



City of
Peterborough

To: Members of the General Committee

From: Michael Papadacos, Commissioner, Infrastructure and Planning Services (Acting)

Meeting Date: August 8, 2023

Subject: Zoning for Additional Residential Units, Report IPSPL23-022

Purpose

A report to implement necessary revisions to the City's Zoning By-law to permit additional residential units in certain residential dwelling types throughout the City.

Recommendations

That Council approve the recommendations outlined in Report IPSPL23-022, dated August 8, 2023 of the Commissioner of Infrastructure and Planning Services (Acting) as follows:

- a) That Section 1 – Definitions, of Zoning By-law 97-123 be amended in accordance with Exhibit A of Report IPLPL23-022;
- b) That Section 4.2.A(i) – referring to Ontario Regulation 384/94 (Apartments in Houses), be deleted in its entirety in accordance with Exhibit A of Report IPLPL23-022; and
- c) That Section 6.33-Additional Dwelling Unit and Secondary Suite, be repealed in its entirety and replaced with updated provisions of the Planning Act, R.S.O. 1990, c.P.13 for additional residential units in accordance with Exhibit A of Report IPLPL23-022

Budget and Financial Implications

Additional Residential Units are exempt from the payment of Development Charges, Parkland dedication and Community Benefit contributions. The exemption of Development Charges is a requirement of the **Development Charges Act**. There are no direct budget implications. Indirect impacts may be incurred due to potential enforcement of by-law requirements as well as potential growth related service and infrastructure expansions/enhancements that could require additional municipal capital levy contributions in light of the statutory exemption of Development Charges.

Background

The Province has made legislative changes in an effort to increase housing supply. Staff provided Council with an overview of many of these changes in January, 2023 via Report IPSPL23-001.

Bill 23, More Homes Built Faster Act, 2022 was introduced by the Province on October 25, 2022. Third reading and Royal Assent was granted on November 28, 2022. The new legislation makes amendments to nine different statutes, including the **Conservation Authorities Act, the Municipal Act, 2001, the Ontario Heritage Act, the Ontario Land Tribunal Act, 2021, and the Planning Act**. The associated regulations relating to additional residential units came into force on December 23, 2022.

With the intention of increasing the supply of housing, the Province introduced changes to the Planning Act to allow gentle density/intensification by requiring municipal zoning to permit 'gentle intensification' of up to 3 units per lot (up to two in the main building and one in an accessory building or up to three in the main building) in a detached, semi-detached or townhouse dwelling; prohibiting municipal zoning to regulate minimum unit size or from requiring more than one parking space per unit for 'gentle intensification' units; and exempting 'gentle intensification' units from Development Charges, Parkland and Community Benefit contributions.

The City's Zoning By-law was updated in 2018 to permit a maximum of one (1) Secondary Suite within specific types of Principal Dwelling Units or within a residential Accessory Building associated therewith. The City is now required to permit up to two (2) additional residential units within certain types of principal dwelling units or up to one additional residential unit in the permitted principal dwelling and up to one additional residential unit in an ancillary building or structure, subject to specific regulations. The proposed Zoning By-law Amendment will implement this direction.

In broad terms, the promotion of additional residential units and the former secondary suites was intended to increase the supply and range of rental and affordable rental accommodation and to benefit the wider community by:

- Creating greater balance in the City's rental vacancy rate;
- Allowing homeowners to earn additional income to help meet the cost of homeownership;
- Supporting changing demographics by providing more housing options for extended families or elderly parents, or for a live-in caregiver;
- Helping create mixed-income communities, which support local businesses and local labour markets;
- Making more efficient use of existing infrastructure, including public transit;
- Making more efficient use of the existing housing stock;
- Creating jobs in the construction/renovation industry; and
- Assisting the City to meet goals regarding affordable housing, intensification and density targets, and climate change mitigation and greenhouse gas emissions reduction.

The opportunity to add yet another unit via the Additional Residential Units provisions (ARU) will expand on the same potential benefits as cited above for Secondary Suites.

To ensure smooth implementation of secondary suites, the **Strong Communities through Affordable Housing Act** removed any public ability to appeal municipal official plan and zoning by-law amendment decisions that give effect to secondary suites. Similarly, the **More Homes Built Faster Act** also removes any appeal rights for official plan and zoning by-law amendment decisions that give effect to additional residential units.

