

**THE CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2019-088**


**By-law to adopt Amendment No. 11 to the
Official Plan for the Town of Amherstburg**

The Council of the Corporation of the Town of Amherstburg in accordance with the provisions of Sections 17 and 21 of The Planning Act, R.S.O., 1990, as amended, hereby enacts as follows:


1. THAT Amendment No. 11 to the Official Plan for the Town of Amherstburg consisting of the attached text is hereby adopted.

THIS By-Law shall come into full force and effect upon the final passage thereof.

Read a first, second and third time and finally passed this 25th day of November, 2019.



MAYOR – ALDO DICARLO



CLERK – PAULA PARKER

THE CONSTITUTIONAL STATEMENT

PART "A" – THE PREAMBLE does not constitute part of this Amendment.

PART "B" – THE AMENDMENT, consisting of the following text, constitutes Amendment No. 11 to the Official Plan for the Town of Amherstburg.

AMENDMENT NO. 11
TO THE OFFICIAL PLAN
FOR THE TOWN OF AMHERSTBURG

PART "A" - THE PREAMBLE

1. PURPOSE

The purpose of this amendment is to add policies to the Amherstburg Official Plan which will do the following:

- Introduce provisions to implement secondary unit policies as directed by the *Strong Communities through Affordable Housing Act, 2011* and *Bill 108, More Homes, More Choice Act, 2019* within the context of the Amherstburg settlement patterns.
- *Bill 108, More Homes, More Choice Act, 2019* requires municipalities to establish official plan policies and as of right zoning by-law provisions allowing secondary units in detached, semi-detached and rowhouse dwellings, as well as in ancillary structures.
- Provide framework to permit secondary units in detached, semi-detached and rowhouse dwellings and in ancillary structures related to these uses in accordance with the *Planning Act*.
- Encourage new development to plan for the potential secondary dwelling units.
- Ensure that the secondary unit is subordinate to the main permitted residential use.
- Require all secondary dwelling units to meet the requirements of the Ontario Building Code.
- Provide policy direction to the amending Zoning By-law regarding second dwelling unit size; exterior alterations; parking; access; and accessory structures.

2. BACKGROUND

The purpose of this amendment is to add policies to the Amherstburg Official Plan and corresponding Zoning By-Law which will do the following:

- Introduce provisions to implement secondary unit policies as directed by the *Strong Communities through Affordable Housing Act, 2011* and *Bill 108, More*

Homes, More Choice Act, 2019 within the context of the Amherstburg settlement patterns.

- *Bill 108, More Homes, More Choice Act, 2019* requires municipalities to establish Official Plan policies and as of right Zoning By-Law provisions allowing secondary units in detached, semi-detached and row houses, as well as in ancillary structures.

Bill 108, More Homes, More Choice Act, 2019 recently amended the Planning Act to facilitate the creation of secondary units. The amendments to Section 16(3) of the Planning Act are as follows:

16(3) An official plan shall contain policies that authorize the use of additional residential units by authorizing,

(a) the use of two residential units in a detached house, semi-detached house or rowhouse; and

(b) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse. 2019, c. 9, Sched. 12, s. 2 (1).

Secondary units are self-contained residential units with separate kitchen and bathroom facilities within certain types of dwellings or within structures accessory to dwellings, such as above laneway garages. It is the intention of the Province that secondary units be permitted as-of-right within municipal zoning by-laws, subject to appropriate building code regulations and enabling official plan policies. Second units are also referred to as additional residential units, secondary suites, basement apartments, accessory apartments, accessory residential use, granny flats, in-law apartments, or nanny suites.

Second units increase the supply and range of affordable rental accommodation. In addition, they benefit the wider community in many ways as they:

- Allow homeowners to earn additional income to help meet the cost of homeownership.
- Support changing demographics by providing more housing options for extended families or elderly parents, or for a live-in caregiver.
- Help create mixed-income communities, which support local businesses and local labour markets.
- Make more efficient use of existing infrastructure, including public transit where it exists or is planned.
- Make more efficient use of the existing housing stock.
- Create jobs in the construction/renovation industry.

- Assist municipalities in meeting their goals regarding affordable housing, intensification and density targets, and climate change mitigation and greenhouse gas emissions reduction.

The proposed amendments to the Official Plan and Zoning By-Law will generally conform to the Provincial Policy Statement, 2014 (PPS). The PPS defines Residential Intensification as:

Residential intensification: means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a. redevelopment, including the redevelopment of brownfield sites;
- b. the development of vacant or underutilized lots within previously developed areas;
- c. infill development;
- d. the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- e. the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, secondary suites and rooming houses.

3. BASIS

The proposed amendment addresses the requirements of the Provincial legislation taking into account the unique settlement patterns of the Town of Amherstburg.

PART "B" - THE AMENDMENT

All of this part of the document, entitled, "Part 'B' - The Amendment" consisting of the following text constitutes Amendment No. 11 to the Official Plan for the Town of Amherstburg.

1. DETAILS OF THE AMENDMENT

The Official Plan of the Town of Amherstburg is amended as follows:

1. That Section 2, Land Use Management Strategy for Development, is hereby amended by the addition of a new subsection 2.28, Secondary Dwelling Units, to be worded as follows:

"2.28 Secondary Dwelling Units

Secondary dwelling units can help to achieve intensification targets and increase the availability of affordable housing choices for residents. Secondary dwellings units may also assist with aging in place concepts. Secondary dwelling units, also referred to as additional residential units, are ancillary and subordinate to the primary dwelling unit. Secondary dwellings units may be contained within the main building and/or within an accessory building located on the same lot,

- (a) In accordance with the *Planning Act*, as amended, secondary dwelling units are permitted in detached, semi-detached and rowhouse dwellings or in the accessory structures related to these uses,
 - the use of two residential units in a detached house, semi-detached house or rowhouse; and
 - the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse.
- (b) A secondary dwelling unit will be permitted in an existing or new dwelling where a permanent single detached, semi-detached or rowhouse residential use is permitted under the zoning by-law. For greater clarity, a secondary dwelling unit will not be permitted in a seasonal dwelling unit or an accessory dwelling unit;
- (c) The secondary dwelling unit is to be incidental to the main permitted residential use and shall not change the general appearance of the dwelling or negatively impact the character of the neighbourhood; pursuant to this policy, the implementing zoning by-law may regulate the second units having regard for exterior alterations; parking; access; secondary unit areas; and locational criteria.

- (d) A secondary dwelling unit shall not be permitted on a lot subject to hazards such as flooding or erosion, as regulated by the conservation authority having jurisdiction for that area.
- (e) No severances for new lots will be permitted to separate a secondary dwelling unit from a primary dwelling.

That Section 3.2.2 (17) Agricultural Land Uses Policies be removed from the Town of Amherstburg Official Plan.

2. IMPLEMENTATION AND INTERPRETATION

This document will be implemented by the Town of Amherstburg by enacting an appropriate amendment to the Zoning By-law of the Town of Amherstburg.