

OFFICIAL PLAN AMENDMENT NO. XX
OFFICIAL PLAN OF THE
TOWNSHIP OF HAMILTON

ADDITIONAL RESIDENTIAL UNITS

Prepared For:

The Corporation of
the Township of Hamilton

Prepared By:

Fotenn Planning + Design
Kingston, Ontario

March 12, 2021

**THE CORPORATION OF
THE TOWNSHIP OF HAMILTON**

BY-LAW NO. 2021-XX

Being a By-law passed pursuant to the provisions of Section 17 and 21 of the *Planning Act*, R.S.O. 1990, as amended.

The Council of the Corporation of the Township of Hamilton, in accordance with the provisions of Sections 17 and 21 of the *Planning Act*, R.S.O. 1990, as amended, hereby enacts as follows:

1. Amendment **No. XX** to the Official Plan of the Township of Hamilton, consisting of the attached explanatory text, is hereby adopted.
2. The Clerk is hereby authorized and directed to make application to the County of Northumberland for approval of Amendment **No. XX** to the Official Plan of the Township of Hamilton.
3. The Clerk is hereby authorized and directed to proceed with the giving of notice under Section 17(23) of the *Planning Act*.
4. This By-law shall come into force and take effect on the day of final passing thereof.

Enacted and passed this _____ day of _____, 2021.

Signed: _____

Mayor, Bill Cane

CORPORATE SEAL OF
MUNICIPALITY

Signed: _____

Municipal Clerk, Kate Surerus

**CERTIFICATE
AMENDMENT NO. XX
OFFICIAL PLAN OF THE
TOWNSHIP OF HAMILTON**

The attached explanatory text, constituting Amendment No. XX to the Official Plan of the Township of Hamilton, was prepared by the Council of the Township of Hamilton and was adopted by the Council of the Township of Hamilton by By-law No. 2021-XX in accordance with the provisions of Sections 17 and 21 of the *Planning Act*, R.S.O. 1990, on the _____ day of _____, 2021.

Signed: _____

Mayor, Bill Cane

CORPORATE SEAL OF
MUNICIPALITY

Signed: _____

Municipal Clerk, Kate Surerus

This Amendment to the Official Plan of the Township of Hamilton, which has been adopted by the Council of the Township of Hamilton, is hereby approved in accordance with the provisions of Sections 17 and 21 of the *Planning Act*, R.S.O. 1990, as Amendment No. XX to the Official Plan of the Township of Hamilton.

Date

Nancy MacDonald
Clerk
County of Northumberland

AMENDMENT NO. XX
TO THE
OFFICIAL PLAN OF THE
TOWNSHIP OF HAMILTON

TABLE OF CONTENTS

	PAGE
ADOPTION BY-LAW	
CERTIFICATE	
TABLE OF CONTENTS	1
INTRODUCTION	2
PART 'A' – THE PREAMBLE	3
1. Purpose of the Amendment	3
2. Basis of the Amendment	3
PART 'B' – THE AMENDMENT	4
1. Introductory Statement	4
2. Details of the Amendment	4
3. Implementation and Interpretation	5
PART 'C' – APPENDICES	6
Appendix No. 1 Background Report – Second Residential Units	7
Appendix No. 2 Presentation to Council dated November 10, 2020	37
Appendix No. 3 Planning Report (Fotenn) dated March 12, 2021	40

OFFICIAL PLAN AMENDMENT NO. XX

PART “A” – THE PREAMBLE does not constitute part of this Amendment.

PART “B” – THE AMENDMENT consisting of the following text constitutes Amendment No. **XX** to the Official Plan for the Township of Hamilton.

Also attached is **PART “C” – APPENDICES** which do not form part of this amendment. The appendices contain copies of the Background Report – Second Residential Units from Fotenn Planning + Design, which provides the basis and recommendations relating to the amendment, a copy of the Presentation to Council dated November 10, 2021 regarding the additional residential units, as well as a Planning Report (Fotenn) dated on March 12, 2021.

PART A – THE PREAMBLE

PURPOSE

The purpose of the Official Plan Amendment (OPA) is: (1) to amend Section 1.8 Definition of Terms of the Township's Official Plan to introduce a definition for 'Additional Residential Unit'; (2) to amend Section 3.1ii Residential Policies to amend the existing wording of the policy and to introduce policy direction related to additional residential units; and (3) to amend Section 4.1 Agricultural – Permitted Uses to limit the sprawl of residential uses in the rural area. These amendments are intended to support a diversified housing market to offer affordable housing for homeowners and tenants, provide appropriate living arrangement for seniors or others requiring assisted living services, respond to trends in the decline of household size, and increase residential densities which support efficient land use patterns for servicing and transit. These amendments will also bring the Township's policies and regulatory control into compliance with provincial legislation.

BASIS

In December of 2019 the Township of Hamilton retained Fotenn Planning + Design to conduct a review of municipal approaches to the regulation of additional residential units within other Ontario municipalities, prepare a background report to summarize these findings, and recommend policies updates to bring the Township's regulatory documents into conformity with provincial legislation and the County Official Plan. A presentation to Council was held on November 10, 2020 to share background research and preliminary policy recommendations, as well as receive comments from Council and the public. The report presented to Council and the presentation provided to Council are included as **Part C – Appendix**.

Currently, the Official Plan does not contemplate Additional Residential Units. Consequently, this restricts the potential for alternative and more affordable housing options within the Township. The Official Plan Amendment, contained herein, will provide clarity to municipal planners, prospective developers and the public regarding the appropriate location, as well as site development requirements for Additional Residential Units in the Township.

PART B – THE AMENDMENT

1. INTRODUCTORY STATEMENT

All of this Part of the document entitled Part B – The Amendment consisting of the following text constitutes Amendment No. "XX" to the Official Plan of the Township of Hamilton.

2. DETAILS OF THE AMENDMENT

The Official Plan of the Township of Hamilton is hereby amended as follows:

1. Section **1.8 Definition of Terms** is hereby amended by the addition of a new subsection "**i) Additional Residential Unit**", which shall read as follows:

- i) **ADDITIONAL RESIDENTIAL UNIT** means
 - a) a self-contained residential unit containing a private kitchen, bathroom facilities and sleeping areas within dwellings or within structures (such as above a garage or within a detached accessory structure), accessory to the principal residential dwelling and located on the same lot.

2. Section **3.1ii) Residential Policies** is hereby amended as follows:

(i) By deleting the words "Up to one accessory apartment unit shall be permitted in a single detached, semi-detached or row house dwelling, subject to Section 16 (3) of the Planning Act. Exceptions may occur where development constraints such as servicing, hazard or environmental constraints would preclude such development."

(ii) By replacing it with "Up to one additional residential unit shall be permitted in a single detached dwelling, in a semi-detached dwelling on lot or in a row house dwelling on lot, and up to one additional residential unit shall be permitted in a detached accessory structure, subject to Section 16 (3) of the Planning Act. Exceptions may occur where development constraints such as servicing, hazard or environmental constraints would preclude such development."

Additional residential units shall comply with the following provisions:

- a) All applicable laws and standards, including the Ontario Building Code and Fire Code, and property standard by-laws.
- b) Applicable fees:
 - i. Additional residential units are exempt from township development charges.
 - ii. Additional residential units may be subject to County development charges. Refer to County Development Charges By-law.
 - iii. Additional residential units are subject to applicable building permit fees.
- c) Additional residential units may be connected to the same servicing system for potable water and sewage disposal as the main dwelling on the lot pending approval of the municipality and authority having jurisdiction. If the servicing system is deemed to be inadequate to support the proposed additional residential unit(s), it is up to the property owner/applicant to provide an alternative servicing system to the satisfaction of the municipality and any other authority having jurisdiction as the case may be.

- d) A maximum of two additional residential units per lot may be permitted.
 - i. One additional residential unit shall be permitted in a single detached dwelling, in a semi-detached dwelling on a lot, or in a row house dwelling on a lot; and
 - ii. One additional residential unit shall be permitted in a building accessory to a single detached, semi-detached dwelling, or row house dwelling.
- e) Where additional residential unit(s) is/are proposed, the owner shall investigate whether an adequate supply of potable water is available, and that the site can assimilate wastes from the sewage disposal system without exceeding Ministry of the Environment and Climate Change guidelines for groundwater impact. Such information must accompany the building permit application, to the satisfaction of the Municipality and the authority having jurisdiction.
 - i. Where up to two additional residential units are proposed and the site is serviced with municipal water, a servicing statement is required from the municipality's water purveyor.
 - ii. Where up to two additional residential units are proposed, and the site is privately serviced, the owner shall provide a current well test completed by licensed well contractor, showing well flow rate along with a current potable water test from the local Health Unit.
- f) Additional residential units shall be permitted within and accessory to single, semi-detached, or row house dwellings in all land use designations that permit single detached, semi-detached, and row house dwelling, subject to the policies of this Plan and the implementing Zoning By-law.
- g) A detached additional residential unit shall not be severed from the lot containing the principal residential unit. This shall not prohibit the severance of surplus farm dwellings.

3. Section **4.1 Agricultural – Permitted Use** is hereby amended as follows:

(i) By deleting the words “A maximum of two dwelling houses may be permitted on a farm. A second accessory dwelling shall be used for an employee engaged full time in the agricultural activity on the property. Nothing in this policy should be construed as encouraging or allowing for the subsequent severance of the second accessory dwelling.”

(ii) By replacing it with “Additional residential units may be permitted if located within the area of the primary farm cluster and are subject to the policies of this Plan and the implementing Zoning By-law. Nothing in this policy should be construed as encouraging or allowing for the subsequent severance of the second additional dwelling.”

3. IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of Official Plan Amendment **No. XX** shall be in accordance with the respective policies of the Official Plan of the Township of Hamilton.

Appendix 1
Fotenn Planning + Design
Background Report – Second Residential Units

Background Report – Second Residential Units

Township of Hamilton

Introduction

Fotenn Planning + Design was engaged by the Township of Hamilton in December 2019 to undertake a review of second residential unit policies and prepare a best practices report. This report is intended to facilitate a Township-wide Official Plan and Zoning By-law amendment to permit and introduce policies related to second residential units within the Township of Hamilton. Our services consisted of conducting research regarding municipal approaches to the regulation of second residential units within other Ontario municipalities. Municipal Official Plans and Zoning By-laws were reviewed and conversations with Township staff were conducted to determine an appropriate Official Plan and Zoning By-law approach. Based on the information gathered, and to bring the Township's documents into conformity with provincial legislation and the County Official Plan, both an Official Plan amendment and Zoning By-law amendment are necessary to permit and regulate second residential units within the Township. Recommended definitions and policies are provided in this report which align with the Township's strategic direction to facilitate the permission and regulation of second residential units within the Township.

Background

Second residential units are self-contained dwelling units with a private kitchen, bathroom facilities and sleeping areas within dwellings or within structures ancillary to the dwelling. The units are often, but not always, located within the basement of single-detached, semi-detached or row house dwellings. Second residential units have been promoted as means of diversifying the housing market to offer affordable housing for both homeowners and tenants, provide appropriate living arrangement for seniors or others requiring assisted living services, responding to trends in the decline of household size, and increasing residential densities which support efficient land use patterns for servicing and transit. Second residential units are regulated by all provincial standards and legislation, along with local municipal planning documents including Official Plans and Zoning By-laws.

The Provincial Policy Statement (2014) supports the establishment of second residential units and intensification of residential areas. Section 1.0 Building Strong Health Communities provides the following policy:

1.1.1 Healthy, liveable and safe communities are sustained by: b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

Section 1.1.3 provides policies related to Settlement Areas:

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Section 1.1.4.1 provides direction for Rural Areas in Municipalities:

1.1.4.1 Healthy, integrated and viable rural areas should be supported by: c) accommodating an appropriate range and mix of housing in rural settlement areas;

As well, Section 1.4 Housing provides the following policy:

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by: b) permitting and facilitating: 1. all forms of housing required to meet the social, health and wellbeing requirements of current and future residents, including special needs requirements; and 2. all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;

The 2014 Provincial Policy Statement supports the establishment of second residential units and seeks to ensure appropriate accommodation is provided in settlement areas and rural areas.

The draft 2019 Provincial Policy Statement was also reviewed. New policy direction related to second residential units is provided:

1.1.1 Healthy, liveable and safe communities are sustained by: b) accommodating an appropriate market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

1.4.3 b) permitting and facilitating: 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;

The draft policies of the 2019 Provincial Policy Statement, which are anticipated to come into effect shortly, introduce the language of ‘additional residential units’ which indicates a support for more than one second residential unit on a property.

Bill 108, More Homes, More Choices Act, 2019 amended subsection 16(3) of the *Planning Act* which required official plans to contain policies to permit one second residential unit on a property, either within the principal dwelling or within an ancillary structure. This subsection was re-enacted to require official plans to permit a maximum of two second residential units on a property, both within a principal dwelling and within an ancillary structure. As such, a total of three residential units on a property are supported by provincial legislation.

The *Northumberland Housing and Homelessness Plan 2014-2023* (“Plan”) states that Northumberland County seeks to facilitate housing that provides choice and responds to community need. The *Plan* identifies that the County has a higher than national average percentage of seniors and an average of 80 new renters are expected each year. A municipal planning objective identified in the *Plan* states that “*area Municipal Official Plans and zoning by-laws should be updated to permit the creation of second units in homes in municipally-serviced areas. This will help create needed rental housing and also assist some homeowners with their own housing costs*”.

Similarly, the *Northumberland County Affordable Housing Strategy* (“Strategy”) published in February 2019, states that a community’s housing supply should respond to a range of housing need. The *Strategy* provides

an extensive review of the County's population demographics, including those of Hamilton Township. Household size is shrinking in the County, with the majority of households made up of couples without children or persons living along, suggesting a need for smaller dwelling sizes. Despite this decline in household size, the majority of homes in the County are single-detached dwellings and Hamilton has the highest share of single-detached dwellings at 94.5% compared to other municipalities within the County.

The high proportion of single-detached dwellings provides an opportunity to establish second residential units. In rural communities, it is often uneconomical and challenging to service apartment buildings which potentially offer smaller unit sizes or more affordable housing options. As such, second residential units are a good source of rental units and commonly rely on single-detached dwellings to be established. Second residential units, particularly in rural communities, contribute to diversifying the housing supply as well as supporting the rental market and affordable housing. The *Strategy* states that "*Hamilton has the lowest share of rental housing in Northumberland and while home ownership may be the ideal for many households, a good balance between rental and ownership options in a community would ensure that all residents in that community have housing choices.*"

In accordance with provincial legislation, the Northumberland County Official Plan, 2014 requires municipalities to adopt Official Plan and Zoning By-law policies that allow second residential units.

