

---

**Subject:** Recommendation Report: Proposed Town-Wide Zoning By-law Amendments - Additional Residential Units (File No. ZBA24.003)

**Staff Report No.** DS-029-24

**Commission:** Development Services Commission

**Date:** June 19, 2024

---

**Recommendation:**

- 1) That Council confirm that notwithstanding the proposed Zoning By-law Amendment is different from that proposed at the May 1, 2024 Statutory Public Meeting, the revisions are minor in nature and no further Statutory Public Meeting is required in accordance with Section 34(17) of the *Planning Act*; and
- 2) That Council enact By-law No. 2024-078-ZO being a by-law to implement the regulations for Additional Residential Unit in the Comprehensive Zoning By-law 2010-001-ZO.

**1. Purpose:**

The purpose of this report is to make a recommendation to Council regarding the Town-initiated Zoning By-law Amendment to allow up to three (3) residential units on fully serviced (water and sewer) settlement areas to bring the Town's Zoning By-law into conformity with Provincial Bill 23, the More Homes Built Faster Act.

**2. Executive Summary:**

On November 28, 2022, Bill 23, the More Homes Built Faster Act, 2022 ("Bill 23") received Royal Assent. This Bill requires Ontario municipalities to amend local Official Plans and Zoning By-laws to allow up to three (3) residential units in a detached house, a semi-detached house, and a townhouse unit on a parcel of land within fully serviced (water and sewer) settlement areas. Permitted configurations include:

- i. Two (2) residential units within the principal dwelling unit building and one (1) in an ancillary building, or
- ii. Three (3) residential units in the principal dwelling unit provided there is no residential unit in an ancillary building.

Planning Staff have initiated a Town-Wide Zoning By-law Amendment for additional residential use permissions and regulations to bring the Town's Comprehensive Zoning By-law 2010 into conformity with Bill 23.

This Report will:

- Provide background on Additional Residential Units, where they are permitted, the statutory public meeting and public consultation to date (Sections 3.1 to 3.5);
- Provide an overview of the proposed Zoning By-law changes (Section 4.1);
- Identify and analyse the Provincial, Regional and Town Official Plan policies that apply to the proposed Zoning By-law Amendments (Section 4.2)
- Basis of Staff's recommendation (Sections 4.3);
- Provide a recommendation to Council on the proposed Zoning By-law Amendment applications (Section 4.4).

This report concludes that the passage of a Zoning By-law Amendment in accordance with the recommendations made in this report represent good planning.

### **3. Background:**

#### **3.1 Federal and Provincial Policy**

##### *Provincial Bill 23, the More Homes Built Faster Act, 2022*

On November 28, 2022, [Bill 23, the More Homes Built Faster Act, 2022](#) received Royal Assent. This bill is part of Ontario's Housing Supply Action Plan and aims to support the province's goal to add 1.5 million new homes in Ontario by 2031.

This Planning Act, as amended by Bill 23, requires Ontario municipalities to amend local Official Plans and Zoning By-laws to allow:

- Up to three (3) residential units permitted on a parcel of land within fully serviced (water and sewer) settlement areas:
  - Two (2) residential units within the principal building (detached house, semi-detached house, townhouse) and one (1) residential unit in an ancillary building; or
  - Three (3) residential units within the principal building (detached house, semi-detached house, townhouse) provided there is no residential unit in an ancillary building.

Through a local lens this policy can help to gently increase local residential density and increase the inventory of affordable rental units that are necessary to support housing

needs based on different income levels and stages of life – young people, young families, caretakers, multi-generational families, essential service workers and seniors. Additionally, this change provides added flexibility for multi-generational living and co-housing building configurations.

### 3.2 What is an Additional Residential Unit?

Additional Residential Units (ARUs) also commonly termed second suite, additional dwelling units, accessory apartments, and in-law suites, are self-contained residential dwelling units, with their own cooking facility, sanitary facility and sleeping area. They can be located either within a single detached, semi-detached or townhouse dwelling. With the passing of Bill 23, an ARU can now also be built in an ancillary standalone building within a permitted residential yard (typically rear or interior side yard).

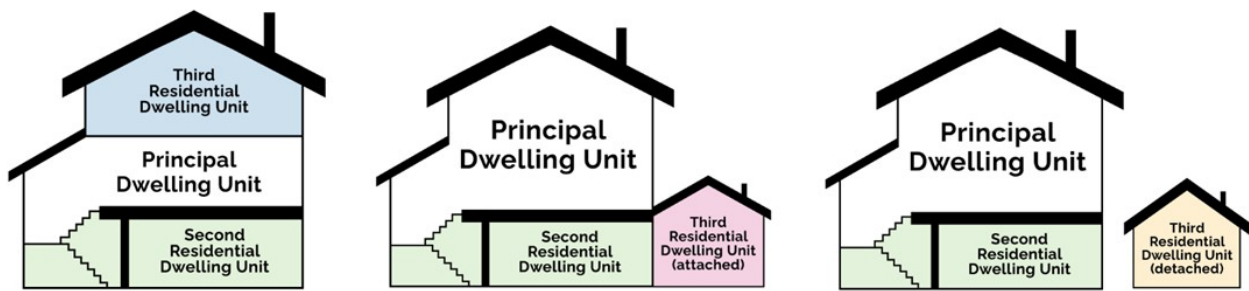
### 3.3 What types of Additional Residential Units are there?

**Integrated ARU** - For the purpose of clarity Staff are terming ARUs located with the principal dwelling unit as '**integrated ARUs**' (also commonly termed second suite, additional dwelling units, accessory apartments, in-law suites). Municipally to date, they *had* been called 'Second Suites' and most commonly constructed in the form of 'basement apartments'.

**Ancillary ARU** - With Provincial passing of Bill 23, an ARU can now be built in an ancillary standalone building within a permitted residential yard (typically rear or interior side yard). For the purpose of this By-law, those will be termed '**ancillary ARUs**' (also commonly termed garden suites, coach houses, granny flats, and laneway houses). Over recent years the modular home, tiny home, park model trailer industry of pre-built homes has grown in response to Provincial objectives and citizens desire for affordable and alternative forms of housing.

