



Working together with our community

Public Hearings Committee – July 05, 2022

Subject: Additional Residential Dwelling Units (ADUs). As a result of recent amendments to the Planning Act, Norfolk County has initiated conformity exercises to update the Official Plan and Zoning By-Law to reflect Provincial changes regarding ADUs. The Official Plan and Zoning By-law Amendments are a component of the Growth Management Study. Norfolk County has put forth the application affecting the County as a whole.

Report Number: CD 22-058
Division: Community Development
Department: Planning
Purpose: For Public Meeting

Recommendation(s):

THAT Report CD 22-058, Additional Residential Dwelling Units (ADUs), be received for information.

AND FURTHER THAT any comments received as part of the statutory public meeting be considered in a future recommendation staff report.

Public Meeting Notification:

A public meeting is a statutory requirement in accordance with the Planning Act, and is intended to allow members of the public to submit written or oral comments in relation to the proposed development. Additionally, any person may make written submissions at any time prior to County Council making its final decision on the application.

Pursuant to the requirements of the Planning Act R.S.O. 1990, C. P. 13 (“Planning Act”), a notice of the statutory public meeting was posted in the newspaper and the report on the Planning website with the proposed by-law 20 days in advance of the Public Meeting. Additional notice was provided to the Growth Management Study – ADU project stakeholder contact list, including those that participated in the project to date, in advance of the Public Meeting.

Executive Summary:

The proposed Official Plan and Zoning By-Law amendments are initiated by Norfolk County as a part of the Growth Management Study and conformity exercise with the Planning Act and Provincial Policy Statement. The Growth Management Study (Report Number CD 21-47) will establish growth management principles as well as identify opportunities and options to consider ways accommodate growth until 2051. One component of the Growth Management Study involves a review of housing related matters – including Accessory/Additional Residential Dwelling Units which provide an important rental housing option within the housing continuum.

The purpose of this report is to provide an overview of the public engagement feedback received to date and to table proposed amendments to the County's land use planning documents to allow for the new approach to ADUs and conform to provincial legislation.

Discussion:

Background and Growth Management Engagement

In 2019 the Province of Ontario implemented changes to the *Planning Act* through Bill 108. Bill 108 enables municipalities to revise their existing accessory residential dwelling unit regulations to allow for an additional unit within the principle dwelling and an additional unit in a detached building for a total of three residential dwelling units on the property. This would allow the primary residential unit and an additional dwelling unit within the primary building **and** one additional dwelling unit in an detached structure or accessory structure. The recent updates do not allow for two additional units within the primary unit or two additional units within a detached accessory building.

On February 8th 2022, staff prepared a Housing Technical paper that was presented to Council-in-Committee. At this meeting, staff received endorsement from Council to facilitate community engagement sessions. The virtual Kick Off engagement session was held on March 29th, 2022. At this session the Growth Management Study was formally introduced to the public where information was provided regarding the scope and purpose of the project, and upcoming public engagement sessions.

At the Kick Off Session, staff introduced the project website which can be found at www.engagenorfolk.ca. The website contains information regarding the Growth Management Study (reports, polls, survey's, staff contact information, information regarding the dates of public engagement sessions and videos of the engagement sessions that were held). As of April 25th, 2022 the website received a total of 748 visits, with a high of 143 visitors per day. With the launch of the website, the public engagement materials (polls and surveys) were simultaneously open to the public.

ADU Engagement and Response

The Accessory/Additional Dwelling Unit Public Engagement Session was held virtually on April 7th, 2022. The Engagement Session videos and supporting materials can be

found at the following link: https://engagenorfolk.ca/growth-management-study?tool=survey_tool#tool_tab.

The survey was open to Norfolk County residents and any interested parties. The Accessory/Additional Dwelling Unit survey was closed on April 21st, 2022. Therefore, the survey was open to the public for a total of 23 days. The survey consisted of 15 questions and in total there were 105 participants that completed the survey. The survey consisted of a variety of different question types which included, simple yes/no questions, ranking questions and open ended fill in the blank questions.

The survey questions and results are contained within Attachment C. In summary there was support for changing the approach to maximum size, increasing the distance requirement between a primary residence and a detached ADU and more flexibility to consider minor variances or zoning by-law amendments to change the proposed provisions as required.

Proposed Official Plan Amendment and Zoning By-law Amendment

Staff reviewed the existing Official Plan policies and Zoning provisions, the public and staff feedback when creating the proposed policy recommendations.

A big shift is that the prior framework for ADUs in Norfolk was heavily geared towards “accessory” whereas the legislation specifically indicates that the residential units are “additional” to a single detached, semi-detached or townhouse dwelling. Also, with the new requirements of the *Planning Act*, this means that these type of dwellings in all zones that they are permitted would allow the “additional” residential unit within (interior) and on the same lot as (detached) to the permitted dwelling.

In other words, subject to any applicable provisions, there could be three (3) residential units on a lot. The *Planning Act* outlines that there could be three (3) residential units on a lot, however, there can only be one interior unit within the primary dwelling and one detached unit to the primary dwelling. A lot cannot contain two interior units within the primary dwelling or two detached units on the same lot.

Planning staff have proposed new provisions as it relates to the following:

- New provisions as it relates specifically to Accessory Buildings.
- Redfine “*Accessory Residential Dwelling Units*” to be consistent with the *Planning Act* definition of “*Additional Residential Dwelling Units*”.
- New provisions to *Additional Residential Dwelling Units* in general;
- Proposed a new definition for “*Interior Additional Residential Dwelling Units*”;
- New provisions geared specifically towards *Interior Additional Residential Dwelling Units*;

- Proposed a new definition for “*Detached Additional Residential Dwelling Units*”;
and
- New provisions geared specifically towards *Detached Additional Residential Dwelling Units*;

To summarize the proposed changes, the accessory structure provisions have been revised, there are general Additional Residential Dwelling Unit provisions and there are separate provisions for Interior and Detached Additional Residential Dwelling Units. For instance, for Interior Additional Residential Dwelling Units located in the basement of a primary dwelling, staff have proposed to remove the size requirements (currently 45% of the primary dwelling) and allow the public to make the Interior ADU take up the entire basement.

In terms of Detached Additional Residential Dwelling Units, staff have proposed to increase the existing 30 metre distance requirement from the primary dwelling to the Detached ADU to 40 metres. In addition, staff have proposed to change the interior side yard setback for detached ADUs from the current 3.3 metres to 1.2 metres to eliminate the need for a minor variance to recognize an existing deficiency for a side and/or rear yard setback. Further to this, staff have also proposed to include greater flexibility when considering planning applications to amend the provisions through a minor variance application, as opposed to through a zoning by-law amendment.

More information regarding the proposed Amendments, can be found in Attachment D and Attachment E.

Strategic Plan Linkage:

This report aligns with the 2019-2022 Council Strategic Priority "Foster Vibrant, Creative Communities" and "Create an Optimal Place for Business".

Explanation: The Accessory Dwelling Unit analysis is a component of the Growth Management Study. This component will analyze the existing policies surrounding Accessory Residential Dwelling Units and Garden Suites to ensure the County facilitates and promotes a diverse and attractive mix of housing, while increasing the amount of affordable housing options for the residents of Norfolk County

Conclusion:

A recommendation report will be provided on this matter following further review of the planning considerations and the feedback from this statutory public hearing meeting regarding the proposed amendments.

