

REPORT TO COUNTY COUNCIL

Application for Official Plan Amendment OP 22-15-7 – Town of Tillsonburg

To: Warden and Members of County Council

From: Director of Community Planning

RECOMMENDATIONS

1. That Oxford County Council approve Application No. OP 22-15-7, initiated by the Town of Tillsonburg, to amend the policies of the Low-Density Residential District and Entrepreneurial District to allow for the development of ARUs within the Town of Tillsonburg, in accordance with Provincial direction;
2. And further, that Council approve the attached Amendment No. 311 to the County of Oxford Official Plan and that the necessary By-law to approve Amendment No. 311 be raised.

REPORT HIGHLIGHTS

- The proposed Official Plan Amendment would amend the policies of the Low-Density Residential Areas and Entrepreneurial District Areas to provide opportunities for ARUs to be developed broadly within the Town of Tillsonburg.
- Planning staff recommend that the application be approved, to implement the changes introduced to the Planning Act through Bill 23 and Bill 97, and to provide an additional housing choice and opportunity for current and future residents of the Town of Tillsonburg.

Implementation Points

This application will be implemented in accordance with the relevant objectives, strategic initiatives and policies contained in the Official Plan. Further, once the Official Plan amendment has received County Council approval, the Town of Tillsonburg will initiate updates to their Zoning By-law and implement a communications strategy to reflect and implement the new ARU policy direction.

Financial Impact

The approval of this application will have no financial impact beyond what has been approved in the current year's budget. Staff note that the establishment of a substantial number of ARUs could result in increased demand for municipal services and/or infrastructure without the ability of the County and/or Town of Tillsonburg to collect Development Charges (DCs) to offset any of the costs, as such units are exempt from DCs under the Development Charges Act.

Communications

In accordance with the requirements of the Planning Act, notice of complete application regarding this proposal was published in the Norfolk & Tillsonburg News on July 27, 2023, and notice of public meeting was issued on September 29, 2023.

An information report regarding ARUs was presented to Town of Tillsonburg Council on September 11, 2023 and the Town subsequently held a Public Meeting under the Planning Act on October 23, 2023, to consider the proposed Official Plan and Zoning By-law amendments. Town Council recommended support of the Official Plan amendment and approved amendments to the Town's Zoning By-law 'in principle'.

At the time of writing this report, staff had received requests for information regarding ARUs in Tillsonburg, and expressions of support for allowing ARUs throughout the Town (via telephone and email).

2023-2026 STRATEGIC PLAN

Oxford County Council approved the [2023-2026 Strategic Plan](#) on September 13, 2023. The Plan outlines 39 goals across three strategic pillars that advance Council's vision of "Working together for a healthy, vibrant, and sustainable future." These pillars are: (1) *Promoting community vitality*, (2) *Enhancing environmental sustainability*, and (3) *Fostering progressive government*.

Strategic Plan Pillars and Goals

PILLAR 1	PILLAR 2	PILLAR 3
		
Promoting community vitality	Enhancing environmental sustainability	Fostering progressive government
<p>Goal 1.1 – 100% Housed</p> <p>Goal 1.2 – Sustainable infrastructure and development</p> <p>Goal 1.3 – Community health, safety and well-being</p> <p>Goal 1.4 – Connected people and places</p>	<p>Goal 2.2 – Preserve and enhance our natural environment</p>	<p>Goal 3.2 – Collaborate with our partners and communities</p> <p>Goal 3.4 – Financial sustainability</p>

See: [Oxford County 2023-2026 Strategic Plan](#)

DISCUSSION

Background

Applicant Town of Tillsonburg
19 Lisgar Avenue, Tillsonburg, ON N4G 5A5

Location

The proposed Official Plan Amendment would apply broadly to all lands within the Town of Tillsonburg.

County of Oxford Official Plan

The proposed amendments to the Official Plan will modify the policies for Low Density Residential areas and the Entrepreneurial District designation within the Town of Tillsonburg as they pertain to Additional Residential Units.

Town of Tillsonburg Zoning By-Law No. 3295

The proposed amendments to the Town’s Zoning By-Law will modify the relevant sections of the By-law to facilitate ARUs in accordance with the policies contained in OPA 311.

Proposal

Tillsonburg Council initiated amendments to the Official Plan and the Town's Zoning by-law in 2022 regarding the implementation of policies and provisions in support of Additional Residential Units (ARUs).

