law. Where necessary, specific use provisions could be established for the different uses (e.g., farm wineries, pick-your-own facilities) to provide additional regulations. Within the permitted uses of the zone category, each use would be listed.

For clarity, the following uses would not be considered on-farm diversified uses: large scale equipment or vehicle dealerships, uses that generate significant traffic, large scale recurring events with permanent structures, and large-scale recreational facilities.



Agriculture-related uses are intended to support the general farming community and are not directly linked or accessory to an individual farm operation like an on-farm diversified use. The Town's Official Plan provides specific direction that these uses cannot be pre-zoned and may only be permitted through a zoning by-law amendment. In the absence of pre-zoning, there is an opportunity for the Zoning By-law to define the various types of agriculture-related uses and establish criteria for the uses which could be applied on a site-specific basis. This would generally align with the current framework in the Rural Commercial zone in the Sandwich South Zoning By-law. There is also an opportunity to continue to permit agriculture-related uses within the hamlet areas of Tecumseh.

5.3.2 Farm Help Dwellings

Policy and Legislative Context

The Provincial Policy Statement, 2020 definition of agricultural uses includes “accommodation for full-time farm labour when the size and nature of the operation requires additional employment”, and the Provincial Policy Statement, 2020 policies are further explained in the Province's Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, 2016.

Section 4.1.2 of the Town's Official Plan permits an additional residence on a lot for the purposes of housing farm help once the need for such housing has been adequately demonstrated in terms of the following criteria:

- The farm helps' working activity is primary devoted to the farm operation; and
- The farm operation requires the help to be accommodated close to the farm.

It is noted that the Official Plan permits mobile homes to be used for the seasonal accommodation of farm labourers, and that mobile homes shall be identified as permitted uses for seasonal farm labourers in the Zoning By-law (Section 3.10).

Existing Zoning

The St. Clair Beach and Tecumseh Zoning By-laws do not regulate rural areas of the Town and therefore do not contain existing regulations for on-farm diversified uses or agriculture-related uses.

The Sandwich South Zoning By-law permits the use of a building or structure for the purposes of “one (1) single family detached dwelling for the owner or resident staff as supplementary housing to an agricultural use, in addition to an existing dwelling on a farm lot” (subject to further criteria).

Discussion and Preliminary Recommendations

The Official Plan distinguishes between full time (Section 4.1.2) and seasonal (Section 3.10) accommodation of farm help workers. There is an opportunity to introduce a framework in the Zoning By-law that distinguishes between seasonal and full-time farm help accommodations. The Official Plan requires a demonstration of need for full-time accommodation, whereas seasonal accommodations appear to be permitted as-of-right. It is recommended that two



separate definitions be established for seasonal and full-time farm help, each subject to a series of general provisions to implement the policies of the Official Plan. Following this approach, seasonal farm help dwellings would be permitted as-of-right within the Agriculture zone, whereas a full-time farm help dwelling would require a zoning by-law amendment to ensure that the Official Plan criteria are satisfied. Further, there is an option to require full-time accommodation to be subject to an approved site plan to help address the location requirements of the Official Plan.

5.4 Ancillary Uses in Employment Areas

Policy and Legislative Context

The Provincial Policy Statement, 2020 prioritizes providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses. Within employment areas planned for industrial or manufacturing uses, planning authorities are required to prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility.

The Town's Official Plan intends to maintain a strong and vibrant local economy which is able to generate a broad range of employment opportunities. This includes promoting economic development and competitiveness by planning for and protecting existing employment areas and their expansion.

The Official Plan recognizes two employment nodes within the Business Park designation. Lands designated Business Park are to be used for a range of light industrial uses including manufacturing, assembling, processing, fabricating, repairing, warehousing and wholesaling along with accessory office and retail uses. In addition, contractor and construction facilities and yards, automobile body repair shops and truck and automobile service and rental shops are also permitted. Other permitted uses include research and development facilities, public and private sports facilities, exhibition halls, transportation depots and wholesale establishments. The Official Plan recognizes ancillary, or complementary, uses in the Business Park designation. In addition to the range of permitted uses, the following additional uses are permitted as complementary uses which are intended to serve the industrial areas and the broader community and shall be permitted on properties adjacent to County Road 11 (Walker Road), North Talbot Road, County Road 46, County Road 22, Jamsyl Drive and County Road 42:

- Offices;
- Restaurants, convenience retail stores, financial institutions; and
- Automobile sales and service establishments, automobile service stations or gas bars.

Existing Zoning



The two employment nodes within the as identified on Schedule A – Community Structure Plan of the Town’s Official Plan are located within the boundaries of the Sandwich South Zoning By-law. These areas are comprised of the following Zones:

- General Commercial (C1) Zone: This Zone permits a range of retail uses, including personal services, entertainment, financial institutions and related commercial uses.
- Neighbourhood Commercial (C2) Zone: This Zone permits a range of commercial uses, including personal services, restaurants, retail stores and financial institutions.
- Highway and Service Commercial (C3) Zone: This Zone permits a range of commercial uses, including retail stores, entertainment, automobile services, office uses.
- Industrial (M1) Zone: This Zone permits a range of industrial uses, including automobile services, wood/lumber factories and manufacturing.
- Business Park (BP) Zone: This Zone permits a range of commercial uses, including automobile services, restaurants and light industrial uses. The Zoning By-law specifies that day nurseries and outside storage yard may be permitted as an in accessory to the permitted uses.
- Institutional (I) Zone: This Zone permits a range of institutional uses, including places of worship, offices and healthcare centres.

Discussion and Preliminary Recommendations

A framework to permit a limited amount of ancillary retail/service uses, as accessory to an employment use, should be incorporated into the new Zoning By-law consistent with the Business Park designation of the Town’s Official Plan. Provisions will be required to ensure that the use is related to the principal employment function and that it is limited in terms of area.

For example, the City of Cambridge has developed a Zoning By-law that differentiates the Employment Zones based on the type of employment and intended location. These Zones include the following:

- Employment Prestige (M1) Zone: Are intended to be developed for employment uses exhibiting a high standard of building design and landscaping;
- Employment Corridor (M2) Zone: Intended to provide prime locations within the City for prestige employment uses including advanced manufacturing, major office complexes and offices. Development within this designation is expected to display high performance standards of site design;
- Employment Business Industrial (M3) Zone: Mainly comprised of older traditional industrial areas that are located throughout the City; and
- Employment Industrial (M4) Zone: Intended to accommodate heavier industrial uses.

Based on the above example, the Town of Tecumseh may consider recognizing different zones within the Official Plan’s Business Park Designation that cluster varying types of employment uses to appropriate locations. The implementation of various Employment zones could be categorized as the following based uses permitted in the Town’s Official Plan:



- Light Manufacturing: Manufacturing, assembling, processing, fabricating, repairing, warehousing;
- Prestige Employment: Research and development facilities, public and private sports facilities, exhibition halls, transportation depots and wholesale establishments; and
- General Employment: Retail, offices; restaurants, financial institutions and automobile sales and service establishments.

