

The Corporation of the Town of Tillsonburg

Council Planning Meeting

AGENDA



Monday, June 21, 2021

4:30 PM

Electronic Meeting

1. **Call to Order**

2. **Adoption of Agenda**

Proposed Resolution #1

Moved By: _____

Seconded By: _____

THAT the Agenda as prepared for the Council Planning meeting of June 21, 2021, be approved.

3. **Disclosures of Pecuniary Interest and the General Nature Thereof**

4. **Adoption of Council Planning Minutes of Previous Meeting**

Proposed Resolution #2

Moved By: _____

Seconded By: _____

THAT the minutes of the Council Planning meeting held on May 17, 2021, be approved.

5. **Public Meetings**

Proposed Resolution #3

Moved By: _____

Seconded By: _____

THAT Council move into the Committee of Adjustment to hear applications for Minor Variance at ____ p.m.

5.1. **Application for Minor Variance A12-21 (Broer)**

Proposed Resolution #4

Moved By: _____

Seconded By: _____

THAT the Committee of Adjustment approve Application File A12-21, submitted by Etty Broer, for lands described as Lot 1, Plan 41M-87, Town of Tillsonburg, as it relates to:

1. Section 6.5.3.2.6- R1-3 Zone – Rear Yard Minimum Depth, to reduce the required minimum rear yard depth from 10 m (32.8 ft) to 7.7 m (25.3 ft), to facilitate the construction of a sunroom addition to an existing single detached dwelling.

Subject to the following conditions:

- i. A building permit for the proposed sunroom addition shall be issued within one year of the date of the Committee's decision;
- ii. The granted relief shall only apply to facilitate the construction of a sunroom addition in a location and manner as depicted on Plate 3 of Report CP 2021-201.

5.2. Application for Minor Variance A13-21 (Marleau and Kitching)

Proposed Resolution #5

Moved By: _____

Seconded By: _____

THAT the Committee of Adjustment approve Application File A13-21, submitted by Randy Marleau, Teresa Marleau & Robert Kitching, for lands described Part Block A, Plan 966, Part 3 of 41R-9192, Town of Tillsonburg, as it relates to:

1. Section 6.5.25.2.1.2- R1-25 Zone – Rear Yard Minimum Depth, to reduce the required minimum rear yard depth from 3 m (9.8 ft) to 1.2 m (3.9 ft), to facilitate the construction of a detached secondary dwelling unit.

Subject to a building permit for the proposed secondary dwelling being issued within one year of the date of the Committee's decision.

Proposed Resolution #6

Moved By: _____

Seconded By: _____

THAT Council move out of the Committee of Adjustment and move back into regular Council session at ____ p.m.

5.3. Applications for Redline Amendment to Draft Plan of Subdivision and Zone Change 32T-07006 and ZN 7-21-05 (Performance Communities Realty Inc. and Lindprop Corporation)

Proposed Resolution #7

Moved By: _____

Seconded By: _____

THAT Council approve in principle the zone change application (File No. ZN 7-21-05) submitted by Performance Communities Realty Inc & Lindprop Corporation, for lands legally described as Lot 5, Concession 10 (Dereham), Parts 1-6 of 41R-10049 in the Town of Tillsonburg, to rezone the lands Special Low Density Residential Type 1A Holding Zone, Special Low Density Residential Type 2 Holding Zone, Special Low Density Residential Type 3 Holding Zone, Passive Use Open Space Zone, & Active Use Open Space Zone to facilitate the proposed draft plan of subdivision;

AND THAT Council advise County Council that the Town supports the application for redline amendments to draft plan of subdivision, File No. 32T-07006, submitted by Performance Communities Realty Inc & Lindprop Corporation, for lands legally described as Lot 5, Concession 10 (Dereham), Parts 1-6 of 41R-10049, consisting of 71 single detached dwellings, 45 lots for 202 street fronting townhouse dwellings, one stormwater management block, two park blocks and two pedestrian walkway blocks, served by 5 new local streets, subject to the conditions of draft approval as outlined in Staff Report CP 2021-203.

5.4. Applications for Official Plan Amendment and Zone Change OP 21-04-7 and ZN 7-21-04 (Town of Tillsonburg)

Proposed Resolution #8

Moved By: _____

Seconded By: _____

THAT Council support the application to amend the Oxford County Official Plan (File No. OP 21-04-7), initiated by the Town of Tillsonburg, to amend Section 8.3.2.3.1 to expand the extent of the current prohibition on ground floor residential development in the Central Business District; and,

THAT Council approve in principle the zone change application (File No. ZN 7-21-04), initiated by the Town of Tillsonburg, to amend the provisions of Section 13.2.2 (CC Zone) to expand the extent of the current prohibition on ground floor residential development within the 'Central Commercial Zone (CC)'.

6. Planning Reports

7. New Business

8. Motions/Notice of Motions

9. By-Laws

9.1. A By-Law to amend Zoning By-Law Number 3295, as amended (ZN 7-21-07)

Proposed Resolution #9

Moved By: _____

Seconded By: _____

THAT A By-Law to amend Zoning By-Law Number 3295, as amended (ZN 7-21-07), be read for a first, second, third and final reading and that the Mayor and the Clerk be and are hereby authorized to sign the same, and place the corporate seal thereunto.

10. Confirm Proceedings By-law

Proposed Resolution #10

Moved By: _____

Seconded By: _____

THAT By-Law 2021-066, to Confirm the Proceedings of the Council Planning meeting held on June 21, 2021, be read for a first, second, third and final reading and that the Mayor and the Clerk be and are hereby authorized to sign the same, and place the corporate seal thereunto.

11. Adjournment

Proposed Resolution #11

Moved By: _____

Seconded By: _____

THAT the Council Planning meeting of June 21, 2021 be adjourned at ____ p.m.

The Corporation of the Town of Tillsonburg

Council Planning Meeting

MINUTES



Monday, May 17, 2021
4:30 PM
Electronic Meeting

ATTENDANCE: Mayor Molnar
Deputy Mayor Beres
Councillor Esseltine
Councillor Gilvesy
Councillor Luciani
Councillor Parker
Councillor Rosehart

Staff: Kyle Pratt, Chief Administrative Officer
Michelle Smibert, Director of Corporate Services/Clerk
Eric Gilbert, Senior Planner
Amelia Jaggard, Deputy Clerk

Regrets: Carlos Reyes, Director of Operations and Development

1. Call to Order

The meeting was called to order at 4:30 p.m.

2. Adoption of Agenda

Resolution # 2021-236

Moved By: Councillor Esseltine

Seconded By: Councillor Luciani

THAT the Agenda as prepared for the Council Planning meeting of May 17, 2021, be approved.

Carried

3. Disclosures of Pecuniary Interest and the General Nature Thereof

No disclosures of pecuniary interest were declared.

4. Adoption of Council Planning Minutes of Previous Meeting

Resolution # 2021-237

Moved By: Councillor Rosehart

Seconded By: Councillor Gilvesy

THAT the minutes of the Council Planning meeting held on April 19, 2021, be approved.

Carried

5. Public Meetings

Resolution # 2021-238

Moved By: Councillor Parker

Seconded By: Councillor Luciani

THAT Council move into the Committee of Adjustment to hear applications for Minor Variance at 4:32 p.m.

Carried

**5.1 Application for Minor Variance Supplementary Report A05-21
(Wrenmark Limited)**

Eric Gilbert, Senior Planner, Oxford County, appeared before Council to provide an overview of the application. This application was deferred from the April 19, 2021 Council Planning meeting. Public notice was recirculated. Staff recommend approval of the application.

Opportunity was provided for comments and questions from Council.

It was asked what the purpose is of the 12.5 meter distance requirement between multiple unit dwellings on one lot. Staff noted this was included when the policy was approved in 2008. This relief has been granted as recently as January 2021. Staff suggested this is a requirement that the Town could consider removing in a future housekeeping update.

Staff confirmed that if this application is not approved the owner can build a different design with eight units.

The agents, Pablo Willis and Matt May, were in attendance to provide support for the application.

Mr. Willis indicated the agents offered to meet with individuals who wished to discuss their concerns. Mr. Willis noted that the land is private property and that there has been illegal parking happening. If the application is not approved the owner intends to build eight unit townhouses; this design will require more trees to be removed and will leave less greenspace. This design will also result in higher rental costs compared to the ten unit design included in this application. Mr. Willis shared the site plans for the proposed design and the alternate design should the application not be approved.

Mr. Willis confirmed the proposed ten unit design includes two bedroom units that are approximately 998 square feet. The amount of parking is the same for both the eight unit design and the ten unit design.

No members of the public appeared before Council in support of the application.

Kristopher Witta, 21 Wren Court, Tillsonburg, appeared before Council in opposition to the application. Mr. Witta indicated the owner did send a letter to himself and others offering an opportunity to present any feedback to the owners regarding the development. Mr. Witta indicated himself and other residents of Wren Court, are opposed to a building being built and noted concerns regarding loss of greenspace, road safety and emergency vehicle access. Mr. Witta's wife Marcia, appeared before Council in opposition to the application.

Deputy Mayor Beres joined the meeting at 5:17 p.m.

Maggie Westlake, 15 Wren Court, Tillsonburg, appeared before Council in opposition to the application. Ms. Westlake noted her concerns regarding road safety and potential loss of greenspace.

Doug Shwaluk, 11 Wren Court, Tillsonburg, appeared before Council in opposition to the application. Mr. Shwaluk noted his concerns regarding emergency vehicle access and road safety.

No other members of the public appeared in opposition to the application.

Staff confirmed the Rolling Meadows development met the 5% parkland dedication requirement.

Staff confirmed the subject lands were severed in 1970 when the other lots within the Rolling Meadows development were created. Staff shared the site plan for the Rolling Meadows development.

Staff to confirm if there are plans for sidewalks at Wren Court.

Resolution # 2021-239

Moved By: Councillor Luciani

Seconded By: Councillor Esseltine

THAT the Committee of Adjustment approve Application File A05/21 submitted by Wrenmark Limited, for lands described as Lot 135, Plan M-16, Town of Tillsonburg, as it relates to:

1. Relief from Section 9.2 - RM Zone Provisions – Exterior Side Yard, to reduce the minimum required exterior side yard width from 7.5 m (24.6 ft) to 6.42 m (21 ft);
2. Relief from Section 5.24.3 - Table 5.24.3 - Location and Setback Requirements for Parking Areas, to permit parking in the front yard and exterior side yard, in lieu of the rear yard or interior side yard, to facilitate the construction of two 2-storey multiple unit dwellings;
3. Relief from Section 9.2.1- Distance Between Multiple Unit Dwellings on One Lot, to reduce the minimum distance between the exterior walls of two multiple unit dwellings from 12.5 m (41 ft) to 3.6 m (11.8 ft).

Councillor Rosehart called for a recorded vote.

Councillor Rosehart - No

Deputy Mayor Beres - No

Councillor Esseltine - No

Councillor Gilvesy - No

Councillor Luciani - No

Mayor Molnar - No

Councillor Parker - No

Defeated.

5.2 Application for Minor Variance A09-21 (2385667 Ontario Limited)

Eric Gilbert, Senior Planner, Oxford County, appeared before Council to provide an overview of the application. Staff recommend approval of the application.

Opportunity was provided for comments and questions from Council.

Staff noted the requested relief only applies to northeast corner of lot.

Staff confirmed the Town's Zoning By-Law requires two parking spaces per dwelling and sets the depth requirement.

Negar Javaherian, agent, was in attendance to provide support for the application.

No members of the public appeared before Council either in support of or opposition to the application.

Resolution # 2021-240

Moved By: Councillor Parker

Seconded By: Councillor Gilvesy

THAT the Committee of Adjustment approve Application File A09-21, submitted by 2385667 Ontario Limited, for lands described as Lot 42, Draft Plan SB 18-02-7, Town of Tillsonburg, as it relates to:

1. Relief of Section 7.2, R2 Zone Provisions – Front Yard, Minimum Depth, to decrease the minimum required front yard depth from 6.0 m (19.7 ft) to 4.39 m (14.4 ft), to facilitate the construction of a single detached dwelling.

Subject to the following conditions:

- a) The applicant shall obtain a building permit for the proposed single detached dwelling within one year of the date of the Committee's Decision.
- b) That the proposed relief shall only apply upon registration of Draft Plan of Subdivision SB 18-02-7.

Carried

5.3 Application for Minor Variance A10-21 (E & E McLaughlin Limited)

Eric Gilbert, Senior Planner, Oxford County, appeared before Council to provide an overview of the application. Staff recommend approval of the application.

Opportunity was provided for comments and questions from Council.

The applicant was not in attendance.

No members of the public appeared before Council either in support of or opposition to the application.

Resolution # 2021-241

Moved By: Councillor Gilvesy

Seconded By: Councillor Rosehart

THAT the Committee of Adjustment approve Application File A10-21, submitted by E & E McLaughlin Limited, for lands described as Lot 2, Plan 41M-205, Town of Tillsonburg, as it relates to:

1. Relief from Table 7.2 – R2 Zone Provisions, to reduce the minimum required lot depth from 30 m (98.4 ft) to 26.5 m (86.9 ft), to facilitate the construction of a future single detached dwelling.

Subject to the applicant obtaining a building permit for the proposed single detached dwelling within one year of the date of the Committee's Decision.

Carried

5.4 Application for Minor Variance A11-21 (Dalm Construction Limited)

Eric Gilbert, Senior Planner, Oxford County, appeared before Council to provide an overview of the application. Staff recommend approval of the application.

Opportunity was provided for comments and questions from Council.

Hayden Diamond, Dalm Construction Limited, was in attendance to provide support for the application.

No members of the public appeared before Council either in support of or opposition to the application.

Resolution # 2021-242

Moved By: Councillor Esseltine

Seconded By: Councillor Parker

THAT the Committee of Adjustment approve Application File A11-21, submitted by Dalm Construction Limited, for lands described as Lot 1, Plan 41M-218, in the Town of Tillsonburg, as it relates to:

1. Relief from Section 6.2 - R1 Zone Provisions, to increase the maximum permitted lot coverage from 35% to 38%, to facilitate the construction of a single detached dwelling on the subject lands.

Subject to the applicants obtaining a building permit for the proposed single detached dwelling within one year of the date of the Committee's Decision.

Carried

Resolution # 2021-243

Moved By: Councillor Rosehart

Seconded By: Councillor Gilvesy

THAT Council move out of the Committee of Adjustment and move back into regular Council session at 6:18 p.m.

Carried

6. Planning Reports

6.1 Application for Consent and Minor Variance B21-07-7; A21-02-7 (Andrew Leliveld and Meagan Nicolson)

Eric Gilbert, Senior Planner, Oxford County, appeared before Council to provide an overview of the application.

Opportunity was provided for comments and questions from Council.

Resolution # 2021-244

Moved By: Deputy Mayor Beres

Seconded By: Councillor Luciani

THAT Council advise the Oxford County Land Division Committee that the Town supports Minor Variance Application A21-02-7 submitted by Andrew Leliveld and Meagan Nicolson for lands described as Lot 9, Plan 500, in the Town of Tillsonburg, as it relates to:

1. Relief from Section 7.2, Table 7.2 – R2 Zone Provisions, to reduce the minimum lot depth from 30 m (98.4 ft) to 22.8 m (74.8 ft) for the lots to be severed and retained;
2. Relief from Section 7.2, Table 7.2 – R2 Zone Provisions, to reduce the minimum required rear yard depth from 7.5 m (24.6 ft) to 5.0 m (16.4 ft) for the lot to be retained;

AND FURTHER THAT Council advise the Oxford County Land Division Committee that the Town supports the proposal to sever the subject property, subject to the conditions contained in Oxford County Staff Report CP 2021-141.

Carried

7. New Business

8. Motions/Notice of Motions

9. By-Laws

10. Confirm Proceedings By-law

Resolution # 2021-245

Moved By: Councillor Parker

Seconded By: Councillor Luciani

THAT By-Law 2021-056, to Confirm the Proceedings of the Council Planning meeting held on May 17, 2021, be read for a first, second, third and final reading and that the Mayor and the Clerk be and are hereby authorized to sign the same, and place the corporate seal thereunto.

Carried

11. Adjournment

Resolution # 2021-246

Moved By: Councillor Gilvesy

Seconded By: Councillor Rosehart

THAT the Council Planning meeting of May 17, 2021 be adjourned at 6:23 p.m.

Carried

**Community Planning**

P. O. Box 1614, 21 Reeve Street

Woodstock Ontario N4S 7Y3

Phone: 519-539-9800 • Fax: 519-421-4712

Web site: www.oxfordcounty.caOur File: **A12-21****APPLICATION FOR MINOR VARIANCE**

TO: Town of Tillsonburg Committee of Adjustment
MEETING: June 21, 2021
REPORT NUMBER: 2021-201

OWNERS/ APPLICANT: Etty Broer
 9 Dereham Drive, Tillsonburg ON, N4G 5L8

REQUESTED VARIANCE:

1. **Section 6.5.3.2.6- R1-3 Zone – Rear Yard Minimum Depth**, to reduce the required minimum rear yard depth from 10 m (32.8 ft) to 7.7 m (25.3 ft), to facilitate the construction of a sunroom addition to an existing single detached dwelling.

LOCATION:

The subject property is described as Lot 1, Plan 41M-87, in the Town of Tillsonburg. The property is located on the north side of Dereham Drive, between Wilson Avenue and Denrich Avenue and is municipally known as 9 Dereham Drive.

BACKGROUND INFORMATION:

COUNTY OF OXFORD OFFICIAL PLAN:

Schedule 'T-1'	Town of Tillsonburg Land Use Plan	Residential
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Schedule 'T-2'	Town of Tillsonburg Residential Density Plan	Low Density Residential
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TOWN OF TILLSONBURG ZONING BY-LAW:

Special Low Density Residential Type 1 Zone (R1-3)

SURROUNDING USES:

Predominately low density residential uses to the east, west and south, with an open space area to the north.

COMMENTS:**(a) Purpose of the Application:**

The applicant is requesting relief from the above-noted section of the Town Zoning By-law to facilitate the construction of sunroom addition by enclosing an existing covered deck on the subject lands. Specifically, the existing covered deck will be fully enclosed to function as a sunroom, approximately 23.68 m² (255 ft²) in size.

The subject property is approximately 541.3 m² (5,827 ft²) in size, with approximately 17.1 m (56 ft) of frontage on Dereham Drive. The subject lands contain an existing single detached dwelling (circ. 1992).

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

Plate 2, Close-up of Subject Lands (2015 Air Photo) provides an aerial view of the subject lands (as they existed in 2015).

Plate 3, Applicant's Sketch, shows the location, size and setbacks of the existing dwelling and proposed sunroom addition on the subject lands.

(b) Agency Comments:

The application was circulated to a number of public agencies. No comments were received from the agency circulation.

(c) Public Consultation:

Public Notice was provided to surrounding property owners on June 11, 2021 in accordance with the requirements of the Planning Act. As of the writing of this report, no comments or concerns had been received from the public.

