

**The Corporation of the United Township of Dysart, Dudley, Harcourt, Guilford, Harburn, Bruton, Havelock, Eyre, and Clyde**

**By-law No. 2023 - 112**

**Being a by-law to amend Zoning By-law 2005-120**

**Lands of Dysart et al**

**Whereas** Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes the Council of a municipality to pass Zoning By-laws for the purpose of land use controls.

**And whereas** Section 24(2) of the Planning Act, R.S.O. 1990, c.P.13 provides that if Council has adopted an amendment to an Official Plan, that Council may, before the amendment to the official plan comes into effect, pass a By-law that does not conform with the Official Plan, but will conform with it if the amendment comes into effect.

**And whereas** Section 24(2.1)(b) provides that the By-law is of no force and effect, if the amendment to the official plan does not come into effect.

**And whereas** the Council of the Corporation of the United Townships of Dysart et al now wishes to amend Comprehensive Zoning By-law 2005-120, as amended, to ensure that the said Zoning By-law conforms to the Dysart Official Plan and further to align the zoning by-law with recent changes to the Planning Act by incorporating provisions to permit and regulate additional dwelling units. The amendment will also add provisions to permit outdoor saunas, clarify provisions relating to marine facilities and rafts, and reduce the minimum dwelling unit area in rural and rural residential zones.

**And whereas** a public meeting was held on September 26, 2023, October 24, 2023 and November 28, 2023 pursuant to Section 34(12) of the Planning Act, R.S.O. 1990, c.P.13.

**And whereas** the Council of the Corporation of the United Townships of Dysart et al deems it advisable to amend By-law No. 2005-120, as amended.

**Now therefore** the Council of the Corporation of the United Townships of Dysart et al enacts as follows:

1. Section 2 Definitions, is amended as follows:

(a) After "...Subsection 2.1 *Accessory Dwelling Unit*..." add the following:

"ADDITIONAL DWELLING UNIT – See DWELLING UNIT, ADDITIONAL"

(b) Subsection 2.28 *Dwelling, Converted*: after the words "...two *dwelling units*," add the words "*being a main dwelling unit and an additional dwelling unit.*"

(c) Subsection 2.29 *Dwelling, Duplex*: after the words "...separate *dwelling units*," add the words "*being a main dwelling unit and an additional dwelling unit,*"

(d) Subsection 2.29 *Dwelling, Semi-detached*: after the words "...separate *dwelling units*," add the words "*being a main dwelling unit and an additional dwelling unit,*"

(e) Subsection 2.36: after "...Subsection 2.35 *Dwelling Unit, Accessory*..." add a new definition as follows:

“2.36 Dwelling Unit, Additional

A self-contained *dwelling unit* which is *accessory* to the *main dwelling unit*, and which is located either within the *main building* or within an *accessory structure* on the same *lot*.”

(f) Subsections 2.36 Dwelling Unit, Bedsitting (now 2.37): renumber accordingly.

(g) Subsection 2.39: after "...Subsection 2.36 Dwelling Unit, Bedsitting (now 2.37)..." add a new definition as follows:

“2.39 DWELLING UNIT, MAIN

A *dwelling* designed or *used* for the *main use* of the *lot* on which the *dwelling* is located.”

(h) Subsections 2.37 Dwelling Unit, Area (now 2.39) to 2.148 Sanitary Sewer System (now 2.150): renumber accordingly.

(i) After "...Subsection 2.92 Lot Line, Side (now 2.94) ..." add the following:

“MAIN DWELLING UNIT – See DWELLING UNIT, MAIN”

(j) After "...Subsection 2.116 Open Storage (now 2.118) ..." add the following:

“OUTDOOR SAUNA – See SAUNA, OUTDOOR”

(k) Subsection 2.151: after "...Subsection 2.148 Sanitary Sewer System (now 2.150) ..." add a new definition as follows:

“2.151 SAUNA, OUTDOOR

An *accessory building* or *structure* wherein facilities are provided for the purpose of a steam bath and may include a change room, having a maximum *gross floor area* of 10 square metres.”

