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OZ-8053
Planner: L. Maitland

TO:	CHAIR AND MEMBERS - PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	CITY OF LONDON CITY WIDE OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS - SECONDARY DWELLING UNITS MEETING ON AUGUST 22, 2016

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 August 30, 2016 to amend the City of London Official Plan to update secondary dwelling unit polices, to address such matters as location, scale, and accessory structures, 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 August 30, 2016 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 to address such matters as location, scale, and accessory structures, in accordance with changes to the *Planning Act*.
- c) **IT BEING NOTED** that staff will undertake a review and bring forward changes to the Residential Rental Unit Licensing By-law to address the requirements associated with secondary dwelling units.
- d) The amended policies for Secondary Dwelling Units in The London Plan, attached hereto as Appendix 'C,' **BE ENDORSED** by Municipal Council and **BE FORWARDED** to the Minister of Municipal Affairs with the recommendation that these policies be incorporated through a modification to The London Plan. Changes to the Plan include policy 942 being deleted and replaced with the revised policies attached to this report.

PURPOSE AND EFFECT OF RECOMMEDED ACTION
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The purpose and effect of the recommendations is to amend the Official Plan and Zoning By-law Z.-1 to permit Secondary Dwelling Units in accordance with the attached policies and regulations.

RATIONALE

1. Bill 140 *Strong Communities through Affordable Housing Act, 2011* requires municipalities to develop or enhance policies in their Official Plans to provide for secondary dwelling units.
2. Policy 1.4.3 of the Provincial Policy Statement requires that the City plan for an appropriate mix of housing types and densities and permit, where appropriate "all forms of *residential intensification*, including second units".

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3. The Official Plan for the City of London provides policies to direct residential intensification. The proposed amendments to permit Secondary Dwelling units contribute to the objective of promoting appropriate residential intensification.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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- Secondary Dwelling Unit Policies and Provisions – PEC June 18, 2012
- Secondary Dwelling Units – PEC April 9, 2013
- Secondary Dwelling Units – PEC August 20, 2013
- City Wide Official Plan and Zoning By-Law Amendments – Secondary Dwelling Units - PEC November 26, 2013
- Secondary Dwelling Units - PEC November 26, 2015
- Great Near-Campus Neighbourhoods Strategy Review – July 18, 2016

ANALYSIS

Previous Council Direction

On December 8, 2015 Council approved a motion that the proposed amendments 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.

The Near Campus Strategy Review included a meeting April 6, 2016 where the inclusion of secondary dwelling units within the Near Campus Neighbourhood area was discussed.

Secondary Dwelling Units

The Province defines secondary dwelling units as: “self-contained residential units with kitchen and bathroom facilities within dwellings or within structures accessory to dwellings (such as above laneway garages).” Secondary dwelling units are often referred to as: secondary suites, granny flats, basement apartments, or accessory dwelling units.

Secondary dwelling units are distinct from converted, duplex and semi-detached dwellings which are two unit dwellings where each unit is of an equal status. Conversely, secondary dwelling units are ancillary and subordinate to a primary residential unit. The secondary dwelling unit exists solely as a function of the primary dwelling and must demonstrate that relationship to be considered as such.

Bill 140 Strong Communities through Affordable Housing Act, 2011

The *Planning Act*, through changes made by Bill 140 *Strong Communities through Affordable Housing Act, 2011*, requires municipalities to update their Official Plan policies and regulations related to secondary dwelling units. The City of London Official Plan currently provides for secondary dwelling units within single and semi-detached dwellings subject to conditions. Now

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with changes made by *Strong Communities through Affordable Housing Act, 2011*, the Official Plan must include polices for secondary dwelling units as-of-right within townhouse and accessory structures in addition to single and semi-detached dwellings.

Secondary dwelling units provide residential intensification through “invisible density,” and are considered a viable affordable housing option. These units are self-contained units within existing buildings, or they may be integrated into new residential development. Secondary dwelling units are intended to be ancillary and subordinate to the primary dwelling unit and should not be readily visible from the street. Secondary dwelling units have been identified by the Province through these legislative changes to the *Planning Act* as a way to increase the supply of affordable housing. The intent is that this form of residential intensification will minimize land use impacts and retain neighbourhood character.

Policy Development Process

The development of Secondary Dwelling Unit policies began with a report to Council in June 2012. Staff received direction from Municipal Council to draft and circulate official plan and zoning by-law amendments which would bring the City into conformity with the new legislation on secondary dwelling units.

