



REQUEST FOR DECISION

Agenda Item Number: 6.1.3

Meeting Date: 6/25/2024

Author: D. Schaal

TO: Mayor and Council

FROM: Planning and Development Services

SUBJECT: Provincial Housing Legislation: Small-scale, Multi-unit Housing (SSMUH)
Zoning Amendment Bylaw No. 2422

RECOMMENDATION:

THAT Council adopt Zoning Amendment Bylaw No. 2422, 2024.

PURPOSE

To consider adoption of a Zoning Amendment Bylaw intended to comply with Bill 44 – *Housing Statutes Amendment Act* – and allow small-scale, multi-unit housing (SSMUH) as required by legislation.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

On June 11, 2024, Council provided the following resolution (RC-24/06/11-005):

THAT Council give first, second and third readings to Zoning Amendment Bylaw No. 2422, 2024 with the following amendments:

- 1. Leave site coverage as currently written in R1 and RM2 zones for only single detached homes; and*
- 2. Increase front yard setback for R1 and RM2 zones to 6 metres.*

On May 7, 2024, Council provided the following resolution (RC-24/05/07-007):

THAT Council receive the “Provincial Housing Legislation Update: Small-scale, Multi-unit Housing (SSMUH) and associated Bill 44 Requirements” report for information.

CHIEF ADMINISTRATIVE OFFICERS COMMENTS

Approved for Council’s consideration.

REPORT

BACKGROUND

On November 30, 2023, Bill 44, the *Housing Statutes (Residential Development) Amendment Act* was given Royal Assent. The legislation made amendments to the *Local Government Act* (LGA) that are aimed at increasing housing supply. The legislation impacts the land use planning framework for local governments across the province.

Bill 44 outlines four important legislative requirements for the adoption of SSMUH-related zoning changes that are relevant to this amendment bylaw:

1. That local government bylaws do not unreasonably prohibit or restrict the use or density required to be permitted by Bill 44 (LGA, s. 457.1) and those which do not comply may be subject to a Ministerial Order that overrides their zoning bylaw.
2. That Council must, while adopting SSMUH bylaws, consider the guidelines contained in the [Provincial Policy Manual and Site Standards](#) (LGA, s. 481.3(7) and s. 582.1).
3. That Council must not hold a public hearing on a zoning bylaw proposed for the sole purpose of complying with SSMUH requirements (LGA, s. 464(4)).
4. That Council must provide notice to the Minister of Housing as soon as practicable following adoption of a compliant bylaw (LGA, s. 481.4(2)).

On June 11, 2024, Council gave first, second, and third readings to the small-scale, multi-unit housing (SSMUH) zoning amendment bylaw and directed staff to make two modifications to the amending bylaw regarding setbacks and site coverage. Those changes have been incorporated into the bylaw and the following section of this report provides an overview of the new R1 – Low Density Residential zone and the new RM2 – Multi-unit Infill Residential zone.

DISCUSSION

R1 Zone Amendments

A summary of the proposed R1 zone intended to accommodate Bill 44 requirements is provided in Table 1 below. The changes that have been made to the R1 zone since third reading are highlighted in red.

Table 1: R1 Zoning Parameters Compared with Provincial Site Standard ‘C’

Zoning Parameter	Recommended Provincial Site Standard “C” (Suburban and Rural with Services >1,215 m ²)	Recommended R1 Zone	Is the R1 Zone Proposed to Change?
Front Setback	5-6 m (16 - 20 ft)	6.0 m (19.7 ft)	No
Rear Setback (Principal)	6 m (20 ft)	4.5 m (14.8 ft)	Yes, decrease by 3.0 m
Accessory (Garden Suite) Rear Setback	1.5 m (5 ft)	3.0 m (9.8 ft)	No
Side Yard Setback	1.2 m (4 ft)	1.5 m (4.9 ft)	No
Exterior Side Yard Setback	1.2 m (4 ft)	4.5 m (14.8 ft)	No
Maximum Height (Principal)	11 m (36 ft) 3 storeys	9.1 m (29.9 ft)	No
Maximum Height (Garden Suite)	8 m (26 ft) 2 storeys	5.0 m (16.4 ft)	Yes, increase by 0.5 m to allow loft bedrooms
Maximum Lot Coverage	25 – 40%	<ul style="list-style-type: none"> For a single detached dwelling = 40% For multiple housing units: 50% (lots <1,000 m²) 40% (lots >1,000 m²) 	<ul style="list-style-type: none"> No Yes, increase by 10% for lots smaller than 1,000 m²
Off-street Parking	1 per unit	2 per principal dwelling 1 per suite	No

Staff will continue to monitor the implementation of these changes to ensure they have not created unintended problems such as larger massing in the middle of a property.