(l) Subsections 2.149 School (now 2.151) to 2.202 Zoned Area (now 2.205): renumber accordingly.

(m) All subsection references within the text of By-law 2005-120 are renumbered accordingly.

2. Section 3 General Provisions, is amended as follows:

(a) Subsection 3.1(c): following Subsection 3.1(b) Structures Permitted in Minimum Setback Areas, add a new section as follows:

**"3.1(c) Additional Dwelling Units**

Where an *additional dwelling unit* is a *permitted use*, despite any provisions of this By-law it is *permitted* subject to the following requirements:

- (i) An additional dwelling unit shall only be permitted on lots which permit a residential use, other than an accessory residential use.
  - (ii) An additional dwelling unit shall be developed in the form of a single family dwelling, semi-detached dwelling, duplex dwelling, or converted dwelling.
  - (iii) On a lot which does not have full municipal water and sewage services, a maximum of one additional dwelling unit shall be permitted.
  - (iv) On a lot which does not have full municipal water and sewage services, a well and septic report is required to accompany a Building Permit for the additional dwelling unit.
  - (v) An additional dwelling unit shall only be permitted on a lot with frontage on a fully maintained street.
  - (vi) A minimum of one additional parking space shall be provided for the additional dwelling unit in accordance with Section 3.22 of this By-law.
  - (vii) Despite the provisions of this By-law, where an accessory building is an additional dwelling unit, the additional dwelling unit shall comply with the minimum lot line setbacks for a main dwelling.
  - (viii) No part of an accessory dwelling unit shall be located within the front yard.
  - (ix) An additional dwelling unit and its leaching bed shall not be permitted within 300 metres of a lake trout lake that is classified as "at capacity" for additional development.
  - (x) The maximum gross floor area of an additional dwelling unit shall not be greater than 75% of the gross floor area of the main dwelling unit.
  - (xi) Despite the provisions of this By-law, no minimum floor area shall be required for an additional dwelling unit, except as may be required by the building or fire code.
  - (xii) An additional dwelling unit shall not be used as a short-term rental.
- (b) Subsection 3.1(e)(i) Two Storey Accessory Structures (now 3.1(f)(i): after the words "...to a private cabin..." add the words "...or an *additional dwelling unit*...."
- (c) Subsection 3.1(e)(ii) Two Storey Accessory Structures (now 3.1(f)(ii): prior to the words "...area of the second storey..." add the words "...If the second storey of a two storey accessory structure is a private cabin,....", and after the words "...45 square metres..." delete the words "...measured from the exterior walls but excluding any area where the height between the top of the floor and the finished ceiling is less than 1.5 metres. The calculation of the maximum floor area of the second storey of a two storey accessory building shall include any veranda but shall exclude any deck or balcony or any stairwell....", and replace it with the words "...as per Section 3.1(e)(iii)."
- (d) Subsection 3.1(f)(iii) Two Storey Accessory Structures: add the following subsection:
- (iii) "If the second *storey* of a *two storey accessory structure* is an additional dwelling unit, the maximum floor area of the second *storey* of a *two storey*

*accessory building* shall comply with the provisions of Section 3.1xx(x) of this By-law.”

- (e) Subsection 3.1(e)(iv) Two Storey Accessory Structures (now 3.1(f)(v)): after the words "...the provisions of..." delete the words "...Table 5.2...." and replace it with the following words "...this By-law, ..."
- (f) Subsection 3.1(e)(v) Two Storey Accessory Structures (now 3.1(f)(vi)): after the words "...for private cabins..." add the words "...or an *additional dwelling units*..."
- (g) Subsection 3.1(i)(v) Rafts (now 3.1(j)(v)): after the words "...access to other..." delete the word "...properties...." and replace it with the word "...lots ..."
- (h) Subsection 3.1(i) Rafts (now 3.1(j)): prior to Section 3.1(i)(iv) (now 3.1(j)(iv)) delete the words "... (See Illustration 5 at end of Section 2.)" and add it after Section 3.1(i)(v) (now 3.1(j)(v))
- (i) All subsection references within the Section 3.1 – Accessory Structures and Permitted Uses are renumbered accordingly.
- (j) Subsection 3.22(a) Parking – Other Residential Uses: after the words "...2 for each dwelling unit ..." add the words "..., plus 1 for each additional dwelling unit..." so that it reads as follows:

Other <i>Residential Uses</i> :	2 for each <i>dwelling unit</i> , plus 1 for each <i>additional dwelling unit</i> .
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- (k) All subsection references within the text By-law 2005-120 are renumbered accordingly.

