

THE CORPORATION OF THE CITY OF ELLIOT LAKE

By-law No. 87-40

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 Town of Elliot Lake and to repeal By-law No. 56-13, as amended.

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 for The Corporation of the Town 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 Town 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 Town 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.

- 3.1 Accessory Use: means a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.
- 3.2 Adult Training Home: means a single dwelling used as a home for retarded persons as defined in the Homes for Retarded Persons Act, and operated solely for the purpose of providing a residential setting which approximates family living while engaging an approved training program designed to provide an opportunity for learning daily living skills pursuant to the Retarded Persons Act.
- 3.3 Apartment Building: means a separate building designed exclusively to contain three (3) or more dwelling units divided horizontally.
- 3.3.1 Automobile Body Shop: means 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.
- 3.4 Automobile Service Station: means 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. (03-42)
- 3.5 Automotive Trade: means a use for the storing, sale or offering for sale at retail, any automotive vehicle and accessories for such vehicles and shall include recreation vehicles not over 10.67 metres in length.
- 3.6 Basement: means 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.

- 3.7 Boarding House: means 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.
- 3.7.1 Breeding and Boarding Establishment: means any premises where dogs or cats are boarded, bred or trained for a fee. **(92-28)**
- 3.7.2 Builders, contractors' yard: means 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)
- 3.8 Building: means a structure having a roof supported by columns or walls and intended for the shelter or accommodation of persons, animals, goods or chattels.
- 3.9 Building, Accessory: means 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 exceeding 10% of the lot area in size 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)**
- 3.10 Building Frontage: means the exterior wall of a building fronting onto a street or pedestrian way.

- 3.11 Building Line: means 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.
- 3.12 Building, Main: means the building in which is conducted the principal use of the lot on which the building is erected.
- 3.12.1 Business, Professional and/or Administrative Office
Means 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)
- 3.13 Carport: means 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.
- 3.14 Cemetery: means a mausoleum, a columbarium, a crematorium and means land that is set apart or used as a place for the interment of the dead.
- 3.15 Convenience Retail: means a retail establishment which deals primarily in goods required by the inhabitants of a residential neighbourhood, but does not include a

store catering primarily to the requirements of a commercial district.

3.15.1 Convenience Store

Means 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)

3.16 Coverage: means that percentage of the land or lot area covered by buildings and structures.

3.17 Day Nursery or Day Care Centre: means a structure and play area as defined by the Day Nurseries Act, 1980.

3.18 Daylighting Triangle or Sight Triangle: means 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.

3.19 Duplex Building: means a separate building designed exclusively to contain only two (2) dwelling units divided horizontally.

3.20 Dwelling: means 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.

- 3.21 Dwelling Unit: means a room or suite of two (2) or more rooms designed or intended for use by a person or one (1) family, in which is provided for the exclusive use of such person or family 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.
- 3.22 Dwelling Unit Area: means 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.
- 3.23 Eating Establishment: means 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; but does not include a boarding house.
- 3.24 Family: means a group of two (2) or more persons living together as a single and non-profit housekeeping unit in a dwelling unit, and includes domestic servants, roomers and boarders not exceeding two (2) in number.
- 3.25 Floor Area: means for a building other than a dwelling, the total area of all floors contained within the outside walls of the building.
- 3.26 Floor Area, Gross: means 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.
- 3.27 Floor Area, Gross Leasable: means 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.

- 3.28 Floor Area, Ground: means 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.
- 3.29 Funeral Home: means 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.
- 3.30 Garage, Private: means 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)**
- 3.31 Gas Bar: means 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.
- 3.32 Government Office: means 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.

- 3.33 Height: means 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.
- 3.34 Home Occupation: means an accessory use which is conducted entirely within a dwelling unit by the occupant of the said dwelling unit, plus not more than one (1) person not residing therein, and
- i) which is clearly secondary to the use of the dwelling unit as a private residence;
 - ii) which does not change the character of the dwelling unit as a private residence;
 - iii) of which no evidence is apparent from the exterior that such use is conducted therein except a permitted sign;
 - iv) which does not create or become a public nuisance, in particular in regard to noise, traffic or parking;
 - v) which does not occupy more than twenty-five (25%) percent of the total

floor area of the dwelling unit, including basement or cellar area used for the home occupation or as living quarters, or 27.87 square metres, whichever is the lesser;

- vi) which does not require the frequent delivery of goods or storage of goods for sale; and
- vii) which does not involve the retail sale or over the counter sale of goods.

For greater clarity such use includes the office or consulting room for a profession such as a physician, dentist, lawyer, engineer, chiropractor or accountant or a teacher of dancing or music giving instruction to not more than one pupil at any one time and the office for a real estate or life insurance agent, clerical or administrative office, artist or craftsman studio, and includes uses satisfying the above criteria and determined to be Home Occupations by the Committee of Adjustment for the Town of Elliot Lake, but does not include or permit a clinic, barber shop, beauty parlour, shoe repairing, tea room, tourist home, general insurance business office, convalescent home, mortuary, funeral parlour, rooming house, nursery school, boarding house or other similar use, any institutional use, or any workshop, storage yard or plant for any trade, and it is declared that the above occupations are not intended to be a complete list of permitted and not permitted home occupations. **(96-16)**

- 3.35 Hotel: means 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 traveling 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.

- 3.36 Lane: means 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.
- 3.37 Lot: means 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.
- 3.38 Lot Area: means the total horizontal area contained within the lot lines of a lot.
- 3.39 Lot, Corner: means 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^o) 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.
- 3.40 Lot Coverage: means the land actually covered by buildings or structures on any one particular lot.
- 3.41 Lot, Interior: means a lot other than a corner lot.
- 3.42 Lot Line: means any boundary of a lot.
- 3.43 Lot Line, Rear: means the lot line opposite the street lot line in the case of interior lots only.
- 3.44 Lot Line, Side: means 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.

- 3.45 Lot Line, Street: means any lot line that divides a lot from the street.
- 3.46 Lot Width - Interior Lot: means 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.
- 3.47 Lot Width - Corner Lot: means 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.
- 3.48 Marina: means 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.
- 3.49 Multiple Family Dwelling: means a separate building designed exclusively to contain three (3) or more dwelling units.
- 3.50 Net Hectare: means 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.

- 3.50.1 Open Storage, Open Air Storage, Outside Storage: means 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)
- 3.51 Park: means 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.
- 3.52 Parking Area: means a lot or portion thereof that is used for the parking of three (3) or more automobiles.
- 3.53 Parking Facilities: means a parking area that is required to be provided by this by-law.
- 3.54 Parking Space: means 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.
- 3.55 Parking Station: means a parking area that is provided by a public authority.
- 3.56 Pedestrian Way: means a public thoroughfare intended exclusively for pedestrians.
- 3.57 Permanent Occupancy Mobile Home Park: means an area dedicated and zoned for residential purposes using mobile homes as principle residences or permanent year round occupancy.
- 3.58 Personal Service Shop: means 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.

- 3.59 Place of Assembly: means 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.
- 3.60 Private Club: means a lawn bowling, tennis, badminton, curling or other athletic, social or recreational club not operated for profit, and includes a fraternal organization.
- 3.60.1 Residential Care Home: means 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)
- 3.61 Retail Business: means 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.

- 3.61.1 Rowhouse: means a unit of townhousing situated exclusively on a lot.
- 3.61.2 Rowhouse, interior: means a rowhouse with two common walls.
- 3.61.3 Rowhouse, end: means a rowhouse with one common wall. (94-82)
- 3.61.4 Salvage yard: means 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)
- 3.62 Seasonal Trailer: means 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.
- 3.63 Seasonal Trailer Park: means 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;
- 3.64 Semi-Detached Building: means a separate building designed exclusively to contain only two (2) dwelling units divided vertically.
- 3.65 Shopping Centre: means 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.
- 3.66 Single Family Building: means a separate building designed exclusively to contain only one (1) dwelling unit.

- 3.67 Storey: means 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.
- 3.68 Storey, First: means the lowest storey of a building.
- 3.69 Street: means 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.
- 3.70 Structure: means 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)**
- 3.71 Tavern: means a public house for supply of alcoholic and other beverages to be consumed on the premises.
- 3.72 Townhousing: means a separate building designed exclusively to contain not less than three (3) but not more than six (6) attached one family dwellings, each dwelling unit being divided vertically.
- 3.73 Trading Post: means a retail store, located on a highway, which sells souvenirs, articles and provisions intended primarily for sale to the tourist trade.
- 3.74 Two Family Building: means a separate building designed exclusively to contain only two (2) dwelling units.
- 3.75 Utility Sheds: means a one storey accessory structure not exceeding 22.3 m² and used for storage or domestic workshop purposes. **(89-71)**
- 3.76 Yard: means an open uncovered and unoccupied space appurtenant to a building.

- 3.77 Yard, Reserved: means 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.
- 3.78 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.
- 3.79 In this by-law, the word "shall" is mandatory and not directory.
- 3.80 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 Town 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 Family Dwelling | "R1" Zone |
| Residential One and Two Family 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 |
| Neighbourhood Commercial-M | "C3M" 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 | "A" Zone | |
| Rural B | "B" Zone | |
| Limited Service Residential | "L" Zone. | (89-2) |
| Shoreline Residential | "RS" Zone | (03-8) |
| Rural Estate | "RE" Zone | |

4.2 Holding "H" Designation

Any zone classification detailed in section 4.1 above may be placed in a "Holding" classification by adding to the zone designation the word "Holding" or the letter "H" as the case may be; for example, a Residential One and Two Family Dwelling "R1" Zone would become a Residential One and Two Family Dwelling - Holding "R1H" Zone.

4.3 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.

4.4 Matters Included in Zoning Map

The lands included in each of the zones are classified in section 4.1.

4.5 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.

5. GENERAL REGULATIONS FOR ALL ZONES

5.1 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 Town 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 Town of Elliot Lake.

- 5.1.1 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.

5.2 Building Line Encroachments

- a) 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.
- b) Fire escapes may project into a reserved rear yard a distance of not more than 1.52 metres.
- c) 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)**

- d) 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.
- e) 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)**

5.3 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.

5.4 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.

5.5 Uses of 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.

5.6 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.

5.7 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:

- a) height, maximum: 2.44 metres
 light and air passage,
 minimum: 8%
- b) notwithstanding the foregoing, the maximum height of any fence in a "R1", "R1M", "R2" and "R2M" Zone shall be 0.76 metres in front of the front building line and 1.9 metres behind the front building line.

(95-112)

5.7.2 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)

5.7.3 Prohibit Use of 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 as otherwise permitted by this by-law.

(07-32)

5.8 Special Uses Permitted

5.8.1 The following uses are permitted in any zone:

- a) 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;
- b) 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 only for so long as they are necessary for work in progress which has neither finished or been abandoned.

5.8.2 Neighborhood 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)**

5.9 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.

5.10 Supplementary Regulations for Parking Areas

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

- a) Parking areas shall be provided with at least one (1) entrance and one (1) exit for vehicles, and driveways and aisles for the removal of a vehicle without the necessity of moving any other vehicle.
- b) 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; it may be constructed of crushed stone, or gravel, having an asphaltic or portland cement binder or any permanent type of surfacing.
- c) Where parking areas are provided in any Commercial, Industrial, Public Open Space or Institutional Zone and lighting facilities are provided, the lights shall be so shielded and directed as to deflect away from any adjoining residential area. Where parking areas are provided in any Residential Zone and lighting facilities are provided, the lights shall be so shielded and directed as to deflect away from adjoining residential property.
- d) 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 0.91 metres in height, having no openings and being of masonry, wood or metal shall be erected at least 1.52 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 1.52 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.

- e) No building shall be erected except one (1) shelter for attendants and such shelter shall not exceed 3.66 metres in height nor 5.94 square metres in area.
- f) Signs for the direction of traffic to, from and within the parking area, may be erected.

5.11 Supplementary Regulations for Parking in Residential Areas

5.11.1 No lands in a Residential "R1", "R1M", "R2" or "R2M" Zone or lands used for a Permanent Occupancy Mobile Home Park shall be used for the purpose of off-street parking of commercial vehicles.

