

**JUNE 23, 2021**

**HOUSING AFFORDABILITY TASK FORCE REPORT**

**REPORT NO. HA-009-2021**

**OFFICIAL PLAN AND ZONING BY-LAW  
CONSIDERATIONS FOR ADDITIONAL RESIDENTIAL UNITS**

**CHERIE MILLS  
MANAGER OF PLANNING SERVICES**

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**RECOMMENDATIONS**

For information only.

**BACKGROUND**

Counties Planning staff were requested by the Housing Affordability Task Force to review and share best language for official plan policies and zoning by-law provisions to allow additional residential units (secondary dwelling units). The gathering and review of information was completed in consultation with municipal staff who do planning across the Counties, including staff from the separated municipalities in the City of Brockville, the Town of Gananoque and the Town of Prescott.

The purpose of this report is to provide the “best” examples of recent official plan policies and zoning by-law provisions regarding additional residential units. It is also to review and suggest specific language and considerations for amendments and to advise of any comments received from the municipal planning group.

**DISCUSSION/ALTERNATIVES**

On April 29, 2021, Counties staff sent out a request by email to municipal staff who do planning across the Counties for recent examples of official plan policies and zoning by-law provisions dealing with additional residential units completed either by the local municipalities or by other municipalities outside the Counties. Municipalities responded with examples from their municipalities of policies and zoning amendments. Counties

staff also undertook additional research to get a few more examples from outside the area.

An additional residential unit or ARU is referred to in the Counties Official Plan and many of the local official plans by a variety of different names such as second residential units, secondary units, second dwellings, and secondary suites.

On May 18, 2021, Counties staff provided the most recent examples of official plan and zoning by-law provisions regarding ARUs back to the municipal planning group for comments. Also provided to the group were summary notes and a zoning by-law comparison chart intended to help identify similarities and differences in recent zoning by-law provisions. This request was followed up with a reminder email to the group on May 27, 2021 to provide comments on the package.

Specifically, the municipal planning group was asked to review the circulated material and provide comments on:

- advantages/disadvantages and challenges in implementing some of the provisions described, both generally and specific to their municipality;
- provisions the local municipality has implemented already;
- provisions that would be beneficial to implement in their municipality; and,
- provisions listed not relevant to their municipality.

As of June 4, 2021, the number of responses from the municipal planning group was low. Only three of the thirteen municipalities made comments on the circulated items and their comments are incorporated into the report.

### **Official Plan Considerations**

From a review of sample official plan (OP) policies regarding ARUs, it appears they vary in the amount of detail they contain. Most describe where the units may be located, generally within or in a separate structure to a detached dwelling, semi-detached dwelling or rowhouse. These three dwelling types are those specified in the *Planning Act*. All the OP policies reviewed enable ARUs and note that the details will be set out in the zoning by-laws. The official plan examples are attached to this report as Appendix 1.

#### **1. Legislative Changes in the Last Two Years**

In 2012, the *Planning Act* was amended by Bill 140 - *Strong Communities through Affordable Housing Act*. It used the term "secondary dwelling unit" to reflect one additional unit was permitted either in the main dwelling or in an accessory structure.

In 2019, Bill 108 - *More Homes, More Choices Act* allowed one ARU in the main dwelling and one additional dwelling unit in an accessory structure for a total of three potential units on a property with a detached, semi-detached or rowhouse residential dwelling. This resulted in changes to Section 16(3) of the *Planning Act* to reflect Bill 108 and requires OPs contain policies authorizing up to two ARUs per residential dwelling. The interpretation of Counties staff of three total units per property has been confirmed with Ministry of Municipal Affairs and Housing staff.

Bill 108 was implemented through *Ontario Regulation 299/19*, which set out some specific regulations for ARUs such as:

- each additional unit shall have one parking space provided and maintained for the sole use of the occupant of the ARU unless a zoning by-law amendment has been approved which requires no parking;
- parking may be tandem parking (also known as stacked parking);
- property owners do not have to live on the property and tenants do not have to be related to the owner; and,
- where the use of ARUs is authorized, an ARU is permitted regardless of the date of construction of the principal dwelling.

Most of the detailed provisions of *Ontario Regulation 299/19* will be implemented through zoning by-law amendments. The ARU changes in the *Planning Act* require municipalities to authorize ARUs through the official plan, and to give effect to these policies through the specific regulations of a zoning by-law. Also under the *Planning Act*, appeals are not allowed on official plan policies and zoning by-law amendments associated with ARUs.

### **Staff Comments**

Counties staff suggest all OPs be reviewed and, if needed, the policies be updated to implement the changes in the *Planning Act*, to permit one ARU in the main dwelling and one additional dwelling unit in an accessory structure for a total of three potential units on a property. Specific details such as parking are best implemented through local municipal zoning by-law provisions.

Two of the local municipalities with recent official plans noted they would need to update their OP policies to add ARUs in the principal dwelling and in a detached dwelling. Both currently restrict secondary units to the principal dwelling or a detached building. Further, the municipalities recognized there would have to be future zoning by-law changes to match the policy updates. A third municipality, well into their OP

update process advised they would need to review the Ontario Regulation and adjust their draft policies slightly.

## **2. Terminology Changes**

As mentioned previously, the term “secondary dwelling unit” goes back to the previous *Planning Act* legislation changed by Bill 140. At that time, the term “secondary dwelling unit” was used to reflect a second residential unit being permitted either in the main dwelling or in an accessory structure. It was through Bill 108, in 2019, that the terminology was changed to “additional residential unit” to reflect the change to three potential residential units.

The terminology in the Counties Official Plan and many of the local official plans reflects the legislation in place when the OPs were prepared. These OPs contain a variety of terms for ARUs, as mentioned above, such as second residential units, secondary units, second dwellings, and secondary suites.

### **Staff Comments**

Counties staff suggest all outdated references be changed to the term “additional residential unit” in OPs and zoning by-laws to be consistent with the current *Planning Act* language and to avoid any confusion in terminology. In addition to being dated, these terms are misleading and should be changed to reflect that more than a second unit can be added to a property. This suggestion would include changes to the Counties Official Plan as it also uses the term “second residential unit”.

The local municipalities that commented on the terminology had a different perspective, however, and preferred their existing terminology. One municipality commented secondary dwelling is a clearer term for the average person to understand. In their opinion, the ARUs are a secondary or subordinate use to the principal dwelling and therefore the term secondary unit/secondary dwelling is appropriate. Another municipality had a similar comment noting ARU is a more neutral term and does not capture the origin of the policy “as being an impetus for increased availability of affordable, rental units, and to increase density/infill opportunities so that public infrastructure investments occur (primarily in urban areas, like water/sewer/public transit) are better justified.” Further, they preferred the term “secondary suite” suggesting it “is a more accurate description of what the definition of an ARU is - ARU’s which are ‘subordinate’ to a primary dwelling”.

### **Zoning By-law Considerations**

From a review of recent zoning by-law amendments from local and other municipalities, four major considerations stood out as common to most of the by-laws. These included amending definitions, amending the maximum number of ARUs, setting out the maximum gross floor area and updating parking requirements. The sample zoning by-law provisions and a chart comparing some of the zoning provisions are found in Appendices 2 and 3.

The first four considerations are briefly discussed below and contain some comments from Counties Planning staff for municipal consideration. Other zoning by-law provisions to be considered by municipalities are located in Appendix 4 and are organized by topics such as access, servicing, exclusions based on other uses on the property, and design considerations. The appendix is intended to help guide local municipalities when considering additional factors to be addressed when putting together zoning by-law updates or zoning by-law amendments tailored to each municipality's local circumstances.

#### **1. Amending Definitions**

Under the *Planning Act*, two residential units are permitted in single detached, semi-detached and rowhouses. Consider amending or adding definitions for single detached, semi-detached and townhouse/row/linked dwellings to ensure it is clear adding an ARU into the primary dwelling does not change the dwelling unit type into another form of dwelling.

Consider adding a definition for "additional residential unit" to make it clear that it is a dwelling unit which is subordinate to the principal dwelling unit, and is located on the same lot.

#### **2. Maximum Number of Additional Residential Units**

Many of the recent zoning by-laws have a maximum of one ARU per lot. These by-laws permit an additional dwelling unit in the principal dwelling or in an accessory structure. These provisions do not appear to meet the intent of Section 16(3) of the *Planning Act*.

Consider updating zoning by-laws to permit ARUs in principal dwelling units and in accessory structures as per the *Planning Act*.

### **3. Maximum Gross Floor Area (GFA) for Additional Residential Units**

Provisions for maximum gross floor area for ARUs in recent zoning by-laws range between 40% and 50% of the floor area of the principal dwelling. ARUs are intended to be accessory to the primary dwelling unit; however, the size of the principal dwelling will determine the maximum size of the ARU. If the single dwelling is large then the ARU could be large as well. Therefore, some municipalities have added a maximum size of 80 m<sup>2</sup> (860 square feet) for the additional unit. This would appear to provide a consistent maximum size and may assist in keeping ARUs affordable. Minimum sizes for ARUs would be as set out in the *Ontario Building Code*.

