

# The Corporation of the City of Kawartha Lakes

## Planning Advisory Committee Report

Report Number PLAN2020-044

**Meeting Date:** November 4, 2020

### Public Meeting

**Title:** Additional Residential Units

**Description:** Official Plan Amendment No. 39 and an Amendment to 19 of the City's Zoning By-laws to permit Additional Residential Units (ARUs)

**Author and Title:** Anna Kalnina, Planner II

### Recommendation(s):

**That** Report PLAN2020-044, Additional Residential Units, be received;

**That** a By-law to implement the proposed Official Plan Amendment to the City of Kawartha Lakes Official Plan 2012, substantially in the form attached as Appendix A to Report PLAN2020-044, be referred to Council for adoption;

**That** the Official Plan Amendment, substantially in the form attached as Appendix A to Report PLAN2020-044, be transitioned into the City's 4 other Official Plans (Town of Lindsay Official Plan, Township of Ops Official Plan, Village of Fenelon Falls Official Plan, Victoria County Official Plan) as individual Official Plan Amendments and be referred to Council for adoption;

**That** the Zoning By-law Amendment, substantially in the form attached as Appendix B to Report PLAN2020-044, be transitioned into the City's 19 Zoning By-laws as individual Zoning By-law Amendments and be referred to Council for adoption; and

**That** the Mayor and Clerk be authorized to execute any documents required by the approval of these applications.

**Department Head:**

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**Legal/Other:**

\_\_\_\_\_

**Chief Administrative Officer:**

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## **Background:**

In 2012, Bill 140, Strong Communities through Affordable Housing Act authorized the use of second units in Ontario. A second unit was intended to be a self-contained residential unit with a private kitchen, bathroom facilities and sleeping areas within the existing dwelling (i.e. basement apartment) or within an accessory building to a dwelling. Municipalities were required to authorize second units in their Official Plans and Zoning By-laws.

More recently, in 2019, Bill 108, More Homes, More Choice Act made amendments to the Planning Act to replace the legislation authorizing second units with additional residential units (ARUs). The main difference between second units and ARUs is the total number of units permitted on a lot. Further to Bill 108, the Planning Act now allows up to two ARUs on a lot where there is a primary residential unit.

ARUs are part of the Provincial Government's response to Ontario's housing crisis. Some of the objectives of the Province's More Homes, More Choice: Ontario's Housing Supply Action Plan are to facilitate development of more and different types of housing, as well as make it easier to build housing by reducing lengthy approvals and heavily administered processes.

In accordance with Bill 108, Municipalities are required to have Official Plan and Zoning By-law provisions to authorize the use of ARUs. The Act allows ARUs on a lot with a primary residential unit being a detached house, a semi-detached house or a rowhouse (townhouse). One ARU may be in the same building as the primary residential unit and one ARU may be in the accessory building on the same lot.

The amendments to the Planning Act through Bill 108, are supplemented by the Ontario Regulation 299/19 that requires one parking space for each ARU (unless exempt in the Zoning By-law) that may be a tandem parking space; allows occupants of an ARU to be the property owners, relatives of property owners or any other person; and permits ARUs regardless of the date of construction of a primary residential unit.

The Amendments attached to this Staff Report PLAN2020-044 implement the ARU requirements of the Planning Act and O. Reg. 299/19, and bring the City's Official Plan and Zoning By-laws into conformity with policy direction introduced in the new A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 and Provincial Policy Statement, 2020.

## **Rationale:**

The proposed Amendments authorize ARUs, in accordance with the Planning Act, but also include performance standards to address neighbourhood and

community compatibility. A summary of the proposed performance standards and their rationale is provided as follows:

Performance Standard	Rationale
<ul style="list-style-type: none"> <li>1 primary residential unit per lot (single-detached, semi-detached, row or townhouse)</li> <li>2 ARUs per lot</li> <li>Where there is a garden suite or a second dwelling, an ARU is permitted for a maximum of 3 units on a lot</li> </ul>	<ul style="list-style-type: none"> <li>Staff interpretation of the intent of the Planning Act in relation to the number of permitted units</li> </ul>
<ul style="list-style-type: none"> <li>Primary dwelling unit meets minimum parking requirements</li> </ul>	<ul style="list-style-type: none"> <li>O. Reg. 299/19 empowers municipalities to determine appropriate parking requirements</li> </ul>
<ul style="list-style-type: none"> <li>Floor area equal or smaller than the primary residential unit</li> <li>Ontario Building Code minimum gross floor area requirements apply</li> </ul>	<ul style="list-style-type: none"> <li>ARUs are intended to be subordinate to the primary residential unit</li> </ul>
<ul style="list-style-type: none"> <li>Maximum height of an accessory building or structure may be 10m and a minimum yard setback may be 1.2m where an ARU is located on an upper storey</li> </ul>	<ul style="list-style-type: none"> <li>Allow ARUs to locate above a new detached garage</li> <li>Allow existing accessory buildings and structures to be converted to have an ARU on the upper storey</li> </ul>
<ul style="list-style-type: none"> <li>Minimum lot area of 0.4ha (on private services)</li> </ul>	<ul style="list-style-type: none"> <li>Ensure there is adequate room on the lot for private services and/or their replacement</li> </ul>
<ul style="list-style-type: none"> <li>A home occupation not permitted in an ARU</li> <li>An ARU not permitted on a lot with a bed and breakfast establishment</li> <li>Units use a common driveway and parking</li> </ul>	<ul style="list-style-type: none"> <li>Limit the number of uses on any one lot to reduce potential nuisances (i.e. requirement for large on-site parking areas to accommodate all uses)</li> <li>Ensure an orderly and safe access for vehicles</li> </ul>
<ul style="list-style-type: none"> <li>Comply with the Ontario Building Code, Fire Code, Zoning By-law, Minimum Distance Separation and other relevant municipal and provincial standards</li> </ul>	<ul style="list-style-type: none"> <li>Standard requirements for new dwelling units</li> <li>Consideration of correlation with City's Water Wastewater By-law</li> </ul>

Performance Standard	Rationale
<ul style="list-style-type: none"> <li>• Have municipal or private sewage and water supply</li> <li>• Locate outside of the hazardous lands</li> <li>• Frontage and access to a year-round municipally maintained road</li> <li>• ARU accessible from the street via a walkway or driveway</li> </ul>	
<ul style="list-style-type: none"> <li>• Registered with the City</li> </ul>	<ul style="list-style-type: none"> <li>• Monitor and track ARUs</li> </ul>

By authorizing the ARUs, not only is the City meeting legislated requirements, the City and its residents are benefiting from:

- Increase in rental housing options through gentle intensification
- Supplemental income for homeowners
- Opportunities to age in place
- Efficient use of infrastructure

### **Provincial Policy Statement (PPS), 2020**

Policy 1.1.1. b) of the PPS encourages an appropriate affordable and market-based range and mix of residential types, including ARUs. Furthermore, policy 1.4.3. b) of the PPS requires residential intensification including, one of the ways is by allowing ARUs.

By allowing ARUs, the City will broaden housing type and tenure options, whilst also encouraging residential intensification.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (APTG), 2019**

APTG encourages, and prescribes intensification and density targets to accommodate forecasted growth. APTG policies 2.2.1.4. c) and 2.2.6.1. a) provide that ARUs are encouraged in developing diverse range and mix of housing options.

ARUs are anticipated to assist the City in achieving provincially prescribed intensification and density targets. ARUs contribute to a complete community by creating diverse housing options.

### **Oak Ridges Moraine Conservation Plan (ORMCP), 2017**

The ORMCP derives its authority from the Oak Ridges Moraine Conservation Act, 2001, O. Reg. 140/02. Bill 108 changes with respect to ARUs do not apply to the Oak Ridges Moraine Conservation Act or its Regulations. For that reason, the

ORMCP continues to allow only one additional unit within the primary dwelling, with the exception of Natural Core or Natural Linkage Areas where additional units are not permitted. The proposed Amendments reflect this direction.

### **City of Kawartha Lakes Official Plan, 2012 (OP)**

The proposed Amendment adds new definitions and policies to authorize ARUs. The policy framework establishes the parameters for the companion zoning provisions, and considers geography, density, servicing, access, code and by-law compliance, site design, character, and compatibility. The OP currently has a policy that promotes intensification by encouraging the creation of secondary suites in the built-up area. This policy is proposed to be deleted and replaced with updated terminology.

