



To: Mayor and Members of Tillsonburg Council

From: Marc Davidson, Senior Development Planner, Community Planning

Application for Zone Change ZN 7-05-01 – Comprehensive Zoning By-law Amendment

REPORT HIGHLIGHTS

- The purpose of the Zone Change application is to make several housekeeping changes to the Town of Tillsonburg Zoning By-law (No. 3295) to provide technical updates for clarification, to fix typographical errors, and to update provisions that are reflective of recently established Provincial policy and legislative changes.
- Planning staff are seeking Council direction relating to the inclusion of provisions for Emergency Care Establishments; whether this newly defined use should be permitted in certain zoning categories (ie. Institutional and Commercial Zones), or whether the use would require a Zoning By-law Amendment to allow for Council to review each proposal.
- Planning staff are recommending approval-in-principle of the proposed housekeeping amendment so that the applicable amending By-Law can be prepared following Council consideration and receipt of direction on the preferred approach for Emergency Care Establishments.

DISCUSSION

Background

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

LOCATION: The proposed housekeeping amendment will apply to all lands within the Town of Tillsonburg.

PROPOSAL:

The Town of Tillsonburg has initiated a housekeeping amendment to the Town's Zoning By-law that will correct typographical and grammatical issues and provide technical updates for clarification as well as updating provisions that are reflective of recently established Provincial policy and legislative changes. The proposed amendments will also update several provisions based on a review of recent development activity, inquiries and planning applications.

The Town of Tillsonburg Zoning By-law was passed on April 14th, 2008. Since the last general amendment in 2023, Staff have been monitoring minor variance approvals, noting interpretation issues, and reviewing suggestions from the Town to clarify and update the existing Zoning By-law. Staff are of the opinion that this comprehensive housekeeping amendment is necessary and appropriate to ensure continued effectiveness of the Town’s Zoning By-law and ease of interpretation and implementation.

Staff note that this item was included in the 2024 business plan for the Operations and Development Department.

The proposed amendments are summarized in the table below. The first column outlines the Section that is proposed to be modified; the second column outlines the proposed amendment; and the third column provides insight into the origin of the modification.

Section	Proposed Amendment	Type of Amendment (Typographical/ Technical/ Provincial Policy Amendment)
Application, Administration and Enforcement (Section 1.9)	<ul style="list-style-type: none"> Remove reference to Ontario Municipal Board and replace with Ontario Land Tribunal (or its successor). 	<ul style="list-style-type: none"> Typographical
Interpretation and Schedules (Section 2.1)	<ul style="list-style-type: none"> Remove reference to Schedule “D”, which was deleted as part of a previous Zoning By-law update. 	<ul style="list-style-type: none"> Typographical
Holding Zone Provisions (Section 3.2.1.3)	<ul style="list-style-type: none"> Include language clarifying that holding provisions may be used to ensure that sufficient servicing capacity exists prior to a development proceeding. 	<ul style="list-style-type: none"> Technical
Definitions (Section 4)	<ul style="list-style-type: none"> Include new definition for Emergency Care Establishment (subsection 4.62a). 	<ul style="list-style-type: none"> Technical
General Provisions (Section 5)	<ul style="list-style-type: none"> Add subsection 5.5a for Emergency Care Establishment. 	<ul style="list-style-type: none"> Technical
Accessory Uses, Buildings, Structures (Section 5.1)	<ul style="list-style-type: none"> Amend Table 5.1.1.4 – “Regulations for Accessory Buildings and Structures” to include language for the separation of an accessory structure WITHOUT an ARU. Amend Table 5.1.1.4 – "Regulations for Accessory Buildings and Structures" to increase the maximum height of accessory buildings and structures from 3.7 m (12.1 ft) to 6 m (19.6 ft) in Residential or Entrepreneurial Zones. 	<ul style="list-style-type: none"> Technical; and Provincial Policy Amendment