To ensure that the existing employment nodes remain viable and do not become dominated by ancillary uses, the new Zoning By-law may implement a locational requirement for certain general employment uses. This would include specifying that retail, restaurants, financial institutions, and automobile establishments can only be located adjacent to County Road 11 (Walker Road), North Talbot Road, County Road 46, County Road 22, Jamsyl Drive and County Road 42 consistent with the Town's Official Plan.

5.5 Cannabis Cultivation and Production

Policy and Legislative Context

On June 20, 2018, the federal government passed the *Cannabis Act*, which addresses the production, distribution, sales, cultivation, consumption and possession of recreational cannabis. The Act seeks to, among other things:

- Provide for the legal production of cannabis;
- Establish strict product safety and quality requirements; and
- Allow adults to possess and access regulated, quality-controlled, legal cannabis.

The Ontario government also passed the *Cannabis Control Act* in December 2017. Cannabis Regulations (SOR/2018-144) sets out physical security measures required to secure sites where license holders conduct activities with cannabis. These regulations also establish strict requirements related to site design and building standards.

It is important to note that OMAFRA considers cannabis cultivation as an agricultural use. As such, these operations are not differentiated from other agricultural activities that fall under this umbrella and are not subject to sector specific regulations from a Provincial farm practices standpoint.

The Town of Tecumseh's Official Plan aligns with the Province in recognizing the cultivation of cannabis as an agriculture operation. Section 4.1 specifically notes that cannabis greenhouse operations including the growing, harvesting, cleaning, packaging, and shipping of cannabis and any other uses related to cannabis production are also permitted in the Agricultural designation but require an amendment to the Zoning By-law and are subject to site plan control. This includes criteria related to the proximity of the proposed operation to existing residential uses and zones, the location of the proposed operation with respect to the prevailing winds and appropriate design details mitigating potential adverse impacts from odour and night light.



The Official Plan explicitly permits the processing, packaging, and shipping of cannabis products within the Business Park designation; however, the growing and harvesting of cannabis is prohibited within the designation.

Existing Zoning

The Town's three existing Zoning By-laws do not include explicit zoning permissions or regulations related to cannabis production, cultivation, or sales.

Discussion and Preliminary Recommendations

The new Zoning By-law provides an opportunity to implement a comprehensive approach on how to regulate cannabis uses in the Town. There is an opportunity in preparing the new Zoning By-law to provide specific direction on how the Town regulates development associated with cannabis cultivation and production. Although it may be difficult to regulate and remediate through a zoning by-law since odours and light are hard to quantify in terms of strength or character, a proactive approach is needed to identify tools, whether it be through the zoning by-law or other municipal by-laws.

Since Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) considers the growing of cannabis as an agricultural use, some municipalities have implemented policies to accommodate cannabis as an agricultural crop no different from any other crop. The primary concerns of odour, high-water use, and electrical needs would be like any indoor growing crop.

The new Zoning By-law may include similar provisions to further regulate potential issues; however, the Cannabis Regulations have their own enforcement regulations in the form of the Federal/Provincial licencing process. Attempts to zone cannabis cultivation and production facilities with standards beyond the requirements of the Cannabis Regulations may raise issues as they may be challenged or appealed by cannabis producers. Several municipalities across Canada have used a range of tools to address this issue, one of which is through the Zoning By-law.

For example, the Township of King Rural Zoning By-law introduces a suite of zoning regulations to regulate the location of cannabis uses. The Zoning By-law includes definitions for an "industrial cannabis processing facility" which excludes growing and an "agricultural cannabis production facility" which includes growing. The industrial cannabis use is permitted within the Rural Employment (RM) zone, while the agricultural cannabis use is permitted within both the RM and Agricultural (AG) zones. General provisions are established for each use to regulate the location, intensity, and compatibility concerns of the use.

Following a comprehensive study, the Town of Halton Hills introduced a range of new definitions into the Town's Zoning By-law. The Zoning By-laws were amended to define six new terms related to cannabis uses ("Cannabis Analytical Testing Facility", "Cannabis Cultivation – Indoor", "Cannabis Cultivation – Outdoor", "Cannabis Drug Production Facility", "Cannabis Processing Facility", and "Cannabis Research Facility"). Within the Agricultural and Protected Countryside zones, the Cannabis Cultivation – Outdoor use is permitted as-of-right. Within the Urban Employment and Rural Employment zones, the following uses are permitted as-of-right: Cannabis Analytical Testing Facilities; Cannabis Cultivation – Indoor; Cannabis Drug Production



Facilities; Cannabis Processing Facilities; and, Cannabis Research Facilities. The Zoning By-laws also include regulations regarding minimum parking requirements for all cannabis uses, loading space requirements and setbacks for uses.

Consistent with the policies of the Town of Tecumseh Official Plan, the new Zoning By-law can consider the following as it relates to cannabis uses:

- Cannabis cultivation be permitted in the new agricultural zone in the new Zoning By-law. There is an opportunity to consider defining cannabis cultivation in the rural context and permitting the use explicitly;
- A limited amount of processing and related activities be permitted in the context of an on-farm diversified use in conjunction with any cannabis cultivation use in the rural areas of the Town. Large-scale operations involving the processing of cannabis products from off-site sources should not be permitted as-of-right and should require a zoning by-law amendment to evaluate the use;
- Setbacks and minimum lot area requirements should be considered for proposed cannabis production in the rural areas to address potential odour and character impacts. As odour can be addressed on-site with a suitable air filtration/ventilation system, it is recommended that the requirements vary depending on whether such a system is used; and
- Cannabis production and processing facilities should be permitted in applicable employment areas and zones. This should include setbacks to address potential odour impacts which can similarly vary depending on whether there is an air filtration system. Additional requirements may be used in prestige employment areas to limit or prohibit security fences and outdoor storage as appropriate. In these areas, the cannabis production and processing facilities would be more permissive than in the rural areas with respect to allowing for a wide range of processing, production, and research activities, including processing cannabis produced off-site.

5.6 Climate Change and Sustainability

Policy and Legislative Context

The new Town Official Plan establishes a policy framework for climate change mitigation and adaptation in recognition that to achieve a sustainable community, and human and ecosystem health, mitigation against climate change must be addressed. Section 3.14 of the Official Plan upholds that these impacts can be reduced through sustainable, effective and efficient land use and transportation policies that guide the development review process and the preparation of secondary plans, master plans, and local comprehensive reviews. This also includes the following notable objectives:

- Striving for a compact built form within these areas;
- Promoting mixed use development to encourage active transportation and the use of transit;
- Encouraging sustainable, energy efficient and low carbon buildings;



- Encouraging energy generation from renewable sources;
- Increasing the proportion of permeable surfaces to reduce flood risk and strain on sanitary sewer and stormwater infrastructure; and
- Promoting tree planting and innovative green spaces, such as green roofs, in new and existing development.

