

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2020)-20554

A by-law to amend the Official Plan for the City of Guelph to implement the Additional Residential Dwelling Unit recommendations.

WHEREAS the Official Plan of the City of Guelph was adopted November 1, 1994 and approved December 20, 1995 pursuant to s. 17 of the *Planning Act*, R.S.O. 1990, c. P13, as amended;

AND WHEREAS Section 21 of the *Planning Act*, R.S.O. 1990, c. P13, as amended, provides that a municipality may, by by-law, amend an Official Plan;

AND WHEREAS after giving of the required notice, a Public Meeting was held on July 13, 2020 pursuant to s. 17(15)(d) of the *Planning Act*, R.S.O. 1990, c. P13, as amended;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF GUELPH ENACTS AS FOLLOWS:

1. Amendment Number 72 to the Official Plan for the City of Guelph, as amended, consisting of the text attached to and forming part of this By-law is hereby adopted.
2. Where notice of this by-law is given in accordance with the *Planning Act*, and where no notice of objection has been filed within the time prescribed by the regulations, this by-law shall come into effect. Notwithstanding the above, where notice of objection has been filed within the time prescribed by the regulations, no part of this by-law shall come into effect until all of such appeals have been finally disposed of by the Local Planning Appeal Tribunal.

PASSED this FOURTEENTH day of DECEMBER 2020.

Cam Guthrie, Mayor

Dylan McMahon, Deputy City Clerk

**EXPLANATION OF PURPOSE AND EFFECT AND
KEY MAP FOR BY-LAW NUMBER (2020)-20554**

1. By-law Number (2020)-20554 has the following purpose and effect:

The purpose of By-law (2020)-20554 is to update the accessory apartment and coach house objectives, policies and definitions in the Official Plan in accordance with policies and regulation for additional residential units in the Planning Act.

The proposed Official Plan Amendment, to be known as Official Plan Amendment No. 72, amends the following:

- Revises the accessory apartment policies to permit additional residential dwelling units within medium density residential;
- Revises references to "accessory apartments" to "additional residential dwelling units";
- Revises references to "coach houses" to "additional residential dwelling units within a separate building on the same lot as the primary dwelling";
- Revises the definition for "accessory apartment" and renames it "additional residential dwelling unit" in the Glossary;
- Deletes the definition for "coach house" in the Glossary; and
- Revises the definition for "garden suite".

OPA 72, as proposed, was considered by Guelph City Council at a Public Meeting held on July 13, 2020 and was approved by Guelph City Council on December 14, 2020.

Further information may be obtained by contacting or visiting Planning and Building Services, 519-837-5616, extension 3314, City Hall, Guelph, Ontario.

Persons desiring to officially support or object to this Official Plan Amendment must file their support or objection with the City Clerk, City Hall, Guelph, as outlined on the page entitled "Notice of Passing". Any comments or objections which you may have previously submitted are considered to have been unofficial and for the City's guidance only.

**AMENDMENT NO. 72
TO THE OFFICIAL PLAN
FOR THE CITY OF GUELPH**

PART A – THE PREAMBLE

Title and Components

This document is entitled 'Additional Residential Dwelling Units Amendment' and will be referred to as 'Amendment 72'. Part A - The Preamble provides an explanation of the amendment including the purpose, background, location, basis of the amendment, summary of changes to the Official Plan and public participation, but does not form part of this amendment.

Part B – The Amendment forms Amendment 72 to the Official Plan for the City of Guelph and contains a comprehensive expression of the new, deleted and amended policy.

Purpose

The purpose of Amendment 72 is to update the accessory apartment and coach house objectives, policies and definitions in the Official Plan in accordance with policies and regulation for additional residential units in the Planning Act.

The Planning Act requires municipalities to permit additional residential units in detached, semi-detached and rowhouse (townhouse) dwellings. In addition, the Planning Act requires that municipalities permit additional residential units in their official plans and zoning bylaws, in both a primary dwelling and an ancillary building or structure, in effect permitting three residential units on one residential property. Ancillary means a use that is associated with the principal use. New regulations for additional residential units came into effect that established the following requirements and standards:

- no relationship restrictions allowed regarding the occupancy of the primary residential dwelling, additional residential unit and owner of the property;
- no restriction on the creation of an additional residential unit based on the date of construction of the primary or ancillary building; and
- each additional residential unit can be required to have one parking space, which may be stacked parking, however a lower standard, including no parking spaces, may be set by a municipal zoning bylaw.

