

City of North Bay Report to Council

Report No: CSBU-2023-023

Date: February 13, 2023

Originator: Adam Curran M.E.S, MCIP, RPP

Business Unit:

Department:

Community Services

Planning & Building Department

Subject: Additional Residential Dwelling Units – Official Plan and Zoning By-law Amendments

Closed Session: yes ☐ no ☒

Recommendation

That City Council:

1. Adopt the Official Plan Amendment, as detailed in Appendix B to Report to Council CSBU-2023-023, to implement policies to permit Additional Residential Dwelling Units; and
2. Adopt the Zoning By-law Amendment, as detailed in Appendix C to Report to Council CSBU-2023-023, to implement the provisions within the Zoning By-law 2015-30 to permit and regulate Additional Residential Dwelling Units.

Background

The Government of Ontario passed Bill 23, the *More Homes Built Faster Act*, on November 28, 2022. The *More Homes Built Faster Act* made a variety of changes different Acts, including several changes to the Planning Act. This report focuses on the changes to the Planning Act regarding Additional Dwelling Units (ADU).

An ADU is described in the Planning Act as:

- (a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

- (b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

Urban Residential Land is defined as:

Means a parcel of land that is within an area of settlement on which residential use, other than ancillary residential use, is permitted by by-law and that is served by,

- (a) *sewage works within the meaning of the Ontario Water Resources Act that are owned by,*
 - (i) *a municipality,*
 - (ii) *a municipal service board established under the Municipal Act, 2001,*
 - (iii) *a city board established under the City of Toronto Act, 2006,*
 - (iv) *a corporation established under sections 9, 10 and 11 of the Municipal Act, 2001 in accordance with section 203 of that Act, or*
 - (v) *a corporation established under sections 7 and 8 of the City of Toronto Act, 2006 in accordance with sections 148 and 154 of that Act, and*
- (b) *a municipal drinking water system within the meaning of the Safe Drinking Water Act, 2002; ("parcelle de terrain urbain d'habitation")*

The Provincial Government has indicated that 1.5 million homes are required over the next 10 years to meet Ontario's housing supply requirements. Additional Dwelling Units is one way to encourage residential dwelling units. This is a form of gentle density development, which permits additional dwelling units to be constructed on an existing developed residential lot and within new development.

This change to the Planning Act is similar to previous changes to the Planning Act to promote residential units.

Through the *Strong Communities through Affordable Housing Act, 2011*, amendments were made to the Planning Act which required Municipalities to have Official Plan policies and Zoning By-law provisions to permit Secondary

Dwelling Units in single detached, semi-detached, townhouses or accessory structures in new and existing dwellings.

The City of North Bay implemented 'Secondary Dwelling' policies in 2018, through the passing of By-law 2018-45 and By-law 2018-46. The implementation saw secondary dwelling units permitted across the City apart from properties within 300 metres of Trout Lake or its major inflowing streams.

Since 2018, the City has seen approximately 56 secondary dwelling units come to the market, which encourages different forms of residential accommodations, assisting in affordable home ownership, affordable rental accommodations, students, temporary workers in the City and increases the overall units.

The proposed changes to the Official Plan and Zoning By-law would amend the existing Secondary Dwelling Unit policies and regulations and implement the new requirements for ADUs.

Summary of proposed changes:

- The proposed Official Plan and Zoning By-law amendments would permit ADUs in all residential zones within the urban settlement area of the City.
- The ADUs would be a maximum of three total residential units in low density residential zones.
- Within the rural area (un-serviced) ADUs will be permitted, but only to a maximum of two residential units. The reason for this is, the settlement boundary is where the Official Plan directs residential intensification, as there are the required services, bus routes, schools, and commercial uses. This is in-line with the Provincial regulations which require ADUs in the 'Urban Residential Land'.
- ADUs would not be permitted on properties zoned Parkland (P), Open Space (O), Rural Residential Lakefront (RRL), Floodway (01), Floodplain and Erosion (02), or any Industrial lands. Similar to the existing Secondary Dwelling Unit policies, ADUs would not be permitted to be located on properties which front onto Trout Lake or within 300 metres of major inflowing streams to Trout Lake.
- The regulations surrounding ADUs require that a Municipality can only ask for one additional parking space per ADU. Staff is recommending that a requirement of 0.5 parking spaces be required. Requiring 1 parking space per ADU may be a barrier to entrance and many existing properties would not be able to accommodate the required parking spaces.

- No minimum dwelling unit size is proposed. The regulations also do not permit Municipality to have a minimum unit size for ADUs. Planning Staff has consulted with the Building Department and the Building Code requires minimum sizes for different rooms in the house, and any new or renovated ADU would be required to meet the building code.

