



Report

Subject: Decision Recommendation for Town-initiated Official Plan and Zoning By-law Amendments, File: OPZ-2024-01

Department: Infrastructure Services

Division: Planning

Report #: INS-2025-007

Meeting Date: 2025-02-10

Recommendations

That report INS-2025-007, Decision Recommendation for Town-initiated Official Plan and Zoning By-law Amendments, File: OPZ-2024-01, be received; and

That Council pass a by-law included as Attachment No. 1 to this report, to adopt Amendment No. 133 to the Town of Orangeville Official Plan, to update Town-wide policies for additional residential units; and

That Council pass a by-law included as Attachment No. 2 to this report, to amend Zoning By-law No. 22-90, as amended, to add new standards for additional residential units and make other housekeeping updates.

Overview

In November 2022, the provincial government enacted Bill 23, the “More Homes Built Faster Act, 2022”, which changed many pieces of legislation in an effort to increase housing supply and affordability throughout Ontario. Bill 23 amended the Planning Act to allow “additional residential units” (“ARUs”) as-of-right on any parcel of urban residential land containing a single-detached, semi-detached or townhouse dwelling in the following manner:

- a) Up to one (1) ARU within a main dwelling AND one additional residential unit within an accessory building (3 units total); or
- b) Up to two (2) ARUs within the main dwelling, provided there is no ARU in an accessory building (3 units total).

The Town’s Official Plan and Zoning By-law need to be updated to align with the Planning Act provisions for ARUs. Staff have drafted Official Plan Amendment No. 133, which proposes an updated series of policies to define and allow ARUs consistent with Planning Act provisions. New policies proposed will also provide direction on certain matters to be regulated through Zoning By-law provisions in order to maintain

neighbourhood character and provide for appropriate access and amenity arrangements for such residential units. Similarly, a draft Zoning By-law amendment is proposed that will implement this Official Plan policy direction and provide specific ARU standards. Collectively, these amendments will permit ARUs in any detached house, semi-detached house, or townhouse property, within the main dwelling and/or an accessory building on the same property. New zoning regulations will specify the number and configuration of units permitted on a lot, the number of bedrooms permitted, as well as pedestrian access and parking requirements. New performance standards are also included for detached ARUs, such as height and yard setback limits.

In addition to the proposed updates to the Zoning By-law regarding ARUs, staff are proposing a number of housekeeping-related amendments to the Zoning By-law that will:

- clarify permitted height exemptions to include certain structures such as bulk storage tanks/silos;
- expand home occupation permissions to include light assembly and associated retail/distribution, food preparation, simplify parking requirements, and allow certain home occupations within accessory buildings;
- reduce and simplify loading space requirements in the CBD, C1, C2, C3 and M1 Zones;
- clarify accessible parking requirements for dedicated residential visitor parking;
- add new requirements for electric vehicle (EV) charger-ready parking spaces for multiple residential dwellings and new non-residential development;
- add new requirements for underground parking garage setbacks from property boundaries;
- reformat existing trailer and boat storage permissions and explicitly prohibit human habitation in any parked vehicle, including recreational vehicles and trailers;
- reformat yard encroachment provisions to clarify permissions and allow greater encroachments for basement access stairs where there are generally no privacy or overlook concerns; and
- correct various zone boundary errors and mapping inconsistencies.

Staff recommend approval of the proposed Official Plan Amendment (OPA 133) and Zoning By-law Amendment included as Attachments 1 and 2 to this report respectively, as they will bring the Town's Official Plan and Zoning By-law into conformity with current ARU legislation and facilitate housekeeping-related amendments.

Background

Additional Residential Units (ARUs)

In November 2022, the provincial government enacted Bill 23, the "More Homes Built Faster Act, 2022", which changed many pieces of legislation in an effort to increase housing supply and affordability throughout Ontario. Bill 23 amended the Planning Act to allow "additional residential units" ("ARUs") as-of-right on any parcel of urban

residential land containing a single-detached, semi-detached or townhouse dwelling in the following manner:

- c) Up to one (1) ARU within a main dwelling AND one additional residential unit within an accessory building (3 units total); or
- d) Up to two (2) ARUs within the main dwelling, provided there is no ARU in an accessory building (3 units total).

