



# Housing As-of-Right Zoning Review

Prepared for:

City of Greater Sudbury  
Planning Services Division



# Housing As-of-Right Zoning Review

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## 1.0 Introduction

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### 1.1 Background

The City of Greater Sudbury has committed to providing an appropriate range of housing types and densities, including housing that is safe, affordable, attainable and suitable, to maintain and enhance and healthy community. This goal has been a cornerstone of the City's policy framework for many years. The importance of this goal is highlighted in City Council's Strategic Plan and Official Plan.

- City Council's Strategic Plan for 2019-2027 includes the provision of housing that is safe, suitable, affordable and attainable as an ongoing strategic goal for the community. The Strategic Plan indicates that this goal will be achieved by expanding affordable and attainable housing options in the community.
- City Council's Official Plan recognizes that adequate and affordable housing for all residents is a fundamental component of Greater Sudbury's Healthy Community approach to growth and development given the fundamental role that it plays in achieving other socio-economic outcomes such as success at school. The Official Plan set out a number of housing objectives which generally align with the outcomes envisaged in the Strategic Plan.

In the last decade, Greater Sudbury has pursued a number of policies and programs designed to facilitate the creation of new housing units at various points along the housing spectrum.

In 2017, City Council passed Resolution CS2017-17 directing staff to consider and make recommendations on a five point Affordable Housing Strategy, including:

- (1) the development of an Affordable Housing Community Improvement Plan;
- (2) investigating options for parkland disposal and the use of surplus municipal land;
- (3) investigating amendments to Zoning By-law 2010-100Z to encourage affordable housing development across the housing continuum;
- (4) designating a single point of contact for affordable housing and developing an affordable housing webpage, and,
- (5) investigating changes to the Development Charges By-law 2014-151 to ensure that affordable housing criteria align with Federal and Provincial funding programs.

Since this time, the City has defined and implemented this five point strategy. For example, in 2018, Council approved the [Affordable Housing Community Improvement Plan \(CIP\)](#) and changes to the Zoning By-law to reduce parking for projects subject to an affordable housing agreement by 25%, introduce shared housing along certain corridors and create a new R1-7 zone standard to permit the creation of lots with reduced minimum lot frontages and areas. In 2019, Council approved changes to the [Development Charges By-law](#) to encourage affordable housing. Development charge exemptions are available within defined areas of the City and for projects subject to an affordable housing agreement. Development charge reductions are available for residential projects with defined nodes and corridors and dwellings less than 1,000 square feet in area.

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Building on this momentum, in 2022 Council passed Resolutions PL2022-11 and PL2022-11-A1 to direct staff to investigate amendments to the Official Plan and Zoning By-law to permit residential uses in institutional zones, and Community Housing portfolio developments on all municipally owned properties. This work was to be undertaken as part of Phase 2 of the Official Plan Review.

Around the same time, the Federal and Provincial Government's have undertaken a variety of initiatives to increase the supply of safe, suitable, attainable and affordable housing.

- At the Federal level, this includes the creation of a National Housing Strategy focused on six priority areas and more recent budget measures such as the Tax Free First Homes Savings Account, the new Housing Accelerator Fund, extension of the Rapid Housing Initiative, and extension of the First Time Home Buyer Incentive, amongst others.
- At the Provincial level, this includes the [Housing Affordability Task Force Report](#), the passage of [Bill 109 the More Homes for Everyone Act](#), the Development Streamlining Fund and the passage of [Bill 23 the More Homes Built Faster Act](#). Taken together, these changes are intended to streamline the land use planning approval process and reduce obstacles to the creation of new housing units

As part of the Development Streamlining Fund, the City of Greater Sudbury up to \$1.75 million towards improving municipal development approval processes. In March 2022, Council directed that some of this funding be directed towards a study that would identify additional opportunities for 'as of right' residential land use permissions across the city.

## 1.2 Retainer

In 2022, the City of Greater Sudbury retained J.L. Richards and Associates Ltd. to assist with an 'as of right' residential land use planning permission review. The review is intended to address the following questions:

- (1) What parameters can be set out as to the consistent inclusion of commercial components within mixed-use development in the C2-C6 zones?
- (2) What parameters can be set out as to residential uses on institutional lands?
- (3) What development standards are appropriate for accessory structures with second units?
- (4) Is the use of mobile homes as secondary units or garden suites appropriate within urban areas as well as rural areas?
- (5) Is the inclusion of accessory guest room accommodation appropriate in accessory structures?
- (6) How can the introduction of appropriate minimum densities be accomplished in the Official Plan and Zoning By-law?
- (7) How can policy measures in the Official Plan and Zoning By-law require applicants to describe how large-scale development supports affordable housing (i.e., development over 50 units)?

## 1.3 Purpose

This report responds to the above questions and in doing so provides information in response to Council Resolution PL2022-11 and PL2022-11-A1 and direction to identify additional as of right residential land use permissions, as part of the provincial Development Streamlining Fund.

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## 1.4 Outline

The remainder of this report is structured as follows:



### Section 2.0

- methodology and assumptions used for this project;



### Section 3.0

- relevant policy, best practices, and recommendations for mixed-use development;



### Section 4.0

- relevant policy, best practices, and recommendations for residential uses permitted as of right on institutional lands;



### Section 5.0

- relevant policy, best practices, and recommendations for secondary dwelling units;



### Section 6.0

- relevant policy, best practices, and recommendations for establishing a minimum density target



### Section 7.0

- relevant policy, best practices, and recommendations for requiring applicants to describe how large-scale development supports the provision of affordable housing;

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## 2.0 Methodology

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This review draws from a preliminary review of relevant background information, including available research, policy, and reports, as well as precedents from other jurisdictions similar in size and context to the City of Greater Sudbury.

Benchmark municipalities in northern Ontario include North Bay, Sault Ste Marie, Timmins, Parry Sound, and Thunder Bay, and in southern Ontario include Guelph, Barrie, Peterborough, London, Hamilton, Kingston, St. Catharines, and Ottawa.

Many of these municipalities form a part of the Municipal Benchmark Network of Canada in Ontario, including the City of Hamilton, the City of London, and St. Catharines (as a part of Niagara Region). Other municipalities were selected on the basis of similarities in geography, as is the case for the comparator municipalities in northern Ontario, or due to their similar size as mid-size communities, such as Guelph, Barrie, Peterborough, and Kingston.

This review is complemented by key informant interviews with City of Greater Sudbury staff and external stakeholders in the housing and development industry. Where themes emerged from these interviews on each of the topics outlined in this report, a summary of the discussions is included. See Figure 1 for a visual representation of the location of the comparator municipalities.



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**Figure 1 Map of comparator municipalities selected for best practice review**



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## 3.0 Mixed Use Development

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*How can the CGS Official Plan and Zoning By-law facilitate the increased supply of housing through mixed use development with residential components in commercial zones?*



*Mixed-use commercial buildings in downtown Sudbury (Source: Briana Fram)*

### 3.1 Provincial Policy Statement (PPS, 2020)

Section 1.1 of the PPS states that healthy, liveable, and safe communities are sustained by accommodating an appropriate affordable and market-based range and mix of residential types, employment, institutional, recreation, park and open space, and other uses to meet long-term needs.

Within settlement areas, the PPS emphasizes land use patterns that are based on densities and a mix of land uses which efficiently use land and resources, minimize negative impacts to air quality and climate change, support active transportation, and are transit-supportive, where transit is planned, exists, or may be developed (Section 1.1.3.2).

Further, Section 1.1.3.6 of the PPS states that new development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure, and public service facilities.

Within Employment Areas, planning authorities are directed by the PPS to promote economic development and competitiveness by providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs, and encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy (Section (1.3.1)).

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## 3.2 Official Plan for the City of Greater Sudbury

The City of Greater Sudbury's Official Plan and Zoning By-law establishes the policy and regulatory framework to guide the development of mixed-use development in various areas of the City and its communities.

The Employment Area policies of the City's Official Plan establish a policies for "centres" and "mixed use commercial areas". Centres include the Downtown, Regional Centres, Secondary Community Nodes, Regional Corridors and Town Centres. The Secondary Community Node and Regional Corridor designations were created as part of the implementation of the LaSalle Boulevard Corridor Plan. While these designations are currently limited to the LaSalle Corridor, the City's intent is to expand these designations to other nodes and corridors in conjunction with the completion of the City-wide "Nodes and Corridors Strategy".

These designations establish the following policy direction for mixed use development in these various areas of the city:

- The Downtown designation permits residential and commercial uses (Section 4.2.1, Policy 1). The Official Plan does not speak directly to the relationship between residential and commercial land uses in a mixed use building format. The Plan does state that all forms of residential development and residential intensification will be encouraged in the Downtown and that such development will respect the existing and planned context. (Section 4.2.1.2, Policy 3). The Plan also encourages the conversion of vacant above-grade floor space to residential where the building being converted was constructed prior to 2000.
- The Regional Centre designation also permits residential and commercial land uses (Section 4.2.2, Policy 1). Similar to the Downtown, the Regional Centre policies do not speak directly to the relationship between residential and commercial land uses in a mixed use building format.
- The Secondary Community Node designation permits residential and commercial lands uses (Section 4.2.3, Policy 2). The Secondary Community Node policies speak to the relationship between residential and commercial land uses and recognizing that this mixing can occur in different formats. These policies state that the mixing of uses should be in the form of either mixed use buildings with ground oriented commercial and institutional land uses and residential uses above the second storey, or a mix of uses and buildings on the same development site (Section 4.2.3, Policy 3).
- The Regional Corridor designation permits residential and commercial land uses (Section 4.2.4, Policy 2). The Regional Corridor policies do not speak directly to the relationship between residential and commercial land uses in a mixed use building format.
- The Town Centre designation permits commercial and residential land uses (subject to density restrictions). The Town Centre policies do not speak directly to the relationship between residential and commercial land uses in a mixed use building format.
- The Mixed Use Commercial designation permits residential and commercial uses (Section 4.3, Policy 1). The policies encourage the mixing of residential and non-residential uses on a single site, where appropriate, and state that mixed use buildings should be in a form of

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mixed use buildings with ground oriented commercial and institutional uses and residential uses above the second storey.

- The Official Plan’s urban design policies do not speak to the relationship between residential and commercial and uses on a site or in a mixed use building format.

Based on the above, the City’s Official Plan allows residential and commercial uses in centres and corridors (including mixed use commercial areas) as of right and in a variety of formats. The Plan does not require that commercial or institutional uses be located at grade, with residential uses on upper storeys. This approach is consistent with the underlying principle of the Official Plan, which is to encourage investment and growth in the community by providing flexibility.

### 3.3 Zoning By-law for the City of Greater Sudbury

The Official Plan policies for centres and corridors (including mixed use commercial areas) is implemented through five of the seven commercial zone standards in the Zoning By-law, as follows:

- General Commercial (C2) which generally align with the Corridor and Mixed Use Commercial land use designations and can be found in the Town Centre designations.
- Limited General Commercial (C3), which can be found along Mixed Use Commercial designated corridors.
- Office Commercial (C4), which generally applies in the “shoulder” areas of Downtown Sudbury (e.g., the lands south of Elm Street between Paris and Brady Streets and lands north and south of Elm Street between Regent and Lorne Streets);
- Shopping Centre Commercial (C5) which applies to the New Sudbury Shopping Centre, RioCan and Silver Hills Power Centre and Southridge Mall; and,
- Downtown Commercial (C6), which applies to Downtown Sudbury.

Given the purpose of this report, Table 1 shows the permitted residential uses in the C2 to C6 zones, per Section 7.2 of the Zoning By-law. These zones further permit a number of non-residential uses.

**Table 1 Permitted residential uses by commercial zone in the Zoning By-law**

Use	C2	C3	C4	C5	C6
Any dwelling containing not more than 2 dwelling units					
Boarding House Dwelling or Shared Housing					
Group Home Type 1					
Long Term Care Facility					
Multiple Dwelling					
Private Home Daycare					
Retirement Home					
Row Dwelling					
Shared Housing					
Street Townhouse Dwelling					

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These residential land use permissions are subject to special provisions outlined in the Zoning By-law as footnotes to Table 7.1. Based on our review, three special provisions should be highlighted.

- Special Provision 10 limits the density of multiple dwellings in the C2 and C3 Zones to 30 dwelling units per building and a maximum net residential density of 60 units per hectare with or without permitted non-residential uses provided that the lot is a fully serviced lot. This is consistent with the Official Plan policies for the Town Centres and also applies to the corridors (including mixed use commercial corridors). The Official Plan policies for the Mixed Use Commercial designation does not limit maximum residential densities on Mixed Use Commercial designated lands.
- Special Provision 13 permits any dwelling containing not more than two dwelling units on a lot in the C3 and C4 Zones with or without non residential uses [emphasis added] provided the lot is a fully serviced lot. Where the lot is not a fully serviced lot a maximum of one dwelling unit shall be permitted on a lot with or without non-residential uses [emphasis added].
- Special Provision 16 permits any dwelling containing not more than two dwelling units on a lot in the C2 and C6 Zones, together with permitted non-residential uses as a main use on the ground floor [emphasis added] provided that the lot is a fully serviced lot. Where the lot is not a fully serviced lot, a maximum of 1 dwelling unit shall be permitted together with permitted non-residential uses as the main use on the ground floor [emphasis added].