Methodology

An initial review of Ontario municipal Official Plans and Zoning By-laws was conducted for 10 municipalities to identify those that have permissive policies in terms of defining and providing regulations for second residential units. Based on this review, five (5) municipalities either do not provide direction for second residential units or they only temporarily permit detached garden suites. The remaining five (5) municipalities do provide definitions and regulations for second residential units within their Official Plans and Zoning By-law.

The following provides a list of the municipalities that provide direction for second residential units:

1. Township of Alnwick-Haldimand
2. Municipality of Port Hope
3. City of Quinte West
4. City of Belleville
5. City of Kingston

A full list of the municipalities reviewed, and their applicable policies, is provided in Appendix B. Our review revealed the majority of municipalities that provide regulations, do not reference the term 'second residential units', but rather refer to "second dwelling units", 'second unit dwellings', 'accessory apartment', or 'accessory residential dwellings'.

Analysis

All municipal Official Plans that include policies for second residential units either within the principal dwelling or within a detached structure include a related definition. The following provides a selection of definitions based on our Official Plan review:

Second Dwelling Units: Second units, also known as accessory or basement apartments, secondary suites and in-law flats, are self-contained residential units with kitchen and bathroom facilities within

dwellings or within structures accessory to dwellings (such as above laneway garages). (Alnwick-Haldimand Official Plan)

Accessory Residential Dwelling Units: shall be defined as separate and complete dwelling units that are contained within a structure of a single detached, semi-detached, or townhouse dwelling or in a building ancillary to a detached house, semidetached house or townhouse, if the house, semi-detached house or townhouse contains a single residential unit. (Township of Port Hope Official Plan)

Second Residential Unit: A dwelling unit which is ancillary to a principal residential unit, and is located on the same lot therewith. (City of Kingston Official Plan)

In addition to providing a definition, many municipalities also provide specific policies related to second residential units. The following provides a selection of these policies, and is not comprehensive, all policies can be found in Appendix B.

The zoning by-law shall identify locations where second residential units are permitted, being all areas that permit single detached dwellings, semi-detached dwellings, and linked and row houses.

Second dwelling units must comply with all applicable laws and standards, including the Ontario Building Code and Fire Code, and property standard by-laws.

Where a second dwelling unit is proposed, the owner shall investigate whether an adequate supply of potable water is available, and that the site can assimilate wastes from the sewage disposal system without exceeding Ministry of the Environment and Climate Change guidelines for groundwater impact. Such information must accompany the building permit application, to the satisfaction of the Municipality and the Health Unit.

An accessory dwelling unit shall be connected to the same servicing system as the main dwelling on the lot. Adequate servicing shall be available to accommodate the accessory dwelling unit, including, but not limited to water, waste water and electricity. For lots in the rural area, it shall be demonstrated that sufficient well and septic capacity is available to accommodate the additional unit. The Municipality may require studies to demonstrate that servicing capacity exists to accommodate new units.

An accessory residential unit within a single detached dwelling is required to be incidental to the primary residential use, and is not permitted to exceed one-third of the total habitable floor space of the primary residential use.

A detached second residential unit shall not be severed from the lot containing the principal residential unit.

Tandem parking spaces shall be permitted to facilitate a second residential unit.

Based on our review, many municipalities provide specific provisions within their zoning by-laws related to second residential units. Similar to the previous section, the following provides a selection of these policies, and is not comprehensive, all policies can be found in Appendix B.

A maximum of two secondary dwelling units per lot may be permitted. One (1) additional dwelling unit may be permitted within an existing or new single detached, semi-detached or row dwelling. One (1)

additional dwelling unit may also be permitted within a building or structure accessory to single detached, semi-detached or row dwelling.

Secondary dwelling units shall be clearly subordinate to the main use on the same lot.

The maximum floor area used for a second dwelling unit within a primary dwelling shall not exceed 50% of the gross floor area of the entire building in which it is located.

One (1) parking space is required for each secondary dwelling unit, in addition to the parking required for the single detached, semi-detached or townhouse dwelling. Tandem parking to accommodate secondary dwelling units is permitted.

Where a secondary dwelling unit is located within a detached ancillary building, the following provisions apply: A secondary dwelling unit must be located in the interior side yard or rear yard of the primary dwelling.

Second Residential Units shall be exempt from any minimum lot area requirement established per Dwelling Unit on a lot.

Where a Second Residential Unit is attached to the Principal Dwelling Unit, the Second Residential Unit must have a separate exterior entrance. The separate entrance may be located at the side, rear or front of the Principal Dwelling Unit. A separate entrance may also be provided through a joint front entrance vestibule with the Principal Dwelling Unit.

These policies illustrate the variety of policies necessary and appropriate to regulate second residential units. While the Township of Hamilton's Official Plan does not provide regulations for second residential units within the municipality, policies exist which permit temporary 'garden suites' and support residential intensification through accessory apartment or secondary suites. The following are policies from the Township of Hamilton Official Plan:

Section 1.8 (xvii) Residential Intensification a) means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes: 5. the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, secondary suites and rooming houses.

Section 3.1 Residential Policies i) A full range of residential development shall be permitted including single detached, semi-detached, duplex, converted and multiple unit dwellings. ii) Up to one accessory apartment unit shall be permitted in a single detached, semidetached or row house dwelling, subject to Section 16 (3) of the Planning Act. Exceptions may occur where development constraints such as servicing, hazard or environmental constraints would preclude such development.

Section 13.1.2 Temporary Use By-laws Pursuant to Section 39 of the Planning Act, the Municipality may authorize the temporary use of land, buildings or structures for any purpose otherwise prohibited by the Zoning By-law. The temporary use may be initially authorized for a period of time up to three years from the date of the passing of the by-law, except in the case of garden suites which may be authorized for up to ten years. A Temporary Use By-law may be extended by by-law for further periods of not more than three years each. Upon the expiry of a Temporary Use By-law, the use authorized by the by-law shall cease, unless extended by by-law. Where deemed appropriate by the Municipality, a Temporary Use By-

law may be adopted for a purpose which does not conform to the Official Plan, provided that the long-term objectives and policy direction of the Plan shall not be adversely affected by the by-law.

These policies indicate that accessory apartments and secondary suites are only permitted within single detached, semi-detached or row dwellings. The Official Plan does not provide a definition for secondary suites or accessory apartments. The Official Plan only temporarily permits detached “garden suites”.

Considerations

The review and analysis of municipal approaches for official plan policies and zoning by-law provisions related to second residential units identified a variety of regulating provisions. Additional consideration is necessary regarding servicing capacity, required supporting studies and the associated financial cost, as well as what the zoning by-law amendment should consist of.

Review of municipal policies indicates that second residential units, either within or detached from the principal structure, should be serviced by the principal dwelling, whether municipal servicing or private servicing. Necessary servicing capacity has to be determined prior to the issuance of a building permit to ensure that capacity exists to support the second residential unit(s) on a property. Zoning provisions can be introduced to require investigation as to whether adequate servicing is available to the satisfaction of the municipality. Without this satisfaction, a second residential unit would not be permitted on a property.

For instance, the City of Kingston has implemented a Holding provision for properties located within a servicing constraint area of the municipality, both within and outside the municipally serviced area of the City. In order to remove the Holding provisions, landowners are required to complete professional reports and assessments, such as a Hydrogeology Study, septic test, or Servicing Report, to ensure adequate servicing is available to support a second residential unit on a property.

The financial cost associated with individual landowners undertaking these professional studies (e.g. Hydrogeological Study, Servicing Report) should be considered. The costs associated with a hydrogeological report compared to a well record report are significant and could deter landowners from legally establishing second residential units or establishing units in general.

In comparison, the Township of Alnwick-Haldimand requires an owner to *“investigate whether an adequate supply of potable water is available, and that the site can assimilate wastes from the sewage disposal system without exceeding Ministry of the Environment and Climate Change guidelines for groundwater impact. Such information must accompany the building permit application, to the satisfaction of the Municipality and the Health Unit.”* A policy and requirement such as this would significantly reduce the cost barrier associated with establishing second residential units.

It may be beneficial to require this investigation for properties both within the partially serviced area of the municipality as well as privately sites to ensure both private capacity or municipal capacity is available to support second residential units.

A further consideration relates to the proposed zoning by-law amendment. Should amendments occur to the General Provisions section of the zoning by-law or to specific zones? Provisions related to second residential units within the General Provisions would leave neighbourhood character unchanged as parent zone provisions continue to apply, such as driveway width or front yard setback. Amending specific zones would explicitly permit units only within identified zones and could implement different provisions in each zone.

The following list provides an overview of the zoning provisions identified; however, it should be noted that not all municipalities include each provision:

- / number of second residential units permitted in a primary dwelling;
- / minimum floor area of the second residential unit;
- / maximum number of bedrooms (if any);
- / minimum floor area in relation to the primary dwelling (often a percentage of the gross floor area);
- / definitions for gross floor area relating to second residential units for calculation purposes;
- / parking requirements for secondary and primary dwellings;
- / whether tandem parking is permitted;
- / minimum rear yard/amenity space requirements;
- / requirement for a separate entrance;
- / location for entrances (e.g. second entrance is often not permitted on front elevation unless through a shared vestibule);
- / minimum lot width (frontage);
- / minimum lot area;
- / driveway width (in metres), minimum and maximum;
- / driveway width, maximum as percentage of lot frontage;
- / limitations on addition or alteration of a street facing elevation or roofline to accommodate secondary suite;
- / permissions for additions and alterations (e.g. additions are permitted if they do not alter a main wall or roof facing a street);
- / permissions for other additions including a porch, basement extension beneath a porch, a balcony, and dormers.
- / requirements for servicing (i.e. water and sewer);
- / Required studies;
- / permissions for legal non-complying dwellings (i.e. are they permitted).

Recommendations + Conclusion

An Official Plan Amendment is necessary to introduce policies to broadly permit second residential units within the Township both within principal residential dwelling and within a detached structure. Our recommendation is to introduce a definition and policies related to second residential units with the Official Plan and define and introduce regulations within the General Provision section of Zoning By-law 2001-58. Further clarity is necessary to define second residential units, where they are permitted, and related zoning provisions. Given the introduction of new policies, the existing definition and regulations for 'garden suites' may be or become obsolete. Following the implementation of second residential unit policies, the garden suite policies should be reviewed to determine if they remain relevant.

Based on our review of municipal Official Plan policies supporting second residential units, the following Official Plan policies are proposed. This section also includes a rationale for each recommended policy. We recommend the following policies could be inserted as subsections within section 1.8 Definitions and section 3.1 Residential Policies:

Amend Section 1.8 to add a definition for "Second Residential Unit", as follows:

“Second Residential Unit: Self-contained residential unit with kitchen and bathroom facilities within dwellings or within structures accessory to dwellings (such as above a garage or within a detached accessory structure), ancillary to the principal residential dwelling and located on the same lot.”

This definition is proposed as it differentiates second residential units from principle dwellings. As well, the definition clearly indicates that a second residential unit is self-contained and subordinate to the principal dwelling use.

Amend Section 3.1ii) (Residential Policies) as follows:

- (i) *By deleting the words “Up to one accessory apartment unit shall be permitted in a single detached, semi-detached or row house dwelling, subject to Section 16 (3) of the Planning Act. Exceptions may occur where development constraints such as servicing, hazard or environmental constraints would preclude such development.”*

This amendment is proposed in order to introduce text which permits up to two second residential units on a site.

- (ii) *By replacing it with “Up to one second residential unit shall be permitted in a single detached, semi-detached or row house dwelling and up to one second residential unit shall be permitted in a detached accessory structure, subject to Section 16 (3) of the Planning Act. Exceptions may occur where development constraints such as servicing, hazard or environmental constraints would preclude such development.”*

This policy is proposed as it clearly indicates that up to two second residential units are permitted on a site, but are subject to development constraints. This ensures the Township has control to limit the number of second residential units on a site should servicing or other constraints be of concern.

- (iii) *Second residential units shall comply with the following provisions:*
- a) *Second dwelling units must comply with all applicable laws and standards, including the Ontario Building Code and Fire Code, and property standard by-laws.*

This policy is standard and included within the Official Plans of neighbouring municipalities.

- b) *Second residential units are exempt from municipal development charges, but are subject to applicable building permit fees.*

This policy is included per a recommendation received from Northumberland County staff.

- c) *A second residential unit shall be connected to the same servicing system as the main dwelling on the lot.*

This policy is standard and included within the Official Plans of neighbouring municipalities. This policy ensures continuance of a site’s existing servicing system.

- d) *A maximum of two second residential units per lot may be permitted. One second residential unit shall be permitted in a detached dwelling, a semi-detached dwelling or a rowhouse dwelling, and in a building ancillary to a detached house, semi-detached house, or townhouse/rowhouse. Second residential units shall comply with the applicable provisions of the Zoning By-law.*

A similar policy is standard and included within the Official Plans of neighbouring municipalities. This policy is proposed to introduce the permitted number of second residential units per site. This policy reflects the changes made by *Bill 108, More Homes, More Choices Act, 2019* which permits up to two second residential units per site. This policy clearly indicates that compliance with applicable zoning provisions is required.

- e) *Where a second dwelling unit is proposed, the owner shall investigate whether an adequate supply of potable water is available, and that the site can assimilate wastes from the sewage disposal system without exceeding Ministry of the Environment and Climate Change guidelines for groundwater impact. Such information must accompany the building permit application, to the satisfaction of the Municipality and the Health Unit.*
- i. *Where up to two second residential units are proposed and the site is serviced with municipal water, a servicing statement is required.*
 - ii. *Where one second residential unit is proposed, and no second residential unit currently exists on the site, and where the site is serviced by an individual well, a well report is required.*
 - iii. *Where two second residential units are proposed and the site is serviced by an individual well, a Hydrogeological Study completed by a professional engineer is required.*

This policy is standard and included within the Official Plans of neighbouring municipalities. This will ensure that adequate servicing, either private or municipal, is available to support second residential units on a site. This policy will ensure municipal oversight prior to the issuance of building permits for second residential units.

- f) *Second residential units shall be permitted within and accessory to dwelling units in all land use designations that permit detached dwellings, semi-detached dwellings and rowhouses, subject to the policies of this Plan and the implementing Zoning By-law.*

This policy clearly defines where second residential units are permitted within the Township.

- g) *A detached second residential unit shall not be severed from the lot containing the principal residential unit.*

This policy is standard and included within the Official Plans of neighbouring municipalities.

