

## Staff Report

---

**Report To:** Council  
**Report From:** Matt Rapke, Senior Planner  
**Meeting Date:** April 7, 2026  
**Subject:** West Grey 2026 Accessory Apartment Housekeeping Amendment

---

### Recommendations:

THAT in consideration of staff report 'West Grey 2026 Accessory Apartment Housekeeping Amendment', Council directs staff to:

1. Initiate public consultation in relation to the draft housekeeping amendment to the Zoning Bylaw that is attached to this report; and
2. Bring forward a bylaw to amend Zoning Bylaw 37-2006 following the public consultation process.

### Highlights:

- The West Grey Zoning Bylaw (Bylaw 37-2006) was adopted by Council in 2006.
- The Zoning Bylaw is in need of a comprehensive update to align with changes to the Planning Act, the Provincial Planning Statement (2024), the Grey County Official Plan (2025), and the Durham and Neustadt Official Plan (2025).
- Considering that the West Grey Zoning Bylaw is 20 years old, the Senior Planner believes that writing a new zoning bylaw that aligns with the relevant policy documents will be more effective than making comprehensive set of edits to the existing bylaw.
- Rewriting an effective zoning bylaw requires a substantial time commitment from the Senior Planner.
- Much of the Senior Planner's time is currently dedicated to processing zoning amendments and minor variances that are only required due to the Zoning Bylaw's misalignment with upper-level policies, such as amendments to permit detached accessory apartments.
- In the opinion of the Senior Planner, the passing of a targeted housekeeping amendment to legalize land uses that are commonly permitted through site-

specific amendments will eliminate several dozen applications per year, which will free up staff time to work on a new zoning bylaw.

- Permitting these uses through a housekeeping amendment will also eliminate the need for property owners to undergo time consuming and costly amendment processes that should not be required under the upper-level policy framework.
- Two example drafts of an amending bylaw are attached to this report. One version is not formatted as a “proper” bylaw but is included to illustrate the proposed changes by including text that is proposed to be deleted. The other example is a draft bylaw that has been properly formatted to implement the proposed changes using the correct legal language. Both of these drafts propose identical changes, and both documents are drafts that are subject to change based on Council direction and comments that arise during the public consultation process.
- Should Council provide direction to proceed, staff will initiate a public consultation process in relation to the proposed housekeeping amendments.

### **Previous Report/Authority:**

None

### **Analysis:**

The West Grey Zoning Bylaw is in need of a comprehensive update to align with upper-level policy documents. The need to update the Zoning Bylaw has been discussed by Council, and is a planned work activity following the recent adoption of the updated Durham and Neustadt Official Plan. The West Grey Zoning Bylaw is 20 years old. Like many other zoning bylaws of this vintage, the structure of the West Grey Zoning Bylaw is similar to zoning bylaws from the pre-amalgamation era. In the opinion of the Senior Planner, the provincial planning framework has updated significantly during the past 20 years. If the Municipality is going to go through the effort to comprehensively update the Zoning Bylaw, then it is worth re-writing the Zoning Bylaw in order to create a regulatory document that is properly structured to implement the various Planning Act controls and upper-level policies that are now in place.

Drafting an effective new zoning bylaw requires substantial staff effort. The passing of a new comprehensive zoning bylaw should also involve substantial public engagement. Passing a new zoning bylaw will likely take a minimum of six months, and can take much longer depending on the direction provided by Council.

Since the current Zoning Bylaw is 20 years old, it does not permit several uses that are explicitly permitted by the Provincial Planning Statement, 2024 (PPS) and the County Official Plan. There are also some nuanced provisions within the West Grey Zoning

Bylaw that trigger amendments that should not be necessary. The misalignment between West Grey Zoning Bylaw 37-2006 and the Planning Act, the PPS, and the Official Plans triggers the need for dozens of zoning amendments and minor variances every year in relation to the following themes.

### **Parcels of Urban Residential Land**

In 2022, the Ontario government introduced the *More Homes Built Faster Act*. This bill received royal assent on November 28, 2022, which implemented several important amendments to the Planning Act. One of the amendments to the Planning Act was the addition of the concept of a “parcel of urban residential land”, which is defined within the Planning Act as follows:

***“parcel of urban residential land”*** means a parcel of land that is within an area of settlement on which residential use, other than ancillary residential use, is permitted by by-law and that is served by,

(a) sewage works within the meaning of the Ontario Water Resources Act that are owned by,

(i) a municipality,

(ii) a municipal service board established under the Municipal Act, 2001,

(iii) a city board established under the City of Toronto Act, 2006,

(iv) a corporation established under sections 9, 10 and 11 of the Municipal Act, 2001 in accordance with section 203 of that Act, or

(v) a corporation established under sections 7 and 8 of the City of Toronto Act, 2006 in accordance with sections 148 and 154 of that Act, and