Section	Proposed Amendment	Type of Amendment (Typographical/ Technical/ Provincial Policy Amendment)
<p>Accessory Uses, Buildings, Structures (Section 5.1) (continued)</p>	<ul style="list-style-type: none"> • Amend Table 5.1.1.4 – “Regulations for Accessory Buildings and Structures” to include language for the separation of an accessory structure WITHOUT an ARU. • Amend Table 5.1.1.4 – "Regulations for Accessory Buildings and Structures" to increase the maximum height of accessory buildings and structures from 3.7 m (12.1 ft) to 6 m (19.6 ft) in Residential or Entrepreneurial Zones. • • Amend Table 5.1.1.4 – "Regulations for Accessory Buildings and Structures" to increase minimum rear yard and interior side yard setbacks for accessory buildings and structures 3.7 m (12.1 ft) in height or greater from 1.2 m (3.9 ft) to 3 m (9.8 ft) in Residential or Entrepreneurial Zones. 	<ul style="list-style-type: none"> • Technical; and • Provincial Policy Amendment
<p>Additional Residential Units (Section 5.1.4)</p>	<ul style="list-style-type: none"> • Amend Table 5.1.4 – “Regulations for Additional Residential Units (ARUs)” to allow the maximum lot coverage for all buildings and structures on a lot containing at least one ARU is 45%. • Amend Table 5.1.4 – “Regulations for Additional Residential Units (ARUs)” to require that there is no minimum lot area required for an ARU other than the minimum lot area required for the principal single-detached dwelling, semi-detached dwelling or street-fronting townhouse dwelling. • Amend Table 5.1.4 – "Regulations for Additional Residential Units (ARUs)" to require that the separation distance for any detached building containing an ARU from another building containing a residential unit is four (4) metres. • Amend Table 5.1.4 – "Regulations for Additional Residential Units (ARUs)" to reduce the requirement for landscaped open space in the front yard of a lot used for ARU purposes from 50 % to 35%. 	<ul style="list-style-type: none"> • Technical; and • Provincial Policy Amendment

Section	Proposed Amendment	Type of Amendment (Typographical/ Technical/ Provincial Policy Amendment)
Additional Residential Units (Section 5.1.4) (continued)	<ul style="list-style-type: none"> • Amend Table 5.1.4 – "Regulations for Additional Residential Units (ARUs)" to remove the requirement for entrances to be from the front lot line to the ARU entrance. • Amend Table 5.1.4 – "Regulations for Additional Residential Units (ARUs)" to include that ARUs within a building or structure accessory to a residential use shall comply with Table 5.1.1.4 – Regulations for Accessory Buildings and Structures. 	<ul style="list-style-type: none"> • Technical; and • Provincial Policy Amendment
Cargo Containers (Section 5.2)	<ul style="list-style-type: none"> • Amend Section 5.2 "Cargo Containers" to permit cargo containers in Commercial Zone. Note, Cargo Containers will continue to be permitted in the Industrial Zoning categories. 	<ul style="list-style-type: none"> • Technical
Emergency Care Establishment (Section 5.5a)	<ul style="list-style-type: none"> • Add Section 5.5a "Emergency Care Establishment" includes new provisions to limit the location of establishments on lands fronting or flanking onto Broadway within the CC or EC Zone. • 	<ul style="list-style-type: none"> • Technical
Garden Suites (Section 5.9)	<ul style="list-style-type: none"> • Remove Section 5.9 	<ul style="list-style-type: none"> • Technical
Home Occupation (Section 5.13)	<ul style="list-style-type: none"> • Amend subsection 5.13.11 "Zone Requirements" which outlines that a home occupation shall not include the shipping or receiving of goods or materials by commercial motor vehicles greater than 20,000 kg, an increase from the previous 4,000 kg (gross vehicle weight). 	<ul style="list-style-type: none"> • Technical
Loading Provisions (5.14)	<ul style="list-style-type: none"> • Relocate Section 5.14 "Loading Provisions" to Section 5.24.6. 	<ul style="list-style-type: none"> • Technical; and • Typographical
Non-Conforming Uses, Sites and Buildings (Section 5.21)	<ul style="list-style-type: none"> • Amend subsection 5.21.4 "Building Permit Issued" to allow additional time (from 6 months to 1 year) for approved uses and structures that have been issued a building permit but have not yet been constructed and may no longer conform to the Zoning By-Law as a result of changes or amendments, to be constructed to be deemed legal non-conforming. 	<ul style="list-style-type: none"> • Technical