Existing Zoning

The existing Zoning By-laws include the following provisions indirectly related to climate change and sustainability:

- Lot coverage requirements;
- Permitted uses are established for rural, agricultural, recreational, and park/open space areas;
- Prohibiting uses, such as salvage or scrap yards, automobile salvage yards, waste disposal sites or processing facilities, that have the potential to cause damage to the natural environment and/or natural habitats; and
- Implementation of ‘buffer strips’ between natural areas and developed areas.

Discussions and Preliminary Recommendations

The response to climate change is the adaptation or adjustment of systems in response to climate effects, or the mitigation, the intervention or creation of policies, to reduce emissions or to enhance carbon sinks. One of the impacts of climate change is water scarcity and a greater variability of water supply, resulting in conflicting water budgets/balancing within the rural/urban interface areas. Local or municipal governments evolve to better adapt to climate change by anticipating events that might happen and prepare for those changes to reduce risks. These events may include drought, flooding, snowfall, all of which may result in planning measures to reduce risks.

There are several key matters related to sustainability and climate change that can be considered in the context of this Zoning By-law Review:

- Requirements for pervious surfaces can be introduced, consistent with the objectives of the Town’s Official Plan. These requirements help support natural water infiltration as a source or lot level control to stormwater management.
- Consider a consistent definition for the term ‘lot coverage’ that is inclusive of hardscaping, in addition to buildings and structures. If this is the determined approach, the percentages associated with ‘lot coverage’ will be required to be reviewed to ensure they are appropriate.
- Providing local food access is an element of a strategy for more sustainability as it reduces the need for long-distance transportation. Integrating a framework for on-farm diversified uses and agriculture-related uses can open up food access opportunities (e.g., produce stands), as previously discussed, for local food access in the Town.



In addition, discussion on electric vehicle and bicycle parking can be found in Sections 5.12.2 and 5.12.3 respectively.

5.7 Conservation Authority Regulations and Requirements

5.7.1 Natural Heritage System

Policy and Legislative Context

The Town of Tecumseh Official Plan supports the establishment of a Natural Heritage System, which builds upon the natural heritage system established in the County Official Plan and the Essex Region Natural Heritage System Strategy, 2013. More specifically, Town's Natural Heritage System contains potential linkages and corridors as well as expansions to the core existing natural heritage features. The Town's Natural Heritage System also reinforces the protection, restoration and enhancement of identified natural heritage features, and promotes the overall diversity and interconnectivity of natural heritage features, functions and areas (Section 4.9). The policies of the Official Plan support a combined approach to the Town's Natural Heritage System which includes protection for both the natural heritage features that are linked together as well as natural heritage features and areas that are geographically isolated from the linked system. An additional component of the Natural Heritage System is aquatic and fish habitat, and the Official Plan also provides policies intended to ensure their protection.

The Town's Official Plan recognizes three components which form the Town's Natural Heritage System, including the following:

- **Natural Environment:** Shown in the Official Plan as a land use designation and includes significant wetlands, significant woodlands, significant habitat of endangered species and threatened species, significant natural heritage features, and high priority natural heritage features in the Town.
- **Natural Environment Overlay:** Shown as an overlay in the Official Plan and includes secondary priority natural heritage features in the Town that meet 1 to 4 of the 11 criteria set out in the ERNHSS.
- **Restoration Opportunities:** Shown as an overlay in the Official Plan and includes lands that do not contain existing natural heritage features; however, they have been identified as potential ecological restoration areas to enhance the fragmented system in the Town and within the region.

The Town's Official Plan utilizes the Essex Region Natural Heritage System Strategy (ERNHSS), which was prepared by the Essex Region Conservation Authority, as the basis for identifying and protecting the Town's Natural Heritage System. A central component of the ERNHSS is to scientifically identify and prioritize the system of natural heritage features from a regional perspective. As a result of the recent Official Plan Review process, the mapping of the Town's Natural Heritage System is up to date.

Existing Zoning



The three existing Zoning By-laws pre-date the establishment of the Town’s Natural Heritage System set out in the Official Plan. While the existing Zoning By-laws do not contain an environmental protection or similar zone to explicitly regulate uses within the natural heritage system, a series of related zones appear to provide a similar function in limited locations:

- The Sandwich South Zoning By-law contains a Parks and Open Space Zone that permits conservation areas, storm water collection areas, private and public parks and recreation facilities, etc.;

 - It is noted that the Parks and Open Space Zone appears to be applied in limited instances where the Natural Environment Overlay is applied.

- The St. Clair Beach Zoning By-law includes a Recreational Zone that permits private and public parks and recreational uses, including golf courses; and
- The Tecumseh Zoning By-law contains a Recreational Zone that permits conservation areas, storm water collection areas, private and public parks and recreation facilities, etc. Generally speaking, this Zone mainly applies to public community park lands.

Discussion and Preliminary Recommendations

The new Zoning By-law will support the implementation of the new Official Plan with respect to conserving the environment. Sections 34(1)3 and 34(1)3.2 of the *Planning Act* enable the zoning by-law as a tool for prohibiting development in sensitive environmental features. Therefore, the new Zoning By-law should establish an Environmental Protection (or similarly named) zone to distinguish natural heritage features from natural spaces for recreational use to implement the Official Plan’s Natural Environment Designation.

The Natural Environment designation, shown on Schedule “C” of the Official Plan, provides the potential to apply a new Environmental Protection zone as an option. The Official Plan prohibits development and site alteration within this designation, and limits uses to passive recreation and public infrastructure. Placing lands within this designation in a protective zone category would help achieve conformity with the Official Plan. These areas have been delineated through the ERNHSS and only apply to limited locations in Tecumseh. Care should be taken to ensure that any recent, site-specific updates to this zoning layer also be carried forward as it will reflect recent site-specific studies.

Alternatively, creating an environmental protection zone to reflect the Official Plan’s natural environment and restoration opportunities overlays is not recommended as the Official Plan’s data may not be fully up-to-date, and the zoning requires a high degree of accuracy which is usually best obtained through site-specific evaluations. However, further discussion is required to assess the appropriateness of zoning the Official Plan’s natural features directly.

Consideration can be made to overlay the features in some manner and use underlying zoning permissions and requirements to control development form. This approach would be less restrictive than the approach discussed above for the Natural Environment designation. This may include applying a Holding symbol, under Section 36 of the *Planning Act*, where any sensitive features exist. The effect of this approach would be to restrict development to the underlying zone category until the Holding (H) symbol is lifted. A condition to lift the feature



could be the completion of the Environmental Impact Study. Again, this approach could be onerous and should be based on accurate and precise data, as typically gained through site-specific evaluations. It is noted that some municipalities have taken the approach of overlaying natural heritage system features and using the zoning by-law to require an Environmental Impact Study. This does not appear to be appropriate based on the powers of municipalities under Section 34 of the *Planning Act* which allows the restriction of development or land use, and not the requirement of studies. Requiring studies is a component of the Official Plan and applied through a zoning by-law amendment process.

