



PUBLIC MEETING-2019-0008

ACCESSORY DWELLING UNITS IN HALTON HILLS

Minutes of the Public Meeting Committee held on Monday, June 17, 2019, 7:05 p.m., in the Council Chambers, Town of Halton Hills, Town Hall, 1 Halton Hills Drive, Halton Hills.

Councillor W. Farrow-Reed chaired the meeting.

Councillor W. Farrow-Reed advised the following:

The purpose of this Public Meeting is to inform and provide the public with the opportunity to ask questions or to express views with respect to the Town's updating of the Official Plan policies and Zoning By-laws regulating accessory dwelling units. The Councillors are here to observe and listen to your comments; however, they will not make any decisions this evening.

As the Chair, I am informing you that when Council makes a decision, should you disagree with that decision, the Planning Act provides you with an opportunity to appeal the decision to the Local Planning Appeal Tribunal for a hearing, subject to Tribunal validation of your appeal. Please note that if a person or public body does not make oral submissions at a public meeting or written submissions to the Town of Halton Hills before the decision is made, the person or public body is not entitled to appeal the decision of the Town of Halton Hills to the Local Planning Appeal Tribunal. In addition, if a person or public body does not make oral submission at a public meeting, or make written comments to the Town of Halton Hills before the decision is made the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal, unless, in the opinion of the Tribunal, there are reasonable grounds to do so. You may wish to talk to Planning staff regarding further information on the appeal process.

The Planning Act requires that at least one Public Meeting be held for each Official Plan and Zoning By-law Amendment proposal and that every person in attendance shall be given an opportunity to make representations in respect of the proposal.

The format of this Public Meeting is as follows:

- The Town will generally explain the purpose and details of the proposed Amendments;
- Next, Town staff will present any further relevant information, following which the public can obtain clarification, ask questions and express their views on the proposal.

The applicant and staff will attempt to answer questions or respond to concerns this evening. If this is not possible, the applicant and/or staff will follow up and obtain this information. Responses will be provided when this matter is brought forward and evaluated by Council at a later date.

SPECIFIC PROPOSAL

This Public Meeting involves proposed Official Plan and Zoning By-law Amendments by Town Planning Staff to amend the Town of Halton Hills Official Plan and Comprehensive Zoning By-law policies related to accessory dwelling units and to expand permissions for accessory dwelling units in order to conform with the Planning Act Section 16(3).

TOWN'S OPPORTUNITY

The Chair called upon the Town's representative, Keith Hamilton, Planner – Policy, to come forward to explain the proposal.

The purpose of this public meeting is to inform the public on the Town's review of Official Plan and Zoning By-law policies on accessory dwelling units, and outline proposed amendments to both. A Public Meeting is required for Official Plan and Zoning By-law Amendments under the Planning Act, and provides staff and Council the opportunity to hear public questions and concerns directly.

This Public Meeting is being held in accordance with the Mayor's Task Force on Public Engagement and the Public Engagement Charter. The Public Engagement Charter speaks to 3 levels of engagement, which are Inform, Consult and Collaborate. Tonight the Town of Halton Hills is informing you and consulting with you, the public. We are providing an opportunity for you to ask questions and share your views on the current review of Town policies on accessory dwelling units and draft amendments.

The three main components of the public engagement plan for this project included; an online engagement platform launched in March of this year, a Public Open House hosted at Town Hall on April 17, 2019 and tonight's Public Meeting.

The Let's Talk Halton Hills webpage went live in March and included the following information: a description of the project, Key dates, a document library with all staff reports and drafts amendments, a question and answer section where the public can submit questions to Town staff and planning staff contact information for those who wished to contact staff directly.

Accessory dwelling units are residential units, secondary to the primary residence on a property, containing cooking, eating, living, sleeping and sanitary facilities. This type of unit goes by many different names depending on where you read about them: 'Second Unit' which is used by both the Province in the Planning Act and can be found in the Halton Region Official Plan, 'Two-unit house' which is the term currently used by the Town of Halton Hills Building department, and is not to be confused with a duplex or semi-detached home and 'Accessory Apartment' which is the term used in our Official Plan for a self-contained apartment within a dwelling unit.

The Planning Act requires municipalities Official Plans and Zoning Bylaws to authorize second units (or accessory units) in single, semi-detached and townhouse units wherever these housing forms are permitted.

