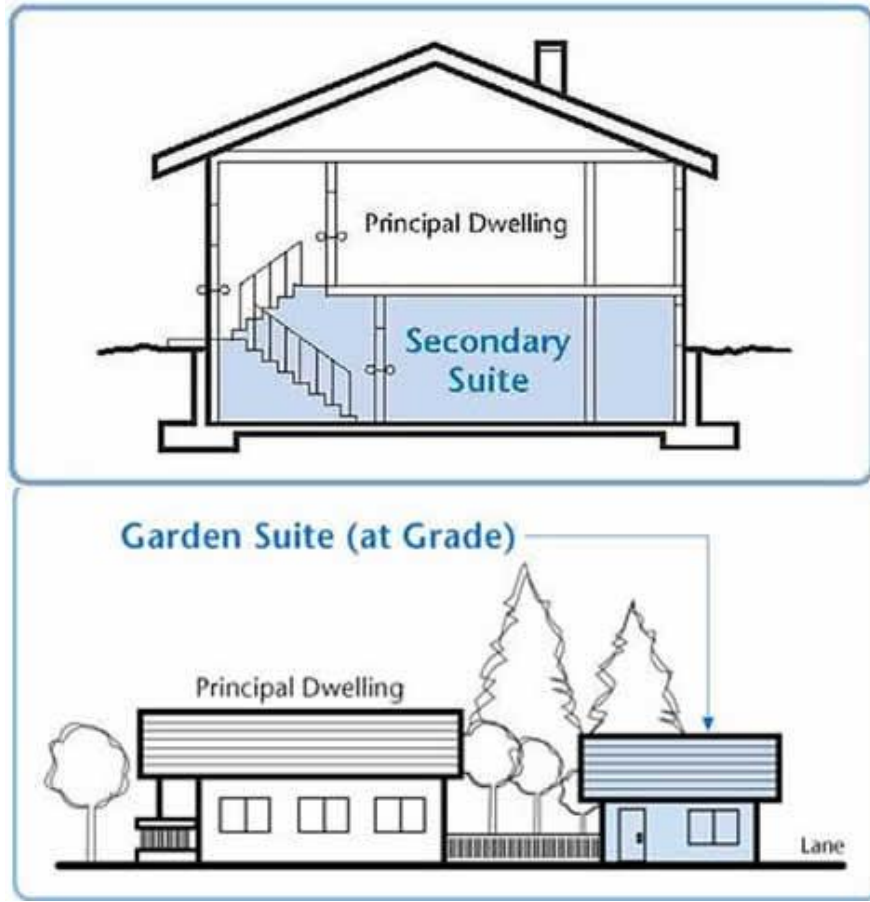




# The Corporation of The Town of Amherstburg

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## BUILDING DEPARTMENT



## GUIDE TO SECONDARY SUITES

[www.amherstburg.ca](http://www.amherstburg.ca)

May 15, 2020

## **Why Is the Town of Amherstburg permitting Secondary Units?**

The Province released The Strong Communities through Affordable Housing Act (Bill 108), which requires municipalities across Ontario to amend their planning documents to facilitate the creation of secondary dwelling units to provide a form of affordable housing for the community.

This document is for information purpose only. It is recommended that a qualified designer be retained for the purpose of design and for code compliance.

## **What are Secondary Units?**

Secondary units are self-contained residential units with a private kitchen, bathroom facilities and sleeping areas within a house and/or within accessory structures. They are also referred to as basement apartments, accessory apartments, in-law apartments, or granny suites.

A second unit can provide safe and affordable housing for a variety of tenants. Some house aging parents who want to remain independent, but need support. Others may house adult children who have completed their education and are starting their careers. Second units may also provide for affordable housing for residents in established neighbourhoods, close to jobs, public facilities, and shopping.

## **Where can Secondary Units Be Located in Amherstburg?**

The provisions for secondary units within the Town of Amherstburg came into effect in November 2019. The towns Comprehensive Zoning By-Law and Official Plan were amended to permit secondary units in settlement areas (residential) and rural areas (agricultural) in accordance with the Planning Act.

Although second units often take the form of basement apartments, they may occupy an upper floor, or the back part of a house; they are also permitted in an accessory structure. Secondary units may be located in a single detached, semi-detached, or in an accessory structure. Secondary units in an accessory structure must have a minimum floor area of 30 square metres (323 square feet) and must be located in the rear yard or an interior side yard of the property.