The Provincial Government made amendments to various legislation and regulations to place a stronger focus on increasing housing affordability, availability/supply, and mix/range as a matter of Provincial interest. Bill 108, the *More Homes, More Choices Act, 2019*, came into effect in September 2019. This Act amended relevant provisions of the Planning Act to permit up to 3 residential units on a lot (including the principal dwelling), and the establishment of an ARU in a single detached, semi-detached or row house dwelling and within a building or structure accessory to a principal dwelling.

The accompanying Planning Act regulations (O. Reg 299/19) set out specific requirements and standards with respect to additional residential units, as follows:

- Each ARU shall have one parking space that is provided and maintained for the sole use of the occupant of the ARU and may be a tandem space;
- An ARU may be occupied by any person regardless of whether the person who occupies the ARU is related to the person who occupies the primary residential unit and whether the person who occupies either the primary additional residential unit is the owner of the lot; and,
- Where the use of ARUs is authorized, an ARU is permitted, regardless of the date of construction of the primary residential unit.

The Planning Act was further amended through Bill 23, the *More Homes Built Faster Act*, which required municipalities to permit ARUs on 'any parcel of urban residential land' (meaning a parcel of land within an area of settlement on which residential use, other than ancillary residential use, is permitted by by-law and that is served by municipal water and wastewater services).

The Planning Act resulting from Bill 23 is now more prescriptive and requires municipalities to enact Official Plan policies and Zoning By-law provisions to allow for the establishment of Additional Residential Units (ARUs). Restrictions/limitations to facilitating ARUs can only be considered with respect to physical restrictions related to hazards (e.g. areas subject to flooding or erosion) or where the provision of such units would be a strain on a community's capacity to provide municipal services.

Planning staff presented an information report 'Implementing Provincial Direction Regarding Additional Residential Units' to Tillsonburg Council on September 11, 2023 (CP 2023-269). The report included draft amendments to the Official Plan and Town's Zoning By-law to implement the ARU legislation.

Comments

2020 Provincial Policy Statement (PPS)

The policies of Section 1.1 of the Provincial Policy Statement (PPS) direct that sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for the planning period. Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

Section 1.1.1 states that healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term, and accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs.

The policies of Section 1.1.3 direct that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. Section 1.1.3.3 states that planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated considering existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

The policies of Section 1.1.3.5 state that planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas based on local conditions.

Further, Section 1.4.3 directs 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;
- 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

With respect to the Official Plan, modification to existing policies is required to reflect legislative changes to the Planning Act regarding ARUs. The proposed amendments to the Official Plan would affect the Low Density Residential policies in Section 8.2.4. The key elements of the proposed policy amendments include:

- Establishing a definition for additional residential units;
- Adding ARUs as a permitted use;
- Including ARUs as a permitted form of backyard infill;
- Requiring that the Town's Zoning By-law establish specific zoning provisions that must be met to allow ARUs to be established on a lot;
- Establishing that ARUs are allowed in single detached, semi-detached and townhouse dwellings in the R1, R1A, R2 and R3 and EC Zones where the Town is satisfied that various development review criteria can be met, such as:
 - maximum of two ARUs per lot (i.e. one in the principal dwelling and/or one in an ancillary dwelling);
 - ARUs are clearly secondary and subordinate to the principal dwelling and limited in size to maintain affordability and minimize potential impacts on infrastructure and public service facilities;
 - the principal dwelling must have direct, individual vehicular access to a public street;
 - dwellings and lots are large enough to accommodate the ARU and provide for adequate parking, landscaping, and outdoor amenity areas;
 - the existing infrastructure and public service facilities servicing the area are adequate to accommodate the establishment of ARUs;
 - ARUS are not permitted where a lot or dwelling already contains other accessory units/uses (e.g. boarding/lodging house, garden suite, converted dwelling unit, bed and breakfast); and,
 - potential impacts on environmental and/or heritage resources and any environmental constraints (e.g. natural or man-made hazards, noise, vibration, emissions, etc.) can be adequately addressed.
- An ARU cannot be severed from the lot containing the principal dwelling; and,
- The Town may consider the use of other supplementary tools and measures to assist in ensuring ARUs are appropriately regulated, including registration and/or licensing, on-street parking regulations, new/updated property standards by-laws, etc.

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, etc.

The zoning provisions for additional residential units will be implemented through a comprehensive, Town initiated amendment to the Zoning By-law, or through the proposed zoning for new residential subdivisions. Site specific amendments to the Zoning By-law to permit the establishment of an additional residential unit will generally not be permitted.

