

To: Mayor and Members of Tillsonburg Council

From: Laurel Davies Snyder, Development Planner, Community Planning

Applications for Official Plan Amendment and Zone Change OP 22-15-7 and ZN 7-22-13 Town of Tillsonburg, Additional Residential Units (ARUs)

REPORT HIGHLIGHTS

- The Province has recently amended the Planning Act through Bills 109, 23, and 97 to expand as-of-right permissions regarding Additional Residential Units (ARUs) in single detached, semi-detached, and row-house dwellings, and in a structure ancillary to such dwellings.
- The amended Planning Act directs municipalities to permit up to 3 residential units per residential property (i.e. up to 2) ARUs in the principal dwelling, or 1 ARU in an ancillary structure and 1 ARU in the principal dwelling).
- Planning staff recommend that the Official Plan and Town of Tillsonburg's Zoning By-Law be amended to provide opportunities for ARUs to be developed throughout low density residential areas.

DISCUSSION

Background

APPLICANT/OWNER:

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

LOCATION:

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

COUNTY OF OXFORD OFFICIAL PLAN:

The proposed amendments to the Official Plan will modify the policies primarily for areas designated 'Low Density Residential' respecting Additional Residential Units.

TOWN OF TILLSONBURG ZONING BY-LAW NO. 3295:

The proposed amendments to the Town's Zoning By-Law will amend the following sections of the Zoning by-law:

- Section 4 – Definitions – to add a definition of an ARU; and,
- Section 5.1 – General Provisions respecting the provisions for ARUs.
- Sections 6.1, 7.1, 8.1, and 12.1 – Uses Permitted – to add ARUs as a permitted use.

PROPOSAL:

Tillsonburg Town Council initiated amendments to the Official Plan and the Town's Zoning by-law in 2022 regarding 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.

Further, the Planning Act restricts appeals of ARU Official Plan policies and Zoning By-law provisions so that only the Minister of Municipal Affairs and Housing has the right to appeal municipal decisions to the Ontario Land Tribunal (OLT) on such matters.

The Planning Act does not include a definition of an ARU, however, Planning Act regulations currently set out the following specific requirements and standards with respect to ARUs:

- No official plan may contain any policy that has the effect of prohibiting the use of:
 - a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
 - b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or,
 - c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.
- Each ARU shall have 1 parking space that is provided and maintained for the sole use of the occupant of the ARU, and it may be a tandem space. Further, no official plan shall contain any policy that has the effect of requiring more than 1 parking space to be provided and maintained in connection with an ARU.
- ARUs are intended to be smaller than the primary dwelling unit, but no official plan may contain any policy that provides for a minimum floor area of a residential unit.
- 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 or additional ARU is the owner of the lot.
- Where the use of ARUs is authorized, an ARU is permitted, regardless of the date of construction of the primary residential unit.

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. Tillsonburg Council directed staff to proceed with the amendments to the Official Plan and Town's Zoning By-law to enable Additional Residential Units consistent with Provincial direction.

Application Review

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 (2) 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.

ZONING BY-LAW

Provincial direction with respect to providing affordable housing options has been clear and consistent in that municipalities are required to implement Zoning provisions to facilitate ARUs. The following section provides an overview of the recommended changes to the Town's Zoning By-law to implement Provincial direction regarding ARUs.

Definition of an Additional Residential Unit (ARU)

ARUs are not currently defined in the Town's Zoning By-law. The following definition has been used in all Oxford County municipalities where ARUs have been incorporated:

"An Additional Residential Unit (ARU) is a dwelling unit located within the principal dwelling on the lot or in a permanent detached accessory building on the lot, and which is secondary and subordinate to the principal dwelling on the lot. Additional residential unit(s) shall not include a trailer, a mobile home, a motor home, or recreational vehicle."

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.

Number of ARUs per Lot

A maximum of two (2) Additional Residential Units (ARUs) are permitted per lot.

Where ARUs are Permitted – Zones and Dwelling Types

Generally, ARUs are permitted in zones that permit single detached, semi-detached, and rowhouse (townhouse) dwelling types. In the Town of Tillsonburg, this means that any such dwellings in the R1, R1A, R2, R3 and EC Zones are eligible for up to two (2) ARUs where both ARUs could be in the principal dwelling **or** one (1) ARU can be in the principal

dwelling and one (1) ARU can be in an accessory structure, subject to meeting all established zone provisions/standards.

