

To: Marisa Carpino
Chief Administrative Officer

October 11, 2024

From: Catherine Rose
(Acting) Director, City Development

Copy: Directors
Chief Planner
Manager, Policy & Geomatics

Subject: Proposed Provincial Regulations for Additional Dwelling Units (ERO 019-9210)
File: OPA 23-002P, A04-23

The purpose of this memorandum is to inform members of Council of proposed regulations under the *Planning Act* and advise how staff will be responding to the posting on the Environmental Registry of Ontario.

On September 23, 2024, the Province of Ontario posted proposed regulations for additional dwelling units (ADUs) on the Environmental Registry of Ontario (ERO 019-9210) for a 30-day commenting period. The proposed regulations would not apply to rural areas, or settlement areas without full municipal services. The purpose of the proposed regulations is to remove barriers and facilitate the creation of detached ADUs throughout the Province. The proposed regulations include:

1. Eliminating angular plane requirements
2. Increasing maximum lot coverage
3. Eliminating floor space index requirements
4. Eliminating minimum lot size requirements
5. Restricting building distance separation requirements

The only regulation that would have an impact on Pickering is increasing maximum lot coverage.

Background

In September of 2023, Council passed new policies and regulations for ADUs to bring Pickering into conformity with changes that been made to the *Planning Act* through Bill 23. The intent of these new regulations was to permit up to three dwelling units on most residential properties (refer to Figure 1).



Figure 1: Illustration of different scenarios for ADUs on a property.

The regulations approved in 2023 must be met before one or two additional dwelling units can be safely and efficiently introduced to a property. The City's regulations include:

- minimum parking requirements;
- maximum heights, sizes, and setbacks; and
- clear paths of travel to ensure emergency access to all units.

Proposed Provincial Regulations (ERO 019-9210)

Most of the regulations proposed by the Province will have no impact on Pickering. Four of the five regulations relate to zoning tools used by other Ontario municipalities for detached ADUs, but not by Pickering. The one regulation that is relevant for Pickering is Maximum Lot Coverage (the portion of a lot covered by all buildings on the lot (refer to Figure 2)).

Pickering's ADU regulations currently use three requirements to regulate the size of detached ADUs:

- ratio to the size of the house (50 percent of the gross floor area);
- lot coverage; and
- maximum size based on lot area.

An ADU must meet the most restrictive of all three of these requirements.

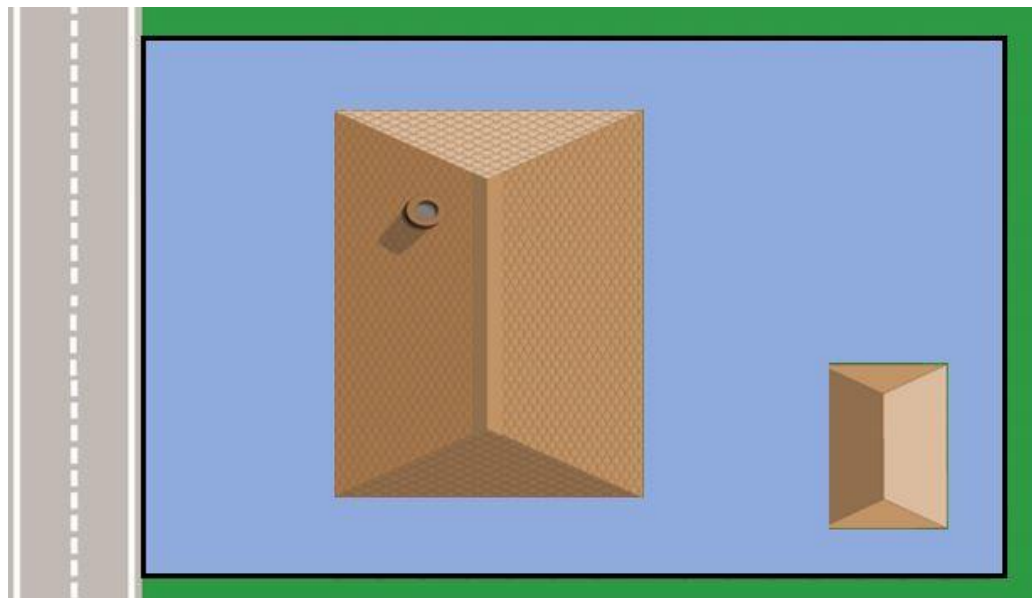


Figure 2: Illustration of lot coverage for a house and a detached ADU.

The maximum lot coverage for all buildings on a lot in Pickering ranges from 20 to 38 percent depending on the neighbourhood. The Province is proposing to increase the maximum lot coverage on residential properties to 45 percent. This increase would also be applicable to Established Neighbourhood Precincts (Rosebank, West Shore, Bay Ridges, Rougemont, Woodlands, Dunbarton, Highbush, and Liverpool) that are further regulated by the Infill and Replacement Housing By-law.

Staff Comments

Lot coverage is only one of the tools used to regulate the size of detached ADUs. In conjunction with the other two size regulations listed above, the zoning regulations also include height and setback requirements that limit the size and location of detached ADUs.

If approved, the proposed increase to the permitted maximum lot coverage may result in some properties qualifying for detached ADUs that did not qualify in the past. This would particularly apply to large properties. Small lots will still be limited from accommodating detached ADUs by setbacks, parking, and emergency access requirements.

It is regrettable that the Province has only provided a 30-day window for public comments. This timeframe prevents staff from doing public engagement to gauge local interest in this change from property owners and development professionals. However, based on public consultation for the Infill and Replacement By-laws in 2021, and the 2023 public consultation on Additional Dwelling Units Official Plan Amendment and Zoning By-laws, restrictions on lot coverage is an important element to maintain the character of neighbourhoods.

In accordance with Council's positions on Infill and Replacement Housing By-laws, and the recent Additional Dwelling Unit By-laws, staff will advise the Ministry of Municipal Affairs and Housing that Pickering Council does not support the proposed change to the *Planning Act* regulations to increase the permitted maximum lot coverage to 45 percent. Pickering Council supported ADUs to assist with addressing housing needs, but did so with a more nuanced approach to maximum lot coverage, than the proposed Provincial "one size fits all" approach.

Once this memorandum is distributed as CAO correspondence, staff will submit a copy of this memorandum to the ERO posting prior to the October 23, 2024 closing date. If members of Council have any comments, please direct them to Kyle Bentley or myself.



KB/CR:nr