Current City Planning Policy and Regulations

The City's recently approved Official Plan contemplates that intensification within the Delineated Built-Up Area will occur in locations where infrastructure capacity exists or can be readily improved. Additional residential units within existing dwellings/lots are encouraged to assist with the City's intensification efforts in low density residential neighbourhoods.

The policies relating to low-rise residential development contemplates that additional residential units, as well as triplexes, quadruplexes, street and block townhouse dwellings and apartment buildings with maximum building heights of 3 storeys, together with other building elements to be identified in the Zoning By-law, will ensure compatible development.

Section 4.0 of the Official Plan – Land Use Designations, includes policies for Additional Residential Units that are consistent with the amendment to the former Official Plan and the current provincial direction, including the following:

- i. Only two additional residential units for each single detached, semi-detached, or row/townhouse dwelling unit will be permitted;
- ii. One additional residential unit may be contained within each of a primary residential dwelling and a building accessory thereto;
- iii. Severances to subdivide an additional residential unit from its primary residential dwelling will not be permitted;
- iv. Additional residential units shall be directed to areas outside of hazardous lands which are impacted by flooding hazards and/or erosion hazards and shall not be permitted within a floodway; and,
- v. Additional residential units shall be developed with municipal water and wastewater services unless permission is granted otherwise in the Zoning By-Law.”

Additional Residential Unit is defined in the Official Plan and proposed through the draft amendment attached to be defined in the Zoning By-law as “a self-contained residential unit with a private kitchen, bathroom facilities and sleeping areas within dwellings or within structures ancillary to a dwelling.” Additional Residential Units are also referred to as second units, basement apartments, accessory apartments, granny flats, in-law apartments or nanny suites.

Pursuant to the **Planning Act**, there is no right to appeal in respect of the official plan policies and/or zoning by-laws that establish provisions permitting Additional Residential Units as per Section 35.1 of the **Planning Act**, R.S.O, 1990, c.P.13.

Proposed Zoning By-law Amendment

The factors that were considered in 2018 when establishing the current Zoning Regulations to accommodate Secondary Suites have been reviewed carefully by Staff when preparing the regulations proposed for Additional Residential Units. Although the Planning Act prohibits municipalities from requiring more than one parking space per additional residential unit and does not allow municipalities to require a minimum unit size, it does allow municipalities to continue to regulate other aspects of the additional residential units.

Minimizing the impact that additional residential units may have on the surrounding community, enhancing sustainability, efficient use of existing infrastructure and ensuring safety will ensure that other provincial and municipal interests are taken into consideration with revised regulations. The City is currently reviewing the parking impacts/requirements for additional residential units as part of an ongoing parking study being undertaken with support from the Provincial Streamline Development Approval Fund. Further discussion regarding parking requirements for a third residential unit on a

property may be necessary in the future, pending the results of the parking study, together with potential options for on-street parking and front yard parking regulation.

To effect the changes required by the Province, the City is proposing to amend the Zoning By-law as detailed in Exhibit A by amending the following:

1. Introduce a definition of 'Additional Residential Unit' in Section 1, Definitions, as follows:

“Additional Residential Unit is a self-contained residential unit with a private kitchen, bathroom facilities and sleeping areas within dwellings or within structures ancillary to a dwelling. Additional Residential Units are also referred to as second units, basement apartments, accessory apartments, granny flats, in-law apartments or nanny suites.”

2. Delete Section 4.2.A(i) – Residential Parking Requirements – to avoid confusion between the parking requirements for Apartments in Houses, as established pursuant to the Residents' Rights Act, 1994 and in compliance with Ontario Regulation 384/94 (Apartments in Houses) (i.e. apartments in houses established prior to November 16, 1995), since it is already prescribed by legislation and does not need to be reflected in a municipal zoning by-law.
3. Repeal and replace Section 6.33 in its entirety to remove any redundancies with provisions of the Planning Act, R.S.O. 1990, c.P13 and change all references from Secondary Suite to Additional Residential Unit as follows:

6.33 ADDITIONAL RESIDENTIAL UNIT

6.33.1 Notwithstanding anything contained in this by-law, one additional residential unit shall be a permitted use in any Building used exclusively for residential purposes within the C.B.D. except for a Principal Dwelling Unit that is a Single Unit Dwelling, Semi-detached Dwelling, or a Row Dwelling, provided that such additional residential unit shall comply with the following regulations:

- a) maximum number of additional residential units per building - 1
- b) maximum floor area - 55 square metres
- c) notwithstanding Section 4.2(A), 1 (one) motor vehicle parking space shall be required for an additional residential unit

6.33.2 In the C.B.D., an Additional Residential Unit within a Single Unit Dwelling, Semi-detached Dwelling or Row Dwelling shall be subject to the regulations of Section 6.33.3.