In effort to support compatibility of land uses, ARUs are generally not permitted on lots that already contain other accessory units/uses including a boarding/lodging house or group home, or a home occupation characterized by higher occupancy, including but not limited to a bed and breakfast establishment.

Maximum Size per ARU

Generally, municipalities in Oxford County have identified ARUs as being 'accessory' or 'secondary' to the principal residential use of the lot, stipulating that such unit is to be subordinate or ancillary to the principal use, without specifically indicating limits on gross floor area (GFA). This approach suggests that any ARU that is less than 50% of the overall principal dwelling GFA would be considered 'accessory' or 'secondary'.

It is recommended that zoning provisions limit the gross floor area of ARUs on a property to no more than 45% of the GFA of the principal dwelling on the lot. It is also recommended that a clarification be included that notwithstanding this maximum gross floor area limit, an ARU may occupy the whole of a basement of a dwelling. This would allow for a more efficient division of floor space within a dwelling to accommodate an ARU.

The recommendations regarding the maximum size of an ARU in a detached structure is provided in the section "ARUs in Detached Structures".

Compliance with Zoning Provisions

The legislative changes to the Planning Act do not exempt ARUs from complying with municipal zoning by-law performance standards. This means that existing zoning provisions apply when ARUs are proposed for a specific property (e.g. parking, lot area, lot frontage, building height, setbacks, lot coverage).

Parking

In addition to the parking requirements for the principal dwelling set out in Section 5.24 of the Town's Zoning By-law, one (1) additional parking space must be provided for each ARU on the same lot, and the required ARU parking space may be a tandem parking space. A municipality cannot require more than one (1) parking space for each ARU.

The Town of Tillsonburg is bringing forward several "housekeeping" amendments to the Zoning By-law in a separate application. To align parking provisions for street fronting townhouses with what is happening in various new developments in Tillsonburg, the amendments to parking provisions for street fronting townhouses are proposed as follows:

- Minimum Width of Parking Space: Reduce minimum width from 2.7 m (8.86 ft) to 2.59 m (8.5 ft); and,
- Maximum Driveway Width: Current provisions state that within a residential zone, a maximum of 50% of either the area of the front yard or lot frontage, or the area or width of the exterior side yard, may be occupied by a driveway or parking area. The proposed amendment is to allow for a maximum of 84% of either the area of

the front yard or lot frontage, or the area or width of the exterior side yard, or a maximum of 5.18 m (17 ft), to be occupied by a driveway or parking area.

ARUs in Accessory Structures

A maximum of one (1) ARU per property can be in a detached accessory structure, subject to meeting zoning provisions for the property and provisions governing Accessory Structures, set out in Section 5.1, Accessory Uses, Buildings, Structures. Building Services staff and Operations and Engineering Services staff agree that it is reasonable to utilize the provisions in Table 5.1.1.4 – Regulations for Accessory Buildings and Structures – to govern detached ARUs. These provisions include:

| Provision | Lots less than 1500 m² (16,146 ft²) | Lots greater than 1500 m² (16,146 ft²) |
|--|---|---|
| Permitted Location | Interior Side Yard or Rear Yard | Interior Side Yard or Rear Yard |
| Distance from Main Buildings, Minimum | 1.2 m (3.9 ft) | 1.2 m (3.9 ft) |
| Height, Maximum | 3.7 m (12.1 ft) | 4.5 m (14.8 ft) |
| Rear Yard and Interior Side Yard Setback, Minimum | 1.2 m (3.9 ft) | 1.2 m (3.9 ft) |
| Lot Coverage, maximum for all accessory buildings and structures | Combined total of 10% of lot area to a maximum of 50 m ² (538.2 ft ²) of ground floor area. | 100 m ² (1076.4 ft ²) of ground floor area. |
| Exclusion from calculation of total lot coverage: 5.1.1.4.1 iii) | On a residentially or entrepreneurial zoned lot, one (1) accessory building, not exceeding 10.0 m ² (107.6 ft ²) in gross floor area, may be excluded from the calculation of total lot coverage. | |

