

## Zoning Bylaw Regulations for Tiny Homes

As mobile homes were becoming more common, the American Society of Planning Officials published an information report in 1961 titled *Regulation of Mobile Home Subdivisions*,<sup>1</sup> to provide guidance to planners for this emerging housing type. The report notes that even though a mobile home meets the definition for a 'single-family residence' it is not like a conventional house in how it looks, is built, sold, financed, or its relationship to the land, although many people find this housing "efficient, economical and comfortable." The report also notes that in conventional neighbourhoods, a mobile home can create "alarm, shock and lowered property values" and neighbours may advocate for "no-lookalike zoning". This framed the approach that led urban planners and municipal Administrations to segregate mobile homes from conventionally built homes through separate zoning classifications.

Supporting the separation of mobile homes from more traditional single detached housing, the report notes that, "[considering] the relative newness of the mobile home, its characteristically different appearance, and the feeling that individual units should not be mixed in among conventional dwellings, it is discreet if not entirely logical to segregate mobile homes in either parks or subdivisions." To help control the growth and location of mobile home subdivisions, the report indicates that to achieve 'exclusive segregation,' mobile homes and mobile home subdivisions need to be specifically defined through zoning.

In Edmonton, mobile home related definitions and two mobile home zones emerged in the zoning bylaw in 1973, and reflected the prevailing approach to dealing with mobile homes in a consolidated or specific site separate and apart from other housing types. In 1980, the two zones were consolidated into the (RMH) Mobile Home zone and the special land use provisions for mobile homes, which requires a minimum building width of 5.5 metres and a permanent foundation for mobile homes located outside of the RMH zone, were added to the bylaw. This approach to regulating different forms of housing are now creating a barrier to tiny homes on wheels.

At present, Zoning Bylaw 12800 does not have a definition specific to tiny homes. Stationary tiny homes built on-site on a residential lot would need to meet the

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<sup>1</sup> American Society of Planning Officials. 1961. *Information Report 145 - Regulation of Mobile Home Subdivisions*. [online] Available at: <<https://www.planning.org/pas/reports/report145.htm>>

same requirements that apply to single detached housing. Similarly, a stationary tiny home located on a property with an existing house would meet the definition of a garden suite.

Mobile Homes are defined in the Zoning Bylaw 12800 as:

*“Mobile Home means development consisting of transportable Single Detached Housing which is suitable for permanent occupancy, designed to be transported on its own wheels, and which is, upon its arrival at the Site where it is to be located, ready for occupancy except for incidental building operations such as placement on foundation supports and connection to utilities.”*

Tiny homes on wheels meet the definition for mobile homes, which have location restrictions based on their size. Mobile homes can be considered single detached homes on any residential lot provided they are wider than 5.5 metres. As many tiny homes are likely to be less than 5.5 metres wide, Zoning Bylaw 12800 would currently restrict these dwellings to the (RMH) Mobile Home zone, which has limited areas in the city.

The width restrictions for mobile homes do not align with the approach to other forms of single detached housing. For example, a single detached home built on a narrow lot of 7.5 metres is typically only able to be 5 metres wide due to the side setback requirements. As such, maintaining the minimum building width requirement for mobile homes does not align with the changes made to Zoning Bylaw 12800 to provide more flexibility for different housing types and lot sizes. The minimum width requirement for mobile homes (and by default, tiny homes), can create a barrier for different housing lifestyles and affordable housing choices.

### **Tiny Home on Wheels Jurisdiction Comparison**

In order to better understand the regulatory context for tiny homes in Canada, Administration looked at a range of jurisdictions which are summarized in the table at the end of this document. Although many places do not have specific regulations for tiny homes or tiny homes on wheels, jurisdictions may allow tiny homes built on permanent foundations as single detached dwellings or accessory dwelling units, similar to how Edmonton currently regulates garden suites, or may consider tiny homes on wheels similar to mobile homes. The uncertainty of

building codes that apply to tiny homes may also contribute to the short list of municipalities regulating tiny homes.

At present, there appears to be a larger market for tiny homes in the United States. This may be a result of the inclusion of tiny houses in the International Residential Code, although these regulations do not apply to tiny homes on wheels. Some cities in the U.S. have accommodated tiny homes on wheels as accessory dwelling units, provided they are registered as a motor vehicle, meet certain building requirements, and are designed such that the appearance, siding and roofing resembles a traditional home.

### **Proposed Amendments to Zoning Bylaw 12800**

To create opportunities for tiny homes on wheels in Edmonton, Administration suggests the removal of the special land use provisions for mobile homes, currently set out in Section 78, to allow movable dwellings to be considered single detached housing or garden suites where these uses are allowed.

An implication of this change is that mobile homes would no longer have to be at least 5.5 metres in width, which would align with regulations for other types of single detached homes. Removing Section 78 would also mean that mobile homes would no longer be required to be built on a permanent foundation, however other regulations would ensure these dwellings were properly screened to be consistent with the appearance of other permanent structures. The performance standard found in Section 57.3 of Zoning Bylaw 12800 currently allow the Development Officer to ensure materials are similar to, or better than, surrounding development. To supplement this, Administration proposes to include a provision that will require the screening of the undercarriage of all moveable dwellings with skirting or a foundation. Regulations for design features to improve architectural interest or to require that the structure looks different from housing on adjacent sites is addressed through the regulations of the Mature Neighbourhood Overlay in Section 814 of the bylaw. Design features required for Garden Suites are regulated through special land use provisions found in Section 87.

