

**ZONING BY-LAW # 279
FOR
THE TOWNSHIP OF
SIOUX NARROWS-NESTOR FALLS**

**Township of Sioux Narrows-Nestor Falls
P.O. Box 417
Sioux Narrows, Ontario P0X 1N0**

**THE CORPORATION OF THE
TOWNSHIP OF SIOUX NARROWS - NESTOR FALLS**

BY-LAW NO. 279

Being a comprehensive zoning by-law for The Corporation of the Township of Sioux Narrows - Nestor Falls and to repeal by-law no. 411

WHEREAS Section 34(1) of The Planning Act, R.S.O. 1990, as amended, authorizes councils to pass zoning by-laws; and

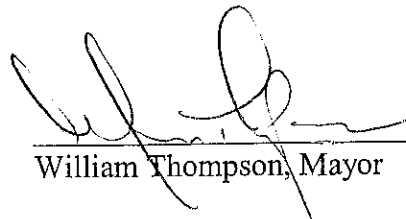
WHEREAS the Council of The Corporation of the Township of Sioux Narrows - Nestor Falls has passed By-law No. 212 adopting an Official Plan for the Township of Sioux Narrows - Nestor Falls; and

WHEREAS the Council of The Corporation of the Township of Sioux Narrows - Nestor Falls deems it necessary in the public interest to pass a comprehensive zoning by-law to implement the Official Plan and regulate the use of land in the Township of Sioux Narrows - Nestor Falls;

NOW THEREFORE, the Council of The Corporation of the Township of Sioux Narrows - Nestor Falls, ENACTS AS FOLLOWS:

1. THAT the Zoning By-Law for the Township of Sioux Narrows - Nestor Falls, being the attached text and Schedules, be passed.
2. THAT By-Law No. 411 (Being a Comprehensive Zoning By-Law for The Corporation of the Township of Sioux Narrows) is hereby rescinded.
3. THAT this By-Law shall come into force on the date of its final passing, and shall take effect subject to the applicable provisions of The Planning Act, R.S.O., 1990, as amended.

READ A FIRST, SECOND, AND THIRD TIME, AND PASSED THIS EIGHTEENTH DAY OF DECEMBER, 2012.



William Thompson, Mayor



Wanda Kabel, Clerk

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1.0 ADMINISTRATION AND INTERPRETATION
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1.1 TITLE

This by-law may be referred to as the “Zoning By-law for the Township of Sioux Narrows-Nestor Falls”.

1.2 LANDS AFFECTED BY THE BY-LAW

Notwithstanding First Nations lands located within the municipality, this By-law applies to all other lands within the geographic limits of the Township of Sioux Narrows-Nestor Falls.

1.3 CONFORMITY AND COMPLIANCE WITH BY-LAW

No land, building, or structure shall be used and no building or structure shall be erected or altered after the passage of this By-law except in conformity and compliance with the provisions of this By-law.

1.4 BUILDING PERMITS, CERTIFICATES OF OCCUPANCY AND MUNICIPAL LICENSES

No permit for the use of land or for the erection or use of any building or structure and no Certificate of Occupancy or approval of any application for a municipal license shall be issued, where the proposed building, structure or use is in violation of any provision contained in this By-law.

1.5 CONTRAVENTION OF THE BY-LAW

Section 67 of the Planning Act describes what could happen if a person or corporation is convicted of a violation of this By-law. Any person convicted of a violation of this By-law is liable, at the discretion of the convicting justice, on first conviction to a fine of not more than \$25,000.00 and on a subsequent conviction to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.

Any corporation convicted of a violation of this By-law is liable, at the discretion of the convicting justice, on first conviction to a fine of not more than \$50,000.00 and on a subsequent conviction to a fine of not more than \$525,000.00 for each

day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.

1.6 SEVERABILITY

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.

1.7 REPEAL OF EXISTING BY-LAWS

Upon this By-law coming into effect By-law No. 411 and all amendments there to are hereby repealed.

1.8 EFFECTIVE DATE

This By-law shall come into force the day that it was passed in accordance with the provisions of the Planning Act.

1.9 REFERENCE TO LEGISLATION

The names and sections of the various Acts referred to in this By-law are according to the Revised Statutes of Ontario as of the date of the adoption of the Plan. It is not intended to amend this By-law each time an Act is renamed or when a new consolidation of the Statutes is issued. Rather, this By-law shall be interpreted so as to refer to those sections and/or Acts named or to their successors, as conditions dictate. Further where this By-law makes reference to legislation it shall be deemed to include, in addition to the statute itself, all regulations passed thereunder.

2.0 ESTABLISHMENT OF ZONES

2.1 ZONES

For the purposes of this By-law, the following Zones are established. These Zones may be referred to by the Zone name or by the associated symbol.

ZONE	SYMBOL
Residential Zone 1	R1
Residential Zone 2	R2
Rural Residential Zone	RR
Rural Zone	RU
Commercial Zone	C1
Tourist Commercial Zone	C2
Industrial Zone	M1
Extractive Industrial Zone	M2
Waste Disposal Zone	M3
Institutional Zone	I
Open Space Zone	OS
Environmental Protection	EP
Hazard Land Zone	HZ

2.2 HOLDING PROVISIONS

Notwithstanding any other provision in this By-law, where a Zone symbol is followed by a dash and the letter "H" (for example: C1-H), the designated lands shall only be used for the use which existed on the date this By-law was passed, until the H is removed by Council in accordance with the policies of the Official Plan and the Planning Act, as amended. Removing the H places the lands in the Zone indicated by the Zone symbol.

2.3 LOCATION OF ZONES

The Zones and Zone boundaries are shown on the Schedules, which form part of this By-law.

2.4 DETERMINING ZONE BOUNDARIES

Where any uncertainty exists as to the location of the boundary of any Zone shown on the schedules forming part of this By-law, the following provisions shall apply:

- (a) Where a Zone boundary is indicated as approximately following lot lines shown on a registered Plan of Subdivision or on lots registered in a registry office or land titles office, the boundary shall follow such lot lines.
- (b) Where a public street, private street, lane, railway right-of-way, electrical transmission line right-of-way, or watercourse is shown on the schedules to this By-law and serves as a boundary between two or more different Zones, a line in the middle of such street, lane, right-of-way or watercourse shall be the boundary between Zones unless specifically indicated otherwise.
- (c) Where a Zone boundary is indicated as following the limits of the Township of Sioux Narrows-Nestor Falls, the limits of the Township shall be the boundary.
- (d) Where none of the above provisions apply, the Zone boundary shall be fixed by the scale of the Schedule upon which it is shown.

3.0 GENERAL PROVISIONS

3.1 APPLICATION

The provisions of this section of the By-law shall apply to all lands within the Township of Sioux Narrows-Nestor Falls unless otherwise specified.

3.2 ACCESSORY USES

Accessory uses, buildings or structures, are permitted in any yard in any zone, subject to the provisions of this By-law for the particular zone which said building, structure or the use is located, and provided that the accessory building, structure or use:

- (a) shall not be used for human habitation, except where a residential use is a permitted accessory use;
- (b) notwithstanding accessory structures in Section (e) iii, shall not be built closer to the front lot line than the minimum distance required by this By-law for the main building on the lot;
- (c) shall not be located in the front yard or the exterior side yard, in the case of a corner lot;
- (d) shall not be built closer to a street than the main building is to the street except in the case of through lots and through lots deemed to be corner lots where the accessory building shall not be closer to the street line at the rear lot than the required front yard set-back for adjacent lot;
- (e) shall not be built closer than 3.0 metres to the side lot line and rear lot line except:
 - (i) that common semi-detached private garages or carports may be centred on the mutual side lot line;
 - (ii) that where a lot line abuts a lane, an accessory building or structure may be located not less than 0.5 metre from the said lane; and
 - (iii) waterfront structures including boathouses, boat ports, boat docks, saunas, fish cleaning/equipment sheds, gazebos, and decks may be built in the front yard, when such a yard abuts a navigable waterway.

- (f) boat houses shall not exceed 185 square meters (2000 sf) in size, and the other waterfront structures; (i) fish cleaning/storage sheds, (ii) saunas, (iii) gazebos, (iv) pump houses and (v) decks which shall not exceed 15 square metres (161 sf) per structure.
- (g) shall not exceed 4.5 metres in height or contain more than one storey, except where a dwelling unit is a permitted accessory use;
- (h) shall not be built within 2.0 metres of the main building;
- (i) shall not be considered as an accessory building or structure if attached to the main building in accordance with the definition of "attached"; and
- (j) shall not be considered an accessory building or structure if located completely underground.

3.3 BUFFER STRIPS

- (a) A buffer strip shall be used for no other purpose than for the erection of a fence or the planting of a continuous row of natural evergreens or natural shrubs, immediately adjacent to the lot line or portion thereof along which such buffer strip shall be landscaped and planted with ornamental shrubs, flowering shrubs, flower beds or a combination thereof;
- (b) Where a buffer strip is required in any zone, it shall be a minimum width as specified in the regulations for that zone;
- (c) A buffer strip shall be located within the zone for which it is required for that zone;
- (d) A buffer strip may form part of any of required yard.

3.4 COMMERCIAL ACCESSORY USES

Notwithstanding any other provisions of this By-law, where a commercial use is permitted as an accessory use in an industrial zone, it shall be located within the main building or within 2.0 metres of the main building shall not exceed 40 percent of the total floor area of the main building and shall not exceed a maximum floor area of 278.0 square metres.

3.5 CORNER LOT SIGHTED RESTRICTIONS

Notwithstanding any other provisions of this By-law, and except in a commercial zone on a corner lot, within the triangular space included between the street lines for a distance of 6.0 metres from the point of intersection, no building or structure including a fence or sign shall be erected and no shrubs or foliage shall be planted or maintained more than 0.8 metres high which obstructed the view of a driver of a vehicle approaching the intersection.

3.6 CORNER LOTS

In any residential zone:

- (a) Where a main building is erected upon a corner lot, such main building shall be located (i) not less than 7.5 metres from the front lot line; and (ii) not less than 3 metres from the flank of the lot for a 1-storey dwelling and not less than 3.5 metres for a 1-1/2 storey or 2-storey dwelling.
- (b) Where an accessory building is erected on a corner lot, no part of it shall be nearer the front lot line or flank of the lot than the aforesaid distances set
- (c) An attached garage, if it is attached in accordance with the definition of an "attached accessory building", shall be considered as part of the main building and all provisions prescribed by this By-law as applicable to residential zones shall apply.

3.7 DANGEROUS USES

No land, building or structure shall be used in the Township of Sioux Narrows-Nestor Falls for the industrial manufacture or distribution of coal oil, rock oil, fuel oil, burning fluid gas, naphtha, benzene, gasoline, dynamite, dualine, nitroglycerine, gunpowder, petroleum products or other combustible or inflammable or liquid material which is likely to create danger to health or danger from fire or explosion except as otherwise specifically provided for in this By-law.

