

**Municipality of Temagami**  
**Official Plan Amendment and Zoning By-law Amendment**  
**Secondary Dwelling Units**

The following draft amendments are being circulated for additional comments, in advance of the Statutory Public Meeting and in advance of Council making a final decision on the amendments, related to Secondary Dwelling Units. Both an Official Plan Amendment and a Zoning By-law Amendment are being considered, to implement policies and regulations into the planning documents regarding Secondary Dwelling Units. You are being provided a copy of these amendments because you have provided comments and questions on these applications in the past. If you have additional comments on the draft amendments, it is recommended that comments be provided by **Friday, October 16, 2020** in order to be reviewed and analysed in advance of the October 29, 2020 Council meeting.

A summary of the updated Official Plan Amendment and the Zoning By-law Amendment is included below:

- 1) The updates to the *Planning Act* that require municipalities to permit second units are intended to apply to permanent housing and not recreational situations. This overriding intent behind the legislation has been reflected in the updated amendments.
- 2) The implementation of Second Unit legislations should be considered differently in settlement areas and rural areas in comparison to shoreline areas.
- 3) The Municipality of Temagami has existing Official Plan policies and Zoning By-law regulations that permit sleeping cabins on many shoreline properties. Sleep cabin size and the kitchen and washroom permissions are provided on a sliding scale, based on lot size.
- 4) Based on the existing Official Plan and Zoning By-law, on the largest of shoreline properties (over 1.6 hectares), a sleeping cabin is permitted to contain a kitchen and a washroom. Based on the definitions in the *Planning Act*, this is a dwelling unit. As a result, the Zoning By-law currently permits a second dwelling unit, although it is called a sleeping cabin by the current documents.
- 5) The key distinction between these the existing Official Plan and Zoning By-law permissions that enable a sleeping cabin to have a kitchen and a washroom and the second unit provisions contemplated by the *Planning Act*, is the distinction that the *Planning Act* version is used for permanent housing and the sleeping cabin provisions in the Official Plan are for recreational purposes.
- 6) The proposed amendments to the Municipality's Official Plan and Zoning By-law update the nomenclature to recognize that a sleeping cabin with a kitchen and a washroom is a dwelling unit. Modifications to the complementary policies of the Official Plan are also required to reflect the change in nomenclature.

- 7) Permissions have been included for secondary dwelling units in the urban and rural areas, however the permissions for secondary dwelling units on shoreline properties has not changed from the in effect Official Plan and Zoning By-law (other than the nomenclature).

**Official Plan Amendment No. \_\_\_\_**

**Municipality of Temagami**

**DRAFT**

**Amendment Number \_\_\_\_ to the  
Official Plan of the  
Municipality of Temagami**

The attached explanatory text and constituting Amendment Number \_\_\_\_ to the Official Plan for the Municipality of Temagami, was prepared and adopted by the Council of the Corporation of the Municipality of Temagami, by By-law Number 2020-\_\_\_\_ in accordance with the provisions of Sections 17 and 22 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

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Mayor

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Municipal Clerk

**THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI**

**BY-LAW NO. 2020-\_\_\_\_**

**A By-law to adopt Amendment No. \_\_\_\_ to the  
Official Plan for the Municipality of Temagami.**

**WHEREAS** The Corporation of the Municipality of Temagami is empowered to amend its Official Plan as required;

**AND WHEREAS** Sections 17 and 22 of the Planning Act, R.S.O. 1990, Chapter P. 13, as amended, provide Council such authority to amend its Official Plan;

**AND WHEREAS** the policies of the Official Plan of the Municipality of Temagami are approved and in force and effect at this time;

**AND WHEREAS** the Council of the Corporation of the Municipality of Temagami deems it necessary and desirable to adopt an amendment to the Official Plan of the Temagami;

**NOW THEREFORE** the Council of the Corporation of the Municipality of Temagami enacts as follows:

1. Amendment No. \_\_\_\_ to the Official Plan for the Municipality of Temagami, consisting of the explanatory text is hereby adopted.
2. That the Clerk of the Municipality of Temagami is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

This By-law will take effect on the date of its passage, subject to the provisions of Section 34(30) and (31) of the Planning Act, R.S.O. 1990, c.P.13.

READ A FIRST AND SECOND TIME on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

READ A THIRD TIME and finally passed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal Clerk

**Certification**

Certified that the above is a true copy of By-law No. 2020-\_\_\_\_ as enacted and passed by Council of the Municipality of Temagami on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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Municipal Clerk

## **THE CONSTITUTIONAL STATEMENT**

The following Amendment to the Official Plan for the Municipality of Temagami consists of three parts:

**Part A** – THE PREAMBLE does not constitute part of this Amendment.

**Part B** – THE AMENDMENT, consisting of the text of Amendment No. \_\_ to the Official Plan to the Municipality of Temagami. There is no map or schedule associated with the Amendment.

**Part C** – THE APPENDICES do not constitute part of this Amendment. The appendices contain the background material, planning considerations and public involvement associated with this Amendment.

