

**TOWN OF FORT FRANCES  
ZONING BY-LAW**

**CONSOLIDATED APRIL 2011**

**Note** - This document is consolidated to incorporate amendments since the date of enactment and is meant to provide general zoning information only. A full listing of all amendments to April 2011 can be found on Appendix “ A” . Planning Staff should be consulted regarding interpretation of specific provisions and/or regulations, etc.

## TABLE OF CONTENTS

### SECTION 1 – ADMINISTRATION

1.1	Title	1
1.2	Area Affected by this By-law	1
1.3	Building Permits	1
1.4	Enforcement	1
1.5	Severability Provision	2
1.6	Repeal of Existing By-laws	2
1.7	Effective Date	2

### SECTION 2 – ESTABLISHMENT OF ZONES

2.1	Zones	3
2.2	Zone Schedule	3
2.3	Determining Zoning Boundaries	3
2.4	Compliance with Zoning By-law	4

### SECTION 3 – GENERAL PROVISIONS

3.1	Application	5
3.2	Accessory Buildings, Structures and Uses	5
3.3	Access on Improved Public Street, Private Road or Navigable Waterway	7
3.4	Dwelling Units	8
3.5	Established Building Line in Residential Zone	8
3.6	Group Homes	8
3.7	Height Exceptions	8
3.8	Holding Provisions	9
3.9	Home Occupation	9
3.10	Home Industry	10
3.11	Loading Space Requirements	10
3.12	Loading Space Requirement Table	11
3.13	Minimum Opening Elevation	11
3.14	Multiple Zones on One Lot	12
3.15	Non Conforming Uses	12
3.16	Non-Complying Lots, Buildings, Structures and Uses	13
3.17	Noxious Trade	13
3.18	Parking Area Regulations	14
3.19	Peat Extraction, Pits and Quarries	20
3.20	Planting Strips	20
3.21	Public Uses	20
3.22	Reduction of Requirements	21
3.23	Restrictions on Dwelling Units in Non-Residential Buildings	22
3.24	Services Required	22
3.25	Sight Triangles	22

<b>3.26</b>	<b>Signs</b>	22
<b>3.27</b>	<b>Special Setbacks</b>	22
<b>3.28</b>	<b>Special Uses Permitted</b>	23
<b>3.29</b>	<b>Through Lots</b>	23
<b>3.30</b>	<b>Trailers, Mobile Homes and Campers</b>	23
<b>3.31</b>	<b>Waste Disposal Area Setbacks</b>	24

#### **SECTION 4 – ZONE PROVISIONS**

<b>4.1</b>	<b>Residential Type One (R1) Zone</b>	25
<b>4.2</b>	<b>Residential Type Two (R2) Zone</b>	26
<b>4.3</b>	<b>Residential Type Three (R3) Zone</b>	27
<b>4.4</b>	<b>Residential Type Four (R4) Zone</b>	28
<b>4.5</b>	<b>Residential Mobile Home (R5) Zone</b>	30
<b>4.6</b>	<b>Seasonal Residential (SR) Zone</b>	31
<b>4.7</b>	<b>Local Commercial (C1) Zone</b>	32
<b>4.8</b>	<b>General Commercial (C2) Zone</b>	33
<b>4.9</b>	<b>Highway Commercial (C3) Zone</b>	35
<b>4.10</b>	<b>Tourist Commercial (C4) Zone</b>	37
<b>4.11</b>	<b>Light Industrial (M1) Zone</b>	38
<b>4.12</b>	<b>Heavy Industrial (M2) Zone</b>	40
<b>4.13</b>	<b>Extractive Industrial (M3) Zone</b>	42
<b>4.14</b>	<b>Waste Disposal Industrial (M4) Zone</b>	43
<b>4.15</b>	<b>Institutional (I) Zone</b>	44
<b>4.16</b>	<b>Open Space (OS) Zone</b>	45
<b>4.17</b>	<b>Resource Development (RD) Zone</b>	47

#### **SECTION 5 – DEFINITIONS** 48

#### **SECTION 6 – ENACTMENT** 72

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**SECTION 1  
ADMINISTRATION**

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**1.1 TITLE**

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

**1.2 AREA AFFECTED BY THIS BY-LAW**

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

**1.3 BUILDING PERMITS**

The requirements of this By-law must be met before a Building Permit is issued for the erection, additions to or alteration of any building or structure.

**1.4 ENFORCEMENT**

Any person convicted of a violation of this By-law is liable 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 the 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 first convicted in accordance with The Planning Act.

In case any buildings or structure or any 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, 1990 and/or the Municipal Act (1990) and/or any other legislation applicable.

**1.5 SEVERABILITY PROVISION**

A decision of a 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.

**1.6 REPEAL OF EXISTING BY-LAWS**

By-Law No. 8/77 and No. 8/77-J and all amendments thereto are hereby repealed.

**1.7 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.

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**SECTION 2  
ESTABLISHMENT OF ZONES**

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**2.1 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 Type Three
R4	-	Residential Type Four
R5	-	Residential Mobile Home
C1	-	Local Commercial
C2	-	General Commercial
C3	-	Highway Commercial
C4	-	Tourist Commercial
M1	-	Light Industrial
M2	-	Heavy Industrial
M3	-	Extractive Industrial
M4	-	Waste Disposal Industrial
I	-	Institutional
RD	-	Resource Development
OS	-	Open Space

**2.2 ZONE SCHEDULE**

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

**2.3 DETERMINING ZONE BOUNDARIES**

- i) A zone boundary shown approximately at a lot line, street or lane is considered to be at the boundary of the lot line, street or lane.
- ii) A zone boundary shown approximately in the centre line of a street or lane is considered to be the centre line of the street or lane.
- iii) Unless the location of a zone boundary is specified by dimensions on the zoning map, a zone boundary which lies within a lot shall be fixed by the scale of the Schedule upon which it is shown.

- iv) A zone boundary shown following approximately a shoreline or the centre line of a creek, stream or channel is considered to be the shoreline or centre line and moves with any natural change in the shoreline.
- v) 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.
- vi) All lands below the surface of a waterbody or watercourse as of the date this By-law came into effect shall be deemed to be in the Open Space (OS) Zone.

## **2.4 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.

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**SECTION 3  
GENERAL PROVISIONS**

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**3.1 APPLICATION**

The provisions of this section of the By-law shall apply to all lands within the Town of Fort Frances unless otherwise specified.

**3.2 ACCESSORY BUILDINGS, STRUCTURES AND USES**

**3.2.1 Permitted Uses**

Where this By-law provides that a lot may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or structure or accessory use, provided the principle building, structure or use is already in existence on the lot, but shall not include the following:

- (i) any occupation for gain or profit conducted within or accessory to a dwelling unit or on such lot associated therewith, except as is specifically permitted in accordance with this By-law; or
- (ii) any building used for human habitation except in accordance with this By-law, as is specifically permitted.

Legal non-conforming uses shall be permitted to have accessory uses, buildings and structures in accordance with the provisions in this Section of the By-law and the Provisions of the applicable zone.

In addition, in the case of lots fronting on a waterway, accessory buildings and structures may be constructed on the bed of the waterway appertaining to the lot in accordance with the provisions of Section 3.2.5.

**3.2.2 Setback Requirements**

Except as otherwise provided herein, in all Zones any accessory building or structure, which is detached from the principle building, shall be erected in compliance with the yard and setback requirements of the Zone in which such building is located, but shall not be closer to the front lot line than the principle building on the lot except where the lot abuts a waterway.

**3.2.3 Lot Coverage and Height**

The total lot coverage of all accessory buildings and structures, except swimming pools, shall not exceed 15 percent of the lot area, nor shall the height of any accessory building or structure exceed 4.5 metres unless the building is a permitted accessory dwelling, in which case the maximum height shall be 12.0 metres.

Notwithstanding the foregoing, within an Industrial (M) Zone, the total lot coverage of all accessory buildings or structures shall not exceed 15 per cent of the lot area, nor shall the height of any accessory building or structure exceed the height restrictions of the respective Industrial (M) Zone.

### **3.2.4 Accessory Structure Encroachments**

Notwithstanding the yard and setback provisions of this By-law to the contrary, drop awnings, clothes poles, garden trellises, retaining walls less than 1.0 metres above the average finished grade, fences, signs or similar uses which comply with the By-laws of the Town, shall be permitted in any required interior side or rear yard. Swimming pools shall be constructed in accordance with the requirements of the By-law for Accessory Buildings and Structures. Satellite antennas shall be required to meet the applicable yard requirements for principle uses in a Zone.

### **3.2.5 Boat Dock or Launching Ramp**

Notwithstanding the yard provisions of this By-law to the contrary, a boat launching ramp or a dock may be erected and used in any yard, or appertaining to a lot abutting or adjacent to a navigable waterway, except where specifically prohibited in the abutting Zone provided such ancillary structure is located no closer than 3 metres to the side lot line or a straight line projection of the side lot line where it meets the front lot line at the water. Unless specifically identified as a principle use, docks are only permitted as an accessory structure.

### **3.2.6 Fire Escapes**

Notwithstanding the yard and setback provisions of this By-law to the contrary, unenclosed fire escapes may encroach into any required setback a maximum distance of 1 metre.

### **3.2.7 Garages or Other Accessory Buildings or Structures**

Notwithstanding the yard and setback provisions of this By-law to the

contrary, a detached private garage or other accessory building or structure may be erected and used in an interior side or rear yard, provided that the following requirements are met.

(i) Interior Side Yard

Where such accessory building or structure is located in an interior side yard, it shall not be closer than 1.0 metre to the interior side lot line.

(ii) Rear Yard

Where such accessory building or structure is located in a rear yard, it shall not be closer than 1.5 metres to the rear lot line on a laneway or 1.0 metres where the lot line does not abut a laneway.

(iii) Distance from Main Building

Where such accessory building or structure is located in a side or rear yard, it shall not be closer than 2 metres from the main building unless the accessory structure is a gazebo.

### **3.2.8 Gate House in Industrial Zone**

Notwithstanding the yard and setback provisions of this By-law, to the contrary, in an Industrial Zone, a gate house not exceeding 9.0 square metres shall be permitted in a required front or side yard or in the area between the street line and the required yard.

### **3.2.9 Ornamental Structures and Windows**

Notwithstanding the yard and setback provisions of this By-law to the contrary, sills, chimneys, cornices, eaves, gutters, parapets, pilasters, windows or other ornamental structures may project into any required yard a maximum distance of 0.6 metres.

