

**TOWNSHIP OF McKELLAR
COMPREHENSIVE ZONING
BY-LAW NO. 95-12
ADOPTED JULY 17TH, 1995
APPROVED BY THE
ONTARIO MUNICIPAL BOARD
ORDER ISSUED MAY 9, 1997**

THIS BY-LAW IS A CONSOLIDATION OF BY-LAW NO. 95-12 Adopted by Council on July 17th, 1995 and Approved by the Ontario Municipal Board by Order dated May 9, 1997 and incorporates By-law No. 2009-23 adopted by Council on December 7th, 2009 and approved by Order of the Ontario Municipal Board dated September 21, 2011. Where there may be discrepancies between the original by-laws enacted by Council and approved by the Ontario Municipal Board, the original by-laws shall apply.

Consolidated: February 15, 2012

Consolidation Notes:

This version of the By-law has been updated to include all amendments to the By-law passed by Council and/or approved by the OMB from July 17, 1995 to November 21, 2011. Please contact the Township for the most recent amendments to the By-law.

TOWNSHIP OF McKELLAR ZONING BY-LAW

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**TOWNSHIP OF McKELLAR
BY-LAW NO. 95-12**

BEING a By-law to regulate the use of land and the character, location and use of *buildings* and *structures* in the Township of McKellar.

The Council of the Corporation of the Township of McKellar, pursuant to Section 34 of The Planning Act, R.S.O., 1990, as amended,

ENACTS AS FOLLOWS:

SECTION 1 - TITLE AND INTERPRETATION

- 1.01 This By-law may be cited as the McKellar Township ("the *Township*") Zoning By-law ("this By-law").
- 1.02 The Maps and Table annexed hereto as Schedules of this 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 *Township* 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 *Township*.
- 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 *Township* 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 *Township* 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 Nothing in this By-law shall be construed to confer any ownership rights to any land below the controlled high water mark caused by flooding because of natural or man-made dams.

SECTION 2 - DEFINITIONS

In this By-law:

- 2.01 **Accessory Apartment**: means that part of a *building* originally constructed as a *single detached dwelling* 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 and *buildings*.
- 2.04 **Agriculture 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 customarily carried on in the field of general agriculture, including the sale on the premises, of produce grown or raised on the property.
- 2.05 **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 shall not include a *kennel*.

- 2.06 **Apartment:** means a *multiple dwelling* excluding *triplex dwelling*, a *rowhouse dwelling* or any group of *semi-detached* or *duplex dwellings*.
- 2.07 **Arboretum:** means a botanical garden exhibiting trees for display or study.
- 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 **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*.
- 2.11 **Automobile Service Station:** means 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*.
- 2.12 **Average Grade:** is the mean elevation of the proposed finished ground at the front face of a *building* or *structure*.
- 2.13 **Aviary:** means an enclosure or large cage for live birds.
- 2.14 **Basement:** means a *storey* or *storeys* of a *building* located below the first *storey*.
- 2.15 **Boarding House:** means a dwelling in which the owner or lessor supplies habitable rooms for the accommodation of not more than 6 *persons*, with or without meals, for the *persons* so accommodated.
- 2.16 **Boat:** includes any vessel or watercraft suitable for navigation on or through the water.
- 2.17 **Boathouse:** means 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*.
- 2.18 **Boat Launch:** includes a parcel of land and related *structures* adjoining a waterbody for the placement of watercraft into and out of the water and any adjoining *parking areas*, aisles or ancillary *buildings*.
- 2.19 **Bridge:** includes a *structure* erected across or spanning two or more points of lands to afford passage by *vehicle* or pedestrians.
- 2.20 **Building:** means any edifice used or intended to be used for shelter, accommodation or the enclosure of *persons*, animals or chattels other than a fence or wall.
- 2.21 **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*.
- 2.22 **Building, Main:** means the *building* in which the principal use of the *lot* is conducted.
- 2.23 **Building Supply Outlet:** 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.
- 2.24 **Bulk Fuel Storage Establishment:** means a *building* or place where tank(s) for the bulk storage of petroleum, gasoline, fuel oil, gas or flammable liquid or fluid is located.
- 2.25 **Business or Professional Office:** means an office in which any business is carried on or any profession is practised.

- 2.26 **Camping Establishment:** means a *tourist establishment* consisting of at least six *campsites* and comprising land used or maintained as grounds for the camping or parking of *trailers*, motorized motor coach, truck campers, campers or *tents* but not including *mobile homes* and also excepting parks or camping grounds maintained by any Public Authority.
- 2.27 **Campsite:** means an area of land within a tent and *trailer park* or *camping establishment* 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.
- 2.28 **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*.
- 2.29 **Carpport:** includes a *building* or *structure* intended to shelter *vehicles* that has at least one open wall.
- 2.30 **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.
- 2.31 **Cemetery:** includes a cemetery or columbarium within the meaning of The Cemeteries Act.
- 2.32 **Chief Building Official:** means the official employed by the *Township* appointed pursuant to the provisions of The Building Code Act, R.S.O., 1990, and amendments thereto, and shall include any Inspector likewise employed and appointed.
- 2.33 **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.
- 2.34 **Clinic:** includes a public or private *building*, used for medical, surgical, dental, physiotherapeutic, chiropractic or other human health treatments by one or more practitioners.
- 2.35 **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.
- 2.36 **Condominium:** Condominium shall mean a lot on which each individual unit is held in separate interest and all floor space, facilities, outdoor areas and other such areas used in common by all tenants are the interest of, administered and maintained by a corporation created to the provisions of the Condominium Act.
- 2.37 **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.
- 2.38 **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.
- 2.39 **Corporation:** means the Corporation of the Township of McKellar.
- 2.40 **Cottage, Rental:** means a tourist establishment that has a *building* to accommodate one or more guests that:
 - a) contains at least two rooms; and,
 - b) that may or may not contain facilities for guests to prepare and cook food.
- 2.41 **Crown Land:** means lands belonging to Her Majesty in right of Canada or Ontario, whether or not they are covered with water.

- 2.42 **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 upholstering 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.
- 2.43 **Deck:** includes a floor *structure* without a roof that is level or has a level surface area capable of accommodating *persons* or furniture, that may be attached to or detached from a *main building* or an *accessory building*.
- 2.44 **Development and/or Redevelopment, New:** means any development and/or redevelopment in any and all identified zones that goes beyond those existing zoning "permitted as-of-right" uses zoned in this By-law, as amended.
- 2.45 **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.
- 2.46 **Dwelling, Single Detached:** means a separate *building* containing only one *dwelling unit*.
- 2.47 **Dwelling, Semi-detached:** means a *building* that is divided vertically into two *dwelling units*.
- 2.48 **Dwelling, Duplex:** means a *building* that is divided horizontally into two *dwelling units*, each of which has an independent entrance.
- 2.49 **Dwelling, Triplex:** means a *building* that is divided horizontally into three *dwelling units*.
- 2.50 **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.
- 2.51 **Dwelling, Rowhouse:** means one of a group of three or more attached dwellings each having at least two separate private entrances.
- 2.52 **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.
- 2.53 **Dwelling Unit:** 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*.
- 2.54 **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) the placement or 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 permit under The Building Code Act, and amendments thereto, and regulations thereunder.
- 2.55 **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 road frontage.
- 2.56 **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.

- 2.57 **Farm:** includes land or *buildings* used for growing or storing trees, grain, vegetables, fruit crops or any other agricultural crops, and dairying, grazing, pasturing or housing of livestock and also includes aquaculture, a fishery or hatchery for trout farming or other species and includes a farm dwelling and *accessory buildings*.
- 2.58 **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.
- 2.59 **Farm Implement Dealer:** means a *building, structure* or area where farm equipment and farm supplies are kept for sale at retail, but shall not include any other establishment otherwise defined or classified herein.
- 2.60 **Fire Hall:** includes a *building* housing firefighting equipment and personnel.
- 2.61 **Fish Habitat:** means the spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly for their life processes.
- 2.62 **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 attached *private garage, carport*, storage area, breezeway, porch, 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*, unenclosed attached porch or unenclosed attached veranda.
- 2.63 **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 attached *private garage*, enclosed attached porch or enclosed attached veranda.
- 2.64 **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.
- 2.65 **Forest Management Area:** means land used for wood lot conservation or forest management practices carried out under a program of the Ministry of Natural Resources.
- 2.66 **Fractional Development Project:** means a project consisting of any dwelling unit, hotel, lot or parcel in which a purchaser receives a Fractional Development Project interest.
- 2.67 **Fractional Development Project Interest:** means a contractual right of occupancy in a Fractional Development Project, whether by membership, agreement, share, tenancy in common, sale, deed, licence, right-to-use agreement or otherwise, where such right is divided into two or more undivided interests, whether or not such interest is coupled with an estate in real property, where a purchaser, in exchange for consideration, receives a right to use a portion of a Fractional Development Project for a period of time less than six months during any given year.
- 2.68 **Front Line of Main Building:** means the side of a *building* that is the closest distance between the *building* and the *front lot line*.
- 2.69 **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.
- 2.70 **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.
- 2.71 **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.
- 2.72 **Gazebo:** an accessory open air *building* not exceeding 4 metres in *height* and a *floor area* less than 15 square metres, in which there are no services.

2.73 **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.

2.74 **Government Office:** includes any *building, structure* or land where any level of government conducts business.

2.75 **Group Home:** means a *building* or *buildings*, licensed or approved under any provincial statute, in which not more than six (6) *persons* live as a single housekeeping unit under responsible supervision, but does not include 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 conviction of a criminal offence.

2.76 **Guest Cabin:** See *Sleeping Cabin*.

2.77 **Height:** means, when used with reference to a *building*, the vertical distance between the *average 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.

2.78 **Highwater Mark:** means the normal water mark of any water at the time of the original survey of the *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 and in the case of Lake Manitouwabing and Robinson Lake, the highwater mark shall be defined as 240 metres G.S.C.

2.79 **Home Industry:** means a gainful occupation including an *animal hospital*, electrical, woodworking, window frame,

welding, plumbing, *machine* or auto repair shop, *service shop*, or blacksmith, conducted in whole or in part in an *accessory building* to a *single detached dwelling* house, provided that:

- a) there is no external advertising other than a sign erected in accordance with any by-laws of the *Township* regulating signs;
- b) there is no external storage of goods, materials or equipment;
- c) such *home industry* is not an *obnoxious use*, business or manufacture;
- d) such *home industry* is clearly secondary to the main residential use and does not change the residential character of the *dwelling unit* or *lot*;
- e) not more than two *persons*, other than the owner, are employed therein on a full-time basis; and,
- f) the *lot* shall be not less than 60 metres of frontage and 0.5 hectares of area.

