



Staff Report for Council Public Meeting

Date of Meeting: December 2, 2020

Report Number: SRPI.20.009

Department: Planning and Infrastructure Department

Division: Policy Planning
Development Zoning

Subject: **SRPI.20.009 Request for Comments on
Expanded Permissions for Additional
Residential Units (Secondary Suites) – City of
Richmond Hill – City Files: D01-20011 and D24-
20002**

Purpose:

The purpose of this report is to request comments concerning a proposed municipally initiated Official Plan Amendment and Zoning By-law Amendment to expand existing permissions for additional residential units, also known as secondary suites.

Recommendation:

- a) That Staff Report SRPI.20.009, with respect to the municipally initiated amendments to the City's Official Plan and Zoning By-laws to permit additional residential units (City Files D01-20011 and D24-20002), be received for information purposes only and that all comments be referred back to staff.

Contact Person:

Chun Chu, Senior Planner, phone number 905-771-5493 (Re: OPA 23 or D01-20011)
Shelly Cham, Manager of Development Zoning, phone number 905-747-6470 (Re: D24-20002)

Report Approval:

Submitted by: Kelvin Kwan, Commissioner of Planning and Infrastructure

Approved by: Mary-Anne Dempster, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

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Background:

The City of Richmond Hill is initiating an Official Plan Amendment and Zoning By-law Amendment to permit, on a City-wide basis, additional residential units to be established within single detached, semi-detached and townhouse dwellings and within an accessory structure thereto. The purpose of this report is to provide information with regard to the proposed amendments and to seek Council and the public's comments.

Proposed OPA 23

Official Plan Amendment (OPA) 23 proposes to permit on a municipal-wide basis, one additional residential unit in single detached, semi-detached, and townhouse dwellings, as well as one additional residential unit in a structure accessory to these ground-related dwellings on the same lot. Consequently, and in accordance with the *Planning Act* as amended by Bill 108, the *More Homes, More Choice Act, 2019*, OPA 23 would authorize up to three dwelling units where a ground-related residential lot is permitted.

While the intent of OPA 23 is to permit additional residential units, this housing form would not be appropriate in certain areas. As such, additional residential units are prohibited in hazardous sites and hazard lands, as directed by the *Provincial Policy Statement, 2020*. In the *Greenbelt Plan* area, outside of the Natural Heritage System, one additional residential unit is permitted within an existing single detached dwelling or in a structure accessory to the existing single detached dwelling, in accordance with the *Greenbelt Plan, 2017*. In the Oak Ridges Moraine Conservation Plan area, outside of Natural Core Area and Natural Linkage Area, one additional residential unit is permitted within a single detached dwelling, in accordance with the *Oak Ridges Moraine Conservation Plan, 2017*.

In addition, OPA 23 proposes to amend the West Gormley Secondary Plan and the North Leslie Secondary Plan to explicitly permit additional residential units both within a ground-related dwelling and in a structure accessory to the ground-related dwelling.

Finally, OPA 23 proposes to update or add definitions that are intended to add clarity to the proposed policies. Details of OPA 23 are found in Appendix A.

Proposed ZBA

The purpose of the proposed Zoning By-law Amendment (ZBA) is to implement the proposed Official Plan Amendment and include the following principles:

- define “Additional Residential Unit” and amend other definitions, as applicable;
- permit, on a City-wide basis, in all zones that permit a single detached, semi-detached or townhouse dwelling, one additional residential unit within the principal dwelling and one additional residential unit within an accessory building thereto. This would enable a maximum of two additional residential units, for a total of three units, within one property;

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- notwithstanding the foregoing, restrict additional residential units as follows:
 - from lands which are zoned Oak Ridges Moraine Natural Core and Oak Ridges Moraine Natural Linkage Zones under By-law 128-04;
 - for lands zoned Oak Ridges Moraine Countryside and Oak Ridges Moraine Hamlet Zones under By-law 128-04, only permit up to a maximum of one additional residential unit to locate within a single detached dwelling;
 - from lands which are zoned for residential use but located within the lands designated Natural Heritage System within the North Leslie Secondary Plan and Natural Core within the Greenbelt Plan Protected Countryside;
 - from lands which do not have access to a municipal street or a driveway within a condominium development; and,
- establish appropriate development standards for additional residential units.

Location: Both OPA 23 and ZBA apply City-wide.

Background:

What are Additional Residential Units?

Additional residential units are self-contained residential units with a private kitchen, bathroom facilities and sleeping areas within a primary dwelling or within structures that are ancillary to the primary dwelling, such as above a garage.¹ Additional residential units are also commonly referred to as: second units, secondary suites, granny suites, accessory apartments, laneway housing, or coach houses.

There are many benefits of additional residential units. They provide for flexible arrangement of independent living for families, caregivers, and seniors. Financially, additional residential units are mutually beneficial to landlords and tenants because they are a means of extra income that lower the cost of homeownership while supplying affordable rental housing. For municipalities, additional residential units are a form of gently increasing density, with minimal impact on neighbourhood character and infrastructure.

Staff notes that additional residential units are not the same as short term rental accommodations. Short term rental accommodations (STRAs) are generally understood to be when private individuals rent out their home, or part of their home such as a room, for short periods of time (generally 30 days or less) through internet-based platforms. The Planning and Infrastructure Department is presently undertaking an Official Plan Update and Comprehensive Zoning By-law Review. Through these projects, staff will investigate an appropriate land-use planning framework for STRAs. Following the

¹ Ministry of Municipal Affairs and Housing (2017), Second Units Info Sheet

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planning work, the Community Standards Division will evaluate whether further regulation of STRAs (e.g., via licensing) is recommended.

Why an OPA and ZBA Now?

In 2019, the Provincial government amended the *Planning Act* via Bill 108, *the More Homes, More Choice Act, 2019*. This amendment requires municipalities to update their official plans and zoning by-laws to permit additional residential units within single detached, semi-detached and townhouses and also within structures accessory to them

Richmond Hill, like the rest of the Greater Toronto Area, is in a housing crisis. In response, the City is currently developing an Affordable Housing Strategy². The background study for this project has highlighted that the City has a shortage of affordable rental housing. Additional residential units contribute to the secondary rental market and they are a good source of affordable rental housing.

From a market demand perspective, there is considerable demand for additional residential units. Anecdotally, staff from the Planning and Buildings Divisions have been receiving inquiries from local residents about permissions for additional residential units on almost a daily basis. While some additional residential units are legal by way of the *Planning Act* from 1994, the majority of ground-related residential properties in the City are not permitted to have additional residential units.

Current Land Use Planning Context in the City of Richmond Hill

Presently, the City's Official Plan permits additional residential units City-wide within single detached, semi-detached, and townhouses, subject to the approval of a zoning by-law that would satisfy Policy 3.1.5 (5) of the Official Plan. However, the current Official Plan does not conform to Bill 108, *More Homes More Choice Act, 2019*, because additional residential units are not permitted in structures accessory to the aforementioned ground-related dwellings.

The following four area specific zoning by-laws presently permit additional residential units to locate within ground related dwellings in a residential zone:

- West Gormley Zoning By-law (By-law 54-15);
- North Leslie Secondary Plan Area Zoning By-law (By-law 55-15);
- David Dunlap Observatory lands Secondary Plan Area Zoning By-law (By-law 91-13); and
- Zoning By-law 2523 (southwest quadrant of the City).

By-laws 54-15, 55-15 and 91-13 permit one additional residential unit within a single detached dwelling, semi-detached dwelling or above a detached garage which has access to a rear lane. By-law 2523 applies to the southwest quadrant of the City and permits converted dwellings. Converted dwellings are defined as dwellings that predate

² For more information regarding the Affordable Housing Strategy, please see: www.richmondhill.ca/AHS.

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the enactment of By-law 2523 which came into effect on November 21, 1960 and would allow for the alteration of the building to create a greater number of dwelling units subject to certain requirements. Outside of these four zoning by-law areas, additional residential units are not permitted by area specific by-laws. Staff notes that in addition to the by-law permissions, there are existing additional residential units which were established in single detached, semi-detached and townhouse dwellings under *Ontario Regulation 384/94* between November 16, 1995 and May 22, 1996, and these continue to be permitted.

The current planning regime in the City would require a proponent to apply for a zoning by-law amendment to permit an additional residential unit on a property. To that end, the City has recently implemented a new planning application fee specifically to permit an additional residential unit. This fee is substantially less than a standard zoning by-law amendment application fee in order to facilitate the development process. However, this is an interim measure until the Official Plan policies and zoning by-laws are updated to reflect the changes established under Bill 108.

The proposed OPA and ZBA would permit additional residential units “as-of-right” on a municipal-wide basis so that a landowner would only need to apply for a building permit to enable up to a maximum of two additional residential units on a property, thereby creating a new supply of additional residential units.

Background Research

Staff have undertaken background research on the legislative requirements and appropriate standards for additional residential units. In addition, the City has commissioned Gladki Planning Associates Inc. to help inform the proposed zoning by-law amendment and to establish a framework for setting appropriate development standards. The Additional Residential Units Zoning By-law Technical Paper, Summary of Findings Report, November 2020, prepared by Gladki Planning Associates Inc. is available in Appendix E of this staff report. The next section highlights key findings.

Provincial Requirements

From 2017 to 2020, the Provincial government undertook many reforms to provincial plans and legislation to address housing affordability. Chief among them is Bill 108, *More Homes More Choice Act, 2019*. Bill 108 amended numerous pieces of legislation, including the *Planning Act* and the *Development Charges Act*.

Planning Act Changes

Bill 108 amended the *Planning Act* to permit additional residential units in single detached, semi-detached, and rowhouses, as well as in structures accessory to such dwellings. Bill 108 effectively allows up to three dwelling units on a ground-related property: two in the primary dwelling, and one in the structure accessory to the primary dwelling.

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Municipalities are required to update their official plans to conform to these changes, and further, to enact zoning by-law(s) that give effect to the enabling official plan policies. Moreover, the Province has removed the right of appeal on any OPA or zoning by-law related to additional residential units, except by the Minister of Municipal Affairs and Housing.

Ontario Regulation 299/19 Additional Residential Units

Ontario Regulation 299/19 is authorized under the *Planning Act*, and it prescribes development standards to remove barriers in the creation of additional residential units. The regulation states that a maximum of one parking space is required per additional residential unit, and tandem parking is permitted. In addition, anyone can occupy the additional residential unit, regardless if they own the ground-related property and regardless of their relationship to the owner of the primary dwelling. Lastly, additional residential units are permitted regardless of the construction date of the primary dwelling. Thus, additional residential units are permitted in both existing dwellings and in new builds. It is important to note that *Ontario Regulation 299/19* prevails over any local zoning by-law should there be a conflict.

Development Charges Act

Bill 108 amended the *Development Charges Act* to exempt development charges on additional residential units within ground-related dwellings and in structures accessory to these dwellings. This exemption applies to additional residential units in both existing dwellings and in new builds.

Provincial Policy Statement, 2020 (PPS)

The PPS directs municipalities to accommodate appropriate affordable and market-based range and mix of housing types, including “additional residential units” and to facilitate all types of residential intensification. Further, the PPS requires municipalities to direct developments away from areas of natural hazards.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020

The Growth Plan requires municipalities meet minimum intensification targets and create a range and mix of housing options and densities, including the provision of additional residential units.

Greenbelt Plan, 2017

The Greenbelt Plan permits an additional residential unit in a single detached dwelling or within a structure accessory to the single detached dwelling on the same lot located outside of the Natural Heritage System.

Oak Ridges Moraine Conservation Plan, 2017

The Oak Ridges Moraine Conservation Plan permits an additional residential unit in a single detached dwellings located outside of a Natural Core Area or Natural Linkage Area.

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Regional Official Plan

As a part of the Regional Municipal Comprehensive Review (MCR), York Region will be considering housing affordability and increasing the range of housing options. Presently, the Region's additional residential unit policies have not been updated to conform to new Provincial requirements. Richmond Hill is advancing ahead of the Region's MCR through the subject proposed OPA and ZBA. But, this action is rationalized by Policy 8.3.4(a) of the Regional Official Plan, which reconciles the difference between the Regional and local official plans based on "conformity with Provincial Plans, statutes, and regulations".

While the Region is the approval authority for the City's Official Plan and amendments to it, Policy 8.3.8 provides direction where a municipal OPA may be exempt from its approval. Accordingly, the City is seeking exemption of approval from York Region on OPA 23 because the proposed amendment is of local significance, does not adversely affect the Region, and is intended to comply with Provincial directions.

Zoning for Additional Residential Units

It is proposed that the Zoning By-law Amendment would permit additional residential units on a City wide basis in accordance with the proposed OPA 23. Staff proposes that the following specific matters would form the basis of the by-law:

- all zones which presently permit single detached, semi-detached and townhouse dwellings would be amended to permit one additional residential unit to locate within the principal dwelling and one additional residential unit within an accessory structure or detached garage on the same lot. This would enable up to a maximum of two additional residential units (for a total of three units) per property;
- the forms of townhouse dwellings that would be permitted to accommodate additional residential units would include built forms such as traditional street related townhouses, rear lane townhouses and back to back forms of attached dwellings. This permission would apply to dwellings that have direct access to a municipal right-of-way (i.e. street related) and dwellings under condominium tenure (standard and common element) and where each dwelling unit has dedicated parking spaces (i.e. parking spaces within an attached or detached private garage and driveway);
- Lots that are located within the Toronto and Region Conservation Authority's (TRCA) Regulated Area, pursuant to *Ontario Regulation 166/06* would be subject to TRCA approval.
- The additional residential units permission would not apply under the following conditions:
 - an existing single detached dwelling located within the ORM Countryside and ORM Hamlet zones under By-law 128-04 would be permitted a maximum of one additional residential unit within a dwelling;

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- existing or authorized single detached dwellings in the ORM Natural Core and ORM Natural Linkage zone categories would not be permitted an additional residential unit;
- existing or authorized dwellings located on lands designated Natural Heritage System within the North Leslie Secondary Plan and Natural Core within the Greenbelt Plan Protected Countryside would not be permitted an additional residential unit; and,
- landlocked properties and properties with driveway access through shared private means would not be permitted an additional residential unit. Such lots do not typically have direct frontage onto a municipal right-of-way and are not under condominium tenure.

As noted previously in this report, the City's newest area specific by-laws contain provisions related to additional residential units (refer to Appendix B). Staff has evaluated the present zoning regime and note that the existing zoning permissions provide a good basis for developing the proposed development standards discussed in this report. Further, staff has reviewed the best practice research summarized in the Gladki report and prepared a detailed analysis of the most recent zoning regime in area municipalities related to permissions for additional residential units in detached accessory structures (refer to Appendix D).

Definitions

The City's current zoning regime terms additional residential unit as secondary suites and defines it to "**mean a self contained dwelling unit accessory to the main dwelling unit**". In order to be consistent with the terminology of proposed OPA 23, staff suggests that this term be replaced with the term "additional residential unit," also in accordance with *Ontario Regulation 299/19*.

Further, staff notes that the present definition in the City's by-laws limit an additional residential unit to be located within the main dwelling unit. Given that OPA 23 proposes to permit an additional residential unit to be located within an accessory structure outside of the principal building, it should not be defined to limit its location to within the main dwelling unit. Staff suggests a revised definition that removes the locational limitation. In addition to the preceding, staff notes that due to the varied parent zoning by-laws that apply across the City, there may be minor differences to defined terms that may have to be revised to ensure consistency.