### **3.2.10 Unenclosed Porches, Balconies, Decks, Steps or Patios**

Notwithstanding the yard and setback provision of this By-law, to the contrary, unenclosed porches, balconies, decks, steps and patios, may project into any required front, rear or exterior side yard a maximum distance of 2.5 metres if it is not covered or 1.5 metres if it is covered, but not closer than 1.2 metres to any lot line. Where the floor of any porch, balcony, or deck is more than 1.0 metre above the finished grade, the

sideyard and rear yard setback requirements for the principle use shall apply.

**3.3 ACCESS ON IMPROVED PUBLIC STREET, PRIVATE ROAD OR NAVIGABLE WATERWAY**

**3.3.1 Improved Public Road**

No person shall erect any building or structure in any Zone after the date of passing of this By-law, unless the lot upon which such building or structure is to be erected has frontage upon an improved public road, and such building or structure complies with the setback provisions of this By-law.

The above provisions shall not apply to 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.

**3.3.2 Navigable Waterway**

Notwithstanding the provisions of Subsections 3.3.1 above to the contrary, 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 maintained parking space for one vehicle and one boat.

**3.4 DWELLING UNITS**

**3.4.1 Minimum Floor Area**

The minimum floor area of any dwelling unit excluding apartment dwelling units, shall be 75 square metres.

The minimum floor area of apartment dwelling units, shall be as follows:

Bachelor	-	28 square metres
1 bedroom	-	37 square metres

2 bedroom	-	55 square metres
3 or more bedrooms	-	65 square metres

**3.4.2 Maximum Number**

Unless otherwise permitted in this By-law, no more than one dwelling unit shall be permitted on any lot.

**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 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 GROUP HOMES**

No Group Home shall be located within 200 metres of another Group Home.

**3.7 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 principle 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.

**3.8 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.

### 3.9 HOME OCCUPATION

A home occupation is permitted in any residential zone as an accessory use subject to the following provisions:

- i) No person, other than a person living on the premises, shall be engaged in the occupation of the canvassing, delivering or distributing merchandise to customers. However, there may be one assistant who is not a resident in the dwelling at any time.
- ii) There shall be no display, other than a non-illuminated sign having a maximum surface area of 0.2 square metres, to indicate to persons outside that any part of the dwelling or dwelling unit is being used for a purpose other than residential.
- iii) There shall be no goods, wares, or merchandise offered for sale or rent on the premises other than what is produced on the premises.
- iv) There shall be no outside storage of goods, materials, containers or animal enclosures used in conjunction with the home occupation.
- v) Not more than 25 percent of the gross floor area\* including the basement of the dwelling or dwelling unit shall be used for the purposes of the home occupation, and such home occupation shall be conducted entirely within the detached dwelling or dwelling unit.
- vi) There shall be 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.
- vii) A home occupation shall not include a boarding or lodging house, an eating establishment, or a facility offering accommodation or meals other than a Bed and Breakfast establishment.
- viii) A home occupation shall be secondary to the principle residence and shall not change the residential character of the lot.
- ix) One Home Occupation only shall be permitted in conjunction with a

**\* AMENDED  
BY 8/98-I**

single dwelling

**3.10 HOME INDUSTRY**

A home industry shall be permitted as an accessory use to a single detached dwelling in any zone subject to the following provisions.

- i) A maximum of one (1) person other than an occupant of the dwelling may be engaged in the home industry at any time.
- ii) Such home industry may be located in part of a dwelling or in any accessory building located on a lot on which a dwelling is in existence, provided the total gross floor area utilized by the home industry does not exceed a maximum of 100 square metres.
- iii) There shall be no outside storage of goods, materials or articles.
- iv) Only currently licensed motor vehicles, associated with the home industry may be parked or stored on the lot within an interior side or rear yard.
- v) Such home industry shall be clearly accessory to the main residential use and shall not change the residential character of the dwelling or the lot.

**3.11 LOADING SPACE REQUIREMENTS**

**3.11.1 Loading Space**

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.

**3.12 LOADING SPACE REQUIREMENT TABLE**

<b>3.12.1 Gross Floor Area of Building</b>	<b>Loading Spaces Required</b>
Less than 300 square metres	None

300 square metres to 2300 square metres or less 1 space

Exceeding 2300 square metres  
but not exceeding 7400 square metres 2 spaces

Exceeding 7400 square metres  
additional 1 space for each  
7400 square metres.

### **3.12.2 Access**

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.

### **3.12.3 Loading Space Surface**

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.

### **3.12.4 Location**

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.

### **3.12.5 Additions to or Change in Use of Existing Buildings**

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 Section 3.11.1 of this Section, in accordance with the provisions of the loading Space Requirement Table for such addition.

## **3.13 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.

## **3.14 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.

### **3.15 NON-CONFORMING USES**

#### **3.15.1 Continuation of Existing 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.

#### **3.15.2 Permitted Exterior Extension, Alteration and Reconstruction**

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.

#### **3.15.3 Permitted Interior Alteration**

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.

#### **3.15.4 Restoration To A Safe Condition**

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.

### **3.15.5 Building Permit Issued**

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 Chief Building Official, so long as the building or structure, when erected, is used and continues to be used for the purpose for which it was erected .

## **3.16 NON-COMPLYING LOTS, BUILDINGS, STRUCTURES AND USES**

### **3.16.1 Permitted Buildings or 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:

- (i) 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;
- (ii) the building or structure is being used for a purpose permissible within the Zone in which it is located; and,
- (iii) all other applicable Zone Provisions of this By-law are complied with.

### **3.16.2 Reconstruction Of Existing Building**

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.

### **3.16.3 Existing Undersized Lots of Record**

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.

Lots which have been increased in size following passing of this By-law may also be used in accordance with this provision.

### **3.17 NOXIOUS TRADE**

Except as may otherwise be specifically permitted under this By-law, no use shall be permitted which, from its nature or the materials used therein, is defined as a noxious trade, business or manufacture under The Health Protection and Promotion Act, S.O., 1983, as amended, and the Regulations promulgated thereunder.

### **3.18 PARKING AREA REGULATIONS**

#### **3.18.1 Parking Space Requirements**

The owner of land or of every building or structure erected or used for any of the purposes hereinafter set forth shall provide and maintain parking spaces for the sole use of the owner, occupant, or other persons entering upon or making use of the said premises, from time to time.

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.

#### **3.18.2 Parking Area Surface**

Parking spaces, areas and driveway connecting the parking space or area with a street shall be maintained with a stable surface which is treated so as to prevent the raising of dust. Such parking spaces or areas shall, before being used, be constructed of crushed stone, gravel, asphalt, concrete or similar material and shall include provisions for drainage facilities. Parking spaces for more than four vehicles shall be maintained with a concrete, asphalt, brick or double float tar and chip surface, and shall provide for a satisfactory disposal of surface water by grading and drainage in such a manner that no surface water shall drain onto any public way or onto any lot in other ownership and such surfaces shall be well maintained.

### 3.18.3 Ingress and Egress Provisions

- (i) Ingress and egress to and from the required parking spaces and areas shall be provided by means of unobstructed driveways or passageways of at least 3 metres in width but not more than 9 metres in perpendicular width.
- (ii) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 9 metres.
- (iii) The minimum distance between any two driveways on one lot or between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 7.5 metres.
- (iv) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
- (v) All areas devoted to off-street parking spaces shall be so designed and be of such size that no automobile is required to back into a street to obtain egress. This provision does not apply to the parking areas serving single-family dwellings and two-family dwellings.
- (vi) Every lot shall be limited to the following number of driveways, namely:
  - (a) up to the first 15 metres of lot frontage, not more than one driveway;
  - (b) greater than 15 metres of lot frontage but not more than 30 metres of frontage, not more than two driveways with a combined width not exceeding 30 percent of the lot frontage; and,
  - (c) for each additional 30 metres of lot frontage, not more than one additional driveway.
- vii) Parking spaces shall have a minimum width of 3.0 metres and have a minimum area of 18.5 square metres. The length of any parking space and the width of the adjacent aisle shall be in accordance with the following:

<b>Angle of parking space with aisle</b>	<b>Minimum Length of parking space</b>	<b>Minimum Perpendicular Width of Aisle</b>
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60 degrees to 90 degrees	6.2 metres	6.9 metres
45 degrees to 59 degrees	6.2 metres	5.2 metres
30 degrees to 44 degrees	6.2 metres	3.7 metres
0 degrees to 29 degrees	6.2 metres	3.0 metres

**3.18.4 More Than One Use on a Lot**

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.

**3.18.5 Parking Area Location on Lot**

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. Within a Residential Zone, the front yard or exterior side yard, the maximum width of a driveway or parking area shall be 7.0 metres.

**3.18.6 Additions To, or Changes In, The Use of Existing Buildings and Structures**

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.

**3.18.7 Use of Parking Spaces and Areas**

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.

**3.18.8 Boat Parking**

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.

**3.18.9 Parking in the Central Business District**

**\* AMENDED  
BY 8/98-I**

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.

**PARKING SPACE REQUIREMENT TABLE**

<b>TYPE OF NATURE OF USE</b>	<b>MINIMUM OFF-STREET PARKING REQUIREMENTS</b>
Assembly Hall, Auditorium, Arena, Community Centre, Place of Worship, Private Club, Theater, Farmers Market or other similar places of assembly not otherwise specified herein.	1 parking space for each four persons that may be legally accommodated at any one time, 5 seats or 3.0 m of bench seating, whichever is greater.
Bowling Alley	3 parking spaces for each bowling lane.
Business and/or Professional Office, Financial Establishment, Retail Commercial Establishment, Personal Service Shop including a Home Occupation or Home Industry.	1 parking space for each 28 square metres of gross floor area of the building directly related to the specified permitted use.
Curling Rink	4 parking spaces for each curling sheet plus 1 parking space for each 4 persons that may be accommodated at any one time.
Dry Cleaners Establishment	1 parking space for each 9 square metres or fraction thereof of gross floor area with a minimum requirement of four spaces.
Eating Establishment or Tavern	1 parking space for each 9 square metres or fraction thereof, or 1 parking space for each 4 persons or fraction thereof, or legal capacity, whichever is greater.
Eating Establishment, Drive-In	1 parking space for each 2 square metres or fraction thereof of gross floor area.

