

To: Mayor and Members of Tillsonburg Council

From: Eric Gilbert, Senior Planner, Community Planning

Amendments to Official Plan and Town Zoning By-Law Respecting Additional Residential Units (ARUs)

REPORT HIGHLIGHTS

- The Province has recently completed updates to various legislation and policies to require municipalities to establish Official Plan policies and Zoning provisions that authorize the establishment of an 'additional residential unit' (ARU) in single detached, semi-detached and row-house dwellings, and in a structure ancillary to such dwellings.
- Planning staff presented Report No. CP 2022-07 to Tillsonburg Council in January 2022, providing an overview of the new Provincial direction with respect to such units (e.g. Planning Act provisions and PPS policies) and related land use planning and implementation considerations, including the need to review and amend the Official Plan policies and Zoning By-law provisions for the Town to reflect this provincial direction.
- The purpose of this report (CP 2022-165) is to obtain Council direction with respect to proceeding with public and agency consultation regarding amendments to the Official Plan and Zoning By-law related to the implementation of policies and provisions authorizing Additional Residential Units.

DISCUSSION

Background

Tillsonburg Council passed the following resolution on January 18, 2022 in response to a report by staff regarding the implementation of Provincial direction on Additional Residential Units (ARU):

"THAT the Council of the Town of Tillsonburg receive Report No. CP 2022-07, as information;

AND FURTHER, directs planning staff to initiate a review of the current legislative and policy framework the with respect to Additional Residential Units and authorize staff to initiate the necessary amendments to the Official Plan and Zoning By-Law to establish the Town's requirements for such units."

The above-noted report (CP 2022-07) provided Council with an overview of the new Provincial direction with respect to ARUs (e.g. Planning Act provisions and PPS policies) and related land use planning and implementation considerations, including the need to review and amend the Official Plan policies and Zoning By-law provisions for the Town to reflect this provincial direction. Report No. CP 2022-07 is attached to this report as Appendix 1.

Comments

Council's resolution resulting from Report No. CP 2022-07 directed staff to initiate a review of the current legislative and policy framework with respect to Additional Residential Units and recommend amendments to the Official Plan and Zoning By-Law to establish the Town's requirements for such units.

Planning staff have undertaken a review of the concerns received from Council and members of the public resulting from preliminary consultation, and have summarized them below:

Character of the Neighbourhood

The current policies of the Official Plan related to Low Density Residential (LDR) areas directs that lands so identified are primarily developed or planned for a variety of low-rise, low density housing forms, including both executive and smaller single-detached dwellings, semi-detached, duplex and converted dwellings, street fronting townhouses, quadraplexes, low density cluster development and low rise apartments. Within the LDR designation, it is intended that there will be a mixing and integration of different forms of housing to achieve a low overall density of use, however, it is not intended that the full range of housing will be permitted in every individual neighbourhood or development and Town Council may choose to restrict the range of uses permitted in a particular location through the Zoning By-law.

When considering whether a specific form of housing is appropriate within a particular location or neighbourhood, the Official Plan contains a number of criteria that assist Council in determining the compatibility of development. To this end, the Official Plan generally directs that introducing new residential housing into an established neighbourhood will only be permitted if the proposal is deemed to be consistent with the characteristics of existing development. Generally, such consideration is premised on a number of factors such as those described below.

It is worth noting that the above-noted criteria considerations are typically directed to 'established' neighbourhoods. Generally, the suite of two unit and other multi-unit housing forms permitted in the LDR designation are considered to be compatible in the context of new residential subdivisions. There are typically no different criteria that need to be met, or restrictions on location of dwelling types except in relation to existing development.

Built-Form

When considering a proposal that would introduce a housing form permitted within the LDR into an established neighbourhood, but not by current zoning, the built form of that proposed housing is an important factor. Generally, the type of housing found in the surrounding residential neighbourhood is considered together with the exterior design of the new use with a view to the height, bulk, scale and layout of the building.

For example, converting an existing single-detached dwelling to a dwelling comprising two residential units may be considered appropriate in a neighbourhood of primarily single-detached dwellings where the 'new' use does not involve any significant changes to the exterior of the existing dwelling (e.g. no significant additions to the building, no additional entrances that are visible from the street, maintenance of landscaped space in the front yard, no new or expanded driveways to accommodate parking for additional units).

