

ADDITIONAL RESIDENTIAL UNITS (ARUs) OR ACCESSORY DWELLING UNITS (ADUs) INFORMATION & APPLICATION GUIDE



Disclaimer: The information contained in this guide was compiled based on information available at the time of publication.

While this guide can be used to help plan your Additional Residential Unit (ARU) or Accessory Dwelling Unit (ADU) project, the information it describes, including regulations and costs, is subject to change. If you wish to pursue an ADU project, it is recommended that you confirm information in this guide with Growth and Sustainability (Planning and Building) Department prior to proceeding.



Information: For more information or assistance with your project, please contact the Township's Growth and Sustainability (Planning or Building) Department.

Planning: planning@westlincoln.ca

Building: building@westlincoln.ca

WHAT ARE ADDITIONAL RESIDENTIAL UNITS (ARUs) OR ACCESSORY DWELLING UNITS (ADUs)?

The Ontario Government passed the legislation O. Reg. 299-19 made under the Planning Act in August 2019, this type of independent dwelling can be built within, attached to, or detached from a primary house on a residential lot. With changes to the Planning Act through Bill 23 and the Homes Built Faster Act, the Province has made it simpler than ever to create these spaces across settlement areas.

The Township of West Lincoln's Zoning By-law refers ARUs as Accessory Dwelling Units (ADUs) and the meanings of these independent units are the same. For the purposes of this information brochure, the acronym ADU will be used.

ADUs are separate, self-contained residential units located on the same lot as the principal dwelling unit. ADUs include their own kitchen, bathroom, sleeping and living space.

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ADUs can be located:

- **Inside the principal dwelling** (e.g., basement or attic apartment)
- **Attached to the principal dwelling** (e.g., above an attached garage or an addition to the dwelling)
- **In a separate, detached building** (e.g., garden suite or converted garage)

ADUs are not permitted to be severed or sold separately from the principal dwelling, as the ownership of these units coincides with the ownership of the principal dwelling. However, they can be rented to other individuals. ADUs can be a significant resource for the rental market and are a step towards addressing affordable housing in urban and rural areas in the Township.

BENEFITS OF ADUs

- Provide an opportunity to alleviate the cost of homeownership through a supplementary income stream.
- Diversify housing stock to include smaller units, which helps meet the needs of a variety of residents, including seniors, young families, and singles.
- Enable gentle densification within existing neighbourhoods.

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TYPES OF ADUs

Interior / Attached ADUs

An interior or attached ADU shares a physical connection, such as a wall, with the principal dwelling unit. This makes the ADU an integral part of the principal dwelling. Example: above an attached garage, conversion of a garage, basement or an attic apartment, or attached ADU.



Attached Above Garage ADU



Interior Converted Garage ADU



Interior Converted Basement or Attic ADU



Attached ADU

Exterior / Detached ADUs

A detached ADU is within an accessory building that is separate from the principal dwelling unit but located on the same lot. Example: a detached garage converted to an ADU or an accessory building containing an ADU.



Detached ADU

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WHERE ARE ADUs PERMITTED?

Section 3.2.1 of the Township's Zoning By-law 2017-70, as amended, provides the regulations for ADUs and the following permissions apply:

A total combined maximum of three (3) dwelling units is allowed on a parcel of land located in the urban area boundary or on a rural/agricultural parcel in the Township. That means one (1) principal dwelling unit and a maximum of two (2) ADUs either attached (e.g., basement, attic, new addition, conversion of attached garage) or detached (e.g., separate accessory building, converted garage or barn).

A maximum of two (2) ADUs are permitted in a residential dwelling type in the urban area boundary limits of Smithville that has access to full municipal services, including water and sanitary sewer subject to meeting all applicable residential zoning regulations for Residential Low Density (R1A, R1B, R1C, R1D, R2, R3) and Residential Medium Density (RM1, RM2, RM3) including:

1. Detached dwelling
2. Semi-detached dwelling
3. Duplex dwelling
4. Townhouse dwelling

A maximum of two (2) ADUs are permitted on agricultural land that is located outside of the urban area boundary limits which includes hamlet settlement areas that are served by private water (e.g., well or cistern) and private sanitary (e.g., septic system) services subject to meeting all applicable residential zoning regulations for Rural Residential (RuR) and Residential Low Density (R1A, R1B) including:

1. Detached dwellings
2. Detached accessory building, such as a barn, garage, located on the ground floor or on the second storey, or as an individual/separate ADU

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WHAT REGULATIONS APPLY?