Golf Course	24 parking spaces for each 9 holes of golfing facilities.
Home for the Aged, Nursing Home, Seniors Apartments	1 parking space for each four beds or fraction thereof plus one space per two staff persons
Hospital	1 space for every two beds
Hotel, Motel, Resort, Cottage or Cabin Establishment, Tourist Establishment or Camping Establishment	1 parking space for each guest room, cottage, cabin or camp site plus one space for each 9.0 sq. m. devoted to a public use.
Liquor Licensed Premises, exclusive of an eating establishment, but including an entertainment lounge, public house or lounge licensed in accordance with The Liquor Licence Act, R.S.O., 1980, c.244, as amended, and the Regulations thereunder.	1 parking space for each 4 persons that may be legally accommodated at any one time.
Manufacturing, Processing, Assembling or Fabricating Plant, Wholesale Establishment or Warehouse.	1 parking space per 37 square metres of gross floor area or portion thereof.
Marina	1.5 parking spaces for every 1 boat slip and 1 parking space for every 8 square metres of gross floor area devoted to commercial use, exclusive of storage area.
Medical, Veterinary or Dental Clinic, or Offices of a Drugless Practitioner	5 parking spaces per practitioner, plus 1 parking space for each examination room exceeding 5 such rooms per office.
Post Office, Museum, Art	1 parking space for each 35

Gallery, Public Library	square metres of gross floor area.
Residential	1 parking spaces per dwelling unit.
Group Homes and Special Needs Housing	1 per required caregiver

TYPE OF NATURE OF USE	MINIMUM OFF-STREET PARKING REQUIREMENTS
Lots with four (4) or more dwelling units	1.25 spaces per dwelling unit
Schools	
(i) Elementary	<p>The greater of:</p> <ul style="list-style-type: none"> <li>(a) 1 1/2 parking spaces per classroom; or</li> <li>(b) 1 parking space per 9 square metres of gross floor area in the gymnasium; or</li> <li>(c) 1 parking space per 9 square metres of gross floor area in the auditorium.</li> </ul>
(ii) Secondary	<p>The greater of:</p> <ul style="list-style-type: none"> <li>(a) 4 parking spaces per classroom; or</li> <li>(b) 1 parking space per 9 square metres of gross floor area in the auditorium</li> </ul>
Undertaking Establishment	1 parking space for each five seating spaces or fraction thereof with a minimum of ten parking spaces.
Workshop	1 parking space per 35 square metres of gross floor area.
Uses Permitted by this By-law other than those listed in this Table	1 parking space per 35 square metres of gross floor area.

### **3.19 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.

### **3.20 PLANTING STRIPS**

#### **3.20.1 Location**

Where a lot in a Residential Type 4 (R4) Zone, Institutional, Commercial or Industrial Zone abuts an interior side or rear lot line of a lot in a Residential Zone, a planting strip adjoining such abutting lot line, or portion thereof, shall be provided within the Residential Type 4 (R4) Institutional, Commercial, or Industrial Zone with a minimum width of 3 metres.

#### **3.20.2 Contents**

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.

#### **3.20.3 Driveways and Walkways**

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.

#### **3.20.4 Landscaped Open Space**

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.

### **3.21 PUBLIC USES**

### **3.21.1 Public Services**

Except as provided in paragraph 3.21.2 hereof, the provisions of this By-law shall not apply to prohibit the use of any lot or the erection or use of any building or structure for the purposes of public uses provided by the Town, or any Public Authority including any Department or Ministry of the Government of Canada or Ontario or any Conservation Authority established by the Government of Ontario and, for the purposes of this Section, shall include Ontario Hydro, any telephone, telegraph or cable TV company and any natural gas distribution system operated by a Company distributing gas to the residents of the Town, which company possesses all the necessary powers, rights, licences and franchises.

### **3.21.2 Location Restrictions**

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.

### **3.21.3 Provisions**

- (i) 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;
- (ii) The Zone provisions of the Zone in which the use is located shall be complied with except as otherwise provided in this By-law;
- (iii) 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,
- (iv) The building or structure shall be designed and maintained in general harmony with the uses permitted within the respective Zone.

### **3.21.4 Streets and Service Installations**

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.

**3.22 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.

**3.23 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.

**3.24 SERVICES REQUIRED**

No person shall erect or use a building or structure for a residential use on any lands except for lands in the Resource Development (RD) Zone unless municipal sewage disposal and water supply services are available to the lot.

**3.25 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 9 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, and no land shall be used for the purposes of growing shrubs or trees in excess of 0.6 metres in height. 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.

### **3.26 SIGNS**

Unless otherwise specified, the provisions of this By-law shall not apply to prevent the erection, alteration or use of any sign provided such sign complies with the By-laws of the Town.

### **3.27 SPECIAL SETBACKS**

#### **3.27.1 Railways**

No building or structure used for human habitation shall be located closer than 15 metres to the limit of a railway right of way to the main line of the CNR Railway.

#### **3.27.2 Street Centre Lines**

Where a lot abuts a road allowance less than 20 metres in width, the minimum setback from the street line shall be 10 metres from the centre line of the street plus the required front yard or exterior side yard within the zone.

#### **3.27.3 Watercourses**

No building or structure shall be located within 10 metres of the normal or controlled high water mark of any watercourse or lake.

### **3.28 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.

**3.29 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.

**3.30 TRAILERS, MOBILE HOMES AND CAMPERS**

**3.30.1 Parking and Storage**

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.

**3.30.2 Use**

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.

**3.31 WASTE DISPOSAL AREA SETBACKS**

Notwithstanding the provisions of this By-law to the contrary, no building or structure shall be located closer than 500 metres to any land zoned Waste Disposal Industrial (M4).

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**SECTION 4  
ZONE PROVISIONS**

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**4.1 RESIDENTIAL TYPE ONE (R1) ZONE**

**4.1.1 Permitted Uses**

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:

- i) group home
- ii) home occupation
- iii) single detached dwelling

**4.1.2 Regulations for Permitted Uses**

- i) Minimum Lot Area 550 sq. m.
- ii) Minimum Lot Frontage 18.5 m.
- iii) Minimum Yard Requirements
  - a) Front Yard 7.5 m.
  - b) Interior Side Yard 2.0 m.
  - c) Exterior Side Yard 3.0 m.
  - d) Rear Yard 7.5 m.
- iv) Maximum Lot Coverage 40%
- v) Minimum Landscaped Open Space 20%
- vi) Maximum Height of Buildings 12 m.
- vii) Minimum Floor Area 93 sq. m.

**4.1.3 Exceptions**

**4.1.3.1 1235 Idylwild Drive – By-Law 8/98-BB**  
- an “accessory dwelling” is a permitted use.

## 4.2 RESIDENTIAL TYPE TWO (R2) ZONE

### 4.2.1 Permitted Uses

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

- i) group home
- ii) home occupation
- iii) single detached dwelling

### 4.2.2 Regulations for Permitted Uses

- i) Minimum Lot Area 460 sq. m.
- ii) Minimum Lot Frontage 15.0 m.
- iii) Minimum Yard Requirements
  - a) Front Yard 7.5 m.
  - b) Interior Side Yard
    - one storey 1.5 m.
    - two storeys 2.0 m.
  - c) Exterior Side Yard 3.0 m.
  - d) Rear Yard 7.5 m.
- iv) Maximum Lot Coverage 40%
- v) Minimum Landscaped Open Space 20%
- vi) Maximum Height of Buildings 12 m.
- vii) Minimum Floor Area 79 sq. m.

### 4.2.3 Exceptions

#### 4.2.3.1 821 Williams Avenue – By-Law 8/98-R (rezoned prior to severance)

- accessory building permitted to remain without primary,
- accessory building coverage increased to 18%

### 4.3 RESIDENTIAL TYPE THREE (R3) ZONE

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

#### 4.3.1 Permitted Uses

- i) duplex dwelling
- ii) group home
- iii) home occupation
- iv) semi-detached dwelling
- v) single detached dwelling
- vi) townhouse dwelling
- vii) triplex building

#### 4.3.2 Regulations for Permitted Uses

- i) Minimum Lot Area 240 sq. m. per unit
- ii) Minimum Lot Frontage 8.0 m. per unit
- iii) Minimum Yard Requirements
  - a) Front Yard 7.5 m.
  - b) Interior Side Yard
    - with attached wall nil
    - without attached wall 2.5 m.
  - c) Exterior Side Yard 3.5 m.
  - d) Rear Yard 7.5 m.
- iv) Maximum Lot Coverage 50%
- v) Minimum Landscaped Open Space 20%
- vi) Maximum Height of Buildings 12 m.
- vii) Minimum Floor Area 70 sq. m.

Single detached dwellings shall meet the Regulations for Permitted Uses for the R2 Zone.

**4.3.3 Exceptions**

**4.3.3.1 1127/1133 Scott Street – By-Law 8/98-J**

- A Fourplex is an additional added use as defined
- Lot Frontage reduced to 99 metres.

**4.3.3.2 515/523 Colonization Road East – By-Law 8/98-Q**

- A Fourplex is an additional added use as defined

**4.3.3.3 205 Third St. E. – By-Law #8/98-W (previously C2)**

The following uses are permitted:

- a) An Apartment Dwelling,
- b) Business, Professional or administrative offices, and
- c) A “Personal Services Establishment”

**4.3.3.4 507 Armit Avenue – By-Law #8/98-X (previously C2)**

- minimum side yard (north) reduced to 1.5 metres, and
- minimum front yard reduced to nil

**4.3.3.5 515 First Street East – By-Law 8/98-AA**

- A Personal Services Establishment is added as a permitted use,
- Parking Space requirements reduced from 4 to 3; and
- Ingress/Egress to required parking spaces is permitted from laneway rather than by driveway off street.

**4.3.3.6**

#### 4.4 RESIDENTIAL TYPE FOUR (R4) ZONE

No person shall within a Residential Type Four (R4) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

##### 4.4.1 Permitted Uses

- i) apartment dwelling
- ii) boarding house
- iii) duplex dwelling
- iv) group home
- v) home occupation
- vi) townhouse dwelling
- vii) triplex dwelling
- viii) single detached dwelling
- ix) semi-detached dwelling

##### 4.4.2 Regulations for Permitted Uses

**\* AMENDED  
BY 8/98-I**

- i) Minimum Lot Area\*
  - boarding house 650 sq. m.
  - tri-plex or townhouse 240 sq. m. per unit
  - apartment building 240 sq. m. per unit for first 4 units plus 93 sq. m. for every unit thereafter
- ii) Minimum Lot Frontage
  - boarding house 21 m.
  - all other buildings 8.0 m. per unit
- iii) Minimum Yard Requirements
  - a) Front Yard 7.5 m.
  - b) Interior Side Yard with attached wall nil

- |     |                               |                             |
|-----|-------------------------------|-----------------------------|
|     | without attached wall         | 4.5 m. or half the building |
|     | height whichever is greater   |                             |
| c)  | Exterior Side Yard            | 7.5 m.                      |
| d)  | Rear Yard                     | 10.5 m.                     |
| iv) | Maximum Lot Coverage          | 50%                         |
| v)  | Minimum Landscaped Open Space | 20%                         |
| vi) | Maximum Height of Buildings   | 15 metres                   |

Single detached dwellings, semi detached and duplex dwellings shall meet the Regulations for permitted uses in the R2 Zone.

