

To: Mayor and Members of Tillsonburg Council

From: Marc Davidson, Senior Development Planner, Community Planning

Applications for Zoning By-law Amendment ZN 7-24-08 and ZN 7-24-09 – Hoang Investments Inc.

REPORT HIGHLIGHTS

- The applications for amendment to the Zoning By-law propose to remove the Holding provisions from two (2) residential lots within the Oak Park Estates residential subdivision. The appropriate servicing works and development agreements have been completed, and the Owner has entered into a cost-recovery Agreement with the County of Oxford (debenture the funds owed). Removal of the holding provisions will allow for the issuance of building permits.
- Planning staff are recommending approval of the applications, as sufficient water and wastewater capacity is available for the development, and all necessary development agreements have been completed.

DISCUSSION

Background

OWNER/APPLICANT: Hoang Investments Ltd.
27 Greenwich Drive, Guelph, ON N1H 8B7

LOCATION:

The subject lands are described as Lots 57 and 58, Plan 41M-144 in the Town of Tillsonburg. The lands are located on the south side of Hemlock Drive, west of William Street and east of Chestnut Drive, and are known municipally as 11 and 15 Hemlock Drive.

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 Holding Zone (R1A (H))'

Proposed Zoning: 'Low Density Residential - Type 1 Zone (R1A)'

PROPOSAL:

The purpose of the zone change applications are to remove the holding provisions from the subject lands to allow for the future construction of residential dwellings in the form of two (2) single detached dwellings.

Surrounding uses include low density development to the north, west, and east in the form of single detached dwellings, and some vacant residential lots to the west (zoned 'R1A-23', which permits single detached dwellings), and an Institutional use to the south east in the form of a place of worship (zoned 'Minor Institutional Zone (IN1)').

Plate 1, Location Map with Existing Zoning, 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 and the existing zoning in the immediate vicinity.

Plates 3A and 3B, Applicant's Sketch depict the properties from which the holding provisions will be removed, as submitted by the Applicant.

Application Review

2024 PROVINCIAL PLANNING STATEMENT (PPS):

The Provincial Planning Statement is a policy statement issued under Section 3 of the Planning Act that came into effect on October 20, 2024. The PPS applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after October 20, 2024.

Section 1, Introduction, states that a prosperous and successful Ontario will also support a strong and competitive economy that is investment-ready and recognized for its influence, innovation and diversity. Ontario's economy will continue to mature into a centre of industry and commerce of global significance. Central to this success will be the people who live and work in this province.

Section 2.2 provides that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the immediate area by:

- a) establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;
- b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and
 2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;
- c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and
- d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.

Section 2.3.1, General Policies for Settlement Areas, directs that Settlement Areas shall be the focus of growth and development. Further, land use patterns within Settlement Areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) optimize existing and planned infrastructure and public service facilities;
- c) support active transportation;
- d) are transit-supportive, as appropriate; and,
- e) are freight supportive.

Section 3.6, Sewage, Water and Stormwater, directs that planning for sewage and water services shall:

- a) accommodate forecasted growth in a timely manner that promotes the efficient and optimization of existing municipal sewage services and municipal water services and existing private communal sewage services and private communal water services;
- b) ensure that these services are provided in a manner that:
 1. can be sustained by the water resources upon which such services rely;
 2. is feasible and financially viable over their life cycle;
 3. protects human health and safety, and the natural environment, including the quality and quantity of water; and
 4. aligns with comprehensive municipal planning for these services, where applicable.
- c) promote water and energy conservation and efficiency;
- d) integrate servicing and land use considerations at all stages of the planning process;
- e) consider opportunities to allocate, and re-allocate if necessary, the unused system capacity of municipal water services and municipal sewage services to support efficient use of these services to meet current and projected needs for increased housing supply; and
- f) be in accordance with the servicing options outlined through policies 3.6.2, 3.6.3, 3.6.4 and 3.6.5.

OFFICIAL PLAN:

The subject lands are designated 'Low Density Residential' according to the Town of Tillsonburg 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.

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

TOWN OF TILLSONBURG ZONING BY-LAW:

The subject lands are currently zoned 'Low Density Residential Type 1 Holding Zone (R1A (H)) according to the Town of Tillsonburg Zoning By-law. The 'R1A' zone permits an additional residential unit (ARU), a group home, a home occupation, a public use, and a single detached dwelling.

The intent of a holding provision is to ensure that all appropriate development agreements are in place, required easements have been provided, and payment for servicing has been received in advance of issuing building permits.

Section 36 of the Planning Act governs the use of holding provisions. Holding provisions are typically used to ensure that technical or administrative matters are addressed prior to the intended use of a property being permitted to proceed. Removal of holding provision does not require public notice or circulation of the application, and the only right to appeal lies with the owner/applicant.

AGENCY COMMENTS:

The application was circulated to various public agencies considered to have an interest in the proposal and all comments received are summarized below.

The Tillsonburg Building Services Department, Tillsonburg Engineering Services Department, and Oxford County Public Works indicated that they have no concerns with the request to remove the Holding provision from the lands.

County of Oxford indicated that the Owner has elected to debenture the funds owed which effectively defers the responsibility for payment to the purchaser of the land. Once the debenture is in place, the County does not accept early payment. The debenture also does not prevent the owner from selling; the agreement must be disclosed as part of the sale process.

Planning Analysis

It is the opinion of this Office that the proposed Zoning By-law Amendment applications are consistent with the policies of the Provincial Planning Statement and maintain the intent and purpose of the Official Plan and can therefore be supported from a planning perspective.

Oxford County Public Works Department and Town of Tillsonburg Building Services and Engineering staff have indicated that they have no objection to the removal of the Holding provisions.

It is the opinion of Planning staff that the request to remove the Holding provisions from the subject properties to facilitate the sale of the properties which will subsequently allow for future residential development in the Town of Tillsonburg is appropriate from a planning perspective and can be given favourable consideration.

A copy of the draft amending By-law is attached for Council's consideration.

RECOMMENDATION

It is recommended that the Council of the Town of Tillsonburg approve the Zoning By-law Amendment applications (ZN 7-24-08 & ZN 7-24-09), submitted by Hoang Investments Ltd., for lands legally described as Lots 57 and 58, Plan 41M-144 in the Town of Tillsonburg, to remove the Holding Provisions from lands as identified on Plate 3 of Report No. CP 2025-47.

SIGNATURES

Authored by:

Original signed by

Marc Davidson
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Approved for submission:

Original signed by

Eric Gilbert, RPP, MCIP
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