2.80 **Home Occupation:** means a gainful occupation including an office; arts/crafts studio; caterer; barber; hairdresser; beautician; dressmaker; seamstress; tailor; photographer; studio of a teacher of music; the arts or academic subjects; conducted in whole or in part in a *dwelling* or in an *accessory building* to a *single detached dwelling*, provided that:

- (a) there is no external display or advertising other than a sign, a maximum of 1 square metre, erected in accordance with any by-laws of the *Township* regulating sign;
- (b) there is no external storage of goods, materials or equipment associated with the use;
- (c) such *home occupation* is clearly secondary to the main residential character of the *single detached dwelling* and does not change the residential character thereof;

- (d) the *home occupation* use shall not be an *obnoxious use* creating unacceptable levels of noise, vibration, fumes, dust, odour, traffic, heat or glare outside the *single detached dwelling* within which is contained nor should it interfere with other radio or television reception;
- (e) home occupation uses that involve the sale of goods shall provide a minimum of one parking space, in addition to that required by the *single detached dwelling*;
- (f) any processing or manufacturing is limited to the manufacture of small mechanisms, assembly of electronic instruments, packaging of small articles or construction of light objects and similar such activities;
- (g) not more than 45 percent of the *floor area* (which excludes the *basement*) may be used for the home occupation anywhere in the dwelling, "including the *basement*"; and
- (h) the sales area should be limited to one half (50 percent) of the *floor area* used for the home occupation use.
- 2.81 **Hospital:** 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.
- 2.82 **Hotel:** includes a tourist establishment, other than a *boarding house*, catering primarily to the travelling public by supplying overnight sleeping accommodation with or without meals.
- 2.83 **Hunting Camp:** means any land or *buildings* which is used solely for the incidental habitation of *persons* angling or hunting wildlife.
- 2.84 **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.
- 2.85 **Institutional Use:** means pertaining to, or characteristic of an *institution*.
- 2.86 **Island:** means a parcel of land which is capable of being conveyed and which is entirely surrounded by water.
- 2.87 **Kennel:** 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.
- 2.88 **Kitchen:** means a room or part of a room where food is stored or prepared or cooked, and which has cooking appliances.
- 2.89 **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 under the Environmental Protection Act.
- 2.90 **Lane:** means a public thoroughfare which affords a secondary means of access to abutting *lots*, but which does not include a *street*, *private road*, right-of-way or road allowance.
- 2.91 **Laundromat:** means a place where laundry is washed and dried in coin-operated automatic machines.
- 2.92 **Library:** means a *building* or room housing a collection of books, pamphlets, etc.; esp., such a collection arranged to facilitate reference.
- 2.93 **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.
- 2.94 **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.

- 2.95 **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*.
- 2.96 **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.
- 2.97 **Lot Coverage:** means the percentage of the *lot area* covered by *buildings* and *structures*, including a *private garage* and *accessory buildings*, but not including *buildings* located over the Crown lake bed or uncovered *structures*.
- 2.98 **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*.
- 2.99 **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 Section 2.96, 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*.
- 2.100 **Lot Line:** means any boundary of a *lot* or the vertical projection thereof.
- 2.101 **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 *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*. 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*.
- 2.102 **Lot Line, Rear:** means the *lot line* opposite the *front lot line*.
- 2.103 **Lot Line, Side:** means any *lot lines* other than the *front lot line* and the *rear lot line*.
- 2.104 **Lot, Through:** means a *lot* either bounded on two opposite sides by road or by *navigable* water.
- 2.105 **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.
- 2.106 **Manufacturing Establishment:** means an establishment in which the process of producing a product is within the scope and meaning of the Statistics Canada, "Standard Industrial Classification Manual".
- 2.107 **Marina:** means *buildings, structures* or lands, containing *docking* facilities and automobile *parking areas*, where boats and *boat* accessories are built, stored, serviced, repaired or kept for sale and where facilities for the sale of marina fuels and lubricants may be provided. Such an establishment may include facilities for mooring, storing and fueling float-equipped aircraft.

- 2.108 **Minister:** means the Minister responsible for the administration of the Planning Act.
- 2.109 **Mobile Home:** means any dwelling that is factory made and designed to be made mobile provided that it is constructed on a permanent foundation, having a minimum *floor area* of 60 square metres, and constructed or manufactured to provide a permanent residence for one or more *persons*, but does not include a *trailer* otherwise designed.
- 2.110 **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 may be licensed for this purpose by the *Township*.
- 2.111 **Motel:** includes a tourist establishment other than a *boarding house*, catering primarily to the travelling public by supplying overnight sleeping accommodation with or without meals.
- 2.112 **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.
- 2.113 **Municipal Garage:** means any land, *building* or *structure* owned by the Corporation of the Township of McKellar or the Province of Ontario and used for the storage, maintenance and/or repair of material, equipment, machinery and/or *motor vehicles* used in connection with civic works.
- 2.114 **Museum:** means a place or *building* for preserving and exhibiting works of art, scientific objects, curiosities, etc.
- 2.115 **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.
- 2.116 **Nursery or Commercial Greenhouse:** means a *building* or *structure*, and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation together with gardening tools and implements which are sold at retail from such *building* or *lot* to the general public.
- 2.117 **Nursing Home:** includes a home as defined by The Nursing Homes Act for Ontario for the care of elderly or chronically ill *persons*.
- 2.118 **Nursery School:** includes a day nursery within the meaning of The Day Nurseries Act for Ontario.
- 2.119 **Obnoxious Use:** means any use that causes or may cause harm or discomfort to any *person* or any use that impairs the natural environment that would affect the safety or enjoyment of any adjoining property owner.
- 2.120 **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.
- 2.121 **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.
- 2.122 **Park, Public:** means any open space or recreational area, owned or controlled by the *Township* 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.

2.123 **Parking Area:** means an area provided for the parking of *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*.

2.124 **Parking Lot:** means a *parking area* operated by either a private or public organization for public use.

2.125 **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*.

2.126 **Person:** means a *person* as defined in The Interpretation Act for Ontario.

2.127 **Pit or Quarry:** means any pit or excavation made for the purpose of searching for, or the removal of, any 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 permit has been granted or a *wayside pit* as defined in this By-law.

2.128 **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.

2.129 **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.

2.130 **Portable Asphalt Plant:** means a facility:

- a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials

used in the process; and,

- b) which is not of permanent construction, but is designed to be dismantled and moved to another location as required.

2.131 **Post Office:** means any local office, *building*, *structure* or place that receives, sorts and delivers mail, sells stamps, etc.

2.132 **Provincial Highway:** means a *street* under the jurisdiction of the Ministry of Transportation.

2.133 **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.

2.134 **Restaurant:** includes a *building* or a part of a *building* where food is offered for sale or sold to the public for immediate consumption therein, with or without a license to sell alcoholic spirits and includes any appurtenant outdoor patios intended or designed for restaurant purposes.

2.135 **Restaurant, Take-Out:** means a *lot* and/or *building* or *structure* or part thereof where refreshments, food or meals are served to the public in consideration of payment, specializing in fast food preparation, the provision of take-out service and/or the dispensing of meals by means other than individual table attendants.

2.136 **Retail Store:** see Store, Retail.

2.137 **Riding Stable:** means an area of land which is used for horse training, handling, care, or for the lodging of horses.

2.138 **Road, Private:** means any roadway or openway 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.

2.139 **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.
- 2.140 **Satellite Dish:** means a *structure* used or intended to be used to receive broadcast signals from satellites.
- 2.41 **Sauna:** means a *building* that is used for steam or dry heat baths, and not for human habitation.
- 2.142 **Saw Mill:** means an establishment for sawing logs with power-driven machinery including portable machinery and facilities.
- 2.143 **School:** means a school under the jurisdiction of a Board as defined by the Ministry of Education or Ministry of Colleges and Universities.
- 2.144 **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, in which no product is manufactured.
- 2.145 **Service Station:** means one or more pump islands, each consisting of one or more gasoline pumps, and a shelter having a *floor area* of not more than 2.5 metres, which shall not be used for the sale of any product other than liquids and small accessories required for the operation of *motor vehicles*, but shall not include any other establishment otherwise defined or classified in this By-law.
- 2.146 **Setback:** means the open, uncovered and unoccupied horizontal distance appurtenant to a *building* or *structure*.
- 2.147 **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*.
- 2.148 **Shoreline:** means the point where the water meets the land regardless of the original or high water mark.
- 2.149 **Slaughterhouse:** means a place, *building* or *structure* where animals are butchered.
- 2.150 **Sleeping Cabin:** means a *building* for overnight accommodation which is accessory to a *single detached dwelling* and which contains no provisions for cooking and is greater than 10 square metres in *floor area*.
- 2.151 **Storage Terminal, Truck or Bus:** means any *building* or land where trucks or buses are rented, leased, kept for hire, stored or parked for commercial purposes.
- 2.152 **Store, Retail:** includes 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.
- 2.153 **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, or in the case of a *boathouse*, then the space between such floor and roof.
- 2.154 **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 dwelling of at least 2 metres over a *floor area* equal to at least 50 per cent of the area of the floor next below.
- 2.155 **Street:** means a public highway or public road which affords the principal means of access to abutting *lots* but does not include a *lane*, *private road*, right-of-way or unopened road allowance.
- 2.156 **Street Line:** means the dividing line between a *lot* and a *street* or a road.
- 2.157 **Structure:** means anything constructed or *erected*, other than a *building*, and for the purposes of this By-law, shall include a *tennis court*, a *vehicle* or a *boat* but does not include a septic tile field.

- 2.158 **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 racquet sports are played, and which is surrounded by a fence.
- 2.159 **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*.
- 2.160 **Tourist Establishment:** includes *buildings, structures* or uses operated to provide sleeping accommodation for the travelling public or sleeping accommodation for the use of the public engaging in recreational activities, and includes the services and facilities in connection with which sleeping accommodation is provided, and includes lodges, rental cottages, trailer parks, a camping establishment, a hotel, a motel, and other similar uses, as defined in this By-law, as amended, for the Township of McKellar, but does not include fractional development project use, condominium use, and other similar uses, as defined in this By-law, as amended, for the Township of McKellar.
- 2.161 **Township:** means the Corporation of the Township of McKellar.
- 2.162 **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.
- 2.163 **Trailer:** means any *vehicle* 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 is 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.
- 2.164 **Trailer Park:** means a tourist establishment that has an area that may be licensed by the *Township* 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.
- 2.165 **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 or landfill site*.
- 2.166 **Use:** means the purpose for which a site or structure is arranged, designed, intended, constructed, moved, erected, altered or enlarged or for which either a site or structure is or may be occupied and maintained.
- 2.167 **Use, New:** means any use that goes beyond those existing general commercial establishment uses and their identified permitted as-of-right uses, existing tourist commercial establishment uses and their identified permitted as-of-right uses, and existing special provisions permitting uses of a tourist commercial nature, along with their permitted as-of-right uses, zoned in this By-law, as amended.
- 2.168 **Use, Permitted as-of-right:** means a use which is listed as a "permitted use" in any given zone in this By-law. Such use shall be allowed to be established within that zone, subject solely to the specific requirements of this By-law, as amended.
- 2.169 **Use, Prohibited:** means any use not specifically listed/permitted or permitted by special use permit in this By-law, as amended, is prohibited.
- 2.170 **Vehicle:** means a vehicle as defined in the Highway Traffic Act.
- 2.171 **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.

