



Staff Report

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Report To:	Joint Committees		
Date of Meeting:	October 25, 2021	Report Number:	PDS-055-21
Submitted By:	Ryan Windle, Director of Planning and Development Services		
File Number:	COPA2021-0003 & ZBA2021-0011	Resolution#:	
Report Subject:	Recommendation - Additional Dwelling Units - Official Plan and Zoning Bylaw Amendments		

Recommendations:

1. That Report PDS-055-21 be received;
2. That the Official Plan Amendment 129 attached to PDS-055-21 as **Attachment 3** be approved;
3. That the Zoning Bylaw Amendment attached to PDS-055-21 as **Attachment 4** be approved;
4. That staff from Legislative Services present to Council a new Bylaw to replace Bylaw 97-77 to require Additional Dwelling Units be registered with the Municipality;
5. That staff approve applications for Additional Dwelling Units only after Council approves the new Bylaw to replace Bylaw 97-77 to require Additional Dwelling Units be registered with Municipality;
6. That staff be directed to request in writing the Ministry of Municipal Affairs and Housing review the restrictions to provide further flexibility for Additional Dwelling Units within the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan;
7. That staff monitor the implementation of these Amendments for Additional Dwelling Units for one (1) year after approval of the Amendments and report this monitoring to Council with any recommended changes to policies, standards, or processes; and
8. That all interested parties listed in Report PDS-055-21 and any delegations be advised of Council's decision.

Report Overview

The recommended Official Plan and Zoning By-law Amendments are being advanced as part of Clarington's Affordable Housing Toolkit to respond to a community need for more affordable housing options. Expanding permissions for Additional Dwelling Units (ADUs) is just one 'tool' within the Affordable Housing Toolkit that includes affordable housing requirements as we plan new residential areas through secondary plans.

The recommended Amendments to the Official Plan and Zoning Bylaws would help facilitate the process for property owners who wish to add an ADU within their house or accessory building.

The recommended policies and zoning standards have been designed to accomplish a balance between the protection of the health and safety of residents and community character with the need for a straight-forward process. The intention is to facilitate the development of ADUs and increase the supply of affordable housing as soon as possible in line with the most recent legislative changes within the *Planning Act*.

Attachment 1 to this report is a table summarizing public comments and delegations made at the Public Meeting held September 13, 2021. **Attachment 2** is a table comparing the current Official Plan policies and Zoning Bylaw regulations to what are now being recommended. It also includes a brief explanatory comment for each recommended amendment and, where relevant, outlines what was changed to the Amendments since the Public Meeting. **Attachment 3** is the recommended Official Plan Amendment, and **Attachment 4** is the recommended Zoning Bylaw Amendment.

1. Background

- 1.1 The *Planning Act* has been amended to require municipalities to update their Official Plans and Zoning Bylaws to allow one ADU within a detached, semi-detached, and townhouse **and** one ADU within an accessory building on the same lot. This means that a property could have three dwelling units: the principal dwelling unit, an ADU within the principal building, and an ADU within a detached accessory building.
- 1.2 Shortly after these new permissions were granted, they were quickly incorporated into [Clarington's Affordable Housing Toolkit](#) as outlined in [Report CAO-013-19](#). One of the recommendations of that report was for Staff to prepare draft Official Plan and Zoning Bylaw Amendments to implement these changes to the *Planning Act*. In approving this recommendation on November 25, 2019 in Resolution [#GG-549-19](#), Council authorized Staff to commence this project.
- 1.3 Implementing expanded permissions for ADUs is one more way the Municipality is addressing this important issue. Clarington's Task Force on Affordable Housing, a predominantly citizen-based group that also includes Council members, was formed to

provide advice, comments, and recommendations to Council regarding affordable and senior's housing in the community.

- 1.4 Inclusionary Zoning would also assist in the provision of affordable housing units. This land use planning tool enables municipalities to require that a proportion of affordable units within proposed residential developments located in Major Transit Station Areas (MTSAs) be provided. Both the Courtice and Bowmanville MTSAs will benefit from these provisions.
- 1.5 The recently approved Southeast Courtice, Southwest Courtice, and Brookhill Neighbourhood Secondary Plans have included policies that require either the dedication of land or payment in lieu of dedication for the development of affordable, public or not-for-profit housing in the community.

Current Official Plan Policies

- 1.6 Currently, the Municipality's [Official Plan](#) (OP) permits only one "accessory apartment" within principal residential buildings in Urban Areas. In Rural Areas, only one accessory apartment is permitted, but may be in either a principal residential building **or** within a detached accessory structure. These current Official Plan policies are not reflected in the Municipality's two Zoning Bylaws, which pre-date the current Official Plan.

