

To: COUNCIL

Meeting Date: 10/22/2024

Subject: Form Based Zoning By-law Update - HAF Initiative No. 4

Submitted By: Bob Bjerke, Chief Planner

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Report No.: 24-127-CD

File No.: C11

Wards Affected: All Wards

RECOMMENDATION(S):

THAT Report 24-127-CD Form Based Zoning By-law Update - HAF Initiative No. 4 be received.

AND THAT Council direct staff to engage with the public and stakeholders on draft form based regulations.

AND FURTHER THAT staff report back to Council through a future statutory public meeting on draft form based regulations as part of the ongoing new comprehensive zoning by-law review.

EXECUTIVE SUMMARY:

Purpose

- Present preliminary residential zoning regulations as part of the Housing Accelerator Fund (HAF) Initiative # 4 on form based zoning, and;
- To seek direction from Council to engage with the public and stakeholders to further refine form based regulations, and to report back to Council through a future statutory public meeting.

Key Findings

- HAF Initiative # 4 requires the City to update the Zoning By-law with form based residential zones.
- The intent of form based zoning is to permit a greater variety of housing type as-of-right throughout the City, subject to development regulations.
- Four preliminary residential zones have been prepared for consideration in this report.

- No decision to finalize regulations is requested in this report. Public and stakeholder consultation is required, and further refinements are expected as this project progresses.

Financial Implications

- This project has a \$250,000 budget for professional services which is funded by CMHC.

STRATEGIC ALIGNMENT:

☒ Strategic Action

Objective(s): VIBRANT NEIGHBOURHOOD - Promote, facilitate and participate in the development of safe and healthy neighbourhoods with a range of housing options

Strategic Action: Increase housing options

OR

☐ Core Service

Program: Not Applicable

Core Service: Not Applicable

BACKGROUND:

Zoning By-law 150-85:

The City's current comprehensive Zoning By-law 150-85 came into effect in 1987. As was common practice at the time, residential zoning in By-law 150-85 is very restrictive. Properties are placed in discrete zones based on dwelling type and density. For example, By-law 150-85 contains 16 unique residential zones, each with individual standards such as permitted dwelling type, maximum density, frontage, lot area, and setbacks. There are 12 different definitions describing the variety of residential dwelling types that are permitted across these 16 residential zones. Further, the City has processed over 500 site specific zoning amendments which each contain unique regulations that apply to thousands of properties across the City. If a proposed development does not follow these regulations precisely, a Planning application is required, which can be costly and time consuming. The result is an overly complicated and restrictive residential zoning framework that is a constraint to housing supply.

Current Zoning By-law review project:

Independent of the HAF program, Policy Planning staff have been working to complete a comprehensive update to the City's Zoning By-law. A draft By-law has been prepared by external consultant Meridian, in consultation with staff, agencies and the public. Additional steps to implementation involve finalizing mapping, final revisions to the text of the zoning by-law, hosting a public open house and statutory public meeting, and bringing a final version of the By-law to Council for approval.

The draft Comprehensive By-law update has made strides to simplify the zoning framework. For example, the 16 current residential zones are to be collapsed into 6 new residential zones: a Rural Residential Zone (RR), three low density residential zones (R1, R2, R3) and two multiple residential zones (RM4 and RM5). Although more flexible, the draft comprehensive zoning by-law is still considered to follow a traditional style – with the primary differentiating factor between each zone being dwelling type and density.

Housing Accelerator Fund:

The City has been selected by CMHC to participate in the Housing Accelerator Fund (HAF) program. This program includes a funding agreement which requires the completion of nine local initiatives/projects aimed at boosting housing supply.

Initiative #4 is the completion of the City's Zoning By-law with form based zoning. The intent of this initiative is to update the City's Zoning By-law by removing density regulations and creating more permissive residential zones to allow a greater variety of housing types throughout the City. The project is referred to as "form based zoning" since the primary factor in the zoning by-law will be the form of the development (e.g. height, building placement) rather than the use. The focus of this shift is on residential zones only, and not other mixed use and commercial zones or areas of the City that are subject to secondary plans. The intent of staff is to incorporate the HAF project on form based zoning into the comprehensive zoning by-law review project. Under the funding agreement this initiative is to be complete by October 31, 2025.

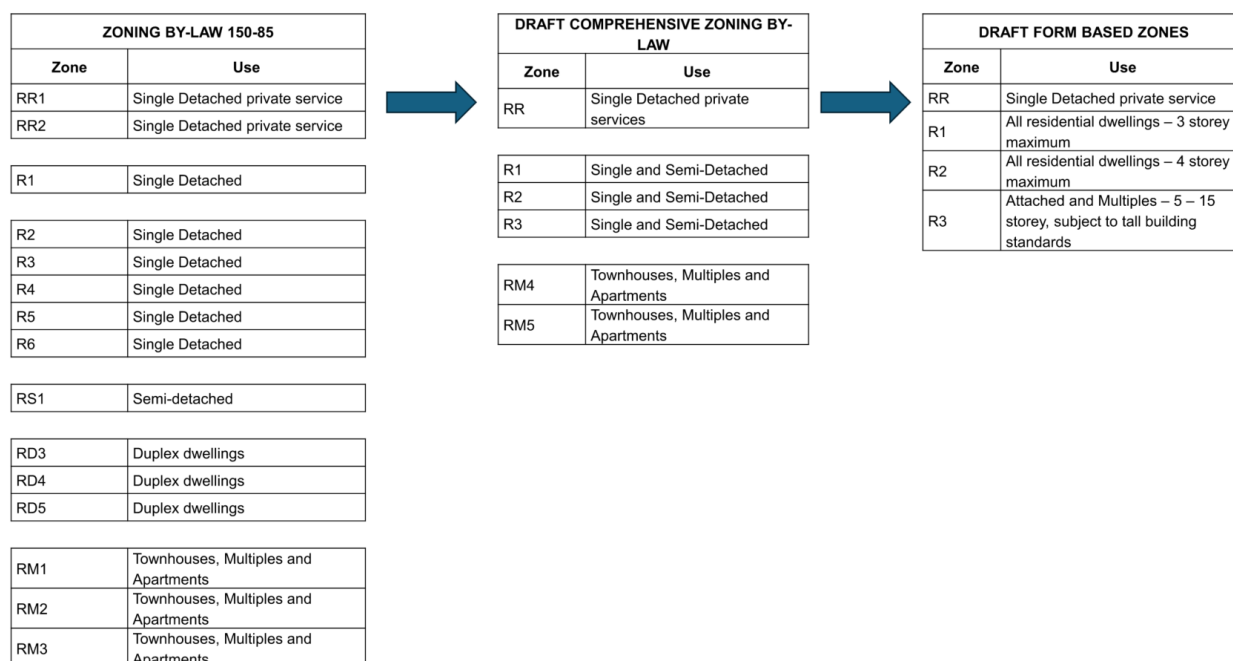
Form based zoning gives greater flexibility to the type and number of units that can be accommodated within residential areas but is intended to still maintain the character of a neighbourhood. Defining character elements of a neighbourhood such as building height, setbacks and open space, among other factors, can be considered and included in regulation. The key change is to no longer base zoning on dwelling type or number of units contained within a building or lot.

