

**To: Mayor and Members of South-West Oxford Council**

**From: Hannelore Yager, Policy Planner, Community Planning**

## **Application for Zone Change ZN 4-25-13 – Township of South-West Oxford (Additional Residential Units)**

### **REPORT HIGHLIGHTS**

---

- Township of South-West Oxford Council directed staff to initiate amendments to the Township Zoning By-law on August 12, 2025 with the intent to improve the implementation and clarity of the zoning provisions and consistency with the Official Plan and recent changes to Provincial legislation.
- The Zone Change application proposes amendments to the Township Zoning By-law to: revise the provisions for Additional Residential Units (ARUs) and residential accessory structures; amend definitions associated with ARUs; address minor technical errors; and, improve consistency between municipalities, where appropriate.
- Planning staff are of the opinion that the draft zoning provisions attached to and described in this report are appropriate and will comply with and appropriately implement the Official Plan policies.

### **DISCUSSION**

---

#### **BACKGROUND**

APPLICANT: Corporation of the Township of South-West Oxford  
312915 Dereham Line, Mount Elgin, ON N0J 1N0

LOCATION:

The proposal is for a Township-wide general amendment that would apply to the entire Township.

PROPOSAL:

The purpose of the application for Zone Change is to introduce amendments to the Township Zoning By-law to improve consistency with the Planning Act and existing Official Plan requirements, refine implementation and clarity of the Zoning By-Law, address minor technical errors, and improve consistency between municipalities, where appropriate.

The proposed zoning provisions are attached to this report in the form of a draft by-law and are discussed in detail in the Planning Analysis section.

#### **APPLICATION REVIEW**

PLANNING ACT

The Planning Act (“the Act”) contains requirements for municipalities with respect to permitting ARUs.

On June 6, 2019, the Province passed Bill 108 (More Homes, More Choice Act), which directed municipalities to enact Official Plan policies and Zoning provisions to allow for up to two ARUs in a single detached, semi-detached, or row house dwelling and/or within a building or structure ancillary to such dwellings. The associated Ontario Regulation (O. Reg) 299/19 came into force and effect on September 3, 2019, and prescribed requirements and standards for ARUs where they are permitted by zoning (i.e. municipalities could require only one parking space per ARU, parking spaces could be tandem spaces, and could not specify the relationship of the occupant of the ARU and the property owner). Subsequently, Bill 23 (More Homes Built Faster Act, 2022) came into effect on November 28, 2022 and in addition to O.Reg 299/19 requirements, also required municipalities to permit up to two ARUs as-of-right on lots served by both a municipal water and a municipal wastewater system and prohibited municipalities from establishing minimum unit sizes for ARUs.

Oxford County implemented this legislation through Official Plan Amendment (OPA 285), which introduced the County’s rural ARU policies and was adopted by County Council on February 8, 2023. Since the passing of OPA 285, further changes to the Act through Bill 185 (Cutting Red Tape to Build More Homes Act, 2024) and O. Reg 299/19 came into force and effect on November 20, 2024 affecting standards for angular plane, floor space index, lot coverage, and lot area.

As discussed in greater detail in Planning Analysis section, proposed amendments to the Zoning By-Law would improve consistency with provincial legislation and to provide greater clarity to the general public.

#### 2024 PROVINCIAL PLANNING STATEMENT

The 2024 Provincial Planning Statement (PPS 2024) came into effect on October 20, 2024, and it provides policy direction on matters of provincial interest related to land use planning and development. Like the preceding 2020 Provincial Policy Statement, the PPS 2024 continues to direct municipalities to direct growth and development to settlement areas, and promote a range and mix of “housing options”. Housing options include, but are not limited to, additional residential units.

The PPS 2024 now clarifies that in prime agricultural areas, where a residential dwelling is permitted, up to two ARUs shall be permitted in addition to farm worker housing, subject to specified criteria and provincial guidance (not yet released). The policies provide the minimum standard for Official Plan policies and Zoning By-Law provisions and, as a result, municipal policies or provisions may exceed PPS requirements to reflect local interests.

Although Oxford County’s Official Plan policies were adopted prior to the PPS 2024 being in effect, the policies remain consistent with provincial policy and criteria regarding ARUs in agricultural areas.

#### OFFICIAL PLAN:

The Oxford County Official Plan was amended regarding ARUs in rural areas through OPA 285, which was adopted by County Council on February 8, 2023. These policies were developed to provide consistent municipal policy direction for all the rural areas in the County, reflect Oxford’s

unique rural context, ensure compliance with the PPS while also providing flexibility for Area Municipalities to reflect local needs through their respective Zoning By-Laws.

As a result, the Official Plan of Oxford identifies where ARUs are permitted, and in cases where they are permitted which affects fully serviced settlements, partially- and un-serviced settlements, and lands outside of settlements such as agricultural lands. The Official Plan also outlines what development criteria need to be satisfied for an ARU, which can depend on where it is proposed and the form it takes. Criteria include, but are not limited to, size and locational requirements; compatibility with surrounding land uses; and ensuring other municipal requirements (e.g. servicing, stormwater management, waste management and emergency access) can be adequately addressed.

