



COUNTY OF WELLINGTON

COMMITTEE REPORT

To: Chair and Members of the Planning Committee
From: Jameson Pickard, Senior Policy Planner
Date: Thursday, April 16, 2020
Subject: **Additional Residential Units – Official Plan Amendment # 112**

1.0 Background

At Planning Committee's last meeting, staff presented planning report PD2020-04, which provided an overview of changes to the *Planning Act* related to Additional Residential Units (ARU). The recommendation of that report sought Council direction to proceed with an Official Plan Amendment (OPA) to update the County Official Plan with the new ARU provisions in the *Planning Act*.

Staff have prepared a draft OPA for the Committee's consideration which is included in Appendix A of this report.

2.0 Overview Official Plan Amendment # 112

The changes proposed in OPA #112 primarily occur in section 4.4.6 of the official plan. This section pertains to the current second unit policy framework in the County. The majority of the changes are minor, however there are some more significant changes needed to implement the new ARU provisions. These changes are summarized below:

Minor Changes:

- Terminology change from "second units" to Additional Residential Units" is proposed throughout the official plan to be consistent with the *Planning Act* language.
- Additional wording has been added in section 4.4.6, to clarify that the primary dwelling unit on a property counts towards the total number of permitted units on the site.

Major Changes:

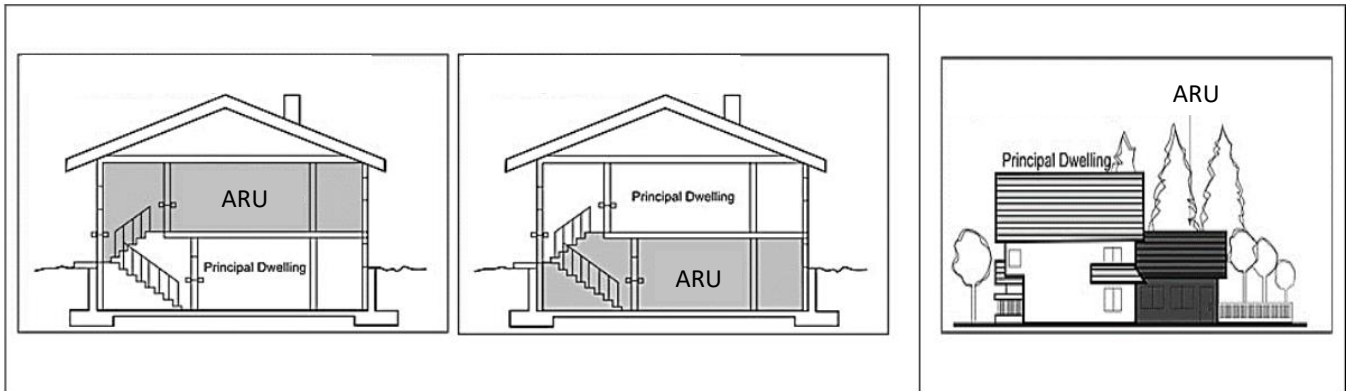
- The proposed amendment will allow a total of 3 residential units to be permitted on properties that contain a single detached dwelling, semi-detached dwelling or townhouse.
- The above change will also have the effect of expanding where ARUs can be permitted within ancillary buildings, and will now include ancillary buildings associated with semi-detached dwellings and townhouses. Currently, the official plan limits a unit within an ancillary building to those associated with a single detached dwelling.

Once the OPA has been adopted by County Council and is in effect, municipalities will be required to update their zoning by-laws to regulate the use of ARUs. Based on a review of member municipality zoning by-laws the level of change required will vary across the different municipalities. Changes range from the complete development of regulations to minor revisions of existing zoning regulations.

It should also be noted that the *Planning Act* requirements are not blanket permission for ARUs. Municipalities have some discretion to permit ARUs where they deem appropriate; however, a planning justification should be identified when deeming areas as inappropriate.

