



**Date:** September 10, 2013

**File:** L01 Bill 140

PLANNING, DESIGN & DEVELOPMENT COMMITTEE

**Subject:** INFORMATION REPORT

DATE: October 7, 2013

**City of Brampton Initiated Official Plan Amendment and Zoning By-law to Implement Bill 140 (Second Units)**

**Contact:** David Waters, Manager, Land Use Policy, Heritage & Central Area  
Planning (905) 874-2074

#### OVERVIEW:

- Following an extended period of public consultation on the matter of developing a policy for second units in Brampton, in keeping with the requirements of the province's Bill 140 (Strong Communities Through Affordable Housing Act), a statutory public meeting is being convened on October 7 to give the public an opportunity to comment on the City's proposed Official Plan and Zoning By-law amendments.
- The draft official plan amendment is to permit second units as-of-right in those areas of the City on full municipal services, subject to a number of performance standards such as size, parking, side yard setbacks and access.
- A registration by-law to implement and monitor second units in Brampton will be brought forward when the planning amendments are presented to Council for adoption, anticipated by early 2014.
- Both new second units and existing legal non-confirming second units are to be registered with the City to facilitate Fire and Building Code compliance; however, legal non-conforming units will not be subject to the provisions of the proposed zoning standards.
- Staff will report back to a future Planning Committee meeting presenting the results of the October 7, 2013 statutory public meeting, the comments from the agency circulation, and final recommendations for the Official Plan Amendment, Zoning By-law, and Registration By-law for second units.

**RECOMMENDATIONS:**

1. **THAT** the report from David Waters, Manager, Land Use Policy, Heritage & Central Area Planning, entitled "**Information Report: City of Brampton Initiated Official Plan Amendment and Zoning By-law to Implement Bill 140 (Second Units)**" (File L01) be received; and,
2. **THAT** staff report back to Planning, Design and Development Committee presenting the results of the October 7, 2013 statutory public meeting and a final recommendation with respect to the Official Plan Amendment and Zoning By-law Amendment.

**BACKGROUND:**

The Long Term Affordable Housing Strategy was released by the Ministry of Municipal Affairs and Housing in November, 2010. The strategy introduced Bill 140: *The Strong Communities through Affordable Housing Act*, 2011, which received Royal Assent on May 4, 2011. Changes to the *Planning Act* resulting from Bill 140 came into effect on January 1, 2012, including the requirement to permit second units.

In support of the Province's affordable housing strategy, Bill 140 requires municipalities to implement official plan policies and zoning regulations to allow for second units in single detached, semi-detached and row houses, as well as accessory structures.

The City of Brampton's current Zoning By-Law does not permit two unit houses except in specific limited circumstances. Second units are generally discouraged in the City's Official Plan and can be permitted only through a zoning amendment, except for units that are considered Legal Non-Conforming, having been registered under the City's previous two-unit housing policy regime of the 1990s.

**CURRENT SITUATION:**

**Public Consultation**

Opportunities for the public to participate in the development of Brampton's draft second unit policies and regulations were provided through several workshops held in 2012, followed by two open house meetings in 2013.

Five workshops were held in June 2012 at locations across the City. The workshops were moderated by a professional facilitator, LURA Consulting, and included small group break-out sessions that gave attendees an opportunity to ask specific questions and to provide comments regarding the proposed policy approach. A comprehensive

Public Consultation Summary Report was prepared by LURA. Attached hereto as Appendix A is an excerpt of the consultation report.

In Spring 2013, two informal open house meetings were held at local community centres to present a refined policy approach for permitting second units in Brampton and to receive additional feedback.

Staff has also consulted with members of Council, most recently at working sessions in January and May, 2013 where a refined policy approach was presented. A staff report to the June 12, 2013 Committee of Council meeting detailed responses to the concerns raised by council members and the public during the various consultations.

Attached hereto as Appendix B is a summary of public consultation that the City conducted as part of the Second Units policy review.

