

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee
From: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic Development
Subject: City-Wide 5-Bedroom Limits and Increased Permissions for
Additional Residential Units (OZ-9661)
Date: January 30, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the Official Plan and Zoning By-law requirements for 5-bedroom limits and additional residential units:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on February 13, 2024 **TO AMEND** the Official Plan, The London Plan, Policy 942 relating to additional residential unit permissions and amend wording referring to accessory buildings containing additional residential units;
- (b) The proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on February 13, 2024 **TO AMEND** Zoning By-law No. Z.-1 Sections 2, 4, 5, 6, 7, 8 relating to additional residential unit permissions, in part to conform with the Official Plan, The London Plan, as amended in part (a) above; and
- (c) The proposed by-laws attached hereto as Appendix "C" **BE INTRODUCED** at the Municipal Council meeting on February 13, 2024 **TO AMEND** Zoning By-law No. Z.-1, to remove the city-wide 5-bedroom limit from Section 2 "Dwelling" definitions, to modify Section 2 "Dwelling Unit" definition to include reference to the Near Campus Neighbourhood 5-bedroom limit, and modify Section 4.37.5 to include provision for bedroom limit increases related to additional residential unit creation within Near Campus Neighbourhoods;

IT BEING NOTED that the above noted amendments are being recommended for the following reasons:

- i. The recommended amendment is consistent with the Provincial Policy Statement, 2020;
- ii. The recommended amendment conforms to the general intent of *The London Plan*, including but not limited to the Neighbourhoods Place Type, Policy 942;
- iii. The recommended amendment supports Council's commitment to increase housing supply and affordability.

Executive Summary

Summary of Request

On October 17, 2023 City Council directed Civic Administration to "remove the bedroom limit city-wide, except Near Campus Neighbourhoods, and report back on possible limits to Near Campus Neighbourhoods (NCN)". Staff have reviewed Council's direction and are recommending the removal of the 5-bedroom limit city-wide, except in Near Campus Neighbourhoods. Following engagement sessions with Near Campus Neighbourhood community representatives and development industry experts, Staff are recommending that the bedroom limit within Near Campus Neighbourhoods be modified to allow increases to the total combined bedroom limit within Near Campus Neighbourhoods when additional residential units (ARU) are created, where permitted.

In addition to the above direction, Staff have identified further amendments that would

create more permissive zoning regulations related to ARUs. These amendments would build on previous Council decisions supporting the city-wide implementation of additional residential units as a form of gentle intensification.

Staff are recommending approval of the requested London Plan amendments and Zoning By-law amendments.

Purpose and the Effect of Recommended Action

The recommended actions will remove the city-wide 5-bedroom limit, except within Near Campus Neighbourhoods. The bedroom limit within Near Campus Neighbourhoods will be amended from three to five, with added provisions to further increase the bedroom limit when creating ARUs, where permitted. The proposed changes will permit ARUs in duplex, triplex, and converted dwellings, permit up to two (2) ARUs per accessory building, and modify wording referring to accessory buildings containing ARUs. Further by-law amendments will define “Detached Additional Residential Units”, permit front yard parking where an attached garage is converted into an ARU, and amend regulations related to detached ARUs. The recommended by-law amendments would encourage increased adoption and creation of ARUs while addressing existing gaps within the regulations related to ARUs.

Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

- **Housing and Homelessness**, by ensuring London’s growth and development is well-planned and considers use, intensity, and form.
- **Housing and Homelessness**, by supporting faster/streamlined approvals and increasing the supply of housing with a focus on achieving intensification targets.
- **Housing and Homelessness**, by increasing access to a range of quality, affordable, and supportive housing options that meet the unique needs of Londoners.

Analysis

1.0 Background Information

On October 17, 2023 Council passed the following resolution:

...the Civic Administration BE DIRECTED to remove the bedroom limit city-wide, except Near Campus Neighbourhoods, and report back on possible limits to Near Campus Neighbourhoods (NCN); it being noted that the Civic Administration has been directed to undertake a review of the current five-bedroom limit and to report back at a future meeting of the Planning and Environment Committee...

The recommended Official Plan and Zoning By-law amendments are being presented in support of the City of London’s objectives related to housing supply and affordability.

1.1 Previous Reports Related to this Matter

PEC Report – North London Residential Study Proposed Amendments to the Official Plan and Zoning By-Law – October 25, 2004

PEC Report – Near-Campus Neighbourhoods Planning Amendments – June 11, 2012

PEC Report – City-Wide Zoning By-Law Monitoring Amendments Pertaining the Near Campus Neighbourhood Amendments – September 6, 2013

PEC Report – Implementing Additional Residential Unit Requirements of the Planning Act (Bill 108) – November 30, 2020

PEC Report – Additional Residential Unit Amendments as a Result of More Homes Built Faster Act, 2022 (Bill 23) – May 23, 2023

PEC Report – Amendments to Increase Additional Residential Unit Permissions – October 3, 2023

1.2 Planning History

5-Bedroom Limit

On November 1, 2004, Council approved amendments to Zoning By-law Z.-1 Section 2 which established that “a dwelling unit shall contain no more than five (5) bedrooms” (OZ-6564/North London Residential Study Proposed Amendments to the Official Plan and Zoning By-law). The by-law was appealed before the Ontario Municipal Board (OMB). The OMB ruled in favour of the City of London noting that the by-law was well within the power of Council to enact and complied with Section 34(1).4 of the *Planning Act* in addressing the character and use of buildings (OMB Order PL041208, March 15, 2006).

Further amendments were proposed to provide clearer guidance for development in Near Campus Neighbourhoods addressing inappropriate intensification in low density forms of housing. On June 26, 2012, Council approved amendments to introduce three-bedroom limits for dwelling units within semi-detached, duplex, triplex, stacked townhouse, street townhouse, apartment, and converted dwellings (OZ-7663/Near-Campus Neighbourhoods Amendments). The amendment was appealed and heard at two separate OMB hearings. Prior to the July 22 hearing, one appeal was withdrawn, and the hearing resulted in two other appeals being dismissed through the OMB decision (OMB Order PL121033, July 22, 2013). The second hearing ruled that the remaining appeal was allowed in part and the by-law was amended to exclude the appellant’s property from the NCN boundary (OMB Order PL121033, November 21, 2013). As a result, the City of London implemented a Near Campus Neighbourhood bedroom limit of three per unit, where applicable, and a city-wide bedroom limit of five per unit.

On October 17, 2023, Council passed a motion “to remove the bedroom limit city-wide, except Near Campus Neighbourhoods, and report back on possible limits to Near Campus Neighbourhoods (NCN)”. The motion was in direct response to continued pressure related to the housing supply and affordability crisis.

Additional Residential Units

In response to the shifting landscape of housing and affordability, additional residential unit regulations have evolved to expand opportunities for gentle residential intensification. Bill 108, the *More Homes, More Choice Act*, 2019 introduced “Additional Residential Units” replacing the former concept of “Secondary Dwelling Unit”. The new legislation permitted three residential units as-of-right on properties containing single detached, semi-detached, or street townhouse dwellings. A maximum of one additional residential unit within the primary dwelling and a maximum of one additional unit within an accessory building was permitted. On December 8, 2020, Council approved amendments (OZ-9176/Additional Residential Unit Review) to conform with the legislative change.

Bill 23, the *More Homes Built Faster Act*, 2022 revised requirements for ARUs related to maximum floor area, number of units permitted in the main building, and minimum unit size. Two ARUs were permitted within the primary dwelling, increased from one, but permissions for accessory buildings containing additional units were unchanged. On June 6, 2023, Council approved further amendments (OZ-9581/ Additional Residential Unit amendments as a result of More Homes Built Faster Act, 2022 (Bill 23)) to conform with these further changes to the *Planning Act*.

On August 29, 2023, Council passed a resolution in response to a request from the Minister of Housing, Infrastructure, and Communities of Canada regarding increased city-wide as-of-right permissions beyond the minimum requirements defined within the *Planning Act*. The resolution directed Civic Administration to “prepare a zoning by-law amendment that would permit as of right building permits for up to four (4) residential units wherever a zone permits singles, semis, or street townhomes”. The amendment received Council approval on October 17, 2023, and as a result three (3) ARUs were permitted per lot within the abovementioned dwelling types (OZ-9651/ Amendment to Increase Additional Residential Unit Permissions).

Following the October 17, 2023, amendment, City Staff identified opportunities to

further support residential intensification related to ARUs. The proposed amendment effectively addresses gaps in ARU permissions and represents a natural next step following the October 17 amendments.

In addition to amendments outlined within this report, it should be noted that City Staff are proposing further amendments to Section 4 of the Zoning By-law Z.-1 in a separate housekeeping amendment (OZ-9679) which may amend portions of the by-laws referenced within this report.

2.0 Discussion and Considerations

2.1 Proposed Amendments

Staff recommendations require amendments to the *London Plan* and Zoning By-law Z.-1 to modify permissions related to bedroom limits and ARUs. The following sections summarize the specific amendments being proposed and Appendix D contains a full tracked changes version.

Official Plan Amendment

The proposed amendment to Policy 942 and criteria within the policy would permit ARUs within duplex, triplex, and converted dwellings, permit up to two (2) ARUs within an accessory building, and delete references to “structure” when referring to accessory buildings containing ARUs.

Policy	Existing	Proposed
942	Additional Residential Units are permitted as-of-right within single detached dwellings, semi-detached dwellings, or street townhouse dwellings where all of the following criteria are met:	Additional Residential Units are permitted as-of-right within single detached dwellings, semi-detached dwellings, street townhouse dwellings, duplex dwellings, triplex dwellings, or converted dwellings where all of the following criteria are met:
942.1	A maximum of three additional residential units are permitted, which may include a maximum of one additional unit in an accessory structure.	A maximum of three additional residential units are permitted, which may include a maximum of two additional units in an accessory building.
942.10	Additional residential units may be permitted within a legally established accessory structure that: <ul style="list-style-type: none"> a. Is located on the same lot as the primary dwelling unit. b. Is located in the rear yard. c. Cannot be severed. d. Is on full municipal services. e. Maintains the neighbourhood character. f. Meets the requirements of the zone which apply to accessory structures. 	Additional residential units may be permitted within a legally established accessory building that: <ul style="list-style-type: none"> a. Is located on the same lot as the primary dwelling unit. b. Is located in the rear yard. c. Cannot be severed. d. Is on full municipal services. e. Maintains the neighbourhood character. f. Meets the requirements of the zone which apply to accessory buildings.

Zoning By-Law Amendment

The recommended amendment to the Zoning By-law Z.-1, Sections 2, 4, 5, 6, 7, 8 would conform to the above-noted amendments to *The London Plan* and modify regulations related to additional residential units and bedroom limits.

Provision	Existing	Proposed
Section 2	“ADDITIONAL RESIDENTIAL UNIT” means a dwelling unit	“ADDITIONAL RESIDENTIAL UNIT” means a dwelling unit

Provision	Existing	Proposed
	permitted in addition to a primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof. The addition of an additional residential unit does not change a single-detached, semi-detached or street townhouse dwelling into any other type of residential building.	permitted in addition to a primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof. The creation of additional residential unit(s) does not change the primary dwelling into any other type of residential building.
Section 2	-	"DETACHED ADDITIONAL RESIDENTIAL UNIT" means a dwelling unit located within an accessory building permitted in addition to a primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof. The creation of additional residential unit(s) does not change the primary dwelling into any other type of residential building.
Section 2	"DWELLING UNIT" means a single room or a series of rooms of complementary use which is located in a building, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof, which has a private entrance directly from outside the building or from a common hallway inside the building, in which all occupants have access to all of the habitable areas and facilities of the unit, and which is occupied and used or capable of being occupied and used as a single and independent housekeeping establishment. A dwelling unit shall contain no more than five bedrooms.	"DWELLING UNIT" means a single room or a series of rooms of complementary use which is located in a building, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof, which has a private entrance directly from outside the building or from a common hallway inside the building, in which all occupants have access to all of the habitable areas and facilities of the unit, and which is occupied and used or capable of being occupied and used as a single and independent housekeeping establishment. Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit shall contain no more than five bedrooms.
Section 2	"APARTMENT BUILDING" means a building or existing non-residential building that is divided horizontally and/or vertically into five or more separate dwelling units but does not include a converted dwelling or townhouse dwelling. Within Near-Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within an Apartment Building shall contain no more than three bedrooms.	"APARTMENT BUILDING" means a building or existing non-residential building that is divided horizontally and/or vertically into five or more separate dwelling units but does not include a converted dwelling or townhouse dwelling.
Section 2	"CONVERTED DWELLING"	"CONVERTED DWELLING" means

Provision	Existing	Proposed
	<p>means an existing dwelling constructed as a single, semi-detached, duplex or triplex dwelling on an existing lot prior to July 1, 1993 in which the number of dwelling units has been increased without significant alteration to the exterior of the building except for non-leasable floor such as fire escapes, stairwells and entrances to a maximum of 10 percent (10%) of the dwelling or 30.0 square metres, whichever is the lesser.</p> <p>Within Near-Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Converted Dwelling shall contain no more than three bedrooms.</p>	<p>an existing dwelling constructed as a single, semi-detached, duplex or triplex dwelling on an existing lot prior to July 1, 1993 in which the number of dwelling units has been increased without significant alteration to the exterior of the building except for non-leasable floor such as fire escapes, stairwells and entrances to a maximum of 10 percent (10%) of the dwelling or 30.0 square metres, whichever is the lesser.</p>
Section 2	<p>"DUPLEX DWELLING" means a building that is divided horizontally into two separate dwelling units but does not include a converted dwelling. Near-Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Duplex Dwelling shall contain no more than three bedrooms.</p>	<p>"DUPLEX DWELLING" means a building that is divided horizontally into two separate dwelling units but does not include a converted dwelling.</p>
Section 2	<p>"FOURPLEX DWELLING" means a building that is divided horizontally and/or vertically into four separate dwelling units but does not include a converted dwelling or a townhouse dwelling. Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Fourplex Dwelling shall contain no more than three bedrooms.</p>	<p>"FOURPLEX DWELLING" means a building that is divided horizontally and/or vertically into four separate dwelling units but does not include a converted dwelling or a townhouse dwelling.</p>
Section 2	<p>"SEMI-DETACHED DWELLING" means a building which contains two single dwellings units which are attached vertically by a common wall. Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Semi-Detached Dwelling shall contain no more than three bedrooms.</p>	<p>"SEMI-DETACHED DWELLING" means a building which contains two single dwellings units which are attached vertically by a common wall.</p>
Section 2	<p>"STACKED TOWNHOUSE" means a building designed to contain three or more dwelling units attached side by side, two units high, with each dwelling unit having a private entrance to grade level and a private open space area of any upper unit may utilize a portion of the roof of any lower unit. Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling</p>	<p>"STACKED TOWNHOUSE" means a building designed to contain three or more dwelling units attached side by side, two units high, with each dwelling unit having a private entrance to grade level and a private open space area of any upper unit may utilize a portion of the roof of any lower unit.</p>