Attachments:

Attachment A Development Application Overview
Attachment B Existing Planning Policy and Zoning Provisions
Attachment C Survey Question Discussion
Attachment D Proposed Official Plan Amendment
Attachment E Proposed Zoning Bylaw Amendment

Approval:

Approved By:
Brandon Sloan, BES, MCIP, RPP
General Manager
Community Development Division

Prepared By:
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Planner
Community Development Division

Attachment A – Report CD 22-058

DEVELOPMENT APPLICATION OVERVIEW

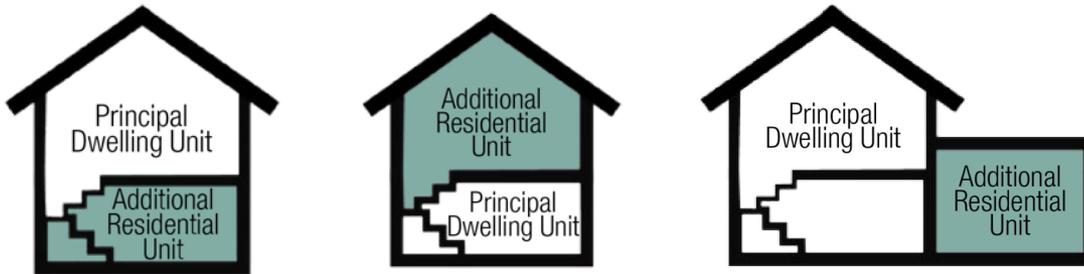
APPLICATION FILE NUMBER(S): OPNPL2021253 & ZNPL2021254

LOCATION: COUNTY WIDE

APPLICANT: NORFOLK COUNTY INITIATED

STATUTORY PUBLIC

HEARING DATE: JULY 5TH, 2022



Policy Proposal

- Proposed Policy Amendments to revise the existing accessory dwelling unit policies and provisions, to conform to recent *Planning Act (Bill 108)* amendment.

Proposed Amendment

- Please refer to Attachments D & E for a full list of the proposed amendments.

PRELIMINARY REVIEW

Technical Reports

- Housing Technical Paper

Consultation Comments to Date

Technical

- Circulated to Growth Management Technical Committee
 - Zoning
 - Engineering
 - Building
- Committees of Council
 - TEDAB/PAC
 - AAB

Public

- Kick Off Session
- Public Engagement
 - Waterford Chamber of Commerce
 - Delhi Chamber of Commerce
- ADU Survey

PRELIMINARY CONSIDERATIONS

Key Items		Preliminary Review
Parking		By allowing more accessory dwelling units there would be an increase in parking on residential properties.
		

NEXT STEPS AND RECOMMENDATION

- Consideration of Public Hearing Input
- Issue Resolution as per comments
- Recommendation Report

Public Hearing Committee Report Recommendation:

THAT staff Report CD-22-058 Additional Residential Dwelling Units be received for information;

AND FURTHER THAT any comments received as part of the statutory public meeting be considered in a future recommendation staff report.

Attachment B Existing Planning Policy and Zoning

Ontario Planning Act

The *Planning Act* is the legislative document that enables planning policy throughout the Province of Ontario.

Section 2 of the *Planning Act* outlines matters of provincial interest. Section 2 states that the Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have a regard to, among other matters of provincial interest, the following:

- h) the orderly development of safe and healthy communities;
- j) the adequate provision of a full range of housing, including affordable housing;
- k) the adequate provision of employment opportunities;
- m) the co-ordination of planning activities of public bodies;
- o) the protection of public health and safety;
- p) the appropriate location of growth and development;
- q) the promotion of development that designed to be sustainable, to support public transit and to be oriented to pedestrians; and
- r) the promotion of built form that,
 - i. is well-designed,
 - ii. encourages a sense of place, and
 - iii. provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

Bill 108 amended the *Planning Act* (section 16(3)) to require official plans to contain policies authorizing two accessory residential units, permitting one to be located within the primary residential dwelling and one within an ancillary building or structure to a single residential unit.

The Policy reads as follows:

(3) An official plan shall contain policies that authorize the use of additional residential units by authorizing,

- (a) the use of two residential units in a detached house, semi-detached house or rowhouse; and
- (b) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse. 2019, c. 9, Sched. 12, s. 2 (1).

Provincial Policy Statement, 2020 (PPS)

The provincial government released an updated Provincial Policy Statement (PPS) in 2020, which amended various sections of the 2014 version. Newly defined terms were introduced to provide clarification regarding housing options, residential intensification and affordable housing.

PPS, 2020 provides new definitions for the following terms:

Housing options: “means a range of housing types such as, but not limited to single-detached, semi-detached, rowhouses, townhouses, stacked townhouses, multiplexes, additional residential units, tiny homes, multi-residential buildings. The term can also refer to a variety of housing arrangements and forms such as, but not limited to life lease housing, co-ownership housing, co-operative housing, community land trusts, land lease community homes, affordable housing, housing for people with special needs, and housing related to employment, institutional or educational uses.”

Residential intensification: “means the intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) redevelopment, including the redevelopment of brownfield sites;
- b) the development of vacant or underutilized lots within previously developed areas;
- c) infill development;
- d) development and introduction of new housing options within previously developed areas;
- e) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- f) the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, additional residential units, rooming houses, and other housing options.”

Affordable: “means

- a) In the case of ownership housing, the least expensive of:
 1. Housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for *low and moderate income households*; or
 2. Housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the *regional market area*;
- b) in the case of rental housing, the least expensive of:
 1. A unit for which the rent does not exceed 30 percent of gross annual household income for *low and moderate income households*; or
 2. A unit for which the rent is at or below the average market rent of a unit in the *regional market area*.”

Housing options: means a range of housing types such as, but not limited to single-detached, semi-detached, rowhouses, townhouses, stacked townhouses, multiplexes, additional residential units, tiny homes, multi-residential buildings. The term can also refer to a variety of housing arrangements and forms such as, but not limited to life lease housing, co-ownership housing, co-operative housing, community land trusts, land lease community homes, *affordable* housing,

housing for people with *special needs*, and housing related to employment, institutional or educational uses.

The Province of Ontario defines Intensification in the Provincial Policy Statement, 2020 (PPS) as “the development of a property, site or area at a higher density than currently exists through:

- a) *Redevelopment*, including the reuse of brownfield sites;
- b) The development of vacant and/or underutilized lots within previously developed areas;
- c) Infill development; and
- d) The expansion or conversion of existing buildings.

The PPS also defined redevelopment as “the creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.

Norfolk County Official Plan Policies

Section 5.3 of the Norfolk County Official Plan outlines policies surrounding Housing.

For the purposes of this Plan, Affordable Housing is defined as:

- a) In the case of ownership housing, the least expensive of housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area;
- b) In the case of rental housing, the least expensive of: a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or a unit for which the rent is at or below the average market rent of a unit in the regional market area.

For the purposes of this definition: low income households means households with incomes in the lowest 20 percent of the income distribution for the County and moderate income households means households with incomes in the lowest 30 percent to 60 percent of the income distribution for the County.

The following shall be the policy of the County:

- a) At all times, the County shall maintain the ability to accommodate residential growth for a minimum of 10 years through land which is designated and available for residential development. Additionally, the County shall ensure that where new development is to occur, land with servicing capacity sufficient to provide at least a 3-year supply of residential units in draft approved and registered plans, or in cases of residential intensification and redevelopment, land appropriately zoned in the Zoning By-law and available for development or redevelopment.

b) The County shall ensure that a full range of housing types and densities are provided to meet the anticipated demand and demographic change. All forms of housing required to meet the social, health and well-being of current and future residents, including those with special needs shall be encouraged. The County shall target that 15 percent of all new housing built in Norfolk County be multi-residential dwellings and 15 percent be semi-detached and townhouse dwellings.

c) The provision of housing that is affordable and accessible to low and moderate income households shall be a priority. The County shall target that 25 percent of all new housing provided throughout the County be affordable to low and moderate income households and that at least 10 percent of all new units be affordable to low income households, those with incomes falling within the lowest 20 percent of the income distribution for the County. The County shall encourage the provision of affordable housing through:

i) supporting increased residential densities in appropriate locations and a full range of housing types, adequate land supply, redevelopment and residential intensification, where practical;

ii) the timely provision of infrastructure in the Urban Areas;

iii) supporting the reduction of housing costs by streamlining the development approvals process;

iv) negotiating agreements with the public and private sectors to address the provision of affordably priced housing through the draft plan of subdivision and condominium approval process;

v) considering innovative and alternative residential development standards that facilitate affordable housing and more compact development form; and

vi) possibly developing a Municipal Housing Strategy with annual housing targets, mixes of housing types, affordability thresholds and related data.

d) The County may adopt a Municipal Housing Facilities By-law to develop affordable housing as a “community facility” under the *Municipal Act*. In an effort to facilitate affordable housing the County may:

i) enter into capital facility agreements and/or partnerships with both private and non-profit organizations for affordable housing; and

ii) use available grants and loans, including tax-equivalent grants or loans to encourage the construction of affordable housing.