Section	Proposed Amendment	Type of Amendment (Typographical/ Technical/ Provincial Policy Amendment)
<p>Parking Provisions (5.24)</p>	<ul style="list-style-type: none"> • Amend subsection 5.24.1.7.2 "Width of a Joint Access" to include that the width of joint access measured along the street line shall be between 6.7 (22 ft) and 9 m (29.5 ft), or as approved in an approved site plan. • Amend subsection 5.24.1.7.3 to increase the "Maximum Driveway Width - Residential Zones" from 50% to 60% of the area of the front yard or lot frontage, or the area or width of the exterior side yard that may be occupied by a driveway or parking area. • Amend subsection 5.24.1.8 to remove crushed stone, slag, gravel, crushed brick (or tile), and cinders – the portion of the driveway within the road allowance must be asphalt only, OR as approved via an approved site plan. • Correct bed and breakfast establishment spelling in "Table 5.24.2.1 – Parking Standards". • Remove garden suite from "Table 5.24.2.1 – Parking Standards". • Amend Table 5.24.2.1 – "Parking Standards" to reduce the number of vehicle parking spaces required for a residential unit in a portion of a non-residential building, multiple unit dwelling, or apartment dwelling from the current 1.5 per dwelling unit to 1.25 per dwelling unit plus accessible parking requirements as outlined in Section 5.24.2.2. • Amend Table 5.24.2.1 – "Parking Standards" to require 1 parking space per 25 m² (269 ft²) of gross floor area instead of the current 1 parking space per 20 m² (215.3 ft²) for commercial school, financial institution, laundromat, personal service establishment, retail store, service shop, and studio uses. 	<ul style="list-style-type: none"> • Technical; and • Provincial Policy Amendment

Section	Proposed Amendment	Type of Amendment (Typographical/ Technical/ Provincial Policy Amendment)
<p>Parking Provisions (5.24) (continued)</p>	<ul style="list-style-type: none"> • Amend Table 5.24.2.1 – “Parking Standards” to require 1 parking space per 30 m² (322 ft²) of gross floor area instead of the current 1 parking space per 20 m² (215.3 ft²) for business or professional office and government administrative office uses. • Amend Table 5.24.2.1 – “Parking Standards” to require 1 parking space per 200 m² (2,152 ft²) of gross floor area instead of the current 1 parking space per 185 m² (1,991 ft²) for industrial warehouse uses. • Amend Table 5.24.2.1 – “Parking Standards” to require 5 parking spaces plus 2 per classroom or 1 per 10 m² (107.6 ft²) of gross floor area in the gymnasium or auditorium, whichever is greater, instead of the current 5 parking spaces plus 1 per classroom or 1 per 10 m² (107.6 ft²) of gross floor area in the gymnasium or auditorium, whichever is greater, for elementary school uses. • Amend Table 5.24.2.1 – “Parking Standards” to include that adequate off-street parking spaces and loading spaces for school buses shall also be provided as determined through an approved site plan for elementary school uses. • Amend Table 5.24.2.1 – “Parking Standards” to require 5 parking spaces per classroom or 1 per 10 m² (107.6 ft²) of gross floor area in the gymnasium or auditorium, whichever is greater instead of the current 4 parking spaces per classroom for secondary school uses. 	<ul style="list-style-type: none"> • Technical; and • Provincial Policy Amendment
<p>Queue Space Requirements (Section 5.24.4)</p>	<ul style="list-style-type: none"> • Amend Section 5.24.4.1 “Queue Space Requirements” to include that queue spaces shall not be considered a parking space and shall not be located in a yard abutting a Residential Zone or Entrepreneurial Zone. 	<ul style="list-style-type: none"> • Technical