Provision	Existing	Proposed
	unit within a Stacked Townhouse shall contain no more than three bedrooms.	
Section 2	"STREET TOWNHOUSE" means a townhouse with each unit on a separate lot and having legal frontage on a public street. Within Near-Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Street Townhouse shall contain no more than three bedrooms.	"STREET TOWNHOUSE" means a townhouse with each unit on a separate lot and having legal frontage on a public street.
Section 2	"TOWNHOUSE" means a building divided vertically into three or more attached dwelling units by common walls extending from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade, and so located on a lot that individual units may not have legal frontage on a public street. Within Near-Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Townhouse shall contain no more than three bedrooms.	"TOWNHOUSE" means a building divided vertically into three or more attached dwelling units by common walls extending from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade, and so located on a lot that individual units may not have legal frontage on a public street.
Section 2	"TRIPLEX DWELLING" means a building that is divided horizontally and/or vertically into three separate dwelling units but does not include a converted dwelling or a townhouse dwelling. Within Near-Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Triplex Dwelling shall contain no more than three bedrooms.	"TRIPLEX DWELLING" means a building that is divided horizontally and/or vertically into three separate dwelling units but does not include a converted dwelling or a townhouse dwelling.
Figure 2	NOTE: THE ABOVE ILLUSTRATIONS ARE FOR CLARIFICATION AND CONVENIENCE ONLY AND DO NOT FORM PART OF THIS BY-LAW. PLEASE ALSO REFER TO THE DEFINITIONS AND THE GENERAL PROVISIONS OF THIS BY-LAW. THESE REGULATIONS DO NOT APPLY TO ACCESSORY BUILDINGS.	NOTE: THE ABOVE ILLUSTRATIONS ARE FOR CLARIFICATION AND CONVENIENCE ONLY AND DO NOT FORM PART OF THIS BY-LAW. PLEASE ALSO REFER TO THE DEFINITIONS AND GENERAL PROVISIONS OF THIS BY-LAW. THESE ILLUSTRATIONS DO NOT APPLY TO ACCESSORY BUILDINGS EXCEPT FOR ACCESSORY BUILDINGS THAT INCLUDE ADDITIONAL RESIDENTIAL UNIT(S).
4.1.7	-	Detached Additional Residential Units will not be subject to the general provisions subsections 4.1(2), 4.1(3), or 4.1(4), but rather, shall comply with the provisions of Section 4.37 (Additional Residential Units) of this By-law.
4.19.4c(c)		(c) Notwithstanding 4.19 4) c) (b) above, where an attached garage is

Provision	Existing	Proposed
	-	converted to habitable space for the purpose of additional residential unit(s), front yard parking may be permitted in the location of the existing driveway leading to the former parking space(s) within the garage, and shall not be widened beyond that location.
4.26	-	Additional Residential Units: All Zones except for any Agricultural (AG) Zone, Urban Reserve (UR) Zone, Open Space (OS) Zone, Light Industrial (LI) Zone, General Industrial (GI) Zone, Heavy Industrial (HI) Zone, Environmental Review (ER) Zone
4.37.1	<p>Permitted Zones</p> <p>Additional residential units shall be permitted within any zone in association with the following uses:</p> <ol style="list-style-type: none"> a. Single detached dwellings b. Semi-detached dwellings c. Street townhouse dwellings 	<p>Permitted Zones</p> <p>Additional residential units shall be permitted within any zone, except for an Agricultural (AG) Zone, Urban Reserve (UR) Zone, Open Space (OS) Zone, Light Industrial (LI) Zone, General Industrial (GI) Zone, Heavy Industrial (HI) Zone, or Environmental Review (ER) Zone in association with the following uses, if permitted:</p> <ol style="list-style-type: none"> a. Single detached dwellings b. Semi-detached dwellings c. Street townhouse dwellings d. Duplex dwellings e. Triplex dwellings f. Converted dwellings
4.37.2	<p>Number of Additional Residential Units per Lot</p> <p>A maximum of three (3) additional residential units shall be permitted per lot; including a maximum of one (1) additional residential units in an accessory or ancillary structure.</p>	<p>Number of Additional Residential Units per Lot</p> <p>A maximum of three (3) additional residential units shall be permitted up to a total combined maximum of four (4) dwelling units per lot.</p>
4.37.4	<p>Location of Additional Residential Units within Accessory Structures</p> <p>An additional residential unit within an accessory structure may only be permitted in the rear yard or interior side yard.</p>	<p>Detached Additional Residential Units</p> <ol style="list-style-type: none"> a. A maximum of two (2) additional residential units on a lot may be permitted within a maximum of one (1) accessory building per lot. b. A detached additional residential unit may only be permitted in the rear yard or interior side yard. c. The height of an accessory building containing additional residential unit(s) shall be measured in accordance with the definition of "Building Height" in Section 2 of this By-law and shall not exceed 6.0 metres (19.7 feet). d. A minimum rear yard setback of 3.0 metres (9.8 feet) shall apply. e. The side yard setback of the

Provision	Existing	Proposed
		underlying zone or a side yard setback of 1.2 metres (3.94 feet) shall apply, whichever is greater, except where windows are facing shared side lot lines, where a side yard setback of 3.0 metres (9.8 feet) shall apply. f. A detached additional residential unit shall be part of the maximum coverage for the underlying zone, where applicable. g. A detached additional residential unit shall be connected to municipal services.
4.37.5	Number of Bedrooms The additional residential unit(s) and primary dwelling unit together shall not exceed the total number of bedrooms permitted for the primary dwelling unit when the total number of bedrooms in the primary and additional residential unit(s) are combined.	Number of Bedrooms Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, the combined total number of bedrooms permitted for the primary dwelling unit(s) and additional residential unit(s) shall increase by one (1) following the creation of one (1) additional residential unit up to a total of three (3) additional bedrooms and three (3) additional residential units.
Table 5.3	-	Number of Units Per Lot Maximum 4
Table 6.3	Number of Units Per Lot Maximum Single Detached 1 Semi-Detached 2 Duplex 2 Converted 2	Number of Units Per Lot Maximum 4
Table 7.3	Number of Units Per Lot Maximum Single Detached: 1 Semi-Detached: 2 Duplex: 2 Triplexes and Fourplexes: 4 Converted (R3-1, R3-2, R3-3): See Section 7.3(3) Triplex (R3-4): 3 Converted (R3-4): 3	Number of Units Per Lot Maximum Single Detached: 4 Semi-Detached: 4 Duplex: 4 Triplexes and Fourplexes: 4 Converted (R3-1, R3-2, R3-3): See Section 7.3(3) Triplex (R3-4): 4 Converted (R3-4): 4
Table 8.3	-	Number of Units Per Lot Maximum 4

2.2 Internal and Agency Comments

The application and associated materials were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Key issues identified by staff and agencies included:

- Restriction of development on natural hazard lands
- Restriction of ARUs in Agricultural Zones
- Setbacks, coverage, and height requirements for ARUs
- Language related to accessory buildings containing ARUs

Detailed internal and agency comments are included in Appendix “E” of this report.

2.3 Public Engagement

On December 7, 2024, Notice of Application was sent to 31 residents and interested parties city-wide. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on December 13, 2023.

There were 19 responses received leading up to and during the public consultation period. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Concerns expressed by the public relate to:

- Feasibility of creating backyard residential units
- Near Campus Neighbourhoods residential intensification
- Setbacks, coverage, and height requirements for ARUs
- Number of units permitted in an accessory building

Detailed public comments are included in Appendix “F” of this report.

2.4 Policy Context

Provincial Policy Statement, 2020

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the *Provincial Policy Statement, 2020 (PPS)*. The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the *PPS*. The *PPS* provides for and supports intensification under Part IV:

Planning authorities are encouraged to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs.

Policies supporting additional residential units and intensification are included in Section 1.1 (Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns) and 1.4 (Housing). The following policies state that significant supply and mix of housing types shall be accommodated and residential intensification (ARUs) shall be supported:

Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas. (Policy 1.1.3.5)

Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by permitting and facilitating all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3. (Policy 1.4.3b)

The above-noted policies are also pertinent to the removal of city-wide bedroom limits. However, there are additional policies related to sustainable residential intensification which are relevant to the Near Campus Neighbourhoods bedroom limit amendment. Policies supporting sustainable intensification and the development of strong and liveable communities are included in Section 1.0 (Building Strong Healthy Communities) and Section 1.1 (Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns). The following policies provide direction to develop strong, liveable communities and support sustainable intensification:

Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth. (Policy 1.0)

Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. (Policy 1.1.3.4)

Healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential types (including additional residential units) (Policy 1.1.1.b)

It is staff's opinion that the application is consistent with the *Planning Act* and the *PPS*.

The Planning Act

The mechanism for implementing Provincial policies is through the Official Plan, The London Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of The London Plan, the City of London has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in The London Plan analysis below.

Section 2 of the *Planning Act* defines matters of provincial interests that all approval authorities shall have regard to in carrying out their planning responsibilities. Relevant to proposed bedroom limit amendment are the Municipal Council responsibilities regarding, "the orderly development of safe and healthy communities" (Subsection 2(h)) and "the appropriate location of growth and development" (Subsection 2(p)). Given the longstanding concerns related to inappropriate intensification of low density housing forms, planning controls within the Near Campus Neighbourhood are proposed to remain. The proposed NCN bedroom limit does not conflict with Section 35 which states, "the authority to pass a by-law under section 34 does not include the authority to pass a by-law that prohibits the use of, [up to] three units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units" (Subsection 35.1(1)). The amended NCN bedroom limit would encourage orderly intensification and development by incentivizing new residential unit creation with added bedrooms beyond the 5-bedroom maximum.

Section 2 of the *Planning Act* outlines Municipal Council's responsibility related to "the adequate provision of a full range of housing, including affordable housing" (Subsection 2(j)). The recommended amendments would support the creation of ARUs through more permissive regulations aimed at increased feasibility for these units. The proposed amendment to ARUs in non-residential zones will avoid further entrenchment of existing non-conforming uses and does not contravene the *Planning Act* Section 35 which only states that a by-law cannot prohibit additional residential units within urban residential lands.

The amendments are in alignment with Council's objectives related to housing.

The London Plan, 2016

The proposed zoning by-law amendments are consistent with *The London Plan* policies and support direction set out within the Plan. The amendments are consistent with Policy 937 which describes residential intensification as "fundamentally important to achieve the vision and key direction of The London Plan". The policy further emphasizes that neighbourhood intensification policies are "intended to support infill and intensification, while ensuring that proposals are appropriate within their neighbourhoods". The proposed amendment also adheres to the Policy 966 definition of residential intensity which contemplates both additional occupancy and increased number of bedrooms within an existing dwelling.

Specific policy direction is set out within Policy 970 regarding Near Campus Neighbourhoods which states that:

"Zoning Regulations will be utilized in the Neighbourhoods Place Type within Near-Campus Neighbourhoods to encourage appropriate residential intensification and

intensity that is consistent with the vision, goals, and other policies for Near-Campus Neighbourhoods. Such regulations may include floor area ratios, maximum gross floor area, maximum number of bedrooms per unit by structure type, maximum parking area coverage, minimum landscaped and open space areas, and other regulations as determined by the City.”

The proposed amendment relating to Near Campus Neighbourhood bedroom limits is consistent with *The London Plan* policies and provides appropriate requirements to permit future growth. Furthermore, the proposed amendment to the NCN bedroom limit encourages appropriate intensification while also directing higher forms of intensity outside of single detached housing (e.g., duplex, triplex, fourplex, apartment). This amended approach conforms with Policy 967 which states that:

“most intensification in Near Campus Neighbourhoods will be directed to place types that are intended to allow for mid-rise and high-rise residential development [...] Intensification may also occur in some locations within the Neighbourhoods Place Type where it is permitted in Tables 10 to 12 and meets the Near Campus Neighbourhoods policies of this Plan”

Furthermore, Policy 968 and 969 define criteria relevant to residential intensification and intensity within the NCN. The proposed amendment is consistent with the special policies for Near Campus Neighbourhoods.

Policy 938 defines residential intensification as “the development of a property, site, or area at a higher residential density than currently exists. Intensification adds one or more residential units to a site, or creates one or more additional lots from an existing lot”. Policy 939 defines ARUs as a “very light and discreet form of intensification” and emphasizes that ARUs are an important planning opportunity for “purposeful, sensitive and compatible intensification”. Policies 941-942 list current policies for ARUs and were recently revised to permit up to three additional units (OZ-9651).

The purpose of the recommended amendment is to further support more permissive planning policy related to bedroom limits and ARUs. Staff are of the opinion that the recommended amendment to *The London Plan* are consistent with provincial policy and municipal objectives.

Zoning By-law No. Z.-1

The purpose of the recommended amendments is to conform with the recommended Official Plan, *The London Plan*, amendment and its existing policies. Staff are of the opinion that the recommended amendments to the Zoning By-law No. Z-1 is consistent with *The London Plan*.

3.0 Financial Impact

3.1 Financial Impact

There are no direct municipal financial expenditures with this application.

4.0 Key Issues and Considerations

4.1 Bedroom Limits

Following the October 17, 2023 Council resolution to remove the bedroom limit city-wide except within Near Campus Neighbourhoods, Staff are proposing amendments to meet Council’s intent. Supportive feedback has been received through public comments and engagement sessions. Comments referenced the need for action regarding the ongoing housing and affordability crisis. Additionally, industry feedback indicated that despite recently amended ARU permissions, the city-wide 5-bedroom limit was hindering ARU adoption and restricting intensification. Staff concede that ARU adoption could be impacted by the bedroom limit where dwellings have appropriate use of the maximum number of bedrooms. Staff did not consider bedroom limits for ARUs, instead, a more

permissive planning approach that relies on *Ontario Building Code* to regulate bedrooms has been proposed.

It should be noted that Near Campus Neighbourhood representation was largely opposed to removing the bedroom limit within the NCN. The concerns primarily cited negative outcomes related to inappropriate intensity for low density housing forms. In response, Staff recommend an amendment which applies the 5-bedroom per unit limit across the NCN, an increase consistent with the existing NCN bedroom limit for single detached dwellings. The amendment creates opportunities for increased intensity within the NCN and conforms with *The London Plan Policy 970* which allows for bedroom maximums enforced through zoning regulations. An added provision is also recommended which permits additional bedrooms beyond the limit when ARUs are created within the NCN; specific details for this provision are provided in Section 4.2 of this report. The continued application of bedroom maximums within the NCN provides an effective planning control for appropriate intensity acknowledging that the Near Campus areas have absorbed significant residential intensification and intensity. The increase to bedroom maximums considers community impacts and conforms with Provincial legislation encouraging residential intensification.

4.2 Near Campus Neighbourhoods

Following the October 17, 2023 Council resolution to consider possible limits for Near Campus Neighbourhoods, the expansion of Floor Area Ratio (FAR) regulations was initially considered and background analysis was completed to assess the impact of these regulations. FAR regulations are currently used in select neighbourhoods within the NCN as an additional planning mechanism to manage intensity and form for low density housing. Engagement with the Near Campus Neighbourhood community associations took place on November 24, 2023. The NCN representatives indicated support for continued use of bedroom limits and expanded FAR regulations. The group emphasized the historic issues regarding inappropriate intensification within the NCN. Comments were also received in opposition of added intensity within the NCN.

Following an engagement session on December 4, 2023, the development industry stated that the current 3-bedroom per unit limit was too restrictive and was creating difficulties related to higher intensity forms for student housing. City Staff have instead proposed a graduated bedroom limit within Near Campus Neighbourhoods as a planning approach that balances the concerns of residents and the development industry. This provision was originally suggested by NCN representatives as an alternative approach and was favourably received by the development industry.

Under the new provision a 5-bedroom per unit limit would apply across the NCN and dwellings permitted to contain ARUs would be able to add bedrooms beyond the limit. Currently only single detached dwellings are permitted five bedrooms whereas other dwelling types, including higher density forms, are permitted three bedrooms per unit in the NCN. The amendment increases intensity within the NCN and incentivizes additional unit creation up to four units per lot, by permitting one additional bedroom above the total combined limit for every created unit. For context, an existing duplex dwelling with three bedrooms per unit would now be permitted five bedrooms per unit and could create two ARUs for an extra two bedrooms on the property. It should be noted that the additional bedrooms are not exclusive to the added units and can be distributed across the units at the property owner's discretion. As a result, a two-unit property with six bedrooms has the ability through as-of-right permissions to become a four-unit property with twelve bedrooms (see Table 1).

Table 1: Near Campus Neighbourhoods – Graduated Bedroom Limit (total)

Dwelling Type	Bedroom Maximum		Graduated Bedroom Limit		
	Current	Proposed	1 ARU	2 ARUs	3 ARUs
Single Detached	5	5	6	7	8
Semi-detached	3	5	6	7	8

Dwelling Type	Bedroom Maximum		Graduated Bedroom Limit		
	Current	Proposed	1 ARU	2 ARUs	3 ARUs
Street Townhouse	3	5	6	7	8
Duplex	6	10	11	12	n/a
Triplex	9	15	16	n/a	n/a
Fourplex	12	20	n/a	n/a	n/a
Converted Dwelling*	3	5	6	7	8
Apartment	3	5	n/a	n/a	n/a

*Four units per lot maximum applies

The proposed planning approach is consistent with criteria for residential intensification and intensity for NCN outlined in *The London Plan*, specifically related to appropriate intensity for building types and built forms consistent with surrounding scale and character. Furthermore, intensity stemming an increased bedroom limit provides opportunities for appropriate intensification and conforms with *The London Plan* policies which direct most intensification to place types intended for higher forms of density.

