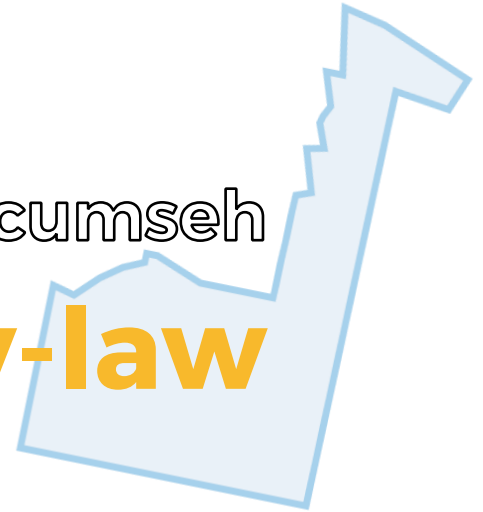




Town of Tecumseh

New Zoning By-law



Final Issues and Methodology Report
(Technical Memo No. 2)

June 2023

Table of Contents

1	Introduction	1
1.1	Purpose of this Report.....	1
1.2	Project Overview	2
2	Approach to Harmonization and Structure	3
2.1	Zoning By-law Format.....	3
2.2	Zone Mapping	7
2.3	Zone Consolidation	9
2.4	Consolidation of Definitions	11
2.5	Consolidation of General Provisions.....	12
2.6	Consolidation of Parking Requirements.....	13
2.7	Site-Specific Exception Zone Review.....	15
2.8	Proposed New Zoning By-law Outline.....	16
3	Key Zoning Issues	18
3.1	Bill 23 Considerations	18
3.2	Employment Area Zoning.....	21
3.3	Lake St. Clair Sightlines.....	22
3.4	Mixed Use Zoning.....	23
3.5	Natural Features and Hazards	29
3.6	Neighbourhood Zoning.....	36
3.7	Recreational Vehicle and Boat Parking Regulations	39
3.8	Future Development Zoning	41
3.9	Other Zoning Issues.....	42
4	What We Heard	44
4.1	Council Workshop	44
4.2	Public Open Houses	44
5	Conclusions and Recommendations	46



1 Introduction

Zoning plays a critical role in shaping development across Tecumseh and to determine what can be built or used, and where. It sets the rules for where new buildings should go, how existing buildings can change, what types of buildings they can be, and what types of uses, businesses and activity can happen on a property. The Town of Tecumseh is undertaking a process to prepare a new Zoning By-law that replaces the Town’s three existing zoning by-laws.

In June 2021, Essex County approved a new Official Plan for the Town of Tecumseh. The Town’s new Official Plan set the stage for the preparation of a new Zoning By-law to implement its policies and guide growth and development in Tecumseh. 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.

In addition to the need to implement and conform to the Town’s new Official Plan, a key outcome of this project will be consolidation of the three existing zoning by-laws that are in-effect in Tecumseh. The various zoning by-laws continue to be in effect and were adopted by the Councils of the former municipalities prior to amalgamation, shown in **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

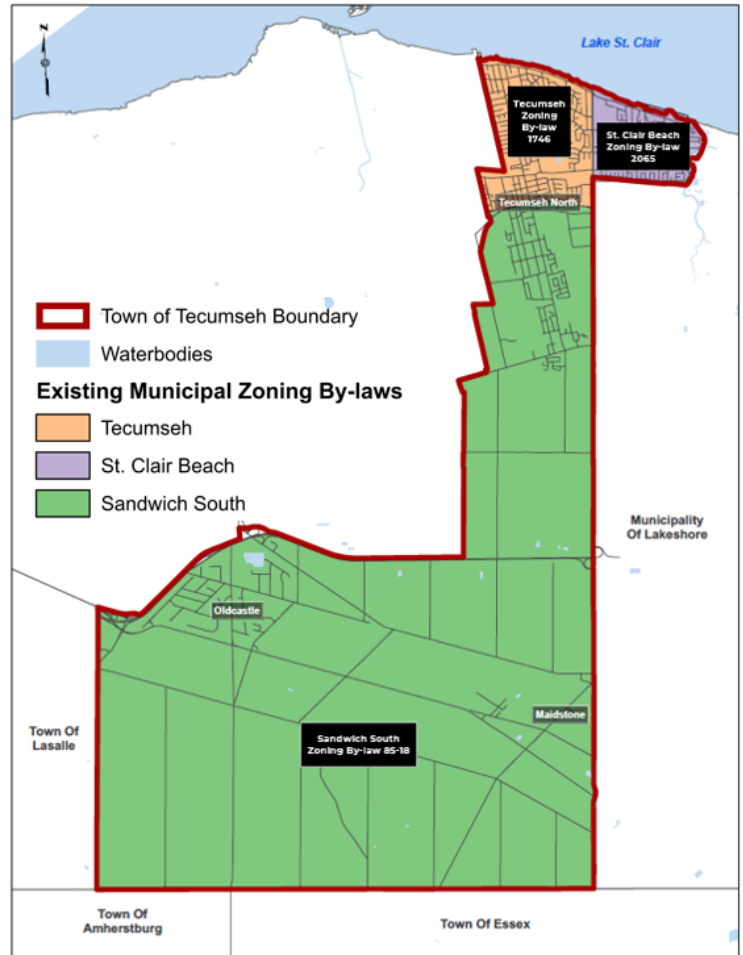


Figure 1 - Boundaries of existing zoning by-laws in the Town of Tecumseh

1.1 Purpose of this Report

This purpose of this Issues and Methodology Report (the “Report”) is to build on the first Discussion Paper released in December 2022 by setting out a road map for writing the new Zoning By-law. This Report sets out a series of options and recommendations where further input will be required from the community, stakeholders, and Town council and staff to ensure that the new Zoning By-law reflects the community’s vision set out in the Official Plan.

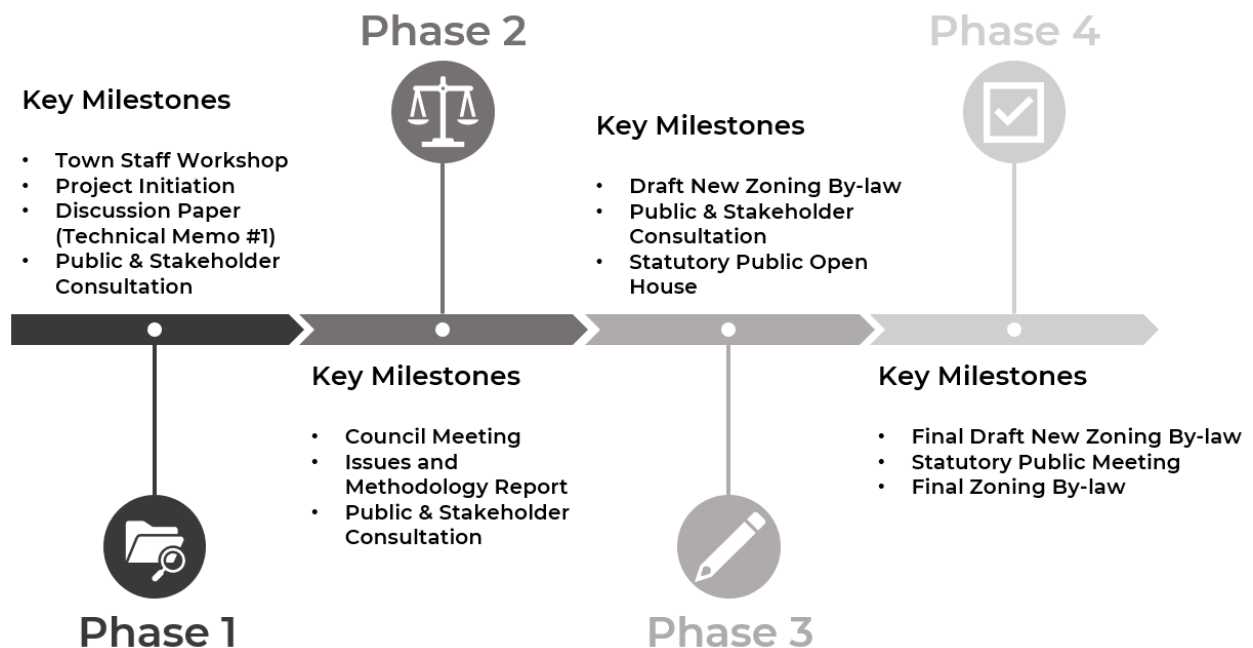


Section 2 of this Report outlines the approach to harmonization of the Town’s three existing zoning by-laws and provides direction for the structure and format of the document. This section will serve as basis from which the new Zoning By-law will be prepared.

Section 3 of this Report explores a series of key zoning issues to identify specific options and recommendations to carry forward into the new Zoning By-law. The Discussion Paper and subsequent consultation with the public and stakeholders identified further issues which warranted exploration in this Report prior to preparing the new Zoning By-law. This section is not intended to include an exhaustive list of all issues that will be addressed in the new Zoning By-law, but rather identifies significant topics where early buy-in and refinement of the approach to zoning is required.

1.2 Project Overview

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. Phase 1 of the new Zoning By-law project began in Fall 2022 and concluded in January 2023. This Report is the primary deliverable of Phase 2 of the project.



2 Approach to Harmonization and Structure

The new Zoning By-law will reflect a consolidated, harmonized, and modernized zoning framework for the Town of Tecumseh. The three existing zoning by-laws date back across different years and are structured in different formats and templates. The Discussion Paper sets out a series of principles for the layout of the new Zoning By-law and accompanying mapping to craft a contemporary document for Tecumseh. The intent of this section is to take the high-level content from the Discussion Paper and outline specific recommendations to guide the preparation of the new Zoning By-law.

2.1 Zoning By-law Format

There are many possible directions and options to consider in determining a recommended approach to the format and layout of the new Zoning By-law. The following principles have been established in the Discussion Paper to guide the format and layout 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 permitted 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 chapter for Site-Specific Exception Zones 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.



For discussion purposes, **Figure 2** and **Figure 3** present the proposed format for the new Zoning By-law text. These figures are not intended to represent any recommended provisions or zones, but instead to show what the by-law layout can look like. The following features will be embedded into the new Zoning By-law:

- Defined terms throughout the by-law will be bolded to signal to the reader that the term is defined and can be referenced back to a definition in the by-law.
- Each zone category (e.g., Residential, Agricultural, Commercial etc.) will be grouped together in its own document section.
- Section references and wayfinding tools will be used to improve document usability.
- Tables and matrices will be used to present and organize information and standards.
- All site-specific exceptions will be organized in a consolidated chapter and formatted in a consistent layout.

Recommendation

- It is recommended that the new Zoning By-law be prepared in the document template shown in **Figure 2** and **Figure 3**.



3.0 | RESIDENTIAL ZONES

3.0 Residential Zones

For convenience, Table 6-1 lists the Residential zones.

Table 6-1: List of Urban Residential Zones	
Zone Name	Zone Symbol
Residential One	UR1
Residential Two	UR2

3.1 Permitted Uses and Densities

Uses permitted in the XX zones are denoted by a "P" in the column applicable to that zone and corresponding with the row for a specific permitted use in Table XX-XX.

Permitted Use	Zone		Use-Specific Standards
	UR1	UR2	
RESIDENTIAL USES			
Duplex Dwelling	✓	✓	-
Group Home	✓	✓	Section 4.17
Single Detached Dwelling	✓	✓	-
Semi-Detached Dwelling	✓	✓	
Townhouse Dwelling		✓	
Multi-plex Dwelling		✓	
SPECIFIED ACCESSORY USES			
Bed and Breakfast	✓	✓	Section 4.4
Community Garden	✓	✓	Section 4.5
Home Industry	✓	✓	Section 4.18
Home Occupation	✓	✓	Section 4.19

Figure 2 - Conceptual template for the New Zoning By-law (Part 1)



6.0 | RESIDENTIAL ZONES

Table 6-3: Density Standards for Urban Residential Zones

Standards	Dwelling Type			
	Single Detached	Semi-Detached	Townhouse	Multi-plex
Minimum Lot Area				
Minimum Lot Frontage				
Maximum Lot Coverage				
Maximum Number of Dwelling Units				

6.2 Height and Location Requirements

Any use, building or structure permitted in any Urban Residential zone in Table 6-2 must also meet the requirements set out in Table 6-4.

