

United Townships of Head, Clara & Maria Council

Request for Decision

| Type of Decision | | | | | | | | | |
|--|------------------------|------------------|--|----|-----------------|-----------------------|------|--|--------|
| Meeting Date | Tuesday, June 21, 2022 | | | | Report Date | Friday, June 17, 2022 | | | |
| Decision Required | X | Yes | | No | Priority | X | High | | Low |
| Direction | X | Information Only | | | Type of Meeting | X | Open | | Closed |
| Report #22/06/21/1602- Secondary Dwellings | | | | | | | | | |

Subject: Council's Consideration in Amending the Zoning By-Law to Allow Secondary Dwellings

Recommendation: That Council pass resolution 22/06/21/1004 directing staff to enter into an agreement with the County of Renfrew to complete a Zoning By-law update.

Resolution:

Resolution No.: 22/06/21/1004

Moved by Councillor and seconded by Councillor

WHEREAS Council has received Report #22/06/21/1602 concerning the request for consideration in amending the current zoning by-law to include secondary dwellings;

THEREFORE BE IT RESOLVED THAT The Council of the United Townships of Head, Clara and Maria does hereby direct staff to enter into an agreement with the County of Renfrew to complete an update of the zoning by-law, which will include secondary dwellings as a permitted use, at a cost of \$8,000 plus HST;

AND FURTHER THAT Council does hereby authorize the use of a Conditional Building Permit to have a secondary dwelling installed at Ms. Horricks' property with the condition that the building conforms with the County of Renfrew Official Plan's regulations on Secondary Dwellings.

Background/Executive Summary:

A resident inquired about installing a secondary dwelling on their property to accommodate housing for a family member. In doing so, it was discovered that secondary dwellings are not permitted under the current zoning by-law. The resident has contacted members of Council via email, and submitted a letter for Council's consideration, which has been included in correspondence.

The property owners have the option to request a zoning by-law amendment for this particular property, however, Staff believe that Council should consider this request on a larger scale; in that secondary dwellings should be considered in a complete Zoning By-law amendment that would be applicable to the entire municipality.

Secondary Dwellings are approved under the County of Renfrew's Official Plan and are becoming a popular method of generating additional income for many homeowners, as well as creating more housing options to assist with the rising housing crisis. Certain requirements need to be met to have a secondary dwelling.

From the County of Renfrew Official Plan:

"Secondary Dwelling Units

Also known as accessory or basement apartments, secondary suites and in-law flats, a secondary dwelling unit is a self-contained residential unit with kitchen and bathroom facilities. A secondary dwelling unit is permitted within a single detached, semi-detached, or row house dwelling, or within structures accessory to dwellings (such as above garages).

Secondary dwelling units are also permitted as separate, detached dwellings. Secondary dwelling units must comply with any applicable laws and standards. This includes the Building Code, the Fire Code and property standards bylaws....

(2) For properties that are serviced by private septic system and well, a secondary dwelling unit shall be permitted on lots greater than 0.8 Ha in area. The secondary dwelling is required to share the same water and

septic/sewer services as the primary dwelling unit. Secondary dwelling units on properties that are greater than 2 ha are not required to share the same water and septic systems.

(3) For lots less than 0.8 Ha in area, but greater than 0.4 Ha, a secondary dwelling unit may be considered on a case-by-case basis through the submission of a minor variance application. The proponent of the application will be required to demonstrate that the site is suitable for the proposed secondary unit including matters such as (but not limited to): dwelling unit area, minimum lot area, surrounding land uses, parking, and servicing. An engineering report prepared by a qualified professional shall be submitted with the minor variance application that demonstrates that the additional effluent output can be satisfactorily managed and that there is a potable source of water (quantity and quality) for the secondary unit. Municipalities may require a site plan prior to approval of a secondary dwelling unit.

(4) A secondary dwelling unit may not be severed from the lot with the primary dwelling.

(5) Mobile homes and Recreational Vehicles will not be considered as a secondary dwelling.

(6) A secondary dwelling shall not be permitted on 'at capacity lakes' or 'lakes near capacity'.