This project is also directly connected to HAF initiative No.2 - Digital Twin Data Driven Accelerated Approval Process. The purpose of this project is to develop enhanced software such as geographic information system (GIS) and automated permit review to increase the efficiency of building permit and planning applications review and approvals. Simplifying the zoning by-law through form based regulations will greatly assist in the completion of this important HAF initiative.

ANALYSIS:

A shift to form based zoning would generally involve eliminating restrictions based on dwelling types and density. The result will be residential zoning guided by development “form” (e.g. height, building placement, setbacks etc.) rather than specific dwelling types or number of units.

The following tables illustrate at a high level what the shift in zoning regulations could look like under this project:



This type of zoning can be visualized with a three dimensional cube which illustrates conceptually the space that a building could occupy on a property. By applying the required front, side and rear yard setbacks and maximum building height, the limits of development result. If a building can fit within the space, then it is permitted, regardless of what type of dwelling it is. For example, the following graphic shows where a building could be located within the draft R1 zone.

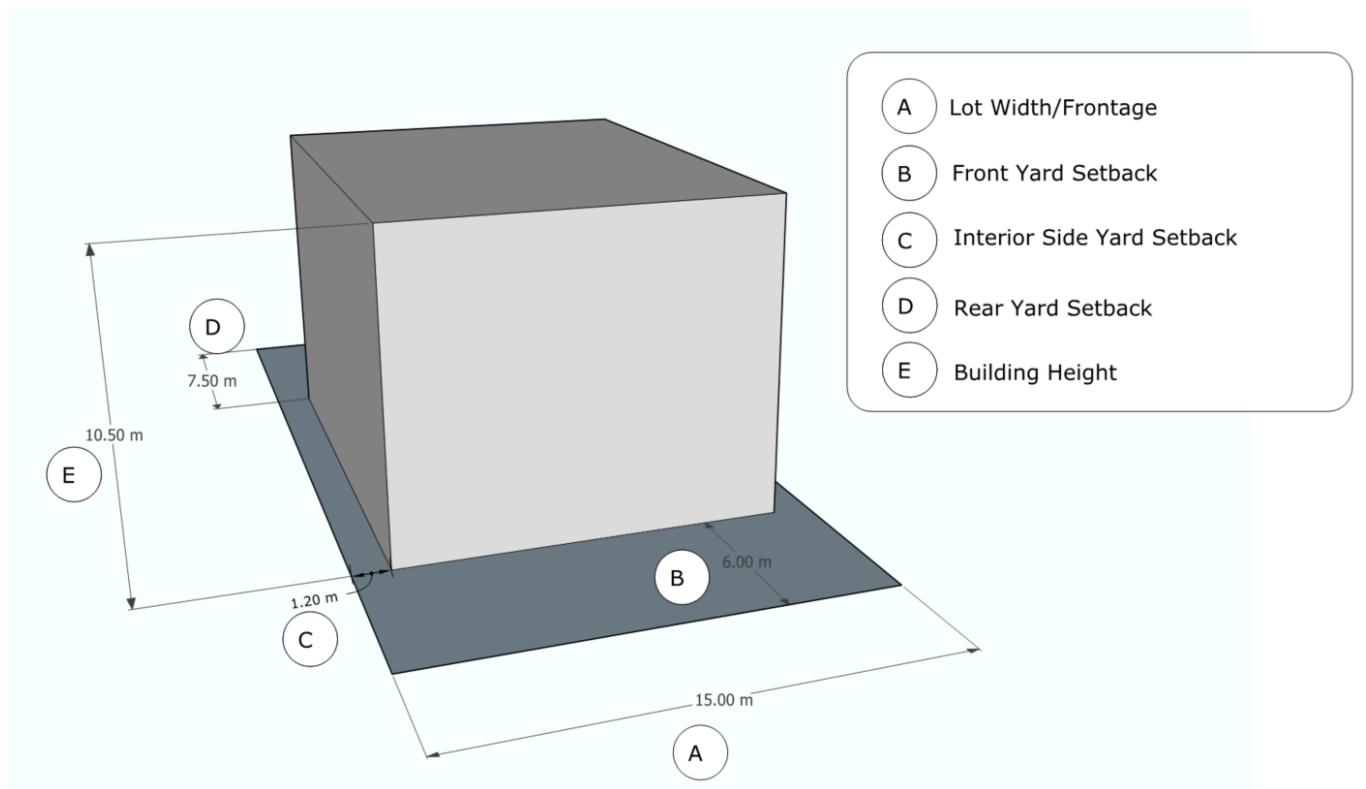


Figure 1 - Conceptual Building Placement

It is noted that this is a simplification, and there will be additional standards that further impact the size and placement of a building, such as landscaping, driveway and parking requirements, among others.

Residential Categories:

Under form based zoning, broad “categories” of dwelling types are proposed rather than a restrictive list of permitted residential dwelling types as is the case under the current Zoning By-law.

The following is a summary of dwelling types which these categories would permit:

- Detached:
 - This category would permit single detached dwellings and associated additional dwelling units.
- Attached:
 - This category includes semi-detached dwellings, street fronting townhouse dwellings, and condominium townhouse dwellings which are located on individual lots (commonly referred to as “parcels of tied land” or “freehold condominiums”).

- Multiple:
 - This category includes cluster townhouses (townhouses that are not on individual lots, such as rental townhouses or standard condominiums), stacked and back-to-back townhouses, apartment dwellings and other multi-unit housing.

Draft New Residential Zones:

Under consideration are four new form based residential zones:

- Rural Residential (RR) – which is intended to apply to areas of the City that have limited services. Due to this servicing constraint the zoning is restricted to the detached dwellings category only.
- Residential 1 – This zone is intended to apply to serviced areas and comprised of lots with frontages of 15 m or greater. The full range of residential dwelling categories would be permitted (detached, attached, and multiple housing), subject to regulations that are further detailed in the below table. Maximum building heights are limited to three storeys (10.5 m).
- Residential 2 – This zone is intended to apply to serviced areas with smaller lot frontages. Like the R1 Zone, the full range of dwelling types would be permitted; however, regulations are more permissive and based on contemporary development regulations such as reduced front and side yard setbacks. Maximum building heights are limited to 4 storeys (14.0 m).
- Residential 3 – This zone is to apply to areas of the City that are intended for taller buildings (areas currently designated as “High Density” in the City of Cambridge Official Plan). This zone will permit attached and multiple dwellings only, and includes form based standards such as maximum building length, podium height, and terracing requirements for taller buildings. The maximum height is 5 storeys for properties that front on a local road and up to 15 storeys for properties that front onto collector and arterial roads.

Draft mapping showing the location of these zones is shown in Appendix A. This is preliminary and subject to change as the project progresses.

