

Garden Suites

***Application Guidelines for a Temporary Use
Zoning By-law Amendment in Relation to a
Garden Suite***

The Township of
Selwyn

Building &
Planning Department

705-292-9507
selwintownship.ca

Introduction

The Planning Act provides provisions for Council to approve temporary use by-laws in relation to Garden Suites. Council may, in a by-law passed under Section 39.1 authorize the temporary use of garden suite and related area to which it applies, and specify the period of time for which the authorization shall be in effect, not exceeding 10 years. Council may by by-law permit further periods of not more than three years. The owner of the land where a Garden Suite is to be situated shall enter into an agreement with the municipality.

What is a Garden Suite?

Canada Mortgage and Housing Corporation defines a garden suite as a self-contained single-storey dwelling which is accessory to, but detached from, the principal single detached house. It has separate cooking, sleeping and bathroom facilities. Garden suites, also known as granny flats are designed to enable elderly people to live close to a host family while maintaining their independence and privacy.

It is intended that the garden suite be occupied by the individual or couple for whom it was installed. When the person or persons no longer occupy the garden suite, it is to be removed from the property.

The Township's Comprehensive Zone By-law defines a "garden suite" as a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

How are garden suites regulated?

In response to an identified need for additional affordable housing within the Township, the Township has incorporated regulations in its recently passed Comprehensive Zoning By-law which permits garden suites in residential areas by means of a temporary use by-law.

The by-law defines Garden Suites as *"a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable"*.

Section 3.12 of the Comprehensive Zoning By-law provides regulatory requirements in relation to garden suites:

3.12 Garden Suites

A garden suite is only permitted by means of a site specific Temporary Use Zoning By-law, approved in accordance with Section 39.1 of the Planning Act. Where a garden suite is permitted by temporary zoning, the following provisions apply:

- a) only one garden suite is permitted per lot;*
- b) the garden suite must be on the same lot as a principal residential use building;*
- c) the principal residential use building must be either a single detached dwelling, or a semi-detached dwelling;*
- d) the garden suite must comply with the Additional Provisions for Garden Suites set out in Section 3.12.1; and,*

- e) *despite subsection 3.12.1, these provisions may be varied on a site-specific basis through the Temporary Zoning By-law.*
- f) *Subsection 3.12.1 does not preclude both units of a semi-detached dwelling from having a garden suite.*
- g) *The development of a garden suite on a residential lot shall not result in the creation of a planned unit development.*
- h) *Council may require the owners of the suite or any other person to enter into an agreement with the municipality to address such matters as:*
 - i. *the installation, maintenance and removal of the suite;*
 - ii. *the period of occupancy of the garden suite by any person named in the agreement; and,*
 - iii. *monetary or other security required by the Council for monetary or other costs to the municipality related to the garden suite.*

- vii. *separation of buildings (minimum) – 1.2 m*
- viii. *floor area (maximum) – 65% of the gross floor area of the principal building of the lot*
- ix. *additional driveway – not permitted*
- x. *additional parking – not required*

For the purposes of this Section, the rear yard area shall be measured from the exterior wall of the principal dwelling closest to the rear lot line, to the rear lot line. A garden suite is not included in the calculation of any other maximum lot coverage requirements.

As noted above, subsection 3.21 (h) requires the property owners to enter into an agreement with the municipality, to address certain matters including, the installation, maintenance and removal of the suite; the period of occupancy of the garden suite by any person named in the agreement; and any monetary or other security required by Council for monetary or other costs to the municipality related to the garden suite.

3.12.1 Additional Provisions for Garden Suites

- i. *number of garden suites per lot – one*
- ii. *building height (maximum) – 4.5 m*
- iii. *permitting location – rear yard*
- iv. *side yard setback (minimum) – same as principal building*
- v. *rear yard setback (minimum) – 2.3 m*
- vi. *lot coverage (minimum) – 35% of the area of the rear yard*

What is a Zoning By-Law? And Who Approves It?

A zoning by-law controls the use of land in a municipality. It states exactly:

- how land may be used;
- where buildings and other structures can be located;

- the types of buildings that are permitted and how they may be used; and
- the lot sizes and dimensions, parking requirements, building heights and setbacks from the street and other lot lines.

The Official Plan sets out the general policies for future land use. The Township’s zoning by-law put the applicable plan into effect and provide for its day-to-day administration. The zoning by-law contains specific requirements that are legally enforceable. Construction or new development that doesn’t comply with a zoning by-law is not allowed, and the Township will refuse to issue a building permit.

