



Staff Report

Planning & Development Services – Planning Division

Report To: Council Meeting
Meeting Date: April 15, 2024
Report Number: PDS.24.071
Title: Recommendation Report – Additional Residential Unit (ARU) Zoning By-Law Amendment Discussion Follow-Up
Prepared by: Carter Triana, Intermediate Planner

A. Recommendations

THAT Council receive Staff Report PDS.24.071, entitled “Recommendation Report – Additional Residential Unit (ARU) Zoning By-Law Amendment Discussion Follow-Up”;

AND THAT Council support a modification to the maximum gross floor area provision to permit ARUs to have a maximum gross floor area of 50% that of the primary dwelling unit or 100 square metres, whichever is greater;

AND THAT Council support a modification to the rear yard setback provision to permit a minimum rear yard setback of 1.2 metres for detached accessory buildings containing an ARU;

AND THAT Council defer the enactment of a By-law to modify the number of bedroom and parking provisions of Zoning By-law 2018-65 until the updated Official Plan is adopted; and

AND THAT Council enact a By-law to modify the definitions and provisions of Zoning By-law 2018-65 in accordance with Attachment 1, modified as required based on decisions regarding maximum gross floor area and setbacks;

B. Overview

This report is to provide Council with additional information as requested at the April 9, 2024, Committee of the Whole Meeting and to provide recommendations for how to proceed with the subject application. Council requested additional information regarding the following items as they relate to the subject application:

1. Square footage/floor covering
2. Setbacks
3. Character
4. Land Taxation
5. STA Management

Planning Staff note that Items 1 and 2 above are directly related to provisions contained within the proposed Zoning By-law Amendment and as such, recommended motions have been included to address these items individually. Commentary on all Items is provided below, but Planning Staff are of the opinion that Items 3, 4, and 5 do not warrant additional motions; however, Council may choose to craft additional motions regarding these items should it wish to do so.

Item 1 was flagged after concerns were expressed both with the potential for ARUs to be used as rooming or boarding houses and for a lack of flexibility for property owners wishing to build larger ARUs to accommodate multigenerational families or multiple individuals. Planning Staff have revised the recommended provision to read as follows and additional analysis is provided later in this report:

The maximum gross floor area of an ARU shall not exceed 50% that of the primary residential unit or 100 square metres, whichever is greater.

Concerns over Item 2 were expressed regarding the potential proximity of an ARU to an adjacent property if located 1.2 metres from the rear lot line. The potential for an ARU to be located on each of two adjacent properties 1.2 metres from the shared rear lot line was also mentioned. Planning Staff maintain the recommendation for a 1.2 metre rear yard setback and have provided additional justification for the proposed rear yard setback below.

Through further discussion with the Niagara Escarpment Commission, provisions have been reintroduced that further limit the number, location, and maximum floor area of ARUs on lots designated under the Niagara Escarpment Plan. It is anticipated that the Niagara Escarpment Plan will be updated in the future and if changes are made to the policies affecting ARUs, the Town's Zoning By-law can be further amended after that time.

C. Background

The subject application is a Town-initiated Zoning By-law Amendment to update the Additional Residential Unit (ARU) provisions of the Zoning By-law to ensure conformity with provincial policy and to provide greater clarity and flexibility to residents. [PDS.24.015](#) was presented to the Committee of the Whole on April 9, 2024, during which the Committee requested information on additional items. Several decisions were made during this meeting, but additional decisions are required to address all potential modifications and to enact a By-law to incorporate those modifications into Zoning By-law 2018-65.

D. Analysis

Maximum Floor Area

The recommended provision related to maximum floor area has been amended to allow increased flexibility for individuals looking to build units to house larger families, multigenerational families, or to rent out to multiple individuals. The amended provision permits a maximum gross floor area of 50% that of the primary residential unit or 100 square metres, whichever is greater. In practice, this would allow ARUs in certain contexts to exceed

the 100 square metre maximum when the primary unit is greater than 200 square metres in size. For example, on a property with a 250 square metre (~2691 square feet) primary unit, an ARU could be built to a maximum size of 125 square metres (~1345 square feet).

Concerns were expressed about the potential for ARUs to be used as boarding or rooming houses, which the maximum floor area could expand the potential for if set too high. A boarding and rooming house is a defined term in the Zoning By-law, thereby distinguishing it from an ARU. The Ontario Building Code also distinguishes between a dwelling, which includes ARUs, and a boarding or rooming house. As such, the type of building that is proposed can be confirmed through zoning a building code review during the building permit process.

