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## **MUNICIPALITY OF WHITESTONE**

### **ZONING BY-LAW**

**NO. 07-2018**

**February 20, 2018**

**TABLE OF CONTENTS**

	Page
<b>SECTION 1 - TITLE AND INTERPRETATION .....</b>	<b>1</b>
<b>SECTION 2 - DEFINITIONS .....</b>	<b>3</b>
<b>3.01 Zones.....</b>	<b>22</b>
<b>3.02 Zone Boundaries .....</b>	<b>23</b>
<b>3.03 Accessory Uses.....</b>	<b>23</b>
<b>3.04 Application of By-law .....</b>	<b>24</b>
<b>3.05 Automobile Service Station or Public Garage .....</b>	<b>24</b>
<b>3.06 Bed and Breakfasts .....</b>	<b>24</b>
<b>3.07 Boathouses/Boatports .....</b>	<b>24</b>
<b>3.08 Bridges, Causeways and Watercrossings .....</b>	<b>25</b>
<b>3.09 Buildings to be Moved .....</b>	<b>25</b>
<b>3.10 Building Repair and Reconstruction.....</b>	<b>25</b>
<b>3.11 Certificate of Occupancy .....</b>	<b>25</b>
<b>3.12 Connections Between Buildings .....</b>	<b>25</b>
<b>3.13 Continuation of Farming Use.....</b>	<b>26</b>
<b>3.14 Converted Dwelling .....</b>	<b>26</b>
<b>3.15 Coverage Maximums - Residential.....</b>	<b>26</b>
<b>3.16 Crown Land.....</b>	<b>26</b>
<b>3.17 Decks.....</b>	<b>26</b>
<b>3.18 Derelict Automotive Vehicles and Boats .....</b>	<b>27</b>
<b>3.19 Dock Regulations .....</b>	<b>27</b>
<b>3.20 Dredging and Filling.....</b>	<b>28</b>
<b>3.21 Dwelling Unit in Non-Residential Building or Lot.....</b>	<b>28</b>
<b>3.22 Existing Non Complying Buildings on Lots With Inadequate Requirements.....</b>	<b>29</b>
<b>3.23 Extensions of Existing Buildings Encroaching Upon Yards .....</b>	<b>29</b>
<b>3.24 Fences.....</b>	<b>29</b>
<b>3.25 Flood Elevations.....</b>	<b>29</b>
<b>3.26 Frontage on Public Road or Street.....</b>	<b>29</b>
<b>3.27 Garden Suites .....</b>	<b>30</b>
<b>3.28 Gazebo .....</b>	<b>30</b>
<b>3.29 Golf Courses.....</b>	<b>30</b>
<b>3.30 Group Homes.....</b>	<b>31</b>
<b>3.31 Height Exceptions .....</b>	<b>31</b>

<b>3.32</b>	<b>Holding Provisions - 'H' Suffix</b> .....	<b>31</b>
<b>3.33</b>	<b>Home Industry</b> .....	<b>31</b>
<b>3.34</b>	<b>Home Occupation</b> .....	<b>32</b>
<b>3.35</b>	<b>Hunt Camps</b> .....	<b>33</b>
<b>3.36</b>	<b>Kennels</b> .....	<b>33</b>
<b>3.37</b>	<b>Lane as Yard</b> .....	<b>33</b>
<b>3.38</b>	<b>Lights</b> .....	<b>33</b>
<b>3.40</b>	<b>Loading Space Regulations</b> .....	<b>34</b>
<b>3.41</b>	<b>Lot Additions and Encroachments</b> .....	<b>35</b>
<b>3.42</b>	<b>Lots Having Less Area, Frontage or Depth Than Required</b> .....	<b>35</b>
<b>3.43</b>	<b>Measurement of Lot or Island Area</b> .....	<b>35</b>
<b>3.44</b>	<b>Minimum Distance Separation</b> .....	<b>35</b>
<b>3.45</b>	<b>Mining</b> .....	<b>36</b>
<b>3.46</b>	<b>Mobile Homes</b> .....	<b>36</b>
<b>3.47</b>	<b>Multiple Zones</b> .....	<b>36</b>
<b>3.48</b>	<b>Non-Conforming Uses</b> .....	<b>36</b>
<b>3.49</b>	<b>Number of Dwelling Units on One Lot</b> .....	<b>37</b>
<b>3.50</b>	<b>Occupation of Unserviced Dwelling</b> .....	<b>37</b>
<b>3.51</b>	<b>Parking Area Regulations - Road Accessed Lands</b> .....	<b>37</b>
<b>3.52</b>	<b>Pits and Quarries</b> .....	<b>41</b>
<b>3.53</b>	<b>Prohibited Uses</b> .....	<b>42</b>
<b>3.54</b>	<b>Public Uses</b> .....	<b>42</b>
<b>3.55</b>	<b>Pumphouse Restrictions</b> .....	<b>42</b>
<b>3.56</b>	<b>Railways</b> .....	<b>43</b>
<b>3.57</b>	<b>Reduction of Requirements</b> .....	<b>43</b>
<b>3.58</b>	<b>Sauna</b> .....	<b>43</b>
<b>3.59</b>	<b>Septic Systems</b> .....	<b>43</b>
<b>3.60</b>	<b>Setback From Environmental Protection Area</b> .....	<b>43</b>
<b>3.61</b>	<b>Shipping Containers</b> .....	<b>44</b>
<b>3.62</b>	<b>Shore Road Allowance</b> .....	<b>44</b>
<b>3.63</b>	<b>Shore Road Allowance as Yard</b> .....	<b>44</b>
<b>3.64</b>	<b>Signs</b> .....	<b>44</b>
<b>3.65</b>	<b>Sleeping Cabins</b> .....	<b>44</b>
<b>3.66</b>	<b>Special Uses Permitted</b> .....	<b>44</b>
<b>3.67</b>	<b>Swimming Pools</b> .....	<b>45</b>
<b>3.68</b>	<b>Temporary Uses</b> .....	<b>45</b>
<b>3.69</b>	<b>Tennis / Sports Courts</b> .....	<b>46</b>

3.70	Tent and Trailers.....	46
3.71	Through Lot .....	46
3.72	Timbering.....	46
3.73	Tourist Commercial Regulations.....	47
3.74	Unzoned Lands.....	47
3.75	Use for Hazardous Purpose.....	47
3.76	Use of Vacant Lands .....	48
3.77	Waste Disposal Site To Be Set Back.....	48
3.78	Yard and Setback Encroachments Permitted.....	48
<b>SECTION 4 - RURAL (RU) ZONE .....</b>		<b>50</b>
4.01	Uses Permitted .....	50
4.02	Zone Standards .....	51
<b>SECTION 5 - RURAL INDUSTRIAL (RUI) ZONE.....</b>		<b>53</b>
5.01	Uses Permitted.....	53
5.02	Zone Standards.....	53
5.03	Provisions for Accessory Uses .....	53
<b>SECTION 6 - RURAL RESIDENTIAL (RR) ZONE .....</b>		<b>54</b>
6.01	Uses Permitted .....	54
6.02	Zone Standards .....	54
<b>SECTION 7 - WATERFRONT RESIDENTIAL 1, 2 and 3 (WF1, WF2, WF3) AND WATERFRONT RESIDENTIAL 1, 2, 3 HOLDING (WF1-H, WF2-H, WF3-H) ZONES .....</b>		<b>57</b>
7.01	Uses Permitted .....	57
7.02	Zone Standards .....	57
<b>SECTION 8 - GENERAL COMMERCIAL (C1) ZONE .....</b>		<b>64</b>
8.01	Uses Permitted .....	64
8.02	Zone Standards .....	65
<b>SECTION 9 - TOURIST COMMERCIAL (C2) ZONE.....</b>		<b>67</b>
9.01	Uses Permitted .....	67
9.02	Zone Standards .....	67
<b>SECTION 10 - INDUSTRIAL (M1) ZONE .....</b>		<b>71</b>
10.01	Uses Permitted .....	71
10.02	Zone Standards .....	72
<b>SECTION 11 - INDUSTRIAL PIT (M2) ZONE.....</b>		<b>73</b>
11.01	Uses Permitted .....	73
11.02	Zone Standards .....	73

<b>SECTION 12 – INDUSTRIAL PIT AND QUARRY (M3) ZONE</b> .....	75
12.01 Uses Permitted .....	75
12.02 Zone Standards .....	75
<b>SECTION 13 – WASTE DISPOSAL (WD) ZONE</b> .....	76
13.01 Uses Permitted .....	76
13.02 Zone Standards .....	76
<b>SECTION 14 - OPEN SPACE (OS) ZONE</b> .....	77
14.01 Uses Permitted .....	77
14.02 Zone Standards .....	77
<b>SECTION 15 - ENVIRONMENTAL PROTECTION (EP) ZONE</b> .....	79
15.01 Uses Permitted .....	79
15.02 Zone Standards .....	79
<b>SECTION 16 - FLOOD PLAIN (FP) ZONE</b> .....	81
16.01 Permitted Uses .....	81
16.02 Zone Standards .....	81
<b>SECTION 17 – CROWN LAND (CL) ZONE</b> .....	83
17.01 Permitted Uses .....	83
<b>SECTION 18 - ADMINISTRATION</b> .....	84
18.01 Zoning Administration .....	84
18.02 Application and Plans .....	84
18.03 Penalty .....	84
18.04 Date of By-law Approval .....	84
<b>SECTION 19 - BY-LAW REPEALS</b> .....	86

**CORPORATION OF THE MUNICIPALITY  
OF WHITESTONE  
BY-LAW NO. 07-2018**

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Being a By-law to regulate the use of land, and the character, location and use of buildings and structures in the Municipality of Whitestone

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**WHEREAS** the Council of the Corporation of the Municipality of Whitestone has the authority to pass zoning by-laws pursuant to Section 34 of the Planning Act;

**NOW THEREFORE** the Council of the Corporation of the Municipality of Whitestone,

**ENACTS AS A BY-LAW OF THE CORPORATION AS FOLLOWS:**

**SECTION 1 - TITLE AND INTERPRETATION**

- 1.01 This By-law may be cited as the Zoning By-law for the Municipality of Whitestone.
- 1.02 The Maps annexed hereto as Schedules of the By-law are declared to be part of this By-law.
- 1.03 For the purposes of this By-law, the definitions and interpretations set out herein shall govern.
- 1.04 Nothing in this By-law shall be construed to exempt any person from complying with the requirements of any other by-law of the Municipality or of any law of the Province of Ontario, or Canada.
- 1.05 The provisions of this By-law are held to be the minimum requirements adopted for the promotion of the public health, safety, convenience or general welfare of the Municipality.
- 1.06 In the event of an inconsistency or conflict between two or more provisions in this By-law, the more restrictive provision shall prevail.
- 1.07 The provisions of this By-law may not apply to Crown land. However, this By-law reflects the established planning policies of the Municipality and it is intended that the Crown shall have regard for the provisions of this By-law.
- 1.08 Numerical figures used in this By-law are given in metric units and are intended to provide the sole standard governing the provisions of this By-law. Conversions of these metric units to equivalent imperial units may be deemed acceptable by the Municipality when the conversion is made to at least two decimal places.

1.09 In this By-law, words importing the singular number include, where appropriate, more persons, parties or things of the same kind than one, and a word interpreted in the singular number has a corresponding meaning when used in the plural.

1.10 Where any Act or portion of an Act is referred to in this By-law, such reference shall be interpreted to refer to any subsequent renumbering of sections in said Act and/or changes in the date of said Act.

#### 1.11 Former By-laws

Any by-law passed prior to the passage of this by-law under section 34 of the Planning Act is hereby repealed. The adoption of this by-law will not exempt any person or use of property from complying with the requirements of any other by-law in force at the time of passage of this by-law.

#### 1.12 Ministers Orders

All Ministers Orders previously in place in the Municipality no longer apply and the general provisions and zone requirements of this by-law shall apply.

1.13 Where the permitted uses contained in the various zones in this By-law do not list a specific use in that Zone, this By-law shall be interpreted to deem that such uses are to be prohibited in the respective zones.

#### 1.14 Transition

This By-law does not apply to prevent the issuance of a building permit for a development for which approval has been previously obtained under the Planning Act for a minor variance, zoning amendment or site plan approval.

## SECTION 2 - DEFINITIONS

In this By-law:

- 2.01 **Accessory Apartment**: means that part of a building originally constructed as a single detached dwelling and which has been altered, renovated or enlarged to accommodate a second self-contained dwelling unit.
- 2.02 **Accessory Building**: means a detached building located on the same lot as the main building, the use of which is incidental or subordinate to that of the main building.
- 2.03 **Accessory Use**: means a use of lands or buildings which is incidental or subordinate to the principal use of the said lands or buildings.
- 2.04 **Agricultural Building**: means any building or structure customarily used in connection with a farm other than a residence.
- 2.05 **Agricultural Use**: means any agricultural use or uses, and the structures or buildings accessory thereto, and it includes field crops, animal husbandry, tree nurseries and any other use or equipment customarily carried on in the field of general agriculture, including the sale on the premises, of produce grown or raised on the property.
- 2.06 **Animal Hospital**: includes a veterinary establishment and any other land, building or structure where domestic animals, birds, or livestock are treated or boarded for short-term periods, but it does not include a kennel.
- 2.07 **Apartment Building**: means a multiple dwelling excluding triplex dwelling, a row dwelling or any group of semi-detached or duplex dwellings.
- 2.08 **Arena**: includes a building, or part of a building, in which facilities are provided for such purposes as ice or roller skating, but does not include any establishment otherwise defined or classified herein.
- 2.09 **Assembly Hall**: includes a building or part of a building in which facilities are provided for such purposes as meetings for civic, educational, political, religious, or social purposes, a banquet hall, community centre, union hall or Canadian Legion Hall.
- 2.10 **Auctioneer**: means a person employed in conducting a public sale by auction.
- 2.11 **Automobile Sales Establishment**: means a building or structure or a clearly defined space on a lot used for the display and sale of motor vehicles and may include the servicing, repair, cleaning, polishing, and lubricating of motor vehicles, the sale of automotive accessories and related products, and the leasing or renting of motor vehicles.



- 2.12 **Automobile Service Station**: includes a building or place where petroleum products, supplies, parts or accessories are kept for sale to service motor vehicles, snowmobiles, farm implements and machinery, or where repairs are performed to motor vehicles, snowmobiles, farm implements and machinery, or a public garage.
- 2.13 **Automobile Washing Establishment**: means a building or structure containing facilities for washing motor vehicles by production line methods which may include a conveyor system or similar mechanical devices; and includes a self-service car wash.
- 2.14 **Basement**: means a storey or storeys of a building located below the first storey.
- 2.15 **Bed and Breakfast Establishment**: means a single-family dwelling in which no more than 3 guest rooms are made available for temporary accommodation of the travelling or vacationing public. Such an establishment may offer light meals to those persons temporarily residing at the establishment. A Bed and Breakfast Establishment shall not include a restaurant or a Tourist Establishment.
- 2.16 **Boarder**: means a person, sixteen years of age or over who occupies living accommodation in a boarding house or in a single detached dwelling house, semi-detached dwelling house or in any dwelling unit.
- 2.17 **Boarding House**: means a dwelling in which the owner or leasee supplies habitable rooms for the accommodation of not more than 6 persons, with or without meals, for the person so accommodated.
- 2.18 **Boat**: includes any vessel or watercraft suitable for navigation on or through the water.
- 2.19 **Boathouse**: includes any building or structure intended to house, shelter or protect a boat or other form of water transportation but it does not include a dry land boat storage building.
- 2.20 **Boathouse, Dry Land**: means an accessory building or structure adjacent to the water but not in the water that is used exclusively for the sheltering or storage of boats.
- 2.21 **Boatport**: means an accessory building or structure located on or immediately adjacent to water; which is not enclosed by more than one wall, which is designed and used only for the sheltering of boats or other forms of water transportation.
- 2.22 **Bridge**: includes a structure erected across a waterway or spanning two or more points of lands to afford passage by vehicle or pedestrians.
- 2.23 **Building**: means any edifice or enclosure used or intended to be used for shelter, accommodation or the enclosure of persons, animals or chattels other than a fence or wall.

- 2.24 **Building Line**: means a line lying in the interior of a lot drawn parallel to a lot line for the purpose of establishing the minimum distance that must exist between a building or structure erected upon the land and a lot line.
- 2.25 **Building, Main**: means a building in which the principal use of the lot is conducted.
- 2.26 **Building Supply**: means a retail or wholesale store with or without a storage area used for the temporary storage and sale of building supplies such as lumber, cement, bricks and hardware.
- 2.27 **Bulk Fuel Storage**: means a tank for the bulk storage of petroleum, gasoline, fuel oil, gas or flammable liquid or fluid.
- 2.28 **Bunkie**: means a building for overnight accommodation which is accessory to a single detached dwelling and which contains no cooking facilities and is greater than 10 square metres in floor area.
- 2.29 **Business or Professional Office**: means an office in which any business is carried on or any profession is practised.
- 2.30 **Camp, Summer**: means a camp which is privately owned and operated, or a camp which is operated by a charitable corporation approved under The Charitable Institutions Act, R.S.O., 1980, c.64, as amended, or a camp within the meaning of the regulations made under The Public Health Act, R.S.O., 1980, c.409, as amended.
- 2.31 **Camping Establishment**: means a tourist establishment consisting of at least six camping lots and comprising land used or maintained as grounds for the camping or parking of trailers, motorized mobile homes, truck campers, campers or tents but not including mobile homes and also excepting parks or camping grounds maintained by any Public Authority.
- 2.32 **Campsite**: means an area of land within a tent and trailer park or private camp which is designed to accommodate the placement of tents, travel trailers, motor coach or truck campers for the temporary quarters of a travelling or vacationing public.
- 2.33 **Car Wash**: means a building or structure containing facilities for washing motor vehicles by production line methods which may include a conveyor system or similar mechanical devices; and includes a self-service car wash.
- 2.34 **Carport**: includes a building or structure intended to shelter automobiles that has at least one open wall.
- 2.35 **Cellar**: means the portion of a building between two floor levels which is partly or wholly underground and which has less than 0.5 metres of its height, from finished floor to finished ceiling, above adjacent finished grade.