The new Zoning By-law can then also implement a separate parks and space/recreation zone, consistent with Town's Official Plan, to permit indoor and outdoor, public and private recreational uses, such as parks, playgrounds, golf courses, arenas and clubs. This differentiation between parks and open space and core natural features will bring added clarity to the new Zoning By-law and ensure protection of the Natural Heritage System.

In addition, consideration can be made to include the Conservation Authority regulation limit as an overlay, appendix or in a supplementary document. The effect of such an overlay would be to flag the lands as potentially being subject to a permit from the Conservation Authority. The actual requirement for a permit cannot be feasibly incorporated into the new Zoning By-law as technical assessment by the Conservation Authority is required. Incorporating such a provision is not a clearly defined aspect of Section 34 of the *Planning Act*, but nonetheless has been included by some municipalities in their Zoning By-laws. This approach also has a limited function. The Conservation Authorities are principally concerned with wetlands and hazardous lands/sites. The various woodlands and other features would not likely be fully captured in the regulated area. Further, Bill 23 may have implications on the suitability of this approach.

5.7.2 Natural Hazards

Policy and Legislative Context

The Town's Official Plan aims to protect life and property by respecting natural hazards, which may represent constraints to development. Section 5.5 defines these lands as having inherent environmental hazards such as flood susceptibility, erosion susceptibility, instability and other physical conditions which are severe enough, if developed upon, to pose a risk to occupants of loss of life, property damage and social disruption.

In addition, wetlands and their surrounding areas of interference are subject to regulation under the *Conservation Authorities Act* due to the potential hazards associated with flooding, organic soils and interference with water source/recharge areas. Filling or draining can have an impact on the hydrologic functions of a wetland, which in turn may influence the flooding and erosion processes in the area. Technical studies to determine impact of development on the wetland will be required within 120 metres of all identified wetlands. The outcome of this analysis may impact the feasibility and location of proposed development.

In recognition of the varying dynamics of individual natural hazard areas, Section 5.5.1 states that it will be necessary to verify the boundaries on an individual basis in consultation with



ERCA. Accordingly, the Town shall, once revised floodplain mapping is updated, conduct the necessary studies to determine the appropriate approach to mitigating flood risk. Study findings may indicate the need to undertake area-specific remediation works and possible changes in land use designations and flood risk mapping in the Official Plan.

The Official Plan recognizes the following natural hazard areas in the Town:

- **Limit of the Regulated Areas (LORA):** Comprises riverine and shoreline hazards, along with associated floodplains where there may be natural heritage features with a hydrologic linkage. These hazards can be significantly impacted on by fluctuations in water level and other impacts created from ice jamming in riverine hazards and ice shove on Lake St. Clair. Any development within the Limit of the Regulated Area, which would aggravate or contribute to the hazard is not permitted in the Official Plan.
- **Inland Floodplain Development Control Area (FDCA):** These are areas that have been identified as being susceptible to flooding under regulatory flood conditions as implemented by ERCA. This area is subject to the Development Interference with Wetlands and Alteration to Shorelines and Watercourses regulations of the appropriate Conservation Authority, and as such, a permit allowing for development activities including construction, placement of fill and alterations to shorelines and watercourses is required from the ERCA prior to undertaking such activities.
 - Development and site alteration is not permitted within the floodway, within the exception of buildings and structures required for flood and erosion control. Within the FDCA, certain sensitive land uses such as hazardous uses, hospitals, and emergency services are prohibited.
- **Lake St. Clair Shoreline Floodprone Area:** These are areas that have been identified as being susceptible to flooding. The flooding and erosion hazard limits for the Great Lakes, including Lake St. Clair, have been established in order to regulate development in areas susceptible to periodic flooding and/or erosion hazards. As such, ERCA should be contacted when planning for new development and/or site alteration to determine permit requirements.
 - The Official Plan requires the Zoning By-law to prescribe certain setback and minimum floodproofing elevation requires for development within the floodprone area.
- **Other Hazards (Unstable Soils & Steep Slopes):** Identified hazards due to steep slopes, unstable soils and/or erosion in locations other than flood plains or the shoreline area. Development of such areas may be considered provided that the existing or potential hazards can be overcome by accepted engineering and resource management practices and techniques, including setbacks from the stable top of bank. The stable top of bank will be determined by a qualified professional, in consultation with the Town and ERCA.

Existing Zoning

The Tecumseh Zoning By-law includes flood protection measures related to Lake St. Clair within Section 5.34 of the general provisions. This includes additional restrictions related to the average finished grade elevation around all external walls and that they are specially



constructed to be solid and impervious to floodwaters. Schedule B depicts where the provisions of Section 5.34 apply.

The St. Clair Beach Zoning By-law similarly implements provisions related to flood protection surrounding Lake St. Clair. The Zoning By-law states that no part of any building or structure are to be built on lands located within the Lake St. Clair Floodprone Area shown on Schedule B, subject to certain criteria. The criteria include ensuring the lowest opening of any such building or structure has a minimum building elevation above the 1:100 Year Flood Level and the nearest wall of any such building or structure is setback a minimum of 50 feet from the water's edge. In addition, the Zoning By-law includes a Floodprone Development Control Area shown on Schedule B. Development within the defined Floodway, with the exception of a permeable fence, is strictly prohibited. The area within the Floodprone Development Control Area but outside of the Floodway can only be developed in accordance with the provisions for the underlying zones and shall be floodproofed to the satisfaction of the Essex Region Conservation Authority to ensure that building openings are located above the elevation the 1:100 Year Flood Level.

The Sandwich South Zoning By-law does not include flood mitigation or natural hazard provisions.

Discussion and Preliminary Recommendations

The Official Plan establishes comprehensive and restrictive policies with respect to natural hazard and flood protections, including land use and development policies. There is an opportunity in the new Zoning By-law to review the most current mapping prepared by the Conservation Authorities and confirm the most appropriate approach to zoning for floodplain protection.

There are a range of options to consider addressing flood prone areas in the Town through the new Zoning By-law, each with the same objective of restricting development within hazardous lands. They include the following:

- **Create a ‘Hazardous Lands’ Zone:** Implement a specific zone for ‘Hazardous Lands’ in the Town. Although the underlying zone would no longer be applicable, the new zone could build upon the permissions for existing uses.
- **Implement an overlay zone to address flooding hazards:** Where detailed floodplain mapping is available, a floodplain overlay can be introduced to apply specific regulations for development within the floodplain to implement the Official Plan. A base zone would apply under the overlay and alterations/expansions of existing uses or buildings could be permitted, subject to a maximum size.
- **Illustrate the various Conservation Authority regulatory limits:** A map of the Conservation Authority regulated areas could be included as a nonoperative tool in the Zoning By-law and as a convenience feature to the user. The Conservation Authorities incorporate hazardous lands into their regulatory limit, but it is recognized this is subject to study and confirmation.