Where deemed necessary and/or appropriate, the Town may implement other supplementary tools and measures to assist with tracking and regulating additional residential units including, but not limited to, registration and/or licensing requirements, design guidelines, property standards by-laws, etc.

Agency Comments

Oxford County Public Works provided the following comments:

1. Each application for a Building Permit to establish an ARU within in a settlement serviced by County water or sewage systems must be circulated to the County to confirm capacity. A formal process, forms, templates, etc. should be developed in consultation with the Area Municipalities. This process should occur prior to an application for Building Permit being deemed complete and the Town may amend their 'Building By-law' or equivalent document to incorporate this process.
2. The County Allocation Protocol, which forms an internal protocol/agreement between Public Works, Community Planning and Area Municipalities, should be amended to address ARUs and other infill development (e.g., to include the process described above and establish unit caps for specific systems).

Planning Analysis

The purpose of the application the Official Plan amendment is to permit ARUs in areas characterized by low density residential development throughout the Town of Tillsonburg, consistent with the recent legislative changes enacted by the Provincial government.

The proposed amendments are consistent with the Provincial Policy Statement's direction to promote intensification within existing building stock, efficiently use land and resources, and, by permitting additional units (ARUs), provide for an appropriate range and mix of housing types and densities to meet the requirements of current and future residents of the Town.

The proposed Official Plan Amendment can be considered appropriate as it will broadly permit up to two ARUs on lots within a single detached dwelling, semi-detached dwelling, or townhouse dwelling (or one within said dwellings and one within a structure accessory thereto), subject to a number of review criteria to ensure that the ARUs remain appropriately sized, front on public streets and are not located in areas that are not subject to natural hazards or servicing constraints.

CONCLUSIONS

Planning staff are of the opinion that the draft Official Plan Amendment 311 attached to this report as Attachment 1, provides a reasonable, effective, and flexible approach for the implementation of ARUs within the Town of Tillsonburg. Planning staff are recommending that County Council approve the attached Official Plan Amendment 311 to provide the policy basis for ARUs within the Town of Tillsonburg.

SIGNATURES

Report author:

Original signed by _____
Laurel Davies Snyder, RPP, MCIP
Development Planner

Departmental approval:

Original signed by _____
Gordon K Hough, RPP
Director of Community Planning

Approved for submission:

Original signed by _____
Benjamin R. Addley
Chief Administrative Officer

ATTACHMENTS

Attachment 1 – Proposed Policy Amendments (tracked changes version)
Attachment 2 – Official Plan Amendment No. 311

County of Oxford Official Plan

ZONING
RESTRICTIONS

The Zoning By-law may contain regulations to limit the kinds of activities to be allowed as home occupations according to the type of dwelling unit and will establish standards relating to matters such as the scale of use, extensions to buildings, parking facilities, number of employees, exterior storage or display of goods, signage and other evidence of the business activity from outside the property, residential dwelling or accessory structure.

8.2.4 Low Density Residential Areas

DESCRIPTION

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, semi-detached, duplex, additional residential units, 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 however that the full range of housing will be permitted in every individual neighbourhood or *development* and Town Council may choose to restrict the range of uses permitted in a particular location through the Zoning By-law. Low Density Residential areas are identified on Schedule T-2.

DENSITY

The maximum *net residential density* for an individual *development* in the Low Density Residential area is 30 units per hectare (12 units per acre) and no building shall exceed three stories in height at street elevation.

Within areas of new Low Density Residential *development*, the minimum overall *net residential density* shall be 15 units per hectare (6 units per acre) throughout the Town. Individual *development* proposals may be approved at lower *net residential densities* provided that opportunities are available to achieve the minimum overall density requirement through *development* elsewhere in the Low Density Residential areas. To achieve this target, Town and County Council will support a variety of lot sizes and configurations, the development of low rise multiple units and may consider narrower road widths and private roads within multiple unit condominium developments in areas of new Low Density Residential *development*.

CRITERIA FOR
MULTIPLE UNITS

Multiple unit dwellings such as townhouse and cluster *development* in Low Density Residential areas will generally be restricted to the following areas:

County of Oxford Official Plan

- sites which abut arterial or collector roads or are situated such that traffic impacts from the site create a minimum disturbance on local streets;
- sites where the topography or other natural features would be best preserved by fewer buildings;
- sites which are close to shopping, recreation, cultural and community facilities.

