

THE CORPORATION OF THE CITY OF ELLIOT LAKE

ZONING BY-LAW

**Draft for Open House
August 2017**

B y-law No. 18-_____

Being a by-law to regulate the use of land and the erection, use, bulk, height and location of buildings and structures in The Corporation of the City of Elliot Lake and to repeal By-law No. 87-40, as amended.

Insert signed by-law

DRAFT

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The Council of The Corporation of the City of Elliot Lake Enacts as follows:

1 TITLE

This by-law shall be known as the “Zoning By-law” or By-law 18-___ for The Corporation of the City of Elliot Lake.

2 INTERPRETATION AND SCOPE

2.1 Interpretation

In interpreting and applying the provisions of this by-law they shall be held to be the minimum requirements for the promotion of public health, safety, comfort, convenience and general welfare.

2.2 Scope

The provisions of this by-law shall apply to all of the lands included in The Corporation of the City of Elliot Lake, the boundaries of which are shown on the zoning map attached. No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged within the limits of The Corporation of the City of Elliot Lake except in conformity with the provisions of this by-law.

3 **DEFINITIONS**

For the purposes of this by-law the definitions and interpretations given in this section shall govern.

ACCESSORY USE: a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

ADULT ENTERTAINMENT BUSINESS: any premises or part thereof including a retail store, entertainment parlour, or other business in which the principle trade provided, in pursuance of a trade, calling, business, occupation, goods, or services appeals to or is designed to appeal to erotic or sexual appetites or inclinations

ALTER:

- i) when used in reference to a building, structure or part thereof: to change any one or more of the external dimensions of such building or structure; or to change the type of construction of the exterior walls or roof of such building or structure; or to change the use of such building or structure; or to change the number of uses or dwelling units contained therein.
- ii) when used in reference to a lot: to change the boundary of such lot with respect to a street or lane; or to change any dimension or area, relating to such lot, which is covered herein by a zone provision; or to change the use of such lot; or to change the number of uses located thereon.

ART GALLERY: a place or area where paintings, sculptures, or other works of art are exhibited or sold.

AUTOMOBILE BODY SHOP: a building or part thereof designed or used for the painting, rebuilding and reconditioning of automobiles but does not include any other establishment otherwise defined or classified. (03-42)

AUTOMOBILE DEALERSHIP: the franchise establishment of a particular automobile manufacturer for the sale of new automobiles and as an accessory use may include the sale of used automobiles and includes all levels of repairs and service to such vehicles but does not include an Automobile Body Shop or collision centre.

AUTOMOBILE SALES ESTABLISHMENT: a use for the storing, sale or offering for sale at retail, any automotive vehicle and accessories for such vehicles and shall include recreational vehicles not over 10.67 metres in length

AUTOMOBILE SERVICE STATION: a building or premises used solely or principally for the storing, sale or offering for sale at retail of any automotive fuels, lubricants and automobile accessories and shall include only minor repairs to automobiles as an accessory use.

AUTOMOTIVE HEAVY: an establishment engaged in providing major repair services to all classes of automotive and heavy vehicles and may include those uses allowed in automotive light establishments.

AUTOMOTIVE LIGHT: an establishment used primarily conducting incidental work to automobiles, utility and recreational vehicles through such light and unobtrusive functions as cleaning, minor adjustments, equipping and replacement of components for such vehicles and may include; lubrication centres, automotive cleaning & detailing establishments, tire shops, alignment centres, muffler shops, auto glass

shops, auto sound system shops, but excludes work described as Automotive Heavy and work on industrial equipment and vehicles

BED & BREAKFAST ESTABLISHMENT: a private detached single dwelling designed to be used in part for the accommodation travelling or vacationing public, containing four (4) or fewer suites or guest rooms

BOARDING HOUSE: any house or building, in which the proprietor resides, where meals, lodging or meals and lodging are provided for compensation for not more than four (4) persons other than the proprietor and his immediate family.

BOAT HOUSE: a building or structure or part thereof, used for the storage, shelter of private boats, personal watercraft or other forms of water transportation and equipment accessory to their use, but shall not be used for human habitation nor be equipped with pressurized potable water or sanitary facilities.

BREEDING AND BOARDING ESTABLISHMENT: any premises where dogs or cats are boarded, bred or trained for a fee. **(92-28)**

BUILDERS, CONTRACTORS' YARD: a yard of any general contractor or builder accessory to a permitted non-residential building where equipment and materials are stored or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified. **(03-42)**

BUILDING: a structure having a roof supported by columns or walls and intended for the shelter or accommodation of persons, animals, goods or chattels.

ACCESSORY BUILDING: a subordinate structure, single storey building or portion of the main building, the use of which is customarily incidental and subordinate to that of the main building, and not used for human habitation, except in the instance of sleeping cabins accessory to summer cottages and summer resorts, located on the same lot with the main building, and shall include a pool and a carport. **(89-71)**

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

BUILDING, MAIN: the building in which is conducted the principal use of the lot on which the building is erected.

BUILDING SUPPLY OUTLET: an establishment engaged in the selling or installing of building supplies including lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning and similar items. This definition shall not include any establishment otherwise defined herein or specifically named elsewhere in this By-law.

BUSINESS, PROFESSIONAL AND/OR ADMINISTRATIVE OFFICE: a building or structure used for the purpose of providing accommodation for the offices of a professional person or persons employed in administering, directing, managing or conducting the affairs of a business or enterprise and for any purpose incidental thereto and may include the office of a non-profit or government organization. **(00-35)**

CARPORT: a structure which is designed and used for the sheltering of private passenger motor vehicles or commercial vehicles not in excess of 3,178 kilograms gross weight (weight of vehicle plus load) and which complies with the following requirements:

- i) the carport shall be attached to the main building and have a roof supported by column piers or walls; and
- ii) the total perimeter enclosed by walls, doors, windows, etc. shall not exceed sixty (60%) percent.

CEMETERY: a mausoleum, a columbarium, a crematorium and means land that is set apart or used as a place for the interment of the dead.

CHILD CARE CENTRE: a premises operated by a person licensed under the *Child Care and Early Years Act* to provide temporary care for or supervision of children.

CLINIC: a building or part thereof used solely for the purpose of consultations, clinical or medical services, dentists, optometrists, chiropractors, drugless practitioners, or massage therapist together with their qualified assistants, but does not include a Medical Clinic where three or more legally qualified physicians are practicing. **(13-73)**

COMMUNITY GARDEN: land used for the growing and harvesting of plants, grains, vegetables, or fruits and provided the crops are for the sole use, donation or consumption by the individual or individuals growing or working the community garden. It shall not be considered as landscaped area, landscape open space, landscaped strip or landscaping.

CONVENIENCE STORE: a retail store used primarily for the sale of grocery and confectionary items and incidentally for the sale of such other merchandise or sundries as is required to fulfill the day-to-day needs of the surrounding community and may include a video rental outlet but does not include the sale of garden supplies or Christmas trees. **(00-35)**

COVERAGE: the percentage of the land or lot area covered by buildings and structures.

DAYLIGHTING TRIANGLE OR SIGHT TRIANGLE: a triangular area free of buildings and/or structures, which is included as part of a street and which is established by measuring, from the point of intersection of the street lot lines of a rectangular corner lot a given distance along such street lot lines and joining such points with a straight line. The triangular shaped land between the intersecting street lot lines and the straight line joining the points along the street lot lines from their point of intersection is the Daylighting Triangle or Sight Triangle.

DWELLING: a building or portion thereof designed exclusively for residential occupancy for one (1) or more persons, but shall not include a boarding house, rooming house, hotel or private hotel.

ACCESSORY DWELLING UNIT: a dwelling unit which is accessory to a permitted Non-Residential use and is occupied either by the owner of such Non-Residential use or by a family of a person, or person employed on the lot where such dwelling is located.

APARTMENT BUILDING: a separate building designed exclusively to contain three (3) or more dwelling units divided horizontally.

BOARDING HOUSE: a dwelling or portion thereof, erected prior to the date of passing of this By-

law, which contains **not more than four guest rooms** wherein, for gain or profit, lodgings, with or without meals, are provided to the public.

DUPLEX DWELLING: a separate building designed exclusively to contain only two (2) dwelling units divided horizontally.

GARDEN SUITE / GRANNY FLAT: a temporary, one-unit, self-contained, and portable detached residential structure that is intended for short –term accommodation and is clearly ancillary to and on the same lot as a single or semi-detached dwelling, and excludes a trailer as defined herein.

GROUP HOME: a single housekeeping unit in a residential dwelling in which 3 to 9 unrelated residents excluding staff or receiving family, live as a family under responsible supervision consistent with the requirements of its residents and includes a home licensed or approved under the Provincial statute as a Special Care Residential Home, Supportive Housing Program, Adult Community Mental Health Program, Children's Residence, Accommodation Services for the Developmentally Handicapped, Satellite Residences for Seniors and Halfway Houses for the Socially Disadvantaged, in compliance with municipal by-laws

MOBILE HOME: a dwelling designed to be mobile and transported on its own chassis (notwithstanding that its running gear is or may be removed), or by other means, and designed and equipped for year-round occupancy in accordance with Canadian Standards Association Standard Z240. This definition shall not include any tourist vehicle, travel trailer, or any trailer.

MODULAR HOME: a prefabricated dwelling manufactured at one location and delivered and assembled on another lot.

RESIDENTIAL CARE HOME: a dwelling in which the owner resides and where assisted living services are provided to the tenants such as personal care, meal preparation, laundry and cleaning services. **(01-7)**

ROWHOUSE: a unit of townhousing situated exclusively on a lot.

ROWHOUSE, INTERIOR: a rowhouse with two common walls.

ROWHOUSE, END: a rowhouse with one common wall. **(94-82)**

SEASONAL/RECREATIONAL DWELLING: a single detached dwelling containing one (1) dwelling unit constructed as a secondary place of residence and is not the principal place of residence by the owner or occupier thereof.

SECONDARY DWELLING UNIT (BASEMENT APARTMENT, OR IN-LAW SUITE): a self-contained dwelling unit that is ancillary and subordinate to a main dwelling that may be contained within the main building or in an accessory building.

SEMI-DETACHED BUILDING: a separate building designed exclusively to contain only two (2) dwelling units divided vertically.

SINGLE DWELLING: a separate building designed exclusively to contain only one (1) dwelling

unit.

SLEEP CABIN: an accessory building or structure located on the same lot as the principal building or structure, the accessory use being for sleeping accommodations in which neither cooking or sanitary facilities or pressurized water shall be provided.

TOWNHOUSING: a separate building designed exclusively to contain not less than three (3) but not more than six (6) attached dwellings, each dwelling unit being divided vertically.

DWELLING UNIT: a room or suite of two (2) or more rooms designed or intended for use by a person or persons, in which is provided for the exclusive use of such person or persons sanitary conveniences and facilities for cooking or installation of cooking equipment, with a private entrance from outside the building or from a common hallway or stairway inside.

DWELLING UNIT AREA: the floor area of a dwelling unit measured within the interior faces of the exterior walls of the dwelling unit. The floor area in the basement shall not be included in the calculations of the dwelling unit area.

EATING ESTABLISHMENT: a building or part of a building where food is offered for sale or sold to the public and includes a restaurant, cafe, tea or lunch room, dairy bar, coffee shop, or refreshment room or stand and includes other similar uses.

EXISTING: in existence on the date of passing of this By-law.

FARMER'S MARKET: a building or structure used for the sale of fresh fruit, vegetables, grains and edible plants which are grown on a farm on a seasonal basis. Products derived from the farm produce may also be sold.

FENCE: a structure which forms a barrier for enclosing, bounding, delineating, or protecting land.

FLOOD PLAIN: the area below the high water mark of a waterbody.

FLOOR AREA: for a building other than a dwelling, the total area of all floors contained within the outside walls of the building.

GROSS FLOOR AREA: the aggregate of the floor areas of all the storeys of a building including the floor area of any basement but not of any cellar, and which floor areas are measured between the exterior faces of the building at each floor level but excluding car parking areas within the building and, for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls.

GROSS LEASABLE FLOOR AREA: the gross floor area designated for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, as expressed in square metres measured from centre lines of joint partitions and exteriors of outside walls, but not including offices, hotels or places of assembly.

GROUND FLOOR AREA: the floor area of the lowest storey of a building approximately at or first above the average finished grade level, excluding any basement or cellar, which area is measured between the exterior faces of the exterior walls at the floor level of such storey, but

- i) excludes car parking areas within the building; and
- ii) for the purpose of this paragraph the walls of an inner court are and shall be deemed to be exterior walls.

FORESTRY USE: the management, development, and cultivation of timber resources.

FUNERAL HOME: a building used to prepare, preserve, and display human remains for a limited period of time and which accommodates mourners and other persons who may visit during funeral and memorial services.

GARAGE

COMMERCIAL GARAGE: see Automobile Body Shop or Automotive Service Station

PORTABLE GARAGE: a prefabricated structure usually constructed with a metal, wood, or plastic frame and covered with a tarpaulin or other similar type of fabric or plastic cover, used primarily for the storage of a vehicle and other items.

PRIVATE GARAGE: a single storey accessory building which is designed primarily for the sheltering of a private motor vehicle and does not exceed 10% of the lot area or 68 m², whichever is the lesser. **(00-21)**

GARDEN CENTRE: an outdoor area primarily used for the retail of gardening equipment, products and planting materials.

GAS BAR: facilities for the sale at retail of automotive fuels and other related products such as oils and windshield cleaners and shall not include any accessory uses.

GOVERNMENT OFFICE: a municipal office, courthouse, registry office, health or welfare centre, employment office, post office, customs office, or other use for purposes of local or government administration.

GRAVEL PIT: any open excavation made for the removal of any soil, earth, clay, marl, sand, gravel or unconsolidated rock to supply such material for construction, industrial or manufacturing purposes. This definition shall not include: any excavation incidental to the erection of a building or structure for which a building permit has been issued; any excavation incidental to the construction of any public works; any asphalt plant, cement manufacturing plant or concrete batching plant; and any wayside pit as defined herein.

HEIGHT: the perpendicular distance measured from the average finished elevation of the ground abutting the building to the highest point of the roof joists in the case of flat roofs or to the point halfway up the roof in the case of pitched roofs. Where the height is designated in terms of storeys it shall mean the designated number of storeys above and including the first storey. A mezzanine floor or floors shall not be considered as increasing the height of a building in storeys, provided that their aggregate area does not exceed forty (40%) percent of the area of the room or storey in which they are located, provided further that the space beneath the mezzanine is not enclosed and provided that the mezzanine overhang does not exceed forty (40%) percent of the least dimension of any room in which it is located.

HIGH WATER MARK: the mark made by the action of water under natural conditions on the shore or bank of a body of water, which action has been so common and usual and so long continued that it has created a difference between the character vegetation or soil on one side mark and the character vegetation or soil on the other side mark and as established by an Ontario Land Surveyor

HOME BASED BUSINESS: an occupation, trade, business, profession, or craft carried on as an accessory use to the use of a dwelling and shall include the following:

- a) Instruction in or businesses involving music, academic subjects, religion, dancing, arts and crafts such as pottery, weaving, painting or sculpting, sewing, hairdressing, aesthetics, or similar uses;
- b) Businesses involving work conducted primarily in other locations, such as those operated by electricians, plumbers, carpenters, or operators of commercial vehicles, including school buses, provided that the storage of commercial vehicles, equipment, or materials does not take place at the residence;
- c) Businesses involving the repair of small appliances, radios, televisions, and similar items, skate or knife sharpening or similar uses;
- d) An office used by a physician, dentist, or other medical practitioner, an insurance agent, accountant, engineer, sales person, or a person engaged in a similar occupation; and
- e) A home or in-home child care centre;
- f) A bed and breakfast as defined herein.

HOTEL: a hotel, inn or public house, in one (1) building or two (2) or more connected buildings, designed and used for the purpose of catering to the needs of the travelling public by the supply of food in combination with other refreshments or entertainment, and also by the furnishing of sleeping accommodation consisting of not less than six (6) bedrooms, but shall not include any other building or connected buildings used mainly for the purpose of supplying food and lodging by the week or otherwise, commonly referred to as boarding houses.

INSTITUTIONAL USE: a building, structure, or lot used by an public entity, organized body, religious group or society for an educational or non-profit, non-commercial purpose. This definition may include a library, school, religious use, child care centre, private club, community and recreation facility, or any public use.

LANE: a public thoroughfare other than a street or pedestrian way having a minimum width of 6.10 metres which affords only a secondary means of vehicular access to abutting lots and which is not intended for general traffic circulation. In the case of lots intended for commercial uses then such a lane may be the primary means of vehicular access provided such lots are also served by a pedestrian way.

LICENCED BEVERAGE ESTABLISHMENT: a use where the primary function is for supply of alcoholic and other beverages to be consumed on the premises

LOADING SPACE: a space or bay located on a lot which is used or intended to be used for the temporary parking of any commercial vehicle while loading or unloading goods, merchandise, or materials used in connection with the use of the lot or any building thereon.

LOT: a lot or block within a registered plan of subdivision or a lot of record which fronts or abuts upon a street or pedestrian way.

CORNER LOT: a lot situated at the intersection of two (2) streets, or a lot having two (2) or more street lot lines on the same street which street lot lines include an angle of not more than one hundred and twenty-five (125) degrees, and where such street lot lines are curved the angle included by the street lot lines shall be deemed to be the angle formed by the tangents to the street lot lines drawn through the extremities of the side lot lines.

EXISTING LOT: a lot which, on the date of passing of this By-law, was capable of being legally conveyed in accordance with the *Planning Act*.

INTERIOR LOT: a lot other than a corner lot.

STANDARD WATERFRONT LOT: a lot which has water access on one shoreline.

THROUGH LOT: a lot, other than a corner lot, which has street access on two or more street lines, but has no water access.

LOT AREA: the total horizontal area contained within the lot lines of a lot.

LOT COVERAGE: the land actually covered by buildings or structures on any one particular lot, and shall not include carports, garages, or swimming pools.

LOT LINE: any boundary of a lot.

LOT LINE, REAR: the lot line opposite the street lot line in the case of interior lots only.

LOT LINE, SIDE: any lot line other than the street lot line or the rear lot line in the case of interior lots, and any lot line other than a street lot line in the case of corner lots.

LOT LINE, STREET: any lot line that divides a lot from the street.

LOT WIDTH - INTERIOR LOT: the horizontal distance between the side lot lines measured on a line 6.0 metres back from the street lot line and parallel to it.

LOT WIDTH - CORNER LOT: the horizontal distance between the longest street lot line and the opposite side lot line, measured along a line 6.0 metres back from and parallel to the shorter street lot line, except in the case:

- i) where the street lot lines are curved, in which case, the lot width shall be calculated on the basis that the street lot lines are deemed to be the tangents produced to their points of intersection, from the points of intersection of the side lot lines and curved street lot line; or
- ii) where a corner lot indicates that a daylighting triangle has been removed or has a rounded corner, in which case, the lot width shall be calculated on the basis that the street lot lines shall be deemed to comprise the street lines produced to their point of intersection.

MARINA: the use of land, buildings, or structures for the purpose of the hiring or keeping for hire, storing, docking, fuelling, outfitting, repairing, or servicing of boats, recreation vehicles, or aero planes.