Section	Proposed Amendment	Type of Amendment (Typographical/ Technical/ Provincial Policy Amendment)
Prohibited Uses (Section 5.26)	<ul style="list-style-type: none"> • Amend Section 5.26 “Prohibited Uses” to include a facility for the manufacturing, refining or processing of hydrochloric acid, nitric acid, picric acid, sulphuric acid, or any sulphurous acid. 	Technical
Public Uses (Section 5.27)	<ul style="list-style-type: none"> • Amend subsection 5.27.1 “Public Services” to include an internet service provider. 	Technical
Setback to Centreline of Arterial Road	<ul style="list-style-type: none"> • Clarify that the setback from the centreline of an arterial road is to be calculated from the centreline of the road allowance, not the pavement in: • Table 6.2 (R1 & R1A Zones); • Table 7.2 (R2 Zone); • Table 8.2 (R3 Zone); • Table 9.2 (RM Zone); • Table 10.2 (RH Zone); • Table 11.2 (RMH Zone); • Table 12.2 (EC Zone); • Table 13.2 (CC Zone); • Table 14.2 (SC Zone); • Table 16.2 (MR Zone); • Table 17.2 (MG Zone); • Table 18.2 (FD Zone); • Table 19.2 (IN1 Zone); and • Table 20.2 (IN2 Zone). 	Technical
Holding Zone Provisions	<ul style="list-style-type: none"> • Amend subsection 6.4.1.1 to update reference to Section 36 of the Planning Act. • Amend subsection 7.4.1.1 to update reference to Section 36 of the Planning Act. • Amend subsection 8.5.1.1 to update reference to Section 36 of the Planning Act. • Amend subsection 9.4.1.1 to update reference to Section 36 of the Planning Act. • Amend subsection 10.3.1.1 to update reference to Section 36 of the Planning Act. • Amend subsection 11.3.1.1 to update reference to Section 36 of the Planning Act. 	Typographical
Special Provisions (Section 6.5)	<ul style="list-style-type: none"> • Amend subsection 6.5.1.1 to include an ARU as a permitted use. • Amend subsection 6.5.2.1 to include an ARU as a permitted use. • Amend subsection 6.5.3.1 to include an ARU as a permitted use. • Amend subsection 6.5.4.1 to include an ARU as a permitted use. 	Technical

Section	Proposed Amendment	Type of Amendment (Typographical/ Technical/ Provincial Policy Amendment)
Special Zoning for a Single Detached Dwelling (R2-S) [Section 7.3]	<ul style="list-style-type: none"> • Amend Section 7.3 to include an ARU as a permitted use. 	Technical
Special Provisions (Section 7.5)	<ul style="list-style-type: none"> • Amend subsection 7.5.1.1 to include an ARU as a permitted use. • Amend subsection 7.5.2.1 to include an ARU as a permitted use. • Amend subsection 7.5.3.1 to include an ARU as a permitted use. • Amend subsection 7.5.4.1 to include an ARU as a permitted use and to remove the reference to the holding provisions. • Amend subsection 7.5.4.2 to remove the reference to the holding provisions • Amend subsection 7.5.5.1 to include an ARU as a permitted use. • Amend subsection 7.5.8.1 to include an ARU as a permitted use. • Amend subsection 7.5.33.1 to include an ARU as a permitted use. 	Technical
Zone Provisions (Section 8.2)	<ul style="list-style-type: none"> • Remove subsection 8.2.1 - Distance Between Multiple Unit Dwellings on One Lot. 	Technical
Special Provisions (Section 8.6)	<ul style="list-style-type: none"> • Amend subsection 8.6.2 to remove the reference to the holding provisions. • Amend subsection 8.6.2.1 to include an ARU as a permitted use and to remove the reference to the holding provisions and to correct the spelling of 'street fronting townhouse dwelling. • Amend subsection 8.6.2.2.4 to remove minimum floor area requirement of 93 m² and replace with NIL. • Amend subsection 8.6.3 to remove the reference to the holding provisions • Amend subsection 8.6.3.1 to include an ARU as a permitted use and to remove the reference to the holding provisions. • Amend subsection 8.6.3.2.1.10 to remove minimum floor area requirement of 93 m² and replace with NIL. • Amend subsection 8.6.3.2.2.6 to remove minimum floor area requirement of 93 m² and replace with NIL. • Amend subsection 8.6.5 to remove the reference to the holding provisions which have been lifted. 	

