

## REPORT

**REPORT TO:** Mayor Bonnette and Members of Council

**REPORT FROM:** Keith Hamilton, Planner - Policy

**DATE:** July 29, 2019

**REPORT NO.:** PLS-2019-0059

**RE:** Final Recommendation Report for Accessory Dwelling Units  
(Official Plan Amendment No. 38 and Amendment to  
Comprehensive Zoning By-law 2010-0050).

### RECOMMENDATION:

THAT Report No. PLS-2019-0059, dated July 29, 2019, regarding the Final Recommendation Report for Accessory Dwelling Units in Halton Hills (Official Plan Amendment No. 38 and Amendment to Comprehensive Zoning By-law 2010-0050, be received;

AND FURTHER THAT Council adopt Official Plan Amendment No. 38, dated July 2019 (attached as SCHEDULE 1 to this report);

AND FURTHER THAT the municipally initiated Zoning By-law Amendment to Comprehensive Zoning By-law 2010-0050, as amended, as shown on SCHEDULE 2 to this report be approved;

AND FURTHER THAT in accordance with Section 34(17) of the Planning Act, no further notice is determined to be necessary.

### BACKGROUND:

This report represents the final stage of the Town's review of planning policies for Accessory Dwelling Units. This review was triggered by amendments made to the Planning Act which mandated expanded permissions for these units in local Official Plans and Zoning By-laws, most notably to permit them wherever single, semi-detached and townhouses are permitted. This report follows a statutory public meeting held on June 17<sup>th</sup>, 2019 on proposed Official Plan and Comprehensive Zoning By-law amendments.

It should be noted that other policy documents referenced in this report refer to accessory dwelling units by other names, including second units (Planning Act, Regional Official Plan) and accessory apartments (Halton Hills Official Plan). While the names vary, the concept of an accessory dwelling unit, secondary to the primary dwelling unit on a property remains the same.

## **1. Study to Date**

### **1.1 Background Report**

The Accessory Dwelling Units (ADU) Background Report (PLS-2019-0007) was received by the Planning, Public Works and Transportation Committee (PPT) on February 26, 2019. This report was based on preliminary research into provincial policy and current municipal approaches to regulating ADUs through Official Plans and Zoning By-laws. Key highlights from this report include:

- A review of the applicable policy framework for ADUs, including the Planning Act, Provincial Policy Statement, Regional Official Plan, Halton Hills Official Plan and the Comprehensive Zoning By-law.
- Outlining the need to update local Official Plan and Zoning By-law permissions to conform to current Planning Act requirements for ADUs. The Town's Official Plan definition for 'accessory apartment' includes all three housing forms required by the Planning Act, but the use is not currently included in all designations where residential uses are permitted. The Town's Comprehensive Zoning By-law currently does not permit ADUs in semis or townhouses, and does not allow them in all zones where these residential uses are permitted.
- An outline of other proposed amendments that would ease restrictions on the creation of ADUs including removing of the minimum lot frontage requirement and increasing the maximum floor area requirement, currently set at 70m<sup>2</sup> (or 753.5ft<sup>2</sup>).

The report concluded with an outline of next steps for the review, including agency and public consultation and the development of draft amendments.

### **1.2 Public Open House**

On April 17<sup>th</sup>, 2019 Town Planning staff hosted an Open House for the project in the Council Chambers at Town Hall. This event was held in accordance with Planning Act requirements (Section 34) for the updating of municipal zoning by-laws. The Open House provided the public the opportunity to ask questions about the project and raise general concerns about current and proposed policies on accessory dwelling units. Planning staff gave a brief presentation on the project, including background information on relevant policies, and the mandatory and optional changes being proposed. After the presentation, Planning staff received questions on floor area requirements, unit safety, servicing, parking, development charges, unit registration in the Niagara Escarpment Plan Area, and questions related to Building Code requirements. Staff responded to

questions and took notes of issues and suggestions to be incorporated into future reports.

A complete summary of questions asked and staff responses can be found in staff report PLS-2019-0030, which was prepared in advance of the Statutory Public Meeting on June 17<sup>th</sup>, 2019.

### **1.3 Statutory Public Meeting**

A Statutory Public Meeting was held on June 17<sup>th</sup>, 2019 with the accompanying report (PLS-2019-0030). The report included:

- A summary of the project, including a policy framework and required changes to the Official Plan and Comprehensive Zoning By-law, as well as additional changes being proposed through the review.
- A summary of the Public Open House held in April of 2019, including public questions received and staff responses.
- A summary of ongoing agency and public consultation undertaken as part of the review.
- Draft Official Plan and Zoning By-law amendments to policies regulating accessory dwellings units in Halton Hills.

