
Village of Gold River

REPORT TO COUNCIL

Regular Council Meeting
May 6, 2024

Author: Michael Roy, Chief Administrative Officer

Subject: Zoning Bylaw Amendments - Small-Scale Multi-Unit Housing (SSMUH)

RECOMMENDATION(S):

THAT the following be applied to the drafting of new zoning amendment bylaw required to ensure compliance with the Housing Statutes (Residential Development) Amendment Act, 2023:

- that the recommended definitions for “Accessory Dwelling Unit” and “Secondary Suites” be incorporated;
- that secondary suites be added as a permitted use in the R.1 - Single Family Residential Zone (R1), R.2 - Single Family Estate Residential Zone (R2), R.3 - Rural Residential Small Holdings Zone (R3) zones and R.M.2 - Low Density Multi-Family Residential Zone (RM2);
- that the front lot line setback be set to 4.6 metres for R1 and RM2 zones and 6 metres for R2 and R3 zones;
- that the rear lot line setback for principal buildings be set to 6 metres for R1, R2, R3 and RM2 zones;
- that the interior side lot setback be set to 1.2 metres for R1, R2, R3 and RM2 zones;
- that the interior side lot setback be set to 4.6 metres for R1, R2, R3 and RM2 zones;
- that the maximum height and number of storeys for principal building be set at 11 metres or 3 stories, whichever is less for R1, R2, R3 and RM2 zones;
- that the maximum lot coverage be set to 40% for R1, 30% for R2, 25% for R3, 45% for RM2 zones and; and
- that the off-street parking requirements be set at 2 parking spaces per unit for R1, R2, and R3 and RM2 zones.

ALTERNATIVE(S):

THAT the following be applied to the drafting of new zoning regulations required to ensure compliance with the Housing Statutes (Residential Development) Amendment Act, 2023:

- *[insert items to be incorporated into the zoning amendment bylaw to comply with the Housing Statutes (Residential Development) Amendment Act, 2023]*

PURPOSE

The purpose of the report is to provide options to Council in relation to proposed land use bylaw amendments required to ensure compliance with recent changes to the Local Government Act.

ATTACHMENT(S):

- Recommended zoning regulations for lots requiring a minimum of 2 units
- Comparison Table of R1, R2, R3 and RM2 Zones

DISCUSSION

On November 30, 2023, the provincial Legislature adopted Bill 44 (Housing Statutes (Residential Development) Amendment Act, 2023), which amended the Local Government Act (the “Act”) in order to facilitate 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.”

Under a new Section 481.3(7) of the Local Government Act, the Village “must consider applicable guidelines” made by the Minister (e.g. the SSMUH Policy Manual) when developing or adopting a zoning bylaw to permit the use and density of use required to be permitted under the Act.

On December 7, 2023, the provincial government released the Provincial Policy Manual & Site Standards (the “Small-Scale, Multi-Unit Housing (SSMUH) Policy Manual”, or the “Manual”) as a resource to assist local governments with the implementation of zoning bylaw amendments required to comply with the changes to the Act.

Under a new Section 481.3(7) of the Local Government Act, the Village “must consider applicable guidelines” made by the Minister (e.g. the SSMUH Policy Manual) when developing or adopting a zoning bylaw to permit the use and density of use required under to be permitted under the Act.

The Manual includes recommended approaches to regulations governing building types, density, setbacks, building height, parcel coverage, vehicle parking requirements as well as the use of development permit area designations.

When considering these regulations, the province has advised that “creating a favourable regulatory environment for SSMUH housing to help overcome these barriers will require an openness to new building forms in areas traditionally reserved for detached single-family and duplex homes.”

