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Report To:	Planning and Development Committee		
Date of Meeting:	October 21, 2024	Report Number:	PDS-043-24
Authored by:	Sarah Allin, Principal Planner		
Submitted By:	Darryl Lyons, Deputy CAO, Planning and Infrastructure		
Reviewed By:	Mary-Anne Dempster, CAO		
By-law Number:		Resolution Number:	PD-076-24
File Number:	PLN 1.1.5.5.		
Report Subject:	New Provincial Planning Statement, 2024 and Proposed Ontario Regulation for Additional Residential Units; Overview and Comments		

Recommendations:

1. That Report PDS-043-24, and any related delegations or communication items, be received;
2. That Report PDS-043-24 be adopted as the Municipality of Clarington's comments to the Province on matters of transition to the new Provincial Planning Statement, 2024 (ERO Posting No. 019-9065);
3. That Report PDS-043-24 be adopted as the Municipality of Clarington's comments to the Province on proposed Ontario Regulation 299/19 (Additional Residential Units) (ERO Posting No. 019-9210);
4. That a copy of Report PDS-043-24 and Council's decision be sent to the Ministry of Municipal Affairs and Housing, the Region of Durham, conservation authorities, and the other Durham Region area municipalities; and
5. That all interested parties listed in Report PDS-043-24, and any delegations be advised of Council's decision.

Report Overview

On August 20, 2024, the Province released the new Provincial Planning Statement, 2024 (PPS, 2024). The release comes after the Province considered comments on the last draft in May 2024, and follows many previous rounds of legislative changes introduced by the Government over the last three years.

The new PPS, 2024 will come into effect on October 20, 2024, integrating and replacing the existing Provincial Policy Statement, 2020 (PPS, 2020) and the A Place to Grow - Growth Plan for the Greater Golden Horseshoe into a single, Province-wide policy document. The PPS, 2024 is housing focused and is intended to support the Province's goal to build 1.5 million homes by 2031, of which Clarington has pledged 13,000.

The Province held a 45-day consultation, which ended on October 4, 2024, to accept feedback specifically related to the transition to the new PPS, 2024 ([ERO No. 019-9065](#)). Staff undertook an assessment to identify matters that should be requested to be addressed through transition. In order to meet the consultation deadline, staff submitted draft Municipal comments on October 4, subject to Council ratification/modification. Comments on transition matters are outlined in the report.

Upon October 20, 2024, decisions on planning matters must be consistent with PPS, 2024. This means Council must ensure that the policies of the PPS, 2024 are applied as an essential part of its decisions on land use planning matters.

On September 23, 2024, the Province released a proposed amendment to Ontario Regulation 299/19 - Additional Residential Units (ARU) under the Planning Act. The proposed Regulation would implement the changes to the Planning Act under Bill 185, giving the Minister additional authority to regulate ARUs. A 30-day consultation period on the proposed amendment to the Regulation is open until October 23rd.

The purpose of this report is (i) to provide a high-level summary of the policy changes that will take effect under the new PPS, 2024, and (ii) to provide an overview of the proposed amendment to Ontario Regulation 299/19, and (iii) to present staff comments relating to the PPS, 2024 transition consultation and ARU Regulation.

1. Background

- 1.1 In April 2023, the Province introduced a draft new Provincial Planning Statement, 2023 (PPS, 2023), proposing to integrate the existing Provincial Policy Statement, 2020 (referred to as the PPS, 2020) and A Place to Grow – Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan) into a single Province-wide document.