(d) Intent and Purpose of the Official Plan:

The subject lands are designated 'Low Density Residential' according to the Official Plan. Within the 'Low Density Residential' designation, permitted land uses primarily consist of low density housing forms including single and semi-detached dwellings, duplexes and street fronting town houses as well as accessory uses thereto. The use of the lands for a single detached dwelling conforms to the 'Low Density Residential' policies of the Official Plan.

(e) Intent and Purpose of the Zoning By-law:

The subject property is zoned 'Special Low Density Residential Type 1 Zone (R1-3)', which permits the development of single detached dwellings, subject to a number of site specific development criteria, such as minimum lot frontage, lot area, lot depth, front yard and rear yard depth, interior side yard width, maximum height and reduced parking space width.

The R1-3 zone requires a minimum rear yard depth of 10 m (32.8 ft); in this instance the proposed sunroom will be located 7.7 m (25.3 ft) from the rear lot line.

The intent of the rear yard depth provision is to ensure that single detached dwellings maintain adequate setback to provide a buffer between neighbouring properties, and to maintain sufficient space for recreation and amenity areas. Rear yard space is also required to be maintained for drainage purposes.

In this case, it is not anticipated that the reduced rear yard depth will have a negative impact on available amenity area of the subject lands, or the necessary lot grading and drainage provisions. The proposed development will encompass and replace an existing deck and sufficient amenity space will remain for the occupants of the dwelling. A lot grading plan will be reviewed as part of the building permit process to ensure the proposal will have no adverse drainage impacts on neighbouring property owners, and that required drainage swales and easements can be appropriately accommodated.

(f) Desirable Development/Use:

It is the opinion of this Office that the applicant's request can be considered minor and desirable for the development of the subject property. As the proposed relief is not anticipated to impact the ability of the property to provide adequate amenity space or negatively impact drainage, the requested relief can be considered minor. Further, staff are satisfied that the proposed relief will add value to the residential dwelling on the subject lands without creating an undesirable precedent for similarly zoned lands in the area and the proposed development will be in keeping with the character of similar type development in the Hickory Hills community. No adverse impacts on surrounding lands uses are anticipated.

In light of the foregoing, it is the opinion of this Office that the requested relief is in keeping with the general intent and purpose of the Official Plan and Town Zoning By-law and can be given favourable consideration.

RECOMMENDATION:

That the Town of Tillsonburg Committee of Adjustment **approve** Application File A12-21, submitted by Etty Broer, for lands described as Lot 1, Plan 41M-87, Town of Tillsonburg, as it relates to:

1. **Section 6.5.3.2.6- R1-3 Zone – Rear Yard Minimum Depth**, to reduce the required minimum rear yard depth from 10 m (32.8 ft) to 7.7 m (25.3 ft), to facilitate the construction of a sunroom addition to an existing single detached dwelling.

Subject to the following conditions:

- i. A building permit for the proposed sunroom addition shall be issued within one year of the date of the Committee's decision;
- ii. The granted relief shall only apply to facilitate the construction of a sunroom addition in a location and manner as depicted on Plate 3 of Report CP 2021-201.

As the proposed variance is:

- (i) deemed to be a minor variance from the provisions of the Town of Tillsonburg Zoning By-law No. 3295;
- (ii) desirable for the appropriate development or use of the land;
- (iii) in-keeping with the general intent and purpose of the Town of Tillsonburg Zoning By-law No. 3295; and
- (iv) in-keeping with the general intent and purpose of the Official Plan.

Authored by:

Eric Gilbert, MCIP, RPP
Senior Planner

Approved for submission by:

Gordon K. Hough, RPP
Director

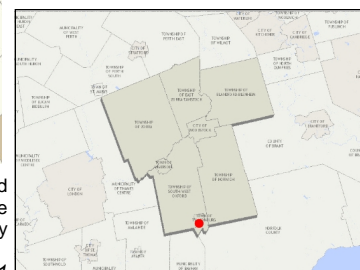
Plate 1: Location Map with Existing Zoning

File No. A-12/21- Broer

Lot 1, Plan 41M-87 - 9 Dereham Drive, Town of Tillsonburg

**Legend**

- Zoning Floodlines
Regulation Limit
- 100 Year Flood Line
 - ▲ 30 Metre Setback
 - Conservation Authority Regulation Limit
 - Regulatory Flood And Fill Lines
 - Land Use Zoning (Displays 1:16000 to 1:500)

Notes

0 26 51 Meters

NAD_1983_UTM_Zone_17N



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey

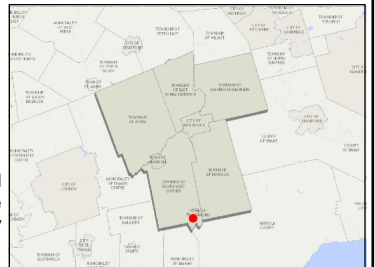
June 8, 2021



Legend

- Zoning Floodlines**
Regulation Limit
- 100 Year Flood Line
 - ▲ 30 Metre Setback
 - Conservation Authority Regulation Limit
 - Regulatory Flood And Fill Lines
 - Land Use Zoning (Displays 1:16000 to 1:500)

Notes



0 13 26 Meters

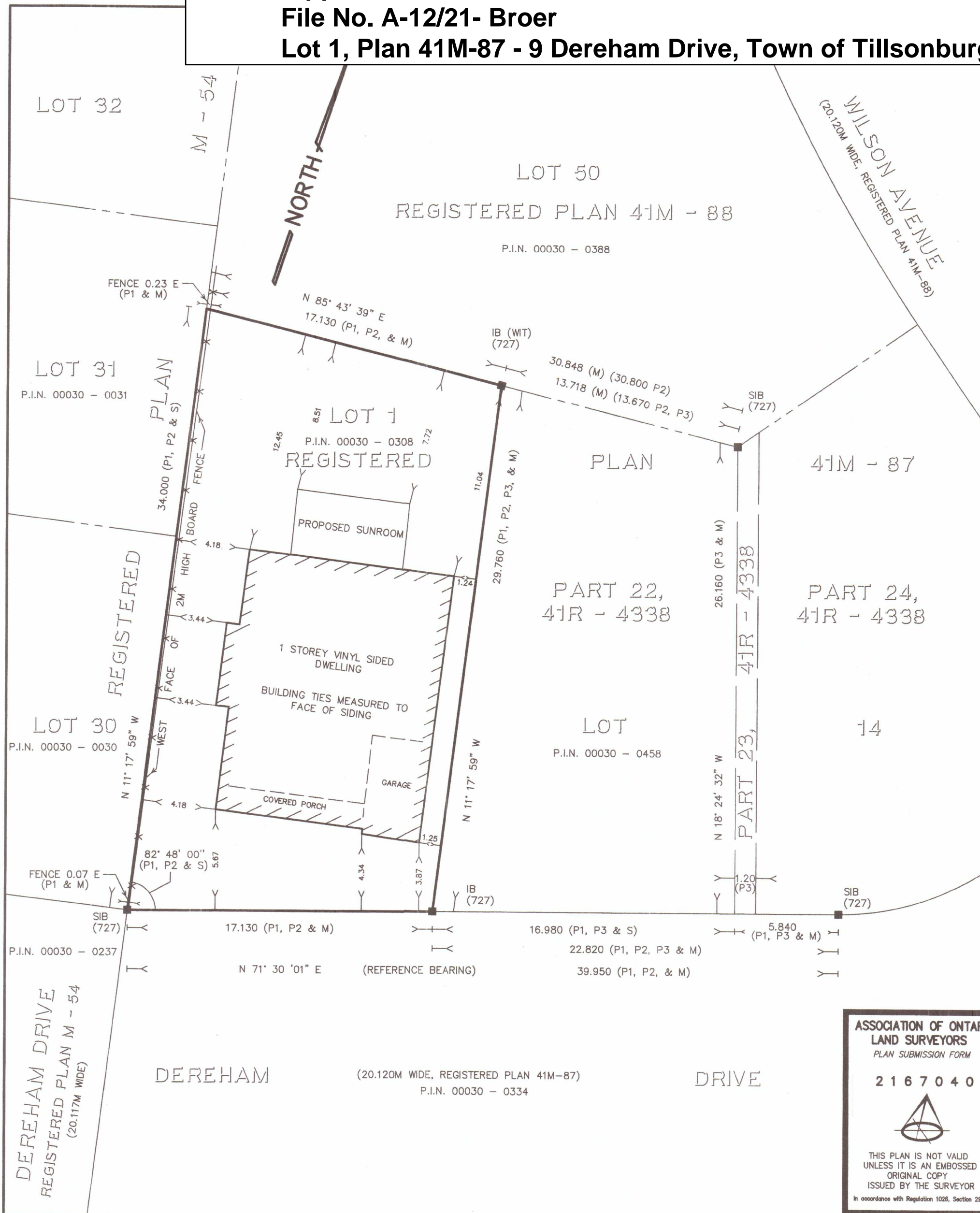
NAD_1983_UTM_Zone_17N



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey

June 8, 2021

Plate 3: Applicant's Sketch
File No. A-12/21- Broer
Lot 1, Plan 41M-87 - 9 Dereham Drive, Town of Tillsonburg



SURVEYOR'S REAL PROPERTY REPORT
OF
LOT 1
REGISTERED PLAN 41M-87
TOWN OF TILLSONBURG
COUNTY OF OXFORD

SCALE 1:200



METRIC

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

KIM HUSTED SURVEYING LTD.

REPORT SUMMARY (TO BE READ IN CONJUNCTION WITH PLAN OF SURVEY)

REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY: NONE REGISTERED

COMPLIANCE WITH MUNICIPAL OFFICIAL PLANS AND

ZONING BY-LAWS: NOT CERTIFIED BY THIS REPORT

ADDITIONAL REMARKS: PROPERTY DESCRIPTION: LOT 1, REGISTERED PLAN 41M-87, TOWN OF TILLSONBURG, COUNTY OF OXFORD, ALL OF P.I.N. 00030-0308

AREA OF LOT = 542.0 SQUARE METRES

AREA OF LOT COVERED BY DWELLING, PORCH, GARAGE, AND PROPOSED SUNROOM = 198.0 SQUARE METRES

COVERAGE = 36.5%

THIS SURVEYOR'S REAL PROPERTY REPORT HAS BEEN PREPARED FOR MARK KLYN AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHERS

SURVEYOR'S CERTIFICATE

I CERTIFY THAT

- (1) - THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM
- (2) - THIS SURVEY WAS COMPLETED ON THE 18th DAY OF MARCH, 2021.

MARCH 21, 2021

DATE

[Signature]
 KIM S. HUSTED
 ONTARIO LAND SURVEYOR

THIS REPORT CAN BE UPDATED BY KIM HUSTED SURVEYING LTD. HOWEVER NO ADDITIONAL PRINTS OF THIS ORIGINAL REPORT WILL BE ISSUED SUBSEQUENT TO THE DATE OF CERTIFICATION

NOTES

- (1) - BEARINGS ARE GRID AND ARE REFERRED TO THE NORTHERLY LIMIT OF DEREHAM DRIVE HAVING A BEARING OF N 71° 30' 01" E
- (2) - BEARINGS SHOWN HEREON CAN BE CONVERTED TO (P2) BY ADDING 00° 15' 59" TO NORTH-EAST AND SUBTRACTING 00° 15' 59" FROM NORTH-WEST

LEGEND

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT SET
SIB	DENOTES	STANDARD IRON BAR
IB	DENOTES	IRON BAR
(M)	DENOTES	MEASURED
(S)	DENOTES	SET
(P.I.N.)	DENOTES	PROPERTY IDENTIFICATION NUMBER
(1582)	DENOTES	KIM HUSTED SURVEYING
(P1)	DENOTES	BUILDING LOCATION SURVEY, BY KIM HUSTED SURVEYING LTD, 86-015(I), DATED FEBRUARY 17, 1992
(P2)	DENOTES	REGISTERED PLAN 41M-87
(P3)	DENOTES	REGISTERED PLAN 41R-4338

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KIM HUSTED SURVEYING LTD.
ONTARIO LAND SURVEYOR
 30 HARVEY STREET, TILLSONBURG, ONTARIO, N4G 3J8
 PHONE: 519-842-3638 FAX: 519-842-3639

PROJECT: 21-16642 REFERENCE: FF8

DISK No.
 646

ASSOCIATION OF ONTARIO
LAND SURVEYORS
 PLAN SUBMISSION FORM

2167040



THIS PLAN IS NOT VALID
 UNLESS IT IS AN EMBOSSED
 ORIGINAL COPY
 ISSUED BY THE SURVEYOR

In accordance with Regulation 1028, Section 29(3)



FORM 1
PLANNING ACT, 1990
APPLICATION FOR MINOR VARIANCE OR PERMISSION
Town of Tillsonburg Committee of Adjustment Fee
\$950.00 (\$1,900.00 - See Note 1 - Page 4)
\$1150.00

Building, By-Law &
Planning Services
10 Lisgar Avenue
Tillsonburg ON
N4G 5A7

For Office Use Only		
PIN#:	ROLL#:	FILE:

The undersigned hereby applied to the Committee of Adjustment for the Town of Tillsonburg under Section 44 of the Planning Act, 1990, for relief, as described in this application form By-Law No. 3295 (as amended).

Name and Address of Owner		Name and Address of Applicant/Agent (if	
Etty Broer 9 Dereham		Etty Broer 9 Dereham	
Postal Code:	Telephone Number:	Postal Code:	Telephone Number:
N4G 5L8	519-913-0553	N4G 5L8	519-913-0553
Email:		Email:	

1. Name and addresses of any mortgagees, holders of charges or other encumbrances:

no mortgage

2. Nature and extent of relief applied for: To be completed by the applicant. (include By-Law Section if known)

To enclose existing ^{roofed} deck at the back of the house into an all seasons room.

Rear yard setback relief

Existing setback 7.85m

Existing lot coverage 36.5%

Proposed setback 7.72m

Proposed lot coverage 40.9%

For office use only

3. Why is it not possible to comply with the Provision of the By-Law?

Hickory Hills has approved the plan of enclosing existing roofed deck.

The shape of the lot causes one corner of the sunroom to be closer to the lot line

4. Legal Description of Subject land:

Lot Number(s) 1-1 Plan Number or Concession M87

Part Number(s) _____ Reference Plan Number _____

Street Address (if any) 9 Dereham

The lot is located on the north side of the Street lying between Dereham Street and Wilson Street

5. Dimensions of land affected:

Frontage 17.13 m Depth (average) 31.88 m
 Area 542 m² Width of Street 20.12 m

6. Particulars of all buildings and structures on or proposed for the subject land: (specify ground floor area, gross floor area, number of storeys, width, length, height, etc.)

Existing: no other structures

Proposed: Sunroom built in place of the existing deck.
See plans
23.68 m² area.

7. Location of all buildings and structures on or proposed for the subject land: (specify distance from side, rear and front lot lines.) Please attach a sketch plan with measurements.

Existing: Roofed deck attached ~~not~~ ready when I purchased
this home

Proposed: Sunroom in place of existing ~~the~~ covered deck
See survey

8. Date of acquisition of subject land: Jan. 29, 2010

9. Date of Construction of all buildings and structures on subject land (if known): _____

10. Existing uses of the subject property my home Residential11. Existing uses of abutting properties: Residential

12. Length of time the existing uses of the subject property have continued:

13. Municipal Services available (please check all appropriate boxes)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Water | <input checked="" type="checkbox"/> Connected |
| <input checked="" type="checkbox"/> Sanitary Sewers | <input checked="" type="checkbox"/> Connected |
| <input checked="" type="checkbox"/> Storm Sewers | |

14. Present Official Plan Provisions applying to the land: _____

15. Present Zoning by-Law provisions applying to the land: _____

16. Has the owner previously applied for relief in respect of the subject property? ☐ Yes ☒ No

If the answer is yes, describe briefly _____
Previous owner for relief
of existing covered deck

17. Is the subject property the subject of a current application for consent under Section 53 of the Planning Act, 1990? ☐ Yes ☒ No

THIS SECTION TO BE COMPLETED IN THE PRESENCE OF A COMMISSIONER FOR TAKING AFFIDAVITS

I/We Mark Klyn of the Town of Tillsonburg
 In the County of Oxford

DO SOLEMNLY DELCIARE THAT: All of the prescribed information contained in the is application is true and that the information contained in the documents that may accompany this application is true and I make the solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath by virtue of the Canada Evidence Act.

DECLARED before me at the Town of Tillsonburg in the County of Oxford.

This 10 day of May, 2021

Owner(s)/Applicant

Owner(s)/Applicant

A Commissioner for Taking affidavits

Helen Ann Johnson, a Commissioner, etc.,
 Province of Ontario, for the Corporation
 of the Town of Tillsonburg.

Expires: March 10, 2023.

For Office use Only

AUTHORIZATION

NOTE: The property owner or the authorized agent must complete the application. Where an agent is making the application, the written authorization of the owner must be completed below. If the application is being made under an agreement of purchase and sale, a copy of the agreement must be attached and will remain confidential.

Authorization of Owner(s) for Applicant/Agent to Make the Application

I/We, Eddy Broer, am/are the owner(s) of the land that is the subject of this application for site plan and I/we authorize Bill Klyn Carpentry Inc. to make this application on my/our behalf.

Signature of Owner(s) E. Broer

Signature of Owner(s) _____

Jan 26, 2021
DATED

Notes:

1. It is required that one original copy of this application and all drawings be filed at the Town's Customer Service Centre, accompanied by a fee of \$950 in cash or cheque made payable to the Town of Tillsonburg. A fee of \$1,900 will be charged if an application is required after the fact.

**Community Planning**

P. O. Box 1614, 21 Reeve Street

Woodstock Ontario N4S 7Y3

Phone: 519-539-9800 • Fax: 519-421-4712

Web site: www.oxfordcounty.caOur File: **A13-21****APPLICATION FOR MINOR VARIANCE**

TO: Town of Tillsonburg Committee of Adjustment
MEETING: June 21, 2021
REPORT NUMBER: 2021-202

OWNERS/ APPLICANT: Randy & Teresa Marleau & Troy Kitching
 30 Old Vienna Road, Tillsonburg ON N4G 3C4

REQUESTED VARIANCE:

1. **Section 6.5.25.2.1.2- R1-25 Zone – Rear Yard Minimum Depth**, to reduce the required minimum rear yard depth from 3 m (9.8 ft) to 1.2 m (3.9 ft), to facilitate the construction of a detached secondary dwelling unit.

LOCATION:

The subject property is described as Part Block A, Plan 966, Part 3 of 41R-9192, in the Town of Tillsonburg. The lands are located on the east side of Old Vienna Road, between Simcoe Street and Van Street, and are municipally known as 30 Old Vienna Road.

