

To: Mayor and Members of Woodstock Council

From: Eric Gilbert, Manager of Development Planning, Community Planning

Application for Zone Change (ZN 8-24-15) City of Woodstock

REPORT HIGHLIGHTS

- The proposed zone change would amend the zoning provisions respecting residential accessory structures, to increase the maximum permitted height from 4 m to 6 m and would permit ARUs to occupy 60% of the gross floor area of the principal dwelling on the lot.
- City Council directed staff to bring forward the proposed amendments following their consideration of additional options to facilitate ARUs at the April 4, 2024 City Council meeting.

DISCUSSION

Background

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

LOCATION:

The proposed Zoning By-Law amendment would apply broadly to all lands within the City of Woodstock.

CITY OF WOODSTOCK ZONING BY-LAW 8626-10

The proposed amendments to the City's Zoning By-Law will revise Section 5.1.1.1, Table 1- Regulations for Accessory Buildings, Uses and Structures, to increase the maximum height of a residential accessory building from 4.0 m (13.1 ft) to 6.0 m (19.7 ft), and Section 5.2.8, Table 3A- Regulations for Additional Residential Units, to increase the maximum ARU size from 40% of the gross floor area of the principal dwelling on the lot to 60% of the gross floor area of the principal dwelling on the lot.

PROPOSAL:

An application has been submitted to amend the City Zoning By-Law to amend Section 5.1.1.1, Table 1- Regulations for Accessory Buildings, Uses and Structures, to increase the maximum height for a residential accessory building from 4 m to 6 m throughout the City of Woodstock, and to amend Section 5.2.8, Table 31- Regulations for Additional Residential Units (ARUs) to increase the maximum size for ARUs from 40% of the gross floor area of the principal dwelling on the lot to 60% of the gross floor area of the principal dwelling on the lot.

In response to direction contained within the City of Woodstock Housing Pledge, Planning staff brought forward staff report [CP 2024-103](#) that provided additional options to facilitate ARUs throughout the City. Following consideration of the report at the April 4, 2024 City Council meeting, the following resolution was adopted:

That Woodstock City Council direct staff to initiate amendments to the City's Zoning By-law to provide for a maximum accessory building height of 6 metres; And further that Woodstock City Council direct staff to initiate amendments to the City's Zoning By-law to provide for an increase in the maximum percentage an ARU may occupy to 60% of the gross floor area of the principal dwelling.

Application Review

2020 PROVINCIAL POLICY STATEMENT

The policies of Section 1.1 of the Provincial Policy Statement 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 taking into account 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

The Official Plan contains policies respecting ARUs in Low Density Residential Areas in Section 7.2.4.3. The development of additional residential units within Low Density Residential Districts shall be encouraged, where appropriate, with the goal/objective of increasing the range and availability of affordable 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 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, City Council shall establish appropriate zones and zoning provisions to permit the establishment of an additional residential unit in a single detached, semi-detached or row townhouse dwelling and/or a structure ancillary to such dwellings 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 one unit in the principal dwelling and/or one in a structure ancillary to the principal dwelling;
- an additional residential unit shall generally not be permitted on a lot that contains a boarding or 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 limited in size to maintain affordability and minimize potential impacts on neighbourhood character and on infrastructure and public service facilities;
- the gross floor area of the additional residential unit(s) shall not total greater than 50% of the gross floor area of the principal dwelling. The City may establish lower maximum floor area limits and/or floor area caps in zoning, if deemed appropriate.
- existing dwellings and lots are of sufficient size to accommodate the creation of additional residential unit(s) and to provide for adequate parking, landscaping 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 residential neighbourhood;
- the principal dwelling must have direct, individual vehicular access to a public street. New additional driveways will generally not be permitted;
- to the extent feasible, existing trees and other desirable vegetation are preserved to assist in maintaining the character of the lot and area;
- the existing infrastructure and public service facilities serving the area are adequate to accommodate the establishment of additional residential unit(s);
- 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 on major facilities) will not be created or intensified;
- the potential effects on environmental and/or heritage resources, and the avoidance or mitigation of environmental constraints can be addressed in accordance with the policies of Section 3.2.;
- all other municipal requirements (e.g. servicing, emergency access, bylaws, standards, etc.) can be adequately addressed.

