

Additional Residential Units - Municipal Best Practices

The policies and regulations of other municipalities in Ontario were reviewed to examine best practices for regulating additional residential units (ARUs). A number of municipalities have updated their official plans and zoning by-laws in accordance with the Planning Act as amended through Bill 108 to permit two additional residential units (ARUs). Some of the municipalities were reviewed to examine their approach to permitting and regulating ARUs in rural areas.

Official Plan Policies

The official plan policies of the municipalities reviewed commonly set out that Additional Residential Units (ARUs) support housing and planning objectives such as providing a range of housing choice, supporting housing affordability, increasing density through gentle intensification, increasing the supply of rental housing, providing for the needs of changing demographics and using existing infrastructure efficiently.

The official plan policies establish the fundamental permissions and criteria for ARUs such as the number of additional units permitted, permitted locations of units on a lot and within the municipality, and parking policies. The official plan policies also address safety and building standards such as requiring ARUs to comply with Ontario building and fire codes, water and wastewater servicing, and access requirements for emergency services.

Most of the municipalities reviewed have policies requiring ARUs be designed and located to be compatible with the character of the surrounding neighbourhood and streetscape, and ensure no negative impacts on adjacent properties. Some municipalities include policies to address sustainability considerations for ARUs such as requiring stormwater management, tree preservation and landscaping.

The City of Brampton encourages creation of ARUs through new construction and the subdivision approval process. The City of Toronto provides policies to guide the review of minor variance applications for proposed ARUs to support goals such as tree protection, accessibility and affordable housing. The City of Cambridge includes that no new separate access to a municipal road will be permitted in order to accommodate or provide access to a proposed ARU(s).

Terminology

Most commonly, the municipalities reviewed use the Planning Act's term of Additional Residential Unit (ARU). A few municipalities use Additional Dwelling Unit instead. ARUs can be divided into two categories based on their location: either attached to the primary dwelling or detached in an accessory/ancillary building or structure. Most zoning by-laws reviewed include distinct regulations that pertain to attached ARUs and detached ARUs. Some municipalities use the terms Additional Residential Unit (Detached), Additional Dwelling Unit (Detached), Garden Suite, or Laneway Suite to specifically refer to detached types of ARUs. The Cities of Toronto and Brampton use the term Garden

Suite to refer to ARUs located in detached permanent ancillary buildings, which is different than the Planning Act definition that requires Garden Suites to be temporary and portable.

The majority of definitions for an additional residential unit note that it is a self-contained residential/dwelling unit. Some definitions specify that the unit provides food preparation and sanitary facilities, and sleep areas. A few definitions also include that the ARU is subordinate or accessory to the primary dwelling on the lot. Some zoning by-laws include the location of the ARU in the definition, such as specifying it is a unit located within a single-detached, semi-detached or rowhouse unit, or within an accessory building or structure on the same lot. One definition notes that an ARU does not include a Farm Labour Residence.

Number of Units & Location

The municipalities that updated their policies and regulations, in accordance with the Bill 108 Planning Act, generally permit a maximum of two additional residential units. The City of Toronto permits more than two ARUs within the residential zone in the downtown area. The City of Cambridge permits two ARUs in some residential zones, but only one ARU in other residential zones. Most municipalities that permit ARUs in rural, agricultural, or greenbelt zones only permit one ARU per lot on these lands.

A number of municipalities include policies which do not permit ARUs within floodplain, hazard, natural heritage and/or environmental protection zones. Municipalities with lands within the Greenbelt implement the ARU regulations of the Greenbelt Plan or the Oakridge Moraine Plan through their zoning.

