

**Additional Residential Unit Review:  
Planning Act Update to the Official Plan and  
Zoning Bylaw  
Discussion Paper, July 2020**

## Executive Summary

The Planning Act requires municipalities to permit additional residential units within and on the same lot as detached, semi-detached and townhouse dwellings, in effect permitting three residential units on one residential property. This discussion paper provides a review of current City of Guelph Official Plan policies and Zoning By-law regulations in order to align city policy and regulations with the Ontario Planning Act. In addition, the review is intended to facilitate more additional residential units in part by removing existing barriers that residents may face when creating an accessory apartment or coach house, known in the Planning Act as an additional residential unit.

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 ongoing Comprehensive Zoning Bylaw Review. Recommendations and rationale for revisions to the City's Official Plan and Zoning By-law are provided for the following:

- Definitions and use of defined terms
- Zones where the use is permitted
- Number of units
- Unit size
- Number of bedrooms
- Unit design
- Height of separate buildings containing additional units
- Location and Setback for separate buildings containing additional units
- Parking
- Servicing

The following is a summary of the Official Plan and Zoning Bylaw recommendations of the discussion paper:

## 1. Definitions and Use of Defined Terms (Section 5.1)

### Official Plan Recommendations

It is recommended that the existing accessory apartment and coach house definitions be deleted from the Official Plan and replaced with additional residential dwelling unit.

It is recommended that the following definition for additional residential dwelling unit be added to the Official Plan:

**Additional Residential Dwelling Unit** 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.

It is recommended that policy references to "accessory apartment" or "coach house" be replaced with "additional residential dwelling unit" and a distinction be made regarding whether the unit is located within the primary dwelling or in a separate building on the same lot as the primary dwelling where appropriate.

It is recommended that the existing definition of garden suite be modified as follows:

**Garden Suite** means a one-unit detached dwelling unit containing bathroom and kitchen facilities that is separate from and subordinate to a primary dwelling unit and that is designed to be portable and temporary.

### **Zoning Bylaw Recommendations**

It is recommended that the existing Zoning Bylaw definition of accessory apartment be deleted from the Zoning Bylaw and replaced with additional residential dwelling unit.

It is recommended that the definition for additional residential dwelling unit be added to the Zoning Bylaw:

**Additional Residential Dwelling Unit** 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.

It is recommended that the existing Zoning Bylaw definition of dwelling unit be modified by deleting the following strikethrough text:

**Dwelling Unit** means a room or group of rooms occupied or designed to be occupied ~~exclusively~~ as an independent and separate self-contained housekeeping unit ~~including a house~~;

It is recommended that the existing Zoning Bylaw definition of garden suite be modified as follows:

**Garden Suite** means a one-unit detached dwelling unit containing bathroom and kitchen facilities that is separate from and subordinate to a primary dwelling unit and that is designed to be portable and temporary.

It is recommended that references to “accessory apartment” or “coach house” be replaced with “additional residential dwelling unit” and a distinction be made regarding whether the unit is located within the same building as the primary dwelling or within a separate building on the same lot as the primary dwelling, where appropriate.

## **2. Permitted Zones (Section 5.2)**

### **Official Plan Recommendations**

It is recommended that the policy that sets out where accessory apartments are permitted be modified to include both low density and medium density residential designations.

### **Zoning Bylaw Recommendations**

It is recommended that the following zones and any specialized zones thereto be modified to permit additional residential dwelling units:

- Residential Single Detached (R.1)
- Residential Semi-detached/Duplex (R.2)
- On-Street Townhouse (R.3B)

- Downtown 2 (D.2)
- Office Residential (OR)

It is recommended that site-specific zones that permit coach houses and garden suites be deleted as the buildings are now considered additional residential dwelling units and are permitted in the residential zone category. Site-specific R.1C-23 and R.1C-24 zones will be modified to permit additional residential dwelling units.

### 3. Number of Units (Section 5.3)

#### Official Plan Recommendations

No changes to the Official Plan are needed.

#### Zoning Bylaw Recommendations

It is recommended that two additional residential dwelling units be permitted on a lot, one within the same building as the primary dwelling and one located in a separate building on the same lot, resulting in a maximum of three dwelling units per lot.

It is recommended that garden suites continue to be reviewed on a case-by-case basis through site-specific zoning bylaw amendments.

### 4. Unit Size (Section 5.4)

#### Official Plan Recommendations

No changes to the Official Plan are needed.

#### Zoning Bylaw Recommendations

It is recommended that the maximum size of 80 m<sup>2</sup> be deleted.

It is recommended that the maximum size of 45% of the gross floor area of the building, be replaced with "shall not exceed 50% of the total net floor area of the primary dwelling".

It is recommended that the existing zoning bylaw definition of "Floor Area" be deleted and replaced with "Total Net Floor Area" as follows:

**Total Net Floor Area** means the total floor area of the building measured from the interior walls, including cellars and basements with a floor to ceiling height of at least 1.95 metres. Total net floor area does not include stairs, landings, cold cellars, garages, carports, and mechanical rooms. Section 2.7 does not apply to the floor to ceiling height of 1.95 metres.

It is recommended that the maximum size of an additional residential dwelling unit within a separate building on the same lot as the primary dwelling shall not exceed 50% of the total net floor area of the primary dwelling or 30% of the yard area, whichever is less.

## **5. Number of Bedrooms (Section 5.5)**

### **Official Plan Recommendations**

No changes to the Official Plan are needed.

### **Zoning Bylaw Recommendations**

It is recommended that the maximum number of bedrooms be increased from two bedrooms to three bedrooms.

## **6. Unit Design (Section 5.6)**

### **Official Plan Recommendations**

It is recommended that Official Plan Section 9.2.5 be modified to change the title to "Additional Residential Dwelling Units in a separate building and Garden Suites" and to change references to "coach houses" to "additional residential units in a separate building". In addition, that "by amendment to the implementing Zoning Bylaw" be removed since a site-specific amendment is no longer required and a new policy be added to recognize garden suites will be regulated in accordance with the Temporary Use By-law provisions of this Plan.

### **Zoning Bylaw Recommendations**

It is recommended that the regulation requiring the preservation of the external building façade be removed.

## **7. Height (Section 5.7)**

### **Official Plan Recommendations**

No changes to the Official Plan are needed.

### **Zoning Bylaw Recommendations**

It is recommended that a maximum height for an additional residential dwelling unit in a separate building, be established as two storeys with an overall maximum building height of 6.1 m, as defined and illustrated in the City's Zoning Bylaw.

## **8. Location and Setback (Section 5.8)**

### **Official Plan Recommendations**

No changes to the Official Plan are needed.

### **Zoning Bylaw Recommendations**

It is recommended that additional residential dwelling units in a separate building be permitted to be located in rear and interior side yards.

It is recommended that additional residential units in a separate building have a minimum 0.6 m side and rear yard setback.

It is recommended that a two storey additional residential dwelling unit in a separate building have a minimum 3 m side and rear yard setback where there is an entrance door or a window adjacent to the property line.

It is recommended that a property with an additional residential dwelling unit in a separate building on the same lot, have a minimum 1.2 m unobstructed pedestrian access in the side yard leading to the entrance of the additional unit, unless access to the additional residential dwelling unit is provided directly from the street or lane.

It is recommended that a minimum distance of 3 m between the primary dwelling and the additional residential dwelling unit in a separate building on the same lot be required.

## **9. Parking (Section 5.9)**

### **Official Plan Recommendations**

No changes to the Official Plan are needed.

### **Zoning Bylaw Recommendations**

It is recommended that one parking space for each additional residential dwelling unit be required, in addition to the one parking space required for the primary dwelling unit.

It is recommended that the required off-street parking spaces for the primary dwelling unit and additional residential dwelling units be permitted in a stacked arrangement, i.e. two or three parking spaces can be stacked.

It is recommended that existing lots that have no legal off-street parking space for the primary dwelling, as of the date of the passing of the bylaw, be exempted from providing parking spaces for additional residential dwelling units.

## **10. Servicing (Section 5.10)**

### **Official Plan Recommendations**

No changes to the Official Plan are needed.

### **Zoning Bylaw Recommendations**

No changes to the Zoning Bylaw are needed because the manner in which servicing is provided is not regulated by the Zoning By-law.

## **Next Steps**

The recommendations from this discussion paper have been incorporated into draft amendments to the City's Official Plan and the Zoning By-law. The discussion paper is being released at the same time as the draft amendments and provides background and rationale to assist City Council and members of the public as they review these recommended amendments.

In the last quarter of 2020, staff will bring forward an amendment to the City of Guelph Official Plan and an amendment to the City of Guelph Zoning By-law for Council approval. The amendments will reflect comments received by Council, the public and other stakeholders in response to the release of this discussion paper and the draft amendments.

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## **1. Introduction**

### **1.1. Purpose**

The purpose of the Additional Residential Unit Review: Planning Act Update to the Official Plan and Zoning Bylaw is to align the current City of Guelph Official Plan policies and Zoning By-law regulations with the Ontario Planning Act. The Planning Act permits additional residential units within and on the same lot as detached, semi-detached and rowhouse (townhouse) dwellings, in effect permitting three residential units on one residential property. The review is intended to facilitate more accessory apartments in part by removing existing barriers that residents may face when creating an accessory apartment.

The review will address preliminary recommendations and feedback received regarding accessory apartments through the City's ongoing Comprehensive Zoning Bylaw Review. A review and amendment of the City's accessory apartment policies and regulations is being advanced, ahead of the completion of the City's zoning bylaw review, to conform to provincial policy in a timely manner and to provide for the creation of new housing units.

The Province and City of Guelph use various terms when referring to accessory apartments, including second suites, additional residential units, accessory apartments and coach houses. Temporary and portable dwellings are known as garden suites by the Province. This Discussion Paper will use the appropriate term used by the document being discussed, e.g. additional residential unit will be used when discussing the Planning Act.

### **1.2. How is Guelph updating its accessory apartment policies and regulations?**

The City is updating its accessory apartment policies and regulations in accordance with the current provincial legislative and policy context, work already done through the ongoing Comprehensive Zoning Bylaw Review (recommendations and community engagement feedback), and other municipal practices. The following principles guide the development of recommended revisions to the City's current Official Plan and Zoning Bylaw policies and regulations:

- Protect health and safety of residents
- Remove barriers to the creation of additional housing units
- Increase the range and mix of housing, including affordable housing
- Support gentle intensification
- Support an evolving and compatible neighbourhood character

## **2. Policy Context**

### **2.1. Provincial Legislation and Policies**

## **Planning Act**

The Planning Act is provincial legislation that sets out the ground rules for land use planning in Ontario. It describes how land uses may be controlled and who may control them. The act provides the basis for:

- considering provincial interests through provincial policy statements and growth plans;
- preparing official plans and planning policies that will guide future development; and
- regulating and controlling land uses through zoning bylaws and minor variances.

The Planning Act requires municipalities to permit additional residential units in detached, semi-detached and rowhouse (townhouse) dwellings. Municipalities retain the ability to determine appropriate regulations for additional residential units. In addition, the establishment of official plan policies and zoning bylaw regulations that implement this requirement cannot be appealed, with the exception of official plan policies that are part of a five-year update. Garden suite policies are not exempt from appeals under the Planning Act.

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 principle 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, 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.

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

The Planning Act requires that all planning decisions be consistent with the Provincial Policy Statement. The Provincial Policy Statement sets the policy foundation for regulating the development and use of land. It provides for

appropriate development while protecting matters of provincial interest including housing.

The Provincial Policy Statement directs municipalities to provide an appropriate affordable and market-based range and mix of housing types and densities, including single detached, additional residential units, multi-unit housing, affordable housing and housing for older persons. 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.

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

Under the Planning Act all planning decisions shall conform with provincial plans that are in effect at the time or shall not conflict with them, as the case may be. A Place to Grow is the province's plan for growth management within the Greater Golden Horseshoe area. A guiding principle of the Plan is to "support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households". The growth plan recognizes the challenge that by 2041, over 25% of the population is expected to be over the age of 60 and require more age-friendly development that includes a more appropriate range and mix of housing options.

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 second units (referred to as additional residential units in the Planning Act).

### **2.2. Guelph Official Plan**

The City's Official Plan is a statement of goals, objectives and policies that guide Guelph's growth and development to 2031. The plan establishes policies that are intended to have a positive effect on Guelph's social, economic, cultural and natural environment. The Official Plan strives to maintain a high quality of life for the residents of Guelph, reduce uncertainty concerning future development, and provides a basis for the Zoning Bylaw and other land use controls. Official Plan excerpts related to accessory apartments, coach houses and garden suites have been included in Appendix A of this document.