Where ARUs are not Permitted

ARUs and associated parking spaces/areas cannot be located on lots that pose hazards (e.g. flooding), where existing infrastructure and public service facilities servicing the area are not adequate to accommodate the establishment of ARUs, and, where accessory uses already exist. Lots where ARUs are not permitted include:

- any lot that does not have frontage on an improved street in accordance with Section 5.33 of the Zoning By-law;
- any lot that is not connected to municipal services in accordance with Section 5.19 of the Zoning By-law;
- any lot containing a boarding or lodging house, a group home, a garden suite, a converted dwelling, a duplex dwelling, a mobile home, or a bed and breakfast establishment; and,
- on any lot containing natural hazards, unless clearance or approval from the Conservation Authority having jurisdiction has been obtained, or on any lot that does not meet Provincial access standards during a regulatory flood event.

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).

PUBLIC CONSULTATION

The Notice of Public Meeting was advertised in the September 29, 2023, edition of the Norfolk & Tillsonburg News newspaper in accordance with the requirements of the Planning Act. At the time of writing this report, staff had received several requests for information regarding ARUs in Tillsonburg, and expressions of support for allowing ARUs throughout the Town. The email received regarding ARUs in Tillsonburg is included in Appendix A to this report.

As part of the recent changes to the Planning Act, no third party appeals are permitted for amendments to the Official Plan and 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

The purpose of the applications for amendments to the Official Plan and Zoning By-law 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 (2) ARUs on lots with a single detached dwelling, semi-detached dwelling, or townhouse dwelling, subject to several review criteria (e.g. to ensure that the ARUs remain appropriately sized, front onto public streets and are not located in areas that are not subject to natural hazards or servicing constraints),

The proposed zoning amendment would amend Section 4.0, Definitions, to add the following definition for ARUs.

“ADDITIONAL RESIDENTIAL UNIT means a *dwelling unit* located within the *principal dwelling* on the *lot* or in a permanent detached *accessory building* on the *lot*, and which is secondary and subordinate to the *principal dwelling* on the *lot*. *Additional residential unit(s)* shall not include a *trailer*, a *mobile home*, a *motor home*, or *recreational vehicle* as defined herein.”

The proposed amendment will also amend Section 5.1 in the General Provisions section to set out the following general provisions for ARUs:

- ARUs are permitted in single-detached, semi-detached, and street-fronting townhouse dwellings in the R1, R1A, R2, R3, and EC zones.
- Up to two (2) ARUs are permitted per lot, either two (2) in the principal dwelling or one (1) in the principal dwelling and one (1) within an accessory building.
- The maximum size of all ARUs on a lot can be no more than 45% of the gross floor area of the principal dwelling, except that an ARU may occupy the whole of a basement of an existing dwelling.
- ARUs are not permitted on lots that do not have frontage on an improved street, connected to municipal services, on a lot containing a boarding house, lodging house, group home, garden suite, converted dwelling, a duplex dwelling, a mobile home, or a bed and breakfast, or on a lot containing natural hazards unless clearance from the Conservation having jurisdiction has been obtained).
- One (1) parking space is required per each ARU in (in addition to the requirements for the principal dwelling), and tandem parking is permitted.
- ARUs must comply with the underlying zone provisions, including required yards, lot frontages, lot areas, driveway widths and provisions respecting accessory buildings, including the limit for accessory building height.

The proposed amendment also amends Sections 6.1, 7.1, 8.1, and 12.1 to add additional residential units as a permitted use.

Planning staff recommend that Council advise the County that the City supports the proposed revisions to the Official Plan policies and adopt the proposed amendments to the Town's Zoning By-law, in-principle, pending approval of the Official Plan Amendment by County Council.

RECOMMENDATIONS

It is recommended that the Council of the Town of Tillsonburg advise the County of Oxford that the Town supports the Official Plan Amendment application 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.

And further, it is recommended that the Council of the Town of Tillsonburg approve in principle the Zone Change application submitted by the Town of Tillsonburg, to amend the existing provisions to permit the development of Additional Residential Units throughout the Town.

