

BY-LAW NUMBER 103-2020

A BY-LAW TO IMPOSE INTERIM CONTROL ON CERTAIN RESIDENTIAL USES WITHIN THE CITY OF WINDSOR C 141/2020

Passed the 13th day of July, 2020.

WHEREAS Section 38 of the Planning Act, R.S.O. 1990, Chapter p. 13, provides that the Council of a local municipality had by resolution, directed that a study be undertaken in respect of land use planning policies in the municipality of in a defined area thereof, the Council of the municipality may pass a by-law to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of lands, buildings, or structures within the municipality or within the defined area or areas thereof, for such purposes as may be set out in the by-law;

AND WHEREAS the Council of The Corporation of the City of Windsor has by resolution directed that a study and review of Zoning By-laws 85-18 and 8600 be undertaken in respect of land use planning policies related to higher density dwellings such as, but not limited to, Group Homes, Shelters, Lodging Houses, Residential Care Facilities and dwellings with five or more dwelling units within the City of Windsor;

AND WHEREAS the Council of The Corporation of the City of Windsor deems it expedient and in the public interest to prohibit the use on all lands, buildings, and structures for a Group Home, Shelter, Lodging House, and a Dwelling with five or more dwelling units, other than those excepted by the Interim Control By-law, in order to allow the municipality to review and, if deemed appropriate, implement the findings of the said study.

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

1. In this By-law,

ACCESSORY BUILDING means a completely detached building used for an accessory use of the lot, for one dwelling unit where permitted by Section 5.99.80 in Zoning By-law 8600, or for any combination thereof.

ACCESSORY USE means a use which is customarily incidental, subordinate, and exclusively devoted to the main use and is carried on with such main use on the same lot.

BUILDING means a structure, consisting of a wall, roof and floor, or any one or more of them, or a structural system serving the function thereof, including all the works, fixtures and service systems appurtenant thereto, but does not include the following: access area, collector aisle, driveway, parking aisle or parking space not in a parking garage; fence; patio; sign as defined by the Windsor Sign By-law.

COMBINED USE BUILDING means a building having, as main uses, at least one dwelling unit and at least one non-residential use.

DENSITY means a ratio expressed as the number of dwelling units per hectare and indicates the number of dwelling units that may be erected or maintained per hectare on a lot.

DOUBLE DUPLEX DWELLING means one dwelling divided into four dwelling units by vertically attaching two duplex dwellings with no direct internal connection between the dwelling units. A multiple dwelling,

semi-detached dwelling, stacked dwelling, or townhome dwelling is not a double duplex dwelling.

DUPLEX DWELLING means one dwelling divided horizontally into two dwelling units with no direct internal connection between the dwelling units. A single unit dwelling with two dwelling units is not a duplex dwelling.

DWELLING means a building or structure that is occupied for the purpose of human habitation. A correctional institution, hotel, motor home, recreational vehicle, tent, tent trailer, or travel trailer is not a dwelling.

DWELLING UNIT means a unit that consists of a self-contained set of rooms located in a building or structure, that is used or intended for use as residential premises, and that contains kitchen and bathroom facilities that are intended for the use of the unit only.

FRATERNITY OR SORORITY HOUSE means a dwelling used exclusively for the accommodation of students of a college or university who are also members of a chartered fraternity or sorority.

GROUP HOME means a dwelling that is:

1. For the accommodation of six to ten persons, exclusive of staff;
2. For persons living under supervision in a single housekeeping unit and who require a group living arrangement for their well-being; and
3. Licensed or funded by the federal, provincial, or municipal government.

A group home dwelling is a group home.

A correctional institution, fraternity or sorority house, hospital, hotel, lodging house, private home day care, religious residence, or residential care facility is not a group home.

LODGING HOUSE means a dwelling in which a minimum of four persons, not including staff, are provided with lodging for hire, with or without meals.

A boarding house, rooming house, or senior citizen housing is a lodging house

A correctional institution, fraternity or sorority house, group home, hospital, hotel, private home day care, religious residence, or residential care facility is not a lodging house.