As reflected in report [CP 2025-234](#), research and preliminary consultation conducted by Planning staff suggested that the intent of certain Official Plan requirements regarding ARU size, location and compatibility needs were not, on average, consistently reflected in planning application outcomes. As a result, amendments to the Zoning By-Law are proposed in part to improve the implementation of Official Plan criteria.

#### ZONING BY-LAW:

Zoning By-Law Amendment 43-2023 to amend By-Law 25-98 was approved by South-West Oxford Council and came into force and effect on July 11, 2023. The following list provides a summary of what changes were included in By-Law 43-2023:

- Added new defined terms for ‘additional residential unit’; ‘individual on-site sewage system’; ‘individual on-site water system’; ‘municipal sewage system’; ‘municipal water system’; ‘natural hazards’; ‘parking space, tandem’; ‘principal dwelling’; ‘private communal sewage system’; and, ‘private communal water system’.
- Amended definitions for ‘converted dwelling’; ‘dwelling unit’; ‘parking area’; and, ‘multi-unit dwelling’.
- Amended land use permissions for converted dwellings, garden suites and home occupations.
- Amended ‘permitted uses’ in zones where ARUs are permitted and specified the total number of ARUs permitted in each zone.
- Introduced standards and requirements for all ARUs, including – maximum unit size, minimum lot area, maximum lot coverage, minimum lot frontage, requirements for entrances and stairways, minimum parking spaces, minimum landscaped open space, permitted location on the lot, maximum setback from street or principal dwelling, and minimum privacy and screening.
- Amendments to requirements relating to municipal services and dwellings below grade to align with provincial legislation and policies.

As discussed in greater detail in Planning Analysis section, proposed amendments to the Zoning By-Law would adjust the existing provisions established through By-Law 43-2023 to improve consistency with legislative and regulatory changes and overall implementation, while maintaining the original intent of the Official Plan policies and zoning provisions of ARUs.

#### AGENCY COMMENTS

Township of South-West Oxford staff were consulted throughout the development of the draft Zoning Provisions and indicated they are supportive of the proposed draft provisions.

Township staff provided the following comments which focused on approaches to improve clarity:

1. Definitions for dwelling unit area and ground floor area could be adjusted to improve overall implementation and alignment with Ontario Building Code (OBC) where possible;
2. Change garden suite size from gross floor area to dwelling unit area, providing consistency between garden suites and ARUs.

With respect to amending definitions, staff review determined there were opportunities to adjust the definitions for ground floor area and dwelling unit area. Changes are aimed to ensure the Zoning By-Law is not more restrictive than the OBC, to reduce potential conflicts for staff tasked with implementing the By-Law while also providing sufficient flexibility for interpretation. The definition for ground floor area was also expanded to address specific architectural details– such as walk out basements and retractable walls.

The draft amendment proposes to align the terminology used in the provisions for garden suites to be consistent with the terminology used for ARUs. Using dwelling unit area instead of gross floor area, as suggested by Township staff to regulate the size of garden suites, is considered appropriate because it creates further consistency between how garden suites and ARUs are regulated. It is the opinion of Planning staff that the change will also improve implementation over the long-term, recognizing that existing garden suites are sometimes converted to detached ARUs.

CN Rail stated that the construction of a new ARU should be subject to certain requirements to be established in a By-Law associated with Principal Main Use rail lines. These requirements include maintaining a 30 metre setback, establishing a safety berm, and fencing for any property boundaries that abut a railway right of way.

As similar requirements are not currently contained in the Zoning By-law for other residential uses and/or other railway operators, Planning staff are of the opinion that this request should be considered comprehensively as part of a future housekeeping amendment and have noted it for further review.

County of Oxford Public Works, Southwestern Public Health, Long Point Region Conservation Authority (LPRCA), Upper Thames Conservation Authority (UTRCA) and Enbridge Gas indicated that they have no comments or objections with respect to the proposed zone change.

## **Planning Analysis**

The proposed Zoning provisions were developed in consultation with Township staff and County Public Works, and other agency comments have been addressed as indicated in the 'Agency Comments' section above. The following summary outlines the proposed amendments to the Township Zoning By-law, and how the intent of the Planning Act, PPS 2024, and Official Plan is maintained.

### Regulating ARU Size and Lot Coverage

The size and scale of an ARU is currently regulated by two provisions – 'gross floor area' and 'lot coverage'. Consultation with Township staff suggests using these provisions has created implementation challenges and the following changes are proposed:

1. All ARUs – Change from Gross Floor Area to Dwelling Unit Area

Currently, the maximum size for all ARUs on a property is 50% of the gross floor area of the principal dwelling to a maximum of 100 m<sup>2</sup> or 140 m<sup>2</sup>, depending on whether the property is located within or outside of a settlement. Staff have determined that an ARU's size may be more clearly interpreted and appropriately regulated by using 'dwelling unit area' rather than 'gross floor area'. Use of 'dwelling unit area' rather than 'gross floor area' is also consistent with practices in other municipalities and could be more permissive for some proposals, while also maintaining the intent of Official Plan requirements.

