

To: Warden and Members of County Council

From: Director of Community Planning

Application for Official Plan Amendment OP 21-04-7 – Town of Tillsonburg

RECOMMENDATIONS

1. That Oxford County Council approve the application to amend the County Official Plan (File No. OP 21-04-7), initiated by the Town of Tillsonburg, to amend Section 8.3.2.3.1 to expand the extent of the current prohibition on ground floor residential development in the Central Business District;
2. And further, that Council approve the attached Amendment No. 259 to the County of Oxford Official Plan;
3. And further, that the necessary by-law to approve Amendment No. 259 be raised.

REPORT HIGHLIGHTS

- The purpose of the Official Plan Amendment is to amend the Official Plan policies respecting ground floor residential development in the Central Area of Tillsonburg, to expand the area where ground floor residential development is prohibited to assist in the protection and preservation of employment and commercial uses.
- The proposal is consistent with the relevant policies of the Provincial Policy Statement and supports the strategic initiatives and objectives of the Official Plan.

Implementation Points

The application will be implemented in accordance with the relevant policies contained in the Official Plan.







Financial Impact

The approval of this application will have no financial impact beyond what has been approved in the current year's budget.

Communications

In accordance with the requirements of the Planning Act, notice of complete application was provided by newspaper advertisements on May 20, 2021 and notice of public meeting was issued on June 3, 2021.

Strategic Plan (2020-2022)

					
WORKS WELL TOGETHER	WELL CONNECTED	SHAPES THE FUTURE	INFORMS & ENGAGES	PERFORMS & DELIVERS	POSITIVE IMPACT
		3.ii.			

DISCUSSION

Background

Applicant:

Town of Tillsonburg
 10 Lisgar Avenue, Tillsonburg ON, N4G 5A5

Location:

The proposed amendments apply to lands designated 'Central Business District' as per Schedule T-1 of the Official Plan, and lands zoned 'Central Commercial Zone (CC)' in the Town of Tillsonburg Zoning By-Law.

County of Oxford Official Plan:

Existing:

Schedule "T-1"	Town of Tillsonburg Land Use Plan	'Central Business District'
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Proposed:

Amend the policies of Section 8.3.2.3.1 to expand the current prohibition on free standing residential development within the Central Business District.

Town of Tillsonburg Zoning By-Law 3295:

Existing Zoning: 'Central Commercial Zone (CC)'

Proposed Zoning: Amend the provisions of Section 13.2.2, to expand the current prohibition on ground floor residential development within the CC Zone.

Proposal:

The purpose of this application is to amend the provisions of the Official Plan as contained in Section 8.3.2.3.1 - Central Business District, and Section 13.2.2 of the Town's Zoning By-Law to expand the current prohibition on free standing residential development within the Central Business District and Central Commercial Zone.

The current boundary of the prohibition on free-standing residential development within the Central Commercial Zone is the lands within an area bounded by Bridge Street to the north, Baldwin/ Oxford Street to the south, Bidwell Street to the west and Harvey Street to the east.

Plate 1, Current Extent of Prohibition on Ground Floor Residential Development, illustrates the current area that is subject to the restriction on ground floor residential development.

Plate 2, Proposed Expansion of Prohibition on Ground Floor Residential Development depicts boundaries that could be modified to encompass more commercial land that could be protected from full residential conversions.

The proposed amended boundary is depicted on Plate 2.

Comments:

2020 Provincial Policy Statement

Section 1.1.1 of the PPS indicates 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, accommodating an appropriate range and mix of residential, employment (including industrial and commercial), institutional, recreation, park and open space uses to meet long-term needs.

The policies of Section 1.1.3.1 state that settlement areas shall be the focus of growth and development.

Further, Section 1.3.1 of the PPS directs that planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional uses and broader mixed uses to meet long-term needs;

- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;
- d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and,
- e) ensuring the necessary infrastructure is provided to support current and projected needs.

Further, according to Section 1.7, long-term prosperity should be supported by maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets.

