

MUNICIPALITY OF TEMAGAMI	
Report Prepared For:	Suzie Fournier, Municipal Clerk
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Subject:	Recommendation Report for Secondary Dwelling Units Official Plan Amendment and Zoning By-law Amendment
Report Date:	April 15, 2021

A. BACKGROUND

This Recommendation Report was prepared to bring the Secondary Dwelling Units Official Plan Amendment and Zoning By-law Amendment applications to Council for a decision. A Statutory Public Meeting was held on March 4, 2021 to present the draft amendments and to gather final comments prior to taking the applications to Council for a decision. The purpose of the amendments is to implement policies and regulations in the planning documents 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, held a Statutory Public Meeting on March 12, 2020 to present the Official Plan Amendment only, and held a Statutory Public Meeting for both the Official Plan Amendment and Zoning By-law Amendment on March 4, 2021.

The proposed amendments that have been prepared for a decision have been drafted following a review of comments that have been received throughout the process including:

- prior to and at the March 12, 2020 Statutory Public Meeting for the Official Plan Amendment;
- discussions with Temagami First Nation and Temagami Lakes Association;
- comments provided at the December 23, 2020 Council meeting;
- following a review of additional Temagami First Nation and Temagami Lakes Association comments; and,
- following the review of comments from the March 4, 2021 Statutory Public Meeting.

The comments provided through the process were taken into consideration and the following recommendation to Council is made:

THAT Council receive the report prepared by MHBC Planning regarding the Secondary Dwelling Units, Official Plan Amendment and Zoning By-law Amendment, dated April 15, 2021; and,

THAT Council adopt Official Plan Amendment No. 3 (By-law No. 21-1556) and pass the Zoning By-law Amendment (By-law No. 21-1557) to implement the policies and regulations regarding Secondary Dwelling Units into the Municipality's planning documents.

B. OVERVIEW OF COMMENTS

The below is a summary of the most recent comments received on the proposed amendments.

Council Members:

- Comments provided at the December 23, 2020 Council meeting.
 - Request to review permissions in planning documents regarding the ability to permit the construction of a sleep cabin prior to the construction of a principal dwelling. These permissions have been removed from the planning documents. It is typical that a principal dwelling is required on a lot prior to the construction of an accessory use.
 - Request to review permissions for garden suites in the planning documents. Garden suites are not permitted in the rural area. This is consistent with the current policies and regulations in the planning documents.

Temagami Lakes Association:

- Written comments provided on October 22, 2020 by Tony Usher on behalf of the Temagami Lakes Association.
 - Garden suites are not appropriate on the non-urban waterfront.
 - Recommended various revisions to draft Official Plan Amendment.
- Written comments provided on March 2, 2021 by the Temagami Lakes Association and by Tony Usher on behalf of the Temagami Lakes Association.
 - Recommended that a separate definition be implemented for a Secondary Dwelling Unit, depending on whether the Secondary Dwelling Unit is located on a shoreline lot vs. a non-shoreline lot.
 - Revisions were made to address these comments, including a new definition of a Standard Secondary Dwelling Unit and a Cabin Secondary Dwelling Unit.

Temagami First Nation:

- Discussion occurred with Temagami First Nation on October 15, 2020.
 - Only support Secondary Dwelling Units (previously a sleep cabin with a washroom and kitchen) on lots greater than 1.6 hectares in accordance with the existing policies and regulations.
 - An analysis of lot sizes on Lake Temagami, Net Lake and Rabbit Lake was conducted using the Municipality's CGIS mapping system. The following is a breakdown of the lots located on Lake Temagami, Net Lake and Rabbit Lake that are greater than 1.6 hectares:
 - Lake Temagami – 78
 - Rabbit Lake – 0
 - Net Lake - 5
- Additional comments provided by Temagami First Nation on March 29, 2021 to confirm that amendments are in-keeping with what was previously circulated.

- Response was provided to confirm that this was the case. Secondary Dwelling Units are only permitted on lot greater than 1.6 hectares (transferring existing permissions for a sleep cabin with both a kitchen and a washroom).

C. OVERVIEW OF PROPOSED AMENDMENTS

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 “Additional 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 Additional Units legislation (formerly referred to as Second Units by the Ministry) should be considered differently in settlement areas and rural areas in comparison to shoreline areas.
- 3) Considering the new legislation for Additional Units, municipalities have the ability to permit additional units within a dwelling and within an accessory building on one lot.
- 4) In the proposed amendments, the term Secondary Dwelling Unit is still utilized despite the nomenclature change in the *Planning Act*. Due to existing property sizes in the urban area and the rural nature of the Municipality, only one Secondary Dwelling Unit is to be permitted at present time. Following the comments provided by the Temagami Lakes Association, a separate definition was included to provide clarification on the definition and permissions for a Secondary Dwelling Unit on a shoreline lot vs. a non-shoreline lot.
- 5) A Standard Secondary Dwelling Unit is permitted on an urban lot or a rural non-shoreline lot, and can be located within a dwelling or within an accessory building. A Cabin Secondary Dwelling Units is permitted on a shoreline lot and can only be permitted within an accessory building.
- 6) The Municipality of Temagami has existing Official Plan policies and Zoning By-law regulations that permit sleep cabins on many shoreline properties. Sleep cabin size, and kitchen and washroom permissions are provided on a sliding scale, based on lot size.
- 7) Based on the existing Official Plan and Zoning By-law, on the largest of shoreline properties (over 1.6 hectares), a sleep 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 Cabin Secondary Dwelling Unit on shoreline lots, although it is called a sleep cabin by the current documents.
- 8) The key distinction between the existing Official Plan and Zoning By-law permissions that enable a sleep 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 sleep cabin provisions in the Official Plan are for recreational purposes.

