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Residential Zones - Discussion Paper Addendum

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Purpose

This Paper is an addendum to the June 2024 Residential Zones Discussion Paper. The purpose of this paper is twofold. One to address the policy changes in OPA #3 to increase housing options. Two to conduct a thorough best practice review of municipal zoning provisions that will be incorporated into Parts 1-4 of the draft Zoning By-law being Administration, General Provisions, Definitions and Parking.

Implications of OPA #3

OPA #3 introduced several Official Plan policy changes that warranted consideration in the Zoning By-law. These changes have warranted a change in scope of work in order to consider:

- Permissions for 3 additional residential units (ARUs) and the performance standards / zone provisions to regulate them;
- Changes to the Residential Low Density designation to change the designation name and to permit triplexes and fourplexes on the periphery of neighbourhoods;
- Changes to the Residential Medium Density designation to change the designation name and permit a broader range of ground oriented dwellings including duplex, triplex, fourplex dwellings and multiplex including other permitted dwellings;
- Changes to the Residential High Density designation to change the designation name and permit additional housing types including triplex, fourplex and multiplexes as well as setting a standard permitted maximum height in the Zoning By-law;
- Considerations for reduced parking requirements to facilitate missing middle housing;
- Consideration for two ARU's in an accessory structure; and
- Consideration of approaches to address built form rather than density.

As part of this scope change, the consulting team working with City staff have undertaken analysis to answer the following questions:

- What are the appropriate regulations for duplex, triplex and fourplexes in the Low Rise Residential Zones considering best practices?
- What does “peripheries of neighbourhoods” mean and how can it be implemented in the Zoning By-law with respect to the provision of triplexes and fourplexes in the Low Rise Neighbourhoods I designation and non-ground oriented dwellings in the Low Rise Neighbourhoods II designation?
- How should “multiplexes” be defined in the Zoning By-law?
- What other housing forms would be considered missing middle and appropriate in low rise zones?

- How to address the RM4 Zone permissions, as single detached dwellings are no longer permitted in the Low-Rise Neighbourhoods II designation?
- With the removal of the Neighbourhood Character Area policies are there any character zone provisions should be carried forward in the new Zoning By-law?
- What are the Implications of OPA #3 for High-rise Residential Development?
- What built form provisions should be considered to replace existing density provisions?
- What are appropriate zoning standards for Additional Residential Units (ARU's) and
- What are the implications of allowing two ARU's in accessory structures?

What are the Appropriate Regulations for Duplex, Triplex and Fourplexes?

For all best practice reviews of municipal zoning in this addendum report, a review was conducted of recent approved or nearly completed zoning by-laws. These included the Cities of Guelph, St. Catharines, Oakville, Vaughan and Ottawa. Due to the lack of other by-laws providing provisions on duplex, triplex and fourplexes, London was also added to the best practice review.

Table 1 shows the provisions for duplexes in other municipalities. Neither Vaughan nor Ottawa contains provisions for duplexes. The provisions vary considerably among the municipalities and even within the municipalities. Based on this review, duplexes could have the same yard, height and coverage provisions as a single detached lot, but to accommodate the parking, it is recommended that the lot frontage be no smaller than 12 metres to allow for a two car garage. The resultant minimum lot area would be 360 square metres.

Table 1: Duplex Provisions

Provision	Oakville	Guelph	St. Catharines	London
Lot area min.	743 m ²	275-460 m ²	280-630 m ²	350-600 m ²
Frontage min.	21 m	9-15 m	12-16.5 m	11.3-15 m
Front yard min	7.5 m	6-10 m	3-6 m	6-8 m
Exterior side yard min	3.5 m	4.5-10 m	3-4 m	6-8 m
Int. side yard min	3.5 m	1.2-1.5 m	1.2 m	1.2 m
Rear yard	7.5 m	7.5 m/ 20% (lesser)	6-7.5 m	6-7.5 m
Height max	12 m	3 storeys	10-11 m	10.5 m
Max lot coverage	25%		45%	30-45%

Table 2 contains to provisions for triplexes in other municipalities. Only Guelph, St. Catharines and London contain provisions for triplexes. As with duplexes, there is

considerable variation in the lot and yard provisions. It is assumed that triplex units would typically be three units stacked on top of one another. As such, the yard and coverage provisions could be similar to single detached houses except that one interior side yard should be a minimum of 3 metres to allow for side yard or rear yard parking. The lot frontage to accommodate the side yard driveway should be a minimum of 13 metres and the minimum lot area 390 square metres. To accommodate three storeys, the maximum height should be at least 10 metres.

Table 2: Triplex Provisions

Provision	Guelph	St. Catharines	London
Lot area min.	275-460 m ²	420-945 m ²	420-700 m ²
Frontage min.	9-15 m	12-16.5 m	12-18 m
Front yard min	6-10 m	3-6 m	4.5-8 m
Exterior side yard min	4.5-10 m	3-4 m	4.5-8 m
Int. side yard min	1.2-1.5 m	1.2 m	1.2 m
Rear yard	7.5 m/ 20% (lesser)	6-7.5 m	6-7.5 m
Height max	3 storeys	10-11 m	10.5-12 m
Max lot coverage		45%	35-45%

Table 3 contains the provisions for fourplexes. Only St. Catharines and London contain provisions for fourplexes. The lot areas are considerably larger than other housing types, but both by-laws have frontages starting at 12 metres. Fourplexes could be in the form of two semi-detached duplex units or four stacked units with side yard parking. To accommodate those different built forms and the amount of parking required, it is recommended that the minimum lot frontage be 15 metres and a minimum lot area of 450 square metres. The minimum side yard on one side should be 3 metres and 1.2 metres on the other. Front, exterior and rear yards can be similar to single detached lots in the respective zones. The maximum building height should be at least 12 metres to accommodate 4 stacked units assuming one is partially below grade.

