

**TOWN OF FORT FRANCES  
ZONING BY-LAW 03/14**

(adopted January 27, 2014)



**FORTFRANCES**  
BOUNDLESS

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## Contents

TOWN OF FORT FRANCES .....	1
ZONING BY-LAW .....	1
SECTION 1 ADMINISTRATION .....	1
1.1 TITLE .....	1
1.2 SCOPE OF BY-LAW .....	1
1.3 INTERPRETATION OF BY-LAW.....	1
1.4 STRUCTURE.....	2
1.5 ZONING SCHEDULES .....	3
1.6 ILLUSTRATIONS.....	4
1.7 REFERENCES TO STATUTES AND AGENCIES .....	4
1.8 PERMITS.....	4
1.9 ENFORCEMENT AND PENALTIES .....	4
1.10 VALIDITY .....	4
1.11 REPEAL OF EXISTING BY-LAWS .....	5
1.12 EFFECTIVE DATE.....	5
SECTION 2 DEFINITIONS.....	6
SECTION 3 GENERAL PROVISIONS .....	27
3.1 ACCESS TO PROVINCIAL HIGHWAYS .....	27
3.2 ACCESSORY BUILDINGS, STRUCTURES AND USES .....	27
3.3 ADEQUATE MUNICIPAL SERVICES .....	28
3.4 COMMUNITY GARDEN .....	28
3.5 ESTABLISHED BUILDING LINE IN RESIDENTIAL ZONE .....	29
3.6 FRONTAGE ON A PUBLIC ROAD.....	29
3.7 GAS BAR.....	29
3.8 GROUP HOMES.....	29
3.9 HEIGHT EXCEPTIONS.....	30
3.10 HOLDING PROVISIONS.....	30
3.11 HOME OCCUPATION.....	30
3.12 HOME INDUSTRY .....	31
3.13 LOADING SPACE REQUIREMENTS .....	31
3.14 MINIMUM OPENING ELEVATION .....	32
3.15 MULTIPLE ZONES ON ONE LOT.....	32
3.16 NON-CONFORMING USES .....	32
3.17 NON-COMPLYING LOTS, BUILDINGS AND STRUCTURES .....	33
3.18 OBNOXIOUS USES.....	34
3.19 OUTSIDE STORAGE/OUTDOOR STORAGE .....	34
3.20 PARKING AREA REGULATIONS.....	34
3.21 PARKING IN THE CENTRAL BUSINESS DISTRICT.....	37
3.22 PARKING SPACE REQUIREMENTS .....	37
3.23 PEAT EXTRACTION, PITS AND QUARRIES .....	39
3.24 PERMITTED ENCROACHMENTS .....	39
3.25 PLANTING STRIPS.....	39
3.26 PUBLIC USES .....	40
3.27 REDUCTION OF REQUIREMENTS .....	40

3.28	RESTRICTIONS ON DWELLING UNITS IN NON-RESIDENTIAL BUILDINGS .....	41
3.29	SECOND UNITS.....	<b>Error! Bookmark not defined.</b>
3.30	SIGHT TRIANGLES .....	41
3.31	SETBACKS FROM NAVIGABLE AND NON-NAVIGABLE WATERCOURSES, HAZARD LAND AND MUNICIPAL SURFACE DRAINS.....	42
3.32	SETBACKS FROM RAILWAYS .....	42
3.33	SPECIAL USES PERMITTED .....	43
3.34	STRUCTURES IN WATER.....	43
3.35	THROUGH LOTS .....	43
3.36	TRAILERS, MOBILE HOMES AND CAMPERS .....	43
3.37	WASTE DISPOSAL AREA SETBACKS .....	43
3.38	BREWERIES.....	43
SECTION 4 ZONES & ZONE PROVISIONS .....		45
4.1	ZONES .....	45
4.2	ZONE SCHEDULE .....	45
4.3	COMPLIANCE WITH ZONING BY-LAW .....	45
4.4	RESIDENTIAL TYPE ONE (R1) ZONE.....	46
4.5	RESIDENTIAL TYPE TWO (R2) ZONE .....	47
4.6	RESIDENTIAL MOBILE HOME (R3) ZONE .....	49
4.7	SEASONAL RESIDENTIAL (SR) ZONE.....	50
4.8	LOCAL COMMERCIAL (C1) ZONE .....	51
4.9	GENERAL COMMERCIAL (C2) ZONE.....	52
4.10	ENTERPRISE (E) ZONE .....	54
4.11	TOURIST COMMERCIAL (TC) ZONE.....	56
4.12	LIGHT INDUSTRIAL (M1) ZONE .....	57
4.13	HEAVY INDUSTRIAL (M2) ZONE .....	58
4.14	WASTE DISPOSAL INDUSTRIAL (M3) ZONE .....	59
4.15	INSTITUTIONAL (I) ZONE.....	60
4.16	OPEN SPACE (OS) ZONE .....	61
4.17	RESOURCE DEVELOPMENT (RD) ZONE.....	62
SECTION 5 EXCEPTIONS .....		63

# SECTION 1 ADMINISTRATION

## 1.1 TITLE

This By-law may be referred to as "The Zoning By-Law of the Town of Fort Frances."

## 1.2 SCOPE OF BY-LAW

This By-law applies to all lands, islands and lands under water within the Town of Fort Frances.

This **By-Law** shall not reduce or mitigate any restrictions lawfully imposed by a government authority having jurisdiction for any such revision.

## 1.3 INTERPRETATION OF BY-LAW

### 1.3.1 Definitions

In this **By-Law**, unless the context requires otherwise the definitions set out in Section 2 shall apply. Where the term is not defined, its common usage shall apply.

### 1.3.2 Number

In this By-law, unless the context requires otherwise, words used in the singular number include the plural and vice versa.

### 1.3.3 "Shall is mandatory"

In this By-law, the word "shall" is mandatory

### 1.3.4 "Used" and "Occupied"

In this By-law, the words "used" and "occupied" shall include "intended," "arranged" and "designed" to be used or occupied.

### 1.3.5 Measurements

Measurements of length and area used in this By-law are given in metric units (e.g. hectares, metres)

### 1.3.6 Holding Zones

Holding **zones** are created by adding a lower case "H" to the **zone** code on the zoning maps, and that have the effect of allowing the uses set out in the corresponding text of the **By-Law** at some time in the future, when the holding symbol is removed by an amendment to the zoning **By-Law** once specified conditions are met (e.g. such as conditions related to environmental, transportation, servicing matters).

### 1.3.7 Primary Zones

Primary **zones** are the basic structural unit of this Zoning By-Law and identify permitted uses and regulations. Primary **zones** are indicated by a set of symbols.

### 1.3.8 Subzones

Subzones are created by adding a number to the primary **zone** code, and have the effect of modifying the uses or the regulations of the primary **zone** to the extent set out in the text of the provisions for that subzone.

### **1.3.9 Exception Zones**

Where the **zone** classification is followed by square brackets and a number this denotes an exception **zone**. Lands so zoned shall be subject to all of the provisions of the zone represented by the classification except as otherwise provided by the Exception provisions.

### **1.3.10 Temporary Use By-Law**

Where a zone classification is followed by a dash (-) and the letter “T”, this denotes a temporary use By-law pursuant to Section 39 of the Planning Act, RSO 1990. Details concerning the temporary **use** are listed at the end of the specific zone category and / or listed in the Exceptions Section of this **By-Law**.

### **1.3.11 Split Zoning**

Those lands shown on the schedules to this **By-Law** which have two zone categories are subject to the most restrictive zone with respect to permitted uses and zone provisions.

### **1.3.12 Conflict**

In the event of a conflict between this By-law and amendments thereto and any other general or special By-law of the **Municipality**, the most restrictive By-law shall prevail.

### **1.3.13 Request for Amendments**

A request for an amendment to this By-law shall be accompanied by a completed copy of the appropriate application form and all required supporting studies and documents as requested by the **Town** staff or **Council**.

Minor amendments to the Zoning By-law are permitted without adopting an amendment providing they do not change the intent of the Zoning By-Law. Minor amendments include: number changes; cross references, and correction of grammatical or typographical errors.

## **1.4 STRUCTURE**

This zoning by-law is composed of six (6) main sections:

- 1) Administration and Interpretation
- 2) Definitions
- 3) General Provisions
- 4) Zones
- 5) Exceptions
- 6) Zoning Schedule (Map)

### **Section 1**

Administration and Interpretation sets out the area covered by the By-law, requirements for compliance, interpretation of wording, and other administrative matters. This By-law is subject to the Interpretation Act.

### **Section 2**

Definitions outline the meaning of key terms used throughout the **By-law** in order to facilitate the interpretation of the document. Where a term appears in the text of this **By-Law** in bold font, the term is intended to have the meaning set out for it in this Section 2. Where a term appears in the text of this **By-Law** in regular font or is not defined, it is intended to have the meaning ordinarily attributed to it in the English language. Illustrations are also provided in Section 2 to illustrate a definition.

### Section 3

General Provisions set out uses regulations that apply to all **zones** and matters such as parking, landscaping, and other provisions for land development. It also outlines those circumstances in which provisions of this By-law shall not apply.

### Section 4

**Zones** set out the general intent of each **zone**, the permitted uses and the zoning regulations for development.

### Section 5

Exceptions set out site-specific uses and provisions that apply to certain properties that are subject to exception provisions through Zoning By-law amendments or special consideration under a previous by-law. Properties subject to exception **zones** are indicated on the Maps.

### Section 6

Zoning Schedules (Map) contains a map which specifies the **zones** that apply to all properties within the municipality. This complements the text and forms part of this By-law, which sets out the specific uses and regulations that apply within each **zone**.

## 1.5 ZONING SCHEDULES

### 1.5.1 Zones

For the purposes of this By-law, the **zones** may be referred to by the name or **zone** code.

### 1.5.2 Schedules

Schedule A consists of maps which form part of this By-law. The extent and boundaries of all **zones** are shown on Schedule A. A key map of the area of the **Town** is provided on each Map in the top right hand corner for geographical reference purposes. The colours provided on each of these maps are for easy reference and **zone** distinction. These colors do not form part of this By-law, nor do they serve any legal purpose.

### 1.5.3 Determination of Zone Boundaries

Where any uncertainty exists as to the location of the boundary of any of the said **zones** as shown on the zoning maps, the following rules shall apply:

- a) A **zone** boundary shown approximately at a **lot line**, street or **laneway** is considered to be at the boundary of the **lot line**, street or **laneway**.
- b) A **zone** boundary shown approximately in the centre line of a street or **laneway** is considered at the centre line of the street or **laneway**.
- c) A **zone** boundary shown as following approximately a shore line or the centre line of a **watercourse** is considered to be the present shore line or centre line and moves with any natural change in the **watercourse**.
- d) Unless the location of a **zone** boundary is specified by the dimensions on the Schedule a **zone** boundary, which lies within a **lot**, shall be fixed by the scale of such schedule upon which it is shown.
- e) Where islands have not been identified as being in a **zone** on the Schedules, they shall be deemed to be in the Open Space (OS) **Zone**.
- f) All land below the surface of a water body or **watercourse** as of the date of this By-law came into effect shall be deemed to be in the Open Space (OS) **Zone**.

## 1.6 ILLUSTRATIONS

Illustrations are provided and form part of this By-law to clarify the intent of a definition and/or regulation.

## 1.7 REFERENCES TO STATUTES AND AGENCIES

Where reference is made in this Zoning By-law to other documents, such as federal or provincial Acts, or other legislation, or to other documents that are not part of this By-law, it is understood that it is the latest approved version of the document that is being reference unless otherwise specified.

Where this By-law makes reference to the jurisdiction of a public agency, and where the name or Responsibilities of such public agency are changed hereafter, the said reference shall be deemed to include any and all successors to such public agency having jurisdiction over matters to which the said reference applies.

## 1.8 PERMITS

No **person** shall be entitled to a municipal permit, certificate, or license where the said permit is required for a proposed **use** of land or a proposed **erection**, alteration, enlargement or **use** of any **building** or **structure** that is in violation of any provisions of this By-law.

## 1.9 ENFORCEMENT AND PENALTIES

Unless otherwise stated, this by-law shall be administered and enforced by the Town of Fort Frances Municipal Planner or designate, including the By-Law Enforcement Officers as appointed, from time to time, by Council for the Town of Fort Frances.<sup>1</sup>

Any **person** convicted of a violation of this By-law is liable, at the discretion of the convicting Justice, on first conviction to a fine of not more than \$25,000 and on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which that **person** was first convicted in accordance with *The Planning Act*.

Any Corporation convicted of violation of this By-law is liable, on first conviction, to a fine of not more than \$50,000 and on a subsequent conviction to a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the **person** was convicted, in accordance with *The Planning Act*.

In case any **buildings** or **structure** or part thereof is to be **erected**, altered, reconstructed or extended, or any lot is being used or is to be used, in contravention of any requirement of this By-law, such contravention may be restrained by action at the instance of any rate-payer or of the Municipality pursuant to the provisions of *The Planning Act* and/or *The Municipal Act* and/or any other applicable legislation.

## 1.10 VALIDITY

A decision of the Court that one or more of the provisions of this By-law are invalid in whole or in part does not affect the validity, effectiveness, or enforceability of the other provisions or parts of the provisions of this By-law.

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<sup>1</sup> Amended January 11, 2016 – to clarify enforcement provisions

### **1.11 REPEAL OF EXISTING BY-LAWS**

By-Law No. 8/98 and all amendments thereto are hereby repealed.

### **1.12 EFFECTIVE DATE**

This By-law shall come into force the day that it was passed where there are no appeals filed or where appeals are filed, where all of the appeals are finally disposed of by the Ontario Municipal Board.



## SECTION 2 DEFINITIONS

A

### **ACCESSORY**

A **use**, separate **building** or **structure**, which is usually incidental, subordinate, and located on the same **lot** as the **principal use, building** or **structure**.

### **AGRICULTURAL BUILDING**

Any **building** or structure customarily used in connection with a farm other than a residence.

### **AGRICULTURAL USE**

Any agricultural **use** or **uses**, structures or **buildings** accessory thereto, including field crops, animal husbandry, horticultural nurseries and any other **use** customarily carried on in the field of general agriculture, including the sale on the premises of produce grown or raised on the premises, and riding schools or boarding stables, except specialized **agricultural uses** as defined herein.

### **ANIMAL SHELTER**

Lands and **buildings** used for the keeping of animals, birds or other livestock and may include the premises of a veterinary surgeon.

### **ASPHALT PLANT**

Means an industrial establishment used for the production of asphalt or asphalt products used in **building** or construction and includes facilities for the administration of the business, the stockpiling of bulk materials used in the production process or a finished product manufactured on the premises and the storage and maintenance of required equipment.

### **ASPHALT PLANT, PORTABLE**

Means a temporary asphalt plant established for a public road project.

### **ASSEMBLY HALL**

A **building**, or part of a **building**, in which facilities are provided for such purposes as meetings for civic, educational, political, religious or social purposes and may include a bingo hall, a banquet hall, **private club** or fraternal organization.

### **ASSISTED LIVING FACILITY**

A facility providing supervised or supportive in-house care for those who need assistance with daily living, that may also provide on-going medical or nursing care or counselling and social support services and which may include such services as medical, counselling and personal services.

### **ATTACHED**

A **building** otherwise complete in itself, which depends, for structural support or complete enclosure, upon a division wall or walls shared in common with adjacent **building** or **buildings**.