What is a Rezoning? And who approves it?

If you want to use or develop your property in a way that is not allowed by a zoning by-law, you may have to apply for a zoning change, also known as a rezoning or a zoning by-law amendment. The approval of any rezoning rests with Council. However, Council can only consider a change if the new use is allowed by the official plan. If the new use is not allowed in the official plan, you may also require an amendment to the official plan, which is applied through the County of Peterborough.

You are required to complete an application form which contains information prescribed by the Planning Act and any other additional information that the municipality may require. You are required to pay an application fee, when you submit the complete application.

If Council refuses your application, or if it does not make a decision within 90 days of the receipt of your application containing the prescribed information you may appeal to the Ontario Land Tribunal (OLT). Further, any person or public body may appeal the Council’s decision and any condition within 20 days of the Notice of Decision.

Appeals must be filed with the Clerk of the Township, accompanied by reasons for the appeal and the fee required by the OLT. Forms required to file an appeal to the OLT are available on the OLT website

(www.olt.gov.on.ca) or at the Township Office.

How is the Rezoning Application Evaluated?

When it considers a rezoning, Council evaluates it against criteria such as:

- compatibility with adjacent uses of land;
- suitability of the land for the proposed purpose, including the size and shape of the lot(s) being created;
- adequacy of vehicular access, water supply, sewage disposal; and
- the need to ensure protection from potential flooding.

When Council considers a rezoning, it must ensure that the application is consistent with the Provincial Policy Statement and other application planning documents issued under

the Planning Act. The Provincial Policy Statement contains clear, overall policy directions on matters of provincial interest related to land use planning and development.

What are the submission requirements?

A complete submission package consists of the following:

1. Completed application form available on our website or at the Township Office.
2. Authorization from owner if applicant is not the owner.
3. Required fees. The applicable fees may vary depending on the complexity of the application. Please refer to the Schedule of Planning Fees on our website, or contact the Planning Department to determine the fee.
4. Completed site plan illustrating the following items:
 - a. The boundaries and dimensions of the subject land;
 - b. The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines;
 - c. The approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells,

septic tanks, hydro lines, telephone lines or any other services) on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application;

- d. The current uses on land that is adjacent to the subject land;
- e. The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or a right-of-way;
- f. If access to the subject land is by water only, the location of the parking and docking facilities to be used;
- g. The location and nature of any easement affecting the subject land;
- h. The site plan must be drawn to scale utilizing good drafting techniques;
- i. A scale and north arrow should be shown on the sketch; and
- j. The size has to be a minimum of 8.5x 11 and a maximum of 11x17.
- k. The site plan may need to be supported by a location survey

How do I apply?

Applications for zoning by-law amendments for a temporary use by-law relating to garden suites are available at the Township Office or on the Township website:

www.Selwyntownship.ca

How long does it take?

The entire process usually takes approximately 3 -4 months including:

- The 20 day notification period of the Statutory Public Meeting;
- Statutory Public Meeting ; and
- The 20 day appeal period.

If Council's decision is appealed to the Ontario Land Tribunal (OLT), in excess of 3 to 6 months may be added to the process.

When is the application deadline?

Applications must be submitted at least 6 weeks prior to the scheduled Public Meeting in order to be heard at that meeting

Planning Meetings normally take place on the 4th Tuesday of each month. Refer to our website for the scheduled Planning Meeting dates.

Additional information for the applicant

- All information submitted in support of this application will be considered public information, including any reports, studies, drawings or other documentation submitted by applicant(s), agent(s), consultants(s) or solicitor(s). The Township of Selwyn is permitted to make the application and any associated supporting information available to the general public. The Township of Selwyn is also permitted to provide copies of the application and any supporting information to

any member of the public or other third party that requests the information.

