

## Request for Decision

### Bill 108 Implementation: Official Plan and Zoning By-law Amendments

Presented To:	Planning Committee
Presented:	Monday, Jun 22, 2020
Report Date	Wednesday, May 13, 2020
Type:	Public Hearings

#### Resolution

THAT the City of Greater Sudbury approves the Official Plan Amendment and Zoning By-law Amendment to implement Bill 108 with respect to additional residential units, as outlined in the report entitled "Bill 108 Implementation: Official Plan and Zoning By-law Amendments", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on June 22, 2020.

#### Relationship to the Strategic Plan / Health Impact Assessment

The City of Greater Sudbury, through Council's Corporate Strategic Plan (2019-2027) directs staff to prioritize housing. Objective 5.3 aims to develop and promote solutions to support existing housing choices, specifically to "improve services/housing for all those living or seeking to live in Greater Sudbury".

#### Report Summary

This report provides a summary of the legislated changes to the Official Plan and Zoning By-law 2010-100Z to implement Bill 108: More Homes, More Choice Act, 2019 with respect to additional residential units and presents a draft of the proposed amendments.

#### Financial Implications

There are no financial implications associated with the approval of this report. The amendments to the Official Plan and Zoning By-law implement legislated changes introduced through Bill 108.

#### Signed By

**Report Prepared By**

Melissa Riou  
Senior Planner  
*Digitally Signed May 13, 20*

**Manager Review**

Kris Longston  
Manager of Community and Strategic Planning  
*Digitally Signed May 15, 20*

**Recommended by the Division**

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed May 19, 20*

**Financial Implications**

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Jun 4, 20*

**Recommended by the Department**

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Jun 5, 20*

**Recommended by the C.A.O.**

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Jun 8, 20*

**Staff Report: Bill 108 Implementation: Additional Residential Units**  
**June 1, 2020**  
**Planning Services Division**

**Background**

This report proposes administrative changes to the official plan and zoning by-law to implement Bill 108 as it pertains to Additional Residential Units. As outlined in the report presented to Planning Committee on January 6, 2020, Bill 108 – More Homes, More Choice Act, 2019, was an omnibus bill that amended several pieces of legislation in Ontario. The Bill made changes to the *Planning Act*, including those which require municipalities to implement policies in their official plans to authorize the use of additional residential units. The Bill received Royal Assent on June 6, 2019 and the changes related to additional residential units were proclaimed into force on September 3, 2019.

On August 29, 2019, O. Reg 299/19 came into force. This regulation specified that each additional residential unit is to have one parking space for the sole use of the occupant of the additional residential unit, unless a parking space is not required for the occupant of the primary residential unit. Further, this regulation specifies that a required parking space may be tandem.

In order to implement this new legislation for additional residential units, the City of Greater Sudbury Official Plan must be amended to include the new policy framework and Zoning By-law 2010-100Z must be amended to permit this form of housing.

**Overview of Changes**

The new additional residential unit framework expands upon the previous second unit provisions in the Planning Act and authorizes the use of three units on a property that contains a single detached, semi-detached or rowhouse dwelling. This includes allowing an additional unit within the primary dwelling and a unit within an ancillary structure associated with the primary dwelling on the same lot. These additional residential units would continue to be subject to municipal zoning provisions (i.e. maximum lot coverage and setbacks). Further, additional residential unit policies in an official plan and associated zoning provisions continue to be sheltered from appeal.

In 2016 the City of Greater Sudbury amended its Official Plan and Zoning By-law, and created a registry system, for second units to implement the requirements of

the *Strong Communities Through Affordable Housing Act, 2011*. Since this time, 73 units have been registered. The Registry lists all second units that were created with the benefit of a building permit. The Registry is available to the public and assures any prospective tenant that the unit met the requirements of the *Ontario Building Code* and the *Fire Code*.

Under the previous amendments made through the *Strong Communities Through Affordable Housing Act, 2011*, an official plan was required to contain policies authorizing a second residential unit in single detached, semi-detached and row dwellings, if no ancillary structure to the dwelling contained a residential unit OR authorize a secondary residential unit in an accessory structure, provided that there was not a secondary unit in the primary residential structure. Bill 108 requires official plans to contain policies permitting two residential units in a detached house, semi-detached house or rowhouse (the primary unit and an additional residential unit) and an additional residential unit in a structure ancillary to the primary dwelling unit, for a potential of up to three units.