The image below shows a variety of some of the ARU forms that could be seen in other Ontario municipalities (See **Figure 1**). Integrated ARUs may include converting existing homes into duplexes and triplexes (in various combinations), basement conversions, attic conversion, and locating in newly constructed additions. Ancillary ARUs may include, detached buildings (i.e., tiny home, modular home, custom build), and converting existing detached accessory buildings. Other forms may include ARUs above attached and detached garages, laneway homes, and other new and innovative 3-dwelling unit on single lot housing forms enabled by new permissions.

Figure 1



Typical examples of Three (3)-ARU configurations

### 3.4 Locational permissions for ARUs

Bill 23 specifically identifies that residential units be permitted on residential lots that are located in fully municipally serviced (water and sewer) settlement areas (i.e., Stouffville Secondary Plan Settlement Area). The only settlement area that meets these criteria, at this time is the Stouffville Secondary Plan Settlement Area. **Figure 2** and **Attachment 1** titled ‘Schedule 65 – Additional Residential Unit Permission Map’ identifies this area in grey. Staff anticipate most community uptake will be located within this community, but caution, in both fully municipally serviced areas and privately serviced areas the ability to have ARUs will be subject to localized environmental/geographical constraints (i.e., existing construction and lot fabric limitations, flooding, erosion, natural features, conservation authority regulated areas) and infrastructure constraints (i.e., water, sewer, electrical, etc.), as different neighborhoods have varying capacity and may require upgrades. Discussion and new regulations will primarily relate to the ARUs located in the Stouffville Secondary Plan Settlement Area, but through this exercise opportunity was taken to clarify ARU permissions outside the Stouffville Secondary Plan and provided additional flexibility while conforming to Provincial Plans and to meet the Provincial objectives to create more housing options.

The Secondary Settlements Areas (identified in beige on **Attachment 1**) have ‘as-of-right’ zoning permissions for one (1) ‘integrated’ ARUs within the settlement area boundaries of Vandorf, Gormely, Ballantrae, Musselman’s Lake and Bloomington given the varying servicing capabilities. These locations will retain the permission for one (1) ARU. The proposed zoning Amendments allow for the one (1) ARU to be either ‘integrated’ or ‘ancillary’, as permitted in the respective designations. Staff note that some Secondary Plan Areas may have servicing constraints and limited permissions which may potentially impact the uptake of ARUs in those communities. The proposed Zoning By-law has regulation that ensure that adequate servicing is available to service any ARU.

The whitebelt lands along the southern boundary of Town are identified as New Urban Areas within the Town’s Draft Official Plan (some of which have received permissions via Minister Zoning Orders) (identified in beige with hatching and MZO in pink outline on **Attachment 1**). Presently these lands have the same permissions as the above for one

(1) 'integrated' or 'ancillary' ARU, but in the future upon receiving full municipal servicing they will gain the potential for a total of two (2) ARUs. This same interpretation would apply to currently privately serviced areas within the Town including but not limited to the subdivision of Cam Fella Boulevard and Loretta Crescent.

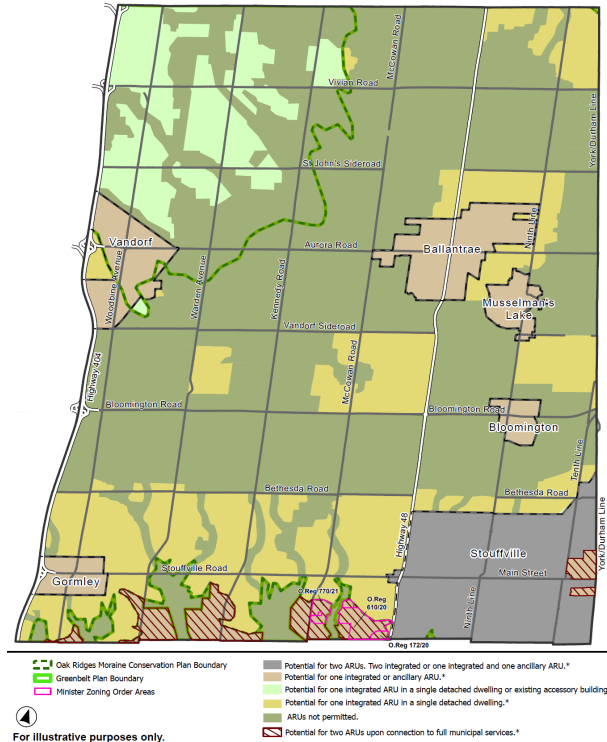
Outside settlement areas ARU permissions are constrained by the Oak Ridges Moraine Conservation Plan (ORMCP) and the Greenbelt Plan. The following permissions that must be followed by the Provincial documents is the following:

- i. Within the 'Natural Core Area' and 'Natural Linkage Area' of the *Oak Ridges Moraine Conservation Plan Area*, and within the 'Greenbelt Natural Heritage System' of the *Greenbelt Plan Area*, an ARU is not permitted (identified in dark green on **Attachment 1**);
- ii. Within the Countryside Area of the *Oak Ridges Moraine Conservation Plan Area*, only one (1) ARU may be permitted within a single detached dwelling (identified in yellow on **Attachment 1**); and
- iii. Within the 'Greenbelt Protected Countryside Area', and outside the 'Greenbelt Natural Heritage System,' only one (1) ARU may be permitted either within a permitted single detached dwelling or an existing accessory structure (identified in light green on **Attachment 1**).

**Figure 2**

Schedule 65: Additional Residential Unit Permission Map

\*Subject to zone use permissions and regulations.



*Extract of Additional Residential Unit Permission Map***3.5 Statutory Public Meeting**

On May 1, 2023, a Statutory Public Meeting, in accordance with the statutory requirements of the Planning Act, was held by the Town. No members of the community participated at the meeting.

At the meeting, members of Council provided comments which are summarized as follows:

- Shared concern that regulations were too limiting to potential gross floor area on larger lots that could contribute multiple and/or larger and more liveable ARUs.
  - o Staff have adjusted regulations to consider and adapt for opportunities and constraints of an assortment of lot sizes.

Since the meeting held in May 2024, some changes have been made based on the comments received from the community, members of Council, Town departments and external agencies, and further research.