Consider adding a maximum gross floor area of between 40% and 50% of the principal dwelling for ARUs in order to preserve the concept of the additional units being accessory or subordinate to the principal dwelling.

### **4. Parking Requirements**

All the zoning provisions for the municipalities reviewed are consistent in their parking provisions requiring one parking space per residential unit. Some other parking considerations include:

- i) waiving the number of parking spaces required: In some denser urban downtown areas or in certain designations (such as main street commercial) the parking requirements could be waived.
- ii) form of parking: tandem parking is permitted (also known as stacked parking in which you have to pass through another parking space to get to the tandem space), especially in compact urban settlement areas.
- iii) special locational parking considerations: a parking space is prohibited in the front yard of a lot to avoid front yards being turned into unsightly parking.

Most municipalities already require one parking space per residential unit.  
Consider enabling tandem/stacked parking in certain areas or zones.

### **Local Municipality Staff Comments**

Several of the municipalities that have completed recent official plan and zoning by-law updates advised they considered and incorporated many of the criteria in the list of zoning by-law considerations when their general zoning by-laws were drafted. These updated zoning provisions appear on the attached Zoning Provision Comparison chart. It is also recognized there may be further zoning by-law amendments required to implement any official plan amendments. At that time, it would also be timely to review

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the other zoning provisions in the material to see if there are some relevant to their municipality that they had not previously considered.

**FINANCIAL IMPLICATIONS**

There may be costs incurred for advertising and planning consultant fees for some municipalities should they proceed with official plan and/or zoning by-law amendments.

**ATTACHMENTS**

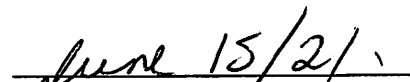
Appendix 1 - Official Plan Excerpts

Appendix 2 - Zoning By-law Excerpts

Appendix 3 - Additional Residential Units - Zoning Provision Comparison

Appendix 4 - Other Zoning Considerations


  
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**CHERIE MILLS**  
**MANAGER OF PLANNING SERVICES**

  
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**DATE**

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**RICK KESTER**  
**DIRECTOR, PUBLIC WORKS**

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**DATE**

  
\_\_\_\_\_  
**ALISON TUTAK**  
**INTERIM CHIEF ADMINISTRATIVE OFFICER**

  
\_\_\_\_\_  
**DATE**

## **6.0 GENERAL DEVELOPMENT POLICIES**

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The policies of this Section deal with development considerations that are generally applicable to various land uses within the Township and should be read in conjunction with the specific land use policies contained in the **Land Use Designations** section of the Plan.

### **6.1 ACCESSORY USES**

- 6.1.1 Wherever a use is permitted in the land use designation, it is intended that uses, buildings or structures incidental, accessory or essential to the use shall also be permitted. The comprehensive Zoning By-law that implements this Plan shall provide zone standards applicable to the location and use of accessory structures.
- 6.1.2 It is a policy of this Plan to provide opportunities for accessory dwellings and dwelling units such as apartments associated with commercial or industrial uses where such residential use is directly related to the non-residential principal use, except where incompatible for reasons of public health, public safety or environmental impact.
- 6.1.3 Certain structures, such as docks, boathouses, and other marine facilities are only permitted subject to permit requirements of approval authorities such as the Ministry of Natural Resources and Forestry and the South Nation Conservation Authority. Such structures shall be designed and located in a manner which addresses such matters as non-interference with navigation, fish and wildlife habitat, the natural flow of water, potential damage from water levels and ice, narrow water body constraints, access from land and water and privacy impacts associated with projecting property lines into the water. Where structures extend beyond the high water mark so that they are located partly or entirely in the beds of water bodies, they shall be constructed and maintained in accordance with the regulations and conditions of the Federal or Provincial authority having jurisdiction.

### **6.2 SPECIAL RESIDENTIAL USES**

#### **6.2.1 Second Units**

- 6.2.1.1 Second units are self-contained dwelling units, often with a separate entrance, located within and subordinate to an existing dwelling, that contains its own separate cooking and bathroom facilities in addition to the usual living quarters. Second units are an efficient and cost-effective means of increasing the supply of affordable housing and for providing alternative living arrangements for those, by virtue of their age or a disability, that require the support of others to live on their own.
- 6.2.1.2 In conjunction with a single dwelling, semi-detached dwelling or townhouse dwelling, second units are permitted on the basis of one second unit per dwelling, except in relation to residential uses where access is obtained by private roads. Second units are also permitted in a detached accessory building, provided the principal dwelling does not already contain a second unit.



- 6.2.1.3 Standards shall be established in the Zoning By-law to govern compatibility with both the main dwelling and with surrounding land uses, as well to ensure a secondary relationship to the main dwelling.
- 6.2.1.4 Second units shall be appropriately serviced. In the case where the primary dwelling is supported by private services, the second unit shall be required to share the private service.

#### **6.2.2 Group Homes**

- 6.2.2.1 A group home is defined as a single housekeeping unit in a residential dwelling, which is registered with the Township, in which 3 to 10 residents (excluding supervisory or operating staff) live together under responsible supervision consistent with the requirements of its residents. The home is licensed or approved under provincial statute and is in compliance with municipal by-laws.
- 6.2.2.2 A group home shall be permitted in all land use designations which permit residential uses.
- 6.2.2.3 A group home shall be permitted in a single detached dwelling or a semi-detached or duplex dwelling provided that both units are occupied by one group home operation and that the total number of residents does not exceed ten (10).
- 6.2.2.4 An accessory dwelling unit shall not be permitted on the same lot as a licensed group home.
- 6.2.2.5 No person shall operate a group home without registering the group home with the Township Clerk in accordance with the Township of Edwardsburgh Cardinal Group Home Registration By-law, if any.

#### **6.2.3 Bed and Breakfast Establishments**

- 6.2.3.1 Bed and breakfast establishments are small-scale temporary lodging facilities typically conducted within the operator's dwelling. Bed and breakfasts are an important component of the Township's tourism strategy and are consistent with a low key, small-is-beautiful approach to tourism that emphasizes development that is compatible with, and complementary to, the picturesque landscapes and other natural and cultural heritage resources found throughout the Township.
- 6.2.3.2 A bed and breakfast establishment shall generally be permitted in land use designations that permit single-detached dwellings, provided that the physical character of such dwellings is not substantially altered. Pursuant to this policy, the implementing Zoning By-law shall define a bed and breakfast use, as distinct from a rooming or boarding house, and shall establish zone provisions which restrict the bed and breakfast use so that it is clearly an accessory use to the single dwelling.

### **6.3 EXISTING USES AND NON-CONFORMING USES**

- 6.3.1 All uses which were legally in existence at the effective date of this Plan shall be allowed to continue as such.

whether or not the increased intensity of use that would result from the garden suite can be adequately addressed in the proposal. In this regard, the applicant shall be required to demonstrate that the garden suite can be sited in accordance with applicable zoning standards, that sewage and water services will be adequate and that there will be no unacceptable impacts on adjacent land uses.

It is the intent of this Plan that a garden suite shall be removed from a lot at such time as it is no longer required to accommodate the occupant for whom it was originally erected. Pursuant to the provisions of the *Municipal Act*, an agreement between the owner of the lands and the Township may be used to address this and other matters.

### **2.7.2 Second Units**

Second units are self-contained dwelling units, often with a separate entrance, located within and subordinate to an existing dwelling, that contains its own separate cooking and bathroom facilities in addition to the usual living quarters. Second units are an efficient and cost-effective means of increasing the supply of affordable housing and for providing alternative living arrangements for those, by virtue of their age or a disability, that require the support of others to live on their own.

In conjunction with a single dwelling, semi-detached dwelling or townhouse dwelling, second units are permitted on the basis of one second unit per dwelling, except in relation to residential uses where access is obtained by private roads. Second units are also permitted in a detached accessory building, provided the principal dwelling does not already contain a second unit.

Standards shall be established in the Zoning By-law to govern compatibility with both the main dwelling and with surrounding land uses, as well to ensure a secondary relationship to the main dwelling.

### **2.7.3 Group Homes**

A group home is defined as a single housekeeping unit in a residential dwelling, in which three to ten residents (excluding staff or receiving family) live together under responsible supervision consistent with the requirements of its residents. The group home shall typically be licensed or approved under Provincial Statute and shall be in compliance with Municipal by-laws. The following policies shall apply to the establishment of group homes.

1. Group homes shall be permitted in single-detached dwellings in any designation in which a single-detached dwelling is permitted.
2. No person shall operate, or permit to operate, a group home without registering the group home with the Township Clerk in accordance with the Township of Elizabethtown-Kitley Group Home Registration By-law.

### 2.7.3 Bed and Breakfast Establishments

Bed and breakfast establishments are small-scale temporary lodging facilities typically conducted within the operator's dwelling. Bed and breakfasts are an important component of the Township's tourism strategy and are consistent with a low key, small-is-beautiful approach to tourism that emphasizes development that is compatible with, and complementary to, the picturesque landscapes and other natural and cultural heritage resources found throughout the Municipality.