(b) a municipal drinking water system within the meaning of the Safe Drinking Water Act,

Along with the addition of this definition, section 35.1 was added to the Planning Act. Section 35.1 limits the ability for municipalities to restrict the development of multiple residential units on Parcels of Urban Residential Land through zoning bylaws (bylaws passed under section 34 of the Planning Act) as follows:

#### ***Restrictions for residential units***

**35.1 (1)** *The authority to pass a by-law under section 34 does not include the authority to pass a by-law that prohibits the use of,*

(a) *two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;*

*(b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or*

*(c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units. 2022, c. 21, Sched. 9, s. 9.*

### **Restriction, parking**

*(1.1) The authority to pass a by-law under section 34 does not include the authority to pass a by-law requiring more than one parking space to be provided and maintained in connection with a residential unit referred to in subsection (1) other than the primary residential unit. 2022, c. 21, Sched. 9, s. 9; 2023, c. 10, Sched. 6, s. 7.*

### **Restriction, minimum area**

*(1.2) The authority to pass a by-law under section 34 does not include the authority to pass a by-law that regulates the minimum floor area of a residential unit referred to in subsection (1) of this section. 2022, c. 21, Sched. 9, s. 9.*

### **Provisions of no effect**

*(1.3) A provision of a by-law passed under section 34 or an order made under or clause 47 (1) (a) is of no effect to the extent that it contravenes a restriction described in subsection (1), (1.1) or (1.2) of this section. 2022, c. 21, Sched. 9, s. 9; 2025, c. 9, Sched. 7, s. 5.*

### **Regulations**

*(2) The Minister may make regulations establishing requirements and standards with respect to,*

*(a) a residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, which residential unit is not the primary residential unit;*

*(b) a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted;*

*(c) a parcel of land on which a residential unit described in clause (a) or (b) is located; or*

*(d) a building or structure within which a residential unit described in clause (a) or (b) is located. 2024, c. 16, Sched. 12, s. 7.*

**Same**

*(2.1) A regulation made under clause (2) (c) ceases to apply to a parcel of land if, after alteration or demolition of a building or structure on the parcel, no units described in clause (2) (a) or (b) remain on the parcel. 2024, c. 16, Sched. 12, s. 7.*

**Same**

*(2.2) A regulation under clause (2) (d) ceases to apply to a building or structure if, after alteration of the building or structure, no units described in clause (2) (a) or (b) remain within the building or structure. 2024, c. 16, Sched. 12, s. 7.*

**Regulation applies as zoning bylaw**

*(3) A regulation under subsection (2) applies as though it is a by-law passed under section 34. 2011, c. 6, Sched. 2, s. 6.*

**Regulation prevails**

*(4) A regulation under subsection (2) prevails over a by-law passed under section 34 to the extent of any inconsistency, unless the regulation provides otherwise. 2011, c. 6, Sched. 2, s. 6.*

**Exception**

*(5) A regulation under subsection (2) may provide that a by-law passed under section 34 prevails over the regulation. 2011, c. 6, Sched. 2, s. 6.*

**Regulation may be general or particular**

*(6) A regulation under subsection (2) may be general or particular in its application and may be restricted to those municipalities or parts of municipalities set out in the regulation. 2011, c. 6, Sched. 2, s. 6.*

The implementation of section 35.1 of the Planning Act effectively achieved the following:

1. The authority to prohibit three dwellings “as of right” on a parcel of land that is residentially zoned and that is serviced by municipal water and sewer was eliminated. This means the triplexes and duplexes on a single lot with full services are permitted on all lots in Ontario that are zoned residential with full municipal services regardless of what the zoning provisions currently say.
2. Detached additional dwelling units are likewise permitted on all residentially zoned parcels with full municipal services as long as there is only a single dwelling or duplex on the property.

Section 35.1 also introduced the ability for the Minister to introduce a regulation that essentially creates zoning provisions in relation to the duplexes, triplexes, and detached accessory dwelling units that are now permitted as-of-right on parcels of urban residential land. O. Reg. 462/24 has since been created to establish several regulations with respect to these uses. Section 35.1 and O. Reg. 462/24 effectively establish the following provisions with respect to these uses:

1. A zoning bylaw can only require one parking space per each permitted residential use. That means two permitted dwelling units can only require a maximum of two total spaces, and three permitted dwelling units can only require a maximum of three total spaces.
2. A minimum floor area requirement cannot be applied to an additional dwelling unit.
3. A detached additional dwelling unit needs to be at least four metres from the principal dwelling unit unless the zoning bylaw indicates a lesser requirement.
4. A permitted dwelling unit and an additional dwelling unit are permitted to cover up to 45 percent of the area of a lot regardless of the zoning provisions that apply unless the zoning provisions allow for greater lot coverage.
5. Floor space index requirements do not apply (West Grey does not use these in the Zoning Bylaw).
6. The minimum lot area requirement for an additional dwelling unit is the same requirement that applies to a permitted dwelling.

