To: Mayor and Members of Tillsonburg Council
From: Eric Gilbert, Senior Planner, Community Planning

ZN 7-20-01- Town of Tillsonburg Housekeeping Amendment for Zoning By-Law No. 3295

REPORT HIGHLIGHTS

- Planning and Town staff are of the opinion that a housekeeping amendment is necessary to ensure continued effectiveness of the Town's Zoning By-law.

- The proposed housekeeping amendment will generally address necessary updates, as well as correct minor errors and provide clarification to text and mapping schedules.

- Sourcewater protection updates are also proposed to be included in the Zoning By-Law.

- Planning staff recommend that Council endorse the proposed changes to the Zoning By-Law.

DISCUSSION

Background

<table>
<thead>
<tr>
<th>APPLICANT:</th>
<th>Town of Tillsonburg</th>
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<tbody>
<tr>
<td></td>
<td>10 Lisgar Avenue, Tillsonburg ON, N4G 5A5</td>
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</table>

The proposed housekeeping amendment will apply to all lands within the Town.

<table>
<thead>
<tr>
<th>PROPOSAL:</th>
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<tr>
<td>Comprehensive Zoning By-law No. 3595 was adopted by Town Council on April 14, 2008. Since that time, numerous amendments have been made to the by-law to incorporate a number of site-specific provisions and facilitate various policy changes. The most recent housekeeping amendment was completed in 2012 and included a number of minor revisions identified by Planning and Town staff.</td>
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<td>Since the last housekeeping amendment in 2012, Staff have been monitoring minor variance approvals, noting interpretation issues, and reviewing suggestions from Town staff, in an effort to clarify and update the existing By-law. At this time, staff are of the opinion that a housekeeping amendment is necessary to ensure continued effectiveness of the Town’s Zoning By-law.</td>
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The proposed housekeeping amendment will generally address necessary updates, as well as correct minor errors and provide clarification to text and mapping schedules. In particular, the proposed amendment will incorporate Source Water Protection regulations, natural hazard features, as well as proposed changes to the permitted encroachments to provide an increased allowable projection for decks into the required rear yard.

The proposed amendments are summarized in Table 1 below:

**Table 1 – Proposed Amendments**

<table>
<thead>
<tr>
<th>Current Zoning By-law</th>
<th>Proposed Changes</th>
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<tbody>
<tr>
<td><strong>Section 2.- Interpretation</strong></td>
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<tr>
<td>Groundwater Recharge and Fish Habitat Protection Areas</td>
<td>It is proposed to remove the groundwater recharge area provisions and mapping contained on Schedule D of the By-Law as the approved Sourcewater Protection Plan has now replaced Groundwater Recharge Areas.</td>
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<tr>
<td>Source Protection Overlays</td>
<td>Mapping of the Source Protection Overlays on Schedule “A” of this By-law is intended to reflect the mapping of Wellhead Protection Areas A, B and C in the most recently approved Source Protection Plan that applies to the Town of Tillsonburg. The mapping of the Source Protection Overlays on Schedule “A” of this By-Law shall be updated to reflect any updates to the location and/or extent of the Wellhead Protection Area in the Source Protection Plan mapping without the requirement for a Zoning By-law amendment. In the case of a conflict between the mapping of the Source Protection Overlays in this By-law and the applicable mapping in an approved Source Protection Plan, the latter shall prevail.</td>
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<tr>
<td><strong>Section 4. - Definitions</strong></td>
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<tr>
<td>A definition for “donated goods retail store” is proposed to be added.</td>
<td>“DONATED GOODS RETAIL STORE”, means a building or part thereof in which goods, wares, merchandise or articles are stored, offered or kept for retail sale to the public and where those items stored or offered for sale and are procured solely and exclusively through the donations of the goods, wares, merchandise or articles.</td>
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<tr>
<td>A definition for “microbrewery” is proposed to be added.</td>
<td>MICROBREWERY”, means a place used for the small scale and independent manufacturing of specialty or craft beer, wine or spirits produced for</td>
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</table>
The definition of "Pergola" is proposed to be amended to exclude them from the calculation of lot coverage:

"PERGOLA", means an arbor formed of horizontal trelliswork supported on columns or posts, over which vines or other plants are trained. For the purposes of this Zoning By-Law, pergolas are included in the calculation of lot coverage.