A bed and breakfast establishment shall generally be permitted in land use designations that permit single-detached dwellings, provided that the physical character of such dwellings is not substantially altered. Pursuant to this policy, the implementing Zoning By-law shall define a bed and breakfast use, as distinct from a rooming or boarding house, and shall establish zone provisions which restrict the bed and breakfast use so that it is clearly an accessory use to the single-detached dwelling.

## 2.8 SPECIAL RESIDENTIAL USES

### 2.8.1 Garden Suites

Garden suites are single dwellings that are designed to be portable in nature and ancillary to a principal residential dwelling. Garden suites are intended to provide an affordable housing option to support changing demographics and to support aging in place.

This Plan shall allow the establishment of a garden suite on any lot upon which a single-detached dwelling is a permitted use, subject to the adoption of a site-specific temporary use Zoning By-law amendment in accordance with the relevant provisions of the *Planning Act*. In considering a request for a Zoning By-law amendment, the Township shall consider whether or not the increased intensity of use that would result from the garden suite can be adequately addressed in the proposal. In this regard, the applicant shall be required to demonstrate that the garden suite can be sited in accordance with applicable zoning standards, that sewage and water services will be adequate and that there will be no unacceptable impacts on adjacent land uses.

It is the intent of this Plan that a garden suite shall be removed from a lot at such time as it is no longer required to accommodate the occupant for whom it was originally erected. Pursuant to the provisions of the *Municipal Act*, an agreement between the owner of the lands and the Township may be used to address this and other matters.

### 2.8.2 Secondary Units

Secondary units are self-contained dwelling units, often with a separate entrance, located within and subordinate to an existing dwelling, that contains its own separate cooking and bathroom facilities in addition to the usual living quarters. Secondary units are an efficient

and cost effective means of increasing the supply of affordable housing and for providing alternative living arrangements for those, by virtue of their age or a disability, that require the support of others to live on their own.

In conjunction with a single dwelling, semi-detached dwelling, or townhouse dwelling, secondary units are permitted on the basis of one second unit per dwelling, except in relation to residential uses where access is obtained by private road. Secondary units are also permitted in a detached accessory building, provided the principal dwelling does not already contain a second unit.

Standards may be established in the Zoning By-law to govern compatibility with both the main dwelling and with surrounding land uses, as well as to ensure a secondary relationship to the main dwelling.

The Township may require that the secondary unit be registered with the Building Department.

### **2.8.3 Group Homes**

A group home is defined as a single housekeeping unit in a residential dwelling, in which three to ten or more residents (excluding staff or receiving family) live together under responsible supervision consistent with the requirements of its residents. The group home shall typically be licensed or approved under Provincial Statute and shall be in compliance with Municipal by-laws. The following policies shall apply to the establishment of group homes:

1. Group homes shall be permitted in single-detached dwellings in any designation in which a single-detached dwelling is permitted.
2. No person shall operate, or permit to operate, a group home without registering the group home with the Township Clerk in accordance with the Township's Group Home Registration By-law, if any.
3. When reviewing any proposal for establishing a group home through new construction or conversion of an existing building, the Township will be satisfied that the built form and site design is compatible with adjacent uses and adequate infrastructure and services are available to accommodate the use.
4. Group homes existing on the date that the Zoning By-law comes into effect but which do not comply with the requirements of the By-law will be allowed to continue their operations but will not be permitted to expand unless such expansion complies with the provisions of the Zoning By-law.

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042... Secondary dwelling units are permitted as-of-right within single detached dwellings, semi-detached dwellings or a street townhouse dwelling where all of the following criteria are met:

7. Any zoning amendments or variances to provide for parking in excess of the minimum parking required for the primary dwelling unit, including any request for boulevard parking, front yard parking or changes to landscaped open space regulations to support parking for a secondary dwelling unit, shall be discouraged. A new additional driveway is not permitted to provide for the secondary dwelling unit.
8. Secondary dwelling units may be permitted within a legally established accessory structure that:
  - a. Is located on the same lot as the primary dwelling unit.
  - b. Is located in the rear yard.
  - c. Meets the requirements of the zone which apply to accessory structures.
  - d. Is in association with a primary dwelling unit which does not contain a secondary dwelling unit.
9. Secondary dwelling units located within a primary dwelling unit shall not require Site Plan Approval. Secondary dwelling units within an accessory structure shall require Site Plan Approval.
10. A secondary dwelling unit shall not be located within a basement within a dwelling located in a flood plain as regulated by the conservation authority having jurisdiction for that area.
11. Minor variances to permit front yard parking shall not be supported where the proposed new development, expanded development, or modification to an existing development eliminates parking that is in a location that conforms to the Zoning By-law.



**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, semi-detached 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*.

(Ministerial Modification, OPA Number 50)

(Amended by By-Law Number 2019-86, OPA Number 65)

### Condominium Conversion

- 3.3.12. Council may review applications to convert rental housing into condominium tenure on the basis of the City's condominium conversion



## Village of Merrickville Wolford (2021)

### 3.10 HOUSING AND INTENSIFICATION POLICIES

The following policies have been established to address the provision of affordable housing and intensification, and to meet the 20% target for intensification and 25% target for affordable housing as set out in the Official Plan for the United Counties of Leeds and Grenville.

1. Multiple residential and mixed-use commercial/residential developments are permitted in the designated Hamlets and in the urban area of Merrickville in a manner which is consistent with the historic character of these areas. Council shall encourage the provision of a broad range of housing types to meet the needs of current and future residents, including special needs housing.
2. Council shall encourage the re-subdivision of undeveloped land within the designated urban area of Merrickville in order to create more efficient lot configurations and to create more blocks for multiple residential development than are provided for on the original village plan(s).
3. The Zoning By-law shall include provisions which permit second dwellings and second dwelling units on all lands which are zoned to permit single-detached, semi-detached and townhouse dwellings as a principal use.
4. Mobile Home Development is permitted in designated areas in order to provide a lower cost option to the traditional single-detached dwelling. This includes both traditional mobile homes and contemporary park model homes which meet the standards of the Building Code Act.
5. This Plan establishes alternative design standards in the development of new subdivisions.
6. The Village will endeavour to achieve an overall minimum affordable housing target of 25% for all new residential development. It is recognized that the target may not be achievable on a yearly basis; therefore, a five year average shall be used to evaluate the success in meeting the affordable housing objective. For the purpose of this Plan, affordable shall be defined as per the definition in the Provincial Policy Statement (2014).
7. The Village may use incentives such as grants or loans through community improvement plans, or other tools as permitted by the Planning Act or Municipal Act, in order to achieve the affordable housing policies in this Plan.
8. The Village may consider the use of inclusionary zoning in the future as a tool to achieve affordable housing objectives.
9. Council may consider preparing a Municipal Housing Statement in order to more precisely plan for the Village's housing needs. This should have regard for the United Counties of Leeds and Grenville Housing and homelessness Plan.

### 3.11 LAND USES NOT CONSIDERED BY THIS PLAN

- 3.11.1 It shall be a policy of this Plan that any proposed new development or redevelopment which would introduce a land use which is different from those uses described in this Plan in terms of scale, purpose or nature, and neither envisioned nor contemplated by Council, shall be subject to detailed land use, marketing and/or impact studies, and any other studies deemed necessary by Council prior to Council considering any such development proposal. The intent of this policy is that the onus will be on the developer to ensure that the introduction of such a use into the community would not be to the detriment of the municipality's economic, social, cultural, public health, natural and environmental conditions or its financial base, would not adversely impact on existing development and on municipal services, and would not require additional municipal or community services.

- demonstrate compliance with applicable zoning standards for lot size, setbacks and parking;
- demonstrate how the external appearance will complement the principal residential dwelling.

#### 11.3.3.2 Second Units

Second Units (also known as accessory apartments, basement apartments or in-law suites) are self-contained "dwelling units" often with a separate entrance, located within, and subordinate to, an existing single detached dwelling, semi-detached dwelling, or townhouse dwelling unit, that contains its own separate cooking and bathroom facilities in addition to the usual living quarters. When a single detached dwelling, semi-detached dwelling, or townhouse dwelling contains an accessory apartment, it becomes a "two-unit dwelling." Encouraging the establishment of accessory apartment units is an efficient, cost effective means of increasing the supply of affordable, rental accommodations. Second residential units may also be permitted to locate within a residential accessory structure.