Municipalities may still determine appropriate regulations for the additional residential units and consider constraints such as flood-prone areas or areas with inadequate servicing. The Planning Act also permits garden suites that are defined as "a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable". The Planning Act allows garden suites to be permitted as a temporary use only.

Background

City staff initiated a review and amendment of the City's accessory apartment, coach house and garden suite policies, regulations and definitions to conform with

provincial Planning Act policies and regulations for additional residential units and garden suites. The review and amendment of the City's Official Plan is building on preliminary recommendations released and feedback received regarding accessory apartments through the City's ongoing Comprehensive Zoning Bylaw Review. The Official Plan review and amendment is being advanced, ahead of the completion of the City's zoning bylaw review, to conform to provincial policy in a timely manner and ensure the health and safety of our community.

The [Comprehensive Zoning Bylaw Review Discussion Paper](#) was released on October 7, 2019 as the final component of the research and analysis phase of the zoning bylaw review. The discussion paper explored other municipal zoning trends, and provided a series of options and preliminary recommendations for each zoning topic including accessory apartments, referred to as accessory dwellings in the discussion paper. An [Information Report \(IDE-2020-21\) Comprehensive Zoning Bylaw Review: What we heard – summary of phase two public consultation](#) was released on February 28, 2020 to summarize phase two public feedback.

A Statutory Public Meeting of Council was held on July 13, 2020 for the Additional Residential Unit Review, which included the release of the [Additional Residential Unit Review: Planning Act Update to the Official Plan and Zoning Bylaw Discussion Paper](#). The discussion paper reviewed current City Official Plan policies and zoning bylaw regulations and other municipal practices in order to align the City's rules for accessory apartments, coach houses and garden suites with provincial rules for additional residential units. In addition, the discussion paper addressed preliminary recommendations released and feedback received regarding accessory apartments through the City's Comprehensive Zoning Bylaw Review.

Location

Official Plan Amendment 72 applies to lands designated low density residential and medium density residential in the Official Plan.

Basis of the Amendment

Amendment 72 sets out revised objectives, policies and definitions for accessory apartments and coach houses, known as additional residential units under the Planning Act. It addresses the necessary changes to ensure that the City's policies, related to additional residential units, comply with the Planning Act. The Planning Act requires municipalities to permit additional residential units in detached, semi-detached and rowhouse units. In addition, municipalities are required to permit an additional residential unit in both a primary dwelling and in an ancillary building or structure, in effect permitting three residential units on one residential property. Regulations under the Act allow each additional residential unit to be required to have one parking space, which may be stacked. A lower standard, including no parking spaces may be set by a municipal zoning bylaw.

The basis for the policy amendments come from Planning Act policies and regulations governing additional residential units.

Summary of Changes to the Official Plan

The following is a summary of OPA 72:

- Revises the accessory apartment policies to permit additional residential dwelling units within medium density residential;
- Revises references to “accessory apartments” to “additional residential dwelling units”;
- Revises references to “coach houses” to “additional residential dwelling units within a separate building on the same lot as the primary dwelling”;
- Revises the definition for “accessory apartment” and renames it “additional residential dwelling unit” in the Glossary;
- Deletes the definition for “coach house” in the Glossary; and
- Revises the definition for “garden suite”.

Public Participation

The development of the proposed Official Plan Amendment for Additional Residential Dwelling Units has involved community stakeholder engagement that included public meetings, stakeholder meetings and workshops held as part of the City’s Comprehensive Zoning Bylaw Review.