## 3.4 Comparable Municipal Precedents

Most municipalities permit residential uses in select commercial zones, provided that they are connected to and forming an integral part of a commercial building. In most municipalities where this is the case, the residential uses are not permitted on the ground floor, or if they are, the residential use is to be located to the rear of the commercial use. Many other municipalities permit residential uses as main uses within select commercial zones, without requiring an accompanying commercial use. Only a few municipalities allow residential uses in standalone buildings accessory to the main commercial use in select commercial zones. Other less popular approaches include setting a maximum percentage of the floor space index or lot coverage for residential uses in commercial zones, requiring that the floor space index of the residential use not exceed that of the commercial use, or setting a minimum percentage of the floor space index or ground floor area to be maintained in a commercial use.

How each municipality employs these options to consistently include commercial components in mixed-use residential development in commercial zones is presented in Table 2 below. A more detailed overview of how residential uses are treated in the various Commercial Zones is presented within Appendix A, based on the review of comparator municipalities' Zoning By-laws.

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**Table 2 Summary of provisions for residential uses in commercial zones**

	North Bay	Sault Ste. Marie	Thunder Bay	Timmins	Parry Sound	Ottawa	Guelph	Barrie	Peterborough	London	Hamilton	Kingston	St. Catharines
Residential uses are connected to and forming an integral part of a commercial building													
Residential use is permitted in a standalone building accessory to commercial use													
Maximum percentage of floor space index or lot coverage for residential use													
Floor space index of residential use cannot exceed that of commercial use													
Minimum ground floor area maintained in a commercial use													
Dwelling units are not to be located on the ground floor, or if on the ground floor, to the rear of the commercial use													
No restrictions for residential uses in specified commercial zones													
No residential uses are permitted in any commercial zones													

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## 3.5 Recommendations

Given that the C2 and C3 Zone categories apply in the same areas of the City such as corridors and Town Centres and that C2 and C4 Zones can be found adjacent to each-other in the shoulder areas of the Downtown, the City should consider harmonizing its approach to permitted non-residential uses with dwelling units containing not more than two dwelling units.

Given the City's desire to permit additional residential development opportunities as of right within the community, we recommend that the City eliminate Special Provision 16 in the C2 Zone and apply Special Provision 13 to the C2 Zone. This approach is consistent with the City's Official Plan, which provides flexibility in how mixed-use developments are achieved in centres and corridors (including mixed use commercial areas).

Given the importance of at grade uses in a Downtown urban setting, we recommend that Special Provision 16 continue to apply to the C6 Zone. We further recommend that the City amend the Downtown Official Plan policies to provide the policy basis for Special Provision 16.

## 4.0 Residential Uses on Institutional Lands

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*What parameters can be set out as to residential uses on institutional lands as-of-right?*



*Former Ecole St. Denis School on Regent Street, redeveloped for housing (Source: Google Maps)*

The City of Greater Sudbury has various institutional uses, such as elementary and secondary schools, libraries, recreation centres, colleges, a university, and other community facilities that are intended for public use. In recent years, surplus institutional lands, for example surplus elementary school sites as a result of amalgamation of neighbourhood schools, have been acquired by the development community for conversion to residential uses. In the current policy framework, this type of conversion requires rezoning of the surplus institutional lands, which introduces additional risk, time and cost. Leveraging these and other surplus institutional lands as sites ideal for residential development meets a number of Council's strategic outcomes. The following section provides an overview of how the current policy framework works with respect

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to residential uses as of right on institutional lands, presents a review of how other municipalities have addressed this in their Official Plan and Zoning By-law, and provides recommendations for the City to consider.

## 4.1 Provincial Policy Statement (PPS, 2020)

The Provincial Policy Statement (PPS) outlines the following policies relevant to the provision of residential development by way of redevelopment and/or intensification.

1.1.1 Healthy, liveable, and safe communities are sustained by:

- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

1.4.1 To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:

- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.

Allowing residential development as of right on institutional lands would allow the City to count these lands towards their supply of lands for residential growth, using already developed lands more efficiently to accommodate residential growth, rather than contributing to greater sprawl.

## 4.2 Official Plan for the City of Greater Sudbury

The Official Plan for the City of Greater Sudbury contains several policies of relevance to the as of right permission of housing on institutional lands.

Section 2.3.3 of the OP speaks to intensification and states that intensification will be encouraged on sites that are no longer viable for the purpose for which they were intended, such as former commercial, industrial, and institutional sites. This policy supports the conversion of surplus institutional lands for residential use.

Section 4.4.3 of the OP specifically speaks to the conversion of surplus institutional buildings, with the following criteria for rezoning of vacant lands held by institutions:



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- The need for such lands or buildings for other public uses, and their long-term value to the community;
- The compatibility of the proposed uses with surrounding land uses and the intent of the policies in the Official Plan with respect to the proposed use;
- For conversion to residential uses, the appropriateness of the proposed density; and
- The policies of Section 2.3.2 (the Settlement Area), 11.3.2 (Land use policies to support transit needs), and 11.8 (Accessibility), and Chapters 13.0 Heritage Resources and 14.0 Urban Design.

The City also uses Section 2.3.3., Policy 9 to evaluate these types of applications, which states that the following criteria, amongst other matters, may be used to evaluate applications for intensification:

- a. The suitability of the site in terms of size and shape of the lot, soil conditions, topography, and drainage;
- b. The compatibility of the proposed development with the existing and planned character of the area;
- c. The provision of on-site landscaping, fencing, planting, and other measures to lessen any impact the proposed development may have on the character of the area;
- d. The availability of existing and planned infrastructure and public service facilities;
- e. The provision of adequate ingress/egress, off street parking and loading facilities, and safe and convenient vehicular circulation;
- f. The impact of traffic generated by the proposed development on the road network and surrounding land uses;
- g. The availability of existing or planned, or potential to enhance, public transit and active transportation infrastructure;
- h. The level of sun-shadowing and wind impact on the surrounding public realm;
- i. Impacts of the proposed development on surrounding natural features and areas and cultural heritage resources;
- j. The relationship between the proposed development and any natural or man-made hazards;
- k. The provision of any facilities, services, and matters if the application is made pursuant to Section 37 of the *Planning Act*.

Policy 9 of Section 2.3.3 of the OP further states that applications for intensification of difficult sites may be subject to Section 19.7 (*Comprehensive Planned Unit Developments*), where applicable.

The OP recognizes that small-scale institutional uses are compatible with a residential setting, such as elementary schools, libraries, day nurseries, retirement homes, places of worship, and recreation centres. In doing so, the OP permits small scale institutional uses in residential areas and does not remove the underlying residential land use permission. Thus, where these small-scale institutional uses are permitted, residential uses should be permitted, since they are compatible.

Allowing residential uses as of right on small-scale institutional lands in the Zoning By-law would be consistent with this interpretation.

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## 4.3 Zoning By-law for the City of Greater Sudbury

The City of Greater Sudbury's Zoning By-law establishes the Institutional (I) Zone, which includes group homes and special needs facilities as permitted residential uses. No other residential uses are permitted as of right in the Institutional Zone. As such, those wishing to establish a residential use on institutional lands would need to do so through a Zoning By-law Amendment.

In permitting residential uses as-of-right on lands zoned Institutional, the City has a number of options:

1. Establish the appropriate residential uses as permitted uses in the Institutional zones and apply the development standards for the respective Institutional zone to the residential use.
  - **PRO:** This approach allows for consistency of development standards set for institutional lands, regardless of the use.
  - **CON:** If institutional development standards are to be applied when the site is developed with a residential use, the transition to adjacent residential uses in residential zones will not be seamless. There are no precedents in other municipalities to apply the development standards of the institutional zone to the permitted residential use.
2. Establish the appropriate residential uses as permitted uses in the Institutional zones and apply the development standards from the respective Residential zone to the residential use. For example, if single-detached dwellings are to be permitted in an Institutional zone, then the development standards of the Low-Density Residential Zone would apply.
  - **PRO:** This approach allows for the most seamless transition between the residential use established on institutional lands and neighbouring residential uses in residential zones.
  - **CON:** There are no apparent drawbacks to adopting this approach.
3. Establish the appropriate residential uses as permitted uses in the Institutional zones, and develop a modified set of development standards, stricter than those of the Institutional zones and the respective Residential zone to the residential use.
  - **PRO:** This approach gives the City more control over setting standards that are appropriate specifically to residential uses on institutional lands that may not be appropriate for residential uses elsewhere in residential zones.
  - **CON:** There are no precedents in other municipalities to establish stricter development standards for residential uses on institutional lands.

## 4.4 Case Examples in the City of Greater Sudbury

The City of Greater Sudbury has seen recent applications for rezoning of institutional lands to permit conversion to a residential use, including the lands located at 95 Estelle Street and the abutting former St. Remi School site, as well as the lands located at 1305 Holland Street, which contain a vacant former elementary school. In both cases, the lands were rezoned to an appropriate residential zone category, with proposals complying with most, if not all, requirements of the respective zone. In the case of the lands located at 95 Estelle Street, the

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applicants requested site-specific zoning to provide relief for the on-site parking requirements but were able to meet all other requirements of the residential zone.

## 4.4.1 95 Estelle Street



An application for rezoning was submitted to the City of Greater Sudbury for the former St. Remi School site and abutting undeveloped lands located at 95 Estelle Street. The site is located on the west side of Estelle Street in the east end of Sudbury, with a total lot area of 6.16 ha and 180 metres of frontage on Estelle Street. Surrounding uses include low-density residential development. The applicants proposed a total of 179 dwelling units in a mix of housing types, with a total density of 30 dwelling units per hectare. The proposal included the following breakdown of uses:

- Three five-storey multiple dwellings with a total of 120 units;
- Four two-storey ground-oriented multiple dwellings containing 26 units;
- Eight two-storey row dwellings containing a total of 31 units; and,
- One two-storey semi-detached dwelling containing 2 units.

The applicants requested rezoning to a Medium Density Special (R3-1) Zone. Although the application complied with most requirements of the R3 Zone, the special zoning was required to provide site-specific relief for parking.

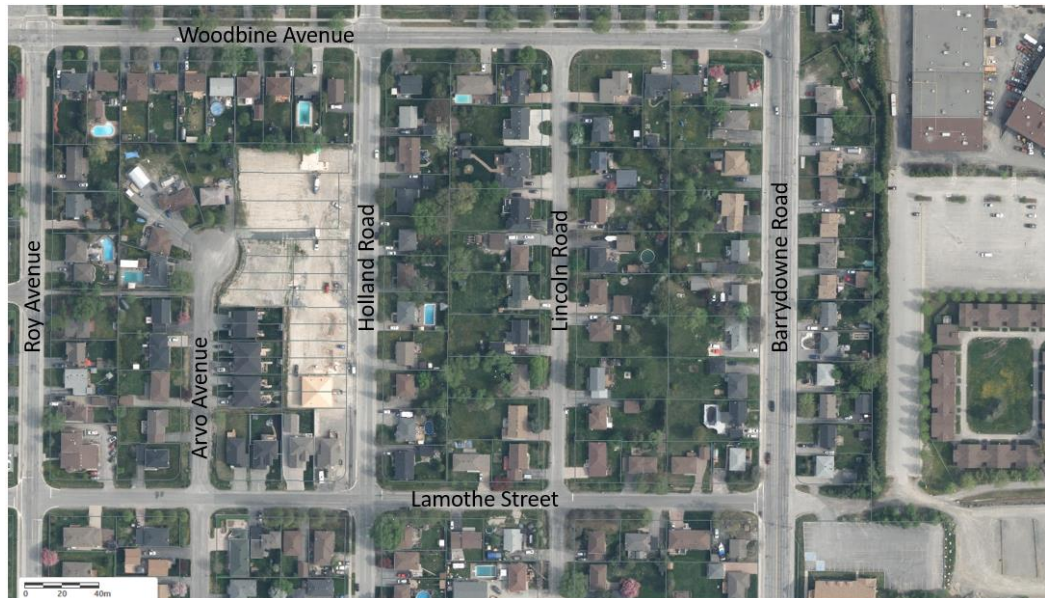
The appropriateness of the built form and the impact on abutting single-detached dwellings was a key consideration for this proposal. Council decided that the

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density of 30 dwelling units per hectare was appropriate to allow the introduction of alternative housing types while appropriately limiting the intensity of use in a low-density residential area. To address concerns related to the interface with existing residential uses, the applicants provided for enhanced setbacks, far more than what is required by the R3 Zone. As a further measure, Council decided that any building within 50 metres of the property boundaries should be limited to a building height of 11 metres as a means of mitigating the impact of mid-rise buildings on existing abutting residential uses.

## 4.4.2 1305 Holland Road



An application for rezoning was submitted to the City of Greater Sudbury for the lands at 1305 Holland Road. The site is located on the west side of Holland Road to the north of Lamothe Street and to the east of Arvo Avenue in New Sudbury, with a lot area of 1.23 hectares and frontage of approximately 70.7 metres on Lamothe Street and 283.2 metres on Holland Road. The lands contain a vacant institutional building that was formerly used as an elementary school. Surrounding uses include low-density residential development, with commercial uses and higher density residential development to the south of the site along the Lasalle Boulevard corridor.