4.3 Accessory Buildings

The current accessory use regulations under Section 4.1 of the by-law dictate appropriate use but are restrictive when applied to habitable spaces in accessory buildings. Specific concerns from the development community were related to lot coverage, building height, and setbacks – all of which negatively impact the feasibility of unit creation. The proposed amendments would add specific provisions for Detached Additional Residential Units and create more a permissive by-law that is consistent with *The London Plan*.

Lot Coverage

The current accessory use regulations under Zoning By-law subsection 4.1.2 state “the total lot coverage of all accessory buildings or structures on a lot shall not exceed 10% of the total area of said lot”. Accessory lot coverage was identified as limiting factor for the feasibility of detached ARUs, especially when existing accessory structures are present on a property. The proposed amendment would have detached ARUs included in the total lot coverage calculation, but not accessory use calculation. For example, an R1-8 zone is permitted 35% lot coverage. A property with primary dwelling lot coverage at 15% and an existing accessory structure at 4% coverage would have 20% lot coverage available for a detached ARU. Under the current by-law, the same property would only have 6% lot coverage available understanding that accessory uses are only permitted a combined maximum coverage of 10%. The amendment acknowledges the difference in accessory use when dealing with habitable space and increases available lot coverage while respecting the current zoning for primary dwellings. In addition, the amendment better aligns the City of London with comparable municipalities which are noted to have higher lot coverages associated with ARUs.

It should be noted that comments were received requesting additional lot coverage for detached ARUs citing restrictions for smaller properties or dwellings already at maximum lot coverage. Staff consulted with Stormwater Engineering and technical implications were identified related to site functionality and stormwater management. An in-depth review must be undertaken prior to a recommendation on expanded lot coverage.

Building Height

The current regulations under Zoning By-law subsection 4.1.3 specify that accessory height be measured to the upper most point of the structure and permit a maximum height of 4.0 metres or up to 6.0 metres with increased setbacks. This measurement of height is not consistent with residential use and limits variability in roof types. Feedback supported an amendment which measured height based on the Section 2 definition.

This change provides opportunities for varying roof types and addresses concerns related to neighbourhood character impacts. Staff are supportive of the amendment to height measurement, but internal concerns were raised regarding the maximum height for accessory buildings.

A review of comparable municipalities provided grounds for increased accessory dwelling height. Rear yard privacy and neighbourhood character concerns were weighed against increased accessory building heights. Staff determined that a maximum of 6.0 metres was appropriate as it provides adequate ceiling heights, allows for variable roof types, and may provide necessary height to permit two-storey units. While industry feedback indicated the 6.0 metre height may be restrictive in certain scenarios, the minor variance process exists to ensure greater heights are reviewed within the context of neighbourhood privacy and character concerns.

Rear Yard and Side Yard Setbacks

The current regulations for accessory structures under Zoning By-law subsection 4.1.4 permit a 0.6 metre setback in residential zones, with provisions to increase setbacks when building height is greater than 4.0 metres but in no case greater than 6.0 metres. Staff have determined that 0.6 metre setbacks are inappropriate for rear yard dwellings and are not consistent with existing dwelling setbacks in the Zoning By-law.

Typical residential zone interior side yard setbacks were found to be inadequate when considering rear yard privacy concerns. For example, R1 zones range from 1.2 metres to 1.6 metres plus 0.6 metres for each storey for the primary dwelling unit. The proposed amendment applies the interior side yard setback of the underlying zone or a setback of 1.2 metres, whichever is greater, but a 3.0 metre setback is applied when windows facing shared lot lines are present. During public engagement, support was received for this style of reciprocal setback provision when windows faced shared lot lines. This approach mitigates negative impacts to rear yard privacy stemming from detached ARUs located adjacent to private amenity space while still allowing the development of additional units.

Typical rear yard setbacks were identified as too restrictive in regard to the location of detached ARUs on a lot. In R1 zones a rear yard setback of 7.0 metres is commonly required however the R1 rear yard setbacks range from 4.5 metres to 10.5 metres or more. Staff are proposing an amended rear yard setback of 3.0 metres for detached ARUs, which is better aligned with comparable municipalities and deemed less restrictive.

Number of Units per Accessory Building

Subsection 4.37.2 permits one ARU within an accessory or ancillary structure. An early approach considered further intensification outside of the primary dwelling. However, the adverse impacts regarding stormwater management, coverage, and use were identified as complicating variables. Consultation with local builders revealed appetite to permit more than one accessory building for ARUs. Staff determined that an amendment to permit two ARUs within one accessory building would be more appropriate especially when considering the lack of site plan approvals required as a mechanism to mitigate site risk.

4.4 Additional Residential Unit Location

Natural Hazard Lands

Upper Thames River Conservation Authority (UTRCA) submitted comments requesting the amendment ensures that ARUs are not permitted on natural hazard lands. The UTRCA requested amendments to Policies 942.12, 949, and Zoning By-law Sections 4.26 and 4.37 to address ARUs in new or existing buildings within UTRCA regulated lands. Staff are of the opinion that further amendments are not required because Section 28 of the *Conservation Authorities Act* already addresses these requirements.

Specifically, conversions of existing accessory buildings or new unit creation within the regulated area will require UTRCA approval through the building permit process.

Restrictions of Use in Agricultural Zones

Subsection 4.37.1 currently permits ARUs within any zone in association with single detached, semi-detached, and street townhouse dwellings. The proposed amendment will limit ARUs to urban residential lands which would exclude zones associated with industrial and agricultural uses. The rationale behind the proposed amendment is two-fold. The proposed amendment is consistent with the *Planning Act* which specifies “urban residential areas” in its regulations related to ARUs. Secondly, the amendment would discourage further entrenchment of non-conforming uses in non-residential zones.

The change could be perceived as a limitation or restriction related to “aging in place” within agricultural zones, however, provisions still exist to permit secondary farm dwellings, and these provisions are not impacted by the amendment. Staff are of the opinion that the existing secondary farm dwelling regulations are an appropriate mechanism which supports aging in place throughout rural London. Furthermore, the municipal service connection requirement for ARUs already places controls on rural residential intensification and directs intensification to areas with existing infrastructure and services.

4.5 Terms and Definitions

The current by-law contains inconsistencies in language related to ARUs and accessory buildings. Specifically, the term “structure” was deemed inaccurate when describing an accessory building containing an ARU. As such, the amendment will delete references to accessory structures when referring to ARUs and replace the term with “building”.

The creation of a new definition for “Detached Additional Residential Unit” acknowledges the difference between an ARU within a primary dwelling and an ARU within an accessory building. Furthermore, the creation of a separate definition and simplified term were widely encouraged internally. The amendment supports ongoing public communication efforts related to “additional residential units within accessory structures” by creating a clear and simple terminology.

4.6 Public Concerns

Public comments received on the proposed application expressed concerns relating to the following:

- Intensification within NCN
- By-law enforcement within NCN
- Bedroom limit within NCN
- Floor Area Ratio regulations
- Cost sensitivity of detached ARUs
- Garage width regulation issue
- Zones with ARUs as permitted use
- Accessory building height
- Rear and side yard setbacks for accessory buildings
- Bedroom limits
- Heritage alteration permit implications
- Emergency services accessibility concern
- Bedrooms per ARU
- Number of ARUs per accessory building
- Front yard parking and other parking regulations
- Zoning regulations (setbacks, permitted use, zoning changes)

Discussions on NCN concerns, accessory building height, setbacks, lot coverage, zones with ARUs as permitted use, bedroom limits, and number of units per accessory building can be found within previous sections of the report (Section 4.0 – 4.3).

By-law Enforcement Within NCN

The Near Campus Neighbourhood community representatives emphasized their continued concerns related to by-law enforcement within the community. While planning staff heard with these concerns, planning policy is separate from municipal by-law enforcement.

Floor Area Ratio (FAR) Regulations

In early engagement sessions, it was proposed that FAR regulation expansion could be considered as a planning control to address intensity concerns following the removal of bedroom limits. However, consultation with the development community indicated that expansion of these regulations could be restrictive to intensification and counter to the intent of the proposed amendments. Policy 970 of *The London Plan* permits the use of FAR regulations within the NCN, however Staff are confident that the increased bedroom limit and existing regulations for intensity, use, and form will appropriately manage intensity within the NCN.

Cost Sensitivity of Detached ARUs

Engagement with local builders provided detailed cost barriers associated with 'backyard home' projects and development application fees. Consultation and feedback from industry experts was instrumental in drafting the proposed amendment. The proposed amendments will reduce costs associated with 'red tape' related to the construction of detached ARUs. The City of London is also undertaking several initiatives related to the Housing Accelerator Fund which will support the creation of additional units throughout the city.

Garage Width and Parking Regulations

Comments were received both in support and in opposition of further parking regulation changes. Policy 942 of *The London Plan* discourages zoning amendments and minor variances for parking in excess of the minimum parking required for the primary dwelling unit to support ARUs. It should be noted that the proposed amendment to permit front yard parking when an attached garage is converted into an ARU was recommended in response to a high volume of minor variance requests and addresses the loss of required parking area following a garage conversion. Staff do not support the inclusion of further changes related to parking or garage width within the proposed amendments.

Heritage Alteration Permits

The proposed amendment does not remove the requirement for Heritage Alteration permits for Part IV and Part V designated properties.

Emergency Services Accessibility

Concerns were raised regarding emergency services access to detached ARUs. Emergency services were circulated the Notice of Application and no comments were received. Ontario Building Code Part 3 (Fire Protection, Occupant Safety and Accessibility) would dictate construction standards. Furthermore, the proposed interior side yard setbacks are aligned with regulations currently in force and ensure appropriate accessibility for any detached ARU.

Zoning Regulations

Public comment was received requesting a broader review of rear yard setbacks, but however this request is deemed beyond the scope of the proposed amendment. The supporting evidence provided was not identified as a common barrier blocking ARU creation. A review of rear yard setbacks and zone variations would be more appropriate for the ongoing Rethink Zoning project.

Additional comments were received related to multiplex permissions and similar zoning regulations. Similar to the above comments, provisions related to multiplex zones are more appropriately addressed through the ongoing Rethink Zoning project.

Conclusion

Amendments to the Official Plan and Zoning By-law Z.-1 are required to fulfill the October 17, 2023 Council motion which directed City Staff to remove the city-wide 5-

bedroom limit, except within Near Campus Neighbourhoods, and report back on possible limits for the Near Campus Neighbourhoods. An Official Plan and Zoning By-law amendment are required to further support the City of London's additional residential unit policies which have been established through a series of recent amendments.

The recommended action is consistent with the PPS 2020, conforms to *The London Plan* and will contribute to the City of London's housing and affordability objectives.

Prepared by: **Brandon Coveney**
Planner, Planning Policy (Growth)

Reviewed by: **Nancy Pasato, MCIP, RPP**
Manager, Planning Policy (Research)

Justin Adema, MCIP, RPP
Manager, Long Range Planning

Recommended by: **Heather McNeely, MCIP, RPP**
Director, Planning and Development

Submitted by: **Scott Mathers, MPA, P.Eng.**
Deputy City Manager, Planning and Economic Development

Appendix A – Official Plan Amendment

Bill No. (number to be inserted by Clerk's Office)
2023

By-law No. C.P.-XXXX-

A by-law to amend the Official Plan, The
London Plan for the City of London, 2016
relating to Policy 942

The Municipal Council of The Corporation of the City of London enacts as follows:

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan, The London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This Amendment shall come into effect in accordance with subsection 17(27) or 17(27.1) of the *Planning Act, R.S.O. 1990*, c.P.13.

PASSED in Open Council on February 13, 2024 subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – February 13, 2024
Second Reading – February 13, 2024
Third Reading – February 13, 2024

AMENDMENT NO.
to the
OFFICIAL PLAN, THE LONDON PLAN, FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to update Policy 942 for the Neighbourhood Place Type to revise permissions related to additional residential units, address minor wording issues within the Policy, and delete site plan requirements under Policy 942.

B. LOCATION OF THIS AMENDMENT

This Amendment is a text amendment, which applies to all lands within the City of London.

C. BASIS OF THE AMENDMENT

The amendment would permit additional residential units within duplex, triplex, and converted dwellings, and a maximum of two additional residential units within one accessory building. The amendment would remove reference to “structure” when describing accessory building within Policy 942.

D. THE AMENDMENT

The London Plan for the City of London is hereby amended as follows:

1. Policy 942 be revised and replaced by the policy below:

942_ Additional Residential Units are permitted as-of-right within single detached dwellings, semi-detached dwellings, street townhouse dwellings, duplex dwellings, triplex dwellings, or converted dwellings where all of the following criteria are met:

2. Criteria 1 of Policy 942 be revised to increase additional residential units within accessory buildings and replaced by the policy below:

1. A maximum of three additional residential units are permitted, which may include a maximum of two additional units in an accessory building.

3. Criteria 10 of Policy 942 be revised to delete reference to ‘structure’ and replaced by the policy below:

10. Additional residential units may be permitted within a legally established accessory building that:

- a. Is located on the same lot as the primary dwelling unit.
- b. Is located in the rear yard.
- c. Cannot be severed.
- d. Is on full municipal services.
- e. Maintains the neighbourhood character.
- f. Meets the requirements of the zone which apply to accessory buildings.

Appendix B – Zoning By-law Amendment

Bill No. (number to be inserted by Clerk's Office)
2023

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to
modify Section 2, Section 4, Section 5,
Section 6, Section 7, Section 8

WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Section 2 is amended by revising the existing definition for 'Additional Residential Unit' and replacing it with the following:

"ADDITIONAL RESIDENTIAL UNIT" means a dwelling unit permitted in addition to a primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof. The creation of additional residential unit(s) does not change the primary dwelling into any other type of residential building. (Z.-1-212896 deleted and replaced by Z.-1-233111)

- 2) Section 2 is amended by adding definition for 'Detached Additional Residential Unit' to include the following:

"DETACHED ADDITIONAL RESIDENTIAL UNIT" means a dwelling unit located within an accessory building permitted in addition to a primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof. The creation of additional residential unit(s) does not change the primary dwelling into any other type of residential building. (Z.-1-212896 deleted and replaced by Z.-1-233111)

- 3) Section 2, Figure 2 is amended by modifying the note to clarify relevance to accessory buildings that include additional residential unit(s) and replacing it with:

NOTE: THE ABOVE ILLUSTRATIONS ARE FOR CLARIFICATION AND CONVENIENCE ONLY AND DO NOT FORM PART OF THIS BY-LAW. PLEASE ALSO REFER TO THE DEFINITIONS AND GENERAL PROVISIONS OF THIS BY-LAW. THESE ILLUSTRATIONS DO NOT APPLY TO ACCESSORY BUILDINGS EXCEPT FOR ACCESSORY BUILDINGS THAT INCLUDE ADDITIONAL RESIDENTIAL UNIT(S).

- 4) Section 4.1 is amended by adding a section pointer clause under 4.1.7 to include the following:

7) Detached Additional Residential Units will not be subject to the general provisions subsections 4.1(2), 4.1(3), or 4.1(4), but rather, shall comply with the provisions of Section 4.37 (Additional Residential Units) of this By-law.

- 5) Section 4.19 is amended by adding a provision to permit front yard parking when an attached garage has been converted under 4.19.4c(c) to include the following:

(c) Notwithstanding 4.19 4) c) (b) above, where an attached garage is converted to habitable space for the purpose of additional residential unit(s), front yard parking may be permitted in the location of the existing driveway leading to the former parking space(s) within the garage, and shall not be widened beyond that location.