Public comments are discussed in greater detail below in Section 4.4.

Revisions and proposed ARU regulations are discussed in the following sections below.

**4. Analysis:****4.1 Revisions to Draft Zoning By-law since Statutory Public Meeting**

Since the public meeting on May 1, 2024, revisions have been made to the Draft Zoning By-law to address the feedback provided by the community, Council, Staff, commenting agencies, and further research and analysis.

The primary change that has occurred is that Staff determined that approach to coverage and gross floor area in particular, had to be reassessed based on the varying lot sizes throughout the Town. Different sized lot and typical neighbourhoods they are in have context sensitive opportunities and constraints they have. In addition to this the community survey had concluded. Based on public feedback certain items needed closer examination and 'checks and balances.'

Previously Staff had applied a broad selection of lot sizes (lots under 2,000 square metres and lot over 2,000 square metres). This approach did not give enough consideration to the lot sizes in-between. Following detailed analysis of lot sizes, particularly in the Stouffville Secondary Plan, Staff have decided to provide regulations for 3 lot size categories.

Below Staff will discuss the proposed changes and consideration as it relates to the Ancillary ARUs and Integrated ARUs. The Draft By-law can be seen in **Attachment 2**.

#### 4.1.1 Ancillary ARU ~ Smaller Lots (0-499 square metres lots)

Within the Stouffville Secondary Plan Area this represents 8,704 of the residentially zoned lots (71.7%). This segment represents the majority of urban lots, but also the segment that faces the most constraints. Presently based on testing most of these lots, it appears that the lots are constructed near or at their maximum lot coverage, have prohibitive rear yard setbacks requirements that may not have the potential to accommodate an Ancillary ARU and often do not have available space for 3 to 4 parking spaces. As such, relief where appropriate is proposed to assist a greater number of residents to have a viable option to participate.

Staff note that based on the analysis of small and medium lots, factors, such as lot shape, existing building footprint, existing rear yard depth and parking supply, will heavily play into the viability and desirability of pursuing an Ancillary ARU. An extract of the Ancillary ARU Regulation Table can be found in **Figure 3**.

##### A. Maximum Lot Coverage, Minimum 'Actual Rear Yard' Landscape Area' Coverage and Maximum Gross Floor Area (GFA)

The footprint of the Ancillary ARU will be primarily based on these three variables which Staff believe balance each other out to provide greater opportunity, while still trying to maintain the scale and character of the neighbourhood in consideration of the change.

Staff are recommending lots in this range an increased 10% lot coverage boost for the direct purpose of creating ARUs. This larger boost is required since most lots are already close to their maximum lot coverage. The proposed additional lot coverage and the boost would help generate a viable amount of liveable GFA to consider constructing an ARU given the smaller lot size value.

Staff recommend that the maximum GFA is to be no greater than 50% of the Principal Dwelling Unit on the lot, to a maximum of 56 square metres (602 square feet). Staff is of the opinion that an Ancillary ARU exceeding 56 sq.m. in this lot area range within a rear yard would be overwhelming for the lot and neighbours.

To balance this additional lot coverage, staff recommend that a minimum 50% actual rear yard be landscaped area. This is to ensure that neighbourhoods remain green, adequate outdoor amenity space remains, lots are not overdeveloped, and that necessary landscaping remains to serve stormwater management/drainage and grading matters. (Staff intend to explore incorporating rear yard landscape coverage in all residential zones in the future).

In contrast, the draft by-law presented at the Statutory meeting proposed a 'one size fits all' approach. It was proposed that regardless of lot size an Ancillary ARU of up to 75 square metre (807.3 square feet) in GFA would be permitted on lots that could accommodate. It was also proposed that an Ancillary ARU of 38 square metre (409

square foot) in GFA would be permitted on lots where lot coverage was already met provided the Ancillary ARU could comply with setbacks. The new approach is much more scalable to the subject lots and neighbourhood, as a 75 square metre or even 38 square metre Ancillary ARU could be overwhelming on many lots in this range.

## B. Setbacks and Height

The proposed setbacks have not changed from the original draft by-law presented at the Statutory public meeting. Ancillary ARUs remain prohibited in the front yard, are required to follow the Parent Zone setbacks (i.e, R1, R2, R3, R4, RN1, RN2, RN3, RN4) for the exterior side yard (typically 3.0 to 4.5 metres), and interior side yard (typically 1.2 to 1.5 metres), and would be required to have a minimum 1.2 metre rear yard setback.

At that time, it was understood that to 'effectively' implement ARUs in the rear yard, especially on smaller lot, setback relief would be required for the interior yard and rear yard. The typical rear yard setbacks (6.0 to 7.5 metres) for Ancillary ARUs are not viable on lots of this size. Staff believe a 1.2 metre setback is adequate to capture stormwater runoff and to provide space for a landscape buffer or fencing which can provide separation and screening between the Ancillary ARU and neighbouring property. Requiring an increased rear yard setback has the downside of creating non-functional space along the perimeter and effectively reduces the amount of 'central' usable outdoor amenity space. Most notably in many of these situations a substantial setback would make placing an Ancillary ARU prohibitive.

The original draft by-law proposed maximum height of 4.5 metres for the Ancillary ARU. This would typically limit residents to a relatively flat roof for the Ancillary ARU. Following internal technical discussions Staff have decided to increase the maximum height from 4.5 metres to 5.0 metres (difference of 1 foot 8 inches). This additional height enables the construction of a more desirable sloped truss roof. A sloped roof allows for snow to slide off it more easily (important with Canadian winters), provides for more interior useable space, can provide for higher ceilings which could be used for providing more windows/natural light, and potentially useable loft space for storage or a low ceiling bedroom (should the Ontario Building Code become more permissive). Staff believe that this change is minor, but will typically produce a one-storey product with greater flexibility to residents.

### **4.1.2 Ancillary ARU ~ Medium Lots (500-1499 square metres lots)**

Within the Stouffville Secondary Plan Area this represents 2,846 of the residentially zoned lots (23.4%). This segment represents older, irregular and larger lots which are frequently within walking distance to Main Street. This segment also represents the largest lot size variety, but based on analysis these lots all appear to have the potential to provide ARUs with more liveable GFAs. To accommodate the variety flexible regulations are proposed to accommodate situations, context and neighbourhood.