Table 3: Fourplex Provisions

Provision	St. Catharines	London
Lot area min.	560-1260 m ²	550-700 m ²
Frontage min.	12-16.5 m	12-18 m
Front yard min	3-6 m	4.5-8 m
Exterior side yard min	3 m	4.5-8 m
Int. side yard min	1.2 m	1.2 m
Rear yard	6-7.5 m	6-7.5 m
Height max	10-11 m	12 m
Max lot coverage	45%	35-45%

What is the Periphery of a Neighbourhood?

OPA #3 in the Low Rise Neighbourhoods I designation permits the development of triplexes and fourplexes at the peripheries of neighbourhoods. In the Low Rise Neighbourhoods II designation, OPA 3 permits the “opportunity for low-rise non-ground oriented dwellings at the peripheries of the neighbourhoods”. It further states that, “The neighbourhoods in the Low-Rise Neighbourhoods II designation will evolve over time to include non-ground oriented dwellings along the peripheries of the neighbourhood and provide an appropriate built form transition in scale between the ground-oriented dwellings and non-ground-oriented dwellings”.

Non-ground oriented dwellings are defined in the Official Plan to be a dwelling unit which is designed to be accessible primarily by indirect access through an elevator and usually exceeds 3 storeys in height,

To operationalize these two policies, the zoning by-law must discern what periphery of the neighbourhood entails.

The Low Rise Neighbourhoods I designation is a large designation, and the entire designation in any one area of the municipality would not be considered just one neighbourhood but rather a series of neighbourhoods. Where the designation abuts a non-residential designation, as shown on Schedule C, such as General Employment, Business Corridor, Urban Corridor - Employment or an Employment Commercial Centre, it would entail the periphery of the neighbourhood. As well, where the Low Rise Neighbourhood I designation abuts a higher density residential designation and in keeping with the policy on transition in scale between ground-oriented dwellings and non-ground-oriented dwellings, the interface with those designations (i.e., parts of Urban Centres, Neighbourhood Centre, Local Centre, Urban Corridor, Low Rise Neighbourhoods II and the High Rise Neighbourhoods) would also be considered the periphery of a neighbourhood.