BACKGROUND INFORMATION:

COUNTY OF OXFORD OFFICIAL PLAN:

Schedule 'T-1'	Town of Tillsonburg Land Use Plan	Residential & Environmental Protection
Schedule 'T-2'	Town of Tillsonburg Residential Density Plan	Low Density Residential

TOWN OF TILLSONBURG ZONING BY-LAW:

Special Low Density Residential Type 1 Zone (R1-25)

SURROUNDING USES:

Surrounding land uses include low density residential uses fronting on Van Street, with a multiple unit dwelling present to the west, and a 4 unit townhouse development to the north. Big Otter Creek is located to the north and west, and office and industrial uses are to the east.

COMMENTS:**(a) Purpose of the Application:**

The applicants are requesting relief from the above-noted section of the Town Zoning By-law to facilitate the construction of a detached secondary dwelling unit on the subject lands. Town Council approved application ZN 7-21-02 to permit a secondary dwelling unit with a minimum rear yard depth of 3 m (9.8 ft). The applicants are seeking to reduce the required rear yard depth to 1.2 m (3.9 ft).

The proposed secondary dwelling unit will be one storey in height, is proposed to be located to the south-east of the dwelling, and will have an area of 111 m² (1,200 ft²). A small shed is located on the subject lands, with a metal shipping container and wood lean to present on the adjacent road allowance for Vienna Road.

The subject lands have an approximate area of 4,191.8 m² (1.03 ac) and contain an existing single detached dwelling, with an approximate area of 235 m² (2,526 ft²).

Plate 1, Location Map with Existing 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 subject property.

Plate 3, Applicants' Site Plan, depicts the proposed location and size of the secondary dwelling.

Plate 4, Proposed Dwelling, depicts the proposed appearance for the secondary dwelling unit.

Plate 5, Proposed Floor Plan, depicts the proposed floor plan for the secondary dwelling unit.

(b) Agency Comments:

The application was circulated to a number of public agencies. The following comments were received from the agency circulation:

Town of Tillsonburg Building Services provided the following comments:

- A building permit will be required for the proposed secondary dwelling unit
- If approved, designer will need to verify servicing, particularly water and sanitary sewer servicing through the building permit process.
- The existing shipping container and wood lean-to must be removed from the Town's ROW. Applicant has been advised of the non-compliance and timing for removal.

Oxford County Public Works Department indicated that the property will only be permitted one water and sanitary service.

Town of Tillsonburg Engineering Services Department indicated that matters such as lot grading, and drainage will be addressed through the building permit process.

(c) Public Consultation:

Public Notice was provided to surrounding property owners on June 10, 2021 in accordance with the requirements of the Planning Act. As of the writing of this report, no comments or concerns had been received from the public.

(d) Intent and Purpose of the Official Plan:

The subject lands are designated 'Low Density Residential' according to the Official Plan. Within the 'Low Density Residential' designation, permitted land uses primarily consist of low density housing forms including single detached dwellings, duplexes and street fronting town houses as well as accessory uses thereto.

Policies contained within Section 8.2.2.5 – Residential Intensification and Redevelopment, promote residential intensification in appropriate locations to make more efficient use of existing land, infrastructure, and public services. 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.

The use of the lands for a single detached dwelling and secondary dwelling unit conforms to the 'Low Density Residential' policies of the Official Plan.

(e) Intent and Purpose of the Zoning By-law:

The subject property is zoned 'Special Low Density Residential Type 1 Zone (R1-25)', which permits the development of single detached dwelling and a secondary dwelling unit, with a maximum gross floor area of 111 m² (1,200 ft²), and a minimum rear yard depth of 3 m (9.8 ft) for the secondary dwelling unit.

The intent of the rear yard depth provision is to ensure that single detached dwellings and buildings maintain adequate setback to provide a buffer between neighbouring properties, and to maintain sufficient space for recreation and amenity areas. Rear yard space is also required to be maintained for drainage purposes and to ensure that adequate space is provided for normal building maintenance.

In this case, it is not anticipated that the reduced rear yard depth will have a negative impact on available amenity area of the subject lands, or the necessary lot grading and drainage provisions. The proposed secondary dwelling will remain well-separated from any adjacent land uses, and the adjacent lot line is the road allowance for Vienna Road, which has a very generous road allowance width. A lot grading plan will be reviewed as part of the building permit process to ensure the proposal will have no adverse drainage impacts on adjacent properties, and that any required drainage swales can be appropriately accommodated.

(f) Desirable Development/Use:

It is the opinion of this Office that the applicants' request can be considered minor and desirable for the development of the subject property. As the proposed relief is not anticipated to impact the ability of the property to provide adequate amenity space or negatively impact drainage nor negatively impact the ability to maintain the exterior of the proposed secondary dwelling, the requested relief can be considered minor. Further, staff are satisfied that the proposed relief will facilitate an alternative and affordable housing option for current or future residents.

In light of the foregoing, it is the opinion of this Office that the requested relief is in keeping with the general intent and purpose of the Official Plan and Town Zoning By-law and can be given favourable consideration.

RECOMMENDATION:

That the Town of Tillsonburg Committee of Adjustment **approve** Application File A13-21, submitted by Randy Marleau, Teresa Marleau & Robert Kitching, for lands described Part Block A, Plan 966, Part 3 of 41R-9192, Town of Tillsonburg, as it relates to:

1. **Section 6.5.25.2.1.2- R1-25 Zone – Rear Yard Minimum Depth**, to reduce the required minimum rear yard depth from 3 m (9.8 ft) to 1.2 m (3.9 ft), to facilitate the construction of a detached secondary dwelling unit.

Subject to the following condition:

- i. A building permit for the proposed secondary dwelling unit shall be issued within one year of the date of the Committee's decision.

As the proposed variance is:

- (i) deemed to be a minor variance from the provisions of the Town of Tillsonburg Zoning By-law No. 3295;
- (ii) desirable for the appropriate development or use of the land;
- (iii) in-keeping with the general intent and purpose of the Town of Tillsonburg Zoning By-law No. 3295; and
- (iv) in-keeping with the general intent and purpose of the Official Plan.

Authored by:

Eric Gilbert, MCIP, RPP
Senior Planner

Approved for submission by:

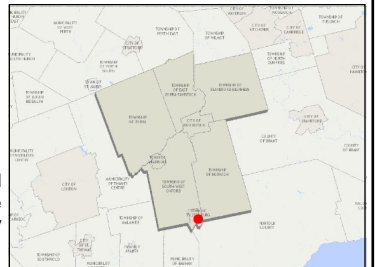
Gordon K. Hough, RPP
Director



Legend

- Zoning Floodlines**
Regulation Limit
- ♦♦ 100 Year Flood Line
 - ▲ 30 Metre Setback
 - *** Conservation Authority Regulation Limit
 - ♦♦♦ Regulatory Flood And Fill Lines
 - Land Use Zoning (Displays 1:16000 to 1:500)

Notes



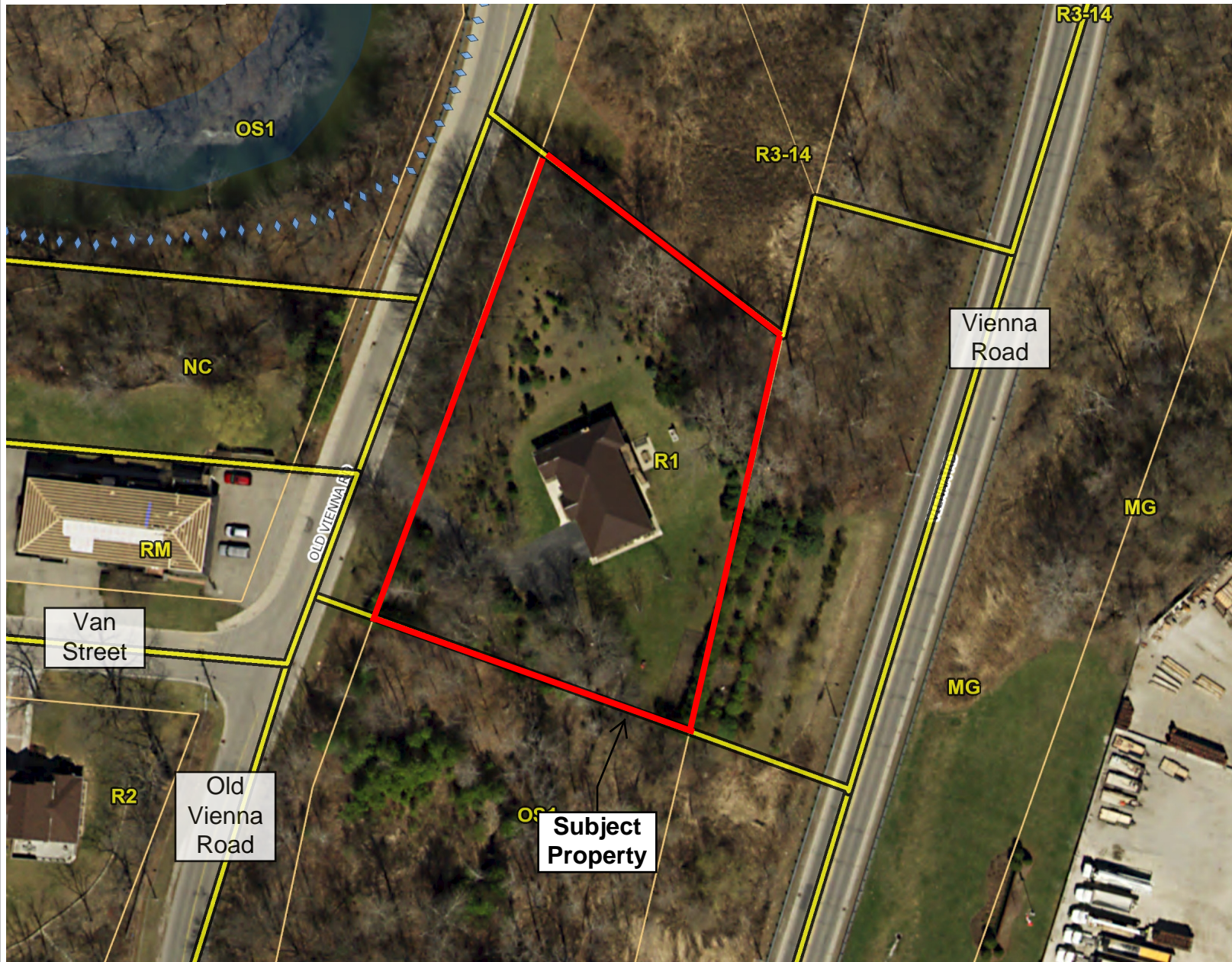
0 51 102 Meters

NAD_1983_UTM_Zone_17N



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey

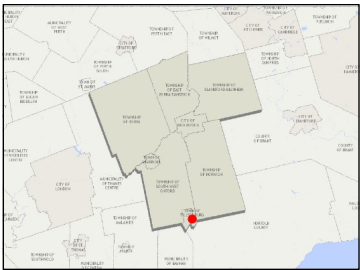
March 1, 2021



Legend

- Zoning Floodlines
- Regulation Limit
- 100 Year Flood Line
- 30 Metre Setback
- Conservation Authority Regulation Limit
- Regulatory Flood And Fill Lines
- Land Use Zoning (Displays 1:16000 to 1:500)

Notes



0 26 51 Meters

NAD_1983_UTM_Zone_17N



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey

March 1, 2021

Plate 3: Applicants' Site Plan
File No. A-13/21- Marleau & Kitching
Part Block A, Plan 966, Part 3 of 41R-9192 - 30 Old Vienna Road, Town of Tillsonburg

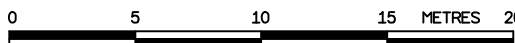
SITE PLAN

PREPARED FOR BUILDING PERMIT
AND LOT GRADING
FOR: TES MARLAEU

CAUTION

- THIS IS NOT A PLAN OF SURVEY OR SURVEYOR'S REPORT AND SHALL NOT BE USED FOR TRANSACTION OR FINANCING PURPOSES
- DO NOT CONVEY FROM THIS PLAN
- THE PROPOSED BUILDING AND ITS LOCATION SHOWN HEREON MAY BE SUBJECT TO CHANGES PRIOR TO CONSTRUCTION. THIS SKETCH SHOULD NOT BE RELIED UPON AS CERTIFICATION THAT THE DWELLING WAS ACTUALLY CONSTRUCTED AS SHOWN.
- ELEVATION OF EXISTING GROUND WATER TABLE AND SOIL CONDITIONS NOT DETERMINED

SCALE 1:300



METRIC

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

NOTES

- (1) - DIMENSIONS ARE AS SHOWN ON PLAN OF SURVEY BY KIM HUSTED SURVEYING LTD. PROJECT: 14-11347SRPR, DATED: APRIL 22, 2015
- (2) - PROPOSED BUILDING POSITIONED BY CALCULATIONS, NOT BY ACTUAL SURVEY
- (3) - PROPOSED FINAL GRADES ARE SHOWN ~~(20.00)~~ AND ARE IN METERS
- (4) - T.F.W. DENOTES TOP OF FOUNDATION WALL
- (5) - U.S.F. DENOTES UNDERSIDE OF FOOTING
- (6) - SITE BENCHMARK TOP OF FOUNDATION AT SOUTH EAST CORNER OF GARAGE OF THE EXISTING DWELLING OF THE SUBJECT PROPERTY HAVING A GEODETIC ELEVATION OF 220.10 metres
- (7) - IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE ELEVATION OF THE UPPER LIMIT OF THE GROUND WATER TABLE, SOIL BEARING CAPACITY AND THE ELEVATION OF THE UNDER SIDE OF FOOTING PRIOR TO EXCAVATION.
- (8) - SEPTIC SYSTEM TO BE DESIGNED BY OTHERS. ELEVATIONS TO BE REVISED WHERE REQUIRED.
- (9) - IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE SITE BENCH MARK PRIOR TO EXCAVATION
- (10) - ELEVATIONS ARE REFERRED TO CANADIAN GEODETIC DATUM, CGVD 1928 VERTICAL DATUM
- (11) - THIS SKETCH WAS COMPLETED FROM FIELD WORK COMPLETED ON THE 11TH DAY OF DECEMBER, 2020

- AREA OF LOT = 4193.8 SQ. METRES
- EXISTING DWELLING AREA = 232 SQ. METRES
- DWELLING COVERAGE = 5.5 %
- PROPOSED BUILDING AREA = 163.9 SQ. METRES
- PROPOSED BUILDING COVERAGE = 3.9 %
- ADD 200.00m TO ELEVATIONS SHOWN HEREON TO OBTAIN GEODETIC DATUM
- T.F.W. DENOTES TOP OF FOUNDATION WALL
- U.S.F. DENOTES UNDER SIDE OF FOOTING
- DENOTES PROPOSED BELL PEDESTAL
- DENOTES EXISTING TREE
- DENOTES PROPOSED FINISHED GRADE
- P.L. DENOTES PROPERTY LINE
- DENOTES LIGHT STANDARD
- DENOTES EXISTING CATCH BASIN
- DENOTES EXISTING FIRE HYDRANT

PROPERTY DESCRIPTION:
PART OF BLOCK A, REGISTERED PLAN 966
TOWN OF TILLSONBURG, COUNTY OF OXFORD

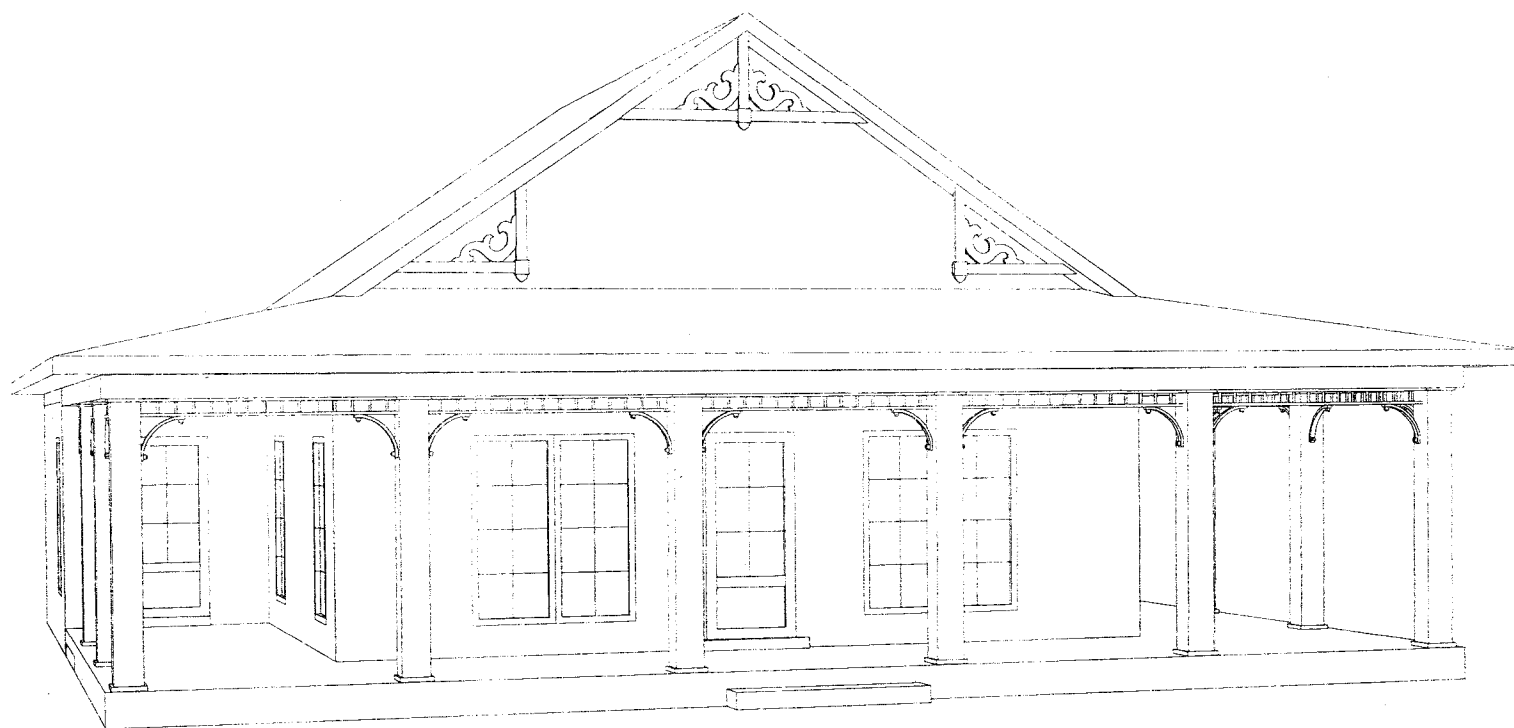
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KIM HUSTED SURVEYING LTD.
ONTARIO LAND SURVEYOR
30 HARVEY STREET, TILLSONBURG ONTARIO, N4G 3J8
PHONE: 519-842-3638 FAX: 519-842-3639

PROJECT: 20-16492SP REFERENCE: FILE DISK No. 646 DWG. WLP CKD.