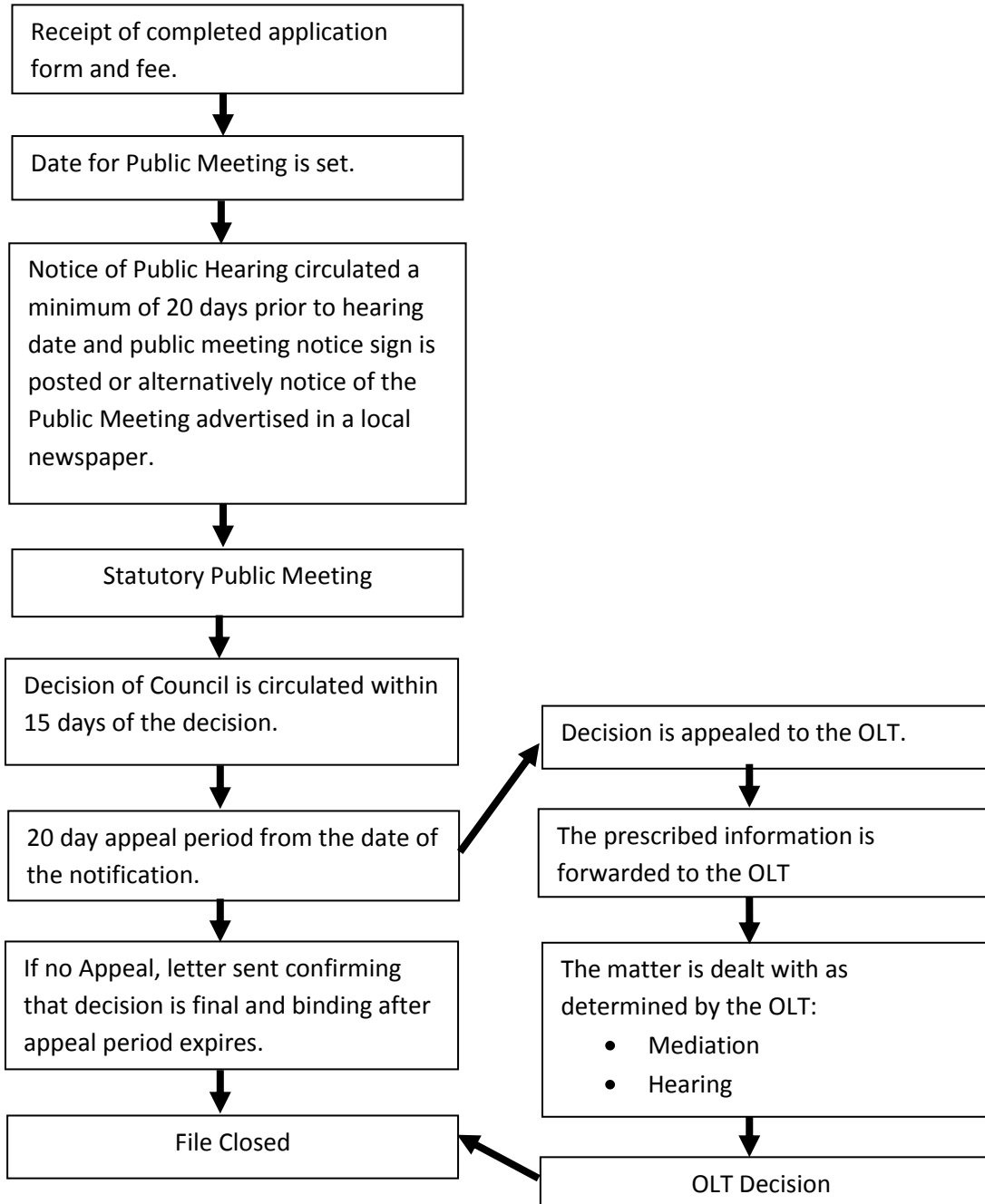
- The Planner schedules the Statutory Public Meeting and will advise the applicant of the actual hearing date by way of notice.
- The applicant/agent is encouraged to attend the hearing on the date and time stated in the public notice to represent his/her application.
- The applicant/agent should be prepared to present their application before Council if required, explaining the necessity for the application. The applicant/agent should be prepared to answer any questions by Council or members of the public.
- Once the application has been heard and the Council have made a decision the Planner will send the applicant/agent a notice of decision.

Funding Available

Canada Mortgage and Housing Corporation (CMHC) offers financial assistance for the creation of a garden suite for a low-income senior or adult with a disability.

Visit www.cmhc-schl.gc.ca for details.

Zoning By-law Amendment Process



Zoning By-law Amendment Applications are accepted Monday to Friday, 8:30 a.m. to 4:30 p.m.

The Township of Selwyn

Building and Planning Department

1310 Centre Line Smith

P.O. Box 270

Bridgenorth, ON K0L 1H0

Tel: 705.292.9507

Fax: 705-292-9238

To book an appointment, call 705.292.9507
For more information, visit www.selwyntownship.ca

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Contact the Building & Planning Department at 705.292.9507 to determine if you have the most recent edition.

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