

MEMORANDUM

To: Mayor White and Members of Council
Copy: Ms. Denise Holmes, CAO
From: Chris Jones MCIP, RPP
Date: May 31, 2019
Re: Secondary Suites

PURPOSE OF MEMO

Provincial law and policy requires municipalities to establish policies and regulations for secondary suites.

The purpose of this memo is to review current policies and the regulations of abutting municipalities and obtain Council direction to move forward with the preparation of a draft zoning by-law amendment to accommodate secondary suites through as-of-right zone regulation.

SECONDARY SUITES

A secondary suite is a self-contained residential dwelling unit located within (or forming part of) an existing dwelling or accessory structure which is capable of functioning as an independent dwelling unit in a manner compliant with the Ontario Building Code.

CURRENT POLICIES AND PROVISIONS ADDRESSING SECONDARY SUITES

The Planning Act R.S.O 1990

Section 16 (3) of the Planning Act states:

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 or semi-detached house or rowhouse contains a single residential unit.*

It is also noted that the above Section is proposed to be modified by Bill 108 so it reads as follows:

An official plan shall contain policies that authorize the use of additional residential units by authorizing:

- a) *The use of two residential units in a detached house, semi-detached house or rowhouse; and,*
- b) *The use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse.*

Provincial Policy Statement (2014)

Section 1.1.1 b) of the Provincial Policy Statement states that:

Healthy, livable and safe communities are sustained by accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons)...(emphasis added)

A Place to Grow (2019)

Section 2.2.6 of the Growth Plan refers to secondary suites in the following policy addressing housing:

Upper and single-tier municipalities, in consultation with lower tier municipalities, the Province, and other appropriate stakeholders, will:

- a) *support housing choice through the achievement of the minimum intensification and density targets in this plan, as well as the other policies of this Plan by:

 - i) *Identifying a diverse range and mix of housing options and densities, including second units and affordable housing to meet projected needs of current and future residents....**
- d) *implement 2.2.6.1 a) through official plan policies and designations and zoning by-laws*

County of Dufferin Official Plan

Section 3.7.4 of the County of Dufferin Official Plan establishes the following guiding policies for secondary suites:

The County supports the provision of second residential units and garden suites as a means to provide a greater diversity of housing types and housing affordability.

• *Municipal Planning Services* •

Chris D. Jones BES, MCIP, RPP
51 Churchill Drive
Barrle, Ontario
(705) 725-8133

It is the policy of the County that:

- a) The County generally encourages the permission of second residential units within single detached, semi-detached, and townhouse dwelling units where a residential unit is not permitted in an accessory structure to those housing types on the property. Local municipalities may permit the second residential unit to be located within a residential accessory structure, subject to the policies and regulation of the local municipal official plan and zoning by-law.
- b) Local municipal official plans and implementing zoning by-law will contain detailed policies and requirements related to second residential units, which generally support their creation, and will have consideration for such matters as: land use permissions for second residential units, parking requirements, servicing, and compliance with other relevant municipal and provincial requirements.
- c) Local municipalities are encouraged to establish policies related to garden suites in their official plan, where appropriate.

Melancthon Official Plan

Section 3.12 of the new Official Plan for the Township of Melancthon establishes the following guiding policies for secondary suites:

- (a) A second dwelling unit is permitted in specific types of residential uses through either:
 - i the use of two dwelling units in a detached dwelling or semi-detached dwelling if no building or structure accessory to the detached dwelling or semi-detached dwelling contains a dwelling unit; or
 - ii the use of a dwelling unit in a building or structure ancillary to a detached dwelling or semi-detached dwelling if the detached dwelling or semi-detached dwelling contains a single dwelling unit.
- (b) The development of second dwelling units shall comply with the applicable policies of this section including the criteria of subsection (c) immediately below, all other relevant policies of this Plan, including those relating to servicing, hazardous lands and floodplains, and the provisions of the implementing Zoning By-law.
- (c) All second dwelling units shall meet the following criteria:
 - i there is compliance with all applicable Zoning By-law provisions;
 - ii there is compliance with all Building Code and Fire Code provisions;

• Municipal Planning Services •

Chris D. Jones BES, MCIP, RPP
 51 Churchill Drive
 Barrie, Ontario
 (705) 725-8133

- iii *there is sufficient room on the subject property for any required services including individual on-site water and sewage services and all associated approvals have been obtained;*
 - iv *the site is not within any area subject to natural hazards such as floodplains or erosion hazards and any permits required from a conservation authority have been obtained;*
 - v *sufficient on-site parking and amenity areas are provided;*
 - vi *no new vehicular access facility is required from the abutting public road; and,*
 - vii *there is no substantial alteration to the exterior appearance of the building as a detached or semi-detached dwelling.*
- (d) *The criteria of subsection (c) immediately above may be implemented through the use of such measures as Zoning By-law provisions, the application of design guidelines, and requirements for servicing approvals.*

ABUTTING MUNICIPALITIES

Mulmur Township

Section 3.3 of the Township of Mulmur Comprehensive Zoning By-law establishes zone regulations that permit additional single dwellings as well as accessory dwelling units.