Draft Regulations for the new Form Based Residential Zones:

The following tables summarize the basic standards under consideration within these four new residential zones. It is noted that other standards such as landscaping and amenity space and other requirements are still being developed.

Rural Residential (RR Zone) – Detached:

Standard	Requirement
Minimum required lot frontage	30.0 m
Minimum required lot area	2,000 m ²
Building Height	3 storeys/10.5 m
Front Yard Setback	6.0 m
Interior Side Yard Setback	3.0 m
Rear Yard Setback	7.5 m

The above standards are displayed in the following two dimensional “plan view” graphic. A building could be placed anywhere within the grey area on this plan.

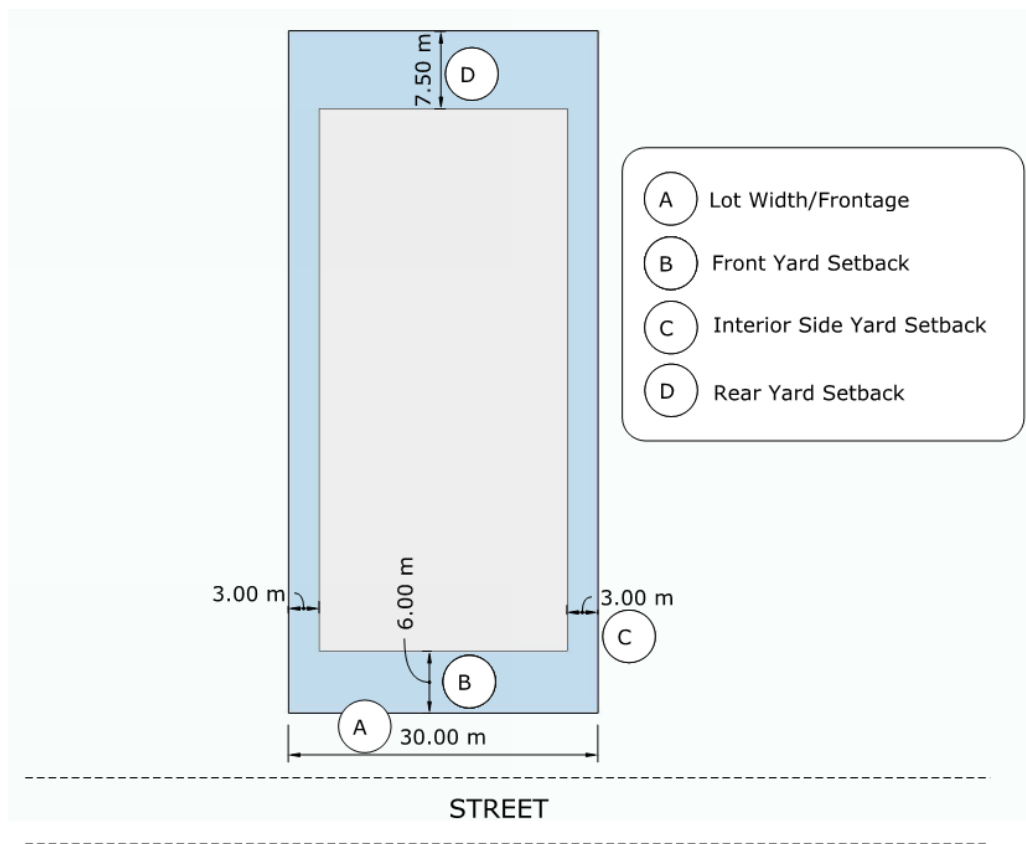


Figure 1 RR Detached

The following tables summarize the base standards of the proposed R1 Zone:

Residential 1 (R1 Zone) Detached:

Standard	Requirement
Minimum required lot frontage	15.0 m
Building Height	3 storeys/10.5 m
Front Yard Setback	6.0 m
Interior Side Yard Setback	1.2 m
Rear Yard Setback	7.5 m

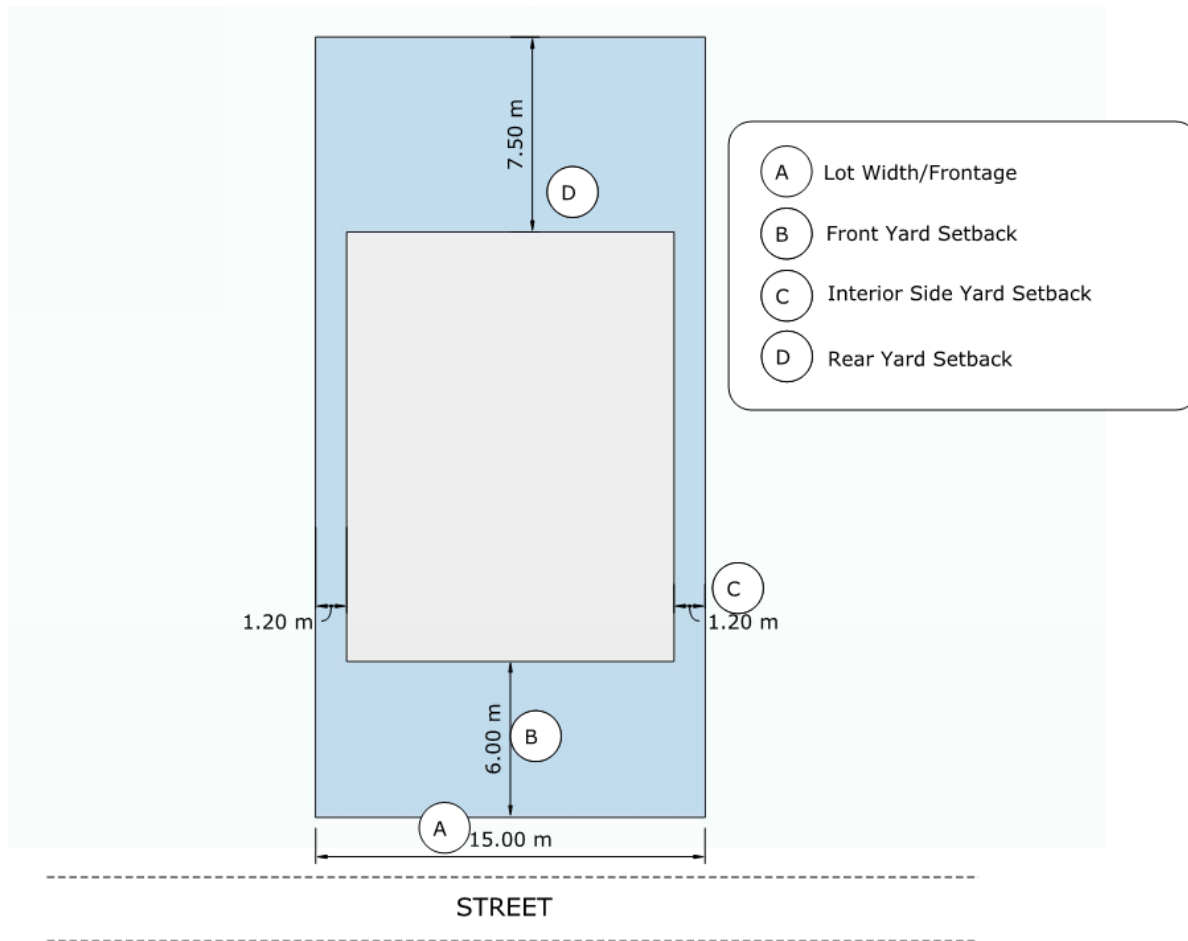


Figure 2 R1 Detached

Residential 1 (R1 Zone) Attached:

Standard	Requirement
Minimum required lot frontage	7.5 m
Building Height	3 storeys/10.5 m
Front Yard Setback	6.0 m
Interior Side Yard Setback	1.2 m on end unit side; 0 on the other
Rear Yard Setback	7.5 m

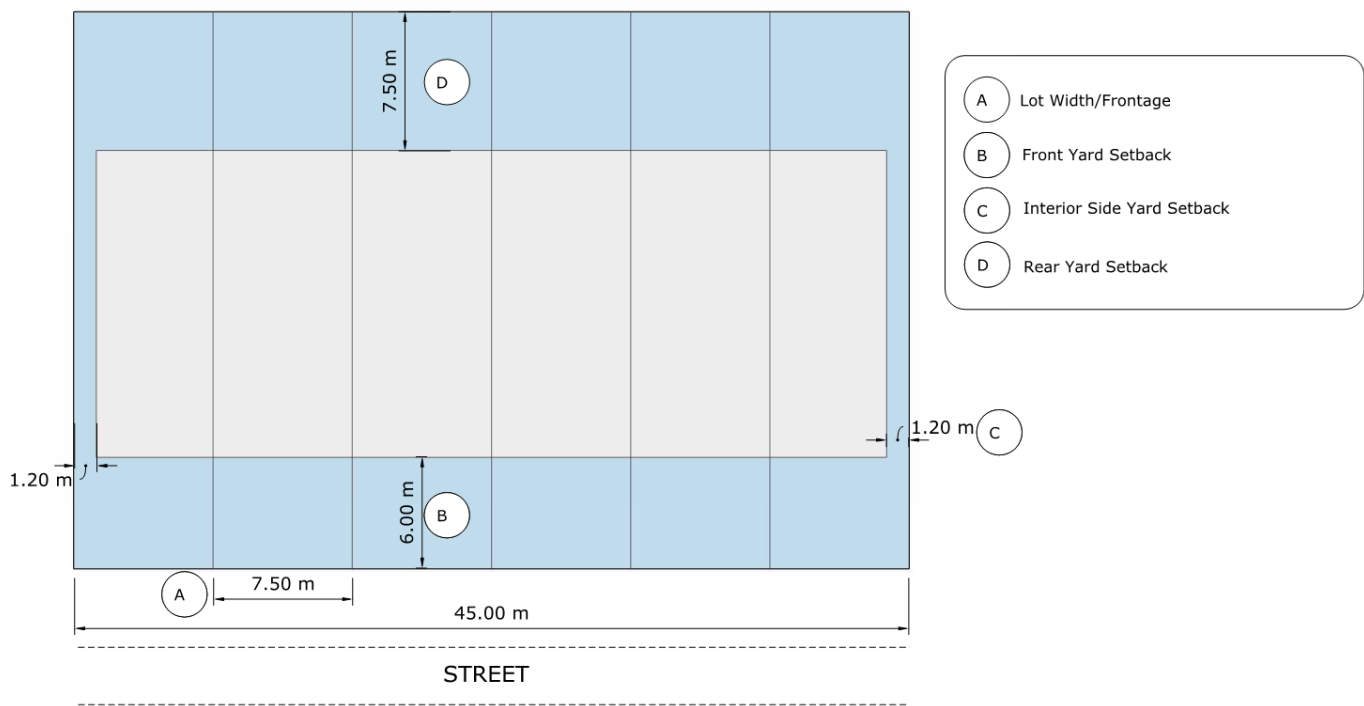


Figure 3 R1 Attached

Residential 1 (R1 Zone) Multiple:

Standard	Requirement
Minimum required lot frontage	15 m
Building Height	3 storeys/10.5 m
Front Yard Setback	6.0 m
Interior Side Yard Setback	1.2 m
Rear Yard Setback	7.5 m

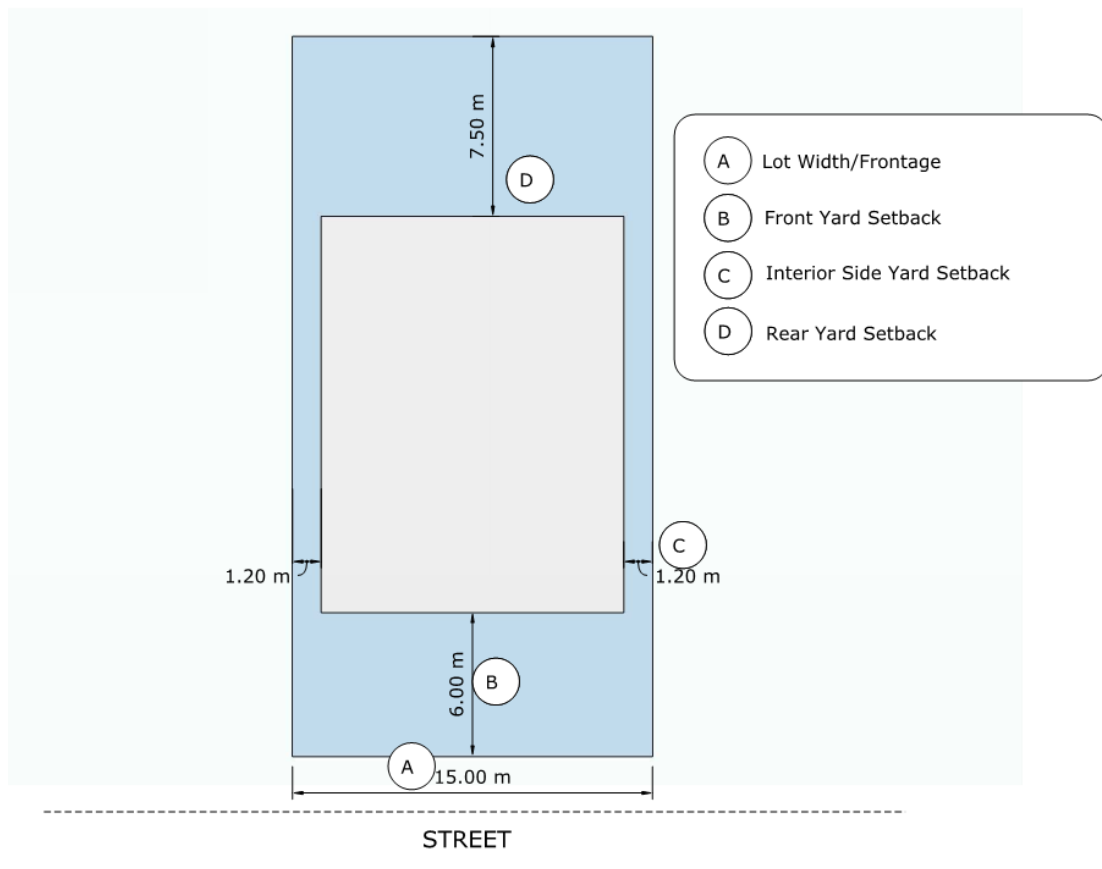


Figure 4 R1 Multiple

The following tables summarize the base standards of the proposed R2 Zone:

Residential 2 (R2) Detached:

Standard	Requirement
Minimum required lot frontage	9.0 m
Building Height	4 storeys/14.0 m
Front Yard Setback	3.0 m
Front Yard Setback to Garage	6.0 m
Interior Side Yard Setback	1.2 on one side, 0.6 m on the other
Rear Yard Setback	7.5 m

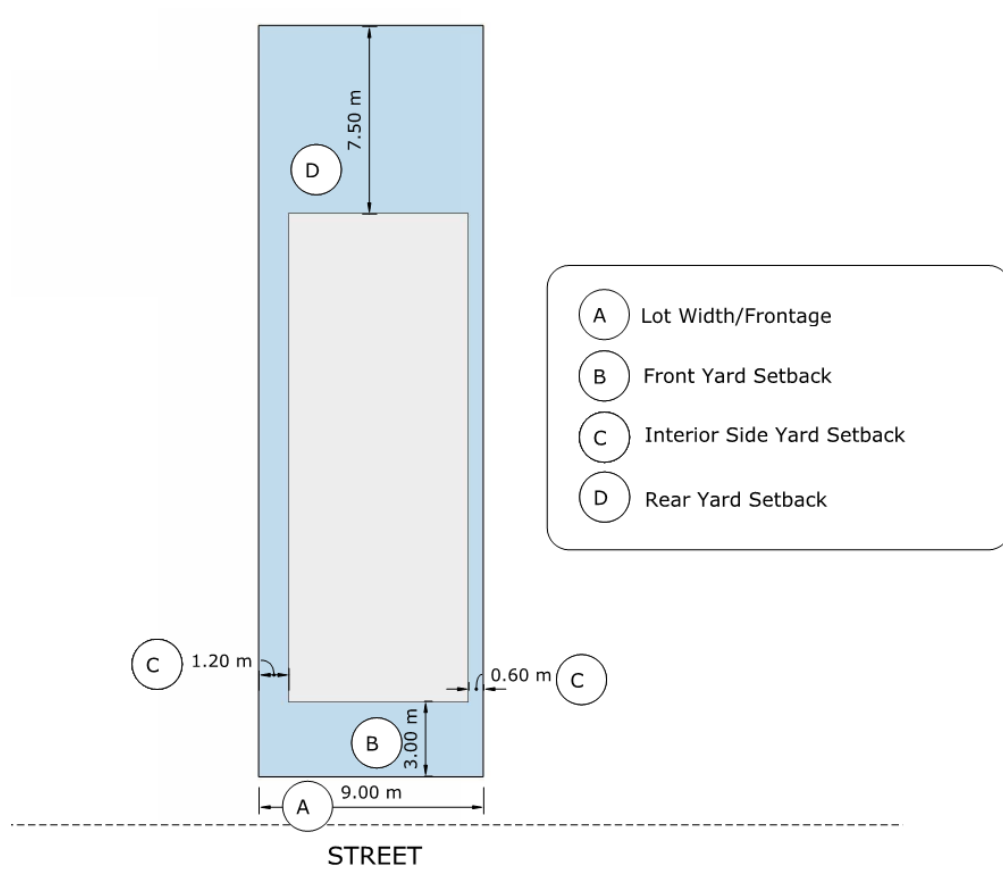


Figure 5 R2 Detached

Residential 2 (R2 Zone) Attached:

Standard	Requirement
Minimum required lot frontage	5.5 m
Building Height	4 storeys/14.0 m
Front Yard Setback	3.0 m
Front Yard Setback to Garage	6.0 m
Interior Side Yard Setback	1.2 m on end unit side; 0 on the other
Rear Yard Setback	7.5 m