In April 2013, a second report was brought to PEC after research into the benefits and issues relating to secondary dwelling units was conducted. The positive outcomes that secondary dwelling unit policies could help achieve were identified as: 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. The policy and regulatory framework was intended to address a number of expectations for the community, namely: efficient application processing time requirements; certainty around creating a new secondary dwelling unit; and, a high standard of design and protection of neighbourhood character.

The April 2013 report examined possible impacts on neighbourhoods. Parking, specifically the balance between the possible arduousness of creating new on-site spots and preventing spill over on local streets, was identified as an impact to be addressed. Preservation of neighbourhood character was identified as an issue with future proposed official plan polices to address: character, visual image, site design, servicing, built form elements, massing and articulation, and, architectural treatment. Potential issues including, property maintenance, noise, and servicing infrastructure were addressed by the report noting that they were not land use issues and, in the case of infrastructure, should not be considered obstacles to the promotion of secondary dwelling units within the city.

With regards to near campus neighbourhoods and the recently developed strategy it was proposed, in April 2013, that secondary dwelling units would be excluded from the near campus neighbourhood area. The work done in developing the initial *Great-Near Campus Neighbourhoods Strategy* called for intensification in the form of purpose-built multi-family buildings on arterial roads. This direction is intended to minimize the negative land use impacts within near-campus neighbourhoods which had been attributed to an increase in the number of new dwelling units within low density residential areas, but are attributed to an increase in the occupancy of existing dwelling units by way of building additions or by converting basements and other common rooms into additional bedroom space.

Following the April 2013 report, community consultation occurred and an information report outlining possible amendments was prepared for the August 20, 2013 meeting of PEC. This followed circulation of drafted proposed amendments based on the research conducted since the initiation of the policy development process.

The report following the August 2013 meeting of PEC was received by PEC November 26, 2013. This report noted concerns raised by individuals on the London Housing Advisory Committee (the comments were not the official position of the committee as the committee did

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not meet quorum during the review) and Neighbourhood Legal Services (London & Middlesex) Inc. The concerns related to: the exclusion of secondary dwelling units from the Great-Near Campus Neighbourhood; the implementation of additional fees through licensing the possibilities of opportunities for incentives to promote the establishment of secondary dwelling units – tied specifically to affordable housing; and the possibility of incentivizing and educating ‘existing’ secondary dwelling unit owners to legalize and register their units.

The result of the November 2013 PEC meeting was direction from Council to staff to: *to provide further clarification; to receive advice from the London Housing Advisory Committee; and, to receive advice from the Town & Gown Committee.* Both committees addressed the proposed amendments over the course of 2014.

The London Housing Advisory Committee at its February 11, 2014 session requested that staff consider:

- removal of the Near Campus Neighbourhood restriction based on the criteria regarding owner occupancy is maintained (it being noted that submission from both Western University and Fanshawe College had been received by the Planning Department indicating that they were not opposed to the removal of this restriction, it being further noted that the Near-Campus Neighbourhood area is a significant area of the city);
- secondary units established between 1995 and 2014 and meeting all current building and safety codes be exempt from any new, more restrictive policies and/or by-law limitations; and,
- the removal of the additional parking space requirement.

The Town & Gown Committee at its May 8, 2014 Meeting received the report from Planning regarding Secondary Dwelling Units. They further resolved that the communication they received be referred to civic administration, including:

- a letter of support for the Near-Campus Neighbourhood restriction on secondary dwelling units from S. Levin of the Orchard Park Sherwood Forest Ratepayers;
- a presentation from P. Beechey of the London Neighbourhood Community Association opposing lodging houses in R1 zones;
- a letter from E. Simms of the London Property Management Association opposing the London Neighbourhood Community Association and offering support for existing City of London policy; and,
- a letter and package from J. Schlemmer of Neighbourhood Legal Services suggesting that those “granny flats” built between 1995 and 2014 be “grandfathered”, so as to be considered legal where such units meet health and safety regulations.

In November 2015, the revised policies were brought in front of the PEC. The result of the PEC meeting in November 2015 was a referral from Council to review two issues: the inclusion of secondary dwelling units in the near campus neighbourhoods and the “grandfathering” of existing units. The grandfathering issue (discussed in more detail below) can be addressed by the proposed regulatory framework. With regards to the possible inclusion of secondary dwelling units within near campus neighbourhoods, the direction received specifically noted that this issue should be addressed through the ongoing Great-Near Campus Neighbourhoods Strategy Review.