Background Studies

The background studies include:

1. IDE-2019-92 Comprehensive Zoning Bylaw Review Discussion Paper and Guelph Parking Standards Review Discussion Paper, October 7, 2019
2. IDE-2020-21 Information Report Comprehensive Zoning Bylaw Review: What we heard – summary of phase two public consultation, February 28, 2020
3. IDE-2020-73 Council Report Additional Residential Dwelling Units Discussion Paper and Draft Official Plan, July 13, 2020

Public Engagement

Between February 26 and 27, 2019, the City hosted three open houses to provide an overview of the comprehensive zoning bylaw review and gain input on what topics to explore in the development of a new bylaw. In addition, information was gathered through the City’s online engagement platform between February 26 and March 29, 2019. Individual meetings were also held with any community members and stakeholders who requested one between February 25 and March 15, 2019. The open houses and online engagement opportunities were promoted through advertisements in the Guelph Mercury Tribune and on the City’s social media accounts. In October 2019, the City released the Comprehensive Zoning Bylaw Review Discussion Paper, which considered the community engagement input received and provided a series of options and preliminary recommendations for zoning topics including accessory apartments.

Community engagement was undertaken on the options and preliminary recommendations following the release of the Comprehensive Zoning Bylaw Review Discussion Paper. Between November 21 and November 28, 2019, six workshops were held on key themes including residential areas and specific housing types, and planning staff hosted four half day office hours throughout the city for individuals to attend. In addition, an online survey was conducted from November 29, 2019 to January 6, 2020 to solicit feedback from members of the community that were unable to attend workshops and office hours.

Information Report IDE-2020-21 Comprehensive Zoning Bylaw Review: What we heard – summary of phase two public consultation was released February 28, 2020 to provide Council with a summary of community engagement received.

The proposed Official Plan Amendment for Additional Residential Dwelling Units underwent a circulation period with agencies and other stakeholders to solicit feedback. No feedback was received.

The Statutory Public Meeting for Official Plan Amendment 72 was held on July 13, 2020. Council heard from 4 delegates and received 26 written comments.

A survey was posted to the City of Guelph "Have your Say" webpage from June 18 to September 13, 2020. A summary report was completed and included in the decision report as Attachment 3.

PART B – THE PREAMBLE

Format of the Amendment

This section of Amendment 72 for the Additional Residential Unit Review: Planning Act Update sets out additions and changes to the text in the Official Plan. Sections of the Official Plan that are proposed to be added, changed or deleted are referred to as "ITEMS" in the following description. Text that is proposed to be amended is illustrated by various font types (e.g. ~~struck-out~~ is to be deleted and **bold** text is to be added). Unchanged text represents existing Official Plan policy that is being carried forward that has been included for context and does not constitute part of Amendment 72. New sections that are proposed to be added to the Official Plan are shown in standard font type with titles appearing in bold. Italicized font indicates defined terms or the name of a provincial act or title of a document.

Implementation and Interpretation

The implementation of this amendment shall be in accordance with the provisions of the Planning Act. The further implementation and associated interpretation of this amendment shall be in accordance with the relevant text and mapping schedules of the existing Official Plan of the City of Guelph and applicable legislation.

Amendment 72 should be read in conjunction with the current Official Plan (2018 Consolidation) which is available on the City's website at guelph.ca, or at the Planning Services office located at 1 Carden Street on the 3rd Floor.

Details of the Proposed Amendment

ITEM 1: The purpose of 'ITEM 1' is to change the reference to "accessory apartments" in policy 3.7.3 v) to "additional residential dwelling units" to be consistent with the dwelling type name used in the Planning Act.

Policy 3.7.3 v) is hereby amended as follows to replace the term "accessory apartments" with the term "additional residential dwelling units":

3.7.3. v) a range and mix of housing will be planned, taking into account *affordable housing* needs and encouraging the creation of ~~*accessory apartments*~~ ***additional residential dwelling units*** throughout the ~~*built-up area*~~.

ITEM 2: The purpose of 'ITEM 2' is to change the reference to "accessory apartment" in policy 4.4.1.34.2 to "additional residential dwelling unit" to be consistent with the dwelling type name used in the Planning Act. In addition, the reference to duplex dwelling, in relation to an accessory apartment, is removed since accessory apartments are not permitted with duplex dwellings.