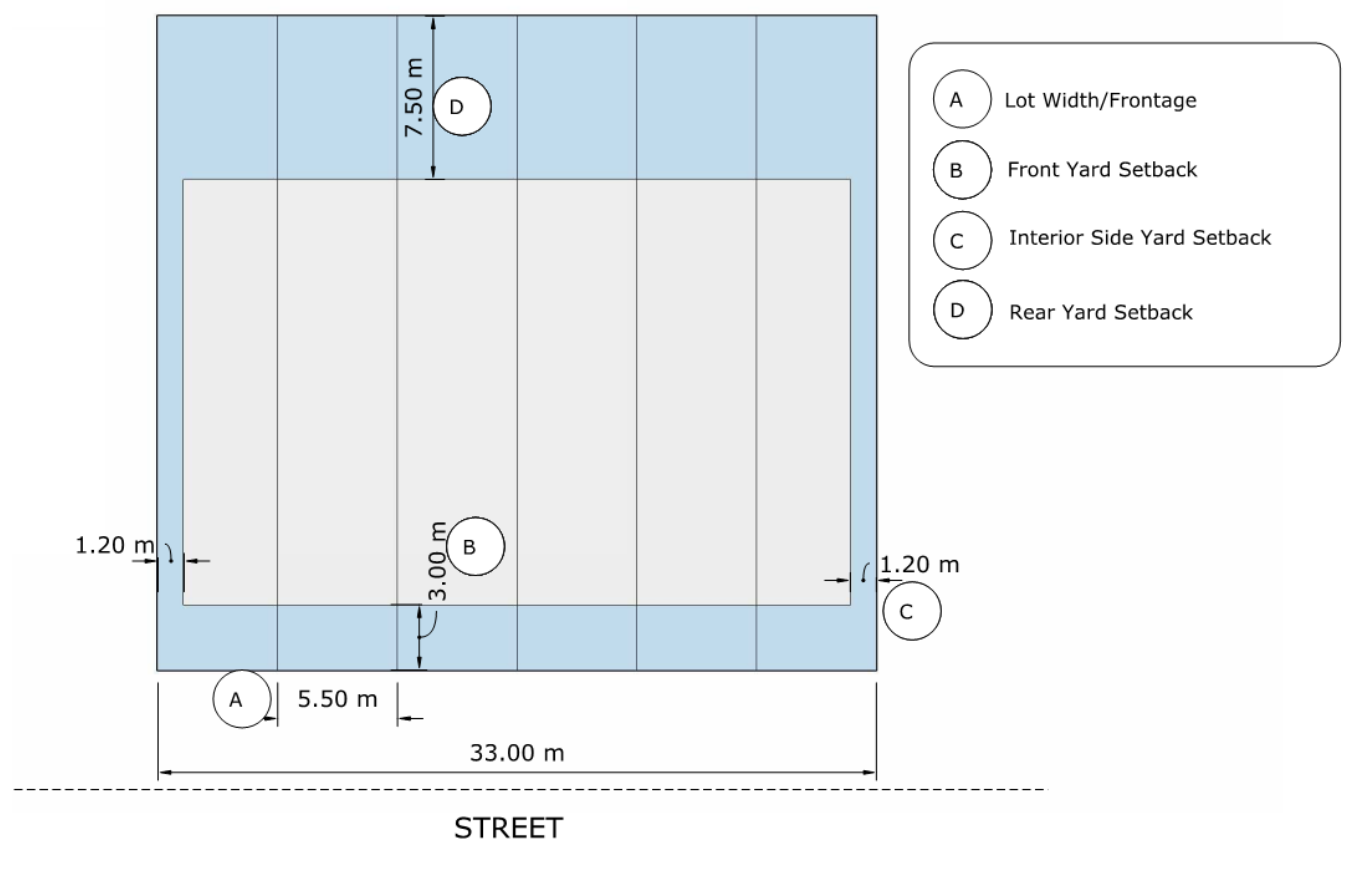


Figure 6 R2 Attached

Residential 2 (R2 Zone) Multiple:

Standard	Requirement
Minimum required lot frontage	12.0 m
Building Height	4 storeys/14.0 m
Front Yard Setback	3.0 m
Interior Side Yard Setback	1.2 m
Rear Yard Setback	7.5 m

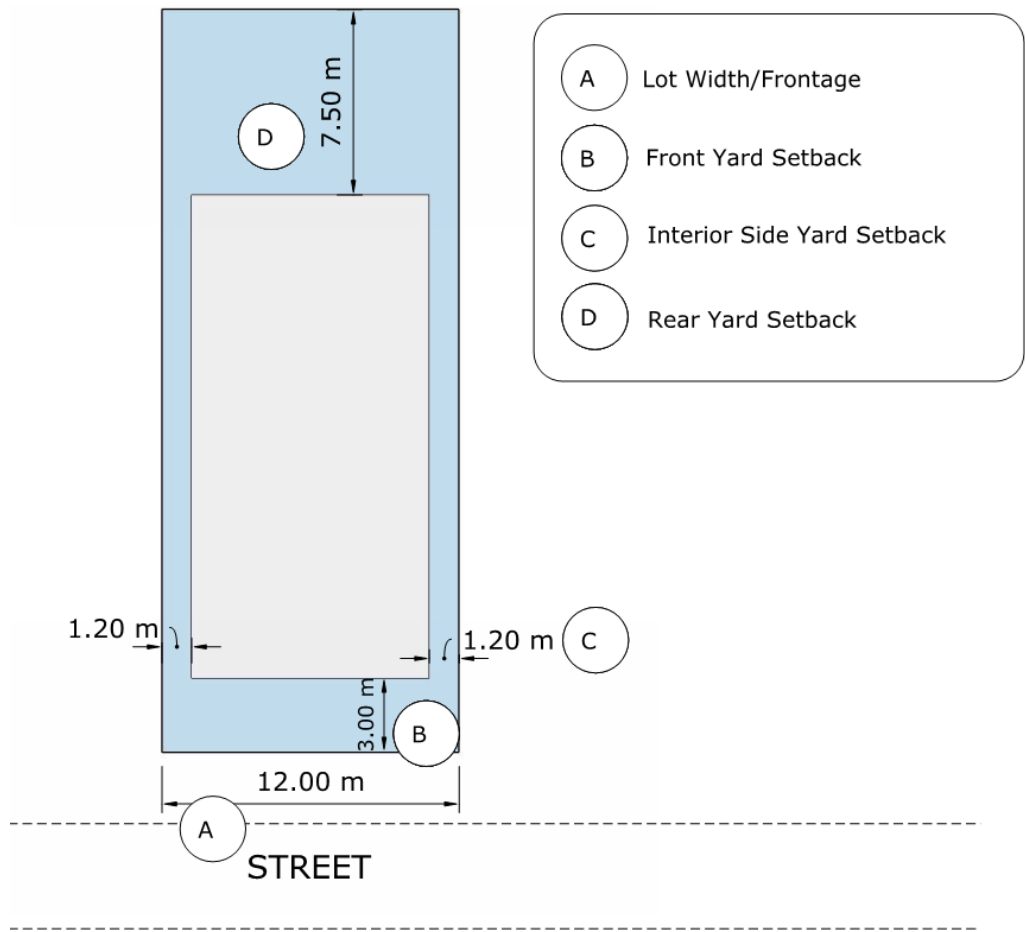


Figure 7 R2 Multiple

The following tables summarize the base standards of the proposed R3 Zone:

Residential 3 (R3 Zone) Attached:

Standard	Requirement
Minimum required lot frontage	20.0 m
Building Height	5 storeys/17.0 m
Front Yard Setback	3.0 m
Interior Side Yard Setback	3.0 m
Rear Yard Setback	7.5 m