SIGNATURES

Authored by:

"Original Signed by"

Laurel Davies Snyder, RPP, MCIP
Development Planner

Approved for submission:

"Original Signed by"

Gordon K. Hough, RPP
Director

APPENDIX A

Public Comments regarding Additional Residential Units

Email Received August 19, 2023

I've been looking into building an additional dwelling on my property to let my family live closer to me, so that I can help them as they get older. I support anything that would make this process easier for me and anyone else.

Sincerely,

Nadia from Tillsonburg

THE CORPORATION OF THE
TOWN OF TILLSONBURG
BY-LAW NUMBER XXXX

A By-Law to amend Zoning By-Law Number 3295, as amended.

WHEREAS the Municipal Council of the Corporation of the Town of Tillsonburg deems it advisable to amend By-Law Number 3295, as amended.

THEREFORE, the Municipal Council of the Corporation of the Town of Tillsonburg, enacts as follows:

1. That Section 4.0 to By-law Number 3295, as amended, is hereby further amended by adding the following Section 4.2 a) after Section 4.2:

“4.2 a) **ADDITIONAL RESIDENTIAL UNIT** means a *dwelling unit* located within the *principal dwelling* on the *lot* or in a permanent detached *accessory building* on the *lot*, and which is secondary and subordinate to the *principal dwelling* on the *lot*. *Additional residential unit(s)* shall not include a *trailer*, a *mobile home*, a *motor home*, or *recreational vehicle* as defined herein.”

2. That Section 5.1 to By-law Number 3295, as amended, is hereby further amended by adding the following subsection at the end thereof:

“5.1.4 **ADDITIONAL RESIDENTIAL UNITS**

5.1.4.1 WHERE PERMITTED

Notwithstanding any other provisions of this By-law to the contrary, an *additional residential unit* shall be permitted subject to the provisions contained in Table 5.1.4 and compliance with all other provisions of the Zone in which the *lot* is located.

TABLE 5.1.4 – REGULATIONS FOR ADDITIONAL RESIDENTIAL UNITS (ARUs)

| Zone Provision | Provision |
|---------------------------------------|--|
| Number of ARUs per lot | i) Maximum of 2 ARUs per <i>lot</i> . The <i>principal dwelling</i> must be a legally <i>permitted use</i> on the <i>lot</i> . Where 2 ARUs are located on a <i>lot</i> , 1 ARU is required to be located within the <i>principal dwelling</i> . |
| Permitted dwelling types | i) An ARU may be contained within the <i>principal dwelling</i> or in an <i>accessory structure</i> on the <i>lot</i> associated with a <i>single-detached dwelling</i> , <i>semi-detached dwelling</i> , or <i>street-fronting townhouse dwelling</i> . |
| Maximum Gross Floor Area for all ARUs | i) No greater than 45% of the <i>gross floor area</i> of the <i>principal dwelling</i> on the <i>lot</i> , except that an ARU may occupy the whole of a <i>basement</i> of a <i>principal dwelling</i> . |
| Parking (per ARU) | i) In addition to the parking requirements for the <i>principal dwelling</i> in accordance with the provisions of Section 5.24, the required |

