

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=navigate&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>