For example, the Municipality of Chatham-Kent Zoning By-law establishes comprehensive provisions to implement flood protection. Firstly, floodproofing requirements are established for certain lands. The provisions of Section 4.8a)-e) defer to the Conservation Authority to determine the site-specific requirements for certain building standards. Further, Section 4.33.1 establishes specific setbacks along different rivers and waterbodies in the municipality. Section 5.23 establishes a Hazard Land Zone for the floodplains and wetlands which generally permits existing uses and conservation-related uses.

Alternatively, the City of Sarnia Zoning By-law establishes a suite of zoning regulations related to natural hazards. Section 3.27 establishes a two-zone floodplain approach (floodway and flood fringe) along Perch Creek, Cow Creek and St. Clair River Tributaries. These areas were identified by the St. Clair Region Conservation Authority and are shown as an overlay on the zoning maps. Further, the Sarnia Zoning By-law establishes the Hazard 1 (HZD1) zone which permits facilities for flood and erosion control, passive recreational, and limited residential uses (excluding dwellings or accessory uses).

5.8 Future Development Area Zoning

Policy and Legislative Context

The areas designated Future Development in the Town's Official Plan are intended to accommodate future urban land uses including additional residential, commercial, employment, recreational and institutional land uses where deemed appropriate and as more specifically determined by further planning studies to be undertaken by the Town. These additional planning studies will determine the preferred land uses along with transportation and servicing policies, among other matters. Per Section 4.10, Future Development areas are intended to ensure future urban land uses take place in an orderly manner, are appropriately integrated into the existing community and that they maintain and strengthen community identity. This includes ensuring that future urban land uses develop in an orderly fashion and are serviced with full municipal services.

Notably, the Official Plan indicates that individual, privately initiated, site-specific Official Plan amendments on lands designated Future Development will not be permitted. Instead, these lands will only be considered for redesignation as part of the Town's planning studies and associated Town-initiated Official Plan amendments.

All new urban land uses will be required to develop on the basis of full municipal sanitary sewage and water services and with the introduction of stormwater management facilities. In addition, the implementing Zoning By-law must zone all developed land parcels in the Future Development designation according to their existing use. All undeveloped land parcels must be placed in an agricultural zone permitting agricultural uses with the exception of intensive livestock operations, greenhouse operations and mushroom farms.

Existing Zoning

The three existing Zoning By-laws do not include a zone related to Future Development areas. However, all three By-laws do include provisions related to permitting the application of Holding



(H) symbols where needed. As a prefix to a zone, this allows the opportunity to specify the future use of lands, buildings, or structures until such time as conditions for removing the “H” are met and it has been removed by a by-law. Each of the Zoning By-laws note that no building or structures are to be used or erected in the Holding Zone (H) except for the existing buildings and structures. Below is an overview of each Zoning By-law’s Holding Zone (H) regulations.

- **Tecumseh Zoning By-law:** Includes permitted uses related to agriculture, forestry, home occupations and parking areas. Provisions related to lot and building standards, such as maximum lot coverage, landscaped area requirements, setbacks and building height are established. It is also specified that the Holding Zone (H) regulations will not prevent the enlargement of farm buildings.
- **St. Clair Beach Zoning By-law:** Recognizes uses lawfully in existence as of the effective date of passing of the by-law. Also, establishes that the minimum lot area and lot frontage, the minimum front, side and rear yards, the maximum lot coverage and the maximum building height will be as they lawfully existed on the effective date of the passing of the by-law amendment.
- **Sandwich South Zoning By-law:** Permitted uses related to agriculture, forestry and home occupations. The Zoning By-law specifies that building standards, related to setbacks and lot coverage, will be permitted as they were lawfully existing on the date of the passing of the By-law. It is also noted that the Holding Zone (H) regulations will not prevent the enlargement of farm buildings.

Discussion and Preliminary Recommendations

Consistent with the existing Zoning By-laws, the new Zoning By-law may continue to use of the Holding Zone approach to prevent development until certain requirements are met which allow the holding to be removed. A holding provision is typically applied in site-specific exceptions, which enable specific holding requirements to the unique context of a site. Holding zones may form part of the site-specific section or in a separate holding section, typically listed chronologically or within a table.

Alternatively, the new Zoning By-law can include a Future Development Zone which recognizes and permits existing uses until a development application is submitted. For example, the Township of Perth East establishes a Future Development Zone. It permits uses, buildings, structures, and those accessory uses lawfully existing on the date of passing of the By-law, along with agricultural uses. In addition, the Zoning By-law lists the lands within the Future Development Zone to recognize their interim status until new development is proposed. The concept of a Future Development Zone can also be implemented through the use of an overlay to clearly show the existing land use permissions of a specified property while also recognising that a future development application is anticipated.

5.9 General Issues

In preparing this Discussion Paper, a workshop with Town staff was held in September 2022 to discuss zoning related issues that should be considered as part of the new Zoning By-law. These include the following:



- There is a need to review the permitted encroachments in the Tecumseh Zoning By-law to clarify interpretation. The By-law measures projections as a maximum projection from the main wall, while the provision refers to required yard in which projection is permitted. This differs from the Sandwich South and St. Clair Beach Zoning By-laws which regulated the maximum projection into the required yard.
- Zoning regulations for decks will need to be reviewed to consider decks within the context of different built forms. For example, where a deck is constructed in conjunction with a semi-detached dwelling, there may be a need to review interior side yard requirements to facilitate decks that share a lot line. Overall, the approach to decks and balconies needs to be aligned across the three existing by-laws.
- There is a need to review the requirements for accessory structures, such as private garages, sheds, and gazebos. These uses commonly require minor variances to alter the permitted size of the structure. The new Zoning By-law will need to review the lot coverage for accessory structures to consider the possibility of an increased maximum size or other tools to allow for greater flexibility.
- Within agricultural areas, the new Zoning By-law will need to review overall permitted uses, including cemeteries. The Official Plan speaks to the expansion of existing cemeteries and the new Zoning By-law will need to consider how to regulate the introduction of new cemetery uses in the agricultural areas.
- There is a need to review all definitions of the existing zoning by-laws to align terminology, update and modernize wording, and identify issues with the current terms. For example, the definition of a ‘lot’ speaks to the ownership of lots, which will need to be reconsidered in the new Zoning By-law. These updates are intended to reflect the evolving trends related to demographics, housing, transportation, and the natural environment.
- The parking and loading requirements of the new Zoning By-law will need to be reviewed, as discussed further in Section 5.12. Specifically, there is a need to review parking regulations in commercial areas and the role of on-street parking in conjunction with residential and commercial uses. The dimensions of parking spaces will need to be reviewed for opportunities to reflect local context regarding types of vehicles while also modern in consideration for smaller parking spots.

