

THE CORPORATION OF THE TOWN OF FORT FRANCES

BY-LAW NO. 03/14 - Z

(Being a By-law to amend Zoning By-law #03/14 – 820 Fifth Street East)

WHEREAS by its Orders dated January 25, 2022 and March 11, 2022 the Ontario Land Tribunal approved amendments to Zoning By-law No. 03/14 as hereinafter provided;

AND WHEREAS it is advisable and expedient to ratify and confirm such amendments;

NOW THEREFORE the Council of The Corporation of the Town of Fort Frances **HEREBY ENACTS** as follows:

1. Section 1 of By-law #03/14 – Y is repealed and the following substituted therefore:

“1. That Town of Fort Frances Zoning By-law 03/14 is amended by adding thereto a Schedule in the form of Exhibit 1 to this amending By-law.”
2. This By-law shall come into force and take effect as and from the issuance of the final Order of the Ontario Land Tribunal Case No. OLT-21-001133, being the 11th day of March, 2022.

PASSED and ENACTED this 28th day of March, 2022.

J.Caul, Mayor

G. Lecuyer, Clerk

SCHEDULE A

1. Notwithstanding the Zone designation thereof as shown on the Zoning Map being Schedule “A” to this By-law, the lands and premises being more particularly described as follows, namely:

820 Fifth Street East, Fort Frances, Ontario

Legally described as

PCL 18499 SEC RAINY RIVER; PT LT 23 RIVER RANGE MCIRVINE; PT LT 24 RIVER RANGE MCIRVINE PT 2 RR164 EXCEPT PT 1, 48R1193; FORT FRANCES

BEING ALL OF THE PIN 56017-0034(LT),

hereinafter referred to as the “Property”, are hereby removed from the Institutional (I) Zone and designated as part of the Residential Type Two (R2) Zone.

2. Notwithstanding the provisions of Section 4.5 of this By-law, or any other provisions of this By-law to the contrary, in the case of the Property the following provisions shall apply.

- a) DEFINITIONS

In this Schedule:

“Child Care and Early Years Centre” means a premises operated under a licence from the Province of Ontario whereat programmes are provided under the *Child Care and Early Years Act*, 2014 or where similar programmes are provided under Provincial Licence.

“eightplex dwelling” means a separate building containing two stories on each of which are located four dwelling units without a common hallway or stairwell and with independent direct access to the outside.

- b) PERMITTED USES

In addition to the uses permitted on the Property pursuant to Section 4.5 of this By-law, the following are permitted uses on the Property:

- Child Care and Early Years Centre; and
- eightplex dwelling.

- c) MAIN USES AND BUILDINGS

More than one main use and building is permitted on the Property, provided that the regulations of the R2 Zone as amended by this Schedule are met.

- d) YARD REQUIREMENTS

Notwithstanding the provisions of Clauses 4.5.4 a), b) and c) of this By-law where the Property is occupied by more than one main building:

- i. the minimum lot area required for all main buildings collectively is the total lot area of the Property;
- ii. the minimum required lot frontage for all main buildings collectively is the full frontage of the Property; and
- iii. the minimum front, interior side, exterior side and rear yards shall be determined by reference only to the main building which is nearest to the applicable lot line.

e) LOCATION OF USES

1. A Child Care and Early Years Centre, together with an apartment dwelling are permitted uses in the former school building located on the Property as at the date of passage of this By-law.
2. All eightplex dwellings shall be located on the Easterly half of the Property and no wall of any such building shall be closer than 7.5 metres from a wall of any other main building.

f) DESIGNATION OF LOT LINES

Notwithstanding the definitions set out in Section 2 of this By-law, in the case of the Property, the lot line abutting Fifth Street shall be deemed to be the front lot line, the lot line abutting Frenette Avenue shall be deemed to be the exterior lot line, the Northerly lot line shall be deemed to be the rear lot line and the Easterly lot line shall be deemed to be a side lot line.

g) REGULATIONS FOR EIGHTPLEX DWELLINGS

Except as otherwise provided in this Schedule, the Regulations for an apartment dwelling as set out in Clause 4.5.4 of this By-law apply to eightplex dwellings on the Property.