



Staff Report

Planning & Development Services – Planning Division

Report To: COW-Operations, Planning and Development Services
Meeting Date: November 7, 2023
Report Number: PDS.23.117
Title: Follow Up Report for Accessory Dwelling Units
Prepared by: Carter Triana, Intermediate Planner

A. Recommendations

THAT Council receive Staff Report PDS.23.117, entitled “Follow Up Report for Accessory Dwelling Units”;

AND THAT Council direct Planning Staff to initiate a Zoning By-law Amendment to the accessory apartment provisions to bring into compliance with Provincial requirements and to further encourage the construction of additional dwellings units on certain residential properties;

AND THAT Council direct Planning Staff to initiate a Zoning By-law Amendment to bring forward options to consider new Development ‘D’ Zone provisions.

B. Overview

This is a follow-up report as requested by Council at the October 10, 2023 Council meeting and provides an overview of Development ‘D’ zones and accessory apartment provisions of the Town. The report seeks a Council resolution to initiate a Zoning By-law Amendment to update the accessory apartment provisions of the Zoning By-law and seeks direction to address Development ‘D’ zones.

C. Background

On October 10, 2023, Council directed staff to provide a report to explore options and opportunities to expedite the implementation of accessory dwelling units in the Town. This Council resolution was the result of discussion regarding the construction of an accessory apartment within a Development ‘D’ zone. As such, this report also contains discussion of these zones.

Current Town policy of the Official Plan and provisions of Zoning By-law refer to “accessory apartments” rather than Accessory Dwelling Units or Additional Residential Units. This report will maintain the use of “accessory apartments” for clarity in discussions of these policy documents but recognizes that future updates to the Official Plan and Zoning By-law may

modify this term to better align with common wording used on this topic. A definition of and permissions for accessory apartments were first introduced in 2016 through amendments to the former Township of Collingwood and Town of Thornbury Zoning By-laws. These definitions and permissions were then consolidated during the creation of the Town of The Blue Mountains Comprehensive Zoning By-law 2018-65 and persist today. Legislative changes under Bill 23 and the provincial push for the construction of more housing may require updates to these provisions as they have not been reviewed since 2018.

The Development 'D' zone, or zones with similar names and effect, is a common zone category used across many Ontario Zoning By-laws. The primary intent of the Development 'D' zone is to limit development on lands that generally have a wide range of development options. Development 'D' zone lands are typically located within settlement areas but outside the urban built boundary and periphery, or larger parcels of land that may be suitable for a variety of built form/density. The Development 'D' zone may prohibit and/or permit limited development under very strict control to ensure that the lands ultimately retain the maximum flexibility for future development when development progresses to those lands. Any development beyond the scope of these controls is typically subject to a Zoning By-law Amendment which includes a public process, site specific analysis and ultimately a decision of Council. In many instances the full development of Development 'D' lands may be premature until such time as a Zoning Bylaw Amendment process is completed and the lands are reviewed in their entirety considering adjacent lands, site constraints, servicing requirements, infrastructure improvements and the orderly, logical growth of the area. The Town has several individual properties under the Development 'D' zone, as well as well as larger areas of land, particularly those lands on the west side of the Little Beaver River in Thornbury, lands south/west of Grey Road 19, and lands west of Swiss Meadows Boulevard. Much of these lands are also identified as a 'Future Secondary Plan Area' in the Official Plan and are intended for future urban development, however, are located too far from the urban built boundary to be considered for development at present time.

At present, the new Blue Mountains Comprehensive Zoning By-law 2018-65 identifies those lands zoned Development 'D' however the By-law does not contain zoning provisions. All Development 'D' zoned lands are recognized under Section 1.5(g) of By-law 2018-65 that states that the provisions of the former Town of Thornbury Zoning By-law 10-77 and former Town of Collingwood Zoning By-law 83-40 continue to apply to all lands zoned Development 'D'.

