To: Mayor and Members of Tillsonburg Council  
From: Heather St. Clair, Development Planner, Community Planning  

Application for Zone Change  
ZN 7-19-16 – Tillsonburg Ready-Mix Inc.  

REPORT HIGHLIGHTS  

- The application for zone change proposes to rezone an existing vacant parcel from ‘Low Density Residential – Type 1 Zone (R1)’ to ‘Special Low Density Residential – Type 3 Zone (R3-14)’ to coincide with the lands to the immediate southwest, to which the subject lands will be merged.  
- The proposed zone change will facilitate a parcel consolidation, and it is the intent of the applicant to develop the consolidated parcels for townhouse dwelling units whereby the subject lands will be used to provide adequate stormwater management and conveyance for the said development.  
- Planning staff are supportive of the requested zone change as it will have the effect of facilitating residential development on lands designated for such use, which is in keeping with the policy direction of the Provincial Policy Statement and the County Official Plan.  

DISCUSSION  

Background  

OWNER: Tillsonburg Ready-Mix Inc.  
10 Elm Street P.O. Box 544, Tillsonburg ON, N4G 0A7  

APPLICANT: 2455892 Ontario Ltd. (Abe Hiebert)  
P.O. Box 174, Tillsonburg ON, N4G 4H8  

AGENT: Cyril. J. Demeyere Limited (Andrew Gilvesy)  
261 Broadway, Tillsonburg ON, N4G 4H8  

LOCATION:  
The subject lands are located on the east side of Old Vienna Road, west of Vienna Road, north of Van Street, and are legally described as Part of Block A, Plan 966 and Part 1, Plan 41R-1272 in the Town of Tillsonburg. The subject lands currently have no frontage on Old Vienna Road, but are associated with the Tillsonburg Ready-Mix parcel on the east side of Vienna Road.  

COUNTY OF OXFORD OFFICIAL PLAN:  
Schedule “C-2” County of Oxford Erosion Hazard Land
Development Constraints
Plan

Schedule “T-1”  Town of Tillsonburg  Residential
Land Use Plan

Schedule “T-2”  Town of Tillsonburg  Residential Density Plan
Low Density Residential

TOWN OF TILLSONBURG ZONING BY-LAW NO. 3295:

Existing Zoning:
Low Density Residential – Type 1 Zone (R1)
Regulatory Flood/Fill Line

Proposed Zoning:
Special Low Density Residential – Type 3 Zone (R3-14)

PROPOSAL:

The applicants are proposing to rezone the subject lands from ‘Low Density Residential – Type 1 Zone (R1)’ to ‘Special Low Density Residential – Type 3 Zone (R3-14)’ to coincide with the zoning of the lands to which they will be added, to the immediate southwest. It is intended that the subject lands, which are currently vacant and have no direct frontage onto Old Vienna Road, will be added to the lands to the immediate southwest to facilitate the development of four street fronting townhouses on the adjacent lands (fronting on Old Vienna Road). Specifically, it is proposed that the subject lands will be used for stormwater management purposes for the proposed development.

The subject lands are approximately 1,233 m² (4,045 ft²) in size and are currently vacant. Surrounding land uses are comprised of a range of land uses, including single detached dwellings along Old Vienna Road to the north, open space lands associated with Otter Creek to the west and industrial lands to the east (including additional lands owned by the owner). It is also noted that the subject lands have been identified as Proposed Significant Woodlands in the Oxford Natural Heritage Systems Study.

Plate 1, Location Map with Zoning, shows the location of the subject property and the existing zoning in the immediate vicinity.

Plate 2, 2015 Aerial Map, provides an aerial view of the vacant subject lands.

Plate 3, Applicant’s Sketch, shows the configuration of the subject lands, as well as the intended development for the lands to the immediate southwest.

Plates 1-3 are included as attachments to this report.
Application Review

PROVINCIAL POLICY STATEMENT:

The 2014 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Under Section 3 of the Planning Act, where a municipality is exercising its authority affecting a planning matter, such decisions shall be consistent with all policy statements issued under the Act.

Section 1.1.3.1 of the PPS states that Settlement Areas will be the focus of growth and their vitality and regeneration shall be promoted.