Staff propose using 'dwelling unit area' to regulate the size of all ARUs instead of 'gross floor area'. Dwelling unit area is an existing definition with a range of exclusions that are proposed to be amended for added clarity. The intent is an ARU's size will be affected by the size of its livable area (e.g. bedrooms, kitchen, bathroom, laundry, etc.) with certain areas being excluded from the calculation such as common areas (e.g. common vestibules, stairwells, and hallways, etc.), mechanical equipment areas, or attics and cellars. The size of detached ARUs will also continue to be affected by lot coverage requirements (discussed below).

## 2. Lot Coverage – Change from Gross Floor Area to Ground Floor Area

ARUs located within detached accessory structures are further affected by lot coverage requirements for accessory structures. Municipalities typically limit lot coverage to a percentage of the lot area with a specific maximum gross floor area acting as an overall ceiling for overall size and floor area. There are two issues that are associated with this current approach:

- The current definition of 'gross floor area' includes all storeys of a building, which results in multi-storey buildings having a higher calculated gross floor area. The intent of the lot coverage requirement is to regulate the amount of building area covering the lot to maintain adequate stormwater management, drainage, and open/green space and is not intended to limit the height of buildings. The proposed amendment uses 'ground floor area' to calculate lot coverage, which has the effect of controlling the footprint of a building or structure. Other provisions, such as building height and setback requirements, would still apply.

Staff will continue to review how the provisions for residential accessory buildings (with or without ARUs) will be impacted by these proposed changes to ensure they don't inadvertently allow for larger, multi-storey accessory buildings, where not intended. A final by-law may, for example, maintain the current gross floor area requirements (in combination with the proposed amendments to lot coverage) and/or limit accessory buildings to a maximum of one storey, where appropriate, to ensure there are no unintended consequences.

The Township of South-West Oxford does not have an existing definition of ground floor area. The draft by-law proposes to add a definition which includes the parts of a building or structure that have an impact on the area remaining on the lot for storm water management, parking, and landscaped open space, while also establishing exclusions to recognize that certain structures, such as uncovered decks, are less likely to impact on-site stormwater management and landscaped open space.

- The current definition of 'lot coverage' encompasses all buildings (with minor exclusions for outdoor mechanical equipment, flagpoles, etc.); however, consultation with Township staff has identified inconsistent interpretations across municipalities with respect to how the maximum lot coverage is calculated for ARUs, accessory structures, and the principal

dwelling. The draft by-law proposes to amend the definition of lot coverage to clarify that lot coverage for accessory structures includes the ground floor area of an ARU located in a detached structure and that lot coverage for accessory structures shall be included in the total lot coverage for the lot.

The previous Zoning By-law amendment for ARUs (By-Law 43-2023) established criteria for an ARU (e.g. maximum lot coverage, minimum yards and setbacks) based on the existing zone provisions for the principal dwelling and/or accessory structures. The proposed by-law amendment would maintain the approach that an ARU's form (i.e. inside/attached-to the main home, or in a detached structure), and the underlying zone, affects certain size and location provisions. It is noted that only the parameters used for calculation of compliance with the zoning provisions are proposed to be amended as specified through proposed clarifications to the applicable definitions, and no changes to the numeric quantities (e.g. % or m<sup>2</sup>/ft<sup>2</sup>) are proposed.

#### New or Amended Definitions

In addition to the proposed amendments to the definitions and provisions related to lot coverage, dwelling unit area, and ground floor area, the attached by-law proposes the following new or amended definitions:

- **Detached Additional Residential Unit:** Currently, only 'additional residential unit' is defined. Adding a proposed new definition for 'detached additional residential unit' would provide clarity with respect to the nature of the land use and readability of the by-law—specifically, that it is an ARU located within a detached accessory building.
- **Principal dwelling:** The existing definition replicates language from the Planning Act to state the type of dwellings (i.e. single detached, semi-detached, and townhouse dwellings or detached accessory structures) that an ARU is permitted to be located within. The draft by-law would amend this definition to clarify that the addition of an ARU does not change the principal dwelling into any other type of dwelling. As outlined in previous report [CP 2025-234](#), this proposed amendment reflects the finding that a significant number of planning applications involved 'swapping' the use of an existing principal dwelling with a newly established accessory dwelling. This change in definition is not intended to prohibit 'swaps' from occurring, but rather to make these proposals more explicit so that planning authorities may consider whether they maintain Official Plan criteria for ARUs.
- **Distance From:** Currently, there is no definition in the Township By-Law for how the maximum distance between a detached ARU and the principal dwelling is calculated. The PPS 2024 directs municipalities to keep detached ARUs close to the principal dwelling on prime agricultural lands and the Official Plan specifies this distance is a maximum of 30 metres. The attached by-law defines this concept as the distance measured from the nearest face or corner of a detached ARU to the nearest face or corner of the principal dwelling, which is the most permissive approach.

#### Driveways

To reflect existing Official Plan direction, the draft by-law includes a provision prohibiting ARUs from being built without direct access to a driveway shared with the principal dwelling. The intended effect of this change would be to help ensure detached ARUs are not located outside of the existing farm building cluster and/or the established residential area on a lot, as directed by the PPS 2024 and Official Plan.

## MDS

The PPS 2024 and Official Plan requires that MDS I setbacks be maintained for new land uses in prime agricultural areas. The previous report [CP 2025-234](#) and consultation with Township staff further suggests that the Zoning By-Law could benefit from greater clarity with respect to how MDS I applies to ARUs.

