



ZONING BY-LAW

By-Law No. 2017-154

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Prepared by:



City of Temiskaming Shores
Comprehensive Zoning By-law

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City of Temiskaming Shores
Comprehensive Zoning By-law
By-law 2017-154

December 19, 2017

Section 1 - Administration and Interpretation

1.1 Title and Application

- 1.1.1 This by-law shall be known as the “City of Temiskaming Shores Zoning By-Law”.
- 1.1.2 The provisions of this By-law apply to all lands, including islands and lands under water, within the boundaries of the City of Temiskaming Shores.

1.2 Conformity and Compliance with By-law

- 1.2.1 No land, *building* or *structure* may be used, erected or altered except in accordance with the provisions of this By-law.
- 1.2.2 In the event of an inconsistency or conflict between two or more provisions in this By-law, the more restrictive provision applies.
- 1.2.3 Any *existing use* or *structure* established in compliance with the provisions of a predecessor of this By-law or in accordance with a variance granted by the Committee of Adjustment continues to be permitted by this By-law. Any new *use* or *structure*, or addition to an *existing structure* shall meet the provisions of this By-law.
- 1.2.4 Any *use* established in contravention or violation of a predecessor of this By-law is deemed to have been established unlawfully and shall not be considered in compliance with this By-law.

1.3 Interpretation

- 1.3.1 The provisions of this By-law are the minimum requirements except where the word “maximum” is used, in which case the maximum requirement applies.
- 1.3.2 Nothing in this By-law shall serve to relieve any person from any obligation to comply with the requirements of any other By-law of the City or any requirement of the Province of Ontario or Government of Canada that may affect the use of lands, *buildings* or *structures* in the City.

- 1.3.3 All measurements in this By-law appear in metric. Appendix “A” has been included for information purposes only and the imperial figures are not exact conversions of the metric figures. Reference shall always be made to the metric figures in determining conformity with the By-law.
- 1.3.4 Illustrations have been included in Appendix “B” to assist in providing a visual interpretation of various provisions in the By-law. (NOTE: Illustrations to be provided in a subsequent draft.)

1.4 Administration, Enforcement and Penalties for Contravention

- 1.4.1 This By-law shall be administered and enforced by municipal staff as appointed by the Council of the City.
- 1.4.2 Any designated employee of the City acting under their direction may, at any reasonable hour and upon producing proper identification, enter and inspect any property but shall not enter any *building* or *structure* used as a *dwelling unit* without the consent of the occupier, or the authority of a Search Warrant issued pursuant to the provisions of the *Provincial Offences Act, R.S.O. 1990, c. P33*, as amended.
- 1.4.3 Any person who contravenes any provision of this By-law is guilty of an offense and upon conviction is liable to the fine(s) as provided for under the *Planning Act, R.S.O. 1990, c. P. 13*, as amended.

1.5 Severability

- 1.5.1 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 Technical Revisions to the By-law

- 1.6.1 Revisions may be made to this By-law without the need for a zoning by-law amendment in the following cases:
- a) Correction of grammar or typographical errors or revisions to format in a manner that does not change the intent of a provision.
 - b) Adding or revising technical information on maps or schedules that does not affect the zoning of lands including, but not limited to, matters such as updating and correcting infrastructure information, keys, legends or title blocks.
 - c) Changes to appendices, footnotes, headings, indices, marginal notes, table of contents, illustrations, historical or reference information, page numbering, footers and headers, which do not form a part of this By-law and are editorially inserted for convenience of reference only.

- d) Minor adjustments to the boundary of the Hazard (HZ) Zone overlay on a property may be made without amendment to the Zoning By-law, where the Official for the City is satisfied that the mapping of the Hazard (HZ) Zone overlay on a schedule is in obvious error.

1.7 Transition Provisions

- 1.7.1 This By-law does not prevent the erection or use of a *building* or *structure* for which a *building* permit was issued prior to the date of passage of this by-law, so long as the *building* or *structure* when erected is used and continues to be used for the purpose for which it was erected and provided the *building* permit has not been revoked.
- 1.7.2 Where the Committee of Adjustment has issued a decision on a variance to any prior zoning by-law in the City, the decision of the Committee of Adjustment shall continue to apply.
- 1.7.3 Where a Site Plan Agreement has been entered into prior to the effective date of this by-law, and the timeframes specified in the Agreement have not yet lapsed, the provisions of this By-law, as they apply to such land, *building* or *structure*, shall be deemed to be modified to the extent necessary to give effect to such Site Plan Agreement.

Section 2: Establishment of Zones

2.1 Zones & Zone Symbols

2.1.1 For the purposes of this By-law, the City is divided into the following Zones:

| ZONE | SYMBOL |
|---|---------------|
| Residential Zones | |
| Rural Residential | R1 |
| Low Density Residential | R2 |
| Medium Density Residential | R3 |
| High Density Residential | R4 |
| Mobile Home Residential | MH |
| Commercial Zones | |
| General Commercial | C1 |
| General Commercial | C1A |
| Highway Commercial | C2 |
| Neighbourhood Commercial | C3 |
| Tourist Commercial | C4 |
| Industrial Zones | |
| General Industrial | M1 |
| Manufacturing Industrial | M2 |
| Mineral Aggregate Resource | M3 |
| Waste Management | M4 |
| Agricultural and Rural Zones | |
| Prime Agricultural | A1 |
| Rural | RU |
| Other Zones | |
| Community Facilities | CF |
| Open Space Recreation | OS |
| Environmental Protection | EP |
| Development | D |
| Mixed Use – Agricultural Research Station | MU-A |
| Overlay Zones | |
| Mining Constraint | MC |
| Flood Hazard Constraint | F |

2.2 Zone Schedules

2.2.1 The zones set out in Section 2.1 and the boundaries of such zones are shown on the schedules attached to this By-law, being Schedules A1 to L6. The schedules form part of this By-law.

2.3 Zoning of Water and Islands

2.3.1 Where a zone boundary abuts a waterbody, such zone shall be deemed to extend into the waterbody and to apply to any patented water *lots*, Crown lake bed or any land created by changing lake levels, and to extend over all docks, *boathouses*, *boat ports* and any other *structures* appertaining to the *lot*.

2.3.2 All islands not identified as being within a Zone on the Zone Schedules shall be zoned Open Space (OS).

2.4 Site Specific Zones

2.4.1 Where a Zone symbol on the attached Schedule(s) is followed by a dash “-” and a number, such as “R1-17”, the number refers to a site-specific exception that applies to the lands noted.

2.5 Overlay Zones

2.5.1 Where a property is identified within an Overlay zone on the schedules to this by-law, the property shall be subject to the provisions in Section 11.

2.6 Holding Zones

2.6.1 Notwithstanding any other provision in this By-law, where a Zone symbol is followed by the letter “H” and a number, no person shall use the land to which the letter “H” applies for any *use* other than the *use* which existed on the date this By-law was passed, until the “H” is removed in accordance with the policies of the Official Plan and the provisions of Section 12 of this By-law and/or the requirements of any amending By-law, and the requirements of the *Planning Act*, as amended.

2.7 Determining Zone Boundaries

2.7.1 When determining the location of zone boundaries as shown on any Schedule to this By-law, the following provisions apply:

- a) a boundary indicated as following *lot lines* shown on a registered plan of subdivision, or reference plan, or the municipal boundaries of the City shall follow such *lot lines*;

- b) a boundary indicated as following a highway, street, lane, railway right-of-way, utility corridor or watercourse shall be the centerline of such highway, street, lane, railway right-of-way, utility corridor or watercourse;
- c) where a boundary passes through a *lot* and the distance is not indicated, the Zone boundary shall be measured using the scale of the Schedules;
- d) where none of the above provisions apply, the Zone boundary shall be scaled from the approved Schedules.

Section 3: Definitions

- 3.1 ABATTOIR:** a slaughter house designed for the purpose of killing animals, skinning, dressing and cutting up of carcass, wrapping for sale for human consumption with cooler and freezer storage, smoking, curing or manufacture of meat by-products and includes indoor confinement of animals while awaiting slaughter but shall not include any process related to rendering plants such as the manufacture of tallow, grease, glue, fertilizer or any other inedible product.
- 3.2 ACCESSORY:** a *use, building or structure* that is commonly incidental, subordinate and exclusively devoted to the *principal use, building or structure* and is located on the same *lot*.
- 3.3 ADULT ENTERTAINMENT PARLOUR:** an establishment in which is provided, in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations.
- 3.4 AGRICULTURAL PROCESSING ESTABLISHMENT:** the *use* of land, *buildings* and *structures* for the processing and storage of agricultural produce, including the initial cleaning, culling, storing or packing of products produced on the farm or in conjunction with farms in the vicinity which produce the same agricultural products, and in preparation for shipment to food processing establishments or market. Without limiting the generality of the foregoing, an *agricultural processing establishment* shall include a feed and grain mill or a seed mill.
- 3.5 AGRICULTURAL PRODUCE WAREHOUSE:** a *building* or part of a *building* used for the storage of agricultural produce and may include facilities for wholesale distribution or an *accessory retail use* for the sale of such agricultural produce to the general public, but does not include an *agricultural processing establishment*.
- 3.6 AGRICULTURAL USE:** general farming and without limiting the generality of the foregoing includes the raising and harvesting of field, bush, tree or vine crops, truck gardening, nurseries, *greenhouses*, dairying, animal husbandry, raising of poultry, apiaries, and the sale of produce grown on the farm from which the sale is made. A *farm residence* for the owner of the farm and accommodation for employees engaged in the operation of the farm is permitted.
- 3.7 AGRICULTURAL PRODUCT SALES OUTLET:** a *building*, part of a *building*, or a stand in which farm products produced on the farm are offered for sale at retail, but shall not include an *abattoir*.
- 3.8 AGRICULTURAL SERVICES:** the *use* of land, *building* or *structure* for the purposes of buying and selling commodities and services that are necessary to support agricultural operations but does not include any manufacturing, assembling, processing, warehousing, or construction *uses*.
- 3.9 AGRICULTURAL SUPPLY/IMPLEMENT DEALERSHIP:** a *building*, *structure* or area where farm implements, equipment and farm supplies are kept for rental and/or sale at retail and may include

facilities for the servicing of such implements or equipment but shall not include any other establishment otherwise defined or classified herein.

3.10 ALTER:

a) When used in reference to a *building, structure* or part thereof:

- i. to change any one or more of the external dimensions of such *building or structure*; or
- ii. to change the *use* of such *building or structure*; or
- iii. to change the number of *uses* or *dwelling units* contained therein.

b) When used in reference to a *lot*:

- i. to change the boundary of such *lot* with respect to a street or lane; or
- ii. to change any dimension or area, relating to such *lot*, which is covered herein by a zone provision; or
- iii. to change the *use* of such *lot*; or
- iv. to change the number of *uses* located thereon.

3.11 BED AND BREAKFAST ESTABLISHMENT: a *dwelling*, or part of a *dwelling*, in which not more than 4 bedrooms are used or maintained for the accommodation of the travelling or vacationing public, in which the proprietor resides and supplies lodgings with or without meals for the persons so accommodated, but does not include a *boarding house, group home, or tourist establishment*.

3.12 BOARDING HOUSE: premises in which accommodation is supplied for remuneration to more than four (4) persons with or without meals, in which the lodging rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants, and shall not include a *hotel/motel, hospital, long term care home or retirement home*.

3.13 BOATHOUSE: a detached *accessory building or structure*, that is located over the lake/river bed or adjacent thereto, which is designed or used for the sheltering of a boat or other form of water transportation and may include storage of household equipment incidental to the residential *use* permitted on the *lot*.

3.14 BOAT PORT: a detached *accessory structure* used for the berthing, sheltering or storing of boats and related equipment that is roofed, but not enclosed by more than one wall and is built, founded or anchored near, at or over the *shoreline* of a navigable waterway or on land.

3.15 BUFFER AREA: a landscaped or naturally vegetated strip of land devoted exclusively to the provision of visual amenity and a physical barrier between adjacent *uses*.

3.16 BUILDING: any *structure* used or designed to be used for shelter, accommodation or enclosure of persons, animals or chattels other than a lawful boundary wall or *fence*.

3.17 BUILDING LINE: a line within a *lot* drawn parallel to a *lot line* which establishes the minimum distance between that *lot line* and any *building or structure*, which may be erected.

- 3.18 BUILDING, MAIN:** The *building* which contains the *principal use* of the *lot* on which the *building* is located.
- 3.19 BUILDING OR STRUCTURE, ACCESSORY:** a detached *building* or *structure* the *use* of which is customarily incidental and subordinate to a *principal use, building* or *structure* and located on the same *lot*.
- 3.20 BUILDING SUPPLY ESTABLISHMENT:** a *building* or *structure* in which *building* or construction and home improvement materials are offered or kept for sale and may include the fabrication of certain materials related to home improvements, and may include *outdoor storage*.
- 3.21 BULK SALES ESTABLISHMENT:** the *use* of land, *building* or *structure* for the purposes of buying and selling fuels, ice and allied commodities, but does not include any manufacturing, assembling or processing *uses*.
- 3.22 BUSINESS, PROFESSIONAL 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 service clients or patients who seek advice, consultation or treatment.
- 3.23 CABIN:** a separate *building* designed to provide only sleeping accommodation for the travelling or vacationing public.
- 3.24 CABIN, HOUSEKEEPING:** a separate *building* designed to provide sleeping accommodations and facilities for the preparation and cooking of food for the travelling or vacationing public.
- 3.25 CARPORT:** a partially enclosed *structure* attached to a *dwelling*, with a roof, which is designed or used for the storage of one or more private vehicles.
- 3.26 CEMETERY:** land that is set apart or used as a place for interment of human remains, or for the scattering of cremated human remains in accordance with The Funeral, Burial and Cremation Services Act, 2002, and amendments thereto. A *cemetery* may include such *accessory uses* as a mausoleum and columbarium.
- 3.27 CHILD CARE CENTRE:** premises operated by a child care provider licensed under the Child Care Modernization Act, SO 2014, C. 11, to operate a child care centre at the premises.
- 3.28 COMMERCIAL USE:** the *use* of land, *building* or *structure* for the purposes of buying or selling commodities and supplying services, as distinguished from such *uses* as manufacturing or assembling of goods, *bulk sales establishments, warehouses* and *contractors' establishments*.
- 3.29 CONSERVATION USE:** land used solely for the preservation and enhancement of the natural environment and may include a conservation area, and fish and wildlife management.

- 3.30 CONTRACTOR'S ESTABLISHMENT:** the premises of a building contractor or company used as a depot for the storage and maintenance of equipment used by the contractor or company, and includes facilities for the administration or management of the business and the stockpiling or storage of supplies used in the business, but does not include the wholesale or retail sale of *building* supplies or home improvement supplies.
- 3.31 CONVENIENCE STORE:** a *retail store* serving the daily or occasional needs of the residents of the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, stationery, hardware, magazines and/or newspapers.
- 3.32 CREMATORIUM:** a *building* that is fitted with appliances for cremating human remains and that has been approved as a *crematorium* or established as a *crematorium* in accordance with the requirements of The Funeral, Burial and Cremation Services Act, 2002, or a predecessor of it and includes everything necessarily incidental and ancillary to that purpose.
- 3.33 DOCK:** a *structure* built at or anchored to the shore at which boats or other floating vessels are berthed or secured to and which may provide a foundation for a *boathouse*.
- 3.34 DRIVING RANGE:** a public or private area operated for the purpose of developing golfing techniques, but excluding *golf courses*.
- 3.35 DRY CLEANING ESTABLISHMENT:** a *building* or part of a *building* in which the business of dry cleaning, dry dyeing, cleaning, spotting, stain removal or pressing of articles and/or goods of fabric is carried on, using chemicals which emit no odours or fumes outside the *building*.
- 3.36 DWELLING:** a residential *building* designed for the occupancy by one or more persons, containing one or more *dwelling units* as a *principal use* thereof, but shall not include a commercial accommodation in a *tourist establishment*, *boarding house*, mobile home with or without a foundation, or institutional uses.
- 3.37 DWELLING, APARTMENT:** a *building* containing five or more *dwelling units*, each unit has an independent entrance either directly or through a common vestibule, but excludes a street townhouse.
- 3.38 DWELLING, DUPLEX:** a *building* that is divided horizontally into two *dwelling units*, each of which has an independent entrance either directly or through a common vestibule and which has one set of municipal services and is located on a single *lot*.
- 3.39 DWELLING, MOBILE HOME:** any *dwelling* that is designed to be mobile, whether or not the running gear has been removed, or constructed or manufactured to provide a permanent residence for one or more persons in accordance with C.S.A. Standard Z240, but does not include a travel *trailer* or tent *trailer* or *trailer* otherwise designed to a C.S.A. Standard Z241 or A277.

- 3.40 DWELLING, MODULAR:** a factory built home which is a designed and built to be transported to a site. It may contain parts that can be folded, collapsed, or telescoped when being towed and expanded later to provide additional floor space, and will sit on a permanent foundation. The shortest side of a *modular dwelling* shall not be less than 6.1 metres in width. The *modular dwelling* is designed for long term year round occupancy. It has facilities for cooking, eating, living, sleeping and sanitation. A *modular dwelling* does not include a park model *trailer*, travel trailer, tent trailer or *trailer* otherwise designed to a C.S.A. Standard Z241. For the purposes of this definition, a modular home certified in accordance with an A277 Standard is required, while those having either a Z240, Z241 Standard or a combination of either of these with the A277 Standard are not permitted.
- 3.41 DWELLING, MULTIPLE:** a *building* containing three or four *dwelling units*, each unit has an independent entrance either directly or through a common vestibule, but excludes a street townhouse.
- 3.42 DWELLING, STREET TOWNHOUSE:** a *building* that is divided vertically by common walls into three or more *dwelling units*, each of which has independent entrances to a *front yard* and *rear yard* immediately abutting the front and rear walls of each *dwelling unit*, which may have separate sets of municipal services and which may be located on separate *lots*.
- 3.43 DWELLING, SEMI-DETACHED:** a *building* that is divided vertically by a common wall into two *dwelling units*, each of which has an independent entrance either directly or through a common vestibule, which may have separate set of municipal services and which may be located on two separate *lots*.
- 3.44 DWELLING, SINGLE DETACHED:** a completely detached *dwelling unit*.
- 3.45 DWELLING UNIT:** A suite of *habitable rooms* which is located in a *building*, is used or intended to be used in common by the occupants as a single, independent and separate housekeeping establishment; and contains food preparation and sanitary facilities provided for the exclusive common *use* of the occupants thereof.
- 3.46 DWELLING UNIT, SECOND:** A *dwelling unit* permitted under Section 4.16.2, *accessory* to the main *use* of the property and contained within or attached to the *main building* or in the second *storey* of, or attached to, an attached *private garage*.
- 3.47 DWELLING UNIT IN A NON-RESIDENTIAL BUILDING:** A *dwelling unit* located within a non-residential *building*, to which entrance is gained either directly or through a common vestibule.
- 3.48 EDUCATIONAL ESTABLISHMENT:** the *use* of lands, *buildings* or *structures* as a training centre, an elementary or secondary school, private school, university or community college authorized by the Province of Ontario.

- 3.49 EQUESTRIAN FACILITY:** a commercial establishment where horses are housed or boarded and are available for riding, riding instruction, agility training or jumping.
- 3.50 EQUIPMENT SALES, SERVICE AND RENTAL ESTABLISHMENT:** premises in which machinery and equipment are offered or kept for sale, rent, lease or hire under agreement for compensation, and which are also serviced, but shall not include any other establishment defined or classified in this By-law.
- 3.51 ERECT:** to build, construct, reconstruct, *alter* or relocate and without limiting the generality of the foregoing is taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any *existing building* or *structure* by an addition, deletion, enlargement or extension.
- 3.52 ESTABLISHED BUILDING LINE:** the average *setback* of *existing buildings*. A *building line* is considered to be established when a minimum of 3 *buildings* have been erected on any one side of a continuous 100 metres of land with street frontage.
- 3.53 EXISTING:** a *lot, use, building* or *structure* lawfully *existing* on the day of the passing of this by-law.
- 3.54 EXTERIOR LIGHTING:** any form of artificial illumination located outside of a *building* or *structure*.
- 3.55 FARM RESIDENCE:** a *single detached dwelling* located on the same *lot* as an *agricultural use* operation and occupied by the owner of the farm or by some person engaged in the operation of the farm.
- 3.56 FENCE:** a barrier for enclosing, bounding, delineating or protecting land.
- 3.57 FINANCIAL ESTABLISHMENT:** a *building*, or part thereof, which is used to provide for financial services in which money is deposited, kept, lent, or exchanged, including *accessory* clerical functions and shall include a bank, trust company, credit union, or other similar banking service.
- 3.58 FLOOD HAZARD CONSTRAINT AREA:** the horizontal area bordering a lake, swamp, river, stream, or water course which is subject to flooding.
- 3.59 FLOODPROOFING:** structural changes and /or adjustments incorporated into the basic design and/or construction or alterations of individual *buildings, structures* or properties to protect them from flood damage.
- 3.60 FLOOR AREA:** the total horizontal *floor area* within a *building* which is measured between the exterior faces of the exterior walls or from the centre line of a common wall, but excluding any *private garage, breezeway, porch, verandah, balcony, sunroom, attic, cellar, and any floor area* with a ceiling height less than 2 metres (6.6 feet).
- 3.61 FLOOR AREA, GROSS:** the total *floor area* of all *storeys* exclusive of any part of the *building* or *structure* below finished grade which is used for heating equipment, or for the storage or parking

of *motor vehicles*, breezeways, porches, verandahs, decks, locker storage and laundry facilities, and other non-habitable *accessory uses*.

