

PLANNING REPORT – 15/32

TO: STRATEGIC PLANNING COMMITTEE

FROM: KELSEY LANG, PLANNING ASSOCIATE

MEETING DATE: April 15, 2015

SUBJECT: COMPREHENSIVE ZONING BY-LAW REVIEW –
REPORT 5: GARDEN SUITES

ATTACHMENTS: 1 – PROPOSED REGULATIONS

SUMMARY:

The regulations which govern Garden Suites have been identified by the Township of Guelph/Eramosa Council and the general public, as a topic of interest in the Comprehensive Zoning By-law Review. This report provides the policy background on the topic, before proposing options for discussion and consideration.

RECOMMENDATION:

It is recommended that the Strategic Planning Committee of the Township of Guelph/Eramosa:

1. Receive Planning Report 15/32 regarding Comprehensive Zoning By-law Review Report 5: Garden Suites”; and
2. Provide direction to staff on the regulations for Garden Suites to act as input to the Comprehensive Zoning By-law Review.

DISCUSSION TOPIC:

What regulations should apply to Garden Suites?

The Township’s Zoning By-law 57/1999 currently allows for Garden Suites in all zones where detached dwellings are permitted, subject to a Zoning By-law Amendment for the temporary use. Provincial legislation limits the length of the term of approval, while the

Wellington County Official Plan states which aspects can be regulated by the Township Zoning By-law.

Given the policy environment, as described in the following sections, the Township has two options:

OPTION A: Continue with the current Garden Suite regulations.

OPTION B: Amend the Zoning By-law to change the regulations for Garden Suites.

The format of this report includes summaries of each component, with sections of the relevant document inset for reference purposes.

PLANNING ACT, 1990 AS AMENDED

The Planning Act permits Garden Suites through a specialized version of a temporary use by-law. Prior to May 4, 2011, the specialized version of a temporary use by-law only allowed a Garden Suite to exist for a maximum of ten years, at Council's discretion, before requiring renewal. This was changed to help address concerns about affordable housing and currently this specialized version of a temporary use by-law allows a Garden Suite to exist for a maximum of twenty years, at Council's discretion, before requiring renewal. After the initial period, the Garden Suite may be renewed every three years through a Council decision, as any other temporary use by-law.

39.1 Garden suites

(1) As a condition to passing a by-law authorizing the temporary use of a garden suite under subsection 39 (1), the council may require the owner of the 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,

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

Definition

(2) In this section, “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.

Area and time in effect

*(3) Despite subsection 39 (2), a by-law authorizing the temporary use of a garden suite shall define the area to which it applies and specify the period of time for which the authorization shall be in effect, **which shall not exceed 20 years from the day of the passing of the by-law.***

Extension

*(4) Despite subsection (3), **the council may by by-law grant further periods of not more than three years each** during which the temporary use is authorized.*

Non-application

(5) Upon the expiry of the period or periods of time mentioned in subsections (3) and (4), clause 34 (9) (a) does not apply so as to permit the continued use of the garden suite.

WELLINGTON COUNTY OFFICIAL PLAN:

The Wellington County Official Plan implements the Planning Act through permitting Garden Suites and defining which aspects of a Garden Suite a lower tier municipality can regulate through their Zoning By-law.

Garden suite: means a detached temporary housing unit which meets the Building Code for year-round use and is accessory to the main residence on the same lot. Garden suites are established by temporary use by-laws.