The Village is required to approve a zoning bylaw(s) that comply with SSMUH requirements by **June 30, 2024**, and notify the Minister of Housing, in writing, that the bylaw(s) have been adopted, the location(s) of any exempted land(s) and the legislative provisions supporting the exemptions. The only allowable exemptions, in the legislation, are for lands in a local trust area under the *Islands Trust Act*, a rural land use bylaw under section 457 of the LGA or where a qualified professional certifies, for the local government, that the increased density would significantly increase the threat or risk from a hazardous condition and that the threat or risk from the hazardous condition cannot be practically mitigated. Based on the permitted exemptions, the Village has no land that would be exempted at this time.

Areas subject to SSMUH requirements are referred to as *Restricted Zones*, defined in the legislation as:

A zone that, on the date that this section comes into force, or that would, but for this section, restrict the residential use and density of use permitted in the zone to:

- (a) For the purposes of secondary suites and/or ADU's, a zone in respect of which the permitted use would be restricted to detached single-family dwellings, or
- (b) For the purposes of three to six units, a zone in respect of which the residential use would be restricted to:
 - a. Detached single-family dwellings, or
 - b. Detached single-family dwellings and one additional housing unit located within the detached single-family dwelling or on the same parcel or parcels of land on which the detached single-family dwelling is located;
 - c. Duplexes, or
 - d. Duplexes, with one additional housing unit located within each dwelling comprising the duplex and no more than 2 additional housing units on the same parcel or parcels of land on which the duplex is located.

But does not include a manufactured home zone.

For secondary suites and ADUs, a minimum of 1 secondary suite and/or 1 detached accessory dwelling unit (ADU) must be permitted in Restricted Zones. Local governments may choose to do any of the following for single-family residential lots to which the higher density requirements for a minimum of 3-6 units do not apply:

- permit only one secondary suite,
- permit only one ADU,
- allow landowners to choose either a secondary suite or an ADU, or
- permit the construction of both a secondary suite and an ADU.

In setting the requirements, local governments need to ensure the requirements of other provincial legislation and regulations are met (e.g., the Drinking Water Protection Act and the Sewerage System Regulation). In addition, only secondary suites (not ADUs) should be permitted on properties less than one hectare in size that are not serviced by sewer systems operated by a local government.

For municipalities less than 5,000, they are only required to have secondary suites and/or ADUs under the legislation.

Normally, all bylaws enacted after the adoption of an official community plan must be consistent with LGA, s. 478(2). However, zoning bylaws updates required to align with the SSMUH legislation are explicitly excluded from this requirement until **December 31, 2025**, by which time the OCP must be updated. As we are going to proceed with an update to our OCP and zoning bylaw, this condition should be met.

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.”

Administration is recommending the following:

1. Definitions

It is recommended to replace the definition of “accessory dwelling unit” under section 2.0 in its entirety with the following

“Accessory Dwelling Unit” means a building, or part of a building, that:

- (a) is a self-contained residential accommodation unit, and
- (b) has cooking, sleeping and bathroom facilities, and
- (c) is secondary to a primary dwelling unit located on the same property.

It is also recommended to add the following definition under section 2.0

“Secondary Suite” means a complete living unit with its own kitchen, sleeping area, and washroom facilities contained within another dwelling. The two dwelling units (the primary residence and the secondary suite) and any common spaces make up a single real estate entity that cannot be stratified or otherwise legally separated from the other.

2. Building Height – Principal Dwelling

According to the Provincial SSMUH Policy Manual:

A universal maximum height limit that permits at least three stories regardless of the method of measurement, site gradient, or roof style improve the viability and diversity of SSMUH housing forms ... 11 metres is often considered an appropriate building height limit to facilitate three storeys ...

At present, the Village’s zoning bylaws have generally enacted a maximum height regulation of 9.1 metres in all zones in which single detached dwellings are permitted.

It is recommended that the maximum height allowance for all principal structures in the R.1 - Single Family Residential Zone (R1), R.2 - Single Family Estate Residential Zone (R2), R.3 - Rural Residential Small Holdings Zone (R3) and R.M.2 - Low Density Multi-Family Residential Zone (RM2) zones be increased from 9.1 metres to 11.0 metres.