The Statutory Public Meeting was held before Council and included a staff presentation based on the content of the Public Meeting Report. The presentation focused closely on consultation efforts made to date, and clearly outlined all policy changes being proposed. Public input from this meeting and staff responses are discussed in detail in Schedule 3 to this report.

### **1.4 Internal/External Consultation**

In March of 2019 planning staff circulated the Background Report and draft amendments to the following departments and external agencies:

- Zoning staff (internal)
- Building staff (internal)
- Development Engineering staff (internal)
- Region of Halton
- Conservation Halton
- Credit Valley Conservation
- Grand River Conservation Authority
- Niagara Escarpment Commission

Responses received through both the internal and external consultation process have been summarized in the chart attached as Schedule 4 to this report.

## **COMMENTS:**

### **1. Planning Context**

Provincial and regional policies that have been reviewed and considered by planning staff over the course of this review include the Planning Act, Provincial Policy Statement (2014), Growth Plan for the Greater Golden Horseshoe (2017), Greenbelt Plan (2017) and Halton Region Official Plan. Some of these policies, in addition to the Halton Hills Official Plan and Comprehensive Zoning By-law, were summarized in the Background Report PLS-2019-0007.

#### **1.1 The Planning Act**

In 2012, the Planning Act was amended to require that municipalities authorize second units (or accessory dwelling units) in their Official Plans and Zoning Bylaws. As a result, Section 16(3) of the Planning Act requires municipal Official Plans to authorize second units in detached, semi-detached and row houses (or townhouses). Additionally, Section 35.1 of the Planning Act requires municipalities to update their Zoning By-laws to conform with second unit policies made in accordance with Section 16(3). Local amendments that bring Zoning By-laws into conformity with Section 16(3) cannot be appealed as stated under Section 34(19.1) of the Planning Act.

The Halton Hills Official Plan began to address these changes through Official Plan Amendment 10 (OPA 10) by including single, semi-detached and townhouses in the definition for 'accessory apartment'. Currently permissions in the Official Plan for accessory apartments are only present in the Urban Area.

The Halton Hills Comprehensive Zoning By-law currently does not include semi-detached and townhouses in its definition for 'Dwelling, Accessory', and does not permit the use in any zone in the Agricultural/Rural Area.

#### **1.2 Provincial Policy Statement**

Section 1.1 of the Provincial Policy Statement (PPS) indicates that municipalities are to provide an appropriate range and mix of housing and to facilitate all forms of residential intensification including second units. Further, section 1.4.3 identifies second units as a form of residential intensification that municipalities should be permitting and facilitating. The proposed amendments (attached as SCHEDULES 1 and 2 to this report) would address this requirement by expanding permissions for accessory dwelling units into the Agricultural/Rural Area and increasing the maximum size requirements, creating greater opportunity for property owners to establish these units.

### **1.3 Growth Plan for the Greater Golden Horseshoe**

Section 1.2.1 of the Growth Plan for the Greater Golden Horseshoe highlights second units to be included as a range housing options in its Guiding Principles. Further, section 2.2.6 requires municipalities to support housing choice by “identifying a diverse range and mix of housing options and densities, including second units and affordable housing to meet projected needs of current and future residents”. Through this review, changes proposed by Town staff (larger units in more areas) should increase opportunities to create accessory dwelling units, thereby helping to meet the housing needs of current and future residents.

### **1.4 Greenbelt Plan**

Section 4.5 of the Greenbelt Plan states ‘second dwelling units’ are permitted where existing residential uses are present within the Protected Countryside Area, but outside the Natural Heritage System. Amendments proposed by Town staff as part of the review would seek to permit accessory dwelling units in the protected countryside, where single detached homes are currently permitted. The proposed amendments would not permit these units within the Natural Heritage System.

### **1.5 Halton Region Official Plan**

Section 86(10) of the Regional Official Plan (ROP) requires local municipalities permit, through their Official Plans and Zoning By-laws, second units within existing dwellings in residential neighbourhoods as of right. The policy does require that parking provisions are met and adequate services (water and wastewater) are available. Additionally, Section 86(10.1) requires that local Official Plans and Zoning By-laws do not include criteria or standards that would prohibit the establishment of second units in accordance with provincial policies.

