

The Corporation of the City of Kenora

By-Law Number 12 - 2013

A By-law to Amend the Comprehensive Zoning By-Law #160-2010, as amended

Whereas the Corporation of the City of Kenora passed a Comprehensive Zoning By-law 160-2010 on August 9, 2010; and

Whereas Council can amend By-Law 160-2010 from time to time; and

Whereas Council has reviewed the Zoning By-law; and

Whereas Council wishes to make changes to Section 3.4 – Non-Conforming / Non-Complying Uses of the Zoning By-law;

Now Therefore be it Resolved that the Council of the Corporation of the City of Kenora hereby Enacts as follows:

1. That the provisions in Section 3.4 – Non-Conforming / Non-Complying Uses shall be deleted and replaced with the following provisions:

3.4.1 – Non-Complying Building and Structures

1) Reconstruction, Enlargement and Extension

- (i) Where a legal non-complying building or structure is damaged, destroyed, or demolished, the building or structure may be reconstructed within its original location provided:
 - a. The situation of non-compliance is not further increased; and
 - b. All other provisions of the By-law are complied with.
 - (ii) A legal non-complying building or structure may be enlarged or extended provided the situation of non-compliance is not further increased and it complies with all other provisions of the By-law.
- 2) Development is permitted on any vacant lot existing as of the date of the passing of this By-law and which lot is legally non-complying with respect to lot width and lot area provided:
 - (i) The proposed use is a use permitted in the zone in which the lot is located; and
 - (ii) The proposed use does not contravene any other zone provisions.

3.4.2 Non-Conforming Uses

1) Continuation of Existing Uses

The provisions of this By-law shall not apply to prevent the use of any existing lot or any existing building for any purpose prohibited by this By-law if such lot or building was legally used for such purpose on the date of the passing of this By-law and provided that the lot or building continues to be used for that purpose.

2) Restoration of Buildings to a Safe Condition

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any building or part thereof, lawfully used on the date of the passing of this By-law, provided that such strengthening or restoration does not increase the building height, size, volume, or change the use of such building.

3) Reconstruction of Damaged Existing Building

Nothing in this By-law shall apply to prevent the reconstruction of any legal non-conforming building which existed on the date of the passing of this By-law, which is damaged by causes beyond the control of the owner, and such 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, provided that the building height, size, volume, or lot coverage is not increased

By-law read a First and Second Time this 19th day of February, 2013

By-law read a Third and Final Time this 19th day of February, 2013

The Corporation of the City of Kenora:-

David S. Canfield, Mayor

Joanne L. McMillin, City Clerk