## **Part A – Preamble**

### **Purpose**

The purpose of this amendment is to include policies in the Municipality of Temagami Official Plan to implement Provincial policies regarding secondary dwelling units; and to permit secondary dwelling units within all neighbourhoods in the Municipality, following direction from Council of the Corporation of the Municipality of Temagami.

This amendment implements the goals and objectives of the Official Plan by providing opportunities for a range of housing types and densities to accommodate a diversity of lifestyles, age groups, income levels and persons with special needs.

### **Location**

Amendment No. \_\_\_\_ is a textual amendment and generally applies to all lands within the Municipality, therefore there is no schedule provided with the Amendment.

### **Basis**

The Provincial Policy Statement (2014), the Strong Communities through Affordable Housing Act (2011), and the Promoting Affordable Housing Act (2016) provide direction to Municipalities to ensure that their planning documents (Official Plans and Zoning By-laws) provide for opportunities for the development of affordable housing in the form of second units (secondary dwelling units).

In adopting this Official Plan Amendment, Council relies on the following basis:

- The Provincial Policy Statement (2014) which speaks to the accommodation of an appropriate range and mix of residential, including second units (secondary dwelling units), affordable housing and housing for older persons;
- Bill 140, The Strong Communities through Affordable Housing Act, 2011 which came into effect on January 1, 2012. This Bill made changes to the Planning Act, expanding on the affordable housing options by requiring that municipalities set policies that would allow second units (secondary dwelling units) in new and existing developments provided that they are in appropriate areas;
- Bill 7, The Promoting Affordable Housing Act, 2016, and Ontario's Long Term Affordable Housing Strategy Update, which expanded and enhanced the range of land use planning and municipal finance tools that municipalities can use to build more affordable market housing;
- More Home More Choices Act 2019, which expanded the requirements for municipalities to include second unit policies within planning documents; and,



- The Municipality of Temagami's Official Plan which sets out policies to promote affordable housing.
- A desire by the Municipality to permit secondary dwelling units on waterfront properties meeting lot area and lot frontage specification.

The Provincial policy framework related to promoting affordable housing encourages and requires Municipalities to permit secondary dwelling units in some form, at the discretion of the Municipality within their planning documents. Council has provided direction to permit secondary dwelling units in the form of accessory apartments in all neighbourhoods of the Municipality, including shoreline properties.

## **Part B – The Amendment**

### **1.0 Introductory Statement**

Part B – The Amendment, consisting of the following text constitutes Amendment No. 3 to the Official Plan for the Municipality of Temagami.

### **2.0 Details of the Amendment**

The Official Plan of the Municipality of Temagami is amended in accordance with the following:

#### **A) Revision to text within Section 2.2.2 Housing as follows:**

(red text represents additions or deletions)

Housing in the rural areas is currently limited to single detached dwelling units, in keeping with the existing character of the area and in recognition of the servicing constraints. The policies of this Plan contemplate the possible introduction of higher density residential uses in the form of condominium and similar developments, subject to the policies of this Plan. Garden suites are not permitted in the urban neighbourhood. Secondary Dwelling Units ~~apartments in houses~~ are not permitted in the urban neighbourhood, and rural areas and shoreline areas of the Municipality, subject to the policies of the Plan. The Zoning By-law shall contain provisions to regulate the establishment of Secondary Dwelling Units.

Secondary Dwelling Units may be permitted in single detached dwellings or in a building or structure accessory to a single detached dwelling within the rural area (excluding shoreline properties) provided that:

- All requirements of the Zoning By-law, including the provisions to govern compatibility with the principal dwelling and surrounding land uses, as well as the size of the Secondary Dwelling Unit and other standards including the Building Code and other relevant municipal and provincial regulations can be satisfied;
- It has been determined that on-site servicing, including a septic system and private wells, have sufficient capacity for the Secondary Dwelling Unit.
- A Secondary Dwelling Unit shall not be permitted in the front yard as defined by the Zoning By-law.

New residential development may occur in rural areas through limited severances on existing patented lots and by the creation of new lots from Crown land in a manner that allows for the conservation of wilderness and semi-wilderness values; and considers the impact of adjacent uses.

**B) Revise all references to “Accessory Apartments” to read “Secondary Dwelling Units”.**

**C) Include Secondary Dwelling Unit as a permitted use in various designations**

Sections 4.3.3, 5.3.2, 5.3.3, 6.3.2, 6.3.3, 7.3.2, 7.3.3 & 8.3.2, 8.3.3 shall be amended by including “Secondary Dwelling Unit” as a permitted accessory use.

**D) Implement a maximum number of year round residents per lot by amending various sections pertaining to Sleep Cabins**

Add the following provision to Sections 4.3.5, 5.3.5, 6.3.5, 7.3.5 and 8.3.5,

A sleep cabin with bathroom and kitchen facilities is deemed to be a Secondary Dwelling Unit.

**C) Delete definition of ‘Apartments-in-House’ from Appendix C**

~~Apartments-in-House—These are second self-contained units in detached or semidetached houses in a residential zone serviced by a publicly owned or operated sewage system and which satisfy special provisions of the Ontario Building Code and the Fire Code.~~

**D) Add new definition of ‘Secondary Dwelling Unit’ to Appendix C**

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.