proposed dwelling for 30 Vienna Rd



Old English Designs, LLC

Plan No CH-9812D
Modified - Right Read Reverse

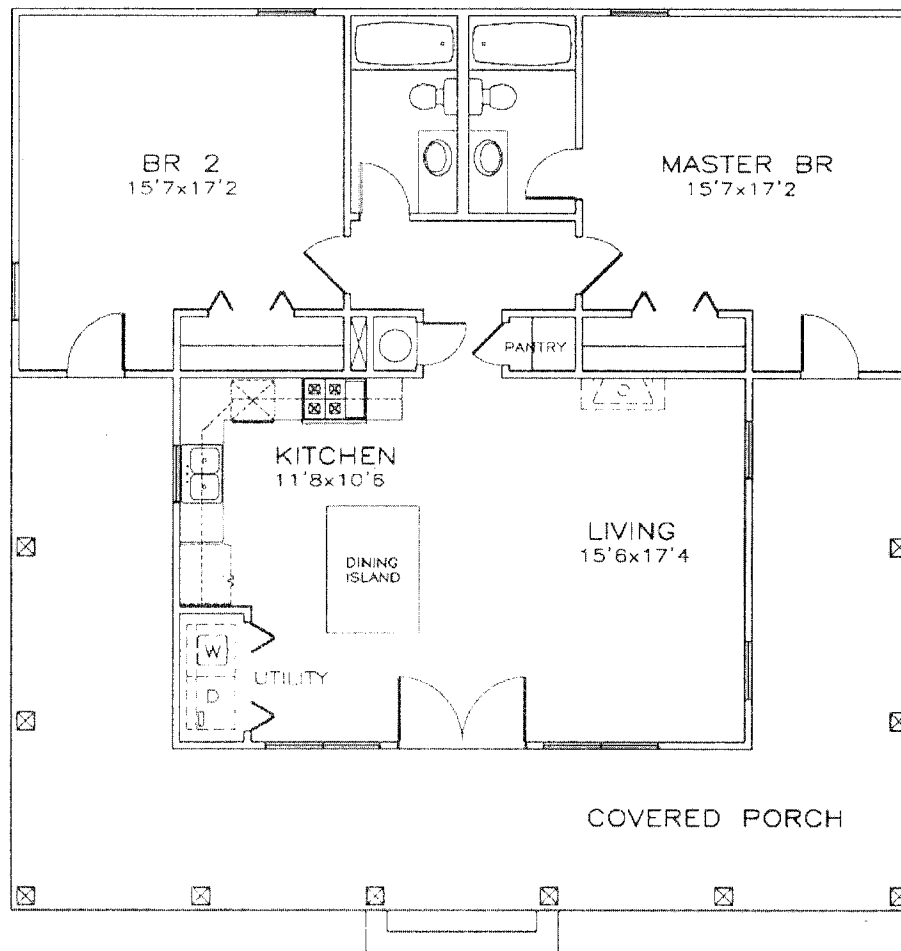
SHEET NO

1

Plate 4: Proposed Dwelling

File No. A-13/21- Marleau & Kitching

Part Block A, Plan 966, Part 3 of 41R-9192 - 30 Old Vienna Road, Town of Tillsonburg

Plate 5: Proposed Floor Plan**File No. A-13/21- Marleau & Kitching****Part Block A, Plan 966, Part 3 of 41R-9192 - 30 Old Vienna Road, Town of Tillsonburg**

To: Mayor and Members of Tillsonburg Council

From: Eric Gilbert, Senior Planner, Community Planning

Applications for Redline Amendment to Draft Plan of Subdivision & Zone Change 32T-07006 & ZN 7-21-05 – Performance Communities Realty Inc. & Lindprop Corporation

REPORT HIGHLIGHTS

- The purpose of the redline amendment to the Draft Plan of Subdivision and zone change applications is to facilitate the development of 71 single detached dwellings, 45 lots for 202 street fronting townhouse dwellings, one stormwater management block, two park blocks and two pedestrian walkway blocks, served by 5 new local streets.
- A number of special zoning provisions are requested to permit single detached dwellings and street fronting townhouse dwellings with site-specific development provisions.
- The proposal is consistent with the relevant policies of the Provincial Policy Statement and maintains the intent and purpose of the Official Plan and can be supported from a planning perspective.

DISCUSSION

Background

OWNERS: Performance Communities Realty Inc & Lindprop Corporation
1 Barrie Boulevard, St Thomas ON N5P 4B9

AGENT: Will Hayhoe, Performance Communities Realty Inc
1 Barrie Boulevard, St Thomas ON N5P 4B9

LOCATION:

The subject lands are described as Part Lot 5, Concession 10 (Dereham), Parts 1-6 of 41R-10049 in the Town of Tillsonburg. The lands are located on the north side of North Street East, between Huntley Avenue and Tillson Avenue, and are known municipally as 78 & 84 North Street East, Tillsonburg.

COUNTY OF OXFORD OFFICIAL PLAN:

Existing:

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: Future Development Zone (FD)

Proposed Zoning: Special Low Density Residential Type 1A Holding Zone (R1A-26 (H))
 Special Low Density Residential Type 2 Holding Zone (R2-25 (H))
 Special Low Density Residential Type 3 Holding Zone (R3-20 (H))
 Passive Use Open Space Zone (OS1)
 Active Use Open Space Zone (OS2)

PROPOSAL:

The application for redline amendment to the existing draft plan of subdivision approval will modify the existing draft approved plan of subdivision to facilitate the development of 71 single detached dwellings, 45 lots for 202 street fronting townhouse dwellings, one stormwater management block, two park blocks and two pedestrian walkway blocks, served by 5 new local streets.

The Zone Change application proposes to rezone the lands from 'Future Development Zone (FD)' to 'Special Low Density Residential Type 1A Holding Zone (R1A-26 (H)), Special Low Density Residential Type 2 Holding Zone (R2-25 (H)), Special Low Density Residential Type 3 Holding Zone (R3-20 (H)), Passive Use Open Space Zone (OS1), and Active Use Open Space Zone (OS2) to facilitate the amended draft plan of subdivision.

For Council's information, a previous draft plan of subdivision was approved for these lands by the Town and County in 2007, consisting of 142 lots for single detached dwellings, 17 lots for 34 semi-detached dwellings, 1 commercial block, 3 greenway blocks, 3 walkway blocks and 1 parkland block. The draft plan approval was extended in 2010, 2013, 2016, 2018 and 2020, and has a lapsing date of October 22, 2021. The zoning was never finalized for the proposed draft plan of subdivision.

The original proponent, Lindprop Corporation, severed a portion of the draft approved plan of subdivision generally encompassing the lands west of Braun Avenue, subject to a condition that a severance agreement be registered on title of the property. The severance agreement requires the applicant to obtain a redline revision to the draft plan to reflect that the approved draft plan now has two owners.

The subject lands comprise approximately 16.25 ha (40.2 ac), are currently vacant and are in agricultural production. Surrounding uses include existing low density residential uses to the south and west, with a municipal drain and proposed park to the north and the Ontario Southland Railway line to the north and east.

Plate 1, Location Map with Existing Zoning, 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.

Plate 3, 2015 Aerial Map with Existing Draft Approved Plan, provides the layout of the existing draft approved plan of subdivision.

Plate 4, Proposed Draft Plan of Subdivision, provides the layout of the proposed amended draft plan of subdivision.

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. 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.

The policies of Section 1.1 state that healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential uses, including an appropriate affordable and market-based range, to meet long-term needs. 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. Within settlement areas, sufficient land shall be made available through intensification and redevelopment.

Section 1.1.3 states 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, resources, infrastructure and public service facilities.

Section 1.1.3.3 further states that planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where it 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 directs that planning authorities shall provide for an appropriate range 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;
- directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available;
- promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities and support the use of active transportation;

- requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; 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 1.6.6.2 also states that intensification and redevelopment within settlement areas on existing municipal sewage and water services should be promoted, wherever feasible.

OFFICIAL PLAN

The subject lands are designated 'Low Density Residential', according to the Town of Tillsonburg Land Use Plan & Residential Density 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 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 maximum net residential density in the Low Density Residential Designation is 30 units / ha (12 units/ac) and the minimum net residential density is 15 units / ha (6 units/ac). The proposed development has a net residential density of 29.6 units / ha (11.8 units/ac).

The policies of Section 10.3.3 (Plans of Subdivision and Condominium) provide that County and Town Council will evaluate applications for a plan of subdivision on the basis of the requirements of the Planning Act, as well as criteria including, but not limited to, the following:

- Conformity with the Official Plan;
- The availability of community services such as roads, water, storm and sanitary sewers, waste disposal, recyclable collection, public utilities, fire and police protection, parks, schools and other community facilities;
- The accommodation of Environmental Resources and the mitigation of environmental and human-made constraints;
- The reduction of any negative effects on surrounding land uses, transportation networks or significant natural features;
- The design of the plan can be integrated into adjacent developments, and;
- The design of the plan is to be compatible with the natural features and topography of the site, and proposals for extensive cut and fill will be discouraged.

As a condition of draft plan approval, County Council will require an applicant to satisfy conditions prior to final approval and registration of the plan. The applicant will be required to meet the conditions of the draft approval within the specified time period, failing which, draft plan approval may lapse. Additionally, to provide for the fulfillment of these conditions, and for the installation of services according to municipal standards, County Council shall require the applicant to enter into a subdivision agreement with the area municipality and, where necessary, the County, prior to final approval of the plan.

Section 8.6.2.3 of the Official Plan provides that Town Council will acquire lands for use as parkland or leisure through conditions of draft approval of plan of subdivision. Land conveyed to the Town as part of the required parkland dedication will be expected to meet minimum standards for drainage, grading, landscaping, fencing and shape in accordance with the intended function and will be located in appropriate locations.

ZONING BY-LAW

The subject lands are currently zoned 'Future Development Zone (FD)' according to the Town's Zoning By-law. The 'Future Development Zone (FD)' permits a farm, existing buildings and structures, and a seasonal fruit and vegetable outlet.

The applicant is proposing to rezone the proposed single detached dwelling lots that do not abut existing residential properties to 'Special Low Density Residential Type 2 (R2-25)' to reduce the minimum required exterior side yard width for lots abutting an arterial road (North Street) from 7.5 m (24.6 ft) to 6 m (19.69 ft), and to reduce the minimum required exterior side yard width for lots abutting local streets from 6 m (19.69 ft) to 3 m (9.8 ft).

For a single detached dwelling, the 'R2' zone requires a minimum lot area of 315 m² (3,390.7 ft²) for an interior lot and 450 m² (4,843.9 ft²) for a corner lot, a frontage of 10.5 m (34.4 ft) for an interior lot and 15 m (49.2 ft) for a corner lot, a minimum lot depth of 30 m (98.4 ft), front yard depth of 6 m (19.7 ft), rear yard depth of 7.5 m (24.6 ft), interior side yard width of 1.2 m (3.9 ft), exterior side yard width of 6.0 m (19.7 ft), setback of 20.5 m (67.3 ft) from the centreline of an arterial road, landscaped open space area of 30% and maximum lot coverage of 40%.

For a street-fronting townhouse, the 'R3' zone requires a minimum lot area of 240 m² (2,583.3 ft²) for an interior unit and 330 m² (3,552 ft²) for an end unit, a frontage of 8 m (26.2 ft) for an interior unit and 11 m (36 ft) for an end unit, a minimum lot depth of 30 m (98.4 ft), front yard depth of 6 m (19.9 ft), rear yard depth of 7.5 m (24.6 ft), interior side yard width of 3 m (9.8 ft) for an end unit, exterior side yard width of 6.0 m (19.7 ft), setback of 20.5 m (67.3 ft) from the centreline of an arterial road, landscaped open space area of 30% and maximum lot coverage of 40%.

Permitted uses within the 'Passive Use Open Space Zone (OS1)' include a passive use park, conservation project, or a public use including stormwater management facility.

A number of site specific provisions are required to facilitate the proposed development, as summarized below:

Single-Detached Dwelling – R1A-26 (Lots 1, 2, 5-14)		
Provision	Required	Proposed
Lot Coverage, max	37%	45%

Single-Detached Dwelling – R2-25		
Provision	Required	Proposed
Lot Coverage, max	40 %	55%
Exterior Side Yard, min	6.0 m (19.7 ft)	4.5 m (14.76 ft)
Interior Side Yard, min	3.0 m (9.8 ft) & 1.2 m (3.9 ft)	1.2 m (3.9 ft)
Rear Yard, min	7.5 m (24.6 ft)	6.0 m (24.6 ft)
Permitted Encroachment for Covered Deck	1.5 m (4.9 ft)	3.0 m (9.8 ft)
Street- Fronting Townhouse Dwelling – R3-20		
Provision	Required	Proposed
Lot Area for Interior Unit, min	240 m ² (2,583.3 ft ²)	190 m ² (2,045 ft ²)
Lot Area for End Unit, min	330 m ² (3,552 ft ²)	235 m ² (2,529 ft ²)
Lot Frontage for Interior Unit, min	8 m (26.2 ft)	6 m (19.69 ft)
Lot Frontage for End Unit, min	11 m (36 ft)	7.6 m (24.9 ft)
Lot Coverage, max	40%	55%
Exterior Side Yard, min	6.0 m (19.7 ft)	4.5 m (14.76 ft)
Interior Side Yard, min	3.0 m (9.8 ft)	1.2 m (3.9 ft)
Permitted Encroachment for Covered Deck	1.5 m (4.9 ft)	3.0 m (9.8 ft)
Special provision for street- fronting townhouse dwelling corner lots, to define the front lot line as the shorter of the two street lines to ensure the interior lots comply with the minimum lot frontage requirements when part lot control exemption is sought.		

It is recommended that Holding Provisions be utilized, as has been standard practice in the Town for draft plans of subdivision, to ensure that all appropriate development agreements are in place prior to the issuance of any building permits.

AGENCY COMMENTS

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

Town of Tillsonburg Building & By-Law Services provided the following comments:

- Recommend that Lot 1 be zoned R1A to be consistent with the remainder of existing properties fronting onto North Street East.
- For streetscape/building alignment along North Street East, it is recommended that Lot 1 has a minimum exterior side yard width of 7.5 m from the North Street East street line.

The Town of Tillsonburg Engineering Services Department provided the following comments:

- The subject property contains the Paget Municipal Drain that traverses the property. This municipal drain will need to be abandoned and relocated at the developer's cost; all flows are required to be conveyed through new storm sewers.
- All side yards abutting streets need to follow Town and County standards for daylight triangles.
- Martin Street to be widened to 22 m width within park section.
- If approved, please include the following as conditions of draft plan approval:

- a. The Owner agrees to install fencing if required by the Town.
- b. The section of the Paget Municipal Drain that transverses the property shall be abandoned, to the satisfaction of the Town. All pre-existing flows will be required to be conveyed through the property via storm sewers at the Owner's expense.
- c. The Owner agrees to satisfy all requirements, financial and otherwise, of the Town regarding the construction of roads, installation of services, including water, sewer, electrical distribution systems, street lights, sidewalks, and drainage facilities and other matters pertaining to the development of the subdivision in accordance with Town standards.
- d. Road allowances included in the draft plan of subdivision shall be dedicated to the Town as public highway to the satisfaction of the Town.
- e. The streets included on the draft plan of subdivision shall be named to the satisfaction of the Town.
- f. The subdivision agreement shall contain provisions indicating that prior to grading and issuance of building permits, a grading plan, servicing plan, hydro and street lighting plan, and erosion and siltation control plan, along with reports as required, be reviewed and approved by the Town, and further, the subdivision agreement shall include provisions for the owner to carry out or cause to be carried out any necessary works in accordance with the approved plans and reports.
- g. Such easements as may be required for utility or drainage purposes outside of the proposed public right-of-way shall be granted to the appropriate authority.

The Town of Tillsonburg Director of Recreation, Culture and Parks provided the following comments:

- The Developer shall retain, at their cost, a Certified Landscape Architect to work jointly with the Town to develop a plan for the Subdivision and parkland block.
- Develop an overall Landscaping Plan depicting One (1) tree per lot, in accordance with Tillsonburg's Design Guidelines. Tree Species to satisfaction of the Town.
- Chainlink Fencing required for all lots adjacent to Stormwater Management Block 120
- Chainlink Fencing required for both sides of pedestrian walkways (Blocks 119 & 123)
- Chainlink Fencing required for both sides of proposed walking trail / storm water management Block 118
- Chainlink Fencing required for the perimeter of the proposed Park Block 117 (for existing residential properties adjacent to park block and Lots 91-95)

The Town of Tillsonburg Fire and Rescue Services Department indicated that they had no concerns with the proposal.

The County Public Works Department requested that the following conditions be included:

- Blocks 121 & 122 shall be dedicated to the County of Oxford as road widening blocks.
- The Owner shall agree to prepare, and submit for the approval of Oxford County Public Works, detailed servicing plans designed in accordance with Oxford County Design Guidelines
- The subdivision agreement shall make provision for the assumption and operation by the County of Oxford of the water and sewage system within the draft plan subject to the approval of the County of Oxford Department of Public Works

- Prior to the final approval of the subdivision plan, the Owner shall receive confirmation from the County of Oxford Department of Public Works that there is sufficient capacity in the Tillsonburg water and sanitary sewer systems to service the plan of subdivision
- The Owner agrees to provide such easements as may be required for utility or drainage purposes outside of the proposed public right-of-ways shall be granted to the appropriate authority
- The Owner agrees in writing to satisfy all the requirements, financial and otherwise, including payment of applicable development charges, of the County of Oxford regarding the installation of the water distribution system, the installation of the sanitary sewer system, and other matters pertaining to the development of the subdivision.

Enbridge Gas requested that the Owner/developer provide the necessary easements and/or agreements required by Enbridge Gas as a condition of draft approval.

The Town Development Commissioner indicated that they are supportive of this proposed plan of subdivision, which help meet increased market demand for housing and will result in increased residential growth for the community. The inclusion of some medium density blocks instead of being comprised of entirely low density housing is appreciated, but I would recommend that based on market demand/need, that there be at least one block of high density zoning that could accommodate an apartment building or similar higher density housing option.

PUBLIC CONSULTATION

Notice of complete application was provided to surrounding neighbours on May 18, 2021, and notice of public meeting was sent on June 7, 2021 in accordance with the requirements of the Planning Act. At the time of writing this report, no comments or concerns had been received from the public.

Planning Analysis

The subject application for draft plan of subdivision approval and zone change proposes to amend an existing draft approved plan of subdivision to facilitate the development of 71 single detached dwellings, 45 lots for 202 street fronting townhouse dwellings, one stormwater management block, two park blocks and two pedestrian walkway blocks, served by 5 new local streets.

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 that promotes a mix of housing types 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.

With regard to the policies of Section 10.3 of the Official Plan (Plans of Subdivision and Condominium) which require the developer to address a series of standard review criteria concerning the adequacy of servicing, environmental impacts, transportation networks and integration with surrounding developments, staff note that the required studies and reports have been received and reviewed through this Office and other required reports can be satisfactorily addressed through the inclusion of appropriate conditions of draft approval.