Based on our review of municipal zoning by-law policies supporting second residential units, the following provides recommended text that could be implemented in By-law 2001-58 along with an explanation for the inclusion of each policy.

Amend Section 3 to add a definition for "Second Residential Unit", as follows:

"Second Residential Unit: Self-contained residential unit with kitchen and bathroom facilities within dwellings or within structures accessory to dwellings (such as above a garage or within a detached accessory structure), ancillary to the principal residential dwelling and located on the same lot."

This definition is proposed to match the definition proposed in the Official Plan.

Amend Section 5 (General Provisions) to add the following:

5.44 Second Residential Units

- i. *Notwithstanding any other provision of this By-law, where a Second Residential Unit is permitted hereunder, the following provisions shall apply:*
- ii. *Second residential units shall only be permitted in association with the following permitted principal uses in a zone, except second residential units are not permitted within the Limited Service Residential (LSR) Zone or Waterfront Residential (WR) Zone:*
 - a. *detached dwellings*
 - a. *semi-detached dwellings*

b. rowhouses

This policy is standard and included in the Zoning By-laws of neighbouring municipalities. The exception for the LSR and WR zones is due to direction from Township Staff as the properties within this zone are generally located with frontage on private roads.

iii. A second residential unit is not permitted on a lot where there is a garden suite also situated;

This policy is standard and included within the Zoning By-laws of neighbouring municipalities. This policy will ensure that a site does not potentially result in a total of four units (one principal dwelling, two second residential units and one garden suite).

iv. Second residential units are only permitted on lots with direct frontage on a year round maintained road;

This policy is standard and included within the Zoning By-laws of neighbouring municipalities.

v. A maximum of two second residential units per lot may be permitted. One (1) second residential unit may be permitted within an existing or new single detached, semi-detached or row dwelling. One (1) second residential unit may also be permitted within a building or structure accessory to single detached, semi-detached or row dwelling.

This policy is standard and included within the Zoning By-laws of neighbouring municipalities.

vi. Where a second dwelling unit is proposed, the owner shall investigate whether an adequate supply of potable water is available, and that the site can assimilate wastes from the sewage disposal system without exceeding Ministry of the Environment and Climate Change guidelines for groundwater impact. Such information must accompany the building permit application, to the satisfaction of the Municipality and the Health Unit.

a. Where up to two second residential units are proposed and the site is serviced with municipal water, a servicing statement is required.

b. Where one second residential unit is proposed, and no second residential unit currently exist on the site, and the site is serviced by an individual well, a well report is required.

c. Where two second residential units are proposed and the site is serviced by an individual well, a Hydrogeological Study completed by a professional engineer is required.

This policy is standard and included within the Zoning By-laws of neighbouring municipalities. Similar to the inclusion of this policy within the Official Plan, this policy will ensure that adequate servicing, either private or municipal, is available to support the second residential units on a site. This policy will ensure municipal oversight prior to the issuance of building permits for second residential units.

vii. Second residential units shall be connected to the same servicing system as the main dwelling on the lot and approved by the authority having jurisdiction.

This policy is standard and included within the Zoning By-laws of neighbouring municipalities. This policy ensures continuance of a site's existing servicing system.

viii. Second residential units shall be clearly subordinate to the main use on the same lot;

This policy is standard and included within the Zoning By-laws of neighbouring municipalities.

ix. The maximum floor area used for a second residential unit within a principal dwelling shall not exceed 50% of the gross floor area of the entire building in which it is located.

This policy is standard and included within the Zoning By-laws of neighbouring municipalities.

- x. *One (1) parking space is required for each second residential unit, in addition to the parking required for the single detached, semi-detached or townhouse dwelling. Tandem parking to accommodate second residential units is permitted, however tandem parking is not permitted for more than two parking spaces.*

This policy is standard and included within the Zoning By-laws of neighbouring municipalities. Clarification of the number of parking spaces supported by tandem parking will ensure avoidance of parking conflict.

- xi. *The establishment of second residential units shall not be limited by any special zone provision that establishes the maximum number of dwelling units.*

This policy is standard and included within municipal Zoning By-laws.

- xii. *Second residential units shall be exempt from any minimum lot area requirement established per dwelling unit on a lot.*

This policy is standard and included within municipal Zoning By-laws.

- xiii. *Second Residential Units shall comply with the required minimum Landscaped Open Space, where such requirement has been established for the zone in which the Second Residential Unit is located.*

This policy is standard and included within municipal Zoning By-laws.

- xiv. *Where a Second Residential Unit is attached to the Principal Dwelling Unit, the Second Residential Unit must have a separate exterior entrance. The separate entrance may be located at the side, rear or front of the Principal Dwelling Unit. A separate entrance may also be provided through a joint front entrance vestibule with the Principal Dwelling Unit. The entrance shall be accessed by a 1.2 metre wide unobstructed pathway from the front of the principal dwelling or the front lot line. For the purposes of this subsection, a "pathway" is defined as a hard surface treated path that is separately delineated from the driveway and provides pedestrian access. "Unobstructed" means no obstructions to a height of up to 2.3 metres. This provision shall not prevent the establishment of a gate to access the rear yard.*

This policy is standard and included within municipal Zoning By-laws. This policy will ensure the character of areas is maintained.

- xv. *A second residential unit is not permitted in the following areas:*
 a. *a floodplain or an area rendered inaccessible to people and vehicles during times of flooding;*
 b. *a lot on a private road or unmaintained municipal road allowance;*

This policy is standard and included within Zoning By-laws of neighbouring municipalities.

- xvi. *Where a second residential unit is located within a detached accessory building, the following provisions apply:*
 a. *A second residential unit must be located in the interior side yard or rear yard of the primary dwelling.*

This policy is standard and included within Zoning By-laws of neighbouring municipalities.

- b. *A maximum lot coverage of 5% of the total lot area.*

This policy is standard and included within Zoning By-laws of neighbouring municipalities. This policy matches the existing permitted lot coverage for accessory buildings in the Township's Zoning By-law.

- c. *A maximum gross floor area of 50% of the primary dwelling, or 50 square metres where the principal dwelling has a footprint of 100 square metres or less.*

This policy is standard and included within Zoning By-laws of neighbouring municipalities. As well, this policy matches the existing permitted gross floor area for accessory structures in the Township's Zoning By-law.

- d. A detached Second Residential Unit shall comply with the minimum yard setbacks applicable to the Principal Dwelling Unit in the zone in which such use is located;*

This policy is standard and included within Zoning By-laws of neighbouring municipalities.

- e. A minimum setback of 1.2 metres from the primary dwelling located on the same lot.*

This policy is standard and included within Zoning By-laws of neighbouring municipalities. As well, this policy matches the existing required setback for accessory buildings from the principal dwelling in the Township's Zoning By-law.

- f. A maximum height of 4.5 metres. The height may exceed 4.5 metres to a maximum height of 7 metres subject to the minimum yard requirements of the zone, and*

This policy is standard and included within Zoning By-laws of neighbouring municipalities. As well, this policy matches the existing permitted height for accessory buildings in the Township's Zoning By-law.

- g. A detached second residential unit shall comply with the minimum distance separation formulae.*

This policy is standard and included within Zoning By-laws of neighbouring municipalities.

The recommended Official Plan Amendment and Zoning By-law Amendment are consistent with provincial legislation, including the Provincial Policy Statement (2014). These amendments would provide diversified housing opportunities and would support community need within the Township.

Appendix A

Proposed Official Plan and Zoning By-law Amendment Text

We recommend the following Official Plan Amendment:

Amend Section 1.8 to add a definition for “Second Residential Unit”, as follows:

“Second Residential Unit: Self-contained residential unit with kitchen and bathroom facilities within dwellings or within structures accessory to dwellings (such as above a garage or within a detached accessory structure), ancillary to the principal residential dwelling and located on the same lot.”

Amend Section 3.1ii) (Residential Policies) as follows:

- (iv) *By deleting the words “Up to one accessory apartment unit shall be permitted in a single detached, semi-detached or row house dwelling, subject to Section 16 (3) of the Planning Act. Exceptions may occur where development constraints such as servicing, hazard or environmental constraints would preclude such development.”*
- (v) *By replacing it with “Up to one second residential unit shall be permitted in a single detached, semi-detached or row house dwelling and up to one second residential unit shall be permitted in a detached accessory structure, subject to Section 16 (3) of the Planning Act. Exceptions may occur where development constraints such as servicing, hazard or environmental constraints would preclude such development. Second residential units shall comply with the following provisions:*
 - a) *Second dwelling units must comply with all applicable laws and standards, including the Ontario Building Code and Fire Code, and property standard by-laws.*
 - b) *Second residential units are exempt from municipal development charges, but are subject to applicable building permit fees.*
 - c) *A second residential unit shall be connected to the same servicing system as the main dwelling on the lot.*
 - d) *A maximum of two second residential units per lot may be permitted. One second residential unit shall be permitted in a detached dwelling, a semi-detached dwelling or a rowhouse dwelling, and in a building ancillary to a detached house, semi-detached house, or townhouse/rowhouse. Second residential units shall comply with the applicable provisions of the Zoning By-law.*
 - e) *Where a second dwelling unit is proposed, the owner shall investigate whether an adequate supply of potable water is available, and that the site can assimilate wastes from the sewage disposal system without exceeding Ministry of the Environment and Climate Change guidelines for groundwater impact. Such information must accompany the building permit application, to the satisfaction of the Municipality and the Health Unit.*
 - i. *Where up to two second residential units are proposed and the site is serviced with municipal water, a servicing statement is required.*
 - ii. *Where one second residential unit is proposed, and no second residential unit currently exists on the site, and where the site is serviced by an individual well, a well report is required.*

- iii. *Where two second residential units are proposed and the site is serviced by an individual well, a Hydrogeological Study completed by a professional engineer is required.*
- f) *Second residential units shall be permitted within and accessory to dwelling units in all land use designations that permit detached dwellings, semi-detached dwellings and rowhouses, subject to the policies of this Plan and the implementing Zoning By-law.*
- g) *A detached second residential unit shall not be severed from the lot containing the principal residential unit.”*

We recommend the following Zoning By-law Amendment:

Amend Section 3 to add a definition for “Second Residential Unit”, as follows:

“Second Residential Unit: Self-contained residential unit with kitchen and bathroom facilities within dwellings or within structures accessory to dwellings (such as above a garage or within a detached accessory structure), ancillary to the principal residential dwelling and located on the same lot.”

Amend Section 5 (General Provisions) to add the following:

“5.44 Second Residential Units

- i. *Notwithstanding any other provision of this By-law, where a Second Residential Unit is permitted hereunder, the following provisions shall apply:*
- ii. *Second residential units shall only be permitted in association with the following permitted principal uses in a zone, except second residential units are not permitted within the Limited Service Residential (LSR) Zone or Waterfront Residential (WR) Zone:*
 - a. *detached dwellings*
 - c. *semi-detached dwellings*
 - b. *rowhouses*
- iii. *A second residential unit is not permitted on a lot where there is a garden suite also situated;*
- iv. *Second residential units are only permitted on lots with direct frontage on a year round maintained road;*
- v. *A maximum of two second residential units per lot may be permitted. One (1) second residential unit may be permitted within an existing or new single detached, semi-detached or row dwelling. One (1) second residential unit may also be permitted within a building or structure accessory to single detached, semi-detached or row dwelling.*
- vi. *Where a second dwelling unit is proposed, the owner shall investigate whether an adequate supply of potable water is available, and that the site can assimilate wastes from the sewage disposal system without exceeding Ministry of the Environment and Climate Change guidelines for groundwater impact. Such information must accompany the building permit application, to the satisfaction of the Municipality and the Health Unit.*
- vii. *Second residential units shall be connected to the same servicing system as the main dwelling on the lot and approved by the authority having jurisdiction.*
 - a. *Where up to two second residential units are proposed and the site is serviced with municipal water, a servicing statement is required.*
 - b. *Where one second residential unit is proposed, and no second residential unit currently exists on the site, and where the site is serviced by an individual well, a well report is required.*

- c. *Where two second residential units are proposed and the site is serviced by an individual well, a Hydrogeological Study completed by a professional engineer is required.*
- viii. *Second residential units shall be clearly subordinate to the main use on the same lot;*
- ix. *The maximum floor area used for a second residential unit within a principal dwelling shall not exceed 50% of the gross floor area of the entire building in which it is located.*
- x. *One (1) parking space is required for each second residential unit, in addition to the parking required for the single detached, semi-detached or townhouse dwelling. Tandem parking to accommodate second residential units is permitted, however tandem parking is not permitted for more than two parking spaces.*
- xi. *The establishment of second residential units shall not be limited by any special zone provision that establishes the maximum number of dwelling units.*
- xii. *Second residential units shall be exempt from any minimum lot area requirement established per dwelling unit on a lot.*
- xiii. *Second Residential Units shall comply with the required minimum Landscaped Open Space, where such requirement has been established for the zone in which the Second Residential Unit is located.*
- xiv. *Where a Second Residential Unit is attached to the Principal Dwelling Unit, the Second Residential Unit must have a separate exterior entrance. The separate entrance may be located at the side, rear or front of the Principal Dwelling Unit. A separate entrance may also be provided through a joint front entrance vestibule with the Principal Dwelling Unit. The entrance shall be accessed by a 1.2 metre wide unobstructed pathway from the front of the principal dwelling or the front lot line. For the purposes of this subsection, a “pathway” is defined as a hard surface treated path that is separately delineated from the driveway and provides pedestrian access. “Unobstructed” means no obstructions to a height of up to 2.3 metres. This provision shall not prevent the establishment of a gate to access the rear yard.*
- xv. *A second residential unit is not permitted in the following areas:*
 - a. *a floodplain or an area rendered inaccessible to people and vehicles during times of flooding;*
 - a lot on a private road or unmaintained municipal road allowance;*
- xvi. *Where a second residential unit is located within a detached accessory building, the following provisions apply:*
 - a. *A second residential unit must be located in the interior side yard or rear yard of the primary dwelling.*
 - b. *A maximum lot coverage of 5% of the total lot area.*
 - c. *A maximum gross floor area of 50% of the primary dwelling, or 50 square metres where the principal dwelling has a footprint of 100 square metres or less.*
 - d. *A detached Second Residential Unit shall comply with the minimum yard setbacks applicable to the Principal Dwelling Unit in the zone in which such use is located;*
 - e. *A minimum setback of 1.2 metres from the primary dwelling located on the same lot.*
 - f. *A maximum height of 4.5 metres. The height may exceed 4.5 metres to a maximum height of 7 metres subject to the minimum yard requirements of the zone, and*
 - g. *A detached second residential unit shall comply with the minimum distance separation formulae.”*

Appendix B

Reviewed Municipal Documents

Township of Alnwick-Haldimand

Official Plan

3.13.3 Second Dwelling Units

Second units, also known as accessory or basement apartments, secondary suites and in-law flats, are self-contained residential units with kitchen and bathroom facilities within dwellings or within structures accessory to dwellings (such as above laneway garages). Second dwelling units shall comply with the following policies:

i) Second dwelling units must comply with all applicable laws and standards, including the Ontario Building Code and Fire Code, and property standard by-laws.

ii) Where a second dwelling unit is proposed, the owner shall investigate whether an adequate supply of potable water is available, and that the site can assimilate wastes from the sewage disposal system without exceeding Ministry of the Environment and Climate Change guidelines for groundwater impact. Such information must accompany the building permit application, to the satisfaction of the Municipality and the Health Unit.

iii) Second dwelling units shall be permitted within dwelling units in all land use designations that permit detached dwellings, semi-detached dwellings and rowhouses, subject to the policies of this Plan and the implementing Zoning By-law.

iv) A second dwelling unit shall be permitted in a detached dwelling, a semi-detached dwelling or a rowhouse dwelling, or in a building ancillary to a detached house, semi-detached house, or townhouse/rowhouse if the detached, semi-detached or townhouse/rowhouse contains a single residential unit. A second dwelling unit shall comply with the applicable provisions of the Zoning By-law.

v) Second dwelling units within the Shoreline land use designation shall only be permitted in accordance with the policies of Section 5.4.1(ii) of this Plan.

vi) Notwithstanding the above policies, second dwelling units within the Agricultural and Rural land use designations shall be permitted in accordance with the policies of Sections 5.9.2(iv) and 5.10.2(v) of this Plan ("Farm-Related Residential Uses").