5.11.2 Nothing in section 5.11 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.

5.11.3 For the purpose of section 5.11, "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.

5.12 Supplementary Regulations for Lots Created by Consent or When Part-lot Control Has Been Removed

5.12.1 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 requirements shall not apply

Building line from lot line creating the division between dwelling units: 0.0 metres

Building line from new side lot line: distance to existing dwelling

5.12.2 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 provisions shall not apply

Parking: 1 parking space within the lot, to be located behind the building line from the street lot line.

5.13 Supplementary Building Line Regulations for "R1" and "R2" 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)**

5.14 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. **RESIDENTIAL ONE AND TWO-FAMILY DWELLING "R1" ZONE**

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

6.1 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-Family Buildings, Semi-Detached Buildings & Duplex Buildings;

Boarding Houses;

Home Occupations;

Accessory Buildings incidental to any of the above permitted uses.

6.2 Requirements

6.2.1 Single-Family Buildings

No person shall erect more than one (1) Single-Family Building on any lot.

Lot area, minimum: 465.0 square metres

Lot width for corner lots: subject to section 6.3.1

Lot width for interior lots, minimum: 15.24 metres

Building line from street lot lines: 6.0 metres

| | |
|--|--|
| Building line from rear lot lines for interior lots: | 7.62 metres |
| Building line from side lot lines minimum, as follows, but subject to section 6.3.2: | |
| For building having one (1) storey : | 1.22 metres |
| For building having more than one (1) storey: | 1.83 metres |
| Lot coverage: | Maximum 33% |
| Parking requirements, minimum: | 1 parking space within the lot to be located behind the building line from the street lot line. |
| Parking requirements for Boarding Houses, minimum: | 1 parking space for each boarder to be provided behind the building line from the street lot line. |
| Parking requirements for corner lots, minimum: | 1 parking space within the lot to be located behind one building line from the street lot line. |

(95-100)

6.2.2 Semi-Detached & Duplex Buildings

No person shall erect more than one (1) Two-Family Building on any lot.

| | |
|--|--------------------------|
| Lot area, minimum: | 650.0 square metres |
| Lot width for corner lots: | subject to section 6.3.1 |
| 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: | 6.0 metres |
| Building line from side lot lines, minimum, as follows but subject to section 6.3.2: | |
| 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 33% |
| Parking requirements, minimum: | 1 parking space within the lot, to be located behind the building line from the street lot line for each dwelling unit. |
| Parking requirements for corner lots, minimum: | 1 parking space within the lot to be located behind one building line from the street lot line. |

(95-100)

6.2.3 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, maximum: | 10% |
| Total Lot Coverage of all accessory structures, maximum: | 15% |

(89-71)(96-8)

6.2.4 Density

Residential development in a Residential One and Two-Family Dwelling "R1"

Zone shall not exceed a density of thirty (30) dwelling units per net hectare.

6.3 Special Requirements

6.3.1 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.

6.3.2 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) family dwelling and a two (2) car garage or two (2) separate garages in the case of a two (2) family dwelling, in accordance with the building line provisions and having a driveway at least 2.44 metres wide from the street to the garage.

6.3.3 Garage Erected on Adjoining Lots

Notwithstanding sections 6.2 and 6.3.2, 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.

6.3.4 Notwithstanding sections 6.2.1 and 6.2.2, the minimum lot area of any lot wholly or partially contained in the lands adjacent to Spine Road described by plan 1R-8479, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, shall be 0.2 hectares. **(93-18)**

(1.a) This by-law may be amended to remove the "H" symbol after:

- 1. Council has enacted a Site Plan Control by-law to apply to these lands.*
- 2. Testing of specific house locations has revealed no significant levels of gamma radiation.*
- 3. Appropriate covenants have been entered into and registered to prohibit tree cutting in certain setbacks and other prohibitions and requirements as Council sees fit.*
- 4. Plans for drainage and management of excavated material are approved to the satisfaction of the City.*

(OMB amendment to 93-18)

H Symbol Removed by Council on Oct 14, 2010 – (10-96)

6.3.5 Notwithstanding section 6.2.1 the parking requirements for Lot 15 on Plan M-336, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario shall be two usable parking spaces within the lot having a combined area of not less than 33.32 square metres. **(95-49)**

6.3.6 Notwithstanding section 6.2.1 the parking requirements for Lot 133 on Plan M-165, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario shall be two usable parking spaces within the lot having a combined area of not less than 33.32 square metres. **(95-50)**

6.3.7 Notwithstanding section 6.2.1 the minimum building line from the most easterly side lot line of Lot 133 on Plan M-165, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario for the structure existing as of December 12, 1989 shall be

0.61 metres. **(95-50)**

6.3.8 Notwithstanding the provisions of this by-law, Lots 23 and 24 Plan M-166, municipally known as 47 Axmith Avenue are hereby deemed to be one parcel and effectively eliminating all internal lot lines.

6.3.9 Notwithstanding the provisions of this by-law, Lots 81, 82 and 83 Plan M-152, municipally known as 41 Willoughby Road, are hereby deemed to be one parcel and effectively eliminating all internal lot lines. **(97-68)**

6.3.10 Notwithstanding the provisions of this by-law, Lots 142, 143 and 144 Plan M-165, municipally known as 115 Axmith Avenue are hereby deemed to be one parcel effectively eliminating all internal lot lines. **(98-16)**

6.3.11 Notwithstanding the provisions of this by-law, the building on Lot 22 and Part of Lot 21, Plan M-166, municipally known as 45 Axmith Avenue, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, shall be permitted to have four dwelling units. **(00-1)**

6.3.12 Notwithstanding the provisions of this by-law, Lots 81, 82, and 83, Plan M-152 and Part 1 on Plan 1R-10013 being part of Block E, Plan M-152 are hereby deemed to be one parcel and effectively eliminating all internal lot lines. **(00-10)**

6.3.13 Notwithstanding section 6.2.1 the parking requirements for Lot 73, Plan M-336 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, shall be two useable parking spaces within the lot having a combined area of not less than 33.32 square metres. **(00-20)**

6.3.14 Notwithstanding section 6.2.1, the minimum building line from the most southerly side lot line of Lot 73 on Plan M-336 recorded and registered in the Land Registry office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, for the structure existing as of May 5, 2000 shall be 1.29 metres. **(00-20)**

6.3.15 Notwithstanding section 5.2 c) Building Line Encroachments (General Regulations) the allowable encroachment for the first storey eaves of Lot 355 on Plan M-157 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, for the structure existing as of November 27, 2000, shall be 2.75 metres. **(01-1)**

6.3.16 Nothing in this by-law shall prevent the use of Lot 4 on Plan M-397 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario for a ‘bed & Breakfast establishment’ providing the use conforms with other applicable sections of this by-law and all other governmental rules and regulations and provided that the following guidelines apply:

- 1) The Bed & Breakfast Establishment is clearly secondary to the main permitted residential use and shall not create nor become a public nuisance with regard to noise, traffic, parking or health & safety;
- 2) The Bed & Breakfast Establishment shall only be operated by the owner or occupant of the dwelling;
- 3) There shall be no external signage or advertising other than a non-illuminated sign having a total display area not exceeding 0.185 square metres (2 square feet);
- 4) Permitted signs may be mounted, affixed, painted or imprinted onto the building where the business is being conducted, or erected perpendicular

to a street or road (free standing sign) up to a maximum height of 2 metres (6.56 feet). A permitted sign erected along a street or road shall be set back at least 3 metres (9.84 feet) from the street line;

In addition to the above provisions, any sign shall conform to the provision of any Sign By-law as may from time to time be enacted by the municipality under the Municipal Act. **(01-27)**

6.3.17 Notwithstanding section 6.2.1 the parking requirements for Lot 561, Plan M-159 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, shall be two useable parking spaces within the lot having a combined area of not less than 33.32 square metres. **(01-48)**

6.3.18 Notwithstanding section 6.2.3 the minimum building line from the most southerly side lot line of Lot 561 on Plan M-159 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, for the wood shed existing as of June 14, 2001 shall be .39 metres. **(01-48)**

6.3.19 Notwithstanding section 6.3.2 the provision for a driveway from the street to the garage shall be at least 2.41 metres wide on Lot 561, Plan M-159 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario. **(01-48)**

6.3.20 Notwithstanding the provisions of this by-law, Lot 153 and 154 on Plan M-337, being Parts 5, 6, 7, 8 and 9 on Plan 1R-3283 and municipally known as 54 and 56 London Crescent, are hereby deemed to be one parcel effectively eliminating all internal lot lines and deeming the two semi detached dwelling units to be one dwelling unit. **(05-17)**

- 6.3.21** Notwithstanding the provisions of this by-law, Lot 71 and 72 on Plan M-152, and municipally known as 43 Hutchison Avenue, are hereby deemed to be one parcel effectively eliminating all internal lot lines and deeming the two lots to be one parcel. **(05-41)**
- 6.3.22** Notwithstanding the provisions of this by-law, Lot 186 and Part 2 of Lot 187 on Plan M-338, and municipally known as 22B and 24 Ottawa Avenue, are hereby deemed to be one parcel effectively eliminating all internal lot lines and deeming the two lots to be one parcel. **(05-77)**
- 6.3.23** Notwithstanding the provisions of this by-law, Lot 436 and 437 on Plan M-146, and municipally known as 22 Hemlock Place, are hereby deemed to be one parcel effectively eliminating all internal lot lines and deeming the two lots to be one parcel. **(06-17)**
- 6.3.24** Notwithstanding the provisions of this by-law, 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 hydro geological 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. **(06-19)**
- 6.3.25** Notwithstanding the provisions of this by-law, Parcel 5290, being part of lots 471 and 472 on Plan M-158, and municipally known as 18A Denison Road, is

hereby deemed to be one parcel effectively eliminating the internal lot line

between lot 471 and 472.

(06-69)

6.3.26 Nothing in this by-law shall prevent the use of Lot 267 on Plan M-157 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario for a ‘Bed & Breakfast establishment’ providing the use conforms with other applicable sections of this by-law and all other governmental rules and regulations and provided that the following guidelines apply:

- 1) The Bed & Breakfast Establishment is clearly secondary to the main permitted residential use and shall not create nor become a public nuisance with regard to noise, traffic, parking or health & safety;
- 2) The Bed & Breakfast Establishment shall only be operated by the owner or occupant of the dwelling;
- 3) There shall be no external signage or advertising other than a non-illuminated sign having a total display area not exceeding 0.185 square metres (2 square feet);
- 4) Permitted signs may be mounted, affixed, painted or imprinted onto the building where the business is being conducted, or erected perpendicular to a street or road (free standing sign) up to a maximum height of 2 metres (6.56 feet). A permitted sign erected along a street or road shall be set back at least 3 metres (9.84 feet) from the street line;
- 5) In addition to the above provisions, any sign shall conform to the provision of any Sign By-law as may from time to time be enacted by the municipality under the Municipal Act.”

(07-77)

6.3.27 Notwithstanding the provisions of this by-law, Lot 466 and 467 on Plan M-146, and municipally known as 14-16 Spruce Avenue, are hereby deemed to be one parcel effectively eliminating all internal lot lines and deeming the two lots to be one parcel.

(09-6)

6.3.28 Nothing in this by-law shall prevent the use of Part of PIN 31628-0302, Block J,

Plan M-145, municipally known as 170 Spruce Avenue, or the erection or the use of buildings thereon for the purposes of business, professional and/or administrative offices providing the use conforms with all other applicable sections of this by-law and all other governmental rules and regulations. (09-70)

6.4 Special Uses

6.4.1 Confectionery Store, 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 according to Plan M-165 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario (hereafter called the "subject lands"), 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:

- a) The building shall not exceed one (1) storey in height, the floor area of the floor of such storey shall not exceed 65.03 square metres and no part of the basement, if any, of the building shall be used as sales area to which the public has access.
- b) The westerly and northerly walls of the building shall be respectively not less than 0.61 metres from the westerly and northerly limits of the subject lands and the southerly wall of the building shall be not closer to the southerly wall of the one (1) family dwelling now erected on the subject lands.
- c) Two (2) parking spaces shall be provided on the subject lands between the southerly wall of the building and the southerly limit of the subject lands,

and entrance thereto and exit therefrom shall be only by means of one (1) driveway from Westhill Road having a width of at least 7.62 metres including curbs to be provided on each side.