- 6) Section 4.26 is amended by adding additional residential units and defining permitted zones to include the following:

Additional Residential Units	All Zones except for any Agricultural (AG) Zone, Urban Reserve (UR) Zone, Open Space (OS) Zone, Light Industrial (LI) Zone, General Industrial (GI) Zone, Heavy Industrial (HI) Zone, Environmental Review (ER) Zone	4.37
------------------------------	--	------

- 7) Section 4.37 is amended by revising 4.37.1 to define permitted zones and permit duplex, triplex, and converted dwellings and replacing it with the following:

1) Permitted Zones

Additional residential units shall be permitted within any zone, except for an Agricultural (AG) Zone, Urban Reserve (UR) Zone, Open Space (OS) Zone, Light Industrial (LI) Zone, General Industrial (GI) Zone, Heavy Industrial (HI) Zone, or Environmental Review (ER) Zone in association with the following uses, if permitted:

- a. Single detached dwellings
- b. Semi-detached dwellings
- c. Street townhouse dwellings
- d. Duplex dwellings
- e. Triplex dwellings
- f. Converted dwellings

- 8) Section 4.37 is amended by revising 4.37.2 to remove number of ARUs permitted within an accessory building and include reference to a four unit per lot maximum and replacing it with the following:

2) Number of Additional Residential Units per Lot

A maximum of three (3) additional residential units shall be permitted up to a total combined maximum of four (4) dwelling units per lot.

- 9) Section 4.37.4 is amended by deleting the current subsection and replacing it with the following:

4) Detached Additional Residential Units

- a. A maximum of two (2) additional residential units on a lot may be permitted within a maximum of one (1) accessory building per lot.
- b. A detached additional residential unit may only be permitted in the rear yard or interior side yard.
- c. The height of an accessory building containing additional residential unit(s) shall be measured in accordance with the definition of "Building Height" in Section 2 of this By-law and shall not exceed 6.0 metres (19.7 feet).
- d. A minimum rear yard setback of 3.0 metres (9.8 feet) shall apply.
- e. The interior side yard setback shall be the greater of:
 - 1. The underlying zone, or
 - 2. 1.2 metres (3.94 feet), except where windows are facing a shared lot line
- f. A detached additional residential unit shall be part of the maximum coverage for the underlying zone, where applicable.
- g. A detached additional residential unit shall be connected to municipal services.

10)Section 5, Table 5.3 is amended by adding a defined maximum number of units per lot to all R1 zone variations to include the following:

19	NUMBER OF UNITS PER LOT MAXIMUM	4
----	---------------------------------	---

11)Section 6, Table 6.3 is amended by revising the maximum number of units per lot for all R2 zone variations to include the following:

17	NUMBER OF UNITS PER LOT MAXIMUM	4
----	---------------------------------	---

12)Section 7, Table 7.3 is amended by revising the maximum number of units per lot for all R3 zone variations, except converted dwellings in R3-1, R3-2, and R3-3, to include the following:

Residential Type	Single Detached			Semi-Detached			Duplex			Triplexes and Fourplexes			Converted			Single Detached	Semi-Detached	Duplex	Triplex	Converted
	R3-1	R3-2	R3-3	R3-1	R3-2	R3-3	R3-1	R3-2	R3-3	R3-1	R3-2	R3-3	R3-1	R3-2	R3-3					
Zone Variations	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	R3-4				
	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-					
	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3					
Number of Units Per Lot Maximum	4												See Section 7.3(3)			4				

13)Section 8, Table 8.3 is amended by adding a defined maximum number of units per lot for all R4 zone variations to include the following:

Number of Units per Lot Maximum	4
---------------------------------	---

14)This Amendment shall come into effect in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

PASSED in Open Council on February 13, 2024 subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – February 13, 2024
Second Reading – February 13, 2024
Third Reading – February 13, 2024

Appendix C – Zoning By-law Amendment

Bill No. (number to be inserted by Clerk's Office)
2023

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to
modify Section 2 and Subsection 4.37.5

WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Section 2 is amended by deleting reference to Near Campus bedroom limit under the 'Dwelling' definition and replacing it with the following:
 - a) "APARTMENT BUILDING" means a building or existing non-residential building that is divided horizontally and/or vertically into five or more separate dwelling units but does not include a converted dwelling or townhouse dwelling. (Z.-1-98604)
 - e) "CONVERTED DWELLING" means an existing dwelling constructed as a single, semi-detached, duplex or triplex dwelling on an existing lot prior to July 1, 1993 in which the number of dwelling units has been increased without significant alteration to the exterior of the building except for non-leasable floor such as fire escapes, stairwells and entrances to a maximum of 10 percent (10%) of the dwelling or 30.0 square metres, whichever is the lesser.
 - f) "DUPLEX DWELLING" means a building that is divided horizontally into two separate dwelling units but does not include a converted dwelling. (Z.-1-98604)
 - h) "FOURPLEX DWELLING" means a building that is divided horizontally and/or vertically into four separate dwelling units but does not include a converted dwelling or a townhouse dwelling. (Z.-1-93173) (Z.-1-98604)
 - n) "SEMI-DETACHED DWELLING" means a building which contains two single dwellings units which are attached vertically by a common wall. (O.M.B. File #R910387 - Appeal #9003-1, 9006-1 June 4, 1993) (Z.-1-98604)
 - r) "STACKED TOWNHOUSE" means a building designed to contain three or more dwelling units attached side by side, two units high, with each dwelling unit having a private entrance to grade level and a private open space area of any upper unit may utilize a portion of the roof of any lower unit.
 - s) "STREET TOWNHOUSE" means a townhouse with each unit on a separate lot and having legal frontage on a public street.
 - t) "TOWNHOUSE" means a building divided vertically into three or more attached dwelling units by common walls extending from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade, and so located on a lot that individual units may not have legal frontage on a public street.
 - u) "TRIPLEX DWELLING" means a building that is divided horizontally and/or vertically into three separate dwelling units but does not include a converted dwelling or a townhouse dwelling. (Z.-1-98604)
- 2) Section 2 is amended by revising the existing definition for 'Dwelling Unit' and replacing it with the following:

"DWELLING UNIT" means a single room or a series of rooms of complementary use which is located in a building, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof, which has a private entrance directly from outside the building or from a common hallway inside the building, in which all occupants have access to all of the habitable areas and facilities of the unit, and which is occupied and used or capable of being occupied and used as a single and independent housekeeping establishment. Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit shall contain no more than five bedrooms.

- 3) Subsection 4.37.5 is amended by deleting the bedroom limit and replacing it with the following:

Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, the combined total number of bedrooms permitted for the primary dwelling unit(s) and additional residential unit(s) shall increase by one (1) following the creation of one (1) additional residential unit up to a total of three (3) additional bedrooms and three (3) additional residential units.

- 4) This Amendment shall come into effect in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on February 13, 2024 subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – February 13, 2024
Second Reading – February 13, 2024
Third Reading – February 13, 2024

Appendix D – Recommended London Plan and Zoning By-law Amendments with Tracked Changes

Within this appendix underlined text indicates new wording to be added and strikethrough text indicates existing wording to be deleted. Bold text indicates an existing heading.

Official Plan (The London Plan) Amendments

ADDITIONAL RESIDENTIAL UNITS

942_ Additional Residential Units are permitted as-of-right within single detached dwellings, semi-detached dwellings, ~~or~~ street townhouse dwellings, duplex dwellings, triplex dwellings, or converted dwellings where all of the following criteria are met:

1. A maximum of three additional residential units are permitted, which may include a maximum of ~~one~~ two additional units in an accessory building ~~structure~~.
2. Additional residential units must be located on the same lot as the primary dwelling unit.
3. Additional residential units shall be required to be licensed pursuant to the Residential Rental Unit Licensing By-law.
4. Deleted.
5. Additional residential units shall comply with all regulations of the associated zone.
6. Exterior alterations to the primary dwelling unit to provide for additional residential units in the front or exterior side yards should maintain the character of the primary dwelling unit. To protect neighbourhood character, access to the additional residential units should be through existing entrances or new entrances located in rear or side yards.
7. Any exterior alterations to accommodate an additional residential unit within a Heritage Conservation District must have consideration and regard for the policies of the Heritage Conservation District Plan and/or Guidelines. Heritage Alteration Permit approval may be required for alterations to designated properties, including properties located in a Heritage Conservation District.
8. Any zoning amendments or variances to provide for parking in excess of the minimum parking required for the primary dwelling unit, including any request for boulevard parking, front yard parking or changes to landscaped open space regulations to support parking for additional residential units, shall be discouraged. A new additional driveway is not permitted to provide for the additional residential units.
9. Minor variances to permit front yard parking shall not be supported where the proposed new development, expanded development, or modification to an existing development eliminates parking that is in a location that conforms to the Zoning By-law.
10. Additional residential units may be permitted within a legally established accessory ~~structure~~ building that:
 - a. Is located on the same lot as the primary dwelling unit.
 - b. Is located in the rear yard.
 - c. Cannot be severed.
 - d. Is on full municipal services.
 - e. Maintains the neighbourhood character.
 - f. Meets the requirements of the zone which apply to accessory ~~structures~~ buildings.

Zoning By-law Amendment

SECTION 2 – DEFINITIONS

“ADDITIONAL RESIDENTIAL UNIT” means a dwelling unit permitted in addition to a primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof. The addition creation of additional residential unit(s) does not change a single detached, semi-detached or street townhouse the primary dwelling into any other type of residential building. (Z.-1-212896 deleted and replaced by Z.-1-233111)

“DETACHED ADDITIONAL RESIDENTIAL UNIT” means a dwelling unit located within an accessory building permitted in addition to a primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof. The creation of additional residential unit(s) does not change the primary dwelling into any other type of residential building. (Z.-1-212896 deleted and replaced by Z.-1-233111)

"DWELLING" means a building containing one or more dwelling units.

- a) "APARTMENT BUILDING" means a building or existing non-residential building that is divided horizontally and/or vertically into five or more separate dwelling units but does not include a converted dwelling or townhouse dwelling. (Z.-1-98604) ~~Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within an Apartment Building shall contain no more than three bedrooms. (Z.-1-122125, OMB Order PL121033, July 22, 2013)~~
- b) "APARTMENT BUILDING, HANDICAPPED PERSONS" means an apartment building designed for the accommodation and occupancy by physically handicapped persons which is owned and managed by a public housing authority or non-profit organization or a charitable institution, and which may be associated with a place of worship.
- c) "APARTMENT BUILDING, SENIOR CITIZENS" means an apartment building designed for the accommodation of the elderly, which is owned and managed by a public housing authority or non-profit organization or a charitable institution and which may be associated with a place of worship.
- d) "CLUSTER HOUSING" means a group or groups of dwelling units which may be in various forms, and so located on a lot that each dwelling unit may not have legal frontage on a public street or road and more than one dwelling unit may exist on one lot.
- e) "CONVERTED DWELLING" means an existing dwelling constructed as a single, semi-detached, duplex or triplex dwelling on an existing lot prior to July 1, 1993 in which the number of dwelling units has been increased without significant alteration to the exterior of the building except for non-leasable floor such as fire escapes, stairwells and entrances to a maximum of 10 percent (10%) of the dwelling or 30.0 square metres, whichever is the lesser. ~~Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Converted Dwelling shall contain no more than three bedrooms. (Z.-1-122125, OMB Order PL12033, July 22, 2013)(Z.-1-98604)~~
- f) "DUPLEX DWELLING" means a building that is divided horizontally into two separate dwelling units but does not include a converted dwelling.(Z.-198604) ~~Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Duplex Dwelling shall contain no more than three bedrooms. (Z.-1-122125, OMB Order PL12033, July 22, 2013)~~
- g) "FARM DWELLING" means a single detached dwelling located in a farm cluster which is incidental and exclusively used in conjunction with a farm and is situated on the same lot therewith. (Z.-1-051390)
- h) "FOURPLEX DWELLING" means a building that is divided horizontally and/or vertically into four separate dwelling units but does not include a converted dwelling or a townhouse dwelling.(Z.-1-93173) (Z.-1-98604) ~~Within Near Campus~~

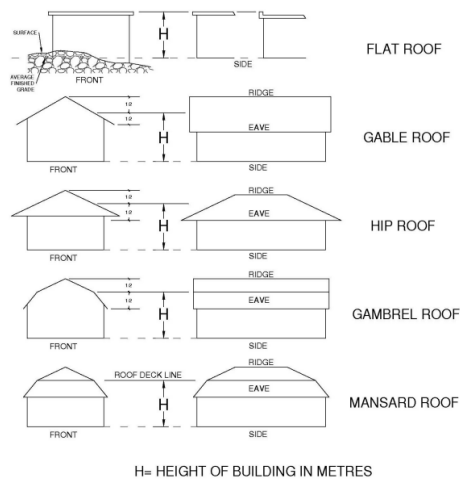
~~Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Fourplex Dwelling shall contain no more than three bedrooms. (Z.-1-122125, OMB Order PL12033, July 22, 2013)~~

- i) "LINK DWELLING" - See "SEMI-DETACHED DWELLING". (Z.-1-98604)
- j) "MODULAR DWELLING" means a prefabricated single detached dwelling designed to be transported once only to a final location and constructed so as the shortest side of such dwelling is not less than 6.0 metres (19.7 ft.) in width.
- k) "MULTIPLE DWELLING" means a dwelling containing more than three dwelling units.
- l) "RAISED RANCH DWELLING" means a dwelling with no more than two levels in which the basement has its ceiling not more than 1.8 m (5.9 ft.) above grade and not less than 1.0 m (3.3 ft.) above grade. For the purpose of this by-law a raised ranch dwelling shall be considered as a one storey dwelling. i. (Z.-1-98604) (For Dwelling Illustrations, see Figure 1 at the end of this Section)
- m) "SECONDARY FARM DWELLING" means a single detached dwelling on the farm unit of the farm owner for an immediate family member engaged in fulltime employment on the farm, a full-time employee or living quarters for seasonal help. (Z.-1-051390)
- n) "SEMI-DETACHED DWELLING" means a building which contains two single dwellings units which are attached vertically by a common wall.(O.M.B. File #R910387 - Appeal #9003-1, 9006-1 June 4, 1993) (Z.-1-98604) ~~Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Semi-Detached Dwelling shall contain no more than three bedrooms. (Z.-1-122125, OMB Order PL12033, July 22, 2013)~~
- o) "SINGLE DETACHED DWELLING" means a single dwelling which is freestanding, separate and detached from other main buildings or main structures, including a split level dwelling, but does not include a mobile home.
- p) "SINGLE DWELLING" means a dwelling containing not more than one dwelling unit as the sole main use thereof, with or without uses accessory thereto.
- q) "SPLIT LEVEL DWELLING" means a dwelling that is designed and constructed to create no more than four different levels, where at least two levels make up the first storey and all other levels are considered to be basement, and the vertically distance between such levels being always less than the full storey, but in no case can the vertical difference be less than 0.6 m (2 ft.). For the purpose of this By-law, a split level dwelling house shall be considered as one-storey dwelling. (Z.-1-98604)
- r) "STACKED TOWNHOUSE" means a building designed to contain three or more dwelling units attached side by side, two units high, with each dwelling unit having a private entrance to grade level and a private open space area of any upper unit may utilize a portion of the roof of any lower unit. ~~Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Stacked Townhouse shall contain no more than three bedrooms. (Z.-1-122125, OMB Order PL12033, July 22, 2013)~~
- s) "STREET TOWNHOUSE" means a townhouse with each unit on a separate lot and having legal frontage on a public street. ~~Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Street Townhouse shall contain no more than three bedrooms. (Z.-1-122125, OMB Order PL12033, July 22, 2013)~~
- t) "TOWNHOUSE" means a building divided vertically into three or more attached dwelling units by common walls extending from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade, and so located on a lot that individual units may not have legal frontage on a public street. ~~Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Townhouse shall contain no more than three bedrooms. (Z.-1-122125, OMB Order PL12033, July 22, 2013)"~~
- u) "TRIPLEX DWELLING" means a building that is divided horizontally and/or vertically into three separate dwelling units but does not include a converted

dwelling or a townhouse dwelling. (Z.-1-98604) ~~Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Triplex Dwelling shall contain no more than three bedrooms. (Z. 1-122125, OMB Order PL12033, July 22, 2013)~~

"DWELLING UNIT" means a single room or a series of rooms of complementary use which is located in a building, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof, which has a private entrance directly from outside the building or from a common hallway inside the building, in which all occupants have access to all of the habitable areas and facilities of the unit, and which is occupied and used or capable of being occupied and used as a single and independent housekeeping establishment. ~~A dwelling unit shall contain no more than five bedrooms. (Z. 1-93172)(Z. 1-041300—OMB Order 0780—March 15/06)~~ Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit shall contain no more than five bedrooms.