e) The County shall encourage innovative and appropriate housing development that exhibits design and adaptability characteristics, and may represent non-traditional additions to the County's housing stock.

f) Conversion of rental housing shall only be considered when:

i) the rental vacancy rate for the community has been at or above 3 percent for two consecutive surveys as reported by the Canada Mortgage and Housing Corporation (CMHC) Rental Housing Market Survey;

ii) the approval of such conversion does not result in the reduction of the vacancy rate below 3 percent; and

iii) the requirements of any applicable Provincial legislation or regulations are met.

g) The County shall encourage that housing be considered when opportunities for redevelopment become available. This includes the redevelopment of existing single-use and underutilized areas with full municipal services, such as shopping plazas, business and employment sites and older commercial and residential areas, especially where the land is in close proximity to human services. Special attention shall be given to the design of buildings, the landscaping treatment and features of the site to ensure that the proposed redevelopment is physically compatible with the adjacent uses.

h) The County shall develop zoning provisions that are sufficiently flexible to permit a broad and varied range of housing forms, types, sizes and tenures, including accessory apartments in houses, except in locations serviced by individual or communal waste water disposal systems.

i) The County shall first consider surplus municipal land for affordable housing. Furthermore, the County shall work with other levels of government to make surplus land available to providers of affordable housing at little or no cost.

j) The County shall encourage opportunities for more affordable housing to be provided in the Downtown Areas.

Section 5.3.1 of the Norfolk County Official Plan outlines policies surrounding Residential intensification. The following shall be the policy of the County:

a) Housing shall, in part, be provided through urban residential intensification, which may include any of the following:

i) small scale intensification through modifications to an existing dwelling to include a second unit or construction of a new building containing one or two units;

ii) infill development and residential development of vacant land or underutilized land in existing neighbourhoods; and/or

iii) redevelopment which includes either the replacement of existing residential uses with compatible new residential developments at a high density or the replacement of non-residential uses with compatible residential or mixed use development with a residential component.

b) The County shall target that a minimum 25 percent of its annual residential growth be accommodated through infill, intensification and redevelopment within the existing built-up areas in the Urban Areas with full municipal services. The boundary of the Built-Up areas of Simcoe, Port Dover, Delhi, Waterford and Port Rowan are indicated on Schedule "B" to this Plan and delineates the extent of existing development at the time of the approval of the Official Plan Amendment implementing the Five-Year Review of the Official Plan. Development within the Built-Up Area boundary will be considered as infill development and development situated between the Built-Up Area boundary and the boundary of the Urban Area will be considered as greenfield development.

c) Infilling and redevelopment are encouraged within the Courtland Urban Area and in the Hamlet Areas subject to the ability to provide adequate water and waste water services.

d) On lands designated Urban Residential and located outside of the Built-Up areas of Simcoe, Port Dover, Delhi, Waterford and Port Rowan, the minimum overall density of residential development shall be 15 units per hectare of developable land area. Developable land shall not include Hazard Lands, Provincially Significant Wetlands and Significant Natural Areas.

e) The County may undertake a residential intensification study to assess the potential for increasing the housing supply within the existing designated Urban Areas. The study would investigate matters such as potential land use conflicts, development standards for intensification, availability of vacant land for infill development, adequacy of municipal services, condition of the housing stock and significant physical constraints.

f) The County shall consider applications for infill development, intensification and redevelopment of sites and buildings through intensification based on the following criteria:

i) the development proposal is within an Urban Area, and is appropriately located in the context of the residential intensification study;

ii) the existing water and sanitary sewer services can accommodate the additional development;

- iii) the road network can accommodate the traffic generated;
- iv) the proposed development is compatible with the existing development and physical character of the adjacent properties and surrounding neighbourhood; and
- v) the proposed development is consistent with the policies of the appropriate Land Use Designation associated with the land. .

g) The County shall monitor intensification activity and, through the development approvals and building permitting process, ensure that such proposals can be satisfactorily integrated with the physical characteristics of residential and commercial areas and proper health and safety standards are maintained. Land use compatibility and urban design assessments may be required as a component of the planning rationale report accompanying development applications, as outlined under Section 9.6.1 (Official Plan Amendments) of this Plan.

5.3.3 Special Housing Forms

There are a number of unique housing forms that promote the policies of this Plan. However, several forms of housing require additional policy guidance to ensure compatibility, public safety and protection for County residents. The following policies apply to such housing forms, including accessory dwellings, garden suites, and mobile homes.

The following shall be the policy of the County:

- a) The County shall determine, at its sole discretion, when a housing form will be evaluated as a special housing form.
- b) The County may deem the special housing form to be subject to site plan control in accordance with Section 9.6.5 (Site Plan Control) of this Plan.
- c) The proposed special housing form shall have regard to the type of housing in the surrounding neighbourhood and shall be compatible with it. Standards to ensure compatibility with the surrounding neighbourhood shall be provided in the Zoning By-law.

5.3.3.1 Accessory Residential Dwellings [2-OP -2014, Amendment 65][3-OP-2020, Amendment 124]

An “accessory residential dwelling unit” is a “second unit” which is a self-contained residential dwelling unit supplemental to the primary residential dwelling use of the property. The development of an accessory residential dwelling unit must comply with the following policies:

a) An accessory residential dwelling unit may only be permitted within a single detached residential dwelling, a semi-detached residential dwelling, street townhouse residential dwelling unit or an accessory structure to a residential use that is located within designated Urban Area, Hamlet, or Agricultural area of Norfolk County.

b) A maximum of one accessory residential dwelling unit shall be permitted per lot. Where another special housing form exists, including without limitation, a garden suite or mobile home exists on the lot, as determined by Norfolk County, an accessory residential dwelling unit shall not be permitted.

c) Where an accessory residential dwelling unit is located on a lot, a boarding or lodging house; or rooming house is not permitted. And alternatively, where a boarding or lodging house; or a rooming house already exist on the lot, an accessory residential dwelling unit shall not be permitted on that lot.

d) Existing adequate municipal services (sewer and water) or private services (septic and well) shall be available to service the accessory residential dwelling unit, to the satisfaction of Norfolk County. Norfolk County shall not be under any obligation to install such services as part of any specific application to establish an accessory residential dwelling unit.

e) An accessory residential dwelling unit shall not be permitted on lands designated for seasonal or resort residential uses, and are specifically not permitted in seasonal dwellings, vacations dwellings, and dwellings intended for short-term accommodation purposes.

f) Development of an accessory residential dwelling unit shall be subject to the following criteria:

i) The structural stability of the building is adequate to accommodate the alterations necessary for an additional dwelling;

ii) Exterior changes to the structure shall be minimal;

iii) Compliance with provisions of the Ontario Building Code, and all other relevant municipal and Provincial standards, including the Zoning By-Law;

iv) The unit is incidental to the primary permitted residential use, and is located within an existing primary residential building or in an accessory structure;

v) An accessory residential dwelling unit shall comply with Ontario Regulation 179/06 under the Conservation Authority Act as they relate to development within lands affected by flooding, erosion or located within hazardous lands.

g) Accessory residential dwelling units shall be registered with the designated office for Norfolk County pursuant to such documentation as Norfolk County may require for this purpose.

5.3.3.2 Garden Suites

Garden suites, which are also commonly referred to as “granny flats”, are one-unit accessory residential dwellings that take the form of a small building, physically separate from the principal dwelling unit with which it is associated, contain bathroom and kitchen facilities, and are designed to be portable. The following policies shall apply to the development of garden suites:

a) A maximum of one garden suite unit shall be permitted per lot. A garden suite shall only be permitted in association with a single-detached residential dwelling permitted on a lot in the Agricultural or Hamlet Designations. Where another special housing form, including an accessory dwelling unit or mobile home exists on the lot, as determined by the County, a garden suite unit shall not be permitted.

b) In locating the unit, the Province’s Minimum Distance Separation Formulae shall apply, as appropriate.

c) The development of the garden suite shall be subject to the following criteria:

i) the exterior design of any proposed unit in terms of height, massing, scale and layout shall be consistent with the present land uses in the neighbourhood;

ii) the siting of the unit and any related features shall have a minimal effect on light, view and privacy of adjacent yards;

iii) the garden suite shall not be placed in the front yard or the required front yard as set out in the Zoning Bylaw;

iv) the garden suite does not require an additional separate access to a municipal road;

v) adequate parking can be provided on site;

vi) the garden suite, if situated on a farm, shall be sited near to the principal farm residence;

vii) the garden suite is well removed from potential land use conflicts such as animal operations and operating pits and quarries; and

viii) the site can accommodate a potable water supply system and be serviced by an on-site waste water disposal system designed and installed as per the Ontario Building Code.

d) Garden suites shall be permitted by way of Temporary Use By-laws for a period of 11 years, renewable for further periods of up to 3 years to a total maximum of 20 years, in accordance with the policies of Section 9.4.4 (Temporary Use By-laws) of this Plan and

Section 39 of the *Planning Act*. In addition to the requirements of Section 9.4.4 (Temporary Use By-laws), prior to approval of the Temporary Use By-law, the County shall be satisfied that:

- i) a legitimate and justified need exists to accommodate a person in a separate garden suite unit that is in close proximity to the principal unit;
- ii) the use is temporary and shall only be required for a limited period of time; and
- iii) the unit must be removed once the legitimate need no longer exists.

