

ISSUE DATE:
July 19, 2010



7.5
PRESENTED AT: Planning & Building Services Committee MEETING
SEP 28 2010
PL070887

**Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario**

Sumatara Investments has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of Tecumseh to redesignate lands municipally known as 1351 Riverside Drive East from Parks and Open Space to Single Family Residential, with a special policy to permit Low Profile Multiple Dwellings in areas adjacent to Manning Road and/or lands designated Medium Density Residential.
(D1M-SVM2)
OMB Case No. PL070887
OMB File No. PL070887

Sumatara Investments has appealed to the Ontario Municipal Board under subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from the failure of the County of Essex to make a decision respecting a proposed plan of subdivision on lands municipally known as 1351 Riverside Drive East, Part of Gore Lot 4, Part Lots 1-3, 5-10, 14-19, in the Town of Tecumseh Plan of Subdivision No. 37-T-06012
OMB Case No. PL070887
OMB File No. PL090326

Sumatara Investments has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 2065 of the Town of Tecumseh to rezone lands respecting 1351 Riverside Drive East from Recreational Zone (RE) and Recreational Zone 1 (RE-1) to permit the development of land for residential uses, pursuant to a plan of subdivision
OMB Case No. PL070887
OMB File No. PL090327

APPEARANCES:

Parties

Counsel

Sumatara Investments Limited ("Sumatara")

A. Patton

Town of Tecumseh ("Town")

C. Barnett

**MEMORANDUM OF ORAL DECISION DELIVERED BY S. J. STEFANKO ON
JULY 6, 2010 AND ORDER OF THE BOARD**

Prior to hearing any evidence on OPA 8 ("OPA 8") and the proposed zoning By-law amendment ("ZBA"), copies of which are annexed hereto and marked as

RECEIVED

JUL 23 2010

Attachments "1 and 2" respectively, the Town's solicitor met with a number of area residents and discussed, in general terms, the proposed residential development by Sumatara. Following those discussions the residents confirmed they did not wish party status nor did they require an adjournment of today's hearing event to seek legal and/or planning advice. As a result, this hearing became a settlement hearing to finalize the agreement which was reached between the Town and Sumatara and which was referred to in my written disposition in this matter dated June 8, 2010.

Mr. Zelinka and Mr. Hillman, the Director of Planning for the Town, were called to provide expert uncontradicted land use planning evidence in relation to OPA 8 and the ZBA. They described the site in question, pointed out surrounding land uses and designations and explained, in detail, the amendments made to the Town's comprehensive zoning By-law and the Town's Official Plan. These amendments change a previously designated "Parks and Open Space" area to one which will allow for single family and medium density residential development. In their collective view, OPA 8 is consistent with the 2005 Provincial Policy Statement and the Town's Official Plan and the ZBA is in conformity with OPA 8, the Town's Official Plan and the County Official Plan. In their opinion, OPA 8 and the ZBA represented good planning.

Based on all of the foregoing, OPA 8 and the ZBA are hereby approved. It is understood that the Town will post a copy of this disposition on its website in a timely fashion.

It is so Ordered

"S. J. Stefanko"

S. J. STEFANKO
MEMBER

Attachment "1"

OFFICIAL PLAN AMENDMENT NO. 8

Details of the Amendment

The Official Plan for the Town of Tecumseh, for those lands in the former Village of St. Clair Beach, as amended, is hereby further amended as follows:

1. Schedule "A", Village of St. Clair Beach Official Plan, Land Use Plan, is hereby amended by changing the land use designation for those lands as depicted on Schedule "A" attached hereto from "Parks and Open Space" to "Single Family Residential" and "Medium Density Residential".

2. Section 4.1.2, Single Family Residential Policies, Village of St. Clair Beach Official Plan, as amended, is hereby further amended by the addition of a new subparagraph 4.1.2 e) to immediately follow subparagraph 4.1.2 d) and to read as follows:

"e) Special Policy Affecting the 7.5 Hectare Area on the Southerly Portion of Lakewood Golf Course

Notwithstanding any other policy of this Plan to the contrary, the implementing zoning by-law shall place the lands in an appropriate residential holding zone and the holding (h) symbol shall not be removed until such time as the municipality is satisfied that appropriate sanitary sewage treatment capacity is available, in addition to the policies established in Subsection 8.3 of this Plan."