The applicants proposed the creation of seventeen urban residential lots allowing for a mix of single-detached, semi-detached, and duplex dwellings, with a residential density of 14-28 dwelling units per hectare. As such, the applicants proposed rezoning to the Low Density Residential Two (R2-2) Zone. The proposed uses comply with all requirements of the R2-2 Zone.

Council ultimately approved the creation of fifteen urban residential lots on the site, with a reduction of two lots to allow for the introduction of a connection between Arvo Avenue and Holland Road in order to provide greater connectivity to the existing road network.

# Housing As-of-Right Zoning Review

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## 4.5 Comparable Municipal Precedents

Most comparable municipalities restrict residential uses in institutional lands to uses such as residential care facilities, long-term care facilities, nursing homes, group homes, retirement homes, boarding, lodging and rooming homes, residential uses associated with post-secondary institutions, or as accessory uses together with permitted institutional zones. The City of Hamilton and the City of St. Catharines are unique in that they permit a variety of low and medium density residential uses as primary uses without any institutional component in several of their institutional zones.

The City of Hamilton's Zoning By-law establishes several institutional zones, including the Neighbourhood Institutional (I1) Zone, Community Institutional (I2) Zone, and Major Institutional (I3) Zone. Within the Neighbourhood Institutional Zone (I1) and the Community Institutional Zone (I2), duplex dwellings, semi-detached dwellings, and single detached dwellings are permitted residential uses, in addition to emergency shelter, residential care facility, and retirement home uses. Residential uses are limited to emergency shelter, lodging house, multiple dwelling, residential facility, and retirement home uses in the Major Institutional Zone (I3). Each institutional zone uses the development standards for the respective use in the Low Density Residential (R1) Zone.

The City of Hamilton's Official Plan limits permitted uses in the Institutional designation to educational facilities, religious facilities, cultural facilities, health care facilities, long-term care facilities, day care facilities, accessory uses and ancillary uses. Residential uses ancillary to an institutional use may be permitted provided that conditions related to the impact on institutional uses, development standards, and on-site parking are met.

The City of St. Catharines' Zoning By-law establishes three institutional zones, including the Local Neighbourhood Institutional (I1) Zone, the Community Institutional (I2) Zone, and the Major Institutional (I3) Zone. Uses permitted in the Low Density Suburban Residential (R1) Zone are also permitted in the I1 Zone. These uses include detached dwellings, semi-detached dwellings, quadruplex dwellings, townhouses, and private road development. These uses must comply with the zone provisions of the Low Density Suburban Residential (R1) zone. Uses permitted in the Medium Density Residential (R3) Zone are also permitted in the I2 Zone. These uses include detached dwellings, semi-detached dwellings, duplexes, triplex, fourplexes, quadruplexes, townhouses, private road developments, apartment buildings, and long-term care facilities. These uses must comply with the zone provisions of the Medium Density Residential (R3) zone. No residential uses are permitted as of right in the I3 Zone.

The latter option (i.e., that of St. Catharines) is most in line with how the City of Greater Sudbury has processed previous applications for rezoning of institutional lands to permit their conversion to residential uses.

## 4.6 Internal Stakeholder Consultation

Staff expressed support for the establishment of residential uses as of right on institutional lands. Some discussion centered around whether the same set of standards would apply to instances of adaptive reuse of existing structures on the sites as compared to redevelopment of the whole site, with additions or new structures erected on the lands as well. They noted that the majority of applications for re-zoning for this purpose were for adaptive reuse, with some applicants also considering additions to the existing structure.



# Housing As-of-Right Zoning Review

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Staff echoed the importance of considering the maximum height allowance and the minimum setbacks required when deciding on the appropriate development standards to apply to residential uses on institutional lands. Staff considered that the standards for the Medium Density Residential (R3) Zone would be the most appropriate given their alignment to the Low Density Residential One (R1) and Low Density Residential Two (R2) Zones in the maximum height allowance, providing for a seamless transition to the adjacent residential neighbourhood. The R3 standards were also deemed to be most appropriate given their maximum allowance of 30 dwelling units and their requirement for the provision of a 3 metre wide planting strip adjacent to the full length of the lot line between a lot zoned R3 and a lot zoned R1 or R2.

## 4.7 External Stakeholder Consultation

Stakeholders expressed support for the establishment of residential uses as of right on institutional lands, with support of balanced development standards that facilitate affordability and also would appease neighbours within the vicinity of such redevelopment. Most stakeholders agreed that the applying the development standards of the respective residential zone would be appropriate to ensure a seamless transition to adjacent residential areas. One stakeholder suggested maintaining buffers around the institutional lands, for example, in the form of an enhanced setback from side lot lines, as neighbours directly abutting the institutional lands will be accustomed to having much more open space beside their property than the setbacks required in the residential zones.

Some stakeholders suggested that the City prioritize or incentivize affordable housing projects on surplus institutional lands. This stakeholder pointed out that the adaptive reuse of former school sites would be ideal sites for co-housing or shared accommodation with embedded social supports and programming, for seniors' accommodation or as a way to support people in their transitions out of homelessness, for example.

Some stakeholder pointed out the potential to limit the as-of-right permissions for residential uses only to institutional lands that are deemed surplus, out of a concern that an applicant may apply to re-zone lands to the Institutional Zone under the guise of offering a public or community use, where the true intent would be in leveraging the permissions for residential uses as of right that are established with the Institutional Zone. They proposed that the permissions for as of right residential use be limited to adaptive reuse of the existing structure, so as to maintain the built form that the community is accustomed to, as well as the existing open space that the community uses for recreation. With this approach, any applicants that wish to replace the existing structure with a more intensive use would still need to go through the process of a re-zoning or minor variance application, with the opportunity for the public to provide their input, but applicants that are simply re-using the existing structure are able to do so without concern that their proposal will be defeated by public opposition. Similarly, this stakeholder alternatively proposed a maximum density allowance that could be used as a threshold for permitting residential uses as of right, whereby more intensive uses would need to still go through the process of a re-zoning or minor variance application, but applicants that met the density threshold could redevelop the site for residential uses as of right.

As for the types of residential uses that would be permitted, stakeholders agreed that these sites would be better used for higher density residential uses than single-detached dwellings, especially on major institutional sites.

# Housing As-of-Right Zoning Review

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## 4.8 Recommendations

Based on the review of these precedents, it is recommended that the City of Greater Sudbury establish a second zone category for institutional uses, such that minor and major institutional sites can be delineated within the Zoning By-law, as is the case in both the City of Hamilton and the City of St. Catharines. Table 3 to follow shows how the permitted uses currently established in the Institutional (I) Zone and proposed residential uses could be allocated to either the Minor Institutional (I1) or Major Institutional (I2) Zones, or both.

Within the Minor Institutional (I1) Zone, we recommend that low and medium density residential uses are permitted as-of-right, subject to their respective development standards as established by the Low Density Residential One (R1-1 to R1-7), Low Density Residential Two (R2-1 to R2-3), and Medium Density Residential (R3 and R3-1) Zones.

Within the Major Institutional (I2) Zone, we recommend that low, medium, and high-density residential uses are not permitted as-of-right. Rather, the policies within the Official Plan that speak to the conversion of surplus institutional lands can establish criteria to permit these residential uses on institutional lands and then require re-zoning on a site-specific basis.

An Official Plan Amendment will be required to amend Section 4.4.3 to read as follows:

Rezoning applications related to the conversion of surplus **large-scale** institutional buildings and the rezoning of vacant lands held by **large-scale** institutions will be considered based on the following criteria:

- a. the need for such lands or buildings for other public uses, and their long-term value to the community;
- b. the compatibility of the proposed uses with surrounding land uses and the intent of the policies in this Official Plan with respect to the proposed use;
- c. for conversion to residential uses, the appropriateness of the proposed density; and,
- d. the policies of Sections 2.3.2, 11.3.2 and 11.8, and Chapters 13.0 Heritage Resources and 14.0 Urban Design.

A Zoning By-law Amendment will be required to remove the Institutional (I) Zone and all references to it within the Zoning By-law and replace it with the Minor Institutional (I1) Zone and the Major Institutional (I2) Zone. Table 10.1 of the Zoning By-law will require revision to align with the permitted uses in each of these zones as outlined in Table 3 below.



# Housing As-of-Right Zoning Review

**Table 3 Proposed permitted uses within the Minor Institutional (I1) & Major Institutional (I2) Zones**

Use	Minor Institutional (I1)	Major Institutional (I2)
Arena		
Special Needs Facility		
Carnivals		(1)
Cemetery		
Children's Home		
College or University		
Day Care Centre		
Fire Hall		
Group Home Type 1		
Group Home Type 2		
Hospital		
Library		
Museum		
Non-Profit or Charitable Institution		
Park		
Place of Worship		
Private Club		
Public Business		
Recreation and Community Centre		
Public Use other than Utility		
Refreshment Pavilion	(2)	(2)
Restaurant	(2)	(2)
School, Elementary		
School, Secondary		
Uses Permitted in the Low Density Residential One (R1-1 to R1-7) Zones		
Uses Permitted in the Low Density Residential Two (R2-1 to R2-3) Zones		
Uses Permitted in the Medium Density Residential (R3 and R3-1) Zones		

(1) Only on lands owned or operated by the municipality

(2) Only if accessory to a park use

# Housing As-of-Right Zoning Review

The Zone standards for the I Zone, per Section 10.3 of the Zoning By-law, will apply to the I1 and I2 Zone. Table 10.3 of the Zoning By-law will require revision to include I1 and I2 in place of I in the first row and include the requirement for residential uses permitted in the I1 Zone to comply with the zone standards of the Medium Density Residential (R3) Zone, as shown below.

Zone	Min Lot Area	Min Lot Frontage	Min Front Yard	Min Rear Yard	Min Interior Side Yard	Min Corner Side Yard	Max Lot Coverage	Min Landscaped Open Space	Max Height	Other
I1	900.0m <sup>2</sup> (1)	30.0m	10.0m (2)	10.0m (3)	10.0m (3)	10.0m (2)	50% (4)	15%	50.0m	(5) (9)
I2	900.0m <sup>2</sup> (1)	30.0m	10.0m (2)	10.0m (3)	10.0m (3)	10.0m (2)	50% (4)	15%	50.0m	(5)

- (1) For partially unserviced lots – 1,350.0m<sup>2</sup>
- (2) Abutting a primary arterial road – 15.0m
- (3) For a building greater than 20.0m in height – 20.0m
- (4) For partially unserviced lots – 30%
- (5) Building separation – 3.0m

...

(9) For residential uses permitted in the Minor Institutional (I1) Zone, the zone standards of the Medium Density Residential (R3) Zone shall apply.

A Zoning By-law Amendment would also be required to Section 4.15.4, which concerns the location of planting strips, which would read as follows:

## 4.15.4 Planting Strip – Location

- a) A 3.0-metre-wide planting strip adjacent to the full length of the lot line shall be required:
  - i) Where the lot line of a non-residential lot, other than a lot containing an open space use or a lot in an Industrial Zone, abuts a residential lot or Residential Zone;
  - ii) Where a lot zoned Medium Density Residential (R3) (R3-1) or High Density Residential (R4) abuts a lot zoned Low Density Residential One (R1) or Low Density Residential Two (R2);
  - iii) Where a lot zoned Minor Institutional (I1) containing a residential use abuts a lot zoned Low Density Residential One (R1) or Low Density Residential Two (R2);

...

# Housing As-of-Right Zoning Review

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## 4.9 Greater Sudbury Housing Corporation Use on City-Owned Land

Section 4.40 of the Zoning By-law contains policies related to uses permitted in all zones. It states that the continued use of any lot in any zone for a specific institutional use legally existing thereon, in accordance with all applicable provisions and requirements hereof, except that in a zone where such use is not specifically listed as a permitted use, the zone requirements pertaining to Institutional Zones shall apply.

The Zoning By-law defines ‘institutional use’ as a children’s home, a day care centre, a place of worship, a hospital, a private club, a non-profit or charitable institution, a group home type 1, a group home type 2, a special needs facility, a recreation and community centre, an area, a public museum, a public library, a public business, a public fire hall, a public or private school other than a trade school, or any public use other than a public utility. The Zoning By-law further defines ‘public’ when used in reference to a building, structure, use or lot as one that is owned, occupied, used or administered by a public agency, such as the Greater Sudbury Housing Corporation (GSHC).

As currently written, GSHC uses are permitted in all zones, provided that they are already established. Currently, the lands occupied by GSHC are zoned in a residential zone appropriate for their use. To allow GSHC uses on all City-owned lands, the Zoning By-law could be amended to permit public uses in all zones in Section 4.40.1 of the Zoning By-law.

## 5.0 Secondary Dwelling Units

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A secondary dwelling unit is an additional dwelling unit that is ancillary and subordinate to the primary dwelling unit that may be contained within the main building on a lot and/or in an accessory building (see Figure 2 below for a visual representation).

