

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: Gregg Barrett
Director of City Planning/ City Planner

Subject: Implementing Additional Residential Units Requirements of the
Planning Act (Bill 108)
City-wide/City of London

Public Participation Meeting on: November 30, 2020

Recommendation

That, on the recommendation of the Director, City Planning and City Planner, with respect to the Official Plan and Zoning By-law review relating to additional residential units, the following actions **BE TAKEN**:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on December 8, 2020 to amend the London Plan to add new policies to permit additional residential units in any single detached, semi-detached or street townhouse dwelling unit in accordance with recent changes to the *Planning Act*;
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on December 8, 2020 to amend the Official Plan for the City of London (1989) to add new policies to permit additional residential units in any single detached, semi-detached or street townhouse dwelling unit in accordance with recent changes to the *Planning Act*;
- (c) the proposed by-law attached hereto as Appendix "C" **BE INTRODUCED** at the Municipal Council meeting on December 8, 2020 to amend Zoning By-law No. Z.-1, in conformity with the amendments above, to add a new definition for additional residential units and to add new regulations to allow up to two additional residential units in the primary residential unit and in an accessory building; and,
- (d) Staff **BE DIRECTED** to implement required changes to the Residential Rental Unit Licensing By-law to address Additional Residential Units.

Executive Summary

Purpose and the Effect of Recommended Action

Amend the existing London Plan and 1989 Official Plan policies and Zoning By-law Z-1 regulations to implement recent changes to the *Planning Act* through Bill 108, the *More Homes, More Choices Act* to create additional housing opportunities while ensuring the appropriate integration with the community.

Rationale of Recommended Action

1. 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 additional residential units".
2. Bill 108 (*More Homes, More Choices Act*, 2019) amended the *Planning Act* to require that municipalities adopt policies in their Official Plans to provide for additional residential units.

3. The London Plan includes policies to direct residential intensification. The proposed London Plan, 1989 Official Plan and Zoning By-law amendments to permit additional residential units contribute to the objective of promoting appropriate residential intensification.
4. The recommended amendments result in consistency in terms of language, policies and regulations between the Provincial Policy Statement (2020), the *Planning Act*, London Plan, 1989 Official Plan, and Zoning By-law Z-1.

Analysis

1.0 Background

The Minister of Municipal Affairs and Housing introduced Bill 108, *More Homes, More Choice Act, 2019* on May 2, 2019. The Bill proposed a number of amendments to 13 different statutes including the *Planning Act*, the *Local Planning Approval Tribunal Act*, and the *Development Charges Act*. Bill 108 proposed to repeal many of the amendments that were introduced in 2017 through Bill 139, the *Building Better Communities and Conserving Watersheds Act, 2017*. Bill 108 was given Royal Assent on June 6, 2019. A report on the implications of Bill 108 on the City was presented to PEC on May 27, 2019.

The intention of Bill 108 is to address the housing crisis in Ontario by minimizing regulations related to residential development through changes to various Acts dealing with the planning process, including reducing fees related to development by reducing the number of services that may be subject to development charges and shortening the timelines for the approval of many planning applications. The Ministry identifies affordable housing as a “fundamental need” and additional residential units were identified as one of the least expensive ways to increase the supply of affordable housing while encouraging intensification and maintaining neighbourhood character.

One of the directions of Bill 108, under the *Planning Act* changes, was to permit up to two additional residential units on properties containing a detached, semi-detached or row house residential dwelling, which replaces the previous requirement to permit Secondary Dwelling Units within these housing forms. An additional residential unit is currently permitted in any detached house, semi-detached house or row house **OR** in a building ancillary to any detached house, semi-detached house or row house. Through changes made by Bill 108 an additional residential unit would be permitted in any detached house, semi-detached house, or row house **AND** in an ancillary building. This would allow for two additional permitted residential units per property for a possible total of three per property.

Regulation 299/19, which implements Bill 108, also indicates;

- Each additional unit shall have 1 parking space unless a zoning by-law amendment has been approved which requires no parking;
- Parking may be tandem parking;
- Property owners do not have to live on the property and tenants do not have to related to the owner; and,
- Additional residential units can be in existing and/or new construction.

The *Planning Act* changes also require that Municipal Official Plans and Zoning By-laws contain provisions permitting additional residential units within a single detached house, semi-detached house, or row house (referred to in Zoning By-law Z.-1 as street townhouses) and within an accessory structure on the same property. This has the effect of potentially allowing a total of three dwelling units on the same property – subject to applicable provisions in the Ontario Fire Code, Building Code and municipal by-laws. Similar to the 2011 Bill 140 *Planning Act* amendments, appeals related to Official Plan policies or zoning bylaw regulations that authorize the use of additional residential units are prohibited.

The City has to comply with the changes made by Bill 108 to the *Planning Act* through Official Plan, Zoning By-law or other regulatory changes. However, the City has the ability to include regulations to mitigate a variety of planning compatibility and fit issues that could occur. Although the Province requires municipalities to proactively plan for additional residential units, the Province has given municipalities the flexibility to address local issues by establishing local regulations to integrate additional residential units within the neighbourhood.

The number of additional residential units permitted will be subject to limitations due to existing conditions/neighbourhood context including, but not limited to:

- Lots which don't have sufficient area or width resulting in insufficient physical distance between dwellings to accommodate a detached additional residential unit;
- An obstructed rear or side yard access based on the existing building footprints to allow safe access of emergency personnel;
- Site constraints associated with natural heritage features or natural hazard lands, such as a floodplain, which poses health and safety concerns; and,
- Lots that cannot accommodate parking, landscaped open space or other municipal requirements.

1.1 Rationale for Intensification

Residential Intensification; specifically, can take many forms;

- Redevelopment, including the redevelopment of brownfield sites;
- The development of vacant or underutilized lots within previously developed areas;
- Infill Development;
- The conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and,
- The conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, second units and rooming houses.

Additional residential units (previously secondary dwelling units) are a version of the last form of intensification. This form can be either invisible (i.e. additional residential units in an existing dwelling) or visible (i.e. Addition of a new accessory structure, with an additional residential unit, at the rear of a property, addition of a parking space or entrance etc.).

The benefits of intensification include;

- Efficient use of resources (e.g. existing housing stock), infrastructure (e.g., sewers, water mains, hydro, roads etc.) and public service facilities (e.g. libraries, community centres);
- More sustainable and promotes energy efficiency;
- More efficient use of land to minimize "greenfield" development;
- Providing homeowners an opportunity to earn additional income to help meet the cost of home ownership;
- Reduces travel times and the need for a personal vehicle which improves air quality and increases transit use, bicycling and walking;
- Supports public transit and active transportation modes by increasing densities;
- Supports demographic changes by encouraging "aging in place", millennial preference for developed urban areas to live and more diverse households;
- Supporting changing demographics by providing more housing options for extended family or elderly parents, or for a live-in caregiver;
- Increase stock of rental units in an area; and,
- Creating jobs in the construction/renovation industry.

There also benefits for updating Official Plans, zoning by-laws and other processes periodically to create more affordable housing;

- Increase the number of legal/registered units to create “safe” housing;
- Introduce efficient application time requirements to bring housing on the market quicker; and,
- Provide a high standard of design and protection of neighbourhood character where affordable housing is introduced.

Conversely, there are concerns about introducing new development/people into an existing neighbourhood and increasing the number of people living and/or working in an existing area. These concerns can include more activity, noise, changes in aesthetics of a neighbourhood, more parking, garbage and refuse and inappropriate human behaviour as a result of increased density.

Any policy and regulation changes should seek to realize these benefits while mitigating any concerns through a balanced planning approach.

1.2 Benefits of Additional Residential Units

Additional residential units will help London achieve the following broad based planning objectives and scoped initiatives and meet Council’s Strategic Plan.

Building Strong and Attractive Neighbourhoods

Current demographic trends in London indicate that the number of persons per dwelling is in decline. This is in part related to an aging population, smaller family sizes, and lower birth rates. Census data confirms this trend.

	2006	2011	2016
Population	352,395	366,151	383,822
Dwellings	145,525	153,630	175,558
Persons per dwelling	2.42	2.38	2.19

Source: StatsCan, 2006-2016

A 0.04 drop in persons per dwelling between 2006 and 2011 represents 1 additional dwelling per 100 people or 3,523 additional dwellings before accommodating new residents. Between 2006 and 2016 the persons per dwelling dropped .23. Further trends indicate that this change is largely related to an increase in single persons households, single parent families and recent immigrants.

As part of London’s Strengthening Neighbourhood Strategy Plan, providing for people and places is critical to the long term success of our neighbourhoods. Maintaining a critical mass of people in our neighbourhoods is a core component to maintaining the vibrancy and appeal of the area.

Additional residential units can help achieve vibrancy and appeal by:

- Providing a variety of housing choices;
- Offering the opportunity to age in place;
- Promoting community diversity through housing opportunities for new immigrant families;
- Offsetting housing expenses; and,
- Facilitating an economically diverse neighbourhood.

Building a More Compact City

Both a Provincial and Municipal goal, building a more compact city is a key strategy in promoting community sustainability and resiliency. Additional residential units are a form of housing that provides opportunities to increase density without creating significant

changes to the appearance of neighbourhoods or creating negative impacts on existing infrastructure.

Additional residential units provide the opportunity for London to accommodate growth, and protect current residents in a cost effective manner. Current policies encourage for intensification in built areas.

In addition, the January 20, 2020 Affordable Housing CIP report also states;

On April 23, 2019, Council declared a Climate Emergency. The Affordable Housing CIP initiative supports the City's commitment to reducing and mitigating climate change by providing tools that will encourage residential intensification and residential growth at appropriate locations. It will support more intense and efficient use of existing urban lands and infrastructure and the regeneration of existing neighbourhoods, and will align with transportation planning to support public transit and active transportation options.

Addressing the Need for Affordable Housing

The City of London the need to provide more affordable housing throughout the city. Additional residential units provide an affordable housing option to meet some of this demand by creating opportunities throughout the city for smaller size units within the existing building stock.

Promoting the Age Friendly Plan

The City of London has established itself as a global leader in developing as an age friendly city. The City of London's Age Friendly Plan is based on the World Health Organization's initiative to improve the livelihood of people of all ages. By planning for older adults, a municipality provides benefits to all age groups. A demographic shift has been seen through the "Baby Boom" along with longer average life expectancies. Living longer and thriving cities are both positive trends that benefit everyone. Healthy, active older adults are a key resource depended on by families, by the economy and by communities. They provide care for children, parents, other family members and friends. Older adults as a group have significant spending power and make a dramatic impact on a local economy. Finally, seniors contribute an important degree of knowledge, experience and wisdom to the community.

Housing is identified as a key element in the continued goal of building an Age Friendly London. Success for an Age Friendly London includes developing policies, services, settings and structures that:

- Respond flexibly to aging-related needs and preferences; and
- Respect their decisions and lifestyle choices.

1.4 Additional Residential Unit Terminology

Currently there are some inconsistencies between Provincial and City of London dwelling terminology. Additional Residential Units are self-contained residential dwellings complete with separate kitchen and bathroom facilities located within, and ancillary to, an existing dwelling. The additional residential units may be located within an accessory structure such as above a garage or in a separate residential building such as a "coach house". Additional residential units are also subject to the Building Code, Fire Code and the City of London's property standards by-law.

Additional residential units can also be referred to as additional dwelling units, secondary dwelling units, accessory dwelling units, second residential unit, secondary suites, laneway houses, garden suites, accessory apartments, basement apartments, or in-law flats in other municipalities. These terms are interchangeable. However, additional residential units do not include garden suites, lodging houses, or converted dwellings in the City because they are separately defined by Zoning By-law Z-1.

Garden suites are temporary, self-contained dwelling structures. These units are normally mobile or pre-fab homes permitted in agriculturally designated areas through a site-specific temporary Zoning By-law on a site-specific basis; however, some municipalities use the term to describe detached accessory structures. Lodging houses are residential buildings, which are used to provide rooms for rent to individuals with or without meals. Each unit shares common living space such as a kitchen, living room, bathroom, etc. The converted dwelling means an existing dwelling constructed as a single, semi-detached, duplex or triplex dwelling on an existing lot prior to July 1, 1993 in which the number of dwelling units has been increased without significant alteration to the exterior of the building except for non-leasable floor space such as fire escapes, stairwells and entrances.

1.5 Implementation of Bill 108 in Other Ontario Municipalities

Appendices “C-1” (Overview of Changes) and “C-2” (Zoning By-law Regulations) contains a table showing how six (6) other Ontario municipalities are implementing changes to the *Planning Act* through Bill 108. The cities of Toronto, Kitchener, Kingston and Windsor have completed their amendments. Hamilton and London are both at the public consultation and final report preparation stage. Hamilton plans to combine their additional residential unit amendments into their new residential zones as part of their comprehensive zoning by-law review.

In terms of the regulations for additional residential units the following zoning summary table provides a comparison with the other municipalities. Appendix “C-2” provides information in greater detail.

Municipality	Toronto	Kingston	Hamilton (Proposed)	Kitchener	Windsor
Term Used	Secondary Suites and Laneway Suites	Second Residential Unit in existing or detached structure	Second dwelling units and Laneway Units	Additional Dwelling Units Use the terms “attached” and “detached”.	Additional Dwelling Units
Dwelling Type Permitted In	In singles, semis and townhouses	In singles, semis and street townhouses	In singles, semis and street townhouses	In singles, semis and street townhouses	In singles, semis and street townhouses
Location of Units	Not in front yard	Not in front or exterior side yard	Laneway units only permitted on lots with a single detached dwelling. Not in front yard.	Only permitted on lots a min. of 395m ² and min. 13.1m wide.	Basement units not in floodplain or require sump pump/backwater valve.
Min GFA (m²)/unit	None. Controlled by Building Code – 40-45m ²	Must be smaller than primary dwelling unit	50m ²	None	40m ²
Max GFA (m²)/unit	80m ²	100m ²	None	None	100m ²
Total GFA (m²)	Max. 45% of total dwelling area.	Less than or equal to	50%	40% Total coverage	Not tied to size of main building.