Second units are permitted "as of right" in certain zones of the implementing Zoning By-law or by amendment to the implementing Zoning By-law, in conjunction with a single detached dwelling, semi-detached dwelling or townhouse dwelling, and in accordance with the following criteria:

- a) No more than an amount equal to 40 per cent of the gross floor area of the principal dwelling may be developed for a secondary dwelling unit, except where a basement unit is created, in which case, there is no maximum size.
- b) The secondary unit will comply with the Ontario Building and Fire Codes.
- c) A maximum of one second unit is permitted in a single-detached dwelling, one in each half of a semi-detached building, and one in each townhouse dwelling unit.
- d) Where a second residential dwelling is constructed within a residential accessory structure, the establishment of another second residential unit shall not be permitted in the primary residential dwelling.
- e) Where a second residential dwelling is constructed within a single-detached dwelling, one half of a semi-detached dwelling, or a townhouse dwelling unit, the establishment of another second residential unit shall not be permitted in any residential accessory building.
- f) The secondary unit is designed and located in such a manner to not have an impact on the streetscape or character of the surrounding neighbourhood.
- g) No additional parking space is required but, where a new one is provided it must meet the requirements of the Municipality's Zoning By-law. Tandem parking in the existing driveway is permitted.
- h) As a condition of approval, Council may require that the secondary unit be registered in accordance with the provisions of the *Municipal Act*.

#### 11.3.4 Adequacy of Housing

Council shall promote the maintenance of the Municipality's housing stock at a standard sufficient to provide acceptable conditions of health, safety, and appearance.

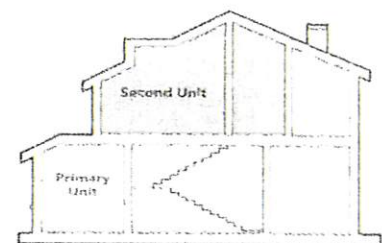
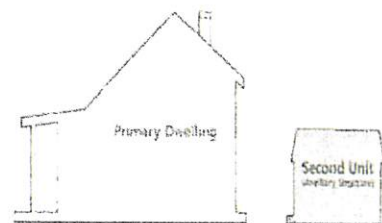
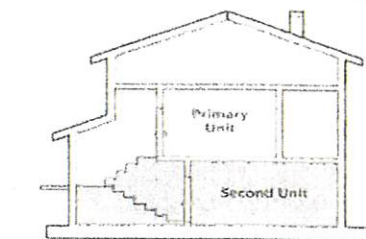
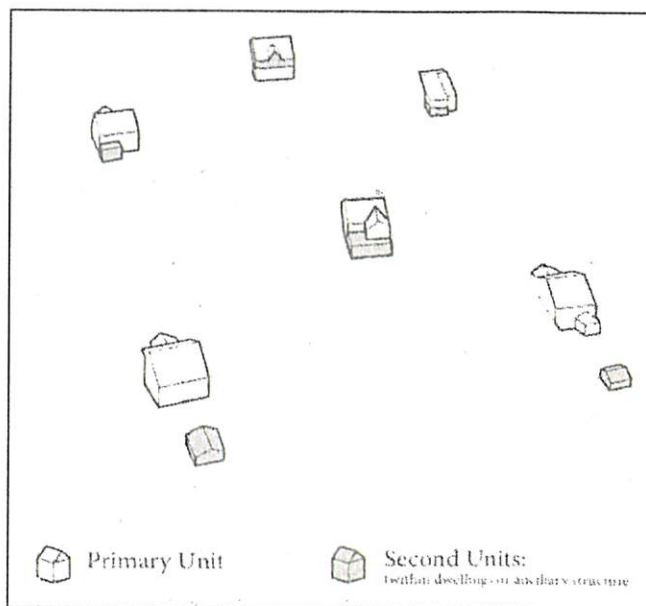
- a) The Municipality shall enforce a by-law on standards for the maintenance and occupancy of property within the Municipality, according to the provisions of Section 14.5.



the character of the area and will be subject to the other policies of this Plan, including servicing requirements, as applicable.

#### 4.12.7 Secondary Dwelling Units

Secondary dwelling units are self-contained residential units which contain kitchen and bathroom facilities, and which are located within an existing single-detached dwelling, semi-detached dwelling, or townhouse dwelling unit, or within a structure that is accessory to the principal dwelling unit. Secondary dwelling units are also known as accessory apartments, basement apartments, or in-law suites. Secondary units are encouraged as a means of providing affordable housing.



Images source: MMAH Info Sheet, 2017

Top right: Secondary dwelling unit contained within the primary dwelling

Middle right: Secondary dwelling unit contained within an ancillary structure located on the same property as the primary dwelling

Bottom right: Secondary dwelling unit contained within a primary dwelling (above ground-level unit)

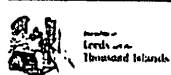
1. Secondary dwelling units are permitted in single-detached, semi-detached, and townhouse dwellings on mainland lots provided that:
  - a) the principal dwelling unit is in a designation that permits the residential use;



- b) the secondary dwelling unit is located within the principal dwelling unit or a detached accessory structure (e.g. A detached garage);
  - c) The subject property is on approved private rural water/waste water, or municipal water and sanitary sewer services;
  - d) There is adequate water and sewer capacity to accommodate the second unit;
  - e) The subject property has frontage on and direct access to an improved road or right-of-way;
  - f) The subject property is a complying lot and the structure complies with all applicable provisions of the zoning by-law;
  - g) The secondary dwelling unit would not otherwise qualify as a garden suite, which is a temporary use subject to a site-specific zoning by-law amendment;
  - h) Only one secondary dwelling unit is permitted on a lot;
  - i) The secondary dwelling unit shall not be larger than the principal dwelling unit;
  - j) The secondary dwelling unit shall be designed and located in such a manner to avoid impacts on the residential character of the principal dwelling unit and surrounding neighbourhood; and
  - k) In the Rural designation, detached secondary dwelling units shall be in proximity to the principal dwelling unit and shall use the same driveway; and
  - l) The size of the dwelling is limited to ensure the goal of affordable housing is met.
2. No additional parking space is required for a secondary dwelling unit, and tandem parking in the existing driveway for the principal dwelling unit is permitted. Where a new parking space is provided, it must meet the requirements of the Zoning By-law.

#### 4.12.8 Tiny Dwellings

Council supports housing development that is innovative and compact in its design and may represent non-traditional additions to the Township's housing stock. Tiny





## Appendix 2 Zoning By-law Excerpts

### THE CORPORATION OF THE TOWNSHIP OF AUGUSTA By-law No. 3398-2019

#### BEING A BY-LAW TO AMEND BY-LAW No. 2965-2012 :

**WHEREAS** pursuant to the provisions of the Planning Act, Section 34, the Council of a Municipality may enact by-laws to regulate the use of land, buildings or structures for any purpose set out therein that is otherwise prohibited;

**AND WHEREAS** By-law No. 2965-2012 regulates the use of land and the use and erection of buildings and structures within the Township of Augusta;

**AND WHEREAS** By-law No. 3321-2017 regulates secondary suites within the Zoning By-Law 2965;

**NOW THEREFORE** the Council of the Corporation of the Township of Augusta enacts as follows:

1. The definition of a Secondary Suite in section 4 of the by-law is hereby deleted and replaced with the following:

Secondary Suite: Means a self-contained accessory unit having cooking and sanitary facilities which is located within a Single Detached, Semi-Detached, Townhouse dwelling unit or located in a separate individual dwelling unit on the same lot or located within an accessory building on the same lot as the main residential use. A secondary suite is a subordinate residential use to the existing primary dwelling unit.

2. Section 6.39 of the by-law is hereby deleted in its entirety and replaced with the following:

#### 6.39 SECONDARY SUITES:

6.39.1 One (1) secondary suite may be permitted as a dwelling unit accessory to the primary dwelling unit located within a single detached, semi-detached or townhouse dwelling on any lot;

6.39.2 An existing accessory building, or part of an accessory building, may be used as a secondary suite subject to compliance with the Ontario Building Code;

6.39.3 No dwelling unit other than a single detached, semi-detached or townhouse dwelling shall permit a secondary suite and then only in accordance with the following provisions.

a) Secondary Suites may be permitted to locate within a single detached, semi-detached, townhouse dwelling, in a separate individual dwelling unit on the same lot or in an accessory building on the lot of a single detached, semi-detached or townhouse dwelling;

b) Notwithstanding 6.39.3, where a lot is zoned as Floodplain, secondary suites shall not be permitted.

b) The addition of a secondary suite in a single detached, semi-detached, street townhouse dwelling unit or as a separate individual dwelling unit

shall not change the use of the subject lands;

c) A maximum of one (1) secondary suite shall be permitted on a residential lot;

d) Where a secondary suite is proposed to be located in a new accessory building, such building shall meet the minimum setback requirements for the main residential building;

e) Where a secondary suite is proposed to be located in an existing accessory building, setbacks applicable to accessory buildings shall apply provided that all other applicable regulatory requirements have been met;

f) Where a secondary suite is located in an accessory building, there shall be a minimum of 1 parking space in addition to the required number of spaces for the main residential building;

g) A secondary suite shall not exceed more than forty-five percent (45%) of the gross floor area of the primary dwelling.

h) New entrances for a secondary suite in an existing dwelling unit shall not be permitted on the front main wall of the main building facing a public road.

i) New entrances for a secondary suite in an accessory building shall be accessible from the street by a walkway or driveway.

