

To: Warden and Members of County Council

From: Director of Community Planning

Application for Official Plan Amendment Additional Residential Units – City of Woodstock OP 21-15-8

RECOMMENDATIONS

- 1. That Oxford County Council approve Application No. OP 21-15-8, initiated by the City of Woodstock, to implement amendments to the Official Plan related to Additional Residential Units in the City of Woodstock;**
- 2. And further, that Council approve the attached Amendment No. 271 to the County of Oxford Official Plan;**
- 3. And further, that the necessary by-law to approve Amendment No. 271 be raised.**

REPORT HIGHLIGHTS

- The Province has implemented updates to various legislation and policies to require municipalities to establish Official Plan policies and Zoning provisions to allow for the establishment of an ‘additional residential unit’ (ARU) in single detached, semi-detached and row-house dwellings, and in a structure ancillary to such dwellings.
- The City of Woodstock has undertaken a review of the Provincial direction with respect to ARUs (e.g. Planning Act provisions and PPS policies) and related land use planning and implementation considerations, including an overview of how Provincial direction is being implemented in other municipalities in Ontario.
- The proposed amendments to the Official Plan attached to this report are relatively high level, enabling-type policies that will reflect and implement the current Provincial direction on ARUs, while establishing a comprehensive suite of review criteria to inform and support the City’s development of appropriate zoning provisions, as well as other local implementation measures for such units.
- Planning staff are of the opinion that the proposed Official Plan amendment attached to this report is consistent with the policies of the Provincial Policy Statement and supports the strategic initiatives and objectives of the Official Plan.

Implementation Points

This application will be implemented in accordance with the relevant objectives, strategic initiatives and policies contained in the Official Plan.

Financial Impact

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

Communications







The application for Official Plan amendment (together with the application for Zone Change initiated by the City) was circulated to agencies and stakeholders that were considered to have an interest in the proposal in August 2021. Notice of Complete Application and Notice of Public Meeting were advertised in local newspapers in accordance with the requirements of the Planning Act in August 2021 and November 2021, respectively. Notice was also provided to persons and groups (such as the local real estate board) that had indicated interest in the proposed amendments.

In addition to the foregoing, a webpage specific to the issue of ARUs in the City of Woodstock was created on the County’s Speak Up Oxford platform.

The City of Woodstock held a Public Meeting regarding the Official Plan amendment and the proposed Zoning amendments on December 6, 2021, and Woodstock Council passed a resolution supporting the proposed Official Plan amendment on January 13, 2022.

If the proposed Official Plan amendment is adopted by County Council, the decision will be advertised in local newspapers in accordance with the requirements of the Planning Act and will be provided directly to those persons, groups and agencies that have expressed interest in the matter.

Strategic Plan (2020-2022)

					
<i>WORKS WELL TOGETHER</i>	<i>WELL CONNECTED</i>	<i>SHAPES THE FUTURE</i>	<i>INFORMS & ENGAGES</i>	<i>PERFORMS & DELIVERS</i>	<i>POSITIVE IMPACT</i>
		3.ii. 3.iii.	4.i.		

DISCUSSION

Background

The Province has made amendments to various legislation and policies to place a stronger focus on increasing housing availability, choice and affordability as a matter of Provincial interest. One of the key ways the Province has chosen to further this interest is by requiring municipalities to enact Official Plan policies and Zoning provisions to allow for the establishment of 'additional residential units (ARUs)' in lower density housing types and removing a number of perceived barriers to the establishment of such units, including exempting such units from development charges, streamlining building code requirements, limiting the ability to appeal implementing policies and zone provisions, and dictating certain standards and requirements for such units.

This Provincial direction on ARUs was largely provided through Bill 108 - *More Homes, More Choice Act*, which was passed on June 6, 2019. Among other changes, the Bill amended the Planning Act to direct municipalities to enact Official Plan policies and Zoning provisions to allow for the establishment of an Additional Residential Unit (ARU) in a single detached, semi-detached or row house dwelling and/or within a building or structure ancillary to such dwellings.

Accompanying *Planning Act* regulations (O. Reg. 299/19) came into effect on September 3, 2019. The regulations provide requirements and standards with respect to ARUs, including the number and type of parking spaces required, and removing the ability to regulate the date of construction and who may occupy the principal and/or additional unit. The Provincial Policy Statement (PPS) was also amended in early 2020 to include specific policy references to 'additional residential units'.