Municipality	Toronto	Kingston	Hamilton (Proposed)	Kitchener	Windsor
	If basement unit can occupy entire floor if 1 sty.	main dwelling		can be 55%, max. for accessory building is 15%	
Maximum Height (m) of Accessory Dwelling	8.5-12m. Accessory – lower than main building or 2 stys. Max.	4-4.5m	6m	3m for flat roof, 6m for peaked	Flat – 6m Sloped – 8m Can't exceed height of primary bldg..
Minimum Side and Rear Yard Setbacks (m)	Accessory bldg. -7.5m from main dwelling 0.45-0.9m side yard 7.5m rear	Same as main dwelling.	Min. 7.5m setback between main building and accessory building	0.6m	Accessory – 1.2m
Parking	1 space for either 1 or 2 units Tandem parking permitted, Need bicycle parking.	1 space/unit unless near express bus route, commercial, open space or community facility.		1 per unit Where 3 required, 2 may be tandem	1 space per unit and 0 in the core area. No tandem parking permitted.

The above chart indicates that although all of the surveyed municipalities generally implement the Bill 108 policies/regulations, there are a variety of approaches used for other regulations to address local issues/concerns. There is differences in what they call them (Province uses additional residential units), how they regulate the gross floor area of the units, height, side yard setbacks, parking and other regulations summarized in Appendix "C-2".

Some highlights from the review of other municipalities include:

1. The City of Kitchener permits all three units in the existing dwelling eliminating the need for a separate accessory structure, use the terms "attached" and "detached" to describe units and processed their additional residential unit amendments through their comprehensive zoning by-law review.
2. The City of Toronto has separate zoning by-laws for the additional residential unit in the main building and the unit in the accessory building, requires bicycle parking spaces, monitors minor variance applications to evaluate regulations and relies on the Ontario Building Code for minimum room and unit sizes
3. The City of Windsor doesn't allow basement units in the floodplain or in units where no downspouts, sump pump or backflow preventer has been installed; permits no alteration of heritage exteriors for listed buildings or within a heritage conservation district; does not license units and doesn't "grandfather" existing second units created before January 2012.
4. The City of Ottawa allows "coach houses" which is a detached residential building and has separate zoning by-law regulations for them.

5. The City of Kingston reduces parking requirements for additional residential units if they are located close to an express bus route, commercial, parkland, open space or community facility.
6. The City of Hamilton has used their Laneway Suites pilot project to test regulations for additional residential units which amendments, similar to the City of Kitchener, will be included as part of their comprehensive Zoning By-law review.

2.0 Community Consultation

Public liaison: Notice of Application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on March 5, 2020. A web page on the City of London website www.london.ca was also created and notice was posted March 4, 2020. The notice to Agencies and other City Departments was sent March 5, 2020. The notice provided was as follows;

Nature of Liaison: City-wide – Implementing Additional Residential Unit Requirements of the Planning Act The purpose and effect of these London Plan and/or zoning changes is to implement recent changes to the Planning Act made by Bill 108/Regulation 299 of the Province of Ontario (*More Homes, More Choice Act, 2019*) which was given Royal Assent on June 6, 2019. Changes to the Act require that the City permit up to two additional dwelling units on a property containing a single detached, semi-detached or street townhouse residential dwelling. Possible amendments to the London Plan to change Policy 939 to 942 and Policy 949 to change wording from “Secondary Dwelling Units” to “Additional Residential Units” and add/modify language to implement Provincial policy and/or regulations for additional residential units. Possible change to Zoning By-law Z.-1 to delete the definition of “Secondary Dwelling Unit” and replace with a new definition of “Additional Residential Unit” in Section 2 (Definitions), make changes to Section 4.37 (General Provisions) to change references from secondary dwelling units to additional residential units and make changes to implement Provincial policies and/or regulations such as number of units permitted, number of bedrooms permitted and parking requirements.

Due to the COVID-19 pandemic and the public health guidelines that restrict large gatherings of people, public engagement for this review has been different from the previous Secondary Dwelling Unit and Near Campus Neighbourhood reviews.

It was decided that instead of hosting large public information meetings alternative engagement approaches would be used. These included: 1) an information report was prepared and circulated, 2) a website was prepared with background information, and 3) a mailing list was prepared including those involved in previous residential intensification reviews. Staff then compiled the letters and e-mails that were received within an extended period for public comment.

The website became active on March 4, 2020 and was updated on May 26, 2020 with additional information and links. Londoner notice for the July 14, 2020 PEC meeting on the information report was given on June 4, 2020 and a notice of the meeting was provided by letter/e-mail on June 24, 2020.

On August 24, 2020 the information report was presented to the Planning & Environment Committee, and Council direction that it be circulated. The report and covering letter were sent to our compiled mailing/e-mail list with a deadline for comments of September 29, 2020. A reminder e-mail was subsequently sent October 19, 2020 with an extended deadline of October 30, 2020 for comments.

In response to these public engagement initiatives we received sixteen (16) replies, all by e-mail, some providing comments and others posing questions and then providing comments in a further e-mail. The breakdown of the nature of the comments is as follows:

- 3 replies expressed support for most of the amendments;
- 2 replies supported the Province's affordable housing initiatives but worried about possible issues resulting from an increase in student housing;
- 6 replies expressed concerns that the amendments would increase the problems in existing neighbourhoods; and,
- 4 replies asked questions but haven't provided further comments.

On October 28, 2020 Planning staff met with the executive of the Orchard Park/Sherwood Forest Ratepayers Association. There were a number of questions but they were generally supportive of the draft amendments, particularly the 40% cap on the gross floor area of the additional residential units, the maintenance of the existing bedroom limits and requirement for no additional parking for additional residential units

Planning staff have reviewed the replies received to date and have subdivided the comments into categories:

1. General Comments

"want the amendments to reflect Provincial goals".

"no point in responding because Province has mandated the amendments."- wanted restriction of units to owner-occupied homes but Province wouldn't allow."

"units are a small business for those that don't live in the City"

'units should be added but they have to be done right.'

'support the proposed amendments because they are consistent with Province, additional residential units should be allowed in the Near Campus Neighbourhood, no additional parking but want gross floor area maximum increased from 40 to 45%.'

'goals for additional residential units are admirable but methods are ineffectual and counter productive.'

"will these changes improve the situation dealing with the influx of student rental properties?"

'additional residential units dis-abuses residents and municipal governments right to manage their communities and neighbourhoods,'

"zoning provides stability and security"

"as an owner of rental properties, concerned about parking regulation, bedroom limitations and gross floor area"

2. By-law Enforcement, Building Permits and Property Standards Comments

"units are created without permits or inspections".

"neighbours are the ones responsible for maintaining neighbourhoods, are reporting garbage, litter, noise, parking, property appearance, outdoor fires etc."

"blue boxes on porches out front, require enclosed garbage sheds at rear"

"violation of Noise By-law."

'not enforcing existing regulations'

3. Neighbourhood Character Comment

"changes not in keeping with neighbourhood character."

4. Parking and Traffic Comments

“only 2 spaces for a 5 bedroom house”.

“parking on streets, traffic noise and parking are issues.”

“no change to the draft that no additional parking spots be required.”

5. Size of Units Comments

“want limits on the size of units”

‘want consistency between the London Plan/1989 Official Plan and Zoning By-law gross floor area maximum of 40%.’

6. Construction/Design Comment

“cheap construction (no back door), overall design and repetitive use of external materials.”

7. Density/Bedrooms Comments

“increase maximum number of bedrooms or separate maximums for additional residential units.”

“no change to the number of bedrooms as defined in the zoning by-law”

8. Affordability Comments

“owners raise the rents for students which does nothing for providing affordable housing for the poor, people being pushed out so owners can increase rents”

“units not being rented to those that need it.”

‘make better use of resources like Affordable Housing Foundation, Housing Stability for All, Non-Profit Housing Corporations, Housing Day and Neighbourhood London.’

“need more affordable housing not for students.”

9. Occupants Comments

“seniors want a quieter area”.

“diversity means more student housing”.

‘emphasis on students leaves units vacant for months and drives up rents.’

“concern with student rentals-8 students in one house, lower to 5 students.”

“occupants change over time, from owner occupied home to multiple occupants-how do you deal with that.?”

10. Behaviour Comments

“lawlessness and disregard for the City”

‘no repercussions for breaking rules’

11. Property Values and Taxes Comment

“impact on property values.”

All of these issues, concerns and requests will be considered in the amendment justifications in Section 3.2 of this report.

3.0 Key Issues, Discussion and Rationale for Recommended Amendments

3.1 Policy Context for the Proposed London Plan, 1989 Official Plan and Zoning By-law Amendments (see more detail in Appendix C)

The Provincial policies provide the policy basis for the Additional Residential Unit amendments. The 2020 Provincial Policy Statement and the *Planning Act* provide the basis for all municipal planning policies and regulations.

Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) provides the direction from the Province for land use planning in Ontario.

The PPS provides for and supports intensification under Part IV;

.....“Planning authorities are encouraged to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs.”

Policies in Sections 1.1 (Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns) and 1.4 (Housing) state that sufficient land needs to be available for a mix of affordable and market based residential uses, that development and land use patterns be efficient and that settlement areas (eg. Cities) be the focus of future growth.

Specifically,

- Creating healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential(including additional residential units” (Policy 1.1.1.b); and,
- Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by permitting and facilitating all forms of residential intensification, including second units (1.4.3 b).

Policy 1.6.7.4 promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and supports current and future use of transit and active transportation.

Policy 4.6 recognizes the Official Plan as the most important vehicle for implementation of the PPS and requires that planning authorities shall keep their zoning by-laws up-to-date to be consistent with their Official Plans and the Provincial Policy Statement.

Section 6, Definitions, includes a definition of residential intensification and housing forms. It is important to note that the Province makes a distinction between rowhouse (similar to our street townhouse definition in Zoning By-law Z-1) and townhouse/stacked townhouse as different housing forms.

Based on the foregoing, the proposed amendments are consistent with the PPS (2020).

Planning Act

Consistent with the Provincial Policy Statement the *Planning Act* guides planning in the Province of Ontario. Below are a summary of the relevant policies.

Subsection 2 j) of the *Planning Act* identifies “...the full range of housing, including affordable housing...” as a matter of Provincial interest.

Subsections 16.3 and 35.1 contain the additional residential unit regulations from Bill 108 – *More Homes, More Choices Act* given Royal Assent on June 16, 2019. They indicate Official Plans shall have policies allowing additional residential units and permit a maximum of one additional residential unit in a single detached, semi-detached or rowhouse (same as our street townhouse) primary dwelling and one additional residential unit in an accessory structure;

Regulation 299/19, to implement changes from Bill 108, was published August 29, 2019, to provide regulations to allow additional residential units in the Province. The changes included regulations to:

- Indicate that each unit shall have a parking space except where a pre-approved zoning by-law amendment doesn't require parking;
- Any additional required parking may be a tandem parking;
- Indicate the dwelling units on the property don't need to be owner-occupied; and,
- Indicate additional residential units can be located either in new or existing buildings

Subsection 35.2 of the *Planning Act* also indicates that zoning by-laws cannot be enacted which regulate tenants on the basis of relationship.

The London Plan

Policy 937 and 939 provide a rationale for residential intensification and provide a current definition of secondary dwelling units; respectively. The rationale include aging in place, diversity of built form, affordability, vibrancy and effective use of land and indicate that any intensification needs to add value to neighbourhoods rather than undermine their quality, character and sustainability.

Policy 941 and 942 are the current Secondary dwelling unit policies and address such matters as location, number of units, licensing, size, exterior alterations, parking and requirements for Site Plan approval. These policies were based on changes made by Bill 139-Building Better Communities and Conserving Watersheds Act passed in 2017. On July 17, 2017 Council also approved further London Plan amendments which removed the restriction on secondary dwelling units in Near-Campus Neighbourhoods. On October 13, 2020 the Local Planning Appeal Tribunal (LPAT-formerly OMB) made a decision (Case PL170100) approving the removal, consistent with the previous Council decision, of the restriction on secondary dwelling units in the Near-Campus Neighbourhoods. That change came into effect on September 23, 2020.

The purpose of this report is to make amendments to the London Plan to be consistent with changes made by Bill 108 and the Council approved changes from July 24, 2019 including a change in terminology from “secondary dwelling unit” to “additional residential units” and allowing a maximum of two additional units on an existing property instead of one.

Policy 949 (Requirement for Site Plan Approval), 953 (Additional Urban Design Considerations for Residential Intensification) and 962-973 (Near-Campus Neighbourhoods Policies) are also relevant to the consideration of London Plan amendments in this report because they guide any proposal to maintain neighbourhood character.

1989 Official Plan

The policies in the 1989 Official Plan are the same as those contained in the London Plan as a result of a report, with amendments, to Planning and Environment Committee on July 17, 2017 and a Council decision on July 25, 2017. Section 3.2.3.9 of the 1989 Official Plan and Policy 941 and 942 of the London Plan are identical.

3.2 Purpose

In the last seven years City Planning Staff have prepared twelve reports on Secondary Dwelling Units/Additional Residential Units as a result of the changes to the *Planning Act* by the various Provincial governments. Three separate bills have been introduced; 1) Bill 140 – *Strong Communities through Affordable Housing Act* in 2011; 2) Bill 139 – *Building Better Communities and Conserving Watersheds Act* in 2017 and recently 3) Bill 108 – *More Homes, More Choices Act* which was given Royal Assent on June 6, 2019 which all made changes to the *Planning Act* to allow additional residential units in existing and new residential dwellings. These legislative changes required changes to the 1989 Official Plan, the London Plan and Zoning By-law Z-1. In addition, other Council policies such as the Great Near Campus Neighbourhoods Strategy had to be reviewed and amendments made.