Townhouse Types

Staff notes that *Ontario Regulation 299/19* permits additional residential units within a rowhouse which is not a defined term. Rowhouses can include various forms of townhouses. Historically, the City's by-laws permit street related townhouses which front onto a municipal street. In more recent developments, townhouses front onto a driveway under a condominium tenure, similar to a street townhouse. Further, more

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modern by-laws recognize the change in built forms that provide for dwelling units to be attached and divided vertically. These forms include townhouses with garages accessed by a rear lane and back to back townhouses. These forms continue to have units divided vertically wherein there is direct and dedicated pedestrian and driveway accesses. Staff is proposing that all forms of attached townhouse dwellings which are divided vertically and maintain dedicated pedestrian and driveway accesses to be permitted additional residential units.

Safe Access

A review of area municipalities' by-laws identifies that most have a requirement for a minimum 1.2 metre wide yard which must be unobstructed leading to the main entrance of an additional residential unit. The purpose of this provision appears to address safe access to entrances to the main building or to accessory structures located on a side or rear yard condition. Staff proposes a similar provision that would require a minimum 1.2 metre unobstructed yard leading to an entrance of an additional residential unit.

Landlocked Properties and Properties without Driveway Access to ROW

Generally, municipal streets and designated fire routes are designed to achieve proper access to a property. Landlocked properties are properties that do not have direct frontage and access onto municipal streets or condominium driveways, respectively. These properties generally have shared access with other properties through private means. Staff also notes that there are certain properties in the City which while technically have frontage onto a municipal street, such properties are physically constrained and driveway access to such properties are through shared access with other properties by private means. These lots historically exist in older parts of the City. In today's by-laws, there is a prohibition on the creation of such lots without direct frontage onto a municipal street. Further, driveway access from one private property over other private properties would not be permitted today. While the existing uses on such lots are recognized, staff proposes that additional residential units be restricted on such properties.

Accessory Structures

Accessory structures are governed on a City-wide basis through By-law 100-10 which harmonized standards across the City's various parent by-laws. The standards contained in this by-law have similarly been incorporated into the newer by-laws, where appropriate. By-law 100-10 has the effect of permitting one or more accessory structures on one lot provided that the overall lot coverage of the structure(s) does not exceed a maximum of 5%. In addition, By-law 100-10 restricts an accessory structure to a maximum height of 3.6 metres to the top of a peaked roof and 2.75 metres to a flat roof. Setbacks for accessory structures continue to be governed under the various parent by-laws. Generally, the newer by-laws allow for a 0.6 metre setback to side and rear lot lines.

Staff notes that accessory structures are generally intended to be used on a seasonal basis (such as cabanas and gazebos) and for storage purposes; whereas, an additional

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residential unit is intended to be inhabited and occupied on a year round basis. In this regard, the existing height permissions of 2.75 metres and 3.6 metres may be restrictive for an inhabited area, considering building construction which typically provides clearance from grade, finished floor to ceiling clearance, roof structures and appurtenances. Staff notes that detached garages presently are permitted to have a maximum building height of 4.2 metres to the top of the roof. This height generally would permit an eight foot floor to ceiling height. As such, it is proposed that the building height for an accessory structure which will accommodate an additional residential unit to be increased to 4.2 metres to the top of the roof structure. This would be consistent with the existing height provision for detached garages on a City-wide basis. Accessory structures that would be used for storage or on a seasonal basis would continue to be permitted a maximum height limit of 2.75 metres to a flat roof and 3.6 metres to the top of a pitched roof.

Further, staff notes that the existing permission for 5% lot coverage for one or more accessory structures could on larger urban estate lots achieve an accessory structure that is over 200 square metres in gross floor area. In this regard, staff proposes to limit the size of an accessory structure used for an additional residential unit to 40 square metres. This would be consistent with the detached garage provision which has the same size limitation. This would recognize a situation where a proponent desires to retrofit an existing detached garage space to accommodate an additional residential unit. The 40 square metres size would continue to contribute to the 5% lot coverage.

Detached Garages

As noted earlier in the staff report, an additional residential unit located above a detached garage accessed by a rear lane is permitted in more recent area specific by-laws. Staff notes that a detached garage with a second storey residential unit would be permitted a height ranging from 7.5 metres to 8.5 metres and the measurement is either to the mid-point of a roof or top of the roof. In this regard, staff notes that By-law 96-17 which amended the David Dunlap Observatory (DDO) lands by-law, represents the most recent update to this standard that enabled the 8.5 metres building height measured to the top of a roof. Further, this amendment has resulted in a built product on the DDO lands. Staff proposes to carry forward this height permission on a City-wide basis, and to clarify in the provisions that such structures are permitted up to a maximum of two storeys with rear lane access only.

By-law 100-10 also established provisions which harmonized standards for detached garages on a City-wide basis. The by-law would permit the size of a detached garage up to 40 square metres, and this standard is maintained in the parent by-laws which permit second storey residential units. By-law 96-17 further established that the gross floor area of a detached garage can increase to 55 square metres to accommodate an enclosed staircase. With regard to side and rear yards, in newer by-laws, the side yard remains at 0.6 metres and the rear yard will vary depending on the parent by-law.

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On the basis of the preceding, staff proposes that the subject amendment permit an additional residential unit to locate above a detached garage in a rear lane condition. Where such conditions exist for single detached and semi-detached dwellings, the same would apply to such detached garages. Further, the maximum size of a detached garage with a second storey residential unit can be up to 40 square metres and 55 square metres to accommodate for an enclosed staircase. The maximum height of such structure is proposed to be 8.5 metres to the top of the roof consistent with the most recent permissions.

Parking

Staff has reviewed the City's parent zoning by-laws and notes that generally more modern by-laws require single-detached, semi-detached and townhouse dwellings to provide a minimum of two parking spaces per dwelling unit. By-laws dating from the 1980s and older generally require a minimum of one parking space per dwelling unit and in By-laws 986 and 1275, no parking is required for dwelling units.

Ontario Regulation 299/19 directs that a maximum of one parking space can be required for an additional residential unit and such spaces can be in tandem. However, where the parent zoning by-law does not require any parking spaces, then no parking requirement shall apply to an additional residential unit.

On the basis of the preceding, staff would suggest one parking space per additional residential unit. Further, staff noted that the proposed parking would be on the basis of dedicated parking spaces for such units. For example, such spaces would be located within a dedicated garage and driveway to the dwelling unit. For developments which have shared parking such as parking spaces within a shared garage or parking lot, it would not be feasible to determine parking sufficiency for each of the units sharing the parking. Based on the foregoing, staff proposes the following:

- one additional parking space would be required for each additional residential unit;
- the dwelling unit must have dedicated parking spaces which can be achieved through a parking space within a garage space, the driveway or a combination of both;
- parking spaces can be located in tandem; and,
- for lands within By-laws 986 and 1275 which generally govern the northern part of the City, located north of King Road on the west side of Yonge Street, no parking spaces would be required for the additional residential units pursuant to *Ontario Regulation 299/19* which prohibits the City from requiring parking for an additional residential unit where the parent by-law does not require parking for the principal units; and,
- should there be other site specific by-laws which presently do not require any parking for the principal dwelling, then no further parking would apply to the additional residential units pursuant to *Ontario Regulation 299/19*.

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Additional Dwelling Unit Located within a Principal Building

The North Leslie, David Dunlap Observatory lands and West Gormley by-laws presently contain provisions pertaining to an additional dwelling unit located within a principal building on matters related to minimum unit size, number of entrances located on a main building wall, location of entrance and having to meet all applicable laws. Staff notes that the minimum unit size and the requirement to meet the applicable laws are matters under the Ontario Building Code. In this regards, such matters do not need to be included in the zoning by-law. With regards to the number of entrances and the location of same, staff notes that such matters will be constrained by the physical building design and layout. For example, the location of an external entrance on a main wall could be constrained by living space and the hallway configuration. As such, there is no need to prescribe such matters in the zoning by-law. The Zoning By-law will continue to regulate setbacks and encroachments to the main building.

Hazardous Lands and Hazardous Sites

The Official Plan prohibits additional residential units from being established within lands which constitute hazardous lands and hazardous sites. These would be lands subject to flooding and erosion hazards, which are generally contained within the Toronto and Region Conservation Authority (TRCA) Regulated Area. In consultation with the TRCA, staff has been advised that an additional residential unit is prohibited within the floodplain, consistent with Provincial natural hazards policy. This prohibition is proposed in OPA 23. Accordingly, through the TRCA's permitting process, pursuant to *Ontario Regulation 166/06*, a permit would not be issued where a proponent seeks to add an additional residential unit under this condition.

The City's present parent by-laws vary in the degree to which the floodplain is regulated. Floodplains are mapped and defined as zone categories, referred to as a measurement from the centreline of a stream and in the case of the North Leslie and West Gormley By-laws, floodplain is an undefined term. For the purposes of the proposed by-law, the intent is to ensure that additional residential units are located within a safe environment outside of such hazards, consistent with the TRCA's objectives. It is not the intent of this by-law to define the floodplain in advance of the comprehensive zoning by-law project, which would consider the implementation of the City's Greenway policies, including matters related to the hazardous lands and hazardous sites on a City-wide basis.

In this regard, staff proposes to include a provision which would have the effect of generally not permitting an additional residential unit on a lot which is situated within the TRCA's regulated area, unless the TRCA approval is received. Such proposed development would be subject to confirmation from the TRCA that the use is located outside of a floodplain. For example, there may be a lot that is partially located within the TRCA regulated area and through the TRCA review process determine that the use is outside of the floodplain and there is safe access, then such use would be permitted. This provides a balanced approach to address the concerns raised by TRCA under the various existing zoning permissions that applies.

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Servicing

By-law 109-11 established provisions which required that all dwelling units within the Settlement Area be municipally serviced. Staff notes that the intent of these provisions was to address servicing and allocation requirements for new developments or redevelopment applicable to the primary dwelling units. Presently, there are existing lots which are on private services within the Settlement Area and it is not the intent of this amendment to restrict additional residential units from said lots. Building Services staff has noted that matters related to servicing additional residential units in the principal building or in an accessory structure will be addressed through the *Ontario Building Code*. For developments on private services, it must be demonstrated through the building permit application that such services can support the additional residential unit.

From a servicing perspective, Development Engineering staff noted that a proponent of additional residential units would not be required to undertake a system capacity analysis for water or wastewater services similar to how consent applications are dealt with by the City. Further, staff notes that the Region does not require servicing allocation to be assigned to additional residential units and historically the City has not assigned allocation to such units, where they are permitted. On the basis of the preceding, staff would suggest that this amendment exempt additional residential units from the applicable servicing provisions related to connecting to municipal services within the settlement area and servicing allocation contained in By-law 109-11.

Yonge and Bernard Key Development Area (KDA) By-law

The Yonge and Bernard KDA By-law is presently under appeal by various appellants. The By-law is presently in effect only for 70 Bernard Avenue, which is an institutional use and not subject to the proposed provision of this by-law. Presently, the KDA by-law would permit one additional residential unit in townhouse type uses. The provisions proposed in this by-law would be more permissive, only insofar as it permits one additional unit in an accessory structure.

Given that the KDA by-law is presently under appeal, the proposed by-law would not be applicable to the lands contained in the KDA by-law area until such time that the appeal has been dealt with by the Local Planning Appeal Tribunal (LPAT). The Phase 2 hearing is scheduled to commence in July 2021. In this regard, staff suggest that the KDA lands be included in this proposed zoning by-law amendment. However, the implementing by-law specifically for KDA lands would be held in abeyance until such time that the KDA by-law appeal has been addressed by the LPAT.

Fire Services

As noted previously in this report, staff proposes a 1.2 metre unobstructed yard to the main entrance of the additional residential unit(s) and to restrict additional residential units on landlocked parcels and parcels which rely on driveway access over other properties through private means to ensure safe access is provided. Fire Services staff noted that the 1.2 metre yard must be unobstructed to the additional residential unit entrance to ensure a path of travel for emergency service operations.

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Urban Design Section

Urban Design staff was consulted with regard to the need for additional zoning provisions to address urban design matters such as the treatment of the existing front façade and streetscape of dwellings. In order to promote additional residential units, staff proposes that no additional urban design provisions would be required. Additions or modifications to the existing front façade of a dwelling would be addressed through existing zoning by-law provisions pertaining to setbacks, lot coverage, building height, and porch and stair encroachments to ensure a built form that is consistent with the present zoning permissions.

Notification:

The proposed Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) on additional residential units are made under Section 17 of the *Planning Act*. The *Planning Act* requires public consultation on the proposed amendments be conducted through at least one public meeting with a 20-day notice issued beforehand. Accordingly, notice for today's public meeting was issued on November 5, 2020 through the City's website, social media, and the Liberal newspaper (see Attachment C).

Next Steps:

In addition to comments received through this Council Public Meeting, a survey is available on the City's website regarding additional residential units. Staff will analyze all feedback received. Following this, staff will return to Council with a final draft of the OPA and ZBA to be adopted in 2021. After the end of the notice period for Council decision, and subject to no appeals from the Minister, the OPA and ZBA will be in force as no other parties are granted appeal rights on amendments relating to additional residential units under the *Planning Act*.

In addition to the preceding, staff has commenced discussions with By-law Enforcement, Building Services and Fire Services staff with regards to an implementation strategy, where applicable, post zoning by-law amendment enactment.

Financial/Staffing/Other Implications:

There are no financial implications resulting from this staff report.

Relationship to the Strategic Plan:

OPA 23 and ZBA aligns with Goal 2 of the City's Strategy Plan by providing "Better Choice in Richmond Hill". More specifically, the proposed amendments will help achieve Outcome 3 of this goal, whereby the City will create "better options for where to live", and "plan for a range of housing that provides options for people at all stages of life". Additional residential units will increase the supply of affordable rental housing to serve all households, including seniors (aged 65 or older) and millennials (aged 25-44).

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Conclusion:

This report provides information on the proposed OPA and ZBA to authorize additional residential units within a ground-related dwelling and within a structure accessory to the ground-related dwelling on a City-wide basis. These amendments will remove barriers to legalizing additional residential units and enable the provision of more affordable housing. It is recommended that comments from Council and the public on the proposed OPA and ZBA be referred back to staff for consideration.

Attachments:

The following attached documents comprises of the proposed OPA and ZBA, public notice, a background research paper, and maps of referenced areas. If you require an alternative format please call the contact person listed in this document.

- Appendix A – Proposed OPA 23
- Appendix B – Proposed Zoning By-law Amendment Comparison Chart
- Appendix C – Notice of Public Consultation Meeting
- Appendix D – Area Municipalities Best Practice Comparison Chart
- Appendix E – Additional Residential Units Zoning By-law Technical Paper, Summary of Findings Report, November 2020, prepared by Gladki Planning Associates Inc.

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Report Approval Details

Document Title:	SRPI.20.009 Additional Residential Units Official Plan Amendment 23 and Zoning By-law Amendment.docx
Attachments:	- Complete Appendices-SRPI.20.009.pdf
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This report and all of its attachments were approved and signed as outlined below:

Gus Galanis - Nov 12, 2020 - 8:52 AM

Patrick Lee - Nov 12, 2020 - 9:00 AM

Kelvin Kwan - Nov 12, 2020 - 12:31 PM

Task assigned to MaryAnne Dempster was completed by delegate Darlene Joslin

Darlene Joslin on behalf of MaryAnne Dempster - Nov 12, 2020 - 7:35 PM

Amendment 23 to the Richmond Hill Official Plan

Draft for Public Consultation

November 2020

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Richmond Hill Official Plan Official Plan Amendment 23

The attached and explanatory text constitute Amendment No. 23 to the Richmond Hill Official Plan.