Subsections 16(2) of the Planning Act does not permit an official plan to contain any policy that has the effect of prohibiting the above. Further, Subsection 16(3) of the Act does not permit an Official Plan to contain any policy that has the effect of:

- a) prescribing a minimum floor area requirement for an ARU; or
- b) requiring more than one (1) parking space per ARU aside from the parking required for the primary unit.

The Planning Act contains similar provisions for zoning by-laws under Section 35.1, stating that any zoning regulation contradicting the above requirements is of no effect. This section of the Act also allows the Minister to establish provincial regulations to provide standards and requirements for ARUs. Such regulations would prevail over any municipal zoning regulations to the contrary. Currently Ontario Regulation 299/19, provides the following detailed standards for ARUs:

- allows ARU parking spaces to be oriented in tandem with other resident spaces;
- stipulates no owner occupancy requirements for the primary dwelling or ARUs;
- overrides any angular plane requirements in zoning by-laws that apply to ARUs;
- allows at least 45% coverage for all buildings and structures on parcels which have ARUs;
- overrides any floor space index requirements for lots which include ARUs;
- restricts any building separation distance requirements between a primary building and any ancillary structure to a maximum of 4 metres.

The basis of these regulations is that by removing or streamlining certain standards that may be regulated by municipal zoning by-laws, it will reduce a potential need for zoning by-law amendments or minor variances required for ARUs, making it easier to establish new ARUs within existing dwellings or detached structures.

The Town's current Official Plan policies apply to "Second Units" and are found under Section E1.5. They allow second units only within detached and semi-detached dwellings subject to regulations in the Zoning By-law. These current policies also allow second units within an accessory building on a lot, subject to Zoning By-law provisions that will regulate placement of the building on the lot, height, parking, etc. Consistent with the Official Plan, the Town's Zoning By-law contains general provisions for "Second Dwelling Units", permitting such only in a single detached or semi-detached dwelling provided that the following standards are met:

- a) There is only one entrance in the front wall of the main dwelling; and
- b) At least three (3) parking spaces are provided for the two dwelling units.

The Town's Official Plan and Zoning By-law need to be updated to align with the Planning Act provisions for ARUs. Staff have drafted Official Plan Amendment No. 133, which proposes an updated series of policies to define and allow ARUs consistent with Planning Act provisions. New policies proposed will also provide direction on certain matters to be regulated through Zoning By-law provisions in order to maintain neighbourhood character and provide for appropriate access and amenity arrangements for such residential units. Similarly, a draft Zoning By-law amendment is proposed that will implement this Official Plan policy direction and provide specific ARU standards. Collectively, these amendments will permit ARUs in any detached house, semi-detached house, or townhouse property, within the main dwelling and/or an accessory building on the same property. New zoning regulations will specify the number and configuration of units permitted on a lot, the number of bedrooms permitted, as well as pedestrian access and parking requirements. New performance standards are also included for detached ARUs, such as height and yard setback limits.

Zoning By-law Housekeeping Updates

Since its enactment in 1990, Zoning By-law No. 22-90 has been amended on many occasions by approving numerous amendment applications by private landowners. In addition, Council has also initiated various amendments to incorporate minor housekeeping changes, or to address any other matters that Council deems appropriate. The process for a municipality to initiate an amendment to its Zoning By-law is the same that applies to a proponent-initiated application. It involves issuing public notification concerning the proposed amendment, agency consultation, holding a statutory public meeting and decision-making subject to certain opportunities for appeal.