### **ART GALLERY**

A **building**, place or area where paintings, sculptures or other works of art are exhibited or sold.

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B

**BASEMENT**

That portion of a **building** below the first floor which is more than 50% below the ground level at the exterior walls.

**BED AND BREAKFAST**

A **home occupation** within a **single detached dwelling** wherein not more than five rooms are rented with breakfast included, for the temporary accommodation of the traveling public and includes the living accommodation of the residents of the dwelling.

**BOARDING HOUSE**

A **building** containing rooming units, and which may also contain **dwelling units** and an **accessory office** and provides accommodation for at least three people and no more than ten.

**BOATHOUSE**

A **building** used for the storage of boats and boating equipment.

**BOAT SLIP**

A single **parking space** of at least 185 sq. m. for a boat or other marine **vessel** forming part of a **dock**, boathouse or other mooring facilities.

**BUILDING**

Any roofed **structure**, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of **persons**, animals, materials or equipment and includes any **vessel** or container used for any of the foregoing purposes.

**BUILDING SUPPLY AND LUMBER OUTLET**

A **building** or **structure** in which **building** or construction and home improvement materials are offered or kept for sale at retail and may include outdoor storage and the fabrication of certain materials related to home improvements and in compliance with the general provisions for outdoor storage.

**BULK FUEL DEPOT**

Lands, **buildings** and **structures** for the storage, distribution of fuels and oils but not including retail sales except cardlock operations.

**BY-LAW**

This term refers to this document enacted under Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13, as may be amended from time to time, and includes its recitals and schedules but expressly excludes any reference notes to legislation or explanatory diagrams.

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C

**CAMP GROUND**

Lands used for the parking and temporary **use** for at least five (5) campsites occupied by tents, **trailers**, motor homes, truck campers and recreational vehicles and accessory uses and facilities such as administrative **offices**, sanitary facilities, recreational facilities and an accessory **community garden**.

**CARDLOCK FUEL RETAILING DEPOT**

The above-ground storage of fuel for sale by one or more pump islands to retail customers where access to the pump is self-service through the **use** of an access card or code but does not include wholesale distribution but may include bulk delivery retails sales by the proprietor.

**CELLAR**

A portion of a residential **building**, used for storage purposes only, which is more than 50% below grade.

**CEMETERY**

The land that is set apart or used as a place for the internment of the dead or in which human bodies have been buried.

**CLINIC**

An establishment used by qualified health practitioners including physicians, dentists, chiropractors, physiotherapists and their staff for the purposes of consultation, diagnosis and office treatment.

**COMMUNITY CENTRE**

Any tract of land or **building**, or **buildings** or any part of any **buildings** used for community activities whether used for commercial purposes or not, the control of which is vested in the **Municipality**, a local board or agent thereof and may include an auditorium, swimming pool, arena and fitness centre.

**COMMUNITY HEALTH AND RESOURCE CENTRE**

A tract of land or **building** or **buildings** where members of the public are provided with health, welfare or social support services and resources or that is used for community or cultural activities, including recreation, arts, crafts and social or charitable events and where neither overnight care nor living accommodation is available.

**COMMUNITY GARDEN**

A tract of land gardened on a communal basis for the sole **use** of or consumption by the individuals caring for the garden.

**CONSERVATION**

The preservation, protection and improvement of the components of the natural environment through a comprehensive management and maintenance program administered by a **public authority** for individual or **public use**.

### **CONTINUOUS USE**

In the context of **non-conforming uses** shall mean the **continued use** of a **lot, building or structure**, notwithstanding the change of ownership of the property where the **use** is located. **Use** shall further be deemed continuous if, after having ceased, the same **use** recommenced within a period of one (1) year from the date of cessation, and / or if a **structure** is destroyed or damaged, it is rebuilt or repaired to the same **use** within a period of one year from the date of its destruction or damage. This is in addition to the protection afforded by Section 34(9) of the *Planning Act*. The onus is on the owner to provide evidence of **continued use**.

### **CONTRACTOR'S YARD**

A yard of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein.

### **CONVENIENCE STORE**

A retail commercial establishment, not exceeding 200 square metres of **gross floor area**, supplying groceries and other daily household necessities to the surrounding area, whether or not such store is open for business seven (7) days a week or not.

### **COUNCIL**

The Council of the Corporation of the **Town** of Fort Frances.

### **CRISIS CENTRE**

Crisis centre shall mean a single housekeeping unit licensed or funded by the Province of Ontario for the short term (averaging 30 days or less) accommodation of three to nine **persons**, exclusive of staff, living under supervision and who, by reason of either emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being.

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D

### **DAY NURSERY**

A **day nursery** as defined by the Day Nurseries Act, R.S.O., 1980, c.111 as amended or a **building** where temporary care and/or guidance is provided for five or more individuals, for a continuous period not to exceed 24 hours.

### **DECK**

A **structure** without a roof, having a foundation to hold it erect, the floor which is more than 0.3 metres above **finished grade**, and **attached** to or abutting one or more walls of a **building** or constructed separately from a **building**, with or without direct access to the ground, but shall not include a landing or a step.

### **DOCK**

A **structure** for the mooring of boats, **attached** to or forming part of the mainland or used in conjunction with a **use** on the mainland.

**DRIVE-THROUGH FACILITY**

An establishment that provides or dispenses products or services to **persons** in vehicles that are in designated stacking aisles.

**DWELLING**

A **building** or part of a **building** occupied or capable of being occupied, in whole or in part as the home, residence or sleeping place of one or more **persons** either continuously, permanently, temporarily or transiently.

**DWELLING, ACCESSORY**

A **dwelling unit**, separate **building**, or **structure**, which is usually incidental, subordinate, and located on the same **lot** as the **principal use, building or structure** but not including a **building or structure** which is used as a **dwelling** unless specifically permitted.

**DWELLING, APARTMENT**

A separate **building** containing three or more **dwelling units** sharing a common corridor or stairwell.

**DWELLING, SINGLE DETACHED**

A detached **building** containing one **dwelling unit** only.



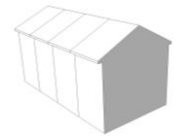
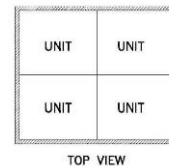
**DWELLING, DUPLEX**

A **dwelling** located on one **lot** which contains two **dwelling units**.



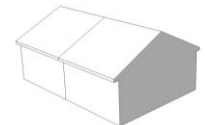
**DWELLING, FOURPLEX**

A separate **building**, containing only four **dwelling units**, which is divided vertically into four parts, with each unit having direct access to the ground floor and used by not more than four families.



**DWELLING, SEMI-DETACHED**

The whole of a **building** divided vertically into two separate **dwelling units** on separate **lots**.



**DWELLING, TOWNHOUSE**

A **dwelling unit** in a **building** divided vertically into no less than three but no more than eight **dwelling units attached** by common walls extended from the base of the foundation to the roof line, each **dwelling unit** having a separate entrance at grade.

**DWELLING, TRIPLEX**

The whole of a **building** divided horizontally into three separate **dwelling units**, each of which has an independent entrance either directly or through a common vestibule.



**DWELLING UNIT**

A combination of rooms in which a kitchen, living quarters and sanitary conveniences are provided for the exclusive **use** of the residents and with a private entrance from outside the **building** or from a common hallway or stairway inside a **building**. It may include a modular home constructed in accordance with the Building Code and C.S.A. A-277 Regulations.

### **DWELLING UNIT (INTERIOR), SECOND <sup>1</sup>**

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.

<sup>1</sup> Amended February 6, 2020

### **DWELLING UNIT (DETACHED), SECOND <sup>1</sup>**

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.

<sup>1</sup> Amended February 6, 2020

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## **E**

### **ERECT**

To build, construct, reconstruct, alter or relocate including any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, or structurally altering any **existing building** or structure by an addition, deletion, enlargement or extension.

### **ESTABLISHED BUILDING LINE**

The average distance from the road line to **existing buildings** measured not more than 100 metres on either side of the **lot** where the frontage has been built upon, as of the date of passing of this By-law.

### **EXISTING**

Being a reality or an actuality as of the date of passing of this By-law.

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## **F**

### **FINISHED GRADE**

The average elevation of the finished surface of the ground at ground level measured on any side of a **building** or structure.

### **FLOOR AREA, GROSS**

Means the sum of the area of all the **storeys** of a **building**, exclusive of any portion of the **building** or structure below **finished grade**, which is used for heating, the storage of goods or personal effects, laundry facilities, recreational areas, the storage or parking of **motor vehicles**, exclusive of any **private garage**, carport, **basement**, walkout basement, **cellar**, porch, verandah or sunroom unless such sunroom is habitable during all seasons of the year.

### **FLOOR AREA, GROUND**

The maximum **ground floor area** of a **building** measured by the outside walls, excluding, in the case of a single detached **dwelling**, any **private garage**, carport, porch, verandah or sunroom (unless such sunroom is habitable at all seasons of the year).

## **FUNERAL HOME**

A **building** designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for internment or cremation.

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## **G**

### **GARAGE, PRIVATE**

A detached accessory **building** or portion of a **dwelling** house which is designed or used for the sheltering of a private **motor vehicle** and storage of household equipment incidental to the residential occupancy and which is fully enclosed and roofed and excludes a carport or other open shelter.

### **GARDEN SUITE**

A free standing **dwelling**, containing one **dwelling unit**, which is accessory to and located on the same **lot** as a **single detached dwelling** and is designed to be temporary and portable, as per the *Planning Act* but excludes a recreational vehicle.

### **GAS BAR**

Means a **lot** containing gasoline, diesel fuel or propane dispensing devices and may include a structure used the retail sale of fuel and lubricants for vehicles, but does not include a Cardlock Facility.

### **GATE HOUSE**

A gate house shall not exceed 9.0 square metres.

### **GAZEBO**

A freestanding roofed accessory **structure** which is not enclosed, except for screening or glass and which is utilized for the purposes of relaxation in conjunction with a residential dwelling but shall not include any other **use** or activity otherwise defined or classified in this By-law.

### **GOLF COURSE**

A public or private area operated for the purpose of playing golf, and includes a par 3 golf course, club house and recreational facilities, accessory driving ranges and miniature golf courses, and similar uses.

### **GROUP HOME**

A single housekeeping unit in a residential dwelling in which no more than 9 residents excluding staff or receiving family, live as a family under responsible supervision consistent with the requirements of its residents and includes a home licensed or approved under the Provincial statute as a Special Care Residential Home, Supportive Housing Program, Adult Community Mental Health Program, Children's Residence, Accommodation Services for the Developmentally Handicapped, Satellite Residences for Seniors and Halfway Houses for the Socially Disadvantaged, in compliance with municipal by-laws.

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H

**HAZARD LAND**

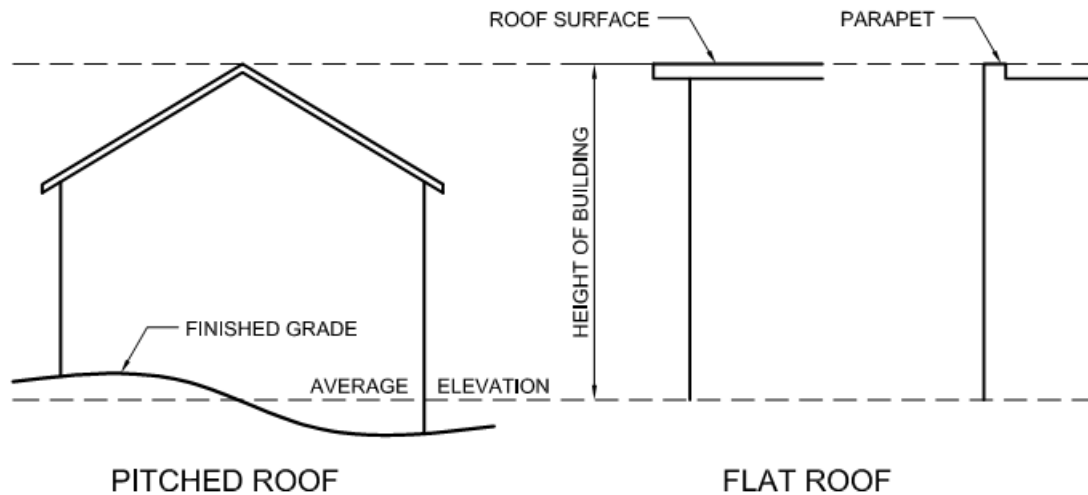
Means land that exhibits, or potentially exhibits, a hazardous condition as a result of its susceptibility to flooding, erosion, subsidence, inundation, as the presence of organic soils or steep slopes, or where, by reason of its low lying marshy or unstable character, the cost of construction of satisfactory waterworks, sewage or drainage facilities is prohibitive.

**HEAVY EQUIPMENT SALES AND RENTAL**

A **building** or part of a **building** or **structure** in which heavy machinery and equipment including farm vehicles and transport trucks are offered or kept for sale, rent, lease or hire under agreement for compensation, but shall not include any other establishment defined or classified in this By-law.

**HEIGHT OF BUILDINGS**

The vertical distance, measured between the average natural or **finished grade** at the front of the **building**, to the highest point of the roof surface.



**HIGH WATER MARK SETBACK**

The **setback** will be measured in a direct line from the normal controlled high water mark of the lake or river.

**HOME INDUSTRY**

Any occupation conducted entirely within a **building** or part of a **building** accessory to a **single detached dwelling** that includes processing, assembly, manufacturing or a **workshop** within an area not to exceed 60 square metres in **gross floor area** and shall not include outdoor storage.

**HOME OCCUPATION**

An occupation or profession related to the provision of services, carried on by the occupant of a dwelling within his/her dwelling as an accessory **use** in connection with which there is no display, no stock in trade nor commodity sold upon the premises and no **outdoor storage**.



## **HOSPITAL**

Any institution, **building** or other premises or place established for the maintenance, observation, medical and dental care and supervision and skilled nursing care of **persons** afflicted with or suffering from sickness, disease or injury or for the convalescent or chronically ill **persons**.

## **HOTEL**

A **building** or part of a **building** that contains a general kitchen and dining room and other public rooms, the remaining rooms of which contain no provision for cooking, and are usually hired by transients as places of abode; and includes a hostel for men or women.

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I

## **IMPROVED PUBLIC ROAD**

A road or highway under the jurisdiction of the Province of Ontario or the **Town** or a **private road** within a registered Plan of Condominium which is maintained so as to allow normal vehicular access to adjacent properties and which, in the case of a municipal road is a road which has been constructed to municipal standards.

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L

## **LANDSCAPED OPEN SPACE**

Means an area not built upon and not used for any purpose other than as a landscaped area, which may include grass, shrubs, flowers, trees and similar types of vegetation and appurtenances, any surfaced walk, **patio** or similar area but does not include **parking areas**, **parking lots**, driveways or ramps.

## **LANDSCAPED BUFFER STRIP OR PLANTING STRIP**

An open space free of **buildings** or **structures** which is used for the growing and maintenance of and unpierced row of shrubs, trees or other natural vegetation having a minimum height of 1.5 metres.

## **LANEWAY**

A public thoroughfare which affords only a secondary means of access for vehicular traffic to abutting **lots** and which is not intended for general traffic circulation.

## **LAUNDROMAT**

A **building** or **structure** where the service or coin-operated laundry machines, using only water, detergents and additives, are made available to the public for the purpose of laundry cleaning.

