

May 3, 2016

Report To: Mayor and Council

From: Travis Rob, Interim Municipal Planner

**RE: Proposed amendment to the Town of Fort Frances Zoning By-Law #03/14 regarding Accessory residential Dwelling units in General Commercial (C2) zone.**

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**Background**

Recently there are a number of properties in Town that have been considered for redevelopment for residential, or higher density residential use. These properties are located in the General Commercial (C2) Zone. In this zone accessory residential suites are permitted on a floor above the first storey **OR** on the first floor behind the commercial use. The proposed developments all intend to utilize a portion of the first storey for commercial use, however they are all looking to utilize the remainder of the first storey and the remaining stories as residential units. This is not currently permitted by the Zoning By-Law. A review of other zoning by-laws from area communities and the contained a mix of requirements mirroring those of the Town or relaxing the requirement to allow for additional residential use. There are currently buildings within the Town that have this situation currently where there is residential above and behind a commercial use or residential beside a commercial use.

The Committee of adjustment considered the provisions and proposed developments and recommended that the zoning by-law be relaxed in the permitted use for C2 zone to allow accessory residential suites to be permitted on a floor above the first storey **AND/OR** on the first floor behind the commercial use. Further the committee recommended that in section 3.28 Restriction on Dwelling Units in Non-Residential Buildings be further amended to require that a minimum of 25% of the main floor area be dedicated to the commercial use. Given the recommendation by the Committee of Adjustment, in order to keep the intent of the By-Law and the permitted uses in the zone, the minimum main floor area dedicated to the commercial use should be 50%

**Recommendation**

It is the recommendation of administration that the Zoning By-Law #03/14 be amended to relax the provisions for accessory dwelling units in commercial buildings in the C2 General Commercial Zone to permit the residential unit on the main floor behind the commercial use and/or on the floor above the first floor while maintaining 50% of the main floor area dedicated to the commercial use. This will allow some of the currently vacant structures to be utilized and potentially renovated in the future. Attached to this report are the amended sections of the by-law 03/14. In the past small amendments of this type, being amendments fitting with the intent of the By-Law and providing privileges not removing them, have been made without a formal amendment to the by-law being completed through the provisions of section 1.3.13.

The matter was discussed at the May 2, 2016 meeting of the Planning and Development Executive Committee and the recommendation of the committee was to amend the by-law with the proposed wording.

Respectfully Submitted

A handwritten signature in black ink, appearing to read 'Travis Rob', with a stylized flourish at the end.

Travis Rob, EIT  
Chief Building Official, Facilities/Special Projects Coordinator  
Interim Municipal Planner

Council Approval of this report will agree with the recommendation of the Planning and Development Executive Committee to amend the Town of Fort Frances Zoning By-Law wording surrounding accessory dwelling units in buildings in the General Commercial (C2) Zone in accordance with the provided wording.