

TOWN OF FORT FRANCES

Planning & Development Executive Committee

AGENDA - November 2, 2020 at 8:30 AM

MEETING - VIRTUAL MEETING

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|--|----------|
| 1. <u>Call to Order</u> Session #29. | |
| 2. <u>Disclosure of pecuniary interest and the general nature thereof</u> | |
| 3. <u>Approval of Previous Committee Minutes</u> | |
| 3.1 Approval of Previous Meeting Minutes. | 3 - 4 |
| 4. <u>Non-agenda items identified to be considered later in this meeting, both in-camera and in open meeting.</u> | |
| 5. <u>In-Camera</u> | |
| 6. <u>Items Referred from Council</u> | |
| 6.1 REG CONSENT Letter to Town Council from New Fort Development. | 5 - 30 |
| 6.2 REG CONSENT Letter to Mayor & Council from owners of 245 Fifth Street East. | 31 - 102 |
| 6.3 REG CONSENT Oct 15, 2020 Letter to Town of Fort Frances re: Dog By-Law Enforcement. | 103 |
| 7. <u>New Business</u> | |
| 8. <u>Outstanding Items</u> | |
| 8.1 Site Plan Control Discussion/Amendments | |

- No Update at this time. Referred to next meeting.

9. **Information**
10. **Non-agenda Items**
11. **Adjourn / Next Meeting Date**
Monday November 16th, 2020.

TOWN OF FORT FRANCES

MINUTES

SESSION NO. #28

October 19, 2020

The meeting of Planning & Development Executive Committee of the Town of Fort Frances was held in the VIRTUAL MEETING on October 19, 2020 from 8:30 a.m. to 9:04 a.m.

PRESENT: J. McTaggart - Chairperson, W. Brunetta - Councillor, D. Judson - Councillor, Mayor J. Caul (ex-officio)

ALSO PRESENT: D. Brown, CAO, C. Vangel, CBO/Planner, P. Briere, Committee Secretary, R. Thoms, 93.1 The Border, D. Mihichuk, Guest.

1. Call to Order - 0830am.

Session #28.

2. Disclosure of pecuniary interest and the general nature thereof

None.

3. Approval of Previous Committee Minutes

3.1 Approval of Previous Meeting Minutes.

- Approved as presented.

4. Non-agenda items identified to be considered later in this meeting, both in-camera and in open meeting.

None.

5. In-Camera

None.

6. Items Referred from Council

6.1 Referral of Request Letter from D. Mihichuk - Tenting By-Law and the Homeless.

- An update of the item was presented by the CBO/Planner for the Committee and Mr. Mihichuk. Mr. Mihichuk was provided an opportunity to speak regarding his letter. A good discussion occurred on this item and the Planning & Development Executive Committee is recommending to accept the letter as presented and review the matter further at a later meeting when the draft by-law is returned to the Committee from the Town's Solicitor.

7. New Business

7.1 Woodyard/Gateway Study – FEDNOR Project Completion Extension.

- An overview of the item by the CBO/Planner was provided to the Committee. After a discussion on the item the Planning & Development Executive Committee is recommending to make an amendment to the report to include the NOHFC item to this as well.

7.2 Draft Traffic By-Law Amendment J.

- A discussion was had on the item and the Planning & Development Executive Committee. The Planning & Development Executive Committee is recommending to approve the report as presented.

7.3 Draft Traffic By-Law Amendment K - PDEC Report.

- An overview of the items was provided to the Committee. After a discussion on the item was had the Planning & Development Executive Committee is recommending to approve the report with the addition of the downtown core exemption to be added to the

draft amendment. The item will be reviewed in the spring.

8. Outstanding Items

- 8.1 Site Plan Control Discussion/Amendments.
 - No Update, referred to next meeting.

9. Information

None.

10. Non-agenda Items

None.

11. Adjourn / Next Meeting Date - 0904am.

Monday November 2nd, 2020.

Executive Committee Chair

Secretary, Planning & Development Executive Committee

October 21, 2020

To the Fort Frances Mayor and Town Council,

Perhaps the most earnest statement to begin this letter is to say that we have a lot in common. Each of you wouldn't voluntarily opt to spend so many hours here in this room if you didn't really believe that this community – made up of both endearing geography and neighbourly citizens – is moving towards reaching its greatest potential.

We certainly wouldn't be investing our resources here if we didn't think the same. We would be buying real estate in another community. Our demolition of the derelict building which formerly housed the famed Dough & Deli Shoppe at 814 Scott Street was the first step in our redemptive development philosophy.

You see, we're a small development company with plenty of optimism who saw a glaring need for the community and acted upon it. It's no surprise that very need is listed as the first objective on the Town's Official Plan:

1. To provide for a variety of housing types to meet the demands of the present and future inhabitants of the Town

As your group is well aware, achieving that objective cannot happen unless people are willing (and hopefully eager) to see beyond life as it is today. The 18-unit apartment building that will be erected at 814 Scott Street will help the Town make that objective a reality. Our mission is to honour the past, which so many of the town's inhabitants played vital roles in, while taking risks to build something new. That pairs rather nicely with some additional objectives of the Town's Official Plan including:

- adapting to change, attractive development that encourages investment, viability of the Downtown Business Area

You as the Town Council have already made landmark improvements under the Community Improvement Plan and we are proud that our residential building project is home to the Downtown Core and Waterfront Project Area, where we believe the best is yet to come.

As kindly suggested by the Town's Building Inspector, we are writing this letter as a first step in applying for funding under the Financial Incentive Program to offset Town application costs. Please inform us how to proceed further.

George Friesen for New Fort Development

Town of Fort Frances



COMMUNITY IMPROVEMENT PLAN

Modified to incorporate amendments authorized by By-Law 02/03-B

Council Adopted:
February 10, 2003
By-Law #02/03

MAH Approved:
With modifications
September 8, 2003

Council Adopted (as modified):
September 22, 2003
By-Law #02/03-A

Modified:
December 22, 2008
By-Law 02/03-B

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APPENDICES

- A. Economic Development Financial Incentive Programs

1.0 PLAN BACKGROUND

1.1. Foundation and Basis

The Town of Fort Frances has undertaken a number of studies in recent years that recognize the changing role of the Town towards economic development and the need to facilitate a broader and more diverse range of uses throughout the community.

Various and significant areas of the community are available for development and although the permitted uses generally exemplify the current and anticipated uses, it is recognized that the opportunity exists to attract and broaden potential prospective developers to the Town of Fort Frances through innovative and unprecedented methods.

In June 2002 Council considered and approved in principle, the establishment of various financial incentive programs as a means toward attracting development to the community.

This Community Improvement Plan was adopted by Council and represents a strong indication by Council to the community that the future health and vitality of the Town is important and that the Community Improvement Project Areas identified, and defined by by-law, are deserving of special attention.

The Planning and Development Division will administer this Community Improvement Plan, with assistance provided by various other Departments and Divisions assigned the responsibility for specific implementation of projects.

1.2. Strategic Plan

In the fall of 2001, Council for the Town of Fort Frances initiated a series of strategic planning sessions geared toward establishing a common set of priorities for the community. Facilitated by Margaret Wanlin with assistance from community members and staff, the strengths, weakness, opportunities and threats of the community were identified and recommendations made to utilize, remedy, achieve and reduce those issues defined.

Strategic planning sessions continue on an ongoing basis to determine the specific steps necessary to facilitate the established priorities and with further analysis of the Strategic Plan appearing to indicate a number of goals and objectives directly and indirectly related to economic development, this community improvement plan is a means to that end.

The Strategic Plan of the Town of Fort Frances, adopted by Council on November 26, 2001, contained the following goals and action strategies together with recommendations towards achievement:

- To deliver core services in an efficient and effective manner
- To have in place a level of information technology that is competitive within the region

and country

- To work in collaboration with neighbouring First Nations on issues of economic development and other areas of mutual interest
- To examine and, where appropriate, implement strategies which generate revenues from within the Town and as a result of partnerships outside the Town
- To be proactive and flexible in attracting and maintaining the commercial/industrial tax base
- To complete the waterfront development project to meet community needs
- To be proactive in design and marketing to attract tourists and become a tourist destination.
- To optimize the opportunity of our location on the border and proximity to American markets

1.3 Official Plan and Zoning By-Law

The project areas subject to this Community Improvement Plan consist of those areas designated as “Working”, Resource Development”, “Recreation”, Living Area” and “Downtown Business” Areas” shown on Schedule “A” of the Town of Fort Frances Official Plan and more specifically zoned as commercial, industrial and resource development on Schedule “A” of Town of Fort Frances Zoning By-Law #8/98.

It is intended that future development of the Town provide increased opportunities for public access, encourage a greater mix of land uses, and recognize and protect existing key natural features.

This Community Improvement Plan constitutes the legislative basis and context for the implementation of these ongoing programs and has been developed in accordance with Section 28 of The Planning Act (R.S.O. 1990, c.P.13.), as amended. The Town of Fort Frances Official Plan was approved by MMAH on August 19, 1998. Section 3.1.8. thereof (entitled “Community Improvement”) designates the entire Town of Fort Frances as a community improvement area and, in addition to policy statements contained throughout, describes the Town’s policies for community improvement pursuant to Part IV of The Planning Act (R.S.O. 1990, c.P13).