The following additional criteria shall apply to the establishment of an additional residential unit in a structure ancillary to a single detached, semidetached or row 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 (s) will allow for optimal 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 yards;
- landscaping, privacy screening, fencing and other appropriate measures may also be required to minimize potential visual and privacy impacts on abutting residential properties; and
- all other municipal requirements (e.g. servicing, emergency access, bylaws, standards, etc.) can be adequately addressed.

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

The City'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 City 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.

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 (e.g. building additions, doorways, windows, stairways, decks, etc.) that are permitted.

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 will generally not be permitted.

Where deemed necessary and/or appropriate, the City 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.

ZONING BY-LAW

Regulations respecting residential accessory buildings are contained in Section 5.1.1.1, Table 1-

Regulations for Accessory Buildings, Uses and Structures. Residential accessory buildings are limited to a maximum gross floor area of 75 m² or 10 % of lot area, whichever is lesser, are required to maintain a 1.2 m setback from interior and rear lot lines, and are limited to a maximum height of 4.0 m.

The purpose of these provisions is to ensure that accessory buildings in rear or interior side yards are limited in scale to ensure they remain compatible with surrounding properties and the amenity spaces of adjacent property owners, and that the placement of accessory buildings does not negatively affect drainage swales, easements and stormwater management for developed residential properties.

The provisions for ARUs are included in Section 5.2.8- Table 3A- Regulations for Additional Residential Units. These provisions have been amended a number of times, most recently in November 2023 through application ZN 8-23-15. The provisions include a maximum of 2 ARUs per lot, with one of those ARUs being permitted in a detached accessory structure provided the lot has a minimum area of 540 m². ARUs may cumulatively be no greater than 50% of the gross floor area of the principal dwelling house, to a maximum of 100 m².

The purpose of these provisions is to ensure that ARUs remain secondary to the principal dwelling on the lot and remain comparably, a more affordable housing type. These provisions also assist to differentiate between ARUs and other multi-unit dwelling types that are subject to more stringent development standards with respect to parking, amenity areas and minimum lot area, and remain subject to development charges.

AGENCY COMMENTS

The City of Woodstock Engineering Department (Development Division), Southwestern Public Health , Upper Thames River Conservation Authority and Oxford County Public Works indicated they had no comments respecting the proposed changes.

PUBLIC CONSULTATION

Notice of complete application and notice of public meeting was published in the Oxford Review and Woodstock Sentinel Review newspapers on June 14, 2024 and June 21, 2024 in accordance with the requirements of the Planning Act. At the time of the writing of this report, no comments have been received.

As part of the recent changes to the Planning Act, no third party appeals are permitted for amendments to the Zoning By-Law respecting ARUs, and as such, only the Minister of Municipal Affairs and Housing can submit an appeal of Council's decision on this matter.

Planning Analysis

As indicated, the purpose of the application for zoning by-law amendment is to increase the maximum height permissions for detached residential accessory structures to facilitate the development of ARUs on the upper level of detached residential accessory buildings, and to permit ARUs to be up to 60% of the floor area of the principal dwelling.

The proposed amendments are consistent with the Provincial Policy Statement's direction to promote intensification within existing building stock, efficiently use land and resources, provide for

an appropriate range and mix of housing types and densities to meet the requirements of current and future residents of the City by more broadly permitting additional units.

The proposed amendment is consistent with the overall policy direction of the Official Plan respecting the development of ARUs within the City of Woodstock, as the amendments will facilitate the development of ARUs on residential properties that are suitably sized and meet the relevant zoning requirements for ARUs. Although the permitted size of the ARU relative to size of the principal dwelling will increase beyond the 50% referenced in the Official Plan policies, they will remain subject to the overall cap of 100 m², which will continue to ensure that the size and number of ARUs remain accessory and appropriate for low density residential areas. As such, Planning staff are satisfied that the intent of these ARU policies will be maintained.