9.3 Official Plan Monitoring and Review

Section 9.3 of the Norfolk County Official Plan outlines policies surrounding Official Plan Monitoring and Review. Plan monitoring and review is required to identify trends in planning issues in the County, to analyze the effectiveness of the policies of the Plan and to allow for adjustments and updating. The following shall be the policy of the County:

a) As provided for in the *Planning Act*, the County shall provide the opportunity for interested citizens and organization to present submissions on the Plan at least every five years. Through this process, the County shall determine the need to amend the Plan to ensure that the policies remain realistic and appropriate with regard to changing social, economic and environmental circumstances.

b) Monitoring of specific policies is prescribed in the policies of the Plan, and shall be undertaken in accordance with those policies.

c) The County shall continue to prepare servicing monitoring analyses of the Urban Areas to determine allocated servicing for water supply and sanitary services, reserve capacity and systems utilization.

d) The County shall continue to develop and maintain a County geographic information system for planning and management purposes, and provide updated mapping information, statistics, forecasts and analyses related to planning issues and Plan policies.

e) In response to any changes in the regulatory environment, changes to the planning policies of the Province of Ontario, or other planning initiatives, the County may initiate an amendment process at any time.

f) Where judicial or quasi-judicial decisions, including those of the Ontario Municipal Board, materially impact the County's interpretation or intent in the policies of this Plan, Council may choose to initiate a review of any or all of the policies at any time.

g) The County shall monitor development and report annually on the following:

- i. residential development trends to determine if the Plan's affordability, infill and density targets are being achieved;

- ii. residential land supply to determine if the 3-year short-term and 10-year long-term supply targets are being achieved;
- iii. industrial land supply including the amount of serviced land and long-term future supply; and
- iv. commercial development activity, including downtown vacancy rates.

Section 9.6.1 (Official Plan Amendments)

The County shall consider all applications to amend this Official Plan, and shall notify the public and various Provincial Ministries and other agencies in accordance with the requirements of the *Planning Act*.

The following shall be the policy of the County:

- a) Applications to amend this Plan shall include a planning rationale report for the proposed change, prepared by the applicant. This shall include, but not be limited to, information regarding the proposed use, servicing, density if applicable, floor area if applicable, lot layout, site plans as appropriate and applicable, and the criteria outlined in Section 9.6.1(c) of this Plan. The County, at its sole discretion, may waive the requirement for a planning rationale report for minor and/or site specific amendments.
- b) Any specific Official Plan amendment procedures outlined in the policies of this Plan shall apply to the consideration of the application.
- c) The County shall consider the following criteria when reviewing applications to amend this Plan:
 - i) the manner in which the proposed amendment conforms to prevailing Provincial policy and regulations;
 - ii) the manner in which the proposed amendment conforms to the Strategic Plan prepared in support on this Plan;
 - iii) the manner in which the proposed amendment conforms to the Goals and Objectives, and policies of this Plan;
 - iv) the impacts of the proposed amendment on the provision of and demand for municipal services, infrastructure and facilities;
 - v) the adequacy of the proposed servicing solution with respect to the servicing policies of this Plan;
 - vi) the impact of the proposed amendment on surrounding land uses, the transportation system, municipal services and community amenities and services;

- vii) the impact of the proposed amendment on the community structure and nature of the Urban Areas and/or Hamlet Areas;
 - viii) the impact of the proposed amendment on cultural heritage resources and/or Natural Heritage Features;
 - ix) the impact on agricultural uses and land;
 - x) the impact of the proposed amendment on the financial sustainability of the County; and
 - xi) any other information determined by the County, in consultation with the appropriate agencies, to be relevant and applicable.
- d) Technical revisions to this Plan will not require an Official Plan Amendment provided they do not change the intent of the Plan. Technical revisions include:
- i) Changing the numbering, cross-referencing and arrangement of the text, tables, Schedules and maps;
 - ii) Altering punctuation, capitalization or language for consistency;
 - iii) Correcting grammatical, dimensional and boundary, mathematical or typographical errors;
 - iv) Updating the delineation of Provincially Significant Wetlands based on mapping provided by the Ministry of Natural Resources and Forestry consistent with Section 7.4.2 a) (Provincially Significant Wetland Designation) of this Plan;
 - v) Updating the delineation of Hazard Lands boundaries based on mapping provided by the appropriate Conservation Authority consistent with Section 7.3.2 d) (Hazard Lands Designation) of this Plan; and
 - vi) Adding technical information to maps or Schedules.

9.6.2 Zoning By-law Amendments

Pursuant to Section 9.4.1 (Zoning By-law) of this Plan, the County shall prepare a Zoning By-law. The Zoning By-law shall be maintained and administered by the County, and may be amended at Council's discretion provided the amendments are in keeping with this Plan. The County shall consider all applications to amend the Zoning By-law and shall provide notice of such application in accordance with the provisions of the *Planning Act*. Applications for Zoning By-law amendments shall be evaluated based on the same or similar criteria as those outlined for Official Plan amendments in Section 9.6.1.

Norfolk County Zoning By-Law

3.2 Accessory Uses to Residential Uses

3.2.1 No *building* or *structure* which is accessory to any *permitted* residential use in any *Zone* shall:

a) exceed a *building height* of 5 metres in an Urban Residential *Zone* (R1 to R6), 7 metres in the Resort Residential *Zone* (RR), 8 metres in the Agricultural *Zone* (A), and 6 metres in all other *Zones* [8-Z-2020];

b) occupy any part of a *front yard*, except:

i. an *accessory building or structure* in an Agricultural *Zone* (A) which shall occupy no part of a *required front yard*;

c) occupy any part of a required *exterior side yard*;

d) be nearer than 1.2 metres of a *lot line* within an *interior side yard* or 1.2 metres of an *interior lot line* within a *front yard*;

e) be nearer than 1.2 metres of an *interior lot line* within a *rear yard* except:

i. in the case of a mutual *private garage* in the *rear yard* on a common *interior side lot line*, no separation distance is *required*;

ii. in the case of a *rear lot line* adjoining a private or public *lane*, no *setback* is *required*;

f) in the case of a *through lot*, be nearer than 6 metres from any *street line* or the average *setback* of the nearest *structures* whichever is less;

g) occupy more than 10 percent of the *lot area*, for all *accessory buildings* together, to a maximum of 55 square metres *usable floor area* in an Urban Residential *Zone* (R1 to R6) and 100 square metres *usable floor area* in all other *Zones*, excluding Agricultural *Zone* (A) where a maximum size of 200 square metres of *usable floor area* is *permitted* to a maximum of 10 percent of the *lot area*. [7-Z-2018] Swimming pools shall not constitute a *structure* for the purposes of this provision;

h) be established on any *lot* until or unless the main *building* or use to which it is accessory is established.