2. COMMUNITY IMPROVEMENT PLAN

2.1 Introduction and Purpose

The Community Improvement Project Areas (C.I.P.A.) of the Town of Fort Frances were designated by By-law # 01/03 of Council on February 10, 2003 in accordance with Section 28 of

The Planning Act (R.S.O. 1990, c.P.13.). A public meeting of Council to consider this Community Improvement Plan was held on October 28, 2002, notices of which were published in the Fort Frances Times on October 7, 2002, October 9, 2003 and October 23, 2002.

This Community Improvement Plan will accomplish the following:

- Facilitate the efficient and orderly implementation of the community improvement policies of the Official Plan of the Town of Fort Frances
- Identify and describe the Community Improvement Project Areas to which this plan relates
- Provide rationalization and the fundamental basis of the Community Improvement Project Areas
- Confirm the commitment of the Town of Fort Frances to encourage and support continued economic growth and investment in the community geared toward rehabilitation, renovation and relocation through utilization of unprecedented and innovative means.
- Provide a brief and general outline of the Incentive Programs endorsed by the Town of Fort Frances.
- Provide sufficient flexibility to enable Council to make minor changes to the Plan without formal amendment.

2.2 Identification of Community Improvement Project Areas

The boundaries of the Community Improvement Project Areas are shown on Figure 1 attached to and forming a part of this Community Improvement Plan.

It is the intent of Council that opportunities for development not be limited to a specific area of the municipality and, to that end, has designated three distinct project areas that collectively represent the entire municipality. Specific projects, distinct to a Project Area have been identified as well as general projects that relate to the municipality in its entirety. Specific projects must be within a designated Community Improvement Project Area to qualify for financial incentives offered in accordance with this Plan.

Amendments to the boundaries of the Community Improvement Project Areas may be enacted by by-law of the Town of Fort Frances Council in conformity with the community improvements policies of the Town of Fort Frances Official Plan.

2.3 Selection Criteria

The location of the project areas are consistent with the Town's Official Plan policies and

satisfies, in particular, the following community improvement **goals and objectives** of the Town of Fort Frances Official Plan:

- To provide for a variety of housing types to meet the demands of the present and future inhabitants of the Town
- To provide opportunities to develop a diverse range of employment opportunities for present and future residents of the Town
- To ensure there are sufficient lands designated for development opportunities at all times
- To ensure there is sufficient flexibility to adapt to change and opportunities quickly
- To provide for attractive development that will encourage investment in Fort Frances
- The Town will consider incentives to encourage the continued viability of the Downtown Business Area
- To provide areas for residents to enjoy leisure activities and the environment
- To develop a continuous parkland and trail system throughout the Town
- To ensure sufficient land and facilities are available to provide for flexibility and variety in recreational opportunities, and
- To ensure that land uses within the undeveloped portions of the Town do not limit the long term use of the lands for the logical extension of urban services and development

Other key factors that resulted in the selection of the identified Community Improvement Project Areas included:

- An assessment of economic growth and the recognized need for diversification of employment opportunities in the Town as detailed in the Official Plan Background Study prepared by The Planning Partnership; and
- The detailed and stated objectives, obstacles, visions and strategies of the Community Strategic Plan entitled Tomorrow as prepared by The Tomorrow Committee;
- A number of years ago the Waterfront Development Committee, now known as the LaVerendrye Parkway Advisory Committee, was formed. This committee of citizen volunteers was interested in economic, residential and tourist development along the waterfront, specifically enhancing the waterfront area through improvements such as a bicycle path, shoreline rehabilitation, energy efficient lighting and improvements toward ensuring the area is a permanent attraction site.

- The objectives of the Re-Inventing Fort Frances Committee to determine the viability of Fort Frances as a tourism destination and the establishment of the town as a wide area (including the USA) regional center for servicing that industry; to provide a complete strategy and action plan for achieving a viable tourism industry for the benefit of the Fort Frances area; and to evaluate existing tourism infrastructure and make recommendations on refinements of such infrastructure – i.e. signage, parking, historical buildings, etc.

2.4 Project Areas

2.4.1 Town Wide Improvements

The deficiencies and associated opportunities for improvement in the Community Improvement Project Areas, identified in previously referenced documents, and through other investigations, include:

- The development of a municipal wide recreational trail and parks system with an emphasis on the waterfront area
- Improvements to sidewalks and road surfaces to enable safe and comfortable travel by pedestrians, bicycles and vehicles
- The development of a by-pass traffic route for large trucks to reduce conflicts in the core
- Improvements to the water system to provide for sufficient fire flows
- Encourage residents, business owners and service groups to participate in tree planting and street beautification programs
- Developing a menu of available and innovative financial incentives to stimulate development
- Develop a strategy in cooperation with First Nations for Point Park development and explore mutual opportunities and needs.
- Investigate advances in “wire” and “wireless” technology.
- Improve municipal infrastructure to property line and community services where physically and economically feasible.
- Improve the quality of housing stock and stimulate community pride in ownership and occupancy.

- The provisions of grants or loans to registered or assessed property owners for such purposes as façade improvement, subject to municipal authority under the Planning Act, the Municipal Act and/or any other applicable legislation.
- The rehabilitation of municipal properties and/or the sale, lease or other disposition of municipal land as provided for in the Municipal Act and the Planning Act and/or any other applicable legislation.

2.4.1 Specific Project Areas

For the implementation of this plan, the Town of Fort Frances three “Community Improvement Project Areas have been designated by By-Law. They are the “Resource Development Project Area”, the “Mid-Town Industrial Project Area” and the “Downtown Core & Waterfront Project Area”. The boundaries of the community improvement project areas are shown on Figure 1, which forms a part of this plan. Amendments to the boundaries of the Community Improvement Project Areas may be enacted by by-law of the Town of Fort Frances Council and will require an amendment to this Plan.

Each Project Area is described below along with existing land uses, building condition and potential for development and specific projects relative to each area.

Not all Financial Incentive Programs apply to all Community Improvement Project Areas. Information in this regard can be found in the detailed information found in Appendix “A” attached to and forming part of this Community Improvement Plan.

2.4.1.1 Resources Development Project Area

The Resources Development Project Area, as shown on Figure 1, is comprised of a mixed range of land uses primarily resource development and industrial mixed with a small amount of commercial. The most northerly portion of this area is swampy marsh inaccessible by existing municipal roadways. The project area is approximately 3100 hectares in size. The boundaries of the Resource Development Area can be generally described as the municipal boundary on the north southwest along the CNR Railway line to Eighth Street then west to the boundary line between the Town and the Township of Alberton as shown on Figure 1 attached to and forming part of this Community Improvement Plan.

2.4.1.1.1 Existing Land Uses

The majority of property zoned as Resource Development is vacant with dispersed residential dwellings. Currently the only active industrial use in this project area is a wastewater treatment facility owned and operated by Abitibi-Consolidated, a major pulp and paper company.

The only industrial use currently in the Resource Development Project Area is an

Ontario Hydro One transmission station together with a line which extends from Eighth Street north then proceeding both to the northwest to service the municipalities to the west of Fort Frances, and east to service those areas east of the municipality.

2.4.1.1.2 Existing Building Condition and Potential for Development

To date, no buildings have been identified for demolition or rehabilitation.

In early 1800's subdivision plans were surveyed and laid out in this project area on Frenette Avenue off of Eighth Street north of the CNR railway line. The subdivision has never been pursued and the potential exists for development. Development of this area would result in the current infrastructure (water and sewer systems) being looped that would, in turn, provide a more efficient system and reduce maintenance costs of the municipality as indicated on Figure 3 attached to and forming a part of this Community Improvement Plan.

The municipality is the current registered owner of the property.

2.4.1.1.3 Specific Projects

2.4.1.1.3.1 Truck Route

A Town By-Pass or Truck Route, outside residential areas does not currently exist and transports and other large trucks must utilize streets in residential areas. The potential exists for the establishment of a truck route/by-pass either along or north of Eighth Street to access McIrvine Rd.

Development of a truck route is an identified project in the Town of Fort Frances Official Plan and would eliminate disruption to residents and provide easier and more efficient access to the industrial park area where the majority of transports deliver goods.

2.4.1.1.3.2 Core Services - Infrastructure

The majority of property located in the Resource Development Project Area is hindered by the lack of core services such as water and sewer.

The extension of core services via McIrvine Road would greatly increase the potential for development.

2.4.1.2 Mid-Town Industrial Project Area

The Mid-Town Industrial Project Area is comprised of approximately 400 hectares. With the exception of a block of land approximately 100 metres from Highway 11/71 to approximately 200 metres west of McIrvine Road, the Mid-Town Industrial Project Area

can be generally described that the area lying south of Eighth Street and north of the CNR railway line and east of the municipal boundary between the Town and the Township of Alberton as shown on Figure 1 attached and forming part of this Community Improvement Plan.

