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Secondary Dwelling Units Policies and Regulations

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Bill 140 – Strong Communities through Affordable Housing Act

- Requires municipalities to establish official plan policies and zoning by-law provisions allowing second units in detached, semi-detached and row houses, as well as in ancillary structures
- Removes the ability to appeal these official plan policies and zoning by-law provisions
- Allows the Minister of Municipal Affairs and Housing to make regulations regarding second units

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Recent Timeline

- June 2016 - Council endorses The London Plan – includes Secondary Dwelling Unit policies
- August 2016 - Council Approves Secondary Dwelling Unit Policies – different than the policies endorsed by council in The London Plan in June
- December 2016 – Province Approves The London Plan with modifications, including modifications to Secondary Dwelling Unit policies. Combination of both June and August policies.

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Secondary Dwelling Unit Policies Submitted to Province (August 2016)

- Requirement for owner occupancy to permit secondary dwelling units
- Secondary dwelling units limited to one-bedroom
- Secondary dwelling units permitted throughout the city, including the Near Campus Neighbourhood area.

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Minister's modifications

- Removes the requirement for owner-occupancy of the primary dwelling unit
- Removes the policy limiting secondary dwelling units to one bedroom
- Does not allow for secondary dwelling units in the Near Campus Neighbourhood area.

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Provincial Regulations (March 2017)

- A maximum of one parking space would be required for a second residential unit
- A second residential unit, where permitted in the zoning by-law, may be occupied by any person regardless of whether the primary unit is occupied by the owner of the property; and
- A second residential unit, where permitted in the zoning by-law, would be permitted without regard to the date of construction of the primary building.

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Approved London Plan

- Currently under appeal
- Secondary dwelling unit policies cannot be appealed (Bill 140)

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London Plan policies – as modified by the Minister

- A maximum of one secondary dwelling unit per primary dwelling unit is permitted
- The secondary dwelling unit and primary dwelling unit shall not exceed the total number of bedrooms permitted for the primary dwelling unit
- Secondary dwelling units shall be required to be licensed under the Residential Rental Unit Licensing By-law;
- The gross floor area of a secondary dwelling unit shall not be greater than 40% of the total gross floor area

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Changes to The London Plan

- Owner Occupancy Requirement → Removed
- One Bedroom Requirement → Removed
- Near Campus Neighbourhood Permission → Removed

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- Access to secondary dwelling units may be through existing entrances or new entrances located in rear or side yards
- Any zoning amendments or variances to provide for excess parking or an additional driveway shall be discouraged
- Minor variances to permit front yard parking shall not be supported where the proposed eliminates parking that is in a location that conforms to the Zoning By-law.
- Secondary dwelling units are permitted in an accessory structure that:
 - is located on the same lot as the primary dwelling unit
 - meets the requirements of the zone which apply to accessory structures
 - is in association with a primary dwelling unit which does not contain a secondary dwelling unit
 - is located in the rear yard

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- 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
- A secondary dwelling unit shall not be located within a basement within a flood plain
- Secondary dwelling units will not be permitted within the Near-Campus Neighbourhood area
- A secondary dwelling unit shall comply with all regulations of the associated zone.

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Zoning By-law

New definition:

“SECONDARY DWELLING UNIT means a dwelling unit ancillary and subordinate to a 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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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

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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.

A secondary dwelling unit shall not be permitted within the Near-Campus Neighbourhood Area as defined in Figure 4.35.

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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.

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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) Number of Bedrooms

The secondary dwelling unit and primary dwelling unit together shall not exceed the total number of bedrooms permitted for the primary dwelling unit when the total number of bedrooms in the primary and secondary dwelling unit are combined.

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7) Access to Secondary Dwelling Units

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.

A new additional driveway in association with a secondary dwelling unit is not 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.

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Recap

1. Given the changes to the policies:
 - Owner occupancy no longer required
 - One bedroom limit no longer required
 - Near-Campus Neighbourhood restriction in place

Are we okay?

2. If not, what changes are necessary?

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Thank you



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