- 3.62 FORESTRY USE:** the management, development and cultivation of timber resources to ensure the continuous production of wood or wood products, provision of proper environmental conditions for wildlife, protection against floods and erosion, protection of water supplies, and preservation of the recreation resource.
- 3.63 FUNERAL HOME:** a commercial establishment providing funeral supplies and services to the public.
- 3.64 GARAGE, PRIVATE:** an *accessory building* or a portion of the main *dwelling unit* which is designed or used for the storage of one or more private vehicles and the storage of household equipment incidental to *residential occupancy*.
- 3.65 GOLF COURSE:** a public or private area operated for the purpose of playing golf including a par three *golf course* and including such ancillary *uses* as a *driving range*, a miniature *golf course*, or a clubhouse.
- 3.66 GRADE, ESTABLISHED:** the average elevation of the surface of the ground at the base of a *structure*, exclusive of any embankment in lieu of steps.
- 3.67 GREENHOUSE, NURSERY, GARDEN CENTRE:** the *use* of land, *buildings* or *structures* for the growing, display and wholesale or retail sale of trees, shrubs, flowers, plants and similar vegetation. May also include the display and sale of *landscaping*, lawn and garden equipment, furnishings and supplies. This definition shall not include any premises used for the growing of mushrooms.
- 3.68 GROCERY STORE:** a retail establishment engaged in the business of selling primarily groceries, meat, fruit and vegetables as well as other personal, convenience, and household items to the general public.
- 3.69 GROUP HOME:** a single housekeeping unit in a *dwelling* in which three to ten residents, excluding staff or receiving family, live under responsible supervision consistent with the requirements of its residents. The home is licensed or approved under Federal or Provincial statutes.
- 3.70 HABITABLE ROOM:** a room designed for human occupancy with living, dining, sleeping, kitchen, or washroom facilities, and includes an enclosed sunroom or screened room. This definition does not include any private garage, carport, porch, verandah, unfinished attic, or unfinished basement.
- 3.71 HEALTH SERVICES ESTABLISHMENT:** premises which provide health or medical services such as a chiropractor, dental, optometrist, medical clinic, associations or organizations formed to provide medical or health services, but which does not include a *hospital*.

- 3.72 HEAVY EQUIPMENT SALES, SERVICE AND RENTAL ESTABLISHMENT:** the use of land for either the sales, service and rental of motorized construction equipment (e.g. bulldozers, loaders, backhoes, forklifts, etc.) or the contracting out of truck or transports including the outside storage of this equipment.
- 3.73 HEIGHT OF BUILDING:** the vertical distance of a *building* measured between the average *established grade* at the exterior walls and:
- i) the highest point of the roof surface of a flat roof;
 - ii) the roof deck of a mansard roof;
 - iii) the mid-point between the eaves and the ridge of a gable, hip, gambrel or other type of pitched roof;
- 3.74 HOME FOR SPECIAL CARE:** a home for the care of persons requiring nursing, residential or sheltered care, and that is licensed and/or inspected as a *home for special care* under the Homes for Special Care Act, RSO 1990, C H12.
- 3.75 HOME INDUSTRY:** a small-scale *light industrial use*, such as a carpentry shop, metal working shop, a welding shop, an electrical shop, small engine repair or similar *use*, that provides services or wares to the community, including on-line sales and which is an *accessory use* to a *single detached dwelling*. For the purposes of this By-law, the repairing of *motor vehicles*, mobile homes and *trailers* is not a *home industry*.
- 3.76 HOME OCCUPATION:** a gainful occupation conducted in a *dwelling* which is secondary to the *use* of the *dwelling* as a private residence and the nature and scope of which is compatible with the residential character of the *dwelling*.
- 3.77 HOSPITAL:** any institution, *building* or other premises that is established for the purposes of the treatment of patients and that is approved under the Public Hospitals Act, R.S.O. 1990, Ch. P.40, as amended, as a public *hospital*.
- 3.78 HOTEL/MOTEL:** a commercial establishment that consists of one *building* or two or more connected or adjacent *buildings* consisting of at least four individual rental units which cater to the needs of the travelling public by furnishing sleeping accommodations for remuneration which may or may not supply food, but does not include a *boarding house*, a *group home*, or similar facility.
- 3.79 INDUSTRIAL USE:** the *use* of land, *building* or *structure* designed for the purpose of fabricating, manufacturing, assembling, making, printing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale any goods, substance, article or thing, or any part thereof, including the storage of building and construction equipment and materials, and such *accessory uses* as transportation, wholesaling, storage or shipping, but excluding any obnoxious industry.

- 3.80 KENNEL:** a *building* or *structure* which is municipally licensed where animals are boarded or trained, given medical treatment or housed for similar purposes, for which compensation is paid and shall include a Humane Society shelter or pound.
- 3.81 LANDSCAPING:** any combination of vegetation including trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property, to regulate drainage, and to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.
- 3.82 LAUNDROMAT:** a *building* or *structure* where the services of coin-operated laundry machines, using only water, detergents and additives, are made available to the public for the purpose of laundry cleaning.
- 3.83 LIGHT INDUSTRIAL USE:** the manufacturing, assembly or processing of component parts or finished products suitable for retail trade and does not include industries whose operations involve the emission of any air, water or noise pollution that creates a nuisance outside of the *building*.
- 3.84 LOADING SPACE:** an area of land which is provided and maintained upon the same *lot* or *lots* upon which the main *use* is located, for the temporary parking of one or more *commercial motor vehicles* while merchandise or materials are being loaded or unloaded from such vehicle(s).
- 3.85 LONG TERM CARE HOME:** residential premises for persons requiring nursing care and that is licensed as a *Long Term Care Home* under the *Long Term Care Homes Act*, SO 2007, C.8.
- 3.86 LOT:** any parcel of land which can be legally conveyed under the Planning Act, R.S.O. 1990, c P.13, as amended.
- 3.87 LOT AREA:** the total horizontal area within the *lot* and, in the case of a *corner lot* having *street line* rounding at the corner with a radius of six (6) metres or less, the *lot area* of such *lot* is to be calculated as if the *lot lines* were projected to this point of intersection.
- 3.88 LOT, CORNER:** a *lot* bounded on two or more sides by one or more *public roads*.
- 3.89 LOT COVERAGE:** the percentage of the *lot area* covered by all *buildings* and *structures*,
- a) including *accessory buildings*, open decks greater than 2 metres in width, porches and verandahs;
 - b) excluding accessible ramps and lifts, *parking areas*, driveways, open decks less than 0.6 metres above the *established grade*, walkways, stairways, docks and *swimming pools*;
 - c) excluding underground structures.

- 3.90 LOT FRONTAGE:** in the case of a *corner lot*, an *interior lot* or a *through lot*, the horizontal distance between the 2 *lot lines* which intersect the *front lot line* of a *lot*, such distance being measured along a line which is parallel to the *front lot line* and distant from the *front lot line* a distance equal to the minimum front *building setback* required herein for the specified *use* in the zone where such *lot* is located.
- 3.91 LOT, INTERIOR:** a *lot* other than a *corner lot* or a *through lot*.
- 3.92 LOT LINE:** any boundary of a *lot*.
- 3.93 LOT LINE, EXTERIOR SIDE:** a *side lot line* that abuts a *public road* or an unopened municipal road allowance.
- 3.94 LOT LINE, FRONT:** the *lot line* that divides the *lot* from the *public road*, provided that,
- i) in the case of a *corner lot*, the shorter *lot line* that abuts the *public road* shall be the *front lot line*;
 - b) in the case of a *lot* that abuts a *navigable watercourse*, the *lot line* at the *shoreline* shall be the *front lot line*;
 - c) in the case of a *lot* that does not abut a *public road*, the *lot line* where the principal access to the *lot* occurs shall be considered the *front lot line*;
 - d) in the case of a *through lot*,
 - i) where it abuts two streets, the *lot line* abutting the street from which access is primarily gained to the *lot*;
 - ii) where it abuts a street and a *navigable watercourse*, the *lot line* along the navigable waterway.
- 3.95 LOT LINE, INTERIOR SIDE:** a *side lot line* which is not an *exterior side lot line*.
- 3.96 LOT LINE, REAR:** the *lot line* furthest from or opposite to the *front lot line*.
- 3.97 LOT LINE, SIDE:** a *lot line* other than a *front* or *rear lot line*.
- 3.98 LOT, THROUGH:** a *lot* other than a *corner lot*, having separate frontages on two *public roads*; or a *lot* other than a *corner lot* having separate frontages on a *public road* and a waterbody.
- 3.99 MARINA:** a commercial establishment or premises, usually containing docking facilities or mooring facilities where boats or boat accessories are berthed, stored inside or outside, 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. A *marina* may include a *Marine sales and service establishment*.
- 3.100 MARINE SALES AND SERVICE ESTABLISHMENT:** a *building* or part of a *building* and associated lands where new and used boats, boat accessories, snowmobiles, and all-terrain vehicles are

displayed and offered for sale at retail or for rental, and/or where marine, snowmobile and all-terrain vehicle equipment is serviced or repaired and may include boat storage facilities.

- 3.101 MARKET:** an area of land consisting of *buildings*, stalls, or an open area used primarily for the display and retailing of farm produce, and without limiting the generality of the foregoing, meat, poultry, foodstuffs, wares, or commodities.
- 3.102 MARIJUANA PRODUCTION FACILITY:** The *use* of land, or a *building* or *structure* or part thereof that is used for growing, producing, processing, testing, destroying, storing, packaging or shipping of marijuana or cannabis authorized by a license issued by the Federal Minister of Health under the *Controlled Drugs and Substances Act SC 1996, c 19*, as amended, but shall not include any other establishment or *use* as may be defined or classified in this By-law.
- 3.103 MICRO BREWERY/WINERY/DISTILLERY:** a building used for the making of beer or wine or spirits on a small scale, and includes tank and barrel storage, bottling facilities. It may include tasting and dining facilities and the retail sale of related items, which comprise a maximum of thirty-five per cent (35%) of the total floor area of the facility.
- 3.104 MINERAL MINING OPERATION:** Mining operations and associated facilities, or, past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use.
- 3.105 MINIMUM DISTANCE SEPARATION (MDS):** the mathematical tool to determine the required distance between livestock and manure storage facilities and non-agricultural *uses*, as required by the Ministry of Agriculture, Food and Rural Affairs.
- 3.106 MOBILE HOME PARK:** a parcel of land used for the *use* and occupancy of *mobile home dwellings* and includes all *accessory buildings* necessary to the operation of said park.
- 3.107 MOBILE HOME SITE:** an area of land within a *mobile home park* which is used as the site of, and pertains to, not more than one (1) *mobile home dwelling*.
- 3.108 MOTOR VEHICLE:** a vehicle within the meaning of the *Highway Traffic Act, R.S.O. 1990, c H.8*, as amended.
- 3.109 MOTOR VEHICLE BODY REPAIR SHOP:** an establishment used for making repairs or alterations to the body or paint work of any vehicle. *Accessory uses* may include a towing service and the rental of *motor vehicles* to customers whose *motor vehicles* are being repaired. This definition shall not include a *salvage yard*.
- 3.110 MOTOR VEHICLE, COMMERCIAL:** a *commercial motor vehicle* within the meaning of the *Highway Traffic Act, R.S.O. 1990, c H.8*, as amended.

- 3.111 MOTOR VEHICLE DEALERSHIP:** an establishment for the storage, sale, rental and servicing of new or used vehicles and may include *outdoor storage* of vehicles but all other facilities must be within a *building*.
- 3.112 MOTOR VEHICLE RENTAL ESTABLISHMENT:** a retail establishment for the rental of *motor vehicles* to the general public.
- 3.113 MOTOR VEHICLE SERVICE STATION:** a *building* or a clearly defined space on a *lot* where gasoline, oil, tires, batteries and other similar products for the maintenance of *motor vehicles* may be sold or where vehicles may be oiled, greased and subjected to repairs essential to the actual operation of *motor vehicles*, and includes a fuel bar.
- 3.114 MOTOR VEHICLE TOWING ESTABLISHMENT:** an establishment operating a tow-truck service for compensation, including storage facilities for towed vehicles. For the purposes of this definition, a tow truck is a *motor vehicle* equipped with a boom or booms, winches, slings, tilt beds or similar equipment designed for the towing or recovery of vehicles and other objects, and includes a transporter designed to transport more than one vehicle on a non-emergency basis.
- 3.115 MOTOR VEHICLE WASHING ESTABLISHMENT:** an establishment for washing, cleaning and polishing *motor vehicles* by means of either production line cleaning methods and/or mechanical devices and includes a coin-operated self-service operation but does not include a *motor vehicle service station*, a *motor vehicle body repair shop* or a *motor vehicle dealership* where car washing operations are incidental to the principal activity of business.
- 3.116 NAVIGABLE WATERCOURSE:** any body of water that is capable of affording reasonable passage of watercraft of any description for the purpose of transportation, recreation or commerce, and includes any river, stream or lake considered navigable by law.
- 3.117 NON-COMPLYING:** the *use* of land, *building* or *structure* which does not comply with the provisions and/or standards of this By-law for the zone in which such land, *building* or *structure* is situated
- 3.118 NON-CONFORMING:** a *use*, *building* or *structure* which is not a *use* permitted in the zone in which the said *use* is situated.
- 3.119 OBNOXIOUS USE:** any *use* which shall be a nuisance to the occupants or owners of any neighbouring land or *buildings* by reason of the emission from the said land or any part thereof, or the creation thereon, of odours, gases, dirt, smoke, noise, vibration, fumes, cinders, soot, waste or depositing or leaving unsightly objects or chattels thereon or otherwise.
- 3.120 OUTDOOR RECREATION, ACTIVE:** a public or private area operated for the purpose of playing golf, *driving ranges*, miniature golf courses, tennis courts, outdoor skating rinks, recreational trails, *public park*, private *park*, ski-lifts and similar *uses*, together with necessary and *accessory buildings* and *structures*, but shall not include a theme park.

- 3.121 OUTDOOR RECREATION, PASSIVE:** the *use* of land which is typically unobtrusive and not disturbing to the surrounding natural landscape and may include walking trails, natural interpretive facilities, bird and wildlife observation areas and similar *uses* involved in the enjoyment of the natural environment.
- 3.122 OUTDOOR STORAGE:** the storage of goods in the open air or in unroofed areas or portions of *buildings* which may be open on the sides, but shall not include a limited display of goods and products for advertising and demonstration purposes.
- 3.123 PARK:** an area permanently devoted to recreational *uses* and generally characterized by its natural, historic or landscaped features, and used for both passive and active forms of recreation.
- 3.124 PARK, PUBLIC:** a *park* owned or controlled by a Public Authority or by any Board, Commission or other Authority established under any statute of the Province of Ontario, or the Government of Canada.
- 3.125 PARKING AREA:** An area or *structure accessory* to a *principal use* for the parking of *motor vehicles* and includes any related driveways and *parking spaces*, but shall not include any part of a *public road* or lane, or a *parking lot*. This definition may include a *carport* or *private garage*.
- 3.126 PARKING LOT:** Premises used for the parking of *motor vehicles* as accommodation for visitors, clients, customers, residents or employees whether free or for profit or gain.
- 3.127 PARKING SPACE:** a portion of a *parking area*, exclusive of any driveways, which may be used for the temporary parking or storage of a *motor vehicle*.
- 3.128 PERSONAL SERVICE ESTABLISHMENT:** a business which furnishes a service to meet some general need or to benefit the personal needs of individuals, such as a barber shop, beauty salon, massage therapist or spa, but excludes *funeral homes* and any manufacturing or fabrication of goods for sale.
- 3.129 PIT:** a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral 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*.
- 3.130 PLACE OF ASSEMBLY:** a place designed and used to accommodate gatherings of people such as clubs, reception halls, conference centres, legion halls, community halls and lodges, and for events such as trade shows, banquets, and political or other conventions.
- 3.131 PLACE OF ENTERTAINMENT:** the *use* of a *building*, or part thereof, for a fee for the provision of entertainment or amusement without the necessity of active participation by the user and includes, without limiting the generality of the foregoing, such *uses* as a movie theatre, auditorium, public hall, billiard or pool room, amusement arcade, dance hall, or music hall, but

does not include any *place of entertainment* or amusement otherwise defined or classified in this By-law.

- 3.132 PLACE OF RECREATION:** the *use* of a *building*, or part thereof, for a fee, for the provision of athletic and amusement facilities involving the active participation of the user in a sports-related activity and includes without limiting the generality of the foregoing, such facilities as racquet courts, fitness clubs, billiard parlours, bowling alleys, arenas, riding stables, or water sports, but shall not include a theme *park*.
- 3.133 PLACE OF WORSHIP:** a *building* dedicated to religious worship and may include such *accessory uses* as a nursery school, an assembly hall, a school of religious education, convent, monastery or parish hall.
- 3.134 PRINCIPAL USE:** the predominant purpose for which any land, *building*, *structure* or premises, or part thereof, is used, designed, arranged, occupied or maintained.
- 3.135 PRIVATE HOME CHILD CARE:** The provision of temporary care or supervision of children by a child care provider for unlicensed child care or in-home child care, as defined and regulated under the Child Care Modernization Act, SO 2014, C.11.
- 3.136 PRINTING AND PUBLISHING ESTABLISHMENT:** a *building* or part of a *building* in which the business of producing books, newspapers or periodicals, by mechanical means, and reproducing techniques, such as photocopying, is carried on, and may include the sale of newspapers, books, magazines, periodicals, or like, to the general public.
- 3.137 PUBLIC USE:** the *use* of land, *building* or *structure* by a public authority, for the purpose of providing its services to the public, or carrying out its public mandate.
- 3.138 QUARRY:** an area 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* or mine.
- 3.139 RECREATIONAL VEHICLE:** a vehicle which provides living, shelter and sleeping accommodation for short periods of time, while travelling or vacationing, designed to be towed behind a *motor vehicle*, or self-propelled, and includes such vehicles commonly known as travel *trailers*, tent trailers, pickup coaches, motorized campers, motorized homes or other similar vehicles but shall not include a mobile home.
- 3.140 RECREATIONAL VEHICLE SALES AND SERVICE ESTABLISHMENT:** a *building*, or part of a *building*, where new or used *recreational vehicles* and related equipment and accessories are displayed for sale or rent in conjunction with which there may be facilities for the servicing of such vehicles.
- 3.141 RECONSTRUCTION OR RENOVATION:** the repair and restoration of a *building* to good condition, but shall not include its replacement.

- 3.142 RECYCLING FACILITY:** a place where second-hand goods, including waste paper, bottles, automobile tires, clothing, are collected to be sorted, and a place where used lumber and used *building* materials are stored for sale or resale.
- 3.143 RESIDENTIAL OCCUPANCY:** the occupancy or *use* of a *building* or part of a *building* by persons for whom sleeping accommodation is provided but who are not harboured or detained there to receive medical care or treatment or who are not involuntarily detained there.
- 3.144 RETIREMENT HOME:** a residential complex that is occupied primarily by persons who are 65 years of age or older, where the operator of the home makes at least two care services available, directly or indirectly, to the residents, and that is licensed as a *retirement home* under the *Retirement Homes Act*, SO 2010, C.11. A residential complex means a building or related group of buildings in which one or more rental units of living accommodation are located, and includes all common areas and services and facilities available for the use of the residents of the complex.
- 3.145 RESTAURANT:** premises where food is offered for sale or sold to the public for immediate consumption and includes such uses as a *restaurant*, dining room, cafe, cafeteria, ice cream parlour, tea or lunch room, dairy bar, coffee shop, snack bar or refreshment room or stand.
- 3.146 RESTAURANT, DRIVE-THROUGH:** a *restaurant* which serves or is intended to serve patrons seated in a *motor vehicle* parked on a *parking lot* or driveway.
- 3.147 RETAIL STORE:** a *building* or part thereof where goods, services, wares, merchandise, substances, articles or things are offered or kept for sale or rent by retail directly to the public, but does not include any manufacturing process or construction *uses*. This definition shall not include any establishment otherwise defined herein or specifically named elsewhere in this By-law.
- 3.148 ROAD, PUBLIC:** an improved public highway which affords the principal means of access to an abutting *lot* and, which is dedicated, assumed and/or maintained by and under the jurisdiction of a public authority.
- 3.149 SALVAGE YARD:** a place where *motor vehicles* and other scrap materials and salvage are wrecked or disassembled and resold, and includes the storage of *motor vehicle* tires.
- 3.150 SAWMILL:** a *building* or *structure* used to process wood from raw lumber to another *use* and may include land used for *outdoor storage* of raw timber or finished lumber or products.
- 3.151 SELF STORAGE FACILITY:** a commercial establishment consisting of a *building* or group of *buildings* used for the storage of household goods, wares, substances, or articles but shall not include a cartage depot, *transportation depot*, or *warehouse*. A truck body, bus coach, streetcar body or railway car, whether on wheels or not, shall not be used as part of a self-storage facility. A *storage container* may be used as part of a self-storage facility.