Policy 4.4.1.34.2 is hereby amended as follows to replace the term "accessory apartment" with the term "additional residential dwelling unit":

4.4.1.34.2. *Residential intensification*, comprising the building of a new single/semi/duplex on an existing vacant lot, or adding an ~~*accessory apartment*~~ ***additional residential dwelling unit*** to an existing single/semi-/duplex building or the creation of a new lot by *consent* for a single/semi/duplex-dwelling, may be permitted provided that the new building or structure is *floodproofed* to an elevation no lower than one metre below the *regulatory flood level*; and:

ITEM 3: The purpose of 'ITEM 3' is to change the reference to "accessory apartments" in objective 7.2 d) to "additional residential dwelling units" to be consistent with the dwelling type name used in the Planning Act.

Objective 7.2 d) is hereby amended as follows to replace the term "accessory apartments" with the term "additional residential dwelling units":

7.2 d) To recognize the role of existing housing and ~~*accessory apartments*~~ ***additional residential dwelling units*** in providing choices for a full range of housing, including *affordable housing*.

ITEM 4: The purpose of 'ITEM 4' is to change the reference to "accessory apartments" in policy 7.2.1.2 to "additional residential dwelling units" to be consistent with the dwelling type name used in the Planning Act.

Policy 7.2.1.2 is hereby amended as follows to replace the term "accessory apartments" with the term "additional residential dwelling units":

7.2.1.2. The annual *affordable housing* target requires that an average of 30% of new residential *development* constitute *affordable housing*. The target is to be measured city-wide. The target consists of 25% affordable ownership units, 1% affordable *primary rental* units and 4% affordable purpose built secondary rental units (which includes ~~*accessory apartments*~~ ***additional residential dwelling units***).

ITEM 5: The purpose of 'ITEM 5' is to create a new policy by modifying and combining policies 9.2.3.1 and 9.2.3.2 and to place the new policy in Section 9.2.1 to provide clarity to the provisions for additional residential unit permissions.

Policy 9.2.1.3 is hereby added as follows:

9.2.1.3 The City shall provide for the creation of *additional residential dwelling units* and specific regulations for *additional residential dwelling units* will be established in the Zoning Bylaw.

ITEM 6: The purpose of 'ITEM 6' is to delete Section 9.2.3 in its entirety and renumber the following sections 9.2.4, 9.2.5, and 9.2.6. The proposed new policy 9.2.1.3 replaces this section.

Section 9.2.3 is hereby deleted in its entirety and sections 9.2.4, 9.2.5, and 9.2.6 are renumbered as follows:

9.2.43 Lodging Houses

9.2.54 Coach Houses and Garden Suites

9.2.65 Home Occupations

ITEM 7: The purpose of 'ITEM 7' is to change the references to "main dwelling" in section 9.2.5 (renumbered to Section 9.2.4) to "primary dwelling" and references to "coach houses" to "additional residential dwelling units within a separate building on the same lot as the primary dwelling" to align references to the primary dwelling with terminology used in the Planning Act and to be consistent with the dwelling type name used in the Planning Act.

Section 9.2.5 (renumbered to 9.2.4) is hereby amended as follows to replace the term “main dwelling” with “primary dwelling” and to replace the term “accessory dwellings” with the term “additional residential dwelling units”, specifying that the additional residential dwelling units are within a separate building on the same lot as the primary dwelling. In addition, “by amendment to the implementing Zoning Bylaw” is removed and a new policy is added to recognize garden suites will be regulated in accordance with the Temporary Use By-law provisions of this Plan:

9.2.54 ~~Coach Houses~~ **Additional Residential Dwelling Units within a Separate Building on the Same Lot as the Primary Dwelling** and Garden Suites

1. ~~Coach houses~~ **Additional residential dwelling units within a separate building on the same lot as the primary dwelling** and *garden suites* may be permitted within land use designations permitting residential uses as alternative forms of housing in conjunction with detached, semi-detached and townhouse forms of housing.
2. The following criteria will be used as the basis for permitting ~~coach houses~~ **additional residential dwelling units within a separate building on the same lot as the primary dwelling** and *garden suites* ~~by amendment to the implementing Zoning By-law~~:
 - i) the use is subordinate in scale and function to the **primary** ~~main-dwelling~~ on the lot;
 - ii) the use can be integrated into its surroundings with negligible visual impact to the streetscape;
 - iii) the use is situated on an appropriately-sized housing lot;
 - iv) the use is *compatible* in design and scale with the built form of the **primary** ~~main-dwelling~~ unit;
 - v) the orientation of the use will allow for optimum privacy for both the occupants of the new ~~coach house~~ **additional residential dwelling units within a separate building on the same lot as the primary dwelling** or *garden suite* and the **primary** ~~main-dwelling~~ on the lot; and
 - vi) any other siting requirements related to matters such as servicing, parking and access requirements, storm water management and tree preservation can be satisfied.
3. ~~Coach houses~~ **Additional residential dwelling units within a separate building on the same lot as the primary dwelling** and ~~garden suites~~ will be regulated by the provisions of the implementing *Zoning By-law* and shall be subject to site plan control.
4. **Garden suites** will be regulated in accordance with the Temporary Use By-law provisions of this Plan and shall be subject to site plan control.