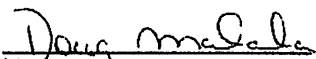
j) A secondary suite shall not be permitted in a dwelling unit where a private home daycare, a bed and breakfast establishment, or, a group home exists.

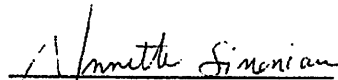
3. All other applicable provisions of By-law 2965 shall continue to apply.

4. That By-law 3321-2017 is hereby rescinded.

**Read a first and second time this 14th day of January, 2019.**

**Read a third time and adopted this 14th day of January, 2019.**

  
Mayor

  
Clerk

**Township of Edwardsburgh/Cardinal**  
**DRAFT ZBLA**

2021

**4.8 Additional Dwelling Units**

Notwithstanding any provision of this By-law to the contrary, where a single dwelling, a semi-detached dwelling or a townhouse dwelling is permitted as a principal use in a zone, or where an existing single dwelling, semi-detached dwelling or a townhouse dwelling is a legal non-conforming use as of the date of this By-law, a second dwelling unit and/or second dwelling, as defined herein, are permitted on the same lot in accordance with the following provisions.

**1. General**

1. The second dwelling unit and/or second dwelling shall be located on a lot where the access is provided by an improved street.
2. The second dwelling unit and/or second dwelling shall comply with the provisions of the *Building Code Act*.
3. The second dwelling unit and/or second dwelling shall be connected to the same water supply and sewage disposal systems as the principal dwelling.
4. Prior to obtaining a building permit for a second dwelling unit and/or a second dwelling on a lot with a private sewage disposal system, the applicant shall obtain a septic system approval.
5. The maximum floor area of the second dwelling unit and/or second dwelling shall not exceed 50% of the floor area of the principal dwelling, to a maximum of 80 m<sup>2</sup> in the Residential Zone and 95 m<sup>2</sup> in the Rural and Agriculture Zones.
6. The second dwelling unit and/or second dwelling shall share the driveway entrance to the lot with the principal dwelling.
7. A minimum of one parking space shall be provided for the second dwelling unit and/or second dwelling, in addition to the minimum parking requirements for the principal dwelling.
8. The second dwelling unit and/or second dwelling shall be included in the calculation of lot coverage.

**2. Additional Provisions for Second Dwelling Unit**

1. The second dwelling unit shall not occupy the whole of a storey.
2. The second dwelling unit shall share two of the following with the principal dwelling
  - building entrance
  - parking area
  - outdoor amenity space
3. No enlargement or extension to the principal dwelling shall be permitted unless the enlargement or extension conforms to all other applicable provisions of this By-law.



### **3. Additional Provisions for Second Dwelling**

1. A second dwelling shall not be permitted in relation to a townhouse dwelling.
2. An existing accessory building may be partially or fully converted to a second dwelling, except that no habitable room window shall face an interior side lot line or a rear lot line unless the existing accessory building conforms to the minimum side lot line setback and rear lot line setback as is required for the principal dwelling, as the case may be.
3. A new accessory building may be constructed as a second dwelling provided that it conforms to all applicable provisions for the principal dwelling.
4. The maximum permitted height of a new second dwelling shall be 5 m.
5. A new accessory building which is constructed as a second dwelling shall be separated by less than 6 m from the principal dwelling on a lot zoned RU or A.



**3.18 Pits, Quarries, Wayside Pits, Wayside Quarries and Portable Asphalt Plants**

No pit, quarry, wayside pit, wayside quarry or portable asphalt plant shall be permitted except in a zone where such uses are specifically listed as permitted.

**3.19 Public Uses**

1. Except in the case of lands zoned Environmental Protection – PSW (EP-PSW) and Flood Plain (FP), any land may be used and any building or structure erected or used for the purpose of a public use as defined in this By-law, provided that lot coverage, setback and yard requirements of the zone in which such land, building or structure is located shall be complied with, except that towers, poles, lines and transmission facilities for natural gas, electricity, cable, water, storm and sanitary sewage and wired and wireless communications shall be permitted in any yard.
2. Where a public use is to be located in the Environmental Protection – ANSI (EP-ANSI) or Environmental Protection – LSW (EP-LSW) zone, Sections 13.2.3.2 and 13.3.3.2, respectively, shall apply.

**3.20 Residential Separation Distances from Other Land Uses**

Notwithstanding any other provisions of this By-law, any new dwelling shall be located minimum distances from certain zones or land uses on other lots as follows:

- From a Class “B” pit with no excavation below water table 150 m
- From any other pit or a concrete plant 300 m
- From a quarry or an asphalt plant 500 m
- From land zoned Salvage Yard Industrial 300 m
- From land zoned Disposal Industrial 500 m
- From livestock facilities As per the Minimum Distance Separation I (MDS I) formula, as issued by the Ontario Ministry of Agriculture, Food and Rural Affairs, except that MDS I shall not apply to a new dwelling to be located on an existing lot of less than 2 ha in area.
- From a rail line right-of-way 30 m

**3.21 Second Dwelling Unit and Second Dwelling**

Notwithstanding any provision of this By-law to the contrary, where a single dwelling, semi-detached dwelling or a townhouse dwelling is permitted as a principal use in a zone, a second dwelling unit or a second dwelling, as herein defined, but not both, are permitted on the same lot in accordance with the following provisions:

**1. General**

- The second dwelling unit or second dwelling shall be located on a lot that abuts an improved street.

- The second dwelling unit or second dwelling shall comply with the provisions of the *Building Code Act*.
- The second dwelling unit or second dwelling shall be connected to the same water supply and sewage disposal system as the principal dwelling.
- Prior to obtaining a building permit for a second dwelling unit or a second dwelling, the applicant shall obtain a septic system approval.
- The maximum floor area of the second dwelling unit or second dwelling shall not exceed 65% of the floor area of the principal dwelling, to a maximum of 80 m<sup>2</sup> on a lot zoned Residential Type 1 (R1), Residential Type 2 (R2) and Estate Residential (RE), and 95 m<sup>2</sup> on a lot zoned Rural (RU) or Agriculture (AG).
- The second dwelling unit or second dwelling shall share the driveway entrance to the lot with the principal dwelling.
- A minimum of one parking space shall be provided for the second dwelling unit or second dwelling, in addition to the minimum parking requirements for the principal dwelling.
- The second dwelling unit or second dwelling shall be included in the calculation of lot coverage.
- The lot area and lot frontage shall be in accordance with the applicable requirements of the zone for the dwelling types.

## **2. Additional Provisions for Second Dwelling Unit**

- The second dwelling unit shall not occupy the whole of a storey.
- The second dwelling unit shall share at least two of the following with the principal dwelling:
  - building entrance
  - parking area
  - outdoor amenity space
- No enlargement or extension to the principal dwelling shall be permitted unless the enlargement or extension conforms to all other applicable provisions of this By-law.

## **3. Additional Provisions for Second Dwelling**

- An existing accessory building in a zone where a residential use is permitted may be partially or fully converted to a second dwelling, except that no habitable room window shall face an interior side lot line or a rear lot line which abuts another lot unless the existing accessory building conforms to the minimum side lot line setback and rear lot line setback as is required for the principal dwelling, as the case may be.
- A new accessory building may be constructed as a second dwelling provided it conforms to all applicable provisions for the principal dwelling.
- The maximum permitted height of a new second dwelling shall be 7.5 m.
- A new accessory building which is constructed as a second dwelling shall be separated by not greater than 9 m from the principal dwelling on a lot zoned Rural (RU) or Agriculture (AG) and not greater than 5 m on a lot zoned Residential Type 1 (R1), Residential Type 2 (R2), or Estate Residential (RE).

- Antennas, towers and wind turbines in excess of 25 m in height shall comply with the dwelling separation distance provisions of Section 3.6.2.
  - Any building or structure erected or used shall be designed, maintained and used in a manner compatible with the buildings and structures permitted in the zone in which it is located.
  - Where a public use is to be located in the Environmental Protection – B (EP-B) or Flood Plain (FP) zone, Sections 13.2.3.2 and 14.1.2, respectively, shall apply.
2. A wireless communications tower with a height in excess of 25 m shall only be permitted on lands specifically zoned for such use and shall comply with the dwelling separation distance provisions of Section 3.6.2.

### 3.17 Residential Separation Distances from Other Land Uses

Notwithstanding any other provisions of this By-law, any new dwelling shall be located minimum distances from certain zones or land uses on other lots as follows:

- |   |  |
|---|--|
| • From a Class "B" pit with no excavation below the water table | 150 m  |
| • From any other pit or concrete plant                          | 300 m  |
| • From a quarry or asphalt plant                                | 500 m  |
| • From land zoned Salvage Yard Industrial                       | 300 m  |
| • From land zoned Disposal Industrial                           | 500 m  |
| • From livestock facilities                                     | As per the Minimum Distance Separation I (MDS I) formula, as issued by the Ontario Ministry of Agriculture, Food and Rural Affairs, except that MDS 1 shall not apply to new non-agricultural uses to be located on an existing lot of less than 2 ha in lot area. |
| • From a rail line  | 30 m   |

### 3.18 Second Dwelling Unit and Second Dwelling

Notwithstanding any provision of this By-law to the contrary, where a single dwelling a semi-detached dwelling or a townhouse dwelling is permitted as a principal use in a zone, or where an existing single dwelling, semi-detached dwelling or a townhouse dwelling is a legal non-conforming use as of the date of this By-law, a second dwelling unit or second dwelling, as herein defined, but not both, are permitted on the same lot in accordance with the following provisions.