- 2.172 **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.
- 2.173 **Water Supply:** means a distribution system of underground piping and related storage, including pumping and purification appurtenances owned and operated by the *Township* or the Provincial Government for public use.
- 2.174 **Wayside Pit:** means a temporary excavation from which sand, gravel or earth fill material is removed by:
- a) a public authority or their agent for its own use in maintaining local roads and highways and for *landfill sites*;
 - b) the owner of a *lot* having an area of at least two hectares for his own personal use; or,
 - c) someone issued a quarry permit from the appropriate government authority to extract sand or gravel from *Crown land*.
- 2.175 **Wildlife Habitat:** means areas of the natural environment where plants, animals, and other organisms, excluding fish, survive in self-sustaining populations, and from which they derive services such as cover, protection, or food.
- 2.176 **Yard:** means the open, uncovered and unoccupied horizontal space appurtenant to a *building*.
- 2.177 **Yard, Front:** means a *yard* extending across the full width of the *lot* 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 by this By-law.

Where there is no *front lot line*, the *front yard* is to be measured from a point set back 10 metres from the centre line of the travelled road to the nearest part of any *building* on the *lot*, with the exception of any encroachments permitted by this By-law.

- 2.178 **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 by this By-law.
- 2.179 **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 by this By-law.
- 2.180 **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 by this By-law.
- 2.181 **Yard, Required:** means the minimum *yard* required by the provisions of this By-law.
- 2.182 **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 by this By-law.
- 2.183 **Yard, Exterior Side:** means a *side yard* immediately adjoining a road or a 0.3 metre reserve abutting a road.
- 2.184 **Yard, Interior Side:** means a *side yard* other than an *exterior side yard*.
- 2.185 **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 11.5 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.

SECTION 3 - GENERAL PROVISIONS

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3.01	Zones		
	For the purpose of this By-law, the following Zones are established and are shown on the various sheets comprising the five schedules of this consolidated by-law being Schedules 1, 1A, 2, 3 and 4:		
	Zone	Zone Symbol	Page
	INLAND DEVELOPMENT 1	RU	28
	INLAND DEVELOPMENT 2	RR	28
	MULTIPLE RESIDENTIAL	RM	29
	WATERFRONT RESIDENTIAL 1	WF1	29
	WATERFRONT RESIDENTIAL 2	WF2	29
	WATERFRONT RESIDENTIAL 3	WF3	29
	WATERFRONT RESIDENTIAL 4	WF4	29
	WATERFRONT RESIDENTIAL 5	WF5	29
	GENERAL COMMERCIAL		
	CONTRACTOR COMMERCIAL	C1.1	29
	GENERAL COMMERCIAL	C1.2	30
	RETAIL COMMERCIAL	C1.3	30
	MARINE COMMERCIAL	C1.4	30
	AUTOBODY COMMERCIAL	C1.5	30

Zone	Zone Symbol	Page
TOURIST COMMERCIAL	C2	31
TOURIST COMMERCIAL MARINE	C2M	31
TOURIST COMMERCIAL MARINE RESTRICTED	C2MR	31
INDUSTRIAL	M1	32
INDUSTRIAL PIT	M2	32
LANDFILL	M3	32
OPEN SPACE PARKS	OS	32
ENVIRONMENTAL PROTECTION	EP	33
FLOOD PLAIN	FP	33
SPECIAL PROVISIONS	SP	34

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

3.02 Zone Boundaries

- a) Where the boundary of a zone does not coincide with a road or railway right-of-way, a *lot line*, the boundaries of registered plans, or a natural feature such as a creek, stream or *shoreline*, the location of the boundary line shall be scaled from the consolidated Zoning Maps – Schedules 1, 1A, 2, 3 and 4.
- b) Schedules 1, 1A, 2, 3 and 4, the Zoning Maps have been prepared from geographic information system parcel fabric from the West Parry Sound Geographic Network transferred from zone symbols on the zoning schedules attached to Zoning By-law No. 95-12 that were placed on Ontario Base Mapping.

- c) Where there is a discrepancy between any zone on the attached consolidated zoning schedules attached to this By-law and the original Zoning Schedule 'A' of By-law No. 95-12 as amended by Zoning By-law No. 2009-23, the original zoning schedules as amended shall apply.

3.03 Accessory Uses

- a) Where this By-law provides that land may be used or 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. Subject to the provisions of Section 3.41, 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* which is not attached to the *main building* shall be *erected* behind the front line of the *main building* or shall comply with the *front yard* requirements of the zone in which the *main building* is situated whichever is the lesser.
- c) Notwithstanding sub-paragraph (b) above, a *dock*, wharf or *gazebo* may be located in the *front yard, side yard, rear yard* or adjoining lakebed, where a *lot* abuts a *navigable* waterway, provided that the approval of any other governmental authority having jurisdiction has been obtained.
- 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* 7.5 metres greater than the *front yard* 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 Inland Development or Waterfront Residential Zone unless specifically authorized by the provisions of the zone and except as provided for in a *farm use* under Section 3.09.
- 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.

3.04 Application of By-law

This By-law applies to all lands within the *Township*.

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 in conformity with the provisions of this By-law.

3.05 Automobile Service Station or Public Garage

Notwithstanding the provisions of this By-law and Schedule 'B' 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 Boathouses

In addition to Section 3.03(b), a *boathouse* is a permitted *accessory use* which may be located in any *yard* of a *lot* excepting that part of the *front yard* 2 metres back from the high water mark and the front *building line* which abuts a *navigable* waterway provided that:

- a) approval for the occupation of the Crown lake bed for the *boathouse* has been obtained from any government authority having jurisdiction;
- b) the *boathouse* is not located closer than 6 metres to the *side lot line*, including the straight line extension of the said *lot line* into the water;
- c) the *boathouse* is not used for human habitation and no plumbing fixtures are permitted;
- d) in the case of a *lot* zoned for residential use, the design of any *boathouse* shall be limited to one *storey*; and,
- e) in the case of a *lot* zoned for residential use, no *boathouse* can occupy an area exceeding two percent of the *lot area* or 100 square metres, whichever is the lesser.
- f) in the case of a lot zoned for residential use in a waterfront zone, a boathouse is permitted only if the lot has a minimum frontage of 90 metres;
- g) in the case of a lot zoned for residential use, the height of boathouse may not exceed 5.0 metres measured from the high water mark.

- h) in the case of a lot zoned for commercial use, the height of a boathouse may not exceed 6.0 metres measured from the high water mark.

Subparagraphs (a), (b) and (c) are to apply to *boathouses* in commercial zones.

3.07 **Building Repair and Reconstruction**

- a) Nothing in this By-law shall prevent the strengthening to a safe condition of a *building* or *structure* or the reconstruction of a *building* or *structure* or repair of minor damage to a *building* or *structure* that is a legal non-conforming use, provided that:
 - i) such repair or reconstruction does not further contravene the provisions of this By-law or the Planning Act because of an increase in the *height*, size or volume, or by changing the use of such *building* or *structure*; and,
 - ii) if the *building* is a dwelling house in other than a residential zone, it shall comply with all of the requirements set out in Schedule 'B' for an Inland Development 2 (RR) Zone.
 - iii) if the building is removed by the owner through the issuance of a demolition permit, the replacement of any building with an increased footprint or total floor area must comply with the yard requirements of this By-law.

3.08 **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 *Township* without the issuance of a *building* permit from the *Township*. This requirement does not apply to the temporary removal or

placement of a floating *dock* or *docks* for winter storage.

3.09 **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 of Schedule 'B' for an Inland Development 1 (RU) Zone as to coverage, *yard* and *height* provisions. Notwithstanding Schedule 'B', any accessory farm buildings are subject to a minimum *yard* of 30 metres.

3.10 **Decks and Docks**

- a) Notwithstanding the *yard* and *setback* provisions of this By-law, attached unenclosed porches, balconies, *decks*, steps and patios, may project into any *required yard* a maximum distance of 4.0 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*. Where the floor of any porch, balcony, or *deck* is more than 2.0 metres above the *average grade*, the *side yard* and *rear yard setback* requirements for the *main building* shall apply to the porch, balcony or *deck*.
- b) A detached, open-air *deck* including steps is permitted within the *front yard* provided that the *deck* is less than 14 square metres and that the *height* of the floor of the *deck* is less than 2 metres above the *average grade*.
- c) In a residential zone, a single dock is a permitted accessory structure subject to the following additional regulations:
 - i) The maximum length of a dock should not exceed 15 metres or 25% of the width of the channel whichever is more restrictive;
 - ii) The cumulative width of a dock, including fingers, cannot exceed 10 metres;

- iii) The maximum area of a dock including ramps shall not exceed 60 square metres (decking area of dock only); and
 - iv) Permission is obtained from any government organization having approval authority.
- d) In a tourist commercial zone, a dock is a permitted structure subject to:
- i) obtaining authority from the Crown for a water lot if applicable;
 - ii) the maximum length of a dock not exceeding 20 metres or 25% of the width of the channel whichever is more restrictive;
 - iii) a maximum area of any waterlot devoted to docks and slips not to exceed 10 percent of the adjacent lot area, not occupy more than 50 percent of the lot frontage up to a limit of 4000 square metres (includes lake surface area between dock slips);
 - iv) an increased side yard to 6 metres where the commercial lands abut a residential zone; and
 - v) permission being obtained from any relevant government agency.

3.11 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 in a C1.1, C1.2, C1.3, C1.4, C1.5, C2, M1 or an M2 zone, unless the following provisions are met:

- a) Up to two single dwelling units, including a mobile home, are permitted for personal use of the owner, operator or an employee of the non-residential use, provided that each unit has a water supply and sewage system which has been approved by the Ministry of Environment and Energy.
- b) The dwelling unit or units has a minimum floor area in accordance with the requirements of the Building Code Act, and amendments thereto.
- c) The dwelling unit or units has separate washroom and kitchen facilities from those of the non-residential use.
- d) Each dwelling unit shall have a separate parking space in addition to the parking spaces otherwise required for the non residential use(s).
- 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 or Industrial 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.

3.12 Existing 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.

3.13 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.

3.14 Flood Plain Requirements

No *building* or *structures* which are to be used for human habitation shall be permitted below the theoretical flood elevation on the shores of any lakes.

3.15 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 *Township* or public authority, except in:

- a) a Waterfront Residential Zone, a *dwelling unit* may front on a *navigable* waterway, provided that the side or *rear yard* has a minimum of 20 metres that directly abuts a public road, private right-of-way or road allowance - this provision does not apply to water access properties;
- b) an Inland Development 1 (RU) Zone, a hunt camp;
- 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.

3.16 Greater Restrictions

This By-law shall not be effective to reduce or mitigate any restrictions lawfully imposed by a governmental authority having jurisdiction to make such restrictions.

3.17 Height Exceptions

- (a) A place of worship, spire, belfry, clock tower, chimney, *farm building* or *structure*, silo, water tank, windmill, radio, radar or television tower or antenna or

drive-in theatre screen may exceed the *height* provisions of Schedule 'B'.

- (b) A public *building*, public utility *building*, sanatorium, *hospital* or *school* may be *erected* to a *height* not exceeding 23 metres, provided the *required yards* are increased by 0.5 metres for each additional 0.5 metres of height by which the said *building* exceeds the *height* limit of the zone in which it is situated.