In addition, the minimum size of a 2-bedroom dwelling unit permitted by the Ontario Building Code is approximately 40 square metres (430 square feet), not including a washroom and laundry room. This is also based on the minimum required bedroom size of 6 square metres (~64 square feet). An 8-feet by 8-feet bedroom is very small and it is anticipated that most ARUs would likely include bedrooms that are larger than this, increasing the total size of the unit beyond 40 square metres.

Based on the above commentary, Planning Staff recommend approval of the provision as proposed in the recommendation and as included in Attachment 1.

Rear Yard Setback

In PDS.24.015, Planning Staff recommended a reduction in the minimum rear yard setback required for a detached accessory building containing an ARU to 1.2 metres. Planning Staff continue to recommend this modification as previously proposed. Currently, ARUs in detached accessory buildings are required to meet the minimum rear yard setback applicable to the main building, as shown in Table 1.

Table 1. Minimum Rear Yard Setback in Zones Where ARUs Are Permitted

Zone		Minimum Rear Yard Setback (m)
Residential One 'R1-1'		9.0
Residential One 'R1-2'		6.0
Residential One 'R1-3'		6.0
Residential One 'R1-4'		7.5
Residential One 'R1-5'		9.0
R2/ R3	Semi-Detached	6.0
	Rowhouse	7.5
Rural 'R'		15.0

Agricultural 'A'	15.0
Special Agricultural 'SA'	15.0

Concerns were expressed regarding the potential proximity of ARUs on adjacent properties that share a rear lot line if they are located 1.2m from that lot line. In urban areas, the proposed rear yard requirement could result in buildings that are located 2.4 metres (~8 feet) apart, each 1.2 metres from the shared lot line. Accessory buildings and structures, not including ARUs, are currently permitted to be located 1.2 metres from rear and interior side lot lines. As such, the proposed provision would not result in buildings located closer to lot lines than is already permitted for accessory buildings and structures. Staff are satisfied that the proposed minimum rear yard setback allows sufficient room for access and separation between buildings as it is in line with existing provisions for accessory buildings and structures.

It is also noted that Rural, Agricultural, and Special Agricultural zones properties tend to be larger in size and as such, buildings on the property are generally not built to the minimum required rear yard setback. In addition, the recommended provision requiring detached ARUs to be located within 50 metres of the main building would likely prevent detached ARUs from being located 1.2 metres from the rear lot line on these properties.

Based on the above commentary, Planning Staff recommend approval of the provision as proposed in the recommendation and as included in Attachment 1.

Character

As the Planning Act now requires municipalities to permit up to three residential units on fully serviced properties, it is important to consider how these additional units can contribute to the character of existing neighbourhoods and areas.

In rural and agricultural areas, ARUs provide an opportunity for more dwelling units on a property without the need to sever a property. This allows greater flexibility in housing options for individuals in rural areas, including for family members and long-term farm help. It also provides property owners with the ability for additional income through the collection of rent. The proposed provisions would still maintain the rural and agricultural character in those areas of the Town as ARUs will be required to be located within existing building clusters so as not to impact farmland or result in negative visual impacts on the landscape. ARUs provide an opportunity to further enhance the rural and agricultural character of the Town by providing greater flexibility to property owners in those areas.

In residential areas of the Town, ARUs present an opportunity for gentle densification of existing neighbourhoods, providing additional housing options while still maintaining the character of these areas. ARUs within main buildings have little to no impact on the character of neighbourhoods as they are located within the same building as the primary unit. ARUs in detached buildings are most likely to be located behind the main building on a lot, in which case they are often not visible from the road. As such, they have little impact on the resultant streetscape character. Although detached ARUs impact the open space character of an area, these impacts are entirely on private property and are mitigated by proposed provisions to limit

the size of ARUs through floor area and lot coverage maximums. ARUs positively contribute to the character of a residential neighbourhood by providing more housing options for property owners, their families, and individuals looking for long-term rental housing.