Process to Create an Additional Dwelling Unit:

The process to create an ADU would be implemented through the issuance of a Building Permit for a change of use. The change of use permit would ensure the unit is constructed to Building Code requirements.

Through the Building Permit process, the property owner would be required to submit drawings to the building department which would be reviewed to ensure all necessary components of the Building Code are being addressed. As part of the Building Permit application, the property owner would also fill out an Additional Residential Dwelling Unit registration form. Currently this form and process exists for registering properties with Secondary Dwelling Units.

There are no additional fees, beyond the Building Permit fee, required as part of this registration process. This registration process provides the City with data on newly constructed or legalized which ADUs within the community. In addition, the registration assists with fire and medical calls, garbage collection, planning and building data.

Implementation:

The More Homes Built Faster Act, 2022 does not permit Municipalities to pass Official Plan policies or Zoning By-law provisions to prohibit or restrict ADUs within the Settlement Boundary of the City. The Official Plan Amendment and Zoning By-law Amendment are not able to be appealed to the Ontario Land Tribunal by members of the public, or agencies. Only the Minister can appeal the amendment.

The proposed policy direction should assist with the creation of additional dwelling units being constructed in the City, encourage affordable residential options (both purchasing and renting) and help with multi-family accommodations. Planning Staff is of the opinion the proposed Official Plan and Zoning By-law Amendment represents good land use planning.

Attached to this report in Appendix 'A' is the rationale document for the proposed changes to the Zoning By-law. The Appendix demonstrates the proposed changes to the Zoning By-law and explains why the change is needed.

It is my professional opinion that the proposal to permit Additional Residential Dwelling Units within a low-density residential dwelling or an accessory structure is consistent with the Provincial Policy Statement, 2020, does not

conflict with the Growth Plan for Northern Ontario, and conforms to the City's Official Plan and Zoning By-law No.2015-30.

Financial/Legal Implications

N/A

Corporate Strategic Plan

- | | |
|--|---|
| <input type="checkbox"/> Natural North and Near | <input checked="" type="checkbox"/> Economic Prosperity |
| <input checked="" type="checkbox"/> Affordable Balanced Growth | <input checked="" type="checkbox"/> Spirited Safe Community |
| <input type="checkbox"/> Responsible and Responsive Government | |

Specific Objectives

- Explore and implement opportunities to streamline processes, policies and practices that make it easier and more effective to do business in North Bay;
- Facilitate the development of housing options to service the entire community, with consideration to socio-economic characteristics of the community;
- Continually improve on policies and practices that celebrate diversity and create a welcoming environment that supports development, growth, and community engagement; and
- Facilitate the development of housing options to service the needs of the community.

Options Analysis

Option 1:

That City Council:

1. Adopt the Official Plan Amendment, as detailed in Appendix B to Report to Council CSBU-2023-023, to implement policies to permit Additional Residential Dwelling Units; and
2. Adopt the Zoning By-law Amendment, as detailed in Appendix C to Report to Council CSBU-2023-023, to implement the provisions within the Zoning By-law 2015-30 to permit and regulate Additional Residential Dwelling Units.

Option 2:

That City Council:

- (a) Does not adopt the Official Plan Amendment, as detailed in Appendix B to Report to Council CSBU-2023-023, to implement policies to permit Additional Residential Dwelling Units; and
 - (b) Does not Adopt the Zoning By-law Amendment, as detailed in Appendix C to Report to Council CSBU-2023-023, to implement the provisions within the Zoning By-law No.2015-30 to permit and regulate Additional Residential Dwelling Units.
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Recommended Option

Option 1 is the recommended option.

That City Council:

- 1. Adopt the Official Plan Amendment, as detailed in Appendix B to Report to Council CSBU-2023-023, to implement policies to permit Additional Residential Dwelling Units; and
 - 2. Adopt the Zoning By-law Amendment, as detailed in Appendix C to Report to Council CSBU-2023-023, to implement the provisions within the Zoning By-law 2015-30 to permit and regulate Additional Residential Dwelling Units.
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Respectfully submitted,

Name: Adam Curran, M.E.S., MCIP, RPP

Title: Policy and Business Development Planner

I concur with this report and recommendation

Name Beverley Hillier, MCIP, RPP

Title: Manager, Planning & Building Services

Name Ian Kilgour, MCIP, RPP

Title: Director, Community Services

Name John Severino, P.Eng., MBA

Title: Interim Chief Administrative Officer

Personnel designated for continuance:

Adam Curran, M.E.S., MCIP, RPP

Policy and Business Development Planner