

Federation of Citizens Associations (FCA) - Coach Houses - July 22, 2016
Comments to Tim Moerman



207 Bank Street, Suite 146,
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July 22, 2016

**Federation of Citizens' Association Comments on Coach Houses
To Tim Moerman, Planner, City of Ottawa
Coach Houses - City of Ottawa Zoning By-law Amendment Proposal Report**

On March 11, 2016, the FCA sent a letter regarding the Coach House Proposal to the Acting General Manager, Planning and Growth Management. The letter introduced a Motion, passed at the March 3rd General Meeting (*Attachments 2a and 2b*):

1. FCA advise the City of Ottawa PGM, Planning Committee and City Council of the need for full Consultation with all community associations regarding the proposed Coach House By-laws.
2. FCA support instituting a full, city-wide Consultation to identify project goals and parameters, identify locations where Coach Houses could be viable, and develop appropriate zoning provisions that take community character into consideration, prior to proceeding with the Coach House proposal.
3. The Planning and Growth Management Department (PGM) place this initiative on hold until full and open consultation is undertaken and the issues responded to.

The FCA contends that much work remains to create a Coach House By-law that appropriately meets the intended goal of providing affordable housing, without creating unintended negative consequences. *Attachment 1* contains our comments on each of the proposed provisions.

For many reasons, Community Associations throughout Ottawa are concerned about the City's current Coach House proposal. The proposal is "one size fits all". There is little regard for individual community character, the character of surrounding properties, the protection of trees and other vegetation on abutting properties, or for the environment. The proposal appears not to respond to certain legal requirements, consider the intent of the Infill II By-law to "leave a sufficient amount of open space in the middle of the block for air and sunlight penetration, preservation of permeable surfaces and existing vegetation", or consider that Ottawa cannot afford to lose the limited amount of urban forest that remains. As proposed, the By-law will conflict with the goals of the currently-under-development Urban Forest Management Plan. Ottawa already falls far below the Official Plan's requirement regarding urban forest cover.

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Coach Houses might be a good fit in some locations, but this proposal does not address the concept of appropriate “fit” and “location”. The Province, in a communiqué released on November 6, 2015, writes: “Municipalities should assess where second units may be appropriate in the primary dwelling versus the ancillary structure.” (*Attachment 3*, excerpts) The City’s proposal will allow coach houses in the rear yard of any property (or corner lot), as of right.

No consideration is given to determining which would be more appropriate: a separate coach house, or an apartment in the primary dwelling.

Every detached, semi-detached, linked-detached, duplex or row house is entitled to have a secondary dwelling unit within the dwelling. Historically, much affordable housing has been provided in basement or upstairs apartments, in homes that are considerably smaller than the houses being built today. Throughout the City, however, these small, older homes are being razed and replaced by substantially larger houses with ample room for interior secondary dwelling units. Providing apartments in these primary dwellings would be a viable, time-tested response to the need for affordable housing. Recent changes to the *Affordable Housing Act* that exempt secondary suites in new homes from Development Charges, make it less costly to build them.

The Province requires Cities to make provision for Coach Houses. Thus, the task is to define the considerations that make a Coach House an appropriate application for the individual site. Urban and Rural areas should have different parameters to determine appropriateness.

Sustainable Development

At present, the Coach House proposal gives no consideration to protecting mature trees on the subject lot or on abutting lots. Yet,

- Boundary trees are deemed common property under the Provincial Forestry Act (Forestry Act, R.S.O. 1990, c. F.26 10(2)). It is an Offence under the Forestry Act to injure or destroy a Boundary Tree unless both owners consent to the injury or destruction. (*Attachment 4*)
- *Harley vs Cunningham*, Ontario Superior Court Decision, 20130517 settled the definition of "Boundary Tree" (*Attachment 5*).

Coach Houses are not appropriate for locations where they will injure or destroy boundary trees.

In the urban area, medium-sized and mature trees tend to be located on private property, around the sides and backs of rear yards. These strips of centre-block forest, visible in aerial photographs of the urban area, are known to be very effective at mitigating the heat island effect. In these cases, Coach Houses built close to the property line will kill trees not only in the yards where they are built, but also in the neighbouring yards.

Given that boundary trees are defined as "property" under the Forestry Act, then, by extension, trees on properties abutting a construction site also are "property".

- O. Reg. 332/12 Building Code: 9.12.1.4. Precautions During Excavation: (1) Every excavation shall be undertaken in such a manner to prevent damage to adjacent property, existing structures, utilities, roads and sidewalks at all stages of construction. (*Attachment 6*)

Coach Houses are not appropriate for locations where they will injure or destroy trees growing on abutting properties.