These lots vary from being below, near and at their maximum coverage, but typically have larger rear yards which are under-utilized given the context of this project. Given



their location many of these lots are positioned to participate in a meaningful way should the owners choose to participate.

Staff note that many lots in Secondary Settlement Areas (i.e., Musselman's Lake, Ballantrae, Bloomington, Vandorf, Gormely) typically will fall within the provisions of the higher end of this lot scale and the 'Large Lots' category and can benefit from these permissions.

#### A. Maximum Lot Coverage, Minimum 'Actual Rear Yard' Landscape Area' Coverage and Maximum Gross Floor Area (GFA)

The footprint of the Ancillary ARU will be primarily based on these three variables which Staff are of the opinion that the variables balance each other out to provide greater opportunity, while still trying to maintain the scale and character of the neighbourhood in consideration of the change.

For this lot area range, Staff are recommending additional lot coverage of 5% for the direct purpose of creating ARUs. This boost is supplied since as many lots are close their maximum lot coverage and this boost can encourage the creation of desired ARUs.

Staff propose that the maximum GFA is to be no greater than 50% of the Principal Dwelling Unit on the lot, to a maximum of 140 square metres (1506.95 square feet). Staff believe an Ancillary ARU exceeding 140 square metres will be overwhelming for what are still typically part larger subdivision lot fabric that are often interfacing with lots of varying sizes.

Additionally, Staff acknowledge that some lots in this lot area range will have older homes with smaller GFA and as such would only be limited to smaller maximum GFA. To encourage Ancillary ARUs on underutilized lots, Staff propose to allow all lots on in this lot range to construct Ancillary ARU up to a 93 square metre (1,001 square foot) provided they can comply with all other provisions.

To balance out these permission Staff are proposing a minimum 60% actual rear yard to be landscaped area. This is to ensure neighbourhoods remain green, adequate outdoor amenity space remains, lots are not overdeveloped, and that necessary landscaping remains to serve stormwater management and private servicing purposes remains.

In contrast, to the previous draft by-law, Staff believe this set in combination with setbacks and heights below may yield similar footprints, but provides the ability to garner greater GFA over two floors when appropriate.

#### B. Setbacks and Height

The proposed setbacks and heights are intended to be flexible depending where on the lot range scale the lots sits and to provide options depending on the opportunities and constraints on the property.

The front yard prohibition and utilization of the Parent Zone exterior side yard setback remain the same.

Both the interior and rear yard setback (in concert with height) are intended to provide flexibility and balance in consideration of neighbours. If an Ancillary ARU with a GFA of 93 square metres or less is proposed it can be 1.2 metres from the respective lot lines given the lesser magnitude. If someone is looking to construct an Ancillary ARU of greater than 93 square metres, a larger magnitude, it must be 4.5 metres from respective lots.

Lastly, Staff are proposing to give residents in this range the option to construct 6.5 metre 2-storey ARUs if they construct 4.5 metres away from the interior and rear property lines.

Staff are of the opinion that the added setback helps mitigate the potential concerns of increased scale and height. Further as a whole Staff are of the opinion that these regulations and 'checks and balances' will scale appropriately with the subject lots and surrounding neighbourhoods.

#### **4.1.3 Ancillary ARU ~ Large Lots (1499+ square metres lots)**

Within the Stouffville Secondary Plan Area this represents 590 of the residentially zoned lots (4.86%). This is by far the smallest segment. It represents older lots, irregular lots and development blocks. Most of these lots within Town are concentrated in the Cam Fella Boulevard and Loretta Crescent subdivision.

More typically these lot sizes will be located in the Secondary Settlement Areas where they can greatly exceed 1,500 square metres. It is also important to note in the Secondary Settlement Areas one Integrated ARU has always been permitted, but now that ARU can be ancillary instead. Staff anticipate this option in this area may see substantial uptake.

##### **A. Maximum Lot Coverage, Minimum 'Actual Rear Yard' Landscape Area' Coverage and Maximum Gross Floor Area (GFA)**

The footprint of the Ancillary ARU will be primarily based on these three variables which Staff believe balance each other out to provide greater opportunity, while still trying to maintain the scale and character of the neighbourhood in consideration of the change.

Staff are recommending additional lot coverage for lots in this range of up to 2.5% to help create ARUs. This boost is supplied since as some lots have reached or are close their maximum lot coverage and this boost can encourage the creation of desired ARUs.

The maximum GFA of up to 233 square metres is permitted. While Staff note 233 square metres is a large number it is important to consider the context. These lots typically in considerable excess of 1500 square metres, have excess underutilized land,

and usually have substantial natural features around the perimeter of the property which limit their interaction and interfaces with neighbours.

To balance out these permission Staff are proposing a minimum 75% actual rear yard landscaped area is being introduced. Many of these lots have important natural features and Staff are of the opinion that it is important to protect the features. Despite this high percentage Staff believe that given the scale of these lots, generous amounts of space will remain available to build an ARU.

#### B. Setbacks and Height

Given the scale of these lots typically, Staff is of the opinion that it is appropriate that Ancillary ARUs on these lots conform to the Parent Zone for setbacks with the exception of a 6.0 metre setback. Staff opine that some lots on the lower end of the scale may require some flexibility. Staff note 6.0 metres is the typical rear yard setback requirement, and as such it is appropriate. Paired with these setbacks and the typical natural screening on these properties Staff opine that a 6.5 metre height is appropriate.

Figure 3 below shows an excerpt from the zoning by-law for the Ancillary ARU.

