

Secondary Dwelling Units

London Housing Advisory Committee
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London
CANADA

Secondary Dwelling Units

Today's Presentation:

- Why New Policies?
- Our Existing Framework.
- Where we are.
- What are Secondary Dwelling Units?
- Public Consultation
- City's Goals.
- Proposed Framework.

Why New Policies?

- **Bill 140** → *Strong Communities through Affordable Housing Act, 2011*
- Changes to the *Planning Act*
- Affordable Housing = Provincial Interest
- Official Plan policies must contain policies to allow for Secondary Dwelling Units within (Section 16(3)):
 - *Single Detached Dwellings*
 - *Semi Detached Dwellings*
 - Townhouses; **OR**
 - Accessory Structures of Singles, Semis and Townhouses

Why New Policies?

- **Zoning By-law** regulations to prescribe requirements and standards:

***35.1 (6)** A regulation under subsection (2) may be general or particular in its application and may be restricted to those municipalities or parts of municipalities set out in the regulation.*

- **Garden Suites** are now allowed as temporary uses for up to 20 years.

Why New Policies?

Ministry of Municipal Affairs and Housing (MMAH)

Noted Benefits:

- Providing homeowners an opportunity to earn additional income to help meet the cost of home ownership.
- Providing more housing options for extended family or elderly parents, or for a live-in caregiver;
- Increasing stock of rental units in an area;
- Maximizing densities and through efficient use of infrastructure;
- Creating jobs in the construction/renovation industry.

Municipal Considerations (from MMAH):

- Second units should be permitted in both existing residential communities and in newly developing areas.
- While the Act requires municipalities to permit second units, the government recognizes there may be inherent constraints within portions of a municipality or community which would make those areas inappropriate for second units.
- Municipalities should assess where second units may be appropriate in the primary dwelling versus the ancillary structure.
- Municipalities that currently permit second units will need to review their official plans and zoning by-laws to assess whether they are permitted in the range of housing types listed in the Act.
- While the Act introduced a regulation-making ability for the Minister of Municipal Affairs and Housing to prescribe minimum standards for second units, a regulation has not been issued under this authority. As such, **municipalities are responsible for determining what standards or zoning provisions should apply to second units** in relation to matters such as minimum unit size or parking requirements. Standards should support the creation of second units.

Why New Policies?

Today (With Changes Made Through *Strong Communities through Affordable Housing Act, 2011*) (Ministry of Municipal Affairs and Housing):

	Before Changes Made Through <i>Strong Communities through Affordable Housing Act, 2011</i>	Today (With Changes Made Through <i>Strong Communities through Affordable Housing Act, 2011</i>)
Second Units	Municipalities voluntarily establish second unit official plan policies and zoning by-law provisions.	Municipalities are required to establish official plan policies and zoning by-law provisions allowing second units in single, semi and row houses, as well as in accessory structures (e.g. above laneway garages).
	<i>Planning Act</i> shelters the municipal establishment of official plan permitting second units in single, semi and row houses from appeal to the Ontario Municipal Board; municipalities may permit second unit in accessory structure but these policies for accessory structures are not sheltered from appeal.	Municipal establishment of official plan policies and zoning by-law provisions permitting second units in single, semi, row houses, and in accessory structures, are sheltered from appeal to the Ontario Municipal Board , except during five year review periods. Sheltering of appeals extends to municipally-determined standards for second units.
	No standards for second units in legislation (municipalities currently establish their own standards); no ability for MMAH Minister to prescribe standards.	Municipalities continue to have ability to identify appropriate areas for second units, and to establish appropriate standards for second units; Minister has regulation-making authority to prescribe standards for second units.

Why New Policies?

Grandfathering of Second Units (from MMAH):

- Second units must comply with any applicable laws, which could include the Building Code, the Fire Code and property standards by-laws. The changes do not “grandfather” any existing second units that do not meet applicable laws.