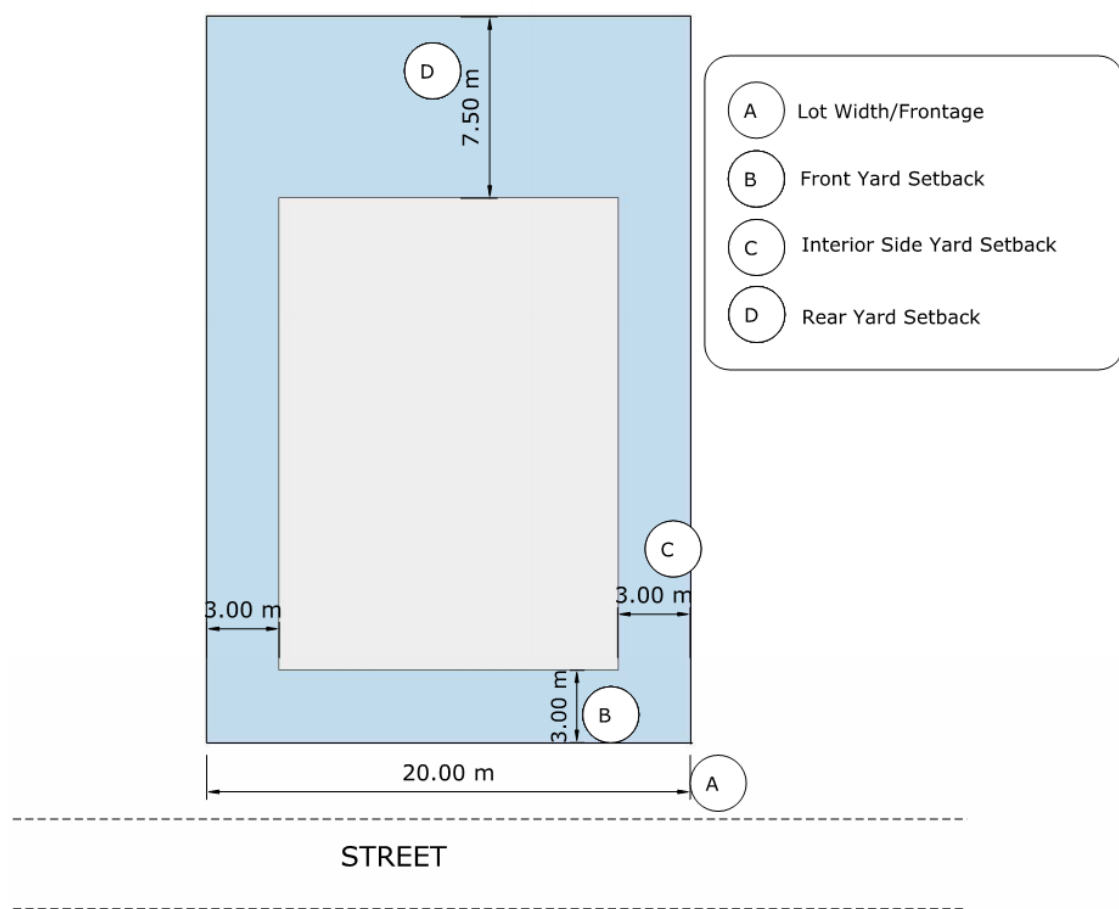


Figure 8 R3 Attached

Residential 3 (R3 Zone) Multiple:

Standard	Requirement
Minimum required lot frontage	30.0 m
Front Yard Setback	4.5 m
Interior Side Yard Setback	3.0 m
Rear Yard Setback	7.5 m
Maximum building length	60.0 m
Building Height	5 storeys/17.0 m if fronting a local road, 15 storeys/52.0 m if fronting a collector or arterial road, in which case the following also applies:
Minimum height of building podium	3 storeys
Maximum height of building podium	6 storeys
Minimum step-back of building from edge of podium facing the street above 6 storeys	3.0 m
Minimum separation distance between portions of buildings higher than 6 storeys	25.0 m
Maximum floor area of any storey above 6 storeys	750.0 m ²

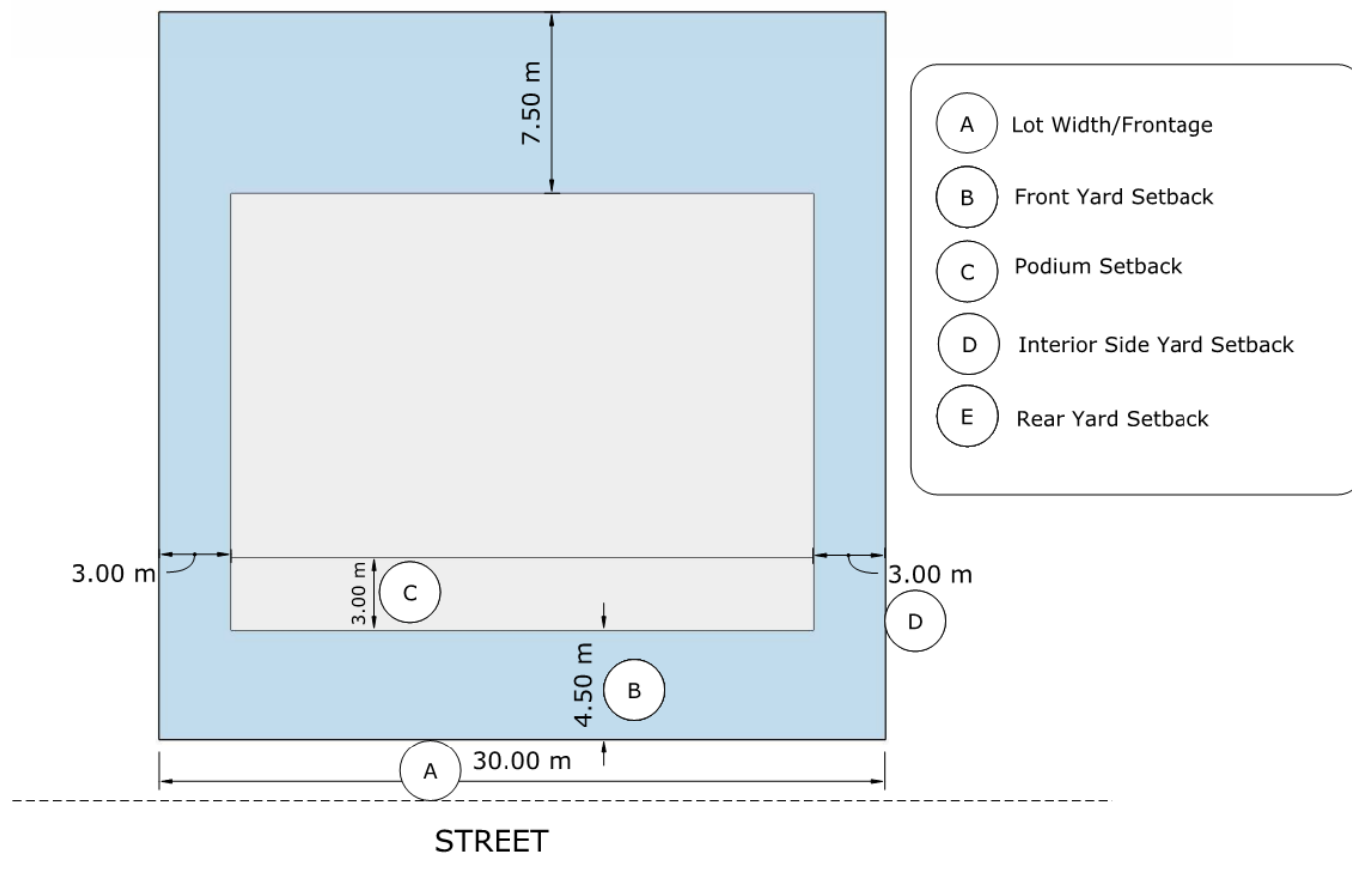


Figure 9 R3 Multiple

Parking:

The parking rates as drafted under the comprehensive zoning by-law review are proposed to be maintained at this time. These are generally consistent with the existing parking requirements under By-law 150-85. For residential, this includes:

- Apartment Dwelling – 1 space per unit plus 0.25 spaces per unit for visitors.
- Single Detached, Semi-detached, townhouse and back-to-back townhouse dwelling units – 2 spaces per unit.

Established Neighbourhoods:

As part of the ongoing comprehensive zoning by-law review, special zoning regulations for “established neighbourhoods” have been drafted. The purpose of these additional regulations is to guide new development to ensure that it fits within the established character of these neighbourhoods. This includes special regulations that require new development to meet building placement standards such as average front and side

yards, detached and attached garage placement, building height, and the requirement for driveways to only be accessed off public laneways in the case of West Galt. Staff propose to retain these special zoning regulations as part of the form based zoning update. The established neighbourhood areas are shown on Appendix B.

Other Considerations:

Design:

Updating the Zoning By-law with form based regulations is an opportunity to improve the quality of residential development in the City.