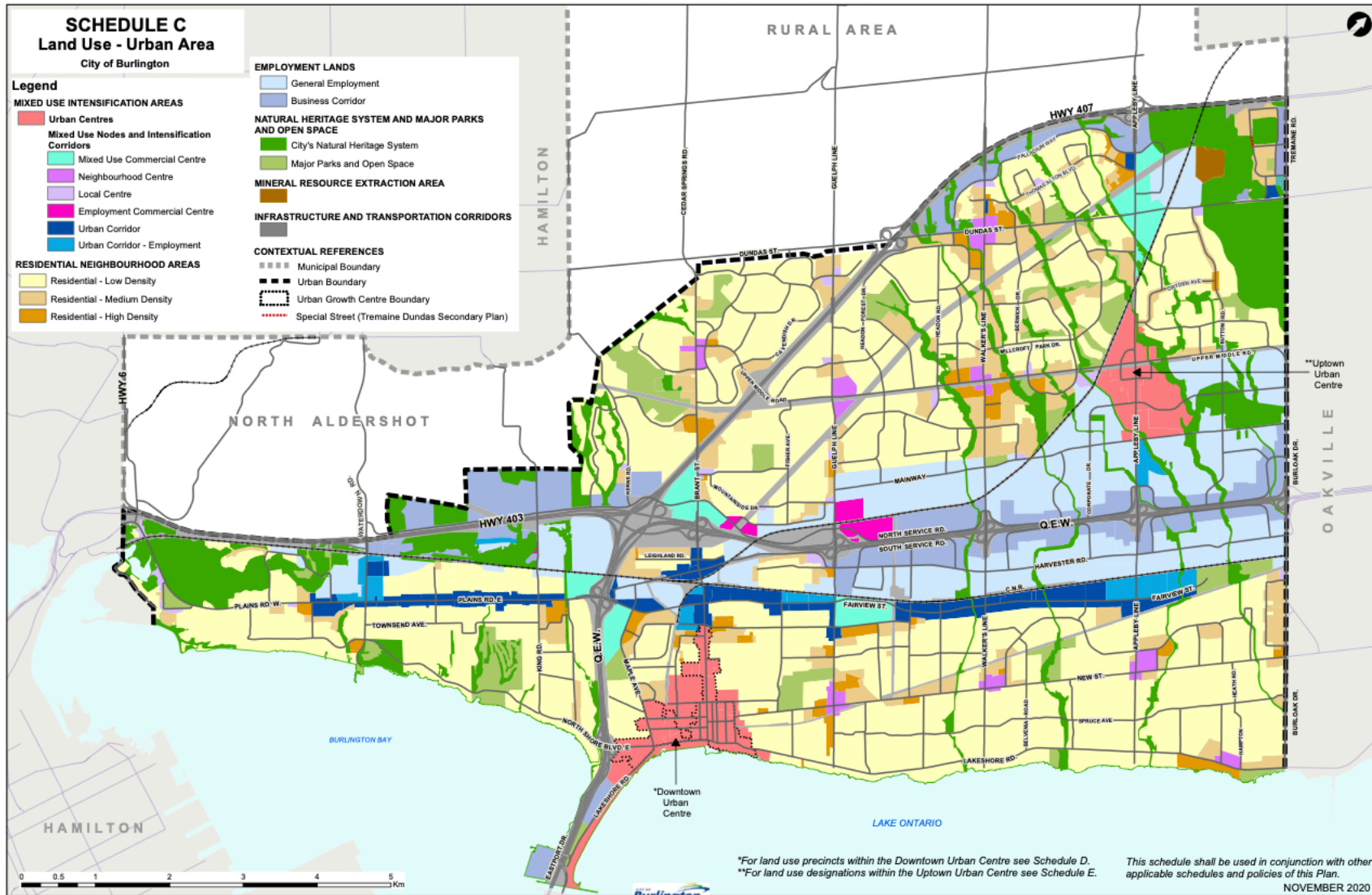


Figure 1: Schedule C of the Burlington OP

Within the Low Rise Neighbourhoods I designation itself, there may also be locations considered the periphery of a neighbourhood such as at a railway or major road such as a Major Arterial, Multi Purpose Arterial or an Urban Avenue.

The Low Rise Neighbourhoods II designation is much smaller in area than the Low Rise Neighbourhoods I designation, and in many cases, it abuts the Low Rise Neighbourhoods I designation. In such locals, recognizing the policy to provide a transition in scale, it would not make sense to consider that designation interface as the periphery of a neighbourhood for a Low Rise Neighbourhoods II designation. However, where the Low Rise Neighbourhoods II designation abuts an employment or higher density designation or abuts a railway or major road, these interfaces could be considered the periphery of a neighbourhood.

It is recommended that in the Low Rise Neighbourhood I Zone, triplexes and fourplexes be permitted adjacent to the “periphery of a Low Rise Neighbourhood I” and define that in text to be a lot adjacent to an Employment Zone, a Commercial Zone, an Uptown Mixed-Use Centre Zone, a Downtown Zone except for the Downtown Residential Low-Density Zone, a Low Rise Neighbourhood II Zone, a High Rise Neighbourhoods Zone, a railway or a Major Arterial, Multi Purpose Arterial or an Urban Avenue.

It is recommended that in the Low Rise Neighbourhood II Zone, apartment buildings be permitted adjacent to the “periphery of a Low Rise Neighbourhood II” and define that in text to be a lot adjacent to an Employment Zone, a Commercial Zone, an Uptown Mixed-Use Centre Zone, a Downtown Zone except for the Downtown Residential Low-Density Zone, a High Rise Neighbourhoods Zone, a railway or a Major Arterial, Multi Purpose Arterial or an Urban Avenue.

How Should “Multiplexes” be Defined in the Zoning By-law;

OPA #3 modifies Section 8.3.4(1) of the Official Plan to permit multiplexes on lands designated Low Rise Neighbourhoods II. To align with the Official Plan, the draft Residential Zoning By-law should permit multiplexes within the Low Rise Residential Zones.

Looking to best practice examples, the City of Guelph defines ‘multi-unit building’ as ‘a building or group of buildings which are planned, developed, managed and operated as a unit in which each building contains two or more units or spaces for lease or occupancy.’

Oakville defines ‘dwelling, multiple’ to mean ‘a dwelling unit within a building containing three or more dwelling units, each of which has an independent entrance and does not include another dwelling type defined herein’.

The City of Burlington Major Transit Station Area Community Planning Permit (CPP) By-law defines ‘apartment building’ as a building consisting of more than 4 dwelling units which have a common entrance from the street level and where the occupants have the right to use common elements. As such, it is understood that in the CPP a ‘multiplex’ would fall under the apartment definition.

The St. Catherines’ Zoning By-law refers to ‘multiple attached’ dwelling units but does not define this term, whilst Vaughan’s By-law refers only to ‘multiple-unit townhouse’, to mean a townhouse dwelling containing four or more dwelling units.

From the review, ‘multiplex’ is not a common term amongst the best practice examples, and there is a general lack of consistency in how such dwelling types are approached or which defined dwelling type these would fall under.

In defining multiplex, a key consideration for the City will be the specification around whether the entrance must be a ‘common’ entrance or a ‘private’ entrance, to differentiate a ‘multiplex’ from an apartment building. The definition of an apartment building is currently a building consisting of more than four units which have a common entrance from the street. Since fourplexes, townhouses, stacked townhouses and back to back townhouses are defined, a multiplex will need to be defined broadly as a building with more than 4 units with multiple private entrances but may also contain a common entrance and is not an apartment building.

What Other Housing Forms Would be Considered Missing Middle and Appropriate in Low Rise Zones?

Burlington’s CPP By-law includes ‘rowhouse’ which is typically another name for townhouse but otherwise focuses on accommodating additional housing in various mixed use buildings. Most of the Zoning By-laws reviewed do not provide any additional housing forms that could be considered ‘missing middle’ beyond Additional Residential Units (ARU’s), various forms of townhouse dwellings, duplex, triplex and fourplex and low rise apartment buildings.

Vaughan’s Zoning By-law takes a more novel approach whereby specific categories are established for ‘townhouse residential zones’ and ‘multiple unit residential zones’, which whilst permitting a range of uses including ‘multiple-unit townhouse dwelling’, restrict these housing forms more to within those specific zones rather than permitting these uses more broadly across the residential zone categories.

