

To: Mayor and Members of Tillsonburg Council

From: Eric Gilbert, Senior Planner, Community Planning

Application for Zone Change ZN 7-22-17 – Skylight Real Estate Inc.

REPORT HIGHLIGHTS

- The application for Zone Change proposes to rezone the subject property from ‘Low Density Residential Type 1 Zone (R1)’ to ‘Low Density Residential Type 3 Zone (R3)’ to recognize the long-standing use of the subject lands as a triplex dwelling.
- Planning staff are recommending support of the application, as it is consistent with the policies of the Provincial Policy Statement and complies with the relevant policies of the Official Plan respecting intensification and development within Low Density Residential Areas.

DISCUSSION

Background

OWNER: Skylight Real Estate Inc.
11 Sheila Crescent, Richmond Hill ON L4B 2Z8

LOCATION:

The subject property is described as Lot 637, Plan 500, in the Town of Tillsonburg. The lands are located on the northwest corner of Broadway and Concession Street, and are municipally known as 309 Broadway, Tillsonburg.

COUNTY OF OXFORD OFFICIAL PLAN:

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 NO.3295:

Existing Zoning: Low Density Residential Type 1 Zone (R1)
Proposed Zoning: Low Density Residential Type 3 Zone (R3)

PROPOSAL:

The purpose of this application is to rezone the subject property from 'Low Density Residential Type 1 Zone (R1)' to 'Low Density Residential Type 3 Zone (R3)' to recognize the long-standing use of the subject lands as a triplex dwelling.

The subject lands have an approximate area of 1481 m² (0.36 ac) and contain an existing triplex dwelling (circ. 1900), with an approximate area of 303 m² (3,261 ft²). A detached accessory building with an approximate area of 27 m² (290 ft²) is also present on the subject property. The property currently has driveway entrances on Broadway and Concession Street West, and accommodates 8 parking spaces.

Surrounding land uses include low density residential uses, consisting of predominantly single detached dwellings on Broadway and Concession St W.

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

Plate 2, 2020 Aerial Map, provides an aerial view of the subject property.

Plate 3, Applicant's Sketch, depicts the location of the existing triplex on the subject lands.

Application Review

PROVINCIAL POLICY STATEMENT:

The 2020 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Under Section 3 of the Planning Act, where a municipality is exercising its authority affecting a planning matter, such decisions "shall be consistent with" all policy statements issued under the Act.

Section 1.1.1 provides that healthy liveable and safe communities are sustained by accommodating an appropriate range and mix of residential housing (including additional units, affordable housing, and housing for older persons) to meet long-term needs, and promoting cost-effective development that minimizes land consumption and servicing costs.

Section 1.1.3.1 of the PPS states that Settlement Areas will be the focus of growth and their vitality and regeneration shall be promoted. Land use patterns within settlement areas shall be based on:

- densities and mix of land uses which are appropriate for, and efficiently use the infrastructure and public service facilities which are planned or available;
- support active transportation;
- efficiently use land and resources;
- a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

Section 1.1.3.4 directs that appropriate development standards shall be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Further, Section 1.4 Housing, specifically ss. 1.4.3, states that planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- Establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households;
- Permitting and facilitating all forms of housing required to meet the social, health and well-being requirements of current and future residents;
- Permitting and facilitating all types of residential intensification, including additional residential units and redevelopment, in accordance with policy 1.3.3.3;
- Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and
- Establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

OFFICIAL PLAN:

The subject property is designated Low Density Residential as per Schedule T-2, Residential Density Plan for the Town of Tillsonburg, as contained in the Official Plan.

Low density residential districts are those lands that are primarily developed or planned for a variety of low-rise, low density housing forms including both executive and smaller single-detached dwellings, semi-detached, duplex and converted dwellings, townhouses and other, similar development. Within 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.

Section 8.2.1 of the Official Plan (Housing Development and Residential Areas - Strategic Approach) identifies a number of strategies "to provide present and future residents of Tillsonburg with a choice of adequate and affordable housing which meets their needs".