The last Zoning By-law housekeeping amendment was approved by Council in 2022. In addition to the proposed updates to the Zoning By-law regarding ARUs as discussed above, staff are proposing a number of housekeeping-related amendments to the Zoning By-law that will:

- clarify permitted height exemptions to include certain structures such as bulk storage tanks/silos;
- expand home occupation permissions to include light assembly and associated retail/distribution, food preparation, simplify parking requirements, and allow certain home occupations within accessory buildings;
- reduce and simplify loading space requirements in the CBD, C1, C2, C3 and M1 ones;
- clarify accessible parking requirements for dedicated residential visitor parking;
- add new requirements for electric vehicle (EV) charger-ready parking spaces for multiple residential dwellings and new non-residential development;
- add new requirements for underground parking garage setbacks from property boundaries are also included;
- reformat existing trailer and boat storage permissions and explicitly prohibit human habitation in any parked vehicle, including recreational vehicles and trailers;

- reformat yard encroachment provisions to clarify permissions and allow greater encroachments for basement access stairs where there are generally no privacy or overlook concerns; and
- correct various zone boundary errors and mapping inconsistencies.

Analysis

In accordance with the requirements of the Planning Act, a Statutory Public Meeting was held on November 25, 2024. The purpose of this public meeting was to provide an opportunity for planning division staff to present the proposed amendments to the public and Council, to receive comments, and answer any questions raised about the proposed amendments.

Notice of the public meeting was posted on the Town's website and published in the Orangeville Citizen on October 31, 2024. The proposed amendments and supporting documentation were also circulated to internal departments and prescribed external agencies for comment on November 1, 2024.

All comments received from internal departments, external agencies, the public and Council have been considered and requisite policy modifications made (if applicable), as outlined in the table below.

Comments from Credit Valley Conservation Authority	
Comment	Staff Response
- ARUs will not be permitted within natural hazards/hazardous lands and are subject to Conservation Authority review and approval pursuant to the to the Conservation Authorities Act.	- OPA 133 has been revised to reflect the language of "natural hazards" and make reference to the "Conservation Authorities Act". - The Zoning By-law amendment has been revised to make reference to the "Conservation Authorities Act".
Comments from Economic Development	
Comment	Staff Response
- Home-based food business operators should also contact their municipalities with regards to any necessary zoning, licensing, building, and/or fire requirements. There is a requirement of a separate kitchen in the home to be considered eligible for homebased food business.	- All food preparation activity shall be subject to the requirements of the Health Protection and Promotion Act (HPPA), the Food Premises Regulation and periodic inspection by inspectors from the local public health unit. Reference to compliance with Public Health regulations has been added.
- Add a definition for "light assembly" (home occupation) and specify parameters around the traffic generated from customers and deliveries.	- Staff have modified the policy as follows: "light assembly and associated retail/distribution, which are small in scale, non-noxious, non-intrusive, and generally do not generate high volumes of vehicular traffic, including but not limited to hobby or craft businesses".