2.4.1.2.1 Existing Land Uses

The Mid-Town Industrial Project Area is comprised, generally of industrial and residential uses. Approximately two-thirds of this project area, on the westerly side, is comprised of industrial uses with the remainder primarily residential with intermittent site-specific commercial uses.

2.4.1.2.2 Existing Building Condition and Potential for Development

This area is commonly referred to as the prime industrial park of the community. New industrial uses have been directed to this area whenever possible. Of the properties identified as industrial, approximately one-half are municipally owned and generally, available for development.

There have been no buildings identified as requiring demolition or reconstruction to date. Although no specific development projects have been identified in the process of preparing this, there is great potential for development should an interest by an outside party be shown and it is the intent of this plan to open the opportunities for development to Council through the programs outlined elsewhere in this document. Incentive programs may be available where rehabilitation is required.

2.4.1.2.3 Specific Projects

2.4.1.2.3.1 Industrial Park Development

Municipal properties in the industrial park area, specifically fronting Fifth Street West, require backfilling to bring the properties up to grade prior to being available for resale and development.

Municipal properties along Seventh Street West also have great potential for re-development but lack the core services necessary (ie. water and sewer) to attract development.

Enhancements to these areas in the industrial park would attract new industrial uses to as well as encourage existing industrial uses in other less appropriate areas to relocate.

This project satisfies the policies of the Official Plan that “all industrial uses shall be developed on the basis of full municipal services” as outlined in Section 2.2.3.

2.4.1.3 Downtown Core and Waterfront Project Area

The Downtown Core and Waterfront Project Area are approximately 1400 hectares in size. The area covered extends from the west boundary of the municipality approximately 100 metres north of Highway 11/71 to approximately 200 metres west of McIrvine Road where it proceeds north to the CNR railway line. From that point, the north limit of the project area is the railway tracks to the point where it meets with Mill Road on the northeast portion of the municipality. From this northerly project area boundary line it takes in the entire south part of the Town as shown on Figure 1 attached to and forming part of this Community Improvement Plan.

2.4.1.3.1 Existing Land Uses

The majority of property located in the Downtown Core and Waterfront Project Area is mixed residential uses. This project area does contain two primary industrial uses, a quarry located to the northwest of this project area and, in the center, the pulp and paper mill. Of incidental use is the property located immediately adjacent to the north boundary of this project area, specifically along the CNR railway line.

Notwithstanding intermittent commercial properties along Scott Street, there are two primary commercial areas contained within this project area. The first commences from the west boundary of the municipality, along the Highway 11/71 corridor, extending to Keating Avenue, and the second covers from Second Street at Central Avenue south to Church Street at Armit Avenue, which is known as the “Downtown Business Core”.

2.4.1.3.2 Existing Building Condition and Potential for Development

In the industrial zones, specifically, the quarry and the pulp and paper mill, there do not appear to be any structures of interest or concern. However, the structure commonly known as the “Old CN Station” on Fourth Street does have the potential for redevelopment, rehabilitation and revitalization and appears to fit with the general intent of this Plan and the incentive programs to be implemented.

The commercial areas of this project area appear to offer the most significant potential for development, specifically along the Highway 11/71 corridor and in the downtown business area. Over the past few years, business have either located or relocated to the highway corridor resulting in a number of new structures. As such, there is no concern or special interest in any of the existing buildings at this time. There is, however, the potential for new and continued development in this area, as there exists sufficient vacant land along Highway 11/71 right through to the east limit of Town.

Of specific interest in the downtown core is an abandoned high school. This structure became vacant approximately four years ago when a new high school was constructed

in the west end of the community. This property appears to possess considerable possibilities for redevelopment and rehabilitation.

In the downtown core, there also exist various structures that have potential for rejuvenation and restoration. It is anticipated that incentive programs will encourage property owners to focus property improvement on the street appearance of the building as well as upgrade structural repairs.

Located in this Project Area is approximately 9 hectares of land owned by Abitibi-Consolidated, the local pulp and paper company. This property currently zoned as Open Space “OS” and is used for storage of pulp for mill processing purposes. There is potential, once this property is no longer required for this purpose, that it would be available for remediation, if required, and re-development.

The Pithers Point Park is located in this project area. This park is used for tourism and recreational purposes and possesses the potential for betterment through private/public partnerships.

The Rainy River District School Board currently owns approximately 37 hectares of vacant land on Shevlin Avenue at Sixth St. East. This property is zoned as open space in the zoning by-law and as Recreation Area of the Official Plan. This property appears to have great potential for either housing or soft municipal development such as institutional use. Uses compatible with adjacent properties will be encouraged but will require an amendment to the Official Plan if not permitted in the Official Plan.

2.4.1.3.3 Specific Projects

2.4.1.3.3.1 Waterfront Development

Now known as the LaVerendrye Parkway Advisory Committee, the Waterfront Development Project was initiated a number of years ago through a group of citizen volunteers interested in economic, residential and tourist development along the waterfront. Enhancements to this area include a bicycle path, shoreline rehabilitation, energy efficient lighting and improvements toward ensuring the area is a permanent attraction site. Funds provided by the Heritage Foundation and capital budget for the current year and the five-year forecast will facilitate this project.

This project will satisfy the following works, identified in the Official Plan:

- Additional tree planting and other landscaping within road allowances and/or in public open space areas
- New energy-efficient luminaries along streets and/or in public open spaces and pole replacement/relocation as required.

- The development of recreational trail and bike path
- Improvements to sidewalks to enable safe and comfortable travel by pedestrians and bicycles.

2.4.1.3.3.2 Street Beautification

The entrances to town limits has been a topic of much discussion in the past and, as a means toward encouraging residents and business owners to improve the appearance of these areas, the Town has taken the initiative to proceed with permanent methods of beautification. A budget of \$40,000 has been allocated for cosmetic improvements with the goal of substantive capital improvements over the next two to three years.

The Official Plan encourages, at section 3.1.3, that “entrances to Town shall be designed to create a positive first impression to visitors and residents”. This project will satisfy this objective.

2.4.1.3.3.3 Sidewalk and Road Re-Surfacing

Through identification of repairs to sidewalks and streets throughout all of the Community Improvement Project Areas, the objections of Section 3.1.8 (ii) of the Official Plan relating to safe and comfortable travel by pedestrians, bicycles and vehicles are met. Operations staff identifies, on an ongoing basis, areas requiring attention, and work is completed as capital budget permits.

2.4.1.3.3.3 Re-Inventing Fort Frances Initiative

The Re-Inventing Fort Frances Committee was formed to determine the viability of Fort Frances as a tourism destination and to provide a complete strategy and action plan for achieving a viable tourism industry for the benefit of the Fort Frances area. Through this initiative, the existing tourism infrastructure will be evaluated and recommendations made on refinements of such infrastructure – i.e. signage, parking, historical buildings, etc. The contract for this project has been awarded and will commence from August 1, 2002 to July 31, 2003.

2.5 Economic Development Financial Incentive Programs

In May of 2001 Council considered a report outlining various Economic Development Financial Incentive Programs and, directed further investigation by various Committees of Council. Financial incentives were further discussed throughout the strategic planning sessions and a recommendation brought forward by the steering committee to Council to proceed. Council ratified the Strategic Plan on November 26th, 2001.

On June 10, 2002, Council, by resolution, authorized the initiation of a Community Improvement Plan process in parallel with the Economic Development Financial Incentive Plan as a priority project and, thus approved, in principle the incentive programs outlined and considered previously.

The re-development of vacant and under-utilized properties has been identified as a significant issue in many North American municipalities. These sites often possess substantial redevelopment potential and, in many instances, would result in a significant community benefit if rehabilitated and reused. In addition, the more efficient use of land, increased tax assessment, creation of additional jobs and better utilization of infrastructure would be realized.

It is anticipated that redevelopment in the project areas would complement and strengthen the area as well as support surrounding uses currently in existence.

The Municipal Act prohibits “bonusing” through giving or lending money or property, guaranteeing borrowing, leasing or selling property at below fair market value or giving an exemption from a levy, charge or fee. Providing tax relief to an area or granting exemption from any development fees would generally constitute “bonusing”. However, an exception is made in the Municipal Act when municipalities are exercising powers within the context of a Community Improvement Plan, prepared in accordance with the Planning Act and approved by the Minister of Municipal Affairs and Housing.

If a financial incentive program is established through a Community Improvement Plan, the Town may make grants or loans to the owners of lands and buildings to pay for the cost of rehabilitating such lands and buildings, and would not be considered “Bonusing”.

For the implementation of this Plan, the Town of Fort Frances has been divided into three parts, the “Community Improvement Project Areas”, which have each been defined and designated by by-law as a Community Improvement Project Area. This Community Improvement Plan has been prepared to implement the community improvement works identified in the Official Plan as well as enable the Town to offer development grant or loan programs to encourage development, redevelopment, revitalization and rehabilitation throughout the community, specifically, to allow the value of future increases in tax revenues as a result of increased assessment to pay the costs associated with site remediation, demolition of structures existing on the date the Plan is approved by the Minister of Municipal Affairs and Housing. .