- 3.152 SENSITIVE LAND USE:** means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, child care centres and educational and health facilities.
- 3.153 SERVICE ESTABLISHMENT:** any *building* or part thereof where household appliances, machinery, and home entertainment equipment are sold, serviced or repaired, but excludes any manufacturing or processing.
- 3.154 SETBACK:** the distance between any *lot line* abutting a *public road* or body of water and the nearest part of any main wall of any *building* or *structure*.
- 3.155 SEWER AND WATER SERVICES (Full Municipal):** both water and sewage disposal infrastructure that is owned and operated by the City and is designed to adequately service the water and sewage disposal needs of a *use, building* or *lot*.
- 3.156 SEWER AND WATER SERVICES (Partial Municipal):** infrastructure where one of the water or sewage disposal facilities is owned and operated by the City and the other is privately owned and operated, and is designed to adequately service the water or sewage disposal needs of a *use, building* or *lot*.
- 3.157 SEWER AND WATER SERVICES (Private):** infrastructure on a *lot* which is privately owned and operated, which is designed to service the water and sewage disposal needs of that *lot*, and without limiting the generality of the foregoing, shall include a private septic system and a private well.
- 3.158 SHORELINE:** the line where the normal or controlled high water mark of a *navigable watercourse* meets the land.
- 3.159 SHORELINE BUFFER:** a natural area, adjacent to a *shoreline*, maintained or re-established in its natural predevelopment state (with the exception of minimal pruning of vegetation and the removal of trees for safety reasons) for the purpose of protecting natural habitat and water quality and minimizing visual impact of *buildings* or *structures* on a *lot*. Where the natural *shoreline* of a property is a natural beach or is a rock outcropping with little or no soil, such shall be deemed to comply. A *shoreline buffer* shall not include a grassed or lawn area.
- 3.160 STORAGE CONTAINER:** a rail or seaway container which is traditionally used for the shipping and transportation of goods and materials.
- 3.161 STOREY:** that portion of a *building* or *structure* between any floor level of such *building* or *structure* and the floor, ceiling or roof next above such floor level.
- 3.162 STREET LINE:** any boundary line of a *public road* or highway.

- 3.163 STRUCTURE:** anything that is erected, built or constructed of parts joined together or requiring a foundation to hold it *erect* and located under, on or above ground level, including anything prefabricated on or off the site. For the purposes of this By-law, a *structure* includes any shelter, canopy, enclosure or similar *structure* covered with fabric, polyester or similar covering material that is secured to the ground or another *structure*.
- 3.164 SWIMMING POOL:** a *structure* constructed either in-ground or above ground, that is filled with water and used for swimming or recreation.
- 3.165 TOURIST CAMPING ESTABLISHMENT:** the *use* of land, *buildings* or *structures* for commercial camping on a short-term basis where campsites are rented to and used by the travelling public. A *tourist camping establishment* may include *accessory buildings, structures* or facilities incidental to the *principal use*, such as common washrooms, recreational facilities, a *convenience store*, or an *accessory dwelling unit* for the owner or operator. A *tourist camping establishment* does not include the use of a campsite as a *dwelling*, or a *use* otherwise defined by this By-law.
- 3.166 TOURIST ESTABLISHMENT:** the *use* of land, *buildings* or *structures* for the provision of commercial roofed accommodation where commercial accommodation units are offered for rent on a short term or transient basis to the public who is travelling, vacationing, engaged in leisure or recreation, or participating in conventions or meetings. A *tourist establishment* may include *accessory uses, amenities, services, equipment* or facilities, including a *restaurant*, normally incidental to such accommodation. A *tourist establishment* does not include a *dwelling unit* except for a *dwelling unit* for the owner or operator, or staff quarters that are *accessory* to the *principal use*.
- 3.167 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, 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.
- 3.168 TRANSPORTATION DEPOT:** an establishment where buses, trucks, or tractor *trailers* are rented, leased, kept for hire, stored or parked for commercial purposes only.
- 3.169 USE:** the purpose for which a *lot, building* or *structure* or any combination thereof is designed, constructed, arranged, occupied or maintained.
- 3.170 VETERINARY ESTABLISHMENT:** premises in which facilities are provided for the prevention, cure and alleviation of disease and injury to animals and in conjunction with which there may be facilities provided for the sheltering of animals during the treatment period, but does not include a *kennel* or a research facility
- 3.171 WAREHOUSE:** A *building* or *structure* used for the storage and/or distribution of goods, wares, merchandise, articles and/or things, but does not include any storage and/or distribution of goods connected with any salvage operation.

- 3.172 WASTE DISPOSAL SITE:** premises where garbage, refuse or domestic or industrial waste is disposed of or dumped and which is approved by The Ministry of Environment pursuant to the provisions of *The Environmental Protection Act, R.S.O. 1990, c E.19*, as amended.
- 3.173 WAYSIDE PIT OR WAYSIDE QUARRY:** a temporary *pit* or *quarry* opened and used by or on behalf of 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.
- 3.174 WIND FACILITY:** a renewable energy generation facility at which wind is used to generate electricity through the use of one or more wind turbines, as defined in Ontario Regulation 359/09 under *The Environmental Protection Act, R.S.O. 1990, c E.19*, as amended.
- 3.175 WHOLESALE ESTABLISHMENT:** the *use* of land, *building* or *structure* for the purpose of selling and/or offering for sale, goods, wares and/or merchandise on a wholesale basis, and includes the storage or warehousing of those goods, wares and/or merchandise.
- 3.176 YARD:** that part ~~of~~ of a *lot* which is open, uncovered and unoccupied between a *lot line* or the *shoreline* and a *building* or *structure*, other than *accessory buildings, structures* or *uses* which are specially permitted by this By-law within a *yard*.
- 3.177 YARD, EXTERIOR SIDE:** a *yard* extending from the *front yard* to the *rear yard* of a *lot*, between the *exterior side lot line* and the nearest part of the main *building, structure* or nearest *outdoor storage* on a *lot*.
- 3.178 YARD, FRONT:** a *yard* extending across the full width of the *lot* between the *front lot line* and the nearest wall of any *main building* or *structure* on the *lot*.
- 3.179 YARD, INTERIOR SIDE:** a *yard* extending from the *front yard* to the *rear yard* of a *lot*, between a *side lot line* and the nearest part of the main *building, structure* or nearest *outdoor storage* on the *lot*.
- 3.180 YARD, REAR:** a *yard* extending across the full width of the *lot* between the *rear lot line* and the nearest wall of the *main building* on such *lot*.
- 3.181 YARD, REQUIRED:** the minimum required *setback* between a *lot line* and the nearest main wall of the *main building* on such *lot*.
- 3.182 YARD, WATER:** a *yard* extending from the high-water mark on any body of water to the nearest wall of any *building* or *structure* on the *lot*.

Section 4: General Provisions

4.1 Accessory Uses, Buildings and Structures

4.1.1 Permitted *accessory uses*: Where this By-law permits the *use* of land, *buildings* or *structures* for a specific *use*, such *use* shall include any *buildings*, *structures* or *uses* *accessory* to the permitted *use*, subject to the provisions of this by-law for the particular zone in which the *building*, *use* or *structure* is located.

4.1.2 Prohibited *accessory uses*: None of the following *accessory uses* are permitted in any zone unless such *accessory use* is specifically listed as a permitted *use* in such zone:

- A *building* or portion thereof used for human habitation;
- A livestock *building*;
- An *outdoor storage* area.

4.1.3 Location on a *lot*: *Accessory buildings*, *uses* or *structures* are permitted in any *interior side* or *rear yard* subject to the provisions of this By-law for the particular Zone in which said *building*, *use*, or *structure* is located, and provided that an *accessory building*, *use* or *structure*:

- is not located in the minimum required *front yard* or *required exterior side yard*;
- is not located closer than 1.2 metres to any *lot line* except that common semi-detached *private garages* may be located on the mutual *lot line*;
- shall not be located closer than 1.2 metres from another *accessory building* or *structure*, or from the main *building* on the *lot*.

4.1.4 Main Building to be erected first: No *accessory building* or *structure* shall be erected on any *lot* until the *main building* has been erected, with the exception of:

- Temporary construction uses during the term of an active building permit for the *principal use*;
- *Private garage* provided a building permit has been issued for the main residential *use*;
- A dock;
- A *lot* zoned Agricultural One (A1) or Rural (RU), in which case a detached *private garage* or storage shed may be erected prior to the erection of the main *building*.

4.1.5 Maximum Coverage: The maximum *lot coverage* of *accessory buildings* is included as part of the total permitted *coverage* on a *lot*.

4.1.6 Accessory Structure encroachments: Notwithstanding the *yard* and *setback* provisions of this By-law to the contrary, drop awnings, clothes poles, flag poles, garden trellises, retaining walls, or similar *uses* which comply with this By-law are permitted in any *required yard*.

4.1.7 Shoreline Structures:

4.1.7.1 Identification: *Shoreline structures* refer to *accessory buildings* and *structures* erected at or near the *shoreline* in the *required yard* located between the *shoreline* and the *dwelling* on any *lot* that abuts a watercourse. They include *buildings* and *structures* that are on the *lot* and/or attached to the land that forms the bed of a navigable waterway adjacent to the *lot*.

4.1.7.2 Permitted Uses: *Shoreline structures* include a *boathouse*, *boat port*, dock, boatlift, launch ramp, marine railway, pumphouse, deck, gazebo, sauna or hot tub.

4.1.7.3 Boathouses and Boat ports: A *boathouse* or *boat port* may be erected and used in the *required yard* of a *lot* abutting a *navigable watercourse* provided:

- a) a maximum of one *boathouse* or one *boat port* shall be permitted per *lot* provided the *lot* meets the minimum *lot frontage* requirement of the zone in which it is located;
- b) only single *storey boathouses* shall be permitted;
- c) a minimum *setback* of 2.0 metres is maintained from the *side lot lines* and/or the straight-line projection of the *lot line* into the water from the *shoreline*; and
- d) a *boathouse* shall not be used for human habitation.

4.1.7.4 Docking Facilities: A dock, boatlift, launch ramp or marine railway may be erected and used in the *required yard* of a *lot* abutting a *navigable watercourse* provided all applicable Provincial and Federal statutes and regulations are adhered to and provided a minimum *setback* of 2.0 metres is maintained from the *side lot lines* and/or the straight-line projection of the *lot line* into the water from the *shoreline*.

4.1.7.5 Pumphouse: A pumphouse may be erected and used in the *required yard* of a *lot* abutting a *shoreline* provided it complies with the minimum required *side yard*. A free standing pumphouse shall not exceed a height of 2.0 metres or an area of 9.0 square metres.

4.1.7.6 Unenclosed Deck: A freestanding, unenclosed deck may be permitted within the *required yard* abutting a *shoreline*, provided that the *structure*:

- a) does not exceed 30.0 square metres in *floor area*;
- b) is located no closer than 5.0 metres to the *shoreline*, except where such deck is attached to a dock; and,

c) the deck floor is no more than 1.0 metre from the grade below it.

4.1.8 Swimming pools: A swimming pool is permitted in any Zone subject to the following:

a) In the *side yard* or *rear yard* provided:

(i) No interior wall surface of any such *swimming pool* shall be located closer than 1.5 metres to any *rear lot line* or *side lot line*, nor closer than 3 metres to that portion of a *rear lot line* which adjoins a *side lot line* of the adjoining *lot*;

(ii) No water circulating or treatment equipment such as pumps or filters shall be located closer than 3 metres to any *side lot line* or *rear lot line*.

b) No part of any pool shall be located within 10 metres of the high-water mark of a property abutting a *navigable watercourse*.

c) *Fences* around all *swimming pools* shall be provided in compliance with the By-laws of the City of Temiskaming Shores.

4.1.9 Antennae, Towers, Satellite Dishes: Radio and television antenna towers, satellite dishes greater than 1.0 metres in diameter, dish antennas and other similar *structures* are permitted in any zone provided they meet the minimum requirements of the zone in which they exist and are not located in any *front yard* or *exterior side yard*. Satellite dishes 1.0 metres or less in diameter are permitted in any *yard*. This provision does not apply to any federally licensed facilities.

4.1.10 Solar Panels: No ground mounted solar panels are permitted in the Low Density Residential (R2), Medium Density Residential (R3) or High Density Residential (R4) Zones.

4.1.11 Wind Facilities:

a) Wind facilities are limited to Class 1 wind facilities as defined in Ontario Regulation 359/09, of *The Environmental Protection Act RSO 1990, Ch. E.19*, as amended, and are permitted as an *accessory use* for personal use only in the Agriculture One (A1), Rural (RU) and Residential One (R1) Zones;

b) Wind facilities are only permitted in the *rear yard*, and shall meet all *yard* requirements.

4.1.12 Portable Garage Shelters

a) The placement or use of a shelter, canopy, enclosure or similar *structure* covered with fabric, polyester or similar covering material designed for the storage of *motor vehicles* shall be in accordance with the following:

i) A garage shelter shall comply with all applicable *yard* requirements for an *accessory structure*.

- b) Notwithstanding the provisions of clause (a) (i), above, a temporary garage shelter may be permitted on a driveway in the required *front yard* or *exterior side yard* between November 1 of one year and April 30 of the next following year, provided a minimum 1 metre *front yard setback* is maintained, and the *structure* is removed between May 1 and October 31.

4.2 *Bed and breakfast establishment:*

- 4.2.1 The *Bed and breakfast establishment* shall be permitted only in the zones indicated in this By-law and shall be clearly *accessory* to the main residential *use* and shall not change the residential character of the *lot* and *dwelling*;
- 4.2.2 No person other than a person residing in the *dwelling* containing the *bed and breakfast establishment* shall be employed except as is necessary for housekeeping purposes;
- 4.2.3 The *bed and breakfast establishment* shall not have more than four (4) bedrooms for overnight guest purposes;
- 4.2.4 The guest rooms shall not contain kitchen or cooking facilities; and
- 4.2.5 A minimum of one *parking space* for each guest room shall be provided in addition to the parking required for the *dwelling*.

4.3 *Established building line:*

- 4.3.1 Where a permitted *building* or *structure* or addition is to be erected on a *lot* in a Residential or Commercial zone where there is an *established building line* extending on both sides of the *lot*, 50.0 metres in either direction, such permitted *building*, *structure* or addition may be erected closer to the *front lot line* than required by this By-law, provided such permitted *building* or *structure* is not erected closer to the *front lot line* than the average *setback*, being a line drawn from the corner of each *building* abutting the subject *lot*. This provision does not apply to lands abutting a watercourse or a Provincial Highway.

4.4 *Group home:*

- 4.4.1 Where a *Group home* is a permitted *use*, the following provisions shall apply:
 - a) A *group home* shall only be permitted within a *single detached dwelling*; and
 - b) All the provisions of the respective zone in which a *group home* is located shall be complied with.

4.5 Height Exceptions:

4.5.1 Nothing in this By-law shall prevent the erection, alteration or *use* of the following *accessory structures*, provided the main *use* is a permitted *use* within the zone in which it is located, and all other applicable provisions of this By-law are complied with:

- Air conditioner duct;
- Barn, silo, conveyor or grain elevator used for farm purposes;
- Belfry;
- Bulk storage tank;
- Chimney;
- Church spire;
- Clock tower;
- Drive-in theatre screen;
- Electric power facility (excluding a *building*);
- Elevator enclosure;
- Flag pole;
- Forestry tower;
- Telecommunication tower or antenna;
- *Structure* for crushing, washing, screening or processing relating to an asphalt, aggregate, concrete or cement plant;
- *Structure* containing heating, cooling or other mechanized equipment pertaining to a *building*;
- Water tank;
- Wind turbine.

4.6 Home industry:

4.6.1 Where a *Home industry* is a permitted *accessory use*, the following provisions shall apply:

- a) There shall be no emission of noise, vibration, odour or dust that is not normally attributable to the *use* of the land for other *uses* permitted in the Zone;
- b) Such *home industry* shall not be a nuisance to, nor interfere with, television or radio reception of others in neighbouring *buildings* or *structures*;
- c) The *home industry* shall meet the same *yard* provisions as required for the principal residential *use* for the Zone in which it is located;
- d) The *use* shall not occupy more than 25% of the *gross floor area* of a *dwelling*, or where located in an *accessory building*, shall not occupy more than 140.0 square metres of *gross floor area*;
- e) A maximum of three (3) employees, one of whom must reside in the *dwelling*, may be employed on site in the *home industry* and additional employees may be employed off-site;

- f) Any permitted *outdoor storage* shall be screened from view;
- g) A landscaped buffer shall be provided on the *lot* in accordance with the provisions of this By-law;
- h) There shall be no goods, wares or merchandise offered for sale or rent from the *dwelling* which are not manufactured or processed on the property;
- i) One (1) off-street *parking space* shall be provided for each 28 square metres of *floor area* devoted to said *use* in addition to that required for the *dwelling* and,
- j) The *home industry* shall be subject to site plan control to regulate storage and *accessory buildings*.

4.7 Home occupation:

4.7.1 Where a *Home occupation* is a permitted *accessory use*, the following provisions shall apply:

- a) The *home occupation* shall clearly be secondary to the main residential *use* of the property and shall not change the residential character of the *dwelling*;
- b) There shall be no emission of noise, vibration, odour or dust that is not normally attributable to the *use* of the land for other *uses* permitted in the Zone;
- c) Such *home occupation* shall not be a nuisance to, nor interfere with, television or radio reception of others in neighbouring *buildings* or *structures*;
- d) Such *home occupation* shall not include a *long term care home*, a *boarding house*, a *restaurant* or a veterinary clinic, but may include a business, professional or administrative office and a *health services establishment* that complies with the provisions of this subsection;
- e) The *home occupation use* shall be conducted entirely within the *dwelling*, or within a detached *accessory building*;
- f) The *home occupation use* shall not occupy more than 25% of the *gross floor area* of a *dwelling*;
- g) Such *use* is conducted by a person or persons residing in the *dwelling* and a maximum of one employee employed on site who does not live in the *dwelling*;
- h) There shall be no *outdoor storage* of equipment, goods or materials associated with the *home occupation use*;
- i) There shall be no goods, wares or merchandise offered for sale or rent from the *dwelling* which are not manufactured or processed on the *lot* with the exception of a limited number of complementary associated products; and,
- j) A minimum of one (1) off-street *parking space* shall be provided in addition to the parking required for the *dwelling*.

4.8 Landscaping and Buffers:

- 4.8.1 A minimum 1.5 metre landscaped buffer shall be provided along a side or *rear lot line* of a Commercial, Industrial or High Density Residential (R4) Zone where it abuts a Residential zone.
- 4.8.2 *Landscaping* shall be provided, planted or located, and maintained in a healthy condition by the owner of the land on which the *landscaping* is located. Every landscaped buffer shall consist of a solid and unbroken planting of shrubs or trees the ultimate height of which is not less than 1.8 metres or a privacy *fence*. Such plant material shall not be less than 1.0 metre in height when planted. For the purposes of this Section, a privacy *fence* means any barrier or *structure* constructed of wood, stone, metal, brick or other similar materials or combinations of such material, which is erected for the purpose of screening, safeguarding, retaining or enclosing property.
- 4.8.3 Where a *lot* abuts a watercourse, a *shoreline buffer* shall be restored and maintained across a minimum of 50% of the *lot*, and shall maintain a minimum width of 7.5 metres.
- 4.8.4 In all Commercial, Community Facility (CF) or High Density Residential (R4) Zones, a minimum 1.5 metre wide *buffer area* shall be provided along the full outer perimeter of any *parking lot* containing more than 10 *parking spaces*. A driveway may cross the landscaped buffer.

4.9 Lighting:

- 4.9.1 Lighting fixtures designed to provide exterior illumination on any *lot* shall be installed with the light directed or deflected away from adjacent *lots* and streets and in such a manner as to not confuse or distract persons driving vehicles on such streets, and shall be directed downward.

4.10 Minimum distance separation (MDS) for Farms:

- 4.10.1 Notwithstanding any other *yard* or *setback* provisions of this By-law to the contrary, the following provisions apply to those lands located outside of the settlement area boundaries as identified on the Schedules to this By-law:
- a) New non-agricultural development in proximity to *existing* livestock operations must comply with provincial MDS regulations regarding *minimum distance separation* (Formula I)
 - b) The development of new livestock facilities or the expansion of *existing* livestock facilities must comply with provincial MDS regulations regarding *minimum distance separation* (Formula II)
 - c) Development is permitted for one detached *dwelling* on a vacant *lot* in existence as of the date of adoption of this by-law, provided that the *dwelling* is located the

furthest distance possible from the livestock operation and that the applicable zone *setback* provisions are complied with.

- d) *Existing* non-farm residential *uses* may be replaced where destroyed by a catastrophic event and are exempt from the MDS Separation formulae calculations, provided the replacement meets the exemptions of the *Minimum Distance Separation (MDS)* implementation guidelines.
- e) Reference should be made to the *Minimum distance separation* Formulae as developed by the Ontario Ministry of Agriculture and Rural Affairs, as amended from time to time, in completing the required calculations.

4.11 Motor vehicle service stations and Fuel Pump Islands:

4.11.1 No portion of any fuel pump island, fuel pump island canopy or kiosk, shall be located closer than 3.0 metres to any *lot line*.

4.11.2 All repair and mechanical servicing of *motor vehicles* shall be conducted within a wholly enclosed *building*.

4.12 Multiple Uses on One Lot

4.12.1 Where any land, *building* or *structure* is used for more than one purpose, the applicable provisions of this By-law which serve to regulate each such *use* shall be complied with.

4.13 Multiple Zones on One Lot

4.13.1 Where a *lot* is divided into more than one Zone under the provisions of this By-law, each such portion of the *lot* shall be used in accordance with the provisions of this By-law for the zone where such portion of the *lot* is located. Each such portion of the *lot* shall be considered as a separate *lot* for the purpose of determining zone provisions. However, not more than one *dwelling unit* shall be permitted on the entire *lot*, except where specifically permitted in this By-law.