The proposed zoning amendment would provide for an increased building height to facilitate the development of ARUs on the upper level of accessory structures. The City's zoning standards for detached accessory structures has limited residential accessory buildings to a maximum height of 4 m since the adoption of the City's Zoning By-Law in 2010; the previous 1981 City Zoning By-Law permitted a maximum height of 5 m. Council's direction to increase the maximum permitted height for accessory structures could be considered a minor departure from the provisions that previously existed and will provide additional flexibility and permissions to City residents who contemplate development of accessory structures on their residential properties.

It is recommended that revised zoning provisions clarify that the floor area of the upper level of an accessory building not be included in the calculation of maximum lot coverage for accessory buildings; the current maximum floor area is 75 m² or 10 % of lot area, whichever is lesser. This will facilitate the construction of accessory building with a ground floor area of 75 m² or 10 % of lot area, the additional floor area on the upper floor is not expected to impact lot grading, drainage, or the provision of amenity space for the occupants of the principal dwelling and as such Planning staff consider it appropriate to exempt the upper level from the floor area restrictions of the Zoning By-Law.

The proposed amendments to Section 5.2.8 to increase the maximum ARU size to 60% of gross floor area of the principal dwelling, to a max of 100 m² can be also considered appropriate as they will facilitate the development of a larger ARU or a second ARU where a principal dwelling has a gross floor area less than 160 m² (1,722 ft²). The current provisions that permit an ARU to occupy the whole of a basement of an existing dwelling would remain. It is recommended that the 100 m² (1,076 ft²) cumulative cap on floor area for all ARUs on a single lot remain as the purpose of this provision is to ensure that ARUs remain secondary to the principal dwelling on the lot and remain comparably, a more affordable housing type. These provisions also assist to differentiate between ARUs and other multi-unit dwelling types that are subject to more stringent development standards with respect to parking, amenity areas and minimum lot area, and remain subject to development charges.

Planning staff are supportive of these changes as they will provide for additional opportunities for ARU development in dwellings throughout the City, provided they comply with the underlying zone provisions, including required yards, lot frontages, lot areas, driveway widths and parking requirements.

RECOMMENDATIONS

It is recommended that the Council of the City of Woodstock approve the zone change application submitted by the City of Woodstock (ZN 8-24-15), to increase the maximum permitted height for residential accessory buildings and increase the maximum size for Additional Residential Units throughout the City.

SIGNATURES

Authored by:

Eric Gilbert, MCIP, RPP
Manager of Development Planning

Approved for submission by:

Paul Michiels
Director of Community Planning

THE CORPORATION OF THE
CITY OF WOODSTOCK
BY-LAW NUMBER _____

A By-Law to amend Zoning By-Law Number 8626-10 as amended.

WHEREAS the Municipal Council of the Corporation of the City of Woodstock deems it advisable to amend By-Law Number 8626-10, as amended.

THEREFORE, the Municipal Council of the Corporation of the City of Woodstock enacts as follows:

- That Section 5.1 to By-Law Number 8620-10, as amended, is hereby further amended by deleting Table 1- Regulations for Accessory Buildings, Uses and Structures in Section 5.1.1.1 and replacing it with the following:

TABLE 1 - REGULATIONS FOR ACCESSORY BUILDINGS, USES AND STRUCTURES

Provision	Residential Uses	Commercial & Institutional	Industrial/Open Space
<i>Permitted Location</i>	<i>Any yard other than a front yard</i>		
<i>Maximum Height</i>	6.0 m	6.0 m	6.0 m
<i>Side Yard Setback</i>	1.2 m	1.2 m	In accordance with Zone Standard
<i>Rear Yard Setback</i>	1.2 m	1.2 m	In accordance with Zone Standard
<i>Maximum Permitted Size</i>	10% of <i>lot area</i> to a maximum of 75 sq m of building area	10% of <i>lot area</i>	5% of <i>lot area</i>
<i>Setback from Streetline</i>	In accordance with the <i>Front Yard</i> or <i>Exterior Side Yard</i> requirement as contained in the applicable zone		

- That Section 5.2 to By-law Number 8626-10, as amended, is hereby amended by deleting subsection 5.2.8 in its entirety and replacing it with the following:

“5.2.8 **ADDITIONAL RESIDENTIAL UNITS**

Notwithstanding any other provisions of this By-law to the contrary, the following provisions contained in Table 3A shall apply so as to permit the construction of an *additional residential unit* as an *accessory use* to a *single-detached dwelling house, semi-detached dwelling house or street row dwelling house*, where *permitted*.

