

THE CORPORATION OF THE TOWNSHIP OF HILTON

BY-LAW NO. 1025-11

Being a Zoning By-law for the Township of Hilton.

WHEREAS Section 34 of the Planning Act provides that zoning by-laws may be passed by the Councils of local municipalities, and specifies the matters that a zoning by-law may regulate;

AND WHEREAS zoning by-laws may regulate the use of land, the erection, location and use of buildings and structures, and the provision and maintenance of loading and parking facilities;

AND WHEREAS it is deemed in the public interest to enact a by-law to regulate the use of land, the erection, location and use of buildings and structures, and the provision and maintenance of off-street loading and parking facilities;

AND WHEREAS in the opinion of Council sufficient information and material has been made available to enable the public to understand generally the proposed zoning by-law;

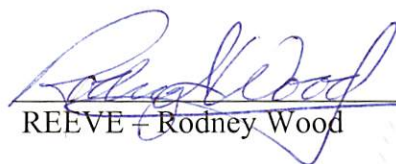
AND WHEREAS a public meeting has been held for the purpose of giving the public an opportunity to make representations in respect of the proposed by-law;

NOW THEREFORE the Council of the Corporation of the Township of Hilton hereby enacts the following sections:

1. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9.
2. Map Schedule "C".

This by-law repeals By-law No. 401.

Read a first, second and third and final time and passed this 3rd day of August, 2011.


REEVE – Rodney Wood


CLERK – Valerie Obarymskyj

ST. JOSEPH ISLAND ZONING BY-LAW

**COMPREHENSIVE ZONING BY-LAW FOR:
TOWNSHIP OF HILTON**

**Final
August 2011**

TABLE OF CONTENTS

PREAMBLE	1
INTRODUCTION	1
PURPOSE OF THIS ZONING BY-LAW	1
HOW TO USE THIS BY-LAW	2
DESCRIPTION OF BY-LAW COMPONENTS	3
SECTION 1.0 – INTERPRETATION AND ADMINISTRATION	6
1.1 TITLE	6
1.2 CONFORMITY AND COMPLIANCE WITH BY-LAW	6
1.3 BUILDING PERMITS AND CERTIFICATIONS OF OCCUPANCY	6
1.4 INTERPRETATION	6
1.5 ENFORCEMENT	6
1.6 SEVERABILITY	7
1.7 EFFECTIVE DATE	7
1.8 REPEAL OF FORMER BY-LAWS	7
SECTION 2.0 – ESTABLISHMENT OF ZONES	8
2.1 ZONES	8
2.2 ZONE SYMBOLS	8
2.3 ZONE SCHEDULES	9
2.4 DETERMINING ZONE BOUNDARIES	9
2.5 EXCEPTION ZONES	9
2.6 HOLDING PROVISIONS	10
2.7 TEMPORARY USE BY-LAWS	10
2.8 DEFINITIONS	10
SECTION 3.0 – DEFINITIONS	11
SECTION 4.0 – GENERAL PROVISIONS	36
4.1 ACCESSORY BUILDINGS, STRUCTURES AND USES	36
4.2 APARTMENT DWELLING UNIT ACCESSORY TO A SINGLE DETACHED DWELLING	37
4.3 APARTMENT DWELLING UNIT ACCESSORY TO A COMMERCIAL USE	38
4.4 NUMBER OF DWELLING UNITS PER LOT	38
4.5 ENCROACHMENTS INTO REQUIRED YARDS	38
4.6 EXCEPTIONS TO HEIGHT REQUIREMENTS	38

4.7	FRONTAGE ON A PUBLIC STREET	39
4.8	FRONTAGE ON A PRIVATE STREET	39
4.9	HOME INDUSTRY	39
4.10	HOME OCCUPATIONS	40
4.11	MINIMUM OPENING ELEVATION	40
4.12	MULTIPLE USES ON ONE LOT	40
4.13	MULTIPLE ZONES ON ONE LOT	40
4.14	NON-COMPLYING BUILDINGS AND STRUCTURES	40
4.15	NON-COMPLYING LOTS	41
4.16	NON-CONFORMING USES	41
4.17	PROHIBITED USES	42
4.18	PUBLIC USES	42
4.19	SIGHT TRIANGLE	43
4.20	SPECIAL SETBACKS	43
4.22	TEMPORARY USES	44
4.23	UNITS OF MEASUREMENT	45

SECTION 5.0 – PARKING AND LOADING 46

5.1	PARKING AREA REQUIREMENTS	46
5.2	SIZE OF PARKING SPACES AND AISLE	46
5.3	LOCATION OF USE AND PARKING	46
5.4	MORE THAN ONE USE ON A LOT	46
5.5	PARKING AREA LOCATION ON A LOT	47
5.6	PARKING OF COMMERCIAL MOTOR VEHICLES	47
5.7	PARKING OF BOAT TRAILERS	47
5.8	RESIDENTIAL PARKING REQUIREMENTS	47
5.9	NON-RESIDENTIAL PARKING REQUIREMENTS	48
5.10	REQUIRED PARKING FOR THE DISABLED	49
5.11	LOADING SPACE REQUIREMENTS	49

SECTION 6.0 PERMITTED USES 51

6.1	ZONES	51
-----	-------	----

SECTION 7.0 – ZONE STANDARDS 57

7.1	ZONES	57
-----	-------	----

SECTION 8.0 – EXCEPTIONS 63

SECTION 9 – ENACTMENT 65

PREAMBLE

INTRODUCTION

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

PURPOSE OF THIS ZONING BY-LAW

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

The Official Plan is a general document that is not intended to regulate every aspect of the built-form on a private lot. In the Province of Ontario, this is the role of the zoning by-law. Once an Official Plan is in effect, any Zoning By-law passed by Council must conform to the Official Plan. For example, if the Official Plan stated that lands in the vicinity of a significant natural feature are to remain in their natural state, the zoning by-law would prohibit the erection of buildings or structures on those lands.