Coach Houses may not be appropriate for locations where they will cut off light and air to part of an abutting property or damage landscaping. Each site will be different. Therefore, it is important to ensure that appropriate restrictions are in place.

The Coach House By-law needs to be linked with the Urban Tree Conservation By-law as well as the City's By-laws protecting trees on City property. It needs to be cognizant of the Urban Forest Management Plan, which is being developed.

Incorporating protection of trees and landscape features into the Coach House By-law will build in sustainability. It will respond to many policies in Ottawa's Management Plans.

This proposal seems to run counter to the Intent stated in the Infill II (By-law 2015-228):

The fundamental principles that underpin the Infill II zoning recommendations are:

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- To ensure that individual buildings fit into a city block in a way that leaves a sufficient amount of open space in the middle of the block for air and sunlight penetration, preservation of permeable surfaces and existing vegetation, do not create privacy intrusion or overlook issues and provides for the opportunity for at-grade amenity area;

Despite the great work done by the City on the infill I and II projects, it is evident that the default still is to view urban properties as blank spaces, unlinked to their neighbours and the surrounding community. In urban and village areas, the By-laws relating to Infill must be part of the decision-making process.

The maximum 50% lot coverage (coach house and accessory buildings) is too large for lots in the urban and village areas. Any lot coverage value should apply only to the rear yard area of the principal residence; it should not include the side yard area leading to the Coach House. The value also must include coverage by rear yard decks and porches, since all structures remove permeable surfaces from rear yards, limit vegetation and contribute to the heat island effect.

Where, in the urban and village areas, it is appropriate to locate a Coach house, no basement must be allowed.

- Adding a basement adds living space. The Coach House becomes a house. This seems to run contrary to the reasons/intent for allowing them, which is to provide an affordable housing alternative where it is not appropriate to provide it in the principal dwelling.
- Adding a basement also increases the allowable height.
- Both of these proposed provisions will promote building houses in rear yards.
- Basements also will damage the root systems of mature trees on abutting properties. Slab on grade construction has the potential to do less harm.

Loss of tree canopy cover and permeable surfaces limits the City's ability to respond to climate change. All proposed By-laws should be reviewed in relation to Official Plan requirements that touch on environmental sustainability, and at least the following Master Plans: Environmental Strategy; Air Quality and Climate Change Management Plan; Human Services Plan and the Investment Strategy for Sustainable Economic Prosperity Plan. The Infrastructure Master Plan also should be included. At present, the Coach House proposal is not consistent with the City's other Management Plans as regards sustainability.

The City of Vancouver spent three years developing a Coach House By-law, which applies only to Coach Houses abutting travelled rear lanes. Vancouver's Coach House *Development Permit Guidelines (Attachment 7, excerpts)* reference protection of trees and landscape features, energy conservation, rainwater management, waste management and recycling. Vancouver requires the applicant to notify neighbours living within 40 metres of the proposed Coach House.

Ottawa is proposing to implement a By-law that will apply to most properties, but provide little control over impacts on abutting properties and the environment. It will not be appealable to the OMB. Consequently, it is very important to get it right. Before proceeding further with this proposal, we recommend that the PGMD respond to all questions raised. **Analysis is needed of the effects of the proposal on individual neighbourhoods.**

Attachments:

- 1) Table: Zoning By-law Amendment Proposal Summary with FCA Comments
- 2) FCA Letter to PGMD and Resolution re: Coach Houses (March 11, 2016) - 2 separate attachments
- 3) Publication: <http://www.mah.gov.on.ca/Page9575.aspx> Changes to the Planning Act, Ontario (Excerpts)
- 4) Regulation: <https://www.ontario.ca/laws/statute/90f26> Forestry Act, Ontario, Boundary Trees
- 5) Ontario Superior Court Decision: <http://www.northroosedale.ca/wp-content/uploads/2013/12/002-Legal-Decision.pdf> Hartley vs Cunningham & Scharper, Ontario Superior Court Decision (May 17, 2013) - 1 separate attachment
- 6) Regulation: <https://www.ontario.ca/laws/regulation/120332> Building Code, Ontario, (Excerpt)
- 7) Guidelines: City of North Vancouver, Coach House Development Permit Guidelines (Excerpts) <http://www.cnv.org/Property-and-Development/Building-and-Development/Development-Applications/Development-Permits/Accessory-Coach-Houses>

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Attachment 1: Zoning By-law Amendment Proposal Summary and FCA Comments