**Figure 3 - Ancillary ARU Regulations**

Lot Size	Maximum Lot Coverage	Minimum 'Actual Rear Yard' 'Landscaped Area' Coverage (3)	Maximum Gross Floor Area	Minimum Front Yard	Minimum Exterior Side Yard	Minimum Interior Side Yard	Minimum Rear Yard	Maximum Building Height
Lots with an area less than 500 sq. m	Parent Zone Maximum Lot Coverage + 10% (2)	50%	50% of the Gross Floor Area of the 'Principal Dwelling Unit' or 'Principal Dwelling Unit with Integrated ARU (2-dwelling units)' on the lot.  An Ancillary ARU shall not exceed 56 sq. m in Gross Floor Area	Not Permitted in Front Yard	Refer to Parent Zone	Refer to Parent Zone	1.2 m	5.0 m
Lots with an area 500 to 1,499 sq. m	Parent Zone Maximum Lot Coverage + 5% (2)	60%	50% of the Gross Floor Area of the 'Principal Dwelling Unit' or 'Principal Dwelling Unit with Integrated ARU (2-dwelling units)' on the lot.  An Ancillary ARU shall not exceed 140 sq. m in Gross Floor Area  If 50% of the Gross Floor Area of the 'Principal Dwelling Unit' or 'Principal Dwelling Unit with Integrated ARU (2-dwelling units)' is less than 93 sq.m., then the lot is permitted to have an Ancillary ARU with up to 93 sq.m. of Gross Floor Area.	Not Permitted in Front Yard	Refer to Parent Zone	1.2 m if Gross Floor Area is 93 square metres or less.  4.5 m if Gross Floor Area is greater than 93 square metres.	1.2 m if Gross Floor Area is 93 square metres or less.  4.5 m if Gross Floor Area is greater than 93 square metres.	5.0 m if minimum 1.2 m Rear Yard is provided.  6.5 m if minimum 4.5 m Rear Yard is provided.
Lots with an area of 1,500 sq. m or more (1)%	Parent Zone Maximum Lot Coverage + 2.5% (2)	75%	Permitted to have an Ancillary ARU up to 233 sq. m in Gross Floor Area.	Refer to Parent Zone	Refer to Parent Zone	Refer to Parent Zone	6.0 m	6.5 m

**4.1.4 Integrated ARU ~ Smaller Lots (0-499 square metres lots) / Medium Lots (500-1499 square metres lots) / Ancillary ARU ~ Large Lots (1499+ square metres lots)**

The above discussed maximum lot coverages and rear yard landscape coverages remain the same as outlined for the Ancillary ARUs. The notable difference is that Integrated ARUs do not have GFA restrictions and can take 'full advantage' of the increased lot coverage for the purpose of creating Integrated ARUs provided they can conform to the respective Parent Zone regulations.

The exception to the Parent Zone is that such lots receive a rear yard setback relief of 4.5 metres for Small and Medium sized Lots and 6.0 metres for Large Lots in effort to

provide additional space to extend an Integrated ARU addition with a lesser rear yard setback restriction than the Parent Zone if required. Staff opine that providing greater than the 1.2 metres rear yard separation is important considering the addition may be two-storeys in height (Parent Zone height is typically 10 metres). An extract of the Integrated ARU Regulations Table from the proposed zoning by-laws is shown in **Figure 4**.

**Figure 4 - Integrated Additional Residential Unit Regulations**

Lot Size	Maximum Lot Coverage	Minimum 'Actual Rear Yard' 'Landscaped Area' Coverage (3)	Minimum Front Yard	Minimum Exterior Side Yard	Minimum Interior Side Yard	Minimum Rear Yard	Maximum Building Height
Lots with an area less than 500 sq. m	Parent Zone Maximum Lot Coverage + 10% (2)	50%	Refer to Parent Zone	Refer to Parent Zone	Refer to Parent Zone	4.5 m	Refer to Parent Zone
Lots with an area 500 to 1,499 sq. m	Parent Zone Maximum Lot Coverage + 5% (2)	60%	Refer to Parent Zone	Refer to Parent Zone	Refer to Parent Zone	4.5 m	Refer to Parent Zone
Lots with an area of 1,500 sq. m or more (1)	Parent Zone Maximum Lot Coverage + 2.5% (2)	75%	Refer to Parent Zone	Refer to Parent Zone	Refer to Parent Zone	6.0 m	Refer to Parent Zone

**4.2 Summary of Key 'Checks and Balances'**

In response to community concerns and feedback the following 'check and balances' are being incorporated.

- Coverage is intended to be 'scalable' and as result should be more in keeping with neighbourhood character instead of static Gross Floor Areas numbers which may represent overdevelopment or underdevelopment on certain lots.
- Maximum Gross Floor Area has been produced for Ancillary ARUs to ensure they do not overwhelm adjacent neighbours.
- Rear yards must have 50-75% soft landscaping. This will assist in managing magnitude of development properties, maintain neighbourhood character, ensuring greater protection natural environment and provides land to serve storm water management functions.
- If an Ancillary ARU is two-storeys tall and/or larger than 1000 square feet it must be at least 4.5 metres away from the interior and rear lot line instead of 1.2 metres. This is intended to provide greater transition and separation between properties and to mitigate potential situations of overlook.
- Balconies and rooftop patios are not permitted on 'Ancillary ARUs' to mitigate potential nuisance and overlook concerns.

### 4.3 Other Draft By-law Changes Since Statutory Meeting

Below is a summary of other changes of note from the previous draft zoning by-law:

- Fencing requirement removed. Through internal discussion it was determined that requiring a privacy fence generates an onerous process for the property owner (and potentially their neighbour) going through the steps required by the Town's Divisional Fence By-law that may discourage ARUs. Staff are of the opinion that in majority of cases fences and/or screening already exists. Through implementation materials and conversation Staff will encourage construction of fencing when it doesn't exist, as necessary.
- Permitted Home Occupation in ARUs. In society working from home has become common place (and even required by some employers). Not allowing residents to work from their ARU puts them at a disadvantage. Staff sees no concerns with permitting Home Occupations within ARUs provide they conform to the provisions outlined in Section 3.27.
- Permit Existing Accessory Building to be converted into Ancillary ARUs provided it conforms with Section 3.28 regulations notwithstanding GFA restrictions. Staff believe many older properties in particular have existing accessory buildings that are underutilized and can be adapted into Ancillary ARUs. Staff believe this change of use will have minimal impact on the property and neighbours given the previous existence of the building.

### 4.4 Applicable Provincial and Regional Policies

This section establishes the current and relevant policy environment that forms part of the review of the planning applications. The overview will include Provincial Plans and policies, York Region Official Plan, and the Town's current Official Plan and Secondary Plan and provide an analysis on how the proposed development conforms with and consistent with the policy and planning framework.

