

**Subject:** Recommendation Report - Second Dwelling Units Official Plan and Zoning By-law Amendments**Recommendation:**

**BE IT RESOLVED THAT Council receive Report 2021-0115 as it pertains to Second Dwelling Units Official Plan and Zoning By-law Amendments (file OP-AM-01-2020 and AM-04-2020);**

**AND THAT Council declare the revisions made to the Official Plan and Zoning by-law amendments are minor in nature and that no further public meeting is required;**

**AND THAT Council direct staff to bring the amendments to the Official Plan and Zoning By-law for Second Dwelling Units for adoption at the next Regular Council meeting.**

**Background:**

The Minister of Municipal Affairs and Housing introduced Bill 108, *More Homes, More Choice Act*, on May 2, 2019. The Bill introduced a number of amendments to thirteen (13) different statutes including the *Planning Act*. The *More Homes, More Choice Act*, requires that municipalities support housing choices by 'identifying a diverse range and mix housing options', noting that second dwelling units play an important role in addressing affordable housing and contributing to housing options. The changes to the *Planning Act* as a result of Bill 108 require that municipal Official Plans and Zoning By-laws must contain provisions permitting two additional residential units in single detached, semi-detached or rowhouse (townhouse) units and the use of a residential unit is a building or structure that is accessory to a single detached, semi-detached or rowhouse (townhouse) unit.

Planning staff developed draft Official Plan and Zoning By-law amendments to address the requirement of second dwelling units (SDU) in Pelham and two public meetings were held on the proposed amendments, one on February 8, 2021 and a second on June 14, 2021, to obtain public input on the proposed amendments. In

addition, the draft Official Plan and Zoning By-law amendments were circulated to the Region of Niagara for input and internal meetings were held with Planning and Building staff.

Following the second public meeting of June 14, 2021 and as per Council's direction from that meeting, staff revised the proposed Zoning By-law amendment. The changes made to the Zoning By-law amendment are to increase the permitted size of a second dwelling unit in the residential zones as well as decrease the permitted height of an accessory residential building or structure and are in the proposed revised draft Zoning By-law Amendment attached as Appendix A to this report.

### **Analysis:**

#### *Town of Pelham Draft Official Plan and Zoning By-law Amendments*

The revisions to the draft Zoning by-law (Appendix A) as directed by Council, include increasing the permitted size of a SDU in residential zones from 64 m<sup>2</sup> (700ft<sup>2</sup>) to 74.3m<sup>2</sup> (800ft<sup>2</sup>). Also, the permitted height of an accessory residential building or structure has been reduced from 7.2m (23.6 ft) to 4.75m (15.58 ft) within the residential zones. The reduction to accessory building height is meant to ensure the massing and height of accessory structures would not cause adverse impact on adjacent properties and the increase in maximum dwelling unit size is meant to provide some additional flexibility. Minor technical amendments were made to the draft Official Plan amendment to improve readability, however no changes were made to the policy content or intent.

For the policy analysis completed for SDUs please refer to Community Planning and Development Report #2021-0038 that was presented at the February 8, 2021 Public Meeting. For additional information, please refer to Community Planning and Development Reports #2021-0004 and #2021-0100.

### **Consultation:**

#### **Additional Public Comments:**

Planning staff received comments from the public between May 2021 to June 14, 2021 (full comments in Appendix B) as well as following the Public Meeting held on Monday June 14, 2021, additional comments were received and are summarized below:

- Will SDUs be registered to limit capacity within a neighbourhood?
- Annual licence fee for SDU's to be added as a line item to property tax.
- Increase the size of the units in the residential area.
- Support Second Dwelling Units as an affordable option for families.