Type of Amendment	Description of proposed change	FCA Comment: Where a Coach House may be appropriate...
Definition	<p>Add definition for “Coach House”:</p> <p>Means a separate dwelling unit detached from a principal dwelling unit located either in its own building or within a building also containing an accessory use and on the same lot as the principal dwelling.</p>	<p>Means a separate, secondary (or ancillary) dwelling unit, detached from....</p> <p>http://www.mah.gov.on.ca/Page9575.aspx</p> <p><i>Second units — also known as accessory or basement apartments, secondary suites and inlaw flats — are self-contained residential units with kitchen and bathroom facilities within dwellings or within structures accessory to dwellings (such as above laneway garages).</i></p> <p><i>Second units must comply with any applicable laws and standards. This includes the Building Code, the Fire Code and property standards bylaws.</i></p> <p><i>Municipalities should assess where second units may be appropriate in the primary dwelling <u>versus</u> the ancillary structure.</i></p>
Exclude Accessory Provisions	<p>Add provision which states that a Coach House is not considered to be an accessory use</p>	<p>Add a provision that the lot coverages of proposed Coach House <u>plus</u> Accessory Buildings and Structures (Section 55) must not significantly compromise greenspace and permeable areas in rear</p>

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		yards, in the urban and village areas.
Prohibit Coach Houses in the Floodplain	Add provision to prohibit Coach Houses in the floodplain.	(as per legislation)
Allow Permitted Projections Above the Height Limit	Add provision to allow permitted projections above the height limit for Coach Houses, but exclude roof top amenity areas from all Coach House buildings.	<p>OK: Exclude roof top amenity areas (<i>landscaped areas, rooftop gardens and terraces and associated safety guards and access structures</i>)</p> <p>List and determine applicability of other permitted projections above height limit per Section 64:</p> <ul style="list-style-type: none"> ● barn, silo, or other farm-related buildings or structures (<i>not applicable</i>) ● Bridge (<i>not applicable</i>) ● chimney or smokestack (emissions? Exclude wood-burning fireplaces. Venting for heating system and gas fireplace must be to interior of lot. Exterior chimneys must not intrude into 1 m set back.) ● clock tower, church spire, steeple or belfry (unlikely, but, exclude just in case....) ● construction equipment during the construction process (OK. Protect trees on subject and abutting lots.) ● mechanical and service equipment penthouse, elevator or stairway penthouses (By-law 2014-94) (<i>not applicable</i>) ● flagpole (OK) ● communication transmission and distribution towers forming part or all of a utility installation (By-law 2013-224) (<i>not applicable</i>) ● landscaped areas, roof-top gardens and terraces and associated safety guards and access structures (exclude as proposed) ● ornamental dome, skylight, cupola or parapet (exclude)

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		<p>ornamental dome, cupola or parapet)</p> <ul style="list-style-type: none"> ● utility poles (<i>not applicable</i>) ● water tower (<i>not applicable</i>)
<p>Allow Permitted Projections into Required Yards</p>	<p>Add provision to allow permitted projections for Coach Houses into required yards.</p>	<p>Exclude permission for any projections into 1 m setbacks.</p> <p>Develop checklist. Examine each element to ensure it does not have a negative impact on abutting properties. If it does, disallow.</p> <p>List and applicability of Permitted Projections above height limit per Section 65, Residential Use Buildings:</p> <ul style="list-style-type: none"> ● Chimney, chimney box and fireplace box (1 m, no closer than 0.6 m from lot line - emissions? Exclude wood-burning fireplaces. Venting for heating system and gas fireplace must be to interior of lot. Exterior chimneys must not intrude into 1 m set back.) ● Eaves, eave-troughs and gutters (1 m but no closer than 0.3 m from lot line - on lots smaller than 0.8 hectares in size, all water runoff from a Coach House must be retained on the property or directed into the principal dwelling's drainage system.) ● Ornamental elements such as sills, belt courses, cornices, parapets and pilasters (no closer than 0.6 m to lot line - these decorative elements must not intrude into any 1 m setback) ● Canopies and awnings (1.8 m but no closer than 0.6 m from lot line - canopies and awnings must not be closer than 1.8 m from a property line) ● Fire escapes, open stairways, stoop, landing, steps and ramps (<i>OK: stoop, landing, steps and ramps proposed to face interior of lot. Fire escapes, open stairways: not applicable</i>)