Within 5.4 Shoreline Designation

ii) Second Dwelling Units

A proposal for a second dwelling unit in accordance with Section 3.13.3 of this Plan shall only be permitted in a permanent (year-round) dwelling that is situated on a lot that fronts on a publicly maintained road. The second dwelling unit shall only be located in an existing single detached dwelling and only in a zoning category that permits a converted dwelling.

Within 5.9 Agricultural Designation

iv) Farm Related Residential Uses

1. A maximum of two farm related dwelling units may be permitted on a farm, provided that at least one dwelling unit consists of a single detached dwelling. The second dwelling may be in the form of a second single dwelling, a mobile home or a second dwelling unit in an existing dwelling or a dwelling unit within an accessory building.

2. Where the second dwelling on a farm is proposed to consist of a mobile home or second single detached dwelling, an amendment to the Comprehensive Zoning By-law shall be required. Council will only consider a Zoning By-law amendment where the applicant can demonstrate that the requested second dwelling house or mobile home is for full-time farm help when the size and nature of the operation requires additional employment.

3. Where the second dwelling unit on a farm is proposed to be located within the first, or principal, dwelling house, an amendment to the Implementing Zoning By-law shall not be required provided the dwelling house is in conformity with the regulations of the Zoning By-law.

Within 5.10 Rural designation

v) Farm Related Residential Uses

1. A maximum of two farm related dwelling units may be permitted on a farm, provided that at least one dwelling unit consists of a single detached dwelling. The second dwelling may be in the form of a second single dwelling, a mobile home or a second dwelling unit in an existing dwelling.

2. Where the second dwelling on a farm is proposed to consist of a mobile home or second single detached dwelling, an Amendment to the Comprehensive Zoning By-law shall be required. Council will only consider an amendment to the Zoning By-law where the applicant demonstrates that the requested second dwelling house or mobile home is for: A retiring farmer; Full-time farm help

3. Where the second dwelling unit on a farm is proposed to be located within the first, or principal, dwelling house, an amendment to the Implementing Zoning By-law shall not be required provided the dwelling house is in conformity with the regulations of the Zoning By-law.

Zoning By-law 19-2019

Dwelling Unit, Accessory

Means a dwelling unit located in a portion of a non-residential building, except as noted herein, which is ancillary to a permitted non-residential use located on the same property, and is occupied by the owner, operator, manager, caretaker, or other similar person, as are employed in an activity permitted on the property. An accessory dwelling unit for farm-related use may be located as a second-dwelling unit within a farm-related dwelling.

4.30 Secondary Dwellings

A secondary dwelling unit as defined in this By-law shall be subject to the following provisions:

4.30.1 Secondary Dwellings in a Residential Zone

Where permitted, a secondary dwelling unit is subject to the following provisions:

- a) A maximum of two secondary dwelling units per lot may be permitted. One (1) additional dwelling unit may be permitted within an existing or new single detached, semi-detached or row dwelling. One (1) additional dwelling unit may also be permitted within a building or structure accessory to single detached, semi-detached or row dwelling.
- b) Secondary dwelling units shall be clearly subordinate to the main use on the same lot;
- c) The maximum floor area used for a second dwelling unit within a primary dwelling shall not exceed 50% of the gross floor area of the entire building in which it is located.
- d) A secondary dwelling unit is not permitted on a property where there is a garden suite also situated;
- e) One (1) parking space is required for each secondary dwelling unit, in addition to the parking required for the single detached, semi-detached or townhouse dwelling. Tandem parking to accommodate secondary dwelling units is permitted;
- f) Secondary dwelling units shall be serviced by municipal water where available;
- g) A minimum lot area of 0.4 hectares;
- h) Secondary dwelling units are only permitted on lots with direct frontage on a year round maintained road;
- i) The sewage disposal system is appropriately sized and approved by the County of Northumberland to support the establishment of the secondary dwelling unit(s);
- j) A secondary dwelling unit is not permitted in the following areas:
 - a floodplain or an area rendered inaccessible to people and vehicles during times of flooding;
 - a lot on a private road or unmaintained municipal road allowance;
- k) Where a secondary dwelling unit is located within a detached ancillary building, the following provisions apply:
 - A secondary dwelling unit must be located in the interior side yard or rear yard of the primary dwelling. Notwithstanding the foregoing, on lands within the Rural Residential (RR) Zone, the Rural (RU) Zone, the Agricultural (A) Zone, or on waterfront lots, second dwelling units located in ancillary buildings are permitted in the front yard subject to the minimum front yard requirement of the zone;
 - A maximum coverage of 40% of the yard in which the secondary dwelling unit is located.

- A maximum gross floor area of 50% of the primary dwelling, or 50 square metres where the principal dwelling has a footprint of 100 square metres or less.
- A minimum interior side yard and a minimum rear yard of 1.2 metres; or in the case of lands within the Rural Residential (RR) Zone, the Rural (RU) Zone, or the Agricultural (A) Zone, the minimum interior side yard and rear yard requirements of the zone apply;
- A maximum height of 4.5 metres. The height may exceed 4.5 metres to a maximum height of 7 metres subject to the minimum yard requirements of the zone, and
- A minimum setback of 1.5 metres from the primary dwelling located on the same lot.

4.30.2 Secondary Dwellings within the Oak Ridges Moraine Conservation Plan Area

Within areas subject to the Oak Ridges Moraine Conservation Plan, a maximum of one secondary dwelling is permitted, provided that:

- a) Within areas subject to the Oak Ridges Moraine Conservation Plan, a maximum of one secondary dwelling is permitted within a single dwelling as defined in the Oak Ridges Moraine Conservation Plan, provided that:
 - b) The single dwelling is not within a Natural Core or Natural Linkage Area as set out in Oak Ridges Moraine Conservation Plan;
 - c) A secondary dwelling is not permitted on a property where a converted dwelling, duplex, garden suite or coach house dwelling is also situated;
 - d) A minimum of 1 parking space is provided for the secondary dwelling, in addition to parking required for the single detached dwelling;
 - e) The sewage disposal system is appropriately sized and approved by the County of Northumberland to support the establishment of the secondary dwelling;
 - f) The lot has frontage on and access from an improved public road;
 - g) A Secondary Dwelling is not permitted in a semi-detached or townhouse dwelling, within the Oak Ridges Moraine Conservation Plan Area; and
 - h) Notwithstanding Section 4.29.1 a) a secondary dwelling unit within an accessory structure is not permitted within the Oak Ridges Moraine Conservation Plan Area.

Municipality of Port Hope

Official Plan

C9.1.2 Housing C9.1.2.1 Accessory Residential Dwellings, Granny Flats and Garden Suites

The following policies shall apply to the development of accessory residential dwelling units, granny flats or garden suites.

- a) **Definition:** Accessory residential dwelling units shall be defined as separate and complete dwelling units that are contained within a structure of a single detached, semi-detached, or townhouse dwelling or in a building ancillary to a detached house, semidetached house or townhouse, if the house, semi-detached house or townhouse contains a single residential unit. Granny flats and garden suites shall also be considered accessory residential dwellings, except that a granny flat does not contain a kitchen or cooking facilities and a garden suite shall be a small independent building, physically separate from the principal dwelling unit with which it is associated.
- b) **Maximum Number:** A maximum of one accessory residential dwelling unit per lot shall be permitted, unless specific approval for an additional one unit has been granted through the passage of an amendment to the implementing Zoning By-law.
- c) **Compatibility:** The proposed unit shall have regard to the type of housing found in the surrounding residential area. Standards to ensure compatibility with the surrounding residential area shall be provided in the Zoning By-law.
- d) **Services:** An accessory dwelling unit shall be connected to the same servicing system as the main dwelling on the lot. Adequate servicing shall be available to accommodate the accessory dwelling unit, including, but not limited to water, waste water and electricity. For lots in the rural area, it shall be demonstrated that sufficient well and septic capacity is available to accommodate the additional unit. The Municipality may require studies to demonstrate that servicing capacity exists to accommodate new units.
- e) **Services:** Where municipal services are available, secondary suites will be required to connect to the municipal water supply system and municipal sanitary sewage system to the satisfaction of the Municipality. Where municipal services are not available, secondary suites will only be permitted where sufficient well and septic capabilities exist to the satisfaction of the Municipality. In both cases proponents must be able to meet Ontario Building Code requirements.
- f) **Development Criteria:** Development of a garden suite shall be subject to the following criteria:

- i the exterior design of any proposed unit in terms of height, massing, scale and layout shall be consistent with the present land uses in the area;*
- ii the siting of the unit and any related features shall have a minimal effect on light, view and privacy of adjacent yards; and,*
- iii garden suites shall only be permitted by way of a Temporary Use By-law.*

g) Accessory Dwelling Unit: Development of accessory dwelling units within the principal building shall be subject to the following criteria:

- i the structural stability of the building to accommodate alterations for an additional dwelling unit;*
- ii exterior changes to the structure shall be minimal;*
- iii compliance with the provisions of the Ontario Building Code, Fire Code and all other relevant municipal and provincial standards, and iv accessory units shall not be permitted in a residential dwelling unit situated within a floodplain.*

Maximum Size: An accessory residential unit within a single detached dwelling is required to be incidental to the primary residential use, and is not permitted to exceed one-third of the total habitable floor space of the primary residential use.

Section D7. Agriculture

A bona-fide farmer may be permitted to establish a second dwelling unit on a farm when the size of and nature of the operation requires additional employment, provided that such dwelling unit is to be occupied by persons engaged on a full-time basis on such farm. It shall further be the policy of this Plan that the unit shall be encouraged to locate in the existing residential structure in order to use existing services, e.g. septic tanks. An assessment of the adequacy of services may be required prior to the issuance of a building permit. Alternatively, the second dwelling house may take the form of a mobile home dwelling unit. No land severance shall be granted for such farm-related dwelling.

Zoning By-law 20/2010

Dwelling, Accessory means: An accessory dwelling unit that is located within a single-detached dwelling unit or in a non-residential building.

4.2 ACCESSORY DWELLING UNITS

4.2.1 Residential Zones

Where an accessory dwelling unit is permitted in a Residential Zone in this By-law:

- a) The maximum number of accessory dwelling units permitted on a lot shall be 1;*
- b) An accessory dwelling unit shall only be permitted within a single dwelling unit;*
- c) The accessory dwelling unit shall be located entirely within the same main building as the single detached or semidetached dwelling unit; and,*
- d) The required parking spaces for the accessory dwelling unit and single detached or semi-detached dwelling unit shall not be provided as tandem parking.*

4.2.2 Commercial Zones

Where an accessory dwelling unit is permitted in a Commercial Zone in this By-law:

- a) The maximum number of accessory dwelling units permitted on a lot shall be 1, except in the Downtown Commercial (COM3) Zone, where there is no maximum;*
- b) The portion of floor area within the first storey of a building and within 12.0 metres of any streetline is used for commercial purposes.*
Notwithstanding the above, entrances and lobbies associated with the accessory dwelling may be located in this area provided that no more than 30% of the wall facing the streetline is occupied by entrances or lobbies; and,
- c) No dwelling unit shall be located within a portion of a nonresidential building that is used:*
 - i) To house livestock;*
 - ii) As part of a bulk fuel storage operation or any premises that has flammable fluids or hazardous materials stored in bulk for commercial purposes;*
 - iii) For a motor vehicle body shop;*
 - iv) For a motor vehicle gasoline bar;*
 - v) For a motor vehicle repair garage;*
 - vi) For a motor vehicle sales and/or rental establishment; or,*
 - vii) For a motor vehicle service station.*

Permitted within Low Density Residential One (RES1), Low Density Residential Two (RES2), Medium Density Residential (RES3) - (only permitted within single detached dwelling or semi-detached dwelling)

Permitted within Neighbourhood Commercial (COM1), General Commercial (COM2), Downtown Commercial (COM3), Hamlet Commercial (COM5) – not permitted within Rural Commercial (COM4)

Town of Cobourg

Official Plan

Accessory Apartment: An accessory apartment may be permitted in a single detached or semi-detached dwelling unit, subject to the regulations of the zoning by-law and other relevant provincial and municipal regulations. Accessory apartments shall not be subject to the density provisions of this Plan.

Accessory Apartments permitted within Low Density Residential Designation; Urban Living Area Designation (in single detached dwellings)

15.4.1.4 Accessory Apartments

Accessory apartments may be permitted in conjunction with a single detached dwelling in the Urban Living Area designation subject to the regulations of the Zoning By-law and the following criteria:

- a) the accessory apartment will comply with the Ontario Building and Fire Codes;*
- b) adequate parking is available on the lot for both dwelling units; and,*
- c) the accessory apartment is designed and located in such a manner to not have an impact on the character of the surrounding neighbourhood.*

As a condition of approval, the Town may require that the accessory apartment be registered in accordance with the provisions of the Municipal Act.