### **General Amendment – Community Secondary Plans (OPA 13)**

Further to Bill 140, Council adopted OPA 13 in 2017 that introduced new policy to permit secondary suites. The OPA 13 was appealed by multiple parties, including the Ministry of Municipal Affairs. Although the Ministry has since withdrawn its appeal, other appellants have not, and the secondary suites policy is not in effect.

### **Other Municipal Official Plans (OPs)**

Due to the active appeals of the Community Secondary Plans and OPA 13, the Town of Lindsay OP, Village of Fenelon Falls OP, Township of Ops OP and Victoria County OP continue to apply to varying degrees. As such, companion amendments to these OPs as they relate to ARUs will be presented to the Planning Advisory Committee in a subsequent meeting. The companion OPAs also establish the policy framework to implement the associated proposed Zoning By-law Amendments.

### **Zoning By-laws**

Further to Bill 140, Council adopted By-law 2014-283 that amended the urban area Zoning By-laws for the Town of Lindsay, Village of Fenelon Falls, Village of Bobcaygeon, and Village of Omemee to allow an accessory dwelling unit 'ADU' under specific conditions. An ADU was only permitted within the existing primary dwelling unit and where full municipal services were provided. ADUs were also required to be registered with the City.

In contrast to By-law 2014-283, the proposed Zoning By-law Amendment would have the effect allowing ARUs as-of-right City-wide subject to performance standards, and have the effect of allowing ARUs in accessory buildings or structures.

The proposed Amendment is intended to replace By-law 2014-283. As an example of how the proposed Official Plan Amendment would be implemented through a Zoning By-law, Appendix B contains the 'all inclusive' or generic version of the proposed Zoning By-law Amendment. It includes all definitions, provisions and performance standards ('the standards') for all of the City's 19 Zoning By-laws. The 'standards' in each of the 19 Zoning By-law Amendments will be tailored to suit each individual Zoning By-law. For example, standards that address rural-based settings such as lot size requirements for properties on private services are not needed for urban-based by-laws where lots are required to connect to full municipal services.

### **Additional Dwelling Unit Registration By-law**

In concert with Zoning By-law 2014-283, Council also passed Registration By-law 2014-305 administered through the Building Division of Development Services.

The City's website provides a public register of ADUs, and at its last update contains 65 registered units, with 2 units pending. It is notable that the majority of registered units were carried over from the former Town of Lindsay's register, leaving approximately two dozen new units registered since 2014.

Staff will provide a revised Registration By-law in a subsequent meeting that aligns with the proposed Amendments to the Official Plans and Zoning By-laws.

### **The City of Kawartha Lakes and the County of Haliburton Housing & Homelessness Plan (2020-2029) (HHP)**

The HHP identifies that over the last decade, vacancy rates for a rental unit have decreased dramatically, while the cost of renting has increased. ARUs could be one of the solutions to increasing rental housing stock in the City.

The HHP also provides that there is a mismatch between the demographic trends and housing options in the City. Over 65% of the City's households are 2 persons or less, whereas the majority of the housing options continue to be traditional family-sized dwellings. ARUs are intended to serve smaller household sizes and are anticipated to address a gap in the existing housing options.

Objective 7.6 of the HHP is to expand official plan policies and zoning by-laws to broaden second suite options. Objective 7.7 is to create affordable housing by allowing secondary suites. While ARUs are anticipated to create market rent units, creating more rental housing supply may potentially lower average rental prices in the City, and increase overall housing affordability.

### **Appeal Limitations**

In accordance with the Planning Act, Official Plan policies that have the effect of authorizing the ARUs and the associated Zoning By-laws are limited in appeal

rights. The Minister of Municipal Affairs and Housing is the only party eligible to file an appeal to the City's ARU policy and zone provisions.

### **Other Alternatives Considered:**

No other alternatives have been considered.

### **Alignment to Strategic Priorities**

The Council Adopted Strategic Plan identifies four Strategic Priorities:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment
- Good Government

The proposed draft Amendments directly align with an exceptional quality of life, as it meets the goal of building social infrastructure by supporting affordable, attainable and purpose built housing.

