



Date: January 13, 2025
To: Mayor and Council
Author: Vitra Chodha, Planner
RE: Zoning By-law Amendment (ZBA-2024-21) for a Town wide amendment to accessory structure height

RECOMMENDED ACTION

That Council **APPROVE** the changes recommended by the Committee of Adjustment and Appeals, with the support of Administration, to amend Section 4.2 (h) and 4.2 (i) of the Town of Kingsville Comprehensive Zoning By-law 2014-1 to the following:

- a. Section 4.2 (h) *Accessory buildings and structures shall not exceed the following heights:*
 - i. in residential zones within the primary and secondary settlement area – 5.8 m (19 ft.)
 - ii. in residential zones or lots under 2 ha that are outside the settlement area –6.5 m (21.3 ft)
- b. Section 4.2 (i) Notwithstanding any other provision of this by-law, the *maximum building height* for an *accessory building* which contains a *dwelling unit* is not to exceed 6.5 m (21.3 ft);

And that corresponding By-law 1-2025 **BE ADOPTED** during the By-law stage of the Agenda.

BACKGROUND

The current Comprehensive Zoning By-law has been in place since April of 2014, with a series of consolidation and amendments that have taken place since. As a result of ongoing use and observation, revision and reworking are required to improve Section 4.2 of the Comprehensive Zoning By-Law 2014-1 which addresses accessory building and structures:

Section 4 General Provision

4.2 Accessory Buildings and Structures

- h) *Accessory buildings and structures shall not exceed the following heights:*

- i) in residential zones with a total area of less than 2 ha where the *accessory building* does not contain a *dwelling* – 5 m (16.4 ft)
 - ii) in all residential or agricultural zones where an *accessory building* is *constructed* to include an *additional dwelling unit*, – 6.5 m (21.3 ft)
 - iii) in all other zones – equal to the *permitted height* of the *Main Building* unless otherwise specified.
- i) Notwithstanding any other provision of this by-law, the *maximum building height* for an *accessory building* which contains a *dwelling unit* is prohibited from exceeding the *building height* of the *Main Building*

At the request of the Committee of Adjustment and Appeals (“COAA”), this report proposes an amendment addressing building heights of accessory buildings and structures within Section 4.2 of By-law 2014-1. The COAA recommended the re-consideration to reduce unnecessary approval processes for applications that have consistently been approved by the COAA. Administration presented the proposed changes to the COAA on December 17th, 2024, and they have recommended that Council approves these changes, which will reduce unnecessary timelines and costs associated with seeking COAA approvals which are consistently granted.

DISCUSSION

The proposed amendment, in this case, is a result of ongoing use and observation of the by-law where we have permitted through variance many accessory structure and buildings that exceeds the maximum permitted height. The aim of this amendment is to facilitate the construction of additional accessory buildings and structures without having to go through a minor variance application; this is done being mindful of competing interests and needs in our communities.

Section 4.2 is proposed to be amended as follows:

- h) *Accessory buildings and structures shall not exceed the following heights:*
- i) in residential zones within the primary and secondary settlement area – 5.8 m (19 ft.) ~~with a total area of less than 2 ha where the *accessory building* does not contain a *dwelling* – 5 m (16.4 ft)~~
 - ii) in all residential ~~or agricultural zones~~ or lots under 2 ha that are outside the settlement area ~~where an *accessory building* is *constructed* to include an *additional dwelling unit*, – 6.5 m (21.3 ft)~~

- iii) in all other *zones* – equal to the *permitted height* of the *Main Building* unless otherwise specified.

The intent of amending this section is to increase the maximum permitted height of an accessory structure located in residential zones within the primary and secondary settlement area from 5 m (16.4 ft) to 5.8 m (19.0 ft) and to increase the maximum height of accessory structure in residential zones and lots under 2 ha. located outside the primary and secondary settlement areas from 5 m (16.4 ft) to 6.5 m (21.3 ft).

- i) Notwithstanding any other provision of this by-law, the *maximum building height* for an *accessory building* which contains a *dwelling unit* is not to exceed 6.5 m (21.3 ft) ~~prohibited from exceeding the *building height* of the *Main Building*.~~

The intent of this amendment is to enable the construction of an additional dwelling unit within an accessory structure on lots with single-story homes. This change allows the accessory structure to have a maximum height of 6.5 meters (21.3 feet).

At its December 17, 2024 meeting, the Committee of Adjustment and Appeals reviewed the proposed amendments and passed and carried Resolution CA-65-2024 recommending approval of the amendments by Council:

CA-65-2024

Moved By: Thomas Neufeld, Councillor
Seconded By: Russell Horrocks

That the Committee of Adjustment and Appeals **RECOMMEND** to Council that Section 4.2 Accessory Buildings and Structures of the Comprehensive Zoning By-law 1-2014 **BE AMENDED** to read as follows:

Section 4.2 h)

Accessory buildings and structures shall not exceed the following heights:

- a. in residential *zones* within the primary and secondary settlement area – 5.8 m (19 ft.)
- b. in residential *zones* or lots under 2 ha that are outside the settlement area – 6.5 m (21.3 ft)

Section 4.2 i)

Notwithstanding any other provision of this by-law, the *maximum building height* for an *accessory building* which contains a *dwelling unit* is not to exceed 6.5 m (21.3 ft).

In keeping with the Committee's recommendation, the proposed changes are reflected in By-law 101-2024 being the By-law to amend the Town of Kingsville Comprehensive Zoning By-law which is included in the By-law section of this agenda.

FINANCIAL CONSIDERATIONS

There are no significant financial considerations

ENVIRONMENTAL CONSIDERATIONS

There are no significant environmental considerations

CONSULTATIONS

Report presented to the Committee of Adjustment and Appeals. A motion was passed recommending Council approve the changes.

In keeping with Section 22(1) of the *Planning Act*, the Town of Kingsville has given public notice of the Zoning By-Law Amendment (see Appendix A) by posting notices on the Town of Kingsville's municipal website:

<https://www.kingsville.ca/en/news/planning-items-for-the-january-13-2025-council-meeting.aspx>

If any public comments are received until 4 p.m. on January 13, 2025, they will be attached to this report, and otherwise provided.

The application was also reviewed by the Town's Technical Advisory Committee, and additional consultation with:

PREPARED BY:



Vitra Chodha
Planner

REVIEWED BY:



Richard J.H. Wyma
Director of Planning and Development

REVIEWED BY:

A handwritten signature in black ink, appearing to read "John Norton", written in a cursive style.

John Norton
Chief Administrative Officer