- 2.36 **Cemetery**: includes a cemetery or columbarium within the meaning of The Cemeteries Act.
- 2.37 **Chief Building Official**: means the official employed by the Municipality appointed under the Building By-law or pursuant to the provisions of The Building Code Act, R.S.O., 1990, as amended, and shall include any Inspector likewise employed and appointed.
- 2.38 **Church**: means a building set aside by any religious organization for public worship and may include a church hall, church auditorium, Sunday school, nursery school, convent, monastery or parish hall.
- 2.39 **Clinic**: includes a public or private building, used for medical, surgical, dental, physiotherapeutic, chiropractic or other human health treatment by one or more practitioners.
- 2.40 **Community Hall**: includes any tract of land or building or buildings or any part of any building used for community activities, including recreational and institutional uses, with commercial uses incidental thereto, and the control of which is vested in the municipality, local board or agent thereof.
- 2.41 **Contractor's Yard**: means a yard of any building trade or contractor where equipment and material are stored or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein.
- 2.42 **Convenience Store**: means a retail commercial establishment not exceeding 200 square metres in gross floor area, which serves the daily needs of the residents of the immediately surrounding area, or boaters requiring provisions, and may include provisions for the sale of refreshments, snacks and gasoline in areas not designated for residential use.
- 2.43 **Cottage**: means a building to accommodate one or more guests.
- a) that contains at least two rooms; and,
- b) that may or may not contain facilities for guests to prepare and cook food.
- 2.44 **Cottage, Rental**: includes a room, cabin, dwelling unit, or portion thereof used for the accommodation of guests in a tourist commercial establishment.
- 2.45 **Crown land**: means lands belonging to Her Majesty in right of Canada or Ontario, whether or not they are covered with water.
- 2.46 **Custom Workshop**: means a building or part of a building used by a trade, craft or guild for the manufacture in small quantities of made-to-measure clothes or articles, and includes upholstery but does not include metal spinning, woodworking or furniture manufacture, or any factory production or any shop or factory otherwise classified or defined in this By-law.

- 2.47 **Day Nursery**: means a day nursery operated for pre-school age children within the meaning of the Child Care and Early Years Act, 2014, S.O. 2014 c. 11.
- 2.48 **Deck**: includes a floor structure without a roof that is level or has a level surface area that is capable of accommodating furniture or persons that may be attached to or detached from a main building or accessory building.
- 2.49 **Dock**: means a structure, floating or fixed, including a wharf or pier, where boats can remain for loading, unloading, repair, or storage on or adjacent to water, but does not include connecting ramps, stairs or walkways.
- 2.50 **Docking Area**: means an area authorized for the temporary or permanent location of boats.
- 2.51 **Dwelling, Accessory**: see Dwelling, Converted
- 2.52 **Dwelling, Single Detached**: means a separate building containing only one dwelling unit.
- 2.53 **Dwelling, Converted**: means a single detached dwelling that has been modified into two dwelling units with separate entrances and no external modifications excepting necessary fire escapes, stairways and entrances.
- 2.54 **Dwelling, Semi-detached**: means a building that is divided vertically into two dwelling units.
- 2.55 **Dwelling, Duplex**: means a building that is divided horizontally into two dwelling units, each of which has an independent entrance.
- 2.56 **Dwelling, Triplex**: means a building that is divided horizontally into three dwelling units.
- 2.57 **Dwelling, Multiple**: means a building which contains four or more dwelling units to which units access is provided by a common entrance at street level and common corridors, stairs or elevators.
- 2.58 **Dwelling, Row House**: means one of a group of three or more attached dwellings each having at least two separate private entrances.
- 2.59 **Dwelling Unit, Seasonal**: means a dwelling unit intended to be used for recreational purposes from time to time through the year.
- 2.60 **Dwelling, Split Level**: means a dwelling in which the first floor above finished grade is so constructed as to create two or more different levels, the vertical distance between such levels being less than the full storey. For the purpose of this By-law, a split-level dwelling shall be considered a one storey dwelling.

- 2.61 **Dwelling Unit or House**: means one or more rooms in which only one separate kitchen is provided, with a private entrance from outside the building or from a common hallway or stairway inside the building.
- 2.62 **Erect**: means to build, construct, reconstruct or relocate and, without limiting the generality of the word, also includes:
- a) any excavating, dredging, filling, draining, or the creation of retaining walls, beams, siding or breakwalls;
  - b) placement or the construction of docks, wharves, piers, rafts or pumphouses;
  - c) altering any existing building or structure by an addition, enlargement, extension or other structural change; and,
  - d) any work which requires a building permit under the Building By-law of the Municipality.
- 2.63 **Established Building Line**: means the average setback of the existing buildings. A building line is considered to be established when at least 3 buildings have been erected on any one side of a continuous 200 metres of land with street frontage.
- 2.64 **Fairground**: means an agricultural fairground where farm produce is on display for judging and for sale, and livestock shows, horse racing and other sports events are held.
- 2.65 **Farm**: includes land or buildings used for growing or storing trees, grain, vegetables, fruit crops or any other agricultural product, livestock, a fishery or hatchery for trout farming or other species.
- 2.66 **Farm, Specialized Use**: means land or buildings which are predominantly used for the raising of chickens, turkeys or other fowl, fur-bearing animals, hogs or the growing of mushrooms, or the intensive feeding of cattle in a confined area.
- 2.67 **Farm Implement Dealer**: means a person selling any equipment that is used or intended to be used or intended to be used for farming operations.
- 2.68 **Fertilizer Mixing Plant**: means a building or place where feed materials are mixed to produce a balanced fertilizer.
- 2.69 **Flood Plain**: means an area of land adjacent to a waterbody which may be flooded during highwater events, but is not subject to significant water currents.
- 2.70 **Floodway**: means an area which may be inundated by water during high water events and is subject to significant flow currents which could erode the supporting terrain or displace building supports.

- 2.71 **Floor Area**: means the space on any storey of a building between exterior walls and required firewalls, including the space occupied by interior walls and partitions, any private garage, carport, storage area, breezeway, porch, veranda, unenclosed porch or unenclosed veranda, but does not include the space occupied by exits, vertical service spaces and their enclosing assemblies, a basement, a cellar, an attic or a boathouse.
- 2.72 **Floor Area, Ground**: means the floor area of the first storey of any building or structure and it includes, in the case of a dwelling unit, the area of any private garage, porch, veranda, unenclosed porch or unenclosed veranda.
- 2.73 **Floor Area, Gross**: means the sum total of the gross horizontal areas of all storeys of all buildings excluding attics and basements when used solely for the purpose of storage.
- 2.74 **Forest Management Area**: means land used for wood lot conservation or forest management practices carried out under a programme of the Ministry of Natural Resources and Forestry.
- 2.75 **Funeral Home**: includes a building or structure designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of human bodies for interment or cremation.
- 2.76 **Garage, Private**: means an accessory building or a portion of the main building including a carport, which is designed or used for the storage of one or more private vehicles and the storage of household equipment incidental to residential occupancy and in which no business, occupation or service is conducted for profit.
- 2.77 **Garage, Public**: means a building which is used for the servicing, repair or equipping of motor vehicles, or where such vehicles are parked or stored for remuneration, hire or sale.
- 2.78 **Garden Suite**: means a one-unit detached residential structure containing sanitary and kitchen facilities that is accessory to an existing permanent residential structure and that is designed to be portable, but does not include a mobile home, a trailer or any type of a recreational vehicles [also known as a granny flat].
- 2.79 **Gazebo**: means a detached accessory building to a single detached dwelling either enclosed or unenclosed to be used exclusively to accommodate persons and furniture and shall not be suitable for overnight accommodation and shall not exceed 24 square metres.
- 2.80 **Golf Course**: means a public or private area used for the playing of golf and includes a driving range, but not a miniature course or similar uses.
- 2.81 **Golf, Miniature**: means an area where golf putting is played on a series of golf holes less than 10 metres in length and often referred to as "mini-golf" or "putt-putt".

- 2.82 **Group Home**: means a single detached dwelling unit in which not more than 10 persons, having physical, social or mental handicaps reside in a household under the appropriate supervision of supervisory personnel, who may also reside in the dwelling unit, and which is licensed and/or approved for funding under provincial statutes and in compliance with municipal by-laws. A dwelling unit occupied for the purpose of providing shelter for persons on parole or released from penal institutions, or for persons ordered to reside there as a result of a conviction of a criminal offence is not a group home.
- 2.83 **G.S.C.**: means the Geodetic Survey of Canada.
- 2.84 **Guest Cabin**: See Sleeping Cabin.
- 2.85 **Guest Room**: means a room or suite of rooms used or maintained for the accommodation of the public, which contain no cooking facilities.
- 2.86 **Height**: means, when used with reference to a building, the vertical distance between the grade at the front of a building and, in the case of:
- a) a flat roof - the highest point of the roof surface or the parapet, whichever is greater;
  - b) a mansard roof - the deck roof line;
  - c) a gable, hip or gambrel roof - the mean distance between the eaves and the ridge; and,
  - d) an "A"-frame construction - one and one half times the mean distance between the eaves and the ridge.
- 2.87 **Highwater Mark**: means the normal water mark of any water at the time of the original survey of the geographic township unless altered by the construction of a dam or dams belonging to any municipal, provincial or other public authority, in which case the measurement shall be from the highwater mark as controlled by such dam or dams.
- 2.88 **Holding**: means a symbol attached to a zone or symbol identifying lands that have an established land use, but have a requirement for tasks to be undertaken prior to any use being undertaken on the affected property.
- 2.89 **Home Industry**: means a gainful occupation including an animal hospital, electrical, woodworking, window frame, welding, plumbing, machine or auto repair shop, or blacksmith, conducted in whole or in part in an accessory building to a single detached dwelling house.
- 2.90 **Home Occupation**: means a gainful occupation conducted entirely within a single detached dwelling or a permitted accessory building by persons residing therein.

- 2.91 **Hospital, Public:** means an institution as defined by the Public Hospitals Act, being Chapter P40 of the Revised Statutes of Ontario, 1990, as amended from time to time.
- 2.92 **Hotel:** includes a commercial establishment other than a boarding house, catering primarily to the travelling public by supplying overnight sleeping accommodation with or without meals.
- 2.93 **Human Habitation:** means a building, structure or any enclosure that is used for the occupation of a person or persons on a permanent or temporary basis that includes areas for sleeping, sitting or relaxing that may include appliances, cooking or refrigeration but does not include an area used exclusively for the storage of goods or materials and does not include any attic, crawl space or unfinished basement.
- 2.94 **Hunt Camp:** means any land or buildings which are used solely for the incidental habitation of persons angling or hunting wildlife.
- 2.95 **Institution:** means any building or structure or part thereof used for a non-commercial purpose by any organization, group or association for the promotion of charitable, educational or benevolent objects but it does not include a private club, mental health centre or place of detention.
- 2.96 **Island:** means a parcel of land which is capable of being conveyed and which is entirely surrounded by water.
- 2.97 **Kenel:** includes a place where dogs and/or other animals other than livestock are bred and raised, or are sold or kept for sale, boarded or trained.
- 2.98 **Kitchen:** means a room or part of a room where food is stored or prepared or cooked, and which has cooking appliances.
- 2.99 **Landscaping:** means any combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property and to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.
- 2.100 **Landfill Site:** includes a waste disposal site or dump where waste is deposited with or without cover material being applied, for which a Certificate of Approval has been issued by the appropriate authority.
- 2.101 **Lane:** means a public thoroughfare which affords a secondary means of access to abutting lots, but which does not include a street or private road or right-of-way.
- 2.102 **Laundromat:** includes a building or structure where the service of coin-operated laundry machines, using only water, detergents and additives is made available to the public.



- 2.103 **Library**: means a building or room housing a collection of books, pamphlets, etc.; esp., such a collection arranged to facilitate reference.
- 2.104 **Light Industry**: means a premises used for the purpose of manufacturing or processing located entirely within a building.
- 2.105 **Lodge**: includes a Tourist Establishment that has facilities for serving meals and furnishes equipment, supplies or services to persons in connection with angling, hunting, camping or recreational purposes.
- 2.106 **Lot**: means a single, separate parcel of land, which is capable of being conveyed, whether such a parcel is described in a registered deed or is shown in a registered plan of subdivision including any of its parts which are subject to right-of-way or easement.
- 2.107 **Lot Area**: means the total horizontal area within the lot lines of a lot. In the case of a corner lot having a sight triangle or having street lines rounding at the corner with a radius of 6 metres or less, the lot area of such lots shall be calculated as if the lot lines were extended to their point of intersection.
- 2.108 **Lot, Corner**: means a lot situated at the intersection of and abutting upon two or more roads provided that the angle of intersection of such roads is not more than 135 degrees.
- 2.109 **Lot Coverage**: means the percentage of the lot area covered by building and structure including accessory buildings, but not including buildings located over the Crown lake bed or uncovered structures.
- 2.110 **Lot Depth**: means the horizontal distance between the front and rear lot lines. Where the front and rear lot lines are not parallel, it shall be the length of a straight line joining the mid-points of these lines. Where the side, front and rear lot lines are not determinable, the lot depth shall be the maximum separation between any two points on the boundary of the lot.
- 2.111 **Lot Frontage**: means the horizontal distance between the side lot lines measured along the front lot line, but where the front lot line is not a straight line, or where the side lot lines are not parallel, the lot frontage is to be measured either by a line equal to the minimum front yard measured back from and parallel to the chord of the lot frontage, or by the chord of the lot frontage, whichever is the greater. For the purpose of this paragraph the chord of the lot frontage is a straight line joining the two points where the side lot lines or the lines, as defined in this By-law, extending from the side lot lines intersect the front lot line.
- Where the side, and/or front and/or rear lot lines are not determinable, the lot frontage shall be the distance of the maximum separation between any two points on the boundary of the lot.
- 2.112 **Lot Line**: means any boundary of a lot or the vertical projection thereof.

2.113 **Lot Line – Exterior Side**: means a lot line located between the front and rear lot lines and dividing the lot from a public road or road allowance.

2.114 **Lot Line, Front**: means, in the case of an interior lot, the line dividing the lot from the road. In the case of a corner lot, the shorter lot line abutting a road shall be deemed to be the front lot line and the longer lot line abutting the road shall be deemed to be a side lot line. In the case of a through lot, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line.

In the case of a lot with water frontage on a navigable waterway, the front lot line shall be the highwater mark of such waterway. In the case of a lot fronting on a road allowance or Crown Reserve along the shore of a navigable waterway, the front lot line shall be measured between the points where two straight lines extended from the intersection of the side lot lines with the inner limit of that shoreline road allowance or Crown Reserve intersect at an angle of 90 degrees with the highwater mark.

2.115 **Lot Line, Rear**: means the lot line opposite the front lot line.

2.116 **Lot Line, Side**: means any lot lines other than the front lot line and the rear lot line.

2.117 **Lot, Through**: means a lot bounded on two opposite sides by roads or navigable water.

2.118 **Machine or Welding Shop**: means a building or structure where manufacturing is performed by tradesmen requiring manual or mechanical skills and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, a tinsmith shop, a commercial welder's shop or similar uses.

2.119 **Manufacturing**: means the use of land, building or structure designed for the purpose of manufacturing, assembly, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale of any goods, substance, articles, thing or service, but shall not include an obnoxious use, mine, pit or quarry.

2.120 **Marina**: means a lot, buildings, structure or place on a waterfront with or without docking facilities where boats and boat accessories are berthed, constructed, stored, serviced, repaired or kept for sale or rent and where the facilities for the sale of marine fuels, marine equipment, lubricants, bait as well as the sale of foods, provisions or supplies as an accessory use may be provided. Such use shall not include the transshipment of septage nor the storage of construction materials except for personal use.

2.121 **Marina Passenger Service Terminal**: means a building, structure, area and/or facilities that is intended to accommodate the movement of goods, people or material from or to the water.

- 2.122 **Marine Storage Building**: means a building that is used for storing marine equipment including paddles, life jackets and fuel cans that does not exceed 10m<sup>2</sup> and 3 metres in height.
- 2.123 **Minister**: means the Minister responsible for the administration of the Planning Act.
- 2.124 **Mobile Home**: means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, is placed on a permanent foundation with a ground floor area greater than 60 square metres, but does not include a travel trailer or tent trailer otherwise designed.
- 2.125 **Mobile Home Park**: means an area set aside for the use of mobile homes in which communal sewer, water and hydro services are provided and in which community laundry, social, local commercial and recreation facilities may be located, and which is licensed for this purpose by the Municipality.
- 2.126 **Modular Home**: means any dwelling that is designed in more than one unit and is designed to be made mobile on a temporary basis, on a perimeter wall foundation and constructed or manufactured to Building Code Standards to provide a permanent residence for one or more persons, but does not include a mobile home, recreational travel trailer or recreational motor vehicle as defined herein.
- 2.127 **Motel**: includes a commercial establishment other than a boarding house, catering primarily to the travelling public by supplying overnight sleeping accommodation with or without meals.
- 2.128 **Motorhome**: means any motor vehicle so constructed as to be a self-contained, self-propelled unit, capable of being used for human habitation including eating, sleeping, relaxing for one or more persons.
- 2.129 **Motor Vehicle**: means an automobile, truck, motorcycle, motorized snow vehicle, and any other vehicle propelled or driven other than by muscular power but does not include cars of electric or steam railways, or other motor vehicles running only upon rails, or a traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the Highway Traffic Act.
- 2.130 **Municipality**: means the Corporation of the Municipality of Whitestone.
- 2.131 **Navigable**: means any body of water which is capable, in its natural state or normal water level, of being navigated by floating vessels of any description for the purposes of transportation, recreation or commerce so long as such navigation does not negatively impact the aquatic environment of that body of water; it also includes a canal and any other body of water created or altered for public use as a result of the construction of any work, as well as any waterway where the public right of navigation exists by dedication of the waterway for public purposes or by the public having acquired the right to navigate through long use.