#### 4.4.1 Provincial Policy Statement, 2020

On April 10, 2024, Ontario released an updated draft of the proposed Provincial Planning Statement (the "**Statement**"). This release comes one year after the original draft of the Statement (the "**2023 Draft**") was issued for public comment. If the draft Statement is adopted by the Province, it will replace *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* ("**Growth Plan**") and the *Provincial Policy Statement, 2020* ("**PPS, 2020**"). Until the 2023 Draft is proclaimed, the Provincial Policy Statement (PPS, 2020) will remain in effect.

PPS 2020 established policies that set out how municipalities should manage, and direct land uses to achieve efficient development and land use patterns.

Section 1.1.1 of the PPS includes policy direction for achieving strong and healthy communities. The policy directions include, promoting efficient development and land use

patterns; accommodating a range of affordable and market-based mix of residential types and units as well as employment and commercial uses; and optimizing transit supportive development.

Section 1.1.3 of the PPS indicates that new development within designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, a mix of uses and densities that allow for efficient use of land, infrastructure and public service facilities.

Section 1.4 importantly includes policies regarding the importance of providing an appropriate range of housing options and densities to meet both current and future needs of the community. Within this section, additional residential units are encouraged as a form of residential intensification.

Staff Comment: The intent of the proposed zoning changes is to encourage the creation of affordable residential units within the existing built-up area.

For the reasons set out above, Town Staff are of the opinion that the proposed development is consistent with the Provincial Policy Statement and represents appropriate planning.

#### **4.4.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020**

As noted above in section 4.1.1, if the draft Statement 2023 is adopted by the Province, it will replace *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* (“**Growth Plan**”) and the *Provincial Policy Statement, 2020* (“**PPS, 2020**”). Until such time that the 2023 Draft is proclaimed, the current “A Place to Grow, 2020” plan (known as the “Growth Plan”) is still in effect.

The Growth Plan is established as a long-term plan outlining the Province’s vision for building complete communities and is intended to guide decisions relating to population and employment growth in order to, amongst other objectives, optimize the use of existing and future infrastructure and protecting resources.

Section 1.2.1 of The Growth Plan (2020) directs the vast majority of growth to be directed to settlement areas and establishes policies that would support the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout their lifetime; prioritization of intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability; flexibility to capitalize on new economic and employment opportunities as they emerge; and a range and mix of housing to serve all sizes, incomes, and ages of households.

Section 2.2.1 of the Growth Plan directs the majority of growth to be established in settlement areas and prioritizes establishing growth through intensification of areas with existing or planned transportation networks. It also requires that Municipalities provide for a diverse range and mix of housing options to accommodate people at all stages of life, as well as varying household sizes and incomes.

Section 2.2.2. of the Growth Plan reinforces the need to focus on more efficient use of land and resources, with at least 50% of growth occurring through intensification of the delineated built boundary.

Throughout the document additional residential units are encouraged as part of the mix of housing options that can provide added intensification.

Staff Comment: The proposed zoning will improve the housing mix. Based on feedback it is expected that these provisions will be utilized by many families to provide homes for family members at varying stages of life.

For the reasons set out above, Town Staff are of the opinion that the proposed development is generally consistent with the objectives of the Growth Plan and represents good planning.

#### **4.4.3 Planning Act**

Consistent with the PPS the Planning Act guides planning in the Province of Ontario. Bill 23, the More Homes Built Faster Act, 2022, amended the Planning Act and requires that Official Plans have policies to allow additional residential units and permit up to two additional residential units in a single detached, semi-detached or townhouse dwelling and/or one additional residential unit in an ancillary building.

Section 34 Subsection 19.1 of the Planning Act states that there are no appeal rights in respect of a by-law that gives effect to the policies, requirement or standard for creating additional residential units.

Staff Comment: This zoning by-law will bring the Town's Zoning By-law into conformity with the Planning Act.

For the reasons set out above, Town Staff are of the opinion that the proposed development is consistent with the Provincial Policy Statement and represents appropriate planning.

#### **4.4.4 The Greenbelt Plan and Oak Ridges Moraine Conservation Plan (2017)**

Both the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan (2017) provide direction for protecting the natural heritage and agricultural systems in Ontario. As discussed above in these geographies present limitations on ARU opportunities outside settlement areas.

Staff Comment: Staff have created zoning provisions and new Schedule 65 – Additional Residential Unit Permission Map that incorporated Provincial limitations and permissions exist for ARUs.

For the reasons set out above, Town Staff are of the opinion that the proposed development is generally consistent with the objectives of the Greenbelt Plan.



#### **4.4.5 York Region Official Plan (YROP), 2022**

The York Region Official Plan (ROP) provides new guidance on planning and development to support complete communities within the region. The ROP (2022) prioritizes building compact development patterns that promote the development of complete communities and minimize land consumption and servicing costs. These complete communities shall be dense and walkable, where most amenities are in close proximity to infrastructure and services. The ROP (2022) places the subject properties within the Towns and Villages designation and identified them as being in the existing built up area of the community of Stouffville.

Section 2.1 of the ROP identifies that Towns and Villages as one of the areas for future growth and development within the Region. The Community areas are further identified as an area for residential, population-related employment and community services are to be located.

Section 2.2.1 of the ROP outlines the population and employment forecasts for the Town of Whitchurch-Stouffville from 2021 to 2051. The ROP, as updated following provincial approval, indicates that the Town is to reach a population of 103,500 people by the year 2051.

Staff Comment: Staff believe ARUs form part of a complete community. The ARUs will assist the Town in reaching its population targets.

For the reasons set out above, Town Staff are of the opinion that the proposed development is generally consistent with the objectives of the YROP.

#### **4.4.6 Town Official Plan & Policy documents and Proposed Official Plan Amendment**

The in-effect/current Official Plan permits one (1) second suite apartment in a single detached, semi-detached or duplex dwelling in accordance with the regulations of the Zoning By-law (section 3.28 and other relevant sections) in all land use designations as per Section 12.7.2.

