

Staff Report



To	City Council
Service Area	Infrastructure, Development and Enterprise Services
Date	Monday, July 13, 2020
Subject	Statutory Public Meeting Report Additional Residential Unit Review: Planning Act Update Proposed Official Plan and Zoning Bylaw Amendment File: OZS20-02

Recommendation

1. That Report IDE-2020-73 regarding a City-initiated Official Plan Amendment and Zoning Bylaw Amendment for Additional Residential Unit Review: Planning Act Update dated July 13, 2020 be received.
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Executive Summary

Purpose of Report

To provide planning information for the City-initiated Additional Residential Unit Review: Planning Act Update and the proposed Official Plan Amendment and Zoning Bylaw Amendment for Additional Residential Dwelling Units. This report has been prepared in conjunction with the statutory public meeting for the proposed amendments.

Key Findings

The proposed Official Plan Amendment and Zoning Bylaw Amendment would bring the City's policies and regulations into conformity with the Planning Act.

A discussion paper has been prepared that reviews relevant provincial policies, regulations and guidelines, other municipal practices, and provides recommendations and rationale for updating definitions, permitted zones, number of units, unit size, number of bedrooms, unit design, height, location and setbacks, parking and servicing.

Key findings will be reported in the future Infrastructure, Development and Enterprise recommendation report to Council.

Financial Implications

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

Report

Background

The City has initiated a review 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 proposed Official Plan and Zoning Bylaw amendments build on the preliminary recommendations released and feedback received regarding accessory apartments through the City's ongoing Comprehensive Zoning Bylaw Review. The proposed amendments are being advanced, ahead of the completion of the City's Comprehensive Zoning Bylaw Review, to conform to provincial policy in a timely manner and to provide for the creation of new housing units.

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 established the following parking requirements and standards:

1. Each additional residential unit shall have one parking space that is provided and maintained for the sole use of the occupant of the additional residential unit, subject to paragraph 2.
2. Where a by-law passed under section 34 of the Act does not require a parking space to be provided and maintained for the sole use of the occupant of the primary residential unit, a parking space is not required to be provided and maintained for the sole use of the occupant of either additional residential unit.
3. A parking space that is provided and maintained for the sole use of the occupant of an additional residential unit may be a tandem parking space.

This regulation 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 Planning Act allows municipalities to determine appropriate regulations for additional residential units.

The Planning Act continues to permit garden suites, which 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.

Additional Residential Unit Review: Planning Act Update Discussion Paper

A discussion paper has been developed and included as Attachment 1 to this report. The discussion paper reviews current City Official Plan policies and Zoning Bylaw regulations in order to align the City's rules for accessory apartments, coach houses and garden suites with provincial rules for additional residential units. The

discussion paper reviews relevant provincial policies, regulations and guidelines, other municipal practices, and addresses preliminary recommendations released and feedback received regarding accessory apartments through the City's Comprehensive Zoning Bylaw Review. Recommendations and rationale for revisions to the City's Official Plan and the City of Guelph Zoning By-law are provided.

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.

Existing Official Plan Policies

The City's current Official Plan policies permit accessory apartments in low density residential areas and states that the Zoning Bylaw will provide specific regulations for accessory apartments.

The Official Plan policies permit coach houses and garden suites in areas of the city that also permit single detached, semi-detached and townhouse dwellings. Official Plan Section 9.2.5 sets out criteria to be used as the basis for permitting coach houses and garden suites in the zoning bylaw to demonstrate the appropriateness of the site for the use. Coach houses and garden suites may be subject to site plan approval.

The Official Plan defines accessory apartment as "a dwelling unit located within and subordinate to an existing single detached dwelling or semi-detached dwelling". A coach house is defined as "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". A garden suite is defined as "a one-unit detached residential structure containing bathroom and kitchen facilities that is separate from and subordinate to an existing residential dwelling and that is designed to be portable."

Reason for the Amendment

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.

Proposed Official Plan Amendment

The proposed Official Plan Amendment included as Attachment 2:

- 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.

The intent of the proposed amendment is to update the accessory apartment, coach house and garden suite policies to reflect Planning Act regulations, standards and requirements and to align definitions in order to better facilitate the development of additional residential dwelling units throughout the City.

Staff’s recommendation report for this amendment will describe its conformity with the Provincial Policy Statement (2020) and Provincial Growth Plan for the Greater Golden Horseshoe (2019).

Existing Zoning Bylaw Regulations

The City’s Zoning Bylaw currently defines and permits accessory apartments within a single detached or semi-detached dwelling to a maximum of one per lot.

Accessory apartments are restricted to a maximum of two bedrooms, a maximum of 45% of the total floor area of the building and cannot exceed 80 m², whichever is lesser. The external appearance of all building façades and outdoor amenity areas are to be preserved except dual service metres are allowed. In addition, an interior connection is required between an accessory apartment and primary dwelling unit. A single detached or semi-detached dwelling with an accessory apartment requires three parking spaces. Two of the parking spaces can be in a stacked arrangement.

