

Date: February 6, 2020

Report To: Mayor & Council

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: Second Unit –Zoning By-law & Official Plan 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.

This matter was considered in a public meeting on September 23, 2019, however since then further information and recommendations have been provided through discussions with our planning consultant.

Additionally, this matter was considered at the December 2, 2019 session of the Planning & Development Executive Committee with a consensus of recommendation to approve the proposed amendments.

This matter was also considered at the December 19, 2019 session of the Committee of Adjustment with recommendation to approve the proposed amendments with the condition that detached secondary dwelling units only be available for rent if the property owner lives on the same property within the primary dwelling. Further research into this recommendation determined that section 35 of the Planning Act does not provide authority to pass a by-law that has effect of distinguishing on the basis of relationship, and therefore will not be included.

With support from our planning consultant the following proposed amendments have been detailed:

- Schedule 1: Proposed Official Plan Amendment
- Schedule 2: Proposed Zoning By-law Amendment

Respectfully submitted



Cody Vangel, EIT
Chief Building Official & Municipal Planner

Council Approval of This Report Will: Agree to the recommendation of the Planning and Development Executive Committee and the Committee of Adjustment to approve the proposed Official Plan and Zoning By-Law amendments, and further that same by-law be passed at a future meeting of council.

Schedule 1

Proposed Official Plan Amendments

Note: Addition in red, delete with strikethrough

4.1.8 Additional Residential Policies

(i) Accessory Second Dwelling Units

One (1) Accessory Dwelling Unit may be permitted, in addition to the principal dwelling unit, of single-detached and semi-detached dwellings. ~~through a Zoning By-law or minor variance application. The following criteria shall be considered when evaluating proposals for the creation of accessory dwelling units:~~

- I. ~~— The floor area of the accessory unit is equal to, or less than, the gross floor area of the principal unit without any modification to the building's bulk or massing;~~
- II. ~~— The Accessory Dwelling Unit is not located in an attached garage;~~
- III. ~~— One additional one (1) unit on-site parking space is provided exclusively for the accessory dwelling unit;~~
- IV. ~~— The outdoor private amenity area is adequate for the amenity and leisure needs of all occupants;~~
- V. ~~— The Accessory Dwelling Unit meets the requirements of the Town's Zoning Bylaw, the Building Code and Fire Code;~~
- VI. ~~— A lot may not have both an Accessory Dwelling Unit and a Garden Suite.~~

(j) Second units

~~Second units are permitted for:~~

- I. ~~— the use of two residential units in a detached house, semi-detached house or row house if no building or structure ancillary to the detached house, semi-detached house or row house contains a residential unit; and the use of a residential unit in a building or structure ancillary to a detached house,~~
- II. ~~— semi-detached house or row house if the detached house, semi-detached house or~~
- III. ~~— row house contains a single residential unit.~~

Schedule 2

Proposed Zoning By-law Amendments

Note: Addition in red, delete with strikethrough

DEFINITIONS:

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.

GENERAL PROVISIONS:

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) 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) 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;**
- i) All secondary dwelling units shall be registered with the Planning and Development Division; and**
- j) 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.**

Proposed Zoning By-law Amendments

Note: Addition in red, delete with strikethrough

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.

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 ~~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) 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.

