

Attachment 11: 3-Unit Review and Zoning Bylaw Recommendations

1. Purpose

The draft Zoning Bylaw released in July 2022 introduced permission for 3 unit buildings and townhouses in the low density residential RL.1 and RL.2 zones, to provide for a greater range and mix of housing types within residential neighbourhoods and remove exclusionary zoning practices.

At the July 13, 2022, statutory public meeting Council provided the following feedback on the proposed 3 unit permissions:

- Concern that 3 units is not enough and should encourage more gentle density
- What urban design guidelines or built form standards will be guiding 3 unit residential buildings?

The purpose of this paper is to provide background information, Provincial and City policy, and results of the 3-Unit Demonstration Plans developed by Grinham Architects and STAKT Architecture Inc. This paper provides updated recommendations and rationale.

2. Background

In December 2020, the existing Zoning Bylaw (1995)-14864 was updated to align with provincial legislative changes in Bill 108 – More Homes, More Choice Act, 2019. Bill 108 amended the Planning Act, authorizing additional residential units on a lot, two units within the primary dwelling, and one unit within an ancillary structure on the same lot.

Bill 23 – More Homes Built Faster, 2022, came into effect after the July 2022 release of the draft Zoning Bylaw, amending the Planning Act to allow three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

The general intent and purpose of permitting 3 units as of right is to facilitate the City's goals of providing an appropriate range and mix of housing options, to eliminate exclusionary zoning, respond to community feedback, and align with other Provincial legislation and other municipal practices.

3. Provincial Policy Review

Provincial Policy Statement (PPS), 2020

The PPS provides policy direction on matters of provincial interest related to land use planning and development and supports the provincial goal to enhance the

quality of life for Ontarians. The PPS notes that zoning is an important tool for implementation of the PPS. The PPS includes a number of policies related to housing and providing for an appropriate range and mix of housing options.

Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by permitting and facilitating all types of residential intensification, including additional residential units.

Planning authorities shall establish development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

Planning authorities shall promote densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed.

The Planning Act and Bill 23, More Homes Built Faster Act, 2022

Section 34 of the Planning Act sets out the powers of municipalities to pass zoning bylaws to regulate matters including the use of land (e.g. residential, commercial, industrial), and standards associated with land uses such as location, size, setback and parking requirements.

Bill 23, More Homes Built Faster Act, 2022 received Royal Assent on November 28, 2022 and is now in effect. Bill 23 has changed several important areas of land use planning, implementing recommendations from the [Ontario Housing Affordability Task Force Report](#). Though not an extensive list, Bill 23 has impacted the following:

- Provincial legislation now allows up to 3 units on a single lot where residential uses are permitted in settlement areas where full municipal water and sewage services exist
- If a development application is submitted with 10 units or less, it is exempt from Site Plan Control
- No Official Plan may contain any policy that provides a minimum floor area for an additional residential unit.

4. City of Guelph Official Plan, February 2022 Consolidation

The Official Plan is a future-oriented document that establishes the vision, objectives and policies that manage future land use patterns affecting the economic, social, cultural and environmental fabric of the city.

Section 9.3.2 of the Official Plan establishes the Low Density Residential designation, which is applied to residential areas within the City's built-up area that are predominately low density in character. Permitted uses include single detached

dwellings, semi-detached dwellings, duplex dwellings, and multiple unit residential buildings (i.e., townhouses and apartments).

The following height and density policies apply within the Low Density Residential designation:

- The maximum height shall be three (3) storeys;
- The maximum net density is 35 units per hectare and not less than a minimum net density of 15 units per hectare; and

5. City of Guelph Official Plan Amendment 80

Official Plan Amendment 80 (OPA 80) revised the Official Plan's vision, urban structure, population and employment figures, density and intensification targets and associated policies and land use designations as part of the City's municipal comprehensive review for conformity with A Place to Grow: The Growth Plan for the Greater Golden Horseshoe. OPA 80 was adopted by City Council on July 11, 2022. As of November 2022, the Ministry of Municipal Affairs and Housing officially suspended their review timeline for OPA 80. OPA 80 has not received a decision from the Ministry and is not currently in effect.

OPA 80 amended Section 9.3.2 Low Density Residential to combine the Low Density Residential and Low Density Greenfield Residential designations and to modify the permitted height and density policies in order to align with the City's growth management strategy. The amended section is as follows:

- The maximum height shall be three (3) storeys within the delineated built-up area. The maximum height shall be four (4) storeys within the designated greenfield area.
- The maximum net density is 35 units per hectare within the delineated built-up area. The maximum net density within the designated greenfield area and for sites located on arterial roads within the delineated built-up area is 60 units per hectare. This policy applies to multiple unit residential buildings such as townhouses and apartments.