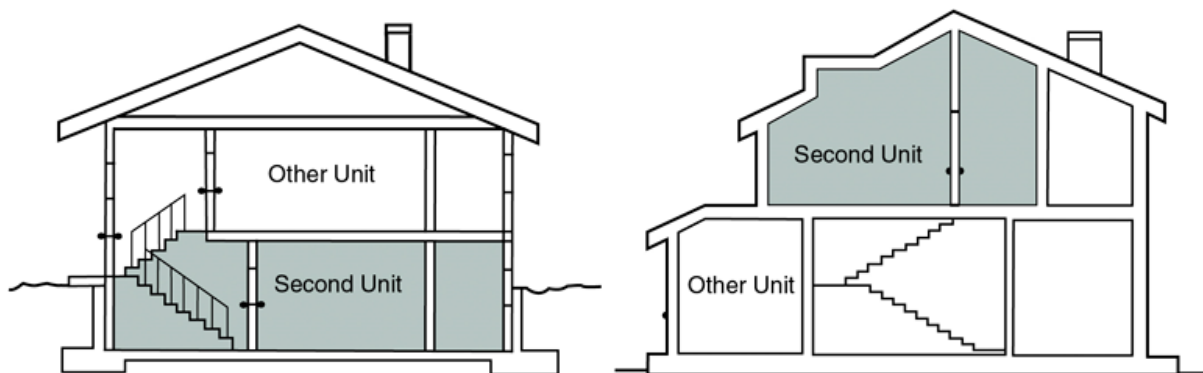


Figure 2 Schematic of secondary dwelling unit (Source: Province of Ontario)

## 5.1 Bill 23: More Homes Built Faster Act

Bill 23, the *More Homes Built Faster Act*, was introduced to address the housing shortage being faced across the Province. It includes amendments to the *Planning Act*, which affect how municipalities can regulate secondary dwelling units.

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Section 4(1) subsection 16(3) of the *Planning Act* is repealed and replaced with the following sections:

- (3) No official plan may contain any policy that has the effect of prohibiting the use of,
- (a) Two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
  - (b) Three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
  - (c) One residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

## 5.2 Provincial Policy Statement (PPS, 2020)

The Provincial Policy Statement (PPS) outlines the following policies relevant to the provision of residential development by way of secondary dwelling units.

1.1.1 Healthy, liveable, and safe communities are sustained by:

...

- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment, and compact form, while avoiding or mitigating risks to public health and safety.

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- b) permitting and facilitating:

...

- 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;

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...

- f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

## 5.3 Official Plan for the City of Greater Sudbury

Per Section 2.3.6 of the CGS OP, secondary dwelling units are permitted in single detached, semi-detached, street townhouse, and row dwellings and in an accessory structure, to a maximum of two secondary dwelling units per lot in association with each primary dwelling on the same lot. A maximum of one secondary dwelling unit is permitted in the primary structure and one secondary dwelling unit in the accessory structure. This section further states that adequate servicing must be available to service the secondary dwelling unit through either the municipal system or through individual, privately owned systems, and that secondary dwelling units are connected to the service lines of the principal dwelling to City specifications. Secondary dwelling units are not permitted on or adjacent to any hazards identified in Chapter 10.0 Protecting Public Health and Safety.

The OP further speaks to the design of the secondary dwelling unit, stating that secondary dwelling units shall not cause alterations to the main building exterior that would change the character of an existing neighbourhood or streetscape, and shall satisfy all applicable requirements of the *Ontario Building Code*, *Ontario Fire Code*, the Zoning By-law, and the Property Standards By-law.

## 5.4 Zoning By-law for the City of Greater Sudbury

The City's Zoning By-law establishes the development standards for secondary dwelling units. Where a secondary dwelling unit is located in a building accessory to a primary dwelling, the secondary dwelling unit shall not be permitted to be in the form of a mobile home dwelling in all Residential, Commercial, and Future Development zones, but may be in the form of a mobile home dwelling in a Rural, Agricultural or Rural Shoreline zone. In these latter zones, the secondary dwelling unit shall have a maximum net floor area of 45 percent of the gross floor area of the primary dwelling on the lot and be located no more than 30 metres from the primary dwelling at their closest.

Secondary dwelling units are not permitted within a dwelling located within an Environmental Protection zone, within a dwelling that is permitted accessory to a permitted non-residential use, on a lot containing a garden suite, within a seasonal dwelling, or within a building or structure accessory to any of these uses.

## 5.5 Development Standards for Accessory Structures with Secondary Dwelling Units

Of all municipalities reviewed, all permit secondary dwelling units within accessory structures, with varying development standards, with the exception of the City of Ottawa, who permits secondary dwelling units only within the same building as the principal dwelling. These municipalities have established development standards for secondary dwelling units within accessory structures, which regulate such aspects as the location on the lot, the building

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setbacks, the maximum lot coverage, the height, the separation distance between the principal dwelling and the secondary dwelling unit, the maximum gross floor area, required parking, the maximum number of bedrooms, and the provision of a pedestrian access. The City of Kingston's development standards for secondary dwelling units within accessory structures are the most extensive of those reviewed and include additional requirements for the completion of a hydrogeological study and the provision of privacy fencing along the side and/or rear lot lines adjacent to the secondary dwelling unit.

Below is a brief summary of the development standards that apply to secondary dwelling units in accessory structures based on the review of municipal precedents:

- **Location:** Most of the municipalities reviewed establish that secondary dwelling units located in accessory structures are only permitted to be sited within the rear and/or interior side yards.
- **Setback:** While some municipalities provide specific setback distances from the rear and/or interior side lot lines, most specify that the secondary dwelling units meet the setback requirements of either the main building on the lot or the standards that apply to accessory structures generally within the applicable zone. Where setback distances are provided, they range from the lowest minimum setback of 1.2 m from the interior side and rear lot lines to the greatest minimum setback of 7 m from the rear lot line.
- **Maximum Lot Coverage:** Most of the municipalities reviewed established a maximum lot coverage of 10 percent of the total lot area. Some municipalities further require that this maximum of 10 percent lot coverage also include all other accessory buildings or structures on the lot. Other municipalities allow greater lot coverage, including the City of Hamilton, which permits the secondary dwelling unit and all other accessory structures to occupy up to 25 percent of the lot, and the City of Guelph, which permits the secondary dwelling unit to occupy up to 30 percent of the yard.
- **Maximum Height:** The maximum height of secondary dwelling units in accessory structures were consistently between 4 and 6 m among the municipalities reviewed. Exceptions to this include the City of Sault Ste. Marie and the Town of Parry Sound, which both permit a maximum building height of 8 m (only in the Rural Area in the case of the City of Sault Ste. Marie).
- **Separation Distance:** Some municipalities establish either minimum or maximum separation distances between the principal dwelling unit and the secondary dwelling unit in an accessory structure. Where this separation distance is defined, it is typical that the secondary dwelling unit is to be located no more than 30 m from the primary dwelling and not less than 1.2 m from the primary dwelling.
- **Maximum Gross Floor Area:** Given that the secondary dwelling units are not the primary use of the land, it stands to reason that their gross floor area does not exceed that of the primary dwelling on the lot. Many municipalities express the relationship between the gross floor area of the secondary dwelling unit and that of the primary dwelling as a percentage, ranging from a maximum of 45 percent of the gross floor area of the primary dwelling to up to 75 percent of the gross floor area of the primary dwelling. Where these percentages are established, they are often accompanied by absolute maximum gross floor areas as well, whereby the secondary dwelling unit must comply with the lesser of the two. These absolute maximum gross floor areas range from 75 to 90 square metres.
- **Required Parking:** Most municipalities require that secondary dwelling units are to have one additional parking space than what would have been required on the property.

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Exceptions include the City of Sault Ste. Marie and the City of Peterborough, which requires no additional parking for secondary dwelling units where they are located in the downtown and the City of London, which requires no additional parking for any secondary dwelling unit.

- **Maximum Number of Bedrooms:** Only a few municipalities regulate the maximum number of bedrooms permitted in secondary dwelling units. These municipalities include the City of Guelph, which caps the number of bedrooms in a secondary dwelling unit to two, the City of Kingston, which allows up to 8 bedrooms per lot, including the combined number of bedrooms in the primary dwelling and all secondary dwelling units, and the City of London, which requires that the additional residential units and primary dwelling unit together not exceed the total number of bedrooms permitted for the primary dwelling when combined.
- **Pedestrian Access:** Some municipalities also require that a secondary dwelling unit must be accessed by a walkway that is at minimum 1.2 m in width and is unobstructed up to a minimum height of 2.1 m, unless the secondary dwelling unit can be accessed by a street or lane directly. This is the case in the City of Guelph and the City of Kingston.

A more detailed overview of the development standards set by each municipality that pertain to secondary dwelling units in accessory buildings is contained within Appendix A.

## 5.6 Mobile Homes as Secondary Dwelling Units

*Is the use of mobile homes as secondary units or garden suites appropriate within urban areas as well as rural areas?*

A mobile home dwelling is defined as a single dwelling that is designed to be mobile and constructed or manufactured to provide a permanent residence for one or more persons in accordance with Canadian Standards Association Standard Z240, but does not include a park model home dwelling, a travel trailer, or tent trailer or trailer otherwise designed.

The City of Greater Sudbury's Official Plan states that an individual mobile home unit is allowed in the Rural Residential designation where a single detached dwelling would be permitted, provided that it is built in accordance with the *Ontario Building Code*.

Where a secondary dwelling unit is located in a building accessory to a primary dwelling, the secondary dwelling unit shall not be permitted to be in the form of a mobile home dwelling in all Residential, Commercial, and Future Development zones, but may be in the form of a mobile home dwelling in a Rural, Agricultural or Rural Shoreline zone.

Within Ontario, there are no available precedents that permit secondary dwelling units to take the form of mobile homes within an urban area. Many municipalities' policies on secondary dwelling units make no mention of mobile homes to include them as permitted uses. Where they are mentioned in policies on secondary dwelling units, such as in the case of the City of North Bay, they are explicitly prohibited. Although the Town of Parry Sound's Official Plan does not explicitly permit a secondary dwelling unit to take the form of a mobile home, in its policies governing mobile homes more generally, they are only permitted on the fringe of the urban area in the Rural Residential designation.



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## 5.7 Accessory Guest Room Accommodation

*Is the inclusion of accessory guest room accommodation appropriate in accessory structures?*

Guest rooms that provide temporary accommodation can support small scale intensification and affordability. The City of Greater Sudbury's Zoning By-law defines guest rooms as "*a habitable room or suite of habitable rooms wherein accommodation, with or without meals, is provided for gain or profit to one or more persons, but which contains no facilities for cooking except where specifically permitted hereby.*" The Zoning By-law further defines accessory guest rooms as "*a guest room accessory to, and located within, a dwelling.*"

The City's Official Plan permits accessory guest room accommodation for up to two persons in any dwelling unit.

Currently, the City's Zoning By-law states that where the By-law provides that a lot may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or structure or use, provided that the principal building, structure, or use is already in existence on the lot, but shall not include a guest room.

The municipalities reviewed do not define guest room accommodation in the same way as the City of Greater Sudbury, but use boarding, lodging, or rooming houses, shared housing, or bed and breakfast establishments fairly consistently to describe a similar concept. Most municipalities reviewed did not permit boarding, lodging, or rooming houses in accessory buildings/structures, with a few exceptions. The Town of Parry Sound permits a guest cabin as an accessory building/structure maintained for sleeping accommodation in which sanitary facilities are provided but not cooking facilities. The City of Kingston similarly permits a bunkhouse in the rural area, as a detached accessory building designed to provide seasonal sleeping accommodations, which may contain a washroom but does not contain a kitchen.

Based on the review of comparable municipalities, accessory guest room accommodation is not appropriate in accessory structures.

## 5.8 Internal Stakeholder Consultation

City staff identified that they receive a number of minor variance applications to seek relief from various provisions of the Zoning By-law regarding the development of secondary dwelling units. Of the variances requested, City staff see a trend of applications to seek relief from the maximum height requirements for accessory structures. The Zoning By-law currently allows for accessory structures to be built to a maximum height of 5 m, or in the Agricultural (A) or Rural (RU) Zones, up to a maximum of 6.5 m. Staff consider this maximum height requirement to be appropriate for most accessory structures but proposed allowing for additional height beyond these requirements for accessory structures that contain a secondary dwelling unit.

Another key theme that emerged in discussions with City staff around secondary dwelling units generally was the way that developers have interpreted the definition of a secondary dwelling unit. The Zoning By-law has defined a secondary dwelling unit as a dwelling unit that is ancillary and subordinate to the primary dwelling unit that may be contained within the main building on a lot and/or in an accessory building. The lack of clarity as to how 'ancillary' and 'subordinate' apply to the secondary dwelling unit in relation to the primary dwelling has given many developers the impression that a secondary dwelling unit need only be modestly smaller than

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the primary dwelling, in some cases minutely so, in order to be considered ancillary and subordinate. All staff echoed that a more precise definition that gives greater clarity as to the relationship between the primary and secondary dwelling units would help to ensure that future secondary dwelling units conform to the general intent and purpose of the policies in place governing secondary dwelling units. An option that some staff supported to overcome this issue is the establishment of a maximum percentage of the ground floor area of the primary dwelling unit that the secondary dwelling unit cannot exceed. Some staff raised concern that such a maximum cap may overly restrict the development of secondary dwelling units where the primary dwelling unit is quite small. As such, they recommended a threshold where primary dwelling units above a set size, the maximum cap would apply to the secondary dwelling unit, but below this size, the secondary dwelling unit need only be less than that of the primary dwelling unit.