- 1.2 On June 27, 2023, comments on the proposed PPS, 2023 were presented to Council and endorsed through [Report PDS-037-23](#). Staff raised concerns about the following significant changes proposed through the draft PPS, 2023:
- Elimination of the Municipal Comprehensive Review (MCR) process and associated controls on settlement area expansions and employment land conversions;
 - Allowance of residential lot creation in rural and agricultural areas;
 - Removal of “affordable” and “low- and moderate-income households” definitions;
 - Absence of natural heritage policies; and
 - Scope of cultural heritage resources to be conserved (only those designated under the *Ontario Heritage Act*).
- 1.3 One year later, on April 10, 2024, the Ministry of Municipal Affairs and Housing released a second draft of a new PPS (PPS, 2024) for consultation, which was said to respond to feedback received in 2023. Comments on the revised Draft PPS, 2024 were presented to Council and endorsed through Report [PDS-017-24](#). Staff continued to raise concerns relating to the following, which remain applicable today:
- Eliminating the Growth Plan and the two decades’ worth of consistent growth management across the Greater Golden Horseshoe (GGH). This approach enabled municipalities to manage development while balancing the protection of valuable land and resources; and
 - Eliminating the MCR for settlement area boundary expansions and removal of employment lands that is critical to municipalities’ ability to plan for and finance growth in an environmentally, socially, and fiscally responsible way.
- 1.4 Section 2.0 of this Report provides an overview of the new PPS, 2024 and staff’s comments on matters of transition.
- 1.5 On September 23, 2024, the Province released a [proposed amendment to Ontario Regulation 299/19 \(Additional Residential Units\)](#) under the Planning Act. The amendment to the Regulation would implement changes to the Planning Act, under Bill 185, to grant the Minister additional authority over municipal zoning standards in support of the creation of additional residential units. A 30-day consultation period on the proposed Regulation is open until October 23rd.
- 1.6 This proposed amendment to the Ontario Regulation 299/19 (O. Reg. 299/19) builds upon the amendments implemented under Bill 23, permitting up to three additional residential units on residential lots within settlement areas on full municipal water and sewage services.

- 1.7 Section 3.0 of this Report provides an overview of the proposed amendment to O. Reg. 299/19 and identifies staff's comments to the Province for Council's consideration.
- 1.8 Over the last three years, there have been no fewer than ten bills and changes to policy and legislation brought forward by the Province related to matters of land use planning, development and municipal regulatory powers. The following staff reports summarize and provide comments on the changes:
- June 3, 2019, Planning and Development Committee, [PDS-027-19 More Homes, More Choices Act, 2019 \(Bill 108\)](#);
 - December 5, 2022, Planning and Development Committee, [PDS-051-22 More Homes for Everyone Act, 2022 \(Bill 109\)](#);
 - December 5, 2022, Planning and Development Committee, [PDS-054-22 More Homes Built Faster Act, 2022 \(Bill 23\)](#);
 - June 27, 2023, Planning and Development Committee, [PDS-037-23 Helping Homebuyers, Protecting Tenants Act, 2023 \(Bill 97\) and Proposed Provincial Planning Statement, 2023](#);
 - May 6, 2024, General Government Committee, [FSD-024-24 Cutting Red Tape to Build More Homes Act, 2024 \(Bill 185\)](#); and
 - May 13, 2024, Planning and Development Committee, [PDS-017-24 Revised Provincial Planning Statement, 2024](#).
- 1.9 The following sections (i) summarize the key changes that take effect on October 20th under the new PPS, 2024, and (ii) present staff comments to the Province on matters of transition for Council's ratification/modification.

2. New Provincial Planning Statement, 2024

- 2.1 According to the Province, the focus of the new PPS, 2024 is to support the Province's goal of constructing 1.5 million homes by 2031. The PPS, 2024 groups policies under five pillars:
- Generate an appropriate housing supply;
 - Make land available for development;
 - Provide infrastructure to support development;
 - Balance housing with resources; and
 - Implementation.