A definition for 'risk management official' is proposed to be added.

"RISK MANAGEMENT OFFICIAL", means the risk management official appointed under Part IV of the Clean Water Act, S.O. 2006, as amended.

A definition for "a pet grooming business" is proposed to be added.

PET GROOMING BUSINESS", means a building, or part thereof, used for the grooming of pets, but does not include a veterinary clinic, a kennel or any overnight boarding.

A definition for a “retail pet store” is proposed to be added.

“RETAIL PET STORE", means a building, or part of a building, in which pets and pet supplies are offered for sale. A retail pet store may also include a pet grooming business.

A definition for a “Retirement home” is proposed to be added. Staff have determined that there is a need to provide a new definition and permitted use between an apartment building and long-term care facility.

RETIREMENT HOME", means a residential complex or part of a residential complex that is occupied primarily by persons who are 65 years of age, or is occupied or is intended to be occupied by persons who are not related to the operator of the home, and where the operator of the home may provide services directly or indirectly to the residents. A retirement home shall not include a long-term care facility.

retail sale and consumption on or off-site. A microbrewery may include a tied-house and may also operate in combination with a permitted bar or tavern.

“PERGOLA”, means an arbor formed of horizontal trelliswork supported on columns or posts, over which vines or other plants are trained. For the purposes of this Zoning By-Law, pergolas are excluded in the calculation of lot coverage.

"PET GROOMING BUSINESS", means a building, or part thereof, used for the grooming of pets, but does not include a veterinary clinic, a kennel or any overnight boarding.
Amend the definition for ‘rear yard’, to clarify that the rear yard does not extend to the rear of the dwelling within the exterior side yard. This will ensure that it is clear that accessory buildings are not permitted within the exterior side yard.

A definition for ‘small on-site septic system and/or holding tank’ is proposed to be added.

A definition for ‘large on-site septic system and/or holding tank’ is proposed to be added.

A definition for ‘Well Head Protection Areas’ is proposed to be added.

"REAR YARD" means an area extending across the full width of the lot between the rear lot line of the lot and the nearest part of any excavation or main building on the lot, excluding the exterior side yard.

SMALL ON-SITE SEPTIC SYSTEM AND/OR HOLDING TANK" shall mean a system that stores and/or treats human waste on-site with a design flow of less than or equal to 10,000 litres per day and subject to approval under the Building Code Act, S.O. 1992, as amended, or Ontario Water Resources Act, R.S.O. 1991, as amended. These systems shall include, but not be limited to, greywater systems, cesspools, leaching bed systems and associated treatment units, and holding tanks, and shall not include sewage treatment plants.

"LARGE ON-SITE SEPTIC SYSTEM AND/OR HOLDING TANK" shall mean a system that stores and/or treats human waste on-site with a design flow of greater than 10,000 litres per day and regulated under the Ontario Water Resources Act, R.S.O. 1991, as amended. These systems shall include, but not be limited to, greywater systems, cesspools, leaching bed systems and associated treatment units, and holding tanks, and shall not include sewage treatment plants.

"WELLHEAD PROTECTION AREA", is the area around a municipal drinking water supply well where certain land use activities may have the potential to affect the quality or quantity of water that flows into that well. The location and vulnerability of Wellhead Protection Areas is identified through the Source Protection Plans approved in accordance with Clean Water Act, 2006.

Section 5. – General Provisions

Section 5.1.1.4.1- amend this section to introduce an additional provision to prohibit a Quonset hut as an accessory building for a residential use.

New section vii) is proposed to be added:

vii) a Quonset hut shall not be permitted as an accessory structure within a residential zone.
**Delete Section 5.4 – Dwelling Units Below Grade**

No dwelling unit shall in its entirety be located in a cellar. If any portion of a dwelling unit is located in a cellar, such portion of the dwelling unit shall be used as a furnace room, laundry room, storage room, recreation room, or for a similar use only and shall not be used for sleeping accommodation.

However, a dwelling unit, in its entirety may be located in a basement provided the finished floor level of such basement is not below the level of the sanitary or storm sewer serving the building or structure in which such basement is located and provided further, that the floor level of such basement is not more than 1.2 m below the adjacent finished grade.

