



**PLANNING REPORT
for the TOWNSHIP OF GUELPH/ERAMOSIA
REPORT # 22/15**

Prepared by the County of Wellington Planning and Development Department in our capacity as planning consultants for the Township

MEETING DATE: June 6th, 2022
TO: The Mayor and Members of Council
Township of Guelph/Eramosa
FROM: Joanna Salsberg, Planner
Meagan Ferris, Manager of Planning & Environment
County of Wellington
SUBJECT: **PUBLIC MEETING REPORT (22/15)**
Zoning By-law Amendment (01/22) – Additional Residential Units (ARU) Zoning By-law Amendment (Township Initiated)
ATTACHMENTS: 1. Chart with existing provisions and proposed changes
2. Proposed Changes to Section 4.4 (Excerpt from Attachment 1)

RECOMMENDATION

THAT the Council of the Township of Guelph/Eramosa receive Planning Department Report 22/15.

INTRODUCTION

The Township Zoning By-law #40/2016 currently contains permissions for ‘Accessory Second Units’. The intent of this report is to provide proposed changes to the Township’s Zoning By-law #40/2016 to bring it into conformity with the County of Wellington Official Plan policies regarding Additional Residential Units (ARUs). Updates to the Zoning By-law are necessary to implement the requirements of the County of Wellington Official Plan and the *Planning Act*.

This report presents draft proposed revisions to the Zoning By-law which seeks to address the requirements of the County Official Plan, while considering the local context of the community, and considering best practices implemented by other municipalities. The intent of this report is to provide Council and the public with a summary of information regarding ARUs, an update on public engagement, and to present and seek feedback on draft proposed adjustments to the Zoning By-law. Planning staff are seeking feedback from Council and the public regarding the proposed changes to the By-law.

A chart containing a detailed summary of the draft proposed changes to the By-law can be seen in **Attachment 1**. It is noted that **Attachment 2** contains an excerpt from the aforementioned chart specific to Section 4.4 for ease of reading as the intent is to replace this section.

BACKGROUND INFORMATION

This report has been prepared in addition to a previous information report (#21/36) regarding ARUs that was presented to Council on December 6th, 2021. The information report included a review of the current

legislation and requirements for ARUs that must be considered, current provisions within the Township By-law, best practices within other communities, and provided a preliminary review of items to be updated and some items for consideration within the By-law.

POLICY REVIEW

The *Planning Act* requires municipalities to authorize the use of additional residential units by permitting one (1) ARU within a single, semi or townhouse; and one (1) ARU within a building ancillary to said dwellings (allowing a total of three dwellings). *Ontario Regulations 299/19* establishes requirements and standards for ARUs including parking requirements and clarifying that any person can occupy an ARU.

The County of Wellington Official Plan was amended through Official Plan Amendment #112 to implement the *Planning Act* changes. The Official Plan policies provide local municipalities with direction when creating or amending zoning regulations to govern ARUs.

The Township of Guelph/Eramosa currently contains regulations regarding 'Accessory Second Units' within the Agricultural and Residential Zone Regulations and also contains regulations for these units within Commercial Zones. The existing and proposed changes to the By-law can be reviewed within **Attachments 1 and 2**.

TOWNSHIP ZONING BY-LAW

The current Zoning By-law provides provisions for 'Accessory Second Units' located within the Agricultural and Residential Zones (A, RR, R1, and R2 Zones), and 'Accessory Second Units' within Commercial Zones. It is important to note that currently the Zoning By-law limits the number of units per lot to one and does not explicitly allow an ARU to form the entirety of an ancillary building (i.e. permanent small home). Due to the changes in the *Planning Act* and the County of Wellington Official Plan, the Zoning By-law needs to be updated to, amongst other items, allow two (2) ARUs per property. It is noted a technical amendment is being included to differentiate between residential units that are accessory to a commercial use.

