

## REPORT

**REPORT TO:** Chair and Members of the Planning, Public Works and Transportation Committee

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

**DATE:** January 21, 2019

**REPORT NO.:** PLS-2019-0007

**RE:** Accessory Dwelling Units

### RECOMMENDATION:

THAT REPORT NO. PLS-2019-0007 dated January 21, 2019 regarding accessory dwelling units in Halton Hills, be received;

AND FURTHER THAT staff prepare for agency and public review Official Plan and Zoning By-law Amendments that provide enhanced permissions for accessory dwelling units in keeping with the content of this report.

### BACKGROUND:

The purpose of this report is to:

- Inform Committee on the current policy and regulatory framework related to accessory dwelling units;
- Identify amendments to Zoning By-law 2010-0050 required to bring it into conformity with the Official Plan and Planning Act; and,
- Identify amendments required to the Official Plan and Zoning By-law 2010-0050 in order to permit accessory dwelling units in the Town's broader Agricultural/Rural Area, including Hamlets and Rural Clusters.

### Policy Framework

It should be noted that in this section accessory dwelling units are also referred to as second units (Planning Act) and accessory apartments (Halton Hills Official Plan).

## **Provincial Policy Context**

The Strong Communities through Affordable Housing Act, 2011, amended the Planning Act to require that municipalities authorize second units (or accessory 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). Second units may also be approved in ancillary buildings provided no other second units exist on the property. 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 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. The Growth Plan for the Greater Golden Horseshoe includes second units as part of its 'Guiding Principles' for a greater range and mix of housing options. Additionally the Plan states municipalities should provide policy supporting second units to support 'complete communities' (Section 2.2.1) while accommodating for households of all sizes.

In 2018, the Ontario Building Code (OBC) was updated to include a definition for 'house'. The OBC defines house as "a detached house, semi-detached house or row house containing not more than two dwelling units". This helps differentiate 'house' from 'dwelling unit' while also being consistent with Section 16(3) of the Planning Act.

## **Halton Region**

Halton Region addresses accessory dwelling units in Part III of their Official Plan under Housing. Section 86(10) requires local municipalities permit, through their Official Plans and Zoning By-laws, 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.

## **Halton Hills (Official Plan)**

The Town's Official Plan currently defines an Accessory Apartment as "a self-contained apartment within a single detached, semi-detached, or townhouse dwelling unit." The inclusion of townhouses in this definition was brought into the Official Plan in 2017 with the Region's approval of OPA 10, one of the Town's Growth Plan conformity

amendments. The Plan also includes criteria for the approval of accessory apartments in Section D1.3.1.6, stating:

An accessory apartment is permitted subject to the regulations of the Zoning By-law and the following criteria:

- a) the accessory apartment shall comply with the Ontario Building and Fire Codes;
- b) adequate parking is available on the lot for both dwelling units and minimizes the loss of outdoor amenity areas or landscaping;
- c) the accessory apartment is designed and located in such a manner to not have a negative impact on the character of the surrounding neighbourhood and to that end any building addition shall be compatible with the massing, height, and setbacks of adjacent dwelling units; and,
- d) municipal water and wastewater facilities are adequate and available.

Additionally, Section D1.3.1.6 states accessory apartments are not subject to density requirements in the plan; however each unit must be registered in accordance with the Municipal Act.

The Official Plan currently permits accessory apartments in Low and Medium Density Residential Areas (subject to Section D1.3.1.6). This permission was introduced through OPA 10. While single detached dwellings are currently permitted under multiple designations in the broader Agricultural/Rural area, including Hamlets and Rural Clusters, the Official Plan is currently silent on accessory apartments.