A range of municipal financial and planning incentive programs has been included in Appendix “A” of this Community Improvement Plan. These programs may be considered by Town Council in the future to encourage redevelopment, revitalization and improvement of the existing and future development in the Community Improvement Project Areas. Council’s discretion in implementing one or more of these programs will be dependent on the need for the program, the potential benefits and costs, establishing an effective implementation framework and the availability of budget. Programs that are not authorized by Section 28 of The Planning Act do not constitute part of the Community Improvement Plan but are intended to augment the Community Improvement Plan programs.

It is proposed that the incentive programs commence on the date this Plan is approved by the Minister of Municipal Affairs and Housing. The Treasurer will prepare an Incentive Program Status Report on an annual basis for Council Review. The Financial Incentive Programs outlined will continue as the annual budget permits and Council directs. Owners of properties participating in any of these programs may be eligible for the grant subject to eligibility requirements of the program and specific limiting legislation.

Although a specific program may have additional eligibility requirements, the following general requirements apply for all programs:

- a) The applicant must be the registered owner or tenant of the property or have an equitable interest in the property. An Agent may act on behalf of the applicant with required authorization.
- b) Applications shall be submitted, on forms provided and supported by documentation as required, to the Administering Department of the program in question.
- c) All applications for assistance under this program will be considered subject to the availability of funding and upon approval of Council.
- d) The properties must be located within one of the identified Community Improvement Project Areas to which the grant or loan program applies.
- e) The property shall be developed such that the amount of the work undertaken is sufficient to result in the re-assessment of the property;
- f) In the case of development of vacant or cleared sites within a project area for new buildings, to determine the pre-development assessment base for these projects, the assessment shall be based upon the assessment roll of the previous year, as last revised, used for the current taxation year;
- g) The subject property shall not be in a position of property tax arrears at the time of application nor throughout the term of the program, including utility charges;
- h) The total value of funding under any and all programs to any individual site shall be limited to the total value of the rehabilitation, renovation or conversion undertaken.
- i) Property owners who have previously defaulted under any Town loan program will not be eligible.
- j) Grants/loans will not be given retroactively to recognize projects that have begun without application to the program. Applications must be received prior to any works being done to the associated building or property.

- k) Loan commitments are valid for a period of one year and will expire if the work proposed is not completed within that time period. Agreements may contain for extension of a further six-month period upon approval by Council.
- l) The Town, entirely at its own discretion, may enter into a new agreement with any subsequent owners of the property to receive outstanding payments under the program.
- m) The Town may discontinue any of the Financial Incentive Programs at any time; however, any participants in the program prior to its closing will continue to receive the grants as were determined through agreement for their properties.
- n) Development proposed shall comply with applicable zoning regulations or qualify for zoning amendment to be accommodated.

2.6 Alternate Community Improvement Projects

Should any of the above projects not be feasible in the discretion of Council, or for other reasons of necessity, alternate community improvement projects and works may be undertaken without amending this plan. Such other works are set out in Appendix “B” attached to and forming part of this Community Improvement Plan. Specific municipal projects, in addition to those shown in Appendix “B”, may be added to this Plan by appendix and shall include the project and any sources of financing, recognizing that no sources of financing have been identified at this time.

2.7 Development Charges

The Development Charges Act permits municipalities to give full or partial exemptions for some types of development. In accordance with the Development Charges Act, a municipality may exempt specific areas, including Community Improvement Project Areas from the application of a development charges by-law.

Currently the Town of Fort Frances does not charge development fees under The Development Charges Act. This is viewed by Council to be a valuable incentive toward encouraging development in the Town and, for this reason, has been included as promotional information in this document.

2.8 Implementation

The implementation of this plan may, at times, require amendments to the Official Plan and Zoning By-Law and, through the process of the planning amendments, the Town will have regard for the Provincial Policy Statement; specifically in regards to such issues as contaminated sites, land use compatibility, natural heritage and cultural and archaeological resources, which will be addressed through the appropriate measures and studies.

2.8.1 Role of Council

- i) To adopt this Community Improvement Plan and the corresponding Economic

Development Financial Incentive Plan in principle.

- ii) To promote development or re-development opportunities; and
- iii) Ensure appropriate funding, as a direct expenditure through the annual budget process and utilization of the Economic Development Reserve, to implement the initiative of the Community Improvement Plan and the Economic Development Financial Incentive Plan.

Other funding sources identified for the projects outlined in the Community Improvement Project Areas include, but may not be limited, to:

- Funding assistance opportunities such as provincial programs on a cost-sharing or grant basis with the Ministries of Culture, Tourism and Recreation, Environment and Energy, and Transportation, Ministry of Northern Development and Mines.
- Fundraising initiatives of neighbourhood groups and service clubs, and
- Site specific improvements undertaken by property owners and arising either in part or wholly from improvements facilitated by this Community Improvement Plan

3. REVISIONS TO THIS PLAN

This Plan is intended to be generic so that as additional municipal projects are identified, they can be undertaken without amendment to the Plan, as long as they meet the policies of the Official Plan and encourage revitalization and redevelopment throughout the community.

From time to time, Council for the Town of Fort Frances may review and amend any of the terms and eligibility criteria of the programs described in this Community Improvement Plan without amendment to the Plan.

Program additions to this Plan will require a formal amendment in accordance with Section 28(4) of The Planning Act, requiring notice of a public meeting of Council, adoption by Council, and in consultation with the Minister of Municipal Affairs and Housing.

4. APPROVAL OF MINISTER OF MUNICIPAL AFFAIRS AND HOUSING

In accordance with Section 28 of the Planning Act, RSO, 1990, c.P.13, this Community Improvement Plan and the Economic Development Financial Incentive Programs will not come into effect until approved by the Minister of Municipal Affairs and Housing.

5. CONCLUSION

This Community Improvement Plan conforms to the Town of Fort Frances Official Plan and, more specifically, to the community improvement policies contained in Section 3.1.8.

The approval of this Community Improvement Plan will provide the legislative basis and context for incentive programs that have been identified to foster redevelopment and economic development and private sector investment in the Town of Fort Frances.

The amount the Town would pay back to property owners, through this program, has the potential to be significant. The Town would ultimately pay all costs associated with site remediation and the demolition of structures within the project area. However, these costs would be paid with revenue that might not have otherwise been realized if it were not for these programs. The incentive programs included and outlined in this plan are viewed as a long-term benefit to the Town as tax revenues would ultimately increase in the long run.

Issues outside the parameters of this Plan, but supportive of further development in the project areas, have been, and will continue to be examined and assessed as identified.