4.14 Non-complying Lots, Buildings and Structures

4.14.1 *Existing undersized lots:*

- a) Where a *lot*, having a lesser *lot area* or *lot frontage* than that required:
 - (i) is held under distinct and separate ownership from abutting *lots* or was legally created prior to the passing of this By-law; or,
 - (ii) is created as a result of an expropriation; or
 - (iii) is created as a result of a natural severance such as the presence of a *public road*, a navigable waterway or a railway;

then the *lot* shall be deemed to conform to the requirements of this By-law with respect to the *lot area* or *lot frontage*, and the provisions respecting *lot area* and *lot frontage* shall not apply to prevent a permitted *use, building* or *structure*, provided that all other applicable provisions of this By-law are complied with and provided that a sewage disposal system (where required) can be installed on the lands.

- b) Where lands are added to an *existing* undersized *lot* that complies with (a) above, the resulting *lot* shall be deemed to comply with (a) above.

4.14.2 **Reconstruction and Repair of Existing Non-complying Buildings and Structures:**

- a) Where in any Zone, a *non-complying building* or *structure* is destroyed by fire or natural disaster, such *non-complying building* or *structure* may be reconstructed provided the situation of non-compliance is not increased.
- b) Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any *non-complying building* or *structure* lawfully used on the date of passing of this By-law, provided the situation of non-compliance is not increased.

4.14.3 **Addition, Extension or Enlargement of Existing Non-complying Buildings and Structures:**

- a) The enlargement, extension or addition to a legal *non-complying building* or *structure* may be permitted, provided:
 - (i) the situation of non-compliance is not further increased;
 - (ii) the amount of *floor area* in a *required yard* is not increased by more than 25% from the date of passing of this By-law; and,
 - (iii) all other applicable provisions of this By-law are complied with.

- 4.14.4 **Interior Alterations:** Nothing in this By-law shall prevent the interior alteration of a legal *non-complying building* or *structure*.

4.15 **Non-conforming Uses**

- 4.15.1 **Continuation of Use:** The provisions of this By-law shall not apply to prevent the *use* of any *lot, building* or *structure* for any purpose prohibited by the By-law if such *lot, building* or *structure* was lawfully used and legally established for such purposes on the date of the passing of this By-law so long as it continues to be used for that purpose and the *use* has not been discontinued.

- 4.15.2 **Change of Use:** No change in the *use* of any land, *building* or *structure* shall be permitted, unless such change in *use* complies with the permitted *uses* within the zone in which such land, *building* or *structure* is located or unless such change has been approved through the provisions of the *Planning Act, R.S.O 1990, Ch. P. 13*, as amended.

- 4.15.3 **Exterior Extensions:** No *building* or *structure*, which at the date of passing of this By-law was used for a purpose not permitted within the zone in which it is located, shall be enlarged or extended unless such *building* is thereafter to be used for a purpose permitted within such Zone and complies with all requirements of the By-law or unless approved through the provisions of the *Planning Act, R.S.O. 1990, Ch. P. 13*, as amended.
- 4.15.4 **Reconstruction or Repair of Existing Non-conforming Buildings and Structures:** Where a *building* or *structure* containing a legal *non-conforming use* is damaged or destroyed, the reconstruction or repair of the *building* or *structure* is permitted provided the reconstruction or repair does not increase the original footprint, *building* size or height or change the location.
- 4.15.5 **Permitted accessory buildings:** Nothing in this Section prevents the construction of *accessory buildings* or *structures* provided they meet the applicable *yard* requirements of the zone in which they are located.
- 4.15.6 **Interior Alterations:** Nothing in this By-law shall prevent the interior alteration of a legal *non-conforming building* or *structure*.

4.16 Number of Dwelling Units Per Lot:

- 4.16.1 Not more than one *dwelling unit* may be built on any *lot* except where specifically permitted in a particular zone.
- 4.16.2 **Second dwelling unit:** Where a *second dwelling unit* is permitted as an accessory use the following provisions shall apply:
- a) The *second dwelling unit* is located within a permitted *single detached dwelling* or a *semi-detached dwelling*, or in the second *storey* of or attached to a detached *private garage*;
 - b) Only one (1) *second dwelling unit* may be created on the *lot*;
 - c) The maximum *floor area* of a *second dwelling unit* shall not exceed the *gross floor area* of the main *dwelling unit*;
 - d) The *second dwelling unit* and main *dwelling* shall meet all other applicable provisions of this By-law and any other servicing, fire, health, safety, or occupancy regulations or by-laws;
 - e) A minimum of one *parking space* is provided for the *second dwelling unit* and does not result in a separate driveway being required; and
 - f) Where a *dwelling* is already located on a *lot* within an assessment area and zoned H1, H2 or H3, a second dwelling unit is permitted.

4.17 Outdoor Boiler or Wood Furnace

4.17.1 An outdoor boiler or wood furnace may be permitted on a *lot* located in the Rural (RU), Agriculture One (A1) or Rural Residential (R1) zones, subject to the following requirements:

- a) located behind the front wall of the *dwelling*;
- b) located a minimum 15 metres from any property line; and
- c) the minimum height of a chimney/stack shall be 3.25 metres.

4.18 Outdoor Storage, Display of Goods and Material

4.18.1 **Outdoor Storage:** Where *outdoor storage* is permitted, the following provisions shall apply:

- a) *Outdoor storage* complies with all *yard* requirements except in the General Industrial (M1) and Manufacturing Industrial (M2) zones;
- b) Any portion of a *lot* used for *outdoor storage* is screened from adjacent *uses* and streets adjoining the *lot* by a *building*, planting strip, and/or *fence* erected in accordance with the Fence By-law; and a minimum 1.8 metres in height from the ground; and,
- c) The area used for *outdoor storage* shall be in addition to the areas required for parking, loading and *landscaping*.

4.18.2 **Outdoor Display of Goods and Materials:** Where outdoor display and sale of goods and materials is permitted, the following provisions shall apply:

- a) Such outdoor display and sale shall be *accessory* to a *commercial use* carried on in an enclosed *building*, or portion thereof, on the same *lot*;
- b) The area used for outdoor display and sale shall be in addition to the areas required for parking, loading and *landscaping*; and,
- c) The area used for outdoor display of goods and materials shall comply with the *yard* requirements for the zone in which the land is situated.

4.19 Permitted Encroachments in Yards:

4.19.1 Every part of any *yard* required by this By-law shall be open and unobstructed by any *structure* from the ground to the sky except that those *structures* listed in Table 4.1 shall be permitted to project from the main *building* or *accessory building* into the minimum *yards* required by this By-law for the following specified distances:

TABLE 4.1 - PERMITTED ENCROACHMENTS IN YARDS

| <i>Structure</i> | <i>Yards in which projection is permitted</i> | <i>Maximum projection from main wall permitted</i> | <i>Minimum Distance from Lot line</i> |
|--|---|--|--|
| Sills, belt courses, cornices, eaves or canopies, gutters, chimneys or pilasters | <i>Any yard</i> | 1.0 metre | 0.5 metre |
| Exterior staircases | <i>Any yard</i> | No maximum | No minimum |
| Window bays | <i>Any yard</i> | 2.0 metres over a maximum width of 4.0 metres | 1.0 metre |
| Balconies | <i>Any yard for apartment dwellings or multiple dwellings;</i> <i>Front, rear and exterior side yards only for all other dwellings</i> | 2.0 metres | 2.0 metres |
| Roofed or unroofed porches not exceeding one storey in height; | <i>Any yard</i> | 3.0 metres including eaves and cornices | 1.2 metres side yard 4 metres front, exterior side or rear yard |
| Raised Decks | <i>Rear and side yards</i> | 6.0 metres | 1.2 metres; 12 metres from any <i>shoreline</i> |
| Barrier Free access ramps and/or lifting devices | <i>Any yard</i> | No maximum | No minimum |

4.20 Permitted Uses in All Zones:

4.20.1 The following *uses* are permitted in any zone:

- a) a temporary sales office in a plan of subdivision or condominium description incidental to construction and sale of *lots*, units or *buildings* in such development until construction has been finished or discontinued for sixty (60) days, but no such sales offices shall be established within 30 metres of any occupied *dwelling*;

- b) a *trailer*, a temporary construction *structure* incidental to construction and used temporarily for office or storage purposes, provided that the *trailer* or camp is located on the same *lot* as the construction and in compliance with the *yard* requirements for the zone in which it is located and provided the *trailer* or *structure* shall not be located on the premises until a *building* permit for said construction has been issued and the *trailer* or *structure* shall be removed upon the completion or discontinuance of construction;
- c) a ticket office to serve a vehicle *parking lot*;
- d) a receiving/transmitting tower or any steel tower used for signaling purposes and associated *buildings*, provided all Federal regulations are complied with;
- e) decorative walls, *fences*, planting strips, walkways and other *landscaping structures* subject to the regulations contained herein;
- f) recreational trails and minor associated *structures* including outdoor sports courts/fields;
- g) a *conservation use*;
- h) a *public park*;
- i) flood or erosion control facilities.

4.21 Pits and Quarries:

4.21.1 The making, establishment or operation of *pits* or quarries is prohibited within the area covered by this By-law, except in the locations specifically 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 processing, blasting, washing, screening, sorting or crushing rock, sand or gravel, except as expressly provided for in this By-law.

4.22 Prohibited Uses/Activities:

4.22.1 Except as otherwise specifically permitted in this By-law, the following *uses* are prohibited in any zone:

- a) The *use* of any *motor vehicle*, truck, bus, coach, railway car or street car body for human habitation.
- b) The *use* of school portables for human habitation;
- c) The *use* of any cargo or *storage container* for human habitation;
- d) The parking or storage of boats, *trailers* or commercial and non-commercial *motor vehicles* on a vacant *lot*;
- e) Tracks or other areas developed for the racing or running of motorcycles, all-terrain vehicles, snowmobiles, or other motorized *recreational vehicles*. This is not intended

to interfere with any lawful *use* of a *public road* or highway, or enjoyment of private property by the owners or tenants of such property or the *use* of an organized trail approved by the City;

- f) The manufacturing, refining, rendering, storage or distillation of fertilizers, oil, glue from organic sources, acids, ammonia, chlorine, coal, creosote, explosives, petroleum, tar, fireworks, ammunition, petroleum, tar, radioactive, hazardous waste, hazardous biological waste, or liquid industrial waste, combustible, explosive, inflammable, or dangerous liquids, gases, or other hazardous materials unless specifically permitted as a *use* in this By-law or stored for sale in direct association with a permitted *use* in the Zone and on the property on which the permitted *use* occurs;
- g) *Adult entertainment parlours.*

4.23 Public road Frontage

- 4.23.1 **Frontage on a Public road:** No person shall *erect* any *building* or *structure* in any zone unless the *lot* fronts upon and is directly accessible from a municipally maintained *public road*.
- 4.23.2 **Unassumed Road:** The provisions of this By-law shall not apply to prevent the erection of a permitted *building* or *structure* on a *lot* in a Registered Plan of Subdivision where a properly executed subdivision agreement has been entered into with the City where the street or streets will not be assumed by the City until specified in the agreement.
- 4.23.3 **Condominium Access:** Notwithstanding Section 4.23.1 where a *lot* is developed by condominium description, the *lot frontage* and access may be on a private road for individual units within the condominium description.
- 4.23.4 **Existing Lots not on a Public Road:** For a *lot* which does not front on a municipally maintained *public road*, but contains a legally *existing building* or *structure*, the *rebuilding*, repair or replacement of such *building* or *structure* is permitted provided it is in accordance with the provisions of Sections 4.14 and 4.15.
- 4.23.5 **Water Access only lots:** This Section does not apply to development on a lot on an island or on a navigable waterway, where there is no public road access.

4.24 Public uses:

- 4.24.1 The provisions of this By-law shall not apply to the *use* of any land or to the erection or *use* of any *building* or *structure* for public service by the City or by any local Board, any department of the Government of Ontario or Canada, including any electrical distribution company, telephone, telegraph or gas company, or any railway provided that:

- a) The *lot coverage, setback* and *yard* regulations prescribed for the Zone in which such land, *building, or structure* is located are complied with;
- b) No goods, materials, or equipment are stored in the open in a Residential Zone or in a *lot* adjacent to a Residential Zone.

4.24.2 Nothing in this By-law prevents the *use* of land for a *public road* or prevents the installation of a water main, sanitary sewer main, storm sewer main, gas main, pipeline, lighting fixture, transit shelter, or overhead or underground hydro or telephone lines.

4.25 Special *Setback* Requirements

4.25.1 Provincial Highways:

- a) Notwithstanding any other provision in this By-law, properties located adjacent to a provincial highway will be subject to the *setback* requirements of the Ministry of Transportation.
- b) In addition to all applicable municipal requirements, all proposed development located in proximity of a provincial highway, within Ministry of Transportation permit control area, will be subject to the approval of the Ministry of Transportation. A Ministry of Transportation permit shall be obtained prior to any construction being undertaken.

4.25.2 **Pipelines:** No *main building* or *structure* shall be located within 7.0 metres of a Pipeline right-of-way. No *accessory building* or *structure* shall be located within 3.0 metres of a Pipeline right-of-way.

4.25.3 **Watercourses:** Unless otherwise specifically established in this By-law, *buildings* and *structures* shall be *setback* a minimum of 15.0 metres from any *navigable watercourse* and 10.0 metres from any other identifiable watercourse (excluding a municipal drain), with the *setback* to be measured from the high-water mark.

4.25.4 *Setback* from Top of Bank and EP zone boundaries:

- a) Notwithstanding any other provision of this By-law, the minimum *setback* from the top of bank is 10 metres, or the edge of the Environmental Protection Zone, whichever is greater. For the purposes of this Section, top of bank means the line which defines the transition between tableland and sloping ground at the crest of a slope associated with a watercourse, and may be determined by an approved geotechnical study.
- b) Where a geotechnical study stamped by a Professional Engineer and approved by the City indicates that development can occur within the *setback* without any impact on the bank stability or an Environmental Impact Study indicates that development can occur adjacent to the lands zoned Environmental Protection without negative impact

on the natural feature, the *setback* shall be as recommended in the study, provided the development meets all other requirements of this By-law.

4.26 Storage Container Regulations

4.26.1 No person shall place or use a modified or unmodified *storage container* in any zone except in accordance with the following:

- a) The use of a *storage container* is only permitted in a R1, C1, C1A, C2, M1, M2, M3, M4, A1 or RU Zone as an *accessory use* to a permitted *use* on a *lot* where a main *building* exists;
- b) A *storage container* shall not be used as work areas or for office *uses* or retail sales;
- c) A *storage container* shall not exceed a height of 3 metres and a total length of 17 metres;
- d) The maximum lot coverage for *storage containers* shall not exceed the lesser of 15% or the maximum permitted coverage for accessory buildings in the zone in which the containers are located;
- e) A *storage container* shall not be stacked on top of another *storage container*;
- f) A *storage container* shall not be located in a required *parking area* or encroach into a required landscaped area;
- g) A *storage container* shall not be located in a *front yard* or an *exterior side yard*, and shall meet the minimum *yard* requirements of the zone in which it is located;
- h) No separation distance is required between storage containers.

4.26.2 Notwithstanding the provisions of this Section, a *storage container* having a maximum height of 3 metres and a maximum length of 17 metres is permitted in the driveway on a residential zoned *lot* and only for the purpose of loading or unloading of household items during the process of moving or renovation. In no case shall a *storage container* encroach onto a public sidewalk, be located closer than 0.3 metres from the back of curb in situations where no sidewalks exist, or create a site line obstruction.

4.26.3 Notwithstanding the provisions of this Section, a *storage container* is permitted on a construction site in any zone for the purpose of storing equipment and materials incidental to construction, subject to the following:

- a) The container shall have a maximum height of 3 metres and a maximum length of 17 metres;
- b) No more than two *storage containers* are permitted on a *lot*; and
- c) The *storage containers* must be removed within the lesser of two years from installation or 30 days of completion of the work.

4.27 Temporary Uses

4.27.1 Construction:

- a) A temporary *building, structure or trailer* incidental to the construction of a *main building* on a *lot* is permitted in all Zones provided that a valid *building* permit has been issued, but only for as long as it is necessary for the work in progress and until the work is completed or abandoned.
- b) The continued *use* of an *existing dwelling or building* on a *lot* during the construction of a *dwelling or building* intended to replace such *dwelling or building* is permitted provided that:
 - (i) In no case may such *existing building* remain un-demolished on the *lot* for longer than 120 days after the *building* intended to replace such *existing building* is ready in whole or in part for occupancy;
 - (ii) Safety and emergency access are provided and maintained to the satisfaction of the Chief Building Official and the Fire Chief; and,
 - (iii) The Owner enters into an agreement with the City acknowledging the City will demolish the *existing building* in the event it is not demolished within the timeframe stipulated above and the cost of such demolition will be charged back to the property owner;
 - (iv) The demolition permit for the *dwelling or building* has been issued.

4.27.2 **Sales office/model home:** One temporary sales office and one model home may be located on lands which are the subject of a draft approved plan of subdivision or condominium in any Residential, Commercial or Industrial Zone provided that:

- a) The temporary sales office and model home are located in accordance with the zone provisions of the zone in which it is located; and,
- b) An Agreement has been executed with the City addressing the temporary sales office and model homes.

4.28 Travel Trailers and Recreational vehicles:

4.28.1 No person shall use any *lot* in any Residential zone for the purpose of parking or storing more than three boats and/or recreational vehicles;

4.28.2 In a Residential zone, the parking or storage of a recreational vehicle shall only be permitted in an *interior side yard or rear yard*, but no closer than 1.5 metres to any *lot line*. Such vehicles shall only be permitted as an *accessory use* to a *dwelling unit* provided the boat or recreational vehicle is licensed, in good repair and in serviceable condition and is owned by an occupant of the *dwelling unit*.

4.28.3 Notwithstanding 4.29.1 above, there is no maximum to the number of personal *use* boats or recreational vehicles stored on a *lot* in the Rural Residential (R1), Rural (RU) or Agricultural One (A1) Zones.

4.29 Water Supply and Sewage Disposal Systems:

4.29.1 **Connection to Services - Full or Partial Municipal Sewer and Water Service:** No land may be used, and no *building* or *structures* may be erected unless:

- a) connected to a municipal sanitary sewer and/or water supply within the settlement areas identified on the schedules to this by-law; or
- b) where municipal services are not available, alternative servicing arrangements are provided to the satisfaction of the City.

4.29.2 **Commercial or Industrial uses in Areas without Full Municipal Services:**

Notwithstanding any other provisions of this By-law with regard to servicing requirements for an industrial or *commercial use*, where full municipal services are not available, and privately serviced development is permitted, only dry industrial or *commercial uses* shall be permitted unless it is demonstrated to the satisfaction of the City, Ministry of the Environment, and/or other responsible authorities, in studies submitted by the applicant, that appropriate treatment can be provided with no detrimental impact to surface, groundwater resources, and the surrounding environment.

4.30 Wayside pits and Quarries and Portable Asphalt Plants

4.30.1 Where specifically permitted in the By-law, a *wayside pit* or *quarry* or a portable asphalt plant shall be subject to the following provisions:

- a) the *wayside pit* or *quarry* or the portable asphalt plant shall be used by or on behalf of a Public Authority;
- b) the *wayside pit* or *quarry* or the portable asphalt plant shall have a Certificate of Approval from the Ministry of Environment and Energy or its designate;
- c) the *wayside pit* or *quarry* or portable asphalt plant shall not be located closer than 300 metres from an *existing* residence;
- d) no excavation is permitted within 15 metres from the edge of any watercourse, *public road* allowance, or any adjoining property boundary; and
- e) upon completion of the public project, the site shall be rehabilitated to its former *use*.

Section 5: Parking and Loading Requirements

5.1 General

- 5.1.1 The parking and *loading space* requirements apply:
- when any new development is constructed;
 - when any *existing* development is enlarged; or
 - when any *use* is changed.
- 5.1.2 No person shall use any land, *building* or *structure* in any Zone for any purpose permitted by this By-law, unless parking and *loading spaces* are provided in accordance with the requirements of this Section.
- 5.1.3 Parking and *loading spaces* required by this By-law and all driveways and aisles leading to those spaces must be set aside for and used exclusively for that purpose.
- 5.1.4 When a *building* has insufficient parking at the date of passing of this By-law to comply with the requirements herein, this By-law shall not be construed to require that deficiency be made up prior to the construction of any addition. No addition may be built and no change in *use* may occur, the effect of which would be an increase in that deficiency.

5.2 Parking space Requirements

- 5.2.1 **Number of Parking spaces:** Off-street *motor vehicle* parking shall be provided for any land *use* at the rate set out in Table 5.1.

