

# Staff Report



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To	<b>City Council</b>
Service Area	Infrastructure, Development and Enterprise Services
Date	Monday, December 14, 2020
Subject	<b>Decision Report Additional Residential Unit Review: Planning Act Update Official Plan Amendment No. 72 and Zoning Bylaw Amendment File: OZS20-02</b>

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## Recommendation

1. That City-initiated Official Plan Amendment No. 72 be approved in accordance with Attachment 1 of the Decision Report, Additional Residential Unit Review: Planning Act Update, dated December 14, 2020.
  2. That the City-initiated Additional Residential Dwelling Unit Zoning Bylaw Amendment (OZS20-02), be approved in accordance with Attachment 2 of the Decision Report, Additional Residential Unit Review: Planning Act Update, dated December 14, 2020.
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## Executive Summary

### Purpose of Report

This report provides a staff recommendation to approve a City-initiated Official Plan Amendment (OPA) and Zoning Bylaw Amendment for Additional Residential Dwelling Units in order to conform with changes to the Planning Act.

### Key Findings

Planning staff recommend approval of OPA 72 and the Additional Residential Dwelling Unit Zoning Bylaw Amendment to implement changes made to the Planning Act through Bill 108, More Homes, More Choice Act.

The recommended OPA 72 and Additional Residential Dwelling Unit Zoning Bylaw Amendment are consistent with the Provincial Policy Statement 2020 and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019.

### Financial Implications

There are no financial implications as a direct result of the proposed planning matters.

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# Report

## Background

The Official Plan and Zoning Bylaw Amendments for Additional Residential Dwelling Units have been initiated by the City to conform with recent changes to the provincial Planning Act policies and regulations for additional residential units and garden suites, known as Bill 108, More Homes, More Choice Act. The proposed Official Plan and Zoning Bylaw Amendments were developed based on the recommendations of the [Additional Residential Unit Review: Planning Act Update to the Official Plan and Zoning Bylaw Discussion Paper, July 2020](#), released for the statutory public meeting at City Council held on July 13, 2020. The proposed amendments build on the preliminary recommendations released and feedback received regarding accessory apartments through the City's ongoing Comprehensive Zoning Bylaw Review. Revisions to the proposed zoning bylaw regulations have been made based on Council and community feedback. Additional background information is available in the [Statutory Public Meeting Report, Additional Residential Dwelling Unit Review: Planning Act Update](#).

## Purpose and effect of Official Plan Amendment 72

The purpose and effect of the proposed Official Plan Amendment is to update the accessory apartment, coach house and garden suite policies and definitions in the Official Plan in accordance with the Planning Act.

## Overview of Official Plan Amendment 72

The proposed Official Plan Amendment included as Attachment 1:

- Modifies the accessory apartment policies to permit additional residential dwelling units within low and medium density residential designations to recognize the Planning Act regulations that permit additional residential units on rowhouse (townhouse) properties;
- Replaces "accessory apartment" references with "additional residential dwelling unit" to improve alignment of terminology with the Planning Act;
- Replaces "coach house" references with "additional residential dwelling units within a separate building on the same lot as the primary dwelling" to improve alignment of terminology with the Planning Act;
- Modifies the definition for "accessory apartment" and renames it "additional residential dwelling unit" in the Glossary to conform with the Planning Act;
- Deletes the definition for "coach house" in the Glossary to be consistent with the Planning Act; and
- Modifies the definition for "garden suite" to be consistent with the Planning Act.

## Purpose and effect of the Additional Residential Dwelling Unit Zoning Bylaw Amendment

The purpose and effect of the proposed Zoning Bylaw Amendment is to update the accessory apartment, coach house and garden suite regulations and definitions in the Zoning Bylaw in accordance with the Planning Act.

## Overview of the Additional Residential Dwelling Unit Zoning Bylaw Amendment

The proposed Zoning Bylaw Amendment included as Attachment 2:

- Replaces references to “accessory apartment” with “additional residential dwelling unit” to improve alignment with the Planning Act;
- Deletes the definition for “accessory apartment” and replaces it with “additional residential dwelling unit” to improve alignment with the Planning Act;
- Modifies the definition for “dwelling unit” to be consistent with the City’s Official Plan;
- Modifies the definition for “garden suite” to improve alignment with the Planning Act;
- Requires one parking space for each additional residential dwelling unit, in addition to the one parking space required for the primary dwelling to improve alignment with the Planning Act;
- Modifies section 4.15.1 “Accessory Apartments” with “Additional Residential Dwelling Units” which includes the following revisions:
  - Permits two additional residential dwelling units on a lot, one within the same building as the primary dwelling and one located in a separate building on the same lot
  - Permits the required off-street parking spaces to be in a stacked arrangement
  - Exempts existing lots with no legal off-street parking space for the primary dwelling from providing parking spaces for additional residential dwelling units.
  - Additional Residential Dwelling Unit within the primary dwelling:
    - Removes the maximum size of 80 m<sup>2</sup>
    - Measures total net floor area from the interior walls instead of floor area from the outside of exterior walls
    - Permits an additional residential dwelling unit located in a basement, to occupy the entirety of the basement
    - Modifies the maximum number of bedrooms from two to three
  - Additional Residential Dwelling Unit in a separate building on the same lot:
    - Sets the maximum size of 45% of the total net floor area of the primary building, or 80 square metres, whichever is less
    - Sets a maximum of 30% yard coverage
    - Sets a maximum of two bedrooms
    - Requires 1.2 m unobstructed pedestrian access to an additional residential dwelling unit from a driveway or street, unless access to the additional residential dwelling unit is provided from a rear lane
    - Sets a maximum height of two storeys and 6.1 metres, and shall not exceed the overall building height of the primary dwelling
    - Limits an additional residential dwelling unit in a separate building to rear and interior side yards
    - Sets a minimum side and rear yard setback that is consistent with the applicable zone.
    - Sets a minimum 3 m side and rear yard setback for a two storey additional residential dwelling unit where there is a window adjacent to the property line
    - Sets a minimum 1.2 m side yard setback for the primary dwelling on the side closest to the unobstructed pedestrian access leading to an additional residential dwelling unit, unless access to the additional residential dwelling unit is from the street or lane

- Sets a minimum distance of 3 m between the primary dwelling and the additional residential dwelling unit within a separate building on the same lot
- Prohibits the severance of an additional residential dwelling unit from the lot
- Permits additional residential dwelling units within zones that permit single detached, semi-detached and on-street townhouses; and
- Deletes various site-specific zones that permit coach houses and garden suites as the standard zone is recommended to permit the use.

## **Location**

The proposed amendments apply to lands designated low density residential and medium density residential in the Official Plan, and lands zoned Residential R.1, R.2 and R.3B, R.1B-19, R.1B-28, R.1B-33, R.1B-35, R.1B-44(H), R.1B-45, R.1B-49(H), R.1C-15, R.1C-23, R.1C-24, R.2-2, R.2-6, R.2-7, R.2-8, R.2-30, R.3A-12, R.3B-2, R.3B-10, R.3B-12, R.3B-14, Office Residential (OR), OR-7, OR-8, OR-9, OR-10, OR-11, OR-13, OR-17, OR-20, OR-21, OR-22, OR-23, OR-24, OR-25, OR-28, OR-33, OR-34, OR-36, OR-49, OR-50, OR-53, OR-54, Downtown D.1-3, D.1-24, Downtown D.2, and D.2-13 in Zoning Bylaw (1995)-14864, as amended.

## **Overview of key issues and staff responses**

### **1. Size of unit**

#### **Summary of issue:**

We heard concerns that allowing an additional residential dwelling unit to be up to 50% of the total net floor area of the primary dwelling would create a duplex and the additional residential dwelling unit would not be considered subordinate to the primary unit. We heard there should be flexibility based on housing types to help with the design and functionality of units. We also heard that larger units are needed to provide affordable housing for families.

More concern was expressed related to additional residential dwelling units in a separate building on the same lot as the primary unit than additional residential dwelling units within the primary dwelling. We heard that unit size should be based on property context and lot area, should be smaller and should protect setbacks from neighbouring properties and green space.

#### **Staff response:**

- The revised zoning bylaw amendment reduces the permitted size of an additional residential dwelling unit within the primary dwelling to 45% of the total net floor area of the primary dwelling. This is in line with the existing size regulation for accessory apartments
- A regulation has been added to allow the additional residential dwelling unit to occupy the entirety of a basement, when it is located exclusively in the basement
- The maximum unit size has been reduced based on community feedback and to ensure the unit is subordinate to the primary dwelling. Allowing the entire basement to be occupied by an additional residential dwelling unit will reduce barriers by allowing better utilization of the basement floor area and/or improve the layout and design of the unit while staying within the building footprint