## **Where are Secondary Units Permitted?**

A secondary dwelling unit is permitted in any Residential or Agricultural Zone where in a single, semi-detached or townhouse dwelling and notwithstanding the above, secondary dwelling units are not permitted in the following areas:

- Within a cellar, or in a basement of a dwelling located in a floodplain as regulated by the Essex Region Conservation Authority
- Within a front yard or exterior side yard

## **How Many Secondary Units am I Permitted to have on my Property?**

You are permitted to have one secondary unit within a dwelling unit which is subordinate in size to the main living space, (ie. In a lower level or second storey of a dwelling) and have one secondary unit in an accessory structure. All zoning provisions including accessory structure size and lot coverage must be complied with.

## **How close does the Secondary Accessory Structure Unit Need to be to my Primary Residence?**

If a secondary unit is located in an accessory structure, it is required to be located within 20 metres (65'8") of the primary dwelling. A secondary unit must be a subordinate (smaller than) the primary dwelling unit and be located in the rear yard or interior yard. The accessory structure requires a minimum of 1.2 meter (4'-0") setback to any property line.

## **What is the Minimum and Maximum Size for a Secondary Unit?**

The minimum gross floor area for a secondary unit within an accessory structure is 30 square metres (323 square feet). The maximum size for a secondary unit in an accessory structure is dependent on the lot size and maximum lot coverage allowed. The total lot coverage including the primary dwelling and any accessory structures is not to exceed the maximum lot coverage within the zoning provisions.

## **How can an Access be Created for a Secondary Unit?**

To protect the neighbourhood character, access to a secondary dwelling may be through an existing entrance or a new entrance can be located in the rear or side of the building.

## **Are there Parking Requirements for a Secondary Unit?**

A minimum of one (1) parking space is required for the secondary unit, in addition to the parking required for the primary dwelling. Tandem parking is permitted to accommodate parking for the second unit.

If a second driveway is needed, it must comply with the zoning by-law requirements.

## **Can I Add a Secondary Unit on a Property with a Septic System?**

For properties served by a sewage septic system, adding a secondary unit will require the existing septic system to be evaluated by a certified septic designer.

The septic system may have to be upgraded or replaced to handle the additional sewage loading.

## **Secondary Units within a Detached Accessory Structure?**

A secondary unit within a detached accessory structure is essentially a small house and must comply to all provisions of the Ontario Building Code. All provisions for constructing a house must be complied with.

Secondary units located within accessory buildings:

- Must have access to a paved public street, municipal sanitary sewer, municipal storm water outlet, electrical, and water services;
- Must have direct pedestrian access from the street or alley (ie tenants must not be required to access the second unit through the primary unit);
- Must have a municipal address clearly visible from the street; and
- Cannot be severed from the property containing the primary dwelling unit
- The maximum height of accessory building is 5.5 meters (18'-0") to the peak.



Examples of Second Unit Locations

## Prescriptive Requirements for Secondary Units

Table 1 provides a summary of the prescriptive requirements to be considered principally for new units. Buildings greater than five years old are classified as existing, allowing greater flexibility to use acceptable alternative design or compliance standards within Part 11.