TABLE 5.1- PARKING REQUIREMENTS

| Type of <i>Building/Use</i> | Minimum Off-Street Parking Requirements |
|---|--|
| Any <i>commercial use</i> , except those uses specifically listed elsewhere in this Section | 1 space for each 50 square metres of commercial or office floor space |
| Any <i>industrial use</i> , except those uses specifically listed elsewhere in this Section | A minimum of 5 spaces or 1 space for each 100 square metres of <i>building</i> floor space on the <i>lot</i> , whichever is greater. |
| Any other non-residential <i>use</i> , except those <i>uses</i> specifically listed elsewhere in this Section | 1 space for each 50 square metres of <i>gross floor area</i> |

| Type of Building/Use | Minimum Off-Street Parking Requirements |
|---|--|
| | a minimum of 10 spaces for open air activity areas |
| <i>Bed and breakfast establishment</i> | 1 space for each rental room in addition to the required parking for the <i>dwelling</i> . |
| <i>Convenience store, Grocery store, Health services establishment Kennel Personal service establishment Retail store Veterinary clinic</i> | 1 space per 20.0 square metres of <i>gross floor area</i> of commercial space accessible to the public. |
| <i>Laundromat</i> | 1 space for every 4 washing machines or 1 space per 20 square metres of <i>gross floor area</i> , whichever is greater |
| <i>Building supply establishment</i> | 1 space per 50 sq. metres of <i>gross floor area</i> of commercial space accessible to the public |
| <i>Dwelling unit</i> | 1 space per <i>dwelling unit</i> For a water access only property, no minimum parking is required |
| <i>Educational establishment</i> | For an elementary school, 1.5 spaces for each teaching classroom. For a high school, 4 spaces for each teaching classroom. For a post-secondary establishment, 15 spaces for each teaching classroom. For a post-secondary residence, 1 space for every 4 beds. |

| Type of Building/Use | Minimum Off-Street Parking Requirements |
|--|---|
| <i>Agricultural uses, Greenhouse/nursery/garden centre</i> | 2 spaces per farm, plus 1 space for every 30 square metres of <i>gross floor area</i> devoted to retail sales and 1 space for every 100 square metres of <i>gross floor area</i> devoted to processing or manufacturing uses. |
| <i>Funeral home</i> | 1 space for each 5 seats capacity with a minimum of 10 <i>parking spaces</i> . |
| <i>Golf course</i> | 18 spaces per 9 holes of golf, plus 1 space per 30 square metres of club house. |
| <i>Group home</i> | 2 spaces, plus 1 space for every five residents. |
| <i>Hospital, Long term care home, Home for special care</i> | 1 space for each 2 beds plus 1 additional space for each resident doctor or resident employee. |
| <i>Hotel/Motel Tourist establishment Camping Establishment</i> | 1 space for each guest room, plus 1 <i>parking space</i> per 10.0 square metres of <i>gross floor area</i> devoted to meeting, dining and banquet facilities |
| <i>Marina</i> | 1 space for each boat slip plus 1 space for each 30 square metres of commercial <i>floor area</i> |
| <i>Mobile home park</i> | 1 space per unit |
| <i>Motor vehicle body repair shop Motor vehicle repair facility Motor vehicle service station Motor vehicle towing establishment Motor vehicle washing establishment</i> | 3 spaces per service bay plus 1 space per 20.0 square metres of <i>gross floor area</i> for the office and any retail use |

| Type of Building/Use | Minimum Off-Street Parking Requirements |
|--|--|
| <i>Motor vehicle Gas Bar</i> | 1 space per 50 square metres <i>gross floor area</i> exclusive of fuel dispensing spaces. |
| <i>Motor vehicle dealership</i> | 1 space per 20.0 square metres <i>gross floor area</i> exclusive of display and storage parking. |
| <i>Restaurant</i> <i>Place of assembly</i> <i>Place of recreation</i> <i>Place of worship</i> | Where there are fixed seats, one space for every 5 seats or 3.0 metres of bench space of its maximum seating capacity Where there are no fixed seats, 1 space for each 10 square metres of <i>floor area</i> devoted to <i>public use</i> |
| <i>Retirement Home</i> | 4 spaces plus .5 spaces for each of the first 30 guest rooms plus .25 spaces for each additional guest room |
| <i>Self storage facility</i> | 1 space per 30.0 square metres of <i>gross floor area</i> within the office; plus 1 space per 100.0 square metres of <i>gross floor area</i> of the <i>building</i> |

5.2.2 *Parking space Calculation:* Where the minimum number of *parking spaces* is calculated based on a rate, the required number of spaces shall be rounded to the next higher whole number.

5.2.3 *More than One Use on a Lot:* When a *lot, building or structure* accommodates more than one type of *use*, the *parking space* requirement for the whole *building* or site shall be the sum of the requirement for the separate parts of the *building* or site occupied by the separate types of *use*.

5.2.4 *Parking space Size:* A *motor vehicle parking space* shall have:

- a) A minimum width of 3.0 metres; and,
- b) A minimum length of 6.0 metres, except for parallel parking, where a minimum length of 6.5 metres is required.

5.2.5 Width of Aisles: The minimum width of an aisle providing access to a *parking space* within a *parking area* shall be 6.0 metres, except in the case of angled off-street parking accessed by a one-way aisle, which shall be a minimum width of 4.5 metres.

5.2.6 Width of Access Ramps and Driveways

- a) Access ramps and driveways accessing a *parking area* or *parking lot* shall be a minimum of 3.0 metres in width for one-way traffic and a minimum of 6.0 metres in width for two-way traffic.
- b) For a Commercial, Industrial, Institutional or Municipal *Parking lot*, a minimum of 7.5 metres in width shall be provided.

5.2.7 Parking Area Surface Treatment: All required *parking spaces* and *parking areas* and all driveways to any *parking area* or *parking lot* shall be maintained with a stable surface such as asphalt, concrete, concrete pavers, gravel or similar material which is treated so as to prevent the raising of dust or loose particles.

5.2.8 Location of Required Parking spaces:

- a) *Parking spaces* and all driveways and aisles leading to those spaces shall be:
 - i) located on the same *lot* as the *use* or *building* for which they are provided; or
 - ii) located on a *lot* located within 150.0 metres of the site in the C1 or C1A zone, provided the parking facilities are legally secured for that *use*, to the satisfaction of the City.

5.2.9 Parking area Location on a Lot: *Parking areas* will be permitted in any *required yard* in accordance with Table 5.2.

TABLE 5.2 – PARKING AREA ON LOT

| Zone | Yard in Which Required Parking Permitted |
|--|---|
| Residential Zones | All <i>yards</i> . No <i>parking space</i> shall be permitted within 1.5 metres of a <i>street line</i> . |
| Commercial, Community Facility, Industrial, Open Space Zones | All <i>yards</i> provided that no part of any <i>parking area</i> , other than the ingress or egress points, is located closer than 1.0 metre to any <i>street line</i> and no closer than 1.5 metres to any <i>lot line</i> and provided that no part of any <i>parking area</i> is located in a minimum planting strip adjacent to a <i>street line</i> as required by this By-law. |
| Agricultural and Rural Zones | All <i>yards</i> provided that no part of any <i>parking area</i> , other than the ingress and egress points used for access from the street, is located closer than 5.0 metres to any <i>street line</i> or any other <i>lot line</i> . |

5.2.10 Restrictions in Residential Zones

- a) Not more than one vehicle per *dwelling unity* shall be a *commercial motor vehicles* as defined in the Highway Traffic Act. The manufacturer’s rated capacity of any such *commercial motor vehicle* shall not exceed 1,000 kilograms.

5.2.11 Exemptions for parking in the C1 and C1A Zones:

- a) Where *parking spaces* are required for any *use* in the C1A Zone and in that portion of the C1 Zone shown on the schedules to this By-law and located within the Business Improvement Area, and where public on-street and/or off-street parking is available, then no parking is required for any *commercial use*. This exemption does not apply to any residential *use* within the defined area.

5.3 Queuing Lane Requirements (Drive through service):

- 5.3.1** Where drive-through service facilities are permitted, queuing lanes are required and shall be exclusive of any other *parking space* and aisle requirements contained within this By-law and shall be provided in accordance with the provisions of this Section. The minimum queuing space requirements within a designated queuing lane shall be as set out in Table 5.3. In addition, one space shall be provided for each point of service delivery.

TABLE 5.3 – QUEUING LANE REQUIREMENTS

| Use Associated with Drive-Through Service Facility | Minimum Required Ingress Spaces | Minimum Required Egress Spaces |
|---|--|---------------------------------------|
| Financial Institution | 3 | 1 |
| <i>Restaurant</i> | 8 | 2 |
| <i>Motor vehicle service station or Gas Bar</i> | 3 | 1 |
| <i>Motor vehicle washing establishment</i> | 3 per bay | 2 |
| All Other Uses | 3 | 1 |

- 5.3.2 Location of Ingress and Egress Spaces:** Required ingress spaces shall be located before the first point of contact and required egress spaces shall be located after the final point of contact.

5.3.3 Length of Queuing Lane: The length of the queuing lane associated with the drive-through service facility shall be the total number of required ingress spaces and egress spaces, plus one space for each point of service delivery and shall not form part of the required *parking spaces* or aisles.

5.3.4 Size of Queuing Space: All queuing spaces shall be rectangular in shape, with a minimum length of 6.0 m and a minimum width of 2.75 m.

5.4 Loading space Requirements

5.4.1 Location of Loading spaces

- a) Required *Loading spaces* shall be provided on the same *lot* for the *use* or *building* for which it is required, and the *loading space(s)* shall be located within 20.0 metres of the *use* or *building* for which it is required.
- b) Such *loading space* shall not be located in a *required yard*.
- c) *Loading spaces* shall not obstruct any required *parking spaces* or vehicular movement on the *lot*.
- d) In all Zones, with the exception of any Industrial Zone, *loading spaces* are not permitted in the *front yard* or *exterior side yard* and loading bay doors are not permitted on any wall facing a street unless the *loading space* and loading bay door are located no closer than 10.0 metres from any *street line*.

5.4.2 Access to Loading spaces: Where a *loading space(s)* is required, the access to the *loading space(s)* shall be provided by means of a driveway that is a minimum of 6.0 metres wide in an Industrial Zone and a minimum of 3.5 metres wide in a Commercial Zone.

Section 6: Residential Zones

6.1 Establishment of Residential Zones

The Residential Zones established by this By-law are:

| ZONE | SYMBOL | DESCRIPTION |
|---------------------------------|--------|--|
| Rural Residential Zone | R1 | Rural Residential |
| Low Density Residential Zone | R2 | Low Density Residential (1 and 2 units) within Settlement Areas; may be on full, partial or private services |
| Medium Density Residential Zone | R3 | Medium Density Residential (up to 4 units) |
| High Density Residential Zone | R4 | High Density Residential Zone (5 units and over) |
| Mobile Home Residential | MH | Mobile Home Park |

6.2 General Prohibition

No person shall within any Residential Zone, use any land, or erect, alter, or use any *building* or *structure* except as specified hereunder, and in accordance with all other applicable provisions of this By-law.

6.3 Permitted Uses

Uses permitted in a Zone are noted by the symbol '●' in the column applicable to that Zone and corresponding with the row for a specific permitted use in the Permitted Uses Table. A number(s) following the symbol '●', zone heading or identified permitted use, indicates that one or more conditions apply to the use noted or, in some cases, to the entire Zone. Conditions are listed in the Footnotes below the Permitted Principal Uses Table, Table 6.1, and Permitted Accessory Uses Table, Table 6.2.

TABLE 6.1 – PERMITTED PRINCIPAL USES

| Permitted Uses | Zones | | | | |
|-------------------------------------|-------------------|-------------------------|----------------------------|--------------------------|-------------------------|
| | R1 | R2 | R3 | R4 | MH |
| | Rural Residential | Low Density Residential | Medium Density Residential | High Density Residential | Mobile Home Residential |
| Dwelling, Single Detached | ● | ● | ● | | |
| Dwelling, Semi-detached | | ● | ● | | |
| Dwelling, Duplex | | ● | ● | | |
| Dwelling, Multiple, up to 4 units | | | ● | | |
| Dwelling, Multiple, 5 or more units | | | | ● | |
| Dwelling, Street Townhouse | | | ● (*1) | ● | |
| Dwelling, Mobile Home | | | | | ● |
| | | | | | |
| | | | | | |
| Other Uses | | | | | |
| | | | | | |
| Boarding House | | ● | ● | | |
| Cemetery | ● | ● | ● | ● | |
| Group Home | ● | ● | ● | ● | |
| Home for Special Care | | | ● | ● | |
| Retirement Home | | | | ● | |

TABLE 6.2 – PERMITTED ACCESSORY USES

| Accessory Use | Zones | | | | |
|---------------------------------|-------------------|-------------------------|----------------------------|--------------------------|-------------------------|
| | R1 | R2 | R3 | R4 | MH |
| | Rural Residential | Low Density Residential | Medium Density Residential | High Density Residential | Mobile Home Residential |
| | | | | | |
| Second Dwelling Unit | ● | ● | ● | | |
| Bed and Breakfast Establishment | ● | ● | ● | ● | |
| Home Occupation | ● | ● | ● | ● | |
| Home Industry | ● | ● | ● | ● | |
| Private Home Child Care | ● | ● | ● | ● | |

6.3.1 Notes to Permitted Uses:

(*1) To a maximum of four dwellings.

6.4 Lot Requirements

TABLE 6.3 – RESIDENTIAL ZONE REQUIREMENTS

| Regulation | | Zone | | | | |
|--|----------------------------|-------------------|---|---|---------------------------------|------------------------------------|
| | | R1 | R2 | R3 | R4 | MH |
| | | Rural Residential | Low Density Residential | Medium Density Residential | High Density Residential | Mobile Home Residential (*1) |
| Minimum Lot Area (m2) | Full Municipal Services | n/a | 450 (*2) | 450 (*2, *3) | 1100 (*3) | 450 |
| | Partial Municipal Services | n/a | 550 (*4) | n/a | n/a | n/a |
| | Private Services | 4000 | 4000 | n/a | n/a | n/a |
| Minimum Lot Frontage (m) | Full Municipal Services | n/a | (*5) | (*5,*6,*7) | 30 | 15 (*8) |
| | Partial Municipal Services | n/a | 20 | n/a | n/a | n/a |
| | Private Services | 40 | 40 | n/a | n/a | n/a |
| Maximum Lot Coverage (%) | Full Municipal Services | n/a | 40 | 40 | 40 | 40 |
| | Partial Municipal Services | n/a | 40 | n/a | n/a | n/a |
| | Private Services | 20 | 20 | n/a | n/a | n/a |
| Maximum Lot Coverage for accessory buildings (%) | | 15 | 15 | 15 | 15 | 15 |
| Minimum Front Yard (m) | Full Municipal Services | n/a | 6 | 6 | 6 | n/a |
| | Partial Municipal Services | n/a | 6 | n/a | n/a | n/a |
| | Private Services | 7.5 | 7.5 | n/a | n/a | 6 |
| Minimum Interior Side Yard (m) | Full Municipal Services | n/a | 1.2 on one side and 3 on the other (*9) | 1.2 on one side and 3 on the other (*10)(*9) | 6 (*10) | 1.2 on one side and 3 on the other |
| | Partial Municipal Services | n/a | 1.2 on one side and 3 on the other (*9) | n/a | n/a | n/a |
| | Private Services | 6 | 6 | n/a | n/a | n/a |
| Minimum Exterior Side Yard | | 7.5 | 5 | 5 | 7.5 | 6 |
| Minimum Rear Yard | | 7.5 | 6 | 6 | 7.5 | 6 |
| Minimum setback from watercourse | | 15 | 15 | 15 | 15 | 15 |
| Maximum Building Height | | 11 | 11 | 11 | 12 | 5 |
| Maximum Accessory Building Height (*11) | | 5 | 5 | 5 | 5 | 5 |
| Maximum Number of Dwelling Units (excluding second dwelling) | | 1 | (*12) | 1 for each 150 sq m of lot area to a maximum of 4 | 1 for each 120 sq m of lot area | 1 per mobile home site (*13) |
| Minimum Landscaped Open Space (%) | | 50 | 30 | 30 | 35 | 30 |
| Other Provisions | | | (*15) | (*15) | (*15) | (*14) |

6.4.1 Additional Residential Zone Requirements

(*1) Standards for individual units/sites within a mobile home park.

(*2) For a semi-detached dwelling, the minimum lot area shall be 250 square metres per dwelling unit.

(*3) For a Street Townhouse, the minimum lot area shall be 200 square metres per dwelling unit.

(*4) A duplex or semi-detached dwelling is not permitted on partial services.

- (*5) 15 metres for a single detached or duplex dwelling; 9 metres per unit for a semi-detached dwelling.
- (*6) A minimum of 7 metres per unit for an interior unit and 10 metres for an end/exterior unit for a Street Townhouse.
- (*7) Minimum 18 metres for a multiple dwelling.
- (*8) Frontage on an internal public or private roadway.
- (*9) Where there is an attached garage, the minimum interior side yard shall be 1.2 metres on both sides.
- (*10) For a Street Townhouse, the minimum interior side yard shall be 3.5 metres on the external units, and 0 (nil) metres for common walls.
- (*11) Where a second dwelling is proposed above a garage, the maximum heights of the garage shall be 8 metres.
- (*12) 1 dwelling only on partial or private services; 1 dwelling for each 225 square metres of lot area to a maximum of two dwellings.
- (*13) The maximum number of mobile home sites within a mobile home park is as exists on the date of passing of this By-law.
- (*14) The outer boundary of a mobile home park shall maintain minimum yards of 5 metres, all of which shall be a landscaped strip (with the exception of ingress and egress).
- (*15) Where a legal non-complying single detached dwelling is converted to a duplex dwelling, semi-detached dwelling or multiple dwelling, the existing yards, lot coverage and landscaped open space are deemed to comply with this by-law.

6.5 Residential Exceptions

The Provisions of this Section are modified for those properties and to the extent identified in Sections 6.5.1 to 6.5.5 below.

6.5.1 Exceptions to Rural Residential (R1) Zone

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|----------|-------------------------|----------|---|
| R1-1 | 2009-138 | 998199 Highway 11 North | C3 | <p>In addition to the permitted uses in an R1 zone, a graphics and sign business is permitted in an accessory building.</p> <p>Retail sales are not permitted.</p> <p>All installations related to vehicles must take place off-site.</p> <p>For the purposes of this Section, a Graphics and Sign business means the design, production, assembly and installation of indoor and outdoor decals; signs and</p> |

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|---------|---------------------------|----------|---|
| | | | | <p>banners; vehicle lettering and graphics, awnings; billboards; exhibits and displays; large format digital imaging; window tinting and frosting; and similar products and services, provided vehicle lettering and graphics; vehicle window tinting and frosting, and any other product designed for vehicles is not a permitted use on site.</p> <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Maximum number of parking spaces shall be four in addition to the requirements of the R1 zone; • No outdoor storage shall be permitted; • Signage visible from Highway 11 must not be greater than 3 sq m for one sign or two signs not exceeding a combined area of 6 sq m. |
| R1-2 | 91-32 H | Roll # 5418 030 011 07200 | G3 | The Minimum <i>Interior Side Yard</i> shall be 1.2 metres on one side and 2.0 metres on the other side. |
| R1-3 | | | | |
| R1-4 | | | | |
| R1-5 | | | | |

6.5.2 Exceptions to Low Density Residential (R2) Zone

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|---------|-----------------|----------|--|
| R2-1 | 91-39 H | 8 Lowry Street | I4 | The minimum <i>interior side yard</i> shall be 0.0 m on one side. |
| R2-2 | | 697 Main Street | I4 | In addition to the permitted uses in the R2 zone, a towing, plowing and yard maintenance establishment shall be permitted. |
| R2-3 | | | | |
| R2-4 | | | | |
| R2-5 | | | | |

6.5.3 Exceptions to Medium Density Residential (R3) Zone

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|--------------------|---|-----------|--|
| R3-1 | 2246 NL 2397 NL | 51 Murray Street 12 Elm Street 61 Paget Street 95 Meridian | E3 and J4 | In addition to the permitted uses in the R3 zone, a <i>health services establishment</i> shall be permitted. |
| R3-2 | 2306 NL | 128 Pine Street | E3 | <p>The permitted principal uses are limited to the following:</p> <ul style="list-style-type: none"> • A <i>single detached dwelling</i>; • a <i>duplex dwelling</i>; • a <i>multiple dwelling</i> with a maximum of three units. <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Minimum <i>lot frontage</i> shall be 12.27 m; • Minimum <i>lot area</i> shall be 523 sq m |
| R3-3 | | | | |
| R3-4 | 2881 NL | 329 Whitewood | E3 | <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Minimum lot area shall be 600 sq m; • Minimum lot frontage shall be 12 m; • Minimum front yard setback shall be 0.9 m; |

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|----------|--------------------|----------|---|
| | | | | <ul style="list-style-type: none"> Minimum rear yard setback shall be 0.5 m for the accessory building; |
| R3-5 | 2014-104 | 242 Robert St | E3 | The minimum lot frontage for a triplex dwelling shall be 15 m. |
| R3-6 | 2017-105 | 258 Farah | F3 | <p>In addition to the permitted uses in an R3 Zone, a <i>street townhouse</i> containing a maximum of 4 units is permitted.</p> <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> Minimum <i>lot frontage</i> shall be 20 m; Minimum <i>rear yard</i> shall be 2 m; |
| R3-7 | 89-10 H | 59 King Street | K4 | The minimum <i>interior side yard</i> shall be 1.125 metres on one side and 3.0 metres on the other side. |
| R3-8 | | 228 Heard | E3 | The minimum <i>exterior side yard</i> shall be 3.8 m. |
| R3-9 | 91-39 H | 130 Queen Street | K4 | The minimum <i>interior side yard</i> shall be 1.0 m on one side and 1.4 m on the other side. |
| R3-10 | 1987-003 | 121 Station Street | K4 | The minimum interior side yard shall be 1.1 m on one side and 3 m on the other side. |
| R3-11 | 91-47 H | 250 Meridian Ave | J4 | The minimum <i>interior side yard</i> shall be 1.2 m on one side and 1.0 m on the other side. |
| R3-12 | | 486 Broadway | I4 | <p>In addition to the permitted uses in an R3 Zone, a funeral home and accessory dwelling unit are permitted.</p> <p>The existing building is deemed to comply with the lot and yard requirements in an R3 Zone.</p> |
| R3-13 | | 544 Rorke | I4 | The permitted uses are limited to a parking area accessory to the funeral home located at 486 Broadway. |