The proposed Amendments further align with good government by increasing efficiency and effectiveness of service delivery by streamlining policies, by-laws and processes.

### **Consultations:**

Staff circulated the proposed Amendments to the Building Division, Engineering, Public Works, Housing, and Municipal Law Enforcement, as well as the Ministry of Municipal Affairs and Housing.

Public Notice was issued in regional Newspaper publications and the draft Amendments are available on the Planning & Development page of the City's website for broader consultation.

Comments reviewed while drafting the report have been considered and incorporated into the draft Amendments as appropriate.

### **Attachments:**

Appendix A – Proposed Official Plan Amendment No. 39



Appendix A Draft  
OPA 39.pdf

## Appendix B – Proposed Zoning By-law Amendment



Appendix B Draft  
ZBA.pdf

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**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

**Department Head:** Chris Marshall, Director of Development Services

**Department File:** D00-99-032

**CITY OF KAWARTHA LAKES**

**OFFICIAL PLAN AMENDMENT NO. 39**

**ADDITIONAL RESIDENTIAL UNITS**

**November 2, 2020 DRAFT**



## **Introduction**

The City of Kawartha Lakes Official Plan, 2012 is proposed to be amended as follows:

1. By adding new policies to Section 5 Housing Goal;
2. By adding new definitions to Section 30 Definitions.

## **Background**

Bill 108, More Homes More Choice Act, 2019 amended the Planning Act to require Additional Residential Units, supplemented by policy direction introduced in the new A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 and Provincial Policy Statement, 2020.

OPA 39 is intended as a part of a provincial policy conformity exercise.

## Details of the Amendment

The City of Kawartha Lakes Official Plan, 2012 is hereby amended as follows:

### 1. Section 30 Definitions is amended by adding the following;

**Additional Residential Unit:** means a residential dwelling unit that is self-contained, subordinate to and located within the same building or on the same lot as the primary residential unit. The additional residential unit shall include the following areas that are separate from the primary residential unit: a separate entrance, kitchen facilities, washroom facilities, and living space.

**Primary Residential Unit:** means a single detached, semi-detached, row house, or townhouse dwelling for the purpose of the definition of Additional Residential Unit.

### 2. Section 5 Housing Goal is amended by adding the following:

#### 5.7 ADDITIONAL RESIDENTIAL UNITS

- 5.7.1 This Plan will support flexible zoning provisions to permit a broad range of housing forms, including additional residential units.
- 5.7.2 Additional residential units are permitted as of right, in addition to the primary residential unit, in single detached, semi-detached, row house, or townhouse dwellings as well as in accessory buildings or structures on lots associated with these dwelling types, provided they are in accordance with this policy and the applicable zoning by-law provisions.

The following criteria shall be considered when evaluating proposals for the creation of additional residential units.

- a) A maximum of two additional residential units are permitted, where one additional residential unit is in the same building as the primary dwelling unit and one additional residential unit is in an accessory building or structure. For the purposes of this policy, each primary residential unit is located on a separate lot.
- b) A lot containing a garden suite, in accordance with the policies in Section 5.4. Garden Suites, may also have an additional residential unit, up to a maximum of three units on the lot.
- c) Lots outside of designated settlement areas shall have a minimum lot area of 0.4 hectares to be eligible for an additional residential unit. This requirement may be reduced where it is demonstrated through a hydrogeological and site servicing study that the lot can be adequately serviced.