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Great-Near Campus Neighbourhoods Strategy Review Outcome

The Great-Near Campus Neighbourhoods Strategy Review process has held a number of public meetings. The April 6, 2016 community meeting to discuss possible changes to planning and by-law enforcement policies and procedures in near campus neighbourhoods included specific discussion on the inclusion of secondary dwelling units in near campus neighbourhoods. The result of the April 2016 community meeting was a report to PEC outlining changes to the strategy and a finalized position on secondary dwelling units.

The Great-Near Campus Neighbourhoods Strategy Review has taken into consideration public feedback and concluded, in conjunction with the majority of public feedback received, that the inclusion of secondary dwelling units would be appropriate in near-campus neighbourhoods and help to meet the goals set out through the Great-Near Campus Neighbourhood Strategy.

Through the review it was identified that the cost of housing is a primary obstacle for those desiring to move into a near-campus neighbourhood. Permitting a secondary dwelling unit has the potential to offset housing costs, bringing houses in near campus neighbourhoods within the affordable range for a greater number of people. Simultaneously for those unable or not wishing to purchase homes, secondary dwelling units can have the added benefit of increasing the availability of affordable rental housing in London.

“Grandfathering” Existing Units

Amongst the concerns raised through the development of secondary dwelling unit policy is the method whereby secondary dwelling units built prior to the adoption of the attached policies and regulations could become legal, while ensuring that any secondary dwelling unit meets both fire and building code regulations.

The Ministry of Municipal Affairs has noted specifically that the Bill 140 *“changes do not grandfather” any existing second units that do not meet applicable laws.* As such, secondary dwelling units built prior the adoption of the attached policies and regulations will not be exempted from meeting the policies and regulations. These “existing” secondary dwelling units must provide evidence that the units were built in accordance with the policies and regulations to be acknowledged as legal secondary dwelling units and able to apply for a rental unit licenses. If the “existing” secondary dwelling unit does not meet the policies and regulations proposed, particularly Fire Code and Building Code regulations, the unit will be required to be brought into compliance prior to a rental unit license being issued.

It should be noted that those units built prior to the adoption of the attached policies and regulations may be able to avail of the minor variance process. Secondary dwelling units that do not meet the proposed zoning requirements, including parking or the location of their entrance to the secondary dwelling unit could receive variances to recognize the units should the Committee of Adjustment deem it appropriate. This allows the possibility of recognizing secondary dwelling units which fail to meet the complete requirements of the zoning by-law. This also ensures that all secondary dwelling units are in accordance with current Building Code and Fire Code requirements and subject to the same planning policy framework.

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Owner Occupancy

As part of the proposed secondary dwelling unit policies, secondary dwelling units are recommended to be established only as an accessory use to a dwelling unit (single detached, semi-detached or townhouse) that is owner occupied. Secondary dwelling units represent a subset of affordable housing that provide additional available housing options. Secondary dwelling units are one of many tools available to the municipality in addressing affordable housing issues. As noted specifically by the Ministry of Municipal Affairs, the benefits of secondary units include:

- Providing homeowners an opportunity to earn additional income to help meet the cost of home ownership; or,
- Providing more housing options for extended family or elderly parents, or for a live-in Caregiver.

These two benefits relate to types of uses that exist as a causal relationship to the primary use. The primary unit may rely on financial support from the secondary unit, or there may be a need based on care and services delivered. In both cases, a homeowner is looking to reduce costs. The accessory and ancillary nature of the secondary dwelling unit does not distinguish between persons who are related and persons who are unrelated. The proposed framework does not restrict the occupancy of dwelling units, the policies would require that owner occupancy be required to establish a secondary unit. Otherwise, a second dwelling unit would be considered a separate use as defined by the zoning by-law and would be subject to a separate review. The City of London permits several multi-unit dwelling types (such as duplexes, triplexes, fourplexes, converted dwellings) which are defined separately in the zoning by-law, and permit these uses to be established in appropriate zones across the city. These types of dwelling types may also be considered examples of affordable housing and would capture the goals of non-owner occupied dwellings of serving as investment opportunities.

Recommended Policy and Regulations

Official Plan

Under the *Strong Communities through Affordable Housing Act, 2011*, municipalities were directed to amend their Official Plans to provide policy outlining the permissions for secondary dwelling units. The following policies form the proposed policy framework for Secondary Dwelling Units in the Official Plan. The propose policies outline where a secondary dwelling unit may be legally established.

