



OAKVILLE

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: NOVEMBER 1, 2016

FROM: Planning Services Department

16-593

DATE: October 7, 2016

SUBJECT: **Public Meeting and Recommendation Report, North Oakville Zoning By-law Housekeeping Amendment - Accessory Buildings and Structures in All Zones and Public Park Uses Outside the Park Zone - By-law 2016-108 (File 42.03.89) - Lands north of Dundas Street and south of Highway 407**

LOCATION: Lands north of Dundas Street and south of Highway 407

WARD: Multiple Wards: 4, 5 & 6

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RECOMMENDATION:

1. That By-law 2016-108, a by-law to amend the North Oakville Zoning By-law 2009-189 to change the general regulations for accessory buildings and structures in all zones, and to specify the applicable regulations for public parks outside of the Park (P) zone, be passed; and
2. That notice of Council's decision reflect that no comments were received from the public, or if comments are received, that they have been appropriately addressed.

KEY FACTS:

The following are key points for consideration with respect to this report:

- The proposed zoning by-law amendment adds a definition of "grade", modifies the existing definition of "established grade", and changes the permitted height for accessory buildings and structures and how their height is to be measured. It also specifies that permitted public parks outside of the Park (P) Zone are to be subject to the regulations of the Park (P) Zone as they are not currently subject to any regulations.
- The typical timeline for the processing and consideration of a zoning by-law amendment has been compressed due to the limited scope of the proposed by-law, and to promptly address implementation issues, primarily related to accessory shade structures in the Park (P) Zone.

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BACKGROUND:

Through the ongoing review of subdivision and building permit applications for the communities north of Dundas Street, the town’s Zoning Officers have identified some issues that should be addressed with respect to the applicable zoning regulations for accessory buildings and structures, as well as the need to specify the applicable zoning regulations for permitted public parks outside of the Park (P) zone.

The existing standards for accessory buildings and structures in the General Regulations of North Oakville Zoning By-law 2009-189 are as follows:

4.14 Standards for Accessory Buildings and Structures

Accessory buildings and structures which are not private garages or parking pads (See Sections 4.15-4.19 inclusive) or enclosed and roofed walkways (See Section 4.20), are subject to the following requirements:

4.14.1 Permitted Locations and Setbacks from Lot Lines

Accessory buildings and structures shall be located:

- i. No closer to the *front lot line or flankage* than the *main building*;
- ii. A minimum of 1.2 metres from the *interior side lot line*, but notwithstanding this provision:
 - a. the *setback from the interior side lot line* for the first storey of *building or structure* may be reduced to 0.6 metres if there are no doors or windows on the wall facing the *interior side lot line*;
 - b. an *accessory building or structure* may share a common wall with another *accessory building or structure* on an abutting lot and no *setback* from the *interior side lot line* is required on that side of the lot; and,
- iii. A minimum of 0.6 metres from the *rear lot line*.
- iv. Notwithstanding subsections i. through ii., in no case shall an *accessory building or structure* other than an *enclosed or roofed walkway*, be located closer than 2.0 metres to the *main building* on the *lot*.

4.14.2 Maximum Height

The maximum permitted *overall height* of an *accessory building or structure* is 4.5 metres.

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The following three key issues have been identified:

1. General Standards for Accessory Buildings and Structures

Under the North Oakville Zoning By-law 2009-189, all accessory buildings and structures (except detached private garages), no matter the zone, are subject to the regulations in section 4.14 – *General Regulations, Standards for Accessory Buildings and Structures*. As such, a backyard shed in the Sub-urban Zone is subject to the same regulations as a public washroom buildings or shade structure the Park (P) zone.

2. Determining Height of Accessory Buildings and Structures

Currently, the maximum permitted overall height for accessory buildings and structures (excluding private garages) is 4.5 metres measured from “established grade”. Established grade is defined as “the centre point of the front lot line for interior lots” and “the average of the elevation of the centre points of each lot line abutting a street for corner lots and through lots.”

The most common types of accessory buildings and structures, namely backyard sheds, shade structures and cabanas, are almost always built after the dwelling that they are associated with. Homeowners cannot easily determine what the “established grade” is for their lot.