- The revised zoning bylaw amendment reduces the permitted size of an additional residential dwelling unit in a separate building on the same lot to 45% of the total net floor area of the primary dwelling, or 80 square metres, whichever is less. The zoning bylaw amendment retains the maximum 30% yard coverage regulation
- The maximum unit size for detached structures has been reduced and an additional size limit of 80 square metres has been added based on community feedback and to ensure the detached structure remains smaller in scale, subordinate to the primary dwelling unit, maintains amenity area and green space in rear yards and fits within the existing context of the property

## **2. Number of bedrooms**

### **Summary of issue:**

We heard concerns about allowing three bedrooms in additional residential dwellings units as well as support for allowing three bedrooms. There is a desire for increased flexibility to allow for different types of housing options and an increase in affordable units appropriate for families rather than only single occupants. Comments also suggested further limiting the number of bedrooms for additional residential dwelling units in a detached structure (bachelor, one bedroom and two bedroom) and concerns that the overall number of bedrooms permitted on a property would be too much.

### **Staff response:**

- The revised zoning bylaw amendment reduces the number of bedrooms for additional residential dwelling units in detached structures to two to address community feedback related to size and number of bedrooms. The overall maximum size of 80 square metres applied to detached structures is closely linked to the number of bedrooms that can be accommodated in that space. This will ensure that detached structures remain subordinate and smaller in scale than the primary dwelling.
- Three bedrooms continue to be permitted in an additional residential dwelling unit within the primary dwelling. Allowing three bedrooms will allow for a variety of users while staying within the permitted building footprint on the lot. The impact of internal building changes to accommodate an additional residential dwelling unit is viewed as less impactful on neighbouring properties than an additional residential dwelling unit in a separate building.

## **3. Setbacks of detached structures**

### **Summary of issue:**

We heard concerns that a 0.6 metre interior side and rear yard setback is too small to allow for maintenance, and would contribute to loss of greenspace and privacy. Increasing setbacks and aligning them with the primary dwelling were suggested. We heard that setbacks for additional residential dwelling units in a separate building should be larger than setbacks required for a garage as people live in the space. We also heard that setbacks should provide flexibility to increase supply of available units within the city.

### **Staff response:**

- The revised zoning bylaw amendment increases the required interior side and rear yard setbacks by aligning them with the interior side yard setbacks of the

applicable zone. This ensures that habitable space is treated the same for the primary dwelling and the detached additional residential dwelling unit.

#### **4. Height of detached structures**

##### **Summary of issue:**

We heard concerns that allowing a maximum height of two storeys, with a maximum overall building height of 6.1 metres is too tall. We heard that detached structures should be the same height or lower than the primary dwelling to maintain the existing character. We also heard that the detached structure should be limited to one storey. There are concerns that a height of 6.1 metres would not be sufficient for a two storey building, particularly where a garage is located on the main floor.

##### **Staff response:**

- The revised zoning bylaw amendment permits a maximum building height of two storeys and 6.1 metres, and adds an additional regulation that prohibits the overall building height to exceed the height of the primary dwelling. This change addresses community feedback to ensure the detached structure is subordinate in size and scale to the primary dwelling, has negligible visual impact to the streetscape and ensures it is compatible in design and scale with the primary dwelling.

#### **5. Development Charges**

##### **Summary of issue:**

We heard concerns that additional residential dwelling units would be exempt from paying development charges, and about the overall financial implications related to permitting up to two additional residential dwelling units on a property.

##### **Staff response:**

- New regulations for legislated exemptions from development charges for purpose built additional residential dwelling units are not in effect yet, but will be on a date to be proclaimed by the lieutenant governor
- Until such time, the City's DC bylaw requires purpose build additional residential dwelling units to pay full DCs, but accessory apartments added to existing dwellings are entitled to the legislated exemptions as outlined in the City's DC bylaw.
- Finance reports on development charge exemptions on an annual basis
- Based on the information available, there have been 178 accessory apartments created to date in 2020. This equates to \$2.95 million in exemptions from development charges
- In 2019 the City experienced \$5.1 million in development charge exemptions, 50% of this was related to the creation of accessory apartments

#### **6. Lodging Houses**

##### **Summary of issue:**

We heard concerns that an additional residential dwelling unit would be permitted in combination with a lodging house.

**Staff response:**

- A lodging house is required to occupy the whole of a single-detached dwelling. A building with a lodging house cannot also have an additional residential dwelling unit.
- The Zoning Bylaw amendment has been modified to clarify that a lodging house is not permitted on a lot that contains an additional residential dwelling unit, within the primary dwelling or in a separate building on the same lot.