### **Planning Amendments**

The following section summarizes the principles that establish the basis for the policies and regulations within the draft official plan amendment and zoning by-law amendment for second units. These policies and standards incorporate the comments received from the public, stakeholders and members of Council to date.

#### Official Plan Policies

In accordance with the legislative requirements of Bill 140, second units are proposed to be permitted in single-detached, semi-detached and row housing across the City, subject to zoning and registration provisions, and health, safety and property standards. The draft policies restrict the number of second units to a maximum of one per residential dwelling. Additionally, staff proposes that second units be prohibited in dwellings located within the floodplain and within dwellings on private servicing based on potential health and safety implications. Other draft Official Plan policies include:

- Second units will not have any negative impact relating to stormwater management or site drainage;
- Adequate on-site parking is to be provided; and
- Exterior building alterations for a second unit are to be consistent with the primary dwelling's existing design.

The draft official plan amendment also includes a policy requiring a rezoning amendment for those seeking relief from the provisions of the zoning regulations. It is the opinion of staff that Council should have the opportunity to decide on any changes to the zoning regulations for second units.

## Zoning By-law Regulations

The draft amendment to the City's Comprehensive Zoning By-law is intended to permit second units as-of-right across the City, subject to specific regulations that will apply equally to all existing and new second units. The proposed zoning amendment includes a definition for second units to replace the term "two-unit housing" currently in the City's zoning by-law. The regulations seek to permit second units in detached, semi-detached and townhouses on full municipal services, and in residential accessory structures. Only one second unit shall be permitted per dwelling, and is to be secondary in size to the host dwelling. Second units are to be prohibited in dwellings containing a Lodging House or Group Home use. The following zoning standards are proposed to regulate second units within the City:

- Only one second unit permitted in a detached, semi-detached or townhouse dwelling on full municipal services;
- Second units prohibited in a Lodging House or Group Home;
- Second units prohibited in dwellings within the floodplain or erosion limits of a watercourse;
- One on-site parking space is required for a second unit, in addition to the required parking for the primary dwelling;
- The size of the second unit is to be limited to 40% of the gross residential floor area of the primary dwelling;
- The second unit must be registered in compliance with the Registration By-law;
- Access to a second unit from the rear yard or side yard may be permitted for above-grade entrances, provided there is a continuous, unobstructed path of travel of 1.2 metres between the main wall of the building and side lot line;
- Prohibit new entrances facing the street for a second unit;
- Access may also be provided through a garage or common vestibule, subject to satisfying Building Code regulations; and,
- Only one driveway permitted on a lot with a second unit (driveway widths are to comply with the regulations of the current zoning bylaw).

The provision to require a minimum distance of 1.2 metres for above-grade entrances is to provide for safe access to the unit and to facilitate access for emergency services, if necessary. This standard is intended to address the safety, drainage and access to the rear yard concerns raised by the repealed By-law 109-2011.

The draft planning amendments were circulated for review and comment to the Region of Peel, the Toronto and Region Conservation Authority, Credit Valley Conservation, the Peel District School Board, and the Dufferin-Peel Catholic School Board. Comments from these agencies, and those received from the public at the October 7 2013

Statutory Public Meeting will be considered by staff in advance of a future recommendation report to Council.

Though the *Planning Act* requires municipalities to have policies permitting second units, the Act also indicates that there is no appeal available from the decision of municipal Council with respect to second unit policies or a zoning by-law that gives effect to such policies and regulations.

### Registration By-law

Staff is currently working on a draft registration by-law that will allow for the city-wide registration of second units. As currently proposed, both new second units and existing legal non-confirming second units are to be registered with the City to facilitate Fire and Building Code compliance; however, legal non-confirming units will not be subject to the provisions of the proposed zoning standards. Legal non-confirming units are second units that have been granted legal non-confirming status by the City, which requires the homeowner(s) to provide the City with documentation confirming the unit existed and was tenant-occupied prior to November 16, 1995.