3.8 EXISTING LOTS

An existing vacant lot having less than the minimum frontage, depth or area required by this By-law may be developed for all uses in the appropriate zone provided all other regulations of this By-law are satisfied; and

- (a) such lots are serviced by public water supply and public sanitary sewer disposal facilities or alternatively meet the requirements of the authority having jurisdiction;
- (b) such lots have a minimum frontage of 7.5 metres on a road, street or navigable waterway.

3.9 FLOOR AREA

- (a) No person shall erect or use a dwelling unit which is not in compliance with the following minimum floor area requirements:

Floor Area (Minimum) for each Dwelling Unit	
Bachelor	37 square metres
1 Bedroom	42 square metres
2 Bedrooms	55 square metres
3 Bedrooms	70 square metres
4 Bedrooms	83 square metres
Dwelling unit in a boarding house, rooming house or tourist home.	35 square metres

- (b) Notwithstanding the above, the minimum floor area of a group home shall be 23.0 square metres plus an additional 7.0 square metres for each resident, exclusive of staff or receiving family.
- (c) Within a commercial zone:
 - a minimum of 18.5 square metres of open space shall be provided for the exclusive use of each dwelling unit either at ground level or on the roof of the first storey. Such open area shall not form part of any required parking area or loading space.

3.10 GROUP HOMES

Notwithstanding any other provisions in this By-law, no group home shall be located closer than 200.0 metres from another group home.

3.11 HEIGHT

The height regulations of this By-law shall not apply to any ornamental dome, chimney, communications tower, storage silo, barn, cupola, steeple, church spire,

water storage tank, elevator enclosure, flag pole or television or radio antennae that is less than 10.0 metres high measured from the ground.

3.12 HOME OCCUPATIONS, HOME PROFESSIONS, AND HOME INDUSTRIES

Where a home occupation, home profession, or home industry is permitted in a particular zone, it shall:

- (a) have at least one permanent resident of the dwelling unit engaged in the business;
- (b) have no external display or advertisement, other than a non-illuminated sign which is a maximum of 2.0 square metres and is not flashing;
- (c) have no external storage of materials, containers or finished products;
- (d) not change the character of the dwelling as a private residence or create or become a nuisance due to such matters as noise, smell, hours of operation or traffic generation;
- (e) not have more than one employee in addition to the permanent resident engaged in the business;
- (f) not have the home occupation or home profession occupy more than 25 percent of the floor area of the dwelling unit including the floor area of any basement area used as living quarters and any basement area used for the home occupation or home profession;
- (g) have any and all parts of a home occupation or home profession use on a lot confined to a dwelling unit on the lot;
- (h) not exceed more than one home occupation or one home profession or home industry per dwelling unit or lot;
- (i) be conducted in whole or in part in an accessory building in the case of a home industry; except for the clerical and office function of such home industry, which may be conducted in the dwelling unit; and
- (j) provide off-street parking in accordance with the provisions of the By-law.

3.13 LAND WITHOUT BUILDINGS

Where land is used for or in connection with any use but without any buildings or structures thereon, all yards required by the By-law on a lot in the respective zone shall be provided and maintained as yards and the applicable regulations shall apply, except where the land or lot is used for gardening or open space purposes not prohibited by this By-law in such zone.

3.14 LOADING SPACES

No person shall erect or use any building or structure in any commercial or industrial zone which involves the movement of goods, merchandise or materials unless loading spaces are provided and maintained in accordance with the following provisions:

- (a) one loading space shall be provided on the same premises for every 278.0 square metres or fraction thereof of the total floor area;
- (b) loading spaces shall not be less than 3.0 metres in width and 7.5 metres in length; and
- (c) loading spaces shall not have less than 4.5 metres of vertical clearance.

3.15 STANDARDS FOR LOADING SPACES

Where in this By-law, loading spaces are requires or permitted, the following standards shall apply:

- (a) adequate driveway space shall be provided to permit the safe maneuvering, loading and unloading of vehicles on the lot such that they do not cause an obstruction or a hazardous condition on adjacent streets or sidewalks and loading spaces shall have access to a street or lane of the lot to the centre line of the lane of 3.0 metres;
- (b) adequate drainage facilities shall be provided in accordance with requirements of the Municipality;
- (c) loading spaces and approaches shall be surfaced in accordance with the requirements of the Municipality;
- (d) the illumination of loading spaces shall be arranged so the light is diverted away from any residential, open space or institutional zone; and
- (e) the location of loading spaces shall be restricted to the rear yard where a

lot has access at both the front and rear to a street or road.

3.16 NON-COMPLYING USES

Where an existing building is located on a lot having less than the minimum frontage or area required by this By-law, or having less than the minimum setback, front yard, side yard or rear yard required by this By-law, the said building may be enlarged, reconstructed, repaired or renovated provided that:

- (a) the enlargement, reconstruction, repair or renovation does not further reduce a setback, front yard, side yard or rear yard having less than the minimum required by this By-law; and
- (b) all other applicable provisions of this By-law are complied with.

3.17 NON-CONFORMING USES

- (a) The provisions of this By-law shall not apply to prevent the use of any lot, building or structure for any purpose prohibited by this By-law is such lot, building or structure was lawfully used for such purpose on the date of final passing of this By-law, providing such use has been continuous since that date, nor to prevent the erection or use of any building or structure for any purpose prohibited by this By-law the plans for which have, prior to the date of the passing of the By-law, been approved by the Municipality so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the erection of such building or structure is commenced within one year after the date of the passing of the By-law and such building or structure is completed forthwith after the erection thereof is commenced and provided the permit has not been revoked under the Building Code Act.
- (b) Where, for any reason, the use of land, building or structure for a use not permitted by this By-law, but which was in existence in the day of the passing of this By-law, has ceased and is not resumed within a 12 month period of the date of ceasing, such non-conforming use shall not be resumed, and any future use of the land, building or structure shall be in conformity with the provisions covering the zone in which the land, building or structure is located.

3.18 OBNOXIOUS USES

Nothing in this By-law shall be construed to permit the use of land for the erection or use of a building or structure for any purpose:

- (a) that is or is likely to become a nuisance or offensive:
 - (i) by the creation of noise or vibrations; or
 - (ii) by reason of the emission of gas, fumes, dust or objectionable odour; or
 - (iii) by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter or other such material.
- (b) which, by its nature or by the materials used therein, is declared under the Public Health Act, as amended or revised or any regulations thereunder, to be a noxious or offensive trade, business or manufacture.

3.19 OCCUPANCY OF PARTIALLY COMPLETED BUILDINGS

No dwelling, except in the case of an apartment building, shall be occupied before the main side walls and roof have been erected and the external siding and roofing have been completed, and sanitary conveniences installed and where applicable, kitchen and heating facilities have been installed. Any dwelling unit in an apartment building may be occupied provided that all of the above conditions are satisfied, notwithstanding the fact that one or more of the dwelling units have not been completed.

3.20 PARKING REQUIREMENTS

For every type of building listed below which is erected, altered or enlarged in any zone after the passing of this By-law, off-street parking shall be provided and maintained in accordance with the following provisions:

Type of Use of Building	Minimum Parking Required
Single detached, two family, semi-detached, duplex, triplex and converted dwellings, dwelling units located in commercial buildings, multiple family, townhouse dwellings, and dwellings in apartment buildings	One and one-quarter (1.25) parking spaces per dwelling unit rounded to the next highest whole number.
Auditoriums, restaurants, theatres, arenas, community centres, private clubs, and other places of assembly (except where one or more of these uses are located in a shopping centre)	Where there are fixed seats, one parking space for every five seats or for every 3.0 metres or part thereof of bench space; where there are no fixed seats, one parking space for each 9.0

	metres of floor area or part thereof devoted to public use.
Schools	One parking space for each teaching staff member plus one additional parking space for each 20.0 square metres of part thereof of auditorium floor space.
Churches	One parking space for every ten seats or 6.0 metres of bench space or part thereof if its maximum seating capacity.
Libraries	A minimum of ten parking spaces or one parking space per 28.0 square metres or part thereof of building floor space, whichever is greater.
Hotels, motels, taverns and staff houses	One parking space per rental unit, plus one additional parking space for each 9.0 square metres of floor area or part thereof devoted to public uses, such as restaurants, taverns and other eating places associated with hotels, motels, taverns and staff houses.
Boarding house, rooming house and tourist home	One parking space for every room or suite of rooms that may be offered for rent.
Industrial uses	One parking space for each 93.0 square metres of floor area or part thereof or for each five employees, whichever is greater.
Retail or service stores	One parking space per 28.0 square metres of retail floor area or part thereof except that no off-street parking is required for this use in a C1 Zone.
Home occupation, home profession or home industry	One off-street parking space for each 28.0 square metres or part thereof of floor area devoted to said use in addition to that required for the dwelling.
Group homes	One and one-quarter (1.25) parking spaces per receiving family and/or one parking space for each staff on duty at any time, plus one parking space for each two beds or each 37.0 square metres of floor area or part thereof, whichever is greater.

3.21 STANDARDS FOR PARKING AREAS

Where in this By-law, parking areas are required or permitted, all drainage, surfacing and illumination shall be done in accordance with the requirements of the Municipality.

3.22 PERMITTED ENCROACHMENTS IN YARDS

Every part of any yard required by this By-law shall be open and unobstructed by any structure from the ground to the sky, provided, however, that accessory buildings shall be permitted in accordance with section 4.25 and those structures listed in the following table shall be permitted to project into the yards indicated for the distances specified:

Structure	Yard in which projection is permitted	Max. Projection from main wall permitted
Sills, belt courses, cornices, eaves, gutters, chimneys or pilasters	Any yard	0.5 metres
Fire escapes and exterior staircases	Rear and side yards only	1.5 metres
Window bays	Front and rear yards only	1.0 metre
Balconies	Front and rear yards only for all types of dwellings except apartment buildings; any yard for apartment buildings	2.5 metres
Open, roofed porches not exceeding one storey in height and covered terraces	Any Yard	2.5 metres including eaves and cornices
Clothes poles, signs, garden trellises, light standards and similar accessories	Any yard	

3.23 PERMITTED PUBLIC USES

Notwithstanding anything else in this By-law, 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 the purpose of public service by the Government of Canada, the

Province of Ontario, the Corporation or by any local Board thereof as defined by the Municipal Act, Ontario Hydro, and utility companies, provided that:

- (a) the lot coverage, setback and yard requirements prescribed for the zone in which land, building or structure is located are complied with;
- (b) no goods, material or equipment are stored in the open in a residential zone, or within 60.0 metres of a residential zone;
- (c) any building erected in a residential zone under the authority of this paragraph is designed and maintained in general harmony with residential buildings of the type permitted in the said residential zone; and
- (d) any parking and loading regulations are complied with.