Table 6-4: Density Standards for Urban Residential Zones

Standards	Dwelling Type			
	Single Detached	Semi-Detached	Townhouse	Multi-plex
Minimum Height				
Maximum Height				
Minimum Front Yard Setback				
Minimum Rear Yard Setback				
Minimum Exterior Yard Setback				
Minimum Interior Yard Setback				

6.3 Access and Landscaping

Any use, building or structure permitted in any Urban Residential zone in Table 6-2 must also meet the requirements set out in Table 6-5.

Table 6-5: Access and Landscaping Standards for Urban Residential Zones

Standards	Dwelling Type			
	Single Detached	Semi-Detached	Townhouse	Multi-plex
Maximum Driveway Width				
Maximum Number of Driveways				
Minimum Landscaped Area				
Minimum Planting Strip				

Figure 3 - Conceptual template for the new Zoning By-law (Part 2)



2.2 Zone Mapping

The Discussion Paper identifies some examples of recent mapping layouts and establishes principles for producing legible, clear maps. 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 Geographic Information Systems (GIS), a spatial database that can be used to manage zoning information. This provides the opportunity for the Town to manage the new Zoning By-law efficiently and to utilize an online, interactive zoning map tool, where residents and the development industry can access up-to-date zoning information. Digital mapping will be searchable and scalable and allow a user to search for a specific property.

Portable Document Format (PDF) maps would accompany the new Zoning By-law for customer service and formal Council adoption purposes. Going forward, the Town will need to decide how future administration and updates to the hard copy maps will be managed.

Due to the geographic scale and variation in Tecumseh, the zone mapping (e.g., Schedule A) would include an Index Map of the Town, divided into a number of sectors. Each of the sectors on the Index Map would have a corresponding map which provides the detailed zoning information. Due to the rural and agricultural nature of much of the former Township of Sandwich South, it is expected that different map scales will apply to different areas of the Town to ensure the maps remain legible. For example, a smaller viewing scale, zoomed in map will be created for the settlement areas of Tecumseh, St. Clair Beach, Oldcastle, and Maidstone where there is greater variation in zones and smaller parcel sizes.

Figure 4, below, provides a proposed example of a new mapping format for the Town. The Discussion Paper provided examples of both black and white as well as colour mapping used in zoning by-laws. Colours may be used to distinguish between zones and highlight certain natural features shown on the map (e.g., lakes, watercourses) or overlay zones. Black and white maps rely principally on the zone codes shown on the map to identify the specific zone that applies to a property. Considering the rural nature and large lot sizes of much of Tecumseh's geography, it is recommended that greyscale zone maps be prepared, with colour used to clearly identify overlays and natural elements.

There will also be a need to consider how the existing Schedule B maps that form part of the existing zoning by-laws will be carried forward. There is an opportunity to create a new Schedule B that includes overlays (i.e., additional regulations) to address flood protection areas and natural hazards (as discussed in Section 3.5 of this Report). Conversely, Schedule B to the Sandwich South Zoning By-law (85-18) shows the overlay of the Windsor Airport and only applies to a portion of the Oldcastle settlement area. Given that large portions of Schedule B are outside of the Town of Tecumseh following a municipal boundary adjustment, Schedule B to the Sandwich South Zoning By-law can likely be deleted.



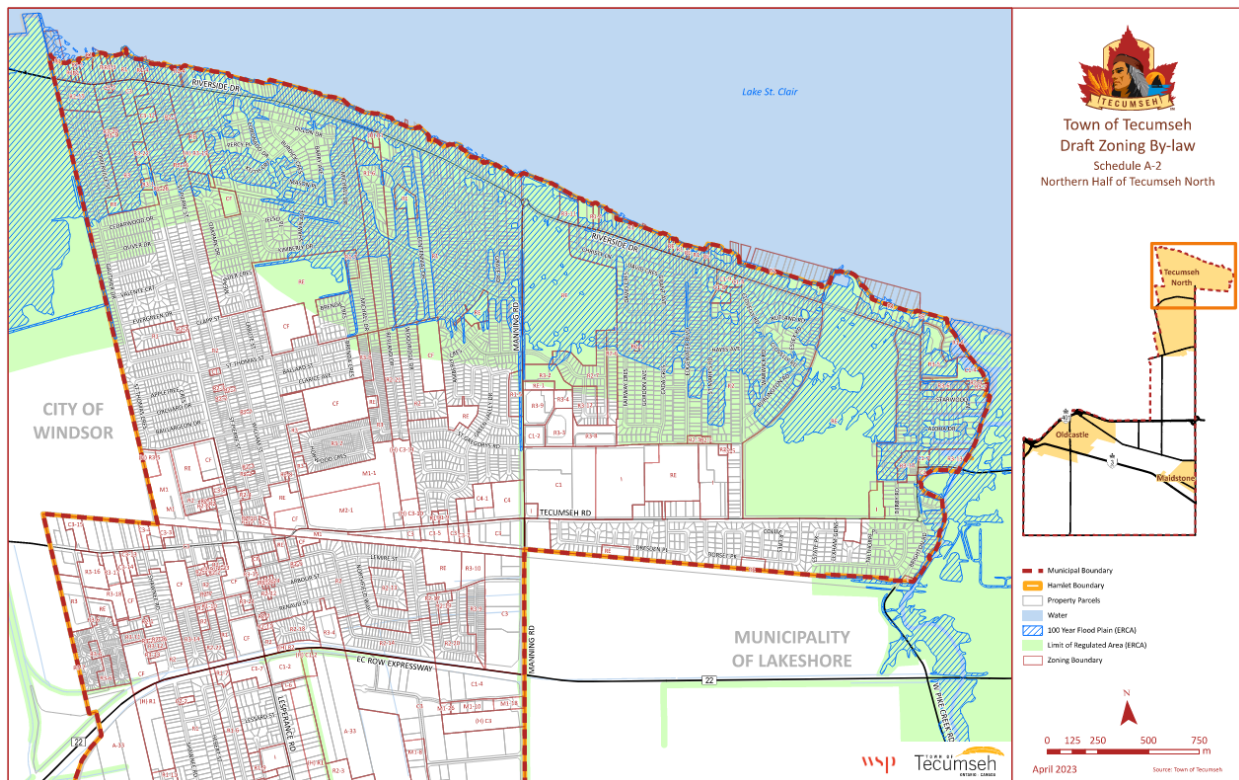


Figure 4 - Sample zone map for the Town of Tecumseh (Note: This map is provided for illustrative purposes only. This map does not reflect actual or proposed zoning and is intended to provide an illustration of map style. The scale and indexing of mapping are subject to further refinement.)

Recommendations

- It is recommended that the zone mapping be developed and hosted by WSP with ArcGIS for the project duration, and that upon project completion, WSP will issue a final zoning layer to the Town for integration with their preferred GIS platform.
- It is recommended that zone mapping be prepared principally in black and white, with limited colour used to accent specific elements such as zone boundaries/symbols, overlays, and watercourses/waterbodies.
- Schedule A will be divided into several sectors on an index map to ensure that maps are legible. Finer scaled maps will be used to highlight areas where more zoning detail exists (e.g., settlement areas).
- Schedule B will include flood protection and natural hazard overlays. It is anticipated that Schedule B of By-law 85-18 can be consolidated as part of Schedule A or deleted.



2.3 Zone Consolidation

2.3.1 Principles

The consolidation and harmonization of zones in the existing zoning by-laws is the critical first step to preparing the new Zoning By-law. This step of the process should not result in any significant variances from the existing standards, but rather simplify the zones compared to the three zoning by-laws. To harmonize zones within a given category (e.g., Residential zones) the Project Team will tabulate zones that are similar in terms of permitted uses and zone standards (e.g., Residential One). There is often duplication among the existing by-laws and this exercise presents an opportunity to reduce the number of zones and restructure the zone hierarchy.

The following principles will guide the harmonization of zones and steps to achieve conformity with the Town’s new Official Plan:

- Harmonization should minimize instances of legal non-compliance from the existing standards and address any potential new instances of legal non-conforming uses;
- Harmonization should result in greater consistency across the former communities in Tecumseh and elimination of duplication in the names of uses across the existing zones;
- The names of uses will be simplified and modernized, and reviewed against the new Official Plan; and,
- New zones will be introduced to address gaps in the existing zones and to support Official Plan conformity.

2.3.2 Preliminary New Zone Structure

Based on the principles outlined in Section 2.3.1, the various issues discussed in Section 3 of this Report, and the Discussion Paper, a preliminary new zone structure has been prepared for the new Zoning By-law. The preliminary high level zones presented in this Report (**Table 1**) are subject to further consultation and refinement, and it is anticipated that zones may be consolidated further, or new zones added in the Draft Zoning By-law.

Table 1 - Preliminary Proposed Zone Categories and Zones

Proposed Zone Category	Preliminary Proposed Zones	Rationale
Agricultural	Consolidated Zone Agriculture (AG)	This zone reflects a modified version of the existing Agriculture (A) zone of By-law 85-18.



Proposed Zone Category	Preliminary Proposed Zones	Rationale
	Consolidated Zone Agriculture Business (AB)	This zone reflects a consolidation of the existing Rural Commercial (CR) and Hamlet Commercial-Industrial (CMH) zones of By-law 85-18.
	New Zone Agriculture No Residence (AN)	This new zone is proposed to mirror the updated AG zone, but will prohibit residential uses. This zone can be applied following a farm severance due to farm consolidation, where a new dwelling is prohibited, in lieu of applying a site-specific exception zone.
Residential	Consolidated Zone Hamlet Residential (RH)	This zone reflects the existing Hamlet Residential (HR) zone in By-law 85-18.
	Consolidated Zone Residential 1 (R1)	This zone reflects a consolidation of the existing R1 zones in all three existing zoning by-laws.
	Consolidated Zone Residential 2 (R2)	This zone reflects the existing R2 zone in By-law 2065.
	Consolidated Zone Residential 3 (R3)	This zone reflects a consolidation of the R2 zones in By-laws 1746 and 85-18.
	Consolidated Zone Residential 4 (R4)	This zone reflects a consolidation of the R3 zones in By-laws 1746 and 2065.
Commercial	Consolidated Zone District Commercial (CD)	This zone reflects a consolidation of the C3 and C4 zones in By-law 1746, the C1 zone in By-law 2065, and the C1 and C2 zones in By-law 85-18.
	Consolidated Zone Hamlet Commercial (HC)	This zone reflects the existing Commercial Hamlet (CH) zone in By-law 85-18.



Proposed Zone Category	Preliminary Proposed Zones	Rationale
	Consolidated Zone Highway Service Centre (HSC)	This zone reflects the existing Highway Service Centre (HS) zone in By-law 85-18.
Community Use	Consolidated Zone Institutional (I)	This zone reflects a consolidation of the CF zone in By-law 1746 and the I zone in By-law 85-18.
	Consolidated Zone Open Space (OS)	This zone reflects a consolidation of the RE zones in By-laws 1746 and 2065 and the P zone in By-law 85-18. Instances of existing golf courses will need to be reviewed within this zone to allow the existing use to continue.
Natural Environment	New Zone Natural Environment (NE)	See Section 3.5.1 of this Report.
Mixed Use	New Zone Main Street Zone (MS)	See Section 3.4 of this Report.
Employment	Consolidated Zone Business Park (BP)	See Section 3.2 of this Report. This zone reflects a consolidation of the existing M1 and M2 zones in By-law 1746 and M1, CM, and BP zones in By-law 85-18.
	New Zone Business Corridor (BC)	See Section 3.2 of this Report.