To ensure recreational vehicles are not used as a Dwelling, Administration proposes to introduce a definition for recreational vehicles and to clarify the definition for Dwelling to create the distinction that a recreational vehicle is not a dwelling suitable for permanent residence. This is consistent with the feedback

from an earlier Insight Survey in October 2018 that highlighted respondents non-support of allowing recreational vehicles to be considered tiny homes on wheels.

The proposed removal of Section 78 also supports a related project, the Missing Middle Zoning Review. This project may create opportunities for tiny home clusters to be developed. Part of this work includes a new proposed land use, Multi-unit Housing, which is intended to replace Apartment Housing and Stacked Row Housing. The Multi-unit Housing classification will allow more flexibility in the configuration of dwelling units for developments including three or more dwellings. For further information on the Missing Middle Zoning Review, please refer to *CR\_6225 Zoning Bylaw Amendments - Analysis, Implications and Options*, which was presented on July 9, 2019 to the Urban Planning Committee meeting.

### Jurisdiction Comparison of Tiny Home Zoning Regulations in Canada

Jurisdiction	Land Use	Regulations
<b>BRITISH COLUMBIA</b>		
City of Grand Forks	'Tiny House on Wheels'	Includes dwelling units on wheeled chassis with a floor area between 12 and 29 square metres and must be constructed to be used as a full-time residence.  Can be approved as a 'Temporary Use' when not the principal building or a garden suite. To remain permanently on site, the structure must be placed on a foundation.
City of Vancouver	None	Does not permit dwelling units with a floor area less than 37 square metres, and does not permit mobile homes (defined as Trailer in the Trailer Court By-law No. 3644) unless they are located in a 'Trailer Court'.
City of Victoria	None	-
<b>ALBERTA</b>		
Brazeau County	'Dwellings, Tiny'	Tiny dwellings are permitted if constructed on a permanent foundation or piling system, and are less than 74.3 m <sup>2</sup> (800 ft <sup>2</sup> ) in total floor area.
City of Calgary	None	

		<p>Mobile tiny homes may be considered manufactured homes, and tiny homes on permanent foundations may be considered single-family homes or backyard suites.</p> <p>Mobile homes are limited to the Residential-Manufactured Home (R-MH) District or Special Purpose – Future Urban Development (S-FUD) District.</p>
Kneehill County	Captured under 'Creative Architecture' which includes Tiny Homes	<p>The definition for "Housing, Tiny" includes both tiny homes and tiny homes on wheels with a total floor area not more than 500 square feet.</p> <p>Tiny houses are considered a form of "Creative Architecture", which means a development that is original, innovative, or a uniquely designed structure or building created with regard for aesthetic effect. This housing type is required to have a permanent foundation capable of supporting the maximum anticipated load of the home during all seasons without settlement or other movement, and is a discretionary use in the Country Residential District.</p>
Village of Big Valley	"tiny house"	<p>Tiny houses must have a fixed or permanent foundation, cannot exceed a total floor area of 60.39 square metres, and are limited to the Tiny House Residential District (R-1T)</p> <p>Zoning regulations for tiny houses include architectural requirements, such as front porches, doors and windows, and the separation of similar front elevations, and tiny houses are not permitted to have front driveways.</p>
Village of Delia	"Tiny Home"	<p>Includes tiny homes with a floor area less than 46 square metres and must have a permanent foundation.</p> <p>Most zones have a minimum gross floor area requirement that exceeds 46 m<sup>2</sup>. A tiny home would require approval through the Municipal Planning Commission.</p>
<b>SASKATCHEWAN</b>		
City of Regina	None	<p>Mobile tiny homes may be considered mobile home dwellings, which are limited to the R7 Zone.</p> <p>The R7 Zone implements City of Regina's Development Plan Policy to limit the development of new mobile home dwelling units and parks in the city.</p> <p>There are no minimum dwelling sizes for 'one dwelling unit, detached' uses.</p>
City of Saskatoon	None	<p>Mobile tiny homes may be considered mobile homes, which are required to be placed on a permanent foundation and are</p>