| <b>Table 1: Ontario Building Code and Ontario Fire Code Requirements</b>                   |  |
|--|--|
| <b>A. Room Space: Division B, Articles 9.5.4 to 9.5.9</b>                                  | <b>Minimum Required Floor Area</b>   |
| Living Area (9.5.4.1)  | 13.5 m <sup>2</sup> (145 ft. <sup>2</sup> )  |
| Dining Area (9.5.5.1)  | 7 m <sup>2</sup> (75 ft. <sup>2</sup> ) not combined with other spaces   |
| Dining Area (9.5.5.1)  | 3.25 m <sup>2</sup> (35 ft. <sup>2</sup> ) combined with other spaces  |
| Kitchen (9.5.6.1)  | 4.2 m <sup>2</sup> (45.2 ft. <sup>2</sup> ) separate or in combination with other spaces or 3.7 m <sup>2</sup> (40 ft. <sup>2</sup> ) if combined with sleeping quarters for two or fewer persons  |
| Combined living, dining and kitchen areas in a one-bedroom apartment, two or fewer persons | 11 m <sup>2</sup> (118.4 ft. <sup>2</sup> )  |
| Bedrooms (9.5.7.1)   | 7 m <sup>2</sup> (75 ft. <sup>2</sup> ) not combined with other spaces where built-in cabinets are not provided and not less than 6 m <sup>2</sup> (64.5 ft. <sup>2</sup> ) where built-in cabinets are provided   |
| Bathroom   | Sufficient space to accommodate a toilet, sink and tub   |
| <b>B. Ceiling Heights: Division B, Articles 9.5.4 to 9.5.9</b>                             | <b>Minimum Height</b>  |
| Living, Dining and Kitchen Area  | 2300 mm (7.5 ft.) over at least 75% of the required floor area   |
| Bedroom Area   | 2300 mm (7.5 ft.) over at least 50% of the required floor area or 2100 mm (6.8 ft.) over all of the required floor area  |
| Basement Area (see Figure 2), Stairs   | 1950 mm (6' 4 ¾ inches)  |
| Attic Area   | 50% of required floor area must have a minimum ceiling of 2.03 m (6' 8"). 50% of required floor area may have a ceiling height between 2.03 m (6' 8") and 1.4 m (4' 7"). Spaces with a ceiling height of less than 1.4 m (4' 7") cannot be counted as part of the required floor area  |
| Bathroom, or laundry area above grade, passage hall or main entrance                       | 2100 mm (6.8 ft.)  |
| <b>C. Windows: Division B, Article 9.7.2.3</b>   | <b>Minimum Required Window Area</b>  |
| Living and Dining Area   | 10% of the floor area  |
| Bedrooms   | 5% of the floor area   |
| Laundry, basement recreation room, unfinished basement                                     | 4% with no electric lighting. Windows not required with electric lighting.   |
| Kitchen  | 0.37 m <sup>2</sup> (4 ft. <sup>2</sup> ) with no electric lighting. Windows not required with electric lighting.  |
| <b>D. Plumbing: Division B, Articles 9.31.4.1 to 9.31.4.3</b>                              | <b>Minimum Requirements</b>  |
| Primary Dwelling and Ancillary Residential Unit  | <ul style="list-style-type: none"> <li>• a hot and cold water supply</li> <li>• a sink, bathtub or shower, toilet, or a drainless composting toilet in the bathroom</li> <li>• a kitchen sink</li> <li>• access to laundry facilities, which may be provided in a shared laundry room or a separate laundry area in the additional unit</li> <li>• Connection to municipal water and sewage systems where available</li> </ul> |
| Primary Dwelling and Ancillary Residential Unit – Sewage Disposal Systems (septic tanks)   | <ul style="list-style-type: none"> <li>• Compliance with Part 8. Approval from applicable approval agency (i.e., health unit, conservation authority or municipality)</li> </ul>   |

|  |   |
|--|---|
| <b>E. Heating and Ventilation</b>  | <b>Minimum Requirements</b>   |
| All Residential Units (11.5.1.1 – Compliance Alternative 195)                        | <ul style="list-style-type: none"> <li>• Building Code allows a house with a second unit to have a single furnace and common system of air ducts, provided <i>smoke alarms</i> are installed in each dwelling unit and provided a smoke detector is installed in the supply or return air duct system serving the entire building which would turn off the fuel supply and electrical power to the heating system upon activation of such detector.</li> </ul>  |
| <b>F. Electrical Facilities and Lighting</b>   | <b>Minimum Requirements</b>   |
| All Residential Units (9.34.2.2 and 9.34.2.3)  | <ul style="list-style-type: none"> <li>• a light and switch in every room and space of the additional unit</li> <li>• a switch at both the top and bottom of the stairs</li> <li>• Ontario's Electrical Safety Authority (ESA) requires a separate electrical permit to do the electrical work in an additional or ancillary unit and the ESA will need to inspect the electrical work</li> </ul>   |
| <b>G. Fire Safety</b>  | <b>Minimum Requirements</b>   |
| Primary Dwelling – Fire Separations (11.5.1.1)                                       | 30-minute fire separation between residential units   |
| All Residential Units – Smoke Alarms (9.10.19.1 – 9.10.19.3)                         | <ul style="list-style-type: none"> <li>• on every level of a house</li> <li>• outside sleeping areas (which, depending on the layout of a floor, can also count as the smoke alarm for that level)</li> <li>• in each bedroom in the second unit</li> <li>• in common areas of the house shared by occupants of both units, such as entrances and laundry rooms</li> </ul>  |
| All Residential Units – Carbon Monoxide Detectors (9.33.4.1)                         | <ul style="list-style-type: none"> <li>• required for any residential unit with a fuel-burning appliance or a storage garage</li> </ul>   |
| Ancillary Residential Unit (9.10.14)   | <ul style="list-style-type: none"> <li>• 1.2 m (4 ft.) spatial separation from property line on building face with doors and windows</li> </ul>   |
| <b>H. Noise</b>  | <b>Optional</b>   |
| Primary Dwelling   | Noise and vibration travelling between units is a common problem for people that live in residential buildings with additional units. Extra noise protection can be built into the walls, floors and ceilings that divide the additional residential unit from the remainder of the house. Construction techniques include adding additional insulation, extra layers of drywall, etc. Sound transmission class (STC) 50 is recommended.  |
| <b>I. Exits</b>  | <b>Minimum Requirements</b>   |
| Primary Dwelling – Exits for additional units (11.5.1.1. Compliance Alternative 136) | <p>There are different rules for exits depending on where in your house the additional unit is located. Providing a separate exit for the additional unit is preferable. If that is not possible:</p> <ul style="list-style-type: none"> <li>• a common exit for both units in your house is allowed if the exit area has a 30-minute fire separation and contains smoke alarms that are interconnected to both units</li> <li>• in cases where the exit from one unit leads through another unit, a second means of escape must be provided by using a window</li> <li>• windows that may be needed in an emergency as a second means of escape must be large enough for a person to get through and be easy to open without the use of tools</li> </ul> |
| <b>J. Ontario Fire Code</b>  | Compliance with applicable sections of 9.5 and 9.8  |