5.10 Mixed-Use Area Zoning

Policy and Legislative Context

The Town’s Official Plan identifies a new Main Street Mixed Use designation along Tecumseh Road with the intention of providing retail and other commercial services for surrounding neighbourhoods and the broader community. The main street area is envisioned as a setting that is street-oriented and pedestrian focused, including a mix of compatible residential and office or community uses and services. This area is to be centred on commercial activity that is suitable to the main street setting, in order to support the traditionally diverse role and pedestrian-oriented activity focus of the Town’s downtown/historic core. The Main Street Mixed Use designation will also promote a mix of commercial, institutional and higher density



residential uses that will create a compact and walkable main street that promotes street-edge buildings with on-site parking to the side and rear of the buildings. Medium and high-density residential uses are permitted as-of-right, subject to criteria, within this designation, and new auto-related uses (e.g., drive throughs) are prohibited.

Existing Zoning

The Main Street area is subject to the Tecumseh Zoning By-law and largely comprised of the General Commercial (C3) zone. This zone permits a range of commercial uses, including entertainment spaces, financial institutions, retail, automobile services and eating establishments. In addition, dwelling units above a commercial use are permitted. A single-family detached dwelling cannot be erected, altered or used within 3 metres of a non-residential building. The C3 zone promotes low density commercial uses with no requirements for to secure mixed-use buildings.

Discussion and Preliminary Recommendations

The new Zoning By-law will need to carefully consider how to implement a Mixed-Use Zone(s) to align with the Town's Official Plan that will promote a denser built form that is compatible with its surrounding context and supportive of a pedestrian environment, with high-quality public spaces that are safe, accessible, attractive, and vibrant. The new Mixed-Use Zone(s) along the Town's Main Street will need to consider the following:

- The Main Street Mixed Use designation emphasizes achieving medium and high-density development to achieve a compact form of development that will fit in with and reinforce the character of the surrounding context. Therefore, the new Zoning By-law will need to consider provisions related to setbacks, angular planes, lot coverage, landscape buffering, etc. to promote compatibility of new development to surrounding areas.
- The Town's Official Plan specifically permits medium and high density residential uses and are encouraged in upper storey locations or to the rear of commercial buildings. The new Zoning By-law can include provisions related to requiring a mix of commercial and residential uses as part of new development. There is an opportunity to consider active frontage requirements to direct residential and office-related uses to upper storeys to the rear to promote a vibrant pedestrian experience.
- A range of Mixed-Use Zones may be required to recognize specific areas where greater clarity is required in terms of what constitutes "mixed-use", versus where more flexibility is possible.
- The Town's Official Plan requires appropriate transitions between buildings and areas of different intensity. The new Zoning By-law can include regulations to ensure the intensity of development is appropriate for an individual site, and a desirable built form that is compatible with the scale of the neighbourhood is achieved. Appropriate transitions can be accommodated by managing both building intensity and building form. Intensity related zoning tools that can be used to provide appropriate transition can include specific provisions related to:
 - Minimum and maximum building height;



- Build-to line related to a boundary or alignment, usually parallel to the property line, along which a building or structure must be placed;
- Lot coverage;
- Minimum and maximum density;
- Activated building frontage related to ground floors with windows and doors onto the street which create interest and activity;
- Minimum ground floor height;
- Building entrances;
- Setbacks and stepbacks;
- Separation distances;
- Angular planes which are an imaginary plane extending from a lot line and above the entirety of the lot at an inclined angle; and
- Landscape buffering.

In implementing the policies of the Mixed Use Main Street designation, the new Zoning By-law can include one or more Mixed-Use Zones. Any new zone(s) will need to consider the context of the predominantly existing commercial area and transition to surrounding areas. A fundamental consideration for the new Zoning By-law will be to determine the extent to which any new Mixed-use Zone(s) is applied as-of-right, versus through site-specific development applications.

As the Town continues to grow over the next several decades, ensuring that new development in the form of mixed-use fits appropriately into the existing and planned context will require a careful balancing between current functioning and future aspirations for a complete community.

5.11 Neighbourhood Zoning

Policy and Legislative Context

The Town's Official Plan recognizes a Residential designation applies to existing neighbourhoods and also encourages the provision of an adequate supply of new residential building lots to meet the anticipated demand for additional housing units over the next 25 years. This is to be achieved by encouraging 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, 2020 and County of Essex Official Plan.

For new development 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 the Official 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 Official Plan further requires that any new medium or high density residential land uses proceed by way of a Zoning By-law Amendment. These residential land uses are defined as follows:

- **Medium Density Residential:** Includes townhouses, stacked townhouses, row houses, multiple dwelling conversions, walk-up or small-scale apartments, and mixed-use buildings with commercial on the ground floor. Nursing homes, rest homes and retirement homes may also be permitted. Density range for medium density extends from 20 to 50 units per gross hectare and maximum building height is four storeys.
- **High Density Residential:** Include apartments, nursing homes, rest homes and retirement homes. These uses are always subject to a Zoning By-law Amendment and the density range for high density is above 50 units per gross hectare. The maximum height of high density residential uses is six storeys.

Section 4.2 of the Official Plan requires that new medium and high density residential uses in the Residential designation will need to conform to the following criteria:

- Availability of adequate municipal services;
- Availability of adequate outdoor amenity areas, which may include public recreation areas, common areas and/or private areas to the satisfaction of the Town;
- Adequate on-site parking for each residential unit and for visitors, either in surface parking areas, individual driveways, and garages, or in above or below grade parking structures, as the Town deems appropriate; and
- Protection of adjacent low density residential areas from adverse effects.

In addition, new medium and high density development will need to conform to the Official Plan urban design policies which refer to such matters as siting and designing the building to be compatible with adjacent land uses in terms of function and design, and avoidance of undue adverse effects on adjacent land uses.

Existing Zoning

The existing Zoning By-laws established various Residential Zones and protect mature neighbourhoods through permitting limited dwelling types. Below is an overview of residential dwelling types permitted in each Zoning By-law:

- **Tecumseh Zoning By-law:** Single-detached residential dwellings are permitted in the R1 and R2 Zones. The R3 Zone permits single-detached, semi-detached, townhome, duplex, triplex, and group home dwellings.
- **St. Clair Beach Zoning By-law:** Single-detached residential dwellings and group home uses are permitted as of right in the R1 and R2 Zones. The R3 Zone permits multiple residential dwellings.
- **Sandwich South Zoning By-law:** Single-detached residential dwellings and group home uses are permitted as of right in the R1 and R2 Zones.



As indicated above, the existing Zoning By-laws limit the scale of intensification currently allowed as-of-right in the residential zones by permitting only low density residential typologies.