3. Regulations for Public Parks Outside of the Park (P) Zone

Although Table 6.2 of Zoning By-law 2009-189 specifically indicates that a public park is a permitted use in the Institutional (I) and Park (P) zones, a public park is a use permitted in all zones except Natural Heritage System (NHS) and ED (Existing Development) under section 4.3.2(x). There are no regulations for a permitted public park outside of the Institutional (I) or Park (P) zone. Also, section 7.12, *Institutional and Park Zone Regulations*, specifically states that, “Accessory buildings and structures are permitted subject to Section 4.14 of this By-law.” There is the potential for buildings and structures in public parks to be treated differently under the Zoning By-law.

COMMENT/OPTIONS:

By-law 2016-108 has been prepared to address the issues outlined above by making the following changes to North Oakville Zoning By-law 2009-189:

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- **In section 3.0, *Definitions*, a definition of “grade” will be added, and the definition of “height or overall height” will be changed to describe that the height of accessory buildings and structures is to be determined from “grade”.**

By-law 2016-108 adds a definition of “grade” that is based on the one in Zoning By-law 2014-014:

“grade” means the average level of proposed or finished ground adjoining a building or structure.”

This addition facilitates a change in how the height of accessory buildings and structures is to be measured. The definition of “height” currently references a vertical distance measured from “established grade”, which is defined for most lots as the centre point of the front lot line. Given the variance in grade from the front lot line to the location of the majority of accessory buildings and structures, being the rear yards of residential dwellings, a height measurement from the grade, or ground level, at the location of an accessory building or structure is more appropriate, and more easily determined by property owners.

- **In section 4.3, *General Regulations, Uses Permitted in all Zones*, s. 4.3.2, *All Zones Except NHS and ED*, will be changed to say that a “public park” is subject to the regulations of the Park (P) zone.**

Section 4.3.2 x) currently permits public parks in all zones except Natural Heritage System (NHS) and Existing Development (ED), but does not specify any corresponding regulations for that use. The proposed change will ensure that any permitted public park, no matter the zone, is subject to the regulations of the Park (P) zone, including the permission for accessory buildings and structures in accordance with section 4.14, *Accessory Buildings and Structures*.

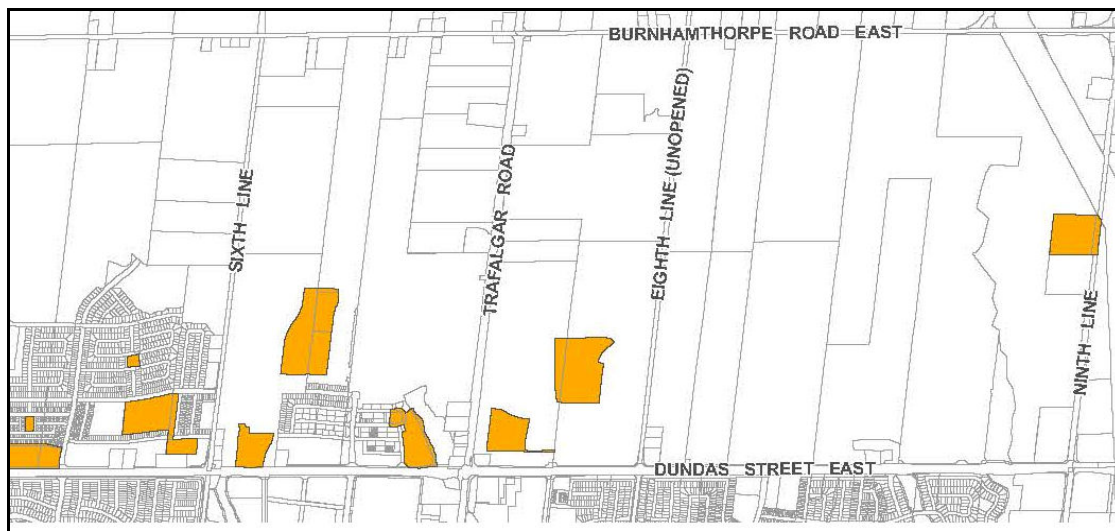
- **In section 4.14, *General Regulations, Standards for Accessory Buildings and Structures*, s. 4.14.1, *Permitted Locations and Setbacks*, new standards will be added specifically for accessory buildings and structures in the Institutional (I), Park (P) and Stormwater Management Facility (SMF) zones.**