Staff also commented on a number of applications for a minor variance to permit the construction of a detached secondary dwelling unit in the front yard and to permit the size of the secondary dwelling unit to be greater than that of the primary dwelling unit. Essentially, the applicant wishes to build an additional dwelling on a lot that already contains a dwelling, but to use the existing dwelling on the lot as the detached secondary unit and to erect a new, larger dwelling that would serve as the primary dwelling.

Some staff also commented on whether it is appropriate to apply the development standards that apply to all accessory buildings/structures to those that contain a secondary dwelling unit, especially considering the requirements pertaining to setbacks from property lines. These staff found it to be more appropriate to apply the setback requirements of the primary dwelling to that of the detached secondary dwelling unit.

Staff echoed that the policies governing additions or alterations to primary dwellings to accommodate a secondary dwelling unit may be overly restrictive, especially as they do not apply to secondary dwelling units where they are being constructed alongside newly built primary dwellings. They felt that as long as any additions or alterations to the primary dwelling keep with the character of the existing neighbourhood, that it may be appropriate to allow for additional entrances to the main building façade that faces a public road or additional exterior stairs or stairwells for entrances below finished grade to be along a wall facing a public road.

Nearly all staff were in agreement that the use of a mobile home as a detached secondary dwelling would not be consistent with the character of urban residential neighbourhood and felt it was appropriate to continue to restrict this use to only the rural areas of the City.

Some staff voiced support for the provision of accessory guest room accommodation within accessory structures. Staff recommended that the City could explore a registration system similar to that of secondary dwelling units for accessory guest rooms in accessory structures and stressed the importance of ensuring that such accommodation meet the requirements of the Ontario Building Code and Fire Code.

### 5.9 External Stakeholder Consultation

The main concerns shared by members of the development community related to secondary dwelling units pertained to the maximum lot coverage and maximum height restrictions imposed

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by the Zoning By-law. These two standards were viewed as barriers to achieving secondary dwelling units within existing development.

In the case of height restrictions, the maximum imposed on detached accessory structures prevents the addition of a secondary dwelling unit above a detached garage. The Zoning By-law currently allows for an accessory structure to be built up to a maximum height of 5 m, or in the Agricultural (A) or Rural (RU) Zones, up to a maximum of 6.5 m. Including a separate provision that allows an increased maximum height of accessory structures that contain secondary dwelling units could help to address this concern.

The concern shared by members of the development community pertaining to lot coverage spoke to the restrictive nature of the maximum lot coverage requirement as a limiting factor in the construction of a secondary dwelling unit of adequate size. The Zoning By-law currently allows for a maximum lot coverage for accessory structures of 10%, which includes all accessory buildings and structures on a residential lot, not only the accessory structure containing the secondary dwelling unit. Including a separate provision that allows for an increased maximum lot coverage for accessory structures where an accessory structure contains a secondary dwelling unit could help to address this concern.

One stakeholder also expressed interest in reducing the parking requirements for secondary dwelling units in areas that are well served with active transportation facilities as a means to increase their uptake. Currently, the Zoning By-law requires one parking space per dwelling unit for mobile homes, seasonal dwelling, secondary dwelling units, semi-detached dwellings, single-detached dwellings, street townhouse dwellings, and duplex dwellings. Section 5.5.1.1 states that where a multiple dwelling, long-term care facility or retirement home is permitted and the lot is directly abutting a GOVA route, the number of required parking spaces may be reduced by 10% of the minimum required parking spaces. A similar provision could be established for secondary dwelling units.

As for the use of mobile homes as secondary dwelling units in the urban area, most stakeholders agreed that this use would not fit with the built form of the urban environment. Some stakeholders expressed support for a secondary dwelling unit to take the form of a prefabricated or modular home in the urban area, while some felt that providing affordable housing opportunities is more important than the aesthetic character.

Another key theme that emerged relative to secondary dwelling units was the potential for the City to establish ongoing funding opportunities to assist homeowners in establishing secondary dwelling units. One stakeholder pointed to the County of Simcoe as an example where this is working well. The County of Simcoe features a Secondary Suites Program, which provides funding of up to \$30,000 per unit in the form of a 15-year forgivable loan for the creation of a secondary or garden suite as a means to increase the supply of affordable housing.

Some stakeholders also recommended the City engage in education and awareness campaigns around secondary dwelling units to combat NIMBYism and inform homeowners of the ways they can include secondary dwelling units in compliance with the current policy framework.

# Housing As-of-Right Zoning Review

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## 5.10 Recommendations

Based on the above, we recommend that the City update its existing secondary dwelling unit policies and regulations to align them with the new additional dwelling unit provisions in Bill 23, incorporating feedback from stakeholders. An amendment to the Official Plan would be required. Section 2.3.6 of the OP could be amended to read as follows:

- ~~1. Secondary dwelling units are permitted in single detached, semi-detached, street townhouse and row dwellings and a secondary dwelling unit is permitted in an accessory structure.~~
- ~~2. No more than two Secondary dwelling units will be permitted in association with each primary dwelling on the same lot. One within the primary structure and one within an accessory structure.~~
3. No more than two residential units are permitted in a detached house, semi-detached house, or rowhouse on a parcel of urban residential land if all buildings and structures ancillary to the primary dwelling contain no more than one residential unit.
4. No more than three residential units are permitted in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.
5. No more than one residential unit is permitted in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.
6. Mobile homes are not permitted as Secondary dwelling units in the Living Area designations.
7. Adequate servicing must be available to service the ~~secondary dwelling unit~~ **additional residential unit** through either the municipal system or through individual, privately owned systems. Secondary dwelling units will be connected to the service lines of the principal dwelling to City specifications.
8. ~~Secondary dwelling units~~ **Additional residential units** are not permitted on or adjacent to any hazards identified in Chapter 10.0, Protecting Public Health and Safety.
9. ~~Secondary dwelling units~~ **Additional residential units** will not cause alterations to the main building exterior that would change the character of an existing neighbourhood or streetscape.
10. ~~Secondary dwelling units~~ **Additional residential units** must satisfy all applicable requirements of the *Ontario Building Code*, *Ontario Fire Code* as well as the Zoning By-law and Property Standards By-law.
11. ~~Secondary dwelling units~~ **Additional residential units** are not to be considered in the calculation of density requirements outlined in Section 3.2.1.
12. Additional regulations for ~~Secondary dwelling units~~ **additional residential units** will be established in the Zoning By-law.
13. Existing Garden Suites may be considered as accessory dwellings, provided they conform with these policies and the Zoning By-law.

# Housing As-of-Right Zoning Review

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An Amendment to the Zoning By-law will be required to align with the changes to the *Planning Act* enacted by Bill 23. Section 4.2.10.1 of the Zoning By-law could be amended to read as follows:

## 4.2.10.1 Permission for Secondary Dwelling Units

A secondary dwelling unit may be permitted within:

- a) A single-detached dwelling or a building accessory thereto;
- b) A semi-detached dwelling or a building accessory thereto;
- c) A row dwelling or a building accessory thereto;
- d) A street townhouse or a building accessory thereto;

~~provided that a maximum of one secondary dwelling unit is permitted within the primary dwelling and one secondary dwelling unit is permitted within an accessory building on a lot.~~

provided that the following maximum number of residential units are not exceeded:

- i) No more than two residential units are permitted in a detached house, semi-detached house, or rowhouse on a parcel of urban residential land if all buildings and structures ancillary to the primary dwelling contain no more than one residential unit.
- ii) No more than three residential units are permitted in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.
- iii) No more than one residential unit is permitted in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

Notwithstanding the above, ~~a secondary dwelling unit~~ an additional residential unit is not permitted:

- a) Within dwelling that is deemed to be a permitted use in Section 4.16 of this By-law;
- b) Within a dwelling located within an "EP", Environmental Protection Zone;
- c) Within a dwelling that is permitted *accessory* to a permitted *non-residential use* in Section 4.40.2 of this By-law;
- d) On a *lot* containing a garden suite;
- e) Within a seasonal dwelling;
- f) Within a building or *structure accessory* to a), b), c) or e) above.

An Amendment to the Zoning By-law will be required to better align the development standards for accessory structures containing additional residential units with the best practices of

# Housing As-of-Right Zoning Review

precedent municipalities. To better align with the language contained within Bill 23, references to secondary dwelling units should be replaced with additional residential units. Section 4.2.10.3 could be amended to read as follows:

## 4.2.10.3 ~~Secondary Dwelling Units~~ **Additional Residential Units in Accessory Ancillary Buildings**

Where ~~a secondary dwelling unit~~ **an additional residential unit** is located in all or part of a building accessory to a primary dwelling the ~~secondary dwelling unit~~ **additional residential unit**:

- a) Shall not be permitted to be in the form of a mobile home dwelling in all Residential (R), Commercial (C), and "FD", Future Development Zones;
- b) May be in the form of a mobile home dwelling in a Rural (RU), Agricultural (A) or Rural Shoreline (RS) Zones;
- ~~e) In Rural (RU), Agricultural (A) or Rural Shoreline (RS) Zones shall:~~
  - ~~i. have a maximum net floor area of 45 percent of the gross floor area of the primary dwelling on the lot. For the purposes of this Section of the By-law, net floor area shall be the gross floor area of the accessory building excluding any parking areas within the accessory building; and,~~
  - ~~ii. be located no more than 30 metres from the primary dwelling at their closest.~~
- c) Shall be sited not less than 1.2 m from the primary dwelling;**
- d) Shall not have a gross floor area that exceeds 45 percent of the gross floor area of primary dwelling or 90 square metres, whichever is lesser;**
- e) Shall only be permitted within the rear and/or interior side yards;**
- f) Shall comply with the setback requirements for accessory buildings, per Section 4.2 of this By-law;**
- g) Shall not exceed a maximum lot coverage of 25 percent, inclusive of the lot coverage of all accessory buildings/structures on the lot;**
- h) Shall not exceed a maximum height of 8.0 m;**
- i) Shall require one additional parking space than what would have been required on the property; and,**
- j) Shall be accessed by a pedestrian walkway that at minimum 1.2 m in width and is unobstructed up to a minimum height of 2.1m, unless the secondary dwelling unit can be accessed by a street or lane directly.**

Given the change in language from secondary dwelling unit to additional dwelling unit to align with Bill 23, an amendment would also be required to Part 3: Definitions of the Zoning By-law, to read as follows:

102.	<del>Dwelling unit, Secondary</del> <b>Additional Residential Unit</b>	An additional dwelling unit that is ancillary and subordinate to the primary dwelling unit that may be contained within the main building on a lot and/or in an accessory building.
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# Housing As-of-Right Zoning Review

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## 6.0 Minimum Density Requirements

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*How can the introduction of appropriate minimum densities be accomplished in the OP and ZBL?*

### 6.1 Provincial Policy Statement (PPS, 2020)

The Provincial Policy Statement includes the following relevant provisions to the establishment of appropriate minimum densities.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the impacts of a changing climate;
- e) support active transportation;
- f) are transit-supportive, where transit is planned, exists, or may be developed; and,
- g) are freight-supportive.

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

...

- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;

### 6.2 Official Plan for the City of Greater Sudbury

The OP establishes maximum density targets which vary by designation, as shown below.

#### Living Area I – Communities

- Low density development with a maximum net density of 36 units/hectare
- Medium density development with a maximum net density of 90 units/hectare
- High density development with a maximum net density of 150 units/hectare
- High density housing permitted only in the community of Sudbury.

#### Living Area II – Non-Urban Settlements

- A single detached dwelling is the only housing type permitted in Living Area II

# Housing As-of-Right Zoning Review

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- Densities for Living Area II are set out in the Zoning By-law based on the service levels currently available in non-urban settlements

## **Downtown**

- All forms of residential development and residential intensification will be encouraged, provided adequate infrastructure and services are available, with new development respecting the existing and planned context

## **Town Centres**

- Medium density development with a maximum net residential density of 60 units/hectare

## **Regional Centre**

- Medium and high density residential development utilizing existing infrastructure and achieving increased urban intensification
- Designed to implement appropriate transitions of density and uses to facilitate compatibility with surrounding existing lower density neighbourhoods

## **Regional Corridor**

- Residential development primarily in the form of medium density buildings at transit-supportive densities
- Designed to implement appropriate transitions of density and uses to facilitate compatibility with surrounding existing lower density neighbourhoods

## **Mixed Use Commercial**

- Lesser density and concentration than Regional Corridors

## **Secondary Community Node**

- Residential development primarily in the form of medium and high density buildings, discouraging single-detached dwellings
- Designed to implement appropriate transitions of density and uses to facilitate compatibility with surrounding existing lower density neighbourhoods

The OP contains no policies to establish a minimum residential density in any designation. Policy 2.3.2 of the OP, however, does state that the City may establish minimum density standards for new residential development in Living Area I lands.

## **6.3 Zoning By-law for the City of Greater Sudbury**

The City of Greater Sudbury's Zoning By-law establishes several residential zones, as follows:

- Low Density Residential One: R1-1, R1-2, R1-3
- Low Density Residential Two: R1-4, R1-5, R1-6, R1-7
- Medium Density Residential R3, R3-1
- High Density Residential: R4



# Housing As-of-Right Zoning Review

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Further, wherever a zone symbol on the Schedules to the By-law is followed by a period, a letter 'D', and a number, the maximum number of dwelling units permitted on a lot with such a symbol shall be the residential density represented by such number in dwelling units per hectare.