- 9) The proposed amendments to the Municipality's Official Plan and Zoning By-law update the nomenclature to recognize that a sleep cabin with a kitchen and a washroom is a dwelling unit (Cabin Secondary Dwelling Unit). Modifications to the complementary policies of the Official Plan are also required to reflect the change in nomenclature.
- 10) Permissions have been included for Standard Secondary Dwelling Units in the urban and rural areas, however the permissions for Cabin Secondary Dwelling Units on shoreline properties has not changed from the in effect Official Plan and Zoning By-law (other than the nomenclature). In order for a Cabin Secondary Dwelling Unit to be permitted, the lot must be large enough to sever (minimum 1.6 hectares) and the Cabin Secondary Dwelling Unit must be constructed and sited in a manner where it could be a principal dwelling, if severed on a new lot.
- 11) References to the Ontario Building Code have also been added throughout the planning documents regarding both Standard and Cabin Secondary Dwelling Units.
- 12) In summary, Standard Secondary Dwelling Units are to be permitted on urban and non-shoreline residential lots, within a dwelling unit or within an accessory building. On shoreline lots, Cabin Secondary Dwelling Units are permitted on lots greater than 1.6 hectares within accessory buildings (formerly referred to as a sleep cabin prior to these proposed amendments). The Official Plan and Zoning By-law include criteria in order for a Cabin Secondary Dwelling Unit to be permitted, including:
 - Must be located on a lot larger than 1.6 hectares;
 - Must be connected to an independent, on-site sewage disposal system; and,
 - Must be located on a lot so that the Secondary Dwelling Unit and on-site sewage disposal system could be severed from the remainder of the lot.

D. Analysis

Provincial Policy Framework

The Provincial Policy Statement (PPS) provides reference to the accommodation of an appropriate range and mix of residential units (including second 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 and Zoning By-law Amendment will implement the Province's direction to include policies and regulations to permit Secondary Dwelling Units. Specific to the Municipality of Temagami, permissions have been included for Standard Secondary Dwelling Units and Cabin Secondary Dwelling Units. The proposed amendments implement the legislation and policies of the Province.

Official Plan

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 second 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 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 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 Secondary 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 and regulations 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 amendments which states that a sleep cabin with bathroom and kitchen facilities shall be deemed to be a Secondary Dwelling Unit.

In order to customize the policies and regulations for the Municipality, it is recommended that two separate definitions be included in the planning documents:

STANDARD SECONDARY DWELLING UNIT shall mean a self-contained dwelling 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 part of an accessory building. Such dwelling unit is an accessory use to the main dwelling.

CABIN SECONDARY DWELLING UNIT shall mean a self-contained dwelling unit located on a shoreline lot, with a private kitchen, bathroom facilities and sleeping areas that is the entirety of an accessory building. Such residential unit is an accessory use to the main dwelling.

It is the intent of the proposed amendments to permit Standard Secondary Dwelling Units within a dwelling or within an accessory building on rural (non-shoreline lot) and within the Village of Temagami. For Cabin Secondary Dwelling Units on shoreline lots, they shall only be permitted within an accessory building that was previously described as a sleep cabin with both a washroom and a kitchen. The proposed amendments do result in a nomenclature change for Cabin Secondary Dwelling Units (formerly a sleep cabin with a kitchen and a washroom) however the permissions have not changed.

The proposed amendments implement the Provincial mandate to include Standard Secondary Dwelling Unit policies and regulations for non-shoreline lots, and maintain the current permissions for shoreline lots, by utilizing the term Cabin Secondary Dwelling Units to replace a sleep cabin with both a washroom and a kitchen.

Zoning By-law

In order to implement the permissions for Cabin Secondary Dwelling Units, Section 6.41 is proposed to be amended. This section refers to both sleep cabins and Cabin Secondary Dwelling Units. In terms of zoning permissions on shoreline lots, the existing permissions for a sleep cabin with a kitchen and a washroom are maintained in terms of zone provisions, but the definition of this

building is now referred to as a Cabin Secondary Dwelling Unit. Section 6.41 g) was amended to incorporate the change in nomenclature and the permissions for Cabin Secondary Dwelling Units.

Provisions for Standard Secondary Dwelling Unit are proposed in Section 6.42 (located within a dwelling unit) and in Section 6.43 (located within an accessory building). Section 6.42 and Section 6.43 apply to non-shoreline lots only, and the provisions include criteria such a minimum parking, appropriate sewage and maximum sizes that must be complied with in order for Standard Secondary Dwelling Units to be permitted. These regulations are intended to satisfy the Provincial policies and legislation regarding affordable housing and available housing types.

E. SUMMARY

The Municipality has undertaken extensive public consultation through this process, and have resulted in the creation of Temagami focused policies and regulations to implement Provincial legislation. It is believed that these efforts have resulted in consensus community support for the proposed amendments.

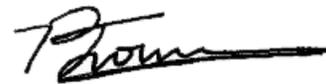
A summary of the proposed amendments is included below:

- Proposed Official Plan Amendment and Zoning By-law Amendment to permit Secondary Dwelling Units – Standard Secondary Dwelling Units and Cabin Secondary Dwelling Units.
- Standard Secondary Dwelling Units to be permitted within the Village of Temagami and on non-shoreline lots within a principal dwelling and within an accessory building.
- Cabin Secondary Dwelling Units to be permitted on shoreline lots on properties greater than 1.6 hectares. (Maintains existing permissions where a sleep cabin could contain and kitchen and a washroom).
- Secondary Dwelling Units must be constructed in accordance with the Ontario Building Code.

Respectfully Submitted,
MHBC Planning



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