## **LIGHT EQUIPMENT SALES AND RENTAL ESTABLISHMENT**

A **building** or **structure** or part of a **building** or **structure** in which light machinery and equipment such as air compressors and related tools and accessories; augers; automotive tools; cleaning equipment; light compaction equipment; concrete and masonry equipment; electric tools and accessories; fastening devices such as staplers and tackers; floor and carpet tools; gasoline generators; jacks and hydraulic equipment; lawn and garden tools; ladders; moving equipment; painting and decorating equipment; pipe tools and accessories; plumbing tools and accessories; pumps; hoses; scaffolding; welding equipment; and, other similar tools and appurtenances are offered or kept for rent, lease or hire under agreement for compensation, but shall not include any other establishment defined or classified in this By-law.

### LOADING SPACE

An off-street space on the same **lot** as the **building**, or contiguous to a group of **buildings**, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, **laneway** or other appropriate means of access.

### LOT

Means a parcel or tract of land which is capable of being legally conveyed in accordance with the *Planning Act*, as amended.

### LOT AREA

The total horizontal area within the **lot lines** of a **lot** or if an island, the area of land above the normal high water mark.

### LOT, CORNER

A **lot** situated at the intersection of two or more streets, or at the intersection of a street and a railway right-of-way, or a **lot** abutting on one or more parts of the same street, in which an interior angle of less than one hundred and thirty-five (135) degrees is contained, between the front and **side lot lines** abutting by the said street or streets.

### LOT COVERAGE

The percent of the **lot** area covered by **buildings** or **structures** excluding **parking areas**, driveways, **decks** and walkways but including **structures** and **buildings** constructed appertaining to the **lot**.

### LOT FRONTAGE

The distance between the **side lot lines**, measured 7.5 metres from and parallel to the **front lot line**.

### LOT, INTERIOR

A **lot** other than a corner **lot**.

### LOT LINE

Any boundary of a **lot**.

### LOT LINE, EXTERIOR

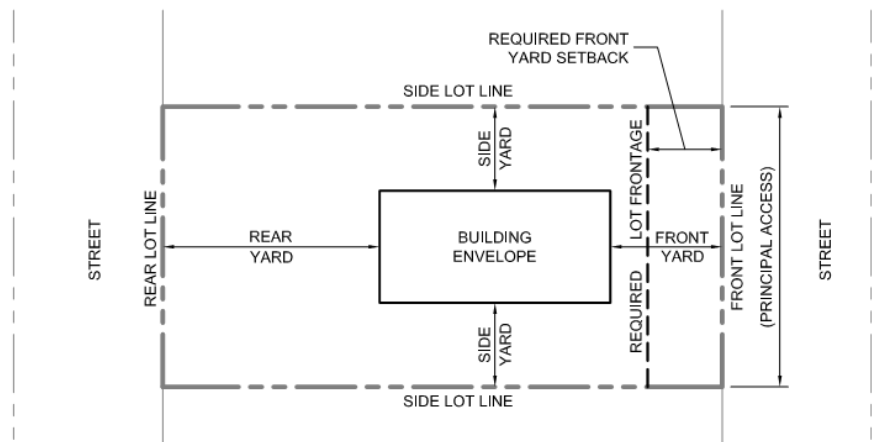
The **side lot line** which abuts the road on a **corner lot**.

### LOT LINE, FRONT

The **lot line** that abuts the road, but in the case of any **lot** having water access, the **front lot line** shall be the **lot line** abutting the highwater mark of the navigable waterway.

Where a **lot** abuts a municipally maintained road and a navigable waterway, the **lot line** abutting the municipal road shall be deemed the **front lot line**.

In the case of a **corner lot** or **through lot**, the shorter **lot line** that abuts a street or navigable waterway shall be deemed to be the **front lot line** and the longer **lot line** that abuts a road or shall be deemed an **exterior lot line**.



In the case of a **corner lot** or **through lot** with two **lot lines** of equal length abutting roads, the **lot line** that abuts the wider street shall be deemed to be the **front lot line**, but where the roads are of equal width, the **lot line** which abuts a Provincial Highway shall be deemed to be the **front lot line**, and in the case of both roads being under the same jurisdiction and of the same width, the owner of the **lot** may designate which road line shall be the **front lot line**.

**LOT LINE, REAR**

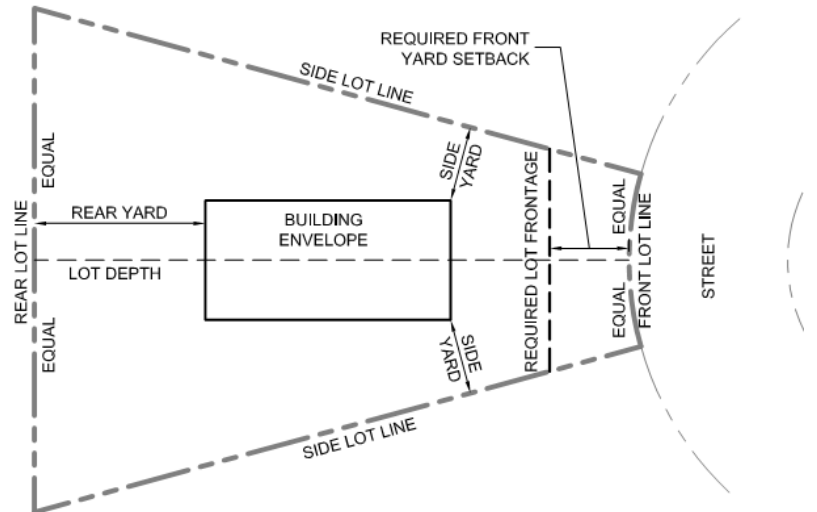
The **lot line** farthest from or opposite to the **front lot line**.

**LOT LINE, SIDE**

A **lot line** other than a front or rear **lot line**.

**LOT, THROUGH**

A **lot** bounded on opposite sides by streets.



**M**

**MANUFACTURING, LIGHT**

The assembly or repair or fabrication of goods and materials utilizing materials which have been manufactured in another location and which does not produce waste water in excess of 4500 litres per day, chemical by-products or utilize and area for outdoor storage of goods or materials except for equipment or vehicles which are for sale, lease or hire.

**MARINA**

A commercial establishment or premises, containing docking facilities or mooring facilities where boats or boat accessories are berthed, stored, serviced, repaired, constructed or kept for sale or rent and where facilities for the sale of marine fuels or lubricants, accessory retail sales and a taxi and/or barging service are provided and where waste water pumping facilities may be provided.

**MARINE FACILITY**

An **accessory building** or **structure** which is used to take boats into or out of a navigable waterway, or to moor boats. This definition includes a launching ramp, boat lift, or dock but does not include any **building** used for human habitation.

**MICROBREWERY <sup>1</sup>**

A brewery completely contained within a structure that produces 300,000 litres or more, but less than 1,500,000 litres of beer per year.

<sup>1</sup> Amended February 6, 2020

**MOBILE HOME**

Any dwelling that is designed to be mobile, and constructed or manufactured to provide a permanent residence for one or more **persons** in accordance with CSA Z240 but does not include a **travel trailer** or **tent trailer** or **trailer** otherwise designed.

**MOBILE HOME SITE**

A parcel of land within a mobile home park which is serviced and used for the exclusive purposes of one mobile home.

**MOBILE HOME PARK**

A **lot** under single management for the placement of three or more mobile homes.

**MOTEL**

A **structure** containing a series of living or sleeping units with individual interior sanitary conveniences, including motor courts or tourist courts. All required parking is at grade and direct access is available from the **parking area** to the individual units.

**MOTOR VEHICLE**

An automobile, truck, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a heavy vehicle

**MOTOR VEHICLE, COMMERCIAL**

Any commercial **motor vehicle** within the meaning of The Highway Traffic Act, R.S.O., 1980, c.198, as amended.

**MOTOR VEHICLE REPAIR GARAGE**

A **building** or **structure** where the exclusive service performed or executed on **motor vehicles** for compensation shall include the installation of exhaust system, repair of the electrical system, transmission repair, brake repair, radiator repair, tire repair and installation, rustproofing, **motor vehicle** diagnostic centre, major and minor mechanical repairs or similar **use** and in conjunction with which there may be a towing service, a **motor vehicle service station** and **motor vehicle** rentals for the convenience of the customer while the **motor vehicle** is being repaired, but shall not include any other establishment otherwise defined or classified in this By-law.

**MOTOR VEHICLE SALES ESTABLISHMENT**

A **building** or land for the display and sale of new and/or used **motor vehicles** and may include servicing, repair, cleaning, body repair and repainting of vehicles and the sale of accessories and related products and the leasing or renting of vehicles but shall not include any other establishment otherwise defined in this By-law.

**MOTOR VEHICLE SERVICE STATION**

A **building** or **structure** where gasoline, propane, natural gas, oil, grease, antifreeze, tires, tubes, tire accessories, electric light bulbs, sparkplugs, batteries and automotive accessories for vehicles and new retail goods are stored or kept for sale to the general public, or where vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged, and where mechanical or running repairs essential to the actual operation of vehicles are executed or performed. Such shall require public washrooms.

## MUSEUM

An institution that is established for the purpose of acquiring, conserving, studying, interpreting, assembling and exhibiting to the public for its instruction and enjoyment, a collection of artifacts of historical interest.

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## N

### NANOBREWERY <sup>1</sup>

A brewery completely contained within a structure that produces less than 300,000 litres of beer per year.

<sup>1</sup> Amended February 6, 2020

### NON-COMPLYING

A **lot, building or structure** that does not fulfill the requirements of the **zone** provisions for the **zone** in which the **lot, building, structure** is located.

### NON-CONFORMING

A **use** or activity of any land, **building** or **structure** which is not permitted in the **zone** in which such **existing** land, **building** or **structure** it is located.

### NURSERY OR GREENHOUSE, COMMERCIAL

A **building** or **structure**, and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation together with gardening tools and implements which are sold at retail from such **building** or **lot** to the general public.

### NURSING HOME

Any premises maintained and operated for **persons** requiring nursing care, and which is licensed under The Nursing Homes Act, R.S.O., 1980, c.302, as amended.

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## O

### OBNOXIOUS USE

Any **use** which is offensive by the creation or transmission of noise, vibration, illumination, emissions, fumes, odour, dust or radiation, or any combination of these, beyond any **lot lines** of the premises.

### OFFICE USE

A **building** or part thereof, designed, intended or used for the practice of a profession, the transaction and/or management of a business, the conduct of a professional business, or the conduct of public services and administration, but shall not include a **clinic** or a financial establishment.

### OUTSIDE STORAGE

Means the storage of goods, merchandise or equipment in the open air and in unenclosed portions of **buildings** which are open to the air on one or more sides.

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P

**PARK, PRIVATE RECREATIONAL**

An open space or recreational area, other than a **public park**, operated on a commercial and/or private member basis, and which includes one or more of the following facilities or activities:

- a) Areas for walking, riding and cross-country skiing, snowmobiling, but does not include the racing of animals, **motor vehicles**, motor cycles or snowmobiles;
- b) Accessory recreational or playground areas such as picnic areas, tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields;
- c) An accessory club house or storage **building** of a maximum of 75 sq. m. , and;
- d) **Parking lots accessory** to the foregoing.

**PARK, PUBLIC**

Any open space or recreational area, owned or controlled by the **Town of Fort Frances** or by any Board, Commission or other Authority established under any statute of the Province of Ontario and may include therein neighbourhood, community, regional and special parks or areas and may include one or more athletic fields, field houses, **community centres**, bleachers, swimming pools, greenhouses, botanical gardens, zoological gardens, bandstands, skating rinks, tennis courts, bowling greens, bathing stations, curling rinks, refreshment rooms, fair grounds, arenas, or similar uses.

**PARKING AREA**

An area or areas of land or a **building** or part thereof which is provided and maintained upon the same **lot** or **lots** upon which the **principal use** is located for the purpose of storing **motor vehicles**.

**PARKING LOT**

A **lot** where the **principal use** is a **parking area**.

**PARKING SPACE**

A portion of a **parking lot** or parking garage used for parking or storage of a **motor vehicle**, exclusive of any aisles or driveways.

**PATIO**

A platform or surfaced area without a roof, the surface of which is not more than 0.3 metres above **finished grade**, which is designed and intended for **use** as an accessory to a dwelling or a commercial **use**.

**PERSON**

Any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executor or other legal representatives of a **person** to whom the context can apply according to law.

**PERSONAL SERVICES ESTABLISHMENT**

Means a place where:

- a) a service is performed for the personal grooming and personal effects or clothing of the consumer, including a hair styling salon; tattoo and piercing parlours, spa; tanning salon, shoe repair shop; dry cleaning establishment; laundromat; tailor shop or dressmaker shop; or message therapy service but excluding a body rub parlour;

- b) a consultation or information service is provided by a professional, other than a medical professional, including a travel agency or an interior decorator, or
- c) other personal or business services are provided, including a printing, publishing, photocopying, picture framing or photofinishing service, including self-service operations.

**PIT**

A place where unconsolidated gravel, stone, sand, earth, clay, fill, peat or other material is being or has been removed by means of an excavation to supply materials for construction, industrial or manufacturing purposes, but does not include a **wayside pit**.

**PLACE OF WORSHIP**

Churches, chapels, temples, parish halls and synagogues including **offices** for the administration of the religious institution, convents, seminaries, monasteries, rectories, parsonages and parish houses.

**PORTABLE PROCESSING PLANT**

Any equipment for the crushing, screening or washing of sand and gravel aggregate materials, but not including a concrete batching plant or an asphalt plant, which equipment is capable of being readily drawn or readily propelled by a **motor vehicle** and which equipment is not considered permanently affixed to the site.

**PRINCIPAL OR MAIN BUILDING/USE**

The primary purpose for which land or a building is used.

**PRIVATE CLUB**

A non-profit, non-commercial organization, which carries on social, cultural, athletic and/or recreational activities.

**PRIVATE HOME DAY CARE**

**Private home day care** is a **Home Occupation** where temporary care and/or guidance is provided for fewer than five (5) individuals for a continuous period not to exceed 24 hours.

**PRIVATE ROAD**

A private right-of-way over private property or Crown Land which affords access to abutting **lots** and is not maintained by a public body.

**PROVINCIAL HIGHWAY**

A public improved road under the jurisdiction of the Ministry of Transportation.

**PUBLIC AUTHORITY**

Any Federal, Provincial, District or Municipal agencies, and includes any commission, board, authority or department established by such agency and shall include Ontario Hydro, and Bell Canada and any natural gas distribution company.

**PUBLIC USES**

Means the **buildings, structures** and other related works necessary for supplying water, gas, oil, electricity, steam, hot water, telephone, internet, sewage collection and treatment facilities and other services provided by a **public authority**.

## **PUBLIC WORKS YARD**

Any land, **building** and/or **structure** owned by the Town of Fort Frances, Public Utilities Commission or the Province of Ontario and used for the storage, maintenance and/or repair of material, equipment, machinery and/or **motor vehicle** used in connection with civic works.

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Q

## **QUARRY**

A place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a **wayside quarry** or open **pit** metal mine.

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R

## **RECREATION OR FITNESS ESTABLISHMENT**

Premises where entertainment or fitness instruction is offered for gain or profit such as a motion picture or other theatre, a bowling alley, an ice or roller skating rink, a gym, indoor rock climbing, fitness centre, fitness instruction including yoga, batting cages, miniature golf course and all other similar forms of recreation or fitness activities.