6.33.3 Notwithstanding anything contained in this By-law, Additional Residential Units shall be permitted subject to the following regulations:

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- a) A maximum of two (2) Additional Residential Units shall be permitted within the following types of Principal Dwelling Units, OR a maximum of one(1) Additional Residential Unit shall be permitted within the following types of Principal Dwelling Units where a maximum of one (1) Additional Residential Unit is located within a residential Accessory Building associated therewith:
 - i. A Single Unit Dwelling
 - ii. A Semi-detached Dwelling Unit; or,
 - iii. A Row Dwelling Unit.
 - b) Additional Residential Units shall not be permitted within a floodway as defined in the Provincial Policy Statement, 2020, or any successor thereof.
 - c) An Additional Residential Unit located in an accessory building shall comply with Section 6.18 (Residential Accessory Buildings).
 - d) An access route for firefighting shall be provided so that:
 - i. A fire department pumper vehicle can be located so that the length of the access route from a hydrant to the vehicle plus the unobstructed path of travel for the firefighter from the vehicle to the primary entrance to the Additional Residential Unit shall not exceed 90 metres, and the unobstructed path of travel for the firefighter from the vehicle to the primary entrance of the Secondary Suite shall not exceed 45 metres, or
 - ii. An alternative is proposed that is acceptable to the Peterborough Fire Services and the City of Peterborough, Building Services Division.
 - iii. An unobstructed path of travel to the primary entrance to the Additional Residential Unit shall be a minimum of 0.9m wide with a maximum cross fall of 5% and a maximum longitudinal slope of 8%.
 - e) Additional Residential Units shall be serviced by public water distribution and wastewater collection facilities. Where municipal water distribution and wastewater collection services are not otherwise required by this By-law for a Principal Dwelling Unit, the use of private services to support Additional Residential Units will be permitted.
 - f) Maximum floor area for an Accessory Residential Unit : Less than the Floor Area of the Principal Dwelling Unit.
 - g) Maximum Number of Bedrooms for an Accessory Residential Unit : 2

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- h) Motor Vehicle Parking for an Accessory Residential Unit shall be provided and maintained as follows:
- i. The Principal Dwelling Unit shall comply with the regulations of Section 4 (Parking, Loading and Driveways);
 - ii. No additional off-street parking shall be required for an Accessory Residential Unit located in Area 1 as designated on Schedule E(1) to this By-law. One (1) off-street motor vehicle parking space, sized in accordance with Section 4.3.1, shall be required for each Accessory Residential Unit located in Areas 2 and 3 as designated on Schedule E(1) to this By-law;
 - iii. Notwithstanding the provisions of Section 4 to the contrary, tandem parking spaces to facilitate an Accessory Residential Unit shall be permitted.
- j) An Accessory Residential Unit shall not be counted as a Dwelling Unit when interpreting regulations in this By-law that pertain to the number of Dwelling Units in a Building or on a Lot.

Summary

Following approval of Bill 23, More Homes Faster Act, the City has received numerous requests for zoning provisions and permit enquiries to create third units on low density residential properties. The proposed amendment will modify the Zoning By-law to ensure consistency with the Planning Act and implements the policy direction of the City's new Official Plan.

The revised regulations promote the creation of much-needed additional residential units, enhance community sustainability, ensure efficient use of existing infrastructure, protect public health and safety, and ensures consideration of other provincial and municipal interests while minimizing the impact that additional residential units may have on the surrounding community.

