

**The Corporation of the
Township of Guelph/Eramosa**

By-law Number 46/2022

**A By-law to amend
Township of Guelph/Eramosa Zoning By-law 40/2016
Entirety of the Township of Guelph/Eramosa**

WHEREAS the Council of the Corporation of the Township of Guelph/Eramosa deems it expedient to enact this By-law to amend Zoning By-law Number 40/2016;

AND WHEREAS Council is empowered to enact this By-law under the authority of Section 34 of the *Planning Act*, R.S.O. 1990, Chapter P. 13, as amended;

NOW THEREFORE the Council of the Corporation of the Township of Guelph/Eramosa hereby enacts as follows:

1. That Section 3.0 Definitions, is amended by deleting the definition for 'Dwelling, Accessory Second Unit' in its entirety and adding the following definition:

"Dwelling, **Additional Residential Unit**", means a residential **dwelling unit** that is subordinate to a **detached, semi-detached** or **townhouse dwelling** and located within a **detached, semi-detached**, or **townhouse dwelling** or within an **ancillary building** or **structure** located on the same lot and **ancillary** to a **detached, semi-detached** or **townhouse dwelling**. An **additional residential unit** shall contain sleeping accommodations, a kitchen and sanitary facilities for the exclusive use of the occupants, and having a private entrance from outside the building or from a common hallway or stairway inside the building. For the purpose of this By-law, a **stacked townhouse dwelling** and **cluster townhouse dwelling** is not permitted to have an **additional residential unit**.
2. That Section 3.0 Definitions, Dwelling, Duplex, is amended by replacing the term 'accessory second unit' with 'additional residential unit'.
3. That Section 3.0 Definitions, is amended by adding the following definitions in alphabetical order:

"Attic" means the space between the roof of a **building** and the ceiling of the top storey of the **building** or the space between a dwarf wall of a building and the sloping roof of the building and is not a **habitable room**.

"Floor Area" for the purposes of section 4.4, means the sum total of the horizontal areas of each floor of a **building** whether any such floor is above or below grade between exterior walls and the centerline of required firewalls, including the space occupied by interior wall and partitions, but not including exits, vertical service spaces and their enclosing assemblies.
4. That Section 4.4, Accessory Second Unit Regulations, is amended by deleting the section in its entirety and replacing it with the following:

"4.4 Additional Residential Unit Regulations

A maximum of two **additional residential units** shall be permitted per **lot** in any zone where an **additional residential unit** is permitted, and shall only be **constructed or used** in accordance with the following:

4.4.1 General Provisions

1. Shall only be permitted provided that appropriate water and sanitary services and servicing capacity is available to the satisfaction of the Township of Guelph/Eramosa.
2. The maximum **floor area** of an **additional residential unit** shall be no more than an amount equal to 45% of the **floor area** of the **main** dwelling up to a maximum size of 130 m². The calculation of the maximum **floor area** for the **additional residential unit** and the **main** dwelling shall also include a **cellar** and **attic** if these spaces would meet the definition of a **habitable room**.
3. In all cases the **additional residential unit** shall be clearly secondary and subordinate to the **main** dwelling;
4. The **height** of the **additional residential unit(s)** shall not exceed the **height** of the **main** dwelling;
5. Driveway access to both the **main** dwelling and the **additional residential unit** shall be limited to one access so that no new entrance from the **street** shall be created, except in the case of a **corner lot**, where one entrance from each **street** may exist, subject to Section 4.19 or Section 4.20 as applicable.
6. One **parking space** will be provided for each **additional residential unit**, in addition to the required parking for the **main** dwelling.
7. Shall not be permitted within hazardous lands as identified by the applicable Conservation Authority;
8. Shall be required to conform to all Ontario Building Code and Ontario Fire Code regulations;
9. Shall be required to conform to Minimum Distance Requirements (4.24.1), where applicable; and

4.4.2 Attached Additional Residential Unit

One **additional residential unit** is permitted within the **main** dwelling or attached to the **main detached dwelling**, subject to the provisions in Section 4.4.1 and the following:

1. In addition to Section 4.4.1.2, the following is applicable:
 - a. If the **additional residential unit** is located in a **basement**, the **additional residential unit** may occupy the whole of the **basement**.
 - b. Where an attached **garage** is converted to create an **additional residential unit** (in whole or in part), the attached **garage** will be included in calculation of the **floor area** of the **main** dwelling.
2. When exterior alterations to the **main** dwelling are proposed for an attached **additional residential unit**, the following applies:

- a. the siting of an **additional residential unit** shall be to the rear or side of the **main** dwelling, and
- b. shall comply with the **yard** and setback requirements of the Zone in which such **buildings** are situated.

4.4.3 Detached Additional Residential Unit

One **additional residential unit** is permitted in an **ancillary building** or **structure**, subject to the provisions in Section 4.4.1. and the following:

1. Shall be located on the same **lot** as the **main** dwelling and the **additional residential unit** shall not be severed from the **main** dwelling;
2. The **ancillary building** or **structure** must be located within the **main building** cluster and shall not be located more than 60 m away from the main dwelling;
3. The **ancillary building** or **structure** is to be screened and/or buffered to the satisfaction of the Township of Guelph/Eramosa in order to minimize visual impacts;
4. A detached **additional residential unit** can occupy a part of or the entirety of an **ancillary building** or **structure**.
5. If the **additional residential unit** occupies the entirety of an **ancillary building** or **structure**, the following additional provisions are applicable:
 - a. Shall comply with the minimum required **yard** standards in which the unit is situated;
 - b. Shall not exceed 5 metres in height
6. Notwithstanding Section 4.2.5, in the Agriculture (A) Zone, if the **additional residential unit** occupies the second storey of an ancillary building the maximum height shall not exceed 8 metres.
7. All provisions within Section 4.2 are applicable, except for provisions that conflict with Sections 4.4.3.5 and 4.4.3.6.
8. A **garden suite** must not be located on the same lot.