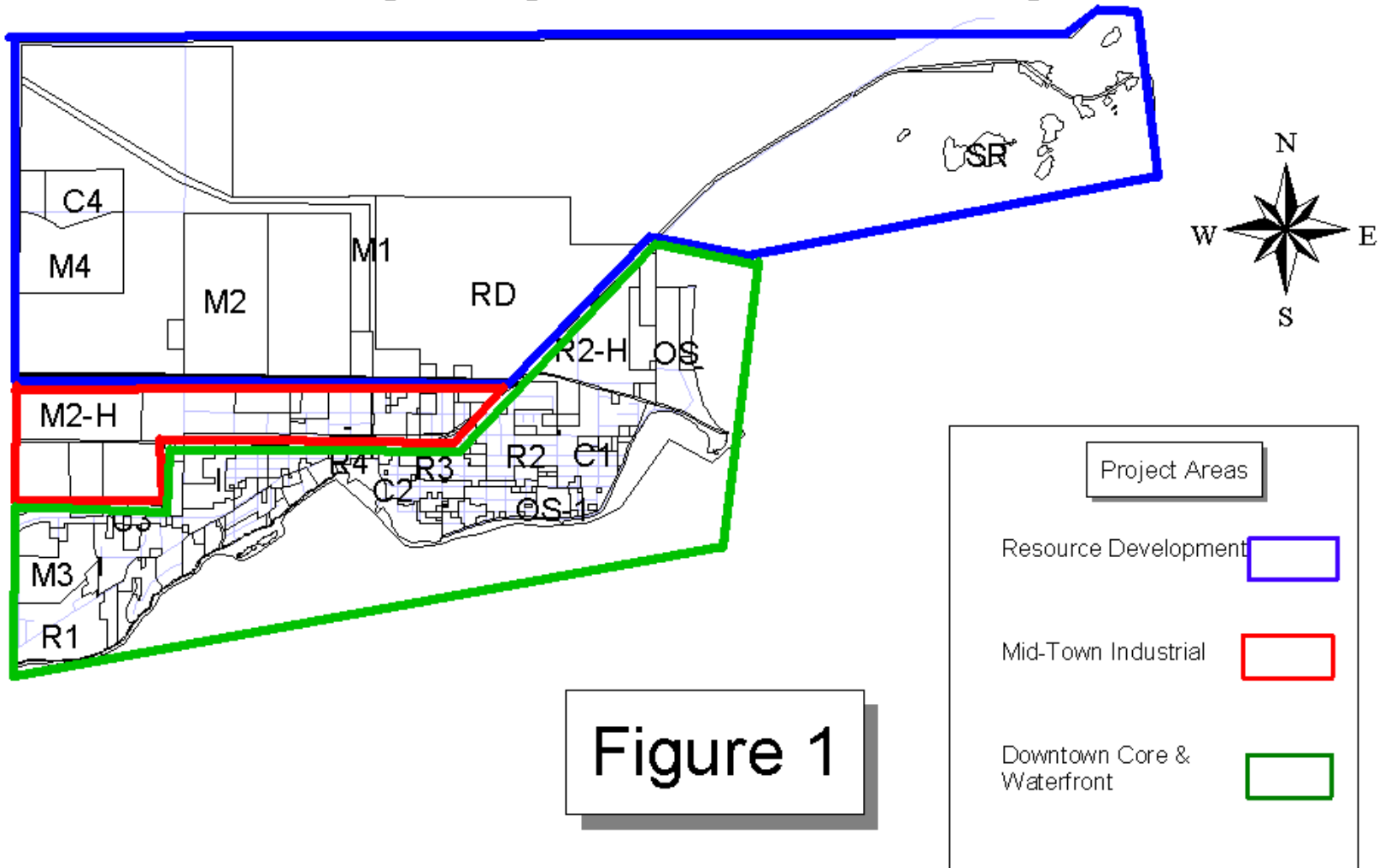
6. DEFINITIONS

- 6.2. **“Building”** means a structure consisting of walls, roof and floor or a structural system serving the same purpose.
- 6.3. **“Community Improvement”** means the planning or re-planning, design or redesign, resubdivision, clearance, development or redevelopment, reconstruction and rehabilitation, or any of them of a community improvement project area, and the provision of such uses, buildings, works, improvements or facilities, or spaces therefore, as may be appropriate or necessary.
- 6.4. **“Community Improvement Plan”** means a plan adopted by Council and approved by the Minister of Municipal Affairs and Housing for community improvement of a community improvement project area and constituting a schedule of works for the maintenance, rehabilitation, repair and/or development of public and privately owned facilities and lands,
- 6.5. **"Community Improvement Project Area"** means an area within a municipality, the community improvement of which in the opinion of the Council, is desirable for community improvement because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings, deficiencies or for any other reason.
- 6.6. **“Contaminated Site”** means derelict, dysfunctional or under-used industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination.
- 6.7. **“Council”** means the Municipal Council of the Corporation of the Town of Fort Frances.
- 6.8. **“Development”** means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that

has the effect of increasing the size and usability thereof.

- 6.9. **“Economic Development Financial Incentive Plan”** means the document adopted by Council for the Town which sets out various incentive plans to encourage redevelopment, rehabilitation, renovation and restoration to properties within designated community improvement project areas.
- 6.10. **"Fill"** means material such as gravel, stone, soil, sand, etc. used to raise the elevation of an area.
- 6.11. **"Official Plan"** means a comprehensive long-range plan for land use which guides growth and land use change in a municipality. It usually contains a text setting out goals, objectives and policies and schedules showing proposed land uses and transportation routes.
- 6.12. **“Programs”** means incentives offered by Council to encourage economic growth in accordance with the Community Improvement Plan.
- 6.13. **"Redevelopment"** means the demolition of existing buildings for replacement with new.
- 6.14. **"Rehabilitation"** means to bring back to a former capacity or condition. For example, to improve a vacant or deteriorated building for occupancy.
- 6.15. **“Renovation”** means to restore to a former better condition. For example by repairing or rebuilding)
- 6.16. **"Restoration"** means to return a building to a prior condition. For example, the restoration of existing heritage buildings (not to be confused with redevelopment).
- 6.17. **“Town”** means the Corporation of the Town of Fort Frances

Town of Fort Frances Community Improvement Project Areas



Town of Fort Frances - CIPA Existing Land Uses

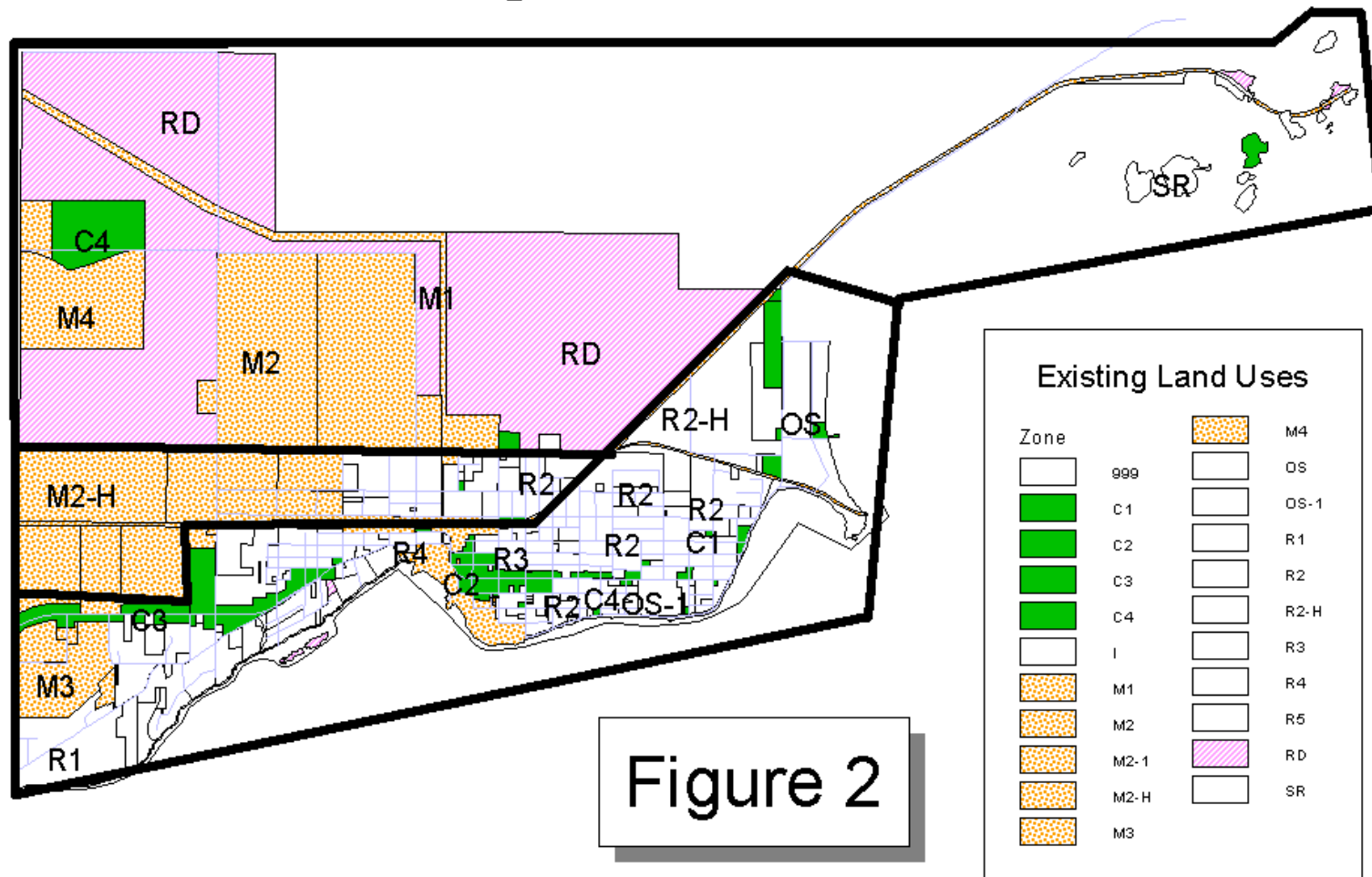
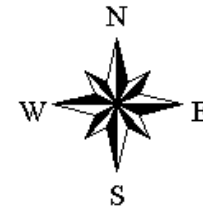
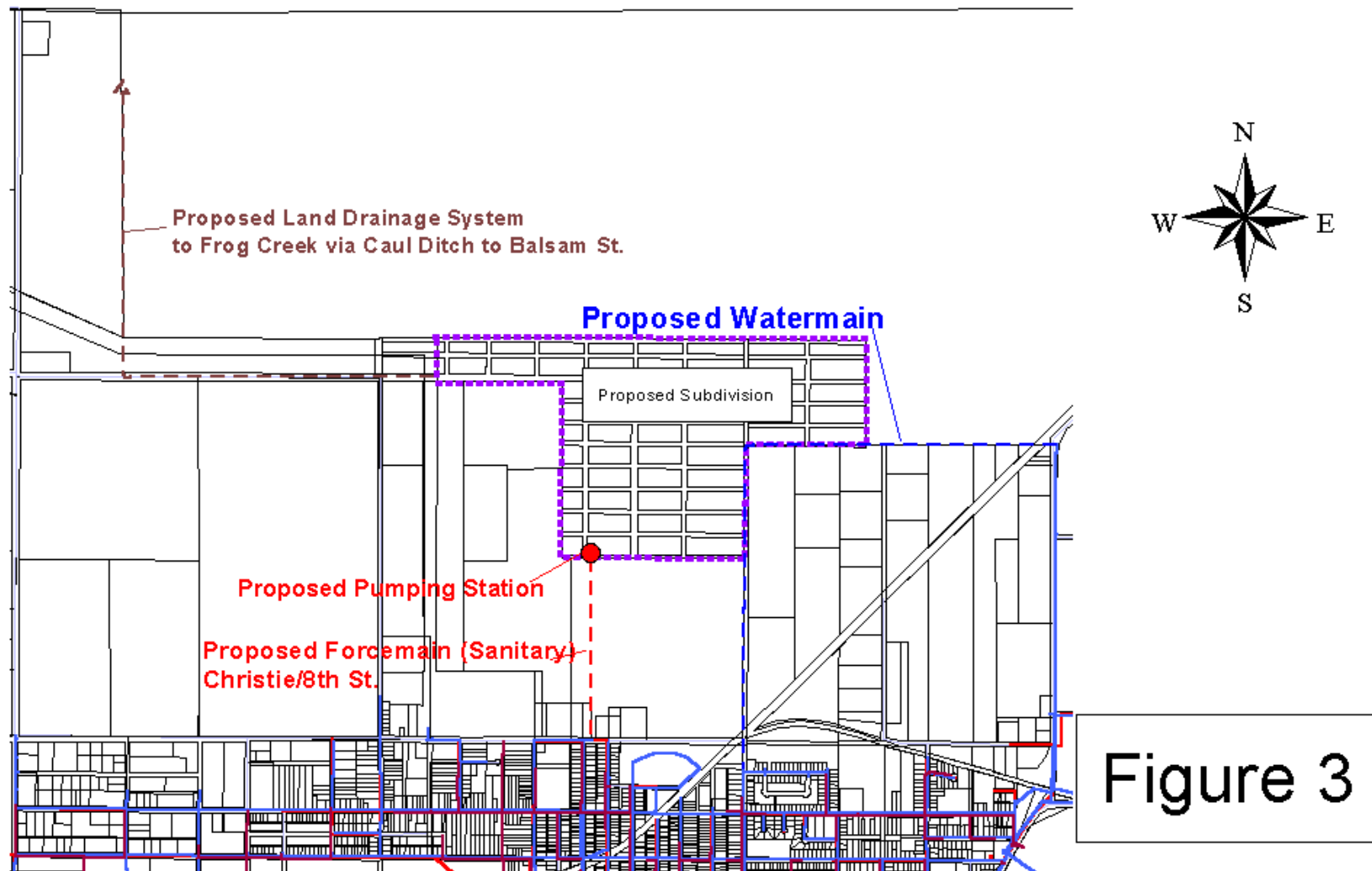


