

The Corporation of the Municipality of Grey Highlands

By-law No. 2021-044

**A By-law to amend the Municipality of Grey Highlands
Comprehensive Zoning By-law No. 2004-50 related to
Accessory Apartments**

Whereas, the Council of the Corporation of the Municipality of Grey Highlands deems it in the public interest to pass a By-law to amend By-law No. 2004-50 to update zoning provisions for accessory apartment; and

Whereas, pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, as amended, By-laws may be amended by Councils of Municipalities;

Now Therefore the Council of the Municipality of Grey Highlands hereby enacts as follows:

1. That Comprehensive Zoning By-law Amendment 2013-17 is hereby repealed.

2. That Section 3 of By-law 2004-50 is hereby amended by adding the following new definition:

Accessory Apartment

Shall mean a dwelling that is permitted on a lot in addition to the principal dwelling in line with the provisions specified in section 5.28 of the Zoning By-law.

3. That Section 3 of By-law 2004-50 is hereby amended by removing the definition of "Cabin, Sleeping".

4. That Section 3 of By-law 2004-50 is hereby amended by adding the definition of "Cabin" with the following definition:

Cabin

Shall mean a building or structure used for temporary human habitation that may or may not contain heating facilities or sanitary facilities and shall not contain cooking facilities.

5. That Section 3 of By-law 2004-50 is hereby amendment by replacing the definition of "Dwelling" with the following definition:

Dwelling

Shall mean one or more rooms capable of supporting continuous year-round domestic use of one or more individuals living as a single house-keeping unit and contains heating, cooking, living, sleeping and sanitary facilities. A dwelling shall not include any mobile home, travel trailer, camper, hotels/motels, a home for the aged, nursing home, or hospital.

6. That Section 5.28 is hereby added as the following section:

5.28 Accessory Apartments

- 1. Attached Units** - One accessory apartment is permitted within or attached to any detached dwelling, semi-detached dwelling, duplex building, or townhouse in the Downtown Commercial (C1), Residential (R), Residential Multiple (RM), Rural (RU), Rural Residential (RUR), Residential Shoreline (RS), Agriculture (A1), and

Restricted Agriculture (A2) zones subject to the following conditions:

- a. There is a maximum of one (1) accessory apartment per lot
- b. The accessory apartment shall be situated entirely within or attached to the principal dwelling;
- c. Notwithstanding any provision in the By-law, accessory apartments shall not require any additional parking requirements, however, an accessory apartment shall not be permitted unless a minimum of two (2) parking spaces in total exist on the lot.
- d. The yard setback, lot coverage, and height requirements that apply to a main use shall apply to accessory apartments.
- e. An accessory apartment is not permitted on a lot that is non-conforming with respect to lot frontage or lot area unless the lot has a frontage of at least 50 metres and an area of at least 0.4 hectares.
- f. Accessory apartments must be connected to public services where such services are available.
- g. Accessory apartments must be connected to adequate private services where public services are not available. Section 5.21 of the Zoning By-law provides guidance on the minimum servicing requirements.
- h. In the case of an accessory apartment, home occupations are permitted where already a permitted use in the zone, although a home-based daycare is not permitted. The provisions regulating Home Occupations shall treat the main dwelling and the accessory apartment as separate and independent units regarding the maximum number of employees and the maximum amount of gross floor area that can be dedicated to the use. There shall be no additional parking requirements for a Home Occupation in an accessory apartment.
- i. Accessory apartments within the principal dwelling unit are not permitted where the principal dwelling is located within a Hazard zone.
- j. Accessory apartments within the principal dwelling unit are not permitted where the principal dwelling is accessed by traversing a Hazard zone unless safe access during flooding or other emergencies is demonstrated to the satisfaction of the Conservation Authority.

2. **Detached Units** - One accessory apartment is permitted in an accessory structure in the Residential (R), Residential Multiple (RM), Rural (RU), Rural Residential (RUR), Residential Shoreline (RS), Agriculture (A1), and Restricted Agriculture (A2) zones subject to the following conditions:

- a. There is a maximum of one (1) accessory apartment per lot. An accessory apartment is not permitted where a temporary garden suite already exists.
- b. The accessory apartment is located within 75 metres of the principal detached dwelling.
- c. The accessory apartment utilizes the same driveway entrance as the principal detached dwelling.
- d. Notwithstanding any provision in the By-law, accessory apartments shall not require any additional parking requirements, however, an accessory apartment shall not be permitted unless a minimum of two (2) parking spaces in total exist on the lot.
- e. In the A1, A2, RU, and RUR zones, the yard setback, lot coverage, and height requirements that apply to a main use shall also apply to accessory apartments. In the R, RM, and

RS zones, the yard setback, lot coverage, and height requirements that pertain to accessory uses per section 5.6 of the Zoning by-law shall apply.

- f. For clarity, accessory apartments and the related structure in which they are located may be situated nearer to the front lot line than the main dwelling in the A1, A2, RU, and RUR zones.
- g. The accessory apartment is designed to be a permanent, year-round dwelling as per the Ontario Building Code.
- h. Notwithstanding any other provision of the Zoning By-law, on lots that are not located within a Settlement Area identified in the Official Plan, the accessory apartment must comply with Provincial Minimum Distance Separation requirements.
- i. An accessory apartment is not permitted on a lot that is non-conforming with respect to lot frontage or lot area unless the lot has a frontage of at least 50 metres and an area of at least 0.4 hectares.
- j. Accessory apartments must be connected to public services where such services are available.
- k. Accessory apartments must be connected to adequate private services where public services are not available. Section 5.21 of the Zoning By-law provides guidance on the minimum servicing requirements.
- l. In the case of an accessory apartment, home occupations are permitted where already a permitted use in the zone, although a home-based daycare is not permitted. The provisions regulating Home Occupations shall treat the main dwelling and the accessory apartment as separate and independent units regarding the maximum number of employees and the maximum amount of gross floor area that can be dedicated to the use. There shall be no additional parking requirements for a Home Occupation in an accessory apartment.
- m. Accessory apartments within the principal dwelling unit are not permitted where the principal dwelling is located within a Hazard zone.
- n. Accessory apartments within the principal dwelling unit are not permitted where the principal dwelling is accessed by traversing a Hazard zone unless safe access during flooding or other emergencies is demonstrated to the satisfaction of the Conservation Authority.

3. **Cabins** - As per the definition of Cabin, Cabins are to be used as casual sleeping quarters that are accessory to the residential use and are therefore not permitted to be used as a residence.

- a. A Cabin shall not be considered as an accessory apartment.
- b. One (1) Cabin is permitted per lot in the Rural (RU), Rural Residential (RU), Agriculture (A1), and Restricted Agriculture (A2) zones provided a main dwelling also exists on the lot.
- c. One (1) Cabin is permitted per lot in the Residential Shoreline (RS) zone provided:
 - i. A main dwelling also exists on the lot.
 - ii. No accessory apartment exists on the lot.
 - iii. The lot meets the minimum lot size requirement for the Residential Shoreline zone.
- d. A Cabin shall be treated as an accessory use regarding setback and lot coverage requirements.
- e. A Cabin shall have a maximum floor area of 20 square metres.
- f. A Cabin shall have a maximum height of 4.5 metres.
- g. A Cabin shall not be permitted in a Hazard zone.
- h. A Cabin shall be equipped with a smoke detector.

Read a first, second and third time, and finally passed on May 05 2021.

The Corporation of the
Municipality of Grey Highlands

Original Signed By

Paul McQueen, Mayor

Original Signed By

Raylene Martell, Municipal Clerk

Status: Passed