- d) Additional residential units shall only be permitted on lots having adequate sewage and water supply. Additional residential units being developed on private services are encouraged to utilize the existing private sewage disposal systems and wells.
- e) The floor area of the additional residential unit shall be equal to or smaller in size compared to the gross floor area, excluding attached garage area, of the primary residential unit without any substantial modification to the building's bulk or massing.
- f) The Zoning By-law shall contain appropriate performance standards for the creation of an additional residential unit, including lot area and frontage, yard setbacks, coverage, height, and landscaping to reflect the character of the neighbourhood. Additional residential units are not subject to density control requirements as defined in the applicable Zoning By-law.
- g) On-site parking is provided in accordance with the Zoning By-law.
- h) Additional residential units shall only be permitted on lots having frontage and access to a year-round municipally maintained road.
- i) Additional residential units shall not be permitted within buildings or structures that are located within the Environmental Protection designation, floodplain areas, water setback or other hazardous lands.
- j) Where applicable, additional residential units located in accessory buildings or structures shall comply with the Minimum Distance Separation formulae.
- k) An additional residential unit within an accessory structure shall not be severed from the lot accommodating the primary residential unit.
- l) Additional residential units shall comply with the provisions of the Ontario Building Code, Fire Code, Zoning By-law and all other relevant municipal and provincial standards.
- m) All additional residential units shall be registered in accordance with the City's Additional Residential Unit Registration By-law.
- n) Notwithstanding Section 5.7.2, within the Oak Ridges Moraine Conservation Plan (2017) area a maximum of one additional residential unit shall only be permitted within a single dwelling provided the single dwelling is located with the Settlement, Rural Settlement or Countryside land use designations; additional residential units are not permitted within the Natural Core Area or Natural Linkage Area designations.

5.7.3 Innovative building design is encouraged to facilitate subsequent opportunities to create additional residential units.

**CITY OF KAWARTHA LAKES**  
**ZONING BY-LAW AMENDMENT NO. 2020-XX**  
**ADDITIONAL RESIDENTIAL UNITS**

**November 2, 2020 DRAFT**



# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2020-XX**

### **A By-law to repeal and replace By-law 2014-283 and amend multiple Zoning By-laws in accordance with Additional Residential Units Official Plan Amendment No. 39**

#### **Affected By-laws:**

Township of Bexley Zoning By-law 93-09  
Village of Bobcaygeon Zoning By-law 16-78  
Township of Carden Zoning By-law 79-2  
Township of Dalton Zoning By-law 10-77  
Township of Eldon Zoning By-law 94-14  
Township of Eldon Zoning By-law 1996-30  
Village of Fenelon Falls Zoning By-law 89-25  
Township of Fenelon Zoning By-law 12-95  
United Townships of Laxton, Digby and Longford Zoning By-law 32-83  
Town of Lindsay Zoning By-law 2000-75  
Township of Manvers Zoning By-law 87-06  
Township of Mariposa Zoning By-law 94-07  
Village of Omemee Zoning By-law 1993-15  
Township of Ops Zoning By-law 93-30  
Oak Ridges Moraine Zoning By-law 2005-133  
Township of Somerville Zoning By-law 78-45  
Village of Sturgeon Point Zoning By-law 339  
Township of Verulam Zoning By-law 6-87  
Village of Woodville Zoning By-law 1993-9

This By-law enacts new Definitions and General Provisions in accordance with Section 34 and Section 35.1(1) of the Planning Act.

#### **DEFINITIONS:**

**DWELLING UNIT, ADDITIONAL RESIDENTIAL** shall mean a residential dwelling unit that is self-contained, subordinate to and located within the same building or on the same lot as the primary residential dwelling unit. The additional residential unit includes a separate entrance, kitchen facilities, washroom facilities, and living space from the primary residential dwelling unit.

**DWELLING UNIT, PRIMARY RESIDENTIAL** shall mean a single detached, semi detached, row or townhouse dwelling unit for the purpose of the definition of additional residential dwelling unit.

**ACCESSORY BUILDING OR STRUCTURE** in conjunction with 'Dwelling Unit, Additional Residential' means a use, building or structure that may be used for human habitation and is customarily incidental, subordinate and exclusively devoted to the principal use or main building, and located on the same lot therein.