Also in accordance with the Bill 108 Planning Act, the municipalities that updated their zoning permit one ARU within a single-detached, semi-detached and townhouse dwelling and one ARU within a detached accessory building or structure. Where two ARUs are permitted, the City of Cambridge permits both ARUs to be located within the primary building, in which case no ARU would be permitted in a detached accessory building. Where only one ARU is permitted, it must be located within the primary building. Also, only one ARU is permitted in the basement. The City of Kitchener also permits two ARUs in the primary building, but only within existing single-detached dwellings and subject to minimum lot size and frontage requirements. The City of Kitchener is the only municipality that includes minimum lot size and frontage requirements for ARUs in urban areas. The City of Hamilton and County of Brant has minimum lot size requirements for an ARU in rural areas.

No municipality permits more than one detached ARU per lot. A few municipalities do not permit a detached ARU in rural zones. The City of Richmond Hill permits an ARU in an existing single detached dwelling or in an existing detached accessory structure that is accessory to the single detached dwelling in the Agricultural One zone. A couple of municipalities have regulations for ARUs located within or above a detached garage. Most municipalities only permit an ARU in a detached accessory building in the rear or interior side yard.

The number and location of ARUs are generally based on provincial legislations and policies.

Floor Area

Most municipalities have regulations that limit the maximum floor area of ARU(s). No municipalities reviewed require a minimum floor area.

For ARUs attached to the primary dwelling, a number of municipalities reviewed specify that the floor area of the ARU(s) may not exceed a certain percentage of the floor area of the primary dwelling. The percentages specified are most commonly in the 40%-50% range. Some regulations apply the percentage limit to each ARU, while other regulations apply the percentage limit cumulatively to all ARUs within the dwelling. A couple of municipalities specify a maximum floor area, while a couple of others simply require that the floor area of the ARU(s) not exceed the floor area of the primary dwelling unit. A few municipalities allow an ARU to occupy the entire basement despite any other floor area regulations. There are also a few municipalities that do not have floor area regulations for attached ARU(s).

All municipalities that permit a detached accessory/ancillary building or structure limit its floor area. The majority of municipalities reviewed require a detached ARU not to exceed the lesser of a percentage of the floor area of the primary dwelling or of the lot area and a specified floor area. The floor area specified range from 35 to 140 square metres (376 to 1506 square feet). Urban zones tend to limit a detached ARU to around 80 square metres (861 square feet). Rural zones tend to permit a larger detached ARU. A couple of municipalities have specific floor area regulations for an ARU located within or above a detached garage.

The regulations limiting the floor area of ARU(s) serve the objective of establishing the ARU(s) as subordinate or accessory to the primary dwelling unit. Restricting the size of ARUs also serve to limit potential impacts on adjacent properties and maintain the character of existing low and medium density neighbourhoods.

Height

No municipalities reviewed have special height regulations for ARU(s) attached to the primary dwelling. ARU(s) attached to the primary dwelling is subject to the height regulations for the primary dwelling.

Most municipalities specify a maximum height for an ARU in a detached accessory building. A number of municipalities specify different heights for different types of zones. In urban zones, the most commonly permitted heights are between 3.0 to 4.5 metres, which would result in one or one and a half storey accessory buildings. A couple of municipalities, such as the City of Toronto, allow 6.0 to 6.5 metres and a maximum of two storeys, subject to additional regulations. The City of Toronto only permits the two storeys if a greater distance separate between the primary residential building and the accessory building containing the ARU is provided. The City of Brampton limits height of

a detached ARU to the lesser of a specified height and the height of the primary building.

Typically, rural zones permit a taller detached ARU, between 6.5 to 7.5 metres. A couple of municipalities specify special heights for a detached garage with an ARU above, permitting 7.5 and 8.5 metres, respectively.

For an ARU in a detached accessory building located within the rear or interior side yard of a low or medium density residential lot, the limitations on height serve to establish the built form, mitigate privacy issues, limit impact on adjacent properties and maintain compatibility with the existing neighbourhood.