While the appearance of the new ARU use with respect to height and scale could be considered appropriate in the context of the surrounding neighbourhood, other forms of housing that are supported within the LDR designation (such as low rise apartments and converted dwellings comprising more than two units) may not be appropriate in the same setting from a built-form perspective, based on the same criteria.

Parking

There are a number of factors or criteria that are evaluated when considering whether a development is appropriate for the proposed location. These criteria are typically considered together to determine the suitability of development, however, when considering proposals for new development in an established residential neighbourhood, the ability of the said development to provide adequate off-street parking to meet the needs of the use (and comply with the relevant provisions of the Zoning By-law) are of particular importance. Providing adequate off-street parking in established residential areas assists in reducing pressure on on-street parking resources, which often serve to accommodate short-term needs (visitors, deliveries, etc.). Where on-street parking is being utilized for longer-term needs associated with multi-residential use, factors such as traffic movement/safety, street maintenance and pedestrian safety can be negatively affected.

Lot Size and Related Provisions

In addition to parking, there are a number of factors that work together (i.e. building setbacks and yard requirements, lot coverage, landscaped open space etc.) that are important in considering the suitability of a lot for a particular development. The ability of a lot to provide for adequate private amenity space for the persons occupying the property, the provision of landscaped open space and the ability of the property to provide safe access for residents and emergency service providers are criteria that must be addressed in addition to (or in conjunction with) matters of built form and parking.

Further, lot size contributes to the ability of a property to provide for stormwater management both on the individual lot as well as in the context of the larger neighbourhood or drainage area.

Other Factors/Criteria

When considering applications for infilling or the other proposals that result in the addition of a residential unit(s) in a given neighbourhood, such applications are generally considered with a view to the availability of municipal services (water/wastewater), community facilities (parks, recreation facilities, schools), shopping (convenience or otherwise) and whether transit service is available within reasonable walking distance.

Depending upon the scale and nature of the development, another consideration that can assist in determining whether a particular development is appropriate within the context of an existing neighbourhood is whether the said neighbourhood already contains a mix of dwelling types and/or is currently in transition (from lower to higher density, from residential to commercial, etc.) and whether the proposed development may impact the stability of the current neighbourhood.

Planning Analysis

Official Plan

With respect to Official Plan policies, a review of Official Plan policies in surrounding municipalities and across the Province has revealed that a majority of municipalities have taken a high-level, permissive approach to authorizing ARUs, with some limited criteria to both inform and support zoning by-law provisions. The OP policies reviewed generally permitted ARUs in single, semi-detached, and townhouse units, save for areas that would be subject to specific restrictions such as hazard lands, servicing capacity restrictions, restricted or inappropriate access, or lot sizes that are unsuitable for additional residential units.

The current Official Plan policies for the Town of Tillsonburg as contained in Section 8.2 currently provide broad support for residential intensification within Low Density Areas, and provide for converted dwellings (single detached dwellings with an additional dwelling unit), subject to meeting specific policy criteria.

The proposed amendments to the Official Plan would predominantly affect the Low Density Residential policies for the Town of Tillsonburg in Section 8.2 and consist largely of clarifications to the existing policy direction with respect to residential intensification and low density housing forms (e.g. backyard infilling and converted dwellings) together with inclusion of specific policy direction for additional residential units which would replace the current policies for converted dwellings. The proposed changes are summarized as follows:

- Establishing a definition for '*additional residential units*';
- Requiring that the Town establish appropriate zoning provisions to allow for ARUs in single detached, semi-detached and townhouse dwellings (as required by Provincial legislation), where they are satisfied that various development review criteria can be met, such as:
 - Maximum of two additional residential units per lot (i.e. one in the principle dwelling and/or one in an ancillary structure);
 - Principle dwelling must have direct, individual vehicular access to a public street;
 - Any increased demand for on-street parking on nearby streets can be adequately addressed;
 - The ARU(s) must be clearly secondary and subordinate to the principal dwelling on the lot and limited in size (e.g. maximum percentage of the principal dwelling and maximum gross floor area caps);
 - Dwellings and lots are large enough to accommodate the ARU and provide for adequate parking, landscaping and outdoor amenity areas;
 - Any new buildings, additions and/or exterior alterations/features (e.g. parking areas, doors, windows, stairways, decks) will maintain the general architectural character of the principle dwelling and surrounding neighbourhood;