Current Zoning Regulations

- 1.7 [Zoning Bylaw 84-63](#) provides regulations for lands outside of the Oak Ridges Moraine (ORM). Section 3.2 was added in 1997 to permit one "apartment-in-house" within the R1, R2, and R3 zones, inclusive of all exception zones, but not within Orono where they are not permitted. [Zoning Bylaw 2005-109](#) provides regulations for lands within the ORM. Section 5.7 permits one "in-house apartment" within a single detached dwelling in Urban Residential Zones. In both Bylaws, one parking space is required for each apartment.

Purpose of Report

- 1.8 The purpose of this report is to provide the context and explain the recommended Official Plan and Zoning Bylaw Amendments, as found in **Attachment 3** and **Attachment 4** to this report. On September 13, 2021 a Statutory Public Meeting was held on those proposed Amendments as contained in [PDS-041-21](#). Those proposed Amendments have been modified as deemed necessary and are now being recommended for approval.

2. Legislative and Policy Context

Bill 108 and Planning Act

2.1 On September 3, 2019, [Bill 108, More Homes, More Choice Act, 2019](#) came into effect. In part, it amended the [Planning Act](#) to require municipalities to update their Official Plans and Zoning By-laws to increase permissions for ADUs.

2.2 Section 16(3) of the *Planning Act* now states:

“An official plan shall contain policies that authorize the use of additional residential units by authorizing,

(a) the use of two residential units in a detached house, semi-detached house or rowhouse; and

(b) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse.”

2.3 To ensure the above policies are implemented in zoning bylaws, Section 35.1(1) of the *Planning Act* now states:

“The council of each local municipality shall ensure that the by-laws passed under section 34 give effect to the policies described in subsection 16 (3).”

2.4 As with previous legislation requiring Municipalities to permit ADUs, sections 17 (24.1), 17 (36.1), and 34 (19.1) of the *Planning Act* provides that the adoption of ADU policies in an Official Plan or amendments to Zoning Bylaws to give effect to the Official Plan policies are not appealable.

2.5 The recommended Amendments allow for one ADU in a principal building and one ADU in an accessory building, except where other provincial policy imposes further restrictions. The recommended Amendments conform to the *Planning Act*.

Ontario Regulations (“O. Regs.”)

2.6 Along with the above amendments to the *Planning Act*, [O. Reg. 299/19](#) (which provides regulations for the new ADU policies) states that ADUs are permitted in existing and future residential buildings, and that only one parking space per ADU shall be required unless a municipality has passed a by-law not requiring a parking space.

2.7 In 1994, [O. Reg. 384/94](#) (which provides regulations for second residential units) came into effect and its regulations must be adhered to, unless more recent regulations are in effect that concern a specific issue within O. Reg. 384/94.

2.8 The recommended Amendments do not distinguish between new or existing residential buildings, except where other provincial policy imposes such restrictions. The

Amendments require only one parking space per ADU and conform to other provisions of both O. Reg. 299/19 and O. Reg 384/94. The recommended Amendments conform to the relevant O. Regs.

Provincial Policy Statement

- 2.9 The [Provincial Policy Statement](#) (PPS) states that efficient land use patterns support sustainability, and that accommodating appropriate forms of affordable housing is a top priority. Municipalities are to permit and facilitate a broad range of housing options, including ADUs. Intensification assists with cost-effective development patterns and minimizes servicing costs. While residential development is largely directed to settlement areas, the PPS encourages the redevelopment of existing housing stock on rural lands and the efficient use of existing infrastructure.
- 2.10 The PPS prohibits development in natural heritage features and on lands adjacent to features.
- 2.11 The recommended Amendments provide for increased housing options through intensification in both urban and rural areas, and contain provisions to protect natural features and adjacent lands, which is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe

- 2.12 Like the PPS, the policies of the [Growth Plan](#) provide for a range and mix of housing options, including ADUs and affordable housing to serve all sizes, incomes, and ages of households. While the Place to Grow plan's primary goal is to direct residential development to settlement areas, it recognizes the benefit of limited rural development so long as it is compatible with the rural landscape, is supported by existing services, and will not adversely affect agricultural and aggregate operations.
- 2.13 The recommended Amendments provide affordable housing options while also protecting the rural landscape, in conformity with the Place to Grow plan.

Greenbelt Plan

- 2.14 On July 1, 2017, the [Greenbelt Plan](#) was updated to specify that, outside of Villages and Hamlets, ADUs are permitted in single detached dwellings **or** existing accessory buildings on the same lot so long as they are not within the Natural Heritage System (NHS). Since the revised Greenbelt Plan came into effect on July 1, 2017, ADUs are permitted only in accessory buildings that existed on that date. Staff from the Ministry of Municipal Affairs and Housing (MMAH) have confirmed this interpretation of 'existing.'
- 2.15 The recommended Amendments allow for one ADU in the Greenbelt Plan area and limit those in accessory buildings to those that existed prior to the revised Greenbelt Plan, which conforms with the Greenbelt Plan.

