

# The Corporation of Norfolk County

## By-Law 25-Z-2022

**Being a By-Law to Amend Zoning By-Law 1-Z-2014, as amended, for property described as All Lands Within Norfolk County in the Name of Norfolk County.**

**WHEREAS** Norfolk Council is empowered to enact this By-Law, by virtue of the provisions of Section 34 of the *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended;

**AND WHEREAS** this By-Law conforms to the Norfolk County Official Plan.

**NOW THEREFORE** the Council of The Corporation of Norfolk County hereby enacts as follows:

1. That subsection 2.1 be amended and replaced with the following:

**“Accessory Building or Structure”** shall mean a detached *building or structure* used for an *accessory use*, such as, without limitation, a detached garage or the storage or shelter of materials, equipment or other items, and may contain an *Additional Residential Dwelling Unit*.

2. That subsection 2.52.1 be amended and replaced with the following:

2.52.1 **“Additional Residential Dwelling Unit”** shall mean a self-contained residential *dwelling unit* supplemental to the primary residential *dwelling use* of the property. The *additional residential dwelling unit* can be located within the primary *dwelling*, or in a detached *accessory building* on the same *lot* as the primary *dwelling*.

3. That the following subsection be added to section 2 Definitions of said Zoning By-Law 1-Z-2014 and 2.52.2 **Modular Home** be renumbered to 2.52.3:

2.52.2 **“Interior Additional Residential Dwelling Unit”** shall mean a second *dwelling unit* that is within, but supplemental to the permitted primary residential *dwelling unit* of the property, where the second unit has its own kitchen and bathroom.

4. That the following subsection be added to section 2 Definitions of said Zoning By-Law 1-Z-2014:

2.52.3 **“Detached Additional Residential Dwelling Unit”** shall mean a separate *accessory building* on a *lot* containing a *dwelling unit* which is subordinate and secondary to the principal *dwelling unit* located on the same *lot*.

5. That Subsection 3.2.1 be removed and replaced with the following:

The following provisions apply specifically to *accessory buildings or structures* and excludes *Additional Residential Dwelling Units*. For *Additional Residential Dwelling Unit* zoning provisions see Section 3.2.3, Section 3.2.3.1 and Section 3.2.3.2 of this By-Law.

No *building or structure* which is accessory to any *permitted* residential use in any *Zone* shall:

- a) Exceed a *building height* of 5 metres in an Urban Residential *Zone* (R1 to R6), 7 metres in the Resort Residential *Zone* (RR), 8 metres in the Agricultural *Zone* (A), and 6 metres in all other *Zones*;
- b) Occupy any part of a *front yard*, except:
  - i. An *accessory building or structure* in an Agricultural *Zone* (A) which shall occupy no part of a *required front yard*;
- c) Occupy any part of a required *exterior side yard*;
- d) Be nearer than 1.2 metres of a *lot line* within an *interior side yard* or 1.2 metres of an *interior lot line* within a *front yard*;
- e) Be nearer than 1.2 metres of an *interior lot line* within a *rear yard* except:
  - i. In the case of a mutual *private garage* in the *rear yard* on a common *interior side lot line*, no separation distance is *required*;
  - ii. In the case of a *rear lot line* adjoining a private or public *lane*, no *setback* is *required*;
- f) In the case of a *through lot*, be nearer than 6 metres from any *street line* or the average *setback* of the nearest *structures* whichever is less;
- g) Occupy more than 10 percent of the *lot area*, for all *accessory buildings* together, to a maximum of 55 square metres *usable floor area* in an Urban Residential *Zone* (R1 to R6) and 100 square metres *usable floor area* in

all other *Zones*, excluding *Agricultural Zone (A)* where a maximum size of 200 square metres of *usable floor area* is *permitted* to a maximum of 10 percent of the *lot area*. Swimming pools and *Detached Additional Residential Dwelling Units* shall not constitute a *structure* for the purposes of this provision;

i. The *useable floor area* for *Detached Additional Residential Dwelling Units* is in addition to the *accessory building or structure useable floor area* outlined above.

h) Be established on any *lot* until or unless the main *building* or *use* to which it is accessory is established.

6. That Subsection 3.2.3 be removed and replaced with the following:

a) *Additional Residential Dwelling Units* shall be *permitted* in the following *zones*:

- i. Urban Residential Type 1 (R1);
- ii. Urban Residential Type 2 (R2);
- iii. Urban Residential Type 3 (R3);
- iv. Urban Residential Type 4 (R4);
- v. Hamlet Residential (RH); and
- vi. Agricultural (A).

b) *Additional Residential Dwelling Units* shall be *permitted* in *single detached, semi-detached* and *street townhouses* and located on the same *lot* as the *primary dwelling*.

c) *Additional Residential Dwelling Units* shall not occupy any part of a *front yard* or a required *exterior side yard* except an *accessory building or structure* in an *Agricultural Zone (A)* which shall occupy no part of a *required front yard*.

d) The *Additional 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*.