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		<ul style="list-style-type: none"> • Covered or uncovered balcony (<i>not applicable</i>), porch, deck, platform and verandah, with a maximum of two enclosed sides, excluding those covered by canopies and awnings (set a maximum size that is consistent with the size of the Coach House. Must consider lot coverage by Coach House and other buildings on property and preserve open space) • Bay window where window faces a lot line (<i>not applicable for a Coach House wall set back 1 m from property line. Otherwise, OK</i>) • Air conditioner condenser, heat pump or similar equipment (By-law 2013-224) (air conditioner must not be on a wall that is close to a lot line. It must be located as far from abutting properties as possible.) • A carport that exists on or before October 6, 2008 (By-law 2008-386) (<i>not applicable</i>)
Where Permitted	<p>Add a provision to allow a Coach House dwelling on any lot occupied by a detached, semi-detached, linked detached, duplex or rowhouse dwelling, where that dwelling type is a listed permitted use, provided that:</p> <ul style="list-style-type: none"> • the primary home is serviced by a public or communal water and waste water system and the Coach House must obtain water and wastewater services from the primary dwelling; and 	<p>In the Urban area, lot size and current coverage by primary home, accessory buildings and structures must be key factors in determining if it is viable to build a Coach House in a rear yard and still meet the intent of the Infill II Zoning By-law.</p> <p><i>Municipalities should assess where second units may be appropriate in the primary dwelling versus the ancillary structure.</i></p> <p>Develop a checklist to help determine if a coach house is viable for the subject property.</p> <p>Extract from the Planning Committee Report, June 22, 2016, Purpose and Intent of the Infill II By-law:</p>

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	<ul style="list-style-type: none"> the Coach House is located on the same lot as its principal dwelling. <p>On lots smaller than 0.8 hectares in size, the coach house must be located in the rear yard of the principal dwelling.</p> <p>Despite the above:</p> <ul style="list-style-type: none"> In the case of a lot with frontage on both a street and a travelled public lane, the coach house must be located in the yard adjacent to the travelled public lane. In the case of a lot with a rear yard less than 5 meters in depth, the coach house can be located in the side yard provided one of the walls of the coach house is on or within 1 metre to the rear property line. On lots 0.8 hectares or greater and located in the rural area, the coach house may locate anywhere on the lot, subject to the setbacks under the applicable subzone, and may be serviced by a private well or septic system. 	<p><i>The fundamental principles that underpin the Infill II zoning recommendations are:</i></p> <p><i>To ensure that individual buildings fit into a city block in a way that leaves a sufficient amount of open space in the middle of the block for air and sunlight penetration, preservation of permeable surfaces and existing vegetation, do not create privacy intrusion or overlook issues and provides for the opportunity for at-grade amenity area;</i></p> <ol style="list-style-type: none"> The Coach House proposal focuses on privacy intrusion and overlook. It does not in any way address open space and preservation of existing vegetation. It does not address potential conflict with the law on Boundary Trees (Trees Common Property, Forestry Act R.S.O. 1990, c.F.26, 10.(2)) It does not address protection of property (note above that trees are “property”) on abutting properties. Ontario Building Code O. Reg. 332/12: Regulation 9.12.1.4 Every <i>excavation</i> shall be undertaken in such a manner to prevent damage to adjacent property, existing structures, utilities, roads and sidewalks at all stages of construction It does not address potential degradation of air quality (loss of greenspace and trees on the subject and abutting properties, fireplace and HVAC emissions) or unwanted noise (e.g.: air conditioners). <p>Coach House walls must not be on a property line. Look at implications for shallow-depth rear yards.</p>
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		Discuss: Vancouver <i>Guidelines</i> addressing construction of Coach Houses on travelled public lanes (Attachment 7).
Where Not Permitted	Add a provision to prohibit a Coach House on privately serviced lots in the urban area.	OK
Maximum Number	Add a provision to only allow a maximum of one Coach House dwelling unit per principal dwelling unit. A Coach House cannot be located on a lot where the principal dwelling also has a secondary dwelling unit, garden suite or any rooming units within the principal dwelling on that lot.	OK
Maximum Size	<p>The coach house must not:</p> <p>a) have a footprint exceeding 40% of the footprint of the principal dwelling unit on the lot</p> <p>b) exceed a lot coverage of 40% of the yard in which it is located</p> <p>c) exceed a footprint of 95 m² If the primary home is less than 100 m² in footprint, a coach house of up to 50 m² is permitted, and must not exceed 40% of the yard in which it is</p>	<p>Define what open space is left on the lot when these percentages are used. Factor in coverage by accessory structures.</p> <ul style="list-style-type: none"> Does this meet the fundamental principles that underpin the Infill II zoning By-law? <p>Maximum footprint 95 m² (9.75m X 9.74m / 32 ft X32 ft) or 1024 square feet.</p> <p>In the urban area, most older single family homes in established neighbourhoods have footprints less than this.</p> <p>Adding basement living space, makes this a substantial house, not a secondary dwelling unit.</p> <p>In the urban and village areas, where Coach Houses meet to-be</p>

