

To: Mayor and Members of Tillsonburg Council

From: Eric Gilbert, Senior Planner, Community Planning

## Applications for Official Plan Amendment & Zone Change OP 20-15-7 & ZN 7-20-13 – Town of Tillsonburg

### REPORT HIGHLIGHTS

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- The intent of the Official Plan Amendment and Zone Change applications is to facilitate the development of one new residential infill lot.
- The proposed Official Plan Amendment will re-designate the subject property from 'Open Space' to 'Residential' and 'Low Density Residential'. The proposed zone change will rezone the subject property from 'Passive Use Open Space Zone (OS1)' to 'Low Density Residential Type 1 Zone (R1)'. A single detached dwelling is proposed to be constructed on the subject lands.
- The proposal is consistent with the relevant policies of the Provincial Policy Statement and is in-keeping with the strategic directions and objectives of the Official Plan, and can be supported from a planning perspective.

### DISCUSSION

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#### Background

OWNER / APPLICANT: Corporation of the Town of Tillsonburg  
10 Lisgar Avenue, Tillsonburg ON, N4G 5A5

LOCATION:

The subject property is described as Part Block D, Registered Plan M-53 in the Town of Tillsonburg. The lands are located on the east side of Clear Valley Drive, between Jackson Court and Holland Gate and have a municipal address of 41 Clear Valley Drive.

COUNTY OF OXFORD OFFICIAL PLAN:

Existing:

Schedule 'C-3'	County of Oxford Settlement Strategy Plan	Large Urban Centre
Schedule 'T-1'	Town of Tillsonburg Land Use Plan	Open Space

Proposed:

Schedule 'C-3'	County of Oxford Settlement Strategy Plan	Large Urban Centre
Schedule 'T-1'	Town of Tillsonburg Land Use Plan	Residential
Schedule 'T-2'	Town of Tillsonburg Residential Density Plan	Low Density Residential

TOWN OF TILLSONBURG ZONING BY-LAW 3295

Existing Zoning: Passive Use Open Space Zone (OS1)

Proposed Zoning: Low Density Residential Type 1 Zone (R1)

PROPOSAL:

The intent of the applications for Official Plan Amendment, and zone change is to facilitate the creation of one infill lot for the construction of a single detached dwelling.

The application for Official Plan Amendment proposes to re-designate the subject lands from 'Open Space' to Low Density Residential. The application for Zone Change proposes to rezone the lands from 'Passive Use Open Space (OS1)', to 'Low Density Residential Type 1 Zone (R1)', facilitate the construction of a single detached dwelling.

The subject lands comprise approximately 2480.6 m<sup>2</sup> (0.61 ac) and are currently vacant. Surrounding land uses include single detached dwellings fronting on Clear Valley Drive, townhouses fronting on Jackson Court, and woodlands and ravine lands to the east.

The subject lands are currently owned by the Town of Tillsonburg and have been declared surplus by resolution of Town Council and offered for public sale. The intent of these applications is to ensure that the lands are eligible for a building permit for a single detached dwelling.

Plate 1, Existing Zoning and Location Map, indicates the location of the subject site and the existing zoning in the immediate vicinity.

Plate 2, 2015 Aerial Map, provides an aerial view of the subject property and surrounding area.

Plate 3, Official Plan Designation, depicts the Official Plan Designations applying to the site.

Plate 4, Applicant's Sketch, provides the layout of the subject lands.

## **Application Review**

### PROVINCIAL POLICY STATEMENT

The 2020 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 1.1.1 states that healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term and cost-effective development patterns and standards to minimize land consumption and servicing costs. Further, according to Section 1.1.2, sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years.

Section 1.1.3.1 directs that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. Furthermore, Section 1.1.3.2 directs that land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources, existing infrastructure and public service facilities.

Section 1.1.3.3 also directs that planning authorities shall identify appropriate locations 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.

As per Section 1.4.1, to provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:

- a) Maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment; and,
- b) Maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.

Further, Section 1.4.3 of the PPS directs that planning authorities shall provide for an appropriate mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- Establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households;
- Permitting and facilitating all forms of residential intensification and redevelopment and all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements;
- Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;

- Promoting densities for new housing which efficiently uses land, resources, infrastructure and public service facilities, and support the use of active transportation and transit areas where it exists or is to be developed; and
- Establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form while maintaining appropriate levels of public health and safety.

Section 2.1 of the PPS directs planning authorities to protect natural features and areas for the long term. Section 2.1.5 also states that development and site alteration shall not be permitted in significant wetlands. Furthermore, Section 2.1.8 does not permit development or site alteration on lands adjacent to the aforementioned features, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

#### OFFICIAL PLAN

The subject lands are designated 'Open Space' according to the Town of Tillsonburg Land Use Plan, as contained within the Oxford County Official Plan.

Open Space areas within Settlement areas include lands identified as being regulatory flood plan areas, public lands, pathways and linkages between natural heritage features. In this instance, the open space designation reflects the original conveyance of the lands to the Town of Tillsonburg when the adjacent plan of subdivision was developed.

Low Density Residential Areas are those lands that are primarily developed or planned for a variety of low rise, low density housing forms including single-detached dwellings, semi-detached, duplex or converted dwellings, quadraplexes, townhouses and low density cluster development. In these areas, it is intended that there will be a mixing and integration of different forms of housing to achieve a low overall density of use. It is not intended that the full range of housing will be permitted in every individual neighbourhood or development.