The City's housing policies, reflect provincial policies and plans, by promoting an adequate supply of residential land and an appropriate range of housing types and densities to meet growth needs. The range of housing types is to include housing that is affordable to low and moderate income households, and housing required to meet social, health and well-being requirements, including special needs requirements.

The City's Official Plan provides policies for accessory apartments. The Official Plan currently permits accessory apartments within low density residential areas (which includes housing in the form of detached, semi-detached, townhouse and

apartments) of the city and states that specific rules for accessory apartments will be provided in the City's zoning bylaw. Accessory apartments are defined within the Official Plan as "a dwelling unit located within and subordinate to an existing single detached dwelling or semi-detached dwelling".

The Official Plan permits coach houses and garden suites in areas of the city that also permit detached, semi-detached, and townhouse dwellings through site-specific amendments to the zoning bylaw. In addition, the Official Plan provides an enabling policy to allow for site plan approval of coach houses and garden suites. A coach house is defined in the Official Plan 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, also known as a granny flat 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".

### **2.3. Guelph Zoning By-law**

The City's Zoning Bylaw is a series of rules for a property that implement Official Plan policies by including a more detailed list of permitted uses as well as regulations regarding the location of structures on a property, building characteristics (e.g. size, height) and parking requirements. The zoning bylaw provides a way for the City to manage land uses to ensure development is appropriate and to prevent conflicting land uses, buildings and structures from being developed or built near each other. Zoning Bylaw excerpts related to accessory apartments, coach houses and garden suites have been included in Appendix A of this document.

Currently, the City's Zoning Bylaw defines and permits accessory apartments in some zones. The zoning bylaw permits accessory apartments within a single detached or semi-detached dwelling to a maximum of one per lot. Accessory apartments are restricted in size to a maximum of two bedrooms, a maximum of 45% of the total floor area of the building and cannot exceed 80 m<sup>2</sup>, 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. Currently, three site-specific zones are in place that permit coach houses and five site-specific zones that permit garden suites. The site-specific zones that permit coach houses include regulations regarding maximum unit size, maximum number

of bedrooms, minimum side yard, 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, generally 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.

The site-specific zones that permit garden suites include regulations regarding number of units, unit size, number of bedrooms, lot size, height, lot setback, lot coverage and parking. The regulations vary for each zone with a maximum of one bedroom noted, height of one storey or two storeys with garage, and maximum unit size of 60 to 117 m<sup>2</sup>. 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."

### **Minor Variances**

A minor variance is a minor change to a zoning bylaw regulation granted by the Committee of Adjustment. Generally, the minor variance process cannot be used to add a use that is not permitted in a zone. However, it can vary regulations such as maximum building and unit size, maximum building height, setbacks, parking, etc.

Between 2014 and 2019, 1066 accessory apartments were created in the City. During that time period, a total of 56 minor variances were approved for accessory apartments with the majority of the applications seeking an increase in the size of an accessory apartment. The approved minor variances resulted in an average size of 99.3 m<sup>2</sup> amongst the varied accessory apartments. These variances represented an average of 31.4% of the total floor area of the building, well below the maximum 45% of the total floor area of the building regulation of the zoning bylaw. The largest accessory apartment approved was 131.5 m<sup>2</sup>, representing 28.5% of the total floor area of the building. The majority of the approved minor variances involved accessory apartments in the basement of one storey residential dwellings. The minor variances were requested due to basement layout issues including window, door and stairway placement, and the location of furnaces, heating ducts, waterlines and drains.

Other approved minor variances involved permitting three stacked parking spaces and reducing required parking and reducing the minimum side yard setback from 1.5 m to 1.1 m to allow for a wider driveway. All of the approved minor variances maintained the two bedroom size limit for accessory apartments and were subordinate to the primary dwelling, i.e. were less than 45% of the total floor area of the building.

## **Comprehensive Zoning Bylaw Review**

The ongoing Comprehensive Zoning Bylaw Review is reviewing the City's existing Zoning By-law to ensure it aligns with the City's updated Official Plan, reflects current zoning practices and works for our community today and in the future. In October 2019, the City released the [Comprehensive Zoning Bylaw Review Discussion Paper](#) 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.

The discussion paper stated that in order to comply with recent changes to the Planning Act, an accessory dwelling will be a permitted use in all zones that permit a single detached, semi-detached, and townhouse dwelling. An accessory dwelling unit will be permitted both within and on the same lot of a single detached, semi-detached or townhouse dwelling resulting in a maximum of three dwelling units. The following rules for accessory dwellings were also recommended:

- accessory dwelling units will have a maximum floor area between 40 and 45 percent of the total residential floor area provided;
- a minimum of not more than one parking space per accessory dwelling unit be provided with stacked parking allowed;
- direct access from the street be provided to accessory dwelling units located in a separate building; and
- a maximum floor area and setbacks from rear and side property lines be set for accessory dwelling units located in a separate building.

## **3. Community Engagement**

### **3.1. What we did**

The ongoing Comprehensive Zoning Bylaw Review process included a community engagement process with feedback collected and summarized as part of and following the release of the Comprehensive Zoning Bylaw Review Discussion Paper in October 2019. Input received through community engagement activities informs this review of accessory apartment policy and regulations.

In February 2019, the City hosted three community conversations 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. Information was also gathered through the City's online engagement platform and through individual meetings held with community members, stakeholders and members of Council who requested one. The input received assisted in the development of options and preliminary recommendations included in the Comprehensive Zoning Bylaw Discussion Paper.

Following the release of the Comprehensive Zoning Bylaw 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.

### 3.2. What we heard

While developing the Comprehensive Zoning Bylaw Discussion Paper we heard that zoning needs to be easier to understand and align better with the Official Plan to reduce the need for zoning bylaw amendments and minor variances. In addition, the City needs to be more flexible in the types of residential uses it permits and rules for accessory apartments need to be more permissive. Size regulations and parking standards for accessory apartments were also raised as a concern.

Following the release of the Comprehensive Zoning Bylaw Discussion Paper, we heard that residents generally supported the changes recommended in the Discussion Paper that align with current provincial legislation. The changes offer more housing choices for elderly parents, children living with parents longer and assist with the affordability of homes. Residents generally felt that existing detached accessory structures should be permitted to accommodate accessory apartments but these should not impact neighbouring properties. We heard:

- General support for more flexibility for accessory apartments, especially as the population ages
- Some concerns related to student rentals, out-of-town investors and the effects on neighbourhoods
- Establish setbacks in order to protect privacy of neighbours
- Consider no parking requirements for accessory apartments in older neighbourhoods that don't always have driveways and are located close to the transit station downtown
- Consider removing required parking minimums for accessory apartments
- Consider increasing permitted height to allow for accessory apartments above a garage
- Permit a larger maximum floor area for the accessory apartments in detached structures, e.g. 60% compared to 40-45%
- Permit services (hydro, gas, water/sewer) to be tied into the existing dwelling to reduce construction costs.

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 \(IDE-2020-21\)](#).

### 4. Other Municipal Practices

Other municipal zoning bylaw regulations were reviewed to understand how they regulate additional residential units. Specifically, how they are defined, where they are permitted and the types of rules they have regarding their size, characteristics and location on a lot. Given the recent approval of Bill 108, More Homes, More Choice Act, 2019 and Planning Act changes, no zoning bylaws were found that comply fully. Few municipalities have drafted regulations that permit additional residential units within and on the same lot of a detached, semi-detached and townhouse unit, in effect permitting three residential units on one residential property. However, a number of municipalities have zoning regulations that permit additional residential units within detached, semi-detached and townhouse units. In addition, some municipalities already permit coach houses, which is a separate

residential unit located on the same lot that is subordinate to an existing residential dwelling unit. The following municipal zoning bylaws, which provide a range of approaches and are included on the City's list of municipal comparators, were reviewed:

- Cambridge
- Kingston
- Kitchener
- London
- Oakville
- Ottawa.

The results of the review will be discussed below under each applicable section.

## **5. Official Plan and Zoning By-law Review and Recommendations**

### **5.1. Definitions and Use of Defined Terms**

The definitions for accessory apartment contained in the City's Official Plan and zoning bylaw were compared to provincial definitions as well as definitions from other municipal zoning bylaws. The recommended definitions align the City's Official Plan and Zoning Bylaw definitions, comply with current provincial definitions and reflect other municipal trends. In addition, the use of the terms were reviewed to determine where policy and regulations need to be updated.

#### **City of Guelph Official Plan and Zoning Bylaw**

Currently the City defines accessory apartment, coach house, dwelling unit and garden suite in both its Official plan and the Zoning Bylaw (See Appendix A). The Zoning Bylaw definitions are not the same as with the existing Official Plan definitions. Additionally, the zoning bylaw doesn't differentiate a coach house from a garden suite.

#### **Planning Act**

The Planning Act defines garden suite as follows:

"Garden Suite means 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".

No definition is included for an additional residential unit. However, the Province previously defined second units (the precursor to the use of the new term additional residential unit) as:

"Second units are self-contained residential units with a private kitchen, bathroom facilities and sleeping areas within dwellings or within structures ancillary to a dwelling (e.g., above laneway garages)."

## Other Municipal Practices

Other municipalities have varied approaches to defining additional residential units. Most municipalities include one definition, using the term secondary dwelling unit or accessory dwelling. Four of the six municipal zoning bylaws reviewed include a definition that can apply to both the additional residential unit within the same building as the primary dwelling and an additional residential unit located in separate building on the same lot. The City of Ottawa includes a definition for coach house in its zoning bylaw to address a separate dwelling unit located on the same lot as the principal dwelling. The City of Kitchener has drafted a zoning bylaw amendment that defines additional dwelling unit (attached) and additional dwelling unit (detached) to align with recent Bill 108 changes to the Planning Act. The definitions include the type of dwelling units and lots that are permitted to have an additional dwelling unit. Three of the six municipal zoning bylaws reviewed include the type of residential lots that permit an additional residential unit within the definition.

Three of the six municipal zoning bylaws reviewed define garden suite. All of the municipalities that define the term include that it is “designed to be portable”. Oakville incorporates the Planning Act definition for garden suite into its zoning bylaw. Ottawa’s definition includes the type of lots that permit a garden suite, i.e. detached, linked-detached or semi-detached.

## Official Plan Recommendations

It is recommended that the following existing definition of accessory apartment be deleted from the Official Plan:

**Accessory Apartment** means:

a dwelling unit located within and subordinate to an existing single detached dwelling or semi-detached dwelling.

It is recommended that the following existing definition of coach house be deleted from the Official Plan:

**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.

It is recommended that the following definition for additional residential dwelling unit be added to the Official Plan to replace the definitions of accessory apartment and coach house:

**Additional Residential Dwelling Unit** 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.

It is recommended that policy references to “accessory apartment” or “coach house” be replaced with “additional residential dwelling unit” and a distinction be made regarding whether the unit is located within the primary dwelling or on the same lot as the primary dwelling where appropriate.

It is recommended that the following existing definition of garden suite be deleted from the Official Plan:

**Garden Suite** means: (also known as a Granny Flat): 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.

It is recommended that the following definition for garden suite be added to the Official Plan to replace the existing definition of garden suite:

**Garden Suite** means a one-unit detached dwelling unit containing bathroom and kitchen facilities that is separate from and subordinate to a primary dwelling unit and that is designed to be portable and temporary.

## Zoning Bylaw Recommendations

It is recommended that the following existing Zoning Bylaw definition of accessory apartment be deleted:

**Accessory Apartment** means a dwelling unit located within and subordinate to an existing single detached dwelling, semi-detached dwelling or link dwelling.

It is recommended that the following definition for additional residential dwelling unit be added to the Zoning Bylaw to replace the definition of accessory apartment:

**Additional Residential Dwelling Unit** 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.

It is recommended that the existing Zoning Bylaw definition of dwelling unit be modified by deleting the following strikethrough text:

**Dwelling Unit** means a room or group of rooms occupied or designed to be occupied ~~exclusively~~ as an independent and separate self-contained housekeeping unit ~~including a house~~;

It is recommended that the following existing Zoning Bylaw definition of garden suite be deleted:

**Garden Suite** 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.

It is recommended that the following definition for garden suite be added to the Zoning Bylaw to replace the existing definition of garden suite:

**Garden Suite** means a one-unit detached dwelling unit containing bathroom and kitchen facilities that is separate from and subordinate to a primary dwelling unit and that is designed to be portable and temporary.

