

1ST REPORT OF THE
TOWN AND GOWN COMMITTEE

Meeting held on January 26, 2016, commencing at 1:00 PM, in Committee Room #4, Second Floor, London City Hall.

PRESENT: Councillor T. Park (Chair), Deputy Mayor M. Cassidy, Councillors M. Salih, P. Squire and J. Zaifman; P. Beechey, A. Bushell, T. Frost, J. Goodwin, S. Grindrod, J-M. Metrailler, L. Perkins and K. Seanor and H. Lysynski (Secretary).

ABSENT: P. Masse and N. Sussman.

ALSO PRESENT: J. Adema, G. Barrett, Sergeant D. Ellyatt, O. Katolyk, E. Lalande, G. Matthews and E. Sims.

I. CALL TO ORDER

1. Disclosures of Pecuniary Interest

That it **BE NOTED** that no pecuniary interests were disclosed.

II. ORGANIZATIONAL MATTERS

2. Election of Chair and Vice-Chair for the term ending November 30, 2016

That Councillor T. Park and Councillor M. Salih **BE ELECTED** as Chair and Vice-Chair, respectively, for the term ending November 30, 2016.

III. SCHEDULED ITEMS

3. Greater Near Campus and Secondary Dwelling Units Updates

That a Working Group **BE ESTABLISHED** consisting of P. Beechey (lead), A. Bushell, T. Frost, S. Grindrod, G. Matthews, J-M. Metrailler, L. Perkins and E. Sims, to undertake a review of the Greater Near Campus Neighbourhood Strategy boundaries and Secondary Dwelling Units; it being noted that the Town and Gown Committee received the attached presentation from G. Barrett, Manager, London Range Planning and Research and J. Adema, Planner II, with respect to these matters.

IV. CONSENT ITEMS

4. 4th Report of the Town and Gown Committee

That it **BE NOTED** that the 4th Report of the Town and Gown Committee from its meeting held on October 27, 2015, was received.

V. SUB-COMMITTEES & WORKING GROUPS

5. Good Neighbourhood Guide Working Group Recommendation

That the Director of Community and Economic Innovation and the Chief Municipal Law Enforcement Officer **BE DIRECTED** to establish a scheduled campaign to promote a "good neighbour" relationship between students and long-term residents, for the Fall of 2016; it being noted that the campaign should incorporate the following:

- a) videos, infographic comics and any creative media that best engages both students and long-term residents;
- b) the social rewards of being a good neighbor; and,
- c) the involvement of the Town and Gown Committee's Good Neighbour Guide Working Group.

VI. ITEMS FOR DISCUSSION

6. Nuisance By-law Presentation

That the Chief Municipal Law Enforcement Officer **BE REQUESTED** to work in partnership with representatives from Fanshawe College, Western University, London Police Services, the Fire Prevention office, Emergency Medical Services and Municipal Law Enforcement Services to inform tenants and property owners of the Nuisance by-law; it being noted that Town and Gown Committee received the attached presentation from O. Katolyk, Chief Municipal Law Enforcement Officer, with respect to this matter.

7. Properties located at 1234-1246 Richmond Street (OZ-8552)

That it **BE NOTED** that the Notice dated December 2, 2015, from E. Lalande, Planner II, with respect to the application of Textbook (Ross Park) Inc., relating to the properties located at 1234-1246 Richmond Street, was received.

8. Police Services Update

That the Civic Administration **BE REQUESTED** to work in partnership with representatives from Fanshawe College, Western University, London Police Services and Municipal Law Enforcement Services with respect to proactive measures that can be undertaken relating to Homecoming, including proactive consultation with students and landlords; it being noted that the Town and Gown Committee heard verbal updates from Sergeant D. Ellyatt and Inspector T. Allen, London Police Services, relating to an update on two citizen citations that were provided to two students and the preparations being undertaken for Homecoming, 2016.

VII. DEFERRED MATTERS/ADDITIONAL BUSINESS

9. Town and Gown Committee Meeting Dates

That Town and Gown Committee meeting dates **BE ESTABLISHED** 18 months in advance, with a review and update to occur every six months; it being noted that, in order to ensure that relevant, recurrent issues and events are dealt with in a proactive manner, an annual calendar of key related informational matters will be created.

VIII. ADJOURNMENT

The meeting adjourned at 2:44 PM.

