

ZONING BY-LAW NO. 98-2021

Amending Comprehensive Zoning By-Law 2-2006

Corporation of The Nation Municipality

**An Amendment to Allow Secondary Dwellings and Coach Houses
in All Zones Where Single, Semi-Detached and Row Dwellings are a Permitted Use
and Other Modifications**

prepared by

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for

The Nation Municipality
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CORPORATION OF THE NATION MUNICIPALITY

BY-LAW NO. 98-2021

BEING A BY-LAW TO AMEND THE COMPREHENSIVE ZONING BY-LAW 2-2006, AS AMENDED;

WHEREAS By-Law 2-2006, the Comprehensive Zoning By-Law, regulates the use and erection of buildings and structures in The Nation Municipality;

WHEREAS an application has been received to change the zoning of a certain parcel of land in The Nation Municipality;

AND WHEREAS the Council of the Corporation of The Nation Municipality considers it appropriate to amend the Zoning By-Law 2-2006, as described;

NOW THEREFORE, the Council of the Corporation of The Nation Municipality enacts as follows:

Section 1: Amend Section 3, Definitions, to add the following definitions in alphabetical order.

3.10 Agriculturally Related Commercial means the use of land, buildings or structures related to agriculture and necessary, such as animal husbandry services, produce or grain storage facilities, grain drying and or cleaning operations, seed, feed and other farm supply sales and services, farm machinery outlets and Commercial Greenhouse and can include the processing or basic transformation of the produce.

3.571 Coach House means a freestanding dwelling unit separate from the main house but built on the same lot. It can either be in its own building or on the property above a garage or part of another accessory building.

3.58 Commercial Greenhouse means a building used for the growing of flowers, vegetables, crops, shrubs, trees, and similar vegetation for wholesale or retail sale. This definition shall not include any premises for the growing of mushrooms.

3.196 Mobile Home means any dwelling that is designed and constructed in compliance with CSA standards to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a recreational vehicle, tent trailer or trailer otherwise designed.

3.89 Dwelling – Accessory means a dwelling which is incidental, subordinate and exclusively devoted to a main use other than in a single detached dwelling, a semi-detached dwelling and a row dwelling.

3.961 Dwelling – Secondary Unit means a self-contained dwelling unit with a private kitchen, bathroom facilities and sleeping areas. It can be located in the same residential dwelling or above the attached garage.

Section 2: Add in Section 4, General Provisions, and the following new sections to be in the alphabetical sequence:

4.54 SECONDARY DWELLINGS UNIT AND COACH HOUSES

A. DWELLING UNITS, SECONDARY UNIT

1. A secondary dwelling unit is permitted in any detached, semi-detached, row (townhouse) dwelling, **in any zone** that permits any one or more of these dwelling types provided:
 - a. It does not change the streetscape character along the road on which it is located;
 - b. It is not a stand-alone, principal unit capable of being severed;
 - c. It must be located on the same lot as its principal dwelling unit and within the same building as the principal dwelling unit;
 - e. A building permit is obtained prior to the establishment of a secondary dwelling unit and the secondary dwelling unit complies with the Ontario Building Code;
2. A maximum of one secondary dwelling unit is permitted per principal dwelling unit in the case of a detached, semi-detached or row (townhouse) dwelling.
3. For the purposes of this section, gross floor area means the total area of each floor whether located above, or at grade, measured from the interior of outside walls and including floor area occupied by interior walls but excluding floor area occupied by mechanical, service and electrical equipment that serves the building; and accessory uses located below grade.