		<p>limited to the Mobile Home Lot District (RMHL)</p> <p>There are no minimum dwelling sizes for 'one-unit dwellings' or 'garden suites'.</p>
<b>MANITOBA</b>		
City of Winnipeg	None	<p>Mobile tiny homes may be considered mobile homes, which are limited to the Residential Mobile Home Park District.</p> <p>There are no minimum dwelling sizes for 'single family detached dwellings'.</p>
<b>ONTARIO</b>		
City of Toronto	None	No minimum dwelling size for 'detached houses' or laneway suites.
Tay Valley, Lanark County	'Tiny House Dwelling'	<p>Are permitted as a 'single dwelling' and is any dwelling that does not meet the minimum dwelling size requirements in the zone they are located in, but still meet the Ontario Building Code requirements.</p> <p>Must have a sewage system approval and meet the zone standards for the zone it is located in.</p> <p>Where the tiny house dwelling is located on a lot, no accessory buildings or structures shall exceed 10 m<sup>2</sup>, except for a detached garage.</p>
<b>QUEBEC</b>		
City of Montreal	None	'Single-family dwellings' are required to be on a continuous foundation.
<b>NEWFOUNDLAND and LABRADOR</b>		
City of St. Johns	None	<p>Mobile tiny homes may be captured as a mobile home, which are limited to the Mobile Home Park zone.</p> <p>Mobile homes are required to connect to utilities in order to be suitable for year-round occupancy.</p>
<b>NOVA SCOTIA</b>		
Halifax (includes 21 Plan Area each with their own land use bylaw)	None	<p>Mobile tiny homes may be captured as mobile home or mini home, which tend to include mobile homes with building widths less than 6.0 m.</p> <p>Most urban areas tend to restrict the development of mobile dwellings and other plan areas will generally restrict mobile homes to Mobile Home Park or Mobile Dwelling zones.</p>

		Some Plan Areas will make it clear that a mobile dwelling cannot be developed as a Garden Suite.
Town of Yarmouth	Tiny Home	<p>Includes single family homes that have a ground floor area less than 700 square feet, which can be built independently and in remote locations but also in a community setting in the Comprehensive Development Zone.</p> <p>Tiny homes in the Comprehensive Development Zone are allowed on sites greater than two hectares in size as a 'Tiny Community' provided that the number of units does not exceed twenty percent of the total number of units.</p> <p>Except for the Mobile Home Park Zone and Comprehensive Development Zone, the minimum building width in all residential zones is 20 feet (6.1 metres), although 'Mini Home Dwelling Units', which have a building width less than 20 feet, are allowed in the Mixed Residential Development Park Zone.</p> <p>The use of a recreational vehicle as a main or accessory building in any residential zone is not allowed; however, a recreational vehicle can be used for 'human habitation purposes' for 30 days in any calendar year.</p> <p>The tiny home regulations do not speak to whether or not a permanent foundation is required. Mobile tiny homes may be captured as mobile homes.</p>
<b>NEW BRUNSWICK</b>		
City of Bathurst	None	May be captured as a Mini Home Dwelling, which is similar to mobile homes and limited to the Mini Home Park Zone and are required to be placed on a permanent foundation, have durable skirting, designed and placed to harmonize with surrounding development. Mini-homes are also required to be located on well-drained land.
City of Fredericton	None	May be captured as a Mini-home, which are limited to the Residential Mini-Home (RMH) and Residential Mini-Home Park (RMHP) zones, where they are regulated like mobile homes.
City of Saint John	None	<p>May be captured as a Mini-home, which includes a detached dwelling with a width or length less than five metres and is regulated like mobile homes in the Mini-Home Park Residential (RP) Zone. Existing mobile and mini-homes are allowed in the Rural Settlement Residential (RS), Rural Residential (RR), and Rural zones; however, the structures are required to have:</p> <ul style="list-style-type: none"> <li>• A minimum floor area of 65 square metres</li> <li>• A permanent foundation</li> </ul>

		<ul style="list-style-type: none"> <li>Skirting of an opaque material installed around its perimeter between the building and the ground.</li> </ul>
<b>PRINCE EDWARD ISLAND</b>		
City of Charlottetown	None	May be captured as a Mini-Home, which include manufactured dwellings with a maximum width of five metres, limited to the Manufactured Housing Zone (MH) where they are regulated like mobile homes. The undercarriage of mini-homes are required to be skirted with an opaque material.
<b>YUKON</b>		
City of Whitehorse	None	<p>May be captured as a Mobile Home, which are generally limited to the Residential Mobile Home Park (RP) zone, and the RC1 and RC2 zones as garden suites.</p> <p>The City of Whitehorse requires a development permit to move a mobile home within or into the city.</p> <p>Mobile homes are required to have continuous skirting that is complementary to the siding of the home, the building grade must allow a continuous roofline on any addition that is attached to the mobile home, and placement of mobile homes cannot be older than ten years old.</p>
<b>NORTHWEST TERRITORIES</b>		
City of Yellowknife	None	<p>May be captured as a manufactured dwelling, designed with the capacity to be portable, and are generally limited to the Residential - Manufactured Dwelling Zone.</p> <p>Manufactured dwellings are required to be placed on a permanent foundation and skirted from the base thereof to the ground with material similar to that of the siding material. Painted plywood is not permissible as a material for skirting.</p>
<b>NUNAVUT</b>		
City of Iqaluit	None	<p>May be captured as a Mobile Home, dwellings that are designed to be movable, which are limited to the District Commercial Special Exception 1 (B2(1)), R1 and R1A Zones.</p> <p>Mobile Homes are required to have a floor area greater than 60 metres squared and have skirting from the base of the building to the ground made from non-opaque material that harmonizes visually with the exterior of the unit.</p>