3.2.3 Accessory Residential Dwelling Units

Accessory residential dwelling unit shall be *permitted* in *single detached, semi-detached, and street townhouses* and located on the same *lot* as the *primary dwelling*, subject to the following provisions:

a) *accessory residential dwelling units* shall be regulated by the applicable provisions pertaining to the primary use for each *lot* and by the provisions of Subsection 3.2 *Accessory Uses to Residential Uses* of this By-Law as applicable;

b) Notwithstanding Subsection 3.2.3 a), and in lieu of the applicable provisions of Subsection 3.2, where an *accessory residential dwelling unit* is located in an *accessory building or structure* the following shall apply:

i. Be nearer than 3.3 metres of a lot line within an *interior side yard* or *rear yard* except:

a. in the case of a mutual *private garage* in the *rear yard* on a common *interior side lot line*, no separation distance is required;

b. in the case of a *rear lot line* adjoining a private or public *lane*, no *setback* is required;

ii. be located a maximum of 30 metres from the *primary dwelling*;

c) the *accessory residential dwelling unit* shall have its own exterior entrance separate from the exterior entrance to the *primary dwelling unit*, but shall not be *permitted* on an elevation, or *façade* of the *building* that faces a public street or private road; and shall have no means of internal access to the *primary dwelling unit*, except that access to a primary and second *dwelling* through a common vestibule entry is *permitted*;

d) one (1) off-street *parking space* shall be provided for the *accessory residential dwelling unit* in addition to the minimum required *parking spaces* for the *primary dwelling*, and in accordance with provisions in the Off Street Parking Section of this By-Law;

e) the maximum number of *residential dwelling units permitted per lot* shall be two (2), including the *accessory residential dwelling unit*;

f) only one (1) *accessory residential dwelling unit* is permitted on a lot occupied by a *primary dwelling unit*. Where an *accessory residential dwelling unit* is located on a lot, none of a garden suite, a boarding or lodging house, or rooming house are permitted on that lot. If a garden suite a boarding or lodging house, or rooming house already exists on a lot, an *accessory residential dwelling unit* is not permitted;

g) an *accessory residential dwelling unit* shall not be *permitted* in a *vacation home* or any other *dwelling* intended for vacations, recreation, seasonal or short-term accommodation purposes;

h) all *accessory residential dwelling units* shall be required to meet all legislation, regulation and By-Law standards and requirements and all appropriate permits must be issued prior to the establishment of the *accessory residential dwelling unit*;

i) the *accessory residential dwelling unit* shall not be larger than 45 percent of the total gross floor area of the primary *dwelling unit* excluding any *deck or unenclosed porch*;

j) *accessory residential dwelling units* are only *permitted* in *dwelling units* connected to municipal or private water services and sanitary sewer system or private septic systems;

k) *accessory residential dwelling units* are not *permitted* in *buildings or structures* with a legal *non-conforming* use unless relief from the Zoning By-Law has been approved through a Zoning By-Law Amendment or Minor Variance in order to establish such *accessory residential dwelling unit*;

l) a minimum of 50 percent of the *front yard* shall be maintained as landscaped open space. [7-Z-2020]

Attachment C – Survey Question Discussion

Question 1: Are you familiar with the concept of Accessory Dwelling Units (ADUs)?

Results:

95% of participants indicated that they were familiar with Accessory Dwelling Units and 5% were not.

Response/Analysis:

The survey attracted many who have or are already familiar with the topic.

Question 2: Are you the owner of an existing ADU?

Question 3: Is the Accessory Dwelling Unit within the Primary Residence or is it in a detached accessory building?

Results:

Only 9% of participants (9/105) indicated that they owned an Accessory Dwelling Unit. One person disclosed that the ADU was located in a detached building. The remaining 8 did not disclose if the ADU was located within the primary building or within a detached structure.

Response/Analysis:

The survey data indicates that there are not many lots in the County that currently contain Accessory Dwelling Units.

Question 4: Do you think that ADUs should be permitted in both the Primary residence and in an accessory structure?

Results:

86% of participants agreed that ADUs should be permitted in both the primary residence and in an accessory structure and 11% did not. 1% of individuals that provided unclear responses, 1% of respondents indicated that they required more information and 1% of respondents indicated that they were against ADUs entirely.

Response/Analysis:

The those in favor of permitting ADUs in both the primary dwelling and in an accessory structure, provided responses indicating the reasoning for their belief is due to several factors such as, the increase in housing costs, the lack of available and affordable housing options and the opportunity for families to provide multi-generational housing on the same property.

The 11% of respondents that were in opposition to permitting ADUs in both the primary residence and in an accessory structure provided responses, such as an ADUs in an accessory building is more preferred, “not both”, or simply “no”.

Question 5: Do you think that ADUs should only be permitted within a primary residence? Please provide your comments as to why.

Results:

83% of respondents that indicated “no” as in no they should not only be permitted within a primary residence and 12% indicated yes they should only be permitted within a primary residence. 4% of individuals that provided unclear responses and 1% of respondents indicated that they required more information.

Response/Analysis:

Of the 83% of respondents that indicated no, ADUs should be permitted in both the primary structure and a detached structure, provided explanations such as, it will increase the housing supply, it provides another housing option to the greater public, and it also provides more privacy and autonomy for both families who have ADUs on their property, as opposed to only being allowed to have an ADU within the primary unit.

The 12% who were in favor of only providing ADUs within the primary residence provided explanations such as, there should not be one primary residence with multiple units in it and it is easier to manage the properties if only units within the primary residence are permitted. Reasons for outright not permitting ADUs includes an increase in congestion and intensification within the community.

Question 6: Currently, interior ADUs are permitted to be a maximum size of 45% of the total gross floor area of the principal dwelling unit. Should the percentage increase or decrease?

Results:

51% of respondents indicated that the maximum size of 45% of the total gross floor area of the principal dwelling unit should increase and 44% indicated that ADUs should remain at a maximum size of 45% of the total gross floor area of the principal dwelling unit. 5% indicated that the maximum size of 45% of the total gross floor area decreasing.

Response/Analysis:

In terms of the feedback received, there was a near split amongst the public in terms of increasing the percentage or continue to use the current method of using 45% of the total gross floor area of the principle dwelling unit.

Staff are of the opinion that the percentage heavily favors individuals with larger primary dwellings. As a result of this, staff are of the opinion that by removing the existing provision of 45% of the total gross floor area for interior units located in the basement, this will allow members of the public to build ADUs within their homes to further assist in providing an increase in the housing supply and affordable housing. This will also streamline the process to create Interior ADUs as members of the public would only need a building permit to do so (if all other zoning provisions are met).

In terms of Detached ADUs staff are proposing to replace the percentage (45%) of the total gross floor area of the primary unit with a numeric value (75m² or 807 square feet). Staff are of the opinion that this would provide a living space that is more appropriate (in terms of size and quality of life) as opposed to the 45%, while also reducing the impact to agricultural lands.

Question 7: If an ADU is proposed to be in a basement, should it take up the entire basement?

Results:

15 % of respondents indicated that yes, if an ADU is proposed to be in a basement, the ADU should it take up the entire basement and 21% of respondents indicated that no, if an ADU is proposed to be in a basement, the ADU should not take up the entire basement. 64 % of respondents indicated maybe.

Response/Analysis:

Staff are proposing to remove the size requirement for interior ADUs located in basements of primary dwellings. Staff are of the opinion that by removing the size requirement for Interior ADUs in basements, this will still allow individuals to choose whether they want the Interior ADU to take up the entire basement they can, but if they do not want it to, they are no longer subject to a maximum size requirement. Staff believe that this will eliminate the process requirement (if all other zoning provisions are met) while providing Norfolk County with an increase in affordable housing options.

Question 8: Which dwelling types do you feel that ADUs should be permitted within? Rank the dwelling types below where 1 is the most appropriate dwelling type and 6 is the least appropriate.

Results:

Housing Options	Average Rank
Single detached dwelling	1.55
Accessory Structure	2.45
Semi-detached dwelling	3.08
Townhouse dwelling	3.91
Group townhouse dwelling	4.89
Apartment dwelling	5.12

Response/Analysis:

The survey identified which building type or housing options that the public feels that ADUs should be permitted within.

Question 9: Accessory Buildings in the residential zones (R1 to R4) are permitted at a maximum of 5 metres in height. Do you feel that this is an appropriate height? Click the emoji below:

Question 10: If 5 metres is not appropriate, what do you believe to be an acceptable height for an ADU in an accessory structure (example: garage)?

Results:

4.3% of participants indicated that 5 metres is too high, 34.4% indicated that 5 metres is sufficient and 61.3% of participants were neutral on this stance.