Oak Ridges Moraine Conservation Plan

- 2.16 Like the Greenbelt Plan, the [Oak Ridges Moraine Conservation Plan](#) (ORMCP) was also updated in 2017. This update included a revised definition of “single dwelling” which contained policy direction on where ADUs could be permitted within the ORM. Clarington Staff discussed this matter with Staff from MMAH. It is now clear that, for lands within the ORM, only one ADU is permitted on a lot, and it must be within a single detached dwelling and only within the Countryside Area (which includes Rural Settlement Areas). This means that ADUs cannot be permitted in Natural Core or Natural Linkage areas, and cannot be permitted in accessory buildings anywhere within the ORM.
- 2.17 The recommended Amendments limit ADUs to single detached dwellings in specific zones in the ORM, which conforms with the ORMCP.

Durham Official Plan

- 2.18 The [Durham Regional Official Plan](#) (DROP) contains policies to encourage the maintenance and improvement of existing housing stock and that 25% of new residential units in each area municipality shall be affordable. The DROP encourages intensification within Urban Areas, including converting single detached dwellings into multiple residential units. The DROP does not speak directly to ADUs within the Rural System, however the Region is currently in the process of a Municipal Comprehensive Review (Envision Durham) which will revise the DROP’s policies to be in conformity with Provincial directions, including expanded permissions for ADUs.
- 2.19 As the recommended amendment does not propose land use designation changes, and conforms to updated provincial policy, there are no Regional Official Plan conformity concerns.

2019-2022 Strategic Plan and Affordable Housing Toolkit

- 2.20 The 2019-2022 Strategic Plan identified Council’s desire to develop an Affordable Housing Policy. In collaboration with the CAO’s office, the Municipality has developed an Affordable Housing Toolkit. This Toolkit provides three categories of tools that can be used to help increase the number of affordable housing units in Clarington: Regulatory and Process Tools; Land Based Incentives; and Financial Incentives. ADUs, along with Inclusionary Zoning, reduced parking requirements and an expedited approvals process are some of the Tools that the Planning and Development Services Department can assist with.

3. Areas Where ADUs May or May Not Be Permitted

- 3.1 While the *Planning Act* directs municipalities to implement Official Plan and Zoning Bylaw Amendments to allow one ADU in a house and one ADU in an accessory

building, other Provincial policies require restrictions to protect natural features, particularly on lands within the ORM and the Greenbelt. There are also existing Official Plan policies that must be adhered to.

Environmental Protection Areas and Hazards

- 3.2 Legislated provincial policies prohibit development within the NHS and on lands adjacent to the NHS, as well as floodplains and other hazard lands. Consistent with provincial direction, the Clarington Official Plan provides a more refined (and smaller) NHS than provided by the Province. The Official Plan's Environmental Protection Areas (EPA) is comprised of this revised NHS and, in rural areas, a 30 metre vegetation protection zone buffer, as well as floodplains. No development is permitted in the EPA, and thus ADUs are not permitted in the EPA.
- 3.3 Within Zoning Bylaw 2005-109, which covers lands within the Oak Ridges Moraine, the Official Plan's EPA is (with some minor deviations) zoned Environmental Protection. Thus, by allowing ADUs only within the Prime Agricultural and Rural Settlement zones, the recommended Zoning Bylaw Amendment conforms to Provincial requirements and Official Plan polices regarding the protection of environmental features.
- 3.4 However, within Zoning Bylaw 84-63, the areas zoned Environmental Protection do not include all of the NHS, its adjacent lands, or all floodplains. To be in conformity with Provincial policy and the Official Plan, the recommended Zoning Bylaw Amendment states that ADUs are not permitted in the Environmental Protection Area, Hazard Land including the Regulatory Shoreline Area as identified in the Official Plan. While zoning bylaws do not typically reference other documents (such as Official Plans) to implement policy, staff feel this approach is acceptable on an interim basis to advance our affordable housing goals.
- 3.5 At the December 14, 2020 Council meeting, in response to Zone Clarington's first draft of the comprehensive zoning bylaw, Council provided direction to staff on how to amend the EPA designation in the Official Plan and how to implement the provincial requirements to protect natural features in the comprehensive zoning bylaw. Once those amendments have been approved, permissions for where ADUs may be permitted may be expanded further than what is recommended in this report.
- 3.6 Nonetheless, the recommended Official Plan and Zoning Amendments appended to this report significantly expand permissions for where ADUs may be located and in no case is the current right for an "apartment-in-house" being taken from any property.
- 3.7 To help visualize the recommended expanded permissions, **Figure 1** below shows where there is currently the potential for a single "apartment-in-house" and **Figure 2** shows where there is potential for one or two ADUs.