- d) 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.
 - i) at or immediately inside the northerly limit of the subject lands, which shall extend across the full width of the subject lands.
 - ii) 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.

The wall, fence or screen shall be maintained in a safe condition, neat and orderly in appearance.

- e) 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.

6.4.2 Nothing in this by-law shall prevent the use of the lands described by Plan M-181 recorded and registered in the Land Registry Office for the Land titles Division of Algoma at Sault Ste. Marie, Ontario, or the erection or use of structures thereon for the purposes of a Permanent Occupancy Mobile Home Park subject however, to all other applicable requirements of this by-law.

7. RESIDENTIAL ONE AND TWO-FAMILY DWELLING - M "R1M" ZONE

The following regulations shall apply in all "R1M" 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-Family Buildings, Semi-Detached Buildings & Duplex Buildings;

Boarding Houses;

Home Occupations;

Accessory Buildings Incidental to any of the Above Permitted Uses.

7.2 Requirements

7.2.1 Single Family Buildings

No person shall erect more than one (1) Single-Family Building 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, as follows, but subject to section 7.3.1: | |
| 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: | 7.5 metres |
| Lot coverage: | Maximum 33% |
| Parking requirements, minimum: | 1 parking space within the lot to be located behind the building line from the street lot line. |
| Parking requirements for Boarding Houses, minimum: | 1 parking space for each boarder to be provided behind the building line from the street lot line. |
| Parking requirements for corner lots, Minimum: | 1 parking space within the lot to be located behind one building line from the street lot line. |

(95-100)

7.2.2 Semi-Detached & Duplex Building

No person shall erect more than one (1) Two-Family Building on any lot.

| | |
|---|---|
| Lot area, minimum: | 590.0 square metres |
| Lot width for corner lots: | 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, as follows, but subject to section 7.3.1: | |
| 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 | 6.0 metres |
| Building line from rear lot lines for interior lots, minimum: | 7.5 metres |
| Lot coverage: | Maximum 33%, |
| Parking requirements, minimum: | 1 parking space within the lot to be located behind the building line from the street lot line for each dwelling unit. (95-100) |
| Parking requirements for corner lots, minimum: | 1 parking space within the lot to be located behind one building line from the street lot line. (95-100) |

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: | 4.5 metres |
| Lot Coverage for an accessory structure, maximum: | 10% |
| Total Lot Coverage of all accessory structures, maximum: | 15%. |

(89-71)(96-8)

7.2.4 Density

Residential development in a Residential One and Two-Family Dwelling – M "R1M" shall not exceed a density of 30 dwelling units per net hectare.

7.3 Special Requirements

7.3.1 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-Family Building 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.

7.4 Special Uses

7.4.2 Nothing in this by-law shall prevent the erection or use on Lot 4 according to Plan M-397, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, of a semi-detached building for two (2) Adult Training Homes, otherwise complying with the regulations of this by-law, provided that such erection and use shall be subject to the following additional special regulations:

- a) the Adult Training Homes shall be funded solely through the provisions of the Homes for Retarded Persons Act, and/or charitable donations;

- b) the Adult Training Homes must be approved and maintain their approved status pursuant to the Homes for Retarded Persons Act;
- c) the maximum occupancy of an Adult Training Home shall be five (5) individuals per dwelling unit, not including staff;
- d) the maximum number of individuals permitted per habitable bedroom shall be two (2);
- e) minimum parking requirements for each Adult Training Home shall be two (2) parking spaces to be located behind the front building line;
- f) the Adult Training Home and the lands appurtenant thereto shall comply and be maintained in conformity with all applicable Governmental Acts, rules, regulations and municipal by-laws. **(89-79)**

7.4.3 Nothing in this by-law shall prevent the use of Lots 15 or 16 according to plan 1M-424, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario or the erection or use of buildings thereon for the purpose of an Adult Training 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:

- a) the Adult Training Home shall be funded solely through the provisions of the Homes for Retarded Persons Act, and/or charitable donations;
- b) the Adult Training Homes must be approved and maintain their approved status pursuant to the Homes for Retarded Persons Act;
- c) the maximum occupancy of an Adult Training Home shall be five (5) individuals per dwelling unit, not including staff;

- d) the maximum number of individuals permitted per habitable bedroom shall be two (2);
- e) minimum parking requirements for an Adult Training Home shall be two (2) parking spaces to be located behind the front building line;
- f) the Adult Training Home and the lands appurtenant thereto shall comply and be maintained in conformity with all applicable Governmental Acts, rules, regulations and municipal by-laws. **(92-56)**

7.4.4 Nothing in this by-law shall prevent the use of Lot 28, Plan M-367 and Parts 1 and 2, Plan 1R-8487, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario or the erection or use of buildings thereon 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. **(92-95)**

7.4.5 Nothing in this by-law shall prevent the use of Lot 67, Plan 1M-425 being Part 1 and 2 on Plan 1R-5021, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario or the use of buildings thereon for the purpose of a Residential Care Home, provided that such building and use shall be subject to the following additional special conditions:

- a) The accommodations for the residents shall provide a minimum of: 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;
- b) The maximum number of individuals permitted per habitable bedroom shall be one(1) except in the case of married couples;
- c) Minimum parking requirements for the Residential Care Home shall be three (3) parking spaces to be located behind the front building line;
- d) The Residential Care Home and the lands appurtenant thereto shall comply and be maintained in conformity with all applicable Governmental

- Acts, rules, regulations and municipal by-laws;
- e) The accommodations for the tenants receiving care should be located at street level or above;
- f) In the event the use is discontinued, or the business should fail, the zoning will revert back to R1-M zone, and the provisions of this section would not apply.

(01-7)

7.4.6 Nothing in this by-law shall prevent the use of Lot 35 on Plan M-397 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario for a ‘bed & breakfast establishment’ providing the use conforms with other applicable sections of this by-law and all other governmental rules and regulations and provided that the following guidelines apply:

- a) The bed & breakfast establishment is clearly secondary to the main permitted residential use and shall not create nor become a public nuisance with regard to noise, traffic, parking or health & safety;
- b) The bed & breakfast establishment shall only be operated by the owner or occupant of the dwelling;
- c) The bed & breakfast establishment shall offer food & drink only to registered guests;
- d) There shall be one parking space for the residents and one parking space for each of the guest suites;
- e) There shall be no external signage or advertising other than a non-illuminated sign having a total display area not exceeding 0.185 square metres (2 square feet);
- f) Permitted signs may be mounted, affixed, painted or imprinted onto the building where the business is being conducted, or erected perpendicular to a street or road (free standing sign) up to a maximum height of 2 metres (6.56 feet). A permitted sign erected along a street or road shall be set back

at least 3 metres (9.84 feet) from the street line;

- g) In addition to the above provisions, any sign shall conform to the provision of any Sign By-law as may from time to time be enacted by the municipality under the Municipal Act.

7.4.7 Notwithstanding the provisions of this by-law, Lot 35 on Plan M-397, being Part 1 and 2 on Plan 1R-4367 and municipally known as 57 and 59 Lawrence Avenue, are hereby deemed to be one parcel effectively eliminating all internal lot lines deeming the two semi detached dwelling units to be one dwelling unit. **05-16**

7.4.8 Notwithstanding the provisions of this by-law, Block 84, Plan 1M-441 is hereby rezoned from Institutional “I” Zone to “R1-M” Zone as follows:

- i) The portion of the property fronting on Frobel Drive up to 35 metres deep within 40 to 45 metres of the east property line is hereby rezoned to Residential One and Two Family Dwelling – M, “R1-M” Zone;
- ii) The vacant parcel of land situated between Lot 61 and 62 on Plan 1M-441 on Taylor Blvd., is hereby rezoned to Residential One and Two Family Dwelling – M, “R1-M” Zone;
- iii) The balance of the property 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.

07-15

That the “H” symbol is hereby removed from a 476 square metre strip of land fronting on Frobel Drive adjacent to Part 1 on Plan 1R-11335 being part of Block 84 on Plan 1M-441. (09-29)

7.4.9 Nothing in this by-law shall prevent the use of Lot 4 on Plan 1M-423 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at

Sault Ste. Marie, Ontario and municipally known as 25 Albert Street for a ‘Bed & Breakfast establishment” providing the use conforms with other applicable sections of this by-law and all other governmental rules and regulations and provided that the following guidelines apply:

- 1) The Bed & Breakfast Establishment is clearly secondary to the main permitted residential use and shall not create nor become a public nuisance with regard to noise, traffic, parking or health & safety;
- 2) The Bed & Breakfast Establishment shall only be operated by the owner or occupant of the dwelling;
- 3) There shall be no external signage or advertising other than a non-illuminated sign having a total display area not exceeding 0.185 square metres (2 square feet);
- 4) Permitted signs may be mounted, affixed, painted or imprinted onto the building where the business is being conducted, or erected perpendicular to a street or road (free standing sign) up to a maximum height of 2 metres (6.56 feet). A permitted sign erected along a street or road shall be set back at least 3 metres (9.84 feet) from the street line;
- 5) In addition to the above provisions, any sign shall conform to the provision of any Sign By-law as may from time to time be enacted by the municipality under the Municipal Act. (08-45)

8. RESIDENTIAL MULTIPLE DWELLING "R2" ZONE

The following regulations shall apply in all "R2" 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:

Semi-Detached or Duplex Buildings as permitted under the provisions of section 6.2;

Apartment Buildings and Townhousing and Rowhouses;

Accessory buildings incidental to any of the above permitted uses.

8.2 Requirements

8.2.1 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 |
| Dwelling unit area, minimum: | |
| Bachelor unit: | 35.0 square metres |
| One (1) Bedroom unit: | 46.0 square metres |
| Two (2) Bedroom unit: | 60.0 square metres |
| For each bedroom in excess of two (2), add: | 10.0 square metres |
| Distance between adjacent buildings on same lot, minimum: | the average height of the adjacent buildings |
| Parking requirements, minimum: | 1.5 parking spaces for each dwelling unit to be provided within the lot or block. |

8.2.2 Townhousing

| | |
|---|---|
| Lot area, average per dwelling unit: | 185.8 square metres |
| Building line from street lot lines: | 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 area, minimum: | 70.0 square metres |

| | |
|--------------------------------|--|
| Parking requirements, minimum: | 1.5 parking spaces for each dwelling unit, to be provided within the lot or block. |
|--------------------------------|--|

8.2.3 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 |
| Parking requirements, minimum: | 2 parking spaces for each dwelling unit to be provided within the lot. |
| Lot coverage, maximum: | 45% |
| Total Lot Coverage of all structures, Maximum: | 50% |

8.2.4 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, maximum: | 10% |

Total Lot Coverage of all accessory structures, maximum: 15%

8.2.5 Accessory Buildings

For Townhousing and Rowhouses:

Building line from street lot lines, minimum: 6.0 metres

Building line for unenclosed decks from side lot lines: 0.0 metres

Building line from any other lot line, minimum: 0.61 metres

Lot Coverage for an accessory structure, subject to section 8.2.3, maximum: 10%

Total Lot Coverage of all accessory structures, subject to section 8.2.3, maximum: 15%

8.2.6 Density

Residential development in a Residential Multiple Dwelling "R2" Zone shall not exceed a density of sixty (60) dwelling units per net hectare for apartments and forty-five (45) dwelling units per net hectare for townhousing or rowhouses. **(94-82), (95-10)**

8.3 Special Requirements

8.3.1 Notwithstanding anything in this by-law, the building or buildings erected on the lands contained in Plan M-372 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, shall not contain more than eighty-nine (89) dwelling units in the aggregate.

8.3.2 No building or structure except a permitted fence, shall be erected or used on the lands described by Plan M-372 recorded and registered in the Land Registry

Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, unless located in accordance with the above requirements and any building line shown on the Zoning Map.

- 8.3.3 No building or structure except a permitted fence, shall be erected or used on the lands described by Block "B" according to Plan M-166 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, unless located in accordance with the above requirements and any building line shown on the Zoning Map.
- 8.3.4 No opening to any building or structure on Block "GG" according to Plan M-340 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, shall be below the minimum elevation of 306.434 metres (Canadian Geodetic Datum).
- 8.3.5 No opening to any building or structure on Block "Z" according to Plan M-338 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, shall be below the minimum elevation of 299.728 metres (Canadian Geodetic Datum).