Ottawa takes a different approach and only focuses on dwelling units with a limitation on the number of dwelling units on a lot without focus on particular types of dwelling units.

ARU's, duplex, triplex, fourplex, all forms of townhouses, multiplex and low rise apartment forms constitute an appropriate range of missing middle housing forms, considering Burlington's context and specific qualities (e.g. lack of laneways to accommodate laneway suites). The draft Zoning By-law should focus on how to permit ARU's, duplex, triplex, fourplex, townhouses and multiplex units in the Low Rise Neighbourhood Zones in order to maximize housing options.

How to Address the RM4 Zone Provisions?

The RM4 Zone occurs in a number of locations in the City in areas generally designated Residential - Medium Density in the existing approved Official Plan. As an RM Zone, it is a medium density zone. However, in comparison to other Medium Density zones, it only permits detached and semi-detached dwellings as well as ARU's.

The minimum lot width in the RM4 Zone is 10 m for a detached dwelling and 8.5 metres for a semi-detached dwelling with a lot area of 300 square metres and 250 square metres respectfully. These frontage and lot sizes are smaller than any of the R1 to R3 zones.

Under OPA #3, detached dwellings are no longer permitted in the Low-Rise Neighbourhoods II designation which replaces the current Residential – Medium Density designation. However, “existing single-detached dwellings on lands designated Low-Rise Neighbourhoods II are deemed to conform to the Low-Rise Neighbourhoods II designation and policies”.

With that policy, the RM4 Zone could be incorporated into the new Medium Density zone in order to continue to recognize the existing detached dwellings, but the permitted uses in the zone would need to change to “existing detached dwellings”. Alternatively, the RM4 Zone could be combined with the new LDR 2 Zone which permits detached dwellings with a 9 metre frontage and a lot area of 270 square metres.

With the removal of the Neighbourhood Character Area policies are there any character zone provisions should be carried forward in the new Zoning By-law

The Official Plan contains Neighbourhood Character Area policies in Section 8.3.6 which apply to three character areas: Roseland, Indian Point and Shoreacres. The intent of these policies was to ensure that development is consistent with and respectful of the neighbourhood character. These policies were summarized in the Phase 1: Residential Zones- Discussion Paper. OPA #3 did not change these policies. However, on January 28th, 2025, Council amended the by-law which approved Grow Bold: Burlington Official Plan to remove Section 8.3.6, Neighbourhood Character Areas from the Official Plan.

In the current Zoning By-law 2020, these three character areas are zoned R1.2 (Roseland) and R2.1 (Shoreacres and Indian Point) and are shown on maps in Section 4.9 Character Area Maps. As a result of the change to the Official Plan, these zones will be removed from the by-law. The specific provisions are reviewed to determine if they would be of value in the new residential zoning by-law.

Side Yards

In Section 4.1 of By-law 2020, subsection d) provides for side yard requirements for Roseland and Indian Point with a sliding scale based on the width of a lot for lots greater than 17 metre widths. This provision could be applied to all large residential lots to maintain the open character of those areas.

Front Yards

Subsections e) and f) require site specific front yard provisions that should be moved into a site specific exception.

Dwelling Depth

Section 4.6 requires a maximum depth of a dwelling of 18 metres. This provision doesn't necessarily need to apply solely to Character Areas. It is a provision that is intended to limit the impact on the rear yards of adjacent properties when new replacement dwellings or additions are larger than the current house on a property. It is used in the following municipalities – Toronto (17 metres), Ottawa (20 metres for buildings with six or few dwelling units) and Oakville (20 metres). It is a provision that has worked well in Oakville and Toronto.

Architectural Features

Section 4.7 sets out requirements for the height of a column on the first storey which is not to exceed the height of the ceiling of the first storey. This character provision is very much a design solution and not a built form consideration. It is recommended to be removed from the by-law.

Garages

Section 4.8 a) requires that the width of an attached garage not exceed 50% of the building elevation. This provision is an appropriate built form provision for smaller lots where the garage can dominate the house and streetscape and reduce front yard open space. The Guelph zoning by-law contains a similar provision which is 50% of the lot frontage. It is recommended that this provision be maintained in the by-law.

Section 4.8 b) requires that an attached garage with a garage door facing a street not project beyond the longest portion of a wall facing a street. Again, this provision is an appropriate built form provision to ensure that on smaller lots, the garage won't dominate the house frontage. Other by-laws contain a similar provision including Guelph

which also allows a projection of 2 metres where a roofed porch is provided, and Oakville does not permit a projection of more than 1.5 metres from the face of the main wall. It is recommended that this provision be maintained in the by-law

What are the Implications of OPA #3 for High-rise Residential Development?

OPA #3 significantly revised the regulations pertaining to high-rise residential development. Key changes include the following:

- **Renaming and refocusing of designation:** The "Residential – High Density" designation in the Official Plan is renamed to "High-Rise Neighbourhoods". A newly added preamble states that the designation is intended to accommodate limited infill development that is sensitive to the existing physical character of the surrounding neighbourhoods.
- **Expanded permitted uses:** The range of permitted dwelling types is expanded to include a variety of ground and non-ground-oriented dwellings but explicitly excludes single-detached and semi-detached dwellings. This aims to provide more opportunities for infill development.
- **Removal of density requirements:** The previous policy framework generally permitted development with a density between 76 and 185 units per net hectare, and beyond 185 units per net hectare if specific conditions could be met. The revised policy framework removes density requirements for development in the High-Rise Neighbourhoods designation and replaces them with height requirements. In keeping with the previous approach, the revised policy still defers to the implementing Zoning By-law as the vehicle through which height maximums are to be established.
- **Amendment to Notwithstanding Clause to focus on heights:** Section 8.3.5(1)(c) of the Official Plan previously allowed for consideration of additional intensity based on density. That provision is amended to instead permit additional height beyond the Zoning By-law's maximum through a site-specific Zoning By-law Amendment, without needing an amendment to the Official Plan. Certain conditions must be met in order to pursue this avenue (e.g., provision of functional outdoor common amenity space).