- 2.2 The new PPS, 2024 will significantly change how municipalities in Ontario plan for growth by eliminating the prescriptive, GGH-specific Growth Plan, and condensing the provincial policy framework for growth and development into one new PPS, 2024 that applies across Ontario. The most significant changes include:
- Eliminating the MCR process applying to Regional official plan updates;
 - Allowing for settlement area boundary expansions and employment land conversions at any time rather than only as part of an MCR;
 - Changing how employment areas are defined, planned for, and protected; and
 - Removing prescribed density and intensification targets, with the exception of Protected Major Transit Station Areas.
- 2.3 As part of its release of the new PPS, 2024, the Province summarized the effects of the most recent consultation. The Province noted key changes to the document informed by the spring 2024 consultation included:
- Strengthening policies to (i) require, rather than encourage, municipalities to support intensification and establish targets (ii) encourage municipalities to establish designated growth areas with density targets, and (iii) require municipalities to identify major transit station areas and apply provincially specified minimum density targets.
 - Strengthening the policy requirement for municipalities to consider the impact of development on the long-term economic viability of employment uses.
 - Reintroducing the definition of significant for the purposes of cultural heritage resources and archaeology, reverting to the PPS 2020 definition.
 - Updating the definition of on-farm diversified uses to include energy generation, transmission and energy storage systems.
 - Clarifying permissions around creating additional residential units in prime agricultural areas, including that additional residential units are considered in addition to farm worker housing.
- 2.4 The October 20, 2024, effective date provides municipalities with a brief, two-month window to transition to the PPS, 2024, intended to allow for in-progress planning decisions to be resolved, and provide time to prepare for implementation of the new policies.

- 2.5 The Province is maintaining the applicability and protections of the Greenbelt Plan and Oak Ridges Moraine Conservation Plan in recognition of these geographically specific and environmentally sensitive areas. This has been addressed through administrative [Amendment No. 4 to the Greenbelt Plan](#) that will be in effect once the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019 are revoked.
- 2.6 The following subsections outline notable PPS, 2024 policy directions. As of October 20th, all planning decisions must be consistent with PPS, 2024.

Growth Forecasts and Strategic Growth Areas

- 2.7 PPS, 2024 requires municipalities to base growth forecasts on Ontario Population Projections published by the Ministry of Finance, rather than those previously identified in the Growth Plan. However, the PPS, 2024 provides transition for GGH municipalities to continue to use Growth Plan forecasts for the current round of official plan reviews/updates. This is applicable to Clarington as staff commences the Official Plan review, following the Province's approval of the new Durham Regional Official Plan on September 3, 2024.
- 2.8 Requires municipalities to have enough land designated to meet the projected needs for a time horizon of at least 20 years, but no more than 30 years, based on the above noted Ontario Population Projections.
- 2.9 Directs Strategic Growth Areas, such as Major Transit Station Areas (GO Stations), to remain a focus of significant population and employment growth and continue to be subject to a density target of 150 people and jobs per hectare.
- 2.10 Identifies Clarington as a 'large and fast-growing' municipality and encourages, but does not require, such municipalities to plan for a target of 50 people and jobs per hectare throughout designated growth areas. It is noted 50 people and jobs per hectare is consistent with the existing density target prescribed under the Growth Plan for municipalities within Durham Region. Clarington's Official Plan and all recently approved and ongoing secondary plans have been developed to achieve this target.

Municipal Comprehensive Reviews

- 2.11 The PPS, 2024 does not include or require MCRs of official plans, as previously defined by PPS, 2020 and the Growth Plan. An MCR is an official plan review that comprehensively applies provincial policy, population and employment projections, explores alternative land needs and appropriate directions for growth, and is integrated with planning for infrastructure and public service facilities.

- 2.12 Since 2006 under the Growth Plan, consideration of settlement area boundary expansions and employment land removals has only been dealt with at the time of the upper-tier's municipal comprehensive review (e.g. Envision Durham) and subsequently as part of Clarington's official plan review.

Settlement Area Expansions

- 2.13 The PPS, 2024 provides that municipalities can identify a new settlement area or allow a settlement area boundary expansion at any time, outside of a MCR or official plan review.
- 2.14 Such an expansion would be subject to consideration of certain criteria relating to the need for additional land to accommodate an appropriate mix and range of uses, capacity of infrastructure and public service facilities, impacts on agricultural areas and uses, and whether the proposed expansion provides for the phased progression of urban development. The PPS, 2024 provides that such criteria is the minimum standard. There is opportunity to determine additional criteria through the official plan review.
- 2.15 It is notable that Bill 185 introduces new applicant appeal rights on municipal decisions for alterations to settlement area boundaries. Until now, Council's decisions on such applications were final and not subject to appeal.
- 2.16 Staff continues to be concerned about policies that allow for settlement area boundary expansions outside of a comprehensive review of the official plan where all requests can be considered collectively (i) relative to other housing and complete community objectives (e.g. transit supportive densities and intensification), and (ii) in coordination with necessary and available infrastructure.