D. Analysis

Current Town Provisions – Accessory Apartments

Town of The Blue Mountains Zoning By-law 2018-65 defines an "Accessory Apartment" as "a secondary dwelling unit, which is accessory to the principal use on the lot". Under the Zoning By-law, a maximum of one accessory apartment is permitted on lands zoned R1, R2, A, SA, and RU. These generally take the form of basement apartments, apartments above garages, or standalone detached apartments. In all cases, the maximum number of dwelling units are two (one principle dwelling and one accessory apartment). The current provisions for accessory apartments are outlined in Section 4.1. These are further divided into three subsections:

- 4.1.1 Accessory Apartment Dwelling Within a Primary Dwelling
- 4.1.2 Accessory Apartment Dwellings Within a Detached Structure (Urban)
- 4.1.2 Accessory Apartment Dwellings Within a Detached Structure (Rural)

These provisions guide the development of these types of uses in the Town, including setbacks, height, lot coverage, parking, and the size of accessory apartments based on floor area and number of bedrooms, among other things.

Several common issues that present barriers to the construction of accessory apartments have been identified through discussions with the public and through minor variance applications. These include:

Height: Accessory apartments in detached structures are limited to a height of 4.5 metres, which generally reflects a 1.5 storey building. This limitation is difficult to meet for property owners looking to construct an accessory apartment above a detached garage, which are themselves limited to a maximum height of 5.5 metres.

Setbacks/Location: Whereas Section 4.3 of the Zoning By-law allows reduced interior side and rear yard setbacks for accessory buildings and structures, accessory apartments in detached structures are limited to the setbacks applicable to the main dwelling in that zone. The setback requirements can be a limiting factor when choosing a location for this type of dwelling unit.

Lot coverage: Accessory apartments in detached structures are subject to the maximum lot coverage for accessory structures as outlined in Section 4.3, which limits accessory structures to a maximum lot coverage of 10%. They also contribute to the overall lot coverage applicable to the zone in which they are located.

In 2022, six minor variance applications included requests for relief from one or more of the accessory apartment provisions of the Zoning By-law. In 2023 to date, eight minor variance applications have included these types of requests. Planning Staff see an opportunity to build additional flexibility into the provisions of the Zoning By-law to reduce the number of minor variance requests.

Accessory apartments are exempt from development charges under By-law 2019-17.

Effects of Bill 23 – Residential Units

Bill 23, or the *More Homes Built Faster Act*, included updates to the *Planning Act* that prohibit Official Plans and Zoning By-laws from containing any policies or provisions that prohibit the use of up to three (3) residential units on a parcel of land that is within a settlement area and is serviced by municipal sanitary sewer and water. In effect, these updates allow for the following configurations of multiple units on a fully serviced property in a settlement area:

1. Two units in a single detached, semi-detached or rowhouse dwelling;
2. Three units in a single detached, semi-detached or rowhouse dwelling;
3. One unit in a single detached, semi-detached or rowhouse dwelling and one unit in an ancillary structure; or

4. Two units in a single detached, semi-detached or rowhouse dwelling and one unit in an ancillary structure.

The *Act* prevents municipalities from requiring more than one parking space per residential unit, other than the primary residential unit, however the *Act* does not define the relationship between these units based on scale or size. In addition, the *Act* exempts developments of 10 residential units or less from site plan control.

As the Town is required to comply with the legislative changes of Bill 23, updates to the Zoning By-law are necessary to incorporate these changes into the existing By-law and to be in compliance with Provincial requirements.

Development 'D' Zones

The primary intent of the Development 'D' zone is to recognize those areas typically located within settlement areas but outside the urban built boundary, or larger parcels of land that may be suitable for a variety of built form/density. The development potential of these lands may be compromised by the construction of one single detached dwelling on a large lot through interference with orderly growth patterns, extensions of roads and infrastructure, and community connectivity. The lot permissions and restrictions identified under Section 1.5(g) of the Zoning By-law continue to apply for those lands zoned Development 'D'. Options for the Development 'D' Zone were part of the comprehensive review process of the former Thornbury and Collingwood Township Zoning By-laws. Staff Report PDS.16.157 (December 5, 2016) identified a Zone Consolidation Strategy where 57 zones would be reduced to 30 including the amalgamation of the Development 'D' and Deferred Development 'DD' zones from 83-40 and 10-77 into one new zone. Staff Report [PDS.17.15](#) introduced the framework for the new Development 'D' zone.

