

The Corporation of the City of Owen Sound

By-law No. 2023-019

A By-law to amend Zoning By-law No. 2010-078, respecting additional residential units (ZBA No. 41)

WHEREAS section 34(1) of the *Planning Act*, R.S.O. 1990, c. P.13 (the "Planning Act") provides that the council of a local municipality may pass by-laws for prohibiting the use of land and for prohibiting the erection, location or use of buildings and structures for or except for such purposes as may be set out in the by-law and for regulating the use of lands and the character, location and use of buildings and structures; and

WHEREAS on April 12, 2010, the Council of The Corporation of the City of Owen Sound (the 'City') passed Zoning By-law No. 2010-078 (the "Zoning By-law") to implement the City's Official Plan and to regulate the use of land in the City; and

WHEREAS City Council is desirous of adopting a zoning by-law amendment, pursuant to section 34 of the Planning Act, respecting additional residential units; and

WHEREAS such amendment to the Zoning By-law will maintain the terms and intent of the City of Owen Sound Official Plan; and

WHEREAS City Council has carefully considered all public comments throughout the process; and

WHEREAS on January 16, 2023, a public meeting was held under section 34 of the Planning Act to consider zoning for the subject lands; and

WHEREAS on February 13, 2023, City Council passed a resolution directing staff to bring forward a by-law to amend the Zoning By-law respecting additional residential units, in consideration of staff report CS-23-022;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

1. Section 4 is amended by adding the definition as follows:

"Additional Residential Unit' means a separate dwelling unit containing a bathroom and separate cooking facilities and contained within the structure of a single detached, semi-detached or street fronting townhouse dwelling or in a building or structure accessory to a single detached, semi-detached or street fronting townhouse dwelling."

2. Section 5.19.1.b) is amended to read as follows:

"Notwithstanding Table 5.19.1, where a lot contains a single detached dwelling, semi-detached dwelling, duplex, additional residential units, or street fronting townhouse where parking stalls are accessed from a driveway, no accessible stalls are required."

3. Section 5.27 is added to read as follows:

"5.27 ADDITIONAL RESIDENTIAL UNITS

An Additional Residential Unit may be permitted in any Zone where a Single Detached Dwelling, Semi-detached Dwelling or Street Fronting Townhouse is permitted as of right in accordance with the following:

1. A maximum of two (2) additional dwelling units is permitted per lot;
 2. One (1) additional on-site parking space shall be provided for each additional residential unit;
 3. All regulations of the zone must be complied with;
 4. A maximum of one (1) additional residential unit is permitted to be located in an accessory building per lot, provided the additional residential unit has direct access from the street or dedicated parking space and the accessory building must comply with the provisions of section 5.9;
 5. Any additional residential unit shall be required to obtain a Building Permit from the City;
 6. For lots that are partially or not connected to municipal services, well water records and/or approval from the designated authority for sewage systems is required prior to granting a building permit;
 7. Additional residential units in the Agricultural zone must be located in the existing single detached dwelling, or in a non-agricultural accessory structure in the existing farm cluster;
 8. Additional residential units in the flood fringe overlay require conservation authority approval; and
 9. Additional residential units are exempt from the provisions that establish maximum density as a measure of dwelling units per square metre of total development parcel area."
4. Section 6 is amended by removing subsection 6.1.i) regarding Accessory Apartments.
 5. This by-law shall come into full force and effect on the date it is passed.

FINALLY PASSED AND ENACTED this 13th day of February 2023.

Mayor Ian C. Boddy

Briana M. Bloomfield, City Clerk