Implementing the OPA #3 Policy Framework in the New Zoning By-law

In order to implement the policy framework as it relates specifically to maximum heights, the zoning by-law would need to be modified as follows:

- Remove regulations pertaining to minimum and maximum density values which apply to development in the RH (High Density) zones.
- Define maximum height values in alignment with the City’s Tall Building Guidelines, which defines a tall building as any building over 11 storeys (i.e., the zoning by-law should not set a maximum value of less than 11 storeys).
- Appropriate maximum height values could be carried forward from the existing zoning regulations applicable to the RH (High Density) zones and adapted to suit. The existing zoning framework sets maximum heights for apartments as ranging between 12 storeys, 18 storeys, 24 metres, or no maximum at all (depending on the specific zone).
- Use a spatial overlay to define maximum height values which apply to development in the RH (High Density) zones: Maximum height values could vary across the city, depending on location, so as to align with the policy intent that infill development be accommodated in a way that is sensitive to the existing character of surrounding neighbourhoods.

What Built Form Provisions Should be Considered to Replace Existing Density Provisions?

The low-rise zones in the Burlington Zoning By-law do not contain density requirements per se but do contain minimum lot size requirements as is typical with many zoning by-laws in Ontario. These minimum lot sizes do result in a density limitation. However, there is no plan to remove minimum lot frontage and lot size requirements.

In Ottawa’s draft Zoning By-law, the ‘Neighbourhood Zones’ set out to permit a ‘full range’ of housing options and associated residential uses to reflect the direction of the Official Plan’s Neighbourhoods designation. Density is controlled using the primary ‘N-zones’ where a table sets out the maximum number of dwelling units per 100 sq. m. of lot area. Although this is a different way to control lot size, it is still a density requirement. N-subzones (A-F) are then used to regulate elements influencing residential character, with subzone A equating to the most urban character and subzone F representing the most suburban character, as defined in the Official Plan. The subzones (A-F) are used to regulate the following;

- Minimum lot width;
- Minimum lot width per vertically attached unit;
- Minimum setbacks: front yard, interior and exterior side yard, rear yard;
- Maximum building width.

Other Built form Provisions for Low-Rise Housing.

Other by-laws do contain additional built form requirements for both low-rise and mid and high-rise buildings, although these additional built form provisions beyond the traditional provisions are quite limited for low-rise housing forms.

The Ottawa By-law requires a principal entrance to be located on the front or exterior side façade and provide direct access to the street. Guelph contains a similar provision.

For street townhouses, the Guelph By-law requires that the elevation of the principal entrance not be more than 1.5 metres higher than the elevation of the front lot line.

Ottawa has a requirement for buildings four storeys or less that the front façade of a building must comprise at least 25 per cent windows and the exterior side façade comprise at least 15 per cent windows. It also has a requirement that at least one principal entrance per principal building must be located on the front or exterior side facade and provide direct access to the street.

In Oakville's By-law, a minimum separation distance of 2.4 metres is required between detached dwellings on abutting lots in the same zone. Additionally, residential floor area above second storey height is permitted whereby the floor area above the second storey shall not exceed 35% of the residential floor area of the second storey immediately below.

Other Built Form Provisions for Mid-Rise and High-Rise Housing

Guelph's Zoning By-law provides a number of built form regulations, particularly in relation to apartment buildings in its high density apartment building zone, which include regulations for tower separation, requiring a 25 metre setback between apartment towers that are 7 storeys or greater, and also requiring a 12.5 metre setback of the tower portion of a building from an interior side or rear lot line.

For buildings less than 7 storeys, Guelph's By-law requires a building separation between walls with habitable windows of half of the building height to a max of 15 metres. Walls with no habitable windows shall be separated by a minimum of 3 metres.

Guelph's By-law also sets maximum floorplate size requirements for apartment buildings of 1,200 m² for floors 7 and 8 and 1,000 m² at 8th storey and above. A building step back of 3 metres above the 6th storey facing a street for buildings located within 15 m of a street is also required. A maximum building length of 75 metres is set for apartment buildings located within 15 metres of a street for the portion located adjacent to the street.

Angular plane regulations have been incorporated into Guelph's By-law, preventing building heights from exceeding an angular plan of 30 degrees from the RL1 and RL.2 zones and 45 degrees from the RL.3, RL.4, RM.5 and RM.6 zones.

Active entrance requirements for apartment buildings in the medium and high density zones within Guelph's By-law require there to be a minimum of 1 active entrance for every 30 metres of street line for buildings within 15 m of a street line.

Ottawa's Zoning By-law in its provisions for high-rise buildings, provides different tower separation distances for residential buildings greater than 10 storeys ranging from 15 to 23 metres and with interior and rear yard setbacks ranging from 7.5 metres to 11.5 metres depending on the area in which it is located. The by-law also requires a 45 degree angular plane in some of its Main Street and Corridor zones abutting an N1 - N4 zone.

St. Catherine's By-law provides very few built form provisions beyond standards of lot area, frontage, setbacks, height and lot coverage matters as established in the provision tables of Section 5. However, the standards themselves do feature more corresponding footnotes than is typically seen, providing further refinements to the standards. For example, the minimum interior side yard setback standard of 1.2 metres is caveated that for any portion over a 7 metre height, the setback shall increase to 2 metres. Additionally, in the R4 zone provisions for apartments, setback provisions are established in accordance with height. For example, a front yard setback must be 3 m for a portion of building less than 14 metres in height and 5 metres for portion of building 14 metres in height or greater. For a rear yard, the requirement is 4.5 metres for the portion of a building up to 14 metres in height, with an additional 0.5 metre for each additional 1 metre of height which results in a stepping back of a building similar to an angular plane.

Oakville's Zoning by-law provides a minimum separation distance between buildings containing dwelling units of 2.4 metres within the medium density residential zone, and establishes that a minimum setback from a daylight triangle of 0.7 metres applies. There are minimal additional built form provisions.

Within Vaughan's By-law, a 2.4 metre separation distance applies to the RM1 zone. Additionally, within the RM1 zone, a maximum width of 40 metres is established for the front main wall of a block of multi-unit townhouse dwellings.

The Vaughan by-law also contains, podium and tower requirements for buildings over 20 metres in height in the RM2 and RM3 zones. It set at a minimum podium height of 10.5 metres and a maximum podium height of 20 metres. A minimum tower step-back above the podium is 3 metres. A maximum tower floor plate of 850 square metres is required. The minimum tower separation distance is 30 metres, and the minimum tower setback from any rear or interior side lot line is 12.5 metres. In addition, a 45-degree angular plane requirement applies within the RM2 and RM3 zones.

What are appropriate zoning standards for Additional Residential Units (ARU's)?

As input to this addendum Discussion Paper, City staff undertook a best practices review of municipalities that have recently made updates to their zoning standards for ARUs. This review included the neighbouring Towns of Milton and Oakville, as well as the Cities of Guelph, Kitchener and St. Catharines. Table 4 contains the best practice review for ARU zoning standards with Column H containing the recommendations for which provisions should be carried forward in the draft Zoning By-law.

The purpose of this review was to identify appropriate zoning standards for ARUs to ensure ARU's fit with existing development and complement a neighbourhood's character while reducing barriers for ARU's. In addition, this review builds on the recent amendments to the current zoning by-law made in response to the Province's changes to Ontario Regulation 299/19 Additional Residential Units.

Organization

In the current City of Burlington Zoning By-law 2020 the ARU standards are set out in the general provisions section, where some performance standards may be found under 2.21 (u) and others for ARUs in an accessory building and structure being found in section 2.2.

From the review, it is common amongst the best practice examples to make a clear distinction between an ARU within a principal building and those within a separate detached building (or an accessory building or structure) on the same lot and provide each with distinct zoning standards. The by-laws tend to organize their ARUs provisions in a more logical way than the current by-law, which can help to make them easy to find, understand and apply.

It is recommended that the new Zoning Bylaw present the permissions and performance standards for ARUs in their own subsection with a further distinction between ARUs within a principal building and those within a separate detached building on the same lot. There will be a need to update the definition and provisions for accessory building or structures to cross reference this new subsection where accessory buildings or structures is converted and used for human habitation.

Building Distance Separation

Currently Zoning Bylaw 2020 does not include provisions to regulate the minimum building separation distance between two buildings containing residential units on the same lot.

In Oakville's By-law, a minimum separation distance of 2 metres with a reduced rear yard is required, St. Catharines and Guelph's By-laws require 3 metres, Milton's By-law requires 3.5 metres, and Kitchener requires a minimum separation distance of 5 metres with minimum side yard requirements ranging from 0.6 to 0.9 metres.

It is recommended that a minimum building separation distance be provided for in the by-law and the City could consider a standard less than 4 metres, while still providing for adequate privacy, access, safety and outdoor amenity space.

Number of Entrances

Currently, only one exterior entrance is permitted on each elevation of the principal building facing the street. This character provision is more of a design element than built form consideration. It is recommended that this provision be removed.

Building Height / Number of Storeys for ARUs within an Accessory Building

In Section 2.21 of By-law 2020, subsection (u) (iv) provides for one ARU within an accessory building. Standards for the height of accessory buildings are found in Section 2.2 of Bylaw 2020. Currently, for accessory buildings greater than 10 square metres a maximum of one storey, and a building height of 4.6 metres for peaked roofs and 3.5 metres for flat roofs is permitted.

In Milton, Kitchener and Guelph's By-laws ARUs are permitted on the second floor of an accessory building or structure. The Milton, Kitchener and St. Catharines By-laws provide different requirements or exceptions for heights based on roof shape, which is consistent with the current approach in Zoning Bylaw 2020.

There was some variation in maximum heights for ancillary structures amongst best practice examples. The Oakville By-law permits a height up to a maximum of 4 metres, while Kitchener and St. Catharines By-law's permit up to 6 metres, Guelph's By-law permits up to 6.1 metres, and Milton's By-law permits up to 7 metres. Milton and Kitchener both place additional restrictions on maximum height based on the height of the principal building. Milton prohibits an ARU from exceeding the height of the principal building, while Kitchener only permits a 6 metre ARU where the principal building is at least 9.1 metres in height.

Milton and Guelph provide additional restrictions on the second floor of a two-storey building containing an ARU(s) to reduce overlook and protect privacy on neighbouring lots. To determine if an increase in building height is appropriate and whether a second storey could be developed in accessory buildings or structures, additional side yard and rear yard setbacks should be considered, as well as appropriate provisions for entrances and exterior stairs to a second storey, balconies, and rooftop amenity areas.

What are the Implications of Allowing Two ARUs in Accessory Structures?

The City recently amended its zoning by-law to allow for the development of up to three additional residential units on parcels of urban residential land; however, only one additional residential unit may be developed in an accessory building. However, the City's recent OPA #3 includes a provision which allows for the development of two additional residential units within an accessory building "if determined appropriate through the work of Phase 1 of the New Zoning By-law Project" (see 8.7.2(2)(b) of OPA #3).

In order to determine whether two additional residential units could be developed in a single accessory structure, the following factors should be considered:

- **Parking:** Demand for on-site parking may increase with each additional residential unit (e.g., potentially 3+ vehicles total per lot assuming the total limit of four residential units is reached); this may imply a negative visual and environmental impact if parking areas need to be expanded. If provision of sufficient on-site parking is not possible or desired, there may be a spillover effect whereby demand for street parking is increased. This may necessitate implementation of a municipal street parking permit regime.
- **Massing:** Doubling the number of residential units in a single accessory structure may imply the need for larger or taller structures. This may imply negative impacts to adjacent neighbours in terms of the visual dominance of such structures in rear yards and shadowing, and more generally in terms of impact on neighbourhood scale and character.
- **Overlook and privacy:** Larger or taller accessory structures, especially those with more windows/openings, may imply increased potential for overlooking adjacent private yards and main dwellings due to proximity. These impacts may be more likely to occur with second-storey units.
- **Access:** Larger accessory structures may complicate the need for unobstructed access to both additional residential units from the street (e.g., by emergency services) or lead to potential conflicts with existing driveways/paths. Access to waste bins may also be an issue.
- **Outdoor amenity space:** Larger accessory structures may imply a proportionate reduction in private outdoor space available to the primary dwelling. Similarly, demand for outdoor space may increase in proportion to the number of residents. These issues imply the potential for inadequate or conflicting use of remaining yard space.

The issues noted above point to the need for careful balancing between competing interests while maintaining focus on the intended outcome of the policy framework: the need to increase housing supply.

Considerations for Allowing Two ARUs in Accessory Structures

Other municipalities in Ontario have already developed regulatory frameworks which allow for two additional residential units in a single accessory structure (e.g., City of Guelph and City of Kitchener). There are several factors that the City could consider in setting the conditions under which allowing two additional residential units in a single accessory structure would be a reasonable approach to achieving the outcome of increasing the housing supply, while managing the impacts identified above.

It may be appropriate to permit the development of a second residential unit in an accessory structure in instances where it would be possible to meet all other applicable zoning regulations (e.g., parking, built form, setbacks, etc.) which would otherwise apply to the development of a single additional residential unit in such a structure. However, this approach may result in a very limited set of instances which would fit those conditions, potentially missing the opportunity to increase housing supply.

The City may wish to consider some combination of the following approaches when defining the conditions under which it would be appropriate to permit such development:

- Require the use of architectural features which minimize negative impacts to privacy in instances where physical proximity between residential properties is increased (e.g., use of obscure glass windows);
- Defining maximum building heights specific to accessory structures which include additional residential units;
- Prohibition or strict regulation of second-storey balconies/terraces;
- Increased setbacks, particularly for upper levels of the accessory structure;
- Landscape buffering/screening requirements which would minimize negative impacts to privacy (e.g., fences or tall hedges to separate properties); and
- Defining minimum requirements for provision of private outdoor amenity space to be retained for the primary dwelling and the additional residential units.

If the City wishes to expand the pool of properties which might readily meet reasonable conditions, the following approaches could be considered:

- Further reductions to parking requirements for properties near major transit stations/stops; and
- Increasing permitted maximum lot coverage above 45%.

Best Practice Review

A best practice review of municipal zoning provisions was undertaken for Parts 1-4 of the draft Zoning By-law being Administration, General Provisions, Definitions and Parking. The review comprised those municipalities with recently approved or nearly completed zoning by-laws. These included the following zoning by-laws:

- City of Burlington By-law 2020 (February 2025 consolidation);
- City of Guelph By-law (2023)-20790 (consolidated as of April 18, 2023);
- City of Ottawa New Zoning By-law (Draft 1 as of April 29, 2024);
- City of St. Catharines By-law 2013-283 (consolidated as of December 16, 2023);
- City of Vaughan By-law 001-2021 (consolidated as of December 24, 2024); and
- Town of Oakville By-law 2014-014 (consolidated as of November 28, 2024).

In addition, the provisions in Burlington's recently approved Community Planning Permit By-law were also documented.

These best practices were reviewed with consideration of the following objectives as set out in the study RFP:

- To include accessibility updates that utilize plain language and foster a positive user experience including updated illustrations and graphics to support interpretation; and
- To update the standards and definitions to eliminate redundant / repetitive provisions and create regulations that reflect modern land use planning and urban design practices.

The resulting objective is to develop a robust, clear, legally sound, and internally consistent set of definitions, general conditions and provisions and parking provisions that accurately reflect contemporary planning practice and will effectively support the new by-law's residential zones. The overarching goal of this best practice review is to establish a modernized Zoning By-law that is unambiguous, user-friendly for staff, applicants, and the public, and capable of supporting the effective, consistent, and legally defensible implementation of all land use policies and regulations.

