



Township of Chisholm

Zoning By-law 2014-25

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Prepared By:

Municipal Planning
Services Ltd.



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PREAMBLE

INTRODUCTION

These pages explain the purpose of this zoning by-law and how it should be used. This part of the document does not form part of the zoning by-law passed by Council and are intended only to make the zoning by-law more understandable and easier to understand.

PURPOSE OF THIS ZONING BY-LAW

The purpose of this zoning by-law is to implement the policies of the Chisholm Official Plan. The Official Plan contains general policies that affect the use of land throughout the Township. These policies specify where certain land uses are permitted and, in some instances, specify what regulations should apply to the development of certain lands.

The Official Plan is a general document that is not intended to regulate every aspect of the built-form and land use on a private lot. In the Province of Ontario, this is the role of the zoning by-law. Once an Official Plan is in effect, any Zoning By-law passed by Council must conform to the Official Plan. 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 construction of buildings or structures on those lands.

Section 34 of the Ontario Planning Act provides municipalities with the authority to Zone land. The Planning Act specifies what a by-law can regulate. These matters include:

- Prohibiting the use of land or buildings for any use that is not specifically permitted by the by-law;
- Prohibiting the erection or siting of buildings and structures on a lot except in locations permitted by the by-law;
- Regulating the type of construction and the height, bulk, location, size, floor area, spacing, and use of buildings or structures;
- Regulating minimum and maximum housing densities;
- Regulating the minimum frontage and depth of a parcel of land;
- Regulating the proportion of a lot that any building or structure may occupy;
- Regulating the minimum elevation of doors, windows or other openings in buildings or structures;
- Requiring parking and loading facilities be provided and maintained for a purpose permitted by the by-law; and,
- Prohibiting the use of lands and the erection of buildings or structures on land that is:
 - subject to flooding;
 - the site of steep slopes;
 - rocky, low-lying, marshy or unstable;



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- contaminated;
 - a sensitive groundwater recharge area or head water area;
 - the location of a sensitive aquifer;
 - a significant wildlife habitat area, wetland, woodland, ravine, valley or area of natural and scientific interest;
 - a significant corridor or shoreline of a lake, river or stream; or,
 - the site of a significant archaeological resource.

HOW TO USE THIS BY-LAW

In order to reference this by-law most easily, a property owner should follow each of the steps listed below to determine what permissions apply to their particular property.

1. Locate the Property on a Map

Maps in a zoning by-law are called 'Schedules'. The first step to using this by-law is to refer to the Zone schedules that are contained at the back of the by-law to determine in which Zone category your property is located. The Zone category will be indicated on the schedules by a symbol or abbreviation. For example, you may see a symbol such as "RU" associated with your property. This would indicate that your property is within the 'Rural Zone'. The Zone symbols or abbreviations are explained in Section 2 of the by-law.

Section 2 also provides assistance to help you identify the Zone boundaries on the schedules. For example, if your property appears close to a Zone boundary and you are not sure how to determine exactly where that boundary is located, refer to Section 2.4 of the by-law.

2. By-law Amendments

Zoning by-laws are amended over time as policies governing land use change and/or individuals amend the By-law to establish site-specific provisions or use permissions. As a result, the reader should verify that the property of interest has not been the subject of an earlier zoning by-law amendment. Some of these amendments are listed in Section 8 of this by-law. More recent amendments may not be included in the version of the by-law you are using. Staff will be able to assist you to confirm if your property has been subject to a more recent zoning by-law amendment.

3. Permitted Uses

The next step to using this by-law is to determine what uses are permitted on your property. Section 6.0 of the by-law identifies the permitted uses for each Zone in the Township. The definitions in Section 3.0 can assist you if you are not sure of the nature of a use or how it has been defined for the purposes of this by-law. Uses that are not identified as permitted uses within a particular Zone are not permitted in that Zone.



4. Zone Standards

Steps 1 and 2 have now identified the Zone in which your property is located and have identified what uses are permitted on your property. The next step is to determine what standards may apply to the uses on your property. Section 7.0 of the by-law identifies the Zone standards for each Zone in the Township. This section will provide standards for minimum lot area, minimum frontage requirements, minimum yard requirements, maximum lot coverage for buildings, and the maximum permitted height of buildings.

5. General Provisions

Now that you are aware of the uses permitted on your property and the specific Zone standards that apply to those uses, reference should be made to Section 4.0 of this by-law. Section 4.0 contains a more generic set of standards known as 'General Provisions' that apply to all properties in all Zones throughout the Township. For example, the general provisions contain standards that regulate the construction of accessory structures, height exceptions and non-conforming/non-complying uses that apply to all properties regardless of where in the Township a property is located.

6. Parking and Loading

Section 5.0 provides the parking and loading requirements for all permitted uses in the Township. If you are considering changing the use of your property or adding a new use to your property, you should review Section 5.0 to ensure that you are aware of the parking requirements for the proposed use.

DESCRIPTION OF BY-LAW COMPONENTS

This By-law contains nine sections that together with Schedules A, B, and C, provide the standards applicable to all lands within the Township. These sections are as follows:

- Section 1 – Interpretation and Administration
- Section 2 – Establishment of Zones
- Section 3 – Definitions
- Section 4 – General Provisions
- Section 5 – Parking and Loading
- Section 6 – Permitted Uses
- Section 7 – Zone Standards
- Section 8 – Exceptions
- Section 9 – Enactment
- Schedules
- Appendices



This By-law is also accompanied with 3 Appendices. The purpose of these appendices is to identify the location of the approximate regulated areas as prepared by the North Bay Mattawa Conservation Authority.

The purpose of each of these sections is described below.

SECTION 1.0 – INTERPRETATION AND ADMINISTRATION

This section of the By-law specifies:

- what lands are covered by the by-law;
- that every parcel of land in the area covered by the by-law is to conform and comply with the by-law; and,
- what penalties can be levied against a person or a corporation if they contravene any provision in the by-law.

SECTION 2.0 - ESTABLISHMENT OF ZONES

This section establishes the Zones that apply to the lands covered by the by-law. This section also describes how to determine the location of the Zone boundaries on the schedules.

SECTION 3.0 - DEFINITIONS

It is necessary to define words in a zoning by-law because it is a legal document. A by-law must be drafted so that it can be enforced in a Court of Law. These definitions will help provide clarity in the by-law and ensure that the by-law and its intent are applied consistently.

SECTION 4.0 - GENERAL PROVISIONS

This section contains a number of regulations that apply to certain types of uses, buildings or structures regardless of where in the Township or in what Zone they are located.

SECTION 5.0 – PARKING AND LOADING

Parking and loading facilities are required for almost all uses within the Township. This section provides the requirements for these facilities including such regulations as the number of spaces required for all uses, minimum driveway width, minimum *parking space* size and the location of parking facilities on a lot.

SECTION 6.0 - PERMITTED USES

This section lists the uses that are permitted in each Zone. The effect of these Zones is to only permit certain uses in various parts of the Township. The only uses permitted in a Zone are those that are specified in the by-law. If a use is not specifically mentioned as a permitted use in



a Zone then it is not permitted. Similarly, if a use is defined in Section 3.0 of the by-law but does not appear as a permitted use in any Zone, then it is not a use permitted by the by-law.

SECTION 7.0 - ZONE STANDARDS

This section contains a number of regulations that control the placement, bulk and height of a building on a lot. This includes regulations such as minimum lot size, minimum frontage, maximum building height, setbacks from property lines or the maximum coverage of a building on a lot.

SECTION 8.0 - EXCEPTIONS

This section contains regulations that are specific to one property or a group of properties in the Township. For example, the minimum front yard in a Zone is 8.0 metres. The required front yard may be reduced to a lesser number if deemed appropriate and the mechanism to accomplish this reduction is by amending the By-law and excepting the property from the general standard. Exceptions to this by-law are provided in a consolidated list in Section 8. Exceptions are denoted on the Zone Schedules by a hyphen and an exception number following the zone abbreviation (e.g. RU-1). The number is a reference to find the specific exception in Section 8.

SECTION 9.0 - ENACTMENT

This section contains the signatures of the Mayor and the Clerk who signed the by-law when it was passed by Council in accordance with Section 34 of the Planning Act, R.S.O. 1990, c.P. 13.

SCHEDULES

There are three Schedules to this Zoning By-law, referred to as Schedules A, B, and C. These schedules identify all lands in the Township and provide the reference for the zone category applicable to lands.

APPENDICIES

There are three Appendices to this Zoning By-law, referred to as Appendices 1, 2 and 3. These appendices are maps which identify the location of "Approximate Regulated Areas" (ARAs) and were derived from source information provided by the North Bay-Mattawa Conservation Authority. The purpose of the ARA information is to identify lands which may represent natural hazards due to flooding.



SECTION 1.0 INTERPRETATION AND ADMINISTRATION

1.1 TITLE

This By-law may be referred to as the "Chisholm Zoning By-law #2014-xx" and applies to all lands within the Township of Chisholm.

1.2 CONFORMITY AND COMPLIANCE WITH BY-LAW

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

Any *use* not specifically permitted by this By-law shall not be permitted in the Township of Chisholm.

In addition, no person shall *use* any land or locate any *building* or *structure* such that the *uses*, *buildings* or *structures* on other lands would no longer comply with the provisions of this By-law.

1.3 BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

The requirements of this By-law must be met before a *building* permit is issued for the erection, addition to or alteration of any *building* or *structure*. Where a building permit has been issued in compliance with Zoning By-law 82-10 or any amendment thereto but construction and/or the inspection requirements have not been finalized, such permit shall be deemed to be in compliance with Zoning By-law 2014-xx.

1.4 INTERPRETATION

Nothing in this By-law shall serve to relieve any person from any obligation to comply with the requirements of any other By-law of the Township of Chisholm or any other requirement of the Province of Ontario or Government of Canada that may affect the *use* of lands, *buildings* or *structures* in the Township.

1.5 ENFORCEMENT

Enforcement of this By-law will be in accordance with Section 67 of The Planning Act R.S.O 1990 or its successor.



1.6 SEVERABILITY

A decision of a court that one or more of the provisions of this By-law are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other provisions or parts of the provisions of this By-law.

1.7 EFFECTIVE DATE

This By-law shall come into force the day it was passed if no appeals are received. If an appeal(s) is received, this By-law, or portions thereof, shall come into force upon the approval of the Ontario Municipal Board and in accordance with the provisions of the Planning Act as amended.

1.8 MINOR VARIANCES

Where a minor variance has been granted from former By-law 82-10 and a building permit has not been issued and/or site alteration and development is not complete, such prior variance is deemed to be in force and effect despite Section 1.9.

1.9 REPEAL OF FORMER BY-LAW

By-law 82-10 of the Township of Chisholm and all Amendments thereto are hereby repealed.



SECTION 2.0 ESTABLISHMENT OF ZONES

2.1 ZONES

The Provisions of this By-law apply to all lands within the limits of the Township of Chisholm. All lands in the Township are contained within one or more of the following *Zones*:

ZONE	SYMBOL
Environmental Protection	EP
Open Space	OS
Shoreline Residential	S
Limited Service Residential	LSR
Rural	RU
Agricultural	A
Crown	C
Extractive Industrial	AR
Institutional	I

2.2 ZONE SYMBOLS

The *Zone* symbols may be used to refer to *lots, buildings and structures* and to the use of *lots, buildings and structures* permitted by this By-law.

2.3 ZONE SCHEDULES

The *Zones* and *Zone* boundaries are shown on Schedules A, B and C that are attached hereto and form part of this By-law.

2.4 DETERMINING ZONE BOUNDARIES

When determining the boundary of any *Zone* as shown on any Schedule forming part of this By-law, the following provisions shall apply:

- i) a boundary indicated as following a highway, street, lane, utility corridor or watercourse shall be the centre-line of such highway, street, lane, railway right-of-way, utility corridor or watercourse;



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- ii) a boundary indicated as following a shoreline shall follow such shoreline, and in the event of change in the shoreline, the boundary shall be construed as moving with the actual shoreline;
 - iii) a boundary indicated as substantially following *lot* lines shown on a registered Plan of Subdivision or municipal boundaries shall follow such *lot* lines;
 - iv) where a boundary is indicated as running substantially parallel to a street line and the distance from the street line is not indicated, the boundary shall be deemed to be parallel to such a street line and the distance from the street line shall be determined according to the scale shown on the Schedule;
 - v) where a *lot* falls into two or more *Zones* the *Zone* boundary dividing the *lot* shall be deemed to be a *lot* line for purposes of calculating required setbacks, and each portion of the *lot* shall be used in accordance with the provisions of this By-law for the applicable *Zone*; and,
 - vi) where none of the above provisions apply, the *Zone* boundary shall be scaled from the Schedule(s).

2.5 EXCEPTION ZONES

Where a *Zone* symbol on the attached schedule(s) is followed by one or more numbers following the hyphen (-) symbol, such as R1-1, the numbers following the hyphen (-) symbol refer to subsections in Section 8.0 (Exceptions) of this By-law that apply to the lands noted.

2.6 HOLDING PROVISIONS

Notwithstanding any other provision in this By-law, where a *Zone* symbol is followed by the letter (H), no person shall *use* the land to which the letter (H) applies for any *use* other than the *use* which existed on the date this By-law was passed, until the (H) is removed in accordance with the provisions of the Zoning By-law, policies of the Official Plan and the Planning Act, as amended.

2.6.1 Site Specific or Area-Specific Holding Provisions

2.6.1.1 Lands adjacent to open or closed waste disposal sites or contaminated lands

The Holding provision applying to lands within 500 metres of the property boundary of an open waste disposal site or to lands within 500 metres of the boundary of the fill area of a closed waste disposal site may be lifted once



Council is satisfied that the proposed use will be compatible with the waste disposal site in accordance with Sections C6 and C8 of the Official Plan.

2.7 TEMPORARY USE PERMISSIONS

Temporary use permissions may be granted in accordance with Section 39 of the Planning Act and shall be identified in a similar manner to an exception zone in accordance with Section 2.5. In accordance with Section 39.1 of the Planning Act, Garden Suites shall be permitted subject to a Temporary Use By-law.

2.8 DEFINITIONS

For the convenience of the reader, all terms that are *italicized* in this By-law are defined in Section 3.0 of this By-law.



SECTION 3.0 DEFINITIONS

ABBATOIR

Means a *building* or *structure* used for the slaughter, butcher, packaging and refrigeration of animals meat and meat products used for human consumption.

ACCESSORY APARTMENT DWELLING UNIT

Means a secondary *dwelling unit* in a *building* containing a *detached dwelling* and which is *accessory* to the *principal use* of the *lot*.

ACCESSORY BUILDING OR STRUCTURE

Means a detached *building* or *structure*, the *use* of which is naturally and normally incidental to, subordinate to, or exclusively devoted to, the *principal use* or main *building* on the same *lot*.