- 2.132 **Nursing Home**: includes a home as defined by The Nursing Homes Act for Ontario for the care of elderly or chronically ill persons.
- 2.133 **Nursery School**: includes a day nursery within the meaning of The Child Care and Early Years Act, 2014, S.O. 2014 c. 11 for Ontario.
- 2.134 **Obnoxious Use**: means a use, trade business or manufacture that is offensive within the meaning of The Public Health Act for Ontario.
- 2.135 **Original Road Allowance**: means the 20 metres wide allowance for road or reserve along the shore of navigable streams, rivers and lakes identified in the original survey of the abutting lands.
- 2.136 **Park, Private**: means any open space or recreational area, other than a public park, owned and operated or maintained in whole or in part for profit by a private club or fraternal organization for members only, and may include therein one or more swimming, wading and boat facilities, picnic area, ski area, gardens or refreshment rooms.
- 2.137 **Park, Public**: means any open space or recreational area, owned or controlled by the Municipality or any other Authority established under any statute of the Province of Ontario and may include one or more athletic fields, field houses, community centres, bleachers, swimming pools, greenhouses, botanical gardens, zoological gardens, bandstands, skating rinks, tennis-courts, bowling greens, boat liveries, bathing stations, curling rinks, refreshment rooms, fair grounds, arenas, tent or trailer camps or parks, golf courses, or similar uses.
- 2.138 **Parking Area**: means an area provided for the parking of motor vehicles and may include aisles, parking spaces and related ingress and egress lanes or a private garage, but does not include any part of a public road or street.
- 2.139 **Parking Lot**: means a parking area operated by either a private or public organization for public use.
- 2.140 **Parking Space**: means an area of not less than 18 square metres, exclusive of any aisles or ingress and egress lanes, usable for the temporary parking or storage of motor vehicles, and may include a private road.
- 2.141 **Person**: means a person as defined in The Interpretation Act for Ontario.
- 2.142 **Pit**: means any pit or excavation made for the purpose of searching for, or the removal of any natural occurring soil, earth, clay, marl, sand, gravel or rock for commercial purposes but does not include an excavation incidental to the construction or alteration of a building for which a building permit has been granted or a wayside pit as defined herein. A pit does not include any excavation requiring blasting; washing; crushing or processing of earth materials.

- 2.143 **Place of Entertainment**: means a building, lot or structure for a motion picture or other theatre, arena, curling rink, auditorium, public hall, billiard or pool room, bowling alley, ice or roller skating rink, dance hall or music hall; but does not include any place of entertainment or amusement otherwise defined or classified.
- 2.144 **Point of Intersection**: means the point at which two street lines abutting a corner lot intersect or if the two street lines meet in a curve then it is the point at which the production of the two lines abutting the two streets intersect.
- 2.145 **Privy**: means a class of septic system that includes a building or structure that contains a vault where human waste is received and from which the waste is periodically removed.
- 2.146 **Provincial Highway**: means a street under the jurisdiction of the Ministry of Transportation.
- 2.147 **Pumphouse**: means a building or structure used to fence, wall in, or cover a hydraulic device used to deliver, pressurize or store a private domestic water supply and accessory equipment or tools.
- 2.148 **Quarry**: means an excavation of rock or other earthen materials that includes blasting and/or washing and/or processing of the blasting materials and may include rock crushing.
- 2.149 **Recreational Vehicle**: means a vehicle which provides sleeping and other facilities for short periods of time, while travelling or vacationing, designed to be towed behind a motor vehicle, or self-propelled, and includes such vehicles commonly known as travel trailers, truck trailers, pickup coaches, motorized campers, motorized homes or other similar vehicles and shall not include a mobile home.
- 2.150 **Rental Cottage Establishment**: means a commercial use that is a tourist establishment that has one or more rental units: (i) the majority of which have a private entrance from the outside, and (ii) all of which have at least a three-piece bath.
- 2.151 **Rental Unit** means a detached dwelling that is offered as a place of temporary residence, lodging or occupancy by way of lease, rental agreement or similar commercial arrangement. A Rental Unit does not include lodging found in any Tourist Commercial (C2) Zone, including a motel, hotel, rental cottage, tourist cabin, bed and breakfast, nor does it include a property rented for two weeks or less in any calendar year, and it excludes any rentals that exceed 30 consecutive days or more to the same tenant, throughout all or part of a calendar year.
- 2.152 **Resort**: means a tourist establishment where accommodation in separate or multiple unit buildings are offered to the touring or vacationing public together with any ancillary uses, buildings or structures.

- 2.153 **Restaurant Licensed**: means a building or part of a building where food is offered for sale or sold to the public for immediate consumption therein with a license to sell alcoholic spirits issued by the Liquor Licensing Board of Ontario.
- 2.154 **Restaurant Unlicensed**: means a building or part of a building where food is offered for sale or sold to the public for immediate consumption therein without a license to sell alcoholic spirits issued by the Liquor Licensing Board of Ontario.
- 2.155 **Retail Store**: means a building or part of a building where goods, wares, merchandise, substances or articles are offered for retail sale.
- 2.156 **Riding Stable**: means an area of land which is used as an educational centre for horse training, handling, care, or for the lodging of horses.
- 2.157 **Road Private**: means any roadway or open way that allows for the passage of a conventional passenger vehicle, but does not include a public road or public highway as defined in the Municipal Act.
- 2.158 **Rooming House**: see Boarding House.
- 2.159 **Salvage Yard**: means land or buildings used for a wrecking yard or premise, the keeping and/or storing, of used motor vehicles, farm implements, building products, waste paper, rags, bones, bottles, bicycles, tires, old metal, other scrap material or salvage and where such materials are bought, sold, exchanged, baled, packed, disassembled or handled for further use.
- 2.160 **Satellite Dish**: means a structure used or intended to be used to receive broadcast signals from satellites.
- 2.161 **Sauna**: means a building with a single room that is used for steam or dry heat baths, and not for human habitation.
- 2.162 **Saw Mill**: means an establishment for sawing logs with power-driven machinery including portable machinery and facilities.
- 2.163 **School**: means a school under the jurisdiction of a Board as defined by the Ministry of Education or Ministry of Colleges and Universities.
- 2.164 **Septic System**: means an underground waste water treatment system that biodegrades the waste and water that comes from the household plumbing.
- 2.165 **Service Shop**: includes a building or part of a building, whether used in conjunction with a retail store or not, for the performance of personal services such as a barber shop or beauty parlour or for the servicing or repairing of articles, goods or materials, and in which no product is manufactured.
- 2.166 **Setback**: means the open, uncovered and unoccupied horizontal distance appurtenant to a building or structure.

- 2.167 **Shipping Container**: means a container with strength suitable to withstand shipping, storage and handling made from steel or other metals used for intermodal shipments and is considered an accessory building or structure.
- 2.168 **Shop, Variety or Grocery**: means a building or structure used for the performance of retail services provided that no repairing or manufacturing of articles, goods or materials is permitted in such building or structure.
- 2.169 **Shoreline**: means the point where the water meets the land regardless of the original or high water mark.
- 2.170 **Sight Triangle**: means the triangular space formed by two intersecting street lines and a line drawn from a point in one street line to a point in the other street line, each point being 12 metres measured along the street line from the point of intersection of the street lines.
- 2.171 **Site Plan**: means a scaled drawing prepared to illustrate the relation between the lot lines and the uses, buildings or structures existing or proposed on a lot, including such details as parking area, driveways, walkways, landscaped areas, building area, minimum yards, building heights, floor area, densities and areas for special uses.
- 2.172 **Slaughter House**: means a building or place where animals are butchered for food.
- 2.173 **Sleeping Cabin**: means a building for overnight accommodation which is accessory to a single detached dwelling and which contains no cooking facilities.
- 2.174 **Storage Building**: means when referring to a principal use on a lot, a one storey building not exceeding 4 metres in height, having a ground floor area greater than 10 square metres and a maximum ground floor area of 20 square metres to be used for the storage of property maintenance equipment and not for human habitation but does not include a tent or trailer as defined in this By-law.
- 2.175 **Store, Retail**: means a building or part of a building where commodities or goods are sold to ultimate consumers for personal or household consumption, but it does not include any retail outlet otherwise classified or defined in this By-law.
- 2.176 **Storey**: means the portion of a building other than the basement, cellar or attic which lies between the surface of the floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling or roof next above it.
- 2.177 **Storey, One Half**: means the portion of a building situated wholly or in part within the roof and in which there is sufficient space to provide a height between finished floor and finished ceiling of at least 2 metres over a floor area equal to at least 50 per cent of the area of the floor next below.

- 2.178 **Street**: means a public highway or public road which affords the principal means of access to abutting lots and does not include a lane, private road, right-of-way or unopened road allowance.
- 2.179 **Street Line**: means the dividing line between a lot and a street or a road.
- 2.180 **Structure**: means anything constructed or erected, other than a building, and, for the purposes of this By-law, shall include a tennis court, a stationary vehicle or a boat.
- 2.181 **Sundeck**: means a non-roofed structure designed for lounging or sunbathing.
- 2.182 **Tavern**: see Hotel, Motel and Restaurant, Licensed defined herein.
- 2.183 **Tennis Court**: includes a flat structure, whether such structure is made of natural materials or not, that may or may not be elevated above the ground on which the game of tennis or other such racquet sports are played, and which is surrounded by a fence.
- 2.184 **Tent**: means any kind of temporary shelter for sleeping that is not permanently fixed to land and that is capable of being easily moved, but does not include a structure.
- 2.185 **Tourist Camp**: see tourist establishment.
- 2.186 **Tourist Establishment**: includes buildings, structures or uses intended primarily for the touring and vacationing public.
- 2.187 **Tradesman Shop**: means a yard of any tradesman where equipment and material are stored or where a tradesman performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein.
- 2.188 **Trailer**: means any vehicle having a floor area less than 60 square metres so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, and capable of being used for the living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked-up or that its running gear is removed. For the purpose of this by-law, a trailer is considered a "building".
- 2.189 **Trailer Park**: means an area, that may be licensed by the Municipality which is set aside for trailers which are being used for travel, vacation or recreational use on a seasonal basis where community laundry, social, local commercial and recreational facilities may be located, and where mobile homes are not permitted.
- 2.190 **Transfer Station**: means a parcel of land and/or structure used for the collection of waste for a temporary time until such waste may be transported but does not include a waste disposal site.



- 2.191 **Transportable Prefabricated Dwelling Unit**: means a single detached dwelling unit which has been manufactured in a factory remote from the site where it is intended to be used and transported to the site for installation on a prepared foundation and which unit complies with all applicable standards of the Canadian Standards Association.
- 2.192 **Truck or bus storage terminal**: means a building structure or place where trucks, busses or transports are kept for hire, parked or stored."
- 2.193 **Vehicle**: means a vehicle as defined in the Highway Traffic Act.
- 2.194 **Warehouse**: means a building or part of a building used for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities for a wholesale or retail commercial outlet, provided that they do not exceed 10 percent of the gross floor area, but shall not include a truck or transport terminal or yard.
- 2.195 **Waste Disposal Site**: means any land or land covered by water, upon, into, in or through which, or building or structure in which, waste is deposited or processed and any machinery or equipment or operation required for the treatment or disposal of waste and for which a Certificate of Approval has been secured from the appropriate government authority.
- 2.196 **Water Supply**: means a distribution system of underground piping and related storage, including pumping and purification appurtenances owned and operated by the Municipality or the Provincial Government for public use.
- 2.197 **Waterlot**: means land that is permanently or seasonally inundated with water and includes patented or Crown lands that have been authorized for public, private or commercial use by the Ministry of Natural Resources and Forestry and that are capable of being surveyed.
- 2.198 **Wayside Pit**: means a temporary excavation from which sand, gravel or earth fill material is removed by:
- a) a public authority for its own use in maintaining local roads and highways or for land fill sites;
  - b) the owner of a lot having an area of at least two hectares for his own personal use; or,
  - c) by someone issued a quarry permit from the appropriate government authority to extract sand or gravel from Crown land.
- 2.199 **Wetland**: means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.

- 2.200 **Yard**: means the open, uncovered and unoccupied horizontal space appurtenant to a building.
- 2.201 **Yard, Front**: means a yard extending across the full width of the lot between the front line of the lot and the nearest part of any building or structure on the lot, with the exception of any encroachment permitted in accordance with the provisions of this By-law.
- 2.202 **Yard Depth, Front**: means the least distance between the front lot line of the lot and the nearest part of any building or structure on the lot, with the exception of any encroachment permitted in accordance with the provisions of this By-law.
- 2.203 **Yard, Rear**: means a yard extending across the full width of the lot between the rear lot line of the lot and the nearest part of any building or structure on the lot, with the exception of any encroachment permitted in accordance with the provisions of this By-law.
- 2.204 **Yard Depth, Rear**: means the least distance between the rear lot line of the lot and the nearest part of any building or structure on the lot, with the exception of any encroachment permitted in accordance with the provisions of this By-law.
- 2.205 **Yard Required**: means the minimum yard required by the provisions of this By-law.
- 2.206 **Yard, Side**: means a yard extending from the side lot line of the lot to the nearest part of any building or structure on the lot, with the exception of any encroachment permitted in accordance with the provisions of this By-law.
- 2.207 **Yard, Exterior Side**: means a side yard immediately adjoining a road or a 0.3 metre reserve abutting a road.
- 2.208 **Yard, Interior Side**: means a side yard other than an exterior side yard.

## SECTION 3 – GENERAL PROVISIONS

### 3.01 Zones

For the purpose of this By-law, the following Zones are established and are shown on the various sheets comprising Schedule 'A' to this By-law:

Zone	Zone Symbol
RURAL	RU
RURAL INDUSTRIAL	RUI
RURAL RESIDENTIAL	RR
WATERFRONT RESIDENTIAL 1, 2, 3	WF1, WF2, WF3
WATERFRONT RESIDENTIAL 1, 2, 3 - HOLDING	WF1-H, WF2-H, WF3-H
GENERAL COMMERCIAL	C1
RESORT COMMERCIAL	C2
INDUSTRIAL	M1
INDUSTRIAL PIT	M2
INDUSTRIAL PIT AND QUARRY	M3
WASTE DISPOSAL	WD
OPEN SPACE	OS
ENVIRONMENTAL PROTECTION	EP
FLOOD PLAIN	FP
CROWN LAND	CL
SPECIAL PROVISIONS	SP

and no person shall use any land or erect, alter or use any building or structure except in accordance with the provisions of this By-law.

### **3.02 Zone Boundaries**

Where the boundary of a zone does not coincide with a road, a railway right-of-way, a lot line, the boundaries of registered survey plans, or a natural feature such as a creek, stream or shoreline, the location of the boundary line shall be scaled from the Zoning Maps - Schedule 'A'.

### **3.03 Accessory Uses**

- a) Where this By-law provides that land may be used or that a building or structure may be erected, altered or used for a purpose, that purpose shall be deemed to include any accessory building or structure or any use incidental thereto. Except as may be provided in this By-law, an accessory building, structure or use may only be established once the main building, structure or use has been established.
- b) Except as may be provided elsewhere in this By-law, any accessory building or structure except for a marine storage building or a dry land boathouse which is not attached to the main building shall be erected behind the front line of the main building or shall comply with the yard requirements for the main building for that zone. Such accessory building or structure shall not exceed one and one half storeys in height and comply with all other requirements of this by-law.
- c) Notwithstanding sub-paragraph (b) above, a sauna, pumphouse, dock, marine railway, gazebo or wharf may be located in the front yard, side yard or rear yard where a lot abuts a navigable waterway, provided that the approval of any other governmental authority having jurisdiction has been obtained and provided that the sauna, pumphouse, dock, marine railway, gazebo or wharf is located in accordance with the applicable provisions included in this by-law.
- d) Where an accessory building is used for a Home Industry, as defined in this By-law, such buildings shall be located on the lot at a setback from any abutting road or street which is 15 metres greater than the setback required by this By-law for the main building on the lot.
- e) The use of any accessory building or structure, other than a sleeping cabin, for human habitation is not permitted, except where a dwelling unit is a permitted accessory use. The use of any accessory building or structure for the keeping of animals, other than domestic pets, is not permitted in any Residential or Waterfront Zone unless specifically authorized by the provisions of that zone or except in accordance with any applicable by-law of the municipality.
- f) Notwithstanding sub-paragraph a), b), c), d) and e) above, no accessory buildings, structures or uses are permitted on a lot where the principal use on the lot is a storage building except for a privy.

- g) Tent-like, portable structures used to shelter vehicles or materials are permitted accessory structures to a Rural Residential or Waterfront use subject to a maximum of one for any given property and no such structure shall exceed 60m<sup>2</sup>.

### **3.04 Application of By-law**

This By-law applies to all the lands within the Municipality.

Notwithstanding the provisions of Section 3.02, where any Zone on the Schedules abuts a waterway, such Zone shall be deemed to extend into the waterway and to apply to any water lots, Crown lake bed or any land created by changing lake levels, land fill operations or by any other means, and to extend over all docks, boathouses, breakwalls, groins, seawalls, cribs, anchorages and floating or buoyant structures, boats or barges whether or not they are fastened to the shoreline, beached or anchored to the Crown lake bed.

No building or structure shall be erected, altered or used, and the use of any building, structure or lot shall not be changed in whole or in part except to accord with only those uses expressly permitted by the provisions of this By-law.

### **3.05 Automobile Service Station or Public Garage**

Notwithstanding the provisions of this By-law and Schedule 'A' attached hereto, a pump island may be located within any front yard or exterior side of an automobile service station or public garage, provided that:

- a) the minimum distance between any portion of the pump island and any lot line shall be 6 metres; and,
- b) where the lot is a corner lot, no portion of any pump island shall be located closer than 4 metres to the base of a sight triangle.

### **3.06 Bed and Breakfasts**

- a) No bed and breakfast shall contain more than three rental bedrooms or guestrooms;
- b) the provisions of a home occupation shall apply to bed and breakfasts; and
- c) no bed and breakfast can be located closer than 0.5 kilometres from an existing bed and breakfast in a waterfront designation.

### **3.07 Boathouses/Boatports**

Except where permitted in the Tourist Commercial (C2) Zone, no person shall use land adjacent to, or on a navigable waterway for, the purpose of a boathouse/boatports.

A dry land boathouse/boatport may be permitted in the front yard subject to a maximum size of 60 square metres and compliance with all other requirements for accessory buildings set out in this by-law.

### **3.08 Bridges, Causeways and Watercrossings**

Any bridge spanning or crossing a navigable waterway or two points of land will require approval under the Bridges Act where applicable.

No person shall use any lot adjacent to a waterway for the purpose of erecting a structure or placing material for the construction of a roadway, walkway, bridge or causeway to join two lots, islands and/or parcels separated by navigable water without obtaining the appropriate authorization from any government authority having jurisdiction.

### **3.09 Buildings to be Moved**

No building or structure which would have required a building permit for its construction shall be moved to any location within the Municipality without the issuance of a building permit from the Municipality. This requirement does not apply to the temporary removal or placement of a floating dock or docks for winter storage.

### **3.10 Building Repair and Reconstruction**

Nothing in this By-law shall prevent the repair or reconstruction of a building or structure that is legal non-conforming, provided that such repair or reconstruction does not further contravene the provisions of this By-law, or the Planning Act.

### **3.11 Certificate of Occupancy**

No change may be made in the type of use of any lot covered by this By-law or of any building or structure on any such lot or of any part of such lot, building or structure, until a Certificate of Occupancy has been issued by the Municipality to the effect that the proposed use complies with this By-law.