### **Proposed Amendments to the Official Plan and Zoning By-law**

It is proposed that the Official Plan for the City of Greater Sudbury be amended to modify language within the current policies to implement the new provincial legislation, while maintaining the current terminology of “secondary dwelling unit”. It is further proposed that Zoning By-law 2010-100Z be amended to include reference to additional residential units within the definition for “Dwelling Unit, Secondary” and make additional changes to implement provincial legislation such as the number of units permitted and parking requirements. Tables providing summaries of proposed changes to both the Official Plan and the Zoning By-law are appended to this report (Appendices A and B). Further draft amendments to the Official Plan and Zoning By-law are attached as Appendices C and D.

### **Additional Residential Units in Accessory Structures**

The legislation requires that two additional residential units or secondary dwelling units be permitted on a lot, one within the primary residential structure and one within an accessory structure. Under the proposed zoning by-law amendment, the existing lot coverage and setback requirements for accessory structures will remain the same.

## **Further Review**

Zoning By-law changes that could facilitate the ability to establish additional residential units or secondary dwelling units will be examined as part of the Tiny/Small Homes project and further changes to the Zoning By-law would be presented to Council for their consideration as part of that work. Proceeding with the current amendment will allow for additional residential units (potential third units) consistent with the Provincial legislation, with potential additional modifications to follow. As an example, the Tiny/Small Homes work will review current lot coverage and permitted built form regulations (e.g. modular).

## **Other Considerations**

Development Charges: The City's Development Charge By-law (By-law 2019-100) provides rules with respect to exemptions for intensification of existing housing, in accordance with the *Development Charges Act, 1997*. Similar to Secondary dwelling units, Additional residential units will not be subject to Development Charges with some exceptions. O.Reg 454/19 will amend Ontario Regulation 82/98 under the *Development Charges Act*. The intent of the regulation is to permit the creation of additional residential units in ancillary structures without triggering a development charge. It is proposed that one additional unit in a new single detached dwelling, semi-detached dwelling and row-house, including in a structure ancillary to one of these dwellings, would be exempt from development charges. The changes proposed under the regulation have yet to be proclaimed are not yet in effect.

Other Fees: By-law 2018-45 established water and wastewater policy and water and wastewater rates and charges in general and for special projects (i.e. Rock Tunnel). Section 42 provides exemptions for secondary units. This exemption would not apply to secondary units in accessory structures and a fee of \$1,148 would apply within the South End Sewer Rock Tunnel Project Area and \$2,524 within the Kingsway Sewer and Water Project Area.

Similarly, fees under By-law 2011-80, Monte Principale –Lionel Lalonde Centre Water Servicing Project would also apply per residential unit. A fee of \$495 would be applicable for properties within the defined area.

Building Permits: Building Permits will be required for the construction of Additional residential units. As noted above, Building Services maintains a registry to track the location of secondary dwelling units and this process would continue with respect to the additional units.

## **Education and Outreach**

Staff will continue to work with internal and external stakeholders to communicate the changes to the public. Once the changes have been implemented the Affordable Housing Strategy webpage will be updated as well as the second unit information packages available through building services, in addition to presentations to local agencies.

## **Summary and Recommendation**

It is recommended that the official plan amendment and zoning by-law amendment to implement Bill 108 legislation for Additional residential units by amending the current secondary dwelling unit policies and provisions be approved.

## **References**

1. Bill 108, Better Homes, More Choice Act, 2019  
<https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-108>
2. Ontario Regulation 299/19, Additional Residential Units  
<https://www.ontario.ca/laws/regulation/r19299>
3. Staff Report, Second Units, June 27, 2016  
<https://agendasonline.greatersudbury.ca/?pg=agenda&action=navigator&lang=en&id=988&itemid=11519>
4. Staff Report, Bill 108 Update, June 10, 2019  
<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=11&id=1316>
5. Staff Report, Provincial Planning Reform: Implementing Bill 108, January 6, 2020  
<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=11&id=1440>