4. If located at or above grade, the secondary dwelling unit must not be greater in size than an amount equal to 50% of the gross floor area of its principal dwelling unit or where the principal dwelling has a gross floor area of 125 sq. m. or less than 50 sq. m. If located in a basement, it may occupy the whole of the basement.
5. Where located both at or above grade, and in the basement, the secondary dwelling unit must not be greater in size than an amount equal 50% of the gross floor area of its principal dwelling unit. This provision does not apply where the secondary dwelling unit is located entirely within the basement save and except for its entrance located on the ground floor.
6. Where an attached garage is converted to create the secondary dwelling unit or a portion of the secondary dwelling unit, such garage is included in the calculation of the gross floor area of the dwelling.
7. The creation of a secondary dwelling unit must not result in any new doorway entrance added to the front wall, whether before, during or after the creation of the secondary dwelling unit, but does not prohibit the following:
 - a. Prohibit an internal lobby or vestibule with a common doorway entrance in the front wall; nor
 - b. Prohibit the creation of a secondary dwelling unit within a dwelling unit that already contains more than one doorway entrance in the front wall; nor
 - c. Require the removal of a doorway entrance to a house that already contains more than one doorway entrance in the front wall; nor
 - d. Prohibit the addition of one doorway entrance along the front wall of a dwelling unit on a corner lot where there is no doorway entrance along that front wall, but where there is one along the exterior side wall of the dwelling unit.
8. The doorway entrance that leads to a secondary dwelling unit is limited to locations on the ground floor only, except where building and fire codes dictate otherwise.
9. The principal and secondary dwelling units must share the yards provided for the principal dwelling unit.
10. A minimum of one parking space must be provided for the secondary dwelling unit;
11. Where a secondary dwelling unit is located on a lot, a coach house or a garden suite may not be permitted.
12. A secondary dwelling unit must be serviced:
 - a. From the principal dwelling where the principal dwelling is serviced by both a public water and wastewater system
 - b. From at least one of the existing well or septic systems serving the principal dwelling or from the principal dwelling where the principal dwelling is on a private well and private septic system
13. A secondary dwelling unit, its parking, and sewage disposal systems shall not be permitted within the potential retrogressive landslide area, unstable bedrock area, flood plain area, provincially significant wetlands, the habitat of endangered species and an Area of Natural and Scientific Interest as defined by the United Counties of Prescott and Russell Official Plan. Also coach house shall only be permitted in REGULATED AREAS if SAFE ACCESS is provided to the building as determined by the South Nation Conservation Authority.
14. For a secondary dwelling unit, the Municipality, may require, a hydrogeological analysis proving that the water quality and quantity meet the demand of the secondary dwelling unit and a terrain analysis and assessment sewage system impact.

B. COACH HOUSES

1. A coach house is permitted on any lot containing a detached, semi-detached, or townhouse dwelling, where that dwelling type is a listed permitted use.
2. A coach house may not be severed from the lot containing the principal dwelling.
3. A coach house is not permitted:
 - a. where the lot contains a secondary dwelling unit, garden suite, or one or more rooming units.
 - b. if the maximum lot coverage is more than the permitted lot coverage of the zone.
4. No more than one coach house is permitted on a lot.

5. A coach house is not considered to be an accessory use as per Section 4.1.
6. A coach house may be located closer to the front lot line than the principal dwelling, if located outside of village boundaries but not closer than 20 meters from the front lot line.
7. The maximum permitted height of a building containing a coach house shall be the lesser of:
 - a. The height of the principal dwelling; or
 - b. 5 m in the R1, R2, R3, and VC zones; and 8.5 m in the A and RU zones.
8. Permitted Projections above the Height limit (section), does not apply to a building containing a coach house, except with respect to:
 - a. Chimneys;
 - b. Flagpoles; and
 - c. Ornamental domes, skylights or cupolas; provided that the cumulative horizontal area occupied by such features does not exceed 20% of the footprint of the coach house.
9. The setback requirements for a coach house are as follows:

Coach House		
	(Zones R1 – R2 – R3-VC)	(Zones A – RU)
9.1. Front yard setback (minimum)	6 m	30 m
9.2. Exterior yard setback (minimum)	6 m	6 m
9.3. Interior yard setback (minimum)	1.2 m	3 m
9.4. Rear yard setback (minimum)	7.5 m	7.5 m