Planning staff are of the opinion that the revised draft plan is an improvement from the original draft plan approved in 2007, as the proposed redline amendments will offer increased opportunities for active transportation and connectivity to trail networks within the Town and a greater mix and choice of housing forms for current and future residents of the Town.

The proposal is in keeping with the Plan of Subdivision policies of Section 10.3.3, and the policies of the Low Density Residential designation. The proposed draft plan has a net residential density of 29 units per hectare, in keeping with the density target, being 15 to 30 units per hectare. In addition, the proposed draft plan provides a range of lot sizes and a mix of housing type that are integrated throughout the development, which is in keeping with low density residential policies.

Staff are satisfied that the requested zoning provisions to provide for increased lot coverage, increased building footprint and reduced exterior side yard widths for corner lots for the proposed single detached dwellings within the development are generally appropriate. The applicant will be required to demonstrate that the proposed stormwater management pond can accommodate additional run-off resulting from the increased dwelling footprints. The increased permitted projection into the required rear yard depth for covered porches is similar to other recent requests received and approved in Town.

The requested zoning provisions for the street-fronting townhouse blocks will provide for increased building envelopes and will reflect other recent townhouse developments in the Town. The reduced exterior side yard width is not expected to impact traffic sightlines or safety as the lots will front on local streets. The reduced minimum lot area, lot frontage, interior side yard and increased lot coverage are reflective of the four unit street-fronting townhouse block design and appropriate private amenity space will remain available, and the proposed relief can be considered appropriate to facilitate the development of 4 unit townhouse blocks. The reduced lot frontage, lot area and interior side yard width will still allow for 2 parking spaces to be provided for each unit (1 in the driveway and one within the private attached garage). The development will be reviewed by Building staff for zoning compliance at the time of building permit submission. These requested provisions will facilitate the future creation of separate conveyable lots, which will be completed in an anticipated subsequent application for exemption from Part Lot Control.

Due to the length of time that has elapsed since the original draft plan approval in 2007, and the dual ownership of the lands within the draft approved plan of subdivision, it is recommended that the conditions of draft approval be updated to reflect current practices respecting the allocation of water and wastewater treatment capacity, current practices respecting parkland development, Town efforts to increase tree canopy cover, requirements from Canada Post for community mailboxes, and an updated lapsing date of two years to provide sufficient time to work toward registration of the proposed plan of subdivision.

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

The previously noted agency comments have been addressed in the recommended conditions of draft approval, where appropriate, and are provided for Council's consideration.

RECOMMENDATIONS

1. That Council of the Town of Tillsonburg approve in principle the zone change application (File No. ZN 7-21-05) submitted by Performance Communities Realty Inc & Lindprop Corporation, for lands legally described as Lot 5, Concession 10 (Dereham), Parts 1-6 of 41R-10049 in the Town of Tillsonburg, to rezone the lands Special Low Density Residential Type 1A Holding Zone, Special Low Density Residential Type 2 Holding Zone, Special Low Density Residential Type 3 Holding Zone, Passive Use Open Space Zone, & Active Use Open Space Zone to facilitate the proposed draft plan of subdivision;
2. And further, the Council of the Town of Tillsonburg advise County Council that the Town supports the application for redline amendments to draft plan of subdivision, File No. 32T-07006, submitted by Performance Communities Realty Inc & Lindprop Corporation, for lands legally described as Lot 5, Concession 10 (Dereham), Parts 1-6 of 41R-10049, consisting of 71 single detached dwellings, 45 lots for 202 street fronting townhouse dwellings, one stormwater management block, two park blocks and two pedestrian walkway blocks, served by 5 new local streets, subject to the following conditions of draft approval:
 1. This approval applies to the draft plan of subdivision submitted by Performance Communities Realty Inc & Lindprop Corporation. (32T-07006) and prepared by CJDLC Consulting Engineers, as shown on Plate 3 of Report No. CP 2021-203 and comprising Part Lot 5, Concession 10 (Dereham), Parts 1-6 of 41R-10049 in the Town of Tillsonburg, showing 71 single detached dwellings, 45 lots for 202 street fronting townhouse dwellings, one stormwater management block, two park blocks and two pedestrian walkway blocks, served by 5 new local streets.
 2. The Owners shall enter into a subdivision agreement with the Town of Tillsonburg and County of Oxford.
 3. The Owners agree in writing, to install fencing as may be required by the Town, to the satisfaction of the Town of Tillsonburg.
 4. The Owners agree in writing, to satisfy all requirements, financial and otherwise, of the Town regarding construction of roads, installation of services, including water, sewer, electrical distribution systems, sidewalks, street lights, and drainage facilities and other matters pertaining to the development of the subdivision in accordance with the standards of the Town, to the satisfaction of the Town of Tillsonburg.
 5. The road allowances included in the draft plan of subdivision shall be dedicated as public highways, to the satisfaction of the Town of Tillsonburg.
 6. The streets included in the draft plan of subdivision shall be named, to the satisfaction of the Town of Tillsonburg.
 7. The subdivision agreement shall contain provisions indicating that prior to grading and issuance of building permits, a grading plan, servicing plan, hydro and street lighting plan, and erosion and siltation control plan, along with reports as required, be reviewed and approved by the Town, and further, the subdivision agreement shall include provisions for the owners to carry out or cause to be carried out any necessary works in accordance with the approved plans and reports, to the satisfaction of the Town of Tillsonburg.

8. The subdivision agreement shall contain provisions requiring the Owners provide an overall Landscaping Plan depicting at least one (1) tree per lot, in accordance with Tillsonburg's Design Guidelines. The Town shall approve the species of tree to be planted.
9. The Owners shall retain a Landscape Architect to prepare a landscape plan for the plan of subdivision, to the satisfaction of the Town of Tillsonburg.
10. Prior to the approval of the final plan by the County, the section of the Paget Municipal Drain that transverses the property shall be abandoned or relocated, to the satisfaction of the Town of Tillsonburg.
11. Prior to the approval of the final plan by the County, all lots/blocks shall conform to the zoning requirements of the Town's Zoning By-law. Certification of lot areas, frontages, and depths shall be provided to the Town by an Ontario Land Surveyor retained by the Owners, to the satisfaction of the Town of Tillsonburg.
12. Prior to the approval of the final plan by the County, the Owners shall agree in writing that all phasing of the plan of subdivision will be to the satisfaction of the Town of Tillsonburg and County of Oxford.
13. Prior to the approval of the final plan by the County, such easements as may be required for utility and drainage purposes shall be granted to the appropriate authority, to the satisfaction of the Town of Tillsonburg and County of Oxford Public Works.
14. The Owners agree in writing, to satisfy all the requirements, financial and otherwise, including payment of applicable development charges, of the County of Oxford regarding the installation of the water distribution system, the installation of the sanitary sewer system, and other matters pertaining to the development of the subdivision, to the satisfaction of County of Oxford Public Works.
15. The subdivision agreement shall make provision for the assumption and operation of the water and sewage system within the draft plan of subdivision by the County of Oxford, to the satisfaction of County of Oxford Public Works.
16. The Owners agree in writing, to prepare and submit for approval from County of Oxford Public Works, detailed servicing plans designed in accordance with the County Design Guidelines, to the satisfaction of County of Oxford Public Works.
17. Prior to the approval of the final plan by the County, the Owners shall receive confirmation from County of Oxford Public Works that there is sufficient capacity in the Tillsonburg water and sanitary sewer systems to service the plan of subdivision, to the satisfaction of County of Oxford Public Works.
18. The Owners agree in writing, that a 0.3 m (1 ft) reserve along North Street East adjacent to Lot 2 shall be conveyed to the County as required, free of all costs and encumbrances, to the satisfaction of County of Oxford Public Works.
19. The Owners agree in writing, that a road widening along North Street East shall be conveyed to the County as required, to provide a 15 m (49.2 ft) right-of-way from the centerline of the Road, free of all costs and encumbrances, to the satisfaction of County of Oxford Public Works.

20. The Owners agree in writing, that 3 m (9.8 ft) x 3 m (9.8 ft) daylighting triangles along North Street East shall be conveyed to the County as required for lots abutting 'Braun Avenue', free of all costs and encumbrances, to the satisfaction of County of Oxford Public Works.
21. The Owners agree in writing, to the satisfaction of the County, through the subdivision agreement, that all agreements of purchase and sale for lots 1 & 2 abutting North Street East shall have appropriate disclosure and warning clauses to inform future owners and residents and the outdoor amenity areas for lots abutting North Street East may experience noise levels that exceed the Ministry of Environment, Conservation and Parks' NPC-300 Noise Guidelines.
22. Prior to the approval of the final plan by the County, the Owners shall agree in writing to satisfy the requirements of Canada Post Corporation with respect to advising prospective purchasers of the method of mail delivery; the location of temporary Centralized Mail Box locations during construction; and the provision of public information regarding the proposed locations of permanent Centralized Mail Box locations, to the satisfaction of Canada Post.
23. Prior to the approval of the final plan by the County, the Owners shall agree in writing, to satisfy the requirements of Enbridge Gas that the Owner/developer provide Enbridge Gas with the necessary easements and/or Enbridge Gas.
24. Prior to the approval of the final plan by the County, the Owners shall secure clearance from the Long Point Region Conservation Authority (LPRCA), indicating that final lot grading plans, soil conservation plan, and stormwater management plans have been completed to their satisfaction.
25. Prior to the approval of the final plan by the County, the County of Oxford shall be advised by the Town of Tillsonburg that Conditions 2 to 13 (inclusive), have been met to the satisfaction of the Town. The clearance letter shall include a brief statement for each condition detailing how each has been satisfied.
26. Prior to the approval of the final plan by the County, the Owners shall secure clearance from the County of Oxford Public Works Department that Conditions 14 to 21 (inclusive), have been met to the satisfaction of County Public Works. The clearance letter shall include a brief statement for each condition detailing how each has been satisfied.
27. Prior to the approval of the final plan by the County, the County of Oxford shall be advised by Canada Post Corporation that Condition 22 has been met to the satisfaction of Canada Post. The clearance letter shall include a brief statement detailing how this condition has been satisfied.
28. Prior to the approval of the final plan by the County, the County of Oxford shall be advised by Enbridge Gas that Condition 23 has been met to the satisfaction of Enbridge Gas. The clearance letter shall include a brief statement detailing how this condition has been satisfied.
29. Prior to the approval of the final plan by the County, the County of Oxford shall be advised by LPRCA that Condition 24 has been met to the satisfaction of LPRCA. The clearance letter shall include a brief statement detailing how this condition has been satisfied.

30. Prior to the approval of the final plan by the County, the Owners shall provide a list of all conditions of draft approval with a brief statement detailing how each condition has been satisfied, including required supporting documentation from the relevant authority, to the satisfaction of the County of Oxford.
31. This plan of subdivision shall be registered by October 22, 2023, after which time this draft approval shall lapse unless an extension is authorized by the County of Oxford.

SIGNATURES

Authored by:

Eric Gilbert, MCIP, RPP
Senior Planner

Approved for submission:

Gordon K. Hough, RPP
Director

Plate 1: Location Map with Existing Zoning

32T-07006 & ZN 7-21-05 - Performance Communities Realty Inc & Lindprop Corp.

Part Lot 5, Concession 10 (Dereham), Parts 1-6 of 41R-10049 - 78 & 84 North Street East, Tillsonburg


**Legend**Zoning Floodlines
Regulation Limit

•• 100 Year Flood Line

▲ 30 Metre Setback

•• Conservation Authority
Regulation Limit

•• Regulatory Flood And Fill Lines

 Land Use Zoning (Displays
1:16000 to 1:500)
Notes

0 102 205 Meters

NAD_1983_UTM_Zone_17N



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey

May 3, 2021

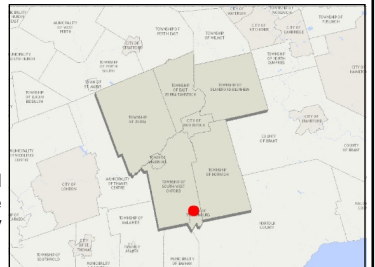




Legend

- Zoning Floodlines
- Regulation Limit
- 100 Year Flood Line
- 30 Metre Setback
- Conservation Authority Regulation Limit
- Regulatory Flood And Fill Lines
- Land Use Zoning (Displays 1:16000 to 1:500)

Notes



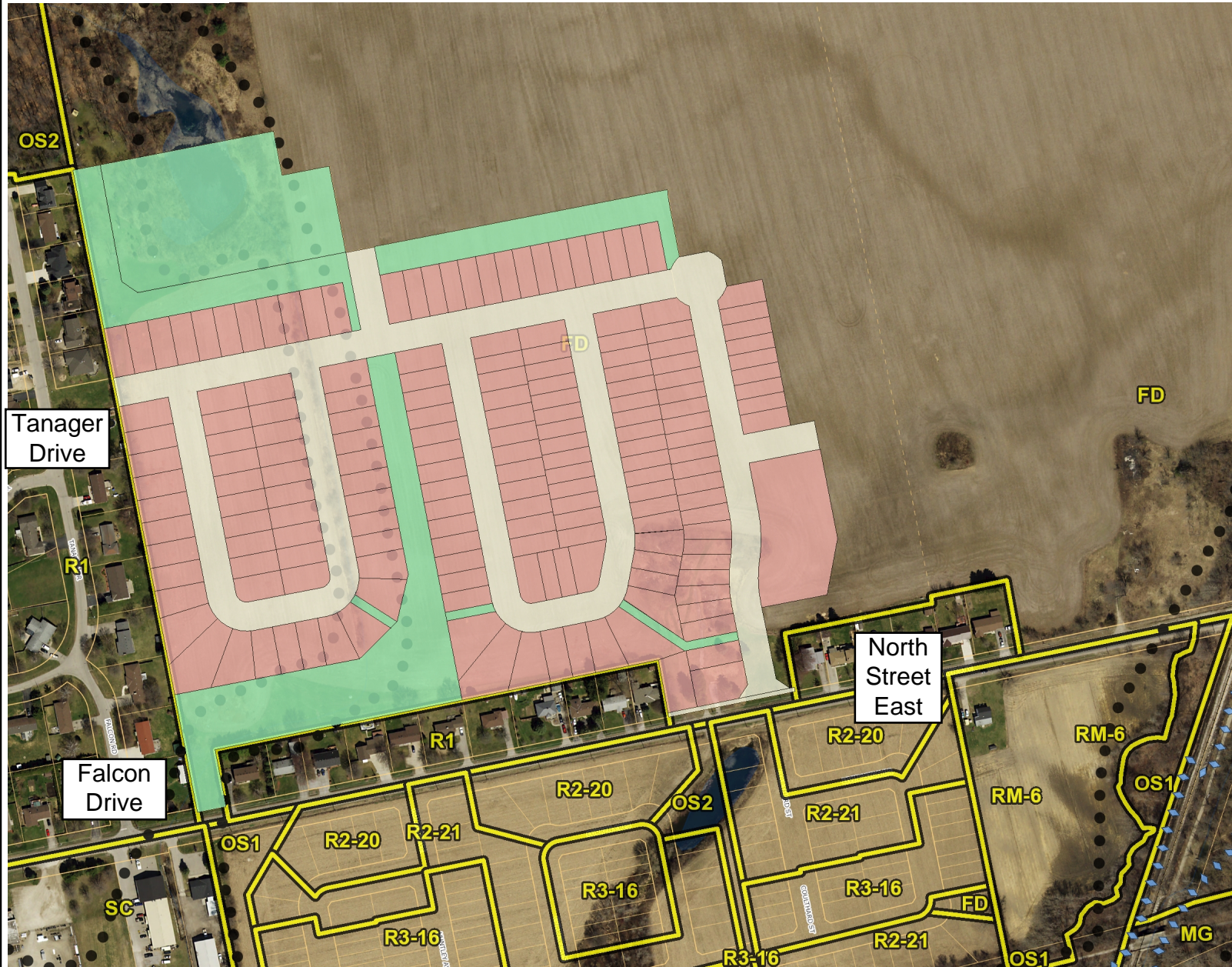
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NAD_1983_UTM_Zone_17N



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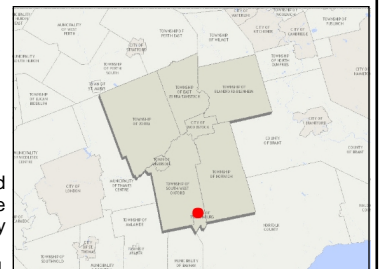
May 3, 2021



Legend

- Draft Plans
 - Open Space
 - Right of Ways
 - Properties
- Zoning Floodlines
 - Regulation Limit
 - 100 Year Flood Line
 - 30 Metre Setback
 - Conservation Authority Regulation Limit
 - Regulatory Flood And Fill Lines
- Land Use Zoning (Displays 1:16000 to 1:500)