3.24 PROHIBITED USES

It shall be prohibited to use any land or to erect and use any building or other structure in any zone for the purposes of wrecking yards, automobile yards, a waste disposal site or processing facility, a pit or quarry and/or the collection of rags, junk, refuse, or scrap metals unless such uses are specifically listed as permitted uses within that particular zone.

3.25 REDUCTION OF LOT AREA

- (a) No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof, or otherwise, so that any building or structure on such lot shall have a lot coverage or a ground floor area that exceeds, or a front yard, rear yard, side yard, frontage or lot area that is less than the permitted by this By-law for the zone in which such lot is located; and
- (b) If any such reduction in the area of a lot occurs, no building or structure located in the lot shall be used until the requirements of this By-law applicable thereto are complied with.

3.26 RESTORATION TO A SAFE CONDITION

Nothing in this By-law shall prevent the reconstruction, strengthening or restoration to a safe condition of any building or structure provided such alteration or repair does not increase the height or size or change the use of such building or structure.

3.27 SERVICES REQUIRED

No person shall erect or use any building or structure unless the requirements of the Northwestern Health Unit and the Ministry of the Environment are met for the supply of potable water and the collection and treatment of sanitary sewage and other wastes.

3.28 SETBACKS ON ALL ROADS

Notwithstanding any other provisions of this By-law, a building or structure in any zone on a public road allowance which is less than 20.0 metres wide, shall be set back 10.0 metres plus the required minimum front yard for that zone measured from the centre line of the road allowance.

3.29 SETBACK ON NON-NAVIGABLE WATERCOURSES, HAZARD LAND AND MUNICIPAL SURFACE DRAINS

Notwithstanding any other provisions of this By-law, a building in any zone shall not be closer than 7.5 metres to the top of the bank of any watercourse, or municipal drainage ditch, permanent or intermittent, which is not navigable. In the case of hazard land, no part of any building shall be constructed closer than 7.5 metres to the nearest point of the area to which the hazardous condition is deemed to exist.

3.30 SPECIAL USES

Nothing in this By-law shall prevent the use of land or the use or erection of a building or structure for:

- (a) a scaffold or other temporary building or structure incidental to construction in progress on premises for which a building permit has been granted, until such time as the work has been finished or abandoned;
- (b) a sign having an area of not more than 4.5 square metres incidental to construction in progress on premises for which a building permit has been granted, until such time as the work has been finished or abandoned;
- (c) a carnival, circus or festival or other public gathering, each of which is held not more than twice per year, in the institutional or open space zones;
or
- (d) a farmer's market held not more than two days per week in any zone.

3.31 STREET FRONTAGE REQUIRED

No person shall erect any building or structure unless the lot upon which such building or structure is to be erected, except as otherwise specifically permitted in this By-law, has lot frontage upon a street which has been assumed by the municipality, the Province of Ontario or some other road authority, and/or is maintained by such authority in such a manner so as to permit its use by vehicular traffic, provided that a building or structure may be erected upon a lot within a registered plan of subdivision agreement in respect of such plan of subdivision notwithstanding that the streets within such plan of subdivision have not been assumed and are not being maintained by the Municipality.

3.32 STRUCTURES IN WATER

No person shall erect, alter or use any structure located in a navigable watercourse except in compliance with the Beds of Navigable Waters Act, R.S.O., 1980, Lakes and Rivers Improvements Act, Navigable Waters Protection Act, Public Lands Act or other applicable Act or legislation as revised or amended from time to time.

3.33 TEMPORARY CONSTRUCTION USES

The temporary use of buildings and structures incidental and necessary for lawful construction work will be permitted in all zones, but only for so long as the same are necessary for construction work.

3.34 TRUCK, BUS AND COACH BODIES OR TRAILERS OR TENTS USED FOR HUMAN HABITATION

- (a) Except as expressly permitted by this By-law, no truck, bus, railroad car, caboose, coach or street car body shall be used for human habitation whether the same is mounted on wheels or not.
- (b) Except as expressly permitted by this By-law, the use of tents, recreational vehicles and trailers for human habitation is prohibited, provided, however, that this provision shall not prevent the use of tents or trailers for children's play or for picnics or for the occasional accommodation of guests for not more than fourteen days in any residential zone.

3.35 YARD AND OPEN SPACE PROVISION FOR ALL ZONES

No part of a yard or other open space required abutting and building for the purpose of complying with the provisions of this By-law shall be included as part of a yard or other open space similarly required for another building.

3.36 SLEEP CABINS OR BUNKIES

Sleep cabins shall only be permitted in the Rural or Rural Residential zone, provided that they meeting the following provisions:

- a. The habitable floor area of the sleep cabin shall not exceed 53.5 m²;
- b. A maximum of one (1) sleep cabin is permitted per lot;
- c. There is a minimum of 2 metres separation from the main dwelling unit;
- d. A sleep cabin may be incorporated into a detached garage, provided that the height of the garage is less than 7 m, and;
- e. A sleep cabin shall not be incorporated into a boat house.

3.37 BED AND BREAKFAST ESTABLISHMENT

A bed and breakfast establishment shall comply with the following:

- a. A bed and breakfast shall for part of a single detached dwelling;
- b. A new bed and breakfast shall meet the provisions of the zone in which it is located;
- c. A bed and breakfast shall be operated by a live-in owner, with a maximum of four (4) bedrooms, and;
- d. A bed and breakfast shall not change the residential character of the dwelling.

3.38 SEPTIC SYSTEMS

Wherever possible, as determined by the Northwestern Health Unit, septic systems shall be located a minimum of 30 metres from the high water mark of a navigable waterway. No building or structure shall be erected on land used for a septic system or within 5 metres of the perimeter of a raised bed, or partially raised bed septic field.

3.39 KENNELS

Kennels shall only be permitted in the Rural Zone, and shall comply with the following provisions in additions to those of the Rural – R zone:

- a. The kennel shall comply with all applicable municipal licensing and animal control by-laws;
- b. The kennel shall not create or become a nuisance by way of noise, odour, fumes or traffic;
- c. The kennel shall be a minimum distance separation of 150 metres from any residence.

4.0 ZONES

4.1 RESIDENTIAL ZONE 1 (R1)

4.1.1 Permitted Uses

No land shall be used in the Residential Zone 1 (R1) except for the following purposes:

- (a) residential uses
- (b) group homes
- (c) home industries, home occupations and home professions
- (d) accessory uses

4.1.2 Permitted Buildings And Structures

No building or structure shall be used, altered or erected in the Residential Zone 1 (R1) except the following:

- (a) one single detached dwelling, two-family dwelling, duplex dwelling, semi-detached dwelling or modular dwelling on a permanent foundation on one lot
- (b) accessory buildings and structures

4.1.3 Minimum Lot Area

- | | | |
|-----|---|--------------|
| (a) | single detached dwellings and modular dwellings | 0.4 hectares |
| (b) | group homes | 0.5 hectares |
| (c) | semi-detached dwellings and duplexes and two-family dwellings | 0.5 hectares |

4.1.4 Minimum Lot Frontage

4.1.4.1 If not adjacent to a watercourse or water body:

- | | | |
|-----|---|-------------------------------|
| (a) | single detached dwellings and modular dwellings | 24.0 metres |
| (b) | semi-detached dwellings | 15.0 metres per dwelling unit |
| (c) | duplexes, two family dwellings and group homes | 26.0 metres |

4.1.4.2 If adjacent to and abutting a watercourse or waterbody 45.0 metres

4.1.5 Maximum Coverage 40 percent

4.1.6 Maximum Height 2 storeys or 10.5 metres

4.1.7 Minimum Floor Area In accordance with Section 3.9

4.1.8 Minimum Front Yard 10.0 metres. Where a waterfront lot abuts an unopened road allowance, or shore reserve, then the front yard set-back is reduced to 1 metre.

4.1.9 Minimum Side Yard

(a) 6 .metres

(b) No side yard shall be required for a semi-detached dwelling along the common vertical wall separating one dwelling unit from an adjoining dwelling unit.

4.1.10 Minimum Rear Yard 9.0 metres

4.2 RESIDENTIAL ZONE 2 (R2)

4.2.1 Permitted Uses

No land shall be used in the Residential Zone 2 (R2) except for the following purposes:

- (a) residential uses
- (b) home industries, home occupations and home professions
- (c) accessory uses

4.2.2 Permitted Buildings And Structures

No building or structure shall be used, altered or erected in the Residential Zone 2 (R2) except the following:

- (a) boarding houses, rooming houses or tourist homes
- (b) townhouse dwellings
- (c) triplex dwellings
- (d) apartment buildings
- (e) multiple dwellings
- (f) accessory buildings and structures

4.2.3 Minimum Lot Area

- | | |
|--------------------------------------|--|
| (a) triplex or townhouse or dwelling | 1 hectare per dwelling unit |
| (b) apartment building | 1 hectare for each of the first four (4) dwelling units and 0.5 hectares for each additional dwelling unit |
| (c) rooming house or tourist home | 1 hectare for the first ten (10) rooms capable of being occupied and 0.25 hectares for each additional room thereafter |

4.2.4	Minimum Lot Frontage	150 metres
4.2.5	Maximum Coverage	20 percent
4.2.6	Maximum Height	10.5 metres
4.2.7	Minimum Floor Area	In accordance with Section 3.9
4.2.8	Minimum Front Yard	10.0 metres. Where a waterfront lot abuts an unopened road allowance, or shore reserve, then the front yard set-back is reduced to 1 metre.
4.2.9	Minimum Side Yard	3.0 metres or one-half the height, whichever is the greater

4.3 RURAL RESIDENTIAL ZONE (RR)

4.3.1 Permitted Uses

No land shall be used in the Rural Residential Zone (RR) except for the following purposes:

- (a) residential uses
- (b) sleep cabins
- (c) bed and breakfast establishment
- (d) group homes
- (e) home industries, home occupations and professions
- (f) accessory uses

4.3.2 Permitted Buildings and Structures

No building or structure shall be used, altered or erected in the Rural Residential Zone (RR) except for the following:

- (a) one single detached dwelling or one modular dwelling on a permanent foundation on one lot, and one sleep cabin.
- (b) accessory buildings and structures

4.3.3 Minimum Lot Area	0.4 hectares
4.3.4 Minimum Lot Frontage	45.0 metres
4.3.5 Maximum Coverage	20 percent
4.3.6 Maximum Height	10 metres
4.3.7 Minimum Floor Area	In accordance with Section 3.9
4.3.8 Minimum Front Yard	10.0 metres. Where a waterfront lot abuts an unopened road allowance, or shore reserve, then the front yard set-back is reduced to 1 metre.
4.3.9 Minimum Side Yard	6.0 metres
4.3.10 Minimum Rear Yard	9.0 metres

4.4 RURAL ZONE (RU)

4.4.1 Permitted Uses

No land shall be used in the Rural Zone (RU) except the following purposes:

- (a) residential uses
- (b) sleep cabin
- (c) bed and breakfast establishment
- (d) mining and mineral exploration
- (e) forestry
- (f) recreation
- (g) cemeteries
- (h) agriculture
- (i) accessory uses

4.4.2 Permitted Buildings And Structures

No building or structure shall be used, erected or altered in the rural Zone (RU) except for the following:

- (a) one single detached dwelling or one modular dwelling on a permanent foundation on one lot, and one sleep cabin
- (b) accessory buildings and structures
- (c) buildings and structures accessory to a recreation use provided these are not for human habitation
- (d) buildings and structures accessory to an agricultural use provided these are not for human habitation

4.4.3 Minimum Lot Area 2.0 hectares

4.4.4 Minimum Lot Frontage 90.0 metres

4.4.5 Maximum Lot Coverage 10 percent

4.4.6 Maximum Height 10.0 metres

4.4.7 Minimum Floor Area In accordance with Section 3.9

- 4.4.8 Minimum Front Yard** 10.0 metres. Where a waterfront lot abuts an unopened road allowance, or shore reserve, then the front yard set-back is reduced to 1 metre.
- 4.4.9 Minimum Rear Yard** 9.0 metres
- 4.4.10 Minimum Side Yard** 6.0 metres

4.5 COMMERCIAL ZONE (C1)

4.5.1 Permitted Uses

No land shall be used in the General Commercial Zone (C1) except for the following purposes:

- (a) commercial uses
- (b) residential uses as an accessory use
- (c) accessory uses

4.5.2 Permitted Buildings And Structures

No building or structure shall be used, altered or erected in the Commercial Zone (C1) except the following:

- (a) any building or structure permitted in the Tourist Commercial Zone (C2)
- (b) any retail or service store or shop not engaged in manufacturing on the premises unless such manufacturing is accessory to the retail business, does not exceed 50% of the floor area and the products manufactured are primarily for sale at retail on the premises
- (c) a general or professional office
- (d) a bank
- (e) a restaurant
- (f) a hotel or motel
- (g) a clubroom or private club
- (h) a theatre
- (i) a laundry or dry cleaning establishment
- (j) a barber shop or beauty parlour
- (k) a bowling alley
- (l) a billiard or pool room
- (m) a community centre or assembly hall
- (n) a post office
- (o) a tourist resort
- (p) dwellings above or behind a permitted commercial use
- (q) a bake shop or bakery
- (r) a gift shop or craft industry
- (s) a gas bar, service station, public garage, or other establishment for the servicing, or storage and sale of vehicles, trailers or construction machinery and equipment
- (t) a tourist outfitters establishment
- (u) a taxi service establishment
- (v) a Brewer's Retail or Liquor Control Board of Ontario outlet
- (w) a transportation terminal
- (x) an undertaking establishment

- (y) a parking lot
- (z) a sign and/or printing establishment
- (aa) accessory buildings or structures

4.5.3 Minimum Lot Area 0.5 hectares

4.5.4 Minimum Lot Frontage 25.0 metres

4.5.5 Maximum Coverage 20 percent

4.5.6 Maximum Height 15.0 metres

4.5.7 Minimum Front Yard 15.0 metres

4.5.8 Minimum Side Yard 10.0 metres

4.5.9 Minimum Rear Yard 10.0 metres. Where a waterfront lot abuts an unopened road allowance, or shore reserve, then the front yard set-back is reduced to 1 metre.

4.5.10 Dwelling Units

- (a) Minimum floor area shall be in accordance with Section 3.9
- (b) Pedestrian access to each dwelling unit, other than an accessory dwelling unit, shall be provided from an adjacent street or lane and shall be for the sole use of the occupant(s) of the said dwelling unit.
- (c) No commercial building wherein gasoline, petroleum products are handled in quantity toxic or explosive products are handled in quantity shall have accessory dwelling units. Where such dwelling units exist and the use of the commercial establishment changes to use involving the aforementioned products, the said dwelling units shall cease to be occupied as dwelling units.

4.5.11 Buffer Strip

Where a Commercial Zone abuts a Residential, Industrial or Open Space Zone, a buffer strip shall be provided along the abutting lot lines having a minimum width of 2.0 metres in compliance with Section 3.3 of this By-law.

4.6 TOURIST COMMERCIAL ZONE (C2)

4.6.1 Permitted Uses

No land shall be used in the Tourist Commercial Zone (C2) except for the following purposes:

- (a) tourist commercial uses
- (b) accessory uses
- (c) a residential use as an accessory use

4.6.2 Permitted Buildings And Other Structures

- (a) No building or structure shall be used, altered or erected in the Tourist Commercial Zone (C2) except the following:
- (b) a hotel, motel, tourist cabin, resort or tourist commercial establishment
- (c) an accessory gasoline retail facility in association with the permitted use.
- (d) a restaurant, tavern and other place for the sale and consumption of food and related items
- (e) a convenience store
- (f) a gift shop or craft industry
- (g) accessory buildings and structures including a dwelling unit or single detached dwelling for the caretaker, owner or manager of any of the permitted uses
- (h) a bait fish operation and the sale of bait
- (i) a marina or marine facility
- (j) an outfitters store
- (k) park

4.6.3 Minimum Lot Area

- | | | |
|-----|---|--------------|
| (a) | hotel, motel, tourist commercial establishment,
travel trailer camping area, service station, public
garage, restaurant, tavern, buildings with accessory
residential uses | 0.8 hectares |
| (b) | other uses | 0.4 hectares |

4.6.4	Minimum Lot Frontage	50 metres
4.6.5	Maximum Lot Coverage	50 percent
4.6.6	Maximum Height	10.0 metres
4.6.7	Minimum Floor Area	
	(a) commercial use	10.0 square metres
	(b) accessory dwelling unit	28.0 square metres
	(c) accessory single detached dwelling	65.0 square metres
4.6.8	Minimum Front Yard	10.0 metres. Where a waterfront lot abuts an unopened road allowance, or shore reserve, then the front yard set-back is reduced to 1 metre.
4.6.9	Minimum Side Yard	10.0 metres
4.6.10	Minimum Rear Yard	10.0 metres

4.7 INDUSTRIAL ZONE (M1)

4.7.1 Permitted Uses

No land shall be used in the Industrial Zone (M1) except for the following purposes:

- (a) light manufacturing industries and forestry
- (b) transportation uses
- (c) a bulk fuel sales establishment
- (d) bulk storage facilities
- (e) a public works yard
- (f) mining and mineral exploration
- (g) vehicle and equipment sales and service
- (h) storage or warehousing
- (i) service shops
- (j) servicing and leasing
- (k) a residential use as an accessory use
- (l) contractor's establishment
- (m) public waste disposal sites
- (n) communications facilities
- (o) a commercial use as an accessory use
- (p) airport uses
- (q) accessory uses

4.7.2 Permitted Buildings And Other Structures

No building or structure shall be used, altered or erected in the Industrial Zone (M1) except the following:

- (a) a light industrial workshop
- (b) a trucking depot and transportation terminal
- (c) an equipment sales and service establishment
- (d) a welder's shop
- (e) a carpenter or joiner's shop
- (f) a concrete products factory
- (g) a warehouse or storage facility
- (h) a forest products processing plant
- (i) a machine shop
- (j) a bulk sales facility, including bulk fuel sales
- (k) a public works yard and associated buildings and structures
- (l) an animal hospital
- (m) a contractor's yard
- (n) an automobile wrecking yard or scrap metal yard
- (o) a laundry and dry cleaning establishment

- (p) a hydro distribution or generating station
- (q) a sawmill and other buildings related to forestry uses
- (r) buildings related to mining uses
- (s) buildings and structures related to communications facilities
- (t) buildings and structures associated with airport uses
- (u) accessory buildings and structures including a single detached dwelling or a dwelling unit for one caretaker or one person and his family employed in the manufacturing and industrial operations or uses permitted in this zone.

4.7.3 Minimum Lot Area 0.8 hectares

4.7.4 Minimum Lot Frontage 50.0 metres

4.7.5 Maximum Coverage 10 percent

4.7.6 Maximum Height 10.0 metres

4.7.7 Minimum Floor Area 20.0 square metres

4.7.8 Minimum Front Yard 20.0 metres

4.7.9 Minimum Side Yard 10.0 metres

4.7.10 Minimum Rear Yard 10.0 metres

4.7.11 Buffer Strip

Where the Industrial Zone (M1) abuts a Residential, Institutional, Open Space or Commercial Zone, a buffer strip is required along abutting lot lines having a minimum width of 2.0 metres in compliance with Section 4.7.11 of this By-law.

4.7.12 Automobile Wrecking Yards And Scrap Metal Yards

Where land is used for the purpose of an automobile wrecking yard, scrap metal yard or similar use, the storage of derelict automobiles, scrap metal, junk or similar materials shall not be carried out in that part of the land designated herein as the "front yard", "side yard", or "rear yard" and a natural or artificial screen or buffer shall be provided to obscure the subject property from the street on which the lands abut and from any properties to the side or rear of the subject property

4.8 EXTRACTIVE INDUSTRIAL ZONE (M2)

4.8.1 Permitted Uses

No land shall be used in the Aggregate Extractive Zone (M2) except for the following purposes:

- (a) aggregate pit or quarry
- (b) forestry
- (c) agriculture
- (d) accessory uses

4.8.2 Permitted Uses Buildings and Other Structures

No building or structure shall be used, altered or erected in the Aggregate Extractive Zone (M2) except the following:

- (a) a building to house weight scales
- (b) accessory buildings and structures

4.8.3 Minimum Lot Area	2.0 hectares
4.8.4 Minimum Frontage	100.0 metres
4.8.5 Maximum Coverage	1 percent
4.8.6 Maximum Height	25.0 metres
4.8.7 Minimum Front Yard	30.0 metres
4.8.8 Minimum Side Yard	30.0 metres
4.8.9 Minimum Rear Yard	30.0 metres

4.8.10 Buffer Strip

Where the Aggregate Extractive Zone (M2) abuts a Residential, Institutional or Open Space Zone, a buffer strip is required along abutting lot lines having a minimum width of 6.0 metres in compliance with Section 4.22 of this By-law.

4.9 WASTE DISPOSAL INDUSTRIAL ZONE (M3)

4.9.1 Permitted Uses

No land shall be used in the Waste Disposal Zone (WD) except for the following purposes:

- (a) Solid waste disposal facility
- (b) Waste processing and transfer facility
- (c) Septic waste drying bed

4.9.2 Permitted Buildings and Structures

No building or structure shall be used, altered or erected in the Hazard Land Zone (WD) except docks.