This report will recommend amendments to the London Plan, the 1989 Official Plan and Zoning By-law Z-1 to fully implement changes to the *Planning Act* made by Bill 108. The rationale for those amendments are provided below.

3.3 Issues, Discussion and Recommended Amendments

A brief summary of each issue, a discussion of the issue and recommended changes to address the issue are provided below. The recommended amendments are similar to those approved for secondary dwelling units by Council on June 23, 2016 for the London Plan and for the 1989 Official Plan and Zoning By-law Z-1 on July 17, 2017 and staff have tried to use those policies and regulations as a basis for additional changes. Any added policy and/or regulation amendments were the result of issues raised through the Community consultation, innovative approaches used in other Ontario municipalities or to improve the various processes to provide information and make them easier to understand.

General

A couple of public respondents requested that the City “fully” implement the Provincial goals for affordable housing in the City. The City has done that and the London Plan, 1989 Official Plan policies and Zoning By-law regulations implement the *Planning Act*/Bill 108 and Regulation 299/19 policies and regulations while including policies and regulations to deal with “local issues and concerns”. The list below deals with these ‘local issues and concerns’.

Definitions

There are a number of definition inconsistencies between the *Planning Act*, the London Plan and/or Zoning By-law Z-1.

1. Secondary Dwelling Unit vs. Additional Residential Unit

The previous *Planning Act* legislation (Royal Assent-January 1, 2012) amended by Bill 140- *Strong Communities through Affordable Housing Act* used the term “secondary dwelling unit” because one additional unit was permitted either in the main dwelling **or** accessory building. Bill 108- *More Homes, More Choices Act* (Royal Assent – June 6, 2019) allows one “additional residential unit” in the main dwelling **and** one additional dwelling unit in an accessory structure for a total of three possible units on a property. The term “secondary dwelling units” is now misleading and should be changed to reflect that more than one unit could be added to a property.

Recommended Amendment – All of the references to “secondary dwelling units” in the London Plan, 1989 Official Plan and Zoning By-law Z-1 should be changed to “additional residential units” to be consistent with the current *Planning Act* legislation.

2. Rowhouse vs street townhouse vs cluster townhouse

The 2020 Provincial Policy Statement and *Planning Act* use the term “rowhouse” whereas the City’s Zoning By-law Z-1 uses the term “street townhouse”. By definition

both are the same, that is, more than three units attached horizontally, having legal frontage on a street on separate lots.

Townhouses or cluster townhouses are different; having more than three or more units attached, tend to not have individual unit frontage on a street and are in a cluster format with units owned by individuals and common areas managed by a condominium corporation. Permitting two additional units in each existing cluster townhouse dwelling, plus allowing for accessory buildings, may be problematic given the typical size of the “lot”. As a result, additional residential units are not recommended in cluster townhouse formats.

Recommended Amendment – No change to the definition.

3. Restriction of Additional Residential Units in Near Campus Neighbourhoods

The London Plan approved by Council on June 23, 2016 included Policy 942 (2) which did not permit secondary dwelling units in the Near Campus Neighbourhoods. Concerns were raised, and public meetings and discussions were held through the Near Campus Neighbourhood policy and regulation review, and on August 29, 2016 Council deleted that subsection of Policy 942. Since the London Plan was in for Minister Approval at that time, the amendments were sent to the Minister for consideration as an amendment to the London Plan.

The Ministers’ Modifications to the London Plan in December 2016 made a series of changes. The Ministry did not, however, remove the restriction on secondary dwelling units within the Near Campus Neighbourhood Area even though Council earlier resolved to allow them in the Near Campus Neighbourhood Area. The Ministry indicated they would have no concern if London City Council made an amendment to the London Plan policies to remove the restriction. Council subsequently resolved to permit Secondary Dwelling Units in Near Campus Neighbourhoods and requested that the Local Planning Appeal Tribunal (LPAT) approve the change as Policy 942 was under appeal at the time.

On October 13, 2020 the LPAT issued a decision (Case PL170100) approving the change, consistent with the Council decision. As a result, secondary dwelling units are currently permitted in the Near Campus Neighbourhoods. This change came into effect on September 23, 2020.

It is noteworthy that any such amendment to remove the restriction of additional residential units in the Near Campus Neighbourhoods from Policy 942 would not be subject to Provincial Review and would also not be appealable as per the *Planning Act*.

Recommended Amendment – No change to the current approach to permit additional residential units within the Near Campus Neighbourhoods.

4. Minimum and Maximum Size of Additional Residential Units

The *Ontario Building Code* regulates minimum room sizes except for the bathroom. An open concept unit which includes living, dining and kitchen in a bachelor unit can be a minimum of 13.5 square metres excluding bathroom under the Code. Other municipalities have a variety of approaches to deal with unit sizes. Toronto rely on the Ontario Building Code to regulate unit sizes whereas other surveyed municipalities (see Appendix “C-2”) have a combination of regulations including maximum gross floor area of all buildings, minimum size and/or maximum size.

Additional residential units are intended to be accessory to the primary dwelling unit; however, the size of the principal dwelling will determine the maximum size of the additional residential unit. If the single detached dwelling is large the additional residential unit could be large as well.

There should be differences between minimum and maximum sizes between additional residential units in the primary dwelling and in the accessory building because of the differences in scale of the two forms. Existing primary dwellings will be larger as

opposed to accessory buildings which are limited in scale by coverage, setbacks, landscaped open space requirements etc.

A number of public respondents requested that the size of individual units be limited.

Recommended Amendment – Specify that the minimum unit size is 25m², consistent with the current regulation for a unit in a converted dwelling.

5. Maximum Gross Floor Area (GFA) of Additional Residential Units

The existing secondary dwelling regulations have a maximum size of 40% that additional residential units can occupy of the total gross floor area of the dwelling unit. Other municipalities range between 40-50%.

One neighbourhood group has supported the existing 40% regulation while the London Property Managers Association has asked that it be increased to allow larger sized units.

Recommended Amendment – Maintain 40% maximum gross floor area for additional residential units.

6. Parking

There are a number of parking issues as a result of changes to the *Planning Act* through Bill 108. These include;

6.1 *Number of Required Parking Spaces*

Parking regulations must balance neighbourhood concerns related to on-street parking, boulevard parking and parking on the front lawn with the need to provide for intensification that provides for affordable housing by permitting additional residential units. Zoning By-law Z-1 currently requires two parking spaces per unit for single detached, semi-detached and street townhouse dwellings and does not require any additional parking spaces for a secondary dwelling unit. Regulation 299/19 of the *Planning Act* indicates that each additional residential unit requires one parking space unless a zoning by-law is in force that requires no parking spaces for additional residential units.

There are a number of different approaches to parking used in other municipalities. Appendix “C-2” indicates that all the surveyed municipalities have a reduced parking rate than the standard “one space per unit ratio”. Allowing no additional parking is transit supportive and doesn’t add new driveways, removal of landscaping etc. to create parking. Accommodating parking, while still providing room for landscaped open space and addressing any aesthetic issues (eg. large areas of the property developed as parking spaces), may be problematic especially on smaller lots. Site plan approval for additional residential units in the primary dwelling will not be required, but will be required if the additional residential unit is located in an accessory building.

Through the review of the possible secondary dwelling unit policies in 2017, the City decided it wouldn’t require parking for new units. The by-law does not include a maximum parking requirement, which allows market conditions to determine when a parking space is required for an additional unit. The same approach is recommended to be applied for additional residential units.

Both the Orchard Park/Sherwood Forest Ratepayers Association and London Property Management Association (LPMA) supported the requirement for no additional parking for additional residential units for different reasons. One is supporting transit friendly development and maintaining the aesthetic “look” of neighbourhoods while the other is interested in minimizing regulations to encourage more units and lower costs.

Recommended Amendment – No change to the single detached, semi-detached or street-townhouse parking requirements and no additional parking is required for additional residential units.

6.2 Provision of new parking areas in Heritage Conservation Districts

Related to the above, the creation of new parking areas in Heritage Conservation Districts (HCD) or on individually designated properties may be a concern if not designed appropriately given the heritage character of the site or area. The London Advisory Committee on Heritage (LACH) has expressed a concern that new parking areas may impact the heritage character of the neighbourhood. The addition of new residential surface parking was not specifically contemplated when the District Plans were being researched and prepared. This should be discussed with the LACH and the heritage community before proceeding.

Additional parking space requirements are not recommended to be required for Additional Residential Units; however, they may be provided at the discretion of the proponent. New parking areas may require a Heritage Alteration Permit, where they would be evaluated against the heritage character of the area or site and will be required to conform with existing heritage plans or designations.

Recommended Amendment – No changes are required at this time. Any exterior building alterations or new parking areas that are within a Heritage Conservation District (HCD) may be subject to a Heritage Alteration Permit.

7. Numbers of Bedrooms Permitted

Currently, in the City of London single detached, semi-detached and street townhouse dwellings can have 5 bedrooms per the zoning bylaw except in the Near Campus Neighbourhoods where semi-detached and street townhouse dwellings are allowed a maximum of three bedrooms per unit. This regulation is intended to control residential intensity in the City.

The Province, through the Ministers' modifications to the London Plan, indicated that there be no bedroom limits in the London Plan and 1989 Official Plan policies but the City could include them in the zoning by-law regulations. Bedroom limits have been valuable in controlling the intensity of development (ie. the number of people living on a property) in the Secondary Dwelling Unit regulations and the Near Campus Neighbourhood policies and is an important regulation.

To maintain the limit on residential intensity it is recommended that the existing bedroom limit apply to the primary dwelling unit and additional residential units.

The Orchard Park/Sherwood Forest Ratepayers Association supports the maintenance of the existing bedroom limits; however the London Property Management Association (LPMA) has requested the number of bedrooms be increased or have separate maximums for additional residential units. The issue is one of scale and how many people a property can accommodate without creating neighbourhood impacts.

Recommended Amendment – The existing cap of 5 bedrooms in a single detached dwelling, and 3 bedrooms on semi-detached and street townhouse dwellings in the Near Campus Neighbourhood is maintained. The primary dwelling unit and any additional residential units are considered under these bedroom limits.

8. Other Changes in Heritage Conservation Districts

Similar to the parking area issue discussed in Section 4.2 above, the LACH has raised a concern about possible front and exterior side yard changes in HCDs and to individually designated properties and the addition of new or altered accessory structures. The Heritage Alteration Permit process is intended to address exterior changes and ensure that any development or construction meets the requirements of the heritage designation. The Province has allowed front yard and/or exterior side yard alterations provided they maintain the "*character of the area*".

Recommended Amendments – That the heritage alteration permit process be used to evaluate exterior alterations on individually designated buildings and within Heritage Conservation Districts.

9. Home Occupations

Section 4.10 of Zoning By-law Z-1 contains the regulations for home occupations. It includes that “Home occupations are permitted in any dwelling unit within a single detached dwelling, semi-detached dwelling, duplex dwelling, converted dwelling, triplex dwelling, fourplex dwelling, townhouse dwelling and accessory farm dwellings.”

Given that both home occupations and additional residential units are intended to be ancillary to the primary dwelling unit, it is not consistent with this intent to permit a home occupation to a use that is already considered to be ancillary to the primary use of the site. Therefore, it is recommended that Home Occupations be limited to the primary use only, and not permitted within an additional residential unit.

Recommended amendments – Amend Zoning By-law Z-1 to restrict home occupations to the primary dwelling unit only.

10. Additional Residential Units in the Rural Area

Detached residential units are already permitted in the rural area in two ways. Secondary farm dwellings are permitted in the farm cluster in an Agricultural (AG5) Zone a maximum distance of 30 metres (98 feet) from the main farm dwelling. A zoning by-law amendment to apply the AG5 Zone variation would be needed.

Temporary Garden Suites are also permitted through Section 39 of the *Planning Act* with an agreement through Section 207.2 of the *Municipal Act*. A TGS Zone is applied through the zoning by-law amendment process. It has to be on a minimum lot area of 4000m², have a maximum size of 150m² and be located within 50 metres of the main farm dwelling.

Recommended amendments – No further amendments.

11. Additional Residential Units in Flood Plains

Comments received from the Upper Thames River Conservation Authority are clear that intensification, including the creation of additional residential units, should not be permitted within a regulated flood plain. Intensification within floodplains is addressed in the Natural and Human Made Hazards Chapter of the London Plan, and these policies would override any other policies that apply in a specific place type. Nevertheless, to ensure the requirement is clear with regards to additional residential units it is recommended that the policy and zoning changes specific that development within a floodplain is not permitted, unless it is permitted by a special area policy for a specific area as described in the flood plain policies of the London plan.

Recommended amendments – Amend the London Plan, the 1989 Official Plan, and Zoning By-law Z-1 to prohibit the creation of additional residential units within floodplains.

3.3 Changes to other Municipal By-laws/Processes

The revision of Official Pan policies and zoning regulations for additional residential units may also require a review of other City processes ore regulations. These are described below.

1) Site Plan Approval for Additional Residential Units in Accessory Structures

Given that adding additional residential units in the primary dwelling occurs internal to the structure and there is no additional parking required for additional residential units there is no need to require site plan approval for additional residential units.

However, the construction of new accessory structures should require site plan approval. Guidelines may be prepared for additional residential units located in accessory structures.

Changes to the Site Plan Approval process may be required.

2) Building Permits

The *Ontario Building Code* includes minimum room sizes, except for bathrooms, for all residential units in the Province of Ontario and should be applied to additional residential units. Building permits are also required for internal renovations to the primary dwelling unit and the construction or renovation of an accessory structure to accommodate additional residential units.

City Guidelines may have to be prepared or revised for potential applicants to construct additional residential units. The City has an existing webpage for Secondary Dwelling Units which needs to be revised for public information purposes. A number of other surveyed municipalities have websites and/or printed literature available.