Official Plan

Although the Official Plan contains many policies and objectives to increase the residential density of the Central Area, it is also a strategic goal of the Official Plan to protect the employment function of the Central Area through restrictions on some permitted uses, and limiting free-standing residential development on high-profile commercial corridors.

Section 8.3.2.3.1 - CENTRAL BUSINESS DISTRICT provides that “the Central Business District is intended to be the most intensive, functionally diverse business, cultural and administrative centre in the Town. Therefore, within the Central Business District, the full range of commercial, office, administrative, cultural, entertainment, recreation, institutional, open space and multiple residential uses are permitted.

Residential units on levels above the grade level are permitted within any of the non-residential uses.

Notwithstanding the policies of this section, the following policies shall take precedence:

- free standing residential *development* is not permitted on lands having frontage on Broadway within that portion of the Central Business District bounded by Bridge Street and Baldwin/Oxford Streets.
- conversion of existing buildings to free-standing medium density residential *development* is not generally permitted within one block of Broadway within the Central Business District. Proposals for free standing medium density residential *development* adjacent to Broadway may be permitted if such *development* does not impact the primary business, cultural and administrative functions of the Central Business District.”

Zoning By-Law

Town Zoning By-Law No 3295 contains restrictions on ground floor residential development in the Central Commercial Zone in Section 13.2.2:

Section 13.2.2- Restrictions on Ground Floor Residential Development

Notwithstanding the residential uses permitted in Table 13.1, no residential use shall be permitted on the ground floor of any building located within the lands bounded by Bidwell Street to the west, Harvey Street to the east, Bridge Street to the north and Baldwin/Oxford Streets to the south.

This zoning provision implements the aforementioned Official Plan policy.

Central Area Design Study (2012)

In addition to the policies of the Official Plan, the Central Area Design Study completed by the Town in 2021 provides additional guidance for applications within the Central Area of the Town.

The study identifies a Main Street Area as being an area that encompasses properties on both sides of Broadway, from Venison Street to Prospect Street as a primary commercial area in the Town. Other areas include a Secondary Commercial Area, encompassing properties on the east side of Bidwell Street, properties on the west side of Harvey Street, east side of Harvey Street north of McKenzie Street, south side of Oxford Street, and south side of Brock Street East, west of Lisgar Avenue.

The study recommends that within the Main Street Area, new buildings should contain active and publicly oriented retail uses or other appropriate commercial uses at-grade. This is necessary to create a cohesive and pedestrian oriented urban environment and to ensure the public accessibility of all buildings. At grade commercial uses should wrap the corner, occupying a frontage ranging between 9 to 12 metres. Beyond this point, the buildings may include either residential or commercial uses at grade, depending on demand.

Within Secondary Commercial Areas, at-grade residential uses are permitted. However, properties with frontages along streets which flank Broadway Street should be targeted for commercial uses in the long-term, in order to extend commercial activity beyond Broadway Street within Tillsonburg's Central Area.

Within the Main Street Area, Secondary Commercial Area, and Large Format Area, the floor-to-floor height of the ground floor of new buildings should be a minimum of 4.5 metres. This will facilitate retail uses at-grade and will ensure that the ground floor has a continuous character as the Secondary Commercial Area evolves to include a greater number of businesses, and the Large Format Retail Area transitions to a more urban character.

Agency Comments

Town of Tillsonburg Building Department indicated that the proposed boundary should include existing commercial properties on the south side of Brock Street East, east of Harvey Street.

The Tillsonburg District Chamber of Commerce indicated that they are supportive of the subject applications and provided the following comments:

- Tillsonburg has always strived to keep business in the core, and this is one step further in this direction
- We should maintain commercial space on the ground level in the downtown. Ground floor commercial is important in the health of the core.
- The expansion may help attract more business to the downtown area.

The Downtown Tillsonburg BIA indicated they support the proposed expansion to the current prohibition on ground floor residential development.