The existing regulation did not contemplate accessory buildings and structures in the Institutional (I), Park (P) and Stormwater Management Facility (SMF) zones, which often include things such as public washrooms, utility buildings and large shade structures on properties much larger than a

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typical residential lot. In consultation with Zoning and Parks and Open Space staff, it has been determined a minimum setback of 5.0 m from abutting streets or from lot lines shared with other zones is appropriate. The intent is to establish reasonable setbacks and separation distances appropriate for the scale of the structures and the size of the properties where they are located. The town's design directions and standards continue to apply, and the location of any accessory buildings and structures in the Institutional (I), Park (P) and Stormwater Management Facility (SMF) zones will be determined based on the planned function of the park or property and the site-specific context.

Lands Currently Zoned Institutional (I), Park (P) or Stormwater Management Facility (SMF), North Oakville Zoning By-law 2009-189



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- **In section 4.14, *General Regulations, Standards for Accessory Buildings and Structures*, s. 4.14.2, *Maximum Height*, the maximum permitted overall height for accessory buildings and structures will be lowered in most zones. In addition, a new maximum permitted overall height will be added specifically for accessory buildings and structures in the Institutional (I), Park (P) and Stormwater Management Facility (SMF) zones.**

Lots and blocks in new subdivisions north of Dundas Street are typically graded toward the street or front lot line. The maximum permitted overall height for accessory buildings and structures has a built-in allowance for the difference in elevation from “established grade” to the typically higher backyard where most accessory buildings and structures are located. Since the method for determining the height of accessory buildings and structures is to be changed (i.e., vertical distance from grade versus established grade), a corresponding reduction in the maximum permitted overall height of accessory buildings and structures from 4.5 m to 4.0 m is appropriate.

In addition, the existing height regulation did not contemplate accessory buildings and structures in the Institutional (I), Park (P) and Stormwater Management Facility (SMF) zones (e.g., public washrooms, utility buildings and large shade structures). In consultation with Zoning and Parks and Open Space staff, it has been determined that a maximum overall height of 6.0 m, measured from grade, is appropriate for such structures in the Institutional (I), Park (P) and Stormwater Management (SMF) zones. The overwhelming majority are designed by and built for the town with the public interest in mind. Unnecessarily tall accessory buildings and structures would be avoided. The existing public shade structures north of Dundas Street measure 5.5 m or less in height (from grade to peak), but larger accessory buildings with a bigger footprint (e.g., combination washroom, utility and shade building) may require additional height to accommodate a suitable roof.

CONCLUSION:

By-law 2016-108, and amendment to North Oakville Zoning By-law 2009-189, has been prepared to address issues with the regulations for accessory buildings and structures, as well as the regulations for public park uses outside of the Park (P) zone as described in this report.

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CONSIDERATIONS:

(A) PUBLIC

No public information meeting was held as the proposed zoning by-law amendment is limited in scope and is intended to improve the application and interpretation of the North Oakville Zoning By-law. Notice of the statutory public meeting was published in the Oakville Beaver on October 6, 2016. Since that date, the proposed zoning by-law amendment has been available for review in-person in the Planning Services department. Copies of the proposed by-law have also been shared by email.

Bill 73, which came into force on July 1, 2016, requires that notice of Council's decision reflect the effect of any public submissions.

(B) FINANCIAL

There are no financial impacts arising from this report.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The proposed zoning by-law amendment was written in collaboration with staff from Building Services (Zoning), Parks and Open Space (Park Planning and Development) and Legal Services. It was circulated to internal departments and external agencies for review and comment, and no concerns were raised prior to the finalization of this report.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- continuously improve our programs and services

(E) COMMUNITY SUSTAINABILITY

The proposed zoning by-law amendment furthers the sustainability principles established by the North Oakville East and West Secondary Plans.

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