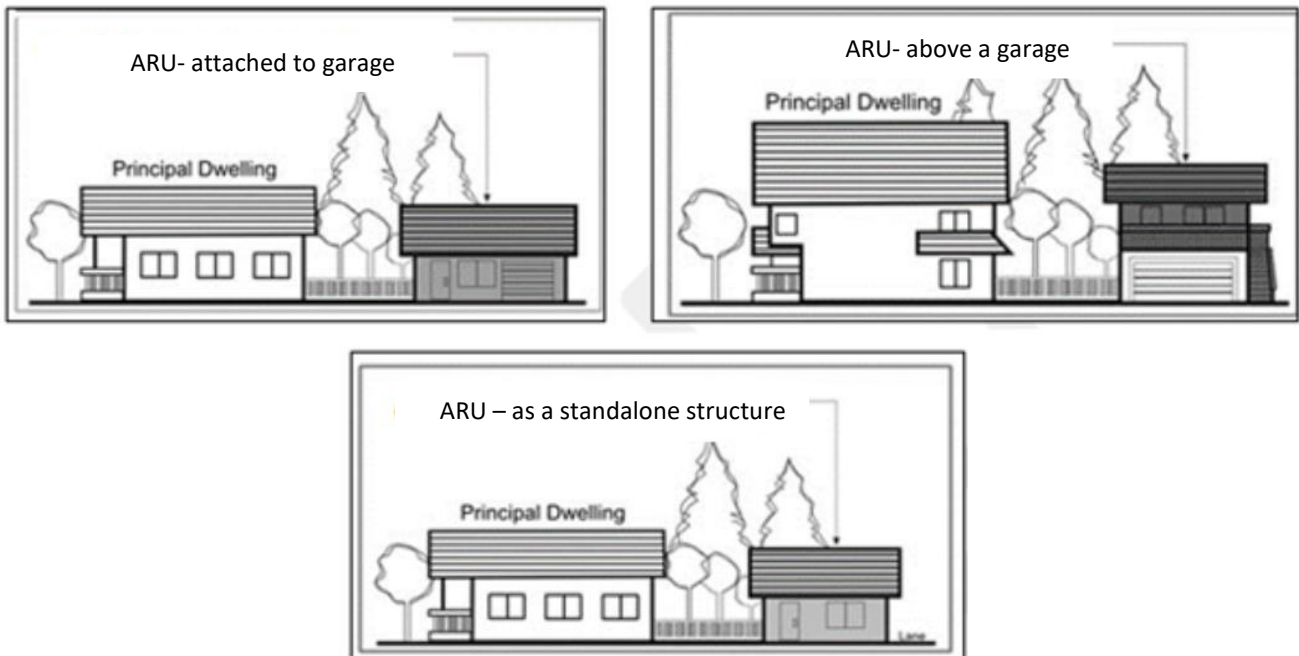
Below we have provided some examples of how ARUs may be developed in Wellington County.

Examples of Additional Residential Units (ARU) in a Primary Dwelling



Source: Township of North Dumfries Zoning by-law 689-83

Examples of Additional Residential Units (ARU) in an Ancillary Building



Source: Township of North Dumfries Zoning by-law 689-83

3.0 Garden Suites

A garden suite is not the same as an ARU. A garden suite is a temporary use permitted under section 39.1 of the *Planning Act* and is separate from the ARU provisions under 16(3) of the Act. The recent legislative changes did not make any amendments to the garden suite provisions in the *Planning Act*, and no changes are being proposed to existing garden suite policies in the official plan at this time.

While no changes are being proposed, municipalities may wish to consider placing limitations on where garden suites and ARUs can exist together, given the potential servicing constraints and compatibility concerns that arise with multiple residential units on the same site.

4.0 Next Steps

On March 18th, 2020 staff circulated the draft amendment in Appendix A to agencies for comment. At this time, we have asked for comments to be returned by May 1st, 2020.

Due to current circumstances we have not scheduled a public meeting on this matter. Once it is deemed appropriate a public meeting will be scheduled to obtain public feedback. In the meantime, staff have posted all relevant documents on the Planning Departments webpage and encourage all interested parties to visit the site for more information. The webpage can be reached through the link below.

Planning staff will continue to work with our member municipalities, circulated agencies, and others to incorporate feedback where appropriate, and will report back to the Committee with a final draft of the amendment once a public meeting has been held.