This amendment was prepared and recommended by the Richmond Hill Council and was adopted by the Council of the Corporation of the City of Richmond Hill by By-law No. ____-____ in accordance with Sections 17 of the Planning Act on the ____ day of _____, 20____.

Dave Barrow
Mayor

Stephen M.A. Huycke
City Clerk

The Corporation of the City of Richmond Hill

By-Law No. xx-21

A By-law to Adopt Amendment 23 to
The Richmond Hill Official Plan

The Council of the Corporation of the City of Richmond Hill, in accordance with provisions of the Planning Act, R.S.O. 1990, hereby enacts as follows:

1. That Amendment 23 to the Richmond Hill Official Plan, consisting of the attached Part Two is hereby adopted.
2. This by-law shall come into force and take effect on the day of the final passing thereof.

Passed this ____ day of _____, 20__.

Dave Barrow
Mayor

Stephen M.A. Huycke
City Clerk

Part One - The Preamble is not a part of the Amendment.

Part Two - The Amendment, consisting of text, constitutes Amendment 23 to the Richmond Hill Official Plan.

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Part One – The Preamble

1.1 Purpose

The purpose of this Amendment to the Richmond Hill Official Plan is to permit an additional residential unit within a ground-related dwelling and in a structure ancillary to the ground-related dwelling on the same lot. The amendment would effectively allow up to a maximum of three dwelling units on a ground-related residential property. The intent of this amendment is to conform with Provincially legislated requirements and to facilitate housing diversity. The amendment will also help to increase the supply of affordable housing to meet the needs of Richmond Hill residents.

1.2 Location

The Amendment applies City-wide to all lands where ground-related dwellings are permitted. The permission would not apply to existing ground-related dwellings located in: hazard lands and hazardous sites, lands within the Greenbelt Plan Natural Heritage System, and lands within the Oak Ridges Moraine Conservation Plan's Natural Core and Natural Linkage areas.

1.3 Basis

This amendment updates the Richmond Hill Official Plan 2010 policies that permit secondary suites in single detached, semi-detached and townhouse developments. Since the time of adoption of the Official Plan, several changes to the *Planning Act*, the *Provincial Policy Statement, 2020* and several provincial plans have come into effect which require local official plans to permit additional residential units (secondary suites) both within a ground-related dwelling as well as within a structure ancillary to it. This would in effect allow up to three units on a lot.

The proposed amendment is considered by Council to be appropriate for the following reasons:

- The amendment implements the direction in the *Planning Act*, which requires Official Plans to contain policies that authorize the use of two residential units in a detached house, semi-detached house, or row-house (townhouse), and within a building or structure ancillary to a detached house, semi-detached house, or row-house (townhouse);
- the amendment implements the *Ontario Regulation 299/19 Additional Residential Units*, which prescribes requirements and standards in order to

reduce barriers for the approval and construction of additional residential units;

- the amendment is consistent with the *Provincial Policy Statement, 2020* (PPS), which directs municipalities to accommodate appropriate affordable and market-based range and mix of housing types, including “additional residential units” and to facilitate all types of residential intensification. Further, the amendment aligns with the PPS by directing developments away from areas of natural hazards;
- the amendment conforms to *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)*, which requires municipalities to meet minimum intensification targets and to create a range and mix of housing options and densities, including the provision of additional residential units;
- the amendment conforms with the *Greenbelt Plan, 2017* which permits a second dwelling unit in single dwellings or within existing accessory structures on the same lot, where the lot is located outside of the Natural Heritage System;
- the amendment conforms with the *Oak Ridges Moraine Conservation Plan, 2017* which permits a secondary dwelling unit in single dwellings located outside of a Natural Core Area or Natural Linkage Area; and
- the amendment conforms to the York Region Official Plan (2010), which directs municipalities to provide a minimum of 25 per cent of all new housing units to be affordable and identifies the provision of secondary suites as a means to achieve this target, and as such, requires local municipalities to adopt official plan policies and zoning by-law provisions to authorize secondary suites.

Part Two - The Amendment

2.1 Introduction

All of this part of the document entitled **Part Two – The Amendment**, consisting of the following text in Section 2.2 constitutes Amendment 23 to the Richmond Hill Official Plan.

2.2 Details of the Amendment

The Richmond Hill Official Plan is amended as follows:

2.2.1 That **Section 3.1.5 Housing** of the Richmond Hill Official Plan be amended as follows:

i. That **Policy 3.1.5 (5)** be deleted and replaced with the following text:

5. *Additional residential units* may be permitted within the City in accordance with the following policies:

a. *Additional residential units* are permitted in areas zoned for residential development.

b. Notwithstanding (a), an *additional residential unit* is not permitted:

i. on *hazard lands* or *hazardous sites*;

ii. on lands within the “Oak Ridges Moraine Natural Core” and “Oak Ridges Moraine Natural Linkage” designations; or,

iii. on lands within the Greenbelt Plan Protected Countryside – Natural Core designation.

c. Notwithstanding the definition of *additional residential unit*, where lands are designated “Oak Ridges Moraine Countryside”, only one *additional residential unit* is permitted within a *single detached dwelling*.

d. The dwelling and *additional residential unit(s)* meet all Provincial building code and fire code regulations and requirements; and,

e. Exterior changes to the existing *ground-related dwelling* are compatible with the character of the area.

2.2.2 That **Section 4.9.1 Land Use** of the Richmond Hill Official Plan be amended as follows:

i. By adding the following text to **Policy 4.9.1.2 (3) Medium Density Residential**: “This maximum density calculation shall not include the counting of *additional residential unit(s)*.” So that the policy reads as follows:

Commented [A1]: For ease of reference, the following is the current in-force policy of the Official Plan:

5. Secondary suites may be permitted within the Town to provide a form of affordable housing subject to Council approval of a Zoning By-law consistent with the following policies:

- a. One secondary suite is permitted per ground related-dwelling
- b. The dwelling and secondary suite meets all Provincial building and fire code regulations and requirements;
- c. Exterior changes to the existing residential dwelling are minimal and are compatible with the character of the area.
- d. Adequate on-site parking is provided in accordance with the Zoning By-Law; and
- e. Appropriate development standards are established in the Zoning By-law which address maximum floor area requirements and other relevant development standards in accordance with the policies of this Plan.

Commented [A2]: Note: the policy relies on the definition in terms of permitting up to 3 units on a lot (i.e. a primary unit, which may be a single, semi, or townhouse, and another unit within it, plus a unit in a structure accessory to it).

Commented [A3]: NOTE: The majority of lands within the Greenbelt Plan Protected Countryside are located within the North Leslie Secondary Plan Area, and subject to Chapter 9 policies, see proposed changes below.

Commented [A4]: ORM Countryside applies also to the Hamlet of Gormley.

3. *Medium density residential development* shall have a maximum site density of 50 units per hectare (20 units per acre). This maximum density calculation shall not include the counting of *additional residential unit(s)*.

2.2.3 That **Section 5.14 Site Plan Control** of the Richmond Hill Official Plan be amended as follows:

- i. By deleting the word “and” and adding the punctuation and words “, and *additional residential units*” after the words “semi-detached dwellings” in **Policy 5.14 (4)(c)** so that it reads as follows:

c. All forms of residential development, except single detached dwellings, semi-detached dwellings, and *additional residential units*;

2.2.4 That **Section 7 Definitions** of the Richmond Hill Official Plan be amended as follows:

- i. That the following definitions be added with the following text:

GROUND-RELATED DWELLING means the following form of residential dwellings: single detached, semi-detached or townhouse.

HAZARD LANDS means property or lands that could be unsafe for development due to naturally occurring processes. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits. For ease of implementation, the City of Richmond Hill may consult with the relevant Conservation Authority to ensure that most recent mapping of such areas are referenced when evaluating development applications and undertaking any works.

HAZARDOUS SITES means property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils or unstable bedrock. For ease of implementation, the City of Richmond Hill may consult with the relevant Conservation Authority to ensure that most recent mapping of such areas are referenced when evaluating development applications and undertaking any works.

Commented [A5]: For context, policy 5.14(4)(c) reads as follows with track changes:

4. Unless an exemption or further restriction is provided under policy 5.14.2 of this Plan, site plan approval shall be required to all of the following:

- c. All forms of residential development, except single detached dwellings, ~~and~~ semi-detached dwellings, *and additional residential units*;

- ii. That the term “Secondary Suite” be renamed “Additional Residential Unit” and its definition be amended by replacing the word “house” with the italicized words “*ground-related dwelling*,” and the following words: “and/or within a structure *accessory* to a *ground-related dwelling*”; further, the words “a facility for” is deleted and the word “facilities” is added after the word “cooking”, so that the definition reads as follows:

ADDITIONAL RESIDENTIAL UNIT means a single *accessory* dwelling unit within a *ground-related dwelling* and/or within a structure *accessory* to a *ground-related dwelling* that consists of one or more rooms that are designed, occupied or intended for use, including occupancy, by one or more persons as an independent and separate residence in which cooking facilities, sleeping facilities, and sanitary facilities are provided for the exclusive use of such person or persons.

- iii. That the definition of Single Detached Dwelling be amended by adding the words: “and may include one *additional residential unit*.” So that the definition reads as follows:

SINGLE DETACHED DWELLING means a building containing only one dwelling unit and may include one *additional residential unit*.

Commented [A6]: For ease of reference below is the current definition for Secondary Suite:

Secondary Suite means a single *accessory* dwelling unit within a house that consists of one or more rooms that are designed, occupied or intended for use, including occupancy, by one or more persons as an independent and separate residence in which a facility for cooking sleeping facilities, and sanitary facilities are provided for the exclusive use of such person or persons.

Commented [A7]: For ease of reference “Accessory” as defined in the Official Plan means:

a use of land, buildings or structures that is normally incidental or subordinate to and exclusively devoted to the principal use, building or structure located on the same lot.

Commented [A8]: Note: This defined term only applies to specific policies implementing the Oak Ridges Moraine Conservation Plan.

2.2.5 That **Chapter 8 West Gormley Secondary Plan** in the Richmond Hill Official Plan be amended as follows:

- i. By adding the following sentence to **Policy 8.6.2.2 (b) Residential Low Density**: “This maximum density calculation shall not include the counting of *additional residential unit(s)*.” So that the policy reads as follows:
- b. In areas designated Residential Low Density, a maximum density of approximately 25 units per net residential hectare (10 units per acre) shall be permitted. This maximum density calculation shall not include the counting of *additional residential unit(s)*.
- ii. By adding the following sentence to **Policy 8.6.2.3 (b) Residential Medium Density**: “This maximum density calculation shall not include the counting of *additional residential unit(s)*.” So that the policy reads as follows:

b. In areas designated Residential Medium Density, a maximum density of 60 units per net residential hectare (24 units per acre) shall be permitted. This maximum density calculation shall not include the counting of *additional residential unit(s)*.

- iii. By amending **Policy 8.6.2.5 Other Permitted Uses in Residential Designations** through an addition of a new policy numbered **8.6.2.5 (4)** with the following text:

8.6.2.5.4 Additional residential units

1. *Additional residential units* may be permitted in accordance with the following policies:

- a. *Additional residential units* are permitted in areas zoned for residential development.
- b. Notwithstanding (a), an *additional residential unit* is not permitted:
 - i. on *hazard lands* or *hazardous sites*; or
 - ii. on lands within the “Oak Ridges Moraine Natural Core” and “Oak Ridges Moraine Natural Linkage” designations.
- c. The dwelling and *additional residential unit(s)* meets all Provincial building code and fire code regulations and requirements; and,
- d. Exterior changes to the existing *ground-related dwelling* are compatible with the character of the area.

- iv. By inserting the following terms and definitions to **Section 8.9.2 Definitions**:

Hazard Lands

means property or lands that could be unsafe for development due to naturally occurring processes. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits. For ease of implementation, the City of Richmond Hill may consult with the relevant Conservation Authority to ensure that most recent mapping of such areas are referenced when evaluating development applications and undertaking any works.

Hazardous Sites

means property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils or unstable bedrock. For ease of implementation, the City of Richmond Hill may consult with the relevant Conservation Authority to ensure that most recent mapping of such areas are referenced when evaluating development applications and undertaking any works.

Ground-Related Dwelling

means the following form of residential dwellings: single detached, semi-detached or townhouse.

Additional Residential Unit

means a single *accessory* dwelling unit within a *ground-related dwelling* and/or within a structure *accessory* to a *ground-related dwelling* that consists of one or more rooms that are designed, occupied or intended for use, including occupancy, by one or more persons as an independent and separate residence in which cooking facilities, sleeping facilities, and sanitary facilities are provided for the exclusive use of such person or persons.

2.2.6

That **Chapter 9 North Leslie Secondary Plan** in the Richmond Hill Official Plan be amended as follows:

- i. By adding the following sentence to **Policy 9.6.2.1 (b) Low Density Residential**: “This maximum density calculation shall not include the counting of *additional residential unit(s)*.” So that the policy reads as follows:
 - b. In areas designated Low Density Residential, a minimum density of 17 units per net residential hectare (7 units per net acre) and a maximum density of 35 units per net residential hectare (14 units per net acre) shall be permitted. This maximum density calculation shall not include the counting of *additional residential unit(s)*.
- ii. By adding the following sentence to **Policy 9.6.2.2 (b) Medium Density Residential**: “This maximum density calculation shall not include the counting of *additional residential unit(s)*.” So that the policy reads as follows:
 - b. In areas designated Medium Density Residential, a minimum density of 35 units per net residential hectare (14 units per net acre) and a maximum density of 60 units per net residential hectare (25 units per net acre) shall be permitted. This maximum density calculation shall not include the counting of *additional residential unit(s)*.

- iii. By amending **Policy 9.6.2.4 Other Permitted Uses in Residential Designations** through an addition of a new policy numbered **9.6.2.4 (5)** with the following text:

9.6.2.4.5 Additional residential units

1. Additional residential units may be permitted in accordance with the following policies:

- a. *Additional residential units* are permitted in areas zoned for residential development.
- b. Notwithstanding (a), an *additional residential unit* is-not permitted:
 - i. on *hazard lands* or *hazardous sites*; or,
 - ii. on lands within the Natural Heritage System designation.
- b. Where lands are designated “Protected Countryside”, only one *additional residential unit* is permitted within an existing single detached dwelling, or in a structure accessory to the single detached dwelling.
- c. The dwelling and *additional residential unit(s)* meets all Provincial building code and fire code regulations and requirements; and,
- d. Exterior changes to the existing *ground-related dwelling* are compatible with the character of the area.

- iv. By inserting the following terms and definitions to **Section 9.9.2 Definitions**:

“Hazard Lands” shall mean property or lands that could be unsafe for development due to naturally occurring processes. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits. For ease of implementation, the City of Richmond Hill may consult with the relevant Conservation Authority to ensure that most recent mapping of such areas are referenced when evaluating development applications and undertaking any works.

“Hazardous Sites” shall mean property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils or unstable bedrock. For ease of implementation, the City of Richmond Hill may consult with the relevant Conservation Authority to ensure that most recent mapping of such areas are referenced when evaluating development applications and undertaking any works.

“Ground-Related Dwelling” shall mean the following form of residential dwellings: single detached, semi-detached or townhouse.

“Additional residential unit” shall mean a single *accessory* dwelling unit within a *ground-related dwelling* and/or within a structure *accessory* to a *ground-related dwelling* that consists of one or more rooms that are designed, occupied or intended for use, including occupancy, by one or more persons as an independent and separate residence in which cooking facilities, sleeping facilities, and sanitary facilities are provided for the exclusive use of such person or persons.

