

## **Appendix C: Norfolk County Zoning By-Law Section 3.2.3 Accessory Dwelling Units.**

This section states that “Accessory residential dwelling unit shall be permitted in single detached, semi-detached, and street townhouses and located on the same lot as the primary dwelling, subject to the following provisions:

- a) accessory residential dwelling units shall be regulated by the applicable provisions pertaining to the primary use for each lot and by the provisions of Subsection 3.2 Accessory Uses to Residential Uses of this By-Law as applicable;
- b) Notwithstanding Subsection 3.2.3 a), and in lieu of the applicable provisions of Subsection 3.2, where an accessory residential dwelling unit is located in an accessory building or structure the following shall apply:
  - i. Be nearer than 3.3 metres of a lot line within an interior side yard or rear yard except:
    - a. in the case of a mutual private garage in the rear yard on a common interior side lot line, no separation distance is required;
    - b. in the case of a rear lot line adjoining a private or public lane, no setback is required;
  - ii) Be located a maximum of 30 metres from the primary dwelling;
- c) the accessory residential dwelling unit shall have its own exterior entrance separate from the exterior entrance to the primary dwelling unit, but shall not be permitted on an elevation, or façade of the building that faces a public street or private road; and shall have no means of internal access to the primary dwelling unit, except that access to a primary and second dwelling through a common vestibule entry is permitted;
- d) one (1) off-street parking space shall be provided for the accessory residential dwelling unit in addition to the minimum required parking spaces for the primary dwelling, and in accordance with provisions in the Off Street Parking Section of this By-Law;
- e) the maximum number of residential dwelling units permitted per lot shall be two (2), including the accessory residential dwelling unit;
- f) only one (1) accessory residential dwelling unit is permitted on a lot occupied by a primary dwelling unit. Where an accessory residential dwelling unit is located on a lot, none of a garden suite, a boarding or lodging house, or rooming house are permitted on that lot. If a garden suite a boarding or lodging house, or rooming house already exists on a lot, an accessory residential dwelling unit is not permitted;

g) an accessory residential dwelling unit shall not be permitted in a vacation home or any other dwelling intended for vacations, recreation, seasonal or short-term accommodation purposes;

h) all accessory residential dwelling units shall be required to meet all legislation, regulation and By-Law standards and requirements and all appropriate permits must be issued prior to the establishment of the accessory residential dwelling unit;

i) the accessory residential dwelling unit shall not be larger than 45 percent of the total gross floor area of the primary dwelling unit excluding any deck or unenclosed porch;

j) accessory residential dwelling units are only permitted in dwelling units connected to municipal or private water services and sanitary sewer system or private septic systems;

k) accessory residential dwelling units are not permitted in buildings or structures with a legal non-conforming use unless relief from the Zoning By-Law has been approved through a Zoning By-Law Amendment or Minor Variance in order to establish such accessory residential dwelling unit;

l) a minimum of 50 percent of the front yard shall be maintained as landscaped open space.