NEXT MEETING DATE: To be determined.

Secondary Dwelling Unit Policies and Regulations & Great Near-Campus Neighbourhoods Strategy Update

Town & Gown Committee
January 26, 2016



Background – Provincial Changes

Bill 140 - Changes to the Planning Act:

Must permit Secondary Dwelling Units within:

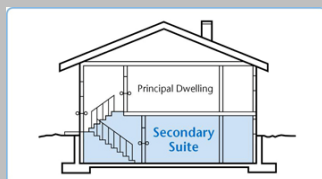
- Single Detached Dwellings
- Semi Detached Dwellings
- Townhouses; **OR**
- Accessory Structures of Singles, Semis or Townhouses.
- Must update Official Plan and Zoning By-law to comply with the Act;
- Increases the maximum temporary allowance of Garden Suites to 20 years;
- Secondary dwelling units policies or any "requirements or standards that are part of such policies" established by the City may not be appealed to the Ontario Municipal Board;
- No "grandfathering" provisions were included in the *Planning Act* amendments.



Secondary Dwelling Units

What is a Secondary Dwelling Unit?

- Self-contained residential unit with kitchen and bathroom facilities within a dwelling or an accessory structure.
- Also known as accessory or basement apartments, in-law suites, coach houses or secondary suites.
- **Clearly secondary, accessory, and ancillary to the primary dwelling.**



When a Secondary Suite will be permitted

A single secondary dwelling units will be permitted as-of-right when:

- The primary unit is a single-detached, semi-detached or street townhouse
- The secondary dwelling unit is greater than 25m² but less than 40% of the size of the dwelling unit
- The primary unit is owner-occupied
- The secondary unit is one-bedroom (and the total bedroom limit for the primary dwelling unit would not be exceeded)
- The unit is outside the Near-Campus Neighbourhood Area
- The unit meets the requirements of the building and fire codes
- The creation of a secondary dwelling unit can be completed without affecting the character of the area through new front entrances or other site and building alterations ("invisible density")



"Non-conforming" secondary dwelling units

- The policies and regulations proposed create "as-of-right" zoning for all secondary dwelling units which meet the policies and regulations.
- Both the minor variance and zoning by-law amendment processes can be used to address units which do not meet the regulations in their entirety.
- Both new and 'existing' secondary dwelling unit owners may apply.



Previous Council Direction

On December 3, 2013 Municipal Council resolved that the Official Plan amendments and Zoning By-law amendments be referred back to staff to: provide further clarification; receive advice from the London Housing Advisory Committee; and, receive advice from the Town & Gown Committee.



Areas of Discussion

1. "Grandfathering" existing units
2. Requirement for an additional parking space
3. Limited to owner-occupied dwellings
4. Near-campus Neighbourhood restriction



"Grandfathering" Existing Units

- Whereas the two-unit legislation of 1995 (Bill 120) explicitly required the City to grandfather units Bill 140 does not.
- The Ministry of Municipal Affairs and Housing has noted specifically that:
"[the] changes do not "grandfather" any existing second units that do not meet applicable laws".
- 'Existing' secondary dwelling units which do not meet the policies and regulation can avail of the minor variance or zoning by-law process as appropriate.



Amended By-law

- New paragraph added to Section 1) Permitted Zones

Single detached dwellings, semi-detached dwellings or street townhouse dwellings containing a secondary dwelling unit on the date of the passing of this by-law may continue to be used for that purpose if a building permit has been issued under sections 8 or 10 of the *Building Code Act, 1992, S.O. 1992, c.23* permitting the erection, alteration, occupancy or use of the secondary dwelling unit, and if the secondary dwelling unit complies with the regulations of the *Fire Protection and Prevention Act, 1997, S.O. 1997, c.4*.



Additional Parking Space

- The additional parking space requirement has been removed.
- The intent of these changes is create affordable housing the requirement for a parking space was deemed unnecessarily restrictive.
- A tenant with a vehicle may seek out rental opportunities where a parking space is available for that vehicle.
- Policy requires that should a secondary dwelling unit owner wish to create additional parking for the unit, that parking would be in accordance with the character of the neighbourhood.



