

To: Mayor and Members of City of Woodstock Council
From: Justin Miller, Development Planner, Community Planning

Application for Zone Change **ZN8-24-04 – The Corporation of the City of Woodstock**

REPORT HIGHLIGHTS

- The purpose of the application for zone change proposes a number of housekeeping changes to the City’s Comprehensive Zoning By-law (By-law Number 8626-10) that are to provide administrative updates for clarification purposes as well as updating provisions that are reflective of recently established Provincial policy to ensure continued effectiveness of the City’s Zoning By-law.
- Provisions affecting sourcewater protection and private day care facilities (home occupations) are key elements of the proposed amendment.
- Planning staff are recommending approval of the application as the proposal is consistent with the policies of the Provincial Policy Statement and maintains the general intent and purpose of the Official Plan.

DISCUSSION

Background

APPLICANT: City of Woodstock
500 Dundas Street, Woodstock ON, N4S 0A7

LOCATION:

The proposed housekeeping amendment will apply to all lands within the City of Woodstock.

PROPOSAL:

The City of Woodstock has initiated a housekeeping amendment to the City’s Comprehensive Zoning By-law that will provide administrative updates for clarification as well as updating provisions that are reflective of recently established Provincial policy, correct errors and provide clarification to text and mapping schedules as well as update a number of provisions based on recent development activity, inquiries and planning application volumes.

The City of Woodstock’s Comprehensive Zoning (By-law 8626-10) was passed by Council in July, 2010. Subsequent housekeeping exercises were completed in 2015, 2018 and 2021. The housekeeping amendment is intended to properly implement previous Council decisions, clarify

a number of existing definitions, regulations, add additional language to aid in clarifying zoning interpretation and to reflect changes to various standards implemented since By-Law Number 8626-10 was passed and to ensure its continued effectiveness.

As detailed above, the proposed housekeeping amendment will generally address necessary updates, as well as correct minor errors and provide clarification to text. In particular, the proposed amendment will incorporate Source Water Protection regulations and provisions for private day care facilities.

The incorporation of the proposed Sourcewater Protection provisions as required by the Thames Sydenham and Region Source Protection Plan (2015) and will implement the provisions of the Source Protection Plan and are to provide greater disclosure of properties and uses that could represent a drinking water threat. To do so, amendments are required to Section 2, [DEFINITIONS], and Section 5, [GENERAL PROVISIONS].

The intent of changes proposed to a home occupation relate to the number of children that may be accommodated in a private home daycare setting and are to reflect changes to the Child Care and Early Years Act, 2014. Similar to the above, amendments are required to Section 2, [DEFINITIONS], and Section 5, [GENERAL PROVISIONS} to reflect the changes.

To align the City's Zoning By-law with the current Child Care and Early Years Act and to maintain differentiation between a Private Home Daycare and a Licenced Daycare Centre, the following amendments are recommended:

- To add a definition of a 'Day Care, Private Home' and amend a definition of a 'Home Occupation' as well as amend Section 5.2.5.1, Home Occupations (General Provisions) as follows:
 - Allow for the care of up to six (6) children. Accommodating six (6) children requires that the home day care is licenced and affiliated with a licencing agency like the OCCC.
- Clarify that a nursery school (day care centre) shall operate in accordance with Child Care and Early Years Act whereby the minimum number of children accommodated shall be a minimum of seven (7) to ensure that daycare centres remain differentiated from licenced home daycare providers.

The impact of this change is that a licensed childcare facility that accommodates up to 6 children will be a home occupation in accordance with the provisions of Section 5.2.5.1 of the Zoning By-law. Such a facility would continue to be broadly permitted in a single detached, semi-detached, duplex, townhouse, or converted dwelling, subject to the provisions of Section 5.2.5. A facility that accommodates 7 or more children (interpreted to be a nursery school) would only be permitted in those zones contained in the By-law where such use is specifically permitted (e.g. C5, NI and CF zones).

In addition to the above, it is noted that the proposed mapping changes to correct incorrect references will not eliminate any 'as of right' uses or previous zoning approvals granted by Council.

The proposed amendments are summarized in Table 1 below:

Table 1 – Proposed Amendments

SECTION	PROPOSED AMENDMENT
1.10 – Minor Variances to the Zoning By-law	Indicate that decisions by the Ontario Land Tribunal and the former Ontario Municipal Board remain in effect and shall be considered minor variances to the By-law. The current provision only addresses the Ontario Municipal Board.
3.1	Amend reference to note that 110 Key Maps cover the City.
3.2.9 – Source Protection Overlays Areas	Reflect that new source water protection provisions are proposed as per the Clean Waters Act and Thames Sydenham and Region Source Protection Plan (2015).
4 - Definitions	<p>Planning staff propose the following changes:</p> <ul style="list-style-type: none"> • Revise definitions of a ‘boundary adjustment’, and ‘building by-law’ to reflect updated references; • Revise definitions of a ‘commercial vehicle’, ‘habitable room’, ‘personal service shop’ and ‘service shop’ to aid in clearer interpretation; • Include new definitions for ‘septic system and/or holding tank’, ‘significant drinking water threat’, ‘risk management official’ and ‘wellhead protection area’ for the purpose of the proposed Sourcewater protection provisions. • Revise definitions of a ‘home occupation’ and ‘nursery school’ to reflect The Child Care and Early Years Act, 2014 that address private home day care operations and align with similar General Provisions.
5 - Add Sourcewater Protection Provisions	<p>As current Zoning By-Law predates the approval of the Thames Sydenham and Region Source Protection Plan, and Clean Water Act. Zoning By-Laws are required to be consistent with an approved Source Protection Plan, Planning staff are proposing the following new provisions:</p> <p><u>Sourcewater Protection</u></p> <p>Include a new section to reference the Sourcewater Protection Overlays that are illustrated on Schedule A of the Zoning By-law. The proposed Source Protection Overlays (SP1 and SP2), shown on Schedule A, identify the portions of the Wellhead Protection Areas (WHPAs) associated with the County’s municipal drinking water supply wells where a drinking water threat, as prescribed by the Clean Water Act, 2006, can be a significant drinking water threat. The mapping of these areas in this By-Law reflects the WHPA mapping contained in the applicable approved Source Protection Plans.</p> <p>The Source Protection Overlay 1 (SP1) applies to the portion of the WHPA closest to the wellhead, where the majority of the prescribed significant drinking water threats can occur, while the Source</p>

SECTION	PROPOSED AMENDMENT
	<p>Protection Overlay 2 (SP2) applies to the remainder of the WHPA, where only certain chemical and waste related significant drinking water threats can generally occur.</p> <p>No new use, building and/or structure that requires the issuance of a Building Permit and/or an approval under the Planning Act shall be permitted within the SP1 or SP2 overlays unless a notice has been issued by the Risk Management Official in relation to such building permit or approval.</p> <p>It is important to note that no new septic system and/or holding tank shall be permitted within a Source Protection Overlay 1 (SP1).</p> <p><u>Municipal Services</u></p> <p>A provision is required to indicate that no land within a serviced settlement area shall be used or built upon unless the land is serviced by municipal services (municipal water, sanitary sewers, drainage systems and improved streets) which meet the municipal standards in effect and have adequate capacity to service the use or development. This provision will provide clarity, to ensure development within the City is serviced only by municipal services, and with municipal water and is in accordance with source protection provisions (where applicable).</p>
5.1.9.1 – Table 2 - Projections into Required Yards Permitted from Main Buildings	Amend table to include provisions relating to projections associated with uncovered and unenclosed steps that provide access to the basement level that reflect current building trends and address compatibility with neighbouring properties.
5.1.9.2 – Parking Area Exception	Amend to clarify that no building projections may be permitted to extend into a required parking area or registered easement.
5.1.10.1 – Permitted Projections above the Height Limit	Delete reference to a television antenna from height exemptions.
5.1.1.2 – Cargo Containers	Clarify that a cargo container may not be used for the purpose of storage within any residential zone or a zone where a residential use may be the primary use (e.g. C3 zone).
5.2.5.1 – Home Occupation	Clarify provisions relating to a private home daycare as a licenced daycare facility within a dwelling unit that may accommodate up to six (6) children as detailed in the Child Care and Early Years Act, 2014.
5.2.5.1 – Home Occupation	Provide clarification that a home occupation or combination of all home occupations within the dwelling unit shall provide one parking space for a non-resident employee. This provision shall clarify that such uses that are operated solely by the tenant shall be exempt from the parking requirement.

SECTION	PROPOSED AMENDMENT
5.4.4.1 – Table 7	Clarify that driveways for residential units with individual private driveways may have a maximum driveway width of 9 m or 50% of the front or exterior side lot line distance, whichever is less and that that the overall parking area coverage in any residential Zone, the parking area shall not exceed 20% of the total lot area. This is to limit the sizes of driveways on larger residential lots (e.g. that exceed 20 m frontages).
7.2 Table 7.2 (R2 Zone)	Delete GFA requirement for duplex dwelling. Staff recommend that the minimum gross floor area provision be removed to facilitate more modest or affordable housing options and be consistent with other residential dwelling units within the City. The minimum gross floor area for a dwelling unit would be determined by the relevant provisions of the Ontario Building Code.
8.2 Table 8.2 (R3 Zone).	Clarify that that maximum number of dwelling units in a horizontally attached dwelling house (street row dwelling) is 8. This is consistent with the relevant provisions of the Ontario Building Code.
14.2 Table 14.2 (HC Zone)	Change maximum permitted height of a hotel/motel from 11 m to 8 storeys to enable greater flexibility that matches building trends/inquiries.
19.3.37.1	To correct typing error. Existing text references M3-35 Zone, whereas should be M3-37.
28.3 PUD-1 zone	Amend to add an additional residential unit (ARU) to the list of permitted uses. To be consistent with provisions that provide flexibility of ARUs as an accessory residential use, subject to Section 5.2.8 of the Zoning By-law.
Key Maps	Include a new overlay to identify Sourcewater Protection Areas, in conjunction with the provisions that are proposed in Section 5.17.