TABLE 3A – REGULATIONS FOR ADDITIONAL RESIDENTIAL UNITS (ARUs)

	Provision
Number of ARUs per lot	i) Maximum of 2 <i>ARUs</i> per <i>lot</i> , in addition to the principal <i>dwelling house</i> . The <i>ARUs</i> may be within the principal <i>dwelling house</i> , or 1 may be permitted in the <i>dwelling house</i> and 1 within a structure

	<i>accessory</i> to a permitted use. The principal <i>dwelling house</i> must be a legally <i>permitted use</i> on the <i>lot</i> .
ARU Unit Size	<ul style="list-style-type: none"> i) Cumulatively, no greater than 60% of the <i>gross floor area</i> of the principal <i>dwelling house</i> on the <i>lot</i>, to a maximum of 100 m²; ii) Notwithstanding the above, an <i>ARU</i> within the <i>basement</i> or <i>cellar</i> of the principal <i>dwelling house</i> shall not count towards the cumulative <i>gross floor area</i> limit.
Permitted dwelling types	<ul style="list-style-type: none"> i) An <i>ARU</i> may be contained within the principal <i>dwelling house</i> or in an <i>accessory structure</i> on the <i>lot</i> associated with a <i>single-detached dwelling house</i>, <i>semi-detached dwelling house</i> or <i>street row dwelling house</i>.
Parking (per unit)	<ul style="list-style-type: none"> i) In addition to the parking requirements for the principal <i>dwelling house</i> in accordance with the provisions of Section 5.4, the required additional <i>parking spaces</i> for an <i>ARU</i> shall be located on the same <i>lot</i>, in accordance with the following: <ul style="list-style-type: none"> - a minimum of 1 additional <i>parking space</i> shall be provided; and - the required <i>ARU parking space</i> may be a <i>tandem parking space</i> ii) Notwithstanding Section 5.4.4- Location of Parking Areas, Table 7- Yards Where Parking Areas are Permitted, on a <i>lot</i> containing an <i>ARU</i>, a maximum of 65% of a <i>front yard</i> or <i>exterior side yard</i> may be used for a <i>parking area</i> for an <i>ARU</i>.
ARUs in Detached Accessory Structures	<ul style="list-style-type: none"> i) <i>ARUs</i> within a building or structure <i>accessory</i> to a residential use shall comply with the general provisions in accordance with Section 5.1.1. of this By-law; ii) An <i>ARU</i> in a building or structure <i>accessory</i> to a residential use shall only be <i>permitted</i> on a <i>lot</i> that has a minimum <i>lot area</i> of 540 m².
Restricted Areas	<p><i>ARUs</i> and associated parking areas shall <u>not</u> be permitted:</p> <ul style="list-style-type: none"> i) within areas identified as the Conservation Authority Regulation Limit on Schedule 'A' unless approved by the Conservation Authority having jurisdiction in accordance with Section 5.1.6 of this By-law; ii) on any lot that does not have frontage on an <i>improved street</i> in accordance with Section 5.1.7 of this By-law; or iii) on any lot containing a <i>boarding or lodging house</i>, a <i>group home Type 1</i>, a <i>group home Type 2</i>, a <i>garden suite</i>, a <i>converted dwelling house</i>, a <i>duplex dwelling house</i>, a <i>mobile home</i>, or a <i>bed and breakfast establishment</i>.

3. This By-law comes into force in accordance with Sections 34(21) and (30) of the Planning Act, R.S.O. 1990, as amended.

The Corporation of the
City of Woodstock
By-law Number _____

READ a first and second time this 11th day of July, 2024.

READ a third time and finally passed this 11th day of July, 2024.

Mayor – Jerry Acchione

Deputy Clerk – Sunayana Katikapalli