In an effort to provide more opportunities for affordable rental opportunities for basement apartments, it is recommended that this section be removed. A number of apartment dwellings, multiple unit dwellings and dwelling units in non-residential buildings in the recent past have sought relief of this provision. The Town Building Department has indicated that it is more appropriate to rely on the provisions of the Ontario Building Code to ensure that all lower-level apartments are safe.

**Section 5.11- Groundwater Recharge Areas**

In an effort to provide more opportunities for affordable rental opportunities for basement apartments, it is recommended that this section be removed. A number of apartment dwellings, multiple unit dwellings and dwelling units in non-residential buildings in the recent past have sought relief of this provision. The Town Building Department has indicated that it is more appropriate to rely on the provisions of the Ontario Building Code to ensure that all lower-level apartments are safe.

**Section 5.24.2.1- Table 5.24.2.1- Parking Standards**

Include a pet grooming business in the business parking uses (1 parking space per 20 m² (215.3 ft²) of gross floor area)

Include a retirement home under residential uses, require parking at 1 space per dwelling unit.

**Section 5.24.3- Table 5.24.3- Location and Setback of Parking Areas**

Currently, parking areas and driveways are required to be 1.2 m (3.9 ft) from an interior lot line for single detached dwellings, duplex dwellings, and converted dwellings.

To provide greater flexibility, it is proposed that this be reduced to 1.0 m (3.3 ft). This would still provide sufficient space to open the door of an automobile.

**Section 5.37, Table 5.37.1- Permitted Projections into Required Yards**

Staff are recommending this section be modified with a review to reduce the number of minor variances going forward by permitting as of right...
Staff have reviewed minor variance applications and approvals given in the past 10 years, and a majority of them relate to permitted encroachments into required yards for many purposes, including decks, covered decks and sunrooms.

Many of the approvals that have been sought and approved. Proposed Changes include:

- Accessible ramps be permitted to extend to the street line;
- Fireplaces would be permitted to encroach into a required interior side yard the same as other heating/cooling equipment;
- Architectural features that are a minimum of 2 m (6.56 ft) above average grade would be permitted to have a nil setback to any lot line;
- Retractable canopies & awnings would be permitted to be located within 3 m (9.8 ft) of any lot line;
- Uncovered decks exceeding 0.6 m (2 ft) but less than 1.2 m (4 ft) in average height would be permitted within 3 m (9.8 ft) of any lot line;
- Uncovered decks exceeding 1.2 m (4 ft) in average height would be permitted to be located within 3.8 m (12.4 ft) of any lot line.

The following provisions are proposed to be included in the By-Law to implement the approved Long Point Region Source Protection Plan.

**Sourcewater Protection Provisions**

The current Zoning By-Law predates the approval of the Long Point Region Source Protection Plan, and under the Clean Water Act, Zoning By-Laws are required to be consistent with an approved Source Protection Plan.

**Sourcewater Protection Areas**

**Identification of Sourcewater Protection Zones**

Sourcewater protection overlay zones represent *Wellhead Protection Areas* (WHPAs) and the associated level of vulnerability for municipal water sources serving the Town.

Within these overlay zones, a notice from the Risk Management Official in accordance with the Clean Water Act, 2006 may be required prior to approval of any Planning Act or Building Permit application.

A WHPA illustrates three time-related capture zones including a 100-metre radius
surrounding the well (WHPA-A), 2 year travel time for water to enter the well (WHPA-8), and 5 year travel time for water to enter the well (WHPA-C). The degree of vulnerability of a WHPA is represented by a vulnerability score. The vulnerability score can have a value of up to 10, which is the most vulnerable.

Sourcewater Protection Zone 1 shall apply to those lands that are identified as a WHPA with a vulnerability score of 10.

Sourcewater Protection Zone 2 shall apply to those lands that are identified as a WHPA with a vulnerability score of 10, as well as lands within a 5 year time of travel zone (WHPA-C).

**Use Prohibition and Restrictions in Sourcewater Protection Zones 1 & 2**

Notwithstanding the provisions of the underlying zone, any land use, except a solely residential land use, that involves one of the following significant drinking water threat activities, shall be prohibited within Sourcewater Protection Zones 1 & 2 until a Section 59 Notice has been issued by the Risk Management Official (RMO) in accordance with the Clean Water Act, 2006, or the RMO has indicated that the activity will not be a significant drinking water threat.