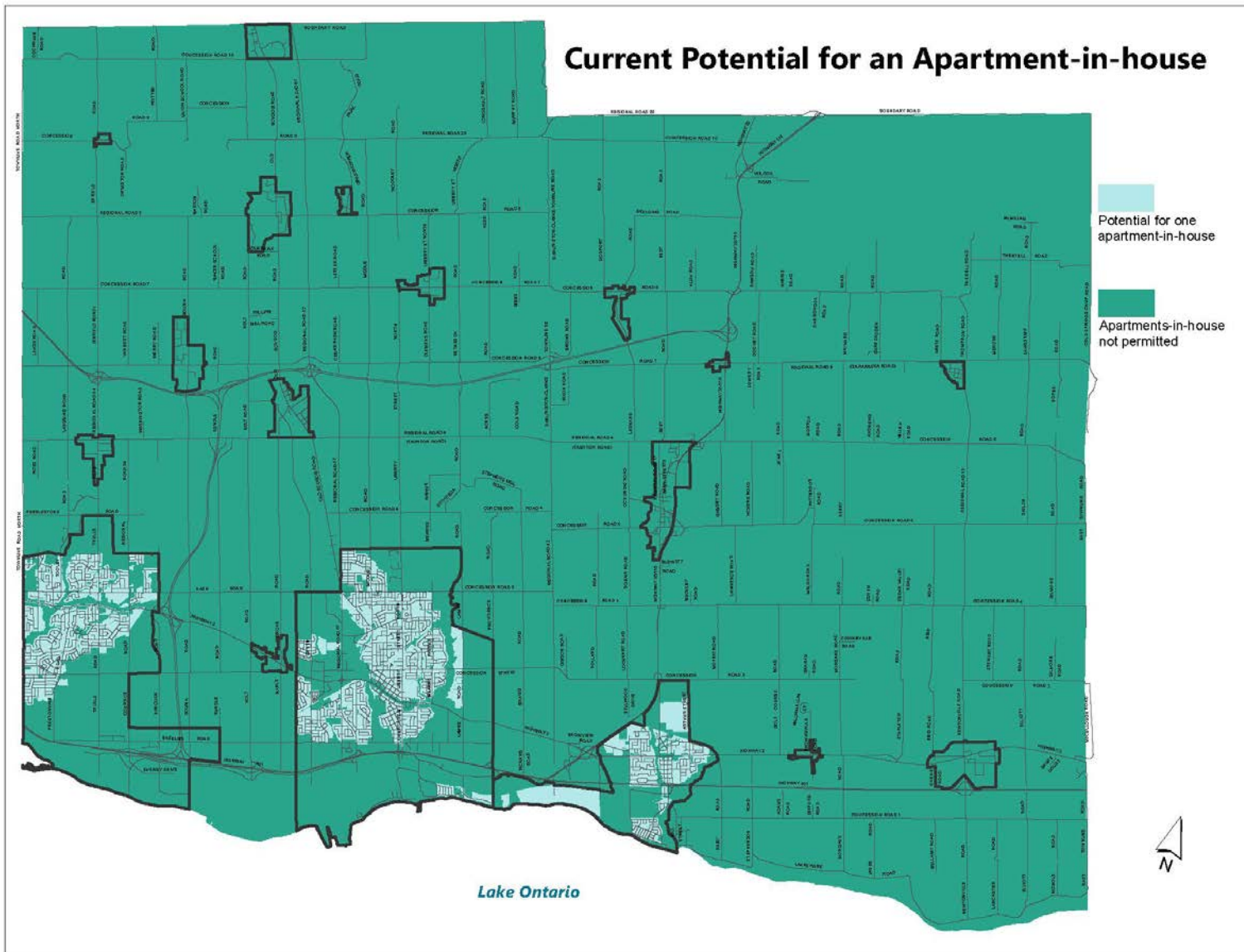


Figure 1: Where apartments-in-houses are currently permitted or not

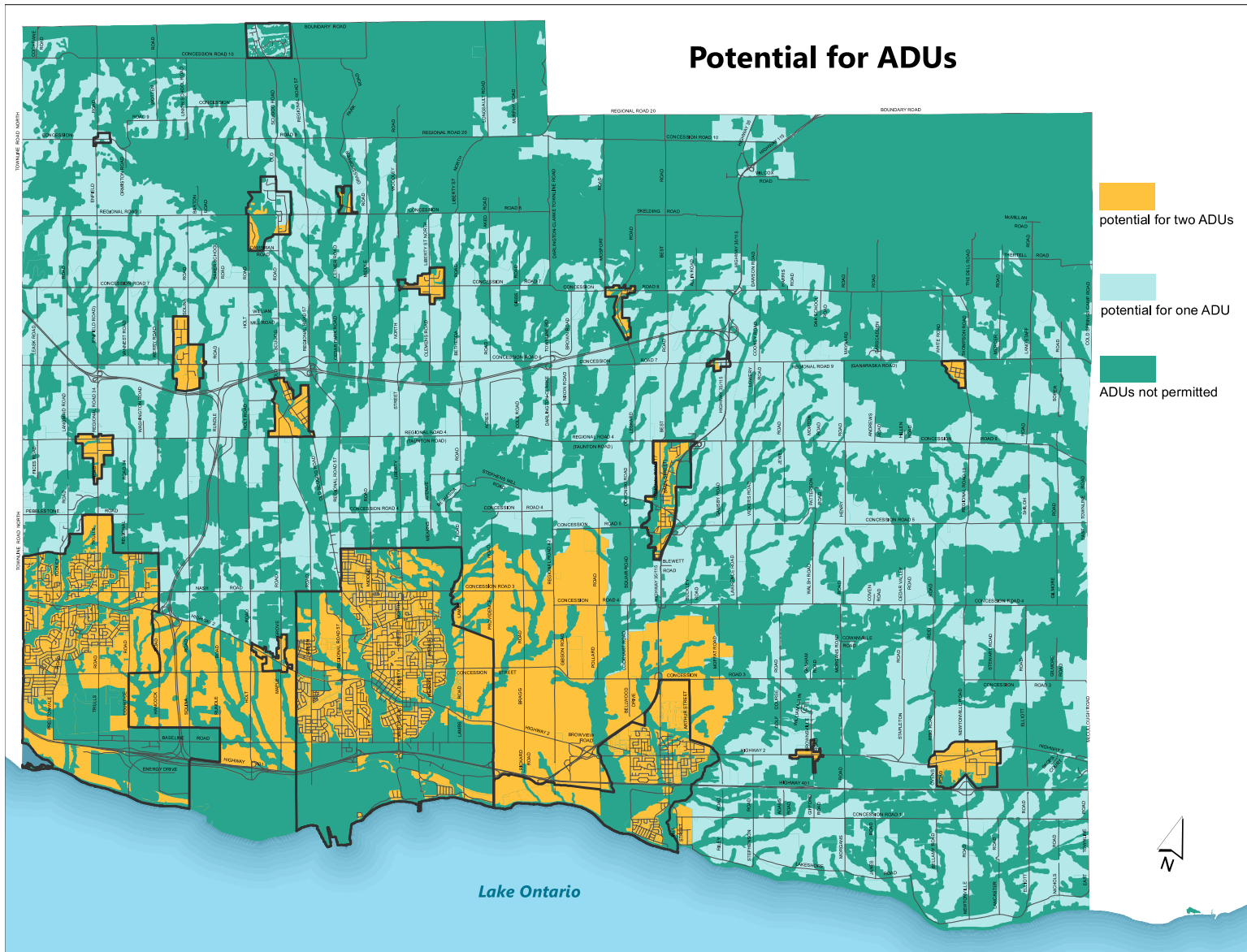


Figure 2: Expanded potential areas where one or two ADUs may or may not be permitted

Oak Ridges Moraine Area

- 3.8 In conformity with the ORMCP, the recommended Official Plan Amendment states that within the ORM, ADUs are only permitted in single detached dwellings, and only within the Protected Countryside (which includes Rural Settlement Areas). ADUs are not permitted in accessory buildings in any areas of the ORM.
- 3.9 To implement where ADUs are permitted within the ORM, the recommended Amendments to Zoning Bylaw 2005-109 would allow one ADU in a single detached dwelling within the Rural Settlement Zone and the Agricultural Zone.

South of the Oak Ridges Moraine Area

- 3.10 For properties within the Greenbelt (but not within the Official Plan's EPA) only one ADU would be permitted on a lot. The ADU could be within the principal single dwelling, or within an accessory building if it existed on the day the revision to the Greenbelt Plan came into effect (July 1, 2017). The Greenbelt Plan does not have such restrictive policies for Garden Suites, which may be a viable alternative for those properties without existing accessory structures (see section 3.13 below).
- 3.11 Properties outside the Official Plan's EPA but within Urban Areas (including Orono) and the "whitebelt" (lands that are neither within a settlement area or within the Greenbelt) all have the potential for two ADUs: one ADU in the principal residential building **and** one ADU in an accessory building, regardless of when the accessory building was constructed. These permissions also apply to the following Hamlets: Mitchell Corners, Solina, Hampton, Maple Grove, Tyrone, Leskard, Kendal, Brownsville, and Newtonville. These permissions also apply to the portions of Enniskillen, Haydon, and Kirby that are not within the ORM. However, the areas of these Hamlets within the ORM are subject to more restrictive policies specific to the ORM.