#### **4.4.3 Exceptions**

##### **4.4.3.1 1345 Emo Rd – By-Law 8/98-II**

- section 4.4.2 exceptions to permit
  - o maximum of 7 dwelling units;
  - o frontage reduced to 18.28 metres;
  - o Interior side yard (east) reduced to 3.3 metres as it pertains to the existing building only;
  - o planting strip permitted to form part of the required side yard;
  - and
  - o maximum height of buildings reduced to 12 metres.

##### **4.4.3.2**

## 4.5 RESIDENTIAL MOBILE HOME (R5) ZONE

No person shall within a Residential Mobile Home (R5) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

- i) mobile home dwelling units
- ii) mobile home park

### 4.5.1 Regulations for Permitted Uses

- i) Minimum Lot Area 1.4 hectares
- ii) Minimum Lot Frontage 60 m.
- iii) Minimum Yard Requirements
  - a) Front Yard 7.5 m.
  - b) Interior Side Yard 7.5 m.
  - c) Exterior Side Yard 7.5 m.
  - d) Rear Yard 9.0 m.
- iv) Maximum Lot Coverage 35%
- v) Minimum Landscaped Open Space 5%
- vi) Maximum Height of Buildings 5 m.
- vii) Minimum Dwelling Unit Floor Area 65 sq. m.

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

- a) Minimum Site Area 335 sq. m.
- b) Minimum Setbacks within a Site 1.5 m.

### 4.5.3 Exceptions

## 4.6 SEASONAL RESIDENTIAL (SR) ZONE

### 4.6.1 Permitted Uses

- a) One cottage and one guest sleeping cabin on one lot used on a seasonal basis without any year round municipally owned road access and uses, buildings and structures accessory thereto, including boathouses, pumphouses and saunas.

### 4.6.2 Zone Requirements for Waterfront Cottages

- a) Where lot abuts a navigable waterway, the waterfront at the high water mark shall be deemed the only lot frontage even if the lot also abuts a street, lane or private right-of-way.
  - i) Minimum Lot Frontage 61 metres (200 feet)
  - ii) Minimum Lot Area 0.8 hectares (2 acres)
  - iii) Maximum Lot Coverage 10 percent
  - iv) Minimum Front Yard and Exterior Side Yard 30 metres (100 feet) from high water mark
  - v) Minimum Interior Side Yard 3 metres (10 feet)
  - vi) Minimum Rear Yard 8 metres (25 feet)
  - vii) Minimum Floor Area for a Dwelling 56 square metres (600 square feet)
  - viii) Maximum Height for a Dwelling 2 and 1/2 storeys
  - ix) Minimum Landscaped Open Space No minimum

## 4.7 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:

### 4.7.1 Permitted Uses

- i) banks or financial institutions
- ii) business and professional offices
- iii) day nurseries
- iv) a maximum of 2 dwelling units located on the second storey or at the rear of the first storey
- v) a personal services establishment
- vi) a post office
- vii) retail stores not exceeding 185 sq. m.

### 4.7.2 Regulations for Permitted Uses

- i) Minimum Lot Area 550 sq. m.
- ii) Minimum Lot Frontage 18.5 m.
- iii) Minimum Yard Requirements
  - a) Front Yard 7.5 m.
  - b) Interior Side Yard
    - abutting a commercial zone nil
    - abutting another zone 3.0 m.
  - c) Exterior Side Yard 5 m.
  - d) Rear Yard
    - abutting a non residential zone 7.5 m.
    - abutting a residential zone 10.5 m.
- iv) Maximum Lot Coverage 40%
- v) Minimum Landscaped Open Space 10 %

- in any yard abutting a residential zone  
a landscaping strip shall be required.

vi) Maximum Height of Buildings 12 m.

#### **4.7.3. Exception**

##### **4.7.3.1. 815 Williams Avenue – By-Law 8/98-R**

- use of crusher chips permitted on parking surface
- driveway width increased to 31% of frontage
- planting strip permitted to form part of required yard

##### **4.7.3.2. 100 Third Street West – By-Law #8/98-S**

The following additional uses are permitted:

- a) Retail store to a maximum of 465 sq. m. 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) Recreational Establishment

##### **4.7.3.3. 824 Victoria Avenue – By-Law #8/98-U**

The following additional use temporarily permitted until 11:59 p.m. on  
December 13, 2007:

- a) Place of Worship

For the duration of the temporary period, the requirement to provide off-  
street parking is eliminated.

## **4.8 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:

### **4.8.1 Permitted Uses**

- i) accessory dwelling units on a floor above the first storey or on the first floor behind the commercial use
- ii) assembly hall
- iii) banks or financial institutions
- iv) business, professional and administrative offices
- v) clinic
- vi) crisis centre
- vii) day nurseries
- viii) funeral parlour
- ix) gas bar
- x) hotels and motels
- xi) laundromat
- xii) parking lot
- xiii) personal services establishment
- xiv) place of amusement
- xv) post office
- xvi) private club
- xvii) restaurant
- xviii) retail store
- xix) service shop
- xx) tavern
- xxi) taxi or bus depot

### **4.8.2 Regulations for Permitted Uses**

- i) Minimum Lot Area 230 sq. m.
- ii) Minimum Lot Frontage 7.5 m
- iii) Minimum Yard Requirements
  - a) Front Yard nil
  - b) Interior Side Yard nil
  - c) Exterior Side Yard nil
  - d) Rear Yard 4.5 m.
- iv) Maximum Lot Coverage 75%
- v) Minimum Landscaped Open Space 20%  
 - in any yard abutting a residential zone  
 a landscaping strip shall be required
- vi) Maximum Height of Buildings 15 metres

### **4.8.3 Exceptions**

#### **4.8.3.1 620 Mowat Avenue – By-Law 8/98-A**

- A car wash is a permitted use,
- Minimum lot area is reduced to 850 sq.m., and
- Minimum lot frontage is reduced to 22.86 m.

#### **4.8.3.2**

## **4.9 HIGHWAY COMMERCIAL (C3) ZONE**

No person shall within a Highway Commercial (C3) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

### **4.9.1 Permitted Uses**

- i) accessory dwelling (one only)
- ii) auction sales facility
- iv) building supply and lumber outlet
- v) car wash
- vi) commercial greenhouse/nursery sales
- vii) convenience store
- viii) crisis centre
- ix) equipment sales/rental establishment
- x) laundromat
- xi) marine sales and service establishment
- xii) hotel and motel
- xiii) motor vehicle dealership
- xiv) motor vehicle fuel bar or service station
- xv) prefabricated housing sales establishment
- xvi) public storage facilities
- xvii) real estate sales offices
- xviii) recreational establishment
- xix) recreational vehicle sales and service operation
- xx) restaurants
- xxi) workshop

### **4.9.2 Regulations for Permitted Uses**

- i) Minimum Lot Area
  - without municipal sewage services 4,000 sq. m.
  - with municipal sewage services 930 sq. m.

- ii) Minimum Lot Frontage 23 m.
- iii) Minimum Yard Requirements
  - a) Front Yard 7.5 m.
  - b) Interior Side Yard 6 m.
  - c) Exterior Side Yard 10 m.
  - d) Rear Yard 7.5 m.
- iv) Maximum Lot Coverage 30%
- v) Minimum Landscaped Open Space 20%  
 - in any yard abutting a residential zone  
 a landscaping strip shall be required.
- vi) Maximum Height of Buildings 12 m.

**4.9.3 Exceptions**

**4.9.3.1 1321 King’s Highway – By-Law 8/98-H**

- A veterinary Hospital is added as a permitted use

**4.9.3.2 390 McIrvine Road – By-Law 8/98-L**

- The following additional uses permitted:
  - a) Business, Professional and Administrative Offices;
  - b) Retail Sales
  - c) Service Shop, and
  - d) Personal Services Establishment
- Side yard reduced to 3.048 metres, and
- Maximum lot coverage increased to 45%

**4.9.3.3 1250 King’s Highway – By-Law 8/98-M**

- The following additional uses permitted:
  - a) Retail Store
  - b) Business, Professional and Administrative Offices
  - c) Personal Services Establishment, and
  - d) Banks and Financial Institutions

**4.9.3.4 780 King’s Highway – By-Law 8/98-T**

- An “accessory dwelling (one only)” as above, is replaced with “Dwelling unit on the floor above the first story or on the first floor behind the commercial use.
- A personal services establishment is added as a permitted use, and

- The interior side yard (on the east) is reduced to 1.5 m.

**4.9.3.5 825 Colonization Rd. E. – By-Law 8/908-FF**

- A single family dwelling added as a permitted use
- The required side yard setback on the north reduced to 2.45 metres.

**4.9.3.6 1533 Kings Highway – By-Law 8/98-KK**

- retail sales added as a permitted use

**4.9.3.7**

**4.9.3.8**

**4.10**

**TOURIST COMMERCIAL (C4) ZONE**

No person shall within a Tourist Commercial (C4) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

**4.10.1 Permitted Uses**

- i) accessory dwelling (one only)
- ii) assembly hall
- iii) accessory retail sales
- iv) cabin establishment
- v) camping establishment
- vi) hotel and motel
- vii) marina
- viii) outdoor recreation
- ix) recreational establishment
- xx) restaurant
- xi) tourist establishment

**4.10.2 Regulations for Permitted Uses**

- i) Minimum Lot Area 4000 sq. m.
- ii) Minimum Lot Frontage 30 m.
- iii) Minimum Yard Requirements
  - a) Front Yard 7.5 m.
  - b) Interior Side Yard 4.5 m.
  - c) Exterior Side Yard 7.5 m.
  - d) Rear Yard 4.5 m.
- iv) Maximum Lot Coverage 50%
- v) Minimum Landscaped Open Space 20%  
- in any yard abutting a residential zone  
a landscaping strip shall be required
- vi) Maximum Height of Buildings 10.5 m.

### 4.10.3 Exceptions

## **4.11 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:

### **4.11.1 Permitted Uses**

- i) animal shelter or veterinary hospital
- ii) art gallery or museum
- iii) business, professional and administrative office
- iv) contractors yards
- v) day nursery
- vi) hardware, home furnishings, office supply or wholesale sales
- vii) heavy or light equipment sales and services
- viii) manufacturing or processing within an enclosed building
- ix) motor vehicle repair garage
- x) motor vehicle body shop
- xi) publishing or printing establishment
- xii) retail sales accessory to a permitted use not exceeding 35 per cent of the total floor area
- xiii) transportation depot and rail line uses
- xiv) telecommunications tower
- xv) transmission towers and hydro-electric substations
- xvi) warehouse including self storage
- xvii) workshop

### **4.11.2 Regulations for Permitted Uses**

- i) Minimum Lot Area
  - without municipal sewage services 2050 sq. m.
  - with municipal sewage services 1400 sq. m.
- ii) Minimum Lot Frontage 30 m

- iii) Minimum Yard Requirements
  - a) Front Yard 7.5 m.
  - b) Interior Side Yard 3.0 m.
  - c) Exterior Side Yard 7.5 m.
  - d) Rear Yard 7.5 m.
  