## 6.4 Comparable Municipal Precedents

Among the comparable municipalities reviewed, most had targets for minimum and maximum density in their policies governing residential development, with the exception of a few municipalities that did not regulate density, but rather regulate the built form (e.g., restricting density by permitting only single-detached dwellings in a residential zone). Of the municipalities that established a minimum density, this was generally in the order of 15-25 units/hectare for low-density residential development, 25-50 units/hectare for medium density residential development, and 75-100 units/hectare for high-density residential development. Outliers to this general trend include the City of Barrie, whose minimum density targets are much higher than the other municipalities reviewed, establishing minimum density targets for medium- and high-density residential development at 125 units/hectare and 225 units/hectare, respectively. On the other end of the spectrum, the City of Timmins' established minimum density targets are much lower than their counterparts, with minimum densities set for medium- and high-density residential development set at 15 units/hectare and 30 units/hectare, respectively.

## 6.5 External Stakeholder Consultation

Some members of the development community felt it to be unnecessary for the City to establish a minimum density target, as they felt market forces would drive development towards the minimum densities that the City may institute. Given the increasing costs of development, they felt that a developer will likely try to maximize their investment through higher, rather than lower densities.

Others voiced concern over the establishment of rigid targets for density, and whether proponents of development that did not meet the minimum density targets would be required to apply for an amendment or a minor variance in order to develop at a lesser density than what is established as the minimum. They preferred the approach of giving staff greater discretion in their review of development applications by using softer language if policy were enacted to establish a minimum density. For example, language like "medium density residential development is generally in the order of x units per hectares to y units per hectare", which would allow staff to consider the appropriateness of lessen or increased density beyond those parameters given existing context.

# Housing As-of-Right Zoning Review

**Table 4 Summary of minimum and maximum densities by comparator municipality**

	Timmins	Parry Sound	Guelph	Peterborough	Hamilton	Kingston	St. Catharines		
0-15	Low								
15-20	Medium	Low		Low					
20-25									
25-30		Low				Low	Low		
30-32	High	Medium			Low				
32-35									
35-37.5									
37.5-50			Medium					Medium	
50-60			High	Medium			Medium		
60-75						Medium			
75-85									
85-100								Medium High	
100-125				High					
125-150					High				
150-200					High	High			
200-225								High	
225-250									
250-300									
300-500									
500+									

## 6.6 Recommendations

Based on the review of municipal precedents, the following minimum and maximum densities are appropriate for the City of Greater Sudbury to adopt into their OP and Zoning By-law:

- Low density residential development, generally in the order of 15 to 36 units/hectare
- Medium density residential development, generally in the order of 37 to 90 units/hectare
- High density residential development, generally in the order of 91 to 150 units/hectare

# Housing As-of-Right Zoning Review

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## 7.0 Affordable Housing

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*How can policy measures in the OP and ZBL require applicants to describe how large-scale development supports affordable housing?*



*Visual representation of the housing continuum (Source: Canada Mortgage & Housing Corp)*

The Canada Mortgage and Housing Corporation (CMHC) considers housing to be affordable if it costs less than 30% of a household's before-tax income.

### 7.1 Provincial Policy Statement (PPS, 2020)

The Provincial Policy Statement contains several provisions relevant to affordable housing.

1.1.1 Healthy, liveable, and safe communities are sustained by:

- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing, and housing for older persons)

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- a) establishing and implementing minimum targets for the provision of housing which is affordable to low- and moderate-income households and which aligns with applicable housing and homelessness plans

### 7.2 Official Plan for the City of Greater Sudbury

The City of Greater Sudbury's Official Plan encourages the diversity in the supply of housing by promoting a full range of housing types, including housing that is affordable and appropriate to low-income groups and people with special needs. The City's Official Plan sets a target of 25% of new dwellings to meet the definition of affordable housing.

The City's Official Plan also contains policies on height and density bonusing, as permitted under Section 37 of the *Planning Act*. These policies allow the City to authorize, by by-law, increases in the height and density of development otherwise permitted by the Zoning By-law that will be permitted in return for the provision of such facilities as housing that is affordable to low- and moderate-income households, or other facilities, services and matters outlined.

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Beyond these policies, the City's Official Plan contains no policies that would require applicants to describe how large-scale development supports affordable housing. This policy position is one shared by many comparable municipalities reviewed. Other municipalities have set thresholds for large-scale development which trigger requirements for the applicants to describe how their proposal will address housing affordability. Many other municipalities establish targets for the provision of affordable housing in new housing each year, but do not establish policies that would require proponents of large-scale development to describe how they will address affordable housing.

## 7.3 Comparable Municipal Precedents

In the City of Sault Ste. Marie's Official Plan, all urban residential development proposals greater than 50 units must provide a statement of affordability ensuring that opportunities for creating a range of housing types are provided so that no less than 30% of the new dwellings are affordable, 50% of which would be affordable to low-income households where feasible.

The City of Guelph establishes a policy in their Official Plan that allows the City to require a submission of an Affordable Housing Report as a part of a development application, demonstrating to the satisfaction of the City how the application addresses affordable housing needs and the affordable housing target.

The City of Barrie's Official Plan establishes that the Urban Growth Centre and Major Transit Station Areas will be planned to require that at least 20% of housing units developed satisfy the criteria for affordable housing and in all other areas, a minimum of 15% of all new housing units each year are to be provided for affordable housing, in line with the City's policies on affordable housing. These policies include the requirement that all development proposals with more than 40 residential dwelling units proposed will be required to demonstrate the provision of affordable housing units.

The City of Peterborough's Official Plan states that the affordable housing component will be thoroughly reviewed in any new development where 25 or more single and/or semi-detached dwelling units or 50 or more multi-family dwellings are proposed. The City will strive to ensure that at least 10% of new residential units resulting from new residential development and residential intensification through conversion of non-residential structures, infill and redevelopment, to be affordable housing.

## 7.4 Internal Stakeholder Consultation

Staff noted that the lack of legislation to allow the City to require developers proposing large-scale projects to provide affordable housing as a barrier to implementing such a policy and anticipated pushback from the development community if such a policy were to be implemented. Instead of requiring developers to provide a set percentage of affordable housing units in their large-scale development proposals, Staff could highlight the incentives for providing affordable housing within the pre-consultation process and ask proponents of large-scale development projects to consider how their proposal could provide affordable housing.

# Housing As-of-Right Zoning Review

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## 7.5 Recommendations

In line with municipal best practices, the City can choose to adopt a new policy in their OP to require applicants to describe how large-scale development addresses the City's targets for the provision of affordable housing. This policy could read as follows:

Development proposals that include 25 or more single or semi-detached dwelling units or 50 or more multi-family dwelling units will be supported by a report describing how the units will be affordable and/or attainable, in line with the Canada Mortgage and Housing Corporation definitions of affordable and attainable.

Implementing such a policy would align with the 2019-2027 City of Greater Sudbury Strategic Plan, which includes the Council's desire for all citizens, especially vulnerable populations, to have access to safe, affordable, attainable, and suitable housing options in the City of Greater Sudbury. Strategic initiatives to achieve this goal include expanding affordable and attainable housing options and revitalizing and improving the existing housing stock.

## 8.0 Conclusion and Next Steps

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This report has presented precedents for a range of topics related to residential development from comparable municipalities across Ontario, including North Bay, Sault Ste. Marie, Timmins, Parry Sound, and Thunder Bay in northern Ontario, Kingston, Peterborough, and Ottawa in southeastern Ontario, and Guelph, Barrie, London, Hamilton, and St. Catharines in southwestern Ontario. These topics include the consistent inclusion of commercial components in mixed use development, the as-of-right permission of residential uses on institutional lands, development standards for additional residential units, the use of mobile homes as additional residential units, the use of accessory structures for guest room accommodation, the establishment of minimum density requirements, and how large-scale development supports affordable housing. The following presents a high-level summary of these topics, based on the discussion throughout the body of this report.

### **Inclusion of commercial components in mixed-use development:**

The City of Greater Sudbury has a variety of options to include provisions in the Zoning By-law that would have the effect of consistently including commercial components in mixed-use residential development in commercial zones, drawn from precedents in other municipalities. These options include the following:

- Permitting dwelling units or residential uses, provided that they are connected to and forming an integral part of a commercial building,
- Permitting a residential building, provided that it is accessory to a permitted main commercial use,
- Setting a maximum percentage of the floor space index or cumulative floor area that can be occupied by a residential use or requiring that the floor space index or

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cumulative floor area of the residential use does not exceed that of the commercial use, and

- Setting a minimum ground floor area that must be maintained in a commercial use where a residential use is permitted.

## **As-of-right permissions for residential uses on institutional lands:**

Most comparable municipalities restrict residential uses in institutional lands to uses such as residential care facilities, long-term care facilities, nursing homes, group homes, retirement homes, boarding, lodging and rooming homes, residential uses associated with post-secondary institutions, or as accessory uses together with permitted institutional zones. The City of Hamilton and the City of St. Catharines are unique in that they permit a variety of low and medium density residential uses as primary uses without any institutional component in several of their institutional zones.

In permitting residential uses as-of-right on lands zoned Institutional, the City has a number of options:

1. Establish the appropriate residential uses as permitted uses in the Institutional zones, and apply the development standards for the respective Institutional zone to the residential use.
2. Establish the appropriate residential uses as permitted uses in the Institutional zones, and apply the development standards from the respective Residential zone to the residential use. For example, if single-detached dwellings are to be permitted in an Institutional zone, then the development standards of the Low-Density Residential Zone would apply. With this option, the transition to the adjacent development would be relatively seamless, given that the development standards that exist for residential development in proximity to the Institutional site would be identical to those imposed on the residential uses on the Institutional site.
3. Establish the appropriate residential uses as permitted uses in the Institutional zones, and develop a modified set of development standards, stricter than those of the Institutional zones and the respective Residential zone to the residential use.

## **Development standards for additional residential units in accessory structures:**

Of all municipalities reviewed, all permit secondary dwelling units within accessory structures, with varying development standards, with the exception of the City of Ottawa, who permits secondary dwelling units only within the same building as the principal dwelling. The development standards for additional residential units in accessory structures cover location, setbacks, lot coverage, height, separation distance,

# Housing As-of-Right Zoning Review

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**Mobile homes as additional residential units:**

gross floor area, required parking, number of bedrooms, and pedestrian access for additional residential units.

Within the municipalities reviewed, there are no available precedents that permit secondary dwelling units to take the form of mobile homes within an urban area. Many municipalities' policies on secondary dwelling units make no mention of mobile homes to include them as permitted uses. Where they are mentioned in policies on secondary dwelling units, such as in the case of the City of North Bay, they are explicitly prohibited.

**Guest room accommodation in accessory structures:**

The municipalities reviewed do not define guest room accommodation in the same way as the City of Greater Sudbury, but use boarding, lodging, or rooming houses or bed and breakfast establishment fairly consistently to describe a similar concept. Most municipalities reviewed did not permit boarding, lodging, or rooming houses in accessory buildings/structures, with a few exceptions. The Town of Parry Sound permits a guest cabin as an accessory building/structure maintained for sleeping accommodation in which sanitary facilities are provided but not cooking facilities. The City of Kingston similarly permits a bunkhouse in the rural area, as a detached accessory building designed to provide seasonal sleeping accommodations, which may contain a washroom but does not contain a kitchen.

**Minimum density requirements:**

Among the comparable municipalities reviewed, most had targets for minimum and maximum density in their policies governing residential development, with the exception of a few municipalities that did not regulate density, but rather regulate the built form (e.g., restricting density by permitting only single-detached dwellings in a residential zone). Of the municipalities that established a minimum density, this was generally in the order of 15-25 units/hectare for low-density residential development, 25-50 units/hectare for medium density residential development, and 75-100 units/hectare for high-density residential development. Outliers to this general trend include the City of Barrie, whose minimum density targets are much higher than the other municipalities reviewed, establishing minimum density targets for medium- and high-density residential development at 125 units/hectare and 225 units/hectare, respectively. On the other end of the spectrum, the City of Timmins' established minimum density targets are much lower than their counterparts, with minimum densities set for medium- and high-density residential development set at 15 units/hectare and 30 units/hectare, respectively.

**Large-scale developments' support for affordable housing:**

Some of the comparator municipalities reviewed have set thresholds for large-scale development which trigger requirements for the applicants to describe how their proposal



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will address housing affordability. For example, in the City of Sault Ste. Marie's Official Plan, all urban residential development proposals greater than 50 units must provide a statement of affordability ensuring that opportunities for creating a range of housing types are provided so that no less than 30% of the new dwellings are affordable, 50% of which would be affordable to low-income households where feasible. The City of Guelph, for example, establishes a policy in their Official Plan that allows the City to require a submission of an Affordable Housing Report as a part of a development application, demonstrating to the satisfaction of the City how the application addresses affordable housing needs and the affordable housing target. Many other municipalities establish targets for the provision of affordable housing in new housing each year, but do not establish policies that would require proponents of large-scale development to describe how they will address affordable housing.