City of Woodstock Council received a number of reports regarding the implementation of ARU policies and zoning provisions beginning with Report No. CP 2020-221 in November 2020 which provided an overview of the Provincial direction with respect to ARUs (e.g. Planning Act provisions and PPS policies) and related land use planning and implementation considerations, including the need to review and amend the Official Plan policies and Zoning By-law provisions for the City to reflect this Provincial direction.

Subsequently, the City received Report No. CP 2021-81 in March 2021, which provided further information regarding ARUs, including an overview of how Provincial direction is being implemented in other jurisdictions in Ontario and specific staff recommendations on proceeding with applications to amend the Official Plan and the City's Zoning By-law in this regard.

In May 2021, following consideration of the above-noted reports, Woodstock Council directed staff to proceed with public and agency consultation regarding amendments to the Official Plan and the City's Zoning By-law related to the implementation of policies and provisions enabling ARUs in accordance with Provincial direction as set out in the *More Homes, More Choices Act* and accompanying regulations.

City Council's specific direction in this regard was to approach the implementation of ARUs selectively within the City by identifying specific areas or neighbourhoods for ARU development based on neighbourhood characteristics and/or other criteria (e.g. density of development) or utilizing phased approach by limiting the development of ARUs initially to areas characterized by multi-unit residential development (e.g. two or more units) and excluding ARUs from those areas of the City that are more exclusively developed for single detached dwellings.

Comments

The following commentary provides an overview of the current legislative and policy framework that applies to Additional Residential Units (ARUs), as well as related land use planning and implementation considerations.

PLANNING ACT

The Planning Act requires that Official Plans shall contain policies that authorize the use of additional residential units by authorizing:

- The use of two residential units in a detached house, semi-detached house or rowhouse; and
- The use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse.

The Act also requires that each local municipality ensure that their Zoning by-laws give effect to the policies described above. The Planning Act does not specifically define 'additional residential units'. It is important to note that 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 on such matters to the Local Planning Appeal Tribunal (LPAT). Therefore, any new policies and/or zoning provisions approved by County/City Council can only be appealed by the Minister.

The accompanying Planning Act regulations (O. Reg. 299/19) set out a number of specific requirements and standards with respect to additional residential units, as follows:

- Each additional residential unit shall have one parking space that is provided and maintained for the sole use of the occupant of the additional residential unit and it may be a tandem space;
- An additional residential unit may be occupied by any person regardless of whether the person who occupies the additional residential unit is related to the person who occupies the primary residential unit and whether the person who occupies either the primary or additional residential unit is the owner of the lot;
- Where the use of additional residential units is authorized, an additional residential unit is permitted, regardless of the date of construction of the primary residential unit.

2020 PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Under Section 3 of the Planning Act, where a municipality is exercising its authority affecting a planning matter, such decisions “shall be consistent with” all policy statements issued under the Act.

The 2020 amendments to the PPS introduced a number of new and updated policies intended to increase the supply and mix of housing, including:

- Requiring that a range of ‘housing options’ and densities are to be planned for in order to meet projected housing demand;
- Added references to the terms ‘affordable and market-based/market demand’ to the policies pertaining to the determination of housing need;
- Requiring that planning decisions be aligned with Housing and Homelessness Plans; and
- Adding specific references to the term ‘additional residential units’ in the housing policies.

There are two sections of the PPS that specifically refer to the term ‘additional residential units’:

Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns – As per Section 1.1.1 of the PPS, healthy, livable and safe communities are sustained by:

- 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;

Section 1.4 Housing - Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by permitting and facilitating all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3.

The Provincial Policy Statement, similar to the Planning Act, does not offer a definition of Additional Residential Unit, but rather includes the term within definitions of “Housing Options” and “Residential Intensification” definitions as follows.

Housing Options - means a range of housing types such as, but not limited to single-detached, semi-detached, rowhouses, townhouses, stacked townhouses, multiplexes, additional residential units, tiny homes, multi-residential buildings. The term can also

refer to a variety of housing arrangements and forms such as, but not limited to life lease housing, co-ownership housing, co-operative housing, community land trusts, land lease community homes, affordable housing, housing for people with special needs, and housing related to employment, institutional or educational uses.

Residential Intensification - includes the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, additional residential units, rooming houses, and other housing options.

OFFICIAL PLAN - CITY OF WOODSTOCK LAND USE POLICIES:

With respect to the City of Woodstock, the Official Plan does not currently contain policies that specifically address the current Provincial direction with respect to Additional Residential Units. However, the Plan does contain policies that permit City Council to zone areas or properties to permit single detached, semi-detached and townhouse dwellings to be converted into two residential units, and to be converted into more than two units if a number of criteria can be met including:

- that the area is characterized by a mixture of dwelling types;
- lot sizes are generally sufficient to accommodate the required parking without detracting from the visual character of the area; and
- the existing dwellings are generally of sufficient size to accommodate the creation of additional dwelling units.

