



Date: September 19th, 2019

Report To: Mayor & Council

From: Cody Vangel, CBO Trainee/Municipal Planner

Re: Second Unit –Zoning By-law Amendment

The Planning & Development Executive Committee (PDEC) received a letter from Mr. D. Dickson asking to construct a garage with a portion of said garage to be designated as a dwelling unit (second unit). Presently the Town of Fort Frances Official Plan and Zoning By-law permit second units, but not as part of an accessory building.

PDEC made recommendation that the matter be further researched, and that the Official Plan and Zoning By-law be amended to accommodate second units within a building accessory to the primary dwelling.

With this stated, the following amendments and information are provided for informational purposes only at this time:

- a. The proposed Zoning By-law amendments are attached in Schedule 1.
- b. MMAH second unit information

This report is intended as a draft to inform the public and council of intended direction, so public input can be considered when finalizing all details.

Respectfully submitted

Original Signed By

Cody Vangel, EIT
CBO Trainee/Municipal Planner

<p>Council approval of this report will: allow the Planning and Development division to address public concerns prior to finalizing any and all amendments for second units.</p>



Schedule 1

Proposed Zoning By-law Amendments

Note: Proposed amendments in red text and strikethrough text

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.

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.

3.2 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 secondary unit 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 exceed 6.0 metres in height, or contain more than two storeys. In all other zones the maximum height shall not exceed 6.5 metres;~~

- j) In a residential zone where a second dwelling unit is constructed above, the maximum height shall be a minimum of 2.0 metres below the peak of the principle dwelling, and not more than two storeys;
- k) In all other zones the maximum height shall not exceed 6.5 metres;
- l) 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;
- m) shall not be considered an accessory building or structure if located completely underground;
- n) 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
- o) 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.
- p) 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.

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, semi-detached, and row house dwelling or within a building accessory to these subject to the following:

- ~~a) the dwelling unit is located within the principal dwelling;~~
- 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) the unit does not exceed 40% of the gross floor area of the principal dwelling unit;~~
- f) A lot will not have both a secondary dwelling unit and a garden suite;

- g) No secondary dwelling unit will be considered a stand-alone structure capable of being severed;
- h) All secondary dwelling units shall be registered with the Planning and Development Division; and
- i) All secondary dwellings 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.

3.29.2 SECOND DWELLING UNIT (INTERIOR)

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

- a) Interior second dwelling units shall not exceed 40% of the gross floor area of the principle dwelling unit.

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 second dwelling units may be permitted at grade or above grade but not both; and
- b) Shall not be permitted for home occupation or home industry use.