3.18 Deleted by the Ontario Municipal Board Order (O.M.B. file R950288)

3.19 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.

3.20 Loading Space Regulations

- a) Loading Space Requirements

The owner or occupant of any non-residential *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 for each 450 square metres of *floor area* of the *building* or *structure* and having a vertical clearance of at least 4 metres 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.
- expropriation;
- (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;
 - (f) a *lot* on a draft plan of subdivision approved on or before the passing of this By-law; or,
 - (g) a consent in principle approved by the Ministry of Municipal Affairs on or before the passing 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 1,800 square metres, such *lot* shall be deemed to conform to the *lot frontage*, *lot depth* and area requirements of this By-law.
- Lots less than 1800 square metres existing on the date of the passage of this By-law, may be eligible for a building permit subject to compliance with the yard and coverage requirements in Schedule 'B'.

3.21 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;
- (b) a *lot* on a registered plan of subdivision;
- (c) a *lot* created as a result of a consent granted by the *Minister* under the provisions of the Planning Act;
- (d) created as a result of expropriation or other land acquisition by any authority having statutory powers of

3.22 Measurement of Lot or Island Area

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

3.23 Mobile Homes

A *mobile home* is a permitted use provided it complies with all current requirements of the Ontario Building Code Act Regulations thereunder and amendments thereto so long as it is constructed on a permanent foundation.

3.24 Multiple Zones

Where a *lot* is divided into more than one zone, each portion of the said *lot* shall only be used in accordance with the provisions of the zone governing that portion.

3.25 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,

but which has a *ground floor area* or *dwelling unit* area less than that required by this By-law, provided such alteration does not contravene any other provisions of this By-law.

b) to prevent the *erection* or use of any *building* or *structure* for which a 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.

3.26 Number of Dwelling Units on One Lot

Only one *dwelling unit* shall be permitted on a *lot* unless otherwise indicated. An additional *dwelling unit* in a separate *building* for the accommodation of a farm worker and his family, where the *lot* is greater than 20 hectares in area is permitted in the Inland Development 1 (RU) Zone.

Such additional *dwelling unit* shall:

c) for the purpose of this Section, any *dock* used as such at the time of the passing of this By-law shall be deemed to be lawfully used.

(a) have a minimum *floor area* of 60 square metres;

d) the seasonal removal of *docks* does not affect their non-conforming status, provided they are returned to their former location;

(b) have separate services from the principal dwelling approved by the Ministry of Environment; and,

e) Residential Use in a Commercial Zone

(c) be located sufficient distance from the main dwelling to be eligible for a consent in the Inland Development 1 (RU) Zone.

Nothing in this By-law shall apply to prevent the alteration or enlargement of a residential *dwelling unit* or units existing on the date 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 Inland Development 2 (RR) Zone.

3.27 Occupation of Uncompleted or Unserviced Building

No *building* shall be used for human habitation before the sanitary facilities have been installed and made fully operational as required by the local Health Authority. ** SHOULD READ - NO BUILDING OR TRAILER*

f) *Ground Floor Area* Less Than Required

Nothing in this By-law shall prevent an alteration being made to a permitted dwelling house, which dwelling house existed at the time of passing of this By-law

3.28 Parking Area Regulations

Parking spaces and areas 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 or Use Minimum Parking Required

Building containing one *dwelling unit* 1 *parking space*, or 1 garage, or a *carport*.

c) **Parking Area Surface**

In a Commercial or Industrial Zone, *parking areas* and driveways 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 operative passenger *vehicles* and commercial *vehicles* used incidentally to the permitted uses on the *lot*, bearing currently valid license plates or for the seasonal storage of boats.

For the purpose of this subsection "commercial *motor vehicle*" shall mean any commercial *vehicle* as defined in The Highway Traffic Act.

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*.

3.29 Pits and Quarries

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, sand or gravel except in conformity with the provisions of this By-law.

<u>Type of Building or Use</u>	<u>Minimum Parking Required</u>
<i>Building</i> containing two or more dwelling Units	1 1/2 <i>parking spaces</i> per <i>dwelling unit</i> .
<i>Boarding House</i>	1 <i>parking space</i> for each room available for rent
<i>Clinic</i>	5 <i>parking spaces</i> for each practitioner.
<i>Church, Assembly Hall, Funeral Home, Community Hall, Restaurant, Arena</i>	Where there are fixed seats, 1 <i>parking space</i> for every five seats or 3 metres of bench space; where there are no fixed seats, 1 <i>parking space</i> for each 10 square metres of <i>floor area</i> devoted to public use.
<i>Hospitals or Institutions</i>	1 <i>parking space</i> for each 2 beds or 35 square metres of <i>floor area</i> whichever is greater, plus one additional space for each resident doctor or resident employee.
<i>Hotel or Motel</i>	1 <i>parking space</i> per suite or guestroom, and 1 additional <i>parking space</i> for each 9 square metres of <i>floor area</i> devoted to public use.
<i>Lodge</i>	0.75 spaces per bedroom
Office, including <i>Home Occupation</i>	1 <i>parking space</i> per 10 square metres of office or <i>home occupation floor area</i> .
<i>Variety or Grocery Shop</i>	1 <i>parking space</i> for every 9 square metres of total retail <i>floor area</i> .
A <i>Retail Store</i> , Service Store, or other similar retail establishment	1 <i>parking space</i> for each 9 square metres of <i>floor area</i> and 1 <i>parking space</i> for every 25 square metres of service area.
Other Commercial Uses	1 <i>parking space</i> for each 15 square metres of total <i>floor area</i> .

<u>Type of Building or Use</u>	<u>Minimum Parking Required</u>
<i>Schools</i>	1 1/2 <i>parking spaces</i> for each teaching area, plus 1 separate bus loading area per 2 teaching areas.
Industrial including <i>Home Industry</i>	At least 3 <i>parking spaces</i> for every 90 square metres of total <i>floor area</i> up to 1800 square metres, plus one additional space for every 800 square metres of total <i>floor area</i> over 1800 square metres including any <i>basement area</i> if used for industrial use.
<i>Marina</i>	1.25 <i>parking spaces</i> for every <i>docking slip</i> .

b) **Parking Area Requirements**

Parking areas shall conform to the following provisions:

- (i) the *parking area* shall be located on the same *lot* 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 10 metres of the high watermark or within 6 metres of any *side lot line* abutting a *lot* in a Waterfront Residential Zone and be owned by or registered on title to the water access land owner.

3.36 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 high water mark between the extension of the *side lot lines* may be considered part of the *lot area* or depth required by this By-law.

3.37 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 that the minimum *front yard* distance to the high water mark is maintained and further provided the *building* or *structure* or any part thereof does not encroach upon the shore road allowance or Crown Reserve.

3.38 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 *Township* regulating signs.

3.39 Sleeping Cabins

Subject to Section 3.03, a single *sleeping cabin* is a permitted *accessory use* on any *lot* zoned for residential use, provided that the maximum *gross floor area* does not exceed 35 square metres or does not exceed the *ground floor area* of the principal dwelling on the *lot*, whichever is the lesser.

3.40 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 2 metres 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 the this By-law.

- ii) 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.

- 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.

3.41 Temporary Uses Permitted

The following uses are permitted in all zones within the *Township* excepting the Environmental Protection (EP) and the Flood Plain (FP) Zones provided that a *building* permit has been issued for the *main building* on the *lot*:

- a) Temporary camps, including *trailers* that comply with the *Trailer Licensing* By-law, 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;

The making, establishment or operation of any new pits or quarries, except *wayside pits* as herein defined, is prohibited except in the locations permitted and in accordance with the provisions of this By-law.

Any *pit or quarry* permitted by this By-law shall be set back a minimum of 120 metres from the high water mark of any *navigable* waterway and 50 metres from any public road or *side lot line*.

3.30 *Portable Asphalt Plant*

Portable asphalt plants, used by a public road authority or their agent, shall be permitted throughout the *Township* without requiring an amendment to this By-law, except in existing built up areas and in an Environmental Protection (EP) Zone.

3.31 **Public Uses**

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

- a) as a *public park*, community park, playground, *cemetery*, or as a site for a public statue, monument, cenotaph, fountain or other memorial or ornamental *structure*; or,
- b) by the *Township* or by any local board thereof, by any telephone, telegraph or gas company, or by any other government agency, including Ontario Hydro, provided that, where such land, *building* or *structure* is located in a Inland Development 2 (RR) Zone:
 - i) no goods, material or equipment shall be stored in the open;
 - ii) the *lot coverage* and *yard* provisions prescribed for the Inland Development 2 (RR) Zone shall be complied with; and,
 - iii) any *building* erected pursuant to the provisions of this paragraph is designed and maintained in general harmony with

surrounding *buildings*.

3.32 **Pumphouse Restrictions**

Where a *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; and,
- c) the maximum *height* of the *pumphouse* is 3 metres.

3.33 **Reduction of Requirements**

No *person* shall change the purpose for which any land, *building* or *structure* is used, or *erect* any new *building*, *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.

3.34 **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; and,
- (c) the maximum *floor area* is 20 square metres, including *decks*.

3.35 **Setback From Environmental Protection Area**

Notwithstanding the provisions of this By-law, all *buildings* and *structures* excepting *docks*, *pumphouses*, *boathouses* or *saunas*, must be set back a minimum of 5 metres from all areas zoned Environmental Protection (EP) as shown on the map schedules.

- b) A tool shed, scaffold, *trailer* (licenced) 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 twelve months.

3.42 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 *highwater mark*, in accordance with the provisions of the zone or zones in which such *lot* is situated.

3.43 Tourist Establishment Regulations

Notwithstanding the provisions of this By-law, the following special provisions shall also apply to new and expanding or enlarging *tourist establishments* on the waterfront and located in the General Commercial and Tourist Commercial (C2) Zones.

- (a) Waterbody Size (Where Applicable)

Tourist establishments on the waterfront in the General Commercial Zones and Tourist Commercial (C2) Zone within the Township of McKellar, shall not be located next to lakes which are smaller than 19 hectares in surface area.

- (b) Minimum Frontage on *Navigable Water* (Where Applicable)

The minimum water frontage required for *tourist establishments* on water in the General Commercial Zones and Tourist Commercial (C2) Zone shall be 100 metres or 2 metres for each *person* that can be accommodated or 20 metres for each 5 *campsites*;

whichever results in the greater requirement. For the purpose of this By-law, every bedroom will generate 2 *persons*. For the purposes of determining the number of persons accommodated, this provision does not include owners or employees of *tourist establishments*.

- (c) Minimum *Lot* Size

The minimum *lot* size for *tourist establishment* in the General Commercial Zones and Tourist Commercial (C2) Zone shall be 2 hectares or one hectare for each 20 *persons* that may be accommodated or fraction thereof; whichever is a greater requirement. For the purpose of this By-law, every bedroom will generate 2 *persons* and every *campsite* will generate 3 *persons*. For the purposes of determining the number of persons accommodated, this provision does not include owners or employees of *tourist establishments*.