Second units previously registered under the City's past two-unit housing registration program will be exempt from both the registration by-law and new zoning regulations.

Staff recommends that proof of insurance and a non-refundable registration fee of \$200 be requirements of the registration process. Additional fees would also be applied for obtaining change of use and occupancy permits.

### **Education Program**

As part of the Communications Strategy for the Second Units Policy Review, a comprehensive education program is currently being developed to inform residents about the policy framework and registration requirements for second units. The program will include information on the following:

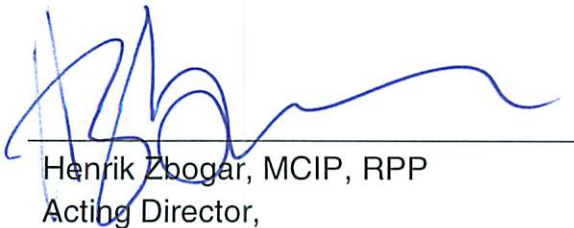
- Why homeowners should register a second unit with the City;
- The potential consequences to the homeowner should they fail to register their second unit with the City;
- Workshops on tenants' rights and the benefits of registering a legal second unit;
- The City's registration requirements for a second unit; and,
- Potential sources of public funding for creating or renovating a second unit.

**CONCLUSION:**

Staff will report back to a future Planning, Design & Development Committee meeting presenting a summary of the public input received from the October 7, 2013 Statutory Public Meeting and feedback received from commenting agencies regarding the draft planning amendments.

A recommendation report presenting a final draft of the Official Plan Amendment and Zoning By-law Amendment, along with a final draft registration by-law will be presented to Council for adoption by early 2014.

Respectfully submitted,



Henrik Zbogor, MCIP, RPP  
Acting Director,  
Planning Policy & Growth Mgmt.



Dan Kraszewski, MCIP, RPP  
Senior Executive Director,  
Planning & Infrastructure Services

Appendices:

- Appendix A: Excerpt of Lura Consultation Summary Report
- Appendix B: Summary of Public Consultation
- Appendix C: Draft Official Plan Amendment
- Appendix D: Draft Zoning By-law Amendment

Report authored by: *Daniella Balasal, Policy Planner*

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Appendix A



## APPENDIX A - SUMMARY OF PUBLIC FEEDBACK

This summary of public feedback provides a synthesis of input from collected Discussion Guides, small table breakout group discussions, and submissions via the City of Brampton website. The summary reflects written feedback from twenty-eight (28) Small Table Discussion Guides, forty-three (43) Individual Discussion Guides, six (6) internet submissions, and thirteen (13) table flipchart notes.

The workshop discussions were guided by a series of discussion questions in the Discussion Guide regarding four main topics:

1. Existing and Unregistered Second Units;
2. New Second Units;
3. Potential Impacts on Your Community and City; and
4. Other Comments.

The following is a high level summary of the key feedback themes emerging from the five public workshops and the written submissions, organized under the topics listed above. A complete compilation of written comments can be found in the full report.

### ***Existing and Unregistered Second Units***

1. Proposed Approach  
Some participants agreed with the City's proposed approach for existing and unregistered second units.
  - a. Amnesty Period
    - Many participants agreed that an amnesty period is required. However, there was no agreement on the appropriate length of time for an amnesty period (suggestions ranged from 3 months to 3 years).

D1-08



- Some individuals felt that there should be no amnesty period.
  - Participants had questions about the length of time homeowners would have to comply with fire and building code requirements.
- b. *Registration Process and Fees*
- Most participants felt the City should develop a simple step-by-step registration process for existing and unregistered second units.
  - Some participants felt that registration fees should be implemented for all existing and currently unregistered units.
  - Some participants were also concerned that registration fees would discourage registration and should be waived.
  - A few individuals suggested that registration be an annual process, requiring an annual fee and re-inspection of the unit.
  - Some participants felt that the fines for non-compliance / non-registration should be much greater than the registration fee.
  - Some participants suggested that homeowners who come forward for registration within the first year (amnesty period) should be exempt from fees.
  - Some participants suggested that registration fees be higher for homes that are not owner-occupied.