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|---------|---------------------------------------|----------|--|
| R3-14 | 93-78 H | 401 Ferguson Ave | I4 | The minimum interior side yard shall be 1.8 m on the north side and 1.7 m on the south side. |
| R3-15 | | Lakeview and Birch 541803000932820 | K4 | In addition to the permitted uses in an R3 Zone an educational establishment is a permitted use. |
| R3-16 | | 452 View Street | J4 | In addition to the permitted uses in an R3 Zone, a restaurant is permitted. |

6.5.4 Exceptions to High Density Residential (R4) Zone

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|----------|--------------------|----------|---|
| R4-1 | 2010-026 | 228 Raymond Street | D3 | The maximum number of dwelling units on the property shall be 6. |
| R4-2 | 2010-026 | 230 Raymond Street | D3 | <p>The permitted uses are limited to the following:</p> <ul style="list-style-type: none"> • Apartment residential with a maximum of 6 units; • Appliance sales and service shop; • Business, professional or administrative office; • Child care centre; • Convenience store; • Educational establishment; • Financial establishment; • Health services establishment; • Personal service establishment; • Private club; • Retail store; <p>In addition to the above, other similar commercial and institutional uses that are compatible with the residential character of the neighbourhood are permitted.</p> <p>The following zone provisions apply to commercial uses:</p> |

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|---------------------|----------------------|----------|--|
| | | | | <ul style="list-style-type: none"> Commercial uses shall be contained within the existing building; Commercial uses are limited to a maximum of 40% of the gross floor areas of the existing building; Commercial uses are limited to the floor at grade level. |
| R4-3 | 2416 NL | 67 Lakeshore Road | F3 | <p>The maximum number of dwelling units on the property shall be 5.</p> <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> Minimum lot area shall be 485 sq m; Minimum lot frontage shall be 12 m; Minimum interior side yard shall be 2 m; Minimum building separation shall be 2.5 m; |
| R4-4 | 2010-051 NL | 157 Whitewood Avenue | E3 | <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> Minimum lot frontage shall be 24.5 m; Minimum exterior side yard shall be 6.66 m; Minimum side yard shall be 5.56 m. |
| R4-5 | 2012-097 NL | 97 Whitewood Avenue | E3 | <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> Minimum front yard shall be 5 m; Minimum side yard for an apartment dwelling shall be 1.46 m; Minimum landscaped area shall be 8%; |
| R4-6 (H4) | 2013-101 & 2014-206 | 415 Lakeshore Road | F3 | <p>The maximum number of dwelling units on the property shall be 82.</p> <p>A single detached dwelling is a permitted use.</p> <p>The following lot requirements apply:</p> |

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|----------|----------------------|----------|---|
| | | | | <ul style="list-style-type: none"> • Minimum side yard (north side) shall be 3.7 m; • Maximum building height shall be 17 m; • All development below the 181.7 metre CGD elevation shall be flood proofed to the 181.7 CGD elevation; • Minimum parking space width shall be 2.75 m. |
| R4-7 | 2016-117 | 100 Lakeshore Road N | F3 | <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Minimum front yard shall be 4.5 m for one accessory gazebo only; • Minimum side yard for an apartment dwelling shall be 2.9 m on the south side; • Minimum landscaped open space shall be 30%; • Minimum number of parking spaces shall be 1.25 for each dwelling unit, recognizing that a minimum of 6 spaces shall be dedicated as accessible parking spaces; |
| R4-8 | 89-50 H | 428 Lakeview | K4 | <p>The Maximum number of <i>dwelling units</i> on the property shall be 5;</p> <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Minimum lot frontage shall be 19.95 m; • Minimum <i>front yard</i> shall be 0.56 m; • Minimum <i>interior side yard</i> shall be 0.07 m; • Minimum <i>exterior side yard</i> shall be 0.17 m; |
| R4-9 | 90-42 H | 431-439 Rorke Avenue | I4 | <p>The maximum number of <i>dwelling units</i> on the property shall be 5;</p> <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Minimum <i>front yard</i> shall be 4.18 m; |

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|-----------|--|----------|--|
| | | | | <ul style="list-style-type: none"> Minimum <i>rear yard</i> shall be 4.0 m; |
| R4-10 | 2003-16 H | 420-456 Farr Drive | I4 | <p>The maximum number of <i>street townhouse dwellings</i> on lands zoned R4-10 shall be 25;</p> <p>The following lot requirements apply to each <i>street townhouse dwelling</i> unit:</p> <ul style="list-style-type: none"> Minimum <i>lot area</i> shall be 185 sq m Minimum <i>lot frontage</i> shall be 7.5 m; Minimum <i>front yard</i> shall be 6.0 m; Minimum <i>interior side yard</i> shall be 0.0 m; Minimum <i>exterior side yard</i> shall be 0.5 m; Minimum <i>rear yard</i> shall be 5.5 m; Minimum <i>floor area</i> shall be 80 sq. m; Maximum <i>height of building</i> shall be 11.5 m; Maximum <i>lot coverage</i> for a <i>dwelling</i> shall be 65%. |
| R4-11 | 2010-012 | 347 Sutherland Way and Blackwall Street. | I4, J4 | <p>The permitted uses are limited to a 48 unit <i>apartment dwelling</i>, and the following non-residential uses:</p> <ul style="list-style-type: none"> Financial establishment; Convenience store; Business, professional or administrative office; Personal service establishment; Retail store; Educational establishment; Place of assembly; Place of recreation; Place of worship; Commercial use; Child care centre; Health services establishment; Restaurant; Public use; |

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|------------|----------------------|----------|---|
| | | | | <ul style="list-style-type: none"> • Museum. <p>In addition, other similar commercial and community facility uses that are compatible with the residential character of the neighbourhood are permitted.</p> <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Non-residential uses shall be contained within the existing building; • Non-residential uses are limited to a maximum gross floor area of 929 sq m <p>A parking lot with a maximum of 30 parking spaces is permitted to be located on a separate parcel of land.</p> <p>A site plan control agreement will be required to ensure that the parking lot is designed and landscaped to ensure compatibility with adjacent residential properties and to ensure that the residential character of the neighbourhood is maintained.</p> <p>The site plan control agreement will require that an easement be registered on the property in favour of the property at 367 Sutherland Way to dedicate the 30 parking spaces to the residential and commercial uses on the property at 367 Sutherland Way.</p> |
| R4-12 | 2010-038 | 554 Lakeshore Road S | I4 | <p>The maximum number of units in a <i>multiple dwelling</i> shall be 6;</p> <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Minimum <i>interior side yard</i> (with attached garage) shall be 2.4 m; |
| R4-13 | 2012-071 H | 522 Georgina Avenue | I4 | <p>The maximum number of units in a <i>multiple dwelling</i> shall be 11.</p> <p>The following lot requirements apply:</p> |

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|--------------------------|--------------------|----------|---|
| | | | | <ul style="list-style-type: none"> Minimum <i>rear yard</i> shall be 6.21 m; Minimum <i>floor area</i> shall be 49.2 sq m |
| R4-14 | 2012-111 H 2014-142 H | 495 & 497 Ferguson | I4 | <p>The maximum number of units in a <i>multiple dwelling</i> shall be 22.</p> <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> Maximum height shall be 14.23 m. |
| R4-15 | 2014-028 | 20 Groom Street | K4 | <p>The maximum number of units in a <i>multiple dwelling</i> shall be 11;</p> <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> Minimum <i>interior side yard</i> (without attached garage) shall be 0.127 m; |
| R4-16 | | 105 Market Street | F3 | <p>In addition to the permitted uses in an R4 Zone, a senior citizen apartment is permitted.</p> <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> Minimum number of parking spaces shall be .6 spaces for each dwelling unit. |
| | | | | |

6.5.5 Exceptions to Mobile Home Residential (MH) Zone

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|--------|----------|----------|--------------------|
| MH-1 | | | | |
| MH-2 | | | | |
| | | | | |

Section 7: Commercial Zones

7.1 Establishment of Commercial Zones

The Commercial Zones established by this By-law are:

| ZONE | SYMBOL | DESCRIPTION |
|-------------------------------|--------|--|
| General Commercial Zone | C1 | Traditional downtown and general commercial areas (New Liskeard) |
| General Commercial Zone | C1A | Traditional downtown and general commercial areas (Haileybury) |
| Highway Commercial Zone | C2 | Highway commercial areas |
| Neighbourhood Commercial Zone | C3 | Neighbourhood commercial uses that provide services to the local neighbourhood |
| Tourist Commercial Zone | C4 | Commercial properties providing primarily tourist accommodation and camps. |

7.2 General Prohibition

No person shall within any Commercial Zone, use any land, or erect, alter, or use any building or structure except as specified hereunder, and in accordance with all other applicable provisions of this By-law.

7.3 Permitted Uses

Uses permitted in a Zone are noted by the symbol '●' in the column applicable to that Zone and corresponding with the row for a specific permitted use in the Permitted Uses Table. A number(s) following the symbol '●', zone heading or identified permitted use, indicates that one or more conditions apply to the use noted or, in some cases, to the entire Zone. Conditions are listed in the Footnotes below the Permitted Principal Uses Table, Table 7.1, and Permitted Accessory Uses Table, Table 7.2.

TABLE 7.1 – PERMITTED PRINCIPAL USES

| Permitted Uses | Zones | | | | |
|---|-----------------------------------|---------------------------------|--------------------|--------------------------|--------------------|
| | C1 | C1A | C2 | C3 | C4 |
| | General Commercial (New Liskeard) | General Commercial (Haileybury) | Highway Commercial | Neighbourhood Commercial | Tourist Commercial |
| Agricultural Processing Establishment | | | ● | | |
| Agricultural Produce Warehouse | | | ● | | |
| Agricultural Product Sales Outlet | | | ● | | |
| Agricultural Services | | | ● | | |
| Agricultural Supply/Implement Dealership | | | ● | | |
| Boarding House | ● | ● | | | |
| Building Supply Establishment | | | ● | | |
| Bulk Sales Establishment | | | ● | | |
| Business, Professional or Administrative Office | ● | ● | ● | | |
| Contractor's Establishment | | | ● | | |
| Convenience Store | ● | ● | ● | ● | |
| Child Care Centre | ● | ● | ● | ● | |
| Driving Range | | | ● | | |
| Dry Cleaning Establishment | ● | ● | ● | ● | |
| Dwelling, Apartment | | ●(*1) | | | |
| Dwelling, Multiple | | ●(*1) | | | |
| Dwelling, Semi-Detached | ●(*1) | ●(*1) | | | |
| Dwelling, Single Detached | ●(*1) | ●(*1) | | | ●(*1) |
| Dwelling, Street Townhouse | | ●(*1) | | | |
| Educational Establishment | ● | ● | ● | | |
| Equipment Sales, Service & Rental Establishment | | | ● | | |
| Financial Establishment | ● | ● | ● | | |
| Funeral Home | ● | ● | ● | | |
| Greenhouse, Nursery, Garden Centre | ● | ● | ● | | |
| Grocery Store | ● | ● | ● | | |
| Group Home | ● | ● | ● | | |
| Health Services Establishment | ● | ● | ● | | |
| Home for Special Care | ● | ● | | | ● |
| Hospital | | | ● | | |
| Hotel/Motel | ● | ● | ● | | ● |
| Kennel | | | ● | | |
| Laundromat | ● | ● | ● | ● | |
| Long Term Care Home | ● | ● | | | |

TABLE 7.1 – cont'd

| Permitted Uses | Zones | | | | |
|--|-----------------------------------|---------------------------------|--------------------|--------------------------|--------------------|
| | C1 | C1A | C2 | C3 | C4 |
| | General Commercial (New Liskeard) | General Commercial (Haileybury) | Highway Commercial | Neighbourhood Commercial | Tourist Commercial |
| Marina | ● | ● | ● | | |
| Marine Sales & Service Establishment | ● | ● | ● | | |
| Market | ● | ● | ● | ● | |
| Motor Vehicle Body Repair Shop | ● | ● | ● | | |
| Motor Vehicle Dealership | ● | ● | ● | | |
| Motor Vehicle Service Station | ● | ● | ● | | |
| Motor Vehicle Washing Establishment | ● | ● | ● | | |
| Outdoor Recreation, Active | ● | ● | ● | | ● |
| Outdoor Recreation, Passive | ● | ● | ● | | ● |
| Parking Lot | ● | ● | ● | | |
| Personal Service Establishment | ● | ● | ● | ● | |
| Place of Assembly | ● | ● | ● | | |
| Place of Entertainment | ● | ● | ● | | |
| Place of Recreation | ● | ● | ● | | |
| Place of Worship | ● | ● | ● | | |
| Printing Establishment | ● | ● | ● | | |
| Recreational Vehicle Sales and Service Establishment | | | ● | | |
| Restaurant | ● | ● | ● | ● (*2) | ● (*1) |
| Restaurant, Drive-Through or Take-Out | ● | ● | ● | | |
| Retail Store | ● | ● | ● | ● (*2) | |
| Self Storage Facility | | | ● | | |
| Service Establishment | ● | ● | ● | | |
| Tourist Camping Establishment | | | | | ● |
| Tourist Establishment | ● | ● | ● | | ● |
| Transportation Depot | | | ● | | |
| Veterinary Establishment | ● | ● | ● | | |
| Wayside Pit or Quarry | | | ● | | |
| Wholesale Establishment | | | ● | | |

TABLE 7.2 – PERMITTED ACCESSORY USES

| Accessory Uses | Zones | | | | |
|---|--------------------|--------------------|--------------------|--------------------------|--------------------|
| | C1 | C1A | C2 | C3 | C4 |
| Principal Use | General Commercial | General Commercial | Highway Commercial | Neighbourhood Commercial | Tourist Commercial |
| Bed and Breakfast Establishment | ●(*3) | ●(*3) | | | |
| Dwelling Unit in a non-residential building | ● | ● | ● | ● | |
| Home Occupation | ●(*3) | ●(*3) | ●(*3) | | |
| Outdoor Storage | | | ● | | |
| Private Home Child Care | ●(*3) | ●(*3) | ●(*3) | ● | |
| Second Dwelling Unit | ●(*3) | ●(*3) | | | |

7.3.1 Notes to Permitted Uses

- (*1) Legally Existing only;
- (*2) To a maximum 150 square metres per establishment;
- (*3) Located in a legally existing single detached or semi-detached dwelling only.

7.4 Lot Requirements

No person shall, within any Commercial Zone, use any lot or erect, alter or use any building or structure except in accordance with the standards in the Lot Requirements Table. A number(s) following a Lot Requirement, zone heading or description of the requirement, indicates that one or more conditions apply to the requirement noted or, in some cases, to the entire Zone. Conditions are listed in the Footnotes below the Lot Requirements Table, Table 7.3.

TABLE 7.3 – COMMERCIAL ZONE REQUIREMENTS

| Regulation | | Zone | | | | |
|--|----------------------------|--------------------|--------------------|--------------------|--------------------------|--------------------|
| | | C1 | C1A | C2 | C3 | C4 |
| | | General Commercial | General Commercial | Highway Commercial | Neighbourhood Commercial | Tourist Commercial |
| Minimum Lot Area (m2) | Full Municipal Services | nil | nil | 550 | 550 | 1000 |
| | Partial Municipal Services | n/a | n/a | 550 | n/a | 4000 |
| | Private Services | n/a | n/a | 1 ha | n/a | 4000 |
| Minimum Lot Frontage (m) | Full Municipal Services | nil | nil | 15 | 18 | 30 |
| | Partial Municipal Services | n/a | n/a | 18 | n/a | 60 |
| | Private Services | n/a | n/a | 45 | n/a | 60 |
| Maximum Lot Coverage (%) | Full Municipal Services | 80 | 80 | 40 | 50 | 40 |
| | Partial Municipal Services | n/a | n/a | 25 | n/a | 30 |
| | Private Services | n/a | n/a | 25 | n/a | 30 |
| Maximum Lot Coverage for accessory buildings (%) | | 5 | 5 | 10 | 5 | 10 |
| Minimum Front Yard (m) | Full Municipal Services | 7.5 (*1) | nil | 15 | 7.5 | 7.5 |
| | Partial Municipal Services | n/a | n/a | 15 | n/a | 7.5 |
| | Private Services | n/a | n/a | 15 | n/a | 7.5 |
| Minimum Interior Side Yard (m) | Full Municipal Services | nil | nil | 4.5 | 4.5 | 6 |
| | Partial Municipal Services | n/a | n/a | 15 | n/a | 6 |
| | Private Services | n/a | n/a | 15 | n/a | 6 |
| Minimum Interior Side Yard abutting a Residential Zone (m) | | 3 | 3 | 5 | 5 | 10 |
| Minimum Exterior Side Yard | | 7.5 (*1) | nil | 15 | 7.5 | 7.5 |
| Minimum Rear Yard | | 7.5 (*1) | 3 | 7.5 | 7.5 | 7.5 |
| Minimum Rear Yard abutting a Residential Zone | | 7.5 | 3 | 10 | 7.5 | 10 |
| Minimum setback from watercourse | | 15 | 15 | 15 | 15 | 15 |
| Maximum Building Height | | 15 | 15 | 15 | 11 | 11 |
| Maximum Accessory Building Height | | 5 | 5 | 5 | 5 | 6 |
| Maximum Number of Dwelling Units (excluding second dwelling) | | 5 (*2)(*3) | 5 (*4) | 1 | 1 | 1 (*5) |
| Minimum Landscaped Open Space (%) | | 0 | 0 | 10 | 30 | 30 |
| Other Provisions | | | (*9) | (*6)(*9) | (*7)(*8) | |

7.4.1 Additional Commercial Zone Requirements

(*1) In the area bounded by [to apply to Business Improvement Area], the minimum yard shall be 0 (nil).

(*2) A maximum of 5 dwellings per establishment, provided a minimum of 1 parking space per dwelling is available on the site.

(*3) A dwelling unit is only permitted above the first storey.

(*4) A minimum lot area of 110 square metres per dwelling, up to a maximum of 5 dwelling units on a lot, and provided a minimum of 1 parking space per dwelling is available on the site.

(*5) Staff quarters are permitted in addition to the number of dwelling units.

(*6) Planting Strip location - a planting strip shall be required along any portion of a rear or side lot line which abuts a Residential zone.

(*7) Maximum number of commercial establishments per lot – 3.

(*8) Maximum net floor area for each commercial establishment - 150 square metres.

(*9) A dwelling unit is only permitted above the first storey or in the rear ½ of the first storey.

7.5 Commercial Exceptions

The provisions of this Section are modified for those properties and to the extent identified in Sections 7.5.1 to 7.5.5 below.

7.5.1 Exceptions to General Commercial (C1) Zone

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|---------|-------------------|----------|---|
| C1-1 | 2510 NL | 66 Lakeshore Road | F3 | Residential uses are not permitted. The following lot requirements apply: <ul style="list-style-type: none"> • Minimum lot area shall be 1200 sq m; • Minimum lot frontage shall be 30 m; • Maximum lot coverage shall be 60%; • Minimum front yard shall be 6 m; • Minimum rear yard shall be 2.8 m; • Minimum interior side yard shall be 3 m; • Minimum building separation shall be 4 m’ • Maximum building height shall be 6 m; • The minimum number of parking spaces shall be 6; • No part of any parking space shall be located closer than: 0.15 m to any street line or 1.5 m to any other lot line; • Notwithstanding the requirements of Section 5.2.1, a minimum of 1 parking space for each 90 sq m of gross floor area or portion thereof is required; |
| C1-2 | | | | |
| C1-3 | | | | |
| C1-4 | | | | |

7.5.2 Exceptions to General Commercial (C1A) Zone

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|--------|----------|----------|--------------------|
| C1A-1 | | | | |
| C1A-2 | | | | |
| C1A-3 | | | | |
| C1A-4 | | | | |

7.5.3 Exceptions to Highway Commercial (C2) Zone

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|------------|-------------------|----------|--|
| C2-1 | 2005-039 D | 997498 Highway 11 | D3 | The maximum number of dwelling units per lot is 2. |
| C2-2 | 2541 NL | 3 Pine Avenue | E3 | <p>In addition to the permitted uses in a C2 zone, a sign painting shop is permitted.</p> <p>The following uses are not permitted:</p> <ul style="list-style-type: none"> • Residential uses; • Fuel pump island; • Outdoor storage. <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Maximum lot coverage shall be 62%; • Minimum exterior side yard shall be 0 m; • Minimum rear yard shall be 3.6 m; • Minimum side yard shall be 0.3 m; • Minimum building separation shall be 2.5 m; • Maximum building height shall be 12 m; • A planting strip shall not be required along any portion of a rear lot line or any portion of a side lot line which abuts a residential zone; • Minimum landscaped open space shall be 0%; • Minimum number of parking spaces per lot shall be 5; • No part of any parking space shall be located closer than: 0 m to any street or rear lot line; 0.3 m to a residential lot line; 3 m to a sight triangle; • Two parking spaces 3.5 m x 5.3 m shall be located in the rear (north) yard. |

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|---------|----------------------|----------|--|
| | | | | <p>These spaces will require only one entrance on to Armstrong Street;</p> <ul style="list-style-type: none"> • Three parking spaces shall be located in the front (south) yard, with access to Pine Avenue. |
| C2-3 | 2803 NL | 211 Armstrong Street | E3 | <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Maximum lot coverage shall be 55%; • Minimum exterior side yard, interior side yard and rear yard shall be 0 m; • Minimum building separation shall be 2.5 m; • Maximum building height shall be 12 m. |
| C2-4 | 93-5 H | 326 Rorke | I4, J4 | <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Minimum <i>interior side yard</i> shall be 1.2 m; • Minimum <i>rear yard</i> shall be 1.2 m; • Minimum landscaped <i>buffer area</i> between the property and adjacent residential properties shall be 1.2 m. |

7.5.4 Exceptions to Neighbourhood Commercial (C3) Zone

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|----------|---------------|----------|---|
| C3-1 | 2017-063 | 419 Whitewood | E3 | Minimum number of parking spaces for a personal service establishment shall be 5. |
| C3-2 | | | | |
| C3-3 | | | | |
| C3-4 | | | | |

7.5.5 Exceptions to Tourist Commercial (C4) Zone

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|--------|--------------------------|----------|---|
| C4-1 | | 743022 Dawson Point Road | E4 | <p>The permitted uses are limited to the following:</p> <ul style="list-style-type: none"> • An accessory dwelling unit; • Rental cabins. <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Minimum lot area shall be 1,400 sq m; • Minimum lot frontage shall be 28 m; • Maximum number of dwelling units per lot shall be one (1); • Maximum lot coverage shall be 30%; • Minimum front yard, exterior side yard and rear yard shall be 10 m; • Minimum interior side yard shall be 1 m on the west side and 10 m on the east side of the retained property; and 6 m on the east side and 10 m on the west side of the severed property; • Maximum building height shall be 10 m; • Minimum landscape open space shall be 20%; • A planting strip shall be required along any portion of a rear lot line or any portion of a side lot line which abuts a residential zone. |
| C4-2 | | | | |
| C4-3 | | | | |
| C4-4 | | | | |

Section 8: Industrial Zones

8.1 Establishment of Industrial Zones

The Industrial Zones established by this By-law are:

| ZONE | SYMBOL | DESCRIPTION |
|---------------------------------|--------|---|
| General Industrial Zone | M1 | Industrial uses primarily within a building that do not create significant compatibility issues |
| Manufacturing Industrial Zone | M2 | Industrial uses more intensive in nature which may include portions of the operation outdoors |
| Mineral Aggregate Resource Zone | M3 | Licensed pit and/or quarry operations |
| Waste Management Zone | M4 | Public and private waste management uses |

8.2 General Prohibition

No person shall within any Industrial Zone, use any land, or erect, alter, or use any building or structure except as specified hereunder, and in accordance with all other applicable provisions of this By-law.