The amendments for accessory dwelling units being proposed would see them be permitted in single, semi-detached and townhomes. These increased permissions would ensure that local regulations are in keeping with section 86(10) of the ROP. Additionally, the removal of the minimum lot frontage requirement (11m) as proposed in the draft Zoning By-law Amendment (SCHEDULE 2) would support ROP section 86(10.1) in removing a standard that currently restricts the establishment of accessory dwelling units.

### **1.6 Ongoing Provincial Review of Planning Act Regulations, the Growth Plan and the Provincial Policy Statement**

Current reviews of key provincial policies regulating land use planning in Ontario have required municipalities to consider potential changes moving forward. For this report, staff has reviewed proposed changes to Planning Act regulations, the Growth Plan and Provincial Policy Statement for any potential impacts on the Town’s review of local policies for accessory dwelling units.

In general, the proposed changes to these provincial policy documents (if implemented) will not have any impact on the Town's accessory dwelling unit review. Similarly, the proposed amendments for accessory dwelling units, if passed, would conform to the current, or amended provincial policies.

Proposed changes to Planning Act regulations include a provision where an accessory dwelling unit in an ancillary building would be permitted in addition to a unit already existing in the primary dwelling, effectively creating a lot with two legal accessory dwelling units.

As was discussed in the Public Meeting Report (PLS-2019-0030), Town staff has had ongoing consultation with Halton Region on the matter of accessory dwelling units being located within an ancillary building. At this time, Regional staff has indicated they would not support this type of unit, but will be considering the matter through the Regional Official Plan Review, which is ongoing and expected to conclude in 2020. As a result, the proposed amendments do not include provisions for accessory dwelling units in ancillary buildings, and will continue to permit them only within a primary dwelling at this time. At the conclusion of the Regional Official Plan Review, Town staff intend to consult with Regional staff further on this matter in the event the Region's position has changed.

## **2. Revisions to Proposed Amendments**

This section outlines changes made to proposed amendments after the Statutory Public Meeting. They reflect information received from both agency/stakeholder group and public consultation. Revisions proposed are as follows:

### **2.1 Maximum Floor Area for Accessory Dwelling Units**

The draft zoning by-law amendment submitted with the Public Meeting Report (SCHEDULE 2 to PLS-2019-0030) proposed a floor area maximum of 95m<sup>2</sup> (or 1,022ft<sup>2</sup>). This represented an increase from the permitted maximum floor area of 70m<sup>2</sup> (or 753ft<sup>2</sup>) and was supported by comments received through initial public consultation and internal/external circulations.

Based on comments received at the Public Meeting and ongoing internal/external consultations, staff opted to revise the amendments further. Following the Public Meeting, staff consulted with Building and Development Review staff on the following options for maximum floor area:

- Continue with the proposed 95m<sup>2</sup>, or entire basement area;
- 40 per cent of total floor area to a maximum of 110m<sup>2</sup> (or 1,185ft<sup>2</sup>), or entire basement area; or
- 35 per cent of total floor area, or entire basement area.

Comments received from staff consulted supported the second option of 40 per cent total floor area to a maximum of 110m<sup>2</sup>, or the entire basement area. Support received was on the basis that this option would allow some flexibility for larger homes, while capping the size to ensure the created unit remains accessory. In particular, as this use is introduced into the Agricultural/Rural Area, it is important ensure the secondary nature of the unit is maintained.

As a result, staff has revised the content under Items 3, 4 and 6 to read as:

*“Permitted only within single detached, semi-detached, or townhouse dwellings and provided the accessory dwelling unit occupies no more than 40 per cent or 110.0 square metres of floor area, whichever is lesser; OR the floor area of a basement within permitted dwelling types.”*

### **RELATIONSHIP TO STRATEGIC PLAN:**

This report relates directly to the implementation of the Town Strategic Plan. Under Section A – Foster a Healthy Community, this report supports Objective A.1 – To promote an adequate supply of housing and range of housing choices to meet the needs of present and future residents, including affordable, accessible and seniors housing. By updating Town policy on accessory dwelling units, the Town is encouraging the creation of new and affordable units and increasing the supply of rental housing locally.

### **FINANCIAL IMPACT:**

There is no financial impact associated with this report.

### **CONSULTATION:**

Town Policy, Development Review and Building staff, as well as Planning staff from Halton Region and Niagara Escarpment Commission were consulted in preparation of this report.