2.4 Consolidation of Definitions

The process of consolidating three zoning by-laws into one also will involve the creation of a single set of definitions. While the zoning by-laws may utilize similar terms and similar definitions, there are likely going to be many differences. This section identifies steps for consolidating the various definitions and terminology amongst the existing zoning by-laws into one document.

The first step in consolidating the definitions is to select a suitable, representative definition from one of the three existing zoning by-laws as a starting point. After that, it is important to understand how the new definition differs from the other by-laws. With respect to permitted use



definitions, this may mean the selected definition is either more permissive or less permissive. For other definitions, there may be a meaningful difference in terms of how a standard is calculated and the implications of this should be contemplated (e.g., how lot frontage is calculated). It may be desirable to modify the definition to incorporate aspects from other by-laws to minimize impacts. However, the definition should still be precise and enforceable.

Following this initial step to select and modify each preferred definition, further refinements to the definitions may be required to implement more modern terminology or building practices, and to reflect any definitions or requirements of the Official Plan. Finally, it is anticipated that a preliminary list of definitions will be assembled based on the current zoning by-laws, and that additional definitions will be developed as the zones, general provisions, and other standards are revised or added.

Recommendation

- The definitions of the existing Zoning By-laws will be reviewed and consolidated in accordance with the steps outlined above.

2.5 Consolidation of General Provisions

The three existing zoning by-laws contain a wide range of general provisions which apply across the different zones and typically address technical matters such as parking requirements, regulations for specific land uses, and accessory structures. The general provisions of each of the existing by-laws are written in variety of styles and structures and address different matters or standards. To consolidate the general provisions of the existing by-laws, the following steps will be followed:

- The first step in consolidating the general provisions is to select a suitable, representative regulation from one of the three existing zoning by-laws as a starting point. For example, there is likely to be overlap amongst the three existing zoning by-laws for driveway requirements. After that, it is important to understand how the new definition differs from the other by-laws. No topic covered in an existing by-law will be omitted in the first working draft set of standards. Town staff will be consulted to confirm which existing zoning by-law may be the most representative to build from.
- A best practice review of zoning by-laws from other communities will be completed to identify other useful modern standards and to implement the Town's new Official Plan. Key considerations in undertaking this consolidation will include identifying and documenting where instances of legal non-conformity/non-compliance may be created.
- The general provisions will be organized into different chapters of the new Zoning By-law, as proposed in Section 2.8 of this Report, based on the type of general provision (e.g., specific use provisions, access and loading standards).



Recommendation

- The general provisions of the existing zoning by-laws will be reviewed and consolidated into the new Zoning By-law in accordance with the steps listed above.

2.6 Consolidation of Parking Requirements

A key consideration for the new Zoning By-law will be the consolidation and modernization of parking and loading requirements to become more contemporary and better aligned across Tecumseh. Many of the parking and loading standards in the existing zoning by-laws date back to the original date of adoption of the by-laws. Without reform, there is a risk that the existing standards are out of date as the Town's mobility context evolves and as land use and housing typologies have changed.

Parking requirements refer to regulations in the zoning by-laws that have the effect of regulating the physical form, location, and quantity of parking. Through the new Zoning By-law, there is an opportunity to review standards for off-street parking and loading. There will also be an opportunity to introduce new regulations for bicycle parking, electric vehicle parking, and other emerging parking forms as introduced in the Discussion Paper.

2.6.1 Parking Space Requirements

While there are many similarities between the minimum number of parking spaces required in the General Provisions of each of the existing zoning by-laws, there are many differences between each that will need to be addressed in the new Zoning By-law. The first step in reviewing the parking and loading requirements will be to develop a list of the new permitted uses in the new zones. Each permitted use should be associated with a minimum parking requirement. The next step in the process will be to carry forward the most permissive parking rate for that use if it exists today. New rates will be developed for new uses based on best practices. Once each permitted use has an associated minimum parking space ratio, the rates will be comprehensively reviewed and modernized to align with best practices.

For example, a high minimum parking rate can be a cost barrier to new commercial (retail) developments and medium and high-density residential projects. An objective of the new Zoning By-law will be to ensure that the Town is not requiring excess parking spaces as part of new developments, and that parking requirements are in line with the mobility context. **Table 2** provides a sample comparison of the Town's existing zoning by-law parking rates for select uses against other municipalities.



Table 2 - Benchmarking of parking rates

Type of Use	Existing Zoning By-law Rate	Comparison Rate
Single Detached and Semi-Detached Dwellings	By-law 1746 – 2 spaces / unit By-law 2065 – 2 spaces / unit By-law 85-18 – 2 spaces / unit	Lakeshore – 2 spaces / unit LaSalle – 2 spaces / unit Stratford – 2 spaces / unit
Multi-unit Dwellings	By-law 1746 – 1.5 spaces / unit By-law 2065 – 2 spaces / unit By-law 85-18 – None	Lakeshore – 1.25 spaces / unit plus 0.25 visitor parking spaces LaSalle – 1.5 spaces / unit Stratford – 1.25 spaces / unit
Townhouse Dwelling	By-law 1746 – 1.5 spaces / unit By-law 2065 – None By-law 85-18 – None	Lakeshore – 1.5 spaces / unit LaSalle – 2 spaces / unit LaSalle – 2 spaces / unit (*1.5 spaces / unit are required for stacked and back-to-back formats)
Retail Stores	By-law 1746 – 1 space / 9 m ² of 75% of the retail floor area By-law 2065 – 1 space / 18.5 m ² of building area By-law 85-18 – 1 space / 18.5 m ² of building area	Lakeshore – 1 space / 18 m ² of the retail floor area LaSalle – 4.25 spaces / 100 m ² of gross floor area Stratford – 1 space / 30 m ² of floor area (> than 2000 m ²) or 1 / 25 m ² of floor area (<than 2000 m ²)

It is acknowledged that instances of legal non-compliance may result from this exercise, and that reasonable steps will be taken to ensure this is minimized. The Discussion Paper outlined how reduced parking requirements can have an impact on the fiscal impact on the feasibility for higher density housing forms and mixed-use development. There is an opportunity to consider some reductions to the minimum parking requirements for certain uses to ensure that the right amount of parking is being built. For example, the St. Clair Beach Zoning By-law requires the same amount of parking for a single detached dwelling as a multi-unit dwelling. It is desirable to encourage a lower parking rate for multi-unit dwellings to reduce barriers to costs of construction and encourage more efficient use of land.

Recommendation

- Parking space requirements will be consolidated and updated in consideration of best practices in other municipalities.



2.6.2 Barrier-Free Parking

The Zoning By-law can play a role in supporting the provision of barrier-free (or ‘accessible’) parking spaces. The current zoning by-laws include provisions related to the amount of barrier-free parking spaces 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.

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).

In the new Zoning By-law, there are two options to consider as it relates to regulating barrier-free parking areas. The first option would introduce an updated barrier-free parking section into the by-law which addresses Type A and B spaces and detailed requirements for the size and location of barrier-free parking spaces. This option clearly demonstrates the requirement for the inclusion of barrier-free parking spaces as part of new development. The second option would be to remove barrier-free parking space requirement from the new Zoning By-law, and to instead rely on the existing requirements of the Ontario Regulation 191/11 to guide the provision of barrier-free parking in Tecumseh. This option eliminates duplication of regulation and may also minimize the need for future zoning by-law amendments or minor variances to comply with the regulations of the Ontario Regulation 191/11.

Recommendation

- Develop updated barrier-free parking space requirements in the new Zoning By-law based on the requirements of the Ontario Regulation 191/11.

2.7 Site-Specific Exception Zone Review

Between the Town’s existing zoning by-laws, there are nearly 250 site-specific exceptions, which are site or area-specific zoning by-laws 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.

The Discussion Paper outlined a series of options to consider for reviewing the site-specific exceptions. It is recommended that **Option 2: Review and Harmonize** be carried forward as the preferred methodology to conduct the review of site-specific exceptions. A full repeal of the site-specific exceptions is not recommended as it would have significant impacts on current development entitlement and would likely generate significant appeals and property owner opposition. Additionally, retaining all existing site-specific exceptions as-is would create significant conformity, administration, and interpretation issues within the new Zoning By-law.



The review of exception zones should also be treated as an opportunity to inform the parent new Zoning By-law itself. Reviewing the exceptions can provide insight into more contemporary building practice, site-specific definitions, or modern uses that can inform minor and modest updates to the terminology or the standards in the new Zoning By-law.

Recommendations

- A review of site-specific exceptions should be conducted alongside the draft new Zoning By-law, in accordance with the methodology outlined in the Discussion Paper.
- Site-specific exceptions will be organized and renumbered sequentially in a standalone chapter of the new Zoning By-law.

2.8 Proposed New Zoning By-law Outline

Informed by the Discussion Paper and recommendations of this Report, an outline for the new Zoning By-law is proposed in this section. The outline identified in **Table 3** has been proposed for discussion purposes and further consultation.

The proposed outline represents a refreshed approach to the Town’s current zoning by-laws. The proposed sections of the new Zoning By-law would contain like-provisions and follow a user-friendly order. A key element of this structure is the ability to cross-reference provisions between sections to support overall interpretation.

Table 3 – Proposed New Zoning By-law Outline

Proposed Section	Purpose
Preamble and List of Zones	This section will serve as a user guide to the by-law and will list and describe the zones.
General Scope and Administration	This Section will outline provisions for the application and administration of the by-law and provisions for technical revisions, amongst others.
Interpretation, Classification, and Limits of Zones	This Section will include provisions for how the by-law should be interpreted and how the zoning schedules should be read.
Zone Chapters (Various) Permitted Uses and Densities Height and Location Requirements Access and Landscaping	These sections will contain the permitted uses and lot and building requirements for each of the various zones. There will be multiple ‘zone chapters’ based on the proposed list of new zones (e.g., Residential, Rural etc.)



Proposed Section	Purpose
General Provisions	This section will contain regulations for site development such as drive-throughs, landscaping, parking and loading areas, and waste receptacles.
Specific Use Regulations	This Section will identify provisions for specific uses that are permitted by the by-law (e.g., home occupations and on-farm diversified uses).
Definitions	This Section will contain definitions for key terms used throughout the by-law.
Exception Zones	This Section will contain all of the exception zones which will be reviewed in accordance with the recommendations of this Report.
Enactment	This Section will contain provisions which give effect to the new Zoning By-law and repeal the in-effect zoning by-laws.



3 Key Zoning Issues

This section of this Report explores several key issues that require further consideration and input from the community and stakeholders as part of the new Zoning By-law process. Building on the Discussion Paper and consultation in Phase 1 of the project, issues explored in this Report will impact consolidation of the existing zoning by-laws and have a greater degree of complexity and potential options to address these issues.

Each emerging issue discussed in Section 3 offers a series of options or recommendations to carry forward in the process. These issues will be presented during the second round of public and stakeholder consultation prior to implementation in the new Zoning By-law.

3.1 Bill 23 Considerations

On November 28, 2022, the Province passed Bill 23, the *More Homes Built Faster Act*. Bill 23 introduces changes to Ontario's land use planning regime, with amendments to the *Planning Act*, *Development Charges Act*, *Conservation Authorities Act*, *Ontario Land Tribunal Act*, and the *Ontario Heritage Act*. The stated intent of Bill 23 is to reduce streamline the development process and facilitate the development of a mix of ownership and rental housing types.