3. Section 5 Residential Zones, is amended as follows:

- (a) Table 5.1 Residential Permitted Uses – Converted dwelling: amend the row for *Converted dwelling* as follows: add *converted dwellings* as a *permitted use* in the Rural Residential (RR) zone so that the *Converted dwelling* row reads as follows:

<b>RESIDENTIAL PERMITTED USES</b>	<b>WR1, WR2</b>	<b>WR3, WR4, WR5, WR6</b>	<b>WR3L, WR4L, WR5L, WR6L</b>	<b>RR</b>	<b>RS</b>	<b>R1, R2</b>	<b>R3</b>
<i>Converted dwelling</i>				<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>

- (b) Table 5.1 Residential Permitted Uses: amend the Residential Permitted Uses as follows: after the row "Semi-detached dwelling", add a new permitted use as follows:

<b>RESIDENTIAL PERMITTED USES</b>	<b>WR1, WR2</b>	<b>WR3, WR4, WR5, WR6</b>	<b>WR3L, WR4L, WR5L, WR6L</b>	<b>RR</b>	<b>RS</b>	<b>R1, R2</b>	<b>R3</b>

<i>Additional dwelling unit</i>				<b>X</b>	<b>X(b)</b>	<b>X(b)</b>	<b>X(b)</b>
(b) If not served by a sanitary sewer system, and the <i>front lot line</i> is a <i>shoreline</i> , the <i>lot</i> shall have a minimum <i>lot area</i> of 4000 m <sup>2</sup> and a minimum <i>lot frontage</i> of 30 m.							

- (c) Table 5.1 Residential Permitted Uses: amend the Residential Permitted Uses as follows: after the row "*Any other home business*", add a new permitted use as follows:

<b>RESIDENTIAL PERMITTED USES</b>	<b>WR1, WR2</b>	<b>WR3, WR4, WR5, WR6</b>	<b>WR3L, WR4L, WR5L, WR6L</b>	<b>RR</b>	<b>RS</b>	<b>R1, R2</b>	<b>R3</b>
<i>Outdoor sauna</i>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>

- (d) Table 5.2 Residential Zone Provisions: amend the Residential Zone Provisions as follows: after the row "*Dwellings per lot, maximum*", add a new row of provisions as follows:

<b>RURAL, SUBURBAN, AND URBAN RESIDENTIAL ZONE PROVISIONS</b> (See notes at end of table)	<b>RR</b>	<b>RS</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>
<i>Additional dwelling units per lot, maximum</i>	1	1	1	1	1

- (e) Table 5.2 Residential Zone Provisions – Dwelling Unit Area, Minimum: amend the Residential Zone Provisions row for *Dwelling unit area, minimum* as follows: delete the words "...55 m<sup>2</sup> ...", and replace it with the words "...No minimum..." so that the *Dwelling unit area, minimum* row reads as follows:

<b>RURAL, SUBURBAN, AND URBAN RESIDENTIAL ZONE PROVISIONS</b> (See notes at end of table)	<b>RR</b>	<b>RS</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>
<i>Dwelling unit area, minimum</i>	No minimum	55 m <sup>2</sup> (k)	55 m <sup>2</sup> (k)	55 m <sup>2</sup> (k)	55 m <sup>2</sup>

- (f) All subsection references within the text By-law 2005-120 are renumbered accordingly.