## **RECYCLING DEPOT**

A **building** which is used for the deposit, collection and handling of paper, bottles, glass or other materials which are to be delivered wholesale to other operations for reclamation, processing or salvage.

## **RECYCLING FACILITY**

A **building** or site used for the recycling, reclamation, processing or salvage of paper, bottles, glass or other materials.

## **RESORT**

A tourist establishment that provides accommodation throughout all or part of the year and that has facilities for serving meals and furnishes equipment, supplies or services to **persons** in connection with angling, hunting, camping or recreational purposes and may include a Liquor Licensed Premises and accommodation facilities for staff.

## **RESTAURANT**

A **building** or part of a **building** where food is prepared and offered for retail sale to the public for immediate consumption either on or off the premises and may serve alcohol.

## **RETAIL STORE**

A **building** or part thereof in which goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail and may include a retail establishment in which orders are accepted for the purchase of goods listed in a catalogue provided by the establishment.



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## S

### **SALVAGE OR WRECKING YARD**

A place where **motor vehicles** are wrecked or disassembled and resold; a place where second-hand goods, including waste paper, bottles, automobile tires, clothing, other scrap materials and salvage are collected to be sorted and a place where used lumber and used **building** materials are stored for sale or resale.

### **SCHOOL**

A public school, a separate school, a university, a community college or a private school authorized by the Province of Ontario.

### **SELF STORAGE FACILITY**

A **building** containing at least three separate, individual units for storage divided from the floor to the ceiling or roof, by a wall with an independent entrance to each unit, designed to be rented or leased to individuals or businesses for the storage of goods, materials and equipment.

### **SETBACK**

The horizontal distance from the **front lot line**, measured at right angles, to the nearest part of any **building** or **structure** on the **lot**.

### **SEWAGE**

The waste water and matter from any uses.

### **SEWAGE SERVICES OR FACILITY**

Any works by a **public authority** for the collection, transmission, storage, treatment and disposal of sewage.

### **STORAGE CONTAINER**

The **trailer** portion of a tractor-trailer unit or transport truck without the running gear, or a rail or seaway container which is traditionally used for the shipping and transportation of goods and materials.

### **STOREY**

A **storey** is that part of a **building** between the surface of one floor and the ceiling above. However, a **cellar** does not count as a **storey**.

### **STOREY, FIRST**

The **storey** with its floor closest to grade and having its ceiling more than 1.8 metres above grade.

### **STREET LINE**

The limit of the street or road allowance and is the dividing line between a **lot** and street or road.

### **STRUCTURE**

Means anything **building** that is **erected**, built or constructed of parts joined together and which is fixed to or supported by the soil but does not include a terrace, **patio**, sign, boundary wall, unenclosed swimming pools, fence, bridge or culvert.

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## T

### **TAVERN**

A **tavern** or public house as defined by The Liquor Licence Act, but does not include a **hotel** or **restaurant**.

### **TOURIST ESTABLISHMENT**

Any premises operated to provide sleeping accommodation for the travelling public or sleeping accommodation for the **use** of the public engaging in recreational activities, and includes the services and facilities in connection with which sleeping accommodation is provided, but does not include:

- a) A camp operated by a charitable corporation approved under The Charitable Institutions Act, R.S.O., 1980, c.64, as amended;
- b) A summer camp within the meaning of the regulations made under The Health Protection and Promotion Act, S.O., 1983, as amended;
- c) A club owned by its own members and operated without profit or gain; or
- d) A tent and trailer park.

### **TOWN OF FORT FRANCES**

The geographic area under the municipal jurisdiction of the Corporation of the **Town of Fort Frances**. Where the context allows, the term includes its employees, officers and agents.

### **TRAILER**

A vehicle that is at any time drawn upon a highway by a **motor vehicle**, another **motor vehicle** or any device or apparatus not designed to transport **persons** or property, temporarily drawn, propelled or moved upon such highway, and except a side car **attached** to a motorcycle, and shall be considered a separate vehicle and not part of the **motor vehicle** by which it is drawn and, for the purposes of this By-law, does not include a mobile home.

### **TRAILER, TRAVEL OR TENT**

Any **trailer** which is designed to be temporarily utilized for living, shelter and sleeping accommodation, with or without cooking facilities and which has running gear and towing equipment permanently **attached** and a current licence and is not permanently affixed to the ground.

### **TRANSPORTATION DEPOT**

Any **building** or land where buses, trucks or tractor-trailers are rented, leased, kept for hire, stored or parked for commercial purposes.

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## U

### **USE**

Any purpose for which a **building** or other **structure** or a parcel of land may be designed, arranged, intended, maintained, or occupied; or,

Any activity, occupation, business or operation carried on, or intended to be carried on, in a **building** or other **structure** or on a parcel of land.

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V

**VEHICLE**

Means a **motor vehicle, trailer**, traction engine, farm tractor, road-building machine, motorized snow vehicle and any vehicle drawn, propelled or driven by any kind of power.

**VEHICLE BODY SHOP**

A **building** or **structure** used for the painting or repairing of vehicle bodies, exterior and undercarriage, and in conjunction with which there may be towing service and vehicle rentals for customers, but shall not include any other establishment otherwise defined or classified in this By-law.

**VESSEL**

A craft designed to float on the water including a boat, a barge or a ship.

**VETERINARY HOSPITAL**

The premises of a veterinary surgeon where animals are treated or kept for treatment but does not include an animal shelter.

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W

**WAREHOUSE**

A **building** or part of a **building** used for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities for a wholesale or retail commercial outlet, provided that they do not exceed 10 per cent of the **gross floor area**, but shall not include a truck or transport terminal or yard.

**WASTE DISPOSAL AREA**

A land fill site where garbage, refuse, domestic or industrial waste, exclusive of liquid industrial waste, is disposed of or dumped.

**WATERCOURSE**

A waterbody or the natural channel for a perennial or intermittent stream of water including a river or stream.

**WATER SERVICES OR FACILITY**

Any works by a **public authority** for the treatment, storage, supply or distribution of water.

**WAYSIDE PIT OR QUARRY**

A temporary pit or quarry opened and used by or for a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

**WORK/SERVICE SHOP**

A **building** or **structure** for the servicing or repairing of articles, goods or materials, or where tradesmen provide a service requiring manual or mechanical skills and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, a plumbing and electrical contractor's or a heating /air

conditioning contractor's shop, a commercial welder's shop, or similar uses, as well as facilities for accessory retail sales.

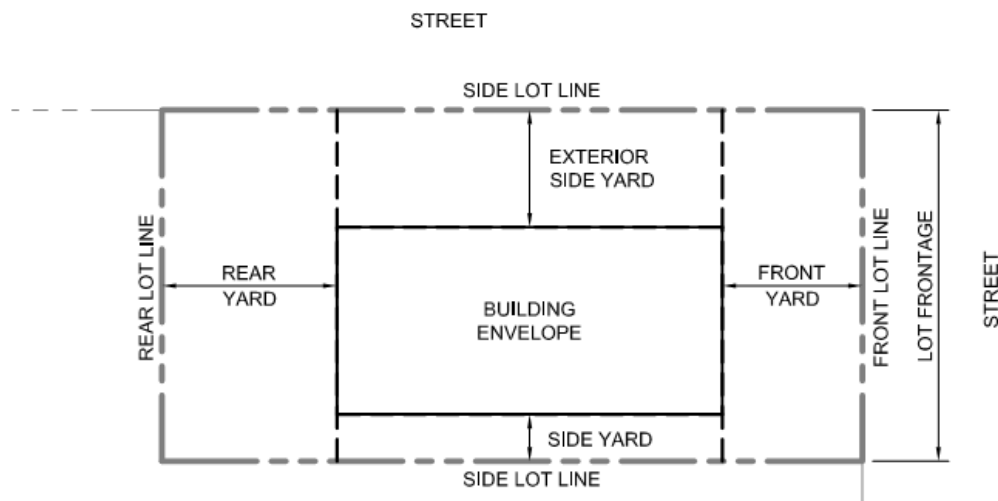
Y

### YARD

Any open unoccupied space appurtenant to a **building** measured from the closest supporting **structure** of the **building** to the **lot line**.

### YARD, EXTERIOR SIDE

A **side yard** immediately adjacent to an **exterior lot line**.



### YARD, FRONT

A **yard** extending across the full width of the **lot** between the **front lot line** and the nearest wall of any **building** or **structure** on the **lot** for which the yard is required. On islands where there is only one **lot**, all yards shall be considered as the **front yard**.

### YARD, REAR

A **yard** extending across the full width of the **lot** between the **rear lot line** and the nearest wall of any **building** on the **lot** for which the **yard** is required.

### YARD, REQUIRED

The minimum **yard** required by the provisions of the By-law.

### YARD, SIDE

A **yard** extending from the **front yard** to the **rear yard** between the **side lot line** and the nearest wall of any **building** on the **lot** for which the **yard** is required.

### YARD, SIDE EXTERIOR

A **side yard** immediately adjoining a public street.

## **YARD, SIDE INTERIOR**

A side yard other than an exterior side yard.

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Z

## **ZONE**

The category of **use** or activity of land, **buildings, structures** or activities permitted by this By-law.

## **ZONE PROVISIONS**

The permissible uses, the minimum area and dimensions of **lots**, the minimum dimensions of yards, the maximum **lot coverage**, the minimum **setback, gross floor area**, the minimum **landscaped open space**, the maximum height of **buildings**, minimum parking requirements, and all other **zone** provisions are set out within the By-law for the respective **zones**.

## SECTION 3 GENERAL PROVISIONS

### 3.1 ACCESS TO PROVINCIAL HIGHWAYS

Direct access onto a Provincial Highway shall be restricted. Development is encouraged to utilize municipal roads wherever possible. Access will only be considered to properties that meet the minimum safety and geometric requirements of the Ministry of Transportation prior to any construction.

In addition to all municipal requirements, all development located adjacent to Provincial Highways shall require all necessary permits from the Ministry of Transportation prior to any construction.

### 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<sup>1</sup>, 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 contain more than two **storeys**. In all other **zones** the maximum height shall not exceed 6.5 metres;<sup>2,3</sup>
- 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

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<sup>1</sup> Amendment May 9, 2016 to clarify accessory use building uses

<sup>2</sup> Amendment 3/14-B – Sept. 8, 2014 – to correction to compensate for new definition of height

<sup>3</sup> Amended February 6, 2020

**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:

- i. An outdoor swimming pool shall be set back a minimum of 1.5 m (5 ft) from any **lot line**;
  - ii. No outdoor swimming pool accessory to a permitted residential **use** shall be located in any part of a front or exterior side yard; and
  - iii. 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.

### 3.3 ADEQUATE MUNICIPAL SERVICES

No land shall be used or the intensity of any **use** of land expanded or any **building** placed, **erected** or altered, enlarged or used within the **Town** of Fort Frances unless the land is serviced by municipal water and sewer systems that have adequate capacity, except under the following conditions:

- a) in the Resource<sup>1</sup> Development (RD) **Zone**, the Seasonal Residential (SR) **Zone**, or where municipal water and/or sewage systems are not available, private services approved by the Northwestern Health Unit may be permitted; or
- b) where the lands are subject to unique servicing constraints or restricted connection privileges through separate municipal by-laws and through legal and servicing agreement with the **Town** of Fort Frances, such lands are considered to be in compliance with this **By-Law**.

### 3.4 COMMUNITY GARDEN

Where a **community garden** is a permitted **use**, it shall be subject to the following conditions:

- a) All **accessory structures** shall comply with **accessory structure setbacks** as stipulated in the general provisions for **accessory uses**;
- b) Composting is limited only to the materials generated on site, and shall be used on-site and **lot coverage** for composting shall not exceed 5% of the **lot area**;
- c) Compost bins shall be rodent resistant and shall respect the **setbacks** for **accessory uses**;
- d) No off-street parking is required for a **community garden use**;
- e) Planting areas shall be **setback** from the property line a minimum of 1.5 m;
- f) Hoophouses and greenhouses are permitted **structures** in **community gardens** subject to height and **setback** requirements of the zone but not lot coverage requirements; and
- g) **Community garden** planting areas shall be designed and maintained to prevent water from irrigation, storm water and/or other activities and/or fertilizer from draining onto adjacent property.

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<sup>1</sup> Amended by 3-14-B – Sept 8, 2014 – to correct typographical error

### 3.5 ESTABLISHED BUILDING LINE IN RESIDENTIAL ZONE

Notwithstanding any other provisions of this By-law to the contrary, where a dwelling is to be **erected** in a Residential **Zone**, between **existing** dwellings on the same street, such dwelling may be built with a **front yard** and **setback** equal to the average **front yard** of the adjacent dwellings on the same side of the street within the block. This provision does not apply to lands abutting waterways.

### 3.6 FRONTAGE ON A PUBLIC ROAD

All **lots** shall front on a provincial or municipal road. This provision shall not prevent the **erection** of a permitted **building** or **structure** on a **lot** in registered Plan of Subdivision where a properly executed Subdivision Agreement has been entered into with the **Town**, notwithstanding that the street or streets will not be assumed by the **Town** until the end of the maintenance period, nor shall it apply to prevent the enlargement, extension, renovation, reconstruction or other structural alteration of an **existing building** or **structure**, which is located on a **lot** which does not have **frontage** upon an **improved public road**, provided the **use** of such **building** or **structure** does not change and is permissible within the **Zone** in which it is located.

Notwithstanding anything to the contrary in this clause:

- a) **buildings** and **structures accessory** to forestry and mining uses, but not for human habitation are permitted in appropriate **zones** where publicly maintained road frontage is not available;
- b) in a Residential Type One (R1) **zone** where an island abuts the shoreline of a navigable waterway only, such **lot** may be used in accordance with the applicable provisions of the **zone** provided that it has dedicated access to a maintained **parking space** for one vehicle and one boat; and
- c) recreational and tourist commercial uses such as hunting and fishing camps are permitted where public road frontage is not available provided there is navigable water access.

### 3.7 GAS BAR

Except within the General Commercial (C2) **zone**, where a **gas bar** is a permitted **use** the **gas bar** shall be subject to the following requirements:

- a) no portion of any pump island or canopy shall be located closer than 15 metres to any right-of-way;
- b) no driveway shall be located within 9 metres of another driveway on the same **lot**;
- c) no portion of any driveway shall be located within 15 metres of a street intersection; and
- d) the angle of intersection between a driveway and a **streetline** shall not be less than 45 degrees and not greater than 135 degrees.

### 3.8 GROUP HOMES

A **group home**, licensed by the appropriate Provincial Ministry and crisis residence that is licensed or funded by the Province or other government agency, or combination thereof, shall be permitted within any **single detached dwelling**, a semi-detached or **duplex dwelling**, subject to the following:

- a) a **group home** and crisis residence shall have no more than 9 residents, excluding staff or receiving family;
- b) a **group home** shall have 23 m<sup>2</sup> of common habitable area and not less than 7 m<sup>2</sup> of habitable area for each resident, exclusive of staff or receiving family; and
- c) save as herein provided, a **group home** shall not be within 200 m of another **group home**.



### 3.9 HEIGHT EXCEPTIONS

Nothing in this By-law shall apply to prevent the **erection**, alteration, or **use** of a permitted barn or silo, or the following accessory **buildings** or **structures**, provided the **main or principal use** is permitted within the **zone** in which it is located and provided all other applicable provisions of this By-law are complied with: a church spire, a belfry, a flag pole, a clock tower, a chimney, a water tank, a windmill, a radio, television or telephone tower or antenna, except satellite antenna in excess of 0.5 m in diameter, air conditioner duct, incidental equipment required for processing, external equipment associated with internal equipment or machinery and conveying equipment.