While Publication 853: The Minimum Distance Separation (MDS) Document (the current version of the MDS Formulae and Implementation Guidelines) is not explicit in addressing ARU's, it does provide direction for its application to existing lots and residential building permits.

The Ontario Ministry of Agricultural, Food and Agribusiness (OMAFRA) recently provided updated training for practitioners which clarified MDS I does not apply to ARUs attached to- or inside of- a single detached dwelling, but MDS I does apply to a detached ARU, building from this existing direction within the MDS Document.

It is the opinion of Planning staff that the Official Plan policies for ARUs continue to meet the intent of this direction and that the draft by-law amendment would clarify that MDS I only applies to detached ARUs.

### Detached Additional Residential Units: Maximum Permitted and Process

The Official Plan states that a maximum of one detached ARU is permitted per agricultural lot and that the approval of a minor variance is required.

The existing zoning provisions for ARUs establish the maximum number of ARUs permitted in different zones and further differentiated by being within or outside of a settlement area. The provisions also establish where an ARU would be permitted as-of-right and, in the A1 and A2 zones, this permission is limited to inside or attached to the principal dwelling.

The proposed by-law will maintain these permissions; however, further clarify the maximum number of detached ARUs in each zone category and explicitly note for which zones a detached ARU requires the approval of a planning application.

### Detached Additional Residential Units - Minimum Lot Area in Serviced Villages

Under the Planning Act, changes to O. Reg 299/19 now prohibit municipalities from requiring a more restrictive lot area for a lot containing an ARU that is served by both a municipal water and a municipal wastewater system (i.e. a Serviced Village). The draft By-Law now permits that when an ARU is established, the minimum lot area shall be in accordance with the applicable zone provisions for the principal dwelling (i.e. the minimum lot area requirement for a single detached, semi-detached or townhouse dwelling in the R1, R2, R3, and V Zones, as applicable).

### Lot Coverage for All ARUs in Serviced Villages

Another amendment to O. Reg 299/19 requires that residentially zoned lots served by both a municipal water and a municipal wastewater system may have a maximum lot coverage of 45%, where at least one ARU exists. It is the understanding of staff that this maximum lot coverage includes all buildings and structures on the lot and only applies to lots that are zoned for residential use (e.g. does not apply when a dwelling is ancillary to a commercial use). The draft by-law reflects this new requirement, and language has been added to ensure lot coverage permissions are clear for the remaining zones unaffected by O. Reg 299/19.

### Technical Changes

The following proposed changes are recommended to improve implementation of existing zoning provisions and Official Plan requirements.

- State when and how garden suites and ARUs may be permitted on the same lot;
- Use 'dwelling unit area' to regulate maximum size of garden suites and removing minimum floor area requirements to reflect the approach used for ARUs;
- Change reference to 'size', 'volume' and 'floor area' which are undefined terms to defined terms (e.g. 'gross floor area' and/or 'ground floor area') within General Provisions affecting non-conforming and/or non-complying uses;
- To re-instate changes made through By-Law 43-2023 (e.g. defined terms regarding municipal water and sewage systems and R2 zone provisions)
- Clarify which land use permissions and zoning provisions for ARUs apply to A1/A2 zoned lots that are located within the boundaries of a settlements as the current by-law does not prescribe requirements for those lots; and,
- Updating the provisions that exempt small accessory structures (under 15 m<sup>2</sup>) from the determination of total lot coverage or full extent of setback requirements to align with the Building Code or improve consistency with other area municipalities

### **Conclusions**

The proposed zoning provisions are intended to implement the 2024 Provincial Planning Statement, Planning Act, and Official Plan policies adopted by County Council through OPA 285. Further, the proposed draft zoning provisions are intended to be minor changes which would have the effect of improving implementation of existing Zoning By-Law provisions.

Planning staff are of the opinion that the draft zoning provisions attached to and described in this report are appropriate and will comply with and implement the Official Plan policies.

## **RECOMMENDATIONS**

---

1. **That the Council of the Township of South-West Oxford approve-in-principle the proposed Zoning By-Law amendment (File No. ZN 4-25-13) to introduce amendments to Township Zoning By-Law No. 25-98 and that the By-law be brought back to a subsequent Council meeting.**

## **SIGNATURES**

---

**Authored by:** Original signed by

Hanne Yager, MCIP, RPP  
Policy Planner

**Review by:** Original signed by

Meghan House, MCIP, RPP  
Senior Policy Planner

**Reviewed for submission by:** Original signed by

April Nix, MCIP, RPP  
Manager, Planning Policy



**Approved for submission by:** Original signed by

Eric Gilbert, MCIP, RPP  
Manager of Development Planning

THE CORPORATION OF THE  
TOWNSHIP OF SOUTH-WEST OXFORD  
BY-LAW NUMBER XX-2025-Z

A By-law to amend Zoning By-law Number 25-98, as amended.

WHEREAS the Municipal Council of the Corporation of the Township of South-West Oxford deems it advisable to amend By-law Number 25-98, as amended.