3) Licensing

Most surveyed municipalities, except Windsor, license rental units. The City of London has a Residential Rental Unit Licensing By-law, and accessory dwelling units are currently subject to that by-law. This provides for a consistent City-wide approach to rental units.

There may be changes necessary to the Residential Rental Unit By-law to reflect the changes regarding additional residential units that differ from the current regulations for accessory dwelling units. .

4) Zoning By-law Enforcement

There were a number of public comments regarding the need for appropriate zoning by-law enforcement. These comments have been provided to By-law enforcement and will be addressed outside of this amendment process.

4.0 Conclusion

The attached amendments to the Amend the London Plan and 1989 Official Plan policies and Zoning By-law Z-1 regulations will implement recent changes to the *Planning Act* through Bill 108, the *More Homes, More Choices Act*. The recommended policies and zoning regulations are intended to provide for compatible residential intensification, and to minimize impacts on adjacent properties.

The Additional Residential Unit policies and zoning by-law regulations replace the previous Secondary Dwelling Unit policies and regulations. The most significant change is that the new policies and zoning regulations would allow an additional residential unit in both the primary residential dwelling and within an accessory building, whereas the current policies and regulations would permit an additional residential unit in the primary dwelling unit or within an accessory building.

Prepared by:	W.J. Charles Parker, MA Senior Planner, Planning Policy
Submitted by:	Justin Adema, MCIP, RPP Manager, Planning Policy
Recommended by:	Gregg Barrett, AICP Director, City Planning and City Planner

Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services

November 23, 2020

CP

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Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2020

By-law No. C.P.-XXXX-____

A by-law to amend The London Plan for the City of London, 2016 relating to implementing of Bill 108 Additional Residential Unit Policies City-wide.

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 London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on December 8, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – December 8, 2020
Second Reading – December 8, 2020
Third Reading – December 8, 2020

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

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To update the London Plan to include additional residential unit (formally secondary dwelling units) policies to conform with changes to the *Planning Act* made by the *More Homes, More Choices Act, 2019*.

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

1. The amendments are consistent with changes made to the *Planning Act* by the *More Homes, More Choices Act, 2019 (Bill 108)* with respect to additional residential units.
2. The amendments are consistent with the policies of the *Provincial Policy Statement, 2020*, conform with the Neighbourhood Place Type policies of the London Plan and conform with the Low Density Residential policies of the 1989 Official Plan.

D. THE AMENDMENT

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

The London Plan is hereby amended as follows:

1. Policy 939, 941 and 949 and heading title is amended by deleting the “Secondary Dwelling Unit” reference and replacing it with “Additional Residential Unit”.
2. Policy 942 with regard to Secondary Dwelling Units is deleted in its entirety and replaced with the policy below;

942_ Additional Residential Units are permitted as-of-right within single detached dwellings, semi-detached dwellings or street townhouse dwellings where all of the following criteria are met:

1. A maximum of two additional residential units are permitted, including a maximum of one additional unit in the main dwelling and a maximum of one additional unit in an accessory structure;
2. Additional residential units must be located on the same lot as the primary dwelling unit;
3. Additional residential units shall be required to be licensed pursuant to the *Residential Rental Unit Licensing By-law*;
4. The gross floor area of the additional residential units shall not be greater than 40% of the combined total gross floor area of both the primary dwelling unit and the additional residential units;
5. Additional residential units shall comply with all regulations of the associated zone;

6. Exterior alterations to the primary dwelling unit to provide for additional residential units in the front or exterior side yards should maintain the character of the primary dwelling unit. To protect neighbourhood character, access to the additional residential units should be through existing entrances or new entrances located in rear or side yards;
7. Any exterior alterations to accommodate an additional residential unit within a Heritage Conservation District must have consideration and regard for the policies of the Heritage Conservation District Plan and/or Guidelines. Heritage Alteration Permit approval may be required for alterations to designated properties, including properties located in a Heritage Conservation District.
8. 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 additional residential units, shall be discouraged. A new additional driveway is not permitted to provide for the additional residential units;
9. 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;
10. Additional residential 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. Cannot be severed.
 - d. Is on full municipal services.
 - e. Maintains the neighbourhood character.
 - f. Meets the requirements of the zone which apply to accessory structures.
11. Additional residential units located within a primary dwelling unit shall not require Site Plan Approval. An additional residential unit within an accessory structure shall require site plan approval;
12. New additional residential units shall not be located in a flood plain as regulated by the conservation authority having jurisdiction for that area, unless permitted through a special policy area as described in the Natural and Human Made Hazards policies;

Bill No. (number to be inserted by Clerk's Office)
2020

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

A by-law to amend the Official Plan for the City of London, 1989 relating to implementing of Bill 108 Additional Residential Unit Policies City-wide.

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 December 8, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – December 8, 2020
Second Reading – December 8, 2020
Third Reading – December 8, 2020

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 1989 Official Plan additional residential unit (formerly secondary dwelling unit) policies to conform with changes to the *Planning Act* as made by *More Homes, More Choices Act, 2019*.

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 *More Homes, More Choices Act, 2019* with respect to additional residential units.

The amendments are consistent with the policies of the *Provincial Policy Statement, 2020*, and are consistent with the Low Density Residential designation in the 1989 Official Plan.

D. THE AMENDMENT

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

1. By deleting the existing subsection 3.2.1 ix) in its entirety and inserting the following policy as subsection 3.2.1 ix) of the Official Plan:

Additional Residential Units

A single detached dwelling, semi-detached dwelling or a street townhouse dwelling may be permitted to contain an additional residential unit in the main building and an additional residential unit in an accessory/ ancillary building in accordance with policy 3.2.3.9 Additional Residential Units of this Plan.

2. 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:

Additional Residential Units

Additional Residential Units are permitted as-of-right within single detached dwellings, semi-detached dwellings or street townhouse dwellings where all of the following criteria are met:

1. A maximum of two additional residential units are permitted, including a maximum of one additional unit in the main dwelling and a maximum of one additional unit in an accessory structure;
2. Additional residential units must be located on the same lot as the primary dwelling unit;
3. Additional residential units shall be required to be licensed pursuant to the *Residential Rental Unit Licensing By-law*;

4. The gross floor area of the additional residential units shall not be greater than 40% of the combined total gross floor area of both the primary dwelling unit and the additional residential units;
5. Additional residential units shall comply with all regulations of the associated zone;
6. Exterior alterations to the primary dwelling unit to provide for additional residential units in the front or exterior side yards should maintain the character of the primary dwelling unit. To protect neighbourhood character, access to the additional residential units should be through existing entrances or new entrances located in rear or side yards;
7. Any exterior alterations to accommodate an additional residential unit within a Heritage Conservation District must have consideration and regard for the policies of the Heritage Conservation District Plan and/or Guidelines. Heritage Alteration Permit approval may be required for alterations to designated properties, including properties located in a Heritage Conservation District.
8. 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 additional residential units, shall be discouraged. A new additional driveway is not permitted to provide for the additional residential units;
9. 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;
10. Additional residential 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. Cannot be severed.
 - d. Is on full municipal services.
 - e. Maintains the neighbourhood character.
 - f. Meets the requirements of the zone which apply to accessory structures.
11. Additional residential units located within a primary dwelling unit shall not require Site Plan Approval. An additional residential unit within an accessory structure shall require site plan approval;
12. New additional residential units shall not be located in a flood plain as regulated by the conservation authority having jurisdiction for that area, unless permitted through a special policy area as described in the Natural and Human Made Hazards policies;

Bill No. (number to be inserted by Clerk's Office)
2020

By-law No. Z.-1-18_____

A by-law to amend By-law No. Z.-1 to delete the existing secondary dwelling unit regulations and replace with new regulations for additional residential units.

WHEREAS the Corporation of the City of London has initiated a rezoning City-wide to revise the existing secondary dwelling unit regulations and introduce new additional residential unit regulations, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan

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

- 1) Section 2 (Definitions) in Zoning By-law Z-1 is amended by deleting the definition for a "Secondary Dwelling Unit" and replacing it with the below definition for an "Additional Residential Unit"

"ADDITIONAL RESIDENTIAL 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 4.6 2) b) (Dwelling Units Area Minimums) is amended by deleting the existing clause and replacing it with the following;

b) converted dwelling unit and additional residential unit - 25 square metres (269 square feet);

- 3) Section 4.10 (Home Occupation) is amended by adding the following as a new clause 18:

18) A home occupation shall not be permitted in association with an additional residential unit.

- 4) Section 4.37 (Secondary Dwelling Units) is amended by deleting the existing clause and replacing it with the following;

4.37 ADDITIONAL RESIDENTIAL UNITS

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

1) Permitted Zones

Additional residential units 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 an additional residential 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 additional residential unit, and if the additional residential unit complies with the regulations of the *Fire Protection and Prevention Act, 1997, S.O. 1997, c.4.*

2) Number of Additional Residential Units per Lot

A maximum of two (2) additional residential units shall be permitted per lot; including a maximum of one (1) additional residential unit in the main dwelling and a maximum of one (1) additional residential unit in an accessory or ancillary structure

3) Location of Additional Residential Units

An additional residential unit shall not be permitted on a separate lot from the primary dwelling unit that it is accessory to.

An additional residential 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 the basement is located.

An additional residential unit shall not be permitted in a flood plain as regulated by the Conservation Authority having jurisdiction for that area.

4) Location of Additional Residential Units within Accessory Structures

An additional residential unit may be permitted in an accessory structure on the same lot as the primary dwelling,

An additional residential unit in an accessory structure shall be required to meet the regulations of the zone which apply to accessory structures.

An additional residential unit within an accessory structure may only be permitted in the rear yard or interior side yard.

5) Floor Area Requirements

The gross floor area of additional residential unit(s) shall not be greater than 40% of the combined total gross floor area of the primary dwelling unit and the additional residential units. For the purposes of calculating gross floor area requirements for additional residential 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, where an accessory structure does not include an additional residential unit.

6) Number of Bedrooms

The additional residential unit(s) 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 additional residential unit(s) are combined

8) Access to Additional Residential Units

Exterior alterations to provide for entrances to the additional residential unit within interior or rear yards of the primary dwelling unit may be permitted.

9) Parking

The minimum parking requirement shall be in accordance with the primary dwelling unit. No additional parking is required for additional residential units.

A new additional driveway in association with an additional residential unit is not permitted.

10) Code Requirements

Additional Residential Units shall be required to conform to all Ontario Building Code and Ontario Fire Code regulations.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

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 December 8, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

Second Reading – December 8, 2020
Third Reading – December 8, 2020

Appendix B – Public Engagement

Community Engagement

Public liaison: Notice of Application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on March 5, 2020. A web page on the City of London website www.london.ca was also created and notice was posted March 4, 2020. The notice to Agencies and other City Departments was sent March 5, 2020. The notice was as follows;

Nature of Liaison: City-wide – Implementing Additional Residential Unit Requirements of the Planning Act The purpose and effect of these London Plan and/or zoning changes is to implement recent changes to the Planning Act made by Bill 108/Regulation 299 of the Province of Ontario (*More Homes, More Choice Act, 2019*) which was given Royal Assent on June 6, 2019. Changes to the Act require that the City permit up to two additional dwelling units on a property containing a single detached, semi-detached or street townhouse residential dwelling. Possible amendments to the London Plan to change Policy 939 to 942 and Policy 949 to change wording from “Secondary Dwelling Units” to “Additional Residential Units” and add/modify language to implement Provincial policy and/or regulations for additional residential units. Possible change to Zoning By-law Z.-1 to delete the definition of “Secondary Dwelling Unit” and replace with a new definition of “Additional Residential Unit” in Section 2 (Definitions), make changes to Section 4.37 (General Provisions) to change references from secondary dwelling units to additional residential units and make changes to implement Provincial policies and/or regulations such as number of units permitted, number of bedrooms permitted and parking requirements.

In response to these public engagement initiatives we received fifteen (15) replies, all by e-mail, some providing comments and others posing questions and then providing comment in a further e-mail. The breakdown of the nature of the comments is as follows;

- 3 replies expressed support for most of the amendments;
- 2 replies supported the Provinces affordable housing initiatives but worried the wrong people (ie. Students) would occupy the units and create problems and the additional units wouldn't be occupied by people who needed housing;
- 6 replies expressed concerns that the amendments would increase the problems in existing neighbourhoods; and,
- 4 replies included questions but no specific comments.

Written
Arnon Kaplansky
Ben Lansink 507 Colborne Street
Mardelle Bishop 282 Ramsey Road
Sandra J. Boersen
Sandra Carere 127 Paul Street
Heather and Tom Chapman 3-152 Albert Street
Stephanie L. Sutherland Cohen Highley (on behalf of the London Property Management Association)
Josie Schneider
Ray Jones 264 Huron Street
Joan Lenardon 292 Steele Street
Bob Sexsmith 120-1231 Sandford Street
Carolyn Rowland
Shane Saker
Anna Waz 117 Scotchpine Crescent
Dario Vrbaneck

Agency/Department Liaison

On March 4, 2020 notice of application was sent to other City Departments, Agencies and others included on the City Planning circulation list. The content of the notice was the same as the Londoner notice and the website notice.

Agency/Departmental Comments

On April 14, 2020 the **Upper Thames River Conservation Authority** commented;



"Inspiring a Healthy Environment"



April 14, 2020

City of London – Planning Services
P.O. Box 5035
London, Ontario N6A 4L9

Attention: Chuck Parker (sent via e-mail)

Dear Mr. Parker:

Re: **File No. OZ-9176 - Application to Amend the Official Plan and Zoning By-law Implementation of Additional Residential Unit Requirements of the Planning Act Applicant: City of London**

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies in the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2014)*. The *Upper Thames River Source Protection Area Assessment Report* has also been reviewed in order to confirm whether the subject lands are located in a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the *Planning Act*.

PROPOSAL

The applicant is proposing a City-wide amendment to the London Plan and Zoning By-law to implement additional residential unit requirements of the *Planning Act*. Changes to the *Act* require that the City permit up to two additional dwelling units on a property containing a single detached, semi-detached or street townhouse residential dwelling.