8.4 Special Uses

- 8.4.1 Notwithstanding any of the provisions of this by-law, on that part of Block P, Plan M-159 designated as Part 1 on reference plan 1R-2384, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario,
- 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, AND

- 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 8.2 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.

8.4.2 Notwithstanding any of the provisions of this by-law, on the whole of Block P, Plan M-159, save and except Part 1 on reference plan 1R-2384, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario,

- 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 8.2 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. **(93-30)**

8.4.3 Notwithstanding the provisions of this by-law, nothing in this by-law shall prevent the use of that part of Block P, Plan M-159 on reference plan 1R-2384 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, or the erection or use of buildings thereon

for the purpose of rowhouses subject to the following requirements:

| | |
|--|---|
| 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 |
| All other applicable provisions of section 8.2.: | 160.0 square metres |

(95-15)

8.4.4 Notwithstanding the provisions of this by-law, nothing in this bylaw shall prevent the use of parts of Block B, Plan M-372 described by reference plan 1R-9057 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, or the erection or use of buildings thereon for the purpose of rowhouses, subject to compliance with Section 8.2 of this by-law, except for the following special requirements:

| | |
|--|---------------------|
| 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.

(95-60)

8.4.5 Notwithstanding the provisions of this by-law, nothing in this bylaw shall prevent the use of lands generally known as 50 Capital Place and more particularly described as Part 1 on plan 1R-8846, Part 3 on plan 1R-8225, Part 7 on plan 1R-3317 and Parts 3, 5 and 12 on plan 1R-8992 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, or the erection or use of buildings thereon 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 8.2 of this by-law and the following special requirement: total lot coverage of all structures, maximum 45%.

(96-58)

8.4.6 Notwithstanding the provisions of this by-law, the group of 12 townhouses civically known as 117 to 139 Hillside Drive North, located on Block 'K', Plan M-153, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, shall be deemed to be in conformity with Section 8.1 of this by-law.

(96-77)

8.4.7 Notwithstanding the provisions of this by-law, the permitted uses of the butler-type accessory building, existing as of January 13, 1997, on the lands generally known as 27 Capital Place and more particularly described as Parts 1 and 2 on plan 1R-2837, Part 1 on plan 1R-8225 and Part 10 on plan 1R-8854

recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, shall include clubhouses, maintenance and storage facilities supporting other residential uses not within the lot, subject to compliance with the applicable provisions of Section 8.2 of this by-law. **(97-3)**

8.4.8 Notwithstanding the provisions of this by-law, the permitted uses on Block 2 on the Draft Plan of Subdivision at the west end of Spine Road and more particularly described as part of Part 1 on Plan 1R-8151 being PIN 31631-0108 (LT) recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, and shown on Schedule “A” to By-law 09-75 shall include the following uses in addition to those permitted in the “R2” Zone:

- All those non-residential uses permitted in Section 14, Neighbourhood Commercial –M “C3M” Zone, provided such uses are located on the ground floor of an apartment building. The provisions of Section 14.3 to 14.6 apply to any commercial use.

The following additional provisions apply:

- Notwithstanding the provisions of Section 8.2.6, the maximum number of dwelling units permitted on Block 2 shall be 90.
- No single commercial use shall occupy more than 250 square metres of gross floor area.

In all other respects, the provisions of the Residential Multiple Dwelling “R2” zone continue to apply.

8.4.9 Notwithstanding the provisions of this by-law, the following special provisions apply to development on Block 1 on the Draft Plan of Subdivision at the west end of Spine Road and more particularly described as part of Part 1 on Plan 1R-8151 being PIN 31631-0108 (LT) recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, and shown on Schedule

“A” to By-law 09-75:

- The minimum setback between Block 1 and Block 7 shall be 1 metre;
- Notwithstanding the provisions of Section 8.2.6, the maximum number of dwelling units permitted on Block 1 shall be 90;

In all other respects, the provisions of the Residential Multiple Dwelling “R2” zone continue to apply.

- 8.4.10 Notwithstanding provisions of this by-law, the following special provisions apply to development on Block 3 on the Draft Plan of Subdivision at the west end of Spine Road and more particularly described as part of Part 1 on Plan 1R-8151 being PIN 31631-0108 (LT) recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, and shown on Schedule “A” to By-law 09-75:
- Notwithstanding the provisions of Section 8.2.6, the maximum number of dwelling units permitted on Block 3 shall be 60.

In all other respects, the provisions of the Residential Multiple Dwelling “R2” zone continue to apply. (09-75)

8.5 Reduction of Building Lines

- 8.5.1 Notwithstanding the provisions of Section 8.2 Requirements, the minimum building line from the side lot line for the apartment building civically known as 115 Hillside Drive North, located on Block 'K', Plan M-153, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, shall be 1.90 metres. (96-77)

9. RESIDENTIAL MULTIPLE DWELLING - M "R2M" ZONE

The following regulations shall apply in all "R2M" 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 and Duplex buildings as permitted under the provisions of section 7.2;

Apartment Buildings and Townhousing and Rowhouses;

Accessory buildings incidental to any of the above permitted uses.

9.2 Requirements

9.2.1 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.

Dwelling unit area, minimum:

Bachelor Unit: 35.0 square metres

One (1) Bedroom Unit: 46.0 square metres

Two (2) Bedroom Unit: 60.0 square metres

For each bedroom in excess of two (2), add: 10.0 square metres

Parking requirements, minimum: 1.5 parking spaces for each dwelling unit to be provided within the lot or block.

9.2.2 Townhousing

Lot area, average per dwelling unit: 200.0 square metres

| | |
|---|---|
| Minimum lot width per block of townhouses: | 23.5 metres |
| Minimum lot width per townhouse unit: | 5.5 metres |
| Building line from street lot lines, minimum: | 6.0 metres |
| Building line from side lot line, minimum: | 3.5 metres |
| 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 |
| Parking requirements, minimum: | 1.5 parking spaces for each dwelling unit to be provided within the lot or block. |

9.2.3 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 |

| | |
|--|---|
| Parking requirements, minimum: | 2 parking spaces for each dwelling unit, to be provided within the lot. |
| Lot coverage, maximum: | 45% |
| Total Lot Coverage of all structures, maximum: | 50% |

9.2.4 Accessory Buildings

For Apartment Buildings:

| | |
|--|------------|
| Building line from street: | 6.0 metres |
| Building line from any other lot line, minimum: | 0.5 metres |
| Lot Coverage for an accessory structure, maximum:: | 10% |
| Total Lot Coverage of all accessory structures, maximum: | 15% |

9.2.5 Accessory Buildings

| | |
|--|------------|
| Building line from street: | 6.0 metres |
| Building line for unenclosed decks from side lot lines: | 0.0 metres |
| Building line from any other lot line, minimum: | 0.5 metres |
| Lot Coverage for an accessory structure, subject to section 9.2.3, maximum: | 10% |
| Total Lot Coverage of all accessory structures, subject to section 9.2.3, maximum: | 15% |

9.2.6 Density

Residential development in a Residential Multiple Dwelling /M "R2M" Zone shall not exceed a density of sixty (60) dwelling units per net hectare for apartments and forty-five (45) dwelling units per net hectare for townhousing or

rowhouses. **(94-82), (95-10)**

9.3 Special Requirements

9.3.1 The following special requirements apply to Parts 1 to 11 inclusive on Plan 1R-4026 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario and more commonly known as the Pleasant Park Subdivision:

- 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.

9.4 Special Uses

9.4.1 Notwithstanding anything in this by-law, 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 on 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 all recorded and registered in the Land Registry Office for the Land Titles division of Algoma at Sault Ste. Marie, Ontario. **(94-70)**

9.A Residential Mobile Home Park “RMP” Zone

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

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-Family Mobile home;
 Mobile Home Sales and/or Management Office;
 Park or playground;
 Home Occupation;
 Accessory building incidental to any of the above permitted uses.

(02-25)

10. **GENERAL REGULATIONS FOR ALL COMMERCIAL ZONES**

The following regulations shall apply in all Commercial Zones and no person shall use any land or erect or use any building or structure for any purpose except in accordance with the following regulations.

10.1 Height of Buildings

No building shall exceed two (2) storeys in height except that a hotel may be erected to a height of six (6) storeys.

10.2 Off-Street Loading

10.2.1 For every building or structure having a floor area in excess of 190.0 square metres erected for the purpose of a retail store, department store, a market, a cartage express or passenger terminal, or hotel or any other purpose similarly including the frequent shipping, loading or unloading of persons, animals, goods, wares or merchandise, the owner of the building or structure shall provide and maintain on land, that is not part of a highway, street or lane, loading facilities comprised of one (1) OR MORE LOADING SPACES OF 9.14 METRES LONG, 3.66 METRES WIDE AND 4.27 METRES VERTICAL CLEARANCE, HAVING ACCESS TO A LANE OR STREET AND ACCORDING TO THE FLOOR OF THE BUILDING OR STRUCTURE AS FOLLOWS:

| <u>Floor Area of Building</u> | <u>Number of Loading Spaces</u> |
|---|---------------------------------|
| 190.0 square metres up to and including 465.0 square metres: | 1 |
| over 465.0 square metres: | 2 |

This section does not apply to lands zoned Central Commercial "C1" Zone where 100% lot coverage is permitted. **(96-8)**

10.2.2 In all Commercial Shopping Centre "C4" Zones, section 10.2.1 will apply except that off-street loading spaces shall have the following dimensions:

| | |
|--------------------------|--------------|
| Space width: | 3.66 metres |
| Space depth: | 18.29 metres |
| Vertical clearance: | 4.57 metres |
| Maneuvering apron depth: | 18.29 metres |

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

| <u>Gross Leasable Floor Area</u> | <u>Number of Loading Spaces</u> |
|---|---------------------------------|
| 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 |

10.3 Lanes

Lanes in any Commercial Zone shall be a minimum of 7.31 metres in width.

(89-71)

11. CENTRAL COMMERCIAL "C1" ZONE

THE FOLLOWING REGULATIONS SHALL APPLY IN ALL "C1" ZONES:

11.1 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:

Stores, including department stores for the conducting of any retail business but not including automobile service stations;

Banks, offices, courthouses, eating establishments;

Commercial amusements, including miniature golf;

Places of Assembly;

Private clubs;

Adult training centres;

Hotels and taverns;

Personal service shops;

Printing and publishing establishments;

Parking stations;

Accessory dwelling units within the second storey or lower levels of any building (other than Hotels or Motels), subject to section 11.4;

Accessory uses incidental to any of the above permitted uses, including Parking areas.

(96-8) (96-28)

11.2 Lot Coverage and Building Line

Subject to the requirements of section 10.2, section 11.3 and section 11.4, the aggregate of any building or structure may occupy one hundred (100%) percent of the lot area except that:

- a) in the case of Block "B" according to Plan M-150 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, AND
- b) in the case of Block "M" according to Plan M-151 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at

Sault Ste. Marie, Ontario, AND

- c) in the case of Blocks "C", "D", "E" and "F" according to Plan M-336 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, AND
- d) in the case of Block "N" according to Plan M-153 and Part 1 and 2 on Plan 1R-8738 recorded and registered in the Land Registry Office for the Land Titles division of Algoma at Sault Ste. Marie, Ontario,

the buildings and structures on such blocks shall not occupy more than fifty (50%) percent of the area of such block, and except that in the case of any lot forming part of the lands described in section 11.2 c) and section 11.2d) the minimum building line from any lot line shall be 6.09 metres. **(93-69)**

11.3 Parking Requirements

Off-street parking shall be provided for lands in "C1" Zones which do not abut a municipal parking station in accordance with the following:

| | |
|--|--|
| Retail stores, minimum: | 4 per 115.0 square metres of floor area on ground floor, |
| | 2 per 93.0 square metres of floor area on all other floors |
| Offices, minimum: | 3.5 per 93.0 square metres of floor area |
| Eating establishments and licenced beverage rooms, minimum: | 1 per 4 seats |
| Assembly places with fixed seats, minimum: | 1 per 4 fixed seats |
| Assembly places with non-fixed seats, with or without tables, minimum: | 1 per 7.0 square metres of floor area |
| Private clubs, minimum: | 5 per 93.0 square metres of floor area, |

| | |
|--|---|
| Hotels, minimum: | 1 per 2 guest rooms and 1 per 2 employees |
| Barber shops, hairdressing shops, minimum: | 1 per 4.5 square metres of floor area |
| Personal service shops, minimum: | 1 per 14.0 square metres of floor area |

11.4 Special Requirements

11.4.1 Dwelling Units - shall be subject to the following regulations:

a) Dwelling unit areas, minimum:

| | |
|--|--------------------|
| Bachelor Unit | 35.0 square metres |
| One (1) Bedroom Unit | 46.0 square metres |
| Two (2) Bedroom Unit | 60.0 square metres |
| For each bedroom in excess of two (2), add | 10.0 square metres |

b) Off-street parking to be provided on the basis of one (1) parking space for each dwelling unit within the lot or block.

c) Entrances from the street or pedestrian way shall be provided for the exclusive use of one (1) or more dwelling units.

d) The gross floor area of all residential uses does not exceed fifty (50%) percent of the gross floor area of the building.