It is recommended that regulation references to "accessory apartment" or "coach house" be replaced with "additional residential dwelling unit" and a distinction be made regarding whether the unit is located within the same building as the primary

dwelling or within a separate building on the same lot as the primary dwelling, where appropriate.

## **Rationale**

Recommending the same definition for the City's Official Plan and Zoning Bylaw improves clarity and conformity between the policies and regulations for additional residential dwelling units. Using one term for units within the same building as the primary dwelling and units located in a separate building on the same lot, and not referring to the type of residential lots that permit these units, keeps the definition simple and aligns with other municipal trends. In addition, this approach keeps regulations and permitted uses out of definitions.

The recommended garden suite definition aligns with the Planning Act definition, using dwelling unit instead of residential structure to align with terminology used in the City's current Official Plan and Zoning Bylaw. In addition, the temporary nature of a garden suite is included in the definition, which aligns with the Planning Act and provides added clarity to the difference between an additional residential dwelling unit on the same lot as a primary dwelling unit and a garden suite.

The recommended dwelling unit definition aligns the Zoning Bylaw definition with the current definition for dwelling unit in the City's Official Plan.

## **5.2. Permitted Zones**

The zones that currently permit accessory apartments in the City's Zoning Bylaw were compared against the City's Official Plan policies, provincial requirements as well as permitted uses from other municipal zoning bylaws. The zones recommended to permit additional residential dwelling units align the zoning bylaw with the City's Official Plan policies, comply with current provincial requirements and reflect other municipal trends.

## **City of Guelph Official Plan and Zoning Bylaw**

The City's Official Plan under policy 9.2.3.1 states that "the City shall provide for the creation of accessory apartments in low density residential designations". The City's low density residential designations include low density residential for the built-up area and low density greenfield residential for the greenfield area (undeveloped). These low density residential designations permit detached, semi-detached, duplex and multiple unit residential buildings such as townhouses and apartments. In addition, the Glenholme Estate Residential designation, a low density estate residential designation, includes accessory apartments as a permitted use. Official plan policy 9.2.5.1 permits coach houses and garden suites within land use designations that permit residential uses in the form of detached, semi-detached and townhouse forms of housing.

The zoning bylaw permits accessory apartments within the following zones:

- Residential Single Detached (R.1)
- Residential Semi-detached/Duplex (R.2)
- Downtown 2 (D.2)

- Office Residential (OR).

The zoning bylaw also permits accessory apartments, coach houses and garden suites in various site-specific zones.

### **Planning Act**

The Planning Act requires an official plan to include policies that permit an additional residential unit within a detached house, semi-detached house or rowhouse; and on the same lot within a building or structure ancillary to a detached house, semi-detached house or rowhouse. Under the Act, zoning bylaws must implement and regulate the permissions for additional residential units within the primary dwelling and on the same lot as the primary dwelling.

Municipalities may permit and regulate temporary and portable garden suites under the Planning Act. Municipalities may require an owner of the garden suite or any other person to enter into an agreement as a condition to passing a bylaw authorizing the temporary use of a garden suite. The agreement may deal with matters such as:

- the installation, maintenance and removal of the garden suite;
- the period of occupancy of the garden suite by any of the persons named in the agreement; and
- the monetary or other form of security that the council may require for actual or potential costs to the municipality related to the garden suite.

### **Other Municipal Practices**

The other municipalities that were reviewed all permit additional residential units within single detached and semi-detached dwellings. The draft Kitchener bylaw and London's zoning bylaw regulations (which are currently under appeal) also permit additional residential units within on-street townhouses, while Cambridge, Kingston and Ottawa reference row houses or townhouses. Some municipalities permit additional residential units, known as coach houses, etc. on the same lot as a single detached, semi-detached or townhouse dwellings.

### **Official Plan Recommendations**

It is recommended that the policy providing for the creation of accessory apartments in low density residential designations be modified to also include medium density residential designations.

### **Zoning Bylaw Recommendations**

It is recommended that the following zones and any specialized zones thereto be modified to permit additional residential dwelling units:

- Residential Single Detached (R.1)
- Residential Semi-detached/Duplex (R.2)
- On-Street Townhouse (R.3B)
- Downtown 2 (D.2)
- Office Residential (OR)

It is recommended that site-specific zones that permit coach houses and garden suites be deleted as the buildings are now considered additional residential dwelling units and are permitted in the residential zone category. Site-specific R.1C-23 and R.1C-24 zones will be modified to permit additional residential dwelling units.

## **Rationale**

The Official Plan policy providing for the creation of accessory apartments needs to be extended to medium density residential designations since it is proposed that additional residential dwelling units be permitted on on-street townhouse properties. On-street townhouse properties are permitted within low density residential designations and medium density residential designations.

The zones that are recommended to permit additional residential dwelling units align with Planning Act requirements and reflect other municipal zoning trends. It is recommended that additional residential dwelling units be limited to the On-Street Townhouse (R.3B) zone rather than included in all townhouse zones. This limitation is recommended given the anticipated challenges to meeting building code, parking and other zoning regulations associated with additional residential dwelling units for other townhouse types. It also recognizes design and ownership challenges to locating additional residential dwelling units within and on other townhouse type properties, such as stacked townhouses that are generally condominiums and would need consent from the condominium board. A lack of property lines when dealing with cluster townhouses would lead to setback issues. The zoning amendment process would be available for property owners to seek an additional residential dwelling unit within other townhouse dwelling types on specific properties, and these would be reviewed on a site-specific basis.

Garden suites, as defined by the Planning Act, continue to be permitted through site-specific zoning bylaw amendments given their portable and temporary nature and to recognize the difference between an additional residential dwelling unit on the same lot as a primary dwelling and a garden suite. Garden suites also require an agreement to be entered into and registered on title to ensure the temporary nature of the use.

The site-specific zones that permit coach houses and garden suites are proposed to be deleted, with the exception of the R.1C-23 and R.1C-24 zones. The terms coach house and garden suite have been used inconsistently in the existing site-specific zones. The site-specific zones that permit garden suites do not align with the Planning Act definition and regulations, which treat garden suites as portable and temporary, as the existing buildings are not intended to be portable and temporary. The proposed changes to the Zoning Bylaw deletes the term coach house and replaces it with additional residential dwelling unit, and allows additional residential dwelling units within the primary dwelling and in a separate building on the same lot. The new regulations are more permissive than the existing site-specific zones and therefore, these site-specific zones are no longer needed. These properties will be put into a general residential zone category (e.g. R.1B) that will continue to permit the existing use under the new definition, additional residential dwelling unit. The site-specific R.1C-23 and R.1C-24 zones are specific to the development of a street and in some cases the new regulations are not more permissive. These

site-specific zones will be modified to replace garden suite with additional residential dwelling units. .

### **5.3. Number of Units**

#### **City of Guelph Official Plan and Zoning Bylaw**

The City's Official Plan does not address specific regulations for accessory apartments and therefore does not provide policy for the number of accessory apartments permitted on a lot.

The Zoning Bylaw limits a property to one accessory apartment. Coach houses and garden suites are only permitted through site-specific zoning bylaw amendments. Half of the eight site-specific zones that permit a coach house or garden suite, prohibit an accessory apartment within the primary dwelling on the same property.

#### **Planning Act**

The Planning Act requires municipalities 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.

#### **Other Municipal Practices**

The number of additional residential units permitted on a property varies amongst the municipalities reviewed. A few municipalities permit and regulate additional residential units within a primary dwelling and additional residential units on the same lot as a primary dwelling. However, municipalities generally permit only one additional residential unit and have not updated their regulations to permit two additional residential units. The City of Kitchener is the only municipality that has draft regulations that align with provincial legislation by allowing two additional residential units on a lot. Kitchener is proposing to allow two additional residential units within the primary dwelling (in effect creating three units in one building), or one additional residential unit in the primary dwelling and one additional residential unit in a separate building on the same lot.

#### **Official Plan Recommendations**

No changes to the Official Plan are needed.

#### **Zoning Bylaw Recommendations**

It is recommended that two additional residential dwelling units be permitted on a lot, one within the same building as the primary dwelling and one located in a separate building on the same lot, resulting in a maximum of three dwelling units per lot.

It is recommended that garden suites continue to be reviewed on a case-by-case basis through site-specific zoning bylaw amendments.

#### **Rationale**

The Planning Act requires municipalities to include policies in their Official Plans authorizing the use of additional residential units by permitting two residential units

in a detached house, semi-detached house or rowhouse, and the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse. The proposed recommendations align the Zoning Bylaw with provincial legislation by providing regulations to implement the requirement to permit up to three residential units on single detached, semi-detached and townhouse lots.

Garden suites will continue to be considered through the development application process. This aligns with the Planning Act requirements that they be permitted through temporary use bylaws and will allow the City to consider the appropriateness of these portable and temporary uses in their site-specific context.

#### **5.4. Unit Size**

##### **City of Guelph Official Plan and Zoning Bylaw**

The City's Official Plan policy 9.2.5.2 states that coach houses and garden suites are to be:

- subordinate in scale and function to the primary dwelling unit;
- situated on an appropriately-sized housing lot; and
- compatible in design and scale with the built form of the primary dwelling unit.

The Zoning Bylaw limits accessory apartments to 80 m<sup>2</sup> or 45% of the total floor area of the building, whichever is lesser. Coach houses and garden suites have been permitted through site-specific zoning bylaw amendments. Half of the eight site-specific zones that permit a coach house or garden suite provide a maximum floor area, which ranges from 60 m<sup>2</sup> to 117 m<sup>2</sup>.

The Zoning Bylaw limits accessory buildings or structures to 70 m<sup>2</sup> and limits them to 30% of the yard it occupies, e.g. rear yard. Currently accessory buildings or structures are not permitted to be used for human habitation.

Under the Zoning Bylaw, floor area as it relates to accessory apartments means the total floor area of the building measured from the exterior face of the outside walls, or centre line of common walls, including cellars and basements with a height of at least 1.95 m. The floor area excludes stairs, landings, cold cellars, garages and carports.

#### **Planning Act**

The Planning Act does not provide regulations for the size of additional residential units or garden suites. However, the Planning Act states that an additional residential unit can be located within an ancillary building or structure to a primary dwelling unit. Ancillary means smaller in size and subordinate to the primary dwelling.

## Other Municipal Practices

Most of the municipalities that were reviewed limit the size of additional residential units within a primary dwelling to 40% of the gross floor area of the primary dwelling. Oakville permits a maximum floor area of 75 m<sup>2</sup> or 40% of the gross floor area of the primary dwelling, whichever is the lesser. Ottawa allows additional residential units in the basement to exceed the 40% floor area limit and permits them to occupy the entire basement. Kingston permits additional residential units, where the gross floor area is equal to or less than the gross floor area of the primary dwelling.

Municipalities that permit an additional residential unit in a separate building located on the same lot as the primary residential dwelling unit, such as a coach house, also tend to apply a 40% maximum floor area size. Some municipalities apply a maximum lot coverage. In Cambridge, the draft zoning regulations propose to limit additional residential units in separate buildings to 10% of the lot area. Kingston relies on the lot coverage requirements for accessory structures and compliance with any maximum floor space index where such requirement has been established for the zone in which the unit is located. Ottawa's regulations vary by location and include the lesser of a set maximum size (50 m<sup>2</sup>, 80 m<sup>2</sup> and 95 m<sup>2</sup>) and 40% of the primary dwelling. All accessory buildings and structures, including an additional residential unit within a separate building on the same lot as the primary dwelling, cannot exceed 5% of the yard in which they are located in some zones or 50% in other zones.

## Official Plan Recommendations

No changes to the Official Plan are needed.

## Zoning Bylaw Recommendations

It is recommended that the maximum size of 80 m<sup>2</sup> be deleted.

It is recommended that the maximum size of 45% of the total floor area of the building as defined for accessory apartments, be replaced with shall not exceed 50% of the total net floor area of the primary dwelling.

It is recommended that the following existing zoning bylaw definition of floor area be deleted from Section 4.15 Residential Intensification of the Zoning Bylaw:

**Floor Area** means the total floor area of the building measured from the exterior face of outside walls, or centre line of common walls, including cellars and basements with a floor to ceiling height of at least 1.95 metres. Floor area does not include stairs, landings, cold cellars, garages and carports. Section 2.7 does not apply to the floor to ceiling height of 1.95 metres.

It is recommended that the following definition for total net floor area be added to Section 4.15 Residential Intensification of the Zoning Bylaw to replace the existing definition of floor area:

**Total Net Floor Area** means the total floor area of the building measured from the interior walls, including cellars and basements with a floor to ceiling height of at least 1.95 metres. Total net floor area does not include stairs, landings, cold cellars, garages, carports, and mechanical rooms. Section 2.7 does not apply to the floor to ceiling height of 1.95 metres.