Response/Analysis:

The survey data indicates that the general public is of the opinion that the 5 metres height for detached additional dwelling units is sufficient. After conducting the public engagement and consultation, staff heard several members of the public indicate that a greater height would allow for a more comfortable living space when the ADU is located within a detached accessory building (for example: above a garage). As a result, staff have proposed that the height remain unchanged, but that there be more flexibility to consider a Minor Variance application to amend the height provision for each respective property.

It should be noted that the entirety of the Detached Additional Dwelling Unit is to be encompassed within the height requirement.



Figures 1 and 2: Detached Additional Residential Dwelling Unit Examples

Question 11: Accessory Structures are currently required to be 1.2 metres from a rear or interior side yard line. Do you feel that this is an appropriate distance to accommodate an accessory dwelling unit?

Question 12: If 1.2 metres is not appropriate, what do you believe to be an acceptable distance between a lot line and an ADU in an accessory structure?

Results:

9% of respondents indicated that 1.2 metres from a rear or interior side yard line is too close, 50% indicated that 1.2 metres was an appropriate distance and 41% of respondents were neutral/indifferent on the stance.

Response/Analysis:

Currently, accessory structures are required to be 1.2 metres from a rear or interior side yard line and ADUs are required to be 3.3 metres from a side or rear lot line. Therefore, for existing accessory structures (garages) that are being converted to accommodate an ADU, the public would require a Minor Variance application to recognize the deficiency as the building currently exists. For detached ADUs that are newly constructed, they would have to abide by the 3.3 metre setback, as opposed to the 1.2 metre setback requirement for accessory structures. As a result of this, staff are proposing that the ADU setback be reduced from 3.3 metre setback to 1.2 metres. This would eliminate the need for a minor variance application to recognize this deficiency.

Question 13: Currently, ADUs in accessory buildings are required to be within 30 metres of the primary residence. Do you think that this distance should be increased or decreased?

Results:

- 43% of respondents indicated that the 30 metre distance should be increased,
- 11% of respondents indicated that the 30 metre distance is appropriate,
- 11% of respondents indicated that the 30 metre distance should be decreased,
- 9% of respondents indicated that the 30 metre distance should be removed entirely,
- 10% of respondents indicated that the 30 metre distance should be based on lot size,
- 5% of respondents indicated that the 30 metre distance should be determined by the owner,
- 4% of respondents indicated that they had a neutral stance on the 30 metre distance requirement,
- 1% of respondents indicated that they were against ADUs entirely; and
- 6% of respondents provided unclear responses.

Response/Analysis:

A significant portion of participants indicated that the distance requirement should be increased. As a result of this, staff have proposed to increase the distance requirement from 30 metres to 40 metres within the following provision:

“The entirety of the building is to be located within a maximum of 40 metres from the primary *dwelling*. For Detached Additional Residential Units on private services (well and septic systems) they must be located within the 40 metre distance from the primary dwelling.”

Staff are of the opinion that this proposal is a balanced approach as it will allow members of the public with greater flexibility to locate their Detached Additional Residential Unit on their property, while limiting the impact on Agriculture.

Question 14: Should ADUs be permitted in Urban Areas?

Results:

89% of respondents indicated that yes, ADUs should be permitted in Urban Areas, 7% indicated that no, ADUs should not be permitted in Urban Areas and 4% of respondents indicated “other”.

Response/Analysis:

The survey indicates that most participants believe that ADUs should be permitted in Urban Areas.

Question 15: Should ADUs be permitted in Agricultural Areas?

Results:

95% of respondents indicated that yes, ADUs should be permitted in Agricultural Areas, 0% indicated that no, ADUs should not be permitted in Agricultural Areas and 5% of respondents indicated “other”.

Response/Analysis:

The survey indicates that most participants believe that ADUs should be permitted in Agricultural Areas.



The Corporation of Norfolk County

By-Law __-OP-2022

Being a By-Law to Adopt Amendment Number [redacted] to the Norfolk County Official Plan in respect of lands described as All Lands Witin Norfolk County in the Name of **NORFOLK COUNTY.**

WHEREAS the *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended, Section 17 (22) states that “When the requirements of subsection (15) to (21), as appropriate, have been met and the Council is satisfied that the plan as finally prepared is suitable for adoption, the Council may adopt all or part of the Plan and, unless the plan is exempt from approval submit it for approval.”;

AND WHEREAS the Council of The Corporation of Norfolk County has considered an amendment to the Norfolk County Official Plan in accordance with the provisions of the Planning Act, R.S.O. 1990, c.P.13 as amended, Sections 17, 21 and 22.

NOW THEREFORE the Council of The Corporation of Norfolk County hereby enacts as follows:

1. That amendment number [redacted] to the Norfolk County Official Plan as set out in the text and Schedule “A” attached hereto is hereby adopted.
2. That the effective date of this By-Law shall be the date of passage thereof.

ENACTED AND PASSED this 19th day of July, 2022.

Mayor

County Clerk

Amendment Number [REDACTED] to the Norfolk County Official Plan

Part A: Preamble to the Amendment

The purpose of amendment number [REDACTED] to the Norfolk County Official Plan is to allow for additional housing options by providing an increase in special housing forms to the public. The proposed amendment is consistent with recent *Planning Act* changes (Bill 108).

Location of the Lands Affected

This amendment will affect all Lands within Norfolk County that would permit additional residential dwelling units.

Basis of the Amendment

In 2019 the Province of Ontario implemented changes to the *Planning Act* through Bill 108. Bill 108 enables municipalities to revise their existing accessory residential dwelling unit regulations to allow for an accessory unit within the principle dwelling (interior) and an accessory unit in an accessory/ancillary building (exterior) for a total of three residential dwelling units on the property. This would allow the primary residential unit and an accessory dwelling unit within the primary building and one in an accessory structure. The recent updates do not allow for two accessory units within the primary unit or two Accessory units within accessory/ancillary buildings.

The additional accessory dwelling units are intended to provide additional attainable housing units within the municipality and utilize existing infrastructure.

The amendment is consistent with the Provincial Policy Statement.

Part B: The Amendment

That the Norfolk County Official Plan is hereby amended as follows:

Text Amendment

1. That the following text be deleted from Section 5.3.3.1 Accessory Residential Dwellings:

5.3.3.1 Accessory Residential Dwellings

An “accessory residential dwelling unit” is a “second unit” which is a self-contained residential dwelling unit supplemental to the primary residential dwelling use of the property. The development of an accessory residential dwelling unit must comply with the following policies:

- a) An accessory residential dwelling unit may only be permitted within a single detached residential dwelling, a semi-detached residential dwelling, street townhouse residential dwelling unit or an accessory structure to a residential use that is located within designated Urban Area, Hamlet, or Agricultural area of Norfolk County.*
- b) A maximum of one accessory residential dwelling unit shall be permitted per lot. Where another special housing form exists, including without limitation, a garden suite or mobile home exists on the lot, as determined by Norfolk County, an accessory residential dwelling unit shall not be permitted.*
- c) Where an accessory residential dwelling unit is located on a lot, a boarding or lodging house; or rooming house is not permitted. And alternatively, where a boarding or lodging house; or a rooming house already exist on the lot, an accessory residential dwelling unit shall not be permitted on that lot.*
- d) Existing adequate municipal services (sewer and water) or private services (septic and well) shall be available to service the accessory residential dwelling unit, to the satisfaction of Norfolk County. Norfolk County shall not be under any obligation to install such services as part of any specific application to establish an accessory residential dwelling unit.*
- e) An accessory residential dwelling unit shall not be permitted on lands designated for seasonal or resort residential uses, and are specifically not permitted in seasonal dwellings, vacations dwellings, and dwellings intended for short-term accommodation purposes.*
- f) Development of an accessory residential dwelling unit shall be subject to the following criteria:*
 - i) The structural stability of the building is adequate to accommodate the alterations necessary for an additional dwelling;*

- ii) Exterior changes to the structure shall be minimal;*
- iii) Compliance with provisions of the Ontario Building Code, and all other relevant municipal and Provincial standards, including the Zoning By-Law;*
- iv) The unit is incidental to the primary permitted residential use, and is located within an existing primary residential building or in an accessory structure;*
- v) An accessory residential dwelling unit shall comply with Ontario Regulation 179/06 under the Conservation Authority Act as they relate to development within lands affected by flooding, erosion or located within hazardous lands.*
- g) Accessory residential dwelling units shall be registered with the designated office for Norfolk County pursuant to such documentation as Norfolk County may require for this purpose.*