Setbacks

No municipalities reviewed establish a specific front yard or exterior side yard setback for ARU(s) attached to the primary dwelling. If a building addition is added to a primary dwelling to accommodate an ARU, the minimum front yard and exterior side yard setback of the zoning for the primary dwelling would apply. An ARU in a detached accessory building is not permitted in front yards in all municipalities reviewed, while only one municipality permits a detached ARU in exterior side yards.

A number of municipalities establish specific minimum interior side yard and rear yard setbacks for an accessory building or structure containing an ARU. It is recognized that these accessory buildings are now occupied as a home, so interior side yard and rear yard setbacks for these buildings were reviewed and re-established by some municipalities to mitigate impact on adjacent properties. Although a number of municipalities also establish specific regulations to ensure access, interior side yard and rear yard setbacks also serve to ensure pedestrian access and access for fire and emergency services to the ARU from the street.

For primary residential buildings containing an ARU(s), a couple of municipalities establish specific minimum interior side yard and rear yard setbacks, although most municipalities just use their pre-existing setbacks for primary dwellings.

Required setbacks vary between the municipalities reviewed, although the most commonly required minimum interior side yard and rear yard setback is 1.2 metres.

A few municipalities also specify a minimum separation distance between the primary building and an accessory building or structure containing an ARU. The distance specified range from 3.0 metres to 7.5 metres. The City of Toronto requires a greater distance separation if the accessory building is over a certain height. Some municipalities do not specify a separation distance for an accessory building containing an ARU and the primary building, but a distance separation required between a primary building and an accessory building or structure may still apply.

Access

As mentioned in the discussion about setbacks, some municipalities include specific policies to ensure there is pedestrian access for fire and emergency services from the street, lane or driveway to the entrance of ARUs. The pedestrian access would also serve residents of the ARUs. Most commonly, the municipalities reviewed require a minimum 1.2 metre wide unobstructed path of travel. The City of Hamilton requires a minimum 1.0 metre wide path with minimum 2.1 metre clearance in height.

Some municipalities also have regulations regarding entrance to ARU(s) within the primary building. Most commonly, a separate entrance for an ARU is not permitted on the front façade of the primary dwelling. A couple of municipalities except townhouse dwellings from this regulation. The purpose of this regulation is to maintain the overall appearance from the street and the general character of low density neighbourhoods.

Parking

Generally, all the municipalities reviewed require one parking space for each ARU in addition to the parking space(s) required for the primary dwelling unit. A few municipalities include provisions that have the effect of only requiring one parking space for each of the three dwelling units permitted on a lot (one primary unit plus two ARUs), taking into consideration that two or more parking spaces are typically already provided for the primary dwelling unit.

The City of Kitchener does not require parking for ARUs where a lot is located within 800 metres of a light rail transit station. The City of Richmond Hill does not require parking for ARUs where parking is not required for the primary dwelling unit. The City of Toronto does not require car parking spaces for detached ARUs, but instead requires two bicycle parking spaces for each detached ARU.

Coverage

Most of the municipalities reviewed do not have special lot coverage regulations for ARUs. The same lot coverage regulations would apply regardless of whether primary buildings and/or accessory buildings or structures contain ARUs. A couple of municipalities changed lot coverage regulations for lots containing a detached ARU in an accessory building or structure.

The City of Toronto removed accessory buildings containing a detached ARU from the calculation of overall lot coverage. Toronto also increased the lot coverage permitted for all ancillary buildings on a lot with a detached ARU. Whereas the Residential zone category require all accessory buildings on a lot to not exceed 10% lot coverage, lots containing a laneway suite may have a lot coverage for all accessory buildings not exceeding 30% and for garden suites not exceeding 20%.

The City of Hamilton specifies that a detached ARU shall not be considered as an accessory building. Hamilton also increased the lot coverage for all accessory buildings and a detached ARU to 25%, whereas lots without a detached ARU would be restricted to lesser of 45 square metres or 7.5% total lot coverage for all accessory buildings.