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	located.	established appropriateness criteria, maximum size should be that of a bachelor apartment.
Footprint Size	<p>Add a definition for footprint, as follows:</p> <p>Footprint means the area of the ground floor of a building, measured from the exterior of the outermost walls, including an attached garage but excluding any projections or accessory buildings.</p>	OK
Maximum Height	<p>Add a provision to restrict the maximum height of a Coach House as follows:</p> <p>In the urban and village areas:</p> <p>1) maximum height not to exceed the building height of the existing primary dwelling; and</p> <p>2a) where no basement is provided, maximum height of 3.6 metres; or</p> <p>2b) where a basement is provided, maximum height of 4.0 metres, with maximum height of the outer walls not to exceed 3.6m.</p> <p>In the rural area outside of village areas:</p> <p>1) maximum height not to exceed the building height of the existing primary dwelling; and</p>	<p>Urban and Village Areas Maximum Height 3.6 metres. Restrict height to one storey</p> <p>No basement allowed, to ensure that the concept of “coach house” is respected and to reduce the potential for damage to vegetation on the subject and abutting properties.</p> <p>Develop specific appropriateness criteria for allowing a Coach House over a garage.</p> <p>Ensure that these criteria address the unique conditions in the</p>

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	<p>2a) where the living area of the coach house is entirely located on the second storey above a detached garage, maximum height of 6.1 metres;</p> <p>or 2b) in all other cases, maximum height of 4.0 metres.</p>	rural area.
Setbacks: Rear lot line in the urban area	Add a provision to establish a maximum rear yard setback of 1 metre, for lots in the urban area, where no windows are proposed on the rear wall or where the rear lot line abuts a lane.	<p>Why maximum and not minimum?</p> <p>Provision to apply only if there is no impact on trees and vegetation on abutting properties.</p>
Setbacks: Interior lot line in the urban area	Add a provision to establish a maximum interior yard setback of 1 metre, for lots in the urban area, where no windows are proposed on the wall	<p>Why maximum and not minimum?</p> <p>Provision to apply if there is no impact on trees and vegetation on abutting properties.</p>
Setbacks: Corner side lot line	Add a provision to require a minimum required setback from a corner side lot line to be the same as for the principal dwelling.	OK
Setback: Rear lot line	Add a provision to require a minimum rear yard setback of 4 metres where transparent windows are proposed on the rear wall, except for a rear lot line that abuts a travelled public	Assess implications for abutting neighbours.

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	lane.	
Setbacks: Interior lot line	Add a provision to require a minimum interior yard setback of 4 metres where transparent windows are proposed on the side wall	Assess implications for abutting neighbours.
Combination of Coach House and Accessory Use, Buildings and structures	<p>Add a provision for lots in the urban and village areas setting a maximum coverage, for a Coach House combined with all accessory buildings, of 50% of the yard in which they are located, with a maximum cumulative floor area of the accessory use of 55 m2 as measured from the exterior walls of the use within the building.</p> <p>Add a provision for lots in the rural area setting a maximum coverage of 5% of the total lot area for a Coach House combined with all accessory buildings, with a maximum cumulative floor area of the accessory use of 150 m2 as measured from the exterior walls of the use within the building</p>	<p>Reduce maximum allowable lot coverage in urban and village areas. Work with communities to determine an appropriate value.</p> <p>In urban and village areas, lot coverage to include Coach House plus all accessory buildings <u>plus</u> decks and porches.</p> <p>Ensure criteria meet the unique conditions in the rural area.</p>
Location of Entrance	Add a provision requiring the doorway entrance to a Coach House to be limited to locations that are not facing any lot line, unless the lot line in question borders a travelled lane, or the Coach House is set back further	Assess door location for each proposal.