Appendix A – Proposed Changes Table

<b>DRAFT</b>	
<b>Proposed Changes to the Official Plan to Implement Bill 108 – Additional Residential Units</b>	
<b>Existing Policies</b>	<b>Proposed Changes</b>
<b>PART 2 -</b>	
<b>2.3.6 Secondary Dwelling Units</b>	<b>2.3.6 Secondary Dwelling Units</b>
<p>Secondary Dwelling Units, also referred to as accessory suites or dwellings, can provide an effective form of intensification and increase the availability of affordable housing choices for residents. Secondary dwelling units are defined as a dwelling unit which is ancillary and subordinate to the primary dwelling unit and that may be contained within the main building on a lot or in an accessory building.</p> <p>Policies</p> <ol style="list-style-type: none"> <li>1. Secondary dwelling units are permitted in single detached, semi-detached, street townhouse and row dwellings as well as in an accessory structure.</li> <li>2. Mobile homes are not permitted as secondary dwelling units in the Living Area designations.</li> <li>3. No more than one Secondary dwelling unit will be permitted in association with each primary dwelling on the same lot.</li> </ol>	<p>Secondary Dwelling Units, also referred to as <a href="#">accessory residential units</a>, accessory suites or dwellings, can provide an effective form of intensification and increase the availability of affordable housing choices for residents. Secondary dwelling units are defined as a dwelling unit which is ancillary and subordinate to the primary dwelling unit and that may be contained within the main building on a lot or in an accessory building.</p> <p>Policies</p> <ol style="list-style-type: none"> <li>1. Secondary dwelling units are permitted in single detached, semi-detached, street townhouse and row dwellings <a href="#">and a Secondary dwelling unit is permitted in</a> an accessory structure.</li> <li>2. Mobile homes are not permitted as secondary dwelling units in the Living Area designations.</li> <li>3. No more than <a href="#">two Secondary dwelling units</a> will be permitted in association with each primary dwelling on the same lot. <a href="#">One within the primary structure and one within an accessory structure.</a></li> </ol>

SCHEDULE "A" TO  
BY-LAW XXXX-XXX  
APPENDIX C

**COMPONENTS OF THE AMENDMENT:**

PART A – The Preamble does not constitute part of this Amendment.

PART B – The Amendment, consisting of the following text, constitutes Amendment No. XX to the Official Plan for the City of Greater Sudbury.

DRAFT

SCHEDULE "A" TO  
BY-LAW XXXX-XXX

**PART A – THE PREAMBLE:**

**A.1 Background**

The Planning Act, as amended by the *More Homes, More Choice Act, 2019* (Bill 108), requires municipalities to establish Official Plan policies and zoning by-law provisions allowing secondary dwelling units, also referred to as additional residential units, in single, semi and rowhouses and a secondary dwelling unit (additional residential unit) in an accessory structure in new and existing developments. The Planning Act shelters the proposed amendment from appeals.

The proposed official plan amendment will update existing policies related to “secondary dwelling units” in the Official Plan to provide additional flexibility for additional residential units in a manner consistent with the Planning Act.

As part of undertaking the City of Greater Sudbury Housing and Homelessness Background Study (2013), the issue of second units was thoroughly investigated, including:

- Legislative and historical context;
- Rationale and benefits of second units;
- Feedback from stakeholders and public consultation;
- Potential impacts of Secondary Suite Policies.

A discussion paper on second suite policy options was brought forward to Planning Committee in October of 2013. The report recommended that the Official Plan contains policies that permit second suites in detached, semi-detached, street townhouses, row dwellings and accessory buildings, subject to a number of criteria, including:

- A restriction of one second suite per lot;
- Adequate servicing being available;
- Not being located on or adjacent to hazard lands;
- Not causing alterations to the main building exterior that would change the character of the existing neighbourhood; and
- Satisfying all applicable requirements of the Zoning By-law, Building Code, Fire Code and Property Standards By-law.

On July 12, 2016 Council approved By-law 2016P-132 to amend the Official Plan and By-law 2016-133Z to amend Zoning By-law 2010-100Z to implement policies and provisions for secondary dwelling units.

This amendment will remove the restriction of one secondary dwelling unit (additional residential unit) per lot and amend the restriction to two secondary dwelling units (additional residential units) per lot.

**A.2 Purpose**

This amendment revises the current “secondary dwelling unit” policies to be consistent with Bill 108 and O.Reg 299/19 with respect to “additional residential units”.

**A.3 Location**

This Amendment applies to all lands within the City of Greater Sudbury.

**A.4 Basis**

The *Planning Act*, as amended by the *More Homes, More Choice Act, 2019*, requires municipalities to amend Official Plan policies and zoning by-law provisions to allow second units, which are now to be termed “additional residential units” in single, semi and row houses and an additional residential unit in accessory structures in new and existing development.

