# The Corporation of the City of Clarence-Rockland

# By-law 2023-XX

### Being a By-law to amend Zoning By-law No. 2016-10.

Whereas Zoning By-Law no. 2016-10 regulates the use of land, and the use and erection of buildings and structures in the City of Clarence-Rockland; and

Whereas the Council of the Corporation of the City of Clarence-Rockland considers appropriate to amend Zoning By-Law No. 2016-10, as described;

Now therefore, the Council of the Corporation of the City of Clarence-Rockland enacts as follows:

1. Change the definition of “Dwelling, Second Unit” into “Dwelling, Additional Residential Unit” in Part 3: Definition to say the following:

“Dwelling, Additional Residential Unit: means a separate residential unit located on the same lot as an associated primary residential unit.”

1. Replace the words “A second unit” to “An additional residential unit” in Section 4.1 d).
2. Add the following provisions to Section 4.15 Garden Suites

“d) A Garden Suite is not an Additional Residential Unit (ARU) and thus all provisions associated with an ARU do not apply.

e) Garden Suites are not permitted on individual lots which include an additional residential unit within an ancillary building.”

4. Replace Section 4.41 Second Unit to the following:
 “ 4.41 Additional Residential Unit

a) An additional residential unit on a parcel of urban residential land is permitted in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted.

b) An additional residential unit on a parcel of urban residential land can take the form of:

i. a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

ii. a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

iii. one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

c) An additional residential unit cannot be a stand-alone principal unit capable of being severed; and it must be located on the same lot as the primary dwelling unit.

d) Where an additional residential unit on a parcel of urban residential land is in a structure ancillary to the detached house, semi-detached house or row house it is subject to the same zone provisions as the primary dwelling.

e) The creation of an additional residential unit must not eliminate the required parking space(s) for the principal residential unit.

f) Despite subsection e), a parking space for an additional residential unit may be in a driveway that passes through a front yard to a garage, carport or other parking space, and may be in tandem in the driveway.

g) Where a total of two additional residential units on a parcel of urban residential land are located within the primary dwelling or ancillary structure, neither a garden suite, bed and breakfast, nor any lodging units are permitted on that lot.

h) Additional residential units must not be limited by, nor included in, any density control requirement, including for example, number of dwelling units and unit per hectare counts. However, if located in an ancillary structure will count towards total lot coverage.

i) Only one additional residential unit is permitted on a lot where the primary dwelling unit is a detached dwelling on partial services; the residential lot area must be a minimum of 2,500m2 and a maximum of six (6) bedrooms combined. The additional residential unit can be located within an ancillary structure subject to the zone provisions for a detached dwelling within that zone. Notwithstanding the minimum lot area and maximum number of bedrooms, smaller lot areas or additional bedrooms can be permitted where supported by a hydrogeological and terrain analysis.

j) Only one additional residential unit is permitted on a lot where the primary dwelling unit is a detached dwelling on private services; the residential lot area must be a minimum of 4,000m2 and a maximum of (6) bedrooms combined. The additional residential unit can be located within an ancillary structure subject to the zone provisions for a detached dwelling within that zone. Notwithstanding, an additional residential unit is not permitted within an ancillary structure within the agricultural zone or portion of a property subject to a mineral aggregate overlay. Notwithstanding the minimum lot area and maximum number of bedrooms, smaller lot areas or additional bedrooms can be permitted where supported by a hydrogeological and terrain analysis.

5. Replace all references of “Second Unit(s) or “Secondary unit” throughout to “Additional Residential Unit”.

6. This By-law shall become effective on the date of passing hereof, subject to the approval of the Tribunal or following the last date for filling objections as the case may be.

7. Read, passed and adopted in open council this 13 day of December 2023.

Mario Zanth, Mayor

Monique Ouellet, Clerk

## Explanatory Note

### Purpose and Effects of this By-Law

The purpose of the by-law is to amend Zoning By-Law No. 2016-10 in order to modify the zoning by-law to reflect Bill 23 changes, which allows for up to three residential units per lot. This translates to either three units in the primary building or two units in the primary building and one unit in an ancillary building on the lot.

For further information concerning the amendment to Zoning By-Law No. 2016-10, you may contact the Community Development Department, at the Town Hall, 1560 Laurier Street or by telephone at (613) 446-6022.