

DRAFT HOUSEKEEPING AMENDMENT

Summary of Proposed Housekeeping Amendments to the Zoning Bylaw

Amendments to Definitions

The provisions of section 5.199 Residential Dwelling - Accessory Apartment are deleted:

~~RESIDENTIAL DWELLING - ACCESSORY APARTMENT, means a residential dwelling unit which is fully contained within a single detached or semi-detached residential dwelling.~~

The following definitions are added:

1. **Accessory Apartment – Detached** means a self-contained Dwelling Unit that exists on a Lot in addition to the Principal Dwelling Unit and that is contained in a building that is detached from and accessory to the Principal Dwelling Unit.
2. **Accessory Apartment – Attached** means a self-contained Dwelling Unit that exists on a Lot in addition to the Principal Dwelling Unit and that is contained within or is attached to the Principal Dwelling Unit.

Amendments to R1B Zone

All lands that are subject to the R1B Zone are hereby rezoned to R2 and shall be subject to the provisions of the R2 zone. All schedules of Bylaw 37-2006 are deemed to be amended to reflect this change.

Amendments to Accessory Apartment Provisions

The provisions of section “6.29 Accessory Apartment Dwelling Unit” are deleted:

~~Where specifically permitted by this By-law, an accessory apartment dwelling unit shall be allowed within a detached dwelling in the following instances:-~~

- ~~a) The accessory apartment dwelling shall not be permitted if any other dwelling, other than the principal detached dwelling, exists on the subject property;-~~
- ~~b) The accessory apartment dwelling unit is situated entirely within the same building as the principal dwelling with a separate entrance pursuant to the Ontario Building Code;-~~
- ~~c) Bachelor unit The accessory apartment dwelling unit has a minimum floor area of:-
 - ~~I. Bachelor unit: 37 m²~~
 - ~~II. One bedroom unit: 50 m²~~
 - ~~III. Two bedroom unit: 59 m²~~~~
- ~~d) The maximum number of bedrooms within the accessory apartment dwelling unit is two and the accessory apartment dwelling unit has a maximum floor area of 93 m² (1001 ft²);-~~
- ~~e) and A minimum of one extra parking space shall be provided in accordance with Section 6.27 in addition to the parking requirements associated with the principal detached dwelling.~~

The following provisions are added:

6.29.1 Detached Accessory Apartments

Where specifically permitted within a zone, and notwithstanding any provisions of this by-law that conflict with the provisions contained within this section, a detached accessory apartment dwelling unit shall be subject to the following provisions:

Provision	R2, C3, MU Zones	R1A, C5 Zones	A1, A2, A3, ER, C6 Zones
Front Yard and Exterior Yard	<ol style="list-style-type: none"> Not permitted in a Front or Exterior Yard. Must comply with standard zone provisions 	<ol style="list-style-type: none"> Not permitted in a Front or Exterior Yard. 	Permitted in a Front Yard or Exterior Yard relative to the Main Dwelling provided the Accessory Apartment complies with the Font Yard and Exterior Yard requirements that are applicable to a Main Building.
Minimum Rear Yard	1.2 m	3 metres	The standard provisions applicable to a Main Building shall apply.
Minimum Interior Yard	1.2 m	The standard provisions applicable to a Main Building shall apply.	The standard provisions applicable to a Main Building shall apply.
Minimum setback from principal dwelling	1.2 m	1.2 m	1.2 m
Maximum Lot Coverage	The total lot coverage of all structures on a Lot must comply with the maximum permitted lot coverage for the zone, or, the total permitted lot coverage must not exceed 45%.	The total lot coverage of all structures on a Lot must comply with the maximum permitted lot coverage for the zone.	The total lot coverage of all structures on a Lot must comply with the maximum permitted lot coverage for the zone.
Minimum Floor Area	Not applicable	25 m ²	25 m ²
Maximum Height	9.0 m	The standard provisions applicable to a Main Building shall apply.	The standard provisions applicable to a Main Building shall apply.
Minimum Lot Area	Not applicable	0.4 hectares	0.4 hectares
Proximity to Principal Dwelling	Not applicable	Not applicable	Must be located no further than 75 metres from the Principal Dwelling.
Minimum Parking Spaces	1 space		
Access	An <i>Additional Dwelling Unit</i> is not permitted if it must be accessed by traversing a Hazard area/NE Zone. An <i>Additional Dwelling Unit</i> that must be accessed by traversing a Hazard area/NE Zone may be permitted through the approval of a minor variance provided the Conservation Authority is satisfied that safe access can be provided to the <i>Use</i> .		
Minimum Distance Separation I	NA	New Accessory Apartments must comply with MDS I unless the Accessory Apartment is located within the boundary of a settlement area as delineated in the Grey County Official Plan.	New Accessory Apartments must comply with MDS I.