Garden Suite Definition: A garden suite is a small independent building, physically separate from the principal dwelling unit with which it is associated, which may be used as a dwelling unit, or for activities accessory to those permitted in the principal dwelling unit, and which may have a primary access from a rear lane abutting the lot upon which both the garden suite and its associated principal dwelling unit are located.

Garden Suites: A garden suite may be permitted on the same lot as a single, or semi-detached dwelling, subject to an amendment to the zoning by-law, and provided that the use may be subject to site plan approval, where deemed necessary, to ensure adequate buffering and/or appropriate placement of the unit. However, where a garden suite is constructed no accessory apartment shall be permitted within the principal dwelling unit; and the garden suite may not be conveyed separately from the principal dwelling unit. The garden suite shall not be included in the determination of residential density, but may be included in calculating the requirements for parkland and other services.

Garden suites: permitted within Neighbourhood General designation on a lot used for single, semi-detached and townhouses such to the regulations of the zoning by-law; Within Urban Living Area Designation in conjunction with policies of 15.4.1.7 (below)

15.4.1.7 Garden Suites

Garden suites may be permitted in conjunction with a single detached dwelling in the Urban Living Area designation provided that:

- a) it is located in the rear yard and appropriate buffering and siting of the suite relative to adjacent properties is provided;*
- b) adequate parking is available on the lot for both the single detached dwelling and the garden suite;*
- c) a site specific Temporary Use By-law is passed pursuant to the Planning Act; and,*
- d) the applicant enters into an agreement with the Town which addresses site location, buffering and installation/removal and maintenance during the period of occupancy.*

Zoning By-law 85-2003

Garden Suite shall mean 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. Refer to General Provisions, Subsection 5.25.

5.25 Garden Suite

Garden Suite shall only be permitted with the following regulations:

- i) The Garden Suite is to be used by a senior member of the owner of the residence. No portion of the subject Garden Suite shall be made available for rent by the general public.*
- ii) A temporary use by-law will be required as approval by Council.*
- iii) As a condition to passing a by-law authorizing the temporary use of a garden suite, Council may require the owner of the suite or any other persons to enter into an agreement with the municipality.*

Permitted within: Neighbourhood Residential Two Zone,

5.26 Granny Flat

Granny Flat/Suite shall only be permitted within a residential dwelling and with the following regulations:

- i) The floor area of the attached granny flat unit shall not exceed 30 % of the gross floor area of the residence or 75 m² (805 ft²) floor area, whichever is less;*
- ii) The Granny Flat/Suite will not contain a kitchen;*
- iii) The Granny Flat/Suite is to be used only for a senior family member of the residence. No portion of the subject Granny Flat shall be made available for rent by the general public;*
- iv) As a condition to approving a building permit for the temporary use (maximum 10 years) of a portion of the single, detached residence, Council may require the owner of the residence to enter into a written agreement with the municipality.*

Township of Cramahe

Official Plan

8.10 Such By-laws apply to specific areas defined by the subject By-laws and shall apply for a period of time prescribed by the subject By-laws not to exceed ten years for a garden suite and three years in all other cases from the date of the passing of the By-law as specified by the Planning Act, Section 39, R.S.O., 1990. Council may by By-law extend the temporary use periods by as much as three years at any one time. When a Temporary use By-law expires such a use will not be considered to be an existing non-conforming use.

Zoning By-law 2008-18

No relevant policies

Municipality of Brighton

Official Plan

3.10 Bed and Breakfast Establishments

3.19.1 Garden Suites

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. Council recognizes that Garden Suites may offer alternative housing opportunities in the Municipality. Garden Suites shall be regulated as temporary uses under the provisions of Sections 39 and 39.1 of the Planning Act. Council may require the owner of the garden suite or any other person to enter into an agreement with the Municipality dealing with such matters related to the temporary use of the garden suite as the Council considers necessary or advisable, including: i) The installation, maintenance and removal of the garden suite; ii) The period of occupancy of the garden suite by any of the persons named in the agreement; and iii) The Municipality related the monetary or other form of security that Council may require for actual or potential costs to the garden suite. The implementing Zoning By-law shall contain regulations pertaining to garden suites such as, but not limited to, the zone classifications where they may be permitted, minimum lot area requirements, the maximum number of garden suite buildings per lot, building setbacks, and the minimum and/or maximum dimensions of a garden suite.

Zoning By-law 140-2002

Rural Residential RR-3: Temporary Use Garden Suite Notwithstanding any other provisions of this By-law, a garden suite of less than 92.9 sq. metres in size may be permitted on the lands designated "RR-3" on Map 2 of Schedule "A" to this By-law on a temporary basis until 2009. All other provisions of the Rural Residential (RR) Zone not specifically altered by this provision shall apply within Special Zone Category RR-3.

Township of Trent Hills

No relevant policies

Township of Cavan-Monaghan

Official Plan

GARDEN SUITE 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.

3.9 GARDEN SUITES AND ACCESSORY APARTMENTS Garden suites and accessory apartments shall be permitted in all designations that permit residential units. Within the Oak Ridges Moraine only an accessory unit within an existing detached dwelling shall be permitted. Outside of the Oak Ridges Moraine, an accessory garden suite as a separate unit is also permitted. A Temporary Use Bylaw will be required to permit the accessory dwelling unit. When considering such uses, Council shall be satisfied that: a) The garden suite or accessory apartment is being permitted in conjunction with a single-detached dwelling unit and that the garden suite is secondary to the single-detached unit; b) There is adequate sewage disposal and water service capacity available to service the unit acceptable to the appropriate approval agency. In the case of a rural area the garden suite or accessory apartment is serviced through an extension from the existing dwelling unit and the private services are adequate to service the principal residential unit and the garden suite and/or accessory dwelling; c) The roads are of a standard that can accommodate the increased use; d) Adequate parking is available for the unit and buffering can be provided where necessary; e) The development will not adversely affect the character of the area and is designed to be in keeping with the character of the surrounding area; and, f) The development complies with the Ontario Building Code. The Township may also require the landowner to enter into an agreement regarding the maintenance, alterations and improvements and eventual removal of the garden suite unit and/or renovation of the accessory apartment to become part of the main dwelling when it is no longer required. The location and development of garden suites and accessory apartments shall satisfy the General Development Criteria in this section of the Plan.

4.1 Residential

4.1.2 Permitted Uses a) Housing forms may include single-detached, semi-detached, duplex, three-plex, four-plex, street, block and stacked townhouses, apartment dwellings, long term care facilities, retirement homes and special needs housing; b) Accessory apartments and detached accessory dwellings (garden suites) on a temporary basis;

4.1.3 General Development Policies

f) Garden suites may be permitted in conjunction with a single-detached dwelling in the Residential designation provided that they satisfy requirements of Section 3.9. Garden suites shall not be subject to the density provisions of this Plan;

8.6 ZONING BY-LAW

8.6.1 Temporary Uses

c) Temporary Use By-laws for garden suites, where permitted by this Plan, may be enacted for up to 20 years and may be extended for up to 3 years;

RESIDENTIAL INTENSIFICATION Intensification of a property, site or area which results in a net increase in residential units or accommodation and includes: redevelopment, including the redevelopment of brownfield sites; the development of vacant or underutilized lots within previously developed areas; infill development; the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, secondary suites and rooming houses.

Zoning By-law 2018-58

11.11 Garden Suites Where a garden suite is permitted through a Temporary Use By-law as an accessory use to an existing single detached dwelling, the following additional regulations shall apply: a) A maximum of one garden suite is permitted per lot. b) Driveway access to both the principal dwelling and the garden suite shall be limited to one. c) The minimum setback of the garden suite shall be equal to the required rear and interior side yard requirements for the principal building. d) In no case shall a garden suite be located any closer to the front or exterior lot line than the main wall of the principal building. e) The maximum height of a garden suite shall be 5.0 metres and no more than one storey. f) No garden

suite shall be located closer than 3.0 metres to the principal residence on the lot or any building on an abutting property. g) The gross floor area of any garden suite shall not be less than 50 square metres. h) The gross floor area of any garden suite shall not exceed 100 square metres or 40 percent of the gross floor area of the single detached dwelling on the lot. i) All garden suites shall be provided with adequate water and sewage disposal systems

Garden suite = 1 parking space per dwelling

Garden suite: a one-unit detached dwelling containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

City of Quinte West

Official Plan

5.5.9.3 Seniors Housing

(i) Forms of alternative housing for seniors can include: (a) a garden suite as defined in subsection 5.5.9.4 of this Plan; (b) an addition to an existing dwelling to either house the individual(s) requiring care and supervision, or to house the individual(s) providing the care and supervision, subject to the proper approvals for servicing; and (c) the conversion of a portion of an existing dwelling into an accessory dwelling unit within the dwelling, subject to the provisions in Section 5.5.5 the provision of home care by a network of paid and volunteer programs designed to aid and assist the elderly within their own home

5.5.9.4 Garden Suites OPA#7 – By-law #15-100 adopted 08.10.2015 (i) For the purposes of this Plan, a “Garden Suite” shall mean a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to a legally existing single detached residential structure and that is designed to be temporary and portable. (ii) Garden Suites are to be located in those zones where a single detached dwelling is permitted as a principle use. (iii) Only one Garden Suite is permitted per lot. (iv) Prior to the development of a Garden Suite, the following criteria shall be addressed to the satisfaction of the City: (a) that the subject property be subject to a Temporary Use By-law for a period of time not to exceed twenty (20) years; (b) notwithstanding subsection (a) above, upon request the City may, subject to further review, grant extensions to the authorization period of the Temporary Use By-law for periods of time not to exceed three (3) years; (c) that prior to the issuance of a building permit for a garden suite, it shall be demonstrated that a suitable sewage disposal system can be provided in accordance with the Ontario Building Code. (d) where appropriate, the Garden Suite shall be connected to the services (ie. Water and hydro) of the principle dwelling; and (e) that the owners of the principle dwelling shall enter into an agreement with the City (to be registered on the title of the subject property) identifying such items as: all costs associated with the installation, maintenance and removal of the Garden Suite shall be at no expense to the City; the identification of the occupant(s) of the garden suite by name; the period of time in which the Garden Suite shall be removed after the expiration of the Temporary Use By-law or the cessation of occupancy of the Garden Suite by the individual(s) identified in the Agreement; the penalty for non-compliance with the various provisions of the Agreement; and other such items as deemed appropriate by the City. (v) The construction of the Garden Suite shall conform to all relevant provisions of the Ontario Building Code and the Ontario Fire Code. (vi) The proposed Garden Suite shall not negatively impact on natural heritage areas and features.

Garden suite: means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to a legally existing single detached residential structure and that is designed to be temporary and portable

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

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 By-law 19-071

Garden Suite Means a one unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure on the same lot and that is designed to be portable.

4.2 Second Dwelling Units (By-law 19-039) Where permitted, a second dwelling unit is subject to the following provisions: 4.2.1 A maximum of one (1) second dwelling unit use is permitted within any single

detached dwelling; or within a dwelling unit located in a semi-detached, duplex, townhouse dwelling; or within one (1) detached structure on a lot that is ancillary to a dwelling; 4.2.2 The use is subordinate to the main use on the same lot; 4.2.3 A maximum of one (1) second dwelling unit is permitted per lot; 4.2.4 The maximum floor area used for a second dwelling unit within a primary dwelling unit shall not exceed 50% of the gross floor area of the entire building in which it is located; 4.2.5 A second dwelling unit is not permitted on a property where there is a garden suite also situated; 4.2.6 One (1) parking space is required for the second dwelling unit, in addition to the parking required for the single detached, semi-detached or townhouse dwelling. Tandem parking to accommodate the second dwelling unit is permitted; 4.2.7 The second dwelling unit is serviced by municipal water and sanitary sewer services where available; 4.2.8 A minimum lot area of 0.4 hectares where the second dwelling unit is privately serviced; 4.2.9 A second dwelling unit is only permitted on a lot with direct frontage on a municipal road that is maintained year round; 4.2.10 A second dwelling unit is not permitted in the following areas: • A floodplain or an area rendered inaccessible to people and vehicles during times of flooding; • A lot on a private road or unmaintained municipal road allowance; or • Lands designated in the Official Plan as being within Area Specific Policy 3A for Oak Lake. Where a second dwelling unit is located within a detached ancillary building, the following provisions apply: 4.2.11 A second dwelling unit must be located in the interior side yard or rear yard of the primary dwelling. Notwithstanding the foregoing, on lands within the Rural Residential (RR) Zone, the Rural (RU) Zone, the Agricultural (A) Zone, or on waterfront lots, second dwelling units located in ancillary buildings are permitted in the front yard subject to the minimum front yard requirement of the zone; 4.2.12 A maximum coverage of 40% of the yard in which the second dwelling unit is located; 4.2.13 A maximum gross floor area of 50% of the primary dwelling, or 50 square metres where the principal dwelling has a footprint of 100 square metres or less; 4.2.14 A minimum interior side yard and a minimum rear yard of 1.2 metres; or in the case of lands within the Rural Residential (RR) Zone, the Rural (RU) Zone, or the Agricultural (A) Zone, the minimum interior side yard and rear yard requirements of the zone apply; 4.2.15 A maximum height of 4.5 metres. The height may exceed 4.5 metres to a maximum height of 7 metres subject to the minimum yard requirements of the zone; and 4.2.16 A minimum setback of 1.5 metres from the primary dwelling located on the same lot; 4.2.17 A walkway with a minimum width of 1.2 metres shall be provided from the driveway to the second dwelling unit.

Second Dwelling Unit permitted within Agricultural (A) zone, Rural Residential (RR) Zone, Residential Type 1 (R1) Zone, Residential Type 2 (R2) Zone, Residential Type 3 (R3) Zone, Residential Type 4 (R4) Zone but within a permitted townhouse dwelling

4.10 Garden Suites Where a garden suite is permitted by a Temporary Use By-law, the following provisions shall apply. 4.10.1 Minimum setback for the garden suite shall be equal to the required rear and interior side yards for the main building from the rear and interior side lot lines; 4.10.2 In no case shall the garden suite be located any closer to the front or exterior lot line than the front walls of the main dwelling on the same lot; 4.10.3 The minimum floor area of any garden suite shall be 50 m²; 4.10.4 The maximum floor area of any garden suite shall be 100 m² and shall not exceed 40% of the gross floor area of the principal single detached dwelling; and 4.10.5 Maximum height of any garden suite shall be 5.0 metres.