3. Section 4.2.2, Medium Density Residential Policies, Village of St. Clair Beach Official Plan, as amended, is hereby further amended by the addition of a new subparagraph 4.2.2 h) to immediately follow subparagraph 4.2.2 g) and to read as follows:

"h) Special Policy Affecting the 2.23 Hectare Area on the Southerly Portion of Lakewood Golf Course

Notwithstanding any other policy of this Plan to the contrary, the following additional policies shall apply:

i) the permitted uses shall comprise of single family detached units, in accordance with Subsection 4.1.2 of this Plan, and/or townhouse dwellings having a maximum of four units per dwelling, in accordance

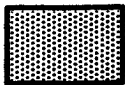
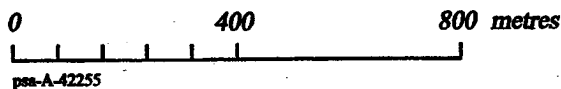
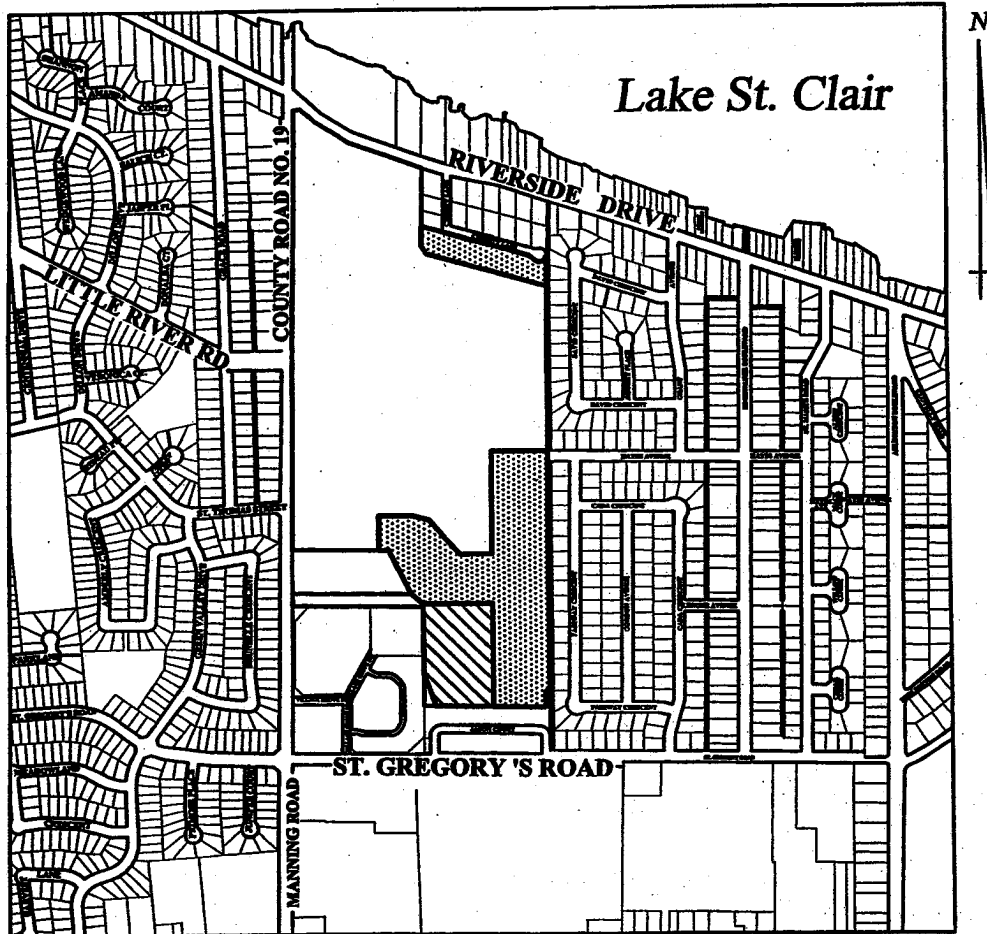
with Subsection 4.2.2 of this Plan

- ii) the implementing zoning by-law shall place the lands in an appropriate residential holding zone and the holding (h) symbol shall not be removed until such time as the municipality is satisfied that appropriate sanitary sewage treatment capacity is available, in addition to the policies established in Subsection 8.3 of this Plan.”

Implementation of the Amendment

This Official Plan Amendment will be implemented through a corresponding zoning by-law amendment which will place the lands in appropriate ^(h) holding residential zones, plan of subdivision approval, and the execution of subdivision and site plan control agreements, as appropriate.