THEREFORE, the Municipal Council of the Corporation of the Township of South-West Oxford, enacts as follows:

1. That Section 2.0 to By-law Number 25-98, as amended, is hereby further amended by adding the following new definitions in alphabetical order in the index and to the corresponding list of existing definitions:

“DETACHED ADDITIONAL RESIDENTIAL UNIT”, means an *additional residential unit* located within or attached to a detached accessory *building* that is located on the same *lot* as a *principal dwelling*.

“DISTANCE FROM”, means the smallest dimension measured between two *buildings* or *structures* on a two-dimensional plan from the outside face of exterior walls of the foundations.

“GROUND FLOOR AREA”, means the aggregate of the maximum horizontal extent of all areas of a *building* measured between the exterior faces of the exterior walls, including retractable walls and roofed projections (e.g. covered *porches*, *decks*, balconies and *carports*). For greater clarity, ground floor area shall encompass the total footprint of a *building* that exist above or below grade (e.g. walk-out *basements*) and shall exclude uncovered *decks*, balconies, canopies, and overhanging eaves, which are two metres or more in *height* above *finished grade*.

2. That Section 2.0 to By-law Number 25-98, as amended, is hereby further amended by deleting the following the definitions of “Dwelling Unit Area”, “Lot Coverage”, and “Principal Dwelling” and replacing them with the following definitions in the index and to the corresponding list of existing definitions:

“DWELLING UNIT AREA”, means the aggregate of the horizontal areas contained within the inside walls of a *dwelling unit*, excluding: any areas used for the storage or parking of *motor vehicles*; a porch or veranda; unfinished *attic*, *cellar* or *basement*; common areas that are accessible by more than one dwelling unit (e.g. stairways, elevators, accessibility ramps, laundry); and areas occupied by mechanical equipment.

“LOT COVERAGE”, means that percentage of the *lot area* covered by the maximum horizontal extent of all *buildings* and *structures* on the *lot*, excluding the area covered by uncovered *decks*, balconies, canopies and overhanging eaves, which are two meters or more in *height* above *finished grade*.

For greater clarity, *ground floor area* is used for *determining lot coverage*. The calculation of *lot coverage* for *accessory structures* includes the *ground floor area* of any detached *accessory structures* and any *detached additional residential units*. The *lot coverage* of all *accessory structures*, except those exempted under Section 5.1.1.3.1, shall be included in the calculation of the maximum *lot coverage* for the principal *use* of the *lot*.

“PRINCIPAL DWELLING”, means the *single detached dwelling*, *semi-detached dwelling*, or *street fronting townhouse dwelling* that has been altered to contain *additional residential unit(s)* and/or is located on the same *lot* as a *detached additional residential unit*.

The creation of *additional residential unit(s)* does not change the *principal dwelling* into any other type of *dwelling* as defined in this By-law.

3. That Section 6.0 to By-law Number 25-98, as amended, is hereby further amended by deleting Table 6.1.1.3 and replacing it with the following new Table 6.1.1.3:

<b>Table 6.1.1.3 – Regulations for Accessory Uses</b>				
<b>Provision</b>	<b>Residential Zones Within a Settlement Area</b> (As defined in Section 4.7.2.1 of this By-Law)	<b>Residential Zones Located Outside of a Settlement Area</b> (As defined in Section 4.7.2.1 of this By-Law)	<b>Agricultural Zones</b>	<b>All Other Zones</b>
Permitted Location	Any <i>yard</i> other than a <i>required front yard</i> and an <i>exterior side yard</i>	Any <i>yard</i> other than a <i>required front yard</i> and an <i>exterior side yard</i>	Any <i>yard</i> other than a <i>required front yard</i> and an <i>exterior side yard</i>	In accordance with the <i>yard</i> and <i>setback</i> provisions of the zone in which such <i>building</i> or <i>structure</i> is located
Minimum Distance from Main Buildings	<b>1.0 m</b> (3.3 ft)	<b>1.0 m</b> (3.3 ft)	<b>3.0 m</b> (9.84 ft)	<b>3.0 m</b> (9.84 ft)
Maximum Height	<b>5.0 m</b> (16.4 ft)	<b>6.1 m</b> (20.0 ft)	<b>6.6 m</b> (21.6 ft)	In accordance with applicable zone provisions
Side Yard Setback	<b>1.2 m</b> (3.9 ft)	<b>1.2 m</b> (3.9 ft)	In accordance with applicable zone provisions	In accordance with applicable zone provisions
Rear Yard Setback	<b>1.2 m</b> (3.9 ft)	<b>1.2 m</b> (3.9 ft)	In accordance with applicable	In accordance with applicable zone provisions

			zone provisions	
<i>Lot Coverage, Maximum for all accessory buildings and structures</i>	10% of <i>lot area</i> , or <b>100 m<sup>2</sup></b> (1,076 ft <sup>2</sup> ) of <i>ground floor area</i> , whichever is the lesser	10% of <i>lot area</i> , or <b>225 m<sup>2</sup></b> (2,421 ft <sup>2</sup> ) of <i>ground floor area</i> , whichever is the lesser	10% of <i>lot area</i> , or <b>225 m<sup>2</sup></b> (2,421 ft <sup>2</sup> ) of <i>ground floor area</i> , whichever is the lesser	In accordance with applicable zone provisions
<i>Gross floor area, Maximum for all accessory buildings and structures</i>	<b>100 m<sup>2</sup></b> (1,076 ft <sup>2</sup> ) of <i>gross floor area</i>	<b>225 m<sup>2</sup></b> (2,421 ft <sup>2</sup> ) of <i>gross floor area</i>	<b>225 m<sup>2</sup></b> (2,421 ft <sup>2</sup> ) of <i>gross floor area</i>	In accordance with applicable zone provisions

