



## REPORT

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

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

**DATE:** September 9, 2024

**REPORT NO.:** PD-2024-073

**SUBJECT:** Additional Residential Units – Statutory Public Meeting Report

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### RECOMMENDATION:

THAT Report No. PD-2024-073, dated September 9, 2024, regarding a Statutory Public Meeting for Additional Residential Units, Draft Official Plan Amendment 58 and Draft Zoning By-law Amendment (attached as Appendices 1 and 2 to this report), be received;

AND FURTHER THAT all agency and public comments be referred to staff to be addressed in a final recommendation report to Council on the disposition of these matters.

### KEY POINTS:

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

- A Statutory Public Meeting under the *Planning Act* is being held so that the public may provide feedback on Draft Official Plan and Zoning By-law Amendments, as initiated by the Town of Halton Hills, regarding permissions for Additional Residential Units.
- The purpose of Draft Official Plan Amendment 58 (see Appendix 1) is to replace Accessory Apartment and its associated definition with Additional Residential Unit and associated definition. The Amendment includes units detached from the primary dwelling as part of the new definition.
- The purpose of the Draft Zoning By-law Amendment (see Appendix 2) is to replace Accessory Dwelling Unit and its associated definition with Additional Residential Unit and associated definition. The Draft Amendment includes permissions and lot standards for detached Additional Residential Units in both urban and rural zones.

- Key components of the Draft Zoning By-law Amendment include restrictions related to the height, floor area and lot coverage of detached Additional Residential Units.
- A final recommendation report and updated Draft Amendments will be brought to Council later this year for approval.

## **BACKGROUND AND DISCUSSION:**

### **1. Accessory Dwelling Units Project (2019)**

In 2019, Town staff completed an Accessory Dwelling Units study to establish development criteria for such uses in the Urban and Rural Areas. At the time, the Accessory Dwelling Units study focused on providing what was required to meet *Planning Act* requirements. More information on this, including why the study was undertaken, and what permissions were being sought, is available in report [PLS-2019-0007](#).

Official Plan and Zoning By-law Amendments were passed by Town Council on September 9<sup>th</sup>, 2019 ([BY-LAW NO. 2019-0048](#) and [BY-LAW NO. 2019-0049](#)), marking the completion of the Accessory Dwelling Units study. Key outcomes of the study included:

- Establishing Accessory Dwelling Units as a permitted use, within the primary dwelling, in most zones Town-wide where single, semi-detached and townhouses are already permitted as-of-right.
- Establishing maximum floor area provisions and parking requirements wherever Accessory Dwelling Units are permitted.

The 2019 study did not seek to establish permissions for units in buildings detached from the primary dwelling as it was felt greater consideration was needed for the impacts on surrounding properties and uses. More detail on the 2019 study and project summary are available in the Final Recommendation Report ([PLS-2019-0059](#)).

### **2. Additional Residential Units – Policy Update (2024)**

Since the implementation of Accessory Dwelling Units policies and regulations in 2019, Provincial policy changes have led to a need for further updates to the Town's Official Plan and Comprehensive Zoning By-law 2010-0050.

Through Provincial Bill 23, the *More Homes Built Faster Act, 2022*, the Province required municipalities to permit up to three residential units as-of-right on a lot in urban areas, including units detached from the primary dwelling. The Provincial Planning Statement, 2024 (PPS 2024), coming into effect on October 20<sup>th</sup>, 2024, calls for similar permissions on farm properties. Further information on Provincial legislative updates related to Additional Residential Units is available in [MEM-PD-2024-008](#), brought to Council on August 26<sup>th</sup>, 2024.

### 3. Halton Hills Official Plan

The Halton Hills Official Plan currently permits Accessory Apartments in the Urban Area under designations already permitting single, semi-detached, and townhouses, subject to development criteria under section D1.3.1.6. Similarly, Accessory Apartments are permitted in the Agricultural Area, Protected Countryside Area, and Hamlets and Rural Clusters, subject to criteria under section E1.4.10. The development criteria under these sections were intended to ensure units are connected to appropriate servicing, have adequate parking, and comply with Building and Fire Code regulations.

