

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 8-2023

Being a By-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville

WHEREAS By-law No. 1-2014 is the Town's Comprehensive Zoning By-law to regulate the use of land and the character, location and use of buildings and structures in the Town of Kingsville;

AND WHEREAS the Council of the Corporation of the Town of Kingsville deems it expedient and in the best interest of proper planning to further amend By-law No. 1-2014 as herein provided;

AND WHEREAS the application conforms to the Official Plan of the Town of Kingsville;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. That Section 3 Definitions is amended with the deletion of Subsection 3.4.15.1 Dwelling Unit, Secondary and inserting the following new subsection:

3.4.15.1 Dwelling Unit, Additional *shall* mean a dwelling *unit ancillary* and subordinate to a primary *single detached, semi-detached or townhouse dwelling unit*, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive *use* of the occupant thereof.

2. That Section 4 General Provisions is amended with the deletion of Subsection 4.2 Accessory Buildings and Structures and inserting the following new subsection:

4.2 Accessory Buildings and Structures

- a) Where this By-law provides that land *may be used* or a *building or structure* may be erected or *used* for a purpose, that purpose *shall* include any *accessory uses, buildings or structures* located on the same *lot* as the principle *use* to which they are related;
- b) *Accessory buildings and structures* shall not be built closer to the *front lot line or exterior side lot line* than the *minimum distance required* by this By-law for the *main building* on the *lot* unless the *lot* abuts Lake Erie. It is *permitted* to locate *accessory buildings* within 1 m (3.3 ft) of the *front lot line* (shoreline) for those *lots* that abut Lake Erie;
- c) On a *through lot*, an *accessory building* *shall* have a *minimum setback* from the *rear lot line* equal to the *minimum front yard* depth required for a *main building* on the *lot*;
- d) No *accessory building or structure* shall encroach into a *sight triangle* for a *County Road, a street or a laneway*.
- e) No *accessory building* or part thereof is *permitted* within 1.8 m (6 ft) of any other *building* located on the same lot;
- f) A *detached garage, detached carport* or other *accessory building* which does not contain a *dwelling* is permitted in front of a *dwelling* in an Established Residential (ER) *zone* subject to the *required front yard*

setback and must maintain a *rear yard* and/or a *side yard* setback of 1.5 m (5 ft.) *minimum*.

- g) *Accessory buildings* shall be limited to a *maximum lot coverage* of 12% of the total *lot* area. Notwithstanding the *maximum lot coverage* of all *accessory buildings*, the *lot coverage* on property in a *commercial* or *industrial zone* shall be limited to 20% of the total *lot* area or 50% of the *gross floor area* of the *main building*, whichever is less.
- h) *Accessory buildings* and *structures* shall not exceed the following *heights*:
 - i) in all *residential zones* or *lots* with a total area of less than 2 ha where the *accessory building* does not contain a *dwelling* – 5 m (16.4 ft);
 - ii) in all *residential* or *agricultural zones* where an *accessory building* is constructed to include an *additional dwelling unit*, – 8.0 m (26.2 ft);
 - iii) in all other *zones* – equal to the permitted height of the *Main Building* unless otherwise specified.
- i) Notwithstanding any other provision of this by-law, the maximum building height for an *accessory building* which contains a *dwelling unit* is prohibited from exceeding the building height of the *Main Building*.
- j) *Accessory buildings* and *structures* shall not be built closer than 1 m (3.3 ft) to any interior side lot line and 1 m (3.3 ft) to any rear lot line except:
 - i) that common *semi-detached private garages* or *carports* may be centered on a mutual *side lot line*;
 - ii) that in the case where a side or rear lot line for a *commercial* or *industrial use* abuts a *residential* or *holding residential zone*, *accessory uses*, *buildings* or *structure* shall comply with the *minimum required yard* for the *main building* on the *lot*.
 - iii) that any *accessory building* which is new construction or a new addition to an existing *accessory building* to include a *additional dwelling unit*, shall maintain a minimum separation of 1.2 m (4 ft) from a *rear lot line* or *side lot line*. This minimum separation does not apply to any portion of an existing building which is not being altered;
 - iv) that any *accessory building* with a *height* over 5 m (16.4 ft.) shall maintain a minimum separation of 1.5 m (5 ft) from a *rear lot line* or *side lot line*;
- k) *Accessory buildings* and *structures* to be located between the front and rear wall of a *dwelling* shall not be built closer to the *side lot line* than the *minimum distance required* by this By-law for the *main building*.
- l) Notwithstanding any other provision of the by-law to the contrary all pools, for the purpose of *setbacks*, shall be considered an *accessory structure*.

3. That Section 4 General Provisions is amended with the deletion of Subsection 4.35.1 Secondary Dwelling Units and inserting the following new subsection:

4.35.1 Additional Dwelling Units

An *additional dwelling unit* shall be permitted in any *zone* where a *residential use* is a permitted *main use* or *accessory use* and municipal water service is available subject to the following provisions:

- a) *Additional dwelling units* will be permitted only in *Single Detached, Semi-detached* and *Townhouse Dwelling units*, and *accessory buildings* which are *accessory* to these uses;
- b) A maximum of two *additional dwelling units* will be permitted per lot;
 - i) Up to two *additional dwelling units* will be permitted in the *Main Building* or;
 - ii) One *additional dwelling unit* will be permitted in the *Main Building* and one *additional dwelling unit* will be permitted in an *accessory building*;
- c) One additional parking space shall be required per *additional dwelling unit*;
- d) No additional *driveways* will be permitted;
- e) Maximum *floor area* not to exceed 100 sq. m (1076 sq. ft);
- f) *Accessory structures* which contain an *additional dwelling unit* must be located in the rear yard or an interior side yard;
- g) There shall be pedestrian access between an *additional dwelling unit* and a *street*;
- h) Where a *lot* is located in a floodplain, an *additional dwelling unit* within a *basement* or *cellar* is prohibited;
- i) *An additional dwelling unit* in an *accessory building* located in an *agriculture zone* must be constructed within 30.5 m (100 ft) of the *main building* containing a *dwelling unit* located on the same *lot*;
- j) *Additional dwelling units* must conform to all Ontario Building Code and Ontario Fire Code regulations.

4. That Section 5.17 Parking Requirements is amended with the following changes to Table 4 – Residential Uses:

Use	Minimum parking space requirements
<i>Dwelling, Duplex</i>	1 space/unit
<i>Dwelling, Semi-detached</i> <i>Dwelling, Single detached</i> <i>Dwelling, Townhouse</i>	1 space/unit

5. This by-law shall come into force and take effect from the date of passing by Council and in accordance with Section 34 of the Planning Act.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 27th DAY OF FEBRUARY, 2023.

MAYOR, Dennis Rogers

CLERK, Paula Parker