#### 1. General

- The second dwelling unit or second dwelling shall be located on a lot where the access is provided by an improved street.
- The second dwelling unit or second dwelling shall comply with the provisions of the *Building Code Act*.
- The second dwelling unit or second dwelling shall be connected to the same water supply and sewage disposal systems as the principal dwelling.
- Prior to obtaining a building permit for a second dwelling unit or a second dwelling, the applicant shall obtain a septic system approval and shall demonstrate to the satisfaction of the Township that there is a sufficient supply of well water to serve the second dwelling unit or second dwelling.

- The maximum floor area of the second dwelling unit or second dwelling shall not exceed 50% of the floor area of the principal dwelling, to a maximum of 80 m<sup>2</sup> in the Residential Zone and 95 m<sup>2</sup> in the Rural Zone.
- The second dwelling unit or second dwelling shall share the driveway entrance to the lot with the principal dwelling.
- A minimum of one parking space shall be provided for the second dwelling unit or second dwelling, in addition to the minimum parking requirements for the principal dwelling.
- The second dwelling unit or second dwelling shall be included in the calculation of lot coverage.
- The lot area and lot frontage shall be in accordance with the applicable requirements of the zone for the dwelling type.

## **2. Additional Provisions for Second Dwelling Unit**

- The second dwelling unit shall not occupy the whole of a storey.
- The second dwelling unit shall share two of the following with the principal dwelling:
  - building entrance
  - parking area
  - outdoor amenity space
- No enlargement or extension to the principal dwelling shall be permitted unless the enlargement or extension conforms to all other applicable provisions of this By-law.

## **3. Additional Provisions for Second Dwelling**

- An existing accessory building may be partially or fully converted to a second dwelling, except that no habitable room window shall face an interior side lot line or a rear lot line unless the existing accessory building conforms to the minimum side lot line setback and rear lot line setback as is required for the principal dwelling, as the case may be.
- A new accessory building may be constructed as a second dwelling provided that it conforms to all applicable provisions for the principal dwelling.
- The maximum permitted height of a new second dwelling shall be 5 m.
- A new accessory building which is constructed as a second dwelling shall be separated by less than 6 m from the principal dwelling on a lot zoned RU and by less than 3 m on a lot zoned RG.

### **3.19 Setbacks from Environmental Protection (EP-A and EP-B) Zones and Natural Heritage Designations in the Official Plan**

Notwithstanding any other provisions of the By-law, the minimum setback of any building or structure from lands zoned EP in this By-law or designated Natural Heritage in the Official Plan shall be 120 m, or such lesser setback as recommended in an Environmental Impact Study undertaken to the satisfaction of the Township, provided that such less setback shall not be less than 30 m.



## City of Guelph Zoning By-Law

- i) No **Commercial Vehicle** shall be parked in a residential **Zone** when such **Vehicle** exceeds a registered gross weight of 3,000 kilograms;
- ii) No **Commercial Vehicle** shall be parked in a residential **Zone** when such **Vehicle** (including any attached equipment) exceeds a height of 2.6 metres above the ground surface;
- iii) No **Commercial Vehicle** shall be parked in a residential **Zone** when such **Vehicle** has an overall length greater than 6 metres;
- iv) Notwithstanding section 4.13.7.5 (i), 4.13.7.5 (ii), and 4.13.7.5 (iii), no tow truck, tilt/n/load, dump truck, tractor trailer, semitrailer, or any component thereof, shall be parked or stored in a residential **Zone**.

18116 4.13.7.6 In R.1 and R.2 **Zones** where the **Parking Area** is situated in the **Rear Yard**, the **Parking Area** shall not be within 1 metre of any **Lot Line** and is to be screened from adjacent properties with a minimum 1.5 metre high solid **Fence** or suitable landscaping.

### 4.14 LOADING SPACE REQUIREMENTS

In an industrial **Mall** or **Use**, an Aggregate **Use**, commercial **Mall** or **Use**, or a **Warehouse**, shall have adequate **Loading Spaces** provided.

### 4.15 RESIDENTIAL INTENSIFICATION

15204 4.15.1 For the purposes of Section 4.15, the following term shall have the  
17187 corresponding meaning:  
17376  
20555

**"Total Net Floor Area"** means the total **floor area** of the **Building** measured from the interior walls, including **Cellars** and **Basements** with a floor to ceiling height of at least 1.95 metres. **Total Net Floor Area** does not include stairs, landings, cold **Cellars**, **Garages**, **Carports**, and **mechanical rooms**. Section 2.7 does not apply to the floor to ceiling height of 1.95 metres.

Any **Additional Residential Dwelling Unit** shall be developed in accordance with the following provisions:

- 4.15.1.1 A maximum of two **Additional Residential Dwelling Units** shall be permitted on a **Lot**, one within the same **Building** as the primary **Dwelling Unit** and one located in a separate **Building** on the same **Lot**.

- 4.15.1.2 An **Additional Residential Dwelling Unit** in a separate **Building** on the same **Lot** is not permitted to be severed from the **Lot** of the primary **Dwelling Unit**.
- 4.15.1.3 Parking for **Additional Residential Dwelling Units** shall be developed in accordance with Section 4.13.
- 4.15.1.4 Notwithstanding Sections 4.13.2.1 and 4.13.3.1 the required off-street **Parking Spaces** for **Additional Residential Dwelling Units** may be stacked behind the required off-street **Parking Space** of the primary **Dwelling Unit** in the **Driveway (Residential)**.
- 4.15.1.5 Table 5.3.2, Row 18, shall not apply to **Additional Residential Dwelling Units** located in the **R.3B Zone**.
- 4.15.1.6 **Additional Residential Dwelling Unit** within a primary **Dwelling Unit**
  - 4.15.1.6.1 The **Additional Residential Dwelling Unit** shall not exceed 45% of the **Total Net Floor Area** of the **Building**.
  - 4.15.1.6.1.1 Despite Section 5.15.1.6.1, if the **Additional Residential Dwelling Unit** is located within the **Basement**, the **Additional Residential Dwelling Unit** may occupy the entirety of the **Basement**.
  - 4.15.1.6.2 The **Additional Residential Dwelling Unit** within a primary **Dwelling Unit** shall not contain more than two bedrooms.
  - 4.15.1.6.3 Interior access is required between floor levels and between the **Additional Residential Dwelling Unit** and the primary **Dwelling Unit**.
- 4.15.1.7 **Additional Residential Dwelling Unit** within a separate **Building** on the same **Lot**
  - 4.15.1.7.1 The **Additional Residential Dwelling Unit** shall not exceed 45% of the **Total Net Floor Area** of the primary **Building**, or a **maximum of 80 square metres in Floor Area, whichever is less**.
  - 4.15.1.7.2 The **Additional Residential Dwelling Unit** within a separate **Building** on the same **Lot** shall not contain more than two bedrooms.
  - 4.15.1.7.3 The **Additional Residential Dwelling Unit** shall not occupy more than 30% of the **Yard, including all accessory Buildings and**

**Structures**, and shall be in accordance with Section 4.15.1.7.1, whichever is less.

- 4.15.1.7.4 The maximum **Building Height** shall be 5 metres, and shall not exceed an overall **Building Height** of the primary **Dwelling**.
- 4.15.1.7.4.1 Despite section 4.15.1.7.4, when an **Additional Residential Dwelling Unit** is located above a detached **Garage**, the maximum total **Building Height** shall be 6.1 metres, and shall not exceed the overall **Building Height** of the primary **Dwelling**.
- 4.15.1.7.5 A 1.2 metre wide unobstructed pedestrian access shall be provided to the entrance of the unit, unless access to the **Additional Residential Dwelling Unit** is provided directly from a **Street** or lane. A gate may be constructed within the pedestrian access.
- 4.15.1.7.6 A minimum 1.2 metre **Side Yard Setback** is required for the primary dwelling in the **Yard** closest to the unobstructed pedestrian access, unless access to the **Additional Residential Dwelling Unit** is provided directly from a **Street** or lane.
- 4.15.1.7.7 An **Additional Residential Dwelling Unit** in a separate **Building** on a **Lot** may occupy a **Yard** other than a **Front Yard** or required **Exterior Side Yard**.
- 4.15.1.7.8 An **Additional Residential Dwelling Unit** in a separate **Building** on a **Lot** shall have a minimum **Side** and **Rear Yard Setback** consistent with the **Side Yard Setback** for the primary **Dwelling** in the applicable **Zone**.
- 4.15.1.7.8.1 Notwithstanding Section 4.15.1.7.8, a two **Storey Additional Residential Dwelling Unit** shall have a minimum 3 metre **Side Yard** and **Rear Yard Setback** where a window is adjacent to the property line.
- 4.15.1.7.9 A minimum distance of 3 metres shall be provided between the primary **Dwelling Unit** and an **Additional Residential Dwelling Unit in a separate Building** on the same **Lot**."
- 4.15.2 **Dwelling Units with Commercial Uses**  
No **Dwelling Unit** contained within a commercial **Use Building** or **Structure** shall be erected, altered, extended, or enlarged except in accordance with the following:
  - 4.15.2.1 Every **Dwelling Unit** shall have a separate private entrance, which shall not be an open exterior stairway, but shall be a side or rear exterior entrance or an interior common vestibule.