- d) Parking

Each *tourist establishment* in the General Commercial Zones and Tourist Commercial (C2) Zone shall provide at least one *parking space* for each *tent* or *trailer* site, housekeeping cottage, *motel*, *hotel* or efficiency unit.

3.44 Trailers

No *trailer* may be used for human habitation except in accordance with the provisions of Section 3.41 and in accordance with the Municipal Trailer By-law.

3.45 Unzoned Lands

Any lands illustrated on as shown on the map schedules to this By-law without a reference to a zone symbol shall be deemed to be zoned Inland Development 1 (RU) and all applicable provisions of this zone shall apply.

3.46 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.

3.47 Landfill Site To Be Set Back

Notwithstanding the provisions of this By-law, a *landfill site* must be separated from any standing body of water in excess of 20 hectares of surface area a minimum of 300 metres.

3.48 Yard and Setback Encroachments Permitted

a) Ornamental *Structure*

Notwithstanding the *yard* provisions of this By-law, sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters or other ornamental *structures* may project into any *required yard* or the area between the road or *street line* and the required *setback* 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* or in the area between the road or *street line* and the *required yard*.

c) 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.

d) 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*.

e) 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 yard*.

f) *Building* in Built-up Area

Notwithstanding the provisions of this By-law, where a detached *dwelling unit* or *accessory use* thereto is to be *erected* in a non-waterfront 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 unit* 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.

3.49 Waterfront Bed and Breakfasts

A waterfront bed and breakfast is a permitted use in any Waterfront Residential (WF1 - WF5) Zone provided that:

(a) there is no external display or advertising other than a sign, a maximum of 1 square metre, erected in accordance with any by-laws of the Township regulating signs;

(b) not more than two bedrooms are rented to overnight guests for commercial purposes;

(c) there is no other waterfront bed and breakfast use within a separation distance of 800 metres from the lands on which the waterfront bed and breakfast is situated;

5.02 Zone Requirements

No *person* shall within the Inland Development 2 (RR) Zone use any *lot*, or *erect*, alter or use any *building* or *structure* except in accordance with Schedule 'B' - zone Requirements Table as applicable to the RR Zone, or in accordance with the provisions of any applicable paragraph of Section 16 -Special Provisions.

SECTION 6 - MULTIPLE RESIDENTIAL (RM) ZONE

6.01 Uses Permitted

No *person* shall within the Multiple Residential (RM) 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*;
- a *semi-detached dwelling*;
- *triplex/duplex dwellings*;
- a *rowhouse/townhouse*;
- an *apartment* building containing up to four *dwelling units*; or
- any use permitted in the Inland Development 2 (RR) Zone.

6.02 Zone Requirements

No *person* shall within the Multiple Residential (RM) Zone use any *lot*, or *erect*, alter or use any *building* or *structure* except in accordance with Schedule 'B' - Zone Requirements Table as applicable to the RM Zone, or in accordance with the provisions of any applicable paragraph of Section 16 -Special Provisions.

SECTION 7 - WATERFRONT RESIDENTIAL (WF1, WF2, WF3, WF4, WF5) ZONES

7.01 Uses Permitted

No *person* shall within the Waterfront Residential (WF1, WF2, WF3, WF4 and WF5) Zones use any *lot*, or *erect*, alter or use any *building* or *structure* for any purpose except one of the following uses:

a) Residential Uses

- a *single detached dwelling* per lot of record including a *home occupation*;
- 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

7.02 Zone Requirements

No *person* shall within any Waterfront Residential (WF1, WF2, WF3, WF4 and WF5) Zones use any *lot*, or *erect*, alter or use any *building* or *structure* except in accordance with Schedule 'B' - Zone Requirements Table as applicable to the WF1, WF2, WF3, WF4, WF5 Zones, or in accordance with the provisions of any applicable paragraph of Section 16 - Special Provisions.

SECTION 8 - GENERAL COMMERCIAL ZONES

8.01 Contractor Commercial (C1.1) Zone

Uses Permitted

No *person* shall within the Contractor Commercial (C1.1) 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 in accordance with the provisions of Section 3.11 of this By-law;
- a *home occupation*;
- a *home industry*; or,
- a *boarding house*.

b) Commercial Uses

- *contractor's yard*;
- external storage of goods and material to be used in connection with the building trade;
- outside storage of contractors *vehicles* and equipment;
- contractor's *business* or *professional office*;
- *parking area*;
- *storage buildings*;
- *service shop*;

- (d) the lot upon which the waterfront bed and breakfast use is proposed complies with the *lot area, frontage* and *depth* requirements for the WF Zone in which it is located as set out in Schedule 'B' of this By-law, except in the case of the WF5 zone where the waterfront bed and breakfast use must comply with the minimum *lot area, frontage* and *depth* requirements of the WF1 zone;
- (e) the waterfront bed and breakfast use must front on a public or *private road* which allows for adequate, safe and legal passage over said road;
- (f) one parking space shall be provided on the lot for each bedroom made available for the waterfront bed and breakfast use; and
- (g) a change of use permit is obtained from the Township.

For the purpose of this provision, a bed and breakfast means: a building whose primary intent is to be used as a principal residence but where in a portion thereof persons are harboured, received or lodged for hire for less than one week at one time but does not include a hotel, hospital, nursing home, home for the young or aged or institution if the hotel, hospital, home or institution is licensed, approved or supervised under any other general or special act of the Province of Ontario.

For the purpose of non-waterfront zones, bed and breakfasts will continue to be administered as *home occupations*.

SECTION 4 - INLAND DEVELOPMENT 1 (RU) ZONE

4.01 Uses Permitted

No *person* shall within the Inland Development 1 (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

- a *single detached dwelling*;
- an *accessory apartment*;
- a *farm*, and a *specialized use farm* as defined in this By-law;
- an *animal hospital, kennel*, or *riding stable*;
- a *nursery* or *commercial greenhouse*;
- a *contractor's yard*;
- *agriculture use*;
- 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 provided by the provisions of this By-law;
- a *boarding house*;
- a *mobile home* in accordance with the provisions of this By-law;
- a *group home*;
- a *golf course*;
- a *hunting camp*; or
- *wayside pit*.

4.02 Zone Requirements

No *person* shall within the Inland Development 1 (RU) Zone use any *lot*, or *erect*, alter or use any *building* or *structure* except in accordance with Schedule 'B' - Zone Requirements Table as applicable to this RU Zone, or in accordance with the provisions of any applicable paragraph of Section 16 - Special Provisions.

SECTION 5 - INLAND DEVELOPMENT 2 (RR) ZONE

5.01 Uses Permitted

No *person* shall within the Inland Development 2 (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*;
- a *home occupation* as defined in this By-law;
- a *home industry*;
- a *boarding house* or *nursing home*;
- a *mobile home* in accordance with the provisions of this By-law

- *an animal hospital, kennel, or riding stable;*
- *a nursery or commercial greenhouse;*
- *a custom workshop;*
- *a group home;*
- *a golf course; or*
- *a hunting camp*

8.02 General Commercial (C1.2) Zone

Uses Permitted

No *person* shall within the General Commercial (C1.2) 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 in accordance with the provisions of Section 3.11 of this By-law;
 - a *home occupation*;
 - a *home industry*;
 - a *boarding house*; or
 - a *mobile home*.
- b) Commercial Uses
 - *retail store*
 - *restaurant*
 - *take-out restaurant*
 - *business or professional office*
 - *automobile service station*
 - *automobile sales establishment*
 - *parking area*
 - *service shop*
 - *motel*

8.03 Retail Commercial (C1.3) Zone

Uses Permitted

No *person* shall within the Retail Commercial (C1.3) 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 in accordance with the provisions of Section 3.11 of this By-law;
 - a *home occupation*;
 - a *home industry*;
 - a *boarding house*; or
 - a *mobile home*.

b) Commercial Uses

- *retail store*
- *business or professional office*
- *automobile service station*
- *parking area*
- *service shop*

8.04 Marine Commercial (C1.4) Zone

Uses Permitted

No *person* shall within the Marine Commercial (C1.4) 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 in accordance with the provisions of Section 3.11 of this By-law;
 - a *home occupation*;
 - a *home industry*; or,
 - a *boarding house*.
- b) Commercial Uses
 - *automobile service station* (excluding autobody shop);
 - *automobile sales establishment*;
 - *marina*;
 - snowmobile sales and service;
 - small engine repair;
 - *an animal hospital, kennel, or riding stable*;
 - *a nursery or commercial greenhouse*;
 - *a custom workshop*;
 - *a group home*;
 - *a golf course*; or
 - *a hunting camp*

8.05 Autobody Commercial (C1.5) Zone

Uses Permitted

No *person* shall within the Autobody Commercial (C1.5) 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 in accordance with the provisions of Section 3.11 of this By-law;
 - a *home occupation*;
 - a *home industry*; or,
 - a *boarding house*.

- b) Commercial Uses
- autobody repair shop;
 - *welding shop*;
 - *service shop*;
 - *automobile service station*;
 - *automobile sales establishment*;
 - *public garage*;
 - *an animal hospital, kennel, or riding stable*;
 - *a nursery or commercial greenhouse*;
 - *a custom workshop*;
 - *a group home*;
 - *a golf course*; or
 - *a hunting camp*

8.06 Zone Requirements

No *person* shall within the Contractor Commercial (C1.1), General Commercial (C1.2), Retail Commercial (C1.3), Marine Commercial (C1.4) and the Autobody Commercial (C1.5) Zones use any *lot*, or *erect*, alter or use any *building* or *structure* except in accordance with Schedule 'B' - Zone Requirements Table as applicable to these Commercial Zones, or in accordance with the provisions of any applicable paragraph of Section 16 - Special Provisions.

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 in accordance with the provisions of Section 3.11 of this By-law;
 - a *home occupation*;
 - a *home industry*; or
 - a *mobile home*.

- b) Commercial Uses
- a *lodge*;
 - *rental cottages*;
 - a *tourist establishment*;
 - a *trailer park*;
 - a *hotell/motel*;
 - a *restaurant*;
 - a *parking area*;
 - a *camping establishment*; or
 - a *convenience store*.

9.02 Zone Requirements

No *person* shall within the Tourist Commercial (C2) Zone, use any *lot*, or *erect*, alter or use any *building* or *structure* except in accordance with Schedule 'B' - Zone Requirements Table as applicable to this C2 Zone, or in accordance with the provisions of any applicable paragraph of Section 16 -Special Provisions.

9.03 Tourist Commercial Marine (C2M) Zone

Notwithstanding the permitted uses contained in Section 9.01 above, any lands having the C2 Zone symbol together with the symbol "M" attached as a suffix to that symbol, shall include a *marina* as a permitted use together with all uses permitted in the Tourist Commercial (C2) Zone and subject to the zone requirements for the C2 Zone as set out on Schedule 'B' - Zone Requirements Table.

9.04 Tourist Commercial Marine Restricted (C2MR) Zone

Notwithstanding the permitted uses contained in Section 9.01 and 9.02 above, any lands having the C2 Zone symbol together with the symbol "MR" attached as a suffix to that symbol, shall include a *marina* as a permitted use together with all uses permitted in the Tourist Commercial (C2) Zone provided that there shall be no fuel sales and subject to the zone requirements for the C2 Zone as set out on Schedule 'B' - Zone Requirements Table.