As a result of these changes implemented through Bill 23, there is a need to consider implications on Tecumseh's local planning processes and documents. As it relates to the New Zoning By-law Project, the following Bill 23 changes should be considered:

- Amended legislation regarding additional residential units;
- The removal of site plan oversight on the exterior design of buildings (e.g., what materials are used on the outside of a building), except where related to matters of health, safety, accessibility, sustainable design, or the protection of adjoining lands;
- The removal of site plan approval requirements from developments with less than 10 units; and
- Updates to the role and mandate of Conservation Authorities.

This section provides an overview of the changes related to additional residential units and site plan approval. Section 3.5 of this Report considers changes to the role and mandate of Conservation Authorities within the context of implementing policy for natural features and natural hazards.

3.1.1 Additional Residential Units

Prior to Bill 23, the *Planning Act* required official plans and zoning by-laws to permit two additional residential units (ARUs) on a lot containing a single-detached, semi-detached, and rowhouse dwellings. The *Planning Act* authorized one ARU in the primary dwelling, as well as one ARU in an ancillary building or structure (e.g., detached garage, laneway unit).



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 serviced by municipal water and wastewater. 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.

Additionally, Bill 23 states that it is not required to request more than one parking spot per residential unit, nor may it be prescribed a minimum size per unit. Based on the definition of “urban parcel of residential land”, introduced by Bill 23, the above-noted provisions appear to apply only within settlement areas with municipal sewer and water services.

The Town’s Official Plan includes distinguishing criteria for ARUs within a primary dwelling versus within a standalone structure. A separate requirement is included for permitting an ARU within a primary single unit dwelling versus a standalone structure in agricultural areas to achieve a balance between protecting the integrity of agricultural lands while also diversifying the provision of housing. In Fall 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. The by-laws permit ARUs within the Residential zones (urban and hamlet) and introduce general provisions for both attached and detached ARUs. Overall, the zoning standards adopted by Council in Fall 2022 should be carried forward into the new Zoning By-law. To align with Bill 23, changes are proposed to permit up to two attached ARUs on a lot where there is no detached ARU on the same lot.

Recommendations

- The Town’s recently adopted additional residential unit zoning by-law amendments will be carried forward, with modifications to the regulations to permit up to two attached ARUs on a lot where there is no detached ARU on the same lot.

3.1.2 Removal of Site Plan Control Requirements

Bill 23 amends the *Planning Act* to remove site plan control requirements for most projects with fewer than 10 residential units. Building permits and building/fire code requirements continue to apply to protect public safety. In addition, amendments to the *Planning Act* impose limits on a municipality’s authority to dictate a building’s exterior design, including character, scale, appearance and design, except to the extent that it is a matter relating to exterior access to a building that will contain affordable housing units.

The Town’s Official Plan currently applies site plan control to the Town in its entirety. The Town’s objectives for using site plan control includes ensuring a high standard of site design for new development and minimizing incompatibilities between new and existing development. Additionally, expansions to existing and the establishment of new medium and high-density



residential developments, commercial, industrial, recreational and institutional developments are to be subject to site plan control.

There is an opportunity in the new Zoning By-law to consider updated lot and building requirements and general provisions to provide a heightened level of site design requirements for smaller-scale developments (e.g., multi-plexes, townhouses, and walk-up apartments) where site plan control would have typically been applied. This could include:

- Regulations for communal on-site garbage enclosures and waste receptacles;
- Minimum private amenity area requirements;
- Maximum number of driveways per lot, as well as driveway width;
- Location of parking areas;
- Minimum bicycle parking requirements and standards for bicycle parking areas;
- Visitor parking requirements;
- Building entrance/access requirements; and/or
- Regulations for planting strips and landscape buffers.

It is acknowledged that many of these standards may also apply to developments with more than 10 dwelling units. As the Town continues to promote intensification and higher-density forms of housing, requirements in the new Zoning By-law can set out requirements to guide this growth and change.

Recommendation

- There is a need to ensure that there is a zone (or set of zones) with comprehensive requirements for small-scale infill development in response to the removal of site plan approval for developments with less than 10 units.



3.2 Employment Area Zoning

The Town’s Official Plan promotes economic development and competitiveness by planning for and protecting existing employment areas and their expansion. Two Employment Nodes have been identified in Tecumseh North and Oldcastle Hamlet on the Community Structure Plan (**Figure 5**). These nodes are primarily designated as ‘Business Park’. This designation is intended to provide suitable areas for a broad range of employment uses that include manufacturing, research and development, warehousing, construction and transportation activities and other employment uses with similar operating characteristics and locational requirements.

The existing zoning by-laws apply industrial and commercial-oriented zones primarily within the Settlement Area boundaries (urban and hamlet). Therefore, there is an opportunity to streamline and consolidate the number of zones which apply in these areas. Within the agricultural area, agriculture-related industrial and commercial uses are treated through site-specific amendments to the Agriculture (A) zone and limited application of the Rural Commercial (CR) zone.

The Business Park designation also outlines additional permitted complementary uses on properties adjacent to County Road 11, North Talbot Road, County Road 46, County Road 22, Jamsyl Drive, and County Road 42. The intent of this policy is to provide for greater flexibility on lands which front onto key corridors through permissions for offices, restaurants, and automobile related uses and to direct ‘employment supportive’ uses to specific locations in the Town. The Official Plan also recognizes that within the Business Park designation that there are undeveloped lands which have servicing constraints and directs the Zoning By-law to apply a holding provision to these lands to confirm servicing capacity. This structure may be reflected in the new Zoning By-law by categorizing employment areas into two primary zones as follows:

- **Business Park (BP) Zone** which would be applied to lands within the Business Park designation in the Official Plan as the predominant zone. The permitted uses within this zone would be reviewed and updated to ensure conformity with the Official Plan.
- **Business Corridor (BC) Zone** would be a variation of the Business Park (BP) Zone and would permit additional employment supportive uses including offices, restaurants,

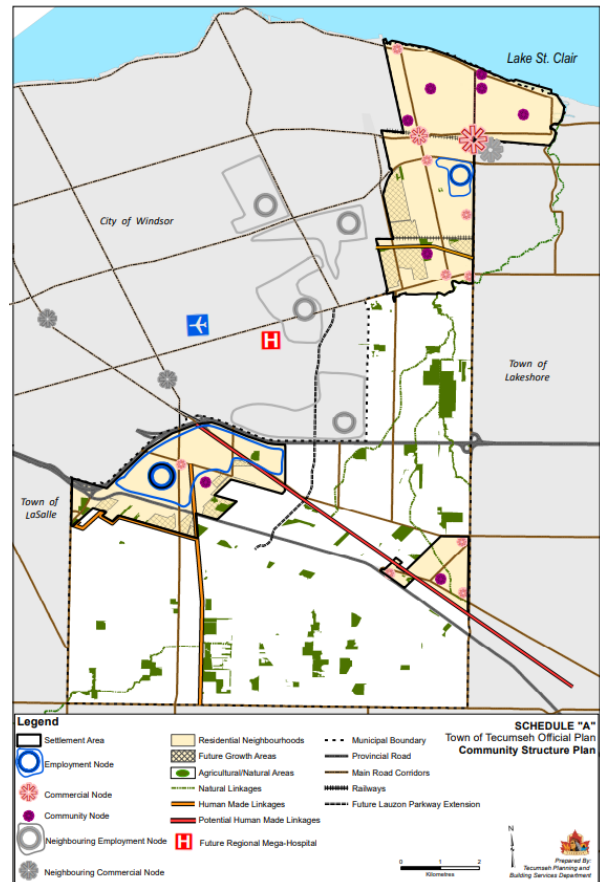


Figure 5 - Town of Tecumseh Official Plan - Community Structure Plan



convenience stores, financial institutions, and automotive-related uses along those corridors identified by the Official Plan.

The application of the Business Corridor Zone would need to be carefully considered to ensure the long-term viability of the Town's employment areas and implications on existing zoning permissions. The areas contemplated by the Official Plan for more flexible employment uses are zoned a mix of different commercial and industrial zones in the Sandwich South Zoning By-law, therefore careful review will be undertaken to ensure existing permissions are carried forward where appropriate. Existing holding symbols should be carried forward to ensure that servicing constraints are addressed prior to development.

Recommendations

- Two new employment zones will be established and applied, including the Business Park (BP) and Business Corridor (BC) zones, which reflect different permitted uses as outlined in the Official Plan.

3.3 Lake St. Clair Sightlines

The waterfront area along Lake St. Clair provides significant ecological, economic, and social benefits for the Town, and is a key part of the Town's identity. The Town recognizes the need to protect notable existing views throughout the Town, including the areas along the shores of Lake St. Clair. This is intended to ensure that new development along the north side of Riverside Drive is respectful of these views. This is further upheld in the Town's Official Plan through the requirement for the Zoning By-law to include provisions related to reasonably protecting existing views of Lake St. Clair from these residential properties.

During the Project Kick-Off Public Open House in December 2022, the Project Team also received input on this topic. Feedback from the public included considering standard and consistent zoning regulations, especially related to accessory buildings and structures, that will apply to all properties north side of Riverside Drive.

The Tecumseh and St. Clair Beach Zoning By-laws each contain regulations which aim to regulate sightlines along Lake St. Clair. Each of these zoning by-laws implements a different approach to regulation, meaning that there is inconsistent regulations along the shoreline between Tecumseh and St. Clair Beach. A key objective of the new Zoning By-law will be to establish consistency along the shoreline and implement the Official Plan's direction to include regulations to protect existing sightlines.

The first option that may be considered for the new Zoning By-law is to carry forward the Tecumseh Zoning By-law requirements. Although the Tecumseh Zoning By-law includes more provisions which have been specifically established for properties along Lake St. Clair, they provide increased permissions to construct accessory buildings, swimming pools and parking spaces subject to criteria. However, it is important to note that Town Staff have expressed difficulty in implementing the zoning provisions and concerns with their ability to protect the



Lake St. Clair sightlines as a result of the various locations accessory uses and buildings can be constructed on a given lot.

A second option to be considered is to apply the St. Clair Beach Zoning By-law standards for rear yard depth and prohibiting accessory buildings to the base zone that applies to all properties abutting Lake St. Clair. Although regulations are limited within this zoning by-law, those that exist are significantly more restrictive. This is especially evident as the by-law does not consider any parameters for allowing accessory buildings and structures in the rear yard. In addition, this option would also result in significant issues related to non-compliance of existing accessory structures currently permitted by the Tecumseh Zoning By-law.

A final option for protecting sightlines along Lake St. Clair would be to consider a hybrid option by carrying forward the St. Clair Beach Zoning By-law regulations related to rear yard requirements, in addition to other provisions that are applicable within the Tecumseh Zoning By-law. Based on observations of existing conditions and considering future needs, this may include regulations for in-ground swimming pools, limited parameters for permitting accessory buildings and appropriate locations for parking. This approach would be further discussed and refined through public consultation to determine the merit of existing provisions.

Recommendations

- A revised framework to regulate sightlines along Lake St. Clair will be implemented in the new Zoning By-law.
- The framework to regulate sightlines along Lake St. Clair will be consistent across the Lake St. Clair shoreline.

3.4 Mixed Use Zoning

The Main Street Mixed Use designation along Tecumseh Road contemplates street-oriented and pedestrian focused uses, including a mix of compatible residential and office or community uses and services (**Figure 6**). The Main Street Mixed Use designation promotes a mix of commercial, institutional and higher density residential uses that will create a compact and walkable main street to promote street-edge buildings with on-site parking to the side and rear of the buildings. Medium and high-density residential uses are permitted, subject to criteria, within this designation, and new auto-related uses (e.g., drive throughs) are prohibited. The Main Street area is subject to the Tecumseh Zoning By-



Figure 6 - Town of Tecumseh Official Plan - Tecumseh North Settlement Area Land Use Plan



law and largely comprised of the General Commercial (C3) zone. The new Zoning By-law will need to carefully consider how to implement a mixed use zone to align with the Town’s Official Plan (e.g., the “Main Street Zone”)

In the new Zoning By-law, there are two overarching options to consider with respect to implementing the Mixed Use designation. The first option is to follow the status quo and maintain the existing zoning in place along the corridor. As part of this option, a “template” mixed use zone could be incorporated into the new Zoning By-law but not applied to any lands. This new zone would be applied through the planning application process (e.g., site-specific zoning by-law amendment) to support implementation of the Official Plan.