The Ontario Planning Act grants the statutory authority to Zone land. The Planning Act specifies what a by-law can regulate. A zoning by-law can:

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

- a significant wildlife habitat area, wetland, woodland, ravine, valley or area of natural and scientific interest;
- a significant corridor or shoreline of a lake, river or stream; or,
- the site of a significant archaeological resource.

HOW TO USE THIS BY-LAW

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

1. Locate the Property on a Map

Maps in a zoning by-law are called 'Schedules'. The first step to using this by-law is to refer to the Zone schedules that are contained at the back of the by-law to determine in which Zone category your property is located. The Zone category will be indicated on the schedules by a symbol or abbreviation. For example, you may see a symbol such as "R1" associated with your property. This would indicate that your property is within the 'Residential One Zone'. The Zone symbols or abbreviations are explained in Section 2 of the by-law.

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

2. By-law Amendments

A zoning by-law is not a static document; it is amended over time as policies governing land use change. Before proceeding any further, you should verify that your property is not the subject of an earlier zoning by-law amendment. Some of these amendments are listed in Section 8 of this by-law. More recent amendments may not be included in the version of the by-law you are using. Staff will be able to assist you to confirm if your property has been subject to a more recent zoning by-law amendment.

3. Permitted Uses

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

4. Zone Standards

Steps 1 and 2 have now identified the Zone in which your property is located and have identified what uses are permitted on your property. The next step is to determine what standards may apply to the uses on your property. Section 7.0 of the by-law identifies the Zone standards for

each Zone in the Township. This section will provide standards for minimum lot area, minimum frontage requirements, minimum yard requirements, maximum lot coverage for buildings, and the maximum permitted height of buildings.

5. General Provisions

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

6. Parking and Loading

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

DESCRIPTION OF BY-LAW COMPONENTS

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

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

The purpose of each of these sections is described below.

SECTION 1.0 – INTERPRETATION AND ADMINISTRATION

This section of the By-law specifies:

- what lands are covered by the by-law;
- that every parcel of land in the area covered by the by-law is to conform and comply with the by-law; and,

- what penalties can be levied against a person or a corporation if they contravene any provision in the by-law.

SECTION 2.0 - ESTABLISHMENT OF ZONES

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

SECTION 3.0 - DEFINITIONS

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

SECTION 4.0 - GENERAL PROVISIONS

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

SECTION 5.0 – PARKING AND LOADING

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

SECTION 6.0 - PERMITTED USES

This section lists the uses that are permitted in each Zone. The effect of these Zones is to only permit certain uses in various parts of the Township. The only uses permitted in a Zone are those that are specified in the by-law. If a use is not specifically mentioned as a permitted use in a Zone then it is not permitted. Similarly, if a use is defined in Section 3.0 of the by-law but does not appear as a permitted use in any Zone, then it is not a use permitted by the by-law.

SECTION 7.0 - ZONE STANDARDS

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

SECTION 8.0 – EXCEPTIONS

This section contains regulations that are specific to one property or a group of properties in the Township. For example, the minimum front yard in a Zone is 8.0 metres. The required front yard may be reduced to a lesser number if deemed appropriate and the mechanism to accomplish this

reduction is by amending the By-law and excepting the property from the general standard. Exceptions to this by-law are provided in a consolidated list in Section 8. Exceptions are denoted on the Zone Schedules by a hyphen as well as a number following the zone abbreviation (e.g. RU-1). The number is a reference to find the specific exception in Section 8.

SECTION 9.0 - ENACTMENT

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

SECTION 1.0

INTERPRETATION AND ADMINISTRATION

1.1 TITLE

This By-law may be referred to as the “Township of Hilton Zoning By-law” and applies to all lands within the Township of Hilton.

1.2 CONFORMITY AND COMPLIANCE WITH BY-LAW

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

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

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

1.3 BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

The requirements of this By-law must be met before a *building* permit is issued for the erection, addition to or alteration of any *building* or *structure*.

1.4 INTERPRETATION

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

1.5 ENFORCEMENT

Any person convicted of a violation of this By-law is liable, on first conviction to a fine of not more than \$25,000 and on the subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.

Any Corporation convicted of a violation of this By-law is liable, on first conviction to a fine of not more than \$50,000 and on a subsequent conviction to a fine of not

more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.

1.6 SEVERABILITY

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

1.7 EFFECTIVE DATE

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

1.8 REPEAL OF FORMER BY-LAWS

By-law No. 401 of the Township of Hilton and all Amendments thereto are hereby repealed.

SECTION 2.0 ESTABLISHMENT OF ZONES

2.1 ZONES

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

ZONE	SYMBOL
-------------	---------------

Environmental and Open Space Zones

Environmental Protection	EP
Open Space	OS

Residential Zones

Shoreline Residential	SR
Limited Service Residential	LSR
Residential One	R1
Residential Two	R2

Commercial and Employment Zones

General Commercial	GC
Highway Commercial	HC
Business Park	BP
Rural Industrial	M1

Rural and Recreational Zones

Rural	RU
Major Recreation	MR
Extractive Industrial	MX

Other Zones

Institutional	I
Waste Disposal	WD

2.2 ZONE SYMBOLS

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

2.3 ZONE SCHEDULES

The *Zones* and *Zone* boundaries are shown on Schedules A1, A2, A3, B, C, D that are attached to and form part of this By-law.

