

## REPORT

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

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

**DATE:** May 17, 2019

**REPORT NO.:** PLS-2019-0030

**RE:** Accessory Dwelling Units in Halton Hills – Statutory Public Meeting Report

### RECOMMENDATION:

THAT REPORT NO. PLS-2019-0030 dated May 17, 2019 regarding accessory dwelling units be received;

AND FURTHER THAT all comments received from agencies and the public be referred to staff for a further report to be considered by Council regarding the final disposition of the accessory dwelling unit Official Plan and Zoning By-law Amendments.

### BACKGROUND:

Through the approval of recommendations made in Report No. PLS-2019-0007, Council authorized the holding of a statutory public meeting to obtain public comments on increased permissions for accessory dwelling units in Halton Hills and accompanying draft amendments to the Official Plan and Zoning By-law 2010-0050.

The purpose of this report is to provide background information and the draft Official Plan and Zoning By-law Amendments in keeping with the the statutory public meeting requirements of the *Planning Act*.

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

## 1. Project Summary

### 1.1 Need for Town-Initiated Policy Review

In 2012, the Planning Act was amended 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). This legislation focuses on

housing form only, meaning municipal plans are required to authorize where these forms are permitted.

In 2017, the Town's Official Plan definition for accessory apartments changed through Official Plan Amendment No. 10 (OPA10) to include single, semi-detached and townhouses. However, Official Plan policies for this use are only applicable to residential uses in the Urban Area, remaining silent in the Agricultural/Rural Area. Additionally, the Town's Zoning By-law 2010-0050, only permits accessory dwelling units in single detached homes in the Urban Area. Current limitations in Official Plan and Zoning By-law policies have triggered the need for amendments to ensure that:

- The Halton Hills Official Plan conforms to the Planning Act when it comes to permissions for accessory dwelling units; and,
- The Halton Hills Zoning By-law 2010-0050 conforms to both the Official Plan and Planning Act when it comes to permissions for accessory dwelling units.

## **1.2 Timeline**

A timeline of the project to date is as follows:

- September/October 2018: In response to amended Planning Act requirements for increased permissions for accessory dwelling units in local Official Plans, Town Planning staff begin research on policies in other municipalities in order to inform proposed changes to Halton Hills policies.
- November/December 2018: Planning Policy staff meet with Development Review, Zoning and Building staff to discuss required changes to local policy on accessory dwelling units, and solicit feedback on optional changes, including increased unit size limits and removal of minimum frontage requirements.
- February 2019: the background report on accessory dwelling units is completed and brought before Planning, Public Works and Transportation Committee on February 26<sup>th</sup>, endorsed by Council on March 5<sup>th</sup>.
- April 17<sup>th</sup>, 2019: in accordance with Planning Act requirements, a Public Open House is held in Council Chambers, with a presentation from Town staff. This event, attended by more than 20 Halton Hills residents, will be described in the Comments section.

## **1.3 Required Official Plan and Zoning By-law Changes**

For the Town's Official Plan, development criteria will need to be established for accessory apartments in the Agricultural/Rural Area. These criteria for the most part mirror what is currently in place in the Urban Area, while also acknowledging that units created in the Rural/Agricultural Area will be on septic and well services. Additionally, accessory apartments will need to be added to the permitted uses for the following designations:

- Agricultural Area;
- Protected Countryside Area;
- Hamlet Residential Area;
- Hamlet Community Core Area;

- Rural Cluster Area;
- Country Residential Area;
- Hamlet Residential/Office Area; and,
- Escarpment Rural Area.

Required changes to the Town's Official Plan are described in greater detail in Schedule 1 – Draft Official Plan Amendment.

For the Town's Zoning By-law 2010-0050, the definition for *Dwelling Unit, Accessory* will be updated to include semi-detached and townhouses. Additionally, the By-law must be updated to permit accessory dwelling units in all zones where single, semi-detached, or townhouse dwellings are permitted. Any associated provisions must also be updated to reflect the new definition. Required changes to the Town's Zoning By-law 2010-0050 are described in greater detail in Schedule 2 – Draft Zoning By-law Amendment.