MOBILE HOME PARK: a lot under single management which has been planned and divided into mobile home sites for the placement of 2 or more mobile homes as a permanent residential use.

MOBILE HOME SITE: the space for the placement of one mobile home and for the exclusive use of its occupants.

MULTI-USE FACILITY: a facility that offers a variety of programs of a recreational, cultural, day care, social, community service, informational, instructional, or municipal nature, and may include, as a portion of it, a medical facility.

NET HECTARE: the area of the parcel of land on which, development is proposed or existing, expressed in hectares, excluding all non-residential land uses such as roads, schools, commercial sites and parks.

NON-COMPLYING: a lot, building or structure which does not comply with one or more of the zone provisions of the zone in which such lot, building or structure is located.

NON-CONFORMING: a use, building, or structure which is not a permitted use in the zone where such use, building, or structure is located.

OPEN STORAGE, OPEN AIR STORAGE, OUTSIDE STORAGE: land outside a building used for the storage of equipment, goods or materials. This definition shall not include a salvage yard, a parking area, a delivery space or a loading space. **(03-42)**

OPERATING MACHINERY: any apparatus having one or more moving parts which are driven by a power other than muscular power, including air conditioners, electric motors, compressors and heat exchangers and meet the following criteria:

- i) incidental to the main use or accessory use property; and
- ii) connected to the Main Building by way of brackets, electrical power lines, air ducts or similar connectors.

PARK: an area dedicated to recreation use and generally characterized by its natural, historic or landscape features and which can be used for both passive and active forms of recreation and may be designated to serve residents of a neighbourhood or community.

PARKING AREA: a lot or portion thereof that is used for the parking of three (3) or more automobiles.

PARKING FACILITIES: a parking area that is required to be provided by this by-law.

PARKING SPACE: an area required for parking of one (1) automobile, and having a minimum area of 16.66 square metres measuring 3.04 metres by 5.48 metres exclusive of driveways or aisles and shall include garages located in "R1", "R1M", "R2" and "R2M" Zones provided they meet the minimum parking space dimensions.

PARKING STATION: a parking area that is provided by a public authority.

PEDESTRIAN WAY: a public thoroughfare intended exclusively for pedestrians.

PERSONAL SERVICE SHOP: a building or part of a building in which not more than twelve (12) persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons and without limiting the generality of the foregoing may include such establishments as barber shops, beauty parlours, hairdressing shops, hand laundries, self-service laundries, shoe repair and shoe shining shops, valets and depots for collecting dry-cleaning and laundry, dry-cleaning establishments, and self-service dry-cleaning establishments.

PET SERVICES: a building or part thereof in which goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail, and may include services for pets including grooming but not including boarding or veterinary services, and provided direct access is provided to the outside of the building. **(13-73)**

PIT: land where unconsolidated gravel, sand, clay, peat, or other earthen material is being or has been removed by means of excavation as defined in the *Aggregate Resources Act*.

PLACE OF ASSEMBLY: a building or part of a building which is intended for public or private meetings or demonstrations and more particularly shall include theatres, motion picture halls, dance halls, pool halls, meeting halls, bowling alleys and arenas. Notwithstanding the provisions of the foregoing a dance hall or meeting room attached to a restaurant, hotel or to other retail premises as an ancillary use and having a floor area of not more than 92.90 square metres shall not be considered as a place of assembly for the purposes of this by-law.

PRIVATE CLUB: a lawn bowling, tennis, badminton, curling or other athletic, social or recreational club not operated for profit, and includes a fraternal organization.

PUBLIC USE: a building, structure or lot used for public services by the municipality, any local board of the municipality, any Authority, Board, Commission, or Ministry established under any statute of Ontario or Canada, any telephone or telegraph company, any public utility corporation, any railway company or similar recognized agencies.

RECREATION CENTRE, COMMUNITY: a building, structure, or lands, or part thereof, owned or operated by a non-profit or charitable institution or a public agency, where facilities are provided primarily for athletic or recreational activities or events, and includes, without limiting the generality of the foregoing, an arena and a public pool.

RECREATIONAL COMMERCIAL ESTABLISHMENT: an establishment, premises or Building where any recreational, social or cultural uses are operated commercially for profit on lands in private ownership, such as health clubs, golf courses, open or enclosed badminton or tennis courts, squash courts, bowling alleys, gymnasias, band shell or open theatre and other similar uses except as otherwise specifically defined in this By-Law.

RENEWABLE ENERGY GENERATION FACILITY: a facility that generates electricity from a renewable energy source, inclusive of a dam, powerhouse, solar power installations, transmission lines, and all associated lands, improvements and infrastructure required for its operation, for the generation and transmission of electricity therefrom.

RETAIL BUSINESS: the use of a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail, but does not include any

establishment otherwise defined or classified herein.

SALVAGE YARD: a lot and/or building or portion thereof where used goods, wares, merchandise, articles, motor vehicles, machinery or parts thereof are processed or sold for future use, dismantled or abandoned. A salvage yard includes a junk yard, a scrap metal yard or recycling depot and an automobile wrecking yard. **(03-42)**

SCHOOL: an institutional use for education under the jurisdiction of a Board as defined in the *Education Act*.

SEASONAL TRAILER: a vehicle so constructed to be suitable for attachment to a motor vehicle for the purpose of being drawn or propelled and does not mean any vehicle unless it is used or intended for the short-term camping, living, sleeping or eating accommodation of persons.

SEASONAL TRAILER PARK: a parcel of land used or maintained for the activity of seasonal camping where campers provide their own sleeping facilities such as seasonal trailers or tents;

SHIPPING CONTAINERS/SEA CANS: any pre-fabricated metal unit/container that is self-contained, used for the transport of goods by means of rail, truck, or cargo ship, and is larger than three (3) square metres.

SHOPPING CENTRE: a group of commercial establishments designed, developed and managed as a unit by a single owner or tenant, or group of owners or tenants, as opposed to a business area comprising unrelated individual commercial establishments.

SIMILAR USE: a use determined to be similar by the Chief Building Official in consultation with the City Clerk and such use is consistent with the character of uses listed as permitted in the zone designation.

SOLAR POWER INSTALLATIONS

-, **ACCESSORY:** systems designed to capture the sun's energy and convert it to electricity. Such systems may be tied to the electrical grid, however they are clearly secondary and subordinate in nature to the main use on the property.

-, **COMMERCIAL:** systems designed to capture the sun's energy for the sole purpose of selling power back to the electrical grid. This definition does not include those installations which have received a Renewable Energy Approval.

STOREY: that portion of a building other than a cellar or a basement, between the surface of any floor and the surface of the floor next above it, if there be no floor above it, that portion between the surface of such floor and the ceiling above it.

FIRST STOREY: the lowest storey of a building.

BASEMENT: that portion of a building other than a storey and which is below the floor surface of the first storey and the floor of which is 0.76 metres or more below the average finished level of the adjoining ground, and includes a cellar. A basement shall be counted as a storey for the purposes of height measurement if the vertical distance between the underside of the floor joist and the average finished level of the adjoining ground is more than 1.52 metres.

STREET: a public highway, or a private thoroughfare of not less than 15.24 metres in width, which affords a principal means of vehicular access to the abutting lots.

STRUCTURE: anything, except a retaining wall, that is erected, built or constructed of parts joined together, the use of which requires location on the ground or attached to something requiring location on the ground. **(96-1)**

TEMPORARY: anything that is not intended to be permanent, and is intended for removal or demolition within a prescribed time.

TRADING POST: a retail store, located on a highway, which sells souvenirs, articles and provisions intended primarily for sale to the tourist trade.

UTILITY SHEDS: a one storey accessory structure not exceeding 22.3 square metres and used for storage or domestic workshop purposes. **(89-71)**

WIND TURBINE/GENERATING SYSTEM

-, **ACCESSORY:** a structure or structures which harness wind energy for the primary purpose of on-site consumption. Such structures can be tied into the electrical grid; however their primary purpose is to provide power to the buildings and uses located on-site.

-, **COMMERCIAL:** a structure or structures which harness wind energy for the sole purpose of selling it back to the electrical grid for off-site consumption. This definition does not include those installations which have received a Renewable Energy Approval.

YARD: an open uncovered and unoccupied space appurtenant to a building.

RESERVED YARD: that part of a yard lying between the front lot line, side lot lines, and the building line and also includes that area of a corner lot abutting a street and lying between the front lot line, rear lot line, and side lot line.

In this by-law, words used in the present tense include the future; words in the singular number include the plural; words in the plural include the singular number.

In this by-law, the word "shall" is mandatory and not directory.

In this by-law, the word "person" shall include a corporation.

4 **ZONES**

4.1 **Classification of Zones**

For the purpose of this by-law, The Corporation of the City of Elliot Lake has been divided into various use zones as follows:

| <u>Title of Zone</u> | <u>Short Title</u> |
|---|---------------------------|
| Residential One and Two Unit Dwelling | "R1" Zone |
| Residential One and Two Unit Dwelling-M | "R1M" Zone |
| Residential Multiple Dwelling | "R2" Zone |
| Residential Multiple Dwelling-M | "R2M" Zone |
| Residential Mobile Home Park | "RMP" Zone |
| Central Commercial | "C1" Zone |
| Tourist Highway Commercial | "C2" Zone |
| Neighbourhood Commercial | "C3" Zone |
| Shopping Centre Commercial | "C4" Zone |
| Industrial | "M" Zone |
| Clean Industrial | "CM" Zone (90-83) |
| Institutional | "I" Zone |
| Public Open Space | "O" Zone |
| Park | "P" Zone |
| Rural A | "RA" Zone |
| Rural B | "RB" Zone |
| Shoreline Residential | "RS" Zone (03-8) |
| Rural Estate | "RE" Zone |

4.2 **Zoning Map**

The series of plans attached hereto are collectively designated as the zoning map, and hereafter wherever the term "zoning map" is used it refers to these plans. The zoning map attached hereto as Schedule "A" forms part of this by-law.

4.3 **Boundaries of the Zones**

If any uncertainty exists with respect to the boundaries of the various zones, as shown on the zoning map, the following rules shall apply:

- (a) **Street, Lanes and Watercourses**: where a zone boundary is indicated as approximately following a street or lane, whether opened or unopened, or watercourse, the boundary shall be the centre line of such street, lane or watercourse;
- (b) **Lot Lines**: where a zone boundary is indicated as approximately following lot lines, the

boundary shall follow such lot lines;

- (c) Closed Street or Lane: in the event a dedicated street or lane shown on the zoning map is closed and such street or lane was a zone boundary between two (2) or more different zones, the new zone boundary shall be the former centre line of the closed street or lane.

4.4 Special Exception Zones

Where a zone symbol is followed by a dash and a number (for example "R1-1"), this denotes a special exception zone. The permitted uses and the zone provisions for such special exception zone shall be set out in subsections of the Section of this By-law applicable to the said zone symbol.

4.5 Holding "H" Designation

Any zone classification detailed in Section 4.1 above may be placed in a "Holding" classification. Said lands will be shown on the Zoning Map (Schedule A) with the word "Holding" or the letter "H" following the underlying zone symbol.

It is the intent to designate certain lands as being in a "Holding" classification where development is conditional upon the provision of municipal services, special study, or where conformity with the policies of The Corporation of the City of Elliot Lake need to be established. Any parcel or area of land may be further classified as a holding zone with the addition of the suffix "-h". The following regulations shall apply to all zones with the "H" designation:

- a) No person shall use any land or erect or use any building or structure for any purpose whether or not in conformity with the respective zone designations other than those uses existing for such land, building, or structure on the date of passing of this By-law until such time as the land has been rezoned to remove the "H" designation.
- b) Any change from the holding status shall require an amendment to this By-law, and the Municipality may require that the applicant enter into an agreement for the development of his/her lands prior to the amendment being approved.

4.6 Temporary Use By-laws

Temporary use By-laws may have been passed by the municipality to allow temporary uses pursuant to Section 39 of the *Planning Act*. Temporary uses are shown on the schedules as special exceptions and details concerning the temporary use are included in the special exception text within the specific zone category.

5 GENERAL REGULATIONS FOR ALL ZONES

5.1 Accessory Uses

5.1.1 Accessory Buildings Prior to Erection of Main Building

No accessory building shall be erected prior to the erection of the main building on the same lot, except where it is necessary for the storage of the tools, and materials for use in connection with the construction of the main building or structure, and no such accessory building shall, prior to the erection of the main building, be used for any purpose other than storage.

5.1.2 Accessory Dwelling Units, Secondary Units (basement apartments, in-law suites), and Garden Suites

Where these uses are permitted, they are subject to the following provisions:

- (i) No more than an amount equal to 40 % of the gross floor area of the principal dwelling, use, may be developed for a secondary dwelling unit or garden suite, except where a basement unit is created, in which case, there is no maximum size;
- (ii) The accessory apartment is designed and located in such a manner to not have an impact on the streetscape or character of the surrounding neighbourhood;
- (iii) Parking shall be provided in accordance with Section 6, and Tandem parking in the existing driveway is permitted;
- (iv) An accessory apartment is permitted in a detached dwelling which is serviced by private, individual systems, provided it can be demonstrated that the private sewage disposal system can accommodate the change in use; and
- (v) Garden suites must comply with the setbacks for accessory buildings.

5.1.3 Garages

A private garage in a residential zone shall be no larger than the ground floor area of the primary residential dwelling.

5.1.4 Outdoor Furnaces

An outdoor furnace shall only be permitted in RA, RB, RS, and RE Zones, subject to the following provisions:

- (i) The furnace is only to be installed on lots having an area of 0.4047 ha or greater.

5.1.5 Portable Garages

Portable garages are permitted in all residential zones, subject to the following provisions:

- (i) Such structure is located behind the front building line; and
- (ii) Such structure meets all building line provisions.

5.1.6 Shipping Containers

No object such as a trailer, vessel, storage container, ship container or part of a vehicle shall be used as a building or structure except for storage, and only as accessory structures to a primary use in the Industrial Zone, or as otherwise permitted by this by-law. **(07-32) (2017 amendment)**

Notwithstanding the provisions of this by-law, the use of a trailer, vessel, storage container or ship container may be permitted on a temporary basis for storage of tools, equipment and materials at a construction site or for other purposes of a temporary nature subject to the execution of an undertaking to remove the container within one year, signed by the owner of land where the container is to be temporarily located. **(11-23)**

5.1.7 Solar Panels

Accessory solar power installations may be installed in any zone, subject to the following provisions:

- (i) Freestanding accessory structures shall not be located in the front yard.

5.1.8 Swimming Pools

In a Residential Zone, a private swimming pool and structures in conjunction with such a swimming pool may be erected and used in the required interior side yard or rear yard in accordance with the City's Swimming Pool By-law and provided:

- (i) No part of such swimming pool shall be located closer than 1.2 m to any rear or side lot line; and
- (ii) Such swimming pool shall not count towards lot coverage of accessory uses or total lot coverage.

5.1.9 Wind Turbines

Notwithstanding any other provisions of this By-law to the contrary, a wind turbine shall be permitted as an accessory use to a permitted residential use on any part, parcel, lot or block in the RA, RB, and RE zones provided such land is not less than 0.3 hectares in area.

Building Line Requirements: Wind turbine structures shall be set back from the property line one and one half times the height tower and where the height is in excess of 10 metres the tower shall be located a distance of at least three (3) times its height from the nearest property line. The tower shall also be setback 10 metres from any above ground utility line, except a utility line used to connect the subject property to a local utility.

5.2 Building Line Encroachments

The following encroachments are permitted beyond the building line:

- i) Sills, belt course, cornices, eaves or gutters, chimney breasts and pilasters may project beyond any building line a distance of not more than 0.61 metres.
- ii) Fire escapes may project into a reserved rear yard a distance of not more than 1.52 metres.
- iii) Balconies, canopies and unenclosed porches may project beyond any building line other than building line that is parallel to a side lot line, a distance of not more than 1.83 metres. For the purpose of allowable encroachments for accessory structures, lot coverage for the above structures shall not be included in the calculation. **(00-21)(00-35)**
- iv) Balconies and canopies where located above the level of the ceiling of the first storey may project beyond a building line that is parallel to a side lot line, a distance of not more than 1.2 metres.
- v) Stairs may project such that they are located no closer than 0.6 metres to any lot line.
- vi) Barrier free access ramps, unenclosed with no roof or walls, designed to the requirements of The Ontario Building Code, wholly contained within the lot, may project beyond any building line other than a building line that is parallel to the side lot line. **(95-87)**
- vii) The following provisions shall apply to all "R1", "RIM", "R2", "R2M", and "RMP" zones. Notwithstanding any other provisions of this by-law to the contrary, operating machinery shall:
 - a) be permitted between the building line and a rear lot line;
 - b) not be permitted between the nearest wall of any building and a side lot line except where such wall is adjacent to a street;
 - c) not be permitted between the building line and street lot line, except not more than 1.8 metres from the main wall of a dwelling;
 - d) not have its exhaust or intake directed toward a side lot line of an adjoining lot if such adjoining lot may lawfully be used for residential purposes;
 - e) not be located closer than 0.6 metres from any lot line.

5.3 Community Gardens and Farm Produce/Product Stands

All buildings and structures shall comply with the accessory structure regulations of the zone in which the use is located.

5.4 Established Building Line in Residential Zones

For the purposes of lots located in a Residential "R1" and "R2" Zone, with existing dwellings that conform to previously legal front building line setbacks, the building line from the street lot lines shall be deemed to be the legal non-conforming building line from the street lot lines. **(95-104)**

5.5 Fences

Unless otherwise provided for in this by-law or any other by-law of the Corporation, fences shall be permitted subject to the following provisions:

| | |
|---|--|
| Height, maximum , in a "R1", "R1M", "R2" and "R2M" Zone | 0.9 metres in front of the front building line, provided it does not create an issue with line-of-sight and 1.9 metres behind the front building line. (95-112) |
| Height, maximum, all other zones: | 2.44 metres |

5.6 Home Based Businesses

The following uses shall be considered permitted accessory uses to any residential use:

- i) Home Based Businesses and Domestic Arts:
 - o Instruction in or business involving music, religion, dancing, arts and crafts, sewing, hairdressing, aesthetics; academics, typing, drafting, or similar activities, or any other activity defined as a home based business in this By-law.
- ii) Professional Uses:
 - o An office or consulting room for a physician, surgeon, dentist or other medical practitioner, insurance agent, lawyer, engineer, architect, accountant, sales person, or persons engaged in a similar occupation, or a building contractor's private office.

The permitted accessory home based businesses, domestic arts, and professional offices are subject to the following provisions:

- i) No more than one person, other than a resident on the premises, shall be engaged in the business;
- ii) If the business is located in the primary dwelling, no more than 25% of the total floor area of the dwelling shall be used for such purposes;
- iii) Businesses may be located in a garage or other accessory structure;
- iv) There shall be no external display or advertising other than a legal sign, indicating to persons outside, that a part of the dwelling house or dwelling unit is being used for a purpose other than residential. Such legal sign shall not be flashing;
- v) There shall be no goods, wares, or merchandise, other than arts and crafts produced or products used on the premises, offered or exposed for sale or rent on the premises or outside the premises;
- vi) The home based business, domestic art, and/or professional use, shall be clearly secondary to the main residential use and shall not change the residential character of the dwelling house or dwelling unit.
- vii) The activity shall not create or become a nuisance, in particular, in regard to noise, odour, vibration, traffic, television or radio reception, or parking.