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Proposed Zoning By-law Amendment Comparison Chart Additional Residential Unit Development Standards				
	Omnibus By-law 100-10 provided standards for detached accessory structures and garages	David Dunlop Observatory Lands (By-law 91-13, as amended by 96-17) standards	North Leslie (By-law 55-15) and West Gormley (54-15) standards	Proposed Zoning By-law Standards for Additional Residential Units
Additional Residential Unit (ARU) Permissions	Not permitted	Permitted within a single-detached, semi-detached dwelling Permitted above a detached or attached garage that has a side lot line or rear lot line which abuts a lane	Permitted within a single-detached, semi-detached dwelling Permitted above a detached garage that has a side lot line or rear lot line which abuts a lane	To permit one ARU within the principal building for a single detached, semi-detached or townhouse dwelling and one ARU within an accessory structure or detached garage, subject to certain exceptions as outlined in this staff report
Additional Residential Unit within Main Dwelling				
Minimum Unit Size	n/a	Study (bachelor) is 25 square metres 1 bedroom is 32 square metres 32 square metres as required for a one bedroom unit	Study (bachelor) is 25 square metres 1 bedroom is 32 square metres 32 square metres as required for a one bedroom unit	Minimum Unit sizes will not be included in the zoning by-law, as these standards are established in the Ontario Building Code.

Proposed Zoning By-law Amendment Comparison Chart Additional Residential Unit Development Standards				
	Omnibus By-law 100-10 provided standards for detached accessory structures and garages	David Dunlop Observatory Lands (By-law 91-13, as amended by 96-17) standards	North Leslie (By-law 55-15) and West Gormley (54-15) standards	Proposed Zoning By-law Standards for Additional Residential Units
		plus 9 square metres for each additional bedroom	plus 9 square metres for each additional bedroom	
Number of Entrances	n/a	No more than one dwelling suite entrance is contained within any main wall facing a street.	No more than one dwelling suite entrance is contained within any main wall facing a street.	The number of entrances will be constrained by the physical building design.
Location of Entrances	n/a	Entrance shall not be contained within a garage.	Entrance shall not be contained within a garage.	Entrances shall not be contained within a garage.
Safe Access	n/a	n/a	n/a	Minimum 1.2 metre wide yard which must be unobstructed leading to the main entrance of an additional residential unit.
At-Grade Additional Residential Unit within a Detached Structure				
Maximum Height	Peaked roof (having a slope of	Peaked roof (having a slope of	4.5 metres	Revise one storey ARU accessory

Proposed Zoning By-law Amendment Comparison Chart Additional Residential Unit Development Standards				
	Omnibus By-law 100-10 provided standards for detached accessory structures and garages	David Dunlop Observatory Lands (By-law 91-13, as amended by 96-17) standards	North Leslie (By-law 55-15) and West Gormley (54-15) standards	Proposed Zoning By-law Standards for Additional Residential Units
	equal or greater than 1:6 ratio) shall not exceed 3.6 metres to the peak if the roof with a maximum wall height of 2.44 metres Flat roof (having a slope of less than 1:6 ratio) shall not exceed 2.75 metres to the top of the flat roof * The height of a detached garage shall not exceed 4.2 metres to the peak of the roof	equal or greater than 1:6 ratio) shall not exceed 3.6 metres to the peak of the roof and a maximum wall height of 2.44 metres Flat roof (having a slope of less than 1:6 ratio) shall not exceed 2.75 metres to the top of the flat roof		structure height to 4.2 metres to the peak of the roof (having a slope of equal or greater than 1:6 ratio).
Rear Yard Lot Line Setback	0.6 metres*	0.6 metres	0.6 metres	0.6 metres

Proposed Zoning By-law Amendment Comparison Chart Additional Residential Unit Development Standards				
	Omnibus By-law 100-10 provided standards for detached accessory structures and garages	David Dunlop Observatory Lands (By-law 91-13, as amended by 96-17) standards	North Leslie (By-law 55-15) and West Gormley (54-15) standards	Proposed Zoning By-law Standards for Additional Residential Units
	*Standards established in parent by-laws			
Side Yard Lot Line Setback	0.6 metres* *Standards established in parent by-laws	0.6 metres	0.6 metres	0.6 metres from the accessory structure to the lot line 1.2 metres unobstructed yard to the entrance of an ARU located in an accessory structure
Flankage Lot Line Setback	Same as the setback to the dwelling* *Standards established in parent by-laws	Minimum distance between the nearest point of the main wall of the main building on the lot and the flankage lot line	Minimum distance between the nearest point of the main wall of the main building on the lot and the flankage lot line	Minimum distance between the nearest point of the main wall of the main building on the lot and the flankage lot line
Lot Coverage	Total Lot coverage for all detached accessory structures	Total lot coverage for all detached accessory structures on any	N/A	Total lot coverage of 5% for all detached accessory

Proposed Zoning By-law Amendment Comparison Chart Additional Residential Unit Development Standards				
	Omnibus By-law 100-10 provided standards for detached accessory structures and garages	David Dunlop Observatory Lands (By-law 91-13, as amended by 96-17) standards	North Leslie (By-law 55-15) and West Gormley (54-15) standards	Proposed Zoning By-law Standards for Additional Residential Units
	(excluding a detached garage) on any lot shall not exceed 5% of the lot area.	lot shall not exceed 5% of the lot area		structures shall include an accessory structure used for an ARU. In addition, the ARU shall have a maximum gross floor area of 40 square metres
Gross Floor Area	40 square metres* *Maximum Gross Floor Area for a Detached Garage without a ARU	40 square metres* *Maximum Gross Floor Area for a Detached Garage without a ARU	40 square metres* *Maximum Gross Floor Area for a Detached Garage without a ARU	40 square metres
Minimum Interior Side Yard Setback to the Primary Dwelling when an at-grade ARU is located in the rear yard and accessed by a driveway crossing the front yard lot line	Where a detached garage is located in the rear yard and accessed by a driveway crossing the front lot line, the main building shall be a minimum of 3.0 metres from the	n/a	Where a detached garage is located in the rear yard and accessed by a driveway crossing the front lot line, the main building shall be a minimum of 3.0 metres from the	3 metres for a driveway access to a detached garage located in a rear yard 1.2 metres unobstructed yard to the entrance of

Proposed Zoning By-law Amendment Comparison Chart Additional Residential Unit Development Standards				
	Omnibus By-law 100-10 provided standards for detached accessory structures and garages	David Dunlop Observatory Lands (By-law 91-13, as amended by 96-17) standards	North Leslie (By-law 55-15) and West Gormley (54-15) standards	Proposed Zoning By-law Standards for Additional Residential Units
	interior side lot line on one side of the main building		interior side lot line on one side of the main building* *By-law- 54-15 only	an ARU located in a detached garage
Additional Residential Unit located above a Detached Garage and Accessed By a Rear Lane				
Maximum Height (Peaked Roof)	n/a	8.5 metres to the peak of the roof (having a slope of equal to or greater than 1:6 ratio)	7.5 metres	8.5 metres to the peak of the roof (having a slope of equal to or greater than 1:6 ratio) and a maximum of two-storeys
Rear Lot Line Setback	0.5 metres* *Standards established in parent by-laws	0.5 metres	0.5 metres	0.5 metres
Side Yard Lot Line Setback	0.6 metres*	0.6 metres	0.6 metres	0.6 metres from the accessory structure to the lot line

Proposed Zoning By-law Amendment Comparison Chart Additional Residential Unit Development Standards				
	Omnibus By-law 100-10 provided standards for detached accessory structures and garages	David Dunlop Observatory Lands (By-law 91-13, as amended by 96-17) standards	North Leslie (By-law 55-15) and West Gormley (54-15) standards	Proposed Zoning By-law Standards for Additional Residential Units
	*Standards established in parent by-laws			1.2 metres unobstructed yard to the entrance of an ARU located in an accessory structure
Flankage Lot Line Setback	Same as the setback to the dwelling* *Standards established in parent by-laws	Minimum distance between the nearest point of the main wall of the main building on the lot and the flankage lot line	Minimum distance between the nearest point of the main wall of the main building on the lot and the flankage lot line	Minimum distance between the nearest point of the main wall of the main building on the lot and the flankage lot line
Lot Coverage	Total Lot coverage for all detached accessory structures (excluding a detached garage) on any lot shall not exceed 5% of the lot area.	Total lot coverage for all detached accessory structures on any lot shall not exceed 5% of the lot area	N/A	Total lot coverage of 5% for all detached accessory structures shall include an accessory structure used for an ARU. I
Gross Floor Area	40 square metres*	40 square metres	40 square metres	40 square metres

Proposed Zoning By-law Amendment Comparison Chart Additional Residential Unit Development Standards				
	Omnibus By-law 100-10 provided standards for detached accessory structures and garages	David Dunlop Observatory Lands (By-law 91-13, as amended by 96-17) standards	North Leslie (By-law 55-15) and West Gormley (54-15) standards	Proposed Zoning By-law Standards for Additional Residential Units
	*Maximum Gross Floor Area for a Detached Garage without a ARU	Where a detached garage provides an enclosed stair access to a ARU located above the detached garage, the maximum floor area of the detached garage shall be 55 square metres		Where a detached garage provides an enclosed stair access to a ARU located above the detached garage, the maximum floor area of the detached garage shall be 55 square metres



Council Public Meeting

Wednesday, December 2, 2020

Concerning Draft Official Plan Amendment 23 and Implementing Zoning By-law

Permitting “Additional Residential Units” to Ground-Related Dwellings

Pursuant to the *Planning Act*

A Public Meeting has been scheduled on Wednesday, December 2, 2020, at 6:30 p.m., to notify the Public and receive comments on Draft Official Plan Amendment 23 and implementing Zoning By-law to permit additional residential units in ground-related dwellings.

In support of the efforts of our public health partners and the Province of Ontario to stop the spread of COVID-19, the meeting will be held using electronic video conference technology. Details on how you can participate in the meeting are included in this notice.

You can also view the livestream of the meeting at RichmondHill.ca/CouncilMeetings.

Inquiries Refer To:

City Files: D01-20011 and D24-20002

Contact Planners:

Regarding Draft Official Plan Amendment (D01-20011)

Chun Chu, Senior Planner, Policy Planning; Phone number 905-771-5493.

Regarding Implementing Zoning By-law (D24-20002)

Ferdi Toniolo, Senior Planner, Development Zoning; Phone number 905-771-2442.

Purpose and Effect: The City proposes to amend Official Plan 2010 and the Zoning By-law to expand permissions for an additional residential unit (presently termed “secondary suite” in the Official Plan) within a ground-related dwelling, and also to permit an additional residential unit in a structure ancillary to the ground-related dwelling on the same lot. The intent of this amendment is to bring Official Plan 2010 and the Zoning By-law into conformity with Provincially legislated requirements and to facilitate housing diversity. The amendment will also help to guide future development of additional residential units and to increase the supply of affordable housing in order to meet the needs of Richmond Hill residents. The purpose of the proposed Zoning By-law Amendment is to implement the proposed Official Plan Amendment policies.

Subject Lands: The proposed amendment applies City-wide to all lands where ground-related dwellings are permitted. The permission would not apply to existing ground-related units located in hazard lands and hazardous sites, lands within the Natural Heritage System of the Greenbelt Plan, and lands within the Natural Core and Natural Linkage Areas of the Oak Ridges Moraine Conservation Plan (ORMCP).

A map showing the area, affected by the proposed amendments, is not required given that they apply to the whole City.

Any person, subject to the below notice regarding the Covid-19 Emergency, may attend the meeting and/or make written or verbal representation either in support or in opposition to the proposed amendments. Written comments by any person, unable to attend the meeting, should be made by email to clerks@richmondhill.ca; or by mail to the City Clerk, The Corporation of the City of Richmond Hill, 225 East Beaver Creek Road, Richmond Hill, Ontario, L4B 3P4; or by fax to 905-771-2502; and to be received no later than 12:00 p.m. (noon) on Wednesday, December 2, 2020. Please ensure that you include your name and address so that you may be contacted, if necessary.

COVID-19 Emergency: During the COVID-19 Declaration of Emergency (declared by the City of Richmond Hill under Section 4(1) of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c.E.9) and as permitted by Section 238 (3.3) of the *Municipal Act*, 2001, S.O. 2001, c.25, the City of Richmond Hill Council is holding electronic meetings, and in-person meeting attendance is restricted to electronic attendance only. Any person, who wishes to make a verbal presentation is required to do so electronically via the internet or telephone, and is required to register with the Office of the Clerk by 12:00 p.m. (noon) on the date of the meeting. Registrations can be submitted by email to clerks@richmondhill.ca. The Clerk will provide any such person with instructions on how to make their electronic delegation. Notwithstanding the foregoing, in the event that the City of Richmond Hill declares the COVID-19 Emergency terminated prior to the scheduled public meeting, this meeting may be held in person in the Council Chambers of the Municipal Offices, 225 East Beaver Creek Road. Visit RichmondHill.ca/CouncilMeetings for updates in regards to City-held meetings including this matter.

Official Plan and Zoning By-law Appeal: In accordance with the Planning Act, there is no appeal in respect to the policies and provisions of these proposed amendments, except by the Minister of Municipal Affairs and Housing (MMAH).

If you wish to be notified of the decision of Council of the City of Richmond Hill in respect to the adoption of the Draft Official Plan Amendment and Draft Zoning By-law Amendment on “Additional Residential Units to Ground-Related Dwellings” (**City Files:**

D01-20011 and **D24-20002**), you must make a written request to the City Clerk, The Corporation of the City of Richmond Hill, 225 East Beaver Creek Road, Richmond Hill, Ontario L4B 3P4 or by e-mail at clerks@richmondhill.ca.

Notice of Collection: Personal information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13; and may be contained in an appendix of a staff report, published in the meeting agenda, delegation list, and/or the minute of the public meeting, and made part of the public record. The City collects this information in order to make informed decision on the relevant issues, and to notify interested parties of Council's decision. It may also be used to serve notice of a Local Planning Appeal Tribunal (LPAT) hearing. The name, address, and other information contained in the submitted letter will be available to public, unless the individual expressly requests the City to remove their personal information when submitting their written comments. The disclosure of this information is governed by the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M.56. Any questions about this collection and disclosure should be directed to the Office of the Clerk at 905-771-8800 or by e-mail at clerks@richmondhill.ca.

Additional information: For more information, please contact the Office of the Clerk at 905-771-8800 or by e-mail at clerks@richmondhill.ca.

Any questions or concerns respecting to the Draft Official Plan Amendment and Draft Zoning By-law Amendment regarding "Additional Residential Units to Ground-Related Dwellings", should be directed to the Planners noted in this notice.

The Draft Official Plan Amendment 23 is available for inspection at the City's Affordable Housing Strategy website: richmondhill.ca/AHS. The Staff Report will be available on Wednesday, November 25, 2020 after 9:30 p.m. You can email the Office of the Clerk at clerks@richmondhill.ca for an electronic copy. It will also be available on RichmondHill.ca. To find it, select the Calendar and click on the relevant meeting for a list of items.