1. *Secondary dwelling units shall be permitted where the primary unit is owner occupied;*

The intent for Secondary Dwelling Units is that they are clearly accessory and ancillary to the primary residential unit. Further, they provide a direct benefit to the owner as a primary resident on the lot, either through receiving financial assistance or providing assistance to an individual in close proximity. Where this is not the case, a dwelling containing a second unit may be considered a different form of dwelling unit (i.e. duplex, converted dwelling) which may not be permitted by the zone. Owner occupancy is recommended to be verified and maintained through the residential rental unit license as recommended in this report.

2. *A maximum of one (1) secondary dwelling unit per primary dwelling unit is permitted, and must be located on the same lot as the primary dwelling unit;*

This policy caps the number of secondary dwelling units per lot to limit the potential for over development of an area.

3. *A secondary dwelling unit shall be limited to a maximum of one (1)*

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bedroom, and the total number of bedrooms of both the primary dwelling unit and secondary dwelling unit shall not be greater than five (5) for a single detached dwelling and not be greater than three (3) for a semi-detached or street townhouse dwelling.

Secondary dwelling units are intended to provide either assistance to the owner by providing additional income to support the ability for home ownership or by providing assistance to individuals to live independently. Multi-bedrooms are considered a separate and distinct dwelling unit and represent infill and intensification beyond the intent of the secondary dwelling unit polices.

4. *Secondary dwelling units shall be required to be licensed pursuant to the Residential Rental Unit Licensing By-law;*

The City has an approved Residential Rental Unit Licensing By-law. Secondary dwelling units would be subject to receiving a license and maintaining its annual renewal.

5. *The gross floor area of a secondary dwelling unit shall not be greater than 40% of the combined total gross floor area of both the primary residential dwelling unit and secondary dwelling unit;*

This policy will maintain that a secondary dwelling unit remains accessory and ancillary to the primary dwelling unit by limiting its size relative to the primary dwelling unit with which it is associated.

6. *Exterior alterations to the primary dwelling unit to provide for secondary dwelling units in the front or exterior side yards should maintain the character of the primary dwelling unit. To protect neighbourhood character, access to secondary dwelling units may be through existing entrances or new entrances located in rear or interior side yards;*
7. *Any zoning amendments or variances to provide for parking in excess of the minimum parking required for the primary dwelling unit, including any request for boulevard parking, front yard parking or changes to landscaped open space regulations to support parking for a secondary dwelling unit, shall be discouraged. A new additional driveway is not permitted to provide for the secondary dwelling unit;*
8. *Minor variances to permit front yard parking shall not be supported where the proposed new development, expanded development, or modification to an existing development eliminates existing parking that is in a location which conforms to the Zoning By-law;*
9. *A secondary dwelling shall comply with all regulations of the associated zone;*

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These policies are to ensure that alterations made to provide secondary dwelling units do not affect the appearance and character of a neighbourhood. Entrances to secondary units will be handled internally or to the side and rear of buildings as established in the Zoning By-law. Front facades will not indicate the presence of a second unit and maintain the existing streetscape. Policy # 9 ensures that the lot requirements such as lot area, coverage, setbacks, and landscaped areas are maintained. These requirements are to ensure that the form and massing maintains the character of the area.

10. *Secondary dwelling units may be permitted within a legally established accessory structure that:*
 - a. *is located on the same lot as the primary dwelling unit;*
 - b. *meets the requirements of the zone which applies to accessory structures;*
 - c. *is in association with a primary dwelling unit which does not contain a secondary dwelling unit; and,*
 - d. *is located in the rear yard.*

Changes to the *Planning Act* require that secondary dwelling units may be permitted in accessory structures. This policy is to ensure that an owner may either locate the secondary dwelling unit in the primary structure (such as a house) or an accessory structure (e.g. coach house). This does not permit the establishment of both units. A policy permitting one secondary dwelling unit continues to apply.

11. *Secondary dwelling units located within a primary dwelling unit shall not require Site Plan Approval. Secondary dwelling units within an accessory structure shall require Site Plan Approval.*

Secondary dwellings are wholly contained within an existing dwelling would result in minor to no changes anticipated to the site and therefore, should not necessitate the requirement for Site Plan Approval. Within an accessory structure the potential for neighbourhood impacts is greater and as such site plan approval would be necessary.

12. *A secondary dwelling unit shall not be located within a basement within a dwelling located in a flood plain as regulated by the Conservation Authority having jurisdiction for that area.*

Concerns were raised related to the health and safety of occupants located in basements. As such, secondary dwelling units shall not be permitted in locations where there is an identified potential for flooding.