Our Existing Framework

Policies developed through OPA 438 for secondary dwelling units currently include:

- Requires a Zoning By-law amendment; (\$5,000 application fee).
- Only within singles or semis;
- Max. 2 units per dwelling;
- Gross floor area < principle dwelling;
- Principle dwelling unit shall be owner occupied;
- Not located accessory building or attached garages;
- Minimum +1 parking space
- Meets regulations of zone (setbacks, frontage)
- No more than 5 bedrooms between principle and secondary dwellings
- May be licensed;
- Residential intensification policies apply (character/urban design studies, site plan, agreements, etc.)

These policies have not implemented by Provincial Legislation.

Work Completed So Far

June 2012 – Council direction
public consultation

April 2013 – Draft policies
public consultation

August 2013 – Proposed policies
public Consultation

November 2013 – Referred to staff for
Final public consultation

2014 – Final Recommendation and Draft
Amendments



What are Secondary Dwelling Units?

City of London Existing Terminology (ZBL) for 2 unit dwellings:

- **Converted dwellings:** existing dwellings (pre-93) that have been expanded (up to 10%) to add another unit.
- **Duplex dwellings:** two unit buildings split horizontally.
- **Semi-detached dwelling:** two unit building split vertically
- **Accessory dwellings:** dwellings accessory to non-residential use

What are Secondary Dwelling Units?

What is a different about Secondary Dwelling Unit?

- **Separate** house keeping unit.
- Clearly **secondary, accessory, and/or ancillary** to the primary dwelling.
- Opportunity to provide for affordable home ownership.
- Opportunities to provide accommodation for a dependant individual.
- Opportunities to provide affordable rental accommodations.

City's Goals

Goals:

- Meeting affordable housing needs;
- Providing safer accommodation for Londoners;
- Intensifying built-up areas;
- Providing Londoners with opportunities to “age in place”; and,
- Enabling supplemental income for home ownership viability.

Minimize Potential Impacts to:

- Parking
- Neighbourhood Appearance
- Property Maintenance
- Ensuring Safety
- Providing Services and Infrastructure

Tying to Other Projects:

- London Community Housing Strategy
- London's Strengthening Neighbourhood Strategy
- **Greater Near Campus Neighbourhood Strategy**
- Age Friendly Plan

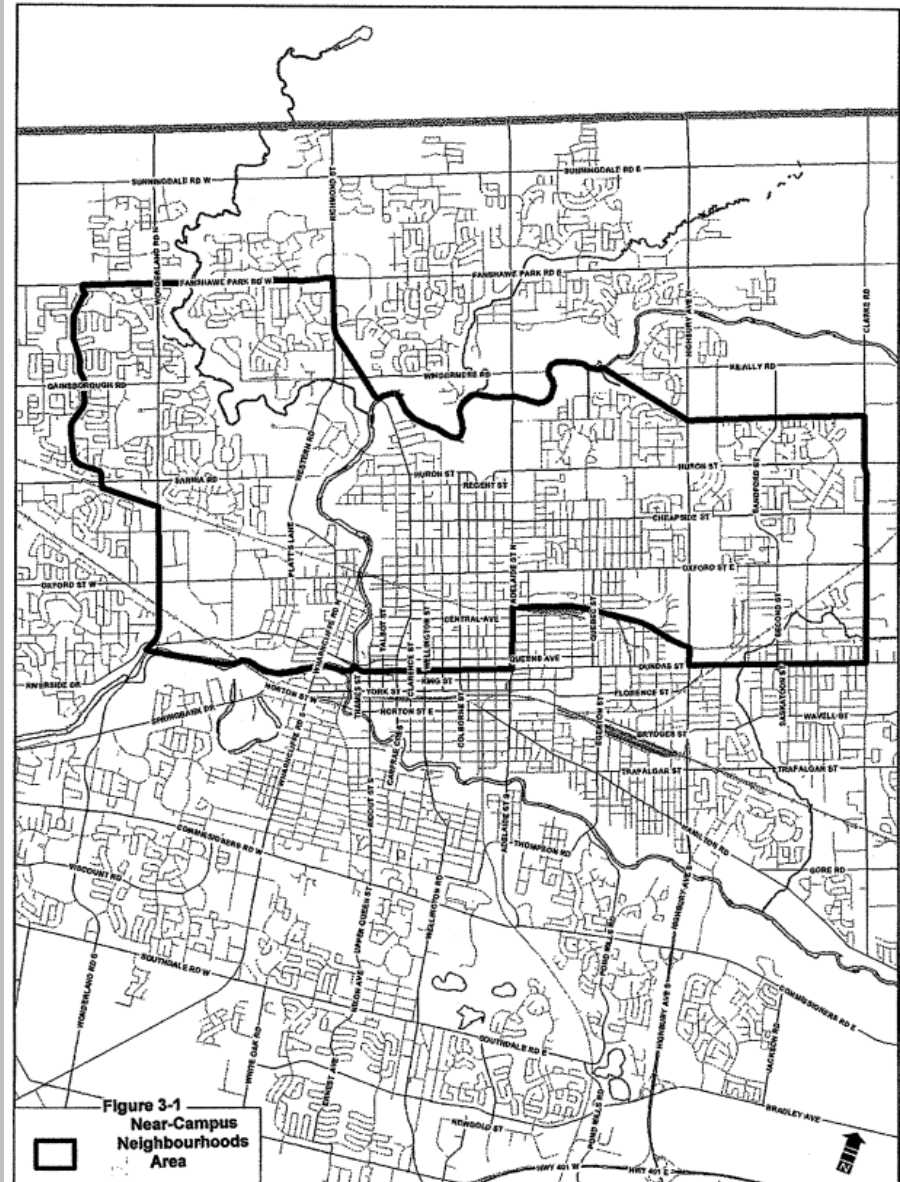
Great Near Campus Neighbourhood Strategy