#### **1.4 Additional Considerations**

In addition to the required changes outlined in this report, Town staff are also proposing the following changes to the Zoning By-law:

- Removal of the minimum required lot frontage of 11 metres for a lot with an accessory dwelling unit present; and,
- Increasing the maximum floor area from 75m<sup>2</sup> (or 753.5ft<sup>2</sup>) to 95m<sup>2</sup> (or 1,022ft<sup>2</sup>), or the floor area of a legally established basement within permitted dwelling types.

These changes are being proposed in consultation with staff from Planning – Development Review, Building and Zoning. The lot frontage requirement was seen as unnecessary given parking and soft landscaping requirements currently in place for accessory dwelling units. The proposed increase in permitted floor area for a unit is largely based on a policy scan of surrounding municipalities where the maximum is higher, or based on a percentage of total square footage in the home.

#### **COMMENTS:**

##### **1. Public Consultation**

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

On April 17th, 2019 Town Planning staff hosted an Open House for the project in Council Chambers at Town Hall. 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.

### **Questions/Concerns on Floor Area Requirements**

- The current Zoning By-law definition for *floor area* includes exterior walls. Including exterior walls in the floor area calculation can account for as much as 100ft<sup>2</sup> (9.3m<sup>2</sup>) of the permitted floor area for accessory dwelling units (70m<sup>2</sup> or 753.5ft<sup>2</sup>).
- A question was asked that if an accessory dwelling unit was developed as a back split addition, would floor area include any basement portion?
- Multiple requests from attendees centred on a percentage floor area requirement, in addition to, or in lieu of the current set number (70m<sup>2</sup> or 753.5ft<sup>2</sup>).

### *Staff Response*

- After consulting with Town Building staff it was recommended the *floor area* definition not be changed as it applies to multiple uses in the Zoning By-law. Consideration could be given for a General Provision for accessory dwelling units where exterior walls are excluded from the floor area calculation, or where unit size is based on an interior square metre calculation.
- After consulting with Town Building staff it was confirmed any finished basement component of an accessory dwelling unit would be counted in the floor area calculation.
- Planning staff will consider the merits of a percentage floor area requirement for accessory dwelling units after the Statutory Public Meeting and will consult with Building staff before making a final recommendation on the matter.

### **Questions/Concerns on Unit Safety**

- Attendees asked if Fire and Ambulance representatives should be consulted on this project?
- It was recommended that owners should not be encouraged to hide their accessory units, but rather it should be clear from the front of the property where the entrance to the unit is located.

### *Staff Response*

- The current two-unit registration for an accessory dwelling unit requires applicants to comply with the Ontario Building Code and Fire Code for their units. Planning will circulate the draft amendments to the Halton Hills Fire Department prior to the Public Meeting and offer to set up a meeting to address any concerns, should one be required.

- Staff supports the suggestion that entrances for accessory dwelling units should be clear and accessible. Although this review is not explicitly addressing the positioning of units and their entrances, Planning staff will include comments on unit safety as part the ongoing consultation with Town Building staff.

### **Questions/Concerns on Unit Servicing**

- Attendees were concerned that accessory dwelling units in the rural area could have impacts on a property's well and septic services. Staff were asked if the new policies will address this?
- A question was also asked if new policies for accessory dwelling units will take increased hydro needs into consideration?

#### *Staff Response*

- Proposed development criteria for accessory apartments in the Rural/Agricultural Area (see Schedule 1 – Draft Official Plan Amendment) includes the requirement that septic and well facilities are deemed adequate for the addition of a unit. Planning staff will consult with Building staff as to whether specific requirements for well and septic assessments should be made part of the two-unit house registration process.
- The Ontario Fire Code requires compliance with electrical safety provisions when registering a two unit house. Dwellings registering as a two-unit house are subject to an inspection prior to approval. At the time of inspection, new units are assessed to see if they have taken appropriate electrical safety provisions in compliance with the Ontario Fire Code.