An accessory apartment is defined in the Zoning Bylaw as “a Dwelling Unit located within and subordinate to an existing Single Detached Dwelling, Semi-Detached Dwelling or Link Dwelling”.

The Zoning Bylaw currently permits coach houses and garden suites through site-specific zoning bylaw amendments and does not provide general regulations for them. In addition, coach houses and garden suites are subject to site plan control. The site-specific zones that permit coach houses and garden suites include regulations for maximum unit size, maximum number of bedrooms, minimum side yard, lot coverage, height and parking. The regulations vary for each zone with a maximum of two bedrooms often noted and a maximum height of one storey or two storeys with garage. In addition, a home occupation is not permitted within the coach house and an accessory apartment is not permitted in the primary dwelling unit.

A coach house is generally defined in site-specific zones as 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 unit, and is designed to be a permanent dwelling. A garden suite is defined in the Zoning Bylaw as “includes a

coach house and means a Dwelling Unit which may be designed to be portable, and which is located on the same lot of, and fully detached from, an existing Dwelling Unit, such Garden Suite is clearly ancillary to the existing dwelling and shall be independently serviced with municipal water and sanitary services.”

Reason for the 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.

Proposed Zoning Bylaw Amendment

The proposed Zoning Bylaw Amendment included as Attachment 3:

- 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;
- Amends 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
 - Removes the maximum size of 80 m² and replaces the maximum size of 45% of the total floor area of the building with shall not exceed 50% of the total net floor area of the building
 - Sets the maximum size of an additional residential dwelling unit within a separate building on the same lot as the primary dwelling as shall not exceed 50% of the net floor area of the building or 30% of the yard area, whichever is less
 - Increases the maximum number of bedrooms permitted from two bedrooms to three bedrooms
 - Requires 1.2 m unobstructed pedestrian access to an additional residential dwelling unit within a separate building on the same lot as the primary dwelling, 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 with an overall maximum building height of 6.1 m for an additional residential dwelling unit in a separate building
 - Limits an additional residential dwelling unit in a separate building to rear and interior side yards

- Sets a minimum 0.6 m side and rear yard setback and a minimum 3 m side and rear yard setback for a two storey additional residential dwelling unit where there is an entrance or window adjacent to the property line
- Sets a minimum 1.2 m side yard setback closest to the unobstructed pedestrian access leading to an additional residential dwelling unit within a separate building on the same lot as the primary dwelling 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 as the primary dwelling
- 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.
- 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.

The intent of the proposed amendment is to update the accessory apartment and coach house regulations to conform to the Planning Act regulations, standards and requirements and to align definitions in order to better facilitate the development of additional residential dwelling units throughout the City.

Servicing

The City's Official Plan policy 6.1 requires all new development to be on full municipal services.

The City's zoning bylaw, regulation 4.10, requires municipal services to be available and adequate for any use or development except for specified instances such as the use existed when the zoning bylaw was passed and approval of a private sewage disposal system was granted.

There are no proposed changes to the Official Plan or Zoning Bylaw related to servicing.

The current practice to service individual dwelling units, including coach houses, with a separate service line to the street, and to not be connected into the services for the primary dwelling unit, has been part of this review. Additional residential dwelling units located within a separate building on the same lot as the primary dwelling will now be able to connect to the primary dwelling unit for water and sanitary services.

Next Steps

Following the Statutory Public Meeting, all comments received will be reviewed. A recommendation report will be presented to Council in Q4 2020.

Financial Implications

There are no financial implications as a direct result of the proposed official plan and zoning bylaw amendments.

Consultations

Public consultation was conducted as part of Phase 2 of the Comprehensive Zoning Bylaw Review, following the release of the [Comprehensive Zoning Bylaw Review Discussion Paper](#). Six workshops were held between November 21 and November 28, 2019. In addition, Planning staff hosted four half day office hours throughout the city for individuals to attend and an online survey from November 29, 2019 to January 6, 2020. A full summary of public input received through Phase 2 of the Comprehensive Zoning Bylaw Review can be found in the February 21, 2020 [Information Report \(IDE-2020-21\)](#).

An online survey is currently available at guelph.ca/zoningreview. The purpose of this survey is to collect community feedback on the proposed amendments. The survey will be open until July 31, 2020.

Notice of Public Meeting was mailed on June 18, 2020 to local boards and agencies, City service areas and key stakeholders and to properties with site specific regulations that are proposed to be amended. The Public Meeting was advertised in the Guelph Tribune on June 18, 2020 and on guelph.ca/zoningreview.

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 aligns 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 Unit Review: Planning Act Update to the Official Plan and Zoning Bylaw, Discussion Paper

Attachment-2 Proposed Official Plan Amendment for Additional Residential Dwelling Units

Attachment-3 Proposed Zoning Bylaw Amendment for Additional Residential Dwelling Units

Attachment-4 OPA and ZBA Public Meeting Presentation

Departmental Approval

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