The Town's Council Adopted Draft Official Plan (Town's Draft OP), which is pending upper-tier approval, is in conformity with the Planning Act (including Bill 23) and the Provincial Policy documents. Section 3.2.2 of the Town's Draft OP permits up to a maximum of two additional residential units per lot (ARUs) in all land use designations where a single detached, semi-detached or townhouse dwelling is permitted, in addition to the principal residential dwelling. The proposed zoning conforms to the Council adopted Official Plan.

#### **4.4.7 Comprehensive Zoning By-law 2010-001-ZO and Proposed Zoning By-law Amendment**

Section 3.28 of the Town's Zoning By-law outlines that one second suite is permitted in a single detached dwellings provided qualifying criteria is met. As part of this exercise

Section 3.28 will be repealed and replaced with the proposed zoning amendments shown in **Attachment 2**, discussed in more granular detail in Section 4.1 of this Recommendation Report, summarized below.

Below is a summary of changes and objectives outlined in the proposed zoning by-law provisions:

- Permits up to 3 dwellings units on residential lots with full municipal servicing.
- Requires that ARUs have servicing to the satisfaction of the Town.
- Allows ARU in settlement area boundaries of Vandorf, Gormley, Bloomington, Musselman's Lake and Ballantrae to now be an 'ancillary' ARU instead of just an 'integrated' ARU.
- Clearly outlines ARU permissions outside Stouffville Secondary Plan and in conformity with Provincial Plans (including easy reference schedule).
- Prohibits ARUs from being located on lands zoned Flood Hazard (FH), Environmental (ENV) or any regulated hazardous lands as determined by the applicable Conservation Authority.
- Provides three sets of zoning regulations for 'Ancillary ARUs' and 'Integrated ARUs.'
- Provides a variety of safeguards including limitations on balconies, and roof top patios.
- Provides safety provisions relating to emergency access.
- Requires one (1) parking space for each ARU in addition to two (2) parking space requirement for the Principal Residential Building. Also allows parking in tandem configuration (Note: Province prohibits requesting more than 1 parking space per ARU).
- Permits Home Occupations in ARUs.
- Permits laneway-based ARUs.
- Permits ARUs above attached and detached garages.
- Permits ARUs in existing accessory buildings.

The proposed Draft By-law conforms with Bill 23 permissions as included in the Planning Act, and provides progressive, but mindful provisions that modernize the Zoning By-law. Staff believe by-law will be effective in encouraging the uptake of ARUs in the Town.

#### **4.5 Internal Departments and Public Agency Comments**

An internal working group was setup comprising of staff members from various departments, to provide feedback into the proposed zoning by-law amendments. Agencies have been notified of the proposed Zoning By-law Amendments and internal working group has been consulted and informed of the draft being presented.

To date the only external agency to provide comment to date is the Toronto Region Conservation Authority (TRCA). The expressed support to prohibit ARU from being permitted on lands zoned Flood Hazard and Environmental.

Development Planning consider the proposed Zoning By-law the inaugural step in breaking new ground in ARUs. Staff intend to observe the uptake and implementation of the proposed ARU provisions and will monitor any commonly sought minor variances and any learnings from implementation. Should adjustments be required to benefit the community in the future they can be included in a housekeeping amendment or other zoning by-law amendment.

#### **4.6 Public Comments**

Staff have been actively engaging the public since the onset of the project.

1. An Information Report was presented to Council on February 21, 2024 which brought further awareness to the community.
2. The ARU project and Open House was advertised in the February 2024 edition of On the Road (OTR).
3. A project website was posted on Come Together WS to provide information, updates and feedback opportunities. The website can be found at <https://www.cometogetherws.ca/aru>
4. On May 4, 2024, Staff hosted a non-statutory ARU Open House. This open house was well attended (approximately 40 residents) and residents were generally supportive of the proposed changes.
5. On April 3, 2024 a ARU Survey was posted on the project website.
6. This Statutory Public Meeting, the ARU survey and website have been advertised by an advertisement in the online newspaper (Metroland Media), social media blasts, the town website, and 3 roadside signs at Main Street and 9<sup>th</sup> Line, Hoover Park and 10<sup>th</sup> Line, and Stouffville Road and Woodbine Avenue.
7. Staff have received and considered comments and suggestions from residents and stakeholders.

#### **ARU Survey**

To date feedback received through the ARU Survey, has generally been mixed. Below is summary of survey findings (82 survey participants) with Staff comments.

1. General topics of concern
  - a. To date parking needs and traffic issues have been by far the most shared topic.
    - i. Staff Comment: The Province only permits a maximum of 1 parking space per ARU.
  - b. Participants want to ensure local infrastructure capacity can manage the load of additional people and dwellings.

- i. Staff Comment: Town Departments communicate with appropriate agencies as Building Permits are received to ensure infrastructure and capacity remains available.
  - c. Participants are concerned that nuisance and privacy issues could emerge. It is important that ARUs be thoughtfully designed and consider existing neighbours.
    - i. Staff Comment: Most ARUs are expected to be 1-storey in height and as such eye-line won't be over typical privacy fence. Balcony and roof top patios are prohibited. If two stories in height an increased setback is required.
  - d. Concern that increased density and design could impact character of neighbourhoods.
    - i. Staff Comment: Effort has been made to make ARUs scalable to subject lot and as such compatible with neighbourhoods. Staff intend to produce implementation guides to encourage best practices.
  - e. Some properties cannot or should not have an ARU.
    - i. Staff Comment: Effort is being made to provide an avenue to all residents, but Staff acknowledge some residents will be unable to meet minimum provisions, most notably parking requirements.
  - f. Concern that problematic renters will be in ARUs.
    - i. Staff Comment: Based on survey and correspondence to date, majority of respondents seem interested in having ARUs for family members or care givers.
  - g. Consideration must be given to protect soft landscaping and prevent stormwater management issues.
    - i. Staff Comment: Rear yard landscape coverage is now required,
2. Majority of participants were 'generally' in favour with Staff's initial Ancillary ARU zoning regulation recommendations, but it was often close.
  - a. **Front Yard Setback** - 72.84% believe ancillary ARUs should be prohibited in the Front Yard Setback.
  - b. **Exterior Side Yard Setback** - 56.1% believe ancillary ARUs should be 3.0-4.5m or closer to the Exterior Side Yard Lot Line, and 43.91% thought

it ancillary ARUs should not be in the Exterior Side Yard at all or they should be further away.