RM2 Zone Amendments

A summary of the proposed RM2 zone intended to accommodate Bill 44 requirements is provided in Table 2. The changes that have been made to the RM2 zone since third reading are highlighted in red.

Table 2: RM2 Zoning Parameters Compared with Provincial Site Standard 'B'

Zoning Parameter	Recommended Provincial Site Standard "C" (Urban Infill <1,215 m ²)	Recommended RM2 Zone	Is the RM2 Zone Proposed to Change?
Front Setback	2 m (6.5 ft)	6.0 m (19.7 ft)	Yes, increase by 1.5 m
Rear Setback (Principal)	1.5 m (5 ft)	4.5 m (14.8 ft)	Yes, decrease by 1.5 m
Accessory (Garden Suite) Rear Setback	1.5 m (5 ft)	3.0 m (9.8 ft)	No
Side Yard Setback	1.2 m (4 ft)	2.0 m (6.6 ft)	No
Exterior Side Yard Setback	1.2 m (4 ft)	3.0 m (9.8 ft)	Yes, decrease by 1.5 m
Maximum Height (Principal)	11 m (36 ft) 3 storeys	10.0 m (32.8 ft)	No
Maximum Height (Garden Suite)	8 m (26 ft) 2 storeys	5.0 m (16.4 ft)	Yes, increase by 0.5 m to allow loft bedrooms
Maximum Lot Coverage	50%	<ul style="list-style-type: none"> For a single detached dwelling = 40% For multiple housing units: 55% (lots <1,000 m²) 45% (lots >1,000 m²) 	<ul style="list-style-type: none"> No Yes, increase by 15% for lots smaller than 1,000 m² and 5% for lots greater than 1000 m²
Off-street Parking	Maximum 1 per unit	2 per principal dwelling 1.5 per Townhouse 1 per suite	No

An analysis has been undertaken to confirm that the increased front setback will not contravene Council's requirements under the *Local Government Act* to not unreasonably prohibit or restrict the required density created by the SSMUH legislation. While the increased setback will constrain layout, design, and parking placement options for multiple units on smaller RM2 lots, a townhouse or four-unit configuration remains possible with the change.

Additional Amendments

In addition to the Council-directed changes following third reading, additional amendments have been made to the new R1 and RM2 zones. The changes involve the addition of a site-specific text amendment to both zones and an associated mapping amendment. The changes are necessary to accommodate an in-stream development application but impose no additional regulatory impact on the development.

In September 2023, Council adopted OCP and zoning amendments for a 71-unit residential development known as *The Falls* (File: Z22-03) at 6575 and 6650 Renfrew Road. The development incorporates a split-zoning scenario that includes the RM2 and R2 (Two Unit Residential) zones—both of which are affected by the District's response to the SSMUH legislative changes. In brief, the R2 zone is being deleted from the Zoning Bylaw and the new RM2 zone imposes a maximum density of four units. However, as a zoning condition, Council imposed registration of a density restriction covenant on the properties, which is valid as it preceded the SSMUH legislative changes, and text and mapping amendments are required to preserve the intent of the previous development approval.

The mapping amendment rezones those portions of the parcels that are zoned R2 to R1 in the same manner as all other R2-zoned parcels in the community.

The text amendment re-establishes the maximum density for the development as imposed in the density restriction covenant.

IMPLICATIONS/RELATED ISSUES/RISK

The proposed bylaw amendments were prepared with the assistance of consulting resources. The SSMUH amendments may gradually increase the residential tax base and result in the incremental collection of additional development cost charges (DCCs) for municipal roads, parks, and water and sewer infrastructure.

STRATEGIC DIRECTION

Increase Housing Choice:

- Priority #1 – Update housing strategy
- Priority #3 – Increase opportunities for gentle density (i.e. plexes, garden suites, and secondary suites)
- Priority #6 – Consider land use amendments that increase opportunities for housing choice.
- Priority #8 – Promote diverse housing options.

CONCLUSION

The proposed zoning amendments detailed in this report are intended to align with the provincial requirements for SSMUH and promote more diverse housing options within the community, which aligns with Council's Strategic Plan and the policies within the District's Official Community Plan.

Staff recommend the SSMUH changes be reviewed no more than two years following the adoption of the Zoning Amendment Bylaw. That said, a report will be brought forward no later than June 2026 with details on the impacts of the new SSMUH zoning and any uptake in new units observed.

SUPPORTING DOCUMENTATION

Attachment 1 – Small-scale, Multi-unit Housing (SSMUH) Amendment Bylaw No. 2422 and Schedules 'A' through 'G' which are attached to and form part of the bylaw.

REVIEWED BY Brittany Nichols, Manager of Planning

REVIEWED & APPROVED BY Joe Creron, CAO