- viii) Parking requirements shall be calculated as per Section 6 of the Zoning By-law.
- ix) Home based businesses may be subject to Site Plan Control.

5.7 Licences, Permits, Other By-laws and Government Regulations

Nothing in this by-law shall exempt any person from complying with the requirements of any other by-law in force within The Corporation of the City of Elliot Lake, or from obtaining any licence, permission, permit, authority or approval required by this or any other by-law of The Corporation of the City of Elliot Lake.

When the regulations or requirements of any department of Government impose greater restrictions than the restrictions imposed by this by-law, then the greater restrictions shall apply.

5.8 Reserved Yards

Every part of any reserved yard shall be open and unobstructed from the ground to the sky, except for fences, trees, shrubs, gardens, permitted accessory buildings and any parking area that is not stated hereafter as specifically excluded.

5.9 Reduction of Lot Area and Movement of Lot Lines

No person shall reduce any lot built upon in area or move a lot line, either by conveyance or alienation of any portion thereof or otherwise so that the reserved yards provided will be less than the minimum permitted by this by-law for the zone in which such lot is located.

5.10 Height Exceptions

The provisions of this by-law shall not apply to limit the height of any municipal building, ornamental dome, chimney, tower, cupola, steeple, church spire, water storage tank, electrical apparatus, or structures for mechanical equipment required for the operation of the building such as an elevator.

5.11 Lots Created by Consent or When Part-lot Control Has Been Removed

5.11.1 Notwithstanding any other provisions herein the following shall apply to all lots created by consent or when Part-lot Control has been removed in "R1", "R1M", "R2", and "R2M" Zones:

| | |
|--|-------------------------------|
| Lot area, minimum: | n/a |
| Building line from lot line creating the division between dwelling units, minimum: | 0.0 metres |
| Building line from new side lot line, minimum: | distance to existing dwelling |

5.11.2 Notwithstanding any other provisions herein the following shall apply to all lots created by consent or when Part-lot Control has been removed in "R1" and "R1M" Zones:

| | |
|---------------------|--|
| Lot width, minimum: | n/a |
| Parking, minimum: | 1 parking space within the lot, to be located behind the building line from the street lot line. |

5.12 Lots Without Buildings

Where a lot is occupied for permitted uses and having no buildings or structures thereon, the reserved yards for the zone where the lot is located, shall be provided and maintained, except as stated in Section 5.3.

5.13 Non-Conforming Uses and Yard Requirements Prior to December 7, 1987

All uses and all construction in existence prior to the passing of By-Law 87-40 will be deemed to be in conformance with this by-law.

5.14 Park Model Homes

Park Model Homes, single dwelling mobile homes or house trailers shall be permitted only in the Residential Mobile Home Park "RMP" Zone. **(03-79)**

5.15 Public Uses Permitted

The following uses are permitted in any zone:

- i) Any land may be used and any building or structure may be erected and used for the purposes of a Public Authority, so long as zone requirements are complied with, and with the exception of a waste disposal site.
- ii) Public services such as water mains, sewers, telephone and electrical transmission lines, including booster stations, water storage tanks, pumping stations, electric substations and telephone exchanges, provided that any building or structure erected in any zone complies with the building lines appurtenant to that zone and that the land surrounding the building or structure is landscaped to a standard of not less than the standards of the area, but is not subject to the lot area requirements for the zone in which it is located;
- iii) Neighbourhood Police Service sub-stations shall be permitted in any residential zone provided that any building or structure erected or used complies with the applicable requirements of the zone and that the land surrounding the building or structure is landscaped to a standard of not less than the standards of the area. **(95-19)**

5.16 Site Plan Control

In accordance with the provisions of Section 41 of the *Planning Act*, By-Law 00-53, as amended, designating Site Plan Control referenced to the class or classes of development or redevelopment shall apply to the zone categories and development types as stated in the said by-law.

5.17 Temporary Uses

Temporary uses shall be regulated as follows:

- i) Uses incidental to construction such as construction camp or other such temporary work camp, a tool shed, scaffold or other building or structure incidental to the construction, provided that these uses are permitted in any zone only for so long as they are necessary for work in progress which has neither finished or been abandoned.
- ii) Other temporary uses may be authorized from time to time by Zoning By-law amendment pursuant to Section 39 of the *Planning Act*.

5.18 Water and Sewage Disposal Services-Municipal or On-site (Private) Services

No building permit shall be issued for any building or structure which requires municipal or on-site (private) sanitary sewage services unless the building permit application is accompanied by a Certificate of Approval issued under the *Building Code Act* or the lands are serviced with municipal water and sewer services, whichever is applicable for the proposed method of sewage disposal. The servicing of lands with municipal sewer and water services is intended to include lands for which the services have not been installed but which are subject to a valid subdivision or development agreement providing for such services. Wells (on-site water services) shall be constructed in accordance with the requirements of Ontario Regulation 903. **(03-8)**

6 PARKING PROVISIONS and OFF-STREET LOADING PROVISIONS FOR ALL ZONES

The owner of every building, structure or use erected or used on any land in the City for any purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupant or other persons entering upon or making use said premises from time to time, parking spaces, aisles driveways and areas as follows: Unless stated otherwise, parking requirements based on an area criteria shall be calculated on Floor Area as defined.

| TYPE OF USE | MINIMUM PARKING SPACES REQUIRED TO BE PROVIDED |
|--|---|
| Residential Uses | |
| Single Dwelling | 1 space |
| All lots created by consent or removal of Part Lot Control | 1 space |
| Boarding Houses | 1 space for each boarder |
| Semi-Detached & Duplex Dwellings | 1 space per dwelling unit |
| Apartment Units/Buildings in C1 Zone Only | 1 space per dwelling unit |
| All Other Apartment Units/Building and Townhouse Blocks | 1.5 spaces per dwelling unit |
| Townhouses (individually owned) | 2 spaces per dwelling unit |
| Group Home | 3 spaces |
| Non- Residential Uses | |
| Retail Stores | 4 spaces per 115 sq. metres of floor area on ground floor, 2 spaces per 93 sq. metres of floor area on all other floors |
| Retail or Wholesale Store in of Industrial MI Zones | 4 spaces per 115 sq. metres only floor area used for retail or wholesale purposes |
| Offices (including Government) | 3.5 per 93 sq. metres of floor area |
| Eating Establishment & Licensed Beverage Establishment | 1 per 4 seats |
| Places of Assembly with fixed seats | 1 per 4 seats |
| Places of Assembly with non-fixed seats, with or without tables | 1 per 7 sq. metres of floor area |
| Private Clubs | 5 per 93 sq. metres of floor area |
| Hotels | 1 per 2 guest rooms & 1 per 2 employees, plus requirements for other uses |
| Motels | 1 per guest room & 1 per 2 employees, plus requirements for other uses |
| Bed & Breakfast Establishment | 1 space per guest room plus 1 space for the single dwelling |
| Vacation Hotels, Motels, Tourist Camps and Other Vacation Establishments, all in Rural B Zones, where direct road access to the lot is available | 1 space for each bedroom |
| Non-Residential Uses in Rural B Zones direct road access to the lot is available_ | 1 space to be located on the lot, for each 3 lineal metres of dock face designed for boat mooring purposes |

| TYPE OF USE | MINIMUM PARKING SPACES REQUIRED TO BE PROVIDED |
|---|---|
| Barber Shops & Hairdressing Shops | 1 per 4.5 sq. metres of floor area |
| Personal Service Shops | 1 per 14 sq. metres of floor area |
| Day Nursery or Day Care Centre | 4 spaces per 93 sq. metres of gross floor area. |
| Shopping Centres in C4 Zone | 3.5 spaces per 93 sq. metres of gross leasable floor plus additional spaces for the following: |
| -Place of Assembly | 1 space per 6 seats |
| -Hotel | 1 space per guest room |
| -Offices | 1 space per 37.1 sq. metres of gross floor area in excess of 20% of the gross leasable floor area |
| Industrial or Manufacturing Use | 1 space for each 2 employees |
| Warehouses or Outside Storage | 1 space for each 3 employees |
| Builders', Contractors Yards | 1 per 93 sq. metres of outside storage area or 1 per employee |
| Bulk-oil Dealerships | 2 spaces for every 3 employees |
| Clean Industrial (M2) Zone uses | 1 space per 46 sq. metres of gross floor area or 1 space per employee, whichever is greater |
| Elementary & Secondary Schools | 1 space per employee |
| Post -Secondary Schools | 5 spaces per classroom |
| Medical Clinics | 5 spaces per practitioner |
| Churches & Church Halls | 1 space for each 5 seats |
| Sunday School, when not forming part of a church or church hall | 1 space per teacher |
| Hospitals | 1 space per 2 beds plus 1 per employee |
| Transition House for Women in Distress | 7 spaces |
| Automobile Service Station, Automotive Heavy, Automobile Body Shop, Automotive Light, Automobile Dealership | 1 per employee; 1 per repair bay and 1 per 37 sq. metres of floor area, not including repair bays |
| Printing and Publishing Establishments | 2 per 100 sq. metres of floor area |
| Bake shops | 1 per 27.8 sq. metres floor area |
| Video Rental Outlets | 1 per 14 sq. metres of floor area |
| Funeral Homes | 1 per 7 sq. metres of floor area devoted to public use |
| Public Storage Warehouses | 1 per 800 sq. metres of floor area |
| Training Centres | 1 per 20 sq. metres of floor area |
| Financial Institutions | 1 per 18.5 Sq. metres of floor area |
| Courier Office & Depot | 1 space per 2 employees plus 1 space for each vehicle operating from the site |
| Dry Cleaning Establishment | 1 per 28 sq. metres of floor area |
| Garden Centre (stand alone) | 1 space per 28 sq. metres of outdoor or in-door space |
| Gas Bar | 1 per employee plus one for each 4 pumps |

| TYPE OF USE | MINIMUM PARKING SPACES REQUIRED TO BE PROVIDED |
|--|--|
| Recreational Commercial Establishment | 1 per 4 persons of indoor and/or outdoor design capacity |
| Bingo Halls | 1 per 7 sq. metres of floor area |
| Arcades | 1 per amusement device plus 1 per game table |
| Auctions | 1 per 2 seats or 2 per 9.3 sq. metres |
| Bus Terminal | 1 per 19 sq. metres of waiting area |
| Buildings with 3 or more commercial uses | 5 per 93 square metres of floor area |
| Any general business and commercial uses | 1 per 27.8 sq. metres of floor area not specifically listed above. |

6.1 Aisle and Parking Area -Design (see Appendix "A" illustration)

| Parking Space Aisle | Perpendicular Stall Width | Perpendicular Distance From Parking Stall End to Driveway | Minimum Driveway Or Aisle Width | Minimum with parking with parking space on one side only | Parking Area Width spaces on both sides |
|---------------------|---------------------------|---|---------------------------------|--|---|
| 90° | 2.8 metres | 5.8 metres | 6.7 metres | 12.5 metres | 18.3 metres |
| 60° | 2.8 metres | 6.4 metres | 5.5 metres | 11.9 metres | 18.3 metres |
| 45° | 2.8 metres | 6.0 metres | 4 metres | 10 metres | 16 metres |
| 30° | 2.8 metres | 5.5 metres | 3.4 metres | 8.9 metres | 14.4 metres |
| Parallel | 2.8 metres | Min. Parking space length: 8 metres | 3.0 metres | 5.8 metres | 8.6 metres |

6.2 Exceptions

- 6.2.1 Except for apartment dwellings, off-street parking need not be provided for lands in a C1 Zone where such lands are located within 100 metres of a municipal parking station.
- 6.2.2 The number of parking spaces that could reasonably be provided on the lot or adjacent property intended for such parking, shall be deemed to satisfy the parking space requirements, of Section 6 of this By-Law, for any building in existence at the date of the passing of this by-law provided that the gross floor area, as it existed at such date, is not increased and no change in use occurs. If an addition is made to the building or structure which increases the gross floor area, or a change in use occurs requiring a greater parking demand, then additional parking spaces for the addition or area changed in use, shall be provided.

6.3 Accessible Parking Spaces

In the case of Multiple Residential (i.e., apartment dwellings and cluster housing), Commercial, Industrial, and Institutional Uses, parking spaces for the exclusive use of persons with disabilities shall be provided in accordance with the following table:

| Total Parking Spaces Required | Minimum Accessible Spaces Required |
|-------------------------------|------------------------------------|
| Up to 5: | 0 |
| 6-10: | 1 |

| | |
|--|--------------------|
| 11-50: | 2 |
| 51-100: | 3 |
| For each additional 50 spaces thereof: | 1 additional space |

Accessible parking spaces shall be a minimum of 4.6 metres (15 feet) x 6.1 metres (20 feet).

6.4 Interpretation

6.4.1 Seating Capacity

Where reference is made to seating capacity, 1 seat is equal to 0.5 metres of bench space.

6.4.2 Employees

Where reference is made to number of employees, the number is the maximum number of persons employed on the premises at one time.

6.4.3 Rounding

Where the application of ratios result in a fraction of a parking space, the required number of spaces shall be rounded to the next highest whole number.

6.5 Location of Parking

- i) Subject to subsection 6.2.1 all parking spaces required by this by-law shall be on the same lot or block as the building or use they serve.
- ii) In all "R1" and "R1M" zones and for single dwellings conforming to Section 22.4, required parking spaces shall be provided within the lot and shall be located behind the building line opposite the street lot line except in the case of corner lots where required parking spaces shall be located behind one building line opposite the street lot line .
- iii) No employee or visitor parking spaces in a M2 Zone shall be permitted in the front yard or side yard adjacent to a Residential Zone.
- iv) In all R2 and R2M zones, both required parking spaces for each individually owned townhouse unit shall be located on the same lot and one such space shall be behind the front building line.
- v) The minimum distance between a driveway and intersecting street lines at a corner, measured along street lines shall be 7 metres.
- vi) Any recreational vehicle shall be permitted in a Residential Zone provided it is parked behind the front building line.

6.6 Parking Standards in a C4 Zone

All parking lots and circulation roads shall be paved surfaces with a minimum slope of one (1 %) percent and a maximum slope of eight (8%) percent.

6.7 Supplementary Requirements for Parking Areas and Parking Stations

The following regulations shall apply to all parking areas and parking stations:

- i) Parking areas shall be provided with at least one (1) entrance and one (1) exit for vehicles, and the provision of driveways or aisles for the removal of a vehicle without the necessity of moving any other vehicle.
- ii) The area shall be drained and maintained with a stable surface which is treated so as to prevent the rising of dust or loose particles.
- iii) Where parking areas are provided in any zone and lighting facilities are installed, the lights shall be shielded and directed as to deflect away from any abutting residentially zoned property.
- iv) Where a parking area is situated along a lot line which coincides with the boundary of a Residential "R1" or "R1M" Zone and is not separated therefrom by any street, lane or watercourse, a stable and continuous wall, fence, or screen 0.9 metres in height, having no openings and being of masonry, wood or metal construction shall be erected at least 1.5 metres from the lot line and for the entire length of that part of the parking area which abuts the lot line. The intervening land between the wall, fence or screen and the lot line shall be landscaped with at least one hedgerow of hardy shrubs not less than 1.5 metres in height placed next to the wall, and the remainder of such land shall be lawn. The wall, fence or screen shall be maintained in a stable condition, and all landscaping shall be kept free of refuse and debris and maintained in a healthy, growing condition, neat and orderly in appearance.
- v) No building shall be erected except one (1) shelter for attendants and such shelter shall not exceed 3.6 metres in height nor 5.9 square metres in area.
- vi) All parking spaces shall be suitably marked or painted on the surface parking area. In such instances where parking areas do not have a paved or concrete surface a minimum area of 38 square metres shall be supplied for each space required.

6.8 Supplementary Regulations for Parking in Residential Areas

The following regulations shall apply to all parking in residential areas:

- i) No lands in a Residential "R1", "R1M", "R2", "R2M", or "RMP" Zones shall be used for the purpose of off-street parking of commercial vehicles.
- ii) Nothing in this section shall affect or restrict the temporary parking of a commercial vehicle for the purpose of permitting delivery of goods, wares, and merchandise when delivery is being carried out in the ordinary course of business.

- iii) For the purpose of this section, "commercial vehicle" shall mean a commercial vehicle, in excess of 3, 178 kilograms gross weight (weight of the vehicle plus load) and without limiting the foregoing shall include buses seating more than fifteen (15) persons, tractors, front-end loaders, backhoes, but shall not include public utility vehicles.
- iv) In an RS Zone the parking of not more than (1) one commercial vehicle as defined above, will be permitted.

6.9 Off Street Loading Requirements

6.9.1 Commercial Zones except "C4"

- i) In all Commercial Zones except for the "C4" Zone, the owner of every building or structure having a floor area in excess of 190.0 square metres shall provide and maintain (on land that is not part of a highway, street, or lane) off street loading facilities comprised of one (1) or more loading spaces of 9.14 metres long, 3.66 metres wide and 4.3 metres vertical clearance, having access to a lane or street and according to the floor area of the building or structure as follows:

| GROSS FLOOR AREA OF BUILDING | NUMBER OF LOADING SPACES |
|--|--------------------------|
| 190.0 square metres up to and including 465.0 square metres: | 1 |
| Over 465.0 square metres: | 2 |

- ii) This section does not apply to lands zoned Central Commercial "C1" Zone where 100% lot coverage is permitted. For uses in C1 zones which because of practicality must have loading facilities (docks, access doors, etc.) said facilities should be oriented towards the abutting laneway.
- iii) Existing buildings only, in C2 zones for which it is not possible to provide off-street loading in accordance with subsection 6.9.1.(i) above are exempt from the requirements provided there is no increase in the external dimensions or volume building.

6.9.2 Commercial Shopping Centre "C4" Zones

In the "C4" Zone, off-street loading spaces shall be provided having the following dimensions:

| | |
|-----------------------------------|-------------|
| Space width, minimum: | 3.66 metres |
| Space depth, minimum: | 18.3 metres |
| Vertical clearance, minimum: | 4.6 metres |
| Maneuvering apron depth, minimum: | 18.3 metres |

The number of spaces required shall be determined by the gross leasable floor area of the buildings or structures as follows:

| GROSS LEASABLE FLOOR AREA | NUMBER OF LOADING SPACES |
|---|--------------------------|
| Under 743.0 square metres: | 1 |
| 743.0 -2,322.0 square metres: | 2 |
| 2,322.1 -4,645.0 square metres: | 3 |
| 4,645.1 -9,290.0 square metres: | 4 |
| 9,290.1 -23,225.0 square metres: | 5 |
| Each additional 18,580.0 square metres: | 1 |

6.9.3 Industrial "M" Zone

In the M Zone, the owner of every building, structure or open air storage use shall provide and maintain on land that is not part of a highway, street or lane, off-street loading facilities comprised of one (1) or more loading spaces 9.14 metres long, 3.66 metres wide and 4.3 metres vertical clearance, having access to a lane or street and according to the floor area of the building or structure or area of open air storage as follows:

| FLOOR AREA OF BUILDING OR AREA OF OPEN AIR STORAGE | NUMBER OF SPACES |
|--|---|
| Up to and including 464.0 square metres: | 1 loading space |
| 464.1 square metres up to and including 1,393.0 square metres: | 2 loading spaces |
| 1393.1 to 3761.0 square metres: | 3 loading space |
| Over 3761 square metres: | 1 space for each additional 2,322 square metres |

6.9.4 Clean Industrial "CM" Zones

In a Clean Industrial "CM" zone, off-street loading space shall be provided in accordance with Section 6.9.3, and the following provision:

- i) No part of a lot between the front wall of the main building and the street line that abuts or is opposite a residential zone shall be used as loading space. In addition to this requirement, on a corner lot, no portion of the property located between the side wall of the main building and the street line shall be used as a loading space.