Owner-Occupation

- The purpose of the legislation is to provide opportunities to create affordable home ownership and affordable rental units
- Other municipalities in reviewing their by-laws have made the distinction by:
 - Limiting the secondary dwelling units to home-owner occupied primary dwelling units (Innisfil);
 - Requiring a minor variance for non-home-owner occupation (Mississauga); and,
 - Offering incentives solely to home-owner occupied units (Kingston)
- This requirement is not dissimilar to the restrictions already in place for home occupations



Near-Campus Neighbourhood Restrictions

- The Strong Communities through Affordable Housing Act, 2011 (Bill 140) allows for spatial restrictions on the location of secondary dwelling units.
- There is already a significantly higher level of intensification, including apartments and other multi-unit residential forms, in the Near-Campus Neighbourhood area than other areas of the City.
- More than 70% of the opportunities for secondary dwelling units remain available 'as-of-right' outside the Near-Campus Neighbourhood area.



Proposed Official Plan Amendments

1. Official Plan amendments proposed add secondary dwelling units to the list of permitted uses within the Low Density Residential, Multi Family Medium Density Residential and Multi Family High Density Residential designations, when in association with an approved primary dwelling unit.
2. New Policy 3.2.3.9 is added to the Official Plan to establish the specific requirements and standards to establish secondary dwelling units.
 - Establish standards for the types of units where secondary dwelling units would be permitted
 - Establish standards related to the size of the units
 - Specify the total number of bedrooms
 - Specify the areas where secondary dwelling units would be permitted
 - Establish standards related to "fit" (exterior alterations, entrances, etc.)
 - Specify the requirements for site plan approval
3. Policy 12.2.2.1 Secondary Dwelling Units in Chapter 12, Housing is amended to be consistent with the revised definition of secondary dwelling units



Proposed Zoning By-law Amendments

New Definition:

SECONDARY DWELLING UNIT means a dwelling unit ancillary and subordinate to an owner-occupied primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof.

The proposed Zoning By-Law regulations proposed for secondary dwelling units, including:

- 1) Permitted Zones
- 2) Number of Secondary Dwelling Units Per Lot
- 3) Location of Secondary Dwelling Units
- 4) Location of Secondary Dwelling Units within Accessory Structures
- 5) Floor Area Requirements
- 6) Total bedrooms
- 7) Exterior Alterations
- 8) Secondary Dwelling Units in Accessory Structures
- 9) Code Requirements



Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of the City of London relating to an Official Plan Amendment to introduce new city-wide policies related to secondary dwelling units and for a Zoning By-law Amendment to introduce regulations related to secondary dwelling units, the following actions **BE TAKEN**:

- a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on December 8, 2015 to amend the City of London Official Plan to update secondary dwelling unit polices in accordance with changes to the *Planning Act*.
- b) The proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on December 8, 2015 to amend the City of London Zoning By-law Z.-1, in conformity with the Official Plan as amended in part (a) above, to provide secondary dwelling unit regulations in accordance with changes to the *Planning Act*.
- c) Staff **BE DIRECTED** to implement required changes to the Residential Rental Unit Licensing By-law to address Secondary Dwelling Unit uses.
- d) The policies for Secondary Dwelling Units **BE INCORPORATED** into the final draft of The London Plan




Resolution

That clause 4 of the 26th Report of the Planning and Environment Committee (PEC) regarding secondary dwelling units **BE REFERRED** back to the Civic Administration to be considered and reported back on as part of the Great-Near Campus Neighbourhoods Strategy Review currently being undertaken; it being noted that the Civic Administration should include in the Review, consideration of issues related to secondary dwelling units and the potential "grandfathering" of existing units that may have been created without a building permit, but could meet the zoning, building and fire code regulations being proposed for the secondary dwelling units. (AS AMENDED) (4/26/PEC)




GREAT NEAR-CAMPUS NEIGHBOURHOODS

STRATEGY REVIEW



TOWN&GOWN COMMITTEE
JANUARY 26, 2016



PROCESS

- **November 17, 2008** – Council adopts the GNCN Strategy
- **June 26, 2012** – Council adopts Near-Campus Neighbourhoods planning amendments
- **February 9, 2015** – Council direction to prepare a review of the GNCN Strategy
- **April 1, 2015** – Community Meeting to discuss Terms of Reference
- **May 26, 2015** – Council approves Terms of Reference
- **November 19, 2015** – Community Meeting to discuss Vision and Goals
- **Next Steps** – Revise strategy and present draft at next Community Meeting