Once in effect, OPA 80 will provide development opportunities for additional height and density along arterial roads within the Low Density Residential designation.

6. Existing Zoning Bylaw, (1995)-14864

Section 4.15, Residential Intensification, of the existing Zoning Bylaw includes provisions for additional residential dwelling units in line with Bill 108. Additional residential dwelling unit provisions permit up to 3 units per property for single detached dwellings, semi-detached dwellings, and on-street townhouses, where one unit is permitted in the primary dwelling and one unit within a detached structure on the same lot. One parking space is required per unit. Where no legal off-street parking can be provided for the primary dwelling, no parking spaces are required for the additional residential dwelling units.

Currently, the residential R.1 zones permit a single detached dwelling, additional residential dwelling unit, bed and breakfast, day care centre, group home, home occupation and lodging house type 1.

The residential R.2 zone permits a duplex dwelling, semi-detached dwelling, additional residential dwelling unit, bed and breakfast, group home, and home occupation.

The residential R.3B zone permits on-street townhouse, additional residential dwelling unit, home occupation, and accessory use.

7. Comparison of Other Municipal Standards

Staff initiated a scan of 3+ dwelling unit permissions in low density residential zones in southern Ontario municipalities. Due to limited findings, the search was expanded to include municipalities within Canada that had recently reviewed their additional dwelling provisions.

Hamilton

In August 2022, the City of Hamilton Council approved zoning bylaw amendments to expand permitted uses in the Low Density Residential zones. The following changes are summarized in the table below.

New permitted uses to all Low Density Residential zones	<ul style="list-style-type: none"> • Duplex dwellings • Semi-detached dwellings • Street townhouse dwellings (in addition to Single Detached Dwellings) • The conversion of an existing Single Detached or Duplex Dwelling to contain a greater number of dwelling units within the dwelling, up to a maximum of four dwelling units • Permissions apply to areas outside of Secondary Plan Areas
Definitions	
Additional Dwelling Unit	Shall mean a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling and shall not include a Farm Labour Residence.
Additional Dwelling Unit – Detached	Shall mean a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling but shall not include a Farm Labour Residence.
Converted Dwelling	<p>Shall mean a dwelling altered to contain a greater number of dwelling units.</p> <p>Parking Requirements No parking spaces are required, provided the required parking spaces which existed on the date of passage of the by-law for the existing dwelling continue to be</p>

	provided and maintained. Notwithstanding the above, one parking space is required for the fourth dwelling unit.
Multiple Dwelling Unit	Shall mean a building or part thereof containing three or more dwelling units but shall not include a street townhouse dwelling or semi-detached dwelling.

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Permitted Uses in Low Density Residential Zones (RES-1; RES-2; RES-3; RES-4; RES-5)	<ul style="list-style-type: none"> • Dwelling Unit (Attached), Additional • Dwelling Unit (Detached), Additional • Dwelling, Multiple (limited permissions in RES-4 and RES-5, only)
Definitions	
Dwelling Unit (Attached), Additional	means the use of a single detached dwelling, semi-detached dwelling unit, or street townhouse dwelling unit where a separate self-contained dwelling unit is located within the principal building.
Dwelling Unit (Detached), Additional	means the use of a building where a separate self-contained dwelling unit located in a detached building on the same lot as an associated single detached dwelling, semi-detached dwelling unit, or street townhouse dwelling unit. An additional dwelling unit (detached) is not an accessory building.
Dwelling, Multiple	means the use of a building containing three or more dwelling units, and can include a stacked townhouse dwelling and back-to-back townhouse dwelling. A multiple dwelling is not a street townhouse dwelling, mixed use building, cluster townhouse dwelling, single detached dwelling with additional dwelling units (attached) or semi-detached dwelling with additional dwelling units (attached).
Regulations	
One Additional Dwelling Unit (Attached)	One additional dwelling unit (attached) may be permitted in association with a single detached dwelling, semi-detached dwelling unit or street townhouse dwelling unit in accordance with the regulations specified.
Two additional Dwelling Units (Attached)	Two additional dwelling units (attached) may be permitted in association with a single detached dwelling in accordance with the regulations specified regulations. (only within existing buildings)

Additional Dwelling Units (Detached)	One additional dwelling unit (detached) may be permitted in association with a single detached dwelling, semi-detached dwelling unit or street townhouse dwelling unit in accordance with the regulations specified. (not be permitted on the same lot as a single detached dwelling with two additional dwelling units (attached)).
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City of Vancouver, British Columbia

In January 2022, City of Vancouver Council passed a motion asking staff to investigate allowing up to six units on a lot in lower density residential areas. Staff are exploring ways to add new [missing middle housing options](#), namely multiplexes with up to 6 units on larger lots, in low density zoned areas. Staff anticipate their recommendations for Council consideration will be presented in Fall 2023.