All other policies of the Official Plan of the Municipality of Temagami shall apply.

### **3.0 Implementation and Interpretation**

The provisions of the Official Plan regarding the implementation of that Plan shall also apply to this Amendment. In all other respects the provisions of the Municipality of Temagami Official Plan shall apply.

Upon approval of this Amendment, Council shall consider an implementing Zoning By-law.

The provisions of the Official Plan, as amended from time to time, shall apply in regard to the Amendment.

## **Part C – The Appendices**

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

BY-LAW NO. 2020 - \_\_\_\_\_

**DRAFT**

**A By-law to amend the Municipality of Temagami By-law No. 06-650 as amended to revise provisions regarding Secondary Dwelling Units.**

**WHEREAS** the Council of the Corporation of the Municipality of Temagami is empowered to pass By-laws to regulate the use of land pursuant to Section 34 of the Planning Act, R.S.O. 1990, c.P.13;

**NOW THEREFORE** the Council of the Corporation of the Municipality of Temagami hereby enacts as follows:

1. That Section 5 - Definitions of By-law 06-650, as amended, be amended to include the following definition: include the following changes for the definition of Home Occupation:

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.

2. That Section 6.41 – Sleep Cabins of By-law 06-650, as amended, be amended by deleting Section 6.41 (f).
3. That the following paragraph in Section 6.41 – Sleep Cabins of By-law 06-650, as amended, be deleted:

~~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.~~

4. That a new Section be added after Section 6.50 as follows:

Section 6.51 – Secondary Dwelling Units within a Single Detached Dwelling of By-law 06-650, as amended, be added as follows:

A secondary dwelling unit shall be permitted within a single unit dwelling in the Low Density Residential (RL) Zone, Remote Residential (R2) Zone and Rural Residential (R3) Zone (not including shoreline properties). Any secondary dwelling unit shall be developed in accordance with the following provisions:

- a) A maximum of one (1) secondary dwelling unit shall be permitted within single unit dwelling.
- b) A minimum of one (1) parking space shall be provided in addition to the required parking of this By-law.
- c) The secondary dwelling unit shall not exceed 56.0 square metres of any portion of the single unit dwelling that is located at or above grade. Except for the entrance, any secondary dwelling unit located entirely in the basement may occupy the entire basement regardless of size.
- d) A secondary dwelling unit is not permitted in a non-conforming single unit dwelling.
- e) The appropriate authority has approved the private sewage disposal system to service the total sewage flow on the lot.

5. That a new Section be added after Section 6.51 as follows:

That Section 6.52 – Secondary Dwelling Units within an Accessory Building of By-law 06-650, as amended, be added as follows:

A secondary dwelling unit shall be permitted within an accessory building in the Low Density Residential (RL) Zone, Remote Residential (R2) Zone and Rural Residential (R3) Zone (not including shoreline properties). Any secondary dwelling unit within an accessory building shall be developed in accordance with the following provisions:

- a) Only one (1) secondary dwelling unit within an accessory building shall be permitted per lot, provided that the lot contains an existing dwelling unit and the existing dwelling unit does not contain any secondary dwelling units.
- b) The appropriate authority has approved the private sewage disposal system to service the total sewage flow on the lot.
- c) A secondary dwelling unit shall not exceed 56.0 square metres of floor area.
- d) One additional dedicated parking space above the requirements of this By-law for the related zone shall be provided for the secondary dwelling unit.
- e) The accessory building must be located in the interior side yard or rear yard.
- f) The secondary dwelling unit shall only be permitted in accessory buildings that comply to the minimum yard requirements for the principal building of the zone in which it is located.
- g) A secondary dwelling unit is only permitted on a lot with a minimum lot area of 0.8 hectares.

6. That a new Section be added after Section 6.52 as follows:

That Section 6.53 – Secondary Dwelling Units on Shoreline Properties of By-law 06-650, as amended, be added as follows:

Notwithstanding Section 6.41 e), on an existing lot greater or equal to one and six tenths (1.6) hectares in the R1, R2 and R3 Zones, one sleeping cabin containing a bathroom or

kitchen may be permitted, in addition to one Secondary Dwelling Unit provided that the Secondary Dwelling Unit is connected to approved independent, onsite water supply and sewage disposal systems. The Secondary Dwelling Unit and the associated water supply and sewage disposal systems shall be located on the lot such that a lot containing the Secondary Dwelling Unit and water supply and sewage disposal systems can be severed from a lot containing the Secondary Dwelling Unit 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.

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 Secondary Dwelling Unit 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 or Secondary Dwelling Units shall not be used to accommodate guests as part of a bed and breakfast establishment. (By-law 13-1121)

This By-law will take effect on the date of its passage, subject to the provisions of Section 34(30) and (31) of the Planning Act, R.S.O. 1990, c.P.13.

READ A FIRST AND SECOND TIME on the \_\_\_\_\_ day of \_\_\_\_\_ 2020.

READ A THIRD TIME and finally passed this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

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Dan O'Mara, Mayor

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Suzie Fournier, Municipal Clerk