- iv) Maximum Lot Coverage 65%
  
- v) Minimum Landscaped Open Space 20%
  - in any yard abutting a residential zone
  - a landscaping strip shall be required
  
- vi) Maximum Height of Buildings 20 m.

**4.11.3 Exceptions**

**4.11.3.1 789 8<sup>th</sup> St. W. – By-Law 8/98-JJ**

- A recycle operation is added as a permitted use

**4.11.3.2**

#### **4.12 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:

##### **4.12.1 Permitted Uses**

- i) accessory business, professional and administrative office
- ii) building supply outlet
- iii) bulk fuel depot
- iv) contractors yards
- v) heavy or light equipment sales and services
- vi) manufacturing or processing
- vii) motor vehicle repair garage
- viii) outdoor storage
- ix) publishing or printing establishment
- x) public works yard/public utilities yard
- xi) retail sales accessory to a permitted use not exceeding 35 per cent of the total floor area
- xii) transportation depot
- xiii) warehouse including self storage
- xiv) uses permitted in the Light Industrial (M1) Zone.

##### **4.12.2 Regulations for Permitted Uses**

- i) Minimum Lot Area
  - without municipal sewage services 2050 sq. m.
  - with municipal sewage services 1400 sq. m.

- ii) Minimum Lot Frontage 30 m
- iii) Minimum Yard Requirements
  - a) Front Yard 7.5 m.
  - b) Interior Side Yard 3.0 m.
  - c) Exterior Side Yard 7.5 m.
  - d) Rear Yard 7.5 m.
- iv) Maximum Lot Coverage 65%
- v) Minimum Landscaped Open Space 20%  
- in any yard abutting a non industrial zone a landscaping strip shall be required
- vi) Maximum Height of Buildings 20 m.
- vii) Buffering Requirements

All outdoor storage uses shall be enclosed with a buffer strip or solid fence having a minimum height of 2.4 metres.

### **4.12.3 Exceptions**

#### **4.12.3.1 Heavy Industrial Exception One (M2-1) Zone**

Notwithstanding the maximum height regulations in the Heavy Industrial (M2) Zone to the contrary, within the Heavy Industrial Exception One (M2-1) Zone, the maximum height shall be 55 metres. In all other respects, the provisions of the Heavy Industrial (M2) Zone shall apply.

#### **4.13 EXTRACTIVE INDUSTRIAL (M3) ZONE**

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

##### **4.13.1 Permitted Uses**

- i) pits
- ii) a portable processing plant
- iii) quarries
- iv) wayside pits and quarries
- v) peat extraction

##### **4.13.2 Regulations for Processing Plants and Accessory Structures**

- i) Minimum Lot Area 20,000 sq. m.
  - ii) Minimum Lot Frontage 120 m.
  - iii) Minimum Yard Requirements (from limit of extraction)
    - a) Front Yard 30 m.
    - b) Interior Side Yard 15 m.
    - c) Exterior Side Yard 30 m.
    - d) Rear Yard 15 m.
  - iv) Minimum Setback from a Residential Lot 120 m.
  - v) Maximum Lot Coverage (Buildings and Structures) 10%
  - vi) Minimum Landscaped Open Space 10%
- All yards except those yards abutting an M4 zone shall contain a landscape strip of at least 30 m in width
- vii) Maximum Height of Buildings 20 m.

##### **4.13.3 Exceptions**

#### **4.14 WASTE DISPOSAL INDUSTRIAL (M4) ZONE**

No person shall within a Waste Disposal Industrial (M4) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

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

- i) recycling facility
- ii) salvage yard
- iii) sewage lagoon
- iv) solid waste disposal or management facility

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

- i) Minimum Lot Area 10,000 sq. m.
- ii) Minimum Lot Frontage 60 m
- iii) Minimum Yard Requirements
  - a) Front Yard 30 m.
  - b) Interior Side Yard 20 m.
  - c) Exterior Side Yard 30 m.
  - d) Rear Yard 20 m.
- iv) Maximum Lot Coverage 80%
- v) Minimum Landscaped Open Space 20%
- vi) Maximum Height of Buildings 10 m.

##### **4.14.3 Exceptions**

## 4.15 INSTITUTIONAL (I) ZONE

### 4.15.1 Permitted Uses

No person shall within an Institutional (I) Zone, use any land or erect, alter or use any building or structure except for one or more of the following uses:

- i) ambulance station
- ii) arena
- iii) business, professional and administrative offices
- iv) cemetery
- v) community centre
- vi) day nursery
- vii) fire station
- ix) hospital
- x) library
- xi) municipal water and sewage treatment and storage facilities
- xii) nursing home
- xiii) place of worship
- xiv) school

### 4.15.2 Regulations for Permitted Uses

- i) Minimum Lot Area 550 sq. m.
- ii) Minimum Lot Frontage 15 m.
- iii) Minimum Yard Requirements
  - a) Front Yard 7.5 m.
  - b) Interior Side Yard 7.5 m.
  - d) Exterior Side Yard 7.5 m.
  - d) Rear Yard 10.5 m.
- iv) Maximum Lot Coverage 50%
- v) Minimum Landscaped Open Space 10%  
- in any yard abutting a residential zone  
a landscaping strip shall be required.
- vi) Maximum Height of Buildings 20 m.

### 4.15.3 Exceptions

#### 4.15.3.1. Site Specific Provision – 824 Victoria Avenue – 8/98-MM

Notwithstanding any of the provisions contained in Zoning By-Law 8/98 and the regulations for permitted uses of an Institutional Zone, the following site-specific provisions and regulations shall apply to the land:

- The number of off-street parking spaces required is reduced to zero.
- The minimum lot area is reduced to 350.15 sq. m.
- 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%

## **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**

- i) conservation of land and water
- ii) marine facility
- iii) outdoor recreation
- iv) private recreational park
- v) public park and accessory structures
- vi) uses that legally existed as of the date of passing of this By-law

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

- i) Minimum Lot Area 4000 sq. m.
- ii) Minimum Lot Frontage 30 m.
- iii) Minimum Yard Requirements
  - a) Front Yard 9.0 m.
  - b) Interior Side Yard 7.5 m.
  - c) Exterior Side Yard 9.0 m.
  - d) Rear Yard 9.0 m
- iv) Maximum Lot Coverage 25%
- v) Minimum Landscaped Open Space 50%
- vi) Maximum Height of Buildings 12 m.

### **4.16.3 Lands Under Water**

All lands situated below the surface of a waterbody or watercourse shall be deemed to be in the Open Space (OS) Zone. Notwithstanding the permitted uses in Section 4.16.1 to the contrary, the only permitted uses of

such land shall be marine facilities and boathouses accessory to permitted uses on the appertaining lands where such a use is permitted on the appertaining zone and in accordance with Section 3.1. In addition, the Regulations for Permitted Uses shall not apply to lands under water.

It is noted that approval from the Ministry of Natural Resources and/or Transport Canada may be required for marine facilities and boathouses.

#### **4.16.4 Exceptions**

##### **4.16.4.1 Open Space Exception One (OS-1) Zone**

In addition to the uses permitted in the Open Space (OS) Zone, within the Open Space Exception One (OS-1) Zone the permitted uses shall include a pulp wood storage area, transportation depot, outdoor storage and accessory uses and structures, all uses being used in conjunction with the Kraft paper mills. In all other respects the provisions of the Open Space (OS) Zone shall apply.

##### **4.16.4.2. Open Space Exception Two (OS-2) Zone – Lillie Avenue @ Elizabeth Street**

In addition to the uses permitted in the “OS”, Open Space zone, within the Open Space Exception Two (OS-2) Zone, the permitted uses shall include a *community garden*.

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**

- i) single detached dwelling unit
- ii) agricultural use
- iii) group home
- iv) commercial nursery or greenhouse
- v) kennel, animal shelter or veterinary hospital
- vi) portable saw mill
- vii) public park
- viii) recreational trails and related accessory buildings
- ix) riding school or boarding stable
- x) public park
- xi) wayside pit or quarry

**4.17.2 Regulations for Permitted Uses**

- i) Minimum Lot Area 10,000 sq. m.
- ii) Minimum Lot Frontage 60 m.
- iii) Minimum Yard Requirements
  - a) Front Yard 20 m.
  - b) Interior Side Yard 7.5 m.
  - c) Exterior Side Yard 20 m.
  - d) Rear Yard 7.5 m.
- iv) Maximum Lot Coverage 10%
- v) Minimum Landscaped Open Space 20%
- vi) Maximum Height of Buildings 10.5 m.

### 4.17.3 Exceptions

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**SECTION 5  
DEFINITIONS**

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**5.1           ACCESSORY**

A use, separate building or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principle use, building or structure.

**5.2           AGRICULTURAL BUILDING**

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

**5.3           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 except specialized agricultural uses as defined herein.

**5.4           AIRPORT**

The use of lands, buildings or structures for the purposes of air transportation services.

**5.5           ANIMAL SHELTER**

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

**5.6           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.

**5.7           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.

**5.8 ART GALLERY**

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

**5.9 BASEMENT**

That portion of a building below the first floor and which is partly underground.

**5.10 BED AND BREAKFAST**

A home occupation within a single detached dwelling wherein not more than five rooms are rented and meals are served to overnight guests for commercial purposes.

**5.11 BOARDING HOUSE**

A dwelling in which the proprietor supplies for a fee sleeping accommodation with board for at least three persons and not more than ten persons exclusive of the proprietor, members of the proprietor's family and servants of the establishment but does not include a hostel.

**5.12 BOATHOUSE**

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

**5.13 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.

**5.14 BUILDING**

A structure consisting of walls, roof and floor or a structural system serving the same purpose and including carports but does not include awnings.

**5.15 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 the fabrication of certain materials related to home improvements.

**5.16 BULK FUEL DEPOT**

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

**5.17 BUSINESS, PROFESSIONAL OFFICE OR ADMINISTRATIVE OFFICE**

A building or part of a building in which one or more persons are employed in the management, direction or conducting of a business or where professionally qualified persons and their staff serve clients or patients who seek advice, consultation or treatment and may include the administrative offices of a non-profit or charitable organization.

**5.18 CAMPING ESTABLISHMENT**

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 convenience store.

**5.19 CAMP SITE**

A parcel of land within a camping establishment that is maintained as a site for the location and temporary occupation of a tent, travel trailer, motor home, recreational vehicle or truck camper, but not a mobile home.

