

MUNICIPALITY OF TEMAGAMI	
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Subject:	Official Plan Amendment: Secondary Dwelling Units Statutory Public Meeting
Report Date:	March 3, 2020

A. PROPOSAL/BACKGROUND

The Municipality of Temagami has initiated an Official Plan Amendment to update its Official Plan document to include policies regarding secondary dwelling units. The Municipality held an Open House to discuss the proposed Official Plan Amendment on August 6, 2019 at the Community Centre.

The Statutory Public Meeting is being held for the purpose of providing the public with information on the proposed Official Plan Amendment and to receive comments regarding the proposed policies for secondary dwelling units. Notice has been provided to members of the public and agencies based on the requirements of the *Planning Act*. There is no recommendation being considered at the Statutory Public Meeting. Following comments received prior to, and during the Statutory Public Meeting, a subsequent report will be prepared with a final recommendation to Council.

The purpose of this report is to provide an overview of the relevant Provincial policies regarding secondary dwelling units, and to provide an overview and analysis of the proposed Official Plan Amendment document. A draft Official Plan Amendment has been prepared and is attached to this report.

B. PROVINCIAL POLICY FRAMEWORK

The Provincial Policy Statement (PPS) speaks to the accommodation of an appropriate range and mix of residential units (including second units (secondary dwelling units), affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs.

The Strong Communities through Affordable Housing Act, 2011 (Bill 140) set out requirements and tools for municipalities to establish policies that would allow secondary dwelling units in new and existing developments, provided that they are in appropriate areas.

Such policies were to allow for secondary dwelling units through the establishment of a secondary dwelling unit in an existing dwelling or the use of a residential unit in a building or structure accessory to an existing dwelling. It was recognized that these policies would also need to deal with such matters as appropriate locations and constraints. As set out in Ontario's

Long-Term Affordable Housing Strategy, the Province seeks to support social and economic inclusion, end chronic homelessness and meet the housing needs of all Ontarians.

In keeping with Provincial legislation and policies, the Municipality of Temagami's Official Plan currently includes policies to promote affordable housing through permissions for accessory apartments and garden suites. The proposed Official Plan Amendment will implement the Province's direction to include policies to permit secondary dwelling units.

Following the passing of Bill 108, Section 16(3) of the *Planning Act* permits an Official Plan to 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.

C. MUNICIPAL OFFICIAL PLAN POLICIES

Within the Urban area, the Municipality currently permits a wide variety of housing by type, size and tenure including single detached, semi-detached, mobile home units in mobile home parks and other forms of low, medium and high density residential development.

Housing within the Rural area is currently limited to single detached dwelling units, in keeping with the existing character of the area and in recognition of the servicing constraints. Current Official Plan policies would not permit garden suites and apartments in houses in the rural area.

To recognize the diversity of areas within the Municipality while setting out principles and policies for the consideration of development, land use designations within the Municipality are structured into Neighbourhood Planning Areas.

Current Official Plan policies do not permit garden suites and accessory apartments (secondary dwelling units) in the Rural area. The draft Official Plan Amendment includes wording which would expand the permissions for secondary dwelling units within the Rural area.

D. MUNICIPAL ZONING BY-LAW

The Municipality's Zoning By-law provides a number of definitions including the following:

ACCESSORY APARTMENT shall mean a second dwelling unit in a single detached dwelling for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation, and sleeping. Such dwelling is an accessory use to the main dwelling.

ACCESSORY BUILDING shall mean a detached building located on the same lot as the main building, the use of which is incidental or secondary to that of the main building and which

is not used for human habitation, and includes a detached garage, a boathouse or a sleep cabin on a residential lot. (By-law 07-745)

DWELLING UNIT, SEASONAL shall mean a single detached dwelling unit constructed as a secondary place of residence for seasonal vacations and recreational purposes and not as a principal residence of the owner or occupant thereof.