Section	Proposed Amendment	Type of Amendment (Typographical/ Technical/ Provincial Policy Amendment)
Special Provisions (Section 8.6) (continued)	<ul style="list-style-type: none"> • Amend subsection 8.6.6.1 to include an ARU as a permitted use and to remove reference to an apartment dwelling not exceeding 40 units. • Amend subsection 8.6.6.2.2 to remove reference to one apartment dwelling, containing not more than 40 dwelling units. • Remove subsection 8.6.6.2.7 requiring distance between an apartment dwelling and a lot line. • Remove subsection 8.6.6.2.8 requiring a minimum number of parking spaces required for a 40-unit apartment dwelling. • Amend subsection 8.6.7.1 to remove the reference to the holding provisions. • Amend subsection 8.6.9.1 to include an ARU as a permitted use. • Amend subsection 8.6.10.1 to include an ARU as a permitted use. • Amend subsection 8.6.11.1 to include an ARU as a permitted use. • Amend subsection 8.6.11.2.5 to remove minimum floor area requirement of 93 m² and replace with NIL. • Amend subsection 8.6.13 to correct typographical errors. • Amend subsection 8.6.16.1 to include an ARU as a permitted use. • Amend subsection 8.6.20.1 to include an ARU as a permitted use. • Amend subsection 8.6.21.1 to include an ARU as a permitted use. • Amend subsection 8.6.27.2 to include an ARU as a permitted use. 	
Zone Provisions (Section 9.2)	<ul style="list-style-type: none"> • Remove subsection 9.2.1 - Distance Between Multiple Unit Dwellings on One Lot. • Remove subsection 9.2.2 - Distance between Apartment Dwellings on One Lot. 	Technical
Special Zoning – Residential Entrepreneurial Areas (EC-R) [Section 12.3]	<ul style="list-style-type: none"> • Amend subsection 12.3.2.1.1 to include language related to purpose of the holding provisions. • Amend subsection 12.3.2.1.2 to permit no additional uses unless stated in a special provision. 	Technical
Special Provisions (Section 12.4)	<ul style="list-style-type: none"> • Amend subsections 12.4.7 and 12.4.7.1 to remove reference to holding provisions. 	Technical

Section	Proposed Amendment	Type of Amendment (Typographical/ Technical/ Provincial Policy Amendment)
Zone Provisions (Section 13.2)	<ul style="list-style-type: none"> • Add subsection 13.2.8 limiting an emergency care establishment from fronting or flanking on Broadway within the CC Zone. • 	Technical
Uses Permitted (Section 14.1)	<ul style="list-style-type: none"> • Add a daycare centre as a permitted use in Table 14.1. • Remove a place of worship as a permitted use in Table 14.1. • 	<ul style="list-style-type: none"> • Technical; and Provincial Policy
Zone Provisions (Section 15.2)	<ul style="list-style-type: none"> • Remove requirements for Dwelling Unit Gross Floor Area, Minimum in Table 15.2. • 	<ul style="list-style-type: none"> • Technical
Zone Provisions (Section 17.2)	<ul style="list-style-type: none"> • Remove required setback for “all other streets” in Table 17.2. • 	<ul style="list-style-type: none"> • Technical

Application Review

PLANNING ACT

Section 2 of the Planning Act identifies the provision of a full range of housing, and the orderly development of safe and healthy communities as a matter of Provincial interest.

2024 PROVINCIAL PLANNING STATEMENT

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. The following outlines the key PPS policies that have been considered but is not intended to be an exhaustive list.

Chapter 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 2.1 of the PPS directs that planning authorities should support the achievement of complete communities by accommodating an appropriate range and mix of land uses, housing options, transportation options with multi-modal access, employment, public service facilities and other institutional uses to meet long-term needs, improve social equity and overall quality of life for people of all ages, abilities and incomes, including equity-deserving groups.

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.

Housing options is defined in the PPS as a range of housing types such as, but not limited to single-detached, semidetached, rowhouses, townhouses, stacked townhouses, multiplexes, additional residential units, tiny homes, laneway housing, garden suites, rooming houses and multi-residential buildings, including low-and mid-rise apartments. The term can also refer to a variety of housing arrangements and forms such as, but not limited to, life lease housing, co-ownership housing, co-operative housing, community land trusts, land lease community homes, affordable housing, additional needs housing, multigenerational housing, student housing, farm worker housing, culturally appropriate housing, supportive, community and transitional housing and housing related to employment, educational, or institutional uses, such as long-term care homes.

Additional needs housing is defined in the PPS as any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of additional needs housing may include, but are not limited to long-term care homes, adaptable and accessible housing, and housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons.

OFFICIAL PLAN

Section 8.2.2.4- Special Needs Housing, of the Official Plan provides that Town Council shall encourage the provision of and permit housing for people with special needs to be located in all areas where residential uses are permitted. The location of various sizes of special needs housing will be determined by residential densities in the Town, with the intention of permitted smaller sized facilities in area of Low Residential Density and permitting larger sized facilities to areas of Medium and High Residential Density and appropriate Employment and/or Community Facilities Areas.

Town Council shall implement through the Zoning By-law regulations permitting group homes, hostels, temporary shelters, emergency shelters and similar forms of special needs housing in specific Low and Medium Density Residential and Central Commercial zones as of right.