Parking

One (1) parking space per ADU is required, which may be provided in tandem with one space in the garage and driveway. On-street parking is not permitted.

Detached ADUs & Fire/Emergency Access

A detached ADU shall have fire and emergency access that provides:

- A minimum of 1.0m-wide unobstructed path of travel provided from the public street to the entry of the ADU.
- A pathway on the same property as the principal dwelling.
- An overhead clearance of not less than 2.1m and not contain any projections.
- No more than 45m distance measured from the public street to the entry of the detached ADU.
- Emergency contact information (phone number and email address) for the property owner.
- A copy of the building permit and approved site plan to Fire Services.

Please note that the fire/emergency access provisions are Ontario Building Code requirements, not Zoning By-law provisions. If you cannot comply with these provisions, a detached ADU will not be permitted.

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Servicing

An ADU shall connect to existing municipal infrastructure for those residential parcels located in the urban area boundary of Smithville.

A detached ADU shall be serviced from the water and sanitary connection in the existing principal dwelling type. Separate municipal service connections are not permitted.

The water service pipe from the property line to the principal dwelling is to be sized in accordance with the Ontario Building Code and shall include the number of fixture units for both the existing principal dwelling and the detached ADU.

The water service pipe from the principal dwelling to the detached ADU is to be sized in accordance with the Ontario Building Code. A shut-off valve is to be provided in both the principal dwelling and the detached ADU.

ADUs on rural or agricultural parcels must connect to the existing septic system, if constructed with the capacity to accommodate the additional flows. If the existing does not have sufficient capacity, a new septic system will need to be constructed for the ADU. The water service to the ADU can be from the existing well or cistern of the principal dwelling or by providing a separate water service to the ADU, in accordance with the Ontario Building Code.

Unit Identification

All ADUs will be assigned a numeric identifier (e.g., 1, 2, 3) in accordance with the municipal civic addressing policy. This numbering system will apply to all units on the property, including detached ADUs. For each unit, the assigned number must be clearly affixed to the main access door of the unit. If all unit entrances are not clearly visible from the street, reflective wayfinding/emergency access signage is required.

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For detached ADUs, the identifier must include the notation "RY" for rear or side yard units (e.g., RY3). Additionally, directional arrows must be included to show the fire route to a detached ADU if it is not directly visible from the front of the property.

Setbacks & Regulations

Section 3.2.1 of Zoning By-law 2017-70, as amended provides the regulations for ADUs as well as Table 1-2: Regulations for Accessory Buildings and Structures in Non-Agricultural Zones.

- **Maximum gross floor area:** Lesser of 100 square metres or 40% of the gross floor area of the principal dwelling, provided that it does not exceed the maximum total lot coverage (principal dwelling plus any accessory buildings and structures) for the specific zone.
- **Minimum front and exterior yard setback to the lot line:** ADU shall not be any closer to the front yard or exterior yard than the principal dwelling. ADUs shall remain secondary and subordinate to the principal dwelling.
- **Minimum interior and rear yard setback to the lot line:** ADU shall not be less than 2 metres from the lot line.
- **Basement ADU:** An ADU may be located in the basement with a ceiling height no less than 2.2 metres.
- **Detached ADU above an accessory building:** Maximum height of an accessory building that contains an ADU above the first storey shall be 8 metres.
- **Maximum distance of ADU to principal dwelling:** The accessory building that is used for an ADU shall be located within 50 metres of the principal dwelling.
- **ADU located outside urban area (RuR or R1A zone):** ADUs shall not be permitted on lots less than 0.4 hectares (1 acre), and the private services can provide adequate capacity for the ADU and any other uses on the lot. ADUs may only be permitted to have separate septic systems in extenuating circumstance.

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- **Minimum Distance Separation (MDS):** An ADU located in a detached accessory building shall comply with the minimum distance separation formulae. An ADU is not permitted within a building or structure used for any agricultural use.

An ADU can be a garden suite and subject to additional regulations in Section 3.2.4 of the Zoning By-law 2017-70, as amended.

WHAT IF MY PROPOSAL DOESN'T MEET THE REGULATIONS?

