

TOWN OF FORT FRANCES

By-Law 03/14 – R

(Being a By-Law to amend Zoning By-Law #03/14, as amended, *The Planning Act*, Section 34 – Second Dwelling Units)

WHEREAS Council of the Town of Fort Frances has the authority under section 34 of the Planning Act, R.S.O., 1990, Chapter 13 (as amended) to regulate the use of land and the character and use of buildings and structures within the Town of Fort Frances;

WHEREAS Council of the Town of Fort Frances wishes to amend Zoning By-Law 03-14 to included definitions and general provisions regarding second dwelling units;

AND WHEREAS in accordance with Section 34(12) of the Planning Act, a Public Meeting was held on February 10, 2020 to consider the subject Zoning By-Law Amendment, with proper notice given to the public according to Ontario Regulation 545/06;

AND WHEREAS at its meeting held February 10, 2020, Council approved the Report and recommendation of the Municipal Planner, supported by the Planning and Development Executive Committee and the Committee of Adjustment, that the amendments be approved.

NOW THEREFORE the Council of the Corporation of the Town of Fort Frances **HEREBY ENACTS** as follows:

1. To amend the following definition in Section 2:

DWELLING UNIT (INTERIOR), SECOND

A self-contained dwelling unit created by either an interior renovation within an existing dwelling, or as an exterior addition, provided that one entire face of the addition is attached to the principal dwelling and shall not be considered a second dwelling on the lot for the purposes of this By-law.

2. To add the following definition in Section 2:

DWELLING UNIT (DETACHED), SECOND

A self-contained dwelling unit located within an accessory building on the same lot as the principal dwelling and shall not be considered a second dwelling on the lot for the purposes of this By-law.

3. To amend the following general provisions in Section 3 to read as follows:

3.29 SECOND UNITS

3.29.1 General

A second dwelling unit may be permitted, in addition to the principal dwelling unit of a single detached and semi-detached dwelling, or within a building accessory to these subject to the following:

- a) Only one secondary dwelling unit will be permitted per lot;
- b) one additional parking space is provided for the exclusive use of the secondary dwelling unit;

- c) the external appearance of the front façade of the dwelling is not altered;
- d) the requirements of the Building Code and Fire Code are met;
- e) A lot will not have both a secondary dwelling unit and a garden suite;
- f) No secondary dwelling unit will be considered a stand-alone structure capable of being severed;
- g) Secondary dwelling units must not be limited by, nor included in, any density control requirement, including for example, number of dwelling units and unit per hectare counts;
- h) All secondary dwelling units shall be registered with the Planning and Development Division; and
- i) All secondary dwellings units shall be adequately serviced by municipal water and municipal sewer from the principal dwelling where it is determined that these services are suitable to meet the demand of the second unit as determined by the Operations and Facilities Division.

3.2 ACCESSORY BUILDINGS, STRUCTURES AND USES

Accessory buildings or structures, are permitted in any yard, in any zone, subject to the provisions of this By-law for the particular zone in which said building, structure, or use is located, provided the principle building, structure or use is already in existence on the lot, and provided that the accessory building, structure or use:

- a) shall not be used for human habitation, except where an accessory residential use is a permitted use.
- b) accessory residential units above boat houses shall not be permitted;
- c) shall not be built closer to the front lot line than the minimum distance required by this by-law for the main building on the lot unless otherwise specified;
- d) shall not be located in the front yard or exterior side yard nor be built closer to the street than the main building is to that street except in an industrial zone where a gatehouse is permitted in the front yard;
- e) may be permitted in the front yard of a lot abutting a lake or river;
- f) shall not be built closer than 1.5 metres to any lot line;
- g) no detached accessory building or structure shall be located closer than 2.0 metres to a main building unless the accessory structure is a gazebo;
- h) shall not exceed 15 percent coverage of the total lot area;
- i) in a residential zone shall not exceed 5.0 metres in height, or contain more than one storey; except that where a dwelling unit is a permitted accessory use it shall not contain more than two storeys. In all other zones the maximum height shall not exceed 6.5 metres;
- j) shall not be considered as an accessory building or structure if attached to the main building in any way except for an accessory apartment dwelling that is permitted above or behind a commercial or industrial use;
- k) shall not be considered an accessory building or structure if located completely underground;
- l) where a commercial retail use is permitted as an accessory use in an industrial zone, it shall be located within the main building or within 2.0 metres of the main building and shall not exceed 10% of the total floor area of the main building to a maximum of 280 square metres; and
- m) No land may be used for the purpose of a swimming pool capable of containing in excess of 0.6 metres (2 ft.) of water unless the pool is enclosed by a fence, or by the wall of a building or structure, or by a combination of walls and fences, at least 1.5 metres (4.92 ft) in height and despite any other provisions to the contrary, an outdoor swimming pool and its associated mechanical equipment, shall be located, altered, erected or renovated in accordance with the following provisions:

- a. An outdoor swimming pool shall be set back a minimum of 1.5 m (5 ft) from any lot line;
 - b. No outdoor swimming pool accessory to a permitted residential use shall be located in any part of a front or exterior side yard; and
 - c. Any filter, pumps, or similar operating machines are a minimum distance of 0.6 metres from any lot line and a minimum distance of 3.0 meters from any main building.
- n) A storage container shall not be used as an accessory building or structure except as may otherwise be permitted under this By-Law. Within the Industrial zone, storage containers may be permitted as an accessory use to the principal or main use but shall be used exclusively for the storage of goods and materials and shall not be used to accommodate work areas, shops, office uses, retail sales or human habitation.

4. To add the following general provisions in Section 3 to read as follows:

3.29.2 SECOND DWELLING UNIT (INTERIOR)

In addition to the specifications outlined in 3.29.1, interior secondary dwelling units shall comply with the following:

- a) A secondary dwelling (interior) shall not exceed 40% of the gross floor area of the principal dwelling if any portion of the secondary dwelling is located at or above grade. Except for entrances, any secondary dwelling located entirely in the basement may occupy the entire basement, regardless of size.

3.29.3 SECOND DWELLING UNIT (DETACHED)

In addition to the specifications outlined in 3.29.1, detached secondary dwelling units shall comply with the following:

- a) Detached secondary dwelling units may be permitted at grade or on the second storey but not both;
- b) Shall have a minimum gross floor area as outlined in the Ontario Building Code but shall not exceed 40% of the gross floor area of the principal dwelling. In the event of conflict, the minimum gross floor area shall apply;
- c) The accessory building in which the second unit is located shall not exceed 15 percent coverage of the total lot area;
- d) Unobstructed emergency services access shall be provided;
- e) Provision of address identification shall be posted facing street and laneway where applicable;
- f) Notwithstanding Section 3.2, when the secondary dwelling (detached) is located on the second storey, the maximum height of the accessory building shall be a minimum of 2 metres less than the principal dwelling; and
- g) May be permitted for home occupation use as per Section 3.11, provided that only one home occupation is conducted on the property.

READ THREE TIMES AND FINALLY PASSED in open Council this 9th day of March 2020.

J. Caul, Mayor

E. Slomke, Clerk