City of Richmond Hill
225 East Beaver Creek Road
Richmond Hill, Ontario L4B 3P4
Telephone: 905-771-8800
Fax: 905-771-2502
E-mail: clerks@richmondhill.ca

Dated This 5Th Day of November, 2020

By-laws by Area Municipalities to Implement Additional Residential Unit Permissions in Principal and Accessory Structures				
Standard (Additional Residential Unit located in an Accessory Building)	City of Kitchener	City of Kingston	City of Windsor	City of London (Draft)
Severing Lots	Shall not be severed from the lot containing the primary dwelling	n/a	Shall not be severed from the lot containing the primary dwelling	Shall not be located on a separate lot from the primary unit it is accessory to
Servicing	Shall be connected to full municipal services	Shall be connected to municipal services or private water and sewerage systems approved by the authority having jurisdiction	Municipal sanitary sewer, municipal electrical service and municipal water service shall be provided	n/a
Minimum Gross Floor Area	n/a	n/a	40 square metres	25 square metres
Maximum Gross Floor Area	40% of the gross floor area of the single detached dwelling, semi-detached dwelling or street townhouse dwelling on the same lot)	Equal to or less than the gross floor area of the principal dwelling unit	100 square metres	45% of the combined total gross floor area of both the primary and dwelling unit
Minimum Lot Area	395.0 square metres or in accordance with applicable regulations in Table 7-2, 7-3 or 7-4	n/a	n/a	n/a
Minimum lot width	13.1 metres	n/a	n/a	n/a

By-laws by Area Municipalities to Implement Additional Residential Unit Permissions in Principal and Accessory Structures				
Standard (Additional Residential Unit located in an Accessory Building)	City of Kitchener	City of Kingston	City of Windsor	City of London (Draft)
Minimum setback to a rear lot line	0.6 metres	Shall comply with the minimum setbacks applicable to the principle dwelling For units located in the rear or interior side yard, a minimum setback of 1.20 metres is required, provided that the unit does not exceed the maximum accessory structure height in the applicable by-law and further provided that a solid privacy fence with a maximum height of 1.8 metres is established	1.20 metres Alterations or additions to an existing garage to convert to an additional residential unit, the setback only applies to the portion of the building being altered	Must meet the requirements of the zone which apply to accessory or ancillary structures

By-laws by Area Municipalities to Implement Additional Residential Unit Permissions in Principal and Accessory Structures				
Standard (Additional Residential Unit located in an Accessory Building)	City of Kitchener	City of Kingston	City of Windsor	City of London (Draft)
Minimum setback to an interior lot line	0.6 metres	Shall comply with the minimum setbacks applicable to the principle dwelling For units located in the rear or interior side yard, a minimum setback of 1.20 metres is required, provided that the unit does not exceed the maximum accessory structure height in the applicable by-law and further provided that a solid privacy fence with a maximum height of 1.8 metres is established	1.20 metres	Must meet the requirements of the zone which apply to accessory or ancillary structures

By-laws by Area Municipalities to Implement Additional Residential Unit Permissions in Principal and Accessory Structures				
Standard (Additional Residential Unit located in an Accessory Building)	City of Kitchener	City of Kingston	City of Windsor	City of London (Draft)
Location of an additional residential unit	Shall not be located in the front yard or exterior side yard	Shall not be located in the front yard or exterior side yard	n/a	Rear yard or interior side yard
Maximum Building Height	6.0 metres Maximum height of the shortest interior wall of a building containing an additional dwelling unit (detached) shall be 3 metres	Must comply with the maximum height applicable to the principal dwelling unit in the Zone in which such use is located	6.0 metres (Flat roof) 8.0 (Pitched roof) Prohibited from exceeding the building height of the main building	Must meet the requirements of the zone which apply to accessory or ancillary structures
Access to Unit	An unobstructed walkway that is a minimum 1.1 metres in width shall be provided from a driveway, street or lane to the additional dwelling unit (detached)	Access to a detached unit shall be in accordance with the Ontario Building Code	There shall be direct pedestrian access between said dwelling unit and a highway	n/a
Minimum Side Yard Setback of a Principal Building on a Lot Containing an Additional Residential Unit (Detached)	The principal building shall be located a minimum of 2.5 metres from the side lot line nearest to where an unobstructed walkway is provided.	n/a	n/a	n/a

By-laws by Area Municipalities to Implement Additional Residential Unit Permissions in Principal and Accessory Structures				
Standard (Additional Residential Unit located in an Accessory Building)	City of Kitchener	City of Kingston	City of Windsor	City of London (Draft)
	This provision does not apply if the additional unit (detached) has direct access from a street or lane at the rear or exterior side yard			
Driveway	n/a	The use of a separate Driveway to provide unobstructed access to a detached unit may be provided where the Driveway and parking space requirements are met	n/a	A new additional driveway in association with an additional dwelling unit is not permitted



Additional Residential Units Zoning By-law Technical Paper

Summary of Findings - November 2020

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1. Introduction

In 2019, the Bill 108, More Homes, More Choice Act, amended the Planning Act by mandating the municipalities to authorize the use of Additional Residential Units through zoning by-laws. Additional Residential Units are also commonly known as secondary suites or second units. The Region of York's Official Plan requires local municipalities to adopt Official Plan policies and zoning by-law provisions that facilitate the construction or installation of Additional Residential Units. Presently, section 3.1.5.5 of Richmond Hill's Official Plan permits Additional Residential Units within the City, subject to a zoning by-law which is consistent with a number of policies, including being compatible with the character of the area, adequate parking, and appropriate development standards. However, Additional Residential Units are not presently permitted in most of Richmond Hill's parent zoning by-laws.

As part of its comprehensive review of zoning by-laws, the City has retained, Gladki Planning Associates, to prepare a technical paper to assist in the review of its approach towards Additional Residential Units and alignment with provincial and regional policies.

The goals and objectives of the paper are to:

1. inform a zoning approach to address Additional Residential Units in a manner relevant to the City of Richmond Hill;
2. establish a framework to develop appropriate performance standards in conformity with the City's Official Plan; and,
3. inform an implementation framework.

The paper will also assess land use, built form and emerging trends related to Additional Residential Units, as well as inform the broader Affordable Housing Strategy being developed concurrently by the City.

The development of the Additional Residential Units technical paper is divided into a number of phases, with phase 1 being the kick off that was completed in Dec, 2019. This report titled *Summary of Findings* is part of phase 2 and summarizes the background research into Additional Residential Units. This report supports the proposed Official Plan Amendment and Zoning By-law Amendment to permit Additional Residential Units on a City-wide basis.

What is an Additional Residential Unit?

An Additional Residential Unit is a self-contained residential unit with a private kitchen, bathroom facilities and sleeping areas within a dwelling or within a structure ancillary to

a single-detached, semi-detached or townhouse building¹. It can be located within the main residential building or in an accessory building on the same lot. Additional Residential Units provide benefits that:

- Allow seniors to remain in their houses as they age and their need for space diminishes
- Provide opportunities for homeowners to earn rental income to pay off mortgages
- Allow extended families and live-in caregivers to live together, but independently
- Provide affordable housing without any need for subsidies from the government
- Provide housing diversity to meet needs of a varied family sizes.
- Enable gentle densification of existing neighbourhoods without affecting the neighbourhood character.
- Help create mixed-income communities, which support local businesses and local labour markets

Additional Residential Units are also referred to as second units, secondary suites, accessory apartments, granny flats, in-law apartments, or nanny suites. Additional Residential Units can be divided into two categories based on their location with respect to the primary dwelling:

- a. Attached or Self-contained Accessory Dwelling Units: These are attached to primary dwelling unit; either contained completely within the primary dwelling unit or attached to one of the walls. These may include basement or attic units, or be attached to the rear wall of the primary dwelling unit.
- b. Detached Accessory Dwelling Units: These are detached from the primary dwelling unit but located on the same lot of land, typically to the rear. Laneway houses are a type of detached accessory dwelling unit which abuts the rear lane. Coach houses or Garage suites are detached accessory dwelling units that are located above garages. Garden suites are a subcategory of detached accessory dwelling units which were earlier designed to be temporary or portable but the Planning Act now permits them without any time constraints.

¹ <http://www.mah.gov.on.ca/assetfactory.aspx?did=18535>

2. Policy Background

2.1 Provincial Legislation and Policy

2.1.1. The Planning Act

The Planning Act R.S.O 1990 is a Provincial level policy document which lays out the rules for land use planning and development in Ontario, as well as providing a range of land use planning tools which municipalities may use to promote the development of specific housing choices in their communities. One such method of housing choice is providing for Additional Residential Units, which are secondary dwelling units located within or attached to a principal low-rise residential dwelling. Additional Residential Units help to bolster a city's affordable housing stock, providing another stream of income for those who are renting out their Additional Residential Unit and providing more cost-efficient dwellings for those who need it.

In recent years, there has been an increased interest by the province in strengthening provisions for Additional Residential Units in view of their significance to bolster housing affordability and housing diversity. In 2011, Bill 140², Strong Communities Through Affordable Housing Act, amended various sections of the Planning Act to encourage affordable housing through measures that among others included requirements for municipalities to include second unit provisions in their Official Plan policies and zoning by-laws. In 2016, Bill 7³, the Promoting Affordable Housing Act, amended both the Planning Act, 1990 and Development Charges Act, 1997 to further encourage the creation and legalization of Additional Residential Units. Most recently, in 2019, Bill 108⁴, More Homes, More Choice Act, 2019, amended the Planning Act by mandating municipalities to permit Additional Residential Units within single detached, semi-detached, and row houses and also within a structure that is ancillary to such housing forms. Furthermore, the Act requires municipalities to authorize the use of such Additional Residential Units through establishing zoning by-laws.

The Planning Act⁵ now mandates that Official Plans within municipalities must authorize the use of Additional Residential Units (16.3) through the establishment of By-laws (35.1 (1)), which cannot be appealed except by the Minister. Specifically, the Planning Act requires Official Plans to contain policies that authorize the use of two additional

² Bill 140, the "Strong Communities Through Affordable Housing Act" was given Royal Assent on May 4, 2011 and came into effect on January 1, 2012.

³ Bill 7, the "Promoting Affordable Housing Act" was given Royal Assent on December 8, 2016 and came into effect on April 12, 2018.

⁴ Bill 108, the "More Homes, More Choices Act" was given Royal Assent on June 6, 2019. Some provisions came into effect on June 6, 2019 and others are scheduled to come into force on a date that has yet to be named by the Lieutenant Governor or on a prescribed date.

⁵ <https://www.ontario.ca/laws/statute/90p13>

residential units; one additional residential unit in a detached house, semi-detached house or rowhouse and one in a building or structure ancillary to a detached house, semi-detached house or rowhouse. The Minister can make regulations authorizing the use of Additional Residential Units as well as establishing requirements and standards for Secondary Units (35.2). These regulations apply as though they were Zoning By-Laws (35.3). Furthermore, regulations made by the Minister supersede local council By-Laws (35.4).

In 2019, the Ontario Government established Ontario Regulation 299/19 for Additional Residential Units. The regulation set standards and requirements for Additional Residential Units in order to reduce barriers to the approvals and construction of Additional Residential Units. Specifically, the regulation requires each Additional Residential Unit to have one parking space that is provided and maintained for the sole use of the occupant of the Additional Residential Unit(s) (299/19, 2.1), except when the by-law does not require a parking space for the occupant of the primary residential unit⁶. This parking space may be a tandem parking space. Further, the regulation states that the Additional Residential Units can be occupied by any person regardless of their relationship to the owner or ownership status of the unit. Where the use of an Additional Residential Units is authorized, an Additional Residential Unit is permitted regardless of the date of construction of the primary residential unit.

2.1.2. The Development Charges Act, 1997

The Development Charges Act, 1997 exempts secondary suites or Additional Residential Units within or ancillary to new single detached dwellings, semi-detached dwellings, and row houses from development charges given that the gross floor area of Additional Residential Unit is less than or equal to the gross floor area of the proposed primary dwelling.

2.1.3. Long Term Affordable Housing Strategy

Ontario's Long-Term Affordable Housing Strategy (LTAHS)⁷ identifies provincial interest in reducing the complexity and cost associated with creating Additional Residential Units in homes through the provision of development charge exemptions and amendments to the Building Code standards to reduce unnecessary costs to building second units.

⁶ "primary residential unit" means the primary residential unit in a detached house, semi-detached house or rowhouse referred to in subsection 16 (3) of the Act.

⁷ Ontario's Long-Term Affordable Housing Strategy (LTAHS) was released in March 2016. Additional information on the LTAHS can be found here: <http://www.mah.gov.on.ca/Page9181.aspx>.

2.1.4 The Provincial Policy Statement, 2020

The Provincial Policy Statement⁸, 2020 directs municipalities to accommodate appropriate affordable and market-based range and mix of housing types, including “additional residential units” and to facilitate all types of residential intensification. Further, the PPS requires municipalities to direct developments away from areas of natural hazards.

2.2 Provincial Plans

2.2.1. A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020

The government of Ontario enables development of regional growth plans through the *Places to Grow Act, 2005*. The growth plans help guide growth and development in a way that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life. The Growth Plan for the Greater Golden Horseshoe⁹, 2006 (Growth Plan, 2006) was the first growth plan to provide a framework for implementing Ontario’s vision for building stronger, prosperous communities. A Place to Grow¹⁰ (Growth Plan, 2019) builds upon the success of the initial Growth Plan, 2006 and responds to the key challenges that the region continues to face over the coming decades with enhanced policy directions. The implementation of the Growth Plan is supported by Metrolinx (an agency of the Government of Ontario created to improve coordination and integration of all modes of transportation in the GTHA) and the 2041 Regional Transportation Plan.

Growth Plan, 2020, promotes forecasted growth in complete communities; places designed to meet people’s daily needs throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts. A compact built form and an increasing modal share for transit and active transportation are critical components for achieving a complete community.

⁸ <https://files.ontario.ca/mmah-provincial-policy-statement-2020-accessible-final-en-2020-02-14.pdf>

⁹ The growth plans are issued under the authority of section 7 of the *Places to Grow Act, 2005*.

¹⁰ The Growth Plan, 2019 was approved through an Order in Council under that Act to come into effect on May 16, 2019. This Plan replaces the Growth Plan for the Greater Golden Horseshoe, 2017 that took effect on July 1, 2017. This Plan applies to the area designated by Ontario Regulation 416/05 as the Greater Golden Horseshoe growth plan area.

Guiding Principles

The Growth Plan sets out a number of guiding principles (1.2.1) for all policies within the Plan, including the following which directly or indirectly support objectives of Additional Residential Units, such as housing options, affordability, and aging in place:

- Support the achievement of *complete communities* that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime.
- Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability.
- Support a range and mix of housing options, including Additional Residential Units and affordable housing, to serve all sizes, incomes, and ages of households.
- Improve the integration of land use planning with planning and investment in infrastructure and public service facilities, including integrated service delivery through community hubs, by all levels of government.

Development of complete communities' form part of Regions' growth management strategy (2.2) and Additional Residential Units support the goal through:

- improving social equity and overall quality of life, for people of all ages, abilities, and incomes; (2.2.1.4(b))
- providing a diverse range and mix of housing options to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes; (2.2.1.4(c))
- intensification within all major transit station areas that supports existing and planned transit service levels (2.2.4.9 (a)) by planning for a diverse mix of uses, including additional residential units and affordable housing, to support existing and planned transit service levels (2.2.4.9 (a))

Further, they support the goal of intensification and expanding housing choice as part of these policies:

- Upper and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will support housing choice by identifying and implementing a diverse range and mix of housing, including Additional Residential Units and affordable housing to meet projected needs of current and future residents (2.2.6.1(a)(i)).
- Municipalities should plan to diversify their overall housing stock across the municipality (2.2.6.2(d)).

