

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

(adopted January 27, 2014)



FORTFRANCES
BOUNDLESS

Corporation of the Town of Fort Frances
320 Portage Avenue
Fort Frances, On
P9A 3P9
www.fortfrances.ca

PREAMBLE

These pages explain the purpose of this Zoning By-law and how it should be used. This Guide is intended only to make the Zoning By-law more understandable and easier to reference.

PURPOSE OF THIS ZONING BY-LAW

The purpose of this Zoning By-law is to implement the policies of the Town of Fort Frances Official Plan. The Official Plan contains general policies that affect the use of land throughout the Municipality. These policies specify where certain land uses are permitted and, in some instances, specify what regulations should apply to the development of certain lands.

DETERMINING ZONING OF YOUR PROPERTY

1. Locate the Property on a Map

Maps in a Zoning By-law are called 'Schedules'. Schedule 'A' is the main Zoning Map and divides the municipality into areas or "zones". The first step to using this By-law is to find your property on Schedule A to determine what your property is zoned. The zone category will be indicated on the schedules by a symbol or abbreviation. For example, you may see the symbol "R1" beside your property. This would indicate that your property is located in the low-density zone. Section 1.5.3 provides assistance to help you identify the zone boundaries on the Schedules. The zone symbols or abbreviations are explained in section 4 of the By-law. In any circumstance, you should confirm your findings with the Municipal Planner.

2. Definitions

The definitions in Section 2 can assist you if you are not sure of the nature of a permitted use or how it has been defined for the purposes of this By-law. The Planning Act requires that zoning by-laws prohibit all uses except as may be specifically permitted. Therefore uses that are not specifically identified as being permitted in a particular zone cannot be established in that zone. If a use is not listed as being permitted it is not.

ZONING PROVISIONS AND REGULATIONS

The Zoning By-Law contains general provisions that apply to all lands within the Municipality as well as specific regulations that apply to certain zones. Development must comply with both the general provisions as well as the specific regulations.

3. General Zoning Provisions

Section 3 sets out the zoning provisions that apply to all lands within the Municipality. Examples of general provisions are: regulations relating to accessory buildings such as garages, servicing, expansion of legal non-conforming uses and non-complying buildings, parking areas including the number of spaces required and the dimension of each, etc.

4. Specific Zoning Provisions

The next step to using this By-law is to determine what uses are permitted on your property. Each Zone Section in the By-law has two primary parts: Permitted Uses and Regulations For Permitted Uses.

Sections 4.5 through 4.17 of the By-law identify the permitted uses and zone requirements for each zone in the Municipality. Zone Standards include minimum lot area, minimum frontage requirements, minimum yard requirements, maximum lot coverage for buildings, maximum permitted height of buildings and, in some cases, the minimum required landscaped open space on the lot.

LEGAL NON-CONFORMING USES AND LEGAL NON-COMPLYING BUILDINGS & STRUCTURES

Subsection 3.16 and 3.17 applies to legally non-conforming uses and legally non-complying buildings and structures, respectively. Additions and expansions to legally non-conforming uses greater than .2 metres, will require an amendment to this By-law or permission from the Committee of Adjustment. This By-law does not prohibit the repair, improvement or reconstruction of legally non-complying buildings and structures provided setback(s) are not further reduced. A minor variance will be required from the Committee of Adjustment if the expansion will further reduce a setback.

5. Non-Conforming

Uses of land and buildings that were established legally prior to the date a Zoning By-Law comes into effect but are no longer permitted by the Zoning By-Law are referred to as “legal non-conforming” uses. To be legal, the use must have been permitted on the lands in accordance with the previous Zoning By-laws for the Municipality.

Subsection 34(9) of the *Planning Act* establishes the right of an owner to continue to use a property that was legally built and the use legally established. A non-conforming use will remain legal provided the use has been continuous and there is no intent to abandon the use. Where a legal non-conforming use has been interrupted due to damage, the legal non-conforming use is considered to be continuous, provided that the owner has maintained the intent to reconstruct, repair or re-establish the use.

6. Non-Complying

Buildings and structures that were established legally but no longer comply with Zoning By-Law’s lot and building requirements are referred to as “legal non-complying” buildings and structures.

A legal non-complying lot, building or structure is a lot, building or structure that was legally created or erected in a location it was in when Zoning By-law 3/14 came into effect under the *Planning Act* (February 19, 2014).

To be legal, the lot or location of the building or structure must have been authorized on the lands in accordance with the Municipality's previous Zoning By-laws. Alternatively, if the lot, building or structure existed on the lands for a considerable number of years, the building or structure may be legal if it was legally created or erected before the first Zoning By-law for the Town of Fort Frances.

MINOR VARIANCES AND ZONING BY-LAW AMENDMENTS

If a proposed project does not comply with the permitted uses or the lot and building requirements of the Zoning By-Law, an owner may apply for a minor variance from the Committee of Adjustment to seek relief from the specific zoning provision. If the required relief is not minor in nature, an amendment to the Zoning By-Law may be required.

7. Minor Variances

A minor variance is a planning tool you can use to accommodate your development project if it does not comply with zoning provisions. Minor variances are a privilege NOT a right and for this reason the first option is always to accommodate your project in compliance with the required regulations but because this is not always possible, there is the option to see a minor variance in accordance with section 45 of the *Planning Act*. The Committee of Adjustment is appointed by Council but acts as a quasi-judicial independent decision making body separate from council and authorized by the *Planning Act* to approve minor variances, among other planning applications.

8. By-law Amendments

A Zoning By-law is not a static document; it is amended over time as demands and policies governing land use change. Before proceeding any further, you should verify that your property is not the subject of an earlier Zoning By-law amendment. While the Town strives to keep this By-law up-to-date, more recent amendments may not be included in the version of the By-law you are using. Staff in the Planning Department can assist you to confirm if your property has been subject to a more recent By-law amendment.

For more information contact:

Cody Vangel, CBO Trainee / Municipal Planner
Town of Fort Frances
320 Portage Avenue
Fort Frances, On P9A 3P9
P - 807-274-5323 ex. 1216
E – cvangel@fortfrances.ca