### **Questions/Concerns on Parking**

- The size requirements for a parking space in a driveway were noted to be a constraint for driveways slightly too small to accommodate the required parking for an accessory dwelling unit.
- Staff were asked if any consideration would be given to eliminating the requirement for one parking space per accessory dwelling unit?

#### *Staff Response*

- The current size requirement for a parking space on a driveway is 2.75 metres wide and 5.5 metres long. This standard applies to multiple uses and would require a separate by-law review to consider any size reduction.
- Town Planning staff are not considering eliminating the one parking space requirement for accessory dwelling units at this time. Currently there is no public

transit available to tenants (Transit Service Strategy still in the planning stages). Additionally there is a growing concern over on-street parking in many neighbourhoods. As a result, it would be premature to eliminate the need for a parking space for accessory units.

### **Questions/Concerns on Financial Implications of Accessory Dwelling Units**

- Staff were asked if adding an accessory dwelling unit to your home increases property taxes?

#### *Staff Response*

- It is understood that the Municipal Property Assessment Corporation can add a separate property tax invoice to a property for the registered accessory unit, potentially increasing the amount of tax an owner pays.

### **Questions/Concerns on Accessory Dwelling Units in the Niagara Escarpment Plan Area**

- Staff were asked if the Town is responsible for two-unit registration in the Niagara Escarpment Plan Area where municipal zoning does not apply?

#### *Staff Response*

- The Niagara Escarpment Commission regulates where accessory dwelling units are permitted within their plan area. However, the Town is responsible for receiving and approving two-unit registrations in this area.

## **1.2 Online Consultation**

In January of 2019, a 'Let's Talk Halton Hills' webpage was created as a means of online public engagement for the project. To better inform the public on the subject, the page includes:

- A project summary;
- A Question and Answer tool where users can leave questions to be answered by Town Planning staff;
- A timeline that includes project milestones; and,
- A document library where users can access all reports and public notices associated with the project.

## **2. Public Agency/Stakeholder Consultation**

Following the endorsement of the Background Report (PLS-2019-0007), a circulation of the report and draft amendments went out to Town staff in Zoning, Building and

Development Engineering. External agencies consulted for this circulation included; Halton Region, Conservation Halton, Credit Valley Conservation, Grand River Conservation Authority, and the Niagara Escarpment Commission. Additional consultation will include the Region of Halton, Halton Hills Fire Department, and the Building department as needed. Comments received to date are summarized below:

### **Halton Region**

Halton Region Planning staff had no objections to the proposed amendments but offered the following notes:

- Please specify that accessory apartments are permitted in single detached dwellings on existing lots.
- Consider including general parameters for GFA as is the case in other Halton municipalities.

### **Grand River Conservation Authority**

GRCA Planning staff had no objections to the proposed amendments.

### **Niagara Escarpment Commission**

Niagara Escarpment Planning staff had no objections to the proposed amendments but offered the following notes:

- Secondary dwelling units are permitted Escarpment Rural Area but not in the Escarpment Natural or Protection Areas.
- The Town's Official Plan must conform to the Niagara Escarpment Plan, therefore there is no opportunity at this time to permit accessory dwelling units in the Escarpment Natural or Protection Areas.

### **3. Accessory Dwelling Units in Ancillary Buildings**

Currently Section 16(3) of the *Planning Act* requires that municipal Official Plans permit an accessory dwelling unit 'in a building or structure ancillary to a detached house, semi-detached house or rowhouse' provided no other accessory unit exists on the property. As a result, Town staff also considered accessory dwellings units in ancillary buildings as part of its review.