DWELLING UNIT shall mean one room or a group of rooms in a building used or designed or intended to be used as a single, independent and separate housekeeping establishment and,

- (a) in which food preparation and sanitary facilities are provided for the exclusive use of the residents of the dwelling unit, and*
- (b) which has a private entrance from outside the building or from a common hallway or stairway inside the building, but*
- (c) does not mean or include a tent, or a room or suite of rooms in a bed and breakfast establishment, boarding or rooming house, hotel, motel, motor hotel, or tourist commercial establishment.*

GARDEN SUITE shall mean an additional temporary dwelling unit temporarily located on a residential lot intended for the sole occupancy of one or two adult persons and serviced from the services of the primary/main residential dwelling on the same property. (By-law 13-1121)

SLEEP CABIN shall mean an accessory building used for non-commercial sleeping accommodation accessory to a dwelling in the Special Management Area, Integrated Management Area, Remote Residential, or Rural Residential Zones. (By-law 07-745)

Zoning permissions and specifications are set out using these definitions. Residential units (year-round or seasonal) are set out based on permitted uses within each zone. With regard to Sleep Cabins, Section 6.41 of the Zoning By-law sets out the following:

Notwithstanding Section 6.30, sleep cabins are permitted on lots in the Remote Residential (R1), (R2) and Rural Residential (R3) Zones and on existing residential lots in the SMA and IMA Zones in accordance with the following standards. (By-law 07-745)

- a) Sleep cabins shall not be more than one (1) storey in height. (By-law 07-745)*
- b) On any residential lot existing on the date of passing of this By-law, less than four tenths (0.4) hectares in size in the SMA, IMA, R1, R2 and R3 Zones, one (1) main dwelling unit and a maximum of one (1) sleep cabin without bathroom and kitchen facilities is permitted.*
- c) On any residential lot existing on the date of passing of this By-law greater than four tenths (0.4) hectares in size in the SMA, IMA, R1, R2 and R3 Zones and any residential lots created after the approval of this By-law in the R1, R2 and R3 Zones, one (1) main dwelling unit and a maximum of two (2) sleep cabins are permitted, in accordance with the provisions of this Section. (By-law 07-745)*
- d) The maximum gross floor area of the first sleep cabin on any lot in the SMA, IMA, R1, R2 or R3 Zone shall not exceed seventy two (72.0) square metres and where permitted, the second sleep cabin shall not exceed thirty six (36.0) square metres.*

- e) *On a lot greater than or equal to four tenths (0.4) hectares in the R1 Zone and R2 Zone, one (1) sleep cabin may have bathroom or kitchen facilities, where the sleep cabin is connected to the water supply and/or sewage disposal system of the main dwelling on the lot and subject to the other provisions of this By-law while the second sleep cabin, where permitted shall have neither bathroom nor kitchen facilities.*
- f) *On an existing lot greater than or equal to one and six tenths (1.6) hectares in the R1, R2, and R3 Zones, only one (1) sleep cabin with bathroom and kitchen facilities may be permitted provided that the sleep cabin is connected to approved independent, onsite water supply and sewage disposal systems. The sleep cabin with kitchen and bathroom facilities and the associated water supply and sewage disposal systems shall be located on the lot such that a lot containing the sleep cabin and water supply and sewage disposal systems can be severed from a lot containing the main cabin and associated water supply and sewage disposal systems with the severed and retained lots and buildings conforming to the lot size, lot frontage, building setback standards and all other relevant standards of this By-law. (By-law 07-745)*

For the purposes of calculating the number of sleep cabins on a lot, a boathouse with sleeping accommodations, is deemed to be a sleep cabin.

For the purpose of complying with the provisions of this section, the severed sleep cabin with kitchen and bathroom facilities shall be deemed to be the main building on the new lot and shall conform to the standards for a main building on a lot.

Sleep cabins shall not be used to accommodate guests as part of a bed and breakfast establishment. (By-law 13-1121)

Pending the final disposition of the draft Official Plan Amendment relating to secondary dwelling units, an amendment to the Zoning By-law would be required to incorporate specific provisions for secondary dwelling units. It is our opinion that such provisions would be structured in a similar way as the above sleep cabin provisions.