<https://www.wellington.ca/en/resident-services/pl-additional-residential-units.aspx>

Recommendation

That the report PD2020-09 – Additional Residential Unit – Official Plan Amendment # 112 be received for information.

Respectfully submitted,



Jameson Pickard, B.URPL
Senior Policy Planner

Appendix A
Draft Official Plan Amendment 112
(Additional Residential Units)

**AMENDMENT NUMBER 112
TO THE OFFICIAL PLAN FOR THE
COUNTY OF WELLINGTON**

**March 18, 2020
Circulation Draft**

**COUNTY OF WELLINGTON
GENERAL AMENDMENT
(Additional Residential Units)**

Important Notice: This draft amendment to the Official Plan for the County of Wellington may be revised after the statutory public meeting at any point prior to County Council's consideration as a result of public input, agency comments, and further review by the County of Wellington.

THE CORPORATION OF THE COUNTY OF WELLINGTON

BY-LAW NO. _____

A By-law to adopt Amendment No.112 to the Official Plan for the County of Wellington.

The Council of the Corporation of the County of Wellington, pursuant to the provisions of the Planning Act, R.S.O. 1990, as amended, does hereby enacts as follows:

1. THAT Amendment Number 112 to the Official Plan for the County of Wellington, consisting of the attached maps and explanatory text, is hereby adopted.
2. THAT this By-law shall come into force and take effect on the day of the final passing thereof.

READ A FIRST AND SECOND TIME THIS ____ DAY OF _____, 20__

READ A THIRD TIME AND PASSED THIS ____ DAY OF _____, 20__

WARDEN

CLERK

AMENDMENT NUMBER 112
TO THE
COUNTY OF WELLINGTON OFFICIAL PLAN

**AMENDMENT NUMBER 112
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COUNTY OF WELLINGTON OFFICIAL PLAN**

INDEX

PART A - THE PREAMBLE

The Preamble provides an explanation of the proposed amendment including the purpose, location, and background information, but does not form part of this amendment.

PART B - THE AMENDMENT

The Amendment describes the changes and/or modifications to the Wellington County Official Plan which constitute Official Plan Amendment Number 112.

PART C - THE APPENDICES

The Appendices, if included herein, provide information related to the Amendment, but do not constitute part of the Amendment.

PART A - THE PREAMBLE

PURPOSE

The purpose of the amendment is to update the County Official Plan policies on Additional Residential Units.

LOCATION

The amendment applies to the entire County of Wellington.

BACKGROUND

Currently, the County Official Plan has policies which authorize the use of Second units and provides criteria to be considered in establishing second units. The current policies reflect *Planning Act* provisions that were based on previous legislative changes brought forward through the *Strong Communities through Affordable Housing Act*, 2011.

BASIS

The *Planning Act* was recently amended through Bill 108 - *More Homes, More Choice Act*, 2019 which amended the second unit framework in section 16(3) with new provisions for Additional Residential Units. Bill 108 received Royal Assent in the Ontario Legislature on June 6th, 2019 and the enabling regulations were proclaimed in to force on September 3, 2019.

The County Official Plan needs to be updated to address the new additional residential unit requirements of the *Planning Act*.

IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of this Amendment shall be in accordance with the relevant policies of the County of Wellington Official Plan.

PART B - THE AMENDMENT

All of this part of the document entitled **Part B - The Amendment**, consisting of the following text constitutes Amendment No 112 to the County of Wellington Official Plan.

DETAILS OF THE AMENDMENT

The Official Plan of the County of Wellington is hereby amended as follows:

1. THAT the **TABLE OF CONTENTS** is amended by:
 - a) Deleting the phrase "Second Units" that follows heading **4.4.6** and replacing it with the phrase "Additional Residential Units".
 - b) Deleting the phrase "Second Units within a Main Residence" following heading **4.4.6.1** and replacing it with the phrase "Additional Residential Units within a Main Residence".
 - c) Deleting the phrase "Second Units within an Ancillary Building or Structure" following heading **4.4.6.2** and replacing it with the phrase "Additional Residential Units within an Ancillary Building or Structure".
2. THAT section **4.4 HOUSING** is amended by:
 - a) Deleting the phrase "second units" from section 4.4.5 Affordable Housing and replacing it with "additional residential units" in the fourth and fifth paragraph.
 - b) Deleting sub-section **4.4.6 Second Units** and replacing it with the following:

"4.4.6 Additional Residential Units
Additional residential units, also known as accessory or basement apartments, secondary suites or in-law suites are self-contained residential units with separate kitchen, bathroom and sleeping facilities.