Zoning By-law

The Zoning By-law does not currently provide for secondary dwelling units within permitted residential dwelling types. To implement the Official Plan policies on secondary dwelling uses, the following provisions are recommended to facilitate the establishment of Secondary Dwelling units.

The proposed amendments provide a definition for the secondary dwelling unit use. The definition reads as follows:

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.

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The proposed amendments provide for the addition of the following regulations to Section 4 – General Provisions to provide regulation which apply to secondary dwelling units city-wide and in all zones.

4. Secondary Dwelling Units

The provisions of this section shall apply to all secondary dwelling units, unless specified by type directly herein.

1) *Permitted Zones*

A Secondary Dwelling Unit shall be permitted within any zone in association with the following uses:

- a) *Single detached dwellings*
- b) *Semi-detached dwellings*
- c) *Street townhouse dwellings*

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 for 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..

2) *Number of Secondary Dwelling Units Per Lot*

A maximum of one (1) secondary dwelling unit shall be permitted per lot; and in the case of a condominium, only one (1) secondary dwelling unit shall be permitted per condominium unit. For the purposes of this section, a condominium unit is considered a lot.

3) *Location of Secondary Dwelling Units*

A secondary dwelling unit shall not be permitted on a separate lot from the primary dwelling unit that it is accessory to.

A secondary dwelling unit or part thereof shall not be permitted in a basement where the finished floor level of such basement is below the level of any sanitary sewer servicing the building or structure in which such basement is located.

A secondary dwelling unit or part thereof shall not be permitted in a basement located in a flood plain as regulated by the Conservation Authority having jurisdiction for that area.

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4) *Location of Secondary Dwelling Units within Accessory Structures*

A secondary dwelling unit may be permitted in an accessory structure on the same lot as the primary dwelling, but no more than one (1) secondary dwelling unit shall be permitted per lot.

A secondary dwelling unit in an accessory structure shall be required to meet the regulations of the zone which apply to accessory structures.

A secondary dwelling unit within an accessory structure may only be permitted in the rear yard or interior side yard.

5) *Floor Area Requirements*

No secondary dwelling unit shall be erected or used unless it has a minimum gross floor area of 25 square metres.

The gross floor area of a secondary dwelling unit shall not be greater than 40% of the combined total gross floor area of the primary dwelling unit and the secondary dwelling unit. For the purposes of calculating gross floor area requirements for secondary dwelling units the following shall not be included:

- a) additions to dwelling units completed after the date of passage of this by-law; and*
- b) the gross floor area of accessory structures.*

6) *Total bedrooms*

A Secondary dwelling unit shall be limited to a maximum of one (1) bedroom. The total number of bedrooms of both the primary dwelling unit and secondary dwelling unit shall not be greater than five (5).

7) *Exterior Alterations*

Exterior alterations shall not be permitted to the front or exterior side yard elevations of the primary dwelling unit to provide for entrance to the secondary dwelling unit.

Exterior alterations to provide for entrance to the secondary dwelling unit within interior side yard and rear yard elevations of the primary dwelling unit may be permitted.

8) *Secondary Dwelling Units in Accessory Structures*

Exterior alterations to accessory structures to permit secondary dwelling units may be permitted.

9) *Code Requirements*

Secondary dwelling units shall be required to conform to all Ontario Building Code and Ontario Fire Code regulations.”

It should be noted that the recommended framework would not require a planning application prior to the establishment of secondary dwellings unit provided that the requirements of the Zoning By-law are maintained.

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CONCLUSION

The City of London is required to bring its municipal land use planning policies up to date with the current legislative framework following the *Strong Communities through Affordable Housing Act, 2011* (Bill 140). The proposed policy and regulatory framework will align the City's policies and land use regulations with the revisions to the *Planning Act*. Further, the proposed amendments are intended to address concerns related to potential impacts from secondary dwelling units as raised by the community and local municipal committees and have addressed previous concerns raised about the presence of Secondary Dwelling Units in the Near Campus Neighbourhood Area. The policies have the effect of implementing a London-based solution which provides for affordable home-ownership, affordable rental and the preservation of neighbourhood character.