11.4.2 Notwithstanding the parking requirements of Section 11.4.1 b), the requirement for one parking space within the lot for each dwelling unit shall not apply to Lots 107 and 108 on Plan M-151, municipally known as 112/114 Ontario Avenue.

11.4.3 Notwithstanding the parking requirements of Section 11.4.1 b), the requirement for one parking space within the lot for each dwelling unit shall not apply to Lots 47 and 48 on Plan M-150, municipally known as 15 Charles Walk.

11.4.4 Notwithstanding the parking requirements of Section 11.4.1 b), the requirement for one parking space within the lot for each dwelling unit shall not apply to Lot 163 Plan M-151 Pcl. 3300 A.E.S., municipally known as 50

Ontario Avenue.

(09-1)

11.5 Special Uses

11.5.1 Residential Hostel, Block "M", Plan M-151

Nothing in this by-law shall prevent the use of Block "M", according to Plan M-151 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, or the erection or use of a building thereon, for the purpose of a residential hostel, subject however to compliance with all other requirements of this by-law applicable to the Block.

11.5.2 Funeral Home, Lot Nos. 173 to 178 inclusive, Plan M-151

Nothing in this by-law shall prevent the use of Lot Nos. 173 to 178 inclusive, according to Plan M-151 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, or the erection or use of a building thereon, for the purpose of a funeral home.

11.5.3 Medical Clinic, Lots 40, 41, 42, Plan M-150

Nothing in this by-law shall prevent the use of Lots 40, 41 and 42 according to Plan M-150, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario or the erection or use of buildings thereon for the purposes of a Medical Clinic providing the use conforms with all other applicable sections of this by-law and all other governmental rules and regulations. **(89-18)**

11.5.4 Nothing in this by-law shall prevent the use of Lots 168 to 172, inclusive according to Plan M-151, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario for the

purposes of a Companion Animal Hospital providing consultation, diagnosis and treatment of companion animals provided the use is wholly contained within a building, does not include breeding or boarding services, does not include grooming services except as part of routine health care and provided that the use conforms to all other applicable requirements of this by-law and all other governmental rules and regulations and those of the College of Veterinarians of Ontario. **(95-59)**

11.5.6 Nothing in this bylaw shall prevent the use of Lots 179, 180, 181, 182 on Plan M-151 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, or the erection or use of buildings thereon for the purpose of a Crafts Workshop for the creation and sale of awards, memorials, trophies and other glass products.

(94-97), OMB Order June 10, 1996

11.5.6 Medical Clinic, Block 'C', 18-20 Mary Walk

Nothing in this by-law shall prevent the use of Block 'C' according to Plan M-150 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, or the erection or the use of buildings thereon for the purposes of a Medical Clinic providing the use conforms with all other applicable sections of this by-law and all other governmental rules and regulations. **(98-63)**

12. TOURIST HIGHWAY COMMERCIAL "C2" ZONE

The following regulations shall apply in all "C2" 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:

Automobile service stations;

Automotive trades;

Brewers' retail stores and warehouses and retail wine stores;

Express offices;

Bus terminals;

Car washing establishments;

Eating establishments;

Hotels;

Motels;

Tourist recreation facilities;

Trading posts;

Commercial parks and camping grounds;

Bowling alleys and private clubs;

Printing and publishing establishments;

Parking stations;

Dwelling units only within the second storey of any building other than hotels or motels and subject to section 11.4;

Accessory uses incidental to any of the above permitted uses, including parking areas;

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)

Business, Professional and/or Administrative Offices

Convenience Store.

(00-35)

12.2 Lot Coverage

Subject to the requirements of section 10.2, section 11.4, section 12.3 and section 12.5, the aggregate of any building or structure may occupy seventy-five (75%) percent of the lot area.

12.2.1 Open Storage

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

12.3 Building Lines

Building line from any lot line,
except automobile service stations,
minimum: 6.0 metres

12.4 Parking Requirements

Off-street parking shall be provided in accordance with the following:

| | |
|---|---|
| Offices, minimum: | 3.5 per 93.0 square metres of floor area |
| Hotels, minimum: | 1 per 2 guest rooms and 1 per 2 employees |
| Motels, minimum: | 1 per guest room and 1 per 2 employees |
| Eating establishments and licenced beverage rooms, minimum: | 1 per 4 seats |
| Private clubs, minimum: | 5 per 93.0 square metres of floor area |
| Retail stores, minimum | 4 per 115.0 square metres of floor area on ground floor 2 per 93.0 square metres of floor area on all other floors |

12.5 Requirements

12.5.1 Automobile Service Stations

The following regulations shall apply to all automobile service stations:

12.5.2 Lot Area

Lot area, minimum 929.0 square metres.

12.5.3 Building Line for Pumps

Building line from any lot line on a street, lane or pedestrian way, 6.09 metres

minimum:

Building line from any other lot line,
minimum: 6.09 metres

12.5.4 Building Line for Buildings

Building line from any lot line,
minimum: 3.05 metres

12.5.5 Entrances and Exits

Access to the property for vehicles shall be only by way of entrances and exits provided in accordance with the following:

Minimum width of an entrance or
exit: 3.35 metres

Minimum width of a combined
entrance and exit: 7.62 metres

Maximum width of an entrance or
exit: 6.70 metres

Maximum width of a combined
entrance and exit: 9.14 metres

Minimum distance between any
entrance, exit or combined entrance
and exit: 3.05 metres

Minimum 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: 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.

12.5.6 Parking

Off-street parking shall be provided in accordance with the following:

| | |
|--|---|
| Parking, Automobile Service Station, minimum: | 1 per employee |
| | 1 per repair bay |
| | 1 per 37.0 square metres of floor area, not including repair bays. |

12.6 Special Requirements

12.6.1 Notwithstanding the foregoing no person shall use any part of or use any building or structure on Block 52, according to Plan 1M-426 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, for any purpose except the following use:

Automobile Service Station.

12.7 Special Uses

12.7.1 Nothing in this by-law shall prevent the use of Lot Nos. 7, 8, 9 and 10, according to Plan M-378, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, or the erection or use of structures thereon, for the purpose of an Ontario Provincial Police Detachment and/or court facilities subject however, to compliance with all other requirements of this by-law applicable to these lots.

12.7.2 Nothing in this by-law shall prevent the use of Parts 11 to 16 inclusive, according to Plan 1R-3988 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario or the erection or use of buildings thereon for the purposes of public storage facilities providing the use conforms with all other applicable sections of this by-law and all other governmental rules and regulations.

(90-16)

- 12.7.3 Nothing in this by-law shall prevent the use of Lots 12 and 13 according to Plan M-378, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, or the erection or use of buildings thereon for the purposes of operating an addiction services/training centre as well as accessory uses thereto providing the use conforms with all other applicable sections of this by-law and all other governmental rules and regulations. **(92-1)**
- 12.7.4 Nothing in this by-law shall prevent the use of Lots 198 to 217 inclusive, according to Plan M-151, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, or the erection or use of buildings thereon for the purpose of an ancillary welding gases depot, providing the use conforms with all other applicable sections of the by-law and all other governmental rules and regulations. **(92-78)**
- 12.7.5 Nothing in this by-law shall prevent the use of Lot 5 according to Plan M-378 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, or use of buildings thereon for the purposes of 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 and providing the use conforms will all other applicable sections of the by-law and all other governmental rules and regulations. **(97-53)**
- 12.7.6 Nothing in this by-law shall prevent the use of unit 14C Oakland Boulevard within Lot 9 and 10 according to Plan M-378, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario or the use of unit 14C for the purposes of electronic component

assembly, providing there is no outside storage and providing the use conforms with all other applicable sections of the by-law and all other governmental rules and regulations. **(00-2)**

12.7.7 Nothing in this by-law shall prevent the use of Part 1 on Plan 1R-4002, being approximately 6.3 acres of land located on the southeast corner of Highway 108 and Mountain Road, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, or the erection or the use of buildings thereon for the purposes of a supermarket with ancillary uses, provided the use conforms with all other government rules and regulations.

(04-20)

12.7.7 Nothing in this by-law shall prevent the use of Part 5 on Plan 1R-3611, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, located on the south side of Hillside Drive South, for the erection or use of buildings thereon 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 and provided the use conforms with all other applicable sections of the by-law and all other governmental rules and regulations.

(50-25)

12.7.8 In addition to the permitted uses listed in Section 12.1 Permitted Uses, nothing in this by-law shall prevent the use of Parts 1, 2 and 3 on Plan 1R-11605, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, being lands on the north side of highway 108, or the erection or the use of buildings thereon for the purposes of a Home Improvement Centre, and Accessory Open Storage Area,

For the purposes of this section, the following definitions apply:

Home Improvement Centre: means an establishment which provides for the sale of building, construction and home improvement material, hardware, garden equipment and material, paint, glass, curtains and draperies, floor coverings, furniture, household appliances.

Accessory Open Storage Area: means that part of a commercial establishment that is used for the placing of goods and materials associated with or incidental to the principal use of the establishment.

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 planning area appropriate for healthy plant growth, an earth berm, or a combination of the above.

- 12.7.9 Notwithstanding Section Section 12.1 Permitted Uses, the permitted uses on the lands municipally known as the Simpson Road Camping and Trailer Park shall be limited to 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 subject to Section 11.4; accessory uses incidental to any of the listed permitted uses. (08-87)

13. NEIGHBOURHOOD COMMERCIAL "C3" ZONE

THE FOLLOWING REGULATIONS SHALL APPLY IN ALL "C3" 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:

Stores for conducting any retail business except automotive trades and automobile service stations;

Banks, offices and eating establishments;

Private clubs;

Personal service shops;

Parking stations;

Dwelling units only within the second storey of any building subject to section 11.4, except 11.4.1 (b);

Accessory uses incidental to any of the above permitted uses, including parking areas.

13.2 Lot Coverage

Subject to section 13.4 the total ground floor area of all buildings or structures erected on any lot shall not exceed seventy-five (75%) percent of the area of the lot.

13.3 Building Lines

Building line from any lot line,
Minimum: 6.0 metres.

13.4 Parking Requirements

Off-street parking shall be provided in accordance with the following:

| | |
|---|--|
| Retail stores, minimum: | 4 per 115.0 square metres of floor area on ground floor |
| | 2 per 93.0 square metres of floor area on all other floors |
| Offices, minimum: | 3.5 per 93.0 square metres of floor area |
| Eating establishments, minimum: | 1 per 4 seats |
| Private clubs, minimum: | 5 per 93.0 square metres of floor area |
| Residential, off street parking within the lot or block, minimum: | 1.5 spaces per dwelling unit |
| Personal service shops, minimum: | 1 per 14.0 square metres of floor area. |

13.5 Special Requirements

13.5.1 Notwithstanding section 13.1 above, private clubs shall not be considered a

permitted use on Lot No. 62 according to Plan M-397 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario.