- 9.5. The gross floor area of a building containing a coach house, excluding any accessory use which serves the primary dwelling or both the primary dwelling and the coach house, may not exceed:
 - a. The lesser of 50% of the gross floor area of the principal dwelling, or where the principal dwelling has a gross floor area of less than 125 square meters, 50 square meters – R1, R2, R3, VC zones.
 - b. 187 square meters – A & RU zones.
10. A walkway must be provided from a driveway, a public street or a travelled lane to the coach house. Such walkway must be between 1.2 and 1.5 m in width and may not be used for the parking of any vehicle except part of a walkway that encroaches on a permitted driveway.
11. The roof of a building containing a coach house may not contain a rooftop garden, patio or terrace or other amenities. The roof of a building containing a coach house may contain a vegetative green roof provided it is not designed or equipped for use as an amenity area.
12. A coach house must be serviced:
 - a. From the principal dwelling where the principal dwelling is serviced by both a public water and wastewater system or if permission for a new connection is granted by the Municipality.
 - b. From at least one of the existing well or septic systems serving the principal dwelling or from the principal dwelling where the principal dwelling is on a private well and private septic system.
8. A minimum of one parking space must be provided for the coach house.
9. A coach house, its parking, and sewage disposal systems shall not be permitted within the potential retrogressive landslide area, unstable bedrock area, flood plain area, provincially significant wetlands, the habitat of endangered species and an Area of Natural and Scientific Interest as defined by the United Counties of Prescott and Russell Official Plan. Also coach house shall only be permitted in REGULATED AREAS if SAFE ACCESS is provided to the building as determined by the South Nation Conservation Authority.
15. For a coach house, the Municipality, may require, a hydrogeological analysis proving that the water quality and quantity meet the demand of the secondary dwelling unit and a terrain analysis and assessment sewage system impact.

Section 3: **Section 5.3 Low Density Residential - R1**, Subsection 5.3.2.7 Maximum Number Dwelling per Lot, is hereby amended by replacing Subsection 5.3.2.7 with the following:

5.3.2.7 Excluding Coach house and Secondary dwelling.

Section 4: **Section 5.3 Low Density Residential - R1**, Subsection 5.3.3. Additional Provisions, is hereby amended by replacing Subsection 5.3.3.3 with the following:

5.3.3.3 Minimum rear yard setback for a Garden Suite or Coach House in an R1 zone is 3 m.

Section 5 **Section 5.4 Medium Density Residential - R2**, Subsection 5.4.2 Zone Requirements, is hereby amended by amending the table and replacing Minimum Setback from Rear or Interior Side Lot Line for Garden Suite with the following:

Minimum rear yard Setback for a Garden Suite or Coach House in an R2 zone is 3m.

Subsection 5.4.2 Zone Requirements, is further amended by amending the table and replacing Minimum Lot Area for Semi-detached, Single detached and Duplex/Converted Dwelling with the following:

Minimum Lot Area for a Single detached and Duplex/Converted Dwelling in an R2 zone is 600 m².

Minimum Lot Area for a Semi-detached Dwelling in an R2 zone is 300 m² per unit.

Subsection 5.4.2 Zone Requirements, is further amended by amending the table and replacing Minimum Lot Frontage for Semi-detached, Single detached and Duplex/Converted Dwelling with the following:

Minimum Lot Frontage for a Single detached and Duplex/Converted Dwelling in an R2 zone is 20 m.

Minimum Lot Frontage for a Semi-detached Dwelling in an R2 zone is 10 m. per unit.

Section 6: **Section 5.16 Agricultural - A**, Subsection 5.16.4 Exception Zones, is hereby amended by replacing Subsection 5.16.4.1 with the following:

5.16.4.1 Agricultural Exception 1 (A-X1)

Notwithstanding the permitted Uses in Section 5.16.1, on lands zoned A-X1 only the following uses shall be permitted:

- Agricultural Use
- Conservation Use
- Existing Cemetery
- Existing Place of Worship
- Forestry Use
- Nursery
- Open Space
- Wayside Pit or Quarry

Notwithstanding section 5.16.2, the minimum lot area shall be 2 ha (5 acres) and the minimum lot frontage shall be 10 m (32.8 ft).

All other relevant provisions of section 5.16 shall apply.

Section 7: **Section 5.17 Rural - RU**, Subsection 5.17.4 Exception Zones, is hereby amended by replacing Subsection 5.17.4.1 with the following:

5.17.4.1 Rural Exception 1 (RU-X1)

Notwithstanding the permitted Uses in Section 5.17.1, on lands zoned RU-X1 only the following uses shall be permitted:

- Agricultural Use
- Conservation Use
- Existing Cemetery
- Existing Place of Worship
- Forestry Use
- Nursery
- Open Space
- Wayside Pit or Quarry

Notwithstanding section 5.17.2, the minimum lot area shall be 2 ha (5 acres) and the minimum lot frontage shall be 10 m (32.8 ft).

All other relevant provisions of section 5.17 shall apply.