PREPARED BY:	SUBMITTED BY:
LEIF MAITLAND PLANNER I LONG RANGE PLANNING AND RESEARCH	GREGG BARRETT, AICP MANAGER LONG RANGE PLANNING AND RESEARCH
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

July 29, 2016

LM/LM

"Attach"

Appendix A: Official Plan Amendment

Appendix B: Zoning By-law Amendment

Appendix 'C' Amendment to The London Plan

Schedule 'C1': Policies for Secondary Dwelling Units in The London Plan

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Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2016

By-law No. C.P.-1284-_____

A by-law to amend the Official Plan for the City of London, 1989 relating to secondary dwelling unit policies.

The Municipal Council of The Corporation of the City of London enacts as follows:

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on August 30, 2016.

Matt Brown,
Mayor

Catharine Saunders
City Clerk

First Reading – August 30, 2016
Second Reading – August 30, 2016
Third Reading – August 30, 2016

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AMENDMENT NO.
to the
OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to update the City of London Official Plan secondary dwelling unit policies to conform with changes to the *Planning Act* as made by *Strong Communities through Affordable Housing Act, 2011*.

B. LOCATION OF THIS AMENDMENT

This Amendment is a text amendment, which applies to all lands within the City of London.

C. BASIS OF THE AMENDMENT

The amendments are consistent with changes made to the *Planning Act* under *Strong Communities through Affordable Housing Act, 2011* with respect to secondary dwelling units.

The amendments are consistent with the policies of the *Provincial Policy Statement, 2014*, and are consistent with the Residential policies of the Official Plan.

The recommended amendments provide for the implementation of Council's June 26, 2012 direction and results in the provision of expanded policies related to secondary dwelling units within the City of London.

D. THE AMENDMENT

The Official Plan for the City of London is hereby amended as follows:

1. By inserting the following policy as subsection 3.2.1 ix) Secondary Dwelling Units of the Official Plan at the end of section 3.2.1 Permitted Uses:

Secondary Dwelling Units ix) A single detached dwelling, semi-detached dwelling or a street townhouse dwelling may be permitted to contain a secondary dwelling unit as an ancillary and subordinate use in accordance with policy 3.2.3.9 Secondary Dwelling Units of this Plan.

2. By deleting the last paragraph and associated criteria of subsection 3.2.3.8 Zoning By-law of the Official Plan in its entirety.
3. By inserting the following policy as subsection 3.2.3.9 of the Official Plan

3.2.3.9 Secondary Dwelling Units Secondary dwelling units may be permitted within a single detached dwelling, semi-detached dwelling or a street townhouse dwelling. The secondary dwelling unit must be clearly ancillary and subordinate to the primary residential use and may be permitted where all of the following criteria are met:

1. Secondary dwelling units shall be permitted where the primary unit is owner occupied;
2. A maximum of one (1) secondary dwelling unit per primary dwelling unit is permitted, and must be located on the same lot as the primary dwelling unit;
3. A Secondary dwelling unit shall be limited to a maximum of

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one (1) bedroom, and the total number of bedrooms of both the primary dwelling unit and secondary dwelling unit shall not be greater than five (5) for a single detached dwelling and not be greater than three (3) for a semi-detached or street townhouse dwelling.

4. Secondary dwelling units shall be required to be licensed pursuant to the Residential Rental Unit Licensing By-law;
 5. The gross floor area of a secondary dwelling unit shall not be greater than 40% of the combined total gross floor area of both the primary residential dwelling unit and secondary dwelling unit;
 6. Exterior alterations to the primary dwelling unit to provide for secondary dwelling units in the front or exterior side yards should maintain the character of the primary dwelling unit. To protect neighbourhood character, access to secondary dwelling units may be through existing entrances or new entrances located in rear or interior side yards;
 7. Any zoning amendments or variances to provide for parking in excess of the minimum parking required for the primary dwelling unit, including any request for boulevard parking, front yard parking or changes to landscaped open space regulations to support parking for a secondary dwelling unit, shall be discouraged. A new additional driveway is not permitted to provide for the secondary dwelling unit;
 8. Minor variances to permit front yard parking shall not be supported where the proposed new development, expanded development, or modification to an existing development eliminates existing parking that is in a location which conforms to the Zoning By-law;
 9. A secondary dwelling shall comply with all regulations of the associated zone;
 10. Secondary dwelling units may be permitted within a legally established accessory structure that:
 - a. is located on the same lot as the primary dwelling unit;
 - b. meets the requirements of the zone which apply to accessory structures;
 - c. is in association with a primary dwelling unit which does not contain a secondary dwelling unit; and,
 - d. is located in the rear yard;
 11. Secondary dwelling units located within a primary dwelling unit shall not require Site Plan Approval. Secondary dwelling units within an accessory structure shall require Site Plan Approval.
 12. A secondary dwelling unit shall not be located within a basement within a dwelling located in a flood plain as regulated by the Conservation Authority having jurisdiction for that area.
4. Amend subsection 3.2.3.9 by renumbering it as 3.2.3.10
 5. Amend subsection 3.2.3.10 by renumbering it as 3.2.3.11

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6. By inserting the following policy as subsection 3.3.1 viii) Secondary Dwelling Units of the Official Plan at the end of section 3.3.1 Permitted Uses:

Secondary Dwelling Units viii) A single detached dwelling, semi-detached dwelling or a street townhouse dwelling may be permitted to contain a secondary dwelling unit as an ancillary and subordinate use in accordance with policy 3.2.3.9 Secondary Dwelling Units of this Plan.

7. By inserting the following policy as subsection 3.4.1 viii) Secondary Dwelling Units of the Official Plan at the end of section 3.4.1 Permitted Uses:

Secondary Dwelling Units viii) A single detached dwelling, semi-detached dwelling or a street townhouse dwelling may be permitted to contain a secondary dwelling unit as an ancillary and subordinate use in accordance with policy 3.2.3.9 Secondary Dwelling Units of this Plan.

8. By deleting subsection 12.2.2.1 Accessory Dwelling Units of the Official Plan in its entirety.

9. By inserting the following policy as subsection 12.2.2.1 Secondary Dwelling Units of the Official Plan:

12.2.2.1
Secondary Dwelling Units A single detached dwelling, semi-detached dwelling or a street townhouse dwelling may be permitted to contain a secondary dwelling unit as an ancillary and subordinate use in accordance with policy 3.2.3.9 Secondary Dwelling Units of this Plan.

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Appendix "B"

Bill No.
2016

By-law No. Z.-1-16_____

A by-law to amend By-law No. Z.-1 to add secondary dwelling unit provisions zoning by-law.

WHEREAS **The Corporation of the City of London** has applied to amend the City of London Zoning By-law Z.-1, as amended, to add a definition for a Secondary Dwelling Unit and provide for related general provisions for the use;

AND WHEREAS upon approval of Official Plan Amendment Number ____ this rezoning will conform to the Official Plan;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Section "2" Definitions to By-law No. Z-1, as amended, is amended by adding the following definition of a Secondary Dwelling Unit, following directly after the definition for an "Accessory Dwelling Unit";

"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."

2. Section "4" General Provisions to By-law No. Z-1, as amended, is amended by adding the following new subsection;

"4.____ Secondary Dwelling Units

The provisions of this section shall apply to all secondary dwelling units, unless specified by type directly herein.

1) Permitted Zones

A Secondary Dwelling Unit shall be permitted within any zone in association with the following uses:

- d) Single detached dwellings
- e) Semi-detached dwellings
- f) Street townhouse dwellings

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 for 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.*

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2) Number of Secondary Dwelling Units Per Lot

A maximum of one (1) secondary dwelling unit shall be permitted per lot; and in the case of a condominium, only one (1) secondary dwelling unit shall be permitted per condominium unit. For the purposes of this section, a condominium unit is considered a lot.

3) Location of Secondary Dwelling Units

A secondary dwelling unit shall not be permitted on a separate lot from the primary dwelling unit that it is accessory to.

A secondary dwelling unit or part thereof shall not be permitted in a basement where the finished floor level of such basement is below the level of any sanitary sewer servicing the building or structure in which such basement is located.

A secondary dwelling unit or part thereof shall not be permitted in a basement located in a flood plain as regulated by the Conservation Authority having jurisdiction for that area.

4) Location of Secondary Dwelling Units within Accessory Structures

A secondary dwelling unit may be permitted in an accessory structure on the same lot as the primary dwelling, but no more than one (1) secondary dwelling unit shall be permitted per lot.

A secondary dwelling unit in an accessory structure shall be required to meet the regulations of the zone which apply to accessory structures.

A secondary dwelling unit within an accessory structure may only be permitted in the rear yard or interior side yard.

5) Floor Area Requirements

No secondary dwelling unit shall be erected or used unless it has a minimum gross floor area of 25 square metres.

The gross floor area of a secondary dwelling unit shall not be greater than 40% of the combined total gross floor area of the primary dwelling unit and the secondary dwelling unit. For the purposes of calculating gross floor area requirements for secondary dwelling units the following shall not be included:

- c) additions to dwelling units completed after the date of passage of this by-law; and
- d) the gross floor area of accessory structures.

