

The Corporation of the Township of Douro-Dummer

By-law Number 2023 -29

**Being a By-law to amend By-law Number 10-1996, as amended,
otherwise known as "The Township of Douro-Dummer
Comprehensive Zoning By-law"**

Whereas By-law Number 10-1996, as amended, regulates the use of land and the use and erection of buildings and structures within the Township of Douro-Dummer;

And whereas Section 34 of The Planning Act, RSO 1990, as amended, permits the Council to pass an amending Zoning By-law;

And Whereas the Council of the Township of Douro-Dummer has initiated a zoning by-law amendment to amend By-Law No. 10-1996, as amended, insofar as it is necessary to permit and clarify provisions regulating the construction of second dwelling units within the Township;

Now therefore the Council of the Township of Douro-Dummer hereby enacts as follows:

1. The area affected by this By-Law includes all lands within the Residential Zone (R), Hamlet Residential Zone (HR), Shoreline Residential Zone (SR) and Rural Zone (RU). As such, there is no schedule attached to this amendment.
2. Section 3 – General Provisions – is amended by deleting subsection 3.39 Second Dwelling Units in its entirety and replacing it with the following:

"3.39 Second Dwelling Units

Notwithstanding any other provision of this By-law to the contrary, a second dwelling unit shall be permitted within a permanent single detached dwelling, a semi-detached dwelling, a rowhouse dwelling or as a structure accessory to these primary dwelling unit housing types where they are identified as a permitted use.

3.39.1 General Provisions:

The following general provisions shall apply to all second dwelling units:

- (a) Only one second dwelling unit is permitted per primary dwelling unit;
- (b) The second dwelling unit may be an attached second dwelling unit or a detached second dwelling unit, but not both;
- (c) The second dwelling unit must be clearly subordinate to the primary dwelling unit and shall not be greater in area than the primary dwelling unit.
- (d) One (1) off-street parking space shall be provided for the second dwelling unit, in addition to any parking space

required by this By-law for the other residential unit(s). The off-street parking associated with the dwelling unit(s) may be stacked provided that the number of spaces so arranged does not exceed two (2).

- (e) The second dwelling unit must comply with the requirements of the Ontario Building Code and Fire Code;
- (f) A second dwelling unit shall not be permitted within the 30 metre water yard setback, unless as otherwise outlined herein;
- (g) Second dwelling units shall not be permitted:
 - i) Within a floodplain;
 - ii) Within a dwelling that is located in an Environmental Conservation (EC) Zone;
 - ii) Within a dwelling that is permitted accessory to a permitted non-residential use;
 - iii) Within a building that is accessory to i) or ii) above;
 - iv) On any property that is accessed by a private road;
 - v) On a lot containing a sleeping cabin.

3.39.2 Second Dwelling Units Within or Attached to a Primary Dwelling Unit:

An attached second dwelling unit that is constructed within or as an addition to a primary dwelling unit shall:

- i) comply with the residential zone regulations of the respective zone;
- ii) be permitted where the primary dwelling unit is located within the 30 metre water yard setback provided any addition that is necessary to accommodate the second unit does not further encroach into the water yard setback;

3.39.3 Second Dwelling Units Within a New or Existing Accessory Structure:

An attached second dwelling unit that is constructed as a component of an accessory (new or existing) structure shall comply with the following:

- i) shall comply with the residential zone regulations of the respective zone except as outlined below;
- ii) shall be exempt from the minimum floor area and minimum first storey floor area regulations;
- iii) the maximum lot coverage shall be calculated in accordance with Section 3.1.3 of this By-law;
- iv) a maximum of 10% of the first storey floor area can be associated with the second dwelling unit;
- v) the maximum building height shall not exceed 7.5 metres and shall be measured from the finished grade at the front of the building to the highest point;
- vi) shall not contain a home industry or home occupation;

3.39.4 Second Dwelling Units as Stand Alone Accessory Structures:

A detached second dwelling unit shall comply with the following:

- i) shall comply with the residential zone regulations of the respective zone except as outlined below;
- ii) shall have a maximum height of 4.5 metres and at no time shall exceed the height of the existing primary dwelling;
- iii) the maximum lot coverage shall be calculated in accordance with Section 3.1.3 of this By-law;
- iv) the maximum ground floor area shall not exceed 70% of the ground floor area of the primary dwelling unit;
- v) shall be located no further than 30 metres from the primary dwelling. A Minor Variance will not be required, if for reasons of health and/or safety, the detached second dwelling unit cannot be located within 30 metres of the primary dwelling and all other applicable provisions and regulations of By-law No. 10-1996, as amended are complied with;
- vi) shall not be in the form of a mobile home;

3. Section 4.2.1 – Regulations for Uses Permitted in Section 4.1.1 is amended by deleting the heading and replacing it with the following:

4.2.1 Regulations for Uses Permitted in Section 4.1.1 and 4.1.3

4. Section 4.2.1 subsection l) is amended by deleting it in its entirety and replacing it with the following:

l) Maximum Number of Primary Dwelling Units per Lot 1

5. Section 5.2.1 – Regulations for Uses Permitted in Section 5.1.1 is amended by deleting the heading and replacing it with the following:

5.2.1 Regulations for Uses Permitted in Section 5.1.1 and 5.1.3

6. Section 5.2.1 subsection l) is amended by deleting it in its entirety and replacing it with the following:

l) Maximum Number of Primary Dwelling Units per Lot 1

7. Section 6.2.1 – Regulations for Uses Permitted in Section 6.1.1 and 6.1.2 is amended by deleting the heading and replacing it with the following:

6.2.1 Regulations for Uses Permitted in Section 6.1.1, 6.1.2 and 6.1.4

8. Section 6.2.1 subsection m) is amended by deleting it in its entirety and replacing it with the following:

m) Maximum Number of Primary Dwelling Units per Lot 1

9. Section 9.1.6 is amended by deleting it in its entirety and replacing it with the following:

9.1.6 a second dwelling unit

10. Section 9.1.24 is amended by deleting it in its entirety.

11. Section 9.2.3 is amended by deleting it in its entirety and replacing it with the following:

9.2.3 Reserved

12. Section 9.2.4 – Regulations for Uses Permitted in Section 9.1.5 is amended by deleting the heading and replacing it with the following:

9.2.4 Regulations for Uses Permitted in Section 9.1.5 and 9.1.6

13. Section 9.2.4 subsection I) is amended by deleting it in its entirety and replacing it with the following:

I) Maximum Number of Primary Dwelling Units per Lot 1

14. Section 9.2.5 is amended by deleting this section in its entirety and replacing it with the following:

9.2.5 Reserved

15. Section 22 – Definitions is amended by deleting Section 22.3 in its entirety and replacing it with the following:

22.3 "Accessory" means a use, building or structure that is naturally and normally incidental, subordinate and exclusively devoted to a main use, building or structure, and located on the same lot therewith.

16. Section 22 – Definitions is amended by deleting the words "and includes a farm dwelling and accessory buildings" in Section 22.6 so that the definition of "Agriculture Use" shall read as follows:

22.6 "Agriculture Use" means a use of land, buildings or structures for the purpose of forestry, field crops, orchard crops, berry crops, aviaries, apiaries, animal husbandry, tree nurseries, market gardening, dairying, poultry, aquafarming and any other use customarily and normally related to the field of agriculture.

17. Section 22 – Definitions is amended by deleting Section 22.62 in its entirety and replacing it with the following:

22.62 "Dwelling" means a building or structure containing one (1) or more dwelling units occupied or capable of being occupied for the exclusive use of the occupants, but does not include any travel trailer, mobile home, motor home or recreational vehicle.

22.62.1 "Single Detached Dwelling" means a building containing one primary dwelling unit intended to be used for continuous habitation. This definition shall include a modular dwelling as defined herein.

22.62.2 "Accessory Dwelling" means a single detached dwelling which is accessory to a permitted non-residential use and is occupied by either the owner or

by a person employed on the lot where such dwelling is located.

22.62.3 "Duplex Dwelling" means the whole of a building that is divided horizontally into two primary dwelling units, each of which has an independent entrance, either directly from the outside, or through a common vestibule.

22.62.4 "Modular Dwelling" - See "Modular Home".

22.62.5 "Semi-Detached Dwelling" means the whole of a building that is divided vertically into two primary dwelling units, each of which has an independent entrance directly from the outside or through a common vestibule.

22.62.6 "Permanent Dwelling" means a dwelling used or intended to be used for continuous habitation.

22.62.7 "Recreational Dwelling" means a dwelling used or intended to be used for occasional habitation for vacation, recreation, rest and relaxation purposes which is not the owners primary dwelling unit.

22.62.8 "Rowhouse Dwelling" means one of three or more single detached dwellings joined side by side sharing a common wall and roofline each of which has an independent entrance directly from the outside.

18. Section 22 – Definitions – is hereby amended by deleting Section 22.63.3 in its entirety and replacing it with the following:

22.63.3 "Dwelling Unit, Primary" means the main or principal dwelling unit on a lot, which is typically the owner's primary residence.

19. Section 22 – Definitions – is hereby amended by deleting Section 22.63.4 in its entirety and replacing it with the following:

22.63.4 "Dwelling Unit, Attached Second" means a dwelling unit with a separate entrance, kitchen, bathroom and living area that is created within or as an addition to the existing primary dwelling unit or within or as an addition to an existing accessory structure located on the same lot as the primary dwelling unit.

20. Section 22 – Definitions – is hereby amended by the addition of a new subsection 22.63.5 immediately following subsection 22.63.4 which shall read as follows:

22.63.5 "Dwelling Unit, Detached Second" means a stand-alone dwelling unit that is located on the same lot as the primary dwelling unit.

21. All other relevant provisions of By-law 10-1996, as amended, shall apply.

If no notice of objection is filed with the Clerk within the time provided, this By-law shall become effective on the date of passing hereof, subject to the provisions of The Planning Act, RSO 1990, as amended.

Passed in open council this 20th day of June, 2023.

Mayor, Heather Watson

Acting Clerk, Martina Chait-Hartwig