

# The Corporation of The Township of East Garafraxa

## By-Law Number 26-2023

**Being a By-Law to further amend Zoning By-Law 60-2004, as amended, to all lands within the Township of East Garafraxa.**

**WHEREAS** the Council of the Corporation of the Township of East Garafraxa is empowered to pass By-laws to regulate the use of land pursuant to Section 34 of the Planning Act, 1990, as amended;

**AND WHEREAS** the Township of East Garafraxa has proposed to further amend By-Law No. 60-2004, as amended;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA ENACTS AS FOLLOWS:**

1. THAT Section 3.2.3 entitled "Lot Coverage and Height" of Zoning By-law 60-2004, as amended, is hereby amended by changing the maximum height of any accessory building or structure from "4.5 metres" to "6.0 metres"
2. THAT Section 3.14 entitled "NUMBER OF DWELLING UNITS ON A LOT" of Zoning By-law 60-2004, as amended, is hereby amended by deleting it in its entirety and replacing it with the following:

### **"3.14 ACCESSORY DWELLING UNITS**

#### **3.14.1 General Provisions**

Notwithstanding any other provisions of this by-law to the contrary, in a zone where residential uses are permitted a maximum of two (2) *Accessory Dwelling Units* shall be permitted in accordance with the following:

- i) Shall be located in a zone that permits the use and in accordance with the following:
  - a) A maximum of two (2) *Accessory Attached Dwelling Units* may be located within or attached to a permitted single detached dwelling, semi-detached dwelling or street townhouse dwelling, provided there is no *Accessory Detached Dwelling Unit* on the lot;
  - b) A maximum of one (1) *Accessory Attached Dwelling Unit* may be located within a permitted single detached dwelling, semi-detached dwelling or street townhouse dwelling, if there is no more than one (1) *Accessory Detached Dwelling Unit* on the lot;
  - c) A maximum of one (1) *Accessory Detached Dwelling Unit* may be located within a permitted accessory building on a lot used for a permitted single detached dwelling, semi-detached dwelling or street townhouse dwelling. Such a permitted accessory building may include a legally existing single detached dwelling, semi-detached dwelling or street townhouse;
  - d) In no case shall the total number of dwelling units permitted on a lot exceed three (3) dwelling units including the main dwelling unit and a maximum of two (2) *Accessory Dwelling Units*, unless otherwise specifically permitted by this By-law. The total number of dwelling units shall be deemed to include a Garden Suite in accordance with Section 3.2.8 and a Mobile Home in accordance with Section 3.9.
- ii) Shall only be permitted provided that appropriate water and sanitary services and servicing capacity is available to the satisfaction of the Township.
- iii) In all cases the *Accessory Dwelling Unit* shall be clearly secondary and subordinate to the main dwelling.
- iv) The height of the *Accessory Dwelling Unit* shall not exceed the *height* of the main dwelling.
- v) Driveway access to both the main dwelling and any *Accessory Dwelling Unit*

shall be limited to the existing number of driveways so that no new entrance from the street shall be created.

- vi) One *Parking Space* shall be provided for each *Accessory Dwelling Unit*, in addition to the required parking for the existing use on the lot.
- vii) Shall not be permitted within hazardous lands as identified by the applicable Conservation Authority.
- viii) Shall be required to conform to all Ontario Building Code and Ontario Fire Code regulations;
- ix) Shall be required to conform to Minimum Distance Separation calculated using Schedule “B” to this By-law.

**3.14.2      Accessory Attached Dwelling Units**

*Accessory Attached Dwelling Units* are permitted within the existing main dwelling or attached to the main dwelling, subject to the provisions in Section 3.14.1 and the following:

- i)      Where an *Accessory Attached Dwelling Unit* is being added via an exterior addition to the main dwelling it shall be located on the side or the rear of the building;
- ii)     The maximum *gross floor area* of an *Accessory Attached Dwelling Unit* shall be no more than an amount equal to 50% of the *gross floor area* of the main dwelling.
- iii)    Notwithstanding 3.14.2 ii, if the *Accessory Attached Dwelling Unit* is located in a *basement* of a residential building, it may occupy the *basement* in its entirety;
- iv)     *Accessory Attached Dwelling Units* shall comply with the regulations for the permitted uses of the zone in which the building is situated.