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	than 4 m from said lot line.	
Minimum Access Route	Add a provision requiring a minimum 1.2 m wide access from a public street or travelled lane to the Coach House. This access may comprise a permitted driveway.	OK
Parking Yards and Driveways	<p>Add a provision requiring the principal dwelling and Coach House dwelling to share the parking area and yards provided for the principal dwelling unit, and prohibiting the creation of a new driveway. Despite the above, a driveway is permitted in the following circumstances:</p> <ul style="list-style-type: none"> • Where a garage or carport is provided as part of the Coach House, in the urban and village areas, an extension of an existing driveway is permitted and in the rural area a new driveway is permitted. • In the case of lots served by a travelled public lane, a new driveway may only be created in a yard that did not contain a driveway prior to a Coach House being established. 	<p>OK</p> <p>But:</p> <p>In urban and village areas, when a garage or carport is provided as part of a coach house, why would a driveway extension be necessary?</p> <p>In this case, would the coach house not be on top of or extending from an existing garage or carport?</p> <p>Lots served by a travelled public lane: how can adding a coach house justify adding an additional driveway?</p>
Parking: Requirements	Add a provision to not require parking for a Coach House dwelling.	OK

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<p>Parking: Paved areas</p>	<p>Add provision to clarify that the creation of a Coach House must not lead to the paving of any existing landscaped areas in order to create more parking, except in the case where a new paved area leads to a garage or carport.</p>	<p>OK</p> <p>Exception: When a garage or carport is provided as part of a coach house, why would a driveway extension be necessary?</p>
<p>Density Control Limits</p>	<p>Add provision to clarify that Coach House dwelling units will not be limited by, nor included in, any density control requirement, including for example, number of dwelling units and unit per hectare counts.</p>	<p>? Implications?</p>
<p>Grandfathering Clause</p>	<p>Add provision to allow an accessory structure existing as of December 31, 2015 to be allowed to convert in part or in whole to a Coach House, up to a maximum footprint of 95 m², and to be exempt from the following clauses:</p> <ul style="list-style-type: none"> • Maximum size: The coach house must not: <ul style="list-style-type: none"> a) Be greater in size than 40% of the footprint of the principal dwelling unit on the lot b) Exceed a lot coverage of 40% of the yard in which it is located • Where permitted: On lots smaller than 0.8 hectares in size, the coach house must be located in the rear yard of the principal 	<p>http://www.mah.gov.on.ca/Page9575.aspx (Excerpt)</p> <p><i>Second units must comply with any applicable laws and standards. This includes the Building Code, the Fire Code and property standards bylaws</i></p> <p><i>Second units must comply with any applicable laws, which could include the Building Code, the Fire Code and property standards by-laws. The changes do not “grandfather” any existing second units that do not meet applicable laws.</i></p> <p>Non-enforcement of existing laws and By-laws is a grave concern.</p> <p>Allow the potential for conversions. Do not make this “as of right”.</p>

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	<p>dwelling.</p> <ul style="list-style-type: none"> • Maximum height: A coach house on lots in the urban area and villages cannot be taller than the existing primary dwelling, up to a maximum height of 3.6 metres for coach houses without a basement or 4.0 metres for coach houses with a basement. <p>A coach house on a lot in the rural area cannot be taller than the existing primary dwelling, up to a maximum height of 3.6 metres, or 6.1 metres for a coach house that contains a garage.</p> <ul style="list-style-type: none"> • Setbacks: The setbacks are as follows for lots within the urban area or villages: • Rear and interior side lot line: 1 metre maximum OR 4 metre minimum • Corner side yard: same as principal dwelling <p>The setbacks are as follows for lots within the rural area:</p> <ul style="list-style-type: none"> • Rear and interior side yard setbacks: 4 metre minimum <p>Further add a provision where an existing structure is located within 1 to 4 metres from a rear lot line or an interior side lot line, any</p>	<p>Proposed conversion of existing accessory structures must be subject to review to ensure that they do not have a negative impact on abutting properties and the community.</p> <p>Grandfathering: size allowed and exemptions are extreme. <u>Is this intended?</u></p> <p>Maximum footprint 95 m2 (9.75m X 9.74m / 32 ft X32 ft) or 1024 square feet.</p> <p>Seven bulleted exemptions allow the conversion to be bigger, taller than the existing primary dwelling, exceed 40% yard coverage, not meet required setbacks. It can have a basement.</p> <p>This is not a secondary dwelling unit. This is a house.</p>
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	existing glazing on those walls will be required to be translucent or such windows to be closed.	
Planned Unit Development	Add a provision to clarify that adding a Coach House to a property is not considered a Planned Unit Development.	OK
Section 139	<p>Add a provision to allow for a walkway to a coach house, as follows:</p> <p>A walkway that is neither abutting nor adjacent to a driveway or existing walkway, on the same lot as the one on which the coach house is located, and that does not exceed 1.25 metres is permitted:</p> <p>a) on a corner lot, or</p> <p>b) extending from the end of an existing interior side yard driveway back to a coach house, or</p> <p>c) that leads from the walkway, that accesses the main entranceway of the principal dwelling, around the dwelling to the entranceway of the coach house, or</p> <p>d) in the case of an interior lot with a minimum</p>	<p>90 cm width (almost 1 yd) sufficient for a <u>walkway</u> to a coach house.</p> <p>Permeable materials recommended.</p> <p>The goal should be to reduce hardscaping and impact on greenspace.</p> <p>b) OK</p> <p>c) OK</p>