The option of retaining the current maximum building heights in the zones is available to Council.

3. Building Height – Accessory Dwelling

According to the Provincial SSMUH Policy Manual a maximum height of “at least 8.0 metres for accessory dwelling unit” should be considered.

Currently, the Village’s zoning bylaws do not permit accessory dwellings. Should Council direct that accessory dwellings be permitted, then it would be recommended that a maximum height of 8.0 metres be introduced for “accessory dwellings in the R1, R2, R3 zones. As RM2 zone does permit multiple dwelling, the recommendation would be not to permit ADUs in this zone.

The option of not having Accessory Dwellings and permitting only secondary suites is an option for Council.

4. Lot Setbacks

According to the Provincial SSMUH Policy Manual:

Of all the land use regulation changes proposed in this manual, reducing customary single-family and duplex front and rear lot line setbacks may have the most profound effect on the traditional development pattern in single-family and duplex zones. It will enable buildings to be sited in what would have traditionally been a front yard or a back yard.

Currently, the Village's zoning bylaws have enacted a minimum front parcel line setback of 4.6 metres in the R1 zone and 7.6 metres in the R2 and R3 zones. It would be recommended that the R1 remain the same and that 6.0 metres be used for principal buildings in the R2 and R3 zones.

The rear lot line setback is 6.1 metres in R1 and 7.6 metres in R2 and R3. The recommendation is to have the principal building setback in the R1, R2, R3, and RM2 zones set to 6.0 metres. Should ADUs be permitted then the ADUs rear setback be introduced at 1.5 metres for R1, R2, R3 and RM2 zones.

The interior lot line setback (not adjacent to a road) is 2.4 metres for R1 and RM2 zones and 7.6 metres for the R2 and R3 zones. It would be recommended for the interior lot line setback be changed to 1.2 metres for the R1, R2, R3 and RM2 zones.

The exterior lot line (adjacent to a road) is 4.6 metres in the R1 zone and is 7.6 metres in the R2 and R3 zones. It would be recommended that the exterior lot line for the R1, R2, R3, and RM2 zones be set to 4.6 metres.

The option of the status quo is available for any of the lot line setbacks.

5. Lot Coverage

According to the Provincial SSMUH Policy Manual:

... lot coverage limitations can be an impediment to SSMUH housing forms if they do not allow a sufficiently large building footprint to accommodate development forms for multiple units that are financially viable.

The site standard recommends 25-40% as the range. Relatively low lot coverages will help limit the size and cost of new units on large lots. 25% may be appropriate for large lots and up to 40% for smaller lots.

The zoning bylaw currently allows for 30% coverage in the R1, R2, and R3 zones and 45% for RM2 zone. It is recommended that the R1 be 40%, R2 remain at 30% and R3 be 25%. The RM2 zone would remain at 45%. As R1 can be our smallest lot size, this would allow for more of the lot to be used for dwelling unit space. As the lot sizes get larger the lot size reduces to limit the size of dwelling structure and maintain affordability.

The option of the status quo is available to Council and is within the recommended range in the policy manual for R1, R2 and R3.

6. Off-street Parking

According to the Provincial SSMUH Policy Manual:

Of all bylaw regulations, on-site vehicular parking requirements often have the greatest influence on the viability of SSMUH housing forms ... [and] local governments should minimize parking requirements when updating their zoning bylaws, and in some cases consider removing parking requirements for residential zones altogether.

Specifically, the province is recommending that one (1) space per dwelling unit be the standard adopted.

Currently, the Village's zoning bylaw requires 2 parking spaces per unit and 1 space for each 2 boarders.

It is being recommended that the zoning bylaw require two (2) vehicle parking spaces per unit. With streets that are narrow and not straight in a grid like pattern, coupled with no public transportation due to being a rural community an hour away from our nearest community with public transportation, it currently is reasonable to expect that there will be more than 1 vehicle per unit and if off-street parking is not provided, could cause issues on our streets due current widths.