## **Are Permits Required for a Secondary Unit?**

Yes, permits are required for secondary units. This is to ensure that construction meets the minimum standards set out in the Ontario Building Code. They are also required to ensure that other applicable laws such as zoning by-laws, site plan control etc. are complied with. This will provide information to the emergency services in case an emergency occurs on the property.

**Drawings should be prepared by a qualified designer.**

## **What do I need to Submit for a Building Permit for a Secondary Unit or Accessory Structure?**

Every project will require an application to construct or demolish. This can be found on our web site at [www.amherstburg.ca](http://www.amherstburg.ca) under the Building Department section.

The following is a list of required documents for new applications for secondary suites:

- Application to Construct or Demolish
- Designer form
- Energy efficiency form
- Two sets of scaled construction drawings
- Other approvals (as required) ERCA, Septic System Design Evaluation (may require soil reports)

Please note that incomplete applications or plans will not be accepted.

## **What drawings will I need to submit?**

Along with your completed application form you will be required to submit two full sets of construction drawings completed by a certified designer. All drawings shall be a minimum legible scale as indicated or scale that is legible. The following drawings are required.

- Site plan (1/16" = 1'-0")
- Foundation plan (3/16" = 1'-0")
- Floor plans (3/16" = 1'-0")
- Elevations (3/16" = 1'-0")
- Sections and details (1/2" = 1'-0")
- Engineering drawings (where required)

Along with the drawings listed above, other approvals may be required for your particular project. The following are some approvals that may be required upon submitting your application prior to issuance of a building permit.

- ERCA (Essex Regional Conservation Authority)
- Septic Sewage System Approval
- Committee of Adjustment
- County road approval County road construction / Entrance Permit

## **How long does it take to get my permit and when can I start?**

Residential building permits are usually issued within 10 business days of a complete application being submitted. All other approvals are required (eg: ERCA, Essex County Roads, ETC), for an application to be considered complete. Applications that are incomplete because of missing or incorrect information will be delayed. **No work can commence** until the permit has been issued and all fees have been paid.

## **What inspections are required and how are they scheduled?**

Requesting inspections is the responsibility of the homeowner or the contractor of the project. Inspections must be booked at least 24 hours in advance.

Each phase of construction must be inspected to make certain the work conforms to the Ontario Building Code. Listed below are the mandatory inspections that are required.





## **INSPECTION SCHEDULE**

The following is a list of required inspections for building projects. It is the builder's responsibility to request inspections and confirm that all work has been approved. Permit drawings must be on site at time of inspection.

Any work covered before inspections are made, must be uncovered by the applicant for proper inspection. Inspections will be available between the hours of 10:00 am to 12:00 pm and 1:00 pm to 3:30 pm. Inspection request must be made 24 hours in advance at 519-736-5408.

