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File No.: OZ-8053
Planner: L. Maitland

Appendix "A"

Bill No. (number to be inserted by Clerk's Office) 2017

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 July 25, 2017.

Matt Brown,
Mayor

Catharine Saunders
City Clerk

First Reading – July 25, 2017
Second Reading – July 25, 2017
Third Reading – July 25, 2017

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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 amendment brings the City of London Official Plan, 1989 policies relating to secondary dwelling units in line with the policies in *The London Plan, 2016* as approved by the Minister.

D. THE AMENDMENT

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

1. By deleting the existing subsection 3.2.3.9 in its entirety and inserting the following policy as subsection 3.2.3.9 of the Official Plan

3.2.3.9 Secondary dwelling units are permitted as-of-right within single detached dwellings, semi-detached dwellings or a street townhouse dwelling where all of the following criteria are met:

Secondary Dwelling Units

1. 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;
2. Secondary dwelling units shall be required to be licensed pursuant to the Residential Rental Unit Licensing By-law;
3. 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;
4. A secondary dwelling unit shall comply with all regulations of the associated zone.
5. 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 side yards;
6. Any zoning amendments or variances to provide for parking

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- 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;
7. 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. is located in the rear yard;
 - c. meets the requirements of the zone which apply to accessory structures; and,
 - d. is in association with a primary dwelling unit which does not contain a secondary dwelling unit.
 8. 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.
 9. 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;
 10. 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 parking that is in a location that conforms to the Zoning By-law.

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Appendix "B"

Bill No.
2017

By-law No. Z.-1-17 _____

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 a 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.*

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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:

- 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.

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.

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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.”

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 July 25, 2017

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – July 25, 2017
Second Reading – July 25, 2017
Third Reading – July 25, 2017