- e) The maximum number of residential *dwelling units permitted* per lot shall be three (3), including a primary *dwelling unit*, one *Interior Additional Residential Dwelling Unit* and one *Detached Additional Residential Dwelling Unit*. Two *Interior Additional Residential Dwelling Units* or Two *Detached Additional Residential Dwelling Units* are not permitted.
  - f) Two (2) *Additional Residential Dwelling Units* are permitted on a lot occupied by a primary *dwelling unit*. Where an *Additional Residential Dwelling Unit* is located on a lot, none of, a *boarding or lodging house*, or *rooming house* are permitted on that lot. If a *boarding or lodging house*, or *rooming house* already exists on a lot, an *Additional Residential Dwelling Unit* is not permitted.
  - g) A lot may contain both an *Interior Additional Residential Dwelling Unit* and a garden suite but not a *Detached Additional Residential Dwelling Unit* and a garden suite.
  - h) An *Additional 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.
  - i) *Additional Residential Dwelling Units* are not permitted within a *farm building* or an *on-farm diversified use*.
  - j) All *Additional Residential Dwelling Units* shall be required to meet all legislation, regulation, By-Law standards and requirements and all appropriate permits must be issued prior to the establishment of the *Additional Residential Dwelling Unit*.
  - k) *Additional Residential Dwelling Units* are permitted in *dwelling units* connected to municipal water and waste water services or private water and septic systems.
  - l) Properties on a Provincial Highway that are regulated by the Ministry of Transportation (MTO) shall only be permitted to have an *additional residential dwelling unit* subject to MTO approval and permit.
7. That the following subsection be added to Section 3 General Provisions of said Zoning By-Law 1-Z-2014:

*3.2.3.1 Interior Additional Residential Dwelling Unit*

- a) One (1) *Interior Additional Residential Dwelling Unit* is permitted within the primary dwelling of any *single detached, semi-detached and street townhouse dwelling*. *Interior Additional Residential Dwelling Units* proposed in the basement of a primary dwelling may occupy the whole basement.
- b) The *useable floor area* of an addition to the primary dwelling unit to accommodate an *Interior Additional Residential Dwelling Unit* shall not exceed 75m<sup>2</sup> (807 square feet). In the case of an *interior additional residential dwelling unit* which is located in the basement of a *single detached, semi-detached and street townhouse dwelling* the interior dwelling unit may occupy the whole basement.
- c) The *Additional 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) *Decks and Unenclosed Porches* are subject to the provisions outlined in Section 3.6 of the Norfolk County Zoning By-Law 1-Z-2014.
- e) One (1) off-street parking space shall be provided for the *additional 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 except that the required parking spaces may be located in tandem.
- f) A minimum of 50 percent of the front yard shall be maintained as landscaped open space. [7-Z-2020]
- g) The lot complies with all other provisions of Norfolk County Zoning By-Law 1-Z-2014.

8. That the following subsection be added to Section 3 General Provisions of said Zoning By-Law 1-Z-2014:

*3.2.3.2 Detached Additional Residential Dwelling Unit*

- a) *Detached Additional Residential Dwelling Units* are not permitted within a farm building or a building used for an on-farm diversified use.

- b) The maximum *useable floor area* of a *Detached Additional Residential Dwelling Unit* is 75m<sup>2</sup> (807 square feet). This includes any basement area and excludes any attached garage.
  - c) Be nearer than 1.2 meters of an *interior side yard* and *rear yard*, except:
    - i. In the case of a mutual *private garage* in the *rear yard* on a common *interior side lot line*, no separation distance is required;
    - ii. In the case of a *rear lot line* adjoining a private or public *lane*, no *setback* is required;
  - d) *Detached Additional Residential Dwelling Units* shall not occupy any part of a *front yard* or *exterior side yard*.
  - e) The entirety of the *building height* of a *Detached Additional Residential Dwelling Units* shall not exceed 5 metres in height.
  - f) The entirety of the *Detached Additional Residential Dwelling Unit* is to be located within a maximum of 40 metres from the primary *dwelling*.
  - g) *Decks* and *Unenclosed Porches* are subject to the provisions outlined in Section 3.6 of the Norfolk County Zoning By-Law 1-Z-2014.
  - h) One (1) off-street *parking space* shall be provided for the *additional 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;
  - i) A minimum of 50 percent of the *front yard* shall be maintained as landscaped open space. [7-Z-2020]
  - j) In addition to the provisions outlined in Section 3.2.3.2, a *Detached Additional Residential Dwelling Unit* is also subject to the provisions outlined in Section 3.2.3.
9. That Subsection 3.26 be removed and replaced with the following:

3.26 Number of *Dwellings* on a Lot

Where this By-Law allows a *dwelling* to be located on a *lot*, not more than one (1) *dwelling* shall be *permitted*, except within Urban Residential Zones (*R1-R4*), Hamlet

Residential Zone (RH) and Agricultural Zone (A) in which one *Interior Additional Residential Dwelling Unit* and one *Detached Additional Residential Dwelling Unit* (for a total of two (2) *Additional Residential Dwelling Units*) are permitted.

10. That this By-Law are shall become effective upon final approval of the related Amendment number 149 to the Norfolk County Official Plan.

**ENACTED AND PASSED** this 20<sup>th</sup> day of September, 2022.

  
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Mayor

  
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County Clerk



**Explanation of the Purpose and Effect of  
By-Law 25-Z-2022**

This By-Law affects All Lands Zoned Urban Residential Type 1 – Urban Residential Type 4 (R1-R4), Hamlet Residential (RH) and Agricultural (A) within Norfolk County.

As a part of the Growth Management Study and Provincial Policy Statement (PPS) conformity exercise through part of Bill 108 the Additional Residential Dwelling Unit policies and provisions have been updated according to the *Planning Act* updates.

The purpose of this By-Law is to revise the existing accessory structure/building provisions, to redefine Accessory Residential Dwelling Units to be consistent with the *Planning Act* definition of “*Additional Residential Dwelling Units*” and proposes to add new definitions for the terms “*Interior Additional Residential Dwelling Units*” and “*Detached Additional Residential Dwelling Units*”. This By-Law implements new general provisions to *Additional Residential Dwelling Units*, while implementing new provisions geared specifically towards *Interior Additional Residential Dwelling Units* and new provisions geared specifically towards *Detached Additional Residential Dwelling Units*.