**7. Townhouses****Summary of issue:**

We heard concerns about permitting additional residential dwelling units in detached structures in townhouse zones.

**Staff response:**

- Additional residential dwelling units are recommended to be permitted within the primary dwelling and in a separate building on the same lot as the primary dwelling to conform with the Planning Act, which requires: "b) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse (townhouse)".

**8. Residential stormwater charges:****Summary of issue:**

A question was raised at the statutory public meeting of Council related to how the stormwater charge would be applied to a property with additional residential dwelling units.

**Staff response:**

- Additional residential dwelling units are each subject to the residential stormwater charge.

**Planning analysis and staff recommendation**

The City initiated the Additional Residential Dwelling Unit Review to align existing policies and regulations with the Planning Act, including recent changes through Bill 108, More Homes, More Choice 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. A new regulation for additional residential units (O.Reg 299/19) came into effect that requires one parking space per unit unless the zoning bylaw sets out a lower standard and the spaces may be provided in a tandem or stacked arrangement.

The proposed OPA updates terminology to align with the Planning Act and allows additional residential dwelling units in the medium density residential designation to accommodate on-street townhouses.

The Planning Act further allows municipalities to determine appropriate zoning bylaw regulations for additional residential units. The City's review of zoning bylaw regulations focused on unit size, number of bedrooms, unit design, height of detached buildings, location and setbacks of detached buildings and parking. The

proposed zoning bylaw amendment ensures that additional residential dwelling units are: subordinate and smaller in size than the primary dwelling; fit within the lot's context and character; have access for maintenance and safety; provide for adequate amenity area and green space; and have proper lot drainage.

### **Provincial Policy Statement (PPS), 2020**

The PPS focuses on planning for strong, livable and healthy communities for people of all ages and encourages a range of housing options, including new development and residential intensification, to respond to current and future needs. The PPS also supports development that optimizes the use of land and existing infrastructure. The PPS outlines that healthy, livable and safe communities are sustained by accommodating an appropriate affordable and market-based range and mix of housing types, which includes additional residential units, amongst other forms of housing and land uses. Residential intensification and densities that facilitate compact development, minimize the cost of housing and support the use of active transportation and transit, where appropriate, is also required.

Planning staff are satisfied that the recommended OPA 72 and the Additional Residential Dwelling Unit Zoning Bylaw Amendment are consistent with the PPS, 2020.

### **A Place to Grow, Growth Plan for the Greater Golden Horseshoe (2019)**

The Growth Plan provides growth management policy directions for the Greater Golden Horseshoe that supports economic prosperity, protect the environment and help communities achieve a high quality of life. A guiding principle of the Plan is to "support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households". Under the Growth Plan, municipalities are to support housing choice through the achievement of minimum intensification and density targets by identifying a diverse range and mix of housing options and densities, including additional residential units.

Planning staff are satisfied that the recommended OPA 72 and the Additional Residential Dwelling Unit Zoning Bylaw Amendment conform with the Provincial Growth Plan for the Greater Golden Horseshoe.

### **Financial Implications**

There are no financial implications as a direct result of the proposed planning matters.

Staff will monitor the number of applications received to determine if there is any impact on staff capacity to process building permit applications as a result of this change in regulation.

### **Consultations**

The Notice of Public Meeting was advertised in the Guelph Tribune, mailed to local agencies and neighbourhood groups, and emailed to the Comprehensive Zoning Bylaw Review subscription list on June 18, 2020. The Statutory Public Meeting of Council was held on July 13, 2020.

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



The Notice of Decision Meeting was sent on November 13, 2020 to members of the public and parties that provided comments or requested to receive further notice.

### **Strategic Plan Alignment**

The Additional Residential Unit Review: Planning Act Update and proposed Official Plan and Zoning Bylaw amendments support the City's existing policies and guidelines and align with the following priorities within Guelph's Strategic Plan:

Building Our Future – The proposed Official Plan and Zoning Bylaw amendments will assist in increasing the availability of housing that is affordable, meets the community needs and helps us continue to build strong, vibrant, safe and healthy communities.

### **Attachments**

Attachment-1 Additional Residential Dwelling Unit Official Plan Amendment No. 72

Attachment-2 Additional Residential Dwelling Unit Zoning Bylaw Amendment

Attachment-3 Additional Residential Dwelling Unit Review Survey Response Summary

Attachment-4 Public Notification Summary

Attachment-5 Staff Presentation Additional Residential Dwelling Unit Decision Meeting

### **Departmental Approval**

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