7 RESIDENTIAL ONE AND TWO-UNIT DWELLING "R1" ZONE

The following regulations shall apply in all "R1" Zones:

7.1 Permitted Uses

No person shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Single dwellings, Semi-Detached Buildings & Duplex Buildings;
- Boarding Houses;
- Group homes;
- Bed & Breakfast Establishments;
- Home Based Businesses; and
- Accessory Buildings incidental to any of the above permitted uses.

7.2 Zone Requirements

7.2.1 Single Dwellings

No person shall erect more than one (1) Single dwelling on any lot.

| | |
|---|-----------------------------------|
| Lot area, minimum: | 465.0 square metres |
| Lot width for corner lots, minimum: | 17 metres |
| Lot width for interior lots, minimum: | 15.24 metres |
| Building line from street lot lines, minimum: | 6.0 metres |
| Building line from rear lot lines for interior lots, minimum: | 7.62 metres |
| Building line from side lot lines, minimum: | |
| For building having one (1) storey : | 1.22 metres |
| For building having more than one (1) storey: | 1.83 metres |
| Lot coverage, maximum: | 33% |
| Density, maximum | Thirty (30) units per net hectare |

7.2.2 Semi-Detached & Duplex Buildings

No person shall erect more than one (1) semi-detached or duplex building on any lot.

| | |
|--|---------------------|
| Lot area, minimum: | 650.0 square metres |
| Lot width for corner lots, minimum: | 25 metres |
| Lot width for interior lots for a duplex building, minimum: | 18.29 metres |
| Lot width for interior lots for a semi-detached building, minimum: | 21.34 metres |
| Building line from street lot lines, minimum: | 6.0 metres |
| Building line from side lot lines, minimum: | |

| | |
|---|-----------------------------------|
| For building having one (1) storey: | 1.22 metres |
| For building having more than one (1) storey: | 1.83 metres |
| Building line from rear lot lines for interior lots, minimum: | 7.62 metres |
| Lot coverage, maximum: | Maximum 33% |
| Density, maximum | Thirty (30) units per net hectare |

7.2.3 Accessory Buildings

| | |
|---|-------------|
| Building line from street lot line, minimum: | 6.0 metres |
| Building line from any other lot line, minimum: | 0.61 metres |
| Building line for unenclosed attached decks from side common lot line of semi-detached dwelling, minimum: | 0.0 metres |
| Height, maximum: | 4.57 metres |
| Lot Coverage for an accessory structure, not including a swimming pool, maximum: | 10% |
| Total Lot Coverage of all accessory structures, not including a swimming pool, maximum: | 15% |

(89-71)(96-8)

7.3 Additional Zone Provisions

7.3.1 Corner Lots

When corner lots for dwellings are created, the design of the lot lines shall be so proportioned to permit at least an average dwelling of 12.19 metres by 9.14 metres and customary accessory buildings to be adequately located in conformity with the building line requirements.

7.3.2 Building Lines from Side Lot Lines to Provide for Garages

In locating the dwelling on the lot, provision shall be made for locating within the lot, one (1) garage in the case of a one (1) unit dwelling and a two (2) car garage or two (2) separate garages in the case of a two (2) unit dwelling, in accordance with the building line provisions and having a driveway at least 2.44 metres wide from the street to the garage.

7.3.3 Garage Erected on Adjoining Lots

Notwithstanding Section 7.2 as to the building lines from the side lot lines, where two separate dwellings are erected by one person on any two adjoining lots on the same street, garages for both dwellings may be erected across the side lot line common on both lots and without requiring a building line from the side lot line, provided that:

- (a) The garages for both dwellings are designed as one building;
- (b) A common wall shall divide the garages for each dwelling. The common wall shall be on and along the side lot line common to both lots;

- (c) The building line from the side lot line common to the garages shall be increased to a minimum of ten feet (10') in respect of the dwellings;
- (d) Where a garage is not attached to a dwelling, no part of a garage shall be erected within four feet (4') of any part of a dwelling;
- (e) The application for the building permits for the dwellings shall include the garages as part of the application;
- (f) The garages for both dwellings shall be erected simultaneously.

7.4 Special Exception Zones

7.4.1 R1-1 (Spine Road; Plan 1R-8479; By-law 93-18)

Notwithstanding Section 7.2, on the lands zoned R1-1 the requirements of the R1 Zone contained in Section 7.2 shall apply except for the following:

| | |
|--------------------|--------------|
| Lot area (minimum) | 0.2 hectares |
|--------------------|--------------|

7.4.2 R1-2 (6 Vienna Place; Lot 15, Plan M-366; By-law 95-49)

Notwithstanding Section 6, on the lands zoned R1-2 the requirements of Section 6 and the R1 Zone contained in Section 7.2 shall apply except for the following:

| | |
|------------------------------|---------------------|
| Parking spaces, minimum: | 2 |
| Total parking area, minimum: | 33.32 square metres |

7.4.3 R1-3 (139 Axmith Avenue; Lot 133, Plan M-165; By-law 95-50)

Notwithstanding Sections 6 and 7.2, on the lands zoned R1-3 the requirements of Sections 6 and 7.2 shall apply except for the following:

| | |
|-----------------------------------|---------------------|
| Parking spaces, minimum: | 2 |
| Total parking area, minimum: | 33.32 square metres |
| Building line, easterly, minimum: | 0.61 metres |

7.4.4 R1-4 (45 Axmith Avenue; Lot 22, Part Lot 21, Plan M-165; By-law 00-1)

Notwithstanding Section 7.2, on the lands zoned R1-4 the requirements of Section 7.2 shall apply except for the following:

| | |
|--------------------------|---|
| Dwelling units, maximum: | 4 |
|--------------------------|---|

7.4.5 R1-5 (22 Canberra Crescent; Lot 73, Plan M-336; By-law 00-20)

Notwithstanding Sections 6 and 7.2, on the lands zoned R1-5 the requirements of Sections 6 and 7.2 shall apply except for the following:

| | |
|------------------------------------|---------------------|
| Parking spaces, minimum: | 2 |
| Total parking area, minimum: | 33.32 square metres |
| Building line, southerly, minimum: | 1.29 metres |

7.4.6 R1-6 (191 Hillside Drive South; Lot 355 on Plan M-157; By-law 01-1)

Notwithstanding Section 5.2, on the lands zoned R1-6 the requirements of Sections 5 and 7.2 shall apply except for the following:

| | |
|---|-------------|
| Allowable encroachment for the first storey eaves, maximum: | 2.75 metres |
|---|-------------|

7.4.7 R1-7 (6 Bracken Place; Lot 561, Plan M-159; By-law 01-48)

Notwithstanding Sections 6 and 7.2, on the lands zoned R1-6 the requirements of Sections 6 and 7.2 shall apply except for the following:

| | |
|------------------------------------|---------------------|
| Parking spaces, minimum: | 2 |
| Total parking area, minimum: | 33.32 square metres |
| Building line, southerly, minimum: | 0.39 metres |
| Driveway width, minimum: | 2.41 metres |

7.4.8 R1-8 (Part 1, Plan 1R-6535; By-law 06-19)

Notwithstanding the provisions of this by-law, on the lands zoned R1-8, a maximum of one single family building on a maximum of two lots on Part 1 Plan 1R-6535 may be developed with private on-site sewer and water supply and shall be exempt from the requirement for a terrain analysis or hydrogeological report, subject to the applicant entering into an agreement with the Municipality that will be registered on title to the lands, to connect to municipal water supply, sanitary sewers, and storm sewers within ten years of when they become available on Spine Road.

7.4.9 R1-9 (170 Spruce Avenue; Part of PIN 31628-0302; Block J, Plan M-145; By-law 09-70)

Notwithstanding the provisions of Section 7.1 hereof to the contrary, the lands in the R1-9 Zone may also be used for business, professional, and/or administrative offices.

7.4.10 R1-10 (1 Westhill Road; Lot No. 149, Plan M-165)

Nothing in this by-law shall prevent the use of the westerly 8.4074 metres throughout from front to rear of Lot No. 149, Plan M-165, or the erection or use of a building thereon, for the purpose of a confectionery store for the retail sale of food products, confections and personal service articles, provided that the building and use shall be subject to the following regulations:

| | |
|---|---|
| Building height, maximum: | 1 storey |
| Floor area, maximum: | 65.03 square metres |
| Building line, westerly and northerly, minimum: | 0.61 metres |
| Building line, southerly, minimum: | not closer to the southerly wall of the one (1) family dwelling now erected |
| Parking spaces, minimum: | 2 |

| | |
|--------------------------|---|
| Parking space location: | between the southerly wall of the building and the southerly limit of the subject lands |
| Driveway, maximum: | 1 |
| Driveway width, minimum: | 7.62 metres |

Additional provisions:

- i) A continuous wall, fence or screen not less than 1.52 metres in height, having no openings and being of masonry, wood or metal shall be erected at or immediately inside the northerly limit of the subject lands, which shall extend across the full width of the subject lands at or immediately inside the westerly limit of the subject lands, which shall extend from the northerly limit of the subject lands for a distance of not less than and not more than 16.76 metres.
- ii) The wall, fence or screen shall be maintained in a safe condition, neat and orderly in appearance.
- iii) Only one (1) fascia business sign may be erected subject to the criteria of a commercial zone set out in the Municipality's Sign By-law.

7.5 Deeming By-laws

Notwithstanding the provisions of this by-law, the following lots are hereby deemed to be one parcel and effectively eliminating all internal lot lines:

- 7.5.1 47 Axmith Avenue; Lots 23 and 24, Plan M-166
- 7.5.2 41 Willoughby Road; Lots 81, 82 and 83, Plan M-152 and Part 1, Plan 1R-10013, part of Block E, Plan M-152; By-law 00-10
- 7.5.3 115 Axmith Avenue; Lots 142, 143 and 144; Plan M-165; By-law 98-16
- 7.5.4 54 and 56 London Crescent; Lot 153 and 154, Plan M-337; Parts 5, 6, 7, 8 and 9, Plan 1R-3283; By-law 05-17
- 7.5.5 43 Hutchison Avenue; Lot 71 and 72, Plan M-152, By-law 05-41
- 7.5.6 22B and 24 Ottawa Avenue; Lot 186 and Part 2 of Lot 187, Plan M-338, By-law 05-77
- 7.5.7 22 Hemlock Place; Lot 436 and 437, Plan M-146; By-law 06-17
- 7.5.8 18A Denison Road; Parcel 5290; part of lots 471 and 472, Plan M-158; By-law 06-69
- 7.5.9 14-16 Spruce Avenue; Lot 466 and 467, Plan M-146; By-law 09-6

Plan M-181 - NEED TO ADDRESS IN SCHEDULE TO RMP ZONE

8 RESIDENTIAL ONE AND TWO-UNIT DWELLING - M "R1M" ZONE

The following regulations shall apply in all "R1M" Zones:

8.1 Permitted Uses

No person shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Single dwellings, Semi-Detached Buildings & Duplex Buildings;
- Boarding Houses;
- Group homes;
- Bed & Breakfast Establishments;
- Home Based Businesses; and
- Accessory Buildings incidental to any of the above permitted uses.

8.2 Zone Requirements

8.2.1 Single Dwellings

No person shall erect more than one (1) Single dwelling on any lot.

| | |
|---|-----------------------------------|
| Lot area, minimum: | 380.0 square metres |
| Lot width for corner lots, minimum: | 17.0 metres |
| Lot width for interior lots, minimum: | 12.0 metres |
| Building line from street lot line: | 6.0 metres |
| Building line from side lot lines, minimum: | |
| For building having one (1) storey: | 1.0 metres |
| For building having more than one (1) storey: | 1.5 metres |
| Building line from rear lot lines for interior lots, minimum: | 7.5 metres |
| Lot coverage, maximum: | Maximum 33% |
| Density, maximum: | Thirty (30) units per net hectare |

8.2.2 Semi-Detached & Duplex Building

No person shall erect more than one (1) semi-detached or duplex building on any lot.

| | |
|--|---------------------|
| Lot area, minimum: | 590.0 square metres |
| Lot width for corner lots, minimum: | 25.0 metres |
| Lot width for interior lots for a semi-detached building, minimum: | 18.5 metres |
| Lot width for interior lots for a duplex building, minimum: | 18.5 metres |
| Building line from side lot lines, minimum: | |
| For building having one (1) storey: | 1.0 metres |

| | |
|---|-----------------------------------|
| For building having more than one (1) storey: | 1.5 metres |
| Building line from street lot lines, minimum: | 6.0 metres |
| Building line from rear lot lines for interior lots, minimum: | 7.5 metres |
| Lot coverage, maximum: | Maximum 33% |
| Density, maximum | Thirty (30) units per net hectare |

8.2.3 Accessory Buildings

| | |
|---|-------------|
| Building line from street lot line, minimum: | 6.0 metres |
| Building line from any other lot line, minimum: | 0.61 metres |
| Building line for unenclosed attached decks from side common lot line of semi-detached dwelling, minimum: | 0.0 metres |
| Height, maximum: | 4.5 metres |
| Lot Coverage for an accessory structure, not including a swimming pool, maximum: | 10% |
| Total Lot Coverage of all accessory structures, not including a swimming pool, maximum: | 15%. |

(89-71)(96-8)

8.3 Additional Zone Provisions

8.3.1 Building Lines from Side Lot Lines to Provide for Garages

In locating the dwelling on the lot, provisions shall be made for locating within the lot, one (1) garage in the case of a Single dwelling and a two (2) car garage or two (2) separate garages in the case of a Semi-Detached or Duplex Building, in accordance with the building line provisions and having a driveway at least 2.5 metres wide from the street to the garage.

8.4 Special Exception Zones

8.4.1 R1M-1 (Lot 4, Plan M-397; By-law 89-79) and (61 & 63 Hergott Avenue; Lots 15 or 16, Plan 1M-424)

Nothing in this by-law shall prevent the use of the R1M-1 zone for the purpose of a Group Home, otherwise complying with the regulations of this by-law, provided that such erection and use shall be subject to the following additional special regulations:

| | |
|--|--|
| Occupancy, maximum: | 5 |
| Individuals per habitable room, maximum: | 2 |
| Parking, minimum: | 2 parking spaces located behind the front building line; |

8.4.2 R1M-2 (62 Pearson Drive; Lot 28, Plan M-367 and Parts 1 and 2, Plan 1R-8487; By-law 92-95)

Nothing in this by-law shall prevent the use of the R1M-2 zone for the purpose of offices of the Children's Aid Society of Algoma providing the use conforms with all other applicable sections of the by-law and all other governmental rules and regulations.

8.4.3 R1M-3 (Lot 67, Plan 1M-425, Part 1 and 2 on Plan 1R-5021; By-law 01-7)

Nothing in this by-law shall prevent the use of the R1M-3 zone for the purpose of a Residential Care Home, otherwise complying with the regulations of this by-law, provided that such erection and use shall be subject to the following additional special regulations:

| | |
|--|---|
| Accommodation size, minimum: | bedrooms - 600 cubic feet of air space and 75 square feet of floor space per resident, and sitting room - 15 square feet per resident or 120 square feet total area, whichever is the greater |
| Individuals per habitable room, maximum: | 1, except in the case of married couples |
| Parking, minimum: | 3 parking spaces located behind the front building line |

Additional provisions:

- a) The accommodations for the tenants receiving care should be located at street level or above;
- b) In the event the use is discontinued, or the business should fail, the zoning will revert back to R1M zone, and the provisions of this section would not apply.

8.4.4 R1M-4 (28 Albert Street; Part 2, Lot 23, Plan 1M-423; By-law 13-18)

Notwithstanding Section 6, on the lands zoned R1M-4 the requirements of Sections 6 and 8.2 shall apply except for the following:

| | |
|------------------------------|------------------|
| Parking spaces, minimum: | 3 |
| Total parking area, minimum: | 44 square metres |

8.5 Holding Zones

8.5.1 Part of Block 84, Plan 1M-441; By-law 07-15

The balance of the property located at Part of Block 84, Plan 1M-441 is zoned "R1-M(H)", with a holding designation to prohibit any development on that portion of the property until a development application is submitted and approved.

8.6 Deeming By-laws

Notwithstanding the provisions of this by-law, the following lots are hereby deemed to be one parcel and effectively eliminating all internal lot lines:

8.6.1 57 and 59 Lawrence Avenue; Lot 35, Plan M-397; Part 1 and 2, Plan 1R-4367; By-law 05-16

9 RESIDENTIAL MULTIPLE DWELLING "R2" ZONE

The following regulations shall apply in all "R2" Zones:

9.1 Permitted Uses

No person shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Semi-Detached Buildings & Duplex Buildings as permitted under the provisions of Section 7.2;
- Apartment Buildings and Townhousing and Rowhouses;
- Home Based Businesses; and
- Accessory Buildings incidental to any of the above permitted uses.