Summary of where ADUs may be permitted

- 3.12 In summary, the potential for ADUs in different areas of the Municipality is illustrated in **Figure 2** (above) and is as follows.
- For all lands in the Municipality, ADUs (or any development) is prohibited in the Official Plan's EPA and Hazards, including the Regulatory Shoreline Area.
 - For lands within the ORM, ADUs may be permitted only in single dwellings and only on lands zoned Prime Agricultural (A) and Rural Settlement One (RS1).
 - For lands outside of settlement areas within the Greenbelt, ADUs may be permitted in **either** a single dwelling or an existing accessory building.

- For lands within Urban Areas (including Orono), Hamlets outside the ORM, and the “whitebelt,” one ADU may be permitted in the principal residential building, **and** one ADU in the associated accessory building.

Garden Suites

- 3.13 Garden suites are self-contained dwelling units which may be permitted on properties with a principal residential dwelling unit. They require a Temporary Use Bylaw, which is similar to a site-specific Zoning Bylaw Amendment, but is only valid for a maximum of 20 years. Garden Suites are not permitted in the ORM, and must be outside the Official Plan’s EPA. The Greenbelt Plan restricts ADUs to single dwellings and already-existing accessory buildings, but the Plan does not have such restrictions for Garden Suites. Since Garden Suites are essentially temporary ADUs in accessory buildings, the recommended Official Plan Amendment keeps these as an option, but updates the definition of “Garden Suite” to be in conformity with the definition in the *Planning Act*.

4. Zoning Standards

- 4.1 The recommended standards in the Zoning Bylaw Amendments facilitate the process of allowing ADUs while also ensuring there is an appropriate level of regulation to protect the health and safety of its residents and promote liveable, functional, and attractive neighbourhoods.

ADUs in principal residential buildings

- 4.2 The recommended Zoning Bylaw Amendments state that an ADU within a principal residential building cannot be larger than the principal dwelling unit within that building. Though O. Reg 384/94 prohibits regulating the relative size of two units within a principal residential building, this recommended regulation is only to clarify which unit is the ADU when registering the ADU with the Municipality.
- 4.3 Principal residential buildings in urban areas with an ADU must have a separate entrance from the side or rear if not a shared front door. This urban design regulation applies to all residential building forms, but will be particularly effective in prohibiting potentially four front doors on a semi-detached building for example, if each dwelling contains an ADU.

ADUs in accessory buildings

- 4.4 The recommended Zoning Bylaw Amendments regulating accessory buildings containing an ADU are meant to facilitate a reasonably sized ADU while also ensuring these accessory buildings are secondary to the principal residential building.
- 4.5 Accessory buildings containing an ADU could be in the front or exterior side only if the principal residential building is set far back on the lot. Other yard setback regulations

address Ontario Building Code requirements, potential privacy concerns and to ensure sufficient space for stormwater management. The recommended heights are intended to facilitate a one-and-a-half storey ADU within urban areas and a full two storeys in rural areas.

- 4.6 Accessory buildings with an ADU may, in some instances, be larger than what the Zoning Bylaw currently allows for accessory buildings without an ADU. The purpose of this increased size is to accommodate an ADU, not to increase storage or garage space. The regulations for the size of accessory buildings with an ADU are based on lot coverage so that accessory buildings are an appropriate size relative to the lot on which they are situated. Whichever of the following is reached first is the maximum: 10% of the lot area; or the zone's maximum total lot coverage (usually between 30 to 45%). It should also be emphasized that the floor area of the ADU within an accessory building may not exceed the floor area of the principal residential building.

Standards for all ADUs

- 4.7 Parking requirements remain the same as they are now: one parking space per ADU or Garden Suite. O. Reg. 299/19 states that only one parking space is required for each ADU, unless a municipality passes a bylaw requiring less. Municipalities cannot require more than one parking space per ADU.
- 4.8 At the Public Meeting, staff were asked to contemplate reducing parking requirements for ADUs when the occupant may not require a parking space. It should be noted that parking requirements (or any zoning standard) cannot be based on who may or may not be occupying the ADU. Due to ongoing concerns about on-street parking, and comments from the public, it is staff's opinion that one parking space per ADU is appropriate, however reductions may be considered on a case-by-case basis through the minor variance process.
- 4.9 Currently, limited home occupations are permitted within multi-unit buildings. It is recommended that the same opportunities be afforded to those in ADUs, even if they are in an accessory building.
- 4.10 The Zoning Bylaw Amendment as written would continue to require ADUs to conform to the provisions of the Fire Code and the Ontario Building Code and obtain a building permit. Prior to building permit issuance, any development on properties with private sanitary services and water supply will need an authorizing permit from the Durham Region Health Department confirming there is sufficient capacity in the sanitary system and potable water supply for the ADU.
- 4.11 The requirement that all ADUs be registered with the Municipality will continue to help enforce conformity to zoning and other regulations.