4.9.3 Permitted Uses Buildings and Other Structures

No building or structure shall be used, altered or erected in the Waste Disposal (WD) except the following:

- (c) a building to house weight scales
- (d) a building to house solid waste for transfer
- (e) accessory buildings and structures associated with a solid waste disposal facility operation

4.9.4 Minimum Lot Area 8.0 hectares

4.9.5 Minimum Frontage 100.0 metres

4.9.6 Maximum Coverage 1 percent

4.9.7 Maximum Height 10.0 metres

4.9.8 Minimum Front Yard 30.0 metres

4.9.9 Minimum Side Yard 30.0 metres

4.9.10 Minimum Rear Yard 30.0 metres

4.9.11 Buffer Strip

A buffer strip is required along abutting lot lines having a minimum width of 100 metres.

4.10 INSTITUTIONAL ZONE (I)

4.10.1 Permitted Uses

No land shall be used in the Institutional Zone (I) except for the following purposes:

- (a) institutional uses
- (b) accessory uses
- (c) a residential use as an accessory use

4.10.2 Permitted Buildings And Structures

No building or structure shall be used, altered or erected in the Institutional Zone (I) except the following:

- (a) a hospital or clinic
- (b) a school or other educational institution
- (c) a church, church hall or religious institution
- (d) a library, museum or other cultural institution
- (e) federal, provincial and municipal government offices and works yards
- (f) a police station or a firehall or fire control building or structure
- (g) an arena and curling rink
- (h) a community centre and day care centre
- (i) a cemetery and mausoleum
- (j) a dog pound
- (k) staff houses forming an integral part of any of the above uses which must necessarily be located at the site of the work as an integral part of such activities, provided that such buildings conform to the requirements for buildings of similar use as set out elsewhere in this By-law and are equipped with water and sanitary facilities satisfactory to the authority having jurisdiction
- (l) accessory buildings and structures

4.10.3 Minimum Lot Area .8 hectares

4.10.4 Minimum Front Yard 7.5 metres

4.10.5 Maximum Coverage 25 percent

4.10.6 Maximum Height 15.0 metres

4.10.7 Buffer Strip

Where an Institutional Zone abuts a Residential or Open Space Zone, a buffer strip shall be provided along the abutting lot lines having a minimum width of 2.0 metres in compliance with Section 3.3 of this By-law.

4.11 OPEN SPACE ZONE (OS)

4.11.1 Permitted Uses

No land shall be used in the Open Space Zone (OS) except for the following purposes:

- (a) public and private parks including playgrounds, picnic facilities, sports fields and facilities, tennis courts, docks and golf courses
- (b) accessory uses

4.11.2 Permitted Buildings And Structures

No building or structure shall be used, altered or erected in the Open Space Zone (OS) except the following:

- (a) buildings and structures for permitted uses
- (b) docks
- (c) accessory buildings and structures

4.11.3 Maximum Coverage	75 percent
4.11.4 Maximum Height	12.0 metres
4.11.5 Minimum Front Yard	10.0 metres
4.11.6 Minimum Side Yard	10.0 metres
4.11.7 Minimum Rear Yard	10.0 metres

4.12 HAZARD LAND ZONE (HZ)

The Hazard Land Zone (HZ) shall be defined as all lands on or adjacent to the Lake of the Woods or connecting waterbodies or watercourses below an elevation of 324.6 metres Lake of the Woods datum (Benchmark 37_F (Kenora)).

4.12.1 Permitted Uses

No land shall be used in the Hazard Land Zone (HL) except for the following purposes:

- (d) agricultural uses
- (e) public and private parks, including playgrounds, picnic facilities, sports fields, tennis courts, golf courses, outdoor natural rinks, marinas and publicly owned travel trailer parks and campgrounds
- (f) accessory uses as described in section 3.2 e) of this by-law.

4.12.2 Permitted Buildings And Structures

No building or structure shall be used, altered or erected in the Hazard Land Zone (HL) except docks.

4.13 ENVIRONMENTAL PROTECTION ZONE (EP)

4.13.1 Permitted Uses

No land shall be used in the Environmental Protection Zone (EP) except for the following purposes:

- (a) Conservation and or viewshed reserve
- (b) Accessory uses

4.13.2 Permitted Buildings and Structures

The following zone regulations apply to permitted uses in the EP zone:

- (a) The cutting, removal or burning of trees and other natural vegetation is prohibited.
- (b) Placement or removal of topsoil is prohibited.

4.13.3 EP*3 Special Provision

Notwithstanding residential and commercial uses that may overlap in this zone, and any other provisions of this by-law, the cutting, removal or burning of any trees or other natural vegetation is prohibited within 300 metres of the centre line of Highway 71 is prohibited. Routine highway maintenance such as brushing, clearing and ditching in the highway right of way is exempt from this provision, as is the cutting of ornamental holiday trees and fuel wood for personal use.

5.0 DEFINITIONS

In this By-law, the definitions and interpretations given in this section shall govern unless a contrary intention appears.

The words "used for" include "designated for" and vice versa; words used in the present tense include the future tense; words used in the singular number include the plural and vice versa; the word "building" includes "structure"; and the word "shall" is mandatory and not directory.

ABUT OR ABUTTING

Immediately continuous to, or physically touching, and when used with respect to a lot or site, means that the lot or site physically touches upon another lot, site or piece of land, and share a property line with it.

ACCESSORY

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

ACCESSORY DWELLING UNIT

A single dwelling unit that is part of and accessory to a permitted non-residential building in a non-residential zone.

AGRICULTURAL BUILDING

Any building or structure customarily used in connection with a farm, and as defined in the Ontario Building Code as a farm building.

AGRICULTURAL USE

Any agricultural use or uses, structures or buildings accessory thereto, including field crops, animal husbandry, horticultural nurseries and any other use customarily carried on in the field of general agriculture, including the sale on the premises, of produce grown or raised on the premises.

AIRPORT

The use of lands, buildings or structures for the purposes of air transportation services, and certified by Transport Canada.

ACT

The Planning Act, R.S.O. 1990, as amended.

ANIMAL SHELTER

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

ALTER

When used in reference to a building or part thereof, means to change any one or more of the external dimensions of such building or to change the type of construction of the exterior walls or roof thereof. When used in reference to a lot, means to change any of the lot dimensions, or to change any of the required yard dimensions, landscaped open space or parking areas, or to change the location of any boundary of such lot in relation to a public highway or laneway, whether such alteration is made by conveyance or otherwise. The words "altered" and "alteration" shall have corresponding meanings.

ASSEMBLY HALL

A building or part of a building in which facilities are provided for such purposes as meetings for civic, educational, political, religious or social purposes and shall include a banquet hall or community centre or private club.

ATTACHED

When used in reference to a building, means a building otherwise complete in itself, which is dependent for structural support, or complete enclosure, upon a wall or walls shared in common with an adjacent building or buildings.

ART GALLERY

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

ATTIC

As defined in the Ontario Building Code.

AUCTION ESTABLISHMENT

A building or part thereof used for the retail sale of goods or articles, to members of the public, bidding the highest offer for that those goods or articles during the sale proceedings.

AUDITORIUM

See "assembly hall".

AUTOMOBILE BODY SHOP

A building or structure used for the repairing and, or, the painting of automobile bodies or fenders, but shall not include an automobile wrecking yard or salvage yard.

AUTOMOBILE BODY SHOP

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

AUTOMOBILE FUEL BAR

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

AUTOMOBILE GAS BAR

A building or place where gasoline and diesel fuel are kept for retail sale with or without lubricants or other items and accessories associated with the operation of automobiles and normally sold at a pump island, but where no servicing, repair or equipping of vehicles is performed.

AUTOMOBILE REPAIR GARAGE

A building or structure where the exclusive service performed or executed on motor vehicles for compensation shall include the installation of exhaust systems, repair of electrical systems, transmission repair, brake repair, radiator repair, tire repair and installation, rust proofing, motor vehicle diagnostic centre, major and minor mechanical repairs or similar use in conjunction with which there may be a towing service, a motor vehicle station and motor vehicle rentals for the convenience of the customer while the motor vehicle is being repaired, but shall not include any other establishment otherwise defined or classified in this By-law.

AUTOMOBILE SERVICE STATION

A building or structure where gasoline, propane, natural gas, oil, grease, antifreeze, tires, tubes, tire accessories, electric light bulbs, sparkplugs, batteries and automotive accessories for motor vehicles and new retail goods are stored or kept for sale to the general public, or where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged, and where mechanical or running repairs essential to the actual operation of motor vehicles are executed or performed. Such shall require public washrooms.

**AUTOMOBILE, RECREATIONAL VEHICLE OR BOAT SALES
ESTABLISHMENT**

A building or place where new or used automobiles, recreational vehicles or boats, and accessories are sold, rented or repaired.

AUTOMOBILE WRECKING ESTABLISHMENT

Premises used for the dismantling or wrecking of used motor vehicles or trailers and/or the storage of used motor vehicle parts for further use or shipment.

BAKERY

A building where the production, mixing, compounding or baking of bread , biscuits, cakes or other baked goods is carried out. May have associated retail component.

BASEMENT

As defined by the Ontario Building Code.

BED AND BREAKFAST ESTABLISHMENT

A single detached dwelling in which the owner resides and provides a maximum of three rooms for rent by the traveling or vacationing public, with or without the provision of meals.

BOARDING HOUSE

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

BOATHOUSE

Any building space or enclosure, in which one or more boats, ships or floatplanes are stored, kept or repaired but shall not include a commercial marina, and shall not be for human habitation.

BOAT SLIP

A single parking space for a boat, or other marine vessel forming part of a dock, boathouse or other mooring facilities.

BUILDING

A structure consisting of a wall, roof and floor or any one of them or a structural system serving the same purpose and including any tents, awnings and carports.

BUILDING BY-LAW

Any by-law of the Corporation and its amendments thereto, passed pursuant to the Building Code Act.

BUILDING INSPECTOR

An officer or employee of the Corporation charged with the duty of enforcing the provisions of the Building Code Act together with any regulations made thereunder, and the provisions of the Building By-law.

BUILDING SUPPLY OUTLET

A building or structure and associated storage yard, in which building or construction and home improvement materials are sold, and may include the fabrication of certain materials related to home improvements.

BULK SALES AND STORAGE ESTABLISHMENT

The use of land, a structure, or building for the purposes of buying and selling coal, fuel, oil, wood, lumber, building materials, ice and allied commodities but does not include any manufacturing, assembling or processing uses.

BUSINESS, PROFESSIONAL OFFICE OR ADMINISTRATIVE OFFICE

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

CAMPGROUND

Lands used for the parking and temporary use campsites occupied by tents, trailers, motor homes, truck campers and recreational vehicles and accessory uses and facilities such as administrative offices, sanitary facilities, recreational facilities and an accessory convenience store.

CAMP SITE

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

CARPORT

An accessory structure which shares one wall with a residence, and only one other wall may be enclosed.

CAR WASH

A building or structure containing facilities for the washing of motor vehicles for a fee.

