

ZONING BY-LAW NO. 22-2013

A BY-LAW TO AMEND

ZONING BY-LAW NO. 27-95
As amended by By-law No. 23-2010

(Accessory Secondary Dwelling Units/Apartments)

CORPORATION OF THE TOWNSHIP OF ARMOUR

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P0A 1C0

Planning Consultant:

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Registered Professional Planner

EXPLANATORY NOTE

To Zoning By-law No. 22-2013

Passed by the Council of the Corporation of the Township of Armour

- Lands Affected: This By-law applies only to lands within the Rural (Ru) Zone and the Residential Settlement (RS) Zone in the Township of Armour. To be clear, this By-law does not apply to any lands zoned Seasonal Residential SR; Lakeshore Residential LR; Flood Plain FP or Wetlands Protection or to any single detached dwelling accessory to any use zoned Commercial (C) or Recreational Commercial (RC).
- Present Zoning: The Comprehensive Armour Township Zoning By-law No. 27-95, as amended, does not currently have provisions addressing accessory secondary dwelling units/apartments as currently required by Ontario Bill 140. This Amendment will add them.
- Proposed Zoning: Changes to the Planning Act came into effect on January 1, 2012 which require municipalities to establish Official Plan policies and Zoning By-law provisions that allow accessory secondary dwelling units/apartments in single detached, semi-detached and townhouse dwellings or within ancillary structures such as garages.
- Official Plan Designation: Amendment No. 1 to the Armour Township Official Plan adds regulations for accessory secondary dwelling units/apartments in single detached, semi-detached and townhouse dwellings or within ancillary structures such as converted garages. This proposed Zoning By-law Amendment conforms with the regulations of the Official Plan as Amended.
- By-Law Purpose: The purpose of the By-law is to bring the Zoning By-law into conformity with Amendment No. 1 to the Armour Township Official Plan. As per Section 34(19.1) of the Planning Act, there can be no appeals against Zoning By-law Amendments adding provisions for accessory secondary dwelling units/apartments.

ZONING BY-LAW NO. 22-2013

THE CORPORATION OF THE TOWNSHIP OF ARMOUR

Being a By-law under the provisions of Section 34
of the Planning Act, R.S.O. 1990, to amend Zoning By-law No. 27-95, as amended,
of the Corporation of the Township of Armour, with respect to lands within the
Rural (Ru) Zone and the Residential Settlement (RS) Zone
in the Township of Armour, District of Parry Sound.

WHEREAS THE CORPORATION OF THE TOWNSHIP OF ARMOUR has reviewed Zoning By-law No. 27-95, as amended, and deems it advisable to amend same:

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ARMOUR ENACTS as follows:

1. **THAT** Section 2 Definitions of Zoning By-law No. 27-95, as amended, is hereby amended by deleting Subsection 2.2 and replacing it with the following:
 - 2.2 **“Accessory Secondary Dwelling Unit/Apartment”** means a separate accessory dwelling unit or apartment which is contained within a single detached, semi-detached or townhouse dwelling or within an ancillary structure to those residential uses; and
2. **THAT** Subsection 2.59 **“Dwelling, single detached”** of Zoning By-law No. 27-95, as amended, is hereby amended by deleting the words “used by not more than one household” and replacing them with the words “may also contain one accessory secondary dwelling unit/apartment”; and
3. **THAT** Subsection 2.60 **“Dwelling, semi-detached”** of Zoning By-law No. 27-95, as amended, is hereby amended by deleting the words “which building is used by not more than two (2) households” and replacing them with the words “where such building may also contain two accessory secondary dwelling units/apartments”; and
4. **THAT** Section 2 Definitions of Zoning By-law No. 27-95, as amended, is hereby amended by adding the following Subsection:
 - 2.61.1 **“Dwelling, townhouse”** means a dwelling containing three or more attached dwelling units divided vertically, each of which has an independent entrance directly from the front yard or side yard in the case of an end unit and each dwelling unit may contain one accessory secondary dwelling unit/apartment.

5. **THAT** Section 2 Definitions of Zoning By-law No. 27-95, as amended, is hereby amended by adding the following Subsection:

2.172.1 **“Secondary Dwelling Unit”** see **“Accessory Secondary Dwelling Unit/Apartment”**; and
6. **THAT** the title of Subsection 5.2 **“Accessory Dwelling Units”** of Zoning By-law No. 27-95, as amended, is hereby revised to read **“Accessory Secondary Dwelling Units/Apartments and Garden Suites”**; and
7. **THAT** Subsection 5.2(a)(iv) of Zoning By-law No. 27-95, as amended, is hereby amended by deleting this provision in its entirety; and
8. **THAT** Subsections 5.2(b)(i) and (ii) of Zoning By-law No. 27-95, as amended, are hereby amended by deleting them completely and replacing them with the following:
 - (i) An accessory secondary dwelling unit/apartment shall only be permitted within a single family dwelling, semi-detached dwelling, or townhouse dwelling, provided a single family dwelling, semi-detached dwelling or townhouse dwelling is a permitted use in the zone it is located within; and
 - (ii) A maximum of one accessory secondary dwelling unit/apartment is permitted per lot;
 - (iii) An accessory secondary dwelling unit/apartment may only be permitted on a lot with frontage to a street or road which is open year round and publicly maintained or maintained by a condominium corporation; and
 - (iv) An accessory secondary dwelling unit/apartment may be located in a converted attached or detached garage which meets the occupancy requirements of the Ontario Building Code, Ontario Electrical Code and the Ontario Fire Code; and
 - (v) One additional on-site parking space shall be provided exclusively for any accessory secondary dwelling unit/apartment on the lot; and
 - (vi) The floor area of an accessory secondary dwelling unit/apartment shall be equal to or less than the ground floor area of the principal dwelling unit without any modifications required to the building’s bulk or massing; and
 - (vii) Both an accessory secondary dwelling unit/apartment and a garden suite shall not be permitted on one lot.
9. **THAT** Subsection 5.2(b)(iii) of Zoning by-law No. 27-95, as amended, is hereby amended by converting it to **“(c) Garden Suites”** and by adding the following words to the end of the clause: **“and that there is not already an accessory secondary dwelling unit/apartment on the lot”**.
10. **THAT** Subsection 5.8(d) of Zoning By-law No. 27-95, as amended, is hereby amended by adding the following words after the words **“with the exception of”**: **“an accessory secondary dwelling unit/apartment [see Section 5.2] or.”**

11. **THAT** Subsection 6.1(f) of Zoning By-law No. 27-95, as amended, is hereby amended by adding the following words after the words “(see also Sections 2.84.1 and 6.6)”; “and one secondary dwelling unit/apartment [see Section 5.2(b)].”
12. **THAT** Subsection 7.1(c) of Zoning By-law No. 27-95, as amended, is hereby amended by adding the following words to the end of the clause: “including accessory secondary dwelling units/apartments [see Section 5.2(b)].”
13. **THAT** this By-law shall come into force on the date it is passed by the Council of the Corporation of the Township of Armour subject to the provisions of the Planning Act, R.S.O. 1990.

Read a **FIRST TIME** this 23rd day of April, 2013.

Read a **SECOND TIME** this 23rd day of April, 2013.

Read a **THIRD TIME** and **FINALLY PASSED** this 23rd day of April, 2013.

CORPORATION OF THE TOWNSHIP OF ARMOUR

REEVE

CLERK-ADMINISTRATOR