13.5.2 Notwithstanding the foregoing, the following requirements shall apply to part of Block "J" according to Plan M-145, more particularly described as the whole of Part 1 on Plan 1R-2725 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, hereafter called the "subject lands":

- a) the building shall not exceed one (1) storey in height and no part of the basement, if any, of the building shall be used as a sales area to which the public has access
- b) the minimum building line from the northerly limit of the subject lands shall be 8.84 metres; the minimum building line from the easterly limit of the subject lands shall be 7.62 metres; the minimum building line from the southerly limit of the subject lands shall be 3.05 metres; and the minimum building line from the westerly limit of the subject lands shall be 1.22 metres;
- c) three (3) parking spaces shall be provided on the subject lands between the northerly wall of the building and the northerly limit of the subject lands, and three (3) parking spaces shall be provided on the subject lands between the easterly wall of the building and the easterly limit of the subject lands, and vehicular entrance to and exit from the subject lands shall be only means of one (1) driveway from Spruce Avenue having a width of at least 9.14 metres, 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;

- d) an off-street loading facility having access to the driveway referred to in clause (c) hereof shall be provided and maintained between the northerly wall of the building and the northerly limit of the subject lands;
- f) 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. NEIGHBOURHOOD COMMERCIAL - M "C3M" ZONE

The following regulations shall apply in all "C3M" Zones:

14.1 Permitted Uses

No person shall use any land or erect or use any building or structure for any purpose except in accordance with the following uses:

Financial Institutions

Convenience Retail Stores

Offices

Personal Service Shops

Private Clubs

Eating Establishments

Day Nursery or Day Care Centre

Dwelling Units as part of a building subject to section 11.4, except 11.4.1 (b).

14.2 Requirements

14.2.1 Building Lines

Building line from any street lot line,
minimum: 7.5 metres

Building line from any side lot line,
minimum: 6.0 metres

Building line from any rear lot line,
minimum: 7.5 metres

14.2.2 Building Height

Maximum: 2 storeys

14.3 Lighting

No lights shall be permitted which are offensive, by reason of glare or intensity of lighting, to any adjacent residential areas.

14.4 External Design

All commercial buildings and structures shall be designed and constructed to blend harmoniously with the surrounding residential areas.

14.5 Open Storage

No open storage shall be permitted in any "C3M" Zone.

14.6 Parking Requirements

Off -street parking shall be provided in accordance with the following:

| | |
|---------------------------------|--|
| Retail stores, minimum: | 4 per 115.0 square metres of floor area on ground floor |
| | 2 per 93.0 square metres of floor area on all other floors |
| Offices, minimum: | 3.5 per 93.0 square metres of floor area |
| Eating establishments, minimum: | 1 per 4 seats |
| Private clubs, minimum: | 5 per 93.0 square metres of floor area |

| | |
|---|---|
| Personal service shops, minimum: | 1 per 14.0 square metres of floor area |
| Day Nursery or Day Care Centre, minimum: | 4.0 spaces per 92.9 square metres of gross floor area |
| Residential, off-street parking within the lot or block, minimum: | 1.5 spaces per dwelling unit |

14.7 Special Uses

14.7.1 Nothing in this by-law shall prevent the use of Block 87, according to Plan

1M-425, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, or the erection or use of a building thereon for the purpose of a gas bar.

14.7.2 Nothing in this by-law shall prevent the use of Block 67, according to Plan

1M-423, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, or the erection or use of a building thereon for the purposes of a miniature golf course.

14.7.3 Nothing in this by-law shall prevent the use of Block 87 on Plan 1M-425,

recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, commonly known as the Hergott Avenue convenience store, for the erection or use of buildings thereon for the purposes of car washing facilities provided the use conforms with all other applicable sections of the by-law and all other governmental rules and regulations. **(94-91)**

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:

Retail businesses

Personal service shops

Banks and offices

Government offices

Eating establishments and taverns

Places of assembly

Hotels

Automotive trades

Museums or similar institutional uses

Accessory uses incidental to any of the above permitted uses

15.2 Requirements

15.2.1 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, and the landscaped lands shall not be less than three (3%) percent of the total area.

15.2.2 Lot Coverage

The total ground floor area of all buildings or structures erected on any lot shall not exceed thirty (30%) percent of the area of the lot. The total gross floor area of all buildings or structures erected on any lot shall not exceed sixty (60%) percent of the area of the lot.

15.2.3 Open Storage

No open storage shall be permitted.

15.2.4 Parking Requirements

Shopping centres shall provide a minimum of 3.5 parking spaces per 92.9 square metres of gross leasable floor and where the shopping centre includes any of the following uses, shall provide additional parking spaces on the basis set out opposite such use hereunder:

| | |
|-----------------------------|--|
| Place of assembly, minimum: | 1 parking space per 6 seats |
| Hotel, minimum: | 1 parking space per rentable room |
| Offices, minimum: | 1 parking space per 37.1 square metres of gross floor area of offices in excess of twenty (20%) percent of the gross leasable floor area |

15.2.5 Parking Standards

Notwithstanding section 3.54, the minimum parking stall size for 90° angle parking shall be 2.74 metres in width, 5.64 metres in depth and abut an aisle with a minimum width of 7.92 metres.

All parking areas and circulation roads shall be paved surfaces with a minimum slope of one (1%) percent and a maximum slope of five (5%) percent.

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

Stores for any wholesale business, selling only to the trade

Offices

Automobile service stations, subject to the regulations of section 12.5

Warehouses, builders contractors' yards, open air storage

Car-washing establishments

Laundries, both hand and self-service, and dry-cleaning establishments, both normal and self-service

Sales, service or rental establishments for mobile homes

Automotive trades

Lumber yards

Building supply dealers

Provincial Government highway maintenance facilities and materials storage

Bulk-oil dealerships

Automobile body shops

Marinas

Breeding and Boarding Establishments

Parking station

Self Storage Facilities **(02-55)**

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

Accessory uses incidental to any of the above permitted uses

16.2 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 Public Health 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 Public Health Act.

16.3 Requirements

16.3.1 Building Lines

Building line from street lot line,
minimum: 4.57 metres

Building line from any other lot line,
minimum: 3.05 metres

16.3.2 Parking Requirements

Off-street parking shall be provided in accordance with the following:

Industrial or manufacturing, minimum: 1 parking space for each 2 employees

A store, retail or wholesale, minimum: 4 parking spaces for each 115.0 square metres of floor area used for retail or wholesale purposes

Offices, minimum: 3.5 parking spaces for each 93.0 square metres of floor area

Warehouses or outside storage,
minimum: 1 parking space for each 3 employees

16.3.3 Off-Street Loading

For any land, building or structure used for the purposes of industry, manufacturing, retail or wholesale store, warehouse, storage or any other purpose similarly including the frequent shipping, loading or unloading of persons, animals, goods, wares, merchandise or raw materials the owner of the land, building or structure shall provide and maintain on land that is not part of a highway, street or lane, loading facilities comprised of one (1) or more loading spaces 9.14 metres long, 3.66 metres wide and 4.27 metres vertical clearance, having access to a lane or street according to the floor area of the building or

structure or area of open air storage.

| <u>Floor Area of Building or Area of Open Air Storage</u> | <u>Number of Spaces</u> |
|--|--|
| 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 |
| 1,393.1 square metres up to and including 3,716.0 square metres: | 3 loading spaces |
| Over 3,716.1 square metres: | 1 space for each additional 2,322.0 square metres. |

16.4 Special Uses

- 16.4.1 Nothing in this by-law shall prevent the use of Part 10 according to Plan 1R-4129 and Parts 1, 2 and 3 according to Plan 1R-7654, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario or the erection or use of buildings thereon for the purposes of an aquatic driving range, including accessory uses providing the uses conform with all other applicable sections of this by-law and all other governmental rules and regulations.
- 16.4.2 Nothing in this by-law shall prevent the use of Parts 3, 4, 5 and 6, inclusive, on Plan 1R-6901, recorded and registered in the Land Registry Office for the land Titles Division of Algoma at Sault Ste. Marie, Ontario, municipally known as 23 Perini Road and 2 Fox Drive or the erection or use of buildings thereon for the purposes of an auction hall, provided the use conforms with all other applicable section of the by-law and all other governmental rules and regulations.
- 16.4.3 Nothing in this by-law shall prevent the use of Lot 23, on Plan M-167, recorded and registered in the Land Registry Office for the land Titles Division of Algoma

at Sault Ste. Marie, Ontario, municipally known as 7 Perini Road or the erection of use of buildings thereon for the purposes of private or public storage, provided the use conforms with all other applicable section of the by-law and all other governmental rules and regulations. **(94-13)**

16.4.4 Nothing in this by-law shall prevent the use of Lot 14, on Plan M-167, recorded and registered in the Land Registry Office for the land Titles Division of Algoma at Sault Ste. Marie, Ontario, municipally known as 33 Perini Road or the erection of use of buildings thereon for the purposes of an animal adoption centre provided the use conforms with all other applicable sections of the by-law and all other governmental rules and regulations. **(95-1)**

16.4.5 Notwithstanding the provisions of this by-law, Lots 5 and 6, Plan M-148, municipally known as 2 Roddis Road, are hereby deemed to be one parcel and effectively eliminating all internal lot lines. **(99-19)**

16.4.6 Notwithstanding the provisions of this by-law, Part 1 and Part 7, Plan 201-025, at the site municipally known as the Truck Terminal Site being part of Mining Claim S68342, Township of Gunterman, District of Algoma, are hereby deemed to be one parcel and effectively eliminating all internal lot lines. **(02-31)**

16.4.7 Notwithstanding the provisions of this by-law, Part 1, Plan 1R-11570, being Part of Lot 3, Plan M-167, Lots 1 and 2, Plan M-167 and Parts 1 and 2, Plan 1R-2737, lands municipally known as Soo Mill, are hereby deemed to be one lot, and effectively eliminating all internal lot lines. **(08-39)**

16.4.8 Nothing in this by-law shall prevent the use of the lands adjacent to Highway

108 across from Timber Road South, being Parts 1-4 on Plan 1R-4587, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, for the purposes of 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 and providing the use conforms with all other applicable sections of this by-law and all other governmental rules and regulations. For the purposes of this section, a Condominium unit shall not be considered a separate lot for development purposes. (08-62)

16.4.9 Nothing in this by-law shall prevent the use of the lands on the west side of Fox Drive described as Parts 2 to 7 on Plan 1R-4129 for the purposes of a training school for heavy equipment operators and truck drivers and providing the use conforms with all other applicable sections of this by-law and all other governmental rules and regulations. (09-51)

16.4.10 Notwithstanding the provisions of this by-law, Lot 22 and Part Lot 21 on Plan M-167, and municipally known as 9-11 Perini Road, are hereby deemed to be one parcel effectively eliminating all internal lot lines and deeming the two lots to be one parcel. (10-1)

16A. CLEAN INDUSTRIAL "CM" ZONE

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

16A.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:

Scientific or medical laboratories

High-tech research and development establishments

Computer Services

Computer Equipment and Maintenance and Repair

Warehousing

Bakery, Dairy Products Plant

Offices

The production of cosmetics, drugs and other pharmaceutical supplies

The production of apparel and finished textiles products, other than the production of synthetic fibres

Manufacturing jewellery, watches, precision instruments, electronic products, electronic components, toys or similar articles

Printing, duplicating, book binding and photographic establishments

Accessory uses incidental to any of the above permitted uses

16A.2 Accessory Commercial Uses

Any accessory Commercial use shall be permitted within the main building provided that the use does not exceed ten (10) percent of the gross floor area.

16A.3 Prohibited Uses

Notwithstanding 16A.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.

16A.4 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.

16_A5 Requirements

16_A5.1 Building Lines

| | |
|---|-------------|
| 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 |

16_A5.2 Building Height

| | |
|------------------|-------------|
| height, maximum: | 10.7 metres |
|------------------|-------------|

16_A5.3 Lot Coverage

| | |
|------------------------|-----|
| lot coverage, maximum: | 50% |
|------------------------|-----|

16_A5.4 Lot Area

| | |
|--------------------|---------------------|
| lot area, minimum: | 1,500 square metres |
|--------------------|---------------------|

16_A5.5 Landscaped Area

| | |
|---------------------------------|-----|
| landscaped open space, minimum: | 5 % |
|---------------------------------|-----|

16_A5.6 Lighting

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

16_A5.7 Parking

Parking, minimum: 1 space per 46.0 square metres of gross floor area or 1 space per employee, whichever is greater.