ITEM 8: The purpose of 'ITEM 8' is to change the references to "coach houses" in policy 10.11.2 i) to "additional residential dwelling units within a separate building on the same lot as the primary dwelling" to be consistent with the dwelling type name used in the Planning Act.

Policy 10.11.2 i) is hereby amended as follows to replace the term "coach house" with the term "additional residential dwelling units" and specifying that the additional residential dwelling units are within a separate building on the same lot as the primary dwelling":

10.11.2 i) low density residential, including single detached and semi-detached dwellings and buildings or structures accessory thereto, but not including zero lot line dwellings, lodging houses, ~~coach houses~~ **additional residential dwelling units within a separate building on the same lot as the primary dwelling**, garden suites, group homes or other special needs housing

ITEM 9: The purpose of 'ITEM 9' is to replace the term "accessory apartment" in policy 11.2.6.3.6.1 with the term "additional residential dwelling unit" to be consistent with the dwelling type name used in the Planning Act:

Policy 11.2.6.3.6.1. is hereby amended as follows to replace the term "accessory apartment" with the term "additional residential dwelling unit":

11.2.6.3.6.1. Notwithstanding any other provision of this Secondary Plan, only the following uses shall be permitted:

- a) Single detached dwelling;
- b) ~~Accessory apartment~~ **Additional residential dwelling unit**; and
- c) Home occupation.

ITEM 10: The purpose of 'ITEM 10' is to rename and revise the definition for "Accessory Apartment" within Section 12 Glossary to be consistent with the terminology used in the Planning Act and provide clarity.

Section 12 Glossary is hereby amended as follows:

Additional Residential Dwelling Unit ~~Apartment~~ means:
a dwelling unit **that is self-contained, subordinate to and** located within **the same building or on the same lot of a primary dwelling unit** ~~and subordinate to an existing single detached dwelling or semi-detached dwelling.~~

ITEM 11: The purpose of 'ITEM 11' is to delete the definition for "Coach House" within Section 12 Glossary. The definition is no longer required because this dwelling type is considered to be an "Additional Residential Dwelling Unit" in accordance with the regulations for additional residential units in the Planning Act.

The definition for Coach House is hereby deleted.

~~**Coach House** means:~~

~~a one-unit detached residence containing bathroom and kitchen facilities that is located on the same lot, but is subordinate to an existing residential dwelling and is designed to be a permanent unit.~~

ITEM 12: The purpose of 'ITEM 12' is to revise the definition for "Garden Suite" within Section 12 Glossary to align with the Planning Act.

Section 12 Glossary is hereby amended as follows:

Garden Suite means:

~~(also known as a Granny Flat):~~

a one-unit detached residential structure **dwelling unit** containing bathroom and kitchen facilities that is separate from and subordinate to **a primary dwelling unit** ~~an existing residential dwelling~~ and that is designed to be portable **and temporary**.

ITEM 13: The purpose of 'ITEM 13' is to revise the definition for "Residential Intensification" within Section 12 Glossary to replace "accessory apartments, secondary suites" with the term "additional residential dwelling units".

Section 12 Glossary is hereby amended as follows:

Residential Intensification means:

Intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) *redevelopment*, including the *redevelopment* of *brownfield sites*;
- b) the *development* of vacant or underutilized lots within previously developed areas;
- c) *infill development*;
- d) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- e) the conversion or expansion of existing residential buildings to create new residential units or accommodation, including **additional residential dwelling units** ~~accessory apartments, secondary suites~~ and rooming houses.