| Zone Provision | Provision |
|---------------------------------------|---|
| | <p>additional <i>parking spaces</i> for an <i>ARU</i> shall be located on the same <i>lot</i>, in accordance with the following:</p> <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>. <p>ii) A minimum of 50% of the <i>front yard</i> of a <i>lot</i> used for <i>ARU</i> purposes shall be provided and maintained as <i>landscaped open space</i> and such space shall not be utilized for <i>parking space</i> or <i>parking aisle</i> purposes, except in the case of a <i>street-fronting townhouse</i> which will <i>permit</i> a minimum <i>parking space width</i> of 2.59 m (8.5 ft) and that a maximum of 84% of either the area of the <i>front yard</i> or <i>lot frontage</i>, or the area or width of the <i>exterior side yard</i>, or a maximum of 5.18 m (17 ft), may be occupied by a <i>driveway</i> or <i>parking area</i>.</p> |
| Entrances (per unit) | <p>i) Must be separate and distinct from the entrance provided for the principal <i>dwelling</i>.</p> <p>ii) For an <i>ARU</i> that is contained within or attached to the principal <i>dwelling</i>, the separate and distinct entrance may be accessed:</p> <ul style="list-style-type: none"> a) from the outside of the <i>building</i>; or, b) from a common hallway or stairway from inside the <i>building</i>. |
| ARUs in Detached Accessory Structures | <p>i) <i>ARUs</i> within a building or structure <i>accessory</i> to a residential <i>use</i> shall comply with the zone provisions and general provisions of the applicable zone category as the principal residential <i>use</i> on the <i>lot</i>.</p> |
| 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 this By-law; ii) on any lot that does not have frontage on an <i>improved street</i> in accordance with Section 5.33 of this By-law; iii) on any lot that is not connected to municipal services in accordance with Section 5.19 of this By-law; or, iv) on any lot containing a <i>boarding or lodging house</i>, a <i>group home</i>, a <i>garden suite</i>, a <i>converted dwelling</i>, a <i>duplex dwelling</i>, a <i>mobile home</i>, or a <i>bed and breakfast establishment</i>. |

3. That Section 6.0 to By-law Number 3295, as amended, is hereby further amended by deleting Table 6.1: Uses Permitted, and replacing it with the following Table 6.1:

| TABLE 6.1: USES PERMITTED |
|---|
| <ul style="list-style-type: none">• an <i>additional residential unit</i>, in accordance with the provisions of Section 5.1.4 of this By-Law; |
| <ul style="list-style-type: none">• a <i>group home</i>, in accordance with the provisions of Section 5.12 of this By-Law; |
| <ul style="list-style-type: none">• a <i>home occupation</i>, in accordance with the provisions of Section 5.13 of this By-Law; |
| <ul style="list-style-type: none">• a <i>public use</i> in accordance with the provisions of Section 5.27 of this By-Law; |
| <ul style="list-style-type: none">• a <i>single detached dwelling</i> |

4. That Section 7.0 to By-law Number 3295, as amended, is hereby further amended by deleting Table 7.1: Uses Permitted, and replacing it with the following Table 7.1:

| TABLE 7.1: USES PERMITTED |
|---|
| <ul style="list-style-type: none">• an <i>additional residential unit</i>, in accordance with the provisions of Section 5.1.4 of this By-Law; |
| <ul style="list-style-type: none">• a <i>duplex dwelling</i>; |
| <ul style="list-style-type: none">• a <i>group home</i>, in accordance with the provisions of Section 5.12 of this By-Law; |
| <ul style="list-style-type: none">• a <i>home occupation</i>, in accordance with the provisions of Section 5.13 of this By-Law; |
| <ul style="list-style-type: none">• a <i>public use</i> in accordance with the provisions of Section 5.27 of this By-Law; |
| <ul style="list-style-type: none">• a <i>semi-detached dwelling</i>; |
| <ul style="list-style-type: none">• a <i>single detached dwelling</i>. |

5. That Section 7.2 to By-law Number 3295, as amended, is hereby further amended by deleting the words "Converted Dwelling" from Table 7.2: Zone Provisions so that the third column of said Table 7.2 refers only to "Duplex Dwelling or Public Use".

6. That Section 8.0 to By-law Number 3295, as amended, is hereby further amended by deleting Table 8.1: Uses Permitted, and replacing it with the following Table 8.1:

| TABLE 8.1: USES PERMITTED |
|---|
| <ul style="list-style-type: none">an <i>additional residential unit</i>, in accordance with the provisions of Section 5.1.4 of this By-Law; |
| <ul style="list-style-type: none">a <i>converted dwelling</i>, containing not more than 4 <i>dwelling units</i>. |
| <ul style="list-style-type: none">a <i>single detached dwelling</i>, <i>converted dwelling</i>, <i>duplex dwelling</i> or <i>semi-detached dwelling</i> existing on the date of passing of this By-Law, in accordance with the provisions contained in Section 7.2. |
| <ul style="list-style-type: none">a <i>group home</i>, in accordance with the provisions of Section 5.12 of this By-Law; |
| <ul style="list-style-type: none">a <i>home occupation</i>, in accordance with the provisions of Section 5.13 of this By-Law; |
| <ul style="list-style-type: none">a <i>public use</i> in accordance with the provisions of Section 5.27 of this By-Law; |
| <ul style="list-style-type: none">a <i>multiple unit dwelling</i>, containing not more than 4 <i>dwelling units</i>; |
| <ul style="list-style-type: none">a <i>street fronting townhouse dwelling</i>. |