Based on a review of the current provisions, the County of Wellington Official Plan, best practices in other communities and the context of Guelph/Eramosa, planning staff have drafted proposed changes to the Township's Zoning By-law which are identified in **Attachment 1** and an excerpt of the proposed modifications for Section 4.4 can be seen in **Attachment 2**. Planning staff is proposing to replace section 4.4 in its entirety. A summary of the proposed changes to the by-law are as follows:

- *Replace the definition for 'Dwelling, Accessory Second Unit' with 'Dwelling, Additional Residential Unit'*
 - The definition uses some wording from the existing definition; applies to units both within and attached to a main dwelling, and units within an ancillary building; and identifies specific dwelling types not permitted to have an ARU.
- *Provide general provisions that apply to all ARUs*
 - Clarify the number of ARUs permitted per lot and the types of dwellings permitted to have an ARU;
 - Establish clearer requirements regarding servicing for all ARUs (including a need for infrastructure and capacity) to be determined to the satisfaction of the Township;
 - Carrying forward the maximum gross floor area of an ARU size of 45% of the gross floor area of the main dwelling up to a maximum size of 115m² and adding clarification on what would be included in the gross floor area calculation;
 - Carrying forward the Township's access and parking requirements;

- Clarification that the unit is to be subordinate to the main dwelling;
 - Restriction to height to ensure the ARU is designed to not be taller than the principal dwelling;
 - Prohibiting ARUs within hazardous lands; and
 - Other provisions related to the Ontario Building Code and Minimum Distance Separation Requirements.
- *Provisions Specifically for an Attached ARU*
 - Clarity that one ARU is permitted within or attached to the main detached dwelling; and
 - Carrying forward provisions related to (i) the inclusion of the garage in the gross floor area calculations if converted; (ii) the ARU permissions for a unit in a basement; and (iii) requirements for units attached as an addition, including setback requirements.
- *Provisions Specifically for a Detached Additional Residential Unit*
 - Carrying forward provisions related to (i) screening and buffering and (ii) prohibition of allowing a garden suite on the same lot;
 - Clarity that the unit shall be on the same lot as the main dwelling and cannot be severed;
 - Requiring the unit to be within an existing building cluster and within 60 m of the main dwelling;
 - Setbacks required are that of the Zone in which the use is located;
 - Clarify that the ARU can occupy part of, or the entirety of, an ancillary building or structure; and
 - If the unit takes up the entirety of an ancillary building (i.e. permanent, small home) that it (i) shall not exceed 5 m in height, (ii) is required to meet the setbacks within the Zone it is located, and (iii) if the unit is in the Agricultural (A) Zone and occupies the upper storey of an ancillary building, the maximum height of the entire building may be up to 8 m.
- *Other changes*
 - Update definition used throughout the By-law;
 - Add clarification regarding parking requirements; and
 - Add a definition of “attic” to assist with clarity regarding calculating floor area

Planning staff are also proposing minor revisions to Section 4.4.2 to change the term ‘Accessory Second Unit’ to ‘Accessory Dwelling Unit’ for units within the Commercial Zone to differentiate them from ARUs. This adjustment maintains the intent of the provisions and is considered a technical item.

PUBLIC ENGAGEMENT

Agency Comments

As required under the *Planning Act*, notice was circulated to required agencies and Township staff for review and a notice was published in the Wellington Advertiser on April 28th, 2022. Information has also been posted on the Township’s ‘Current Planning Applications’ webpage.

At the time of this report, comments have been received from the Grand River Conservation Authority (GRCA). GRCA has no objection to the approval of the Zoning By-law Amendment.

Planning will continue to work with Township staff to review and address comments as they arise. A summary of comments received throughout the review process will be provided as part of a future recommendation report.

CONCLUSIONS & NEXT STEPS

The public meeting for this application has been scheduled for June 6th, 2022. Planning staff will be in attendance at the public meeting to present the draft proposed changes and to hear any public input, and Council comments.

We trust that these initial comments are of assistance to the Township. Our final planning recommendations, including a final draft by-law and an update on public comments, will be provided to Council following the public meeting and resolution of any outstanding items.

Respectfully submitted by the
County of Wellington Planning and Development Department



Joanna Salsberg, B.A., M.PL.
Planner



Meagan Ferris, RPP, MCIP
Manager of Planning and Environment

Reviewed by
Township of Guelph Eramosa CAO

Ian Roger, P.Eng.
CAO

ATTACHMENT 1: Chart with existing provisions and proposed changes

4.4 Additional Residential Unit Regulations

A maximum of two **additional residential units** shall be permitted per **lot** in any zone where a **single detached, semi-detached** or **townhouse dwelling** is permitted, and shall only be **constructed** or **used** in accordance with the following:

4.4.1 General Provisions

1. Shall only be permitted provided that appropriate water and sanitary services and servicing capacity is available to the satisfaction of the Township of Guelph/Eramosa.
2. The maximum **gross floor area** of an **additional residential unit** shall be no more than an amount equal to 45% of the **gross floor area** of the **main** dwelling up to a maximum size of 115 m². The calculation of the maximum **gross floor area** for the **additional residential unit** and the **main** dwelling shall also include a **cellar** and **attic** if these spaces would meet the definition of a **habitable room**.
3. In all cases the **additional residential unit** shall be clearly secondary and subordinate to the **main** dwelling;
4. The **height** of the **additional residential unit(s)** shall not exceed the **height** of the **main** dwelling;
5. Driveway access to both the **main** dwelling and the **additional residential unit** shall be limited to one access so that no new entrance from the **street** shall be created, except in the case of a **corner lot**, where one entrance from each **street** may exist, subject to Section 4.19 or Section 4.20 as applicable.
6. One **parking space** will be provided for the **additional residential unit**, in addition to the required parking for the **main** dwelling.
7. Shall not be permitted within hazardous lands as identified by the applicable Conservation Authority;
8. Shall be required to conform to all Ontario Building Code and Ontario Fire Code regulations;
9. Shall be required to conform to Minimum Distance Requirements (4.24.1), where applicable; and

4.4.2. Attached Additional Residential Unit

One **additional residential unit** is permitted within the **main** dwelling or attached to the **main detached dwelling**, subject to the provisions in Section 4.4.1 and the following:

1. In addition to Section 4.4.1.2, the following is applicable:
 - a. If the **additional residential unit** is located in a **basement**, the **additional residential unit** may occupy the whole of the **basement**.
 - b. Where an attached **garage** is converted to create an **additional residential unit** (in whole or in part), the attached **garage** will be included in calculation of the **gross floor area** of the **main** dwelling.

2. When exterior alterations to the **main** dwelling are proposed for an attached **additional residential unit**, the following applies:

- a. the siting of an **additional residential unit** shall be to the rear or side of the **main** dwelling, and
- b. shall comply with the **yard** and setback requirements of the Zone in which such **buildings** are situated.

4.4.3 Detached Additional Residential Unit

One **additional residential unit** is permitted in an **ancillary building** or **structure**, subject to the provisions in Section 4.4.1. and the following:

1. Shall be located on the same **lot** as the **main** dwelling and the **additional residential unit** shall not be severed from the **main** dwelling;
2. The **ancillary building** or **structure** must be located within the **main building** cluster and shall not be located more than 60 m away from the **main** dwelling;
3. The **ancillary building** or **structure** is to be screened and/or buffered to the satisfaction of the Township of Guelph/Eramosa in order to minimize visual impacts;
4. A detached **additional residential unit** can occupy a part of or the entirety of an **ancillary building** or **structure**.
5. If the **additional residential unit** occupies the entirety of an **ancillary building** or **structure**, the following additional provisions are applicable:
 - a. Shall comply with the minimum required **yard** standards in which the unit is situated;
 - b. Shall not exceed 5 metres in height
6. Notwithstanding Section 4.2.5, in the Agriculture (A) Zone, if the **additional residential unit** occupies the second storey of an ancillary building the maximum height shall not exceed 8 metres.
7. All provisions within Section 4.2 are applicable, except for provisions that conflict with Sections 4.4.3.6 and 4.4.3.7.
 - a) A **garden suite** must not be located on the same lot.

4.4.4 Accessory Dwelling Unit in Commercial Zone Regulations

Wherever an accessory dwelling unit is permitted in a Commercial Zone by this By-law, such an accessory dwelling unit shall only be constructed or used in accordance with the following:

1. Driveway access to both the commercial **use** and the **accessory dwelling unit** shall be limited to one access so that no new entrance from the street shall be created, with the exception of a **corner lot**, where one entrance will be permitted from each **street**.
2. The **accessory dwelling unit** shall be located above or behind the main commercial use.

3. The maximum gross floor area of an **accessory dwelling unit** that is located behind a **main** commercial **use** shall be no more than an amount equal to 40% of the **gross floor area** of the commercial **use**, to a maximum size of 115 m².
 - a. Notwithstanding the above, if the **accessory dwelling unit** is located above a commercial **use**, the **accessory dwelling unit** may occupy the whole of the upper level floor.
4. A maximum of one **accessory dwelling unit** per **lot** will exist, and shall be **accessory** to the **main** commercial **use**. Where residential **uses** exist above a **main** commercial **use**, an **accessory dwelling unit** will not be permitted to the **rear** of the **main** commercial **use**.
5. One **parking space** will be provided for the **accessory dwelling unit**, in addition to the required parking for the **main** commercial **use**.