

By-law 2016-133Z

A By-law of the City of Greater Sudbury  
to Amend By-law 2010-100Z being the  
Comprehensive Zoning By-law for the City of Greater Sudbury

Whereas the Council of the City of Greater Sudbury deems it desirable to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury;

Now therefore the Council of the City of Greater Sudbury hereby enacts as follows:

1. That By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury be and the same is hereby amended by:

- (1) In Part 3, Definitions, adding a new definition for, "Dwelling Unit, Primary" and renumbering all of the existing definition numbers following thereafter;

94.	Dwelling Unit, Primary	A <i>dwelling</i> contained in the <i>main building</i> on a <i>lot</i> .
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- (2) In Part 3, Definitions, adding a new definition for, "Dwelling Unit, Secondary" and renumbering all of the existing definition numbers following thereafter;

95.	Dwelling Unit, Secondary	A <i>dwelling unit</i> that is ancillary and subordinate to a <i>primary dwelling unit</i> that may be contained within the <i>main building</i> on a <i>lot</i> or in an <i>accessory building</i> .
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- (3) In Part 4, Section 4.2.1 Accessory Buildings, Structures and Uses, Permitted Uses, by deleting, "ii) A *building* or part thereof used for human habitation;" and replacing it with the following:

"ii) A *building* or part thereof used for human habitation except where the *building* or part thereof is a permitted *secondary dwelling unit* or *garden suite*;"

- (4) In Part 4, deleting Section 4.2.2 Setback and Yard Requirements and replacing it with the following:

## **“Setback and Yard Requirements**

*Accessory buildings or structures*, which are detached from the *main building*, shall be erected in compliance with the *yard and setback requirements* of the *zone* in which such *building or structure* is located except:

- a) On a *lot* in a (R) Residential Zone where the *lot* does not *abut* a *shoreline*, *accessory buildings or structures* that contain a *secondary dwelling unit* shall only be permitted in a *rear or interior yard*; or
- b) As otherwise provided herein.”.

- (5) In Part 4, renumbering Section 4.2.10 Swimming Pools to Section 4.2.11 and adding a new Section 4.2.10 Secondary Dwelling Units, as follows:

### **“ 4.2.10 Secondary Dwelling Units**

#### 4.2.10.1 Permission for Secondary Dwelling Units

A *secondary dwelling unit* may be permitted within:

- a) A *single detached dwelling* or a *building accessory* there to;
- b) A *semi-detached dwelling* or a *building accessory* there to;
- c) A *row dwelling* or a *building accessory* there to; and
- d) A *street townhouse dwelling* or a *building accessory* there to;

provided that a maximum of one *secondary dwelling unit* shall be permitted on a *lot*.

Notwithstanding the above, a *secondary dwelling unit* is not permitted:

- a) Within a *dwelling* that is deemed to be a permitted use in Section 4.16 of this By-law;
- b) Within a *dwelling* located within an “EP”, Environmental Protection Zone;
- c) Within a *dwelling* that is permitted *accessory* to a permitted *non-residential use* in Section 4.40.2 of this By-law;
- d) On a *lot* containing a *garden suite*; or
- e) Within a *building or structure accessory* to a), b) or c) above;

#### 4.2.10.2 Additions or Alterations to Primary Dwellings

An addition or exterior *alteration* to a *primary dwelling* to accommodate a *secondary dwelling unit* is permitted provided that it does not result in the creation of:

- a) An additional entrance to the *main building facade* that faces a *public road*;
- b) An additional exterior entrance above the *first storey*; and

- c) Additional exterior stairs, or stairwells for entrances below *finished grade* along a wall facing a *public road*.

#### 4.2.10.3 Secondary Dwelling Units in Accessory Buildings

Where a *secondary dwelling unit* is located in all or part of a *building accessory* to a *primary dwelling* the *secondary dwelling unit*:

- a) Shall not be permitted to be in the form of a *mobile home dwelling* in all Residential (R), Commercial (C), and “FD”, Future Development Zones;
- b) May be in the form of a *mobile home dwelling* in a Rural (RU), Agricultural (A) or Rural Shoreline (RS) Zones;
- c) In Rural (RU), Agricultural (A) or Rural Shoreline (RS) Zones shall:
  - i) have a maximum net floor area of 45 percent of the *gross floor area* of the *primary dwelling* on the *lot*. For the purposes of this Section of the By-law, net floor area shall be the *gross floor area* of the accessory building excluding any *parking areas* within the *accessory building*; and,
  - ii) be located no more than 30 metres from the *primary dwelling* at their closest.

#### 4.2.10.4 Registration of Secondary Dwelling Units


Where *Council* has enacted a by-law requiring that *secondary dwelling units* be registered, the requirements of such by-law shall be complied with.”.

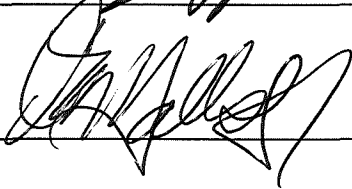
- (6) On Table 5.5 Residential Parking Requirements For All Zones Except the Downtown Commercial (C6) Zone, adding below, “*Dwelling, Seasonal*” the words “*Dwelling Unit, Secondary*” with a minimum parking space requirement of “1/unit” to apply.
- (7) In Section 4.10 Garden Suites adding the following at the end of the Section: “*Garden suites existing* on July 12, 2016, that are permitted as a temporary use in Part 12 of this By-law and where the temporary use permission has not expired, shall be permitted as a *secondary dwelling unit* in a *building accessory* to a *primary dwelling* provided that the requirements of Section 4.2.10 and other applicable provisions of this By-law shall apply.

2. This By-law shall come into effect upon passage and the adoption of Official Plan Amendment #75.

3. This By-law is in conformity with the City of Greater Sudbury Official Plan as amended by Official Plan Amendment #75.

**Read and Passed in Open Council** this 12th day of July, 2016

  
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Mayor

  
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Clerk