In Staff Report [PDS.19.39](#), five options were considered to address the Development 'D' zone:

- 1- Existing uses permitted only. Construction of a new Single Detached Dwelling would not be permitted and would be subject to a Zoning By-law Amendment.
- 2- A new Single Detached Dwelling as well as existing uses are permitted. Construction of a new single detached dwelling would be permitted as of right and may be located anywhere on a parcel of land subject to meeting minimum yard setback requirements.
- 3- A Single Detached Dwelling as well as Existing uses permitted under a Holding '-h' Symbol. The Holding '-h' symbol would prevent any development from occurring on the lands until such time as Site Plan Approval is received to dictate the location of a dwelling and other items.
- 4- Consideration of an additional Zone Category. It has been noted that the Development 'D' zone and Deferred Development 'DD' zones of By-laws 10-77 and 83-40 specify when a new dwelling can be permitted as of right, and when a new dwelling is not permitted. These previous permissions/restrictions can carry forward as they have existed.
- 5- Enact an Interim Control By-law. An Interim Control By-law puts an immediate temporary freeze on the Development 'D' lands where no development can occur

until the Town completes a study on the use. There is a maximum 1-year timeline on Interim Control By-laws with an extension of 1 year permitted.

Option 1 was recommended by Planning Staff in order to provide the most control over the lands and Option 3 was determined to also provide municipal control but at a lesser level. This recommendation was based on the direction of the Official Plan to ensure the orderly and efficient use of lands within settlement areas. The Official Plan permits a single detached dwelling on future development lands, however Staff felt that a Zoning By-law Amendment should be required prior to a new dwelling being permitted. The Zoning By-law Amendment process would include public consultation and Council decision. Staff would also be looking at how the ultimate development of these lands for future growth can be maintained. Building site location, yard space, location of private well and/or septic (if applicable), community connectivity such as new road connections, missing trail linkages, water looping, and other issues can be reviewed on a site-specific basis before a new dwelling can be permitted.

Options 2, 4 and 5 were not recommended by Planning Staff. At the time of enactment of Comprehensive Zoning By-law 2018-65, Council deferred a decision on these five options, instead allowing the provisions of the former Township of Collingwood and Town of Thornbury Zoning By-laws to continue for those properties zoned Development 'D'. Based on the need to update the provisions for accessory apartments and in consideration of the unresolved Development 'D' zone issue, Planning Staff believe it is prudent to update both area of the Zoning By-law.

Conclusion

Existing policies for accessory apartments in the Official Plan are currently under review through the ongoing Official Plan review process, however there is a need to bring the Town's Zoning By-law into compliance with provincial legislation now prior to the completion of this process. There is also an opportunity to update the existing provisions (height, setbacks/location, lot coverage, etc.) for accessory apartments through an amendment to the Zoning By-law. This process would be subject to public consultation and a decision of Council. An amendment to these provisions of the Zoning By-law would bring the Zoning By-law in line with updated provincial legislation and create more flexibility for the construction of accessory apartments.

Required reference to the former Zoning By-laws of the Township of Collingwood and Town of Thornbury for lands within the Development 'D' zone creates confusion among the public and for internal staff analysis and should be addressed. Due to the lack of decision on these zones and the opportunity to provide better clarity, it is also recommended that Planning Staff review the previous options considered to address the Development 'D' zones and bring a recommendation to Council for final decision and inclusion in the Zoning By-law.

E. Strategic Priorities

1. Communication and Engagement

We will enhance communications and engagement between Town Staff, Town residents and stakeholders.

2. Organizational Excellence

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

3. Community

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

4. Quality of Life

We will foster a high quality of life for full-time and part-time residents of all ages and stages, while welcoming visitors.

F. Environmental Impacts

Nil

G. Financial Impacts

Nil

H. In Consultation With

Shawn Postma, Manager of Community Planning

I. Public Engagement

The topic of this Staff Report has not been the subject of a Public Meeting or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. However, any comments regarding this report should be submitted to Carter Triana, planning@thebluemountains.ca

J. Attached

1. Nil

Respectfully submitted,

Carter Triana
Intermediate Planner

For more information, please contact:
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Report Approval Details

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Attachments:	
Final Approval Date:	Oct 26, 2023

This report and all of its attachments were approved and signed as outlined below:

Shawn Postma - Oct 26, 2023 - 2:32 PM

Adam Smith - Oct 26, 2023 - 4:21 PM