Members of the Town Economic Development Advisory Committee provided the following comments:

- Concerns about already very limited affordable housing options in the Town and how restricting ground floor residential, even if in the downtown, could exacerbate this
- Consider exemption for new development as, presumably, it would have gone through an approval process
- Supportive that this application allows for upper floor residential living in the downtown core
- Restricting ground floor residential from being permitted on Broadway (extending the current zone south to London St) is of primary importance, but less concerned about side streets
- While this may be an extra step or red tape for members of the public, important to remember that even if rezoned, specific developments could seek exemptions to the restriction through a rezoning.
- Although there may be pressures to convert existing commercial/retail space to residential, it is important protect downtown retail space to allow for future commercial and retail growth. There has been significant new businesses that have opened during the pandemic that have replaced some that have shut down and overall the BIA believes there has been net growth over the past year.

Town of Tillsonburg Council

Town of Tillsonburg Council recommended support of the proposed Official Plan amendment and approved the proposed zoning by-law amendment 'in principle', at the Town's regular meeting of June 21, 2021.

Planning Analysis

The subject applications propose to expand the current boundary of the prohibition of ground floor residential development within the Central Area of the Town.

It is the opinion of staff that the proposed amendments are consistent with the relevant policies of the PPS as the proposed amendments will protect commercial and employment space, and enhance the viability and vitality of downtown Tillsonburg.

Staff are of the opinion that the northern limit of this area (Bridge St) is appropriate as it is consistent with the limit of the CC zoning; lands to the north are zoned Entrepreneurial District. Similarly, the western boundary of Bidwell Street remains appropriate as this is the limit of the Central Commercial Zone, and the western side of Bidwell Street contains a number single detached, duplex, and multi-unit dwellings, typical of the Entrepreneurial District Zone.

Planning staff have reviewed the existing development on Broadway & Bidwell south of the present limit of Oxford / Baldwin Street and suggest that the boundary could be expanded to London Street to the south for the following reasons:

- Development on both sides of Broadway in this area is generally commercial, with a number of small-scale retail uses and some larger commercial uses and professional offices.
- A number of the properties within this area could potentially be developed for ground floor residential development consisting of multiple unit dwellings or apartment dwellings, which are permitted uses.
- If the area was extended, existing residential development that is present on the ground floor would be legal non-conforming.

Upon review of the eastern boundary of the area, staff suggest that the boundary be altered to encompass properties fronting on the south side of Brock Street East, west of Lisgar Avenue, and properties fronting on Harvey Street, this would protect the potential for future commercial development on existing municipally-owned parking lots that front onto Harvey Street. This revised boundary would also protect existing commercial space within commercial properties between Brock Street East and McKenzie Street by precluding residential development on the ground floor.

The proposed boundary also aligns with the findings of the Central Area Design Study, which identified the Main Street Area on both sides of Broadway extending south to Prospect Street, and the identified Secondary Commercial Area on the east side of Bidwell Street, south side of Oxford Street, and Harvey Street. The study recommended that ground floor uses on Broadway should be commercial to create a cohesive and pedestrian oriented urban environment and to ensure the public accessibility of all buildings. Buildings within the Secondary Commercial Area that front on streets that flank Broadway are also recommended to be targeted for commercial uses, to extend the commercial activity of the Central Area.

Conclusions

In light of the foregoing, Planning staff are satisfied that the proposed expansion of the current prohibition on ground floor residential development in the Central Area is consistent with the policies of the PPS, supports the strategic initiatives and objectives of the Official Plan to preserve and protect the commercial function of the Central Area, and is consistent with the Central Area Design Study.

SIGNATURES

Report Author:

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Departmental Approval:

Gordon K. Hough, RPP
Director of Community Planning

Approved for submission:

"Original Signed By"

Michael Duben, B.A., LL.B.
Chief Administrative Officer

ATTACHMENTS

Attachment 1:	Plate 1 – Current Prohibition on Ground Floor Residential Development
Attachment 2	Plate 2 – Proposed Expansion of Prohibition on Ground Floor Residential Development
Attachment 3:	OPA 259