4.4.4 **Accessory Dwelling Unit** in Commercial Zone Regulations

Wherever an **accessory dwelling unit** is permitted in a Commercial Zone by this By-law, such an **accessory dwelling unit** shall only be constructed or used in accordance with the following:

1. Driveway access to both the commercial use and the **accessory dwelling unit** shall be limited to one access so that no new entrance from the street shall be created, with the exception of a corner lot, where one entrance will be permitted from each street.
2. The **accessory dwelling unit** shall be located above or behind the **main** commercial use.
3. The maximum **gross floor area** of an **accessory dwelling unit** that is located behind a commercial use shall be no more than an amount equal

to 40% of the **gross floor area** of the commercial use, to a maximum size of 115 m².

- a. Notwithstanding the above, if the **accessory dwelling unit** is located above a commercial use, the **accessory dwelling unit** may occupy the whole of the upper level floor.
4. A maximum of one **accessory dwelling unit** per lot will exist, and shall be **accessory** to the commercial use. Where residential uses exist above a commercial use, an **accessory dwelling unit** will not be permitted to the rear of the commercial use.
5. One parking space will be provided for the **accessory dwelling unit**, in addition to the required parking for the commercial use.
6. Shall only be permitted provided that appropriate water and sanitary services and servicing capacity is available to the satisfaction of the Township of Guelph/Eramosa.
5. That Section 5.1 Parking Requirements, is amended by replacing the term '**accessory second units**' with '**additional residential units**' within the Use Column and by adding the following wording after the word 'unit' in the Parking Requirement Column for the use, '**A parking space** that is for the sole use of the occupant of the **additional residential unit** may be a tandem **parking space**.'
6. That Section 6.1 Agricultural Zone Permitted Uses, is amended by replacing 'Dwelling, Accessory Second Unit (Section 4.4)' with '**Dwelling, Additional Residential Unit** (Section 4.4)'
7. That Section 7.1 Rural Residential Zone Permitted Uses, is amended by replacing 'Dwelling, Accessory Second Unit (Section 4.4)' with '**Dwelling, Additional Residential Unit** (Section 4.4)'
8. That Section 8.1 Village Residential Low Density Zone Permitted Uses, is amended by replacing 'Dwelling, Accessory Second Unit (Section 4.4)' with '**Dwelling, Additional Residential Unit** (Section 4.4)'
9. That Section 9.1 Village Residential Medium Density Zone Permitted Uses, is amended by replacing 'Dwelling, Accessory Second Unit (Section 4.4)' with '**Dwelling, Additional Residential Unit** (Section 4.4)'
10. That Section 10.1 Village Commercial Zone Permitted Uses, is amended by replacing 'Dwelling, Accessory Second Unit (Section 4.4)' with 'Accessory Dwelling Unit (Section 4.4.4)'
11. That Section 11.1 Village Service Commercial Zone Permitted Uses, is amended by replacing 'Dwelling, Accessory Second Unit (Section 4.4)' with 'Accessory Dwelling Unit (Section 4.4.4)'
12. That Section 12.1 Hamlet Mixed Use Zone Permitted Uses, is amended by replacing 'Dwelling, Accessory Second Unit (Section 4.4)' with 'Accessory Dwelling Unit (Section 4.4.4)'
13. That Section 12.1 Hamlet Mixed Use Zone Permitted Uses, is amended by replacing 'Dwelling, Accessory Second Unit (Section 4.4)' with 'Accessory Dwelling Unit (Section 4.4.4)'

14. That Section 13.1 Highway Commercial Zone Permitted Uses, is amended by replacing 'Dwelling, Accessory Second Unit (Section 4.4)' with 'Accessory Dwelling Unit (Section 4.4.4)'

15. That Section 21.94 Special Provisions is amended by replacing 'Dwelling, Accessory Second Unit (Section 4.4)' with '**additional residential unit**'

READ three times and finally passed

this **6th** day of **September, 2022**.



Chris White, Mayor



Amanda Knight, Clerk

THE CORPORATION OF THE TOWNSHIP OF GUELPH/ERAMOSA

EXPLANATION OF BY-LAW #46/2022

By-law Number 46/2022 amends the Township of Guelph/Eramosa Zoning By-law 40/2016.

THE PURPOSE AND EFFECT OF THE ZONING BY-LAW AMENDMENT is to introduce changes to the regarding Additional Residential to the Zoning By-law as generally itemized below:

- I. Add new definitions including: Additional Residential Unit, Attic, Floor Area
- II. Revise definitions including: Duplex
- III. Replace the term 'Accessory Second Unit' throughout the by-law with the new term 'Additional Residential Unit'.
- IV. Deleting the existing provisions for 'Accessory Second Units' in its entirety and replacing it with a new section 4.4 that includes general provisions applicable to all 'Additional Residential Units' and establishes additional provisions specific to the type of Additional Residential Unit (i.e. attached or detached). It also updates the terminology of 'Accessory Second Units in Commercial Zone Regulations' by replacing the term 'Accessory Second Units' with 'Accessory Dwelling Unit' to differentiate these uses from 'Additional Residential Units'.
- V. Adjust the parking provisions for 'Additional Residential Units' to allow for tandem parking.

For the purpose of clarity, all terms, including those both bolded and italicized, that are also listed in Section 3 – Definitions are subject to the corresponding definitions.