The policies of Section 8.2.4.1 (Infill Housing) also apply to this proposal. 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 land supply designated residential and municipal servicing infrastructure, infill housing will be supported in Low Density Residential Districts.

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 on both sides of the same street. In order that the street oriented infill projects are sensitive to the continuity of the existing residential streetscape, the County Land Division Committee and Town Council will ensure that:

- the proposal is consistent with the street frontage, setbacks, lot area and spacing of existing development within a two block area on the same street; and,
- 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.

In addition to the specific infill policies identified, the following policies will apply to all infill proposals:

- the location of vehicular access points, the effect of traffic generated by the proposal on the public road system, pedestrian and vehicular safety and surrounding properties is assessed and found to be acceptable;
- existing municipal services and community facilities will be adequate to accommodate the proposed infill project;
- stormwater run-off from the proposal will be adequately controlled and will not negatively affect adjacent properties;
- 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 proposed development on environmental resources or the effects of environmental constraints on the proposed development will be addressed and mitigated in accordance with Section 3.2;
- compliance of the proposed development with the provisions of the Zoning By-Law of the Town and other municipal by-laws; and,
- consideration of the potential effect of the development on natural and heritage resources and their settings.

#### ZONING BY-LAW

The subject lands are currently zoned “Passive Use Open Space Zone (OS1)’ according to the Town’s Zoning By-law. Permitted uses within the OS1 zone include a conservation project, flood control works, picnic area, passive use park, or a public use carried out by the municipality or utility provider.

The applicant is proposing to rezone the subject property to ‘Low Density Residential Type 1 Zone (R1)’ to facilitate the construction of a single detached dwelling. Permitted uses within the R1 zone include a single detached dwelling and accessory uses thereto, and a home occupation.

Based on the proposed reference plan submitted with the applications, the provisions of the R1 zone respecting minimum lot area, lot frontage and lot depth will be satisfied.

#### AGENCY COMMENTS

The applications were reviewed by a number of public agencies. The following comments were received.

Town of Tillsonburg Building & By-Law Services, Town of Tillsonburg Engineering Services Department, Town of Tillsonburg Fire and Rescue Services Department, and Oxford County Public Works Department indicated that they have no comments or concerns with the proposal.

#### PUBLIC CONSULTATION

Notice of complete application was provided to surrounding neighbours on October 27, 2020 and notice of public meeting was sent on November 2, 2020, in accordance with the requirements of the Planning Act.

A petition was received by Town Council at their August 10<sup>th</sup> Council meeting from adjacent residents who are opposed to the sale and development of the subject lands. A copy of the petition has been included as an attachment to this report.

## **Planning Analysis**

The subject application for Official Plan amendment and zone change proposes to create a residential infill lot for the purpose of constructing a single detached dwelling.

It is the opinion of staff that the proposal is consistent with the relevant policies of the Provincial Policy Statement. The proposed development is considered to be a form of infilling and represents an efficient use of lands, municipal services and infrastructure within a designated settlement area, which is consistent with Sections 1.1.1, 1.1.3.1, 1.1.3.2, 1.1.3.3 and 1.4.3 of the PPS.

The proposed re-designation of the subject lands from Open Space to Low Density Residential is considered appropriate as the current designation reflects the historical use of the lands, and the proposed re-designation will create an infilling opportunity that is considered an efficient use of land and facilitate development that will be similar to and compatible with surrounding low density residential uses.

The proposal is in keeping with the policies of the Low Density Residential designation. The proposed use is permitted in the Low Density Residential designation, and the proposed development is considered to be appropriate in accordance with the infill policies of the Official Plan. The subject lands are located within an area that is characterized by low density development consisting of single detached dwellings on a variety of lot sizes that are similar to what is proposed by this application and are not out of character with the residential development in the immediate area with respect to lot area, depth and frontage. The subject lands will be of sufficient size to provide adequate space for setbacks, stormwater run-off, parking and vehicular ingress and egress. The proposal is not expected to negatively impact any of the woodlands and ravine lands to the east, and the area to be re-designated and rezoned encompasses the existing cleared area. As such, it is the opinion of staff that the application conforms to the policies of the Official Plan respecting infill development.

The requested zoning amendment will facilitate the construction of a single detached dwelling, and the subject lands will meet the provisions of the R1 zone with respect to lot frontage, lot depth and lot area. The use of the lands for a single detached dwelling will be consistent with other properties in the immediate vicinity.

In light of the foregoing, Planning staff are satisfied that the proposed development is consistent with the policies of the Provincial Policy Statement and is in-keeping with the strategic initiatives and objectives contained in the Official Plan. As such, staff are satisfied that the applications can be given favourable consideration.

## **RECOMMENDATIONS**

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That the Council of the Town of Tillsonburg advise County Council that the Town supports the application for Official Plan Amendment, File No. OP 20-15-7, submitted by the Town of Tillsonburg, for lands legally described as Part Block D, Plan M-53, in the Town of Tillsonburg, to re-designate the subject lands from Open Space to Low Density Residential;

And further that the Council of the Town of Tillsonburg approve in principle the zone change application (File No. ZN 7-20-13) submitted by the Town of Tillsonburg, for lands legally described as Part Block D, Plan M-53, in the Town of Tillsonburg, to rezone the lands from Passive Use Open Space Zone to Low Density Residential Type 1 Zone to facilitate the development of a single detached dwelling on the subject lands.

## **SIGNATURES**

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**Approved for submission:**

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Director