### 3.10 HOLDING PROVISIONS

Where the zone symbol on Schedule 'A' is followed by an 'H', the lands shall be deemed to be in a special Holding **Zone**. **Council** may pass a By-law to remove the Holding provision when **Council** has approved a Site Plan or a Subdivision Agreement has been registered against the title of the lands. No new **buildings** or **structures** may be constructed on the lands until the Holding Provision (H) has been removed. Until such time as the Holding Provision has been removed by a By-law passed by **Council**, the lands may be used for existing uses in accordance with the provisions of the applicable zone.

### 3.11 HOME OCCUPATION

Where a **home occupation** is permitted, only one **Home Occupation** shall be permitted in conjunction with a single dwelling and includes the following types of uses:

- a) a home office including web based sales and distribution;
- b) a home personal service shop;
- c) a home instruction service, which may include, without limiting the generality of the foregoing, the teaching of music, arts, crafts, or dance;
- d) a home art workshop;
- e) a home trade business;
- f) a home repair shop or tool service and repair but specifically excludes the repair of **motor vehicles**, construction equipment, recreation vehicles or motorcycles, metal fabrication shop, and auto body shop.

Where a **home occupation** is permitted under this By-law, a **home occupation** is subject to the following requirements:

- a) have at least one permanent resident of the **dwelling unit** engaged in the business;
- b) not have more than one employee/assistant who is not a permanent resident of the **dwelling unit**;
- c) have no external display or advertisement, other than a non-illuminated sign having a maximum surface area of 0.2 square metres.
- d) have no goods, wares, or merchandise offered for sale or rent on the premises other than what is produced on the premises unless goods are sold or bought via the internet and distributed by post or delivery to customers.
- e) If primarily conducted by electronic means or post, shall not, in the normal conduct of the business, have consumers attend or visit the premises.
- f) have no **outside storage** of goods, materials, containers or animal enclosures used in conjunction with the **home occupation**.
- g) not occupy more than 25 percent of the **gross floor area** of the **dwelling unit** including the **basement** of the dwelling or **dwelling unit**;
- h) be conducted entirely within the **single detached dwelling or dwelling unit**;

- i) shall not generate off-site electrical interference, dust, noise, or smoke;
- j) not include a boarding or lodging house, an eating establishment, or a facility offering accommodation or meals other than a Bed and Breakfast establishment.
- k) be secondary to the **principal** residence and shall not change the residential character of the **lot** or create or become a nuisance; and
- l) have no mechanical or other equipment used except that which is customarily employed in a dwelling or **dwelling unit** for domestic or household purposes or for **use** by a dentist, drugless practitioner, physician or other professional **person**.

### 3.12 HOME INDUSTRY

Where a **home industry** is permitted as an accessory **use** to a **single detached dwelling**, it shall:

- a) have at least one permanent resident of the **dwelling unit** engaged in the business;
- b) have not more than one (1) **person** other than an occupant of the dwelling, employed on a full-time basis;
- c) be located entirely in an accessory **building** located on a **lot** on which a residential dwelling is in existence;
- d) not occupy more than 60 square metres.
- e) have **outside storage** of goods, materials or articles screened, fenced or buffered from view to maintain an attractive appearance;
- f) have only currently licensed **motor vehicles**, associated with the **home industry** parked or stored on the **lot** within an interior side or rear yard; and
- g) be clearly accessory to the **main** residential **use** and shall not change the residential character of the dwelling or the **lot** as a private residence or create or become a nuisance due to such matters as noise, smell, hours of operation or traffic generation.

### 3.13 LOADING SPACE REQUIREMENTS

**Loading spaces** are required under this By-law, in accordance with the **Loading Space** Requirement Table set forth herein, and the owner of every **building** or **structure erected** for any purpose involving the receiving, shipping, loading or unloading of **persons**, animals, goods, wares, merchandise or raw materials shall provide and maintain loading and unloading spaces on the **lot** accordingly. For the purposes of this By-law, each loading or unloading space shall be 9 metres in length, 3.5 metres in width and have a vertical clearance of at least 4.3 metres.

<b>Gross Floor Area of Building</b>	<b>Loading Spaces Required</b>
Less than 300 square metres	None
300 square metres to 2300 square metres or less	1 space
Exceeding 2300 square metres but not exceeding 7400 square metres	2 spaces
1 space for each additional 7400 square metres	

Access to **loading spaces** shall be by means of a driveway of at least 6 metres in width contained on the **lot** on which the spaces are located and leading to an **improved public road**.

Driveways, **loading spaces**, and related aisles and turning areas shall be maintained with a stable

surface which is treated to prevent the raising of dust. Such loading facilities shall, before being used, be constructed of crushed stone, gravel, asphalt, concrete or brick and shall include provisions for drainage facilities. In Industrial **zones**, a crushed stone or gravel surface shall be permitted.

The **loading spaces** required shall be located in the interior side or rear yard unless such space or spaces are removed from the street line a minimum distance of 15 metres.

The **loading space** requirements referred to herein shall not apply to any **building** in existence at the date of passing of this By-law so long as the **gross floor area**, as it existed at such date, is not increased by more than 300 square metres. If an addition is made to the **building** or **structure** which increases the **gross floor area**, then additional **loading spaces** shall be provided as required by the provisions of the **loading space** Requirement Table for such addition.

### **3.14 MINIMUM OPENING ELEVATION**

No habitable **building** located east of the Rainy River dam shall have any **building** opening below the elevation of 339.5 m CGD.

### **3.15 MULTIPLE ZONES ON ONE LOT**

Where a **lot** is divided into more than one **zone** under the provisions of this By-law, each such portion of this said **lot** shall be used in accordance with the **zone** provisions of this By-law for the applicable **zone** as if it were a separate **lot**.

### **3.16 NON-CONFORMING USES**

The provisions of this By-law shall not apply to prevent the **use** of any **existing lot, building** or **structure** for any purpose prohibited by this By-law if such **existing lot, building** or **structure** was lawfully used for such purposes, prior to the effective date of this By-law and provided that the **lot, building** or **structure** continues to be used for that purpose. Where the **use** ceases to exist for a period of one year, the **use** will be deemed to have been discontinued. A **non-conforming use** shall be considered abandoned:

- a) when the **use** has been discontinued for one year; or
- b) when the characteristic equipment and furnishings of the nonconforming **use** have been removed and have not been replaced within one year; or
- c) when it has been replaced by a conforming **use**; or
- d) when re-establishment has not been commenced within two (2) years of the date of destruction or damage caused by fire or natural disaster.

The exterior of any **building** or **structure** which was lawfully used prior to the effective date of this By-law for a purpose not permissible within the **zone** in which it is located, prior to the effective date of this By-law, shall not be enlarged, extended more than 0.2 metres, reconstructed or otherwise structurally altered, unless such **building** or **structure** is thereafter to be used for a purpose permitted within such **zone**.

The interior of any **building** or **structure** which was lawfully used for a purpose not permissible within the **zone** in which it is located prior to the effective date of this By-law, may be reconstructed or structurally altered, in order to render the same more convenient for the **existing** purpose for which such **building** or **structure** was lawfully used.

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any **existing**, legal **non-conforming building** or **structure** or part thereof, provided that the strengthening or restoration does not increase the **building** height, size or volume or change the **existing**, lawful **use** of such **existing building** or **structure** unless these changes are necessary to provide for floodproofing of the **building**.

The provisions of this By-law shall not apply to prevent the **erection** or **use**, for a purpose prohibited by this By-law, of any **building** or **structure**, the plans for which have, prior to the date of passing of this By-law, been approved by the **Municipality**, so long as the **building** or **structure**, when **erected**, is used and continues to be used for the purpose for which it was **erected**.

### **3.17 NON-COMPLYING LOTS, BUILDINGS AND STRUCTURES**

Where a **building** or **structure** is located on a **lot** having less than the minimum **frontage** and/or **lot area**, and/or having less than the minimum **setback** and/or **side yard** and/or **rear yard** required by this By-law, the said **building** or **structure** may be enlarged, reconstructed, repaired and/or renovated provided that:

- a) the enlargement, reconstruction, repair and/or renovation does not further reduce a **front yard**, and/or **side yard** and/or **rear yard** and/or **lot coverage** less than the minimum required by this By-law;
- b) the **building** or **structure** is being used for a purpose permissible within the **zone** in which it is located; and,
- c) all other applicable **Zone Provisions** of this By-law are complied with.

Nothing in this By-law shall apply to prevent the reconstruction of any permitted **building** which is accidentally damaged or destroyed by causes beyond the control of the owner. Such permitted **building** may be reconstructed in accordance with the previously **existing** standards, even if such did not conform with one or more of the provisions of this By-law, but the non-compliance may not be further increased provided that the reconstruction occurs within 12 months of the damage being done.

Where a **lot**, having a lesser **lot area** and/or **lot frontage** than required herein, existed on the date of passing of this By-law, or where such a **lot** is created by a **public authority** such smaller **lot** may be used and a permitted **building** or **structure**, may be **erected**, altered and/or used on such smaller **lot** provided that all other applicable **Zone Provisions** of this **By-law** are complied with. All vacant islands and **existing** vacant **lots** of record on islands must have an area of at least 0.5 ha above the normal or controlled high water mark.

A **lot** which has been increased in size following the passage of this By-law may also be used in accordance with this provision and the resultant **lot** shall be deemed to comply with all of the provisions of this By-law and all zone provisions applicable to any existing building on the benefiting **lot** shall be deemed to comply with the provisions of this By-law.

### 3.18 OBNOXIOUS USES

Nothing in this By-law shall be construed to permit the **use** of land for the **erection** or **use** of a **building** or **structure** for any purpose:

- a) that is or is likely to become a nuisance or offensive:
  - i. by the creation of a noise or vibrations; or
  - ii. by reason of the emission of gas, fumes, dust or objectionable odour; or
  - iii. by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter or other such material; and
- b) which by the nature of the materials used therein is declared under the *Public Health Act*, as amended, or any other regulations thereunder to be a noxious or offensive trade, business or manufacture

### 3.19 OUTSIDE STORAGE/OUTDOOR STORAGE

Where **outside storage** is a permitted **use** or a permitted **accessory use** the following provisions shall apply:

- a) storage of goods and materials including refuse containers are not permitted within 6.0 metres of a Residential zone;
- b) storage and goods and materials including refuse containers shall be permitted in the required rear yard and interior side yard; and
- c) storage areas are to be screened from the view of adjacent streets by means of solid board fencing and/or landscaping features 2.0 metres in height, nor shall any material be piled higher than the surrounding screening.

### 3.20 PARKING AREA REGULATIONS

no development shall be permitted for any **use** or **building** except where vehicular off-street **parking spaces** are provided and maintained in accordance with the following regulations.

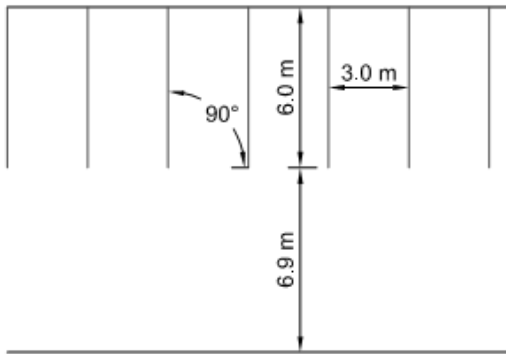
Notwithstanding the **yard** and **setback** provisions of this By-law to the contrary, uncovered surface **parking areas** shall be permitted in the **required yards** or in the area between the street line and the required **setback**.

Where in this By-law **parking areas** are required or permitted for 4 or more vehicles the following provisions shall apply:

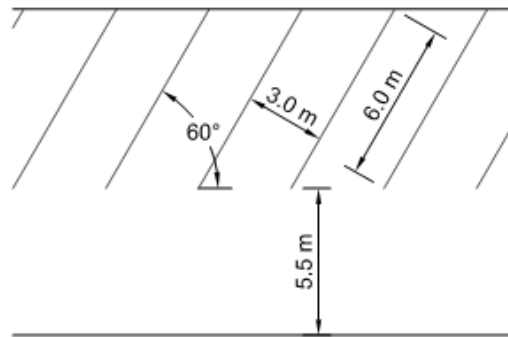
- a) when a **building** or **structure** accommodates more than one type of **use**, the **parking space** requirement for the whole **building** shall be the sum of the requirements for the separate parts of the **building** occupied by the separate types of **use**;
- b) adequate drainage facilities shall be provided and maintained in accordance with the requirements of the **Town**;
- c) the **parking area** and approaches shall be surfaced with concrete, asphalt, double float tar and chip surface, or a combination thereof;
- d) the lights used for illumination of **parking areas** shall be so arranged and located as to divert the light away from adjacent **lots** and directed on the **parking area**;
- e) **parking areas** shall be within 90.0 meters of the location which it is intended to serve and shall be situated in the same zone;
- f) each **parking space** shall be provided with unobstructed access to a street by a driveway, aisle or **laneway**;
- g) a **buffer strip** of landscaped area not less than 3.0 metres wide lying within the **lot** and along the boundaries of the **parking area**;

h) The length of any **parking space** and the width of the adjacent aisle shall be in accordance with the following:

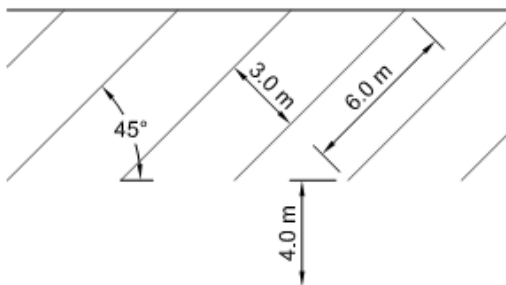
ANGLE OF PARKING SPACES	PARKING SPACE WIDTH (minimum)	PARKING SPACE LENGTH (minimum)	AISLE WIDTH (minimum)
90°	3 m	6.0 m	6.9 m
60°	3 m	6.0 m	5.5 m
45°	3 m	6.0 m	4.0 m
30°	3 m	6.0 m	3.7 m
Parallel	3 m	6.7 m	3.0 m



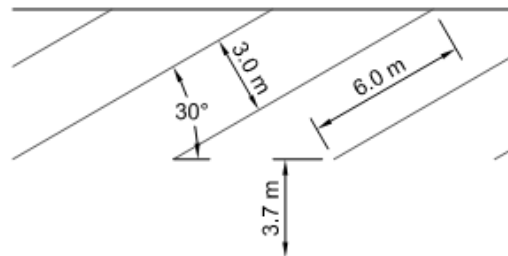
90° PARKING SPACE



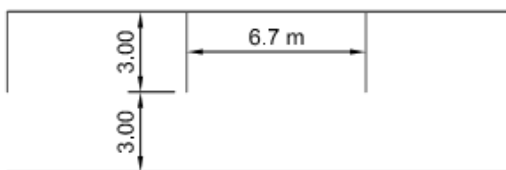
60° PARKING SPACE



45° PARKING SPACE



30° PARKING SPACE



0° PARKING SPACE  
(PARALLEL PARKING)

Notwithstanding any other provisions of this by-law, the requirements for parking areas and approaches to be hard surfaced (3.20(c)) shall not apply to developments in the Town of Fort Frances Industrial Park area being land located in the municipality bounded on the south by the CNR Railway line, on the west by McIrvine Road, on the north by Eighth Street West and on the east by Webster Avenue and zoned Industrial in the Town of Fort Frances Zoning By-Law unless required by Site Plan Control. The parking area shall be maintained with a stable surface that is treated so as to prevent the raising of dust.<sup>1</sup>

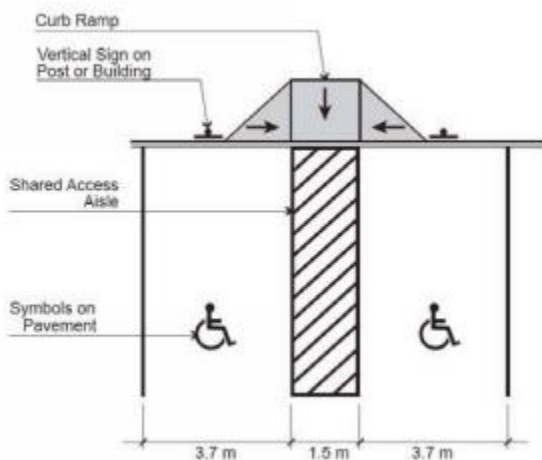
**Barrier-Free Parking Spaces**

Barrier-free parking spaces shall be provided at the rate specified in the table below and shall meet all specifications of the *Ontario Building Code* regarding Barrier-Free Parking Design including, at a minimum:

- a) each barrier-free parking space shall have a minimum width of 3.7 m and a minimum length of 7 m;
- b) if two adjacent spaces are designated for the disabled, then the total width of both spaces together shall be 6.4 m if a 1.5 m wide accessible aisle separates the two spaces;
- c) if no access aisle separates the spaces, the total width of the two spaces shall be 7.4 m;
- d) barrier-free parking spaces shall be located on level ground within close proximity and access to the building entrance;
- e) barrier-free parking spaces shall be clearly marked and reserved for the exclusive use of physically disabled persons.