- Waste disposal sites within the meaning of Part V of the Environmental Protection Act.
- The establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage.
- The application of agricultural source material to land.
- The storage and/or management of agricultural source material.
- The application of non-agricultural source material to land.
- The handling and/or storage of non-agricultural source material.
• The application of commercial fertilizer to land.
• The handling and/or storage of commercial fertilizer.
• The application of pesticide to land.
• The handling and/or storage of pesticide.
• The application, handling and/or storage of road salt.
• The storage of snow.
• The handling and storage of fuel.
• The handling and storage of a dense non-aqueous phase liquid.
• The handling and storage of an organic solvent.
• The management of runoff that contains chemicals used in the de-icing of aircraft.
• An activity that takes water from an aquifer or a surface water body without returning the water taken to the same aquifer or surface water body.
• An activity that reduces the recharge of an aquifer.
• The use of land as livestock grazing or pasturing land, an outdoor confinement area or farm-animal yard.

SEPTIC SYSTEMS AND HOLDING TANKS WITHIN SOURCEWATER PROTECTION ZONE 1

Notwithstanding the provisions of the underlying zone, any land use that involves one of the following significant drinking water threat activities, shall be prohibited within Sourcewater Protection Zone 1.

• A new or replacement small on-site septic system and/or holding tank shall be located on the same property but, where possible, outside of the Sourcewater Protection Zone 1, to the satisfaction of the RMO.
• A large on-site septic system and/or holding tank that would be a significant drinking water threat, as determined by the RMO.
### Section 6.2 - R1 & R1A Zone Provisions

| **Current maximum lot coverage for R1 Properties is 33%, and 35% for R1A properties.** | **Staff have reviewed previously approved minor variances and zoning applications, and given that R1 & R1A lots are generally larger, are recommending increasing the maximum lot coverage to 35% for R1 properties and 37% for R1A properties. This is expected to allow some minor projects such as covered decks, sunrooms and small accessory buildings to proceed without a minor variance.** |

### Section 9 - Medium Density Residential Zone

| **Staff are recommending that a retirement home be included as an additional permitted use, subject to the provisions of an apartment dwelling.** |

### Section 10 - High Density Residential Zone

| **Staff are recommending that a retirement home be included as an additional permitted use, subject to the provisions of an apartment dwelling.** |

### Section 12 - Entrepreneurial Zone

| **Staff are recommending that a pet grooming business and retirement home be included as additional permitted uses.** |

### Section 13 - Central Commercial Zone

| **Staff are recommending that a pet grooming business, microbrewery, retail pet store and retirement home be included as additional permitted uses.** |

### Section 14 - Service Commercial Zone

| **Staff are recommending that a donated goods retail store, pet grooming business, microbrewery, retail pet store and retirement home be included as additional permitted uses.** |

### Section 15 - Neighbourhood Commercial Zone

| **Staff are recommending that a pet grooming business be included as an additional permitted use.** |

### Section 19 - Minor Institutional Zone

| **There is a maximum gross floor area of 650 m² (7,000 ft²) for a place of worship. Staff are recommending that a retirement home be included as an additional permitted use. Staff are recommending that this maximum gross floor area be removed as there is a general trend towards consolidation and larger places of worship. In the past 5 years, relief of this provision has been sought three times. Eliminating this provision would potentially eliminate the requirement to obtain a minor variance to construct a new place of worship or an addition to an existing place of worship.** |

### Section 20 - Major Institutional Zone

| **Staff are recommending that a retirement home be included as an additional permitted use.** |

### R1, R2, R3, RM, RH, EC, SC, CC, NC

| **Staff are recommending that all minimum gross floor area provisions be removed to facilitate more modest or affordable housing options. The minimum gross floor area for a dwelling unit would be** |
Other Changes

<table>
<thead>
<tr>
<th>Description</th>
<th>Details</th>
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<tbody>
<tr>
<td>References to Oxford County Board of Health</td>
<td>References to Oxford County Board of Health will be replaced with the Town of Tillsonburg (for references related to septic systems) or Southwestern Public Health, as appropriate.</td>
</tr>
<tr>
<td>Minor Mapping Changes and Special Provision Renumbering</td>
<td>A number of Special Provisions are proposed to be renumbered if they are duplicated or deleted if they are redundant. All existing permissions granted by Council will be preserved.</td>
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<tr>
<td>Source Protection Mapping</td>
<td>In accordance with the Source Protection Plan, the identification of Source Protection Zones will be added to the Schedule A of the Zoning By-Law.</td>
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Application Review

2020 Provincial Policy Statement

The 2020 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. In particular, the PPS focuses growth within settlement areas and promotes efficient development patterns that optimize the use of land, resources and public investment in infrastructure and public service facilities.