2.4 DETERMINING ZONE BOUNDARIES

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

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

2.5 EXCEPTION ZONES

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

2.6 HOLDING PROVISIONS

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

2.6.1 Site Specific or Area-Specific Holding Provisions

2.6.1.1 Lands adjacent to open or closed waste disposal sites

The Holding provision applying to lands within 500 metres of the property boundary of an open waste disposal site or to lands within 500 metres of the boundary of the fill area of a closed waste disposal site may be lifted once Council is satisfied that the proposed use will be compatible with the waste disposal site in accordance with Section C7 of the Official Plan.

2.7 TEMPORARY USE PERMISSIONS

Temporary use permissions may be granted in accordance with Section 39 of the Planning Act.

2.8 DEFINITIONS

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

SECTION 3.0 DEFINITIONS

ACCESSORY APARTMENT DWELLING UNIT

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

ACCESSORY BUILDING OR STRUCTURE

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

ACCESSORY USE

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

ADULT ENTERTAINMENT ESTABLISHMENT

Means *premises* or part thereof in which is provided services of which a principle feature or characteristic is the nudity or partial nudity of any person.

AGRICULTURAL BUILDING

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

AGRICULTURAL SUPPORT USE

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

AGRICULTURAL USE

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

AGRICULTURAL USE, INTENSIVE

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

AGRICULTURAL USE, SPECIALIZED

Means lands where specialty crops such as fruit crops, ginseng, vegetable crops, greenhouse crops and crops from *agriculturally* developed organic soil lands are predominantly grown, usually resulting from:

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

A specialized *agricultural use* may also consist of a *market garden* where the products of a specialized *agricultural use* grown on the *lot* are sold.

AIRPORT

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

ALTERATION

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

ASSEMBLY HALL

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

BALCONY

Means a partially enclosed platform projecting from the main wall of a *building* which is not supported by vertical uprights other than the wall itself and which is only accessible from within the *building*.

BARN

Means a *building* that is designed to shelter domestic farm animals.

BED AND BREAKFAST ESTABLISHMENT

Means a part of a *dwelling unit* in which not more than three bedrooms are used or maintained for the accommodation of the traveling public, in which the owner of the *dwelling unit* supplies

lodgings with or without meals for hire or pay but does not include a *group home, tourist establishment or hotel*.

BOARDING HOUSE

Means a *dwelling unit*, containing not more than ten guest rooms which are maintained for the accommodation of the public, in which the owner or lessee supplies, for hire or gain, lodgings with or without meals for three or more persons but does not include any other establishment otherwise defined or classified in this By-law.

BOARDING KENNEL

Means *premises* where more than four dogs are boarded and/or groomed as a commercial service or are kept for the purpose of breeding.

BOATHOUSE

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

BUILDING

Means any *structure* consisting of any combination of a wall, roof and floor, or a structural system serving the function thereof, including all associated works, fixtures and service systems.

BUILDING, MAIN

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

BUILDING SUPPLY OUTLET

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

BULK FUEL DEPOT

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

BUSINESS OFFICE

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

CAMPGROUND

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

CARPORT

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

CAR WASH

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

CEMETERY

Means a cemetery or columbarium within the meaning of the Cemeteries Act or the Funeral, Burial and Cremation Services Act (Ontario), as amended.

COMMERCIAL SCHOOL

Means a school conducted for gain, where students are taught a trade or profession.

COMMERCIAL SELF-STORAGE FACILITY

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

COMMUNITY CENTRE

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

CONSERVATION USE

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

CONTRACTOR'S YARD

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

classified herein.

CONVENIENCE STORE

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

COUNCIL

Means the Municipal Council of the Corporation of the Township of St. Joseph, , Hilton or Jocelyn or the Incorporated Village of Hilton Beach.

CRAFT SHOP/STUDIO

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

CROSS COUNTRY SKI FACILITY

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

DAY NURSERY

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

DECK

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

DOCK

Means an *accessory structure* for the mooring of boats, attached to or forming part of the mainland or used in conjunction with a use on the mainland.

DRIVEWAY

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

DRY CLEANING DEPOT

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

DRY CLEANING ESTABLISHMENT

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

DWELLING UNIT

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

DWELLING, DETACHED

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

DWELLING, SEMI-DETACHED

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

DWELLING, DUPLEX

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

DWELLING, MOBILE HOME

Means a *dwelling unit* contained that is designed to be movable and suitable for permanent or semi-permanent residence and being not less than 18 metres in length and 3.5 metres in width, and containing suitable sanitary and food preparation facilities.

DWELLING, MULTIPLE

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

DWELLING, TOWNHOUSE

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

DWELLING, TRIPLEX

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

DYNAMIC BEACH

Means a beach where deposits are 0.3 metres thick or more, 10 metres in width and at least 100 metres in length along a shoreline and where the fetch (the distance the wind blows over the water) is more than five kilometers.

EMERGENCY SERVICE DEPOT

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

EQUESTRIAN FACILITY

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

EQUIPMENT SALES AND RENTAL ESTABLISHMENT

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

FARM IMPLEMENT DEALER

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

FARM PRODUCE OUTLET

Means *premises* where fruits, vegetables, maple syrup, honey, meat and dairy products that are grown or produced on a local farm is sold.

FARM VEHICLE

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

FEEDLOT

Means an area of land within a pen or corral wherein livestock such as cattle, horses, sheep, goats and/or swine are maintained in close quarters for the purpose of fattening such livestock for shipment to market.