Section 8: **Section 5.18 Flood Plain - FP**, Subsection 5.18.4 Exception Zones, is hereby amended by replacing Subsection 5.18.4.1 with the following:

5.18.4.1 Flood Plain Exception 1 (FP-X1)

Notwithstanding the permitted Uses in Section 5.18.1, on lands zoned FP-X1 only the following uses shall be permitted:

- Agricultural Use
- Conservation Use
- Existing Cemetery
- Existing Place of Worship
- Forestry Use
- Nursery
- Open Space
- Wayside Pit or Quarry

Notwithstanding section 5.18.2, the minimum lot area shall be 2 ha (5 acres) and the minimum lot frontage shall be 10 m (32.8 ft).

All other relevant provisions of section 5.18 shall apply.

Section 9: Section 4.30.2, Setback from Via Rail Line, is hereby amended by replacing the existing provision with the following:

4.30.2.1

A minimum building setback for residential and other sensitive land uses from a railway right-of-way is 30 metres in conjunction with a 2.5-metre-high earthen berm (with 2.5 to 1 side slopes, adjoining and parallel to the railway right-of-way with returns at the ends). In the absence of a safety berm, a 120-metre setback is required. The 30 m setback and 2.5 m high earthen berm requirement is for Principal Main Lines. For Secondary Main Lines, the requested setback is 30 m but the minimum berm height is 2.0 m. For Principal Branch Lines, the requested setback is 15 m and the minimum berm height is 2.0 m.

4.30.2.2

A 1.83 metre chain link security fence is required along the mutual property line with the railway right-of-way, to be installed and maintained at the Applicant/Owner's own expense.

4.30.2.3

Any future residential development adjacent to the railway right-of-way will require approval from the railway for noise and vibration mitigation measures

4.30.2.4

New residential development or other sensitive land uses will not be permitted within 300 metres of a rail yard (if applicable).

Section 10: All provisions of By-Law 2-2006 shall continue to apply.

Section 11: Subject to the giving of notice of passing of this By-Law, in accordance with Section 34(18) of the Planning Act, R.S.O. 1990 as amended, this By-Law shall come into force on the date of passing by the Council of the Corporation of The Nation Municipality where no notice of appeal or objection is received, pursuant to Section 34(21) of the Planning Act, R.S.O. 1990 as amended.

READ FIRST AND SECOND TIME

this 23rd day of August 2021

READ A THIRD TIME AND PASSED

this 23rd day of August 2021

François St. Amour
Mayor

Josée Brizard
Clerk

NOTE EXPLICATIVE

But et effet du Règlement # 98-2021

La modification a pour but de permettre une annexe résidentielle et une habitation secondaire dans les habitations unifamiliales, jumelés et en rangées sur le territoire de la municipalité de la Nation là où le zonage le permet.

Par annexe résidentielle, on entend : Un logement isolé qui est connexe à un logement principal auquel il est associé et qui est situé sur le même lot que ce dernier, mais qui possède sa propre structure et qui peut comporter des utilisations accessoires au logement principal.

Ces usages sont autorisés dans les zones en milieu urbain, rurale et agricole de la municipalité de La Nation. Ces nouveaux types de logements sont assujettis à la section 7.6.3.2 du Plan officiel des CUPR et tel qu'amendé au Règlement de zonage.

La modification propose également des modifications mineures à certaines définitions et dispositions, ainsi que des modifications aux dispositions relatives aux normes de lot dans la zone agricole exception 1, la zone rurale exception 1 et la zone plaines inondables exception 1.

EXPLANATORY NOTE

Purpose and Effects of By-Law # 98-2021

The purpose of the amendment is to allow a coach house and a secondary dwelling unit in single-family, semi-detached and row dwelling across the territory of the Nation Municipality where zoning provisions permits.

By coach house, we mean: An isolated dwelling which is connected to a main dwelling with which it is associated and which is located on the same lot as the latter, but which has its own structure and which may include an accessory use incidental to the main dwelling.

These uses are authorized in the urban, rural and agricultural areas of the Municipality of La Nation. These new types of housing are subject to section 7.6.3.2 of the UCPR Official Plan and as amended in the Zoning By-law.

The amendment also proposes minor modifications to some definitions and provisions, as well as modifications to lot standard provisions in the Agricultural Exception 1 Zone, Rural Exception 1 Zone, and Flood Plain Exception 1 Zone.

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