SCHEDULE "A"
OFFICIAL PLAN AMENDMENT NO. 8
TOWN OF TECUMSEH



Change from "Parks and Open Space" to "Single Family Residential"



Change from "Parks and Open Space" to "Medium Density Residential"

This is Schedule "A" to By-law No. _____.

Attachment "2"

THE CORPORATION OF THE TOWN OF TECUMSEH

BY-LAW NUMBER _____

Being a by-law to amend By-law 2065,
the Town's Comprehensive Zoning By-law
for those lands in the former
Village of St. Clair Beach
(Lakewood Golf Course – 13451 Riverside Drive)

WHEREAS By-law No. 2065 is the Town's comprehensive zoning by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Tecumseh, for lands situated within the former Village of St. Clair Beach;

AND WHEREAS the Council of the Corporation of the Town of Tecumseh deems it appropriate and in the best interest of proper planning to further amend By-law No. 2065;

AND WHEREAS the Council of the Corporation of the Town of Tecumseh entered into Minutes of Settlement with Sumatara Investments Limited dated June 1, 2010;

AND WHEREAS this By-law conforms to the Official Plan in effect for the Town of Tecumseh for lands in the former Village of St. Clair Beach, as amended by Official Plan Amendment No. 8;

NOW THEREFORE THE ONTARIO MUNICIPAL BOARD ENACTS AS FOLLOWS:

1. That Schedule "A", to By-law 2065, as amended, is hereby further amended by changing the zoning classification for those lands as depicted on Schedule "A" attached hereto and forming part of this by-law from "Recreational Zone (RE)" to "Holding Residential Type Two Zone (H) R2", "Holding Residential Type Two Zone (H) R2-6", "Holding Residential Type Two Zone (H) R2-7" and "Holding Residential Type Three Zone (H) R3-12".
2. That By-law 2065, Section 7, Residential Type Two Zone (R2) Regulations, as amended, is hereby further amended by the addition of a new subsection 7.3.6 to immediately follow subsection 7.3.5 and to read as follows:

"7.3.6 DEFINED AREA R2-6 as shown on Schedule "A", to the By-law.

a) Permitted Uses

The uses permitted in subsection 7.1.1 of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the buildings and structures permitted in subsection 7.3.6 of this by-law shall be in accordance with subsections 7.1.3 and 7.2 of this by-law, except for the

following:

- i) Minimum Lot Area 8,500 square feet
- ii) Minimum Lot Frontage 60 feet

3. That By-law 2065, Section 7, Residential Type Two Zone (R2) Regulations, as amended, is hereby further amended by the addition of a new subsection 7.3.7 to immediately follow subsection 7.3.6 and to read as follows:

“7.3.7 DEFINED AREA R2-7 as shown on Schedule “A”, to the By-law.

a) Permitted Uses

The uses permitted in subsection 7.1.1 of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the buildings and structures permitted in subsection 7.3.7 of this by-law shall be in accordance with subsections 7.1.3 and 7.2 of this by-law, except for the following:

- i) Minimum Lot Area 6,000 square feet
- ii) Minimum Lot Frontage 50 feet

4. That By-law 2065, Section 8, Residential Type Three Zone (R3) Regulations, as amended, is hereby further amended by the addition of a new subsection 8.3.12 to immediately follow subsection 8.3.11 and to read as follows:

“8.3.12 DEFINED AREA R3-12 as shown on Schedule “A”, to the By-law.

a) Permitted Uses

- i) Townhouse dwellings having a maximum of four attached dwelling units per dwelling. For the purpose of this subsection, “townhouse dwelling” shall mean a building divided vertically into three or more attached dwelling units, with each having a separate entrance at grade;

ii) The uses permitted in subsection 7.1.1 of this by-law.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses.