**5.20 CELLAR**

A portion of a building below the first storey floor which is partly or wholly underground and which has more than one-half of its height, from finished floor to finished ceiling or to the underside of the floor joints of the first floor, the average finished grade level adjacent to the exterior walls of the building and having a floor to ceiling height of less than 1.8 m. (6.0 ft.)

**5.21 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.

**5.22 CHIEF BUILDING OFFICIAL**

The official employed by the Town appointed under the Building By-law or

pursuant to the provisions of The Building Code Act, R.S.O., 1992 c.23 as amended, and shall include any Inspector likewise employed and appointed.

**5.23 CLINIC**

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

**5.24 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.

**5.25 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.

**5.26 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.

**5.27 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.

**5.28 CORPORATION**

The Corporation of the Town of Fort Frances.

**5.29**

**COUNCIL**

The Council of the Corporation of the Town of Fort Frances

**5.30**

**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.

**5.31**

**DAY NURSERIES**

A day nursery operated for pre-school age children within the meaning of the Day Nurseries Act, R.S.O., 1980, c.111 as amended.

**5.32**

**DECK**

Deck shall mean a structure above the ground cantilevered from a dwelling unit or supported by the ground and open to the sky, located 0.3 m. or more above finished grade.

**5.33**

**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.

**5.34**

**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.

**5.35**

**DWELLING, ACCESSORY**

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

**5.36 DWELLING, APARTMENT**

A separate building containing three or more dwelling units sharing a common corridor or stair well.

**5.37 DWELLING, SINGLE DETACHED**

A detached building containing one dwelling unit only.

**5.38 DWELLING, DUPLEX**

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

**ADDED**  
**8/98-J & 8/98-Q**

**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.

**5.39 DWELLING, SEMI-DETACHED**

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

**5.40 DWELLING, TOWNHOUSE**

A dwelling unit in a building divided vertically into no less than three nor 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.

**5.41 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.

**5.42 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. It may include a modular home constructed in accordance with the Building Code and C.S.A. A-277 Regulations.

**5.43 DWELLING UNIT, ACCESSORY**

A separate dwelling unit which is contained in a building which was originally designed as a single family dwelling and continues to be occupied by the owner.

**5.44 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.

**5.45 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.

**5.46 EXISTING**

Legally existing, being a reality or an actuality as of the date of passing of this By-law.

**5.47 FARM**

Any farming or agricultural use and includes apiaries; aviaries; berry or bush crops; breeding, raising, training or boarding of horses or cattle; commercial greenhouses; farms devoted to the hatching, raising and marketing of chickens, turkeys, or other fowl or game birds, animals, fish or frogs; farms for grazing; flower gardening; field crops; goat or cattle dairies; growing, raising, picking, treating and storing of vegetables or fruit produce produced on the premises; nurseries; orchards; riding stables; the raising of sheep or goats; the raising of swine; tree crops; market gardening; bee keeping; wood lots; such uses or enterprises as are customarily carried on in the field of general agriculture not including a specialized farm as defined. "Farm" includes a single-family dwelling house, and such principle or main buildings and structure as a barn or silo, as well as accessory buildings and structures which are incidental to the operation of the farm.

**5.48 FINISHED GRADE**

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

**5.49 FIRST STOREY**

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

**FITNESS CENTRE**

Added 8/98-S

A building in which facilities and/or instructions are provided for recreational, fitness and/or health activities such as body building and exercise or weight control classes and may include associated facilities such as showers, sauna and/or lockers, etc.

**5.50 FLOOR AREA, GROSS**

The total floor area, as hereinafter defined, exclusive of any portion of the building or structure below finished grade measured between the exterior faces of the exterior walls 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.

**5.51 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).

**5.52 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.

**5.53 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.

**5.54 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.

**5.55 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.

**5.56 GROUP HOME**

A single housekeeping unit in a residential dwelling in which 3 to 9 unrelated 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.

**5.57 HEAVY EQUIPMENT SALES AND RENTAL**

A building or part of a building or structure in which heavy machinery and equipment 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.

**5.58 HEIGHT OF BUILDINGS**

The vertical distance, measured between the average natural or finished grade at the front of the building, whichever is the lesser, and:

- a) In the case of a flat roof, the highest point of the roof surface;
- b) In the case of a mansard roof, the deck roof line; and
- c) In the case of a gable, hip or gambrel roof, the average height between the eaves and ridge.

Accessory roof constructions, such as chimneys, towers, steeples or

television antennas, shall be disregarded in calculating the height of a building in accordance with Section 3.7.

**5.59 HIGH WATER MARK SETBACK**

The setback will be measured from the normal controlled high water mark of the lake or river.

**5.60 HOME FOR THE AGED**

A Home for the Aged as defined by the Home for the Aged Act.

**5.61 HOME INDUSTRY**

Any occupation conducted entirely within a building or part of a building accessory to a single detached dwelling house, a part of a dwelling unit that includes processing, assembly, manufacturing or a workshop within an area not to exceed 100 square metres in gross floor area and shall not include outdoor storage.

**5.62 HOME OCCUPATION**

**\* AMENDED  
BY 8/98-I**

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.

**5.63 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.

**5.64 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.

**5.65 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.

**5.66 LANDSCAPED OPEN SPACE**

The open space from ground to sky at grade on a lot accessible by walking and which is suitable for the growth and maintenance of grass, flowers, trees, bushes, natural vegetation and other landscaping and includes any surfaced walk, patio or similar area but does not include any driveway or ramp, whether surfaced or not, any curb, retaining wall, parking area or any open space beneath or within any building or structure.

**5.67 LANDSCAPING 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.

**5.68 LANE**

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.

**5.69 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.

**5.70 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.

**5.71           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, lane or other appropriate means of access.

**5.72           LOT**

A parcel or tract of land described in a deed or other legal document which is legally capable of conveying title and:

- a)       Which is a whole lot within a Registered Plan of Subdivision, or lot within a Plan of Condominium other than a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a By-law passed pursuant to Section 49 of The Planning Act, S.O., 1983, C.1, as amended; or
  
- b)       Which is a legally separated parcel of land in existence on the date of passing of this By-law without the owner holding the fee or the equity or redemption in, or power or right to grant, assign or exercise a power of appointment with respect to any abutting land; or
  
- c)       The description of which is the same as in a deed which has received final consent to a conveyance pursuant to Section 49 of The Planning Act, S.O., 1983, c.1, as amended.
  
- d)       Which is the whole remnant remaining to an owner or owners after a conveyance is made with final consent pursuant to Section 40 of The Planning Act, S.O., 1983, c.1, as amended, but for the purpose of this paragraph no parcel or tract of land ceases to be a lot by reason only of the fact that a part or parts of it has or have been conveyed to or acquired by the Town of Fort Frances, Her Majesty in the Right of Ontario or Her Majesty in the Right of Canada; or,
  
- e)       Which is the subject of an order of The Minister of Municipal Affairs pursuant to the provisions of Section 56 of The Planning Act., S.O., 1983, c.1, as amended.

**5.73           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.

**5.74 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.

**5.75 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.

**5.76 LOT FRONTAGE**

The continuous horizontal distance of the front lot line between the side lot lines measures at right angles. Where the front lot line is not a straight line, or where the side lot lines are not parallel, the lot frontage shall be the horizontal distance of a line that is 7.5 metres back from and parallel to a continuous straight line, joining the two points where the side lot lines intersection with the front lot line.

**5.77 LOT, INTERIOR**

A lot other than a corner lot.

**5.78 LOT LINE**

Any boundary of a lot.

**5.79 LOT LINE, EXTERIOR**

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

**5.80 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:

- a) 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.

- b) 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 side lot line, but,
- c) In the case of a corner lot or through lot with two lot lines of equal length abutting roads, the lot line that abuts the wider street shall be deemed to be the front lot line, but where the roads are of equal width, the lot line which abuts a Provincial Highway shall be deemed to be the front lot line, and in the case of both roads being under the same jurisdiction and of the same width, the owner of the lot may designate which road line shall be the front lot line.
- d) In the case where a lot abuts only a road cul-de-sac, all of the frontage on the road cul-de-sac shall be deemed to be the front lot line.

**5.81 LOT LINE, REAR**

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

**5.82 LOT LINE, SIDE**

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

**5.83 LOT, THROUGH**

A lot bounded on opposite sides by streets.

**5.84 MANUFACTURING, LIGHT**

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

**5.85 MARINA**

A commercial establishment or premises, containing docking facilities or mooring facilities where boats or boat accessories are berthed, stored, serviced, repaired, constructed or kept for sale or rent and where facilities for the sale of marine fuels or lubricants, accessory retail sales and a taxi

and/or barging service are provided and where waste water pumping facilities may be provided.

**5.86 MARINE FACILITY**

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

**5.87 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.

**5.88 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.

**5.89 MOBILE HOME PARK**

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

**5.90 MODULAR HOME**

Any dwelling that is designed in more than one unit and is designed to be made mobile on a temporary basis, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a mobile home, recreational travel trailer or recreational motor vehicle as defined herein. A modular home shall meet C.S.A. A-277 standards.

**5.91 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.

**5.92 MOTOR VEHICLE**

An automobile, truck, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of The Highway Traffic Act, R.S.O., 1980, c.198, as amended.

**5.93 MOTOR VEHICLE, COMMERCIAL**

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

**5.94 MOTOR VEHICLE BODY SHOP**

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

**5.95 MOTOR VEHICLE DEALERSHIP**

A building or structure where a franchised dealer displays motor vehicles for sale or rent and in conjunction with which there may be used motor vehicle sales or rentals, a motor vehicle repair garage, a motor vehicle service station, a motor vehicle gasoline bar or a motor vehicle body shop, but shall not include any other establishment otherwise defined or classified in this By-law.

**5.96 MOTOR VEHICLE FUEL BAR**

One or more pump islands, each consisting of one or more motor vehicle fuel pumps, and a shelter, which shall include the sale of oils, antifreeze, gasoline additives, propane, natural gas and small accessories required for the operation of motor vehicles, boats and snowmobiles and shall not be used for repairs, oil changes or greasing.

**5.97 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.

**5.98 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 motor vehicles and new retail goods are stored or kept for sale to the general public, or where motor 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 motor vehicles are executed or performed. Such shall require public washrooms.

**5.99 MUNICIPAL, DISTRICT OR PROVINCIAL MAINTENANCE AND/OR STORAGE YARD**

Any land, building and/or structure owned by the Corporation of 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.

**5.100 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.

**5.101 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.

**5.102 NON-CONFORMING**

An existing use or activity of any land, building or structure which does not conform with the permitted uses or activities, of this By-law for the Zone in which such existing land, building or structure is located, so long as it continues to be used for that purpose.