- i. Staff Comment: The proposed zoning keeps the exterior side yard setback as the Parent Zone which is 3.0-4.5 metres typically. Staff believe corner lots are underutilized and have more opportunity than most to generate an ARU due to additional lot area and fewer neighbour interfaces.
  - c. **Interior Side Yard Setback** – 54.32% believe ancillary ARUs should be 1.2-1.5m or closer to the Interior Side Yard Lot Line.
  - d. **Rear Yard Setback** – 51.85% believe ancillary ARUs should be 1.2m for closer to the Rear Lot Line.
    - i. Staff Comment: On smaller and medium lots pursuing 1.2-1.5m interior and rear yard setbacks, but if development exceeds 93 square metres or is proposed to be 2 storeys a larger setback is required.
  - e. **Height** – 64.2% believe ancillary ARUs should be 4.5m in height.
  - f. **Gross Floor Area** - 50% believed up to 800 square of GFA was suitable, 17.07% felt it was too restrictive, and 32.93% believed it was too permissive.
  - g. **Extra GFA** -Staff asked if ancillary ARUs should be given additional lot coverage of 400 square feet if maximum lot coverage is met, but other zoning regulations are satisfied. 42.68% said yes, 57.32 said no.
    - i. Staff Comment: Given variety of answers and research Staff took more scalable approach to accommodate varying lot sizes.
3. Majority of participants were 'generally' in favour with Staff's initial Integrated ARU zoning regulation recommendations, but it was often close.
  - a. **Integrated ARU Encroachment** - A combined total of 59.75% believed integrated ARUs should be permitted to encroach further into rear and side yards or follow the same (more permissive) setback regulations as ancillary ARUs.
    - i. Staff Comment: Integrated ARUs were given a reduced rear yard setback.
  - b. **Increased Height for Integrated ARUs** – 81.08% believe residential buildings should not exceed 10m in height (typical as of right permission in the Zoning By-law).

- i. Staff Comment: Increased height not pursued.
    - c. **Extra GFA** - Staff asked if Integrated ARUs should be given additional lot coverage of 800 square feet if maximum lot coverage is met, but other zoning regulations are satisfied. 46.32% said yes, 53.66% said no.
      - i. Staff Comment: Staff took more scalable approach to accommodate varying lot sizes instead of bonusing.
4. Majority of participants were 'generally' in favour with Staff's initial General ARU zoning regulation recommendations, but it was often close.
  - a. **Rear Yard Landscape Coverage** - 75.31% believe any ARU encroachments into the rear yard should be paired with a minimum rear yard landscape percentage.
    - i. Staff Comment: Staff implemented rear yard landscape coverage.
  - b. **Parking** - 57.5% believe that no parking relief should be provided for ARUs (Each ARU must have 1 parking space).
  - c. **Who is the ARU for?** – 69.23% of participants who were interested in constructing an ARUs intend for it to be for a family member or caregiver (26 participated in the question).

#### 4.7 Basis of Recommendation

Based on the above this Department has no objection to the Zoning By-law Amendment application since it will bring the Zoning By-law into conformity with Provincial policy and give the community ARU regulations that provide further options to provide gentle intensification throughout Whitchurch-Stouffville.

#### 4.8 Next steps

Staff will continue to monitor the uptake of ARUs by the Town residents and evaluate any issues with the implementation of the proposed zoning regulations for the ARUs. If staff receive considerable concerns from the residents with respect to either implementation or interpretation of the By-law or any gaps are identified as the zoning by-law gets implemented, staff will report to Council and prepare any further amendments to the By-law as required.

Staff is also considering preparation of pre-approved plans, which can be offered to the Town residents to help residents save time and money as they won't need to hire a designer to draw custom plans. Staff will be engaging with industry experts and stakeholders to obtain feedback and retain a professional consultant to assist with the program. Both Policy Planning and Development Planning staff will be working

collaboratively as a joint initiative, under the Housing Initiatives projects/program, with respect to retaining professionals to help prepare plans that would be beneficial to the Town residents.

#### **4.9 Options**

Further to the analysis undertaken in Section 4 of this Report, Town Staff is satisfied that:

- a) The proposed development is generally consistent with the Provincial Policy Statement;
- b) The proposed development is generally consistent with the Planning Act;
- c) The proposed development generally conforms to the Growth Plan;
- d) The proposed development generally conforms to the Greenbelt Plan;
- e) The proposed development generally conforms to the York Region Official Plan; and,
- f) The proposed development generally conforms to the Town's Official Plan.

Town staff is also satisfied that the proposed Zoning By-law Amendment represents good planning.

The subject applications have fulfilled the requirements for statutory Public Notice of Complete Application and Public Meeting as well as holding of a Public Meeting in accordance with the Planning Act, R.S.O. 1990, c. P. 13.

#### **Recommended Option**

That Council enact By-law No. 2024-078-ZO, being a by-law to implement additional residential unit amendments to the Comprehensive Zoning By-law 2010-001-ZO to bring the Zoning By-law into conformity with Provincial policies, that provide further options to provide gentle intensification throughout Whitchurch-Stouffville.

#### **5. Financial Implications:**

None.

#### **6. Alignment with Strategic Plan:**

##### **1. A Town that Grows**

A Town that grows in support of complete communities .

##### **2. An Engaging Town**

Increase Community Engagement & Outreach

**7. Attachments:**

1. Schedule 65 – Additional Residential Unit Permission Map
2. Draft By-law

**8. Related Reports:**

February 21, 2024 – DS-010-24 – Information Report for Bill 23 Zoning By-law Update - Additional Residential Units

May 1, 2024 – DS-019-24 – Proposed Town-Wide Zoning By-law Amendments - Additional Residential Units (File No. ZBA24.003)

**Authors:** Brandon Slopack, Senior Planner  
Hena Kabir, Manager of Development Planning

**For further information on this report, please contact the Department Commissioner:** Dwayne Tapp, Commissioner of Development Services at 905-640-1910 or 1-855-642-8697 ext. 2431 or via email at [dwayne.tapp@townofws.ca](mailto:dwayne.tapp@townofws.ca).