It is recommended that the maximum size of an additional residential dwelling unit within a separate building on the same lot as the primary dwelling shall not exceed 50% of the total net floor area of the primary dwelling or 30% of the yard area, whichever is less.

### **Rationale**

Removing the maximum size limit of 80 m<sup>2</sup> is intended to facilitate more additional residential dwelling units and provide for variation in size and design of units. This may also result in removing barriers that residents may face when creating an accessory apartment. As noted earlier, the majority of approved minor variances over the last five years sought to increase the floor area of an accessory apartment. Over 50 of the 56 minor variances were approved to increase - the maximum floor area for the accessory apartment. The average size of accessory apartments approved through variances is 99.3 m<sup>2</sup>. In comparison, the average size of the approximately 1,430 accessory apartments registered since 2010 is 68.7 m<sup>2</sup>. The amount of additional space permitted by the approved variances represented on average 31.4% of the total floor area of the building, well below the 45% maximum permitted by the Zoning Bylaw. In comparison, accessory apartment units registered since 2010 were on average 29% of the total floor area of the building with 10% of the registered units exceeding 40%.

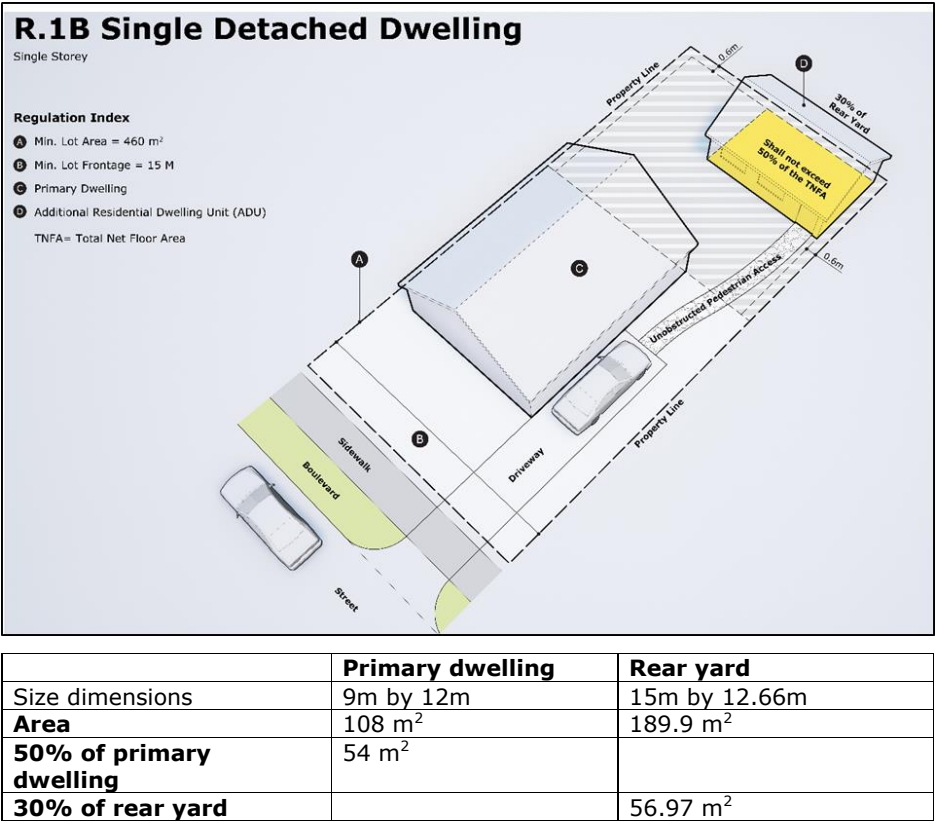
In general, the request for increased size in the minor variance applications were to better utilize the basement floor area and/or improve the layout and design of the accessory apartment.

Increasing the maximum 45% of the total floor area permitted to shall not exceed 50% still ensures the additional residential dwelling units continue to be subordinate to the primary dwelling. Revising the measurement of total floor area to total net floor area changes the measurement of space from the exterior walls to the interior walls and removes mechanical rooms. This provides a better measurement of the usable floor area within a dwelling and still ensures that the unit is subordinate.

Applying a maximum 30% yard coverage to additional residential dwelling units within a separate building on the same lot aligns with coverage regulations in the City's Zoning Bylaw for accessory structures and buildings. The 30% yard coverage applies to the yard the additional residential dwelling unit is located in and ensures the lot is not over built and that open space and amenity space is available for residents. The yard coverage would apply to all accessory structures and buildings, including the additional residential dwelling units.

The following illustrations were developed to demonstrate the recommended unit size regulations as they apply to the residential zones that are proposed to permit additional residential dwelling units, to ensure that a unit within a separate building on the same lot may be possible based on the required lot sizes in each zone. The lot frontages and areas used are the minimums for each zone. A 0.6m rear and side yard setback are applied to the detached structure which assumes no windows or entrances on exterior walls facing the rear or side yard. These setbacks will need to be at least 1.2m in accordance with the Building Code where windows or entrances are included on the exterior walls.

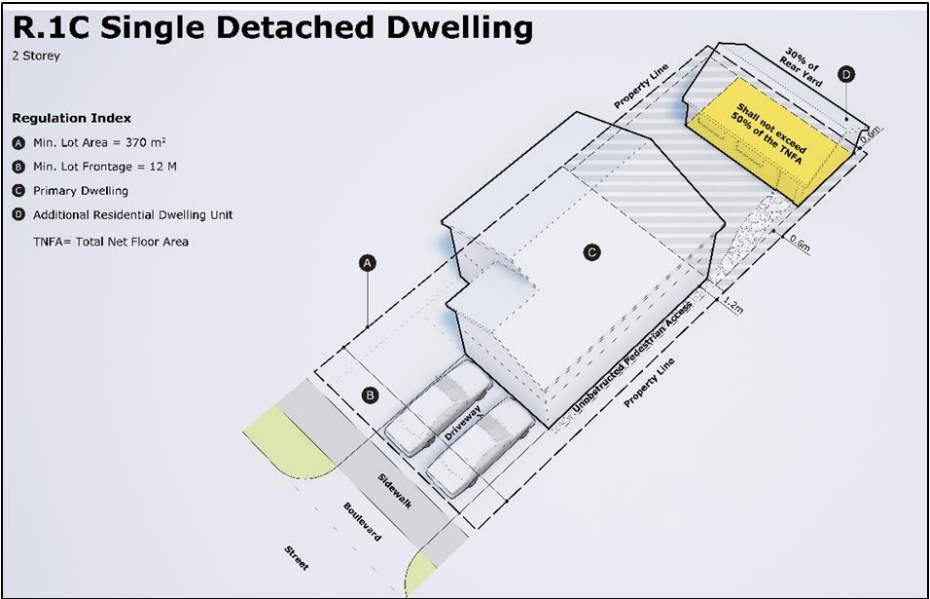
The R.1B lot shown in Figure 1 shows a one storey single detached dwelling and a one storey additional residential dwelling unit on the same lot.



**Figure 1: R.1B Single Detached Property**

In the above illustration, the maximum size of the additional residential dwelling unit in a separate building is limited by the size of the primary dwelling area and not the size of the rear yard. The maximum size of the additional residential dwelling unit in this scenario is 54 m<sup>2</sup>.

The R.1C lot shown in Figure 2 shows a two storey single detached dwelling and a one storey additional residential dwelling unit on the same lot.

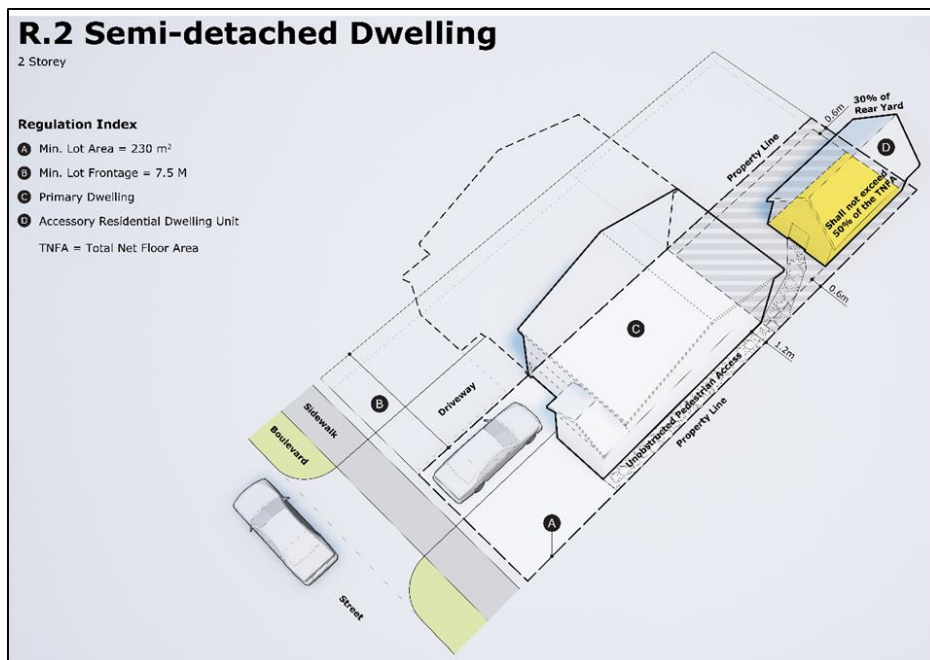


	Primary dwelling	Rear yard
<b>Size dimensions</b>	9.6m by 12m	12m by 12.66m
<b>Area</b>	230.4 m <sup>2</sup>	151.92 m <sup>2</sup>
<b>50% of primary dwelling</b>	115.2 m <sup>2</sup>	
<b>30% of rear yard</b>		45.58 m <sup>2</sup>

**Figure 2: R.1C Single Detached Property**

In the above illustration, the maximum size of the additional residential dwelling unit within a separate building is limited by the size of the rear yard. The maximum size of the additional residential unit in this scenario is 45.58 m<sup>2</sup>.

The R.2 lot shown in Figure 3 shows a two storey semi-detached dwelling and a one storey additional residential dwelling unit on the same lot.



	Primary dwelling	Rear yard
<b>Size dimensions</b>	6.6m by 12m	7.5m by 12.66m
<b>Area</b>	158.4 m <sup>2</sup>	94.95 m <sup>2</sup>
<b>50% of primary dwelling</b>	79.2 m <sup>2</sup>	
<b>30% of rear yard</b>		28.48 m <sup>2</sup>

**Figure 3: R.2 Semi-detached Property**

In the above illustration, the maximum size of the additional residential dwelling unit within a separate building is limited by the size of the rear yard. The maximum size of the additional residential dwelling unit on the R.2 lot is 28.48 m<sup>2</sup>.

The R.3B lot shown in Figure 4 shows a two storey on-street townhouse dwelling and a two storey additional residential dwelling unit on the same lot.



	Primary dwelling	Rear yard
<b>Size dimensions</b>	6m by 13.5m	6m by 10.5m
<b>Area</b>	162 m <sup>2</sup>	63 m <sup>2</sup>
<b>50% of primary dwelling</b>	81 m <sup>2</sup>	
<b>30% of rear yard</b>		18.9 m <sup>2</sup>

**Figure 4: R.3B On-Street Townhouse Property**

In the above illustration, the maximum size of the additional residential dwelling unit within a separate building is limited by the size of the rear yard. The maximum size of the two storey additional residential dwelling unit is 18.9 m<sup>2</sup>. However, the separate building is permitted to be two storeys, therefore allowing a total of 37.8 m<sup>2</sup>. The two storey additional residential dwelling unit shows a minimum 0.6 m rear yard and side yard setback since no entrances or windows face the property line. The rear and side yard setbacks would increase to a minimum of 3 m if an entrance or windows were adjacent to the property line.

A variety of additional residential dwelling unit sizes can be accommodated depending on the floor area of the primary dwelling, yard area and the number of storeys permitted. In the illustrations, the number of bedrooms range from a bachelor for the semi-detached (R.2) lot to three bedrooms for the single detached (R.1B) lot.

## **5.5. Number of Bedrooms**

### **City of Guelph Official Plan and Zoning Bylaw**

The City's Official Plan does not address specific regulations for accessory apartments and therefore does not provide policy with respect to the number of bedrooms permitted in accessory apartments, coach houses and garden suites. However, Official Plan policy 9.2.5.2 notes that coach houses and garden suites are to be subordinate in scale and function to the primary dwelling unit, and compatible in design and scale with the built form of the primary dwelling unit.