The second option is to develop a new “Main Street Zone” that is applied to appropriate lands within the Main Street Mixed Use designation to pre-zone and implement the Official Plan’s vision and policies for the corridor. Given the clear direction in the Official Plan to see the corridor evolve over time, it is recommended that zoning in this area should be updated in the new Zoning By-law to remove conflicting permissions (e.g., new drive-throughs) and to consider some degree of pre-zoning and allowance for the uses and development contemplated by the Official Plan. Holding symbols can be used to ensure that any development meets certain criteria before proceeding to a building permit. Provisions to allow for existing uses to continue can be considered to assist with the transition of uses and development over time. For example, existing drive-through uses may be permitted but not allowed to expand without a zoning amendment or minor variance application.

When considering pre-zoning lands in the new Zoning By-law, there are several zoning approaches that can be considered. Section 4.4 of the Official Plan sets out the goals and policies for the Main Street Mixed Use designation, while Sections 4.2.2.2 and 4.2.2.3 set out policies for medium and high density residential uses within the Main Street Mixed Use designation. Section 3.18 outlines policies related to land use compatibility for development. Further, Section 7 establishes a series of general policies for urban design in Tecumseh. The following table provides a summary of key policy considerations from the Official Plan and zoning approaches to implement in the new Zoning By-law (**Table 4**).

Table 4 - Policy considerations and zoning approaches for mixed use zoning

Policy Considerations	Zoning Approaches
<p>A goal of the Main Street Mixed Use designation is to promote street-edge buildings with on-site parking to the side and rear of buildings (Section 4.4.1). The Official Plan aims to create a corridor that is street-oriented and focused, including a mix of</p>	<p>Regulations relating to a building’s height or setback from a property line change the character of a block by controlling a building’s location within the lot and its relationship to adjacent development. Some approaches to address the street include:</p> <ul style="list-style-type: none"> <p>Minimum building height to help achieve the vision for the streetscape and create a pedestrian oriented built form. The minimum building height is often tied to the width of the right-of-way and</p>



Policy Considerations	Zoning Approaches
<p>compatible residential, office, and community uses.</p>	<p>the required building setback, to create a feeling of streetscape enclosure and to consider comfort for pedestrians. Establishing a minimum building height of two storeys helps to contribute to a more pedestrian-oriented built form and comfortable environment.</p> <ul style="list-style-type: none"> • Parking area location criteria to limit the yards in which parking areas are permitted (e.g., only permitted in rear and interior side yards). • Driveway requirements to limit the number and width of driveways on a lot, which can promote a more pedestrian friendly street. • Reduced or zero minimum front lot line setbacks to bring buildings towards the public street. • A build-to line is the concept of requiring that a building be constructed within a defined zone to ensure that a portion of the building frames and addresses the streetscape. A build-to line or build-to zone requirement is usually tied to what proportion of the building must be located within the build-to line (usually ranging from 50-90% depending on the context). Alternatively, maximum building setbacks may be used. • Minimum ground floor height can be established for commercial uses to ensure that the ground floor will achieve a certain aesthetic and that it will be attractive to commercial tenants. • Upper-storey setbacks which can apply to the upper storeys of a building and require that they step back from the base façade that forms the street wall to address the scale of the streetscape.
<p>Sections 4.2.2.2 and 4.2.2.3 establish policies that require medium and high density development to protect low density residential areas from adverse effects. Section 3.18 outlines further compatibility</p>	<ul style="list-style-type: none"> • With respect to the rear or interior lot line, or any lot line abutting low-rise residential uses (i.e., within the Residential designation), minimum setbacks can be used to help ensure transition and compatibility by creating distance between the building and the adjacent use. • Landscaping and buffers can be used to soften the streetscape or to provide transition to adjacent



Policy Considerations	Zoning Approaches
<p>policies and mitigation measures to achieve land use compatibility.</p>	<p>development. Zoning by-laws express minimum landscaping requirements as a percentage of lot area, which are typically low in areas where intensification is encouraged. Landscape buffers are usually used in conjunction with parking areas to help reduce their impact to the streetscape or to adjacent lots.</p>
<p>The Main Street Mixed Use designation permits a wide range of commercial, institutional, and open space (Section 4.4.2.i). The designation also encourages live-work units on the ground floor of buildings fronting onto the street.</p> <p>Section 4.4.2.v prohibits new automotive uses and other uses such as large format retail uses that are not compatible with a main street setting. Section 4.4.2.vii prohibits new drive-through facilities.</p>	<ul style="list-style-type: none"> • The Main Street zone can permit a range of commercial uses and office uses, including residential uses, as-of-right. • The permitted uses in the mixed use zone should be permissive to allow for flexibility of non-residential uses. The current C3 zone permits a wide range of uses which should be carried forward into the new Zoning By-law. • The Official Plan prohibits new automotive uses and drive-throughs. The new Main Street Zone would not permit new automotive uses and drive-throughs but may recognize existing uses. If the uses are prohibited, they would become legal non-conforming and would require a planning process to consider any extensions/expansions.
<p>The Main Street Mixed Use designation permits medium and high density residential uses as complementary uses, subject to criteria (Section 4.4.2.ii-iv)). It is important to note that the Official Plan does not require a residential component as part of development in the Main Street Mixed Use designation.</p> <p>Section 4.2.2.2 of the Official Plan sets out a maximum height of 4 storeys for medium density development. Section 4.2.2.3 sets out a maximum height of 6 storeys for high density residential uses. Medium density residential uses range from 20-50 units per gross hectare, which</p>	<ul style="list-style-type: none"> • To help guide future residential development within the Main Street Zone, there is an opportunity place a Holding provision on residential uses. Requirements to lift the holding provision could include ensuring adequate transportation access and servicing capacity. This would provide an opportunity to review development applications which include a residential component to address technical and design matters in support of the redevelopment objectives for the Main Street Mixed Use designation. • To implement the Official Plan, there is a need consider how the respective policies for medium and high density development will be implemented. <ul style="list-style-type: none"> ○ With respect to medium density development, it is likely appropriate to



Policy Considerations	Zoning Approaches
<p>high density residential uses exceed 50 units per hectare.</p>	<p>permit a maximum building height of 4 storeys.</p> <ul style="list-style-type: none"> ○ With respect to high density development, there is a need to consider appropriate controls to avoid over development of existing lots. Within the Main Street Mixed Use Designation, existing lots are largely comprised of narrow lots fronting onto Tecumseh Road. The new Zoning By-law should consider minimum lot frontage and minimum lot area requirements for high density developments to provide an appropriately sized parcel that would facilitate the development of high density buildings up to 6 storeys. In recent years, applications to amend the current C3 zone within the designation have included a maximum permitted building height of 20 metres (approximately 6 storeys).

Within the Main Street Mixed Use designation, there is also a need to consider the prevailing built form along the corridor. For example, lands east of Shawnee Road are characterized by smaller scale commercial buildings close to the street. Conversely, lands west of Shawnee Road are characterized by existing and under construction residential buildings. Town staff have indicated that it may be desirable to distinguish mixed use zoning based on this context.

Within the new Zoning, there are two primary options to consider. The first option is to map out “frontage area requirements” as overlay to establish the type of built form that frames the street, which could include active frontage areas and convertible frontage areas. As an example, this approach has been implemented in the City of Waterloo Zoning By-law within the Northdale mixed-use area to guide the re-development of the neighbourhood. The By-law identifies the frontage area requirements on a map and sets out different requirements for each frontage type (Figure 7).



Recommendations

- A new mixed use Main Street Zone will be introduced and applied to lands within the Main Street Mixed Use Designation in the Official Plan.
- The new Main Street Zone will contain a range of zoning requirements as outlined above to guide development and implement the policies of the Official Plan.
- The Main Street Zone will be associated with frontage requirements to guide ground-floor uses based on the prevailing built-form context.
- Within the new Main Street Zone, a Holding provision should be applied to Residential uses subject to the provision of required transportation, municipal servicing and/or community infrastructure.

3.5 Natural Features and Hazards

The new Zoning By-law will help implement the Tecumseh Official Plan's policies regarding environmental protection and conservation. There is a need to establish a clear environmental protection regulation approach in the By-law that can be applied through the development application process. This will support the protection and enhancement of natural heritage features and hazards, where identified. For the purposes of preparing the new Zoning By-law, environmental protection policy direction comes from the Provincial Policy Statement, the Conservation Authorities, the County of Essex Official Plan, and ultimately the Town's Official Plan.

3.5.1 Natural Heritage System

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 of Essex Official Plan and the Essex Region Natural Heritage System Strategy, 2013 (ERNHSS). 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 Official Plan recognizes three components which form the Town's Natural Heritage System, as follows:

- **Natural Environment** is shown in the Official Plan as a land use designation and includes significant wetlands, woodlands, habitats of endangered species and threatened species, natural heritage features, and high priority natural heritage features in the Town. Per the Official Plan, development and site alteration is not permitted on lands designated Natural Environment. Any permitted uses on lands designated Natural Environment are limited to passive recreational uses and activities that create or maintain infrastructure authorized under an environmental assessment process or work subject to the *Drainage Act*.



- **Natural Environment Overlay** is shown as an overlay in the Official Plan and includes secondary natural heritage features in the Town that meet 1 to 4 of the 11 criteria set out in the Essex Region Natural Heritage System Strategy (ERNHSS) which is intended to inform regional efforts to identify and protect a natural heritage system. Development and site alteration is not permitted on lands within the Natural Environment Overlay unless it has been demonstrated to the satisfaction of the approval authority and/or the Town, in consultation with the Essex Region Conservation Authority, that there will be no negative impacts on the natural features or their ecological functions. Overall, activities that preserve and enhance the features contained with the Natural Environment Overlay, such as tree preservation, tree planting, and establishing and improving linkages, are encouraged.
- **Restoration Opportunities** is 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 three existing zoning by-laws pre-date the establishment of the Town’s Natural Heritage System as 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.

Natural Environment Designation

The Official Plan Natural Environment designation is limited to four locations in the Town, as shown in **Figure 6**, which are currently zoned Agricultural in the Sandwich South Zoning By-law. Given the limited application of this designation and specific policy guidance of the Official Plan to prohibit development and site alteration, it is recommended that lands within this designation be placed within a new Natural Environment zone. This zone would prohibit development or site alteration.

Natural Environment Overlay

With respect to lands within the Natural Environment Overlay, the new Zoning By-law presents an opportunity to consider various approaches to support protection of these features. These lands are predominantly zoned Agricultural in the Sandwich South Zoning By-law, with some other parcels in the Parks and Open Space or Institutional zones. There are no instances of the Natural Environment Overlay in the former communities of Tecumseh and St. Clair Beach.

In the new Zoning By-law, there are two options to consider for implementing the Natural Environment Overlay.

