

## **BACKGROUND AND OVERVIEW**

Bill 108, the *More Homes, More Choice Act, 2019* made changes to several piece of legislation, including the *Planning Act*. These changes to the *Planning Act* came into effect in September 2019 and are intended to increase housing options and boost housing supply to address Ontario's housing crisis.

With these changes, the *Planning Act* require that all municipalities in Ontario authorize the use of a second residential unit in a detached, semi-detached or townhouse (rowhouse) dwelling, as well as an additional residential unit in a building or structure accessory to the principal dwelling, for a potential of up to three units per lot.

Subsection 16(3) of the *Planning Act*, as amended, states the following requirements for permitting secondary units:

### **Additional residential unit policies**

(3) 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. 2019, c. 9, Sched. 12, s. 2 (1).

In accordance with Provincial legislation, all municipalities are required to implement policies that authorize the use of additional residential units. The content provided below is presenting a draft of the proposed City-Initiated Official Plan and Zoning By-law Amendments to permit secondary residential units in single detached dwellings, semi-detached dwellings and townhouses (rowhouses) as well as an additional secondary unit in an accessory building.

## **DRAFT OFFICIAL PLAN AMENDMENTS TO ADDRESS SECONDARY UNITS**

### 1.0 Purpose:

The purpose of these amendments is to implement policies in the Official Plan to permit secondary residential units, in conformity with changes to the *Planning Act* made by *Bill 108 More Homes, More Choice Act, 2019*. Bill 108 requires municipalities to permit residential units within accessory structures, in addition to permitting secondary units in detached house, semi-detached house and townhouse (rowhouse).

### 2.0 Proposed Amendments and Policies:

2.1 The document known as the Official Plan of the Municipality of Casselman is hereby amended:

- a) by replacing criteria 7. at the end of 2.2.5 Residential Policies with the following:
  - 7. Permit secondary units in single detached dwellings, semi-detached dwellings, townhouses (rowhouses), as well as an additional secondary unit in an accessory building or structure for lots containing these types of dwellings or a duplex, all subject to available infrastructure, access and servicing.

b) by replacing Section 7.3.2 Garden Suites and Secondary Units with the following:

### **7.3.2 Additional Residential Units (Garden Suites and Secondary Units)**

Additional Residential Units are self-contained residential dwelling units, with their own cooking facilities, sanitary facilities and sleeping areas. These units are located either within a principal dwelling that is single-detached, semi-detached or townhouse (rowhouse) dwelling, or within an accessory building or structure on the same lot as a single detached, semi-detached, duplex or townhouse (rowhouse) dwelling.

Additional Residential Units are efficient, creative and cost-effective option to create low density affordable housing units in Casselman.

#### **Garden Suites**

A garden suite – sometimes called a granny flat - means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable and removable following their intended use.

Garden suites are intended as housing for those who are generally capable of living independently but who, by virtue of their age or a disability require the support of others to live on their own.

The Plan shall allow the establishment of a garden suite on any lot upon which a single detached dwelling is a permitted use subject to a site-specific temporary use Zoning By-law amendment. Generally, a garden suite should not be established on a lot encompassing less than 0.2 hectares (0.5 acres).

The Planning Act enables a municipality to enact a temporary use by-law to permit a garden suite for a period of up to 10 years with subsequent limited renewals, and together with the Municipal Act, allows a municipality to enter into an agreement respecting:

- The installation, maintenance and removal of the garden suite.
- The period of occupancy by the person(s) named in the agreement.
- A monetary or other form of security related to the garden suite.

In considering a request to establish a garden suite, the proponent shall:

- demonstrate that the increased intensity of use can be addressed in the proposal;
- demonstrate compliance to the Ontario Building and Fire Codes;
- demonstrate that there will be no adverse impacts on adjacent land uses (i.e. drainage, access for fire protection, sun shadow, existing infrastructure capacities, etc.);
- demonstrate compliance with applicable zoning standards for lot size, setbacks and parking;
- demonstrate how the external appearance will complement the principal residential dwelling.