Section 1.1.1 of the PPS 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, Section 1.1.3.2 directs that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and existing infrastructure and public service facilities. A range of uses and opportunities for intensification and redevelopment should also be promoted where it can be accommodated in settlement areas.

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.
The proposed amendments are intended to provide more flexibility for housing types and to encourage alternative housing sizes to diversify the range of affordable housing options within the Town. Further, the proposed amendments will support alternative housing options by eliminating minimum dwelling unit sizes and permitting dwelling units below grade, which are regulated through the Ontario Building Code (OBC).

**Official Plan**

No specific sections of the Official Plan are impacted as the proposed amendment deals with a number of minor changes as required to the Zoning By-law to correct errors and incorrect references within various sections of the By-law. The uses proposed to be added (retirement home, microbrewery, retail pet store, pet grooming business, donated goods retail store) have been determined to be in-keeping with the relevant policies of the Official Plan.

**Zoning By-law**

The proposed amendment impacts all sections of the Zoning By-law, to correct errors, incorrect references to the General Provisions and omissions that have occurred since the drafting of the existing By-law.

**Agency Comments**

The application was circulated to those agencies considered to have an interest in the proposal. The Town Building & By-Law Services Department commented that the proposed changes will improve the clarity and interpretation of the Zoning By-Law and will provide additional as-of-right opportunities, and as such is supportive of the proposed amendments.

The Town Engineering Services Department & Oxford County Public Works Department indicated they had no concern with the proposed changes.

**Public Consultation**

Notice of the zone change application was posted in the Tillsonburg Independent, Oxford Review and Norfolk & Tillsonburg News on two (2) occasions, being February 12, 2020 and January 5, 2021, in accordance with the requirements of the Planning Act. To date, staff have been contacted by a number of residents expressing support for the removal of the minimum gross floor area and prohibition on dwelling units below grade.

**Planning Analysis**

The application proposes a number of general amendments to the Zoning By-Law to correct minor errors and provide clarification to text and mapping schedules. In addition, a number of amendments are proposed to incorporate various changes to legislation and update a number of provisions based on recent development activity and planning application volumes.

The proposed changes are a result of examining historical planning application types and volumes and daily experience with the Zoning By-Law, in consultation with the Town Building Department. Furthermore, the proposed amendments will increase the ‘as of right’ provisions related to
permitted encroachments for decks, covered decks and patios, increased lot coverage for ‘R1’ & ‘R1A’ properties, and correct other oversights that have become apparent since the Zoning By-Law was originally drafted.

The inclusion of additional permitted uses in commercial zones is in conformity with the relevant policies of the Official Plan; the proposed uses to be added to the Service Commercial Zone represent uses that have already been permitted (such as donated goods retail store) or uses that are automobile-oriented and serve the travelling public.

The incorporation of the proposed Sourcewater Protection provisions as required by the Long Point Source Protection Plan will implement the provisions of the Source Protection Plan and will provide greater disclosure of properties that could represent a drinking water threat. With the implementation of the Sourcewater Protection provisions, the provisions relating to Groundwater Recharge Areas can be removed from the By-Law as they are redundant.

It should be noted that the proposed mapping changes to correct duplication and correct erroneous cross references will not eliminate any ‘as of right’ uses or previous zoning approvals given by Council.

It is the opinion of this Office that the proposed rezoning application is consistent with the policies of the Provincial Policy Statement and is in keeping with the policies of the County Official Plan. As such, Planning staff are recommending approval-in-principle of the proposed housekeeping amendment so that the applicable Zoning By-Law schedules can be prepared following consultation with the public and Council consideration.

**RECOMMENDATION**

It is recommended that the Council of the Town of Tillsonburg approve-in-principle the proposed Zoning By-law amendment (File ZN 7-20-01) to introduce “housekeeping” amendments to Town Zoning By-law No. 3295.

**SIGNATURES**

Authored by: original signed by
Eric Gilbert, MCIP, RPP
Senior Planner

Approved for submission: original signed by
Gordon K. Hough, RPP
Director