### **3.12 Connections Between Buildings**

Buildings are deemed to be detached even though they may be connected by a passageway, breezeway or roof. There must be a shared wall to consider any building attached.

If any building is attached by a passageway, breezeway or roof, the passageway, breezeway or roofed area will be considered part of lot coverage.

### **3.13 Continuation of Farming Use**

Nothing in this By-law shall prevent the continued use of any land, building or structure for farming purposes or any addition or extension of such use provided that any such additions or extensions shall comply with the requirements for a Rural (RU) Zone as to coverage, yard and height provisions.

### **3.14 Converted Dwelling**

A converted dwelling is permitted in any zone that permits a residence except the WF1 to the WF3 zones provided that:

- (a) there is no substantial change in the character of the single detached dwelling;
- (b) the converted dwelling does not exceed the floor area of the main dwelling;
- (c) there is a separate entrance; and
- (d) compliance with all other by-law and Building Code requirements.

### **3.15 Coverage Maximums - Residential**

Notwithstanding the maximum lot coverages and all other applicable requirements, a main dwelling unit on all residential lots will be subject to a maximum lot coverage of 500 square metres.

### **3.16 Crown Land**

It is recognized that this By-law may not apply to Crown land. However, this By-law shall apply to any Crown land that is authorized to any private individual, corporation or organization by means of any patent, lease or permit where upon any general provisions or zone requirements shall apply.

Where any zone abuts a waterway, such zone shall be deemed to extend in to the waterway and apply to any waterlots, flooded or Crown land or Crown lake bed.

### **3.17 Decks**

Notwithstanding the yard and setback provisions of this By-law, an open air detached accessory deck on a lot zoned for residential use may be located in the front yard, if the total area of the deck does not exceed 14 square metres and if the floor of the deck is no more than 2.0 metres above the grade of the land over which it is located.

### **3.18 Derelict Automotive Vehicles and Boats**

Notwithstanding any of the other provisions of this By-law, no person shall use land for the purpose of keeping, storing, or using for parts, an abandoned or derelict automotive vehicle not having a current year license plate, or not capable of movement under its own power or any derelict boat or vessel affixed to the ground, in any zone in the Municipality, except in accordance with any applicable by-laws of the Municipality.

### **3.19 Dock Regulations**

No person shall use land adjacent to, or on a navigable waterway or over the Crown lake bed for the purpose of a dock or docks unless the following provisions are met:

- a) A dock or wharf permitted under Section 3.03(c) hereof shall not:
  - i) occupy more than 35% of the lot frontage; and
  - ii) occupy more than 1% of the total lot area or 100 square metres, whichever is lesser;;
  - iii) exceed 20 metres in total perpendicular length; or
  - iv) be located closer to the side lot line;
    - than 6 metres for a lot created after January 1, 2000;
    - than 4 metres for a lot having a frontage greater than 30 metres and less than 60 metres; and
    - two metres for a lot or block with less than 30 metres of frontage; and
  - v) any dock regulations shall apply to the extension of the side lot line up to 20 metres in to the water.
- b) a dock located on a lot zoned residential use is an accessory structure that is incidental to the main dwelling on the lot and shall not be constructed unless:
  - i) there is a main dwelling on the lot;
  - ii) a temporary or conditional building permit has been issued for the dock; or
  - iii) the lot is a water access lot.
- c) any dock(s) or wharf located in a waterway less than 30 metres in width shall be oriented so that it causes any boat, when docked, to be approximately parallel to the centre line of the waterway adjacent to the dock.



- d) no dock shall extend more than 25 percent of the total distance across the adjacent waterway measured from shoreline to shoreline, or a maximum of 15 metres whichever is the lesser.
- e) the dock is setback from the side lot line two metres including the extension of the side lot line into the water for up to 20 metres.
- f) ramps, stairs or walkways leading to docks shall not be considered part of the dock.

### **3.20 Dredging and Filling**

No person shall dredge or fill any navigable waterway or wetland unless:

- a) specifically authorized by Special Exceptions; or
- b) such lands or waters are zoned in a Commercial Zone or in an Industrial Pit Zone.

All dredging and filling must be authorized by any governmental organization having jurisdiction.

### **3.21 Dwelling Unit in Non-Residential Building or Lot**

No person shall use any land, or erect, alter or use any building or structure for the purpose of a separate dwelling unit or units on a lot not zoned for residential use or within any portion of a commercial building, unless the following provisions are met:

- a) Up to two single dwelling units are permitted for the personal use of the owner, operator or an employee of the non-residential use, provided that each unit has a private water supply and sewage system, which has been approved by the appropriate authority.
- b) The dwelling unit or units has a minimum floor area in accordance with the requirements of the Building Code Act.
- c) The dwelling unit or units has separate washroom and kitchen facilities from those of the non-residential use.
- d) Each dwelling unit or units shall have a separate parking space in addition to the commercial parking provisions of this By-law.
- e) The dwelling unit or units shall have a separate building entrance to that provided for the non-residential use.
- f) The gross floor area of the residential portion of a non-residential building in a Commercial Zone shall not exceed 50 per cent of the total floor area.

Notwithstanding the provisions of this By-law, no dwelling unit shall be located in a non-residential building that is used for an Automobile Service Station or a Public Garage.

### **3.22 Existing Non Complying Buildings on Lots With Inadequate Requirements**

Where one or two single detached dwellings legally exist on a lot with inadequate frontage, depth or area requirements, either may be enlarged provided there is compliance with all other applicable provisions of this By-law.

### **3.23 Extensions of Existing Buildings Encroaching Upon Yards**

Notwithstanding the yard provisions of this By-law, the extension of any legal non-conforming building which has less than the required yard requirements is allowed, provided that such extension does not further contravene the yard provisions of this By-law.

### **3.24 Fences**

A fence erected in the Municipality shall comply with the following provisions:

- (a) a fence is not permitted in the front yard of any WF1 to WF3 Zone;
- (b) the maximum height of a fence will be 2 metres;
- (c) a fence is permitted within any yard except as restricted in paragraph (a) above;
- (d) notwithstanding paragraph (b), the maximum height of a fence in a non-residential zone will be 3 metres; and
- (e) any fence between residential zones shall be finished on both sides.

### **3.25 Flood Elevations**

The access openings to habitation areas and the habitation areas of new buildings and structures shall be above a minimum elevation for the following lakes:

- a) Gooseneck Lake: 1.44 metres above the top of the outlet dam;
- b) Kashegaba Lake: 1.45 metres above the top of the outlet dam;
- c) Wahwashkesh Lake: 229.57 metres above sea level.

### **3.26 Frontage on Public Road or Street**

No person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected fronts upon an open public highway maintained year-round by the Municipality or public authority, except in:

- a) A Waterfront Zone, a seasonal dwelling unit may front on a navigable waterway subject to the Limited Services provisions of this By-law and any applicable private road agreements and further provided that the right-of-way does not exceed one kilometre in length;
- b) A Rural (RU) zone, a hunting camp provided there is legal access to the subject lands;
- c) A commercial or industrial zone, the lot may front upon a private road or right-of-way having a minimum width of 20 metres;
- d) In a Rural (RU), Rural Industrial (RUI) or Rural Residential (RR) Zone, a dwelling may front upon a private road, registered right-of-way or unassumed road allowance subject to the Limited Services provisions of this by-law and provided that the access is adequate for year round access and there are agreements in place to indemnify the Municipality from any responsibility or liability for the maintenance of the road.

### **3.27 Garden Suites**

A garden suite is a permitted use in any Zone that permits a residence subject to the land owner entering in to an agreement with the Municipality that deals with the following matters:

- (a) specifying the temporary nature of the garden suite including location restrictions on the lot;
- (b) providing for the installation, maintenance and removal of the garden suite;
- (c) identifying the period of time that the garden suite may exist not to exceed 20 years; and
- (d) providing for a security deposit to cover the cost of administering the agreement and ultimate removal of the garden suite.

### **3.28 Gazebo**

Notwithstanding the front yard requirements of this By-law, a gazebo not exceeding 24 square metres of floor area and a height of 4 metres may be located in the front yard subject to complying with any required side yards.

### **3.29 Golf Courses**

Notwithstanding the general or any other provisions of this by-law a golf course either as a principal or accessory use, is not permitted.

### **3.30 Group Homes**

Group homes shall be permitted in all zones that allow residential uses, provided they are licensed by the Province and/or approved under Provincial Statutes and in compliance with municipal By-laws.

No group home shall be located closer than 800 metres in a straight line distance to any another group home.

### **3.31 Height Exceptions**

- a) A place of worship, spire, belfry, clock tower, chimney, water tank, windmill, antenna (not including satellite dishes), or solar collection devices may exceed the height provisions of the zone in which it is situated.

### **3.32 Holding Provisions - 'H' Suffix**

- a) For the purposes of this by-law, any reference to the Holding or Holding symbols using an "H" symbol relates to the procedures under section 36 of the Planning Act where the uses permitted are to be suspended pending the removal of the "H" symbol by zoning by-law amendment.
- b) All zones shown on Schedule 'A' to this By-law having the suffix '(H)' symbol affixed to the various zone symbols are subject to the provisions of this subsection.
- c) Notwithstanding the permitted uses in any of the zones of the By-law, no person shall within any lands having the suffix '(H)' symbol added to the standard zone symbols as indicated on Schedule 'A' to this By-law, use any lot, erect, alter or use any building or structure for any purpose except a single detached dwelling where a dwelling is a permitted use. In addition, accessory buildings and structures to single detached dwellings are permitted.
- d) The Holding symbol "H" shall be removed when: the required servicing is completed; the necessary agreements to allow for a development have been executed; or the investigations of a special feature associated with a development have been completed.

### **3.33 Home Industry**

No person shall engage in a permitted home industry, except in accordance with the following provisions:

- a) a maximum of four (4) persons may be engaged in the home industry.
- b) such home industry may be located in part of a dwelling, or in any accessory building located on a lot on which a dwelling is in existence, provided the total gross floor area utilized by the home industry does not exceed a maximum of 300 square metres.

- c) there shall be no outside storage of goods, materials or articles.
- d) only currently licensed motor vehicles associated with the home industry may be parked or stored on the lot but only within an interior side or rear yard.
- e) there shall be no emission of noise, odour or dust which is not normally attributed to the use of the land for residential uses.
- f) a home industry shall be clearly secondary to the main residential use and shall not change the residential character of the dwelling on the lot.
- g) the home industry shall comply with the following minimum lot area, yard and setback provisions:
  - i) minimum lot area 0.8 hectares (2.0 acres)
  - ii) minimum setback from all lot lines 30.0 metres (100 feet)
  - iii) minimum separation from dwelling in existence on another lot 100.0 metres (328 feet)

### **3.34 Home Occupation**

Home occupations where permitted by this By-law, are businesses that are conducted entirely within a residential dwelling on a residential property by persons residing therein subject to the following provisions:

- (a) the business must be clearly secondary to the residential use;
- (b) there is no external display or advertising other than a sign erected in accordance with the Municipality's sign by-law;
- (c) there is no external storage of goods, materials or equipment;
- (d) not more than 25 percent of the floor area of the residence is used for the home occupation use;
- (e) the business must be conducted by the persons residing in the residence with no more than two employees on site;
- (f) the provision of adequate parking;
- (g) no noise, dust or other nuisances resulting from business; and
- (h) in a WF1 through WF3 zone, the home occupation is limited to an office, accountant, lawyer, hairdresser or any such similar business.

### **3.35 Hunt Camps**

Hunt camps are permitted in the Rural (RU) Zone subject to the following:

- (a) a minimum floor area of 10m<sup>2</sup>;
- (b) a maximum lot coverage of 50 square metres;
- (c) a maximum height of 5 metres;
- (d) hunt camp must be a minimum of 100 metres from an existing dwelling or public road;
- (e) only where a building permit for a dwelling unit is not available; and
- (f) the provision of municipal road services on unopened road allowances or private rights-of-way will not be available.

### **3.36 Kennels**

Despite any provisions in this By-law to the contrary, commercial or boarding kennels shall only be permitted in an Industrial, Commercial or Rural Zone. The minimum separation distance between a kennel and any existing residential dwelling or any lot in a rural or residential zone shall be 150 metres.

### **3.37 Lane as Yard**

Where the rear lot line of a lot adjoins any portion of a lane, one-half of the width of that portion of such lane may be considered part of the lot for the purpose of computing the area of the lot or the depth of any rear yard required under this By-law.

### **3.38 Lights**

No person shall erect or use an outside light fixture in any zone except in conformity with the provisions contained in any by-law of the Municipality regulating such lights and in conformity with the following provisions:

- a) flashing lights other than navigational lights are prohibited;
- b) lights shall not be erected or used in ways which might confuse or interfere with normal navigation; and
- c) lights used to illuminate structures or property shall be arranged to direct light away from adjacent premises, roads or waterways.

### **3.39 Limited Services**

Any lands zoned in the Waterfront Residential (WF), Rural (RU), Rural Industrial (RUI) or Rural Residential (RR) Zones having a symbol "LS" attached to the Zone will be subject to the provisions of this section.

The Limited Services "LS" symbol attached to any WF, RU, RUI and RR zoned lands means that the lands do not have direct frontage or access to a publicly maintained, year round road. The "LS" zoning symbol indicates that the provision of full municipal road services and access to the affected property by emergency vehicles may not be available.

### **3.40 Loading Space Regulations**

#### **a) Loading Space Requirements**

The owner or occupant of any lot, building or structure erected or used for any purpose involving the receiving, shipping, loading or unloading of persons, animals, goods, wares and merchandise and raw materials, shall provide and maintain at the premises on the lot occupied by the building or structure and not forming part of a street or lane, within the zone in which such use is located, one loading or unloading space 10 metres long, 3.5 metres wide and having a vertical clearance of at least 4 metres for each 450 square metres of floor area of the building or structure provided, however, that adequate space shall be provided for the parking of vehicles awaiting access to loading spaces. No loading space will be required for buildings less than 450 square metres of floor area.

#### **b) Access**

Access to loading or unloading space shall be by means of a driveway at least 6 metres wide.

#### **c) Loading Space Surface**

The driveways, loading and unloading spaces shall be constructed and maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles and with provisions for drainage facilities.

#### **d) Location**

The loading space or spaces required shall be located in the interior side or rear yard unless set back from the street line a minimum distance of 25 metres.

- e) When a building or structure has insufficient loading space at the date of passing of this By-law to comply with the requirements herein, this By-law shall not be construed to require that the deficiency be made up prior to the construction of any addition. No addition may be built however, and no change of use may occur, the effect of which would be an increase in that deficiency.

### **3.41 Lot Additions and Encroachments**

A lot that is reduced in size by the granting of a consent for the purpose of facilitating an addition of land to an abutting parcel shall be deemed to conform to the frontage, depth, and area provision of this By-law subject to the provisions of this By-law.

### **3.42 Lots Having Less Area, Frontage or Depth Than Required**

Where a lot having a lesser frontage, area or depth than is required by this By-law is:

- a) held under distinct and separate ownership from abutting lots on or before the date of passing of this By-law; or,
- b) a lot on a registered plan of subdivision; or
- c) a lot created as a result of a consent granted by the Minister under the provisions of the Planning Act; or,
- d) created as a result of an expropriation or other land acquisition by any authority having statutory powers of expropriation; or,
- e) a lot created as a result of the granting of a consent by the land division authority prior to the passage of this By-law;

and where such a lot has a frontage of at least 30 metres, and a depth of at least 60 metres, or an area of at least 1,600 square metres, such lot shall be deemed to conform to the area, frontage and depth requirements of this By-law.

### **3.43 Measurement of Lot or Island Area**

For the purpose of calculating the lot area of any island or lot fronting on a navigable waterway, the water level to be used shall be the high water mark.

### **3.44 Minimum Distance Separation**

- a) No building shall be constructed in the Rural (RU) zone which does not comply with the Minimum Distance Separation I (MDS I) and Minimum Distance Separation II (MDS II) Formulas as calculated using the provincial Implementation Guidelines (Publication 707).



- b) Setbacks for new dwellings from barns containing livestock, other than dwellings on the lot containing the barn shall be in compliance with MDSI Formulae.
- c) New barns or expansions to existing barns shall require setbacks in compliance with MDSII Formulae.

### **3.45 Mining**

No person shall use any land, or erect, alter or use any building or structure for the purpose of extracting any minerals unless a permit has been issued under the Mining Act.

### **3.46 Mobile Homes**

No person shall erect, locate or use any mobile home or homes except in accordance with the Ontario Building Code Act and provided that they are located on permanently fixed foundations.

### **3.47 Multiple Zones**

Where a lot is divided into multiple zones, each portion of the lot shall only be used in accordance with provisions of the zone governing that portion.

### **3.48 Non-Conforming Uses**

Continuation of Existing Uses

The provisions of this By-law shall not apply:

- a) to prevent the use of any land, building or structure for any purpose prohibited by this By-law if such land, building or structure was lawfully used for such purpose on the day of the passing of this By-law, so long as it continues to be used for that purpose; or,
- b) to prevent the erection or use of any building or structure for which a building permit has been issued under the Building Code Act, prior to the day of passing of this By-law, for a purpose prohibited by this By-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under the Building Code Act;
- c) for the purpose of this Section, any dock used as such at the time of the incorporation of the Municipality shall be deemed to be lawfully used, notwithstanding the fact that it may have been constructed without an Improvement Permit being issued or obtained pursuant to Section 17 of the Public Lands Act RSO, 1970.
- d) the seasonal removal of docks does not affect their non-conforming status, provided they are returned to their former location;

e) Residential Use in a Commercial Zone

Nothing in this By-law shall apply to prevent the alteration or enlargement of a residential dwelling unit or units existing on the day of passing of this By-law in a Commercial Zone, provided that the number of dwelling units is not increased and provided further that such alteration or enlargement is subject to all applicable general provisions and zone requirements of the Rural Residential (RR) Zone.