<ul style="list-style-type: none"> - Group fitness classes (home occupation) may generate more traffic, consider limiting the size/type of training. 	<ul style="list-style-type: none"> - The maximum size for a home occupation is 30% of the floor area or a maximum of 40 sq. m., whichever is less. This places a gross floor area cap for any home occupation, including group fitness classes, which would limit the intensity/number of participants.
<ul style="list-style-type: none"> - Should there be direction about accessibility requirements for the accessory building, particularly for businesses that would welcome customers/deliveries (i.e. accessible parking)? 	<ul style="list-style-type: none"> - Home occupations in accessory structures are subject to the same requirements as home occupations within a dwelling unit. At this time, no accessible parking requirements are being considered given that parking (if required) is typically accommodated within a private driveway.
Comments from the Public	
Comment	Staff Response
<ul style="list-style-type: none"> - Prioritize Level 1 chargers for electric vehicles, giving access to 120V outlets to all overnight parking spaces at residential and multi-unit residential buildings, before allocating Level 2 charging. 	<ul style="list-style-type: none"> - Through discussions with Orangeville Hydro we have determined that Level 2 charging is the most common, with similar power requirements as a clothes dryer or stove (240 volts), and more efficient than Level 1 chargers. The proposed standards would require the conduit to be installed, allowing the future owner to determine the wiring and type of charger they require.
<ul style="list-style-type: none"> - Request that parking for ARUs be required to be permeable given that the ARU will increase the amount of lot coverage. 	<ul style="list-style-type: none"> - The required parking for ARUs would be provided within the existing driveway width permission, which are not required to be permeable.
<ul style="list-style-type: none"> - Concerns with ARUs being permitted in any detached, semi-detached, or townhouse dwelling, and within an accessory building as they create issues with parking and privacy. - Many home occupations generate extra vehicles and traffic on the roads. 	<ul style="list-style-type: none"> - The province has legislative changes requiring municipalities to permit up to three residential units on one residential property. Municipalities are not permitted to require more than 1 additional parking space for each additional residential unit, in addition to the parking required for the primary residential unit (typically 2 parking spaces). The Official Plan Amendment speaks to maintaining the character of neighbourhood and appropriate amenity space, while the accompanying Zoning By-law Amendment speaks to height, parking and setbacks, that need to be met in order to permit additional residential units. - Home occupations are limited to one per dwelling unit. Parking is required at a rate of 1 space for any non-resident employee and 1 space for any home occupation involving personal service.

- Suggestion that the Town consider pre-approved layouts for ARUs.	- The Town does not currently have pre-approved layouts for ARUs. This is something the Town may consider; however, any approved unit layouts would still be subject to siting requirements as specified in the Zoning By-law.
Comments from Council	
Comment	Staff Response
- If an ARU is smaller than 15 sq. m., would a building permit still be required?	- Yes, building permits are still required if there is plumbing within the building, or human occupancy is proposed.
- Incentives for ARUs may be necessary, is it possible to create an incentive program?	- Staff are preparing a report back to Council outlining the number of ARU applications and whether an incentive program would be desirable.
- Would a unit with no kitchen facilities (i.e. an in-law suite) be considered an ARU?	- No, an ARU is defined as an independent living space. If an in-law suite was to be converted into an ARU, a building permit would be required.
- The by-law only permits 1 non-resident employee for home occupations, what if there is staff rotation.	- The intention of the policy is to limit any non-resident staff to one at a time. The policy has been modified to clarify "a maximum of one employee who is not a resident of the dwelling may be permitted on the premises at any time."
- Do the proposed regulations regarding no human habitation in RVs/trailers apply to big box store parking lots?	- Yes, the regulations apply Town-wide.

Based on the comments received as described above, staff have modified the proposed Official Plan and Zoning By-law Amendments. The final Official Plan Amendment (OPA 133) is included as Attachment No. 1. The final Zoning By-law Amendment is included as Attachment No. 2. Lastly, a summary table of the proposed Zoning By-law modifications is included as Attachment No. 3.

Corporate Implications

This report will not generate direct implications. If future actions related to this report will have a corporate impact, a report will be presented to Council for approval, if required.

Strategic Alignment

Strategic Plan

Strategic Goal: Future-Readiness

Objective: Confirm applicable governance and policy regimes

Sustainable Neighbourhood Action Plan

Theme: Land Use and Planning

Strategy: Manage and direct land use that creates healthy, liveable and safe communities

Notice Provisions

In accordance with the requirements of the Planning Act, a Statutory Public Meeting was held on November 25, 2024 to consider the proposed amendments and obtain feedback. A formal notice of this public meeting was:

- a) published to the Town website on October 31, 2024;
- b) advertised in the Orangeville Citizen newspaper on October 31, 2024;
- c) circulated to all prescribed agencies on November 1, 2024.

In accordance with the requirements of the Planning Act, a Notice of Decision would be issued to all prescribed public agencies and to those who have submitted written comments and/or a request for further notification with respect to this amendment.

Respectfully submitted,

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Attachment(s):

- 1. Official Plan Amendment 133
- 2. Zoning By-law Amendment
- 3. Zoning By-law Amendment Summary Table