4. That Section 6.0 to By-law Number 25-98, as amended, is hereby further amended by deleting Subsection 6.1.1.3.1 and replacing it with the following new Subsection 6.1.1.3.1:

6.1.1.3.1 Notwithstanding any provision of Table 6.1.1.3 to the contrary, the following provisions shall also apply to *accessory buildings* or *structures* associated with a *residential use*:

- i) *accessory buildings* or *structures* not exceeding **15 m<sup>2</sup>** (161.5 ft<sup>2</sup>) in *gross floor area* cumulatively may be excluded from the calculation of total *lot coverage*; and
- ii) an *accessory building* or *structure* not exceeding **15 m<sup>2</sup>** (161.5 ft<sup>2</sup>) in *gross floor area* shall be *setback* a minimum of 0.6 m (2 ft) from an *interior side lot line* or *rear lot line*.

5. That Section 6.0 to By-law Number 25-98, as amended, is hereby further amended by deleting subsection 6.4.2. and replacing it with the following new subsection 6.4.2:

#### 6.4.2 ADDITIONAL RESIDENTIAL UNITS

##### 6.4.2.1 WHERE PERMITTED

Where listed as a permitted use in an applicable Zone, *additional residential units* are permitted subject to the provisions of this Section and compliance with all other provisions of the Zone in which the *lot* is located.

*Detached additional residential units* located outside of a settlement defined in Section 4.7.2.1 shall be required to satisfy the minimum distance separation requirements, as determined through the application of the *Minimum Distance Separation Formula I* (MDS I) or not further reduce an existing insufficient MDS I *setback*.

#### 6.4.2.2 WHERE NOT PERMITTED

*Additional residential units* shall not be permitted:

- i) on any *lot* within the following settlements as defined in Section 4.7.2.1:
  - a) Dereham Centre (Rural Cluster); and,
  - b) the portion of Beachville (Village) that is served by a *municipal water system*.
- ii) on any *lot* containing a *boarding or lodging house*, a *group home*, a *garden suite*, a *converted dwelling*, a *duplex dwelling*, a *mobile home*, or a *bed and breakfast establishment*. An *additional residential unit* within the *principal dwelling* may be permitted on the same lot as an *existing garden suite* where the *lot* meets the provisions of Section 6.4 and an application under the Planning Act has been approved;
- iii) on any *lot* located in within a settlement defined in Section 4.7.2.1, unless the *principal dwelling* is connected to the *municipal water system* and/or *municipal sewage system* and adequate *municipal water system* and/or *municipal sewage system* capacity to service the *additional residential unit(s)* has been confirmed by the *County* in writing;
- iv) on any portion of a *lot* containing *natural hazards*, unless formal clearance or approval from the Conservation Authority having jurisdiction has been obtained, or on any *lot* that does not meet Provincial access standards during a regulatory flood event;
- v) on any *lot* serviced by a *private communal water system* and/or *private communal sewage system*; and,
- vi) notwithstanding the provisions of Section 6.7 and 6.17, on any *lot* in a residential, mixed use or commercial zone, as defined by Section 5.1.1, serviced by an *individual on-site sewage system* where the *lot area* doesn't meet the minimum *lot area* provisions of this Section or the Zone in which the *lot* is located whichever is the greater.

### 6.4.2.3 PROVISIONS FOR ALL ADDITIONAL RESIDENTIAL UNITS

All *additional residential units* shall comply with the provisions of Table 6.4.2.3:

TABLE 6.4.2.3 – PROVISIONS FOR ALL ADDITIONAL RESIDENTIAL UNITS				
Provision	Column 1 - R1, R2, R3 and V Zones, where served by both a <i>municipal water system</i> and <i>municipal sewage system</i>	Column 2- R1, R2 and V Zones, where not served by a <i>municipal sewage system</i>	Column 3 - RE and RR Zones in a settlement area (as defined in Section 4.7.2.1)	Column 4 - A1, A2, RR, and RE Zones outside of a settlement area (as defined in Section 4.7.2.1)
<b>Number of Additional Residential Units per lot</b> , Maximum	1, in the Village of Mount Elgin	1, except in settlements listed in 6.4.2.2 i)	1	2
<b>Lot coverage</b> , Maximum for all <i>accessory buildings and structures</i>	45%, provided there are no non-residential uses on the lot	<p><i>Detached Additional Residential Units</i> shall be in accordance with Table 6.4.2.3 Provisions for Maximum Size.</p> <p><i>Additional Residential Units</i> located within the <i>principal dwelling</i> shall be in accordance with the provisions for the <i>principal dwelling</i>.</p>		
<b>Cumulative Dwelling Unit Area for all Additional Residential Units</b> , Maximum	50% of the <i>dwelling unit area</i> of the <i>principal dwelling</i> , or <b>100 m<sup>2</sup></b> (1076 ft <sup>2</sup> ) of <i>dwelling unit area</i> , whichever is the lesser			50% of the <i>dwelling unit area</i> of the <i>principal dwelling</i> , or <b>140 m<sup>2</sup></b> (1507 ft <sup>2</sup> ) of <i>gross floor area</i> , whichever is the lesser
<b>Dwelling Unit Area for an Additional Residential Unit in a Basement or Cellar</b>	Notwithstanding the maximum <i>dwelling unit area</i> provision, the entire <i>basement</i> or <i>cellar</i> of the <i>principal dwelling</i> may be used for the purposes of an <i>additional residential unit</i> , provided there are no other <i>additional residential units</i> or <i>garden suites</i> on the lot			
<b>Driveway Access</b>	All <i>additional residential units</i> shall have direct access to the same driveway as the <i>principal dwelling</i> .			
<b>Location of Entrances</b>	All <i>dwelling units</i> within the <i>principal dwelling</i> shall be accessed through a common entrance from an internal corridor or vestibule, except that separate entrance(s) may be located in the <i>rear yard</i> or <i>interior side yard</i> .			
<b>Location of Exterior Stairways</b>	There shall be no exterior stairways except a required emergency exit which shall be located only in the <i>rear yard</i> or <i>interior side yard</i> .			
<b>Unobstructed Pathway to Entrance of Unit(s)</b> , Minimum	<b>1.2 m</b> (3.9 ft) wide unobstructed pathway from the <i>front lot line</i> to the entrance. Unobstructed means no obstruction or encroachments to a height of up to <b>2.3 m</b> (7.5 ft).			
<b>Parking Spaces</b> , Minimum	1 space per <i>additional residential unit</i> is required. Such spaces may be <i>tandem parking spaces</i> , provided no tandem parking space for an <i>additional residential unit</i> is located within a <i>private garage</i> .			
<b>Landscaped Open Space in Rear Yard</b> , Minimum	<b>75 m<sup>2</sup></b> (807 ft <sup>2</sup> ) per lot for 1 <i>additional residential unit</i> or <b>100 m<sup>2</sup></b> (1076 ft <sup>2</sup> ) per lot for 2 <i>additional residential units</i> and such <i>landscaped open space</i> shall be accessible to all <i>dwelling units</i> or exclusive access is apportioned to			

TABLE 6.4.2.3 – PROVISIONS FOR ALL ADDITIONAL RESIDENTIAL UNITS				
Provision	Column 1 - R1, R2, R3 and V Zones, where served by both a <i>municipal water system</i> and <i>municipal sewage system</i>	Column 2- R1, R2 and V Zones, where not served by a <i>municipal sewage system</i>	Column 3 - RE and RR Zones in a settlement area (as defined in Section 4.7.2.1)	Column 4 - A1, A2, RR, and RE Zones outside of a settlement area (as defined in Section 4.7.2.1)
	each <i>dwelling unit</i> . Swimming pools may be included within the required <i>landscaped open space</i> .			

#### 6.4.2.4 PROVISIONS FOR DETACHED ADDITIONAL RESIDENTIAL UNITS

*A detached additional residential unit* shall comply with the provisions of Table 6.4.2.3 and Table 6.4.2.4, where a conflict exists, the provisions of Table 6.4.2.4 will prevail.

TABLE 6.4.2.4 – PROVISIONS FOR DETACHED ADDITIONAL RESIDENTIAL UNITS					
Provision	Column 1 - R1, R2, R3 and V Zones, where served by both a <i>municipal water system</i> and <i>municipal sewage system</i>	Column 2 - R1, R2 and V Zones, where not served by a <i>municipal sewage system</i>	Column 3 - RE and RR Zones, in a settlement area (as defined in Section 4.7.2.1)	Column 4 - RR and RE Zones, outside of a settlement area (as defined in Section 4.7.2.1)	Column 5 - A1 and A2 Zones
<b>Number of Detached Additional Residential Units per lot, Maximum</b>	1, in the Village of Mount Elgin	1, except in settlements listed in 6.4.2.2 i)	1	1	1  (Subject to approval of a planning application)
<b>Lot Area, Minimum</b>	In accordance with the applicable zone provisions for the <i>principal dwelling</i>	0.6 ha (1.48 ac)	0.6 ha (1.48 ac)	0.6 ha (1.48 ac)	0.6 ha (1.48 ac)
<b>Permitted Location</b>	<i>Rear yard</i> or <i>interior side yard</i> of <i>principal dwelling</i>				Any <i>yard</i> , other than a <i>required yard</i>
<b>Required Yards and Setbacks and Maximum Size</b>	In accordance with Table 6.1.1.3 Regulations for Accessory Uses and Table 6.4.2.3 Provisions for All Additional Residential Units – Maximum Dwelling Unit Area for all <i>Additional Residential Units</i> , whichever is the lesser				
<b>Building Height, Maximum</b>	In accordance with Table 6.1.1.3 Regulations for Accessory Uses and shall not exceed the <i>height</i> of the <i>principal dwelling</i>			In accordance with Table 6.1.1.3 Regulations for Accessory Uses	