Notwithstanding the above criteria, ~~S~~street-oriented multiples such as street townhouses, quadrplexes and converted dwellings may be permitted on local streets.

8.2.4.1 Infill Housing

For the purposes of this Plan, infill housing is defined as the placement of new residential *development* into established built-up areas on vacant or underutilized sites. In order to efficiently utilize the designated residential land and municipal servicing *infrastructure*, infill housing will be supported in Low Density Residential areas. The County Land Division Committee and Town Council will be guided by the following policies when considering proposals for infill *development* in Low Density Residential areas.

8.2.4.1.1 Street Oriented Infill

EVALUATION
CRITERIA

The introduction of new residential housing into an established streetscape pattern will only be permitted if the proposal is deemed to be consistent with the characteristics of existing *development* on both sides of the same street. In order that street oriented infill projects are sensitive to the continuity of the existing residential streetscape, the Town Council and the County Land Division Committee will ensure that:

- the proposal is ~~consistent~~ compatible with street frontage, setbacks and spacing of existing *development* within a two-block area on the same street;
- for proposals involving more than two dwelling units, the exterior design in terms of height, bulk, scale and layout of the proposed building is consistent with present land uses in the area and
- the proposal complies with Section 8.2.4.1.4.

County of Oxford Official Plan

8.2.4.1.2 Backyard Infill

In Low Density Residential areas, backyard infill *development* may involve ~~the construction of a residential structure behind a building facing a street, the conversion of a secondary structure for residential purposes, new~~ residential *development* on lots with minimal street frontage (e.g. flag shaped lots), on small vacant remnant parcels of land which cannot be integrated into a plan of subdivision, or on under-utilized or obsolete industrial, commercial or institutional sites.

Backyard infill may involve the *development* of existing lots or of record, the creation of new lots by consent. Additional residential units and ~~or the development of a garden suite or granny flat.~~ Garden suites and granny flats may also be permitted to the rear of an existing dwelling on a lot in accordance with the policies of Section 8.2.4.3 and as backyard infill development subject to the criteria of this Section and the policies of Section 10.3.9 respectively.

EVALUATION CRITERIA

When considering such proposals, the County Land Division Committee and Town Council will be guided by Section 8.2.4.1.4 and the following criteria:

- the nature of the proposed residential *development* will be evaluated having regard to the type of housing found in the surrounding residential neighbourhood;
- for proposals involving more than two dwelling units, the exterior design in terms of height, bulk, scale and layout of the proposed building is consistent with present land uses in the area;
- the siting of both buildings and parking areas in relation to the size, configuration and topography of the lot is such that effect on light, view and privacy of adjacent backyards is minimal;
- direct vehicular access to a public street will be required and driveways will have sufficient width to allow efficient vehicular use and turning of both private and emergency vehicles and to provide for snow storage;
- proposed multiple unit use is consistent with the multiple unit requirements for Low Density Residential areas.

County of Oxford Official Plan

MUNICIPAL SERVICES

Existing municipal services and community facilities will be adequate to accommodate the *development* and its residents.

PARKING

Adequate off-street parking and outdoor amenity areas will be provided.

HERITAGE

Conversions which result in the preservation and/or upgrading of buildings considered by Town Council to be of architectural or historical significance may be permitted to exceed the density limitations of Low Density Residential areas subject to the policies of Section 10.3.10.

ENVIRONMENT

The effect of the proposed development on environmental resources and the effects of any environmental constraints on the proposed development will be addressed and mitigated in accordance with Section 3.2.

8.2.4.3 Additional Residential Units and Converted Dwellings

DEFINITION

~~Within Low Density Residential areas, Town Council may zone areas to permit detached, semi-detached and townhouse dwellings to be converted into two residential units.~~

~~Additional Residential Unit (ARU) means 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 principal dwelling.~~

ADDITIONAL RESIDENTIAL UNITS

~~The development of *additional residential units* within the Low Density Residential Districts shall be encouraged, where appropriate, with the objective of increasing the range and availability of *housing options* while maintaining the low density residential character of the house neighbourhoods comprising such districts.~~

~~The general intent is to allow for the establishment of such units in existing and newly developing residential areas, subject to complying with applicable zone provisions and development standards, where the City has deemed it to be appropriate based on such considerations as the location, nature and character of existing development, existing level of services and presence of natural hazards and/or other constraints.~~