E. ANALYSIS

The provision of a range and mix of housing, along with the promotion of affordable housing, is both desirable and beneficial to communities in that it seeks to ensure that housing is available for a wide spectrum of individuals. Provincial legislation regarding the provision of an appropriate range and mix of residential uses (including secondary dwelling units, affordable housing and housing for older persons) fundamentally relates to the provision of year-round housing. The Municipality's Official Plan policies regarding accessory apartments (secondary dwelling units) and garden suites also relate to the provision of year-round housing.

The Ministry of Municipal Affairs and Housing prepared a Second Units Info Sheet – Spring 2017 which speaks to municipalities allowing secondary dwelling units in designations or zones that permit detached, semi-detached, or row dwellings. It also notes the following,

There may be circumstances where second units may not be appropriate given other planning considerations and policies, particularly relating to health and safety or the natural environment. For example:

- areas that are prone to flooding*
- waterfront areas/developments on private roads that are not maintained and where emergency access may be limited*
- areas adjacent to lakes with limited lake capacity*
- areas of recreational dwellings where there may be a lack of year round roads and/or which lack other daily needs and services residents may require.*

The goals, objectives and policies of the Official Plan consistently speak to the conservation of semi-wilderness values and characteristics of the Municipality as well as the community's natural and cultural heritage. Official Plan policies relating to each of the Neighbourhood Planning Areas consistently speak to the impact of the size and number of sleep cabins on a lot which can affect the intensity of use on the property. These policies also speak to sleep cabins being located in such a way as to reduce their visual impact on the surrounding area.

In considering permissions for additional secondary dwelling units, the Municipality must bear in mind the goals and objectives of the Official Plan and consider any potential impacts. The Municipality should strive to balance the provision of additional residential units with the preservation of its semi-wilderness characteristics. The cumulative effect of permitting additional dwelling units should be managed in such a way as to ensure that the Municipality's services and facilities are not unduly strained.

The proposed policies relating to secondary dwelling units include a provision that not more than one secondary dwelling unit is permitted in association with each principal dwelling on the same lot. To accommodate secondary dwelling units while maintaining the general purpose and intent of current policies relating to sleep cabins, a provision has also been included in the draft Official Plan Amendment which states that a sleep cabin with bathroom and kitchen facilities shall be deemed to be a secondary dwelling unit.

The implementation of the proposed policies would accommodate secondary dwelling units as well as sleeping cabins. The following is an example to illustrate the application of the proposed secondary dwelling unit policy along with existing Zoning By-law provisions relating to sleeping cabins.

On a residential lot existing on the date of the passing of the Zoning By-law that is greater than 0.4 hectares in size in the SMA, IMA, R1, R2 and R3 Zones or a residential lot created after the approval of the Zoning By-law in the R1, R2 and R3 zones, the proposed policies would accommodate:

- one primary dwelling unit
- one secondary dwelling unit
- a maximum of 2 sleeping cabins (with bathroom or kitchen but not both)

The amendment would permit two year round dwelling units as well as a maximum of two seasonal sleeping cabins, subject to all other provisions of the Zoning By-law, i.e. confirmation that adequate servicing can be accommodated on the site.

F. SUMMARY

The proposed Official Plan Amendment has been attached to this report for reference in advance of the Statutory Public Meeting. Secondary dwelling units are proposed to be added to the permitted uses within the Rural area of the Municipality. A new definition for a secondary dwelling units is recommended:

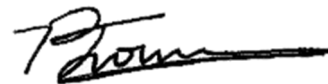
Secondary Dwelling Unit - A self-contained residential unit with a private kitchen, bathroom facilities and sleeping areas created by an interior renovation or exterior addition to the primary dwelling unit or accommodated within an accessory building or part thereof. Such residential unit is an accessory use to the main dwelling.

Following the Statutory Public Meeting, staff will review the comments and feedback received. A subsequent report will be prepared that provides an analysis of the comments and feedback received, and to provide a final recommendation for Council prior to adoption of the Official Plan Amendment. Following adoption of the proposed Official Plan Amendment, an implementing Zoning By-law Amendment will be required to bring the Zoning By-law into conformity with the updated secondary dwelling unit policies.

Respectfully Submitted,
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