CELLAR

A portion of a residential building, used for storage purposes only, which is more than 50% below grade.

CEMETERY

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries, columbariums, when operated in conjunction with and within the boundary of such cemetery and operated under the Cemeteries Act.

CHIEF BUILDING OFFICIAL

The official appointed by the Township of Sioux Narrows-Nestor Falls under the Building By-law or pursuant to the provisions of The Building Code Act, as amended.

CLINIC

A building or part of a building that is used solely by physicians, dentists, and/or drugless practitioners, their staff, and their patients for the purpose of consultation, diagnosis and office treatment.

COMMERCIAL STORAGE UNIT

A building or buildings consisting of individual units, with personal vehicular access, used for the storage of goods, wares, merchandise, foodstuffs and other articles, but does not include fuel storage tanks.

COMMUNICATIONS FACILITY

Any tract of land, building or structure used for receiving and/or transmitting voice, picture or printed signals, or otherwise for public or commercial use.

COMMUNITY CENTRE

Any tract of land or building or buildings, or any part of any buildings used for community activities, whether used for commercial purposes or not, the control of which is vested in the City, a local board or agent thereof and may include an auditorium, swimming pool, arena and fitness centre.

CONSERVATION

The preservation, protection and improvement of the components of the natural environment through a comprehensive management and maintenance program administered by a public authority for individual or public use.

CONTINUUM OF CARE FACILITY

A facility which may include a Senior Citizens apartment building, and /or nursing home, and may include in association with the Senior Citizens apartment building or nursing home, such facilities as hospitals, clinics, retirement lodges, recreation centres, cafeterias and personal service establishment.

CONTRACTOR'S SERVICE

A development used for the provision of building, construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support services areas shall be accessory to the principal Contractor's Service use only.

CONVENIENCE STORE

A retail establishment of less than 300 square metres of gross floor area that is primarily devoted to retail dealing in dairy products, bread and other bakery products, candy and confectionery, groceries or other specialized food lines, rental of electronic movies, automated banking machines and/or depots for film, laundry or dry-cleaning.

CONVERSION

Change in use of land or a building or an act done in relation to land or a building which results in, or is likely to result in, the change in the use of such land or building. The terms *altered* and *alteration* shall have corresponding meaning.

COUNCIL

The municipal Council of the Township of Sioux Narrows-Nestor Falls.

COVERAGE

That percentage of the lot area covered by all buildings above ground level. If a lot extends across two or more zones, the lot coverage regulations appropriate to the zone shall apply only to that part of the lot in that zone.

CURB CUTTING

Cutting or lowering of a curb, sidewalk or boulevard to provide a driveway for vehicular and/or pedestrian access to a site.

CUL DE SAC

A street open at only one end.

DAY NURSERY

A day nursery operated within the meaning of The Day Nurseries Act, RSO, 1990 as amended.

DECK

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

DOCK, PRIVATE

A wharf or pier not open to the public not used for commercial or industrial purposes where boats can remain for loading, unloading or storage and shall include the water space occupied by any boat.

DRY CLEANING ESTABLISHMENT

A building where dry cleaning, dry dying, cleaning or pressing of articles or goods of fabric is carried on.

DWELLING

A building or part of a building occupied or capable of being occupied, in whole or in part as the home, residence or sleeping place of one or more persons either continuously, permanently, temporarily or transiently, seasonally, but shall not include a recreational vehicle, camper trailer or motor home.

DWELLING, ACCESSORY

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

DWELLING, APARTMENT

A separate building containing three or more dwelling units divided by fire separations and may be served by common corridors and entrance.

DWELLING, CONVERTED

A building originally constructed as a single detached dwelling unit of at least 225 square metres of gross floor area which has been converted by fire separation partitions and/or the addition of sanitary and cooking facilities into no more than four dwelling units.

DWELLING, DETACHED

A detached building containing one dwelling unit only.

DWELLING, DUPLEX

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

DWELLING, MODULAR

A prefabricated or factory built single dwelling unit which is placed or assembled onto a prepared foundation or basement, in accordance with the Ontario Building Code, as amended, and shall be considered a detached dwelling.

DWELLING, SEMI-DETACHED

The whole of a building divided vertically into two separate dwelling units by a fire separation extending from the base of the foundation to the roofline, each of which has an independent entrance.

DWELLING, TOWNHOUSE OR ROW

A dwelling unit in a building divided vertically into three or more attached dwelling units by fire separations extending from the base of the foundation to the roofline, each dwelling unit having a separate entrance at grade.

DWELLING, TRIPLEX

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

DWELLING UNIT

A room or rooms in which kitchen, sanitary conveniences and sleeping quarters are provided for the exclusive use of the occupants and with a private entrance from outside the building or from a common corridor or stairway inside the building.

ERECT

To build, construct, re-construct, alter or relocate and includes 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.

ESTABLISHED BUILDING LINE

The average distance from the road line to existing buildings, but not less than 3 metres, measured not more than 100 metres on either side of the lot where the frontage has been built upon, as of the date of the passing of this By-law.

EXISTING

As of the date of the final passing of this By-law.

FARM

Any farming or agricultural use and includes: aviaries; berry or bush crops; breeding, raising, training or boarding of horses or cattle; commercial greenhouses; farms devoted to hatching, raising and marketing of chickens, turkeys, or other fowl or game birds, animals, fish, frog or worm farms for grazing; flower gardening; field crops; goat or cattle dairies; growing, raising, picking, treating and storing of vegetables or fruit produce produced on the premises; nurseries, orchards; riding stables; the raising of sheep or goats; the raising of buffalo, lama, ostrich, emus, alpacas the raising of swine; tree crops; market gardening; bee keeping; wood lots; such uses or enterprises as are customarily carried on in the field of general agriculture. "Farm" includes a single-family dwelling house, and such principal or main buildings and structure as a barn or silo, as well as accessory buildings and structures that are incidental to the operation of the farm. Farm operations shall be governed by Provincial and Federal legislation.

FINISHED GRADE

See grade.

FIRST STOREY

As defined in the Ontario Building Code, as amended.

FLOOD PROOFED

Shall refer to the measures taken to ensure that a structure or building is safe from the effects of flooding per the Ontario Building Code, as amended.

FLOOR AREA, HABITABLE

The area contained within the outside walls of a structure, excluding in the case of a dwelling any private garage, carport, porch, verandah, sunroom (unless habitable year-round), patio, breezeway, unfinished attic or cellar.

FORESTRY USE

The general raising and harvesting of wood, and without limiting the generality of the foregoing, shall include the raising and cutting of fuel wood, pulpwood, lumber, Christmas trees and other forest products.

FRONTAGE

See lot width.

FUEL STORAGE TANK

A tank for the bulk storage of petroleum products or other inflammable fluids or kept on the premises in a retail store or a tank for storage incidental to the primary use of the premises, in compliance with TSSA regulations.

GARAGE, COMMERCIAL

A building other than a private garage used for the care, repair, or equipment of motor vehicles, or where such vehicles are parked or stored for remuneration, hire or sale.

GARAGE, PRIVATE

An accessory building or portion of a building designed or used for the sheltering of private motor vehicles and recreational vehicles and is incidental to the residential occupancy and in which there are no facilities for the repairing or servicing of vehicles for remuneration or commercial use.

GAS BAR

A depot for the dispensing of gasoline, oil, anti-freeze and other minor accessory products for the safe operation of vehicles, such as wiper blades, air, solvents, but not including oil changes, motor repair, car greasing, vehicle repair or sale of used or new vehicles.

GAZEBO

A detached roofed accessory structure which is not enclosed, except for screening or glass and which is utilized for the purposes of relaxation in conjunction with a

residential dwelling but shall not include any other use or activity otherwise defined or classified in this By-law.

GOLF COURSE

A public or private area operated for the purpose of playing golf and includes a par 3 golf course, club house and recreational facilities, accessory driving ranges and miniature golf courses and similar uses.

GRADE

Per the Ontario Building Code, as amended.

GROUP HOME - A

A single housekeeping unit in a residential dwelling unit in which three to ten unrelated persons exclusive of supervisory staff or receiving persons, live as a residential unit under responsible supervision consistent with the particular requirements of its residents. The home is licensed and/or approved for funding under Provincial Statutes and in compliance with municipal by-laws.

GROUP HOME - B

A Group Home - A which primarily serves individuals who have been convicted under the Criminal Code of Canada or the Young Offenders Act.

HEAVY EQUIPMENT SALES AND RENTAL

A building or part of a building or structure in which heavy machinery and equipment are offered or kept for sale, rent, lease or hire under agreement for compensation, but shall not include any other establishment defined or classified by this By-law.

HEIGHT and HEIGHT OF BUILDING or STRUCTURE

The vertical distance between the average elevation of the finished surface of the ground at the front of the building and a horizontal plane through:

- a) the highest point of the roof in the case of a building with a flat roof or a roof having a slope of less than 20 degrees:
- b) the average point between eaves and ridges in the case of a pitched, gambrel, mansard or hipped roof, or a roof having a slope of more than 20 degrees.

HIGH WATER MARK SETBACK

The setback will be measured from the normal controlled high water mark of the lake or river. This means the mark made by the action of water on the shore or bank of a body of water which action has been so common and usual that it has created a difference between the character of the vegetation or soil on one side of the mark and the character and vegetation on the other side of the mark.

HOME FOR THE AGED

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

HOME DAY CARE

The temporary care for reward or compensation of five children or less who are under ten years of age where such care is provided in a private residence, other than the home of a parent or guardian of any such child, for a continuous period not exceeding twenty-four hours.

HOME INDUSTRY

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

There shall be no display, no outdoor storage of materials or commodity sold upon the premises. Not more than one employee who is not a resident of the dwelling unit may operate in and from the accessory building. The residential character of the property shall not be changed. The use shall not create or become a nuisance because of noise, dust, odour, traffic, or otherwise interfere with the enjoyment of the residential amenities of the neighbourhood.

HOME OCCUPATION or HOME PROFESSION

Home occupations are permitted in detached, semi-detached or duplex dwellings in any zone provided that:

- i) The profession or occupation shall be carried on by an occupant of the dwelling;
- ii) Not more than one assistant, who is not a resident of the dwelling unit may operate in and from the dwelling;
- iii) Not more than 25% of the total floor area of the dwelling unit is devoted to the home occupation;
- iv) One off-street parking space shall be provided for each 18 square metres of floor area devoted to the home occupation in addition to that required for the dwelling unit;
- v) The residential character of the dwelling shall not be changed;
- vi) It shall not create or become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interfere with the enjoyment of the residential amenities of the neighbourhood;
- vii) There shall be no outside storage or display of materials, containers, or finished products, and no mechanical equipment used except that of a type used for housekeeping purposes and/or recreational hobbies;
- viii) Where a home occupation is the office of a veterinarian, physician, dentist, taxidermist, the use shall be for consultation and emergency treatment and not as a clinic or a hospital.