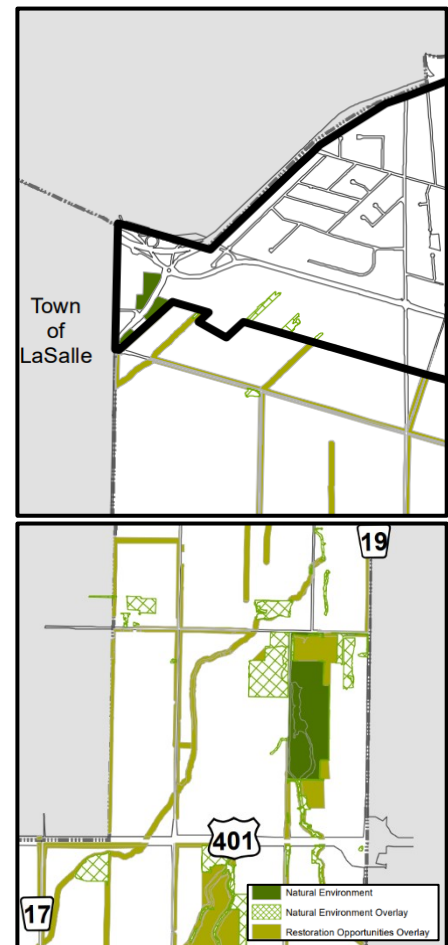


Figure 6 – Town of Tecumseh Official Plan (Natural Environment Designation Areas)



The first option is to place lands subject to the policy overlay within the new Natural Environment zone. The advantage of this approach is that it protects these features from development and site alteration in a distinct protective zone category. One of the risks of this approach is that lands within the Natural Environment Overlay in the Official Plan are not currently zoned within a protective zone category and implement a new zoning overlay may impact existing development permissions. The Official Plan permits development and site alteration within the overlay subject to an Environmental Impact Assessment, recognizing that site-specific studies may be required to determine the extent of the feature. The application of the protective Natural Environment zone would not permit the underlying uses and would mean these properties would be legal non-conforming or non-complying. For example, an existing house could not expand beyond its existing footprint. Based on a desktop review of the Official Plan overlay, it appears that it largely applies to existing woodlots and agricultural areas and very few buildings or structures within the current Agricultural zone.

In response to this risk, the second option is to create a new Natural Environment Overlay in the Zoning By-law. The new zoning overlay would recognize the natural heritage features subject to the Natural Environment Overlay in the Official Plan and apply general provisions for the use of land, in addition to the underlying zone permissions (typically Agriculture). A primary advantage of this option is that it retains the underlying zone permissions on a lot, while still providing protection for these features. The content and provisions of the Overlay can include less restrictive requirements than the Natural Environment Zone, such as allowing for expansions of any existing buildings or structures without the need to amend the zoning. This provides a more balanced approach of allowing for consideration of natural features while not impacting existing entitlement with respect to existing buildings/structures. The overlay may also require that new buildings or structures can be permitted if they meet certain criteria (e.g., allowing for new agricultural buildings that meet minimum separation distance criteria, or allowing for minor structures associated with agricultural uses). If additional development opportunity is sought, the restrictions of the overlay would trigger the need for a site-specific zoning by-law amendment, in which the features can be studied, and the zoning updated. Should it be determined through an Environmental Impact Assessment that a significant natural feature is present on a lot (in accordance with the Natural Environment designation), the lands could be placed in the Natural Environment zone on a site-specific basis, or the overlay may be modified, or site-specific provisions added.

Restoration Opportunities

Areas subject to the Restoration Opportunities overlay are recommended not to be implemented through a specific zone or overlay as they reflect ecological linkages that may require further study and evaluation. The Official Plan will continue to provide guidance for the protection of these linkages, such as when an Environmental Impacts Assessment is required. The underlying zone, which is most commonly Agriculture, will continue to apply.

Another consideration for the new Zoning By-law is that natural heritage and agriculture are often located in the same areas and require a balance in priorities. While prime agricultural areas are intended to be protected for long-term use for agriculture, natural heritage areas



distinguish certain natural landscapes, landforms and habitats that are to be protected and restored. Certain features, such as Provincially Significant Wetlands, will explicitly prohibit development or site alteration, including agriculture. However, much of the remaining natural heritage system (e.g., woodlands) may be within an overlay. The option of an overlay will require further study and confirmation of the boundary of features prior to the approval of development and site alteration, but does not prevent existing agriculture / farm uses from continuing.

Recommendations

Within the context of the Provincial Policy Statement, County of Essex Official Plan, and Town of Tecumseh Official Plan, the following recommendations will inform the Zoning By-law:

- Create a new Natural Environment zone which is applied to lands within the Natural Environment designation in the Town's Official Plan.
- As it relates to the Natural Environmental Overlay in the Town's Official Plan, a new Natural Environment Overlay will be established in the Zoning By-law which is associated with general provisions that limit land use, buildings, and structures within the overlay.
- Lands within the Restoration Opportunities Overlay in the Town's Official Plan are not recommended to be implemented in the Zoning By-law, and that the Town implement these policies using other tools.

3.5.2 Natural Hazards

A zoning by-law regulates the use of land, buildings, and structures, which can help ensure that appropriate development controls are in place in hazardous lands, such as floodplains. There are a range of zoning tools, including setbacks, elevation requirements and prohibiting development in defined areas, which can be adopted by municipalities to provide appropriate protections from environmental hazards. The Discussion Paper provided a preliminary assessment of this issue which is built upon in this section to outline options for natural hazards protections within the new Zoning By-law.

Official Plan Framework

The new Town's Official Plan defines a 'Natural Hazard' 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. The Official Plan recognizes the following natural hazard areas in the Town:

- **Limit of the Regulated Areas (LORA):** This area comprises riverine and shoreline hazards within the Essex Region Conservation Limit Regulation Limit, including associated floodplains where there may be natural heritage features with a hydrologic linkage. These hazards can be significantly impacted 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 that may aggravate or



contribute to the hazard is not permitted. Before development is permitted within this area, it is required that the Town be satisfied that the appropriate permits have been obtained from Essex Region Conservation Authority.

- **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 Essex Region Conservation Authority. The FDCA sets out specific policies to prohibit certain uses such as hazardous waste, institutional uses, and emergency services. A permit allowing for development activities including construction, placement of fill and alterations to shorelines and watercourses is required from the Essex Region Conservation Authority prior to undertaking such activities.
- **Lake St. Clair Shoreline Floodprone Area:** These are areas that have been identified as being susceptible to flooding within the Inland Floodplain Development Control area. The Lake St. Clair Shoreline Floodprone Area is shown as an overlay. In order to protect a building from lake-related flooding, the building will be required to be floodproofed to the Regulatory Flood Standard. In order to protect a building from wave uprush and other water related hazards, an appropriate setback from the defined shoreline of Lake St. Clair may also be required. This setback will vary depending on the condition of the shoreline, the type of protection being provided and the condition of the shoreline on adjacent lands. Development and site alteration will not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or other water related hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard.
- **Other Hazards (Unstable Soils & Steep Slopes):** This includes identified hazards due to steep slopes, unstable soils and/or erosion in locations other than floodplains or the shoreline area.

Existing Zoning

The existing Tecumseh and St. Clair Beach Zoning By-laws primarily focus on the flooding hazards related to Lake St. Clair. The Tecumseh Zoning By-law (Section 5.34) includes flood protection measures related to minimum opening elevations and shoreline setback regulations from Lake St. Clair (Section 5.35) which vary depending on the presence of engineered erosion facilities.

The St. Clair Beach Zoning By-law implements provisions related to flood protection both along Lake St. Clair and separately along Pike Creek. Section 5.29 of 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 minimum opening elevation criteria. Further, Schedule B of the St. Clair Beach Zoning By-law delineates a Floodprone Development Control Area to certain areas along Pike Creek. Development within the defined floodway, with the exception of a permeable fence, is 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 further criteria.

Within the Sandwich South Zoning By-law, Section 5.39 contains regulations for setbacks from municipal drains and watercourses and within the floodplain development control area delineated on Schedule A. It is recommended that these regulations be carried forward into the new Zoning By-law. The regulations of Section 5.40 include a requirement to receive a permit from the Essex Region Conservation Authority prior to proceeding with development.

Gaps and Opportunity

Based on a desktop review of the existing zoning by-laws alignment with the Tecumseh Official Plan, the following observations are noted:

- The Inland Floodplain Development Control Area (FDCA) delineated in the Official Plan largely aligns with the limits of the floodprone development control areas delineated in the existing zoning by-laws. The Official Plan establishes required setbacks from inland watercourses and municipal drains – similarly, as set out in the St. Clair Beach Zoning By-law. The Official Plan requires a setback of 8 metres from a watercourse and 15 metres from a municipal drain. It is recommended that the setbacks established in the Official Plan replace the existing setbacks to directly align with the Official Plan policy.
- Regarding mapping of the FDCA, there appear to be areas where refinements occurred (e.g., former community of Tecumseh) and other areas where the Official Plan and zoning by-law mapping appear aligned (**Figure 7**). Given that the Official Plan sets out specific land use policies and permitted uses within the FDCA, there is an opportunity to update the Floodprone Development Control Area mapping in the new Zoning By-law to implement the Official Plan mapping.
- The Lake St. Clair Beach Flood Prone Area in the Official Plan contains specific floodplain development policies along Lake St. Clair. In addition, the Official Plan requires that the Zoning By-law include certain setback and minimum elevation requirements from the top of bank for the erosion prone area. It also allows for flexibility in these requirements depending on if there have been shoreline protection works installed. This is currently implemented in the Tecumseh and St. Clair Beach Zoning By-laws specific to lots north of Riverside Road, however, as seen in **Table 4** there is an inconsistency in the requirements. Given the varying sizes of the lots, it is recommended that the Tecumseh Zoning By-law setbacks be carried forward to increase flexibility for appropriate development on these lots.

Table 5 – Overview of shoreline setback requirements

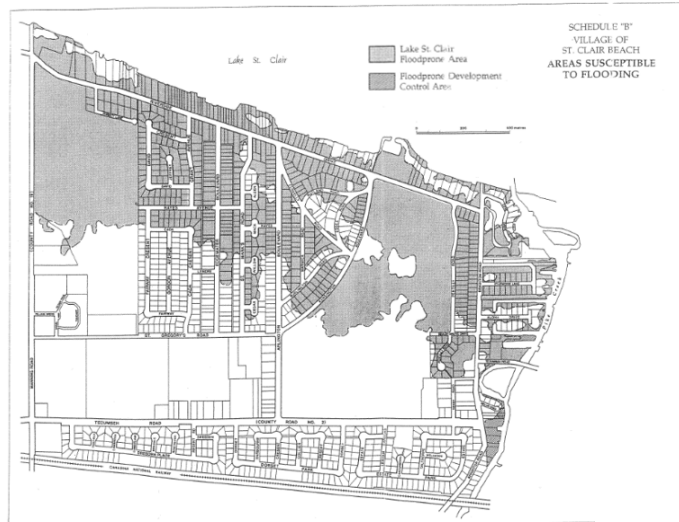
	Tecumseh Zoning By-law (Section 5.35)	St. Clair Beach Zoning By-law (Section 5.29)
Building or structure setbacks with approved shoreline protections	7.6 metres (25 feet)	15.2 metres (50 feet)



Building or structure setbacks without approved shoreline protections	25 metres (82 feet)	30 metres (100 feet)
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- Regarding mapping for the Lake St. Clair Beach Flood Prone Area, it appears that the intent of this overlay (shown in red hatching in **Figure 7**) is to distinguish Lake St. Clair from inland watercourses such as Pike Creek and municipal drains and apply specific development policies. The regulations that can be carried forward include requiring the lowest opening of any such building or structure has a minimum building elevation above the 1:100 Year Flood Level. This regulation is consistent with Section 5.5.3 of the Town’s Official Plan.

St. Clair Beach Zoning By-law
 Schedule B



Tecumseh Official Plan
 Schedule D



Figure 7 - Comparison of Lake St. Clair floodprone areas

This approach is similar to the Lakeshore Zoning By-law, which also distinguishes an inland floodplain control area and setbacks from watercourses and municipals drains. Notably, it also includes a Lake St. Clair Shoreline Floodprone Area that requires the lowest opening of any such building or structure has a minimum building elevation prescribed in a permit issued by the applicable Conservation Authority in consultation with the Town. It also prohibits the construction of an accessory building or structure within the prescribed setback limits, except a patio, deck, boat lift, boat well, dock, steps and/or shoreline protective works.