## **Secondary Units**

Secondary Units (also known as accessory apartments, additional residential units, basement apartments or in-law-suites), are self-contained “dwelling units” often with a separate entrance, located within and subordinate to an existing single detached dwelling unit, semi-detached dwelling unit, or townhouse (rowhouse) dwelling that contains its own separate cooking and bathroom facilities in addition to the usual living quarters.

Secondary Units shall be permitted where a single detached dwelling, semi-detached dwelling, duplex, or townhouse (rowhouse) dwelling is permitted; and shall be subject to the following criteria:

- A maximum of two secondary units are permitted on a lot containing a single detached dwelling, semi-detached dwelling, or townhouse (rowhouse) dwelling. Only one secondary unit shall be located within the main dwelling, and only one secondary unit shall be located within an accessory structure or building on a lot, provided that the lot does not contain a garden suite.
- A maximum of one secondary unit is permitted on a lot that contains a duplex, provided that the lot does not contain a garden suite. This secondary unit shall only be located and permitted within an accessory structure or building.
- The size and scale of an accessory building used as a secondary unit located within an accessory building or structure shall be consistent with the requirements for accessory buildings in the zoning by-law.
- All secondary units shall comply with the Ontario Building Code and any other applicable legislation.
- All secondary units are to be located on full municipal services, unless it can be demonstrated to the satisfaction of the Chief Building Official that the sewage system on private sanitary servicing has been upgraded to meet the regulations of the Ontario Building Code (OBC).
- All secondary units shall be of a size, design, and location that is subordinate to the main dwelling and does not have a significant impact on the streetscape or character of the surrounding neighbourhood.
- Adequate on-site parking is to be provided for all secondary units in accordance with the requirements of the Zoning By-law.
- Secondary units shall have no negative impact on stormwater management and site drainage.
- Council may establish a registry of secondary units with associated requirements to be registered in accordance with the provisions of the Municipal Act.
- The severance of any secondary units from the lot where the principal dwelling is located shall not be permitted.

## **DRAFT ZONING BY-LAW AMENDMENTS TO ADDRESS SECONDARY UNITS**

### 1.0 Purpose:

The purpose of these amendments is to create definitions and general provisions for permitting and managing the development of secondary units.

### 2.0 Proposed Amendments and Provisions:

2.1 The document known as the Zoning By-law of the Municipality of Casselman is hereby amended:

a) by replacing the definition of Garden Suite under Section 3.93 with the following:

#### **3.93 Garden Suite**

**Means a one-unit detached residential structure other than a mobile home or recreational vehicle as defined, containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable. For the purpose of this by-law, a garden suite shall not be considered an accessory dwelling unit, accessory dwelling, converted dwelling, or secondary unit as defined herein.**

b) by adding Section 3.164.1, after Section 3.164 to include the following definition:

#### **3.164.1 Secondary Unit**

**Means a self-contained dwelling unit with a private kitchen, bathroom facilities, and sleeping area(s) that is accessory and subordinate to a single detached dwelling unit, semi-detached dwelling unit, duplex or townhouse (rowhouse) dwelling unit. A secondary unit is located on the same lot as the main dwelling. For the purpose of this by-law, a secondary unit shall not be considered an accessory dwelling unit, accessory dwelling, converted dwelling, or garden suite as defined herein.**

c) by replacing Section 4.1.1 (e) with the following:

(e) The use of any accessory building for human habitation is not permitted except where this use is permitted as a secondary unit or garden suite and complies with all other provisions of this by-law and other applicable

d) by replacing Section 4.10 with the following:

#### **4.10 Garden Suites**

(a) Subject to the passing of Site Specific Temporary Use By-law under Section 39 of the *Planning Act*, a Garden Suite shall be permitted as a separate dwelling unit in a residential zone where prescribed provided that the minimum lot area is 465 m<sup>2</sup> (5,005.3 ft<sup>2</sup>) in area, that the maximum height of the Garden Suite is 6 m (19.7 ft.), that the Garden Suite is located in a rear or interior side yard which meets the requirements set out for a rear yard, that the minimum setback from any adjacent lot line is 3.0 m (9.8 ft.) and provided that the maximum lot coverage does not exceed the requirements within the Zone.