Proposed changes to Official Plan policies are more administrative in nature, and include:

- Removing Accessory Apartments and associated definition and replacing it with Additional Residential Units (ARUs) and a new definition that includes reference to ARUs detached from the primary dwelling. Adopting the ARU term better aligns with Provincial legislation, including the *Planning Act* and PPS 2024.

### 4. Halton Hills Zoning By-law 2010-0050

The Halton Hills Comprehensive Zoning By-law 2010-0050 currently permits Accessory Dwelling Units in the zones listed in Table 1. Current permissions are for units within the primary dwelling. These units also have a size restriction of 40 percent of the total floor area of the existing dwelling, or 110 square metres, whichever is lesser. Units can also occupy the entire area of a basement, regardless of size.

**Table 1: Halton Hills Zones Permitting Accessory Dwelling Units**

Urban Zones	Non-Urban Zones
Low Density Residential One (LDR1)	Agricultural (A)
Low Density Residential Two (LDR2)	Protected Countryside (PCA)
Medium Density Residential One (MDR1)	Hamlet Residential One (HR1)
Medium Density Residential Two (MDR2)	Hamlet Residential Two (HR2)
Residential/Commercial (RCO)	Hamlet Community Core (HCC)
Urban Residential (UR)	Hamlet Commercial (HC)
Mixed-Use One (MU1)	Hamlet Residential/Office (HRO)
Downtown Commercial One (DC1)	Rural Cluster Residential One (RCR1)
Downtown Commercial Two (DC2)	Rural Cluster Residential Two (RCR2)
	Rural Cluster Commercial (RCC)
	Country Residential (CR)
	Mineral Aggregate Resource (MAR)

Similar to the proposed changes to the Official Plan, the Zoning By-law changes would include removing the term Accessory Dwelling Unit and associated definition and replacing it with Additional Residential Unit and a definition that includes units detached from the primary dwelling. Other key components of the Draft Amendment include introducing permissions and lot standards for detached Additional Residential Units in both urban and rural zones (including height, floor area and yard setbacks). A complete

summary of the standards for detached ARUs can be found in Table 4.2.1 of the Draft Amendment, attached as Appendix 2 to this report.

Key components of the Draft Zoning By-law Amendment include:

#### a) Detached Additional Residential Unit – Height

The proposed height for detached ARUs in Urban Zones is 1 metre less the top of roof of the main residential building to maximum of 6.5 metres; and 1 metre less the top of roof to a maximum of 8 metres in Non-Urban Zones. The following was taken into consideration when making these determinations:

- Maximum heights for dwellings in Urban and Non-Urban Zones range between 10 and 11 metres. The proposed maximums are intended to ensure detached ARUs appear secondary in nature to the primary dwelling on the lot.
- Lots in the Non-Urban zones are generally larger than those in the Urban Zones, creating a greater likelihood that a detached ARU would have more separation between dwellings on adjacent lots.

#### b) Detached Additional Residential Unit – Floor Area

The proposed floor area maximum for detached ARUs in Urban Zones is 90 square metres, or 40 percent of the total floor area of the main residential building, whichever is lesser. For the Non-Urban Zones, this is increased to 120 square metres, or 40 percent of the total floor area of the main residential building, whichever is lesser. The following was taken into consideration when making these determinations:

- Lots in the Non-Urban zones are generally larger than those in the Urban Zones and would be better suited to accommodate a larger detached ARU.
- In determining a maximum floor area for detached ARUs in the Urban Zones, information from a scan of current permissions for these units in surrounding municipalities was considered.
- The 90 square metre maximum, while smaller than what is permitted for ARUs inside the primary dwelling, would still provide enough floor area for a one bedroom apartment. A local scan of existing detached buildings in the Urban Zones also revealed that 90 square metres is comparable to many existing detached double car garages on residential lots.