As previously outlined in Section 3.1 of this Report, Bill 23 has introduced updates to the role and mandates of Conservation Authorities in Ontario. Under Bill 23, Conservation Authorities role in plan review and commenting on applications would be limited to the risks of natural hazards only. The options proposed for the new Zoning By-law will provide clear direction for the protection of natural hazards based on recent mapping updates completed by the Essex Region Conservation Authority.



Recommendations

- Carry forward the setback requirements from municipal drains and watercourses in the Sandwich South Zoning By-law.
- Update the Floodprone Development Control Area in the new Zoning By-law to implement the Official Plan mapping.

Options

- As it relates to protections along Lake St. Clair, there are two options which can be considered:
 - Carry forward setbacks for buildings and structures based on the Tecumseh Zoning By-law for properties abutting Lake St. Clair.
 - Carry forward requirements for the lowest opening of any such building or structure has a minimum building elevation above the 1:100 Year Flood Level.

3.6 Neighbourhood Zoning

A key objective for preparing the new Zoning By-law is to develop a consolidated and easy to use zoning by-law across Tecumseh's neighbourhoods. While this means identifying opportunities to minimize the number of zones, it also means finding areas where existing zones should be kept that define individual neighbourhood characteristics. It will be important to strike a balance in merging similar zones, while preserving useful detail and differences between them.

Another key objective of the new Zoning By-law will be to improve flexibility in neighbourhoods in terms of permitted dwelling types and lot and building requirements (e.g., lot coverage requirements, setbacks). As the Town continues to address housing supply and affordability, the new Zoning By-law is one tool to allow more housing types to be built and remove administrative and regulatory barriers, such as the need for minor variances. In Spring 2023, a Report was presented to Council to seek authorization to prepare a Housing Action Plan in support of an application to the Federal Housing Accelerator Fund Program. The outcomes of the Housing Action Plan will be considered in the new Zoning By-law with the goal of improving housing choice in Tecumseh.

Zone Consolidation

There are currently 9 residential zones that apply across the three existing zoning by-laws. As the first step in consolidating the zones, a table will be prepared which compares the permitted uses of each zone. Based on a preliminary review of the existing zones, it appears that permitted uses are largely aligned between similar zones (e.g., all R1 zones permit single detached dwellings, while R3 zones permit multi-unit dwellings) with minor differences in terminology.



Some zones, while the permitted uses will be similar, will have very different lot and building requirements, so further analysis is required. The next step in consolidating zones will be to develop a table that compares like-standards, such as the different lot area, setback, and coverage requirements. Generally, when consolidating the lot and building requirements across the various grouped zones, the most permissive standard should be carried forward to minimize instances of creating legal non-conformity. Firstly, zones should only be merged where the permitted uses are very similar or identical. Second, where this is confirmed to be the case, zones can be merged on the basis of similarities in minimum lot frontage and lot area, as these are the key determinants of lot creation and community character. Third, where it is determined that the permitted uses, lot area/lot frontage requirements are similar, consideration is made to merge zones if the building height and yard requirements are also similar.

Once a new series of Residential zones has been established, there is an opportunity to introduce new regulations to help manage change within neighbourhoods as redevelopment and infill occurs. For example, new minimum permeable surface and/or lot coverage requirements can be introduced to help regulate the size of dwellings and accessory structures on a lot as development and redevelopment occurs.

The lot and building requirements of the Residential zones will then be reviewed against recent minor variances to the existing zoning framework and trends in the community. This presents an opportunity create a more current approach and support the Town's policies for urban design in neighbourhoods. Major changes to lot and building requirements in the Residential zones can result in the creation of legal non-compliance, therefore careful attention will be required. Further consultation with Town staff, Council, and the community will help to inform updates to Residential zone standards.

Permitted Dwelling Types and Housing Choice

As discussed in Section 3.1.1 of this Report, recent changes to Provincial legislation now allow up to three residential units on most residential lots in Ontario. These changes effectively permit triplex-style dwellings (i.e., a principal dwelling unit plus two attached ARUs). Further, the Town's ARU zoning by-law amendment allows up to two ARUs on a lot, effectively permitting duplex-style dwellings (i.e., a principal dwelling plus one attached ARUs). Together, these changes broaden the types of housing options in neighbourhoods beyond only single detached dwellings.

The Town's existing zoning by-laws largely only permit single detached dwellings in residential zones and most neighbourhoods in Tecumseh. As part of the new Zoning By-law, there is an option to expand residential zone permissions in light of these ARU regulations. It is noted that the Town's Official Plan classifies single detached, semi-detached, and duplex dwellings as low-density residential forms. For example, the Zoning By-law could permit semi-detached, duplex, and up to triplex dwellings as-of-right, subject to specific zoning requirements including appropriate setbacks, parking requirements, minimum lot size, and maximum height, within residential zones on full municipal water and wastewater servicing. For example, the Town of LaSalle Zoning By-law permits single detached dwellings and semi-detached in the Residential One (R1) zone and permits duplexes, triplexes, and fourplexes in the Residential Two (R2) zone.



This change could facilitate greater housing choice in support of the Town's Housing Action Plan and remove the administrative barriers to new housing construction. Expanded residential zoning permissions for ground-oriented dwelling types is step towards accommodating people at all stages of life and accommodating the needs of all household sizes and incomes. This type of gradual change could add new choices and options and not take away permissions that already exist for single detached dwellings.

Accessory Buildings and Structures

There is also an opportunity to review regulations for accessory buildings and structures, such as sheds and private garages, to bring greater equity across neighbourhoods. As discussed in Section 3.3. of this Report, specific regulations for accessory buildings and structures will be carried forward along Lake St. Clair.

The provisions for each parent zone in the existing zoning by-laws typically focuses on standards for the main building on the lot (the dwelling). The existing zoning by-laws also include other provisions in the general provisions to guide accessory buildings and structures such as sheds and decks. The regulations of one of the existing zoning by-laws will serve as the basis for accessory building and structure regulations in the new Zoning By-law. Based on a preliminary desktop review, the existing zoning by-laws have very similar height, lot coverage, and lot area requirements for accessory buildings and structures.

There may be other moderate improvements that can be considered to the standards across the Town, drawing from best practice. For example, zoning standards related to decks will be reviewed in the context of different dwelling types (e.g., townhouses, semi-detached dwellings, ranch-style single detached dwellings) to address common questions and issues regarding attached decks. This could also include expanding or refining the types of yard encroachments or height exemptions that are permitted; however, it is not anticipated that significant changes will be required for accessory building requirements.

Recommendations

- The existing Residential zones will be reviewed and consolidated with the goal of streamlining the number of zones in neighbourhoods, in accordance with the steps outlined in this Report.
- Expanded permissions for dwelling types can be introduced in Residential zones to align with recent Provincial legislation and support implementation of the Housing Action Plan. Appropriate zone standards will need to be provided.
- Modifications to residential and accessory building/structure requirements should promote equity in regulations across the Town's neighbourhoods.
- New zoning regulations for shipping containers will be developed which consider different types and locations of these structures.



Options

- Requirements for lot coverage and permeable surfaces can be introduced to help establish new expectations for infill, redevelopment and replacement homes in existing neighbourhoods.

3.7 Recreational Vehicle and Boat Parking Regulations

During the Project Kick-Off Public Open House, the Project Team received feedback from the community on the inconsistency of regulations between the three existing zoning by-laws related to recreational vehicle and boat parking requirements. Each of the existing by-laws contain different regulations for the parking of these vehicles, and there is a desire for greater consistency across Tecumseh.

Table 6 provides an overview of existing general provisions related to the parking and storage of recreational vehicles and boats:

Table 6 – Overview of Existing Recreational Vehicle and Boat Parking Regulations

Existing By-law	Permitted Yard(s)	Additional Requirements
Tecumseh Zoning By-law Section 5.32	-	Section 5.32 prohibits the parking of recreational vehicles, trailers, and other vehicle types adjacent to Lake St. Clair beyond the established building line.
St. Clair Beach Zoning By-law Section 5.28	Rear and Side Yards, or beside the main building within one (1) foot of the side lot line and two (2) feet of the rear lot line	-
Sandwich South Zoning By-law Section 5.35	Rear and Side Yards, beyond the minimum front yard	-

A key objective of the new Zoning By-law is to ensure greater consistency of zoning provisions across Tecumseh. In reviewing and revising regulations for recreational vehicles and boats, there will be a need to harmonize provisions across the Town, while also considering the context of the area (e.g., residential areas vs. agricultural areas).

The following objectives and approaches (**Table 7**) can be considered as a basis for consulting on and preparing new regulations for recreational vehicles and boats in the new Zoning By-law. The intent of these approaches is to establish Town-wide objectives related to parking of



recreational vehicles and boats and to develop a zoning approach that will be further refined through consultation with the community.

Table 7 - Objectives and zoning approaches for recreational vehicle and boat parking regulations

Objective	Zoning Approaches
<p>Ensure consistency of zoning regulations for parking of recreational vehicles and boats.</p>	<p>Implement consistent regulations for parking of recreational vehicles and boats for the entire Town, and eliminate the different provisions that apply to the different former municipalities. This should include establishing a single definition for recreational vehicles and trailers to provide additional clarity.</p>
<p>Ensure parked boats / recreational vehicles do not encroach on sight lines when neighbours are backing in/out of driveways.</p>	<p>Prohibit recreational vehicles and boats from being parked in the front yard or establish minimum setbacks from the front lot line or side lot line.</p> <p>Regulate the maximum length of recreational vehicles and boats that can be parking within a specified yard.</p>
<p>Recognize that lot size, frontage and proximity of neighbouring dwellings vary notably between those within urban versus rural areas of the Town.</p>	<p>Implement different regulations for urban versus rural areas of the Town.</p>
<p>Recognize that parking of recreational vehicles and boats may be needed in all zones.</p>	<p>Establish varying permissions for land use contexts in Tecumseh, such as residential areas, agricultural areas, commercial areas, and lands along Lake St. Clair.</p>
<p>Ensure that there is not an overcrowding of recreational vehicles and boat parking, especially on urban residential lots.</p>	<p>Limit the total number of recreational vehicles and boats that can be stored on a single lot based on the applicable zone which recognizes differing characteristics related to lot size, use, and dwelling type.</p>
<p>Ensure that the parking of recreational vehicles and boats does not negatively impact neighbourhood aesthetics of a given area.</p>	<p>Consider standards for how recreational vehicles and boats are to be stored. This includes establishing specific requirements for properties along Lake St. Clair in order to protect the views of the Lake.</p>



Objective	Zoning Approaches
<p>Recognize that certain recreational vehicles and boats only need parking during limited times of the year. For example, it is recognized that certain recreational vehicles used in the summer will need to be stored during the winter, and vice versa. Further, recognize that some lots may only need to accommodate these vehicles for a short period of time (e.g., temporary rentals or guests).</p>	<p>Implement flexibility for the seasonal requirements of parking recreational vehicles and boats. This includes temporary parking and/or loading on a driveway for a specified, limited period of time where a lot does not otherwise meet the setback and other requirements.</p>

Recommendations

- An updated and harmonized approach to the parking of recreational vehicles and boats will be introduced to ensure consistency across Tecumseh.
- Further consultation will be required to seek confirmation on objectives and zoning approaches. Provisions will be tailored to the various land use and lot contexts across the Town.

3.8 Future Development Zoning

In the Town’s Official Plan, there are areas in each of the three Settlement Areas that collectively identify locations where long-term urban uses are to be established. Within each of these three Settlement Areas, future development lands are either within a new Future Development designation (requiring further study and Official Plan amendments to determine and identify the ultimate preferred urban land uses) or a specific urban land use designation (such as the Maidstone Hamlet Residential designation). These future development lands in the three settlement areas continue to be zoned Agricultural Zone (A) in the corresponding zoning by-law, recognizing the current use of the property for farming prior to their development and conversion to urban uses. Although land being used for agricultural uses is a common and normal precursor to the process of urbanization, there are instances where the introduction of more intensive agricultural uses on these lands can impact long-term development objectives.