HOTEL

A building or part of a building that contains a general kitchen and dining room and other public rooms, the remaining rooms of which contain no provision for

cooking, and are usually rented by *the traveling public* as places of abode; and includes a hostel for men or women. A hotel *may* also include all premises licensed under the Liquor License Act, permanent staff accommodation, and such meeting, convention and recreation facilities as may be associated with such uses.

IMPROVED PUBLIC ROAD

A road or highway under the jurisdiction of the Province of Ontario or the City, or a private road within a registered Plan of Condominium which is maintained so as to allow normal vehicular access to adjacent properties and which, in the case of a municipal road, has been constructed to municipal standards

INDOOR PARTICIPANT RECREATION SERVICE

A development providing facilities within an enclosed building for sports and active recreation where patrons are predominantly participants. Typical uses include: athletic clubs, health and fitness clubs, curling, roller skating and hockey rinks, swimming pools, rifle and pistol ranges, bowling alleys and racquet clubs. This also includes an Eating and Drinking establishment if accessory to a permitted use.

INSTITUTION

A building or part of a building used for a non-commercial purpose by an organized body or society for promoting a particular object or cause, including but not limited to schools, government offices, places of worship, but exclusive of a private club.

LANDSCAPED OPEN SPACE

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

LANDSCAPING BUFFER STRIP

An open space free of buildings or structures which is used for the growing and maintenance of an unpierced row of shrubs, trees or other natural vegetation.

LANE

A public thoroughfare which may afford only a secondary means of access for vehicular traffic to abutting lots and which is not intended for general traffic circulation.

LAUNDROMAT

A building or structure where the service of commercial laundry machines, using only water, detergents and additives are made available to the public for the purpose of laundry cleaning.

LIGHT EQUIPMENT SALES AND RENTAL ESTABLISHMENT

A building or structure or part of a building or structure in which light machinery and equipment such as air compressors and related tools and accessories; augers; automotive tools; cleaning equipment; light compaction equipment; concrete and masonry equipment; electric tools and accessories; fastening devices such as staplers and tackers; floor and carpet tools; gasoline generators; jacks and hydraulic equipment; lawn and garden tools; ladders; moving equipment; painting and decorating equipment; pipe tools and accessories; plumbing tools and accessories; pumps; hoses; scaffolding; welding equipment; and, other similar tools and appurtenances are offered or kept for rent, lease or hire under agreement for compensation, but shall not include any other establishment defined or classified in this By-law.

LIVESTOCK UNIT

The number of livestock or poultry that would produce 68-77 kg (150-170 pounds) of nitrogen in their manure. This amount of manure is sufficient to provide the nitrogen fertilizer requirements for .4 hectare (1 acre) of corn. The following table provides information on the number of livestock units associated with various types of livestock or poultry. Any type of livestock not specifically referred to in the table shall be as determined by the Ministry of Agriculture and Food.

LOADING SPACE

An off street space or berth on the same lot with a building, or contiguous with a group of buildings, for the temporary parking of a vehicle while loading or unloading merchandise or materials, and which abuts upon a street, lane or other appropriate means of access.

LOT

A parcel of land which may be lawfully conveyed pursuant to Section 49 of the Planning Act, R.S.O. 1990.

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

- a) Which is a whole lot within a Registered Plan of Subdivision, or lot within a Plan of Condominium other than a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a by-law passed under Section 49 of The Planning Act, S.O., 1983, as amended; or
- b) Which is a legally separated parcel of land in existence on the date of passing of this by-law without the owner holding the fee or equity or redemption in, or power or right to grant, assign or exercise a power of appointment with respect to any abutting land; or
- c) The description of which is the same as in a deed which has received final consent to a conveyance pursuant to Section 49 of The Planning Act;

- d) Which is the whole remnant remaining to an owner or owners after a conveyance is made with final consent pursuant to Section 40 of The Planning Act, as amended, but for the purpose of this paragraph no parcel or tract of land ceases to be a lot by reason only of the fact that a part or parts of it has or have been conveyed to or acquired by the City of Kenora, Her Majesty in the Right of Ontario or Her Majesty in the Right of Canada; or,
- e) Which is the subject of an order of the Minister of Municipal Affairs and Housing pursuant to the provisions of Section 56 of The Planning Act, as amended.

LOT AREA

The total horizontal area within the lot lines of a lot.

LOT, CORNER

A lot situated at the intersection of two or more streets, or at the intersection of a street and a railway right of way.

LOT COVERAGE

The percent of the lot area covered by buildings, structures and covered decks excluding parking areas, driveways, patios and sidewalks.

LOT DEPTH

The horizontal distance between the front and rear lot lines. Where these lines are not parallel, it shall be the length of a line joining the mid point of the front lot line to either the mid point of the rear lot line or apex of the triangle formed by the side lot lines.

LOT FRONTAGE

All that portion of a zoning site fronting on a street and measured between lot lines. If the zoning site abuts a navigable waterway, the frontage shall be measured abutting the waterway.

LOT, INTERIOR

A lot other than a corner lot.

LOT LINE

Any boundary of a lot.

LOT LINE, EXTERIOR

The side lot line that abuts the street, opened laneway or railway right of way, on a corner lot.

LOT LINE, FRONT

The lot line that abuts the street, but in the case of any lot having one side abutting water, or abutting a shore line reserve, or shore line road allowance, the front lot line shall be the line so abutting.

- a) In the case of a corner lot or through lot, the shorter lot line that abuts the street or waterway shall be deemed to be the front lot line and the longer lot line shall be deemed the exterior side lot line.
- b) In the case where a lot abuts only a road cul-de-sac, all of the frontage on the road cul-de-sac shall be deemed to be the front lot line.
- c) In the case that a lot abuts a publically owned and maintained road and a navigable waterway, both lot lines will be deemed to be front lot lines.

LOT LINE, REAR

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

LOT LINE, SIDE

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

LOT, THROUGH

A lot bounded on opposite sides by streets.

LOT, WATERFRONT

A lot which has water access on a shoreline either directly, or abutting a shoreline reserve, or unopened shoreline road allowance.

LOT WIDTH

The horizontal distance between the side lot lines of a lot, measured at right angles to the lot depth at a point midway between the front and rear lot lines, or at 15.24 m (50 feet) from the front lot line, and the lesser of these distances is the lot frontage.

MANUFACTURING, GENERAL

The use of land, buildings or structures designed for the purpose of manufacturing , assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, or storing or adapting for sale of any goods, substance, article or thing, including the storage of building and construction equipment and materials, but not including any obnoxious industry, mine, pit, quarry or oil well.

MANUFACTURING, LIGHT

The assembly, packaging or repair or fabrication of goods and materials utilizing materials which have been manufactured in another location and which does not produce waste water in excess of 4500 litres per day, chemical by-products or utilize an area for outdoor storage of goods or materials except for equipment or vehicles which are for sale, lease or hire. Not to create unusual fire, explosion or safety hazards, noise in excess of average intensity of street and traffic noise in the area in question, not to emit smoke, dust, dirt, toxic or offensive odours or gas and no production of heat or glare perceptible from any adjacent property.

MARINA

A commercial establishment or premises, containing docking facilities and located on a water body, where boats or boat accessories are berthed, *launched*, stored, serviced, repaired or kept for sale or rent and where facilities for the sale of marine fuels and lubricants may be provided and may include a convenience store as an accessory use.

MARINE ACCESSORY

An accessory building or structure which is used to place a boat into or take a boat out of a water body or used to moor, to berth or to store a boat. This definition may include a boat launching ramp, boatlift, dock or boathouse, but shall not include any building used for human habitation nor any boat service, repair or sales facility or retail use.

MOBILE HOME

A transportable dwelling unit suitable for long term occupancy, designed to be transported on its own wheels or by other means and arriving at a site ready for occupancy apart from incidental accessories and mechanical connections such as location on foundation supports or anchoring arrangements and connections to utilities. Such dwelling shall be certified to have been manufactured to CAN/CSA-Z240.2.1-M86 structural requirements for mobile homes. *This does not include a park model home.*

MOBILE HOME PARK

A tract of land under single ownership, or condominium, which has been planned and intended for the placement of mobile homes, and which consists of a group of not less than two (2) individually serviced sites for the location of mobile homes.

MOBILE HOME SITE

A parcel of land within a mobile home park that is serviced and used for the exclusive purposes of one mobile home.

MODULAR HOME

Any dwelling that is designed in more than one unit and is designed to be made mobile on a temporary basis, and constructed or manufactured to provide a

permanent residence for one or more persons, but does not include a mobile home, recreational travel trailer or recreational motor vehicle as defined herein. A modular home shall meet CSA A-277 standards.

MOTEL

A structure containing a series of living or sleeping units with individual interior sanitary conveniences and may include housekeeping facilities.

MOTOR HOME

A vehicle designed to be used as temporary accommodation for travel, recreational and vacation purposes and being independent of municipal sewer, water and electrical services, and licensed under the Highway Traffic Act.

MOTOR VEHICLE

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

MOTOR VEHICLE, COMMERCIAL

Any commercial motor vehicle within the meaning of The Highway Traffic Act, as amended.

MUNICIPAL, DISTRICT OR PROVINCIAL MAINTENANCE AND/OR STORAGE YARD

Any land, building and/or structure owned by the Corporation of the City of Kenora, Public Utilities Commission or the Province of Ontario and used for the storage, maintenance and/or repair of material, equipment, machinery and/or motor vehicles used in connection with civic works.

MUSEUM

An institution that is established for the purpose of acquiring, conserving, studying, interpreting, assembling and exhibiting to the public for its instruction and enjoyment, a collection of artifacts of *cultural or* historical interest.

NON-COMPLYING

A lot, building or structure that does not fulfill the requirements of the zone provisions for the zone in which it is located.

NON-CONFORMING

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

use or activity be discontinued for a period over one hundred and eighty (180) days, the use will not be allowed to continue.

NURSERY OR GREENHOUSE, COMMERCIAL

A building or structure, and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation together with gardening tools and associated goods which are sold at retail from such building or lot to the general public.

OBNOXIOUS USE

Any use which is a nuisance to the occupants or owners of any neighbouring land or building by reason of the emission of odours, gases, dirt, smoke, noise, vibration, fumes, cinder, soot, waste or the depositing or leaving of unsightly objects or chattels thereon or otherwise as defined in the Public Health Act.

OPEN STORAGE

Goods, materials, or refuse associated with a use, located outside of a building or structure visually screened by a fence or other visual barrier, but shall not include such items where they are not in the direct ownership of the occupant.

OUTDOOR PARTICIPANT RECREATION SERVICE

A development providing facilities which are available to the public at large for sports and active recreation conducted outdoors. Typical uses golf courses, driving ranges, ski hills, sports fields, volley ball courts, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, outdoor swimming pools, bowling greens, riding stables and fitness trails. This also includes an Eating and Drinking Establishment as an accessory to the permitted use.