~~To this end, Town Council shall establish the appropriate zones and zoning provisions to permit the establishment of additional residential unit(s) within a single detached, semi-detached, or street fronting townhouse dwelling and/or in a structure ancillary to such a dwelling where they are satisfied that the following criteria can be addressed:~~

County of Oxford Official Plan

- a maximum of two *additional residential units* are permitted on a lot, consisting of up to two in the principal dwelling and/or one in a structure ancillary to the principal dwelling;
- *additional residential unit(s)* shall not generally be permitted on a lot that contains a boarding/lodging house, garden suite, converted dwelling unit, group home, mobile home/park model trailer, bed and breakfast establishment, or other similar use;
- the *additional residential unit(s)* shall be clearly secondary and subordinate to the principal dwelling, and, have a cumulative gross floor area of no greater than 50% of the gross floor area of the principal dwelling. The Town may establish lower maximum floor area limits and/or floor area caps in zoning, if deemed appropriate;
- the principal dwelling and lot are of sufficient size to accommodate the creation of *additional residential unit(s)* and to provide for adequate off-street parking, landscaping, stormwater management, and outdoor amenity areas, without detracting from the visual character of the lot or area;
- any new or expanded structures and/or exterior alterations (e.g. new parking areas, doors, windows, stairways, decks) to accommodate an *additional residential unit* will maintain the general built form and architectural character of the principal dwelling and the surrounding area;
- the principal dwelling must have direct, individual vehicular access to a public street and all *additional residential units* shall generally use the same driveway and parking area as the principle dwelling; new additional driveways will generally not be permitted;
- there is adequate access from the front lot line or parking area to each *additional residential unit* for both occupant use and emergency response;
- to the extent feasible, existing trees and other desirable vegetation are preserved;
- the existing infrastructure and public service facilities serving the area are adequate to accommodate the establishment of *additional residential units*;
- stormwater run-off will be adequately controlled and will not negatively affect adjacent properties;
- any potential increase in on-street parking demand can be adequately accommodated and/or managed;
- land use compatibility concerns (e.g. due to proximity to industrial areas or major facilities) will not be created or intensified;
- the location of the proposed *additional residential unit* and related services and outdoor amenity areas shall comply with all other applicable policies including: Section 3.2,

County of Oxford Official Plan

Environmental Resource Policies, and, Section 3.3, Cultural Resource Policies all other municipal requirements such as servicing, stormwater management, waste management, and emergency access can be adequately addressed.

SEVERANCE

Additional residential units must be located on the same lot as the principal dwelling and shall not be severed from such lot, or converted into a separately transferable unit through plan of condominium.

ZONING

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, decks).

The zoning provisions for additional residential units will be implemented through a comprehensive, City initiated amendment to the Zoning By-law, or through the proposed zoning for new residential subdivisions. Site specific amendments to the Zoning By-law to permit the establishment of an additional residential unit(s) will not generally be permitted.

OTHER TOOLS AND MEASURES

Where deemed necessary and/or appropriate, the Town may implement other supplementary tools and measures to assist with tracking and regulating additional residential units including, but not limited to, registration and/or licensing requirements, design guidelines, property standards by-laws, etc.

CRITERIA FOR MORE THAN TWO UNITS OR CONVERTED DWELLINGS

In addition Town Council may zone areas within the Town to permit the conversion of a principal dwellings for up to four more than three dwelling units per building. Areas may be zoned to permit converted dwellings with up to four units on the basis of in accordance with the following criteria:

County of Oxford Official Plan

- the area is characterized by a mixture of residential dwelling types including detached, semi detached, townhouse and existing converted dwellings;
- lot sizes are generally sufficient to accommodate the required off-street parking without detracting from the visual character of the area;
- existing dwellings ~~units satisfy the dwelling size requirements specified in the Zoning By-law are generally of a size sufficient~~ to accommodate the creation of additional dwelling units.

NO FURTHER CONVERSION

Where an additional residential unit has been established within a principal dwelling, the conversion of the principal dwelling to include additional units will generally not be permitted.

ZONING

The Zoning By-law may limit the number of units that may be contained in a converted dwelling and specify minimum lot or dwelling size requirements for conversion. To maintain the external character of the dwelling the Zoning By-law may also limit the extent of structural additions or changes that would be permitted.