In 2021, Town Council adopted two exception zones to the Agricultural Zone (A) – A-30 and A-33, for the purposes of prohibiting intensive agricultural uses on lands zoned Agricultural located within settlement areas and to limit future land use conflicts.

The Discussion Paper introduced the need to consider how the new Zoning By-law would implement the Future Development designation in the Town’s Official Plan. To implement this designation, the Discussion Paper identified a dedicated future development zone as a possible



tool to consider in the new Zoning By-law. There is also the opportunity to carry forward the existing A-30 and A-33 exception zones into the new Zoning By-law.

The application of a new Future Development zone closely aligns with the intent of the Town's Official Plan to protect lands for future urban development. It also allows the Town to apply the zone to lands that are designated for future development in the Official Plan (e.g., Residential, General Commercial), but which are currently zoned Agricultural. The new zone will permit uses, buildings, structures, and those accessory uses lawfully existing on the date of passing of the By-law, along with agricultural uses.

Recommendation

- That a new Future Development zone be established which recognizes and permits existing uses until a development application is submitted and subject to future study.

3.9 Other Zoning Issues

3.9.1 Provincial Planning Changes

At the time of preparing this Report, the Province has released several new pieces of Provincial legislation and policy, such as Bill 97 (the "Helping Homebuyers, Protecting Tenants Act, 2023") and the draft proposed Provincial Planning Statement for consultation. These initiatives will be closely monitored in subsequent phases by the project team to understand implications on the Town's Official Plan and new Zoning By-law.

3.9.2 Shipping Containers

The new Zoning By-law presents an opportunity to develop new zoning regulations for shipping containers. Shipping containers can be considered in two forms. The first form is as a repurposed structure for the purpose of accessory storage on a lot. The second form is as a converted building material for the purpose of housing construction (e.g., stacked / modular homes). Further, zoning regulations for shipping containers can also be tailored based on the location in Tecumseh (e.g., residential areas, employment areas, and agricultural areas). It is recommended that the new Zoning By-law contain updated regulations for shipping containers.

3.9.3 Short-Term Accommodations

The Discussion Paper introduced the topic of short-term accommodations (such as those offered by platforms Airbnb or VRBO) and potential considerations for the new Zoning By-law. Short-term accommodations refer to the rental of all or a portion of a residence for short-term use (i.e., less than a month). Short-term accommodations are considered a commercial use and can be appropriately regulated in zoning to manage their impacts on residential neighbourhoods. Short-term accommodations can provide benefits to homeowners in the form of improved housing affordability due to increased income from the short-term accommodation. Short-term accommodations also benefit the travelling public in the form of increased



accommodation supply and affordability compared with hotel or other options. However, in some situations, nuisances associated with short-term accommodations can include noise and parking. Additionally, there is some concern about the impact of short-term accommodations on overall housing affordability, as the dwelling unit is not being used as a residence. Specifically, the Discussion Paper identified that the new Zoning By-law could:

- Define the term “short-term accommodations” and expressly permit in appropriate zones, which could broadly include all Residential zones; and
- Establish general regulations which limit short-term accommodations to being part of an owner-occupied principal dwelling unit and restrict whole-home short-term accommodations.

It is recommended that the new Zoning By-law establish a zoning framework that regulates the use and location of short-term rentals within the Town. Zoning is one tool at the Town’s disposal to help regulate these uses in addition to developing a licensing framework under the *Municipal Act*. There is the opportunity for the Town to consider a process to develop a licensing framework outside of the new Zoning By-law Project to address matters such as noise and number of short-term accommodations in Tecumseh, for example.



4 What We Heard

Building on the conversations held in Phase 1 of the Project, a second round of consultation was held following the release of the Draft Issues and Methodology Report in May 2023. The purpose of this round of consultation was to present the options and recommendations outlined in the Report and to seek feedback from the community and stakeholders to inform further refinements. The Draft Issues and Methodology Report was refined based on input received.

4.1 Council Workshop

On May 23, 2023, a workshop was held with Town Council to formally introduce the New Zoning By-law Project, present work completed to-date, and to seek Council's input on the options and recommendations set out in this Report. A presentation was delivered to Council providing a project status update, followed by discussion regarding key zoning issues. Council members were encouraged to share their input and suggestions throughout the meeting.

Some of the suggestions provided by Council members included:

- Consider the unique geographies of the Town as part of the harmonization exercise;
- Develop a consistent framework for sightlines along Lake St. Clair;
- Address Official Plan policies related to transition and overlook between infill development / intensification and existing development;
- General support for the approach to implement the Natural Heritage System policies of the Official Plan;
- General support for added flexibility with respect to dwelling types permitted in neighbourhoods in line with new Provincial legislation and subject to the preparation of appropriate development standards; and,
- Addressing new regulations for recreational vehicles and boats and considering implications on existing uses (i.e., legal non-conformity).

4.2 Public Open Houses

On May 24, 2023, two in-person public open houses were held at Town Hall to present the Issues and Methodology Report and seek community input on proposed options and recommendations. Members of the community were invited to learn more about the work completed to-date, the types of issues that will be addressed, and the proposed approach to consolidating the existing zoning by-laws. Materials presented at the in-person public open house have been posted to the Town's website.

All written comments, as well as significant verbal comments, received from attendees have been summarized below and will continue to be considered through the development of the new Zoning By-law:



- There is an opportunity to consider how the new proposed Future Development zone is applied to lands within the Tecumseh Hamlet Secondary Plan.
- Appropriate parking standards are needed in neighbourhoods which consider additional residential units (ARUs) and infill development.
- Sightlines to the road need to be considered from driveways and parking areas.
- The Zoning By-law should consider regulations for parking of boats and recreational vehicles that considers sightlines from driveways, as well as permissions for temporary parking of these vehicles for seasonal repairs / maintenance.



5 Conclusions and Recommendations

Building upon the Discussion Paper, this Issues and Methodology Report has been prepared based on input from Town staff and the community and further analysis. This Report contains a series of options and recommendations that will serve as the basis for consultation in Phase 2 of the New Zoning By-law Project. The input received through this consultation will inform the development of the new Zoning By-law in Phase 3.

This Report, and the recommendations summarized herein, provide a general checklist for preparing the first Draft New Zoning By-law. It is anticipated that other issues may emerge and will be addressed through the development and revisions to the New Zoning By-law. Further, the recommendations of this Report may be subject to change as the Draft Zoning By-law is developed and refined.

The following is a summary of the options and recommendations set out in this Report:

Section 2.1

- It is recommended that the new Zoning By-law be prepared in the document template shown in **Figure 2** and **Figure 3**. Further refinements may be made in subsequent drafts.

Section 2.2

- It is recommended that the zone mapping be developed and hosted by WSP with ArcGIS for the project duration, and that upon project completion, WSP will issue a final zoning layer to the Town for integration with their preferred GIS platform.
- It is recommended that zone mapping be prepared principally in black and white, with limited colour used to accent specific elements such as zone boundaries/symbols, overlays, and watercourses/waterbodies.
- Schedule A will be divided into several sectors on an index map to ensure that maps are legible. Finer scaled maps will be used to highlight areas where more zoning detail exists (e.g., settlement areas).
- Schedule B will include flood protection and natural hazard overlays. Further consultation with Town staff is required to confirm if Schedule B of By-law 85-18 can be consolidated as part of Schedule A or deleted.

Section 2.4

- The definitions of the existing Zoning By-laws will be reviewed and consolidated in accordance with the steps outlined in Section 2.4.



Section 2.5

- The general provisions of the existing zoning by-laws will be reviewed and consolidated into the new Zoning By-law in accordance with the steps listed in Section 2.5.

Section 2.6

- Parking space requirements will be consolidated and updated in consideration of best practices in other municipalities.
- Develop updated barrier-free parking space requirements in the new Zoning By-law based on the requirements of the Ontario Regulation 191/11.

Section 2.7

- A review of site-specific exceptions should be conducted alongside the draft new Zoning By-law, in accordance with the methodology outlined in the Discussion Paper.
- Site-specific exceptions will be organized and renumbered sequentially in a standalone chapter of the new Zoning By-law.

Section 3.1.1

- The Town's recently adopted additional residential unit zoning by-law amendments will be carried forward, with modifications to the regulations to permit up to two attached ARUs on a lot where there is no detached ARU on the same lot.
- There is a need to ensure that there is a zone (or set of zones) with comprehensive requirements for small-scale infill development in response to the removal of site plan approval for developments with less than 10 units.

Section 3.2

- Two new employment zones will be established and applied, including the Business Park (BP) and Business Corridor (BC) zones, which reflect different permitted uses as outlined in the Official Plan.

Section 3.3

- A revised framework to regulate sightlines along Lake St. Clair will be implemented in the new Zoning By-law.
- The framework to regulate sightlines along Lake St. Clair will be consistent across the Lake St. Clair shoreline.

Section 3.4

- A new mixed use Main Street Zone will be introduced and applied to lands within the Main Street Mixed Use Designation in the Official Plan.
- The new Main Street Zone will contain a range of zoning requirements as outlined above to guide development and implement the policies of the Official Plan.



- The Main Street Zone will be associated with frontage requirements to guide ground-floor uses based on the prevailing built-form context.
- Within the new Main Street Zone, a Holding provision should be applied to Residential uses subject to the provision of required transportation, municipal servicing and/or community infrastructure.

Section 3.5.1

- Create a new Natural Environment zone which is applied to lands within the Natural Environment designation in the Town's Official Plan.
- As it relates to the Natural Environmental Overlay in the Town's Official Plan, a new Natural Environment Overlay will be established in the Zoning By-law which is associated with general provisions that limit land use, buildings, and structures within the overlay.
- Lands within the Restoration Opportunities Overlay in the Town's Official Plan are not recommended to be implemented in the Zoning By-law, and that the Town implement these policies using other tools.

Section 3.5.2

- Carry forward the setback requirements from municipal drains and watercourses in the Sandwich South Zoning By-law.
- Update the Floodprone Development Control Area in the new Zoning By-law to implement the Official Plan mapping.
- As it relates to protections from natural hazards along Lake St. Clair, there are two options which can be considered:
 - Carry forward setbacks for buildings and structures based on the Tecumseh Zoning By-law for properties abutting Lake St. Clair.
 - Carry forward requirements for the lowest opening of any such building or structure has a minimum building elevation above the 1:100 Year Flood Level.

Section 3.6

- The existing Residential zones will be reviewed and consolidated with the goal of streamlining the number of zones in neighbourhoods, in accordance with the steps outlined in this Report.
- Modifications to residential and accessory building/structure requirements should promote equity in regulations across the Town's neighbourhoods.
- Consider expanding permission of semi-detached, duplex, triplex dwellings, recognizing the Province has effectively incorporated this expansion via changes to the Planning Act which allow for up to two ADUs on a lot in urban areas.
- New zoning regulations for shipping containers will be developed which consider different types and locations of these structures.



- Requirements for lot coverage and permeable surfaces can be introduced to help establish new expectations for infill, redevelopment and replacement homes in existing neighbourhoods.
- Expanded permissions for dwelling types can be introduced in Residential zones to align with recent Provincial legislation and support implementation of the Housing Action Plan.

Section 3.7

- An updated and harmonized approach to the parking of recreational vehicles and boats will be introduced to ensure consistency across Tecumseh.
- Further consultation will be required to seek confirmation on objectives and zoning approaches. Provisions will be tailored to the various land use and lot contexts across the Town.

Section 3.8

- That a new Future Development zone be established which recognizes and permits existing uses until a development application is submitted and subject to future study.