Figure 2

Town of Fort Frances Looping of Infrastructure



APPENDIX “A”

ECONOMIC DEVELOPMENT FINANCIAL INCENTIVE PROGRAMS

Programs:

A. Property Value Revitalization Program (*Residential, Multi and Commercial Classes*)

This program is designed to stimulate new development and the redevelopment of vacant or under-utilized lands and buildings. Developing and improving properties within existing serviced neighborhoods and commercial districts encourages community pride, improves property values for adjacent properties, and minimizes future infrastructure investments.

Applies to the: Resource Development Project Area
 Mid-Town Industrial Project Area
 Downtown Core and Waterfront Project Area

B. Diversification Development Program

This program is designed to encourage growth and stabilization in both jobs and municipal taxation revenue for the community. Developments or redevelopments of properties for commercial/industrial uses in sectors such as manufacturing, processing, machining, environmental or technology related businesses such as call centers and non-competitive professional services are eligible.

Retail businesses and most service-based businesses are not eligible.

Applies to the: Resource Development Project Area
 Mid-Town Industrial Project Area
 Downtown Core and Waterfront Project Area

C. Brownfields Development Program

This program is a joint initiative of the Province of Ontario and the Town of Fort Frances. It is designed to encourage and promote brownfields redevelopment. The program is designed to mitigate the costs of developing on brownfields by providing financial incentives to clean them up and replace them with productive economic land uses, thereby improving both economic opportunities and environmental conditions in the town.

Applies to the: Resource Development Project Area
 Mid-Town Industrial Project Area
 Downtown Core and Waterfront Project Area

D. Façade Loan Program

This program aims to improve upon the appearance of numerous commercial properties throughout the Town of Fort Frances. It is understood that smaller scale commercial activities contribute greatly to the economic vitality and health of the commercial sector within the town. This program builds upon these successes, resulting in long lasting physical improvements to the assets of commercial property owners/authorized tenants, and to bring about aesthetic improvements to the commercial areas.

Applies to the: Resource Development Project Area
 Mid-Town Industrial Project Area
 Downtown Core and Waterfront Project Area

Incentives for all listed programs will be awarded either through grants or in kind services. No tax rebates or in kind service agreements amounts will exceed the new generated tax revenue amounts resulting from the property improvements. Some programs may be offered in conjunction with external entities such as the Province of Ontario or the RRFDC.

“In-Kind” services include but are not limited to contributions of staff, equipment or other services, such as

- Tipping Fees
- Grade Set Fee
- Fees for services connect
- Driveway Crossing approach/entrance fees
- Printing of Maps as may be required
- Application Fees for
 - Zoning Amendment
 - Official Plan Amendment
 - Minor Variance
 - Consent
 - Site Plan Control
 - Subdivision Agreement
 - Agreements such as
 - Easement
 - Encroachment
 - Other as may be required
- Building Permit Fees
- Sign Fees
- Plumbing Permit Fee
- Photocopies
- Business Licenses – as may be required for contractors, etc.
- Land Purchases at or below market value

Oct. 18 2020



MAYOR AND COUNCIL

TOWN OF FORT FRANCES

In recent history, 2008-2012, the Town of Fort Frances reviewed and updated the official plan and amended the planning by-law to reflect the changes. The Town in its discretion, rezoned properties within the town. My property at 245 Fifth Street East was one such property. The changes to the zoning was completed without direct contact with the property owners. There were no fees directed at the property owners, and the public notice to the process was of little consequence. The property in question was the area along Fifth East from Portage Ave. to the C N yard to the west. The entire area was rezoned from Residential to Enterprise, with an employment designation attached. At first glance the change is a good fit as at the time the Town was looking into more commercial and industrial areas to develop, the industrial park area was being bought up, and other serviced areas were in short supply. Enterprise zones allow for a wide array of uses while allowing existing uses to be continued, as is. However the individual lots within the area are not conducive to Enterprise as they are all too small, unless the vacant area next to the alley is attached to the adjacent home. Lots smaller than a frontage width of 75' are not allowed to be Enterprise. The side yard limits are about 6 meters. Except for the above noted property, none of the other lots are large enough to be designated Enterprise.

Because of the allowed uses in an Enterprise zone, I have been approached by an individual to sell my property. Upon closer investigation, he and I have discovered that my property has been deemed almost useless, unless the existing structure is left as is and the Enterprise designation is not exercised. Additions to the "residence" are not allowed, as a residential addition is not an existing condition.

The entire area would be better served to be zoned General Commercial, as frontage and side yard requirements do not restrict the use of any individual lot. The employment designation could remain. Leaving the Enterprise Zoning is of no value to the homeowners nor the Town

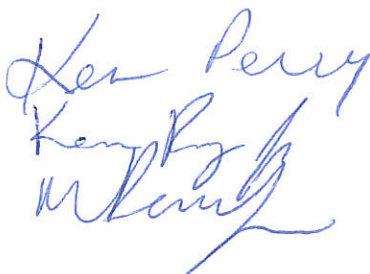
which is seeking useable serviced properties that can now and in the future become commercial property with an expanded employment and tax base.

SINCERELY,

KEN PERRY

KEN PERRY JR.

MEGAN PERRY

Three handwritten signatures in blue ink are stacked vertically. The top signature is 'Ken Perry', the middle is 'Ken Perry Jr.', and the bottom is 'Megan Perry'.

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 m²)
- 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) microbrewery¹
- cc) nanobrewery¹

¹ Amended February 6, 2020

4.10.2 Regulations for Permitted Uses

- a) Minimum **Lot Area**
 - without municipal sewage services 4,000 m²
 - with municipal sewage services 930 m²
- 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

TOWN OF FORT FRANCES ZONING BY-LAW 03/14

(adopted January 27, 2014)



Corporation of the Town of Fort Frances
320 Portage Avenue
Fort Frances, On
P9A 3P9
www.fort-frances.com

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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.¹

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.

¹ 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.

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.

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.

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

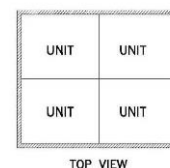
A detached **building** containing one **dwelling unit** only.

DWELLING, DUPLEX

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

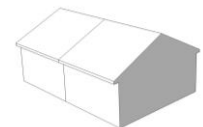
DWELLING, FOURPLEX

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 ¹

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.

¹ Amended February 6, 2020

DWELLING UNIT (DETACHED), SECOND ¹

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.

¹ Amended February 6, 2020

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.

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.

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.