Application Review

2020 Provincial Policy Statement (PPS)

The 2020 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. In particular, the PPS focuses growth within settlement areas and promotes efficient development patterns that optimize the use of land, resources and public investment in infrastructure and public service facilities.

Section 1.1.1 of the PPS 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 cost-effective development patterns and standards to minimize land consumption and servicing costs.

Further, Section 1.1.3.2 directs that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land

and resources and existing infrastructure and public service facilities. A range of uses and opportunities for intensification and redevelopment should also be promoted where it can be accommodated in settlement areas.

Section 1.1.3.3 also directs 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.

OFFICIAL PLAN

Section 7.2.3.3 of the Official Plan [NEIGHBOURHOOD SERVING USES IN RESIDENTIAL AREAS] sets out support for services and amenities that enhance the quality of the residential environment within lands designated as Residential Area on Schedule W-1, including day care facilities.

Section 7.2.3.5 of the Official Plan [HOME OCCUPATIONS IN THE RESIDENTIAL AREAS] further addresses home occupations and identifies that home occupations are permitted in an existing dwelling unit or accessory structure. This section also provides criteria to ensure that:

- such home occupation is a business activity which is clearly secondary to the residential use of the property;
- the home occupation is carried on entirely within the dwelling unit or accessory structure by a resident of the dwelling unit;
- the home occupation does not generate noise, odour, traffic or visual impacts that may have an adverse effect on adjacent properties or dwelling units.

Section 7.4.3.1 [DAY CARE FACILITIES] directs that City Council support the establishment of day care facilities in residential areas for those who live and/or work in the City. Private home day care facilities which are licensed by the Province are permitted in all residential areas. The Official Plan sets out requirements for establishing new daycares and for expanding existing day care facilities to manage and minimize potential adverse impacts and/or incompatibility with surrounding land uses are minimized. Specifically, where appropriate, Council will require:

- on-site parking for staff;
- vehicular lay-by spaces or on-site parking spaces for the drop-off and pick-up of children;
- fencing and/or landscape buffering to reduce adverse effects of noise and visual intrusion on adjacent land uses;
- the paving of parking areas and driveways to prevent the raising of dust; and,
- on-site stormwater management.

In terms of the balance of items on detailed on Table 1, no specific sections of the Official Plan are impacted as the proposed amendment deals with a number of minor changes as required to the Zoning By-law to correct errors and incorrect references within various sections of the By-law.

Further to this, Section 10.3.5 [ZONING BY-LAWS AND NON-CONFORMING USES] identifies that the Zoning By-Law is the primary means of implementing the policies of the Official Plan by defining the uses permitted in specific locations within a municipality, and to provide specific development standards relating to those uses.

CITY OF WOODSTOCK ZONING BY-LAW:

The proposed amendment impacts all sections of the Zoning By-law, to correct errors, provide clarification to the definitions, general provisions and omissions that have occurred since the drafting of the existing By-law and subsequent amendments.

AGENCY COMMENTS:

The City of Woodstock Engineering Department – Building Division commented that the proposed changes will improve the clarity and interpretation of the Zoning By-Law and will provide additional as-of-right opportunities, and as such is supportive of the proposed amendments.

The City of Woodstock Engineering Department – Engineering Division, Southwestern Public Health and Oxford County Public Works Department indicated they had no concern with the proposed changes.

PUBLIC CONSULTATION:

Notice of the zone change application was posted in the Woodstock Sentinel-Review on two (2) occasions, being February 22, 2024 and April 1, 2024, in accordance with the requirements of the Planning Act. To date, no comments have been received with respect to the proposed zone change.

Planning Analysis

The application proposes a number of general amendments to the Zoning By-Law to correct minor errors and provide clarification to text and mapping schedules. The incorporation of the proposed Sourcewater Protection provisions as required by the Thames Sydenham and Region Source Protection Plan will implement the provisions of the Source Protection Plan and will provide greater disclosure of properties and uses that could represent a drinking water threat within the City.

Further, the intent of changes proposed to a home occupation relate to the number of children that may be accommodated in a licensed private home daycare setting and are to reflect changes to the Child Care and Early Years Act, 2014. The intended changes maintain the differentiation between the scale between a private home daycare and a licenced daycare centre (nursery school) within the City.

Other proposed changes are a result of examining historical planning application types and volumes and daily experience with the Zoning By-Law, in consultation with the City's Building Official.

It should be noted that the proposed mapping changes will not eliminate any 'as of right' uses or previous zoning approvals given by Council.

It is the opinion of this Office that the proposed rezoning application is consistent with the policies of the Provincial Policy Statement and is in keeping with the policies of the County Official Plan. As such, Planning staff are recommending approval-in-principle of the proposed housekeeping amendment so that the applicable Zoning By-Law schedules can be prepared following Council consideration.

RECOMMENDATIONS

THAT the Council of the City of Woodstock approve in principle the proposed Zoning By-law amendment (File No.: ZN 8-24-04) to introduce “housekeeping” amendments to City of Woodstock Zoning By-Law Number 8626-10.

SIGNATURES

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Approved for submission:

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