If your property or project doesn't meet zoning requirements needed to permit an ADU, you may consider applying for a Minor Variance from the Committee of Adjustment.

If you are considering a Minor Variance application for your project, it is best to contact the Secretary-Treasurer to learn more about the application requirements, process, and fee.



For more information or assistance, please contact the Acting Secretary-Treasurer of the Committee of Adjustment, Jeni Fisher: jfisher@westlincoln.ca

If your property or project doesn't meet the fire/emergency access requirements indicated above, you may consider and must be successful with a Building Code Commission ruling upon submission of your building permit application.



For more information or assistance, please contact the Building Department at building@westlincoln.ca

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APPLICATION PROCESS

Step 1: Research and Plan

Ensure an ADU is permitted on your property and will conform to zoning regulations by using this guide and by consulting the Township's Zoning By-law.

Step 2: Drawings

Prepare the necessary construction drawings and forms (Appendix A).

Step 3: Building Permit Application

Submit a building permit application with all necessary drawings and forms on the website at: <https://www.westlincoln.ca/en/build-and-invest/resources/Building-Permit---Dwelling.pdf>

Step 4: Fees

Pay the necessary Building Permit Fees associated with your project.

Step 5: Permit Review, Issuance & Construction

Once a permit has been reviewed and issued, you can begin construction for your project.

Step 6: Inspections

Ensure all necessary inspections have been scheduled and completed.

Step 7: Occupancy Permit Issuance

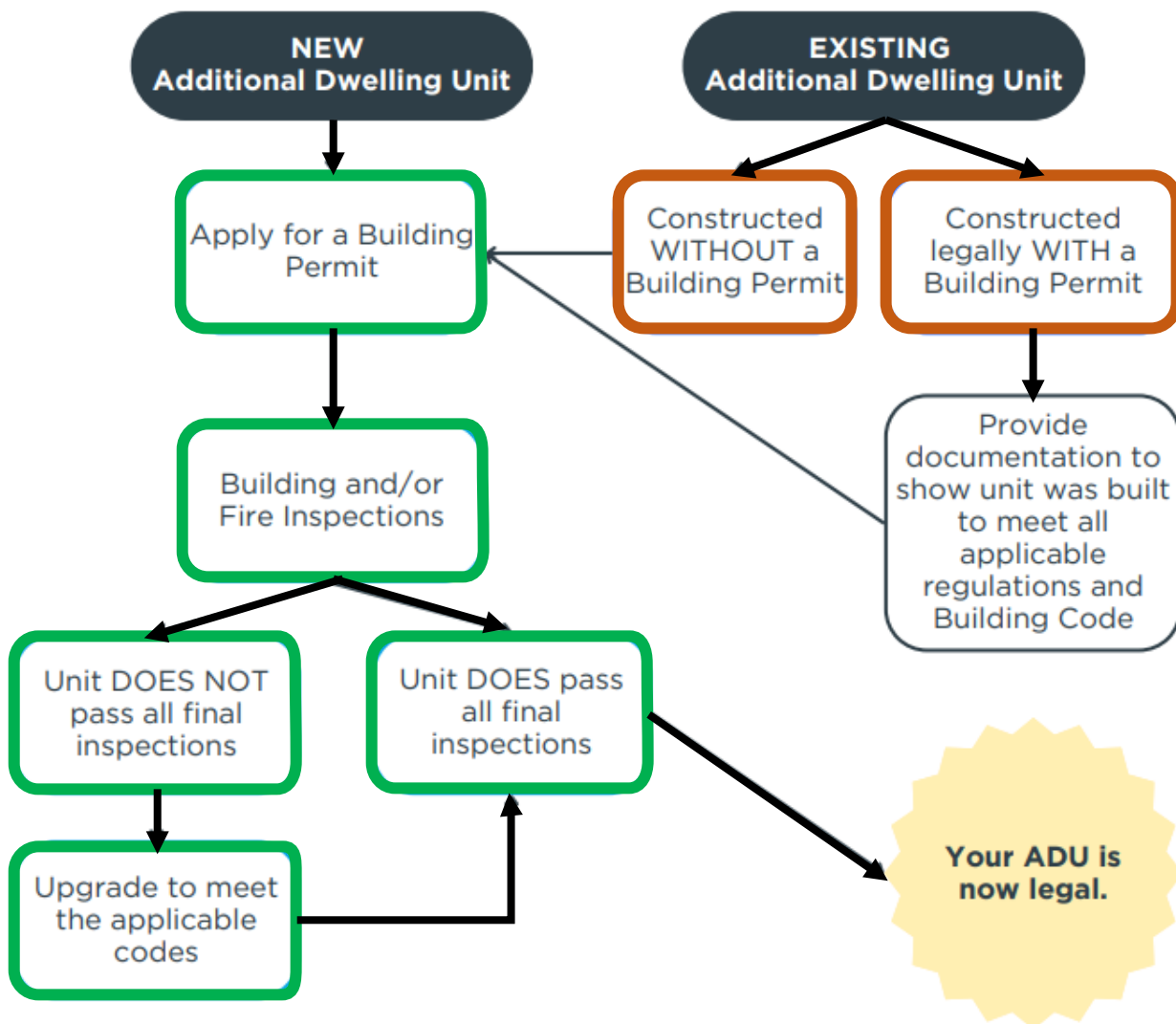
Once the Building Inspector has issued the Occupancy Permit, you now have a legal ADU.