Maximum Number of Units	<ol style="list-style-type: none"> 1. A maximum of one detached unit is permitted. 2. A detached unit shall not be permitted if there are three (3) or more other dwelling units on the Lot. 	<ol style="list-style-type: none"> 1. A maximum of one detached unit is permitted. 2. A detached unit shall not be permitted if there are two (2) or more other dwelling units on the Lot. 	<ol style="list-style-type: none"> 1. A maximum of one detached unit is permitted. 2. A detached unit shall not be permitted if there are three (3) or more other dwelling units on the Lot.
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6.29.2 Attached Accessory Apartment Provisions

Where specifically permitted within a zone, and notwithstanding any provisions of this by-law that conflict with the provisions contained within this section, an attached accessory apartment dwelling unit shall be subject to the following provisions:

1. The standard Yard, Height, and Lot Coverage, provisions that are applicable to a Main Building within a given zone shall apply.
2. No minimum or maximum floor area shall apply.
3. A minimum of one parking space is required in addition to the spaces that are required for the principal use; however, where an Attached Accessory Apartment is permitted and established, no more than one parking space shall be required for each permitted residential unit.
4. Within the **R2, C3, and MU** zones:
 - a. A maximum of two Attached Accessory Apartments are permitted if there is no Detached Accessory Apartment.
 - b. A maximum of one Attached Accessory Apartment is permitted if a Detached Accessory Apartment also exists on the Lot.
5. Within the **R1A and C5** zones:
 - a. A maximum of one Attached Accessory Apartments is permitted if there is no Detached Accessory Apartment.
 - b. An Attached Accessory Apartment is **not** permitted if a Detached Accessory Apartment also exists on the Lot.
6. Within the **A1, A2, A3, ER, and C6** zones:
 - a. A maximum of two Attached Accessory Apartments are permitted if there is no Detached Accessory Apartment.
 - b. A maximum of one Attached Accessory Apartment is permitted if a Detached Accessory Apartment also exists on the Lot.

Amendments to Section 17.3 General Commercial Accessory Residential Uses

The provisions of section 17.3 are amended as follows:

A permitted commercial use or building may contain one or more Attached Accessory Apartments ~~residential dwelling units~~ subject to the following:

- a) Each ~~residential dwelling unit, accessory to a permitted commercial use or building,~~ Attached Accessory Apartment shall be located above or to the rear of the main commercial use.
- b) Each Attached Accessory Apartment ~~accessory residential dwelling unit~~ shall not occupy any more than fifty percent (50%) of the ground floor area of a main commercial use.
- c) Each Attached Accessory Apartment ~~accessory residential dwelling unit~~ shall have a minimum floor area of 50.025 m2 (538.2269 ft2).
- d) Each Attached Accessory Apartment ~~accessory residential dwelling unit~~ shall be completely self-contained.

- e) Each ~~Attached Accessory Apartment~~~~accessory residential dwelling unit~~ shall have a separate and direct means of access to a public street or lane via halls and /or stairs and/or across the subject property.
- f) Each ~~Attached Accessory Apartment~~~~accessory residential unit~~ shall be provided with a minimum of one off-street parking space.

Amendments to Section 18.2.9 Highway Commercial (C2) Accessory Residential Uses

The provisions of section 18.2.9 are amended as follows:

A permitted commercial use or building may contain one ~~attached~~ accessory ~~residential-dwelling units~~~~apartment~~ subject to the following:

- a) The ~~Attached Accessory Apartment~~~~accessory residential dwelling unit~~ shall be located above ~~or to the rear of~~ the main commercial use.
- ~~b) The accessory residential dwelling unit shall not occupy any more than fifty percent (50%) of the ground floor area of a main commercial use.~~
- ~~e)b) _____~~ The ~~Attached Accessory Apartment~~~~accessory residential dwelling unit~~ shall have a minimum floor area of ~~50-25~~ m² (~~538-2269~~ ft²).
- ~~d)c) _____~~ The ~~Attached Accessory Apartment~~~~accessory residential unit~~ shall be provided with a minimum of one off-street parking space which is on the same lot as the ~~Attached Accessory Apartment~~~~accessory residential unit~~.