Accessory Dwelling, Garden Suite = 1 parking space per unit, in addition to the required parking for the dwelling unit

City of Kingston

Official Plan

Second Residential Unit A dwelling unit which is ancillary to a principal residential unit, and is located on the same lot therewith.

b. on lands designated Residential, intensification through the development of second residential units that is undertaken in accordance with Section 3.3.11 is considered to be compatible with stable areas;

Second Residential Units 3.3.11. Second residential units are permitted in the Residential, Hamlet, Rural Lands and Prime Agricultural Area land use designations. Second residential units shall be located within single detached dwellings, semidetached dwellings, linked and row houses, as well as accessory buildings where a second residential unit does not already exist in the primary detached, semi-detached,

linked or row house dwelling, provided they are in accordance with the zoning by-law and subject to the following criteria: a. The zoning by-law shall identify locations where second residential units are permitted, being all areas that permit single detached dwellings, semi-detached dwellings, and linked and row houses. b. Notwithstanding subsection 3.3.11.a. above, in areas shown as “Known Servicing Constraint” and “Potential Servicing Constraint” on Schedule 11-C to this Plan, second residential units may only be permitted where it has been demonstrated that there is adequate water and wastewater to support the second residential unit. The City will evaluate opportunities to reduce or remove known or potential servicing constraint areas on Schedule 11-C, based upon a review of servicing capacities and other applicable land use planning matters. Changes to Schedule 11-C which have the effect of reducing or removing servicing constraint areas will not require an amendment to this Plan. A holding provision will be established in the zoning by-law and applied to the lands referenced in each of the subsections below in recognition of known or potential servicing constraints. The holding provision will not be removed until the following are provided to the satisfaction of the City: (i) in the Cana Subdivision, a letter of opinion from an independent, qualified engineer (P.Eng.), in a form satisfactory to Utilities Kingston, confirming that the establishment of a second residential unit will not cause water and/or wastewater capacity issues; (ii) in the potential Water Supply/Water Quality constraint area identified in Schedule 11-C: (a) if the second residential unit is contained in or attached to the principal residential unit, a letter of opinion signed by an independent, qualified professional holding a valid licence to practice in Ontario as either an engineer (P.Eng.) or geoscientist (P.Geo) confirming that the private water supply is sufficient to support the second residential unit in combination with the normal operation of the principal residential unit on the lot. The letter must be in a form satisfactory to the City’s Environment Director (or designate) and must adequately demonstrate how the supply well will support the increased demand required by the second residential unit, while ensuring that neighbouring wells are not adversely impacted. In addition, the letter must include a statement confirming that any water quality treatment systems in place at the time of review are sufficient in terms of design, maintenance and condition to safely service the proposed second residential unit in combination with the existing principal residential unit. Approval of the septic system must be obtained from KFL&A Public Health. Notwithstanding the foregoing, the Hamlet of Sunnyside and the St. Lawrence community do not require confirmation of water supply in order to remove the holding provision; (b) if the second residential unit is detached, a hydrogeological study, completed to the satisfaction of the City’s Environment Director (or designate) by an independent qualified professional (P.Eng.) or geoscientist (P.Geo), confirming that the groundwater quality and quantity are sufficient for the second residential unit and will not adversely impact the water supply of adjacent lots and the principal residential unit. In addition, the hydrogeological study must assess the potential for sewage system impact and demonstrate that: • the area of development is not hydrogeologically sensitive; and • the sewage system is isolated from the receiving aquifer, or the impact of the principal residential unit plus the second residential unit is less than 10mg/L nitrate-nitrogen at the property boundary. The hydrogeological study shall be completed in accordance with the City’s Standard for Hydrogeological Assessments. The City’s Environment Director (or designate) may, in its sole discretion, modify the requirements of a full hydrogeological study, if warranted. Approval of the septic system must be obtained from KFL&A Public Health.

Notwithstanding the foregoing, the Hydrogeological Study required to establish a second residential unit in the Hamlet of Sunnyside and the St. Lawrence community shall be scoped to only demonstrate that there will be no negative sewage system impacts in accordance with the requirements noted above. c. Second residential units shall not be limited by density control requirements, as defined in an implementing zoning by-law; d. Second dwelling residential units may be a prohibited use on a residential dwelling lot containing a garden suite, boarding house or lodging house, as defined in an implementing zoning by-law; and e. Second residential units shall not be permitted in a residential dwelling unit situated within a floodplain. f. A detached second residential unit shall not be severed from the lot containing the principal residential unit. g. Applications seeking parking relief in support of a second residential unit must satisfy all of the following locational criteria: (i) the residential dwelling lot is within walking distance of an express Kingston Transit bus route; (ii) the residential dwelling lot is within walking distance of commercial uses; and (iii) the residential dwelling lot is within walking distance of parkland, open space or community facilities. For the purposes of this subsection, walking distance shall be measured using the actual path of travel, such as along a road network (e.g., sidewalk, cycle lane, etc.) or other publicly accessible space.” h. A parking space for a second residential unit may be located in a permitted driveway that is within a front yard. Tandem parking spaces shall be permitted to facilitate a second residential unit.

3.3.D.7. Garden suites will be permitted as a temporary use in accordance with the terms of the Planning Act, and subject to the following provisions: a. a maximum of one garden suite per lot; b. a garden suite

will not be permitted on a lot with a second residential unit; c. sufficient parking, landscaping and buffering are provided; d. the property owner must reside in the principal dwelling on the lot; e. the property owner has entered into an agreement with the City with respect to such matters as installation, maintenance, removal and occupancy of the garden suite and has posted suitable financial security with respect to the agreement in accordance with the Planning Act; f. a certificate of occupancy will be required prior to occupancy; and, g. where the property is served by individual on-site sewage services, approval of a garden suite is subject to consultation with KFL&A Public Health.

Second Residential Unit 3.11.8. Where individual on-site water and sewage services can be accommodated to the satisfaction of the KFL&A Public Health, a second residential unit is permitted in the Prime Agricultural Area subject to the second residential unit policies contained in Section 3.3.11 of this Plan.

Second Residential Units and Garden Suites 3.12.15. Where individual on-site water and sewage services can be accommodated to the satisfaction of the City and KFL&A Public Health, a second residential unit is permitted in Rural Lands, subject to the second residential unit policies in Section 3.3.11 of this Plan, or a garden suite is permitted in Rural Lands, subject to the policies of Section 3.3.D.7 and Section 9.5.20 of this Plan.

Second Residential Units and Garden Suites 3.13.3. Where individual-on site water and sewage services can be accommodated to the satisfaction of the City and KFL&A Public Health, a second residential unit is permitted in a Hamlet designation, subject to the second residential unit policies in Section 3.3.11 of this Plan, or a garden suite may be permitted in a Hamlet designation subject to the policies of 3.3.D.7 and Section 9.5.20.

Zoning Bylaw 8499

City of Kingston Zoning By-law 8499 (Kingston has 4 other by-laws with similar provisions)

4.64B Second Residential Unit means a dwelling unit which is ancillary to a Principal Dwelling Unit, and its located on the same lot therewith.

Second Residential Units (in all zones): 1 parking space per Second Residential Unit.

5.45 Second Residential Units Notwithstanding any other provision of this By-Law, where a Second Residential Unit is permitted hereunder, the following provisions shall apply: (i) A Second Residential Unit shall only be permitted in association with the following permitted principal uses in any zone: (a) Dwelling, One-Family (b) Dwelling, Semi-Detached (c) Dwelling, Row (d) Dwelling, Linked (ii) The lands identified in Schedule "M" of this By-Law as having a Holding 'H' symbol for the purposes of introducing a Second Residential Unit shall be required to satisfy the following conditions to address the applicable servicing constraint, prior to the 'H' symbol being removed and a building permit being issued: Constraint Area – Water Supply/Water Quality: (a) a Second Residential Unit that is contained or attached to the Principal Dwelling Unit: a letter of opinion signed by an independent, qualified professional holding a valid licence to practice in Ontario as either an engineer (P.Eng.) or geoscientist (P.Geo) shall be submitted to the City confirming that the private water supply is sufficient to support the Second Residential Unit in combination with the normal operation of the Principal Dwelling Unit on the lot. The letter must be in a form satisfactory to the City's Environment Director (or designate) and must adequately demonstrate how the supply well will support the increased demand required by the Second Residential Unit, while ensuring that neighbouring wells are not adversely impacted. In addition, the letter must include a statement confirming that any water quality treatment systems in place at the time of review are sufficient in terms of design, maintenance and condition to safely service the proposed Second Residential Unit in combination with the existing Principal Dwelling Unit. Approval of the septic system must be obtained from KFL&A Public Health. Notwithstanding the foregoing, the Hamlet of Sunnyside and the St. Lawrence community do not require confirmation of water supply in order to remove the holding provision; (b) a detached Second Residential Unit: a hydrogeological study shall be completed to the satisfaction of the City's Environment Director (or designate) by an independent qualified professional (P.Eng.) or geoscientist (P.Geo), confirming that the groundwater quality and quantity are sufficient for the Second Residential Unit and will not adversely impact the water supply of adjacent lots and the Principal Dwelling Unit. In addition, the hydrogeological study must assess the potential for sewage system impact and demonstrate that: • the area of Development is not hydrogeologically sensitive; and • the sewage system is isolated from the

receiving aquifer, or the impact of the Principal Dwelling Unit plus the Second Residential Unit is less than 10mg/L nitrate-nitrogen at the property boundary. The hydrogeological study shall be completed in accordance with the City's Standard for Hydrogeological Assessments. The City's Environment Director (or designate) may, in its sole discretion, modify the requirements of a full hydrogeological study, if warranted. Approval of the septic system must be obtained from KFL&A Public Health. Notwithstanding the foregoing, the Hydrogeological Study required to establish a second residential unit in the Hamlet of Sunnyside and the St. Lawrence community shall be scoped to only demonstrate that there will be no negative sewage system impacts in accordance with the requirements noted above. (iii) A Second Residential Unit shall not be permitted in a Cellar or Basement within the lands identified as Constraint Area – Sewer Surcharging in Schedule "M" of this By-Law. (iv) A Second Residential Unit shall not be permitted in a Cellar or Basement within the lands identified as Constraint Area – Sewer Surcharging (Combined Storm and Sewer Systems) in Schedule "M" of this By-Law. (v) A Second Residential Unit shall only be permitted if it is connected to municipal services or private water and sewerage systems approved by the authority having jurisdiction. (vi) A Second Residential Unit shall not be permitted on a lot containing two or more Dwelling Units, a garden suite, a Boarding House, or a Lodging House. (vii) A Second Residential Unit shall not be permitted on the lands identified as Natural Hazards Area in Schedule "N" of this By-Law, or on any lands otherwise identified as a natural hazards area through a site-specific investigation or analysis. (viii) The establishment of a Second Residential Unit shall not be limited by any special zone provisions that establish the maximum number of Dwelling Units. (ix) A maximum of one Second Residential Unit shall be permitted per lot. (x) Where this By-Law calculates density as a measure of Dwelling Units per net hectare, a Second Residential Unit shall be exempt from this calculation. (xi) Second Residential Units shall be exempt from any minimum lot area requirement established per Dwelling Unit on a lot. (xii) A Second Residential Unit shall comply with the maximum floor space index (FSI), where such requirement has been established for the zone in which the Second Residential Unit is located. (xiii) A Second Residential Unit shall comply with the required minimum Landscaped Open Space, where such requirement has been established for the zone in which the Second Residential Unit is located. (xiv) A Tandem Parking Space shall be permitted to facilitate a Second Residential Unit. A parking space for a Second Residential Unit may be located in a permitted driveway that is within a front yard. The parking space for the Second Residential Unit shall meet all other applicable provisions of this By-Law. (xv) Where a Second Residential Unit is attached to the Principal Dwelling Unit, the Second Residential Unit must have a separate exterior entrance. The separate entrance may be located at the side, rear or front of the Principal Dwelling Unit. A separate entrance may also be provided through a joint front entrance vestibule with the Principal Dwelling Unit. (xvi) The exterior entrance to a Second Residential Unit that is within a Principal Dwelling Unit (i.e. not a detached second residential unit), and is located at the side or rear of the Principal Dwelling Unit, shall be accessed by a minimum 1.2 metre wide unobstructed pathway provided from the front of the Principal Dwelling Unit building or the front lot line. For the purposes of this subsection, a "pathway" is defined as a hard surface treated path that is separately delineated from the driveway and provides pedestrian access. "Unobstructed" means no obstructions to a height of up to 2.3 metres. This provision shall not prevent the establishment of a gate to access the rear yard. (xvii) No person may park a vehicle on any part of a pathway, as defined in subsection (xvi) above. (xviii) The use of a separate driveway to provide unobstructed access to a detached Second Residential Unit may be provided where the driveway and parking space requirements of this By-Law are met. (xix) Access to a detached second residential unit shall be in accordance with the Ontario Building Code. (xx) The gross floor area of the Second Residential Unit shall be equal to or less than the gross floor area of the Principal Dwelling Unit. For the purposes of this provision, "gross floor area" shall mean the total area of each floor, whether located above, at, or below grade, including finished attic spaces measured between the outside of the exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, but excluding: (a) an open porch or balcony; and (b) areas internal to the building that are intended for storage of vehicles. (xxi) A Second Residential Unit in a detached building is not subject to the accessory building regulations contained in Section 5.17 of this By-Law unless otherwise indicated below, and will be permitted in accordance with the provisions of subsections (i) to (xx) above and the following additional provisions: (a) a detached Second Residential Unit shall comply with the minimum yard setbacks and maximum height applicable to the Principal Dwelling Unit in the zone in which such use is located; (b) a detached Second Residential Unit may be located within a rear or interior side yard, to a minimum setback of 1.2 metres from the rear or interior side yard lot line, provided the Second Residential Unit does not exceed 4.6 metres in height, and further provided that a solid privacy fence with a minimum height of 1.8 metres is established in accordance with the following provisions: 1. when the detached Second Residential Unit is situated within a rear yard only, the privacy fence shall be

established around the entire perimeter of the rear yard (i.e., along the side and rear lot lines as applicable); II. when the detached Second Residential Unit is situated within a side yard only, the privacy fence shall be established along the side yard lot line closest to the detached Second Residential Unit extending from the intersection of the side lot line with the rear lot line and shall extend to the nearest part of the Primary Dwelling Unit measured to the front lot line; or III. when the detached Second Residential Unit is situated within a rear yard and a side yard, fencing shall be established in accordance with provisions set out in both subsections (I) and (II) above; (c) a detached Second Residential Unit shall comply with the maximum lot coverage requirements in the applicable zone for accessory buildings, as identified in Section 5.17 of this By-Law; (d) a detached Second Residential Unit shall not be located in the front yard; and (e) a detached Second Residential Unit shall comply with the minimum distance separation formulae.