**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:
  - I. 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.

(By-Law Number 8499; 2019-87)

**THE CORPORATION OF THE  
TOWN OF PRESCOTT**

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**BY-LAW NO. 31-2018**

**A BY-LAW TO AMEND BY-LAW NO. 09-2009 TO ALLOW FOR THE USE OF  
SECONDARY SUITES IN CERTAIN RESIDENTIAL DWELLING TYPES**

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*Being a by-law to amend By-Law No. 09-2009 to allow for the use of Secondary Suites in certain residential dwelling types*

**WHEREAS** pursuant to the provisions of the Planning Act, Section 34, the Council of a Municipality may enact by-laws to regulate the use of land, buildings or structures for any purpose set out therein that is otherwise prohibited; and

**WHEREAS** By-law No. 09-2009 regulates the use of land and the use and erection of buildings and structures within the Town of Prescott;

**NOW THEREFORE** the Council of the Corporation of the Town of Prescott enacts as follows:

1. The following definition of a Secondary Suite Dwelling is hereby added to section 3D of the By-law:

Secondary Suite: Means a self-contained accessory unit having cooking and sanitary facilities which is located within a Single Detached, Semi-Detached, or Townhouse dwelling unit or located within an accessory building on the same lot as the main residential use. A secondary suite is a subordinate residential use to the existing primary dwelling unit.

2. Section 4 of the by-law is amended by inserting the following after section 4.38 and renumbering the following sections:

**4.39 SECONDARY SUITES:**

- 4.39.1 One (1) secondary suite may be permitted as a unit subordinate to the primary dwelling unit located within a single detached, semi-detached or street townhouse dwelling on any lot;
- 4.39.2 An existing accessory building, or part of an accessory building, may be used as a secondary suite subject to compliance with the Ontario Building Code;
- 4.39.3 No dwelling unit other than a single detached, semi-detached or street townhouse dwelling shall be permitted to include a secondary suite. A secondary suite is permitted only in accordance with the following provisions.

- a) Secondary Suites may be permitted to locate within a single detached, semi-detached or street townhouse dwelling or in an accessory building on the lot of a single detached, semi-detached or townhouse dwelling;
  - b) The addition of a secondary suite in a single detached, semi-detached or street townhouse dwelling unit shall not change the use of the subject lands;
  - c) A maximum of one (1) secondary suite shall be permitted on a residential lot;
  - d) Where a secondary suite is proposed to be located in a new accessory building, such building shall meet the minimum setback requirements for the main residential building;
  - e) Where a secondary suite is proposed to be located in an existing accessory building, setbacks applicable to accessory buildings shall apply provided that all other applicable regulatory requirements have been met;
  - f) Notwithstanding the minimum number of parking spaces required in Section 4.34, a secondary suite shall require 1 parking space in addition to the required number of spaces for the main residential building;
  - g) A secondary suite located in a primary dwelling, an existing accessory building or a new accessory building shall not exceed forty percent (40%) of the gross floor area of the primary dwelling, exclusive of unfinished basement and garage floor areas.
  - h) New entrances for a secondary suite in an existing dwelling unit shall not be permitted on the front main wall of the main building facing a public road.
  - i) New entrances for a secondary suite in an accessory building shall be accessible from the street by a walkway or driveway.
  - j) A secondary suite shall not be permitted in a dwelling unit used as a private home daycare, a bed and breakfast establishment, or, a group home.
3. All other applicable provisions of By-law 09-2009 shall continue to apply.
4. That this by-law shall come into force and take effect upon being passed by Council.

## Exhibit B

**THE CORPORATION OF THE TOWNSHIP OF LEEDS AND THE  
THOUSAND ISLANDS****BY-LAW NO. 20-0XX****BEING A BY-LAW TO AMEND ZONING BY-LAW NO. 07-079, AS  
AMENDED**

**An amendment to implement/update definitions for residential unit types and provisions for the establishment of second residential units in the Township of Leeds and the Thousand Islands, and amendments to harmonize provisions for marine facilities on islands and amend provisions to allow a recreational vehicle to be used a temporary residential use.**

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**WHEREAS** Zoning By-Law No. 07-079, as amended, was passed under the authority of Section 34 of the *Planning Act*, R.S.O. 1990, as amended, and regulates the use of land and the use and erection of buildings and structures within the Township of Leeds and the Thousand Islands;

**AND WHEREAS** Section 34 of the *Planning Act*, R.S.O. 1990, as amended, permits Council to pass an amending by-law, and the Council of the Township of Leeds and the Thousand Islands deems it advisable to amend Zoning By-Law No. 07-079 with respect to the provisions described in this By-Law;

**AND WHEREAS** the matters herein are in conformity with the provisions of the Official Plan for the Township of Leeds and the Thousand Islands, the Provincial Policy Statement and the Planning Act;

**NOW THEREFORE** the Council for the Corporation of the Township of Leeds and the Thousand Islands ENACTS AS FOLLOWS:

16. That Section 2 – Definitions is hereby amended by adding the following, Subsection 2.56(1) "SECOND RESIDENTIAL UNIT":

**SECOND RESIDENTIAL UNIT** shall mean a self contained dwelling unit with a private kitchen, bathroom facilities and sleeping areas. A secondResidential Unit can be located in a Single Detached Dwelling or Semi-Detached Dwelling or Row House Dwelling or in a detached



structure on a property subject to setback and lot coverage requirements.

17. That Section 2 – Definitions is hereby amended by deleting Section 2.56(h) Single Detached Dwellings and replacing it with the following:

**Single Detached Dwelling** shall mean a dwelling house containing a principal residential unit. This definition includes a Tiny Dwelling. The addition of a Second Residential Unit to a Single Detached Dwelling does not change a Single Detached Dwelling into another type of Dwelling House.

18. That Section 2 – Definitions is hereby amended by deleting Section 2.56(g) Semi-Detached Dwellings and replacing it with the following:

**Semi-Detached Dwelling** shall mean a dwelling house that is divided vertically by a common wall from the footings to the highest point of the roof line into two separate dwelling units, each with an independent entrance. The addition of a Second Residential Unit to a Semi-Detached Dwelling House does not change a Semi-Detached Dwelling House into another type of Dwelling House

19. That Section 2 – Definitions is hereby amended by deleting Section 2.56 (e) Row House Dwellings and replacing it with the following:

**Row House Dwelling** shall mean a group of three or more attached dwelling houses, each house having a rear yard and an independent entrance directly from the outside. The addition of a Second Residential Unit to a Row House Dwelling does not change a Row House Dwelling into another type of Dwelling House.

20. That Section 3 – General Provisions is hereby amended by adding the following new, Subsection 3.2 *Second residential units* and renumbering the provisions of Section 3 accordingly:

### **3.2 Second residential units**

- (a) Where a Single Detached Dwelling, Semi-Detached Dwelling or Row House Dwelling, as defined herein, is established on a lot in the Rural (RU), Rural Residential (RR), or Agriculture (AG)



zones, an Second Residential Unit is permitted on the same lot in accordance with the following provisions:

- (i) The second residential unit shall be located on a lot that abuts an improved street or private road
- (ii) The lot meets the minimum lot area and lot frontage requirements of the zone.
- (iii) The building in which the second residential unit is located complies with all applicable provisions of this By-law.
- (iv) Where a detached building contains an second residential unit it shall comply with the setback requirements, maximum height and lot coverage requirements for a primary dwelling that is located on the same lot.
- (v) The maximum Floor Area of the second residential unit shall be equal to or less than the Floor Area of the primary dwelling.
- (vi) A maximum of one second residential unit is permitted on a lot.
- (vii) An second residential unit is not permitted on a lot containing two or more dwelling units, a garden suite, or a boarding house.
- (viii) The establishment of an second residential unit shall not be limited by any zone provisions that establish a maximum number of dwelling units.
- (ix) Prior to obtaining a building permit for an second residential unit, the applicant shall obtain septic system approval.
- (x) The second residential unit shall share the driveway entrance to the lot with the primary dwelling.
- (xi) Where a second residential unit is attached to or located within the primary dwelling, the second residential unit must have a separate exterior entrance located at the side, rear or front of the primary dwelling. A separate entrance may also be provided through a joint entrance vestibule within the principal dwelling unit.
- (xii) The exterior entrance to a second residential unit that is within a principal dwelling (i.e. not a detached second residential unit) and is located at the side or rear of the principal dwelling, 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 Section, a pathway is defined as a hard surface treated pathway 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.

