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OZ-8053
Planner: Eric Lalande

TO:	CHAIR AND MEMBERS - PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	CITY OF LONDON – CITY WIDE OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS - SECONDARY DWELLING UNITS MEETING ON APRIL 9, 2013

RECOMMENDATION

That on the recommendation of the Managing Director, Planning and City Planner, this report BE RECEIVED and circulated for public comment, it being noted that the matter shall be considered at a future Public Participation Meeting before the Planning and Environment Committee.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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Secondary Dwelling Unit Policies and Provisions – PEC June 18, 2012

BACKGROUND

New Provincial Legislation

The Provincial government adopted new legislation under Bill 140 *Strong Communities through Affordable Housing Act* to **require** municipalities to develop or enhance policies in their Official Plan to provide for secondary dwelling units. The changes are intended to improve access to adequate, suitable and affordable housing, and provide a solid foundation to secure employment, raise families and build strong communities. The Official Plan must allow for secondary dwelling units within single detached, semi-detached, and townhouse dwellings as well as in ancillary structures such as a detached garage. Additionally, the municipality may regulate criteria related to location, form, and intensity.

Changes to the Planning Act

The modifications made by Bill 140 to the *Planning Act* came into effect on January 1, 2012 and includes the following addition to Section 16 of the *Act*:

“(3) Without limiting what an official plan is required to or may contain under subsection (1) or (2), an official plan shall contain policies that authorize the use of a second residential unit by authorizing,

(a) the use of two residential units in a detached house, semi-detached house or rowhouse if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains a residential unit; and

(b) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse if the detached house, semi-detached house or rowhouse contains a single residential unit.”

Further changes to the *Planning Act* set out how Section 16 is to be implemented. As a result, the municipality must update its existing secondary dwelling unit policies to comply with the *Planning Act*. The Official Plan and Zoning By-law may set standards and regulations to determine where and how secondary dwelling units may be established.

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The legislation also restricts appeal rights, where the policies and provisions established by the City to regulate secondary dwelling units may not be appealed to the Ontario Municipal Board; and where a decision to permit secondary dwelling units in accordance with policies and provisions set by the City are also exempt from appeals. The removal of a right to appeal is to provide greater certainty when creating a secondary dwelling unit.

The Act further increases the maximum temporary allowance of garden suites for up to 20 years, where as 10 years was permitted previously. No changes are recommended with regard to the City of London’s garden suite policies or zoning by-law regulations.

Second Dwelling Unit Terminology

Secondary dwelling units are self-contained residential dwellings complete with separate kitchen and bathroom facilities located within, and ancillary to, an existing dwelling. The secondary dwelling unit may be located within an accessory structure such as above a garage or in a separate “coach house”. Secondary dwelling units are also subject to the Building Code, Fire Code and the City of London’s property standards by-law.

Secondary dwelling units are commonly referred to as accessory dwelling units, secondary suites, accessory apartments, basement apartments, or in-law flats. These terms are interchangeable. However, secondary dwelling units do not include garden suites, lodging houses, or converted dwellings, which are currently defined by the City of London’s Zoning By-law.

Garden suites are temporary self-contained dwelling structures. These units are permitted in agriculturally designated areas through a site-specific temporary Zoning By-law on a site-specific basis. 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.

Current Policies

Through the last Official Plan Review (OPA 438), Council adopted Official Plan policies related to accessory dwelling units. The policies were prepared in anticipation of the changes now required by the *Planning Act*. The scope of uses permitted by the legislative changes is greater than the adopted policies, therefore, creating the need for an update.

The existing Official Plan policies may consider secondary dwelling units within areas designated Low Density Residential. Through a Zoning By-law amendment, a secondary dwelling unit may be permitted within a single detached or semi-detached dwelling on a site-specific basis. The additional unit must satisfy a number of criteria including:

- i. Maximum of two (2) units per residential dwelling;
- ii. The gross floor area of the accessory dwelling unit is equal to or less than the floor area of the principle dwelling unit;
- iii. The principle dwelling unit shall be owner occupied;
- iv. The accessory dwelling unit cannot be located in an accessory building or attached garage;
- v. A minimum of one (1) additional on-site parking space must be provided;
- vi. All regulations associated with the zone must be complied with;
- vii. No more than five (5) bedrooms total for both the principle and accessory dwelling units;
- viii. Accessory dwelling units may be required to be licensed; and
- ix. Accessory dwelling units shall be subject to the policies of section 3.2.3. – Residential Intensification of this plan

These policies serve as the basis for developing new secondary dwelling unit policies in conformity with the *Planning Act*.

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Council Direction

On June 26, 2012, in response to the changes made by the Province with respect to secondary dwelling units Council directed:

That, on the recommendation of the Director of Land Use Planning and City Planner:

- a) *the Civic Administration BE DIRECTED to prepare a draft Official Plan amendment to implement secondary dwelling units policies in conformity with recent changes to the Planning Act;*
- b) *the Civic Administration BE DIRECTED to prepare a draft Zoning By-law amendment to implement secondary dwelling units regulations to conform to the Official Plan; and,*
- c) *the Civic Administration BE DIRECTED to ensure that the entire apartment is not located in a basement, in conjunction with the Building Code. (2012-D11-09)*

Outcome

The City of London is required to update the Official Plan and Zoning By-law. New secondary dwelling unit policies and regulations are intended to provide the City of London and residents a number of positive outcomes such as:

1. Meeting affordable housing needs
2. Providing safer accommodation for Londoners
3. Intensifying built-up areas
4. Providing Londoners with opportunities to “age in place”
5. Enabling supplemental income for home ownership viability.

In order to be successful as a community, buy in from residents, tenants and the municipality is required. Managing expectations around requirements, processes and fees will be essential to the community. Further, the municipality should take the lead by operating under key principles:

1. Efficient application processing time requirements
2. Certainty around creating a new secondary dwelling unit
3. A high standard of design and protection of neighbourhood character.

The proposed policy and regulatory framework is intended to facilitate these outcomes.

ANALYSIS

SECONDARY DWELLING UNITS BENEFITS:

Secondary dwelling units will help London achieve the following broad based planning objectives and scoped initiatives:

Building Strong and Attractive Neighbourhoods

Current demographic trends 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.

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Household type	London, ON 2006	London, ON 2011
Population	352,395	366,151
Dwellings	145,525	153,630
Persons per dwelling	2.42	2.38

Source: StatsCan, 2006-2011

A 0.04 drop in persons per dwelling represents 1 additional dwelling per 100 people or 3,523 additional dwellings before accommodating new residents. Further trends indicate that this change is largely related to an increase in single persons and 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.

Secondary dwelling units can help achieve vibrancy and appeal by:

1. Providing a variety of housing choices;
2. Offering the opportunity to age in place;
3. Promoting community diversity through housing opportunities for new immigrant families;
4. Offsetting housing expenses; and
5. 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. Secondary dwelling 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.

Secondary dwelling 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

Addressing the Need for Affordable Housing

The City of London is determined in finding options to provide affordable housing. Secondary dwelling units provide an affordable housing option to meet some of the demand by:

1. Households facing financial challenges such as youth, older adults; new immigrants and single-parent families;
2. First time home buyers with limited equity requiring assistance in carrying a mortgage to make home ownership viable;
3. Fixed income homeowners needing additional support to assist with covering costs;
4. Older adults or people with disabilities requiring assistance to remain in their homes and maintain a level of independence; and,
5. Families wanting to provide housing for adult children or relatives in need.

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

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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:

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

CONCERNS WITH SECONDARY DWELLING UNITS

Despite the benefits and the mandate to provide for secondary dwelling units, there is the potential for impacts created by these uses within existing residential neighbourhoods. Bill 140 grants the municipality the ability to develop policies and regulations to mitigate potential impacts created by secondary dwelling units. Through this report staff is recommending potential amendments to the Official Plan and Zoning By-law. The proposed amendments included in this report are intended to form the basis for discussion through a public consultation process.

The following are common concerns related to the presence of secondary dwelling units:

Impact on Neighbourhoods

Parking

On street parking associated with second units is a concern. Residential uses are regulated through the Zoning By-law Z.-1. Secondary dwelling units may create the need to provide additional on-site parking.

Striking a balance between providing enough on-site parking to protect against spill over onto the street and maintaining the residential character is critical. The proposed amendments include minimum and maximum parking standards to balance concerns related to neighbourhood impacts.

Neighbourhood Appearance

Exterior alterations to dwellings are commonly associated with changing neighbourhood character. Second units are most accepted when they do no impact a neighbourhoods look and feel. The City of London’s existing policies require that the neighbourhood character be maintained through creating no visible changes when establishing new units. The requirement for no exterior alterations will be maintained within the proposed framework.

Property Maintenance

Properties that fall into disrepair and where garbage is not properly stored can negatively impact the aesthetics and quality of the neighbourhood. A common belief is that dwellings with second units are not kept up in good repair, particularly in the case of absentee landlords. These issues are handled through the property standards by-law,

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and rely on active enforcement. Property standards can further be implemented through licensing requirements.

Noise

Second units are often associated as sources of noise, based on the tenancy. However, complaints with respect to residential neighbour behaviours may either fall under civil disturbances or through the City’s Noise by-law and enforcement department.

There are enforcement tools in place to address noise concerns, unfortunately, the issue of noisy residents is one related to individual behaviours and is not regulated through planning tools.

Property Values

Policy and regulations are not linked to property values and taxation from an administrative perspective, however, the permission of secondary dwelling units may create a perceived impact on property values to existing and potential residents.

Complaints from residents relate to reduced property values as potential home buyers consider the form of housing and the number of persons who may be located adjacent to them and patronage and potential noise concerns when considering purchasing a dwelling. The municipality is limited to land use planning and cannot control who occupies a dwelling unit.

Property values are market driven and rely on a number of criteria that are outside of the control of planning. On site, the secondary dwelling unit will raise the value of the property.

Ensuring Safety

Providing safe housing options is a concern of the City of London and the public. Health and safety is intended to be handled using the Ontario Building Code and Ontario Fire Code.

Secondary units that are to be established will be required to meet the Ontario Building Code and Ontario Fire Code, continued compliance is expected to be achieved through the residential license renewal and the building permit process.

Providing Services and Infrastructure

There is very little research around the impact on services is created by occupants living in secondary dwelling units, and hence the cost to support the additional density.

CMHC has undertaken studies on secondary units. They have found that the addition of a second unit does not double the amount of municipal services generated by household, noting a service level increase of roughly 35-65% more than a dwelling without a secondary dwelling unit. Further, individuals living in secondary dwellings would be looking for access to public transit, schools and parks.

This increase creates less of a demand on existing infrastructure, and provides support for public transit. Additionally, secondary dwelling units are typically located where existing services are in place. Secondary dwelling units do not require the additional costs associated with extending services to new subdivisions.

Other reviews conclude that secondary dwelling units can serve to offset population declines in some areas, and sustain neighbourhoods where the average persons per dwelling have been decreasing. As a results, the cost of infrastructure is maintaining an efficient and effective level of service for the designed and targeted population.

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Occupants of Secondary Dwelling Units

CMHC research indicates several presumptions towards occupants of secondary dwelling units, which creates community concerns. These include ideas regarding household size, the “fit” of new residents in the community or that neighbourhood safety will be a greater issue as secondary dwelling units are established. However, it has been found that secondary dwelling unit occupants are:

1. More than 50% of secondary dwelling units were occupied by one person;
2. Approximately 50% of secondary dwelling unit occupants were a relative or close friend of the secondary dwelling unit owner;
3. They are often categorized as affordable housing.

By contrast, the reason owners would seek out to provide a secondary dwelling unit varied. While primarily identified as a source of financial assistance income, other concerns relate to avoid living alone, provide a home for relatives in need of assistance (physical or financial) and as a place for a friend or relative to stay in order to provide assistance (maintenance, health care).

RESEARCH FROM OTHER MUNICIPALITIES

London is not unique in dealing with the issue of secondary dwelling units. Many cities across Ontario are working through this issue with their own localised approaches. The following table highlights the exiting frameworks of several other comparable municipalities.

Municipality	Toronto	Ottawa	Burlington	Waterloo
Area	City wide	City wide	City wide	City Wide (zones)
Dwelling type	Singles/semis over 5 years old	Detached dwelling, semi, duplex	Singles	Single, semi, duplex, converted dwelling, triplex accessory structure
Min GFA	55m ²	N/A	42m ²	N/A
Max GFA	No greater than primary dwelling	At grade or above grade 40% of dwelling, or whole of basement	100 m ² no greater than 40% of total floor area	600m ²
Frontage	N/A	13m	15 m	15m
Lot area	N/A	N/A	N/A	360 m ²
Parking	1 space per unit and where 2 parking spaces required for property 1 space can be used for second unit	The principal and secondary dwelling units must share the parking area and yards provided for the principal dwelling unit, and no new driveway may be created, except in the case of corner lots.	2 spaces per accessory unit, 2 spaces per dwelling unit	1 space for every 2 lodgers and 1 per proprietor if on site. 4 spaces for triplexes
Driveway width	No	50%	7.35 on 15m lots	7m
External Appearance	No addition or substantial alteration to exterior appearance of front or side of the	No change in street-scape, must have a separate access that cannot be located in an	Separate exterior entrance required / prohibited on front elevation.	Property Standards By-law, lot maintenance by-law, maintain physical

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	dwelling facing street	exterior wall facing the front		appearance (no structural changes)
Registration / Licensing fees	N/A	Permit required to Build	N/A	\$68.15 - \$757.30
Inspections	Building	Property Standards	Building Enforcement /	Municipal Law Enforcement

Mississauga Classification System

The City of Mississauga has recently undertaken a comprehensive study with respect to secondary dwelling units. As a result, the City of Mississauga developed a two category approach to handling secondary suites.

1. Owner Occupied Dwelling
2. Investment Dwellings

The notion being that a distinction can be made generally between the two. An owner occupied dwelling, generally, requires a second dwelling to support a family member or covering the cost of home ownership. Where the owner does not live on the property, it is used as an investment. Concerns such as absentee landlords, and the perception of poor property maintenance is much greater among investment properties than owner occupied dwellings.

Owner Occupied dwellings have lower licensing fees, are permitted as of right where the existing zoning regulations are complied with. Investment dwellings are required to undertake a planning application process along with higher licensing fees. Both types of units require to meet Ontario Building and Fire Code regulations.

A similar approach could be taken in London and could prove successful.

IMPLEMENTATION STRATEGY

In order to implement the changes made through Bill 140 and address concerns identified in this report, the proposed strategy includes the following:

1. Official Plan policies
2. Zoning By-law regulations
3. Licensing requirements

Decision making in land use planning relies on support from the established planning framework. This framework is based comprehensive policies within Provincial and Municipal documents. Changes made by the Province for secondary dwelling units continue to be in line with the existing policy framework.

The proposed Official Plan and Zoning By-law amendments are intended to provide stronger tools to the municipality in implementing how secondary suites will operate within the municipality.

Official Plan Policies

The City of London Official Plan provides policy direction for all matters related to the growth and development of the city.

The City of London's existing Official Plan policies (Section 3.2.3.8) for establishing secondary (accessory) dwelling units may consider second units within areas designated Low Density Residential. Through a Zoning By-law amendment, an accessory dwelling unit may be permitted within a single detached or semi-detached dwelling on a site-specific basis.

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The legislative changes require that townhouses or related accessory structures be included as uses allowing secondary dwelling units on the same lot.

Intensification and Density Targets

The City of London Official Plan contains residential intensification policies aimed at promoting the appropriate redevelopment and intensification of existing residential areas.

Residential Intensification is a means of providing opportunities for the efficient use of land and encouraging compact urban form. Residential Intensification may be permitted in the Low Density Residential designation through an amendment to the Zoning By-law, subject to the following policies and the Planning Impact Analysis policies under Section 3.7. Secondary dwelling units represent one of many forms of intensification to achieve an efficient and effective use of land including:

- i. redevelopment, including the redevelopment of brownfield sites;
- ii. the development of vacant and/or underutilized lots within previously developed areas;
- iii. infill development, including lot creation;
- iv. the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and,
- v. ***the conversion or expansion of existing residential buildings to create new residential units or accommodation.***

Current Official Plan policies provide opportunities for intensification, of up to 75 units per hectare, in low-density residential areas. However, this form of intensification must be carried out within the context of the existing neighbourhood character. Protecting the physical environment of the neighbourhood, its lots, buildings, streetscapes, topography, street patterns and natural environment is a key component of London’s intensification efforts.

Great Near Campus Neighbourhoods

The Great Near-Campus Neighbourhood Strategy was developed to identify challenges and potential solutions to alleviate concerns of negative impacts related to the over intensification of the areas surrounding London’s major educational facilities: Western University, King’s College and Fanshawe College.

As a result, Official Plan and Zoning By-law amendments were recently adopted by Council to implement recommendations from the Strategy including the reduction of the total number of bedrooms permitted with a dwelling unit from five to three. These amendments are currently under appeal to the Ontario Municipal Board.

Many of the negative land use impacts within near-campus neighbourhoods have not been attributed to an increase in the number of new dwelling units within low density residential areas but are attributed to an increase in the occupancy of existing dwelling units by way of building additions or by converting basements and other common rooms into additional bedroom space.

Near-Campus Neighbourhoods Policies that define 'Residential Intensity' from which policies provide guidance to its effect. The new definition refers to intensity as the increase in the usability of an existing definition of dwelling, building, or site to accommodate additional occupancy including, but not limited to, building construction or additions, increasing the number of bedrooms, and expanding parking areas, but does not include the development of a property, site or area at a higher density than currently exists.

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The near-campus neighbourhood policies are intended to provide guidance to encourage additional residential intensification proposals that are located in appropriate areas and are constructed in purpose-built, higher density building forms which are designed to accommodate the anticipated level of intensity and are professionally managed to mitigate concerns related to property maintenance, noise, garbage, and parking, among others. While allowing for different forms of intensification, the policies discourage a site-specific approach as will happen in the case of secondary dwellings. Secondary dwelling units promote a form of density that is contrary to the direction of the Near-Campus Neighbourhood area policies.

In effort to avoid compounding the issues of increased intensity in these areas, the proposed amendments will restrict secondary dwelling units within the Near-Campus Neighbourhood area.

Neighbourhood Character

The physical environment of the neighbourhood, composed of its lots, buildings, streetscapes, topography, street patterns and natural environment are some of the elements that collectively determine much of the character of a neighbourhood and its streetscape. The character of a neighbourhood includes the form, massing and architectural components of its buildings.

Official Plan policies require that residential intensification projects provide a detailed review of Neighbourhood Character and potential impacts through a neighbourhood character statement. Typical residential intensification projects are required to demonstrate sensitivity towards and compatibility with the existing neighbourhood as it relates to:

1. Character;
2. Visual Image;
3. Site Design;
4. Servicing;
5. Built Form Elements;
6. Massing and Articulation; and
7. Architectural Treatment.

Unlike a duplex or semi-detached dwelling, which operate as separate housekeeping units, secondary dwelling units are intended to be linked as an income generator or to provide assistance to other individuals (e.g. family members) in close proximity to the owner. Due this distinction in use, secondary dwelling units are purposefully built as an accessory use to a residential dwelling. As such, this accessory use is not intended to be visible to the public realm (streetscape). This is a form of hidden density, which allows for intensity without impacting the low density character of an area. In order to achieve the residential intensification goals, no impacts from secondary dwelling units should be created. As such the proposed policy framework is intended to limit changes to the exterior of existing buildings to rear and side yards to minimize visual intrusions.

Proposed Amendments

In order to incorporate the changes made by Bill 140 and through the analysis contained in this report, the following changes (in bold) be made to section 3.2.3.8 of the Official Plan:

~~Accessory dwelling units may be permitted, subject to a Zoning By-law Amendment, in single detached and semi-detached dwellings subject to the following criteria:~~

Secondary dwelling units may be permitted in single detached dwellings, semi-detached dwellings, duplex dwellings townhouse dwelling units or an accessory

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structure related to single detached dwellings, semi-detached dwellings, or duplex dwellings in accordance with the following policies:

- i. Maximum of **one (1)** ~~two (2)~~ secondary dwelling unit per **primary** residential dwelling;
- ii. The gross floor area of the **secondary dwelling unit** ~~accessory dwelling unit~~ is **no greater than 40%** of ~~equal to or less than~~ the floor area of the principle dwelling unit;
- ~~iii. The principle dwelling unit shall be owner occupied;~~
- ~~iv. The accessory dwelling unit cannot be located in an accessory building or attached garage;~~
- v. ~~A minimum of One (1) additional on-site parking space must be provided and~~ **maintained in accordance with the zoning by-law;**
- vi. All regulations associated with the zone must be complied with;
- vii. No more than five (5) bedrooms **combined** total for both the principle and accessory **secondary** dwelling units, **per lot**
- viii. **Secondary dwelling units shall not be permitted within Great Near-Campus Neighbourhood Areas as defined by this Plan;**
- ix. Accessory **Secondary** dwelling units ~~may~~ **shall** be required to be licensed pursuant to the Residential Rental Licensing By-law;
- x. **Exterior alterations shall not be permitted along a front or side elevation visible from the street;**
- xi. **Secondary dwelling units shall maintain neighbourhood character in accordance with section 3.2.3.3 of the Official Plan;**
- xii. **Principal dwelling units that are not owner occupied shall require a Zoning By-law Amendment and Site Plan Agreement prior to establishing a secondary dwelling unit;**
- xiii. Accessory **Secondary** dwelling units shall be subject to the policies of section 3.2.3. – Residential Intensification of this plan; **and**
- xiv. **A secondary dwelling unit shall not be located within a basement within an existing dwelling located in an area regulated by the Conservation Authority having jurisdiction for that area.**

Zoning By-law Regulations

The City of London Zoning By-law Z.-1 performs the regulatory function of controlling land use within the City of London. However, the Zoning By-law does not currently provide for secondary dwelling units within permitted residential uses except where implemented through a site-specific zoning by-law amendment, as noted in the Official Plan. To better implement secondary dwelling uses, the following provisions are recommended to facilitate the establishment the use legally.

Definitions

The zoning by-law currently provides for a variety of types of dwelling units, but does not currently provide a clear definition of secondary dwelling units.

In order to provide a differentiation between different types of secondary dwelling units two types of definitions are proposed. The difference between the types relates to the owner occupancy of the primary dwelling unit as the use of an entire property for income purposes is a separate and distinct use than that being owner occupied with a unit to offer support in close proximity on the lot.

“SECONDARY DWELLING UNITS, TYPE 1 means a dwelling unit in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof, which has a private entrance directly from outside of the building or from a common hallway inside the building without significant alteration to the exterior of the building. A secondary dwelling unit shall be clearly accessory and

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ancillary to dwelling unit occupied by the registered owner of the property on which both units are located. A secondary dwelling unit shall contain no more than two (2) bedrooms.

SECONDARY DWELLING UNITS, TYPE 2 means a dwelling unit in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof, which has a private entrance directly from outside of the building or from a common hallway inside the building without significant alteration to the exterior of the building. A secondary dwelling unit shall be clearly accessory and ancillary to the dwelling unit. A secondary dwelling unit shall contain no more than two (2) bedrooms.”

Provisions

In order to implement Secondary Dwelling Units it is recommended that Section 4 General Provisions of the City of London’s Zoning By-law be amended to include the following:

“The provisions of this section shall apply to all secondary dwelling units, unless specified by type directly herein.

1) Permitted Uses

Secondary Dwelling Units, Type 1 shall be permitted within all zones that permit any of the following uses:

- a) Single detached dwellings;
- b) Semi-detached dwellings;
- c) Duplex dwellings;
- d) Street townhouse dwellings;
- e) Stacked townhouse dwellings

Secondary Dwelling Units, Type 2 shall be permitted through a site-specific amendment to this By-law within all zones that permit any of the following uses:

- a) Single detached dwellings;
- b) Semi-detached dwellings;
- c) Duplex-dwellings;
- d) Street townhouse dwellings;
- e) Stacked townhouse dwellings;

2) Number of Secondary Dwelling Units

Where a secondary dwelling unit is permitted a maximum of one (1) secondary dwelling unit shall be permitted per lot.

3) Location of Secondary Dwellings

A secondary dwelling unit shall not be permitted on any lot located within the Near-Campus Neighbourhoods Area as delineated by Figure 4.36 of this By-law.

A secondary dwelling unit shall be permitted within the same structure as, or an accessory structure related to, the primary dwelling on a lot.

A secondary dwelling unit in an accessory structure shall be required to meet all regulations of the zone.

A secondary dwelling unit located in an accessory structure shall not be permitted association with a street townhouse or a stacked townhouse dwelling unit.