1. **Storm and sanitary** sewer connection inspection. (water test required on both services)
2. **Water Service Line** inspection contact Public Works Department at 519-736-3664.
3. **Footing** inspection (before concrete is poured). **Top of footing certificate** required for new homes.
4. **Grade entry** inspection (rigid insulation installed prior to inspection).
5. **Underground storm completion** (connection of rear yard drain and sump pit discharge. Downspout connections not permitted)
6. **Parge & tar** inspection (before backfilling).
7. **Underground plumbing** inspection (water test or air test)
8. **In-floor heating** inspection (air test required)
9. **Rough plumbing** inspection (water test or air test)
10. **Water Line inspection** (air test required)
11. **Rough framing** inspection (Provide roof truss drawings and engineered floor truss drawing layouts)
12. **Fire Separation** (where required)
13. **House Wrap** Inspection (May be part of framing inspection)
14. **Concrete porch rebar** inspection
15. **Fireplace** inspection: before damper installation
16. **Insulation & air/vapour barrier** inspection. (**Post attic insulation certificate at the hydro panel location**).
17. **Water meter installation** inspection (Public Works Department 519-736-3664)
18. **Rear yard drainage** inspection (before backfilling)
19. **Final building and plumbing / Occupancy Permits , Final Grade Certificate**

## GENERAL BY-LAW INFORMATION

The following is for general information only. The information below is for residential zone with in the Town of Amherstburg.

It is the applicant's responsibility to verify all property lines, setbacks, roadways and easements.

### Setback requirements

|                    |                            |               |
|--------------------|----------------------------|---------------|
| <b><u>Pool</u></b> | Minimum side and rear yard | 1.5m (5'-0")  |
|                    | Minimum exterior side yard | not permitted |

### **Pump, Filter and Heater**

|                                      |              |
|--------------------------------------|--------------|
| Minimum from side and rear lot lines | 1.0m (3'-4") |
|--------------------------------------|--------------|

|                      |   |               |
|----------------------|---|---------------|
| <b><u>Fences</u></b> | The minimum height for pool fences              | 1.2m (4'-0")  |
|                      | The maximum height for all fencing in rear yard | 1.98m (6'-6") |
|                      | The maximum height for fence in front yard      | .915m (3'-0") |

Fences must be constructed within property lines and are not permitted on easements and alleys

### **Decks** building permit required if deck is above 24" from grade

|  |              |
|--|--------------|
| Minimum side yard (deck attached to house)     | 1.5m (5'-0") |
| Minimum side yard (deck not attached to house) | 1.2m (4'-0") |
| Minimum rear yard (max. into required yard)    | 1.5m (5'-0") |

### **Sheds (Accessory structures)**

#### **Structures over 10m<sup>2</sup> (107s.f.) – building permit is required**

Maximum lot coverage applies. Refer to bylaw.

Proper building drawings and a site plan are required.

|   |               |
|---|---------------|
| ○ Minimum side and rear yard                        | 1.2m (4'-0")  |
| ○ Exterior side yard                                | not permitted |
| ○ Maximum building height (to the top peak of roof) | 5.5m (18'-0") |

#### **Structures under 10m<sup>2</sup> (107s.f.) – building permit not required**

|   |               |
|---|---------------|
| ○ Minimum side and rear yard                        | 1.2m (4'-0")  |
| ○ Exterior side yard                                | not permitted |
| ○ Maximum building height (to the top peak of roof) | 5.5m (18'-0") |

### **Air Conditioners**

- AC units must be a minimum of 0.9m (3'-0") from any property line

## Frequently Used Phone Numbers

|   |                |
|---|----------------|
| 1. Building Department.....                         | 519-736-5408   |
| 2. Planning / Committee of Adjustment.....          | 519-736-5408   |
| 3. Public Works .....                               | 519-736-3664   |
| 4. Water Department.....                            | 519-736-3664   |
| 5. Clerks Department.....                           | 519-736-0012   |
| 6. Finance Department.....                          | 519-736-0012   |
| 7. MPAC.....  | 519-739-9920   |
| 8. Essex Power .....                                | 519-737-6640   |
| 9. Hydro One.....                                   | 1-888-664-9376 |
| 10. Union Gas.....                                  | 1-888-774-3111 |
| 11. Ontario One Call (Call before your dig) .....   | 1-800-400-2255 |
| 12. Electrical Safety Authority.....                | 1-877-372-7233 |
| 13. Essex Region Conservation Authority (ERCA)..... | 519-776-5209   |
| 14. County of Essex.....                            | 519-776-6441   |
| 15. Windsor Essex County Health Unit.....           | 519-258-2146   |
| 16. Ministry of Transportation.....                 | 519-354-1400   |
| 17. Ministry of Environment.....                    | 519-254-2546   |
| 18. Ministry of Natural Resources.....              | 519-354-7340   |
| 19. Ministry of Municipal Affairs .....             | 416-265-4736   |
| 20. Ontario New Home Warranty (Tarion).....         | 1-800-250-3589 |
| 21. Windsor Police-Amherstburg Detachment.....      | 519-736-2252   |
| 22. Town of Amherstburg Fire Service.....           | 519-736-6500   |