- Some participants felt that registration fees should be determined based on the total municipal costs to undertake the exercise of registering and inspecting second units.
2. *Unit Specifications*
- Many participants felt that parking should be provided for second unit tenants, either on-site or on the street.
  - Some participants suggested that the City should limit the size of second units.
  - Some participants felt that entrances to second units should be located on the side of the house, not the front.
3. *Incentives*
- Some participants felt incentives are needed to encourage second unit owners to come forward for registration.
4. *Enforcement and Compliance*
- Many participants were concerned about the City's inability to enforce the second units policy due to a lack of legal "right-of-entry" into homes without the homeowner's consent.
  - Some participants encouraged the City to lobby the province to change the right-of-entry regulations.

D1-9

- Some participants suggested fines and penalties should be put in place for non-compliant / illegal units.

5. Public Awareness and Education

- Some participants felt the City should increase public awareness about second units, related safety and fire codes, the need for affordable housing, and associated registration and renovation costs.

6. Non-Owner Occupied Units

- A number of participants were concerned about absentee landlords and suggested separate licensing standards and higher fees for non-owner occupied dwellings.

7. Fire and Building Code Requirements

- Participants agreed that safety of tenants is very important; therefore all second units must comply with the most up-to-date fire and building codes.

8. Financial Impacts

- Some participants were concerned about the financial implications of renovating/upgrading units to comply with the proposed second units policy.
- A few participants suggested that the City should provide financial assistance for home owners to make their units compliant.

9. Temporary Housing

- Some participants were concerned about possible student housing / rooming houses being implemented in the City of Brampton. They felt such housing would negatively impact property standards and aesthetics.





## New Second Units

### 1. Proposed Approach

Some participants agreed with the City's proposed approach for new second units.

#### a. Registration Process and Fees

- Most participants felt the City should develop a simple step-by-step registration process for new second units.
- Some participants felt that new second units should be registered immediately upon completion.
- Many participants felt that the registration process and fees should be the same for existing/unregistered second units and new second units.
- Some participants felt the registration fee should cover the cost of inspections and processing the application, and should clearly outline what portion of the fee pays for what.
- Some participants were concerned that registration fees would discourage registration.

#### b. Unit Specifications

- Many participants agreed that new second units should be restricted with respect to unit size and/or the number of bedrooms.

### Unit Specifications Cont.

- Many participants felt that the size of the second unit and the number of bedrooms should be based on the total square footage of the house.
  - Some participants felt that there should be no restrictions placed on new second units (e.g. size of unit, bedroom number).
  - A few participants felt that new second units should not be permitted in townhouses due to limited space and lack of available parking on the property.
  - A few participants felt that the second units policy should also restrict the number of people permitted to live on a property.
- c. Parking
- Many participants were concerned that tenants of second units would park on the street causing congestion and safety issues.
  - Some participants felt that homeowners should provide on-site parking for tenants (e.g. on driveway or in garage).
  - Some participants felt that new second units should not be limited by any parking requirements, and that public transit use should be encouraged.

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- Some participants felt that on-street parking would be sufficient for second units.

2. Enforcement and Compliance

- Many participants felt that the City should be actively enforcing the new second units policy as soon as it is put into effect.
- Some participants felt that more staff and funding will be needed to implement enforcement.
- Some participants were concerned about the City's inability to enforce the second units policy due to a lack of legal "right-of-entry" into homes without the homeowner's consent.



D1-12

3. Zoning

- Many participants felt that second units should be permitted City wide.
- Some participants felt second units should not be permitted in certain areas of the City.

4. Fire and Building Codes

- Many participants agreed that new second units should comply with the most up-to-date fire and building codes.