Currently Official Plan (accessory apartments) and Zoning By-law (dwelling unit, accessory) definitions stipulate that accessory units must be contained within the primary dwelling. The draft amendments attached to this report do not propose to change this requirement. This is largely due to communications with Halton Region staff indicating that amendments to permit accessory units in ancillary buildings would not be supported by the Region. In April of this year, Town Planning staff requested additional

comments on this matter. To date no comments have been received, however Regional staff have indicated they will provide a formal response in the near future.

## **4. Next Steps**

### **4.1 Public Input and Internal/External Consultation**

All staff reports/draft amendments related to the project have been made available for review on the Let's Talk Halton Hills webpage. Staff will continue to monitor feedback and answer questions submitted online and in person. Additionally, Planning staff will continue to consult with other departments and external agencies as needed. Staff will prepare a subsequent report to Council responding to comments received and make recommendations regarding the disposition of the Accessory Dwelling Units Official Plan and Zoning By-law 2010-0050 Amendments.

### **4.2 Revision of Proposed Amendments**

Following the approval of this report, staff will gather all input received from the public, internal departments and public agencies, and decide whether revisions to the proposed Amendments to the Town's Official Plan and Zoning By-law 2010-0050 are necessary. All revisions will be noted and explained in the subsequent report to Council regarding their disposition.

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

This report relates directly to the implementation of the Town Strategic Plan. Under Section I – Provide Responsive, Effective Government, this report supports Objective I.4 - To encourage and support community participation in municipal decision-making. Through responsive online engagement and a public meeting before Council, the Town is ensuring public participation has been part of the study and played a role in the updating of local policy for accessory dwelling units.

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 direct financial impact associated with this report.



## **CONSULTATION:**

As part of an ongoing review of Town policy on accessory dwelling units, staff across multiple departments were consulted along with external agencies listed in section 2 under COMMENTS.

## **PUBLIC ENGAGEMENT:**

It has been established in the previous Background report that Official Plan and Zoning By-law Plan Amendments are required to update policy on accessory dwelling units in the Town of Halton Hills. This report has been prepared in advance of a Statutory Public Meeting to take place, pursuant to requirements under the *Planning Act*, on June 17, 2019 to solicit public input.

As part of the review of Town policy on accessory dwelling units, a Public Open House was held on April 17<sup>th</sup>, 2019. The Open House was 2 hours in length 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 has been summarized as part of this report. Through this engagement, staff have been able to inform and consult with the public, consistent with the Town's Public Engagement Matrix.

## **SUSTAINABILITY IMPLICATIONS:**

It is anticipated that updating Town policy on accessory dwelling units will support the Economic Prosperity and Social Wellbeing pillars of sustainability. How the Sustainability Strategy will be advanced by this project will be addressed in the final report.

## **COMMUNICATIONS:**

Notice of the Statutory Public Meeting was published in the *Tanner and Independent and Free Press* on May 16<sup>th</sup>, 30<sup>th</sup>, and June 13<sup>th</sup>, 2019. The notice stated the purpose of the meeting, summarized the study to date, and advised on where to find additional information.

Once ratified by Council, this report will be made available on the Let's Talk Halton Hills accessory dwelling units webpage: (<https://www.letstalkhaltonhills.ca/accessory-dwelling-units>).

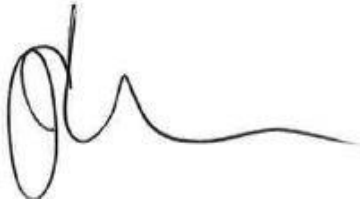
**CONCLUSION:**

This report on accessory dwelling units in Halton Hills has been prepared for the purpose of the Statutory Public Meeting on June 17<sup>th</sup>, 2019. Input has previously been gathered from a Public Open House and agency circulations and considered in the development of the draft amendments prepared for this report. In addition to input already gathered, comments from this meeting will be gathered and addressed in a subsequent staff report regarding the disposition of the Accessory Dwelling Units Official Plan and Zoning By-law 2010-0050 Amendments.

Reviewed and Approved by,



**Bronwyn Parker, Manager of Planning Policy**



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



**Brent Marshall, Chief Administrative Officer**