FIGURE 2
ILLUSTRATION
OF
BUILDING HEIGHT DEFINITIONS



NOTE:

THE ABOVE ILLUSTRATIONS ARE FOR CLARIFICATION AND CONVENIENCE ONLY AND DO NOT FORM PART OF THIS BY-LAW.

PLEASE ALSO REFER TO THE DEFINITIONS AND GENERAL PROVISIONS OF THIS BY-LAW.

THESE REGULATIONS ILLUSTRATIONS DO NOT APPLY TO ACCESSORY BUILDINGS EXCEPT FOR ACCESSORY BUILDINGS THAT INCLUDE ADDITIONAL RESIDENTIAL UNIT(S).

SECTION 4 – GENERAL PROVISIONS

4.1 ACCESSORY USES

7) Detached Additional Residential Units will not be subject to the general provisions subsections 4.1(2), 4.1(3), or 4.1(4), but rather, shall comply with the provisions of Section 4.37 (Additional Residential Units) of this By-law.

4.19 PARKING

4) YARDS WHERE PARKING AREAS PERMITTED

- a) No person shall use any land or cause or permit the use of any land situated in any zone for the purpose of parking or storage of a vehicle in any front yard or exterior side yard.
- b) No person shall use any land or cause or permit the use of any land situated in any zone for the purposes of uncovered surface parking areas in any front yard or exterior side yard.
- c) Notwithstanding the yard and setback provisions of this By-law to the contrary, uncovered surface parking areas that conform to the provisions of Subsection

4.19(7) (Surface and Drainage of parking Areas and Driveways) of this By-law, shall be permitted in the yards or in the area between the required road allowance and the required setback as follows:

Zone Class

Office, Commercial, Institutional, Open Space, Recreational, Agricultural, Agricultural Commercial & Rural Settlement Commercial Zone and any Zone Class not specified (Z.-1-051390

Residential – R1, R2, R3, R4 and R11 Zones.

Yard in Which Required Parking Area is Permitted

All yards provided that no part of any parking area, other than a driveway, is located closer than 3.0 metres (9.8 feet) to any required road allowance except in the DA Zones, the BDC Zones or the OC zones where parking shall not be permitted in the front yard.

(a) The interior side yard and rear yard, provided that no part of any parking area is located closer than 1.0 metres (3.3 feet) to any required road allowance and provided that no part of any rear yard parking area shall be located 99 closer than 3.0 metres (9.8 feet) from the rear lot line and 3.0 metres (9.8 feet) from any one side lot line except where access to a rear yard parking area is obtained by a lane in which case no part of any rear yard parking area shall be located closer than 3.0 metres (9.8 feet) from each side lot line; and. For the purposes of this By-law, where a Private Garage is an accessory use to a permitted use on a lot, such Private Garages shall be exempt from this regulation but shall comply with the provisions for accessory uses set out in Subsection 4.1, (Z.-1-122125, OMB Order PL121033, July 22, 2013) (z.-1-132233)

(b) Driveways in the front yard or driveways in the exterior side yard.

(c) Notwithstanding 4.19 4) c) (b) above, where an attached garage is converted to habitable space for the purpose of additional residential unit(s), front yard parking may be permitted in the location of the existing driveway leading to the former parking space(s) within the garage, and shall not be widened beyond that location.

4.26 USES PERMITTED IN LISTED ZONES

Notwithstanding any other provisions of this By-Law, the following uses are permitted in the listed zones provided they can meet the specific provisions of this By-law:

Use	Zones Permitted	Governing General Provisions Section
Accessory Uses, Buildings or Structures	All Zones	4.1
Construction Uses	All Zones	4.5
Foster Homes (Z.-1-051390)	All residential and agricultural zones	4.7
Group Homes Type 1	All residential zones	4.8

Home Occupation reference deleted by Z.-1-94293		
Household Sales		
Private Home Day Care	All R1, R2, R3, R4 and R5 Residential Zones, the Agricultural (AG) Zone and the OC1 and OC2 Zone variations	4.1
Public Uses	All Zones	See Section 2, Definition for Public Uses
Model Homes (Z.-1-95317)	All R1, R2, R3, R4, R5 and R6 (excluding apartment building) zones	4.5
Urban Agriculture	All Zones with the exception of the Agricultural (AG) Zones, the Open Space (OS4) Zone, the Open Space (OS5) Zone and the Environmental Review (ER) Zone.	4.38
<u>Additional Residential Units</u>	<u>All Zones except for any Agricultural (AG) Zone, Urban Reserve (UR) Zone, Open Space (OS) Zone, Light Industrial (LI) Zone, General Industrial (GI) Zone, Heavy Industrial (HI) Zone, Environmental Review (ER) Zone</u>	<u>4.37</u>

4.37 ADDITIONAL RESIDENTIAL UNITS

The provisions of this section shall apply to all additional residential units, unless specified by type directly herein.

1) Permitted Zones

Additional residential units shall be permitted within any zone, except for an Agricultural (AG) Zone, Urban Reserve (UR) Zone, Open Space (OS) Zone, Light Industrial (LI) Zone, General Industrial (GI) Zone, Heavy Industrial (HI) Zone, or Environmental Review (ER) Zone in association with the following uses, if permitted:

- a. Single detached dwellings
- b. Semi-detached dwellings
- c. Street townhouse dwellings
- d. Duplex dwellings
- e. Triplex dwellings
- f. Converted dwellings

2) Number of Additional Residential Units per Lot

A maximum of three (3) additional residential units shall be permitted ~~per lot; including a maximum of one (1) additional residential units in an accessory or ancillary structure. (Z.-1-233147)~~ up to a total combined maximum of four (4) dwelling units per lot.

3) Location of Additional Residential Units

An additional residential unit shall not be permitted on a separate lot from the primary dwelling unit that it is accessory to.

An additional residential unit or part thereof shall not be permitted in a basement where the finished floor level of such basement is below the

level of any sanitary sewer servicing the building or structure in which the basement is located.

~~4) Location of Additional Residential Units within Accessory Structures
An additional residential unit within an accessory structure may only be permitted in the rear yard or interior side yard.~~

4) Detached Additional Residential Units

- a. A maximum of two (2) additional residential units on a lot may be permitted within a maximum of one (1) accessory building per lot.
- b. A detached additional residential unit may only be permitted in the rear yard or interior side yard.
- c. The height of an accessory building containing additional residential unit(s) shall be measured in accordance with the definition of "Building Height" in Section 2 of this By-law and shall not exceed 6.0 metres (19.7 feet).
- d. A minimum rear yard setback of 3.0 metres (9.8 feet) shall apply.
- e. The interior side yard setback shall be the greater of:
 - i. The underlying zone, or
 - ii. 1.2 metres (3.94 feet), except where windows are facing a shared lot line 3.0 metres (9.8 feet) shall apply
- f. A detached additional residential unit shall be part of the maximum coverage for the underlying zone, where applicable.
- g. A detached additional residential unit shall be connected to municipal services.

5) Number of Bedrooms

~~The additional residential unit(s) and primary dwelling unit together shall not exceed the total number of bedrooms permitted for the primary dwelling unit when the total number of bedrooms in the primary and additional residential unit(s) are combined.~~

Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, the combined total number of bedrooms permitted for the primary dwelling unit(s) and additional residential unit(s) shall increase by one (1) following the creation of one (1) additional residential unit up to a total of three (3) additional bedrooms and three (3) additional residential units.

6) Parking

- a. No additional parking is required for additional residential units.
- b. A new additional driveway in association with an additional residential unit is not permitted.

SECTION 5 – Residential R1 Zone

**TABLE 5.3
RESIDENTIAL R1 ZONE
REGULATIONS FOR R1 ZONE VARIATIONS**

18	MAXIMUM FLOOR AREA (%) (Z.-1-101938)	N/A *****	Maximum of 10% greater than the floor area that existed on the date of the passing of the by-law *****
19	<u>NUMBER OF UNITS PER LOT MAXIMUM</u>	<u>4</u>	

SECTION 6 – Residential R2 Zone

**TABLE 6.3
RESIDENTIAL R2 ZONE
REGULATIONS FOR R2 ZONE VARIATIONS**

17	NUMBER OF UNITS PER LOT MAXIMUM	1	2	4	2
		<u>4</u>			

SECTION 7 – Residential R3 Zone

**TABLE 7.3
RESIDENTIAL R3 ZONE
REGULATIONS FOR R3 ZONE VARIATIONS**

Residential Type	Single Detached			Semi-Detached			Duplex			Triplexes and Fourplexes			Converted			Single Detached	Semi-Detached	Duplex	Triplex	Converted
	R3-1	R3-2	R3-3	R3-1	R3-2	R3-3	R3-1	R3-2	R3-3	R3-1	R3-2	R3-3	R3-1	R3-2	R3-3					
Zone Variations	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	R3-4				
	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3					
Number of Units Per Lot Maximum	4			2			2			4			See Section 7.3(3)			4	2	2	3	3
	4									See Section 7.3(3)			4							

SECTION 8 – Residential R4 Zone

**TABLE 8.3
RESIDENTIAL R4 ZONE
REGULATIONS FOR R4 ZONE VARIATIONS**

Height (M) Maximum	10.5	10.5	100.5	10.5	10.5	12.0
Number of Units Per Lot Maximum	4					

Appendix E – Internal and Agency Comments

Zoning – November 23, 2023

- If Floor Area Ratio regulations are expanded, which areas would be likely candidates?
- Section 2, Figure 2 note should be modified to remove reference to the illustration being referred to as a regulation.
- Use of the term 'structure' when referring to ARUs is inaccurate, references should be amended to replace 'structure' with 'building'.
- Supportive of amendment to Section 4.1 to include pointer clause for accessory buildings containing ARUs.
- Section 4.19 amendment should consider minor variance implications if only one parking space is permitted through amendment.
- Section 4.37 should contain explicit regulation specifying four units per lot.
- Current draft of 4.37.4 may not require notwithstanding clauses given amendment to 4.1.
- Agreeable to rear yard and side yard setback amendments separating ARUs from general provisions for accessory uses.
- Supportive of amendment to require municipal servicing.

City of London Internal Review Meeting – November 27, 2023

Building Division

- Ontario Building Code controls bedrooms through minimum size requirements (9.5.7) and occupant load (9.9.1.3)

Zoning

- Recommendation to elevate pointer clause under 4.1 to match intent of amendment.
- Consideration should be given to whether lot coverage regulation is required to avoid situations where an accessory building is larger than the primary residence.

Planning Implementation

- Housekeeping Amendment will modify 4.1.4b to include reference to residential zone.
- Recommendation to amend 4.19.4c to address common minor variances related to attached garage conversions for ARUs. Must account for potential loss of required parking space following conversion. Current by-law does not permit front yard parking. Original draft which proposes permitting one front yard parking space flagged as restrictive policy.
- Recommendation to modify height and setback requirements for accessory buildings to account for rear yard privacy concerns. Consider approach to increase setbacks when windows are facing shared side lot lines or restrict side facing windows in accessory buildings containing ARUs.

Planning Policy

- Consider further definition of zones with ARUs as permitted use. The Planning Act only prohibits the restriction of residential units on urban residential lands. Amendment would address concern related to adding units and entrenching non-conforming uses in non-residential zones.

Policy & Special Operations – December 11, 2023

- Supportive of amendment to add 'Detached Additional Dwelling Unit' under Section 2 Definitions.

Legal Services – December 14, 2023

- Consider amendment to delete definitions for 'single dwelling', 'split level dwelling', 'raised ranch', and 'multiple dwelling' to reflect shift in planning framework.
- Concern indicated for potential confusion of multi-unit dwellings definitions following the adoption of four units per lot through ARU policies.

- Recommendation to amend ARU and Detached ARU definitions to include reference to being on the same lot.
- Review lot coverage regulations to ensure that Detached ARU uptake will not be impeded by minor variances. Refer to ReThink Zoning analysis regarding lot coverages in downtown adjacent neighbourhoods. Is the intent of regulation accurately reflected in the drafted policy?

Bell Canada – December 18, 2023

- No comment.

Management Review Team Meeting – December 21, 2023

Subdivisions and Development

- Consider amendment of 4.26 and 4.37 to include ARUs within AG zones. Refer to policies in Dutton Dunwich and Southwold as local examples.

Administration

- Concern indicated for limitation placed on rural residential zones. Consider going beyond the minimum requirement of “urban residential land” defined in *The Planning Act*. Monitoring component may be the best approach in light of time constraints to address outcomes.

Municipal Housing and Development

- Supportive of zoning modifications related to permitted use under 4.26 and 4.37.
- Consider amendment to permit multiple detached dwellings for ARUs. Acknowledged concerns regarding stormwater management and site risks given the lack of site plan.

Site Plan

- Consider amendment to permit ARUs within cluster townhomes. Acknowledged that condominium declarations posed barriers for current condo development. Perhaps a site-specific provision for ARUs could be added during site plan.

Planning Implementation

- No concerns regarding minor variance concerns.

Stormwater Engineering Division – January 12, 2024

The Stormwater Engineering Division staff have reviewed the above noted zoning/official plan amendment application and have no comments.

Upper Thames River Conservation Authority – January 16, 2024

- Policy 942 #4 provides a value for maximum gross floor area of an additional residential unit. Please clarify how the proposed changes will be implemented into this policy for accessory dwelling units.
- Policy 942 #12 states the new additional residential units shall not be located in a floodplain as regulated by the conservation area having jurisdiction for that area, unless permitted through a special policy area as described in the Natural and Human Made Hazards policies. Please ensure the policy addresses no additional dwelling units within the flood plain or other natural hazard lands. This should include the conversion of an existing accessory structure into a dwelling unit.
- Policy 949 advises that site plan approval is not required for additional residential units within existing structures and converted dwellings. Please refer to comment #2 and clarify how this policy will be changed to address existing accessory structure conversions. Furthermore, please ensure that UTRCA regulatory requirements are met through the building permit review for property located within natural hazard lands.
- Section 4.37 of Z.-1 outlines regulations for Additional Residential Units. Please ensure this section does not permit additional residential units within natural hazard lands of existing and new buildings/structures as this is not currently specified.
- Section 4.26 provides a list of uses that are permitted in all zones across the City. Please incorporate additional language in this section that speaks to the following uses being permitted provided they can meet the requirements of all applicable law. This will ensure a connection between the Building Code and the

Conservation Authorities Act which may impact the location of ARU's and other permitted uses within various zones that are affected by natural hazards.

- It is important to note that properties affected by natural hazards may not necessarily be zoned to reflect the natural hazard and it is therefore not sufficient to rely on the residential zoning as a test for allowing additional residential units as-of-right.

Appendix F – Public Engagement

Summary of Comments – Received from Meeting with Near Campus Neighbourhood Association Representatives November 24, 2023

Additional Residential Units

- Will require further clarification on ARU implications, but generally supportive of the early draft amendments discussed relating to ARUs.
- Concern raised around accessory buildings and adding more units into Near Campus Neighbourhood.
- Concern raised related to by-law enforcement.

Bedroom Limits

- High concern that removal of bedroom limit within the Near Campus area will negate policies providing relief from intensification.
- High concern regarding the compliance and enforcement of bedrooms. Cited existing problems and historic problems related to issue.
- NCN representatives prefer two options: 1) maintain the bedroom limit and expand Floor Area Ratio regulations; 2) remove the city-wide bedroom limit, but maintain the NCN bedroom limit.

Floor Area Ratio (FAR)

- Will require time to review full implications related to a potential expansion of Floor Area Ratio regulations within the Near Campus Neighbourhood.
- Can Floor Area Ratio analysis be re-calculated to include unfinished basements to possibly capture the potential usable floor area within the NCN?
- Consider adding language to clarify that ARUs cannot be added if the result would go beyond the FAR limit, where regulation applies.
- Consider a graduated bedroom limit policy. The NCN bedroom limit is maintained, but provisions are drafted to allow for additional bedrooms when ARUs are created.
- Will FAR be expanded across the entire NCN? Could it be applied city-wide?