*Required Barrier-Free Parking Spaces*

Capacity of Parking Area (Number of Parking Spaces)	Minimum Number of Barrier-Free Parking Spaces
1-10	0
11-25	1
26-50	2
51-75	3
76-100	4
More than 100	3% of total to a maximum of 10 spaces



<sup>1</sup> Amended January 11, 2016 – to provide relief from the hard-surfacing requirements for parking areas and spaces in the Industrial Park.

The **parking space** requirements referred to herein shall not apply to any **building** or **structure** lawfully in existence on the date of passage of this By-law, so long as the **gross floor area** is not increased and the **use** or number of **dwelling units** does not change. If any addition is made to a **building** or **structure** which increases its **gross floor area**, then **parking spaces** for the addition shall be provided as required by the **Parking Space Requirement Table**. Where a change in **use** occurs, **parking spaces** shall be provided for such new **use** in accordance with the requirements of the **Parking Space Requirement Table**.

**Parking spaces** and areas required in accordance with this By-law shall be used for the parking of operative, currently licensed vehicles only and for vehicles used in an operation incidental to the permitted uses in respect of which such **parking spaces** and areas are required or permitted.

Notwithstanding the foregoing, the owner or occupant of any **lot, building** or **structure** in the Residential (R) **Zone** may **use** the **lot building** or **structure** for the parking, storing or housing of one commercial **motor vehicle** or **trailer** provided that such vehicle does not have wheelbase in excess of 5.0 metres or exceed a one ton load capacity.

Where a commercial **use** abuts or is adjacent to a navigable waterway, one third of the parking requirements may be in the form of boat slips maintained for the sole purpose of customer boat parking specifically for the commercial **use**. Such a space shall be at least 6 metres in length and have a width of 3 metres.

### 3.21 PARKING IN THE CENTRAL BUSINESS DISTRICT

Within a the Central Business District as shown on Schedule A, uses within the General Commercial (C2) **Zone** with the exception of **hotels, motels**, grocery stores exceeding 300 sq metres of gross floor space and residential units are exempted from providing parking.

### 3.22 PARKING SPACE REQUIREMENTS

**Parking spaces** are required under this By-law, in accordance with the **Parking Space Requirement Table**. Where the calculation of required spaces exceeds a whole space of more than .25, the required spaces shall be the next whole number.

Arena, <b>Assembly Hall</b>	1 per 5 seats or 3.0 m of bench seating or 1 per 4 people that may be legally accommodated at one time, whichever is greater
Agricultural/Farmers Market	1 per each 28 m <sup>2</sup> of <b>gross floor area</b>
Bowling Alley	3 per each bowling lane
<b>Office</b>	1 per each 28 m <sup>2</sup> of <b>gross floor area</b>
<b>Community centre, Recreation or Fitness Establishment</b>	1 per 100 m <sup>2</sup> <b>gross floor area</b>
Curling Rink, Outdoor Recreation Facility, Sports Field	4 per game playing surface plus 10 per 100 m <sup>2</sup> of <b>gross floor area</b> used for dining or assembly area.
Dry Cleaners Establishment	1 per each 9 m <sup>2</sup> or fraction thereof of <b>gross floor area</b> with a minimum requirement of four spaces.
Farmers Market	1 per 4 people that may be legally accommodated at one time
Financial Establishment	1 per each 28 m <sup>2</sup> of <b>gross floor area</b>



<b>Golf Course</b>	24 per each 9 holes of golfing facilities
<b>Home Occupation/ Home Industry</b>	1 in addition to the parking required for the dwelling
<b>Hospital, Nursing Home &amp; Assisted Living Facility</b>	1 per every two beds
<b>Hotel, Motel</b>	1 per rental unit plus 1 additional space per 9m <sup>2</sup> of floor area devoted to <b>public uses</b>
Industrial Uses not specifically identified	1 per 93 m <sup>2</sup> of <b>gross floor area</b> or for each 3 employees, whichever is greater
<b>Marina, Seaplane Base</b>	1.5 per 1 boat slip and 1 per every 8 m <sup>2</sup> of <b>gross floor area</b> for commercial use, exclusive of storage area

<b>TYPE OF USE</b>	<b>MINIMUM NUMBER REQUIRED</b>
Medical, Dental, or <b>Veterinary Hospital</b> or Drugless Practitioner <b>Office</b>	3 per practitioner or 1 space per 15 m <sup>2</sup> <b>gross floor area</b> , whichever is greater
<b>Place of worship</b> Undertaking establishment	1 per 5 seats or 3.0 m of bench seating or 1 per 4 people that may be legally accommodated at one time, whichever is greater
Residential (includes senior apartments)	1 per dwelling unit where 4 or more 1.25 per dwelling unit
<b>Restaurant, Tavern</b>	1 per 9 m <sup>2</sup> of floor space or 10 spaces, whichever is greater
<b>Retail, Personal Services Establishment</b>	1 per each 28 m <sup>2</sup> of <b>gross floor area</b>
<b>School, Elementary</b>	1.5 per classroom or 1 space per 9 m <sup>2</sup> of gymnasium or auditorium floor space, whichever is greater
<b>School, Secondary</b>	4 spaces per classroom or 1 space per 9 m <sup>2</sup> of gymnasium or auditorium floor space, whichever is greater
Theater	1 per 4 people that may be legally accommodated at one time
<b>Workshop</b> Manufacturing, Processing, Assembling or Fabricating Plant, Wholesale Establishment, or <b>Warehouse.</b>	1 space per 35 m <sup>2</sup> of <b>gross floor area</b>
Uses permitted but not listed in this table	1 <b>parking space</b> per 35 m <sup>2</sup>

*DRIVE-THRU BUSINESSES: QUEUING SPACES*

Queuing spaces shall be provided for drive-thru business as follows:

- a) Five (5) inbound queuing spaces shall be provided for vehicles approaching the drive-up service window;
- b) One (1) outbound queuing space shall be provided on the exit side of each service position and this space shall be located so as not to interfere with service to the next vehicle; and
- c) All queuing spaces shall be a minimum of 6.5 metres long and 3 metres wide and queuing lanes shall provide sufficient space for turning and manoeuvring and shall not occupy any portion of a designated fire lane or a required parking aisle.

Queuing spaces shall be measured as follows:

- a) For a drive-thru with a service window, it shall be measured from a point located 2.0 m beyond the middle of the drive-thru window used for the receipt of goods.
- b) For a drive-thru with a machine, it shall be measured from a point located 2.0 m beyond the middle of the drive-thru bank machine.
- c) For **motor vehicle** wash facility it shall be measured from the entrance to the wash bay.

### 3.23 PEAT EXTRACTION, PITS AND QUARRIES

The extraction of peat, establishment or operation of pits or quarries is prohibited within the area covered by this By-law, except in the locations permitted by this By-law, and in accordance with the provisions of this By-law. No **person** shall **use** land or **erect** any **building** or **structure** for the purpose of processing, washing, screening, sorting or crushing rock, sand and/or gravel and or peat except as expressly provided for in this By-law.

### 3.24 PERMITTED ENCROACHMENTS<sup>1</sup>

**Required yards** shall not be obstructed in any manner whatsoever, except in accordance with the following:

STRUCTURE TYPE	YARDS	MAXIMUM PROJECTION INTO REQUIRED YARD FROM MAIN WALL
sills, chimneys, cornices, eaves, gutters, parapets, pilasters, windows or other ornamental <b>structures</b>	All yards	0.6 m
unenclosed porch, balcony, <b>deck</b> , steps and <b>patios</b>	Front, Rear, <b>Exterior Side Yard</b>	2.5 m
canopies, awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs	All yards	n/a
Fire escapes, exterior stairways, stoops, landings, steps and ramps	Side or rear yard	1 m but not closer than 1.2 m to any lot line
Wheelchair ramps	All yards	No limit
Air conditioners, solar panels, heat pumps or similar equipment	Interior or rear yard	1.0 m but not closer than .3 m to any lot line

Notwithstanding the above permitted encroachments, none of them may be closer than 1.2 m to any **lot line** and where the floor of any porch, balcony, or **deck** is more than 1.0 metre above the **finished grade**; the **side yard** and **rear yard setback** requirements for the **principal use** shall apply.

### 3.25 PLANTING STRIPS

Where a **lot** in a, Institutional, Commercial or Industrial **Zone** abuts an **interior side** or **rear lot line** of a **lot** in a Residential **Zone** or a multiple unit apartment **building** of more than 4 units abuts a single detached residential **use**, a **planting strip** adjoining such abutting **lot line**, or portion thereof, shall be

<sup>1</sup> Amended by 3-14-B – Sept. 8, 2014 – to add structure types inadvertently omitted

provided within the Institutional, Commercial, or Industrial **Zone**, or multiple unit **lot** with a minimum width of 3 metres.

Such required **planting strip** shall be used for no other purposes than planting a continuous, unpierced hedgerow of trees, evergreens or shrubs, or solid fencing not less than 1.5 metres high, immediately adjacent to the **lot line**, or portion thereof, where such **planting strip** is required. The remainder of the **planting strip** shall be used for no other purpose than the planting of ornamental shrubs, flowering shrubs, flower beds, grass or a combination thereof.

In all cases where ingress and egress driveways or walkways extend through a required **planting strip**, it shall be permissible to interrupt the **planting strip** within 3 metres of the edge of such driveway or within 1.5 metres of the edge of such walkway.

A **planting strip** or buffer screen referred to in this Section may form a part of any **landscaped open space** required by this By-law but shall not form part of a **required yard**.

### 3.26 PUBLIC USES

Nothing in this By-law shall prevent land from being used as a street or highway, or prevent the installation of a watermain, sanitary sewer, storm sewer, gas main, pipeline, overhead or underground hydro, communication line or high voltage electrical facilities owned, operated and maintained by Ontario Hydro or the Public Utilities Commission.

Notwithstanding any other provision contained in this By-law to the contrary, where a **public use** is specifically mentioned as a permitted **use** within a specific **zone** classification, then such **public use** shall only be permitted within that **zone** or **zones** and shall comply with the **Zone Provisions** of the **zone** or **zones** in which the **public use** is permitted, save and except that there shall be no minimum **lot area** or **lot frontage** requirement. This provision shall not apply to Crown agencies or the **Town** of Fort Frances.

- a) No goods, materials or equipment shall be stored outside the **building** or **structure** located on the **lot**, except as may otherwise be permitted under this By-law;
- b) The **Zone Provisions** of the Zone in which the **use** is located shall be complied with except as otherwise provided in this By-law;
- c) No **building** or **structure erected** in accordance with the provisions of this Section shall be used for the purposes of an **office** or maintenance or works depot; and,
- d) The **building** or **structure** shall be designed and maintained in general harmony with the uses permitted within the respective **zone**.

### 3.27 REDUCTION OF REQUIREMENTS

No **person** shall change the purpose for which any land, **building** or **structure** is **used** or **erect** any **building**, or **structure**, or addition to any **existing building** or **structure**, or reduce the area of any **lot**, if the effect of such action is to cause the original adjoining, remaining or new **building**, **structure** or **lot** to be in contravention with this By-law.

### **3.28 RESTRICTIONS ON DWELLING UNITS IN NON-RESIDENTIAL BUILDINGS**

Notwithstanding any other provision of this By-law, to the contrary, no **dwelling unit** shall be located within a portion of a non-residential **building** which has gasoline or other flammable fluids or hazardous materials stored in bulk for commercial purposes or in conjunction therewith, and without limiting the generality of the foregoing, a **dwelling unit** shall not be permitted within a **building** used for a **motor vehicle service station**, a **motor vehicle repair garage**, a motor vehicle body shop or a marine **service shop**.

Accessory dwelling units in non-residential buildings are permitted to occupy no more than 50% of the main floor area and may occupy 100% of the second or additional floor areas.<sup>1</sup>

### **3.29 SECOND UNITS<sup>2</sup>**

#### **3.29.1 GENERAL<sup>2</sup>**

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) 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) A lot will not have both a secondary dwelling unit and a garden suite;
- f) No secondary dwelling unit will be considered a stand-alone structure capable of being severed;
- g) 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;
- h) All secondary dwelling units shall be registered with the Planning and Development Division; and
- i) 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.

#### **3.29.2 SECOND DWELLING UNIT (INTERIOR)<sup>2</sup>**

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)<sup>2</sup>**

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;

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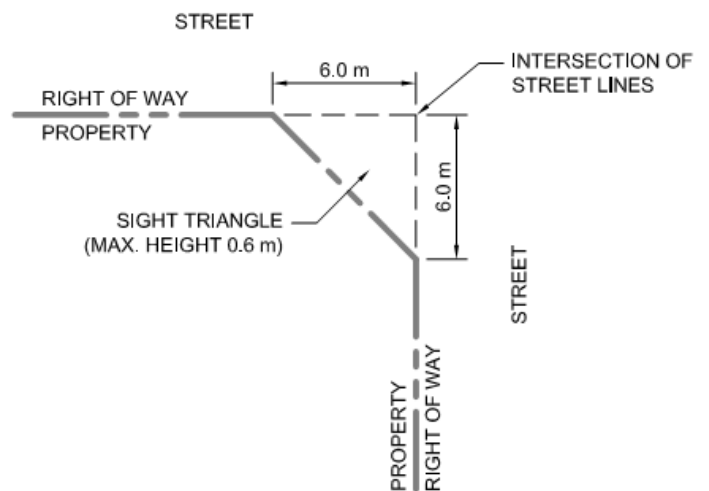
<sup>1</sup> Amendment May 9, 2016 clarifying accessory residential units in C2 Zone

<sup>2</sup> Amended February 6, 2020

- b) Shall have a minimum gross floor area as depicted 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.