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A secondary dwelling unit shall not be permitted on a separate lot from a primary dwelling.

A secondary dwelling unit or part thereof is permitted in a basement provided the finished floor level of such basement is not below the level of any sanitary sewer servicing the building or structure in which such basement is located. A secondary dwelling unit must provide at least one full access above grade either directly to the outside or a common hallway.

4) Floor Area Requirements

No secondary dwelling unit shall be erected or used unless it has the following minimum gross floor area: 25 square meters

No secondary dwelling unit shall have a gross floor area that exceeds 40% of the primary dwelling located on the same lot.

5) Parking

A secondary dwelling unit shall require a maximum of one (1) parking space.

6) Total bedrooms

A Secondary Dwelling Unit Type 1 shall have a maximum of two (2) bedrooms

A Secondary Dwelling Unit Type 2 shall have a maximum of one (1) bedroom

7) Exterior Alterations

No exterior alterations shall be permitted to an existing dwelling to permit the establishment of a secondary dwelling unit.

New dwellings constructed with imbedded secondary dwelling units shall not have a separate entrance for a secondary dwelling unit visible from the front lot line.

8) Licensing

A secondary dwelling unit shall be required to obtain a license under the City of London Residential Rental Unit Licensing By-law.”

Licensing Requirements

On August 30, 2011 the City of London adopted a Residential Rental Units Licensing By-law. This by-law requires that all rental units, unless explicitly exempt, shall obtain a licence to operate.

The Licensing by-law provides the municipality to:

- (a) receive and process all applications for all licenses and renewals of licences under this By-law;
- (b) issue licenses in accordance with the provisions of this By-law;
- (c) impose terms and conditions on licences in accordance with this By-law; and,
- (d) refuse to issue or renew a licence or revoke or suspend a licence in accordance with this By-law.

Conditions on the licence may include anything as prescribed by the License Manager.

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Updates to the Residential Rental Unit Licensing By-law may be required, where appropriate, to reflect the secondary dwelling unit use.

Implementation Timeline

Required Action	Tentative Timeline
Public consultation	April – May
Final Proposed Amendments to the Planning and Environment Committee	June
Enforcement/Monitoring	On-going

Enforcement and Compliance Issues

The provisions of the Residential Rental Unit Licensing by-law provides the enforcement tool to inspect licensed premises. Further, the concerns regarding property standards, maintenance issues, parking violations and noise complaints are impacts that can be addressed without requiring access to the secondary dwelling unit.

Offenses may result in the suspension or revocation of the residential rental unit license or fines to the property owner.

Requirements to Establish a Secondary Dwelling Unit

In order to establish a new secondary dwelling unit, the property owner would be required to meet the following:

1. Comply with Zoning By-law regulations (zoning amendment)
2. Comply with Building and Fire Code requirements (permit and inspection)
3. Comply with Residential Rental Unit Licence requirements (licence and agreement)

FINANCIAL CONSIDERATIONS

Development Charges

The City collects development charges for growth related infrastructure and services. Under the Development Charges By-law certain developments are exempt including, among others:

- (a) creates one or two additional dwelling units in an existing single detached dwelling if the total gross floor area of the additional dwelling unit or units does not exceed the gross floor area of the dwelling unit already in the building;
- (b) creates one additional dwelling unit in a semi-detached or row dwelling if the gross floor area of the additional dwelling unit does not exceed the gross floor area of the dwelling unit already in the building;

Using the exemptions provided within the Development Charges By-law, secondary dwelling units within single detached, semi-detached or townhouses would be exempt from paying development charges. However, secondary dwelling units established in accessory structures would not be exempt under the current By-law. A minor technical amendment would be required to exempt secondary units in detached accessory structures.

No changes are proposed to the Development Charges By-law.

CONCLUSION

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Planner: Eric Lalande

The City of London is required to bring its municipal land use planning policies up to date with the current legislative framework. The proposed policy and regulatory framework would align the City's policies and land use regulations with the revisions to the *Planning Act*.

Following public consultation and input on the potential changes to Official Plan policies and Zoning By-law regulations noted in this report, which is intended to serve as a basis for discussion, a future public participation meeting will be scheduled to consider the amendments this is anticipated to be in June 2013.

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