6) Total bedrooms

A Secondary dwelling unit shall be limited to a maximum of one (1) bedroom. The total number of bedrooms of both the primary dwelling unit and secondary dwelling unit shall not be greater than five (5).

7) Exterior Alterations

Exterior alterations shall not be permitted to the front or exterior side yard elevations of the primary dwelling unit to provide for entrance to the secondary dwelling unit.

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Exterior alterations to provide for entrance to the secondary dwelling unit within interior side yard and rear yard elevations of the primary dwelling unit may be permitted.

8) Secondary Dwelling Units in Accessory Structures

Exterior alterations to accessory structures to permit secondary dwelling units may be permitted.

9) Code Requirements

Secondary dwelling units shall be required to conform to all Ontario Building Code and Ontario Fire Code regulations.”

3. This By-law shall come into force and be deemed to come into force in accordance with section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on August 30, 2016.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – August 30, 2016
Second Reading – August 30, 2016
Third Reading – August 30, 2016

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Appendix 'C'

Amendment to *The London Plan*

A. Purpose of the Amendment

The purpose of this Amendment is to revise the policies for Secondary Dwelling Units within *The London Plan* to reflect the secondary dwelling unit policies produced to conform with changes to the *Planning Act* as made by *Strong Communities through Affordable Housing Act, 2011*.

B. Location of the Amendment

This Amendment is a text amendment, which applies to all lands within the City of London.

C. Basis of the Amendment

The amendments are consistent with changes made to the *Planning Act* under *Strong Communities through Affordable Housing Act, 2011* with respect to secondary dwelling units.

The amendments are consistent with the policies of the *Provincial Policy Statement, 2014*, and are consistent with the policies of *The London Plan*.

D. The Amendment

The London Plan is hereby amended as follows:

1. Policy 942 with regard to Secondary Dwelling Units is deleted in its entirety and replaced with the policy included in Schedule 'C1'

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'Schedule C1'

Policies for Secondary Dwelling Units in The London Plan

942_ Secondary dwelling units may be permitted within a single detached dwelling, semi-detached dwelling or a street townhouse dwelling. The secondary dwelling unit must be clearly ancillary and subordinate to the primary residential use and may be permitted where all of the following criteria are met:

1. Secondary dwelling units shall be permitted where the primary unit is owner occupied;
2. A maximum of one (1) secondary dwelling unit per primary dwelling unit is permitted, and must be located on the same lot as the primary dwelling unit;
3. A Secondary dwelling unit shall be limited to a maximum of one (1) bedroom, and the total number of bedrooms of both the primary dwelling unit and secondary dwelling unit shall not be greater than five (5) for a single detached dwelling and not be greater than three (3) for a semi-detached or street townhouse dwelling.
4. Secondary dwelling units shall be required to be licensed pursuant to the Residential Rental Unit Licensing By-law;
5. The gross floor area of a secondary dwelling unit shall not be greater than 40% of the combined total gross floor area of both the primary residential dwelling unit and secondary dwelling unit;
6. Exterior alterations to the primary dwelling unit to provide for secondary dwelling units in the front or exterior side yards should maintain the character of the primary dwelling unit. To protect neighbourhood character, access to secondary dwelling units may be through existing entrances or new entrances located in rear or interior side yards;
7. Any zoning amendments or variances to provide for parking in excess of the minimum parking required for the primary dwelling unit, including any request for boulevard parking, front yard parking or changes to landscaped open space regulations to support parking for a secondary dwelling unit, shall be discouraged. A new additional driveway is not permitted to provide for the secondary dwelling unit;
8. Minor variances to permit front yard parking shall not be supported where the proposed new development, expanded development, or modification to an existing development eliminates existing parking that is in a location which conforms to the Zoning By-law;
9. A secondary dwelling shall comply with all regulations of the associated zone;
10. Secondary dwelling units may be permitted within a legally established accessory structure that:
 - a. is located on the same lot as the primary dwelling unit;
 - b. meets the requirements of the zone which apply to accessory structures;
 - c. is in association with a primary dwelling unit which does not contain a secondary dwelling unit; and,
 - d. is located in the rear yard;

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11. Secondary dwelling units located within a primary dwelling unit shall not require Site Plan Approval. Secondary dwelling units within an accessory structure shall require Site Plan Approval.
12. A secondary dwelling unit shall not be located within a basement within a dwelling located in a flood plain as regulated by the Conservation Authority having jurisdiction for that area.