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To: Mayor and Members of Council
From: Ryan Windle, Director of Planning and Development Services
Date: October 29, 2021
File No.: COPA2021-0003 & ZBA2021-0011
Re: **Staff report PDS-055-21, Additional Dwelling Units**

Staff report [PDS-055-21](#) recommends Official Plan and Zoning Bylaw Amendments to increase permissions for Additional Dwelling Units (ADUs) in the Municipality. The purpose of these Amendments is to increase the supply of affordable housing units in Clarington.

This memo outlines the topics raised by Councillors at the meeting.

1. **Applicability in Environmental Protection lands**

When the report came up for discussion, a motion (JC-056-21) was put forth to replace the words “Official Plan” with the words “Zoning Bylaw” in Sections 3.2 b. and 3.2 c. of the recommended amendment to Zoning Bylaw 84-63. This would have the effect of prohibiting ADUs from lands currently zoned Environmental Protection rather from lands designated Environmental Protection Area in the Official Plan.

The proposed Amendment would then be:

3.2 b. Notwithstanding 3.2 a., additional dwelling units are not permitted within the Environmental Protection Area or Hazard Land, including the Regulatory Shoreline Area, as identified in the Clarington ~~Official Plan~~ **Zoning Bylaw**.

3.2 c. Notwithstanding 3.2 a., additional dwelling units are only permitted within single detached dwellings or accessory buildings that existed on (or where building permits were issued prior to) July 1, 2017, for lands within the Protected Countryside within the Greenbelt Plan, if located outside of the Environmental Protection Area or Hazard Land, including the Regulatory Shoreline Area as identified in the Clarington ~~Official Plan~~ **Zoning Bylaw**.

The Provincial Policy Statement, Greenbelt Plan, Oak Ridges Moraine Conservation Plan, and Growth Plan all include prohibitions or restrictions on development within a variety of natural heritage features, floodplains and other hazards. Depending on what and where the natural feature is, vegetated protection zones are also required as a buffer between development and natural features.

The Regional Official Plan and the Clarington Official Plan implement these legislated Provincial policies and the Municipality is required to implement Provincial requirements to not allow development within natural areas.

Since Zoning Bylaw 2005-109 is up to date with Provincial and Regional requirements, the recommended Amendments to permit and regulate ADUs within the Oak Ridges Moraine simply states which zones ADUs are allowed within: Rural Settlement One (RS1) and Prime Agricultural (A).

However, Zoning Bylaw 84-63 is not up to date and so the Amendments to implement ADUs need to refer the Official Plan to be in conformity with Provincial and Regional requirements.

If the Amendments to allow ADUs only restricted them from lands currently zoned Environmental Protection, it would **not** be in conformity with Regional requirements or legislated Provincial policies.

As a point of clarification, recommended Sections 3.2 b. and 3.2 c of Zoning Bylaw 84-63 are not referring to mapping (schedules) in the Official Plan. Instead, they are referring to how the Environmental Protection Area, Hazard Land, and Regulatory Shoreline Area are defined and described in the text the Official Plan. By not referring to the maps in the Official Plan, staff and applicants for ADUs are given the opportunity to determine the limits of natural features and their associated buffers on a case-by-case basis.

Staff cannot support the proposed changes to the Amendments as it contravenes both Provincial and Regional policies and regulations designed to protect human health and the natural environment.

Should Council proceed with eliminating the regulations to protect the natural environment, it risks appeal from the Province further delaying the provision of affordable housing in the community.

2. Costs for Constructing an ADU

As detailed in Schedule A of the Fee Bylaw (Bylaw 2010-142), the application fee for a new “apartment-in-house” is \$230. While this fee has seen minor increases year-over-year, the intention of keeping the fee low is to encourage property owners to register apartments and have them conform to zoning, the Ontario Building Code, and the Ontario Fire Code.

Regarding development charges (DCs), based on the *Ontario Development Charges Act*, when adding ADUs:

- On a lot with an existing single detached dwelling, DCs are not charged for the second or third unit (one of which must be in an accessory building);
- On an empty lot, DCs are not charged for the second unit. DCs would be charged for the main and third unit.

- However, if the third unit were added after the main and second unit, DCs would not be charged for the third unit.
- On a lot with an existing semi-detached or townhouse dwelling, DCs are not charged for the second unit. DCs would be charged for the third unit.

3. Duplex and ADUs

A “Duplex” is two dwelling units in one building on one lot; in this instance, only one ADU would be allowed in an accessory building. In no case would three units in one building be allowed without the property being zoned to permit a “Triplex.”

4. Parking Requirements

The recommended Zoning Bylaw Amendment requires one parking space for each ADU. As part of the applications for the required building permit for and registration of the ADU, the applicant must satisfy the Municipality that parking for all units is provided.

Best regards,



Ryan Windle

cc. Andy Allison, CAO
Department Heads
Mark Jull
Lisa Backus
Carlos Salazar