In addition to the comments above, strategic objectives of the Official Plan related to housing are outlined in Section A3.10.2 of the Official Plan. These include ensuring a full range of housing opportunities is available, encouraging the development of seniors housing, and ensuring that a viable amount of rental housing continues to be available. As indicated through the Town's Housing Needs Assessment, these objectives are not being met. Increased flexibility to encourage the construction of ARUs is only one mechanism to achieve these objectives, but it is an important step forward that allows property owners to add density to their land without the scale of impact that is inherent from larger infill developments.

Land Taxation

The addition of an ARU to a property affects the value of the land in the same way as the construction of any building or structure on the property would. For example, an addition to a house, the construction of a pool cabana, or the installation of a pool would all increase the value of a property, resulting in increased taxes. The property would still be considered a residential property for tax purposes.

STA Management

Commentary on the relationship between ARUs and STAs was provided on [page 12 of PDS.24.015](#).

Niagara Escarpment Plan (NEP)

Planning Staff's presentation at the Public Meeting included draft provisions to ensure consistency with the NEP, which were subsequently removed in anticipation that the NEP would be updated in the near future to address changes to provincial policy. It is noted, however, that the changes to the Planning Act as a result of Bill 23 did not impact the Niagara Escarpment Planning and Development Act and, as such, the NEP is not subject to the same requirements imposed on local Official Plans and Zoning By-laws.

Planning Staff had additional discussions with Niagara Escarpment Commission Staff regarding consistency of the Zoning By-law with the Niagara Escarpment Plan. It was noted that the current provisions conflict with the policies of the NEP as they relate to ARUs. On lots designated under the NEP, a maximum of one ARU is permitted, it must be located within the main building, and it must be subordinate in size to the primary dwelling. As shown in Figure 2 of PDS.24.015 and explained further in that report, limiting ARUs to the policies outlined in the NEP has the potential to restrict these dwelling units greatly in a large area of the Town. Regardless, the Niagara Escarpment Planning and Development Act is clear that where there is conflict between any local plan or Zoning By-law and the NEP, the provision of the NEP shall prevail.

As such, and to ensure consistency with the current version of the NEP, Planning Staff have reintroduced provisions as previously presented. It is noted that these provisions are required to ensure consistency with the NEP. Should the NEP be updated in the future to contain more

permissive policies for ARUs, the Town's Zoning By-law can be further amended to reflect these changes.

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

See [PDS.24.015](#).

G. Financial Impacts

See [PDS.24.015](#).

H. In Consultation With

Relevant Town Departments and External Agencies

I. Public Engagement

The topic of this Staff Report has been the subject of a Public Meeting which took place on March 12, 2024. Those who provided comments at the Public Meeting, including anyone who has asked to receive notice regarding this matter, has been provided notice of this Staff Report. Any comments regarding this report should be submitted to Carter Triana, planning@thebluemountains.ca.

J. Attached

1. PDS-24-071-Attachment-1

Respectfully submitted,

Carter Triana
Intermediate Planner

For more information, please contact:
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Report Approval Details

Document Title:	PDS.24.071 Recommendation Report - Additional Residential Unit (ARU) Zoning By-Law Amendment Discussion Follow-Up.docx
Attachments:	- PDS-24-071-Attachment-1.pdf
Final Approval Date:	Apr 12, 2024

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

Shawn Postma - Apr 11, 2024 - 5:02 PM

Adam Smith - Apr 12, 2024 - 9:01 AM

The Corporation of the Town of The Blue Mountains

By-Law Number 2024 –

Being a By-law to amend Zoning By-law No. 2018-65 which may be cited as "The Blue Mountains Zoning By-law".

Whereas the Council of The Corporation of the Town of The Blue Mountains deems it necessary in the public interest to pass a by-law to amend By-law No. 2018-65;

And Whereas pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, c. P.13, the By-law may be amended by Council of the Municipality;

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. **That** the text of the By-law is hereby amended by deleting the term "accessory apartment" and replacing with the term "additional residential unit" wherever it appears, including PART 3.0, Section 4.2, subsection 4.11(b), Table 6.1, and Table 8.1.
2. **That** PART 3.0 DEFINITIONS is hereby amended by deleting the definition for ACCESSORY APARTMENT and adding the following new definitions:

ADDITIONAL RESIDENTIAL UNIT (ARU) means a legally constructed permanent or semi-permanent *dwelling unit* that can safely accommodate residents on a year-round basis. ARUs are generally contained within a *main building* (including a *single detached, semi-detached* or *rowhouse dwelling*), or within an *accessory building* (such as above a *private garage*). An ARU shall contain cooking, eating, living, sleeping, and sanitary facilities, be connected to adequate water and sanitary servicing, and meet all requirements of the Ontario Building Code. An ARU may also be known as an "additional dwelling unit", "accessory dwelling unit", "ADU", "accessory apartment", "secondary dwelling unit", or "secondary suite". An ARU may be considered as a *garden suite* where an approved temporary land-use by-law is in effect but shall not mean or include a *primary residential unit, a recreational trailer or vehicle, or a short-term accommodation*.