**3.14.3      Accessory Detached Dwellings**

One (1) *Accessory Detached Dwelling* is permitted on a lot, subject to the provisions in Section 3.14.1 and the following:

- i)      Shall be located on the same *Lot* as the main dwelling and shall not be severed from the lot on which the main dwelling is located.
- ii)     The *Accessory Building* shall not be located a distance of more than 50m from the main dwelling.
- iii)    An *Accessory Detached Dwelling* shall have a clear path of travel having a minimum width of 1.2 metres for emergency access from a public street to the main entrance of the *Accessory Detached Dwelling*.
- iv)     The maximum *gross floor area* shall be the greater of 180 square metres, or 50% of the gross floor area of the main dwelling or, where a main dwelling is being converted to an *Accessory Detached Dwelling*, the gross floor area existing at the date of conversion, provided that it does not exceed the size of the main dwelling.
- v)      If the *Accessory Detached Dwelling* occupies the entirety of the *Accessory Building*, the regulations of the zone that the building is located in shall apply.
- vi)     If the *Accessory Detached Dwelling* only occupies a portion of the *Accessory Building*, the regulations for *Accessory Buildings* apply.
- vii)    Notwithstanding Section 3.14.3.iv, in the Agricultural (A) Zone the Maximum Building Height of an Accessory Dwelling that occupies the entirety of the *Accessory Building* shall be no greater than the main dwelling on the lot.”

3.      THAT Section 3.15.9 entitled “PARKING SPACE REQUIREMENT TABLE” of Zoning By-law 60-2004, as amended, is hereby amended by adding a row to the table as follows:

TYPE OF NATURE OF USE	MINIMUM OFF-STREET PARKING REQUIREMENTS
Accessory Dwelling Unit	1 parking space per dwelling unit.

4. THAT Section 4.1 entitled "AGRICULTURAL (A) ZONE", of Zoning By-law 60-2004 as amended, is hereby amended by adding "Accessory Attached Dwelling Unit" and "Accessory Detached Dwelling" to the permitted uses.
5. THAT Section 4.2 entitled "RURAL (RU) ZONE", of Zoning By-law 60-2004 as amended, is hereby amended by adding "Accessory Attached Dwelling Unit" and "Accessory Detached Dwelling" to the permitted uses.
6. THAT Section 4.3 entitled "RURAL RESIDENTIAL (RR) ZONE", of Zoning By-law 60-2004 as amended, is hereby amended by:
  - a. Adding "Accessory Attached Dwelling Unit" and "Accessory Detached Dwelling" to the permitted uses;
  - b. Revising the Regulations for Permitted Rural Residential Uses as follows:
 

• Front Yard	20 m
• Exterior Side Yard	20 m
• Maximum Lot Coverage	10 %
7. THAT Section 4.4 entitled "ESTATE RESIDENTIAL (ER) ZONE", of Zoning By-law 60-2004 as amended, is hereby amended by adding "Accessory Attached Dwelling Unit" and "Accessory Detached Dwelling" to the permitted uses.
8. THAT Section 4.5 entitled "HAMLET RESIDENTIAL (HR) ZONE", of Zoning By-law 60-2004 as amended, is hereby amended by adding "Accessory Attached Dwelling Unit" and "Accessory Detached Dwelling" to the permitted uses.
9. THAT Section 4.6.1 entitled "Permitted Uses", of Zoning By-law 60-2004 as amended, is hereby amended by adding the word "attached" before the word "dwelling" and deleting the words "attached to and".
10. THAT Section 4.7.1 entitled "Permitted Uses", of Zoning By-law 60-2004 as amended, is hereby amended by adding the words "attached dwelling" before the word "unit",
11. THAT Section 5 entitled "DEFINITIONS", of Zoning By-law 60-2004 as amended, is hereby amended by:
  - a. Deleting Subsection 5.36 and replacing it with the following:
 

**"5.36 DWELLING, ACCESSORY DETACHED** A residential dwelling unit where a kitchen, living quarters and sanitary conveniences are provided for the exclusive use of the residents located within a separate building that is subordinate to the primary or main building on the lot which shall not include a Garden Suite in accordance with Section 3.2.8 or a Mobile Home in accordance with Section 3.9 of this By-law."
  - b. Deleting Subsection 5.44 and replacing it with the following:
 

**"5.44 DWELLING UNIT, ACCESSORY** A residential dwelling unit that is subordinate to the main dwelling. It can be located within the principle building in the form of an Accessory Attached Dwelling Unit or in a separate accessory building as defined as an Accessory Detached Dwelling."
  - c. Adding a new definition as follows:
 

**5.45 DWELLING UNIT, ACCESSORY ATTACHED** A separate dwelling unit which is contained in a building which was originally designed as a single family dwelling. An Accessory Attached Dwelling Unit contains a combination of rooms in which a kitchen, living quarters and sanitary conveniences are provided for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway inside while remaining subordinate to and attached to the principle building on the lot.
  - d. Revising the subsequent Subsection numbers of Section 5 so as to be in sequential order.
12. This by-law shall take effect from the date of final passing thereof, providing no appeal has been filed pursuant to Section 34, Subsection (19) of the Planning Act, 1990, as amended.

BY-LAW READ A FIRST AND SECOND TIME THIS 27<sup>th</sup> DAY OF JUNE 2023

BY-LAW READ A THIRD TIME AND PASSED THIS 27<sup>th</sup> DAY OF JUNE 2023

Clerk 

  
Head of Council