Summary of Comments – Received from Meeting to City Planning Solutions (on behalf of Copps BYH) November 28, 2023

Additional Residential Units

- Emphasis placed on backyard homes adoption having high sensitivity to both cost and risk. Request that zoning regulations follow permissive approach to limit cost sink from zoning amendments, minor variances, etc.
- Consider amendment restricting ARU permissions in industrial zones.
- Consider amendment to regulations related to building depth and how this impacts accessory buildings.

Parking Requirements

- Consider amendment eliminating garage width regulations when garage is located in backyard. Cited lack of impact on streetscape.

Accessory Buildings

- Supportive of change in height measurement of accessory buildings containing ARUs.
- Consider amendment to increase accessory building height to 8.5 metres to allow for two-storey buildings. Referred of prevailing zone height requirements for additions and questioned the difference for ARUs.
- Consider amendment to reduce rear yard and side yard setbacks.
- Supportive of amendment to require municipal servicing.

Bedroom Limits

- Near Campus Neighbourhood limit should be maintained. Cited concerns around creating student ghetto and deteriorated neighbourhoods.
- Concern raised that increased bedroom limit in Near Campus Neighbourhood may result in higher housing costs. Cited added property value and investment potential from higher bedroom limits.

Summary of Comments – Received from Meeting with Development Interest Group December 4, 2023

Additional Residential Units

- Agreeable to added permission for duplex, triplex, and converted dwellings
- Do all types of townhouses have ARU permissions?
- Permitted use amendment in 4.26 and 4.37 - No comment.

Parking Requirements

- Does the amendment to 4.19.4c only apply to attached garage conversions?
- Are other parking changes being considered?

Accessory Buildings (Detached ARUs)

- Agreeable to amendment to permit up to two units per unit.
- A maximum height of 6.0 metres could permit a two-storey building through creative application of building design.
- High concern regarding proposed 3.0 metre side yard setback. Cited R1 zoning typically permits a 1.2 metre setback. A side yard setback of 3.0 metres would significantly impede existing accessory building conversions and result in minor variances.
- No maximum lot coverage tied to accessory buildings containing ARUs could result in accessory building that is larger than primary dwelling.
- Request for specific servicing requirements in by-law. Conceded that the information would be more appropriate as communications piece.

Bedroom Limit

- Highly supportive of removal of city-wide bedroom limits.
- Agreeable to proposed amendment to introduce graduated bedroom limit within Near Campus Neighbourhoods.
- Are apartment buildings also included in the proposed 5-bedroom limit within the Near Campus Neighbourhoods? The 3-bedroom limit is problematic for purpose built student apartment buildings.

Floor Area Ratio

- Concern raised related to full application of FAR regulations citing restrictions on scale and intensity.

General Comments

- Are Heritage alteration permits still required for ARUs?
- Have emergency services reviewed the setback amendments?
- Are unprotected openings and minimum setbacks required for ARUs?
- Questions raised regarding the continued need for NCN specific policy.
- What is the current trend regarding Near Campus complaints?

Public Comments

From: Sean Eden, Magnificent Homes

Sent: Thursday, October 19, 2023

Dear Mr. Coveney,

I hope this email finds you well. I was watching the most recent planning committee meeting presentation regarding the additional residential units and wanted to provide some feedback. Unfortunately, I only became aware of your committee item after the meeting. Otherwise, I would have provided you with a letter in advance of the meeting.

The company that I work for owns two existing single detached dwellings in the arterial commercial zone along Wharncliffe Road South in Lambeth. I wanted to write you to ask that if existing houses in commercial zones do not benefit from the accessory dwelling unit regulations then they should be included moving forward. Also, we are supportive of additional bedrooms being allowed in the accessory dwellings. We feel that each accessory dwelling should be allowed to potentially have up to 3 or more bedrooms per unit.

Thank you for your time and consideration of this matter. I look forward to hearing about the progress and developments regarding the proposed ADU policy in arterial commercial zoned areas and additional bedroom policies.

If you could please keep me on your mailing list once future information becomes available, that would be appreciated.

From: Sean Eden, Magnificent Homes
Sent: November 19, 2023

Hi Brandon,

I just wanted to send you another quick email. We did review our property with the zoning office. However, because it is zoned commercial, there are restrictions on the size of the additional dwelling units. In fact, we would need a variance to add any units other than the existing single unit on the property.

I was wondering, as part of your review, would you be able to look at the size of additional units in commercial zones? I am just wondering if perhaps something in the changes that you are bringing forward to Council would help us to make the best use of the lands.

If you need any additional information regarding our proposal, please let me know.

From: Arnon Kaplansky
Sent: November 9, 2023

Hello Brandon ,
The removal of the 5 bedroom limit "EXCEPT" the near campus.. ..
Really doesn't make any planning sense. This is a political pressure that goes against any good planning principles.
Thank you

From: Jason Shoemaker
Sent: November 13, 2023

I heard that some decisions are being discussed and or made regarding the rethink zoning and Adu. I was also told that you are the person to send my thoughts to. In our previous conversation you mentioned the possibility of a no bedroom limit in non student zones. Wow was I surprised to see how much area that covered and essentially limited a large portion of home owners.

I totally understand a desire from the city to not overpopulate in student areas - especially where long term residents live. Particularly in areas with limited lot coverage and parking.

Obviously the city doesn't want existing buildings to suddenly add bedrooms beyond reasonable capacity that would take away from proper living space and go beyond current limits (usually 5br).

What I think would make logical sense is for all existing buildings to remain at their current bedroom limit. If owners want to split that home into a 3 and 2 or other

combination that's fine. But severely limiting what they can build for bedrooms in an ADU doesn't make sense. This is assuming all the variables of lot size, coverage, parking, setback, etc are in order.

There are several properties that can support multiple units and still meet all zoning standards. I would propose that all ADUs be allowed up to 3 bedrooms per new unit. This would be similar to the rules for R3-1 or R3-2 (I believe - such as the area south of cherry hill mall).

Please let me know anything I can clarify about my ideas or how I can present the concepts if this email isn't the correct way.

Thanks

From: Jean-Marc Metrailler

Sent: Monday, November 27, 2023

Hello Brandon,

Thanks very much for the productive meeting last week.

For your consideration, and in case it is helpful as you prepare your report/recommendation(s), I am just passing along a short summary of the "graduated" bedroom cap proposal I discussed. I also had a couple questions/comments about the FAR/Max Floor Area and setback requirements under consideration:

Graduated Bedroom Cap Proposal

- Maintain current 5-bedroom cap in Near-Campus Neighbourhoods for single family homes without additional residential units
- Add 1 additional bedroom to the cap for each additional residential unit, ei.:
 - Single family home with one additional residential unit: 6 bedroom cap
 - Single family home with two additional residential units: 7 bedroom cap
 - Single family home with three additional residential units: 8 bedroom cap
- Consider implementing together with Floor Area Ratio/Maximum Floor Area requirements being contemplated by staff

Rationale

- Recognizes that a "hard" 5-bedroom cap is limiting on ARUs and unlikely to align with council goals or provincial/federal obligations.
 - As much as neighbourhoods would like the keep existing cap, there is recognition of that reality.
- Floor Area Ratio/Max Floor Area requirement alone does not address concerns for existing structures (ie. large home that currently exceeds FAR can be carved into many bedrooms, without FAR providing any limit)
- Recognizes need to increase units to meet provincial and federal commitments, and in fact incentivizes it. For example, compare two developments:
 - Cheap conversion of a large family home into a 12 bedroom student house adds zero units for housing targets
 - Adding two additional residential units to large family home with 7 total bedrooms adds two units for housing targets
 - The latter is preferable as it assists with housing targets and provides more appropriate, less crowded housing for renters (and likely, fewer nuisance concerns from neighbours)
- Encourages investment from serious landlords committed to creating quality compliant units, vs. cheaply carved up and overcrowded single family homes by amateur investors
- Though planning/code/nuisance enforcement remains key to this working
- Mitigates any argument that bedroom cap is non-compliant with Planning Act requirements re: ARUs because it explicitly raises cap as needed to accommodate ARUs.

Floor Area Ratio/Maximum Floor Area Ratio Questions

- I noticed when reviewing areas currently covered, there are differing "levels" of lot size contemplated. For example in the R1-5(3) area covering Regent/St

George, the largest "level" is for lots greater than 700m². By contrast, on the Parkway and on Victoria backing onto Gibbons, where lots are larger and covered by R1-9(3) and R1-6(7), the largest "level" is for lots larger than 1000m².

- In our neighbourhood, we have for example an R1-10 (on the Orchard Park side) area where the standard lot size appears to be > 1000m², and with a decent number > 1500m². Would we be getting the Regent/St George treatment (the chart in the presentation)? or something with higher "levels" of lot size like what appears to have been done for larger prevailing lots on the Parkway/Victoria? I understand if you don't have a final answer - just something to think about.
- Perhaps this is better question for when there's a concrete proposal contemplated for our neighbourhood area, but would it be possible to get examples of a few sample addresses in our neighbourhood and how they compare to the contemplated FAR/Max Floor Area requirements (as was done in the presentation for a few Old North lots)? A few suggestions: 1 Bloomfield (standard larger Orchard Park lot), 34 Runnymede (standard smaller Sherwood Forest lot), 565 & 557 Leyton (larger homes relative to lot), 548 Kininvie (small home relative to lot)
- I was asked by our neighbourhood group to pass along the recommendation that full unfinished basements be included in the calculation (I agree)

Setbacks

- This wasn't raised at the meeting, but I am curious as to how exactly setbacks for accessory building ARUs will work. I understood from your presentation that the current side-yard depth requirements for the main building will likely apply (2.9ft plus 2ft for each storey >1). That makes sense for the sides, but how does it work at the rear of the yard? Presumably the standard rear yard depth would not have to apply behind the ARU? Rather will it be the sideyard setback that applies at the back of the lot also?
- Don't really have a comment to share on this - just raising the question.

Thanks so much,

From: John Fleming

Sent: Wednesday, November 29, 2023

Thanks for this Brandon. And thanks again to you, Nancy and Justin for giving me the opportunity to provide our perspectives while you formulate the policy. I think you're headed in a very positive direction.

In summary, I think that the best approach is to use the underlying zone to regulate the size and placement of ARU's in accessory structures (backyard homes). This approach has the following benefits:

- The developable building envelope is already defined by existing zoning
- Those who bought a property should be aware of what their neighbours could legally construct within that building envelope via an addition to the main structure for example
- This would put ARU's in accessory structures to the SAME regulatory requirements as an addition – no change
- This approach naturally transitions into the approach you are likely headed with ReThink Zoning, whereby 4 units are allowed and you can choose the form within the building envelope. It's a good transition to bridge the current approach and the future approach
- You could cap height at 8.5m if you want to put an additional constraint on backyard homes – my folks think this is adequate to deal with grades in most cases
- You could indicate to Council that you will monitor the outcomes from this change and bring back any recommendations to "tweak it" if necessary over the next 3 years – in other words, open the door to more housing opportunities, and measure the impacts and implications; you could even do a study of each of these based on building permits over 3 years to see the outcomes.

I've attached my feedback we discussed yesterday – responding to the bullet points you provided earlier this week. I've removed my comments relating to NCN's – I heard lots of good points on this during our discussion and I'm a bit conflicted. So, I'll leave that to you folks, but I'm always happy to provide background on the key considerations and our thinking during the preparation of these policies in the past.

Please don't hesitate to contact me if you want to brainstorm any of the above and attached or have any questions. I'm happy to help.

Attachment (PDF) – comments in *italics*

5-BEDROOM LIMITS

- Remove 5-bedroom limits city-wide, except Near Campus Neighbourhoods (NCN)
 - *Agree*
 - *May want to move forward with these changes for the city as a whole and leave NCN changes to a later date – so that the opportunity in the whole city isn't held back by the controversy that will likely come with the NCN changes*
- Consider possible limits to Near Campus Neighbourhoods
- Alternatives Being Considered:
 - Remove bedroom limit in NCN area and expand Floor Area Ratio(FAR) to limit scale and intensity, where needed.
 - Maintain bedroom limit in NCN and expand FAR into identified areas.
 - Consider graduated bedroom increase tied to ARUs added (e.g., 1 ARU, +1 bedroom permitted).

INCREASED PERMISSIONS FOR ARUs

- ARU Permissions
- Added permissions for Duplex, Triplex, and converted dwellings.
 - *Agree*
- Maximum four (4) dwelling units on a lot, ARU shall not exceed maximum.
 - *Agree*
- ARUs permitted in all zones except Agricultural or Urban Reserve.
 - *Not sure about this. What about industrial?*
- Parking Requirements
- For Garage Conversions, consider front yard parking in location of the existing driveway leading to the former spaces within the garage.
 - *Agree*
 - *Doesn't the combination of the streets by-law and zoning regulations relating to front-yard parking address parking concerns? Do you need any further regulations?*
 - *Allowing for front-yard parking perhaps should be allowed for through a MV, if certain criteria are met. These criteria could be spelled out in OP policy*
- Accessory Buildings with ARUs
- Allow two (2) ARUs within one (1) accessory or ancillary building.
 - *Agree*
- Maximum height measured in accordance with "Height" definition in Section 2.
 - *Agree with height definition of Section 2 – need to address Section 4.2(3) to exclude ARU's and also need to address Figure 2 of the Zoning By-law which both indicate that the height of ARU's as accessory structures would be measured differently.*
- When the height exceeds 4.0m (13.1ft) the side and rear lot line setback shall be increased by the difference in the height above 4.0m (up to 6m).
 - *6m in height is inadequate to support a two-storey ARU. Consider garage with ARU on top. Consider 2-storey ARU that can accommodate a high quality living environment.*

- *Why not just leave this to the prevailing zone? Same as if an addition were made to the primary structure for an ARU? Height, set-backs, coverage all remain.*
- *Why would you want to stop a 2-storey structure?*
- *Why a higher standard for an ARU than for an addition to the main structure?*
- Setback regulations of the underlying zone shall apply to ARUs.
- Change from current provision in 4.1.4b
 - Agree
- Excluded from accessory lot coverage (10%) but included in the maximum coverage calculation as defined by the underlying zone.
 - Agree.
- ARUs must be (not directly) connected to municipal services.
 - Agree. *But must be clear that this could be accommodated through connection to services in the primary structure, with approval through the building permit process.*

Will you be separating ARU regulations from Accessory Uses (Section 4.1). We suggest moving them to 4.37 and pointing to 4.37 for accessory uses that accommodate ARU's

New consideration – current regulations on garage widths should be eliminated where garage is in the backyard. Consider an ARU that has garage in ground level.

4.19 PARKING

(6) (g) Residential Garage Widths for Small Residential Lots

For single detached dwellings permitted in Residential Zones with a lot frontage of less than 12 metres (39.4 feet), the maximum residential garage width shall not exceed 53% of the lot frontage.(Z.-1-00759)

4.23.4 Garage Width

The maximum residential garage width (interior walls) shall not exceed 50% of the building façade width. (Z.-1-041306) (Z-1-051390) (Z.-1-172575)

- Need to sort out Section 4.23 relative to:
 - Front and exterior side yard setbacks (4.23.1)
 - Building depth (4.23.3)
 - Garage width (4.23.4 (as noted above))

Are residential regulations for rear yard depth and exterior side yard depth too large? – 7.5 and 8.0m??

Some example zones comparing underlying zone and accessory structure regulations

Red = Regulations of the Zone

Purple = Regulations of Accessory Uses – 4.1 of By-law

Zone	Height		Coverage		Interior Set-back	
R1-4	9.0m	4.0m <u>OR</u> Up to 6.0m with 2.0 additional set-back	40%	10% for all accessory structures	1.2m <u>OR</u> 3.0 where no attached garage	0.6m <u>OR</u> where more than 4.0m 1.0m for every 1.0m above 4.0m
R1-10	12.0m	4.0m <u>OR</u> Up to 6.0m with 2.0 additional set-back	35%	10% for all accessory structures	1.2m <u>AND</u> 0.6 additional for each storey <u>OR</u> 3.0 where no attached garage	0.6m <u>OR</u> where more than 4.0m 1.0m for every 1.0m above 4.0m
R2-2 (for single)	9.00m		45%		1.2m <u>AND</u> 0.6 additional	

<i>detached building)</i>					<i>for each storey <u>OR</u> 3.0 where no attached garage</i>	
---------------------------	--	--	--	--	---	--

From: Nick Dyjach

Sent: Monday, December 4, 2023

Hi Brandon – I really appreciate the invite and opportunity to speak at the table today. I agree with everything thus far, except for the height and setback items for accessory buildings.