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HOW TO LEGALIZE AN ADU?

To be legal, an ADU must have a building permit from the Township of West Lincoln. The ADU must comply with all the regulations under the Township's Zoning By-law 2017-70, as amended, the Ontario Building Code, the Ontario Fire Code, and the Ontario Electrical Safety Code.

Overview of the Process



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FAQ

1. Do I need to provide parking for my ADU?

Yes, one (1) parking space is required per ADU and may be provided in tandem. On-street parking does not satisfy parking requirements and is not permitted.

2. Where are Additional Dwelling Units Permitted?

Maximum of 2 ADU units are permitted per lot in the urban area of Smithville, in the rural (Hamlet areas) and agricultural area of the Township.

3. Do I need a permit to build an ADU?

Yes, a building permit is required to build an ADU. For more information, please contact the Building Department at building@westlincoln.ca

4. Do Development Charges apply to ADUs?

No, to encourage the supply of smaller housing units, the Province of Ontario has exempted Development Charges and parkland dedication requirements for ADUs (under Bill 23).

5. What kind of fees will apply to an ADU project?

Building permit fees will apply to an ADU project. Building permit fees are calculated based on a rate for the finished floor area. There are different fees for an interior/attached ADU (within the principal dwelling) and a detached/exterior ADU (in an accessory building). To determine which fee rate would apply, please see Building Permit Fees

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6. Do ADUs need a separate address?

While the property may have the same municipal address, additional units will be identified with a unit address. A unit address will be assigned by the Township following a Building Permit application being made.

A unit identifier will be assigned to the property to ensure the safety of the people residing in any dwelling units and for emergency response. A municipal unit identification sign must be clearly visible from and affixed to the front of the property.

A wayfinding sign may also be required for a detached ADU that is not visible from the front of the property. An ADU's unit address must be assigned and displayed by the time of occupancy.

7. Can ADUs be severed and sold separately?

No, the Township's Official Plan prohibits the severance of ADUs from the principal dwelling. Staff will not be able to support severance applications based on the Township's Official Plan policies and Provincial policies.

8. Can I rent out my ADU as a vacation rental (e.g. Airbnb) or a bed and breakfast?

ADUs are not to be used as vacation rentals since a vacation rental are not permitted in the Township.

9. Will ADUs affect my property taxes?

Property taxes are based on the value of your property. Your property taxes may be affected by the creation of an ADU as the number of dwelling units on a property contributes to its valuation. Please contact the Municipal Property Assessment Corporation for more information on your property's assessment. More information can be found at www.mpac.ca.

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10. How is garbage collected for my ADU?

The property owner will need to contact Niagara Region's Waste Management Services to request the commencement of garbage collection for each new ADU once it's needed.

This can be done online at Commencement of Garbage, Recycling and Organics Collection - Niagara Region, Ontario. Through this process, the property owner would need to provide proof from the Township that the ADU is recognized as being a legally established. This proof is usually in the form of either a Building Permit and/or Occupancy Permit for each new ADU. Each unit on the property will also need a unique address identifier to allow for waste collection bins and cans to be clearly labelled. This practice improves the waste collection team's ability to verify whether waste collection limits for the property are being met.