

Township of Douro-Dummer

Report to Council
Re: Planning-2023-21
From: Christina Coulter
Date: June 20, 2023
Re: File R-03-23 (Second Dwelling Units)

Recommendation:

That the Planning-2023-21 report, dated June 20, 2023, regarding Zoning By-law Amendment – File R-03-23 be received; and

That Council receive all comments related to Zoning By-law Amendment File R-03-23; and

That the By-law to enact the Amendment be passed at the appropriate time in the meeting.

Overview:

In 2018, the Township passed By-law No. 2018-60, a Zoning By-law Amendment which added provisions for second dwelling units. The By-law implemented changes introduced to the Local Component of the Official Plan through Official Plan Amendment (OPA) No. 48. The changes were necessary as a result of the Strong Communities through Affordable Housing Act which required municipalities to permit second units in their official plans and zoning by-laws via Section 16(3) of the Planning Act.

Recent legislation has changed Section 16(3) of the Planning Act to state that no Official Plan may contain policies that prohibit the use of two residential units on a parcel of “urban residential land”, or for requiring more than one parking space or requiring a minimum floor area for these units. A parcel of urban residential land is a parcel of land in a settlement area that is serviced with municipal water and sewer. Since the Township of Douro-Dummer does not have municipal services, these changes did not impact the Township.

Although there have been no changes to the Official Plan regarding second units, Township Staff have found it is necessary to update the existing zoning requirements. The initial By-law passed in 2018 established where and how second units in the Township can be permitted. Since working with the By-law Staff have identified areas where additional clarity is required.

The purpose of the attached Draft Zoning By-law Amendment is to clarify By-law No. 2018-60. The amendment is textual in nature and will update applicable general provisions and definitions, as well as the Residential Zone (R), Hamlet Residential Zone (HR), Shoreline Residential Zone (SR) and Rural Zone (RU) which currently regulate second dwelling units in the Township.

The Draft By-law varies slightly from the Draft circulated and posted with the Notice of Public Meeting. The text of the By-law has not changed, but headings have been added to provide for ease of applicability. A copy of the Draft By-law is attached to this Report.

Notice of the public meeting was given on May 30, 2023 by ordinary mail and/or e-mail to all prescribed public bodies and to every person and public body that has provided a written request for Notice.

Notice of the public meeting was published in the Peterborough This Week on June 1, 2023 and in the Lakefield Herald on June 2, 2023. The Notice was posted on the Township Website.

A copy of the Notice is attached to this Report. The giving of Notice complies with the applicable Regulation of the Planning Act.

Conformity to Provincial Policy Statement (PPS) and A Place to Grow, Growth Plan for the Greater Golden Horseshoe (Growth Plan):

Section 1.1.1 of the PPS provides a number of criteria for providing healthy, liveable and safe communities by:

- accommodating a range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons); and
- avoiding development and land use patterns which may cause environmental or public health and safety concerns; and promoting cost effective development patterns to minimize land consumption and servicing costs.

In Settlement Areas, Section 1.1.3.4 of the PPS states that “appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety”.

In Rural Areas, Section 1.1.4.1 requires that healthy, integrated and viable rural areas should be supported by accommodating an appropriate range and mix of housing in rural settlement areas and encouraging the conservation and redevelopment of existing rural housing stock on rural lands.

Sections 1.4.1 and 1.4.3 of the PPS require that municipalities provide for an appropriate range and mix of housing options and densities to meet the projected requirements of current and future residents. This can be achieved by permitting and facilitating:

- all housing options required to meet the social, health, economic and well-being requirements of current and future residents;
- all types of residential intensification, including additional residential units and redevelopment;
- promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities; and
- establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and

facilitate compact form, while maintaining appropriate levels of public health and safety.

Section 2.2.1.4 of the Growth Plan indicates that applying the policies of the Plan will support the achievement of complete communities that provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.

In addition, Section 2.2.6.1 (a) states that upper-tier municipalities, in consultation with lower-tiers, will support housing choice through the achievement of the minimum intensification and density targets of the Growth Plan by identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents.

The Draft By-law is consistent with the Provincial Policy Statement and conforms to the Growth Plan.

Conformity to Official Plan:

Section 5.1.3.2 of the Official Plan encourages local municipalities to permit residential intensification where servicing, the physical potential of the building stock, and the physical potential of the site is deemed appropriate and suitable for intensification.

Further, this Section states that residential intensification includes, but is not limited to, conversion, infill, redevelopment, the creation of rooming, boarding and lodging houses, garden suites and the creation of accessory apartments.