FIRST STOREY

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

FLOODPLAIN

Means an area of land that is known to be subject to periodic flooding.

FLOODPROOFING

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

FLOOR AREA, GROSS

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

FORESTRY USE

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

FUNERAL HOME

Means *premises* that is designed for the purpose of providing funeral services to the public and includes facilities intended for the preparation of corpses for interment or cremation.

GARAGE, PRIVATE

Means a detached *accessory building* or portion of a *building* containing one or more *dwelling units* which is designed or used for the sheltering of a private *motor vehicle* and/or storage of household equipment incidental to the principal *use* of the *lot*, and which is fully enclosed and roofed and excludes a carport or other open shelter.

GARDEN SUITE

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

GASOLINE ESTABLISHMENT

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

GOLF COURSE

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

GOLF COURSE, PERSONAL

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

GOLF DRIVING RANGE

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

GRADE

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

GRADE, ESTABLISHED

Means the average surface elevation at the outside walls of any *building* or *structure*, which is determined by taking the arithmetic mean of the levels of the finished ground surface at each corner of the *building* or *structure*.

GROUP HOME

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

GROUP HOME A

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

GROUP HOME B

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

GUEST CABIN

Means an *accessory structure* that is not attached to the main dwelling on a *lot* which is maintained for the temporary accommodation of an individual or individuals where facilities for cooking are not provided and which is not a *dwelling unit*.

HAZARDOUS WASTE

Has the same meaning as in Regulation 347 of the revised Regulation of Ontario.

HEIGHT

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

- a) the highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;
- b) the deckline of a mansard roof;
- c) the mean level between eaves and ridge of a gabled, hip or gambrel roof or other type of pitched roof;
- d) in case of a *structure* with no roof, the highest point of the said *structure*.

Notwithstanding the above, any ornamental roof construction features including towers, steeples or cupolas, shall not be included in the calculation of *height*. Mechanical features, such as *structures* containing the equipment necessary to control an elevator, are permitted to project a

maximum of 5.0 metres (16.5 ft) above the highest point of the roof surface, regardless of the *height* of the *building*.

HIGH WATER MARK, ESTABLISHED

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

HOBBY FARM

Means an area of land on which a barn, stable or animal shelter may be erected to house domestic animals kept for recreational purposes or for home consumption by the occupants of a dwelling on the same *lot*.

HOME INDUSTRY

Means a small-scale *industrial use*, such as but not limited to a carpentry shop, a metal working shop, a welding shop or an electrical shop which is an *accessory use* to an *agricultural use* or a *single detached dwelling*. For the purpose of this By-law, the repairing of *motor vehicles*, *mobile homes*, *boats* and/or *trailers* is not a home industry.

HOME OCCUPATION

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

HOSPITAL

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

HOTEL

Means *premises* that contain rooms that are rented on a temporary basis to the public or *dwelling units*, or a combination of both, equipped to be occupied as temporary accommodation for the public, and which may contain a public dining area, meeting rooms and *accessory* banquet facilities.

HUNT CAMP

Shall mean a building or structure consisting of one or more rooms and may include facilities for the preparation of food and overnight accommodation on a temporary recreational basis for use only during the hunting or fishing seasons but shall not include any other establishments or use as may be defined or classified in this By-law.

INDUSTRIAL USE

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

LANDSCAPED OPEN SPACE

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

LANE

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

LIBRARY

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

LIQUID INDUSTRIAL WASTE

Has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990.

LOADING SPACE

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

LOT

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

LOT AREA

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

LOT, CORNER

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

LOT COVERAGE

Means that percentage of the *lot* covered by all *buildings and structures* and shall not include that portion of such *lot area* that is occupied by a *building* or portion thereof that is completely below *grade*. *Lot* coverage in each *Zone* shall be deemed to apply only to that portion of such *lot* that is located within said *Zone*.

LOT FRONTAGE

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

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

LOT, INTERIOR

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

LOT LINE, INTERIOR SIDE

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

LOT LINE

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

LOT LINE, EXTERIOR SIDE

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

LOT LINE, FRONT

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

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

LOT LINE, REAR

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

LOT, THROUGH

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

MARINA

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

MARINE FACILITY

An open and non-roofed structure which is attached to or rests upon the ground above and/or below the high water mark and is used primarily to take a boat into or out of a navigable waterway, or to moor a boat. This definition includes a launching ramp, boat lift, or dock or any combination thereof but does not include any building or any boat servicing, repair, or sales facility.

MEDICAL OFFICE

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

MOTEL

Means commercial *premises* that contain rooms that may or may not provide private cooking facilities that are rented on a temporary basis to the public with each room being accessed from the outside. Accessory uses may include a swimming pool, playground, manager's office and other similar uses.

MOTOR VEHICLE

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

MOTOR VEHICLE BODY SHOP

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

MOTOR VEHICLE, COMMERCIAL

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

MOTOR VEHICLE DEALERSHIP

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

MOTOR VEHICLE REPAIR GARAGE

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

MOTOR VEHICLE SERVICE STATION

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

MOUNTAIN BIKE FACILITY

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

MUSEUM

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

NATURE INTERPRETATION CENTRE

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

NAVIGABLE WATERWAY

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

NON-COMPLYING

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

NON-CONFORMING

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

NURSERY

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

NURSING HOME

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

OBNOXIOUS USE

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

OUTDOOR STORAGE

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

OUTDOOR STORAGE USE

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

PARK

Any public open space or recreational area, owned or controlled by the Corporation or by any Board, Commission or other Authority established under any statute of the Province of Ontario and may include therein neighbourhood, community, and special parks or areas and may include one or more athletic fields, indoor recreational facilities, fair grounds, skating rinks or similar uses as well as related accessory buildings and uses.