**5.103 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.

**5.104 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.

**5.105 OUTSIDE STORAGE**

Any accessory storage outside of a principle or main building or structure on the lot.

**5.106 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, lawnbowling 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.

**5.107 PARK, PUBLIC**

Any open space or recreational area, owned or controlled by the Corporation 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.

**5.108 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 principle use is located for the purpose of storing motor vehicles.

**5.109 PARKING LOT**

A parking area forming the principle use of a lot.

**5.110 PARKING SPACE**

An area having a minimum width of 3 metres and a minimum area of 18.5 square metres, exclusive of any aisles, ingress or egress lanes, for the parking or storage of motor vehicles.

**5.111 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.

**5.112 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.

**5.113 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.

**5.114 PLACES 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.

**5.115 PLACE OF AMUSEMENT**

Any premises or separate part of a premises wherein for profit or gain, two or more amusement machines are provided for use by the public.

**5.116 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.

**5.117 PRINCIPLE OR MAIN BUILDING**

Any building which is carried on the principle purpose for which the building lot is used and shall include a barn or silo used in conjunction with a farm.

**5.118 PRIVATE CLUB**

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

**5.119 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.

**5.120 PROVINCIAL HIGHWAY**

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

**5.121 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.

**5.122 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.

**5.123 RECREATIONAL ESTABLISHMENT**

Premises where entertainment is offered for gain or profit such as a motion picture or other theatre, public hall, billiard or pool rooms, an establishment offering three or more electronic games for public use, bowling alley, ice or roller skating rink, miniature golf course and all other similar places of amusement.

**5.124 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.

**5.125 RESTAURANT**

A building or part of a building where food is offered for sale or sold to the public primarily for immediate consumption.

**5.126 RETAIL STORE**

A building where goods, wares, merchandise, substances or articles, are offered or kept for sale at retail and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, or articles sufficient only to service such stores but does not include any retail outlet otherwise classified or defined in this By-law.

**ADDED  
8/98-S**

**RETAIL STORE**

A building or part thereof in which foods, 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 or goods listed in a catalogue provided by the establishment.

**5.127 RIDING SCHOOL OR BOARDING STABLE**

An area of land which is used as an educational centre for horse training, handling, care, or for the lodging of horses.

**5.128 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.

**5.129 SCHOOL**

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

**5.130 SERVICE SHOP**

A building or part of a building, not otherwise defined or classified in this By-law, for the servicing or repairing of articles, goods or materials, as well as facilities for accessory retail sales.

**5.131 SERVICE ESTABLISHMENT, PERSONAL**

A building or part of a building in which persons are employed in furnishing services and otherwise administering to individual and personal needs of patrons such as barber shops, beauty parlours, dry cleaning outlets, hair dressing shops, photograph studio and shoe repair shops.

**5.132 SETBACK**

The horizontal distance from the centre line of the street right-of-way, or defined physical feature measured at right angles to such centre line, to the nearest part of any building or structure on the lot.

**5.133 SEWAGE**

The waste water and matter from any uses.

**5.134 SEWAGE SERVICES OR FACILITY**

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

**5.135 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.

**5.136 STREET LINE**

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

**5.137 STRUCTURE**

Anything man-made that is fastened to or into the earth or another structure or rests on the earth by its own mass.

**5.138 TAVERN**

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

**5.139 TENT**

Any kind of temporary shelter for sleeping that is not permanently affixed to the site and that is capable of being easily moved and is not considered a structure.

**5.140 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.

**5.141 TOWN**

The Corporation of the Town of Fort Frances.

**5.142 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.

**5.143 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.

**5.144 TRANSPORTATION DEPOT**

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

**5.145 USE**

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

**5.146 VEHICLE**

A motor vehicle, trailer, traction engine, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include the cars of electric or steam railways running only upon rails.

**5.147 VEHICLE, RECREATIONAL**

A vehicle designed to provide temporary living accommodation but does not include a mobile home, travel trailer or other vehicle defined herein.

**5.148 VESSEL**

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

**5.149 VETERINARY HOSPITAL**

The premises of a veterinary surgeon where animals are treated or kept.

**5.150 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.

**5.151 WASTE DISPOSAL AREA**

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

**5.152 WATERCOURSE**

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

**5.153 WATER SERVICES OR FACILITY**

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

**5.154 WAYSIDE PIT OR QUARRY**

A temporary pit or quarry opened and used by 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.

**5.155 WORKSHOP**

A building or structure where manufacturing is performed by tradesmen 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.

**5.156 YARD**

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

**5.157 YARD, EXTERIOR SIDE**

A side yard immediately adjacent to an exterior lot line.

**5.158 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.

**5.159 YARD, FRONT DEPTH**

The least horizontal distance between the front lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot, or the edge or rim of an excavation on the lot.

**5.160 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.

**5.161 YARD, REAR DEPTH**

The least horizontal distance between the rear lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot, or the edge or rim of an excavation on the lot.

**5.162 YARD, REQUIRED**

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

**5.163 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.

**5.164 YARD, SIDE EXTERIOR**

A side yard immediately adjoining a public street.

**5.165 YARD, SIDE INTERIOR**

A side yard other than an exterior side yard.

**5.166 YARD, SIDE, WIDTH**

The least horizontal distance between the side lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot, or edge or rim or excavation on the lot.

**5.167 ZONE**

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

**5.168 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.

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**SECTION 6  
ENACTMENT**

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**6.1 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.

**6.2 READINGS BY COUNCIL**

THIS BY-LAW READ A FIRST TIME ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 1998.

THIS BY-LAW READ A SECOND TIME ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 1998.

THIS BY-LAW READ A THIRD TIME AND FINALLY PASSED ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 1998.

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

(MUNICIPAL SEAL)

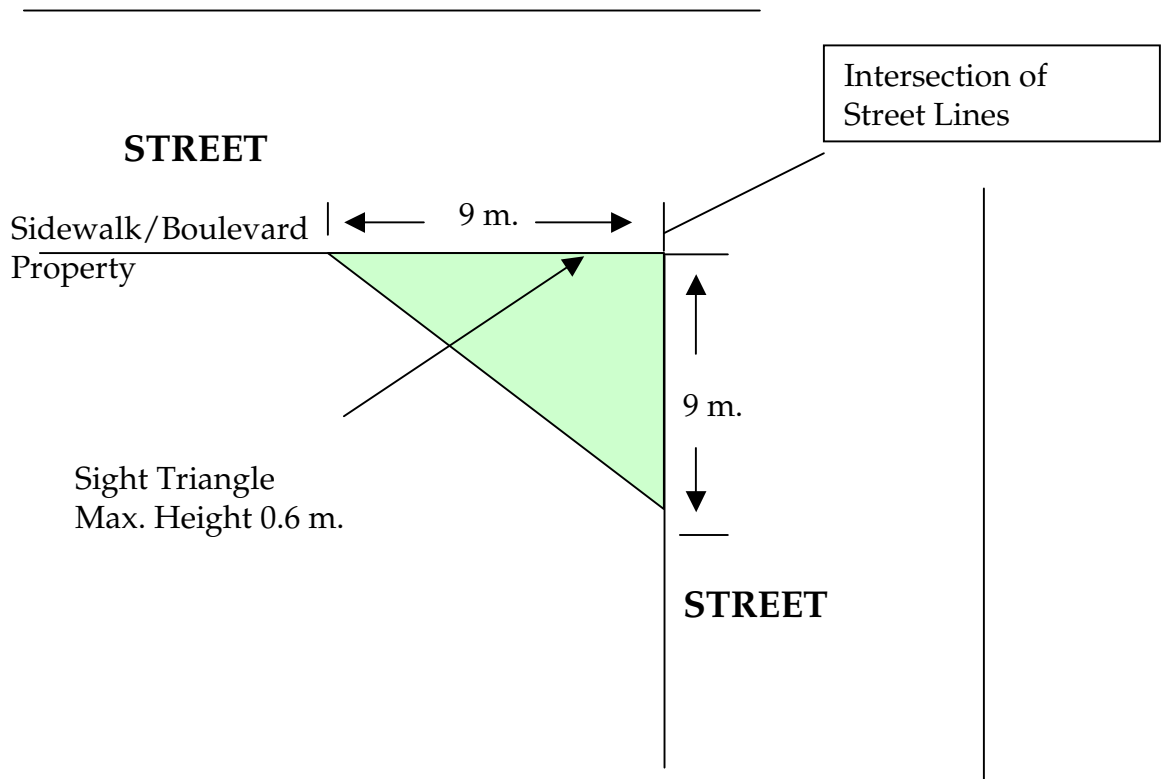
CLERK: \_\_\_\_\_

**6.3 CERTIFICATION**

I hereby that the foregoing is a true copy of Zoning By-law No. \_\_\_\_\_ as enacted by the Council of the Corporation of the Town of Fort Frances, on the \_\_\_\_ day of \_\_\_\_\_, 1998.

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

**SIGHT TRIANGLE**  
section 3.25



## APPENDIX "A"

Listing of Zoning By-Law Amendments  
from date of enactment of 8/98 to May 31, 2006.

BY-LAW #	ENACTED	PROPERTY	AMENDMENT
8/98-A	11 May 1998	620 Mowat Avenue	See Section 4.8.3.1
8/98-B	13 July 1998	530 Scott Street	From R3 to C2
8/98-C	12 July 1999	335 Nelson Street	From R3 to C1
8/98-D	30 August 1999	R# 1-6-088-20 to 1-6-088-80	From C2 to C3
8/98-E	11 December 2000	No address – see by-law	From M2 to C2
8/98-F	11 December 2000	Part Lot 229 ALBTP	From OS to C2
8/98-G	28 May 2001	Island G739	From RD to SR
8/98-H	28 May 2001	1321 King's Highway	From I to C3 (See Section 4.9.3.1)
8/98-I	11 February 2002	Language of By-Law	See By-Law for additional info
8/98-J	24 June 2002	1127/1133 Scott St.	From R2 to R3 (see Section 4.3.3.1)
8/98-K	12 November 2002	1408 Eighth St. E.	From R2 to I (rescinded by 8/98-O)
8/98-L	12 November 2002	390 McIrvine Rd.	See Section 4.9.3.2
8/98-M	9 December 2002	1250 King's Highway	See Section 4.9.3.3.
8/98-N	9 December 2002	1305 Mill Road (part)	From R2-H/C3/R5 to C4
8/98-O	13 February 2003	1408 Eighth St. E.	From R2 to I
8/98-P	22 March 2003	1305 Mill Road	From C4 to I/C3/R5
8/98-Q	25 May 2004	515-523 Col. Rd. E.	See Section 4.3.3.2.
8/98-R	25 May 2004	815/821 Williams Avenue	See Section 4.2.3.1 and 4.7.3.1
8/89-S	26 July 2004	100 Third St. W.	See Section 4.7.3.2.
8/98-T	26 July 2004	780 King's Highway	See Section 4.9.3.4.
8/98-U	13 December 2004	824 Victoria Avenue	See Section 4.7.3.3. (exp. Dec. 13/07)
8/98-V	Not used		
8/98-W	9 May 2005	205 Third St. E.	See Section 4.3.3.3.
8/98-X	24 May 2005	507 Armit Avenue	See Section 4.3.3.4.