<b><i>Distance from the Principal Dwelling, Minimum</i></b>	In accordance with Table 6.1.1.3 Regulations for Accessory Uses				<b>1.0 m</b> (3.3 ft)
<b><i>Distance from the Principal Dwelling, Maximum</i></b>	No provision	No provision	No provision	No provision	<b>30 m</b> (98.4 ft)
<b><i>Setback from Public Street, Maximum</i></b>	<b>40 m</b> (147.6 ft)	<b>40 m</b> (147.6 ft)	<b>40 m</b> (147.6 ft)	No provision	No provision
<b><i>Privacy Fence, Minimum</i></b>	A solid privacy fence with a minimum height of <b>1.8 m</b> around the perimeter of the <i>rear yard</i>	A solid privacy fence with a minimum height of <b>1.8 m</b> along a <i>lot line</i> where the <i>detached additional residential unit</i> is located within <b>7.5 m</b> (24.6 ft) of that <i>lot line</i>		No provision	No provision
<b><i>Window Openings above Ground Floor</i></b>	Not permitted in a wall facing an <i>interior side yard</i> or <i>rear yard</i>			No provision	No provision
<b><i>Decks, Balconies and Rooftop Patios</i></b>	Not permitted			No provision	No provision

6. That Section 6.4.2 to By-Law Number 25-98, as amended, is hereby further amended by adding section 6.4.2.5:

#### 6.4.2.5 AGRICULTURAL LOTS IN SETTLEMENTS

6.4.2.5.1 In addition to the permitted *uses* of Tables 7.1 and 8.1, a *detached additional residential unit* may be located on an *existing lot* in the A1 or A2 zone within a *settlement*, as defined in Section 4.7.2.4, that is served by both a *municipal water system* and *municipal sewage system* and all *additional residential units* on the *lot* shall be subject to the provisions of Column 1, Table 6.4.2.3 and Column 1, Table 6.4.2.4.

6.4.2.5.2 In addition to the permitted uses of Tables 7.1 and 8.1, a *detached additional residential unit* may be located on an *existing lot* in the A1 or A2 zone within a *settlement*, as defined in Section 4.7.2.4, that is not served by a *municipal sewage system*, and all *additional residential units* shall be subject to the provisions of Column 2, Table 6.4.2.3 and Column 2, Table 6.4.2.4.

7. That Section 6.9.5 to By-law Number 25-98, as amended, is hereby further amended by deleting “a minimum *gross floor area* of 50 m<sup>2</sup> (538.2 ft<sup>2</sup>)” and deleting all references to “ground floor area” and “gross floor area” and replacing them with “*dwelling unit area*”.
8. That Section 6.0 to By-law Number 25-98, as amended, is hereby further amended by adding the following new subsection 6.9.6:

#### 6.9.6 WHERE NOT PERMITTED

- i) A *garden suite* shall not be permitted on any *lot* containing a *detached additional residential unit*.



9. That Section 6.17.4 to By-law Number 25-98, as amended, is hereby further amended by deleting “size or volume” and replacing it with “*gross floor area, or ground floor area*”.
10. That Section 6.17.5.3 to By-law Number 25-98, as amended, is hereby further amended by deleting “*floor area*” and replacing it with “*gross floor area*”.
11. That Section 9.0 to By-law Number 25-98, as amended, is hereby further amended by deleting the words “Where sanitary sewers and public water supply not available” in Table 9.2, under “Lot Area, Minimum” and replacing them with “Where a *municipal sewage system* is not available”.
12. That Section 12.0 to By-law Number 25-98, as amended, is hereby further amended by deleting all instances of the words “where sanitary sewers are not available” in Table 12.2 and replacing them with “where a *municipal sewage system* is not available” and deleting all instances of the words “where served by both sanitary sewers and public water supply” in Table 12.2 and replacing them with “where served by both a *municipal sewage system* and *municipal water system*”.
13. That Section 13.0 to By-law Number 25-98, as amended, is hereby further amended by deleting the term “converted dwelling” from the heading of the 3rd column of Table 13.2
14. That Section 15.0 to By-law Number 25-98, as amended, is hereby further amended by deleting all instances of the words “where communal water system and communal sewage facilities are provided” in Table 15.2 and replacing them with “where a *private communal sewage system* and *private communal water system* are provided”
15. That Section 17.0 to By-law Number 25-98, as amended, is hereby further amended by deleting all instances of the words “where sanitary sewers are not available” and replacing them with “where a *municipal sewage system* is not available” and deleting all instances of the words “where served by both sanitary sewers and public water supply” and replacing them with “where served by both a *municipal sewage system* and *municipal water system*” throughout Table 17.2.
16. That Section 24.0 to By-law Number 25-98, as amended, is hereby further amended by deleting all instances of the words “where sanitary sewers are not available” and replacing them with “where a *municipal sewage system* is not available” and deleting all instances of the words “where served by both sanitary sewers and public water supply” and replacing them with “where served by both a *municipal sewage system* and *municipal water system*” throughout Table 24.2
17. This By-law comes into force in accordance with Sections 34(21) and (30) of the Planning Act, R.S.O. 1990, as amended.

READ a first and second time this \_\_\_\_ day of \_\_\_\_\_, 2025.

READ a third time and finally passed this \_\_\_\_ day of \_\_\_\_\_, 2025.

---

David Mayberry – Mayor

---

Julie Middleton – Clerk

DRAFT