LOT means a contiguous parcel of land under one ownership, the boundaries of which are on record in the Land Registry Office of the County of Essex (No. 12) in the Registry or Land Titles Division.

MAIN BUILDING means a building used for the main use of the lot and may also include in combination therewith an accessory use subject to any applicable provisions for an accessory use.

MAIN USE means the principal use or uses of a building, lot, premises, or structure.

MOBILE HOME DWELLING means one mobile home as defined by Section 46 of the Planning Act, R.S.O. 1990, c. P.13.

MULTIPLE DWELLING means one dwelling containing a minimum of three dwelling units. A double duplex dwelling, semi-detached dwelling, stacked dwelling, or townhome dwelling is not a multiple dwelling.

PREMISES means a lot, building, structure, or any combination thereof where a use is carried on.

RELIGIOUS RESIDENCE means a dwelling used for the accommodation, without profit or gain, of members of a religious community or religious association and may include as an accessory use a place of worship. A convent or monastery is a religious residence.

RESIDENTIAL CARE FACILITY means a dwelling that is:

1. For the accommodation of eleven or more persons, exclusive of staff;
2. For persons requiring supervised or assisted living arrangements; and
3. Licensed or funded by the federal, provincial, or municipal government.

A nursing home is a residential care facility.

A correctional institution, group home, hospital, hotel, lodging house, multiple dwelling or religious residence is not a residential care facility.

SEMI-DETACHED DWELLING means one dwelling divided vertically into two dwelling units by a common interior wall having a minimum area above grade of 10.0 sq. m., and may include, where permitted by Section 5.99.80 in Zoning By-law 8600, up to two additional dwelling units.

SEMI-DETACHED DWELLING UNIT means one dwelling unit in a semi-detached dwelling, and may include, if permitted by Section 5.99.80 in Zoning By-law 8600, one additional dwelling unit.

SHELTER means a lodging house used exclusively for the provision of temporary accommodation to individuals who need ancillary health care, counselling, and social support services.

SINGLE UNIT DWELLING means one dwelling having one dwelling unit or, where permitted by Section 5.99.80 in Zoning By-law 8600, one dwelling having two dwelling units. A single family dwelling is a single unit dwelling. A duplex dwelling, mobile home dwelling, semi-detached dwelling unit, or townhome dwelling unit, is not a single unit dwelling.

STACKED DWELLING means a dwelling consisting of a row of three or more dwelling units having one or more dwelling units located above them, with all dwelling units having individual exterior entrances. A double-duplex dwelling, semi-detached dwelling, or townhome dwelling is not a stacked dwelling.

STRUCTURE means anything, including any component part, that is erected, built, or constructed and affixed to or supported by the ground.

STUDENT RESIDENCE means a dwelling operated and maintained by a college or a university and may include a common area, cooking facility or dining facility.

TOWNHOME DWELLING means one dwelling vertically divided into a row of three or more dwelling units attached by common interior walls, each wall having a minimum area above grade of 10.0 sq. m., and may include, where permitted by Section 5.99.80 in Zoning By-law 8600, additional dwelling units. A semi-detached dwelling is not a townhome dwelling.

TOWNHOME DWELLING UNIT means one dwelling unit in a townhome dwelling, and may include, if permitted by Section 5.99.80 in Zoning By-law 8600, one additional dwelling unit.

USE

1. when used as a noun means the purpose for which a building, lot, premises, or structure is designed, maintained, or occupied.
 2. when used as a verb means anything done by any person or permitted, either directly or indirectly by any person, for the purpose of making use of a building, lot, premises, or structure.
2. Notwithstanding the permitted uses, prohibited uses, and provisions of Zoning By-law 8600 as amended, within any zoning district, specific zoning

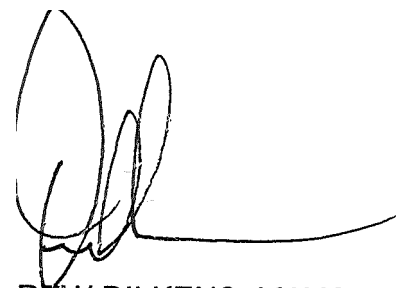
exception, or overlay, no land, building, or structure shall be used as a Group Home, Lodging House, a Shelter, or a dwelling with five or more dwelling units, except:

- (1) For any lands where an amending by-law to Zoning By-law 8600 to permit a Group Home, Lodging House, Shelter, or any dwelling with five or more dwelling units came into force on or after January 1, 2017;
 - (2) The continued use of land, building, or structure lawfully existing on the day of passage of this By-law as a Group Home, Lodging House, Shelter, or Dwelling with five or more dwelling units, provided such use is permitted on that land, or in that building or structure, by By-law 8600;
 - (3) The use of land, building, or structure as a Lodging House where both a Lodging House and a Residential Care Facility are permitted uses in the zoning district, specific zoning exception, or overlay; however, a Shelter is prohibited;
 - (4) The creation or construction of dwelling units in a Combined Use Building where a Combined Use Building is a permitted use in the zoning district, specific zoning exception, or overlay;
 - (5) The creation or construction of a new additional dwelling unit, or the expansion of an existing additional dwelling unit, in compliance with Section 5.99.80 of Zoning By-law 8600; or
 - (6) The repair of a building or structure lawfully existing on the day of passing of this By-law to comply with an order issued pursuant to the Property Standards By-law No. 9-2019;
3. Notwithstanding the permitted uses, prohibited uses, and provisions of Zoning By-law 85-18 as amended, within any zone or defined area, no land, building, or structure shall be used as a Group Home, Lodging House, a Shelter, or a dwelling with five or more dwelling units, except:
- (1) The continued use of land, building, or structure lawfully existing on the day of passage of this By-law as a Group Home, Lodging House, Shelter, or Dwelling with five or more dwelling units, provided such use is permitted on that land, or in that building or structure, by By-law 85-18;
 - (2) The use of land, building, or structure as a Lodging House where both a Lodging House and a Residential Care Facility are permitted uses in the zone or defined area, however, a Shelter is prohibited;
 - (3) The repair of a building or structure lawfully existing on the day of passing of this By-law to comply with an order issued pursuant to the Property Standards By-law No. 9-2019;
4. That where any conflict exists between the provisions of this By-law and any other By-law of The Corporation of the City of Windsor, this By-law shall prevail.
5. The provisions of this by-law do not apply to the following lands:
- (1) Any lands located within the Manufacturing District 1. (MD1.) and Manufacturing Districts 2. (MD2.) in Zoning By-law 8600 and within any Industrial Zone (M1) including Defined Area M1-11 and Defined Area M1-15 in Zoning By-law 85-18 in the City of Windsor (which are currently subject to Interim Control By-law 78-2019).
 - (2) Any lands identified on Schedule 'P' to Zoning By-law 8600 (which were subject to Interim Control By-laws 126-2015, 127-2015, and 142-2015).
 - (3) **1200-1220 University Avenue West**
Part Lot 73, Concession 1 (Roll No. 040-170-05400; north side of University Avenue West, west of Elm Avenue)

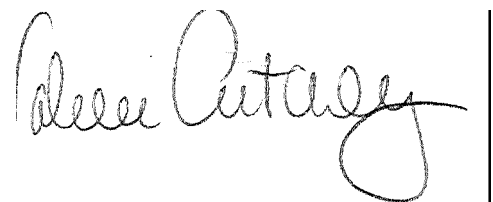
(4) 3165, 3173, & 3177 to 3195 Sandwich Street

Part Lots 3 & 4, Registered Plan 40 (Roll No. 050-140-11000, 050-140-10900, 050-140-10505; northeast corner of Sandwich Street and Mill Street)

This by-law shall come into force and take effect on the day of the final passing thereof.

A handwritten signature in black ink, appearing to read 'Rew Dilkens', with a long horizontal flourish extending to the right.

REW DILKENS, MAYOR

A handwritten signature in black ink, appearing to read 'Alice Cutage', with a vertical line to the right of the signature.

CITY CLERK

First Reading - July 13, 2020
Second Reading- July 13, 2020
Third Reading - July 13, 2020