The strategies developed to achieve this goal include:

- Accommodating the present and future demand for housing in Tillsonburg through the efficient use of vacant residentially-designated lands, underutilized parcels in built-up areas and existing housing stock in all neighbourhoods, with the objective of also reducing energy consumption, decreasing the financial burden of underutilized municipal services, and relieving pressure for development of natural areas and open spaces;
- Facilitating a choice of housing type, tenure, cost and location that meets the changing needs of all types of households by providing for a variety and mix of housing throughout the Town;
- Increasing the supply of affordable housing by integrating adequate housing for low and moderate income households and those with special needs throughout the Town and establish and monitor minimum affordable housing targets to ensure that the percentage of affordable housing is maintained or enhanced;
- Promoting and facilitating the provision of affordable housing through the co-operative efforts of all levels of government, the private sector and volunteer interest groups through such means as technical assistance, land conveyances, joint ventures, regulatory measures, and incentives.

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.

TOWN OF TILLSONBURG ZONING BY-LAW:

The subject property is currently zoned 'Low Density Residential Type 1 Zone (R1)', according to the Town of Tillsonburg Zoning By-law. The R1 zone permits a single detached dwelling, a home occupation, and accessory uses thereto.

Permitted uses within the R3 zone include a multiple unit dwelling (triplex), converted dwelling, street fronting townhouse dwelling, and home occupation.

The R3 zone requires a minimum lot area of 330 m² (3,552 ft²) per dwelling unit, minimum lot frontage of 20 m (65.5 ft), lot depth of 30 m (98.4 ft), front yard depth and exterior side yard width of 6 m (19.7 ft), rear yard depth of 10.5 m (34.4 ft), interior side yard width of 4.5 m (14.8 ft) and 3 m (9.8 ft), and maximum lot coverage of 40% of the lot area. A triplex dwelling requires 6 parking spaces; two for each dwelling unit.

The existing dwelling complies with the provisions of the R3 zone.

AGENCY COMMENTS:

Town of Tillsonburg Building Services, Town of Tillsonburg Engineering Department, Oxford County Public Works Department, and Tillsonburg District Chamber of Commerce indicated they had no comments respecting the application.

Tillsonburg Hydro Inc. indicated that they had no concerns respecting the application as the existing premise has 3 metered services for the non-conforming triplex.

PUBLIC CONSULTATION:

Notice of complete application and notice of public meeting regarding this application were circulated to surrounding property owners within 120 m (400') of the property on December 1, 2022 and January 10, 2023, respectively, in accordance with the requirements of the Planning Act. No concerns have been expressed respecting the application.

Planning Analysis

The application for Zone Change proposes to rezone the lands to 'Low Density Residential Type 3 Zone (R3)' to recognize the long-standing use of the property for a triplex dwelling.

The proposal is consistent with the PPS direction to provide for an appropriate diversity of housing types and densities to meet the needs of current and future residents. The proposal is consistent with the Planning Act and PPS direction to permit and facilitate all forms of residential intensification and redevelopment, including additional units.

The proposal complies with the policies contained within Section 8.2.2.2 of the Official Plan that encourage the creation of housing opportunities that may result in a mix of tenure forms, such as ownership, rental, and cooperative, throughout the Town. The proposal is also consistent with the policy direction within Section 8.2.2.5 that promotes residential intensification in appropriate locations to make more efficient use of existing land, infrastructure, and public services.

As the proposal seeks to recognize a long-standing existing use, it is not expected to impact the surrounding neighbourhood. The existing dwelling was constructed in 1900 and MPAC and Building records indicate that the triplex use has been long-established, and the use is currently legal non-conforming.

It is Planning staff's opinion that the proposal to recognize this long-standing use is appropriate from a planning perspective and can be given favourable consideration.

An amending by-law will be brought forward for consideration once the required by-law schedules have been prepared.

RECOMMENDATION

It is recommended that the Council of the Town of Tillsonburg approve-in-principle the zone change application submitted by Skylight Real Estate Inc., whereby the lands described as Lot 637, Plan 500, in the Town of Tillsonburg known municipally as 309 Broadway are to be rezoned from 'Low Density Residential Type 1 Zone (R1)' to 'Low Density Residential Type 3 Zone (R3)' to recognize an existing legal non-conforming triplex on the subject lands.

SIGNATURES

Authored by: *'original signed by'*

Eric Gilbert, MCIP RPP
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Approved for submission: *'original signed by'*

Gordon K. Hough, RPP
Director