When reviewing any proposal to rezone lands for the purpose of establishing through new construction or conversion of existing structures, a group home, hostel, temporary shelter, emergency shelter or other similar form of special needs housing, Town Council shall be satisfied:

- that traffic generated from the facility can be adequately accommodated by the road network and will not have a significant impact on adjacent residential areas
- the facility shall be of a design which maintains the scale, density, appearance, character and continuity of existing land uses in the surrounding neighbourhood
- the land, buildings or structures for the proposed facility shall conform to the provisions of the Zoning By-law. Parking requirements will be established on the bases of floor area and shall ensure that the on-site parking supply meets the needs of residents, support staff and visitors.

Amendment No. 311 to the County of Oxford Official Plan amended the policies of the Low-Density Residential District and the Entrepreneurial District to allow for the development of ARUs within the Town of Tillsonburg. Specifically, Section 8.2.4 provides for ARUs as a permitted use. Section 8.2.4.3 outlines a definition of an ARU and provides clarification that ARUs are a separate, self contained dwelling unit located within a single detached, semi-detached dwelling or street townhouse dwelling, or within a detached building ancillary to such dwelling, and which is located on the same lot as, and is clearly subordinate to the principle dwelling.

Finally, the Town's Zoning By-law shall establish the specific zoning provisions that must be met for an additional residential unit to be established on a lot. These zoning provisions will address the policy requirements of this subsection and any other matters deemed necessary by the Town including, but not limited to: lot frontage and area; type of unit permitted; unit size and location; building height, location and setbacks; landscaping and amenity areas; parking and access.

To assist in maintaining the built form character of the principal dwelling and surrounding residential area, and minimizing potential impacts on abutting residential properties, the Zoning By-law may also limit the location and extent of structural additions, alterations and/or features that are permitted (e.g. building additions, doorways, windows, stairways and decks).

AGENCY COMMENTS

At the time of the writing of this report, no comments have been received with regard to this application.

PUBLIC CONSULTATION

Notices of both Complete Application and Notice of Public Meeting regarding the application for the Comprehensive Zoning By-law Amendment were provided to surrounding property owners in accordance with the requirements of the Planning Act. The notices were published in both the Norfolk News and Tillsonburg News on February 6 and March 6, 2024.

A thorough consultation process has also occurred with this application. As outlined in report [OPD 24-040- Comprehensive Zoning By-Law Review](#), presented on July 8, 2024, staff have conducted the following public consultation and engagement activities:

A Public Open House was held at the Lions Den at the Community Centre on October 29, 2024. At the Open House there were approximately 4 members of the public who attended and general discussion took place regarding the proposed changes to the Zoning By-law. No formal comments were received. The meeting was also attended by the Tillsonburg Post; an article was published in the Tillsonburg Post on November 14, 2024.

Further consultation has occurred with presentations at:

- the Downtown Tillsonburg BIA on October 30, 2024,
- the Town of Tillsonburg Managers Meeting on November 6, 2024;
- the Economic Development Advisory Committee on November 12, 2024
- the Tillsonburg Builders Forum on February 25, 2025.

At each of the above noted meetings general discussion took place and staff have updated the draft modifications accordingly. The notices for the Notice of Public Meeting and all related materials have been posted on the Town's website. In addition, there was a dedicated email address to facilitate feedback from members of the public.

PLANNING ANALYSIS

As noted above the changes proposed within this Comprehensive Zoning By-law Amendment can be outlined in 5 general categories:

1. Typographical and Grammatical Changes;
2. Expanded permissions;
3. Additional Residential Units (ARUs);
4. Parking Provision Changes; and
5. Emergency Care Establishments

Typographical and Grammatical Changes

Typographical and grammatical changes listed and included in the chart above are classified as minor modifications that would not change the intent of any section of the Zoning By-law. These proposed modifications would facilitate easier interpretation of the Zoning By-law and are intended to reflect the original approvals by Town Council that were not properly implemented.

Expanded Permissions

Through the review of the zoning by-law, staff identified repetitive site-specific requests or approvals that were granted by Council or the Town Committee of Adjustment with a view to streamlining development, as appropriate. Through this exercise, redundant provisions to the by-law were identified for removal and additional permitted uses are proposed for some zones (i.e. including a daycare as a permitted use in the Service Commercial Zone, permitting cargo containers for commercial zones). Changes to the Ontario Building Code have also rendered some zoning provisions redundant and these provisions are identified to be removed to reduce duplication and possible interpretation conflicts to streamline the development and building review process.