- Multi-faceted strategy
- Plan built on Partnership
- Adopted Summer 2013

- Plan identifies opportunities for appropriate intensification.

- Areas pre-zoned for 2 unit dwellings and multi-unit dwellings.

Figure 1



Public Consultation Concerns

Concerns raised by Neighbourhood Legal Services include:

“As you will recall, the Ontario Government, with Bill 140, passed a law requiring municipalities to authorizing granny flats, including London to authorize them. Ontario sees them as a means to cope with the acute shortage of affordable housing in communities such as London”

The *Planning Act* Provides as Follows:

“Second Unit Policies:

16. (3) *Without limiting what an official plan is required to or may contain under subsection (1) or (2), an official plan shall contain policies that authorize the use of a second residential...*

35.1 (1) *the Council of each local municipality shall ensure that the by-laws passed under section 34 give effect to the policies described in subsection 16 (3)”*

Public Consultation Concerns

Staff response:

Subsection 16 (1) An official plan shall contain,

- (a) Goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality or part of it...
- (b) Such other matters as may be prescribed

Subsection 16 (2) An official plan may contain,

- (a) a description of the measures and procedures proposed to attain the objectives of the plan;...
- (c) such other matters as prescribed

Official Plan Section 3.5.19 Policies For Near-campus Neighbourhoods

Public Consultation Concerns

Concerns raised include:

“Most of London’s proposed by-law amendment restricts, rather than authorizes, granny flats. The By-law, for instance, would ban them completely in the “Greater Near-Campus Neighbourhood Area”, which encompasses most of the northern half of the residential area of London. This is, of course, where most granny flats are located.”

Staff Response:

This is a new opportunity to provide for a form of housing that is not currently permitted. In the early 1990’s, Provincial legislation under Bill 120 provided for “granny flats” and temporary dwelling units. Subsequent legislation removed that opportunity.

This is new legislation that provides for secondary dwelling units. This does not “ban” “granny flats”.

Public Consultation Concerns

Concerns raised include:

“The by-law also restricts granny flat in a number of additional ways such as requiring: that the secondary unit must be clearly ancillary to the primary residential use, permitting no more than one bedroom, requiring that the primary unit be owner occupied, requiring that the floor area be no less than 25 sq meters and no more than 40% of the building total, requiring that there be no alterations to the building exterior or lot, permitting only on parking space, requiring the entrance to be within the primary unit, limit on basement units, etc. and the granny flat must be licensed.”