These provisions contained within the Planning Act and within O. Reg. 462/24 currently apply to all parcels of urban residential land irrespective of any provision contained within a zoning bylaw. West Grey Zoning Bylaw 37-2006 does not address all of these requirements, and Building staff are therefore required to issue permits for additional dwelling units that are not always listed as permitted uses in the Zoning Bylaw by applying the relevant sections of the Planning Act.

The proposed changes to the Zoning Bylaw address these updates to the Planning Act in the following ways:

1. New accessory apartment provisions have been drafted that permit detached accessory apartments as-of-right within most zones.
2. New provisions that apply to accessory apartments (e.g. parking, lot coverage, etc.) have been drafted to align with the Planning Act and the related regulation.
3. The draft amendment proposes to effectively eliminate the R1B zone by converting all R1B zones into R2 zoning.

In terms of standard housing types, the R1B zone currently only lists one single detached residential dwelling unit and a single attached accessory apartment unit as permitted uses. Due to the Bill 23 updates to the Planning Act, this zone currently effectively permits a triplex or a duplex with a detached dwelling unit. This means that a

building that looks like three townhouse dwellings can be constructed as-of-right on a lot zoned R1B despite that use not being listed as a permitted use in the R1B zone.

Due to the Bill 23 updates, the R2 zone essentially permits the same set of uses as the R1B zone except that the R2 zone also permits a fourplex or a four-unit street townhouse. The R2 zone also includes robust zoning provisions that allow for street townhouses or semi-detached dwellings to be constructed in sets on abutting lots. There is very little value in having a low-density residential zone (R1B) that permits a triplex or three street townhouses in addition to a “medium-density” zone (R2) that permits one extra unit on each lot. Changing all R1B zones to R2 is a simple and effective means of aligning the Zoning Bylaw with the Planning Act changes without having to completely overhaul the existing zoning provisions.

### **Accessory Apartments/Additional Dwelling Units on Private Services**

The Bill 23 changes that affect additional dwelling units did not have any effect on lots that are partially serviced by municipal water and wastewater, or lots that use private wells and septic systems; however, for several years now, the Grey County Official Plan has permitted additional dwelling units on lots with partial or private services. The 2024 PPS also explicitly permits a total of three dwelling units on a lot within a prime agricultural area.

West Grey frequently amends the Zoning Bylaw to permit additional dwelling units within detached structures on private services in conformity with the County Official Plan. The proposed amendments to the Zoning Bylaw would permit these uses as-of-right to avoid the need for site-specific amendments.

### **Minimum and Maximum Floor Area**

The West Grey Zoning Bylaw contains numerous provisions that regulate the minimum floor area of various dwelling types. The current minimum provisions are excessive and often force land owners into having to apply for a minor variance to permit dwellings that should be permitted as-of-right. For example, the standard minimum floor area for a bungalow in most zones is 900 square feet. There is no planning reason to require a minimum floor area of 900 square feet for a dwelling.

The Grey County Official Plan states the following in relation to Tiny Homes:

*For the purposes of this Plan, a Tiny Home is defined as a small, private and self-contained unit with living and dining areas; kitchen and bathroom facilities, a sleeping area, and is intended for year-round use. They are generally between 17.5 m<sup>2</sup> and 37m<sup>2</sup> in total floor area. Tiny Homes should meet all requirements of the Ontario Building Code (OBC), unless other certification standards are defined within local Municipal Zoning By-Laws.*

*Within defined settlement areas, the County encourages Tiny Homes to be considered additional residential units, whereby they should be permanent, built structures, connected to available municipal servicing where available. Outside of settlement areas, tiny homes could be used as permanent additional residential units or as temporary garden suites, per the policies of Section 4.2.6. In the case of tiny homes as garden suites, the County recognizes that these units can create more accessible opportunities for home ownership, whereby a tiny house owner may own the unit and enter into a private land-lease agreement with a property owner.*

*In keeping with Official Plan goals and opportunities of developing complete communities in Section 1.4.1, and complete streets in Section 8.2, minimum lot and unit size standards should be updated within zoning by-laws to allow for more compact development. This will facilitate cohesive community design, where people's needs are easily accessible and convenient. Complete compact communities are aligned with the County's greenhouse gas reduction goals. County planning staff recognize the planning context varies within each municipality, and certain zones within a municipal zoning by-law, and certain neighborhoods may not be suitable for the above noted recommendation.*

The proposed amendment would eliminate a minimum floor area requirement for an accessory apartment that has access to full services in alignment with the Planning Act. The amendment would establish a minimum floor area of 25 m<sup>2</sup> in all other cases. This is a modest minimum floor area requirement that permits most tiny home designs while ensuring that any proposed dwelling is larger than the minimum size required for a building permit. This minimum area requirement ensures that a building permit must be obtained for a new dwelling.