The Zoning Bylaw limits accessory apartments to a maximum of two bedrooms. Coach houses and garden suites have been permitted through site-specific zoning bylaw amendments that generally recognize existing situations in the city. Five of the eight site-specific zones permitting a coach house or garden suite do not limit the number of bedrooms, likely because they pre-date the inclusion of this regulation in the bylaw. One specialized zone limits the garden suite to one bedroom and two specialized zones limit the coach houses to two bedrooms.

### **Provincial Planning Act**

The Planning Act does not provide regulations for the number of bedrooms permitted in an additional residential unit or garden suite.

### **Other Municipal Practices**

Municipalities generally do not limit the number of bedrooms in an additional residential unit. Cambridge's draft regulations limit accessory dwellings to two bedrooms.

### **Official Plan Recommendations**

No changes to the Official Plan are needed.

### **Zoning Bylaw Recommendations**

It is recommended that the maximum number of bedrooms be increased from two bedrooms to three bedrooms.

### **Rationale**

The two bedroom limit was initially introduced into the Zoning Bylaw as a companion regulation to the maximum floor area of 80 m<sup>2</sup>. The floor area was deemed to be appropriate for a maximum 2 bedroom unit and further ensured that the units were subordinate. The proposed regulation to limit maximum size of additional residential units is sufficient to ensure that a unit is subordinate while providing increased flexibility in unit design and mix of housing. The existing regulations present enforcement issues with permits being applied for accessory apartments that are designed with two bedrooms and a "special purpose room" (e.g., office, gym, sewing room, etc) and after final inspection the special purpose room is converted to a bedroom without having been approved as such. The increased flexibility for the number of bedrooms will help ensure that the health and

safety of residents is maintained and reduce enforcement issues. In addition, allowing a wider range in the size of units and number of bedrooms, from bachelor to three bedrooms, will accommodate a broader mix of household types and sizes. The City's Affordable Housing Strategy identified that a range of housing types and sizes are required to meet the needs of the City's residents and additional residential dwelling units are identified as an affordable housing type. It is also recommended that the same number of bedrooms be permitted for additional residential dwelling units within the primary dwelling or within a separate building on the same lot. This will ensure that both types of units are treated the same and are consistent with one another.

Smaller lots, due to lot coverage rules, will generally support smaller additional residential dwelling units within a separate building on the same lot, which in turn will limit the number of bedrooms.

## **5.6. Unit Design**

### **City of Guelph Official Plan and Zoning Bylaw**

The City's Official Plan does not provide policy direction regarding the design of accessory apartments. However, Official Plan policy 9.2.5.2 includes the following criteria to be used as the basis for permitting coach houses and garden suites by amendment to the zoning bylaw:

- the use is subordinate in scale and function to the primary dwelling on the lot;
- the use can be integrated into its surroundings with negligible visual impact to the streetscape, and;
- the use is compatible in design and scale with the built form of the primary dwelling unit.

Regulation 4.15.1.1 of the City of Guelph Zoning By-law states that "the external appearance of all *Building* facades and outdoor *Amenity Areas* shall be preserved except dual service meters are permitted." In addition "interior access is required between floor levels and between the *Accessory Apartment* and the host *Dwelling Unit*" under regulation 4.15.1.6.

### **Provincial Planning Act**

The Planning Act does not provide regulations for the design of additional residential units or garden suites.

### **Other Municipal Practices**

Other municipalities integrate additional residential units into the surroundings and streetscape by not allowing any new front entrances and requiring any new entrances to be located in the side or rear yards. London's regulations also note that exterior alterations to the primary dwelling to accommodate an additional residential unit should maintain the character of the primary dwelling.

## **Official Plan Recommendations**

It is recommended that Official Plan Section 9.2.5 be modified to change the title to "Additional Residential Dwelling Units in a separate building and Garden Suites" and to change references to "coach houses" to "additional residential units in a separate building". In addition, that "by amendment to the implementing Zoning Bylaw" be removed since a site-specific amendment is no longer required and a new policy be added to recognize garden suites will be regulated in accordance with the Temporary Use By-law provisions of this Plan.

## **Zoning Bylaw Recommendations**

It is recommended that the regulation requiring the preservation of the external building façade be deleted.

It is recommended that the regulation requiring an interior access between the additional residential dwelling unit and the primary dwelling be maintained.

## **Rationale**

The Official Plan Section 9.2.5 continues to provide proper guidance to the creation of additional residential units in separate buildings and the updated references will ensure appropriate application of these policies. Removing "by amendment to the implementing Zoning By-law" recognizes that a site-specific zoning bylaw amendment is no longer required. The new policy recognizes garden suites are to be implemented through a Temporary Use By-law.

Removing the regulation to preserve the external building façade provides more design flexibility for the location of the exterior access to an additional residential dwelling unit. Design for the exterior access can be accommodated in context sensitive ways without regulation. This also helps with increasing affordable housing supply by permitting more properties to have an additional residential dwelling unit where exterior access was a limiting factor.

Maintaining an interior connection between the primary dwelling and an additional residential dwelling unit maintains emergency access for health and safety purposes as requested by Fire Services. This regulation also provides flexibility for the primary dwelling to maintain an additional residential dwelling unit or convert the dwelling back to an individual dwelling, further ensuring that the additional residential dwelling unit is subordinate to the primary dwelling and is distinct from a duplex dwelling type.

## **5.7. Height**

### **City of Guelph Official Plan and Zoning Bylaw**

The City's Official Plan does not provide policy direction regarding the height of accessory apartments. However, Official Plan policy 9.2.5.2 includes the following criteria to be used as the basis for permitting coach houses and garden suites by amendment to the zoning bylaw:

- the use is subordinate in scale and function to the primary dwelling on the lot;

- the use can be integrated into its surroundings with negligible visual impact to the streetscape; and
- the use is compatible in design and scale with the built form of the primary dwelling unit.

The height of dwelling units, buildings and structures is regulated by the Zoning Bylaw.

The site-specific zones that permit a coach house or garden suite either do not regulate maximum height, limit the height to one storey, or limit the height to two storeys in the case of an existing coach house or a coach house occupying the second storey of a detached garage. In one instance, the maximum height is limited to 7.6 m in addition to a two storey limit. These regulations have generally been applied to recognize existing situations within the city.

The Zoning Bylaw limits accessory buildings or structures in a residential zone to a maximum height of 3.6 m, measured to the mid-span of the roof. Human habitation is not permitted within accessory buildings or structures.

### **Provincial Planning Act**

The Planning Act does not provide regulations for the height of an additional residential unit or garden suite.

### **Other Municipal Practices**

Other municipalities provide regulations to integrate additional residential units into the surroundings and streetscape, and ensure they are accessory, subordinate, or ancillary to a primary dwelling unit through maximum height limits. Generally, a detached additional residential unit must be the lesser of the height of the primary dwelling or a set height that ranges from 3.2 m (flat roof) to 6.1 m (garage included). Municipalities generally limit a detached additional residential unit to one storey, with exemptions provided if a garage is included.

### **Official Plan Recommendations**

No changes to the Official Plan are needed.

### **Zoning Bylaw Recommendations**

It is recommended that a regulation be added to establish a maximum height for an additional residential dwelling unit in a separate building, of two storeys with an overall maximum building height of 6.1 m, as defined and illustrated in the City's Zoning Bylaw.

### **Rationale**

The City's Official Plan states that coach houses are to be "subordinate in scale and function to the primary dwelling on the lot" and that "the use be integrated into its surroundings with negligible visual impact to the streetscape". Establishing a maximum height for an additional residential dwelling unit will assist in meeting this policy. The proposed two storey or 6.1m maximum height allows for variations in

designs of the additional residential dwelling unit; acknowledges that smaller lot sizes may require a second storey to provide an appropriate sized unit; is less than the maximum height of three storeys permitted within residential zones; and allows for additional residential dwelling units to be created above detached garages.

## **5.8. Location and Setbacks**

### **City of Guelph Official Plan and Zoning Bylaw**

The City's Official Plan does not provide policy direction regarding the yard location and setbacks for accessory apartments on a lot. However, Official Plan policy 9.2.5.2 includes the following criteria to be used as the basis for permitting coach houses and garden suites by amendment to the Zoning Bylaw:

- the use is subordinate in scale and function to the primary dwelling on the lot;
- the use can be integrated into its surroundings with negligible visual impact to the streetscape;
- the use is compatible in design and scale with the built form of the primary dwelling unit;
- the orientation of the use will allow for optimum privacy for both the occupants of the new coach house or garden suite and the primary dwelling on the lot; and
- any other siting requirements related to matters such as servicing, parking and access requirements, storm water management and tree preservation can be satisfied.

In the Zoning Bylaw, some of the site-specific zones that allow for coach houses and garden suites include a minimum side yard setback that ranges from 1.1 to 1.2 m. An 11m minimum lot frontage, 82 m<sup>2</sup> minimum rear yard amenity area and 7.5 m minimum rear yard is included in one zone permitting a garden suite. One site-specific zone also includes a 6 m minimum setback between the primary dwelling and the garden suite when a habitable room window faces another habitable room window.

A minimum setback of 0.6 m is required from an accessory building to a rear and side property line, except that two adjoining property owners may erect an accessory building with a common party wall. Accessory buildings or structures are not permitted to be used for human habitation.

### **Provincial Planning Act**

The Planning Act does not provide regulations for the yard location and setback requirements of an additional residential unit or garden suite.

### **Other Municipal Practices**

Other municipalities integrate additional residential units into the surroundings and streetscape, and ensure they are accessory, subordinate, or ancillary to a primary dwelling unit by regulating yard location and setbacks. Detached additional residential units tend to be limited to the rear or side yard and subject to yard setbacks. In Kingston, the detached additional residential unit must comply with the minimum yard setbacks applicable to the primary dwelling unit. Detached additional residential units may locate in the rear or interior side yard with a minimum

setback of 1.2 m. Kingston also requires an entrance at the rear or side to be accessed by a minimum 1.2 m wide unobstructed pathway from the front of the primary building or front lot line. Kitchener's draft regulations also permit detached additional residential units in the rear or interior side yard with a minimum 0.6 m setback. The primary building is to be located a minimum of 2.5 m from side lot line nearest to where the unobstructed walkway is provided, unless the detached additional residential unit has direct access from the street or lane at the rear or exterior side yard. The unobstructed walkway is to be a minimum 1.1 m in width. The City of Ottawa sets a minimum 1 m interior side yard setback and rear yard setback for detached additional residential units where there is no window or entrance. In all other cases the interior side yard and rear yard setback is 4 m.

### **Official Plan Recommendations**

No changes to the Official Plan are needed.

### **Zoning Bylaw Recommendations**

It is recommended that additional residential dwelling units be permitted in a separate building to be located in rear and interior side yards.

It is recommended that a regulation be added to establish minimum 0.6 m side and rear yard setbacks for additional residential dwelling units in a separate building.

It is recommended that notwithstanding the above, a two storey additional residential dwelling unit in a separate building is to have a minimum 3 m side and rear yard setback where there is an entrance or window adjacent to the property line.

It is recommended that a property with an additional residential dwelling unit in a separate building on the same lot, have a minimum of 1.2 m unobstructed pedestrian access in the side yard leading to the entrance of the additional unit, unless access to the additional residential dwelling unit is provided directly from the street or lane.

It is recommended that a regulation be added to establish a minimum distance of 3 m between the primary dwelling and the additional residential dwelling unit on the same lot.

### **Rationale**

The City's Official Plan requires coach houses to be "subordinate in scale and function to the primary dwelling on the lot" and that "the use be integrated into its surroundings with negligible visual impact to the streetscape". Limiting additional residential dwelling units to rear and interior side yards, and establishing appropriate rear and side yard setbacks will assist in meeting this policy. This also aligns with some of the site-specific zoning regulations in Guelph and other municipal trends. The 0.6 m minimum side and rear yard setback requirement proposed for one and two storey additional residential dwelling units without entrances or windows adjacent to the rear and side yard aligns with setbacks for accessory buildings and structures and for residential units in the R.1D zone. The

City will rely on Building Code setback requirements of 1.2 m for one storey detached additional residential dwelling units where there is an entrance or windows. However, two storey detached additional residential dwelling units with an entrance or windows will have an increased setback to provide greater privacy to adjacent properties. The recommended setbacks align with site-specific zoning in Guelph and other municipal trends.

