



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 No.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 changes across different acts, such as the Development Charges Act, Ontario Heritage Act, Ontario Land Tribunal Act, Conservation Authority Act and the Planning Act.

Although the City of North Bay will have to implement and adapt to the changes in the mentioned acts. One change within the Planning Act is the requirement to permit 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.

The Provincial Government is proposing 1.5 million homes constructed over the next 10 years and recognizes that Ontario is currently in a housing crisis. One way to encourage residential dwelling units is through gentle density development, which permits additional dwelling units to be constructed on an existing developed residential lot.

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 as a right, the only exception was for properties within the Trout Lake Watershed.

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 City will take the successes of the Secondary Dwelling policies and implement the new requirements for ADUs. The City has some flexibility in the policies and provisions they can choose to implement, however, there are also requirements made through these changes that have to be implemented.

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'.

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")

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 Commercial or Industrial lands. ADUs are not permitted to be located on properties which front onto Trout Lake or within 300 metres of major inflowing streams to Trout Lake. Trout Lake is a valuable resource to the City of North Bay and the potential of additional impacts on the lake could cause environmental and social problems.

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. Planning Staff is of the opinion if we required 1 parking space per ADU it would be a barrier to entrance and many existing properties would not be able to accommodate the required parking spaces.

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.

The process to create an ADU would be implemented through a Building Permit for a change of use permit. The change of use permit would ensure the unit is constructed to building and fire code requirements. The property owner would be required to submit drawings to the building department. The Building Department would outline the work which is required to be considered a legal ADU. The property owner would also fill out a Additional Residential Dwelling Unit registration form. There are no proposed fees for the registration of a legal ADU. This would provide the City with data on which ADUs are legal. The registration would assist with fire and medical calls, garbage collection, planning and building data. The intent of providing no fees for the registration of ADUs is to encourage legal ADUs and discourage unsafe illegal ADUs. The intent of the registration would provide real estate agents and lawyers a mechanism to check the status of ADUs before the conveyance or listing of a property.

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 policies that Council pass are also not able to be appealed to the Ontario Land Tribunal by members of the public, or agencies, only the Minister is able to appeal the policies.

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

Financial/Legal Implications

N/A

Corporate Strategic Plan

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

Specific Objectives

Options Analysis

Option 1: That City Council:

- (a) 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) 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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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: That City Council:

- (a) 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
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Respectfully submitted,

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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: Chief Administrative Officer

Personnel designated for continuance:

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

Policy and Business Development Planner