With the exception of a few, most municipalities also did not specify special minimum landscaped open space regulations for ARUs. The City of Toronto specified minimum percentages of landscaped open space in the rear yard for lots containing a detached ARU. The percentages specified was higher for lots with lot frontage greater than 6 metres. The City of Kitchener specified a minimum landscaped area of 20% for lots containing two attached ARUs within the primary dwelling. The City of Hamilton requires minimum 12 square metres of landscaped area to be provided in the rear yard for any lot with a detached ARU.

The lot coverage and landscaped open space requirements mainly serve to maintain permeable space needed to retain stormwater on site and preserve existing and potential trees on residential lots.

Servicing

Some of the reviewed municipalities address water and sewage servicing for ARUs in their zoning by-laws and/or official plan. A number of municipalities require ARU(s) to connect to municipal services where available, such as in urban areas, but also permit ARU(s) to be serviced by adequate private well and septic facilities where municipal services are not available, such as in rural areas. The Town of Halton Hills amended its official plan and zoning by-law in 2019 to permit an ARU within a single detached, semi-detached, or townhouse dwelling in the Rural Area as long as there is adequate municipal water and wastewater or septic and well facilities. The City of Kitchener is the only municipality that requires ARUs only be connected to full municipal services, although there are not much rural lands or areas without full municipal servicing in Kitchener. The City of Richmond Hill specifies in their zoning by-law that ARUs are exempted from servicing allocation requirement. Some other municipalities do not address servicing in their zoning by-laws or official plan.

Other Regulations

Some of the municipalities reviewed has other regulations that has not been discussed above pertaining to ARUs.

The City of Toronto has detailed design regulations for attached and detached ARUs. For accommodating attached ARUs within an existing building, Toronto has regulations for additions and exterior alternations to a front wall or roof that faces a street. As discussed, Toronto is one of the municipalities that permits a two-storey detached ARU. To mitigate privacy and shadow impacts on adjacent properties of a two-storey detached ARU, Toronto includes angular plane regulations for the accessory building above 4 metres in height. Angular planes can help mitigate the impact of building mass on adjacent properties as height increases by stepping it away from property lines. For detached ARUs, Toronto also has detailed regulations for decks, platforms and amenities, as well as permitted encroachments for platforms, canopies, awning, architectural features and equipment (vents, pipes, utility equipment, solar energy device, etc).

A couple of municipalities specifically do not permit a home occupation on the same lot as an ARU or within an ARU. There are also a couple of municipalities that specifically state a home occupation is permitted within an ARU, subject to certain regulations. Through a review of the home occupation regulations of the municipalities that do not specifically address home occupations in their ARU regulations, some municipalities restrict the types of home occupation uses permitted in ARUs and some municipalities do not permit home occupations in accessory buildings.

In addition to home occupations, some of the municipalities reviewed address other accessory uses in relation to ARUs on residential lots. The City of Toronto permits short-term rental in a detached ARU if the ARU is exclusively and separately occupied as a principle residence. The City of Brampton and Cambridge both do not permit an ARU on the same lot as a lodging house (including boarding or rooming house). The City of Brampton also do not permit an ARU on the same lot as supportive housing; while the City of Cambridge also do not permit an ARU on the same lot as a garden suite or bed and breakfast. The Township of King in their rural zoning by-law do not permit an ARU in the primary dwelling in conjunction with a bed and breakfast. A couple of other municipalities specify that an ARU is not a farm labour residence or a residence surplus to a farm operation.

A few of the municipalities reviewed require ARUs to be registered with the municipality. A number of municipalities also have regulation that prohibit the severance of a detached ARU in an accessory building or structure from the lot containing the primary dwelling. The County of Brant includes regulations for detached ARUs proposed on lands outside of a settlement area boundary to address the protection of farm operations. The City of Hamilton also has regulations for Converted Dwellings, which are existing single detached or duplex dwellings that may be converted to have two to four dwelling units.