Currently the Halton Hills Official Plan authorizes accessory dwelling units in all three forms, but in the urban area only. The zoning by-law only permits accessory dwelling units in single detached dwellings in the urban area only.

In the fall of 2018 the Town's Policy Planning staff initiated a review of the current policies with the goal of bringing them into conformity with the Planning Act. In February of 2019, Town staff brought a Background Report to the Planning, Public Works and Transportation Committee which included research and consultation with Development Review and Building.

In the spring of 2019, staff initiated external agency consultation through a circulation of the background report to Halton Region, local Conservation Authorities and the Niagara Escarpment Commission staff.

On April 17th, staff hosted a Public Open House for the project at Town Hall. This Open House fulfilled Planning Act requirements for a By-law review and provided an opportunity to gather public feedback and respond to questions and concerns.

Tonight's meeting represents the Statutory Public Meeting component of the project and staff are anticipating submitting a recommendation report on the matter in August.

Current Official Plan policy on accessory dwelling units was brought in through Amendment 10, defined and introduced into the Urban Area as complimentary uses under the Low and Medium density designations. Additional criteria for approval were added, including: compliance with Building and Fire Codes, availability of adequate parking and availability of municipal water and waste water services.

In the rural area the following areas are being discussed for permission; the protected countryside area of the greenbelt, the agricultural area where one single detached dwelling is permitted on a lot, the escarpment rural area of the Niagara Escarpment Plan (note this is regulated through the Niagara Escarpment Commission) and the town's rural clusters, where single detached dwellings are already permitted, including:

- Crewsons Corners
- Bannockburn
- Ballinafad
- Hendersons Corners
- Limehouse
- Stewarttown, which although brought into the Georgetown urban area still contains rural zoning codes
- Norval and Glen Williams, whose secondary plans will require updating to accommodate these changes

Taking a closer look at Glen Williams, the areas where residential uses are currently permitted include: the Hamlet Residential Area, the Hamlet Estate Residential Area and the Hamlet Community Core Area.

Taking a closer look at Norval, the areas where residential uses are currently permitted include: the Hamlet Residential Area, the Hamlet Residential / Office Area, the Hamlet Community Core Area and the Hamlet Commercial Area.

In addition to required changes to Town policies on accessory dwelling units, a few other changes are being considered. First, staff are proposing to remove the minimum lot frontage requirement for dwellings with an accessory unit for the following reasons:

- requirements under section 5.2.14 of the Zoning By-law require a minimum 40% soft landscaping in the front yard, while driveways are permitted to a maximum of 7m in width.
- accessory dwelling units are required to have 1 devoted parking space, while the primary dwelling must have another 2.
- These already require units with accessory dwelling units to have ample parking space and limit the ability for one to expand their driveway, eliminating the need for further restrictions.

Staff are also proposing increasing the maximum floor area of an accessory dwelling unit from 70m² to 95m² or the entire area of a basement. Through a policy scan completed in the early stages of the project, staff found other municipalities tended to have larger allowable sizes. Consultations with Town Development Review, Building and Zoning staff also supported this increase.

A public open house was held in mid-April in Council Chambers. A presentation by staff covered the following: the current process for registering a two-unit house, a review of the Background Report, a review of current policies on accessory dwelling units necessary changes, along with other considerations and next steps for the project.

Questions/concerns raised by those in attendance focused on:

- Floor area requirements, including requests for increases, a percentage allowance and how it is calculated – currently be considered by staff
- Unit safety and the importance of fire codes and making units clearly identifiable from the outside – staff has circulated the Halton Hills Fire Department
- Whether differences in unit servicing in the rural area will be taken into consideration – Official Plan requirements for adequate servicing
- Concerns that parking requirements restrict many homes from establishing a unit – no public transit and issues with parking already
- Question as to whether property taxes increase – potentially
- Whether Halton Hills is responsible for registering 2 unit houses in the Niagara Escarpment Plan Area – yes, but Niagara Escarpment Commission decides whether they're permitted

The Background report and draft amendments were circulated to Halton Region, local Conservation Authorities and the Niagara Escarpment Commission in March. No formal objections were received, however the Niagara Escarpment Commission indicated they do not currently permit in the Escarpment Protection and Escarpment Natural Areas. These areas already restrict most non-agricultural development.