## Potential Impacts on Your Community and City

### Affordable Housing

- Many participants felt *Bill 140* and an appropriate second units policy would provide an opportunity to create, increase and preserve affordable housing in the City of Brampton.
- Some participants were concerned that tough requirements and restrictions on second units will reduce available affordable housing.

### Municipal Services

- Many participants felt that implementing second unit policies will put pressure on City services such as police, fire, sewer, water, garbage, public transit, health care, schools, infrastructure, and recreation facilities, due to the large influx of residents.

### Traffic and Parking

- Many participants felt that an increase in second units would increase traffic and congestion.
- Many participants were concerned that an increase in second units would increase on-street parking, which is already an issue in the City of Brampton.

### Property Tax

- Many participants voiced concerns about the property tax implications of second units (e.g. would a second unit increase overall property tax for the home owner?).
- Some participants felt that home owners with second units should pay additional property taxes due the additional income they derive from the unit, and the number of people living in the home and using City services.
- Some participants were concerned that second unit tenants are not paying their fair share of taxes to cover municipal services.
- A few participants felt that taxes should be based on the number of people living in the home.
- A few participants suggested that MPAC should revise how property taxes are calculated for homes with second units.
- A few participants were concerned about potential tax evasion.

### Property Standards and Property Values

- Many participants were concerned that an increase in second units would reduce property values and property standards in the City of Brampton.

D1-13



D1-14

*Public Transportation*

- Many participants felt that more reliable and widely available public transportation will be needed to accommodate the influx of second unit tenants.

*Safety, Noise, and Quality of Life*

- Some participants were concerned that an increase in second units may lead to increased crime and reduced quality of life.
- Some participants were concerned about increased noise caused by second unit tenants.

*Schools*

- Many participants felt that an increase in second units would cause overcrowding in schools, and put pressure on the local school boards.

*Health Services*

- Many participants were concerned about the impact on health services (e.g. increased hospital wait times, lack of family doctors).

*Garbage*

- Many participants were concerned about the negative impact on garbage (e.g. garbage accumulation at the curb, illegal dumping, the need for additional garbage pick-up, restriction of the two bag limit, cost of additional garbage bag tags etc.).

*Job Creation and Economic Growth*

- A few participants felt that implementing second unit policies would have a positive impact on the economy and job creation.

*No Change*

- Some participants felt that implementing second unit policies would have no impact on the City of Brampton, given that over 30,000 illegal units exist and the tenants are currently using municipal services and infrastructure.



## Other Comments

### Proposed Approach

- Many participants encouraged the City to develop and implement a balanced and clear second units policy for the City of Brampton.

### Separate Meters

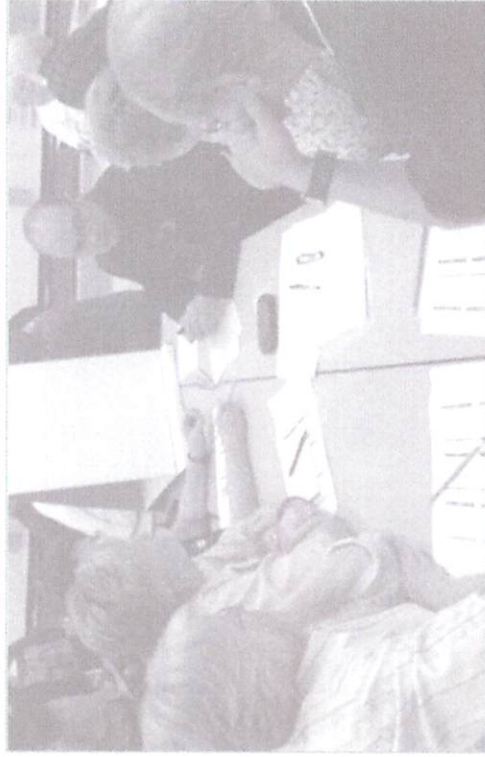
- A few participants suggested the installation of second water and utility meters for second units.