6.4.6 Accessory Residences *In the case of garden suites, **municipalities may enact zoning provisions to address the following matters:***

- a) the second unit is located close to the existing residence on the property and is portable so that it can be easily removed when the need for the unit has discontinued;*
- b) no additional access shall be provided to the lot from a public road;*
- c) adequate screening/buffering, where deemed necessary, is provided to minimize the visual impact of the second unit to adjacent properties;*
- d) adequate amenity areas are provided for the existing dwelling and the second unit;*
- e) the provision of a satisfactory site plan and/or which illustrates how items a) to d) above, and any other matters deemed necessary by the municipality, have been addressed; and*
- f) the establishment of a development agreement between the owner and the municipality to address the installation and removal of the unit, site rehabilitation, listing the occupant(s) of the unit and the period of occupancy, and any other matter deemed necessary by the municipality.*

CURRENT TOWNSHIP ZONING BY-LAW 57/1999:

The Township's Zoning By-law 57/1999 currently allows for Garden Suites in all zones where detached dwellings are permitted, subject to a Zoning By-law Amendment to permit the temporary use. In order for a Garden Suite to be permitted, the structure must meet the definition of a 'Garden Suite' and meet all of the regulations, as listed in Section 5.26. If the Zoning By-law Amendment is approved, the owner is required to enter into a development agreement with the Township, to be registered on title, which governs the installation and removal of the Garden Suite.

"Garden Suite", means a one-unit detached residential structure containing bathroom and kitchen facilities that is accessory to an existing single-detached residential unit. A garden suite is intended to serve the "temporary" needs of adult children, elderly parents, farm help, etc. A garden suite is a factory-built, portable, and non-seasonal residential dwelling unit. A mobile home as defined herein may be used as a garden suite in Agricultural zones.

Section 5.26 Where permitted by this By-law, a garden suite shall be subject to the following provisions:

- 1) Driveway access to both the main dwelling and the garden suite shall be limited to one so that no new entrance from the street shall be created.*
- 2) The siting of a garden suite shall be in accordance with the provisions for accessory uses (Section 5.2).*
- 3) The maximum floor area shall be 92.9 m² (1000.0 ft²).*
- 4) The maximum height shall be one storey, and shall not exceed 4.5 m (14.8 ft).*
- 5) No garden suite shall be located closer than 3.0 m (9.8 ft) to the main residence on the lot or any building on an abutting property.*
- 6) Only one garden suite may be established per lot.*
- 7) All garden suites shall be provided with adequate water and sewage disposal systems.*
- 8) All garden suites shall be established as a temporary use pursuant to Section 39 of the Planning Act.*

OPTIONS:

Given the Provincial legislation and the Official Plan, the options that exist are listed below:

OPTION A: Continue with the current Garden Suite regulations.

OPTION B: Amend the Zoning By-law to change the regulations for Garden Suites.

ANALYSIS:

The Township has approved four Zoning By-law Amendments for Garden Suites since 2005 (two of the four were for renewal of the same garden suite). Issues that have been raised include the length of the approval, the steps in the approval process, and the minimum floor area. The length of the approval and the steps in the approval process are governed by Provincial legislation, however the maximum floor area is within the jurisdiction of the Zoning By-law.

The majority of the Township's Garden Suite regulations are consistent with the regulations in other municipalities. Given that Township Council recently approved a Zoning By-law Amendment for a Garden Suite which exceeded the maximum floor area by proposing a 116 m² (1,248 ft²) Garden Suite, the regulations of other municipalities in the County were examined for their maximum floor areas. The maximum floor areas permitted in other municipalities were found to be:

- Town of Erin – 74.9 m² (807 ft²)
- Township of Puslinch – 92.9 m² (1,000 ft²)
- Township of Mapleton – 92.9 m² (1,000 ft²)
- Township of Wellington North – 92.9 m² (1,000 ft²)
- Town of Minto – 92.9 m² (1,000 ft²)
- Township of Centre Wellington – 185.8 m² (2,000 ft²)

The Township's maximum floor area is consistent with the regulations for the majority of Wellington County, with the exceptions of the Town of Erin and the Township of Centre Wellington.

Informal discussion with the Planner in Centre Wellington indicated that the size was increased as part of their Comprehensive Zoning By-law review to accommodate farm-help residences and standard manufacturing sizes. He indicated that there have been no issues with the increased maximum floor size since its enactment in 2013.