### **PUBLIC ENGAGEMENT:**

Public Engagement feeding into the preparation of this report is summarized as follows:

#### ***Public Open House***

As part of the review of Town policy on accessory dwelling units, a Public Open House was held on April 17th, 2019. The Open House was held from 6:30-8:30pm and included a presentation by Town Planning staff. Interested members of the public were in attendance and provided valuable questions and feedback to Town staff. Input gathered from this event was summarized in detail in report PLS-2019-0030. Through this engagement, staff has been able to inform and consult with the public, consistent with the Town’s Public Engagement Charter.

## ***Statutory Public Meeting***

A Statutory Public Meeting, accompanied by a Public Meeting Report and draft amendments, was held on June 17<sup>th</sup>, 2019 in accordance with the Planning Act. At this meeting Planning staff presented background information and outlined the proposed policy amendments in Council. As it relates to the Town's Public Engagement Charter, this meeting met the Inform and Consult levels of engagement by presenting project information and responding to questions and concerns.

## **SUSTAINABILITY IMPLICATIONS:**

The Town is committed to implementing our Community Sustainability Strategy, Imagine Halton Hills. Doing so will lead to a higher quality of life.

This report supports the Economic Prosperity and Social Pillars of Sustainability and in summary the alignment of this report with the Community Sustainability Strategy is Very Good. Specifically this report supports the Social Wellbeing theme of 'Housing' by updating policies for accessory dwelling units to expand permissions and ease restrictions on property owners.

## **COMMUNICATIONS:**

Public Notice of Council's decision regarding the passage of the Official Plan and Zoning By-law Amendments will be completed in accordance with the requirements of the Planning Act.

## **CONCLUSION:**

Staff has completed background research, agency and public consultation as part of a policy review for accessory dwelling units. Background, Statutory Public Meeting, and Final Recommendation Reports have been prepared in support of proposed amendments to the Town's Official Plan and Comprehensive Zoning By-law 2010-0050 for accessory dwelling units. The impetus for the review was amended Planning Act requirements that expanded permissions for these units beyond what is currently permitted in the Halton Hills Official Plan and Comprehensive Zoning By-law. The proposed amendments address the need to comply with Planning Act requirements, and additionally propose changes to Zoning By-law requirements to allow more flexibility in designing and creating these types of dwelling units. In drafting these amendments, staff have ensured they comply with provincial and regional policies.

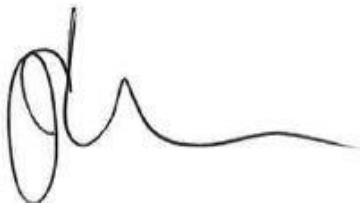


For these reasons, Planning staff recommends that Council approve the Official Plan and Comprehensive Zoning By-law amendments attached as SCHEDULES 1 and 2 to this report.

Reviewed and Approved by,

A handwritten signature in cursive script that reads "Bronwyn Parker".

**Bronwyn Parker, Manager of Planning Policy**

A handwritten signature in cursive script that reads "John Linhardt".

**John Linhardt, Commissioner of Planning and Sustainability**

A handwritten signature in cursive script that reads "Brent Marshall".

**Brent Marshall, Chief Administrative Officer**

### Schedule 3 to PLS-2019-0059: Public Comments and Staff Responses

Proposed amendments to Town policies regarding accessory dwelling units were presented to the public by way of Report No. PLS-2019-0030 and a Statutory Public Meeting on June 17<sup>th</sup>, 2019. There were approximately 2 (two) interested persons in attendance at the meeting with both of those individuals coming forward to speak to their concerns. Additionally, staff received 1 (one) phone call prior to the Public Meeting from residents in regards to parking permissions for accessory dwelling units. The following sections describe specific public concerns and provide staff responses:

Comment/Issue	Staff Response
<p><b>Proposed Increase in Floor Area Maximum for Accessory Dwelling Units:</b></p> <p>Comments received at the Public Meeting indicated that proposed new maximum floor area requirement of 95m<sup>2</sup> (or 1,022ft<sup>2</sup>) would still be too restrictive for main floor accessory dwelling units. It was suggested a separate maximum for main floor units of 140m<sup>2</sup> (or 1,500ft<sup>2</sup>) be considered for more flexibility in the design of such units.</p>	<p>Staff consulted with both Building and Development Review staff on a potential increase in maximum floor area for accessory dwelling units, beyond the proposed 95m<sup>2</sup>. As will be discussed in greater detail in subsection 4.1, staff has proposed a revised floor area requirement of 40 per cent of total floor area to a maximum of 110m<sup>2</sup> (or 1,185ft<sup>2</sup>). While this does not directly meet the size request made, it does provide opportunity for units beyond the initially proposed size of 95m<sup>2</sup>. Additionally, the proposed removal of size restrictions on basement apartments will also provide opportunity for home owners to create larger units than what is currently permitted.</p>
<p><b>Proposed Removal of Floor Area Maximum for Accessory Dwelling Units:</b></p> <p>Further comments received at the Public Meeting suggested the floor area maximum for accessory dwelling units should be removed so that they can be designed logically, without the burden of size restrictions.</p>	<p>Planning staff have had ongoing consultation with Building and Development Review staff, as well as external agencies. Feedback from these consultations revealed a removal of a floor area maximum for accessory dwelling units would not be supported. As the intent is for the units to secondary to the primary dwelling unit on a property, it is important they remain smaller in floor area. The removal of a maximum could effectively result in the creation of a duplex, which is already defined and regulated separately in the Comprehensive Zoning By-law. Staff is therefore not willing to support the removal of a floor area maximum for accessory dwelling units.</p>

**Increasing Maximum Driveway Width to Accommodate Parking:**

Comments received prior to the Public Meeting suggested zoning regulations for maximum driveway width and front yard soft landscaping requirements be changed to better accommodate required parking for accessory dwelling units. The comments suggested these changes would help townhouses better accommodate the parking requirement (two spots for the primary dwelling and one for the accessory) for accessory dwelling units.

Section 5.2.14 of the Comprehensive Zoning By-law sets out a maximum driveway width of 7 metres for dwellings units, provided a minimum of 40 per cent soft landscaping is maintained on the yard in which the driveway is located. Soft landscaping refers to green area (grass, trees, shrubs and gardens) not covered by driveways or structures.

In considering the above, staff consulted with both Building and Development Review staff and concluded an increase in maximum driveway width within the Comprehensive Zoning By-law, where soft landscaping requirements would then be reduced, should not be included in this review. Soft landscaping is critical for proper drainage on properties in residential areas while providing environmental and aesthetic value in these areas.

## Schedule 4 to PLS-2019-0059: Results of Internal/External Consultation

The Background Report and draft amendments were circulated to external agencies and internal departments for review and comment over the course of the study. Additionally, meetings were held with internal staff from Development Review and the Building department to discuss draft amendment revisions. Planning staff have taken into consideration all comments provided when drafting the final proposed amendments to the Official Plan and Comprehensive Zoning By-law for accessory dwelling units.

Comment/Issue	Staff Response
<p><b>Expanding Permissions to Permit the Entire Basement of a Dwelling:</b> Through consultations with Building and Development Review staff it was suggested proposed amendments include a provision to permit the entire basement of a dwelling as an accessory dwelling unit, regardless of size.</p>	<p>Planning staff supports this recommendation on the basis that it would ease the burden of developing these units and that basement units are clearly subordinate to the primary main floor units. As a result, this recommendation was incorporated into the draft amendments included with the Public Meeting Report (PLS-2019-0030). These amendments were circulated to external agencies with no objections received.</p>
<p><b>Accessory Dwelling Units in the Niagara Escarpment Plan Area:</b> Over the course of this review, Town staff has consulted with Niagara Escarpment Commission (NEC) staff on policies for accessory dwelling units in the Niagara Escarpment Plan Area (NEPA). As stated in the Public Meeting Report (PLS-2019-0030), the NEC regulates where accessory dwelling units are permitted within their plan area, while the Town is responsible for receiving and approving two-unit registrations.</p> <p>Through ongoing consultation, NEC staff has generally supported the proposed amendments, with a preference for a 'hard cap' in floor area maximums for units.</p>	<p>Currently the NEC permits ADUs under the Escarpment Rural Area designation, with section 2.2.11 stating the units "shall be subordinate in size to the single dwelling". NEC staff has recently recommended this policy be amended to include a hard cap maximum for floor area.</p> <p>Town staff took this into consideration when including a maximum of 110m<sup>2</sup> (or 1,185ft<sup>2</sup>) in the revised zoning by-law amendment (attached as SCHEDULE 2).</p>