

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 lot¹, 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;²³
- 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

¹ Amendment May 9, 2016 to clarify accessory use building uses

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

³ 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 Resource¹ 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.

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