



# **Additional Residential Units Zoning By-law Technical Paper**

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Summary of Findings - November 2020

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# 1. Introduction

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

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

The goals and objectives of the paper are to:

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

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

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

*What is an Additional Residential Unit?*

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

a single-detached, semi-detached or townhouse building<sup>1</sup>. It can be located within the main residential building or in an accessory building on the same lot. Additional Residential Units provide benefits that:

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

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

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

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

## 2. Policy Background

### 2.1 Provincial Legislation and Policy

#### 2.1.1. The Planning Act

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

In recent years, there has been an increased interest by the province in strengthening provisions for Additional Residential Units in view of their significance to bolster housing affordability and housing diversity. In 2011, Bill 140<sup>2</sup>, Strong Communities Through Affordable Housing Act, amended various sections of the Planning Act to encourage affordable housing through measures that among others included requirements for municipalities to include second unit provisions in their Official Plan policies and zoning by-laws. In 2016, Bill 7<sup>3</sup>, the Promoting Affordable Housing Act, amended both the Planning Act, 1990 and Development Charges Act, 1997 to further encourage the creation and legalization of Additional Residential Units. Most recently, in 2019, Bill 108<sup>4</sup>, More Homes, More Choice Act, 2019, amended the Planning Act by mandating municipalities to permit Additional Residential Units within single detached, semi-detached, and row houses and also within a structure that is ancillary to such housing forms. Furthermore, the Act requires municipalities to authorize the use of such Additional Residential Units through establishing zoning by-laws.

The Planning Act<sup>5</sup> now mandates that Official Plans within municipalities must authorize the use of Additional Residential Units (16.3) through the establishment of By-laws (35.1 (1)), which cannot be appealed except by the Minister. Specifically, the Planning Act requires Official Plans to contain policies that authorize the use of two additional

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

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

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

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

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

In 2019, the Ontario Government established Ontario Regulation 299/19 for Additional Residential Units. The regulation set standards and requirements for Additional Residential Units in order to reduce barriers to the approvals and construction of Additional Residential Units. Specifically, the regulation requires each Additional Residential Unit to have one parking space that is provided and maintained for the sole use of the occupant of the Additional Residential Unit(s) (299/19, 2.1), except when the by-law does not require a parking space for the occupant of the primary residential unit<sup>6</sup>. This parking space may be a tandem parking space. Further, the regulation states that the Additional Residential Units can be occupied by any person regardless of their relationship to the owner or ownership status of the unit. Where the use of an Additional Residential Units is authorized, an Additional Residential Unit is permitted regardless of the date of construction of the primary residential unit.

#### 2.1.2. The Development Charges Act, 1997

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

#### 2.1.3. Long Term Affordable Housing Strategy

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

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

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

#### 2.1.4 The Provincial Policy Statement, 2020

The Provincial Policy Statement<sup>8</sup>, 2020 directs municipalities to accommodate appropriate affordable and market-based range and mix of housing types, including “additional residential units” and to facilitate all types of residential intensification. Further, the PPS requires municipalities to direct developments away from areas of natural hazards.

## **2.2 Provincial Plans**

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

The government of Ontario enables development of regional growth plans through the *Places to Grow Act, 2005*. The growth plans help guide growth and development in a way that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life. The Growth Plan for the Greater Golden Horseshoe<sup>9</sup>, 2006 (Growth Plan, 2006) was the first growth plan to provide a framework for implementing Ontario’s vision for building stronger, prosperous communities. A Place to Grow<sup>10</sup> (Growth Plan, 2019) builds upon the success of the initial Growth Plan, 2006 and responds to the key challenges that the region continues to face over the coming decades with enhanced policy directions. The implementation of the Growth Plan is supported by Metrolinx (an agency of the Government of Ontario created to improve coordination and integration of all modes of transportation in the GTHA) and the 2041 Regional Transportation Plan.

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

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

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

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



### *Guiding Principles*

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

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

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

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

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

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

### 2.2.2. Oak Ridges Moraine Conservation Plan<sup>11</sup>

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

### 2.2.3. Greenbelt Plan<sup>12</sup>

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

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

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

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

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

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

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

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

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

The Region also worked with local municipalities to complete a data gathering exercise to track the number of second suites constructed and licensed. In 2017<sup>13</sup>, no new rental second suites were documented in Richmond Hill that could contribute towards affordable rental housing<sup>14</sup>.

## 2.4 City of Richmond Hill Official Plan, 2010

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

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

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



Richmond Hill Intensification Hierarchy

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

<sup>13</sup> 2017 Progress Report, Appendix B

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

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

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

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

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

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

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

## 2.5 Secondary Plans

### 2.2.4. West Gormley Secondary Plan (OP chapter 8)

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

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

#### 2.2.5. North Leslie Secondary Plan

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

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

## 2.6 Building Code

Ministry of Municipal Affairs and Housing published a guide<sup>15</sup> to Ontario building code<sup>16</sup> information regarding adding an Additional Residential Unit in an existing detached, semi-detached or a rowhouse. It defines an Additional Residential Unit as a self-contained dwelling unit with a private kitchen, bathroom facilities and sleeping areas. It can be located in a house or on the property, above a laneway garage or in a coach house. The guide generally applies to Building Code requirements for additional residential units in houses, and not for Additional Residential Units in garages or coach houses, though some of the same rules apply.

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

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

### Age of House

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

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

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

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

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

- Location of unit<sup>17</sup> (basement, attic, one floor or multiple floors within a building)

## Room Sizes and Floor Area

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

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

- Ceiling Heights:
  - A basement Additional Residential Unit is permitted to have a ceiling height of 1.95 m (6' 4<sup>3</sup>/<sub>4</sub>" ) over the entire required floor area, including the route inside the unit leading to the exit.
  - An attic Additional Residential Unit– which may have sloped ceilings – would meet the Building Code if at least 50% of the required floor area has a ceiling height of 2.03 m (6' 8"), but this does not include areas with low ceilings less than 1.4 m (4' 7") high.
- Windows: The size of windows is determined by the size of the unit. Larger units will require more or bigger windows. Window sizes are also based on what type of room they are in. Some windows can also be used as another way to exit a Additional Residential Unit.

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

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

- Other requirements include<sup>18</sup>:
  - Plumbing
  - Septic Systems
  - Heating and Ventilation
  - Electrical Facilities and Lighting
  - Fire Safety
  - Safe Exits

## 2.7 Existing Zoning By-laws

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

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

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

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

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



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

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

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

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

## 3. Review of Municipal Approaches

### 3.1 Overview

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

#### *Town of East Gwillimbury*

Within the municipality of East Gwillimbury, Zoning By-law 2018-043<sup>19</sup> permits Coach Houses, Accessory Apartments (contained in the existing dwelling), and Garden Suites (temporary detached residential structure). Coach Houses are only permitted in Mixed Use One (MU1), Mixed Use Seven (MU7), Residential Private Services (RPS), Residential One (R1) and Hamlet Residential (HR) Zone. An accessory apartment is not permitted in the Environmental Protection (EP), Oak Ridges Moraine Core (ORMC), Oak Ridges Moraine Core Linkage (ORMCL), or the Oak Ridges Moraine Countryside (ORMCS) Zones. One additional parking space is required for both Accessory Apartments and Garden Suites and none are specified for a Coach House.

#### *City of Mississauga*

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

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

### *Town of Newmarket*

The Corporation of The Town of Newmarket Zoning By-Law 2010-40<sup>20</sup> (Consolidation November 2018) has provisions for Additional Residential Units within the main dwelling unit only. They are permitted in only R1 and R2 Zones. No new Additional Residential Units are permitted within the Environmental Protection Open Space (OS-EP) Zone or within the Floodplain and Other Natural Hazards (FP-NH) Zone as delineated by the Lake Simcoe Region Conservation Authority. In urban centres, the Minimum Off-Street Parking Requirement for accessory dwelling unit is one parking space per Additional Residential Unit.

### *Town of Oakville*

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

### *City of Toronto*

In the amalgamated City of Toronto, Additional Residential Units<sup>21</sup> have been permitted since 2000, although, previous to this by-law, additional units were permitted in the old City of Toronto zoning by-laws. On July 23, 2018, City Council adopted Official Plan Amendment (OPA) 418 which provides for an Additional Residential Unit within a primary dwelling in a detached, semi-detached house or townhouse. In addition, OPA 418 includes policies to permit Additional Residential Units within a building ancillary to a detached or semi-detached house or townhouse where it can be demonstrated that it will respect and reinforce the existing physical character of the neighbourhood. In 2019, By-law 549-2019<sup>22</sup> amended parts of by-law 569-2013<sup>23</sup> to add provisions for Additional Residential Units, permitting them in a detached house, semi-detached house or a townhouse (150.10.20.1). Each dwelling unit may have a maximum of one Additional

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

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

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

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

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

### *City of Vaughan*

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

### *Town of Aurora*

In 2017, Aurora passed Zoning Bylaw No. 6000-17<sup>24</sup> which permits Additional Residential Units in detached dwellings, semi-detached dwellings and link house<sup>25</sup> dwellings subject to certain zoning criteria. An Additional Residential Unit is defined as a separate dwelling unit subsidiary to and located within the same building as the main dwelling unit and its creation does not result in the creation of a semi-detached dwelling, duplex dwelling, triplex dwelling or converted dwelling. Where three (3) or more link house dwelling units are joined, an Additional Residential Unit dwelling unit shall be permitted, provided that the link house dwelling unit is joined only below grade.

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

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

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

### *City of Brampton*

City of Brampton's Comprehensive Zoning By-law 270-2004<sup>26</sup>, as amended, permits an Additional Residential Unit<sup>27</sup> in a "two-unit dwelling", specifically within detached and townhouse dwellings. The City defines an Additional Residential Unit as a self-contained residential unit located within any part of the house, including a basement. Only one Additional Residential Unit is allowed in a two-unit dwelling, and lodging houses and homes that are capable of being used for more than two dwelling units are not permitted to have an Additional Residential Unit. Additional Residential Units are not permitted on lands zoned Open Space, Floodplain or within the area identified as the Downtown Floodplain Regulation Area. In order to be legal, a building permit is required and must be registered with the City of Brampton. No additional parking is required for the creation of an Additional Residential Unit.

### *City of Kingston* <sup>28</sup>

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

### *City of Windsor*

Responding to recent amendments to the Planning Act (O. Reg 299/19), City of Windsor<sup>29</sup>, amended its Zoning By-law 8600, section 5.99.80 Second Units / Additional

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

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

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

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

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

#### City of Kitchener

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

#### Other Municipalities

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

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

## 3.2 Development Standards Analysis

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

### 3.2.1. Setbacks

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

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

### *Attached ARU's*

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

### *Detached ARU's*

For detached ARU's, City of Kitchener requires:

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

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

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

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

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

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

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

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

### 3.2.2. Height

#### *Detached ARU's*

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

### 3.2.3. Access

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

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



faces a street. Adding a porch or a basement extension under a porch, a balcony or a dormer<sup>30</sup> is however permitted. A pedestrian entrance leading exclusively to an ARU in a townhouse is permitted.

### *Detached ARU's*

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

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

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

### *Attached ARU's*

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

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

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

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

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

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

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

Within the City of Kitchener, a maximum of one pedestrian entrance to the principal building is allowed on each street line façade. Similarly, the Town of East Gwillimbury and Aurora permit no more than a total of one entrance into the front yard, including below grade walkouts. Aurora permits entrances from side and back for ARU's located above grade<sup>31</sup> or attached at grade as part of a single detached dwelling. In Aurora, access to the basement ARUs (where permitted) must be provided via the rear or one of the sides due to fire safety concerns. The Town of Newmarket prohibits any changes to the external appearance of the front façade of a building or any other façade of a building facing a street on which the lot has frontage. Within Oakville, any separate

<sup>31</sup> Based on phone conversation between Richmond Hill and Aurora Planning staff

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

### 3.2.4. Parking

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

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

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

#### *Attached ARU's*

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

### 3.2.5. Floor Area

Mississauga requires the minimum gross floor area of an ARU to be 35 m<sup>2</sup>. An ARU is not permitted to occupy more than 50% of the gross floor area of the dwelling within which it is located. In Toronto, the interior floor area of an ARU, or all ARUs where more than one is permitted, must be no more than 45 percent of the interior floor area of the dwelling unit within which it is located. Further, in the case of an ARU located in the basement of a one storey detached house, the ARU may occupy the whole of the basement. Similarly, in Vaughan, an ARU must have a minimum floor area of 35 m<sup>2</sup> and cannot not exceed forty-five percent (45%) of the total gross floor area of the Single Family Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling within which it is located.

