

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