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	15-metre lot width, a walkway leading from the right-of-way and located further away than 5 metres from any existing walkway.	d) OK
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Attachment 2a and 2b: FCA Letter to PGMD, March 11, 2016 and Motion March 3, 2016

Two documents sent separately: 160722 FCA Coach House Letter 160311; 160722 FCA Coach House Motion 160303

Attachment 3: Excerpts, Changes to the Planning Act (Ontario, Publication)

<http://www.mah.gov.on.ca/Page9575.aspx>

The Strong Communities through Affordable Housing Act, 2011 amended various sections of the Planning Act to facilitate the creation of second units by:

- requiring municipalities to establish official plan policies and zoning by-law provisions allowing second units in detached, semi-detached and row houses, as well as in ancillary structures
- removing the ability to appeal the establishment of these official plan policies and zoning by-law provisions except where such official plan policies are included in five- year updates of municipal official plans
- providing authority for the Minister of Municipal Affairs and Housing to make regulations authorizing the use of, and prescribing standards for, second units

What are second units?

Second units — also known as accessory or basement apartments, secondary suites and inlaw flats — are self-contained residential units with kitchen and bathroom facilities within dwellings or within structures accessory to dwellings (such as above laneway garages).

Second units must comply with any applicable laws and standards. This includes the [Building Code](#), the [Fire Code](#) and property standards bylaws

Municipal Considerations

The Strong Communities through Affordable Housing Act, 2011 requires municipalities to authorize second units in detached, semi-detached and row houses, as well as in ancillary structures. However, there is a need for municipalities to assess several considerations in developing new official plan policies and zoning provisions, or in reviewing their existing policies and provisions, if they already allow second units:

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While the Act requires municipalities to permit second units, the government recognizes there may be inherent constraints within portions of a municipality or community which would make those areas inappropriate for second units (such as flood-prone areas or those with inadequate servicing). Municipalities should consider any such constraints in developing or reviewing second unit policies.

While the Act requires municipalities to permit second units in detached, semi-detached and row housing, and in ancillary structures, the provisions permit one additional unit (i.e., a second unit) either in a house (e.g., basement) or in an ancillary structure (e.g., above laneway garage) on the same lot. **Municipalities should assess where second units may be appropriate in the primary dwelling versus the ancillary structure.** In some instances, municipalities may conclude it is appropriate to allow a second unit in both. However, in these situations, the sheltering of appeals does not extend to the third unit. Any party would be able to appeal the authorization of the third unit to the Ontario Municipal Board.

Grandfathering of Second Units

Second units must comply with any applicable laws, which could include the Building Code, the Fire Code and property standards by-laws. The changes do not “grandfather” any existing second units that do not meet applicable laws.

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- Last Modified: Friday, November 6, 2015

Attachment 4: Excerpt, Forestry Act (Ontario)

*Forestry Act, R.S.O. 1990, c. F.26 *

Current December 15, 2009 [\(e-Laws currency date\)](#)

<https://www.ontario.ca/laws/statute/90f26>

Boundary trees

10. (1) An owner of land may, with the consent of the owner of adjoining land, plant trees on the boundary between the two lands. 1998, c. 18, Sched. I, s. 21.

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Trees common property

10(2) Every tree whose trunk is growing on the boundary between adjoining lands is the common property of the owners of the adjoining lands. 1998, c. 18, Sched. I, s. 21.

Offence

(3) Every person who injures or destroys a tree growing on the boundary between adjoining lands without the consent of the land owners is guilty of an offence under this Act. 1998, c. 18, Sched. I, s. 21.