(7) A secondary dwelling may be permitted on waterfront properties by minor variance provided a study is submitted demonstrating no negative impacts on the water body, the availability of potable drinking water (quantity and quality), and that addresses septic effluent. Municipalities may require a site plan prior to approval of a secondary dwelling unit."

It is Staff's opinion that secondary dwellings can be an efficient way to increase housing and growth in the municipality, as well as the municipality's tax base. Criteria has to be met in order to mitigate risks to the natural environment, which have been outlined in the Official Plan, and will be reviewed on each individual basis when applications are received for building permits to ensure there will be no negative impacts to future and surrounding property owners.

The resident who submitted this request is hoping for a quick response and solution to this issue, as it was their intention to have a secondary dwelling installed late summer/early fall. However, in amending/ updating a zoning by-law, public notice and consultation is required. At least one public meeting must be held before a by-law is passed and everyone who attends the meeting must have a chance to speak. Notice of this meeting must be given at least 20 days in advance of the scheduled date. An open house information session is also required for a by-law that is being brought into conformity with an Official Plan that has been updated as part of an Official Plan Update.

A municipality is also required to update its zoning by-laws no less than three years after the approval of an Official Plan Update.

For this reason, Staff is recommending that a complete review and update of the municipality's current zoning by-law be completed. It is a requirement as a result of the County Official Plan update as well as a vital planning tool for Staff.

Regardless if the resident requests a zoning by-law amendment, or if the municipality undertakes a complete update of the current zoning by-law, public notice and consultation is required, making a quick solution to this issue difficult to achieve.

In consultation with the Chief Building Official (CBO), he advised that it would be possible to issue a conditional permit for the secondary dwelling, if Council will be completing a zoning by-law update that will include secondary dwellings as a permitted use, and if the build itself conforms with the requirements set out under the County of Renfrew's Official Plan. If Council does complete a zoning by-law update and does not include secondary dwellings as a permitted use, the property owner would be required to have the building removed at their own expense.

Staff does not believe that a minor variance would be applicable in this situation. When a minor variance application is considered, four factors prescribed by Section 45(1) are evaluated:

Is the application minor in nature?

Is it desirable for the appropriate development or use of the land, building or structure?

Is it in keeping with the general intent and purpose of the Zoning By-law?

Is it in keeping with the general intent and purpose of the Official Plan?

This consideration would not meet the criteria of being minor in nature or in keeping with the general intent and purpose of the municipality's current zoning by-Law.

At the regular meeting in December, Council passed Resolution No.: 21/12/16/008 directing staff to obtain more information from the County of Renfrew concerning the proposed Zoning By-Law Update Workplan to be discussed again in 2022. At its regular meeting on May 17th, Council received a deputation from Bruce Howarth, Manager of Planning Services at the County of Renfrew and had the opportunity to ask questions of the workplan for further clarification.

The current zoning by-Law was created in 2004 and updated in 2007 to include home based businesses. With changes to the Planning Act, and a shortage of housing across the County, the municipality may see similar requests in the future, and Staff would like Council direction as to proceed with internally updating the zoning by-law or to enter into an agreement with the County of Renfrew to have the zoning by-law update completed at their level.

Options and Financial Considerations:

Council can proceed with status quo, and direct staff not to complete a zoning by-law update. The resident will still have the opportunity to personally apply for a zoning by-law amendment.

If Council would like to have the by-law updated internally, there is a draft version presented by Deputy Mayor Villeneuve that can be used, however it will take significant staff time to review and complete the update and concerns were previously mentioned that the content would not be reviewed by a qualified planner.

If Council would like to proceed with entering into an agreement with the County of Renfrew, the municipality has been quoted a cost of \$8,000. There are concerns with the amount of time this could potentially take as the County Planning Department is very busy.

If Council commits to having a zoning by-law review completed to include secondary dwellings as a permitted use, the CBO may grant a conditional building permit to Ms. Horricks, provided that construction meets the requirements under the County of Renfrew's Official Plan.

Others Consulted:

Robert Labre, Chief Building Official

Approved and Recommended by the Clerk

Crystal Fischer,
Clerk/Treasurer