In contrast to the restrictive minimum floor area requirements, the West Grey Zoning Bylaw also currently establishes a maximum permitted floor area of 92 m<sup>2</sup> or 1,001 ft<sup>2</sup> for an accessory apartment. In the opinion of the Senior Planner, there is no strong planning reason to arbitrarily limit the size of an accessory apartment to 1,000 ft<sup>2</sup>. The Planning Act provides direction to regulate the area of these uses using a total lot coverage provision on parcels of urban residential land. Unserviced lots tend to be larger than lots with full municipal services. On these parcels it also makes sense to simply use the total lot coverage as a limiting factor.

In the Unserviced Residential (R1A) and Hamlet Commercial (C5) zones, the provisions have been designed to require these uses to be located in the rear or interior side yard, to apply the standard lot coverage maximum, to apply the standard height requirement for the zone, and to allow for a reduced interior and side yard setback that is more aligned with the requirements for an accessory use.

In the countryside zones, the provisions that apply to a principal dwelling generally apply to a detached accessory apartment. There is no compelling planning reason to establish provisions that apply specifically to detached accessory apartments on large lots throughout the countryside. There is a requirement for detached accessory apartments in these zones to be located within 75 metres of the principal dwelling in order to conform to the County Official Plan requirement that these uses be located “within the farm cluster”.

A minimum lot area requirement of 0.4 hectares (1 acre) is established for all accessory apartments on private services in order to ensure that the nitrate loading caused by septic systems is not excessive.

### **Garden Suites**

Section 6.12 of the Zoning Bylaw contains provisions that apply to Garden Suites where a Garden Suite is specifically permitted through a site-specific temporary use bylaw. With the addition of explicit permission for permanent detached accessory apartments, there is no reason to include standard provisions for temporary Garden Suites. Furthermore, leaving these provisions in the Bylaw while adding provisions for permanent detached accessory dwellings can lead to confusion regarding which provisions should apply to a given use. If an individual proposes to construct a new temporary Garden Suite, then the proposed use can either comply with the new accessory apartment provisions, or the property owner can apply for a site-specific zoning amendment.

### **Natural Environment Zone and the Minimum Area of a Lot**

Section 6.20.2 is as follows:

#### *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).*

This zoning provision does not provide value. Section 6.33 of the Zoning Bylaw exempts existing lots of record from having to comply with the minimum area requirements in order for the lot to be developed. That means this provision only applies to newly created lots. New lot creation is subject to approval through the consent or plan of subdivision process. This approval process involves a review of the applicable policy framework. If the presence of a Hazard Designation/Natural Environment Zone poses a problem for the creation of a new lot, then that problem will be raised at the time of the

consent or subdivision application. The consent application or plan of subdivision application can be denied on the basis that the land does not have suitable area as per the relevant policy framework.

Currently this zoning provision triggers the need to apply site-specific zoning relief to this requirement after a consent is approved when the Committee of Adjustment has already decided that it is appropriate to create a lot that only meets the applicable size requirements when the NE area is also included in the area calculation. This is an ineffective zoning provision that does not achieve a clear planning objective and that instead creates an unnecessary administrative burden. The proposed amendment would delete this provision.

### **Other Changes**

Proper implementation of the proposed regulations that relate to accessory apartments and minimum floor area requirements triggers the need to amend dozens of provisions throughout many different sections of Zoning Bylaw 37-2006. The attached draft bylaw identifies all of the changes that the Senior Planner believes are necessary to properly implement the desired changes. All of the changes included in the draft bylaw address themes that are discussed in this report.

### **Financial and Operational Implications:**

There will be costs related to newspaper advertisement of the proposed housekeeping amendment.

The proposed amendments will result in a reduction in planning applications, which will result in a reduction in planning application revenues; however, these amendments should not be necessary. Continuing to charge these fees for uses that should be permitted as-of-right in order to collect the corresponding revenue is not an appropriate approach to implementing zoning provisions.

The elimination of repetitive amendments will free up staff time that can then be dedicated towards working on a new comprehensive zoning bylaw.

### **Climate and Environmental Implications:**

None.

### **Communication Plan:**

As required under the Planning Act.

**Consultation:**

As required under the Planning Act.

**Attachments:**

1. Zoning Bylaw Housekeeping 2026 Proposed Changes
2. Zoning Bylaw Housekeeping 2026 Proposed Draft Bylaw

**Recommended by:**

Matt Rapke, Senior Planner

**Submission approved by:**

Michele Harris, Chief Administrative Officer

For more information on this report, please contact Matt Rapke at [mrpke@westgrey.com](mailto:mrpke@westgrey.com) or 519-369-2200 ext. 236.