Additional residential units increase the stock of affordable rental housing; provide home owners with additional incomes; and offer alternative housing options for elderly and young adult family members.

Additional residential units are not the same as garden suites because garden suites are temporary residences. Garden suites are addressed in Section 4.4.7 of this Plan.

It is the policy of this Plan to authorize:

 - a) The use of two residential units in a single detached dwelling, semi-detached dwelling or townhouse; and

- b) The use of a residential unit in a building or structure ancillary to a single detached dwelling, semi-detached dwelling or townhouse.

subject to the provisions set out below. For additional clarity the intent of this policy is to allow up to three residential units, including the primary dwelling unit, on eligible properties.

4.4.6.1 Additional Residential Units Within a Main Residence

One additional residential unit may be allowed within a single detached dwelling, semi-detached dwelling or townhouse on a property.

Local Municipalities may enact zoning provisions to address the following matters:

- a) that safe road access can be provided;
- b) the establishment of an additional residential unit does not require the creation of an additional driveway access;
- c) that adequate off-street parking can be provided on site for both the main residence and additional residential unit without detracting from the visual character of the area;
- d) that any exterior alterations to the main residence, necessary to accommodate the additional residential unit, are made in the side or rear yards;
- e) that adequate amenity areas are provided for the main residence and additional residential unit;
- f) the additional residential unit meets the applicable Building Code, Fire Code and local property regulations;
- g) that adequate water and sewage disposal services can be provided to the additional residential unit; and,
- h) whether a garden suite and additional residential unit will not be permitted on the same lot.

An additional residential will not be allowed in a dwelling located in hazardous lands.

4.4.6.2 Additional Residential Units Within an Ancillary Building or Structure

One additional residential unit may be allowed in a building or structure that is ancillary to a single detached dwelling, semi-detached dwelling or townhouse provided that a residential unit does not already exist in an ancillary building. An additional residential unit will be prohibited from being severed from the property.

In addition to those matters outlined in Section 4.4.6.1, Local Municipalities may enact zoning provisions to address the following:

- a) the additional residential unit is located within the main building cluster on the property;
- b) the additional residential unit will be clearly secondary to the primary dwelling unit on the property;
- c) Minimum Distance Separation formula is complied with, where applicable;
- d) that screening/buffering, where deemed necessary, is provided to minimize visual impacts to adjacent properties and frontages.

An additional residential unit will not be allowed in an ancillary building or structure located in hazardous lands."

3. THAT section 6.4 **PRIME AGRICULTURAL AREA** is amended by:
 - a) By deleting the phrase "Second units" in bullet f) under section 6.4.3 **Permitted Uses** and replacing it with the phrase "Additional residential units".
4. THAT section 6.9 **COUNTRY RESIDENTIAL** is amended by:
 - a) Deleting the phrase "A second unit" in the last paragraph of section 6.9.2 **Permitted Uses** and replacing it with the phrase "An additional residential unit".
5. THAT section 7.4 **Hamlets** is amended by:
 - a) Deleting the phrase "a second unit" in the first paragraph of section 7.4.1 **Permitted Uses** and replacing it with the phrase "An additional residential unit".
6. THAT section 7.5 **URBAN CENTRES** is amended by:
 - a) Deleting the phrase "A second unit" in the third paragraph of section 7.5.5 **Residential Use** and replacing it with the phrase "An additional residential unit".
7. THAT Section 8.3 **RESIDENTIAL** is amended by:
 - a) Deleting the phrase "A second unit" in the third paragraph of section 8.3.3 **Permitted Uses** and replacing it with the phrase "An additional residential unit".