The option of the status quo remains for Council.

7. Accessory Dwellings

According to the Provincial SSMUH Policy Manual:

To mitigate risks related to groundwater contamination, only secondary suites, not accessory dwelling units, should be permitted on properties less than one hectare in size that are not serviced by sewer systems operated by a local government.

It is being recommended that if Accessory Dwelling Units are permitted in the zoning bylaw, that they only be permitted for lots connected to the Village's sewer system.

Next Steps

In order to enact the amendments required by the Housing Statutes (Residential Development) Amendment Act, 2023, it is recommended that an amendment bylaw to the Village of Gold River Zoning Bylaw No. 706, 2018" be prepared.

FINANCIAL IMPLICATIONS

N/A

POLICY IMPLICATIONS

N/A

LEGAL IMPLICATIONS

Local governments that do not comply with the legislative requirements for SSMUH by the compliance deadline of June 30, 2024, may be subject to a ministerial order that overrides their zoning bylaw to permit the use and a minimum density of use required to be permitted under SSMUH. In these cases, the minister will first give notice and provide an opportunity for the local government to make the amendments.

STRATEGIC PLAN ALIGNMENT

Respectfully submitted,

Michael Roy
Chief Administrative Officer
Village of Gold River

Attachment 1

Table 5: Recommended zoning regulations for lots requiring a minimum of 2 units

Zoning Bylaw Parameter	Recommended Benchmark Regulation	Considerations
Front Lot Line Setback	Minimum of 5 – 6 metres	This front lot line setback maintains some consistency with conditions in most rural and semi-rural areas.
Rear Lot Line Setback	Minimum of 6 metres for principal buildings Minimum of 1.5 metres for ADUs	
Side Lot Line Setbacks	Minimum of 1.2 metres	This minimum requirement will enable flexibility for a large range of lot sizes, configurations, and building types. Larger distances from property lines are likely to be used by builders or developers to meet BC Building Code requirements for combustible buildings, and to accommodate drive aisles to back of the property (if used).
Maximum Height	Maximum building height of 11 metres to the mid-point of a pitched roof or highest point of a flat roof on principal buildings At least 8 metres for accessory dwelling units	A universal height limit that permits three stories regardless of the method of measurement, site gradient, or roof style is recommended to help improve the viability and diversity of SSMUH housing forms.
Maximum Number of Storeys	3 storeys for principal dwellings 2 storeys for accessory dwelling units	In smaller lot settings, permitting 3 stories may reduce the loss of trees, green space, or farmland. In larger lot settings, large distances between adjacent dwellings mitigate relative height and privacy concerns.
Maximum Lot Coverage	25-40%	Relatively low lot coverages will help limit the size and cost of new units on large lots. 25% may be appropriate for large lots and up to 40% for smaller lots.
Off-Street Parking Requirements	One space per dwelling unit	