SCHEDULE "A" TO  
BY-LAW XXXX-XXX

**PART B – THE AMENDMENT**

All of this part of Schedule 'A', entitled 'Part B – The Amendment', consisting of the following text, constitutes Amendment No. XX to the Official Plan for the City of Greater Sudbury (hereinafter referred to as the Official Plan)

**DETAILS OF THE AMENDMENT**

The Official Plan is hereby amended, as follows:

- 1.** By deleting and replacing the introductory paragraph and policies 1 through 3 of Section 2.3.6, Secondary Suites, with the following:

"2.3.6. Secondary Dwelling Units

Secondary Dwelling Units, also referred to as additional residential units, accessory suites or dwellings, can provide an effective form of intensification and increase the availability of affordable housing choices for residents. Additional residential units are defined as a dwelling unit which is ancillary and subordinate to the primary dwelling unit and that may be contained within the main building on a lot or in an accessory building.

Policies

1. Secondary dwelling units are permitted in single detached, semi-detached, street townhouse and row dwellings and a Secondary dwelling unit is permitted in an accessory structure.
2. Mobile homes are not permitted as Secondary dwelling units in the Living Area designations.
3. No more than two Secondary dwelling units will be permitted in association with each primary dwelling on the same lot. One within the primary structure and one within an accessory structure."

**Appendix B – Proposed Changes Table**

<b>DRAFT</b>	
<b>Proposed Changes to the Zoning By-law to Implement Bill 108 – Additional Residential Units</b>	
<b>Existing Provisions</b>	<b>Proposed Changes</b>
<p>Part 3, Definitions                      95. Dwelling Unit, Secondary, “A dwelling unit that is ancillary and subordinate to a primary dwelling unit that may be contained within the main building on a lot or in an accessory building.</p>	<p>Part 3, Definitions                      95. Dwelling Unit, Secondary, <u>“an additional residential unit</u> that is ancillary and subordinate to a primary dwelling unit that may be contained within the main building on a lot or in an accessory building.</p>
<p>4.2.10 Secondary Dwelling Units                      4.2.10.1 Permission for Secondary Dwelling Units                      An <i>secondary dwelling unit</i> may be permitted within:                      a) <i>A single detached dwelling and a building accessory</i> there to;                      b) <i>A semi-detached dwelling and a building accessory</i> there to;                      c) <i>A row dwelling and a building accessory</i> there to; and                      d) <i>A street townhouse dwelling and a building accessory</i> there to;                      Provided that a maximum of one <i>secondary dwelling unit</i> is permitted on a <i>lot</i>.</p>	<p>4.2.10 Secondary Dwelling Units                      4.2.10.1 Permission for Secondary Dwelling Units                      A <i>secondary dwelling unit</i> may be permitted within:                      a) <i>A single detached dwelling and a building accessory</i> there to;                      b) <i>A semi-detached dwelling and a building accessory</i> there to;                      c) <i>A row dwelling and a building accessory</i> there to; and                      d) <i>A street townhouse dwelling and a building accessory</i> there to;                      Provided that a maximum of <u>one secondary dwelling unit is permitted within the primary dwelling and one secondary dwelling unit is permitted within an accessory building on a lot</u>.</p>
<p>5.2.9.1 Double Parking</p>	<p>Added second paragraph as follows:  <u>Notwithstanding the above, a parking space that is provided and maintained for the sole use of the occupant of a secondary dwelling unit may be a tandem parking space</u></p>

SCHEDULE "A" TO  
 BY-LAW XXXX-XXX  
 APPENDIX D

That Zoning By-law 2010-100Z is hereby amended, as follows:

- 1.** In Part 3: Definitions, deleting the definition for "Dwelling Unit, Secondary", and replacing it with the following:

95.	Dwelling Unit, Secondary (By-law 2016-133Z)	An additional residential unit that is ancillary and subordinate to the primary dwelling unit that may be contained within the main building on a lot or in an accessory building.
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- 2.** In Part 4, deleting Section 4.2.10 Secondary Dwelling Units, deleting the paragraph after section 4.2.10.1 d) and replacing it with the following:

*"Provided that a maximum of one additional dwelling unit is permitted within the primary dwelling and one additional dwelling unit is permitted within an accessory building on a lot."*

- 3.** In Section 5.2.9.1 Double Parking, adding a second paragraph as follows:

*"Notwithstanding the above, a parking space that is provided and maintained for the sole use of the occupant of a secondary dwelling unit may be a tandem parking space."*

This By-law shall come into effect upon passage and the adoption of Official Plan amendment #XX.