(b) A garden suite is not a permitted use on a lot that contains a secondary unit within an accessory building or structure.

- e) by replacing the third row of residential use of the Schedule for parking requirements under Section 4.21 with the following:

USE	MINIMUM NUMBER OF PARKING SPACES
<b>Residential</b>  <b>-secondary unit</b>  <b>-group home</b>	  <b>One (1) space per dwelling unit</b>  <b>Two (2) spaces per dwelling unit</b>

- f) by adding Section 4.26.1 after Section 4.26 to include the following:

**4.26.1 Secondary Units**

(a) A maximum of two secondary units are permitted on a lot containing a single detached dwelling, semi-detached dwelling or townhouse (rowhouse) dwelling. Only one secondary unit shall be located within the main dwelling, and only one secondary unit shall be located within an accessory structure or building on a lot, provided that the lot does not contain a garden suite.

(b) A maximum of one secondary unit is permitted on a lot that contains a duplex. This secondary unit shall only be permitted within an accessory structure or building located on the same lot, provided that the lot does not contain a garden suite.

(c) A secondary unit is not permitted within an accessory building or structure located on a lot that contains a garden suite.

(d) a secondary unit must be adequately serviced with municipal water and sewer, unless explicitly stated otherwise in the Official Plan. Supporting information may be requested to verify the suitability of proposed servicing arrangements to accommodate the establishment of a secondary unit.

(e) Parking for a secondary unit shall be provided in accordance with the requirements of subsections 4.20 and 4.21 of this by-law and shall share the same entrance and parking area serving the existing dwelling.

(f) A Secondary Unit located within an existing dwelling shall be accessed via a private entrance from outside the building or from a common vestibule inside the building. The creation of a secondary unit within an existing dwelling must not result in any new exterior doorway entrance added to the front wall of the dwelling.

(g) A secondary unit shall not be permitted on an undersized lot.

(h) The severance of a secondary unit from the lands containing the main dwelling shall not be permitted.

(i) An accessory building or structure used for a secondary unit shall comply with the provisions applicable to accessory buildings under this by-law for matters including, but not limited to height, floor area, setbacks, and lot coverage.

Secondary Unit Policies - Draft Official Plan Amendment  
Implementation of Secondary Unit Regulations - Draft Zoning By-law Amendment

(j) The maximum floor area of an accessory building or structure used for a secondary unit shall be limited in accordance with the provisions applicable to accessory buildings, as outlined in this by-law.

(k) A secondary unit shall not be permitted within an accessory building or structure unless it can be directly accessed via unobstructed walkway or path, measuring a minimum width of 1.2 metres, from a public right-of-way or lane. The walkway or path may traverse a driveway or parking area on the same lot but shall remain unobstructed at all times.

- g) by repealing Section 4.35 Zoning for Housing Intensification.
- h) by permitting a maximum of one secondary unit inside the main dwelling and a maximum of one secondary unit inside an accessory building or structure within the following zones and where a single detached dwelling, semi-detached dwelling and/or townhouse (rowhouse) dwellings are a permitted use:
- R1 (including Zone Exceptions, where applicable)
  - R2 (including Zone Exceptions, where applicable)
  - R3 (including Zone Exceptions, where applicable)
  - ER (including Zone Exceptions, where applicable)
  - GC (including Zone Exceptions, where applicable)
  - LC (including Zone Exceptions, where applicable)
- i) by permitting a maximum of one secondary unit inside an accessory building or structure within the following zones and where a duplex is a permitted use:
- R2 (including Zone Exceptions, where applicable)
  - GC (including Zone Exceptions, where applicable)
  - LC (including Zone Exceptions, where applicable)

**Pour plus d'information au sujet de cette ébauche de modifications aux plan officiel et règlement de zonage municipal, incluant les droits d'appels, veuillez contacter Pascal Doucet, Directeur du service d'urbanisme à: pdoucet@casselman.ca, 613-764-3139 extension 205.**

**For more information regarding this draft of amendments to the municipal Official Plan and Zoning By-law, including information about appeal rights, contact Pascal Doucet, Director of Planning Services at pdoucet@casselman.ca, 613-764-3139 ext. 205.**