Exception Zones

- 4.12 There are two Agricultural Exception Zones that currently permit an “apartment-in-house” with regulations. The recommended Amendments are more permissive, so it is recommended that these Exception Zones be removed to ensure fairness for these property owners. There is also an Exception Zone that would be amended only to update the terminology from “apartment-in-house” to “additional dwelling unit.” A fourth Exception Zone would have a standard about front doors removed as this standard would apply to all Urban Residential Zones.

5. Public Participation

Public Meeting Notice

- 5.1 In accordance with the *Planning Act*, the statutory Public Meeting was advertised at least 20 days prior to the date of the Public Meeting (September 13, 2021). The Public Meeting was advertised in both the Clarington This Week and the Orono Times for four weeks, beginning on August 18, 2021. On that day, the Public Meeting Notice was emailed to those on the Interested Parties List at the time.
- 5.2 On August 17, 2021, the website www.clarington.net/ADUs was published. The website provides information on the project and hosts the Draft Official Plan and Zoning Bylaw Amendments that were presented at the Public Meeting. The website also hosts the recommended Amendments (as found in the **Attachment 3** and **Attachment 4**) as well as staff contact information for members of the public to submit comments and/or questions.
- 5.3 The owners of the four properties where an Exception Zone is recommended to be removed or amended received the Public Meeting Notice along with a short explanatory letter. Staff have had discussions with the owner of one property with an Exception Zone to be removed who supports the recommended Amendments. Staff have also had correspondence with the owners of the two properties with Exception Zones to be amended and both understand the recommended Amendments have no material effect to their respective properties.
- 5.4 Prior to the public meeting, this project was the topic of the Mayor’s August Column that was published in the Clarington This Week on August 9, 2021. On August 28, 2021, the Clarington This Week published an article about the project and the upcoming Public Meeting. The project was also promoted in the Planning and Development Services eUpdate on July 29, 2021 and September 9, 2021.

Public Meeting

- 5.5 At the Public Meeting held on September 13, 2021, staff report [PDS-041-21](#) was accompanied by a presentation which provided context and summarized the proposed

Amendments. Four members of the public provided separate delegations. Summaries of these delegations may be found in **Attachment 1**. Video recording of their delegations, and the two prepared presentations are available on the Municipality's website www.clarington.net/Calendar. Three of the four delegations were supportive of the increased permissions for ADUs but felt the limits for ADUs within the Greenbelt and ORM were too restrictive. The fourth delegation spoke in opposition to increasing ADUs, stating there should be little to no new impervious space and ADUs should only be allowed within existing dwellings.

Public Submissions

- 5.6 Since the Notice of the Public Meeting was first advertised in the newspapers on August 18, 2021, to the writing of this Report, Staff have received comments from twenty-seven residents, three via telephone and the remaining twenty-four via email. Of these twenty-seven comments, five are opposed and five fully support the Amendments. The remaining twenty-two respondents support the Amendments, but with greater or fewer restrictions.
- 5.7 Public comments are summarized in **Attachment 1** to this report. All written public comments have been posted without edits or summaries to the project's website www.clarington.net/ADUs.

6. Department and Agency Comments

- 6.1 In accordance with the *Planning Act*, Notice of the Public Meeting was either mailed or emailed to the prescribed public bodies. Over 20 departments and/or agencies were requested to provide comments on the proposed Official Plan and Zoning Bylaw Amendments.
- 6.2 Comments received, including those from Durham Region departments and CLOCA, have no objection to the Official Plan or Zoning Bylaw Amendments. The Region has confirmed that the Official Plan Amendment is exempt from Regional approval.

7. Changes to Amendments Since Public Meeting

- 7.1 **Attachment 2** of this report contains tables comparing the Current Official Plan policies and Zoning Bylaw standards with the recommended Amendments. It also details, where necessary, any changes made to the Amendments from the draft presented at the Public Meeting to the recommended Amendments found in **Attachment 3** and **Attachment 4** of this report.
- 7.2 Changes to the Amendments since the Public Meeting do not alter the intent of either the Official Plan Amendment or the Zoning Bylaw Amendment. The changes make refinements to the Amendments to bring them closer to Official Plan conformity and to provide greater clarity.