The required side yard setback closest to the unobstructed pedestrian access provides sufficient room to accommodate an unobstructed pedestrian access and provides residents, and emergency personnel and equipment with access to the additional residential dwelling unit, especially in the case of an emergency.

Establishing a minimum distance between the primary dwelling and a detached additional residential dwelling unit protects access to sunlight, amenity space and sufficient access around the buildings.

The unobstructed pedestrian access provides residents, and emergency personnel and equipment with safe access to the additional residential dwelling unit in a separate building on a lot, especially in the case of an emergency.

## **5.9. Parking**

### **City of Guelph Official Plan and Zoning Bylaw**

The City's Zoning Bylaw sets regulations regarding the number, size and location of parking spaces required for various uses. No land, building or structure can be used or erected in any zone unless off-street parking is provided and maintained in accordance with the regulations established for the use.

Currently, a single detached, semi-detached or townhouse requires one parking space per unit. In the zones that permit single detached, semi-detached and on-street townhouses, the required parking space is to be setback a minimum of 6 metres from the property line and is to be located behind the front wall of the primary building. This regulation in effect establishes a minimum of two parking spaces on new residential lots. Single detached and semi-detached dwellings with an accessory apartment require three parking spaces in total. The required off-street parking space for an accessory apartment may be stacked behind the required off-street parking space of the primary dwelling in the driveway. A maximum of two parking spaces are permitted in a stacked arrangement.

The minimum exterior residential parking space dimensions are 2.5 m wide by 5.5 m long. The minimum driveway width to access a street or lane is 3 metres. Maximum driveway widths vary by residential zone.

A number of residential properties, particularly within the older parts of the city, do not have a legal off-street parking space. These properties either don't have a driveway, have a legal non-conforming parking space, such as a small parking area in the front yard, or rely on on-street parking or other arrangements.

The City of Guelph conducted a registered accessory apartment survey from October to November of 2019 to gain a better understanding of the characteristics of accessory apartments, including parking needs. Survey results from 2019 were compared against responses from the survey conducted in 2014 to understand trends over time. Between 2014 and 2019 vehicle use and parking needs increased slightly. However, the percentage of accessory apartment residents who did not own a vehicle remained higher compared to the vehicle ownership of residents of the primary dwelling unit. In 2019, an average of 3.7 parking spaces were provided representing an increase from 3.5 parking spaces in 2014. The majority of residents of the primary unit had two vehicles and the majority of residents of the accessory apartment had one vehicle in both 2014 and 2019. The number of parking spaces required to meet the needs of residents of both units increased slightly to 2.8 parking spaces in 2019 from an average of 2.7 parking spaces in 2014. In 2014 and 2019, 5% of accessory apartment residents did not own a vehicle compared to 1% of primary dwelling unit residents in 2014 and 0% in 2019.

### **Provincial Planning Act**

On September 3, 2019, a new Planning Act regulation regarding additional residential units came into effect that established the following parking standards:

- each additional residential unit shall have one parking space provided and maintained for the sole use of the occupant of the additional residential unit;
- a parking space is not required for the occupant of either additional residential unit where a bylaw, passed under section 34 of the Planning Act, does not require a parking space to be provided for the sole use of the occupant of the primary residential dwelling; and
- a parking space provided for the occupant of an additional residential unit may be stacked.

### **Other Municipal Practices**

Other municipalities vary in their approach to parking rules for additional residential units. Some municipalities do not require additional parking for additional residential units, while others require an additional parking space. Stacked parking is generally permitted and existing required parking spaces cannot be removed to accommodate an additional residential unit.

### **Official Plan Recommendations**

No changes to the Official Plan are needed.

### **Zoning Bylaw Recommendations**

It is recommended that regulations be modified to require one parking space for each additional residential dwelling unit, in addition to the one parking space required for the primary dwelling unit.

It is recommended that regulations be modified to remove the limitation on the number of parking spaces that may be permitted in a stacked arrangement. The modified regulation would permit the required off-street parking spaces for the

primary dwelling unit and additional residential dwelling units to be in a stacked arrangement, i.e. two or three parking spaces can be stacked.

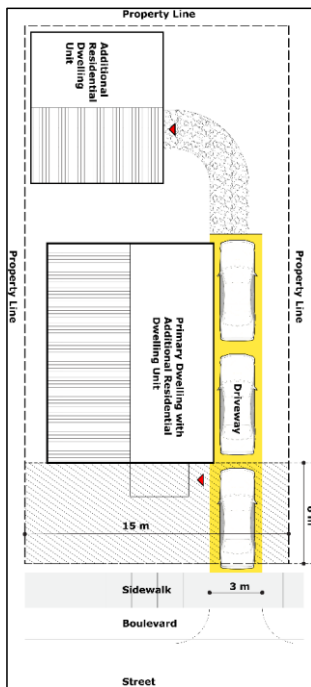
It is recommended that existing lots that have no legal off-street parking space for the primary dwelling, as of the date of the passing of the bylaw, be exempt from providing parking spaces for additional residential dwelling units.

## **Rationale**

The above recommendations align with provincial Planning Act regulations. The City must comply with the Planning Act.

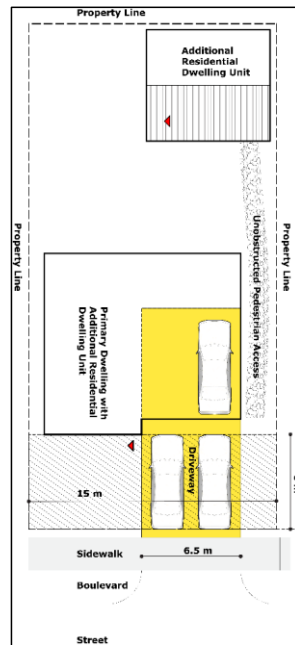
The accessory apartment survey results show that the properties with accessory apartments are generally providing one more space than what is required by the residents of the property. Despite the reduction in required spaces, the increased flexibility in the arrangement of parking spaces on the property should continue to allow parking needs to be met. Flexibility is also given to existing properties that do not have and cannot provide a legal off-site parking space.

The following figures show how the recommended parking regulations would apply to various parking configurations. Figure 5 and Figure 6 show a single detached dwelling that can accommodate three dwelling units in total, i.e. a primary dwelling unit, an additional residential dwelling unit within the primary dwelling and an additional residential dwelling unit within a separate building on the same lot. Figure 5 has three stacked parking spaces while Figure 6 shows a parking space in a garage and two parking spaces side by side in the driveway. Figure 7 shows a semi-detached dwelling that can accommodate two dwelling units in total: a primary dwelling unit and either an additional residential dwelling unit within the primary dwelling or a unit in a separate building on the same lot, with two stacked parking spaces.



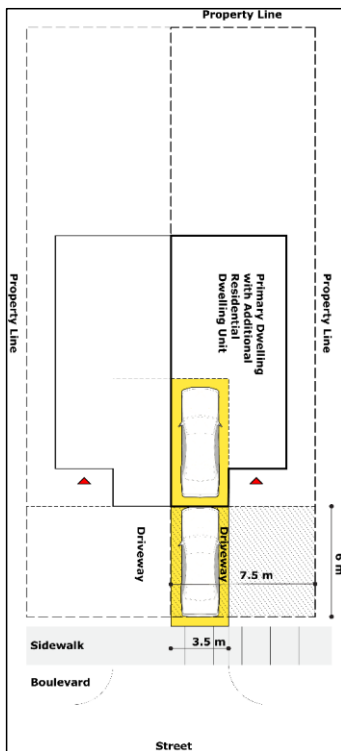
**Figure 5: Single Detached Dwelling with Two Additional Dwellings**

- 3 stacked parking spots in total
- 1 parking space for primary dwelling
- 1 parking space for attached additional dwelling
- 1 parking space for detached additional dwelling



**Figure 6: Single Detached Dwelling with Two Additional Dwellings**

- 4 parking spaces in total
- 1 car in garage
- 2 cars side by side
- 1 parking space for primary dwelling
- 1 parking space for attached additional dwelling
- 1 parking space for detached additional dwelling



**Figure 7: Semi-detached Dwelling with One Additional Dwelling**

- 2 parking spaces in total
- 1 car in garage
- 1 car in driveway
- 1 parking space for primary dwelling
- 1 parking space for either an attached or detached additional dwelling

## **5.10. Servicing**

### **City of Guelph Official Plan and Zoning Bylaw**

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

The City's Zoning Bylaw, under 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.

The current practice is to require individual dwelling units, including coach houses, to have separate servicing from the street and to not be connected into the services

for the primary dwelling unit. This practice is not regulated through the Zoning Bylaw.

### **Provincial Planning Act**

The Planning Act requires that all planning decisions be consistent with the Provincial Policy Statement. Policy 1.6.6.2 of the Provincial Policy Statement states that municipal sewage services and municipal water services are the “preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety”. Intensification and redevelopment are promoted wherever feasible to optimize the use of the services.

### **Other Municipal Practices**

Most municipalities require additional residential units to be on full municipal services. Ottawa’s engineering standards permit municipal services to be provided to detached additional dwellings from the primary dwelling, which keeps costs down and helps prevent a future severance of the additional residential unit. In Kingston, which has urban and rural areas, additional residential units are connected to municipal services or approved private services. A holding provision is used for proposals with potential or known servicing constraints.

### **Official Plan Recommendations**

No changes to the Official Plan are needed.

### **Zoning Bylaw Recommendations**

No changes to the Zoning Bylaw are needed.

### **Rationale**

Design details for how properties connect to municipal services are determined and reviewed by Engineering Services and Building Services and are not regulated in the Zoning Bylaw.

Additional residential dwelling units are to continue to be on full municipal services with exceptions dealt with on a case by case basis.

Any property that proposes to add an additional residential dwelling unit will be subject to the same Official Plan and Zoning Bylaw requirements as a new dwelling, including any exceptions or provisions for application of a minor variance. This requirement aligns with existing regulations and provincial policy.

The City of Guelph is an urban municipality with full municipal services available in most areas with the intent to have all development on full municipal services.

Additional residential dwelling units located in a separate building on the same lot as the primary dwelling may be connected to the primary dwelling unit for water and sanitary services. The connection must meet all applicable codes, such as the plumbing code and building code, and be reviewed by building staff for inspection

and approval. Any new sanitary and storm sewer connections must flow by gravity, as per current standards, to ensure serviceability at the lowest level of buildings, reduce future maintenance costs to the landowner and ensure servicing is available during power outages.

## **6. Conclusions**

This discussion paper reviews the Ontario Planning Act regulations to determine what updates are required to the City of Guelph Official Plan and Zoning By-law. The community engagement feedback and preliminary recommendations of the City's ongoing Comprehensive Zoning Bylaw Review provides a basis and rationale for some of the recommended changes to the City's policies and regulations. The approaches of other municipalities comparable to the City of Guelph were also reviewed.

The recommendations presented in the discussion paper align official plan policies and zoning regulations with provincial rules regarding additional residential units. The alignment will assist with the provision of housing units through the creation of additional residential dwelling units within the City of Guelph. Although additional residential dwelling units are recommended in all zones that permit single detached, semi-detached and on-street townhouse units, not all properties will be able to accommodate them. Streamlined and simple to understand rules will assist with the creation of affordable housing units, ensure the health and safety of our residents, and protect the character of our residential neighbourhoods.

## Appendix A

### City of Guelph Official Plan and Zoning Bylaw Excerpts (Accessory Apartments, Coach Houses and Garden Suites)

#### Official Plan

##### 3.7 Built-up Area and General Intensification

3. Within the *built-up area* the following general intensification policies shall apply:
  - v) a range and mix of housing will be planned, taking into account *affordable housing* needs and encouraging the creation of *accessory apartments* throughout the *built-up area*.

##### 4.4.1 Floodplains

##### Floodproofing Requirements for Residential Uses within the 'S.P.A. Floodplain'

34. In addition to the requirements of policy 4.4.1.33, the following policies apply to the *renovation* of, intensification of, *conversion* to, *development* and *redevelopment* of residential uses.
  2. *Residential intensification*, comprising the building of a new single/semi/duplex on an existing vacant lot, or adding an *accessory apartment* 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:

##### 7.2 Affordable Housing

The City recognizes the importance of housing, including *affordable housing*, in meeting the needs of the city's existing and future residents.

##### Objectives

- d) To recognize the role of existing housing and *accessory apartments* in providing choices for a full range of housing, including *affordable housing*.

##### 7.2.1 Affordable Housing Targets

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*).

##### 9.2.3 Accessory Apartments

1. The City shall provide for the creation of *accessory apartments* in low density residential designations.
2. The *Zoning By-law* will provide specific regulations for *accessory apartments*.