9.2 Zone Requirements

9.2.1 Apartment Buildings

| | |
|---|---|
| Lot area for each building, minimum: | 929.0 square metres for first 4 dwelling units plus 92.9 square metres for each additional unit thereafter. |
| Building line from street lot lines, minimum: | 6.0 metres |
| Building line from any other line, minimum: | 4.57 metres or half height of building whichever is the greater |
| Building height, maximum | 9 storeys |
| Distance between adjacent buildings on same lot, minimum: | the average height of the adjacent buildings |
| Density, maximum: | Sixty (60) dwelling units per net hectare |

9.2.2 Townhousing

| | |
|---|---|
| Lot area, average per dwelling unit: | 185.8 square metres |
| Building line from street lot lines, minimum: | 6.0 metres |
| Building line from side lot line, minimum: | 3.66 metres or half height of building whichever is the greater |
| Building line from any rear lot line, minimum: | 10.67 metres |
| Distance between adjacent buildings on same lot, minimum: | the average height of the adjacent buildings |
| Dwelling unit width, minimum | 5.4 metres |
| Dwelling unit area, minimum: | 70.0 square metres |
| Density, maximum: | Forty-five (45) dwelling units per net hectare |

9.2.3 Rowhouses

| | |
|--|--|
| Lot area, interior rowhouse, minimum: | 185.0 square metres |
| Lot area, end rowhouse, minimum: | 325.0 square metres |
| Lot width, interior rowhouse, minimum: | 5.4 metres |
| Lot width, end unit, minimum: | 9.0 metres |
| Dwelling unit area, minimum: | 70.0 square metres |
| Building line from street lot lines, minimum: | 6.0 metres |
| Building line from side lot line, minimum: | 3.5 metres except 0.0 metres in the case of a common vertical wall dividing one rowhouse from another. |
| Building line from any rear lot line, minimum: | 10.67 metres |
| Lot coverage, maximum: | 45% |
| Total Lot Coverage of all structures, maximum: | 50% |
| Density, maximum: | Forty-five (45) dwelling units per net hectare |

9.2.4 Accessory Buildings

For Apartment Buildings:

| | |
|--|-------------|
| Building line from street lot lines, minimum: | 6.0 metres |
| Building line from any other lot line, minimum: | 0.61 metres |
| Lot Coverage for an accessory structure, not including a garage or swimming pool, maximum: | 10% |

For Townhousing and Rowhouses:

| | |
|--|-------------|
| Building line from street lot lines, minimum: | 6.0 metres |
| Building line for unenclosed decks from side lot lines, minimum: | 0.0 metres |
| Building line from any other lot line, minimum: | 0.61 metres |
| Lot Coverage for an accessory structure, subject to Section 9.2.3, not including a garage or swimming pool, maximum: | 10% |

9.3 Special Exception Zones

9.3.1 R2-1 (Tokyo Crescent; Plan M-372)

Notwithstanding Section 9.2, on the lands zoned R2-1 the requirements of Section 9.2 shall apply except for the following:

| | |
|--------------------------|----|
| Dwelling units, maximum: | 89 |
|--------------------------|----|

No building or structure except a permitted fence, shall be erected or used on the lands zoned R2-1, unless located in accordance with the above requirements and any building

line shown on the Zoning Map.

9.3.2 R2-2 (Frame Crescent; Plan M-166)

No building or structure except a permitted fence, shall be erected or used on the lands zoned R2-2, unless located in accordance with the above requirements and any building line shown on the Zoning Map.

9.3.3 R2-3 (71-85 Washington Crescent; Block "GG", Plan M-340)

No opening to any building or structure shall be below the minimum elevation of 306.434 metres (Canadian Geodetic Datum).

9.3.4 R2-4 (1 & 3 Washington Crescent; Block "Z", Plan M-338; By-law 13-2)

Notwithstanding Sections 6 and 9.2, on the lands zoned R2-1 the requirements of Sections 6 and 9.2 shall apply except for the following:

| | |
|--------------------------|---------------------|
| Parking spaces, minimum: | 1 per dwelling unit |
|--------------------------|---------------------|

No opening to any building or structure shall be below the minimum elevation of 299.728 metres (Canadian Geodetic Datum).

9.3.5 R2-5 (117 to 157B Hillside Drive South; part of Block P, Plan M-159; Part 1, Plan 1R-2384; By-laws 93-30, 95-15)

Notwithstanding any of the provisions of this by-law, on the lands zoned R2-5, the following provisions shall apply:

- a) no person shall use any land or erect or use any building or structure except for three (3) separate buildings respectively containing eight (8), ten (10) and eight (8) attached dwelling units, each dwelling unit being divided vertically from the other dwelling units, subject to the following provisions:

| | |
|--|---|
| Lot area, interior rowhouse, minimum: | 160.0 square metres |
| Lot area, end rowhouse, minimum: | 220.0 square metres |
| Lot width, end unit, minimum: | 7.4 metres |
| Building line from side lot line, minimum: | 1.8 metres except 0.0 metres in the case of a common vertical wall dividing one rowhouse from another |
| Parking requirements, minimum: | 1 parking space for each dwelling unit to be provided within the lot |

- b) all aspects of the three (3) separate buildings and the parking provided therewith shall be deemed to be in conformity with all of the requirements of this by-law, including without limitation all of the requirements contained in Section 9.2 of this by-law, provided that any development or redevelopment on

the site, after June 14th, 1993, shall comply with the requirements of this by-law.

9.3.6 R2-6 (22 & 24 Mississauga Avenue; all of Block P, Plan M-159, except for Part 1, Plan 1R-2384; By-law 93-30)

Notwithstanding any of the provisions of this by-law, on the lands zoned R2-6, the following provisions shall apply:

- a) no person shall use any land or erect or use any building or structure except for two (2) apartment buildings, containing thirty-four and thirty-seven dwelling units respectively, and
- b) all aspects of the two (2) apartment buildings and the parking provided therewith shall be deemed to be in conformity with all of the requirements of this by-law, including without limitation all of the requirements contained in Section 9.2 of this by-law, provided that any development or redevelopment on the site, after June 14th, 1993, shall comply with the requirements of this by-law.

9.3.7 R2-7 (Tokyo Crescent; parts of Block B, Plan M-372; Plan 1R-9057; By-law 95-60)

Notwithstanding the provisions of Section 9.2 this by-law, on the lands zoned R2-7, the erection or use of buildings thereon for the purpose of rowhouses shall be subject to Section 9.2 except the following provisions shall apply:

| | |
|--|---|
| Lot area, interior rowhouse, minimum: | 130.0 square metres |
| Lot area, end rowhouse, minimum: | 240.0 square metres |
| Lot width, end unit, minimum: | 8.9 metres |
| Building line from side lot line for rowhouses located on Parts 8 and 11, Plan 1R-9057, minimum: | 3.35 metres |
| Building line from rear lot line for rowhouses located on Parts 27, 30, 31, and 35, Plan 1R-9057, minimum: | 7.5 metres |
| Building line from rear lot line for rowhouses located on Parts 36, and 38, Plan 1R-9057, minimum: | 8.7 metres |
| Parking requirements for rowhouses located on Parts 1, 2, 5, 6, 9, 10, 13, 14, 17, 18 and 21, Plan 1R-9057, minimum: | 1 parking space for each dwelling unit to be provided within the lot. |

9.3.8 R2-8 (50 Capital Place; Part 1, Plan 1R-8846, Part 3, Plan 1R-8225, Part 7, Plan 1R-3317 and Parts 3, 5 and 12, Plan 1R-8992; By-law 96-58)

Notwithstanding the provisions of Section 9.1 hereof to the contrary, the lands in the R2-8 Zone may also be used for the purposes of retirement residences for seniors providing, for the use of the residents therein, recreational facilities, dining facilities, personal service shops and other accessory uses, subject to compliance with the

applicable provisions of Section 9.2 of this by-law and the following special requirement:

| | |
|--|-----|
| Total lot coverage of all structures, maximum: | 45% |
|--|-----|

9.3.9 R2-9 (117 to 139 Hillside Drive North; Block 'K', Plan M-153; By-law 96-77)

Notwithstanding the provisions of this by-law, the group of 12 townhouses on the lands zoned R2-9 shall be deemed to be in conformity with Section 9.2 of this by-law.

9.3.10 R2-10 (27 Capital Place; Parts 1 and 2, Plan 1R-2837, Part 1, Plan 1R-8225 and Part 10, Plan 1R-8854; By-law 97-3)

Notwithstanding the provisions of Section 9.1 hereof to the contrary, the butler-type accessory building on lands in the R2-10 Zone may also be used for clubhouses, maintenance and storage facilities supporting other residential uses not within the lot, subject to compliance with the applicable provisions of Section 9.2 of this by-law.

9.3.11 R2-11 (Block 2, Draft Plan of Subdivision, west end of Spine Road; part of Part 1, Plan 1R-8151; PIN 31631-0108 (LT); By-law 09-75)

Notwithstanding the provisions of Section 9.1 hereof to the contrary, the lands in the R2-11 Zone may also be used for the following uses, provided such uses are located on the ground floor of an apartment building:

- Convenience Retail Stores
- Day Nursery or Day Care Centre
- Eating Establishments
- Financial Institutions
- Offices
- Personal Service Shops
- Private Clubs

The provisions of Section 14.2 apply to any commercial use. The following additional provisions apply:

| | |
|--|-------------------|
| Dwelling units on Block 2, maximum: | 90 |
| Gross floor area per single commercial use, maximum: | 250 square metres |

9.3.12 R2-12 (Block 1, Draft Plan of Subdivision, west end of Spine Road; part of Part 1, Plan 1R-8151; PIN 31631-0108 (LT); By-law 09-75)

Notwithstanding the provisions of Section 9.2 this by-law, on the lands zoned R2-12, the erection or use of buildings thereon shall be subject to Section 9.2 except the following provisions shall apply:

| | |
|---|---------|
| Setback between Block 1 and Block 7, minimum: | 1 metre |
|---|---------|

| | |
|-------------------------------------|----|
| Dwelling units on Block 1, maximum: | 90 |
|-------------------------------------|----|

9.3.13 R2-13 (Block 3, Draft Plan of Subdivision, west end of Spine Road; part of Part 1, Plan 1R-8151; PIN 31631-0108 (LT); By-law 09-75)

Notwithstanding the provisions of Section 9.2 this by-law, on the lands zoned R2-13, the erection or use of buildings thereon shall be subject to Section 9.2 except the following provisions shall apply:

| | |
|-------------------------------------|----|
| Dwelling units on Block 3, maximum: | 60 |
|-------------------------------------|----|

9.3.14 R2-14 (115 Hillside Drive North; Block 'K', Plan M-153; By-law 96-77)

Notwithstanding the provisions of Section 9.2 this by-law, on the lands zoned R2-14, the erection or use of buildings thereon for the purpose of rowhouses shall be subject to Section 9.2 except the following provisions shall apply:

| | |
|-------------------------------------|----|
| Dwelling units on Block 3, maximum: | 60 |
|-------------------------------------|----|

10 RESIDENTIAL MULTIPLE DWELLING - M "R2M" ZONE

The following regulations shall apply in all "R2M" Zones:

10.1 Permitted Uses

No person shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Semi-Detached Buildings & Duplex Buildings as permitted under the provisions of Section 7.2;
- Apartment Buildings and Townhousing and Rowhouses;
- Home Based Businesses; and
- Accessory Buildings incidental to any of the above permitted uses.

10.2 Zone Requirements

10.2.1 Apartment Buildings

| | |
|---|--|
| Lot area for each building, minimum: | 1,300 square metres for first 4 dwelling units plus 130.0 square metres for each additional unit thereafter. |
| Building line from street lines, minimum: | 6.0 metres |
| Building line from any other lot line, minimum: | 4.57 metres or half height of building whichever is the greater. |
| Distance between adjacent buildings on same lot, minimum: | the average height of the adjacent buildings. |
| Building height, maximum: | 9 metres |
| Density, maximum: | Sixty (60) units per net hectare |

10.2.2 Townhousing

| | |
|---|---|
| Lot area, average per dwelling unit: | 200.0 square metres, interior unit or 325 square metres for an end unit |
| Lot width per block of townhouses, minimum: | 23.5 metres |
| Lot width per townhouse interior unit, minimum: | 5.9 metres |
| Lot width per townhouse end unit, minimum: | 9.0 metres |
| Building line from street lot lines, minimum: | 6.0 metres |
| Building line from side lot line, minimum: | 3.5 metres except 0.0 metres in the case of a common vertical wall dividing one unit from another |
| Building line from any rear lot line, minimum: | 10.5 metres |
| Distance between adjacent buildings on same lot, minimum: | the average height of the adjacent buildings |

| | |
|--|---------------------------------------|
| Dwelling unit area, minimum: | 70.0 square metres |
| Lot coverage, Main Building, maximum: | 45% |
| Total Lot Coverage of all structures, maximum: | 50% |
| Density, maximum: | Forty-five (45) units per net hectare |

10.2.3 Rowhouses

| | |
|--|--|
| Lot area, interior rowhouse, minimum: | 200.0 square metres |
| Lot area, end rowhouse, minimum: | 325.0 square metres |
| Lot width, interior rowhouse, minimum: | 5.5 metres |
| Lot width, end rowhouse, minimum: | 9.0 metres |
| Building line from street lot lines, minimum: | 6.0 metres |
| Building line from side lot line, minimum: | 3.5 metres except 0.0 metres in the case of a common vertical wall dividing one rowhouse from another. |
| Building line from any rear lot line, minimum: | 10.5 metres |
| Dwelling unit area, minimum: | 70.0 square metres |
| Lot coverage, maximum: | 45% |
| Total Lot Coverage of all structures, maximum: | 50% |
| Density, maximum: | Forty-five (45) units per net hectare |

10.2.4 Accessory Buildings

| | |
|---|-------------|
| Building line from street, minimum: | 6.0 metres |
| Building line for unenclosed decks from side lot lines, minimum: | 0.0 metres |
| Building line from any other lot line, minimum: | 0.6 metres |
| Lot Coverage for an accessory structure, subject to Section 9.2.3, not including a swimming pool, maximum: | 10% |
| Total Lot Coverage of all accessory structures, not including a swimming pool, subject to Section 9.2.3, maximum: | 15% |
| Height, maximum: | 4.57 metres |

10.3 Special Exception Zones

10.3.1 R2M-1 (Pleasant Park Subdivision; Parts 1 to 11 inclusive on Plan 1R-4026)

Notwithstanding Section 10.2, on the lands zoned R2M-1 the following special provisions apply:

- a) no dwellings are to be situated below the elevation of 328.4 metres (which has

been determined as the maximum flood elevation expected to occur in a one (1) in one-hundred (100) year flood);

- b) no building openings are to be permitted below the elevation of 328.7 metres;
- c) no roadway elevations are to be permitted below the elevation of 328.7 metres.

10.3.2 R2M-2 (Blocks 71,72,73, 74, 75 and 76 on Plan 1M-440, Blocks 70, 71, 72, 73, 75, 76, 77, 79 and 80 on Plan 1M-441, Blocks 69, 76, 77, 78, 79, 80, 81 and 82 on Plan 1M-423 and Blocks 91, 92 and 93 on Plan 1M-425; By-law 94-70)

Notwithstanding any section of this by-law, on the lands zoned R2M-2, the privacy panels existing as of June 1, 1995 and having a maximum height of 2.14 metres and a maximum length of 3.82 metres shall be permitted.

11 Residential Mobile Home Park “RMP” Zone

The following regulations shall apply in all Residential Mobile Home Park Zones:

11.1 Permitted Uses

No person shall use any land or erect, alter or use any building or structure in the Residential “RMP” Zone except in accordance with one or more of the following permitted uses:

- Single dwelling mobile homes;
- Mobile Home Sales and/or Management Offices;
- Parks or playgrounds;
- Home Based Businesses; and
- Accessory buildings incidental to any of the above permitted uses.

(02-25)

11.2 Zone Requirements

Reserved.

11.3 Special Exception Zones

Reserved.

Section 6.4.2 of By-law 87-40 - lands described by Plan M-181 to be zoned as RMP

12 CENTRAL COMMERCIAL "C1" ZONE

The following regulations shall apply in all "C1" zones:

12.1 Permitted Uses

No person shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Apartment buildings;
- Animal Hospitals;
- Auctions;
- Bake shop;
- Bingo hall;
- Bus terminal;
- Business, Professional and/or Administrative offices;
- Eating establishments;
- Financial Institutions;
- Funeral home;
- Government Offices;
- Hotels and motels;
- Laundromat;
- Licensed beverage establishment;
- Places of Assembly;
- Private clubs;
- Personal service shops;
- Printing and publishing establishments;
- Parking stations;
- Recreational Commercial establishments;
- Retail Stores
- Training centres;
- Clinics;
- Pet Services; **(13-73)**
- Accessory dwelling units within the second storey or lower levels of any building (other than Hotels or Motels); and
- Accessory uses incidental to any of the above permitted uses, including Parking Areas. **(96-8) (96-28)**

12.2 Zone Requirements

| | |
|--|--|
| Height, maximum: | 2 storeys, except in the case of hotels, 6 storeys |
| Building coverage, maximum: | 100%; except 50% for those properties listed in Section 12.2.1 |
| Building line from any lot lines, minimum: | 0 metres; except 6.09 metres for those properties listed in Section 12.2.2 |

(93-69)

12.2.1 Properties with 50% lot coverage

- Block "B", Plan M-150;
- Block "M", Plan M-151;
- Blocks "C", "D", "E", and "F", Plan M-336; and
- Block "N", Plan M-153 and Parts 1 and 2, Plan 1R-8738.

12.2.2 Properties restricted to 6.09 metre building line

- Blocks "C", "D", "E", and "F", Plan M-336; and
- Block "N", Plan M-153 and Parts 1 and 2, Plan 1R-8738.

12.3 Special Exception Zones

12.3.1 C1-1 (112/114 Ontario Avenue; Lots 107 and 108, Plan M-151), (15 Charles Walk; Lots 47 and 48, Plan M-150), and (50 Ontario Avenue; Lot 163, Plan M-151; Pcl 3300 AES; By-law 09-1)

Notwithstanding the provisions of Section 6 hereof to the contrary, on the lands zoned C1-1 the requirement for one parking space for each dwelling unit shall not apply.

12.3.2 C1-2 (Block "M", Plan M-151)

Notwithstanding the provisions of Section 12.1 hereof to the contrary, on the lands zoned C1-2 may be also used for a residential hostel, subject to compliance with the applicable provisions of this by-law.

12.3.3 C1-3 (Lots 179 to 182, Plan M-151; By-law 94-97; OMB Order June 10, 1996)

Notwithstanding the provisions of Section 12.1 hereof to the contrary, on the lands zoned C1-3 may be also used for a Crafts Workshop for the creation and sale of awards, memorials, trophies and other glass products, subject to compliance with the applicable provisions of this by-law.

12.3.4 C1-4 (22 Mary Walk; Block C, Plan M-150; By-law 16-51)

Notwithstanding the provisions of Section 12.1 hereof to the contrary, on the lands zoned C1-4 may be also used for the purpose of light manufacturing use including the fabrication of structural panels and to cut and polish marble and granite provided that there will be no outside storage and any use from which the emission of air or water pollutants or noise that imposes on the amenity of other businesses or residents in the area, is prohibited and shall be deemed not to be a permitted use and providing the use conforms with all other applicable sections of this by-law and all other governmental rules and regulations.

