

## Zoning By-law of the Corporation of The Municipality of Oliver Paipoonge



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## **ACKNOWLEDGEMENT**

In acknowledgement of the hard work and dedication of Sharron Martyn, the first Manager of Planning for the amalgamated Municipality of Oliver Paipoonge.

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## PREAMBLE

The purpose of this *By-law* is to implement the policies of the new Official Plan for The Corporation of the Municipality of Oliver Paipoonge. The Official Plan contains policies that affect the *use* of land throughout *Oliver Paipoonge*. These policies specify where certain land *uses* are permitted and, in some instances, specify what regulations should apply to the *development* of lands. The Official Plan is a general document that is not intended to regulate every aspect of built form throughout *Oliver Paipoonge*. Once an Official Plan is in effect, any *Zoning By-law* passed by *Council* must conform to it. For example, if the Official Plan stated that lands in the vicinity of a significant natural feature are to remain in their natural state, the *Zoning By-law* would prohibit the erection of *buildings* or *structures* on those lands.

A *Zoning By-law* is a municipal regulatory tool for land *use*, *buildings* and *structures* that implements and takes direction from the Official Plan. The *Zoning By-law* contains specific requirements that are legally enforceable. Municipalities cannot permit the *use* of land or issue a *building* permit for construction or new *development*, unless the new *development* complies with the *Zoning By-law*.

The authority for a municipality to zone land is granted by the *Planning Act*. Section 34 of the *Planning Act* states that *Zoning By-laws* may be enacted by the councils of local municipalities, and establishes the scope of municipal zoning powers to:

- restrict the *use* of land;
- restrict erection, location and *use* of *buildings* and *structures*;
- prohibit erection of *buildings* or *structures* on *hazard land*;
- prohibit the *use* of land, and the erection, location or *use* of *buildings* or *structures* within environmentally sensitive areas, for lands that contains sensitive water features, or for lands with significant natural or archaeological resource features;
- regulate the construction of *buildings* and *structures* (*including*: their *height*, bulk, location, size, *floor area*, spacing, character and *use*, and the regulation of doors, windows and other openings);
- require provision and maintenance of parking and loading facilities;
- regulate the *development* of *pits* and *quarries*;
- regulate minimum area and *height* and *density* for *lots*, *buildings* and *structures*;
- prohibit the *use* of land if municipal services are not available to service the land, *buildings* or *structures*; and
- acquire non-conforming lands and remove *non-conforming uses* after acquisition.

The *Planning Act* also sets rules for exempting lands and *buildings* from the application of the Zoning *By-law*.

The Zoning *By-law* must be read and considered in its entirety to determine and apply the provisions that are relevant to individual land *uses*, *buildings* and *structures*. The following paragraphs outline the various components of the Zoning *By-law*.

## SECTION 1 – INTERPRETATION AND ADMINISTRATION

This section sets out the title of the *By-law*, its scope and rules for administration, enforcement, conformity and compliance.

## SECTION 2 – DEFINITIONS

This section provides definitions of key terms used in the *By-law* and defines each of the permitted *uses* in the *By-law*. It is important, when reading the *By-law*, to refer back to specifically defined terms for a complete understanding. For that reason, terms that are defined are set out from the balance of the text through the use of *Italic font*.

Note: If a land *use* is not defined or addressed in the Zoning *By-law*, it is generally not permitted.

## SECTION 3 – GENERAL PROVISIONS

This section establishes regulations that apply generally throughout *Oliver Paipoonge* and/or to specific types of land *uses*, *buildings* and *structures* in certain zones or in all zones. It also sets out *uses* that are prohibited throughout *Oliver Paipoonge*.

The General Provisions set out the regulations and limitations for *accessory buildings* or *structures* and *accessory uses* (including: *accessory dwelling units*, *accessory farm dwellings*, *bed and breakfast establishments*, *garden suite dwellings*, *home occupations* and *home industries*, *landscape buffers*, *on farm diversified uses*, *parking areas* and *loading space requirements*, and *waste storage enclosures*).

The General Provisions provide rules to allow for *existing uses* and *existing lots*, *buildings* and *structures* that were legally established before the Zoning *By-law* was passed but do not conform with the Zoning *By-law*, and for related changes to *existing uses*, *buildings* or *structures*.

The General Provisions provide the regulations for certain specific land *uses*, *buildings* or *structures*, including: *group homes*, *kennels* and *pet care establishments*, *marijuana production facilities*, *public uses*, *renewable energy systems*, *setbacks* to pipelines, *public streets* and railways, *sight triangles* at intersections of roads and roads with railways, *signs*, *swimming pools*, *waste storage enclosures*, *wayside pits* and *wayside quarries*.

The General Provisions provide the *parking area* and *loading space* requirements, including: specifications for the number, type and size of *parking spaces* required, *driveway* and *parking aisle* requirements, *drive-through facility* requirements, *loading space* requirements for certain land *uses*, designated barrier-free (accessible) *parking space* requirements, and requirements for *private garages*.

The General Provisions provide additional general regulations, including requirements for *landscape buffers* that apply in certain circumstances, *including: parking areas* and *outside storage*, *Minimum Distance Separation* requirements for *non-agricultural uses* that may be impacted by livestock facilities and manure storage facilities (MDS I) and to new or expanding livestock facilities and manure storage (MDS II), and identify *uses* that are generally prohibited throughout *Oliver Paipoonge*.

Lastly, the General Provisions section provides general requirements for *lots* and servicing, provides rules for temporary *uses* associated with land *development*, including construction *uses*, *model homes*, and temporary sales offices.

## **SECTION 4 – ESTABLISHMENT OF ZONES**

This section provides the *zone* categories and specific *zone* names and symbols used in the Zoning *By-law* and provides rules for interpreting and applying the Zoning *By-law* for multiple *uses* of a *lot* and where multiple *zones* apply to a *lot*. It also provides the special provisions and symbols used in the Zoning *By-law*.

## **SECTIONS 5 THROUGH 13 – INDIVIDUAL ZONES/AREAS**

Sections 5 through 13 of this *By-law* set out the permitted *uses* within each of the *zone* categories, as well as the regulations surrounding the *uses* that are permitted.

Section 5 sets out the permitted *uses* and regulations for *uses* in the Agricultural *Zone*. These are areas within *Oliver Paipoonge* that are designated to be used for *agricultural uses* and *agricultural-related uses*.

Section 6 sets out the permitted *uses* and regulations for *uses* in the Rural Zone. These are areas within *Oliver Paipoonge* that are outside of the rural settlement areas that are designated to be used for *agricultural uses*, residential *uses*, and environmental or *conservation uses*.

Section 7 sets out the permitted *uses* and regulations for *uses* in the Residential Zones. These are areas within *Oliver Paipoonge* that are designated to be used for a range of housing types, including: *existing* rural residential, low density residential, medium density residential, and high-density *residential uses*. The Zone also includes lands that are intended for residential *development*.

Section 8 sets out the permitted *uses* and regulations for *uses* in the Institutional Zones. These are areas within *Oliver Paipoonge* that are designated to be used for a range of community facilities and *public uses*, including: *non-commercial* schools, health and long-term care facilities, and certain types of supportive and special needs housing, such as *group homes*.

Section 9 sets out the permitted *uses* and regulations for *uses* in the Commercial Zones of the rural settlement areas in Kakabeka Falls, Murillo and Rosslyn.

Section 10 sets out the permitted *uses* and regulations for *uses* in the Recreational Zones. *Uses* in these zones include: tourist recreational *uses* (such as golf courses), together with accompanying low to high density residential and *commercial uses*, with an emphasis on attracting tourists to *Oliver Paipoonge*.

Section 11 sets out the permitted *uses* and regulations for *uses* in the Industrial Zones. These are located in the rural settlement areas of Murillo and Rosslyn, as well as some other areas located throughout *Oliver Paipoonge*. *Uses* include: *forestry*, *mineral aggregate operations*, mining and mineral exploration *uses*.

Section 12 sets out the permitted *uses* and regulations for *uses* in the Open Space Zones. These are areas in *Oliver Paipoonge* dedicated for *passive recreation*, *private parks* and *public parks* (including: playing fields, *campgrounds*, swimming facilities, and playgrounds) and passive open green space areas and trails.

Section 13 sets out the permitted *uses* and regulations for *uses* in the Environmental Overlay. These areas within *Oliver Paipoonge* are set aside to protect *natural heritage features* (including: *wetlands*, *woodlands* and valleylands), and *hazard lands* (including: floodplains or talus slopes), or flora and fauna.

## SECTION 14 – IMPLEMENTATION

This section provides the details for the areas that are zoned with established holding provisions. In these areas, conditions apply before some *uses* can be permitted. An amendment to the Zoning *By-law* to lift the holding “H” symbol is required, once the conditions have been met, in order to allow those *uses*, or a specific *development*, to be undertaken.

This section also identifies and describes temporary *uses*. In these cases, provisions allow for *uses*, including *buildings* or *structures* associated with those *uses*, which are subject to a time limit in accordance with a "Temporary Use By-law" passed by *Council* under the *Planning Act*. Additionally, this section will provide the process involved, and the intention for, the use of Temporary Use By-laws and Interim Control By-laws.

Section 14 also contains requirements for Site Plan review and approval within certain *zones*. Provisions for the implementation of Interim Control By-laws are also provided.

Lastly, this section provides the site-specific provisions that apply in addition to, or as exceptions to, the parent *zone(s)* permitted *uses* and/or regulations for specific properties or areas.

### RECITALS:

WHEREAS the *Council* of The Corporation of the Municipality of Oliver Paipoonge deems it advisable to implement the Official Plan of the *Corporation*;

AND WHEREAS the *Council* of the *Corporation* has deemed it to be in the public interest that this *By-law* be enacted for the purpose of that implementation;

AND WHEREAS, in accordance with Subsection 34(16) of the *Planning Act*, changes have been made to the *By-law* after the holding of the public meeting (in accordance with Subsection 34(12) of the *Planning Act*), and *Council* has determined that no further notice is to be given in respect to the proposed *By-law*;

NOW THEREFORE, THE *COUNCIL* OF THE CORPORATION OF THE MUNICIPALITY OF OLIVER PAIPOONGE ENACTS AS FOLLOWS:

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# **SECTION 1 – ADMINISTRATION**

## SECTION 1— INTERPRETATION AND ADMINISTRATION

### 1.1 PURPOSE OF THE *BY-LAW*

This is a *By-law* under the provision of Section 34 of the *Planning Act* to regulate the use of lands and the character, location and use of *buildings* and *structures* in *Oliver Paipoonge*.

### 1.2 TITLE

This *By-law* shall be known as the "Zoning *By-law* of The Corporation of the Municipality of Oliver Paipoonge", or the "Zoning *By-law*".

### 1.3 SCOPE AND APPLICATION

#### 1.3.1 LANDS SUBJECT TO *BY-LAW*

The provisions of this *By-law* apply to all those lands lying within the jurisdiction of the *Corporation*.

#### 1.3.2 CONFORMITY WITH *BY-LAW*

No person shall *erect* or *alter* any *building* or *structure* except in accordance with the provisions of this *By-law*.

No person shall use any *building*, *structure* or *lot*, except in accordance with the provisions of this *By-law*.

#### 1.3.3 *EXISTING USES* CONTINUED

Nothing in this *By-law* prevents the use of any *lot*, *building* or *structure* for any purpose prohibited by this *By-law* if that *lot*, *building* or *structure* was lawfully used for such purpose on the date of passing of this *By-law*, so long as it continues to be used for that purpose.

Where, for any reason, the use of land, buildings and/or structures for a legally non-conforming use has ceased and is not resumed within a 12 month period of time, such non-permitted status and use shall not be resumed, and any future use of the land,

buildings and/or structures shall be in accordance with this *By-law*.

## 1.4 INTERPRETATION

### 1.4.1 OTHER REQUIREMENTS:

This *By-law* does not relieve persons from the requirement to comply with other *applicable laws*, regulations and requirements of other orders of *public authority* with jurisdiction.

### 1.4.2 GENERAL RULES

This *By-law* provides general rules for interpretation, including reference to the definitions, clarification of the meaning of certain words, legislative references, determining and rounding measurements, and determining the boundaries of *zones* on the Zoning Maps.

### 1.4.3 TECHNICAL REVISIONS

This *By-law* allows the *Corporation* to make certain technical revisions to it without the requirement for a formal amendment. This includes, for example, amendments to correct typographical errors and/or modify formatting. Provided there is no substantive change to the provisions, these amendments may be undertaken.

### 1.4.4 EFFECTIVE DATE

The *Planning Act* establishes when this *By-law* becomes effective. It is effective once it is passed by *Council*, subject to any appeals. If this *By-law* is appealed, it will take effect as of the day of its passage, with any changes imposed by the appeal body, after the appeal has been concluded. When this *By-law* takes effect, the previous *Zoning By-law* of the *Corporation* is repealed, and the rules for transition for applications and other matters in process at that time are governed by the *Planning Act*.

### 1.4.5 DEFINITIONS

For ease of reference, terms that are italicized in the text of this *By-law* are terms that are defined in Section 2.

### 1.4.6 MINIMUMS

The provisions of this *By-law* are held to be the minimum requirements for the promotion of health, safety, comfort, convenience, and general welfare of the inhabitants of *Oliver Paipoonge*. Any minimum standard or requirement can be exceeded.

#### 1.4.7 DISCRETIONARY AND MANDATORY WORDING

The words “must” and “shall” are mandatory. The word “may” is discretionary. “May” is used to indicate where certain circumstances may or may not be applicable.

#### 1.4.8 LEGISLATIVE REFERENCES

Any reference to legislation, includes, by inference, all regulations passed under that legislation. The reference is intended to include that legislation (and regulations), as amended from time to time, whether before or after the passage of this *By-law*, and include any and all successor legislation.

#### 1.4.9 MEASUREMENTS

All measurements of length, area or *height* used to determine compliance with this *By-law* are subject to the normal mathematical rules of rounding numbers. The level of accuracy expressed in the regulations of this *By-law*, are as follows:

- i. for regulations expressed as a whole number, measurements less than 0.5 shall be rounded downward to the nearest whole number, and measurements of 0.5 or greater shall be rounded upward to the nearest whole number;
- ii. for regulations expressed as a number with one decimal place, measurements less than 0.05 shall be rounded downward to the nearest one-tenth unit, and measurements equal to or greater than 0.05 shall be rounded upward to the nearest one-tenth unit; and
- iii. for regulations expressed as a ratio or percentage, measurements shall not be subject to rounding.

#### 1.4.10 ZONING MAPS

The Zoning Maps comprise Schedules “A”, “B” and “C” to this *By-law*. They show the

geographic boundaries and extent of all *zones*. These maps, together with all notations, references, and other information, form integral parts of this *By-law*. The following rules apply to determine the location of the boundary of any *zone* on the Zoning Maps.

- a) Where a boundary is shown as following a *street, lane, railway, right-of-way, transmission corridor, or watercourse*, the boundary is the *centreline* of the applicable feature. Where any of these features as shown on a Zoning Map is closed or diverted after the effective date of this *By-law*, the land formerly within that feature is included within the *zone* of the adjoining property on either side of the closed or diverted feature, except where the land on either side of the feature is in different *zones*. In that case, the *zone* boundary is the former *centreline* of the closed or diverted feature.
- b) Where a boundary is shown as following the *front lot line* on a future *lot* shown on a draft *approved* Plan of Subdivision or Condominium, the boundary shall be the *centreline* of the future *public street* intended to be constructed.
- c) Where a boundary is shown as following any other *lot line* on an *existing lot* or a future *lot* shown on a draft *approved* Plan of Subdivision or Condominium, the boundary is the *existing* or future *lot line*.
- d) Where a boundary is shown as running substantially parallel to a *lot line abutting* any *street*, and the distance from that *street* is not indicated, the boundary is parallel to the applicable *lot line* and the distance is determined according to the scale shown on the Zoning Maps.
- e) Where a boundary is shown as following a *lot line abutting* an unopened *road allowance*, the boundary is the *centreline* of the unopened *road allowance*.
- f) Where a boundary is shown as an *Environmental Overlay*, the boundary follows the limits of the identified natural environment feature(s) and any associated buffer area required to protect the environmental feature(s) and their ecological functions. It shall be based on the most detailed resource mapping available and may be more precisely determined in consultation with the Lakehead Region Conservation Authority or other agencies having jurisdiction in the area. Where

detailed resource mapping becomes available after the effective date of this *By-law*, the limits of the *Environmental Overlay* boundaries may be refined without the requirement for a zoning *By-law* amendment, and all requirements of this *By-law* shall be applied relative to the revised interpretation of the *Environmental Overlay* boundaries, including any applicable *setbacks*. The *uses* and regulations of the adjacent *zone* on the same *lot* apply.

- g) Where a boundary is shown as following the geographic limits of *Oliver Paipoonge*, the boundary is the limit of the geographic jurisdiction of the *Corporation*.
  
- h) Where none of the above provisions apply, the *zone* boundary shall be scaled from the Zoning Maps.

#### 1.4.11 ADMINISTRATION

This *By-law* shall be administered by the municipal clerk and/or any other staff as the *Council* designates including but not limited to the Planner, Chief Building Official, Fire Chief, etc.

#### 1.4.12 LICENCES AND PERMITS

No permit, certificate or licence shall be issued by the *Corporation* where the *approval* is required for a proposed *use* of land, or a proposed *erection, alteration, enlargement* or *use* of any *building* or *structure* that would be a violation of any provisions of this *By-law*.

#### 1.4.13 APPLICATION OF OTHER BY-LAWS

Nothing in this *By-law* serves to relieve any person from the obligation to comply with the requirements of any other *By-law* of the *Corporation* in force from time to time or the obligation to obtain any licence, permit, authority or approval required under any *By-law* of the *Corporation*.

#### 1.4.14 REQUEST FOR AN AMENDMENT

In accordance with *The Smart Growth for Our Communities Act, 2015*, requests for amendments and/or minor variances to the *use* of land, *building* or *structure* shall be

reserved for two years from the date of the passing of this *By-law* in order to afford the *Corporation* the opportunity to increase stability and implement the provisions of this *By-law*. The *Corporation* reserves the right to waive this requirement with the passing of a resolution.

#### 1.4.15 USED AND OCCUPIED

In this *By-law*, unless the context requires otherwise:

- i. the word "used" includes "designed to be used", "arranged to be used", and "intended to be used"; and
- ii. the word "occupied" includes "designed to be occupied", and "intended to be occupied".

#### 1.4.16 IN WHOLE OR IN PART

In this *By-law*, unless the context requires otherwise:

- i. the word "*lot*" includes the *lot* in whole or in part;
- ii. the word "*building*" includes the *building* in whole or in part;
- iii. the word "*structure*" includes the *structure* in whole or in part; and
- iv. the word "*street*" includes the *street* in whole or in part.

#### 1.4.17 ACTIONS

In this *By-law*, unless the context requires otherwise:

- a) a clause which prohibits a person from doing something, also prohibits that person from causing or allowing the prohibited thing to be done; and
- b) a clause which requires a person to do something can be complied with by causing or allowing another person to undertake that activity.

#### 1.4.18 NO LIMITATION ON "INCLUDE"

In this *By-law*, the words "include", "includes", "including", and "included" are not intended to limit the phrases that precede or follow them.

#### 1.4.19 "PERSON"

In this *By-law*, the term "person" means a person recognized as such by *applicable law*. This includes: an individual human being, a corporation, or other legally recognized representatives of a person.

#### 1.4.20 HEADINGS

The headings and text divisions used in this *By-law* are for ease of reference and are not to be used as aids to interpretation of the text.

#### 1.4.21 VALIDITY

Should any section, clause or provision of this *By-law* be held by a court or tribunal of competent jurisdiction to be invalid, the validity of the remainder of the *By-law* shall not be affected by the ruling.

#### 1.4.22 APPENDICES

There are 27 appendices to this *By-law* which do not form integral part of it but are included for ease of reference. They are historic by-laws which created site specific provisions that are continued through this *By-law*.

### 1.5 CONFORMITY WITH POLICIES

This *By-law* complies with the Official Plan that has been *approved* on July 24, 2017 under *By-law* 1028-2017 and has received approval by the Minister of Municipal Affairs on April 4, 2018.

No person, other than a *public authority*, shall alter the boundaries of any *lot* by conveyance or otherwise such that the *lot* does not comply with the requirements of this *By-law*. For any *lot* that is not in compliance with the requirements of this *By-law* on its effective date, the provisions of Sections 1.3.3 and 3.6 apply. Where the acquisition of land by a *public authority* alters the boundaries or area of a *lot* in a manner that results in non-compliance with the regulations of this *By-law*, the provisions of Section 3.6 apply.

If there is any conflict between or among the provisions of this *By-law*, or with this *By-law* and any other *By-law* of the *Corporation*, the more restrictive provisions apply.

Nothing in this *By-law* exempts any person from the requirement to comply with other *By-laws* of the *Corporation*, with regulations of the Lakehead Rural Planning Board, the Lakehead Region Conservation Authority, the Province of Ontario, and the Government of Canada, that affect the *use* of land or the erection, *use* or *alteration* of *buildings* or *structures*.

To the extent of any conflict with this *By-law* and the regulations of the Province of Ontario, or the Government of Canada, the regulations of the higher order of government shall prevail.

Where a permit has been issued by the Lakehead Region Conservation Authority, and where the provisions or conditions set out in the permit are more restrictive than those of this *By-law*, the provisions of the permit supersede the provisions of this *By-law*.

References to “the Zoning *By-law*” or similar references contained in other *By-laws* or documents of the *Corporation* are deemed to refer to this *By-law*.

For the purpose of the interpretation of this *By-law*, the term “comply” or “complying” means in keeping with the quantitative requirements of this *By-law*. The term “conform” or “conforming” means a *use* which is permitted by this *By-law* in the *zone* category in which the *use* is located.

## 1.6 TECHNICAL REVISIONS

The following revisions may be made to this *By-law* by the *Corporation* at any time without the need for a formal amendment:

- corrections to grammar, punctuation or typographical errors or formatting revisions that do not change the intent of the provisions;
- additions or revisions to technical information on maps or schedules that does not affect the zoning of land including matters such as updating and correcting base map information (*streets*, assessment parcels and labels), keys, legends or title blocks; and
- changes to appendices, footnotes, headings, indices, marginal notes, tables of contents, illustrations, historical or reference information, page numbering, footers and headers, which do not form a part of this *By-law* and are editorially inserted for

convenience of reference only.

## 1.7 EFFECTIVE DATE

This *By-law* is effective on the date it is passed by the *Council*, subject to the appeal provisions of the *Planning Act*.

## 1.8 REPEAL OF FORMER BY-LAWS

*By-law* No. 185-01 of the *Corporation* is repealed on the effective date of this *By-law*.

## 1.9 TRANSITION MATTERS

Nothing in this *By-law* prevents the *erection* or *alteration* of a *building* or *structure* on the basis of a *building* permit that was issued for an application that was filed on, or prior to, the effective date of this *By-law*, provided the *building* permit application complied with the provisions of *Zoning By-law* 185-01, as it read on the effective date of this *By-law*, all information required for a zoning review is submitted, and all required approvals under the *Planning Act*, if any, have been obtained.

Where the Committee of Adjustment of the *Corporation*, or the Ontario Municipal Board or Local Planning Appeal Tribunal has conditionally authorized the creation of a *lot* or changes to the boundaries of a *lot* under the *Planning Act* prior to the effective date of this *By-law*, the *lot* shall be deemed to comply with all requirements of this *By-law*, provided the *lot* complies with the requirements of *Zoning By-law* 185-01, as it read on the effective date of this *By-law*, and the final approval of the *lot* is granted before the conditional approval lapses.

Where the Committee of Adjustment of the *Corporation*, or the Ontario Municipal Board or Local Planning Appeal Tribunal has authorized a minor variance from the provisions of *Zoning By-law* 185-01, in respect of any land, *building* or *structure* and the decision of the Committee of Adjustment, Ontario Municipal Board or the Local Planning Appeal Tribunal has become final and binding prior to the effective date of this *By-law*, the provisions of this *By-law*, as they apply to such land, *building* or *structure*, are deemed to be modified to the extent necessary to give effect to the approval.

Where the *Corporation* has entered into a Site Plan or Subdivision Agreement in respect of any land, *building* or *structure* prior to the effective date of this *By-law*, the provisions of this *By-law* are deemed to be modified to the extent necessary to give

effect to that Site Plan or Subdivision Agreement.

## 1.10 VIOLATIONS AND PENALTIES

### 1.10.1 OFFENCES AND PENALTIES FOR INDIVIDUALS

Every person who *uses any lot*, or erects or *uses any building or structure* in a manner contrary to any requirement of this By-law, or who violates any provision of this *By-law*, is guilty of an offence, and upon conviction is liable,

- 1) on first conviction, to a fine of not more than \$25,000.00; and
- 2) on a subsequent conviction, to a fine of not more than \$10,000.00 for each day upon which the contravention has continued after the day on which the offender was first convicted.

### 1.10.2 OFFENCES AND PENALTIES FOR CORPORATIONS

Every corporation who *uses any lot*, or erects or *uses any building or structure* in a manner contrary to any requirement of this By-law, or who violates any provision of this *By-law*, is guilty of an offence, and upon conviction is liable,

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

### 1.10.3 CORRECTIVE ACTION BY THE CORPORATION

Any *building or structure* which contravenes any requirement of this *By-law* may be removed or altered at the expense of the owner by the *Corporation* pursuant to the provisions of the Municipal Act, 2001, S.O. 2001, c. 25.

### 1.10.4 REMEDIES

In addition to, or instead of, prosecution under the Provincial Offences Act, the Corporation may obtain court orders restraining the *use of any lot, building or structure* in contravention of the provisions of this *By-law*.

## **1.11 LEGAL NON-COMPLYING LOTS, BUILDINGS AND STRUCTURES**

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

- 1) The enlargement, replacement, reconstruction or renovation and/or repair does not reduce the front yard and/or side yard and/or rear yard ;
- 2) The building or structure is being used for a purpose permitted within the zone in which it is located; and
- 3) All other applicable provisions of this By-law are complied with.

## **1.12 BUILDINGS ON UNDERSIZED LOTS**

Where a lot, having lesser lot area and/or lot frontage than required herein, existed on the date of passing of this by-law, or where such a lot is created by a public authority or correction of title, may be used and a permitted building or structure may be erected and/or used on such a smaller lot provided that all other applicable provisions of this by-law are complied with and provided that a sewage disposal system can be installed on the lands, if required.

## **1.13 CHANGES TO LOT SIZE**

Non-complying lots which have been increased in lot area and/or lot frontage following adoption of this by-law, may also be used in accordance with the provisions of this by-law.

## **1.14 LEGAL NON-CONFORMING USES**

### **1.14.1 CONTINUATION OF EXISTING USES**

The provisions of this By-law shall not apply to prevent the use of any existing building or structure for any purpose prohibited by this By-law if such existing building or

structure was legally used for such purposes, prior to the effective date of this By-law and provided that the building or structure continues to be used for that purpose.

#### 1.14.2 PERMITTED EXTERIOR EXTENSION, ALTERATION AND RECONSTRUCTION

The exterior of any building or structure which was lawfully used prior to the effective date of this By-law for a use not permitted within the Zone in which it is located, shall not be enlarged, extended, or otherwise structurally altered, unless such building or structure is thereafter to be used for a purpose permitted within such zone, and complies with all requirements of this By-law for such zone unless these changes are necessary to provide for flood proofing or insulation of the building. This provision shall not prohibit normal or regular maintenance or replacement of exterior cladding.

#### 1.14.3 PERMITTED INTERIOR ALTERATIONS

The interior of any building or structure which was lawfully used, prior to the effective date of this By-law, for a purpose not permitted within the zone in which it is located, may be reconstructed or structurally altered for the existing purpose for which such building or structure was lawfully used.

#### 1.14.4 RESTORATION TO A SAFE CONDITION

Nothing in this By-law shall apply to prevent the reconstruction of any existing non-conforming structure which is damaged by causes beyond the control of the owner, other than flooding. The existing structure may be reconstructed in the same location on which it existed on the date of the passage of this By-law even if such did not comply with one or more of the provisions of this By-law, but the non-conformity may not be further increased.

#### 1.14.5 CHANGE OF USE

The use of any lot, building or structure which is not permitted in the zone in which it is located shall not be changed except to a use which is listed as a permitted use in such zone or to a use which is authorized by the committee of adjustment pursuant to its powers under the planning act.

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## **SECTION 2 – DEFINITIONS**

## SECTION 2—DEFINITIONS

Where words appear in italic font in the text of this *By-law*, they are meant to have the meanings ascribed to them in this Section. Where words appear in normal text, they are given the meaning ordinarily ascribed to them in the English language.

Where a word is defined, the definition applies, with appropriate adjustments, to every tense of the word.

- 2.1 When land parcels "***abut***" one another, they share a common boundary, regardless of the length of the boundary shared.
- 2.2 The word "***accessory***" is an adjective which describes something (a *use, building or structure*) which is naturally and normally incidental to, subordinate to, or exclusively devoted to a *principal use, building or structure* on the same *lot*.
- 2.3 An "***adult entertainment establishment***" is a *commercial* establishment in which is provided:
- (a) goods, entertainment or services that are designed to appeal to erotic or sexual appetites or inclinations; and/or
  - (b) body-rubs (including: the kneading, manipulating, rubbing, massaging, touching or stimulating, by any means, of a person's body), performed, offered or solicited in a manner designed to appeal to erotic or sexual appetites or inclinations.
- The term expressly excludes premises where body-rubs are performed, offered or solicited for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered to do so under the laws of the Province of Ontario.
- 2.4 "***Aggregate***" means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, or other material.
- 2.5 An "***agricultural service and supply establishment***" is a premises used for the supply of goods, materials, equipment and/or services that support *agricultural uses*.
- 2.6 An "***airport***" is a facility used, whether privately or by the public, for the landing or taking off of aircraft. The term includes aircraft landing areas and aerodromes,

and all associated facilities, including: taxiways, runways, aircraft storage, tie-down areas, hangars, and other necessary *buildings, structures* and open areas. The term is meant to include full-service facilities, as well as facilities as simple as a mere landing strip.

- 2.7 The verb "**alter**" means, when used in reference to a *building*, to change the *floor area* of the *building*, through addition or part demolition, or to change the type of construction of the exterior walls or roof of the *building*.

The verb "**alter**" means, when used in reference to a *lot*, to change the location of any boundary of the *lot* with respect to an *abutting street*, whether the *alteration* is made by conveyance of a portion of the *lot*, or otherwise. The term includes changing the area of any *required yard* through a change in the *setback* or an introduction of a *structure* into the *required yard*.

- 2.8 An "**amenity area**" is a portion of a *lot* or *building* which is intended for recreational use by the occupants of that *lot* or *building*. Examples include: open spaces, patios, *balconies*, pools, gymnasiums, communal play areas, lounges, or *decks*. The term expressly excludes service areas, laundry rooms, storage rooms, locker rooms, *parking areas* and *driveways*.
- 2.9 An "**apartment building**" is a *building* that is divided vertically and horizontally, or horizontally, into five or more *dwelling units*, each with its own entrance, either separately or from a common vestibule, stairway or hallway.
- 2.10 The term "**applicable law**" means any municipal, provincial or federal law applicable within *Oliver Paipoonge*, including: all legislation, secondary legislation and the common law.
- 2.11 The adjective "**approved**", means formally approved by the *public authority* with jurisdiction.
- 2.12 An "**artisan**" is a person who works in any of the fine arts or in handicrafts, producing works for sale to the public. The term includes: an artist, a painter, a sculptor, a potter, a weaver, a seamstress, a wood carver, woodworker, and similar persons. The term expressly excludes tradespersons.
- 2.13 An "**artisan workshop**" is an establishment where *artisans* create and/or sell their wares.

- 2.14 An **"asphalt plant"** is comprised of the *structures* and the site where the processing and production of asphalt takes place.
- 2.15 An **"assembly hall"** is a *building* in which facilities are provided for such purposes as meetings for civic, educational, political, recreational, religious or social purposes. The term includes such facilities as: a *banquet hall*, a *private club*, a trade show hall, and a convention center. The term expressly excludes a *church*.
- 2.16 An **"attic"** is the unfinished space between the roof and the ceiling of the top *storey* of a *building*.

(For the term *"automobile body shop"*, refer to the definition of *"garage"*.)

(For the term *"automobile service station"*, refer to the definition of *"garage"*.)

- 2.17 The **"average finished grade"** of a *lot* is the grade elevation of the *lot* calculated as:
- (a) the average of all *grades* measured adjacent to the front exterior wall of the *building* on interior *lots*; and
  - (b) the average of all *grades* measured adjacent to each exterior wall of the *building* on corner *lots* and *through lots*.
- 2.18 A **"balcony"** is a platform projecting from the facade of a wall or walls, cantilevered or supported by columns or brackets, located above the ceiling *height* of the first *storey* above the *basement*.
- 2.19 A **"basement"** is that portion of a *building* below the first *storey*.
- 2.20 A **"bed and breakfast establishment"** is a *dwelling* in which one or more *lodging units* are provided for the temporary accommodation of the travelling public.
- 2.21 A **"bicycle parking facility"** is an unobstructed area for the parking of one or more bicycles:
- (a) with an adjacent pole, rack or other fixture anchored to the ground or to a *building* or *structure* to which one or more bicycles can be secured; or
  - (b) an enclosed storage space within which one or more bicycles can be

secured.

- 2.22 A **“boarding house”** (also known as a *“rooming house”*) is a *dwelling* in which three (3) or more *lodging units* are provided for the accommodation of persons other than the lessee, tenant, or owner of the *dwelling*. The term excludes a *group home*.

(For the term “boarder”, refer to the definition of “roomer”.)

- 2.23 A **“boat launch”** is a location on a shore where the launching of boats and other recreational watercraft is undertaken. The term includes any associated *parking area*. The term does not encompass an *accessory boat launch* which is part of a *marina* or other *commercial use*.

- 2.24 A **“buffer strip”** (also referred to as a **“landscape buffer”** or a **“planting strip”**) is an area of land used for fencing, landscape planting, or other features, designed to provide screening between two land *uses*. *Buffer strips* are typically, but not always, placed adjacent to and/or along *lot lines*. No other *uses*, apart from traversing *driveways* or *walkways*, may take place on a *buffer strip*.

- 2.25 A **“building”** is a *structure* consisting of walls, foundation and a roof, which is used for the shelter, accommodation or enclosure of persons, animals, goods or materials. The term also includes any other *structures* that are designated by the *Ontario Building Code* (O.Reg. 332/12) as *“buildings”*.

- 2.26 **“Building area”** is a measurement equal to the greatest horizontal *floor area* of a *storey* above grade, within the outside surface of exterior walls, or within the outside surface of exterior walls and the *centreline* of firewalls.

(For the term “building height”, refer to the definition of “height”.)

- 2.27 A **“bulk sales establishment”** is a facility used for storing, buying and/or selling: coal, fuel oil, propane, wood, lumber, *building materials*, ice, allied chemicals, and similar products. The term does not include facilities involving any manufacturing, assembling or processing of the products.

(For the term “business office”, refer to the definition of “office”.)

- 2.28 The term **“By-law”** refers to this *By-law*, as amended from time to time,

including its recitals and schedules, which are integral parts of it. The term excludes any reference notes to other legislation or other By-laws.

- 2.29 A “**campground**” is a land parcel where overnight or short-term accommodation is provided for recreationists using their own *recreational vehicles* or tents. A *campground* may have *accessory* facilities, including: common washroom and bathing facilities, indoor or outdoor recreation areas, picnic areas, entrance kiosks, etc. A *campground* may also include cabins for short-term rental, in addition to accommodation for *recreational vehicles* or tents.
- 2.30 A “**camp site**” is a portion of a *campground* set aside for exclusive use for one or more persons to set up their *recreational vehicle* or tent.
- 2.31 A “**cemetery**” is land set aside for the interment of human remains, whether by burial, or in mausoleums or columbaria. The term applies only to land which is established or recognized as a *cemetery* under all *applicable law*.
- 2.32 A “**centreline**” is a line which divides something longitudinally down its mid point. The *centreline* of a wall is the line along the mid-point of its thickness. The *centreline* of a street is the line which equally divides the width of the full *road allowance* (as opposed to the width of the traveled roadway established on the *road allowance*).
- 2.33 A “**chord**” is a straight line that joins the ends of an arc. For the purposes of determining *lot frontage*, the *chord* of the *front lot line* is a straight line joining the two (2) points where the *side lot lines* intersect the *front lot line*.
- 2.34 A “**child care centre**” is:  
(a) a “day nursery” as that term is defined in the Child Care and Early Years Act, 2014 (S.O. 2014, c. 11, Sched 1); or  
(b) a place where temporary care and/or guidance is provided for more than five (5) children, for continuous periods of time not exceeding 24 hours.
- 2.35 A “**church**” is a *building* owned or occupied by a religious congregation or religious organization dedicated exclusively to worship and other religious activities. *Accessory* uses to a *church* include a *church* hall, *church* auditorium, Sunday school or Parish Hall.
- 2.36 A “**clinic**” is a *building* or *structure* that is regularly used by one or more physicians, dentists, dental hygienists, nurses, nurse practitioners,

chiropractors and/or drugless practitioners, for consultation, diagnosis and office treatment of patients for medical or dental conditions or issues.

- 2.37 **“Commercial”** is an adjective that describes *uses*, establishments or facilities operated as businesses. It includes activities such as: the buying and selling of commodities, the rental of goods and materials, and the supplying of services to the general public, separate from such *uses* as manufacturing or assembling of goods, warehousing, transport terminals, construction, etc.

(For the term "*commercial garage*", refer to the definition of "*garage*".)

(For the term "*commercial, general*", refer to the definition of "*zone*".)

(For the term "*commercial, kennel*", refer to the definition of "*kennel*".)

(For the term "*commercial, neighbourhood*", refer to the definition of "*zone*".)

- 2.38 A **“common wall”** is a wall separating two or more *buildings*, which forms a wall for both.

- 2.39 A **“communal water supply system”** is a privately-operated facility which provides potable water, on a year-round basis, to
- (a) six (6) or more *dwellings*; or
  - (b) a susceptible population.

Examples of systems described in (a) above include: systems serving *apartment buildings*, individual subdivisions, or *mobile home parks*.

Examples of systems described in (b) above include: systems serving *child care centres* or *hospitals*.

- 2.40 A **“communal water system”** is a piped water distribution system operated by the *Corporation* with the approval of the Ministry of Environment, Conservation and Parks.

(For the term "*comply*", refer to Section 1.5.)

(For the term "*conform*", refer to Section 1.5.)

- 2.41 A **“conservation use”** is a *use* of land that involves taking passive or proactive

measures to preserve, protect and/or improve components of the natural environment through management, maintenance and stewardship of the land.

- 2.42 A “**contractor’s yard**” is a premises where construction, maintenance, repair and service equipment, *vehicles* and materials of a contractor are stored, and/or where a contractor performs work in preparation for providing construction, maintenance or repair services elsewhere. *Accessory uses*, such as an office for the administration of the business, may be included.

(For the term “*corner lot*”, refer to the definition of “*lot*”.)

- 2.43 The “**Corporation**” is The Corporation of the Municipality of Oliver Paipoonge.
- 2.44 A “**deck**” is a platform *structure* without a roof, which may or may not be attached to one or more walls of a *building*. The term does not include a *landing* or stairs.
- 2.45 “**Development**” includes any or all of the following:
- (a) *alteration* of *lot lines*;
  - (b) excavation on a *lot*;
  - (c) the removal of *buildings* or *structures* from a *lot*,
  - (d) the *erection* of new *buildings* or *structures* on a *lot*,
  - (e) the *alteration* of *buildings* or *structures* on a *lot*, and/or
  - (f) a change of land *use*.
- 2.46 A “**dock**” is a *structure* on land or in the water to be used for transferring goods or passengers to or from a boat or airplane.
- 2.47 A “**drive-in theatre**” is an outdoor theatre where films are viewed by patrons from their *vehicles*, driven to the site. *Accessory uses* include refreshment stands.
- 2.48 A “**drive-through facility**” is a portion of a *lot*, together with a *building* or *structure*, which is used to provide or dispense products or services through a window, or an automated machine to patrons who remain in their *vehicles* to receive the product or service. The term includes the order box (with or without voice communication).
- 2.49 A “**driveway**” is a portion of a *lot* which provides an unobstructed driving route designed to provide access between a *public street* or *private street* and the *lot*.

The term also describes unobstructed driving routes within a *lot*, which provide access to *parking spaces*, *parking aisles*, or *loading spaces*.

(For the term "*dry cleaning establishment*", refer to the definition of "*laundry establishment*".)

2.50 A "**dwelling**" or "**dwelling unit**" means a self-contained housekeeping unit of one or more rooms containing cooking facilities, living quarters, sleeping quarters, and sanitary facilities for the exclusive use of those residing within the *dwelling unit*, and which has an exclusive entrance. The term does not include: a *lodging unit*, a *cabin*, a *cottage*, a room within a *hotel*, a room within a *boarding house*, a *recreational vehicle*, a *tent* or a *trailer*.

- a) An "**accessory dwelling**" is a *dwelling unit* which is *accessory* to a *permitted residential or non-residential use* located on the same *lot*.
- b) An "**accessory farm dwelling**" is a *dwelling unit* for the accommodation of employees of an enterprise operating an *agricultural use*.
- c) A "**back-to-back townhouse**" is a means a *building* divided by *common walls*, including a common rear wall, into four (4) or more attached *dwelling units*, to a maximum of eight (8) *dwelling units*, each having a separate entrance from the exterior of the *building*.
- d) A "**duplex dwelling**" is a *building* containing not more than two (2) *dwelling units*, each of which is located on a separate *storey*.
- e) A "**fourplex dwelling**" is a *building* containing four (4) *dwelling units*.
- f) A "**garden suite dwelling**" is a detached *accessory building* that contains one *dwelling unit*, is designed to be temporary and is located on the same *lot* as an *existing dwelling*.
- g) An "**interior accessory dwelling**" is a *dwelling unit* that is separate from but *accessory* to a principal *dwelling unit* and contained within the same *building*.
- h) A "**mobile home dwelling**" is any *dwelling unit* that is designed to be mobile and constructed or manufactured to provide a temporary or permanent residence for one or more persons in accordance with *applicable law*. The term does not include a *model home*, *recreational vehicle*, travel *trailer*, tent

*trailer* or any other type of *trailer*.

- i) A ***semi-detached dwelling*** is a *building* divided by a *common wall* into two (2) attached *dwelling units*, each of which has a separate entrance from the exterior of the *building*.
  - j) A ***single detached dwelling*** is the whole of a separate *building* which contains not more than one *dwelling unit* and is used by not more than one family. This excludes a *group home*, or any other form of supportive housing.
  - k) A ***stacked townhouse dwelling*** is a *building* containing four (4), six (6) or eight (8) attached *dwelling units* where pairs of *dwelling units* are stacked and divided vertically, and each pair of *dwelling units* is divided horizontally from the next attached pair, and each *dwelling unit* has an independent entrance from the exterior of the *building*.
  - l) A ***street townhouse dwelling*** is a *building* containing more than one *dwelling unit*, where each *dwelling unit* is located on a separate *lot*.
  - m) A ***townhouse dwelling*** means a *building* divided by *common walls* into three (3) or more attached *dwelling units*, to a maximum of eight (8) *dwelling units*, each having a separate entrance from the exterior of the *building*. The term includes: *back-to-back townhouse dwellings*, *stacked townhouse dwellings* and *street townhouse dwellings*.
  - n) A ***triplex dwelling*** means a *building* containing three (3) *dwelling units*.
- 2.51 An ***“easement”*** (also known as a ***“right-of-way”***) is a legal right for one person to use land belonging to another person. The right could involve the surface of the land (such as a right to travel over a *private street*), the air over the land (such as a right to string utility lines), or the ground below the surface of the land (such as a right to bury pipes or cables).
- 2.52 ***“Emergency service facilities”*** are premises used for any element of the provision of fire prevention or protection, ambulance services and/or law enforcement services.
- 2.53 An ***“entertainment establishment”*** is a *lot*, *building* or *structure* that is used to provide entertainment or amusement for patrons (who may or may not actively participate in the event). The term includes: theaters, cinemas, playhouses,

concert halls, bingo halls, dance halls, planetariums, drive-in theatres, laser tag facilities, escape room facilities, billiard halls, bowling alleys, arcades, indoor miniature golf courses and similar facilities. The term expressly excludes *adult entertainment establishments*, casinos, night clubs or sports facilities.

- 2.54 The “**Environmental Overlay**” is shown as green shading on the Schedule E. It is designed and intended to inform the interpreters of this *by-law* of areas where the Municipality or Lakehead Region Conservation Authority may have legislative requirements that are pre-requisites to land *development*. Refer to Section 13 of this *by-law* for more information.
- 2.55 An “**equipment sales and service dealership**” is an establishment engaged primarily in the sales and service of equipment and machinery.
- 2.56 “**Erect**” is a verb meaning to build, construct, reconstruct, move or enlarge a *building* or *structure*. The term includes any physical operation and preparatory work such as excavating, filling, grading, or draining land in preparation for the installation of a *building* or *structure*.
- 2.57 “**Existing**” is an adjective to describe something that existed on the effective date of this *By-law*.

(For the term “*exterior side lot line*”, refer to the definition of “*lot line*”.)

(For the term “*exterior side yard*”, refer to the definition of “*yard*”.)

- 2.58 A “**farm**” is land, together with any *accessory buildings* or *structures*, which is put to an *agricultural use*.
- 2.59 A “**financial establishment**” is *commercial* establishment which is used primarily for financial transactions, including the borrowing, depositing, and exchanging of currency and credit. The term includes: banks, trust companies, credit unions, finance companies, investment firms and stockbroker establishments. This term does not include pawn shops or payday loan facilities.
- 2.60 “**Floor area**” is the total combined area of all of the floors in a *building*, utilizing the following rules:
- a) measurements are taken between the exterior faces of the exterior walls, or

from the centre of the *common walls* of the *building* for each *storey* or floor level,

- b) *attics*, *basements*, and *private garage floor areas* are excluded;
- c) any *floor area* where the ceiling *height* is less than 2.2 metres, unless otherwise specified in this *By-law*, is excluded.

2.60.1 **“Food Truck”** any *vehicle*, trailer, cart or other structure not placed on a permanent foundation which is equipped for cartage, storage and the preparation of food stuffs, beverages, confections and such items are offered directly for consumption to the general public, and include a chip wagon, mobile canteen and other refreshment vehicles.

2.61 **“Forestry”** means the raising and harvesting of wood. The term includes the raising and cutting of fuel wood, pulp wood, lumber, Christmas trees and other forest products. The term does not include the processing of forest products.

(For the term *“front lot line”*, refer to the definition of *“lot line”*.)

(For the term *“front yard”*, refer to the definition of *“yard”*.)

2.62 A **“funeral home”** is a premises used for providing funeral supplies and services to the public. It includes facilities intended for the preparation of the human body for internment or cremation off site.

2.63 A **“garage”** is a premises used for storing *motor vehicles* and related parts and equipment. There are several types of *“garages”*.

- a) An **“automobile body repair shop”** (also known as a **“motor vehicle body repair shop”**) is an establishment in which repairs or alterations to the body or paint work of *motor vehicles* is undertaken. The establishment may include facilities for the temporary storage of *vehicles* being repaired or painted.
- b) An **“automobile body shop”** (also known as a **“motor vehicle body shop”**), is a *commercial* premise used for the painting and repairing of the interior, exterior, or undercarriage of *motor vehicle* bodies.
- c) A **“commercial garage”** is a *building* or *structure* or area of land which is used for the repair or storage of *motor vehicles* on a *commercial* basis.

- d) A "**motor vehicle repair establishment**" (also known as a "**vehicle repair shop**" or "**automobile service station**") is a *commercial* premise for the service, maintenance and repair of *motor vehicles*, which may include the *accessory* retail sale of automotive parts and accessories and *motor vehicle* sales, lease and/or rental. The term does not include a *motor vehicle body shop*.
- e) A "**motor vehicle service station**" (also known as a "**gasoline retail outlet**") is a premises where fuel for *motor vehicles* is kept and dispensed for sale. The term may include the following *accessory uses*: *retail store*, *motor vehicle repair establishment* and *motor vehicle washing establishment*. The term excludes a *motor vehicle body shop*.
- f) A "**motor vehicle washing establishment**" is a premises used for the mechanical or manual washing, cleansing and/or polishing of *motor vehicles*.
- g) A "**private garage**" is a portion of a *dwelling*, or a detached *accessory building* or *structure*, used for the parking of private *motor vehicles*, *permitted commercial motor vehicles*, and/or *recreational vehicles*, in which no service is offered to persons other than the residents of the *dwelling*.
- h) A "**woodlands garage**" is an enclosed *structure* used for the storage and maintenance of machinery used in the *forestry* industry.
- 2.64 A "**garden centre**" is a premises used for the display and retail sale of goods related to gardening and landscaping.
- 2.65 A "**gas bar**" is a *lot* containing gasoline, diesel fuel or propane dispensing devices. It may include a *structure* used for the sale of fuel and lubricants for *motor vehicles*. It may be an *accessory use* to a *commercial garage*.
- (For the term "*General Commercial Zone*", refer to the definition of "*Zone*")
- 2.66 "**Grade**" means the final elevation of the ground surface of a *lot* after completion of *development* or construction.
- 2.67 A "**greenhouse**" is a *building* used to grow flowers, plants, shrubs, trees and similar vegetation. The term does not include a *garden centre* or *landscaping business*, although either of those establishments may have *accessory*

greenhouses.

- 2.68 **"Gross floor area"** means the aggregate of the *floor areas* of all the *storeys* of all *buildings* and *structures* on a *lot*.
- 2.69 A **"group home"** is a premises used to provide supervised living accommodation, for three (3) to six (6) persons, exclusive of staff, living together in a single housekeeping unit because they require a group living arrangement. To meet the definition, the premises must be licensed or funded by the Province or by the Federal government.
- 2.70 A **"hauled sewage system"** is comprised of the works, installations, equipment, operations and land used in connection with the collection, hauling, treatment, transportation, storage, processing and disposal of hauled sewage. The term does not include equipment used for the storage or retention of sewage at the site where it is produced, or a sewage treatment plant operated by a Municipality.
- 2.71 A **"habitable room"** is a room in a *dwelling unit* designed for living, sleeping, eating or food preparation.
- 2.72 **"Hazard land"** means land which exhibits, or potentially exhibits, a hazardous condition as a result of its susceptibility to flooding, erosion, subsidence, inundation, or the presence of organic soils or steep slopes or where, by reasons of its low-lying, marshy or unstable character, the cost of construction of satisfactory waterworks, sewage or drainage facilities is prohibitive.

(For the term "*heavy industry*", refer to the definition "*industry, heavy*".)

- 2.73 **"Height"**, when used with reference to a *building* or *structure* generally means the vertical distance between the *average finished grade* and the highest point of the *building* or *structure*.
- 2.74 A **"home industry"** is an *accessory building* or *structure* to a *dwelling*, for an occupation or business which results in a product or service.
- 2.75 A **"home occupation"** is the *accessory use* of a *dwelling*, for an occupation or business which results in a product or service.
- 2.76 A **"hospital"** is a public or private health care facility established under

*applicable law*, for the treatment and care of human health. *Accessory uses* to a hospital include: laboratories, research and educational facilities, pharmacies and *retail services* and food services.

2.77 A **"hotel"** (also referred to as a **"motel"** or an **"inn"**) is an establishment that provides temporary accommodation to the public for periods not exceeding twenty-eight (28) consecutive days. *Rooms* or *suites* within *hotels* may include independent cooking facilities. *Accessory uses* to a *hotel* include: *restaurants*, retail and service *commercial uses*, meeting and convention facilities, banquet facilities, *recreation facilities* and *commercial entertainment establishments*. A *hotel* may also include one *dwelling unit*.

2.78 **"Industry, heavy"** is a use of premises which involves:

- a) the manufacture or processing of products from raw materials;
- b) the production or use of flammable, explosive or other hazardous materials;
- c) outdoor processing of products and materials; and/or
- d) *inside storage*
- e) *outside storage*
- f) *warehousing*

These types of *uses* are those that, due to their appearance, noise, odour, risk of toxic emissions, or fire and explosion hazards, are incompatible with *residential uses*, *commercial uses*, and other, more sensitive land *uses*.

2.79 **"Industry, light"** is a use of premises which involves:

- a) the manufacture, processing, assembly, or packaging of finished parts or products from previously prepared materials;
- b) the repair or servicing of products;
- c) *building supply storage* and wholesale; and
- d) indoor warehousing and storage.

These types of *uses* do not include *obnoxious uses*, dangerous or offensive trades. They do not create smoke, gas, odour, dust, noise, vibration of earth, soot or lighting to a degree that is offensive to *abutting* properties or premises.

2.80 **"Infrastructure"** is a noun used to refer, collectively, to facilities owned and/or operated by *public authorities*. The term includes: drainage and stormwater

management facilities, electricity distribution systems, flood control *structures*, natural gas distribution systems, oil and gas pipelines, *public streets*, public transit systems, railways, sewers, telecommunication lines and other cabled services, watermains and related *buildings* or *structures*. *Infrastructure* is located on public property or within an *easement* that is owned or controlled by a *public authority*. The term may include related and/or connected service laterals for privately owned *lots*. The term does not include *renewable energy systems*.

(For the term "*inn*", refer to the definition of "*hotel*".)

2.81 "***Institutional***" is an adjective to describe a *use* which is for some public or social purpose. The term includes governmental *uses*, religious *uses*, educational *uses*, charitable *uses*, philanthropic *uses*, *hospitals*, and other similar *uses*.

(For the term "*interior lot*", refer to the definition of "*lot*".)

(For the term "*interior lot line*", refer to the definition of "*lot line*".)

(For the term "*interior side yard*", refer to the definition of "*yard*".)

2.82 A "***kennel***" is a premises used for keeping dogs. A *kennel* may be *commercial* or private.

(a) A "***commercial kennel***" is a premises used primarily for the boarding and/or breeding and/or training of dogs on a *commercial* basis.

(b) A "***private kennel***" is an *accessory use* of land, *buildings* or *structures* for the keeping and/or training of four (4) or more dogs as pets and/or for personal use, with no services offered to the public on a *commercial* basis

2.83 A "***landing***" is an *unenclosed* raised surface area necessary to allow safe ingress and egress to and from a *building*.

(For the term "*landscape buffer*", refer to the definition of "*buffer strip*".)

2.84 "***Landscaped***" is an adjective referring to outdoor areas which have no *buildings* or *structures*, and are comprised exclusively of vegetation, such as grass, shrubs, flowers and trees. A *landscaped* area includes walkways, patios, *decks*, fences and decorative surface treatments. *Parking areas* or *driveways* are not considered part of *landscaped* areas.

2.85 **"Landscaped open space"** is the measurement of the horizontal area of a *lot* covered by landscaping, expressed as a percentage of the total *lot area*.

(For the term "*lane*", refer to the definition of "*street*".)

2.86 A **"laundry establishment"** (also known as a **"dry cleaning establishment"** or a **"laundry depot"**) is a premises used for laundering or dry-cleaning *clothing* or fabric goods, and/or premises used for the purpose of collection and distribution of *clothing* or fabric goods to be subjected to laundering or dry-cleaning elsewhere. The term includes a self-service laundromat with one or more washers and drying, ironing, finishing and incidental equipment.

(For the term "*light industry*", refer to the definition "*industry, light*".)

2.87 A **"loading space"** is an unobstructed area of land that is used for the temporary parking of one or more *commercial motor vehicles* while merchandise or materials are being loaded to, or unloaded from, the *vehicle*.

2.88 A **"lodging unit"** is a *room* or suite provided for rent or hire, which is used as a sleeping accommodation.

2.89 A **"long term care facility"** is a premises licensed pursuant to *applicable law*, where a broad range of personal care, support and health services are provided for residents in a supervised setting. These facilities may include one or more *accessory uses*, such as common dining or lounging areas, kitchens, *recreational* areas, administrative offices and *medical offices*.

2.90 A **"lot"** is a parcel of land that is legally conveyable pursuant to *applicable law*. Examples include:

- i. a *lot* or block shown on a Registered Plan of Subdivision (unless the plan has been deemed not to be a Registered Plan of Subdivision under a By-law enacted pursuant to the Planning Act);
- ii. a separate parcel of land shown on a Registered Plan of Condominium that is individually owned and conveyed as a single unit with associated private outdoor areas (excluding common elements and other shared facilities that have common ownership);

- iii. a separate parcel of land where no abutting lands are owned by the same owner as of the effective date of this *By-law*;
- iv. a separate parcel of land, the description of which is the same as in a deed which has been given consent pursuant to the Planning Act;
- v. a separate parcel of land being the whole remnant remaining to an owner after a conveyance made with consent pursuant to the Planning Act;

For the purposes of this *By-law*, no parcel of land ceases to be a *lot* by reason only of the fact that a part of it has been conveyed to, or acquired by, a *public authority*.

*Lots* are described variously by their locations in relation to other features, as set out below.

- a) A "**corner lot**" is a *lot* at the intersection of two or more streets or upon two parts of the same street where the street contains an angle of not more than 135 degrees.
- b) An "**interior lot**" is a *lot* which is not a *corner lot*, a *through lot*, or a *through corner lot*.
- c) A "**through lot**" is a *lot abutting* a street on two (2) opposite *lot lines*, which does not meet the definitions of either a *corner lot* or *through corner lot*.
- d) A "**through corner lot**" is a *lot abutting* streets on three (3) or more *lot lines*.

2.91 "**Lot measurements**" include various different calculations of length or area associated with a *lot*, as set out below.

- a) "**Lot area**" means the total horizontal land area of a *lot*, within the *lot lines*.
- b) "**Lot coverage**" means the combined *floor areas* of all *buildings* and *structures* on the *lot* measured at the level of the lowest *storey* above *grade*, including all *decks*, *porches* and *verandas* (whether open or covered), but excluding open, *unenclosed* *patios* at *grade*, *steps*, *cornices*, *eaves*, *bay windows*, *chimney breasts*, *corbelling* (and similar projections), open *parking*

areas, and outdoor swimming pools.

- c) **"Lot frontage"** means the horizontal distance between the *side lot lines* measured along the *front lot line*. Where the *front lot line* is not a straight line, or where the *side lot lines* are not parallel, the *lot frontage* is measured along a line that is set back from, and parallel to, the *chord* of an arced front *lot line* by a distance equal to the *minimum front yard* required for the applicable zone. In the case of a *corner lot* with a *sight triangle*, the *exterior side lot line* is deemed to extend to its hypothetical point of intersection with the extension of the *front lot line* for the purposes of calculating *lot frontage*.

2.92 A **"lot line"** is a boundary of a *lot*. *Lot lines* are described variously by their locations in relation to other features, as set out below.

- a) An **"exterior side lot line"** is the *lot line* of a *corner lot*, which is not the *front lot line*, which divides the *lot* from a street. For a *through corner lot*, the *exterior side lot line* is the *lot line* which divides the *lot* from a street and meets the *front lot line*.
- b) A **"front lot line"** is the *lot line* that divides the *lot* from the street. For a *corner lot*, *through lot*, or *through corner lot*, the shortest of the *lot lines* that *abuts* the street is the *front lot line*. On a *corner lot*, *through lot* or *through corner lot* where there is more than one *lot line* of equal length, which is the shortest, *abutting* the street, the *front lot line* is the one which *abuts* the higher order of street.
- c) An **"interior side lot line"** is *lot line* other than a *front lot line*, a *rear lot line* or an *exterior side lot line*.
- d) A **"rear lot line"** is the *lot line* opposite to, and most distant from, the *front lot line*. Where the *side lot lines* intersect opposite to the *front lot line*, the *rear lot line* is the point of intersection of the *side lot lines*.
- e) A **"side lot line"** is either an *exterior side lot line* or an *interior side lot line*.

2.93 A **"main use"** (also referred to as a **"principal use"**) is the *use* of a *lot*, *building* or *structure* which involves more than one *use*, which is the *use* on the premises which is the most important or fundamental *use*.

2.94 A **"marijuana grow facility"** (also known as a **"marijuana production**

**facility**") is a wholly enclosed *building* or *structure* used for the cultivation of marijuana, and/or the processing, testing, destruction, packaging and shipping of marijuana used for legal purposes, approved under *applicable law*.

- 2.95 A **"marina"** is a premises containing docking facilities, which is located on a navigable waterway, where boats and/or boat accessories are stored, serviced, repaired, launched or kept for sale, and where a range of marine services may be provided, including: fuelling and sewage pump out facilities, showers, retail services, food services, and *laundry establishment*, and *restaurants*.

(For the term "*medical office*", refer to the definition of "*office*".)

- 2.96 A **"merchandise repair establishment"** is a premises in which articles or goods, other than *vehicles* or industrial tools, are repaired or serviced, and/or where replacement parts for such articles or goods are offered for sale.

- 2.97 The **"minimum distance separation"** (also referred to as **"MDS"**) is a mathematical tool established by *applicable law* which determines the required distance between livestock operations and/or manure storage, and other, non-*agricultural uses*.

- 2.98 A **"mobile home park"** is a *lot* used for the location of two or more occupied *mobile home dwellings*. The term includes *accessory buildings* or *structures* for offices, *laundry establishments*, recreational amenities, maintenance facilities and similar *uses* integral to the park operation.

- 2.99 A **"mobile home site"** is that part *mobile home park* which is reserved for exclusive occupancy by one *mobile home dwelling*.

(For the term "*motel*", refer to the definition of "*hotel*".)

- 2.100 A **"motor vehicle"** includes: an automobile, motorcycle, motor-assisted bicycle, and any other *vehicle* propelled or driven otherwise than by muscular power. The term does not include a street car or other *motor vehicles* running only upon rails, or a motorized snow *vehicle*, traction engine, farm tractor, self-propelled implement of husbandry or road-*building* machine.

There are several types of *motor vehicles* referred to in this *By-law*, defined below.

- a) A **"commercial motor vehicle"** is a *motor vehicle* having a

permanently attached truck or delivery body. The term includes: an ambulance, hearse, casket wagon, fire truck, police patrol car, motor bus, and a tractor used for hauling purposes. The term includes any *vehicle* bearing *commercial* license plates.

- b) A "**large motor vehicle**" is a *motor vehicle* in excess of thirty-six hundred (3600) kilograms, as registered with the Ministry of Transportation. The term includes: a tractor trailer used for hauling purposes, earth moving equipment, tractors, truck and/or farm *vehicles*.

(For the term "motor *vehicle* body shop", refer to the definition of "*garage*".)

(For the term "motor *vehicle* repair establishment", refer to the definition of "*garage*".)

(For the term "motor *vehicle* service station", refer to the definition of "*garage*".)

(For the term "motor *vehicle* washing establishment", refer to the definition of "*garage*".)

2.103 A "**motor vehicle dealership**" is a premises used for the sale and/or rental of *motor vehicles*. The premises may include, as *accessory uses*, a *motor vehicle repair establishment*, *motor vehicle service station* and/or *motor vehicle body shop*.

2.101 A "**municipal drain**" is a land drainage system covered by the Drainage Act, R.S.O. 1990, c. D.17.

2.102 "**Natural heritage features**" include *wetlands*, significant *woodlands*, fish habitat, areas of natural and scientific interest, significant habitat of endangered species and/or threatened species, significant wildlife habitat, natural corridors, and regulated hydrological features.

2.102.1 "**Non-Complying**" a lot, building or structure that does not fulfill the requirements of the zone provisions of this By-law for the zone in which the lot, building or structure is located.

2.102.2 "**Non-Conforming**" an existing use or activity of any land, building or structure which does not conform with the permitted uses or activities permitted by this By-law for the zone in which such existing land, building or structure is located, so long as it continues to be used for that purpose.

(For the term "Neighbourhood *Commercial*", refer to the definition of "zone").

- 2.103 An "**obnoxious use**" is a *use* which, from its nature or operation, creates a nuisance or is liable to become a nuisance, or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, light, or objectionable odour, or by reason of the matter, waste or other material generated by the user. The term includes any use which may be declared to be a health hazard under the Health Protection and Promotion Act (R.S.O. 1990, c. H.7, as amended). The term excludes any *permitted uses* which are operating in accordance with all *applicable law*.
- 2.104 An "**office**" is a room or suite of rooms in which management-related activity occurs. There are several types of offices, as set out below.
- a) A "**business office**" is a premises in which one or more persons are employed in the management, direction or conducting of a public or private agency, a business, a brokerage or a labour or fraternal organization. The term does not include a *retail store* or a *professional office*.
  - b) A "**medical office**" is a premises designed and used for the diagnosis, examination, and treatment of human patients by a medical professional licensed under *applicable law*. The term includes pharmacies and dispensaries, waiting rooms, treatment rooms and laboratories. The term does not include premises that involve the overnight accommodation of persons for in-patient care.
  - c) A "**professional office**" is a premises where the affairs of businesses, professions, services, industries, governments, non-profit organizations or like activities are conducted, in which the chief product of labour is information or advice.
- 2.105 "**On farm diversified uses**" are *uses* of land, *buildings* or *structures* for *accessory uses* to the principal *agricultural use* of the *lot*. *On farm diversified uses* are conducted on a *commercial* basis in order to support, promote and sustain the viability of the *agricultural use*. These uses include: *agriculture-related uses, agricultural service and supply establishments, agri-tourism/value added uses* (as defined in the Provincial Policy Statement), *bed and breakfast establishments, home industries, home occupations, pet care establishments, private kennels, service shops and veterinary clinics*.

- 2.106 An **"outside display and sales area"** is an area of land used for the display of goods and materials *accessory* to a *principal use* for a business located within a *building* or *structure* on the same *lot*.
- 2.107 A **"park"** is an area of land used for active outdoor recreation or *passive outdoor recreation*. The term includes *accessory buildings* and *structures*.
- a) A **"private park"** is a *park* which is not owned or managed by a *public authority*.
  - b) A **"public park"** is a *park* which is owned or managed by a *public authority*.
- 2.108 A **"parking area"** is part of a *lot* set aside for the parking of *motor vehicles*. It is accessed by a *driveway*. A *parking area* may be located outdoors (above ground or below ground) or within a *building* or *structure*. It is comprised of component parts, defined as follows.
- a) A **"parking aisle"** is an unobstructed driving route located within a *parking area* which provides access for *motor vehicles* to *parking spaces*. *Parking aisles* are connected to a *driveway*, but the term does not include the *driveway*.
  - b) A **"parking space"** is means an unobstructed area set aside for the parking of a *motor vehicle*.
- 2.109 **"Passive outdoor recreation"** is outdoor activity which does not have a significant impact to the natural environment and contributes to the conservation and management of the natural environment by directing and limiting human activities to appropriate areas. Examples include: outdoor education, nature observation, hiking, non-motorized boating (such as canoeing or kayaking), and related, minimally-impacting facilities. Such facilities include: nature trails, boardwalks, footbridges, fences, signage, *docks*, picnic facilities and other low impact facilities for the *recreational use* of the site.
- 2.110 **"Permitted"** is a term meaning permitted by *applicable law*, including this *By-law*.
- 2.111 A **"personal service shop"** is a premises for providing services involving the care of humans or their apparel. The term includes: a barber shop, a beauty

salon, a caterer's establishment, a day spa, a laundry establishment, a nutrition centre, a photographer's studio, a shoe repair establishment, a tailor, a tanning salon, a travel agent, or similar businesses.

- 2.112 A "**pet care establishment**" is a premises for the grooming, training and/or day care of pets. The term does not include a facility where pets are kept overnight, or a facility that involves the sale of animals as pets.
- 2.113 A "**petty trade**" is an establishment that provides a non-personal service or craft to the public. Examples include: a painter's shop, a carpenter's shop, an electrician's shop, a *merchandise repair establishment*, a bakery, a catering establishment, an egg grading station and a monument engraving shop. The term expressly excludes any service involving *motor vehicles*.
- 2.114 A "**pit**" is a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is removed by means of open excavation. The term includes related processing of the material for *commercial* purposes, such as screening, sorting, washing, crushing, and other similar operations. The term also includes *accessory buildings and/or structures*.

(For the term "*planting strip*", refer to the definition of "*buffer strip*".)

- 2.115 A "**porch**" is a roofed, *unenclosed structure*, attached to a *building*, with or without steps, consisting of a platform no greater than two (2) metres (6.56 feet) above *grade*.
- 2.116 A "**portable asphalt plant**" is a facility with equipment designed to heat and dry *aggregate* and to mix *aggregate* with bituminous asphalt to produce asphalt paving material. The term includes the stockpiling and storage of bulk materials used in the process. A *portable asphalt plant* is not of permanent construction. It is designed to be dismantled and moved to another location as required.
- 2.117 A "**pre-fabricated shipping container**" is a pre-fabricated metal container that is conventionally used for the purpose of shipping goods. The term does not include a truck body, *trailer* or transport trailer. *Pre-fabricated shipping containers* do not have wheels and are not suitable for human habitation. For the purposes of this *By-law*, a *pre-fabricated shipping container* is a *structure* and, as such, must be installed in compliance with *applicable law*.

(For the term "*principal use*", refer to the definition of "*main use*".)

(For the term “*private garage*”, refer to the definition of “*garage*”.)

(For the term “*private kennel*”, refer to the definition of “*kennel*”.)

(For the term “*private lane*”, refer to the definition of “*street*”.)

(For the term “*private road*”, refer to the definition of “*street*”.)

(For the term “*private street*”, refer to the definition of “*street*”.)

(For the term “*professional office*”, refer to the definition of “*office*”.)

2.118 A “**public authority**” is an entity providing services as a government or a highly regulated industry providing necessary utilities and/or telecommunications for the benefit of the general public. Examples include: the federal, provincial and municipal governments; boards, commissions or agencies of those governments; and utility and telecommunications companies.

2.119 A “**public use**” is any use undertaken or operated by a *public authority*.

2.120 A “**quarry**” is land or land under water from which consolidated *aggregate* is excavated, and that has not been rehabilitated. The term excludes any land excavated for the purpose of *erecting a building or structure*.

(For the term “*rear lot line*”, refer to the definition of “*lot line*”.)

(For the term “*rear yard*”, refer to the definition of “*yard*”.)

2.121 A “**recreational vehicle**” is *vehicle* requiring a license to operate or be towed upon a *street*, which is designed to be used primarily for travel, recreation or vacationing. The term includes *vehicles* commonly known as travel trailers, camper trailers, truck campers, motor homes or other similar *vehicles* but does not include a *mobile home dwelling*.

2.122 A “**recycling facility**” is a *lot, building, or structure* where used material is separated and processed prior to shipment to others who will use those materials to manufacture new products. The term does not include a *salvage yard or wrecking yard*. The term does not include *accessory recycling activities* undertaken by residents or businesses.

2.123 A "**renewable energy system**" is a *structure* or facility that generates electricity from an energy source that is renewed by natural processes. The term includes facilities for: energy from wind, energy from water, energy from biomass, creation of biogas, creation of biofuel, solar energy, geothermal energy, tidal forces and other renewable energy sources.

(For the term "*required yard*", refer to the definition of "*yard*".)

2.124 "**Residential**" is an adjective that is used to describe something which is part of a *dwelling* and/or involves human habitation.

2.125 A "**restaurant**" is a premises where meals or refreshments are provided to order. The term includes service provided on an *accessory* patio.

2.126 A "**retail lumber yard**" is an establishment for the storage of wood products for wholesale or retail trade. The term does not include a planing mill or sawmill or any facility for the processing or treatment of wood.

2.127 A "**retail store**" is a premises in which goods, wares, merchandise, substances, articles or things are displayed, rented or sold directly to the public.

2.128 A "**retirement residence**" is an establishment providing accommodation primarily for retired persons or retired couples, consisting of either or both *dwelling units* and/or assisted living units, where each private suite or living unit has a separate private bathroom and separate entrance from a common hall, but where common facilities for the preparation and consumption of foods are provided, common indoor and outdoor *amenity areas* exist, and medical facilities may also be provided

(For the term "*right-of-way*", refer to the definition of "*easement*".)

2.129 A "**road allowance**" is land held under public ownership for the purpose of providing a *street*. The *street* may *exist* or may be planned to be developed in future.

2.130 A "**room**" is a space within a *building*, which is comprised of a floor, a ceiling and walls, with a minimum of one door that can be used to completely enclose the space. A *room* may include features such as: closets, cupboards and private sanitary facilities (often referred to as an "ensuite"), a sitting area and/or a sleeping area.

2.131 A "**roomer**" is a person, who rents one or more rooms as living accommodation, which has no separate cooking facilities or entrances, within a *dwelling unit*, for terms of twenty-eight (28) days or more. Where the person is also served meals within the *dwelling unit*, prepared by the host, the person is referred to as a "**boarder**".

(For the term "rooming house", refer to the definition of "boarding house".)

2.132 A "**salvage yard**" is land and/or *buildings* used for salvaging whole or parts of used items, excluding *motor vehicles*. On-site *accessory* uses include the buying, selling or trading of the items, baling, packing, disassembling, handling or otherwise processing the items to make them re-useable and/or sellable. Items recycled in *salvage yards* include: *building* products, *building* components, bicycles, automobile tires, scrap metal, etc.

2.133 A "**satellite chip station**" is the use of land, *buildings* or *structures* for the transfer and storage of tree-length logs, the de-barking of these logs and their subsequent processing to create wood chips.

2.134 A "**school**" is an establishment where people are educated or trained. There are several different types of schools, as defined below.

a) A "**commercial school**" is a *school* where education or training is provided for a fee, and the *school* is run on a *commercial* basis. The term includes a studio of a dancing teacher or a music teacher, an art school, a golf school, a school of calisthenics, a business or trade school, and any other such specialized, *commercially* operated facility.

b) A "**private school**" is a *school* providing academic instruction in a full range of the subjects of the elementary or secondary school courses of study, operated on a not-for-profit basis, without being provided with operational funding from a *public authority*.

c) A "**public school**" is means a is a *school* providing academic instruction in a full range of the subjects of the elementary or secondary school courses of study, operated with operational funding from a *public authority*.

(For the term "seasonal street", refer to the definition of "street".)

- 2.135 A "**sensitive land use**" is a *use* of land, whether indoor or outdoor, where humans or the natural environment could be extraordinarily adversely impacted by adjacent industrial land uses. Examples include: *residential uses, child care centres, churches, schools* and playgrounds.
- 2.136 A "**service establishment**" is a *commercial* establishment associated with the provision of a non-personal service or trade. Examples include: a plumber's shop; painter's shop; carpenter's shop; electrician's shop; or contractor's shop; or similar establishments which provide an installation service. The term includes areas for indoor product storage and display. The term excludes automobile uses, a *contractor's yard* or a photocopying and/or blueprinting shop.
- 2.137 A "**service shop**" is a premises for the servicing or repair of household articles, or from which the services of a construction trade or contractor are offered. The term does not include a *motor vehicle repair establishment*.
- 2.138 A "**setback**" is a horizontal measurement along the ground, measured at a right angle, between two defined lines which must be, for the most part, left undeveloped. There are several types of *setbacks* described in this *By-law*, as set out below.
- a) "**Setback from top of bank**" means the distance from the line that runs along the points of the slope (or bank) of a waterway or waterbody, where the downward inclination of the land begins or the upward inclination of the land levels off, to the line along the nearest points of the wall of the closest *building* or *structure*, extended out beyond the wall for the length of the *lot*.
  - b) "**Setback from water**" means the distance between the line that runs along the normal or controlled high water mark of any navigable waterway, and the line along the nearest points to the line along the nearest points of the wall of the closest *building* or *structure*, extended out beyond the wall for the length of the *lot*.
  - c) "**Setback line**" refers to a line within a *lot*, the location of which is defined in this *By-law* as a distance measured from the *street* line. The *setback line* establishes the closest points to the *street* line at which a *building* or *structure* may be located.

2.139 A "**settlement area**" is all land within the areas delineated by a *settlement area* boundary shown on Schedules "A", "B" and "C" to this *By-law*.

2.140 A "**shopping centre**" is a premises containing multiple *commercial uses* that is designed as, and functions as, a unit, either in a single *building* or in multiple *buildings* on the same *lot* or on *abutting lots*.

(For the term "side lot line", refer to the definition of "lot line".)

(For the terms "side yard", refer to the definition of "yard".)

2.141 A "**sight triangle**" is a triangular area on a *lot* determined by measuring a specified distance along each *street* line and joining such points with a straight line. At the intersection of a *public street* and a railway, the *sight triangle* is determined by measuring a specified distance along the *centreline* of the *public street* and the *centreline* of the railway.

2.142 A "**sign**" is a mechanism which conveys a message to persons who look at it. It can be comprised of a board, plate, panel, object, surface or device upon, within, against, through or by which there is inscribed, painted, affixed, borne, or projected any declaration, demonstration, insignia or illustration used for the purpose of direction, information, advertisement, promotion or identification. The term includes any related sign *structure*, structural trim, or advertising device.

2.143 A "**silo**" is an *agricultural building* or *structure*, typically cylindrical, in which fodder or forage is stored.

2.144 A "**ski area**" is a *use* of *buildings*, *structures* and land for outdoor downhill or cross-country skiing. *Buildings* and *structures* may involve *accessory* retail shops selling or renting skiing equipment and apparel, food and beverage concessions, a ski clubhouse, and ski lift.

2.145 A "**site plan**" is a scaled drawing clearly showing the relation between the *lot lines* and the *uses*, *buildings* or *structures existing* or proposed on a *lot*, including such details as *parking areas*, *driveways*, *walkways*, *landscaped open space*, lighting, *existing* and proposed *grades*, on-site servicing, *building areas*, minimum *yards*, *building heights*, *floor areas*, densities and areas for special *uses*.

- 2.146 A "**stable**" is a *commercial* establishment used for the purposes of boarding more than five (5) horses.
- 2.147 A "**stacking lane**" is a continuous on-site queuing lane that includes *stacking spaces* for *motor vehicles* which is separated from other vehicular traffic and pedestrian circulation by barriers, markings, or *signs*. These *stacking lanes* are most commonly used with *commercial* businesses that have *drive-through facilities*.
- 2.148 A "**stacking space**" is a rectangular space within a *stacking lane* which is used for temporary queuing of a *motor vehicle*.
- 2.149 "**Storage**" is the keeping of goods, merchandise, *motor vehicles*, and/or materials in stock, for a period of time longer than twenty-four (24) hours, for later use. There are two types of storage, defined below.
- a) "**Inside storage**" is the *storage* of items inside a *building* or roofed *structure*.
  - b) "**Outside storage**" is the *storage* of items in an open area on a *lot*, or in an unroofed *structure* on a *lot*.
- 2.150 A "**storey**" is a portion of a *building* having a clear *height* of two point two (2.2) metres (or greater) between the top surface of a floor and the bottom surface of the floor, ceiling or roof immediately above. The term excludes both an *attic* and a *basement*.
- 2.151 A "**street**" (also called a "**highway**" or a "**road**") is an area of ground used or intended to be used for the driving of *motor vehicles*. The term excludes a *driveway* or any part of a *parking area* (with the exception of *parking areas* provided on a *street* by a *public authority*). There are many types of *streets*, as set out below.
- a) A "**lane**" is a public thoroughfare or way, not more than nine (9) metres wide, which affords a secondary means of access to more than two (2) *abutting lots*.
  - b) A "**private lane**" is a private access which affords access within a property and is not maintained by a public body and shall not include a *lane, private*

road or a private street.

- c) A “**private road**” is a private *right-of-way* which affords primary or sole access to *abutting lots* or *dwellings* and is not maintained by a *public authority* and shall not include *lane*, *private lane* or a *private street*.
  - d) A “**private street**” is a *street* on private land, created by virtue of an *easement*, or through registration of a condominium plan. A *private street* provides *motor vehicle* access to other *lots* or to specific parts of *lots*, such as *parking areas*, *mobile home sites* or *camp sites*. For the purposes of this *By-law*, streets that are located within a Registered Plan of Condominium that are the *Corporation’s* that includes provisions for the construction of the streets shown on the Plan of Condominium, and that is registered in the Land Registry Office, are deemed to be private streets.
  - e) A “**public street**” is an open *street* that is owned and maintained on a year-round basis by a *public authority*. For the purposes of this *By-law*, streets that are located within a Registered Plan of Subdivision that are subject to an agreement between the owner of the subdivision and the *Corporation* that includes provisions for the construction and municipal assumption of the *streets* shown on the registered Plan of Subdivision, are deemed to be *public streets* only after such time as they are assumed by the *Corporation*. *Public streets* are only those streets identified on Schedule “D” of this *By-law*.
  - f) A “**seasonal street**” is a *street* that is maintained by a *public authority* for only a portion of a year.
  - g) An “**unopened road**” is a *road allowance* which has not yet been developed as a *public street*, or a *road allowance* which once contained a *public street* where that *street* has been formally closed by the *public authority* with jurisdiction.
- 2.152 A “**street line**” is any *lot line* that divides a *lot* from any type of *street*.
- 2.153 A “**structure**” is anything that is *erected*, built or constructed of parts joined together and attached or fixed permanently to the ground or to any other *structure*. The term includes: manure storage facilities; *wells*; *swimming pools*; *signs*; lean-to *parking areas*, and fences.

- 2.154 A "**studio**" is a premises used primarily for the instruction and performance of art, dancing, language, music, photography or similar *uses*. The term and includes the retail sale of the products of or accessory to such activities.
- 2.155 A "**swimming pool**" is a privately owned, non-natural, outdoor body of water *erected* for swimming, diving or bathing which can be filled to a water depth greater than 0.6 metres (2 feet).
- 2.155.1 "**Taxi Service Establishment**" a lot of building used as a dispatch office and/or the parking of taxis and/or limousines when not engaged in transporting persons or goods.
- 2.156 A "**temporary site building**" is a *building*, including a *mobile home dwelling*, accessory to a lawful construction site, which is required for indoor storage or site offices, and which is used only for so long as is necessary for construction work to continue.
- 2.157 A "**temporary site structure**" is a *structure*, accessory to a lawful construction site, which is required for protection of persons or things, and which is used only for so long as is necessary for construction work to continue.
- (For the terms "*through lot*" and "*through corner lot*", refer to the definition of "*lot*".)
- 2.158 "**Top of bank**" means the point of the slope (or bank) of a waterway or waterbody, where the downward inclination of the land begins, or the upward inclination of the land levels off.
- 2.159 "**Total developable area**" means the total area of the property, less the area occupied by *natural heritage features* and hydrologic features, including any related vegetation protection zone and hazard lands.
- 2.160 "**Tourist commercial**" is an adjective phrase used to describe a *use* or establishment providing lodging, food or meals to the travelling or vacationing public.
- 2.161 A "**tourist park**" is land used for the temporary, outdoor accommodation of the travelling public in *trailers*, tents, tent trailers or other *recreation vehicles* designed for eating, sleeping or temporary living.
- 2.162 A "**trailer**" is any *vehicle* so constructed that it is suitable for being attached to

a *motor vehicle* for the purpose of being drawn or propelled by the *motor vehicle*. The term applies whether or not the *vehicle* is jacked up or has had its running gear removed. The term does not include a *motor vehicle*.

2.163 A "**transportation terminal**" is a *building* and/or *lot* where buses, trains, or boats pick up and discharge fare-paying passengers, with or without *accessory business offices, retail stores, or restaurants*.

2.164 "**Unenclosed**" is an adjective that describes a space that is not enclosed by walls, windows, fences or a combination of walls and windows or fences on at least one (1) side. There may or may not be a cover or roof over the space.

2.165 The term "**use**" is a noun which names the purpose for which a *lot, building* or *structure* is arranged, designed, set up, occupied or maintained. The term is combined with other words to form phrases relating to the noun, as described below.

a) "**Agricultural use**" in an activity including one or more of the following:

- the growing of crops, nursery, *greenhouse* or horticultural crops;
- raising and/or stabling of livestock and other animals for food, fibre, fur or recreation;
- agro-forestry;
- maple syrup production; and
- *uses and practices necessary to support the day to day operation of the agriculture use and associated on farm buildings and structures.*

b) "**Agriculture-related use**" is an activity, whether *commercial* or industrial, that is directly related to *agricultural uses* in the area, that require a location that is in close proximity to *agricultural uses*, and that directly provide products and/or services to *agricultural uses* as the primary business. Examples include: *agricultural service and supply establishments, a greenhouse, a market garden, commercial kennels, veterinary clinics, and farm produce processing and storage facilities.*

c) "**Commercial use**" means the use of land, *buildings* or *structures* for the supply for sale of goods and services.

d) "**Continuous use**" means the uninterrupted, unceasing *use* of any *lot, building* or *structure* for a particular *use*, despite any change of ownership of the property where the *use* is located. A *use* is not considered to have been

interrupted or to have ceased if, after having ceased, the same *use* recommences within a period of one (1) year from the date of cessation. The *use* of a *building* or *structure* that is wholly or partially destroyed or damaged, is not considered to have been interrupted or to have ceased if it is rebuilt or repaired for the same *use* within a period of one (1) year from the date of its destruction or damage.

- e) "**Industrial use**" means the *use* of land, *buildings* or *structures* for manufacturing, processing, fabricating, assembling, warehousing or storing of raw materials or goods and related *accessory uses*.
- f) "**Institutional use**" means the *use* of land, *buildings* or *structures* for social, educational, health or religious purposes and related *accessory uses*.
- g) "**Non-agricultural use**" means the *use* of land, *buildings* or *structures* for a purpose other than an *agricultural use* including a *commercial use*, *industrial use*, *institutional use* and *residential use*, but not including agriculture-related *uses* and *on farm diversified uses*.
- h) "**Permitted use**" means a *use* which is allowed to be conducted on property within a specific zone category as set out in the *By-law*.
- i) "**Residential use**" means the *use* of a *building* or *structure* as a *dwelling* and related *accessory uses*.

2.166 A "**vegetation protection zone**" is a vegetated buffer area of grass or other vegetation surrounding a regulated *natural heritage feature* or regulated hydrologic feature within which only those land *uses permitted* within the feature itself are allowed. The width of the vegetation protection zone is to be determined by the *Corporation* when *development* occurs adjacent to a regulated *natural heritage feature* or regulated hydrologic feature, and is to be of sufficient size to protect the feature and its functions from the impacts of the proposed change and associated activities that will occur before, during, and after construction, and where possible, restore or enhance the feature and/or its function.

2.167 A "**vehicle**" is a *motor vehicle*, *trailer*, traction engine, farm tractor, road-*building* machine, motorized snow *vehicle* and any *vehicle* drawn, propelled or driven by any kind of power.

- 2.168 A "**vehicle storage yard**" is land used for the temporary *storage* of *vehicles* as a *commercial* activity.
- 2.169 A "**veterinary clinic**" is a premises used for the diagnosis, examination, treatment and overnight care of animals supervised by a licensed veterinarian, all within enclosed *buildings*.
- 2.170 A "**warehouse**" is a *building* which is used primarily for the *storage* or wholesale distribution of goods, wares, merchandise, food-stuffs, substances, articles or things. The term does not include a *building* for *storage* of fuel.
- 2.171 "**Waste**" includes ashes, biodegradable domestic waste or municipal refuse.
- 2.172 A "**waste disposal site**" is a parcel of land designated by the *Corporation* into, in or through which *waste* is deposited or processed.
- 2.173 A "**waste storage enclosure**" is a solid, opaque wall or fence with a gate that screens part of a *lot* and related containers that are used for *waste storage* or recycling *accessory* to the *principal use* of the *lot*.
- 2.174 A "**watercourse**" is a bay, lake, stream, creek, river, or other natural watercourse, other than a drainage ditch, *municipal drain*, or irrigation channel.
- 2.175 A "**wayside pit**" is a temporary *pit* opened and used by or for a *public authority* solely for the purpose of a particular project or contract of road construction, which is not located on the *road allowance*.
- 2.176 A "**wayside quarry**" is a temporary *quarry* opened and used by or for a *public authority* solely for the purpose of a particular project or contract of road construction and not located on the *road allowance*.
- 2.177 A "**wetland**" is a *lot* that is seasonally or permanently covered by shallow water, or a *lot* where the water table is close to, or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are: swamps, marshes, bogs and fens.
- 2.178 A "**woodland**" is a treed area of land in the minimum amount of two (2) hectares in a *settlement area*, or four (4) hectares outside of a *settlement area*, that provides environmental and economic benefits to both the private

landowner and the general public. Benefits include: erosion prevention, hydrological and nutrient cycling, air cleaning and the long-term *storage* of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include wood*lots* or forested areas. Woodlands vary in their level of significance at the local, regional, and provincial levels.

(For the term “*woodlands garage*”, refer to the definition of “*garage*”.)

2.179 A “**wrecking yard**” is an area of land operated in compliance with *applicable law*, which is used for the storage and processing of wrecked *motor vehicles*.

2.180 A “**yard**” is an open, uncovered, unoccupied space appurtenant to, and located on the same *lot* as a *building* or *structure*. In determining *yard* measurements, the minimum horizontal distance between the applicable *lot line* and the nearest point of the *building* or *structure* is used, unless otherwise specified by this *By-law*. There are several types of *yards*, as set out below.

- a) An “**exterior side yard**” is the *yard* of a *corner lot* extending from the *front yard* to the *rear yard* and located between the *exterior side lot line* and the nearest wall of a *building* or *structure* on the *lot*.
- b) A “**front yard**” is the *yard* extending across the full width of the *lot* between the *front lot line* and the nearest wall of a *building* or *structure* on the *lot*.
- c) An “**interior side yard**” is a *yard* which is not an *exterior side yard*, that extends from the *front yard* to the *rear yard* between the *interior side lot line* and the nearest wall of a *building* or *structure* on the *lot*.
- d) A “**rear yard**” is a *yard* extending across the full width of the *lot* between the *rear lot line* and the nearest wall of a *building* or *structure* on the *lot*.
- e) A “**required yard**” is the minimum size for a *yard* that is required by this *By-law* to be maintained.
- (f) A “**side yard**” is a *yard* extending from the *front yard* to the *rear yard* between a *side lot line* and the nearest wall of a *building* or *structure* on the *lot*.

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# **SECTION 3 – GENERAL PROVISIONS**

## SECTION 3—GENERAL PROVISIONS

### 3.1 ACCESSORY BUILDINGS AND STRUCTURES AND ACCESSORY USES

#### 3.1.1 PERMITTED USES

Where this *By-law* permits a *lot* to be used, or a *building* or *structure* to be *erected* or used for a purpose, that purpose includes any *building, structure* or *use* that is *accessory* to the *main use*. The following *uses* are not permitted as *accessory uses* in any *zone*:

- i. a *gasoline retail outlet*
- ii. a *salvage yard*

unless such use is specifically listed as a *permitted use* elsewhere in this *By-law*.

#### 3.1.1.1 LOT COVERAGE

The maximum permitted lot coverage of all accessory buildings and structures, with the exception of swimming pools, shall be 10 percent. The maximum permitted size of a private garage in a residential zone shall be 100.0 square metres (provided it does not exceed 10 percent lot coverage).

For lots greater than 4000.0 square metres, the maximum permitted size of a private garage shall be 250.0 square metres.

#### 3.1.2 HEIGHT RESTRICTIONS

No *accessory building* or *structure*, other than *accessory dwellings* or *accessory farm buildings* or *structures* shall exceed six (6) metres in *height*.

#### 3.1.3 LOCATION

No *accessory building* or *structure* shall be located within three (3) metres of any *main building, main structure, or dwelling*.

### 3.1.4 YARD REQUIREMENTS

No *accessory building* or *structure* shall be located in a *required front yard* unless specifically allowed in this *By-law*. The *required side yard* and *required rear yard* for *accessory buildings* and *structures* is fifty (50%) per cent of the *required side yards* and *required rear yards* for the *main building* in each *zone*.

No *accessory building* or *structure* shall be located less than zero point six (0.6m) metres from an *interior side lot line* or *rear lot line*.

Refer to Section 3.27.1 regarding *yard encroachments* and *projections*.

### 3.1.5 ISSUING BUILDING PERMIT

No *building* permit shall be issued for an *accessory building* until the *main use* has been established and any required *building* permits for a *main building* have been obtained and the *main building* has been constructed in all *Zones* with the exception of the two (2) *Agricultural Zones*.

## 3.2 ACCESSORY DWELLINGS AND DWELLING UNITS

### 3.2.1 INTERIOR ACCESSORY DWELLING UNIT

One *interior accessory dwelling unit* is permitted in any *single detached dwelling*, *semi-detached dwelling unit* or *dwelling unit* in a *townhouse dwelling* provided the following:

- i. The *interior accessory dwelling unit* is entirely within the exterior walls of the *principal dwelling unit*;
- ii. The *floor area* of the *interior accessory dwelling unit* shall not exceed sixty (60) square metres or forty (40%) percent of the *floor area* of the *dwelling unit* (including the *basement*) excluding an attached *private garage*, whichever is less,
- iii. The *lot* complies with all other provisions of this *By-law*; and
- iv. The appropriate building permit(s) have been obtained.

*Interior accessory dwelling units* are not permitted in a *development* on a *private street*.

### 3.2.2 DETACHED ACCESSORY DWELLING

Where permitted in each Zone, a detached *accessory dwelling* unit is subject to Sections 3.1.2 through Section 3.1.5, and this Section.

The *floor area* of the *accessory dwelling* shall not exceed one hundred five (105 m<sup>2</sup>) square metres, or forty (40%) per cent of the *floor area* of the principal *dwelling unit* (including the *basement*), whichever is less. The Detached *Accessory Dwelling* must be hooked up to the existing septic system and well, which must be pre-approved by the Thunder Bay District Health Unit and a Certified Well Driller prior to a building permit being issued.

### 3.3 BED AND BREAKFAST ESTABLISHMENTS

#### 3.3.1 WHERE PERMITTED

A *bed and breakfast establishment* is a *permitted use* in any *single detached dwelling*, subject to the following:

- i. a *bed and breakfast establishment* must be lawfully conducted entirely within a *single detached dwelling*;
- ii. not more than three (3) bedrooms, or one (1) bedroom less than the total number of bedrooms in the *single detached dwelling*, whichever is less, may be used to provide overnight accommodation for the *bed and breakfast establishment*;
- iii. the operation of a *bed and breakfast establishment* must clearly be *accessory* to the *main use* of the *building* as a *single detached dwelling*;
- iv. the *bed and breakfast establishment* must be operated only by a person who resides in the *single detached dwelling* containing the *bed and breakfast establishment*;
- v. the operation of the *bed and breakfast establishment* must not change the character, or in any significant way *alter* the exterior appearance of the *single detached dwelling* that contains it;

- vi. no external on-site advertising for the *bed and breakfast establishment* is permitted, except in accordance with Section 3.3.2;
- vii. the maximum length of stay for a guest in a *bed and breakfast establishment* is fourteen (14) consecutive days;
- viii. the operation of a *bed and breakfast establishment* is not permitted within a *dwelling use* that is also used for the rental of accommodations to *roomers* and/or *boarders*; and
- ix. One (1) *parking space* must be provided for every two (2) bedrooms used in association with the *bed and breakfast establishment*, in addition to the *parking spaces* required for the *dwelling unit*. These additional required *parking spaces* must each be located on the same *lot* as the *bed and breakfast establishment*. These additional required *parking spaces* may be located in tandem with any *parking spaces* required for the *single detached dwelling*.

### 3.3.2 SIGNAGE

A maximum of one non-illuminated sign advertising the *bed and breakfast establishment* is permitted to be displayed on the same *lot* as the *bed and breakfast establishment*, provided that it meets the requirements of this section.

- i. The sign's surface area must not be greater than:
  - a. zero point six (0.6 m<sup>2</sup>) square metres in the AG or RU Zones; or
  - b. zero point three (0.3 m<sup>2</sup>) square metres in all other Zones.
- ii. The sign may be placed within a *yard abutting a street* in the AG or RU Zones, provided that a minimum distance of three (3.0m) metres is provided between the sign and the *lot* line.
- iii. In all Zones other than the AG and RU Zones, the sign must be mounted on the exterior wall or window of the main *building* or the exterior wall or window of an *accessory building*.

### 3.4 COMMUNAL WATER SUPPLY SYSTEMS

*Communal water supply systems* are permitted within the R2, RM and MHR zones. For all parcels serviced by a *communal water supply system*, in any of

those zones, the following table sets out the regulations. The first column of the table lists the regulation in question. To determine the size requirement associated with that regulation, read across the table. The second column shows the regulation in metric, and the third column shows the regulation in imperial.

|                             |  |  |
|-----------------------------|--|--|
| Minimum <i>Lot Area</i>     | 1,400 square metres  | 0.35 acre  |
| Minimum <i>Lot Frontage</i> | 30 metres  | 98.43 feet   |
| Minimum <i>Lot Depth</i>    | 40 metres  | 131.23 feet  |
| Minimum <i>Front Yard</i>   | 6 metres or half the <i>height</i> of the <i>building</i> ; whichever is greater | 19.69 feet or half the <i>height</i> of the <i>building</i> ; whichever is greater |
| Minimum <i>Side Yard</i>    | 6 metres or half the <i>height</i> of the <i>building</i> ; whichever is greater | 19.69 feet or half the <i>height</i> of the <i>building</i> ; whichever is greater |
| Minimum <i>Rear Yard</i>    | 6 metres or half the <i>height</i> of the <i>building</i> ; whichever is greater | 19.69 feet or half the <i>height</i> of the <i>building</i> ; whichever is greater |
| Maximum <i>Height</i>       | 12 metres  | 39.37 feet   |
| Minimum <i>Floor area</i>   | 70 square metres per <i>dwelling unit</i>  | 753.47 square feet per <i>dwelling unit</i>  |

All *Communal water supply systems* are subject to the requirements of *applicable law* and may be used only once required approvals are in place.

### 3.5 COMMUNICATION TOWERS

As communication towers are required to supply, improve and maintain the quality of telecommunication services, they are *permitted* in all Rural, Industrial, and Agricultural Zones, at the *Corporation's* discretion as considered during the Site Plan review process.

Sites should be selected to minimize the total number of communication tower sites required. Locations on *existing structures* or *buildings* are strongly encouraged. Co-locations on *existing* tower sites are encouraged, providing that the *existing* tower is located a minimum of one hundred (120m) metres, or three (3) times the tower *height* (whichever is greater), from a Residential Zone, *existing dwelling*, or other *sensitive land use*.

New communication towers are strongly discouraged within one hundred twenty (120m) metres, or three (3) times the tower *height* (whichever is greater), of a

Residential Zone, *existing dwelling*, or other *sensitive land use*, unless required for reasons of engineering or network objectives. A detailed rationale for the necessity of this location must be provided in a Site Selection/Justification Report.

When selecting sites for communication towers, the following shall be considered:

- i. Maximizing distance from *residential uses*, *schools* and active *park space*;
- ii. Maximizing distance from properties designated under Parts IV or V of the Ontario Heritage Act (RSO 1990, c.0.18);
- iii. Maximizing distance from natural features, Environmentally Sensitive Areas, *hazard lands*, and regulated *natural heritage features* and regulated Hydrological Features;
- iv. Avoiding sites that would obscure public views, vistas, and significant Cultural Heritage Landscapes; and,
- v. Compatibility with abutting *uses*.

Proponents shall be encouraged to locate communication towers with a minimum *setback* to all *lot lines* and to all *existing buildings* of a distance equivalent to the *height* of the tower, whenever possible.

### 3.6 EXISTING LOTS

Despite the provisions of this *By-law* to the contrary, an *existing lot* that is zoned to permit a *single detached dwelling* but is not in compliance with the minimum *lot frontage* and/or minimum *lot area* requirements of this *By-law*, may be used for a *single detached dwelling*, providing that all other provisions in this *By-law* are met.

### 3.7 STREET LINE REQUIREMENTS AT DEAD END PUBLIC STREETS OR CUL-DE-SACS

Paragraph 5.19.2 of the Oliver Paipoonge Official Plan requires *lots* that are created by consent to “front onto a public road that is maintained year round”. The minimum length of *street line* required to support the creation of a lot is ten (10.0) metres. *Driveways* servicing such *lots* shall be constructed in a manner that will support safe access and egress by emergency *vehicles*. A proposed *lot* may have a *street line* length of ten (10.0) metres or more, but *lot* configurations

in the vicinity may prevent safe *driveway* construction or use. In such cases, additional *street line* length will be required to provide for a consent meeting the spirit and intent of the Official Plan.

### 3.7.1 **FOOD TRUCKS**

Where a food truck is permitted, the following provisions shall apply:

- i. A food truck shall be located within 50.0 metres of a washroom facility as per health regulations;
- ii. A food truck shall be a minimum of 2.0 metres from the front lot or exterior side lot line;
- iii. A food truck shall be setback a minimum of 3.0 metres from a lot line abutting a residential zone and 1.5 metres from any other interior lot or rear lot line.

### 3.8 **GROUP HOMES**

Group homes are *permitted* in all *dwelling* types. The applicable provisions of this *By-law* for that *dwelling* type continue to apply.

*Permitted* types of group homes include:

- i. *Approved* homes as identified by the *public authority* with jurisdiction;
- ii. Homes for special care;
- iii. Supportive housing programs, adult community mental health programs;
- iv. Children's residences;
- v. Accommodation services for persons with developmental disabilities;
- vi. Satellite residences for seniors; and
- vii. Homes for individuals who have physical disabilities.

### 3.9 **HEIGHT EXCEPTIONS**

Nothing in this *By-law* applies to restrict the *height* of any antenna, a barn, a silo, a chimney, a *church* spire, a flag pole, a hydro-electric transmission tower, a communication tower, or a radio tower, provided that such *buildings* and *structures* conform to all restrictions of other *public authorities* having jurisdiction.

### 3.10 HOME OCCUPATION AND HOME INDUSTRY

#### 3.10.1 HOME OCCUPATION

Where *permitted* in this *By-law*, a home occupation shall conform to the following provisions:

- i. the business is conducted entirely within a *dwelling*;
- ii. the business is clearly *accessory* to the use of the *dwelling* as a private residence;
- iii. the business does not change the character of the residence as a private residence;
- iv. there is no display, no stock in trade and no material commodity sold upon the premises;
- v. there is no *outside storage* of materials or finished products;
- vi. there is no *outside storage* of any *vehicle* which is used exclusively for the operation of the business;
- vii. the business shall be carried on only by the inhabitants of the *dwelling*, plus one additional person;
- viii. no noise, dust or odour arising from the business shall escape to abutting premises; and
- ix. the area devoted to the business must not exceed twenty-five (25%) percent of the *gross floor area* of the *dwelling*.

#### 3.10.2 HOME INDUSTRY

Where *permitted* in this *By-law*, a home industry shall conform to the following provisions:

- i. the business is conducted entirely within an *accessory building*;
- ii. the business is clearly *accessory* to the *residential main use* of the *lot*;
- iii. the business does not change the *residential* character of the *lot*;
- iv. no material commodity other than that produced on the premises may be sold, displayed or stocked for re-sale;
- v. there is no *outside storage* of materials or finished products;
- vi. the number of persons engaged in the home industry is limited to a maximum of four (4), and may include only the inhabitants of the *dwelling* on the *lot*, plus one (1) additional person;
- vii. no noise, dust or odour arising from the business shall escape to abutting

- premises;
- viii. the maximum size of an *accessory building* utilized for a home industry is one hundred twenty (120) square metres.

### 3.11 KENNELS AND PET CARE ESTABLISHMENTS

#### 3.11.1 COMMERCIAL AND PRIVATE KENNELS

*Commercial and Private Kennels* must comply with all of the Zone regulations for the *zone* in which they are situated. In addition, the following provisions apply:

- i. the minimum *lot area* is four (4) hectares;
- ii. the minimum *lot line setback* is seventy-five (75) metres from any abutting property which is either used, or is permitted to be used, for a *dwelling*;
- iii. the maximum *floor area* is one hundred (100) square metres for *Private Kennels*;
- iv. Dog runs, pens, enclosures and all associated *structures* (including exercising yards) must be obscured from abutting properties by a *planting strip* and solid, opaque fencing at least one point eight (1.8) metres high, with at least one other screening device.
- v. Any *building* or *structure* must be *setback* at least fifteen (15) metres from a drilled well, and at least thirty (30) metres from any dug well.

#### 3.11.2 PET CARE ESTABLISHMENTS

A *pet care establishment* must be enclosed within a *building*.

A *pet care establishment* located in a non-*commercial* zone must comply with all applicable regulations of the *zone*, as well as the following:

- i. Any *building* or *structure* must be *setback* at least seventy-five (75) metres from *lot lines* of abutting *lots* which are either used, or are *permitted* to be used, for a *dwelling*;
- ii. Any *building* used for the business must have a maximum *gross floor area* of seventy-five (75) square metres.

## 3.12 LANDSCAPING AND *BUFFER STRIPS*

### 3.12.1 LANDSCAPED OPEN SPACE

Any *lot* must have a minimum of ten (10) per cent of the *lot area* maintained as *landscaped open space*, unless otherwise stated in this *By-law*.

An individual *landscaped open space* area must be a minimum of ten (10) square metres.

An individual *landscaped open space* area must measure not less than one (1m) metre at its narrowest point in order to qualify as part of the *landscaped open space* requirement.

Landscaping on the roof of a *building* may be included in the calculation of required *landscape open space*, provided it meets the above minimum size requirements.

Any provisions in this *By-law* that require a greater amount of *landscaped open space* than this Section 3.12.1, take priority over this Section.

### 3.12.2 *BUFFER STRIPS*

*Buffer strips* shall be provided as follows:

- i. Along *interior side lot lines* and *rear lot lines* of non-residential uses, where *abutting* a Residentially zoned *lot*;
- ii. Along *interior side lot lines* and the *rear lot line* of a property used for an *apartment building*;
- iii. Along the *street line* where a *parking area* is *abutting* to a *public street*;
- iv. Along *interior side lot lines* where a *parking area* is adjacent to an *interior side lot line* or the *rear lot line* of a Residentially zoned *lots*;
- v. Along boundaries of *outside storage* areas in order to screen the view from *abutting lots* and *public streets*;
- vi. Along *interior side lot lines* and *rear lot lines* where an *outside display and sales area* *abuts* a Residentially zoned *lot*; and,
- vii. In accordance with the requirements of the applicable *zone*.

*Buffer strips* may be part of the calculation of minimum *landscaped open space*

required in this *By-law*, providing it meets the size requirements in Section 3.12.1.

Required *buffer strips* must remain uninterrupted along their entire length. Required *driveways* and walkways are not considered “interruptions”, provided the walkway is no more than two (2) metres in width.

*Buffer strips* must contain only planted vegetation, except for any required fence or wall to achieve appropriate and/or required screening.

Screening that is a part of a *buffer strip* (i.e. fence, wall, row of trees, hedgerow) shall have a minimum *height* of one point five (1.5) metres from the *finished grade*. If in a *sight triangle*, the maximum *height* of any required screening in the *buffer strip* is zero point eight (0.8) metres from the *finished grade*.

### 3.13 MARIJUANA GROW FACILITIES

#### 3.13.1 WHERE PERMITTED

*Marijuana grow facilities* shall be located in the Agriculture – Related (AR) Zone, or in the Light Industrial (LI) or Heavy Industrial (HI) Zones.

#### 3.13.2 OTHER PROVISIONS

- i. All *marijuana grow facilities* in Agricultural Zones shall have a minimum *setback* of fifteen (15) metres from all *lot lines*, except where specifically provided otherwise.
- ii. All *marijuana grow facilities* in Industrial Zones shall have a minimum *setback* of fifteen (15) metres from all *lot lines* where *abutting lots* are used or permitted to be used for a *dwelling* or an *institutional use*, except where specifically provided otherwise.
- iii. No *outside storage* or outdoor growing or production of marijuana is *permitted*.
- iv. For any *marijuana grow facility building* or *structure* that consists of more than ten (10%) per cent glass and where artificial lighting is required, a solid fence having a minimum *height* of one point eight (1.8) metres shall be provided and maintained along every *lot line* that *abuts* a *lot* that is used or permitted to be used for a *dwelling* or an *institutional use*.
- v. Despite clauses (i) and (ii) of this Subsection, a security fence having a minimum *height* of one point eight (1.8) metres shall be provided and

maintained around the entire perimeter of the area of a *lot* that is used for a *marijuana grow facility*.

- vi. No noise, dust, or odour arising from a *marijuana grow facility* shall escape to abutting premises.

### 3.14 MINIMUM DISTANCE SEPARATION

#### 3.14.1 MINIMUM DISTANCE SEPARATION I (MDS I) GUIDELINES

The following guidelines apply to non-agricultural uses, *buildings* and *structures*:

- i. Despite the provisions of this *By-law* which establish *setbacks*, all *lots*, *buildings* and *structures* to be used for non-agricultural uses outside of a *settlement area* shall comply with the Minimum Distance Separation I (MDS I) Guidelines.
- ii. The requirements of this subsection do not apply to prevent the continuation of an *existing non-agricultural use*, the *alteration* of the boundaries of an *existing lot*, or the enlargement, repair, renovation or replacement of *existing buildings* and *structures* on an *existing lot* outside of a *settlement area*, in accordance with Section 3.6.
- iii. The requirements of this subsection do not apply to *permitted agriculture-related uses* and *on farm diversified uses*, except where specifically required otherwise in this *By-law*.
- iv. Nothing in this subsection provides relief from the requirement for all *buildings* and *structures* to comply with the minimum *setback* requirements of the applicable *zone* and the general provisions of this *By-law*.

#### 3.14.2 MINIMUM DISTANCE SEPARATION II (MDS II) GUIDELINES

The following regulations apply to *agricultural uses*, *buildings* and *structures*:

- i. Despite the provisions of this *By-law* which establish *setbacks*, all *lots*, *buildings* and *structures* to be used for housing livestock, for manure storage or for anaerobic digesters, including any *alterations*, enlargements, renovations or replacements of those *uses*, shall comply

with the Minimum Distance Separation II (MDSII) Guidelines.

- ii. *Buildings and structures* to be used for housing livestock, for manure storage or for anaerobic digesters are not *permitted* on any *lot* that is located within a *settlement area*. This subsection does not apply to prevent the continued use of *existing lots, buildings and structures* within a *settlement area* that were lawfully used for one or more of these purposes on the effective date of this *By-law*:
  - a. in accordance with Section 3.6; and,
  - b. provided that, for any *existing building or structure* that is subject to MDS II the *building or structure* shall not be *altered, renovated, repaired or replaced* in a manner that would increase the required separation distance calculated.
- iii. Despite this subsection, an *existing* manure storage system which does not meet the MDS II requirements may be replaced by a more compatible system which results in a reduction in the separation distance calculated, provided that livestock housing capacity is not increased.
- iv. The requirements of this subsection do not apply to require *setbacks* to *permitted* agriculture-related uses and *on farm diversified uses*, except where such *uses* are subject to MDS I where specifically required in this *By-law*.
- v. Nothing in this subsection provides relief from the requirement for all *buildings and structures* used for housing livestock or manure storage or anaerobic digesters to comply with the minimum *yard and setback* requirements of the applicable *zone* and the General Provisions of this *By-law*.
- vi. For the purposes of this *By-law* and the application of MDS II, *existing cemeteries* which are closed or inactive and receive low levels of visitation shall be treated as Type A land *uses*.

### 3.15 ON-FARM DIVERSIFIED USES

The following regulations apply to *on farm diversified uses*:

- i. An *on farm diversified use* shall be located on a *lot* with a minimum *lot*

- area of ten (10) hectares, containing a *permitted agricultural use* and associated *single detached dwelling*, where the specific type of *on farm diversified use* is *permitted* by the applicable zone.
- ii. A maximum of three (3) *on farm diversified uses* are *permitted* on a *lot*.
  - iii. *On farm diversified uses* are subject to all of the following regulations in the following subclauses:
    - a. The area of the *lot* permanently, temporarily or seasonally devoted to *on farm diversified uses* shall not exceed the lesser of: one (1%) per cent of the *lot area*, or one-half (0.5) of one (1) hectare, including the area of *existing* and new *buildings* and *structures*, required *parking areas* and *loading areas*, *outside display and sales areas*, *outside storage areas*, and any other area of the *lot* used for the *on farm diversified use*, excluding *existing driveways* shared with a *permitted main use* on the *lot* and areas that produce harvestable crops.
    - b. The total *gross floor area* that is permanently, temporarily, or seasonally devoted to *on farm diversified uses* shall not exceed five hundred (500) square metres, including the *gross floor areas* used within all *buildings* or *structures* on the *lot*.
    - c. For the purposes of determining the maximum *gross floor area* permitted in accordance with subclause (b), the *gross floor area* that is used for *on farm diversified uses* within *existing main buildings* on the *lot* shall be reduced by fifty (50%) per cent.
    - d. *Accessory buildings* or *structures* that are used for *on farm diversified uses* must comply with the requirements of Section 3.1.
    - e. *Main buildings* or *structures* that are used for *on farm diversified uses* shall comply with the regulations of the applicable zone.
    - f. The total *lot coverage* of all *main buildings* or *structures* and *accessory buildings* or *structures* shall not exceed the maximum *lot coverage* of the applicable zone.
  - iv. *On farm diversified uses* must be *accessory* to the *existing permitted agricultural use(s)* on the *lot* and shall primarily serve the *existing permitted agricultural use(s)* on the *lot*.
  - v. *On farm diversified uses* that involve value-added packaging, processing, sale and/or *storage* of products are limited to the products produced by, or derived from, the main *agricultural use(s)* on the *lot* as the primary source

- of the majority of the product. The *uses* may also include product sourced from *agricultural uses* on surrounding *lots* in the area as a secondary source of product.
- vi. Retail sales that form part of *on farm diversified uses* are subject to the following regulations in the following subclauses:
- a. The *gross floor area* devoted to retail sales shall not exceed fifty (50%) per cent of the *gross floor area* of all *buildings* and *structures* used in conjunction with the *on farm diversified uses*, to a maximum of two hundred (200) square metres of *gross floor area* for retail *use*.
  - b. The *gross floor area* devoted to retail sale of products that are not produced on, or derived from agricultural products produced on the *lot*, shall not exceed twenty-five (25%) per cent of the *gross floor area* of all *buildings* and *structures* used in conjunction with the *on farm diversified uses*.
  - c. A maximum of one (1) retail outlet is *permitted* on a *lot*.
  - d. The maximum area of the *lot permitted* to be used for *outside display and sales areas* is twenty-five (25) square metres. The *outside display and sales areas* are not counted as part of the maximum *gross floor area* permitted for retail *use*.
  - e. *Outside display and sales areas* shall be *setback* a minimum of three (3) metres to all *lot lines*.
  - f. *Outside display and sales areas* and any related *structures* shall not exceed a maximum *height* of three (3) metres.
- vii. *Outside storage* for purposes other than *outside display and sales areas* on the *lot* shall be located in a *rear yard* or *side yard* and screened from view from *public streets* and abutting *lots* by *buffer strips* in accordance with subsection 3.12.2. All *lot uses* must comply with the regulations of the applicable *zone*.
- viii. *On farm diversified uses* shall be operated by the person or persons whose principal residence is the *dwelling* on the *lot*, and a maximum of two (2) persons other than the residents of the *dwelling* on the *lot* are permitted to be employed in the business of the *on farm diversified uses*.
- ix. *On farm diversified uses* that include overnight accommodations are limited to a permitted *bed and breakfast establishment* in accordance with Section 3.3.
- x. Despite the regulations of this Section to the contrary, certain *on farm*

*diversified uses* are subject to additional or different regulations contained in other Sections of this *By-law*, as follows:

- a. the requirements of Section 3.3, for *bed and breakfast establishments*;
  - b. the requirements of Section 3.9, for home occupations and home industries; and
  - c. the requirements of Section 3.10, for *kennels* and *pet care establishments*.
- xi. Parking for *on farm diversified uses* shall be provided in accordance with Section 3.16.
- xii. A sign is permitted to be displayed on the *lot* for *on farm diversified uses*, provided:
- a. a maximum of one (1) sign is permitted on a *lot* for each permitted home occupation;
  - b. the sign is not illuminated;
  - c. the sign has a maximum area of zero point two (0.2) square metres per side;
  - d. the sign is *setback* a minimum of one (1) metre from all *lot lines*;
  - e. the sign is not be located within a *sight triangle*; and
  - f. the maximum *height* of the sign is zero point eight (0.8) metres.

### 3.16 PARKING AND ACCESS REQUIREMENTS

Any land, *building* or *structure* erected or used in any zone requires on-site *parking areas*, *parking spaces*, *loading spaces* and *stacking spaces* to be provided in accordance with this Section 3.16 of this *By-law*.

#### 3.16.1 LOCATION OF *PARKING AREAS*

Subject to this Section 3.16.1, all required *parking spaces* are to be provided on the same *lot* as the *use* for which the *parking spaces* are required. An additional *parking area* may be used to assemble the required number of *parking spaces* provided that the additional *parking area* is located within fifty (50) metres of the closest *lot line* of the *lot* bearing the *use* for which the *parking spaces* are required. Where an additional land parcel is used to provide the additional *parking area*, the land area and other measurements associated with that land are not to be used to determine any of the minimum requirements for the *main*

use. That land can be used only as contributing towards the *parking space* requirements. This may only be permitted with an agreement acceptable to the *Corporation* ensuring the permanent availability of the off-site parking.

In the case of a *hotel* which provides valet parking, up to thirty (30%) per cent of the required *parking spaces* may be located on a *lot* within one thousand (1,000) metres of the *lot* bearing the *hotel*.

### 3.16.2 PARKING SPACES REQUIRED

The owner of every *building* or *structure* shall provide and maintain for the sole use of the owner, occupants or other persons entering upon or making use of the *lot*, *parking spaces* and *parking areas* that meet the regulations set out in Table 3.15.2.

The first column of the table lists *uses*. To determine the number of *parking spaces* that are required to accompany the *permitted use*, read across the table. The second column shows the number of *parking spaces* required. All *parking spaces* required for a *permitted use* must be provided on the same *lot* as the *permitted use*, unless otherwise permitted by this *By-law*.

| <b>Use</b>                                   | <b>Minimum Parking Space Requirement</b>   |
|--|--|
| <i>a) Residential use (4 or fewer units)</i> | <i>2 parking spaces per dwelling unit</i>  |
| <i>b) Residential use (5 or more units)</i>  | <i>1.5 parking spaces per dwelling unit</i>  |
| <i>c) a hotel</i>                            | <i>1 parking space per guest room or guest suite;<br/>plus 1 parking space for every 4 persons of seating capacity in any restaurant, dining room or assembly hall</i> |
| <i>d) a retirement residence</i>             | <i>1 parking space per 2 beds</i>  |
| <i>e) a church</i>                           | <i>1 parking space per 4 persons capacity</i>  |
| <i>f) an assembly hall</i>                   | <i>1 parking space per 4 persons capacity</i>  |
| <i>g) a restaurant</i>                       | <i>1 parking space per 4 persons capacity</i>  |
| <i>h) an office</i>                          | <i>1 parking space per 30m<sup>2</sup> of floor</i>  |

|                                     | <i>area</i>  |
|-------------------------------------|--|
| i) a retail store                   | 1 <i>parking space</i> per 20m <sup>2</sup> of <i>floor area</i>   |
| j) a retail lumber yard             | 1 <i>parking space</i> per 90m <sup>2</sup> of <i>floor area</i>   |
| k) a warehouse                      | 1 <i>parking space</i> per 90m <sup>2</sup> of <i>floor area</i> devoted to the <i>main use</i> ;<br>plus 1 <i>parking space</i> per 30m <sup>2</sup> of <i>accessory office</i> or <i>retail floor area</i> |
| l) a personal service shop          | 1 <i>parking space</i> per 20m <sup>2</sup> of <i>floor area</i>   |
| m) an industrial use, a petty trade | 1 <i>parking space</i> per 75m <sup>2</sup> of <i>floor area</i> devoted to the <i>main use</i><br>plus 1 <i>parking space</i> per 30m <sup>2</sup> of <i>floor area</i>                                     |
| n) a recreational use               | 1 <i>parking space</i> per 2 patrons   |
| o) other permitted uses not listed  | 1 <i>parking space</i> per 30m <sup>2</sup> of <i>floor area</i>   |

### 3.16.3 REQUIRED PARKING SPACE CALCULATION

If the calculation of the required number of *parking spaces* results in a fraction, the required number of *parking spaces* is the fraction rounded to the next higher whole number.

The total number of *parking spaces* required is the sum of the requirements for each separate *use* on the *lot*.

The number of *parking spaces* that must be provided in accordance with this *By-law* must be in addition to any *parking spaces* used for the *storage* or parking of *vehicles* for hire or gain, display, or sale.

### 3.16.4 PARKING SPACE DIMENSIONS

Each *parking space* shall be a minimum of two point eight (2.8) metres by six (6) metres, with an area of at least sixteen point eight (16.8) square metres. Exceptions to this rule are as listed below:

- i. Where the access to a *parking space* is provided on the longest dimension of that *parking space*, the minimum dimensions of the *parking space* is two point four (2.4) metres by six point seven (6.7) metres.

- ii. Where either side of a *parking space abuts* a wall, a column, a pillar, a fence, a pole, or other obstruction, the minimum width of the *parking space* is three (3.0) metres. This does not apply if the obstruction is located within one (1.0m) metre of the front of the *parking space* and does not project more than zero point three (0.3) metres into the *parking space*.
- iii. Where the length of a *parking space abuts* either an area of *landscaped open space* or a pedestrian walkway that is not a public sidewalk, which *landscaped open space* or walkway is greater than one (1.0) metre in width and at the same *grade* as the *parking space*, the minimum width of the *parking space* is two point four (2.4) metres.

### 3.16.5 ADDITION TO *EXISTING USE*

When a *building* or *structure*, other than a *single detached dwelling*, has insufficient *parking spaces* on the date of passing of this *By-law*, no addition may be *erected*, and no change of use may occur, unless the *parking space* requirements are met for the entire *use*.

### 3.16.6 BARRIER-FREE *PARKING SPACE REQUIREMENTS*

The provision of barrier-free parking space requirements shall comply with the requirements of the Accessibility For Ontarians with Disabilities Act.

### 3.16.7 UNDERGROUND PARKING

Nothing in this *By-law* applies to prohibit the location of underground *parking areas* under any *yard*, provided that:

No part of any underground *parking area* is to be situated above *grade* in any *required yard*.

No part of any underground *parking area* is to be located within the limits of a *road allowance* or a *lane*.

### 3.16.8 STACKING SPACES

For any *use* set out in this *By-law* that specifically requires *stacking spaces*, this

Section 3.16.8, provides the associated regulations.

The owner of every *building* or *structure* shall provide and maintain for the sole use of the owner, occupants or other persons entering upon or making use of the *lot*, *stacking spaces* that meet the regulations set out in Table 3.16.8.

The first column of the table lists *uses*. To determine the number of *stacking spaces* that are required to accompany the *permitted use*, read across the table. The second column shows the number of *stacking spaces* required. All *stacking spaces* required for a *permitted use* must be provided on the same *lot* as the *permitted use*, unless otherwise permitted by this *By-law*.

| <b>Table 3.16.8: Stacking Spaces for Drive Through Facilities</b> |  |
|---|--|
| <b>Use</b>  | <b>Minimum Number of Stacking Spaces</b> |
| <i>Restaurant with drive through facilities</i>                   | 10                                       |
| Car wash, automated or full service                               | 8  |
| Car wash, self serve  | 3  |
| <i>Gas bar</i>  | 1 per fuel pump                          |
| <i>Retail Store</i>   | 4  |
| <i>Other uses involving a drive through facility</i>              | 3 per drive service unit                 |

*Stacking spaces* may not be provided within a *required front yard*, a *required exterior side yard*, within *road allowances*, or within twelve (12) metres of a *residential zone*.

Each *stacking space* must be rectangular in shape with a minimum width of three (3.0) metres and a minimum length of (6.0) metres.

### 3.16.9 LANDSCAPE PROVISIONS FOR *PARKING AREAS*

A *buffer strip* shall be provided between the edge of any *parking area* and an *abutting lot line* or *zone boundary*. The *buffer strip* must be three (3) metres in width unless either paragraph (i) or paragraph (ii), below, applies.

- i. Where the *parking area* has one hundred (100) or more *parking spaces* and the *lot line* is *abutting a public street*, the *buffer strip* shall have a width of six (6) metres.
- ii. Where the *parking area* has one hundred (100) or more *parking spaces* and the *lot line* is *abutting a residential or institutional zone*, the *landscape buffer* shall have a width of four (4) metres.

A minimum *landscaped open space* area equal to ten (10%) per cent of the *parking area* shall be required within all *parking areas* with one hundred (100) or more parking spaces.

### 3.16.10 LOT ACCESS – DISTANCE FROM INTERSECTIONS

*Driveway* access onto a *lot* must be located a minimum of nine (9.0) metres from the intersection of two (2) *streets*, or from the intersection of a *street* and rail corridor, measured from a point where the 2 *street lines*, or where the *street line* and rail corridor intersect.

### 3.16.11 PARKING ACCESS

- i. Every *lot* may have one unobstructed *driveway* not exceeding six (6.0) metres in width for *dwelling*s, and not exceeding nine (9.0) metres in width for all other *uses*.
- ii. The width of a *driveway* leading to any *parking area* must be a minimum three (3.0) metres for one-way traffic, and a minimum six (6.0) metres for two-way traffic.
- iii. Where a *use* is required to provide four (4) or more *parking spaces*, the *parking area* must have unobstructed access to any *parking aisle* leading to a *driveway*.
- iv. The minimum width prescribed for *parking aisles* is determined using Table 3.16.11 below.

The first column of the table lists the angle of entry to the *parking space* from the *parking aisle*. To determine the minimum *parking aisle* width, for the *parking aisle* leading to *parking spaces* with each angle, read across the table. The second column shows the minimum width required for the *parking aisle* associated with the angle of *parking space* in the first column.

|  |
|--|
| <b><u>Table 3.16.11: Parking Aisles:</u></b> |
|--|

| <b>Angle of <i>Parking Space</i></b> | <b>Minimum <i>Parking Aisle Width</i></b> |
|--------------------------------------|---|
| Up to and including 45°              | 4.6 metres                                |
| Over 45° up to and including 70°     | 5.2 metres                                |
| Over 70° up to and including 80°     | 6.1 metres                                |
| Over 80° up to and including 90°     | 6.7 metres                                |

### **3.17 LOADING REQUIREMENTS**

Where a *loading space* is required by this *By-law*, it must be provided and maintained on site in accordance with this Section 3.17.

#### **3.17.1 SIZE OF *LOADING SPACES***

Each *loading space* must be rectangular in shape, with a minimum width of three point seven (3.7) metres and a minimum length of nine (9.0) metres and a vertical clearance of four point three (4.3) metres.

#### **3.17.2 LOCATION OF *LOADING SPACES***

*Loading spaces* are not permitted within the *required front yard* or within the *required exterior side yard* of the *lot*.

No part of any *loading space* may be located on any *road allowance* or *lane*.

*Loading spaces* are not permitted to occupy any required *parking space*.

#### **3.17.3 ACCESS TO *LOADING SPACES***

An unobstructed ingress and egress of not less than six (6.0) metres in width to and from a *street* is required for each *loading space*.

Each *loading space* must be accessible from a *street* by means of *driveways*, manoeuvring aisles, or similar areas, no part of which may be used for the parking or temporary *storage* of *motor vehicles*.

### 3.17.4 LOADING SPACES REQUIRED

The minimum number of *loading spaces* required for particular *uses* is set out in Table 3.17.4.

The first column of the table lists *uses*. To determine the number of *loading spaces* that are required to accompany the *permitted use*, read across the table. The second column shows the number of *loading spaces* required.

3.1

| <b>Table 3.17.4: Loading Spaces Required</b>  |   |
|---|---|
| <b>Use</b>  | <b>Minimum Number of Loading Spaces</b>   |
| Apartment building containing 8 or more dwelling units  | One <i>loading space</i> , which must be adjacent to a loading area   |
| Retail stores and shopping centres with less than 500m <sup>2</sup> of gross floor area   | Zero <i>loading spaces</i>  |
| Retail stores and shopping centres with a gross floor area that is equal to or greater than 500m <sup>2</sup> , but less than 10,000m <sup>2</sup>                                  | One <i>loading space</i>  |
| Retail stores and shopping centres with a gross floor area that is equal to or greater than 10,000m <sup>2</sup>  | Two <i>loading spaces</i> , plus one additional <i>loading space</i> for every 10,000m <sup>2</sup> of gross floor area in excess of 10,000m <sup>2</sup> |
| Any building not otherwise set out in this Table with 500m <sup>2</sup> of gross floor area or less which contains a non-residential use  | Zero <i>loading spaces</i>  |
| Any building containing a non-residential use not otherwise set out in this Table with a gross floor area equal or greater than 500m <sup>2</sup> for the non-residential component | One <i>loading space</i>  |

Unless otherwise specified in this *By-law*, no person shall establish any of the *uses* set out in this Section 3.18 on property in any *zone*.

- i. Any *use* that is not specifically defined and listed in the table of *permitted uses* in a *zone* or is otherwise *permitted* by the General Provisions of this *By-*

*law is not permitted in that zone.*

- ii. The refining, *storage* or use in manufacturing of coal, oil, water oil, naphtha, benzene, dynamite, dualine, nitroglycerin, or gunpowder, is prohibited except where specifically *permitted* for *commercial* purposes. This provision does not apply to prevent the above ground *storage* of such substances by a farmer, where such *storage* is *accessory* to a *permitted agricultural use*. This provision does not apply to prevent the use of natural gas, propane or fuel oil for purposes such as heating and cooking, *accessory* to any *permitted use*.
- iii. The tanning or *storage* of uncured hides or skins is prohibited.
- iv. The boiling of blood, tripe, or bones for *commercial* purposes is prohibited.
- v. The manufacturing of glue or fertilizers from dead animals or from human or animal waste is prohibited.
- vi. A livestock yard, livestock exchange or dead stock yard is prohibited.
- vii. The extracting of oil from fish is prohibited.
- viii. Keeping or raising any livestock, exotic bird, reptile or wild animal, including tamed or domesticated wild animals, exotic birds or reptiles is prohibited on any residential *lot* or in any *building* or *structure* in a residential *zone*. This provision does not apply to prevent the keeping of up to three (3) of any type of household pet, such as dogs, cats, hamsters, rabbits, turtles, etc.
- ix. A junk-yard, *salvage yard*, *wrecking yard*, or the collection, *storage* or sale of junk, salvage, partially or completely dismantled *motor vehicles* or *trailers*, or parts of *motor vehicles* or *trailers* is prohibited.
- x. A track for the driving, racing or testing of any *motor vehicle* is prohibited.
- xi. Private disposal sites for solid waste are prohibited.
- xii. *Motor vehicles*, *recreational vehicles* and *trailers* are not permitted to be occupied as a permanent residence.
- xiii. The locating or *storage* on any land of any disused railroad car, street car body, truck body, *motor vehicle* body, or *trailer* without wheels, whether or not

- the same is situated on a foundation, is prohibited.
- xiv. *Outside storage* of road salt, road sand, or other de-icing materials at a scale or in a manner that could contaminate land or water is prohibited.
  - xv. *Adult entertainment establishments* are prohibited.
  - xvi. *Obnoxious uses* as defined in Section 2 are prohibited.

### 3.19 PUBLIC USES

The following regulations apply to *public uses*:

- i. Nothing in this *By-law* prevents land from being used as a *public street* or sidewalk or prevents the installation of *infrastructure* by a *public authority*, provided that the location of the *street*, sidewalk or *infrastructure* has been *approved* by Council.
- ii. *Public uses* are permitted in all *zones*, in accordance with the requirements of this Section, except that permitted *public uses* within Environmental Zones are limited to *infrastructure* authorized under an environmental assessment process and *municipal drains*, unless otherwise specified in this *By-law*.
- iii. No *outside storage accessory* to a *public use* is *permitted* unless it is specifically *permitted* in the applicable *zone*.
- iv. Nothing in this *By-law* prevents the *erection* or *use* of *buildings* and *structures* or *outside storage* for the *storage* of road maintenance materials within a public works yard owned or operated by a *public authority*.
- v. Any above-ground, utility or *public use* which is located in a Residential Zone must be located and maintained in general harmony with the residential *uses* permitted in the *zone*.

### 3.20 REQUIREMENTS FOR NEW LOTS

#### 3.20.1 GENERAL REQUIREMENTS

The regulations set out in this Section 3.20.1 apply to the creation of all new *lots*,

and to the *erection* of any *buildings* and *structures* in any *zone*.

- i. Except as otherwise provided in this *By-law*, no *building* or *structure* shall be *erected* or *altered* unless it is situated on a *lot*. No land may be used for any *permitted use* unless it comprises a *lot*. This provision does not apply to prevent the *use* of any parcel or tract of land for a permitted *agricultural use* not requiring any *buildings* or *structures* except a fence.
- ii. Where two or more *abutting lots* under one identical ownership are consolidated for the purpose of *development*, the *abutting lot lines* of the original *lots* shall not be construed to be *lot lines* for the purposes of applying the regulations of the applicable *zone*, provided that:
  - (a) all applicable regulations of this *By-law* relative to the consolidated *lot development* and its external *lot lines* are complied with; and
  - (b) a *site plan* agreement has been entered and registered prohibiting the sale of any one of the consolidated *lots*.
- iii. For land that is subject to an *approved* draft plan of condominium, and any required *site plan* approval, where registration of the plan is intended to occur in phases and/or stages, the lands to which the draft *approved* plan of condominium is to be located are deemed to be one *lot* for the purpose of applying the provisions of this *By-law*.

### 3.20.2 SERVICES REQUIRED

No *lot*, *building* or *structure* in any *zone* shall be occupied or used unless the required municipal services or *approved* private services as set out in the applicable *zone* are available to service the *lot*, *building* or *structures*.

## 3.21 SETBACK REQUIREMENTS

### 3.21.1 SETBACKS FROM PIPELINES

- i. TransCanada Pipelines
  - (a) Despite any other provisions of this *By-law*, no main *building* or

*structure* shall be located closer than seven (7) metres from the boundary of any land occupied by a TransCanada Pipeline.

- (b) Despite any other provisions of this *By-law*, no *accessory building* or *structure* shall be located closer than three (3) metres from the boundary of any land occupied by a TransCanada Pipeline.

ii. Enbridge Pipelines

Despite any other provisions of this *By-law*, no *building* or *structure* used for a *dwelling* or associated with a *dwelling* shall be located closer than three (3) metres from the boundary of any land occupied by an Enbridge Pipeline.

### 3.21.2 SETBACKS TO RAILWAYS

Despite any other provisions of this *By-law*, no *buildings* and/or *structures* used for a *dwelling*, *church*, *child care centre*, or *school* shall be located closer than thirty (30) metres from the boundary of any land occupied by a railway.

### 3.21.3 SETBACKS TO WATERCOURSES

Except as otherwise provided for *existing buildings* and *structures* in Sections 1.3.3 and 3.6 of this *By-law*, all principal *buildings* and *structures* and *dwellings* or other *buildings* or *structures* containing *dwelling units* or *habitable rooms* must be *setback* a minimum of fifteen (15) metres from the *top of bank* or high water mark of *municipal drains* and other *watercourses*.

## 3.22 SIGHTLINE REQUIREMENTS

Regulations for *sight triangles* are set out in this Section 3.22.

- i. *Sight triangles* shall be provided and maintained on all *corner lots* where no triangular or curved area of land has been incorporated into the *street*, and on *lots abutting* a railway where it intersects with a *street* at *grade*.
- ii. Within a required *sight triangle*, no *building* or *structure* or landscaping shall be greater than zero point eight (0.8) metres in *height* above the *average finished grade* at the *street line*.

- iii. *Sight triangles* shall have the minimum dimensions set out in with Table 3.22. The first column of the table lists types of intersections. To determine the minimum measurement along the intersecting *street lines* or property boundaries that are required to for the *sight triangle*, read across the table. The second column shows the dimensions required.

| <b>Intersection Type</b>  | <b><i>Sight Triangle</i> Dimension</b>   |
|---|--|
| <i>Streets</i> in Residential Zones   | 6 metres   |
| <i>Streets</i> in other Zones   | 7.5 metres   |
| <i>Streets</i> and railways   | In accordance with Transport Canada Guide for Determining Minimum Sightlines at <i>Grade Crossings</i> . |
| Any intersection involving a <i>street</i> owned by a <i>public authority</i> other than the <i>Corporation</i> | As per the requirements of the relevant <i>public authority</i>  |

### 3.23 SIGNS

Unless otherwise specified, the provisions of this *By-law* do not apply to prevent the *erection, alteration* or use of any sign.

### 3.24 SWIMMING POOLS AND HOT TUBS

- i. *Swimming pools*, and all associated equipment (including: pumps, filters, and heating equipment) are not *permitted* within any *front yard*, and shall be located as follows:
- a. *setback* a minimum of one point eight (1.8) metres from any *dwelling* on the same *lot*, measured to the water's edge;
  - b. *setback* a minimum of one point two (1.2) metres from any other *building* on the same *lot*, measured to the water's edge;
  - c. in a *Residential Zone*, *setback* a minimum of three (3) metres to an *exterior side lot line*, and one point two (1.2) metres to an *interior side lot line* and *rear lot line*;
  - d. in an *Agricultural Zone*, *setback* a minimum of twelve (12) metres to

an *exterior side lot line*, and two (2) metres to an *interior side lot line* or *rear lot line*;

- e. in any other *zone*, *setback* a minimum of four point five (4.5) metres to an *exterior side lot line*, and one point two (1.2) metres to an *interior side lot line* and *rear lot line*.
- ii. Hot tubs shall not be located in any *front yard* and shall be *setback* a minimum of one point two (1.2) metres to any *side lot line* or *rear lot line*, measured to the water's edge.
- iii. Every *swimming pool* and hot tub shall be enclosed and secured to prevent access without permission, and in accordance with *applicable law*.
- iv. The regulations of this Section do not apply to a *swimming pool* or hot tub owned by a *public authority*.

### 3.24.1 THROUGH LOTS

Where a lot, which is not a corner lot, has lot frontage on more than one (1) street, the setback and front yard requirements contained herein shall apply on each street or waterway in accordance with the provisions of the zone or zones in which such lot is located.

## 3.25 WASTE STORAGE ENCLOSURES

### 3.25.1 REQUIRED PRIVACY SCREEN

All outdoor *waste storage enclosures* in *zones* other than the RU, HI, EI and DI *Zones* require a *privacy fence* to screen views from adjacent *streets* and *lots*. All screening must be a minimum *height* that is equivalent to the *height* of the waste or recycling bin. The *privacy fence* may include a gate, constructed in a similar manner as the fence, located in front of an unobstructed access aisle.

### 3.25.2 REQUIRED ACCESS

An unobstructed access aisle with a minimum width of three (3.0) metres and a minimum vertical clearance of seven point five (7.5) metres is required for waste and recycling bins or containers. A gate in any privacy fence required by section

3.25.1 above does not constitute an “obstruction” for the purposes of this section 3.25.2.

### 3.25.3 LOCATION

Waste and recycling bins or containers are not *permitted* within a required *front yard*.

### 3.26 WAYSIDE PITS AND WAYSIDE QUARRIES

*Wayside pits* and *wayside quarries* are permitted in every zone except Residential zones. A *wayside pit* or *wayside quarry* shall not be located within one hundred (100) metres of a *lot line* or within thirty (30) metres of a *street*.

### 3.27 YARD ENCROACHMENTS AND PROJECTIONS

#### 3.27.1 PROJECTIONS INTO *REQUIRED YARD*

No part of any required yard shall be obstructed by a *building* or *structure*, except one or more of the following:

- i. sills, bay windows, chimneys, cornices, eaves, gutters, parapets and similar architectural features, projecting not more than zero point five (0.5) metres into a *required side yard*;
- ii. functional and ornamental *structures* including: drop awnings, clothes poles, flag poles, ornamental foundations, statues, monuments, planters, garden trellises, fences, boundary and retaining walls, hedgerows and signs;
- iii. uncovered terraces, stoops, *decks*, and exterior steps, where such a *structure* projects not more than two (2.0) metres into a required yard and there are no walls;
- iv. open *balconies* projecting not more than one point five (1.5) metres into a *required yard*.
- v. air conditioning units may encroach into a *required rear yard* but may not encroach into a *required front* or *side yard*.



## SECTION 4—ESTABLISHMENT OF ZONES

### 4.1 ZONES AND SYMBOLS

Table 4.1 sets out the *zones* assigned to lands within Oliver Paipoonge, as indicated on the Schedules, and as referenced throughout the text of this *By-law*. The first column of the table lists the symbol used to describe a particular *zone*. The title of the particular *zone* is shown in the second column of the table, reading across from the symbol. For ease of reference, colour coding is included in the first column, which matches the colours used in the Schedules to this *By-law* for the *zone* in question.

| <b>Symbol</b> | <b>Zone</b>                     |
|---------------|---------------------------------|
| A             | Significant Agriculture         |
| AG            | General Agriculture             |
| RU            | Rural                           |
| RR            | Rural Residential               |
| R1            | Low Density Residential         |
| R2            | High Density Residential        |
| RM            | Multi-Unit Residential          |
| MHR           | Mobile Home Residential         |
| I             | Institutional                   |
| GC            | General <i>Commercial</i>       |
| NC            | Neighbourhood <i>Commercial</i> |
| TC            | Tourist <i>Commercial</i>       |
| MR            | Mixed Use Recreation            |
| LI            | Light Industrial                |
| HI            | Heavy Industrial                |
| EI            | Extractive Industrial           |
| DI            | Disposal Industrial             |
| OS            | Open Space                      |
| E             | Environmental Overlay Area      |

## 4.2 MULTIPLE USES AND MULTIPLE ZONES

The regulations in this Section 4.2 apply to *lots* used for multiple *uses* or for *lots* which are assigned more than one *zone*.

- a. Despite any other provisions of this *By-law*, where any land, *building* or *structure* is used for more than one purpose:
  - i. all provisions of this *By-law* relating to each *use* must be complied with;
  - ii. no *dwelling* shall be located within three (3) metres of any other *building* on the *lot* (except a *building* accessory to the *dwelling*);
  - iii. subclause (ii) does not apply to *permitted accessory dwellings* within a *building* containing a *permitted non-residential use*.
  
- b. Where a *lot* is located in more than one *zone*, the following provisions apply.
  - i. Each portion of the *lot* shall be subject to the *permitted uses* and regulations of the *zone* assigned to that portion of the *lot*, except that:
    - (a) the *lot area* and *lot frontage* shall be determined for the entire *lot*, and
    - (b) the largest minimum *lot area* and minimum *lot frontage* requirements of the applicable *zones* is the one which must be complied with.
  
  - ii. Neither a *zone* boundary or *Environmental Overlay* dividing a *lot* into two or more *zones* or areas is deemed to be a *lot line* for the purposes of this *By-law*.

## SECTION 5— AGRICULTURE ZONE

### 5.1 AGRICULTURE ZONE PERMITTED USES

No person shall, within any Significant Agriculture (A) Zone or General Agriculture (AG) Zone use any *lot* or *erect*, *alter* or use any *building* or *structure* for any purpose except in accordance with Table 5.1.

Notwithstanding the provisions of this By-law pertaining to a maximum size of accessory structures, nothing in this By-law shall restrict the size of barns, greenhouses, and/or other agricultural structures within the Agriculture Zones.

The first column of Table 5.1 lists *uses*. The second column of Table 5.1 is further subdivided into two columns, one for each of the Significant Agriculture (A) Zone and the General Agriculture (AG) Zone. All of the *uses* listed in the first column are *permitted uses* in the General Agriculture (AG) zone. To determine whether a *use* in Table 5.1 is *permitted* in the Significant Agriculture (A) Zone, read across the table from the *use*. If the first subdivided column of the second column in the table contains colouring and the symbol for the Significant Agriculture (A) Zone, then the *use* is permitted in that *zone*. Where the first subdivided column of the second column of the table is blank, the *use* is not *permitted* in the Significant Agriculture (A) Zone.

| Use   | Zones                            |                               |
|---|----------------------------------|-------------------------------|
|   | Significant Agriculture (A) Zone | General Agriculture (AG) Zone |
| <i>Accessory farm dwelling</i>              | A                                | AG                            |
| <i>Agricultural use</i>                     | A                                | AG                            |
| <i>Agriculture-related uses</i>             |                                  | AG                            |
| Bee-keeping operation                       |                                  | AG                            |
| <i>Dwelling, accessory</i>                  | A                                | AG                            |
| <i>Dwelling, single-detached dwelling</i>   | A                                | AG                            |
| <i>Forestry</i>                             | A                                | AG                            |
| Hobby farm                                  |                                  | AG                            |
| Home industry                               | A                                | AG                            |
| Home occupation                             | A                                | AG                            |
| Livestock rest facility                     |                                  | AG                            |
| <i>Marijuana grow facility</i>              |                                  | AG                            |
| Storage, Pre-fabricated shipping containers | A                                | AG                            |

|   |   |    |
|---|---|----|
| Stables, riding academies, kennels, boarding and breeding |   | AG |
| Watershed Management and conservation uses                | A | AG |

## 5.2 SIGNIFICANT AGRICULTURE (A) ZONE

### 5.2.1 REGULATIONS FOR THE SIGNIFICANT AGRICULTURE (A) ZONE

No person shall, within any Significant Agriculture (A) Zone *erect, alter* or use any *building or structure* except in accordance with the regulations in Table 5.2.1.

The first column of Table 5.2.1 lists a regulated item. The second column of Table 5.2.1 shows the measurement assigned to the regulated item adjacent to it in the first column, in metric units. The third column of Table 5.2.1 shows the measurement assigned to the regulated item across from it in the first column, in Imperial units.

| Regulated item   | Measurement in Metric | Measurement in Imperial |
|--|-----------------------|-------------------------|
| Minimum <i>Lot Area</i>                                      | 25 hectares           | 61.78 acres             |
| Minimum <i>Lot Frontage</i>                                  | 300 metres            | 984.25 feet             |
| Minimum <i>Front Yard</i>                                    | 15 metres             | 49.21 feet              |
| Minimum <i>Side Yard</i>                                     | 15 metres             | 49.21 feet              |
| Minimum <i>Rear Yard</i>                                     | 15 metres             | 49.21 feet              |
| <i>Single Detached Dwelling</i><br>Minimum <i>Floor area</i> | 70 square metres      | 753.47 square feet      |

### 5.2.2 SITE-SPECIFIC PROVISIONS

#### 5.2.2.1 134 CANDY MOUNTAIN DRIVE (Originally By-law 0183-01)

Despite the provisions of Section 5.2.1, the regulations set out in this Section 5.2.2.1 apply to property with municipal address 134 Candy Mountain Drive.

- i. The *required front yard* measurement is eleven (11) metres (which is thirty-six point zero nine (36.09) feet).
- ii. The minimum *floor area* of a *single detached dwelling* is fifty-two (52) square metres (which is five hundred sixty (560) square feet).

Where no alternate regulation is set out in this Section, the provisions of 5.2.1 apply.

The zone symbol for this site specific provision is A-001.

**5.2.2.2 785 - 801 BARRIE DRIVE (By-law 0242-02)**

Despite the provisions of Section 5.2.1, the minimum *lot area* for a *single detached dwelling* at the property with municipal address 785-801 Barrie Drive, is zero point eight (0.8) hectares (which is one point nine eight (1.98) acres).

Where no alternate regulation is set out in this Section, the provisions of 5.2.1 apply.

The zone symbol for this site-specific provision is A-002.

**5.2.2.3 718 Boundary Drive (By-law 09-2020)**

Notwithstanding the permitted uses expressed in Section 5.2.1, the permitted uses for the subject lands, Accessory Farm Dwelling, Dwelling, Single Detached Dwelling, Home Industry, Home Occupation, shall not be considered permitted uses.

The zone symbol for this site-specific provision is A-003.

**5.2.2.4 Monteith Road (By-law 54-2020)**

Notwithstanding the permitted uses expressed in Section 5.2.1, the permitted uses for the subject lands, Accessory Farm Dwelling, Dwelling, Single Detached Dwelling, Home Industry, Home Occupation, shall not be considered permitted uses.

The zone symbol for this site-specific provision is A-004.

**5.2.2.5 423 McCluskey Drive (By-law 53-2021)**

Notwithstanding the permitted uses expressed in Section 5.2.1, the permitted uses for the subject lands, Accessory Farm Dwelling, Dwelling, Single Detached Dwelling, Home Industry, Home Occupation, shall not be considered permitted uses.

The zone symbol for this site-specific provision is A-005.

**5.2.2.6 347 Candy Mountain Drive (By-law 67-2021)**

Notwithstanding the permitted uses expressed in Section 5.2.1, the permitted uses for the subject lands, Accessory Farm Dwelling, Dwelling, Single Detached Dwelling, Home Industry, Home Occupation, shall not be considered permitted uses.

The zone symbol for this site-specific provision is A-006.

**5.3 GENERAL AGRICULTURE (AG) ZONE**

**5.3.1 REGULATIONS FOR THE GENERAL AGRICULTURE (AG) ZONE**

No person shall, within any General Agriculture (AG) Zone *erect, alter* or use any *building or structure* except in accordance with the regulations in Table 5.3.1.

The first column of Table 5.3.1 lists a regulated item. The second column of Table 5.3.1 shows the minimum measurement assigned to the regulated item adjacent to it in the first column, in metric units. The third column of Table 5.3.1 shows the measurement assigned to the regulated item across from it in the first column, in Imperial units.

| <b>Regulated Item</b>  | <b>Measurement in Metric</b> | <b>Measurement in Metric</b> |
|--|------------------------------|------------------------------|
| Minimum <i>Lot Area</i>                                      | 4 hectares                   | 9.88 acres                   |
| Minimum <i>Lot Frontage</i>                                  | 90 metres                    | 295.28 feet                  |
| Minimum <i>Front Yard</i>                                    | 15 metres                    | 49.21 feet                   |
| Minimum <i>Side Yard</i>                                     | 15 metres                    | 49.21 feet                   |
| Minimum <i>Rear Yard</i>                                     | 15 metres                    | 49.21 feet                   |
| Single Detached <i>Dwelling</i><br>Minimum <i>Floor area</i> | 70 square metres             | 753.47 square feet           |

**5.3.2 OTHER PROVISIONS**

- i. The total number of *dwelling units* on *commercial* farm operations shall not exceed three (3).
- ii. An *accessory farm dwelling* shall be located on the same *lot* as the main farm residence, and not more than four hundred (400) metres from the main farm residence.

- iii. A *mobile home dwelling* may be used as an *accessory farm dwelling* subject to a permit being issued by the Chief *Building Official* for a temporary *building*. A *mobile home dwelling* used as an *accessory farm dwelling* shall have unity of construction and a minimum *floor area* of sixty (60) square metres.
- iv. *Alterations to mobile home dwellings* may be *permitted* provided that additions are immediately adjacent to the entrances to the main unit and do not, in the aggregate, exceed a maximum *floor area* of ten (10) square metres.
- v. Animal Units and Lot Sizes

In the A and AG Zones, three (3) animal units are *permitted* per hectare of *lot area*. Table 5.3.2 below sets out what an “animal unit” means for each type of animal.

The first column of Table 5.3.2 lists a type of livestock or poultry. The second column of Table 5.3.2 indicates the number of animals of the type adjacent in the first column, make up one “animal unit” for the purposes of this Section.

**Table 5.3.2: Animal Units**

| <b><u>Type of Livestock or Poultry</u></b>   | <b><u>No. of Animal Units</u></b> |
|--|-----------------------------------|
| <ul style="list-style-type: none"> <li>• Beehives</li> </ul>   | 0.5                               |
| <ul style="list-style-type: none"> <li>• Dairy cow (with or without one calf which is not weaned);</li> <li>• Beef cow (with or without one calf which is not weaned);</li> <li>• Bull;</li> <li>• Horse, pony (including miniature horse);</li> <li>• Alpaca;</li> <li>• Bison; or</li> <li>• Any other similar sized animal</li> </ul> | 1                                 |
| <ul style="list-style-type: none"> <li>• Sheep;</li> <li>• Sow (with or without a litter of piglets which are not weaned);</li> <li>• Goat;</li> <li>• Any other similar sized animal</li> </ul>   | 4                                 |
| <ul style="list-style-type: none"> <li>• Geese;</li> <li>• Ducks;</li> <li>• Turkeys;</li> </ul>   | 60                                |

|  |  |
|--|--|
| <ul style="list-style-type: none"><li>• Or a combination of any of the above fowl;</li><li>• Rabbits;</li><li>• Pigeons</li><li>• Any other similar sized animal</li></ul> |  |
|--|--|

### 5.3.3 SITE-SPECIFIC PROVISIONS

#### 5.3.3.1 4363 OLIVER ROAD (By-law 0207-2001)

Despite the provisions of Section 5.3.1, a minimum *lot frontage* of zero (0) metres is *permitted* on property with municipal address 4363 Oliver Road.

Where no alternate regulation is set out in this Section, the provisions of 5.3.1 apply.

The zone symbol for this site specific provision is AG-001.

#### 5.3.3.2 273 Everett Drive (By-law 44 -2020)

Notwithstanding the permitted uses expressed in Section 5.3.1, Assembly Hall use is permitted on the property with municipal address 273 Everett Drive.

The zone symbol for this site-specific provision is AG-002.

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## SECTION 6 — RURAL ZONE

### 6.1 RURAL ZONE PERMITTED USES

No person shall, within any Rural (RU) Zone use any *lot* or *erect, alter* or use any *building* or *structure* for any purpose except in accordance with Table 6.1.

All of the *uses* listed in the first column of Table 6.1 are permitted uses in the Rural Zone.

| <b>Table 6.1: Permitted Uses in the Rural (RU) Zone</b>         |             |
|---|-------------|
| <b>Use</b>  | <b>Zone</b> |
| <i>Agricultural use</i> (in accordance with Section 5.3.2)      | RU          |
| Agriculture-related use   | RU          |
| <i>Conservation uses</i> and watershed management               | RU          |
| <i>Single Detached Dwelling</i>                                 | RU          |
| <i>Accessory Dwelling</i>                                       | RU          |
| <i>Accessory Farm Dwelling</i>                                  | RU          |
| Electrical generation (renewable or otherwise) and distribution | RU          |
| <i>Forestry</i>   | RU          |
| Home industry   | RU          |
| Home occupation   | RU          |
| Mining  | RU          |
| <i>Stables</i> and riding academies                             | RU          |
| Storage, Pre-fabricated shipping container                      | RU          |
| <i>Kennels</i>  | RU          |

## 6.2 RURAL ZONE REGULATIONS

### 6.2.1 ZONE PROVISIONS

No person shall, within any Rural (RU) Zone *erect, alter* or use any *building* or *structure* except in accordance with the regulations in Table 6.2.1.

The first column of Table 6.2.1 lists a regulated item. The second column of Table 6.2.1 shows the measurement assigned to the regulated item adjacent to it in the first column, in metric units. The third column of Table 6.2.1 shows the measurement assigned to the regulated item across from it in the first column, in Imperial units.

Table 6.2.1 does not apply to primary *dwelling*s or home occupations. These are governed by Table 6.2.2

|  |                  |                 |
|--|------------------|-----------------|
| Minimum <i>Lot Area</i>  | 4 hectares       | 9.88 acres      |
| Minimum <i>Lot Frontage</i>  | 90 metres        | 295.28 feet     |
| Minimum <i>Front Yard</i>  | 15 metres        | 49.21 feet      |
| Minimum <i>Side Yard</i> for any <i>building</i> used to shelter animals | 30 metres        | 98.43 feet      |
| Minimum <i>Side Yard</i> for all other cases                             | 7.5 metres       | 24.60 feet      |
| Minimum <i>Rear Yard</i>   | 15 metres        | 49.21 feet      |
| Maximum <i>Height</i>  | 10 metres        | 32.81 feet      |
| Maximum <i>Lot Coverage</i>  | 10%              | 10%             |
| Minimum <i>Dwelling Floor area</i>                                       | 80 square metres | 861 square feet |

### 6.2.2 PROVISIONS FOR PRIMARY *DWELLINGS* AND HOME OCCUPATIONS IN THE RURAL (RU) ZONE

No person shall, within any Rural (RU) Zone *erect, alter* or use any *building* or *structure* as a primary *dwelling* or for a home occupation except in accordance with the regulations in Table 6.2.2.

The first column of Table 6.2.2 lists a regulated item. The second column of Table 6.2.2 shows the minimum measurement assigned to the regulated item adjacent to it in the first column, in metric units where it involves a primary *dwelling* or a home occupation. The third column of Table 6.2.2 shows the measurement assigned to the regulated item across from it in the first column, in Imperial units.

| <b>Table 6.2.2: Regulations for Primary Dwellings and Home Occupations in the Rural (RU) Zone</b> |                  |                 |
|---|------------------|-----------------|
| Minimum Lot Area  | 2 hectares       | 4.94 acres      |
| Minimum Lot Frontage  | 60 metres        | 196.85 feet     |
| Minimum Lot Depth   | 100 metres       | 328.08 feet     |
| Minimum Front Yard  | 15 metres        | 49.21 feet      |
| Minimum Side Yard   | 7.5 metres       | 24.60 feet      |
| Minimum Rear Yard   | 15 metres        | 49.21 feet      |
| Maximum Height  | 10 metres        | 32.81 feet      |
| Minimum Dwelling Floor area   | 80 square metres | 861 square feet |

### 6.2.3 SITE-SPECIFIC PROVISIONS

#### 6.2.3.1 961 CANDY MOUNTAIN DRIVE (By-law 379-05)

Despite the provisions of Section 6.1, the *existing mobile home dwelling* is a *permitted use* provided it is not re-located on the *lot*, at property with municipal address 961 Candy Mountain Drive. The provisions of Section 6.2.2 shall apply to this *mobile home dwelling*.

The zone symbol for this site specific provision is RU-001.

This provision was originally enacted through By-law 379-05. A copy of that By-law is included as Appendix One to this *By-law*.

#### 6.2.3.2 RIVER ROAD (By-law 486-2008)

Despite the provisions of Section 6.1, the definition of *forestry* as it affects the portion of the *lot* includes the preparation and construction of panels for log homes.

All of the other provisions of Sections 6.2.1 and 6.2.2 apply.

The zone symbol for this site specific provision is RU-002.

This provision was originally enacted through By-law 486-2008. A copy of that By-law is included as Appendix Two to this *By-law*.

#### 6.2.3.3 3530 ROSSLYN ROAD (By-law 745-2013)

Despite the provisions of Section 6.1, no *agriculture uses, agriculture-related uses,*

*stables or kennels* are *permitted* on the property with municipal address 3530 Rosslyn Road. These limitations are intended to implement the policies of the Lakehead Source Water Protection Plan.

The zone symbol for this site specific provision is RU-003.

This provision was originally enacted through By-law 745-2013. A copy of that By-law is included as Appendix Three to this *By-law*.

**6.2.3.4 5272 OLIVER ROAD**

Despite the provisions of Section 6.1, the lands shall have *flying club* added to the list of permitted uses. The lands shall also have *dwelling, single detached* and *dwelling, accessory to a use listed* deleted from the list of permitted uses.

The zone symbol for this site specific provision is RU-004.

**6.2.3.5 39 Wing Road (By-law 86-2021)**

Despite the provisions of Section 3.1.2, the maximum height of the accessory garage shall be 7.55 metres.

The zone symbol for this site-specific provision is RU-005.

## SECTION 7 – RESIDENTIAL ZONE

### 7.1 RESIDENTIAL ZONE PERMITTED USES

No person shall within any Rural Residential (RR), Low Density Residential (R1), High Density Residential (R2), Multi-Unit Residential (RM), or Mobile Home Residential (MHR) Zone use any *lot* or *erect, alter* or use any *building* or *structure* for any purpose except in accordance with Table 7.1.

The first column of Table 7.1 lists *uses*. The second column of Table 7.1 is further subdivided into five columns, one for each of the types of residential *zones* described in this By-law. To determine whether a *use* in Table 7.1 is *permitted* in the Rural Residential (RR) Zone, read across the table from the *use*. If the first subdivided column of the second column in the table contains colouring and the symbol for the Rural Residential (RR) Zone, then the *use* is permitted in that *zone*. Where the first subdivided column of second column of the table is blank, the *use* is not *permitted* in the Rural Residential (RR) Zone.

To determine whether a *use* in Table 7.1 is *permitted* in the Low Density Residential (R1) Zone, read across the table from the *use*. If the second subdivided column of the second column in the table contains colouring and the symbol for the Low Density Residential (R1) Zone, then the *use* is permitted in that *zone*. Where the second subdivided column of second column of the table is blank, the *use* is not *permitted* in the Low Density Residential (R1) Zone.

To determine whether a *use* in Table 7.1 is *permitted* in the High Density Residential (R2) Zone, read across the table from the *use*. If the third subdivided column of the second column in the table contains colouring and the symbol for the High Density Residential (R2) Zone, then the *use* is permitted in that *zone*. Where the third subdivided column of second column of the table is blank, the *use* is not *permitted* in the High Density Residential (R2) Zone.

To determine whether a *use* in Table 7.1 is *permitted* in the Multi-Unit Residential (RM) Zone, read across the table from the *use*. If the fourth subdivided column of the second column in the table contains colouring and the symbol for the Multi-Unit Residential (RM) Zone, then the *use* is permitted in that *zone*. Where the fourth subdivided column of second column of the table is blank, the *use* is not *permitted* in Multi-Unit Residential (RM) Zone.

To determine whether a *use* in Table 7.1 is *permitted* in the Mobile Home Residential (MHR) Zone, read across the table from the *use*. If the fifth subdivided column of the second column in the table contains colouring and the symbol for the Mobile Home Residential (MHR) Zone, then the *use* is permitted in that *zone*. Where the fifth subdivided column of second column of the table is blank, the *use* is not *permitted* in Mobile Home Residential (MHR) Zone.

| <b>Table 7.1: Permitted Uses in the Residential Zones</b> |              |    |    |    |     |
|---|--------------|----|----|----|-----|
| <b>Use</b>  | <b>Zones</b> |    |    |    |     |
| <i>Single Detached Dwelling</i>                           | RR           | R1 |    |    |     |
| <i>Semi-Detached Dwelling</i>                             |              | R1 | R2 |    |     |
| <i>Dwelling, accessory</i>                                | RR           | R1 | R2 |    |     |
| <i>Duplex Dwelling</i>                                    |              |    | R2 |    |     |
| <i>Triplex Dwelling</i>                                   |              |    | R2 |    |     |
| <i>Fourplex Dwelling</i>                                  |              |    | R2 |    |     |
| <i>Townhouse (Stacked, Back-to-Back, or Street)</i>       |              |    | R2 |    |     |
| <i>Development on a Private Street</i>                    |              | R1 | R2 |    | MHR |
| <i>Single wide mobile home dwelling</i>                   |              |    |    |    | MHR |
| <i>Mobile Home Park</i>                                   |              |    |    |    | MHR |
| <i>Apartment building</i>                                 |              |    |    | RM |     |
| <i>Long-Term Care Facility</i>                            |              |    | R2 | RM |     |
| <i>Retirement Residence</i>                               |              |    | R2 | RM |     |
| <i>Boarding house</i>                                     |              |    | R2 | RM |     |
| <i>Home Occupation</i>                                    | RR           | R1 |    |    |     |
| <i>Home Industry</i>                                      | RR           | R1 |    |    |     |

## 7.2 RURAL RESIDENTIAL (RR) ZONE

### 7.2.1 ZONE REGULATIONS

No person shall, within any Rural Residential (RR) Zone *erect, alter* or use any *building* or *structure* except in accordance with the regulations in Table 7.2.1.

The first column of Table 7.2.1 lists a regulated item. The second column of Table 7.2.1 shows the measurement assigned to the regulated item adjacent to it in the first column, in metric units. The third column of Table 7.2.1 shows the measurement assigned to the regulated item across from it in the first column, in Imperial units.

|  |                  |                    |
|--|------------------|--------------------|
| Minimum <i>Lot Area</i>                                      | 2 hectares       | 4.94 acres         |
| Minimum <i>Lot Frontage</i>                                  | 60 metres        | 196.85 feet        |
| Minimum <i>Front Yard</i>                                    | 15 metres        | 49.21 feet         |
| Minimum <i>Side Yard</i>                                     | 7.5 metres       | 24.61 feet         |
| Minimum <i>Rear Yard</i>                                     | 15 metres        | 49.21 feet         |
| Maximum <i>Height</i>  | 10 metres        | 32.81 feet         |
| <i>Single Detached Dwelling</i><br>Minimum <i>Floor area</i> | 70 square metres | 753.47 square feet |

### 7.2.2 SITE-SPECIFIC PROVISIONS

#### 7.2.2.1 179 INTOLA ROAD (By-law 317-2004)

Despite Section 7.1, a portable saw mill as a part of a home industry which is located outside of an *accessory building* is *permitted* on a portion of the property with municipal address 179 Intola Road.

Despite the provisions of Section 7.2.1, the property is subject to the following regulations:

- i. The minimum *front yard* for the portable saw mill is one hundred twenty (120) metres (which is three hundred ninety-three point seven (393.7) feet).
- ii. The minimum *side yard* for the portable saw mill is one hundred five (105) metres (which is three hundred forty-four point four nine (344.49) feet).
- iii. The minimum *rear yard* for the portable saw mill is one hundred (100)

metres (which is three hundred 328.08 feet)

All of the other provisions of Sections 7.2.1 apply.

The zone symbol for this site specific provision is RR-001.

This provision was originally enacted through By-law 317-2004. A copy of that By-law is included as Appendix Four to this *By-law*.

#### **7.2.2.2 710 NICHOLETTS ROAD (By-law 498-2008)**

Despite the provisions of Section 7.2.1, the minimum *side yard setback* for an attached *single-vehicle private garage* at property with municipal address 710 Nicholetts Road is three (3.0) metres.

All of the other provisions of Sections 7.2.1 apply.

The zone symbol for this site specific provision is RR-002.

This provision was originally enacted through By-law 498-2008. A copy of that By-law is included as Appendix Five to this *By-law*.

#### **7.2.2.3 10130 JOHN STREET ROAD (By-law 847-2015)**

Despite the provisions of Section 7.1, a *greenhouse* is a *permitted use* on property with municipal address 10130 John Street Road.

All of the other provisions of Sections 7.1 apply.

The zone symbol for this site specific provision is RR-003.

This provision was originally enacted through By-law 847-2015. A copy of that By-law is included as Appendix Six to this *By-law*.

#### **7.2.2.4 552 POLELINE ROAD (from previous By-law)**

Despite the provisions of Section 7.1, on the property with municipal address 552 Poleline Road, legally described as:

The south half of *Lot 6*, Concession 1, geographic Township of Oliver, now in the

Municipality of Oliver Paipoonge,

and located on the corner of Point DeMeuron Road and Poleline Road, an equipment repair shop, *contractor's yard* and equipment rental operation are permitted.

All of the other provisions of Sections 7.1 apply.

The zone symbol for this site specific provision is RR-004.

This provision was originally enacted through a By-law included as Appendix Seven to this *By-law*.

### 7.3 LOW DENSITY RESIDENTIAL (R1) ZONE

#### 7.3.1 ZONE REGULATIONS

No person shall, within any Low Density Residential (R1) Zone *erect, alter* or use any *building or structure* except in accordance with the regulations in Table 7.3.1.

The first column of Table 7.3.1 lists a regulated item. The second column of Table 7.3.1 shows the measurement assigned to the regulated item adjacent to it in the first column, in metric units. The third column of Table 7.3.1 shows the measurement assigned to the regulated item across from it in the first column, in Imperial units.

|  |                  |                    |
|--|------------------|--------------------|
| Minimum <i>Lot Area</i>                                      | 1 hectare        | 2.47 acres         |
| Minimum <i>Lot Frontage</i>                                  | 30 metres        | 98.43 feet         |
| Minimum <i>Front Yard</i>                                    | 6 metres         | 19.69 feet         |
| Minimum <i>Interior Side Yard</i>                            | 2 metres         | 6.56 feet          |
| Minimum <i>Exterior Side Yard</i>                            | 6 metres         | 19.69 feet         |
| Minimum <i>Rear Yard</i>                                     | 6 metres         | 19.69 feet         |
| Maximum <i>Height</i>  | 10 metres        | 32.81 feet         |
| <i>Single Detached Dwelling</i><br>Minimum <i>Floor area</i> | 70 square metres | 753.47 square feet |

#### 7.3.2 SITE-SPECIFIC PROVISIONS

##### 7.3.2.1 ROSSDALE STREET (By-law 214-2002)

Despite the provisions of Section 7.3.1, for property identified legally as:

Part of Lot 9, Concession 1, N.K.R. in the former Township of Paipoonge, now in the Municipality of Oliver Paipoonge, described as the easterly 45.72 meters of Part 5 on Reference Plan of Survey Number 55R-6609,

a minimum *lot area* of zero point two zero three eight (0.2038) hectares is *permitted*; and

a maximum *floor area* of one hundred five (105) square metres is *permitted* in a *dwelling* with a maximum of three (3) bedrooms and a maximum of two (2) bathrooms.

The zone symbol for this site specific provision is R1-001.

This provision was originally enacted through By-law 214-2002. A copy of that By-law is included as Appendix Eight to this *By-law*.

#### **7.3.2.2 3336 ROSSLYN ROAD (By-law 337-2004)**

Despite the provisions of Section 7.3.1, a minimum *lot area* of three thousand four hundred and eighty (3480) square metres, and a minimum *lot frontage* of twenty-nine (29) metres (which is ninety five point one four (95.14) feet) is *permitted* on property with municipal address 3336 Rosslyn Road.

All of the other regulations in Section 7.3.1 continue to apply.

The zone symbol for this site specific provision is R1-002.

This provision was originally enacted through By-law 337-2004. A copy of that By-law is included as Appendix Nine to this *By-law*.

## **7.4 HIGH DENSITY RESIDENTIAL (R2) ZONE**

### **7.4.1 ZONE REGULATIONS**

No person shall, within any High Density Residential (R2) Zone *erect, alter* or use any *building or structure* except in accordance with the regulations in Table 7.4.1.

The first column of Table 7.4.1 lists a regulated item. The second column of Table 7.4.1 shows the measurement assigned to the regulated item adjacent to it in the first column,

in metric units. The third column of Table 7.4.1 shows the measurement assigned to the regulated item across from it in the first column, in Imperial units.

|   |                  |                    |
|---|------------------|--------------------|
| Minimum <i>Lot Area</i>   | 1 hectare        | 2.47 acres         |
| Minimum <i>Lot Frontage</i>                                     | 8.5 metres       | 27.89 feet         |
| Minimum <i>Front Yard</i>                                       | 6 metres         | 19.69 feet         |
| Minimum <i>Interior Side Yard</i>                               | 2 metres         | 6.56 feet          |
| Minimum <i>Exterior Side Yard</i>                               | 6 metres         | 19.69 feet         |
| Minimum <i>Rear Yard</i>  | 6 metres         | 19.69 feet         |
| Maximum <i>Height</i>   | 10 metres        | 32.81 feet         |
| Minimum <i>Dwelling Floor area</i>                              | 70 square metres | 753.47 square feet |
| Minimum Distance Between End<br><i>Townhouse Dwelling units</i> | 3 metres         | 9.84 feet          |

## 7.5 MULTI – UNIT RESIDENTIAL (RM) ZONE

### 7.5.1 ZONE REGULATIONS

No person shall, within any Multi-Unit Residential (RM) Zone *erect, alter* or use any *building or structure* except in accordance with the regulations in Table 7.5.1.

The first column of Table 7.5.1 lists a regulated item. The second column of Table 7.5.1 shows the measurement assigned to the regulated item adjacent to it in the first column, in metric units. The third column of Table 7.5.1 shows the measurement assigned to the regulated item across from it in the first column, in Imperial units.

|                             |   |   |
|-----------------------------|---|---|
| Minimum <i>Lot Area</i>     | 1 hectare   | 2.47 acres  |
| Minimum <i>Lot Frontage</i> | 45 metres   | 147.64 feet   |
| Minimum <i>Lot Depth</i>    | 60 metres   | 196.85 feet   |
| Minimum <i>Front Yard</i>   | 6 metres or half the <i>height</i> of the <i>building</i> , whichever is greater. | 19.69 feet or half the <i>height</i> of the <i>building</i> , whichever is greater. |
| Minimum <i>Side Yard</i>    | 6 metres or half the <i>height</i> of the <i>building</i> , whichever is greater. | 19.69 feet or half the <i>height</i> of the <i>building</i> , whichever is greater. |
| Minimum <i>Rear Yard</i>    | 6 metres or half the <i>height</i> of the <i>building</i> , whichever is greater. | 19.69 feet or half the <i>height</i> of the <i>building</i> , whichever is greater. |

|                                      |   |   |
|--------------------------------------|---|---|
| Maximum <i>Height</i>                | 12 metres                                 | 39.37 feet                                  |
| Minimum <i>Floor area</i>            | 50 square metres per <i>dwelling unit</i> | 538.20 square feet per <i>dwelling unit</i> |
| Maximum Density                      | 30 <i>dwelling units</i> per hectare      | 12 <i>dwelling units</i> per acre           |
| Maximum <i>Lot Coverage</i>          | 40%                                       | 40%   |
| Minimum <i>Landscaped Open Space</i> | 25%                                       | 25%   |

No part of any *parking area*, apart from a *driveway*, is *permitted* in any *front yard*, *exterior side yard* or within one (1.0) metre of any *lot line*.

*Structures* used in the lighting of *yards* and *parking areas* are *permitted* in any *yard*.

## 7.6 MOBILE HOME RESIDENTIAL (MHR) ZONE

### 7.6.1 ZONE REGULATIONS

No person shall, within any Mobile Home Residential (R2) Zone *erect*, *alter* or use any *building* or *structure* except in accordance with the regulations in Table 7.6.1.

The first column of Table 7.6.1 lists a regulated item. The second column of Table 7.6.1 shows the measurement assigned to the regulated item adjacent to it in the first column, in metric units. The third column of Table 7.6.1 shows the measurement assigned to the regulated item across from it in the first column, in Imperial units.

|                             |            |             |
|-----------------------------|------------|-------------|
| Minimum <i>Lot Size</i>     | 3 hectares | 7.41 acres  |
| Minimum <i>Lot Frontage</i> | 170 metres | 557.74 feet |
| Minimum <i>Lot Depth</i>    | 150 metres | 492.13 feet |
| Minimum <i>Front Yard</i>   | 30 metres  | 98.43 feet  |
| Minimum <i>Side Yard</i>    | 15 metres  | 49.21 feet  |
| Minimum <i>Rear Yard</i>    | 40 metres  | 131.23 feet |

In addition to the provisions of Section 7, the provisions in Table 7.6.1.1 apply to a *permitted use* within a *mobile home park*. Each *mobile home site* shall be considered a separate *lot* for the purpose of determining *setbacks*.

|   |                   |                     |
|---|-------------------|---------------------|
| Minimum <i>Mobile Home Site Size</i>  | 540 square metres | 5,812.5 square feet |
| Minimum <i>Mobile Home Site Frontage</i>                                      | 15 metres         | 49.21 feet          |
| Minimum <i>Mobile Home Site Depth</i>   | 30 metres         | 98.43 feet          |
| Minimum <i>Mobile Home Site Front Yard</i>                                    | 6 metres          | 19.69 feet          |
| Minimum <i>Mobile Home Site Side Yard</i>                                     | 1.5 metres        | 4.92 feet           |
| Minimum <i>Mobile Home Site Rear Yard</i>                                     | 6 metres          | 19.69 feet          |
| Maximum <i>Height</i>   | 4.5 metres        | 14.76 feet          |
| Minimum Distance Between <i>Mobile Home Dwellings</i>                         | 9 metres          | 29.53 feet          |
| Minimum Distance Between <i>Mobile Home Dwellings and Accessory Buildings</i> | 3 metres          | 9.84 feet           |

## 7.7 OTHER PROVISIONS

### 7.7.1 COMMUNAL WATER SUPPLY SYSTEM

*Communal water supply systems are permitted within the R2, RM and MHR Zones. For all parcels serviced by a communal water supply system, the provisions in Table 7.7.1 apply.*

The first column of Table 7.7.1 lists a regulated item. The second column of Table 7.7.1 shows the minimum measurement assigned to the regulated item adjacent to it in the first column, in metric units. The third column of Table 7.7.1 shows the measurement assigned to the regulated item across from it in the first column, in Imperial units.

|                             |  |  |
|-----------------------------|--|--|
| Minimum <i>Lot Area</i>     | 1,400 square metres  | 0.35 acre  |
| Minimum <i>Lot Frontage</i> | 30 metres  | 98.43 feet   |
| Minimum <i>Lot Depth</i>    | 40 metres  | 131.23 feet  |
| Minimum <i>Front Yard</i>   | 6 metres or half the <i>height of the building</i> , whichever is greater. | 19.69 feet or half the <i>height of the building</i> , whichever is greater. |
| Minimum <i>Side Yard</i>    | 6 metres or half the <i>height of the building</i> , whichever is greater. | 19.69 feet or half the <i>height of the building</i> , whichever is greater. |
| Minimum <i>Rear Yard</i>    | 6 metres or half the <i>height of the building</i> , whichever is greater. | 19.69 feet or half the <i>height of the building</i> , whichever is greater. |
| Maximum <i>Height</i>       | 12 metres  | 39.37 feet   |

|                           |   |   |
|---------------------------|---|---|
| Minimum <i>Floor area</i> | 70 square metres per <i>dwelling unit</i> | 753.47 square feet per <i>dwelling unit</i> |
|---------------------------|---|---|

All *Communal water supply systems* are subject to the requirements of *applicable law* and may only be used pending required *approvals*.

## SECTION 8 – INSTITUTIONAL ZONE

### 8.1 INSTITUTIONAL ZONE PERMITTED USES

No person shall within any Institutional (I) Zone use any *lot* or *erect*, *alter* or use any *building* or *structure* for any purpose except those listed in Table 8.1.

| <b>Table 8.1: Permitted Uses in the Institutional Zone</b> |             |
|--|-------------|
| <b>Use</b>   | <b>Zone</b> |
| <i>Assembly hall</i>                                       | I           |
| <i>Cemetery</i>  | I           |
| <i>Church, with or without a manse</i>                     | I           |
| <i>Emergency Service Facilities</i>                        | I           |
| Fire Station   | I           |
| Food Truck   | I           |
| Hospital   | I           |
| Library  | I           |
| Long-term care facility                                    | I           |
| <i>Medical Clinic</i>                                      | I           |
| Municipal Garage   | I           |
| Municipal Office   | I           |
| Museum   | I           |
| Police Station   | I           |
| Post Office  | I           |
| <i>Retirement Residence</i>                                | I           |
| <i>School</i>  | I           |
| Sports Facilities  | I           |

### 8.2 INSTITUTIONAL (I) ZONE

#### 8.2.1 ZONE REGULATIONS

No person shall, within any Institutional (I) Zone *erect*, *alter* or use any *building* or *structure* except in accordance with the regulations in Table 8.2.1.

The first column of Table 8.2.1 lists a regulated item. The second column of Table 8.2.1 shows the measurement assigned to the regulated item adjacent to it in the first column, in metric units. The third column of Table 8.2.1 shows the measurement assigned to the regulated item across from it in the first column, in Imperial units.

| <b>Table 8.2.1: Institutional Zone Regulations</b> |                     |            |
|--|---------------------|------------|
| Minimum <i>Lot Area</i>                            | 1,400 square metres | 0.35 acres |
| Minimum <i>Lot Frontage</i>                        | 30 metres           | 98.43 feet |
| Minimum <i>Front Yard</i>                          | 7 metres            | 22.97 feet |
| Minimum <i>Interior Side Yard</i>                  | 3 metres            | 9.84 feet  |
| Minimum <i>Exterior Side Yard</i>                  | 6 metres            | 19.69 feet |
| Minimum <i>Rear Yard</i>                           | 6 metres            | 19.69 feet |
| Maximum <i>Height</i>                              | 10 metres           | 32.81 feet |

## 8.2.1 SITE-SPECIFIC PROVISIONS

### 8.2.1.1 4270 HIGHWAY 11/17 (By-law 372-05)

Despite the provisions of Section 8.2.1, no *development* is permitted within fifteen (15 m) metres of a *watercourse* on property municipally known as 4270 Highway 11/17. Further, the fifteen (15) metre *setback* shall remain in its naturally vegetated state.

All of the other provisions in Section 8.2.1 apply.

The zone symbol for this site specific provision is I-001.

This provision was originally enacted through By-law 372-05. A copy of that By-law is included as Appendix Ten to this *By-law*.

## SECTION 9 – COMMERCIAL ZONES

### 9.1 COMMERCIAL ZONE PERMITTED USES

No person shall within any General *Commercial* (GC), General *Commercial* II (GCII), Neighbourhood *Commercial* (NC), or Tourist *Commercial* (TC) Zone use any *lot* or *erect, alter* or use any *building* or *structure* for any purpose except as set out in Table 9.1.

The first column of Table 9.1 lists *uses*. The second column of Table 9.1 is further subdivided into four columns, one for each of the General Commercial (GC) *zone*, the General Commercial II (GCII) *zone*, the Neighbourhood Commercial (NC) *zone* and the Tourist Commercial (TC) *zone*.

To determine whether a *use* in Table 9.1 is *permitted* in the General Commercial (GC) Zone, read across the table from the *use*. If the first subdivided column of the second column in the table contains colouring and the symbol for the General Commercial (GC) Zone, then the *use* is permitted in that *zone*. Where the first subdivided column of the second column of the table is blank, the *use* is not *permitted* in the General Commercial (GC) zone.

To determine whether a *use* in Table 9.1 is *permitted* in the Neighbourhood Commercial (NC) Zone, read across the table from the *use*. If the second subdivided column of the second column in the table contains colouring and the symbol for the Neighbourhood Commercial (NC) Zone, then the *use* is permitted in that *zone*. Where the second subdivided column of the second column of the table is blank, the *use* is not *permitted* in the Neighbourhood Commercial (NC) zone.

To determine whether a *use* in Table 9.1 is *permitted* in the Tourist Commercial (TC) Zone, read across the table from the *use*. If the third subdivided column of the second column in the table contains colouring and the symbol for the Tourist Commercial (TC) Zone, then the *use* is permitted in that *zone*. Where the third subdivided column of the second column of the table is blank, the *use* is not *permitted* in the Tourist Commercial (TC) zone.

To determine whether a *use* in Table 9.1 is *permitted* in the General Commercial II (GCII) Zone, read across the table from the *use*. If the fourth subdivided column of the second column in the table contains colouring and the symbol for the General Commercial (GC) Zone, then the *use* is permitted in that *zone*. Where the first

subdivided column of the second column of the table is blank, the *use* is not *permitted* in the General Commercial (GC) zone.

| <b>Table 9.1: Permitted Uses in the Commercial Zones</b>                            |              |    |    |     |
|---|--------------|----|----|-----|
| <b>Use</b>  | <b>Zones</b> |    |    |     |
| Agricultural implement or produce or farm supply sales outlet                       | GC           |    |    | GC2 |
| <i>Artisan Workshop</i>   | GC           |    | TC | GC2 |
| <i>Assembly hall</i>  | GC           |    |    | GC2 |
| <i>Automobile service station</i>   | GC           |    |    | GC2 |
| <i>Financial Establishment</i>  | GC           | NC |    | GC2 |
| Brewer's Retail, Liquor Control Board of Ontario outlet, or Marijuana Retail outlet | GC           |    |    | GC2 |
| Bulk storage and sales establishment  | GC           |    |    | GC2 |
| Campground  |              |    | TC |     |
| <i>Clinic</i>   | GC           | NC |    | GC2 |
| <i>Commercial garage or motor vehicle repair establishment</i>                      | GC           |    |    | GC2 |
| <i>Community centre</i>   | GC           | NC |    | GC2 |
| Construction materials outlet   | GC           |    |    | GC2 |
| <i>Dwelling, accessory, above or behind permitted commercial use</i>                | GC           | NC |    | GC2 |
| <i>Entertainment Establishment</i>  | GC           |    | TC | GC2 |
| Fast food outlet  | GC           |    |    | GC2 |
| <i>Funeral home</i>   | GC           | NC |    | GC2 |
| <i>Gas bar or car wash</i>  | GC           |    |    | GC2 |
| <i>Hotel or motel</i>   | GC           |    |    | GC2 |
| <i>Institutional uses</i>   | GC           | NC |    | GC2 |
| <i>Laundry establishment</i>  | GC           | NC |    | GC2 |
| <i>Merchandise repair establishment</i>   | GC           |    |    | GC2 |
| <i>Office</i>   | GC           |    |    | GC2 |
| <i>Parking lot</i>  | GC           | NC | TC | GC2 |
| <i>Personal service shop</i>  | GC           | NC |    | GC2 |
| <i>Petty trade</i>  | GC           |    |    | GC2 |
| Post office   | GC           | NC |    | GC2 |
| <i>Restaurant</i>   | GC           |    |    | GC2 |
| <i>Retail lumber yard</i>   | GC           |    |    | GC2 |
| <i>Retail store</i>   | GC           |    |    | GC2 |
| <i>Shopping centre</i>  | GC           |    | TC | GC2 |
| Sporting goods, sales or rental outlet associated with a recreational use           | GC           |    | TC | GC2 |

|  |    |    |    |     |
|--|----|----|----|-----|
| Taxi service establishment   | GC |    |    | GC2 |
| Theatre  | GC |    |    | GC2 |
| Tourist park and associated service facility, including a variety store, laundromat and <i>business office</i> |    |    | TC |     |
| Tourist recreation <i>commercial</i> establishments  |    |    | TC |     |
| <i>Transportation terminal</i>   | GC |    |    | GC2 |
| <i>Vehicle</i> sales and rental establishment  | GC |    |    | GC2 |
| <i>Veterinary clinic</i> or <i>pet care establishment</i>  | GC | NC |    | GC2 |
| <i>Warehouse</i>   | GC |    |    | GC2 |

## 9.2 GENERAL COMMERCIAL (GC) ZONE

### 9.2.1 ZONE REGULATIONS

No person shall, within any General Commercial (GC) Zone *erect, alter* or use any *building* or *structure* except in accordance with the regulations in Table 9.2.1.

The first column of Table 9.2.1 lists a regulated item. The second column of Table 9.2.1 shows the measurement assigned to the regulated item adjacent to it in the first column, in metric units. The third column of Table 9.2.1 shows the measurement assigned to the regulated item across from it in the first column, in Imperial units.

| Minimum <i>Lot Area</i> generally  | 0.8 hectares | 1.98 acres  |
|--|--------------|-------------|
| Minimum <i>Lot Area</i> for <i>lots</i> located within <i>Rural Settlement Areas</i> | 0.6 hectares | 1.48 acres  |
| Minimum <i>Lot Frontage</i>  | 60 metres    | 196.85 feet |
| Minimum Front Yard   | 15 metres    | 49.21 feet  |
| Minimum Side Yard  | 15 metres    | 49.21 feet  |
| Minimum Rear Yard  | 15 metres    | 49.21 feet  |
| Maximum <i>Height</i>  | 10 metres    | 32.81 feet  |
| Maximum <i>Lot Coverage</i>  | 40%          | 40%         |
| Minimum Distance Between Main <i>Buildings</i>                                       | 6 metres     | 19.69 feet  |
| Minimum Landscape Area   | 25%          | 25%         |

### 9.2.2 SITE-SPECIFIC PROVISIONS

#### 9.2.2.1 3250 HIGHWAY 130 (By-law 430-2006)

Despite the provisions of Section 9.1, the following are additional *permitted uses* for property with municipal address 3250 Highway 130:

- i. *A commercial school*
- ii. *Outside storage*
- iii. *A drive-in theatre; and*
- iv. *A family motorsports facility being an outdoor vehicular race track for the racing of motorized vehicles. The use may include the associated seating areas for public viewing of such races and accessory refreshment stands.*

The other provisions of Section 9.1 continue to apply.

The zone symbol for this site specific provision is GC-001-H.

This provision was originally enacted through By-law 430-2006. A copy of that By-law is included as Appendix Eleven to this *By-law*.

#### **9.2.2.2 2 RUBIN DRIVE & 4497 OLIVER ROAD (By-law 957-1993)**

Despite the provisions of Section 9.1, “a wood milling plant” is an additional *permitted use* on property with municipal addresses 2 Rubin Drive and 4497 Oliver Road.

The other provisions of Section 9.1 continue to apply.

The zone symbol for this site specific provision is GC-002.

This provision was originally enacted through By-law 957-1993. A copy of that By-law is included as Appendix Twelve to this *By-law*.

#### **9.2.2.3 RUBIN INDUSTRIAL PARK PHASE 2 (By-law 622-2011)**

Despite the provisions of Sections 9.1 and 9.2.1, for property identified legally as:

Part of the West Half of the North Half of Lot 6, Concession 2, former Township of Oliver, now Municipality of Oliver Paipoonge,  
Together with  
Part of the West Half of the South Half of Lot 6, Concession 2, former Township of Oliver, now Municipality of Oliver Paipoonge,

locally known as “Rubin Park Phase Two”, and identified on Schedule “B” to By-law

622-2011,

the provisions of Bylaw 622-2011 continue to apply.

Where the provisions of Sections 9.1 and 9.2.1 do not conflict with the provisions of By-law 622-2011, those provisions shall continue to apply.

The other provisions of Sections 9.1 and 9.2.1 continue to apply.

The zone symbol for this site specific provision is GC-003.

This provision was originally enacted through By-law 622-2011. A copy of that By-law is included as Appendix Thirteen to this *By-law*.

#### **9.2.2.4 4 COOPER ROAD (By-law 884-2015)**

Despite the provisions of Section 9.2.1, the minimum rear yard setback for property with municipal address 4 Cooper Road is three (3) metres.

The other provisions of Section 9.2.1 continue to apply.

The zone symbol for this site specific provision is GC-004.

This provision was originally enacted through By-law 884-2015. A copy of that By-law is included as Appendix Fourteen to this *By-law*.

#### **9.2.2.5 4785 HIGHWAY 11/17 (By-law 44-2021)**

Despite Section 9.1, a Pharmacy is permitted on the property with municipal address 4785 Hwy 11/17.

Despite the provisions of Section 9.2.1, the property is subject to the following regulations:

- i. The minimum interior side yard setback for the pharmacy is three point one (3.1) metres (10.17 feet).
- ii. The minimum exterior side yard setback for the pharmacy is seven point two (7.2) metres (23.62 feet).
- iii. The minimum rear yard for the pharmacy is ten point one (10.1) metres (33.13 feet).

All of the other provisions of Section 9.2.1 apply.

The zone symbol for this site-specific provision is GC-005.

## 9.3 NEIGHBOURHOOD COMMERCIAL (NC) ZONE

### 9.3.1 ZONE REGULATIONS

No person shall, within any Neighbourhood Commercial (NC) Zone *erect, alter* or use any *building* or *structure* except in accordance with the regulations in Table 9.3.1.

The first column of Table 9.3.1 lists a regulated item. The second column of Table 9.3.1 shows the measurement assigned to the regulated item adjacent to it in the first column, in metric units. The third column of Table 9.3.1 shows the measurement assigned to the regulated item across from it in the first column, in Imperial units.

|  |                   |                   |
|--|-------------------|-------------------|
| Minimum <i>Lot Area</i>                        | 130 square metres | 1,400 square feet |
| Minimum <i>Lot Frontage</i>                    | 15 metres         | 49.21 feet        |
| Minimum Front Yard                             | 6 metres          | 19.69 feet        |
| Minimum Interior Side Yard                     | 3 metres          | 9.84 feet         |
| Minimum Exterior Side Yard                     | 6 metres          | 19.69 feet        |
| Minimum Rear Yard                              | 6 metres          | 19.69 feet        |
| Maximum <i>Height</i>                          | 10 metres         | 32.81 feet        |
| Maximum <i>Lot Coverage</i>                    | 50%               | 50%               |
| Minimum Distance Between Main <i>Buildings</i> | 6 metres          | 19.69 feet        |

## 9.4 TOURIST COMMERCIAL (TC) ZONE

### 9.4.1 ZONE PROVISIONS

No person shall, within any Tourist Commercial (TC) Zone *erect, alter* or use any *building* or *structure* except in accordance with the regulations in Table 9.4.1.

The first column of Table 9.4.1 lists a regulated item. The second column of Table 9.4.1 shows the measurement assigned to the regulated item adjacent to it in the first column, in metric units. The third column of Table 9.4.1 shows the measurement assigned to the regulated item across from it in the first column, in Imperial units.

|   |                   |                   |
|---|-------------------|-------------------|
| Minimum <i>Lot Area</i>   | 10 hectares       | 24.71 acres       |
| Minimum <i>Lot Frontage</i>   | 120 metres        | 393.70 feet       |
| Minimum <i>Front Yard</i>   | 15 metres         | 49.21 feet        |
| Minimum <i>Side Yard</i>  | 20 metres         | 65.62 feet        |
| Minimum <i>Rear Yard</i>  | 15 metres         | 49.21 feet        |
| Maximum <i>Height</i>   | 10 metres         | 32.81 feet        |
| Maximum <i>Lot Coverage</i> (excluding <i>trailers</i> and <i>tents</i> ) | 1%                | 1%                |
| Minimum Distance Between Main <i>Buildings</i>                            | 6 metres          | 19.66 feet        |
| <i>Camping space</i> minimum width  | 12 metres         | 39.37 feet        |
| <i>Camping space</i> minimum depth  | 22 metres         | 72.18 feet        |
| <i>Camping space</i> minimum Area   | 200 square metres | 2,152 square feet |

## 9.4.2 OTHER PROVISIONS

- i. Where the *side lot line* of a *lot* in the TC Zone *abuts* a *lot* which is zoned *commercial* or *industrial* zone, the *required side yard* is fifteen (15) metres.
- ii. Where a TC Zone *abuts* a residential, institutional or open space zone, a *buffer strip* with a width of three (3) metres is required along all *abutting lot lines*.
- iii. *Tourist parks* must conform with the requirements of Section 12.20.

## 9.5 GENERAL COMMERCIAL (GCII) ZONE

### 9.5.1 ZONE PROVISIONS

No person shall, within any General Commercial II (GCII) Zone *erect, alter* or use any *building* or *structure* except in accordance with the regulations in Table 9.5.1.

The first column of Table 9.5.1 lists a regulated item. The second column of Table 9.5.1 shows the measurement assigned to the regulated item adjacent to it in the first column, in metric units. The third column of Table 9.5.1 shows the measurement assigned to the regulated item across from it in the first column, in Imperial units.

|                                   |               |            |
|-----------------------------------|---------------|------------|
| Minimum <i>Lot Area</i> generally | 0.13 hectares | 0.33 acres |
| Minimum <i>Lot Frontage</i>       | 30 metres     | 98.43 feet |

|  |           |            |
|--|-----------|------------|
| Minimum Front Yard                             | 15 metres | 49.21 feet |
| Minimum Side Yard                              | 6 metres  | 19.68 feet |
| Minimum Rear Yard                              | 10 metres | 32.81 feet |
| Maximum <i>Height</i>                          | 10 metres | 32.81 feet |
| Maximum <i>Lot Coverage</i>                    | 40%       | 40%        |
| Minimum Distance Between Main <i>Buildings</i> | 3 metres  | 9.84 feet  |
| Minimum Landscape Area                         | 25%       | 25%        |

## SECTION 10 – MIXED USE RECREATIONAL ZONE

### 10.1 MIXED USE RECREATION ZONE PERMITTED USES

No person shall, within any Mixed Use Recreation (MR) Zone use any *lot* or *erect, alter* or use any *building* or *structure* for any purpose except in accordance with Table 10.1.

All of the *uses* listed in the first column of Table 10.1 are permitted uses in the Mixed Use Recreation (MR) Zone.

| <b>Table 10.1: Permitted Uses in the Mixed Use Recreation Zone</b> |             |
|--|-------------|
| <b>Use</b>   | <b>Zone</b> |
| <i>Accessory dwelling</i>  | MR          |
| <i>Single Detached Dwelling</i>                                    | MR          |
| <i>Semi Detached Dwelling</i>                                      | MR          |
| <i>Duplex Dwelling</i>   | MR          |
| <i>Triplex Dwelling</i>  | MR          |
| <i>Fourplex Dwelling</i>   | MR          |
| <i>Townhouse Dwelling</i>  | MR          |
| <i>Development on a Private Street</i>                             | MR          |
| Golf course  | MR          |
| <i>Institutional Uses</i>  | MR          |
| <i>Marina, public dock or boat launch</i>                          | MR          |
| <i>Other outdoor recreation facility</i>                           | MR          |
| Skating Rink   | MR          |
| <i>Ski area</i>  | MR          |
| Ski club   | MR          |
| Tennis court   | MR          |
| Vacation resort  | MR          |

## 10.2 MIXED USE RECREATION (MR) ZONE

### 10.2.1 ZONE REGULATIONS

No person shall, within any Mixed Use Recreation (MR) Zone *erect, alter* or use any *building or structure* for permitted uses other than *ski areas*, ski clubs, vacation resorts golf courses, or *residential uses*, except in accordance with the regulations in Table 10.2.1. Regulations for *ski areas*, ski clubs, vacation resorts and golf courses are addressed in Section 10.2.2. Regulations for residential uses are addressed in Section 10.2.3.

The first column of Table 10.2.1 lists a regulated item. The second column of Table 10.2.1 shows the measurement assigned to the regulated item adjacent to it in the first column, in metric units. The third column of Table 10.2.1 shows the measurement assigned to the regulated item across from it in the first column, in Imperial units.

|  |           |             |
|--|-----------|-------------|
| Minimum <i>Lot Area</i>  | 1 hectare | 2.47 acres  |
| Minimum <i>Lot Frontage</i>  | 60 metres | 196.85 feet |
| Minimum <i>Front Yard</i>  | 15 metres | 49.21 feet  |
| Minimum <i>Side Yard</i>   | 20 metres | 65.62 feet  |
| Minimum <i>Rear Yard</i>   | 15 metres | 49.21 feet  |
| Maximum <i>Height</i>  | 10 metres | 32.81 feet  |
| Maximum <i>Lot Coverage</i><br>(excluding <i>trailers</i> and <i>tents</i> ) | 15%       | 15%         |
| Minimum Distance Between<br><i>Main Buildings</i>                            | 6 metres  | 19.66 feet  |

### 10.2.2 PROVISIONS FOR MIXED USE RECREATION (MR) ZONE, *SKI AREA*, *SKI CLUB*, *VACATION RESORT* AND *GOLF COURSE USES*

No person shall, within any Mixed Use Recreation (MR) Zone *erect, alter* or use any *building or structure* for *ski areas*, ski clubs, vacation resorts or golf courses, except in accordance with the regulations in Table 10.2.2.

The first column of Table 10.2.2 lists a regulated item. The second column of Table 10.2.2 shows the measurement assigned to the regulated item adjacent to it in the first column, in metric units. The third column of Table 10.2.2 shows the measurement assigned to the regulated item across from it in the first column, in Imperial units.

|  |             |             |
|--|-------------|-------------|
| Minimum <i>Lot Area</i>  | 10 hectares | 24.71 acres |
| Minimum <i>Lot Frontage</i>  | 120 metres  | 393.70 feet |
| Minimum Front Yard   | 15 metres   | 49.21 feet  |
| Minimum Side Yard  | 20 metres   | 65.62 feet  |
| Minimum Rear Yard  | 15 metres   | 49.21 feet  |
| Maximum <i>Height</i>  | 10 metres   | 32.81 feet  |
| Maximum <i>Lot Coverage</i><br>(excluding <i>trailers</i> and tents) | 1%          | 1%          |
| Minimum Distance Between<br>Main <i>Buildings</i>                    | 6 metres    | 19.66 feet  |

### 10.2.3 PROVISIONS FOR MIXED USE RECREATION (MR) ZONE RESIDENTIAL COMPONENTS

No person shall, within any Mixed Use Recreation (MR) Zone *erect, alter* or use any *building* or *structure* for *residential uses*, except in accordance with the regulations in Section 7.0.

### 10.2.4 SITE-SPECIFIC PROVISIONS

#### 10.2.4.1 KING GEORGES PARK (Also known as “WHITE WATER”) (By-laws 395-2005, 320-2004, 0300-2003, and 0227-2002)

Despite the provisions of Sections 10.1, 10.2.1, 10.2.2 and 10.2.3 of this *By-law*, for property identified legally as:

Lots 2,3,4 and 5, Concession B, N.K.R., former Township of Paipoonge, now Municipality of Oliver Paipoonge,  
Together with  
Lots 5 and 5, Concession A, N.K.R., former Township of Paipoonge, now Municipality of Oliver Paipoonge,

locally known as “Whitewater”, and identified on Schedule “A” to By-law 0227-2002,

the provisions of By-laws 0227-2002, 0300-2003, 320-2004 and 395-2005 continue to apply.

Where the provisions of Sections 10.1, 10.2.1, 10.2.2 and 10.2.3 of this *By-law*, do not conflict with the provisions of By-laws 0227-2002, 0300-2003, 320-2004 and/or 395-2005, those provisions shall continue to apply.

The zone symbol for this site specific provision is MR-001.

This provision was originally enacted through By-laws 0227-2002, 0300-2003, 320-2004 and 395-2005.

A copy of By-law 0227-2002 is included as Appendix Fifteen to this *By-law*.

A copy of By-law 0300-2003 is included as Appendix Sixteen to this *By-law*.

A copy of By-law 320-2004 is included as Appendix Seventeen to this *By-law*.

A copy of By-law 395-2005 is included as Appendix Eighteen to this *By-law*.

## SECTION 11 – INDUSTRIAL ZONES

### 11.1 INDUSTRIAL ZONE PERMITTED USES

No person shall within any Light Industrial (LI), Heavy Industrial (HI), Extractive Industrial (EI), or Disposal Industrial (DI) Zone use any *lot* or *erect, alter* or use any *building* or *structure* for any purpose except in accordance with Table 11.1.

The first column of Table 11.1 lists *uses*. The second column of Table 11.1 is further subdivided into four columns, one for each of the Light Industrial (LI) *zone*, the Heavy Industrial (HI) *zone*, the Extractive Industrial (EI) *zone*, and the Disposal Industrial (DI) *zone*.

To determine whether a *use* in Table 11.1 is *permitted* in the Light Industrial (LI) *zone*, read across the table from the *use*. If the first subdivided column of the second column in the table contains colouring and the symbol for the Light Industrial (LI) *zone*, then the *use* is permitted in that *zone*. Where the first subdivided column of the second column of the table is blank, the *use* is not *permitted* in the Light Industrial (LI) *zone*.

To determine whether a *use* in Table 11.1 is *permitted* in the Heavy Industrial (HI) *zone*, read across the table from the *use*. If the second subdivided column of the second column in the table contains colouring and the symbol for the Heavy Industrial (HI) *zone*, then the *use* is permitted in that *zone*. Where the second subdivided column of the second column of the table is blank, the *use* is not *permitted* in the Heavy Industrial (HI) *zone*.

To determine whether a *use* in Table 11.1 is *permitted* in the Extractive Industrial (EI) *Zone*, read across the table from the *use*. If the third subdivided column of the second column in the table contains colouring and the symbol for the Extractive Industrial (EI) *Zone*, then the *use* is permitted in that *zone*. Where the third subdivided column of the second column of the table is blank, the *use* is not *permitted* in the Extractive Industrial (EI) *zone*.

To determine whether a *use* in Table 11.1 is *permitted* in the Disposal Industrial (DI) *Zone*, read across the table from the *use*. If the fourth subdivided column of the second column in the table contains colouring and the symbol for the Disposal Industrial (DI) *Zone*, then the *use* is permitted in that *zone*. Where the fourth subdivided column of the second column of the table is blank, the *use* is not *permitted* in the Disposal Industrial (DI) *zone*.

| <b>Table 11.1: Permitted Uses in the Industrial Zones</b>                                   |              |    |    |    |
|---|--------------|----|----|----|
| <b>Use</b>  | <b>Zones</b> |    |    |    |
| Abattoir  |              | HI |    |    |
| Accessory retail outlets and offices  | LI           | HI | EI |    |
| Airport   | LI           |    |    |    |
| Asphalt plant   |              | HI |    |    |
| Automobile body repair shop   | LI           |    |    |    |
| Automobile service station  | LI           | HI |    |    |
| Biofuel Production Facility   |              | HI |    |    |
| Brickyard   |              | HI |    |    |
| Bulk sales establishment  | LI           |    | EI |    |
| Carpentry shop  | LI           | HI |    |    |
| Cement or concrete plant  |              | HI |    |    |
| Commercial garage   | LI           | HI |    |    |
| Communication towers exceeding 30 metres in height  | LI           | HI | EI | DI |
| Concrete products factory   |              | HI |    |    |
| Contractor's yard   | LI           | HI |    |    |
| Equipment sales and service dealership  | LI           |    |    |    |
| Forest products processing plant  |              | HI |    |    |
| Gas bar   | LI           | HI |    |    |
| Hauled sewage system  |              |    |    | DI |
| Hydro distribution or generating station  | LI           | HI |    |    |
| Industry, heavy   |              | HI |    |    |
| Industry, light   | LI           | HI |    |    |
| Light industrial workshop   | LI           |    |    |    |
| Machine shop  | LI           |    |    |    |
| Marijuana Grow Facility   | LI           | HI |    |    |
| Merchandise repair establishment  | LI           |    |    |    |
| landfill site owned and operated by a public authority                                      |              |    |    | DI |
| Petty trade   | LI           |    |    |    |
| Pits and/or Quarries  |              |    | EI |    |
| Portable Asphalt Plants   |              | HI | EI |    |
| Pre-fabricated shipping containers  | LI           | HI | EI | DI |
| Processing accessory to extractive uses including screening, sorting, washing, and crushing |              |    | EI |    |
| Public works yard   | LI           |    |    |    |
| Railway yard  | LI           |    |    |    |
| Retail lumber yard  | LI           |    |    |    |
| Salvage yard  |              | HI |    |    |

|   |    |    |    |    |
|---|----|----|----|----|
| Sawmill and/or planing mill   |    | HI |    |    |
| Sewage treatment plant  | LI | HI |    | DI |
| Stockpiling and <i>outside storage</i> of sand, clay, gravel, earth, stone, shale, peat, and amethyst |    |    | EI |    |
| <i>Taxi Service Establishment</i>   | LI |    |    |    |
| <i>Transportation terminal</i>  |    | HI |    |    |
| Trucking depot  |    | HI |    |    |
| <i>Vehicle</i> repair shop  | LI | HI |    |    |
| <i>Vehicle</i> storage yard   | LI | HI |    |    |
| <i>Warehouse</i>  | LI |    |    |    |
| Water treatment plant   | LI |    |    |    |
| Welder's shop   | LI |    |    |    |
| <i>Wrecking yard</i>  |    | HI |    |    |

## 11.2 LIGHT INDUSTRIAL (LI) ZONE

### 11.2.1 ZONE REGULATIONS

No person shall, within any Light Industrial (LI) Zone *erect, alter* or use any *building* or *structure* except in accordance with the regulations in Table 11.2.1.

The first column of Table 11.2.1 lists a regulated item. The second column of Table 11.2.1 shows the measurement assigned to the regulated item adjacent to it in the first column, in metric units. The third column of Table 11.2.1 shows the measurement assigned to the regulated item across from it in the first column, in Imperial units.

| Minimum <i>Lot Area</i>                           | 1 hectare | 2.47 acres |
|---|-----------|------------|
| Minimum <i>Lot Frontage</i>                       | 30 metres | 98.43 feet |
| Minimum <i>Front Yard</i>                         | 15 metres | 49.21 feet |
| Minimum <i>Side Yard</i>                          | 15 metres | 49.21 feet |
| Minimum <i>Rear Yard</i>                          | 15 metres | 49.21 feet |
| Maximum <i>Height</i>                             | 10 metres | 32.81 feet |
| Maximum <i>Lot Coverage</i>                       | 50%       | 50%        |
| Minimum Distance<br>Between Main <i>Buildings</i> | 6 metres  | 19.66 feet |

## 11.2.2 SITE-SPECIFIC PROVISIONS

### 11.2.2.1 36, 44, 54 RUBIN DRIVE (*By-law 957-1993*)

Despite the provisions of Section 11.2.1, the minimum *lot* area on property with municipal addresses 36, 44 and 54 Rubin Drive (comprised of *Lots* 10, 11 and C, as shown on Schedule “A” of By-law 957-1993, is one point two five (1.25) hectares (which is three point zero nine (3.09) acres).

The other provisions of Section 11.2.1 continue to apply.

The zone symbol for this site specific provision is LI-001.

This provision was originally enacted through By-law 957-1993. A copy of that By-law is included as Appendix Nineteen to this *By-law*.

### 11.2.2.2 710 HIGHWAY 11/17 & HANIAK ROAD (*By-law 551-2009*)

Despite the provisions of Sections 11.1 and 11.2.1 of this *By-law*, for property legally described as:

Part of Lot 1 and Lot 2, Concession 2, N.K.R., in the former Township of Paipoonge, now Municipality of Oliver Paipoonge,

identified on Schedule “A” to By-law 551-2009,

the provisions of By-law 551-2209 continue to apply.

Where the provisions of Sections 11.1 and 11.2.1 do not conflict with the provisions of By-law 551-2009, those provisions shall continue to apply.

The zone symbol for this site specific provision is LI-002.

This provision was originally enacted through By-law 551-2009. A copy of that By-law is included as Appendix Twenty to this *By-law*.

### 11.2.2.3 RUBIN INDUSTRIAL PARK PHASE 2 (*By-law 622-2011*)

Despite the provisions of Sections 11.1 and 11.2.1 of this *By-law*, for property identified legally as:

Part of the West Half of the North Half of Lot 6, Concession 2, former Township of Oliver, now Municipality of Oliver Paipoonge,

Together with

Part of the West Half of the South Half of Lot 6, Concession 2, former Township of Oliver, now Municipality of Oliver Paipoonge,

Locally known as “Rubin Park Phase Two”, and identified on Schedule “B” to By-law 622-2011,

The provisions of By-law 622-2011 continue to apply.

Where the provisions of Sections 11.1 and 11.2.1 do not conflict with the provisions of By-law 622-2011, those provisions shall continue to apply.

The zone symbol for this site specific provision is LI-003.

This provision was originally enacted through By-law 622-2011. A copy of that By-law is included as Appendix Twenty-one to this *By-law*.

#### **11.2.2.4 3000 Arthur Street (By-law 55-2021)**

Despite the provisions of Section 11.2.1, the minimum west side yard setback as well as the rear setback shall be no less than 9 metres.

The other provisions of Section 11.2.1 continue to apply.

The zone symbol for this site-specific provision is LI-004.

### **11.3 HEAVY INDUSTRIAL (HI) ZONE**

#### **11.3.1 ZONE REGULATIONS**

No person shall, within any Heavy Industrial (HI) Zone *erect, alter* or use any *building or structure* except in accordance with the regulations in Table 11.3.1.

The first column of Table 11.3.1 lists a regulated item. The second column of Table 11.3.1 shows the measurement assigned to the regulated item adjacent to it in the first column, in metric units. The third column of Table 11.3.1 shows the measurement assigned to the regulated item across from it in the first column, in Imperial units.

|   |            |             |
|---|------------|-------------|
| Minimum <i>Lot Area</i>                           | 2 hectares | 4.94 acres  |
| Minimum <i>Lot Frontage</i>                       | 90 metres  | 295.28 feet |
| Minimum <i>Front Yard</i>                         | 30 metres  | 98.43 feet  |
| Minimum <i>Side Yard</i>                          | 30 metres  | 98.43 feet  |
| Minimum <i>Rear Yard</i>                          | 30 metres  | 98.43 feet  |
| Maximum <i>Height</i>                             | 10 metres  | 32.81 feet  |
| Maximum <i>Lot Coverage</i>                       | 40%        | 40%         |
| Minimum Distance<br>Between Main <i>Buildings</i> | 6 metres   | 19.66 feet  |

### 11.3.2 OTHER PROVISIONS

- i. Where land is used for the purposes of a *wrecking yard, salvage yard, scrap metal yard* or similar *use*, the *storage* of derelict automobiles, scrap metal, junk or similar materials is not *permitted* in any *front yard, side yard* or *rear yard* and a natural or artificial screen or *buffer strip* shall be provided to obscure the view of the subject property from the *street* on which the lands *abut*, and from any opposite or *abutting* properties to the side or rear of the subject property.
- ii. Where an HI Zone *abuts* a Residential, Institutional or Open Space Zone, a *buffer strip* with a minimum width of fifteen (15) metres shall be provided along the *abutting lot lines*.
- iii. Where a *side lot line* of a property in the HI Zone *abuts* a *Commercial* or *Industrial Zone*, the required *side yard* will be fifteen (15) metres.

### 11.3.3 SITE-SPECIFIC PROVISIONS

#### 11.3.3.1 BLINDLINE ROAD (By-law 0097-99)

Despite the provisions of Section 11.1, the only *permitted uses* for property with municipal address 285 Blindline Road are:

- i. An *existing* automotive repair shop
- ii. An *existing* automotive body shop
- iii. An *existing* 10 x 40 *trailer* used for the Retail sales of Automotive Parts and

- Accessories
- iv. An *existing* steel shed for the manufacturing and sales of mobile *trailers* and snow machines
  - v. The *existing outside storage* of *existing* on-site *mobile home dwellings* and travel trailers
  - vi. An *existing* steel shed for welding repair
  - vii. An *existing trailer* used as an *office accessory* to the *industrial use* of the property
  - viii. The *existing* use of a *single detached dwelling*
  - ix. The *existing outside storage* of three (3) tow trucks
  - x. The *existing outside storage* area for impounded *vehicles*
  - xi. The *existing outside storage* area used as a *salvage yard*

The zone symbol for this site specific provision is HI-001.

This provision was originally enacted through By-law 0097-99. A copy of that By-law is included as Appendix Twenty-two to this *By-law*.

#### **11.3.3.2                    3477 & 3489 HIGHWAY 11/17 (By-law 0201-2001)**

Despite the provisions of Sections 11.1, 11.3.1, and 11.3.2 of this *By-law*, for property identified legally as:

Part of Lot 13, Concession 2, N.K.R., in the former Township of Paipoonge, now Municipality of Oliver Paipoonge, as identified on Instrument 207263 deposited in the Land Registry Office for the District of Thunder Bay,

the provisions of By-law 0201-2001 continue to apply.

Where the provisions of Sections 11.1, 11.3.1 and 11.3.2 do not conflict with the provisions of By-law 0201-2001, those provisions shall continue to apply.

The zone symbol for this site specific provision is HI-002.

This provision was originally enacted through By-law 0201-2001. A copy of that By-law is included as Appendix Twenty-three to this *By-law*.

#### **11.3.3.3                    HIGHWAY 588 & HIGHWAY 11/17 (By-law 1091-89)**

Despite the provisions of Section 11.1 of this *By-law*, for property legally described as:

Lots 33, 34 and 35, in Concession 1, N.K.R., in the former Township of Paipoonge, now Municipality of Oliver Paipoonge,

the *permitted uses* shall be:

- i. *A vehicle storage yard*
- ii. *A warehouse*
- iii. *A woodlands garage*
- iv. *A satellite chip station*
- v. *A business office* associated with the above *uses*
- vi. *Buildings, structures* and *uses accessory* to the above *uses* in accordance with Section 3.1.

Despite the provisions of Section 11.3.1 of this *By-law*, the maximum *height* for an *existing building* on the subject property is twenty-six (26) metres (which is eighty-five point three (85.30) feet).

The process of de-barking and chipping, and the storing of the wood chips and other residue is permitted only within *buildings* or *structures*. The other provisions of Section 11.3.1 continue to apply.

The zone symbol for this site specific provision is HI-003.

This provision was originally enacted through By-law 1091-89. A copy of that By-law is included as Appendix Twenty-four to this *By-law*.

#### **11.3.3.4 21 TWIN CITY CROSSROADS (By-law 906-2016)**

Despite the provisions of Sections 11.1 of this *By-law*, for property identified legally as:

Lot 2, Plan 55M580, in the former Township of Paipoonge, now Municipality of Oliver Paipoonge,

the provisions of By-law 906-2016, subject to the hold “H” symbol, continue to apply.

Where the provisions of Sections 11.1, 11.3.1 and 11.3.2 do not conflict with the provisions of By-law 906-2016, those provisions shall continue to apply.

The zone symbol for this site specific provision is HI-004-H.

This provision was originally enacted through By-law 906-2016. A copy of that By-law is included as Appendix Twenty-five to this *By-law*.

## 11.4 EXTRACTIVE INDUSTRIAL (EI) ZONE

### 11.4.1 ZONE REGULATIONS

No person shall, within any Extractive Industrial (EI) Zone *erect, alter* or use any *building or structure* except in accordance with the regulations in Table 11.4.1.

The first column of Table 11.4.1 lists a regulated item. The second column of Table 11.4.1 shows the measurement assigned to the regulated item adjacent to it in the first column, in metric units. The third column of Table 11.4.1 shows the measurement assigned to the regulated item across from it in the first column, in Imperial units.

| Minimum <i>Lot Area</i>     | 5 hectares       | 12.36 acres        |
|-----------------------------|------------------|--------------------|
| Minimum <i>Lot Frontage</i> | 140 metres       | 459.32 feet        |
| Minimum <i>Front Yard</i>   | 30 metres        | 98.43 feet         |
| Minimum <i>Side Yard</i>    | 20 metres        | 65.62 feet         |
| Minimum <i>Rear Yard</i>    | 20 metres        | 65.62 feet         |
| Maximum <i>Height</i>       | 20 metres        | 65.62 feet         |
| Maximum <i>Lot Coverage</i> | 10%              | 10%                |
| Minimum <i>Floor area</i>   | 10 square metres | 107.64 square feet |

### 11.4.2 OTHER PROVISIONS

- i. No excavation, *building*, equipment or stockpile shall be located within one hundred twenty (120) metres of a *building* used for residential, recreational, institutional or *commercial* purposes.
- ii. No excavation, *building*, equipment or stockpile is *permitted* within thirty (30) metres of any *street* or *road allowance* or within thirty (30) metres of any *abutting* property that is not zoned Industrial.
- iii. Where an EI Zone *abuts* a Residential, Institutional, *Commercial* or Open Space Zone, a *buffer strip* of not less than ten (10) metres in width shall be required along the *abutting lot lines*.

- iv. No excavation, building, equipment or stockpile shall be located within one hundred twenty (120) metres of a municipal boundary.

### 11.4.3 SITE-SPECIFIC PROVISIONS

#### 11.4.3.1 HIGHWAY 11/17 (By-law 372-05)

In addition to the provisions of Section 11.4.1 of this *By-law*, for property legally described as:

Lot 32, Concession 2, N.K.R., in the former Township of Paipoonge, now Municipality of Oliver Paipoonge  
Together with  
Part of Lot 33, Concession 2, N.K.R., in the former Township of Paipoonge, and now Municipality of Oliver Paipoonge,

the following provision applies:

No excavation, *building*, equipment, stockpile or *development* activity is *permitted* within fifteen (15) metres of any *watercourse* on the property.

The other provisions of Section 11 shall continue to apply.

The zone symbol for this site specific provision is EI-001.

This provision was originally enacted through By-law 375-05. A copy of that by-law is included as Appendix Twenty-six to this *By-law*.

#### 11.4.3.2 BARRIE DRIVE (By-law 835-2015)

Despite the provisions of Section 11 of this *By-law*, for property legally described as:

Part of Lot 30, Concession B, S.K.R., in the former Township of Paipoonge, now Municipality of Oliver Paipoonge, as depicted on Schedule "A" to By-law 835-2015,

the provisions of By-law 835-2015, subject to the hold "H" symbol, continue to apply.

Where the provisions of Section 11 do not conflict with the provisions of By-law 835-2015, those provisions shall continue to apply.

The zone symbol for this site specific provision is EI-002-H.

This provision was originally enacted through By-law 835-2015. A copy of that by-law is included as Appendix Twenty-seven to this *By-law*.

## 11.5 DISPOSAL INDUSTRIAL (DI) ZONE

### 11.5.1 ZONE REGULATIONS

No person shall, within any Disposal Industrial (DI) Zone *erect, alter* or use any *building* or *structure* except in accordance with the regulations in Table 11.5.1.

The first column of Table 11.5.1 lists a regulated item. The second column of Table 11.5.1 shows the measurement assigned to the regulated item adjacent to it in the first column, in metric units. The third column of Table 11.5.1 shows the measurement assigned to the regulated item across from it in the first column, in Imperial units.

| <b>Table 11.5.1: Regulations in the Disposal Industrial (DI) Zone</b> |            |             |
|---|------------|-------------|
| Minimum <i>Lot Area</i>   | 5 hectares | 12.36 acres |
| Minimum <i>Lot Frontage</i>   | 100 metres | 328.08 feet |
| Minimum <i>Front Yard</i>   | 30 metres  | 98.43 feet  |
| Minimum <i>Side Yard</i>  | 30 metres  | 98.43 feet  |
| Minimum <i>Rear Yard</i>  | 15 metres  | 49.21 feet  |
| Maximum <i>Height</i>   | 10 metres  | 32.81 feet  |

### 11.5.2 OTHER PROVISIONS

- i. No disposal site shall be located within one hundred twenty (120) metres of a *building* used for residential, recreational, institutional or *commercial* purposes.
- ii. No disposal site shall be located within sixty (60) metres of any *street* or *road allowance* except a road servicing the disposal site, or within sixty (60) metres of any *abutting* property with any zone other than DI.
- iii. Where a property with a DI zoning designation *abuts* a Residential,

Institutional, *Commercial* or Open Space Zone, a *buffer strip* of not less than ten (10) metres in width shall be required along the *abutting lot lines*.

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## SECTION 12 – OPEN SPACE ZONES

### 12.1 OPEN SPACE ZONE PERMITTED USES

No person shall within any Open Space (OS) Zone use any *lot* or *erect, alter* or use any *building* or *structure* for any purpose except in accordance with Table 12.1.

All of the *uses* listed in the first column of Table 12.1 are permitted uses in the Open Space (OS) *Zone*.

| <b>Use</b>               | <b>Zone</b> |
|--------------------------|-------------|
| <i>Park</i>              | OS          |
| Campground               | OS          |
| Outdoor skating rink     | OS          |
| Fair grounds             | OS          |
| <i>Conservation uses</i> | OS          |
| Sports facilities        | OS          |
| Tennis courts            | OS          |
| <i>Tourist park</i>      | OS          |
| Drive-In Theatre         |             |

### 12.2 OPEN SPACE (OS) ZONE

#### 12.2.1 ZONE REGULATIONS

No person shall, within any Open Space (OS) Zone *erect, alter* or use any *building* or *structure* except in accordance with the regulations in Table 12.2.1.

The first column of Table 12.2.1 lists a regulated item. The second column of Table 12.2.1 shows the measurement assigned to the regulated item adjacent to it in the first column, in metric units. The third column of Table 12.2.1 shows the measurement assigned to the regulated item across from it in the first column, in Imperial units.

| <b>Table 12.2.1: Regulations for the Open Space (OS) Zone</b> |                     |                    |
|---|---------------------|--------------------|
| Minimum <i>Lot Area</i>                                       | 1,800 square metres | 0.45 acres         |
| Minimum <i>Lot Frontage</i>                                   | 30 metres           | 98.43 feet         |
| Minimum Front Yard  | 7 metres            | 22.97 feet         |
| Minimum Side Yard   | 6 metres            | 19.69 feet         |
| Minimum Rear Yard   | 6 metres            | 19.69 feet         |
| Maximum <i>Height</i>   | 10 metres           | 32.81 feet         |
| Maximum <i>Lot Coverage</i>                                   | 50%                 | 50%                |
| Minimum <i>Floor area</i>                                     | 10 square metres    | 107.64 square feet |

### 12.2.2 OTHER PROVISIONS

No *building or structure* is *permitted* within thirty (30) metres of an *abutting lot line* or *abutting street* or *abutting road allowance*.

## SECTION 13 – ENVIRONMENTAL OVERLAY AREAS

### 13.1 GENERAL PROVISIONS

The Environmental Overlay Area is not a zone as is the case of zones identified in Sections 5 through 12 of this *By-law*. Every property within the Municipality of Oliver Paipoonge has a designated zone as depicted on Schedules A, B, and C. The Environmental Overlay Areas shown on Schedule E represents areas where environmental constraints may exist and require further evaluation and consideration. These areas include areas of natural and scientific interest, natural heritage features, wildland fire features, source water protection areas, as well as any other lands deemed by the Municipality.

The *Corporation* acknowledges that areas adjacent to floodplains, *wetlands*, slopes and *watercourses* in the Municipality of Oliver Paipoonge are under the jurisdiction of the Lakehead Region Conservation Authority. The *Environmental Overlay* consists of green shaded areas that can be found on Schedule E which form part of this *By-law*. All *development* on lands that are subject to the *Environmental Overlay* is prohibited unless a *permit* or other form of authorization from the Municipality and/or the Lakehead Region Conservation Authority is issued. *Development* on lands that are subject to the *Environmental Overlay* must comply with the other requirements of this *By-law* pertaining to the underlying zoning for the property indicated on Schedules A, B and C. Environmental technical studies may be required.

### 13.2 ENVIRONMENTAL OVERLAY PERMITTED ACTIVITIES

The following are permitted activities within the *Environmental Overlay* areas beyond the permitted uses for the underlying Zone as depicted on Schedules A, B, or C:

| Use                            | Area |
|--------------------------------|------|
| <i>Agricultural uses</i>       | E    |
| <i>Conservation uses</i>       | E    |
| <i>Forestry</i>                | E    |
| Wildlife management            | E    |
| Watershed protection           | E    |
| <i>Park, public or private</i> | E    |
| Other outdoor recreation       | E    |

### 13.3 SOURCE WATER PROTECTION PROHIBITED USES

The following are prohibited land uses within the WHPA-A area of the Wellhead Protection Area as depicted on Schedule E in accordance with Policy RV.1.CW-PA of the Lakehead Region Conservation Authority's Source Protection Plan. This supersedes the permitted uses for the underlying Zone as depicted on Schedules A or B:

- i. Land uses that typically require waste disposal sites approvals including:
  - Application of hauled sewage to land;
  - Mine tailings stored in a pit or in impoundment structures where the National Pollutant Release Inventory (NPRI) notice requires a person to report;
  - Landfarming of petroleum refining waste (more than ten (10) hectares);
  - Landfilling of hazardous waste (less than one (1) hectare);
  - Landfilling of municipal waste (less than one (1) hectare);
  - Land disposal of commercial or industrial waste (less than one (1) hectare);
  - Land disposal of liquid industrial waste;
  - Storage of PCBs; and
  - A waste disposal site that is not approved to accept hazardous waste or liquid industrial waste but accepts small volumes that are exempt from Ontario Regulation 347.
- ii. Sewage treatment facilities, not including septic systems under ten thousand (10,000) litres per day.
- iii. Non-residential uses where organic solvents occur including, but not limited to, dry cleaning operations, vehicle service centres, paint and hardware stores, retail or wholesale pharmaceutical storage and distribution centres.
- iv. Uses where fuel is stored including but not limited to, non-residential fuel storage, retail fuel outlets, uses where backup generators are required (with the exception of the backup generator at the Rosslyn Village Water Treatment Plant), industrial operations and any other uses involving the bulk handling and storage of fuel.
- v. Uses which include the storage of DNAPLs except for incidental volumes for personal domestic use.
- vi. Future Agricultural uses

## SECTION 14 – IMPLEMENTATION

### 14.1 HOLDING PROVISIONS

Where a zone symbol contains the suffix 'H', with or without site-specific special provisions, the zoning shall not take effect until the prescribed conditions are met and a by-law has been passed to remove the 'H' zoning by-law provision.

When the amending by-law removing the 'H' Holding symbol from the zoning designation is enacted, the *permitted uses* and regulations zone shall apply to the subject property.

Until such time as the prescribed conditions are met, the subject property may only be used for the *existing permitted uses* as of the date of the passage of the by-law that imposed the H Holding symbol.

### 14.2 TEMPORARY USE PROVISIONS

#### 14.2.1 CONSTRUCTION USES

No person shall establish or use *buildings, structures* or *outside storage* associated with a construction project without meeting the requirements of this Section 14.2.1.

*Temporary site buildings, temporary site structures, and outside storage* associated with construction are *permitted* for as long as the work continues or as long as the Building Permit for the construction is valid, whichever time period is shorter. No *temporary site building* or *temporary site structure* may be used for human habitation. Where work at the construction site is idle for a period of twelve (12) consecutive months without a plausible cause (including illness or inclement weather), the work will be considered to have been discontinued for the purposes of this Section 14.2.1.

#### 14.2.2 GARDEN CENTRES

No person shall establish or use a temporary *garden centre* or *greenhouse* without meeting the requirements of this Section 14.2.2.

Temporary *garden centres*, including *greenhouses*, for the seasonal sale of

flowers, plants, shrubs, trees and other garden materials and landscape products are *permitted* for one period of a maximum of one hundred twenty (120) days between May and October provided that:

- i. The *garden centre* or *greenhouse* is associated with a *retail store* or food store which is *permitted* on the same *lot*;
- ii. All *required yards* and separation distances are met; and
- iii. The combined areas of the *greenhouse* and associated *outside display and sales area* does not exceed ten (10%) per cent of *the required parking spaces* on the *lot*.

### 14.2.3 GARDEN SUITE DWELLINGS

No person shall establish or use a *garden suite dwelling* without meeting the requirements of this Section 14.2.3.

A temporary use by-law must be passed to allow the *erection* of a *garden suite dwelling*. *Garden suite dwellings* are not *permitted* without the requisite temporary use *By-law*.

## 14.3 SITE PLAN CONTROL

### 14.3.1 SITE PLAN CONTROL AREA DESIGNATION

Pursuant to Section 41 of the Planning Act, all lands under the *Corporation's* jurisdiction are designated as Site Plan Control areas.

### 14.3.2 REQUIRED AGREEMENT, SITE PLANS AND DRAWINGS

No person shall undertake any *development* in a designated area without entering into a Site Plan Control Agreement with the *Corporation*.

Pursuant to Subsection 41(4) of the Planning Act, no person shall undertake any *development* in a designated area (set out in Section 14.3.1 of this *By-law*) unless the council or the Local Planning Appeals Tribunal has approved one or both, as the *Corporation* determines, of the following:

- (a) Plans showing the location of all *buildings* and *structures* to be *erected* and showing the location of all facilities and works required under Subsection

- 41(7)(a) of the Planning Act; and/or
- (b) Drawings showing plan, elevation and cross-section views for each *building* to be *erected*, except a *building* to be used for residential purposes containing less than five (5) *dwelling units*, which drawings are sufficient to display
- a) the massing and conceptual design of the proposed *buildings*;
  - b) the relationship of the proposed *buildings* to adjacent *buildings*, *streets*, and exterior areas to which members of the public have access;
  - c) the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from *streets*, open spaces and interior walkways in adjacent *buildings*;
  - d) matters relating to exterior design, including the character, scale, appearance and design features of *buildings*, and their sustainable design, but only to the extent that it is a matter of exterior design;
  - e) the sustainable design elements on any *abutting street* under the *Corporation's* jurisdiction, including trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and *bicycle parking facilities*; and
  - f) facilities designed to have regard for accessibility for persons with disabilities.

### 14.3.3 CONDITIONS

As conditions to the *approval* of the agreement, plans and drawings referred to in Section 14.3.2, the *Corporation* may require the owner of the land to:

- i. provide to the satisfaction of, and at no expense to the *Corporation*, any or all of the following:
  - a) land for the purposes of widening of *streets* that *abut* on the land;
  - b) subject to the Public Transportation and Highway Improvement Act, R.S.O. 1990, c. P.50, facilities to provide access to and from the land, including access ramps, curbing or traffic direction signs;
  - c) off-street vehicular loading and parking facilities, either covered or uncovered, access *driveways*, including *driveways* for emergency *vehicles*, and the surfacing of such areas and *driveways*;
  - d) walkways and walkway ramps, and all other means of pedestrian access;
  - e) facilities designed to have regard for accessibility for persons with disabilities;
  - f) facilities for the lighting, including floodlighting, of the land or of any *buildings* or *structures* on the land;

- g) walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of *abutting* lands;
  - h) vaults, central *storage* and collection areas and other facilities and enclosures for the *storage* of garbage and other waste material;
  - i) *easements* conveyed to the *Corporation* or other *public authority* for the construction, maintenance or improvement of watercourses, ditches, *municipal drains* or other land drainage works, or *infrastructure*; and
  - j) grading or *alteration* in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any *buildings* or *structures* on the land;
- ii. maintain to the satisfaction of the *Corporation*, and at the sole risk and expense of the owner, any or all of the facilities or works mentioned in 14.3.4.1 b) to j), including the removal of snow from access ramps and *driveways*, *parking areas*, loading areas and walkways;
- iii. enter into one or more agreements with the *Corporation* dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in sections 14.3.1 and 14.3.2, or 14.3.3; and
- iv. Enter into one or more agreements with the *Corporation* ensuring that *development* proceeds in accordance with the plans and drawings *approved* under subsection 14.3.2.

Despite the foregoing, the provisions of Subsections 14.3.2 and 14.3.3 shall not apply to:

- a) *accessory buildings* and *structures* any residential or agricultural zones;
- b) signs; and
- c) underground gasoline storage tanks.

#### 14.4 INTERIM CONTROL BY-LAWS

Where the Corporation wishes to study an area in terms of *permitted* future *development*, an Interim Control by-law may be passed. The Interim Control by-law may restrict one or more *permitted uses* from being established on lands to which it applies. Subject properties will be identified on schedules with the use of an 'ICBL' symbol followed by the Interim Control By-law number.

## 14.5 SITE-SPECIFIC PROVISIONS

Where a zone symbol is followed by a hyphen and a number, the symbol refers to a site-specific provision that applies to the land as shown on Schedule “A”, “B” and “C” of this *By-law*. The land shall be subject to the site-specific provision and the requirements of the zone. Site-specific provisions are established in the Section corresponding to the Zone Symbol.

## SECTION 15 – EXCEPTIONS

The provisions of this by-law have been modified for the lands to which the exceptions described in the table below have been applied and are shown on the zoning schedules (maps) by the applicable exception number indicated in the square brackets [#] in the zone code.

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

| Zone # | Exception Address | Provisions  |
|--------|-------------------|---|
| GC-(1) | 4785 Hwy 11/17    | <p>Notwithstanding other provisions as set out in Comprehensive Zoning By-Law No. 01-2019, the property located at PLAN M58 LOT 160 TO 162 PT PCL 17830 &amp; PLAN M58 LOT 181 PT PCL 17830, known locally as 4785 Hwy 11-17, the GC General Commercial zone be temporarily amended to permit the use of one mobile trailer as a makeshift pharmacy, from the date of passing of this by-law; and</p> <p>That such temporary use shall be in effect from the date of passing of this by-law until 12:00 p.m. <b>July 20, 2022</b>, or sooner should a permanent pharmacy be complete to the stage of occupancy as determined by the Chief Building Official</p> |
| RR-(2) | 4277 Oliver Road  | <p>Notwithstanding other provisions as set out in Comprehensive Zoning By-Law No. 01-2019, the property located at CON 2 PT S 1/2 LOT 4 RP 55R1725 PART 4 PCL 16786, known locally as 4277 Oliver Road, the Rural Residential zone be temporarily amended to add a site-specific commercial use for a 3-year period, which would permit the commercial use of a portion of the residence as an incubator business.; and</p> <p>That such temporary use shall be in effect from the date of passing of this by-law until 12:00 p.m. <b>August 11, 2024.</b></p>  |