- There is unobstructed pedestrian access from the street or parking area to the unit;
 - Not permitted where a lot or dwelling already contains other accessory units/ uses (e.g. boarding/lodging house, garden suite, converted dwelling unit, bed and breakfast);
 - Existing infrastructure and public services serving the area are adequate to accommodate the establishment of ARUs;
 - Potential impacts on environmental and/ heritage resources and any environmental constraints (e.g. natural and man-made hazards, noise, vibration, emissions etc.) can be satisfactorily addressed;
 - Additional review criteria for ARUs in ancillary structures to ensure that the siting, design (height, window, door location) and orientation of the ancillary structure / unit, parking and outdoor amenity areas and any required landscaping, screening, fencing and/or other measures will limit potential privacy, visual and other impacts on abutting residential properties and be compatible with the character of the principal dwelling and the surrounding residential neighbourhood.
- An ARU cannot be severed from the lot containing the principle dwelling;
 - Site Plan Control may be applied to ARUs in ancillary structures; and
 - The Town may consider the use of other supplementary tools and measures to assist in ensuring ARUs are appropriately regulated, including registration and/or licensing, on-street parking regulations, design guidelines, new/update property standards by-laws, etc.

Zoning By-Law Provisions

As was noted in Report CP 2022-07, Bill 108, *More Homes, More Choices Act* and accompanying regulations came into effect in Ontario in September 2019, implementing measures and Provincial direction to increase the affordability of housing to more Ontarians via, among other measures, amendments to the Planning Act and Development Charges Act. The Planning Act amendments require municipalities to enact policies and zoning provisions that authorize ARUs in low density housing types, specifically single and semi-detached dwellings and townhouses.

Provincial direction with respect to providing affordable housing options has been clear and consistent that broad implementation of provincial policy and regulations in this regard is expected and restrictions/limitations to facilitating ARUs should only be considered with respect to physical restrictions related to hazards (e.g. areas subject to flooding or erosion) or where the provision of such units would be a strain on a communities capacity to provide municipal services.

In-keeping with the above, staff recommended that Council proceed with public and agency consultation regarding amendments to the Official Plan and Zoning By-law that would enable ARUs broadly and in accordance with Provincial direction, subject to zoning provisions approved by Town Council.

Under this option, ARUs would generally be permitted in all areas of the Town zoned R1, R2 & R3 lots, subject to specific zoning provisions related to establishing ARUs contained in the General Provisions Section of the Town's Zoning By-law. Such provisions would specifically address matters such as parking, lot size, unit size and requirements for entrances and provisions for ARUs in buildings and structures accessory to a residential use (including minimum lot size requirements).

The application of these provisions would have the effect of only allowing ARUs on those lots that can meet all of the established zone standards. As such, it does not necessarily mean that ARUs can be established 'as of right' on every residential lot containing a single-detached dwelling, semi-detached dwelling or townhouse. There would continue to be many residential lots within the Town that would not be able to accommodate an ARU, particularly those proposed in an ancillary structure.

While not specifically identified in this report within the context of reviewing zoning provisions for ARUs, other matters that could potentially be further investigated include not permitting the use of parking spaces in garages to be counted toward required parking for a dwelling with an ARU, increased lot areas/frontages for ARU development and/or including provisions that limit the number of bedrooms permitted in an ARU (in addition to limiting the floor area).

In addition, other non-zoning related measures that can be investigated by Town and planning staff include limiting on-street parking via Town by-laws, requiring permits for on-street parking in certain areas of the Town and other tools that would assist the Town in monitoring ARU development, such as registration or licencing of such units.

Next Steps

Planning staff recommend that the Town proceed with amendments to the Official Plan and Zoning By-law that implements Provincial direction regarding ARUs and that staff would initiate public, stakeholder and agency consultation in an effort to provide broad opportunity for input prior to Council's consideration of Official Plan and Zoning amendments.

RECOMMENDATION

It recommended that the Council of the Town of Tillsonburg direct staff to proceed with public and agency consultation regarding amendments to the Official Plan and Zoning By-law related to the implementation of policies and provisions enabling Additional Residential Units in accordance with Provincial direction as set out in the *More Homes, More Choices Act* and accompanying regulations.

SIGNATURES

Authored by: *'original signed by'*

Eric Gilbert, MCIP RPP
Senior Planner

Approved for submission: *'original signed by'*

Gordon K. Hough, RPP
Director

ATTACHMENTS

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| Appendix 1 | Report No. CP 2022-07 |
| Appendix 2 | Draft Official Plan Policies |
| Appendix 3 | Draft Zoning Provisions related to ARUs (General Provisions) |