Discussion and Preliminary Recommendations

The new Zoning By-law will consider how to facilitate development and redevelopment within the Residential designation. Development and redevelopment in existing neighbourhoods should be guided by principles of compatibility that respect the prevailing built form of existing areas and provide for suitable transition between areas of differing use, design, and massing. Land use compatibility within this context does not mean “the same as” but to coexist harmoniously with one another.

The Town’s Official Plan provides direction to encourage residential intensification and infill. In preparing the new Zoning By-law, public and stakeholder consultation will be critical to understand how the existing residential zones work or do not work. It is anticipated that the existing residential zones will be carried forward and consolidated, as appropriate, across the three existing zoning by-laws. These existing zones will provide a basis from which to build upon and modify standards to respond to the unique development contexts in the Town and contemporary zoning standards in neighbourhood areas.

The new Zoning By-law may consider the following building standards and provisions to ensure greater compatibility within existing neighbourhoods:

- Ensuring adequate setbacks, minimum yard requirements, building depth and height maximums;
- Establishing appropriate transition in building heights, coverage, and massing;
- Designing the building in a way that minimizes adverse effects, including garage protections; and
- Regulating location, treatment and size of accessory uses and structures, lighting, parking areas, garbage storage facilities and signage.

5.12 Parking Requirements

The Town’s Official Plan intends to mitigate the impacts of climate change including through parking management provisions in the Zoning By-law, in a manner that does not undermine transit and active modes of transportation. The following section provides a series of considerations for the new Zoning By-law as it relates to vehicular parking, electric vehicle parking, shared parking, bicycle parking and barrier free parking.

5.12.1 Vehicle Parking

Zoning by-laws commonly regulate the supply of vehicular parking. The role of vehicular parking provisions is to ensure that a property contains a sufficient supply of parking on the lot to meet vehicular parking demands of residents, employees, and visitors. Determining what constitutes a sufficient amount of vehicular parking becomes a challenge for the Town as it seeks to evolve



from an auto-oriented community to one where transit and active transportation are expected to take on a larger transportation role into the future.

The Town's Official Plan establishes a range of parking considerations, including that accessibility features be well-integrated within the function and design of sites and continuous barrier-free access will be provided to buildings and features from parking areas. In addition, the Town's Zoning By-laws include vehicular parking provisions. This includes vehicular parking requirements based on uses within a particular zone and defining the terms "Parking", "Parking Lot/Area" and "Parking Space".

When it comes to vehicular parking, concerns from the community are often related to either not enough or too much parking. Therefore, the new Zoning By-law will need to reconsider minimum parking requirements to ensure they are aligned with contemporary uses. Reduced parking requirements can have a significant fiscal impact on the feasibility of higher density housing forms thereby acting as an incentive to promote higher density, mixed-use development in appropriate areas, such as the Main Street Mixed Use designation. Right sizing the supply of parking and reviewing minimum parking rates can also encourage other forms of mobility such as active transportation and transit. The goal is to provide the right amount of parking in the right locations throughout the Town, at the right time. Importantly, the right amount of parking in the right locations at the right time is likely to be directly linked to the viability of alternative modes of transportation.

5.12.2 Electric Vehicle Parking

In recent years, the use of consumer electric vehicles (EVs) has grown significantly. While the Town's Official Plan and existing Zoning By-laws does not include policies or provisions related to electric vehicle parking, there is an opportunity to introduce new standards that support the expansion of EV ownership in Tecumseh. Should the Town wish to include standards related to EV parking within the new Zoning By-law, it will be important to recognize and balance the financial implications of any recommendation on the cost of building. Specific questions related to EV parking will be included in consultation with stakeholders and the development community to understand how standards can be created for Tecumseh. These standards would require that a minimum number of spaces be ready with necessary conduits and rough-ins to accommodate future EV charging infrastructure after construction.

It is further recognized that the EV supply equipment regulations have been removed from the Ontario Building Code; however, some municipalities have introduced requirements within their zoning by-laws. For example, the City of Waterloo Zoning By-law requires 80% of structured parking spaces for multi-unit residential and non-residential buildings to be designed to permit the future installation of electric vehicle supply equipment. The City of Kitchener Zoning By-law also requires 20% of parking spaces for multi-unit residential buildings and 15% of non-residential parking spaces to be designed to permit the future installation of electric vehicle supply equipment. For non-residential uses, a minimum of 5% of parking spaces must be provided with electric vehicle supply equipment.



5.12.3 Shared Parking

Shared parking can be employed to permit different land uses to share parking facilities, for example during peak periods, as peak periods for one use may be different than for others. Shared parking acknowledges that since different land uses experience peak parking demand at various times throughout the day, the peak parking demand may not need to be accommodated for all land uses at once. As a result, shared parking encourages more efficient use of the available parking supply.

In general, the calculation of shared parking spaces is determined by identifying different parking periods throughout the day (for example, morning, afternoon, and evening). The number of parking spaces for each use in each parking period is specified in the by-law. The total number of required spaces would be the largest number of spaces required for any one of the defined parking periods

For example, an office and a restaurant may need to accommodate clients and employee parking at different times of the day, presenting an opportunity to consider shared parking facilities. The introduction of shared parking provisions for certain uses may result in an overall reduction in parking requirements compared to parking requirements per individual land use. In addition, the new Zoning By-law may consider increased opportunities for shared parking in mixed use developments and shared parking rates for various land uses that shared parking provisions may apply to.

5.12.4 Bicycle Parking

The Town's Official Plan requires that all development within the Settlement Areas must provide parking for bicycles (Section 9.3). Bicycle parking is to be provided in all institutional, retail, commercial and employment areas, as well as at other destinations to promote purposeful cycling. This includes bike storage sheltered from weather for 15% of total building occupants for all multiple and apartment form residential developments. Non-residential development is required to place accessible and secure bike racks at the front of buildings and install bicycle racks in all public parks. In addition, the Official Plan requires that the Zoning By-law must implement a minimum number of bicycle parking spaces required for each type of land use within the Settlement Areas.

The existing Zoning By-laws do not include bicycle parking standards for new developments. The new Zoning By-law will provide the Town the opportunity to exceed the Official Plan and set out bicycle parking spaces for certain rural uses as well, such as on-farm diversified uses to promote cycling tourism. Consideration of minimum ratios, parking space dimensions, and location should also be considered in the preparation of bicycle parking standards as part of the new Zoning By-law. There are a number of ways in which bicycle parking ratios can be calculated:

- Number of spaces per gross floor area. This method is typically employed for most non-residential uses;
- Number of spaces per persons (e.g., students, employees);



- Number of spaces per use (e.g., # of spaces per outdoor patio); and/or
- Number of spaces per residential unit.