Notes



0 102 205 Meters

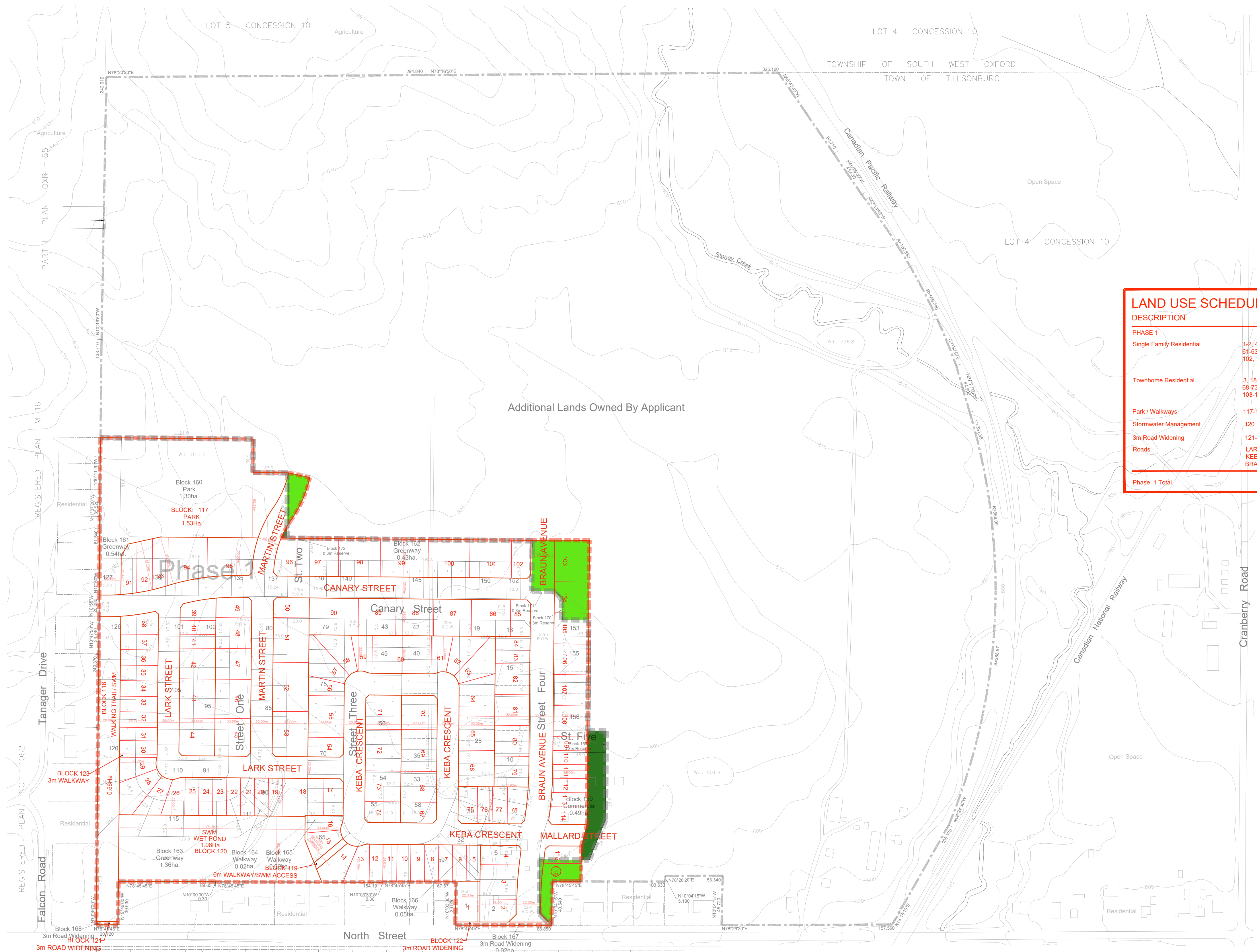
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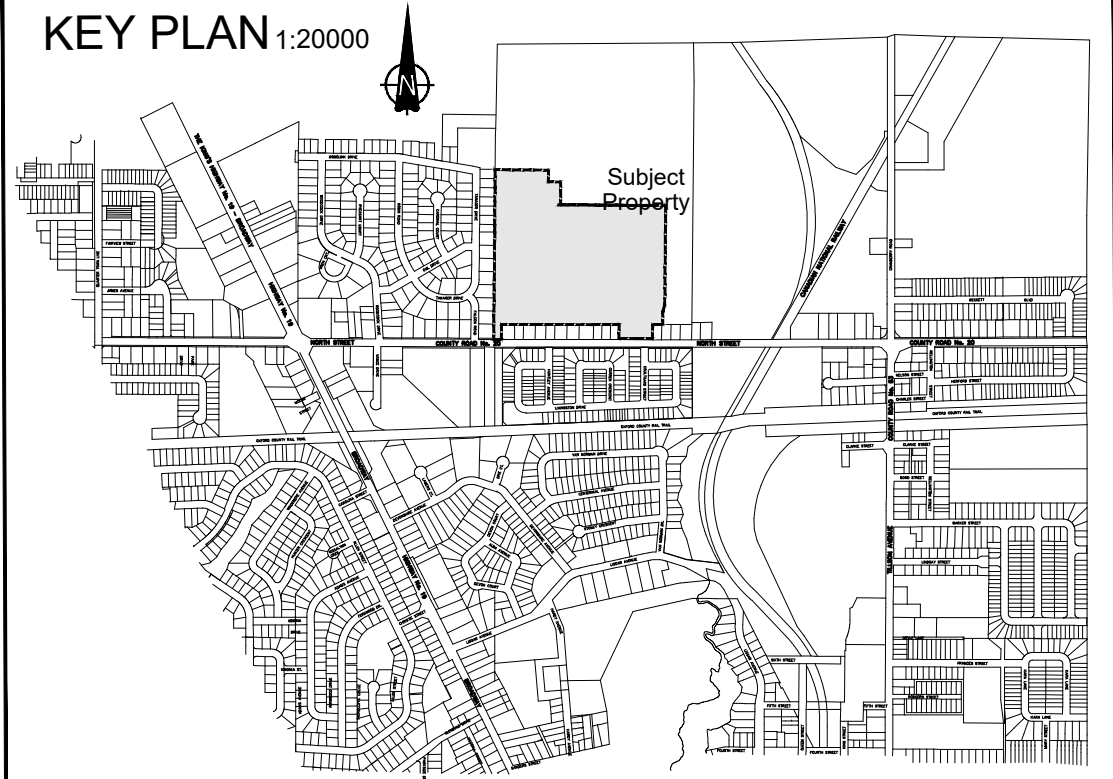
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey

May 3, 2021

Plate 4: Proposed Draft Plan of Subdivision
32T-07006 & ZN 7-21-05 - Performance Communities Realty Inc & Lindprop Corp.
Part Lot 5, Concession 10 (Dereham), Parts 1-6 of 41R-10049 - 78 & 84 North Street East, Tillsonburg



LAND USE SCHEDULE			
DESCRIPTION	LOTS/BLKS.	UNITS	AREA (ha.)
PHASE 1			
Single Family Residential	1-2, 4-17, 19-41, 49-50, 54, 56-59, 61-63, 67, 74-78, 83-85, 91-93, 96, 102, 109-116	71	3.95
Townhome Residential	3, 18, 42-48, 51-53, 55, 60, 64-66, 68-73, 79-82, 86-90, 94-95, 97-101, 103-109	202	5.27
Park / Walkways	117-119, 123		2.13
Stormwater Management	120		1.08
3m Road Widening	121-122		0.03
Roads	LARK STREET, MARTIN STREET, KEBA CRESCENT, MALLARD STREET, BRAUN AVENUE, CANARY STREET		3.79
Phase 1 Total		273	16.25



DRAFT PLAN OF SUBDIVISION

Part of Lots 4 and 5
 Concession 10
 Town of Tillsonburg
 County of Oxford

LAND USE SCHEDULE			
DESCRIPTION	LOTS/BLKS.	UNITS	AREA (ha.)
PHASE 1			
Residential	1-5, 9-11, 15-21, 26-35, 40-155	141	7.15
Semi-Detached Residential	6-8, 12-14, 22-25, 36-39, 156-158	34	1.20
Commercial	159		0.49
Park	160		1.30
Greenway	161-163		2.33
Walkway	164-166		0.09
3m Road Widening	167, 168		0.02
0.3m Reserve	169-172		0.00
Roads			3.36
Phase 1 Total		175	15.94

RED-LINED DRAFT PLAN

LEGEND

- REVISD LIMIT OF DRAFT PLAN 16.07ha
- LANDS TO BE ADDED INTO DRAFT RED-LINED PLAN (0.49ha)
- LANDS TO BE REMOVED FROM RED-LINED DRAFT PLAN (0.18ha)
- TOTAL DIFFERENCE 0.31ha

PLAN PREPARED BY:

CJDL
 Consulting Engineers

Cyril J. Demeyere Limited
 P.O. Box 460, 261 Broadway
 Tillsonburg, Ontario, N4G 4H8
 Tel: 519-688-1000
 866-302-9886
 Fax: 519-842-3235
 cjdl@cjdleng.com

JOB No. 21001

DATE: 15 APR 2021
 REV. 13 MAY 2021

ADDITIONAL INFORMATION

(UNDER SECTION 51(17) OF THE PLANNING ACT)
 INFORMATION REQUIRED BY CLAUSES a,b,c,d,e,f,g,j and l ARE AS SHOWN ON DRAFT PLAN.
 h) Municipal water supply
 i) Sand, sandy silt
 k) All municipal services as required including sanitary sewers

OWNER'S CERTIFICATE

I AUTHORIZE THE GSP GROUP INC. TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE COUNTY OF OXFORD.

JOHN SPINA, Lindprop Corp.

June 6, 2007
 DATE

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE CORRECTLY SHOWN.

Kim Husted, O.L.S., Kim Husted Surveying Ltd.

June 26, 2007
 DATE

GSP group

Winchester/Markham Office
 251-175 Victoria Street South
 Winchester, Ontario N0C 1Y3
 T 519 561 8801
 F 519 561 8802

Hamilton Office
 102-21 Marine Street East
 Hamilton, Ontario L8N 2R5
 T 905 522 6847
 F 905 522 6848

www.gspgroup.ca

Date: June 7, 2007 Drawn By: S.Loughran
 Scale: 1:2000 metric Project No.: 6095.40

REVISIONS

July 8, 2008
 September 30, 2008



March 19, 2021

Eric Gilbert, MCIP RPP, M Sc., Senior Planner
Community and Strategic Planning / County of Oxford
P.O. Box 1614, 21 Reeve Street Woodstock ON N4S 7Y3

**Re: Northcrest Estates Phase 2 (Draft Plan 32T-07006)
Zoning Bylaw Amendment Application**

Dear Mr. Gilbert,

This letter is to summarize the Zoning Bylaw Amendment application for Northcrest Estates Phase 2. Several site-specific provisions are required to facilitate the proposed development, as summarized below:

Single-Detached Dwelling – R1A

Provision	Required	Proposed
Lot Coverage, max	35%	45%

Single-Detached Dwelling – R2

Provision	Required	Proposed
Lot Coverage, max	40%	55%
Exterior Side Yard, min	6.0m	4.5m
Interior Side Yard, min	3.0m & 1.2m	1.2m
Rear Yard, min	7.5m	6.0m
Permitted Encroachment for Covered Deck	1.5m	3.0m

Street – Fronting TownHouse Dwelling – R3

Lot Area for Interior Unit, min	240 m ²	190 m ²
Lot Area for End Unit, min	330 m ²	235 m ²
Lot Frontage for Interior Unit, min	8m	6m
Lot Frontage for End Unit, min	11m	7.6m
Lot Coverage, max	40%	55%
Exterior Side Yard, min.	6.0m	4.5m
Permitted Encroachment for Covered Deck	1.5m	3.0m
Interior Side Yard, min	3.0m	1.2m

Also, for corner Townhome lots we request that the site-specific zoning include a provision that the longer corner property line be deemed to be the front lot line.

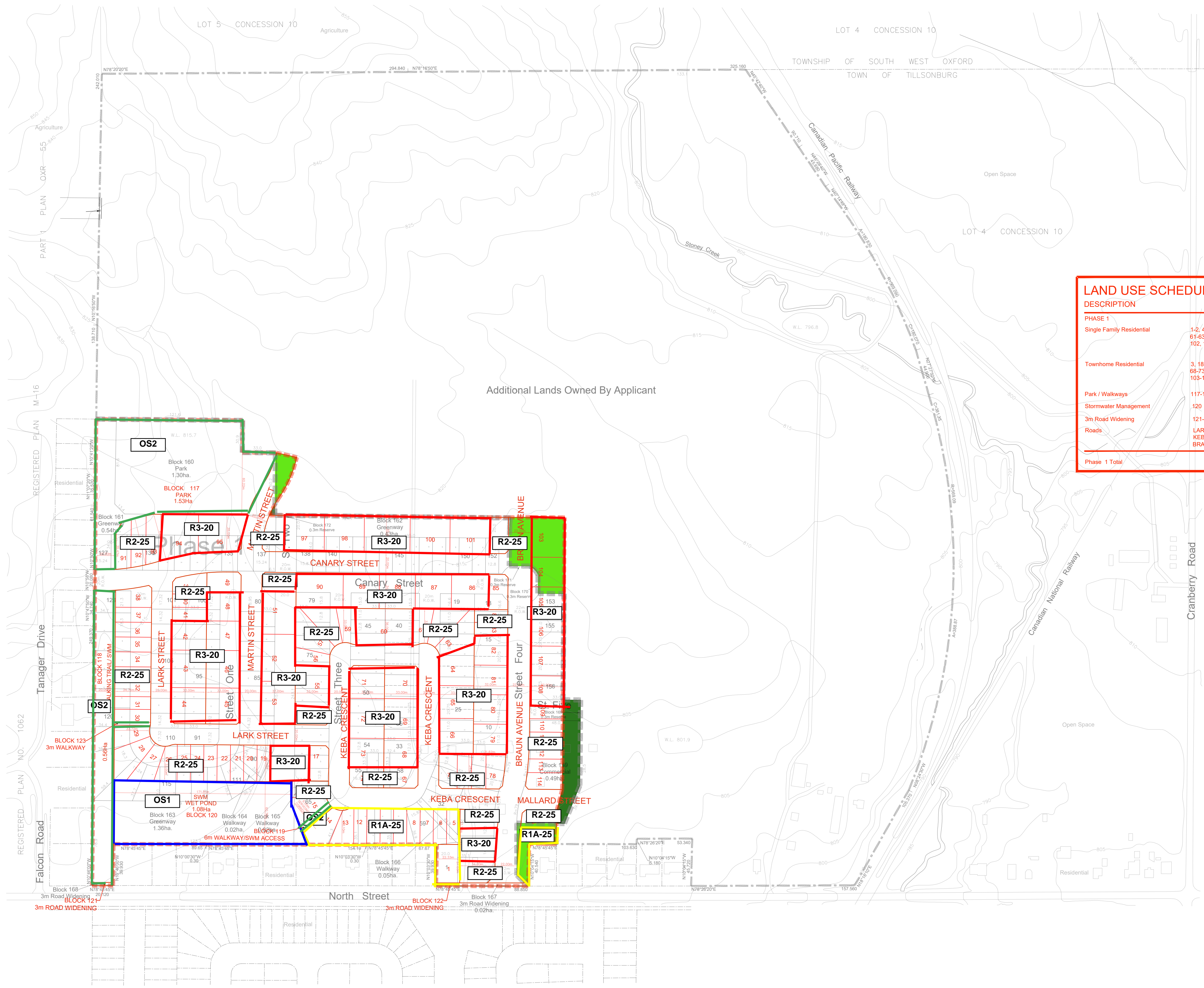
We also confirm that the SWM Design is based on total impervious surface area of 65% to account for 55% Lot Coverage, shed coverage (10 sq. metres/shed) and typical driveway coverage.

We appreciate your assistance in commenting on our proposal,

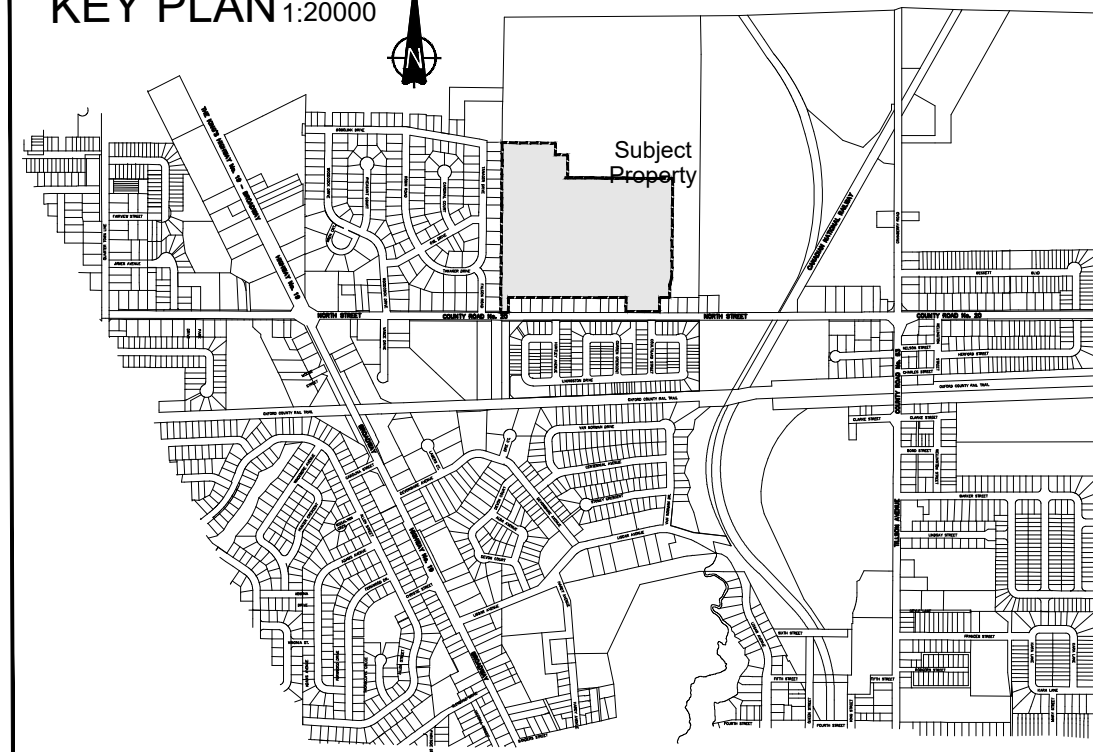
A handwritten signature in black ink that reads "Will Hayhoe". The signature is written in a cursive, flowing style.

Will Hayhoe
President, Performance Communities Realty Inc.

C.c. Carlos Reyes, Director of Operations, Town of Tillsonburg
Shayne Reitsma, Manager of Engineering, Town of Tillsonburg
Cephas Panschow, Development Commissioner, Town of Tillsonburg
Geno Vanhaelewyn, Chief Building Official, Town of Tillsonburg
Chris Baird, Director of Recreation, Culture and Parks, Town of Tillsonburg
Reuben Davis, Supervisor of Engineering Services, County of Oxford
Andrew Vranckx, Senior Design Technologist, CJDLC Consulting Engineers
Peter Penner, Design Engineer, CJDLC Consulting Engineers
Kim Husted, Kim Husted Surveying Ltd.
John Spina, Lindprop Corp.



KEY PLAN 1:20000



DRAFT PLAN OF SUBDIVISION

Part of Lots 4 and 5
Concession 10
Town of Tillsonburg
County of Oxford

LAND USE SCHEDULE

DESCRIPTION	LOTS/BLKS.	UNITS	AREA (ha.)
PHASE 1			
Single Family Residential	1-2, 4-17, 19-41, 49-50, 54, 56-59, 61-63, 67, 74-78, 83-85, 91-93, 96, 102, 109-116	71	3.95
Townhome Residential	3, 18, 42-48, 51-53, 55, 60, 64-66, 68-73, 79-82, 86-90, 94-95, 97-101, 103-109	202	5.27
Park / Walkways	117-119, 123		2.13
Stormwater Management	120		1.08
3m Road Widening	121-122		0.03
Roads	LARK STREET, MARTIN STREET, KEBA CRESCENT, MALLARD STREET, BRAUN AVENUE, CANARY STREET		3.79
Phase 1 Total		273	16.25

LAND USE SCHEDULE

DESCRIPTION	LOTS/BLKS.	UNITS	AREA (ha.)
PHASE 1			
Residential	1-5, 9-11, 15-21, 26-35, 40-155	141	7.15
Semi-Detached Residential	6-8, 12-14, 22-25, 36-39, 156-158	34	1.20
Commercial	159		0.49
Park	160		1.30
Greenway	161-163		2.33
Walkway	164-166		0.09
3m Road Widening	167, 168		0.02
0.3m Reserve	169-172		0.00
Roads			3.36
Phase 1 Total		175	15.94

RED-LINED DRAFT PLAN

LEGEND

REVISD LIMIT OF DRAFT PLAN 16.07ha

LANDS TO BE ADDED INTO DRAFT

RED-LINED PLAN (0.49ha)

LANDS TO BE REMOVED FROM RED-LINED DRAFT PLAN (0.18ha)

TOTAL DIFFERENCE 0.31ha

PLAN PREPARED BY:

CJDL
Consulting Engineers

JOB No. 21001

Cyril J. Demeyere Limited
P.O. Box 460, 261 Broadway
Tillsonburg, Ontario, N4G 4H8
Tel: 519-688-1000
866-302-9886
Fax: 519-842-3235
cjdl@cjdleng.com

DATE: 15 APR 2021
REV. 13 MAY 2021

ADDITIONAL INFORMATION

(UNDER SECTION 51(17) OF THE PLANNING ACT)

INFORMATION REQUIRED BY CLAUSES a,b,c,d,e,f,g,j and l ARE AS SHOWN ON DRAFT PLAN.

h) Municipal water supply

i) Sand, sandy silt

k) All municipal services as required including sanitary sewers

OWNER'S CERTIFICATE

I AUTHORIZE THE GSP GROUP INC. TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE COUNTY OF OXFORD.