## **GENERAL PROVISIONS:**

### **Additional Residential Dwelling Units**

1.1. Notwithstanding the permitted uses, maximum densities and minimum gross floor areas listed elsewhere in this By-law, additional residential dwelling units are permitted in all zones that permit single detached, semi-detached, row or townhouse dwelling units, subject to the following provisions:

- i. One (1) primary residential dwelling unit per lot. In the case of a 'Semi-detached dwelling', 'Row dwelling' or 'Townhouse dwelling' that each primary residential dwelling unit is located on a separate lot.
- ii. A maximum of two (2) additional residential dwelling units per lot, one (1) within the same building as the primary residential dwelling unit and one (1) within an accessory building or structure to the primary residential dwelling unit.
- iii. Notwithstanding seasonal farm residential uses, a lot may have an additional residential dwelling unit in addition to a garden suite, approved through a Temporary Use By-law, or a second dwelling use in accordance with the applicable zoning provisions for a maximum of three (3) units on a lot.
- iv. Unless otherwise stated, all zone provisions continue to apply to an additional residential dwelling unit.
- v. An additional residential dwelling unit located in an accessory building or structure shall be in accordance with the Accessory Buildings, Structures and Uses provisions of this Zoning By-law. An accessory building or structure containing an accessory residential dwelling unit located on an upper storey shall have a maximum height of 10 m and minimum yard setback of 1.2 m.
- vi. A lot has frontage on a public street.
- vii. A minimum lot area of 0.4 ha (4000 sq. m.) on private services.
- viii. The floor area of the additional residential dwelling unit is equal to, or less than, the gross floor area, excluding attached garage floor area of the primary residential dwelling unit without any modification to the building's bulk or massing.
- ix. Where applicable an additional residential dwelling unit shall not be permitted on a lot which contains a bed and breakfast establishment.
- x. At a minimum, on-site parking shall be provided in accordance with the requirements for the primary residential dwelling unit. Where there is a home occupation in an additional residential dwelling unit, parking shall be in accordance with the Zoning By-law requirements for a home occupation use.

- xi. An additional residential dwelling unit shall be accessed from the street via a walkway or driveway.
- xii. An additional residential dwelling unit or part thereof shall not be within the EP Zone, floodplain or water setback.
- xiii. Compliance with the provisions of the Ontario Building Code, Fire Code and all other relevant municipal and provincial standards.
- xiv. Registration of the additional residential dwelling unit in accordance with the City's Additional Residential Unit Registration By-law.

## **Oak Ridges Moraine Zoning By-law 2005-133**

### **Section 3 Definitions:**

**DWELLING UNIT, ADDITIONAL RESIDENTIAL** shall mean a residential dwelling unit that is self-contained, subordinate to and located within the same building as the primary residential dwelling unit. The additional residential unit includes a separate entrance, kitchen facilities, washroom facilities, and living space from the primary residential dwelling unit.

**DWELLING UNIT, PRIMARY RESIDENTIAL** shall mean a single dwelling unit for the purpose of the definition of additional residential dwelling unit.

### **Section 5 General Provisions:**

#### **5.31 Additional Residential Dwelling Units**

Notwithstanding the permitted uses, maximum densities and minimum floor areas listed elsewhere in this By-law, additional residential dwelling units are permitted subject to the following provisions:

- i. A maximum of one (1) additional residential dwelling unit within the same building as the primary residential dwelling unit.
- ii. Unless otherwise stated, all zone provisions continue to apply to an additional residential dwelling unit.
- iii. A lot has frontage on a public street.
- iv. A minimum lot area of 0.4 ha (4000 sq. m.) on private services.
- v. The floor area of the additional residential dwelling unit is equal to, or less than, the gross floor area, excluding attached garage floor area of the primary residential dwelling unit without any modification to the building's bulk or massing.
- vi. An additional residential dwelling unit shall not be permitted on a lot which contains a bed and breakfast establishment.

- vii. At a minimum, on-site parking shall be provided in accordance with the requirements for the primary residential dwelling unit. Where there is a home business in an additional residential dwelling unit, parking shall be in accordance with section 5.12 Parking Requirements.
- viii. An additional residential dwelling unit shall be accessed from the street via a walkway or driveway.
- ix. An additional residential dwelling unit or part thereof shall not be within the the ORMCA Zone, ORMLA Zone, ORMEP Zones, floodplain or water setback.
- x. Compliance with the provisions of the Ontario Building Code, Fire Code and all other relevant municipal and provincial standards.
- xi. Registration of the additional residential dwelling unit in accordance with the City's Additional Residential Unit Registration By-law.

By-law read a first, second and third time, and finally passed, this \_\_\_\_ day of \_\_\_\_\_, 2020.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk