

**To:** Her Worship Mayor McKortoff and Members of Council

**From:** Christopher Garrish, Contract Planner

**Date:** May 28, 2024

**Subject:** SSMUH Implementation Extension Request – Draft Zoning Bylaw Revisions

**Tracker No:** BLW-389

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## **RECOMMENDATION:**

THAT the Committee of the Whole recommend to Council that the Small-Scale Multi-Unit Residential (RS1) Zone in Draft Zoning Bylaw 1395 be revised to permit two (2) dwellings per parcel and exclude “apartment building” and “townhouse” as permitted dwelling types should the Town’s Request for an Extension to SSMUH Compliance Deadline be approved by the province.

## **CAO Comments:**

Approved for Council consideration

## **Executive Summary:**

The purpose of this report is to provide Council with zoning options for the low density residential zones in the event that Council’s recent request to the province for Small-Scale Multi-Unit Housing (SSMUH) Implementation Extension is granted.

## **Background:**

On November 30, 2023, the provincial Legislature adopted Bill 44, which introduced a number of substantial amendments to the *Local Government Act*, the intent of which was the delivery of “more small-scale, multi-unit housing for people, including townhomes, triplexes and laneway homes, and fix outdated zoning rules to help build more homes faster.”

As a result, the Town is now required to approve a zoning bylaw that complies with SSMUH requirements by **June 30, 2024**, and to notify the Minister of Housing, in writing, that the bylaw has been adopted, the location(s) of any exempted land(s) and the legislative provisions supporting the exemptions.

On February 16, 2024, the provincial government announced the creation of a “time-based extension” wherein a local government could apply to have the deadline for SSMUH Compliance extended beyond June 30, 2024, under the following circumstances:

1. *The local government is in the process of upgrading infrastructure that services the specific area or specific lots for which the extension is being requested;*
2. *The infrastructure that services the area where SSMUH would apply is such that compliance by June 30, 2024, is likely to increase a risk to health, public safety or the environment in that area; or*
3. *Extraordinary circumstances exist that otherwise prevent compliance in relation to the area.*

Requests for extensions related to infrastructure must be submitted to the Minister of Housing no later than **June 1, 2024**, and can request a maximum extension of 6.5 years (i.e. to December 30, 2030).

Applications must be authorized by the local government, and confirmation of the passing of a resolution by the council or board directing submission of an extension application will be considered sufficient evidence that the application is authorized.

The province is further recommending that extension applications be submitted to the Minister of Housing 45 days prior to anticipated council hearings for SSMUH-related bylaw amendments.

### **Council Consideration:**

At its meeting of February 13, 2024, Council considered an administrative report related to the residential densities now required under the *Local Government Act* (e.g. 3-4 units per parcel based on land area) and resolved to support a consolidation of existing residential zones as well as a number of new zoning regulations such as building height, setbacks, parcel coverage and on-site vehicle parking.

At its meeting of May 14, 2024, Council resolved to support an application to the Minister of Housing requesting an Extension to SSMUH Compliance Deadline in recognition that "current water production wells cannot provide sufficient water to meet current peak hour demands and should increased densities be permitted before a surface water system is completed, there is risk to the community in regard to fire protection."

The Extension application was submitted to the Minister on May 17, 2024, and it is anticipated that the Town will be advised of the outcome of this request prior to June 30, 2024.

### **Analysis:**

As a result of amendments enacted to the *Local Government Act* in 2023, the Town is required to permit the following residential densities on parcels within the "urban growth boundary" (established in the Official Community Plan Bylaw) and serviced by municipal water and sewer:

- 3 units on parcels less than 280 m<sup>2</sup> in area; and
- 4 units on parcels greater than 280 m<sup>2</sup>.

When responding to this new legislative requirement, the province is encouraging local governments to apply a flexible approach when amending their zoning bylaw(s) as "it is typically not a single zoning rule that impacts the viability of a SSMUH project, but rather the cumulative and cross-cutting impacts of several regulations combined."

In response, Administration previously proposed that the current R1, R2, R3, RSS, R5 and IRD zones be replaced with a new "Small-Scale Multi-Unit Residential (RS1) Zone", (see Attachment No. 1), and that this zone allow for a range of dwelling types.

Of note, the current zones currently allow a range of residential densities (e.g. 1 to 2 units per parcel) as well as a range of dwelling types (e.g. single detached dwelling, accessory dwelling, duplex and secondary suite).

In the event that the Extension request to the province is successful, the proposed RS1 Zone will require modification and Administration is proposing the following (see Attachment No. 2):

- permitted densities be reduced from 3-4 units/parcel to 2 units/parcel;
- permitted dwelling types include single detached dwelling, accessory dwelling, duplex and secondary suite; and
- proposed building envelope (e.g. setbacks, building height, parcel coverage, etc.) remain unchanged.

In the event that the Extension request to the province is un-successful, the proposed RS1 Zone would not be modified and continue to permit 3-4 units/parcel (based on land area) as well as “apartment building” and “townhouse” as permitted dwelling types.

## Next Steps:

It is proposed that the version of the Draft Zoning Bylaw circulated for public comment include the provision for 3-4 units/parcel (based on land area) as well as the allowance for “apartment buildings” and “townhouses” in the proposed RS1 Zone.

It is further proposed that the RS1 Zone be accompanied by a note stating that the regulations included in the draft are subject to change based on the outcome of the Town’s request to the province for an Extension to the SSMUH Implementation.

Administration is tentatively working towards bringing the Draft Zoning Bylaw forward for Council consideration in June of 2024.

## Options/discussion:

1. THAT the Committee of the Whole recommend to Council that the Small-Scale Multi-Unit Residential (RS1) Zone in Draft Zoning Bylaw 1395 be revised to permit two (2) dwellings per parcel and exclude “apartment building” and “townhouse” as permitted dwelling types should the Town’s Request for an Extension to SSMUH Compliance Deadline be approved by the province. OR
2. THAT the Committee of the Whole recommend to Council that the Small-Scale Multi-Unit Residential (RS1) Zone in Draft Zoning Bylaw 1395 be revised as follows should the Town’s Request for an Extension to SSMUH Compliance Deadline be approved by the province:
  - i) *TBD*

## Implications:

- a) Community:  
Reducing densities may adversely impact the provision of affordable housing in the short-term.
- b) Organizational:  
Reduced densities will allow for infrastructure to be strategically upgraded.
- c) Budget:
  - i. Financial/Risk Implications:  
Infrastructure will require upsizing in order to accommodate higher residential densities mandated by provincial legislation and the associated cost is not known at this time but will be significant.
- d) Significant Dates:  
Zoning Bylaw changes must be implemented by June 30, 2024.
- e) Sustainability:  
Increasing densities in a way that will not introduce strain to existing services will facilitate greater long-term sustainability of Town infrastructure.

**Others Consulted:**

Operational Services

**Attachments:**

No. 1 – Summary Comparison Table of RS Zones (Zoning Bylaw No. 1085) vs Proposed New RS1 Zone

No. 2 – Proposed Revisions to Draft RS1 Zone

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## Attachment No. 2 – Proposed Revisions to Draft RS1 Zone

### 11.1 SMALL-SCALE MULTI-UNIT RESIDENTIAL (RS1) ZONE

#### 11.1.1 Permitted Uses:

##### Principal Uses:

~~a) apartment building;~~

b) *child care facility*, subject to Section **Error! Reference source not found.**;

c) *duplex dwelling*;

d) *single detached dwelling*;

~~e) townhouse;~~

##### Accessory Uses:

f) *accessory building or structure*, subject to Section **Error! Reference source not found.**;

g) *accessory dwelling*, subject to Section **Error! Reference source not found.**;

h) *bed and breakfast operation*, subject to Section **Error! Reference source not found.**;

i) *home occupation*, subject to Section **Error! Reference source not found.**; and

j) *secondary suite*.

#### 11.1.2 Minimum Parcel Size for Subdivision:

a) 225.0 m<sup>2</sup> for the purpose of subdivision of *duplex dwellings* under the *Strata Property Act*, subject to Section **Error! Reference source not found.**; or

b) 1,000 m<sup>2</sup>, subject to Section **Error! Reference source not found.**.

#### 11.1.3 Minimum Parcel Width for Subdivision:

a) Not less than 25% of the *parcel depth*, subject to Section **Error! Reference source not found.**.

#### 11.1.4 Maximum Number of Dwellings Permitted Per Parcel:

~~a) the total maximum number of principal and accessory dwelling units on a parcel is two (2); and~~

~~b) the maximum number of *single detached dwellings* on a parcel is one (1).~~

~~a) For parcels less than 280 m<sup>2</sup> in area, the maximum number of principal and accessory dwelling units shall not exceed three (3);~~

- ~~b) For parcels 280 m<sup>2</sup> and greater, the maximum number of principal and accessory dwelling units shall not exceed four (4);~~
- ~~c) despite sub-section 11.1.4(a) & (b), the maximum number of single detached dwellings on a parcel shall not exceed one (1).~~

## 11.1.5 Minimum Setbacks:

- a) *Buildings and structures:*
  - i) *Front parcel line* 2.0 metres
  - ii) *Rear parcel line* 1.5 metres
  - iii) *Interior side parcel line* 1.2 metres
  - iv) *Exterior side parcel line* 3.0 metres
- b) *Accessory building or structure:*
  - i) *Front parcel line* 2.0 metres
  - ii) *Rear parcel line* 1.5 metres
  - iii) *Interior side parcel line* 1.2 metres
  - iv) *Exterior side parcel line* 3.0 metres
- c) Despite Section 11.1.5(a)(iii), in the case of a side-by-side duplex being subdivided for the purposes of creating individual ownership, an *interior side parcel line* setback between dwelling units shall not be required, provided the property line follows the centre line of the common property wall.

## 11.1.6 Maximum Height:

- a) No *building* shall exceed a *height* of 11.0 metres;
- b) No *accessory building or structure* shall exceed a *height* of 4.5 metres;
- c) Despite sub-section 16.2.6(b), an accessory dwelling shall not exceed a height of 8.0 metres.

## 11.1.7 Maximum Parcel Coverage:

- a) 50%

## 11.1.8 Small-Scale Multi-Unit Residential Site Specific (RS1s) Regulations:

- a) Not applicable.