Submitted by,

Michael Papadacos, M.A., P.Eng.
Commissioner, Infrastructure and Planning Services (Acting)

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Attachment:

Exhibit A – Draft Zoning By-law Amendment

Exhibit A, Draft Zoning By-law Amendment, Page 1 of 4



The Corporation of the City of Peterborough

By-Law Number 23-

Being a By-law to Amend the Zoning By-law to Regulate and Permit Additional Dwelling Units

The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

1. Section 1 of By-Law 1997-123 is hereby amended by adding the following thereto:

 “Additional Dwelling Unit – means a self-contained residential unit with a private kitchen, bathroom facilities and sleeping areas within dwellings or within structures ancillary to a dwelling. Additional Residential Units are also referred to as second units, basement apartments, accessory apartments, granny flats, in-law apartments or nanny suites.”
2. Section 4.2.A (i) is hereby deleted in its entirety.
3. Section 6.33 Additional Dwelling Unit and Secondary Suite of By-law 1997-123 is hereby deleted and replaced in its entirety as follows:

“6.33 ADDITIONAL RESIDENTIAL UNIT

6.33.1 Notwithstanding anything contained in this by-law, one additional residential unit shall be a permitted use in any Building used exclusively for residential purposes within the C.B.D. except for a Principal Dwelling Unit that is a Single Unit Dwelling, Semi-detached Dwelling, or a Row Dwelling, provided that such additional residential unit shall comply with the following regulations:

- a) maximum number of additional residential units per building - 1
- b) maximum floor area - 55 square metres

c) notwithstanding Section 4.2(A), 1 (one) motor vehicle parking space shall be required for an additional residential unit

6.33.2 In the C.B.D., an Additional Residential Unit within a Single Unit Dwelling, Semi-detached Dwelling or Row Dwelling shall be subject to the regulations of Section 6.33.3.

6.33.3 Notwithstanding anything contained in this By-law, Additional Residential Units shall be permitted subject to the following regulations:

a) A maximum of two (2) Additional Residential Units shall be permitted within the following types of Principal Dwelling Units, OR a maximum of one(1) Additional Residential Unit shall be permitted within the following types of Principal Dwelling Units where a maximum of one (1) Additional Residential Unit is located within a residential Accessory Building associated therewith:

i. A Single Unit Dwelling

ii. A Semi-detached Dwelling Unit; or,

iii. A Row Dwelling Unit.

b) Additional Residential Units shall not be permitted within a floodway as defined in the Provincial Policy Statement, 2020, or any successor thereof.

c) An Additional Residential Unit located in an accessory building shall comply with Section 6.18 (Residential Accessory Buildings).

d) An access route for firefighting shall be provided so that:

i. A fire department pumper vehicle can be located so that the length of the access route from a hydrant to the vehicle plus the unobstructed path of travel for the firefighter from the vehicle to the primary entrance to the Additional Residential Unit shall not exceed 90 metres, and the unobstructed path of travel for the firefighter from the vehicle to the primary entrance of the Secondary Suite shall not exceed 45 metres, or

ii. An alternative is proposed that is acceptable to the Peterborough Fire Services and the City of Peterborough, Building Services Division.

iii. An unobstructed path of travel to the primary entrance to the Additional Residential Unit shall be a minimum of 0.9m wide with a maximum cross fall of 5% and a maximum longitudinal slope of 8%;

e) Additional Residential Units shall be serviced by public water distribution and wastewater collection facilities. Where municipal water distribution and wastewater collection services are not otherwise required by this By-law for a Principal Dwelling Unit, the use of private services to support Additional Residential Units will be permitted.

f) Maximum floor area for an Accessory Residential Unit : Less than the Floor Area of the Principal Dwelling Unit.

g) Maximum Number of Bedrooms for an Accessory Residential Unit : 2

h) Motor Vehicle Parking for an Accessory Residential Unit shall be provided and maintained as follows:

i. The Principal Dwelling Unit shall comply with the regulations of Section 4 (Parking, Loading and Driveways);

ii. No additional off-street parking shall be required for an Accessory Residential Unit located in Area 1 as designated on Schedule E(1) to this By-law. One (1) off-street motor vehicle parking space, sized in accordance with Section 4.3.1, shall be required for each Accessory Residential Unit located in Areas 2 and 3 as designated on Schedule E(1) to this By-law;

iii. Notwithstanding the provisions of Section 4 to the contrary, tandem parking spaces to facilitate an Accessory Residential Unit shall be permitted.

j) An Accessory Residential Unit shall not be counted as a Dwelling Unit when interpreting regulations in this By-law that pertain to the number of Dwelling Units in a Building or on a Lot.”

By-law read a first, second and third time this 28th day of August, 2023.

Jeff Leal, Mayor

John Kennedy, City Clerk