TOWN&GOWN COMMITTEE



NEIGHBOURHOOD CONDITIONS

- Balance of Long-term and Short-term Residents
- Intensification & Development
- Housing Affordability
- By-law Compliance & Violations


TOWN&GOWN COMMITTEE



PUBLIC CONSULTATION

1. Do you agree with the Vision and Goals of the Strategy?
2. What should the Boundary Be for Near-Campus Neighbourhoods?
3. What are your expectations of Municipal By-law Enforcement
4. Where should we focus our efforts to achieve the vision for Great Near-Campus Neighbourhoods?
5. What is missing from the Strategy?


TOWN&GOWN COMMITTEE

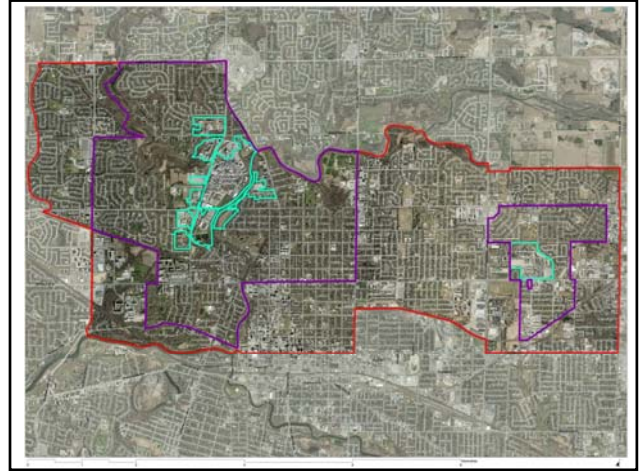


UPDATING THE STRATEGY

Policy changes for consideration

1. Permit Secondary Dwelling Units in NCN
 - possible additional considerations
2. Updated definitions for Lodging House
3. Revise the Boundary

TOWN&GOWN COMMITTEE 



UPDATING THE STRATEGY


- Residential Rental Units Licensing By-law
- By-law Enforcement

TOWN&GOWN COMMITTEE 

NEXT STEPS


1. Refine ideas and prepare draft Strategy update
2. Present information and receive input at an upcoming Community Meeting
3. Prepare a new Great Near-Campus Neighbourhoods Strategy
4. Implement Strategy through Planning Amendments, new By-law Enforcement procedures, etc.


TOWN&GOWN COMMITTEE 


 **PUBLIC NUISANCE BY-LAW**



 **CITY OF EAST LANSING, MICHIGAN**

 **FORT COLLINS, COLORADO**



 **FORT COLLINS, COLORADO**



MUNICIPAL ACT

- Matters that, in the opinion of Council, are or could become or cause public nuisances





Definition

- A social gathering on premises within the municipality and which, by reason of the conduct of persons in attendance, results in any one or more of the following activities occurring that constitute a public nuisance whether occurring on neighbouring public or private property:



- disorderly conduct;
- public drunkenness;
- the unlawful distribution of alcohol;
- littering;
- destruction property;



- obstruction of emergency services;
- unreasonable noise;
- unlawful open burning or fireworks;
- public disturbances;
- outdoor public urination; or
- any other conduct or activity at a social gathering or party that is carried on so as to constitute a public nuisance.





London CANADA

- No person who, individually or jointly with others, is an owner, occupant, tenant, shall allow, cause or permit a Nuisance Party on said Premises under their possession or control.

London CANADA

ORDER TO DISCONTINUE ACTIVITY

- Upon the order of the Chief of Police or his or her designate or the City's Manager of Licensing and Municipal Law Enforcement Services or his or her designate, a Nuisance Party shall cease and all persons not residing on the Premises shall leave the Premises where it is occurring.

London CANADA

CLOSING ROADWAY

- The Chief of Police, a London Police Services police officer, or a municipal law enforcement officer may temporarily close any Highway or portion thereof to public travel under this By-law where a Nuisance Party is occurring.



REMEDIES

- Prosecution - minimum fine \$500; maximum fine \$10,000
- Injunctive proceedings – fail to comply with court order – contempt proceedings



Moving Forward

- Education - students and landlords
- Unintended consequences
- Prohibition orders – repeat offenders
- RRUL – prohibition of advertising unlicensed units
- Submission requirements – insurance, leases