8.3 Permitted Uses

Uses permitted in a Zone are noted by the symbol '●' in the column applicable to that Zone and corresponding with the row for a specific permitted use in the Permitted Uses Table. A number(s) following the symbol '●', zone heading or identified permitted use, indicates that one or more conditions apply to the use noted or, in some cases, to the entire Zone. Conditions are listed in the Footnotes below the Permitted Principal Uses Table, Table 8.1, and Permitted Accessory Uses Table, Table 8.2.

TABLE 8.1 – PERMITTED PRINCIPAL USES

| Permitted Uses | Zones | | | |
|--|--------------------|--------------------------|----------------------------|------------------|
| | M1 | M2 | M3 | M4 |
| | General Industrial | Manufacturing Industrial | Mineral Aggregate Resource | Waste Management |
| Agricultural Processing Establishment | ● | ● | | |
| Agricultural Produce Warehouse | ● | ● | | |
| Agricultural Services | ● | ● | | |
| Agricultural Supply/Implement Dealership | ● | ● | | |
| Business, Professional or Administrative Office | ● | | | |
| Contractor's Establishment | ● | ● | | |
| Crematorium | ● | ● | | |
| Dry Cleaning Establishment | ● | ● | | |
| Educational Establishment | ● | | | |
| Equipment Sales, Service & Rental Establishment | ● | ● | | |
| Forestry Use | | | ● | ● |
| Funeral Home | ● | | | |
| Greenhouse, Nursey, Garden Centre | ● | | | |
| Heavy Equipment Sales and Service Establishment | ● | ● | | |
| Industrial Use | ● | ● | | |
| Kennel | ● | | | |
| Light Industrial Use | ● | ● | | |
| Marine Sales & Service Establihsment | ● | ● | | |
| Micro Brewery/Winery | ●(*2) | | | |
| Motor Vehicle Body Repair Shop | ● | ● | | |
| Motor Vehicle Service Station | ● | | | |
| Motor Vehicle Washing Establishment | ● | | | |
| Pit | | | ● | |
| Place of Entertainment | ● | | | |
| Place of Recreation | ● | | | |
| Place of Worship | ● | | | |
| Printing Establishment | ● | ● | | |
| Quarry | | | ● | |
| Recreational Vehicle Sales and Service Establishment | ● | ● | | |
| Recycling Facility | ● | ● | | |
| Sawmill | ● | ● | | |
| Self Storage Facility | ● | | | |
| Transportation Depot | ● | ● | | |
| Veterinary Establishment | ● | | | |
| Warehouse | ● | ● | | |
| Waste Disposal Facility | | | | ● |
| Wayside Pit or Quarry | ● | ● | ● | ● |
| Wholesale Establishment | ● | ● | | |

TABLE 8.2 – PERMITTED ACCESSORY USES

| Accessory Uses | Zones | | | |
|-----------------|--------------------|--------------------------|----------------------------|------------------|
| | M1 | M2 | M3 | M4 |
| | General Industrial | Manufacturing Industrial | Mineral Aggregate Resource | Waste Management |
| Outdoor Storage | ● | ● | ● | |
| Retail Store | ●(*1) | ●(*1) | | |

8.3.1 Notes to Permitted Uses

(*1) The maximum floor area devoted to retail use shall not exceed 35% of the gross floor area of the permitted principal use.

(*2) The maximum floor area devoted to retail sales, tasting area and public space, shall not exceed 35% of the gross floor area of the facility.

8.4 Lot Requirements

No person shall, within any Industrial Zone, use any lot or erect, alter or use any building or structure except in accordance with the standards in the Lot Requirements Table. A number(s) following a Lot Requirement, zone heading or description of the requirement, indicates that one or more conditions apply to the requirement noted or, in some cases, to the entire Zone. Conditions are listed in the Footnotes below the Lot Requirements Table, Table 8.3.

TABLE 8.3 – INDUSTRIAL ZONE REQUIREMENTS

| Regulation | | Zone | | | |
|---|----------------------------|--------------------|--------------------------|----------------------------|------------------|
| | | M1 | M2 | M3 | M4 |
| | | General Industrial | Manufacturing Industrial | Mineral Aggregate Resource | Waste Management |
| Minimum Lot Area (m ²) | Full Municipal Services | 450 | 4000 | n/a | n/a |
| | Partial Municipal Services | 600 | 4000 | n/a | n/a |
| | Private Services | 4000 | 4000 | 10 ha | nil |
| Minimum Lot Frontage (m) | Full Municipal Services | 20 | 20 | n/a | n/a |
| | Partial Municipal Services | 20 | 20 | n/a | n/a |
| | Private Services | 45 | 45 | 100 | nil |
| Maximum Lot Coverage (%) | Full Municipal Services | 60 | 60 | n/a | n/a |
| | Partial Municipal Services | 30 | 30 | n/a | n/a |
| | Private Services | 30 | 30 | 20 | 20 |
| Maximum Lot Coverage for accessory buildings (%) | | 20 | 20 | 10 | 10 |
| Minimum Front Yard (m) | Full Municipal Services | 8 | 8 | n/a | n/a |
| | Partial Municipal Services | 8 | 8 | n/a | n/a |
| | Private Services | 15 | 15 | 30 | 30 |
| Minimum Interior Side Yard (m) | Full Municipal Services | 5 | 5(*1) | n/a | n/a |
| | Partial Municipal Services | 8 | 8 | n/a | n/a |
| | Private Services | 8 | 8 | 30 | 30 |
| Minimum Interior Side Yard abutting a Residential Zone (or Community Facilities (CF) Zone)(m) | | 7.5 | 10 | 60 | 60 |
| Minimum Exterior Side Yard | | 8 | 8(*1) | 30 | 30 |
| Minimum Rear Yard | | 8(*1) | 8(*1) | 30 | 30 |
| Minimum Rear Yard abutting a Residential Zone (or CF Zone) | | 7.5 | 10 | 60 | 60 |
| Minimum setback from watercourse | | 15 | 15 | 30 | 60 |
| Maximum Building Height | | 12 | 12 | 12 | 12 |
| Maximum Accessory Building Height | | 5 | 5 | 5 | 5 |
| Minimum Landscaped Open Space (%) | | 10 | 0 | 0 | 0 |
| Other Provisions | | (*2, *3) | (*2)(*3) | (*2, *4) | (*2) |

8.4.1 Additional Industrial Zone Requirements

(*1) No building setback shall be required from any portion of a lot line which abuts a railroad right-of-way.

(*2) A planting strip shall be required along any portion of a rear lot line or an interior side lot line which abuts a residential zone.

(*3) Minimum planting strip width – 5 metres.

(*4) No building, structure or outside storage of materials, equipment, finished or unfinished products, or parking or staging of trucks or cranes or any other mechanical equipment is permitted:

- i) Within 60 m of a public street or road;
- ii) Within 30 m of a zone boundary.

8.5 Industrial Exceptions

The provisions of this Section are modified for those properties and to the extent identified in Sections 8.5.1 to 8.5.4 below.

8.5.1 Exceptions to General Industrial (M1) Zone

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|---------|--|----------|--|
| M1-1 | 2000-04 | 500 Marcella | I4 | In addition to the permitted uses in an M1 Zone, 1 <i>dwelling unit in a non-residential building</i> is permitted as an accessory use to the primary industrial operation, provided such dwelling is restricted to the upper level of the building. |
| M1-2 | | 998189 Highway 11 | C3 | <p>The permitted uses are limited to:</p> <ul style="list-style-type: none"> • An accessory single detached dwelling; • A motor vehicle body shop. <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Minimum lot area shall be 460 sq m; • Minimum lot frontage shall be 15 m; • Minimum front yard shall be 9 m; • Minimum interior side yard shall be 6 m; • Maximum lot coverage shall be 10%; • Minimum landscaped area shall be 50%; • A planting strip shall be required along any portion of a rear lot line or any portion of a side lot line which abuts a Residential Zone. |
| M1-3 | | 1430 Lakeshore Road 1444 Lakeshore Road | G3 | <p>The permitted uses are limited to:</p> <ul style="list-style-type: none"> • Agricultural Processing Establishment • Agricultural Produce Warehouse • Agricultural Services |

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|--------|----------|----------|--|
| | | | | <ul style="list-style-type: none"> • Contractor's Establishment • Equipment Sales, Service & Rental Establishment • Greenhouse, Nursery, Garden Centre • Industrial Use • Light Industrial Use • Marine Sales & Service Establishment • Micro-brewery/Winery • Recycling • Self Storage Facility • Warehouse |
| M1-4 | | | | |
| M1-5 | | | | |

8.5.2 Exceptions to Manufacturing Industrial (M2) Zone

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|----------|---------------------|----------|--|
| M2-1 | 2004-098 | 744087 Brazeau Blvd | F2 | <p>In addition to the permitted uses in an M2 Zone, a training institution and accessory uses associated with a training institution shall be permitted.</p> <p>For the purposes of this Section, a Training institution means a facility at which groups or individuals can be trained in classroom settings and provided with hands on training in respect to heavy equipment associated with the construction industry. A training institute shall also include transport training.</p> |
| M2-2 | 2015-152 | 437099 Hawn Drive | F2 | <p>In addition to the permitted uses in an M2 zone, a retail store is permitted.</p> <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • a maximum of 235 sq m within the existing building may be dedicated to the retail establishment; • outdoor storage of goods associated with the retail store is not permitted. |
| M2-3 | | | | |
| M2-4 | | | | |

8.5.3 Exceptions to Mineral Aggregate Resource (M3) Zone

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|--------|----------|----------|--------------------|
| M3-1 | | | | |
| M3-2 | | | | |
| M3-3 | | | | |
| M3-4 | | | | |
| M3-5 | | | | |

8.5.4 Exceptions to Waste Management (M4) Zone

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|--------|----------|----------|--------------------|
| M4-1 | | | | |
| M4-2 | | | | |
| M4-3 | | | | |
| M4-4 | | | | |
| M4-5 | | | | |

Section 9: Agricultural and Rural Zones

9.1 Establishment of Agricultural and Rural Zones

The Agricultural and Rural Zones established by this By-law are:

| ZONE | SYMBOL | DESCRIPTION |
|-----------------------|--------|---|
| Agricultural One Zone | A1 | Prime Agricultural Area |
| Rural Zone | RU | Rural Area with varied agricultural potential |

9.2 General Prohibition

No person shall within any Agricultural or Rural Zone, use any land, or erect, alter, enlarge, use or maintain any building or structure except as specified hereunder, and with all other applicable provisions of this By-law.

9.3 Permitted Uses

Uses permitted in a Zone are noted by the symbol '●' in the column applicable to that Zone and corresponding with the row for a specific permitted *use* in the Permitted *Uses* Table. A number(s) following the symbol '●', zone heading or identified permitted *use*, indicates that one or more conditions apply to the *use* noted or, in some cases, to the entire Zone. Conditions are listed in the Footnotes below the Permitted Principal *Uses* Table, Table 9.1, and Permitted *Accessory Uses* Table, Table 9.2.

TABLE 9.1 – PERMITTED PRINCIPAL USES

| Permitted Uses | Zones | |
|---------------------------------------|-----------------------|--------|
| | A1 | RU |
| | Prime Agricultural | Rural |
| Agricultural Processing Establishment | ● | ● |
| Agricultural Produce Warehouse | ● | ● |
| Agricultural Use | ● | ● |
| Agricultural Product Sales Outlet | ● | ● |
| Agricultural Services | ● | ● |
| Cemetery | | ● |
| Contractor's Establishment | | ● |
| Dwelling, Single Detached | | ● (*1) |
| Equestrian Facility | ● | ● |
| Forestry Use | | ● |
| Greenhouse, Nursery, Garden Centre | ● | ● |
| Group Home | ● | ● |
| Market | ● | ● |
| Wayside Pit or Quarry | ● | ● |

TABLE 9.2 – PERMITTED ACCESSORY USES

| Accessory Uses | Zones | |
|---------------------------------|-----------------------|--------|
| | A1 | RU |
| | Prime Agricultural | Rural |
| Bed and Breakfast Establishment | ● | ● |
| Dwelling, Single detached | ● | ● |
| Home Industry | ● | ● |
| Home Occupation | ● | ● |
| Kennel | | ● (*2) |
| Outdoor Storage | ● | ● |
| Private Home Child Care | ● | ● |
| Second Dwelling Unit | ● | ● |

9.3.1 Notes to Permitted Uses:

(*1) One single detached dwelling permitted on a lot existing at the time of passing of this by-law.

(*2) Only permitted on a lot greater than 2 hectares and accessory to a permitted residential or agricultural use.

9.4 Lot Requirements

No person shall, within any Agricultural or Rural Zone, use any lot or erect, alter or use any building or structure except in accordance with the standards in the Lot Requirements Table. A number(s) following a Lot Requirement, zone heading or description of the requirement, indicates that one or more conditions apply to the requirement noted or, in some cases, to the entire Zone. Conditions are listed in the Notes below the Lot Requirements Table, Table 9.3.

TABLE 9.3 – AGRICULTURAL AND RURAL ZONE REQUIREMENTS

| Regulation | | Zone | |
|--|--|-----------------------|--------|
| | | A1 | RU |
| | | Prime Agricultural | Rural |
| Minimum Lot Area (hectares) | General | 40 | 10 |
| | Residential Lot (surplus dwelling) | 0.6 | n/a |
| | Residential Lot (created by consent) | n/a | 0.6 |
| Minimum Lot Frontage (metres) | General | 120 | 120 |
| | Residential Lot | 60 | 60 |
| Maximum Lot Coverage (%) | General | 5 | 5 |
| | Residential Lot | 20 | 20 |
| Maximum Lot Coverage for accessory buildings (%) | | 5 | 5 |
| Minimum Front Yard and Exterior Side Yard (m) | General | 30 | 30 |
| | Residential Use | 9 | 9 |
| Minimum Interior Side Yard (m) | General | 15 | 15 |
| | Residential Use | 9 | 3 |
| Minimum Interior Side Yard abutting a Residential Zone (m) | | 30 | 15 |
| Minimum Rear Yard (m) | General | 15 | 15 |
| | Residential Use | 10 | 10 |
| Minimum Rear Yard abutting a Residential Zone (m) | | 30 | 30 |
| Minimum setback from watercourse (m) | | 15 | 15 |
| Maximum Building Height (m) | | 11 | 11 |
| Maximum Accessory Building Height (m) | | 11 | 11 |
| Maximum Number of Dwelling Units (excluding second dwelling) | Agriculture | 3 (*1) | 2 (*1) |
| | Residential lot or other non-residential use | 1 | 1 |
| Minimum Landscaped Open Space (%) | | 0 | 0 |
| Other Provisions | | (*2) | (*2) |

9.4.1 Additional Rural and Agricultural Zone Requirements

(*1) Provided that such dwelling units are occupied by persons involved with the operation of the farm.

(*2) Outdoor storage area is permitted only in accordance with the following provisions:

- (i) no outdoor storage area shall be permitted in a rear yard adjacent to a rear lot line of such lot which abuts a Residential zone;
- (ii) no outdoor storage area shall be permitted in a side yard adjacent to a side lot line of such lot which abuts a Residential zone; and
- (iii) no portion of any outdoor storage area for combustible materials shall be located closer than 6.0 metres to any lot line.

9.5 Agricultural and Rural Exceptions

The provisions of this Section are modified for those properties and to the extent identified in Sections 9.5.1 and 9.5.2 below.

9.5.1 Exceptions to Agricultural One (A1) Zone

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|--------------|------------------------|----------|--|
| A1-1 | | | | |
| A1-2 | | | | |
| A1-3 | 984 & 1147 D | 883006 Highway 65 East | E4 | <p>The permitted uses are limited to the following:</p> <ul style="list-style-type: none"> • An equipment storage building; • An agricultural use; • A flea market; • A livestock building; • A livestock sales business; • An open storage area; • A produce building; • a vehicle agency. <p>Residential uses are not permitted.</p> <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Minimum lot area shall be 8000 sq m; • Minimum lot frontage shall be 100 m; • Maximum lot coverage shall be 20%; • Minimum front yard and exterior side yard shall be 15 m; • Minimum rear yard shall be 10 m; • Minimum interior side yard shall be 7.5 m; • Maximum building height shall be 10 • Minimum landscaped area shall be 40%. |
| A1-4 | 1040 D | 823241 A Tobler's Road | D4 & E4 | <p>The permitted uses are limited to the following:</p> <ul style="list-style-type: none"> • A repair shop for vehicles and light equipment; • Sale of parts accessory to a repair shop; |

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|--------|------------------------|----------|---|
| | | | | <ul style="list-style-type: none"> • An accessory business office; • An open storage area; and • An accessory dwelling house. <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Minimum lot area shall be 4500 sq m; • Minimum lot frontage shall be 45 m; • Maximum lot coverage shall be 20%; • Minimum front yard and shall be 15 m; • Minimum rear yard shall be 10 m • Minimum side yard shall be 3 m • Minimum landscaped area shall be 40%. |
| A1-5 | 1064 D | 863126 Uno Park Road | A4 | <p>In addition to the permitted uses in an A1 zone, the following uses are permitted:</p> <ul style="list-style-type: none"> • A stone quarry; • A building or processing plant; accessory to a stone quarry; <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Maximum lot coverage shall be 2%. |
| A1-6 | 1236 D | 117332 Sales Barn Road | | <p>In addition to the permitted uses in an A1 zone, the following uses are permitted:</p> <ul style="list-style-type: none"> • Single detached dwelling; • Kennel. <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Maximum lot coverage shall be 1%; • A planting strip shall be required on the south side of the property so as to sufficiently screen the view of the kennel operation from residential dwellings located on the south side of Highway No. 65; • A berm shall be required on the south side of the property so as to reduce the noise of the kennel operation from residential dwellings located on the south side of Highway No. 65. The planting strip may be located on the berm. A second berm shall be required on the east side of the property so as to reduce the noise of the traffic on the Concession Road between the existing house and the barn located north of the house. Berms shall be a minimum of 1.0 |

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|---------------|-------------------------------|----------|--|
| | | | | <p>metre in height and be sloped to a 1:2 ratio.</p> <ul style="list-style-type: none"> • 1 parking space shall be provided for each 50 sq m of gross floor area or portion thereof; • The kennel area which includes all sheds, sleep areas, storage buildings and exercise run area, covered or uncovered, whether fenced or unfenced which are associated with the operation of a kennel, shall be limited to 850 sq m maximum lot coverage. These buildings, structures and areas associated with the operation of the kennel shall be separate from and not considered part of the building areas as provided by the 1% lot coverage provision above. |
| A1-7 | 2011-107 D | 138289 Peters Road | B4 | The minimum side yard shall be 6 m. |
| A1-8 | 2013-203 D | 5418-020-001-03750 & 03775 | E1 | <p>In addition to the permitted uses in the A1 zone, solar energy generation is permitted.</p> <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Minimum lot area shall be 5.5 ha; • Minimum lot frontage shall be 249 m. |
| A1-9 | 2015-074 D | 118420 Sales Barn Road | A4 | <p>In addition to the permitted uses in the A1 zone, an accessory triplex dwelling is permitted as an accessory use to an agricultural use.</p> <p>For the purposes of this Section, an accessory triplex dwelling is a dwelling containing three dwelling units which is accessory to a permitted non-residential use and in which the dwelling units are occupied either by the family of the owner of such non-residential use or by the family of a person employed on the lot where such dwelling house is located.</p> |

