



The Municipal Corporation of the Town of Fort Erie

BY-LAW NO. 118-2013

BEING A BY-LAW TO AMEND COMPREHENSIVE ZONING BY-LAW NO. 129-90 AS AMENDED ACCESSORY APARTMENT AND SECOND DWELLING UNIT REGULATIONS

350309-370

WHEREAS, By-law No. 129-90, as amended, being the Comprehensive Zoning By-law for the Town of Fort Erie was passed on May 28, 1990, and

WHEREAS the Council of the Town of Fort Erie at its meeting of July 8, 2013 authorized Staff to initiate amendments to Zoning By-law No. 129-90 that relate to second dwelling units and accessory apartments in accordance with the *Planning Act*, R.S.O. 1990, and

WHEREAS Subsection 34 (1) of the *Planning Act*, R.S.O. 1990, c.P. 13 authorizes councils of municipalities to regulate the use of lands and the character, location and use of buildings and structures within the municipality, and

WHEREAS Subsection 34 (12) requires the council before the passing of a by-law under this section of the Act to ensure that sufficient information is made available to the public to generally understand the zoning proposal and to hold a public meeting, and

WHEREAS notice of the Public Meeting was provided pursuant to Subsection 34(13) of the *Planning Act*, R.S.O. 1990, c.P.13 on October 17, 2013, and

WHEREAS a Public Meeting pursuant to Subsection 34(12) of the *Planning Act*, R.S.O. 1990, c.P.13 was held on November 18, 2013, and

WHEREAS the Council of the Town of Fort Erie at its meeting of December 2, 2013 approved Report No. CDS-107-13 regarding an amendment to Comprehensive Zoning By-law No. 129-90, as amended for second dwelling units and accessory apartments and directed staff to submit a By-law to Council;

NOW THEREFORE the Municipal Council of the Town of Fort Erie hereby enacts as follows:

1. **THAT** "Section 5.99 (a)" of By-law 129-90, as amended, is hereby repealed and replaced with the following:

""DWELLING, ACCESSORY APARTMENT" means a self-contained apartment created through converting of or adding onto an existing single detached, semi-detached or townhouse dwelling."

2. **THAT** By-law 129-90 as amended, is further amended by adding thereto in alphabetical sequence the following definitions to "Section 5-Definitions":

“DWELLING, SECOND UNIT” means a separate building on a lot containing a dwelling unit which is subordinate and secondary to the principal dwelling unit located on the same lot.”

“PRINCIPAL” means the primary use of land or of a building.”

3. THAT “Section 6.42 Accessory Apartments” is hereby repealed and replaced with the following:

“(a) Any single detached, semi-detached or townhouse dwelling located in any "Residential 1 (R1) Zone", "Residential 2 (R2) Zone", "Residential 2A (R2A) Zone", "Residential 3 (R3) Zone", "Residential Multiple 1 (RM1) Zone", "Agricultural (A) Zone", "Rural (RU) Zone", "Rural Residential (RR) Zone" or "Core Mixed Use (CMU) 2" may have one accessory apartment within the primary dwelling, subject to the following requirements:

i) Only one accessory apartment is permitted per lot.

ii) Where the parcel proposed for the accessory apartment unit is not serviced by a municipal sewer system and/or municipal water distribution system, the minimum lot size of the parcel shall be not less than 0.4 ha and that the private sewage system for the property shall be capable of supporting the intensified use.

iii) The maximum floor area for the accessory apartment shall not exceed 40% of the total floor area of the dwelling. Where a portion of the basement of the dwelling is occupied by the accessory apartment, the floor area of the basement shall be included in the calculation of the total floor area.

iv) One parking space for the accessory apartment shall be provided on site.

i) The minimum landscaped open space in the front yard of any dwelling containing an accessory apartment shall be 35%.

v) The external appearance and character of the building shall be maintained whenever possible.

vi) The building age and condition shall be capable of supporting the intensified use.

vii) The accessory apartment shall be clearly attached to, and form part of the main building.

viii) An accessory apartment shall not be permitted in the cellar area of a dwelling.

ix) Accessory apartments located within semi-detached or townhouse dwellings must be located within the existing dwelling and shall not cause the building footprint to be expanded.

x) The dwelling shall comply with all of the regulations for the zone in which it is located.

(b) Any lot located in any "Residential 1 (R1) Zone" may have one second dwelling unit, subject to the following requirements:

ii) Only one second dwelling unit shall be permitted per lot. Second dwelling units are not be permitted on a lot containing an accessory apartment.

iii) The maximum floor area of the second dwelling unit shall not exceed 40% of the total floor area of the principal dwelling.

iv) One parking space, not tandem for the second dwelling unit must be provided on site.

v) The minimum setback from the interior side yard or rear yard for an accessory structure containing a second dwelling unit or a stand-alone second dwelling unit shall be 2.0 metres.

vi) The maximum height of an accessory structure containing a second dwelling unit shall be the height of the principal dwelling located on the lot or 8.0 metres, whichever is less.

vii) The minimum floor area of a second dwelling unit shall be 37 square metres.


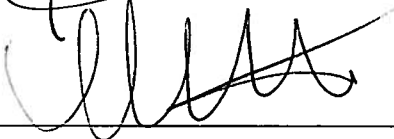
viii) The minimum landscaped open space in the front yard of any lot containing a second dwelling unit shall be 35%.

ix) The maximum lot coverage of a building containing a second dwelling unit shall be 10 percent.

x) The principal dwelling and second dwelling unit shall comply with all the regulations for the zone in which they are located."

4. **THAT** pursuant to the provisions of Sections 23.1 to 23.5 inclusive of the *Municipal Act, 2001*, as amended, the Clerk of the Town of Fort Erie is hereby authorized to effect any minor modifications or corrections solely of an administrative, numerical, grammatical, semantical or descriptive nature or kind to this by-law or its schedules as such may be determined to be necessary after the passage of this by-law.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 9th DAY OF DECEMBER, 2013.


 _____ MAYOR

 _____ CLERK

I, Carolyn J. Kett, the Clerk, of The Corporation of the Town of Fort Erie hereby certifies the foregoing to be a true certified copy of By-law No.118 -2013 of the said Town. Given under my hand and the seal of the said Corporation, this day of _____, 20____