

ACCESSORY DWELLING UNITS - ZBA

**NOTICE OF PASSING OF A ZONING BY-LAW BY
THE TOWNSHIP OF MELANCTHON**

TAKE NOTICE that the Council of the Township of Melancthon passed By-law No. **40-2021** on the 17th day of June, 2021 under Section 34 of the Planning Act;

AND TAKE NOTICE that only individuals, corporations and public bodies may appeal a by-law to the Ontario Municipal Board by filing a notice of appeal with the Clerk of the Township of Melancthon not later than the **15th day of July, 2021**. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf. No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in the opinion of the Ontario Municipal Board, there are reasonable grounds to add the person or public body as a party. The notice of appeal must set out the reasons for the appeal and must be accompanied by the fee required by the Ontario Municipal Board.

The complete by-law is attached.

Dated at the Township of Melancthon this 24th day of June, 2021.



Denise B. Holmes
CAO/Clerk
Township of Melancthon
157101 Highway 10
Melancthon, Ontario
L9V 2E6

THE CORPORATION OF THE TOWNSHIP OF MELANCTHON

BY-LAW NO. 40-2021

(Accessory Dwelling Units – June 14, 2021)

Being a By-law to amend By-law No. 12-79, as amended, the Zoning By-law for the Township of Melancthon.

WHEREAS the Council of the Corporation of the Township of Melancthon is empowered to pass By-laws to regulate the use of land pursuant to Section 34 of the Planning Act, 1990;

AND WHEREAS the Council of the Corporation of the Township of Melancthon deems it advisable to amend By-Law 12-79, as amended;

NOW THEREFORE the Council of the Corporation of the Township of Melancthon enacts as follows:

1. Zoning By-law No. 12-79 as amended, is further amended by adding the following new sub-sections after sub-section 3.24):

3.25 a) Accessory Dwelling Unit Accessory to a Single Detached Dwelling

Notwithstanding any other provisions of this By-law, one accessory dwelling unit is permitted in a detached dwelling in the A1, A2, R1, ER1 or RR Zones provided:

- a) all existing buildings and structures on the lot are lawful and compliant with the zone provisions of their appurtenant zone confirmed by a current plan of survey or real property report;
- b) the lot shall have a minimum lot area of 1,400 m² in the R1 Zone and 8,000 m² in all other zones;
- c) the principle detached dwelling has a minimum ground floor area of 75 square metres and is otherwise lawful and compliant with the provisions of this By-law;
- d) the maximum floor area of the secondary dwelling unit is no greater than 75 square metres and the minimum floor area is no smaller than 40 square metres;
- e) a minimum of three parking spaces are provided on the lot;
- f) the resultant two-unit dwelling is compliant with the Ontario Building Code Act;
- g) the accessory dwelling unit shall be confined to a single floor;
- h) the resultant two-unit dwelling shall share a common driveway;
- i) the principle dwelling and the accessory dwelling shall have separate external points of entry;
- j) where the accessory dwelling unit is constructed onto an existing dwelling the accessory dwelling unit and the principle dwelling share a common load bearing wall of at least 5 metres in length; and,
- k) the existing septic system shall be in good working order confirmed by an inspection by a licensed sewage system installer (Ontario).

3.25 b) Accessory Dwelling Unit Accessory to a Detached Private Garage

Notwithstanding any other provisions of this By-law, one accessory dwelling unit is permitted in a detached garage accessory to a residential dwelling in the A1, A2 or RR Zones provided:

- a) all existing buildings and structures are lawful and compliant with the zone provisions of their appurtenant zone confirmed by a current plan of survey or real property report;
- b) the lot shall have a minimum lot area of 8,000 m²;
- c) the floor area of the accessory dwelling unit is no greater than 50% of the ground floor area of the building to a maximum of 60 square metres and is located entirely above grade;
- d) the maximum height of the detached garage shall be 7 metres;


- e) the detached garage shall be located behind the front wall of the principle dwelling;
- f) where the accessory dwelling unit is located at grade, the accessory dwelling unit shall be located to the rear of the structure with the front portion of the structure utilized for a detached garage;
- g) the accessory dwelling unit shall be confined to a single floor;
- h) the detached garage shall be designed for vehicle or equipment storage with a suitable entry for vehicles or equipment and shall not have any internal plumbing or sanitary fixtures not related to the accessory dwelling unit;
- i) the detached garage shall not be utilized for a home industry or on-farm diversified use or for agricultural purposes;
- j) a minimum of three parking spaces are provided on the lot;
- k) the detached garage shall be located within 60 metres of the dwelling and shall utilize the same driveway as the dwelling;
- l) the resultant structure is compliant with the Ontario Building Code Act;
- m) the detached garage and the accessory dwelling unit shall have separate external points of entry;
- n) the detached garage shall not have a basement;
- o) no detached accessory structures or uses shall be permitted in conjunction with the secondary dwelling unit; and,
- p) for the purpose of Section 3.25 b), detached shall mean a separate building, independent from the dwelling and furthermore any external attached building feature such as a porch, balcony or deck shall not exceed 20% of the floor area of the accessory dwelling unit.

2. In all other respects, the provisions of By-law 12-79, as amended shall apply.


This By-law shall come into effect upon the date of passage hereof, subject to the provisions of Section 34 (30) and (31) of the Planning Act (Ontario).

READ A FIRST AND SECOND TIME on the 17th day of June 2021.

READ A THIRD TIME and finally passed this 17th day of June 2021.



Mayor



Clerk