Employment Areas

- 2.17 The PPS, 2024 includes a narrowed definition of 'employment area' relative to how Clarington has been defining employment areas as prescribed by the Growth Plan. The PPS, 2024 definition is consistent with that recently implemented in the *Planning Act* (through Bill 97), and includes industrial, manufacturing, and warehousing uses, but no longer includes major office uses.
- 2.18 PPS, 2024 also introduces land use compatibility criteria to help protect core employment uses. Criteria relates to provincial guidelines, including those addressing noise.
- 2.19 As part of the upcoming Official Plan Review, staff will consider how the narrowing of the employment area definition may impact the land needs assessment calculations that were undertaken to identify the area of employment required to achieve the job forecasts established by the Growth Plan to 2051.

- 2.20 Resources will be required in the short term to undertake an exercise to determine which of our existing designated employment areas would continue to meet the narrowed definition of Employment Area, and those which would no longer be protected from removal (i.e. redesignation to non-employment uses). This would include a review of the Employment Areas within the Courtice Transit Oriented Community Secondary Plan and Courtice Waterfront and Energy Park Secondary Plan study areas.
- 2.21 Amendments to the Clarington Official Plan will be required as part of the Official Plan Review to provide policy direction for the continued long-term protection of our employment areas in support of the level of employment necessary to achieve a complete community.

Employment Area Removals (previously referred to as Employment Land Conversions)

- 2.22 The PPS, 2024 provides that employment area removals, meaning a redesignation of employment areas for other types of uses, can be applied for and considered by municipalities at any time. Under the Growth Plan, redesignation of employment land could only take place as part of an MCR of the municipality's employment needs over the long term.
- 2.23 The municipal designation of certain lands as employment area through an MCR or official plan review process is the demonstration that the lands are needed for employment uses over the long term. It remains to be determined how the minimum criteria for removal, provided for in the PPS, 2024, requiring demonstration that the lands are not needed for employment is to be met in the context of an isolated, site-specific application for removal.

Sewer and Water Services

- 2.24 The PPS, 2024 introduces that municipalities may consider opportunities to allocate and re-allocate, if necessary, unused municipal water and sewage services to meet current and projected needs for increased housing supply.
- 2.25 This new language aligns with the "use it or lose it" tools recently implemented through Bill 185, which authorizes municipalities to allocate and re-allocate servicing capacity.
- 2.26 Currently, water and sewer servicing allocation for Clarington is managed by Durham Region.

Prime Agricultural Areas outside of the Greenbelt

- 2.27 PPS, 2024 provides flexibility to support farmers and farm families but does not allow new residential lots to be created on prime agricultural lands.

- 2.28 Clarifies additional residential units are permitted in addition to housing for farm workers, subject to certain conditions relating to wells and septic systems, compatibility with surrounding agricultural operations, scale, and public health and safety. There is also a requirement that at least one of the additional residential units is located within or attached to the principal dwelling, and the other additional residential unit be required to be located in close proximity to the principal dwelling or farm building cluster.
- 2.29 The definition of 'on-farm diversified uses' has been expanded to include energy generation, transmission, and energy storage systems.
- 2.30 In Clarington, the PPS, 2024 agriculture policies would impact lands within the Whitebelt. The more detailed, geographically specific policies for agricultural and rural lands within the Greenbelt Plan and Oak Ridges Moraine Plan areas would continue to apply.