Section 1.1.3.3 of the PPS states that Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Section 1.4.3 of the PPS states that Planning authorities shall provide for an appropriate mix of housing types and densities to meet projected requirements of current and future residents by permitting and facilitating all forms of housing required to meet the social, health, and well-being requirements of current and future residents and permitting and facilitating all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3.

Section 2.1 of the PPS also states that natural features shall be protected for the long term and that the diversity and connectivity of natural features in an area should be maintained, restored or, where possible improved, recognizing linkages between and among natural heritage features and areas.

OFFICIAL PLAN:

The subject lands are designated as ‘Residential’ and ‘Low Density Residential’ according to the Land Use Plan and Residential Density Plan for the Town of Tillsonburg, as contained in the County of Oxford Official Plan. Low density residential areas are those lands that are primarily developed or planned for a variety of low-rise, low density housing forms including both executive and smaller single-detached dwellings, semi-detached, duplex and converted dwellings, street-fronting townhouses and other, similar development. Within areas designated Low Density Residential, it is intended that there will be a mixing and integration of different forms of housing to achieve a low overall density of use.

The policies of Section 8.2 (Town of Tillsonburg Housing Development and Residential Areas) promote the accommodation of present and future demand for housing in Tillsonburg through the efficient use of vacant residentially-designated lands, underutilized parcels in built-up areas and existing housing stock in all neighbourhoods.

The policies of Section 8.2.2.5 (Residential Intensification and Redevelopment) provides that residential intensification is permitted in appropriate locations within the Residential and Central Areas of the Town, subject to complying with the policies of the associated land use designations pertaining to the density, form and scale of residential development being proposed.
Infill housing is defined as the placement of new residential development into established built-up areas on vacant or underutilized sites. In order to efficiently utilize the designated residential land and municipal servicing infrastructure, infill housing will be supported in Low Density Residential areas.

The introduction of new residential housing into an established streetscape pattern will only be permitted if the proposal is deemed to be consistent with the characteristics of existing development of both sides of the street. In order that street oriented infill projects are sensitive to the continuity of the existing residential streetscape, Council shall ensure that:

- The proposal is consistent with street frontage, setbacks and spacing of existing development within a two-block area on the same street;
- For proposals involving more than two dwelling units, the exterior design in terms of height, bulk, scale and layout of the proposed building is consistent with present land uses in the area;
- The location of vehicular access points, the likely impact of traffic generated by the proposal on Town streets, pedestrian safety, and surrounding properties is acceptable;
- Existing municipal services and public facilities will be adequate to accommodate the proposed infill project;
- Stormwater runoff will be adequately controlled and will not negatively affect adjacent properties;
- Adequate off-street parking and outdoor amenity areas will be provided;
- The extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area;
- The effect of the proposed development on environmental resources;
- Consideration of the potential effect of the development on natural and heritage resources and their settings;
- Compliance of the proposed development with the provisions of the Town Zoning By-Law and other municipal By-Laws.

Street oriented infill proposals may be subject to site plan control.

The subject lands have been identified as Erosion Hazard in the Official Plan. Erosion hazard means the loss of land, due to human or natural processes, that pose a threat to life and property. The erosion hazard limit is determined using the one hundred year erosion rate and includes allowances for toe erosion, slope stability and access during emergencies. It is the intent of the Plan to permit development only where the effects of erosion hazards and unstable soils can be avoided. Permitted uses include those that are in conformity with the underlying land use designation, provided they conform to the policies of the Official Plan.

**TOWN OF TILLSONBURG ZONING BY-LAW:**

The subject lands are zoned as ‘Low Density Residential – Type 1 Zone (R1)’, which allows for the development of a single detached dwelling.