PARKING AREA

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

PERSONAL SERVICE SHOP

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

PIT

Means an area of land where unconsolidated gravel, stone, sand, earth, clay, fill or other material is being removed by means of an excavation to supply materials for construction, industrial or manufacturing purposes and may include, as an *accessory use*, facilities for the crushing, screening, washing as well as the storage of materials such as asphalt and concrete provided

such storage is licensed by the Ministry of Natural Resources and provided all material is recycled or reused in construction products.

PLACE OF AMUSEMENT

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

PLACE OF ENTERTAINMENT

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

PLACE OF WORSHIP

Means *premises used* by a charitable religious group(s) for the practice of religious rites.

PORCH

Means a *structure* abutting a main wall of a residential *building* having a roof but with walls that are generally open and unenclosed.

PORTABLE ASPHALT PLANT

Means equipment that is *used* to produce asphalt and which is capable of being readily drawn by a *motor vehicle* and which is not permanently affixed to the ground.

PREMISES

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

PRIVATE CLUB

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

PRIVATE HOME DAYCARE

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

PRIVATE PARK

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

PUBLIC AUTHORITY

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

PUBLIC PARK

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

QUARRY

Means an area of land where consolidated stone is being removed by means of an excavation process to supply materials for construction, industrial or manufacturing purposes and may include, as an *accessory use*, facilities for the crushing, screening, washing as well as the storage of materials such as asphalt and concrete, provided such storage is licensed by the Ministry of Natural Resources and provided all material is recycled or reused in construction products.

RECREATIONAL TRAILER OR VEHICLE

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

RECYCLING ESTABLISHMENT

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

REPAIR SHOP

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

RESERVE

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

RESTAURANT

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

RESTAURANT, TAKE-OUT

Means *premises* designed and *used* for the sale of food or refreshments to the public for consumption off the *premises* and may include, as an *accessory use*, a seating area for up to twelve patrons.

RETAIL STORE

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

RETIREMENT HOME

Means *premises* that provides accommodation primarily to retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and where common lounges, recreation rooms and medical care facilities may also be provided.

SALVAGE OR WRECKING YARD

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

SAW AND/OR PLANING MILL

Means *premises* where timber is cut, sawed or planed either to finished lumber or as an intermediary step and may include facilities for the kiln drying of lumber and the sale of such products to the public.

SCHOOL, PRIVATE

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

SCHOOL, PUBLIC

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

SETBACK

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

SIGHT TRIANGLE

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

STOREY

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

STREET LINE

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

STREET, PRIVATE

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

STREET, PUBLIC

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

STREET, UNOPENED

Means an original surveyed road allowance that is owned by the *Corporation or public authority* but is not assumed or maintained.

STRUCTURE

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

SWIMMING POOL

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

TENT

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

TENT/TRAILER SITE

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

TOURIST CABIN

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

TOURIST CABIN ESTABLISHMENT

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

TOURIST ESTABLISHMENT

Means *premises* designed for the traveling or vacationing public, and that has facilities for accommodation and may serve meals or provide kitchen facilities and may furnish equipment,

supplies or services to persons for recreational purposes, but does not include a *campground* or *private park*.

TRAILER

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

TRAILER PARK

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

TRANSFER STATION

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

TRANSPORTATION TERMINAL

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

TRAVEL TRAILER

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

TRUCK CAMPER

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

USE

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

VETERINARY CLINIC

Means *premises* where a veterinary surgeon treats domestic animals, birds or other livestock and in which such animals may be boarded.

WAREHOUSE

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

WASTE

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

WASTE DISPOSAL SITE

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

WASTE TRANSFER STATION

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

WAYSIDE PIT

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

WOODCHIPPING ESTABLISHMENT

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

YARD

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

YARD, EXTERIOR SIDE

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

YARD, FRONT

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

YARD, INTERIOR SIDE

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

YARD, MAXIMUM

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

YARD, MINIMUM REQUIRED

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

YARD, REAR

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

ZONE

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

SECTION 4.0 GENERAL PROVISIONS

4.1 ACCESSORY BUILDINGS, STRUCTURES AND USES

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

4.1.1 General provisions for detached accessory buildings and structures in all Zones

4.1.1.1 Uses permitted

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

4.1.2 Provisions for detached accessory buildings and structures in the SR, LSR, R1, R2 and RU Zones

4.1.2.1 Permitted locations for detached accessory buildings and structures

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

- a) Not be located in the *front yard*. Notwithstanding this provision, a detached *private garage* is permitted in *the front yard* of a *lot* that abuts a shoreline provided it is set back a minimum distance equal to the required *front yard* for the *main building* from the *front lot line*.
- b) Be set back a minimum distance of 2.0 metres (6.5 ft.) from the *rear lot line*.
- c) Be set back a minimum distance equal to the required *exterior side yard* for the *main building* from the *exterior side lot line*.
- d) Be set back a minimum distance of 2.0 metres (6.5 ft.) from the *interior side lot line*. Notwithstanding this provision, a detached *accessory building* may share a common wall with another detached *accessory building* on an abutting *lot* and no setback from the *interior side lot line* is required on that side of the *lot*.

- e) Notwithstanding items a) to d), where a lot abuts a shoreline or a shoreline road allowance, Section 4.21.1 shall apply.

4.1.2.2 Maximum *height*

The maximum *height* of any detached *accessory building* or *structure* shall be 5.0 metres (16.5 feet). This provision shall not apply to accessory structures in the RU Zone.