Possible amendments include:

- Change Policy 939 to 942 and 949 to:
 - update wording from "Secondary Dwelling Units" to "Additional Residential Units"; and,
 - add/modify language to implement Provincial policy and/or regulations for additional residential units.
- Possible change to Zoning By-law Z.-1 to:
 - delete the definition of "Secondary Dwelling Unit" and replace with a new definition of "Additional Residential Unit" in Section 2 (Definitions);
 - make changes to Section 4.37 (General Provisions) to change references from secondary dwelling units to additional residential units; and
 - make changes to implement Provincial policy and/or regulations such as number of units permitted, number of bedrooms permitted and parking requirements.

CONSERVATION AUTHORITIES ACT

Numerous properties within the City of London are regulated by the UTRCA in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the *Conservation Authorities Act*. The UTRCA has jurisdiction over lands within the regulated area and may require that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland. Further, the *Conservation Authorities Act* provides a definition of "development" which means:

- (a) *the construction, reconstruction, erection or placing of a building or structure of any kind,*
- (b) *any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,*
- (c) *site grading, or*
- (d) *the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere; ("aménagement")*

COMMENTS & RECOMMENDATION

The UTRCA has reviewed the proposed changes in relation to the existing policies and regulation within the London Plan and Z.-1 and offer the following comments:

1. Policy 942 #4 provides a value for maximum gross floor area of a secondary dwelling unit. Please clarify how the proposed changes will be implemented into this policy for accessory dwelling units.
2. Policy 942 #10 states that secondary dwelling units shall not be permitted within the basement of a dwelling in the flood plain. Please ensure the revised policy addresses no accessory dwelling units within the flood plain or other natural hazard lands. This should include the conversion of an existing accessory structure into a dwelling unit.
3. Policy 949 advises that site plan approval is not required for secondary dwelling units within existing structures and converted dwellings with a maximum of two units. Please refer to comment #2 and clarify how this policy will be changed to address existing accessory structure conversions. Furthermore, please ensure that UTRCA regulatory requirements are met through the building permit review for property located within natural hazard lands.
4. Section 4.37 of Z.-1 outlines regulations for Secondary Dwelling Units. Please ensure the revisions for this section do not permit additional dwelling units within natural hazard lands of existing and new buildings/structures.
5. It is important to note that properties affected by natural hazards may not necessarily be zoned to reflect the natural hazard and it is therefore not sufficient to rely on the residential zoning as a test for allowing second dwelling units.

Similarly to the comments provided on the Secondary Dwelling Unit policies from April 2017, the UTRCA and the City of London have policies in place to limit intensification in these areas and it will be necessary to incorporate appropriate provisions in the Accessory Dwelling Units policies to ensure that these policies are not contrary to existing policies and that they are consistent with Provincial, UTRCA and City natural hazards policies.

Once available, please provide proposed policy changes and definitions to the UTRCA for review.

Thank you for the opportunity to comment. If you have any questions, please contact the undersigned at extension 430.

Yours truly,
UPPER THAMES RIVER CONSERVATION AUTHORITY



Stefanie Pratt
Land Use Planner

c.c.: Christine Creighton, UTRCA Land Use Planner
Brent Verscheure, UTRCA Land Use Regulations Officer

From: [REDACTED]
To: [Parker, Charles](#)
Cc: [REDACTED]
Subject: [EXTERNAL] Additional Residential Unit Review
Date: Monday, September 28, 2020 9:13:02 AM

Dear Mr. Parker:

I have recently had the opportunity to read the Report to Planning and Environment Committee regarding Additional Residential Units.

I do recognize the need for more types of housing and affordable housing here in London. However, as a tax-paying resident of a Near Campus Neighborhood who has already experienced 'intensification', I feel obliged to offer the following for consideration:

1. The changes which I have observed in this area are not in keeping with the original neighborhood 'character'. I refer to the cheap construction (no back door), overall design and repetitive use of external materials.
2. Only 2 parking spots are provided for 5-bedroom houses while undeveloped properties generally have a minimum of 3 parking spaces. This results in streets lined with cars, illegal parking and hazardous driving conditions in the winter. We also contend with increased traffic noise and speeding. I have requested speed bumps on Paul Street and that request has been ignored.
3. The by-laws which pertain to garbage and waste need to be reviewed and updated before further intensification is commenced. The current by-laws permit the placement of garbage bins and recycling at the side and front of houses. Not surprisingly, the students choose to place them on the front porches. The appearance of the bright blue, overflowing recycling bins and uncovered garbage containers is not only unattractive, it results in garbage-strewn lawns and streets and an increase in skunks, squirrels and racoons. On a single windy day, I personally have collected half of a large bag of garbage from my property. Further intensification should include enclosed garbage sheds/bins to house the garbage containers at the rear of properties. Moreover, by-law enforcement is inadequate and relies too heavily on complaints from the property owners who live in this area.
4. Existing infrastructure needs to be adequate for any development plan. The infrastructure in this neighborhood was not created to support 5-bedroom, 5-bathroom homes so regular plumbing/sewer issues are not a surprise.

Your consideration is greatly appreciated as we do, after-all, want to keep London – all of London – beautiful.

Kindly provide a copy of the notice for upcoming public meetings.

Regards,

Sandra Carere
[REDACTED]

Response to Planning Report re OZ9176

Very little in this report will benefit most near campus neighbourhoods, more likely is an increase in the problems already there. There appeared to be still an opportunity to exempt these neighbourhoods, though that was not recommended by the planner to council. (**Page 9** "The Ministry did not, however, remove the restriction on secondary dwelling units within the Near Campus Neighbourhood Area even though Council earlier resolved to allow them in the Near Campus Neighbourhood Area".)

Few of the "benefits" cited in report (**page 2**) apply to most parts of the near campus areas. Some examples.....

.....Providing homeowners an opportunity to earn additional income to help meet the cost of home ownership (**it is a small business for a significant number of owners, many of whom don't even live in the city**)

..... Supports demographic changes by encouraging "aging in place" (**seniors prefer a quiet area if financially feasible and many would leave their near campus neighbourhood if they had the resources to do so**)

..... Creating jobs in the construction/renovation industry (**many of these jobs are done without permits or inspection**)

..... Providing a variety of housing choices (**only if one wants a home with a large number of bedrooms and reduced common areas**)

.....Promoting community diversity through diverse housing opportunities (**the diversity is mainly adding more students to the mix**)

.....Offsetting housing expenses (**in reality these are part of a business model which must have high rental rates to cover expenses and provide desired profit for owner**)

There must be some reason why it is beneficial to the City to have these near campus areas continue to deteriorate through increasing student density with little enforcement of policies such as requiring licences (with a high enough fee to cover enforcement) that might protect both neighbouring residents and the student renters.

Before density is increased, the City and the University/Colleges should develop measures which are easy to access and effective to cope with the large number of young adults who are already there. Regrettably, though they are appealing, intelligent, attractive individuals, many of them have no experience in living on their own without adult oversight. When there are no parents or landlords on site, it becomes the unwelcome responsibility of the neighbours to maintain their neighbourhoods by training these young renters re their civic responsibilities concerning garbage, litter, noise, parking, property appearance, outdoor fires and unsafe activities. There is nothing in the report indicating if the City has any will to address this when increasing density other than the nonspecific sentence on **page 4** " Bill 108 grants the municipality the ability to develop policies and regulations to mitigate potential impacts created by additional residential units".

The Province's desire to curtail urban sprawl and increase density is unlikely to achieve this outcome in the near campus areas in London. The young families, who should be living there where they could actually walk or cycle to many of the work opportunities, do not want to risk the problems with student neighbours and are instead being forced to go to the more affordable developments occurring on prime farms land at the edge of the city. The individuals taking advantage of these changes are likely to be professional landlords who are running lucrative small businesses with very little oversight.

Mardelle Bishop



September 25, 2020

From: [REDACTED]
To: [Parker, Charles](#)
Subject: [EXTERNAL] Implementing Additional Residential Unit Requirements of the Planning Act
Date: Tuesday, September 22, 2020 9:28:25 PM

Hello Chuck,

My name is Anna Waz and I am a resident of London. I am very interested in following the changes occurring regarding the implementation of additional dwelling units. Is there any mailing list I can be added to to be kept informed of new information and public participation meetings?

Thank you,

Anna Waz

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: Monday, August 17, 2020 2:32 PM
To: Parker, Charles
Cc: [REDACTED]
Subject: [EXTERNAL] New secondary units

Mr. C. Parker

What is the purpose of more student housing unit when the need for affordable housing is going to help people.

Or is the present student housing needs is shorten and we can start reducing the housing cost that student pay and move the homeless in to these Units.

Robert Sexsmith

[REDACTED]
London N5V2J8
[REDACTED]

From: arnon kaplansky [REDACTED]
Sent: Sunday, September 6, 2020 8:31 PM
To: Parker, Charles
Subject: [EXTERNAL] OZ-9176

Hello Charles,
Are you trying too pass this under the old OP or the New OP? Does your recommendation address the provincial goals?
Please notify us so we can have the option to appeal if it does not reflect provincial goals.
Thank you,
Arnon Kaplansky
Please add it to agenda .
Sent from my iPhone

From: [REDACTED]
To: [Parker, Charles](#)
Subject: [EXTERNAL] Re: Additional Residential Unit Review - City of London (02-9176)
Date: Wednesday, August 19, 2020 9:30:06 AM
Attachments: [image001.png](#)

Good morning Charles,

My interest is in student rentals, particularly those grandfathered in to allowing 8 students in one house. My neighbor claims to have such an allowance and it has resulted in a lowering of prices for Family occupied houses in close proximity to the 8 student rental,

It has also been identified by the Police as a "hot spot" attracting as many as 70 students, ambulances and loud noise in to the night in violation of the Noise By Law.

If the 8 student allowance were to be lowered to 5 I am confident that it would quickly lose its hot spot designation.

Would the study currently underway encompass the concerns I have referenced?

Ray Jones

On Wednesday, August 19, 2020, 09:12:12 a.m. EDT, Parker, Charles <cparker@london.ca> wrote:

Good morning Ray. Thanks for responding. The Province requires us to allow two additional units per single detached, semi-detached and street townhouse dwelling but allows us to have policies and regulations to regulate certain aspects of the units. The information report is on the City website under Business/Planning/Current Applications at the link provided in the letter. If you could review the draft amendments at the end of the information report and comment, good or bad, on the different London Plan policies and zoning by-law regulations that would be helpful. If you want to keep it short just comment on those you have a concern with, and why. Examples are always useful.

Thanks.



W.J. Charles Parker, M.A.

Senior Planner – Long Range Planning and Sustainability – Planning Policy

City Planning

City of London

206 Dundas Street N6A 1G7
P: 519.661.2489 x 4648 | Fax: 519.661.5397
cparker@london.ca | www.london.ca

From: Heather and Tom Chapman [REDACTED]
Sent: Tuesday, September 29, 2020 4:15 PM
To: Parker, Charles
Cc: [REDACTED]
Subject: [EXTERNAL] Re: Additional Residential Unit Review (OZ-9176/City of London)

Re: Additional Residential Unit Review (OZ-9176 City Of London)

W.J Charles Parker
Senior Planner – Planning Policy
City Planning

My comments:

This legislative attempt to provide more affordable housing units will only benefit London and it's citizens if it is properly legislated, monitored and processes enforced at the municipal level.

There has been an acute lawlessness and disregard for the City and the existing homeowners now for years, when it comes to adding units to existing dwellings.

More recent and specific in our neighbourhood has been a complete denigration of structurally sound architecture and backyards of detached dwellings on residential streets by a few real estate companies and developers. Their intention is to excessively profit from these homes by turning them into high rent per bedroom (6 or more) boarding houses for wealthy postsecondary students with expensive foreign cars who want to drive to campus rather than use very sufficient ecological direct transit available a block away. This does nothing to help the large population of working poor or regular students needing housing or for people who are working while taking courses towards a degree or license. It is also driving double digit rent increases causing more homelessness. We have discussions with some of our neighbours living in existing affordable apartments now, who feel that they are systematically being driven out of their apartments by the new owners of their buildings. These neighbours believe that the new owners want them to move out so that they can renovate those apartments, and in doing so, remove the rent controlled status of their apartment unit, thereby, allowing the new owner to charge almost double the rent fee.

This has happened on St. George Street and most recently on Central Avenue. And NOT ONCE did any of the homeowners or neighbours receive any notice from City Hall about an application for a variance to change the property in physical structure, appearance or purpose - legally or as a courtesy. There seems to be no rules or accountability and no repercussions to this disregard for community and the existing home owner/resident. Adding residential units is crucial but it must be done right by the City of London Government or it does not benefit London or the persons it is designed to help and attract.

Heather D. Chapman
[REDACTED], London ON

From: Susan Bentley [REDACTED]
Sent: Monday, October 19, 2020 3:52 PM
To: Parker, Charles
Cc: Barrett, Gregg; Adema, Justin; [REDACTED]
Subject: [EXTERNAL] RE: Comments on Additional Residential Unit Review (OZ-9176/City of London)

Dear Mr Parker,

As the changes to the "Secondary Dwelling Units" policy are desired by the current Ontario Government and were also approved by Council over the expressed wishes of Neighbourhood groups in Near Campus neighbourhoods, I really didn't see any point in responding to this notice!

I was thoroughly dismayed and demoralized when Council undermined the conversations we had with the Planning department during the development of the London Plan. By revisiting the provisions of the Plan that benefitted homeowners and suddenly revising the zoning by-law and voting against our request to restrict secondary dwelling units to owner-occupied houses or by limiting the size of such units, Council favoured developers and landlords.

In Near Campus neighbourhoods. many of us at the community level have simply given up hope of ever having the type of balanced neighbourhood envisioned by the Near Campus Neighbourhood Secondary Plan.

Thank you for your attention.

Sincerely
Susan Bentley

From: sandra j boersen [REDACTED]
Sent: Tuesday, August 18, 2020 3:04 PM
To: Parker, Charles
Subject: [EXTERNAL] Re: regarding additional residential units

*will the enforcement of said amendments
be discussed as well*

that is:

*lets assume that a residence (primary) with three bedrooms
builds an additional unit with one bedroom with den for their aging mother in law (it doesn't matter whether
its attached to the building or a separate structure, but lets assume its a separate structure)
assuming floor area , height etc is met, this would then be allowed
and probably looked upon as a great thing*

*now lets assume that a few years pass
the mother in law has now passed
the owners could own rent out the additional unit as a two bedroom
as they are still within the 5 bedroom cap... again no issues
hopefully parking and noise remain within acceptable limits
all is still good*

*more time passes
the owners move to a smaller residence
and sell the property (which i assume must all be sold as one parcel) ...although this might bring up issues
about severancing etc... which i don't think are addressed in your report (but probably should be)
now the new owners use all the rooms in the primary residence as bedrooms (unless they are a
kitchen/washroom or furnace room)
which now makes that home really about 6/7 bedrooms (they rent the property out)...plus the two from the
ADDITIONAL residence (which were existing)
in fact, all were existing as rooms...
we have now gone from a situation where a good thing has gone to a problem...with just a change of
ownership...and a change of use...nothing else
no permits... no building...no committees...no input from the community
just a silent change of use
and suddenly there are 8/9 bedrooms on this property*

*how now do you enforce the rule?
how do you stop the overcrowding?*

*love and later
sandra j boersen*

We often look so long and so regretfully upon the closed door, that we do not see the one which has opened for us." Alexander Graham Bell

From: Parker, Charles <CParker@London.ca>
Sent: August 18, 2020 2:46 PM
To: [REDACTED]
Cc: Adema, Justin <jadema@london.ca>
Subject: RE: regarding additional residential units

As the draft amendments are written the 5 bedroom cap is for the entire property (all units) and there is no additional parking required for the additional units in the Near Campus Neighbourhood other than those required for the primary dwelling.



W.J. Charles Parker, M.A.
Senior Planner – Long Range Planning and Sustainability – Planning Policy
City Planning
City of London

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cparker@london.ca | www.london.ca

From: [REDACTED]
Sent: Tuesday, August 18, 2020 2:32 PM
To: Parker, Charles <CParker@London.ca>
Subject: [EXTERNAL] Re: regarding additional residential units

*can you confirm
whether my understanding of the report is correct...that is;*

*that at least in the near campus neighbourhoods
that the bedroom cap applies to the whole property...not each unit
and that no additional parking is required should additional units be "made"*

*love and later
sandra j boersen*

We often look so long and so regretfully upon the closed door, that we do not see the one which has opened for us." Alexander Graham Bell

From: Parker, Charles <CParker@London.ca>
Sent: August 18, 2020 12:00 PM
To: 'sandra j boersen' [REDACTED]
Subject: RE: regarding additional residential units

Good morning Sandra. Nothing has been approved. Planning staff reviewed the revised Provincial policies and determined what may be required to implement them in the London Plan and Zoning By-law. Because we can't hold Community meetings (similar to past reviews) we provided an information report (which Council directed us to circulate) and website so people would have access to the information to provide comments. The amendments attached to the report are draft, not approved. A future public meeting will be held before the amendments are approved.



W.J. Charles Parker, M.A.
Senior Planner – Long Range Planning and Sustainability – Planning Policy
City Planning
City of London

206 Dundas Street N6A 1G7
P: 519.661.2489 x 4648 | Fax: 519.661.5397
cparker@london.ca | www.london.ca

From: sandra j boersen [REDACTED]
Sent: Tuesday, August 18, 2020 11:30 AM
To: Parker, Charles <CParker@London.ca>
Subject: [EXTERNAL] regarding additional residential units

*I'm a bit confused
It appears as though counsel may have already voted on this issue
Am I right in assuming so*

*If that has been the case
can you confirm
that at least in the near campus neighbourhoods
that the bedroom cap applies to the whole property...not each unit
and that no additional parking is required should additional units be "made"*

*thanks
i just received notice of this issue
yesterday*

*love and later
sandra j boersen*

From: C.R. Rowland [REDACTED]
Sent: Tuesday, September 29, 2020 12:43 PM
To: Parker, Charles
Subject: [EXTERNAL] Z 8909 & OZ 9176

Dear Sir,

I am writing to inquire if you can simplify for me the legalese contained in these two documents. I find them confusing and difficult to interpret.

My primary concern is relatively simple. How do these changes to the London Plan and the Zoning By-Laws affect my neighborhood directly.

I have lived for decades now, in an area zoned Z1-10 quite near the UWO campus. In the past decade, there has been a significant influx of student rental properties here, culminating in real challenges to the fabric of my community. Obviously we are quite concerned with anything that would erode any further our ability to quietly enjoy our property and further reduce the quality of life that we have had here.

- What are the most significant changes to the existing zoning laws?
 - Do these changes enable landlords to build multiple dwellings on properties with single detached dwellings?
 - Does this allow landlords to further increase the density of housing by building additions?
 - Does this legislation enhance a landlord's ability to pack a property with too many unrelated individuals?
 - Will any of this change enhance the city's ability to deal with landlords operating illegally?

The essence of these questions is of course related to the ongoing problems we have had, and whether or not we should be expecting these changes to further impact our quiet enjoyment.

When this home was purchased, it was understood that the zoning laws were a protection, an agreement with the property owners that the laws governing land use here were enshrined, and presented a bulwark against problems with land use and other residents. Now they seem to have become a threat. I would be greatly pleased if you can dis-abuse me of these notions.

Please be so kind as to address my questions and concerns in a summary fashion, your view of these changes from 30,000 feet would be appreciated.

Regards,

Carolyn Rowland



REPLY TO:

London
One London Place
255 Queens Ave., 11th Floor
London, ON N6A 5R8
T 519 672-9330
F 519 672-5960

Kitchener
55 King St. West
Suite 1001
Kitchener, ON N2G 4W1
T 226 476-4444
F 519 576-2830

Chatham
101 Kell Dr. South, Unit 2
P.O. Box 420
Chatham, ON N7M 5K5
T 226 484-1034
F 519 672-5960

Samia
1350 L'Herbage Dr.
Samia, ON N7S 6H8
T 519 344-2020
F 519 672-5960

Stratford
100 Erie St.
Stratford, ON N5A 2M4
T 226 779-0005
F 519 672-5960

September 29, 2020

VIA EMAIL: cparker@london.ca

Chair and Members
Planning and Environment Committee
City of London
300 Dufferin Avenue, PO Box 5035
London, Ontario N6A 4L9

Dear Chair and Members:

Re: Proposed Amendments to Zoning By-law Z-1 – Additional Residential Units (“ARUs”)

We are the lawyers for the London Property Management Association (“LPMA”). The LPMA is committed to promoting education and professionalism among its more than 500 members. The vast majority of LPMA members are owners and operators of multi-residential rental properties, including apartment buildings and converted residential dwellings providing student housing in areas of the City where post-secondary education facilities are situated.

We have reviewed the Report to Planning and Environment Committee, dated July 3, 2020, titled “Implementing Additional Residential Units Requirements of the Planning Act (Bill 108) – Information Report City-wide/City of London”. It is our understanding that this Report was presented to the Committee at a meeting on July 13, 2020.

On behalf of the LPMA, and for the purpose of a future public meeting to discuss the proposed amendments to the Official Plan and Zoning By-law Z-1 (“ZBZ1”), we respectfully submit the following in response to the proposed amendments outlined in the Report:

Overall Position

The LPMA understands that amendments are required in order to bring the Official Plan and ZBZ1 into compliance with the *Planning Act*, given the recent changes introduced by Bill 108. Overall, the LPMA is supportive of the proposed amendments, as the ability to have two, rather than one, additional residential unit will benefit both landlords and tenants and help to increase affordable housing in the City of London.

1. Definitions

The LPMA does not take any position regarding the proposed amendments to definitions as set out in the Report, other than to support the proposed change from ‘secondary residential unit’ to ‘additional residential unit’ in order to be consistent with the *Planning Act* terminology and to clarify that more than one unit could be added.

2. Remove the restriction on ARUs within Near Campus Neighbourhoods

The LPMA supports this proposed amendment, for a variety of reasons: it is in line with the City Council's intentions for the 2016 Plan, which was omitted from the Ministers Modifications despite a vote from City Council; it will benefit landlords who reside in Near Campus Neighbourhoods; and it will benefit students as it will provide more housing close to campuses.

3. Parking

The LPMA supports the proposal to not amend the current parking provisions for ARUs. Requiring one parking space per unit would be onerous on many landlords, both in terms of finances and space. In addition, many tenants – particularly students – do not require parking spaces, and do not wish to pay for the extra expense that landlords would be required to charge if additional spaces were mandatory. Maintaining the current requirement of 2 parking spaces per unit rather than 1 parking space per each ARU will benefit both landlords and tenants.

4. New Parking in Heritage Conservation Districts

The LPMA understands that there are no amendments currently proposed on this issue, and that the Report advised that further discussions with the Heritage Committee and the London Advisory Committee on Heritage. The LPMA would like to be involved in those discussions as well, as appropriate.

5. Numbers of Bedrooms Permitted

There are no amendments proposed to the current maximum of 5 bedrooms per unit. The LPMA respectfully submits that either the maximum number of bedrooms be increased, or ZBZ1 be amended to have separate maximums for ARUs rather than the current status that has the maximum including ARUs. With two ARUs now permitted, the current maximum of 5 bedrooms per unit (or 3 in Near Campus Neighbourhood Areas) is very limiting on landlords who wish to have two ARUs on a property, and would defeat the purpose of increasing affordable housing in the City.

6. Height of ARUs

The LPMA takes no position on this issue.

7. Maximum Gross Floor Area (GFA) for ARUs

The LPMA supports the increase of maximum GFA from 40% to 45%. This proposed amendment allows for more GFA of the ARUs, which is helpful if a second ARUs is to be created, while maintaining the primary versus secondary nature of the units.

8. Minimum GFA for ARUs

The LPMA takes no position on this issue.

9. Other Changes in Heritage Conservation Districts

The LPMA understands that there are no amendments currently proposed on this issue, and that the Report advised that further discussions with the Heritage Committee and the London Advisory Committee on Heritage. The LPMA would like to be involved in those discussions as well, as appropriate.

10. Changes to Other Municipal By-laws/Processes

The LPMA understands that there are no amendments currently proposed, but that there are a number of other City processes and by-laws that would be affected by changes to ZBZ1 regarding the ARUs. The LPMA requests be involved, or at least made aware of, future proposed changes to other by-laws and processes as applicable.

The LPMA extends its appreciation to the Committee for allowing stakeholder input in the draft by-law and for listening to same. We would appreciate if you could please advise our office once the date of the future public meeting is known, so that we or our client can attend.

Yours very truly,



Electronic signature digitally attached

COHEN HIGHLEY LLP
Stephanie L. Sutherland
SLS

cc: LPMA

ORCHARD PARK SHERWOOD FOREST RATEPAYERS



October 30, 2020

Chuck Parker
Planner
City of London

Re: Additional Residential Unit Review (OZ-9176)

Our association supports the general intent of the amendments. In particular we wish to support in the zoning by law:

- No change to the number of bedrooms as defined in the zoning by law
- No change to the draft that no additional parking spots be required
- Consistency between the Official Plan/London Plan and the zoning by law of a maximum 40% Gross Floor Area for any additional residential units

Sincerely,

Sandy Levin
Therron Jones
Rich Quench

On Behalf of
Orchard Park/Sherwood Forest Ratepayers
London, ON

September 3, 2020

Many thanks for asking me for my **Review**. I have put it in the form of an **Outline** for the sake of brevity.

OUTLINE AND MY RESPONSE TO

Additional Residential Unit Review (OZ-9176/City of London
Received by me on August 17, 2020 by mail
from W.J. Charles-Parker, Senior Planner - Planning Policy
cparker@london.ca - City Planning, City of London
206 Dundas St., London ON N6A 1G7

I. **GOALS ARE ADMIRABLE**

- . maintain and enhance characteristics of Residential Neighbourhoods
- . help to resident owners
- . address housing crisis for homeless
- . provide housing for those needing ***Affordable Housing***
- . minimize regulations related to residential development through changes to various acts dealing with planning process
- . reduce fees related to development
- . identification of additional residential units as one of least expensive ways to increase supply of ***Affordable Housing***
- . take direction from review by Public in order to be accountable to affected Neighbourhoods

II. METHODS ARE BOTH INEFFECTUAL AND COUNTER-PRODUCTIVE

- A. Conversion or expansion of existing single-family residential housing stock to create new residential units

- B. Intensification and densification of existing Residential Neighbourhoods
 - . intensify situation of renting to a population **that is not the one** you are aiming at: **live-in care-giver; working poor; elderly parents**
 - . profile of existing population who rent by the room in free-standing, single family residential housing stock
 - . affluent
 - . do not become neighbours
 - . life is elsewhere on campus
 - . do not use existing Parks
 - . life is elsewhere: Campus; Downtown
 - . do not use Public Transport
 - . cars; bikes; walking
 - . do not use nearby elementary and high schools
 - . in residence only 7 months of the year, leaving residential stock empty, unoccupied for over 5 months is **OBSCENE**, given the present exigency to provide Affordable Housing
 - . Rentals by each room from \$300.00 and more drives up income from rent far above so-called *Affordable Housing* for those who really need it
 - . furthers the disintegration of Residential Neighbourhoods

- C. Blatantly contradicts and impedes Goals of London's New Program: **NEIGHBOURGOOD**, directed by Karen Oldham

III. SUGGESTIONS

- A. Pursue, undertake, put into operation
 - *Affordable Housing Foundation*: consult with Stephen Giustizia, Chief Executive Officer, Housing Development Corporation, London
 - *Housing Stability For All: The Housing Stability Action Plan for the City of London 2019-2024*
 - page 3: "The City of London wants to remain a city where residents and their families can live, work and thrive", Ed Holder, Mayor, City of London

- B. Set up more *Non-Profit Housing Corporations*.
 - See: *A Guide to Family Housing*: Households with dependents, City of London and County of Middlesex: <https://www.london.ca/residential/Housing>

 - *Housing Day (2019)* several speakers called upon City to utilize existing yet empty industrial, commercial and institutional buildings to be renovated for residential use

- C. Liaise with Karen Oldham's Program:
NEIGHBOURGOODLONDON; neighbourgood@london.ca
.....

CV re: Housing; Habitable Neighbourhoods

- Co-Treasurer, London Neighbourhood Community Association
- President of the Board, Kinwell Non-Profit Housing Corporation
- Block Parent (1964-2015)
- Member, Neighbourhood Watch (1966 to present)
- Zone Coordinator, Neighbourhood Watch (2016) to present
- Member, Ontario Non-Profit Housing Association (ONPHA)

Respectfully submitted,

Joan Lenardon

*P.S. - Please inform me of Public Hearings
Thank you
Joan Lenardon*

Appendix C-1 – Overview Of Other Ontario Municipalities Policies/Regulations Implementing Bill 108 Changes

Municipality	Review Process	Official Plan Review	Zoning By-law Review	Other
<p>Hamilton Contact- Joanne Hickey-Evans- Manager- Policy Planning and Zoning By-law Reform Tim Lee- Project Manager Planning and Economic Development Department</p>	<p>•Status- At the same stage as London- in the process of implementing. •public engagement in November/December 2020 •Discussion paper submitted to Council September 22, 2020. •Amendments will be processed through their comprehensive zoning by-law review. •additional units being dealt with separately in rural area.</p>	<p>Existing Policies for Secondary Dwelling Units will have to be revised to allow two additional units</p>	<p>•Working on a new Zoning By-law (parts adopted in 2005 but residential zones the last to be dealt with) - currently has 7 separate by-laws •Submitted Laneway housing report in Sept 18, 2018 (Laneway is defined as 12m or less- in proposed amendments no longer require laneway) •Hamilton defines type of structure by size- Small houses – 37-93m², Tiny houses - < 37m², Secondary units - <50m² •call them secondary dwelling units</p>	<p>•On their website have a separate “Provincial Policy Matters” section under Planning. •have allowed accessory dwellings since the 1970’s. •Most complicated issue to deal with is detached secondary dwelling units •no DC’s or parkland dedication fees for extra units</p>
<p>Kitchener Contact- Tim Donegani- Senior Planner Development Services (Planning)</p>	<p>• Status- have completed implementation of Bill 108- amendments approved in October 2019 •October 22, 2019 Planning Report</p>	<p>•New Official Plan in 2014-permitted in Low-Rise Residential •City-initiated OPA for additional dwelling units. •OPA updated terminology, removed req. for ZBA and includes criteria.</p>	<p>• use the term attached or detached “Additional Dwelling Unit” in zoning by-law •Reviewed as part of comprehensive Zoning By-law review - Residential Zones and Urban Growth Centre (Downtown) Zones were last •all other zones developed in April 2019. •zones will be applied through Neighbourhood Planning Reviews or Ward by Ward in 2020-only one ward complete</p>	<p>•have allowed 2 units since 1994. •Two previous related studies 1. 2017 Residential Intensification in Established Neighbourhood Study 2. 2019 Urban Design Study •these studies provided direction for review •Included option of allowing all three units on a property in existing buildings only •allow backyard tiny houses</p>

Municipality	Review Process	Official Plan Review	Zoning By-law Review	Other
<p>Windsor Contact- George Robinson – Planner II- Revitalization and Policy Initiatives Planning Department</p>	<p>Status- have completed implementation of Bill 108- June 26, 2020 •February 2020 Report-to Council March 9, 2020 •previous June 19, 2018 report.</p>	<p>•OPA 130 Completed (2 additional units) •OPA 122 (Secondary Units-Sept 2018)</p>	<p>•Zoning By-law amendment completed •Use the term “additional dwelling units” •If there are more than 3 people in the units it is considered a lodging house under the by-law</p>	<p>•Most units built since November 2018 have been basement units in new construction •They require backflow valves and sump pumps for basement units •No exterior changes on heritage properties •no grandfathering of units before November 2018 •don’t license units •reviewing ways to make it easier to build detached units.</p>
<p>Toronto Contact- Mark Christie – Project Manager- Strategic Initiatives, Policy and Analysis City Planning Division</p>	<p>Status- have processed all of the required amendments but still looking at ways to encourage more affordable housing-“missing middle” •They feel they are aligned with Bill 108 and new PPS •Two separate by-laws-both have been updated-one for main dwelling and on for detached dwellings</p>	<p>•No changes to Official Plan -only updates to policies to align to Bill 108 and PPS •Two previous amendments – OPA 403 – Laneway Suites amendment in June 2018 -OPA 418 – Second Unit Review OPA 460- Laneway Suites Review</p>	<p>•Secondary Suite By-law amended and in effect (March 2019) •Laneway Suites By-law in effect (July 2019)</p>	<p>•One of the first municipalities to permit secondary suites (July 1999) •initially only allowed in existing dwellings •have performance standards for laneway suites •have a laneway suites website and a divisional working group •over time have allowed in new construction, put a max. GFA in, removed minimum sizes, reduced parking and allowed entrances on front walls •staff training program and housing program •monitor minor variances to determine if further changes required.</p>

Municipality	Review Process	Official Plan Review	Zoning By-law Review	Other
Ottawa	Currently permit a secondary dwelling unit in the main dwelling and allow either a garden suite or coach house detached structure	Working on a New Official Plan. OPA 124-Garden Suites OPA 133-Secondary Dwelling Units OPA 142-Coach Houses All include policy criteria	Separate zoning by-law regulations for secondary dwelling units, garden suites and coach houses.	<ul style="list-style-type: none"> •Housing Discussion Paper •Rental Accommodations Study •Cost - \$200-300 /ft²to build a secondary dwelling unit.
Kingston	Status- completed implementation of Bill 109 July 5, 2018-first public meeting June 6, 2019 report-OPA. No 65	City initiated OPA	City initiated ZBA	<ul style="list-style-type: none"> •Second residential unit permit guide-Sept 2019 •On-line survey for comments

Appendix C-2 – Other Ontario Municipalities Zoning By-law Regulations

Municipality/ Date of Info	Unit Sizes	% of GFA	Parking	Location of Additional Dwellings	Accessory Buildings (Detached)	Other
<p>Kitchener New zoning by-law being developed. Residential and City Centre zones last. OPA/ZBA approved October 2019. Other zones in April 2019. Zones still to be applied.</p>	<p>None</p>	<p>40 Total coverage of all buildings can be a max. of 55%. Accessory buildings can be a max. of 15%.</p>	<ul style="list-style-type: none"> •1 driveway per lot per street unless more than 30 m frontage then 2. •parking spaces only in front of garage and made from same material. •have a definition of tandem parking. •a home occupation requires 1 space plus 1 space for outside employee. •where 3 parking spaces required, 2 may be tandem. 	<ul style="list-style-type: none"> •Allow on single, detached, semi-detached and street townhouse lots as attached or detached units. •Allow 3 units in existing dwelling. 	<ul style="list-style-type: none"> •on same lot. •on municipal services. •One on a lot. •not in front yard •landscaped open space-30%. •not allowed to be severed. •maximum size is 40% of main building. •not located in front or exterior side yard. •3-6 m height •need to provide a 1.1m walkway from driveway, street or lane. •can only be located on lots with a minimum of 395m² lot area and 13.1 m width. •0.6m setback from rear or interior side yard •7.5m separation distance from main building. •cannot have a detached residential building. 	<ul style="list-style-type: none"> •If permitting 3 units in existing building need; -395 m² minimum lot area -13.1 m minimum lot width -minimum landscaped open space-20% - max. 25% addition allowed to rear. •Tiny houses are permitted •use the terms attached and detached. •use the term additional dwelling units, attached or detached units. •only 1 entrance on each street line facade

Municipality/ Date of Info	Unit Sizes	% of GFA	Parking	Location of Additional Dwellings	Accessory Buildings (Detached)	Other
Hamilton •working on new Zoning By-law •have secondary dwelling units and laneway suites	•Min- 50 m ²	50	•1 per unit •0 required in older areas •don't allow tandem parking	•Allow on single, detached, semi-detached and street townhouse lots.	•Laneway Unit Report – Sept 2018 - only permitted on lots with a single detached dwelling. -unit must be on ground floor -no doors or windows to laneway -cannot be in front yard -access, servicing or parking cannot be in laneway. -allow 1 entrance per façade on corner lots, interior lots allow 2 or in rear yard. - 6 m height max. - Min. 7.5 m setback from main dwelling - 1.2m sideyard	•Define dwelling types by size - Small houses-37-93m ² - Tiny houses-less than 37m ² - Secondary units-less than 50m ² •call them secondary dwelling units
Windsor Zoning by-law amendments approved in June 2020	Min.-40m ² (430 ft ²) Max.- 100m ² (1076 ft ²)	Not tied to size of main building	•No additional parking in core areas, 1 space per unit outside •no parking for second additional unit, 1 for main dwelling and one for accessory unit.	•Allow on single, detached, semi-detached and street townhouse lots. •No basement units in floodplain or where no downspouts, sump pump or backflow preventer has been installed	•requires pedestrian access from paved street or alley •connect to municipal services. •no severances •height can be increased to 8m (sloped) and 6m (flat) •height can't exceed main building. •side and rear yard setback – 0.6m-1.2m.	•decided not to license second units (Feb 2018) •no grandfather of existing second units (before Jan 1, 2012) •no alteration of heritage exteriors for listed or HCD's. •use the term additional dwelling units. •if more than 3 people/lodgers-need to be zoned for lodging houses •have to meet Building Code and Fire Code.

Municipality/ Date of Info	Unit Sizes	% of GFA	Parking	Location of Additional Dwellings	Accessory Buildings (Detached)	Other
<p>Toronto Zoning by-law amendments approved in March 2019 (Secondary Suites) and July 2019 (Laneway Suites).</p>	<ul style="list-style-type: none"> •None – rely on Ontario Building Code min. room size •must be less than main dwelling unit. 	<p>45 Allow basement unit in entire area if 1 sty.</p>	<ul style="list-style-type: none"> •1 space for either 1 or 2 units •tandem parking permitted •require 2 bicycle spaces 	<ul style="list-style-type: none"> •Allow on single, detached, semi-detached and townhouse lots. •allow entrance in front wall or side wall facing a street •allow entrance on a corner lot for detached, semi and townhouses 	<ul style="list-style-type: none"> •height has to be lower than main dwelling but less than 2 storeys. •must have access to public lane •only on lots with a minimum 3.5m wide rear or side lot line abutting a public lane. •min. setback from 1 sty main dwelling is 5m, 7.5m for 2 sty. •max. height -1sty-less than 4m, 2 sty from 4-6m •60% landscaped open space between accessory dwelling and main dwelling •max. size of 8 m by 10m (80m²) •1.5m rear yard setback •Floor Space Index (FSI)-0.6-2.5X area of lot •have a maximum GFA •second storey setback. •rear yard-7.5m •allow basements but only for storage and mechanical-included in height calculation •excluded from calculation of floor space index or other density provisions. 	<ul style="list-style-type: none"> •allowed in existing and new construction. •call them secondary suites and laneway suites. •has a definition which makes a distinction between duplex and a single detached dwelling with a secondary suite. •also allow in legal conforming dwellings in other zones. •Toronto monitors minor variance applications for secondary suites and laneway suite especially for parking,

Municipality/ Date of Info	Unit Sizes	% of GFA	Parking	Location of Additional Dwellings	Accessory Buildings (Detached)	Other
Ottawa (2012- Secondary Dwelling Unit Review)	Either 40 % of main dwelling or 95 m ² , whichever is smallest.	40 % unless it is a basement unit which can occupy full basement	•No additional parking required except for duplexes •Tandem parking permitted	Coach houses permitted	•No rooftop patios.	<ul style="list-style-type: none"> •call them secondary dwelling unit, garden suites and coach houses. •addition cannot change streetscape. •no severances. •no accessory buildings. •not permitted on non-conforming lots. •have to use services from the main house. •no doorways in front wall or above 1st floor. •no new driveways. •not included in density control.
Kingston Zoning By-law amendment approved in June 2019	<ul style="list-style-type: none"> •Must be smaller than primary dwelling unit. •Additional units exempt from density calculations. 	Less than or equal to main dwelling	<ul style="list-style-type: none"> •1 space per unit unless near an express bus route, commercial, parkland, open space or community facility. •Tandem parking permitted 	Not permitted on a lot containing 2 or more units eg, garden suite, boarding house or lodging house	<p>Same height setbacks as primary dwelling 1.2m rear and side, if less requires a 1.8m privacy fence. Height- 4.4-5m No severances of detached dwellings Not located in front or exterior side yard.</p>	<ul style="list-style-type: none"> •call them a second residential unit-in existing dwelling or detached building. •Second Residential Unit Permit Guide-Sept 2019 •have a Second Residential Unit Affordable Housing Grant. •allow entrances at side, rear or front of principal dwelling.

Appendix E – London’s History of Addressing Provincial Intensification Policies and Neighbourhood Concerns

Prior to the approval of Bill 108 there were a number of Provincial housing initiatives, City and neighbourhood initiated reviews which were implemented by the City through Official Plan, Zoning By-law or other regulatory changes.

January 1, 2012 - The Province introduced Bill 140, *Strong Communities through Affordable Housing Act*, and an amendment to the *Planning Act*, which introduced the term, and policies for, secondary dwelling units to the City of London.

The Province defined 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 were often referred to as secondary suites, granny flats, basement apartments, or accessory dwelling units.