Official Plan Amendment

- 7.3 Changes to the draft Official Plan Amendment presented at the Public Meeting to the recommended Amendment found in **Attachment 3** of this report include changing a reference from Map H to Map A of the Official Plan to identify Natural Core Areas and Natural Linkage Areas. Staff believe it is more appropriate to reference the Official Plan land use designations rather than those found on Map H, which is a replica of Provincial mapping. These areas on Map A are more refined and smaller. Subsequent references to other land designations are also updated to those found on Map A.
- 7.4 The draft presented at the Public Meeting contained policies that are covered elsewhere in the Official Plan and apply to the entire Municipality. These do not need to be repeated in the section specifically about ADUs. This includes stating that development is not permitted in the NHS and that an ADU must conform to the Ontario Building Code and Ontario Fire Code.
- 7.5 The draft presented at the Public Meeting contained a provincially required policy to restrict ADUs within the Greenbelt. That draft stated they were not permitted within the NHS as mapped in the Official Plan. The recommended Amendments instead state ADUs are not permitted within the EPA or Hazards of the Official Plan. As noted in section 3.2 above, the EPA is comprised of the revised, smaller NHS than Provincial NHS mapping and, in rural areas, a 30 metre vegetation protection zone buffer, as well as floodplains. No development is permitted in the EPA, and thus ADUs are not permitted in the EPA.

Zoning Bylaw Amendment

- 7.6 Changes to the Amendments to Zoning Bylaw 84-63 as found in **Attachment 4** of this report include increasing the maximum height for accessory buildings containing an ADU from 6 metres to 6.5 metres in rural areas. This increase will accommodate a garage on the main floor (which typically require a higher ceiling than a dwelling unit) and a full second storey for an ADU. The maximum height for accessory buildings containing an ADU in urban areas remains at 5.25 metres to be compatible with neighbouring buildings.
- 7.7 Changes to the Amendments to Zoning Bylaw 84-63 as found in **Attachment 4** of this report also include removing 120 square metres as the maximum size of an accessory building containing an ADU. Instead, the maximum size is limited to the lesser of either 10% of the lot, or the zone's maximum lot coverage. However, the floor area of an ADU within an accessory building must be less than the floor area of principal residential building. Removing the 120 square metre maximum simplifies the requirements, while still being proportionate to the lot on which they are situated and the main residential building.

- 7.8 The recommended Amendment to Zoning Bylaw 84-63 now refers to the Official Plan's EPA and Hazard Lands rather than the Official Plan's NHS for where ADUs are not permitted. As explained above in section 3.2 and discussed further in sections 3.4 to 3.7, prohibiting development (including ADUs) from the EPA is more consistent with the current Official Plan.
- 7.9 Council has provided direction to staff to further refine the EPA in the Official Plan and how to implement these restrictions in the comprehensive zoning bylaw. That work is ongoing and, when completed, may further expand areas where ADUs are permitted. As visualized in **Figures 1 & 2** above, this report recommends Amendments that will significantly expand where ADUs would be permitted and will facilitate property owners to increase the supply of affordable housing.
- 7.10 From the draft presented at the Public Meeting to the recommended Amendments found in **Attachment 4** of this report, the only change to the Amendments to Zoning Bylaw 2005-109 is to remove references to the Ontario Building Code and other relevant regulations. It is not necessary to repeat this requirement as it already captured in existing section 1.10 of Zoning Bylaw 2005-109.

8. Next Steps

- 8.1 The purpose of this report is to recommend Council approve the recommended Official Plan and Zoning Bylaw Amendments found in the **Attachment 3** and **Attachment 4**.
- 8.2 If Council approves the Official Plan and Zoning Bylaw Amendments to implement these expanded permissions for ADUs, a new bylaw to replace [Bylaw 97-77](#) will be brought to Council which will require ADUs to be registered and their associated regulations can be properly enforced. It is recommended that applications for ADUs not be approved until this new registering bylaw is approved by Council.
- 8.3 Once the Official Plan and Zoning Bylaw Amendments are approved by Council, Staff will update the current [basement or in-house apartment website](#) to assist residents with applications for adding an ADU to their property.

9. Concurrence

The Municipal Solicitor in Legislative Services concurs with the recommendations.

10. Conclusion

- 10.1 It is recommended that Council approve the recommended Official Plan and Zoning Bylaw Amendments as found in the **Attachment 3** and **Attachment 4** to this report. As noted above the *Planning Act* states that the adoption of ADU policies in an Official Plan or amendments to Zoning Bylaws to give effect to the Official Plan policies are not appealable.

Staff Contacts:

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Attachments:

Attachment 1 – Public Comments and Delegations Summary Table

Attachment 2 – Comparison Table with Explanatory Comments

Attachment 3 – Official Plan Amendment

Attachment 4 – Zoning Bylaw Amendment

Interested Parties:

List of Interested Parties available from Department.