9.5.2 Exceptions to Rural (RU) Zone

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|-----------|-------------------------|----------|---|
| RU-1 | 2006-91 | 644040 Wilson Road | G2 | The minimum front yard shall be 15.24 m for an accessory building. |
| RU-2 | 95-64 H | 583250 West Road | I4 | <p>In addition to the permitted uses in the RU zone, a 2-unit residential dwelling and a golf ball driving range shall be permitted uses;</p> <p>For the purposes of this Section,</p> <ul style="list-style-type: none"> Planting Strip means an area which shall be used for no purpose other than planting a row of coniferous trees to be grown to a height of at least 6 m, for the purpose of a privacy screen, each tree being planted no greater than 3 m from the next tree along the planting strip. <p>A planting strip is required along the common lot line with the adjacent property to the east, extending along the lot line 92 m in a southerly direction from the northeast corner of the property.</p> |
| RU-3 | 96-50 H | 75770 Cemetery Road | L3 | One existing mobile home shall be permitted. |
| RU-4 | 99-28 H | 583361-583367 West Road | I3 | In addition to the permitted uses in the RU zone, a <i>contactor's establishment</i> and a <i>greenhouse, nursery, garden centre</i> are permitted. |
| RU-5 | 2000-20 H | 175623 Fleming Road | H2 | <p>In addition to the permitted uses in the RU zone, the temporary storage of no more than 150 logs used in the erection of temporary lot structures is permitted, provided the total number of temporary log structures erected in any calendar year does not exceed 4;</p> <p>For the purposes of this Section, a temporary log structure means the processing of raw logs by peeling, sizing, marking, shaping and fitting together on temporary footings based on drawing specifications into one unit, but excludes the addition of windows, doors, wiring, drywall,</p> |

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|----------|---------------------------|----------|--|
| | | | | <p>etc., associated with the finishing of a structure;</p> <p>The following zone provisions apply:</p> <ul style="list-style-type: none"> • Access and parking for the work area shall be located adjacent to the existing house; • No work in conjunction with the temporary log structures shall be conducted between the hours of 8:00 p.m. and 8:00 a.m.; • Peeled bark is to be stockpiled in a manner preventing decomposition and filtration into the subsurface; • Peeled bark is to be removed from site and disposed of in accordance with Federal, Provincial and Municipal regulations prior to it decomposing; • Approval from the City shall be obtained for each temporary log structure prior to the commencement or erecting of any temporary log structure. |
| RU-6 | 2006-042 | 584104 Mowat Landing Road | I1, I2 | <p>In addition to the permitted uses in the RU zone, the importation of raw wood material for the purpose of processing into a finished wood product or by-product is permitted.</p> |
| RU-7 | 2012-021 | 1106 Lakeshore Road S | H4 | <p>The permitted uses are limited to the following:</p> <ul style="list-style-type: none"> • All existing uses which include general office, indoor storage and outdoor storage; • Agriculture services; • Bulk sales establishment; • Bulk storage yard; • Forestry; • Marina; • All uses accessory to a main use. <p>Due to odour issues that could be associated with the possible future industrial sewage treatment plant on the adjacent property, the following sensitive land uses are strictly prohibited:</p> <ul style="list-style-type: none"> • Residences or buildings where people sleep, i.e. single and multi-unit dwellings, nursing homes, |

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|----------|---------------------------|----------|---|
| | | | | hospitals, trailer parks and camping grounds, etc.; <ul style="list-style-type: none"> • Institutional uses, i.e. schools, churches, community centres, day care centres, etc.; • Outdoor recreational uses, i.e. trailer parks, picnic areas, etc. |
| RU-8 | 2017-147 | 1191 Lakeshore Road South | G3 | The minimum front yard and minimum setback from a watercourse for a single detached dwelling shall be 0 m. |

Section 10: Other Zones

10.1 Establishment of Other Zones

The Other Zones established by this By-law are:

| ZONE | SYMBOL | DESCRIPTION |
|-------------------------------|--------|---------------------------------------|
| Community Facilities Zone | CF | Institutional uses |
| Open Space Zone | OS | Public and private open space uses |
| Environmental Protection Zone | EP | |
| Development Zone | D | Lands reserved for future development |
| Mixed Use-A Zone | MU-A | Agricultural Research Station |

10.2 General Prohibition

No person shall within any of the Other Zones, use any land, or erect, alter, or use any building or structure except as specified hereunder, and in accordance with all other applicable provisions of this By-law.

10.3 Permitted Uses

Uses permitted in a Zone are noted by the symbol '●' in the column applicable to that Zone and corresponding with the row for a specific permitted use in the Permitted Uses Table. A number(s) following the symbol '●', zone heading or identified permitted use, indicates that one or more conditions apply to the use noted or, in some cases, to the entire Zone. Conditions are listed in the Footnotes below the Permitted Principal *Uses* Table, Table 10.1. and Permitted *Accessory Uses* Table 10.2.

TABLE 10.1 - PERMITTED PRINCIPAL USES

| Permitted Uses | Zones | | | | |
|---|----------------------|------------|--------------------------|-------------|--|
| | CF | OS | EP | D | MU-A |
| | Community Facilities | Open Space | Environmental Protection | Development | Mixed Use-A Agricultural Research Station |
| Agricultural Processing Establishment | | | | | ● |
| Agricultural Produce Warehouse | | | | | ● |
| Agricultural Product Sales Outlet | | | | | ● |
| Agricultural Services | | | | | ● |
| Agricultural Use | | | ● (*1) | ● (*2) | ● |
| Business, Professional or Administrative Office | | | | | ● |
| Cemetery | ● | ● | | | |
| Child Care Centre | ● | | | | |
| Driving Range | | ● | | | |
| Dwelling, Single Detached | | | | ● (*2) | |
| Educational Establishment | ● | | | | ● |
| Golf Course | | ● | | | |
| Greenhouse, Nursey, Garden Centre | | | | | ● |
| Health Services Establishment | ● | | | | |
| Home for Special Care | ● | | | | |
| Hospital | ● | | | | |
| Long Term Care Home | ● | | | | |
| Outdoor Recreation, Active | | ● | | | ● |
| Outdoor Recreation, Passive | | ● | ● | | ● |
| Place of Assembly | ● | | | | ● |
| Place of Recreation | ● | ● | | | |
| Place of Worship | ● | | | | |
| Retirement Home | ● | | | | |
| Tourist Establishment | | | | | |
| Wayside Pit or Quarry | | | | ● | |

TABLE 10.2 - PERMITTED ACCESSORY USES

| Accessory Uses | Zones | | | | |
|--|-------|----|----|---|------|
| | CF | OS | EP | D | MU-A |
| Marine Facility | | | ● | | |
| Residential Unit in a non-residential building | ● | | | | |

10.3.1 Notes to Permitted Uses:

(*1) Excluding any building or structure.

(*2) Existing uses only.

(*3) Limited to Corporate accommodation and dining facilities.

10.4 Lot Requirements

No person shall, within any Industrial Zone, use any lot or erect, alter or use any building or structure except in accordance with the standards in the Lot Requirements Table. A number(s) following a Lot Requirement, zone heading or description of the requirement, indicates that one or more conditions apply to the requirement noted or, in some cases, to the entire Zone. Conditions are listed in the Footnotes below the Lot Requirements Table, Table 10.3.

TABLE 10.3 - ZONE REQUIREMENTS FOR OTHER ZONES

| Regulation | | Zone | | | | |
|--|----------------------------|----------------------|-----------------------|--------------------------|-------------|-------------|
| | | CF | OS | EP | D | MU-A |
| | | Community Facilities | Open Space Recreation | Environmental Protection | Development | Mixed Use-A |
| Minimum Lot Area (m2) | Full Municipal Services | 1000 | nil | nil | (*1) | (*1) |
| | Partial Municipal Services | 1500 | nil | nil | (*1) | (*1) |
| | Private Services | 1500 | 4 ha | nil | (*1) | n/a |
| Minimum Lot Frontage (m) | Full Municipal Services | 20 | 10 | nil | (*1) | (*1) |
| | Partial Municipal Services | 25 | 25 | nil | (*1) | (*1) |
| | Private Services | 25 | 60 | nil | (*1) | n/a |
| Maximum Lot Coverage (%) | Full Municipal Services | 40 | 10 | 10 | 30 | 30 |
| | Partial Municipal Services | 20 | 10 | 10 | 15 | 10 |
| | Private Services | 20 | 10 | 10 | 5 | n/a |
| Maximum Lot Coverage for accessory buildings (%) | | 5 | 5 | 5 | 5 | 5 |
| Minimum Front Yard (m) | Full Municipal Services | 6 | 10 | 15 | 6 | 6 |
| | Partial Municipal Services | 6 | 10 | 15 | 6 | 6 |
| | Private Services | 7.5 | 15 | 15 | 6 | n/a |
| Minimum Interior Side Yard (m) | Full Municipal Services | 6 | 6 | 7.5 | 3 | 3 |
| | Partial Municipal Services | 12 | 15 | 15 | 3 | 3 |
| | Private Services | 12 | 15 | 15 | 3 | n/a |
| Minimum Interior Side Yard abutting a Residential Zone | | 7.5 | 10 | 15 | 3 | 3 |
| Minimum Exterior Side Yard | | 6 | 10 | 15 | 5 | 6 |
| Minimum Rear Yard | | 6 | 6 | 7.5 | 6 | 10 |
| Minimum Rear Yard abutting a Residential Zone | | 6 | 6 | 7.5 | 6 | 10 |
| Minimum setback from watercourse | | 15 | 15 | 15 | 15 | 15 |
| Maximum Building Height | | 12 | 12 | 10 | 10 | 10 |
| Maximum Accessory Building Height | | 5 | 5 | 5 | 5 | 5 |
| Maximum Number of Dwelling Units (excluding second dwelling) | | 1 | 0 | 0 | (*2) | (*2) |
| Minimum Landscaped Open Space (%) | | 20 | 50 | 50 | 30 | |
| Other Provisions | | | | | | |

10.4.1 Additional Other Zone Requirements

(*1) The minimum lot area and lot frontage requirements of a lot are the dimensions of that lot existing on the date of passing of this by-law.

(*2) The maximum number of dwelling units are as existing at the date of passing of this by-law.

10.5 Other Zone Exceptions

The provisions of this Section are modified for those properties and to the extent identified in Sections 10.5.1 to 10.5.5 below.

10.5.1 Exceptions to Community Facilities (CF) Zone

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|---------|----------------------|----------|---|
| CF-1 | 2409 NL | 260 Whitewood Avenue | F3 | <p>In addition to the uses permitted in the CF zone, a dwelling unit accessory to a place of worship and a thrift store are permitted.</p> <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Maximum lot coverage shall be 65%; • Minimum front yard shall be 0 m; • Minimum side yard shall be 2 m; • Minimum building separation shall be 3 m; • Minimum landscaped area shall be 15%; • Minimum parking space requirements shall be 1 space for a dwelling unit and 1 space for each 55 sq m of net floor area; • No parts of any parking space shall be located closer than 1.5 m to any street line; 1.5 m to any laneway line; or 6 m to any other lot line. |
| CF-2 | | | | |
| CF-3 | | | | |

10.5.2 Exceptions to Open Space Recreational (OS) Zone

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|--------|----------|----------|--------------------|
| OS-1 | | | | |
| OS-2 | | | | |

10.5.3 Exceptions to Environmental Protection (EP) Zone

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|----------|--|----------|--|
| EP-1 | 2013-151 | Pt Lot 10, Con 2, Dymond | E4 | The permitted uses are limited to the following: <ul style="list-style-type: none"> • Conservation use; • Flood control and erosion use; • Fish management use. |
| EP-2 | | Sasaginaga Lake and Graham Lake, Lots 6 & 7, Con I | L2 & L3 | Notwithstanding any other provisions of this By-law to the contrary, in the area zoned EP-2 on the shores of Sasaginaga Lake and Graham Lake, no buildings or structures are permitted except: <ul style="list-style-type: none"> • For purposes of erosion and flood control; and • For protection of the water supply or the Town of Cobalt and Township of Coleman. For greater clarity, the Sasaginaga Lake and Graham Lake EP-2 Zone is deemed to extend inland 60 metres from the shoreline. |

10.5.4 Exceptions to Development (D) Zone

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|--------|----------|----------|--------------------|
| D-1 | | | | |
| D-2 | | | | |

10.5.5 Exceptions to Mixed Use-Area A (MU-A) Zone

| Exception | By-law | Location | Schedule | Special Provisions |
|-----------|--------|----------|----------|--------------------|
| MU-A-1 | | | | |
| MU-A-2 | | | | |

Section 11: Overlay Zones

11.1 Establishment of Overlay Zones

11.1.1 The Overlay Zones established by this By-law are:

- Flood Hazard Constraint Overlay (F);
- Mining Constraint Overlay (MC);

11.1.2 The Overlay zone identifies a specific constraint that must be addressed before any development that would otherwise be permitted by the underlying zone can occur.

11.2 General Prohibition

11.2.1 No person shall within the Flood Hazard Constraint Overlay or the Mining Constraint Overlay use any land, or erect, alter, or use any building or structure except as specified hereunder, and in accordance with all other applicable provisions of this By-law.

11.2.2 The following provisions take precedence over the provisions of the underlying zone. Any development permitted shall be subject to the corresponding lot requirements for the zone in which the property is located.

11.3 Flood Hazard Constraint Overlay (F):

11.3.1 Identification and Interpretation:

- i) Lands located in the Flood Hazard Constraint Overlay are identified on the schedules to this By-law and identify lands that are susceptible to flooding, erosion or other natural hazards. Lands not identified on the schedules to this By-law but that are located below the 181.7 CGD elevation are considered to be within the Flood Hazard Constraint Overlay. The delineation of Flood Hazard Constraint Area Overlay is based on the most current information available and may not be accurate or up to date in some areas.
- ii) Development is restricted in these areas in an effort to minimize the threat of injury or loss of life and prohibit land uses where flooding may compromise the ability to deliver essential services, or where flooding may cause unacceptable risk of property damage.
- iii) The Flood Hazard Constraint Overlay reflects the location of the Lake Temiskaming regulatory flood elevation. Where the lands are shown on the schedules to this By-law, the flood elevation as shown on the schedules shall be confirmed by an Ontario Land Surveyor prior to development occurring.

- iv) Where lands along the Lake Temiskaming shoreline are not shown on the schedules to this By-law but are below the 181.7 CGD elevation, the elevation line shall be provided by an Ontario Land Surveyor prior to development occurring.

11.3.2 Floodproofing:

- a) All new development and expansions to existing buildings and structures below the 181.7 CGD elevation shall be floodproofed to the 181.7 CGD elevation.
- b) Where an applicant proposes to provide, or add any additional dwelling units, the entire building shall be floodproofed to the 181.7 CGD elevation.

11.3.3 Requirements: Despite the provisions of the underlying zone, development is subject to the following:

- a) Development of an existing vacant lot is subject to applicable flood proofing of buildings.
- b) Minor alterations and repairs to buildings which existed on the date of the passing of this By-law, not exceeding an increase of 35.0 square metres in gross floor area to the existing building, shall be permitted without flood proofing.
- c) Alterations, replacements, repair, reconstruction or enlargements of existing buildings in excess of that permitted in b) above, is permitted provided such building is flood proofed above the regulatory flood level.
- d) New accessory buildings are permitted provided such buildings, other than shoreline structures, are flood proofed above the regulatory flood level.

11.3.4 Prohibited Uses:

- a) Community Facilities (including child care centres, community centres, government facilities, homes for special care, hospitals, long term care homes, retirement homes, educational establishments), essential emergency services and any uses associated with the disposal, manufacture, treatment or storage of hazardous substances, are prohibited in the regulatory flood plain.

11.4 Mining Constraint Overlay (MC):

- 11.4.1 Lands identified with a Mining Constraint Area (MC) symbol are shown on the Schedules to this By-law, shall be used for no other purpose than those uses which legally existed prior to the passing of this By-law.

Section 12: Holding Zones

12.1 Establishment of Holding (H) Zones

Notwithstanding any other provision in this By-law, where a Zone symbol is followed by the letter “H” and a number (for example R1 (H1)) no person shall use the land to which the letter “H” applies for any use other than the use which existed on the date the By-law applying the “H” was passed, until the “H” is removed in accordance with the policies of the Official Plan and the *Planning Act, R.S.O. 1990, c.P.13*, as amended.

Council may pass a By-law in accordance with the *Planning Act, R.S.O. 1990, c.P.13*, as amended, to remove the Holding “H” symbol, when all of the applicable requirements have been met, thereby placing the lands in the zone indicated by the Zone symbol.

Properties with Holding “H” Provisions are identified on the Zoning Schedules and in Table 12.1 below, together with the conditions for the “H” removal.

When the Holding symbol has been removed, the lands shall be developed according to the requirements of the zone used in conjunction with the Holding Symbol.

12.2 Requirements for development on lands with the Holding provision, and requirements for removal of the Holding provision

Table 12.1 identifies properties that are subject to a Holding “H” Provision and stipulates what specific provision is required to be satisfied in order for consideration to be given to the removal of the “H” provision.

TABLE 12.1 – HOLDING PROVISIONS

| Zone Symbol | Holding Provision | Property/Legal Description | Schedule No. | By-law No. | Provisions | By-law Removing “H” |
|-------------|-------------------|---------------------------------|--------------|------------|--|---------------------|
| | H1 | Various sites with mine hazards | | | <p>On lands subject to the H1 Holding provision, the permitted uses are limited to existing uses and non-sensitive accessory uses.</p> <p>Where the Ministry of Northern Development and Mines has been circulated an application for development and has no concerns, or a study has been completed to the satisfaction of the City indicating that development is safe to proceed, the permitted uses shall be limited to those permitted in the zone and authorized by such</p> | |

| Zone Symbol | Holding Provision | Property/Legal Description | Schedule No. | By-law No. | Provisions | By-law Removing "H" |
|-------------|-------------------|--|--------------|------------|--|---------------------|
| | | | | | <p>study, without having to remove the holding provision.</p> <p>Where concerns have been identified, the uses permitted within the underlying zone shall not be permitted until a report stamped by a Professional Engineer and approved by the City indicates that development can occur without any adverse public health and safety risks from the prior mining activity and that the owner enters into an agreement with the City to implement the recommendations of the study, and all other lot requirements from the underlying zone are complied with.</p> <p>Notwithstanding the above, such studies shall not be required for the following:</p> <ul style="list-style-type: none"> • interior alterations to existing structures; • exterior alterations that do not expand the footprint of an existing structure. | |
| | H2 | Various sites within aggregate resource influence area | | | <p>On lands subject to the (H2) Holding provision, the permitted uses are limited to existing uses and non-sensitive accessory uses.</p> <p>The (H2) Holding provision will only be removed by By-law upon the completion to the satisfaction of the City of an Impact Assessment that demonstrates that development can occur without negative influence on the aggregate resource operation, in accordance with the Ministry of Environment and Climate Change D-6 Guideline.</p> | |
| | H3 | Various sites within waste management | | | On lands subject to the (H3) Holding provision, the permitted | |

| Zone Symbol | Holding Provision | Property/Legal Description | Schedule No. | By-law No. | Provisions | By-law Removing "H" |
|-------------|-------------------|-----------------------------------|--------------|---------------------|---|---------------------|
| | | facility potential influence area | | | <p>uses are limited to existing uses and non-sensitive accessory uses.</p> <p>Where the Ministry of Environment and Climate Change has been circulated an application for development and has no concerns, the permitted uses shall be limited to those permitted in the zone without having to remove the holding provision.</p> <p>The (H3) Holding provision will only be removed by By-law upon the completion to the satisfaction of the City of a study showing no contamination from the adjacent waste management facility and no negative impact on the proposed use from the waste management facility, in accordance with the Ministry of Environment and Climate Change D-2 or D-4 Guideline.</p> | |
| R4-6 | H4 | | F3 | 2013-101 & 2014-206 | The Holding symbol shall be removed by council upon the approval of a site plan and development agreement including all of the requirements set out in the conditions in any draft plan of condominium approval by the Ministry of Municipal Affairs and Housing under file no. 54-CD-13001 | |
| R3 | H5 | | | 2013-151 | The Holding symbol shall be removed by council upon the approval of a draft plan of subdivision for the property or portion thereof to which the holding symbol applies. | |

Section 13: Temporary Use

(sections to be added through amendment to the by-law when adopted).

Section 14: Enactment

14.1 Repeal of former By-laws

- a) By-law No. 85-27, as amended, of the former Town of Haileybury, and all amendments thereto, is hereby repealed upon the coming into force of this By-law;
- b) By-law No. 2233, as amended, of the former Town of New Liskeard, and all amendments thereto, is hereby repealed upon the coming into force of this By-law;
- c) By-law No. 984, as amended, of the former Township of Dymond, and all amendments thereto, is hereby repealed upon the coming into force of this By-law

14.2 Effective Date

This By-law shall come into force and effect on January 1, 2018, subject to the applicable provisions of *the Planning Act, R.S.O. 1990, c.P. 13*, as amended.

14.3 Enactment (Readings)

By-law enacted this **19th** day of **December, 2017**.

City of Temiskaming Shores

Mayor

Clerk