4.1.2.3 Permitted locations for agricultural buildings on lots in the RU Zone with an area greater than 4 hectares

Notwithstanding Section 4.1.2.1 (a), on lots in the RU Zone with an area greater than 4 hectares (9.9 acres) *agricultural buildings* may be located in the *front yard* but must comply with the *required front yard setback* as specified in Table B4.

4.1.2.4 Maximum gross floor area of accessory structures in the RU Zone with an area

The maximum area of an accessory building shall be 111.5 m² (1,200 sq. ft.) on lots in the RU Zone which have an area of 1 hectare (2.5 acres) or less, Lots in the RU Zone with an area greater than 1 hectare (2.5 acres) shall refer to Table B4 for setback requirements and height.

4.2 APARTMENT DWELLING UNITS ACCESSORY TO A SINGLE DETACHED DWELLING

Notwithstanding any other provisions of this By-law, one *apartment dwelling unit* is permitted in a *detached dwelling* in any *Zone* where a *detached dwelling* is a permitted *use*, except in the Shoreline (SR) and Limited Service Residential (LSR) *Zones* provided:

- a) the *detached dwelling* has a *gross floor area* greater than 110 square metres (1,185 sq. ft.) exclusive of the *apartment dwelling unit*;
- b) the minimum *floor area* of the *apartment dwelling unit* is 50 square metres (540 sq. ft.);
- c) the maximum *floor area* of the *apartment dwelling unit* is 70 square metres (750 sq. ft.);
- d) the *apartment dwelling unit* has a means of egress to the outside that is separate from any means of egress for another *dwelling unit*; and,
- e) a window opening in the *apartment dwelling unit* having an area of 0.30 square metres (3 sq. ft.) is located above *grade*.

4.3 APARTMENT DWELLING UNIT ACCESSORY TO A COMMERCIAL USE

Notwithstanding any other provisions of this By-law, a maximum of two apartment *dwelling units* is permitted in the same *building* as a permitted commercial *use* in the General Commercial (GC) and Highway Commercial (CH) Zones provided:

- a) the floor area of the *apartment dwelling units* does not exceed 50% of the *gross floor area* of the *principal use* on the *lot*;
- b) the minimum *floor area* of the *apartment dwelling unit* is 50 square metres (540 sq. ft.);
- c) the maximum *floor area* of the *apartment dwelling unit* is 70 square metres (750 sq. ft.);
- d) the *apartment dwelling unit* has a means of egress to the outside that is separate from any means of egress for the commercial *use*; and,
- e) a window opening in the apartment *dwelling unit* having an area of 0.30 square metres (3 sq. ft.) is located above *grade*.

4.4 NUMBER OF DWELLING UNITS PER LOT

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

4.5 ENCROACHMENTS INTO REQUIRED YARDS

Architectural features such as sills, belt courses, cornices, eaves or gutters, chimney breasts, pilasters, roof overhangs, stairs and landings *used* to access a *main building*, cantilevered window bays, roofed or unenclosed *porches* and *balconies* and fire escapes may encroach into any *required yard* a distance of no more than 1.0 metre (3.3 ft.).

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

4.6 EXCEPTIONS TO HEIGHT REQUIREMENTS

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

4.7 FRONTAGE ON A PUBLIC STREET

Unless otherwise specified by this By-law, no person shall erect any *building* or *structure* and no person shall *use* any *building* or *structure*, *lot* or *parcel* unless the *lot* or *parcel* to be so *used*, or upon which the *building* is situated or erected or proposed to be erected, abuts or fronts on a street which is assumed by a *public authority* for maintenance purposes or is being constructed pursuant to a Subdivision Agreement with a *public authority*. For the purposes of this By-law, a *lot* separated from a *public street* by a *reserve* shall be deemed to abut such a *public street*. This provision shall not apply to island lots or hunt camps or water access only lots provided such lot is located in the LSR Zone.

4.8 FRONTAGE ON A PRIVATE STREET

Notwithstanding any other provision in this By-law, lots and buildings and structures that existed on the effective date of this By-law can be used for a purpose permitted by this By-law provided the lot on which the building or structure is situated fronts on a private street, or seasonally maintained municipal road allowance, and is located in the Limited Service Residential (LSR) Zone. In addition, alterations to such buildings and structures and the replacement of such buildings or structure are permitted provided the alteration or the replacement complies with the provisions of this By-law.

4.9 HOME INDUSTRY

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

- i) No more than three people may be engaged in the home industry at any time, including the owner of the premises;
- ii) The *gross floor area* utilized by the home industry does not exceed a maximum of 100 square metres (1,076 sq. ft.);
- iii) The *home industry* shall be clearly secondary to the *principal use* on the *lot*;
- iv) Any *accessory* outdoor storage area is located in the rear *yard* and occupies no more than 100 square metres (1,076 sq. ft.) of *lot* area;
- v) There is no sale of retail goods not produced as part of the *home industry* or *directly related to the home industry*; and,
- vi) Only currently licensed *motor vehicles*, associated with the home industry, are parked or stored on the *lot*.

4.10 HOME OCCUPATIONS

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

- i) No more than one employee, in addition to the resident of the *dwelling unit*, shall be engaged in the home occupation on the premises;
- ii) No more than 30% of the gross floor area of the dwelling unit or 50% of an accessory building shall be used for the purpose of the *home occupation*;
- iii) There shall be no outdoor storage or display of material or equipment;
- iv) The floor area used for the sale of retail goods shall not exceed 5 square metres (54 sq. ft.) and such goods shall be limited to those produced as part of the *home occupation or directly related to the home occupation*; and,
- v) The *home occupation* shall be clearly secondary to the residential *use* and shall not change the residential character of the dwelling and *lot*.