Cultural Heritage

- 2.31 The PPS, 2024 maintains the definition of 'significant' for the purposes of cultural heritage resource from PPS, 2020, which was removed from previous drafts. This means the PPS, 2024 continues to direct the protection of built cultural heritage resources and landscapes that are designated or listed by municipal Councils under the Ontario Heritage Act (e.g. Waverley Place).

Consultation and Collaboration

- 2.32 The PPS, 2024 emphasizes that municipalities shall undertake early engagement with Indigenous communities. However, as previously noted, guidance from the Province regarding a framework for, and funding in support of, meaningful consultation with Indigenous communities would be helpful.
- 2.33 Municipalities are now required to collaborate with (i) school boards to facilitate early and integrated planning for schools and associated childcare facilities, and (ii) publicly assisted post secondary institutions to plan for student housing.

Transition Matters

- 2.34 The Province held a 45-day consultation, which ended on October 4, 2024, to accept feedback specifically related to the transition to the new PPS, 2024 ([ERO No. 019-9065](#)).
- 2.35 Subsection 3(6.1) of the *Planning Act* allows the Minister to make regulations providing for transitional matters which, in the opinion of the Minister, are necessary or desirable to facilitate the implementation of a policy statement issued under subsection 3(1).

- 2.36 Staff undertook an assessment of in-progress policy initiatives, development applications, and Ontario Land Tribunal (OLT) appeals to determine matters that should be addressed through a transition regulation under the Planning Act.
- 2.37 Based on the assessment, staff generally recommends the following types of matters be requested to be considered by the Province for transition:
- a) Matters currently before the Ontario Land Tribunal (OLT); and
 - b) Official Plan Amendments awaiting approval by the Region or Province.
- 2.38 These types of matters have been reviewed, assessed and adopted or approved under the PPS, 2020 and the Growth Plan. It would be most resource and time efficient to complete these matters under the existing framework to enable the housing units associated with these applications to progress to building permit stage.
- 2.39 The following comments were submitted to the Province on October 4, subject to Council's consideration and ratification.

Comments - General Transition Matters

- 2.40 The Province is requested to provide transition for the following types of land use planning matters to be completed under PPS, 2020:**
- a) Matters currently before the Ontario Land Tribunal (OLT); and**
 - b) Adopted Official Plan Amendments awaiting approval by the Region or Province.**

Comments - Employment Areas

- 2.41 In addition to ongoing matters identified for transition above, staff recommends reiterating the Municipality's previous requests to provide additional time to address changes to the definition of and policies pertaining to Employment Areas.
- 2.42 Through transition provisions, the Province is requested to provide municipalities additional time to reconcile the impacts of the changes to Employment Areas, and assess community and employment land needs accordingly, prior to these changes coming into effect and placing vital employment areas at risk of removal.**

Implementation

- 2.43 Once in effect, planning decisions on updates or amendments to official plans, zoning by-laws, and all types of development applications made on or after October 20, 2024, must be consistent with the new PPS, 2024, regardless of whether there is a conflict with a local planning document.

- 2.44 It is intended that official plans and local regulatory documents would be updated as necessary to implement the policies of the new PPS at the time of the regular review cycle. Planning and Infrastructure Services is in the initial stages of the five-year review of the Clarington Official Plan. Consistency with a new PPS will be addressed by the review.
- 2.45 The new PPS, 2024 and elimination of the Growth Plan are among the latest in a series of significant changes to provincial land use planning policy and legislation over the last three years. These continuous changes have required extensive staff time and resources to review, understand and adapt. This in turn has taken resources away from completing our secondary plan program, and processing development applications to provide for new homes to be built.
- 2.46 The Province has indicated it expects Durham Region to become an upper-tier municipality without planning responsibilities towards the end of 2024. This transfer of responsibility to Clarington includes absorbing the Region's recently approved new Official Plan, which will have significant implications for our Official Plan review. Staff will also need to begin to prepare for this transition to ensure sufficient coordination on matters of servicing and infrastructure continues under this new framework.