OUTSIDE STORAGE

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

PARK MODEL HOME

Manufactured buildings designed and constructed in conformance with CAN/CSA-Z241 Series-M and used or intended to be used as a seasonal recreational building of residential occupancy.

PARK, PRIVATE RECREATIONAL

An open space or recreational area, other than a public park, operated on a commercial and/or private member basis, and which includes one or more of the following facilities or activities:

- a) Areas for walking, riding and cross-country skiing, soccer matches, snowmobiling, but does not include the racing of animals, motor vehicles, motor cycles or snowmobiles;

- b) Recreational or playground areas such as picnic areas, tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields;
- c) An accessory clubhouse or storage building; and,
- d) Parking lots accessory to the foregoing.

PARK, PUBLIC

Any open space or recreational area, owned or controlled by the City or any Board, Commission or other Authority established under any statute of the Province of Ontario.

PARKING AREA

An area or areas of land or a building or part thereof which is provided and maintained upon the same lot or lots upon which the principal use is located for the purpose of storing motor vehicles.

PARKING LOT

A parking area forming the principal use of a lot.

PARKING SPACE

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

PARKING SPACE, BARRIER FREE

An area having a minimum width of 2.75 metres and a minimum length of 7 metres plus a 1.5 metre access aisle and all other specifications of the Ontario Building Code.

PATIO

A platform or surfaced area without a roof, the surface of which is not more than 0.3 metres above finished grade, and has no void between the ground and the structure, which is designed and intended for use as an accessory to a dwelling or commercial use.

PERSON

An individual, association, firm, partnership, corporation, trust, organization, trustee or agent, and the heirs, executors or legal representatives of the person to whom the context can apply according to law.

PERSONAL SERVICE ESTABLISHMENT

A building or part of a building in which persons are employed in furnishing services and otherwise administering to individual personal needs of patrons. Examples are: barber shops, hair salons, beauty spas, tanning salons, aesthetic shops, shoe repair shops.

PIT

A place where unconsolidated gravel, stone, sand, earth, *top soil*, clay, fill, mineral or other material is being or has been removed by means of open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside pit, *quarry*, or an excavation for a building or structure.

PLACE OF WORSHIP

Includes, but is not limited to churches, chapels, temples, mosques, parish halls and synagogues including offices for the administration of the religious institution, convents, seminaries, monasteries, rectories, parsonages and parish houses.

PLACE OF AMUSEMENT

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

PORTABLE PROCESSING PLANT

Any equipment for the crushing, screening or washing of sand and gravel aggregate materials, but not including a concrete batching plant or an asphalt plant, which equipment is capable of being readily drawn or readily propelled by a motor vehicle and which equipment is not considered permanently affixed to the site.

PRINCIPAL OR MAIN BUILDING

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

PRIVATE CLUB

A non-profit, non-commercial organization, which carries on social, cultural, athletic and/or recreational activities. Private clubs may include rooms for eating, serving of alcohol and assembly.

PRIVATE ROAD

A private right-of-way over property or Crown land that affords access to abutting lots and is not maintained by a public body.

PROVINCIAL HIGHWAY

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

PUBLIC AUTHORITY

Any Federal, Provincial, District or Municipal agencies, and includes any commission, board, authority or department established by such agency and shall include, TransCanada Pipeline, KMTS, Kenora Hydro, Hydro One Inc. and Bell Canada.

QUARRY

Land from which consolidated aggregate has been, is being, or may be excavated, blasted or crushed, but does not include a wayside quarry, or an excavation for a building or structure.

RECREATIONAL ESTABLISHMENT

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

RESORT

A tourist establishment that provides accommodation throughout all or part of the year and that may or may not have facilities for serving meals and furnishes equipment, supplies or services to persons in connection with angling, hunting, camping or recreational purposes could put area visitors and may include a Liquor Licensed Premises and accommodation facilities for staff.

RESTAURANT

A building or part of a building where food is prepared and offered or kept for retail sale to the public for immediate consumption either on or off the premises.

RETAIL STORE

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

RIDING SCHOOL OR BOARDING STABLE

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

SALVAGE OR WRECKING YARD

A place where motor vehicles are wrecked or disassembled and resold; a place where second-hand goods, including waste paper, bottles, automobile tires, clothing and/or other scrap materials and salvage are to be sorted and a place where lumber and used building materials are stored for sale or resale.

SATELLITE DISH

A structure used for the reception of television or radio signals relayed via a transmitter orbiting the Earth.

SCHOOL

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

SERVICE OR REPAIR SHOP

A shop for the servicing, repairing, installing or renting of things and equipment as well as facilities for accessory retail sales.

SET-BACK

The least horizontal distance measured from and at right angles to the street line abutting a front lot line to the nearest part of any building or structure on the lot, or the nearest open storage use of the lot.

SEWAGE

The wastewater and matter from any uses.

SEWAGE SERVICES FACILITY

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

SHOPPING CENTRE

A group of commercial establishments designed, developed and owned as a unit, as opposed to a business area comprising unrelated individual commercial establishments.

SLEEP CABIN

A building accessory to and subordinate to a permitted residential use designed to provide additional sleeping quarters for occasional guests of the owner. A sleep cabin shall be a maximum size of 53.5 m², or 575 square feet.

STOREY

A storey is that part of a building between the surface of one floor and the ceiling above. However, a cellar is not to be considered a storey.

STREET OR ROAD

Any highway, road, boulevard, square or other improved thoroughfare 9 metres or more in width, which has been dedicated or deeded for public use.

STREET LINE

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

STRUCTURE

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

STUDIO

Building, or part thereof, used as a workplace for a photographer, craftsman or artist, or for the instruction of art, music, dancing, languages or similar

disciplines. The sale of any artifacts produced therein shall only be as an accessory use.

TAVERN

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

TOURIST ESTABLISHMENT

Any premises operated to provide sleeping accommodations for the traveling public or sleeping accommodations for the use of the public engaging in recreational activities, and includes the services and facilities in connection with which sleeping accommodation is provided but does not include:

- a) A camp operated by a charitable corporation, approved under the Charitable Institutions Act, R.S.O. 1980, as amended;
- b) A summer camp within the meaning of the regulations made under The Health Protection and Promotion Act, S.O., 1983, as amended;
- c) A club owned by its own members and operated without profit or gain; or
- d) A tent and trailer park.

TRAILER

A vehicle that is, at any time, drawn upon a highway by a motor vehicle, another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn and, for the purposes of this By-law, does not include a mobile home.

TRAILER, TRAVEL OR TENT

Any trailer which is designed to be temporarily utilized for living, shelter and sleeping accommodation, with or without cooking facilities, and which has running gear and towing equipment permanently attached and a current license and is not permanently affixed to the ground.

TRANSPORTATION DEPOT

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

UTILITY SERVICE, MAJOR IMPACT

A development for public utility infrastructure purposes, likely to have a major impact on the environment or adjacent uses by virtue of its appearance, noise, size, traffic generation, or operational characteristics. Typical uses include sanitary landfill sites, sewage treatment plants, sewage lagoons, garbage transfer and compacting stations, waste recycling plants.

UTILITY SERVICE, MINOR IMPACT

A development for public utility infrastructure purposes, likely to have a some impact on the environment or adjacent uses by virtue of its appearance, noise, size, traffic generation, or operational characteristics. Typical uses include telephone exchanges, wire centers, switching centers, sewer lift stations, power terminals, distribution substations.

USE

- a) Any purpose for which a building or other structure or a parcel of land may be designed, arranged, intended, maintained, or occupied; or,
- b) Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a parcel of land.

VEHICLE

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

VEHICLE, RECREATIONAL

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

VESSEL

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

WAREHOUSE

A building or part of a building used for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities for a wholesale or retail commercial outlet, provided that they do not exceed 10 per cent (10%) of the gross floor area, but shall not include a truck or transport terminal or yard.

WASTE DISPOSAL AREA

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

WATERCOURSE

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

WATER SERVICES OR FACILITY

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

WAYSIDE PIT OR WAYSIDE QUARRY

A temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of a road construction and not located on the road right of way.

WORKSHOP

A building or structure where manufacturing is performed by tradesmen requiring manual or mechanical skills, and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, a plumbing and electrical contractor's or heating/air conditioning contractor's shop, a commercial welder's shop, or similar uses.

YARD

Any open, uncovered, unoccupied space appurtenant to a building.

YARD, EXTERIOR SIDE

A side yard immediately adjacent to an exterior lot line.

YARD, FRONT

A yard extending across the full width of the lot between the front lot line and the nearest wall of any building or structure on the lot for which the yard is required. On islands where there is only one lot, all yards shall be considered as front yards.

YARD, FRONT DEPTH

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

YARD, REAR

A yard extending across the full width of the lot between the rear lot line and the nearest wall of any building or structure on the lot for which the yard is required.

YARD, REAR DEPTH

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

YARD, REQUIRED

The minimum yard requirement by the provisions of this By-law.

YARD, SIDE

A yard extending from the front yard to the rear yard between the side lot line and the nearest wall of any building on the lot for which the yard is required.

YARD, SIDE EXTERIOR

A side yard immediately adjoining a public street or railway right of way.

YARD, SIDE INTERIOR

A side yard other than an exterior side yard.

YARD, SIDE, WIDTH

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

6.0 EXCEPTIONS

The provisions of this by-law have been modified for the lands to which the exceptions described below have been applied, and are shown on the Zoning Schedules (Maps) by the applicable exception number indicated in the zone code.

Where an exception applies,, the provisions imposed by that exception prevail over any other provisions in this by-law.

1. Notwithstanding any other provisions of this by-law, on the lands noted by (1) on the Schedules to the by-law, a recreational vehicle is permitted to be used for human habitation until December 31, 2013.
2. Notwithstanding any other provisions of this by-law, on the lands noted by (2) on the Schedules to the by-law, a sleep cabin up to 70 square meters in size is permitted.
3. Notwithstanding residential and commercial uses that may overlap in this zone, and any other provisions of this by-law, on the lands noted by (3) on the Schedules to the by-law, the cutting, removal or burning of any trees or other natural vegetation is prohibited within 300 metres of the centre line of Highway 71 is prohibited. Routine highway maintenance such as brushing, clearing and ditching in the highway right of way is exempt from this provision, as is the cutting of ornamental holiday trees and fuel wood for personal use.
4. Notwithstanding any other provisions of this by-law, on the lands noted by (4) on the Schedules to the by-law, a maximum of 23 dwelling units are permitted, with a maximum height restriction of 6 metres.
5. Notwithstanding any other provisions of this by-law, on the lands noted by (5) on the Schedules to the by-law, a maximum of 10 dwelling units are permitted, with maximum height restriction of 4.5 metres.

APPENDICES

Land Use Schedules “A”, “B”, “C”, “D” and “E”.