### **Halton Hills (Zoning By-law 2010-0050)**

Comprehensive Zoning By-law 2010-0050 was passed on July 19, 2010 and predates the Strong Communities through Affordable Housing Act and the Region's Approval of OPA 10. The Town's Zoning By-law currently defines an accessory dwelling as a "unit that is located within a single detached dwelling unit or in a non-residential building." Under Part 6, accessory dwellings are permitted in Low Density Residential One (LDR1), Residential/Commercial (RCO) and Urban Residential (UR) zones with provisions that:

- They are only permitted within single detached units;
- They occupy a maximum of 70m<sup>2</sup> of floor area; and,
- The lot has a frontage of at least 11m.

Accessory dwellings are also permitted in the Downtown Commercial One and Two zones, provided they are in single detached homes and have a maximum floor area of 70m<sup>2</sup>. Currently the Zoning By-law is silent on accessory dwelling units in non-urban zones (i.e. rural area).

All accessory dwellings are required to have one parking space in addition to the two spaces required for the primary dwelling. In addition, a minimum of 40% soft landscaping is required on the yard in which the driveway is located.

## **COMMENTS:**

The Town's Official Plan currently allows for accessory dwelling units in detached, semi-detached and townhouse dwellings, subject to criteria listed in the Background section. This aligns with current provincial legislation under the Planning Act by including these three housing forms. The Zoning By-law only permits accessory dwellings in single detached dwellings, which does not currently align with the Town's Official Plan, and by extension, the Planning Act.

When the Current Zoning By-law was adopted in 2010, accessory dwelling units were only permitted in single detached dwellings that met certain minimum lot frontage thresholds and parking requirements, while maintaining soft landscaping in the front yard. It has since been recognized that some semi-detached and townhouse dwellings in the urban areas have the potential to accommodate accessory dwelling units and meet the criteria set out in the Official Plan and Zoning By-law.

Both the Official Plan and Zoning By-law do not permit accessory dwelling units outside the urban area. Currently Section 16(3) of the Planning Act does not distinguish between urban and rural areas in its requirement for second units. As such, it would be appropriate at this time for accessory dwelling units to be permitted in the broader Agricultural/Rural Area of Halton Hills where residential uses are already permitted under the Official Plan and Zoning By-law. This would also include permitting these units in designations in the Norval and Glen Williams Secondary Plans where single detached dwellings are already permitted.

### **Proposed Official Plan and Zoning By-law Changes**

#### i) Definition for Accessory Dwelling Unit

The definition in Part 3 of Zoning By-law 2010-0050 will require the inclusion of semi-detached and townhouse dwellings to be consistent with the Official Plan and Planning Act. A new proposed definition can be found in SCHEDULE 1 to this report.

#### ii) Minimum Required Lot Frontage

Under Part 6, 6.2 of the Zoning By-law, Special Provision 1 requires accessory dwelling units to be on a lot with a minimum frontage of 11m. It is Town staff's opinion that parking and soft landscaping requirements discussed in the Background section are sufficient for the purpose of regulating accessory dwelling units in light of changes to Provincial legislation. Therefore it is recommended the lot frontage requirement be deleted from this Special Provision. A revised Special Provision has been included in SCHEDULE 1 to this report.

### iii) Permitting Units in the Agricultural/Rural Area

Permitting and regulating accessory dwelling units in the broader Agricultural/Rural Area would require changes to both the Official Plan and Zoning By-law. Under the Official Plan a new land use policy would be required under Section E1.4 to define criteria for accessory apartments. This would be similar to what exists for such uses in the Urban Area under Section D1.3.1.6. Additionally, accessory dwelling units would have to be added to the list of permitted uses for designations where single detached homes are already listed. More details for these proposed changes can be found in SCHEDULE 1 to this report.

Under Zoning By-law 2010-0050 Part 9, 'Accessory Dwelling Units' would have to be added as a use in Table 9.1. The use would then be permitted in zones where Single Detached Dwellings are already permitted. More details for these proposed changes can be found in SCHEDULE 1 to this report.