SITE PLAN CONTROL

~~Any converted dwelling with up to four units may be subject to site plan control.~~

SITE DESIGN POLICIES

When considering a specific proposal for multiple unit *development* in the Low Density Residential area, Town Council will be satisfied that the policies of Section 8.2.7 are adequately addressed.

8.2.4.4 Specific Development Policies

In specified areas, the nature, scale, location and design criteria may be varied to meet specific policy objectives or to accommodate the unique characteristics of the area. Low Density Residential areas where specific policies apply, in addition to the relevant policies of this section, are identified as follows:

County of Oxford Official Plan

SPECIAL NEEDS

The needs of the elderly, persons with disabilities and other special needs groups will be adequately accommodated in the design of *development*.

8.3.2.3.1.1 Specific Development Policies

The following policies, in addition to the relevant policies of this section, apply to specific areas within the Central Business District. These specific policies are required to provide guidance for further *development*.

PART OF LOT 994,
1013 AND 1026,
PLAN 500, PART OF
THE MARKET
STREET ROAD
ALLOWANCE AND
PART OF BRIDGE
STREET

A 2.47 ha (6.1 ac) area, comprising Part of Lots 994, 1013 and 1026, Plan 500, part of the Market Street Road Allowance and part of Bridge Street, may be used for the full range of central commercial uses, subject to the approval of the Long Point Region Conservation Authority and the Department of Fisheries, in accordance with the policies of Section 8.3.2.3.1 and the two-zone flood plain policies contained in Section 3.2.8.1.2.

AMENDMENT No. 77

8.3.2.3.2 Entrepreneurial District

LOCATION

The boundaries of the Entrepreneurial District are shown on Schedule T-1 and represent the area proposed for a range of commercial and business development opportunities through the conversion of existing residential dwellings and new *development* or redevelopment. Within the Entrepreneurial District the continuation of residential uses is also anticipated. It is intended that *development* in this District will result in a mixture of land uses. Reference should be made to Section 1.5 regarding the interpretation of the boundaries to the Entrepreneurial District on Schedule T-1.

PERMITTED USES IN EXISTING BUILDINGS

Permitted uses in existing buildings within the Entrepreneurial District designation may include but will not be limited to the following:

- *additional residential units*, residential uses including single-detached dwellings, semi-detached dwellings, converted dwellings, and bed and breakfast establishments;
- rooming, boarding and lodging houses, converted dwellings and special needs housing in accordance with the policies of Section 8.2.2.4;

THE COUNTY OF OXFORD

BY-LAW NO. **6593-2023**

BEING a By-Law to adopt Amendment Number 311 to the County of Oxford Official Plan.

WHEREAS, Amendment Number 311 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 311 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 22nd day of November 2023.

READ a third time and finally passed this 22nd day of November 2023.

MARCUS RYAN, WARDEN

CHLOÉ J. SENIOR, CLERK

AMENDMENT NUMBER 311
TO THE COUNTY OF OXFORD OFFICIAL PLAN

The following text attached hereto constitutes
Amendment Number 311 to the County of Oxford Official Plan.

1.0 PURPOSE OF THE AMENDMENT

The purpose of this amendment is to amend the policies of Section 8.2.4 of the Official Plan respecting Low Density Residential Districts and Section 8.3.2.3.2 respecting Entrepreneurial Districts to reflect legislative changes made to the Planning Act to permit Additional Residential Units broadly throughout residential areas of serviced settlements.

2.0 LOCATION OF LANDS AFFECTED

This amendment will generally apply to all lands within the Town of Tillsonburg.

3.0 BASIS FOR THE AMENDMENT

Bill 23, *More Homes Built Faster Act* received Royal Assent on November 28, 2022 and made a number of amendments to the *Planning Act* and the *Development Charges Act* intended to increase the availability and affordability of housing. One of the amendments to the *Planning Act* requires municipal Official Plans to contain policies that permit the use of up to three residential units on a residential lot within a settlement serviced by both municipal drinking water and wastewater disposal services, and any policies that have the effect of prohibiting such units will have no effect. The additional units may be in the form of two units within (and in addition to) the principal single detached dwelling, semi-detached dwelling or street townhouse dwelling or one additional unit within the principal single detached dwelling, semi-detached dwelling or street townhouse dwelling and one additional unit in an ancillary building.

This Official Plan amendment amends the policies for the Town of Tillsonburg respecting Additional Residential Units. The policy amendments regarding ARUs generally apply to all the lands within the Town of Tillsonburg as shown on Schedule T-1 of the Official Plan.