Parking shall only be permitted behind the front and side lot lines.

No employee or visitor parking spaces, loading spaces shall be permitted in the front yard or side yard adjacent to a Residential Zone.

16_A5.8 Off-Street Loading

Off-street loading space shall be provided in accordance with section 16.3.3.

No part of a front yard or of a side yard that is less than 6.0 metres from an abutting street line or less than 9.0 metres from an abutting residential zone shall be used as loading space.

16_A5.9 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;
- 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. INSTITUTIONAL "I" ZONE

The following regulations shall apply in all "I" 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:

Adult education centres, nursery and day care facilities and schools

Government offices, police stations, fire halls and mine rescue stations

Churches, church halls, Sunday Schools, parsonages, convents

Hospitals, medical clinics, medical research facilities, nursing homes, homes for the aged and rest homes

Auditoriums, museums and public libraries

Accessory uses incidental to any of the above permitted uses, including parking areas and parking stations

17.1.1 Medical Clinics

Accessory uses, in the case of a medical clinic, 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.

17.2 Requirements

17.2.1 Building Lines

Building line from any lot line,
minimum:

7.62 metres

17.2.2 Height

Maximum height of all buildings and structures: 13.72 metres

17.2.3 Lot Area

In respect of churches, church halls and Sunday Schools, minimum: 2,787.0 square metres

17.2.4 Lot Coverage

Lot Coverage by buildings and structures, maximum: 50%

17.2.5 Parking Requirements

Off-street parking shall be provided in accordance with the following:

Schools, minimum:

| | |
|--|---|
| Elementary & Secondary schools: | 1 parking space for each employee |
| Post Secondary schools: | 5 parking spaces per classroom |
| Medical clinics, minimum: | 1 parking space for each 27.8 square metres of floor area |
| Churches and church halls, minimum: | 1 parking space for each 5 seats within the lot |
| Sunday schools, when not forming part of a church or church hall, minimum: | 1 parking space for each teacher. |

17.3 Special Uses

17.3.1 Nothing in this by-law shall prevent the use of Parts 1, 2, and 3 according to Plan 1R-6233, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, or the erection or use of a building thereon for the purposes of a church, public auditorium or a private club as an ancillary use to a public auditorium providing that such use or uses conform

with all other applicable sections of this by-law.

- 17.3.2 Nothing in this by-law shall prevent the use of Parts 5 and 8 according to Plan 1R-6233, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, or the use of the existing three (3) storey building thereon for the purposes of residential apartments provided that such use conforms 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.
- 17.3.3 Nothing in this by-law shall prevent the use of Parts 6 and 7 according to Plan 1R-6233, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, or the erection or use of a building thereon for the purposes of a private club providing that such use or uses conform with all other applicable sections of this by-law.
- 17.3.4 Nothing in this by-law shall prevent the use of Parts 22, 23, 24, and 25 according to Plan 1R-6233, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario or the erection or use of a building thereon for the purposes of a private club providing that such use or uses conform with all other applicable sections of this by-law.
- 17.3.5 Nothing in this by-law shall prevent the use of Block "D" according to Plan M-157, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario or the erection or use of buildings thereon for the purposes of a transition house for women in distress providing the use conforms with section 6.2 and all other applicable sections of this by-law and all other governmental rules and regulations and the following additional requirements:

Parking, minimum: 7.0 spaces, located behind the building line

Bedrooms, maximum: Five (5)

(89-17)

17.3.6 Nothing in this by-law shall prevent the use of Part 16 according to Plan 1R-6233, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario or the erection or use of buildings thereon for the purpose of post secondary research facilities and services, geo-physical research facilities and services, geographic information research facilities and services as well as accessory uses, provided that such use or uses conform with all other applicable sections of this by-law. **(92-21)**

17.3.7 Nothing in this by-law shall prevent the use of Blocks "Q" and "R" according to Plan M-151, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario and the lands appurtenant thereto for the purposes of the following additional permitted uses: places of assembly, offices, commercial arts and craft galleries, parking areas and accessory uses incidental to any of the above permitted uses; providing the uses conform to all other applicable requirements of this by-law and all other governmental rules and regulations and the following additional parking requirements for

Auditoriums shall apply:

Parking, minimum: 1 per 4 seats, within the contiguous lands of the auditorium owner.

(95-21)

17.3.8 Nothing in this by-law shall prevent the use of Block "N" according to Plan M-159, recorded and registered in the Land Registry Office for the Land Titles

Division of Algoma at Sault Ste. Marie, Ontario or the erection or use of buildings thereon for the purpose of a funeral home. **(95-111)**

17.3.9 Nothing in this by-law shall prevent the use of Parts 2, 3 and 4 according to Plan 1R-9631 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, or the use of buildings thereon for the purposes of a public swimming pool and accessory uses, subject to all other applicable requirements of this by-law, except that the minimum building line from the southerly lot lines shall be 0.61 metres and the minimum building line from the northerly lot lines shall be 4.2 metres. **(98-48)**

17.3.10 Notwithstanding 17.1 Permitted Uses, the only permitted use on Part 1 on Plan 1R9643 being part of Block 'H' according to Plan M-150 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, shall be a Cenotaph, providing the use conforms with the following and all other applicable sections of this by-law:

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

(98-69)

17.3.11 Nothing in this by-law shall prevent the use of the property at 20 Lisbon Road, the former Notre Dame de Bois Joli School Site, described as the Whole of Part 1 on Plan 1R-4519, being part of parcel 3124 A.E.S., recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario or the use of 20 Lisbon Road for:

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. For the purposes of this section an Art Gallery shall mean a place or area where paintings, sculptures or other works of art are exhibited or sold.

an office, provided such use is accessory to the permitted manufacturing and distribution use;

residential dwellings, subject to the provisions of Section 11.4.1;

Providing the above uses conform with the following and all other applicable sections of the by-law and all other governmental rules and regulations:

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;

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;

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;

All activities of the business shall be conducted from within an enclosed building with no outside storage of any kind;

Normal hours of operation limited to between 7 am and 7 pm;

No illuminated signage;

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.

(05-2)

- 17.3.12** Nothing in this by-law shall prevent the use of part of Block L on Plan M-158, municipally known as the Rio Den Arena Building, or the use of the former Rio Den Arena building for the retail sale by not for profit corporations of used

clothing and other similar items providing the use conforms with the following and all other applicable sections of the by-law and all other governmental rules and regulations:

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;

transport truck deliveries limited to one per week;

all activities of the business shall be conducted from within an enclosed building with no outside storage of any kind;

no illuminated signage. (04-96)

- 17.3.12** Notwithstanding the provisions of Section 17.2.1 Building Lines, the minimum building line on the south west corner of the church building is hereby reduced to 4.35 metres and 6.98 metres on the north west corner.

(07-85)

18. PUBLIC OPEN SPACE "O" ZONE

The following regulations shall apply in all "O" 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:

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;

Accessory uses incidental to any of the above permitted uses.

18.2 Requirements

18.2.1 Building Lines

Building line from any lot line,
minimum: 7.62 metres

18.2.2 Height

Maximum height of all buildings and
structures: 13.72 metres

18.3 Special Requirements

18.3.1 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" according to Plan M-336 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario;
- b) Block "R" according to Plan M-337 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario;
- c) Blocks "X" and "Y" according to Plan M-338 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario;
- d) Blocks "DD" and "FF" according to Plan M-339 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at

Sault Ste. Marie, Ontario;

- g) Blocks "HH", "NN" and "JJ" according to Plan M-340 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario.

18.3.2 Notwithstanding the provisions of the Public Open Space Zone, the following shall apply to the 20 metre protection buffer at the shoreline described as Block 7 on the Draft Plan of Subdivision at the west end of Spine Road and more particularly described as part of Part 2 on Plan 1R-11447 being PIN 31631-0942 (LT) recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, and shown on Schedule "A" to By-law 09-75:

- 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 21.A.3, except as further qualified below;
- ii) a maximum of 30% of the trees within the buffer area may be removed;
- iii) a maximum width of disturbance to the shoreline buffer shall a maximum of 10 metres width per disturbance
- iv) 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.

(09-75)

18.4 Special Uses

18.4.1 Nothing in this by-law shall prevent the use of the following lands:

- a) Lot Nos. 499 to 514 inclusive, according to Plan M-147 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario;

- 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, or the erection or use of a building or buildings on the lands, 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.

18.4.2 Nothing in this by-law shall prevent the erection and use on Block "D" according to Plan M-157, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, of a single dwelling for an Adult Training Home and otherwise complying with the regulations of this by-law provided that such erection and use shall be subject to the following

additional special regulations:

- a) the Adult Training Home shall be funded solely through the provisions of the Homes for Retarded Persons Act, and/or charitable donations;
- b) the Adult Training Home must be approved and maintain its approved status pursuant to the Homes for Retarded Persons Act;
- c) the maximum occupancy of the Adult Training Home shall be ten (10) individuals, not including staff;
- d) the maximum number of individuals permitted per habitable bedroom shall be two (2);
- e) minimum parking requirements shall be for three (3) vehicles behind the building line;
- f) the Adult Training Home must be registered annually with the Clerk of the Municipality;
- g) the Adult Training Home shall comply with the provisions of section 6.2;
- h) the Adult Training Home and the lands appurtenant thereto shall comply and be maintained in conformity with all applicable Governmental Acts, rules, regulations and municipal by-laws.

18.4.3 Nothing in this by-law shall prevent the use of the lands associated with and commonly known as the Senator Place Trailer Park, or the erection or use of structures thereon for the purposes of a Permanent Occupancy Mobile Home Park subject however, to all other applicable requirements of this by-law.

18.4.4 Subject to Section 18.3.1 nothing in this by-law shall prevent the use of Block "Y", according to Plan M-338 recorded and registered in the Land Registry Office

for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario for the purposes of non-commercial recreational gardening provided the use conforms with all other applicable sections of this by-law and all other governmental rules and regulations. **(91-16)**

18.4.5 Nothing in this by-law shall prevent the use of Part of Block G on Plan M-157, at 96 Dieppe Avenue, also known as the former Salvation Army Church property, for the purposes of a furniture upholstery shop and warehousing for storing personal goods provided the storage is contained within the existing building and providing the use conforms with all other applicable sections of this by-law and all other governmental rules and regulations:

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;

Transport truck deliveries limited to three per week during normal business hours Monday to Friday, 7 am to 7 pm;

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;

All activities of the business shall be conducted from within an enclosed building with no outside storage of any kind;

Normal hours of operation limited to between 7 am and 7 pm;

No illuminated signage;

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.

(10-5)

19. PARK "P" ZONE

The following regulations shall apply in all "P" 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:

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;

Accessory uses incidental to any of the above permitted uses.

19.2 Requirements

19.2.1 Building Lines

Building line from any lot line,
minimum: 7.62 metres

19.2.2 Height

Maximum height of all buildings
and structures: 13.72 metres

20. **RURAL "A" ZONE**

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

20.1 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

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

Radio and television antenna including buildings necessary to house electronic equipment incidental thereto

Cemeteries

Municipal Airports

Seasonal Trailer parks on land owned by the Municipality whether operated by the Municipality or any other person

Golf courses

Summer camps for children operated by non-profit organizations, including boy scout and girl guide camps

Rod and gun clubs
 Yacht and aquatic clubs
 Ski lifts and ski tows
 Drive-in theatres and amphitheatres
 Horse stables and horse riding facilities

Public Boat Launch **(03-8)**

Accessory uses incidental to any of the above permitted uses.

20.2 Requirements

20.2.1 Lot Area

Lot area, minimum: 4.0 hectares

20.2.2 Length of Street Lot Line

Length of any street lot line,
 minimum: 121.92 metres

20.2.3 Building Lines

Building line from any street lot
 line, minimum: 15.24 metres

Building line from any other lot
 line, minimum: 7.62 metres

20.3 Special Uses

20.3.1 Salvage Yard

Nothing in this by-law shall prevent the erection or the use on the whole of Part 1 on Plan 1R-4721 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, of a building or buildings for the purpose of a salvage yard and accessory uses thereto provided that such erection and use conforms with the regulations of this by-law and with the

following:

- a) no dwelling units permitted on the lands.