Attachment 5: Sharper, Hartley, 2013-05-17, Ontario Superior Court of Justice

<http://www.northrothedale.ca/wp-content/uploads/2013/12/002-Legal-Decision.pdf>

One document sent separately: 160722 FCA Coach House ScharperHartley 130517.pdf sent separately)

Attachment 6: Excerpt from the Regulations made under the Ontario Building Code

Building Code Act, 1992, S.O. 1992, c. 23

current December 3, 2015 – [\(e-Laws currency date\)](#)

<https://www.ontario.ca/laws/statute/92b23>

Purposes

(5) The purposes of the regulations made under this section are,

(a) to establish standards for public health and safety, fire protection, structural sufficiency, conservation, including, without limitation, energy and water conservation, and **environmental integrity**, and to establish barrier-free requirements, with respect to buildings; and

(b) to establish processes for the enforcement of the standards and requirements. 2002, c. 9, s. 51 (15); 2009, c. 12, Sched. J, s. 1 (1).

O. Reg. 332/12: BUILDING CODE

under [Building Code Act, 1992, S.O. 1992, c. 23](#)

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current January 1, 2016 – [\(e-Laws currency date\)](#)
<https://www.ontario.ca/laws/regulation/120332>

9.12.1.4. Precautions During Excavation:

(1) Every excavation shall be undertaken in such a manner to prevent damage to adjacent property, existing structures, utilities, roads and sidewalks at all stages of construction.

Attachment 7: Excerpts, City of North Vancouver, Accessory Coach House Development Permit Guidelines

<http://www.cnv.org/Property-and-Development/Building-and-Development/Development-Applications/Development-Permits/Accessory-Coach-Houses>

(link under heading: *Development Permit Guidelines*)

City of North Vancouver Accessory Coach House Development Permit Guidelines

1.2 GUIDING PRINCIPLES

Coach houses introduce more detached accessory secondary suites into the housing mix in a way that integrates and blends into existing single family neighbourhoods. A variety of coach house sizes and forms is encouraged to optimize choices for extended families, aging-in-place, and to serve as possible mortgage helpers.

Coach Houses should:

- Be subordinate in size to the principal or future residence on the property;
- Complement but not replicate the principal residence;
- Respect the scale and built form of neighbouring properties;
- Respect the privacy of adjacent neighbours by trying to minimize overlook and shadowing impacts;
- Animate the lane and/or adjacent streets by locating habitable space at ground level and providing articulation in the facades;

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- Respect prominent existing trees and landscape features;
- Incorporate sustainable design elements into site and building design and construction;
- Exhibit design excellence.

2.2 APPLICATION REQUIREMENTS Every application for a Development Permit must be accompanied by relevant development information in the form prescribed by the City. This information includes, but is not limited to:

1) Plans demonstrating:

a. the proposed location of all buildings and structures;

b. the proposed siting of parking areas;

c. the extent and nature of existing and proposed landscaping, including details of trees to be maintained or proposed to be planted;

d. the proposed exterior finish, materials, and colour of buildings and roofs;

e. the proposed locations of all exterior lighting.

2) Detailed descriptions of how the development will comply with the environmental guidelines;

3) Supporting information demonstrating that neighbours within 40 metres have been notified;

4) A checklist indicating how the proposal complies with the Guidelines. Where some element of the design does not comply with a Guideline, a justification describing the divergence and the reason must be provided.

8.4 LANDSCAPE Guideline 8.4.1 Prominent existing trees and landscape features outside of the coach house footprint should be retained unless proven to be diseased by a certified arborist or in conflict with utilities and services. (FCA suggestion: to preserve mature trees, applicant should choose a different route or use tunnelling instead of trenching for the utilities and services.)

Guideline 8.4.2 Tree protection fencing should be installed before land clearing, demolition or construction phases are commenced.

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Guideline 8.4.3 Conserve existing significant vegetation through flexible and innovative design and siting of the coach house.

Zoning Bylaw, 1995 DIVISION VII C. | Accessory Coach House Development Permit Guidelines | 10 |

Accessory Coach House Guidelines

Guideline 8.4.4 Private outdoor spaces with direct connection to habitable space should be provided for each unit.

Guideline 8.4.5 Define and screen outdoor spaces through the use of landscaping: plantings, architectural elements such as trellises, low fencing or planters; and changes in grade or elevation.

Guideline 8.4.6 Rear space between a coach house and the rear property line should be enhanced by incorporating, **low maintenance soft landscaping and/or high quality permeable paving materials.**

Guideline 8.4.7 Side yards should be attractively landscaped and integrated with usable outdoor spaces. Narrow side yard spaces should be landscaped using permeable surfaces and drought resistant plant materials.

Guideline 8.4.8 Exterior side yards on corner lots should be designed and treated as the front yard to the coach house development using high quality soft and hard surface treatments. Screening and landscaping between the street and the outdoor space should be incorporated to define the transition between public and private spaces