- (xiii) A second residential unit shall not be permitted on an island or island lot;
- (xiv) A second residential unit shall not be permitted on lands within 300 metres of Highly Sensitive Lake Trout Lakes.

21. That Section 3.36 Temporary Uses is hereby amended by adding the following new, Subsection 3.36(b):

In any zone, a ~~recreational vehicle~~ occupied on a temporary basis during the course of construction of a dwelling on the same lot, shall be permitted provided that:

- An appropriate sewage handling system is provided;
- A building permit for a dwelling has been issued and remains in force or the previous dwelling was damaged as a result of a natural occurrence/disaster and a building permit is obtained for the reconstruction of the dwelling within 6 months;
- The recreational vehicle is located in accordance with the required yards and setbacks applicable to a dwelling;
- In no event shall the recreational vehicle be located on the lot for a period exceeding two years from the date of issuance of the building permit.

22. That the second paragraph of Section 3.17(a)(i) Marine Facilities is hereby amended by adding the bolded text to the end of the paragraph:

For Islands and lots on islands having an area between 1 ha (2.47 ac.) and 0.1 ha (0.25 ac.), the area of marine facilities shall not exceed 3% or a maximum of 150 square metres (1614.59), whichever is less, of the total area of the island or lot, **and the maximum perimeter will be 120.0 metres (400.0 ft).**

That this By-Law shall come into effect and force on the date of passing thereof, subject to the appeal provisions of the *Planning Act*.

**READ A FIRST AND SECOND TIME THIS \_\_\_\_ DAY OF \_\_\_\_ 2020.**

**READ A THIRD TIME AND FINALLY PASSED THIS \_\_\_\_ DAY OF \_\_\_\_ 2020.**

\_\_\_\_\_  
Corinna Smith-Gatcke, Mayor

\_\_\_\_\_  
Vanessa Latimer, Clerk

Additional Residential Units - Zoning Provision Comparison									
Municipality	Date (of By-law Amendment)	Current Term Used	Maximum Gross Floor Area	Parking (per unit)	Maximum Number of Additional Units	Permitted in Main or in Accessory Structure	Restrictions	Servicing Restrictions	Frontage (Access)
Augusta	2019	Secondary suite	45% of primary dwelling	1 parking space, if unit is in accessory building	1 per lot	Main building or accessory structure	-Not in floodplain -No 2 <sup>nd</sup> entrance on front of main building - Not permitted in daycare, bed and breakfast, group home -No entrance on front main wall of public street		Accessible by walkway/ driveway from street
Edwards-burgh Cardinal	Proposed	Second dwelling unit and second dwelling	50% principal dwelling to a maximum of 80 m <sup>2</sup> in the Residential Zone and 95 m <sup>2</sup> in the Rural and Agriculture Zones	1 parking space  Shared driveway entrance	1 per lot	Main building and/or accessory structure	Second dwelling unit shall not occupy the whole of a storey  Must share two of the following: -building entrance -parking area -outdoor amenity space  -No second dwelling in relation to townhouse	Same water supply and sewage disposal system as principle dwelling	Access is provided by an improved street

## Additional Residential Units - Zoning Provision Comparison

Municipality	Date (of By-law Amendment)	Current Term Used	Maximum Gross Floor Area	Parking (per unit)	Maximum Number of Additional Units	Permitted in Main or in Accessory Structure	Restrictions	Servicing Restrictions	Frontage (Access)
Elizabeth-town-Kitley	2020	Second dwelling unit and second dwelling	Size not to exceed 65% of principal dwelling to max of 80 m <sup>2</sup> in certain zones	1 parking space  Shared driveway entrance	1 per lot	Principal or second dwelling unit	Must share two of the following: -building entrance -parking area -outdoor amenity space -Must meet frontage/area requirements	Same water supply and sewage disposal system	Abuts an improved street
Front of Yonge	2018	Second dwelling unit and second dwelling	50% of principal dwelling to max of 80 m <sup>2</sup> in the Residential Zone and 95 m <sup>2</sup> in the Rural Zone	1 parking space  Shared driveway entrance	1 per lot	Principal or second dwelling unit	Must share two of the following: -building entrance -parking area -outdoor amenity space -Must meet frontage/area requirements	Same water supply and sewage disposal system	Abuts an improved street
Leeds and the Thousand Islands	2020	Second residential unit	Equal to or less than principal dwelling	1 parking space (general prov.)	1 per lot	Principal or in separate building	Not permitted: - on lot with two or more dwelling units, a garden suite, or a boarding house -on lands within 300 metres of Highly Sensitive Lake Trout Lakes		Frontage on an improved public street or private road

Additional Residential Units - Zoning Provision Comparison									
Municipality	Date (of By-law Amendment)	Current Term Used	Maximum Gross Floor Area	Parking (per unit)	Maximum Number of Additional Units	Permitted in Main or in Accessory Structure	Restrictions	Servicing Restrictions	Frontage (Access)
							-in Hamlet Res. - on an island or island lot -Must meet frontage/area requirements		
Prescott	2018	Secondary suite	40% of primary dwelling	1 parking space	1 per lot	Main building or accessory building	- Not permitted in daycare, bed and breakfast, group home -No 2 <sup>nd</sup> entrance on front of main building	Urban services	-accessible by walkway/ driveway from street
Guelph	2020	Additional residential dwelling unit	45% in primary building and 45% or 80 m <sup>2</sup> in separate building whichever is less	1 parking space, may be stacked	2 per lot -1 in primary building , 1 in separate building	Primary and/or separate building	-primary dwelling, no more than 3 bedrooms -separate building, no more than 2 bedrooms -not to be severed		
Kingston	2019 (further update under-way)	Second Residential Unit	Equal to or less than principal dwelling (excluding	1 parking space, can be tandem and can	1 per lot	Main building or accessory structure	Not permitted: -if there is a garden suite	Must be connected to municipal	



## Additional Residential Units - Zoning Provision Comparison

Municipality	Date (of By-law Amend- ment)	Current Term Used	Maximum Gross Floor Area	Parking (per unit)	Maximum Number of Additional Units	Permitted in Main or in Accessory Structure	Restrictions	Servicing Restrict- ions	Frontage (Access)
			storage space)	be in driveway in front yard		(detached structure must be in rear or interior side yard & have privacy fencing)	-on lots with more than one dwelling unit -on lands with natural hazards -on at capacity lakes -on lands with boarding or lodging housing	or private services.  Not permitted: -in cellar or basement if served by combined storm and sewer -in areas of sewer capacity limitations	

## **Appendix 4**

### **Other Zoning Considerations**

The following are additional zoning provisions organized by topic that municipalities may consider including when preparing zoning amendments for additional residential units.

#### **1. Access**

Zoning considerations for access to an ARU unit include access from:

- i) an improved street.
- ii) an unobstructed pathway. This is required to be provided to the additional unit from the street and/or parking area (to allow safe access for emergency responders).
- iii) a shared driveway.

#### **2. Servicing**

Servicing provisions in the zoning by-laws for an ARU consider:

- i) being connected to same water supply and sewage disposal as the principal dwelling.
- ii) for septics - having a septic system approval prior to Building Permit approval.
- iii) for wells - demonstrating that there is sufficient quantity of well water.

#### **3. Exclusions Based on Other Uses on the Property**

There are zoning by-laws provisions for properties where an ARU is not permitted where there are other uses on the property, such as:

- i) a garden suite, a boarding house, or a lodging house already exist.
- ii) in a dwelling unit where a private home daycare, a bed and breakfast or group home exist.

#### **4. Exclusions Based on Location**

There are locational considerations in the zoning by-laws where an ARU is not permitted. These locations are:

- i) sites constrained by natural heritage features or natural hazard lands associated with constraints such as Hazard Lands, Provincially Significant Wetlands, Floodplains which may pose health and safety concerns.
- ii) on private roads.
- iii) on waterfront properties and within waterfront setbacks (e.g. sensitive lake trout lakes and 30 metres from a waterbody) which may pose environmental concerns.
- iv) areas where servicing capacity is limited (urban settlement areas with municipal water and sewer capacity limitations).

## **5. Design Considerations**

Some design considerations found in the zoning by-laws for ARUs include:

- i) setbacks for an accessory ARU to match the principal dwelling and general setbacks for accessory dwellings.
- ii) height for an accessory ARU to be compatible with the principal dwelling (e.g. 5 to 8 metres for accessory structures).
- iii) no new ARU entrance is permitted on the front main wall of the principal dwelling facing a public street when an ARU is in the principal dwelling.
- iv) adequate separation of an accessory ARU from the principal dwelling for fire separation (e.g. 3 metres).
- v) a maximum of 6 to 30 metres in distance from the principal dwelling to an accessory ARU (to reduce pressure of future severance requests). This is more applicable in agricultural and rural areas.