### iv) Increasing the Maximum Floor Area for an Accessory Dwelling

Currently under the Town's Zoning By-law 2010-0050, the maximum floor area for an accessory dwelling unit is 70m<sup>2</sup> (or 753.5ft<sup>2</sup>). A policy scan completed for this report (see SCHEDULE 2) revealed many municipalities use a percentage of total floor area requirement (40% or greater), or a maximum floor area greater than 70m<sup>2</sup>. Increasing the maximum for accessory dwelling units may also provide more flexibility to accommodate larger households. Based on the foregoing, a larger maximum floor area of 95m<sup>2</sup> (1,022.6ft<sup>2</sup>) is being proposed for review and consideration.

## **Implications on Housing in Halton Hills**

The Amendment to Zoning By-law 2010-005, if passed, would authorize accessory dwelling units in semi and townhouse dwellings in addition to the existing permission for single detached dwellings. It should be noted that for each unit type, a minimum of 3 parking spaces would be required to permit an accessory dwelling (2 per principal dwelling, 1 per accessory unit). This would restrict most townhouse units, as well as small lot single/semi-detached units with limited driveway space from creating accessory units. It should be noted that the soft landscaping requirement (40% of front or exterior side yard), which is important from an urban design and streetscape perspective, reduces the potential for landowners to widen their driveways to accommodate extra parking.

Other initiatives that are currently under way or will be commencing this year that relate to this issue and parking in particular include an Affordable Housing Task Force and a review of the Uniform Traffic Control By-law 84-1. The recommendations flowing from these initiatives may have further ramifications for parking requirements which could be considered through subsequent amendments to the zoning by-law.

## **Next Steps**

The changes proposed to Town policy on accessory dwelling units in this report would require Amendments to the Official Plan and Zoning By-law 2010-0050. Requirements for completing this work are as follows:

- Circulation of this report to Zoning and Building staff, as well as Halton Region, Credit Valley Conservation, Conservation Halton, Grand River Conservation Authority, and Niagara Escarpment Commission for comment;
- An Open House no later than 7 days prior to the Statutory Public Meeting;
- Statutory Public Meeting on draft Zoning By-law Amendments; and,
- A Final Recommendation Report to Council.

## **RELATIONSHIP TO STRATEGIC PLAN:**

The final Recommendation Report will address the relationship between the proposed development and the Town's Strategic Plan.

## **FINANCIAL IMPACT:**

There is no financial impact associated with this particular report.

## **CONSULTATION:**

In preparing this report multiple staff in Planning and Zoning were consulted. Additionally Planning Staff from the Region of Halton and Niagara Escarpment Commission were consulted.

## **PUBLIC ENGAGEMENT:**

Where Zoning By-law and Official Plan Amendments are required to update current policy on accessory dwelling units in the Town of Halton Hills, a Statutory Public Meeting will be required. Additionally, an Open House will be required for this project in accordance with the Planning Act under Sections 26(9) and 34(14.4). The purpose of this Open House is to provide the public an opportunity to review the proposed changes and ask questions.

## **SUSTAINABILITY IMPLICATIONS:**

The final Recommendation Report will address the relationship between the proposed development and any sustainability implications.

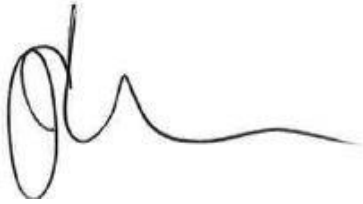
## **COMMUNICATIONS:**

There is no communications impact associated with this particular report.

**CONCLUSION:**

This report provides an overview of Provincial, Regional and Town policy on accessory dwelling units. Where current Town policy on these units is not consistent with the Planning Act, municipally-initiated Official Plan and Zoning By-law Amendments are required to achieve conformity. To that end, it is recommended that staff prepare for agency and public review of Official Plan and Zoning By-law Amendments that provide for enhanced permissions for accessory dwelling units in keeping with the content of this report.

Reviewed and Approved by,

A handwritten signature in black ink, appearing to read 'John Linhardt', with a long horizontal flourish extending to the right.

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

A handwritten signature in black ink, appearing to read 'Brent Marshall', written in a cursive style.

**Brent Marshall, Chief Administrative Officer**