13 TOURIST HIGHWAY COMMERCIAL "C2" ZONE

The following regulations shall apply in all "C2" Zones:

13.1 Permitted Uses

No person shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Automobile Dealerships;
- Automotive Light uses;
- Automobile Sales Establishments;
- Automobile service stations;
- Bake shops;
- Bingo halls;
- Business, Professional, and/or Administrative Offices;
- Courier office and depots;
- Bus terminals;
- Car rental agencies;
- Car washing establishments;
- Commercial parks and camping grounds;
- Convenience Store; **(00-35)**
- Dry Cleaners;
- Eating establishments;
- Farmers markets;
- Financial institutions;
- Garden Centres;
- Gas bars;
- Hotels;
- Motels;
- Laundromats;
- Licenced Beverage Establishments;
- Tourist recreation facilities;
- Trading posts;
- Personal Service Shops;
- Places of assembly;
- Bowling alleys and private clubs;
- Printing and publishing establishments;
- Parking stations;
- Recreational Commercial Establishments;
- Retail Businesses;
- Supermarkets;
- Training Centres;
- Dwelling units only within the second storey of any building other than hotels or motels;
- Accessory uses incidental to any of the above permitted uses, including parking areas;

- and
- Temporary parking of a motorized refreshment vehicle licenced under City of Elliot Lake By-law No. 00-19, provided the licence is in good standing. **(00-21)**

13.2 Zone Requirements

| | |
|--|--|
| Height, maximum: | 2 storeys, except in the case of hotels, 6 storeys |
| Building coverage, maximum: | 75% |
| Building line from any lot lines, minimum: | 6.0 m |

13.3 Additional Zone Provisions

13.3.1 Open Storage

No open storage shall be permitted. **(00-35)**

13.3.2 Automobile Service Stations Requirements

The following regulations shall apply to all automobile service stations:

| | |
|---|---------------------|
| Lot area, minimum: | 929.0 square metres |
| Building line for pumps, minimum: | 6.09 m |
| Building line for buildings from any lot line, minimum: | 3.05 metres |
| Width of an entrance or exit, minimum: | 3.35 metres |
| Width of a combined entrance and exit, minimum: | 7.62 metres |
| Width of an entrance or exit, maximum: | 6.70 metres |
| Width of a combined entrance and exit, maximum: | 9.14 metres |
| Distance between any entrance, exit or combined entrance and exit, minimum: | 3.05 metres |
| Distance between any part of an entrance, exit or combined entrance and exit, and the intersection of street lot lines or the intersection of a street lot line and side lot line, minimum: | 3.05 metres |

The owner of the property shall provide and maintain a barrier at least 0.30 metres high on or near the street lot lines so as to prevent vehicles from entering or leaving the property other than by way of the entrances and exits provided in this section.

13.4 Special Exception Zones

13.4.1 C2-1 (1 Esten Drive South; Block 52, according to Plan 1M-426)

Notwithstanding the provisions of Section 13.1 hereof to the contrary, on the lands zoned C2-1 the only permitted use shall be an Automobile Service Station.

13.4.2 C2-2 (Parts 11 to 16, Plan 1R-3988; By-law 90-16)

Notwithstanding the provisions of Section 13.1 hereof to the contrary, the lands zoned C2-2 may be also used for public storage facilities, subject to compliance with the applicable provisions of this by-law.

13.4.3 C2-3 (9 and 13 Oakland Boulevard; Lots 12 and 13 according to Plan M-378; By-law 92-1)

Notwithstanding the provisions of Section 13.1 hereof to the contrary, the lands zoned C2-3 may be also used for the purpose of an addiction services/training centre as well as accessory uses thereto, subject to compliance with the applicable provisions of this by-law.

13.4.4 C2-4 (Lots 198 to 217 inclusive, according to Plan M-151; By-law 92-78)

Notwithstanding the provisions of Section 13.1 hereof to the contrary, the lands zoned C2-4 may be also used for the purpose of an ancillary welding gases depot, subject to compliance with the applicable provisions of this by-law.

13.4.5 C2-5 (34 Oakland Boulevard; Lot 5, Plan M-378; By-law 97-53)

Notwithstanding the provisions of Section 13.1 hereof to the contrary, the lands zoned C2-5 may be also used for a building contractor's office, display area, material storage area and work area, all enclosed within a building and providing there is no outside storage, subject to compliance with the applicable provisions of this by-law.

13.4.6 C2-6 (14C Oakland Boulevard; Lot 9 and 10, Plan M-378; By-law 00-2)

Notwithstanding the provisions of Section 13.1 hereof to the contrary, the lands zoned C2-6 may be also used for the purposes of electronic component assembly, providing there is no outside storage, subject to compliance with the applicable provisions of this by-law.

13.4.7 C2-7 (south side of Hillside Drive South; Part 5, Plan 1R-3611; By-law 05-25)

Notwithstanding the provisions of Section 13.1 hereof to the contrary, the lands zoned C2-7 may be also used for the purposes of private or public self-storage provided a landscaped area is maintained in the front and side yards for screening purposes and that trees and shrubs are maintained in a healthy growing condition or shall be replaced, subject to compliance with the applicable provisions of this by-law.

13.4.8 C2-8 (north side of Highway 108; Parts 1, 2 and 3, Plan 1R-11605)

Notwithstanding the provisions of Section 13.1 hereof to the contrary, the lands zoned C2-8 may be also used for Home Improvement Centre, and Accessory Open Storage Area, subject to compliance with the applicable provisions of this by-law and the following provisions apply to any Accessory Open Storage Area:

- a) The area used for the Accessory Open Storage Area shall comply with the yard

- requirements for the C2 zone;
- b) There shall be no Accessory Open Storage Area located between the principal building and the lot line at Highway 108;
 - c) There shall be no Accessory Open Storage Area permitted unless the area is screened from view by a wall or fence, a continuous unpierced planting of suitable trees or shrubs, together with a reserved width of planting area appropriate for healthy plant growth, an earth berm, or a combination of the above.

13.4.9 C2-9 (Simpson Road Camping and Trailer Park; By-law 08-87)

Notwithstanding the provisions of Section 13.1 hereof to the contrary, the lands zoned C2-9 shall only permit the following uses: Eating Establishments; Hotels; Motels; Tourist recreation facilities; Trading posts; Commercial parks and camping grounds; Dwelling units only within the second storey of any building; and accessory uses incidental to any of the listed permitted uses.

13.4.10 C2-10 (50 Hillside Drive South; By-law 16-36)

Notwithstanding the provisions of Section 6 hereof to the contrary, the lands zoned C2-10 the minimum number of parking spaces required shall be 67 parking spaces.

14 NEIGHBOURHOOD COMMERCIAL "C3" ZONE

The following regulations shall apply in all "C3" Zones:

14.1 Permitted Uses

No person shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Convenience Stores;
- Eating establishments;
- Offices;
- Private clubs;
- Personal service shops;
- Parking stations;
- Dwelling units only within the second storey of any building; and
- Accessory uses incidental to any of the above permitted uses, including parking areas.

14.2 Zone Requirements

| | |
|--|------------|
| Height, maximum: | 2 storeys |
| Building coverage, maximum: | 60% |
| Building line from any lot lines, minimum: | 6.0 metres |

14.3 Special Exception Zones

14.3.1 C3-1 (Lot 62, M-397)

Notwithstanding the provisions of Section 14.1 hereof to the contrary, on the lands zoned C3-1 private clubs shall not be considered a permitted use.

14.3.2 C3-2 (Block "J", Plan M-145; Part 1, Plan 1R-2725)

Notwithstanding the provisions of Section 14.2 hereof to the contrary, on the lands zoned C3-2 the following provisions shall apply:

| | |
|-----------------------------------|---|
| Building height, maximum: | 1 |
| Building line northerly, minimum: | 8.84 metres |
| Building line easterly, minimum: | 7.62 metres |
| Building line southerly, minimum: | 3.05 metres |
| Building line westerly, minimum: | 1.22 metres |
| Parking spaces, minimum: | 6 spaces total, as follows: three (3) parking spaces between the northerly wall of the building and the northerly limit of the subject lands, and three (3) parking spaces between the easterly wall of the |

| | |
|---------------------------------------|---|
| | building and the easterly limit of the subject lands |
| Driveway width, minimum: | 9.14 metres |
| Off-street loading facility location: | between the northerly wall of the building and the northerly limit of the subject lands |

- a) no part of the basement, if any, of the building shall be used as a sales area to which the public has access;
- b) vehicular entrance to and exit from the subject lands shall be only means of one (1) driveway from Spruce Avenue, which driveway shall be fully on the subject lands at the westerly limit thereof or partly on the subject lands and partly on the lands lying to the west thereof;
- c) a continuous wall, fence, hedge or screen not less than 1.52 metres in height and having no openings shall be erected at or immediately inside the southerly limit of the subject lands, which shall extend easterly from the westerly limit of the subject lands a distance of 22.86 metres, which wall, fence, hedge or screen shall be maintained in a safe and orderly condition.

14.3.3 C3-3 (80 Hergott Avenue; Block 87, Plan 1M-425)

Notwithstanding the provisions of Section 14.1 hereof to the contrary, on the lands zoned C3-3 a gas bar shall also be a permitted use, subject to compliance with Section 14.2.

14.3.4 C3-4 (60 Hergott Avenue; Block 67, Plan 1M-423)

Notwithstanding the provisions of Section 14.1 hereof to the contrary, on the lands zoned C3-4 a miniature golf course shall also be a permitted use, subject to compliance with Section 14.2.

14.3.5 C3-5 (Hergott Avenue Convenience Store; Block 87 on Plan 1M-425; By-law 94-91)

Notwithstanding the provisions of Section 14.1 hereof to the contrary, on the lands zoned C3-5 a car washing facility shall also be a permitted use, subject to compliance with Section 14.2 and all other applicable sections of the by-law.

15 SHOPPING CENTRE COMMERCIAL "C4" ZONE

The following regulations shall apply in all "C4" Zones:

15.1 Permitted Uses

No person shall use any land or erect or use any building or structure for any purpose except as a shopping centre, which may include the following uses:

- Automobile Sales Establishments;
- Retail businesses;
- Personal service shops;
- Banks and offices;
- Government offices;
- Eating establishments;
- Licenced Beverage Establishments;
- Places of assembly;
- Hotels;
- Museums or similar institutional uses; and
- Accessory uses incidental to any of the above permitted uses.

15.2 Zone Requirements

| | |
|-----------------------------|--------------------|
| Height, maximum: | 2 storeys |
| Building coverage, maximum: | 30% |
| Gross floor area, maximum: | 60% of lot area |
| Landscaped area, minimum: | 3% of the lot area |

15.3 Additional Zone Provisions

15.3.1 Landscaping

All lands not occupied by a building or buildings shall be sodded and planted in accordance with a landscape plan, except lands used for the purpose of parking motor vehicles and for the passage of persons or vehicles and for off-street loading.

15.3.2 Open Storage

No open storage shall be permitted.

15.4 Special Exception Zones

Reserved.

16 INDUSTRIAL "M" ZONE

The following regulations shall apply in all "M" Zones:

16.1 Permitted Uses

No person shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Any manufacturing or industrial undertaking that is conducted within an enclosed building or structure, subject to Section 16.2;
- Any commercial purpose if incidental to manufacturing or industrial undertaking as the principal use;
- Animal shelters;
- Auction Establishments;
- Automobile body shops;
- Automotive Heavy uses;
- Automotive Light uses;
- Automobile service stations, subject to the regulations of Section 12.5;
- Automotive trades;
- Breeding and Boarding Establishments;
- Building supply dealers;
- Car-washing establishments;
- Dry cleaners;
- Inventory of empty shipping containers, trailers, vessels, storage containers to be transported to different locations for the purpose of temporary storage at that location, subject to Section 5.7.3.1; **(11-23)**
- Laundromats;
- Lumber yards;
- Offices;
- Provincial Government highway maintenance facilities and materials storage;
- Bulk-oil dealerships;
- Marinas;
- Parking station;
- Refreshment vehicles;
- Sales, service or rental establishments for mobile homes;
- Self-Storage Facilities; **(02-55)**
- Stores for any wholesale business, selling only to the trade;
- Warehouses, builders contractors' yards, open air storage;
- Minimum living conditions not exceeding 18.5 square metres for an individual watchman, whose presence on the property is essential at all times; such permitted use shall not include living accommodation for any person other than such individual watchman; and
- Accessory uses incidental to any of the above permitted uses.

16.1.1 Certain Prohibited Uses

No industrial building or part thereof shall be used for any purpose which from

its nature or the materials used therein is, under the *Health Protection and Promotion Act* or regulations thereunder, declared to be a noxious trade, business or manufacture, without the consent of the local Medical Officer of Health, as provided in the *Health Protection and Promotion Act*.

16.2 Zone Requirements

| | |
|---|-------------|
| Building line from street lot line, minimum: | 4.57 metres |
| Building line from any other lot line, minimum: | 3.05 metres |

16.2.1 Open Storage

All permitted uses shall be conducted within an enclosed building with outside storage for the purpose of the business obscured from the view of the public by a fence being visually solid when viewed from a 90 degree and 45 degree angle.

16.3 Special Exception Zones

16.3.1 M-1 (Part 10, Plan 1R-4129 and Parts 1, 2 and 3, Plan 1R-7654)

Notwithstanding the provisions of Section 16.1 hereof to the contrary, on the lands zoned M-1 an aquatic driving range, including accessory uses shall also be a permitted use, subject to compliance with all other applicable sections of this by-law.

16.3.2 M-2 (Lot 23, on Plan M-167; By-law 94-13)

Notwithstanding the provisions of Section 16.1 hereof to the contrary, on the lands zoned M-2 private or public storage shall also be a permitted use, subject to compliance with all other applicable sections of this by-law.

16.3.3 M-3 (Highway 108 across from Timber Road South; Parts 1-4, Plan 1R-4587; By-law 08-62)

Notwithstanding the provisions of Section 16.1 hereof to the contrary, on the lands zoned M-3 nothing shall prevent an industrial/commercial condominium or the erection or use of buildings thereon for the purposes of retail businesses, personal service shops and eating establishments provided that any use from which the emission of air or water pollutants or noise that imposes on the amenity of other businesses sharing the use of the premises, is prohibited and shall be deemed not to be a permitted use, subject to compliance with all other applicable sections of this by-law. For the purposes of this section, a Condominium unit shall not be considered a separate lot for development purposes.

16.3.4 M-4 (Fox Drive described as Parts 2 to 7 on Plan 1R-4129; By-law 09-51)

Notwithstanding the provisions of Section 16.1 hereof to the contrary, on the lands zoned M-4 a training school for heavy equipment operators and truck drivers shall also be a permitted use, providing the use conforms with all other applicable sections of this by-law.

16.3.5 M-5 (east side of Highway 108, across from Timber Road South; Parts 1-7, Plan 1R-4587; By-law 21-63)

Notwithstanding the provisions of Section 16.1 hereof to the contrary, on the lands zoned M-5 nothing shall prevent a retail/wholesale garden centre; greenhouse and outdoor horticultural uses; one single family dwelling unit; farmers market; outside storage; eating establishment; and accessory uses incidental to any of the above permitted uses, providing the uses conform with all other applicable sections of this by-law.

16.4 Deeming By-laws

Notwithstanding the provisions of this by-law, the following lots are hereby deemed to be one parcel and effectively eliminating all internal lot lines:

16.4.1 2 Roddis Road; Lots 5 and 6, Plan M-148; By-law 99-19

16.4.2 700 Hwy 108 North (the Truck Terminal Site); Part 1 and Part 7, Plan 201-025, part of Mining Claim S68342; By-law 02-31

16.4.3 Soo Mill Road; Part 1, Plan 1R-11570; Part of Lot 3, Plan M-167, Lots 1 and 2, Plan M-167, and Parts 1 and 2, Plan 1R-2737; By-law 08-39

16.4.4 9-11 Perini Road; Lot 22 and Part Lot 21, Plan M-167; By-law 10-1

17 CLEAN INDUSTRIAL "CM" ZONE

The following regulations shall apply in all "CM" Zones:

17.1 Permitted Uses

No person shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Bakeries;
- Dairy Products Plants;
- Computer Services;
- Computer Equipment and Maintenance and Repair services;
- High-tech research and development establishments;
- Manufacturing of jewellery, watches, precision instruments, electronic products, electronic components, toys or similar articles;
- Offices;
- Production of cosmetics, drugs and other pharmaceutical supplies;
- Production of apparel and finished textiles products, other than the production of synthetic fibres;
- Printing, duplicating, book binding, and photographic establishments;
- Scientific or medical laboratories;
- Warehousing; and
- Accessory uses incidental to any of the above permitted uses.

17.1.1 Prohibited Uses

Notwithstanding Section 17.1, any use from which the emission of air or water pollutants or noise that imposes on the amenity of an adjacent residential area, is prohibited and shall be deemed not to be a permitted use.

17.2 Zone Requirements

| | |
|---|---------------------|
| Height, maximum: | 10.7 metres |
| Lot area, minimum: | 1,500 square metres |
| Lot coverage, maximum: | 50% |
| Front building line, minimum: | 6.0 metres |
| Side lot line, minimum: | 4.5 metres |
| Side lot line abutting a residential zone, minimum: | 9.0 metres |
| Side lot line abutting a street, minimum: | 9.0 metres |
| Rear lot line, minimum: | 12.0 metres |
| Distance between buildings on same lot or block, minimum: | 10.7 metres |
| Landscaped area, minimum: | 5% of the lot area |

17.3 Additional Zone Provisions

17.3.1 Open Storage

All permitted uses shall be conducted within an enclosed building with no outside storage of any kind except for finished products obscured from the view of the public by an approved fence or landscaping.

17.3.2 Lighting

All lighting facilities shall be so arranged that light is not directed or reflected into any adjoining Residential Zone.

17.3.3 Restriction of Large Openings

The front or side walls of a main building in a Clean Industrial "M2" Zone that face a street where such street abuts or is opposite a Residential Zone shall not contain large garage or service doors of a size capable of accommodating the passage of a motor vehicle.

17.3.4 Landscaping

Landscaped areas shall be provided and maintained:

- a) except for the area used for access driveways in the required front yard having a depth of not less than 6.0 metres abutting the street line;
- b) where the lot is a corner lot, a landscaped area in the entire required side yard abutting the street line; and
- c) where the lot abuts a residential zone, a landscaped area in the entire required side yard adjacent to the residential zone.

Any landscaped open space, shall be maintained in a healthy growing condition or shall be replaced. **(90-83)**

17.4 Special Exception Zones

Reserved.

18 INSTITUTIONAL "I" ZONE

The following regulations shall apply in all "I" Zones:

18.1 Permitted Uses

No person shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Auditoriums;
- Day care facilities;
- Churches, church halls, Sunday Schools, parsonages, convents;
- Government offices, police stations, fire halls and mine rescue stations;
- Hospitals, clinics, medical research facilities;
- Museums and public libraries;
- Nursing homes, homes for the aged and rest homes;
- Post-secondary research facilities and services (including for example, geo-physical research facilities and services, geographic information research facilities and services);
- Places of assembly;
- Recreation Centres, Community;
- Schools;
- Training centres; and
- Accessory uses incidental to any of the above permitted uses, including parking areas and parking stations.

18.1.1 Accessory Uses for Clinics

A clinic may also include a pharmacy and a coffee shop or lunch counter, provided that:

- a. any such facilities shall be completely contained within the medical clinic building with no direct access from the street;
- b. no sign, notice or other device advertising any such facilities shall be externally displayed on the medical clinic building or internally displayed so as to be visible from the exterior of the medical clinic building;
- c. any such facilities shall be used only for the accommodation and service of the occupants of the medical clinic building, their employees and patients.

18.2 Zone Requirements

| | |
|---|-----------------------|
| Height, maximum: | 13.72 metres |
| Lot area for churches, church halls, and Sunday Schools, minimum: | 2,787.0 square metres |
| Lot coverage, maximum: | 50% |
| Building line from any lot line, minimum: | 7.662 m |

18.3 Special Exception Zones

18.3.1 I-1 (25 Dunn Road; Parts 1, 2, and 3, Plan 1R-6233), (85 Dieppe Avenue; Parts 6 and 7, Plan 1R-6233), and (7 Timmins Road; Parts 22, 23, 24, and 25, Plan 1R-6233)

Notwithstanding the provisions of Section 18.1 hereof to the contrary, on the lands zoned I-1 a private club shall also be a permitted uses subject to compliance with all other applicable sections of this by-law.

