

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2019-084**

**By-law to amend Zoning By-law No. 1999-52
Secondary Dwelling Units within the Town of Amherstburg**

WHEREAS By-law 1999-52, as amended, is a land use control by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Amherstburg;

AND WHEREAS the Council of the Town of Amherstburg deems it appropriate and in the best interest of proper planning to amend By-law 1999-52, as herein provided;

AND WHEREAS this By-law conforms to the Official Plan for the Town of Amherstburg;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg enacts as follows:

1. Section 2, Definitions of the Town of Amherstburg Zoning By-law 1999-52, as amended, is hereby amended by the addition of the following definition to be inserted into the By-law in an appropriate alphabetic location.

“Dwelling Unit, Secondary” shall mean a dwelling unit ancillary and subordinate to an owner occupied primary single detached, semi-detached or rowhouse dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupant thereof.

“Tandem Parking” shall mean a parking space that is only accessed by passing through another parking space from a street, lane, drive aisle or driveway.

2. Section 3, GENERAL PROVISIONS, be amended by the addition of new subsection 3.3(f), Secondary Dwelling Units, to be worded as follows:

3.3(f) Secondary Dwelling Units

Notwithstanding any other provisions of this By-law to the contrary, a secondary dwelling unit shall be permitted in any zone where a single detached, semi-detached or rowhouse dwelling is a permitted use; the following provisions apply;

- a) A minimum of one (1) parking space is to be provided for the secondary dwelling unit, in addition to parking required for the single detached, semi-detached or rowhouse dwelling; tandem parking spaces to accommodate a second unit shall be permitted; where this by-law requires no parking spaces for the primary residential unit, no parking spaces would be required for the secondary dwelling units.
- b) A new additional driveway is not permitted to provide for the secondary dwelling unit; unless in accordance with the provisions of this by-law;
- c) In all zones for any secondary dwelling unit in an accessory structure the minimum gross floor area shall be 30.0 square meters;
- d) Accessory structures which contain a secondary dwelling unit must be located in the rear yard or an interior side yard; and be subordinate in size to the main dwelling;
- e) Secondary dwelling units must conform to all Ontario Building Code regulations;
- f) A secondary dwelling unit must be located within 20 meters of the primary dwelling;

- g) A secondary dwelling unit shall not be located within a cellar or basement of a dwelling located in a flood plain area as regulated by the conservation authority, having jurisdiction for that area;
- h) Exterior alterations to the primary dwelling unit to provide for secondary dwelling units in the front or exterior side yards shall maintain the character of the primary dwelling unit. To protect neighbourhood character, access to secondary dwelling units may be through existing entrances or new entrances located in rear or side yards. This provision does not prohibit an internal lobby or vestibule entrance in the front wall. Nor does this provision require the removal of a doorway entrance to a house that already contains more than one doorway entrance in the front wall;
- i) Secondary dwelling units may be permitted within a legally established accessory structure;
- j) All Other provisions apply; for accessory buildings or structures as established within the underlying zone apply;

3. Section 3(1)(d)(i) titled **Yard Requirements** of the Town of Amherstburg Zoning by-law 1999-52 is hereby amended in part by amending the existing provision to the wording below in proper sequence as follows:

- o Amending section 3(1)(d)(i) **Yard Requirements** by amending the minimum setback from 1 meter (3.28 feet) to 1.2 meters (3.93 feet) as follows:

“a building or structure accessory to a single dwelling, anywhere in an interior side yard or a rear yard, provided that such accessory building or structure is not located closer *than 1.2 metre to any lot line*. An accessory structure is not permitted in a required exterior side yard. (By-law 2016-32)”

4. Section 3 (1)(b) titled **Accessory uses (b) LOT COVERAGE** of the Town of Amherstburg zoning by-law 1999-52 is hereby amended in part by amending the existing provisions to the wording below in proper sequence as follows:

a) LOT COVERAGE

The total lot coverage of all accessory buildings or structures on a lot shall not exceed 10 percent of the lot area of the said lot and to a maximum of 100 square metres (1076 sq ft) for accessory buildings and structures in any Residential Zone other than the Residential Type 1A (R1A) Zone where accessory buildings will be permitted on a lot not to exceed 10 percent of the lot area *of the said lot and to a maximum of 185 square meters (1991 sq ft)*. The total area of an accessory building may not exceed the gross floor area of the main building except in the Agricultural or Industrial zones. *In the Agricultural Zone the total lot coverage of all non-farm accessory use structures are permitted to a maximum of 185 square meters(1991 sq. ft)*. The area of an open swimming pool shall not be calculated in determining lot coverage.

5. That section 3(3)(b) titled **Location Above Private Garage or with Automotive Use** of the Town of Amherstburg zoning by-law 1999-52 is hereby amended in part by amending the existing provisions with the wording below in proper sequence as follows:

b) LOCATION ABOVE PRIVATE GARAGE OR WITH AUTOMOTIVE USE

No dwelling unit shall be located in its entirety above a private garage, except where such private garage is located within a basement or cellar of a dwelling, or within the same building as an automotive use. *This provision does not apply to secondary dwelling units.*

6. That section 3(3)(e) titled **Dwelling Units per Lot** of the Town of Amherbsturg zoning by-law 1999-52 is hereby amended in part by amending the existing provisions with the wording below in proper sequence as follows:

c) DWELLING UNITS PER LOT (MAXIMUM)


No lot shall be used for or a unit erected upon it, save then:

One only, except:

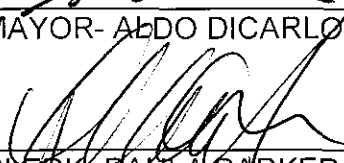
- (i) in the case of a lot which contains more than one dwelling unit on the date of passing of this By-law, in which case the maximum number of dwelling units permitted on such lot shall be the number of existing dwelling units on the said lot; and
- (ii) in a zone where more than one dwelling unit is specifically permitted hereby.
- (iii) *A secondary dwelling unit shall be permitted in a single detached dwelling unit, a semi-detached dwelling unit, rowhouse dwelling unit or in a detached structure that is accessory to and on the same lot as any single detached, semi-detached or rowhouse dwelling unit.*

THIS By-law shall take effect from the date of passage by Council and shall come into force in accordance with Section 34 of the Planning Act, R.S.O. 1990.

Read a first, second and third time and finally passed this 25th day of November, 2019.



MAYOR- ALDO DICARLO



CLERK- PAULA PARKER