City of Belleville

Official Plan

No relevant policies

Zoning By-law 10245

“Second Unit Dwelling” shall mean one (1) additional dwelling unit located within a single detached dwelling, a dwelling unit of a semidetached dwelling, or a dwelling unit of a townhouse dwelling.

“Coach House Dwelling” shall mean one (1) additional dwelling unit that is located in a building or structure that is located on the same lot and is accessory to a single detached dwelling containing only one dwelling unit, semi-detached dwelling containing only one dwelling unit or townhouse dwelling containing only one dwelling unit.

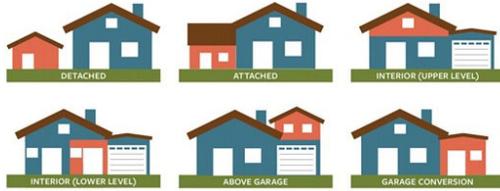
SECOND UNIT DWELLINGS (Accessory Apartments) 2018-185 Notwithstanding any other provisions of this By-law to the contrary, a maximum of one Second Unit Dwelling shall be permitted in any single-detached, semi-detached or townhouse dwelling, provided that: 1) The second unit dwelling use is entirely within the same building as the main use on the same lot; 2) The use is accessory to the main use on the same lot; 3) The maximum floor area used for an accessory dwelling on a lot is 100 m² and shall not exceed 45% of the total floor area of the building (including basement or cellar); 4) Subsection 3) does not apply where the second unit dwelling is located entirely within the basement save and except for its entrance located on the ground floor; 5) A maximum of 2 bedrooms are permitted in each second unit dwelling; 6) A second unit dwelling is not permitted on a property where there is a converted dwelling, duplex dwelling, triplex dwelling, double duplex dwelling, semi-detached duplex dwelling, horizontal multiple attached dwelling, apartment dwelling, group housing, 3-unit housing, or coach house also situated; 7) A minimum of 1 parking space is provided for the second unit dwelling, in addition to parking required for the single detached, semi-detached or townhouse dwelling; 8) The lot has frontage on an open public maintained road; and 9) Any lot with a second unit dwelling shall provide and maintain a minimum of 40% of the front yard as landscaped open space. 10) The creation of a second unit dwelling must not result in any new doorway entrance added to the front wall, whether before, during, or after the creation of the second unit dwelling 11) Subsection 10) does not: i. prohibit an internal lobby or vestibule with a common doorway entrance in the front wall; nor ii. prohibit the creation of a secondary dwelling unit within a dwelling unit that already contains more than one doorway entrance in the front wall; nor iii. require the removal of a doorway entrance to a house that already contains more than one doorway entrance in the front wall; nor iv. prohibit the addition of one doorway entrance along the front wall of a dwelling unit on a corner lot where there is no doorway entrance along that front wall, but where there is one along the corner side wall of the dwelling unit.

COACH HOUSES 2018-185 Notwithstanding any other provisions of this By-law to the contrary a maximum of one (1) coach house dwelling is permitted on a residential lot containing a single detached, semi-detached or townhouse dwelling, provided that: 1) The maximum floor area used for a coach house dwelling on a lot is 100 m² and shall not exceed 40% of the total floor area of the main building (including basement or cellar); 2) A maximum of 2 bedrooms are permitted in a coach house dwelling; 3) A coach house dwelling is not permitted on a property where there is a converted dwelling, duplex dwelling, triplex dwelling, double duplex dwelling, semi-detached duplex dwelling, horizontal multiple attached dwelling, apartment dwelling, group housing, 3-unit housing, or a second unit dwelling also situated; 4) A minimum of 1 parking space is provided for the coach house dwelling, in addition to parking required for the single detached, semi-detached or townhouse dwelling; 5) Any lot with a coach house dwelling shall provide and

maintain a minimum of 40% of the front yard as landscaped open space; 6) The maximum lot coverage of the coach house dwelling shall not exceed 40% of the yard in which it is located; 7) The coach house dwelling is prohibited from future severance; 8) The minimum distance from side and rear lot lines shall be either the greater of 1.2 metres or the minimum distance from side and rear lot lines as established within the underlying zone; 9) A minimum 1.2 metre-wide access from the coach house dwelling to a public street is provided; 10) Other provisions for accessory buildings or structures as established within the underlying zone apply; and, 11) The lot has frontage on an open public maintained road.

Appendix 2
Fotenn Planning + Design
Presentation to Council (November 10, 2020)

Accessory Residential Units



FOTENN
Planning + Design

November 10, 2020

2

- Fotenn was retained by the Township in December 2019 to undertake a review of accessory residential units and prepare a best practices report.
- Services have consisted of:
 1. Conducting research regarding municipal approaches to the regulation of accessory residential units in Ontario;
 - Reviewing Official Plans and Zoning By-laws for 10 Ontario municipalities
 2. Providing recommendations for the introduction of necessary policies; and
 3. Drafting Official Plan and Zoning By-law Amendments.

Introduction

FOTENN

3

- Accessory Residential Units:
 - Are self-contained dwelling units with a private kitchen, bathroom facilities and sleeping areas within dwellings or within structures ancillary to the dwelling;
 - Promote diversification of the housing market;
 - Offer affordable housing for both homeowners and tenants;
 - Provide appropriate living arrangement for seniors or others requiring assisted living services;
 - Respond to trends in the decline of household size; and
 - Increase residential densities which supports efficient land use patterns for servicing and transit.

Background

FOTENN

4

- Supports the establishment of accessory residential units:
 - 1.1.1 *Healthy, liveable and safe communities are sustained by: b) **accommodating an appropriate affordable and market-based range and mix of residential types** (including single-detached, **additional residential units**, multi-unit housing, affordable housing and housing for older persons)....*
 - 1.1.4.1 *Healthy, integrated and viable rural areas should be supported by: c) **accommodating an appropriate range and mix of housing** in rural settlement areas;*

Provincial Policy Statement (2020)

FOTENN

5

- Supports the establishment of accessory residential units:
 - 1.4.3 ***Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by: b) permitting and facilitating: 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;***

Provincial Policy Statement (2020)

FOTENN

6

- Amended subsection 16(3) of the *Planning Act*.
- Now requires official plans to contain policies to permit a maximum of two accessory residential units on a property, both within a principal dwelling and within an ancillary structure.

A total of up to three residential units on a property are supported by provincial legislation.

Bill 108, More Homes, More Choices Act, 2019 **FOTENN**

7

- Does not currently permit or provide regulations for accessory residential units within the municipality.
- Official Plan policies permit temporary 'garden suites' and support residential intensification through accessory apartment or secondary suites.

Hamilton Township Official Plan **FOTENN**

8

- Facilitate an Official Plan Amendment and Zoning By-law Amendment to permit and introduce policies related to accessory residential units in the Township and bring the Township's policies into conformity with provincial regulation.

Amend Official Plan:

- Add definition for Accessory Residential Unit.
- Amend Section 3.1ii) (Residential Policies) to introduce policies which broadly permit accessory residential units within principal residential dwellings and within a detached structure.

Amend Zoning By-law:

- Add definition for Accessory Residential Unit.
- Amend Section 5 (General Provisions) to introduce necessary zoning provisions.

Summary – Recommendation **FOTENN**

9

- Confirm direction from Council
- Conduct a Public Open House
- File applications for Official Plan Amendment and Zoning By-law Amendment

Summary – Next Steps **FOTENN**

10

Questions & Comments

FOTENN
Planning + Design

Appendix 3
Fotenn Planning + Design
Planning Report (March 12, 2021)

Planning Report

Township of Hamilton, Additional Residential Units

Official Plan Amendment + Zoning By-law Amendment

Introduction

Fotenn Planning + Design was engaged by the Township of Hamilton in December 2019 to undertake a review of second residential unit policies and prepare a best practices report. Our services consisted of conducting research regarding municipal approaches to the regulation of additional residential units within other Ontario municipalities. Municipal Official Plans and Zoning By-laws were reviewed and conversations with Township staff were conducted to determine an appropriate Official Plan and Zoning By-law approach. Through this process, the Province updated legislation to require additional residential units within both principal dwellings and detached buildings, and as a result, the scope of the project shifted slightly from second residential units to additional residential units. Findings from this comprehensive review were summarized during a Committee of the Whole meeting to Council on November 10, 2020. Based on the information gathered, feedback received from Council, direction from staff, and to bring the Township's documents into conformity with provincial legislation and the County Official Plan, we recommend that the Township undertake an Official Plan amendment and Zoning By-law amendment to regulate the establishment of additional residential units within the Township. The proposed by-laws are included herein and have been devised to align with the Province's strategic direction for growth.

Background

Additional residential units are self-contained dwelling units with a private kitchen, bathroom facilities and sleeping areas within dwellings or within structures ancillary to the dwelling. The units are often, but not always, located within the basement of single-detached, semi-detached or row house dwellings. Additional residential units have been promoted as means of diversifying the housing market to offer affordable housing for both homeowners and tenants, providing appropriate living arrangement for seniors or others requiring assisted living services, responding to trends in the decline of household size, and increasing residential densities which support efficient land use patterns for servicing and transit. Additional residential units are regulated by all provincial standards and legislation, along with local municipal planning documents including Official Plans and Zoning By-laws.

The 2020 Provincial Policy Statement (PPS) supports the establishment of additional residential units and intensification of residential areas. Section 1.0 Building Strong Health Communities provides the following policy:

1.1.1 Healthy, liveable and safe communities are sustained by:

b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;

Section 1.1.3 provides policies related to Settlement Areas:

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Section 1.1.4.1 provides direction for Rural Areas in Municipalities:

1.1.4.1 Healthy, integrated and viable rural areas should be supported by:

c) accommodating an appropriate range and mix of housing in rural settlement areas;

As well, Section 1.4 Housing provides the following policy:

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

b) permitting and facilitating:

- 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*
- 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*

The PPS supports the establishment of additional residential units as a means to diversify the housing supply in both urban settlement areas and rural areas. The PPS also promotes the integration of infrastructure planning and intensification, directing the establishment of additional residential units to areas in which they can be supported.

Bill 108, More Homes, More Choices Act, 2019 amended subsection 16(3) of the *Planning Act* which required official plans to contain policies to permit one second residential unit on a property, either within the principal dwelling or within an ancillary structure. This subsection was re-enacted to require official plans to permit a maximum of two second residential units on a property, both within a principal dwelling and within an ancillary structure. As such, a total of three residential units on a property are supported by provincial legislation.

The *Northumberland Housing and Homelessness Plan 2014-2023* (“Plan”) states that Northumberland County seeks to facilitate housing that provides choice and responds to community need. The *Plan* identifies that the County has a higher than national average percentage of seniors and an average of 80 new renters are expected each year. A municipal planning objective identified in the *Plan* states that “*area Municipal Official Plans and zoning by-laws should be updated to permit the creation of second units in homes in municipally-serviced areas. This will help create needed rental housing and also assist some homeowners with their own housing costs*”.

Similarly, the *Northumberland County Affordable Housing Strategy* (“Strategy”) published in February 2019, states that a community’s housing supply should respond to a range of housing need. The *Strategy* provides an extensive review of the County’s population demographics, including those of Hamilton Township. Household size is shrinking in the County, with the majority of households made up of couples without children or persons living alone, suggesting a need for smaller dwelling sizes. Despite this decline in household size, the majority of homes in the County are single-detached dwellings and Hamilton has the highest share of single-detached dwellings at 94.5% compared to other municipalities within the County.

The high proportion of single-detached dwellings provides an opportunity to establish additional residential units. In rural communities, it is often uneconomical and challenging to service apartment buildings which potentially offer smaller unit sizes or more affordable housing options. As such, additional residential units are a good source of rental units and commonly rely on single-detached dwellings to be established. Additional residential units, particularly in rural communities, contribute to diversifying the housing supply as well as supporting the rental market and affordable housing. The *Strategy* states that “*Hamilton has the lowest share of rental housing in Northumberland and while home ownership may be the ideal for many households, a good balance between rental and ownership options in a community would ensure that all residents in that community have housing choices.*”

In accordance with provincial legislation, the Northumberland County Official Plan requires municipalities to adopt Official Plan and Zoning By-law policies that allow additional residential units.

Methodology, Analysis + Considerations

A preliminary review was conducted of 10 municipal Official Plans and Zoning By-laws to identify those that had permissive policies in terms of defining and providing regulations for second residential units. Based on this review, five (5) municipalities either did not provide direction for second residential units or they only temporarily permitted detached garden suites. The remaining five (5) municipalities did provide definitions or regulations for second residential units within their Official Plans and Zoning By-law. This review is provided in the Background Report – Second Residential Units dated February 6, 2020. This review formed the basis of and influenced the recommended Official Plan and zoning by-law policies.

Although this review was focused on second residential unit policies, the policies continue to be applicable for the proposed additional residential unit policies.

The policies reviewed illustrated the variety of policies necessary and appropriate to regulate additional residential units. While the Township of Hamilton’s Official Plan does not provide regulations for additional residential units within the municipality, policies exist which permit temporary ‘garden suites’ and support residential intensification through accessory apartment or secondary suites. The following are policies from the Township of Hamilton Official Plan:

Section 1.8 (xvii) Residential Intensification a) means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes: 5. the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, secondary suites and rooming houses.

Section 3.1 Residential Policies i) A full range of residential development shall be permitted including single detached, semi-detached, duplex, converted and multiple unit dwellings. ii) Up to one accessory apartment unit shall be permitted in a single detached, semidetached or row house dwelling, subject to

Section 16 (3) of the Planning Act. Exceptions may occur where development constraints such as servicing, hazard or environmental constraints would preclude such development.

Section 13.1.2 Temporary Use By-laws Pursuant to Section 39 of the Planning Act, the Municipality may authorize the temporary use of land, buildings or structures for any purpose otherwise prohibited by the Zoning By-law. The temporary use may be initially authorized for a period of time up to three years from the date of the passing of the by-law, except in the case of garden suites which may be authorized for up to ten years. A Temporary Use By-law may be extended by by-law for further periods of not more than three years each. Upon the expiry of a Temporary Use By-law, the use authorized by the by-law shall cease, unless extended by by-law. Where deemed appropriate by the Municipality, a Temporary Use By-law may be adopted for a purpose which does not conform to the Official Plan, provided that the long-term objectives and policy direction of the Plan shall not be adversely affected by the by-law.