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 in accordance with the provisions of Section 3.11 of this By-law.

b) Commercial Uses

- *building supply outlet*;
- parking garage, *structure* or *lot*;
- a *bulk fuel storage establishment*;
- an *automobile service station*;
- *farm implement dealer*;
- a *marina*;
- a *business or professional office*;
- a *laundromat*;

c) Industrial Uses

- a *car wash*;
- *manufacturing establishment*;
- a *saw mill*;
- a *contractor's yard*;
- a *tradesman shop*;
- a *truck or bus storage terminal*;
- a *welding shop*;
- a *wayside pit*;
- a *warehouse*;
- a *salvage yard*.

10.02 Zone Requirements

No *person* shall within the Industrial (M1) Zone, use any *lot*, or *erect*, alter or use any *building* or *structure* except in accordance with Schedule 'B' - Zone Requirements Table as applicable to this M1 Zone, or in accordance with the provisions of any applicable paragraph of Section 16 - Special Provisions.

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

- *pit or quarry*;
- a sand, gravel or rock processing, washing, sorting storage, screening or crushing operation; or
- a *farm*.

11.02 Zone Requirements

No *person* shall within the Industrial Pit (M2) Zone use any *lot*, or *erect*, alter or use any *building* or *structure* except in accordance with Schedule 'B' - Zone Requirements Table as applicable to the M2 Zone or in accordance with the provisions of any applicable paragraph of Section 16 - Special Provisions.

SECTION 12 - LANDFILL (M3) ZONE

12.01 Uses Permitted

No *person* shall within the Landfill (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) Landfill Uses

- a *landfill site*;
- a *transfer station*.

12.02 Zone Requirements

No *person* shall within the Landfill (M3) Zone use any *lot*, or *erect*, alter or use any *building* or *structure* except in accordance with Schedule 'B' - Zone Requirements Table as applicable to the M3 Zone or in accordance with the provisions of any applicable paragraph of Section 16 - Special Provisions.

SECTION 13 - OPEN SPACE PARKS (OS) ZONE

13.01 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 and Park Uses
- an area where the primary land use is for public or private recreation, a playing field, *public park*, a *community hall*, an outdoor or closed swimming pool, a beach, a botanical garden, a *golf course*, a *tennis court*;
 - a *cemetery*;
 - a municipality owned *arena*;
 - a *private park*;
 - a *boat launch*;
 - a *fire hall*; or,
 - a *municipal garage*.

13.02 Zone Requirements

No *person* shall within the Open Space (OS) Zone, use any *lot*, or *erect*, alter or use any *building* or *structure* except in accordance with Schedule 'B' - Zone Requirements Table as applicable to this OS Zone, or in accordance with the provisions of any applicable paragraph of Section 16 - Special Provisions.

SECTION 14 - ENVIRONMENTAL PROTECTION (EP) ZONE

14.01 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
- a farm but not a specialized use farm as defined in this By-law;
 - a dock, boathouse, pumphouse or sauna provided authorization is received from any relevant government agency.
- b) Open Space Uses
- an area for the protection of an environmental hazard such as *fish habitat* and *wildlife habitat*; or,
 - a conservation area primarily for the location of flood control, bank stabilization or erosion protection *structures* or projects.

14.02 Zone Requirements

No *person* shall within the Environmental Protection (EP) Zone, use any *lot*, or *erect*, alter or use any *building* or *structure* except in accordance with Schedule 'B' - Zone Requirements Table as applicable to this EP Zone, or in accordance with the provisions of any applicable paragraph of Section 16 -Special Provisions.

SECTION 15 - FLOOD PLAIN (FP) ZONE

15.01 Uses Permitted

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) Rural Uses
- a *farm* excluding any *buildings* or *structures*;
 - an *aviary*, *arboretum*, *nursery* garden or forestry operation except that no *structures* shall be permitted in this zone, except *dock*, *boathouse* and flood and erosion control *structures*; and
 - *pumphouses* having a maximum area of 0.9 square metres.
- b) Open Space Uses
- a *dock*, *pumphouse* or *sauna* approved by the appropriate government agency;
 - an area for the location of flood control measures including bank stabilization, erosion protection and ancillary *structures* or projects; or
 - an area for the protection of environmental hazard such as wetlands subject to very high water table, steep slopes, gullies, or lands subject to wind or water erosion.

15.02 Zone Requirements

No *person* shall within the Flood Protection (FP) Zone, use any *lot*, or *erect*, alter or use any *building* or *structure* except in accordance with Schedule 'B' - Zone Requirements Table as applicable to the FP Zone, or in accordance with the provisions of any applicable paragraph of Section 16 -Special Provisions.

- 16.09 Notwithstanding the requirements of this By-law, the lands described as Part of Lot 35, Concession 4, Instrument #38887, Hurdville Road East Side and identified on Schedule 'A', Sheet No. 11 attached hereto may be used for any retail, *hotel/motel*, *restaurant/dining lounge*, *service station*, *marina*, camping area, *rental cottage(s)* or *lodge* use subject to the *yard* requirements and maximum *lot coverage* set out on Schedule 'B' - Zone Requirements Table for the Tourist Commercial (C2) Zone and a minimum of 20 *parking spaces*.
- 16.10 Notwithstanding the requirements of this By-law, the lands described as Part of Lot 35, Concession 4, Instrument #38887, Hurdville Road West Side and identified on Schedule 'A', Sheet No. 11 attached hereto may be used for any retail, *hotel/motel*, *restaurant/dining lounge*, *service station*, *marina*, camping area, *rental cottage(s)* or *lodge* use subject to the *yard* requirements and maximum *lot coverage* set out on Schedule 'B' - Zone Requirements Table for the Tourist Commercial (C2) Zone and a minimum of 6 *parking spaces*.
- 16.11 Notwithstanding the requirements of this By-law, the lands described as part of Lot 20, Concession B, and Lot 7 and Lot 8 and that part of Lot 6 lying East and South of Highway No. 124 on Registered Plan 74 and identified on Schedule 'A', Sheet No. 7 attached hereto may be used for any retail, *restaurant/dining lounge*, *marina*, camping area, *rental cottage(s)* or *lodge* use subject to the *yard* requirements and maximum *lot coverage* set out on Schedule 'B' - Zone Requirements Table for the Tourist Commercial (C2) zone and a minimum of 10 *parking spaces*. *Rental cottages* to be *erected* shall have a minimum *dwelling unit* area of 30 square metres.
- 16.12 Notwithstanding the requirements of this By-law, any use permitted in the Waterfront Residential 3 (WF3) Zone excepting a *dwelling unit* and a *sleeping cabin* is permitted on part of Lot 17, Concession 14, and identified on Schedule 'A', Sheet No. 4 attached hereto, provided all applicable general provisions and zone requirements for the Waterfront Residential (WF3) Zone are met.
- 16.13 Notwithstanding the requirements of this By-law, a *dwelling unit* together with any *accessory buildings*, *structures* and uses is permitted on Lots 2, Plan 42M-550 as identified on Schedule 'A', Sheet No. 8 attached hereto, subject to a *rear yard* of 4 metres and further provided all other general provisions and zone requirements for the Waterfront Residential 2 (WF2) Zone are met.
- 16.14 Notwithstanding the provisions of this By-law, a *dwelling unit* and any *accessory building* or *structure* is a permitted use on Lot 6, Plan 42M-550 as identified on Schedule 'A', Sheet No. 8 attached hereto subject to a minimum *rear yard* of five metres and further provided that all other applicable general provisions and zone requirements for the Waterfront Residential 2 (WF2) Zone are met.
- 16.15 Notwithstanding the requirements of this By-law, a *dwelling unit* is a permitted use on Part of Lot 3, Plan 42M-550 on Lake Manitouwabing identified on schedule 'A', Sheet No. 8 attached hereto subject to a maximum lot coverage of nineteen point three (19.3) percent, a *rear yard* of 0.59 metres, a minimum front yard of 4 metres all as illustrated on the attached survey by R.C. Hawkins, O.L.S. dated August 23, 200 attached to this By-law as Schedule "1" and provided that all other applicable general provisions and zone requirements for the Waterfront residential 2 (WF2) Zone are met.
- 16.16 Notwithstanding the requirements of this By-law, a *dwelling unit* together with any *accessory buildings*, uses or *structures* are permitted on Lot 4, Plan 42M-550 on Lake Manitouwabing identified on Schedule 'A', Sheet No. 8 attached hereto subject to a minimum *front yard* of 4 metres and provided all other applicable general provisions and zone requirements for the Waterfront Residential 2 (WF2) Zone are met.
- 16.17 Notwithstanding the requirements of this By-law, the lands described as Part of Lots 23 and 24 Concession 8 and known as the Manitouwabing Camp of Fine Arts and the Inn and Tennis Resort and identified on Schedule 'A' attached hereto may be used for:
- *tourist establishment*;
 - *lodge*;

SECTION 16 - SPECIAL PROVISIONS

Any references to Schedule 'A' in the following provisions shall be replaced with the reference to Map Schedules.

- 16.01 Notwithstanding the requirements of this By-law, the lands described as Part of Lot 23 and 24, Concessions 9 and 10, being Block B of Plan 247 and identified on Schedule 'A', Sheet No. 8 attached hereto may be used for any purpose in the Inland Development 1 (RU) or Open Space (OS) Zones subject to complying with the requirements of the Inland Development 1 (RU) Zone as set out on Schedule 'B' - Zone Requirements Table.
- 16.02 Notwithstanding the requirements of this By-law, the lands described as Part of Lot 27, Concession 7 being Block E of Plan M-403 and identified on Schedule 'A', Sheet No. 8 attached hereto may be used for any purpose in the Inland Development 1 (RU) or Open Space (OS) Zones subject to complying with the requirements of the Inland Development 1 (RU) Zone as set out on Schedule 'B' - Zone Requirements Table.
- 16.03 Notwithstanding the requirements of this By-law, the lands described as Part of Lot 14, Concession B being Part 1 of Reference Plan No. 42R-3094 and identified on Schedule 'A', Sheet No. 7 attached hereto may be used for a *mobile home* subject to compliance with the *lot area* and *yard* requirements of Schedule 'B' - Zone Requirements Table for the Inland Development 2 (RR) Zone. This temporary use shall be in effect for a period of time commencing July 17, 1995 and expiring July 17, 1998 in accordance with Section 39 of the Planning Act, R.S.O. 1990.
- 16.04 Notwithstanding the requirements of this By-law, no structural development excepting *docks* and a non-habitable *boathouse* approved by the appropriate government agency and an *accessory building* or *structure* is permitted on Part of Lot 25, Concession 6 and 7 being Parts 1, 3, 5 and 7 on Registered Plan 42R-13530 and identified on Schedule 'A', Sheet No. 8 attached hereto.
- 16.05 Notwithstanding the requirements of this By-law, a *lodge*, bed and breakfast, existing garage and up to seven *sleeping cabins* may be *erected* and used on Part of Lot 32, Concession 13, being Lot 71 of Registered Plan No. 258 and identified on Schedule 'A', Sheet No. 3 attached hereto subject to complying with all applicable general provisions and zone requirements for the Tourist Commercial (C2) Zone.
- 16.06 Notwithstanding the requirements of this By-law, a *single detached dwelling unit* including any *accessory buildings* or *structures* is a permitted use on Lot 7, Plan 42M-550 and identified on Schedule 'A', Sheet No. 8 attached hereto subject to the following regulations:
- a) **Minimum *Front Yard***
 - southeast corner of main dwelling and any additions thereto - 1.2 metres
 - southwest corner of main dwelling and any additions thereto - 4 metres
 - unenclosed *deck* - 2 metres
 - steps - 0 metres
 - b) ***Front Lot Line*** is defined as the *highwater mark* established at the elevation 239.942 G.S.C.; and
 - c) except for the above special provisions, all other general provisions and zone requirements for the Waterfront Residential 2 (WF2) Zone shall apply.
- 16.07 Notwithstanding the requirements of this By-law, a *dwelling unit* together with two *accessory apartments* is permitted together with any *accessory buildings*, *structures* and uses on Part of Lot 22, Concession 12, being Part 2 of Reference Plan 42R-6338 as identified on Schedule 'A', Sheet No. 4 attached hereto provided that all applicable general provisions and zone requirements for the Waterfront Residential 3 (WF3) Zone are met.
- 16.08 Notwithstanding the requirements of this By-law, a *dwelling unit* together with an *accessory apartment* is permitted together with any *accessory buildings*, *structures* and uses on Lot 19, Plan M-426 as identified on Schedule 'A', Sheet No. 3 attached hereto provided that all applicable general provisions and zone requirements for the Waterfront Residential 2 (WF2) Zone are met.