3. Additional Residential Units; Ontario Regulation 299/19

- 3.1 On September 23, 2024, the Province released a proposed amendment to O. Reg. 299/19 (Additional Residential Units) under the Planning Act. O. Reg. 299/19 originally came into force in 2019, following Bill 108, to define the term 'additional residential unit' (ARU) and introduce requirements relating to parking and occupancy.
- 3.2 O. Reg. 299/19 was amended in 2022 to support the implementation of the Bill 23 changes to the Planning Act that permitted up to three ARUs, as-of-right, on residential lots within settlement areas with full municipal water and sewage services.
- 3.3 The Bill 23-related amendments generally aligned with Clarington's framework for additional residential units within urban areas implemented through municipally initiated amendments to the Official Plan and Zoning By-law in 2021. Council recently approved [By-law 2024-033](#) which amended Clarington's Zoning By-laws to fine tune alignment with Bill 23 and the existing version of O. Reg. 299/19. It is noted that Clarington's Official Plan and Zoning By-laws use the term 'additional dwelling unit or ADU', rather than ARU at this time.
- 3.4 The current proposed amendment to O. Reg. 299/19 would make further revisions to implement the changes to the Planning Act under Bill 185. Specifically, Bill 185 provided the Minister with broader regulation-making authority to address municipal by-law requirements seen as barriers to creating ARUs.

- 3.5 The amendment to O. Reg. 299/19 proposes to eliminate certain types of zoning by-law requirements the Province identified as barriers to ARUs, in order to reduce or remove rezoning or minor variances needed to establish new ARUs. The following sections summarize the proposed changes.
- 3.6 The Province is holding a 30-day consultation period to hear feedback on the amendment to O. Reg. 299/19 and specific zoning by-law standards that could help to facilitate ARUs. The comment period is open until October 23rd.

Summary of Key Changes and Comments

- 3.7 The Province is proposing to specify zoning requirements and performance standards in the amended O. Reg. 299/19, that would apply to urban residential lots on full municipal servicing that permit up to three units. These standards would override municipal requirements in order to remove barriers and support the creation of ARUs.

Eliminate Angular Plane requirements that apply to ARUs

- 3.8 The proposed amendment would override all municipal angular plane requirements in zoning by-laws for buildings with ARUs. The Province identifies an angular plane as an imaginary angle barrier (often cited as 45 degrees) that regulates how deep and tall a building can be. It is intended that removing this requirement would provide more opportunity for ARUs within accessory buildings and along laneways.
- 3.9 Currently, angular plane requirements in Clarington's Zoning By-law are area or site specific and pertain primarily to medium- and high-density areas, rather than our low-density residential areas that would typically provide opportunities for ARUs within single-detached, semi-detached, and townhouse dwellings. Further, Clarington's Official Plan policies and Zoning provisions specific to ARUs currently do not address angular planes. As such, the impact of this change in Clarington would be relatively minor.

Require a Maximum Lot Coverage of at least 45% for lots with ARUs

- 3.10 Generally, a zoning by-law regulates how much of a lot may be occupied by buildings and structures. This is normally expressed as a maximum. The amendment to O. Reg. 299/19 would establish a provincial standard to ensure maximum Lot Coverage cannot be set any lower than 45% on lots with at least one ARU. This would enable more opportunities for dwelling additions, accessory structures, and laneway units. Municipal zoning would still regulate building location through setback requirements.
- 3.11 Currently, Clarington's Zoning By-law 84-63 caps lot coverage for ARUs located within an accessory structure at the lesser of 10% for the ARU or what would be permitted by the applicable zone Lot Coverage (maximum) for all buildings. Lot Coverage (maximum) standards in the Urban Residential Zones One, Two, and Three (R1, R2, and R3) generally range from 40% for single detached dwellings to 45% - 50% for semi-detached and townhouse dwellings.