4. Section 9 Rural Zones, is amended as follows:

- (a) Table 9.1 Rural Permitted Uses: amend the Rural Uses as follows: after the row "*Seasonal dwelling*", add a new permitted use as follows:

<b>RURAL PERMITTED USES</b>	<b>RU1</b>	<b>RU1L</b>	<b>RU2</b>	<b>RU3</b>
<i>Additional dwelling unit</i>	<b>X</b>		<b>X</b>	

- (b) Table 9.1 Rural Permitted Uses: amend the Non-residential Uses section as follows: after the row "*Home industry*", add a new permitted use as follows:

<b>RURAL PERMITTED USES</b>	<b>RU1</b>	<b>RU1L</b>	<b>RU2</b>	<b>RU3</b>
<i>Outdoor sauna</i>	<b>X</b>	<b>X</b>	<b>X</b>	

- (c) Table 9.2 Rural Zone Provisions: delete the Rural Zone Provisions in its entirety, and replace it with the following:

<b>RURAL ZONE PROVISIONS</b> (See notes at end of table)	<b>RU1</b>	<b>RU1L</b>	<b>RU2</b>	<b>RU3</b>
<i>Lot area, minimum</i>	20 ha	20 ha	12 ha	20 ha
<i>Lot frontage, minimum</i>	180 m	180 m	100 m	180 m
<i>Dwellings per lot, maximum</i>	1	1	1	1
<i>Additional dwellings units per lot, maximum</i>	1	0	1	0
<i>Private cabins per lot, maximum</i>	1	1	1	1
<i>Minimum water setback</i>	30 m (a)	30 m (a)	30 m (a)	30 m (a)
<i>Minimum lot line setback, front (By-law 2007-34)</i>	13.5 m (b)	13.5 m (b)	30 m	13.5 m (b)
<i>Minimum lot line setback, exterior side</i>	13.5 m	13.5 m	13.5 m	13.5 m
<i>Minimum lot line setback, interior side</i>	4.5 m	4.5 m	4.5 m	4.5 m
<i>Minimum lot line setback, rear</i>	9 m	9 m	9 m	9 m
<i>Golf course or ski area setback from zone boundary, minimum</i>	100 m (c)	100 m (c)	not applicable	100 m (c)
<i>Golf course or ski area setback from high water mark, minimum</i>	100 m	100 m	not applicable	100 m
<i>Lot coverage, maximum</i>	10%	10%	10%	10%
<i>Dwelling unit area, minimum</i>	No minimum	No minimum	No minimum	No minimum
<i>Parking space setback from street line, minimum</i>	1 m	1 m	1 m	1 m
<i>Parking space setback from lot line, minimum</i>	3 m (d)	3 m (d)	3 m (d)	3 m (d)
<i>Planting strip width, minimum</i>	3 m (e)	3 m (e)	3 m (e)	3 m (e)
<b>Notes:</b>				
(a) <i>If the lot was registered as of March 11, 2004 and has not been altered since, and a main building was located on the lot on that date, the minimum is 20 m.</i>				
(b) <i>If the front lot line is a shoreline, no minimum, except where the original shoreline road allowance is occupied by an improved street, but the minimum water setbacks still apply.</i>				
(c) <i>If the zone boundary abuts a zone that is not a WR Zone, no minimum.</i>				
(d) <i>If the lot line abuts a zone that is not a Residential Zone or a lot with no residential use, no minimum.</i>				
(e) <i>A planting strip is required only along those parts of an interior side lot line or a rear lot line that abut a Residential Zone or a lot with a residential use.</i>				

- (d) All subsection references within the text By-law 2005-120 are renumbered accordingly.

5. This By-law shall come into force on the date of final passing if no notice of appeal is filed with the Clerk within 20 days of the giving of notice of passage of this By-law and if Official Plan Amendment No. 3 is approved.

If a notice is filed with the Clerk, the By-law shall only come into force according to the provisions of Section 34(30) of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

This By-law is of no force and effect if Official Plan Amendment No. 3 does not come into effect.

READ a first, second and third time, signed and the Corporate Seal attached hereto this 12<sup>th</sup> day of December 2023.

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Mayor: Murray Fearrey

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Clerk: Mallory Bishop