- (a) Permitted Uses Under the General Commercial - Holding (C1.2-H) Zone
- No person shall use any *lot, erect, alter or use any building or structure* for any purpose except those existing at the date of passage of this by-law;
- (b) Permitted Uses Under the General Commercial (C1.2) Zone
- No person shall use any *lot, erect, alter or use any building or structure* for any purpose except for a *retail store, restaurant, take-out restaurant, business or professional office, automobile service station, automobile sales establishment, parking area, service shop or motel* subject to the general provisions and zone regulations for the General Commercial (C1.2) Zone.
- (c) The 'H' - Holding symbol shall be removed provided that:
- (i) any extensions for public services are approved by the appropriate authority;
 - (ii) a site plan has been approved by the *Township* where required under a Site Plan Control By-law;
 - (iii) approvals are obtained, where applicable from any government agency; and
 - (iv) conformity with the Official Plan and fulfillment of the relevant policies contained in Sections 8 to 21 inclusive.
- 16.22 Notwithstanding the requirements of this By-law, a dwelling unit, together with any accessory buildings, uses or structures is permitted on each of two lots described as Parts 1 and 2 of Reference Plan No. 42R-1452 in Part of Lot 22, Concession 12 and identified on Schedule 'A' attached hereto subject to a minimum *lot* size of 0.4 hectares, a minimum *lot frontage* of 60 metres and provided that all other general provisions and zone requirements for the Waterfront Residential 3 (WF3) Zone are met.
- 16.23 Notwithstanding the requirements of this By-law, the lands described as Part of Lot 20, Concession 10, identified on Schedule 'A', Sheet No. 4 and 8, attached hereto may be used for a *public garage* in the existing *building* subject to:
- i. no outside storage is allowed except for customer *vehicles* awaiting repair and customer *vehicles* awaiting pickup.
 - ii. additions to the existing *public garage building* may be permitted subject to a total gross *floor area* of 185 square metres.
 - iii. Maximum *public garage building* height of 6 metres.
 - iv. Except for the above provisions, all other general provisions and zone requirements for the Inland Development (RU) Zone shall apply.
- 16.24 Notwithstanding the provisions of this By-law, a 10' x 12' accessory storage shed and a 3' x 3' privy is permitted to be located on the lands described as Lot 3, Registered Plan 42M-600, until the 4th day of August, 2001 subject to complying with all other general provisions and zone requirements for the Waterfront residential (WF1) Zone.
- 16.25 Notwithstanding the requirements of this By-law, a storey and one half *boathouse* may be erected on Lot 1, Plan 42M-550 including the crown lake bed in front thereof and identified on Schedule 'A', Sheet No.8, attached hereto, provided that all other general provisions, paragraph 3.06, and the zone requirements for the Waterfront Residential 2 (WF2) Zone are met.
- 16.26 The Little By-law
- Notwithstanding the requirements of this By-law, the following provisions apply to the lands described as Part of Lot 27, Concession 10, Parts of Part 1 and Part 2, 3, 4 and 5, Plan 42R-5877:

- childrens camp;
- *restaurant*;
- *riding stable*;
- staff quarters;
- health spa;
- maintenance and storage facilities;
- tuck shop

provided that all applicable general provisions and zone requirements for the Tourist Commercial (C2) Zone are met.

16.18 Notwithstanding the requirements of this By-law, the lands described as Part of Lot 21, Concession A and known as McKellar Country and identified on Schedule 'A' attached hereto may be used for:

- *retail store*;
- *automobile service station*;
- *marina*;
- *convenience store*;
- *restaurant*;
- *parking area*;
- *post office*;
- *variety / grocery shop*;
- *take-out restaurant*;
- *business or professional office*;
- *service shop*

provided that all applicable general provisions and zone requirements for the General Commercial (C1.2) Zone are met.

16.19 Notwithstanding the requirements of this By-law, the lands described as Part of Lot 19, Concession 12 and known as Camp Kuriou and identified on Schedule 'A', Sheet No. 4 attached hereto are subject to the following provisions:

- (a) Permitted Uses Under the Tourist Commercial (C2) Zone

No person shall use any *lot, erect, alter or use any buildings or structure* for any purpose except for a *lodge, rental cottages, a tourist establishment, a trailer park, a hotel/motel, a restaurant, a parking area, a camping establishment or a convenience store* subject to the general provisions and zone regulations for the Tourist Commercial (C2) Zone.

16.20H Notwithstanding the requirements of this By-law, the lands described as Part of Lot 20, Concession B, North side of Centre road and identified on Schedule 'A', Sheet Nos. 7 and 16 attached hereto are subject to the following provisions:

- (a) Permitted Uses Under the Retail Commercial - Holding (C1.3-H) Zone

No person shall use any *lot, erect, alter or use any building or structure* for any purpose except those existing at the date of passage of this by-law;

- (b) Permitted Uses Under the Retail Commercial (C1.3) Zone

No person shall use any *lot, erect, alter or use any building or structure* for any purpose except for a *retail store, business or professional office, automobile service station, parking area or service shop* subject to the general provisions and zone requirements for the Retail Commercial (C1.3) Zone.

- (c) The 'H' - Holding symbol shall be removed provided that:

(i) any extensions for public services are approved by the appropriate authority;

(ii) a site plan has been approved by the *Township* where required under a Site Plan Control by-law;

(iii) approvals are obtained, where applicable from any government agency; and

v) conformity with the Official Plan and fulfillment of the relevant policies contained in Sections 8 to 21 inclusive.

16.21H Notwithstanding the requirements of this By-law, the lands described as Part of Lot 20, Concession A and identified on Schedule 'A', Sheet Nos. 7 and 16 attached hereto are subject to the following provisions:

- (a) Permitted Uses
- One **single** family **detached dwelling** is permitted on each of four lots on the lands described as Part 4 of Plan 42R-5877 as shown on Schedule "1" and more particularly described on Schedule "2" attached hereto together with any permitted accessory uses, **buildings** and **structures**.
- vegetation for paths and docking areas and such removal is limited to 4 metres in width.
- (b) Setbacks
- All main **buildings** and **structures** shall be set back a minimum of 30 metres from the **highwater mark** except for the area shown in cross hatching on a portion of Schedule "2" attached hereto, being Lot 4 that is subject to a minimum 30 metre **setback** on the southeast and south shores and a minimum 10 metre **setback** on the north western shoreline.
- (c) Docking Restrictions
- No **docks** or **boathouses** will be permitted within the areas identified by heavy outline on Schedule "1" and shown on Schedule "2" attached hereto. The maximum total area of **docks** on any lot shall be 37 square metres.
- (d) Parking Area Restrictions
- A **parking area** and a **boat** docking area is permitted in Part of Parts 1 and 2 of Plan 42R-5877 as shown by hatching on Schedule "1" attached hereto subject to a maximum of two **docks** and provided that the **docks** are restricted to use by the four lot owners on Part 4 of Plan 42R-5877 and that no **dock** exceeds 12 square metres in area. The parking area shall not exceed 600 square metres.
- (e) Vegetative Buffer
- A vegetative buffer will be preserved in the required **setback** areas except for the removal of
- (f) General Provisions
- All other applicable general provisions and zone requirements for the Waterfront Residential 2 (WF2) Zone and the Environmental Protection (EP) Zone must be met for those lands identified on Schedule "1" and Schedule "2" attached hereto.
- 16.27 Notwithstanding the requirements of this By-law, any use permitted in the Tourist Commercial (C2) zone is permitted on the lands described as Part of Lots 27, 28 and 29, Concessions 3 and 4 as shown on Schedule 'A' Sheet No. 12 attached hereto, provided that there is no more than nine rental cabins or up to eleven rental cabins with the approval of any relevant government authority, and further provided that all general provisions and zone requirements for the Tourist Commercial (C2) Zone are met.
- 16.28 (Not enacted)
- 16.29 Notwithstanding the requirements of this By-law, the addition of 450 square feet to the main **dwelling unit** to be used as a **retail store** is a permitted use on the lands described as Lot 1, Plan 74 as shown on Schedule 'A', Sheet No. 16, attached hereto, provided that Section 3.28 and all general provisions and zone requirements for the Inland Development 2 (RR) Zone are met.
- 16.30 Notwithstanding the requirements of this By-law, a **boat** docking facility, car **parking area** and a one storey **boathouse** not exceeding 61 square metres in **ground floor area** specifically to service the Island described as Part 1 Plan PSR 113 maybe permitted on the lands located on Lake Manitouwabing in Lot 32, Concession 7 as identified on Schedule '1' and Schedule '2' attached hereto, provided that the car **parking area** conforms to Section 3.28 b) (iii) and provided that all other applicable general provisions and zone requirements of the Waterfront Residential 1 (WF1) Zone are met.

16.31 Notwithstanding the requirements of this By-law, one **single detached dwelling** together with any permitted **accessory buildings** and **structures** may be erected on and used on each of 2 lots as identified on Schedule '1' attached hereto and more particularly shown on a draft plan of survey prepared by L.U. Maughan Company Limited, O.L.S., attached hereto as Schedule '3', provided all other applicable general provisions and zone requirements of the Waterfront Residential 3 (WF3) Zone are met.

