

Bill No. 336  
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:

- 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.

### 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.”

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