And replaced with the following:

5.3.3.1 Additional Residential Dwelling Unit

An “additional residential dwelling unit is a self-contained residential dwelling unit supplemental to the primary residential dwelling use of the property. The additional residential dwelling unit may be located within the primary dwelling (interior) or in a detached accessory building or detached structure ancillary to the primary residential unit. Accessory residential dwelling units shall comply with the following policies:

- a) Interior Unit - One (1) additional residential dwelling unit may be permitted within a single detached dwelling, a semi-detached dwelling and street townhouse dwelling unit within areas designated Urban Residential, Hamlet, or Agricultural;
- b) Detached Unit – One (1) additional residential dwelling unit may be permitted in a detached building or structure ancillary to a single detached dwelling, semi-detached dwelling or street townhouse dwelling within areas designated Urban Residential, Hamlet, or Agricultural;
- c) A maximum of two additional residential dwelling units, one interior unit and one detached unit, shall be permitted per lot. Where another special housing form

exists on the lot, including without limitation, a garden suite or mobile home, as determined by Norfolk County, one (1) interior additional residential dwelling unit shall be permitted.

- d) Where an additional residential dwelling unit is located on a lot, a boarding, lodging or rooming house is not permitted. And alternatively, where a boarding, lodging or a rooming house already exist on the lot, an additional residential dwelling unit shall not be permitted on the same lot.
- e) Existing adequate municipal services (water and wastewater) or private services (septic and well) shall be available to service the additional residential dwelling unit to the satisfaction of Norfolk County. Norfolk County shall not be under any obligation to install such services as part of any specific application to establish an additional residential dwelling unit.
- f) Additional residential dwelling units shall not be permitted on lands designated for seasonal or resort residential uses and are specifically not permitted in seasonal dwellings, vacations dwellings, and dwellings intended for short-term accommodation purposes.
- g) Development of an additional residential dwelling unit shall be subject to the following criteria:
 - i. The structural stability of the building is adequate to accommodate the alterations necessary for an additional dwelling;
 - ii. Exterior changes to the structure shall be minimal;
 - iii. Compliance with provisions of the Ontario Building Code, and all other relevant municipal and Provincial standards, including the Zoning By-Law;
 - iv. The unit is ancillary to the primary permitted single detached, semi-detached or street townhouse dwelling use, and is located within an existing primary residential building or within an accessory building or structure; and
 - v. An additional residential dwelling unit shall comply with Ontario Regulation 179/06 under the Conservation Authority Act as they relate to development within lands affected by flooding, erosion or located within hazardous lands.

- vi. The primary use shall be established on the site prior to the development of an accessory residential dwelling unit.
 - vii. The entirety of a detached additional residential dwelling unit is to be located within a maximum of 40 metres from the primary dwelling. For detached additional residential dwelling units on private services (well and septic systems) they must be located within the 40 metre distance from the primary dwelling. Detached additional residential dwelling units in excess of the 40 metre distance requirement or other zoning provisions, may be assessed through minor variance or a zoning by-law amendment application.
2. That the following text be deleted from Section 5.3.3.2 a), Garden Suites:

- a) *A maximum of one garden suite unit shall be permitted per lot. A garden suite shall only be permitted in association with a single-detached residential dwelling permitted on a lot in the Agricultural or Hamlet Designations. Where another special housing form, including an accessory dwelling unit or mobile home exists on the lot, as determined by the County, a garden suite unit shall not be permitted.*

And replaced with the following:

- a) A maximum of one garden suite unit shall be permitted per lot. A garden suite shall only be permitted in association with a single-detached residential dwelling permitted on a lot in the Agricultural or Hamlet Designations. Where another special housing form exists on a lot, including an interior additional residential dwelling unit, a garden suite may be permitted, as determined by the County. Where a detached additional residential dwelling unit exists, a garden suite is not permitted. Where a garden suit exists on a lot, a detached additional residential dwelling unit is not permitted.

Part C: Additional Information

This document will be implemented by Norfolk County enacting an appropriate amendment to the Norfolk County Zoning By-Law 1-Z-2014.

The Corporation of Norfolk County

By-Law __-Z-2022

Being a By-Law to Amend Zoning By-Law 1-Z-2014, as amended, for property described as All Lands Witin Norfolk County in the Name of Norfolk County.

WHEREAS Norfolk Council is empowered to enact this By-Law, by virtue of the provisions of Section 34 of the *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended;

AND WHEREAS this By-Law conforms to the Norfolk County Official Plan.

NOW THEREFORE the Council of The Corporation of Norfolk County hereby enacts as follows:

1. That subsection 2.1 be amended and replaced with the following:

“Accessory Building or Structure” shall mean a detached *building* or *structure* used for an *accessory use*, such as, without limitation, a detached garage or the storage or shelter of materials, equipment or other items, and may contain an *Additional Residential Dwelling Unit*.

2. That subsection 2.52.1 be amended and replaced with the following:

An “*Additional Residential Dwelling Unit*” is a self-contained residential dwelling unit supplemental to the primary residential dwelling use of the property. The accessory residential dwelling unit can be located within the primary dwelling, or in a detached accessory building on the same lot as the primary dwelling.

3. That the following subsection be added to section 2 Definitions of said Zoning By-Law 1-Z-2014:

2.52.2 “***Interior Additional Residential Dwelling Unit***” shall mean a second unit that is within but supplemental to the permitted primary residential dwelling unit of the property, which the second unit has its own kitchen and bathroom.

4. That the following subsection be added to section 2 Definitions of said Zoning By-Law 1-Z-2014:

2.52.3 **“Detached Additional Residential Dwelling Unit”** shall mean a separate accessory building on a lot containing a dwelling unit which is subordinate and secondary to the principal dwelling unit located on the same lot.

5. That Subsection 3.2.1 be removed and replaced with the following:

The following provisions apply specifically to Accessory buildings and structures and does not include *Additional Residential Dwelling Units*. For *Additional Residential Dwelling Unit Zoning Provisions* See Section 3.2.3, Section 3.2.3.1 and Section 3.2.3.2 of this By-Law.

No *building* or *structure* which is accessory to any *permitted* residential use in any *Zone* shall:

- a) exceed a *building height* of 5 metres in an Urban Residential *Zone* (R1 to R6), 7 metres in the Resort Residential *Zone* (RR), 8 metres in the Agricultural *Zone* (A), and 6 metres in all other *Zones*;
- b) occupy any part of a *front yard*, except:
 - i. an *accessory building* or *structure* in an Agricultural *Zone* (A) which shall occupy no part of a *required front yard*;
- c) occupy any part of a required *exterior side yard*;
- d) be nearer than 1.2 metres of a *lot line* within an *interior side yard* or 1.2 metres of an *interior lot line* within a *front yard*;
- e) be nearer than 1.2 metres of an *interior lot line* within a *rear yard* except:
 - i. in the case of a mutual *private garage* in the *rear yard* on a common *interior side lot line*, no separation distance is *required*;
 - ii. in the case of a *rear lot line* adjoining a private or public *lane*, no *setback* is *required*;
- f) in the case of a *through lot*, be nearer than 6 metres from any *street line* or the average *setback* of the nearest *structures* whichever is less;
- g) occupy more than 10 percent of the *lot area*, for all *accessory buildings* together, to a maximum of 55 square metres *usable floor area* in an Urban Residential *Zone* (R1 to R6) and 100 square metres *usable floor area* in

all other *Zones*, excluding *Agricultural Zone (A)* where a maximum size of 200 square metres of *usable floor area* is *permitted* to a maximum of 10 percent of the *lot area*. *Swimming pools* and *Additional Residential Dwelling Units* shall not constitute a *structure* for the purposes of this provision.

i. The useable floor area for detached *Additional Residential Dwelling Units*, is in addition to the accessory building size as outlined above.

h) be established on any *lot* until or unless the main *building* or use to which it is accessory is established.