The Provincial rationale for permitting secondary dwelling units was to provide residential intensification through “invisible density,” and considered them as a means of providing affordable housing, both through affordable home ownership by providing owners an opportunity to generate income to support the cost of home ownership, and as affordable rental accommodation. The intent was that this form of residential intensification will minimize land use impacts and retain neighbourhood character.

The *Planning Act*, as amended by Bill 140, the *Strong Communities through Affordable Housing Act, 2011*, required municipalities to update their Official Plan policies and regulations related to secondary dwelling units.

November 12, 2013 - An Official Plan and Zoning By-law amendment was presented for consideration by City Council that would have permitted secondary dwelling units in the City of London. The proposed policies included provisions that required the primary unit to be owner-occupied and limited secondary dwelling units to areas outside of Near-Campus Neighbourhoods. 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 not meet quorum during the review) and Neighbourhood Legal Services (London & Middlesex). The concerns related to the exclusion of secondary dwelling units from the Near Campus Neighbourhoods, the imposition of fees through licensing, and opportunities for incentives to promote the establishment of secondary dwelling units, specifically tied to affordable housing.

November 26, 2015 – An Official Plan and Zoning By-law amendment, similar to the amendments proposed in 2013, were considered. The proposed policies still included provisions that required the primary unit to be owner-occupied and limited secondary dwelling units to areas outside Near-Campus Neighbourhoods.

There was again concern regarding the geographic restriction on secondary dwelling units from the Near-Campus Neighbourhoods. At the same time, there was a review of the Near-Campus Neighbourhoods Strategy and policies being undertaken, and the draft secondary dwelling unit policies were referred back to be considered as part of that review.

June 23, 2016 – The London Plan was adopted by City Council. It included policies for Secondary Dwelling Units that would not permit secondary dwelling units in Near-Campus Neighbourhoods, required the primary unit to be owner-occupied, required one additional parking space for the secondary dwelling unit, and limited the number of bedrooms in the secondary dwelling unit. These same policies were adopted by Council for the current (1989) Official Plan.

July 18, 2016 – The Near-Campus Neighbourhoods Strategy review had been completed and a report was presented to the Planning and Environment Committee. The staff recommendation, which was based on extensive community and stakeholder consultation, recommended that secondary dwelling units should be permitted within

Near-Campus Neighbourhoods. This conclusion was based in part on the understanding by residents of Near-Campus Neighbourhoods that the primary unit would be required to be owner-occupied. City Council directed Civic Administration to prepare revised policies that permit secondary dwelling units in Near-Campus Neighbourhoods.

August 22, 2016 – Revised policies for secondary dwelling units were approved by City Council. These policies adopted the recommendations made through the Near-Campus Neighbourhood Strategy review. These policies made several changes to the policies adopted by Municipal Council contained in *The London Plan* submitted to the Minister in June, 2016. These changes were endorsed by Council, and forwarded to the Ministry of Municipal Affairs for consideration as *The London Plan* had been adopted by Council and was at the Ministry for approval.

These revised policies permitted secondary dwelling units in single detached, semi-detached and street townhouse dwellings. These policies include provisions that would only permit secondary dwelling units within owner-occupied dwellings, would permit secondary dwelling units in Near Campus Neighbourhoods, and would limit the number of bedrooms in a secondary dwelling unit to one bedroom.

December 28, 2016 – The Minister approved *The London Plan* with modifications. The modifications included a combination of the policies as adopted by Council in June, 2016 and the amended policies endorsed by Council in August, 2016.

The Minister made 29 modifications to the Plan as adopted by City Council on June 23, 2016. One of the modifications was to Policy 942, which relates to secondary dwelling units.

As a result of these modifications, staff met with Ministry Staff to clarify the rationale behind these changes. The Ministry noted the following:

- Ministry staff had two primary goals in their review of *The London Plan* policies:
 1. Respect the decisions of London City Council in their consideration of secondary dwelling units; and,
 2. Consistent with the Minister's direction noted above, ensure permissive Official Plan policies that would avoid onerous conditions and restrictions on the development of secondary dwelling units.
- The Ministry used the Council-adopted June, 2016 policies included in *The London Plan* as the basis for their approval.
- The Ministry also reviewed the revised policies sent by Council in August of 2016, and integrated some of these policies into their modification of the June 2016 policies.
- In doing so, the Ministry made the following changes to the June 2016 policies (Policy 942) that removed restrictions for secondary dwelling units:
 - Removed reference to the secondary dwelling unit being clearly ancillary and subordinate to the primary residential unit;
 - Removed policies that place bedroom limitations on the secondary dwelling unit and the total number of bedrooms for the secondary and primary dwelling unit (Ministry Staff had indicated that the regulations of the applicable zone can address the issue of total number of bedroom units);
 - Removed the requirement that the primary unit be owner occupied;
 - Removed the prohibition of exterior alterations in the front or exterior side yards and replaced it with language that ensures such alterations should maintain the character of the primary dwelling unit and protect neighbourhood character;
 - Removed the requirement for a parking space to accommodate a secondary dwelling unit; and,
 - Other minor changes of a more technical nature.

The June 23, 2016 London Plan secondary dwelling unit policies (Policy 942) included a provision that did not permit secondary dwelling units within the Near-Campus Neighbourhood Area. The Ministry did not remove this provision, even though the amended policies adopted by Council in their August 2016 policy revisions had removed this provision. Ministry Staff indicated that they believed that this was reasonable, recognizing the modifications made to the secondary dwelling unit policies eliminated several other restrictions from the June 2016 policies. Ministry Staff did indicate that the Ministry would have no concerns with any future amendment if Council wished to remove this restriction relating to secondary dwelling units in the Near-Campus Neighbourhood.

As a result of modifications made to the London Plan policies by the Minister in the approval of *The London Plan*, the policies of the current (1989) Official Plan were not consistent with the policies as modified by the Minister in *The London Plan*.

January 23, 2017 and February 6, 2017 – Reports were submitted to Planning and Environment Committee outlining changes that would be required as a result of the Ministers modifications. Policies would have to be revised to remove the requirement that the primary unit would have to be owner occupied, that one parking space would have to be included and that the requirement that the secondary unit would be limited to one bedroom only would be removed.

February 14, 2017 – Council requested that civic administration report back at a future meeting with respect to the policy regulating Secondary Dwelling Units. On February 14, 2017, Municipal Council resolved that:

That the following actions be taken with respect to the Minister's modifications to the London Plan as they relate to secondary dwelling units and specifically Policy 942:

a) the report of the Managing Director, Planning and City Planner, dated February 6, 2017 and entitled "Minister's Modifications to the London Plan Secondary Dwelling Units", BE RECEIVED; and,

b) the Civic Administration BE DIRECTED to make the necessary arrangements to hold a Public Participation Meeting before the Planning and Environment Committee to receive input from the public with respect to the Minister's modifications to the London Plan regarding secondary dwelling units;

it being noted that the Planning and Environment Committee received a delegation and the ~~attached~~ communication from Mr. J. Schlemmer, Neighbourhood Legal Services with respect to this matter. (2017-D09)

In **2017** the Province introduced Bill 139 (*Building Better Communities and Conserving Watersheds Act*) which did not make any further changes to secondary dwelling unit policies in the *Planning Act*.-

July 17, 2017 – Official Plan amendments to the 1989 Official Plan, similar to the London Plan, and Zoning By-law amendments for secondary dwelling units were introduced in a report to Planning and Environment Committee. Zoning By-law regulations, similar to those introduced in 2013 and 2015, were included which addressed location, scale and the use of accessory structures.

Official Plan amendments to the 1989 Plan, similar to the London Plan, included policies relating to;

1. Permitting only one unit in the primary dwelling;
2. Not restricting them from the Near Campus Neighbourhood;
3. Licensing of the secondary units;
4. Gross floor area limits on the secondary dwelling unit;
5. Need to comply with existing zoning by-law regulations;
6. Exterior and interior yard restrictions;

7. No zoning by-law amendments or variances to permit parking;
8. Allow location of secondary unit in accessory building and require site plan approval; and,
9. Restrict secondary dwelling units in basements in the floodplain.

The implementing Zoning By-law regulations included;

1. A new definition for secondary dwelling units;
2. Permitting them in single detached, semi-detached and street townhouse dwellings;
3. Permitting one secondary dwelling unit per lot;
4. Not allowing them in basements;
5. Not allowing them in basements in the floodplain;
6. Allowing them in the Near Campus Neighbourhoods;
7. Only permitting accessory structures in rear yard and interior side yards;
8. A minimum gross floor area regulation of 25m²;
9. A maximum gross floor area cap of 40% of the primary dwelling unit;
10. Maximum number of bedrooms allowed;
11. Access restrictions in interior and rear yard;
12. No new driveways; and,
13. Conformity of secondary dwelling units to the Ontario Building Code.

These amendments were approved by Council on July 25, 2017 and are in place now.

June 6, 2019 – Bill 108 – *More Homes, More Choices Act, 2019* was given Royal Assent. Bill 108 changed the terminology from secondary dwelling units to additional residential units, allowed up to an additional two units and made a number of other changes to the *Planning Act* which need to be implemented through The London Plan and Zoning By-law Z-1..

Appendix F – Chronology

Previous Reports to Planning and Environment Committee (PEC) and Timeline

May 1, 2020	New 2020 Provincial Policy Statement in Effect
August 29, 2019	Regulation 299/19 (to implement Bill 108) Published
June 6, 2019	Bill 108 – More Homes, More Choices Act given Royal Assent
May 27, 2019	PEC Report – Bill 108-More Homes, More Choices Act Report
July 17, 2017	PEC Report – City-wide Official Plan and Zoning By-law Amendments – Secondary Dwelling Units (OZ-8053)
April 24, 2017	PEC Report – New Low Rise Development in Existing Neighbourhoods (Z-8701)
February 6, 2017	PEC Report- Minister’s Modification to the London Plan – Secondary Dwelling Units (O-7938)
2017	Bill 139 – Building Better Communities and Conserving Watersheds Act introduced
January 23, 2017	PEC Report – Information Report on Ministers Modifications to London Plan
December 28, 2016	Ministry of Municipal Affairs London Plan Notice of Decision
August 22, 2016	PEC Report - City wide Official Plan and Zoning By-law Amendments – Secondary Dwelling Units (OZ-8053)
July 18, 2016	PEC Report - Great Near-Campus Neighbourhoods Strategy Review completed
June 23, 2016	Council approves The London Plan
December 14, 2015	PEC Report – Residential Infill Analysis (Z-8701)
November 26, 2015	PEC Report - Secondary Dwelling Units (OZ-8053)
February 2, 2015	PEC Report – North London Housing Concerns
April 30, 2014	2014 Provincial Policy Statement in effect
November 26, 2013	PEC Report - City Wide Official Plan and Zoning By-Law Amendments – Secondary Dwelling Units (OZ-8053)
August 20, 2013	PEC Report - Secondary Dwelling Units (OZ-8053)
April 9, 2013	PEC Report - Secondary Dwelling Units (OZ-8053)
November 26, 2012	PEC Report – Residential Intensification Policies (OPA No. 544) (O-7970/City of London)
June 18, 2012	PEC Report - Secondary Dwelling Unit Policies and Provisions PEC Report – Near-Campus Neighbourhoods Planning Amendments (OZ-7663/City of London – OPA No. 535)
January 1, 2012	Bill 140 – Strong Communities through Affordable Housing Act introduced – introduced concept of secondary dwelling units
August 30, 2011	Council adopts Residential Rental Units Licensing By-law
September 28, 2009	PC Report – Official Plan Amendment No. 438 (Addition of Residential Intensification Policies to Official Plan)
November 17, 2008	PC Report – Great Near-Campus Neighbourhoods Strategy and Implementation Plan

February 25, 2008	PC Report – Public Participation Meeting on OPA No 438 Residential Intensification Policies
May 28, 2007	PC Report – Information Report – Residential Intensification and Infill Housing Background Study
2007	PC Report - Closing the Gap: New Partnerships for Great Neighbourhoods Surrounding our University and Colleges
2004	PC Report - 5 Bedroom Limit By-law (Z-1-041300)
2004	PC Report – North London Residential Study and Amendments to the Official Plan and Zoning By-law
2004	PC Report - Updated St. George Grosvenor Neighbourhood Study
2001	PC Report - Richmond Street/University Gates Corridor Review-Report and Official Plan Amendment
April 9, 1996	PC Report - Intensification and Bill 120 – Impacts on the North London and Broughdale Communities – Expanded Area (OZ-5148)
November 16, 1995	Section 76(1) of the <i>Planning Act</i> “grandfathered” previously approved two units in a detached house, semi-detached house or row house.(Regulation 384/94)
1995	PC Report – Intensification and Bill 120 – Impact on the North London and Broughdale Communities
1995	Bill 120- Apartments in Houses
January 14, 1991	PC Report – Infill Housing Policies of the New Official Plan (1989)
June 19, 1989	Council adopts the 1989 Official Plan
1988	PC Report - Task Force on Student Housing
1985	Planning Committee (PC) Report - St. George Grosvenor Neighbourhood Study and Official Plan Amendment

Appendix G – Other Documents Reviewed

Provincial Policy Statement (2020) (In force May 1, 2020)

Provincial Policy Statement (2014) (In force April 30, 2014)

The *Planning Act* (consolidated to April 2020)

Bill 108 – *More Homes, More Choices Act* (Royal Assent - June 16, 2019)

Regulation 299/19 – Published August 29, 2019

More Homes, More Choice: Ontario's Housing Supply Action Plan Ontario Government, May 2019

Adding a Second Unit in an Existing House-Ontario Building Code Information Ontario Government

London Plan (Council approved June 23, 2016, Ministry approved December 28, 2016 and consolidated to date)

1989 London Official Plan (Council approved June 19, 1989 and consolidated to date)

Zoning By-law Z-1 (Council approved July 1, 1993 and consolidated to date)