7. That Section 12.0 to By-law Number 3295, as amended, is hereby further amended by deleting Table 12.1: Uses Permitted, and replacing it with the following table 12.1:

| TABLE 12.1: USES PERMITTED |
|---|
| Residential Uses: |
| <ul style="list-style-type: none">an <i>additional residential unit</i>, in accordance with the provisions of Section 5.1.4 of this By-Law; |
| <ul style="list-style-type: none">an <i>apartment dwelling</i>; |
| <ul style="list-style-type: none">a <i>bed and breakfast establishment</i>, with up to 5 <i>guest rooms</i>; |
| <ul style="list-style-type: none">a <i>boarding or lodging house</i>; |
| <ul style="list-style-type: none">a <i>converted dwelling</i>; |
| <ul style="list-style-type: none">a <i>duplex dwelling</i>; |
| <ul style="list-style-type: none">a <i>dwelling unit accessory</i> to a permitted non-residential use; |
| <ul style="list-style-type: none">a <i>group home</i>, in accordance with the provisions of Section 5.12 of this By-Law |
| <ul style="list-style-type: none">a <i>home occupation</i>, in accordance with the provisions of Section 5.13 of this By-Law; |
| <ul style="list-style-type: none">a <i>multiple unit dwelling</i>; |
| <ul style="list-style-type: none">a <i>nursing home</i>; |
| <ul style="list-style-type: none">a <i>semi-detached dwelling</i>; |
| <ul style="list-style-type: none">a <i>single detached dwelling</i>; |

| TABLE 12.1: USES PERMITTED |
|---|
| <ul style="list-style-type: none">• a street fronting townhouse dwelling. |
| Non-Residential Uses: |
| <ul style="list-style-type: none">• a business or professional office; |
| <ul style="list-style-type: none">• a business service establishment; |
| <ul style="list-style-type: none">• a commercial school; |
| <ul style="list-style-type: none">• a computer and electronic data processing business; |
| <ul style="list-style-type: none">• a daycare centre; |
| <ul style="list-style-type: none">• a government administrative office; |
| <ul style="list-style-type: none">• a home based assembly/packaging/storage/distribution business; |
| <ul style="list-style-type: none">• a medical centre; |
| <ul style="list-style-type: none">• a nursing home; |
| <ul style="list-style-type: none">• a parking lot; |
| <ul style="list-style-type: none">• a personal service establishment; |
| <ul style="list-style-type: none">• a place of worship; |
| <ul style="list-style-type: none">• a public use, in accordance with the provisions of Section 5.27 of this By-Law; |
| <ul style="list-style-type: none">• a service shop; |
| <ul style="list-style-type: none">• a studio. |

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

READ a first and second time this XXth day of XX, 2023.

READ a third time and finally passed this XXth day of XX, 2023.

Mayor

Clerk

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:

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- 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, quadraplexes 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

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.

EVALUATION
CRITERIA

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 ~~as backyard~~ to the rear of an existing dwelling on a lot in accordance with the policies of Section 8.2.4.3 and 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.

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8.2.4.3 Additional Residential Units and Converted Dwellings

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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.

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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 housing and neighbourhoods comprising such districts.

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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:

- 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;

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- 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, 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:

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- the ancillary structure must be located in a rear or interior side yard; and,
- 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.;

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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.

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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).

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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.

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.

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CRITERIA FOR MORE THAN TWO UNITS CONVERTED DWELLINGS

In addition, Town Council may zone areas within the Town to permit the conversion of a principal dwellings for more than three up to four dwelling units per building. ~~Areas may be zoned to permit converted dwellings with up to four units on the basis in accordance with~~ of 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 ~~units satisfy the dwelling size requirements specified in the Zoning By-law~~ are generally if 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.

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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.

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SITE PLAN CONTROL

~~Any converted dwelling 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: