

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: Scott Mathers MPA, P. Eng.,
Deputy City Manager, Planning and Economic Development

Subject: Additional Residential Unit Amendments as a Result of More
Homes Built Faster Act, 2022 (Bill 23)
Public Participation Meeting
City-wide/City of London

Date: May 23, 2023

Recommendation

That, on the recommendation of the Director, Planning and Development, with respect to the Official Plan and Zoning By-law requirements for 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 June 6, 2023 **TO AMEND** the Official Plan (The London Plan) policies relating to additional residential units in accordance with new requirements in the *Planning Act*, which were changed through the More Homes Built Faster Act, 2022 (Bill 23); and
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on June 6, 2023 **TO AMEND** the regulations of Zoning By-law No. Z.-1 relating to additional residential units, to conform with the recommended amendments to the Official Plan (The London Plan).

Executive Summary

Purpose and the Effect of Recommended Action

The recommended amendments to The London Plan and Zoning By-law no. Z.-1 are required to comply with new requirements for Additional residential units in the *Planning Act*, which was recently changed through Bill 23, the *More Homes Built Faster Act, 2022* (herein referred to as More Homes Act).

Rationale of Recommended Action

1. The recommended amendments are consistent with the Provincial Policy Statement (2020), including policy 1.4.3 that requires that the City to plan for an appropriate mix of housing types and densities and permit, where appropriate "all forms of residential intensification, including additional residential units."
2. The recommended amendments will permit additional residential units in accordance with changes to the *Planning Act* made through the More Homes Act.
3. The recommended amendments align with City initiatives to increase housing supply, including affordable housing. This includes The City of London Housing Pledge that was approved by Council in February, 2023.

Link to Strategic Plan

The recommended amendments support the 2023-2027 Strategic Plan strategic area of focus of Housing and Homelessness. Specifically, support for more additional residential units will increase the overall housing supply and provide a wider range of affordable housing options.

The amendments also support a more sustainable growth pattern with higher levels of intensity. This is a key strategy to achieve climate action and sustainable growth results.

The recommended Official Plan and Zoning By-law amendments are being presented as a result of new requirements of the *Planning Act* for additional residential units that were approved through the More Homes Act. It is also an opportunity to consider changes to the planning approach to additional residential units so that other City objectives relating to housing supply and affordability can be achieved.

1.0 Background to Additional Residential Unit Policies

Since 2017 the Province has changed the *Planning Act* on three occasions to permit more residential intensification with a goal to increase housing supply and affordability Province-wide. One of the ways increase housing supply is to increase the number of units permitted on individual lots in urban areas. The *Planning Act* has made sure that secondary dwelling units are permitted throughout Ontario, and these recent changes have changed the label to “Additional Residential Units” and increase the number of units to three, including one in an accessory building.

The change in terminology is important as it affects how Additional units should be regarded. While they were being referred to as secondary dwelling units the intent was to provide a small unit that was accessory to the main dwelling unit. With the new references to “additional residential units” the hierarchy is removed and there is no sense of one unit requiring more prominence than the others.

Prior to Bill 23, the province introduced Bill 108, the *More Homes, More Choice Act*, 2019. The intention of Bill 108 was 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 identified 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.

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 street townhouse residential dwelling, which replaced the previous requirement to permit one Secondary Dwelling Unit within these housing forms.

Regulation 299/19, which implemented Bill 108, also indicated that;

- 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 be related to the owner; and,
- Additional residential units can be in existing buildings or new construction.

In response to Bill 108, the City completed a review of The London Plan and Zoning by-law Z.-1 regulations (OZ-9176/Additional Residential Unit Review-City of London) and on December 8, 2020 Council approved those amendments which made the following changes:

1. Defined “Additional Residential Unit” in the Zoning By-law,
2. Established a minimum size for an additional residential unit of 25 square metres (269 square feet),
3. Did not allow a home occupation in an additional residential unit,
4. Allowed additional residential units in single detached dwellings, semi-detached dwellings and street townhouse dwellings,
5. Permitted a maximum of two units including one in the main dwelling and one additional unit in a detached structure,

6. Did not allow additional residential units on a separate lot, did not permit units in basements where they were below the level of the sanitary servicing and not in the floodplain,
7. Permitted additional residential units in detached buildings only in the rear yard or interior side yard subject to the zoning by-law regulations,
8. Capped the gross floor area of all additional residential units to 40% of the size of the main dwelling unit,
9. Capped the number of bedrooms permitted in all units to a maximum of five (5) based on dwelling type,
10. Did not permit entrances to units in the front or exterior side yard, and
11. Required no additional parking for additional residential units.

Bill 23, the *More Homes Built Faster Act*, received Royal Assent on November 28, 2022, and made the following additional changes:

1. Permits three residential units on most residential lots, either all three units in the main building or two units in the main building and one in an accessory detached structure,
2. Prohibits policies in an Official Plan and Zoning By-law that have the effect of restricting additional residential units on a parcel of urban land,
3. Prohibits policies in an Official Plan to set minimum unit sizes,
4. Prohibits policies in an Official Plan to require more than one parking space per unit, and
5. Prohibits appeals to the changes mentioned above.

The recommended amendment is intended to comply with these new requirements that were introduced through Bill 23, but also consider other changes that meet the broader goal of facilitating additional units while still ensuring compatibility with existing neighbourhoods.

2.0 London's Housing Supply Action Plan

Related to Bill 23 was a Provincial request that London accept its municipal housing target of 47,000 units and make a pledge to achieve those units within 10 years. That pledge was approved by Council on February 14, 2023, and it included direction for Civic Administration to prepare a Housing Supply Action Plan.

Actions and Strategies are identified that will facilitate the development of housing, including direction to "promote gentle intensification" in neighbourhoods. While Rethink Zoning is the longer-term approach to achieve this objective through a comprehensive set of new zoning regulations, the recommended amendments provide short-term opportunities to increase housing supply under the existing Zoning By-law.

3.0 Community Consultation

Public liaison: Notice of Application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on February 2, 2023. A web page on the City of London website www.london.ca was also created. The notice to Agencies and other City Departments was sent February 1, 2023. The notice provided was as follows;

Nature of Liaison: City-wide – Additional Residential Unit Review in Response to Bill 23 (More Homes Built Faster Act)

On November 28, 2022 the Province received Royal Assent on Bill 23 (More Homes Built Faster Act). Among other changes, the changes to the Planning Act would still have the effect of allowing a total of three units on a lot containing a single detached, semi-detached or street townhouse dwelling but all three units could be located in the main building or have one unit located in a detached building and two units in the main building. The purpose and effect of these London Plan and/or zoning changes is to implement these recent changes to the Planning Act made by Bill 23. In December 2021 Council approved London Plan and Zoning By-law changes as a result of the passage of Bill 108 (More

Homes, More Choices Act) to allow a total of three units on a lot containing a single detached, semi-detached or street townhouse dwelling; however, the main building could only contain two units and the detached building one unit. Maximum size of units, number of bedrooms permitted, parking regulations and the need for site plan approval for detached structures were also included in the previous Council approved amendments as a result of Bill 108. Bill 23, besides allowing three units in the main building, may have the effect of removing the maximum unit size and number of bedroom regulations and need for site plan approval for any detached building as well. Additional changes to be considered include removing minimum dwelling unit sizes in Section 4.6.2) b) in Zoning By-law Z-1.

In response to these public engagement initiatives we received a number of questions and seven replies with comments, one including a 58 name petition (see Appendix D), by letter or e-mail. The comments received support initiatives to reduce or remove restrictions on additional residential units. Common themes in the comments are include the following:

- Change or remove the 40% cap on the size of additional residential units;
- Remove all minimum unit size regulations;
- Change or remove the bedroom cap limit;
- Increase the detached additional residential unit height limit;
- Want to be able to add an addition to permit an additional residential unit; and,
- Change the process for issuing permits for these units.

4.0 Current Policy Context

Provincial policies and legislation provide direction for the Additional Residential Unit amendments. Applicable provincial planning documents include the 2020 Provincial Policy Statement and the *Planning Act*. City planning policies and regulations are provided in The London Plan and Zoning By-law no. Z.-1. Other strategies supplement the planning direction in these documents.

4.1 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 shall be efficiently laid out, and that settlement areas (e.g. Cities) are to be the focus of future growth.

Specifically, support for additional residential units is included in the following PPS policies:

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)

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)

Based on the foregoing, the proposed amendments that support the development of additional residential units are consistent with the PPS (2020).

A new draft *Provincial Planning Statement* was recently posted to the Province's engagement website, the Environmental Registry of Ontario, on April 6, 2023 for public input. This new *Provincial Planning Statement* would replace the PPS (2020) and there are many significant changes. However, the new draft maintains the policy direction that encourages intensification, including additional residential units, so if the draft Provincial Planning Statement were to be approved no changes are required to the recommended amendments.

4.2 Planning Act

The following analysis includes consideration of the current *Planning Act* requirements, including all new provisions that have been amended through the More Homes Act.

Section 2 of the *Planning Act* identifies matters of provincial interest that all approval authorities shall have regard to when making planning decisions. Included on the list are "The adequate provision of a *full range of housing, including affordable housing*" (Subsection 2(j)). Because the recommended amendments would support creating more additional residential units, which is a key aspect to the City's affordable housing plans, the amendments align with this provision.

More specifically, Section 16 provides requirements for Official Plans, and includes in subsections 16(3)-16(3.3) the following requirements:

Restrictions for residential units

- (3) No official plan may contain any policy that has the effect of prohibiting the use of,
 - (a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
 - (b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
 - (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

Same, parking

- (3.1) No official plan may contain any policy that has the effect of requiring more than one parking space to be provided and maintained in connection with a residential unit referred to in subsection (3).

Same, minimum unit size

- (3.2) No official plan may contain any policy that provides for a minimum floor area of a residential unit referred to in subsection (3).

Policies of no effect

- (3.3) A policy in an official plan is of no effect to the extent that it contravenes a restriction described in subsection (3), (3.1), or (3.2).

Similar requirements are also included in Section 35.1, which applies to Zoning By-laws. The recommended amendments include changes to City policies and regulations to meet all of the requirements in the *Planning Act*, as amended through the More Homes Act.

4.3 The London Plan

Policies 937 and 939 provide a rationale for residential intensification throughout neighbourhoods and identifies additional residential units as an important opportunity for intensification. Benefits of intensification are listed in Policy 937, which includes that “Intensification within existing neighbourhoods will be encouraged to help realize our vision for aging in place, diversity of built form, affordability, vibrancy, and the effective use of land in neighbourhoods.”

Policy 941 and 942 include the current requirements for additional residential 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 108, the *More Homes More Choices Act, 2019* and the previous Bill 139, the *Building Better Communities and Conserving Watersheds Act, 2017*.

The purpose of this report is to make amendments to The London Plan to be consistent with changes made by the More Homes Act, and consider some other possible changes to the policy that support the broader objective to facilitate more affordable dwelling units.

4.4 Zoning By-law No. Z-1

Current zoning requirements for additional residential units are included in Section 4.37 of the Zoning By-law. In summary, the current regulations include the following:

- Additional residential units are permitted in association with a single detached, semi-detached, or street townhouse dwelling,
- Two additional residential units are permitted on a lot, including one in the main building and one in an accessory building,
- Additional residential units are limited to 40% of the total residential floor area on the lot, and are subject to the overall bedroom limit of the primary unit,
- Direct access to an additional residential unit is not permitted from the front of the building, and
- There is no parking requirement for an additional residential unit.

Other sections of the Zoning By-law affected by the recommended amendments include Section 4.6 – Dwelling units, which establishes a minimum unit area for dwellings; and Section 4.1 – Accessory Uses, which restricts human habitation of an accessory building.

5.0 Recommended Amendments

The recommended amendments include changes to The London Plan and Zoning By-law that will comply with new requirements of the *Planning Act* and also align with new City initiatives to increase housing supply, while also considering the need to ensure fit and compatibility of new development within its context. The following sections provide a thematic overview and rationale for the recommended amendments. The recommended amendments to The London Plan are in Appendix A, the Zoning By-law Amendment is in Appendix B, and a summary of the changes with tracked changes is included in Appendix C.

5.1 Dwelling Unit Hierarchy

Just as is the case with the *Planning Act* changes, The London Plan and Zoning amendments remove references and allusions to a hierarchy of units where more than one dwelling units are included within a single detached, semi-detached, or street townhouse dwelling. While previously these dwelling types may have been understood as single units, it is now more suitable to consider them as building types that may include up to three dwelling units each. This change in how additional units are

presented is reflected in several of the recommended amendments to The London Plan and Zoning By-law:

- Amend The London Plan policy 941 by changing the description of additional residential units from being “ancillary and subordinate to the primary dwelling,” to being “permitted in addition to the primary dwelling.”
- Amend the definition for Additional Residential Unit in the Zoning By-law to use the same proposed language as The London Plan policy 941.

5.2 Number and Location of Additional Residential Units

One of the key changes to the *Planning Act* was to remove restrictions on where additional residential units could be located. Under the new legislation, additional units are permitted within the main building and up to one unit can be within an accessory building. The maximum remains at two additional units or three total units, but there is flexibility added to where they can locate.

A corresponding amendment is included in both The London Plan and Zoning By-law as follows:

- Amend The London Plan policy 942.1 by removing the restriction of up to one Additional Residential Unit permitted in a primary building.
- Amend Zoning By-law section 4.37.2) to remove the maximum number of additional units permitted in the main building but maintain the maximums of two additional units on a lot and one additional unit in an accessory building.

5.3 Minimum and Maximum Dwelling Unit Size

The current Zoning By-law includes regulations for the minimum unit sizes for all types of dwelling units, and the maximum size for additional dwelling units relative to the overall floor area. Both of these regulations are recommended to be deleted.

Minimum unit sizes have been included since well before additional residential units/secondary units were introduced. The requirements are set out in Section 4.6 of the Zoning By-law and include 70 m² for a single detached dwelling, 25 m² for an additional residential unit or a unit in a converted dwelling, and 37 m² plus 10 m² per bedroom for any other dwelling type.

Habitable spaces are regulated through the Building Code, which requires minimum room sizes to ensure health and safety. These minimum sizes include:

Room/Space	Minimum required floor area
Living area	13.5 m ² (145 ft ²)
Dining area	7 m ² (75 ft ²)
Kitchen	4.2 m ² (45.2 ft ²)
Combined living, dining and kitchen areas in a one-bedroom unit	11 m ² (118.4 ft ²)
Master bedroom (without built-in closet)	9.8 m ² (95 ft ²)
Other bedrooms (without built-in closets)	7 m ² (75 ft ²)
Bathroom	Sufficient space for sink, toilet and shower stall or bath
Combined sleeping, living and dining areas and kitchen space	13.5 m ² (145 ft ²)

Because the Building Code provides these standards for living spaces it is unnecessary to regulate minimum unit sizes through the Zoning By-law. The only purpose of a zoning regulation would be to prevent smaller units than the prevailing trend in the neighbourhood, and this is not consistent with the goal to provide a mix of unit types and sizes within neighbourhoods. Changes to the *Planning Act* specifically prohibit minimum sizes for additional residential units, but the same rationale should apply to

other unit types, so it is recommended that this regulation be deleted altogether from the Zoning By-law.

Maximum unit sizes are included in the current zoning by-law for additional residential units is 40% of the total residential floor area on the lot. The rationale for this regulation was that it would ensure the additional units remain secondary to the primary dwelling unit on the lot. Given the change in dwelling unit hierarchy described in section 5.1 of this report it no longer makes sense to regulate unit size relative to the primary unit.

The overall scale of residential uses will be regulated through the provisions of the zone that control the height, setbacks, coverage, and other aspects of the building in addition to the limit on the number of bedrooms. There is a maximum of five bedrooms that are permitted in a single detached dwelling, which applies to the whole building and not to individual dwelling units. Maintaining this requirement maintains the overall scale of a single detached dwelling, and would direct larger buildings to zones that permit more intense residential unit types. Bedroom caps also exist for semi-detached and street townhouse dwellings, which is set at 5 bedrooms or 3 within the Near-Campus Neighbourhoods.

In summary, recommended amendments related to unit size include:

- Delete The London Plan policy 942.4 that limits the size of all additional residential units on a lot to 40% of the overall residential floor area.
- Delete Zoning By-law section 4.6.2) that includes minimum dwelling unit sizes for all dwelling types.
- Delete Zoning By-law section 4.37.5) that limits the size of all additional residential units on a lot to 40% of the overall residential floor area.

5.4 Neighbourhood Character Requirements

It was the intent of the current policies to permit additional residential units while minimizing their impact on neighbourhood character, by maintaining the appearance of the building having a single dwelling unit. While fit and neighbourhood context remain important planning considerations, it is desirable to provide a mix of dwelling types within neighbourhoods and therefore not necessary to hide the fact that additional units exist. Fit within a neighbourhood context is better managed with regulations on issues such as building size, setback, lot coverage, and parking areas.

Regulating neighbourhood character in general terms is also challenging given that the More Homes Act also removed Site Plan Control for development containing ten dwelling units or less.

The recommended amendments related to neighbourhood character include:

- Delete The London Plan policy 942.4 that requires exterior alterations to maintain the appearance of a building containing one dwelling unit and requiring access to additional units through entrances in the rear or side yards.
- Delete The London Plan policy 942.10.e. that requires additional units in an accessory structure to maintain neighbourhood character
- Delete Zoning By-law section 4.37.7) that restricts exterior access to additional residential units to the rear and interior side yards.

5.5 Site Plan Approval

The More Homes Act includes changes to *Planning Act* Section 42 related to Site Plan Approval, including that Site Plan Control can no longer apply to development with ten residential units or less. This rules out all development that includes additional residential units. A separate review will include amendments to implement the More Homes Act changes; however, as part of this review it is recommended to remove references to site plan control within the Additional Residential Unit policies. The recommended amendment includes:

- Delete The London Plan policy 942.11 that identify where site plan control applies.

5.6 Other changes

Other changes are recommended to the Zoning By-law that improve clarity and consistency or remove redundant policies. Such changes include:

- Amend Zoning By-law section 4.1.1) to clarify that accessory units do not need to be specifically permitted in each zone and that accessory buildings may be used for human habitation.
- Delete part of Zoning By-law section 4.37.4) that are redundant and may cause confusion where additional residential units are permitted in an accessory structure.
- Delete part of Zoning By-law section 4.37.8) that state that parking is required in accordance with the primary unit, as that is addressed through general parking requirements.
- Delete Zoning By-law section 4.37.9 that requires development to conform with the Building Code and Fire Code. These regulatory documents apply and do not require direction in the Zoning By-law.

6.0 Conclusion

Amendments to The London Plan and Zoning By-law Z.-1 are required to implement recent changes to the *Planning Act* through Bill 23, the *More Homes, Built Faster Act, 2022*. The recommended amendments will update the City of London's Additional Residential Unit policies and regulations to ensure they conform with the new legislation and also work towards the City's housing goals.

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Recommended by: Heather McNeely, MCIP, RPP
Director, Planning and Development

Submitted by: Scott Mathers, MPA, P.Eng.
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Development

May 2, 2023

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Appendix A – Official Plan Amendment

Bill No. (number to be inserted by Clerk's Office)
2023

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

A by-law to amend the Official Plan for the City of London, 2016 relating to implementing of More Homes Built Faster Act, 2022 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, The London Plan, 2016, for the City of London Planning Area, 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 June 6, 2023.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – June 6, 2023
Second Reading – June 6, 2023
Third Reading – June 6, 2023

**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 Official Plan, The London Plan, for the City of London to revise additional residential unit policies to conform with recent changes to the *Planning Act*.
2. To ensure the Official Plan policies will achieve housing objectives.

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, Built Faster Act, 2022 (Bill 23)* with respect to additional residential units.
2. The amendments are consistent with the policies of the *Provincial Policy Statement, 2020* and are consistent with the policies of the Official Plan, The London Plan, for the City of London.

D. THE AMENDMENT

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

- 1) Policy 941 with regard to additional residential units is deleted in its entirety and replaced with the policy below;

For the purposes of this Plan, additional residential units are defined as a dwelling unit permitted in addition to the primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof.

- 2) Policy 942 with regard to additional residential units is deleted in its entirety and replaced with the policy below;

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, which may include 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. Additional residential units shall comply with all regulations of the associated zone.
5. 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.

6. 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.
7. 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.
8. An additional residential unit 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. Meets the requirements of the zone which apply to accessory structures.
9. 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.

Appendix B – Zoning By-law Amendment

Bill No. (number to be inserted by Clerk's Office)
2023

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

A by-law to amend By-law No. Z.-1 to revise additional residential unit regulations and replace some regulations 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 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 is amended by deleting the existing definition for an Additional Residential Unit and replacing it with the following:

“ADDITIONAL RESIDENTIAL UNIT” means a dwelling unit permitted in addition 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. The addition of an additional residential unit does not change a single-detached, semi-detached or street townhouse dwelling into any other type of residential building.

- 2) Section 4.1.1) (Accessory Uses Permitted in All Zones) in Zoning By-law Z.-1 is amended by deleting the existing regulation and replacing it with the following:

ACCESSORY USES PERMITTED IN ALL ZONES

Where this By-Law permits a lot to be used or a building or structure to be erected or used for a purpose, that purpose shall include any building, structure or use accessory thereto, except that open storage shall only be permitted in any zone in which such a use is specifically listed as a permitted use. No accessory building, structure or use in an agricultural zone or a residential zone shall be used for human habitation, except where a dwelling unit is permitted as an additional residential unit or where the zone permits a bed and breakfast establishment, secondary farm dwelling, temporary garden suite or hotel.

- 3) Section 4.6 (Dwelling Units) is amended by deleting the existing heading regulations and replacing them with the following:

4.6 DWELLING UNITS LOCATED WITHIN BASEMENTS

A 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.

- 4) Section 4.37 (Additional Residential Units) is amended by deleting the existing regulations and replacing them 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

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

5) 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.

6) Parking

No additional parking is required for additional residential units.

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

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 June 6, 2023.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – June 6, 2023
Second Reading – June 6, 2023
Third Reading – June 6, 2023

Appendix C – Recommended London Plan and Zoning By-law Amendments with Tracked Changes

Within this Appendix underlined text indicates it is new wording to be added, and strikethrough text means it is existing wording to be deleted. Bold text indicates an existing or proposed heading. Where a section in a numbered list is to be deleted the final amendment will include renumbering the entire list.

Official Plan (The London Plan) Amendments

ADDITIONAL RESIDENTIAL UNITS

941_ For the purposes of this Plan, additional residential units are defined as a dwelling unit ~~ancillary and subordinate~~ permitted in addition to the primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof.

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:

10. A maximum of two additional residential units are permitted, ~~including~~ which may include a maximum of one additional unit ~~in the main dwelling and a maximum of one additional unit~~ in an accessory structure.
11. Additional residential units must be located on the same lot as the primary dwelling unit.
12. Additional residential units shall be required to be licensed pursuant to the Residential Rental Unit Licensing By-law.
13. ~~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.~~
14. Additional residential units shall comply with all regulations of the associated zone.
15. ~~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.~~
16. 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.
17. 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.
18. 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.
19. An additional residential ~~units~~ unit 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.

~~20. 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.~~

21. 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.

Zoning By-law Amendment

Section 2: Definitions

“ADDITIONAL RESIDENTIAL UNIT” means a dwelling unit ~~ancillary and subordinate permitted in addition 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. The addition of an additional residential unit does not change a single-detached, semi-detached or street townhouse dwelling into any other type of residential building.

Section 4: General Provisions

4.1 ACCESSORY USES

1) ACCESSORY USES PERMITTED IN ALL ZONES

Where this By-Law permits a lot to be used or a building or structure to be erected or used for a purpose, that purpose shall include any building, structure or use accessory thereto, except that ~~no home occupation, open storage or accessory dwelling unit shall~~ only be permitted in any zone ~~other than a zone in~~ which such a use is specifically listed as a permitted use. No accessory building, structure or use in an agricultural zone or a residential zone shall be used for human habitation, except where a dwelling unit is permitted as an ~~accessory use~~ additional residential unit or where the zone permits a bed and breakfast establishment, secondary farm dwelling, temporary garden suite or hotel.

4.6 DWELLING UNITS LOCATED WITHIN BASEMENTS

~~1) LOCATION WITHIN BASEMENT~~

~~A 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.~~ 2)

~~2) DWELLING UNIT AREA (MINIMUMS)~~

~~No dwelling unit shall be erected or used unless it has the following minimum gross floor area~~

- ~~a) a dwelling unit constituting a single detached dwelling – 70.0 square metres (753 sq. ft.) or as specified within a zone;~~
- ~~b) converted dwelling unit and additional residential unit – 25 square metres (269 square feet);~~
- ~~c) any other dwelling unit – 37 square metres (398 square feet) for a bachelor dwelling unit plus an additional 10.0 square metres (108 square feet) for each bedroom.~~

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

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

7) ~~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.~~

8) 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.

9) ~~Code Requirements~~

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

Appendix D – 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 a number of questions and seven (7) replies with comments, one including a 58 name petition (see Appendix B), by letter or e-mail. The breakdown of the nature of the comments is as follows;

65 comments including requests to do the following;

- change or remove the 40% cap on the size of additional residential units;
- remove all minimum unit size regulations;
- change or remove the bedroom cap limit;
- increase the detached additional residential unit height limit;
- want to be able to add an addition to permit an additional residential unit; and,
- change the process for issuing permits for these units.
- one reply expressed concerns that the amendments would increase the problems in existing neighbourhoods.

Written- Letter/E-mail
58 name petition – see below
Phil Megaro
Phil Williamson (Propeller Property Group Inc.)
Jenny Hecht (AE Builders)
Uri Hecht (AE Builders)
Brian Currah
Daniel Chiapka
Carrie O’Brien (Drewlo Holdings)
Nick Dyjack (Strik, Baldinelli Moriz)
Wael Alhusson
Ben Thompson
Quinton (Jarvis Design Firm)
Frank Gerrits (York Developments)

58 Name Petition

Common Sense City Policy - Additional Dwelling Units

We are requesting that the City of London consider adopting the following policies relating to Additional Dwelling Units:

- 1. Eliminate the minimum dwelling size, and instead follow the Ontario Building Code restrictions only.*
- 2. Allow additional bedrooms, over and above the current 5 bedrooms per lot for ADU's*
- 3. Eliminate the restriction prohibiting ADU's from occupying more than 40% of the Gross Floor Area.*

We believe that the creation of Additional Dwelling units is a key component to solving the housing shortage that London, like many other Ontario Cities, is currently facing. Units within existing structures and/or on existing lots can be created more quickly, less expensively, and with less impact on the environment and City infrastructure. ADU's offer a more 'gentle' form of intensification within the core areas of the City when compared to the urban sprawl of new subdivision development. These policies encourage investment to create units where it was not feasible in the past, and in underutilized existing spaces such as basements and backyards. These policies encourage homeowners to create safe, legal suites, rather than often unsafe, illegal units frequently seen prior to the implementation of these policies. For these policies to be effective in encouraging the creation of new dwelling units and meeting the provincial objectives they must be logical and only impose practical restrictions where necessary. Past policies on Secondary Suites and Additional Units within the City have created unnecessary and impractical barriers that have inhibited citizens abilities to create these units. This time around we are requesting that the City implement the above changes to the By-Law regulation to encourage creation of new dwelling units within the City, providing safe and more affordable housing options to serve the needs of our growing population.

Signatures

1. Name: Carolyn Macnamara on 2023-02-28, Comments: I support this request
2. Name: Dan Illes on 2023-03-01
3. Name: Tyson George on 2023-03-01
4. Name: Justin Black on 2023-03-01
5. Name: Daniel Ciapka on 2023-03-01
6. Name: Manny Khaira on 2023-03-01
7. Name: Diogo Barreira on 2023-03-01
8. Name: Scott Rowland on 2023-03-01
9. Name: Moosa Sedu on 2023-03-01
10. Name: Thomas Forsythe on 2023-03-01, Comments: Let's build safe affordable dwellings on our properties
11. Name: Minna Nguyen on 2023-03-01
12. Name: Derek Williamson on 2023-03-01, Comments: I understand the need for regulation in housing, but not when it becomes a disincentive towards the goal. We need more housing, and this can be accomplished without compromising on safety of these dwellings.
13. Name: Chibuikem Ndubuisi on 2023-03-01, Comments: The city needs to step up and make changes that will speed up housing. This is one step. Further more parking requires should also be relaxed especially for these ADU as most of them will already have access to Municipal BUS stops, bike routes for those who don't own cars.
14. Name: Thao Thai on 2023-03-01
15. Name: Pj Gorton on 2023-03-01
16. Name: Jason Igras on 2023-03-01 Comments: I support the recommendations in this petition
17. Name: Luis Angel on 2023-03-01
18. Name: Micheal Clarke on 2023-03-01
19. Name: Paula McFarlane on 2023-03-01
20. Name: Justin Carrothers on 2023-03-01
21. Name: Spencer on 2023-03-01

22. Name: Michael Rosehart on 2023-03-01, Comments: The ADU is not allowed on lots with septic or well; even if they have a dedicated septic for the ADU. If 1km further outside city than middlesex allows it. London is being unfairly harsh on those properties that would like to build a pool house or add an ADU, which they currently cannot.
23. Name: Gail Ryder on 2023-03-01, Comments: These are all the same comments I spoke up at a council meeting about. I got up on the microphone and tried to explain this to you as I have properties that you won't allow me to build anymore additional units on because of your senseless and unnecessary restrictions. You should be ashamed of yourself for not listening to me back then (2019,2020). You have a responsibility to allow developers and housing providers to create more supply but instead you make ridiculous rules to kibash them. Stop it! People need places to live including our own family members. In the meantime, I bought housing outside of the city where the restrictions aren't so strict and now I can live and support my extended family.
24. Name: Matthew Popp on 2023-03-01
25. Name: Will Rounthwaite on 2023-03-01, Comments: This is definitely needed! We shouldn't be limiting viable housing options during a housing crisis
26. Name: Jason McNeill on 2023-03-01
27. Name: Sukhvir brar on 2023-03-01
28. Name: Jeremy Evans on 2023-03-01
29. Name: Martin liersch on 2023-03-01
30. Name: Charline Robichaud on 2023-03-01
31. Name: Gleb Petukhov on 2023-03-01
32. Name: B Pouliot on 2023-03-01
33. Name: Amir on 2023-03-01
34. Name: Dylan on 2023-03-01
35. Name: Reese Vint on 2023-03-01
36. Name: Melissa miles on 2023-03-02
37. Name: Dillon Dyck on 2023-03-02
38. Name: Luke Holst on 2023-03-02
39. Name: Jake Tayler on 2023-03-02
40. Name: Magie Kennedy on 2023-03-02
41. Name: Andres Diaz on 2023-03-02
42. Name: Jestin jose on 2023-03-02
43. Name: Tina Morales on 2023-03-02
44. Name: Ken Madlener on 2023-03-02
45. Name: Sam on 2023-03-02
46. Name: Janet Batchelor on 2023-03-02, Comments: Let's develop what we have to its highest potential to prevent the development of conservation lands.
47. Name: Martin B on 2023-03-02
48. Name: Anisa Jepsen on 2023-03-02
49. Name: Klaud Czeslawski on 2023-03-02
50. Name: Nezar alansari on 2023-03-03
51. Name: Duane Becker on 2023-03-03, Comments: Accessory dwelling units may not be the whole solution to our housing affordability issues, but should be part of the solution.
52. Name: Nathan Blanco on 2023-03-03 , Comments: It would be great for the City of London to embrace the need for additional units wirh open arms and aid in the efforts .
53. Name: Eric Barrette on 2023-03-04
53. Name: Euan Zhang on 2023-03-04
54. Name: Michelle Reyes on 2023-03-04
55. Name: Richard Carvell on 2023-03-05
56. Name: Carlos Afanador on 2023-03-06
57. Name: Blair Stine on 2023-03-07

Carrie O'Brien (Drewlo Holdings)

In response to the posting for Administrative changes associated with Bill 23/Additional Units, Drewlo/Ironstone would like to provide the following for consideration.