### 3.30 SIGHT TRIANGLES

On a **corner lot** fronting on two **Town** roads, within the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 6 metres measured along the street line from the point of intersection of the street lines, no **motor vehicle**, as defined in The Highway Traffic Act, R.S.O., 1980 c.198, as amended, shall be parked, no **building** or **structure** which would obstruct the vision of drivers of **motor vehicles** shall be **erected**. Such triangular space may hereinafter be referred to as a "sight triangle". Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.



### 3.31 SETBACKS FROM NAVIGABLE AND NON-NAVIGABLE WATERCOURSES, HAZARD LAND AND MUNICIPAL SURFACE DRAINS

Notwithstanding any other provisions of this By-law, a **building** in any zone is required to be no closer than 15 metres from the top of the bank of any **watercourse**, or municipal drainage ditch permanent or intermittent, which may or may not be navigable. In the case of **hazard lands**, no part of any **building** shall be constructed closer than 15 metres to the nearest point of the area to which the hazardous condition is deemed to exist.

### 3.32 SETBACKS FROM RAILWAYS

New residential development within 75 m of the railway corridor and within 1000 metres of a rail yard shall be required to submit acceptable Noise and Vibration studies with recommended mitigative measures and such developments will only be permitted if appropriate mitigation measures can be implemented.

### **3.33 SPECIAL USES PERMITTED**

A tool shed, construction **trailer**, scaffold or other **building** or **structure** incidental to construction is permitted in all **zones** within the **Town** on the **lot** or in the case of a **dock**, appurtenant to where it is situated but only for so long as it is necessary for the work in progress and until the work is completed or abandoned. For the purpose of this Section, abandoned shall mean the discontinuation of work for more than 30 consecutive days and/or the failure to maintain a current building permit.

Notwithstanding any other provision of this By-law to the contrary, where a dwelling is destroyed, and a Building Permit for reconstruction of the dwelling has been issued by the **Town** for the subject lands, the owner and family may occupy a **trailer** on a temporary basis but only during the period which the dwelling is being reconstructed.

### **3.34 STRUCTURES IN WATER**

No **person** shall **erect**, alter or **use** any **structure** located in a navigable water except in compliance with the *Lakes and Rivers Improvement Act*, and the *Navigable Waters Act*, as revised or amended. Approval from the Ministry of Natural Resources and/or Transport Canada and/or Oceans and Fisheries may be required for marine facilities and boathouses.

### **3.35 THROUGH LOTS**

Where a **lot**, which is not a **corner lot**, has **lot frontage** on more than one street, the **setback** and **front yard** requirements contained herein shall apply on each street or waterway in accordance with the provisions of the **zone** or **zones** in which such **lot** is located.

### **3.36 TRAILERS, MOBILE HOMES AND CAMPERS**

The parking and storing of **trailers**, motor homes, truck campers and camper trailers shall be prohibited in all Residential **zones** except where one **trailer**, camper or mobile home is stored on the occupant's **lot**, where a dwelling is in existence on the same **lot**, but only in the rear or interior side yard, or in such areas where such parking and storing is permitted by this By-law.

The **use** of **trailers**, **travel trailers**, motor homes, truck campers, and camper trailers shall be prohibited in all **zones** except in areas where such **use** is permitted by this By-law.

Mobile homes may be used as **dwelling units** only in a zone which permits mobile homes provided they have been constructed to CSA Standard Z240, and are located on permanent foundations with the running gear and towing equipment removed.

### **3.37 WASTE DISPOSAL AREA SETBACKS**

Notwithstanding any other provisions of this By-law, a residential **building** in any zone is required to be **setback** a distance of 500 metres from **existing** and former waste disposal sites.

### **3.38 BREWERIES<sup>1</sup>**

No person shall construct, permit to construct, or operate a brewery of any scale unless it complies with all applicable federal, provincial and municipal law and statutes. Brewery operations may be required to submit a wastewater management plan to the Operations and Facilities Division for approval prior to operation. All brewery operations shall comply with section 3.18 of this by-law regarding obnoxious uses. Brewery operations within the Light Industrial zone may not be municipally restricted on production volume but must comply with all federal and provincial production approvals and licenses.

#### **3.38.1 MICROBREWERY<sup>1</sup>**

Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer through carryout and/or on-site tap-room or restaurant sales. Ancillary tasting of beer shall be permitted.

- a) On-site taproom and restaurant sales shall not be permitted within the Industrial Park.

#### **3.38.2 NANOBREWERY<sup>1</sup>**

Nanobreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer through carryout and/or on-site tap-room or restaurant sales. Ancillary tasting of beer shall be permitted.

<sup>1</sup> Amended February 6, 2020

# SECTION 4 ZONES & ZONE PROVISIONS

## 4.1 ZONES

For the purposes of this By-law, the following **zones** are established and they may be referred to by the name or by the symbol set opposite the name of the zone below:

- R1 - Residential Type One
- R2 - Residential Type Two
- R3 - Residential Mobile Home
- SR - Seasonal Residential
- C1 - Local Commercial
- C2 - General Commercial
- E - Enterprise
- TC - Tourist Commercial
- M1 - Light Industrial
- M2 - Heavy Industrial
- M3 - Waste Disposal Industrial
- I - Institutional
- RD - Resource Development
- OS - Open Space

## 4.2 ZONE SCHEDULE

The **zones** and zone boundaries are shown on the attached Schedule 'A', which forms part of this By-law.

## 4.3 COMPLIANCE WITH ZONING BY-LAW

No **person** shall change the **use** of any **building, structure** or land or **erect** or **use** any **building** or **structure** or occupy any land or **building** except in accordance with the provisions of this By-law.

Any **use** not specifically permitted by this By-law shall not be permitted in the **Town** of Fort Frances.

In addition no **person** shall **use** any land or locate any **building** or **structure** such that uses, **buildings** or **structures** on other lands would no longer comply with the provisions of this By-law.



#### 4.4 RESIDENTIAL TYPE ONE (R1) ZONE

No person shall within a Residential Type One (R1) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

##### 4.4.1 Permitted Uses

- a) single detached dwelling
- b) home occupation
- c) group home
- d) community garden

##### 4.4.2 Regulations for Permitted Uses

- |                                  |                    |
|----------------------------------|--------------------|
| a) Minimum Lot Area              | 460 m <sup>2</sup> |
| b) Minimum Lot Frontage          | 15 m               |
| c) Minimum Yard Requirements     |                    |
| Front Yard                       | 7.5 m              |
| Interior Side Yard               | 1.5 m              |
| Exterior Side Yard               | 3.0 m              |
| Rear Yard                        | 7.5 m              |
| d) Maximum Lot Coverage          | 40%                |
| e) Minimum Landscaped Open Space | 20%                |
| f) Maximum Height of Building    | 12 m               |
| g) Minimum Floor Area            | 79 m <sup>2</sup>  |

## 4.5 RESIDENTIAL TYPE TWO (R2) ZONE

No **person** shall within a Residential Type Two (R2) **Zone**, **use** any land or **erect**, alter or **use** any **building** or **structure** except in accordance with the following:

### 4.5.1 Permitted Uses

- a) single detached dwelling
- b) semi-detached dwelling
- c) duplex dwelling
- d) townhouse dwelling
- e) triplex dwelling
- f) fourplex dwelling
- g) apartment dwelling
- h) group home
- i) home occupation
- j) boarding house
- k) community garden

### 4.5.2 Regulations for Single Detached Dwellings

- a) Single detached dwellings shall meet the Regulations for Permitted Uses for the R1 **Zone**.

### 4.5.3 Regulations for Semi-Detached, Duplex, Triplex, Fourplex, Townhouse, Dwellings

- |   |                             |
|---|-----------------------------|
| a) Minimum <b>Lot Area</b>              | 240 m <sup>2</sup> per unit |
| b) Minimum <b>Lot Frontage</b>          | 8.0 m per unit              |
| c) Minimum Yard Requirements            |                             |
| Front Yard                              | 7.5 m                       |
| Interior Side Yard                      |                             |
| with attached wall                      | nil                         |
| without attached wall                   | 2.5 m                       |
| Exterior Side Yard                      | 3.5 m                       |
| Rear Yard                               | 7.5 m                       |
| d) Maximum <b>Lot Coverage</b>          | 50%                         |
| e) Minimum <b>Landscaped Open Space</b> | 20%                         |
| f) Maximum Height of Building           | 12 m                        |
| g) Minimum Floor Area                   | 70 m <sup>2</sup>           |

### 4.5.4 Regulations for an Apartment Dwelling

- |                                     |  |
|-------------------------------------|--|
| a) Minimum <b>Lot Area</b>          | 240 m <sup>2</sup> per unit for first 4 units plus 93 m <sup>2</sup> for every unit thereafter |
| b) Minimum <b>Lot Frontage</b>      | 30 m   |
| c) Minimum <b>Yard</b> Requirements |  |
| <b>Front Yard</b>                   | 7.5 m  |
| <b>Interior Side Yard</b>           | 4.5 m or half the <b>building</b> height; whichever is greater                                 |
| <b>Exterior Side Yard</b>           | 7.5 m  |
| <b>Rear Yard</b>                    | 7.5 m  |
| d) Maximum <b>Lot Coverage</b>      | 50%  |

- e) Minimum **Landscaped Open Space** 30%
- f) Maximum **Height of Building** 15 m
- g) The minimum floor area of **apartment dwelling** units, shall be as follows:
  - Bachelor 28 m<sup>2</sup>
  - 1 bedroom 37 m<sup>2</sup>
  - 2 bedroom 55 m<sup>2</sup>
  - 3 or more bedrooms 65 m<sup>2</sup>

**4.5.5 Regulations for a Boarding House**

- a) Minimum **Lot Area** 650 m<sup>2</sup>
- b) Minimum **Lot Frontage** 21 m
- c) Minimum **Yard** Requirements
  - Front Yard** 7.5 m
  - Interior Side Yard** 4.5 m or half the building height; whichever is greater
  - Exterior Side Yard** 7.5 m
  - Rear Yard** 7.5 m
- d) Maximum **Lot Coverage** 50%
- e) Minimum **Landscaped Open Space** 20%
- f) Maximum **Height of Building** 12 m

#### 4.6 RESIDENTIAL MOBILE HOME (R3) ZONE

No person shall within a Residential Mobile Home (R3) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

##### 4.6.1 Permitted Uses:

- a) mobile home dwelling units
- b) mobile home park
- c) community garden

##### 4.6.2 Regulations for Permitted Uses

- a) Minimum **Lot Area** 1.4 ha
- b) Minimum **Lot Frontage** 60 m
- c) Minimum **Yard** Requirements
  - Front Yard** 7.5 m
  - Interior Side Yard** 7.5 m
  - Exterior Side Yard** 7.5 m
  - Rear Yard** 9.0 m
- d) Maximum **Lot Coverage** 35%
- e) Minimum **Landscaped Open Space** 5%
- f) Maximum **Height of Building** 5 m
- g) Minimum Dwelling Unit Floor Area 65 m<sup>2</sup>

##### 4.6.3 Regulations for individual Sites within a Mobile Home Park

- a) Minimum Site Area 335 m<sup>2</sup>
- b) Minimum **Setbacks** within a Site 1.5 m

#### 4.7 SEASONAL RESIDENTIAL (SR) ZONE

No person shall within a Seasonal Residential (SR) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

##### 4.7.1 Permitted Uses

- a) Single Detached Dwelling
- b) Sleep Cabin
- c) Home occupation<sup>1</sup>

##### 4.7.2 Regulations for Permitted Use

- a) Minimum **Lot Area** 1 ha
- b) Maximum **Lot Coverage** 10%
- c) Minimum **Front Yard** and **Exterior Side Yard** 30 metres from high water mark
- d) Minimum **Interior Side Yard** 3 m
- e) Minimum **Rear Yard** 8 m
- f) Minimum Floor Area for a Dwelling 56 m<sup>2</sup>
- g) Maximum **Height** for a Dwelling 12 m

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<sup>1</sup> Permitted use added by Amendment 3-14-A

## 4.8 LOCAL COMMERCIAL (C1) ZONE

No **person** shall within a Local Commercial (C1) **Zone**, **use** any land or **erect**, alter or **use** any **building** or **structure** except in accordance with the following:

### 4.8.1 Permitted Uses

- a) bank or financial institution
- b) community health and resource centre
- c) day nursery
- d) a maximum of 2 dwelling units located on the second **storey** or at the rear of the first **storey**
- e) office
- f) personal services establishment
- g) post office
- h) private club
- i) retail store not exceeding 185 m<sup>2</sup>

### 4.8.2 Regulations for Permitted Uses

- a) Minimum **Lot Area** 550 m<sup>2</sup>
- b) Minimum **Lot Frontage** 15 m
- c) Minimum **Yard** Requirements
  - Front Yard** 7.5 m
  - Interior Side Yard**
    - abutting a commercial zone nil
    - abutting another zone 3.0 m
  - Exterior Side Yard** 5 m
  - Rear Yard**
    - abutting non-residential zone 7.5 m
    - abutting residential zone 10.5 m
- d) Maximum **Lot Coverage** 40%
- e) Minimum **Landscaped Open Space** 10 %  
in any yard abutting a residential zone a planting strip shall be required.
- f) Maximum **Height of Building** 12 m

## 4.9 GENERAL COMMERCIAL (C2) ZONE

No person shall within a General Commercial (C2) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

### 4.9.1 Permitted Uses

- a) accessory dwelling units on a floor above the **first storey** and/or on the first floor behind the commercial use<sup>1</sup>
- b) assembly hall
- c) bank or financial institution
- d) clinic
- e) community health and resource centre
- f) crisis centre
- g) day nursery
- h) funeral home
- i) gas bar
- j) hotel
- k) laundromat
- l) motel
- m) offices
- n) parking lot
- o) personal services establishment
- p) post office
- q) private club
- r) recreation or fitness establishment
- s) restaurant
- t) retail store
- u) tavern
- v) taxi or bus depot
- w) work/service shop
- x) microbrewery<sup>2</sup>
- y) nanobrewery<sup>2</sup>

### 4.9.2 Regulations for Permitted Uses

- |                                     |                    |
|-------------------------------------|--------------------|
| a) Minimum <b>Lot Area</b>          | 230 m <sup>2</sup> |
| b) Minimum <b>Lot Frontage</b>      | 7.5 m              |
| c) Minimum <b>Yard</b> Requirements |                    |
| <b>Front Yard</b>                   | nil                |
| <b>Interior Side Yard</b>           | nil                |
| <b>Exterior Side Yard</b>           | nil                |
| <b>Rear Yard</b>                    | 4.5 m              |
| d) Maximum <b>Lot Coverage</b>      | 75%                |

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<sup>1</sup> Amendment May 9, 2016 to clarify accessory residential units in C2 Zone

<sup>2</sup> Amended February 6, 2020

- e) Minimum **Landscaped Open Space** 20%  
in any yard abutting a residential zone a planting strip shall be required
- f) Maximum **Height of Building** 15 metres



## 4.10 ENTERPRISE (E) ZONE

No person shall within the Enterprise (E) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

### 4.10.1 Permitted Uses

- a) bank or financial institution
- b) building supply and lumber outlet
- c) car wash
- d) clinic
- e) commercial greenhouse/nursery including retail
- f) convenience store
- g) equipment sales/rental establishment
- h) gas bar
- i) hotel
- j) laboratory
- k) laundromat
- l) motel
- m) motor vehicle service station
- n) motor vehicle parts and accessory sales
- o) motor vehicle sales or rental
- p) office
- q) personal services establishment
- r) recreation or fitness establishment
- s) recreational vehicle sales and service operation
- t) research and development establishment
- u) restaurant
- v) retail store (minimum floor area of 500 m<sup>2</sup>)
- w) tavern
- x) self-storage facility
- y) work/service shop
- z) veterinary hospital
- aa) uses that legally existed as of the date of passing of this By-law
- bb) microbrewery<sup>1</sup>
- cc) nanobrewery<sup>1</sup>

<sup>1</sup> Amended February 6, 2020

### 4.10.2 Regulations for Permitted Uses

- a) **Minimum Lot Area**
  - without municipal sewage services 4,000 m<sup>2</sup>
  - with municipal sewage services 930 m<sup>2</sup>
- b) **Minimum Lot Frontage** 23 m
- c) **Minimum Yard Requirements**
  - Front Yard** 7.5 m
  - Interior Side Yard** 6 m
  - Exterior Side Yard** 10 m
  - Rear Yard** 7.5 m

- d) Maximum **Lot Coverage** 30%
- e) Minimum **Landscaped Open Space** 20%

in any yard abutting a residential zone a **planting strip** shall be required.