### Supporting Regulations

- A few participants felt the City should review relevant by-laws and policies to ensure the second unit policies align with existing regulations.

### Accurate Data

- A few participants felt the City should implement a survey or on-the-ground research to gather the correct data regarding existing second units.



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D1-16

Appendix B

D1-17

## SECOND UNITS POLICY REVIEW: SUMMARY OF PUBLIC CONSULTATION

<b>KEY EVENTS:</b>	<b>PURPOSE:</b>	<b>DATE:</b>
Status Report to PDD Committee	To advise Council of Bill 140's Parliamentary Second Reading and Potential Impact to City	Apr 4, 2011
Status Report to PDD Committee	To advise Council of Bill 140's enactment and to obtain Council direction to begin implementation of Bill 140	Nov 21, 2011
Council Workshop	Staff met with Council to address the servicing and financial implications of Bill 140	Apr 2012
Recommendation Report to Committee of Council	To obtain direction from Council to begin public consultation sessions	May 16, 2013
Public Consultation Sessions	To obtain public input on a preliminary approach for permitting second units	June 2012 (x5)
Working Session with Councillors	To discuss results of public consultation sessions with Council and identify next steps	Jan 13, 2013
Council Workshop	To address issues related to financial and servicing implications of Bill 140	May 7, 2013
Informal Open House Meetings	To present to the public for comment a refined policy approach for permitting second units	May 27 & June 5, 2013
Recommendation Report to Committee of Council	To present the results of public input received at the open house meetings and staff response to issues raised at May 2013 Council Workshop	June 12, 2013
Statutory Public Meeting	To provide the public an opportunity to comment on the draft amendments in accordance with the <i>Planning Act</i>	October 7, 2013

D1-18

Appendix C



D1-19

AMENDMENT NUMBER OP 2006 -  
to the Official Plan of the  
City of Brampton Planning Area



AMENDMENT NUMBER OP2006-\_\_\_\_  
TO THE OFFICIAL PLAN OF THE  
CITY OF BRAMPTON

i) Purpose:

The purpose of this amendment is to implement the recommendations of the Second Units Policy Review by updating the policies related to second units in the City of Brampton Official Plan. This amendment proposes to:

- permit second units as of right in appropriate areas of the City, while recognizing the need for land use controls which are to be implemented through an amendment to Comprehensive Zoning By-Law 270-2004;
- establish a policy framework for permitting second units.

ii) Location:

This amendment affects all lands within the City of Brampton.

iii) Amendments and Policies Relative Thereto:

3.1 The document known as the Official Plan of the City of Brampton is hereby amended:

- (1) by amending Section 4.1 Residential, to delete Section 4.1.5.3 in its entirety and replace it with the following:

**Second Dwelling Units**

"4.1.5.3 Second dwelling units shall be permitted within single detached dwellings, semi-detached dwellings and row houses that are on full municipal services provided they are in accordance with the Zoning By-Law and subject to the following criteria:

- i) A maximum of one second unit is permitted per dwelling which is accessory to the main dwelling;
- ii) A second unit must be in compliance with the Ontario Building Code and/or Fire Code and Property Standards By-Law and other applicable requirements and shall obtain Building Permits;
- iii) Alterations to the exterior building design of the principal dwelling must be consistent with existing design, style and materials;
- iv) A second unit shall not be permitted in a residential dwelling situated within a floodplain;
- v) A second unit shall have no negative impact on stormwater management and site drainage
- vi) Adequate on-site parking is provided in accordance with the requirements of the Zoning By-law.

4.1.5.4 Zoning By-Law regulations shall be established and all second units shall be in accordance with the

D1-22

Zoning By-Law. Zoning regulations for second units may include, but are not limited to:

- i) Dwelling types;
- ii) Parking and yard requirements;
- iii) Maximum floor areas;
- iv) Landscaped open space or amenity areas requirements.