#### c) Detached Additional Residential Unit – Lot Coverage

The proposed lot coverage restrictions would maintain existing Mature Neighbourhoods maximums (35-40 percent) where applicable. The detached ARU would count towards overall lot coverage in these areas. For Urban Zones not subject to the Mature Neighbourhoods By-law, lot coverage of all buildings, including ARUs, cannot exceed 60 percent. The following was taken into consideration when making these determinations:

- Making ARUs part of lot coverage in the Mature Neighborhoods helps maintain the intent and objectives set out in section D1.4.2 of the Official Plan.
- In some of the more recently developed low density residential areas outside of Mature Neighbourhoods (e.g. Georgetown South), primary dwellings make up 45-50 percent of lot coverage. A 60 percent lot coverage maximum would provide landowners in these areas the opportunity to establish detached ARUs where feasible.

#### d) Introducing Additional Residential Units into the Protected Countryside Natural Heritage System Two Zone

Environmental and Open Space Zones were not given any Accessory Dwelling Unit permissions in 2019. Upon further review it has been determined that the Protected Countryside Natural Heritage System Two Zone (PC-NHS2) should permit ARUs based on the following:

- Permitting ARUs in the PC-NHS2 zone aligns with the Official Plan policies for the Protected Countryside.
- Single detached units are permitted as-of-right in this zone.
- This zone relates to lands located outside of key natural heritage features.

### **3. Public Consultation**

Public Consultation was undertaken in 2019 as part of the Accessory Dwelling Units project. This included a Public Open House, Statutory Public Meeting, and online engagement at Let's Talk Halton Hills. At that time, public comments and questions focused primarily on increasing the size maximum for the units, and driveway widths. More detailed summaries of these consultations can be found in the Public Meeting Report [PLS-2019-0030](#), and the Final Recommendation Report [PLS-2019-0059](#).

In April of 2024 the project page on [Let's Talk Halton Hills](#) was reactivated and renamed Additional Residential Units. This page has been used to post project updates, and the Ask the Town function has provided users the opportunity to ask questions to staff. Archived information from the 2019 project, including staff reports, has also been made available.

In preparation for this Statutory Public Meeting, Town staff took necessary steps to properly notify the public. This included:

- Email notification to the project Public Notification List;
- Notice of the Statutory Public Meeting posted on the Town's website and the project page at Let's Talk Halton Hills; and,
- Advertising on Town social media and The Current newsletter.

#### **4. Next Steps**

Town Staff are planning to bring a final recommendation report and presentation to Council later this year. All public comments from the Statutory Public Meeting will be summarized along with staff responses, as part of the final recommendation report. Additional feedback (if any) from the public, and internal departments may result in changes to the Draft Official Plan and Zoning By-law Amendments. Any such changes will be identified as part of the final recommendation report.

#### **STRATEGIC PLAN ALIGNMENT:**

This report identifies a safe and welcoming community as one of the Town's Strategic priorities.

The focus of this report is Draft Amendments that would see Town policies for Additional Residential Units better align with the *Planning Act* and forthcoming Provincial Planning Statement. The Draft Amendments would allow for up to two Additional Residential Units on a residential lot, creating opportunities for gentle intensification in both Urban and Non-Urban zones where low to medium density residential uses are already permitted.

#### **RELATIONSHIP TO CLIMATE CHANGE:**

This report is administrative in nature and does not directly impact or address climate change and the Town's Net Zero target.

#### **PUBLIC ENGAGEMENT:**

Public Engagement has been conducted as follows:

- Ongoing online engagement at [Let's Talk Halton Hills](#).
- A Statutory Public Meeting before Council on October 7, 2024.

#### **INTERNAL CONSULTATION:**

Planning policy staff consulted with staff from Development Review, Development Engineering, Halton Hills Fire Department, and Enforcement Services in preparation of this report.

**FINANCIAL IMPLICATIONS:**

This report is administrative in nature and does not have any financial implications.

Reviewed and approved by,

Bronwyn Parker, Director of Planning Policy

John Linhardt, Commissioner of Planning & Development

Chris Mills, Chief Administrative Officer