It is the opinion of Staff that the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and implements the legislative changes enacted by the Province regarding Additional Residential Units, and that the amendment supports the objectives and strategic initiatives of the Official Plan.

4.0 DETAILS OF THE AMENDMENT

4.1 That Chapter 8 – TOWN OF TILLSONBURG LAND USE POLICIES, Section 8.2.4 - Low Density Residential Areas, as amended, is hereby amended by adding the term 'additional residential units' so that the subsection titled DESCRIPTION shall read as follows:

DESCRIPTION	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, semi-detached, duplex, <i>additional residential units</i> , converted dwellings, quadraplexes, townhouses, and low-density cluster <i>development</i> .
-------------	--

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, however, that the full range of housing will be permitted in every individual neighbourhood or *development* and Town Council may choose to restrict the range of uses permitted in a particular location through the Zoning By-law. Low Density Residential areas are identified on Schedule T-2.

- 4.2 That Chapter 8 – TOWN OF TILLSONBURG LAND USE POLICIES, Section 8.2.4 - Low Density Residential Areas, as amended, is hereby amended by deleting the final paragraph of the subsection titled CRITERIA FOR MULTIPLE UNITS and replacing it with the following paragraph:

Notwithstanding the above criteria, street-oriented multiples such as street townhouses, quadraplexes and converted dwellings may be permitted on local streets.

- 4.3 That Chapter 8 – TOWN OF TILLSONBURG LAND USE POLICIES, Section 8.2.4.1.1, Street Oriented Infill, as amended, is hereby amended by deleting the word “consistent” from the first bullet and replacing it with the word “compatible” so that the said bullet shall read as follows:

- the proposal is compatible with street frontage, setbacks and spacing of existing *development* within a two-block area on the same street;

- 4.4 That Chapter 8 – TOWN OF TILLSONBURG LAND USE POLICIES, Section 8.2.4.1.2, Backyard Infill, as amended, is hereby amended by deleting the first two paragraphs of the section and replacing them with the following:

In Low Density Residential areas, backyard infill *development* may involve new residential *development* on lots with minimal street frontage (e.g. flag shaped lots), on small vacant remnant parcels of land which cannot be integrated into a plan of subdivision, or on under-utilized or obsolete industrial, commercial, or institutional sites.

Backyard infill may involve the *development* of existing lots or the creation of new lots by consent. *Additional residential units* and *garden suites* may also be permitted to the rear of an existing dwelling on a lot in accordance with the policies of Section 8.2.4.3 and Section 10.3.9, respectively.

- 4.5 That Chapter 8 – TOWN OF TILLSONBURG LAND USE POLICIES, Section 8.2.4.3, Converted Dwellings, as amended, is hereby amended by deleting the entire section and replacing it with the following section:

8.2.4.3 Additional Residential Units (ARUs) and Converted Dwellings

DEFINITION Additional Residential Unit (ARU) means 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 principal dwelling.

ADDITIONAL
RESIDENTIAL
UNITS

The development of *additional residential units* within the Low Density Residential Districts and Entrepreneurial Districts, shall be encouraged, where appropriate, with the objective of increasing the range and availability of *housing options* while maintaining the low density residential character of the housing and neighbourhoods comprising such districts.

The general intent is to allow for the establishment of such units in existing and newly developing residential areas, subject to complying with applicable zone provisions and development standards, where the Town has deemed it to be appropriate based on such considerations as the location, existing level of services and presence of natural hazards and/or other constraints.

To this end, Town Council shall establish the appropriate zones and zoning provisions to permit the establishment of *additional residential unit(s)* within a single detached, semi-detached, or street fronting townhouse dwelling, and/or in a structure ancillary to such a dwelling where they are satisfied that the following criteria can be addressed:

- a maximum of two *additional residential units* are permitted on a lot, consisting of up to two in the principal dwelling and/or one in a structure ancillary to the principal dwelling;
- *additional residential unit(s)* shall generally not be permitted on a lot that contains a boarding/lodging house, garden suite, converted dwelling unit, group home, mobile home/park model trailer, bed and breakfast establishment, or other similar use;
- the *additional residential unit(s)* shall be clearly secondary and subordinate to the principal dwelling, and, have a cumulative gross floor area of no greater than 50% of the gross floor area of the principal dwelling. The Town may establish lower maximum floor area limits and/or floor area caps in zoning, if deemed appropriate;
- the principal dwelling and lot are of sufficient size to accommodate the creation of *additional residential unit(s)* and to provide for adequate off-street parking, landscaping, stormwater management, and outdoor amenity areas without detracting from the visual character of the lot or area.
- any new or expanded structures and/or exterior alterations (e.g. new parking areas, doors, windows, stairways, decks) to accommodate an *additional residential unit* will maintain the general built form and architectural character of the principal dwelling and the surrounding area;
- the principal dwelling must have direct, individual vehicular access to a public street and all *additional residential units* shall generally use the same driveway and parking area as the principal dwelling; new additional driveways will generally not be permitted;
- there is adequate access from the front lot line or parking area to each *additional residential unit* for both occupant use and emergency response;
- to the extent feasible, existing trees and other desirable

- vegetation are preserved;
- the existing *infrastructure* and *public service facilities* serving the area are adequate to accommodate the establishment of *additional residential units*;
- stormwater run-off will be adequately controlled and will not negatively affect adjacent properties;
- any potential increase in on-street parking demand can be adequately accommodated and/or managed;
- land use compatibility concerns will not be created or intensified (e.g. due to proximity to industrial areas or *major facilities*);
- the location of the proposed *additional residential unit* and related services and outdoor amenity areas shall comply with all other applicable policies including but not limited to: Section 3.2, Environmental Resource Policies, and, Section 3.3, Cultural Resource Policies;
- all other municipal requirements such as servicing, stormwater management, waste management, and emergency access can be adequately addressed.

ADDITIONAL
RESIDENTIAL
UNITS IN AN
ANCILLARY
BUILDING

The following additional criteria shall apply to the establishment of an *additional residential unit* in a structure ancillary to a single detached, semi-detached, or street fronting townhouse dwelling:

- the ancillary structure must be located in a rear or interior side yard;
- the siting, design and orientation of the ancillary structure/dwelling unit, parking area, and outdoor amenity area will allow for privacy for the occupants of the *additional residential unit*, principal dwelling, and abutting residential properties and minimize potential visual and shadowing impacts on adjacent residential properties; and,
- all other municipal requirements (e.g. servicing, emergency access, by-laws, standards, etc.) can be adequately addressed.

SEVERANCE

Additional residential units must be located on the same lot as the principal dwelling and shall not be severed from such lot or converted into a separately transferable unit through a plan of condominium.

ZONING

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 maintain 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, decks).

The zoning provisions for *additional residential units* will be implemented through a comprehensive, Town-initiated amendment to the Zoning By-law, or through the proposed zoning for new residential subdivisions. Site-specific amendments to the zoning By-law to permit the establishment of an *additional residential unit(s)* will not generally be permitted.

OTHER
TOOLS AND
MEASURES

Where deemed necessary and/or appropriate, the Town may implement other supplementary tools and measures to assist with tracking and regulating *additional residential units* including, but not limited to, registration and/or licensing requirements, design guidelines, property standards by-laws, etc.

In addition, Town Council may zone areas within the Town to permit the conversion of a principal dwelling for more than three dwelling units in accordance with the following criteria:

- the area is characterized by a mixture of residential dwelling types including detached, semi-detached, townhouse and existing converted dwellings;
- lot sizes are generally sufficient to accommodate the required off-street parking without detracting from the visual character of the area;
- existing dwellings are generally of a size sufficient to accommodate the creation of additional dwelling units.

NO FURTHER
CONVERSION

Where an *additional residential unit(s)* has been established within a principal dwelling, the conversion of the principal dwelling to include additional units will generally not be permitted.

ZONING

The Zoning By-law may limit the number of units that may be contained in a converted dwelling and specify minimum lot or dwelling size requirements for conversion. To maintain the external character of the dwelling the Zoning By-law may also limit the extent of structural additions or changes that would be permitted.

SITE DESIGN
POLICIES

When considering a specific proposal for multiple unit *development* in the Low Density Residential area, Town Council will be satisfied that the policies of Section 8.2.7 are adequately addressed.

4.6 That Chapter 8 – TOWN OF TILLSONBURG LAND USE POLICIES, Section 8.3.2.3.2, Entrepreneurial District, as amended, is hereby amended by adding the term '*additional residential units*' to the first bullet of the subsection titled PERMITTED USES IN EXISTING BUILDINGS so that it shall read as follows:

- residential uses including *additional residential units*, single-detached dwellings, semi-detached dwellings, converted dwellings, and bed and breakfast establishments;

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.