As noted “established neighbourhood regulations” will ensure new infill development is compatible with important character elements in existing neighbourhoods.

Staff will continue to review other best practices in regulating design matters in zoning by-laws. Items that will be considered further may include:

- Principal entrance requirements and the public street
- Garage setbacks and front yard parking restrictions
- Front/exterior façade glazing/window requirements
- Front/exterior façade projection requirements (e.g. porches, balconies, bay/box windows)
- Soft landscaping requirements within the front and exterior side yard
- Amenity space requirements.
- Accessibility matters and site design/layout.

Heritage:

Under a form based zoning by-law heritage properties will still be subject to the same approval process that is in place today. Alterations, demolitions or redevelopment of properties that are designated under the Ontario Heritage Act will be required to receive approval from the City even if for a permitted use in zoning. This requires the proponent to prepare a Heritage Impact Assessment for review and approval. The City would then have the opportunity to decide to approve or refuse the proposed changes to the designated property.

Existing Site-Specific Amendments/Exceptions:

As noted in the background section of the report, the City has passed over 500 site specific zoning by-law amendments to By-law 150-85. These are exceptions to the current By-law and much of the City has been built under standards that are tailored to individual developments. This creates a very complicated set of zoning rules since standards vary across the City.

As part of the comprehensive zoning by-law review project, all site-specific amendments were originally intended to be re-written and carried forward into the new by-law. Staff have evaluated this approach further and believe that a more appropriate approach is to only retain site specific amendments when warranted. It is proposed that site specific amendments will not be carried forward into the comprehensive zoning by-law in the following circumstances:

- 1) The development is built out, and therefore no longer requires the benefit of the site-specific amendment.
- 2) If the site-specific amendment is written in a manner that is inconsistent with the intent of form based zoning (e.g. the wording of the amendment restricts residential uses to only specific dwelling types, which would be in conflict with the form based zoning objective of permitting a variety of residential dwelling types).
- 3) If the site-specific amendment is made redundant by the regulations of the new by-law (e.g. the new by-law is more permissive than the existing site-specific amendment).
- 4) If the site-specific amendment is inconsistent with the policy objectives of the City's Official Plan.

The above approach will require staff to review and evaluate each site-specific amendment to determine whether it is warranted to be carried forward into the new by-law. This analysis will be documented as part of a future report.

Additional Residential Units:

In 2023 the City amended the current By-law to permit up two additional units in single, semi and townhouse dwellings. These standards will be carried forward into the new By-law.

Planning applications and Council Decision Making:

It is expected that a form based zoning by-law will reduce the increasing number of planning applications that are processed by the City. The following is a summary of example applications which would not be required had a form based by-law been in effect:

Application No. and Address	Description	Decision
R14- 20 - 355 Guelph Ave & 11 Fletcher Circle	Rezoning to permit townhouses	Approved by Council

R01-20 - 405 Myers Road	Rezoning to permit stacked townhouses	Approved by Council
R04-21 - 40 Albert St	Rezoning to permit semi-detached dwelling units	Approved by Council
OR05-22 - 44, 46 Millcreek Road and 5 Liberty Drive	Rezoning and Official Plan amendment to permit stacked townhouses	Approved by Council

Best Practices in Zoning By-laws:

Many municipalities have updated their zoning by-laws by simplifying them and adapting aspects of form based zoning. The municipalities that have amended their bylaw recently show a general trend of shifting from zone categorization based on individual housing type to regulating based on the form of the development (low, medium and high-rise). This results in a reduction in the number of residential zones wherein one zone permits a variety of housing types.

Municipalities such as St. Catharines, Guelph, Thunder Bay, Brantford and Kitchener have recently updated their Zoning bylaws. The number of residential zones defined by these municipalities range between 3 to 7 – where the City of Thunder Bay has basic 3 zones (urban low, medium and highrise zones) and the City of Kitchener has 7 zones (5 low rise zones, 1 medium and 1 high rise zone).

As part of this project staff will continue to review best practices in approaches in contemporary zoning by-laws.

Next Steps:

- Public Engagement Fall 2024 – Spring 2025
- Statutory Public Meeting Spring 2025
- Final By-law for Approval Fall 2025

EXISTING POLICY / BY-LAW(S):

Official Plan:

The City's Official Plan has three residential designations – Rural Residential, Low/Medium Density and High Density.

The Rural Residential Designation is intended for land on private services. The proposed "RR" zone is to apply to these properties and will limit development to detached residential due to servicing constraints.

The majority of the City's residential areas are within the Official Plan's Low/Medium Density designation. This designation permits a range of dwelling types up to a maximum density of 40 units per hectare. The proposed R1 and R2 zones are intended to apply to land within the Low/Medium Density designation. The density limit of 40 units per hectare is proposed to be eliminated, and instead development will be regulated by form based standards in the by-law, including maximum building heights of 3-4 storeys.

The Official Plan's High Density land use designation is intended for multi-unit residential development. Density is measured by calculating the floor space index (FSI) which is the ratio of building floor area to lot area, and the maximum permitted is 2.0. This designation currently has no maximum building height. The proposed R3 zone is intended to apply to land designated High Density in the Official Plan. The FSI maximum is proposed to be eliminated and development will be regulated by form based standards in the by-law, including maximum building heights of 5-15 storeys.

FINANCIAL IMPACT:

This project has a \$250,000 budget for professional services which is funded by CMHC.

PUBLIC VALUE:

Collaboration:

This project supports the public value of collaboration by working with CMHC on the shared goal of improving housing affordability within the city.

ADVISORY COMMITTEE INPUT:

As part of the comprehensive zoning by-law the following Advisory Committees will continue to be consulted:

- Accessibility Advisory Committee
- Environmental Advisory Committee
- Municipal Heritage Advisory Committee

PUBLIC INPUT:

Next steps in the process include public and stakeholder engagement between Fall 2024 and Spring 2025.

A statutory public meeting held under the Planning Act is proposed in Spring 2025 which is another opportunity to receive public feedback.

INTERNAL / EXTERNAL CONSULTATION:

Through the ongoing comprehensive zoning by-law review internal and external agency consultation has occurred. This will continue with the proposed form based zoning standards.

CONCLUSION:

HAF Initiative #4 requires the City to update the zoning by-law with form based residential zones. This report introduces four draft zones for Council consideration and seeks direction to engage with the public and stakeholders in order to advance this project and report back at a future statutory public meeting in spring 2025.

REPORT IMPACTS:

Agreement: **No**

By-law: **Yes**

Budget Amendment: **No**

Policy: **Yes**

APPROVALS:

This report has gone through the appropriate workflow and has been reviewed and or approved by the following as required:

Director

Deputy City Manager

Chief Financial Officer

City Solicitor

City Manager

ATTACHMENTS:

1. 24-127-CD HAF Initiative No. 4 Form Based Zoning Appendix A – Draft Form Based Zoning Map
2. 24-127-CD HAF Initiative No. 4 Form Based Zoning Appendix B – Proposed Established Neighbourhood Map