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## Appendix A

### Provisions for Residential Uses in Commercial Zones

North Bay	<p>The City of North Bay's Zoning By-law establishes a number of commercial zones. Several provisions for the various permitted residential uses in the commercial zones could be useful to ensuring the consistent inclusion of commercial components within mixed use residential development in commercial zones. These provisions include:</p> <ul style="list-style-type: none"><li>• Dwelling units, or any residential use, connected to and forming an integral part of the commercial building shall be permitted, provided that access to the dwelling units or residential use is separate from the access to the commercial portion of the building, and no dwelling units or residential use shall be permitted on the ground floor</li><li>• Dwelling units, or any residential use, connected to and forming an integral part of the commercial building shall be permitted, provided that the floor area does not exceed that of the commercial portion of the building, and that the dwelling units are located above or at the rear of the building</li><li>• A residential building may be established and occupied provided it is accessory to a main use.</li></ul>
Sault Ste. Marie	<p>The Zoning By-law establishes a number of commercial zones. These various commercial zones permit residential dwellings, with varying provisions. The strictest provisions only permit residential dwellings in existing buildings, such as in the C1 zone. Others permit residential dwellings, provided that no dwelling units are located on the ground floor, and even others still permit residential dwellings with no additional restrictions, including duplex dwellings.</p>
Thunder Bay	<p>The City of Thunder Bay's Zoning By-law establishes a number of commercial zones. Residential uses are permitted in some of the commercial zones, subject to additional restrictions. For example, in the RC and RS2 zones, permitted residential uses are limited to a detached house as a main use or a home within a building containing a permitted non-residential main use as a secondary use.</p> <p>Limiting a residential use to a home within a building containing a permitted non-residential main use as a secondary use gives the City the ability to ensure that commercial components are consistently included in mixed use development in commercial zones.</p>
Timmins	<p>The City of Timmins' Zoning By-law establishes a number of commercial zones. Residential uses are limited to accessory dwellings and accessory dwelling units in these commercial zones. Permitting residential uses as only an accessory use would ensure that an established main use, such as a commercial use, would be required. Structuring the Zoning By-law</p>

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policies around permitted residential in this way would help the City to ensure the consistent inclusion of commercial uses where mixed use residential development is proposed in commercial zones.

## Parry Sound

The Town of Parry Sound's Zoning By-law includes a set of policies related to dwelling units in a non-residential building or on a non-residential lot. This section includes policies that could be useful to ensure the consistent inclusion of commercial components in mixed use residential development in commercial zones. Among the requirements, this section requires that in a commercial zone, the cumulative floor area of the dwelling unit(s) shall not exceed 50% of the lot area and at least 50% of the ground floor area shall be maintained in a commercial use. This section also specifies the location of dwelling units in commercial zones, stating that in a commercial zone, no dwelling unit shall be permitted as a free-standing building and no dwelling unit shall be located in a non-residential building, except on a second or higher storey or to the rear of the commercial use, if on the ground or main floor level.

## Ottawa

The City of Ottawa's Zoning By-law establishes a number of commercial zones and sub-zones, many of which permit residential development without any additional restrictions. Other zone provisions require that the residential use not exceed a set percentage, such as 50% or 75%, of the permitted floor space index, and that the residential use be located in a mixed use building above the ground floor. Setting a maximum threshold for the floor space index that can be occupied by a residential use and requiring residential uses to be located in a mixed use building can give the City the authority to ensure that commercial components are included in mixed use residential development in commercial zones.

## Guelph

The City of Guelph's Zoning By-law establishes a number of commercial zones. Within these commercial zones, dwelling units are permitted in some, provided that permitted commercial uses are located in the same building. This is the case in the Commercial-Residential (CR) Zone, Convenience Commercial (C.1) Zone, Neighbourhood Shopping Centre (NC) Zone, Community Shopping Centre (CC) Zone, Regional Shopping Centre (RC) Zone. In other commercial zones, such as the Downtown (D) Zones, several residential uses are permitted without accompanying permitted commercial uses. This flexibility allows the City to ensure that commercial components are consistently included in mixed use residential development in areas of the City where this is beneficial and allows residential development without additional restrictions in areas of the City where it is appropriate.

## Barrie

The City of Barrie's Zoning By-law establishes a Mixed Use Zone, whereby dwelling unit(s) are permitted in conjunction with permitted commercial uses. The City's Zoning By-law also establishes a number of commercial zones, which also permit dwelling unit(s) in conjunction with permitted commercial uses in every commercial zone. The zone standards for these commercial zones require a minimum coverage for commercial uses, set at 50% of the lot area. Selected residential uses, such as group homes and residential uses permitted in the Second

# Housing As-of-Right Zoning Review

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Density (RA2) Zone are also permitted in some, but not all, commercial zones, without accompanying commercial uses. These residential uses include apartment dwellings, boarding, lodging, and rooming houses, converted dwellings, existing semi-detached duplex dwellings, existing single detached dwellings, three or more unit dwellings, and walk-up apartments. The requirement for dwelling unit(s) to be accompanied by a permitted commercial use and requiring a minimum lot coverage for commercial uses in commercial zones would give the City leverage to consistently include commercial uses in mixed use residential development in commercial zones.

Peterborough The City of Peterborough's Zoning By-law establishes a number of commercial zones, some of which permit a dwelling unit. For example, the Commercial District 1 Zone permits a dwelling unit, but states that the maximum residential floor area in a building shall not exceed the commercial floor area therein. Other commercial zones, such as the Commercial District 5 and Commercial District 50 Zones permits a dwelling unit, so long as it be located in a second or higher storey. Although the zone requirements do not explicitly state that the residential use must be accompanied by a permitted commercial use, it stands to reason it must be accompanied by another use if it is to be located on a second or higher storey.

London The City of London's Zoning By-law establishes a number of commercial zones. In most of the commercial zones, no residential uses are established as permitted uses. In other commercial zones, residential uses are permitted with any or all of the other permitted commercial uses on the first and/or second floor or where the dwelling unit is located at the rear of the ground floor or on the second floor or above with any or all of the other permitted commercial uses in the front portion of the ground floor. There are no established commercial zones where a residential use is permitted as a main use without any accompanying commercial use. This wording of the Zoning By-law would ensure that commercial components are consistently included in mixed use residential developments in select commercial zones.

Hamilton The City of Hamilton's Zoning By-law establishes a number of commercial zones, some of which permit residential uses. While some commercial zones permit select residential uses, such as duplex dwellings and single detached dwellings, without any accompanying commercial uses, other zones permit dwelling units only as a mixed use where the residential use is located above the ground floor and where the residential use does not occupy more than 50% of the total gross floor area of the building(s) within the lot. The provisions for the maximum gross floor area that can be occupied by a residential use allows the City to ensure that commercial components are consistently included in mixed use residential development in select zones.

Kingston The City of Kingston's Zoning By-law establishes a number of commercial zones, some of which permit residential uses. These residential uses are limited to a dwelling unit in a mixed use building, as

## Housing As-of-Right Zoning Review

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is the case in the Neighbourhood Commercial (CN), General Commercial (CG), and Marine Commercial (CW) zones, and a single detached house where it is an accessory use to a principal use on the lot, as is the case in the Marine Commercial (CW) zone. There are no commercial zones where residential uses are permitted without an accompanying permitted commercial use. Structuring the Zoning By-law in this way ensures that commercial components are consistently included in mixed use residential developments in commercial zones.

### St. Catharines

The City of St. Catharine's Zoning By-law establishes a number of commercial zones, some of which permit residential uses. In select commercial zones, apartment buildings are a permitted use, provided that they are located on the same lot as a commercial use, and to a maximum lot coverage of 15%. Apartment dwelling uses are also a permitted use in select commercial zones, provided that dwelling units are located above and to the rear and/or below non-residential uses. There are other commercial zones where apartment buildings and apartment dwelling units are permitted without any other restrictions requiring that they are accompanied by permitted commercial uses. Requiring that residential uses are located on the same lot or within the same building as permitted commercial uses allows the City leverage to consistently include commercial components within mixed use residential development in commercial zones.

## Appendix B:

### Development Standards for Secondary Dwelling Units in Accessory Buildings

#### North Bay

The City of North Bay's Official Plan (OP) define a secondary dwelling unit as a dwelling unit that is ancillary and subordinate to the main dwelling unit that may be contained within the main building on a lot or within an accessory building on the same lot, but not both. The OP policies state that secondary dwelling units are permitted in detached, semi-detached, and townhouses or in accessory structures related to these uses, but not in both. Adequate servicing must be available to service the secondary dwelling unit through either the municipal system within the urban area or through privately owned systems within the rural area where municipal services are not available.

Per the City's Zoning By-law, secondary dwelling units in accessory structures must meet the development standards for accessory buildings or structures generally:

- must be located in the rear or interior side yard,
- must comply with the building setback requirements of the main building on the lot,
- shall not exceed 10 percent coverage of the total lot area,
- shall not exceed 4.1 m or one storey in height,
- shall not be attached to the main building or built within 1.2 m of the main building, and
- shall not be located completely underground.

A secondary dwelling unit is only permitted within a dwelling unit or an accessory building within specific zones in the City, including Residential First Density (R1), Residential Second Density (R2), Residential Third Density (R3), Residential Fifth Density (R5), Residential Sixth Density (R6), Rural (A), and Rural Residential Estate (RRE) zones.

Further, where the secondary dwelling unit is located in an accessory building to the primary dwelling, it shall meet the following requirements:

- shall not be permitted to be a mobile home, recreational vehicle, or boat home,
- shall have a maximum gross floor area of 45 percent of the gross floor area of the primary dwelling on the lot,
- shall be located no more than 30 m from the primary dwelling, and



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- in the A or RRE zones, shall only have one driveway from the publicly maintained road.

Secondary dwelling units are required to have one additional parking space than what would have been required on the property.

## Sault Ste Marie

The City of Sault Ste. Marie's Zoning By-law defines a second unit as a dwelling unit built within a single detached dwelling, semi-detached dwelling or multiple attached dwelling, as part of an accessory building such as a garage, or as a standalone accessory building. An accessory use second unit is subordinate to and intended only as an accessory use to the primary dwelling unit located on the same lot. A maximum of one accessory use second unit shall be permitted per lot. One parking space shall be required for each accessory use second unit, with the exception of an accessory use second unit on a lot located in the downtown.

The building regulations for accessory second units as part of an accessory building are as follows:

- Maximum building height of 8.0 m in Rural Area (RA) zone and 6.0 m in all other zones,
- Not larger in gross floor area than the dwelling unit that is the lot's primary use, to a maximum of 90 sq m in the Estate Residential (R1) and Rural Area (RA) zones, and 75 sq m in all other zones,
- Required lot frontage and area and maximum lot coverage same as for the main building, with specific requirements dependent on zoning, and,
- Required minimum setback distances same as for accessory buildings, with specific distances dependent on zoning, to a minimum of 1.2 m for a 1-storey building and 1.8 m for 2-storey building.

The building regulations for accessory second units as a standalone accessory building are as follows:

- Maximum building height of 1 storey,
- Required minimum setback distances same as for accessory buildings, with specific distances dependent on zoning, to a minimum of 1.2 m,
- Not larger in gross floor area than the dwelling unit that is the lot's primary use, to a maximum of 90 sq m in the Estate Residential (R1) and Rural Area (RA) zones, and 75 sq m in all other zones, and,
- Required lot frontage and area and maximum lot coverage same as for the main building, with specific requirements dependent on zoning.

## Thunder Bay

The City of Thunder Bay's Zoning By-law defines a garden suite as a free-standing residential building that is designed to be temporary and

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portable and contains a maximum of one home. A garden suite is a secondary use to a detached house located on the same lot. Garden suites are not considered accessory uses by the City's By-law and are only permitted in zones where they are expressly permitted. Garden suites are not listed as permitted main uses in any of the City's established zones.

## Timmins

The City of Timmins' Official Plan states that garden suites may be permitted as a one-unit detached portable self-contained residential structure that is accessory to and separated from an existing permitted residential dwelling on the same lot. Garden suites may be established in any land use designation which permits a residential use for the period of time by a Temporary use By-law under the *Planning Act* for a period of up to ten years.

The City's Zoning By-law defines a garden suite as a one-unit residential structure containing a bathroom and kitchen facilities that is ancillary/accessory to an existing residential structure and that is designed to be portable.

One garden suite only shall be permitted as a separate dwelling unit to a permitted main residential use on the same lot, subject the following requirements:

- Minimum lot area is 460 sq m,
- Maximum floor area of the garden suite does not exceed 60 sq m,
- Maximum height of the garden suite is one storey,
- Garden suite is located in the rear or interior side yard,
- Meets the minimum yard and lot coverage requirements set out in the corresponding zone, and
- Setback a minimum of 3 m from any rear or side lot line.

One parking space per garden suite is required in addition to the parking requirements of the main residential use.

## Parry Sound

The Town of Parry Sound's Official Plan permits that a second residential unit may be located in a detached house, semi-detached house rowhouse or accessory building in all areas where these uses are permitted, subject to the following additional requirements:

- There are sufficient on-site parking facilities to accommodate the primary and second units,
- The property has sufficient servicing capacity (sewer and water) to accommodate the second unit,
- The unit is clearly secondary to the main unit, having an area that in general does not exceed 75 percent of the area of the primary dwelling unit, and

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- The unit is not located in an area that is susceptible to flooding, except were the units are suitably flood-proofed.

