

Presentation by Ben Lansink Aug 20-13

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CONCERNS WITH SECONDARY DWELLING UNITS

Despite the benefits of secondary dwelling units, there are potential impacts created by secondary dwelling units within existing residential neighbourhoods. Bill 140 grants the municipality the ability to develop policies and regulations to mitigate potential impacts created

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OZ-8053
Planner: Eric Lalande

by secondary dwelling units. Through this report Staff is recommending potential amendments to the Official Plan and Zoning By-law that are intended address the concerns raised through the review process.

By Ben Lansink – August 19-13

Bill 140, with English on the left side and French on the right side, consists of 95 Pages.

Words found on page 5, bottom, OZ-8053, by Mr. Lalande, including

1. Concerns;
2. Mitigate;
3. Potential impacts;
4. Impacts;
5. Created by; and
6. Grants the municipality the ability....

do NOT appear anywhere in Bill 140's 95 pages.

Page 5, OZ-8053, bottom, Mr. Lalande's report, states:

"Bill 140 grants the municipality the ability to develop policies and regulations to mitigate potential impacts created by secondary dwelling units."

I requested Mr. Lalande provide the source that he relied on for his "mitigate" statement.

By Mr. Lalande – August 19-13

Hopefully to clarify any confusion, the *Planning Act* provides (grants) municipalities the power to adopt policies and regulations to govern land use matters within its jurisdiction.

With regards to your reference of *Bill 140*, The changes to the *Planning Act* require the local municipality to ensure that by-laws passed under section 34 give effect to providing secondary dwelling units within detached house, semi-detached house or rowhouse or structure ancillary to the detached house, semi-detached house or rowhouse.

Further the Act provides the Minister, (or in this case the municipality, due to lack of ministerial regulations) the ability to establish requirements and standards, which are implemented by Official Plan policy and Zoning By-law regulations (provisions).

Municipalities are required to review any change to planning policy, regulations or land use in the context of land use compatibility (such as potential impacts) and the public interest (such concerns raised by the public). Where conflicts arise, the prevention or mitigation of those land use conflicts are a standard of staff's review and form part of the basis for recommendations.

The section of the report, which you have referenced in your email is used to introduce land use matters related to secondary dwellings units and staff's review.

Bill 140 simply says a municipality SHALL ...authorize the use of a secondary dwelling unit within a detached house, semi-detached house or rowhouse.

The *Planning Act* allows municipalities to implement regulations related to a detached house, a semi-detached house, and a rowhouse.

Bill 140 does NOT deal with regulations.

London already has regulations in place for a detached house, semi-detached house, and a rowhouse.

1. Section "3" Definitions to By-law No. Z-1 is amended by adding the following definitions following directly after the definition for Accessory Dwelling Unit;

SECONDARY DWELLING UNIT means a dwelling unit accessory to a residential use, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof, and where the use of the dwelling unit is for the purpose to supporting the proximate needs of the permanent resident of the primary dwelling unit.

- 2) Number of Secondary Dwelling Units Per Lot

A maximum of one (1) secondary dwelling unit shall be permitted per lot.

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

5) Floor Area Requirements

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

The gross floor area of a secondary dwelling unit shall not be greater than 40% of the combined total gross floor area of the primary dwelling unit and the secondary dwelling unit. For the purposes of calculating gross floor area requirements for secondary dwelling units the following shall not be included:

- a) additions to dwelling units completed within five (5) years prior to the establishment of a secondary dwelling unit; and
- b) the gross floor area of accessory structures.

6) Parking

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

7) Total bedrooms

A Secondary dwelling unit shall be limited to a maximum of one (1) bedroom, and the total number of bedrooms of both the primary dwelling unit and secondary dwelling unit is not greater than five (5).

9) Licensing

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