18.3.2 I-2 (7 Dunn Road; Parts 5 and 8, Plan 1R-6233)

Notwithstanding the provisions of Section 18.1 hereof to the contrary, on the lands zoned I-2 the use of the existing three (3) storey building thereon for the purposes of residential apartments shall be permitted, subject to compliance with all other applicable sections of this by-law and provided that as each floor is used for an Institutional use it shall not revert to residential use except as an accessory use to the principle use.

18.3.3 I-3 (185 Mississauga Avenue; Block "D", Plan M-157; By-law 89-17)

Notwithstanding the provisions of Sections 18.1, 18.2, and 6 hereof to the contrary, on the lands zoned I-3 a transition house for women in distress shall be a permitted use, subject to compliance with all other applicable sections of this by-law and the following provisions:

| | |
|--------------------|--|
| Parking, minimum: | 7.0 spaces, located behind the building line |
| Bedrooms, maximum: | Five (5) |

18.3.1 I-4 (255 HWY 108 North (Civic Centre); Blocks "Q" and "R", Plan M-151; By-law 95-21)

Notwithstanding the provisions of Sections 18.1 and 6 hereof to the contrary, on the lands zoned I-4 places of assembly, offices, commercial arts and craft galleries, parking areas and accessory uses incidental to any of the above permitted uses shall also be a permitted use, subject to compliance with all other applicable sections of this by-law and the following provisions:

| | |
|-------------------|--|
| Parking, minimum: | 1 per 4 seats with the contiguous auditorium owner |
|-------------------|--|

18.3.1 I-5 (Block "N", Plan M-159; By-law 95-111) – note not included in 2004 draft

Notwithstanding the provisions of Section 18.1 hereof to the contrary, on the lands zoned I-5 a funeral home shall also be a permitted uses subject to compliance with all other applicable sections of this by-law.

18.3.2 I-6 (303 Mississauga Avenue; Parts 2, 3 and 4, Plan 1R-9631; By-law 98-48)

Notwithstanding Section 18.2, on the lands zoned I-6 the requirements of Section 18.2 shall apply except for the following:

| | |
|---|-------------|
| Building line, southerly lot line, minimum: | 0.61 metres |
| Building line, northerly lot line, minimum: | 4.2 metres |

18.3.3 I-7 (Manitoba Road (Cenotaph); Part 1, Plan 1R9643; part of Block 'H', Plan M-150; By-law 98-69)

Notwithstanding the provisions of Sections 18.1 and 18.2 hereof to the contrary, on the lands zoned I-7 the only permitted use shall be a Cenotaph, subject to compliance with all other applicable sections of this by-law and the following provisions:

| | |
|---|------------|
| Building line, front lot line, minimum: | 5.0 metres |
| Building line, any other lot line, minimum: | 3.0 metres |

18.3.1 I-8 (20 Lisbon Road; former Notre Dame de Bois Joli School Site; Part 1, Plan 1R-4519; part of Parcel 3124 AES; By-law 05-2)

Notwithstanding the provisions of Sections 18.1 and 18.2 hereof to the contrary, on the lands zoned I-8 the following shall also be permitted uses:

- light manufacturing and distribution of picture frames and art supplies located within the existing building;
- an art gallery, provided such use is accessory to the permitted manufacturing and distribution use and provided that the maximum floor area devoted to such use does not exceed 10% of the floor area devoted to the manufacturing and distribution use;
- an office, provided such use is accessory to the permitted manufacturing and distribution use;
- residential dwellings;

subject to compliance with all other applicable sections of this by-law and the following provisions:

- i) Any use from which the emission of air or water pollutants or noise that imposes on the amenity of an adjacent residential area shall be deemed not to be a permitted use;
- ii) Transport truck deliveries limited to three per week, using Spine Road then left onto Ottawa Avenue West then right onto Lisbon Road for access, during normal business hours Monday to Friday, 7 am to 7 pm;
- iii) No part of a front or side yard that is less than 20 metres from a residential zone or an existing residential use shall be used as a loading space;
- iv) All activities of the business shall be conducted from within an enclosed building with no outside storage of any kind;
- v) Normal hours of operation limited to between 7 am and 7 pm;
- vi) No illuminated signage;

- vii) Landscaped open space shall be maintained where the lot abuts a residential zone. Any landscaped open space shall be maintained in a healthy growing condition or shall be replaced.

18.3.2 I-9 (Rio Den Arena Building; Block L, Plan M-158; By-law 04-96)

Notwithstanding the provisions of Sections 18.1 and 18.2 hereof to the contrary, on the lands zoned I-9 nothing shall prevent the use of the lands for retail sale by not for profit corporations of used clothing and other similar items subject to compliance with all other applicable sections of this by-law and the following provisions:

- i) any use from which the emission of air or water pollutants or noise that imposes on the amenity of an adjacent residential area shall be deemed not to be a permitted use;
- ii) transport truck deliveries limited to one per week;
- iii) all activities of the business shall be conducted from within an enclosed building with no outside storage of any kind;
- iv) no illuminated signage.

18.3.3 I-10 (;By-law 07-85)

Notwithstanding Section 18.2, on the lands zoned I-10 the requirements of Section 18.2 shall apply except for the following:

| | |
|---|-------------|
| Building line, southwest corner, minimum: | 4.35 metres |
| Building line, northwest corner, minimum: | 6.98 metres |

18.3.1 I-11 (25 Dunn Road; Block F, Plan M-157; Parts 1, 2 and 3, Plan 1R-6233; By-law 15-48)

Notwithstanding the provisions of Section 18.1 hereof to the contrary, on the lands zoned I-11 a bingo hall and accounting office, all to be conducted within the existing building shall be permitted uses, provided that any noise that imposes on the amenity of the residential neighbourhood is prohibited and shall be deemed not to be a permitted use, subject to compliance with all other applicable sections of this by-law.

18.3.2 I-12 (99 Spine Road, White Mountain Building; PCL 8947 SEC AES; Parts 1-3, Plan 1R-5679; By-law 16-71)

Notwithstanding the provisions of Sections 18.1 and 18.2 hereof to the contrary, on the lands zoned I-12 nothing shall prevent the use of the lands for research laboratories, offices, meeting halls, canteen/eatery and the use of the garage for automotive or mechanical trade subject to compliance with all other applicable sections of this by-law and the following provisions:

- i) the undertaking is conducted within the enclosed building;

- ii) subject to Section 16.1.1;
- iii) there will be no outside storage other than up to six vehicles screened with fencing; and
- iv) any use from which the emission of air or water pollutants or noise that imposes on the amenity of other businesses or residents in the area, is prohibited and shall be deemed not to be a permitted use.

19 **PUBLIC OPEN SPACE "O" ZONE**

The following regulations shall apply in all "O" Zones:

19.1 **Permitted Uses**

No person shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Auctions, downhill skiing, beach, picnic area, fire tower, skateboard or roller blade facility, recreational trails for cyclists, jogging, cross-country skiing snowmobiling walking or hiking;
- Community gardens;
- Public buildings, skating, hockey and curling arenas, art galleries, private clubs, libraries, museums, community centres, community halls, mine rescue stations and monuments and refreshment facilities accessory to any of these uses;
- Public parks, athletic fields, swimming pools, wading pools, playgrounds, golf courses, tennis courts, skating, hockey and curling rinks, bowling greens, marinas, bathing stations, botanical gardens, zoological gardens, cemeteries and bandstands, and refreshment facilities accessory to any of these uses;
- Seasonal Trailer Parks, on land owned by the Municipality whether operated by the Municipality or any other person;
- Parking stations and parking areas; and
- Accessory uses incidental to any of the above permitted uses.

19.2 **Zone Requirements**

| | |
|---|--------------|
| Height, maximum: | 13.72 metres |
| Building line from any lot line, minimum: | 7.62 metres |

19.3 **Special Exception Zones**

19.3.1 **O-FL – Flood or Erosion Control Only (multiple locations)**

Notwithstanding the provisions of Section 19.1 hereof to the contrary, on the lands zoned O-FL, no buildings or structures of any kind, other than those necessary for flood or erosion control, shall be erected or used on any of the following described lands, namely:

- a) Blocks "G" and "H", Plan M-336;
- b) Block "R", Plan M-337;
- c) Blocks "X" and "Y", Plan M-338;
- d) Blocks "DD" and "FF", Plan M-339; and
- e) Blocks "HH", "NN", and "JJ", Plan M-340.

19.3.2 O-1 – Shoreline Buffer (Block 7, Draft Plan of Subdivision at the west end of Spine Road; part of Part 2, Plan 1R-11447; PIN 31631-0942 (LT); By-law 09-75)

Notwithstanding the provisions of Section 19.2 hereof to the contrary, on the lands zoned O-1, the following provisions shall apply:

- (i) All of Block 7 constitutes a shoreline protection buffer, which includes a 20 metre protection zone measured from the High Water Mark, and shall be subject to the provisions of Section 23.3.1, except as further qualified below;
 - a) a maximum of 30% of the trees within the buffer area may be removed;
 - b) a maximum width of disturbance to the shoreline buffer shall a maximum of 10 metres width per disturbance; and
 - c) a single dock is permitted, provided such dock has a maximum projection into the water of 20 metres, and has a maximum width of 10 metres.

19.3.3 O-2 (multiple locations)

Nothing in this by-law shall prevent the use of the following lands zoned O-2 for one or more of the following purposes: community centre, skating, hockey or curling arena, skating, hockey or curling rink, refreshment facilities accessory to any of these uses; and other accessory uses incidental to any of these uses:

THESE ARE PERMITTED USES, WHAT IS THE EXCEPTION?

- a) Lot Nos. 499 to 514 inclusive, Plan M-147;
- b) The portion of the lane shown on Plan M-147 lying between Lot Nos. 499 to 506 inclusive, and Lot Nos. 507 to 514 inclusive, on Plan M-147; and
- c) All of Block "X" on Plan M-147, except that part of Block "X" which is more particularly described as follows:
 - COMMENCING at the northeastern angle of Block "X";
 - THENCE westerly along the northern limit of Block "X", 14.331949 metres more or less to an angle therein;
 - THENCE southerly along the western limit of Block "X", 13.4112 metres more or less to an angle therein;
 - THENCE easterly along a line parallel to the preceding northern Limit, 14.331949 metres more or less to the eastern limit of Block "X" which is also the west limit of the 0.3048 metre reserve;
 - THENCE northerly along the eastern limit 13.4112 metres more or less to the point of commencement.

19.3.4 O-3 (;Block "D",Plan M-157)

Nothing in this by-law shall prevent the use of the O-3 Zone for the purpose of a Group Home, otherwise complying with the regulations of this by-law, provided that such erection and use shall be subject to the following additional special regulations:

| | |
|---------------------|----|
| Occupancy, maximum: | 10 |
|---------------------|----|

| | |
|--|--|
| Individuals per habitable room, maximum: | 2 |
| Parking, minimum: | 3 parking spaces located behind the front building line; |

19.3.5 O-4 (Senator Trailer Park)

Nothing in this by-law shall prevent the use of the lands zoned O-4 for the purposes of a Permanent Occupancy Mobile Home Park, subject to compliance with all other applicable sections of this by-law.

REZONE TO RMP IN SCHEDULE?

19.3.6 O-5 (96 Dieppe Avenue, former Salvation Army Church property; Part of Block G, Plan M-157; By-law 10-5)

Notwithstanding the provisions of Sections 19.1 and 19.2 hereof to the contrary, on the lands zoned O-5 nothing shall prevent the use of the lands for a furniture upholstery shop and warehousing for storing personal goods subject to compliance with all other applicable sections of this by-law and the following provisions:

- i) Storage is contained within the existing building;
- ii) Any use from which the emission of air or water pollutants or noise that imposes on the amenity of an adjacent residential area shall be deemed not to be a permitted use;
- iii) Transport truck deliveries limited to three per week during normal business hours Monday to Friday, 7 am to 7 pm;
- iv) No part of a front or side yard that is less than 20 metres from a residential zone or an existing residential use shall be used as a loading space;
- v) All activities of the business shall be conducted from within an enclosed building with no outside storage of any kind;
- vi) Normal hours of operation limited to between 7 am and 7 pm;
- vii) No illuminated signage; and
- viii) Landscaped open space shall be maintained where the lot abuts a residential zone. Any landscaped open space shall be maintained in a healthy growing condition or shall be replaced.

19.4 Holding Provisions

Where lands zoned Public Open Space "O" are shown with an "H" (Holding Provision) suffix on Schedule A of this by-law, said lands may not be used as listed in Section 19.1 above unless said application for development is accompanied by an Environmental Impact Assessment (EIA). The study will address how the lands can be developed within the requirements of the Provincial Policy Statement and the published Provincial Guidelines. The EIA must be completed by a recognized professional with an expertise in the area of concern.

Does this apply to certain areas? Should show on the map and add description in text.

20 PARK "P" ZONE

The following regulations shall apply in all "P" Zones:

20.1 Permitted Uses

No person shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Public parks, athletic fields, swimming pools, wading pools, playgrounds, golf courses, tennis courts, skating, hockey and curling rinks, bowling greens, marinas, bathing stations and refreshment facilities accessory to any of such uses, locker rooms and shower facilities and changing rooms; and
- Accessory uses incidental to any of the above permitted uses.

20.2 Zone Requirements

| | |
|---|--------------|
| Height, maximum: | 13.72 metres |
| Building line from any lot line, minimum: | 7.62 metres |

21 RURAL "A" ZONE

The following regulations shall apply in all "A" Zones:

21.1 Permitted Uses

No persons shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Agricultural, forestry, mining, quarrying, production of electric power, including buildings for the distribution thereof, and parks;
- Animal Hospitals;
- Breeding and Boarding Establishments;
- Cemeteries;
- Conservation Uses;
- Dormitories for employees if located at or immediately adjacent to the portion of the land on which the main operations of one (1) of the above uses are carried on
- Drive-in theatres and amphitheatres;
- Farm Produce Outlets;
- Golf courses;
- Horse stables and horse riding facilities;
- Municipal Airports;
- Nurseries;
- Outdoor Recreational Uses;
- Public Boat Launch; **(03-8)**
- Radio and television antenna including buildings necessary to house electronic equipment incidental thereto;
- Rod and gun clubs;
- Seasonal Trailer parks on land owned by the Municipality whether operated by the Municipality or any other person;
- Ski lifts and ski tows;
- Summer camps for children operated by non-profit organizations, including boy scout and girl guide camps;
- Yacht and aquatic clubs; and
- Accessory uses incidental to any of the above permitted uses.

21.2 Zone Requirements

| | |
|---|--------------------------------|
| Lot area, minimum: | 4.0 hectares |
| Length of any street lot line, minimum: | 121.92 metres |
| Building line from any street lot line, minimum: | 15.24 metres |
| Building line from any other lot line, minimum: | 7.62 metres |
| Building line from lot line adjoining a lake or river, minimum: | 20 metres from high water mark |

21.3 Additional Zone Provisions

21.3.1 Special Airport Restrictions

Notwithstanding any of the foregoing, no person shall erect or use any building or structure for any purpose in the area shaded with diagonal lines detailed by inset 2 of Schedule "A" hereto.

Create special exception zone? Or continue special shading?

21.4 Special Exception Zones

21.4.1 RA-1 (HWY 108 East side at Airport; Part 1, Plan 1R-4721)

Notwithstanding the provisions of Section 21.1 hereof to the contrary, on the lands zoned RA-1 a building or buildings for the purpose of a salvage yard and accessory uses thereto shall also be a permitted uses subject to compliance with all other applicable sections of this by-law and the following provision:

- (i) no dwelling units shall be permitted on the lands.

21.4.2 RA-2 (880 HWY 108 North - Shan-N-Doe Ranch; Part 1, Plan 1R-5727)

Notwithstanding the provisions of Section 21.1 hereof to the contrary, on the lands zoned RA-2 a single detached dwelling shall also be a permitted use subject to compliance with all other applicable sections of this by-law.

21.4.3 RA-3 (Nordic Trailer Park)

Notwithstanding the provisions of Section 21.1 hereof to the contrary, on the lands zoned RA-3 a Permanent Occupancy Mobile Home Park shall also be a permitted use subject to compliance with all other applicable sections of this by-law.

NOT IN 2004 DRAFT? Still permitted? Or REZONE TO RMP?

21.4.4 RA-4 (Dunlop Lake Area, multiple locations)

Nothing in this by-law shall prevent the use of the following lands zoned RA-4 located adjacent to Dunlop Lake in Bouck Township or the erection or use of buildings thereon for any permitted use listed in Section 22.1 subject to compliance with the applicable requirements of Section 22, Rural "B" zone:

- Part of Mining Claim S66925 described as GH45;
- All the lands described by Registered Plan M-233;
- Location WN19, Part 1 of Registered Plan AR709, Parcel 8333 AES;
- Location WN21, Parts 1 and 2 of Registered Plan AR 710 and Part 1 or Registered Plan 1R-5847, Parcel 8337 AES;
- Location CK133, Parcel 2096 AES;
- Part of CL4043, Parts 1 - 4 on Plan 1R-5977.

21.4.5 RA-5 (23B Timber Road; Part 1, Plan 1R-3932; By-law 93-58)

Notwithstanding the provisions of Sections 21.1 and 21.2 hereof to the contrary, on the lands zoned RA-5 the only permitted use shall be an airbase and incidental accessory uses thereto including aircraft maintenance, flight training, tourist outfitting, tourist fly-in services and excluding residential uses of any type subject to compliance with all other applicable sections of this by-law and the following provision:

| | |
|---|-------------|
| Building line from any lot line, minimum: | 7.62 metres |
|---|-------------|

21.4.6 RA-6 (101 South Bay Road; Parts 1- 4, Plan 1R-5977; By-law 94-79)

Notwithstanding the provisions of Section 21.1 hereof to the contrary, on the lands zoned RA-6 private or public storage shall also be a permitted use subject to compliance with all other applicable sections of this by-law.

21.4.7 RA-7 (HWY 108 West side at Airport; part of Mining Claim S-89176 located west of Highway Number 108 and the whole of Mining Claim S-86916; By-law 96-22)

Notwithstanding the provisions of Section 21.1 hereof to the contrary, on the lands zoned RA-7 a commercial composting operation shall also be a permitted use subject to compliance with all other applicable sections of this by-law.

21.4.8 RA-8 (Airport Quarry in Esten Township, located 1.3 km west of Highway 108;MC S75406, Parcel 2487 A.E.S; By-law 10-102)

Notwithstanding the provisions of Section 21.1 hereof to the contrary, on the lands zoned RA-8, a portable asphalt / concrete plant shall also be a permitted use subject to compliance with all other applicable sections of this by-law.

21.4.9 RA-9 (13,200 square feet of City-owned hangar space at the Elliot Lake Municipal Airport; By-law 16-19)

Notwithstanding the provisions of Section 21.1 hereof to the contrary, on the lands zoned RA-9 manufacture and assembly of light gauge steel building products, all to be conducted within the existing linked hangars shall also be a permitted use, provided that any noise or activity that imposes on the operations of the airport is prohibited and shall be deemed not to be a permitted use, and subject to compliance with all other applicable sections of this by-law.