Halton Region indicated they would approve policy which permits accessory dwelling units in ancillary buildings. By ancillary unit we mean that which is an accessory dwelling unit detached from the home, but clearly secondary to the primary residence. Currently the Planning Act does mandate municipal Official Plans and Zoning should authorize these. The Region, which does have the ability to be more restrictive than the Planning Act has stated they are not willing to

support local policies to permit these at this time. They have committed to considering this as part of their current Regional Official Plan Review. Further compounding matters is that Bill 108, if passed, would authorize two accessory dwelling units on the same property if one is ancillary to the main building.

The next steps are; to consider all input/feedback gathered here tonight, draft revised amendments based on public, internal and agency input and bring forward a recommendation report to the Planning, Public Works and Transportation Committee seeking approval.

PUBLIC'S OPPORTUNITY

The Chair asked if there were any persons in attendance that have questions, require further clarification or information or wish to present their views on the proposal to come forward.

The following persons came forward.

Doug Matthews, Matthews Design and Drafting Services

Mr. Matthews spoke to the area calculations of the secondary units. He stated that there are two options or calculations listed. Option 1 is for basements which notes that there are no limits so the entire area of the basement can be used, he said that this is very helpful as it is not limiting. Option 2 is for main floor secondary dwelling units which sets a cap of 1022 sq ft, which is the 95m² which he stated he didn't see as being very fit for a main floor unit. As the by-law is read the area is actually taken from exterior walls which means you can lose 100 square feet or more in perimeter wall, which means your 95m² is now about 900 sq ft .

He noted that he has several projects on the go where the units proposed are for parents and in-laws, which is why main floor units are a benefit for aging families, so you don't have to go down into a basement and it is a bit nicer space. He would like to see an increase to the 1000 sq ft area as most of what he is being asked to design for parents moving back with the kids and vice versa is two bedroom units, he noted that half of the time the reason is that they are sleeping in separate bedrooms and plus they are coming from homes of much larger size and they don't want to have to get rid of every single piece of furniture.

The proposed 95m² is really tight for the types of units that people are looking to have, he noted that the secondary dwelling units that he has been asked to design recently are in the range of 1300-1475 sq ft, which is over the 1000 sq ft the proposed by-law is permitting. He said that a range of 1500 sq ft would be very beneficial even if that includes exterior walls in the calculations. With the current zoning by-law people might be worried about adding an addition and exceeding allowable permitted size however the current by-law already regulates lot coverage, which actually means you are basically stuck, you can apply for variances however if there were a little more leniency then maybe people wouldn't have to do so many variances. He said he hoped that increasing the area for main floor units to 1500 square ft can be looked at.

Byron Conrad, Resident of Halton Hills

B. Conrad stated that he doesn't think that there should be a square footage limit at all. He said that if someone has a 5000 sq ft home and wants to make a 2500 square foot apartment they should be allowed to do so. He noted for his own home he would like to do a basement apartment that would be a 52% and 48% split, which is a logical way to do it. He said that having a square footage limit, limits what you can do logically.

FINAL COMMENT FROM STAFF

The Chair asked if there was any further information which Town Staff wished to provide prior to the conclusion of the meeting.

K. Hamilton noted that planning staff had met with building staff regarding floor area calculations. He stated that at the public open house it was brought up about the fact that external walls factor into the calculations and noted that they are looking at percentage calculations as they understand that a hard 95m² limit, limits everyone. For people with smaller houses it increases their ability but people with larger homes wanting units above the basement it can limit what they can do. He noted that they were looking into this but that in preliminary discussions with building staff they had concerns with altering the definition of floor area within the by-law.

K. Hamilton also noted in other municipalities if you get too close to that 50/50 split you are becoming more of a duplex than an accessory dwelling unit and the purpose of an accessory dwelling unit is to have one clear primary unit and one clear accessory dwelling unit and that is primarily done through size.

K. Hamilton stated that they would take the comments back and discuss with planning and building staff.

CONCLUSION OF MEETING

The Chair declared the Public Meeting closed. Council will take no action on this proposal tonight. Staff will be reporting at a later date with a recommendation for Council's consideration.

If you wish to receive further notification of this proposal, please leave your name and contact information with Mr. Hamilton in the foyer outside this Council Chamber, or with the Town Clerk during regular business hours. Only those persons who leave their names and contact information will be provided further notification. If you wish to speak to the proposal when it is brought before Council in the future, you must register as a delegation with the Town Clerk prior to the meeting.

If you wish to make a written submission the deadline for comment is July 8, 2019.

The meeting adjourned at 7:37 p.m.

Rick Bonnette

MAYOR

Suzanne Jones

CLERK