- f) Maximum **Height of Building** 12 m

#### 4.11 TOURIST COMMERCIAL (TC) ZONE

No **person** shall within a Tourist Commercial (TC) **Zone**, **use** any land or **erect**, alter or **use** any **building** or **structure** except in accordance with the following:

##### 4.11.1 Permitted Uses

- a) accessory dwelling (one only)
- b) assembly hall
- c) accessory retail sales
- d) cabin establishment
- e) campground
- f) hotel
- g) marina
- h) motel
- i) outdoor recreation
- j) recreational or fitness establishment
- k) restaurant
- l) tourist establishment

##### 4.11.2 Regulations for Permitted Uses

- a) Minimum **Lot Area** 4000 m<sup>2</sup>
- b) Minimum **Lot Frontage** 30 m
- c) Minimum **Yard** Requirements
  - Front Yard** 7.5 m
  - Interior Side Yard** 4.5 m
  - Exterior Side Yard** 7.5 m
  - Rear Yard** 4.5 m
- d) Maximum **Lot Coverage** 50%
- e) Minimum **Landscaped Open Space** 20%  
in any yard abutting a residential zone a **planting strip** shall be required
- f) Maximum **Height of Building** 10.5 m

## 4.12 LIGHT INDUSTRIAL (M1) ZONE

No person shall within a Light Industrial (M1) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

### 4.12.1 Permitted Uses

- a) animal shelter or veterinary hospital
- b) building supply and lumber outlet
- c) bulk fuel depot
- d) contractors yards
- e) heavy or light equipment sales and services
- f) manufacturing or processing within an enclosed **building**
- g) motor vehicle repair garage
- h) motor vehicle body shop
- i) outside storage
- j) public works yard
- k) recycling depot
- l) retail sales accessory to a permitted use not exceeding 35% of the total floor area
- m) self-storage facility
- n) telecommunications tower
- o) transmission towers and hydro-electric substations
- p) transportation depot and rail line uses
- q) warehouse
- r) wholesale sales
- s) work/service shop
- t) microbrewery<sup>1</sup>

### 4.12.2 Regulations for Permitted Uses

- a) **Minimum Lot Area**
  - without municipal sewage services 2050 m<sup>2</sup>
  - with municipal sewage services 1400 m<sup>2</sup>
- b) **Minimum Lot Frontage** 30 m
- c) **Minimum Yard Requirements**
  - Front Yard** 7.5 m
  - Interior Side Yard** 3.0 m
  - Exterior Side Yard** 7.5 m
  - Rear Yard** 7.5 m
- d) **Maximum Lot Coverage** 65%
- e) **Minimum Landscaped Open Space** 20%
  - in any yard abutting a residential zone a **planting strip** shall be required
- f) **Maximum Height of Building** 20 m

<sup>1</sup> Amended February 6, 2020

#### 4.13 HEAVY INDUSTRIAL (M2) ZONE

No person shall within a Heavy Industrial (M2) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

##### 4.13.1 Permitted Uses

- a) bulk fuel storage
- b) card lock fuel retailing facility
- c) heavy or light equipment sales and services
- d) outside storage
- e) peat extraction
- f) pits
- g) portable processing plant
- h) quarry
- i) motor vehicle body shop
- j) wayside pits and quarries

##### 4.13.2 Regulations for Permitted Uses

- a) Minimum **Lot Area** 20,000 m<sup>2</sup>
- b) Minimum **Lot Frontage** 120 m
- c) Minimum **Yard** Requirements (for extractive uses it is from the limit of extraction)
  - Front Yard** 30 m
  - Interior Side Yard** 15 m
  - Exterior Side Yard** 30 m
  - Rear Yard** 15 m
- d) Minimum **Setback** from a Residential Lot 120 m
- e) Maximum **Lot Coverage**  
(**Buildings and Structures**) 10%
- f) Minimum **Landscaped Open Space** 10%  
All yards except those yards abutting an M3 zone shall contain a **planting strip** of at least 30 m in width
- g) Maximum **Height of Building** 20 m

#### **4.14 WASTE DISPOSAL INDUSTRIAL (M3) ZONE**

No **person** shall within a Waste Disposal Industrial (M3) **Zone**, **use** any land or **erect**, alter or **use** any **building** or structure except in accordance with the following:

##### **4.14.1 Permitted Uses**

- a) recycling facility
- b) salvage or wrecking yard
- c) sewage lagoon
- d) solid waste disposal or management facility

##### **4.14.2 Regulations for Permitted Uses**

- a) Minimum **Lot Area** 10,000 m<sup>2</sup>
- b) Minimum **Lot Frontage** 60 m
- c) Minimum **Yard** Requirements
  - Front Yard** 30 m
  - Interior Side Yard** 20 m
  - Exterior Side Yard** 30 m
  - Rear Yard** 20 m
- d) Maximum **Lot Coverage** 80%
- e) Minimum **Landscaped Open Space** 20%
- f) Maximum **Height of Building** 10 m

#### 4.15 INSTITUTIONAL (I) ZONE

No person shall within an Institutional (I) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

##### 4.15.1 Permitted Uses

- a) ambulance station
- b) arena
- c) assisted living facility
- d) cemetery
- e) community centre
- f) community health and resource centre
- g) community garden
- h) day nursery
- i) fire station
- j) hospital
- k) library
- l) municipal/government uses
- m) nursing home
- n) place of worship
- o) school

##### 4.15.2 Regulations for Permitted Uses

- a) Minimum **Lot Area** 550 m<sup>2</sup>
- b) Minimum **Lot Frontage** 15 m
- c) Minimum **Yard** Requirements
  - Front Yard** 7.5 m
  - Interior Side Yard** 7.5 m
  - Exterior Side Yard** 7.5 m
  - Rear Yard** 10.5 m
- d) Maximum **Lot Coverage** 50%
- e) Minimum **Landscaped Open Space** 10%  
in any yard abutting a residential zone a **planting strip** shall be required.
- f) Maximum **Height of Building** 20 m

#### **4.16 OPEN SPACE (OS) ZONE**

No person shall within an Open Space (OS) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

##### **4.16.1 Permitted Uses**

- a) community garden
- b) conservation of land and water
- c) marine facility
- d) outdoor recreation
- e) private recreational park
- f) public park and accessory structures
- g) uses that legally existed as of the date of passing of this By-law

##### **4.16.2 Regulations for Permitted Uses**

- a) Minimum **Lot Area** 4000 m<sup>2</sup>
- b) Minimum **Lot Frontage** 30 m
- c) Minimum **Yard** Requirements
  - Front Yard** 9.0 m
  - Interior Side Yard** 7.5 m
  - Exterior Side Yard** 9.0 m
  - Rear Yard** 9.0 m
- d) Maximum **Lot Coverage** 25%
- e) Minimum **Landscaped Open Space** 50%
- f) Maximum **Height of Building** 12 m



#### 4.17 RESOURCE DEVELOPMENT (RD) ZONE

No person shall within a Resource Development (RD) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

##### 4.17.1 Permitted Uses

- a) agricultural use
- b) commercial nursery or greenhouse
- c) community garden
- d) group home
- e) kennel, animal shelter or veterinary hospital
- f) portable saw mill
- g) public park
- h) recreational trails and related accessory buildings
- i) single detached dwelling unit
- j) wayside pit or quarry

##### 4.17.2 Regulations for Permitted Uses

- a) Minimum **Lot Area** 10,000 m<sup>2</sup>
- b) Minimum **Lot Frontage** 60 m
- c) Minimum **Yard** Requirements
  - Front Yard** 20 m
  - Interior Side Yard** 7.5 m
  - Exterior Side Yard** 20 m
  - Rear Yard** 7.5 m
- d) Maximum **Lot Coverage** 10%
- e) Minimum **Landscaped Open Space** 20%
- f) Maximum **Height of Building** 10.5 m

## SECTION 5 EXCEPTIONS

The provisions of this By-law have been modified for the lands to which the exceptions described in the table below have been applied, and are shown on the Zoning Schedules (Maps) by the applicable exception number indicated in the square brackets [#] in the zone code.

Where an exception applies, the provisions imposed by that exception prevail over any other provision of the By-law

Zone #	EXCEPTION ADDRESS	PROVISIONS
R1 - [1]	1235 Idylwild Drive	Notwithstanding any other provisions of this By-law, on lands noted by [1] on the Schedule to this By-law, an “accessory dwelling” is a permitted <b>use</b> .
R1 - [2]	1137 Fourth St. E.	Notwithstanding any other provisions of this By-law, on lands noted by [2] on the Schedule to this By-law, an accessory <b>building</b> permitted without a primary <b>use</b> ; and <b>accessory building lot coverage</b> is increased to 18%
C2 - [3]	205 Third St. E.	Notwithstanding any other provisions of this By-law, on lands noted by [3] on the Schedule to this By-law, the following additional uses are permitted: an <b>apartment dwelling, offices,</b> and a <b>personal services establishment</b>
R2 - [4]	507 Armit Avenue	Notwithstanding any other provisions of this By-law, on lands noted by [4] on the Schedule to this By-law, the minimum <b>side yard</b> (north) is reduced to 1.5 metres, and the minimum <b>front yard</b> is reduced to nil
R2 - [5]	515 First Street East	Notwithstanding any other provisions of this By-law, on lands noted by [5] on the Schedule to this By-law, the following additional <b>use</b> is permitted; a <b>personal services establishment,</b> and <b>parking space</b> requirements are reduced from 4 to 3; and ingress/egress to required <b>parking spaces</b> is permitted from <b>laneway</b> rather than by driveway off street.
R1 - [6]	1345 Emo Rd	Notwithstanding any other provisions of this By-law, on lands noted by [6] on the Schedule to this By-law, a maximum of 7 dwelling units are permitted; <b>lot frontage</b> is reduced to 18.28 metres; the <b>interior side yard</b> (east) is reduced to 3.3 metres as it pertains to the <b>existing building</b> only; and the maximum height of <b>buildings</b> is reduced to 12 metres.
C1 - [7]	815 Williams Avenue	Notwithstanding any other provisions of this By-law, on lands noted by [7] on the Schedule to this By-law, crusher chips are permitted on the parking surface, the driveway width increased to 31% of the frontage
C1 - [8]	100 Third Street West	Notwithstanding any other provisions of this By-law, on lands noted by [8] on the Schedule to this By-law, the following additional uses are permitted: a) <b>Retail store</b> to a maximum of 465 m <sup>2</sup> as defined in <b>By-Law</b>

		<ul style="list-style-type: none"> <li>b) Fitness center as defined in <b>By-Law</b></li> <li>c) Clinic</li> <li>d) Funeral Parlour</li> <li>e) Gas Bar</li> <li>f) Laundromat</li> <li><b>g) Parking Lot</b></li> <li>h) Place of Amusement</li> <li>i) Private Club</li> <li>j) <b>Restaurant</b> to a maximum of 465 sq. m.</li> <li>k) Car wash, as an <b>accessory use</b> only</li> <li>l) Convenience store</li> <li><b>m) Recreation or Fitness Establishment</b></li> </ul>
C2 - [9]	420 Mowat Avenue	Notwithstanding any other provisions of this By-law, on lands noted by [9] on the Schedule to this By-law, an additional <b>accessory dwelling</b> is permitted on the <b>main floor</b>
E - [10]	780 King's Highway	Notwithstanding any other provisions of this By-law, on lands noted by [10] on the Schedule to this By-law, An <b>accessory dwelling</b> unit is permitted on the first floor behind the commercial <b>use</b> or on the second <b>storey</b> ; and the <b>interior side yard</b> (on the east) is reduced to 1.5 m.
E - [11]	505 McIrvine Road	Notwithstanding any other provisions of this By-law, on lands noted by [11] on the Schedule to this By-law, a cardlock fuel retail depot is an additional permitted <b>use</b>
M1 - [12]	617 8th St. W.	Notwithstanding any other provisions of this By-law, on lands noted by [12] on the Schedule to this By-law, a recycling operation is a permitted additional <b>use</b>
M1 - [13]	Mill Property	Notwithstanding any other provisions of this By-law, on lands noted by [13] on the Schedule to this By-law, the maximum height shall be 55 metres
I - [14]	824 Victoria Avenue	<p>Notwithstanding any other provisions of this By-law, on lands noted by [14] on the Schedule to this By-law, the following site-specific provisions and regulations shall apply:</p> <p>The number of off-street <b>parking spaces</b> required is reduced to zero.</p> <p>The minimum <b>lot area</b> is reduced to 350.15 m<sup>2</sup></p> <p>The minimum <b>lot frontage</b> is reduced to 8.23 m</p> <p>The minimum <b>front yard</b> is reduced to 0.87 m</p> <p>The minimum <b>interior side yard</b> is reduced to 0.28 m</p> <p>The minimum <b>exterior side yard</b> is reduced to 0.54 m</p> <p>The maximum <b>lot coverage</b> is increased to 66.09%</p>
OS - [15]	Shevlin Woodyard	Notwithstanding any other provisions of this By-law, on lands noted by [15] on the Schedule to this By-law, the permitted uses shall include a pulp wood storage area, transportation depot, <b>outdoor storage</b> and <b>accessory uses</b> and <b>structures</b> , all <b>uses</b> being in conjunction with the Kraft paper mill

# ENACTMENT

## FORCE AND EFFECT

This By-law shall come into force and effect on the date it is passed by the **Council** of the Corporation of the Town of Fort Frances subject to the applicable provisions of The Planning Act, R.S.O., 1990, c.l., as amended.

## READINGS BY COUNCIL

THIS BY-LAW READ A FIRST TIME ON THE 27TH DAY OF JANUARY, 2014.

THIS BY-LAW READ A SECOND TIME ON THE 27TH DAY OF JANUARY, 2014..

THIS BY-LAW READ A THIRD TIME AND FINALLY PASSED ON THE 27TH DAY OF JANUARY, 2014.

MAYOR: \_\_\_\_\_

(MUNICIPAL SEAL)

CLERK: \_\_\_\_\_

## CERTIFICATION

I hereby that the foregoing is a true copy of Zoning By-law No. **03/14** as enacted by the Council of the Corporation of the Town of Fort Frances, on the 27<sup>th</sup> day of January, 2014.

CLERK: \_\_\_\_\_