

The Corporation of the Town of Tecumseh

By-Law Number 2022 - 079

Being a by-law to amend By-law 85-18, the Town's Comprehensive Zoning By-law for those lands in the former Township of Sandwich South

(D19 ARU – By-law to establish zoning regulations for Additional Residential Units (ARU), in accordance with the Policies of the Town of Tecumseh Official Plan)

Whereas By-law No. 85-18 is the Town's comprehensive zoning by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Tecumseh, for lands situated within the former Township of Sandwich South.

And whereas the Council of the Corporation of the Town of Tecumseh deems it necessary and in the best interest of proper planning to further amend By-law No. 85-18;

And whereas this By-law conforms to the Town of Tecumseh Official Plan, as amended;

Now Therefore the Council of The Corporation of The Town of Tecumseh enacts as follows:

1. **That** By-law 85-18, Section 5, General Provisions, as amended, is hereby further amended by the addition of a new subsection 5.49 to immediately follow subsection 5.48 and to read as follows:

"5.49 REGULATIONS FOR ADDITIONAL RESIDENTIAL UNITS (ARU)

Where an Additional Residential Unit is permitted in a particular zone, the following regulations shall apply:

5.49.1 Additional Residential Unit – Attached

- a) Shall be permitted within single-unit detached, semi-detached and townhouse dwelling units;
- b) All yard and lot requirements shall be in accordance with the regulations that apply to the primary dwelling;
- c) Maximum gross floor area shall be 50% of primary dwelling except that it may occupy the whole of a basement;

- d) Shall provide a minimum of one (1) off-street parking space;
- e) Shall have its own exterior entrance separate from the exterior entrance to the primary dwelling unit, but shall not be permitted on an elevation, or façade of the building that faces a public street or private road; and shall have no means of internal access to the primary dwelling unit, except that access to a primary and additional residential unit through a common vestibule entry is permitted;
- f) Shall require a permit from the Essex Region Conservation Authority if within the Limit of Regulated Area of the Essex Region Conservation Authority.

5.49.2 Additional Residential Unit – Stand-Alone

- a) Shall be permitted when associated with a single-unit detached, semi-detached or exterior townhouse dwelling units located on the same lot;
- b) Shall be permitted in rear and interior side yards only;
- c) Shall not be closer than 1.5 metres (4.92') to any interior side or rear lot line. However, if located above the first storey of an accessory structure abutting a rear laneway, shall not be closer than 0.6 metres (1.96') from rear lot line;
- d) Shall not be closer than 3.0 metres (9.84') to side and rear lot lines in the case of a two-storey additional residential unit having windows adjacent to the aforementioned property lines;
- e) Shall not be closer than 3.0 metres (9.84') to primary dwelling on the same lot;
- f) Shall not exceed 6.5 metres (21.32') in height;
- g) Maximum gross floor area shall be 100 square metres (1,076 sq. ft.) and no greater than 50% of primary dwelling;
- h) Shall connect to and use the municipal sanitary and water services located on the lot for the primary dwelling. Except where no municipal sanitary sewer is available, a private septic system must meet the requirements of the Ontario Building Code;

- i) Shall provide a minimum of one (1) off-street parking space;
 - j) Shall require a permit from the Essex Region Conservation Authority if within the Limit of Regulated Area of the Essex Region Conservation Authority.
2. **That** By-law 85-18, Section 6, Residential Zone 1 (R1) Regulations is hereby further amended by the addition of a new subsection 6.1.1 e) to immediately follow subsection 6.1.1 d) and to read as follows:

“e) one additional residential unit – attached, and/or one additional residential unit – stand-alone, in accordance with the provisions of subsection 5.49 of this By-law.”
3. **That** By-law 85-15, Section 6, Residential Type One Zone (R1) Regulations is hereby further amended by the addition of a new subsection 6.1.2 d) to immediately follow subsection 6.1.2 c) and to read as follows:

“d) one additional residential unit – attached, and/or one additional residential unit – stand-alone, serviced by a public water supply, and where such Additional Residential Unit is located within a defined sewer service area it shall be serviced by a public sanitary sewage system.”
4. **That** By-law 85-18, Section 6A, Residential Zone 2 (R2) Regulations is hereby further amended by the addition of a new subsection 6A.1.1 e) to immediately follow subsection 6A.1.1 d) and to read as follows:

“e) one additional residential unit – attached, and/or one additional residential unit – stand-alone, in accordance with the provisions of subsection 5.49 of this By-law.”
5. **That** By-law 85-18, Section 6A, Residential Zone 2 (R2) Regulations is hereby further amended by the addition of a new subsection 6A.1.2 d) to immediately follow subsection 6A.1.2 c) and to read as follows:

“d) one additional residential unit – attached, and/or one additional residential unit – stand-alone, serviced by a public water supply and public sanitary sewage system.”
6. **That** By-law 85-18, Section 7, Hamlet Residential Zone (RH) Regulations is hereby further amended by the addition of a new subsection 7.1.1 e) to immediately follow subsection 7.1.1 d) and to read as follows:

“e) one additional residential unit – attached, and/or one additional residential unit – stand-alone, in accordance with the provisions of subsection 5.49 of this By-law.”

7. **That** By-law 85-18, Section 7, Hamlet Residential Zone (RH) Regulations is hereby further amended by the addition of a new subsection 7.1.2 d) to immediately follow subsection 7.1.2 c) and to read as follows:

“d) one additional residential unit – attached, and/or one additional residential unit – stand-alone, and where available serviced by a public water supply.”
8. This By-law shall take effect from the date of passage by Council and shall come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990*.

Read a first, second, third time and finally passed this 11th day of October, 2022.

Gary McNamara, Mayor

Jennifer Alexander, Acting Clerk