City of Victoria, British Columbia

In January 2023, City of Victoria Council passed a zoning bylaw amendment ([No. 22-045](#)) allowing up to six dwelling units on most lots within residential low density zones. In addition, [Missing Middle Design Guidelines](#) were developed to encourage general and typology specific guidelines to compliment the recent amendments. The zoning bylaw defines additional typologies:

Definitions

Houseplex: means a building having no less than three and no more than six self-contained dwelling units, with at least half of the total dwelling units having direct access to the outside for ingress and egress and does not include a corner townhouse.

Corner Townhouse: means a building on a corner lot having no less than three self-contained dwelling units, each dwelling unit having direct access to the outside for ingress and egress.

8. Proposed Zoning Bylaw

The proposed Zoning Bylaw updates the residential zones to permit a variety of uses within each zone, eliminating exclusionary zoning. The proposed low density residential RL.1 and RL.2 zones permit single detached dwellings, semi-detached dwellings, duplex dwellings, apartment buildings (up to 3 units), multiple attached dwelling units (up to 3 units), and on-street townhouses (up to 3 units). Additional residential dwelling units (section 4.12) are also permitted.

The proposed uses align with the City's Official Plan and Provincial legislative amendments made through Bill 23.

Definitions

Additional residential dwelling unit means a dwelling unit that is self-contained, subordinate to and located within the same building or on the same lot of a primary dwelling unit.

Apartment building means a building consisting of 3 or more dwelling units, where access to each unit is obtained through a common entrance or entrances from the street level and subsequently through a common hall or halls, and may also include podium townhouses accessed through a common entrance or by private exterior entrance.

Townhouse, on-street means a townhouse where each dwelling unit is located on a separate lot and has legal frontage on a street, public and includes a rear-access on-street townhouse located on either a street, private or street, public.

9. 3-Unit Demonstration Plans

In November 2022, Grinham Architects and STAKT Architecture Inc. were retained to develop 3-unit demonstration plans to illustrate this type of development on residential lots in RL.1 and RL.2 zones. The demonstration plans provide feasible architectural plans incorporating the proposed zoning regulations, existing neighbourhood compatibility, and technical site planning requirements. The demonstration plans have assisted City staff in identifying regulatory, process, and financial opportunities and barriers that may need to be addressed.

The demonstration plans consider and incorporate where applicable the following:

- Current and proposed zoning framework;
- The City's sustainability goals such as the UN's Race-to-Zero, passive & active design strategies, and landscaping requirements;
- Cost-effective design (simplicity and replicability and pre-fabrication);
- Site Engineering requirements and opportunities to incorporate the use of landscape-based stormwater management practices, the location of snow storage, and the provision of a bulk water meter;
- Accessible design - incorporated appropriate measures to ensure barrier-free accessibility, and;
- Parking regulations and anticipated constraints.

The demonstration plans include a total of six (6) concept plans:

- Triplex (horizontal);
- Triplex (vertical);

- On-Street Townhouses;
- Apartment building (1-bedroom: 15 metre lot);
- Apartments building (1-bedroom: 13 metre lot); and
- Apartments building (2-bedrooms).

Each concept plan also includes two design options that incorporate different design elements. Please refer to Part B of Attachment 11, 3-Unit Demonstration Plans for the concept site plans, design options and 3D visualizations.

10. Staff Recommendations

1. Include definition of Triplex and permit use in RL.1 and RL.2 zones

Proposed definition:

Triplex means a building consisting of 3 dwelling units functioning independently, which are horizontally and/or vertically attached, which are entered from an independent entrance directly from the outdoors or from an internal entry vestibule and which share common facilities such as common amenity area, parking and driveways.

Rationale:

- Triplex definition provides clarity for the use in the by-law
- Triplex building typology offers flexibility in building design by not requiring common internal space
- Allows better utilization of floor area and less internal common areas, supporting the financial feasibility of this type of development
- In line with recommendations proposed through the 3-Unit Demonstration Plan

2. Revise the definition of Apartment Building to allow for secured elevator access directly into dwelling units

Proposed definition:

Apartment building means a building consisting of 3 or more dwelling units, where access to each unit is obtained through a common entrance or entrances from the street level and subsequently through a common hall or halls, and/or secured elevator access directly into unit(s) and may also include podium townhouses accessed through a common entrance or by private exterior entrance.