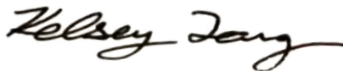
Increasing the maximum floor area could be accommodated in some situations, therefore the maximum floor area permitted could be increased provided that the lot could accommodate such a floor area, and that the Garden Suite remains accessory to the detached dwelling.

Potential changes to the regulations in the existing Zoning By-law text are included in Attachment 1. These should be considered as example regulations for the purposes of discussion and consideration for use in the Comprehensive Zoning By-law Review. Other potential changes include clarifying the location of the placement of the Garden Suite on the lot, and moving the requirements of a Garden Suite from the definition into the regulations.

CONCLUSION:

Township Staff have reviewed the Provincial and County policy surrounding Garden Suites and bring forward for discussion potential changes and regulations, as listed in Attachment 1.

Respectfully Submitted By:



Kelsey Lang
Planning Associate

Reviewed and Approved By:



Dan Currie, RPP, MCIP
MHBC Planning

Reviewed By:

Kim Wingrove
CAO

ATTACHMENT 1 - POTENTIAL CHANGES:

Existing, in Section 3 – Definitions:

“Garden Suite”, means a one-unit detached residential structure containing bathroom and kitchen facilities that is accessory to an existing single-detached residential unit. A garden suite is intended to serve the "temporary" needs of adult children, elderly parents, farm help, etc. A garden suite is a factory-built, portable, and non-seasonal residential dwelling unit. A mobile home as defined herein may be used as a garden suite in Agricultural zones.

Proposed, in Section 3 – Definitions

“Garden Suite”, means a one-unit detached residential structure containing bathroom and kitchen facilities that is accessory to an existing detached dwelling, and intended to serve the temporary needs of adult children, elderly parents, farm help, etc. A garden suite is a factory-built, portable, and non-seasonal residential dwelling unit. A mobile home as defined herein may be used as a garden suite in Agricultural zones.

Existing, in Section 5 – General Provisions

5.26 – Garden Suite Regulations

Where permitted by this By-law, a garden suite shall be subject to the following provisions:

- 1) Driveway access to both the main dwelling and the garden suite shall be limited to one so that no new entrance from the street shall be created.
- 2) The siting of a garden suite shall be in accordance with the provisions for accessory uses (Section 5.2).
- 3) The maximum floor area shall be 92.9 m² (1000.0 ft²).
- 4) The maximum height shall be one storey, and shall not exceed 4.5 m (14.8 ft).
- 5) No garden suite shall be located closer than 3.0 m (9.8 ft) to the main residence on the lot or any building on an abutting property.
- 6) Only one garden suite may be established per lot.
- 7) All garden suites shall be provided with adequate water and sewage disposal systems.
- 8) All garden suites shall be established as a temporary use pursuant to Section 39 of the Planning Act.

Proposed, in Section 5 – General Provisions

5.26 – Garden Suite Regulations

Where permitted by this By-law, a garden suite shall be subject to the following provisions:

- 1) A garden suite shall be prefabricated, portable, and temporary.
- 2) Driveway access to both the principal dwelling and the garden suite shall be limited to one so that no new entrance from the street shall be created.
- 3) The siting of a garden suite shall comply with all setbacks of the zone, and shall be located to the rear or side of the principal dwelling, unless sufficient screening and buffering can be demonstrated.
- 4) The maximum floor area shall be 139.3 m² (1500.0 ft²) provided that the floor area of the garden suite remains less than that of the principal dwelling.
- 5) The maximum height shall be one storey, and shall not exceed 4.5 m (14.8 ft).
- 6) No garden suite shall be located closer than 3.0 m (9.8 ft) to the main residence on the lot or any building on an abutting property.
- 7) Only one garden suite may be established per lot.
- 8) All garden suites shall be provided with adequate water and sewage disposal systems, as per the Ontario Building Code.
- 9) All garden suites shall be established as a temporary use pursuant to Section 39 of the Planning Act.