PRIMARY RESIDENTIAL UNIT Means the primary *dwelling unit* in a *single detached, semi-detached* or *rowhouse dwelling*. A *primary residential unit* shall not mean or include an *additional residential unit*.

3. **That** PART 4.0 is hereby amended by deleting Section 4.1 ACCESSORY APARTMENTS in its entirety and replacing with the following new section:

4.1 ADDITIONAL RESIDENTIAL UNITS (ARUs)

4.1.1 Number of ARUs

A maximum of two ARUs may be permitted within a *main building* or in one *accessory building* on lots containing a *single-detached, semi-detached, or rowhouse dwelling*, in accordance with the following provisions:

- a) For lots connected to both municipal water and sanitary sewer services, a maximum of two ARUs are permitted.
- b) For lots connected to partial municipal services (either water or sanitary sewer) or that are serviced privately:
 - i. On lots less than 0.8 hectares in area, one ARU is permitted.
 - ii. On lots greater than 0.8 hectares in area, two ARUs are permitted.
- c) Notwithstanding the above provisions, on lots designated under the Niagara Escarpment Plan, a maximum of one ARU is permitted and shall be located within the *main building*.

4.1.2 All ARUs

ARUs located within a *main building* or within a detached *accessory building* shall be subject to the following provisions:

- a) The maximum *gross floor area* of an ARU shall not exceed 50% that of the *primary residential unit* or 100 square metres, whichever is greater.
 - i. In addition, on lots designated under the Niagara Escarpment Plan, the maximum *gross floor area* shall be less than that of the *primary residential unit*.
- b) The maximum number of bedrooms shall be 2.
- c) ARUs shall comply with *Minimum Distance Separation* requirements.

4.1.3 ARUs in a Detached Accessory Building

Notwithstanding the provisions of Section 4.3, a detached *accessory building* containing at least one ARU shall be subject to the following provisions:

- a) The minimum *rear yard* shall be 1.2 metres. All other *required yards* shall be in accordance with those required for the *main building*.
- b) The maximum *height* shall be 5 metres, except where the ARU is located above another *accessory use*, in which case the maximum *height* shall be 8 metres.
- c) The maximum *lot coverage* applicable to the *building* shall be permitted to exceed that applicable to *accessory buildings* by 5 percentage points per ARU.
- d) The *building* shall be located within 50 metres of the *main building*.

That PART 6.0 RESIDENTIAL ZONES is hereby amended by adding the following new Special Provision to Table 6.2.1 – Residential Zone Standards (Part A):

Zone Standard	R1-1	R1-2	R1-3	R1-4
Maximum <i>lot coverage</i>	30% (2)	35% (2)	40% (2)	20% (2)

Special Provisions:

- (2) *Main buildings* and detached *accessory buildings* containing *additional residential units* are permitted to exceed the maximum *lot coverage* by 5 percentage points per *additional residential unit*.

That PART 7.0 COMMERCIAL AND EMPLOYMENT ZONES is hereby amended by adding the following new Special Provision to Table 7.2 – Commercial and Employment Zone Standards:

Zone Standards	RR
Maximum <i>lot coverage</i>	30 (9)

Special Provisions:

- (9) *Additional residential units* and detached *accessory buildings* containing *additional residential units* are permitted to exceed the maximum *lot coverage* by 5% per *additional residential unit*.

DRAFT By-law – Additional Residential Unit (ARU) Zoning By-law Amendment

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this ____ day of _____, 2024

Andrea Matrosovs, Mayor

Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2024-____ as enacted by the Council of The Corporation of the Town of The Blue Mountains on the ____ day of _____, 2024.

Dated at the Town of The Blue Mountains, this ____ day of _____, 2024.

Corrina Giles, Clerk