The regulations governing accessory dwelling units include:

- a) Minimum lot area of 0.4 ha;
- b) Appropriate water and septic servicing; and,
- c) Attachment by a common ceiling, floor or wall having a minimum surface area of 12 m².

Amaranth Township

Comprehensive Zoning By-law 2-2009 (Consolidated December 2010) did not include regulations for secondary suites.

Clearview Township

Section 2.5.1 of the Clearview Township Zoning By-law included the following regulations for accessory apartments:

• *Municipal Planning Services* •

Chris D. Jones BES, MCIP, RPP
51 Churchill Drive
Barrie, Ontario
(705) 725-8133

- a) A minimum habitable area of 25m² for studio apartments or 32 m² for 1 bedroom apartments;
- b) Habitable space shall not exceed 111 m²;
- c) Separate sanitary facilities and kitchen facilities from the principle dwelling;
- d) Separate entry from the principle dwelling;
- e) Designed to be an integral part of the dwelling and not alter façade facing the street;
- f) Minimum 1 parking space;
- g) Not be located below the floor elevation of a flood plain;
- h) Adequate water and septic services;
- i) Compliant with all other regulations (i.e. fire, health, safety or occupancy).

Southgate Township

Township of Southgate Zoning By-law 19-2002 (Consolidated version February 2009) did not include regulations for secondary suites.

ANALYSIS

The policy direction from the Province, the County and the Township's official plan clearly suggests that secondary suites need to be addressed as an integral part of our future housing strategy. As a rural municipality with almost no diversity or choice in housing type, the importance of accommodating secondary suites as a measure to address affordability and to accommodate aging in place is heightened.

Currently the Township's Zoning By-law does not allow more than one dwelling on a lot and furthermore the definition of a "dwelling" permits only one kitchen. As a result, landowners seeking to establish secondary suites are currently required to obtain a special zoning approval through an application for a zoning by-law amendment and Council has approved several of these amendments over the last few years.

It is recommended that Council initiate an amendment process to the Comprehensive Zoning By-law to allow secondary suites in an existing dwelling unit subject to zone regulations. For the purpose of preliminary discussion on the development of zone regulations, proposed zone regulations for secondary suites are provided on the next page:

• *Municipal Planning Services* •

Chris D. Jones BES, MCIP, RPP
51 Churchill Drive
Barrie, Ontario
(705) 725-8133

Draft Regulations for Secondary Suites

Notwithstanding any other provisions of this By-law, one secondary dwelling unit is permitted in a dwelling provided:

- a) *the principle dwelling has a minimum gross floor area of 65 square metres;*
- b) *the maximum gross floor area of the secondary dwelling unit is 50 square metres (538 ft²) and the minimum gross floor area is 30 square metres (323 ft²);*
- c) *the principle dwelling unit and the secondary dwelling unit shall each have an independent means of access from the outside;*
- d) *The resultant two-unit dwelling is compliant with all other provisions of this By-law and the Ontario Building Code Act;*
- e) *the principle dwelling and secondary dwelling unit shall share one septic system which shall be confirmed to be in good working order;*
- f) *the secondary dwelling unit shall require one parking space and shall share the same driveway as the principle dwelling;*
- g) *no accessory use or home based business shall be permitted in conjunction with a secondary dwelling unit; and,*
- h) *within the R1 Zone the establishment of a secondary suite shall require the owner to enter into a site plan agreement.*

RECOMMENDED RESOLUTION

If Council is in agreement with the general direction of this report, the following resolution is suggested:

1. That Council gives direction to the CAO and Planner to coordinate the preparation of a draft zoning amendment to authorize as-of-right permission of and regulations for secondary suites in the Township and to schedule a public meeting in accordance with the requirements of the Planning Act.

Respectfully Submitted,



Chris Jones MCIP, RPP

• Municipal Planning Services •

Chris D. Jones BES, MCIP, RPP
51 Churchill Drive
Barrie, Ontario
(705) 725-8133