The Town's Zoning By-law permits that an ancillary dwelling unit is permitted accessory to any single detached dwelling, semi-detached dwelling, or townhouse in a R1, R2 or R3 zone, and RR and RU zones not abutting Georgian Bay, Mill Lake, or Darlington Lake, subject to the following requirements:

- The ancillary dwelling unit is located in the second storey of a detached garage,
- Any new structure which contains the ancillary dwelling unit shall meet the same interior side yard and exterior side yard setback requirements of the principal residential use in the zone and shall meet a rear yard requirement of 3 m,
- An ancillary dwelling unit is not permitted if the lot also contains two or more detached legal non-conforming residential structures,
- A minimum of one parking space is provided for the ancillary dwelling unit, which can take the form of a tandem parking space, and does not result in a separate driveway being required,
- Accessory structures with an ancillary dwelling shall not exceed a maximum height of 8 m,
- Accessory structures with an ancillary dwelling shall conform to the requirements for accessory buildings and structures generally, including:
  - The accessory building or structure is located on the same lot and in the same zone as the principal use,
  - The accessory building shall be erected to the rear of the main wall of the main building for the front or exterior yard, or the extension of the building line of the main wall to the side lot line and shall comply with minimum yard requirements of the zone in which the building is erected,
  - The total lot coverage of all accessory buildings and structures shall not exceed 10 percent,
  - No accessory building shall be erected prior to the erection of the main building on the same lot.

Ottawa

The City of Ottawa's Zoning By-law permits a secondary dwelling unit in any detached dwelling, linked-detached or semi-detached or townhouse dwelling in any zone where that dwelling type is a listed permitted use. Among other requirements, the Zoning By-law requires that the secondary dwelling unit be contained within the same building as its principal dwelling unit. As such, secondary dwelling units are not permitted in accessory structures or as accessory uses.

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Guelph

The City of Guelph's Official Plan provides for the creation of additional residential units. The City's Zoning By-law contains specific regulations for additional residential dwelling units, as follows:

- A maximum of two additional residential dwelling units shall be permitted on a lot, one within the same building as the primary dwelling unit and one located in a separate building on the same lot,
- The additional residential dwelling unit shall not exceed 45 percent of the total net floor area of the primary building, or a maximum of 80 sq m in floor area, whichever is less,
- The additional residential dwelling unit within a separate building on the same lot shall not contain more than two bedrooms,
- The additional residential dwelling unit shall not occupy more than 30 percent of the yard, including all accessory buildings and structures,
- The maximum building height shall be 5 m and shall not exceed an overall building height of the primary dwelling,
- Where an additional residential dwelling unit is located above a garage, the maximum total building height shall be 6.1 m and shall not exceed the overall building height of the primary dwelling,
- A 1.2 m wide unobstructed pedestrian access shall be provided to the entrance of the unit, unless access to the additional residential dwelling unit is provided directly from a street or lane,
- A minimum 1.2 m side yard setback is required for the primary dwelling in the yard closest to the unobstructed pedestrian access, unless access to the additional residential unit is provided directly from a street or lane,
- An additional residential dwelling unit in a separate building on a lot may occupy a yard other than a front yard or required exterior side yard,
- An additional residential dwelling unit in a separate building on a lot shall have a minimum side and rear yard setback consistent with the side yard setback for the primary dwelling in the applicable zone,
- A two-storey additional residential dwelling unit shall have a minimum 3 m side yard and rear yard setback where a window is adjacent to the property line,
- A minimum distance of 3 m shall be provided between the primary dwelling unit and an additional residential dwelling unit in a building on the same lot, and,

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- One additional off-street parking space must be provided for the additional residential dwelling unit, above the parking requirements for the primary dwelling unit
  - If no legal off-street parking can be provided for the primary dwelling, no parking spaces are required for the additional residential dwelling units.

### Barrie

The City of Barrie's Official Plan permits additional residential units, including detached ancillary dwelling units, which are defined as an accessory dwelling unit that is located within a detached accessory building on the same lot as a single detached dwelling, semi-detached dwelling unit, duplex dwelling, or street townhouse dwelling unit, and is subordinate to the principal unit.

The City's Zoning By-law permits a detached accessory dwelling unit as a permitted accessory use to a single detached dwelling, duplex dwelling, semi-detached dwelling, or street townhouse dwelling unit, subject to the following development standards:

- Maximum height of 4.5 m or the height of the principal building, whichever is lesser,
- Minimum front yard and rear yard setbacks of 7 m,
- Minimum interior side yard and exterior side yard setbacks of 3 m,
- The detached accessory dwelling unit is located on the same lot of a principal building that has frontage on a municipal street,
- A detached accessory dwelling unit may be a stand-alone detached accessory building or structure or located within or attached to a detached accessory building or structure,
- A maximum of one detached accessory dwelling unit is permitted per lot and a detached accessory dwelling unit shall only contain one dwelling unit,
- A detached accessory dwelling unit is not permitted to have a basement,
- A detached accessory dwelling unit is not permitted in a front yard,
- The maximum distance between the front lot line and the primary entrance to a detached accessory dwelling unit shall be 40 m,
- A 1.2 m wide unobstructed path of travel shall be provided to the primary entrance of the detached accessory dwelling unit from the street, driveway, or parking area,
- A detached accessory dwelling unit shall be smaller than the principal dwelling unit and have a maximum gross floor area equal to 45 percent of the gross floor area of the principal building, up to a maximum of 75 sq m, and

# Housing As-of-Right Zoning Review

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- A detached accessory dwelling unit shall not exceed 10 percent lot coverage, including the lot coverage for all other accessory buildings and structures.

Peterborough

The City of Peterborough's Official Plan states that secondary suites are permitted, subject to the following criteria:

- Only one secondary suite for each single detached, semi-detached, or row/townhouse dwelling unit will be permitted,
- A secondary suite may be contained within a primary residential dwelling or in a building accessory thereto, but not in both,
- Secondary suites shall be developed with municipal water and wastewater services unless permission is granted otherwise in the Zoning By-law.

The City's Zoning By-law contains additional development standards pertaining to secondary suites, as follows:

- Minimum floor area of 28 sq m and maximum floor area less than the floor area of the principal dwelling unit,
- Maximum of two bedrooms in a secondary suite,
- No additional off-street parking shall be required for a secondary suite located in Area 1, and one off-street parking space shall be required for a secondary suite located in Areas 2 and 3, which can be tandem parking spaces,
- Secondary suites shall comply with the development standards for residential accessory buildings, as follows:
  - Minimum distance of 1.2 m to rear of dwelling,
  - Minimum distance of 0.6 m from side or rear lot line,
  - Maximum height of 4.3 m, and
  - Maximum lot coverage of 10 percent.

London

The City of London's Zoning By-law permits additional residential units in any zone in association with a single detached dwelling, semi-detached dwelling or street townhouse. A maximum of two additional residential units are permitted per lot, including a maximum of one additional residential unit in the main dwelling and one additional residential unit in an accessory or ancillary structure. Additional residential units within accessory structures are subject to the regulations of the zone which apply to accessory structures and are only permitted in the rear or interior side yards. The following development standards also apply to additional residential units in accessory structures:

- The gross floor area of additional residential units shall not be greater than 40 percent of the combined total gross floor area of the primary dwelling unit and the additional residential units,

## Housing As-of-Right Zoning Review

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- The additional residential units and primary dwelling unit together shall not exceed the total number of bedrooms permitted for the primary dwelling unit when the total number of bedrooms in the primary and additional residential units are combined,
- No additional parking is required for additional residential units, and
- A new driveway in association with an additional residential unit is not permitted.

Hamilton

The City of Hamilton's Zoning By-law permits a maximum of one detached additional dwelling unit on a lot containing a single detached dwelling, a semi-detached dwelling or a street townhouse dwelling in select zones. A legally established accessory building may be converted to the additional dwelling unit, subject to the following development standards:

- All the regulations of the By-law applicable to the existing dwelling shall continue to apply,
- An additional dwelling unit is only permitted in a rear or interior side yard,
- A minimum 1.2 m setback shall be provided from the interior side lot line and rear lot line,
- A landscape strip is required to be provided with the required side yard adjacent to an additional dwelling unit,
- An additional dwelling unit shall not be located closer to the flankage street than the principal dwelling,
- An unobstructed path with a minimum 1.0 m width and minimum 2.1 m clearance in height from a street line to the entrance of the additional dwelling unit shall be provided and maintained,
- Where an additional dwelling unit is located in the rear yard, a minimum of 7.5 m shall be required between the rear wall of the principal dwelling and the additional dwelling unit,
- Where an additional dwelling unit is located in an interior side yard, a minimum of 4.0 m shall be provided between the side wall of the principal dwelling and the additional dwelling unit and the additional dwelling unit shall be set back a minimum of 5.0 m from the front façade of the principal dwelling,
- A maximum height of 6.0 m shall be permitted,
- A maximum gross floor area shall not exceed 75 square metres or the gross floor area of the principal dwelling, whichever is lesser,
  - The ground floor area of an additional dwelling unit shall not exceed 70 percent of the ground floor area of the principal dwelling when the ground floor area of the



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principal dwelling is less than or equal to 105 square metres, and

- The maximum combined lot coverage of all accessory buildings and the additional dwelling unit shall be 25 percent.

Kingston

The City of Kingston's Official Plan defines second residential units as dwelling units which are ancillary to a principal residential unit and are located on the same lot. Second residential units are permitted in single detached dwellings, semi-detached dwellings, linked and row houses, as well as accessory buildings where a second residential unit does not already exist in the primary dwelling subject to the following criteria:

- In areas shown as known or potential servicing constraints, a second residential unit may only be permitted where it has been demonstrated that there is adequate water and wastewater to support the second residential unit,
- If the second residential unit is detached, a hydrogeological study is required, confirming that the groundwater quality and quantity are sufficient for the second residential unit and will not adversely impact the water supply of adjacent lots and the principal residential unit. The hydrogeological study must also assess the potential for sewage system impact and demonstrate that the area of development is not hydrogeologically sensitive and the sewage system is isolated from the receiving aquifer or the impact of the principal residential unit plus the second residential unit is less than 10 mg/L nitrate-nitrogen at the property boundary,
- Second residential units may be a prohibited use on a residential dwelling lot containing a garden suite, boarding house, or lodging house,
- Second residential units shall not be permitted in a residential dwelling unit situated within a floodplain,
- Additional parking for the second residential unit is required above the requirement for parking for the principal residential dwelling.

Additional development standards for second residential units are detailed in the City's Zoning By-law, as follows:

- Additional residential units must be connected to municipal services or private services,
- A maximum of two additional units are permitted per lot,
- A maximum of one detached additional residential unit is permitted,
- The gross floor area of the additional residential unit must be less than or equal to the gross floor area of the principal dwelling unit,
- An additional residential unit in a detached accessory building must be located within a rear yard or interior yard,

## Housing As-of-Right Zoning Review

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- Minimum rear yard and interior side yard setbacks of 1.2 m,
- Minimum front yard setback and exterior side yard setbacks of the applicable zone,
- Maximum lot coverage of all accessory buildings of 10 percent,
- Maximum height of 4.6 m and/or 1 storey,
- A maximum of 8 bedrooms are permitted per lot, in the aggregate,
- An additional residential unit must be accessed by a walkway that complies with the following provisions:
  - Minimum width of the walkway is 1.2 m,
  - In the urban area, the walkway must be provided from a street line to the main exterior entrance of every dwelling unit on a lot,
  - In the rural area, the walkway must be provided from the driveway containing the parking space for the dwelling unit to the exterior entrance of every dwelling unit on a lot, and
  - The walkway must be unobstructed up to a minimum height of 2.1 m above grade.
- In the urban area, where an additional residential unit is located in a detached accessory building, the rear yard or interior yard must be screened with a privacy fence with a minimum height of 1.8 m
  - Where the additional residential unit is located in a rear yard, the privacy fence must be established along all interior and rear lot lines adjacent to the rear yard
  - Where the additional residential unit is located in an interior yard, the privacy fence must be established along the interior lot line closest to the detached additional residential unit extending from the intersection of the interior lot line with the rear lot line to the intersection of the interior lot line with the required front setback
- Additional residential units in a detached building that are accessed by a private street or public laneway adjacent to the rear lot line must also comply with the following provisions:
  - The minimum interior side yard setback is 0 m,
  - The maximum height is the lesser of 7.5 m or 2 storeys,
  - A privacy fence with a minimum height of 1.8 m must be established along all interior lot lines adjacent to the rear yard and interior yard,
  - The walkway requirements may be satisfied through the provision of an unobstructed 6 m wide private street or public laneway connected to a walkway on the lot.

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### St. Catharines

The City of St. Catharines' Official Plan permits an accessory apartment in single detached, semi-detached, and townhouse dwelling units, or in a detached structure accessory to these uses. One accessory dwelling unit, either interior or detached, is permitted per principal dwelling unit.

Per the City's Zoning By-law, where a detached accessory dwelling is permitted by Section 13 (Special Provision), it is subject to the following development standards:

- The floor area shall not exceed 105 sq m or 40 percent of the floor area of the principal dwelling unit, whichever is less,
- Shall not be located in a required front yard or exterior side yard,
- Shall not be located within any sight triangle,
- Shall not exceed a building height of 4.5 m,
- Shall not exceed 10 percent of the total lot area, and
- Shall not be located less than 0.6 m from an interior side or rear lot line.



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