



## MEMORANDUM

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**TO:** Mayor Lawlor and Members of Council

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

**DATE:** July 29, 2024

**MEMO NO.:** PD-2024-008

**SUBJECT:** Additional Residential Units

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### **PURPOSE OF THE MEMORANDUM:**

The purpose of this Memorandum is to provide Council an overview of forthcoming proposed changes to permissions for Additional Residential Units (formerly Accessory Dwelling Units) in the Halton Hills Official Plan and Comprehensive Zoning By-law 2010-0050. This information is being provided ahead of a Statutory Public Meeting on the matter, to be held at a later date.

### **BACKGROUND:**

In late 2018, Town staff initiated a study with the intent of updating policies and permissions for Accessory Dwelling Units into the Official Plan and Comprehensive Zoning By-law 2010-0050. At the time, the in effect permissions did not fully align with the *Planning Act*, which was the basis for initiating the study. Key milestones for the study included:

- An introductory report ([PLS-2019-0007](#)) in February of 2019, which provided background information and identified the necessary amendments to the Official Plan and Zoning By-law to bring them into conformity with the *Planning Act*.
- A Public Open House at Town Hall on April 17, 2019, where a presentation provided an overview of the use, current policies, and required changes to the Official Plan and Zoning By-law. Staff and members of the public then engaged in an open discussion on policies and standards for Accessory Dwelling Units.
- On June 17, 2019, a Statutory Public Meeting was held before Council, where draft Official Plan and Zoning By-law Amendments were presented, and members of the public were able to make statements. A summary of questions

asked, and staff responses from the previous Public Open House were provided in the Public Meeting Report ([PLS-2019-0030](#)).

- On September 9, 2019, a Final Recommendation Report ([PLS-2019-0059](#)) was taken to Council on the matter. Official Plan Amendment 38 and Amendments to Comprehensive Zoning By-law 2010-0050 were adopted by Council. With no appeal from the Minister of Municipal Affairs and Housing, the adopted amendments came into effect on October 2, 2019.

Key changes made through these amendments included:

- An updated definition in the Zoning By-law to align with the *Planning Act*.
- An established parking requirement and maximum floor area for Accessory Dwelling Units.
- Permissions for Accessory Dwelling Units in the Rural/Agricultural Area.

The Amendments to the Official Plan and Comprehensive Zoning By-law 2010-0050, as well as associated staff reports can be found on [Let's Talk Halton Hills](#).

Legislative changes since the adopted amendments came into effect in 2019 have resulted in the need to review and update policies and permissions in the Town's Official Plan and Zoning By-law. Key legislative changes are summarized below:

### Bill 23

On November 28, 2022, changes made through Provincial Bill 23, the *More Homes Built Faster Act, 2022*, came into effect, which included permitting up to three residential units as-of-right on a lot in urban areas, wherever single, semi-detached, or townhouses are permitted. Lots must also be connected to municipal services. This includes up to three units in one residential building, or two units in the main residential building and one detached unit in an ancillary building. In report [PD-2022-0050](#) to Council on December 12, 2022, staff noted that changes to Comprehensive Zoning By-law 2010-0050 regarding Additional Residential Units would be needed once Bill 23 received Royal Assent.

### Bill 185

On June 6, 2024, changes made to the *Planning Act* through Bill 185, the *Cutting Red Tape to Build More Homes Act, 2024*, came into effect. A key change, as it relates to Additional Residential Units, is the addition of section 49.3 to the *Planning Act*. This section states that regulations made under the Planning Act may:

- Prohibit provisions under Part V of the Act (including Zoning By-law Amendments and Committee of Adjustment applications) that set restrictions on permissions for Additional Residential Units (e.g. lot coverage, maximum height, unit size); or,

- May determine what restrictions (if any) are appropriate for Additional Residential Units by way of a Part V provision (including Zoning By-law Amendments and Committee of Adjustment applications).

During the consultation period on the proposed changes through Bill 185, staff did provide comments to the Province, which are summarized in report [PD-2024-034](#). Since Bill 185 has come into effect, and as of the date of this memorandum, no further direction has been given by the Province, by way of a regulation, regarding Additional Residential Units and the ability of municipalities to impose restrictions.

### Provincial Planning Statement

On April 10, 2024, the Province released an updated version of the proposed Provincial Planning Statement for public comment. Staff reported to Council on this on May 6 by way of report [PD-2024-035](#). Of note is that section 4.3.2.5 proposes that in Prime Agricultural Areas, up to two Additional Residential Units be permitted on a lot, subject to minimum distance separation and demonstrated servicing capacity.

### **COMMENTS:**

Since the beginning of 2024, an internal working group made up of staff from Planning and Development, and Building Services have met regularly to identify and discuss changes required to the Official Plan and Zoning By-law regarding Additional Residential Units. The intent is to produce draft Official Plan and Zoning By-law amendments that will be presented to the public by way of a Statutory Public Meeting. Key proposed changes include:

- Renaming Accessory Apartments (Official Plan) and Accessory Dwelling Units (Zoning By-law) to Additional Residential Units (ARUs) to be consistent with Provincial legislation.
- A definition for Additional Residential Units that is consistent with Provincial legislation.
- A 'Standards for Additional Residential Units detached from the Main Residential Building' table, to be added to Part 4 General Provisions of Zoning By-law 2010-0050. The table will include separate standards for detached ARUs in urban and non-urban zones.
- New or modified provisions in Zoning By-law 2010-0050 which identify updated rules in regard to the number and size of units to be permitted on a lot.
- Adding Additional Residential Units as a use in the Protected Countryside Natural Heritage System 2 zone, with provisions.

These changes reflect largely what is necessary so that the Official Plan and Comprehensive Zoning By-law 2010-0050 align with legislative changes made to the

*Planning Act* since 2019. The changes being proposed in the Town's Rural/Agricultural Area are in anticipation of the proposed Provincial Planning Statement which is projected to come into effect in the near future.

**CONCLUSION:**

Town staff are finalizing draft amendments to the Official Plan and Comprehensive Zoning By-law 2010-0050 regarding Additional Residential Units. These will be posted online for public review ahead of a Statutory Public Meeting before Council at a later date, in accordance with *Planning Act* requirements. Following this, staff will report back to Council with a final recommendation, seeking approval of the amendments.

Reviewed and approved by,

Bronwyn Parker, Director of Planning Policy

John Linhardt, Commissioner of Planning & Development

Chris Mills, Chief Administrative Officer