Most of my discussions with people interested in building a rear-unit already have a garage they want to retrofit. They would just like to add stairs and a storey on top. Preference is to keep that 1st level garage for parking/storage.

Height: If the definition of accessory building height changes to be the average (same as primary), then 6m could be fine – maybe 6.5m; however if still measured to top of peak, then I think min. 7-7.5m would be more appropriate for retrofit considerations.

For the 3m setback – I was a bit confused if it was side or rear yard – both? Regardless, the SPC Bylaw uses separation space to restrict windows of “habitable” rooms. I think this could be used to reduce overlook, instead of creating larger setbacks to the building – i.e. windows/doors would need to be front/rear facing, with other skylights or “horizontal windows” (not sure what they’re called – see image below) used to bring in light.

IMO, retrofits are the easy low hanging fruit. If every retrofit needs a MV, that just more needless red tape that could be avoided.

Phone Call

From: Francois Khouri

Received: December 7, 2023 (x2)

10:20am – phone call

- Mr. Khouri expressed concern that while detached ARUs benefit from an amended rear yard setback, his new build project containing 4 units will be constrained given the realities of his property.
- Mr. Khouri asked who the City of London had consulted with.
 - List of parties consulted provided during call.
- Mr. Khouri expressed displeasure that zone regulations for rear yard setbacks are not being considered within the proposed amendments. The proposed changes will not benefit his proposed project on vacant property due to site constraints and zoning.

3:55pm – phone call

- Mr. Khouri expressed further frustration about the lack rear yard setback amendments for primary dwellings.
- Mr. Khouri indicated that he has reached out to the Home Builders Assoc. expressing concern that the issue wasn’t raised during the Developer Interest Group engagement session.
- Mr. Khouri asked about location of detached ARUs.
 - Details provided during call.
- Mr. Khouri asked for clarification on graduated bedroom cap.
 - Details provided during call.

From: Michael Davis

Sent: Friday, December 22, 2023

Hey Gents –

We were reading through the Draft Zoning By-law Amendments for the ARU regulations this morning – wanted to send a quick kudos – impressed overall with the directions the City is heading on this. This will really start to move the needle I think!

I don't know what you have left for timing, but we've run into some issues on an ARU development project (single detached + 3 ARU's) where zoning staff is subjecting the project to 4.19(6)(b) as opposed to 4.19(6)(a) thereby killing the project. I think it's a misinterpretation on their part but they're not budging. As you guys know – it makes no sense to be requiring expensive/wasteful 6.7m driveways for ARU's.

Is there time to add something about this before PEC to clarify? I feel like some additional language could be added to 4.19(6)(a). Happy to hop on a call to share some thoughts and experience.

Let us know!

From: Arnon Kaplansky

Sent: Wednesday, January 3, 2024

Hello Brandon,

Here is one more thought of the problem.

Can you please add that as well or should i do all this ?

The available lot inventory that complies with the zoning requirements for semi-detached, duplex, triplex, fourplex, converted dwellings (R2 to R3) is minimal to non-existent.

Will be interesting to know how much area is zoned R1 compared to R2/R3 (Excluding R2-2(19) which permits Single detached dwellings; ii) Existing legally established semi-detached dwellings; iii) Existing legally established duplex dwellings; iv) Existing legally established converted dwellings (max. 2 dwelling units) and out of the R2/3 how much area includes additional restriction such as FAR & GFA.

For years the planning department was championing policies to prevent "over intensification" in the NCN which served its purpose by preventing intensification, it will take years to undo the damage

It's time to correct past mistakes.

Phone Call

From: Francois Khouri

Received: January 4, 2024

Subject: re: Notice of Application and PPM

3:54pm – phone call

- Mr. Khouri requested clarification on number of units per ARU proposed through the amendment and the comment period deadline.
 - Details provided during call.
- Mr. Khouri expressed frustration related to the rear yard setbacks associated with zone regulations and indicated that the Home Builders Association had not provided him a response.
- Mr. Khouri indicated dissatisfaction with the amendment and shared personal doubts that the changes will result in units being created.

From: John Reid

Sent: Friday, January 5, 2024

Hello Brandon,

Thanks for your efforts in bringing this forward.

The meeting notice asked for comments by January 12.

I didn't see a link on the notice to comment so I am sending my comments via email.

As mentioned in my earlier email from November 16 2023, I believe there is opportunity to manage additional bedrooms in the NCN with application of bylaw CP-24 to ensure appropriate housing. It is not clear if there is discussion planned on the NCN bedroom limit but the notice does comment "amend NCN bedroom limits to support sustainable residential intensification which may include increased bedroom limits related to ARU creation"

As I mentioned I am a landlord in the NCN area at 869 Waterloo St. I typically, but not exclusively, have had students as my tenants. From discussions with Western Off Campus Housing, this year is the largest first year class on record and there continues to be a shortage of housing for students.

I am very interested in expanding my rental licence for my triplex to allow 6 bedrooms in Unit 1 (it is currently 4 bedroom, 3 bedroom, 3 bedroom in units 1,2,3) and also to add the loft above the detached garage as an ARU.

I am hopeful the changes in the bylaws will allow this and I am planning to attend the meeting January 30th. I have not attended a council meeting previously....does the format of the meeting allow public comment from the audience? If so I would welcome the opportunity to address the council.

Please let me know,
Thanks.

From: Jean-Marc Metrailler
Sent: Friday, January 5, 2024

Hi Brandon,
I've had some more time to look through the detailed draft and just had one additional comment to add on the rear setback. Again this is more of a nitpick of my own and not a formal submission related to the near campus engagement.

My concern is that it is simply a fixed number (ei. 3m, and does not vary based on location of windows and number of storeys, like the side setback does).

All else equal, this seems like it would have the tendency to encourage higher buildings with windows (that will face into neighbour's yard) - since there's no credit given in the rear setback for having a shorter building with no back-facing windows.

It seems to me reasonable (and creates the right kind of incentives) to reduce the rear-yard setback in cases where a shorter building with no windows is proposed. That could be achieved by simply having the same rules for rear-yard setback as you've proposed for side-yard setback.

Thinking as a homeowner, faced with the choice of having a one storey ARU behind me with no windows facing in and a 1.2m setback, or a two storey ARU with windows facing my yard and a 3m setback... I think I'd prefer the former - but the current rear setback requirement seems to incentivize the latter.

I am sure you've thought hard about this and have reasons for how it's been structured, but maybe it's something that could be flagged in the report to PEC as another option.

Thanks as always for your time and attentiveness,

From: Broughdale Community Association
Sent: January 8, 2024

Broughdale, as you well know, is situated very close to Western University. For more than 35 years, the Broughdale Community Association has worked with the City on

housing, planning, and by-law enforcement measures. We have unique concerns arising from the large number of investors who do not live in our neighbourhood and view our housing stock as rental businesses. We are grateful for the policies adopted by City Council in the Near-Campus Neighbourhood (NCN) Plan that have attempted to provide some balance and protection of amenities for long-term residents.

We believe that the very real need for affordable housing in London can be met without abandoning the Near-Campus Neighbourhood guidelines and thereby losing the progress that has been made.

We appreciate being consulted again and are submitting the following comments on the proposed amendments to the Zoning By-law regarding Additional Residential Units (ARUs).

1. The five-bedroom limit has proven to be effective. We believe strongly that this limit is still needed for all housing types in Broughdale, with the exception of Richmond St. which we recognize is destined for future intensification under the London Plan. Elsewhere in the neighbourhood, the cap of three bedrooms in apartment buildings, converted dwellings, duplex dwellings, fourplex dwellings, semi-detached dwellings, stacked townhouses, street townhouses, townhouses, and triplex dwellings should be maintained. Any circumstances, where removing the cap would be desirable, should be specifically defined and, as recommended in the proposed amendment, a cap of five imposed. In addition, the wording of bedroom limits where there are multiple additional units should be clarified (section 4.37(5)).
2. When a studio, bachelor, micro unit, tiny house or other ARU type that consists of one room plus a bathroom is added to a building or lot, then for the purposes of the by-law it should be deemed as a bedroom and included in the total bedroom count.
3. The Floor Area Ratio (FAR) requirement throughout the near-campus neighbourhoods has also proven to be an effective planning tool and we are pleased to see it is to be retained.
4. We agree with the new and reasonable requirements proposed for side yard and rear yard setbacks. Any deviations from these provisions should not be classified as minor variances. Could something be enacted to remove eligibility for a minor variance if a requirement is not met? We have experienced intensification that requires multiple minor variances to “shoehorn” development where it would otherwise not be permitted by the Zoning By-law.
5. We feel strongly that more definitions concerning driveway width, parking, and green space amenities are necessary. From long experience in our neighbourhood, we realize that there is a delicate balance to achieve; there is often inadequate parking for the level of intensity that these dwellings are expected to accommodate, or too much parking is added that results in the elimination of front and back yards. Excessive construction, and paving over or dumping gravel on rear yards, should not be allowed. It is essential to maintain urban green space to mitigate the effects of the climate emergency we are facing and which the City of London has recognized.
6. With increased intensity, safety and security issues should be given more emphasis. Additional residential units should face toward the front of the property or a laneway and should be accessible by a clearly defined pathway. Dwelling units should not create blind spots that facilitate criminal activity and adequate lighting should be required. Unfortunately, break-ins, especially at student houses, are common. Cases of peeping toms and assault of students and residents have occurred in our community.

The comments above relate to Broughdale specifically and to NCNs in general but our concerns regarding safety and security obviously resonate city-wide.

We also wish to point out that the introduction of ARUs in accessory buildings city-wide needs to be accompanied by provisions regarding the visibility of such units for mail carriers, including accessibility via a proper pathway, as well as an easily visible legal street address for fire and emergency vehicles.

Respectfully submitted,

Susan Bentley, Interim President
Broughdale Community Association

Letter

From: Arnon Kaplansky

Received: January 10, 2024

I want to thank the members of the planning department for the opportunity to address the committee.

I have been an infill developer and infill builder in the city of London for 35 years. During this time, I have experienced the evolution of the official plan and zoning bylaws.

35 years ago, responsible infill development was encouraged. This allowed healthy unit development in the core. In 1988 townhouses were allowed, today they are not. Over time and with every change to the official plan and zoning bylaw, the ability to create dwelling units in the core area diminished and townhouses were eliminated from the zoning by law in the core. This has significantly contributed to the intense urban sprawl and housing crisis this city is in.

In response to the growing limitations to develop in the core area, I adapted my projects and started to create proper housing for students within walking distance to the university. Unfortunately, this was met with extreme resistance from NIMBY influence, just as the townhouses were.

The city was swayed by the NIMBY agenda and imposed arbitrary restrictions on the number of bedrooms for each lot, reducing the potential for student housing. This struggle has had a profound impact on the development landscape, affecting not only my projects but also the overall growth and vibrancy of this city. Student housing was forced to sprawl outwards into more areas, taking lip housing from the rest of the population.

The municipality should support student housing right around the university. There should be no difference between near campus neighborhoods and the rest of the city. The housing crisis affects everyone. Allowing more density in the near campus area will reduce the housing crisis for students and free up housing for other people. It should be a no brainer.

Limiting the number of bedrooms to 5 plus one in each additional unit does not make sense financially and for this reason, these units with 1 bedroom will not get built. Perhaps this is the intention. Not to mention, creating three separate units with 1 bedroom as opposed to also allowing 3 bedrooms in one unit, completely goes against the environmental sustainable goals of the city.

There is no legitimate reason for the area defined by the city as near campus neighborhoods not to have the same rules and opportunity as the rest of the city. It defies the purpose of bill 23, it is not proper planning, and it will get challenged at the provincial level.

The city's position that the proposed amendments create an opportunity for appropriate intensity in the near campus neighborhoods is misleading. The so-called opportunity hardly exists. The available lot inventory that is zoned R2 or R3 (semi-detached, duplex, triplex, fourplex, converted dwellings) and complies with the current zoning requirements for such development is minimal to non-existent due to floor area ratio and gross floor area requirements.

The existing and proposed policies and regulations imposed through the zoning bylaw are preventing the creation of quality purposely built student housing near the university.

The province has started reducing hardships such as site plan approval requirements but more needs to be done. For years the planning department championed policies to prevent "over intensification" in the near campus neighborhoods which prevented proper intensification and created the worst urban sprawl.

The current policy changes will not help create more housing. It is to satisfy the province and Bill 23 only.

Amon Kaplansky
Kap Holdings Inc

From: Jackie Farquhar
Sent: Wednesday, January 10, 2024

To: MEMBERS OF PLANNING AND ENVIRONMENT COMMITTEE. Wednesday
January 10th, 2024
From: St. George Grosvenor Neighbourhood Association.

The Executive members of St George Grosvenor Street Neighbourhood Association are overall supportive of the proposed amendments:

- allowing addition of up to four Additional Residential Units (ARU)
- within Near Campus Neighbourhoods: continuing with the 5 bedroom cap. However, allowing 1 additional bedroom for each ARU created
- allowing for ONLY 1 additional residential structure to be built per property (which could contain up to 2 ARU's but not to exceed the total of 4 ARU's per property)
- maintaining the Floor Area Ratio (FAR) for our neighbourhood
- increasing the rear yard set backs for Additional Residential Structures.

Executive Members do have concerns:

- NO increase in parking requirements.
- the ongoing issue of Enforcement.

We would like to thank City Staff members for their willingness to listen to our concerns and react with appropriate changes to address these concerns.

Sincerely,
St George Grosvenor Street Neighbourhood Assoc.
Jeff Gard - Member - SGGNA
Jackie Farquhar - Secretary

From: Ainslie McKinnon
Sent: Friday, January 12, 2024

Good afternoon, Brandon

I never received any notification from being on the circulation list but Susan Bentley (Broughdale Community Association) forwarded your email to me.

I have a few concerns regarding the pending zoning changes and I hope you will consider the following before making final decisions:

- If Richmond St. permits mid-high density on both sides, and Epworth becomes stacked townhouses (as per the information provided at the Oct 17th meeting), even with all of the existing restrictions in place, Mayfair, Bernard, and Raymond will become even more isolated than today, thus likely reducing the attractiveness to single family owners. Imagine the south side of Mayfair backing onto stacked townhouses. (of course, excluding those which back on to the park)
- You pointed out (Oct 17th meeting with Broughdale) that the 5-bedroom rule is difficult to enforce and I noticed the wording below from the memo from the City. What does "alternative limits" mean? "The purpose and effect of the proposed Zoning amendment is to remove the 5-bedroom limit city-wide, except within

Near Campus Neighbourhoods and propose alternative limits for the Near Campus Neighbourhoods."

- The provincial housing mandate suggests to me that there could be a legal argument against excessive restriction, which may put the single family attractiveness of our streets at even further disadvantage. In other words, a modest relaxation of the restrictions, along with the isolation created by Richmond and Epworth, could create a bit of "wild west" scenario with landlords individually pushing the rules to maximize the profitability of their rental units.
- I wonder if there is an argument to zone our streets the same as Epworth? At least with stacked townhouses, the planning and approval process would generally be more rigorous and planful due to its greater impact on the neighbourhood than an individual triplex or fourplex.

Thank you for your consideration.

Regards
Ainslie McKinnon and Karen Walkey

From: John Fleming
Sent: Friday, January 12, 2024

Hi Brandon –

Please find attached our comments regarding Staff's proposed Zoning amendments to support Detached Additional Residential Units.

Copp's Backyard Homes (CBYH) is considering a major initiative to advance backyard homes in London to help address London's housing needs in a meaningful way. The changes you are proposing will play a major role in allowing CBYH to achieve this.

We thank you for the many positive changes you are proposing. We have several comments and requests that we hope will be helpful in breaking down the barriers to backyard homes and meeting the City's goals for creating new housing supply.

Please do not hesitate to contact me should you have any questions or if you would like to discuss this further.