#### **9.2.5 Coach Houses and Garden Suites**

1. *Coach houses* 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* and *garden suites* by amendment to the implementing *Zoning By-law*:
  - i) the use is subordinate in scale and function to the 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 main dwelling unit;
  - v) the orientation of the use will allow for optimum privacy for both the occupants of the new *coach house* or *garden suite* and the 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* and garden suites will be regulated by the provisions of the implementing *Zoning By-law* and shall be subject to site plan control.

#### **10.11 Site Plan Control**

2. All lands within the City of Guelph are designated as site plan control areas except:
  - 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, garden suites, group homes or other special needs housing
4. Council may require design drawings for buildings to be used for residential purposes containing less than twenty-five *dwelling units* within all areas of the city.

#### **11.2.6.3.6 Glenholme Estate Residential**

1. Notwithstanding any other provision of this Secondary Plan, only the following uses shall be permitted:
  - a) Single detached dwelling;
  - b) Accessory apartment; and

- c) Home occupation.

## 12 Glossary

**Accessory Apartment** means:

a *dwelling unit* located within and subordinate to an existing single detached dwelling or semi-detached dwelling.

**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.

**Dwelling Unit** means:

a room or group of rooms occupied or designed to be occupied as an independent and separate self-contained housekeeping unit.

**Garden Suite** means:

(also known as a Granny Flat):

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.

**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 *accessory apartments*, secondary suites and rooming houses.

## Zoning Bylaw

### Zoning By-law Introductory Statement

Abbreviated Summary of Zoning By-law Sections

Section 4: Describes and explains the general regulations which apply to more than one of the Zones in the Zoning By-law. The general regulations cover such matters as: accessory buildings or structures, parking, home occupations, outdoor storage, accessory apartments, etc.

## Section 2 – Interpretation and Administration

2.9 Holding Zones

2.9.1 (xxiv) (H24) 210 and 222 College Avenue East

Purpose

To ensure that the use of the lands is not intensified and that **Use** of the lands for **Accessory Apartment, Bed and Breakfast, Day Care Centre, Group Home, Home Occupation, or Lodging House** does not proceed until the owner has completed certain conditions to the satisfaction of the City of Guelph.

### Section 3 - Definitions

**"Accessory Apartment"** means a **Dwelling Unit** located within and subordinate to an existing **Single Detached Dwelling, Semi-detached Dwelling or Link Dwelling**.

**"Coach House"** shall mean 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. (Site-specific zones R.1B-44(H), R.1B-49(H))

**"Dwelling Unit"** means a room or group of rooms occupied or designed to be occupied exclusively as an independent and separate self-contained housekeeping unit including a house.

**"Garden Suite"** 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.

### Section 4 - General Provisions

4.13 Off-street Parking

4.13.3 Parking Design

4.13.3.1 Access

Every off-street **Parking Area** shall be provided with adequate means of ingress and egress to and from a **Street** or lane and shall not interfere with the normal public use of a **Street**. With the exception of Parking Areas provided for **Single Detached, Semi-Detached, Duplex Dwellings** or **Home Occupations, Group Homes, Bed and Breakfast** establishments, **Accessory Apartments** and **On-Street Townhouses, Parking Areas** shall provide for ingress and egress of **Vehicles** to and from a **Street** in a forward motion only.

4.13.3.2 Parking Space Dimensions

4.13.3.2.2 Despite Section 4.13.3.2.1, the minimum **Parking Space** dimensions for **Single Detached, Semi-Detached** and **Duplex Dwellings** or **Home Occupations, Group Homes, Bed and Breakfast Establishments, Accessory Apartments, Lodging House Type 1, On-Street Townhouses, Cluster Townhouses, Stacked Townhouses** and **R.4 Zones** are 3 metres by 6 metres within a

**Garage** or **Carport**. The minimum exterior **Parking Space** dimensions are 2.5 metres by 5.5 metres.

4.13.4.3 **Residential Land Use Ratios**

**Semi-Detached Dwelling** with an **Accessory Apartment** - 3  
**Single Detached Dwelling** with an **Accessory Apartment** - 3

4.15 **Residential Intensification**

4.15.1 For the purposes of Section 4.15, the following terms shall have the corresponding meaning:

Any **Accessory Apartment** shall be developed in accordance with the following provisions:

4.15.1.1 The external appearance of all **Building** facades and outdoor **Amenity Areas** shall be preserved except dual service meters are permitted.

4.15.1.2 An **Accessory Apartment** shall only be permitted within a **Single-Detached Dwelling** or **Semi-Detached Dwelling**.

4.15.1.3 A maximum of one **Accessory Apartment** shall be permitted in a **Single-Detached Dwelling** or in each half of a **Semi-Detached Dwelling**, provided that the **Single-detached Dwelling** or **Semi-detached Dwelling** is a conforming **Use** in the **Zone** in which it is located.

4.15.1.4 Parking for the **Accessory Apartment** shall be developed in accordance with Section 4.13.

4.15.1.4.1 Notwithstanding Sections 4.13.2.1 and 4.13.3.1 the required off-street **Parking Space** for an **Accessory Apartment** may be stacked behind the required off-street **Parking Space** of the host **Dwelling** in the driveway. A maximum of 2 **Parking Spaces** are permitted in a stacked arrangement.

4.15.1.5 The **Accessory Apartment** shall not exceed 45% of the total **Floor Area** of the **Building** and shall not exceed a maximum of 80 square metres in **Floor Area**, whichever is lesser.

4.15.1.6 Interior access is required between floor levels and between the **Accessory Apartment** and the host **Dwelling Unit**.

4.15.1.7 The **Accessory Apartment** shall not contain more than two bedrooms.

Table 4.25 - **Regulations Governing Lodging House Type 1 and Group Homes**

***Lodging House Type 1***

Row 1, The whole of a **Single Detached Dwelling Unit**. A **Building** containing a **Lodging House Type 1** cannot contain an **Accessory Apartment**.

## Section 5 – Residential Zones

### 5.1 **Residential Single Detached (R.1) Zones**

#### 5.1.1 **Permitted Uses**

The following are permitted **Uses** within the R.1A, R.1B, R.1C, and R.1D **Zones**:

- **Single Detached Dwelling**
- **Accessory Apartment** in accordance with Section 4.15.1
- **Bed and Breakfast** in accordance with Section 4.27
- **Day Care Centre** in accordance with Section 4.26
- **Group Home** in accordance with Section 4.25
- **Lodging House Type 1** in accordance with Section 4.25

### 5.2 **Residential Semi-Detached/Duplex (R.2) Zone**

#### 5.2.1 **Permitted Uses**

The following are permitted **Uses** within the R.2 **Zone**:

- **Duplex Dwelling**
- **Semi-Detached Dwelling**
- **Accessory Apartment** in accordance with Section 4.15.1
- **Bed and Breakfast** in accordance with Section 4.27
- **Group Home** in accordance with Section 4.25
- **Home Occupation** in accordance with Section 4.19

### 5.3 **Residential Townhouse (R.3) Zones**

#### 5.3.1 **Permitted Uses**

The following are permitted **Uses** within the Residential **Townhouse R.3 Zone**:

#### 5.3.1.2 **R.3B – On-Street Townhouse Zone**

- **On-Street Townhouse**
- **Home Occupation** in accordance with Section 4.19
- **Accessory Use** in accordance with Section 4.23

## Section 6 – Commercial Zones

### 6.3 **Downtown (D) Zones**

#### 6.3.1.1 **Permitted Uses**

**Uses** permitted in the Downtown **Zones** are denoted by the symbol “√” in the column applicable to that **Zone** and corresponding with the Row for a specific permitted **Use** in Table 6.3.1.1, below:

Active **Uses** refers to Uses permitted in **Active Frontage Areas** (6.3.2.4).

**Table 6.3.1.1**

Row 1 **Accessory Apartment** – D.2 (1)  
(1) In accordance with Section 4.15.1.

6.3.2.5 **Required Parking in Downtown Zones**

6.3.2.5.1 **Required Parking Spaces**

Notwithstanding Section 4.13.4, off-street Parking Spaces for D.1, D.2, D.3, and D.3a Zones shall be provided in accordance with the following:

**Table 6.3.2.5.1**

Row 3 **Home Occupation, Lodging House Type 1, Accessory Apartment, Group Home, Nursing Home**

In accordance with Section 4.13.4

6.5 **Office Residential (OR) Zone**

6.5.1 **Permitted Uses**

The following are permitted **Uses** within the Office-Residential (OR) **Zone**:

- **Accessory Apartment** in accordance with Section 4.15.1
- **Artisan Studio**
- **Bed and Breakfast** establishment in accordance with Section 4.27
- **Day Care Centre** in accordance with Section 4.26
- **Dwelling Units** with permitted commercial **Uses** in the same **Building** in accordance with Section 4.15.2
- **Duplex Dwelling**
- **Group Home** in accordance with Section 4.25
- **Home for the Aged** or rest home developed in accordance with R.4D **Zone** regulations
- **Home Occupations** in accordance with Section 4.19
- **Medical Office**
- **Office**
- **Personal Service Establishment**
- **School**
- **Semi-Detached Dwelling**
- **Single Detached Dwelling**
- **Tourist Home**
- **Accessory Uses** in accordance with Section 4.23
- **Occasional Uses** in accordance with Section 4.21

## Schedule "B" Specialized Zones Restricted Defined Areas

### 5.1.3.2.19 **R.1B-19**

112 Dufferin Street

As shown on Defined Area Map Number 34 of Schedule "A" of this **By-law**.

#### 5.1.3.2.19.1 Permitted **Uses**

In addition to the **Uses** permitted under Section 5.1.1 of Zoning **By-law** (1995)-14864, as amended, the following **Use** shall also be permitted:

- A coach house.

Notwithstanding the **Uses** permitted in 5.1.3.2.19.1, a coach house located in the R.1B-19 **Zone** shall not be occupied by a **Home Occupation** or **Accessory Apartment**.

#### 5.1.3.2.19.2 Regulations

In accordance with all the regulations of the R.1B **Zone** as specified in Sections 4 and 5.1.2 of Zoning **By-law** (1995)-14864, as amended, with the following additions:

##### 5.1.3.2.19.2.1 Off-Street Parking

In addition to the requirements of Section 4.13, where a coach house has been provided in addition to the main **Dwelling Unit**, a total of 3 **Parking Spaces** shall be required on the property.

##### 5.1.3.2.19.2.2 Location of **Parking Spaces**

One required space may be located within the main floor of the coach house.

##### 5.1.3.2.19.2.3 Number of **Buildings** per **Lot**

Notwithstanding Section 4.4, a coach house is permitted on the same **Lot** as the main **Dwelling Unit** in the R.1B-19 **Zone**.

### 5.1.3.2.28 **R.1B-28**

180 Stevenson Street North

As shown on Defined Area Map Number 45 of Schedule "A" of this **By-law**.

#### 5.1.3.2.28.1 Permitted **Uses**

In addition to permitted **Uses** listed in Section 5.1.1 of Zoning **By-law** (1995)-14864, as amended, the following additional **Use** shall also be permitted:

- **Garden Suite**

- 5.1.3.2.28.2 Regulations  
In accordance with Section 4 (General Provisions), Section 5.1.2 and Table 5.1.2 (Residential Single Detached) **Zone** regulations of Zoning **By-law** (1995)-14864, as amended with the following additions:
- 5.1.3.2.28.2.1 **Garden Suite**
- 5.1.3.2.28.2.1.1 **Gross Floor Area**  
The maximum **Gross Floor Area** of the **Garden Suite** shall not exceed 117 square metres.
- 5.1.3.2.28.2.1.2 **Maximum Building Height**  
The maximum **Building Height** shall be 1 **Storey**.
- 5.1.3.2.28.2.1.3 **Separation Between Buildings**  
A minimum distance of 6 metres shall be maintained between the main **Dwelling** and the **Garden Suite** when a **Habitable Room** window faces another a **Habitable Room** window.
- 5.1.3.2.28.2.1.4 **Off-Street Parking**  
1 **Parking Space** shall be provided for the **Garden Suite**.
- 5.1.3.2.33 **R.1B-33**  
14 Cambridge Street  
As shown on Defined Area Map Number 24 of Schedule "A" of **this By-law**.
- 5.1.3.2.33.1 **Permitted Uses**
- **Single Detached Dwelling**
  - **Accessory Apartment** in accordance with Section 4.15.1
  - **Garden Suite** limited to the accessory **Building** existing on the date of the passing of the **By-law**.
- 5.1.3.2.33.2 **Regulations**  
In accordance with the provisions of Sections 4 and 5.1.2 of **By-law** Number (1995) – 14864, as amended, with the following exceptions:
- 5.1.3.2.33.2.1 **Number of Buildings per Lot**
- Despite Section 4.4, a **Garden Suite** is permitted on the same **Lot** as the **Single Detached Dwelling**.
- 5.1.3.2.33.2.2 **Off-Street Parking**
- Three **Parking Spaces** shall be provided behind the front wall of the main **Dwelling** and one **Parking Space** may

be permitted in the required **Front Yard** for a total of four stacked off-street **Parking Spaces**.