2.2.2. Oak Ridges Moraine Conservation Plan¹¹

The Oak Ridges Moraine Conservation Plan is set out in O. Reg. 140/02 under the Oak Ridges Moraine Conservation Act, 2001. The Oak Ridges Moraine Conservation Plan (ORMCP) was updated in 2017 and permits Additional Residential Units in existing single detached houses by amending the definition of “single dwelling”. Specifically, Additional Residential Units are not permitted in the ORMCP Natural Core Area or Natural Linkage Area, but one Additional Residential Unit is permitted within an existing single detached dwelling in the ORM Countryside and Rural Settlement areas.

2.2.3. Greenbelt Plan¹²

The Greenbelt is the cornerstone of Greater Golden Horseshoe Growth Plan (Growth Plan) and together with the ORMCP and the Niagara Escarpment Plan (NEP), identifies lands for permanent protection for agricultural land base and the ecological and hydrological functions.

The Greenbelt Plan was updated in 2017 to permit one Additional Residential Unit in existing single detached dwellings (or in their accessory structure) within the Protected Countryside, for the lands that are outside of the Natural Heritage System (s.4.5(3)). Additional Residential Units are not permitted in the Greenbelt Natural Heritage System.

2.3 **York Region Official Plan, 2010 (2019 Consolidation)**

The York Region Official Plan 2010 (YROP 2010) describes how York Region plans to accommodate future growth and development while meeting the needs of existing residents and businesses in the Region. It provides directions and policies that guide economic, environmental and community planning decisions.

As part of YROP 2010, integrating Additional Residential Units (and consideration of the primary units which may become affordable when factoring in the rental income from the accessory unit) is one of the strategies to achieving housing affordability targets established under Healthy Communities (section 3). The targets include achieving a minimum 25 percent of new housing units across the Region as affordable (3.5.6) and a minimum 35 percent of new housing units in Regional Centres and Key Development Areas as affordable (3.5.7).

York Region’s Housing Solutions: A Place for Everyone, 10-year Housing Plan was approved by York Regional Council in June 2014 and includes four goals and 49 actions. Increasing the supply of safe, legal second suites is an expected outcome of

¹¹ <https://www.ontario.ca/page/oak-ridges-moraine-conservation-plan-2017>

¹² <https://www.ontario.ca/document/greenbelt-plan-2017>

increasing the rental housing supply (Goal 1). As part of this goal, the Region requires that local municipalities adopt official plan policies and zoning bylaw provisions that authorize Additional Residential Units.

The Region also worked with local municipalities to complete a data gathering exercise to track the number of second suites constructed and licensed. In 2017¹³, no new rental second suites were documented in Richmond Hill that could contribute towards affordable rental housing¹⁴.

2.4 City of Richmond Hill Official Plan, 2010

The Richmond Hill Official Plan- *“Building a New Kind of Urban”* was adopted by Council in July 2010 and since has been subject to appeals at the Local Planning Appeal Tribunal (hereafter LPAT) formerly known as the Ontario Municipal Board (Hereafter OMB).

Chapter 3 of the Official Plan outlines the general policies which will guide development in Richmond Hill moving forward as the City transitions from suburb to a New Kind of Urban. Chapter 3 is arranged under the headings Complete Community (3.1); Environment (3.2); Economy (3.3); Placemaking (3.4); Connectivity and Mobility (3.5) with each heading having particular guiding principles meant to be implemented through the policies of the Official Plan.

Richmond Hill intends to transition to its desired goal of being a New Kind of Urban by developing “Complete Communities” (3.1) which is defined within the Official Plan as being a place which provides opportunities for people to live, work, shop and play. Complete Communities offer amenities in well-designed, pedestrian-oriented places developed at a human scale where public transit, walking, and cycling are viable alternatives to the automobile as well as being more integrated, vibrant and diverse with a mix of land uses, including a balance of housing types, employment, services, amenities, parks and open spaces. Likewise, Chapter 4 of the Official Plan outlines particular land use and design policies associated with each land use designation as shown by Schedule A2 (Land Use).



Richmond Hill Intensification Hierarchy

Figure 1 Illustration of Richmond Hill Intensification Strategy. (Source: City of Richmond Hill Official Plan, 2010)

¹³ 2017 Progress Report, Appendix B

¹⁴ This data reflects the affordable units built each year and not the total affordable units for the City as a whole.

Additional Residential Units form a key tool of intensification within the neighborhoods. Additional Residential Units are also encouraged to provide a form of affordable housing.

One aspect of a Complete Community is that it provides a range of housing types and tenures, meant to support all levels of income as well as household compositions.

The Official Plan defines Additional Residential Units or Secondary Suites as:

“a single accessory dwelling unit within a house that consists of one or more rooms that are designed, occupied or intended for use, including occupancy, by one or more persons as an independent and separate residence in which a facility for cooking, sleeping facilities and sanitary facilities are provided for the exclusive use of such person or persons.”

The Official Plan needs to be updated to reflect the Planning Act requirements regarding additional units. The Official Plan currently does not permit detached second units and needs to be updated.

OP policy 3.1.5.2, under Housing, permits Additional Residential Units within the City of Richmond Hill, subject to Council approving a Zoning By-Law, providing for one (1) Additional Residential Unit per ground related dwelling (3.1.5.5 A) that the dwelling and secondary suite meet all Provincial building and fire code regulations and requirements (3.1.5.5 B). Furthermore, should it be required in the Zoning By-Law, adequate parking spaces are required (3.1.5.5D). Should one choose to develop an Additional Residential Unit, it must maintain the character of the area it is built within (3.1.5.5C), in addition to it meeting all relevant Municipal development standards established in the Zoning By-Law (3.1.5.5E).

2.5 Secondary Plans

2.2.4. West Gormley Secondary Plan (OP chapter 8)

- Located in the northeastern part the City, the West Gormley Secondary Plan area is bounded by Bayview Avenue (Realigned) to the west, Leslie Street to the east, Bethesda Sideroad to the north and Stouffville Road to the south.
- Lands within West Gormley Secondary Plan are designated “Settlement Area”, “Natural Core Area” and “Natural Linkage Area” in accordance with Oak Ridges Moraine Conservation Plan (ORMCP).
- The West Gormley Secondary Plan requires development of Master Environmental Servicing Plans to satisfy requirements of ORMCP, York Region Official Plan and Richmond Hill Official Plans prior to approval of development of the lands.

- As part of its housing choices principle (8.4.3), the secondary plan supports the development of a range and mix of housing types to achieve a balanced community, encourages a more compact residential development and an urban form that makes effective use of land, services, community facilities and related infrastructure.
- 8.6.2.2 Residential Low-Density: a. The predominant use of land in areas designated Residential Low Density as shown on Schedule “A” (Land Use Plan) to this Secondary Plan shall be for single detached, semi-detached, duplex, triplex, quadruplex, street townhouses and other low-density housing types which are ground-oriented. b. In areas designated Residential Low Density, a maximum density of approximately 25 units per net residential hectare (10 units per acre) shall be permitted.
- 8.6.2.3 Residential Medium Density: a. The predominant use of land in areas designated Residential Medium Density shall be semi-detached, street townhouses, block townhouses and other low-rise housing forms which conform to the density requirements. b. In areas designated Residential Medium Density, a maximum density of 60 units per net residential hectare (24 units per acre) shall be permitted.

2.2.5. North Leslie Secondary Plan

- The lands within the North Leslie Secondary Plan Area fall within both the Urban Area and, in part, the Oak Ridges Moraine Planning Area. The plan is developed on the basis of “Environment First” principle.
- Applications for development within this Secondary Plan area are to comply with the policies of Secondary Plan and the applicable policies and regulations of the Oak Ridges Moraine Conservation Plan (recognizing the transitional status of the lands) and Greenbelt Plan.
- The Secondary Plan supports housing choices (9.4.3) by promoting development of a range and mix of housing and encouraging housing opportunities in a form that efficiently utilizes land, infrastructure and community services and facilities.
- 9.6.2.1 Low Density Residential:
 - The predominant use of land in areas designated Low Density Residential as shown on Schedule “A” – (Land Use Plan) to this Secondary Plan shall be for single detached, semi-detached, duplex, triplex, quadruplexes, street townhouses and other low-density housing types which are ground oriented.
 - In areas designated Low Density Residential, a minimum density of 17 units per net residential hectare (7 units per net acre) and a maximum density of 35 units per net residential hectare (14 units per net acre) shall be permitted.

- 9.6.2.2 Medium Density Residential
 - Single detached, semi-detached, duplex, triplex, quadraplexes, street townhouses, block townhouses, back to back townhouses and other low-rise housing forms which conform to the density requirements.
 - In areas designated Medium Density Residential, a minimum density of 35 units per net residential hectare (14 units per net acre) and a maximum density of 60 units per net residential hectare (25 units per net acre) shall be permitted.

2.6 Building Code

Ministry of Municipal Affairs and Housing published a guide¹⁵ to Ontario building code¹⁶ information regarding adding an Additional Residential Unit in an existing detached, semi-detached or a rowhouse. It defines an Additional Residential Unit as a self-contained dwelling unit with a private kitchen, bathroom facilities and sleeping areas. It can be located in a house or on the property, above a laneway garage or in a coach house. The guide generally applies to Building Code requirements for additional residential units in houses, and not for Additional Residential Units in garages or coach houses, though some of the same rules apply.

The guide defines the criteria for adding an Additional Residential Unit as:

- In a detached, semi-detached or a rowhouse
- In a house which is more than five years old (houses less than 5 years old should contact their local building department)

Age of House

- If house is more than five years old, it is classified as an existing house and owner has more flexibility under the Building Code when making renovations.
- If house is less than five years old, then it is classified as a new building and under the Building Code it generally must meet new construction requirements.

The following are factors to consider before adding an Additional Residential Unit:

- Applicable municipal zoning requirements
- Necessary building permits
- Designing the unit to comply with the Building Code
- Required building inspections during construction

¹⁵ Adding a Second Unit in an Existing House: Ontario Building Code Information from the Ministry of Municipal Affairs and Housing. An innovation guide under More Homes, More Choice: Ontario's Housing Supply Action Plan.

¹⁶ <https://www.ontario.ca/page/add-second-unit-your-house>

- Location of unit¹⁷ (basement, attic, one floor or multiple floors within a building)

Room Sizes and Floor Area

- The Building Code sets out minimum room sizes in dwelling units, including Additional Residential Units. Room sizes vary depending on whether rooms are separated by walls or the unit is open concept.

Room/Space:	Minimum Required Floor Area:
Living area	13.5 m ² (145 ft ²)
Dining area	7 m ² (75 ft ²)
Kitchen	4.2 m ² (45.2 ft ²)
Combined living, dining and kitchen areas in a one-bedroom unit	11 m ² (118.4 ft ²)
Master bedroom (without built-in closet)	9.8 m ² (95 ft ²)
Other bedrooms (without built-in closets)	7 m ² (75 ft ²)
Bathroom	Sufficient space for sink, toilet and showerstall or bath

- Ceiling Heights:
 - A basement Additional Residential Unit is permitted to have a ceiling height of 1.95 m (6' 4³/₄") over the entire required floor area, including the route inside the unit leading to the exit.
 - An attic Additional Residential Unit– which may have sloped ceilings – would meet the Building Code if at least 50% of the required floor area has a ceiling height of 2.03 m (6' 8"), but this does not include areas with low ceilings less than 1.4 m (4' 7") high.
- Windows: The size of windows is determined by the size of the unit. Larger units will require more or bigger windows. Window sizes are also based on what type of room they are in. Some windows can also be used as another way to exit a Additional Residential Unit.

Room/Space:	Minimum Required Window Area:
Living and dining rooms	5% of the floor area
Bedrooms	2.5% of the floor area
Laundry room, kitchen, bathroom	Windows not required

¹⁷ The Building Code as of October, 2020 does not consider Additional Residential Units in detached or ancillary buildings.

- Other requirements include¹⁸:
 - Plumbing
 - Septic Systems
 - Heating and Ventilation
 - Electrical Facilities and Lighting
 - Fire Safety
 - Safe Exits

2.7 Existing Zoning By-laws

Presently, the following zoning by-laws within the City permit Additional Residential Unit within suitable residential zones (single detached, semi-detached, and townhouses).

- By-law 55-15 (North Leslie Secondary Plan Area Zoning By-Law)
- By-law 91-13 that amended By-law 2325-68 (David Dunlap Observatory Lands)
- By-law 54-15 (West Gormley)
- By-law 2523
- By-law 111-17 Yonge and Bernard KDA Secondary Plan Zoning By-law (appealed to LPAT)

Key provisions for Additional Residential Units under By-law 55-15, By-law 91-13 and By-law 54-15 include:

- An Additional Residential Unit shall be wholly contained within the same single-detached or semi-detached dwelling or above a detached garage located on a lot that has a side lot line or the rear lot line abuts a lane;
- No more than two dwelling units shall be permitted on the same lot;
- No more than one dwelling suite entrance is contained within any main wall facing a street.
- Entrance to the Additional Residential Unit shall be located in the front or side wall of the single detached or semi-detached dwelling and shall not be contained within a garage. Where the Additional Residential Unit is located above a detached garage, the entrance to the Additional Residential Unit is permitted in the front, side or rear walls of the detached garage;
- Where an Additional Residential Unit is located below grade, all other applicable laws and standards such as the Ontario Building Code and Fire Code shall be complied with;
- No Additional Residential Unit shall be located in a floodplain.
- Home occupation shall be associated with the primary dwelling unit only.

¹⁸ <http://www7.mississauga.ca/Departments/PB/Building/secondunits/GuidelineForSecondUnits.pdf>

- Parking Requirement: No additional parking space is required for the Additional Residential Unit provided that the primary dwelling unit already provides two parking spaces.
- Minimum Habitable Floor Areas for Additional Residential Units:
 - Study (bachelor): 25 sqm
 - 1 bedroom: 32 sqm
 - 2 or more bedrooms: 32 sqm for one-bedroom unit plus 9 sqm for each additional bedroom

In addition to the three zoning by-laws above, the zoning by-law 2523 supports creation of Additional Residential Units as part of primary dwelling unit within R2 and R3 zone categories.

This by-law has a provision for "*Dwelling, Converted*" which essentially means a dwelling altered to make a greater number of dwelling units where a dwelling was erected prior to the passing of the by-law, and where each dwelling unit shall have a minimum net Floor area of 750 square feet, exclusive of public or common halls and stairways, the thickness of the outside walls, and rooms below grade.

The by-law does not restrict the number of dwelling units, so essentially two or more dwelling units can be constructed as long as external appearance and general character of the building is not materially altered.

3. Review of Municipal Approaches

3.1 Overview

A review of by-laws of municipalities within the GTHA was undertaken to understand how Additional Residential Units are regulated. Unless otherwise specified, these municipalities have not implemented the most recent amendments to the Planning Act (O. Reg 299/19). Various municipalities also have used different terminologies for additional residential units or for different kinds of additional residential units. As discussed in section 1, the additional residential units can be primarily categorized into two distinct types: (a) units which are contained within the principal residence, and (b) detached or ancillary units which are built on the same lot but physically detached from the principal residence.

Town of East Gwillimbury

Within the municipality of East Gwillimbury, Zoning By-law 2018-043¹⁹ permits Coach Houses, Accessory Apartments (contained in the existing dwelling), and Garden Suites (temporary detached residential structure). Coach Houses are only permitted in Mixed Use One (MU1), Mixed Use Seven (MU7), Residential Private Services (RPS), Residential One (R1) and Hamlet Residential (HR) Zone. An accessory apartment is not permitted in the Environmental Protection (EP), Oak Ridges Moraine Core (ORMC), Oak Ridges Moraine Core Linkage (ORMCL), or the Oak Ridges Moraine Countryside (ORMCS) Zones. One additional parking space is required for both Accessory Apartments and Garden Suites and none are specified for a Coach House.