Rationale:

- Definition updated to allow for direct access to a unit through a secure elevator access to reduce the internal common areas and add flexibility to the built form

- In line with recommendations proposed through the 3-Unit Demonstration Plan

3. Provide exemptions from visitor parking, bicycle parking, electric vehicle parking and barrier free parking for 3-unit buildings

Rationale:

- Small infill projects on standard residential lots will not be able to accommodate additional parking spaces and bicycle storage due to lot size constraints and lack of common areas of these developments
- Complies with Ontario Building Code (OBC) and Accessibility for Ontarians with Disabilities Act (AODA)
- Future electric vehicle parking retrofits will be easier as these units are unlikely to have underground parking
- In line with recommendations proposed through the 3-Unit Demonstration Plan

4. Add a parking exemption for 3-unit buildings to align with the parking exemption for additional residential dwelling units

In multi-unit buildings with 3 dwelling units or less, if no legal off-street parking space can be provided for the existing dwelling unit, as of the effective date of this by-law, no parking spaces are required.

Rationale:

- Parking is a major constraint when trying to accommodate 3 units on a standard residential lot size. Providing an exemption for existing dwelling units with no legal off-street parking space will offer intensification opportunities throughout the older built-up area where additional development would not be possible. This could include the conversion of existing large dwellings.
- In line with recommendations proposed through the 3-Unit Demonstration Plan

5. Add a minimum landscaped open space requirement of 35% of the lot area for 3-unit buildings in the RL.1 and RL.2 zones.

Rationale:

- It is likely that parking for 3-unit buildings will be provided in rear yards. The draft RL.1 and RL.2 zones do not regulate the maximum amount of impervious space on a lot. Minimum landscaped open space should be required to ensure green space is required to address stormwater management on site and provide space to plant a tree.

11. Alternative Directions and Staff Recommendations

The 4-unit alternative was not investigated through Official Plan Amendment 80 (OPA80), which provides for additional density along arterial roads in the low density residential designation. This work is complete through the residential intensification analysis and Housing Strategy of the Municipal Comprehensive Review Growth Management Strategy. Implementation of OPA 80 will include a zoning review to integrate the recommendations of OPA 80 for increased density within the low density residential designations and to align zoning regulations with amended land use designations.

Staff worked with Grinham Architects and STAKT Architecture Inc. to assess a 4-unit building option and feasibility on standard residential RL.1 and RL.2 lot sizes. This analysis is limited to zoning regulations and Building Code compliance and has not reviewed other issues that may arise from this permission, engineering review, and previous community engagement undertaken throughout this project. The 4-unit demonstration plan is Attachment 13 to this report.

4-Unit Alternative Recommendations- not supported by Staff:

- 1. That the companion Official Plan Amendment No. 88 be amended to exempt 4 units from the Low Density Residential maximum density policy.**

A new Policy 9.3.2.5 is hereby added as follows:

- 5. The *maximum net density* set out in Policy 9.3.2.3 does not apply to multiple unit residential buildings with four dwelling units or less.

A new Policy 9.3.3.5 is hereby added as follows:

- 5. The *maximum net density* as set out in Policy 9.3.3.3 does not apply to multiple unit residential buildings with four dwelling units or less.

- 2. That the proposed Zoning Bylaw include a definition for fourplex and that a fourplex be a permitted use in Table 6.1 for RL.1 and RL.2 zones.**

Fourplex means a building consisting of 4 dwelling units functioning independently, which are horizontally and/or vertically attached, which are entered from an independent entrance directly from the outdoors or from an internal entry vestibule and which share common facilities such as common amenity area, parking and driveways.

- 3. That the proposed Zoning Bylaw include a parking rate of 0.75 parking spaces per unit for fourplexes in Table 5.3.**

This is based on the recommendations of the 4-unit demonstration plan. A parking reduction will need to be included to ensure the development is feasible on standard low density residential lots. 0.75 parking spaces per unit is recommended based on lot size constraints. An accessible parking space would be required as per the Ontario Building Code (OBC) and Accessibility for Ontarians with Disabilities Act (AODA).

- 4. That the proposed Zoning Bylaw provide exemptions from visitor parking, bicycle parking and electric vehicle parking for 4-unit buildings.**
- 5. That the proposed Zoning Bylaw be amended to require a minimum landscaped open space requirement of 35% of the lot area for 4-unit buildings in Table 6.2 for the RL.1 and RL.2 zones.**