Section 7.34 of the Official Plan provides policy direction for second units. This Section has not changed since the approval of OPA No. 48 and, as applicable to the Township of Douro-Dummer, states:

Second units can provide an effective form of intensification and increase the availability of affordable housing choices for residents. Second units are defined as a dwelling unit which is ancillary and subordinate to the primary dwelling unit that may be contained within the main building on a lot or in an accessory structure.

It shall be the policy of this Plan to permit a second unit within a single detached dwelling, semi-detached dwelling or townhome dwelling provided that the physical character of the dwelling is not substantially altered. Pursuant to this policy, the implementing Zoning By-Law shall define second units and establish zone provisions which would consider the following criteria:

- a) Only one second unit per single detached, semi-detached, or row/townhouse dwelling will be permitted;
- b) A second unit may be contained within the primary residential dwelling or in a building accessory thereto, but not in both;

- c) Mobile homes are not permitted as second units;
- d) A second unit will not be permitted in waterfront areas/developments on private roads which are not maintained by the municipality and where emergency access may be limited;
- e) A second unit will not be permitted within a floodplain;
- f) A second unit shall not be permitted within 30 metres of the high water mark of any lake or major watercourse;
 - i) Notwithstanding subsection (f), in the Township of Douro-Dummer, a second unit may be permitted in a dwelling that is located within the 30 metre setback, in accordance with the Township's Zoning By-Law, provided any addition that is necessary to accommodate the second unit does not further encroach into the water setback. Under no circumstances will a second unit be permitted in an accessory building that is located within 30 metres of the high water mark.
- g) A second unit shall not be permitted within 300 metres of lakes that have been determined to be at development capacity;
- h) Adequate servicing must be available to service the second unit through either the municipal system or through individual, privately owned systems;
- i) Second units connected to municipal services must be connected to the service lines of the primary dwelling to the Township's specifications;
- j) A second unit that is to be serviced via private water source must demonstrate an adequate source of potable water;
- k) A second unit serviced via a private sanitary sewage disposal system must demonstrate to the satisfaction of Peterborough Public Health, or appropriate approval authority, the capacity of the system to do so;
- l) Severance to subdivide a second unit from its primary residential dwelling will not be permitted;
- m) A second unit must comply with the requirements of the Ontario Building Code, Ontario Fire Code, the Township's Comprehensive Zoning By-law and Property Standards By-law
- n) Existing Garden Suites may be considered as second units provided they conform to these policies and the zoning by-law.

The Draft By-law conforms to the existing Official Plan.

The adopted, but not yet approved Official Plan contains policies for additional residential units in Section 5.6.2. The new Official Plan proposes to increase the maximum number of additional residential units per single detached, semi-detached or row/townhouse dwelling from one (1) to two (2). Additional residential units may be

contained within the primary residential dwelling or in a building accessory thereto. A maximum of one additional residential unit may be permitted in an accessory building.

Once approved by the Province, the Township Zoning By-law will require an amendment in order to comply with the new Official Plan.

Comments:

Additional information regarding the By-law was requested by one member of the public via e-mail. A copy of the red-line revisions and a link to the Agenda where the Planning Report would be located was provided in e-mail correspondence dated June 8, 2023.

As of the writing of this Report, no further comments have been received from members of the public.

All department managers have been circulated for comment on this application and there were no comments or concerns identified.

Comments were received from the following agencies:

- Enbridge Gas Inc.: No objections to the application.
- Ministry of Transportation: No concerns with the proposed Zoning By-law Amendment.
- Bell Canada: No specific comments or concerns.

Conclusion:

As proposed, the Draft By-law is consistent with the Provincial Policy Statement and conforms to the Growth Plan and the Official Plan.

The By-law will provide clarity for Staff when implementing second dwelling unit provisions and for the public in understanding where and how second units in the Township can be permitted.

Financial Impact:

The cost of advertising the public meeting in the Lakefield Herald was \$354.02 and the cost of advertising in Peterborough This Week was approximately, \$1,207.00.

Strategic Plan Applicability:

To ensure and enable an effective and efficient municipal administration.

Sustainability Plan Applicability:

N/A

Report Approval Details

Document Title:	R-03-23 (Second Dwelling Units).docx
Attachments:	<ul style="list-style-type: none">- R-03-23 - ZBA Notice.pdf- 2018-60 - ZBA Secondary Suites.pdf- R-03-23 Draft By-law.pdf- DD Zoning Bylaw Excerpts with revisions (for Second Dwelling Units).pdf
Final Approval Date:	Jun 13, 2023

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

Martina Chait-Hartwig

Elana Arthurs