Staff response:

This is not “granny flat” legislation. This is legislation to provide for a secondary dwelling unit. The proposed regulations set out clear parameters to establish a secondary dwelling unit, without the requirement of a planning application.

Public Consultation Concerns

Concerns raised include:

“It would appear that perhaps 5 to 10 percent of London’s existing granny flats would be authorized under the proposed by-law. The rest would presumably, ultimately be shut down by the City.

So it would appear that London is propose to contravene this Ontario Law in the case of 90-95% of London’s granny flats.

Staff response:

No basis for comment. The proposed amendments provide for a form of residential housing that is not currently provided for and as such would not apply to “granny flats”.

Public Consultation Concerns

Comments from UWO:

The University would be in favour of allowing secondary units, in the near-campus neighbourhood area, as long as the maximum number of bedrooms is three and there is a requirement for the owner to live on-site where the secondary dwelling is located. If townhouses are permitted to have secondary dwelling units, we strongly believe this should only be allowed in instances where the owner lives on the site.

Proposed Framework

Proposed Framework:

- Official Plan Policies
- Zoning By-law Regulations
- Licensing Requirements

Proposed Official Plan Amendments

Proposed Official Plan Policies

Consistent with the changes to the *Planning Act*.

- Secondary dwelling units may be permitted as of right (no ZBA required), provided they meet the policies and regulations.
- Secondary dwelling units are permitted in zones, in association with:
 - Single detached dwellings;
 - Semi detached dwellings;
 - Street Townhouses dwellings;
- Permitted where the primary unit is owner occupied;
- 1 secondary dwelling per primary dwelling;
- Shall not be permitted in the Great Near Campus Neighbourhood;
- 1 bedroom maximum; (cap at 5 bedrooms total);
- Shall be required to be licensed.
- Gross floor area shall be max. 40% of building.

Proposed Official Plan Amendments

Proposed Official Plan Policies Continued...

- A secondary dwelling shall comply with all regulations of the associated zone;
- Exterior alterations are not permitted
 - Exception, entrances in the rear and side yard may be permitted
- Maximum of 1 additional parking space.
- Secondary dwelling units may be permitted within an accessory structure:
 - is located on the same lot as the primary dwelling unit;
 - meets the requirements of the zone;
 - where the primary dwelling unit does not contain a secondary unit;
 - is located in the rear yard;
- Secondary dwelling unit shall not be located in the basement in a floodplain.

Proposed Zoning By-law Amendment

Proposed Zoning By-law regulations:

- New definition for Secondary Dwelling Units
- Permitted as of right on any property that permits:
 - Single Detached Dwellings;
 - Semi-detached Dwellings;
 - Street Townhouse Dwellings;
- One (1) Secondary Dwelling unit per lot and must be on the same lot as the primary dwelling (includes accessory structures)
- Secondary Dwelling units are not permitted in the Greater Near Campus Neighbourhood Area
- Not permitted below sanitary systems or in basements within floodplain areas
- No greater than 40% of the gross floor area
- 1 Parking Space required

Proposed Zoning By-law Amendment

Proposed Zoning By-law regulations, Continued....:

- Secondary dwelling units are 1 bedroom.
- Total number of bedrooms capped at 5.
- Exterior alterations shall not be permitted to the front or exterior side yard.
- Exterior alterations to provide for entrance to the secondary dwelling unit within interior side yard and rear yard elevations of the primary dwelling may be permitted provided that the interior side yard elevation does not contain more than one entrance.
- Exterior alterations to accessory structures that permit secondary dwelling units may be permitted.
- Secondary dwelling units must meet all Ontario Building Code and Ontario Fire Code regulations.

Thank You!

Questions?

Eric Lalande

Planner II, Policy Planning and Programs

elalande@london.ca

519-661-2500 x 7602