- 3.12 It is understood that zoning requirements for setbacks from property lines and landscaped open space will continue to apply to urban residential lots with ARUs. However, staff have concerns about higher as-of-right lot coverage maximums impacting runoff, drainage, and stormwater infrastructure on both a site-specific and a cumulative neighbourhood basis. This would be of particular concern in Clarington's older neighbourhoods where increases in allowable lot coverage provide additional opportunities for ARUs in areas where stormwater infrastructure either does not exist or is not up to contemporary standards.
- 3.13 Development Engineering staff have indicated such impacts could be addressed and mitigated through a stormwater management review. This type of review is typically not required in support of a building permit application under the Ontario Building Code, and therefore stormwater impacts may not be addressed in cases where municipal lot coverage requirements are overridden by the proposed provincial standard. Under a Planning Act process for a minor variance, staff is able to require that stormwater management impacts be assessed and addressed.
- 3.14 Rather than a province-wide lot coverage standard, the Province is requested to revise the amended O. Reg. 299/19 to override municipal zoning requirements for Maximum Lot Coverage requirements that are more restrictive than those that would apply to buildings on lots without ARUs, similar to the direction for Lot Area requirements.**
- 3.15 This revision would create, at a minimum, a level playing field for lots with ARUs, but would retain the effectiveness of municipal lot coverage requirements to manage runoff, and impacts on stormwater infrastructure in order to mitigate flood risk as neighbourhoods intensify with ARUs. It is noted that where municipalities have determined it is appropriate to enable greater lot coverage maximums for ARUs, such permissions could continue to apply.**

Eliminate Floor Space Index (FSI) zoning requirements that apply to ARUs

- 3.16 Proposed amendments to O. Reg. 299/19 would override any FSI requirements in zoning by-laws as they apply to ARUs. FSI refers to the gross floor area of all buildings on a lot, divided by the lot area.
- 3.17 Clarington does not currently have FSI zoning provisions that are specific to ARUs. Existing FSI requirements articulated in the Zoning By-law are site-specific and primarily apply to commercial uses. At this time, the impact of this change is anticipated to be minor or negligible.

Override Minimum Lot Areas Specific to ARUs

- 3.18 The Province is proposing to override municipal zoning requirements for minimum Lot Areas that are specific to parcels with ARUs. This is intended to ensure that the same lot standards that apply to (a lot with) a dwelling would also apply to (a lot with) a dwelling with an ARU.
- 3.19 Clarington's zoning provisions do not specify a different Lot Area minimum for lots with ARUs. As staff understand the amendment, this change would not impact how Clarington currently regulates ARUs.
- 3.20 The Province is requested to ensure the language in the amended O. Reg. 299/19 clearly articulates that ARUs are not exempt from all municipal minimum Lot Area requirements, but only those that require a different minimum Lot Area specifically for lots with ARUs.**

Restrict Building Distance Separation Requirements

- 3.21 The amendment proposes to restrict building distance separation requirements associated with any building containing an ARU to a maximum of 4 metres.
- 3.22 Clarington's Zoning By-law requires ARUs in accessory buildings to conform to certain yard setbacks but does not identify building distance separation requirements specific to buildings with ARUs. It is staff's understanding that safe building distance separation is addressed through the Ontario Building Code, and that such requirements would remain applicable.

General

- 3.23 Staff do not have specific concerns with the majority of the proposed amendments to O. Reg 299/19 as they are applicable to Clarington's ARU zoning requirements. However, it is noted that where municipal standards for minimum lot area, maximum lot coverage, and FSI specific to ARUs do exist, the reason for these standards should be examined, along with the potential impacts of overriding them, prior to widespread implementation of such a direction.
- 3.24 As noted above, staff do have concerns about the proposed provincial standard Lot Coverage Maximum of at least 45%. Lot coverage maximums vary by zone and building type in urban residential zones to provide for amenity area for residents, and landscaped open space for infiltration to minimize runoff, flooding, and manage stormwater and its impact on municipal infrastructure. The Province is requested to revise the amendment to continue to allow municipalities to regulate lot coverage criteria based on local conditions.**

- 3.25 Should the proposed amendment to O. Reg. 299/19 be implemented as presented, staff will need to consider process modifications to ensure drainage and stormwater impacts are assessed in situations where ARUs result in lot coverage that exceeds what is currently deemed appropriate for the lot in accordance with zoning requirements.
- 3.26 Once passed, Clarington's Zoning By-laws will need to be updated to align with the direction for ARUs. This should include an assessment of other standards such as landscaped open space, and yard requirements, for example, to ensure lots developed in compliance with zone standards continue to function both as individual lots, and as part of the broader neighbourhood fabric.