Amendments to Section 19.2.10 Neighbourhood Commercial (C3) Accessory Residential Uses

Section 19.2.10 is deleted.

~~19.2.10 ACCESSORY RESIDENTIAL USES~~

~~A permitted commercial use or building may contain one or more accessory residential dwelling units subject to the following:~~

- ~~a) Each residential dwelling unit, accessory to a permitted commercial use or building, shall be located above or to the rear of the main commercial use.~~
- ~~b) Each accessory residential dwelling unit shall not occupy any more than fifty percent (50%) of the ground floor area of a main commercial use. Each accessory residential dwelling unit shall have a minimum floor area of 50 m² (538.2 ft²).~~
- ~~c) Each accessory residential dwelling unit shall be completely self-contained.~~
- ~~d) Each accessory residential dwelling unit shall have a separate and direct means of access to a public street or lane.~~
- ~~e) Each accessory residential unit shall be provided with a minimum of one off-street parking space which is on the same lot as the accessory residential unit.~~

Amendments to Section 21.2.9 Hamlet Commercial Zone Accessory Apartment Provisions

Section 21.2.9 is deleted.

~~21.2.9 ACCESSORY RESIDENTIAL USES~~

~~21.2.9.1 APARTMENTS: Subject to the regulations as specified in Section 16.3 and Section 17.4.10 of this By-law.~~

~~21.2.9.2 SINGLE-DETACHED RESIDENTIAL DWELLING:-~~

- ~~a) Subject to the yard setbacks of Section 21.2 of this By-law~~
- ~~b) Building Height, Maximum 10.5 m (34.4 ft)~~
- ~~c) Floor Area, Minimum 102.2 m² (1,100 sq 2)~~

Amendments to Section 22.2 Mixed Use (MU) Accessory Apartment Provisions

Section 22.2 is deleted.

~~**22.2 DWELLING UNITS ACCESSORY TO A COMMERCIAL USE**~~

~~Subject to the C1 Zone regulations as specified in Section 16.3 of this By-law.~~

Amendments to Section 23.3 Rural Commercial Provisions

Section 23.3 is deleted.

~~**23.3 ACCESSORY RESIDENTIAL USES**~~

~~A single detached residential use in compliance with the following:-~~

- ~~a) Subject to the yard setbacks of Section 23.2.8 of this By-law~~
- ~~b) Building Height, Maximum 10.5 m (34.5 ft)~~
- ~~c) Floor Area, Minimum 102.2 m² (1,100 sq 2)~~

Amendments to Permitted Uses

Permitted uses as they relate to Accessory Apartments in each zone are amended in accordance with the following table:

Zone	Section	Deleted Permitted Use	New Permitted Use
Agriculture (A1)	8.1	An accessory apartment dwelling unit within a detached dwelling in accordance with Section 6.29	Attached and Detached Accessory Apartments are permitted in accordance with Section 6.29
Rural (A2)	9.1	An accessory apartment dwelling unit within a detached dwelling in accordance with Section 6.29	Attached and Detached Accessory Apartments are permitted in accordance with Section 6.29
Restricted Agriculture (A3)	10.1	An accessory apartment dwelling unit within a detached dwelling in accordance with Section 6.29	Attached and Detached Accessory Apartments are permitted in accordance with Section 6.29
Unserviced Residential (R1A)	11.1	An accessory apartment dwelling unit within a detached dwelling in accordance with Section 6.29	Attached and Detached Accessory Apartments are permitted in accordance with Section 6.29
Residential (R2)	13.1	An accessory apartment dwelling unit within a detached dwelling in accordance with Section 6.29	Attached and Detached Accessory Apartments are permitted in accordance with Section 6.29
Estate Residential (ER)	15.1	An accessory apartment dwelling unit within a detached dwelling in accordance with Section 6.29	Attached and Detached Accessory Apartments are permitted in accordance with Section 6.29
General Commercial (C1)	17.1	Accessory Residential Dwelling Units	Attached Accessory Apartments
Neighbourhood Commercial (C3)	19.1	Accessory Residential Dwelling Units	Attached and Detached Accessory Apartments are permitted in accordance with Section 6.29
Hamlet Commercial (C5)	21.1	Accessory Residential Dwelling Unit	Attached and Detached Accessory Apartments are permitted in accordance with Section 6.29
Rural Commercial (C6)	23.1	Accessory Residential Dwelling Unit	Attached and Detached Accessory Apartments are permitted in accordance with Section 6.29

Section 6.12 Garden Suites

Section 6.12 is hereby deleted.