4.11 MINIMUM OPENING ELEVATION

No habitable *building* located adjacent to Lake Huron or St. Mary's River shall have any *building* opening below 178.3 C.G.D.

4.12 MULTIPLE USES ON ONE LOT

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

4.13 MULTIPLE ZONES ON ONE LOT

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

4.14 NON-COMPLYING BUILDINGS AND STRUCTURES

4.14.1 Enlargement, Repair or Renovation of a Legal Non-Complying Building or Structure

A legal *non-complying building* or *structure* may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further encroach into a required *yard*;
- b) does not increase the amount of *floor area* in a required *yard*;
- c) does not in any other way increase a situation of non-compliance; and,
- d) complies with all other applicable provisions of this By-law.

Notwithstanding, items a, b and c, a legal non-complying dwelling unit which is located in a required shoreline setback may expand its ground floor area by no more than 30% of the ground floor area of the dwelling which existed on the date this By-law was passed, within the required shoreline setback, provided the enlargement does not cause the existing shoreline setback to be further reduced and provided the expansion is compliant with all other provisions of this By-law. This provision shall not apply to permit the expansion of other detached structures such as boathouses, guest cabins or storage buildings which encroach into the required shoreline setback.

4.14.2 Non-Compliance as a Result of Expropriation

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a *public authority*, such acquisition results in a contravention of this By-law relating to minimum *yards* and/or *setback*, *lot coverage* or maximum permitted *gross floor area*, then the lands so acquired shall be deemed to continue to form part of the *lot* upon which the *building* or *buildings* are located in determining compliance with this By-law.

4.15 NON-COMPLYING LOTS

4.15.1 Non-complying Lots

A *lot* in existence prior to the effective date of this By-law that does not meet the *lot area* and/or *lot frontage* requirements of the applicable *Zone*, may be *used* and *buildings* thereon may be erected, enlarged, repaired or renovated provided the *use* conforms with the By-law and the *buildings* or *structure* comply with all of the other provisions of this By-law and provided the lot has a frontage of at least 5.0 metres (16.5 ft.).

4.15.2 Non-compliance as a Result of Expropriation

Notwithstanding any other provision of this By-law, where, as a result of the acquisition of part of a *lot* by a *public authority*, the *lot*, after the acquisition, is a *non-complying lot*, such *non-complying lot* may be *used* for any purpose permitted by this By-law within the *Zone* in which the *lot* is located.

4.16 NON-CONFORMING USES

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

4.17 PROHIBITED USES

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

- a) The *use* of any *trailer* for human habitation, except where such *trailer* is located in a *camping establishment*, in a *trailer park* or in a mobile home park or is licensed by the Township in accordance with a trailer licensing by-law.
- b) The *use* of any *motor vehicle* for human habitation.
- c) The *use* of any *accessory building* or *structure* or *boathouse* as a *dwelling unit*.
- d) The *use* of a truck, bus or coach body for human habitation.
- e) The storage of disused rail cars, streetcars, truck bodies or *trailers* except where legally permitted by this zoning by-law.
- f) The outdoor storage of partially dismantled *motor vehicles* or *trailers* or *motor vehicle* or *trailer* parts, including tires except where legally permitted by this zoning by-law..
- g) *Obnoxious uses*.
- h) The manufacturing, refining, rendering or distillation of acid, ammonia, chlorine, coal, creosote, explosives, fireworks, glue, petroleum or tar.
- i) The bulk storage of industrial chemicals, hazardous waste or liquid industrial waste as defined under the Environmental Protection Act, as amended.

The provisions of this section do not apply to *waste disposal sites* in the Waste Disposal (*WD*) *Zone*.

4.18 PUBLIC USES

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

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

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

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

4.19 SIGHT TRIANGLE

Notwithstanding any other provisions of this By-law, on a corner *lot*, within the sight triangle, no *building*, *structure*, fence, sign, wall, vegetative planting or landscaped grade may be greater than 1.0 metre (3.3 ft.) in *height*.

4.20 SPECIAL SETBACKS

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

4.21.1 Setbacks from Shoreline

In addition to Section 4.11, all buildings or structures shall maintain a minimum 30 metre (100 ft.) setback from the established high water mark of Lake Huron or St. Mary's River or Twin Lakes. This provision shall not apply to docks or marine facilities, however a dock or marine facility may not extend inland more than 2.0 metres (6.5 ft.) from the established high water mark.

Notwithstanding the 30 metre (100 ft.) setback specified above, where a vacant lot in the SR or LSR Zone exists on the date this By-law was passed and is located between two existing dwellings that encroach into the required 30 metre (100 ft.) setback in legal non-compliance, the minimum shoreline setback for the vacant lot shall be the average of the shoreline setbacks of the two abutting lots. However, Section 4.11 shall still apply and in no case shall the shoreline setback be less than the minimum rear yard.

4.21.2 Setbacks from Environmental Protection One Zones

No *building* or *structure* shall be located within 15 metres (50 ft.) of any Environmental Protection (EP) *Zone*. This provision shall not prevent the

expansion or replacement of *buildings* or *structures* that existed on the effective date of this By-law within this setback area, provided the expansion or replacement does not have the effect of reducing the setback from the Environmental Protection Zone boundary or increasing the volume or *floor area* of a *building* or *structure* in a *minimum required yard*. This setback shall also apply from the top of bank of any natural watercourse not located within an EP Zone.