4. Financial Considerations

- 4.1 It is anticipated that there will be costs to implement the draft PPS, 2024 relating to:
- Required updates to Clarington's policy and regulatory documents (e.g. official plan and zoning), including the upcoming review of the Clarington Official Plan which will have to address the elimination of the Growth Plan and achieve consistency with the new PPS, 2024, modifying or redoing forecasting work that has been done to date;
 - The transfer of Durham Region's planning responsibilities expected towards the end of 2024, the magnitude of which cannot yet be estimated, but will include taking on the administration of Durham's recently approved new Official Plan in addition to our own, and reconciling any provincial conformity exercises that may be required; and
 - The additional resources necessary to support new requirements and responsibilities related to such areas as servicing and infrastructure, watershed planning, and inter-municipal coordination.
- 4.2 The amendments to O. Reg. 299/19 will necessitate minor updates to Clarington's Zoning By-laws. This will be the second round of amendments to the ARU zoning provisions due to provincial changes since they were initially introduced in 2021 via By-law 2021-082 (and recently amended by By-law 2024-033).

5. Strategic Plan

- 5.1 The proposed PPS, 2024 and the ARU directions are related to and will impact how the Clarington achieves the Grow Responsibly pillar of the Strategic Plan and support the objective to 'promote responsible and balanced growth by developing the economy while protecting the environment'.

6. Climate Change

- 6.1 The PPS, 2024 requires municipalities to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:
- Support transit supportive and complete, compact communities;
 - Consider climate change impacts in planning for infrastructure, green infrastructure, and public service facilities;
 - Support energy conservation and efficiency; and
 - Considers approaches that will build community resilience to the impacts of climate change.
- 6.2 The upcoming Official Plan Review will consider how this direction will be implemented in Clarington to build on our existing climate change policies in the Official Plan and to align with the Corporate Climate Action Plan.

7. Concurrence

- 7.1 Not Applicable

8. Conclusion

- 8.1 The purpose of this report is (i) to provide a high-level summary of the policy changes that will take effect under the new PPS, 2024, and (ii) to provide an overview of the proposed amendment to Ontario Regulation 299/19, and (iii) to present staff comments relating to the PPS, 2024 transition consultation and ARU Regulation.
- 8.2 Certain policies in the PPS, 2024 provide municipalities greater flexibility to plan based on their own needs. Others make it more difficult for municipalities to uphold policies that create complete communities and protect what is valuable (e.g. to allow settlement area boundary expansions and employment area removals).
- 8.3 Staff do not have concerns with the majority of the proposed amendments to O. Reg. 299/19, based on Clarington's existing ARU zoning provisions. However, staff do not support the establishment of a standardized Lot Coverage maximum that does not account for local stormwater infrastructure conditions.
- 8.4 As mentioned, these two matters represent the latest in a series of significant changes to the land use planning framework over the last few years. A stable provincial planning policy and regulatory regime is critical going forward to provide time for these new directions to be implemented so that the impacts and effectiveness of the policies can begin to be understood and yield results.

- 8.5 It is respectfully recommended that (i) the comments on the matters of transition to the new PPS, 2024 and Ontario Regulation 299/19 regarding ARUs by Report PDS-037-24 be endorsed, and (ii) that a copy of the report and Council's decision be sent to the Province, the Region of Durham, relevant conservation authorities, and other Durham Region area municipalities.

Staff Contact: Sarah Allin, Principal Planner, sallin@clarington.net or 905-623-3379 ext. 2419; Lisa Backus, Manager of Community Planning, lbackus@clarington.net or 905-623-3379 ext. 2413.

Interested Parties:

List of Interested Parties available from Department.