H

HAZARD LAND

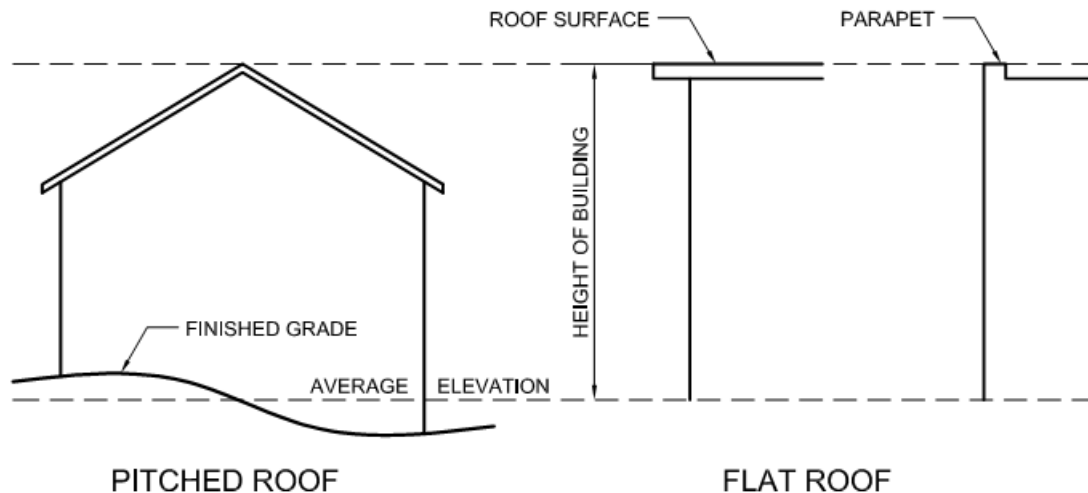
Means land that exhibits, or potentially exhibits, a hazardous condition as a result of its susceptibility to flooding, erosion, subsidence, inundation, as the presence of organic soils or steep slopes, or where, by reason of its low lying marshy or unstable character, the cost of construction of satisfactory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

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.

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

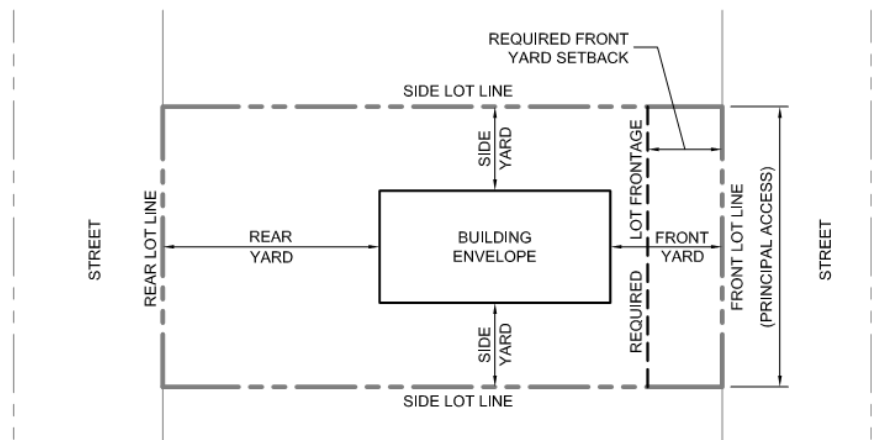
The **side lot line** which abuts the road on a **corner lot**.

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**.



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.

N

NANO BREWERY ¹

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

¹ 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

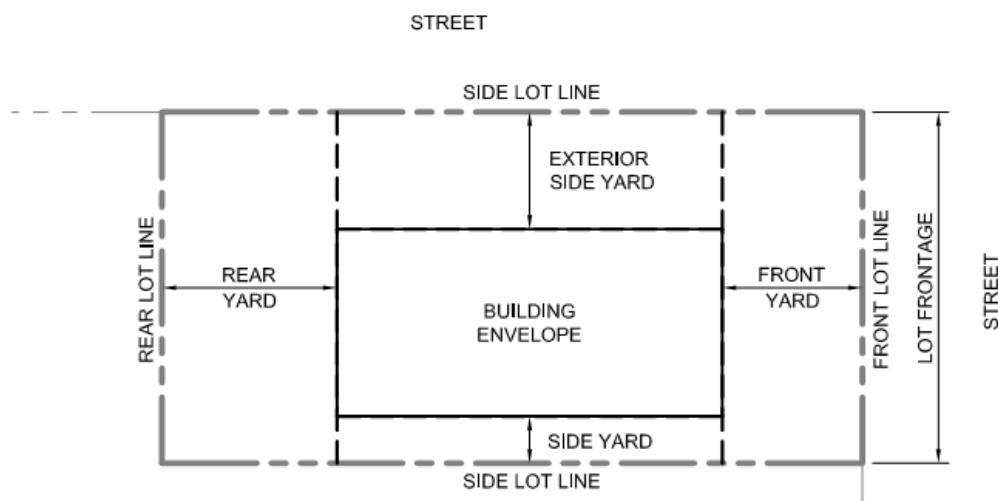
Y

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.

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 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

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 m² of common habitable area and not less than 7 m² 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.

| Gross Floor Area of Building | Loading Spaces Required |
|---|-------------------------|
| 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.

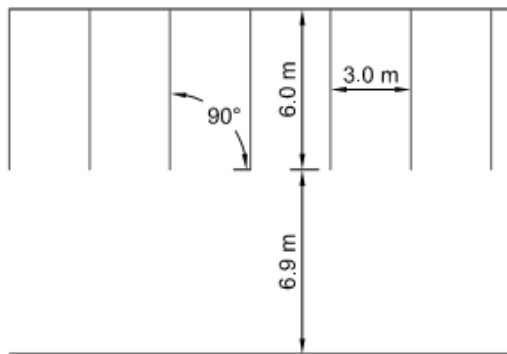
Notwithstanding the **yard** and **setback** provisions of this By-law to the contrary, uncovered surface **parking areas** shall be permitted in the **required yards** or in the area between the street line and the required **setback**.

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

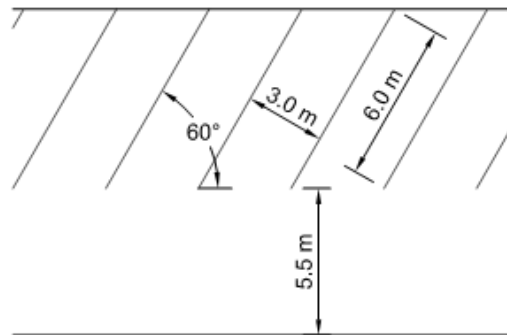
- a) when a **building** or **structure** accommodates more than one type of **use**, the **parking space** requirement for the whole **building** shall be the sum of the requirements for the separate parts of the **building** occupied by the separate types of **use**;
- b) adequate drainage facilities 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:

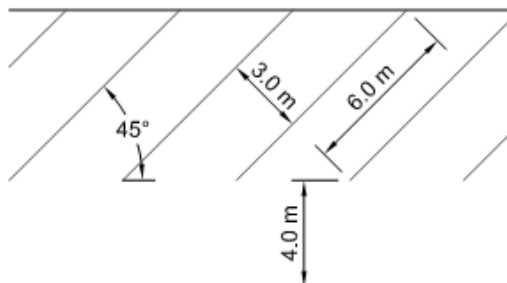
| ANGLE OF PARKING SPACES | PARKING SPACE WIDTH (minimum) | PARKING SPACE LENGTH (minimum) | AISLE WIDTH (minimum) |
|-------------------------|-------------------------------|--------------------------------|-----------------------|
| 90° | 3 m | 6.0 m | 6.9 m |
| 60° | 3 m | 6.0 m | 5.5 m |
| 45° | 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 |



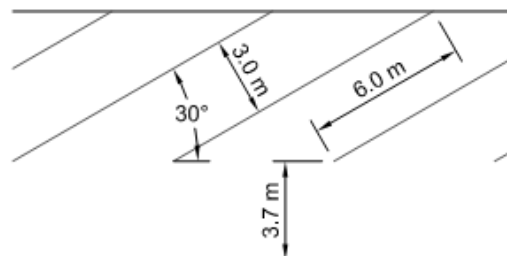
90° PARKING SPACE



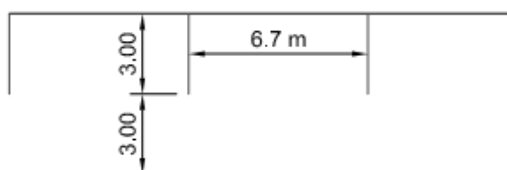
60° PARKING SPACE



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.¹

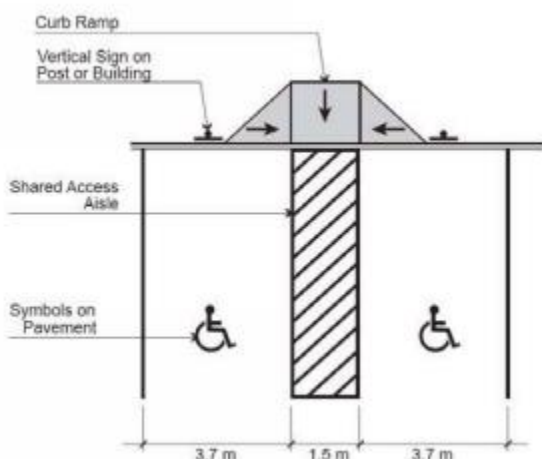
Barrier-Free Parking Spaces

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:

- each barrier-free parking space shall have a minimum width of 3.7 m and a minimum length of 7 m;
- 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;
- if no access aisle separates the spaces, the total width of the two spaces shall be 7.4 m;
- barrier-free parking spaces shall be located on level ground within close proximity and access to the building entrance;
- 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 |



¹ 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, Assembly Hall | 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 ² of gross floor area |
| Bowling Alley | 3 per each bowling lane |
| Office | 1 per each 28 m ² of gross floor area |
| Community centre, Recreation or Fitness Establishment | 1 per 100 m ² gross floor area |
| Curling Rink, Outdoor Recreation Facility, Sports Field | 4 per game playing surface plus 10 per 100 m ² of gross floor area used for dining or assembly area. |
| Dry Cleaners Establishment | 1 per each 9 m ² or fraction thereof of gross floor area 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 ² of gross floor area |

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

| TYPE OF USE | MINIMUM NUMBER REQUIRED |
|---|--|
| Medical, Dental, or Veterinary Hospital or Drugless Practitioner Office | 3 per practitioner or 1 space per 15 m ² gross floor area , whichever is greater |
| Place of worship 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 |
| Restaurant, Tavern | 1 per 9 m ² of floor space or 10 spaces, whichever is greater |
| Retail, Personal Services Establishment | 1 per each 28 m ² of gross floor area |
| School, Elementary | 1.5 per classroom or 1 space per 9 m ² of gymnasium or auditorium floor space, whichever is greater |
| School, Secondary | 4 spaces per classroom or 1 space per 9 m ² of gymnasium or auditorium floor space, whichever is greater |
| Theater | 1 per 4 people that may be legally accommodated at one time |
| Workshop Manufacturing, Processing, Assembling or Fabricating Plant, Wholesale Establishment, or Warehouse. | 1 space per 35 m ² of gross floor area |
| Uses permitted but not listed in this table | 1 parking space per 35 m ² |

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 ENCROACHMENTS¹

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 structures | All yards | 0.6 m |
| unenclosed porch, balcony, deck , steps and patios | Front, Rear, Exterior Side Yard | 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

¹ 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.¹

3.29 SECOND UNITS²

3.29.1 GENERAL²

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)²

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)²

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;

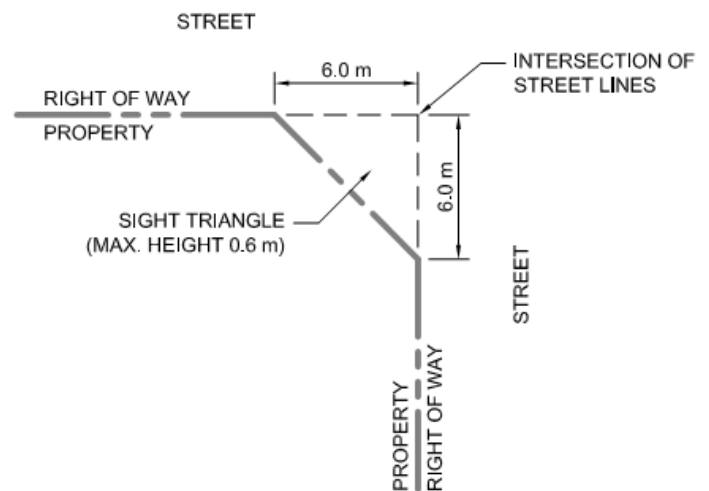
¹ Amendment May 9, 2016 clarifying accessory residential units in C2 Zone

² 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 BREWERIES¹

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 MICROBREWERY¹

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 NANOBREWERY¹

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.

¹ 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 m²
- 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 m²

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 **Lot Area** 240 m² per unit
- b) Minimum **Lot Frontage** 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 **Lot Coverage** 50%
- e) Minimum **Landscaped Open Space** 20%
- f) Maximum Height of Building 12 m
- g) Minimum Floor Area 70 m²

4.5.4 Regulations for an Apartment Dwelling

- a) Minimum **Lot Area** 240 m² per unit for first 4 units plus 93 m² for every unit thereafter
- b) Minimum **Lot Frontage** 30 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** 30%
- f) Maximum **Height of Building** 15 m
- g) The minimum floor area of **apartment dwelling** units, shall be as follows:
 - Bachelor 28 m²
 - 1 bedroom 37 m²
 - 2 bedroom 55 m²
 - 3 or more bedrooms 65 m²

4.5.5 Regulations for a Boarding House

- a) Minimum **Lot Area** 650 m²
- 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 m²

4.6.3 Regulations for individual Sites within a Mobile Home Park

- a) Minimum Site Area 335 m²
- 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 occupation¹

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 ² |
| g) Maximum Height for a Dwelling | 12 m |

¹ 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 m²

4.8.2 Regulations for Permitted Uses

- a) Minimum **Lot Area** 550 m²
- 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 use¹
- 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) microbrewery²
- y) nanobrewery²

4.9.2 Regulations for Permitted Uses

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

¹ Amendment May 9, 2016 to clarify accessory residential units in C2 Zone

² 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 m²)
- 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) microbrewery¹
- cc) nanobrewery¹

¹ Amended February 6, 2020

4.10.2 Regulations for Permitted Uses

- a) Minimum **Lot Area**
 - without municipal sewage services 4,000 m²
 - with municipal sewage services 930 m²
- 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 m²
- 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) microbrewery¹

4.12.2 Regulations for Permitted Uses

- a) Minimum **Lot Area**
 - without municipal sewage services 2050 m²
 - with municipal sewage services 1400 m²
- 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

¹ 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 m²
- 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 m²
- 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 m²
- 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 m²
- 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 ² |
| 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 use . |
| 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 building permitted without a primary use ; and accessory building lot coverage 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 apartment dwelling, offices, and a personal services establishment |
| 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 side yard (north) is reduced to 1.5 metres, and the minimum front yard 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 use is permitted; a personal services establishment, and parking space requirements are reduced from 4 to 3; and ingress/egress to required parking spaces is permitted from laneway 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; lot frontage is reduced to 18.28 metres; the interior side yard (east) is reduced to 3.3 metres as it pertains to the existing building only; and the maximum height of buildings 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) Retail store to a maximum of 465 m ² as defined in By-Law |

| | | |
|-----------|---------------------|---|
| | | b) Fitness center as defined in By-Law c) Clinic d) Funeral Parlour e) Gas Bar f) Laundromat g) Parking Lot h) Place of Amusement i) Private Club j) Restaurant to a maximum of 465 sq. m. k) Car wash, as an accessory use only l) Convenience store m) Recreation or Fitness Establishment |
| 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 accessory dwelling is permitted on the main floor |
| 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 accessory dwelling unit is permitted on the first floor behind the commercial use or on the second storey ; and the interior side yard (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 use |
| 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 use |
| 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 | 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: The number of off-street parking spaces required is reduced to zero. The minimum lot area is reduced to 350.15 m ² The minimum lot frontage is reduced to 8.23 m The minimum front yard is reduced to 0.87 m The minimum interior side yard is reduced to 0.28 m The minimum exterior side yard is reduced to 0.54 m The maximum lot coverage is increased to 66.09% |
| 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, outdoor storage and accessory uses and structures , all uses 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 27th day of January, 2014.

CLERK: _____



The Corporation of the Township of Alberton

Corner of Hwy 11/71 & Hwy 611 South - Mailing Address: RR #1 – B2, 3 Hwy 611 S, Fort Frances, Ontario, P9A 3M2

Telephone: 807-274-6053
Fax: 807-274-8449
e-mail: alberton@jam21.net
website: www.alberton.ca

October 15, 2020

Town of Fort Frances
320 Portage Avenue
Fort Frances, Ontario
P9A 3P9

**ATTENTION: Mr. Patrick Briere,
Municipal Law Enforcement Officer**

Dear Sir:

Re: Request for Provision of Dog By-Law Enforcement Services to Township of Alberton

Council for the Township of Alberton has asked that I contact the Town of Fort Frances to determine whether the Town is interested in providing dog by-law enforcement services in the Township of Alberton and, if so, the cost of such service. Because there are few incidents which have occurred in Alberton over the years, Council is interested in a fee-for-service cost arrangement with service provided on an "as requested" basis.

I acknowledge that there are protocols for consideration which must be followed in order for the Town to process this request, and that determining service costs and method of calculation may take some time. However, I would appreciate it if you would let me know by November 10, 2020 whether or not the Town has any interest in providing the service in Alberton. This information will enable Council to determine what steps are to be taken in the event the Town does not wish to provide the service.

If you have any questions, please do not hesitate to contact me by email or telephone.

Thank you for your time. I look forward to hearing from you.

Yours truly,

Dawn Hayes, CMO
CAO/Clerk-Treasurer, CEMC