### **3.49 Number of Dwelling Units on One Lot**

Only one dwelling unit shall be permitted on any lot. Exceptions to this provision include:

- i) An additional dwelling unit in a separate building for the accommodation of a farm worker and his family is permitted where the lot is greater than 25 hectares in area;
- ii) Notwithstanding the above, a second dwelling unit is permitted on a residential lot that is located in any WF1, WF2 or WF3 zone inclusive, provided that each main dwelling unit has its own separate water supply and sewage disposal system approved by the appropriate authority and further provided that the second dwelling unit is a minimum of 60 metres from the main dwelling unit and provided that each dwelling unit would be able to comply with the lot and frontage requirements should a consent be granted; (This provision does not apply to lands adjacent to Lorimer or Fairholme Lakes.)
- iii) A converted dwelling or an accessory apartment where the lands are zoned Rural (RU) or the Rural Residential (RR) zone;
- iv) A garden suite in accordance with the provisions of this by-law;
- v) An additional dwelling unit in an accessory or ancillary structure where there is no second dwelling in the main dwelling but excluding any Waterfront Residential (WF) Zone; and
- vi) Any secondary dwelling unit must have a separate entrance from the principal dwelling.

### **3.50 Occupation of Unserviced Dwelling**

No building shall be used for human habitation before the sanitary facilities have been installed and in receipt of final inspection and made fully operational.

### **3.51 Parking Area Regulations - Road Accessed Lands**

Parking spaces and areas on every lot having access by road are required under this By-law in accordance with the following provisions:

a) Parking Space Requirements

Every building or structure erected or used for any of the following purposes shall have the following parking spaces and areas:

Type of Building	Minimum Parking Required
Building containing one dwelling unit	1 parking space, or 1 garage, or a carport.
Building containing two or more dwelling units	1 ½ parking spaces for each unit.
Bed and Breakfast and Boarding House	1 parking space for each bedroom
Medical, Dental or Drugless Practitioner's Office or Clinic	5 parking spaces for each practitioner.
Place of Worship, Funeral Home, Auditorium, Restaurant, Theatre, Arena, Hall, private Club, or other Places of Assembly	Where there are fixed seats, 1 parking space for every five seats or 3 metres of bench space; where there are no fixed seats, 1 parking space for each 10 square metres of floor area devoted to public use.
Hospitals or Institutions	1 parking space for each 2 beds or 35 square metres of floor area whichever is greater, public one additional space for each doctor or employee.
Hotel or Motel	1 parking space per suite or guestroom, and 1 additional parking space for each 9 square metres of floor area devoted to public use.
Resort/Cottage Rentals	1 spaces per bedroom in Resort/unit
Office, including Home Occupation	1 parking space for every 10 square metres of office or home occupation floor area
Variety or Grocery Shop	1 parking space for every 9 square metres of total floor area.
A Retail Store, Service Store of other similar	1 parking space for every 9 square metres of retail floor establishment area or 15 square metres of service area.
Other Commercial Uses	1 parking space for every 15 square metres of total floor area.
Schools	1½ parking spaces for each classroom, plus 1 separate bus loading area for every 2 classrooms.
Industrial including Home Industry	At least 1 parking space for every 90 square metres of total floor area used for such purposes up to 1800 square metres, plus one additional space for every 800 square metres of total floor area used for such purposes over 1800 square metres including any basement area if used for such purpose.
Marina	1.25 parking spaces for every docking slip.

b) Parking Area Requirements

Parking areas shall conform to the following provisions:

- i) the parking area shall be located on the same lots as the use it is intended to serve, except in the case of a water access lot where the parking area shall be located in a zone where such use is permitted by this By-law or within 500 metres of the lot it is intended to serve in the case of a commercially zoned property;
- ii) each parking space shall be at least 3 metres by 6 metres and shall be provided with unobstructed access to a street directly or by way of a driveway, aisle, lane or private road;
- iii) any parking area designed to serve water access lots shall have a minimum area of 100 square metres for each lot to be served and no parking shall be permitted within 15 metres of the high watermark or within 6 metres of any side lot line abutting a lot in a Residential Zone and be owned by or registered on title to the water access land owner;
- iv) notwithstanding paragraph i) above, where off street parking is required by this by-law cannot be provided for on the same lot, such parking may, at the discretion of the Municipality, be provided for on an alternative lot which is located within 200 metres. Where parking is provided on an alternative lot, such parking shall be secured by agreement confirming the use of the parking spaces in respect of the lot proposed for the parking use and by restricting the use of the development lot to the continued provision of replacement parking;
- v) where site configuration or other constraints prevent or render undesirable the provision of all required spaces, cash-in-lieu of parking may be provided by the applicant. The parking fund so established shall be devoted to assist in the provision of additional parking facilities where deemed appropriate by the Municipality. The fee for cash-in-lieu of parking shall be determined by by-law of the Municipality;
- vi) the parking space requirements shall not apply to any building in existence with a legal non-conforming parking deficiency at the date of the passing of this by-law to the extent of the deficiency so long as the floor area, as it exists on such date, is not increased and no change of use occurs. If an addition is made to the building or structure which increases the floor area or a change in use occurs, then parking spaces for the addition or change in use shall be provided

c) Parking Area Surface

In a Commercial or Industrial Zone, parking areas and driveways or aisles connecting the parking areas with a street shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles. The parking area shall, before being used, be constructed of crushed stone, slag, gravel, crushed brick (or tile), cinders, asphalt, concrete, Portland cement binder or like material and with provisions for drainage facilities which have been designed and constructed so as to prevent erosion, the washout of such parking areas, driveways or aisles or the carrying of soil, sand or sediment into an adjacent waterway.

d) Ingress and Egress

- i) Ingress and egress, to and from the required parking spaces and areas shall be provided by means of unobstructed driveways or passageways at least 4 metres but not more than 10 metres in perpendicular width.
- ii) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 10 metres.
- iii) The minimum distance between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 7 metres.
- iv) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
- v) Every lot shall be limited to the following number of driveways:
  - (1) up to the first 30 metres of frontage - not more than 2 driveways; and,
  - (2) for each additional 30 metres of frontage - not more than 1 additional driveway.

e) Illumination

Where parking areas are illuminated, lighting fixtures shall be so arranged that no part of any fixture shall be more than 8 metres above the finished grade of the parking area. Fixtures shall be so designed and installed that the light is directed downward and deflected away from adjacent lots, roads and streets.

f) Addition to Building or Structure

When a building or structure has insufficient parking area at the date of passing of this By-law, nothing in this By-law shall be construed to require that the deficiency be made up prior to the construction of any addition. No addition may be built, however, and no change of use may occur, that would have the effect of further contravening the provisions of this By-law.

g) Use of Parking Spaces and Areas

Any area where parking is permitted under this By-law shall only be used for the parking of operational vehicles used incidentally to the permitted uses on the lot, bearing currently valid license plates or for the seasonal storage of boats.

h) Parking Area Location on Lot

Notwithstanding the yard and setback provisions of this By-law, uncovered surface parking areas in other than residential zones, shall be permitted in the required yard or in the area between the road or street line and the required setback provided no part of any parking area, other than a driveway, is located closer than 1 metre to any road or street line. In a residential zone, no parking shall be permitted in the required front yard of any lot except on a driveway of 6 metres maximum width.

### **3.52 Pits and Quarries**

The making, establishment or operation of any new pit or quarry, except wayside pits, is prohibited except in the locations permitted and in accordance with the provisions of this By-law.

No person shall use any land, or erect, alter or use any building or structure for the purpose of processing, washing, sorting, screening or crushing rock, gravel or sand except in conformity with the provisions of this By-law and in accordance with a license issued under the Aggregate Resources Act.

Any pit or quarry permitted by this By-law shall be set back a minimum of 60 metres to any residential dwelling zone; 30 metres to any abutting residential zone; 50 metres to the limit of a municipal road; 20 metres to any abutting zone other than a residential zone, provided that where there is an adjoining pit or quarry operation on an abutting lot, excavation may be carried over and onto the adjoining lot in accordance with the site plan and with the written approval of the Municipality and the adjoining property owner; and 150 metres from the high water mark of any navigable waterway; and in accordance with a license issued under the Aggregate Resources Act.

No pit or quarry activity may be permitted on any lands that are not within the Industrial Pit (M2) Zone or the Industrial Pit and Quarry (M3) Zone.

### **3.53 Prohibited Uses**

Except as specifically permitted by this By-law, the following uses are prohibited:

- (a) any obnoxious use or noxious trade as defined under any Act;
- (b) boathouses and boatports located on or partly on any navigable waterway;
- (c) buildings or structures on docks except for those specifically permitted;
- (d) campsite, tent, trailers or camping on vacant rural or residential lots except in accordance with the Municipality's Trailer By-law;
- (e) a track for the racing of motor vehicles, motor cycles or snowmobiles;
- (f) pits and quarries except those licensed under the Aggregate Resources Act; and
- (g) outside storage on vacant lands except in accordance with any applicable by-law of the Municipality.

### **3.54 Public Uses**

Nothing in this By-law shall prevent any land, building or structure other than in an Environmental Protection (EP) Zone and Flood Plain (FP) Zone, from being used:

- a) as a park, playground, cemetery, or as a site for a public statue, monument, cenotaph, fountain or other memorial or ornamental structure; or,
- b) by the Municipality or by any local board thereof, by any communications and utilities or by any other government agency, provided that:
  - i) no goods, material or equipment shall be stored in the open;
  - ii) the lot coverage and yard provisions prescribed for the zone in which the public use is located are complied with; and,
  - iii) any building erected pursuant to the provisions of this paragraph is designed and maintained in general harmony with the surrounding buildings.

### **3.55 Pumphouse Restrictions**

Where a residential lot abuts a navigable waterway, a single pumphouse is a permitted accessory use which may be located in any front yard, side yard or rear yard provided that:

- a) the pumphouse is set back at least 3 metres from the high water mark;
- b) the maximum ground floor area of the pumphouse is 9 square metres;

- c) the maximum height of the pumphouse is 3 metres; and
- d) minimum side yard of 6 metres.

### **3.56 Railways**

Where any road or street crosses a railway at the same grade, no building or structure shall hereafter be erected closer to the point of intersection of the centre line of both the railway and the road or public street than 30 metres where automatic signal protection is provided and 45 metres where no automatic signals are provided.

### **3.57 Reduction of Requirements**

No person shall change the purpose for which any land, building or structure is used, or erect any new building or structure or addition to any existing building or structure or sever any land from any existing parcel, if the effect of such action is to cause the land or the original, adjoining or remaining buildings or structures to be in contravention of any of the provisions of this By-law.

### **3.58 Sauna**

A sauna is a permitted accessory building which may be located in any front yard, side yard or rear yard provided that:

- a) approval is obtained from any government agency having jurisdiction;
- b) the maximum height is one storey not exceeding 4 metres;
- c) the maximum floor area is 25 square metres;
- d) minimum side yard of 6 metres; and
- e) minimum setback of 3 metres.

### **3.59 Septic Systems**

A septic system shall comply with the requirements of the Ontario Building Code. In addition to complying with the Building Code, septic systems on lands adjacent to Lorimer Lake or Fairholme Lake must be located a minimum of 30 metres from the high water mark of these lots.

### **3.60 Setback From Environmental Protection Area**

Notwithstanding the provisions of this By-law, all buildings and structures must be set back a minimum of 10 metres from all areas zoned Environmental Protection (EP) on Schedule 'A'.



### **3.61 Shipping Containers**

- a) shipping containers up to 6 metres long are permitted accessory structures in all zones so long as they are located in the rear yard subject to any applicable setbacks; and
- b) shipping containers may be considered as habitable buildings so long as they are in compliance with all Building Code Act criteria.

### **3.62 Shore Road Allowance**

Where a shore road allowance or Crown Reserve exists in front of any lot which has not been stopped up and acquired by the abutting land owner in whole or in part, the area of the shore road allowance or Crown Reserve above the highwater mark between the extension of the side lot lines may be considered part of the lot area or depth required by this By-law.

### **3.63 Shore Road Allowance as Yard**

Notwithstanding the provisions of this By-law, where a shore road allowance or Crown Reserve exists in front of any lot, which has not been stopped up and acquired by the abutting land owner in whole or in part, a building or structure may be erected without a front yard provided the building or structure or any part thereof does not encroach upon the shore road allowance or Crown Reserve.

### **3.64 Signs**

The provisions of this By-law shall not apply to prevent the erection, alteration or use of any sign, provided such sign complies with the by-laws of the Municipality regulating signs.

### **3.65 Sleeping Cabins**

Subject to the provisions of this By-law, sleeping cabins are a permitted accessory use, on any lot zoned for residential use, provided that the maximum gross floor area does not exceed 50 square metres or does not exceed the ground floor area of the principal dwelling on the lot, whichever is the lesser.

A sleeping cabin may be permitted on the second storey of a one and a half storey detached garage subject to a maximum floor area of 50m<sup>2</sup>.

### **3.66 Special Uses Permitted**

The following uses are permitted in all zones, except the Environmental Protection (EP) Zone and the Flood Plain (FP) Zone within the Municipality:

- a) Temporary camps used in the construction of public works but only for so long as it is necessary for such works as may be constructed adjacent to the camp and only until such time as the work is completed, or abandoned, or;

- b) A tool shed, scaffold or other building or structure incidental to the construction on the premises where it is situated and only for so long as it is necessary for the work in progress and until the work is completed or abandoned.

"Abandoned" in this Section shall mean the failure to proceed expeditiously with the construction of a work, specifically abeyance of construction for six months.

### **3.67 Swimming Pools**

The following provisions apply to outdoor swimming pools:

- a) For a single-detached, duplex, semi-detached and converted dwelling:
  - i) Swimming pools may not be constructed in a front yard, and not closer than 1 metre to any lot line, other than a street line, plus 0.3 additional metres distance for each 0.5 metres which the top edge of the swimming pool is above grade at the property line.
  - ii) Swimming pools to be constructed adjacent to street lines, shall be set back the same distance as the dwelling is required to be set back, as set out in this By-law.
  - iii) Every in-ground swimming pool in a residential zone shall be enclosed by a fence of at least 1.5 metres in height and located at a distance of not less than 1 metre and not more than 5 metres from the inside edge of the pool. Fences shall be constructed in accordance with the Municipality's Swimming Pool By-law.
- b) For any other use:

Distance from any street or other lot line shall be 15 metres. The distance referred to above shall be measured from the inside edge of the swimming pool.

### **3.68 Temporary Uses**

In all zones, except the Environmental Protection (EP) Zone and the Flood Plain (FP) Zone to which this By-law applies, a temporary accessory building or structure is a permitted use where such a building or structure is incidental to the construction of a main building or structure permitted by this By-law. Such a temporary accessory building or structure shall only be permitted while the work is in progress, or until the work is completed, and for a time period which shall not exceed three years.

### **3.69 Tennis / Sports Courts**

A tennis or sports court is a permitted accessory use to a lot zoned for residential purposes subject to complying with the yard requirements for the zone and notwithstanding the maximum fence height, a tennis court fence may be up to 3 meters in height.

### **3.70 Tent and Trailers**

Tents, trailers and motorhomes are not permitted in any zone as a principal use except in accordance with the Municipality's Trailer By-law or where they are located within a commercial zone that permits tents or trailers or where a trailer is to be used as a temporary structure in connection with the construction of a permitted use and allowed under a conditional building permit.

No trailer may be used for human habitation except in accordance with the provisions of this By-law and in accordance with the Municipal Trailer By-law or when placed on a property for storage or sale when said property is used for a principal permitted use.

No person shall locate, place or use a trailer, camper trailer, motorhome, tent, recreational vehicle on any land as a principal or primary use except where such uses are permitted within a tourist commercial establishment that is specifically zoned for said uses, or where a trailer has been permitted as a temporary structure in connection with the construction of a permitted use and authorized under a conditional building permit or in accordance with the provisions of the Municipality's Trailer By-law.

### **3.71 Through Lot**

Where a lot is a through lot, or where the front lot line of a lot is not determinable because of the lot or island configuration, the setback, frontage and front yard requirements contained herein shall apply on each road, or from each high water mark, in accordance with the provisions of the zone or zones in which such lot is situated.

### **3.72 Timbering**

No person shall use any land, or erect, alter or use any building or structure for commercial timbering within 30 metres of a public road or within 120 metres of any navigable waterway. Any commercial timbering must be in accordance with the Ministry of Natural Resources' Timber Management or Forest Management Program Plan.

Note: The provisions contained in this section are regulated under Section 34 of the Planning Act and only apply to buildings, structures and uses of land. Other associated activities are not regulated by this section.

### **3.73 Tourist Commercial Regulations**

Notwithstanding the provisions of this By-law, the following regulations shall apply to new and expanding or enlarging General Commercial (C1) and Tourist Commercial (C2) uses.

a) Minimum Waterbody Size (Where Applicable)

No General Commercial (C1) and Tourist Commercial (C2) zone shall be located on a recreational waterbody smaller than 30 hectares in surface area.

b) Minimum Lot Size

The minimum lot size for the General Commercial (C1) and the Tourist Commercial (C2) Zones shall be 0.4 hectares or 0.1 hectare per cottage rental unit, whichever results in the greatest requirement.

c) Minimum Water Frontage (Where Applicable)

The minimum water frontage required for General Commercial (C1) and the Tourist Commercial (C2) Zone shall be 60 metres or 20 metres of shoreline for each campsite or cottage rental unit, whichever results in the greater requirement.

d) Parking

Each General Commercial (C1) or Tourist Commercial (C2) Zone shall provide at least one parking space for each tent or trailer site, housekeeping cottage, motel, hotel or efficiency unit.

### **3.74 Unzoned Lands**

Any lands illustrated on Schedule 'A' to this By-law without a reference to a zone symbol shall be deemed to be zoned Rural (RU) and all applicable provisions of this zone shall apply or in the case of islands, the provisions of the Waterfront Residential 3 (WF3) Zone shall apply.

### **3.75 Use for Hazardous Purpose**

No land, building or structure shall be used for such Commercial or Industrial purpose as is likely to create a public nuisance or danger to health or danger from fire or explosion, except in accordance with the provisions of or regulations under The Gasoline Handling Act.

### **3.76 Use of Vacant Lands**

No vacant lands shall be used for the purpose of the storage of motor vehicles, machinery, materials or equipment, trailers or other similar objects which are not incidental to the expeditious construction of a building or the use permitted on such lands, and where otherwise specifically permitted by the provisions of this By-law or any other applicable by-law of the Municipality.

### **3.77 Waste Disposal Site To Be Set Back**

Notwithstanding the provisions of this By-law, a waste disposal site must be separated from any standing body of water in excess of 20 hectares of surface area and rivers or creeks a minimum of 300 metres.

### **3.78 Yard and Setback Encroachments Permitted**

a) Ornamental Structure

Notwithstanding the yard provisions of this By-law, sills, chimneys, cornices, eaves, gutters, parapets, pilasters or other ornamental structures may project into any required yard a maximum distance of 1 metre.

b) Accessory Structure

Notwithstanding the yard provisions of this By-law, drop awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs, or similar accessory structures shall be permitted in any required yard.

c) Unenclosed Balcony, Patio, Steps or Deck

Notwithstanding the yard provisions of this By-law, an attached unenclosed and uncovered balcony, patio, steps or deck may project into any required yard a maximum distance of 4 metres if it is not covered and 2.0 metres if it is covered but not closer than 1.2 metres to any lot line and further provided that in the case of a balcony, deck or steps such uses are not more than 2 metres above finished grade.

d) Fire Escape

Notwithstanding the yard provisions of this By-law, an unenclosed fire escape and the structural members necessary for its support, may project into any required yard a maximum distance of 2 metres.

e) Railway Spur in Industrial Zone

Notwithstanding the yard provisions of this By-law, in an Industrial Zone a railway spur shall be permitted within any required yard or in the area between the street line and the required setback.

f) Gate House

Notwithstanding the yard provisions of this By-law, in an Industrial Zone, a gate (guard) house shall be permitted in a front or side yard in the area between the street line and the required setback.

g) Building in Built-up Area

Notwithstanding the provisions of this By-law, where a detached dwelling house or accessory use thereto is to be erected in a built-up area within a Rural Residential (RR) Zone where there is an established building line, such dwelling unit or accessory use may be erected closer to the street line or the centre line of the road or street, as the case may be, than required by this By-law provided such dwelling house or accessory use is not erected closer to the street line or to the centre line of the road or street, as the case may be, than the established building line on the date of passing of this By-law.

## SECTION 4 - RURAL (RU) ZONE

### 4.01 Uses Permitted

No person shall within the Rural (RU) Zone, use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

#### a) Rural Uses

- Institutional camps, but not including trailer camps;
- a single detached dwelling;
- converted dwelling;
- accessory dwelling unit;
- garden suite;
- private park;
- a farm, and a specialized use farm as defined in this By-law;
- a farm produce storage facility;
- an animal hospital, kennel, or riding stable;
- a nursery or commercial greenhouse;
- any use or enterprise carried on in the field of general agriculture;
- a home industry as defined in this By-law;
- a home occupation as defined in this By-law;
- a custom workshop;
- an additional dwelling unit as permitted by this By-law;
- a boarding house;
- a mobile home;
- bed and breakfast establishment;
- group home;
- hunt camp;
- wayside pits and quarries;
- notwithstanding the accessory use permissions of Section 3.03 (a) and the minimum building area provisions of this By-law, one (1) storage building;
- a Rental Unit, licensed by the Municipality; or
- a tent, trailer or motorhome in accordance with the Municipality's Trailer By-law.

#### b) Institutional Uses

- a school;
- a church;
- a community hall;
- a public park;
- a cemetery;
- a nursery school;
- a nursing home;
- a hospital;
- government offices;
- library;
- playgrounds; or,

- arena

#### 4.02 Zone Standards

Any building or structure permitted under Section 4.01 shall comply with the following provisions except as otherwise provided for in Section 3, General Provisions.

a)	Minimum <i>Lot Frontage</i>	100 metres
b)	Minimum <i>Lot Area</i>	2.0 hectares
c)	Minimum <i>Lot Depth</i>	90 metres
d)	Minimum <i>Front Yard</i>	7.5 metres
e)	Minimum <i>Interior Side Yard</i>	5 metres
f)	Minimum <i>Exterior Side Yard</i>	15 metres
g)	Minimum <i>Rear Yard</i>	10 metres
h)	Minimum <i>Building Area – Ground Floor</i>	60 square metres
i)	Maximum <i>Building Height</i>	12 metres
j)	Accessory <i>Building – Yard</i>	5 metres
k)	Accessory <i>Building – Height</i>	5 metres
l)	Maximum <i>Lot Coverage by building</i> in percent	5%

#### 4.03 Provisions for Accessory Uses

The provisions of Section 4.01 and 4.02 shall apply to accessory buildings, structures and uses, except as otherwise provided for in Section 3, General Provisions.

#### 4.04 Special Exception Regulations - Rural (RU)

The regulations contained in 4.01 and 4.02, General Use Provisions and Zone Requirements, shall apply to the Special Provision Use areas or areas defined, except as otherwise specifically provided in the Special Use Regulations in this Subsection 4.04.

##### 4.04.1 Rural Exception 1 (RU-1)

A single detached dwelling together with any permitted accessory use may be erected and used on Part of Lot 12, Concession 4, being the remainder of Parcel 10841 P.S.S.S. fronting on the south side of Lorimer Lake Road in the geographic township of Hagerman subject to a minimum lot frontage of 100 metres.

##### 4.04.2 Rural Exception 2 (RU-2)

A garage/storage building of 222.97 square metres may be permitted on Part of Lot 26, Concession 6 being the remainder of Parcel 4836 P.S.N.S. in the geographic township of McKenzie subject to the yard and general requirements for a main dwelling.



#### **4.04.3 Rural Exception 3 (RU-3)**

A commercial workshop/storage building is permitted to be constructed on Part of Lot 21, Concession 3 being Part 1 of Plan 42R-14092 subject in the geographic township of McKenzie to a maximum size of 1500 square feet and further provided that the subject building shall not be used for human habitation.

#### **4.04.4 Rural Exception 4 (RU-4)**

Part of Lots 31 and 32, Concession 8 in the geographic Township of Hagerman fronting on Tahinca Avenue may be used for those uses existing on the date of passage of this By-law.

These lands were separated from waterfront lands and are to be restricted from any further development. (See Parry Sound Area Planning Board File No. B31/2002(W)).

#### **4.04.5 Rural Exception 5 (RU-5)**

Up to two storage buildings not exceeding 93 square metres may be permitted together with any other use permitted in the Rural (RU) Zone on Part of Lot 8, Concession 4 in the geographic township of Hagerman fronting on Lorimer Lake Road.

#### **4.04.6 Rural Exception 6 (RU-6)**

A storage building not exceeding 93 square metres may be permitted in Part of Lot 8, Concession 4 in the geographic township of Hagerman fronting on Lorimer Lake Road subject to a minimum lot frontage of 60 metres and a lot area of 1 hectare, provided that there is no outside storage of equipment or vehicles.

#### **4.04.7 Rural Exception 7 (RU-7)**

A dwelling unit together with any permitted accessory uses may be erected and used on each of two lots in Part of Lot 35, Concession 10, geographic Township of Croft and more particularly described as Part 1 of Reference Plan 42R-19190 subject to a minimum lot area of 1.27 hectares.

## SECTION 5 - RURAL INDUSTRIAL (RUI) ZONE

### 5.01 Uses Permitted

No person shall within the Rural Industrial (RUI) Zone, use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a) Rural Uses
- agriculture
  - contractors yard
  - light industry
  - marina
  - salvage yard
  - single detached dwelling
  - accessory retail
  - custom workshop
  - outside storage
  - a tent, trailer or motorhome in accordance with the Municipality's Trailer By-law.

### 5.02 Zone Standards

Any building or structure permitted under Section 5.01 shall comply with the following provisions except as otherwise provided for in Section 3, General Provisions.

a)	Minimum <i>Lot Frontage</i>	100 metres
b)	Minimum <i>Lot Area</i>	2.0 hectares
c)	Minimum <i>Lot Depth</i>	90 metres
d)	Minimum <i>Front Yard</i>	7.5 metres
e)	Minimum <i>Interior Side Yard</i>	5 metres
f)	Minimum <i>Exterior Side Yard</i>	15 metres
g)	Minimum <i>Rear Yard</i>	10 metres
h)	Minimum <i>Building Area – Ground Floor</i>	60 square metres
i)	Maximum <i>Building Height</i>	12 metres
j)	Accessory <i>Building – Yard</i>	5 metres
k)	Accessory <i>Building – Height</i>	5 metres
l)	Maximum <i>Lot Coverage by building in percent</i>	5%

### 5.03 Provisions for Accessory Uses

The provisions of Section 5.01 and 5.02 shall apply to accessory buildings, structures and uses, except as otherwise provided for in Section 3, General Provisions.

## **SECTION 6 - RURAL RESIDENTIAL (RR) ZONE**

### **6.01 Uses Permitted**

No person shall within the Rural Residential (RR) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

#### **a) Residential Uses**

- a single detached dwelling;
- an accessory apartment or a converted dwelling;
- a garden suite;
- a home occupation as defined in this By-law;
- a boarding house or nursing home;
- a bed and breakfast establishment;
- notwithstanding the accessory use permissions of Section 3.03 (a) and the minimum building area provisions of this By-law, one (1) storage building;
- a Rental Unit, licensed by the Municipality; or
- a tent, trailer or motorhome in accordance with the provisions of the Municipality's Trailer By-law.

#### **b) Institutional Uses**

- a school;
- a church;
- a community hall;
- a public park;
- a cemetery;
- a nursery school;
- a nursing home;
- a hospital;
- government offices;
- library;
- playgrounds; or,
- arena, community halls.

### **6.02 Zone Standards**

Any building or structure permitted under Section 6.01 shall comply with the following provisions except as otherwise provided for in Section 3, General Provisions.

a)	Minimum <i>Lot Frontage</i>	60 metres
b)	Minimum <i>Lot Area</i>	0.4 hectares
c)	Minimum <i>Lot Depth</i>	60 metres
d)	Minimum <i>Front Yard</i>	7.5 metres
e)	Minimum <i>Interior Side Yard</i>	5 metres
f)	Minimum <i>Exterior Side Yard</i>	9 metres
g)	Minimum <i>Rear Yard</i>	9 metres
h)	Minimum <i>Building Area – Ground Floor</i>	60 square metres
i)	Maximum <i>Building Height</i>	10 metres
j)	Accessory <i>Building – Yard</i>	3 metres
k)	Accessory <i>Building – Height</i>	5 metres
l)	Maximum <i>Lot Coverage by building in percent</i>	10%

### 6.03 Provisions for Accessory Uses

The provisions of Section 6.01 and 6.02 shall apply to accessory buildings, structures and uses, except as otherwise provided for in Section 3, General Provisions.

### 6.04 Special Exception Regulations - Rural Residential (RR)

The regulations contained in 6.01 and 6.02, General Use Provisions and Zone Requirements, shall apply to the Special Provision Use areas or areas defined, except as otherwise specifically provided in the Special Use Regulations in this Subsection 6.04.

#### 6.04.1 Rural Residential Exception 1 (RR-1)

Parts 6, 7, 8, 9, C and Block A of Reference Plan No. PSR-1797 located in Part of Lot 35, Concession B in the geographic township of Hagerman may be used for no other purpose excepting those uses existing on the date of passage of this By-law.

#### 6.04.2 Rural Residential Exception 2 (RR-2)

A garage accessory to a single detached dwelling use may be located on part of Lot 28, Concession XI being Part 1 of Reference Plan No. 42R-11666 in the geographic township of Hagerman subject to complying with a 5 metre setback from all yards.

#### 6.04.3 Rural Residential Exception 3 (RR-3)

Part of Lot 54, Concession A in the geographic township of Hagerman is identified as a separate lot and the minimum lot area requirement is one half acre and the minimum lot frontage is 45.72 metres. The set back requirements for a dwelling unit will be 20.12 metres from the front lot line, Farley's Road. The set back requirements for side lot lines will be 6.10 metres and the set back requirement from the rear lot line will be 9.14 metres.

#### **6.04.4 Rural Residential Exception 4 (RR-4)**

A single detached dwelling together with any accessory buildings or structures may be erected, altered and used on Lots 72, 75 and 76 of Plan 260, Part 1 located in Part of Lot 29, Concession 7 in the geographic township of Hagerman.

#### **6.04.5 Rural Residential Exception 5 (RR-5)**

A single detached dwelling together with any permitted accessory use may be erected and used on Part of Lot 12, Concession 4, being Parts 1 and 2 of Reference Plan No. 42R-13913 fronting on the south side of Lorimer Lake Road in the geographic township of Hagerman subject to a minimum lot frontage of 100 metres.

#### **6.04.6 Rural Residential Exception 6 (RR-6)**

Notwithstanding the requirements of Section 3, subsection 3.03(a) a garage/storage building is permitted to be constructed prior or instead of the main building on Part of Lot 52, Concession B being Part 67 of Plan PSR-1808 in the geographic township of Hagerman. This lot is subject to all applicable general provisions and zone requirements for the Rural Residential (RR) Zone. This garage/storage building shall not exceed 55.74 square metres nor shall it be used for human habitation.

#### **6.04.7 Rural Residential Exception 7 (RR-7)**

A single detached dwelling and together with any permitted accessory uses may be erected and used on each of three parts located on Part of Lot 27, Concession 10, in the geographic township of Hagerman being Parts 1 and 2, Part 3 and Part 4 of Reference Plan No. 42R-18055 subject to a minimum lot area of 1.1 hectares.

## SECTION 7 - WATERFRONT RESIDENTIAL 1, 2 and 3 (WF1, WF2, WF3) AND WATERFRONT RESIDENTIAL 1, 2, 3 HOLDING (WF1-H, WF2-H, WF3-H) ZONES

### 7.01 Uses Permitted

No person shall within the Waterfront Residential 1, 2, 3 and Waterfront Residential 1, 2, 3 Holding (WF1, WF2, WF3, WF1-H, WF2-H and WF3-H) Zones use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

#### a) Residential Uses

- a seasonal dwelling unit subject to the provisions of this By-law;
- a single detached dwelling subject to the provisions of this By-law; or
- a home occupation as defined in this By-law;
- a garden suite;
- excluding a mobile home;
- notwithstanding the accessory use permissions of Section 3.03 (a) and the minimum building area provisions of this By-law, one (1) storage building;
- a Rental Unit, licensed by the Municipality;
- a tent, trailer or motorhome in accordance with the Municipality's Trailer By-law.

### 7.02 Zone Standards

Any building or structure permitted under Section 7.01 shall comply with the following provisions except as otherwise provided for in Section 3, General Provisions.

a)	Minimum <i>Lot Frontage</i>	WF1 - 90 metres WF2 - 100 metres WF3 - 150 metres
b)	Minimum <i>Lot Area</i>	0.6 hectares
c)	Minimum <i>Lot Depth</i>	60 metres
d)	Minimum <i>Front Yard</i>	15 metres
e)	Minimum <i>Interior Side Yard</i>	5 metres
f)	Minimum <i>Exterior Side Yard</i>	6 metres
g)	Minimum <i>Rear Yard</i>	9 metres
h)	Minimum <i>Building Area</i> – Ground Floor	60 square metres
i)	Maximum <i>Building Height</i>	10 metres
j)	Accessory <i>Building</i> – Yard	3 metres
k)	Accessory <i>Building</i> – Height	5 metres
l)	Maximum <i>Lot Coverage</i> by <i>building</i> in percent	10%

### **7.03 Provisions for Accessory Uses**

The provisions of Section 7.01 and 7.02 shall apply to accessory buildings, structures and uses, except as otherwise provided for in Section 3, General Provisions.

### **7.04 Special Exception Regulations - Waterfront Residential (WF1, WF2, WF3)**

The regulations contained in 7.01 and 7.02, General Use Provisions and Zone Requirements, shall apply to the Special Provision Use areas or areas defined, except as otherwise specifically provided in the Special Use Regulations in this Subsection 7.04.

#### **7.04.1 Waterfront Residential 1 Exceptions**

##### **7.04.1.1 Waterfront Residential 1 Exception 1 (WF1-1)**

Part of Lot 33, Concession 12, Island D, being Part 1 of Reference Plan No. 42R-13136 in the geographic township of Hagerman is identified as a separate lot and the minimum lot area requirement is reduced from 0.4 hectares to 0.31 hectares and the minimum lot frontage of 90 metres is reduced to 37.19 metres

##### **7.04.1.2 Waterfront Residential 1 Exception 2 (WF1-2)**

Part of Lot 33, Concession 12, Island D, being Part 2 of Reference Plan No. 42R-13136 in the geographic township of Hagerman is identified as a separate lot and the minimum lot area requirement is reduced from 0.4 hectares to 0.35 hectares and the minimum lot frontage of 90 metres is increased to 117.04 metres.

##### **7.04.1.3 Waterfront Residential 1 Exception 3 (WF1-3)**

A single detached dwelling may be erected and used together with any permitted accessory building and structure on part of Lot 28, Concession XI being Parts 2 and 3 of Reference Plan No. 42R-11666 in the geographic township of Hagerman.

##### **7.04.1.4 Waterfront Residential 1 Exception 4 (WF1-4)**

Notwithstanding Section 3.04 of this By-law, a single detached dwelling together with any accessory uses including a boathouse/storage building located 1.5 metres from the side lot line may be located on a lot described under Instrument No. 21244 in the Registry Office at the Town of Parry Sound and located in Lot 61, Concession B in the geographic township of Hagerman.

##### **7.04.1.5 Waterfront Residential 1 Exception 5 (WF1-5)**

A dwelling unit may be erected and used on each of four lots on the lands described as Part of Lot 7, Concession 2 in the geographic township of Hagerman provided that each lot has a minimum lot frontage of 60 metres.

#### 7.04.1.6 Waterfront Residential 1 Exception 6 Limited Services (WF1-6-LS)

No structural development will be permitted, except a deck and a dock on Blocks A, C, D, E, F, G and H of Registered Plan No. 260, in Part of Lots 28, 29 and 30 in Concession 7 in the geographic township of Hagerman provided that:

- there is a minimum side yard of two (2) metres including any extension of the side lot lines into the water; and
- any deck located on the site does not exceed 14 square metres and is less than 2 metres above the average grade; and
- a permit is obtained from any government agency having jurisdiction where applicable.

#### 7.04.1.7 Waterfront Residential 1 Exception 7 Holding (WF1-7(H))

A single detached dwelling together with any permitted accessory buildings and structures may be erected and used on each of eleven (11) lots in a draft plan of subdivision under Ministry of Municipal Affairs and Housing File No. 49T-93003 in Part of Lots 29 and 30, Concession A in the geographic township of Hagerman provided that there is a minimum front yard of 30 metres.

#### 7.04.1.8 Waterfront Residential 1 Exception 8 Limited Services (WF1-8-LS)

No buildings or structures including docks may be erected, altered or used on the lands described as part of Lots 29 and 30 in Concession A and part of the Crown lakebed in front thereof in the geographic township of Hagerman.

#### 7.04.1.9 Waterfront Residential 1 Exception 9 Limited Services (WF1-9-LS)

A single detached dwelling together with any permitted accessory structure may be erected, altered or used on Part of Lot 7, Concession 4, in the geographic township of Hagerman fronting on Shawanaga Lake subject to a minimum lot size of 1.97 ha (4.86 acres).

#### 7.04.1.10 Waterfront Residential 1 Exception 10 (WF1-10)

A single detached dwelling together with any permitted accessory building, structure or use is allowed on each of three lots located in Part of Lot 32, Concession 8 and more particularly described as Part of Part 8, Part of Part 8, and Part 9, and part 10 of Reference Plan No. PSR-1558 in the geographic township of Hagerman fronting Whitestone Lake provided that the minimum side yard for the existing detached garage on Part of Part 8 and Part 9 is one metre, that the minimum lot frontage is thirty (30) metres, the minimum lot area is 0.2 hectares.



7.04.11 Waterfront Residential 1 Exception 11 (WF1-11)

A single detached dwelling together with any permitted accessory uses may be erected and used on each of four lots located on Part of Lots 8 and 9, Concession 3 in the geographic township of Hagerman, subject to a minimum lot frontage of 100 metres and a minimum lot area of 2 hectares.

7.04.12 Waterfront Residential 1 Exception 12 (WF1-12)

A single detached dwelling together with any permitted accessory uses may be erected and used on each to two lots located on Part of Lot 36, Concession B fronting Fairholme Lake in the geographic township of Hagerman, provided that any septic system located within this areas be designed by a qualified professional where the designer confirms that the septic system including any associated leaching bed and/or mantle for the sewage disposal system will be composed of earthen materials or other components that are characterized by phosphorous absorption capabilities that result in no flows of phosphorous nutrients towards Fairholme Lake.

7.04.13 Waterfront Residential 1 Exception 13 Limited Services (WF1-13-LS)

Part of Lot 31, Concession 1, in the geographic township of McKenzie may be used for a parking area and docking facilities provided that a 3 metre side yard is maintained and that all cars and trailers located on these lands all bear current license plates and that the lands are not to exceed 1000 square metres.

7.04.14 Waterfront Residential 1 Exception 14 Limited Services (WF1-14-LS)

Part of Lot 33, Concession 1, in the geographic township of McKenzie being Part 1 of Reference Plan No. 42R-11851 may be used for a car and trailer parking area and docking facilities provided that a 2 metre side yard is maintained and that all cars and trailers located on these lands all bear current license plates and the maximum size of the lot used for car and trailer parking is 500 square metres.

7.04.15 Waterfront Residential 1 Exception 15 (WF1-15)

A single detached dwelling together with any permitted accessory building, structure or use is allowed on Part of Lot 3, Concession 5 in the geographic township of Hagerman fronting Shawanaga Lake subject to a minimum lot frontage of 60 metres.

7.04.16 Waterfront Residential 1 Exception 16 (WF1-16)

A single detached dwelling together with any permitted accessory structure may be erected, altered or used on Part of Lot 33, Concession 14, being Parts 3 and 4 of Plan PSR-1280 geographic township of Hagerman fronting on Whitestone Lake subject to the following:

Minimum Lot Frontage – 35 metres  
Minimum Lot Area – 0.3 ha

7.04.17 Waterfront Residential 1 Exception 17 (WF1-17)

A dwelling unit may be permitted together with any other permitted accessory building or use in Part of Lot 5, Concession 3 in the geographic township of McKenzie fronting on the Magnetawan River subject to a minimum lot area of 11 hectares and a minimum lot frontage of 200 metres.

7.04.18 Waterfront Residential 1 Exception 18 (WF1-18)

A dwelling unit or a dwelling unit that is a rental cottage may be used together with any permitted accessory building or structure on Part 13 of Reference Plan No. PSR-1792 known as 266 Tahinca Road in the geographic Township of Hagerman.

7.04.19 Waterfront Residential 1 Exception 19 Limited Services (WF1-19-LS)

A dwelling unit together with any permitted accessory uses may be erected and used on Part of Lot 32, Concession 14, geographic Township of Hagerman being Part 4 of Reference Plan 42R-19415 subject to a minimum lot frontage of 27 metres.

7.04.20 Waterfront Residential 1 Exception 20 Limited Services (WF1-20-LS)

A dwelling unit together with any permitted accessory uses may be erected and used on three lots in Part of Lot 32, Concession 14 geographic Township of Hagerman subject to:

Lot	Frontage	Area
Part 1 and Part of Part 2, 42R-19415	75m	0.6
Part of Parts 2 and 3, 42R-19415	75m	0.5
Part of Part 3, 42R-19415	75m	0.6

7.04.21 Waterfront Residential 1 Exception 21 (WF1-21)

A single detached dwelling together with any permitted accessory building, structure or use is allowed on each of two lots located in Part of Lot 32, Concession 8 and part of the original road allowance in front thereof in the geographic Township of Hagerman fronting Whitestone Lake subject to a minimum frontage of 75 metres.

7.04.22 Waterfront Residential 1 Exception 22 Limited Services (WF1-22-LS)

Part of Lot 37, Concession 14 in the geographic township of Burton, being Parts 1-5 of Reference Plan 42R-20594 may be used for a use permitted subject to minimum lot frontages and areas as listed below:

1. Lot 1 (Part 1) is subject to a minimum shoreline frontage of 180 metres and a minimum lot area of 4.0 hectares;
2. Lot 2 (Part 2) is subject to a minimum shoreline frontage of 220 metres and a minimum lot area of 3.5 hectares;
3. Lot 3 (Part 3) is subject to a minimum shoreline frontage of 230 metres and a minimum lot area of 1.8 hectares;
4. Lot 4 (Part 4) is subject to a minimum shoreline frontage of 200 metres and a minimum lot area of 6.5 hectares;
5. Lot 5 (Part 5) is subject to a minimum shoreline frontage of 240 metres and a minimum lot area of 4.0 hectares.

#### **7.04.2 Waterfront Residential 2 Exceptions**

##### **7.04.2.1 Waterfront Residential 2 Exception 1 (WF2-1)**

The minimum lot frontage and minimum lot size for Parts 9 and 10 of Reference Plan No. PSR-317 in Part of Lot 33, Concession 4, geographic township of McKenzie is 42 metres and 0.19 hectares respectively.

##### **7.04.2.2 Waterfront Residential 2 Exception 2 (WF2-2)**

The minimum lot frontage for Parts of Lots 27 and 28, Concession 7 being Parts 1 and 2 of Plan 42R-16489 in the geographic township of McKenzie are subject to a minimum lot frontage of sixty three metres.

##### **7.04.2.3 Waterfront Residential 2 Exception 3 Limited Services (WF2-3-LS)**

A single detached dwelling together with any permitted accessory uses may be erected and used on Part of Lot 27, Concession 7, geographic township of McKenzie fronting on Wahwashkesh Lake subject to a frontage of 80 metres.

##### **7.04.2.4 Waterfront Residential 2 Exception 4 Limited Services (WF2-4-LS)**

A single detached dwelling together with any permitted accessory uses may be erected and used on each of two separate lots in Part of Lot 34, Concession 4, geographic township of McKenzie fronting on Wahwashkesh Lake subject to a frontage of 55 metres.

##### **7.04.2.5 Waterfront Residential 2 Exception 5 Limited Services (WF2-5-LS)**

Part of Lot 27, Concession 8 in the geographic township of McKenzie having an area of approximately 0.15 hectares may be used for vehicle parking for up to 25 vehicles including boat trailers.

#### 7.04.2.6 Waterfront Residential 2 Exception 6 Limited Services (WF2-6-LS)

A single detached dwelling together with any permitted accessory uses may be erected and used on Part of Lot 28, Concession 4 in the geographic township of McKenzie being Part 2 of Reference Plan PSR-755 subject to a minimum frontage of 24 metres and a minimum lot area of 0.2 hectares.

#### **7.04.3 Waterfront Residential 3 Exceptions**

##### 7.04.3.1 Waterfront Residential 3 Exception 1 Limited Services (WF3-1-LS)

Part of the unopened Road Allowance between Concession 4 and 5, Lot 4 in the geographic township of McKenzie may be used for a 2.5 metre wide trail to access Labrash Lake.

## SECTION 8 - GENERAL COMMERCIAL (C1) ZONE

### 8.01 Uses Permitted

No person shall within the General Commercial (C1) Zone, use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

a) Residential Uses

- a dwelling unit or units permitted under the provisions of this By-law;
- a bed and breakfast establishment;
- converted dwelling; or
- a garden suite.

b) Commercial Uses

- a retail store, including a "take-out" food store;
- a service shop, and a department store;
- a school;
- a custom workshop;
- restaurant, licensed or unlicensed;
- fuel supply depot;
- animal hospital;
- assembly hall;
- fairgrounds;
- auctioneer's establishment;
- boarding house;
- driving range;
- kennel;
- dry land marina;
- a funeral home;
- a business or professional office;
- an eating establishment and a place of amusement;
- a hotel, a tavern;
- an automobile sales establishment and service station subject to the requirements of this By-law;
- a miniature golf course,
- a clinic;
- a snowmobile dealer;
- a tourist establishment;
- a lodge;
- a building supply outlet;
- a truck or bus storage terminal;
- a motor vehicle sales and service establishment;
- a parking garage, structure or lot;
- a public garage;
- a wholesale establishment which conducts retail sales in the same premises;

- a light manufacturing establishment which conducts retail sales in the same premises, provided that the retail sales area occupies less than 50 per cent of the main floor of the building;
- a hotel, motel, efficiency cottage establishment;
- a private camping establishment, a private park, an amusement area;
- a place of entertainment;
- a tourist information centre;
- an antique shop;
- a boat building or storage establishment;
- a commercial fishing outfitting and service station;
- a marina or boat livery;
- a trailer park or tourist camp;
- a marina passenger service terminal;
- a convenience store;
- a rental cottage establishment;
- an existing golf course;
- a mobile home park;
- a bed and breakfast establishment;
- a docking area within an owned or approved waterlot;
- a parking area for motorized vehicles;
- an ancillary retail or service establishment;
- a farmer's market;
- a summer camp; or
- a provincial park.

c) Institutional Uses

- a church;
- a community centre, arena or community hall;
- a library;
- a nursing home;
- a nursery school;
- a day nursery;
- cemetery; or
- public park.

## 8.02 Zone Standards

Any building or structure permitted under Section 8.01 shall comply with the following provisions except as otherwise provided for in Section 3, General Provisions.

a)	Minimum <i>Lot Frontage</i>	60 metres
b)	Minimum <i>Lot Area</i>	Residential - - 0.4 hectares Commercial - 0.3 hectares Industrial - 0.4 hectares
c)	Minimum <i>Lot Depth</i>	40 metres
d)	Minimum <i>Front Yard</i>	Residential - 7.5 metres Commercial - 7.5 metres, marinas excepted Industrial - 7.5 metres
e)	Minimum <i>Interior Side Yard</i>	Residential - 5 metres Commercial - 3 metres Industrial - 5 metres
f)	Minimum <i>Exterior Side Yard</i>	9 metres
g)	Minimum <i>Rear Yard</i>	9 metres
h)	Minimum <i>Building Area</i> – Ground Floor	Residential - 60 square metres Commercial - n/a Industrial - n/a
i)	Maximum <i>Building Height</i>	12 metres
j)	Accessory <i>Building</i> – Yard	Residential - 3 metres Commercial - 2 metres Industrial -3 metres
k)	Accessory <i>Building</i> – Height	5 metres
l)	Maximum <i>Lot Coverage</i> by <i>building</i> in percent	25%

### 8.03 Provisions for Accessory Uses

The provisions of Section 8.01 and 8.02 shall apply to accessory buildings, structures and uses, except as otherwise provided for in Section 3, General Provisions.

### 8.04 Special Exception Regulations - General Commercial (C1)

The regulations contained in 8.01 and 8.02, General Use Provisions and Zone Requirements, shall apply to the Special Provision Use areas or areas defined, except as otherwise specifically provided in the Special Use Regulations in this Subsection 8.04.

#### 8.04.1 General Commercial Exception 1 (C1-1)

By-law, Part of Lot 38, Concession A being the remainder of Parcel 5198 South Section in the geographic township of Hagerman and identified municipally as No. 1413 Highway No. 124 may be used for a restaurant, either take-out or dine in, a dwelling unit, a retail use or a business office, or a bed and breakfast.

## **SECTION 9 - TOURIST COMMERCIAL (C2) ZONE**

### **9.01 Uses Permitted**

No person shall within the Tourist Commercial (C2) Zone, use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

#### **a) Residential Uses**

- a dwelling unit or units permitted under the provisions of this By-law;
- converted dwelling;
- a garden suite.

#### **b) Commercial Uses**

- resort;
- camping establishment;
- restaurant;
- lodge;
- tourist establishment;
- gift shop;
- boat docking within an approved waterlot;
- hotel, motel;
- marina;
- existing trailer park;
- rental cottage establishment;
- summer camp;
- tavern; or
- convenience store.

### **9.02 Zone Standards**

Any building or structure permitted under Section 9.01 shall comply with the following provisions except as otherwise provided for in Section 3, General Provisions.



a)	Minimum <i>Lot Frontage</i>	Residential - 60 metres Commercial - 60 metres or 20 metres/unit, whichever is greater
b)	Minimum <i>Lot Area</i>	Residential - 0.4 hectares Commercial - 0.4 hectares or 0.2 hectares/unit, whichever is greater
c)	Minimum <i>Lot Depth</i>	60 metres
d)	Minimum <i>Front Yard</i>	Residential - 7.5 metres Commercial - 7.5 metres, marinas excepted
e)	Minimum <i>Interior Side Yard</i>	Residential - 5 metres Commercial - 3 metres
f)	Minimum <i>Exterior Side Yard</i>	9 metres
g)	Minimum <i>Rear Yard</i>	9 metres
h)	Minimum <i>Building Area</i> – Ground Floor	Residential - 60 square metres Commercial - n/a
i)	Maximum <i>Building Height</i>	Residential - 10 metres Commercial - 12 metres
j)	Accessory <i>Building</i> – Yard	3 metres
k)	Accessory <i>Building</i> – Height	5 metres
l)	Maximum <i>Lot Coverage</i> by <i>building</i> in percent	Residential - 10% Commercial - 15%

### 9.03 Provisions for Accessory Uses

The provisions of Section 9.01 and 9.02 shall apply to accessory buildings, structures and uses, except as otherwise provided for in Section 3, General Provisions.

### 9.04 Special Exception Regulations - Tourist Commercial (C2)

The regulations contained in 9.01 and 9.02, General Use Provisions and Zone Requirements, shall apply to the Special Provision Use areas or areas defined, except as otherwise specifically provided in the Special Use Regulations in this Subsection 9.04.

#### 9.04.1 Tourist Commercial Exception 1 Holding (C2-1(H))

- a) Notwithstanding the requirements of this By-law, the following uses are permitted on the lands described as Part of Lots 11 and 12 in Concession 5 in the geographic township of Hagerman:

##### Principal Uses

- up to six detached dwellings or cottages including the owner or operators dwelling; or
- a resort lodge, motel, hotel or tourist establishment capable of accommodating up to 24 guests excluding staff; or
- a camping area for up to six tent or trailer sites; and

- convenience store excluding the sale of gasoline; and
- a gift shop; and
- a farm.

#### Accessory Uses

- buildings, structures and uses accessory to the principal uses;
- restaurants;
- boat docking area within an approved waterlot;
- outfitter providing provisions to the principal users of the property;
- car parking area;
- fishing equipment sales;
- snack bar;

subject to all applicable general provisions and zone requirements for the Tourist Commercial (C2) Zone.

- b) Notwithstanding the provisions of this By-law, up to two dwellings may be permitted on the lands affected by this provision;
- c) The Holding 'H' suffix and the provisions relating to the restrictions attributed to the symbol will be removed upon: (i) the submission of an environmental study report; (ii) the approval of a site plan under Section 41 of the Planning Act; and (iii) 90 days after the circulation of a notice of the Municipality's intention to remove the 'H' symbol to all assessed property owners within 120 metres of the subject lands.

#### 9.04.2 Tourist Commercial Exception 2 (C2-2)

A golf course together with any other uses permitted in the Tourist Commercial (C2) Zone may be used, built or erected on Part of Lot 32, Concession 14 in the geographic township of Hagerman.

#### 9.04.3 Tourist Commercial Exception 3 (C2-3)

The following may be erected and used on Part of Lots 33 and 34, Concession 4 in the geographic township of McKenzie fronting on Wahwashkesh Lake:

- a dwelling unit or units permitted under the provisions of this By-law;
- resort;
- camping establishment;
- restaurant;
- lodge;
- tourist establishment;
- gift shop;
- boat docking within an approved waterlot;
- marina;
- existing trailer park;

- rental cottage establishment;
- summer camp; or
- convenience store

all of which are subject to all other general provisions and zone requirements for the Tourist Commercial (C2) Zone.

## SECTION 10 - INDUSTRIAL (M1) ZONE

### 10.01 Uses Permitted

No person shall within the Industrial (M1) Zone, use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

a) Residential Uses

- a dwelling unit or units permitted under the provisions of this By-law;
- converted dwelling;
- a garden suite.

b) Commercial Uses

- a building supply outlet;
- a parking garage, structure or lot;
- a bulk fuel storage establishment;
- a service station or public garage;
- a farm implement dealer;
- a restaurant, licensed or unlicensed;
- a marina;
- a business or professional office;
- a laundromat;
- a motor vehicle sales and service establishment; or
- kennel

c) Industrial Uses

- a car wash;
- an airport;
- a fabricating, processing or manufacturing establishment;
- an assembly plant;
- a saw mill;
- a contractor or tradesman shop or yard;
- commercial composting facilities;
- a seed cleaning plant;
- a farm produce storage area;
- a slaughter house;
- a feed mill, open storage of goods and materials;
- a fertilizer mixing plant;
- a truck or bus storage terminal;
- a machine or welding shop;
- a warehouse;
- a salvage yard; or
- a municipal garage.

## 10.02 Zone Standards

Any building or structure permitted under Section 10.01 shall comply with the following provisions except as otherwise provided for in Section 3, General Provisions.

a)	Minimum <i>Lot Frontage</i>	Residential - 60 metres Commercial - 60 metres <sup>(1)</sup> Industrial - 60 metres <sup>(1)</sup>
b)	Minimum <i>Lot Area</i>	0.4 hectares
c)	Minimum <i>Lot Depth</i>	60 metres
d)	Minimum <i>Front Yard</i>	Residential - 7.5 metres Commercial - 7.5 metres, marinas excepted Industrial - 7.5 metres
e)	Minimum <i>Interior Side Yard</i>	5 metres
f)	Minimum <i>Exterior Side Yard</i>	9 metres
g)	Minimum <i>Rear Yard</i>	9 metres
h)	Minimum <i>Building Area – Ground Floor</i>	Residential - 60 square metres Commercial - n/a Industrial - n/a
i)	Maximum <i>Building Height</i>	12 metres
j)	Accessory <i>Building – Yard</i>	Residential - 3 metres Commercial - 1 metre Industrial - 1 metre
k)	Accessory <i>Building – Height</i>	Residential - 5 metres Commercial - 5 metres Industrial - 10 metres
l)	Maximum <i>Lot Coverage by building in percent</i>	25%

(1) - applicable only when fronting directly on public road.

## 10.03 Provisions for Accessory Uses

The provisions of Section 10.01 and 10.02 shall apply to accessory buildings, structures and uses, except as otherwise provided for in Section 3, General Provisions.

## 10.04 Special Exception Regulations - Industrial (M1)

The regulations contained in 10.01 and 10.02, General Use Provisions and Zone Requirements, shall apply to the Special Provision Use areas or areas defined, except as otherwise specifically provided in the Special Use Regulations in this Subsection 10.04.

## SECTION 11 - INDUSTRIAL PIT (M2) ZONE

### 11.01 Uses Permitted

No person shall within the Industrial Pit (M2) Zone, use any lot, or erect or alter or use any building or structure for any purpose except one or more of the following uses.

a) Industrial Uses

Permitted Uses

- extraction and screening of natural occurring sands and gravel

Prohibited Uses

- blasting and crushing of rock and other quarry material
- no processing, washing or screening of rock or other quarry material is permitted

### 11.02 Zone Standards

Any building or structure permitted under Section 11.01 shall comply with the following provisions except as otherwise provided for in Section 3, General Provisions.

a)	Minimum <i>Lot Frontage</i>	100 metres
b)	Minimum <i>Lot Area</i>	1.0 hectares
c)	Minimum <i>Lot Depth</i>	60 metres
d)	Minimum <i>Front Yard</i>	50 metres, 150 metres setback form any recreational waterbody
e)	Minimum <i>Interior Side Yard</i>	20 metres, 30 metres to any residential zone
f)	Minimum <i>Exterior Side Yard</i>	20 metres
g)	Minimum <i>Rear Yard</i>	20 metres
h)	Minimum <i>Building Area – Ground Floor</i>	n/a
i)	Maximum <i>Building Height</i>	20 metres
j)	Accessory <i>Building – Yard</i>	1 metre
k)	Accessory <i>Building – Height</i>	10 metres
l)	Maximum <i>Lot Coverage by building in percent</i>	n/a

### 11.03 Provisions for Accessory Uses

The provisions of Section 11.01 and 11.02 shall apply to accessory buildings, structures and uses, except as otherwise provided for in Section 3, General Provisions.

#### **11.04 Special Exception Regulations - Industrial Pit (M2)**

The regulations contained in 11.01 and 11.02, General Use Provisions and Zone Requirements, shall apply to the Special Provision Use areas or areas defined, except as otherwise specifically provided in the Special Use Regulations in this Subsection 11.04.

## SECTION 12 – INDUSTRIAL PIT AND QUARRY (M3) ZONE

### 12.01 Uses Permitted

No person shall within the Industrial Pit and Quarry (M3) Zone, use any lot, or erect or alter or use any building or structure for any purpose except one or more of the following uses.

- a) Industrial Uses
  - a sand, gravel or rock pit or quarry extraction operation;
  - a sand, gravel or rock processing, washing, sorting storage, screening or crushing operation;

### 12.02 Zone Standards

Any building or structure permitted under Section 12.01 shall comply with the following provisions except as otherwise provided for in Section 3, General Provisions.

a)	Minimum <i>Lot Frontage</i>	100 metres
b)	Minimum <i>Lot Area</i>	1.0 hectares
c)	Minimum <i>Lot Depth</i>	60 metres
d)	Minimum <i>Front Yard</i>	50 metres, 150 metres setback from any recreational waterbody
e)	Minimum <i>Interior Side Yard</i>	20 metres, 30 metres to any residential zone
f)	Minimum <i>Exterior Side Yard</i>	20 metres
g)	Minimum <i>Rear Yard</i>	20 metres
h)	Minimum <i>Building Area – Ground Floor</i>	n/a
i)	Maximum <i>Building Height</i>	20 metres
j)	Accessory <i>Building – Yard</i>	1 metre
k)	Accessory <i>Building – Height</i>	10 metres
l)	Maximum <i>Lot Coverage by building in percent</i>	n/a

### 12.03 Provisions for Accessory Uses

The provisions of Section 12.01 and 12.02 shall apply to accessory buildings, structures and uses, except as otherwise provided for in Section 3, General Provisions.

### 12.04 Special Exception Regulations - Industrial Pit and Quarry (M3)

The regulations contained in 12.01 and 12.02, General Use Provisions and Zone Requirements, shall apply to the Special Provision Use areas or areas defined, except as otherwise specifically provided in the Special Use Regulations in this Subsection 12.04.



## SECTION 13 – WASTE DISPOSAL (WD) ZONE

### 13.01 Uses Permitted

No person shall within the Waste Disposal (WD) Zone, use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a solid waste collection, sorting, processing and disposal area;
- a waste transfer station;
- a recycling facility;
- buildings and structures for an accessory to the permitted uses;
- a salvage yard.

### 13.02 Zone Standards

Any building or structure permitted under Section 13.01 shall comply with the following provisions except as otherwise provided for in Section 3, General Provisions.

a)	Minimum <i>Lot Frontage</i>	100 metres
b)	Minimum <i>Lot Area</i>	1.0 hectares
c)	Minimum <i>Lot Depth</i>	60 metres
d)	Minimum <i>Front Yard</i>	50 metres, 150 metres setback from any recreational waterbody
e)	Minimum <i>Interior Side Yard</i>	20 metres
f)	Minimum <i>Exterior Side Yard</i>	20 metres
g)	Minimum <i>Rear Yard</i>	20 metres
h)	Minimum <i>Building Area – Ground Floor</i>	n/a
i)	Maximum <i>Building Height</i>	20 metres
j)	Accessory <i>Building – Yard</i>	3 metres
k)	Accessory <i>Building – Height</i>	10 metres
l)	Maximum <i>Lot Coverage by building in percent</i>	n/a

### 13.03 Provisions for Accessory Uses

The provisions of Section 13.01 and 13.02 shall apply to accessory buildings, structures and uses, except as otherwise provided for in Section 3, General Provisions.

### 13.04 Special Exception Regulations - Waste Disposal (WD)

The regulations contained in 13.01 and 13.02, General Use Provisions and Zone Requirements, shall apply to the Special Provision Use areas or areas defined, except as otherwise specifically provided in the Special Use Regulations in this Subsection 13.04.

## SECTION 14 - OPEN SPACE (OS) ZONE

### 14.01 Uses Permitted

No person shall within the Open Space (OS) Zone, use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a) Open Space Uses
- an area where the primary land use is for public or private recreation, a playing field, playground, a community hall, an open or closed swimming pool, a beach, a botanical garden, an existing golf course, a skating rink, a bowling green, a tennis court;
  - a cemetery;
  - a municipality owned arena, curling rink or marina and a refreshment pavilion or booth;
  - private park, tennis courts; or,
  - boat launch.

### 14.02 Zone Standards

Any building or structure permitted under Section 14.01 shall comply with the following provisions except as otherwise provided for in Section 3, General Provisions.

a)	Minimum <i>Lot Frontage</i>	40 metres
b)	Minimum <i>Lot Area</i>	0.2 hectares
c)	Minimum <i>Lot Depth</i>	40 metres
d)	Minimum <i>Front Yard</i>	7.5 metres
e)	Minimum <i>Interior Side Yard</i>	5 metres
f)	Minimum <i>Exterior Side Yard</i>	9 metres
g)	Minimum <i>Rear Yard</i>	9 metres
h)	Minimum <i>Building Area</i> – Ground Floor	n/a
i)	Maximum <i>Building Height</i>	10 metres
j)	Accessory <i>Building</i> – Yard	3 metres
k)	Accessory <i>Building</i> – Height	5 metres
l)	Maximum <i>Lot Coverage</i> by <i>building</i> in percent	5%

### 14.03 Provisions for Accessory Uses

The provisions of Section 14.01 and 14.02 shall apply to accessory buildings, structures and uses, except as otherwise provided for in Section 3, General Provisions.

#### **14.04 Special Exception Regulations - Open Space (OS)**

The regulations contained in 14.01 and 14.02, General Use Provisions and Zone Requirements, shall apply to the Special Provision Use areas or areas defined, except as otherwise specifically provided in the Special Use Regulations in this Subsection 14.04.

## SECTION 15 - ENVIRONMENTAL PROTECTION (EP) ZONE

### 15.01 Uses Permitted

No person shall within the Environmental Protection (EP) Zone, use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a) Rural Uses
  - an existing dock; or
  - an existing boathouse.
  
- b) Open Space Uses
  - an area for the protection of an environmental hazard such as wetlands subject to very high water table, steep slopes, gullies, or lands subject to wind or water erosion, fish habitat, wildlife habitat.

### 15.02 Zone Standards

Any building or structure permitted under Section 15.01 shall comply with the following provisions except as otherwise provided for in Section 3, General Provisions.

a)	Minimum <i>Lot Frontage</i>	n/a
b)	Minimum <i>Lot Area</i>	n/a
c)	Minimum <i>Lot Depth</i>	n/a
d)	Minimum <i>Front Yard</i>	n/a
e)	Minimum <i>Interior Side Yard</i>	n/a
f)	Minimum <i>Exterior Side Yard</i>	n/a
g)	Minimum <i>Rear Yard</i>	n/a
h)	Minimum <i>Building Area – Ground Floor</i>	n/a
i)	Maximum <i>Building Height</i>	n/a
j)	Accessory <i>Building – Yard</i>	n/a
k)	Accessory <i>Building – Height</i>	n/a
l)	Maximum <i>Lot Coverage by building in percent</i>	n/a

### 15.03 Provisions for Accessory Uses

The provisions of Section 15.01 and 15.02 shall apply to accessory buildings, structures and uses, except as otherwise provided for in Section 3, General Provisions.

#### **15.04 Special Exception Regulations - Environmental Protection (EP)**

The regulations contained in 15.01 and 15.02, General Use Provisions and Zone Requirements, shall apply to the Special Provision Use areas or areas defined, except as otherwise specifically provided in the Special Use Regulations in this Subsection 15.04.

## SECTION 16 - FLOOD PLAIN (FP) ZONE

### 16.01 Permitted Uses

No person shall within the Flood Plain (FP) Zone, use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a) Open Space Uses
- a dock or non-habitable boathouse approved by the government agency(s) having jurisdiction;
  - an area for the location of flood control measures including bank stabilization, erosion protection and ancillary structures or projects;
  - an aviary, arboretum, nursery garden or forestry operation except that no dwelling unit, building or structure shall be permitted in this zone; or,
  - a conservation area primarily for the location of flood control, bank stabilization or erosion protection structures or projects.
- b) Residential Uses
- engineered foundations for single detached dwellings

Construction on the flood plain established by the 100 year flood level will require design approval by a Professional Engineer or Architect.

### 16.02 Zone Standards

Any building or structure permitted under Section 16.01 shall comply with the following provisions except as otherwise provided for in Section 3, General Provisions.

a)	Minimum <i>Lot Frontage</i>	40 metres
b)	Minimum <i>Lot Area</i>	0.2 hectares
c)	Minimum <i>Lot Depth</i>	40 metres
d)	Minimum <i>Front Yard</i>	n/a
e)	Minimum <i>Interior Side Yard</i>	n/a
f)	Minimum <i>Exterior Side Yard</i>	n/a
g)	Minimum <i>Rear Yard</i>	n/a
h)	Minimum <i>Building Area – Ground Floor</i>	n/a
i)	Maximum <i>Building Height</i>	10 metres
j)	Accessory <i>Building – Yard</i>	3 metres
k)	Accessory <i>Building – Height</i>	5 metres
l)	Maximum <i>Lot Coverage by building in percent</i>	n/a

### **16.03 Provisions for Accessory Uses**

The provisions of Section 16.01 and 16.02 shall apply to accessory buildings, structures and uses, except as otherwise provided for in Section 3, General Provisions.

### **16.04 Special Exception Regulations - Flood Plain (FP)**

The regulations contained in 16.01 and 16.02, General Use Provisions and Zone Requirements, shall apply to the Special Provision Use areas or areas defined, except as otherwise specifically provided in the Special Use Regulations in this Subsection 16.04.

## **SECTION 17 – CROWN LAND (CL) ZONE**

### **17.01 Permitted Uses**

No person shall within the Crown Land (CL) Zone, use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- an area for the protection of the natural environment;
- lawful uses existing at the time of passage of this By-law;
- resource uses under the management of the Ministry of Natural Resources and Forestry;
- a commercial sand and gravel pit provided that the lands are specifically zoned for that purpose;
- a wayside pit or quarry;
- a boathouse on the Crown lakebed;
- a dock or structure approved by the government agency(s) having jurisdiction.



## **SECTION 18 - ADMINISTRATION**

### **18.01 Zoning Administration**

This By-law shall be administered by persons as may be authorized from time to time by the Council of the Municipality.

### **18.02 Application and Plans**

An application for a building permit shall contain all of the information required to determine whether or not such application conforms with the requirements of this By-law.

### **18.03 Penalty**

- a) Every person who contravenes any provisions of this By-law shall be guilty of an offense and on conviction is liable:
  - i) on a first conviction, to a fine of not more than twenty-five thousand dollars (\$25,000.00); and,
  - ii) on a subsequent conviction, to a fine of not more than ten thousand dollars (\$10,000.00) for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.
  
- b) Where a corporation contravenes any provisions of this By-law the corporation shall be guilty of an offense and, on conviction is liable:
  - i) on a first conviction, to a fine of not more than fifty thousand dollars (\$50,000.00); and,
  - ii) on a subsequent conviction, to a fine of not more than twenty-five thousand dollars (\$25,000.00) for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.

### **18.04 Date of By-law Approval**

This By-law shall take effect and come into force in accordance with the Planning Act.

## 18.05 Transitional Provisions

This By-law does not apply to prevent the issuance of a building permit for a building, structure or use for which an approval under the Planning Act has been granted for:

- a) minor variance;
- b) zoning by-law amendment;
- c) site plan approval; or
- d) a consent,

where the said building, structure or use occurs in accordance with the plans originally filed with the Municipality in support of the application.

**SECTION 19 - BY-LAW REPEALS**

The following By-laws are hereby repealed:

READ a FIRST and SECOND this 20th day of February, 2018.

"Chris Armstrong"  
Mayor, Chris Armstrong

"Jennifer Wadden"  
Deputy-Clerk-Deputy-Treasurer  
Jennifer Wadden

READ a THIRD time and PASSED this 20th day of February, 2018.

"Chris Armstrong"  
Mayor, Chris Armstrong

"Jennifer Wadden"  
Deputy-Clerk-Deputy-Treasurer  
Jennifer Wadden

**MUNICIPALITY OF WHITESTONE  
ZONING STANDARDS REFERENCE TABLE**

In cases where Zoning Standards differ from those found in the text of the By-law, the figure in the By-law shall apply.

ZONE SECTION	SYMBOL	PERMITTED USES PARA-GRAPH TYPE	MINIMUM LOT REQUIREMENTS				MINIMUM YARDS in metres			MINIMUM BUILDING AREAS in sq metres GROUND FLOOR	MAXIMUM BUILDING HEIGHT in metres	MAXIMUM ACCESSORY BUILDING YARD in metres	HGT
			FRONTAGE in metres	AREA in hectares	DEPTH in metres	MAXIMUM LOT COVERAGE (by buildings in per cent)	FRONT	INTERIOR SIDE	EXTERIOR SIDE				
4. Rural	RU	(a) Rural	100	2.0	90	5	7.5	5	15	10	12	5	5
5. Rural Residential	RR	(a) Rural (b) Residential	50 60	0.4 0.4	60 60	10 10	7.5 7.5	5 5	9 9	9 9	10 10	3 3	5 5
6. Waterfront Residential	WF1 WF2 WF3	(a) Residential (b) Commercial (c) Industrial	90 100 150	0.6 0.6 0.6	60 60 60	10 10 10	15 15 15	5 5 5	6 6 6	9 9 9	10 10 10	3 3 3	5 5 5
7. General Commercial	C1	(a) Residential (b) Commercial (c) Industrial	60 60 60	0.4 0.3 0.4	40 40 40	25 25 25	7.5 7.5 7.5	5 3 5	9 9 9	9 9 9	12 12 12	3 2 3	5 5 5
8. Tourist Commercial	C2	(a) Residential (b) Commercial	60 20 Jun 16	0.4 0.2 Jun 16	60 60	10 15	7.5 7.5	5 3	9 9	9 9	10 12	3 3	5 5
9. Industrial	M1	(a) Residential (b) Commercial (c) Industrial	60 60 60	0.4 0.4 0.4	60 60 60	25 25 25	7.5 7.5 7.5	5 5 5	9 9 9	9 9 9	12 12 12	3 1 10	5 5 10
10. Industrial Pit and Quarry	M2	(a) Industrial	100	1.0	60	n/a	50	3	20	20	20	1	10
11. Industrial Pit and Quarry	M3	(a) Industrial	100	1.0	60	n/a	50	3	20	20	20	1	10
12. Waste Disposal	WD	(a) Industrial	100	1.0	60	n/a	50	3	20	20	20	3	10
13. Open Space	OS	(a) Open Space	40	0.2	40	5	7.5	5	9	9	10	3	5
14. Environmental Protection	EP	(a) Rural Uses (b) Open Space Uses	n/a n/a	n/a n/a	n/a n/a	n/a n/a	n/a n/a	n/a n/a	n/a n/a	n/a n/a	n/a n/a	n/a n/a	n/a n/a
15. Flood Plain	FP	(a) Open Space Uses	40	0.2	40	n/a	n/a	n/a	n/a	n/a	10	3	5
16. Crown Land	CL (4)	(a) Open Space Uses	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

NOTES:

1. Marinas excepted.
2. Applicable only when fronting directly on public road.
3. 150 metres setback from any recreational waterbody.
4. Crown lands are shown in a separate zone category for information purposes only.
5. 30 metres to any residential zone.
6. whichever is greater.

DOCK REGULATIONS (FOR ILLUSTRATION ONLY - NOT PART OF BY-LAW)