20.3.2 Nothing in this by-law shall prevent the use of the existing building on the whole of Part 1 according to Plan 1R-5727, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, for the purposes of a one-family dwelling, subject however, to compliance with all other requirements of this by-law applicable to the described property.

20.3.3 Nothing in this by-law shall prevent the use of the lands associated with and commonly known as the Nordic Trailer Park, or the erection or use of structures thereon for the purposes of a Permanent Occupancy Mobile Home Park subject however, to all other applicable requirements of this by-law.

20.3.4 Nothing in this by-law shall prevent the use of the following lands located adjacent to Dunlop Lake in Bouck Township or the erection or use of buildings thereon for any permitted use listed in Section 21.1 subject to compliance with the applicable requirements of Section 21, Rural "B" zone:

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

20.3.5 Notwithstanding Section 20.1 and Section 20.2, the only permitted use on Part 1

of Plan 1R-3932, located on the north shore of Elliot Lake, 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, and such uses shall be subject to the following requirements:

| | | |
|--|-------------|----------------|
| Building line from any lot line, minimum: | 7.62 metres | (93-58) |
|--|-------------|----------------|

20.3.6 Nothing in this by-law shall prevent the use of Parts, 1,2,3 and 4, on Plan 1R-5977, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, commonly known as the Dunlop Lake Marina, for the erection or use of buildings thereon for the purposes of private or public storage provided the use conforms with all other applicable sections of the by-law and all other governmental rules and regulations. **(94-79)**

20.3.7 Nothing in this by-law shall prevent the use of that part of Mining Claim S-89176 located west of Highway Number 108 and the whole of Mining Claim S-86916 recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, or the erection or use of buildings thereon for the purposes of a commercial composting operation provided the use conforms with all other applicable sections of the by-law and all other governmental rules and regulations. **(96-22)**

20.3.8 Nothing in this by-law shall prevent the use of the lands known as the Airport Quarry in Esten Township located 1.3 km west of Highway 108 and described as MC S75406, Parcel 2487 A.E.S., recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario, for the

purposes of a portable asphalt / concrete plant provided that the use conforms with all other applicable sections of this by-law and all other governmental rules and regulations.

(10-102)

20.4 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.

21. RURAL "B" ZONE

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

21.1 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 use permitted in the Rural "A" Zone, subject to compliance with the requirements of such Zone;

Marinas;

Vacation hotels, motels, tourist camps, and other vacation establishments, designed and operated for the short term accommodation of the vacationing

Public;

Summer cottages;

Hunting and fishing camps;

Parking stations and parking areas;

Accessory uses incidental to any of the above permitted uses.

21.2 Prohibitions

21.2.1 Summer Cottages and Hunting and Fishing Camps

Nothing in section 21.1 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.

21.2.2 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.

21.3 Special Requirements

21.3.1 Uses that Include Residential Accommodation

| | |
|---|----------------------------------|
| Lot width, minimum, subject to section 21.3.2: | 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 an other lot line, minimum: | 6.09 metres |

Parking facilities, minimum, for vacation hotels, motels, tourist camps and other vacation establishments, where direct

road access to the lot is available:

1 parking space for each bedroom

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.

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: same as main bldg.
- Building line from side lot line and rear lot line: 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.

21.3.2 For the purposes of establishing the minimum lot width requirement under section

21.3.1, 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.

21.3.3 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 |

Parking requirements, minimum where direct road access to the lot is available:

1 parking space to be located on the lot, for each 3.05 lineal metres of dock face designed for boat mooring purposes.

21.3.4 Combined Uses

Where the use of land is a combination of two (2) or more uses specified in sections 21.3.1 and 21.3.3, 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.

21.3.5 Notwithstanding the provisions of 21.3.1 Uses that Include Residential Accommodation, the following shall apply to Lot 6, Plan M-234:

- i) the minimum building line from another lot line with respect to the North East side lot line to the garage shall be 4.18 metres; and
- ii) the minimum building line from the lake shall be 10 metres; and
- iii) the minimum lot area shall be .3771 hectares. **(99-36)**

21.3.6 Notwithstanding Section 21.1 Permitted Uses, the following shall apply to Parts 1,2,3,4,5,6,7,8 and 9 on Plan 1R-9314:

- i) 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 Energy, for so long as the Order remains in place.” **(01-66)**

21.A SHORELINE RESIDENTIAL “RS” ZONE

Limited municipal service standards apply to this zone.

21A.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 Family Dwelling
- Seasonal/Recreational Dwelling
- 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.

21A.2 Requirements

Each lot may contain not more than one single family 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) | 12.0 metres |
| Building line from rear lot line | 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 family dwelling and Seasonal /Recreational dwelling on lots of .81 hectares or less, minimum | 65 sq. metres |

| | |
|---|-------------------|
| Ground Floor Area of single family dwelling and Seasonal/Recreational dwelling on lots greater than .81 hectares, minimum | 111.48 sq. metres |
|---|-------------------|

Despite the above, the minimum ground floor area dwelling size of 65 square metres applies to the following residential shoreline lots: Site 9, lot 7; Site 12, lot 13; Site 13, lots 1 and 12; Site 20, lot 13; Site 21, lot 34; Site 23, lots 2 and 10; Site 26, lots 17, 18, 19, 21, 23, and 30. **(06-63)**

| | | |
|-----------------------|---------------------|-----|
| Lot coverage, maximum | main building | 10% |
| | accessory buildings | 10% |
| | all buildings | 15% |

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)

The parking of not more than (1) one Commercial vehicle as defined under section 5.11.3 will be permitted.

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.

1) Requirements for Buffer Areas:

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.

A Buffer Area shall be maintained around the perimeter of each lot, and having the following minimum depth:

| | |
|--|------------------------------------|
| Buffer Area: | |
| Shoreline Buffer: From the lot line adjoining a lake or river, minimum | 15 metres from the High Water Mark |
| Perimeter Buffer: From the rear lot line, minimum | 10 metres |
| Perimeter Buffer: From any other lot line, minimum | 5 metres |

2) EXCEPTIONS:

Prior to submission of a Lot Development Plan, exceptions (1) i) and ii) may be undertaken. The following exceptions are permitted within the required Buffer Area upon approval of a Lot Development Plan:

| | |
|---|--|
| (1) Buffer Area Exception along the side or rear lot line | i) Up to a maximum of 9 metres width for driveway(s) may be permitted to cross or occupy the Buffer Area to provide vehicular and pedestrian access from the road onto the lot. |
| Water Access Only properties | ii) Up to a maximum of 4.5 metres width for access from the water may be permitted. |
| | iii) Encroachments may occur for an accessory building where the structure has a lesser setback than the required buffer. |

| | |
|--|--|
| (2) Shoreline Buffer Area Exception | <p>The lands located in a shoreline buffer area shall be maintained in a natural state except for the following:</p> <ul style="list-style-type: none"> i) removal of shrubs and dead and decaying vegetation; ii) maximum 2 metre wide pedestrian pathway from the dwelling to the shoreline; iii) a 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 vegetation must be planted. |
| (3) In addition to the above exceptions: | <p>Trees within the shoreline buffer area may be removed, as shown in a Lot Development Plan to alter the Buffer Area or to allow the construction of an accessory structure or building that is otherwise permitted within the required front yard as follows:</p> <ul style="list-style-type: none"> 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 per disturbance. |

(08-33)

Accessory Buildings

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: same as main bldg.
- Building line from side lot line and rear lot line: 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)

| | |
|---|-------------------|
| 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 | 3 metres |
| - Height, maximum | 5 metres |
| 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 |
| Water-based Boat House (storage only) | |
| - Subject to approval by the Ministry of Natural Resources | |
| - Projection from private lot benefitting from the structure | 3 metres |
| - Height, Maximum | 1.5 storeys |
| - Building line from other lot line, minimum | 6 metres |
| 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 |
| 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 |

21. A.3 Definitions

For the purposes of Section 21A, the following definitions shall apply:

Boat House: means 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: means 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: means the portion of the Buffer Area adjacent to the High Water Mark.

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

Duff Layer: means forest floor cover including organic matter on the forest floor such as leaves, needles, and mosses.

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

Herbs: includes many species of weeds and flowers such as trillium, lily, cattail, buttercup.

(08-33)

Dwelling- Seasonal/Recreational: means 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: means 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: means an area of cultivated grass or any area of mowed grass.

Lot Development Plan: means a Plan submitted in accordance with the Municipality's Site Plan Control By-law.

(08-33)

Lot Line, Street: means any lot line or high water mark that divides a lot from the street.

Public Boat Launch: means 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, Labrador-Tea. **(08-33)**

Sleep Cabin: means 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: means 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: means 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)

21.A.4 Special Requirements

21.A.4.1 Notwithstanding the provisions of this by-law, Lot 21 and 22 on Plan 1M-566, and municipally known as 1072 and 1066 Dunlop Shores Road, are hereby deemed to be one parcel effectively eliminating all internal lot lines and deeming the two lots to be one parcel.

21.A.4.2 Notwithstanding the provisions of this by-law, Lot 5 and 6 on Plan 1M-566, and municipally known as 1188 and 1184 Dunlop Shores Road, are hereby deemed to be one parcel effectively eliminating all internal lot lines and deeming the two lots to be one parcel. (09-56)

21.B RURAL ESTATE "RE" ZONE

Permitted uses

Any use permitted in the 21.A Shoreline Residential Zone subject to the requirements of such zone except that the **minimum lot size shall be 1 hectare**.

22. LIMITED SERVICE RESIDENTIAL "L" ZONE

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

22.1 Permitted Uses

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

Any use permitted in the Rural "A" Zone or the Rural "B" Zone, subject to compliance with the requirements of such Zone;

Single-Family Buildings, subject to compliance with the requirements of sub-section 21.3;

Accessory uses incidental to any of the above permitted uses.

22.2 Special Requirements

22.2.1 Single-Family Buildings

Parking, minimum:

2 parking spaces within the lot.

- 22.2.2 A Single-Family Building must be located on a lot of record established on or before January 1, 1988.
- 22.2.3 A Single-Family Building must be located on a lot which abuts a public highway or has access to a public highway through a registered right-of-way. **(89-2)**
- 22.2.4 Notwithstanding the provisions of this by-law, Parcel 5928 A.E.S., Lot 6 Plan M-234, municipally known as 54 Boychuk Road and Parcel 10123, A.E.S., being Part of Location CL2945, and being Part 6, Plan 1R-5103, are hereby deemed to be one parcel and effectively eliminating all internal lot lines. **(99-36)**
- 22.2.5 Notwithstanding the provisions of this by-law, Lot 11, Plan M-234, municipally known as 72 Boychuk Road and Part 11, Plan 1R-5103 being part of Location CL2945, are hereby deemed to be one parcel and effectively eliminating all internal lot lines. **(02-27)**
- 22.2.6** Notwithstanding the provisions of this by-law, Part of Lot 7 on Registered Plan M-281 being a parcel of 373 m² and Lot 6 on Plan M-281 municipally known as 179 South Bay Road are hereby deemed to be one parcel effectively eliminating all internal lot lines and deeming the two parts to be one parcel. **(07-35)**

23. HOLDING "H" DESIGNATION

It is the intent and purpose of this section to designate certain lands as being in a "Holding" classification where development is conditional upon the provision of municipal services or where conformity with the policies of The Corporation of the Town of Elliot Lake need to be established. The following regulations shall apply to all zones with the "H" designation:

23.1 Permitted Uses

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 until such time as the land has been rezoned to remove the "H" designation.

24. 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.

25. VIOLATIONS AND PENALTIES

25.1 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.

25.2 When a Corporation is convicted under section 24.1, 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.

26. That By-law No. 56-13 and all amendments thereto are hereby repealed.

27. 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 Official Plan Amendment and

providing that no appeals to this by-law are received by the Clerk of the Town pursuant to Ontario Regulation 404/83 and should an appeal be received by the Clerk of the Town 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 7th day of December, 1987.

READ a third time and finally passed this 7th day of December, 1987.

MAYOR

CLERK