5.12.5 Barrier-Free Parking

Requirements for accessible parking spaces and sizes should meet the requirements of Ontario Regulation 191/11, as amended and passed under the *Accessibility for Ontarians with Disabilities Act* (AODA), 2005. This includes provisions for Type A (minimum width of 3.4 m) and Type B (minimum width of 2.4 m) parking spaces and access aisle (minimum width of 1.5 m) for an “Obligated Organization” as defined in the AODA. This applies to the Government of Ontario, the Legislative Assembly, a designated public sector organization, a large organization (with 50 or more employees in Ontario) and a small organization (1-50 employees in Ontario).

Currently, the Tecumseh and St. Clair Beach Zoning By-laws include provisions related to the amount of barrier free parking spaces required based on the total amount of provided parking spaces. However, these Zoning By-laws do not include specifics related to the required size of barrier-free parking spaces.

It is recommended that comprehensive accessible parking standards (i.e., barrier-free parking spaces and access aisles) are developed as part of the new Zoning By-law.

5.13 Short-Term Accommodations

Policy and Legislative Context

With the increasing presence of platforms such as Airbnb, short-term accommodations are an emerging issue facing many municipalities. Short-term accommodations can provide benefits to homeowners in the form of improved housing affordability, as well as to the travelling public in the form of increased accommodation supply and affordability. However, in some situations, nuisances associated with short-term accommodations can include noise, parking, and traffic. Additionally, there is some concern about the impact of short-term accommodations on overall housing affordability.

While the ability of municipalities to regulate short-term accommodations through zoning has been debated, one such example is a recent Ontario Land Tribunal (PL180082) ruling which upheld the City of Toronto’s ability to regulate short-term accommodations through its Zoning By-law.

The Town of Tecumseh Official Plan does not include specific policies related to short-term accommodations.

Existing Zoning

The existing Zoning By-laws in the Town of Tecumseh do not contain specific regulations as they relate to short-term accommodations. The St. Clair Beach Zoning By-law defines the term bed and breakfast but does not permit the use within any zone.



Discussion and Preliminary Recommendations

One approach is that the Town can regulate short term accommodations through the use of licensing to permit these uses across the Town, subject to the applicable zoning regulations, obtaining a certificate of occupancy, and a license to operate a short-term accommodation. For example, the City of Ottawa recently passed a Short-Term Rental By-law and a Zoning By-law Amendment in April 2021. The By-law requires that property owners obtain a “Host Permit” and establishes that short-term rentals are only permitted in the host’s principal residence, with some exceptions. Other associated regulations have been established, such as limiting the permitted number of overnight guests.

Alternatively, the Town may introduce short-term accommodations as a defined term and as an expressly permitted use in the appropriate zones through the new Zoning By-law. There may be a need to apply specific provisions to the use.

For example, the City of Stratford Zoning By-law defines the term ‘Short-Term Rental Accommodation’ as the following:

“An entire dwelling unit that is used to provide sleeping accommodations for any period of less than 28 consecutive days and is operated by the principal resident. Short term rental accommodation shall not include an inn, hotel, bed and breakfast establishment, boarding house dwelling or similar commercial or institutional use. The principal use of the dwelling shall be for residential purposes and the short term rental accommodation shall be an ancillary use to the main use.”

The Stratford Zoning By-law further indicates that no person can use a building or operate a short term rental accommodation unless they hold a valid license issued by City in accordance with all of the applicable provisions of the By-law related to permitted uses within certain dwelling types. In addition, the Zoning By-law establishes parking and outdoor amenity space requirements for where short term accommodations are permitted.

5.14 Lake St. Clair Sightlines

Policy and Legislative Context

Situated on the shores of Lake St. Clair, the Town’s Official Plan recognizes the need to protect the existing views of the lake from residential properties on the north side of Riverside Drive. Protecting these views helps ensure that these properties maintain their connection to the lake and ensures that future development is respectful of these views. Section 4.2 further specifies that the Town should include adequate provisions in the Zoning By-law that have the effect of reasonably protecting existing views of Lake St. Clair from these residential properties.

Existing Zoning

The Town’s existing Zoning By-laws contain a series of general regulations that aim to protect existing views of the lake. The following provide a summary of these regulations contained in the Tecumseh Zoning By-law:



- Accessory buildings and structures may be permitted in the front yard of a lot abutting Lake St. Clair, provided it complies to the minimum front yard setback of the zone and are exempt from lot line setbacks (Section 5.25.1);
- No above ground swimming pools are permitted within 61 metres of the water’s edge of Lake St. Clair (Section 5.25.2);
- Specific requirements for accessory buildings or structures are set out in Section 5.25.4 for properties north of Riverside Drive;
- Exemptions from the requirements to provide parking within a garage or driveway for lots abutting Lake St. Clair (Section 5.32); and
- Prohibitions from parking recreational vehicles, trailers, or motor homes beyond the established building line on lots abutting Lake St. Clair (Section 5.32).

Together, these regulations help limit the encroachment of parking areas, vehicles, and accessory buildings and structures within the viewshed.

Further, both the St. Clair Beach Zoning By-law and Tecumseh Zoning By-law contain requirements related to minimum rear yard depths in the respective zone chapters. The By-laws include provisions for an established building line for lots north of Riverside Drive. The provisions differ between each by-law in terms of how the established building line is measured. An established building line is an invisible line that is drawn between the nearest point of an existing building on either side of a lot and creates the rear yard depth for any new development.

Discussion and Preliminary Recommendations

In preparing the new Zoning By-law, there is a need to review, harmonize, and clarify the provisions for rear yard setbacks and other encroachments into the Lake St. Clair viewscape. Town staff have indicated that the provisions of the St. Clair Beach Zoning By-law may serve as a strong basis from which to develop new zoning standards.

One option is to maintain the current established building line provisions for the rear yard setback and harmonize along the entire waterfront. The advantage of this type of provision is the ability to maintain the existing character of the waterfront area where buildings or structures are setback closer than the requirements of the By-law. A challenge with this provision is that given the varying lot frontages and ununiform setbacks along waterfront areas, the objective of protecting Lake St. Clair from new incompatible development may not be maintained.

There is also an opportunity to identify the properties that are subject to these provisions through overlays to clearly indicate which properties any viewscape-related regulations may apply. In the St. Clair Beach Zoning By-law, the R1 zone, which contains the specific established building line provisions, is used exclusively along Lake St. Clair, whereas there is no dedicated zone in the Tecumseh Zoning By-law.



6 Next Steps

This Discussion Paper has been prepared based on a preliminary background review and initial consultations with Town staff. It is anticipated that additional issues and opportunities will be identified over the course of the Project. Additional key matters and refinements to the recommendations outlined in this Discussion Paper may be identified through consultation and engagement. The subsequent Issues and Methodology Report will delve deeper into specific zoning issues that emerge as priorities for the Town and outline specific options and recommendations for the new Zoning By-law.

Together with the Issues and Methodology Report, this Discussion Paper will serve as the basis for preparing the new Zoning By-law. Each report will contain a summary of comments received through public and stakeholder consultation to demonstrate how community feedback is being considered in the new Zoning By-law.