The application for zone change proposes to rezone the subject lands from ‘Low Density Residential – Type 1 Zone (R1)’ to ‘Special Low Density Residential – Type 3 Zone (R3-14)’. The ‘R3-14’ zone allows for a variety of low density residential development, including a single detached dwelling, a converted dwelling, a duplex dwelling or semi-detached dwelling, as well as a multiple unit dwelling (containing not more than 4 units) and a street fronting townhouse dwelling, which are typical land uses permitted in the ‘R3’ zone.
The site specific special provision that applies to the subject lands states that lands zoned ‘R3-14’ are exempt from the provisions of Section 5.30.2 (Environmental Protection 2 Overlay and Fish Habitat). These provisions are typically applied to lands that have been identified in the Oxford County Official Plan as Significant Valleylands, Significant Woodlands, Areas of Natural and Scientific Interest for the Life Sciences and/or Significant Wildlife Habitat. Lands affected by the Environmental Protection 2 Overlay and Fish Habitat are limited to the following types of development:

- A public use authorized through an environmental assessment;
- A use which legally existed on the date of passing of the Zoning By-law, provided no additional development or site alteration shall be permitted;
- A single detached dwelling on a properly zoned lot of record or lot on plan of subdivision registered or draft approved on, or before April 17, 1979;
- A building or structure used for flood or erosion control purposes;
- A passive use park;
- A farm on an existing cleared area within a future development or industrial zone, or;
- A conservation project.

**AGENCY COMMENTS:**

The application for zone change was circulated to various public agencies considered to have an interest in the proposal.

The Long Point Region Conservation Authority has commented that they have no objection to the proposal, but that it should be noted that the subject lands are located within the riverine valley system of the Big Otter Creek and entirely within their agency’s Regulation Limit and therefore a permit from their office will be required prior to site development. It is requested that the applicants contact their office to ensure that on-site hazards are appropriately addressed.

The County of Oxford Public Works Department have indicated they have no concerns with the proposal.

The Tillsonburg Building Services Department has commented they have no concerns with the proposal, but note that an updated survey will be required upon the merger of the subject lands with the property to the southwest.

The Tillsonburg District Chamber of Commerce has commented that the creation of multiple unit dwellings would benefit the local housing supply.

**PUBLIC CONSULTATION:**

Notice of complete application and notice of public meeting regarding this application were circulated to surrounding property owners on December 23, 2019 and January 27, 2020. As of the writing of this report, no comments have been received from the public.

**Planning Analysis**

It is the opinion of this Office that the proposed zone change, which has been requested to allow for a merger of two properties, and will facilitate the development of 4 street fronting townhouses along Old Vienna Road, is consistent with the policies of the Provincial Policy Statement and the County’s Official Plan and can therefore be supported from a planning perspective.
Generally, staff are satisfied that as the proposal will result in the development of 4 new residential dwelling units on lands designated for such use, the proposal is in keeping with the policies of the Provincial Policy statement with respect to the intensification of existing underutilized land within a designated settlement area. Further, staff are of the opinion that as no development is proposed on the subject property beyond drainage swales, no negative impact will be had on the natural features or erosion hazard area of the subject lands, which is consistent with the intent of the Official Plan and the Provincial Policy Statement.

With further respect to the residential infill policies of the County Official Plan, it is noted that the proposal will facilitate street fronting townhouse development that will be consistent with existing development in the area, which is comprised of a variety of land uses, and no comments of concern were received from the Town Engineering Department, but it is noted that further review will be undertaken during the Town’s site plan control process.

Based on the foregoing, it is the opinion of this office that the proposed zone change to amend the existing zoning of the subject lands to coincide with the lands to which they will be added, to facilitate the development of four new street fronting townhouses can be considered appropriate from a planning perspective and can be given favourable consideration.

**RECOMMENDATION**

1. It is recommended that the Council of the Town of Tillsonburg approve the zone change application submitted by Tillsonburg Ready-Mix Inc., whereby the lands described as Part Block A, Plan 966 and Part 1, Plan 41R-1272, be rezoned to ‘Special Low Density Residential – Type 3 Zone (R3-14) to coincide with the lands to which they will be added, to the immediate southwest, to facilitate the development of four street fronting townhouses.

**SIGNATURES**

Authored by: Heather St. Clair, MCIP, RPP
Development Planner

Approved for submission: Eric Gilbert, MCIP, RPP
Senior Planner
Report Approval Details

<table>
<thead>
<tr>
<th>Document Title</th>
<th>ZN 7-19-16_rpt.docx</th>
</tr>
</thead>
</table>
| Attachments:           | - Report Attachments.pdf  
                       | - 7-19-16_appl-20191127.pdf |
| Final Approval Date:   | Feb 4, 2020         |

This report and all of its attachments were approved and signed as outlined below:

Kyle Pratt - Feb 4, 2020 - 5:42 AM