Administration & Interpretation

As shown in Table 5, all the General Conditions or administrative provisions in the current City of Burlington Zoning By-law 2020 were documented in column C. Similar provisions in the other municipal by-laws and the Burlington Community Planning Permit By-law were documented in columns D through I. Where those municipal by-

laws contained additional administrative provisions, those were documented as well. In total the City compiled a list of 69 administrative terms including 13 existing terms.

Column J contains a recommendation of which provision should be carried forward. The recommendations were reached following a comparison of conditions across the By-laws and deciphering which conditions and administrative provisions should be retained, removed, implemented or combined to result in a more concise and easily interpreted set of standards.

General Provisions

Table 6 contains the best practice review for General Provisions with Column J containing the recommendations for which provisions should be carried forward in the draft Zoning By-law.

Each of the 37 general provisions from Burlington’s existing Zoning By-law, in addition to another 67 provisions identified across the other By-laws which are not currently covered by the City’s comprehensive Zoning By-law were analysed. Provisions were carefully compared and where a provision in another By-law was considered to provide additional detail or clarity, text was incorporated into the draft provisions to improve a provision’s robustness. Following the incorporation of additional text and detail into the draft by-law, sections were combined or restructured to avoid the repetition of information. In some instances, specific provisions within existing sections were taken out to form their own cohesive sections to improve the readability of the General Provisions.

Where existing provisions did not frequently appear in the best practice By-law examples; were not easily enforceable; or were simply not considered to be appropriate for inclusion in a Zoning By-law, they were omitted to improve the conciseness of each section.

Throughout the review, there was a focus on the successful alignment of the draft General Provisions with those of Burlington’s recently approved Community Planning Permit By-law, where possible. For example, in some cases the base text of provisions was updated to reflect that of the CPP by-law where they were more concise yet still sufficiently comprehensive.

Definitions

Table 7 contains the best practice review of definitions. The City compiled a database of 481 definitions which exist in the current in-force zoning by-law and/or in those of several other municipalities in Ontario.

Using this “best practices” database, the project team undertook a thorough evaluation of terms present in Burlington's zoning by-law, alongside a comparative analysis of definitions utilized in the by-laws of the comparator municipalities.

Each term was systematically assessed for its necessity, its capacity for clear and precise definition, and its functional role within the broader regulatory framework. Key principles guiding this refinement included ensuring definitions focus on describing what a term is, leaving quantitative standards and specific permissions to the regulatory sections, and promoting alignment with Burlington's Official Plan and overarching Provincial policy.

This iterative process resulted in the following recommendations:

- Add 122 essential new terms where gaps were identified (e.g., for emerging uses, modern building forms, or key environmental concepts);
- Retain and revise 77 existing definitions to improve clarity and remove embedded regulations;
- Consolidate 123 overlapping or synonymous terms under a single preferred term; and
- Delete or omit 122 terms deemed redundant, overly broad, subjective, or inconsistent with current best practices in zoning by-law drafting in Ontario;
- Consider 25 terms for inclusion only if deemed necessary pending further review; and
- Maintain 19 existing terms as they stand in the current zoning by-law.

The project team also identified 7 additional terms which were not included in the original database, but which needed to be added to the zoning by-law in order to provide for internal consistency between definitions.

Parking Provisions

The best practices review in Table 8 identified the following key updates to create a more contemporary, flexible, and effective regulatory framework for parking:

- Implement core policy shifts:
 - Adopt provisions to eliminate minimum parking requirements in some areas (PMTSA) of the City (as per the Vaughan model) or in the entire City (as per the CPPS By-Law).
 - Update standards for Accessible Parking Spaces per proposed CPPS By-law.
 - Establish comprehensive requirements for Electric Vehicle (EV) Parking (Capable, Ready, EVSE Installed) per CPPS By-law.
 - Introduce detailed standards for Bicycle Parking (long-term spaces and short-term spaces) per CPPS By-law, potentially augmented with specifics from Guelph/ Ottawa hybrid model.
 - Adopt updated Loading Space requirements per CPPS By-law.

- Introduce new general standards:
 - Adopt a 'rounding up' rule for calculating all required parking/ loading spaces (Vaughan By-Law).
 - Mandate that all required parking, loading, and stacking facilities be located on the same lot as the use they serve (Vaughan/Oakville hybrid model).
 - Establish minimum driveway intersection angles (Vaughan model).
 - Establish Loading Space Requirements per proposed CPPS By-law
 - Introduce a 'Cash-in-Lieu of Parking' provision for non-residential uses, enabling flexibility (edited Oakville model, tied to Section 40 of the *Planning Act*).
- Consider optional enhancements and specific local controls:
 - Permit 'wheel strip driveways' for increased permeability (edited Ottawa model).
 - Explicitly confine off-street residential parking to the driveway, garage, or carport. (edited Vaughan model).
 - Allow a percentage of smaller, dedicated parking spaces for motorcycles/cargo bicycles (edited Ottawa model).
 - Develop specific regulations for parking/storage of Heavy Vehicles and Recreational Vehicles at residential properties, and for 'Vehicles Prohibited in Residential and Mixed Use Zones,' if ongoing local concerns warrant these controls.

These recommendations collectively aim to create a modernized, flexible, and comprehensive regulatory framework for parking in Burlington.

Next Steps

This Addendum Discussion Paper will be reviewed with City Staff to confirm the direction for the New Zoning By-law. At the same time the best practice review of the Administration & Interpretation, General Provisions, Definitions and Parking Provisions will be used to create updated Chapters 1 to 4 which will be reviewed with City Staff.

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