6. That Subsection 3.2.3 be removed and replaced with the following:

a) *Additional Residential Dwelling Units* shall be permitted in the following zones:

- i. Urban Residential Type 1 (R1);
- ii. Urban Residential Type 2 (R2);
- iii. Urban Residential Type 3 (R3);
- iv. Urban Residential Type 4 (R4);
- v. Hamlet Residential (RH); and
- vi. Agricultural (A).

b) *Additional Residential Dwelling Units* shall be permitted in single detached, semi-detached and street townhouses and located on the same lot as the primary dwelling.

c) *Additional Residential Dwelling Units* shall not occupy any part of a *front yard* or a required *exterior side yard* except an *accessory building or structure* in an *Agricultural Zone (A)* which shall occupy no part of a *required front yard*;

d) The *Additional Residential Dwelling Unit* shall have its own exterior entrance separate from the exterior entrance to the primary *dwelling unit*, but shall not be *permitted* on an elevation, or façade of the *building* that faces a public street or private road; and shall have no means of internal access to the primary *dwelling unit*, except that access to a primary and second *dwelling* through a common vestibule entry is *permitted*;

- e) the maximum number of residential *dwelling units permitted per lot* shall be three (3), including a primary dwelling unit, one *Interior Additional Residential Dwelling Unit* and one *Detached Additional Residential Dwelling Unit*. Two *Interior Additional Residential Dwelling Units* or Two *Detached Additional Residential Dwelling Units* are not permitted.
- f) Two (2) *Additional Residential Dwelling Units* are permitted on a lot occupied by a primary dwelling unit. Where an *Additional Residential Dwelling Unit* is located on a lot, none of, a boarding or lodging house, or rooming house are permitted on that lot. If a boarding or lodging house, or rooming house already exists on a lot, an *Additional Residential Dwelling Unit* is not permitted.
- g) A lot may contain both an *Interior Additional Residential Dwelling Unit* and a garden suite but not a *Detached Additional Residential Dwelling Unit* and a garden suite.
- h) An *Additional Residential Dwelling Unit* shall not be *permitted* in a *vacation home* or any other *dwelling* intended for vacations, recreation, seasonal or short-term accommodation purposes;
- i) *Additional Residential Dwelling Units* are not permitted within a farm building or an on farm diversified use. Must be located within the Accessory Building or consist of the entirety of the accessory building.
- j) All *Additional Residential Dwelling Units* shall be required to meet all legislation, regulation and By-Law standards and requirements and all appropriate permits must be issued prior to the establishment of the *Additional Residential Dwelling Unit*.
- k) *Additional Residential Dwelling Units* are only *permitted* in *dwelling units* connected to municipal water and waste water services or private water and septic systems;
- l) *Additional Residential Dwelling Units* are not *permitted* in *buildings or structures* with a legal *non-conforming* use unless relief from the Zoning By-Law has been approved through a Zoning By-Law Amendment or Minor Variance in order to establish such *Additional Residential Dwelling Unit*.

7. That the following subsection be added to Section 3 General Provisions of said Zoning By-Law 1-Z-2014:

3.2.3.1 Interior Additional Residential Dwelling Unit

- a) One *Interior Additional Residential Dwelling Unit* is permitted within the primary dwelling of any single detached, semi-detached and street townhouse dwelling. *Interior Additional Residential Dwelling Units* proposed in the basement of a primary dwelling may occupy the whole basement.
- b) The useable floor area of an addition to the primary dwelling to accommodate an *Interior Additional Residential Dwelling Unit* shall not exceed 75m² (807 square feet). In the case of an interior additional dwelling unit which is located in the basement of a single detached, semi-detached and street townhouse dwelling the interior dwelling unit may occupy the whole basement.
- c) the *Additional Residential Dwelling Unit* shall have its own exterior entrance separate from the exterior entrance to the primary *dwelling unit*, but shall not be *permitted* on an elevation, or façade of the *building* that faces a public street or private road; and shall have no means of internal access to the primary *dwelling unit*, except that access to a primary and second *dwelling* through a common vestibule entry is *permitted*;
- d) Decks and Unenclosed Porches are subject to the provisions outlined in Section 3.6 of the Norfolk County Zoning By-Law 1-Z-2014.
- e) one (1) off-street *parking space* shall be provided for the *accessory residential dwelling unit* in addition to the minimum required *parking spaces* for the primary *dwelling*, and in accordance with provisions in the Off Street Parking Section of this By-Law except that the required parking spaces may be located in tandem;
- f) a minimum of 50 percent of the *front yard* shall be maintained as landscaped open space. [7-Z-2020]
- g) The lot complies with all other provisions of Norfolk County Zoning By-Law 1-Z-2014.

8. That the following subsection be added to Section 3 General Provisions of said Zoning By-Law 1-Z-2014:

3.2.3.2 Detached Additional Residential Dwelling Unit

- a) *Detached Additional Residential Dwelling Units* are not permitted within a farm building or an on farm diversified use. Must be located within the accessory Building or consist of the entirety of the accessory building.
- b) The maximum size of a *Detached Additional Residential Dwelling Unit* is 75m² (807 square feet).
- c) Be nearer than 1.2 meters of an *interior side yard* and *rear yard*, except:
 - i. in the case of a mutual *private garage* in the *rear yard* on a common *interior side lot line*, no separation distance is required;
 - ii. in the case of a *rear lot line* adjoining a private or public *lane*, no *setback* is required;
- d) Shall not occupy any part of a *front yard* or *exterior side yard*.
- e) The entirety of the *building height* shall not exceed 5 metres in height.
- f) The entirety of the building is to be located within a maximum of 40 metres from the primary *dwelling*. For *Detached Additional Residential Dwelling Units* on private services (well and septic systems) they must be located within the 40 metre distance from the primary dwelling.
- g) Decks and Unenclosed Porches are subject to the provisions outlined in Section 3.6 of the Norfolk County Zoning By-Law 1-Z-2014.
- h) A basement below grade is not permitted for detached accessory dwelling units.
- i) one (1) off-street *parking space* shall be provided for the *accessory residential dwelling unit* in addition to the minimum required *parking spaces* for the primary *dwelling*, and in accordance with provisions in the Off Street Parking Section of this By-Law;
- j) a minimum of 50 percent of the *front yard* shall be maintained as landscaped open space. [7-Z-2020]

- k) *Detached Additional Residential Dwelling Unit* in excess of these sizes and distance requirements are subject to a zoning by-law amendment or a minor variance for the requested relief.
- l) In addition to the provisions outlined in Section 3.2.3.2, the exterior/detached additional dwelling unit is also subject to the provisions outlined in section 3.2.3.

9. That Subsection 3.26 be removed and replaced with the following:

3.26 Number of Dwellings on a Lot

Where this By-Law allows a *dwelling* to be located on a *lot*, not more than one (1) *dwelling* shall be *permitted*, except within Urban Residential Zones (*R1-R4*), Hamlet Residential Zone (*RH*) and Agricultural Zone (*A*) in which one *Interior Additional Residential Dwelling Unit* and one *Detached Additional Residential Dwelling Unit* (for a total of two (2) *Additional Residential Dwelling Units*) are *permitted*.

10. That this By-Law are shall become effective upon final approval of the related Amendment number [redacted] to the Norfolk County Official Plan.

ENACTED AND PASSED this 19th day of July, 2022.

Mayor

County Clerk

**Explanation of the Purpose and Effect of
By-Law __-Z-2022**

This By-Law affects All Lands Zoned Urban Residential Type 1 – Urban Residential Type 4 (R1-R4), Hamlet Residential (RH) and Agricultural (A) within Norfolk County.

As a part of the Growth Management Study and Provincial Policy Statement (PPS) conformity exercise through part of Bill 108 the Additional Residential Dwelling Unit policies and provisions have been updated according to the *Planning Act* updates.

The purpose of this By-Law is to revise the existing accessory structure/building provisions, to redefine Accessory Residential Dwelling Units to be consistent with the *Planning Act* definition of “*Additional Residential Dwelling Units*” and proposes to add new definitions for the terms “*Interior Additional Residential Dwelling Units*” and “*Detached Additional Residential Dwelling Units*”. This By-Law implements new general provisions to *Additional Residential Dwelling Units*, while implementing new provisions geared specifically towards *Interior Additional Residential Dwelling Units* and new provisions geared specifically towards *Detached Additional Residential Dwelling Units*;