The policies further state that 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 changes or additions that may be permitted. In addition, the policies state that converted dwellings with more than two dwelling units may be subject to site plan control.

The Official Plan also contains policies with respect to rear yard infilling in residential areas which allow for various forms of residential development in a rear yard including, but not limited to, the construction of a residential structure behind a building facing a street, the conversion of secondary structures for residential purposes and establishment of a granny flat or garden suite.

A number of criteria are provided for evaluating such forms of development, including:

- the nature of the proposed development will be evaluated having regard to the type of housing found in the surrounding residential neighbourhood;
- the exterior layout in terms of height, bulk, scale and layout of the proposed building is consistent with the present land uses in the area;
- the siting of any buildings and parking areas in relation to the size, configuration and topography of the lot is such that the effect on light, view and privacy of adjacent yards is minimal; and
- direct vehicular access to a public street is required and driveways will have sufficient width to allow efficient vehicular use and turning of both private and emergency vehicles and to provide snow storage.

These existing Official Plan policies allow City Council to zone properties or areas to allow for the establishment of an additional residential unit in a single detached, semi-detached or townhouse dwelling and/or in an ancillary structure on a residential property, in a manner similar to the current Provincial direction on ARUs.

These policies provide the general framework for the incorporation of specific ARU policies into the Official Plan, however, the Plan requires further amendments to ensure the relevant policies clearly reflect current Provincial direction on ARUs, including ensuring they specifically reference the term Additional Residential Units and direct that the Area Municipality must establish Zoning provisions to authorize the use of ARUs in accordance with the applicable Planning Act requirements and Official Plan policies.

It is expected that any updated policies would continue to provide flexibility for the Area Municipality to establish Zoning provisions that provide more detailed local direction with respect to where such units could be located and what standards apply.

PROPOSED OFFICIAL PLAN AMENDMENTS

In considering the development of policies regarding ARUs for the City of Woodstock, staff reviewed Official Plan amendments and proposed amendments from a broad range of municipalities across the province, consulted directly with selected municipalities and canvassed input via the County Planning Directors group, of which Oxford County is an active participant. This 'scan' provided staff with insight into the approaches that have been applied across Ontario with respect to Provincial direction in implementing policies and provisions in Official Plans and Zoning By-laws that authorize ARUs in certain lower density housing types and removing perceived barriers to the establishment of such units in Ontario communities.

With respect to Official Plan policies, staff's review revealed that the large majority of municipalities have taken a high level, permissive approach to authorizing ARUs, with some limited criteria to both inform and support appropriate implementation measures (e.g. zoning by-law provisions). There do not appear to be significant attempts in any of the policies reviewed to restrict or limit the establishment of ARUs in specific areas or circumstances beyond those identified in the Provincial direction, which is to say that these units are generally permitted in single detached, semi-detached and townhouse units, excepting areas that are subject to specific constraints (e.g. hazard lands, servicing capacity, restricted access such as private roads, lot sizes unsuitable for additional residential units, etc.).

Regarding the proposed policies that have been developed for the City of Woodstock, Planning staff are proposing relatively high level, enabling-type approach that will reflect and implement the current Provincial direction on ARUs, while also establishing a comprehensive suite of review criteria to inform and support the City's development of appropriate zoning provisions, as well as other local implementation measures for such units that may be considered appropriate. The general intent of the policy approach being that the detailed local direction with respect to the circumstances under which ARUs will be permitted, and what development standards will apply, will be provided through the development of appropriate Zoning By-law provisions for such units, undertaken as part of a comprehensive review by the City.

The proposed amendments to the Official Plan would predominantly affect the Low Density Residential policies for the City of Woodstock as contained in Section 7.2.4 and consist largely of clarifications to the existing policy direction with respect to residential intensification and low density housing forms (e.g. backyard infilling and converted dwellings), together with the inclusion of specific policies for ARUs (which replace the current policies for two-unit converted dwellings). The key elements of the proposed policy approach are summarized as follows:

- Establishing a definition for ‘additional residential units’;
- Requiring that the City establish appropriate zoning provisions to allow ARUs in single detached, semi-detached and townhouse dwellings (as required by Provincial legislation) where the City is satisfied that various development review criteria can be met, such as:
 - Maximum of two ARUs per lot (i.e. one in the principal dwelling and/or one in an ancillary dwelling);
 - Principal dwelling must have direct, individual vehicular access to a public street;
 - Any increased demand for on-street parking on nearby streets can be adequately addressed;
 - The ARU(s) must be clearly secondary and subordinate to the principal dwelling on the lot and limited in size (e.g. maximum percentage of the principal dwelling and maximum gross floor area caps);
 - Dwellings and lots are large enough to accommodate the ARU and provide for adequate parking, landscaping and outdoor amenity areas;
 - Any new buildings, additions and/or exterior alterations/features (e.g. parking areas, doors, windows, stairways, decks) will maintain the general architectural character of the principal dwelling and surrounding neighbourhood;
 - There is unobstructed pedestrian access from the street or parking area to the unit;
 - 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, etc.);
 - Existing infrastructure and public services serving the area are adequate to accommodate the establishment of ARUs;
 - 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;
 - Additional review criteria for ARUs in ancillary structures to ensure that the siting, design (e.g. height, window and door location, etc.) and orientation of the ancillary structure/unit, parking and outdoor amenity areas and any required landscaping, screening, fencing and/or other measures will limit potential privacy, visual and other impacts on abutting residential properties and be compatible with the character of the principal dwelling and the surrounding residential neighbourhood.
- The zoning provisions for ARUs shall be implemented through a comprehensive City-initiated amendment to the Zoning By-law or the zoning of new plans of subdivision. Site specific amendments to the Zoning By-law to consider the establishment of ARUs will not generally be permitted;
- An ARU cannot be severed from the lot containing the principal dwelling;
- Site plan control may be applied to ARUs in ancillary structures; and
- The City may consider the use of other supplementary tools and measures to assist in ensuring that ARUs are appropriately regulated, including registration and/or licensing,

on-street parking regulations, design guidelines, new/updated property standards by-laws, etc.

In summary, the proposed Official Plan policies for the City of Woodstock provide a high level, enabling approach to considering ARUs that is intended to reflect and implement the current Provincial direction while also establishing a comprehensive suite of review criteria to inform and support the development of zoning provisions for such units. Planning staff are of the opinion that the attached policies are generally consistent with the relevant policies of the Provincial Policy Statement and implement the legislative requirement contained in Section 16(3) of the Planning Act that an Official Plan shall contain policies that authorize ARUs in single detached, semi-detached and townhouse dwellings and in buildings accessory to these dwelling types. The draft policies are attached to this report as Attachment 1.

Comments

The applications initiated by the City of Woodstock to amend the Official Plan and Zoning By-law were initially circulated for agency comment in August 2021 and the Public Meeting notice was placed in local newspapers in November 2021. A website specifically created for the consideration of ARUs in Woodstock has also been in operation since August 2021. The following comments have been received in response to agency circulation:

The City of Woodstock Manager of Building & Facilities has provided general comments regarding the establishment of ARUs in the City as well as detailed comments regarding the draft zoning amendments.

The City's Engineering Department provided preliminary comments indicating that it is possible that an ARU could result in increased water demand for both the main dwelling and ARU combined. In some cases, the existing water service to the main dwelling may be undersized, or for other reasons, not capable of supplying enough water to meet the increased demand. If this were the case, a new adequately sized water service from the main in the street to the dwelling may be required. Property owners should be advised that the work associated with installing a new water service would be at the owner's expense.

The County Public Works Department indicated that they support the comments provided by the City's Engineering Department, but have no further comments at this time.

The Ministry of Municipal Affairs and Housing indicated in an email received on November 16, 2021 that the Ministry will be providing comments on the OPA, but that said comments may not be submitted prior to the City's December 6, 2021 Public Meeting. As of the date that this report, comments from the Ministry had not been received. As of the date that this report was completed, the Ministry had not provided comments regarding the proposed OPA.

In addition to agency comments, a number of comments from interested parties have also been received. These comments are attached to this report as Attachment 2.

Conclusions

Planning staff are of the opinion that the draft Official Plan amendment attached to this report provides a broad, high-level approach to the implementation of ARU development within the City of Woodstock that is consistent with Provincial policy and in-keeping with the guidance material and training on ARU implementation that has been released/provided by the Province to date.

At such time as the policy amendments are adopted, the appropriate amendments to the City's Zoning By-law will be presented to City Council for consideration.

SIGNATURES

Report Author:

Original signed by

Gordon K. Hough, RPP
Director of Community Planning

Approved for submission:

Original signed by

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

ATTACHMENTS

- Attachment 1 Draft Official Plan Policies – Woodstock ARUs (track change version)
- Attachment 2 Correspondence from Public Consultation
- Attachment 3 OPA 271