ACCESSORY USE

Means a *use* that is naturally and normally incidental to, subordinate to, or exclusively devoted to, the *principal use* on the same *lot*.

AGRICULTURAL BUILDING

Means a *building* or *structure*, other than a *barn*, that is used in conjunction with an *agricultural use* to store agricultural equipment and/or to grow specialty crops and/or from which agricultural products are sold and includes a greenhouse.

AGRICULTURAL SUPPORT USE

Means *premises* used for the storing, blending and distributing agricultural support products such as fertilizers, feed, seed and chemicals related to agricultural uses.

AGRICULTURAL USE

Means the use of land for the growing, producing, keeping or harvesting of farm products.



AGRICULTURAL USE, INTENSIVE

Means the *use* of land for the purpose of raising livestock such as poultry or cattle and may include a *feedlot*.

AGRICULTURAL USE, SPECIALIZED

Means lands where specialty crops such as fruit crops, vegetable crops, greenhouse crops are predominantly grown, usually resulting from:

- soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both; and/or
- a combination of farmers skilled in the production of specialty crops, and of capital investment in related facilities to produce, store or process specialty crops.

A *specialized agricultural use* may also consist of a *market garden* where the products of a *specialized agricultural use* grown on the *lot* are sold. For the purpose of this definition, a *medical marijuana facility* shall not constitute a *specialized agricultural use*.

AIRPORT

Means an area of land *used* for the landing, storing and taking off of aircraft and their passengers and/or freight and may include, as *accessory uses*, ticket offices, *restaurants*, parcel shipping facilities, customs offices, *business offices* and *retail stores*.

AISLE

The area used by motor vehicles for access to and from all off-street parking spaces, but does not include an access driveway.

ASPHALT PLANT

Means a facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt paving material, and includes stockpiling and storage of bulk materials used in the process, including recycled material, and which is of permanent construction.

ALTERATION

Means any modification to the structural component of a *building* that results in a change of *use*, or any increase or decrease in the volume or *floor area* of a *building* or *structure*.



ASSEMBLY HALL

Means *premises used* for the gathering together of a number of persons for charitable, civic, cultural, educational, fraternal, political, recreational, social or like purposes, and may include facilities for the consumption of food or drink, but not for any commercial purpose. This shall not exclude temporary events such as craft sales, bake sales, auctions and similar activities.

ATTACHED

When used in reference to a *dwelling unit* or enclosed buildings, means a *building* or *structure* otherwise complete in itself, which depends, for structural support or complete enclosure, upon a division wall or walls shared in common with adjacent **building** or buildings. When used in reference to accessory structures such as a patio, means a *structure* which is **connected to** the exterior wall or walls of an enclosed building.

AUCTION YARD

Means land and/or facilities designed to accommodate the public sale of merchandise or livestock on a regular or seasonal basis. Accessory uses to an auction yard may include farm produce sales and the sale of food prepared on-site for consumption by patrons.

BALCONY

Means a partially enclosed upper storey platform projecting from the main wall of a *building* which may or may not be supported by vertical uprights and which is only accessible from within the *building*.

BARN

Means a *building* used in conjunction with an *intensive agricultural use* that is designed to shelter farm animals.

BED AND BREAKFAST ESTABLISHMENT

Means a part of a *detached dwelling unit* in which not more than three bedrooms are used or maintained for the short-term accommodation of the traveling public, in which the owner of the *dwelling unit* supplies lodgings with or without meals for hire or pay but does not include a *group home*, *tourist establishment* or *hotel*.

BOARDING HOUSE

Means a *dwelling unit*, containing not more than ten guest rooms which are maintained for the accommodation of the public, in which the owner or lessee supplies, for hire or gain, lodgings with



or without meals for three or more persons but does not include any other establishment otherwise defined or classified in this By-law.

BOATHOUSE

Means a detached *accessory building* or *structure* which is designed or *used* for the sheltering of watercraft and marine equipment but does not include any habitable premises or a dwelling unit or open walkways or uncovered docking facilities.

BUILDING

Means a *structure* occupying an area greater than 10 square metres consisting of any combination of a wall, roof and floor, or a structural system serving the function thereof, including all associated works, fixtures and service systems.

BUILDING, MAIN

Means a *building* that functions as the *building* in which the principle *use* of the *lot* is carried out.

BUILDING SUPPLY OUTLET

Means *premises* where *building*, construction and home improvement materials are offered or kept for retail sale.

BULK FUEL DEPOT

Means *premises* where petroleum, gasoline, fuel, oil, gas or flammable liquid or fluid is stored, warehoused and/or kept for retail sale.

BULK WATER EXTRACTION FACILITY

An industrial use which extracts surface or ground water as a commodity to be processed on-site or transported off-site to a processing or distribution facility.

BUSINESS OFFICE

Means *premises used* for conducting the affairs of businesses, professions, services, industries, governments, or like activities, in which the chief product of labour is the processing and/or storage of information rather than the production and distribution of goods.



CAMPGROUND

Means *premises* consisting of at least five camping sites for the overnight and/or temporary camping or parking of mobile camper trailers, motorized mobile homes, or tents for recreational or vacation use and designed for seasonal occupancy only.

CARPORT

Means an *attached accessory building or structure*, which is not wholly enclosed, and is used for the parking or storage of one or more *motor vehicles*.

CAR WASH

Means premises where motor vehicles are washed by hand or mechanical means.

CEMETERY

Means a cemetery within the meaning of the *Funeral, Burial and Cremation Services Act*, as amended, but shall not include a *crematorium* or columbarium.

CHIEF BUILDING OFFICIAL

An official employed by the Township appointed under the Building By-law or pursuant to the provisions of *The Building Code Act*, as amended, and shall include any Inspector likewise employed and appointed.

CLINIC

An establishment in which medical, dental or other professional healing treatment is given to human beings.

COMMERCIAL SELF-STORAGE FACILITY

Means **enclosed** *premises used* for the temporary storage of household items and seasonal, recreational or commercial vehicles, boats and trailers in storage areas or lockers, which are generally accessible by means of individual loading doors.

COMMUNITY CENTRE

Means a *building or structure used* for community activities and events.



CONCRETE PLANT

Means a *building or structure* with equipment designed to mix cementing materials, aggregate, water and related mixtures to produce ready mix concrete or concrete products, and includes stockpiling and storage of bulk materials used in the process, and which is of permanent construction.

CONSERVATION USE

Means an area of land that is generally left in its natural state and which is *used* to preserve, protect and/or improve components of the natural heritage system and may include, as an *accessory use*, hiking trails and/or cross country ski trails, *buildings and structures* such as nature interpretation centres and public information centres.

CONTRACTOR'S YARD

Means *premises* used by a general contractor or builder where equipment and materials are stored or where a contractor performs occasional assembly work related to work or projects occurring off-site, but does not include any other yard or establishment otherwise defined or classified herein.

CONVENIENCE STORE

Means *premises* supplying groceries and other daily household needs to the immediate surrounding area.

COUNCIL

Means the Municipal Council of the Corporation of the Township of Chisholm.

CREMATORIUM

A *building or structure* licensed under Provincial legislation to incinerate the bodies of deceased persons or animals.

CRAFT SHOP/STUDIO

Means *premises* in which a handicraft is conducted for gain or profit and may include the sales of such handicraft.



CROSS COUNTRY SKI FACILITY

Means an area of land with trails *used* by skiers and which may include, as *accessory uses*, *restaurants*, clubhouses, *retail stores* selling ski equipment and accessories, fitness centres, a *dwelling unit* for an owner/caretaker, and other *buildings* or *structure* devoted to the maintenance, administration and operation of the cross-country ski facility.

DAY NURSERY

Means *premises* where more than 5 children are provided with temporary care and/or guidance for a continuous period not exceeding twenty-four hours and are licensed in accordance with the *Day Nurseries Act*.

DECK

Means an *accessory structure* abutting or *attached* to a dwelling with no roof or walls, except for visual partitions and railings which are constructed on piers or floats on grade and is *used* as an outdoor living or amenity area.

DOCK

Means an *accessory structure* located at the water's edge and extending into the water which floats or is fixed to anchors on the lake bottom or forms and is used in conjunction with a permitted use on the mainland primarily to facilitate access to the water and to moor vessels.

DRIVEWAY

Means that portion of a *lot* used to provide vehicular access from a roadway to an off-street parking or loading area located on the same *lot*.

DRY CLEANING DEPOT

Means premise where articles of fabric are dropped off, stored or picked-up by members of the public, but does not include a dry cleaning establishment.

DRY CLEANING ESTABLISHMENT

Means *premises* in which articles of fabric are subjected to the process of dry cleaning, dry dyeing or cleaning in a laundry plant and for the pressing and distribution of any such articles or goods that have been subjected to any such process.



DWELLING UNIT

Means two or more rooms *used* or intended for the domestic *use* of one or more individuals living as a single housekeeping unit, with cooking, living, sleeping and sanitary facilities, and having a private entrance from outside the *building* or from a common hallway or stairway inside or outside the *building*.

DWELLING UNIT, DETACHED

Means a *building* containing one *dwelling unit*.

DWELLING UNIT, HORIZONTALLY ATTACHED

A *detached dwelling unit* where one or more of the kitchen, living quarters, sanitary facilities and other rooms are attached by a horizontal hallway or breezway greater than 2 metres in length and which may be entered from the exterior or from an access hallway or from an internal common space.

DWELLING UNIT, SEMI-DETACHED

Means a *dwelling unit* contained within a *building* containing two *dwelling units* which are separated by a common wall dividing the pair of dwellings vertically, in whole or in part, each of which has an independent entrance, either directly from the outside or through a common vestibule.

DWELLING UNIT, DUPLEX

Means a *dwelling unit* contained within a *building* that is divided horizontally into two separate *dwelling units*, each of which has an independent entrance either directly from the outside or through a common vestibule.

DWELLING UNIT, MOBILE HOME

Means a *dwelling unit* contained that is designed to be movable and suitable for permanent or semi-permanent residence and being not less than 18 metres in length and 5.5 metres in width, and containing suitable sanitary and food preparation facilities.

DWELLING UNIT, MULTIPLE

Means a *dwelling unit* in a *building* containing four or more *dwelling units*, each of which has an independent entrance directly from the outside or through a common vestibule or common corridor but does not include a *townhouse dwelling*.



DWELLING UNIT, SECONDARY

An *accessory dwelling unit* constructed within a *detached dwelling* or commercial *building*.

DWELLING UNIT, TOWNHOUSE

Means a *dwelling unit* in a *building* where three or more attached *dwelling units* are separated by a common wall dividing the dwellings vertically, in whole or in part, each of which has an independent entrance, directly from the outside.

DWELLING UNIT, TRIPLEX

Means a *dwelling unit* contained in a *building* containing three *dwelling units*, each of which has an independent entrance either directly from the outside or through a common vestibule.

EMERGENCY SERVICE DEPOT

Means a garage or supply facility that *houses* emergency personnel, their supplies and vehicles and shall include an ambulance response facility, fire station or police station.

EQUESTRIAN FACILITY

Means an area of land where three or more horses are boarded and taken out to be ridden by their owners or rented to others and where horseback-riding lessons may be given. An equestrian facility may also include a detached accessory building, which is not a barn, for the purpose of storage and office space, provided the gross floor area of such building does not exceed 60 m².

EQUIPMENT SALES AND RENTAL ESTABLISHMENT

Means *premises* where machinery and equipment are offered or kept for rent, lease or hire under agreement for compensation, but shall not include any other establishment defined or classified in this By-law.

FARM IMPLEMENT DEALER

Means *premises* where predominantly agricultural and agricultural related equipment is repaired, serviced or sold.

FARM PRODUCE OUTLET

Means *premises* where agricultural produce such as fruits, vegetables, maple syrup, honey, meat and dairy products are sold.



FARM VEHICLE

Means a licensed or unlicensed *motor vehicle* that is *used* to cultivate or harvest farm products and/or assist in the general operation of an *agricultural use*, an *intensive agricultural use* or a *specialized agricultural use*.

FEEDLOT

Means an *intensive agricultural use* where cattle or other domestic animal are typically confined in a corral, that may or may not be attached to a *barn* for the purposes of regular feeding for the purpose of raising such animals for market purposes.

FERTILIZER STORAGE ESTABLISHMENT

Means facilities, *buildings* or *structures* designed to store fertilizer for commercial resale or wholesale purposes.

FIRST STOREY

Means the *storey* with its floor closest to *established grade* and having its ceiling more than 1.8 metres above *grade*.

FLOODPLAIN

Means the area, usually low lands adjoining a watercourse, which has been or may be subject to *flooding hazards*.

FLOODING HAZARD

Means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water. Along river, stream and small inland lake systems, the flooding hazard limit is the greater of:

- a) the flood resulting from the rainfall actually experienced during a major storm, such as the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
- b) the one hundred year flood; or,
- c) a flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources; except where the use of the one hundred year flood or the actually experienced event has been approved by the Minister of Natural Resources as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).



FLOODPROOFING

Means the act of designing or constructing *buildings* and *structures* so as to reduce or eliminate the potential for flood damage.

FLOOR AREA, GROSS

Means the aggregate total of the floor areas of a *building* or *structure* measured between the exterior faces of the exterior walls of the *building* or *structure* at the level of each floor, and in the case of a dwelling, excluding any porches, verandas or sunrooms (unless habitable in all seasons of the year), any basement or cellar or private garage.

FLOOR AREA, GROUND

The total area of the footprint of a *building* or *structure* measured using the outside walls, excluding, in the case of a dwelling house, any private garage, carport, porch, verandah or deck.

FORESTRY USE

Means an area of land used for the cultivating and harvesting of trees for the purpose of producing commercial and non-commercial wood products and on which the cutting of wood harvested from the *lot* on which the *forestry use* is located for transport is permitted as well as temporary accommodation for forestry workers. For the purposes of this By-law, a *forestry use* does not include a *saw and/or wood planing mill* or a *wood-chipping establishment*.

FUNERAL HOME

Means *premises* that is designed for the purpose of providing funeral services to the public and includes facilities intended for the preparation of corpses for interment or cremation, but shall not include a *crematorium*.

GARAGE, PRIVATE

Means a detached *accessory building* or portion of a *building* containing one or more *dwelling units* which is designed or used for the sheltering of a private *motor vehicle* and/or storage of household equipment incidental to the principal *use* of the *lot*, and which is fully enclosed and roofed and excludes a carport or other open shelter. Where a *Private Garage* is detached from a dwelling unit, such structure shall not contain any plumbing fixture that is connected to a private septic system nor shall it contain a compostable toilet or other similar facility.



GARDEN SUITE

A temporary, portable *premises* which functions as a detached dwelling unit accessory to a residential use. The water supply and septic disposal system for a *Garden Suite* shall be provided by the same system which is in place for the main dwelling unit on the lot.

GASOLINE ESTABLISHMENT

Means *premises* where *motor vehicle* fuels and petroleum products are sold and/or dispensed in accordance with Provincial regulations and may include service facilities *motor vehicles*, such as window tinting or car stereo installation but shall not include a *motor vehicle dealership*, a *motor vehicle repair garage* or a *motor vehicle service station*.

GOLF COURSE

Means lands designed to be operated for the purpose of playing golf, and includes such *accessory uses* as a restaurant, a *retail store* that sells golf equipment and accessories, a *dwelling unit* for an owner/caretaker, fitness centre and other *buildings* or *structures* devoted to the maintenance and operation of the *golf course* and may include, as accessory uses, a golf driving range and a miniature golf facility.

GOLF COURSE, PRIVATE

Means an area used for the purpose of playing golf which is not operated on a commercial, private membership or share basis. A *Private Golf Course* may include accessory *buildings* or *structures* devoted to storage and maintenance.

GOLF DRIVING RANGE

Means an indoor or outdoor public or private facility dedicated to the driving of golf balls from fixed golf tees.

GRADE

Means the level of the ground adjacent to the outside wall of a *building* or *structure*.

GRADE, ESTABLISHED

Means the existing, finished or final ground surface elevation that coincides with the outside walls of any *building* or *structure*.



GROUP HOME

Means a *dwelling unit* designed for the accommodation of 3 to 6 persons, exclusive of staff, living under supervision in a *dwelling unit* and whom by reason of their emotional, mental, social, or physical condition or legal status, require a group living arrangement for their well-being. A group home shall be licensed or approved under an applicable Provincial statute. For the purposes of this by-law, group homes will be classified either as Group Home A or Group Home B.

GROUP HOME A

Means a *Group Home* primarily for persons who have been referred by a hospital, recognized social services agency or health professional.

GROUP HOME B

Means a *Group Home* operated primarily for persons who have been placed on probation, released on parole, or admitted for correctional purposes.

GUEST CABIN

Means an *accessory structure* which is not attached to the main dwelling on a *lot* which is maintained for the accommodation of an individual or individuals where facilities for internal plumbing may be provided and which is not a *dwelling unit*.

GUN CLUB

Means a *private club* using *premises* or a *building* or *structure* to discharge firearms for recreation or sport.

HEIGHT

Means with reference to a *building* or *structure*, the vertical distance measured from the *established grade* of such *building* or *structure* to:

- a) the highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;
- b) the deckline of a mansard roof;
- c) the highest vertical distance to the mid-point between the eaves and ridge of a gabled, hip or gambrel roof or other type of pitched roof;
- d) in case of a *structure* with no roof, the highest point of the said *structure*; and,
- e) in the case of a detached *accessory* storage building or private garage the roof peak or highest point of the roof.



Notwithstanding the above, any ornamental roof construction features including towers, steeples or cupolas, shall not be included in the calculation of *height*.

HIGH WATER MARK, ESTABLISHED

The upper most extent that water levels are known to range or are known to achieve naturally on the shore or bank of a body of water, which has been established by an engineering study or survey identifying the limit of the dynamic beach hazard, or where neither an engineering study or survey have been prepared, may be identified by a definitive break in slope and/or vegetation or soil. Typical features may include a natural line or distinctive mark impressed on the bank or shore, indicated by erosion, shelving, changes in soil characteristics, destruction of terrestrial vegetation, or other similar distinctive characteristics.

HOBBY FARM

Means an accessory use to a residential use on which a barn, stable or animal shelter may be erected to house no more than 5 domestic animals or up to 25 fowl for recreational purposes or for home consumption by the occupants of a dwelling on the same *lot*.

HOME INDUSTRY

A small-scale occupation of an industrial nature conducted entirely within a building or part of an accessory building to a single-detached dwelling but does not include the repairing, storage or recycling of motor vehicles, mobile homes, boats, heavy equipment and recreational vehicles, which includes, but is not limited to campers, motor homes, motor cycles, all terrain vehicles, personal water craft and snowmobiles.

HOME OCCUPATION

Means the *use* of part of a *dwelling unit* or *accessory building* by the owner or leaseholder of the *dwelling unit* for an occupation or business activity that results in a product or service and which is secondary to a residential *use*.

HOSPITAL

Means any institution, *building* or other *premises* established for the treatment of persons afflicted with or suffering from sickness, disease or injury, for the treatment of convalescent or chronically ill persons that is approved under the Public Hospitals Act as a public hospital.

HOTEL

Means *premises* that contain rooms that are rented on a temporary basis to the public or *dwelling units*, or a combination of both, equipped to be occupied as temporary accommodation for the



public, and which may contain a public dining area, meeting rooms and accessory banquet facilities.

HUNT CAMP

Shall mean a single-storey building or structure with a maximum total floor area of 55.7 m² consisting of one or more rooms and may include facilities for the preparation of food and overnight accommodation on a private, temporary basis for use only during the hunting or fishing seasons but shall not be a *dwelling unit* or any other establishment or use as may be defined or classified in this By-law.

IMPROVED PUBLIC ROAD

A street, road or highway under the jurisdiction and control of the Province of Ontario or the Township, which has been assumed by By-law and which is maintained so as to allow normal vehicular access to lands which abut the road as well as access by emergency service vehicles.

INDUSTRIAL USE

Means *premises used* for the warehousing of goods and materials, the assembly of manufactured goods, the manufacturing of goods, the repair and servicing of goods and similar *uses*.

KENNEL

Shall mean a building or structure together with lands where more than 3 adult dogs, including dog-sled teams, are kept, raised, bred and/or boarded as part of a commercial operation or a hobby.

LANDSCAPED OPEN SPACE

Means the open unobstructed space from ground to sky at grade which is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping and includes any surfaced walk, patio or similar area but does not include any driveway or ramp, whether surfaced or not, any curb, retaining wall, parking area or any open space beneath or within any *building* or *structure*.

LANE

Means a public or private thoroughfare which affords only a secondary means of access to abutting *lots* and which is not intended for general traffic circulation.



LIBRARY

Means *premises* containing printed, electronic and pictorial material for public *use* for purposes of study, reference and recreation.

LOADING SPACE

Means an off-street space on the same *lot* as the *building*, or contiguous to a group of *buildings*, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

LOT

Means a parcel of land that is registered as a legally conveyable parcel of land in the Registry Office.

LOT AREA

Means the total horizontal area within the *lot lines* of a *lot*.

LOT, CORNER

Means a *lot* at the intersection of two or more *public streets* or upon two parts of the same *public street* with such street or streets containing an angle of not more than 135 degrees or a *lot* upon which the tangents at the street extremities of the interior side *lot lines* contain an angle of not more than 135 degrees. The corner of a *lot* on a curved corner shall be that point on the *street line* nearest the point of intersection of the said tangents.

LOT COVERAGE

Means that percentage of the *lot* covered by all *buildings* and *structures* but shall not include any *building* or *structure* or portion thereof that is completely below *grade* nor shall it include attached or detached decks or landscape features constructed of paving stones or like material. *Lot coverage* in each *Zone* shall be deemed to apply only to that portion of such *lot* that is located within said *Zone*.

LOT FRONTAGE

Means the horizontal distance between the *interior side* and/or *exterior side lot lines*, with such distance being measured perpendicularly to the line joining the mid-point of the *front lot line* with the mid-point of the *rear lot line* at a point on that line 8.0 metres from the front *lot line*.



In the case of a *lot* with no rear *lot* line, the point where two *interior side lot lines* intersect shall be the point from which a line is drawn to the mid-point of the *front lot line*. In the case of a *corner lot* with a daylighting triangle, the *exterior side lot line* shall be deemed to extend to its hypothetical point of intersection with the extension of the *front lot line* for the purposes of calculating *lot frontage*.

LOT, INTERIOR

Means a *lot* situated between adjacent *lots* and having access to one *public street*.

LOT LINE, INTERIOR SIDE

Means a *lot line*, other than a *rear lot line* that does not abut a *public street*.

LOT LINE

Means a line delineating any boundary of a *lot*.

LOT LINE, EXTERIOR SIDE

Means the *lot line* of a *corner lot*, other than the *front lot line*, which divides the *lot* from a *public street*.

LOT LINE, FRONT

Means the line which divides the *lot* from the *public street*, or *private street* but, in the case of:

- a) a *corner lot*, the shortest of the *lot lines* that divides the *lot* from the *public* or *private street* shall be deemed to be the *front lot line*;
- b) a *corner lot* where such *lot lines* are of equal length and where one *lot line* abuts a County road or Provincial highway, the *front lot line* shall be deemed to be that line which abuts the County road or Provincial highway;
- c) a *corner lot* where such *lot lines* are of equal length and where both *lot lines* abut a *public street* under the same jurisdiction or two *private streets*, the *Corporation* may designate either *street line* as the *front lot line*;
- d) a *lot* that is separated from a *public street* by a *public park* and provided the *lot* is accessed by a *lane*, the shortest *lot line* that abuts the *public park* shall be deemed to be the *front lot line*;
- e) a *through lot*, the longest of the *lot lines* which divide the *lot* from the *public* or *private streets* shall be deemed to be the *front lot line*. If both such *lot lines* are of equal length, the *Corporation* may designate either *street line* as the *front lot line*; and,
- f) a *waterfront lot*, the *lot line* that abuts the water's edge or abuts the boundary of a shore road shall be deemed to be the *front lot line*.



LOT LINE, REAR

Means the *lot line* opposite to, and most distant from the *front lot line*.

LOT, THROUGH

Means a *lot* bounded on opposite sides by a *public* or *private street*. However, if the *lot* qualifies as being both a *corner lot* and a *through lot*, such *lot* is deemed to be a *corner lot* for the purposes of this By-law.

MARINA

Means *premises* containing docking facilities where watercraft and watercraft accessories are berthed, stored, serviced, repaired, and kept for sale or rent and which may include facilities for the sale of marine fuels, lubricants, souvenirs and clothing as well as facilities for watercraft wastewater pumping.

MEDICAL MARIJUANA FACILITY

Means a facility utilizing non-residential land and/or structures for the purpose of propagating, processing, storing, destroying and/or distributing marijuana or any other otherwise prohibited substance used in a legally authorized medicinal manner in accordance with Federal law and regulation.

MEDICAL OFFICE

Means *premises used* for the medical, dental, surgical and/or therapeutic treatment of human beings including clinics operated by a number and/or variety of medical professionals, but does not include a public or private *hospital* or office located in the medical professional's residence.

MOTEL

Means *premises* that contain rooms with no private cooking facilities that are rented on a temporary basis to the public with each room being accessed from the outside.

MOTOR VEHICLE

Means an automobile, motorcycle, motor-assisted bicycle unless otherwise indicated in the Highway Traffic Act, as amended, and any other vehicle propelled or driven otherwise than by human power.



MOTOR VEHICLE BODY SHOP

Means *premises used* for the painting and/or repairing of the exterior, interior and/or the undercarriage of *motor vehicle* bodies.

MOTOR VEHICLE, COMMERCIAL

Means a *motor vehicle* which is designed for the transport of goods and which is *used* for business, employment or commercial purposes.

MOTOR VEHICLE DEALERSHIP

Means *premises* where a vendor of new or *used motor vehicles* displays such vehicles for sale or rent and in conjunction with there may be a *motor vehicle repair garage* or a *motor vehicle body shop*.

MOTOR VEHICLE REPAIR GARAGE

Means *premises used* for the repairing of *motor vehicles*.

MOTOR VEHICLE SERVICE STATION

Means *premises used* for the sale of *motor vehicle* fuels and which may include the following *accessory uses*: the sale of *motor vehicle* parts and accessories, *retail* and personal service *uses*, *motor vehicle* rental, the servicing and repairing of *motor vehicles*.

MOUNTAIN BIKE FACILITY

Means an area of land with trails *used* by non-motorized mountain bikes and which may include, as *accessory uses*, *restaurants*, club houses, *retail stores* selling bike equipment and accessories, a repair shop, indoor training and coaching facilities, a *dwelling unit* for an owner/caretaker and other *buildings* or *structure* devoted to the maintenance, administration and operation of the mountain bike facility.

MUSEUM

Means *premises used* for the preservation of a collection of paintings and/or other works of art and/or objects of social history such as buildings or artifacts and/or mechanical scientific and/or philosophical inventions, instruments, models and/or designs and which may also include libraries, reading rooms, laboratories and *accessory* offices.



NATURE INTERPRETATION CENTRE

Means *premises* in which maps, exhibits and documents are displayed for the purpose of explaining environmental features and functions to the public.

NAVIGABLE WATERWAY

Means a body of water that is capable of affording reasonable passage of floating vessels of any description for the purpose of transportation, recreation or commerce.

NON-CONFORMING

Means an existing *use* or activity of any land, *building* or *structure* that is not identified in the list of permitted *uses* for the *Zone* in which it occurs as of the date of passing of this By-law.

NON-COMPLYING

Means a *lot*, *building* or *structure* that does not meet the regulations of the *Zone* in which it is located as of the date of passing of this By-law.

NURSERY

Means a lot where the growing of trees, bushes and other plants and flowers for landscaping purposes is carried out for gain.

NURSING HOME

Means *premises* in which lodging is provided with or without meals and in addition, provides nursing or medical care and treatment in accordance with The Nursing Homes Act but does not include a *hospital*.

OBNOXIOUS USE

Means a *use* which, from its nature or operation, creates a nuisance or is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust or objectionable odour, or by reason of the matter, waste or other material generated by the *use*, and without limiting the generality of the foregoing, shall include any *uses* which may be declared to be a noxious or offensive trade or business under the Public Health and Promotion Act, as amended.



OUTDOOR STORAGE

Means an area of land *used* in conjunction with a business located within a *building* or *structure* on the same *lot*, for the storage of goods and materials.

OUTDOOR STORAGE USE

Means an outdoor storage area forming the main *use* of a *lot*. For the purposes of this definition, the *outdoor storage of motor vehicles* is not considered to be an outdoor storage *use*.

OUTFITTER ESTABLISHMENT

Means a commercial business providing goods and materials and other services to hunters, campers and fisherman and similar outdoor recreation pursuits and may include a marina and/or floatplane hangar, but shall not include facilities for overnight accommodation.

PAINTBALL FACILITY

A commercial business that provides the premises, facilities and accessories for participants to engage in recreational games of combat using paintball pellets ejected from air rifles or pistols.

PARKING AREA

Means an open area, other than a street, *used* for the temporary parking of two or more *motor vehicles* and available for public *use* where free, for compensation or as an accommodation for clients or customers or residents, but does not include the storing of impounded or wrecked vehicles in a specifically designated area or compound.

PATIO

An ground oriented platform or surfaced area without a roof or walls, which may or may not be attached to a main dwelling or other accessory building and is used as an outdoor living area to accommodate outdoor living accessories such as bar-be-ques, patio furniture and hot tubs and may contain a landing or stair.

PERSONAL SERVICE SHOP

Means *premises* in which services involving the care of persons or their apparel are offered and may include a barber shop, a hair dressing shop, a beauty shop, a shoe repair establishment, a tailor or similar service establishments.



PIT

Means an area of land where unconsolidated gravel, stone, sand, earth, clay, fill or other material is being removed by means of an excavation to supply materials for construction, industrial or manufacturing purposes and may include, as an *accessory use*, facilities for the crushing, screening, washing and storage of such materials, but does not include a *wayside pit*.

PLACE OF AMUSEMENT

Means *premises* that contains facilities that offer games of skill and competition for the amusement of the public, such as motion simulation rides, virtual reality games, video games, computer games, laser games and similar types of *uses*, but does not include casinos or any other establishment accommodating gambling or gaming activities, wagering or betting, video *lottery* and gaming machines or any other similar type of gambling *use*.

PLACE OF ENTERTAINMENT

Means a motion picture or live theatre, arena, auditorium, planetarium, concert hall and other similar *uses* but shall not include an *adult entertainment parlour*, any *use* entailing the outdoor operation or racing of animals or motorized vehicles, a casino or any other establishment accommodating or providing gambling or gaming activities, wagering or betting, video *lottery* or gaming machines, or any other similar type of gambling *use*.

PLACE OF WORSHIP

Means *premises used* by a religious group(s) for the practice of spiritual worship and expressing religious rites.

PORCH

A roofed structure without walls which is used as to define and provide entry to a dwelling which may also function as an outdoor living area. For the purposes of this definition a porch may be comprised of a knee-wall or partial wall to support a roof but shall remain unenclosed. For the purpose of this definition, a porch and verandah shall mean the same thing.

PORTABLE ASPHALT PLANT

Means a facility with equipment designed to heat and dry aggregate and to mix aggregate with bitumous asphalt paving material, and includes stockpiling and storage of bulk materials used in the process, and which is not of permanent construction, but which is to be dismantled at the completion of a construction project.



PORTABLE CONCRETE PLANT

Means a building or structure with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process, and which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

PORTABLE PROCESSING PLANT

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

PREMISES

Means an area of a *building* occupied or used by a business or enterprise. In a multiple tenancy *building* occupied by more than one (1) business, each business area shall be considered a separate *premises*. Each individual unit proposed and/or registered in a Plan of Condominium shall also be considered individual *premises*.

PRIVATE CLUB

Means *premises* used as a meeting place by members and guests of members of non-profit and non-commercial organizations for community, social or cultural purposes. This definition does not include *uses* that are normally carried out as a commercial enterprise.

PRIVATE HOME DAYCARE

Means the *accessory use* of a *dwelling unit* for the temporary care and custody of not more than five children who do not live in the *dwelling unit* and who are under ten years of age for reward or compensation for a continuous period not exceeding twenty-four hours.

PRIVATE PARK

Means an open space or recreational area other than a *public park*, operated on a commercial and/or private member basis, and which may include areas for hiking and/or horse-riding, beach areas, picnic areas, tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields and *accessory buildings* which may include change rooms, meeting rooms and washrooms.



PRIVATE ROAD

Means an existing private road or right-of-way over one or more private properties which has historically afforded and been utilized for access to abutting lots and which the Township has no authority to maintain and which the Township bears no responsibility or liability for use.

PUBLIC AUTHORITY

Means any Federal, Provincial or Municipal commission, board, authority, agency or corporation.

PUBLIC PARK

Means any area of land under the jurisdiction of a *public authority* that is designed and/or maintained for recreational purposes. Without limiting the generality of the foregoing, a public park may include municipal parks and playgrounds, swimming pools, beach areas, tennis courts, bowling greens, arenas, boating facilities, sports fields and ancillary retail *uses* and regional open space and recreational *uses* operated by the Province of Ontario which areas may include a *campground* operated by the Province of Ontario.

QUARRY

A place where consolidated rock is removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry, quarry below water table or open pit metal mine authorized under the Mining Act.

QUARRY, BELOW WATER TABLE

A place where consolidated rock is removed below the established water table by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit metal mine authorized under the Mining Act.

RECREATIONAL TRAILER OR VEHICLE

Means any vehicle that is suitable for being attached to a *motor vehicle* for the purpose of being drawn or is self-propelled, and is capable of being used on a short term recreational basis for living, sleeping or eating accommodation of human beings and includes a travel trailer, pick-up camper, motorized camper or tent trailer.

RECYCLING ESTABLISHMENT

Means *premises* in which *used* materials are separated and/or processed prior to shipment to other *uses* that will *use* those materials to manufacture new or recycled products.



RECONSTRUCTION

Shall mean the act of returning a failing *building* or *structure* to a safe and secure condition, but shall not constitute the replacement of the *building* or *structure*.

REPAIR SHOP

Means *premises* used primarily for the repair of household articles but shall not include shops for the repair of internal combustion engines, *motor vehicles* or other similar *uses*.

RESERVE

Means a strip of land abutting a *public street* and owned by the authority having jurisdiction over such a *public street*. For the purposes of this By-law, a *lot* separated from a *public street* by a reserve shall be deemed to abut such a *public street*.

RESTAURANT

Means *premises* in which the principal business is the preparation and serving of food and refreshments to the public for consumption at tables within or outside the *building* and which may include the preparation of food in a ready-to-consume state for consumption off the *premises*.

RETAIL STORE

Means *premises* in which goods, wares, merchandise, substances, articles or things are displayed, rented or sold directly to the general public.

RETIREMENT HOME

Means *premises* that provides accommodation primarily to retired persons or couples where each private bedroom 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 food are provided, and where common lounges, recreation rooms and medical care facilities may also be provided.

SALVAGE OR WRECKING YARD

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



SAW AND/OR PLANING MILL

Means *premises* of a permanent nature where timber is cut, sawed or planed either to finished lumber or as an intermediary step and may include facilities for the kiln drying of lumber and the sale of such products to the public, but shall not include the sale of general building materials and hardware.

SCHOOL, PUBLIC

Means a facility used as an academic school under the jurisdiction of the Near North District Board of Education, or other similar Provincially approved educational institution or parochial school operated on a non-profit basis.

SCHOOL, PRIVATE

Means *premises used* as an academic school for children which secures the major part of its funding from sources other than government agencies.

SEA CONTAINER

Means an enclosed metal receptacle, designed to be used for shipping purposes.

SEPTIC SYSTEM, LEACHING BED

A primary component of a *private septic system* constructed with a series of underground drainage pipes or tiles and designed to receive treated septic effluent from a septic tank and distribute such effluent into the ground.

SEPTIC SYSTEM, PRIVATE

An accessory use to a permitted use on a lot which is authorized in accordance with the Building Code Act to treat and distribute sewage wastewater and which is not maintained by public authority. The principal components of a *private septic system* are a *septic tank* and *septic system leaching bed*.

SEPTIC TANK

A primary component of a *private septic system* designed to receive, hold, treat and distribute sewage wastewater through an anaerobic process.



SETBACK

Means the horizontal distance from a *lot* line or defined physical feature measured at right angles to such centre line, to the nearest part of any *building* or *structure* on the *lot*.

SIGHT TRIANGLE

Means the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 9 metres, measured along the street line from the point of intersection of the street lines. The distance shall be increased to 15.0 metres on Provincial Roads. Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

STOREY

Means that portion of a *building* between the surface of a floor and the floor, ceiling or roof immediately above. Any portion of a *building* partly below *grade* level shall be deemed a storey where the ceiling is at least 1.8 metres above *established grade*. Any portion of a storey exceeding 4.2 metres in *height* shall be deemed to be an additional storey.

STREET, PRIVATE

Means a private right-of-way that is *used* by *motor vehicles* but is not owned by the *Corporation* or any other *public authority*.

STREET, PUBLIC

Means a roadway owned and maintained by a *public authority* and for the purposes of this By-law does not include a *lane* or any *private street*.

STREET LINE

Means the boundary between a *public street* and a *lot*.

STRUCTURE

Means anything that is erected, built or constructed of parts joined together and attached or fixed permanently to the ground or any other *structure*. For the purpose of this By-law, a fence that has a *height* of 1.8 metres or less, a retaining wall that has a *height* of 1.0 metre or less, a light standard and a sign shall be deemed not to be *structures*.



SWIMMING POOL

Means any body of water located outdoors on privately owned property in which the depth of the water at any point can exceed 0.8 metres (2.6 feet) and shall include any *accessory* deck or support *structure*, but does not include a body of water associated with an *agricultural use*, an *intensive agricultural use* or a *specialized agricultural use*.

TENT

Means every kind of temporary shelter for sleeping that is not permanently affixed to the site and that is capable of being easily moved.

TENT/TRAILER SITE

Means a site in a *trailer park* or *campground* that is used for the parking or storing of a *trailer* or *truck camper* or *tent*.

TOURIST CABIN

Means premises used for accommodation as part of a *tourist cabin establishment*.

TOURIST CABIN ESTABLISHMENT

Means a *tourist establishment* comprised of two or more cabins arranged singly or in pairs and which does not provide cooking facilities.

TOURIST ESTABLISHMENT

Means *premises* designed for the traveling or vacationing public, and that has facilities for accommodation and may serve meals or provide kitchen facilities and may furnish equipment, supplies or services to persons for recreational purposes, but does not include a *campground* or *private park*.

TRAILER

Means a vehicle that is at any one time drawn upon a *public street* by a *motor vehicle*, but for the purposes of this By-law, does not include a *mobile home dwelling*.

TRAILER PARK

Means an area of land used for the temporary or seasonal parking of *trailers* and/or *truck campers* occupied by the traveling or vacationing public.



TRANSFER STATION

Means *premises* or land authorized by a public authority as a location where garbage or material for recycling is temporarily collected and stored.

TRANSPORTATION TERMINAL

Means *premises* in which goods or wares are stored and where trucks are stored, serviced, repaired and loaded or unloaded.

TRAVEL TRAILER

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

TRUCK CAMPER

Means a unit that is constructed in a manner such that it may be attached to a *motor vehicle*, as a separate unit, and is capable of being temporarily utilized for living, sleeping or eating.

USE

Means the purpose for which any portion of a *lot, building or structure* is designed, arranged, intended, occupied or maintained

VETERINARY CLINIC

Means *premises* where a veterinary surgeon assesses and/or treats primarily domestic animals, and in which such animals may be boarded on a temporary basis.

WAREHOUSE

Means *premises* in which goods or wares are stored and where trucks are stored, loaded or unloaded.

WASTE

Means ashes, garbage, *refuse*, domestic waste, industrial waste or municipal *refuse* and other such materials as are designated in the regulations of the Environmental Protection Act, as amended.



WASTE DISPOSAL SITE

Means any land upon, into or through which, a *building* or *structure* in which, *waste* is deposited, disposed of, handled, stored, transferred, treated or processed and includes any operation carried out or machinery or equipment *used* in connection with the depositing, disposal, handling, storage, transfer, treatment or processing of *waste*.

WASTE TRANSFER STATION

Means the use of land for the collection of waste into bulk containers for the further transport to a land fill site, recycling facility or other waste disposal facility.

WAYSIDE PIT

Means a temporary pit or quarry opened and *used* by a *public authority* for road construction purposes and which is not located within the right-of-way of a *public street*.

WIND TURBINE

Means a structure used to generate electricity from wind power for personal consumption.

WOODCHIPPING ESTABLISHMENT

Means *premises* in which timber from the same *lot* or from another location is fed into a wood-chipping machine for the purpose of producing woodchips and which may include, as an *accessory use*, the retail sale of the woodchips to the public.

YARD

Means an open, uncovered space on a *lot* appurtenant to a *building* and unoccupied by *buildings* or *structure* except as specifically permitted in this By-law.

YARD, EXTERIOR SIDE

Means the *yard* of a *corner lot* extending from the *front yard* to the *rear yard* between the *exterior side lot line* and the nearest *main walls* of the *main building* or *structure* on the *lot*.

YARD, FRONT

Means a *yard* extending across the full width of the *lot* between the *front lot line* and the nearest *main walls* of the *main building* or *structure* on the *lot*.



YARD, INTERIOR SIDE

Means a *yard* other than an *exterior side yard* that extends from the *front yard* to the *rear yard* between the *interior side lot line* and the nearest *main walls* of the main *building* or *structure* on the *lot*.

YARD, MAXIMUM

Means the maximum distance of a *yard* from a *lot line*. In calculating the maximum *yard*, the minimum horizontal distance from the respective *lot line* shall be used.

YARD, MINIMUM REQUIRED

Means the minimum distance of a *yard* required from a *lot line*. No part of a *required minimum yard* for a *building* or *structure* shall be included as part of a *required minimum yard* for another *building* or *structure*. In calculating *minimum required yards*, the minimum horizontal distance from the respective *lot lines* shall be used.

YARD, REAR

Means a *yard* extending across the full width of the *lot* between the *rear lot line* and the nearest *main walls* of the main *building* or *structure* on the *lot*.

ZONE

Means a designated area of land *use* shown on the Zoning Schedules of this By-law.



SECTION 4.0 GENERAL PROVISIONS

4.1 ACCESSORY BUILDINGS, STRUCTURES AND USES

Where this By-law provides that land may be *used* or a *building* or *structure* may be erected or *used* for a purpose, that purpose may include any detached *accessory buildings*, *accessory structure* or *accessory uses* located on the same *lot* as the primary *use* to which they are related, provided the primary or principle use of the land is established and legal.

4.1.1 Detached accessory buildings and structures

4.1.1.1 Uses permitted

No detached *accessory building* or *accessory structure* shall be *used* for human habitation or an occupation for gain, unless specifically permitted by this By-law.

4.1.2 Provisions for detached accessory buildings and structures

4.1.2.1 Permitted locations for detached accessory buildings and structures

Unless otherwise specified in this By-law, detached *accessory buildings* and *structures*, except pump houses and boat docks, shall:

- a) Not be located in the *front yard*. Notwithstanding this provision, a detached *private garage* is permitted in the *front yard* of a *lot* that abuts a shoreline provided it is set back a minimum distance equal to the required *front yard* for the *main building* from the *front lot line*.
- b) Be set back a minimum distance of 2 metres from the *rear lot line*;
- c) Be set back a minimum distance equal to the required *exterior side yard* for the *main building* from the *exterior side lot line*.
- d) Be set back a minimum distance of 2 metres from the *interior side lot line*. Notwithstanding this provision, a detached *accessory building* may share a common wall with another detached *accessory building* on an abutting *lot* and no setback from the *interior side lot line* is required on that side of the *lot*.



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- e) Be set back a minimum distance of 6 metres from any private road or registered right-of-way.

4.1.2.2 Maximum height and area

The maximum *height* of any detached *accessory building* or *structure* shall be 7.0 metres and the maximum gross floor area of any detached accessory building shall be 111.5 m² (1,200 ft²).

4.1.2.3 Maximum lot coverage

The maximum *lot coverage* of all detached *accessory buildings* and *structures* on a *lot* shall be 5 percent.

4.1.2.4 Detached accessory buildings on lots in the A and RU Zones with an area greater than 4 hectares

Notwithstanding Section 4.1.2.1 (a), on lots in the A and RU Zones with a lot area greater than 4 hectares, *accessory buildings* may be located in the *front yard* provided such structures maintain a minimum 15 metre setback from the front lot line and provided such structure is not a *barn*. Furthermore, Section 4.1.2.2 shall not apply to lots in the A and RU Zone with a lot area of 4.0 hectares or greater.

4.1.2.5 Decks, Steps, Porches, Balconies or Patios

- a) Notwithstanding the yard and setback provisions of this By-law to the contrary, decks, steps, porches, balconies and patios may project into any required yard or setback a maximum distance of 1.0 metre.
- b) Notwithstanding (i), the minimum setback for a deck, patio, balcony or porch from the High Water Mark shall be 25 metres.
- c) Screened in porches, decks, patios or balconies may be permitted subject to the provisions above and provided the total floor area of the screened in porch, deck, patio or balcony does not exceed 35m².

4.1.2.6 Gazebos or Trellises

Notwithstanding the yard and setback requirements of this By-law to the contrary, a gazebo or trellis may be permitted in the front yard of a lot which abuts a waterbody or shore road allowance provided that:

- a) the maximum area is 10.0 square metres;
- b) it is setback at least 4.0 metres from the normal average or maintained high water mark;



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- c) it complies with the applicable minimum interior or exterior side yard requirements of the zone which it is located; and,
 - d) the height shall not exceed 3.5 metres.

4.1.2.7 Guest Cabins

Notwithstanding any other provision of this By-law to the contrary, a guest cabin is permitted on a lot in the S, LSR and RU Zones provided that:

- i) No cooking facilities are provided in the building;
- ii) The ground floor area does not exceed 25 square metres;
- iii) The guest cabin may be connected to the septic system for the main dwelling subject to approval from the North Bay-Mattawa Conservation Authority. No other form of septic waste disposal shall be permitted;
- iv) The lot has a minimum area of 0.4 hectares;
- v) No accessory deck, patio or similar structure shall be permitted with the exception of a stair and landing with an area no greater than 3 m²;
- vi) The building is limited to a single storey and the height of the building does not exceed 4.0 metres; and,
- vii) The building complies with all of the setbacks that apply to the principal building on the lot.

4.1.2.8 Sea Containers

Sea containers shall be a permitted accessory structure in the RU and A Zones provided the sea container maintains a minimum 30 metre setback from the front lot line and is located behind the rear wall of any principle dwelling or structure.

4.2 **ANTENNAE, TOWERS AND WIND TURBINES FOR PERSONAL USE**

Radio and television antennae, towers and windmills and wind turbines which are accessory to a permitted use and are not connected to the grid of the Ontario Power Authority and are less than 10 metres in height are permitted in any zone provided they maintain a minimum 5 metres setback from all lot lines are not located in any front yard or exterior side yard and comply with the setbacks from the high water mark as specified in Section 4.26.

4.3 **SECONDARY DWELLING UNIT ACCESSORY TO A SINGLE DETACHED DWELLING**

Notwithstanding any other provisions of this By-law, one *secondary dwelling unit* is permitted in a *detached dwelling* in the A or RU Zones provided:



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- a) the *detached dwelling* has a *gross floor area* greater than 110 square metres exclusive of the *secondary dwelling unit*;
 - b) the minimum *floor area* of the *secondary dwelling unit* is 50 square metres;
 - c) the maximum *floor area* of the *secondary dwelling unit* is 70 square metres;
 - d) the *secondary dwelling unit* has a means of egress to the outside that is separate from any means of egress for another *dwelling unit*;
 - e) a septic approval is obtained confirming the septic system can sustain the additional *dwelling unit*; and,
 - f) a window opening in the *secondary dwelling unit* having an area of 0.30 square metres is located above *grade*.

4.4 NUMBER OF DWELLING UNITS PER LOT

Unless otherwise specified by this By-law, no more than one detached *dwelling unit* is permitted on a *lot*.

4.5 ENCROACHMENTS INTO REQUIRED YARDS

Architectural features such as sills, belt courses, cornices, eaves or gutters, chimney breasts, pilasters, roof overhangs and cantilevered window bays may encroach into any *required yard* a distance of no more than 1.0 metre.

Drop awnings, *clothes poles*, flagpoles, *attached* garden trellises, retaining walls, fences or other similar *accessory structures* may be permitted in any *required yard*.

4.6 EXCEPTIONS TO HEIGHT REQUIREMENTS

Unless specified elsewhere in this By-law, the *height* requirements of this By-law shall not apply to church spires, church belfries, chimneys, clock towers, radio or television towers or antennas, water tanks, elevator enclosures, or mechanical penthouses occupying in the aggregate less than ten percent of the area of the roof of the *building* on which they are located, nor shall they apply to monuments, flag poles, silos or other *agricultural buildings*.



4.7 FRONTAGE ON A PUBLIC ROAD, PRIVATE ROAD OR NAVIGABLE WATERWAY

a) Improved Public Road

No person shall erect any building or structure in any Zone after the date of passing of this By-law, unless the lot upon which such building or structure is to be erected has direct access to or abuts an *improved public road*.

The above provisions shall not apply to prevent the erection of a permitted building or structure on a lot in a Registered Plan of Subdivision or Plan of Condominium where a Development or Subdivision Agreement has been entered into with the Township, notwithstanding that the road or roads will not be assumed by the Township until the end of the maintenance period. This provision shall not prevent the enlargement, extension, renovation, reconstruction or other structural alteration of an existing building or structure, which is located on a lot which does not have direct access to or abuts an improved public road, provided the use of such building or structure does not change, is permissible within the Zone in which it is located and complies with all applicable yard and setback requirements if this By-law.

b) Frontage on Seasonally Maintained Municipal Road or Right-of-Way

Notwithstanding the provision in 4.7 (a) where an existing lot of record has direct access to or abuts a seasonally maintained municipal road, existing private road or private right-of-way, a use, building or structure shall be permitted on such lot, in accordance with the applicable provisions of this By-law provided such lot and road or private right-of-way existed as of the date of passing of this By-law. In addition, alterations to such buildings and structures and the replacement of such buildings or structure are permitted provided the alteration or the replacement complies with the provisions of this By-law.

c) Hunt Camps

Notwithstanding the provisions of 4.7 (a) and (b), a *Hunt Camp* shall be permitted if it is located on a lot which has access by a navigable waterway, private road, or an existing road over Crown land. Access may also be provided via an unopened Township road allowance subject to the owner entering into an agreement with the Township.



4.8 HOME INDUSTRY

Where a *home industry* is permitted in a *Zone*, the following provisions shall apply:

- a) No more than three people may be engaged in the *home industry* at any time, including the owner of the premises;
- b) The *gross floor area* utilized by the *home industry* does not exceed a maximum of 150 square metres;
- c) The *home industry* shall be setback a minimum of 10 metres from any lot line and shall not be located in a front yard;
- d) There shall be no outside storage of goods, raw materials, machines or articles, except for display purposes;
- e) There shall be no emission of noise, odour or dust which is not normally attributed to the use of the land for residential purposes;
- f) Roadside signs for the home industry shall be limited to a single sign, no greater than 1 m² in area located within the boundaries of the property;
- g) There is no sale of retail goods not produced as part of the *home industry* or *directly related to the home industry*;
- h) Only currently licensed *motor vehicles*, associated with the home industry, are parked or stored on the *lot* and all parking shall maintain a minimum 10 metre setback from any lot line; and,
- i) The *home industry* shall be clearly secondary to the residential use and shall not change the rural residential character of the dwelling and *lot*.

4.9 HOME OCCUPATIONS

Where a *home occupation* is permitted in a *Zone*, the following provisions shall apply:

- a) No more than one employee, in addition to the resident of the *dwelling unit*, shall be engaged in the home occupation on the premises;
- b) No more than the lesser of 25% of the gross floor area of the dwelling unit or a maximum of 46 m² shall be used for the purpose of the *home occupation*;



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- c) There shall be no outdoor storage or display of material or equipment;
 - d) The floor area used for the sale of retail goods shall not exceed 5 square metres and such goods shall be limited to those produced as part of the *home occupation or directly related to the home occupation*; and,
 - e) The *home occupation* shall be clearly secondary to the residential use and shall not change the rural residential character of the dwelling and lot.

4.10 HUNT CAMPS

Within any Zone where a *hunt camp* is a permitted use, the following provisions shall apply:

- a) the lot has a minimum area of 20 hectares (50 acres);
- b) the lot complies with Section 4.7 (c);
- c) the maximum area of the *hunt camp* does not exceed 55.7m² (600ft²);
- d) the maximum height of the *hunt camp* does not exceed 5 metres;
- e) no more than one *hunt camp* shall be permitted on a single lot;
- f) only one accessory detached storage structure shall be permitted per hunt camp and such structure shall not exceed 10 m² in floor area;
- g) the setback and yard requirements for a *detached dwelling* shall apply; and,
- h) no other Residential Use permitted under Schedule B shall be permitted where a *hunt camp* has been established on a lot.

4.11 MINIMUM DWELLING UNIT SIZE

No *detached dwelling* unit shall have a ground floor area of less than 70m² unless specifically provided for by this By-law.

4.12 MINIMUM LOT SIZE

No building permit shall be issued for a *dwelling unit* on a lot having less than 0.056 hectares (0.138 acres).

4.13 MOBILE HOME DWELLING

A *Mobile Home Dwelling* may be permitted and used in the RU or A Zone provided:



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- a) The dwelling is compliant with Canadian Standards Association specification Z240 for use as a dwelling unit;
 - b) The dwelling has a minimum ground floor area of 100 m² and has a minimum width of 5.5 metres;
 - c) The dwelling is constructed on a foundation compliant with the Ontario Building Code Act and the running gear and hitch have been removed; and,
 - d) The dwelling is situated so that the widest dimension is parallel with or facing the front lot line.

4.14 MOTOR VEHICLES

Unless otherwise permitted in this By-law, all vehicles and trailers must be in running order and carry a valid license sticker. This shall not prevent the non-commercial keeping of operable recreational vehicles and trailers which do not require a license or are subject to seasonal licensing. Furthermore, this provision shall not prevent the keeping of a non-operable vehicle or recreation vehicle that is under repair.

4.15 MINIMUM OPENING ELEVATION

The following flood-proofing elevations shall apply to the identified shoreline lands in the Township:

- a) No habitable *building* located adjacent to the Lake Nosbonsing shoreline shall have any *building* opening below 237.60 m C.G.D.
- b) No habitable *building* located adjacent to the Wasi Lake shoreline shall have any *building* opening below 265.97 m C.G.D.
- c) No habitable *building* located adjacent to the Graham Lake shoreline shall have any *building* opening below 278.38 m C.G.D.

4.16 MULTIPLE USES ON ONE LOT

Where any *building, structure* or *lot* is *used* for more than one purpose as provided in Section 6.0 of this By-law, the said *building, structure* or *lot* shall comply with the provisions of this By-law relating to each *use*. In the case of a conflict, the more stringent provision shall apply.



4.17 MULTIPLE ZONES ON ONE LOT

Where a *lot* is divided into more than one *Zone*, each portion of the *lot* shall be used in accordance with the provisions of this By-law for the applicable *Zone*.

4.18 NON-COMPLYING BUILDINGS AND STRUCTURES

a) Expansion of Legal Non-Complying Buildings and Structures

Where a building or structure has been lawfully erected on a lot having less than the minimum frontage and/or area, or having less than the minimum setback, and/or yard or any other provision required in this By-law, the said building or structure shall be deemed to comply with this By-law with respect to any deficiency or deficiencies; and further the said building or structure may be *reconstructed, replaced or renovated* provided that:

- i) The, *reconstruction, replacement or renovation* does not further reduce such setback and or front yard and/or side yard and/or rear yard having less than the minimum required by this By-law; and,
- ii) All other provisions of this By-law are complied with.
- iii) Notwithstanding subsection a) (i) and (ii), a legal non-complying dwelling unit which is located in a required shoreline setback may expand its ground floor area by no more than 25% of the ground floor area of the dwelling which existed on the date this By-law was passed, within the required shoreline setback, provided the enlargement does not cause the existing shoreline setback to be further reduced and provided the expansion is compliant with all other provisions of this By-law. This provision shall not apply to permit the expansion of other detached structures such as boathouses, guest cabins or storage buildings which encroach into the required shoreline setback.
- iv) The 25% expansion provision provided in sub-section (iii) may be allocated in whole or in part to the expansion or establishment of a deck, patio or balcony. However, the floor area of existing decks and patios shall not be used to determine existing ground floor area as set out in sub-section (iii).
- v) In addition to the provisions noted above, the lateral expansion of any dwelling in the required shoreline setback shall not exceed 40% of the frontage of the lot to a maximum of 18 metres.



4.19 NON-COMPLYING LOTS

a) Existing Undersized Lots

Where a lot, having a 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, such smaller lot may be used and a permitted principle 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 system that complies with the regulations under Building Code can be installed on the lands.

b) Undersized Lots Resulting From Boundary Adjustment or Lot Addition

Lots which have been increased in frontage or area following adoption of this By-law as a result of a Planning Act approval, but still do not comply with minimum area or frontage requirements of this By-law, may also be used in accordance with Sub-section (a) and furthermore no zoning amendment shall be necessary to legalize the undersized lot provided the resultant lot has a minimum area of 929 square metres.

c) Undersized Lots Subject to Expropriation or Transfer to Public Authority or Private Road Association

Existing undersized lots which have been decreased in frontage or area following adoption of this By-law as a result of an expropriation by public authority or transfer of land to a private road association, but still do not comply with minimum area or frontage requirements of this By-law, may also be used in accordance with Sub-section (a) and furthermore no zoning amendment shall be necessary to legalize the undersized lot.

4.20 NON-CONFORMING USES

No lands shall be *used* and no *building* or *structure* shall be *used* except in conformity with the provisions of this By-law unless such *use* existed before the date of passing this By-law and provided that it has continued and continues to be *used* for such purpose, and that such *use*, when established, was not contrary to a By-law passed under Section 34 of the Planning Act, R.S.O 1990, cP. 13 or a predecessor thereof that was in force at that time.

4.21 PROHIBITED USES

The following *uses* are prohibited in any *Zone*:

- a) The *use* of any *trailer* for human habitation, except where such *trailer* is located in a *camping establishment*, in a *trailer park* or in a mobile home



park or is licensed by the Township in accordance with a Trailer Licensing By-law.

- b) The *use* of any *motor vehicle* for human habitation.
- c) The *use* of any *accessory building* or *structure* or *boathouse* as a *dwelling unit*.
- d) The *use* of a truck, bus or coach body for human habitation.
- e) The storage of disused rail cars, streetcars, truck bodies or *trailers* except where legally permitted by this zoning by-law.
- f) The outdoor storage of partially dismantled *motor vehicles* or *trailers* or *motor vehicle* or *trailer* parts except where legally permitted by this zoning by-law.
- g) *Obnoxious uses*.
- h) The manufacturing, refining, rendering or distillation of acid, ammonia, chlorine, coal, creosote, explosives, fireworks, glue, petroleum or tar.
- i) The bulk storage of industrial chemicals, hazardous waste or liquid industrial waste as defined under the Environmental Protection Act, as amended.
- j) Asphalt plants.
- k) Temporary and permanent race tracks for autos, machines or animals.

4.22 PUBLIC USES

The provisions of this By-law shall not apply to prevent the *use* of any land, *building* or *structure* by any public authority, except for a waste disposal site, provided that:

- a) Such *use building* or *structure* complies with the *yard*, *setback* and *height* provisions of the *Zone* in which it is located; and,
- b) No outdoor storage is permitted unless such outdoor storage is specifically permitted in the *Zone* in which the *use* is located.

Notwithstanding the above provisions, *buildings* and *structure* associated with a public works *yard* or fire hall owned by a *public authority* are exempt from the *height* requirements of this By-law.



Nothing in this By-law shall prevent a public authority from providing or using land as a street or rail line nor prevent the installation of a utility main including a water main, sanitary sewer, storm sewer, gas main, pipeline or overhead or underground hydro, telephone or other utility supply or communication line.

4.23 REDUCTION OF REQUIREMENTS

No person shall change the purpose for which any land, building or structure is used or erect any building, or structure, or construct an addition to any existing building or structure, or sever any lands, if the effect of such action is to cause the original adjoining, remaining or new building, structure or lot to be in contravention with this By-law.

4.24 SIGHT TRIANGLE

Notwithstanding any other provisions of this By-law, on a corner *lot*, within the sight triangle, no *building, structure, fence, sign, wall, vegetative planting or landscaped grade* may be greater than 1.0 metre in *height*.

4.25 SPECIAL SETBACKS

Notwithstanding any other provisions in this By-law, the following special setbacks shall apply.

4.25.1 Setbacks from Shoreline

Any building or structure to be erected on a lot which abuts a shoreline shall maintain a 25 metre setback from the *established high water mark or minimum floodline elevation* and any *septic system leaching bed* shall maintain a 45 metre setback from the *established high water mark or minimum floodline elevation*. This provision shall not apply to docks or marine facilities, however a dock, landing, stair or other similar amenity feature may not extend inland more than 4.0 metres from the *established high water mark*. Notwithstanding this provision, the minimum setback for a *septic system leaching bed* from the *established high water mark* on Wasi Lake shall be 300 meters for lots created after this By-law comes into effect.

4.25.2 Setback from Environmental Protection Zone

Notwithstanding any other provision in this By-law, no *building or structure* shall be located within 25 metres of any Environmental Protection (EP) *Zone* and no *septic system leaching bed* shall be located within 45 metres of an Environmental Protection (EP) *Zone*. This provision shall not prevent the expansion or replacement of *buildings or structures* that existed on the effective date of this By-law within this setback area, provided the expansion or replacement does not



have the effect of reducing the setback from the Environmental Protection Zone boundary or increasing the volume or *floor area* of a *building* or *structure* in a *minimum required yard*. These setbacks shall also apply from the top of bank of any watercourse not located within an EP Zone.

4.25.3 Setbacks from Slopes

Notwithstanding any other provision in this By-law, no *dwelling unit* shall be located within 10 metres of a slope or embankment that exceeds 33% or 3 to 1. This provision shall also not prevent the expansion or replacement of *buildings* or *structures* that existed on the effective date of this By-law within this setback area, provided the expansion or replacement does not have the effect of reducing the setback from the slope or increasing the volume or *floor area* of a *building* or *structure* in a *minimum required yard*.

4.25.4 Setbacks for Group Homes

No *group home* shall be located any closer than 5,000 metres to any other group home.

4.25.5 Setbacks for Livestock Facilities

Notwithstanding any other provision in this By-law, no residential, institutional, commercial, industrial or recreational *use*, located on a separate *lot* and otherwise permitted by this By-law shall be erected or enlarged unless it complies with the Minimum Distance Separation (MDS I) formula.

In addition, notwithstanding any other *yard* or setback provision in this By-law, no *barn* or livestock facility shall be erected or enlarged unless it complies with the Minimum Distance Separation Formula (MDS II).

4.25.6 Setbacks for Private Septic Systems

Unless otherwise specified in this By-law, the yard and setback provisions of this By-law shall not apply to *private septic systems*. However, where provisions of this By-law require minimum *setbacks for private septic systems* such *setbacks* shall apply only to the *septic system leaching bed* and not the *septic tank*.

4.26 TEMPORARY USES

In the Rural (RU) or Agricultural (A) Zone, the following temporary *uses* are permitted in all *Zones*:



-
- i) A tool shed, construction trailer, scaffold or other *building* or *structure* incidental to construction is permitted on a *lot* where construction is taking place provided that a valid *building* permit is in effect.

 - ii) Where a building permit has been issued for a *dwelling unit*, a mobile home or a recreational vehicle may be permitted as a temporary dwelling in accordance with the Township's by-laws respecting the licensing of trailers and subject to the owner entering into an agreement with the Township.

4.27 TRAILERS AND CAMPERS

No trailer or camper may be used in any zone for permanent or temporary accommodation, unless specifically authorized in the By-law through a use permission in Section 6.0 or through a zone exception in Section 8.0.

4.28 HAZARD LAND OVERLAY

Lands which are located within the Hazard Land Overlay as shown on the Schedules to this By-law may be used in accordance with the underlying zone category provided such development is above the 265.97 masl floodline elevation or has obtained a permit from the North Bay-Mattawa Conservation Authority.



SECTION 5.0 PARKING AND LOADING

5.1 PARKING AREA REQUIREMENTS

When any new development is constructed, when any existing development is enlarged, or when any *use* is changed, off-street vehicular *parking spaces* shall be provided in accordance with the standards of this By-law. Any *parking space* required by this by-law must be available for parking purposes and *used* exclusively for that purpose.

5.2 SIZE OF PARKING SPACES AND AISLES

Parking spaces shall have a minimum width of 3.0 metres and a minimum length of 6.0 metres. The length of any *parking space* and the width of the adjacent aisle shall be in accordance with the following:

Angle of Parking Space with Aisle	Min. Perpendicular Width of Aisle
60 to 90 degrees	5.8 metres
59 to 45 degrees	5.2 metres
44 degrees or less	3.6 metres

Access to a parking area from a *public street* shall provided by an unobstructed driveway with a minimum width of 3.0 metres and a maximum width of 7.5 metres.

5.3 LOCATION OF USE AND PARKING

Parking spaces shall be located on the same *lot* as the *use* that requires the parking, except that parking spaces for a commercial use may be located on a separate lot used for commercial purposes provided the lot is within 300 metres of the lot on which parking for a commercial use is required provided an agreement pursuant to Section 40 of the Planning Act, R.S.O. 1990 c.P. 13 is entered into.



5.4 MORE THAN ONE USE ON A LOT

The parking requirements for more than one *use* on a single *lot* or for a *building* containing more than one *use*, shall be the sum total of the parking requirements for each of the component *uses*, unless otherwise noted.

5.5 PARKING AREA LOCATION ON A LOT

Notwithstanding any other provisions of this by-law, uncovered surface parking areas shall be permitted in a *required yard* provided that:

- i) no *parking space* shall be permitted on a *lot* closer to any streetline than 2.0 metres;
- ii) no driveway or parking area is permitted within 3.0 metres of the boundary of any *Zone* that permits residential use, if the driveway or parking area is in a non-residential *Zone*.

5.6 PARKING OF COMMERCIAL MOTOR VEHICLES

Within any *Zone* that permits residential use, the owner or occupant of a *dwelling unit* may use a *parking space* for the purposes of parking or storage of one *commercial motor vehicle*.

5.7 SURFACE OF PARKING AREAS

The surface of the parking area shall be constructed and maintained with a stable surface.

5.8 RESIDENTIAL PARKING REQUIREMENTS

The minimum parking requirement for residential *uses* are as follows:

Type or Nature of Use	Minimum Off-Street Parking Requirements
<i>Accessory Apartment Dwelling units</i>	• 1 <i>parking space</i> per <i>accessory dwelling unit</i>
<i>Bed and Breakfast Establishments</i>	• 1 space for every room or each suite used for the purposes of lodging for the traveling public, in addition to the required parking for the <i>dwelling unit</i>
<i>Day Nurseries and Group Homes</i>	• 1 space for every non-resident staff member in addition to the required parking for the dwelling



Type or Nature of Use	Minimum Off-Street Parking Requirements
<i>Home Occupation/ Home Industry</i>	<ul style="list-style-type: none"> • 1 <i>parking space</i> for an employee in addition to the parking requirements for the residential use
<i>Single, Semi, Duplex Dwellings</i>	<ul style="list-style-type: none"> • 1 <i>parking space per dwelling unit</i>

Where the minimum number of *parking spaces* is calculated on the basis of a rate or ratio, the required number of spaces shall be rounded to the higher whole number.

5.9 NON-RESIDENTIAL PARKING REQUIREMENTS

The minimum parking requirements for non-residential *uses* are as follows:

Type or Nature of Use	Minimum Off-Street Parking Requirements
<i>Place of Assembly, Place of Entertainment</i>	<ul style="list-style-type: none"> • the greater of 1 <i>parking space</i> per 4 seat capacity or 1 <i>parking space</i> per 9 m² of gross floor area
<i>Nursing Home, Retirement Home</i>	<ul style="list-style-type: none"> • 3 <i>parking spaces</i> for every four beds
<i>Hotel, Motel, Tourist Establishment, Tourist Cabin Establishment</i>	<ul style="list-style-type: none"> • 1 <i>parking space</i> per guest room, plus 1 <i>parking space</i> per 9.3 m² of floor space devoted to public use, excluding hallways and washrooms. Plus 1 space for every four persons to be accommodated according to the maximum permitted capacity in a restaurant or assemble hall on the same lot.
<i>Industrial Use</i>	<ul style="list-style-type: none"> • 1 <i>parking space</i> per 70 m² of total floor area
<i>Marina</i>	<ul style="list-style-type: none"> • 1 <i>parking space</i> per boat slip
<i>Medical Office</i>	<ul style="list-style-type: none"> • 3 <i>parking spaces</i> per practitioner
<i>Place of Worship</i>	<ul style="list-style-type: none"> • 1 <i>parking space</i> per 5.5 m² of floor area
<i>Restaurant</i>	<ul style="list-style-type: none"> • the greater of 1 <i>parking space</i> per 9 m² of total floor area or 1 space for every 4 persons to be accommodated at maximum permitted capacity
<i>Retail Store, Personal Service Shop and Repair Shop</i>	<ul style="list-style-type: none"> • 1 <i>parking space</i> per 18.5 m² of total floor area
<i>School</i>	<ul style="list-style-type: none"> • the greater of: <ul style="list-style-type: none"> - 1 <i>parking spaces</i> per class room;



Type or Nature of Use	Minimum Off-Street Parking Requirements
Uses permitted by this by-law other than those listed in this Table	<ul style="list-style-type: none"> - 1 <i>parking space</i> per 3 m² of floor area in the gym or auditorium; • 1 <i>parking space</i> per 37 m² of total floor area

5.10 ACCESSIBLE PARKING REQUIREMENTS

The minimum accessible parking requirements are as shown:

Type of Nature of Use	No. of Required Parking spaces	No. of Designated Accessible Spaces
Public or Private,	1 to 10	Minimum of 1 space
Commercial or	11 to 30	Minimum of 2 spaces
Industrial Uses	31 to 50	Minimum of 3 spaces
Medical Offices,	1 to 10	Minimum of 3 space
Schools,	11 to 30	Minimum of 4 spaces
Nursing,	31 to 50	Minimum of 5 spaces
Retirement Homes		

Each off-street accessible *parking space* shall be a minimum of 6.0 metres in length, 5.0 metres wide and have a vertical clearance of 3.0 metres.

5.11 LOADING SPACE REQUIREMENTS

When any new non-residential development is constructed, when any existing non-residential development is enlarged, or when any use is changed, provision shall be made for off-street vehicular loading spaces as follows:

Gross Floor Area of Building	Loading Space
278 m ² or less	1 space
279 m ² to 2322 m ²	2 spaces
2323 m ² or greater	3 spaces plus 1 additional space for each additional 9290 m ² or fraction thereof in excess of 7432 m ²

In addition, the following provisions apply:

- i) Each loading space shall be a minimum of 9 metres long, 3.5 metres wide and have a vertical clearance of at least 4 metres.



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- ii) Loading spaces must be provided adjacent to the principal *use* or *building* on the same *lot* as the *use* or *building* for which it is required. Required loading spaces shall be located in the interior side *yard* or rear *yard*.
 - iii) No loading space shall be located closer than 3 metres to any interior side *lot* line or rear *lot* line that abuts a Residential Zone.

The loading space requirements of this By-law shall not apply to any *building* in existence at the date of passing of this By-law so long as the floor area, as it existed at such date, is not increased. If an addition is made to the *building* or *structure* that increases the floor area, then additional loading spaces shall be provided as required by the regulations of this By-law.



SECTION 6.0 PERMITTED USES

6.1 ZONES

Uses that are permitted in the following *Zone* categories are identified on the following Permitted Use Tables:

ZONES	TABLE
Residential Zones	Table A1
Rural Zones	Table A2
Other Zones	Table A3

Permitted uses in a *Zone* are noted by the symbol 'X' in the column for that *Zone* corresponding with the row for a specific permitted use. A number or numbers following the symbol 'X', or following the *Zone* heading, or following the name of a permitted use, indicates that one or more special provisions apply to the noted use or *Zone*. Special provisions are listed at the end of each table. If a use is not listed on the table, it is not permitted.

TABLE A1 - RESIDENTIAL USES

	PERMITTED USE	RU	A	S	LSR
1	<i>Secondary Dwelling Unit</i>	X	X		
2	<i>Bed and Breakfast Establishment</i>	X	X	X	
3	<i>Dwelling, Detached</i>	X	X	X	X
4	<i>Dwelling, Duplex</i>	X	X		
5	<i>Group Home A</i>	X	X		
6	<i>Home Occupation</i>	X	X	X	

Special Provisions



TABLE A2 – RURAL, AGRICULTURAL AND AGGREGATE USES

	PERMITTED USE	RU	A	AR
1	<i>Agricultural Use</i>	X	X	
2	<i>Agricultural Use, Intensive</i>	X	X	
3	<i>Agricultural Use, Specialized</i>	X	X	
4	<i>Conservation Use</i>	X	X	
5	<i>Equestrian Facility</i>	X	X	
6	<i>Farm Produce Outlet</i>	X	X	
7	<i>Forestry Use</i>	X	X	
8	<i>Group Home A</i>	X	X	
9	<i>Hobby Farm</i>	X	X	
10	<i>Home Industry</i>	X	X	
11	<i>Hunt Camp</i>	X		
12	<i>Inn</i>	X	X	
13	<i>Pit</i>			X
14	<i>Private Club</i>	X	X	
15	<i>Private Home Daycare</i>	X		
16	<i>Veterinary Clinic</i>	X	X	

Special Provisions



TABLE A3 - OTHER ZONES

	PERMITTED USE	I	OS	EP	C(1)
1	<i>Accessory Detached Dwelling</i>	X			
2	<i>Agricultural Use</i>		X		
3	<i>Bed and Breakfast Establishment</i>	X			
4	<i>Cemetery</i>	X			
5	<i>Community Centre</i>	X			
6	<i>Conservation Use</i>	X	X	X	
7	<i>Forestry Use</i>		X		
8	<i>Library</i>	X			
9	<i>Municipal Office</i>	X			
10	<i>Museum</i>	X			
11	<i>Nature Interpretation Centre</i>		X	X	
12	<i>Park</i>	X	X		
13	<i>Place of Worship</i>	X			
14	<i>School, Public</i>	X			
15	<i>School, Private</i>	X			

Special Provisions

(1) This By-law has no authority over land use in the Crown (C) Zone, however, where lands within the Crown (C) Zone become patent land, the permitted uses and provisions of the Rural (RU) Zone shall apply.



SECTION 7.0 ZONE STANDARDS

7.1 ZONES

Standards for the following *Zone* categories are identified in the following Sections:

ZONES	TABLE
Rural, Agricultural and Shoreline Zones	Table B1
Institutional <i>Zones</i>	Table B2
Minimum Lot Area for Uses in the Rural and Agricultural Zones	Table B3
Provisions for Buildings and Structures in the Rural and Agricultural Zones	Table B4
Environmental/Open Space <i>Zones</i>	Table B5

A number(s) following the *Zone* standard, *Zone* heading or the description of the standard, indicates an additional *Zone* requirement. These additional standards are listed at the end of each subsection as special provisions.



**TABLE B1
STANDARDS FOR RESIDENTIAL USES IN RURAL, AGRICULTURAL, SHORELINE
and LIMITED SERVICE RESIDENTIAL ZONES**

	ZONE STANDARD	RU and A	S and LSR (1)
1	Minimum <i>lot area</i>	1 ha (2.47 ac)	1 ha (2.47 ac)
2	Minimum <i>lot frontage</i>	60 m	60 m
3	Minimum <i>required front yard (2)</i>	15 m	25 m
4	Minimum <i>required exterior side yard</i>	15 m	25 m
5	Minimum <i>required interior side yard</i>	8 m	8 m
6	Minimum <i>rear yard</i>	8 m	8 m
7	Minimum <i>dwelling unit area</i>	70 m ²	70 m ²
8	Maximum <i>lot coverage</i>	10%	10%
9	Maximum <i>height</i>	10.5 m	10.5 m

Special Provisions

1. LSR standards only apply to shoreline lots unless specified elsewhere in this By-law.
2. On lots which abut any shoreline or watercourse a minimum 25 metre setback shall be required from the established high water mark or top of bank, not including docks, and any private septic system leaching bed shall be setback a minimum of 45 metres from the established high water mark.

**TABLE B2
INSTITUTIONAL ZONE STANDARDS**

	ZONE STANDARDS	I
1	Minimum <i>lot area</i>	1 ha (2.47 ac)
2	Minimum <i>lot frontage</i>	45 m
3	Minimum <i>required front yard</i>	8.0 m
4	Minimum <i>required exterior side yard</i>	8.0 m
5	Minimum <i>required interior side yard</i>	4.5 m
6	Minimum <i>rear yard</i>	8.0 m
7	Maximum <i>lot coverage</i>	30%
9	Maximum <i>height</i>	10.5 m

Special Provisions



TABLE B3
MINIMUM LOT AREA FOR DEFINED RURAL AND AGRICULTURAL USES

USE	AREA REQUIREMENT
<i>Abattoir</i>	2.0 ha
<i>Agricultural Use</i>	4.0 ha
<i>Agricultural Use, Intensive</i>	20.0 ha
<i>Agricultural Use, Specialized</i>	4.0 ha
<i>Agricultural Support Use</i>	2.0 ha
<i>Bed and Breakfast Establishment</i>	1.0 ha
<i>Campground</i>	10.0 ha
<i>Conservation Use</i>	1.0 ha
<i>Contractor Yard</i>	2.0 ha
<i>Cross Country Ski Facility</i>	10.0 ha
<i>Farm Produce Outlet</i>	4.0 ha
<i>Golf Course and Golf Course Private</i>	20.0 ha
<i>Golf Driving Range</i>	5.0 ha
<i>Group Home A or B</i>	2.0 ha
<i>Hobby Farm</i>	2.0 ha
<i>Home Industry</i>	1.0 ha
<i>Home Occupation</i>	1.0 ha
<i>Hunt Camp</i>	5.0 ha
<i>Kennel</i>	5.0 ha
<i>Auction Yard</i>	5.0 ha
<i>Mountain Bike Facility</i>	5.0 ha
<i>Nature Interpretation Centre</i>	4.0 ha
<i>Outfitter Establishment</i>	1.0 ha
<i>Pit</i>	5.0 ha
<i>Private Club</i>	4.0 ha
<i>Private Home Daycare</i>	1.0 ha
<i>Quarry</i>	20.0 ha
<i>Salvage Yard</i>	20.0 ha
<i>Tourist Cabin Establishment</i>	4.0 ha
<i>Tourist Establishment</i>	4.0 ha



TABLE B4
PROVISIONS FOR BUILDINGS IN THE RURAL AND AGRICULTURAL ZONE

	<i>Home Industry</i>	<i>Boarding stables, barns, agricultural buildings Veterinary clinics</i>	<i>Kennels</i>	<i>Any other use</i>
Minimum setback from <i>front lot line</i>	30.0 m	30.0 m	100.0 m	30.0 m
Minimum setback from <i>exterior side lot line</i>	15.0 m	30.0 m	100.0 m	15.0 m
Minimum setback from <i>interior side lot line</i>	15.0 m	30.0 m	100.0 m	15.0 m
Minimum setback from <i>rear lot line</i>	15.0 m	30.0 m	100.0 m	15.0 m
Maximum <i>height</i>	6.0 m	n/a	6.0 m	6.0 m

Special Provisions:

1. Where the Minimum Distance Separation Guidelines are applicable and exceed the minimum setbacks of this table, the MDS Guidelines shall apply as the minimum standard.



**TABLE B5
ENVIRONMENTAL PROTECTION AND OPEN SPACE ZONES**

	ZONE STANDARD	EP	OS
1	<i>Minimum lot area</i>	n/a	n/a
2	<i>Minimum lot frontage</i>	n/a	n/a
3	<i>Minimum required front yard</i>	8.0 m	8.0 m
4	<i>Minimum required exterior side yard</i>	8.0 m	8.0 m
5	<i>Minimum required interior side yard</i>	8.0 m	8.0 m
6	<i>Minimum rear yard</i>	8.0 m	8.0 m
7	<i>Maximum lot coverage</i>	n/a	n/a
8	<i>Minimum open space</i>	n/a	n/a
9	<i>Maximum height</i>	11.0 m	11.0 m



SECTION 8 EXCEPTIONS

8.1 RURAL (RU) EXCEPTIONS

8.1.1 Notwithstanding any other provision of this By-law, the lands legally described as Parcel 26690 Nipissing, Part 1, Plan 36R-6785 located in Part of Lot 28, Concession 11 in the Township of Chisholm shall be zoned Rural Exception (RU-1) as shown on Schedule B and the following provisions shall apply:

- | | | |
|----|-------------------------------|--------|
| a) | Minimum lot area | 0.4 ha |
| b) | Minimum lot frontage | 24 m |
| c) | Minimum front yard | 9 m |
| d) | Minimum side yard (east side) | 0.61 m |
| e) | Minimum side yard (west side) | 16 m |

8.1.2 Notwithstanding any other provisions of this By-Law, the lands legally described as Parts 1 and 2, Plan 36R-8805, located in Part of Lot 3, Concession 13, in the Township of Chisholm, and located in the Rural Exception (RU-2) Zone as shown on Schedule A, the minimum front yard shall be 91.4 metres (300 ft) for all buildings and structures.

8.1.3 Notwithstanding any other provision of this By-Law, the lands described as Part of Lot 5, Concession 13, in the Township of Chisholm shall be zoned Rural Exception (RU-3) as shown on Schedule A and the following provisions shall apply:

In addition to the applicable provisions and permitted uses of the Rural (RU) Zone, within the Rural Exception (RU-3) Zone, an Equine Training Facility is permitted.

Notwithstanding the requirements of the RU Zone, the following setbacks and separations shall apply in the RU-3 Zone.

- | | |
|----|--|
| a) | Minimum distance from an existing dwelling on a lot that is under separate ownership shall be 70 metres. |
| b) | Minimum distance from the centerline of any road shall be 28 metres. |
| c) | Minimum distance from any lot line shall be 19 metres. |

In addition, the following definition shall apply to the Equine Training Facility:



Equine Training Facility means the housing of equine for the main purpose of training equine and their owner, and may include secondary equine health care, boarding education and sales. An equine training facility may include structures for the purpose of housing equine and for training/riding, including an arena, and may also include outdoor rings, exercise paddocks, quarantine stalls, veterinary care areas and pasture areas. An equine training facility may also include riding lessons and children's day camps.

In all other respects, the provisions of this By-law shall apply.

8.1.4 Notwithstanding any other provision of this By-Law, the lands described as Part of Lot 5, Concession 9 in the Township of Chisholm, shall be zoned Rural Exception (RU-4) as shown on Schedule B and the following provisions shall apply:

In addition to the applicable provisions and permitted uses of the Rural (RU) Zone, within the Rural Exception (RU-4) Zone a furniture making business is permitted as an accessory use to a residential dwelling. In addition, an attached showroom for the sale of furniture shall be permitted as an accessory use to a furniture making business. The maximum floor area of a building for furniture making shall be 450 m² and the accessory showroom and sales area shall not occupy more than 40% of the total floor area. Furthermore, one accessory internal dwelling unit may be permitted within the building used for a furniture making business for a period not to exceed 3 years from the date that By-law 2010-03 comes into force and effect.

In all other respects, the provisions of this By-law shall apply.

8.1.5 Notwithstanding any other provisions of this By-law, the lands described as Part of Lot 2, Concession 13 in the Township of Chisholm, shall be zoned Rural Exception (RU-5) Zone as shown on Schedule A and the following provisions shall apply:

In addition to the applicable provisions and permitted uses of the Rural (RU) Zone, on lands located in the RU-5 Zone, a furniture manufacturing and retail business shall be a permitted accessory use to a rural residential use provided the total floor area of the building does not exceed 210 m². For the purpose of the RU-8 Zone, the minimum yard requirements shall apply:

- a) Minimum Lot Frontage – 45 metres
- b) Minimum Front Yard – 25 metres
- c) Minimum Side Yard – 10 metres
- d) Minimum Rear Yard – 20 metres



In all other respects, the provisions of this By-law shall apply.

8.1.6 Notwithstanding any other provision of this By-law, the lands described as Part of Lot 5, Concession 11, in the Township of Chisholm, shall be zoned Rural Exception (RU-6) Zone as shown on Schedule B, and the following provisions shall apply:

- a) In addition to the applicable provisions and permitted uses of the Agricultural (A) and Rural (RU) Zones, within the Rural Exception (RU-6) Zone an auto repair business shall be a permitted accessory use to a rural residential use provided the total floor area of the auto repair building does not exceed 58 m² (625 ft²). For the purpose of the RU-6 Zone, the minimum front, interior side and rear yard requirements shall be 15 metres.

Furthermore an Auto Repair Business shall be defined as follows:

A commercial business where repair and maintenance services are performed on motor vehicles but shall not include the sale of motor vehicles or the salvage, storage and/or sale of motor vehicles. In addition the retail sale of motor vehicle parts or the sale of gasoline or petroleum products shall not be permitted except where such parts or products are being sold or provided in conjunction with a repair or maintenance service. At no time shall there be more than 6 vehicles stored on-site on lands zoned RU-6 and the auto repair business shall not include repair and maintenance to buses or heavy equipment such as construction equipment or equipment used in resource industries.

In all other respects, the provisions of this By-law shall apply.

8.1.7 Notwithstanding any other provision of this By-law, the lands described as Lots 12, 13 and 14, Plan M-185 located in Part of Lot 5, Concession 11, in the Township of Chisholm, shall be zoned Rural Exception (RU-7) and the following provisions shall apply:

In addition to the applicable provisions and permitted uses of the Rural (RU) Zone, within the Rural Exception (RU-7) Zone the existing single storey building is permitted to be used for a rural neighbourhood country store specializing in rural wares and products such as animal feed and pet food. In addition, a portion of the store may be utilized as a "Rural Neighbourhood Country Store" and the retail sale of petroleum shall also be a permitted accessory use.

The following provisions shall apply in the RU-7 Zone:

- a) Maximum floor area of Neighbourhood Country Store - 186 m² (2,000 ft²);



-
- b) Maximum percentage of floor area that may be dedicated to a "Rural Neighbourhood Country Store"- 40%;
 - c) Maximum total volume of petroleum that may be stored on-site for retail sale – 7,000 litres;

In addition, the following definition shall apply to the Rural Neighbourhood Country Store:

A retail store specializing in the retail sale of goods and wares to rural and seasonal residents such as locally produced farm goods, crafts and products and retail goods related to agriculture and farming such as pet food, bird seed, antiques, camping and recreation related goods and wares. A Rural Neighbourhood Country Store shall not be permitted to sell explosives, liquidation merchandise, adult entertainment merchandise, used autos, recreation vehicles or similar auto related products nor shall it serve as an auction business. Accessory uses to a Rural Neighbourhood Country Store may include a portable take-out food vehicle or trailer provided such vehicle or trailer is not located on-site for longer than 4 months in a calendar year.

In all other respects, the provisions of this By-law shall apply.

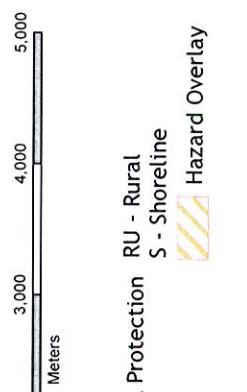
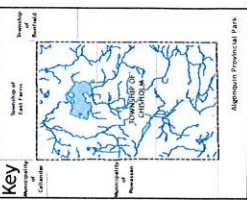
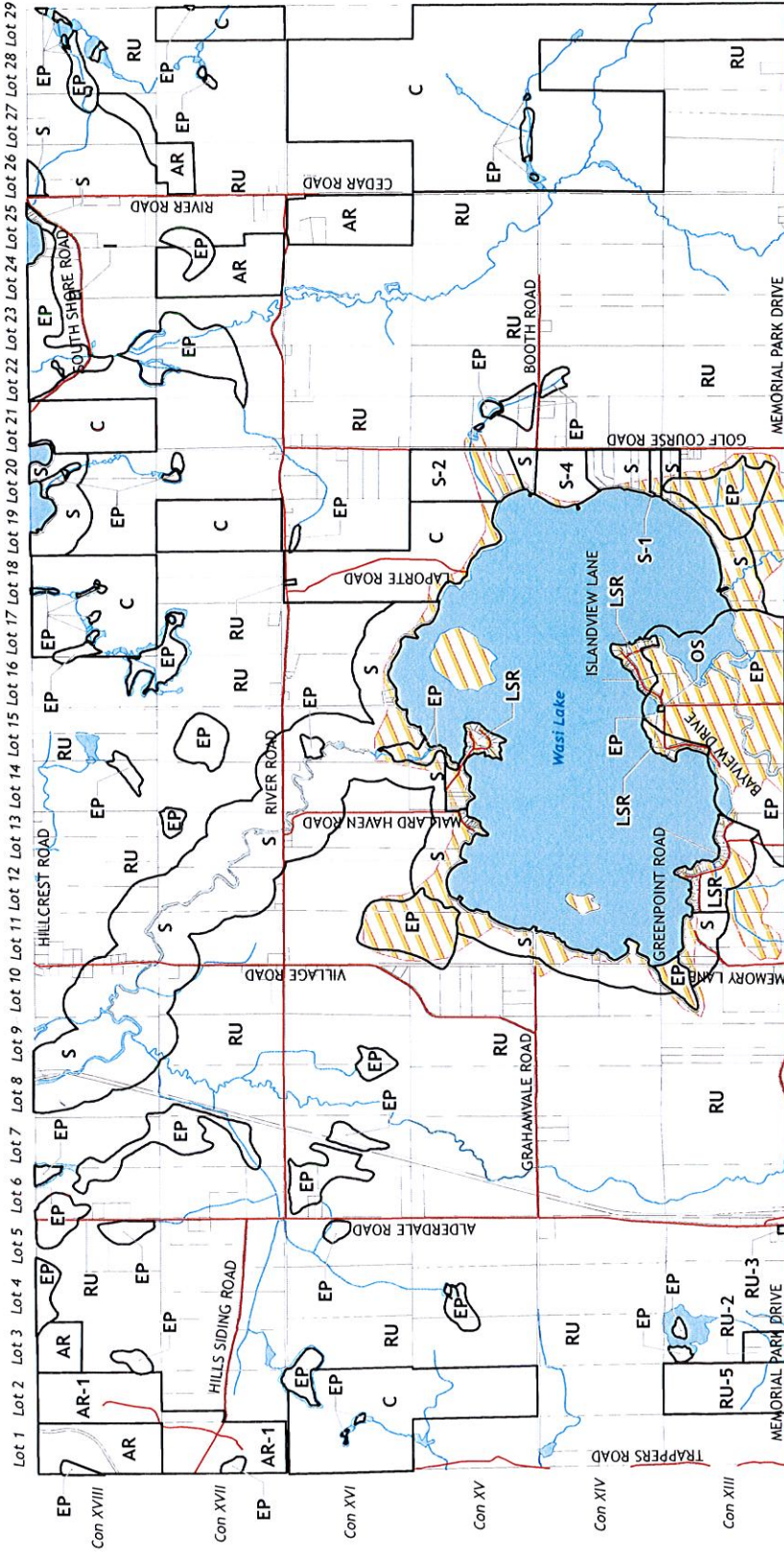
8.1.8

Notwithstanding any other provisions of this By-Law, the lands described as Lot 18, Concession 11 in the Township of Chisholm, shall be zoned Rural Exception (RU-8) Zone as shown on Schedule B and the following provisions shall apply:

Notwithstanding the applicable provisions and permitted uses of the Rural (RU) Zone, within the Rural Exception (RU-8) Zone, one single storey building housing a roofing steel sales and contracting business shall be a permitted home industry accessory to a detached residential dwelling provided the total floor area of the building does not exceed 447 m² and the floor area of the attached accessory office portion of the business does not exceed 38 m².

For the purpose of the RU-8 Zone, a "Steel Sales and Contracting Business" shall be defined as a home industry consisting of no more than two operators who reside on-site where steel used to clad and roof buildings is measured, cut and prepared for custom order and retail sale and/or where services for the installation of steel may be contracted. The painting or forging of steel shall not be a permitted use in the RU-8 Zone. The manufacturing of steel shall be a permitted use in the RU-8 Zone. And further there shall not be any other good or material retailed on-site other than steel used to roof and clad buildings.

In the RU-8 Zone there shall be no outdoor storage of steel products or materials and the building housing the contracting business shall not be located in the front yard and shall maintain a minimum setback from the west interior side lot line of 300 metres and 30 metres from the east interior side lot line. In the RU-8 Zone,



- See Schedule 'B'
- LEGEND**
- A - Agricultural
 - AR - Aggregate Removal
 - C - Crown
 - EP - Environmental Protection
 - I - Institutional
 - OS - Open Space
 - RU - Rural
 - S - Shoreline
 - Hazard Overlay

Township of Chisholm
Zoning By-law 2014-25
Schedule 'A'



August 8, 2014

Con XII

Con XIII

Con XII

Con XI

Con X

Con IX

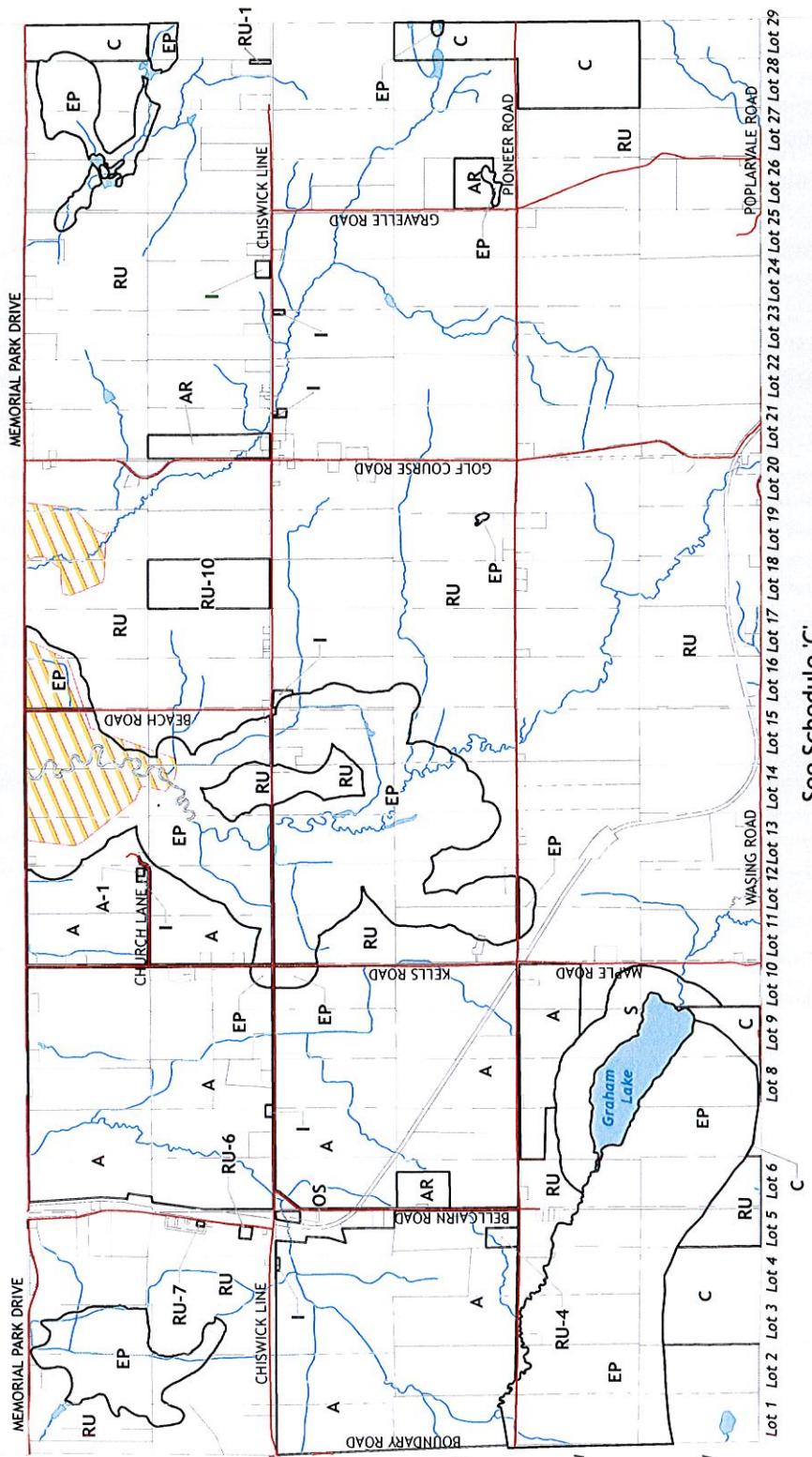
Con VIII

Con VII

Con VI

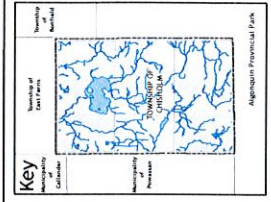
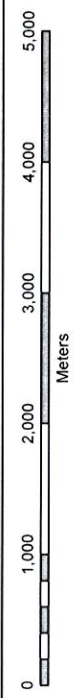
See Schedule 'A'

See Schedule 'C'



Township of Chisholm
 Zoning By-law 2014-25
 Schedule 'B'

LEGEND
 A - Agricultural
 AR - Aggregate Removal
 C - Crown
 EP - Environmental Protection
 I - Institutional
 OS - Open Space
 RU - Rural
 S - Shoreline
 Hazard Overlay



August 8, 2014

Con VII

Con VI

Con V

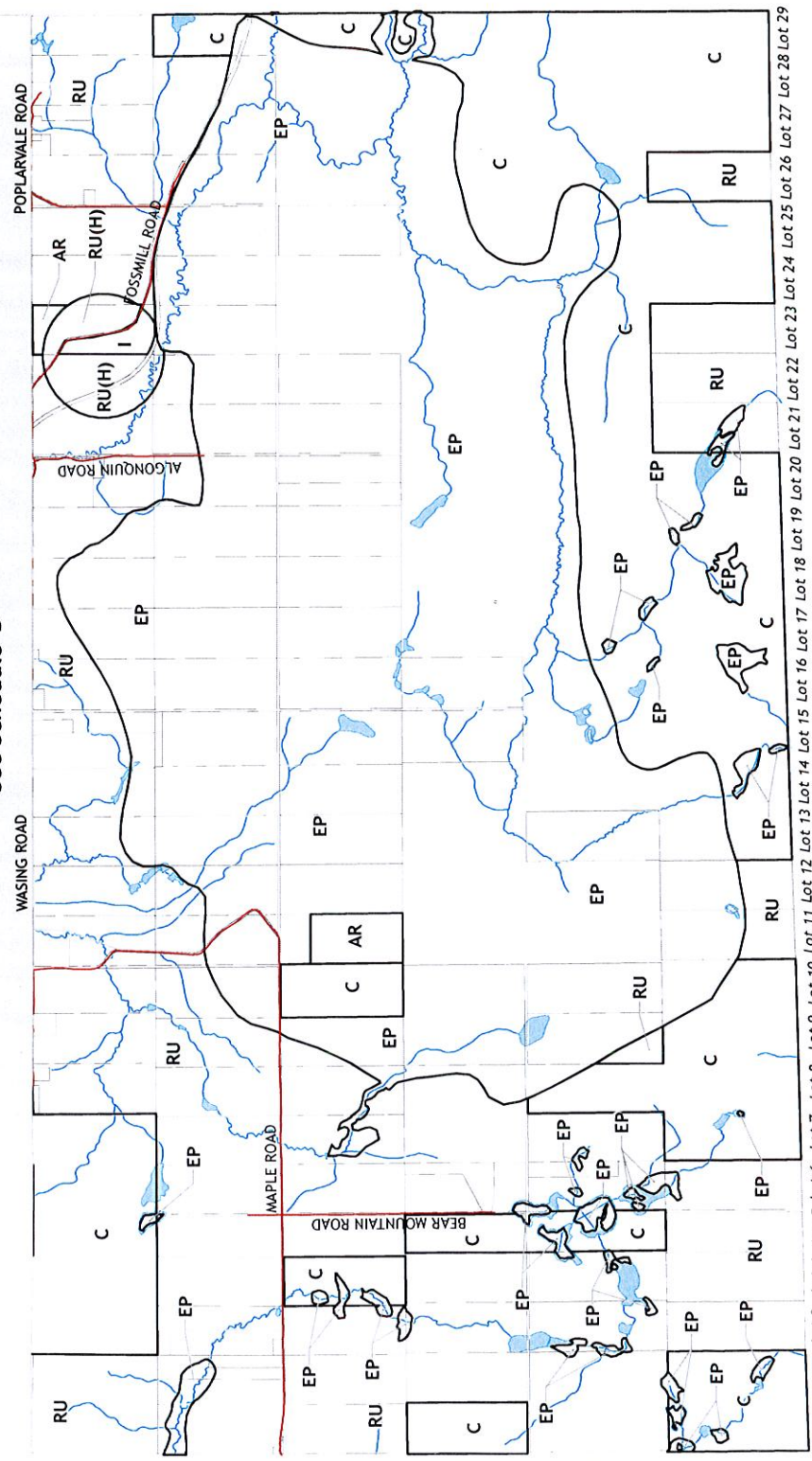
Con IV

Con III

Con II

Con I

See Schedule 'B'



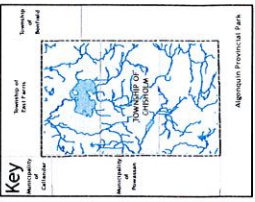
Lot 1 Lot 2 Lot 3 Lot 4 Lot 5 Lot 6 Lot 7 Lot 8 Lot 9 Lot 10 Lot 11 Lot 12 Lot 13 Lot 14 Lot 15 Lot 16 Lot 17 Lot 18 Lot 19 Lot 20 Lot 21 Lot 22 Lot 23 Lot 24 Lot 25 Lot 26 Lot 27 Lot 28 Lot 29



Township of Chisholm
 Zoning By-law 2014-25
 Schedule 'C'

LEGEND

- A - Agricultural
- AR - Aggregate Removal
- C - Crown
- EP - Environmental Protection
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- OS - Open Space
- RU - Rural
- S - Shoreline
- Hazard Overlay



August 8, 2014