Other proposed changes under this area include increasing the permitted height of residential accessory buildings to accommodate two storeys, increasing the length of the grace period when legal non-conforming uses may be replaced or rebuilt, providing consistency in how setbacks to arterial roads are measured in various zones, and revising provisions for home occupations to reflect how most home-based businesses currently operate.

As noted, these changes are intended to reduce the number of instances where planning approvals are required to streamline development within the Town.

Additional Residential Units (ARUs)

Provincial legislation (Ontario Regulation 462/24 to Amend Ontario Regulation 299/19) was passed on November 24, 2024, this amended Regulation provides new criteria for ARUs.

Ontario Regulation 462/24 has introduced a minimum setback of 4 m for a detached building or structure containing an ARU from another building or structure on the same parcel that contains a residential unit.

Another modification of this regulation stipulates that 'up to 45% of the surface of the parcel is permitted to be covered by buildings or structures' on a parcel where ARUs are located. This has been interpreted to mean that all proposals for ARUs are permitted up to 45% lot coverage based on the ground floor area of all buildings and structures on the lot, notwithstanding what any zoning provisions may limit as the maximum lot coverage.

Finally, the amended regulation overrides all minimum lot size/area requirements that are specific to parcels with ARUs and appears to apply to both ARUs within the principal dwelling and/or in a detached accessory structure.

To implement this legislative change, staff have modified both Table 5.1.1.4 Accessory Structures and Table 5.1.4 Additional Residential Units to reflect these changes made through Ontario Regulation 462/24.

With regard to Parking Provision changes, staff are also proposing modified provisions for ARUs, to increase the maximum driveway width for Residential Zones from 50% to 60% of the area of the front yard or lot frontage, or the area or width of the exterior side yard that may be occupied by a driveway or parking area. The intent of this modification is to allow a wider driveway width to accommodate the required additional parking space(s) required for an ARU. The intent of this proposed change is to support the provision of additional parking on private property to reduce the demand for on-street parking.

Additionally, a number of existing site-specific zoning provisions containing a single detached, semi detached or townhouse dwelling are proposed to be amended to clearly reflect that an ARU is also permitted in those zones, in accordance with Provincial requirements.

Proposed Changes to Parking Provisions

Planning Staff, Town Building and By-Law Services Staff and Town Engineering Services staff are recommending several changes to the parking provisions contained within the Zoning By-law to reflect minor variance approvals, interpretation issues, and review of suggestions from applicants and development consultants to clarify and update the existing Zoning By-law.

Specifically, it is proposed to reduce the number of parking spaces required for a residential unit in a portion of a non-residential building, multiple unit dwelling or apartment dwelling from the current 1.5 spaces per dwelling unit to 1.25 per dwelling unit plus accessible parking requirements. This change is based on the more recent developments that have been approved and constructed in Tillsonburg and is more reflective of the parking requirements that have been successfully provided in these types of developments.

Other modifications to the parking requirements relate again to more recent trends, reducing the parking requirements for commercial school, financial institution, laundromat, personal service establishment, retail store, service shop, studio uses, business or professional office, government administrative office uses, and industrial warehouse uses.

In some instances, the parking requirements for uses have increased, specifically for elementary school uses and secondary school uses as By-law staff have identified significant parking pressures on and near school sites throughout the Town. A new provision is also proposed to require that adequate off-street parking spaces, drop off areas and loading spaces for school buses shall also be provided as determined through an approved site plan for elementary school uses.

Emergency Care Establishment

A number of new provisions are proposed to be introduced to provide guidance for proposals to establish an emergency care establishment. Town staff identified that the Zoning By-law is generally silent respecting these uses.

A new definition is proposed to be introduced to define an emergency care establishment as *an institutional use that provides temporary accommodation and assistance for periods generally not exceeding six weeks for the majority of the residents. An emergency care establishment does not include a group home.*

It is intended that this definition would encompass day shelters and overnight shelters.

Prior to drafting these proposed changes staff reviewed the zoning provisions for emergency care establishments in other communities in Ontario, including the City of London, City of Guelph, City of Toronto and City of Waterloo. A review of the experience of these municipalities and other zoning provisions and Official Plan policies indicated that other zoning provisions, including requiring minimum setbacks between emergency care establishments and minimum setbacks between these uses and other land uses has not been effective and these municipalities have moved away from this approach. Additionally, the policies in Section 8.2.2.4 of the Official Plan encourage the provision of and permit housing for people with special needs to be located in all areas where residential uses are permitted, including appropriate employment and/or community facilities areas where large institutional uses are permitted, provided the applicable criteria are met.

