

THE CORPORATION OF THE TOWN OF ST. MARYS

BY-LAW NO. Z130-2018

Being a By-law pursuant to the provisions of Section 34 of the *Planning Act* to amend By-law No. Z1-1997, as amended, which may be cited as “The Zoning By-law of the Town of St. Marys” affecting all lands in the Town of St. Marys.

WHEREAS the Council of the Corporation of the Town of St. Marys deems it necessary in the public interest to pass a By-law to amend By-law No. Z1-1997, as amended;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF ST. MARYS ENACTS AS FOLLOWS:

1. That Section 3 of By-law No. Z1-1997 is hereby amended by adding the following definition and renumbering all existing definition numbers following thereafter:

3.1 **Accessory Apartment** means a separate **dwelling unit**, which is located within and subordinate to a **single-detached**, a **semi-detached**, or **row or townhouse dwelling**.

2. That Section 5 of By-law No. Z1-1997 is hereby amended by adding the following general provisions and renumbering all existing sections following thereafter:

5.1 **Accessory Apartments**

5.1.1 **In a Single-detached, Semi-detached or Row or Townhouse Dwelling**

A maximum of one **accessory apartment** is permitted per **lot** in any **single-detached**, **semi-detached** or **row or townhouse dwelling** provided that:

- (a) The maximum **gross floor area** of the **accessory apartment** shall not exceed 40 percent of the **gross floor area** of the **main building** (including the **gross floor area** of the **accessory apartment**) and shall not exceed 100 square metres (1,076 ft²);
- (b) A **home occupation** is prohibited in any **accessory apartment**;
- (c) An **accessory apartment** is prohibited on any **lot** where a **garden suite dwelling** exists;
- (d) The **lot** is serviced by municipal water and sanitary sewer services; and,
- (e) The establishment of a new **accessory apartment** on any **lot** located east of the CNR tracks and north of Trout Creek is prohibited until a secondary means of access to these lands is available.

5.1.2 **In an Accessory Building or Structure**

Alternatively, the **accessory apartment** may be permitted in an **accessory building or structure** on the **lot** in accordance with Section 5.1.1 and provided that:

- (a) There is an existing **single-detached**, **semi-detached** or **row or townhouse dwelling** on the **lot**;
- (b) The size of the **lot** is a minimum of 1,000 m²;

- (c) The accessory building or structure complies with **minimum front, rear, interior side and exterior side yard** requirements for the **main building** in the applicable zone; and,
 - (d) The **accessory building or structure** complies with the **building height** and **lot coverage** requirements of Sections 5.1.4 and 5.1.5.
3. That Section 5 of By-law No. Z1-1997 is hereby amended by adding 'Accessory Apartment' to Column 2 of Row D of the table in Section 5.21.1.1 "Parking Requirements".
 4. That Section 5 of By-law No. Z1-1997 is hereby amended by adding the following sentence at the end of Section 5.8, Dwelling Units Below Grade: "This section shall not apply to an accessory apartment".
 5. That By-law No. Z1-1997 is hereby amended by updating all cross references in sections accordingly.
 6. All other provisions of By-law No. Z1-1997, as amended, shall apply.
 7. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*, as amended, and to Regulations thereunder.

Read a first and second time this 9th day of October, 2018.

Read a third and final time and passed this 9th day of October, 2018.

__Signed by the Mayor__

Mayor Al Stratthdee

__Signed by the CAO / Clerk__

Brent Kittmer, CAO / Clerk