These policies indicate that accessory apartments and secondary suites are only permitted within single detached, semi-detached or row dwellings. The Official Plan does not provide a definition for secondary suites or accessory apartments. The Official Plan only temporarily permits detached “garden suites”.

The review and analysis of municipal approaches for official plan policies and zoning by-law provisions related to additional residential units identified a variety of regulating provisions. Additional consideration is necessary regarding servicing capacity, required supporting studies and the associated financial cost, as well as what the zoning by-law amendment should consist of.

In addition to a review of municipal policies, consideration was also given to the required servicing and financial costs associated with individual landowners undertaking these professional studies (e.g. Hydrogeological Study, Servicing Report). Further consideration was given to whether amendments should occur to the General Provisions section of the zoning by-law or to specific zones.

Recommendations

Based on our review, we recommend that the Township undertake an Official Plan Amendment Zoning By-law Amendment to introduce policies to broadly permit additional residential units within the Township both within principal residential dwelling and within a detached structure. Our recommendation is to introduce a definition and policies related to additional residential units with the Official Plan and define and introduce regulations within the General Provision section of Zoning By-law 2001-58. Further clarity is necessary to define additional residential units, where they are permitted, and related zoning provisions.

The following amendments are recommended to the Township’s Official Plan, and an explanation for inclusion of each policy is provided:

Amend Section 1.8 to add a definition for “Additional Residential Unit” as follows:

“Additional Residential Unit” shall mean a self-contained residential unit containing a private kitchen, bathroom facilities and sleeping areas within dwellings or within structures (such as above a garage or within a detached accessory structure), accessory to the principal residential dwelling and located on the same lot.

This definition is proposed as it differentiates additional residential units from principal dwellings. As well, the definition clearly indicates that an additional residential unit is self-contained and subordinate to the principal dwelling use.

Amend Section 3.1ii) (Residential Policies) as follows:

(i) By deleting the words “Up to one accessory apartment unit shall be permitted in a single detached, semi-detached or row house dwelling, subject to Section 16 (3) of the Planning Act. Exceptions may occur where development constraints such as servicing, hazard or environmental constraints would preclude such development.”

This amendment is proposed in order to introduce text which permits up to two additional residential units on a site.

(ii) By replacing it with “Up to one additional residential unit shall be permitted in a single detached dwelling, in a semi-detached dwelling on lot or in a row house dwelling on lot, and up to one additional residential unit shall be permitted in a detached accessory structure, subject to Section 16 (3) of the Planning Act. Exceptions may occur where development constraints such as servicing, hazard or environmental constraints would preclude such development.

This policy is proposed to clearly indicate that up to two additional residential units are permitted on a site, but are subject to development constraints. This ensures the Township has the ability to limit the number of additional residential units on a site should servicing or other constraints be of concern.

(iii) Additional residential units shall comply with the following provisions:

a) All applicable laws and standards, including the Ontario Building Code and Fire Code, and property standard by-laws.

This policy is standard and included within the Official Plans of neighbouring municipalities.

b) Applicable fees:

i. Additional residential units are exempt from township development charges.

ii. Additional residential units may be subject to County development charges. Refer to County Development Charges By-law.

iii. Additional residential units are subject to applicable building permit fees

This policy is included per a recommendation received from Northumberland County staff.

c) Additional residential units may be connected to the same servicing system for potable water and sewage disposal as the main dwelling on the lot pending approval of the municipality and authority having jurisdiction. If the servicing system is deemed to be inadequate to support the proposed additional residential unit(s), it is up to the property owner/applicant to provide an alternative servicing system to the satisfaction of the municipality and any other authority having jurisdiction as the case may be.

This policy is standard and included within the Official Plans of neighbouring municipalities. This policy ensures continuance of a site’s existing servicing system while providing flexibility to accommodate additional units where servicing capacity is lacking.

d) A maximum of two additional residential units per lot may be permitted.

i. One additional residential unit shall be permitted in a single detached dwelling, in a semi-detached dwelling on a lot, or in a row house dwelling on a lot; and

ii. One additional residential unit shall be permitted in a building accessory to a single detached, semi-detached dwelling, or row house dwelling.

This policy permits the development two additional residential units in suitable building types, one located within the primary dwelling and another in an accessory building. This policy reflects the changes made by *Bill 108, More Homes, More Choices Act, 2019* which permits up to two additional residential units per site.

e) Where additional residential unit(s) is/are proposed, the owner shall investigate whether an adequate supply of potable water is available, and that the site can assimilate wastes from the sewage disposal system without exceeding Ministry of the Environment and Climate Change

guidelines for groundwater impact. Such information must accompany the building permit application, to the satisfaction of the Municipality and the authority having jurisdiction.

- i. Where up to two additional residential units are proposed and the site is serviced with municipal water, a servicing statement is required from the municipality's water purveyor.*
- ii. Where up to two additional residential units are proposed, and the site is privately serviced, the owner shall provide a current well test completed by licensed well contractor, showing well flow rate along with a current potable water test from the local Health Unit.*

This policy is standard and included within the Official Plans of neighbouring municipalities. This will ensure that adequate servicing, either private or municipal, is available to support additional residential units on a site. This policy will ensure municipal oversight prior to the issuance of building permits for additional residential units.

- f) Additional residential units shall be permitted within and accessory to single, semi-detached, or row house dwellings in all land use designations that permit single detached, semi-detached, and row house dwelling, subject to the policies of this Plan and the implementing Zoning By-law.*

This policy clearly indicates that compliance with applicable zoning provisions is required to permit the development of additional residential units.

- g) A detached additional residential unit shall not be severed from the lot containing the principal residential unit. This shall not prohibit the severance of surplus farm dwellings.*

This policy will ensure that the proposed policies will not impact the existing policies associated with surplus farm dwellings.

Amend Section 4.1 (Agricultural – Permitted Uses) as follows:

(i) By deleting the words “A maximum of two dwelling houses may be permitted on a farm. A second accessory dwelling shall be used for an employee engaged full time in the agricultural activity on the property. Nothing in this policy should be construed as encouraging or allowing for the subsequent severance of the second accessory dwelling.”

(ii) By replacing it with “Additional residential units may be permitted if located within the area of the primary farm cluster and are subject to the policies of this Plan and the implementing Zoning By-law. Nothing in this policy should be construed as encouraging or allowing for the subsequent severance of the second additional dwelling.”

This policy is included to limit the sprawl of sensitive land uses in rural areas.

The following amendments are recommended to the Township's Zoning By-law 2001-58, and an explanation for inclusion of each policy is provided:

Amend Section 3 to add a definition for “Additional Residential Unit” & “Parking, Tandem”, as follows:

“Additional Residential Unit” shall mean a self-contained residential unit containing a private kitchen, bathroom facilities and sleeping areas within dwellings or within structures (such as above a garage or within a detached accessory structure), accessory to the principal residential dwelling and located on the same lot.

This definition is proposed to match the definition proposed in the Official Plan.

“Parking, Tandem” shall mean the parking of motor vehicles one behind the other.

This definition is proposed to differentiate tandem parking spaces from standard parking spaces.

Amend Section 5 (General Provisions) to add the following:

5.44 Additional Residential Units

1. *Notwithstanding any other provision of this By-law, where an additional residential unit is permitted hereunder, the following provisions shall apply:*

i. *Additional residential units shall only be permitted in association with the following permitted principal uses:*

- a. *Single detached dwellings; and*
- b. *Semi-detached dwellings.*

This policy is standard and included in the Zoning By-laws of neighbouring municipalities.

ii. *Additional residential units are not permitted within the:*

- a. *Limited Service Residential (LSR) Zone;*
- b. *Waterfront Residential (WR) Zone;*

This policy prohibits the development of additional residential units within LSR and WR zones due to the fact that properties within this zone are generally located with frontage on private roads, per direction from the Township.

iii. *Where an existing garden suite is situated on a lot it shall be classified as an additional residential unit. As such, only one additional residential unit within the principal dwelling shall be permitted subject to the provisions of this section.*

This policy clarifies the fact that a garden suite constitutes an additional residential unit and prohibits the development of more than one additional residential unit within a primary dwelling where a garden suite exists.

iv. *Additional residential units are only permitted on lots with direct frontage on a year round maintained road;*

This policy is standard and included within the Zoning By-laws of neighbouring municipalities.

v. *A maximum of two additional residential units may be permitted per lot subject to the provisions of this section:*

- a. *One (1) additional residential unit may be permitted within an existing or new single detached or semi-detached dwelling on a lot; and*
- b. *One (1) additional residential unit may also be permitted within a building or structure accessory to the single detached or semi-detached dwelling on a lot.*

This policy is standard and included within the Zoning By-laws of neighbouring municipalities.

vi. *Where additional residential unit(s) is/are proposed, the owner shall investigate whether an adequate supply of potable water is available, and that the site can assimilate wastes from the sewage disposal system without exceeding Ministry of the Environment and Climate Change guidelines for groundwater impact. Such information must accompany the building permit application, to the satisfaction of the Municipality and the authority having jurisdiction.*

- a. *Where up to two additional residential units are proposed and the site is serviced with municipal water, a servicing statement is required from the municipality's water purveyor.*
- b. *Where up to two additional residential units are proposed, and the site is privately serviced, the owner shall provide a current well test completed by licensed well contractor, showing well flow rate along with a current potable water test from the local Health Unit.*

This policy is standard and included within the Zoning By-laws of neighbouring municipalities. Similar to the inclusion of this policy within the Official Plan, this policy will ensure that adequate servicing, either private or municipal, is available to support the additional residential units on a site. This policy will ensure municipal oversight prior to the issuance of building permits for additional residential units.

- vii. *Additional residential units may be connected to the same servicing system for potable water and sewage disposal as the main dwelling on the lot pending approval of the municipality and authority having jurisdiction. If the servicing system is deemed to be inadequate to support the proposed additional residential unit(s), it is up to the property owner/applicant to provide an alternative servicing system to the satisfaction of the municipality and any other authority having jurisdiction as the case may be.*

This policy is standard and included within the Zoning By-laws of neighbouring municipalities. This policy ensures continuance of a site's existing servicing system.

- viii. *Additional residential units shall be clearly accessory to the principal permitted use on the same lot;*

This policy is standard and included within the Zoning By-laws of neighbouring municipalities.

- ix. *The establishment of additional residential units shall not be limited by any special zone provision that establishes the maximum number of dwelling units.*

This policy is standard and included within municipal Zoning By-laws.

- x. *The maximum floor area of an additional residential unit within a principal dwelling shall not exceed 50%, or up to 186 square metres (2,002 square feet), of the gross floor area of the dwelling in which it is located.*

This policy is standard and included within the Zoning By-laws of neighbouring municipalities.

- xi. *Additional residential units shall be exempt from any minimum lot area requirement established per dwelling unit on a lot.*

This policy is standard and included within municipal Zoning By-laws.

- xii. *Additional residential units shall comply with the required minimum Landscaped Open Space provision, where such requirement has been established for the zone in which the Additional Residential Unit is located.*

This policy is standard and included within municipal Zoning By-laws.

- xiii. *In addition to the parking space(s) required for single detached or semi-detached dwellings, one (1) parking space is required for each additional residential unit. Tandem parking to a maximum of only one (1) space is permitted.*

This policy is standard and included within the Zoning By-laws of neighbouring municipalities. Clarification of the number of parking spaces supported by tandem parking will ensure avoidance of parking conflict.

- xiv. *Additional residential units within or otherwise attached to the principal dwelling unit shall provide a separate entrance which may be located at the side, rear or front of the principal dwelling unit. The entrance shall be accessed by a 1.2 metre (4 feet) wide unobstructed pathway from the front of the principal dwelling or the front lot line. For the purposes of this subsection, a "pathway" is defined as a hard surface treated path that is separately delineated from the driveway and provides pedestrian access. "Unobstructed" means no obstructions to a height of up to 2.3 metres (7.5 feet). This provision shall not prevent the establishment of a gate to access the rear yard.*

This policy will ensure that safe and adequate access is provided for the entrances of additional residential units located within principal dwelling units.

- xv. *If an additional residential unit is proposed in a floodplain or an area rendered inaccessible to people and vehicles during times of flooding it shall require the approval of the authority having jurisdiction.*

This policy is standard and included within Zoning By-laws of neighbouring municipalities.

- xvi. *Where an additional residential unit is located within a detached accessory building, the following provisions apply:*

- a. *Shall comply with the accessory use minimum yard requirements of the zone;*

This policy is standard and included within Zoning By-laws of neighbouring municipalities.

- b. *Shall be setback a minimum of 1.2 m (4 feet) from the principal dwelling located on the same lot;*

This policy is standard and included within Zoning By-laws of neighbouring municipalities. As well, this policy matches the existing required setback for accessory buildings from the principal dwelling in the Township's Zoning By-law.

- c. *Shall have a maximum building height of 5.5 metres (18 feet);*

This policy is standard and included within Zoning By-laws of neighbouring municipalities. As well, this policy permits a maximum height comparable to that which is permitted for accessory buildings, 5.0 metres.

- d. *i) Where a principal dwelling has a footprint of 100 square metres or less, the gross floor area of the detached additional unit shall not exceed 50 square metres;
ii) Where a principal dwelling has a footprint greater than 100 square metres, the gross floor area of the detached additional unit shall not exceed 50% of the principal dwelling footprint or a maximum of 186 square metres (2,002 square feet), whichever is lesser.*

This policy is standard and included within Zoning By-laws of neighbouring municipalities. This policy will ensure that compatibility in dwelling sizes is provided in existing residential areas.

- e. *Shall comply with all other relevant accessory use provisions of the zone in which it is located; and*

This policy is standard and included within Zoning By-laws of neighbouring municipalities.

- f. *A detached additional residential unit shall comply with the Minimum Distance Separation formulae.*

This policy is standard and included within Zoning By-laws of neighbouring municipalities.

Conclusion

Based on our review, we recommend that an Official Plan Amendment and Zoning By-law Amendment be completed to allow additional residential units in compliance with Provincial regulations. These amendments will support a diversified housing market to offer affordable housing for homeowners and tenants, provide appropriate living arrangement for seniors or others requiring assisted living services, respond to trends in the decline of household size, and increase residential densities which support efficient land use patterns for servicing and transit. These amendments will also bring the Township's policies and regulatory control into compliance with provincial legislation.

It is our professional planning opinion that this Official Plan and Zoning By-law Amendment represent good planning. If you have any questions or should you require any additional information, please do not hesitate to contact the undersigned at 613.542.5454.

Respectfully,



Mike Keene, MCIP RPP
Principal, Planning + Development
Fotenn Planning + Design



Kelsey Jones, M.Pl.
Planner
Fotenn Planning + Design