JOHN SPINA, Lindpro Corp.

June 6, 2007
DATE

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE CORRECTLY SHOWN.

Kim Husted, O.L.S., Kim Husted Surveying Ltd.

June 26, 2007
DATE

GSP
group

Midwest Ontario Office
251-175 Victoria Street South
Tillsonburg, Ontario N4G 4H8
T 519 861 8801
F 519 861 8802

Hamilton Office
102-171 Marine Street East
Hamilton, Ontario L8N 3K5
T 905 522 8801
F 905 522 8802

www.gspgroup.ca

Date: June 7, 2007 Drawn By: S.Loughran

Scale: 1:2000 metric Project No.: 6095.40

REVISIONS

July 8, 2008
September 30, 2008



March 19, 2021

Eric Gilbert, MCIP RPP, M Sc., Senior Planner
Community and Strategic Planning / County of Oxford
P.O. Box 1614, 21 Reeve Street Woodstock ON N4S 7Y3

**Re: Northcrest Estates Phase 2 (Draft Plan 32T-07006)
Redline Subdivision Amendment Application**

Dear Mr. Gilbert,

Performance Communities Realty Inc. purchased lands approved by Draft Plan 32T-07006. The Town of Tillsonburg has approved the use of the name Northcrest Phase 2 for this Subdivision File and has approved the Street Names shown on the Redline Plan.

As reviewed at our Consultation meeting and by correspondence during January – March 2021 PCRI has adjusted the Draft Plan based on engineering review and market housing demands. The Draft Plan adjustments have been completed collaboratively with Lindprop Corp. to ensure the orderly development of the “Keba Farm” consisting of a total of 58 hectares of residential land. CJD L has prepared a joint Functional Servicing Report for both Northcrest Phase 2 and Lindprop Phase 2/3 Subdivision.

Storm Water Management/Parkland & Trail Connections

The Functional Servicing Report for Northcrest Phase 2 as prepared by CJD L recommends that the “Greenway” Blocks and Storm Water Management Pond Block be adjusted to the new sizes and locations as shown on the Redline Application. Block 120 will function as a SWM Pond; Block 118 will function as a Drainage Channel and Walkway. Block 117 (Parkland) to include frontage on Martin Street and connection to the Drainage Channel. Refer to the Functional Servicing Report for additional explanation. Hayhoe Homes is excited to continue to promote trail development and connectivity. The trail walkway on Block 118 aligns with the Trail walkway on the south side of North Street which connects to the Rail Trail.

Housing Types

Recognizing current market demand, PCRI adjusted the mix of residential types to include single-detached dwellings and Street Townhomes. The mix of housing types is like Northcrest Phase 1 which has been well received since market launch in spring 2020.

Commercial Block

Lindprop retains ownership of the lands on the east side of Braun Blvd. within Draft Plan 34T-07006 and Lindprop has decided to remove the Commercial Block recognizing that commercial use is best served in neighboring areas designated as Commercial in the Town of Tillsonburg Official Plan.

Street Alignments

The street alignment of Martin Way, Braun Boulevard and Mallard Crescent has been reviewed by Lindprop Corp. Lindprop agrees with the street alignment as shown on the Redline Plan. The Functioning Servicing Report has additional information on the function of Braun Boulevard as a collector Road proposed to continue north through the Lindprop Phase 2/3 Subdivision.

We appreciate your guidance and assistance throughout the preparation of the Redline Application.



Will Hayhoe
President, Performance Communities Realty Inc.

C.c. Carlos Reyes, Director of Operations, Town of Tillsonburg
Shayne Reitsma, Manager of Engineering, Town of Tillsonburg
Cephas Panschow, Development Commissioner, Town of Tillsonburg
Geno Vanhaelewyn, Chief Building Official, Town of Tillsonburg
Chris Baird, Director of Recreation, Culture and Parks, Town of Tillsonburg
Reuben Davis, Supervisor of Engineering Services, County of Oxford
Andrew Vranckx, Senior Design Technologist, CJDLC Consulting Engineers
Peter Penner, Design Engineer, CJDLC Consulting Engineers
Kim Husted, Kim Husted Surveying Ltd.
John Spina, Lindprop Corp.

To: Mayor and Members of Tillsonburg Council

From: Eric Gilbert, Senior Planner, Community Planning

Applications for Official Plan Amendment & Zone Change OP 21-04-7 & ZN 7-21-04 – Town of Tillsonburg

REPORT HIGHLIGHTS

- The purpose of the Official Plan Amendment and Zone Change is to amend the Official Plan policies and Zoning By-Law provisions respecting ground floor residential development in the Central Area of Tillsonburg, to expand the area where ground floor residential development is prohibited to protect and preserve employment and commercial uses.
- The proposal is consistent with the relevant policies of the Provincial Policy Statement and is in-keeping with the strategic initiatives and objectives of the Official Plan and can be supported from a planning perspective.

DISCUSSION

Background

OWNER: Town of Tillsonburg
10 Lisgar Avenue, Tillsonburg ON, N4G 5A5

LOCATION:

The proposed amendments apply to lands designated 'Central Business District' as per Schedule T-1 of the Official Plan, and lands zoned 'Central Commercial Zone (CC)' in the Town of Tillsonburg Zoning By-Law.

COUNTY OF OXFORD OFFICIAL PLAN:

Existing:

Schedule 'T-1'	Town of Tillsonburg Land Use Plan	Central Business District
----------------	-----------------------------------	---------------------------

Proposed:

Amend the policies of Section 8.3.2.3.1- to expand the current prohibition on free standing residential development within the Central Business District

TOWN OF TILLSONBURG ZONING BY-LAW 3295:

Existing Zoning: Central Commercial Zone (CC)

Proposed Zoning: Amend the provisions of Section 13.2.2, to expand the current prohibition on ground floor residential development within the CC Zone.

PROPOSAL:

The purpose of this application is to amend the provisions of the Official Plan contained within Section 8.3.2.3.1- Central Business District, and Section 13.2.2 of the Town's Zoning By-Law to expand the current prohibition on free standing residential development within the Central Business District and Central Commercial Zone.

The current boundary of the prohibition on free-standing residential development within the Central Commercial Zone is the lands within an area bounded by Bridge Street to the north, Baldwin/ Oxford Street to the south, Bidwell Street to the west and Harvey Street to the east.

Plate 1, Current Extent of Prohibition on Ground Floor Residential Development, illustrates the current area that is subject to the restriction on ground floor residential development.

Plate 2, Proposed Expansion of Prohibition on Ground Floor Residential Development depicts boundaries that could be modified to encompass more commercial land that could be protected from full residential conversions.

The proposed amended boundary is depicted on Plate 2.

Application Review

2020 PROVINCIAL POLICY STATEMENT

Section 1.1.1 of the PPS indicates 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, accommodating an appropriate range and mix of residential, employment (including industrial and commercial), institutional, recreation, park and open space uses to meet long-term needs.

The policies of Section 1.1.3.1 state that settlement areas shall be the focus of growth and development.

Further, Section 1.3.1 of the PPS directs that planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional uses and broader mixed uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;

- c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;
- d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and,
- e) ensuring the necessary infrastructure is provided to support current and projected needs.

Further, according to Section 1.7, long-term prosperity should be supported by maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets.

OFFICIAL PLAN

Although the Official Plan contains many policies and objectives to increase the residential density of the Central Area, it is also a strategic goal of the Official Plan to protect the employment function of the Central Area through restrictions on some permitted uses, and limiting free-standing residential development on high-profile commercial corridors.

Section 8.3.2.3.1- CENTRAL BUSINESS DISTRICT provides that “the Central Business District is intended to be the most intensive, functionally diverse business, cultural and administrative centre in the Town. Therefore, within the Central Business District, the full range of commercial, office, administrative, cultural, entertainment, recreation, institutional, open space and multiple residential uses are permitted.

Residential units on levels above the grade level are permitted within any of the non-residential uses.

Notwithstanding the policies of this section, the following policies shall take precedence:

- free standing residential *development* is not permitted on lands having frontage on Broadway within that portion of the Central Business District bounded by Bridge Street and Baldwin/Oxford Streets.
- conversion of existing buildings to free-standing medium density residential *development* is not generally permitted within one block of Broadway within the Central Business District. Proposals for free standing medium density residential *development* adjacent to Broadway may be permitted if such *development* does not impact the primary business, cultural and administrative functions of the Central Business District.”

ZONING BY-LAW

Town Zoning By-Law No 3295 contains restrictions on ground floor residential development in the Central Commercial Zone in Section 13.2.2:

Section 13.2.2- Restrictions on Ground Floor Residential Development

Notwithstanding the residential uses permitted in Table 13.1, no residential use shall be permitted on the ground floor of any building located within the lands bounded by Bidwell Street to the west, Harvey Street to the east, Bridge Street to the north and Baldwin/Oxford Streets to the south.

This zoning provision implements the aforementioned Official Plan policy.

Although a new single detached dwelling, duplex dwelling, or semi-detached dwelling are not a permitted use within the CC zone, an apartment dwelling, converted dwelling, boarding or lodging house, and multiple unit dwelling are permitted uses.

CENTRAL AREA DESIGN STUDY (2012)

The Central Area Design Study completed by the Town in 2021 provides some guidance for applications within the Central Area of the Town.

The study identifies a Main Street Area, an area that encompasses properties on both sides of Broadway, from Venison Street to Prospect Street as a primary commercial area in the Town. Other areas include a Secondary Commercial Area, encompassing properties on the east side of Bidwell Street, properties on the west side of Harvey Street, east side of Harvey Street north of McKenzie Street, south side of Oxford Street, and south side of Brock Street East, west of Lisgar Avenue.

The study recommends that within the Main Street Area, new buildings should contain active and publicly oriented retail uses or other appropriate commercial uses at-grade. This is necessary to create a cohesive and pedestrian oriented urban environment and to ensure the public accessibility of all buildings. At grade commercial uses should wrap the corner, occupying a frontage ranging between 9 to 12 metres. Beyond this point, the buildings may include either residential or commercial uses at grade, depending on demand.

Within Secondary Commercial Areas, at-grade residential uses are permitted. However, properties with frontages along streets which flank Broadway Street should be targeted for commercial uses in the long-term, in order to extend commercial activity beyond Broadway Street within Tillsonburg's Central Area.

Within the Main Street Area, Secondary Commercial Area, and Large Format Area, the floor-to-floor height of the ground floor of new buildings should be a minimum of 4.5 metres. This will facilitate retail uses at-grade and will ensure that the ground floor has a continuous character as the Secondary Commercial Area evolves to include a greater number of businesses, and the Large Format Retail Area transitions to a more urban character.

AGENCY COMMENTS

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

Town of Tillsonburg Building Department indicated that the proposed boundary should include existing commercial properties on the south side of Brock Street East, east of Harvey Street.

The Tillsonburg District Chamber of Commerce indicated that they are supportive of the subject applications and provided the following comments:

- Tillsonburg has always strived to keep business in the core, and this is one step further in this direction
- We should maintain commercial space on the ground level in the downtown. Ground floor commercial is important in the health of the core.
- The expansion may help attract more business to the downtown area.

The Downtown Tillsonburg BIA indicated they support the proposed expansion to the current prohibition on ground floor residential development.

Members of the Town Economic Development Advisory Committee provided the following comments:

- Concerns about already very limited affordable housing options in the Town and how restricting ground floor residential, even if in the downtown, could exacerbate this
- Consider exemption for new development as, presumably, it would have gone through an approval process
- Supportive that this application allows for upper floor residential living in the downtown core
- Restricting ground floor residential from being permitted on Broadway (extending the current zone south to London St) is of primary importance, but less concerned about side streets
- While this may be an extra step or red tape for members of the public, important to remember that even if rezoned, specific developments could seek exemptions to the restriction through a rezoning.
- Although there may be pressures to convert existing commercial/retail space to residential, it is important protect downtown retail space to allow for future commercial and retail growth. There has been significant new businesses that have opened during the pandemic that have replaced some that have shut down and overall the BIA believes there has been net growth over the past year.

PUBLIC CONSULTATION

Notice of complete application and notice of public meetings was provided by way of a newspaper ad within the Norfolk-Tillsonburg News on May 20, 2021 and June 3, 2021, in accordance with the requirements of the Planning Act. At the time of writing this report, no public comments have been received.

Planning Analysis

The subject applications propose to expand the current boundary of the prohibition of ground floor residential development within the Central Area of the Town.

It is the opinion of staff that the proposed amendments are consistent with the relevant policies of the PPS as the proposed amendments will protect commercial and employment space, and enhance the viability and vitality of downtown Tillsonburg.

Staff are of the opinion that the northern limit of this area (Bridge St) is appropriate as it is consistent with the limit of the CC zoning; lands to the north are zoned Entrepreneurial District. Similarly, the western boundary of Bidwell Street remains appropriate as this is the limit of the Central Commercial Zone, and the western side of Bidwell Street contains a number single detached, duplex, and multi-unit dwellings, typical of the Entrepreneurial District Zone.

Planning staff have reviewed the existing development on Broadway & Bidwell south of the present limit of Oxford / Baldwin Street and suggest that the boundary could be expanded to London Street to the south for the following reasons:

- Development on both sides of Broadway in this area is generally commercial, with a number of small-scale retail uses and some larger commercial uses and professional offices.
- A number of the properties within this area could potentially be developed for ground floor residential development consisting of multiple unit dwellings or apartment dwellings, which are permitted uses.
- If the area was extended, existing residential development that is present on the ground floor would be legal non-conforming.

Upon review of the eastern boundary of the area, staff suggest that the boundary be altered to encompass properties fronting on the south side of Brock Street East, west of Lisgar Avenue, and properties fronting on Harvey Street, this would protect the potential for future commercial development on existing municipally-owned parking lots that front onto Harvey Street. This revised boundary would also protect existing commercial space within commercial properties between Brock Street East and McKenzie Street by precluding residential development on the ground floor.

The proposed boundary also aligns with the findings of the Central Area Design Study, which identified the Main Street Area on both sides of Broadway extending south to Prospect Street, and the identified Secondary Commercial Area on the east side of Bidwell Street, south side of Oxford Street, and Harvey Street. The study recommended that ground floor uses on Broadway should be commercial to create a cohesive and pedestrian oriented urban environment and to ensure the public accessibility of all buildings. Buildings within the Secondary Commercial Area that front on streets that flank Broadway are also recommended to be targeted for commercial uses, to extend the commercial activity of the Central Area.

In light of the foregoing, Planning staff are satisfied that the proposed expansion of the current prohibition on ground floor residential development in the Central Area is consistent with the policies of the PPS, supports the strategic initiatives and objectives of the Official Plan to preserve and protect the commercial function of the Central Area, and is consistent with the Central Area Design Study.

A draft Official Plan Amendment and zoning by-law amendment is attached for Council's consideration.

RECOMMENDATION

1. That the Council of the Town of Tillsonburg support the application to amend the Oxford County Official Plan (File No. OP 21-04-7), initiated by the Town of Tillsonburg, to amend Section 8.3.2.3.1 to expand the extent of the current prohibition on ground floor residential development in the Central Business District; and,
2. That the Council of the Town of Tillsonburg approve in principle the zone change application (File No. ZN 7-21-04), initiated by the Town of Tillsonburg, to amend the provisions of Section 13.2.2 (CC Zone) to expand the extent of the current prohibition on ground floor residential development within the 'Central Commercial Zone (CC)'.