16.32 Notwithstanding the provisions of this By-law, a **golf course**, including a **golf course clubhouse building** may be permitted together with any permitted **accessory buildings**, **structures** and uses on Part of Lots 23 and 24 in Concession 8 and more particularly described as Part of Part 4 on Reference Plan No. 42R-10177 as identified on Schedule 'A', Sheet No. 8 attached hereto subject to the following provisions:

- (a) a **boathouse** and/or a **dwelling unit** is not a permitted **accessory building** or **structure**;
- (b) the total **gross floor area** of all **buildings** and **structures** does not exceed 929 square metres, of which not more than 92.9 square metres is used for food and beverage hospitality services exclusive of the member dining/lounge area;
- (c) the **golf course clubhouse building** is subject to a maximum **height** of 12 metres;
- (d) no part of any **accessory building** or **structure** has a **height** in excess of 4.0 metres;
- (e) the owner or occupant of such **building** provides and maintains a minimum of 32 motor **vehicle parking spaces** in a **parking area** located on the lot or on alternate lands within 100 metres of the **lot**, provided a **parking area** is permitted on such alternate lands;
- (f) no portion of the main floor of such **golf course clubhouse building**, including any **deck** associated therewith is located closer to the **highwater mark** than 15 metres or 15 metres to the **highwater mark** adjacent marking the boundary of an Environmental Protection (EP) Zone on Schedule '1';
- (g) the minimum **side yard** is 15 metres and no use may be made in these areas except for an **environmental buffer**;
- (h) an **environmental buffer** not less than 15 metres in width and extending inland from the **highwater mark** shall be maintained adjacent to the Environmental Protection (EP) Zones as outline on Schedule '1', attached to and forming part of this by-law. No **buildings**, **structures** or **accessory buildings** or **golf course** uses shall be permitted on lands set aside as **environmental buffer**;
- (i) no **dock** or **accessory building** or **structure** is permitted in any Environmental Protection (EP) Zone on Schedule '1';
- (j) any **dock** facility is limited to one dock not exceeding a surface area of 37 square metres accommodating a maximum of five **boats**;
- (k) the **dock** is not permitted to be closer than 15 metres to the Environmental Protection (EP) Zone on Schedule '1', and shall be located as per Schedule '3' subject to the appropriate agency approvals;
- (l) the **dock** must be a minimum of 30 metres from any lands zoned Waterfront Residential (WF);
- (m) the **dock** and/or any shoreline improvements will be subject to receiving permission or authorization from any provincial or federal agency having jurisdiction;

(n) all other applicable general provisions and zone requirements for the Tourist Commercial Zone continue to apply.

on each of three lots in Part of Lot 24, Concession 6 fronting Lake Manitouwabing as shown on Schedule 'A' attached hereto subject to the following:

16.33 Notwithstanding the requirements of this By-law, Parts 1 and 2, Plan 42R-11429 may be used for any use existing on the date of the passage of this By-law including resource uses such as forest management or timbering except that no buildings or structures shall be permitted on the lands.

	Plan 42R-17321	Minimum Frontage	Minimum Area
Lot 1	Parts 1 and 4	39m	0.182 ha
Lot 2	Parts 5, 6, 8 and 10	191m	0.387 ha
Lot 3	Parts 7, 9 and 11	51m	0.138 ha

16.34 Notwithstanding the requirements of his By-law, a sleeping cabin 16.7 square meters in floor area together with any other use in the Inland Development 2 (RR) Zone is permitted in Part of Lot 16, Concession 4 fronting the Manitouwabing River as identified on schedule 'A' attached hereto provided that all of the general provisions and zone requirements for the Inland Development 2 (RR) Zone are met. The sleeping cabin permitted herein is allowed for a temporary period not exceeding three years. On June 1, 2008, the subject lands described herein must comply with the requirements of the Inland Development 2 (RR) Zone.

and subject to all other applicable general provisions and zone requirements for the Waterfront Residential 2 (WF2) Zone.

16.40 Notwithstanding the requirements of this By-law, a single detached dwelling together with any permitted accessory uses may be erected and used on Part of Lot 16, Concession A fronting Highway No. 124 subject to a west side yard setback of 55.474 metres for all habitable buildings and provided that all other general provisions and zone requirements for the Inland Development 1 (RU) Zone are met.

16.35 (Not enacted)

16.41 Notwithstanding the requirements of this By-law, a single detached dwelling together with any permitted accessory uses may be erected and used on Part of Lot 17, Concession A fronting Highway No. 124 subject to a lot frontage of 130 metres and provided that all other general provisions and zone requirements for the Inland Development 1 (RU) Zone are met.

16.36 Notwithstanding the requirements of this By-law, the lands described as Part of Lots 17 and 18, Concession 12 and identified on Schedule 'a', Sheet No. 4 attached hereto may be used for:

<u>Commercial Uses</u>	<u>Residential Uses</u>
-a children's camp	-a dwelling unit or units in accordance with the provision of Section 3.11 of this By-law;
-a lodge	-a home occupation
-a rental cottages	-a home industry
-a tourist establishment	-a mobile home
-a parking area	
-a camping establishment	

subject to the provisions and regulations of the Tourist Commercial (C2) Zone.

16.42 Notwithstanding the requirements of his By-law, a single detached dwelling together with any permitted accessory uses may be erected and used on Part of Lot 23, Concession A, being Part of Part 3, Plan 42R-4854 as identified on Schedule 'A' attached hereto provided that the dwelling is located entirely within the boundaries identified as S.P. 16.42 subject to all applicable general provisions and zone requirements for the Waterfront Residential (WF2) Zone.

16.37 (Not enacted)

16.43 (Not enacted)

16.38 (Not enacted)

16.44 (Not enacted)

16.39 Notwithstanding the requirements of this By-law, a single detached dwelling together with any permitted accessory uses may be erected, used, or enlarged

- 16.45 Notwithstanding the requirements of this By-law, any use permitted in the Inland Development 1 (RU) Zone, including a machine and welding shop, may be permitted on Part of Lot 17, Concession B, being Part 1 of Reference Plan No. 42R-15712 fronting on Tait's Island Road as identified on Schedule 'A', attached hereto provided all other requirements and general provisions for the Inland Development 1 (RU) Zone are met.
- 16.46 Notwithstanding the requirements of this By-law, a temporary use of a garden suite located on Part of Lot 27, Concession 3 being Part 2 of Reference Plan 42R-15491 fronting Hurdville Road is permitted until May 22, 2017 including all other permitted uses in the Inland Development 1 (RU) Zone subject to all other general provisions and zone requirements for the Inland Development 1 (RU) Zone are met.
- 16.47 Notwithstanding the requirements of this By-law, a single detached dwelling together with any permitted accessory uses excepting a sleeping cabin may be erected and used on Part of Lot 19, Concession 1 fronting Blackwater Lake subject to a minimum lot frontage of 49 metres, a minimum lot area of 0.36 hectares, a maximum lot coverage of 10% and provided that all other general provisions and zone requirements for the Waterfront Residential 1 (WF1) Zone are met.
- 16.48 Notwithstanding the requirements of his By-law, a single detached dwelling together with any permitted accessory uses excepting a sleeping cabin may be erected and used on Part of Lot 19, Concession 1 fronting Blackwater Lake subject to a minimum lot frontage of 55 metres, a minimum lot area of 0.36 hectares, a maximum lot coverage of 10%, a minimum dwelling unit ground floor area of 29.7 square metres and provided that all other general provisions and zone requirements for the Waterfront Residential 1 (WF1) Zone are met.
- 16.49 Notwithstanding the requirements of this By-law, a single detached dwelling with any permitted accessory uses may be erected and used on Part of Lot 15, Concession 9 fronting Mary Jane Lake and more particularly described as Part of Part 3 of Plan 42R-17783 and identified on Schedule 'A' attached hereto subject to a minimum building area of 46.64 square metres and provided that all other general provisions and zone requirements for the Waterfront Residential 2 (WF2) Zone are met.
- 16.50 Notwithstanding the requirements of this By-law, a dock, a private boat launch, access and parking area may be erected and used on Part of Lot 22, Concession 4 fronting Manitouwabing River and identified on Schedule 'A' attached hereto subject to a 2 metre side and rear yard and provided that all other applicable general provisions and zone requirements for the Waterfront Residential 2 (WF2) Zone are met.
- 16.51 Notwithstanding the requirements of this By-law, one single detached dwelling together with any permitted accessory buildings and structures may be erected on and used on Part of Lot A, Concession 8, designated as Part 2, Plan PSR 1474, 4 South Point Drive as identified on Schedule 'A' attached hereto, subject to a maximum lot coverage of 16.21% and a minimum southerly side yard setback of 2.21 metres and provided that all other applicable general provisions and zone requirements of the Waterfront Residential 1 (WF1) Zone are met.
- 16.52H Limited Service Waterfront Residential
- Notwithstanding the requirements of this By-law, one single detached dwelling together with any permitted accessory buildings and structures may be erected on and used on each of a maximum of four lots in Part of Lot 25, Concession 8 fronting Middle River and Manitouwabing Lake as identified on Schedule 'A' attached hereto subject to the following:
- i) Minimum front yard of 20 metres
 - ii) Minimum frontage on private road – 20m
- And provided that all other applicable general provisions and zone requirements of the Waterfront Residential 3 (WF3) are met.

16.53H Notwithstanding the requirements of this by-law, the lands described as Part of Lot 25, Concession 8 as identified on schedule 'A' attached hereto may not be used for any buildings or structures except for docks or boathouses in accordance with the requirements of an applicable government agency. In addition, the lands within this zone shall be maintained as a natural vegetation area save and except for one pathway not exceeding 2.0m in width providing access to the shoreline on each lot. In all other respects the provisions of the Environmental Protection (EP) Zone shall apply.

16.54 Notwithstanding the requirements of this By-law, a single detached dwelling together with any permitted accessory buildings and structures including a 1 1/2 storey boathouse may be erected provided there are no kitchen or cooking facilities nor any bedrooms in the boathouse on Part of Lot 33, Concession 6 being Lot 19 on Plan 42M-599 on Lyndsey Lane fronting Lake Manitouwabing as identified on Schedule 'A' attached hereto, and provided that all other applicable general provisions and zone requirements of the Waterfront Residential 1 (WF1) Zone are met.

16.55 Notwithstanding the requirements of this By-law, a detached dwelling may be erected, altered and used together with any permitted accessory uses on each of two parcels located on Part of Lot 24, Concession A known as 5 Martha Drive fronting McKellar Lake subject to a minimum frontage of 80 metres and a lot area of 0.6 hectares and provided that all other applicable general provisions and zone requirements of the Waterfront Residential 1 (WF1) Zone are met.

16.56 Notwithstanding the requirements of this By-law, a detached dwelling may be erected, altered and used together with any permitted accessory uses on each of two parcels located on Part of Lot 28, Concession 7 fronting Smithpine Crescent subject to a minimum frontage of 39 metres and a lot area of 0.3 hectares and provided that all other applicable general provisions and zone requirements of the Inland Development 1 (RU) Zone are met.

SECTION 17 - BY-LAW REPEALS

The following By-laws are hereby repealed:

By-law No. 82-4, as amended, 1245 and 1259 are hereby repealed.

READ a FIRST, SECOND and THIRD time and PASSED this 17th day of July, 1995.

"David Moore"
REEVE

"Shawn Boggs"
CLERK