5.1.3.2.33.3 Deleted by By-law (2009)-18734

5.1.3.2.44 **R.1B-44(H)**

As shown on Defined Area Map Number 15 of Schedule "A" of this **By-law**.

5.1.3.2.44.1 **Permitted Uses**

In addition to the permitted **Uses** in Section 5.1.1 of Zoning By-law (1995)-14364, the following additional **Use** shall be permitted:

- **Coach House**

The following definition shall apply in the R.1B-44 **Zone**:

**Coach House** shall mean 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 unit.

5.1.3.4.44.2 **Regulations**

In accordance with provisions of Section 4 and Section 5.1.1 and 5.1.2 of By-law Number (1995)-14864, as amended, with the following exceptions and additions:

5.1.3.4.44.2.1 **Gross Floor Area:**

The maximum **Gross Floor Area** of the **Coach House** shall not exceed 96 square metres.

5.1.3.4.44.2.2 **Minimum Side Yard:**

1.1 metres.

5.1.3.4.44.2.3 **Maximum Number of Bedrooms in Coach House**

2 bedrooms

5.1.3.4.44.2.4 **Maximum Building Height of Coach House**

1 **Storey**.

5.1.3.4.44.2.5 **Off-street Parking:**

5.1.3.4.44.2.5.1 In addition to the requirements of Section 4.13 where a **Coach House** has been provided in addition to the main **Dwelling Unit**, a total of 3 **Parking Spaces** shall be required for the property.

- 5.1.3.4.44.2.5.2 1 of the **Parking Spaces** outlined in Section 5.1.3.4.43.2.5.1 shall be devoted for the exclusive *Use* of the **Coach House**.
- 5.1.3.4.44.2.6 Number of **Buildings** Per **Lot**:  
Despite Section 4.4, a **Coach House** is permitted on the same **Lot** as the main **Dwelling Unit** in the R.1B-44 **Zone**.
- 5.1.3.4.44.2.7 Notwithstanding the **Uses** permitted in Section 5.1.1, a **Coach House** located in the R.1B-44 **Zone** shall not be occupied by a **Home Occupation** or an **Accessory Apartment**.
- 5.1.3.4.44.3 Holding Provision Conditions  
Prior to the removal of the holding symbol "H", the owner shall complete the following conditions to the satisfaction of the **City**:
1. The **City** shall receive a Record of Site Condition from the Ministry of Environment showing the site has been properly rehabilitated.
  2. The owner enters into an agreement, registered on title, containing the conditions of approval endorsed by Council.
- 5.1.3.2.49 **R.1B-49 (H)**  
7 Eden Street and Part of 9 Eden Street  
As shown on Defined Area Map Number 10 of Schedule "A" of this **By-law**.
- 5.1.3.2.49.1 Permitted **Uses**  
In addition to the permitted **Uses** under Section 5.1.1 of **By-law** Number (1995)-14864, as amended, the following Use shall also be permitted:
- **Coach House**
- The following definition shall apply in the R.1B-49 **Zone**:
- Coach House** shall mean 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 unit.
- 5.1.3.2.49.2 Regulations  
In accordance with Section 5.1.2 of the **By-law**, with the following exceptions and additions:
- 5.1.3.2.49.2.1 **Gross Floor Area**

The maximum **Gross Floor Area** of the **Coach House** shall not exceed 65 square metres.

5.1.3.2.49.2.2 Maximum Number of Bedrooms

The **Coach House** shall not contain more than two bedrooms.

5.1.3.2.49.2.3 Maximum **Building Height**

The maximum **Building Height** of the **Coach House** shall be two **Storeys** for the existing **Coach House**. If the **Coach House** is ever demolished and rebuilt, the maximum **Building Height** shall be one **Storey**.

5.1.3.2.49.2.4 Accessory **Buildings** or **Structures**

Despite Section 4.5.1.4, the total ground floor area of all accessory **Buildings** or **Structures** shall not exceed 105 square metres.

5.1.3.2.49.2.5 **Parking Space** Location

Despite Section 4.13.2.1, the legal **Parking Space** for the **Coach House** shall be located in front of the **Coach House** and within 6 metres of the **Street Line**.

5.1.3.2.49.2.6 Parking in Residential **Zones**

Despite Section 4.13.7.2, two **Driveways (Residential)** shall be permitted.

5.1.3.2.49.2.7 Maximum **Driveway (Residential)** Width

The **Driveway (Residential)** located in front of the **Coach House** shall have a maximum width of 3.0 metres.

5.1.3.2.49.2.8 Notwithstanding the **Uses** permitted in Section 5.1.1 of **By-law** Number (1995)-14864, as amended, a **Coach House** located in the R.1B-49 **Zone** shall not be occupied by a **Home Occupation** or **Accessory Apartment**.

5.1.3.2.49.3 Holding Provisions

Purpose: To ensure that the development of the lands does not proceed until the owner has completed certain conditions to the satisfaction of the **City**.

Prior to the removal of the Holding ('H') Symbol, the owner shall complete the following conditions to the satisfaction of the **City**:

1. The owner shall submit to the City, a site plan for the **Coach House** in accordance with Section 41 of the Planning Act. The site plan shall include: elevations, landscaping, parking, grading, drainage and servicing

information for the **Coach House** to the satisfaction of the General Manager of Planning, Urban Design and Building Services and the City Engineer.

2. The Consent application (lot line adjustment with 9 Eden Street) shall be submitted and finalized (Certificate of Official issued) to ensure that parking for the main **Dwelling Unit** and *Accessory Apartment* can be accommodated on the subject property.

5.1.3.3.23 **R.1C-23**

As shown on Defined Area Map Number 75 of Schedule "A" of this **By-law**.

5.1.3.3.23.1 Permitted **Uses**

In addition to the permitted **Uses** outlined in Section 5.1.1 of this **By-law**, the following permitted *Use* shall be allowed:

- a **Garden Suite Dwelling Unit** occupying the second **Storey** of a **Detached Garage**.

5.1.3.3.23.2 Regulations

1. General Sight Lines  
Section 4.6.2.2 shall not apply in this **Zone**.
2. Off-Street Parking Location  
Despite Section 4.13.2.1, an off-street **Parking Space** located in a **Garage** can be located 0.6 metres from Wilkie Crescent and Laughland Lane.
3. Accessory **Buildings** or **Structures**
  - a) Despite Section 4.5.1, a Detached **Garage** shall have a minimum **Front Yard** of 0.6 metres from Wilkie Crescent and Laughland Lane.
  - b) Despite Section 4.5.4, **Accessory Buildings** and **Structures** can occupy a maximum of 15% of the **Lot Area**.
  - c) Despite Section 4.5.1.1, a maximum area of 42% of the **Front Yard** between Wilkie Crescent and Laughland Lane and the nearest foundation wall of the main **Building** facing the public **Street Lines** can be occupied by **Buildings** and **Structures**.

- 5.1.3.3.23.2.1 For all **Uses** outlined in Section 5.1.1 of this **By-law**, the regulations in Section 5.1.2 shall apply, with the following exception:
- Minimum **Front Yard**  
Despite Table 5.1.2, Row 6, 4.5 metres from the Tolton Drive **Street Line** with no vehicular access to the **Street**.
- 5.1.3.3.23.2.2 For a **Garden Suite** occupying the second **Storey** of a **Detached Garage**, the regulations in Section 5.1.2 shall apply with the following exceptions and additions:
1. Despite Section 4.5.2.1, a **Detached Garage Dwelling Unit Building** shall have a maximum **Building Height** of two **Storeys**.
  2. Despite Section 4.5.3, a **Garden Suite Dwelling Unit** may occupy the second **Storey** of a **Detached Garage Building** and be used for human habitation.
- 5.1.3.3.24 **R.1C-24**  
As shown in Defined Area Map Number 73 of Schedule "A" of this **By-law**.
- 5.1.2.2.24.1 Permitted **Uses**  
In addition to the permitted **Uses** outlined in Section 5.1.1 of this **By-law**, the following permitted **Uses** shall be allowed:
- A **Garden Suite Dwelling Unit** occupying the second **Storey** of a **Detached Garage**
- 5.1.3.3.24.2 Regulations  
In accordance with the provisions of Section 5.1.2 of **By-law** Number (1995)-14864, as amended, with the following exceptions:
- 5.1.3.3.24.2.1 Off-Street Parking Location
- i. Despite Section 4.13.2.1, Section 4.5.1, and Table 5.1.2 Rows 9 and 12, an off-street **Parking Space** located in a **Detached Garage** can be located 5.5 metres from the **Street Line**, when the **Driveway** is located between the **Street Line** and **Detached Garage**.
  - ii. Despite Section 4.13.2.1, Section 4.5.1, Table 5.1.2 Rows 9 and 12, an off-street **Parking Space** located in a **Detached Garage** can be located 3.0 metres from the **Street Line**, when no portion of the **Driveway** is between the **Street Line** and **Detached Garage**.

- 5.1.3.3.24.2.2 Accessory **Buildings** or **Structures**
- i. Despite Section 4.5.1 and Table 5.1.2 Row 9, a **Detached Garage** located behind the detached dwelling shall have a minimum **Front Yard** setback of 3.0 metres.
  - ii. Despite Section 4.5.1.1 and Table 5.1.2 Row 9, a maximum area of 42% of the **Front Yard** where a **Detached Garage** is located between the **Street Line** and the nearest foundation wall of the main residential **Building** facing the public **Street Line** can be occupied by **Buildings** and **Structures**.
- 5.1.3.3.24.2.3 Minimum **Front Yard**
- Despite Table 5.1.2, Row 6, the main residential **Building** shall be 4.5 metres from the **Street Line** with no vehicular access to that **Street**.
- 5.1.3.3.24.2.4 **Garden Suite Dwelling Unit** Regulations
- For a **Garden Suite Dwelling Unit** occupying the second **Storey** of a **Detached Garage**, the regulations in Section 5.1.2 shall apply with the following exceptions and additions:
- i. Despite Section 4.5.2.1, a **Detached Garage** with a **Garden Suite Dwelling Unit** shall have a maximum **Building Height** of two **Storeys** and 7.6 metres.
  - ii. Despite Section 4.5.3, a **Garden Suite Dwelling Unit** may occupy the second **Storey** of a **Detached Garage Building** and be used for human habitation, provided that there is not an **Accessory Apartment** in the main residential **Building**.
  - iii. On a property with a **Garden Suite Dwelling Unit** in a **Detached Garage**, an **Accessory Apartment** will not be permitted in the main residential **Building**.
- 5.1.3.4.17 **R.1D-17**
- As shown on Defined Area Map Number 75 of Schedule "A" of this **By-law**.
- 5.1.3.4.17.1 Permitted **Uses**
- In accordance with the **Uses** permitted by Section 5.1.1 of this By-law, with the following additional use:
- **Garden Suite**
- 5.1.3.4.17.2 Regulations
- In accordance with the provisions of Section 5.1.2 of **By-law** Number (1995)-14864, as amended, with the following exceptions and additions:

- 5.1.3.4.17.2.1     Minimum **Lot Area**  
500 square metres
- 5.1.3.4.17.2.2     Minimum **Lot Frontage**  
11 metres
- 5.1.3.4.17.2.3     Minimum **Side Yard**  
1.2 metres
- 5.1.3.4.17.2.4     Minimum **Rear Yard Amenity Area**  
82 square metres
- 5.1.3.4.17.2.5     Maximum Floor Area of **Garden Suite**  
60 square metres
- 5.1.3.4.17.2.6     Maximum Number of Bedrooms in **Garden Suite**  
1 bedroom
- 5.1.3.4.17.2.7     Maximum **Building Height** of **Garden Suite**  
1 **Storey**
- 5.1.3.4.17.2.8     Minimum **Side Yard** for **Garden Suite**  
1.2 metres
- 5.1.3.4.17.2.9     Minimum **Rear Yard** for **Garden Suite**  
7.5 metres