8/98-Y	8 August 2005	306 Victoria Avenue	From C2 to R3
8/98-Z	8 May 2006	209 Victoria Avenue	From OS to I
8/98-AA	12 Sept. 2005	515 First St. E.	See Section 4.3.3.5.
8/98-BB	24 Oct. 2005	1235 Idylwild Drive	See Section 4.1.3.1.
8/98-CC	2 March 2007	ACI Portage/Sinclair	From OS & R3 to M2-1
8/98-DD	27 Feb. 2006	1112 King's Highway	From M2-H/C3 to C2
8/98-EE	26 June 2006	801 Scott Street	From C2 to I
8/98-FF	27 August 2007	825 colonization Rd. E.	See Section 4.9.3.5
8/98-GG	28 April 2008	Lots 26 to 38 SM-144	From OS to R2
8/98-HH	28 August 2008	528 Second St. E.	From OS to I
8/98-II	27 October 2008	1345 Emo Road	From I to R4 Also see section 4.4.3.1
8/98-JJ	12 January 2009	Industrial Park property sold to Carmody	See section 4.11.3.1
8/98-KK	9 March 2009	1533 King's Hwy.	See section 4.9.3.6
8/98-LL	9 March 2009	625 Nelson St.	From R3 & C4 to R4

# AMENDMENTS TO ZONING BY-LAW 8/98

Amendment No.	Date Enacted	Property	Purpose
8/98-A	11 May 1998	620 Mowat Avenue	<ul style="list-style-type: none"> <li>- permit a “car wash”</li> <li>- reduce lot area to 850 sq. m.</li> <li>- reduce frontage to 22.86 m.</li> </ul>
8/98-B	13 July 1998	530 Scott Street	- from R3 to C2
8/98-C	12 July 1999	335 Nelson Street	- from R3 to C1
8/98-D	30 August 1999	505 McIrvine	- from C2 to C3
8/98-E	11 December 2000	Church St. – S side	- from M2 to C2
8/98-F	11 December 2000	317 Portage Avenue	- from OS to C2
8/98-G	28 May 2001	Island G739	- from RD to SR
8/98-H	28 May 2001	1321 King’s Hwy (part)	- from I to C3 with vet hospital as added use
8/98-I	Housekeeping for language clean up and clarification		
8/98-J	24 June 200	1127-1133 Scott St.	<ul style="list-style-type: none"> <li>- from R2 to R3 with fourplex as added use</li> <li>- reduce frontage to 99 m.</li> <li>- defines “fourplex”</li> </ul>
8/98-K	Publication error by newspaper – re-processed as 8/98-O		
8/98-L	12 November 2002	390 McIrvine Rd.	<ul style="list-style-type: none"> <li>- added uses of                             <ul style="list-style-type: none"> <li>o business, professional office</li> <li>o retail sales</li> <li>o service shop</li> <li>o personal services establishment</li> </ul> </li> <li>- reduced side yard to 3.048 m.</li> <li>- increase lot coverage to 45%</li> </ul>
8/98-M	9 December 2002	1250 King’s Hwy.	<ul style="list-style-type: none"> <li>- from M2 to C3</li> <li>- added uses of                             <ul style="list-style-type: none"> <li>o retail store</li> <li>o business, professional office</li> <li>o personal services establishment</li> </ul> </li> </ul>

# AMENDMENTS TO ZONING BY-LAW 8/98

			<ul style="list-style-type: none"> <li>○ banks / financial institution</li> </ul>
8/98-N	9 December 2002	1305 Mill Road	- from R2(H), C3 and R5 to C4
8/98-O	13 January 2003	1408 Eighth St. E.	- from R2 (H) to I (H)
8/98-P	12 April 2004	1301 Mill Road	- from C4 to I, C3 and R5
8/98-Q	25 May 2004	515-523 Colon. Rd. E.	- from R2 to R3 with fourplex as added use
8/98-R	25 May 2004	815 Williams Avenue	<ul style="list-style-type: none"> <li>- from C1 to R2</li> <li>- permitted crusher chips on parking area</li> <li>- driveway increased to 31% of lot frontage</li> <li>- planting strip permitted in required yard</li> <li>- accessory building permitted to remain</li> <li>- increase accessory building to 18% from 15%</li> </ul>
8/98-S	26 July 2004	Central Avenue	<ul style="list-style-type: none"> <li>- from R4 to C1 with specific added uses of                             <ul style="list-style-type: none"> <li>○ banks / financial institutions</li> <li>○ business or professional office</li> <li>○ day nursery</li> <li>○ max. of 2 dwellings nits on 2<sup>nd</sup> storey or at rear of 1<sup>st</sup></li> <li>○ personal services establishment</li> <li>○ retail store to max. of 465 sq. m. as defined</li> <li>○ fitness centre</li> <li>○ clinic</li> <li>○ funeral parlour</li> <li>○ gas bar</li> <li>○ Laundromat</li> <li>○ Parking lot</li> <li>○ Place of amusement</li> <li>○ Post office</li> <li>○ Private club</li> <li>○ Restaurant to max. of 465 sq. m.</li> <li>○ Car wash as accessory use only</li> <li>○ Convenience store</li> </ul> </li> <li>- Definitions for fitness centre and retail store added</li> </ul>

## AMENDMENTS TO ZONING BY-LAW 8/98

8/98-T	26 July 2004	780 King's Hwy	<ul style="list-style-type: none"> <li>- Personal services establishment added</li> <li>- Reduced interior side yard to 1.5 m.</li> <li>- Deleted "accessory" from dwelling permitted.</li> </ul>
8/98-U	13 December 2004	824 Victoria Avenue	<p><b>Temporary to December 13, 2007</b></p> <ul style="list-style-type: none"> <li>- Parking eliminated</li> </ul>
8/98-V	<b>Not used</b>		
8/98-W	9 May 2005	205 Third St. E.	<ul style="list-style-type: none"> <li>- From C2 to R3</li> <li>- Added uses of                             <ul style="list-style-type: none"> <li>o An apartment dwelling</li> <li>o Business, professional or admin. Offices</li> <li>o Personal services establishment</li> </ul> </li> </ul>
8/98-X	24 May 2005	507 Armit Avenue	<ul style="list-style-type: none"> <li>- From C2 to R3</li> <li>- Reduce side yard to 1.5 metres</li> <li>- Reduce front yard to nil</li> </ul>
8/98-Y	8 August 2005	306 Victoria Avenue	<ul style="list-style-type: none"> <li>- From C2 to R3</li> </ul>
8/98-Z	8 May 2006	209 Victoria Avenue	<ul style="list-style-type: none"> <li>- From OS to I</li> </ul>
8/98-AA	12 September 2005	515 First St. E.	<ul style="list-style-type: none"> <li>- Reduce off-street parking to 3</li> <li>- Permit ingress/egress from laneway</li> <li>- Added use of personal services establishment</li> </ul>
8/98-BB	24 October 2005	1235 Idylwild Dr.	<ul style="list-style-type: none"> <li>- Added accessory dwelling as use</li> </ul>
8/98-CC	2 March 2008	ACI Portage/Sinclair	<ul style="list-style-type: none"> <li>- From OS &amp; R3 to M2-1</li> </ul>
8/98-DD	27 February 2006	1112 King's Hwy	<ul style="list-style-type: none"> <li>- from M2 (H) and C3 to C2</li> </ul>
8/98-EE	26 June 2006	801 Scott Street	<ul style="list-style-type: none"> <li>- from C2 to I</li> </ul>
8/98-FF	27 August 2007	825 Col. Rd. E.	<ul style="list-style-type: none"> <li>- Added use of single family dwelling</li> <li>- Reduce side yard to 2.45 m.</li> </ul>
8/98-GG	28 April 2008	Lots 26 to 38 SM-144	<ul style="list-style-type: none"> <li>- from OS to R2</li> </ul>
8/98-HH	28 August 2008	528 Second St. E.	<ul style="list-style-type: none"> <li>- from OS to I</li> </ul>
8/98-II	27 October 2008	1345 Emo Rd.	<ul style="list-style-type: none"> <li>- from I to R4 with section 4.4.2 exceptions to permit                             <ul style="list-style-type: none"> <li>o maximum of 7 dwelling units;</li> <li>o frontage reduced to 18.28 metres;</li> </ul> </li> </ul>

## AMENDMENTS TO ZONING BY-LAW 8/98

			<ul style="list-style-type: none"> <li>○ Interior side yard (east) reduced to 3.3 metres as it pertains to the existing building only;</li> <li>○ planting strip permitted to form part of the required side yard; and</li> <li>○ maximum height of buildings reduced to 12 metres</li> </ul>
8/98-JJ	12 January 2009	Lots 3 to 14, 17 to 25 and Lot 50 Plan 48M-353 including closed portion of 7 <sup>th</sup> Street between Wright and Keating Avenues	- add "recycle operation" as site specific added use
8/98-KK	9 March 2009	1533 Kings Highway	- Added permitted use as "retail Sales"
8/98-LL	9 March 2009	625 Nelson St.	- From R3 and C1 to R4
8/98-MM	25 May 2010	824 Victoria Avenue	- From C1 to I with section 4.15.3.1 exceptions to permit <ul style="list-style-type: none"> <li>○ No off-street parking spaces</li> <li>○ lot area of 350.15 sq. m.</li> <li>○ lot frontage of 8.23 m.</li> <li>○ front yard setback of 0.87 m.</li> <li>○ interior side yard of 0.28 m.</li> <li>○ exterior side yard of 0.54 m., and</li> <li>○ increased in lot coverage to 66.09%</li> </ul>
8/98-NN	23 August 2010	Lillie & Elizabeth	- Section 4.16.4.2 to add a community garden as a permitted use
8/98-OO	23 August 2010	990 Scott Street	- I to R3
8/98-PP	8 November 2010	420 Mowat Avenue	- Section 4.8.3.2. to add an additional "accessory dwelling" on the main floor.
8/98-QQ	20 December 2010	237 Eighth St. W.	- From R2 to R4
8/98-RR	25 April 2011	705 McIrvine Road	- Section 4.9.3.7. to add as permitted use and as defined an <b>Automotive Sales Establishment</b>