City of Mississauga

In 2013, City of Mississauga amended portions of Mississauga Zoning By-law 0225-2007 to permit one Additional Residential Unit accessory to or located within a detached, semi-detached, linked dwelling and townhouses. They are permitted in all residential zones with detached, semi-detached, townhouse, linked or street townhouses. An ARU shall not be permitted in a lodging house, a group home or dwelling unit containing an accessory non-residential use. One parking space is required for the Additional Residential Unit.

¹⁹ <http://www.eastgwillimbury.ca/Assets/3+2015+Services/1.1+Planning/ZBL+2018-043.pdf>

Town of Newmarket

The Corporation of The Town of Newmarket Zoning By-Law 2010-40²⁰ (Consolidation November 2018) has provisions for Additional Residential Units within the main dwelling unit only. They are permitted in only R1 and R2 Zones. No new Additional Residential Units are permitted within the Environmental Protection Open Space (OS-EP) Zone or within the Floodplain and Other Natural Hazards (FP-NH) Zone as delineated by the Lake Simcoe Region Conservation Authority. In urban centres, the Minimum Off-Street Parking Requirement for accessory dwelling unit is one parking space per Additional Residential Unit.

Town of Oakville

The Town of Oakville Zoning By-law, 2014-014 (Consolidated February 10, 2020) contains provisions for a Dwelling Accessory Unit. Only one Dwelling Accessory Unit is currently permitted on a lot and it must be either within a detached dwelling and semi-detached dwelling or within an accessory building located on a corner lot in the Residential Uptown Core (RUC) Zone. They are permitted the Residential Low Zones (RL1, RL2, RL3, RL4, RL5, RL6, RL7, RL8, RL9, RL10 and RL11 zones), the Residential Uptown Core Zone (RUC zone) and the Central Business District category Mixed-Use Zone (MUZ zone) under By-law 2017-025).. One additional parking space per accessory dwelling is required.

City of Toronto

In the amalgamated City of Toronto, Additional Residential Units²¹ have been permitted since 2000, although, previous to this by-law, additional units were permitted in the old City of Toronto zoning by-laws. On July 23, 2018, City Council adopted Official Plan Amendment (OPA) 418 which provides for an Additional Residential Unit within a primary dwelling in a detached, semi-detached house or townhouse. In addition, OPA 418 includes policies to permit Additional Residential Units within a building ancillary to a detached or semi-detached house or townhouse where it can be demonstrated that it will respect and reinforce the existing physical character of the neighbourhood. In 2019, By-law 549-2019²² amended parts of by-law 569-2013²³ to add provisions for Additional Residential Units, permitting them in a detached house, semi-detached house or a townhouse (150.10.20.1). Each dwelling unit may have a maximum of one Additional

²⁰ <https://www.newmarket.ca/LivingHere/Documents/Planning%20Department/Zoning%20By-law%202010-40%20Consolidated%20November%202018.pdf>

²¹ <https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/secondary-suites/>

²² <https://www.toronto.ca/legdocs/bylaws/2019/law0549.pdf>

²³ <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Residential Unit (150.10.20.2), except in a Residential zone where more than one Additional Residential Unit is permitted (150.10.20.3). In the RA, RAC, CL, CR, I, IH, IE, IS, and IPW zones where a Detached House, Semi-Detached House, or Townhouse are not permitted building types, a secondary suite is permitted in lawfully existing detached houses, semi-detached houses and townhouses.

City of Vaughan

In 2017, By-law 103-2017 amended portions of City of Vaughan By-law Number 1-88 to permit a maximum of one Additional Residential Unit within or accessory to a Single Family Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling unit.. The provisions require that a minimum of 3 parking space shall be provided on a lot where an Additional Residential Unit is located. Additional Residential Units are not permitted on lands located within the Woodbridge Special Policy Area and within a floodplain.

Town of Aurora

In 2017, Aurora passed Zoning Bylaw No. 6000-17²⁴ which permits Additional Residential Units in detached dwellings, semi-detached dwellings and link house²⁵ dwellings subject to certain zoning criteria. An Additional Residential Unit is defined as a separate dwelling unit subsidiary to and located within the same building as the main dwelling unit and its creation does not result in the creation of a semi-detached dwelling, duplex dwelling, triplex dwelling or converted dwelling. Where three (3) or more link house dwelling units are joined, an Additional Residential Unit dwelling unit shall be permitted, provided that the link house dwelling unit is joined only below grade.

Within the ER, R1, R2, R3, R4, R5, R6, R7, R8 zones, a maximum of one Additional Residential Unit is permitted per lot in accordance with Section 7.5.4 of the by-law. Within the R6 and R7 zones, an Additional Residential Unit is only permitted in a Detached Dwelling or Semi-Detached Dwelling. In the R8 zone an Additional Residential Unit is permitted only in a Link Dwelling. Additional Residential units are not permitted in Garden Suites or detached dwelling units.. Additional Residential Units are not permitted in the "C-ORM", "NLORM", "NC-ORM" and "EP-ORM" Zones in accordance with the Oak Ridges Moraine Conservation Plan. One parking space is required for an Additional Residential Unit.

²⁴ <https://www.aurora.ca/en/business-and-development/resources/Zoning/By-law-6000-17-Sections-1-23.pdf>

²⁵ Dwelling, Link House: means a building divided vertically into two separate dwelling units joined above or below ground for part of its depth, each with an independent entrance to the outside. (4.4.4)

City of Brampton

City of Brampton's Comprehensive Zoning By-law 270-2004²⁶, as amended, permits an Additional Residential Unit²⁷ in a "two-unit dwelling", specifically within detached and townhouse dwellings. The City defines an Additional Residential Unit as a self-contained residential unit located within any part of the house, including a basement. Only one Additional Residential Unit is allowed in a two-unit dwelling, and lodging houses and homes that are capable of being used for more than two dwelling units are not permitted to have an Additional Residential Unit. Additional Residential Units are not permitted on lands zoned Open Space, Floodplain or within the area identified as the Downtown Floodplain Regulation Area. In order to be legal, a building permit is required and must be registered with the City of Brampton. No additional parking is required for the creation of an Additional Residential Unit.

City of Kingston ²⁸

City of Kingston amended its Official Plan and Zoning by-law to respond to the recent changes in the Planning Act. Key amendments to the Official Plan included a revised definition for Second Residential Units, introducing Tandem Parking Spaces, adding criteria for parking relief (second residential units near express Kingston Transit bus, commercial uses and parkland, open spaces of community facilities) and excluding second residential units from the maximum density requirement. The key Zoning By-law amendments include amending the definitions of Second Residential Unit, a Tandem Parking Space, incorporating these as part of the definitions of single-detached, semi-detached, row houses and linked houses and permitting them only in zones with these dwelling types. The amendments also do not permit second residential units in any cellar or basement within sewer surcharging areas (combined storm and sewer systems), or lands identified as Sewer Capacity Limitations, and Loughborough Lake. They are also not permitted on lands containing two or more dwelling units, a garden suite, boarding house or lodging house. A second residential unit would only be permitted if it is connected to municipal services or private water and sewerage systems approved by the authority having jurisdiction. A second residential would not be permitted on lands subject to natural hazards or on any lands otherwise identified as a natural hazards area through a site-specific investigation or analysis.

City of Windsor

Responding to recent amendments to the Planning Act (O. Reg 299/19), City of Windsor²⁹, amended its Zoning By-law 8600, section 5.99.80 Second Units / Additional

²⁶ <https://www.brampton.ca/EN/City-Hall/Bylaws/Archive/270-2004%20Consolidated%20by-law.pdf>

²⁷ <https://www.brampton.ca/EN/residents/Building-Permits/second-dwelling/Pages/Welcome.aspx>

²⁸ <https://www.cityofkingston.ca/residents/community-services/housing/programs/secondary-suites>

²⁹ <https://www.citywindsor.ca/cityhall/By-laws-Online/Documents/BL%208600%20SEPT%2023,%202020.pdf>

Dwelling Units to reflect the recent direction from the province. In alignment with the Provincial requirement, the City of Windsor now permits two dwelling units in a single dwelling unit, a semi-detached dwelling unit, or a townhome dwelling unit, and one dwelling unit in a detached building which is accessory to a single dwelling, semi-detached dwelling unit, or townhome dwelling unit. Where a dwelling is located in a floodplain, an additional dwelling unit within a basement or cellar is not permitted. The bylaw requires one parking space for the principal dwelling unit and one parking space for the additional dwelling unit on a lot except for a few site exceptions noted in the by-law.

City of Kitchener

In 2019, City of Kitchener amended its by-law 2019-051 to permit up to two attached additional residential units and one detached additional residential unit associated with a single detached, semi-detached or street townhouse dwelling. Two additional dwelling units (attached) shall only be permitted in existing buildings. The additional dwelling units must be connected to full municipal services.

Other Municipalities

Similar to City of Windsor and Kitchener, responding to recent amendments to the Planning Act (O. Reg 299/19), City of London amended Policy 939 to 942 and Policy 949 to change wording from “Secondary Dwelling Units” to “Additional Residential Units” and added/modified language to implement Provincial policy and regulations for additional residential units.

Other municipalities that have provisions for Additional Residential Units but may need to update them to respond to recent Planning Act amendments include Town of Lincoln, Meaford, Laurentian Valley, Clarington, Woolwich, Kawartha Lakes, Wilmot and Thorold.

3.2 Development Standards Analysis

The zoning by-laws prescribe various development standards related to adding Additional Residential Units such as setbacks, access requirements, gross floor area, and parking. The summary below captures these development standards by category for detached and attached Additional Residential Units (ARU). Where standards are not prescribed in any category, the default regulations for that zone or dwelling type apply.

3.2.1. Setbacks

Mississauga specifies setbacks related to porch or deck located at, and accessible from, the first storey or below the first storey of the dwelling inclusive of stairs to be

permitted in a required interior side yard provided that the minimum setback to the interior side lot line shall be 1.2 m.

Attached ARU's

For attached ARU's, Kitchener requires additions to an existing single detached dwelling must be attached to the rear of principal building and shall not extend into any side yard farther than the extent of the existing principal building and provided such addition does not exceed 25 percent of the existing building's gross floor area.

Detached ARU's

For detached ARU's, City of Kitchener requires:

- a building containing an additional residential unit (detached) shall be located a minimum of 0.6 metres from a rear lot line and interior side lot line;
- an additional residential unit (detached) shall not be located in the front yard or exterior side yard;
- an unobstructed walkway that is a minimum 1.1 metres in width shall be provided from a driveway, street or lane to the additional dwelling unit (detached).

Further, specific to detached additional residential units, City of Kingston amended it's bylaws and added the following regulations:

- (i) A detached additional residential unit shall comply with the minimum yard setbacks and maximum height applicable to the principal dwelling unit in the Zone in which such use is located;
- (ii) A detached additional residential unit may be located within a rear or interior side yard, to a minimum setback of 1.2 metres from the rear or interior side yard lot line, provided the unit does not exceed the maximum accessory structure height in the applicable by-law (4.5 metres, 4.6 metres or 5 metres) and further provided that a solid privacy fence with a minimum height of 1.8 metres is established in accordance with the following provisions:
 - a. When the detached additional residential unit is situated within a rear yard only, the privacy fence shall be established around the entire perimeter of the rear yard (i.e., along the side and rear lot lines as applicable);
 - b. When the detached additional residential unit is situated within a side yard only, the privacy fence shall be established along the side yard lot line closest to the detached second residential unit

extending from the intersection of the side lot line with the rear lot line and shall extend to the nearest part of the primary dwelling unit measured to the front lot line; or

- c. When the detached additional residential unit is situated within a rear yard and a side yard, fencing shall be established in accordance with the provisions set out in both subsections (a) and (b) above.

(iii) the detached additional residential unit shall comply with the maximum lot coverage requirements for accessory structures in the applicable zoning by-law.

(iv) the detached additional residential unit shall not be located in the front yard or exterior side yard; and (v) the detached second residential unit shall comply with the minimum distance separation formulae.

Specific to coach houses, East Gwillimbury requires that they should be located no more than 1.0 metre from rear lot line and interior side lot line.

3.2.2. Height

Detached ARU's

Town of East Gwillimbury regulates the maximum height of coach houses in all zones to be 7 metres. Within the City of Kitchener, the maximum height of the shortest exterior wall of a building containing an additional residential unit (detached) is 3 metres and the maximum building height is 6.0 metres.

3.2.3. Access

Within City of Mississauga, a new pedestrian entrance facing a street or a private road to facilitate an ARU (attached or detached), shall not be permitted. Further, a deck located above the first storey to facilitate an entrance to an ARU shall not be permitted, and stairs, stairwells or retaining walls to facilitate an entrance below grade at any point shall not be permitted in front yards or exterior side yards.

Similarly, Toronto places restrictions on a pedestrian entrance to ARU (attached or detached), whereby a pedestrian entrance leading exclusively to an ARU is permitted in a front wall of a townhouse; and not permitted in a front wall of a detached house or semi-detached house. An addition or exterior alteration to an existing building to accommodate an ARU is permitted if it does not alter or add to a front wall, or roof that

faces a street. Adding a porch or a basement extension under a porch, a balcony or a dormer³⁰ is however permitted. A pedestrian entrance leading exclusively to an ARU in a townhouse is permitted.

Detached ARU's

For a detached ARU, City of Kingston has the following provisions:

- The use of a separate driveway to provide unobstructed access to a detached second residential unit may be provided where the driveway and parking space requirements of this by-law are met.
- Access to a detached second residential unit shall be in accordance with the Ontario Building Code
- No person may park a vehicle on any part of a pathway under this subsection.

For detached ARU in City of Kitchener, an unobstructed walkway that is a minimum 1.1 metres in width shall be provided from a driveway, street or lane to the additional residential unit (detached).

Attached ARU's

Within Brampton, the entrance to an ARU (attached) can be located in the side or rear yard, as long as there is a 1.2 metre unobstructed path of travel to the principal entrance and,

- The unobstructed path of travel to the entrance must be located entirely on the subject property.
- Access may also be provided from inside the garage or through a common vestibule inside the house.
- The location of the ARU entrance must comply with all other requirements and restrictions of the Zoning By-law that apply to the subject property.
- Where an above grade door in the side yard is used as the principal entrance to the ARU, a landing serving the entrance is permitted provide it is less than 0.6 metres above ground level and has a maximum length and width of 0.9 metres. Steps shall be provided at both the front and rear of the landing to allow pedestrian access from the front yard to the rear yard.

For attached ARU's, the City of Kingston, has the following requirements for access:

³⁰ Permitted if the interior floor area of the dormer is no more than 2.3 square metres and the total interior floor area of all dormers is not more than 9.3 square metres.

- Where a second residential unit is attached to the principal dwelling unit, the second residential unit must have a separate exterior entrance located at the side, rear or front of the principal dwelling unit. A separate entrance may also be provided through a joint front entrance vestibule within the principal dwelling unit.
- The exterior entrance to a second residential unit that is within a principal dwelling (i.e. not a detached second residential unit) and is located at the side or rear of the principal dwelling, shall be accessed by a minimum 1.2 metre wide unobstructed pathway provided from the front of the principal dwelling unit building or the front lot line. For the purposes of this Section, a pathway is defined as a hard surface treated pathway that is separately delineated from the driveway and provides pedestrian access. Unobstructed means no obstructions to a height of up to 2.3 metres. This provision shall not prevent the establishment of a gate to access the rear yard.