~~6.12 GARDEN SUITES~~

~~A garden suite may be permitted within the appropriate zones where single family detached residential dwelling units are permitted and pursuant to Section 39 of the Planning Act (Temporary Use Regulation), and shall be subject to the following regulations:~~

- ~~a) Only one garden suite may be established per lot on which a single detached residential dwelling unit exists. Where a lot already contains a singled detached residential dwelling unit and an accessory apartment as defined in the By-law, a garden suite shall not be permitted;~~
- ~~b) Garden suites in a Residential Zone shall be located in either a side yard or rear yard, and located behind or even with the front wall of the single detached residential dwelling unit. A minimum interior side and rear yard of 1.5 m (5 ft), and a minimum exterior side yard of 7.6 m (25 ft) is required;~~
- ~~c) Driveway access to both the main residence and the garden suite shall be limited to one so that no new entrance from the street shall be created;~~
- ~~d) The maximum floor area of a garden suite shall be 92.9 m² (1000 ft²);~~
- ~~e) The maximum height of a garden suite shall be one storey or 4.5 m (14.76 ft) whichever is less;~~
- ~~f) No garden suite shall be located closer than 3 m (9.8 ft) to the main residence on the lot;~~
- ~~g) All garden suites shall be constructed upon suitable foundation, caissons or piers;~~
- ~~h) All garden suites in urban areas of Durham and Neustadt shall be connected to municipal water and sewage disposal systems;~~
- ~~i) Notwithstanding the above, garden suites may be permitted with individual private servicing in the appropriate zone subject to the minimum lot area requirements of the specific zone and the approval of the municipality for the proposed servicing;~~
- ~~j) All garden suites shall be of a portable, pre-fabricated or modular nature and shall not include a mobile home;~~
- ~~k) Notwithstanding item j, mobile homes may be used as garden suites only in the (A1), (A2) or (A3) zones, subject to the requirements of this By-law as applicable;~~
- ~~l) Pursuant to Section 39 of the Planning Act, Council may require a development agreement with the owner of the Garden Suite to deal with, among other things, the installation, maintenance and removal of the unit, the period of occupancy, the deposit of a performance bond or security, and rehabilitation of the site to its pre-garden suite condition.~~

Floor Area

The minimum floor area requirements in the following sections of this Bylaw are deleted and replaced with a minimum floor area requirement of 25 m²:

Zone	Section
Agriculture (A1)	8.2.7.1 and 8.3.7
Rural (A2)	9.2.8.1 and 9.3.7
Restricted Agriculture (A3)	10.2.8.1 and 10.3.7
Unserviced Residential (R1A)	11.2.9
Residential (R2)	13.2.1.9 and 13.2.2.9 and 13.2.3.9 and 13.2.5.9 and 13.2.6.9
Residential (R3)	14.2.1.8 and 14.2.2.8 and 14.2.3.9
Estate Residential (ER)	15.2.9
Mobile Home Park Zone (MH)	16.2.2.3

General Commercial (C1)	17.3.c
Neighbourhood Commercial (C3)	19.2.10.c
Hamlet Commercial (C5)	21.2.9.2.c
Rural Commercial (C6)	23.3.c

Natural Environment Zone and Lot Area Calculation

Section 6.20.2 of this Bylaw is hereby deleted.

~~6.20.2 NATURAL ENVIRONMENT ZONE AND LOT AREA CALCULATION~~

~~Where any lot is zoned in part in a Natural Environment (NE) zone, no person shall erect any buildings or structures within the area zoned Natural Environment (NE) zone except as otherwise permitted in the Natural Environment (NE) zone. Lands zoned Natural Environment (NE) shall not be used in the calculation of the lot area, but may be used for lot frontage, required yard, and lot coverage as is required for the development occurring on that portion of a lot not zoned Natural Environment (NE).~~