SIGNATURES

Authored by:

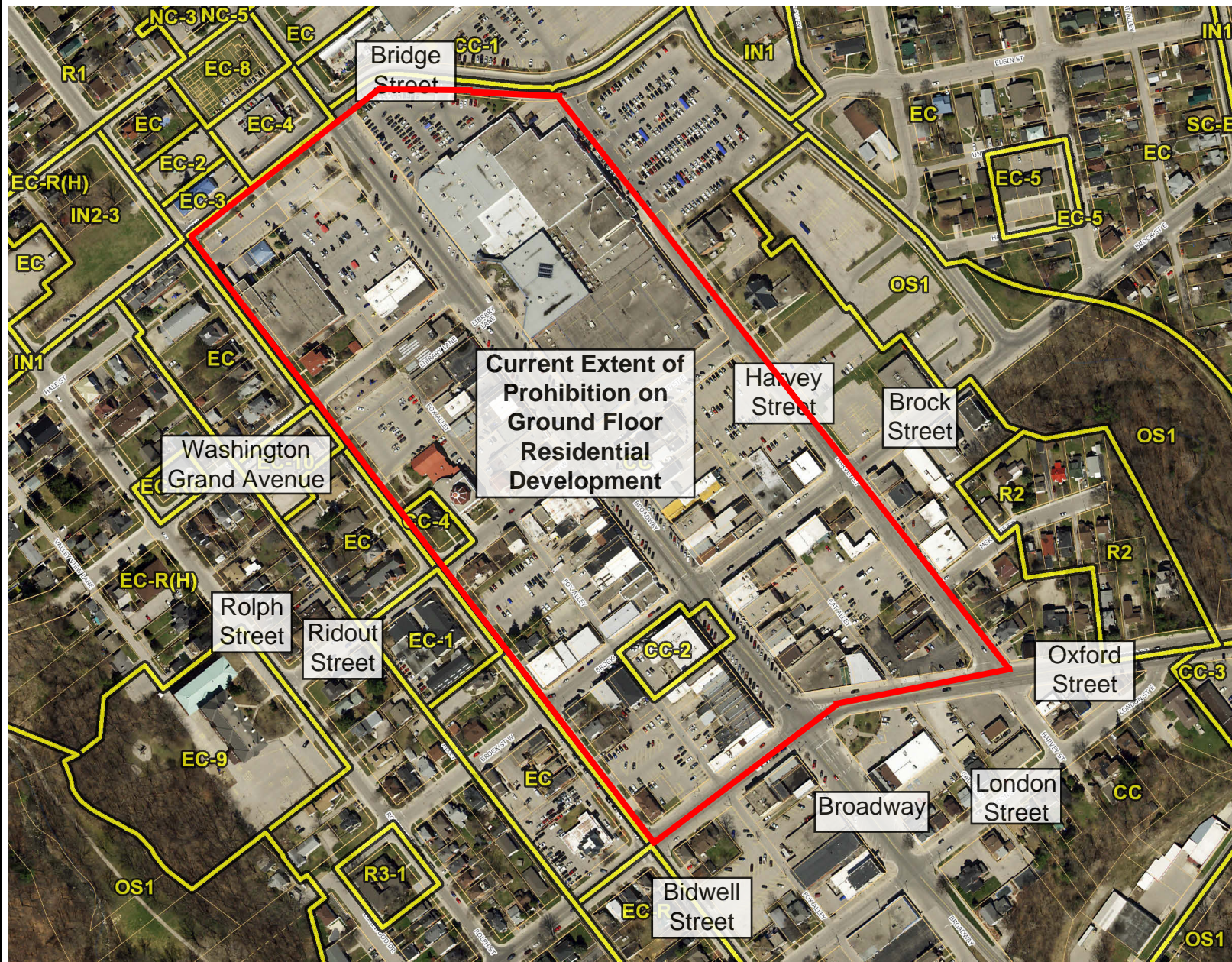
Original signed by

Eric Gilbert, MCIP, RPP
Senior Planner

Approved for Submission: *Original signed by*

Gordon K. Hough, RPP
Director

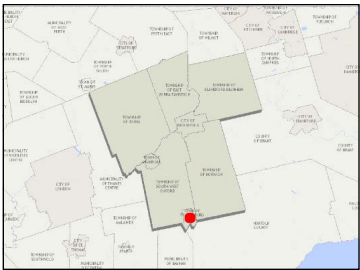
Plate 1- Current Extent of Prohibition on Ground Floor Residential Development



Legend

- Land Use Zoning (Displays 1:16000 to 1:500)

Notes



0 102 205 Meters

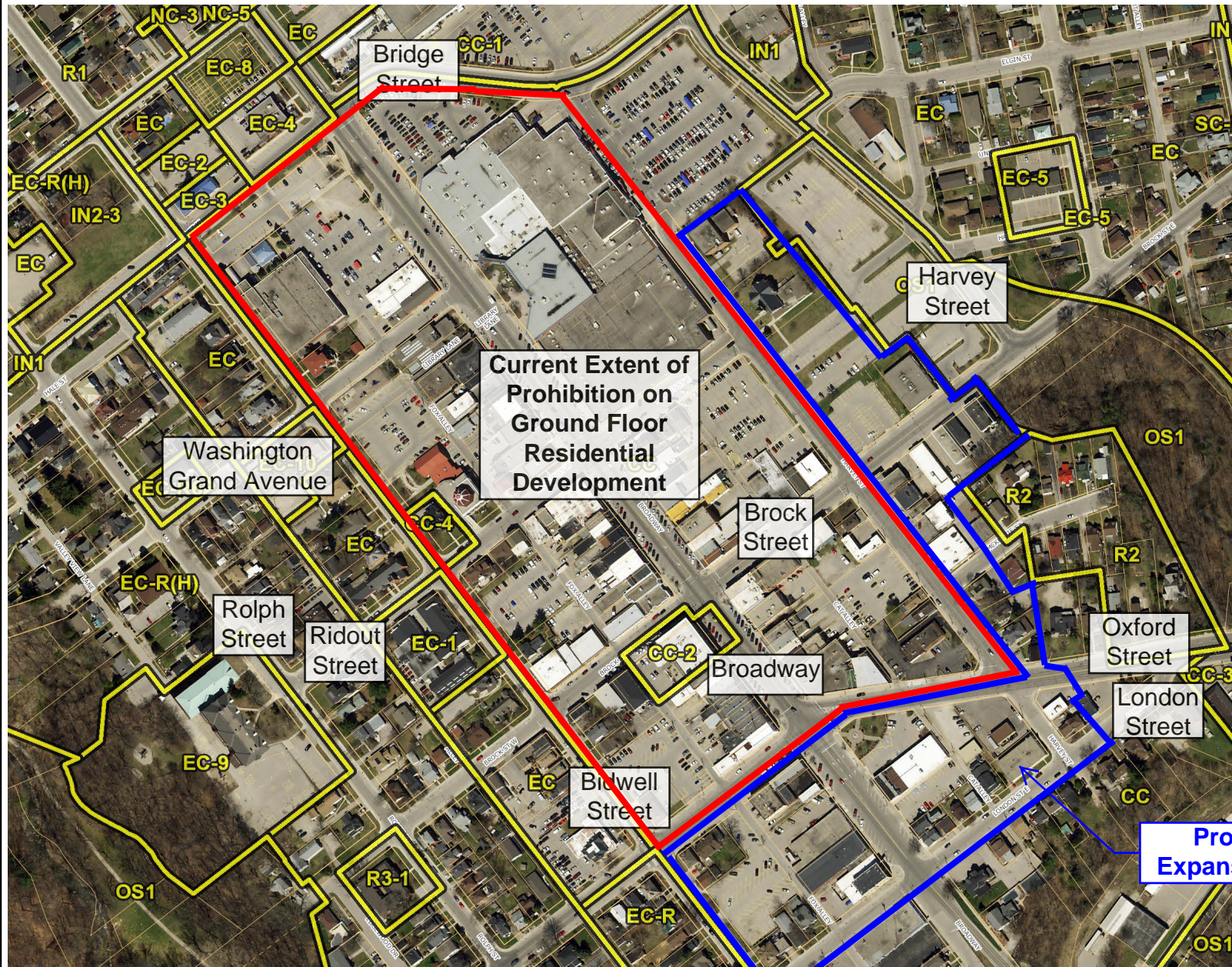
NAD_1983_UTM_Zone_17N



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey

February 9, 2021

Plate 2- Proposed Expansion of Prohibition on Ground Floor Residential Development



Legend

- Land Use Zoning (Displays 1:16000 to 1:500)

Notes

Proposed Expansion Area



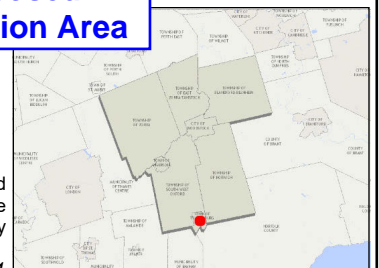
0 102 205 Meters

NAD_1983_UTM_Zone_17N



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February 9, 2021



AMENDMENT NUMBER 259
TO THE COUNTY OF OXFORD OFFICIAL PLAN

The following text constitutes
Amendment Number 259 to the County of Oxford Official Plan.

COUNTY OF OXFORD
BY-LAW NO. XXXX-2021

BEING a By-Law to adopt Amendment Number 259 to the County of Oxford Official Plan.

WHEREAS, Amendment Number 259 to the County of Oxford Official Plan has been recommended by resolution of the Council of the Town of Tillsonburg and the County of Oxford has held a public hearing and has recommended the Amendment for adoption.

NOW THEREFORE, the County of Oxford, pursuant to the provisions of the Planning Act, R.S.O. 1990, as amended, enacts as follows:

1. That Amendment Number 259 to the County of Oxford Official Plan, being the attached explanatory text, is hereby adopted.
2. This By-Law shall come into force and take effect on the day of the final passing thereof.

READ a first and second time this 14th day of July, 2021.

READ a third time and finally passed this 14th day of July, 2021.

LARRY G. MARTIN, WARDEN

CHLOÉ J. SENIOR, CLERK

1.0 PURPOSE OF THE AMENDMENT

The purpose of this amendment is to amend the policies of Section 8.3.2.3 - Policies for Central Area Sub-Districts, Section 8.3.2.3.1 - Central Business District, Restricted Uses to expand the area that is subject to a prohibition on free standing residential development.

2.0 LOCATION OF LANDS AFFECTED

This amendment generally applies to lands within the Central Business District, as depicted on Schedule “T-1” – Town of Tillsonburg Land Use Plan.

3.0 BASIS FOR THE AMENDMENT

The subject amendment has been initiated to amend the policies of the Official Plan contained within Section 8.3.2.3.1 - Central Business District, to expand the current prohibition on free standing residential development within the Central Business District of the Town of Tillsonburg.

It is the opinion of Council that the proposed amendments are consistent with the relevant policies of the PPS as the proposed use will protect commercial and employment space, and enhance the viability and vitality of downtown Tillsonburg.

Although the Official Plan contains many policies and objectives to increase the residential density of the Central Area, it is also a strategic goal of the Official Plan to protect the employment function of the Central Area through restrictions on some permitted uses, and limiting free-standing residential development on high-profile commercial corridors.

Council is of the opinion that that expanded prohibition on free-standing residential development is appropriate as it will preserve commercial space for retail, office & other non-residential uses that contribute to the vibrancy and vitality of the Central Area of the Town. The residential intensification goals of the Official Plan can continue to be achieved as residential units on the upper level of non-residential buildings are still permitted.

Further Council is of the opinion that the proposed amendment is consistent with the findings of the Central Area Design Study (2012), which recommended that commercial uses remain at street level within the Main Street Area and Secondary Commercial Areas on streets flanking Broadway.

In light of the foregoing, Council is satisfied that the proposal is consistent with the policies of the Provincial Policy Statement and is in-keeping with the strategic initiatives and objectives of the County Official Plan.

4.0 DETAILS OF THE AMENDMENT

- 4.1 Section 8.3.2.3.1 – *Central Business District*, as amended, is hereby further amended by deleting and replacing the portion of the subsection titled ‘Restricted Uses’ with the following:

RESTRICTED USES

Notwithstanding the policies of this Section, the following policies shall take precedence:

- free standing residential *development* is not permitted on lands within an area bounded by Bridge Street to the north, Bidwell Street to the west, London Street to the south, Harvey Street and the south side of Brock Street East (to Lisgar Avenue) to the east.
- conversion of existing buildings to free-standing medium density residential *development* is not generally permitted within one block of Broadway within the Central Business District. Proposals for free standing medium density residential *development* adjacent to Broadway may be permitted if such *development* does not impact the primary business, cultural and administrative functions of the Central Business District.
- amusement arcades are not permitted on lands having frontage or flankage immediately adjacent to Broadway in the Central Business District;
- adult entertainment parlours are not permitted within the Central Business District;
- commercial bingo parlours are not permitted within the Central Business District.

5.0 IMPLEMENTATION

This Official Plan Amendment shall be implemented in accordance with the implementation policies of the Official Plan.

6.0 INTERPRETATION

This Official Plan Amendment shall be interpreted in accordance with the interpretation policies of the Official Plan.

THE CORPORATION OF THE TOWN OF TILLSONBURG

BY-LAW 2021-____

A By-Law to amend Zoning By-Law Number 3295, as amended.

WHEREAS the Municipal Council of the Corporation of the Town of Tillsonburg deems it advisable to amend By-Law Number 3295, as amended.

THEREFORE, the Municipal Council of the Corporation of the Town of Tillsonburg, enacts as follows:

1. That Section 13.2.2 to By-Law Number 3295, as amended, is hereby deleted and replaced with the following:

“13.2.2 RESTRICTIONS ON GROUND FLOOR RESIDENTIAL DEVELOPMENT
Notwithstanding the residential uses permitted in Table 13.1, no residential use shall be permitted on the ground floor of any building located within the lands bounded by Bidwell Street to the west, Bridge Street to the north, London Street to the south, properties fronting on Harvey Street and the south side of Brock Street East (west of Lisgar Avenue) to the east.”

2. This By-Law comes into force in accordance with Sections 34(21) and (30) of the Planning Act, R.S.O. 1990, as amended.

READ A FIRST AND SECOND TIME THIS 21st day of JUNE, 2021.

READ A THIRD AND FINAL TIME AND PASSED THIS 21st day of JUNE, 2021.

MAYOR – Stephen Molnar

CLERK – Michelle Smibert

THE CORPORATION OF THE TOWN OF TILLSONBURG

BY-LAW 2021-____

A By-Law to amend Zoning By-Law Number 3295, as amended.

WHEREAS the Municipal Council of the Corporation of the Town of Tillsonburg deems it advisable to amend By-Law Number 3295, as amended.

THEREFORE, the Municipal Council of the Corporation of the Town of Tillsonburg, enacts as follows:

1. That Schedule "A" to By-Law Number 3295, as amended, is hereby amended by changing to 'SC-27' the zone symbol of the lands so designated 'SC-27' on Schedule "A" attached hereto.
2. That Section 14.5 to By-Law Number 3295, as amended, is hereby further amended by adding the following at the end thereof:

"14.5.27 **LOCATION: PART LOT 381, PLAN 500, PART 1 OF 41R-2931 SOUTHEAST CORNER OF CONCESSION STREET EAST AND TILLSON AVENUE, SC-27 (KEY MAP 19)**

14.5.27.1 Notwithstanding any provisions of this By-Law to the contrary, no *person* shall within any SC-27 zone *use any lot, or erect, alter, or use any building or structure* for any purpose except the following:

All uses permitted in Table 14.1;
A medical/dental centre;
A real estate, insurance or travel agency;
A monument sales establishment;
A business professional office;
A specialty sporting goods retail outlet;
A retail store.

14.5.27.2 Notwithstanding any provisions of this By-Law to the contrary, no *person* shall within any SC-27 Zone *use any lot, or erect, alter, or use any building or structure* for any purpose except in accordance with the following provisions:

14.5.27.2.1 SPECIAL PROVISIONS FOR A RETAIL STORE

14.5.27.2.1.1 TIME PERIOD

MAXIMUM

June 21, 2021 to June 21, 2024

By-Law 2021-_____

14.5.27.3 That all of the provisions of the SC Zone in Section 14.2 of this By-Law, as amended, shall apply and further, that all other provisions of this By-Law, as amended, that are consistent with the provisions herein shall continue to apply mutatis mutandis.”

3. This By-Law comes into force in accordance with Sections 34(21) and (30) of the Planning Act, R.S.O. 1990, as amended.

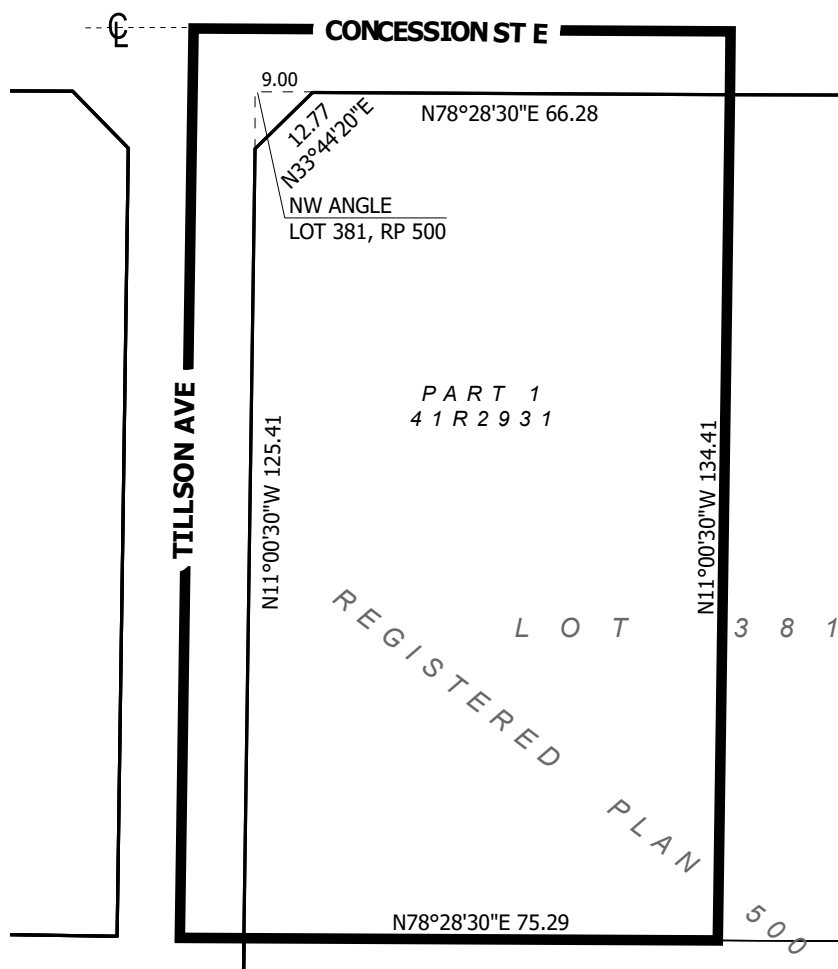
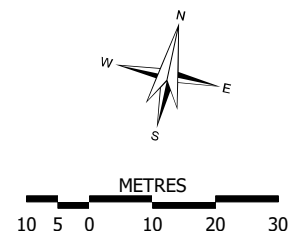
READ A FIRST AND SECOND TIME THIS 21st day of JUNE, 2021.

READ A THIRD AND FINAL TIME AND PASSED THIS 21st day of JUNE, 2021.

MAYOR – Stephen Molnar

CLERK – Michelle Smibert

SCHEDULE "A"
 TO BY-LAW No. 2021-
 PT LOT 381, REGISTERED PLAN 500
 PART 1, REFERENCE PLAN 41R2931
 TOWN OF TILLSONBURG



 AREA OF ZONE CHANGE TO SC-27

NOTE: ALL DIMENSIONS IN METRES



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THIS IS SCHEDULE "A"

TO BY-LAW No. 2021-, PASSED

THE 21 DAY OF June, 2021

 MAYOR - Stephen Molnar

 CLERK - Michelle Smibert

THE CORPORATION OF THE TOWN OF TILLSONBURG
BY-LAW 2021-066

A BY-LAW to confirm the proceedings of Council at its meeting held on June 21, 2021.

WHEREAS Section 5 (1) of the *Municipal Act, 2001, as amended*, provides that the powers of a municipal corporation shall be exercised by its council;

AND WHEREAS Section 5 (3) of the *Municipal Act, 2001, as amended*, provides that municipal powers shall be exercised by by-law;

AND WHEREAS it is deemed expedient that the proceedings of the Council of the Town of Tillsonburg at this meeting be confirmed and adopted by by-law;

BE IT THEREFORE ENACTED by the Council of the Corporation of the Town of Tillsonburg as follows:

1. All actions of the Council of The Corporation of the Town of Tillsonburg at its meeting held on June 21, 2021, with respect to every report, motion, by-law, or other action passed and taken by the Council, including the exercise of natural person powers, are hereby adopted, ratified and confirmed as if all such proceedings were expressly embodied in this or a separate by-law.
2. The Mayor and Clerk are authorized and directed to do all the things necessary to give effect to the action of the Council of The Corporation of the Town of Tillsonburg referred to in the preceding section.
3. The Mayor and the Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the Town of Tillsonburg.
4. That this By-Law shall come into force and take effect on the date it is passed.

READ A FIRST AND SECOND TIME THIS 21st DAY OF JUNE, 2021.

READ A THIRD AND FINAL TIME AND PASSED THIS 21st DAY OF JUNE, 2021.

MAYOR – Stephen Molnar

CLERK – Michelle Smibert