Attachment 2 Comparison Table of R1, R2, R3 and RM 2 Zones

	Gold River's current zoning				Proposed zoning			
Zoning Bylaw Parameter	R.1	R.2	R.3	RM.2	R.1	R.2	R.3	RM.2
Permitted uses	- one single family dwelling - boarding house - bed and breakfast accommodation - home occupations - child care and nursery schools accessory to a residential use	- one single family dwelling - boarding house - bed and breakfast accommodation - home occupations - child care and nursery schools accessory to a residential use	- one single family dwelling - boarding house - bed and breakfast accommodation - home occupations - child care and nursery schools accessory to a residential use - agricultural uses and the keeping of livestock subject to the requirements of Sections 4.4. and 4.5 - veterinary clinics and riding stables	- single family dwellings - semi-detached single-family dwellings	- one single family dwelling - secondary suite - boarding house - bed and breakfast accommodation - home occupations - child care and nursery schools accessory to a residential use	- one single family dwelling - secondary suite - boarding house - bed and breakfast accommodation - home occupations - child care and nursery schools accessory to a residential use	- one single family dwelling - secondary suite - boarding house - bed and breakfast accommodation - home occupations - child care and nursery schools accessory to a residential use - agricultural uses and the keeping of livestock subject to the requirements of Sections 4.4. and 4.5 - veterinary clinics and riding stables	- single family dwellings - semi-detached single-family dwellings - secondary suites
Front Lot Line Setback	Minimum 4.6 metres	Minimum 7.6 metres	Minimum 7.6 metres	Minimum 4.6 metres	Minimum 4.6 metres	Minimum 6 metres	Minimum 6 metres	Minimum 6 metres
Rear Lot Line Setback	Minimum 6.1 metres	Minimum 7.6 metres	Minimum 7.6 metres	Minimum 6.1 metres	Minimum of 6 metres for principal buildings	Minimum of 6 metres for principal buildings	Minimum of 6 metres for principal buildings	Minimum of 6 metres for principal buildings
Side Lot Line Setbacks	Interior: Minimum 2.4 metres Exterior: Minimum 4.6 metres principal, 3 metres accessory	Minimum 7.6 metres	Minimum 7.6 metres	Interior Side Yard 2.4 metres Exterior Side Yard adjoining a street 4.6 metres	Interior: Minimum of 1.2 metres, Exterior: Minimum 4.6	Interior: Minimum of 1.2 metres, Exterior: Minimum 4.6	Interior: Minimum of 1.2 metres, Exterior: Minimum 4.6	Interior: Minimum of 1.2 metres, Exterior: Minimum 4.6
Maximum Height	Principal Building 9.1 metres or 2 storeys, whichever is less. Accessory Building 6.1 metres	Principal Building 9.1 metres or 2 storeys, whichever is less. Accessory Building 6.1 metres	Principal Building 9.1 metres or 2 storeys, whichever is less. Accessory Building 9.1 metres	Principal Building 9.1 metres or 2 storeys, whichever is less. Accessory Building 6.1 metres	Principal Building 11 metres or 3 storeys, whichever is less. Accessory Building 6.1 metres	Principal Building 11 metres or 3 storeys, whichever is less. Accessory Building 6.1 metres	Principal Building 11 metres or 3 storeys, whichever is less. Accessory Building 6.1 metres	Principal Building 11 metres or 3 storeys, whichever is less. Accessory Building 6.1 metres
Maximum Number of Storeys	2	2	2	2	Included in Maximum height	Included in Maximum height	Included in Maximum height	Included in Maximum height
Maximum Lot Coverage	Maximum: Principal buildings and structures: 30% of lot area. Maximum: Accessory buildings and structures: 10% of lot area	Maximum for all buildings and structures 30% of lot area. Each accessory building or structure shall not exceed more than 5% of the lot area	Maximum for all buildings and structures 30% of lot area. Each accessory building or structure shall not exceed more than 5% of the lot area	Maximum – Principal Building 45% of lot area Maximum – Accessory Building 5% of lot area	Dwelling Units: 40%; Accessory buildings or structures 10%	Dwelling Units: 30%; Accessory buildings or structures 5%	Dwelling Units: 25%; Accessory buildings or structures 5%	Dwelling Units: 45%; Accessory buildings or structures 5%
Off-Street Parking Requirements	2 parking spaces per unit and 1 space for each 2 boarders	2 parking spaces per unit and 1 space for each 2 boarders	2 parking spaces per unit and 1 space for each 2 boarders	2 parking spaces per unit and 1 space for each 2 boarders	2 parking spaces per unit	2 parking spaces per unit	2 parking spaces per unit	2 parking spaces per unit
				No more than one dwelling unit per 350 sq. m. of lot area.				No more than one principal dwelling unit per 350 sq. m. of lot area.