4.1.5.5 Where an application for a second unit fails to conform to all of the requirements of the implementing zoning by-law, a rezoning amendment shall be required.

Approved as to Content:

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Henrik Zbogar, MCIP, RPP  
Acting Director, Planning Policy and Growth Management

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Appendix D



D1-24

To amend By-law 270-2004, as amended

The Council of the Corporation of the City of Brampton ENACTS as follows:

(1) By-law 270-2004, as amended, is hereby further amended:

- 1) by deleting from Section 5 thereto the name and definition of "Two Unit House" and replacing it with the following:

"SECOND DWELLING UNIT shall mean an accessory self-contained residential unit with its own kitchen, sanitary facilities and bedroom(s)/sleeping area within a single detached, semi-detached and townhouse dwelling."

- 2) by adding the following at the beginning of Section 10.2 One Dwelling Per Lot: "Except where a second dwelling unit is permitted,".
- 3) by deleting Section 10.16 Provisions for Two-Unit Houses in its entirety and replacing it with the following:

"10.16 Provisions for Second Dwelling Units

The following requirements and restrictions shall apply for a second dwelling unit:

- a) Shall only be permitted in a single detached, semi-detached or a townhouse dwelling unit on full municipal water and sewer services in a Residential Zone;
- b) Shall not be permitted within a lodging house, group home, or an accessory building containing a non residential use;
- c) Shall not be permitted in dwellings within the flooding and erosion limits of a watercourse;
- d) Shall be in compliance with the applicable Registration By-law;

D1-25

- e) Maximum Gross Floor Area: 40% of the Gross Residential Floor Area of the dwelling unit in which it is located;
  - f) A minimum of one on-site parking space shall be required for a second dwelling unit in addition to the residential parking space requirements of this by-law. Tandem parking spaces to facilitate a second dwelling unit shall be permitted;
  - g) A maximum of one second unit shall be permitted per dwelling;
  - h) The construction of a second entrance within a front yard shall not be permitted in dwellings containing a second unit other than an entrance to an attached garage;
  - i) Access to a second dwelling unit may be permitted through a garage or common vestibule, subject to satisfying Building Code regulations; and
  - j) A lot with a second dwelling unit shall have one and not more than one driveway.”
- 4) by deleting Section 10.24 Above Grade Side Entrances in its entirety and replacing it with the following:

“10.24 Above Grade Side Entrances

10.24.1 The front wall of an above grade door located on a side wall of a single detached, semi-detached, or townhouse dwelling shall have a minimum distance of 1.2 metres to an interior side lot line. Any steps or landings for such a door shall have a minimum distance of the lesser of (a) 0.9 metres to an interior side lot line or (b) the required interior side yard setback.

10.24.2 Where access to a dwelling unit is provided from the rear yard or side yard for above grade entrances, a continuous, unobstructed path of travel of 1.2 metres shall be provided between the main wall of the building and the side lot line.”

READ a FIRST, SECOND and THIRD TIME, and PASSED in OPEN COUNCIL,

this day of 2013.

\_\_\_\_\_  
SUSAN FENNELL - MAYOR

\_\_\_\_\_  
PETER FAY - CITY CLERK

Approved as to Content:

\_\_\_\_\_  
Henrik Zbogor, M.C.I.P., R.P.P  
Acting Director, Planning Policy & Growth Management

**EXPLANATORY NOTE**

**THE PURPOSE OF BY-LAW - 13**

The purpose of By-law -13 is to amend comprehensive Zoning By-law 270-2004, as amended pursuant to the City of Brampton Second Units Policy Review (File No. L01 Bill 140).

**EFFECT OF THE BY-LAW**

The effect of By-law -13 is to create zoning regulations for second units in the City of Brampton

**LOCATION OF LANDS AFFECTED**

By-law -13 affects all lands within the City of Brampton.

Any further inquiries or questions should be directed to Daniella Balasal, City of Brampton Planning, Design and Development Department, (905) 874-2061.