Staff are seeking Council direction on two options with respect to Emergency Care Establishments:

Option 1- Permitting Emergency Care Establishments as of Right

This option would permit Emergency Care Establishments as of right in Entrepreneurial District and Central Commercial zones in the Central Area, in closer proximity to where most of the supports are located for the clients of the Emergency Care Establishment. It is recommended that a provision be introduced into the Central Commercial (CC) Zone and Entrepreneurial District (EC) zones to indicate that an emergency care establishment may not be located on lands fronting or flanking onto Broadway within the CC or EC zone. The intent of this provision is to recognize that emergency care establishments and shelters provide an important service to members of the community, however they should generally not be located on prominent pedestrian-oriented locations in the Central Area.

Through this option, it is also recommended that these uses be permitted on lands zoned Major Institutional (IN2), which currently encompasses sites including the Tillsonburg District Memorial Hospital, long-term care facilities in Town, the area including and encompassing the Tillsonburg Community Centre and Complex, and large retirement homes such as Harvest Heights. These sites are typically large enough to accommodate an emergency care establishment, already provide other public services, and represent more intensive land uses that would be generally well suited to accommodate such a use.

This approach would provide increased options for finding suitable sites for future emergency care establishments and would allow the establishment of these uses in a timelier manner with less incurred costs as they would not need a zoning by-law amendment in most cases. The PPS includes policies that clearly support these uses and the current Official Plan policy direction respecting these uses is broadly supportive of establishing these uses as of right in many locations throughout the Town. The applicable review criteria contained in the Official Plan requires the proposal to have regard to concerns such as traffic, facility design and parking requirements. Site Plan approval would remain applicable, providing an opportunity for Town and County staff to assess a potential proposal to ensure that matters such as parking, buffering, access, servicing and fencing are addressed to the satisfaction of the Town.

Option 2- Requiring a Site-Specific Zoning By-law Amendment prior to establishing an Emergency Care Establishment

This approach would require that each proponent submit a zoning by-law amendment for Town Council's review and approval prior to establishing a new emergency care establishment on any property in Town. Through the review of each proposal, Council could consider the proposed

location, design, operation, parking supply and solicit public feedback respecting each proposal. A notice of complete application and notice of public meeting is required to be issued to every surrounding property owner within 120 m (400 ft) of the subject property. A statutory public meeting is required to provide an opportunity for public comment and input for the application.

This process typically takes 90 days to complete and would require the proponent to pay the required application fees and incur the cost of preparing the supporting materials for the application. This could limit the Town and County's ability to respond to the increasing need for shelter services and provide assistance to those requiring the services of these establishments. Planning staff note that due to recent changes to the Planning Act, a third-party is not able to appeal Council's decision on the zoning by-law amendment; only the applicant and a prescribed public body are able to appeal.

Planning staff note that as the PPS and Official Plan are broadly supportive of the establishment of additional needs housing and special needs housing throughout all areas of the Town to serve current and future residents of the Town and broader area, it may be difficult to defend a Council decision to refuse an application to establish an Emergency Care Establishment if the decision is appealed to the Ontario Land Tribunal.

It is recommended that Council provide direction to staff on which option Council desires to incorporate into the Zoning By-law.

Conclusion

It is the opinion of Planning staff that the proposed changes to the Town's Zoning by-law as described in this report are consistent with the policies of the Provincial Planning Statement and are in keeping with the policies of the Official Plan. As such, Planning staff are recommending approval-in-principle of the proposed amendment and to direct staff to prepare the applicable amending by-law following Council's consideration and direction on their preferred option and approach for Emergency Care Establishments.

RECOMMENDATIONS

- 1. It is recommended that the Council of the Town of Tillsonburg approve in principle the zone change application (ZN 7-25-01), submitted by the Town of Tillsonburg, to introduce general housekeeping amendments to the Town Zoning By-law No. 3295 as described in Report CP 2025-95;**
- 2. And further, that the Council of the Town of Tillsonburg direct staff to include Option ___ in the amending by-law;**
- 3. And further, that Council direct staff to prepare and bring forward the applicable amending by-law for Council's consideration for adoption at a future Council meeting.**

SIGNATURES

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