City of Vaughan requires an entrance to an attached ARU to:

- be separate from the main entrance to the Single Family Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling, either as a separate exterior entrance located on the side or rear wall of a dwelling or from a common indoor vestibule;
- be accessible from the street by an unobstructed hard landscaped surface walkway measuring a minimum of 1.2m in width, or a driveway;
- not be located closer to the front lot line than the main entrance of the residential dwelling unit on the abutting lot; and,
- be setback a minimum of 1.2m from the interior side lot line, except where the minimum interior side yard setback requirement to an entrance is greater.
- A new entrance to an ARU shall not be permitted on the same wall as the main entrance to the Single Family Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling

Within the City of Kitchener, a maximum of one pedestrian entrance to the principal building is allowed on each street line façade. Similarly, the Town of East Gwillimbury and Aurora permit no more than a total of one entrance into the front yard, including below grade walkouts. Aurora permits entrances from side and back for ARU's located above grade³¹ or attached at grade as part of a single detached dwelling. In Aurora, access to the basement ARUs (where permitted) must be provided via the rear or one of the sides due to fire safety concerns. The Town of Newmarket prohibits any changes to the external appearance of the front façade of a building or any other façade of a building facing a street on which the lot has frontage. Within Oakville, any separate

³¹ Based on phone conversation between Richmond Hill and Aurora Planning staff

entrance and exit to the accessory dwelling is to be oriented toward the flankage lot line, interior side lot line, or rear lot line.

3.2.4. Parking

For both attached and detached ARUs, the City of Mississauga requires one parking space for an ARU. A lot with an ARU shall have only one driveway. Toronto requires parking spaces to be provided at a minimum rate of one space for each ARU in excess of one which means no parking is required for first ARU. In Brampton, no additional parking is required for the creation of an ARU. Kingston requires one parking space for each additional residential unit. A tandem parking space is permitted to facilitate an ARU and a parking space for a second residential unit may be located in a permitted driveway that is within a front yard.

The City of Kitchener has the following parking design requirements for a lot containing ARU's:

- Parking spaces shall be located a minimum distance of 6 metres from a street line;
- where two or more parking spaces are required, one parking space may locate on the driveway within 6 metres of the front lot line or exterior side lot line and may be a tandem parking space; and,
- where three parking spaces are required on a lot that contains an additional dwelling unit (attached) and an additional dwelling unit (detached), one parking space may locate on the driveway within 6 metres of the front lot line or exterior side lot line and two parking spaces may be tandem parking spaces; and
- Not more than one parking space for a home occupation may be located in a rear yard, except in the case of a corner lot, a through lot, or a lot abutting a lane.

Attached ARU's

For attached ARU's, the Town of East Gwillimbury requires one parking space in addition to the required parking for the dwelling unit. Similarly, Aurora and Oakville require one additional parking space per accessory dwelling. Within the Town of Newmarket, the off-street parking requirement for an accessory dwelling unit is 2 exterior parking spaces per accessory dwelling unit. In urban centres, the minimum Off-Street Parking Requirement for an accessory dwelling unit is one parking space per accessory dwelling unit in addition to the parking requirements for the principal dwelling. In Vaughan, a minimum of 3 parking spaces are to be provided on a lot where an ARU is located.

3.2.5. Floor Area

Mississauga requires the minimum gross floor area of an ARU to be 35 m². An ARU is not permitted to occupy more than 50% of the gross floor area of the dwelling within which it is located. In Toronto, the interior floor area of an ARU, or all ARUs where more than one is permitted, must be no more than 45 percent of the interior floor area of the dwelling unit within which it is located. Further, in the case of an ARU located in the basement of a one storey detached house, the ARU may occupy the whole of the basement. Similarly, in Vaughan, an ARU must have a minimum floor area of 35 m² and cannot not exceed forty-five percent (45%) of the total gross floor area of the Single Family Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling within which it is located.

Attached ARU's

In Kitchener, for attached ARU's:

- the minimum lot area shall be 395 square metres or in accordance with regulations for lot sizes in residential zone³², whichever is greater.
- the minimum lot width shall be 13.1 metres or in accordance with regulations for lot sizes in residential zone, whichever is greater.
- the minimum landscaped area shall be 20%

In Aurora, the minimum floor area for each ARU is 35.0 m². In Brampton, the ARU must be smaller in size than the principal dwelling unit.

According to Kingston's amended bylaws, the gross floor area of the additional residential unit shall be equal to or less than the "gross floor area" of the principal dwelling unit. Gross floor area is defined as the total area of each floor, whether located above, at, or below grade, including finished attic spaces measured between the outside of the exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, but excluding an open porch or balcony and areas internal to the building that are intended for the storage of vehicles.

Detached ARU's

Pertaining to detached ARU's, Kingston adds the following requirements:

- the gross floor area of the additional dwelling unit (detached) is not permitted to exceed forty percent of the gross floor area of the single detached dwelling, semi-detached dwelling or street townhouse dwelling on the same lot;

³² The regulations for lots in a Residential Zone are set out in Tables 7-2.

- the minimum lot area shall be 395.0 square metres or in accordance with applicable regulations³³, whichever is greater
- the minimum lot width shall be 13.1 metres or in accordance with applicable regulations, whichever is greater.

3.2.6. Other Permissions

In addition to any zone-based restrictions and permissions covered in the overview, the following regulations apply to ARU's in different municipalities.

In regards to Home Occupations, Kitchener only permits the Home Occupations related to Artisan's Establishment, Commercial School, Office, Indirect Sales for dwellings with ARU's. In Vaughan, a Secondary Suite is not permitted in the same Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling as a Home Occupation. In Aurora, where a single detached dwelling unit, semi-detached dwelling unit, or link house dwelling unit contains an ARU and is permitted to have a Home Occupation, the Home Occupation is permitted in only one unit.

In Vaughan, an ARU is:

- only permitted within a Single Family Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling located on a lot with a minimum lot frontage of 9 metres.
- Not permitted in the same Single Family Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling as a Home Occupation, Private Home Tutor, Private Home Daycare, Bed and Breakfast Establishment, or Correctional or Crisis Care Group Home.
- A garage attached to the Single Family Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling shall not be converted into an ARU.

In Aurora:

- Where three (3) or more link house dwelling units are joined, an ARU shall be permitted, provided that the link house dwelling unit is joined only below grade.
- Where a single detached dwelling unit, semi-detached dwelling unit, or link house dwelling unit contains an additional residential unit and is permitted to have a Home Occupation, the Home Occupation shall be permitted in only one unit.
- An ARU attached to single detached dwelling at grade is permitted so long as they are separated in accordance with regulations outlined by the

³³ included in Table 7-2, 7-3 or 7-4 of the by-law

building code and the fire department. Access for these dwellings must be from the side or rear¹⁸.

With regards to services, Kitchener requires an ARU (attached) to be connected to full municipal services, while Town of Newmarket requires only the primary dwelling unit to be serviced by full municipal water and sewer services. In Aurora, ARUs do not require servicing allocation. In Kingston, an additional residential unit shall only be permitted if it is connected to municipal services or private water and sewerage systems approved by the authority having jurisdiction.

Kingston specifies the following exceptions and compliance requirements for ARU's:

- Where density is calculated as a measure of dwelling units per net hectare, an additional residential unit shall be exempt from this calculation.
- additional residential units shall be exempt from any minimum lot area requirement established per dwelling unit on a lot.
- An additional residential unit shall comply with the maximum Floor Space Index (FSI) where such requirement has been established for the Zone.
- A second residential unit shall comply with the required minimum landscaped open space where such requirement has been established for the Zone.

4. Emerging Trends

Creating an adequate supply of affordable and diverse homes is needed to meet the demands of the growing population in the region. They help provide means for people to live within the existing and established urban areas and often close to transit, hence making more efficient use of City's resources and infrastructure and diminishing a need for sprawl and new infrastructure. The cities and regions will however need to assess the capacity of existing infrastructure and make informed decisions on any updates or expansion needed to introduce these new forms of secondary housing. Some of the creative and cost-effective homes that have been observed recently include laneway suites, container homes, tiny homes, boathouses, floating homes, etc. For the purposes of this review, only land-based housing is discussed below.

Laneway Suites: Laneway suites are currently allowed in Vancouver, Ottawa, and Toronto in an attempt to increase housing supply. According to City of Toronto, a laneway suite³⁴ is a self-contained residential unit located on the same lot as a detached house, semi-detached house or townhouse, and generally located in the rear yard next to a laneway. Laneway suites are generally smaller in scale and completely detached from the main house on the lot. Laneway suites may provide new rental housing opportunities within established neighbourhoods, providing a wider range of low-density housing options while enhancing neighbourhood and community character.

A property is eligible if it abuts a lane by 3.5m or more, and allows for a maximum travel distance of 45m for emergency services (either through side lot with a 1m clearance or by proximity to a public street).



Figure 2 One of the first examples of laneway housing in Toronto (Image courtesy of LGA Architectural Partners)

Figure 3 Picture of typical laneway homes (Source: https://www.urbaneer.com/homewatch/how_to_determine_the_laneway_suite_potential_of_your_toronto_property)

³⁴ <https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/changing-lanes-the-city-of-torontos-review-of-laneway-suites/overview/>

Container Homes: Retired shipping containers are becoming popular for their potential to be recycled as homes because they are inexpensive, sturdy, easy to transport and spacious³⁵. They offer many possibilities of creating alternative homes and can be modified as tiny homes which are off-grid, container cottages, container house, house extensions, and potentially detached second units. They have been built in Cities across Canada, United States and world over including Vancouver, Calgary, Edmonton, Hamilton, Montreal, Chicago, Los Angeles, Las Vegas, etc.

The Ontario Building Code (OBC) recognizes shipping containers, which range in area from 160 to 320 square feet, as structures when used on land. Further, containers with plumbing are considered a building under the OBC. The construction or placement of any structure over 10 square meters, (108 square feet) requires a Building Permit. Within City of Hamilton, the shipping containers are subject to the same requirements and limitations as permanent buildings requiring them to be properly zoned.



*Figure 4 Canada's first shipping container house located in Hamilton's downtown core
(source: <https://storstac.com/portfolio-item/hamilton-shipping-container-house/>)*

There are regulations that can be added to ensure container homes fit in with the context. For example, in the Town of Newmarket ³⁶, when an accessory building is made up in whole or in part of shipping container(s), the accessory building shall be clad with exterior design materials similar to those used for the main building located on the lot.

Prefabricated Dwelling Units³⁷: Prefabricated homes offer a predictable product delivered faster and with less nuisance than traditional construction due to them being manufactured in a remote and weather-controlled setting. This is especially an advantage in Canada where winters make construction challenging. The recent changes in zoning ordinances to allow detached additional residential units ancillary to

³⁵ <https://www.hamilton.ca/government-information/news-centre/news-releases/shipping-containers-subject-ontario-building-code>

³⁶ <https://www.newmarket.ca/LivingHere/Documents/Planning%20Department/Zoning%20By-law%202010-40%20Consolidated%20November%202018.pdf>

³⁷ <http://www.suiteadditions.com/blog/2020/1/3/are-prefab-second-suites-the-next-big-thing>

the single detached, semi-detached or townhouse dwelling, provides an opportunity to use the prefabricated technology to build and install ancillary dwelling units with more predictability and least nuisance. The cost of prefabricated homes has been a concern, but economy of scale can help lower the costs of prefab ancillary dwelling units.

Tiny Homes: As the name suggests, tiny homes are homes that are much smaller and compact in design than the traditional homes and are typically off-grid and designed from environmentally sustainable materials. They represent an architectural and social movement that advocates living simply and sustainably in small homes. They are typically affordable to build and live in.

However, since they don't comply with minimum standards for habitable space, they are considered illegal in Ontario and other jurisdictions. Proponents of tiny homes believe this regulation hinders access to affordable housing for many people who can easily and sustainably live in smaller and compact homes.

Tiny Homes can be designed to be portable in which case they'll fall into category of a Recreation Vehicle (RV) in which it is illegal to live full time unless it is parked in a RV park. Tiny Homes pose an important question to the regulating authorities if they are willing to reduce habitable space standards to expand housing choices or would they rather manage housing affordability crisis.

5. Conclusion

Additional Residential Units Definition

An Additional Residential Unit is defined by the province as a self-contained residential unit with private kitchen, bathroom facilities and sleeping areas within dwellings or within structures ancillary to a single-detached, semi-detached or townhouse building³⁸. It can be located within the main residential building and/or in an accessory building on the same lot. Additional Residential Units are also commonly referred to as second units, secondary suites, accessory apartments, granny flats, in-law apartments, or nanny suites.

Planning Act and Ontario Regulation 299/19 requirements:

The Planning Act mandates that Official Plans within municipalities must authorize the use of Additional Residential Units (16.3) in their Zoning By-laws (35.1 (1)). Specifically, the Planning Act requires Official Plans to contain policies that authorize the use of one additional residential unit in a detached house, semi-detached house or rowhouse and one in a building or structure ancillary to a detached house, semi-detached house or rowhouse.

The Ontario Regulation 299/19 requires each Additional Residential Unit to have one parking space that is provided and maintained for the sole use of the occupant of the Additional Residential Unit(s) (299/19, 2.1), except when the by-law does not require a parking space for the occupant of the primary residential unit³⁹. Further, the regulation states that the Additional Residential Units can be occupied by any person regardless of their relationship to the owner or ownership status of the unit. Where the use of an Additional Residential Units is authorized, an Additional Residential Unit is permitted regardless of the date of construction of the primary residential unit.

City of Richmond Hill Official Plan

The City of Richmond Hill's Official Plan has provisions for Additional Residential Units within single-detached, semi-detached or townhouse building (Section 3.1.5.5) subject

³⁸ <http://www.mah.gov.on.ca/assetfactory.aspx?did=18535>

³⁹ "primary residential unit" means the primary residential unit in a detached house, semi-detached house or rowhouse referred to in subsection 16 (3) of the Act.

to establishing appropriate zoning by-laws. The Official Plan, however, currently does not address detached or ancillary Additional Residential Units.

The Official Plan needs to be updated to reflect the Planning Act requirements regarding Additional Residential Units.

Other Municipal Approaches to permit ARUs

Municipalities across the GTHA contain policies and zoning by-laws to regulate Additional Residential Units and using different terminologies, definitions and controls. Although most municipalities have not implemented the most recent amendments to the Planning Act including Reg 299/19, some common themes have been observed:

- Most municipalities permit one ARU located in or physically attached to detached, semi detached and townhouse buildings. These could be located in the basement, above the main floor of the principal dwelling or attached to the principal dwelling at grade to the rear.
- Some municipalities permit an ARU in buildings accessory to the principal dwelling. The ARU could be in a small self-contained accessory building to the rear or be located above the ground level of a detached existing garage, typically called a Coach House.
- ARU's are generally prohibited in floodplains and areas that are in environmentally sensitive zones. For example, East Gwillimbury does not permit accessory apartments in Environmental Protection (EP), Oak Ridges Moraine Core (ORMC), Oak Ridges Moraine Core Linkage (ORMCL), or the Oak Ridges Moraine Countryside (ORMCS) Zones.
- Generally, one additional parking space is required for the ARU which is provided in addition to parking requirements for the principal dwelling. Some municipalities such as Vaughan require a minimum of 3 parking spaces on a lot with ARU, while others require no additional parking space provided that the primary dwelling unit already provides two parking spaces. Some others have a requirement of two exterior parking spaces per accessory dwelling unit.
- Generally, municipal zoning by-laws include specific requirements for entrances and floor area tailored to the kind of ARU they permit. Generally, the entrances for the ARU's are required from the side or rear of the principal dwelling and that the external appearance of the front façade of the principal dwelling is not altered.