As noted below, we've briefly evaluated offering "purpose-built" additional units (secondary suites). In our initial review these were the hurdles we identified (we've also provided this comments to Justin in response to the "Path to 47,000 units").

Bill 23 changes will address majority of our concerns (identified hinderances); the one item that may be outstanding is the required gross floor areas of the secondary unit. Our understanding is that the gross floor areas of the additional residential units cannot be greater than 40% of the primary dwelling unit.

From a "purpose built" perspective, further clarification on the distinction between duplex and additional unit would be helpful.

Based on discussions with staff, how permits would be issued (under the "purpose built" lens) seems to be a bit of an unknown as it changes the part of the OBC that would apply. I would recommend further discussions with the Building department when establishing strategies to increase the amount of gentle intensification in the City.

Daniel Ciapka

The City of London is experiencing a housing crisis and I strongly encourage that the City allows up to 3 residential units within the main building and removes all unit size maximum/minimum requirements. Also, the removal of the number of bedrooms allowed with each unit/the main building would allow for a larger variety of unit mixes throughout the City. For example, there is no reason to only allow a "maximum" of 5 bedrooms in a home if there is enough space to allow for three 2-bedroom units.

Brian Currah

I believe with the need of more housing, intensification in lieu new subdivisions makes Bill 23 a favourable solution.

Uri Hecht

My name is Uri Hecht. My company AE Builders has focused strictly on infill intensification builds for 10 years. Through my projects I have had experience with zoning bylaw compliance, site plan applications and minor variances.

I would like to submit comments for the Additional Residential Unit review, specifically addressing zoning restrictions that are making ARU's only viable to a small subset of people and with a very specific lot size. Based on my experience designing, applying for permits and building ARU's, below are the areas of issue that need to be addressed:

1. Restrictions on the number of bedrooms reduces allowed living space. For example, multi generation living requires more bedrooms.
2. The regulations tying a detached ARU to an accessory building greatly reduces allowed living space. Height restrictions are limiting the ability to go up, again significantly limiting living area.
3. Gross Floor area restrictions also greatly limit the allowed living area, especially since detached ARU GFA is not counted towards the calculations.
4. Removing additions from the GFA calculations also greatly limits the allowed living area.

In order to make ARU's more viable and common the restrictions have to be revised in a way to allow for more possibilities. If not, ARU creations will be less than a drop in the bucket that is needed for more supply of housing.

Phil Williamson

Summary:

I am requesting that the City of London consider adopting the following policies relating to Additional Dwelling Units:

- Eliminate the minimum dwelling size, and instead follow the Ontario Building Code restrictions only.
- Allow additional bedrooms, over and above the current 5 bedrooms per lot for ADU's
- Eliminate the restriction prohibiting ADU's from occupying more than 40% of the Gross Floor Area.

(Note that the full letter is available in the file from Planning & Development)

Ben Thompson

I read through the below link Mike sent over. It looks like the City is considering removing the cap on size for ADU's within existing Dwelling units. Has the City considered allowing more than one accessory unit (detached) or removing the size cap on the accessory structure ADUs? I own a very large R1 property in the city where I currently have one ADU detached in an accessory structure. However, it is quite small. It would be amazing if the City would allow a second 3rd or 4th on the lot. Maybe the size of these units could be associated to the lot size and lot coverage vs. the existing dwelling size?

I am able to provide a much higher quality rental unit by detaching the units vs. attaching them all together. Currently I have large open green space in the city, it would be great to infill it. I don't have deep enough pockets to look at rezoning and London Plan Amendments, nor am I willing to take the risk of the plan being rejected in the end.

I have a 65' x 330' lot open to two streets, zoned R2. I could easily put 3 detached ADU's and then turn the primary dwelling into a semi.

Agency/Department Liaison

On March 5, 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. The only substantive comments were received from Parks Planning.

Parks

Just a note that Bill 23 exempts additional units from parkland dedication:

Non-application, residential units

(1.3) A by-law passed under this section does not apply to the erection or location of,

- (a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;*
- (b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or*
- (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential*

land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units. 2022, c. 21, Sched. 9, s. 12 (5).