- Parking is a main concern especially in regards to on-street parking which will have a direct impact to neighbours, as it will congest streets.
- Objection to a second dwelling unit on Emmett Street

#### Staff Responses:

In response to comments received by the public regarding the proposed policies and regulations associated with SDU's after the Public Meeting, Planning staff offer the following information:

Second Dwelling Units do not need to be registered or require a licence as they are an 'as of right' permission to property owners of single detached, semi-detached and townhouse dwelling units, subject to meeting the requirements of the Town Zoning By-law and complying with *Ontario Building Code* and *Fire Code* requirements. The intent of permitting second dwelling units is to reduce 'red tape' and minimize costs in order to aid in increasing the supply of affordable and rental housing units; requiring licencing of second dwelling units adds another level of bureaucracy that is unnecessary. Limiting the number of SDUs and only permitting a specific number per street or neighbourhood, as example, is discriminatory and does not meet the intent of the *Planning Act*.

Staff reviewed the requests to increase the maximum size of second dwelling units, in the residential areas, within the Urban areas of the Town of Pelham. Based on our analysis, staff recommend to increase the maximum size of these units in the residential area from 65m<sup>2</sup> (700ft<sup>2</sup>) to 74.3m<sup>2</sup> (800ft<sup>2</sup>). This floor area increase will comfortably accommodate a two (2) bedroom second dwelling unit while protecting the character of residential neighbourhoods and still maintaining the intent of policy that SDU's are subordinate to the principle dwelling.

The rental income generated by a one (1) or two (2) bedroom SDU will create income for the owner of the principle dwelling therefore making it affordable for both the owner and the renter. This will contribute to the Town of Pelham achieving the housing affordability objective of the Town Official Plan as well as provide additional housing options and choice.

With regard to the concerns about on-street parking, the proposed Zoning By-law amendment requires one (1) parking space per SDU in addition to the required spaces for the principal dwelling are required and must located on the same lot as the use. The regulations under the *Planning Act* for additional dwelling units state that each additional dwelling unit shall have one parking space provided and such parking may be a tandem parking space. Therefore, the Town has limited ability to require more on-site parking in an effort to reduce the potential for on-street parking. However, it is noted that on-street parking does provide some benefits and is seen as a traffic calming measure as it results in traffic slowing down which is considered a positive

road safety element and it also provides a buffer between the pedestrian on the sidewalk and the live vehicle lane which improves pedestrian safety as well. It is noted that on-street parking is generally permitted on Town roads except during a snow event.

With regards to the objection received relating to a second dwelling unit on Emmett Street, it is noted that the proponent of the second dwelling unit, similar to any other proponent, will be required to obtain and satisfy the necessary building permit requirements and comply with the requirements of the proposed Zoning By-law amendment. Should the proponent satisfactorily comply with all the requirements, permission for a second dwelling unit would be granted. The Town is not able to discriminate what properties are eligible for a second dwelling unit and which ones are not, on the basis of who owns a property or who will reside in a dwelling unit.

### **Conclusion:**

The proposed Zoning By-law amendment has been revised to address the comments received and Council's direction received at the Public Meeting. It is staff's recommendation that the amendments are considered to be minor in nature and no further public meeting is required. The proposed Official Plan amendment is also exempt from Region of Niagara approval as it complies with Provincial and Regional policy.

Together, the proposed Official Plan amendment and Zoning By-law amendment will provide the appropriate tools required to comply with the additional dwelling unit requirements under the *Planning Act*. The policy and regulation will provide increased opportunities for housing choice and housing affordability through the SDU permissions, while recognizing the SDU is to be subordinate to the principle residence in order to maintain the character of the principle dwelling unit.

The proposed amendments will streamline the approval process for SDUs for the majority of SDU'S that may be proposed by reducing the need for planning approvals and allow SDU'S to proceed directly for building permits approvals process. In those circumstances where a SDU proposal may not comply with the zoning requirements, the option for varying the zoning by-law is still available to a proponent, should they wish to proceed with that option and such requests can be reviewed on a case by case basis to determine if the request for change is appropriate and fulfills the objective of the second dwelling unit permissions.

### **Other Pertinent Reports/Attachments:**

Appendix A – Revised draft Zoning By-law Amendment and Official Plan Amendment

## Appendix B – Public Comments

Community Planning and Development Reports #2021-004, #2021-0038 and #2021-0100

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