Thank you,

Attachment [PDF]

Comments & Requests For Revisions - Proposed Amendments to the Z.-1 Zoning By-law for Detached Additional Residential Units
Copp's Backyard Homes

The below table has been prepared in support of the attached cover letter. We have provided our comments, in detail, relating to the proposed amendments to the Z.-1 Zoning By-law intended to facilitate the development of Detached Additional Residential Units.

Section 2 – Definitions

Proposed Draft By-law	Our Position	Comments
"ADDITIONAL RESIDENTIAL UNIT" means a dwelling unit permitted in addition to a primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof. The addition creation of additional residential unit(s) does not change a single	Agree	This may require the addition of a definition for "Primary Dwelling" or "Primary Dwelling Unit" in the Zoning By-law. We raise this for your consideration. We believe the City will want to delete the definition of "Secondary Dwelling Unit" from the Zoning By-

detached, semi-detached, or street townhouse the primary dwelling into any other type of residential building.		law – we still see it in the online version of the Zoning By-law
<u>“DETACHED ADDITIONAL RESIDENTIAL UNIT” means a dwelling unit located within an accessory building permitted in addition to a primary dwelling unit, in which food preparation, eating, living, sleeping, and sanitary facilities are provided for the exclusive use of the occupants thereof. The creation of additional residential unit(s) does not change the primary dwelling into any other type of residential building.</u>	Agree	See comment below
“DWELLING” definitions a) e) f) h) n) r) s) t) u)	Agree, given the new definition of dwelling unit.	
“DWELLING UNIT” means a single room or a series of rooms of complementary use which is located in a building, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof, which has a private entrance directly from outside the building or from a common hallway inside the building, in which all occupants have access to all of the habitable areas and facilities of the unit, and which is occupied and used or capable of being occupied and used as a single and independent housekeeping establishment. A dwelling unit shall contain no more than five bedrooms. (Z. 1-93172)(Z. 1-041300 – OMB Order 0780 March 15/06) <u>Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit shall contain no more than five bedrooms.</u>	Agree	

Figure 2

Proposed Draft By-law	Our Position	Comments
NOTE: THE ABOVE ILLUSTRATIONS ARE FOR CLARIFICATION AND CONVENIENCE ONLY AND DO NOT FORM PART OF THIS BY-LAW. PLEASE ALSO REFER TO THE DEFINITION AND GENERAL PROVISIONS OF THIS BY-LAW. THESE REGULATIONS ILLUSTRATIONS DO NOT APPLY	Agree	We agree with the intent of the changes proposed to Figure 2 of the Zoning By-law. However, we suggest that you amend the text from “EXCEPT FOR ACCESSORY BUILDINGS THAT INCLUDE ADDITIOINAL RESIDENTIAL UNIT(S)” to “EXCEPT FOR DETACHED ADDITIONAL RESIDENTIAL

TO ACCESSORY BUILDINGS EXCEPT FOR ACCESSORY BUILDINGS THAT INCLUDE ADDITIONAL RESIDENTIAL UNIT(S).		UNIT(S). This would be consistent with the proposed change to the definitions of the Zoning By-law.
--	--	---

Section 4.1 – Accessory Uses

Proposed Draft By-law	Our Position	Comments
7) <u>Detached Additional Residential Units shall comply with the provisions of Section 4.37 (Additional Residential Units) of this By-law.</u>	Disagree as we believe this clause requires a critical wording change	<p>We do not believe that this proposed provision adequately relieves Detached Residential Units from Section 4.1 of the Zoning By-law as we believe staff intended. For example, we believe that Staff is intending to relieve Detached Residential Units from the lot coverage, height and lot requirements/location regulations of Section 4.1. However, the proposed wording could be argued to suggest that these Sections still apply and Detached Residential Units must comply with these regulations AS WELL AS the regulations of Section 4.37. <u>We are requesting that the wording be changed as follows:</u></p> <p><u>“ 7) Sections 4.1 (1) through 4.1(4) will not apply to Detached Additional Residential Units, which will be regulated under the provisions of Section 4.37 of this By-law.”</u></p>

Section 4.19 – Parking

(d) <u>Notwithstanding 4.19 4) c) (b) above, where an attached an attached garage is converted to habitable space for the purpose of additional residential unit(s), front yard parking may be permitted in the location of the existing driveway leading to the former parking space(s) within the garage, and shall not be widened beyond that location.</u>	Agree	

Section 4.26 – Uses Permitted in Listed Zones

Proposed Draft By-law	Our Position	Comments
<u>Additional Residential Unit</u>	Agree	We believe that the first column should read “Additional

<p>All Zones except for any Agricultural (AG) Zone, Urban Reserve (UR) Zone, Open Space (OS) Zone, Light Industrial (LI) Zone, General Industrial (GI) Zone, Heavy Industrial (HI) Zone, Environmental Review (ER) Zone</p> <p>4.37</p>		<p>Residential Units” – plural rather than singular.</p>
---	--	--

Section 4.37 – Additional Residential Units

Proposed Draft By-law	Our Position	Comments
<p>1) Permitted Zones Additional residential units shall be permitted within any zone, <u>except for an Agricultural (AG) Zone, Urban Reserve (UR) Zone, Open Space (OS) Zone, Light Industrial (LI) Zone, General Industrial (GI) Zone, Heavy Industrial (HI) Zone, or Environmental Review (ER) Zone</u> in association with the following uses:</p> <ul style="list-style-type: none"> a. Single detached dwellings b. Semi-detached dwellings c. Street townhouse dwellings d. <u>Duplex dwellings</u> e. <u>Triplex dwellings</u> f. <u>Converted dwellings</u> 	<p>Agree</p>	<p>This clause is appreciated (together with the above changes to 4.26) as there are residential structures in a variety of non-residential zones (eg. commercial zones along corridors) whereby the construction of additional residential units would be appropriate.</p>
<p>2) Number of Additional Residential Units per Lot A maximum of three (3) additional residential units shall be permitted per lot; including a maximum of one (1) additional residential units in an accessory or ancillary structure. (Z-1-233147) <u>up to a total combined maximum of four (4) dwelling units per lot.</u></p>	<p>Agree</p>	
<p>4) <u>Detached Additional Residential Units</u></p> <ul style="list-style-type: none"> a. <u>A maximum of two (2) additional residential units on a lot may be permitted within a maximum of one (1) accessory building per lot.</u> b. <u>A detached additional residential unit may only be permitted in the rear yard or interior side yard.</u> c. <u>The height of an accessory building containing additional residential unit(s) shall be measured in accordance with the definition of “Building Height” in Section 2 of this By-law and shall not exceed 6.0 metres (19.7 feet).</u> d. <u>A minimum rear side yard setback of 3.0 metres (9.8 feet) shall apply</u> e. <u>The side yard setback of the underlying zone or a side yard setback of 1.2 metres (3.94 feet) shall apply, whichever is greater,</u> 	<p>Agree with: (a); (b) and (d)</p> <p><u>Disagree</u> and requesting changes to: (c); (e); (f) and (g)</p>	<p>We appreciate the Staff recommended clauses a,b and d.</p> <p>Clause (c) We disagree with a height limitation of 6m for a Detached Additional Residential Unit. This would not support a two-storey unit in most circumstances and this could undermine many opportunities for additional residential units that can help address London’s housing crisis. This would also undermine the opportunity for an additional residential unit being constructed above a detached garage –a model for additional residential units commonly utilized throughout Ontario and North America.</p>

except where windows are facing shared side lot lines, where a side yard setback of 3.0 metres (9.8 feet) shall apply.

f. A detached additional residential unit shall be part of the maximum coverage for the underlying zone, where applicable.

g. A detached additional residential unit shall be connected to municipal services.

We believe that two storey backyard homes are appropriate, as long as they conform with the height regulations of the underlying zone. We would be in agreement with a height limitation for Detached Additional Residential Units of 7.5m, which is significantly lower than the height limit for single, semi, duplex, triplex, row, and converted dwellings within all of the existing residential zones. We are requesting a maximum height for Detached Additional Residential Units of 7.5m across all zones.

Clause (e) We have undertaken research of municipalities across Ontario and, consistent with most municipalities, we are requesting a minimum interior side-yard setback of 1.2m. We do not think that the 3.0m set-back requirement in many zones, relating to lots without a garage, is relevant for Detached Additional Residential Units. This 3m set-back was included in the residential zones to allow for parking beside the primary residential building where no garage exists. Further, we do not think it is appropriate to ask for a greater set-back if windows are proposed for a detached additional residential unit. The additional set-back of 1.8m will have no impact on privacy (if that is the intent of this provision) and it may undermine the opportunity for a very positive additional residential unit.

We are requesting that Clause (e) be amended to:

“A minimum interior side-yard setback of 1.2 meters (3.94 feet) shall apply. The exterior side-yard setback of the underlying zone shall apply.”

We note that the City may want to require a 3.0m setback for two-storey detached additional residential units.

Clause (f) We are concerned that the coverage in the underlying zones is unduly restrictive for the

		<p>development of Detached Additional Residential Units on small lots (12m or less). We note that many municipalities are supporting higher coverages or “flat numbers” for building footprints. We are requesting that Staff consider a provision which adds 5% coverage to the maximum coverage regulation of the underlying zone for all those zones that have a minimum lot frontage of 12m or less.</p> <p>Clause (g) We agree with the intent of the proposed clause – to ensure that additional residential units are ultimately connected to municipal services – municipal water, sanitary and storm services. Our concern is that it could be misinterpreted to mean that Detached Additional Residential Units need to be connected directly to municipal services – rather than the more typically accepted method of connecting the DARU to municipal services using a connection to the services of the primary residential building. <u>We are requesting that the clause be modified as follows:</u></p> <p><u>“A detached additional residential unit shall be directly or indirectly connected to municipal services as approved by the City of London.”</u></p>
<p>5) Number of Bedrooms The additional residential unit(s) and primary dwelling unit together shall not exceed the total number of bedrooms permitted for the primary dwelling unit when the total number of bedrooms in the primary and additional residential unit(s) are combined. <u>Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, the combined total number of bedrooms permitted for the primary dwelling unit(s) and the additional residential unit(s) shall increase by one (1) following the creation of one (1) additional residential unit up to a total of three (3) additional bedrooms and three (3) additional residential units.</u></p>	<p>Agree</p>	

Sections 5, 6, 7 and 8 – Number of Units Per Lot

Proposed Draft By-law	Our Position	Comments
Staff are proposing changes to Sections 5, 6, 7 and 8 – Residential R1, R2, R3 and R4 Zones. In each case, the maximum number units per lot is proposed to be 4.	Agree	We agree with this proposal. We note that the word “maximum” occurs in this regulation for R1 and R2 Zones, but not the R3 and R4 Zones.

From: Orchard Park Sherwood Forest Neighbourhood Assoc

Sent: Wednesday, January 17, 2024

On behalf of our Executive, we acknowledge need for more housing units, and generally do not oppose the proposed Near Campus Neighbourhood (NCN) amendments re: ARUs (subject to comments below).

We consider it essential to maintain some form of bedroom cap in NCNs and support the "graduated" cap proposed by staff. It is a reasonable compromise that mitigates longstanding neighbourhood concerns about low quality rooming house “conversions,” while incentivizing more high quality, less crowded, student accommodations through ARUs. If Council's goal is more units (not just more bedrooms) this proposal achieves that.

We do remain concerned about the change in the bedroom cap for townhouse forms of development where a rezoning application from R1 would be required. Although this amendment provides opportunities for appropriate intensification through medium and high-density housing forms where zoning greater than R1 exists, such forms should be directed to locations along higher order streets if included with a rezoning application from R1 to another zone in a NCN.

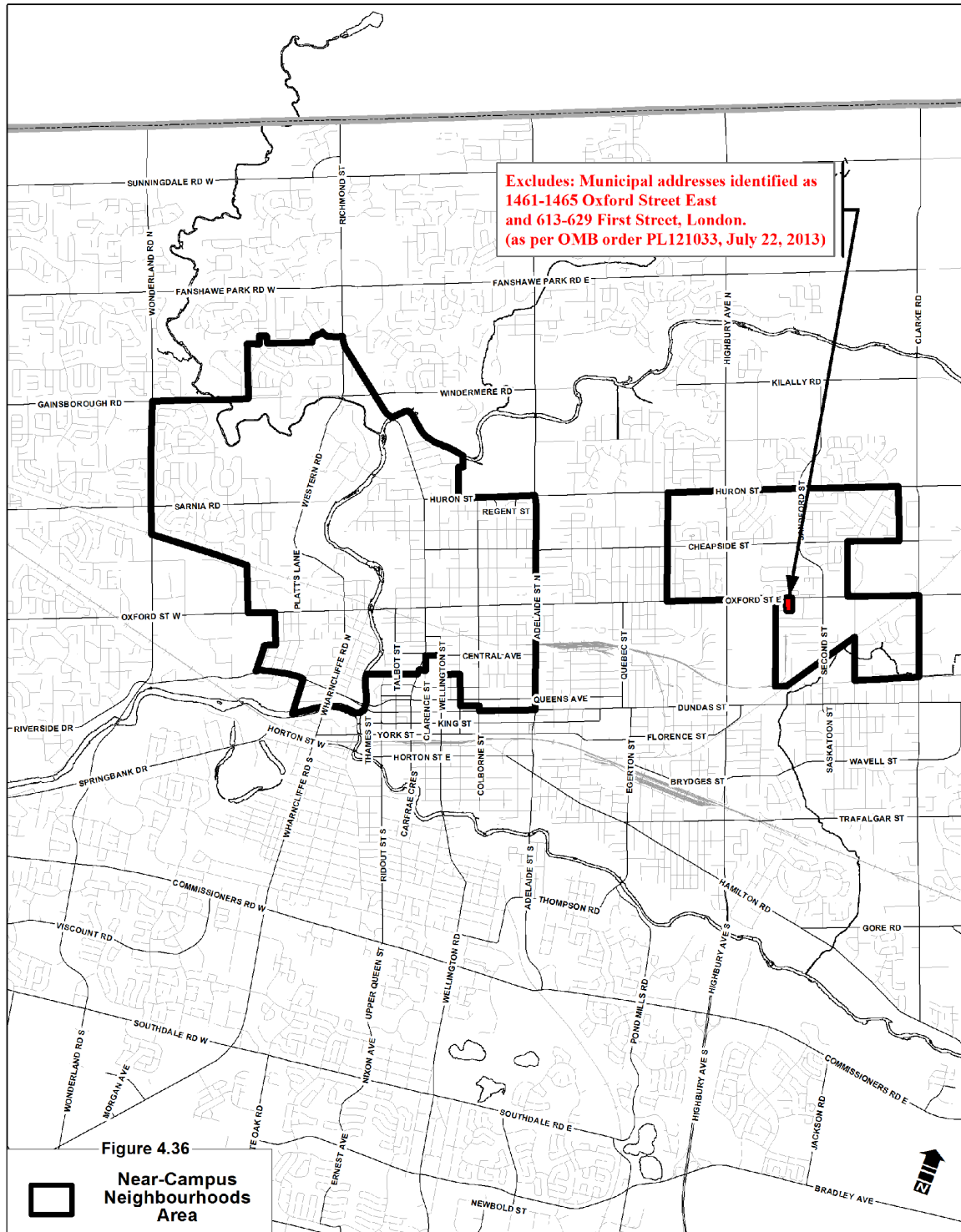
While the setback requirements appear broadly reasonable, there is a technical concern that they do not sufficiently vary with building height. For example, under the proposed amendments, a building with windows on the back and sides appears to have the same 3m rear- and side-yard setback requirement whether it is built 1 storey or 2 storey. All else equal, by not giving even a slight reduction to the setback for choosing a 1 storey over a 2 storey in that scenario (or not requiring an increased setback where a 2 storey is selected), it seems like this will simply incentivize builders to choose 2 storeys. Put simply: an unduly strict requirement for 1 storey buildings relative to 2 storey buildings may unintentionally worsen the privacy concerns the setbacks are intended to address.

Sandy Levin, president
Orchard Park/Sherwood Forest Ratepayers

Appendix G – Relevant Background

Zoning By-Law – Section 4 – Figure 4.36

Schedule "A"
Figure 4.36



(figure replaced by Z.-1-162503)