21.4.10 RA-10 (north shore of Elliot Lake; Part 1, Plan 1R-2785; By-law 16-42)

Notwithstanding the provisions of Sections 21.1 and 21.2 hereof to the contrary, on the lands zoned RA-10 an airbase and incidental accessory uses thereto including aircraft maintenance, flight training, tourist outfitting, tourist fly-in services and excluding residential uses of any type except for a seasonal residence for “night watchman purposes” restricted to a maximum of 500 square feet during the May to November operating season only shall also be permitted uses subject to compliance with all other applicable sections of this by-law and the following provisions:

| | |
|---|---|
| Building line from the waterfront lot line, minimum: | 20.0 metres from the high water mark |
| Building line from another lot line, minimum: | 7.62 metres |

22 RURAL "B" ZONE

The following regulations shall apply in all "B" Zones:

22.1 Permitted Uses

No person shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Hotels, motels, tourist camps, and other vacation establishments, designed and operated for the short term accommodation of the vacationing public;
- Hunting and fishing camps;
- Marinas;
- Parking stations and parking areas;
- Public Boat Launches;
- Summer camps for children operated by non-profit organizations, including boy scout and girl guide camps;
- Summer cottages; and
- Accessory uses incidental to any of the above permitted uses.

22.2 Prohibitions

22.2.1 Summer Cottages and Hunting and Fishing Camps

Nothing in Section 22.1 shall permit the use of any summer cottage or hunting and fishing camp as the normal place of residence of any person, it being the intent and purpose of this by-law that such establishments be permitted uses only for recreation or vacation purposes for limited periods of time by persons whose normal place of residence is elsewhere.

22.2.2 Retail Sales

With the exception of the sale of boat and seaplane equipment and fuel therefore at marinas and the sale of fuel for automobiles as accessory to the operation of a marina, sales of commodities including refreshments, food and meals are prohibited in the Rural "B" Zone except where such sales are a minor and only incidental part of the operation of a marina or vacation establishment and are provided solely for the purpose of serving the incidental needs of persons patronizing the marina or vacation establishment in connection with the major purpose thereof.

22.3 Zone Requirements

22.3.1 Uses that Include Residential Accommodation

| | |
|---|--------------|
| Lot width, minimum, subject to Section 22.3.2: | 30.48 metres |
| Building line from lot line adjoining a crown reserve along a lake or river, minimum: | no minimum |

| | |
|---|--|
| Building line from lot line adjoining a lake or river, minimum: | 20.0 metres from high water mark |
| Building line from another lot line, minimum: | 6.09 metres |
| Lot area, minimum: | 0.4047 hectares provided that in the case of a lot that adjoins a crown reserve along a lake or river or a road right-of-way or allowance shown on a registered plan of subdivision or both, there may be included in computing the area of the lot that portion of the crown reserve or road right-of-way or allowance, or both, contained within the extensions of the lot lines of the lot. |

22.3.2 For the purposes of establishing the minimum lot width requirement under Section 22.3.1, the following definitions shall apply;

- a) "frontage" means a limit of a lot contiguous to or adjacent to a lake or river or a road or railway right-of-way, but where a lot has limits contiguous to or adjacent to a lake or river and a road or railway right-of-way, "frontage" means the limit contiguous to or adjacent to the lake or river;
- b) "side" means a limit of a lot which meets a frontage of the lot; AND
- c) "width" means,
 - i) where a lot has only one (1) side, the distance measured in a straight line between the ends of that side, OR
 - ii) where a lot has only two (2) sides, and the sides are parallel, the distance between the sides measured perpendicularly, OR
 - iii) where a lot has only two (2) sides, and the sides are not parallel, the distance between the sides measured in a straight line from the mid-point of each side, OR
 - iv) where a lot has three (3) or more sides, the distance which is longest when measured in a straight line between the mid-point of two (2) sides meeting the same frontage.

22.3.3 Requirements for Accessory Structures

a) Accessory structures to single dwellings, summer cottages and non-commercial hunting and fishing camps shall have a minimum building line from any other lot line of 3 metres.

b) Detached Private Garage

Notwithstanding any other provision in this By-Law, one (1) detached private garage

only may be erected per lot as follows:

| | |
|--|--|
| Building line from street lot line, minimum: | same as main bldg. |
| Building line from side lot line and rear lot line, minimum: | 3 metres |
| Building height, maximum: | 6 metres and may contain intermediate floors |
| Ground floor area, maximum: | 111.5 sq. metres and not to exceed ground floor area of main building. |

22.3.4 Non-residential Uses

| | |
|---|----------------------------------|
| Lot area, minimum: | no minimum |
| Lot width, minimum: | no minimum |
| Building line from lot line adjoining a crown reserve along a lake or river, minimum: | no minimum |
| Building line from lot line adjoining a lake or river, minimum: | 20.0 metres from high water mark |
| Building line from any other lot line, minimum: | 6.09 metres |

22.3.5 Combined Uses

Where the use of land is a combination of two (2) or more uses specified in sections 21.3.1 and 21.3.4, the most rigid requirements relative to lot area and lot width will apply, and the sum of the requirements for each individual use shall be the minimum in respect of parking facilities to be provided.

22.3.6 Crown Shore Reserve

Where a lot in a Rural "B" zone and an abutting shoreline allowance are registered in the same ownership the requirements of this zone shall be applied as if the parcels of land were one.

22.4 Special Exception Zones

22.4.1 RB-1 (54 Boychuk Road; Lot 6, Plan M-234; By-law 99-36)

Notwithstanding the provisions of Section 22.3 hereof to the contrary, on the lands zoned RB-1 the following provisions shall apply:

| | |
|--|-----------------|
| Building line from another lot with respect to the northeast side lot line to the garage, minimum: | 4.18 metres |
| Building line from the waterfront lot line, minimum: | 10 metres |
| Lot area, minimum: | 0.3771 hectares |

22.4.2 RB-2 (Denison Lodge; Parts 1, 2, 3, 4, 5, 6, 7, 8, and 9, Plan 1R-9314; By-law 01-66)

Notwithstanding the provisions of Section 22.1 hereof to the contrary, on the lands zoned RB-2 further to an Order under the *Environmental Protection Act* issued on the 15th of October 1996 and registered on title to the lands, no excavation on the property or renovations to the floors and foundations shall be carried out except when accompanied by a plan for conducting soil and material testing approved by the Ministry of Environment and Climate Change (MOECC), for so long as the Order remains in place.

22.4.3 RB-3 (Denison Lodge; Parts 1, 2, 3, 4, 5, 6, 7, 8, and 9, Plan 1R-9314; By-law 11-64)

Notwithstanding the provisions of Section 22.1 hereof to the contrary, on the lands zoned RB-3 a single family dwelling is permitted with private road access, with no municipal responsibility for the provision of road maintenance to the property and providing the use conforms with all other applicable sections of this by-law and all other governmental rules and regulations.

23 SHORELINE RESIDENTIAL “RS” ZONE

Limited municipal service standards apply to this zone. The following regulations shall apply in all "RS" Zones:

23.1 Permitted Uses

No person shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Single Dwellings (fully maintained year round road access properties only);
- Seasonal/Recreational Dwellings; and
- Structures accessory to the above uses.

Shoreline residential uses are permitted on the following lakes:

McCarthy Lake, Pecors Lake, Depot Lake, Marshland Lake, Popeye Lake, Trout Lake, Rossmere Lake, Grandeur Lake, Dunlop Lake, and Quirke Lake.

23.2 Zone Requirements

Each lot may contain not more than one single dwelling or seasonal/recreational dwelling, but not both.

| | |
|---|--------------------------------|
| Lot area, minimum: | 0.4047 ha |
| Lot width, minimum: | 45 metres |
| Building line from the lot line adjoining a lake or river, minimum: | 20 metres from High Water Mark |
| Building line from street lot lines (non-waterfront properties), minimum: | 12.0 metres |
| Building line from rear lot line, minimum: | 12.0 metres |
| Building line from another lot line, minimum: | 6 metres |
| Building height (main building), maximum: | 10.5 metres |
| Ground floor area of single dwelling and Seasonal /Recreational dwelling on lots of 0.81 hectares or less, minimum: | 65 sq. metres |
| Lot coverage, maximum: | |
| Main building: | 10% |
| Accessory buildings: | 10% |
| All buildings: | 15% |

23.2.1 Accessory Buildings

23.2.1.1 Detached Private Garage

Notwithstanding any other provision in this By-Law, one (1) detached private garage only may be erected per lot as follows:

| | |
|--|---|
| Building line from street lot line, minimum: | same as main bldg. |
| Building line from side lot line and rear lot line, minimum: | 3 metres |
| Building height, maximum: | 6 metres and may contain intermediate floors |
| Ground floor area, maximum: | 111.5 sq. metres and not to exceed ground floor area of main building. (04-16) |

23.2.1.2 Sleep Cabin

Not more than (1) one cabin will be permitted per lot

| | |
|---|-------------------|
| Floor area, maximum: | 25 sq. metres |
| Location, minimum : | behind main bldg. |
| Building line from other lot line, minimum: | 3 metres |
| Height, maximum: | 5 metres |

23.2.1.3 Land-based Boat House (storage only)

| | |
|---|---------------|
| Distance from high water mark, minimum: | 3 metres |
| Floor Area, maximum : | 25 sq. metres |
| Height, maximum: | 1storey |
| Building line from other lot line, minimum: | 3 metres |

23.2.1.4 Water-based Boat House (storage only), and subject to approval by the Ministry of Natural Resources and Forestry

| | |
|---|-------------|
| Projection from private lot benefitting from the structure: | 3 metres |
| Height, maximum: | 1.5 storeys |
| Building line from other lot line, minimum: | 6 metres |

23.2.1.5 Gazebos, Saunas, Decks on Waterfront properties only

| | |
|------------------------------------|--------------|
| Location: | unrestricted |
| Distance from high water mark: | 3 metres |
| Building line from other lot line: | 6 metres |
| Building height: | 1 storey |

23.2.1.6 Other accessory buildings

| | |
|-------------------------------------|-------------------|
| Building line from street lot line: | same as main bldg |
| Building line from other lot line: | 3 metres |

| | |
|------------------|----------|
| Building height: | 1 storey |
|------------------|----------|

23.3 Additional Zone Requirements

The following additional zone requirements shall apply:

- i) Balconies, canopies and unenclosed porches/decks may project beyond any building line adjoining a lake or river, a distance of not more than 5 metres including eaves, stairs or any part of the structure. For the purpose of allowable encroachments for accessory structures, lot coverage for the above structures shall not be included in the calculation. **(09-81)**
- ii) The parking of not more than (1) one Commercial vehicle as defined under Section 6.8 iii) will be permitted.
- iii) Recreational vehicles used as seasonal dwellings on vacant lots are prohibited unless authorized by a Temporary Use By-law under Section 39 of the *Planning Act*.
- iv) Each lot shall be developed in a manner that minimizes the environmental impact and preserves and maintains as much vegetation as possible. The use of native vegetation species for landscaping is encouraged. **(15-59)**
- v) Water frontage only lots shall not be developed except where a public boat launch is provided.

23.3.1 Shoreline Buffer Areas:

- (i) Each Lot shall have a buffer area in which:
 - a. no trees shall be removed;
 - b. no roots or root systems, herbs, grasses, or the duff layer shall be removed;
 - c. no lawn shall be established or maintained;
 - d. no use of fertilizers, pesticides, herbicides or dust suppressant;
 - e. no use of non-native vegetation species for landscaping. **(15-59)**
- (ii) A Buffer Area shall be maintained around the perimeter of each lot, and having the following minimum depth:

| | |
|--|---|
| Buffer Area: | NB All lands lying on the opposing side of the High Water Mark (i.e. seasonally inundated shorelands and beds of water bodies) shall not be altered without the authority of the Crown. |
| Shoreline Buffer from the lot line adjoining a lake or river, minimum: | 15 metres measured horizontally inland from the High Water Mark |
| Perimeter Buffer, from the rear lot line, minimum: | 10 metres |
| Perimeter Buffer, from any other lot | 5.0 metres |

line, minimum:

(15-59)

(iii) Shoreline Buffer Exceptions **(08-33)(15-59)**

The lands located in a shoreline buffer area shall be maintained in a natural state except for the following:

- a. Prior to submission of a Lot Development Plan, the following work may be undertaken in the shoreline buffer area:
 - i) Dead or decaying vegetation shall not be removed unless it poses a safety hazard. Dead or decaying standing trees that pose a risk to safety may be felled and left to decay on the forest floor on the subject property. Other dead or decaying vegetation may be relocated within the buffer area so that it no longer poses a safety risk.
 - ii) A maximum 2 metre wide pedestrian pathway may be cleared from the dwelling to the shoreline.
- b. The following exceptions are permitted within the required Buffer Area upon approval of a Lot Development Plan:
 - i) maximum 4 metre wide utility access route including minimal removal of the duff layer for underground utility installations (may include hydro, cable, internet, natural gas, water). This area shall be restored immediately to original grade and native vegetation must be planted.
- c. In addition to the above exceptions, trees within the shoreline buffer area may be removed, as shown in a Lot Development Plan to alter the Buffer area or to allow construction of an accessory structure or building that is otherwise permitted within the required front yard as follows:
 - i) a maximum of 20% of the trees within the Buffer Area may be removed;
 - ii) the maximum width of disturbance within the Shoreline Buffer shall be a maximum of 10 metres width in total for road-access lots and 12.5 metres in total for water-access lots; and
 - iii) outside of the areas described above, shrubs will not be removed from the shoreline buffer but may be selectively pruned.

23.4 Crown Shore Reserve

Where a lot in a Shoreline Residential "RS" zone and an abutting shoreline allowance are registered in the same ownership, the requirements of this zone shall be applied as if the parcels of land were one.

23.5 Definitions

For the purposes of Section 23, the following definitions shall apply:

BOAT HOUSE: a building or structure or part thereof, used for the storage, shelter of private boats, personal watercraft or other forms of water transportation and equipment accessory to their use, but shall not be used for human habitation nor be equipped with pressurized potable water or sanitary facilities.

BUFFER AREA: a portion of a lot around the perimeter of the lot where existing vegetation is maintained or re-established in its natural predevelopment state, or native vegetation is planted for the purpose of protecting natural vegetation and minimizing the visual impact of any buildings or structures on the lot.

BUFFER AREA, SHORELINE: the portion of the Buffer Area adjacent to the High Water Mark.

DISTURBANCE: removal, damage or destruction in any way of trees and/or the placement of accessory buildings within the Buffer Area.

DUFF LAYER: forest floor cover including organic matter on the forest floor such as leaves, needles, and mosses.

GRASSES: many species of grass such as quack grass, timothy and sedge.

HERBS: many species of weeds and flowers such as trillium, lily, cattail, buttercup. **(08-33)**

DWELLING- SEASONAL/RECREATIONAL: a single detached dwelling containing one (1) dwelling unit constructed as a secondary place of residence and is not the principal place of residence of the owner or occupier thereof.

HIGH WATER MARK: the mark made by the action of water under natural conditions on the shore or bank of a body of water, which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark and as established by an Ontario Land Surveyor.

LAWN: an area of cultivated grass or any area of mowed grass.

LOT DEVELOPMENT PLAN: a Plan submitted in accordance with the Municipality's Site Plan Control By-law. **(08-33)**

LOT LINE, STREET: any lot line or high water mark that divides a lot from the street.

PUBLIC BOAT LAUNCH: public land designated by the appropriate authority and developed and maintained by the authority as a public access to a navigable water body.

SHRUBS: immature trees and/or low vegetation or bushes including but not limited to Dogwood, Cranberry, Alder, Elder, Willow, Blueberry, or Labrador-Tea. **(08-33)**

SLEEP CABIN: an accessory building or structure located on the same lot as the principal building or structure, the accessory use being for sleeping accommodations in which neither cooking or sanitary facilities or pressurized water shall be provided.

STREET: a public highway, or a private thoroughfare of not less than 15.24 metres in width, which affords a principal means of vehicular access to the abutting lots, or in the case of a water frontage lot, only the lake or river frontage is to be considered the street.

TREE: a self-supporting woody plant with a diameter of 10.2 cm (4") measured by caliper or more measured from outside the bark 1.4 m (4'7") above existing grade of the ground adjoining its base or where there are multiple stems on a tree, means the total of the diameters of the three largest stems measured approximately 1.4 m above existing grade. **(08-33)**

23.6 Special Exception Zones

23.6.1 RS-1 (100 Denison Mine Road, being Parts 1,2,3,4,5,6,7,8, and 9 on Plan 1R-9314; By-law 13-62)

Notwithstanding the provisions of Section 23.1 hereof to the contrary, on the lands zoned RS-1 a single family dwelling is permitted with private road access, with no municipal responsibility for the provision of road maintenance to the property and providing the use conforms with all other applicable sections of this by-law and all other governmental rules and regulations.

Same as RB-3?

23.7 Deeming By-laws

Notwithstanding the provisions of this by-law, the following lots are hereby deemed to be one parcel and effectively eliminating all internal lot lines:

23.7.1 54 Boychuk Road; Parcel 5928A.E.S.; Lot 6 Plan M-234, and Parcel10123, A.E.S., Part of Location CL2945; Part 6, Plan 1R-5103; By-law 99-36

23.7.2 72 Boychuk Road; Lot 11, Plan M-234 and Part 11, Plan 1R-5103, being part of Location CL2945; By-law 02-27

23.7.3 1072 and 1066 Dunlop Shores Road; Lot 21 and 22, Plan 1M-566

23.7.4 1188 and 1184 Dunlop Shores Road ; Lot 5 and 6, Plan 1M-566; By-law 09-56

24 **RURAL ESTATE "RE" ZONE**

The following regulations shall apply in all "RE" Zones:

24.1 **Permitted uses**

Any use permitted in the Shoreline Residential Zone subject to the requirements of such zone except that the **minimum lot size shall be 1 hectare**.

25 VALIDITY

Should any section or part of a section of this by-law be declared by a court of competent jurisdiction to be invalid, the declaration shall not affect the provisions of this by-law as a whole or any part thereof, other than the part so declared to be invalid.

26 VIOLATIONS AND PENALTIES

26.1 Every person who contravenes any provision of this by-law is guilty of an offence, and upon conviction thereof, is liable,

- a) on first conviction to a fine of not more than \$20,000.00; and
- b) 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 he was first convicted.

26.2 When a Corporation is convicted under Section 26.1, they are liable,

- a) on first conviction to a fine of not more than \$50,000.00; and
- b) on a subsequent conviction to a fine of not more than \$25,000.00 for each day or part thereof upon which the contravention has continued after the day on which the Corporation was first convicted.

27 That By-law No. 87-40 and all amendments thereto are hereby repealed.

28 That this by-law shall take effect on the date of its passing subject to the approval by the Ministry of Municipal Affairs to a complimentary new Official Plan and providing that no appeals to this by-law are received by the Clerk of the City pursuant to Ontario Regulation 404/83 and should an appeal be received by the Clerk of the City pursuant to the Regulation, then the by-law shall take effect on the date of its passing subject to the approval of the Ontario Municipal Board.

READ a first and second time this ____ day of _____, 2018.

READ a third time and finally passed this ____ day of _____, 2018.

MAYOR

CLERK