#### *Attached ARU's*

In Kitchener, for attached ARU's:

- the minimum lot area shall be 395 square metres or in accordance with regulations for lot sizes in residential zone<sup>32</sup>, whichever is greater.
- the minimum lot width shall be 13.1 metres or in accordance with regulations for lot sizes in residential zone, whichever is greater.
- the minimum landscaped area shall be 20%

In Aurora, the minimum floor area for each ARU is 35.0 m<sup>2</sup>. In Brampton, the ARU must be smaller in size than the principal dwelling unit.

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

#### *Detached ARU's*

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

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

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

- the minimum lot area shall be 395.0 square metres or in accordance with applicable regulations<sup>33</sup>, whichever is greater
- the minimum lot width shall be 13.1 metres or in accordance with applicable regulations, whichever is greater.

### 3.2.6. Other Permissions

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

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

In Vaughan, an ARU is:

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

In Aurora:

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

<sup>33</sup> included in Table 7-2, 7-3 or 7-4 of the by-law

building code and the fire department. Access for these dwellings must be from the side or rear<sup>18</sup>.

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

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

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

## 4. Emerging Trends

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

**Laneway Suites:** Laneway suites are currently allowed in Vancouver, Ottawa, and Toronto in an attempt to increase housing supply. According to City of Toronto, a laneway suite<sup>34</sup> is a self-contained residential unit located on the same lot as a detached house, semi-detached house or townhouse, and generally located in the rear yard next to a laneway. Laneway suites are generally smaller in scale and completely detached from the main house on the lot. Laneway suites may provide new rental housing opportunities within established neighbourhoods, providing a wider range of low-density housing options while enhancing neighbourhood and community character.

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



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

Figure 3 Picture of typical laneway homes (Source: [https://www.urbaneer.com/homewatch/how\\_to\\_determine\\_the\\_laneway\\_suite\\_potential\\_of\\_your\\_toronto\\_property](https://www.urbaneer.com/homewatch/how_to_determine_the_laneway_suite_potential_of_your_toronto_property))

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

**Container Homes:** Retired shipping containers are becoming popular for their potential to be recycled as homes because they are inexpensive, sturdy, easy to transport and spacious<sup>35</sup>. They offer many possibilities of creating alternative homes and can be modified as tiny homes which are off-grid, container cottages, container house, house extensions, and potentially detached second units. They have been built in Cities across Canada, United States and world over including Vancouver, Calgary, Edmonton, Hamilton, Montreal, Chicago, Los Angeles, Las Vegas, etc.

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



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

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

**Prefabricated Dwelling Units<sup>37</sup>:** Prefabricated homes offer a predictable product delivered faster and with less nuisance than traditional construction due to them being manufactured in a remote and weather-controlled setting. This is especially an advantage in Canada where winters make construction challenging. The recent changes in zoning ordinances to allow detached additional residential units ancillary to

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

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

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



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

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

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

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

## 5. Conclusion

### *Additional Residential Units Definition*

An Additional Residential Unit is defined by the province as a self-contained residential unit with private kitchen, bathroom facilities and sleeping areas within dwellings or within structures ancillary to a single-detached, semi-detached or townhouse building<sup>38</sup>. It can be located within the main residential building and/or in an accessory building on the same lot. Additional Residential Units are also commonly referred to as second units, secondary suites, accessory apartments, granny flats, in-law apartments, or nanny suites.

### *Planning Act and Ontario Regulation 299/19 requirements:*

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

The Ontario Regulation 299/19 requires each Additional Residential Unit to have one parking space that is provided and maintained for the sole use of the occupant of the Additional Residential Unit(s) (299/19, 2.1), except when the by-law does not require a parking space for the occupant of the primary residential unit<sup>39</sup>. Further, the regulation states that the Additional Residential Units can be occupied by any person regardless of their relationship to the owner or ownership status of the unit. Where the use of an Additional Residential Units is authorized, an Additional Residential Unit is permitted regardless of the date of construction of the primary residential unit.

### *City of Richmond Hill Official Plan*

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

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

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

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

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

#### *Other Municipal Approaches to permit ARUs*

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

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