

Bill No. 309
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 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

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 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

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.