c) Zone Provisions for Townhouse Dwellings

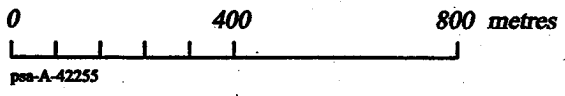
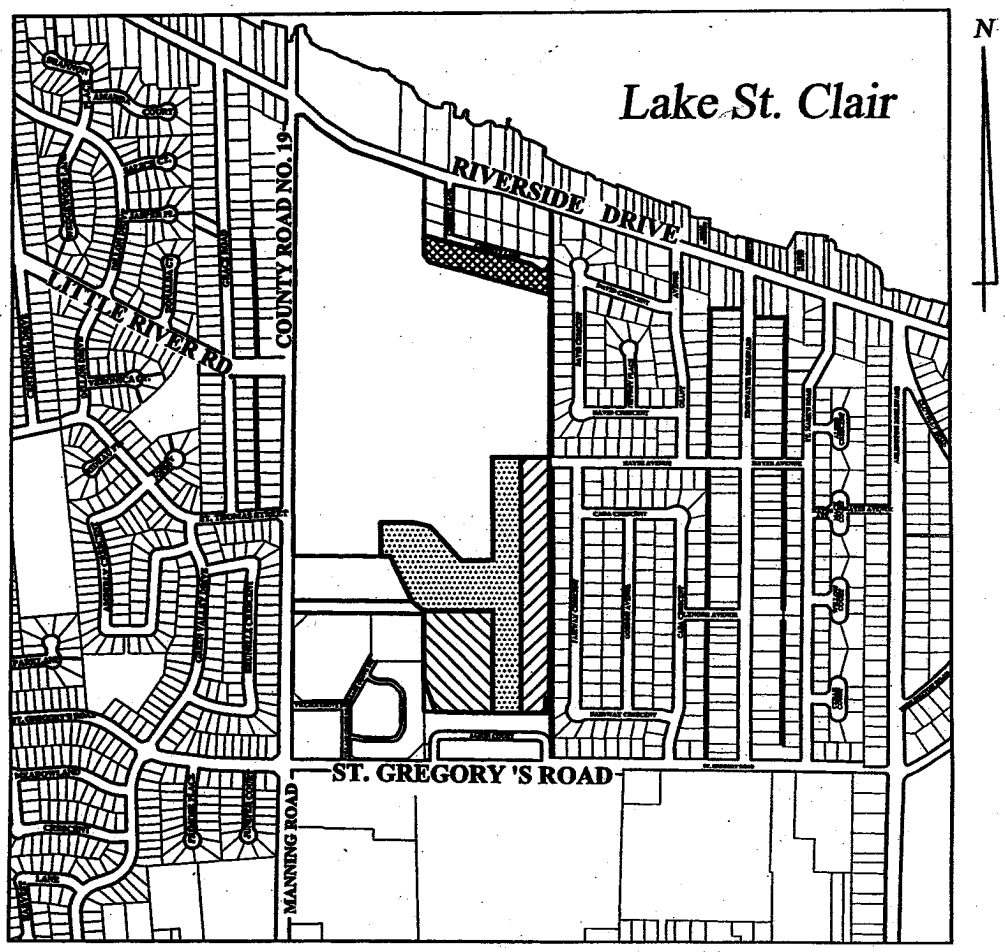
All lot and building requirements for the uses permitted in subsection 8.3.12 a) i) of this by-law shall be in accordance with the following site specific regulations:

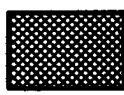
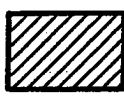
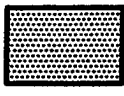
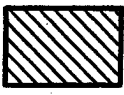
- i) Minimum Lot Area 4,800 square feet per dwelling unit
 - ii) Minimum Lot Frontage 22 feet
 - iii) Maximum Lot Coverage 45 percent, including accessory structures
 - iv) Minimum Front Yard Depth 30 feet from a public road; 25 feet from a private road;
 - v) Minimum Rear Yard Depth 25 feet
 - vi) Minimum Interior Side Yard Width 7.5 feet, except that no minimum shall be required between the common vertical wall dividing one dwelling unit from the adjoining dwelling unit; 15 feet between detached dwellings where there is no side lot line between the two detached dwellings
 - vii) Minimum Exterior Side Yard Width 15 feet from a public road; 12 feet from a private road
 - viii) Maximum Building Height 35 feet
- e) Zone Provisions for Single Unit Dwellings

All lot and building requirements for the uses permitted in subsection 8.3.12 a) ii) of this by-law shall be in accordance with subsection 7.3.7 c) of this by-law.”

5. This By-law shall take effect from the date of the Order of the Ontario Municipal Board and shall come into force in accordance with Section 34 of the Planning Act, R.S.O. 1990.

SCHEDULE "A"
GORE LOT, WEST OF PIKE CREEK
TOWN OF TECUMSEH



-  Change from "RE" to "(H) R2"
-  Change from "RE" to "(H) R2-6"
-  Change from "RE" to "(H) R2-7"
-  Change from "RE" to "(H) R3-12"

This is Schedule "A" to By-law No. _____.