4.21.4 Setbacks from Slopes

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

4.21.5 Setbacks for Group Homes

No *group home* shall be located any closer than 1,000 metres (3,280 ft.) to any other group home.

4.21.6 Setbacks for Livestock Facilities

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

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

4.21.7 Setback from Provincial Highways

No building or structure shall be located within 26 metres (85 ft.) of the centerline of any Provincial highway.

4.22 TEMPORARY USES

The following temporary *uses* are permitted in all *Zones*:

- i) A tool shed, construction trailer, scaffold or other *building* or *structure* incidental to construction is permitted in all *Zones* on a *lot* where

construction is taking place provided that a valid *building* permit is in effect.

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

4.23 UNITS OF MEASUREMENT

This By-law is deemed to be expressed in Metric units only. Wherever measurements expressed in Imperial units appear in brackets in this by-law, they are approximate conversions which are deemed to be for convenience of the reader only and do not form any part of this by-law.

SECTION 5.0 PARKING AND LOADING

5.1 PARKING AREA REQUIREMENTS

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

5.2 SIZE OF PARKING SPACES AND AISLES

Parking spaces shall have a minimum width of 3.0 metres (10 ft.) and a minimum length of 6.0 metres (20 ft.). The length of any *parking space* and the width of the adjacent aisle shall be in accordance with the following:

Angle of Parking Space with Aisle	Min. Perpendicular Width of Aisle
60 to 90 degrees	5.8 metres (19 ft.)
59 to 45 degrees	5.2 metres (17 ft.)
44 degrees or less	3.6 metres (12 ft.)

Access to a parking area from a *public street* shall provided by an unobstructed driveway with a minimum width of 3.0 metres (10 ft.) and a maximum width of 7.5 metres (25 ft.)

5.3 LOCATION OF USE AND PARKING

Parking spaces shall be located on the same *lot* as the *use* that requires the parking, except that parking spaces for a commercial use may be located on a separate lot used for commercial purposes provided the lot is within 300 metres (984 ft.) of the lot on which parking for a commercial use is required provided an agreement pursuant to Section 40 of the Planning Act, R.S.O. 1990 c.P. 13 is entered into.

5.4 MORE THAN ONE USE ON A LOT

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

5.5 PARKING AREA LOCATION ON A LOT

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

- i) no *parking space* shall be permitted on a *lot* closer to any streetline than 2.0 metres (6.5 ft.);
- ii) no driveway or parking area is permitted within 3.0 metres (10 ft.) of the boundary of a Residential *Zone*, if the driveway or parking area is in a non-residential *Zone*.

5.6 PARKING OF COMMERCIAL MOTOR VEHICLES

Within any Residential *Zone*, the owner or occupant of a *dwelling unit* may use a *parking space* for the purposes of parking or storage of licensed commercial *motor vehicles*, provided not more than one such *motor vehicle* exceeds a capacity of 4,500 kg. (9,900 lb.).

5.7 PARKING OF BOAT TRAILERS

No more than one licensed or operative boat and trailer may be parked out of doors in the rear or side yard of any *lot* in the R1 *Zone*.

5.8 RESIDENTIAL PARKING REQUIREMENTS

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

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

<i>Single, Semi, Duplex Dwellings</i>	<ul style="list-style-type: none"> • 1 <i>parking space</i> per dwelling unit
<i>Townhouse, Apartment Dwellings</i>	<ul style="list-style-type: none"> • 1.5 <i>parking spaces</i> per dwelling unit

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

5.9 NON-RESIDENTIAL PARKING REQUIREMENTS

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

Type or Nature of Use	Minimum Off-Street Parking Requirements
<i>Place of Assembly, Place of Entertainment</i>	<ul style="list-style-type: none"> • the greater of 1 <i>parking space</i> per 4 seat capacity or 1 <i>parking space</i> per 9 m² (97 sq. ft.) of gross floor area
<i>Hospital, Nursing Home, Retirement Home</i>	<ul style="list-style-type: none"> • 3 <i>parking spaces</i> for every four beds
<i>Hotel, Motel, Tourist Establishment, Tourist Cabin Establishment</i>	<ul style="list-style-type: none"> • 1 <i>parking space</i> per guest room, plus 1 <i>parking space</i> per 9.3 m² (100 sq. ft.) of floor space devoted to public use, excluding hallways and washrooms. Plus 1 space for every four persons to be accommodated according to the maximum permitted capacity in a restaurant or assemble hall on the same lot.
<i>Industrial Use</i>	<ul style="list-style-type: none"> • 1 <i>parking space</i> per 70 m² (750 sq. ft.) of total floor area
<i>Marina</i>	<ul style="list-style-type: none"> • 1 <i>parking space</i> per boat slip
<i>Medical Office</i>	<ul style="list-style-type: none"> • 3 <i>parking spaces</i> per practitioner
<i>Place of Worship</i>	<ul style="list-style-type: none"> • 1 <i>parking space</i> per 5.5 m² (60 sq. ft.) of floor area
<i>Restaurant</i>	<ul style="list-style-type: none"> • the greater of 1 <i>parking space</i> per 9 m² (100 sq. ft.) of total floor area or 1 space for every 4 persons to be accommodated at maximum permitted capacity
<i>Retail Store, Personal</i>	<ul style="list-style-type: none"> • 1 <i>parking space</i> per 18.5 m² (200 sq. ft.) of total

<i>Service Shop and Repair Shop, Dry cleaning Depot</i>	floor area
<i>School</i>	<ul style="list-style-type: none"> the greater of: <ul style="list-style-type: none"> - 1 <i>parking spaces</i> per class room; - 1 <i>parking space</i> per 3 m² (32 sq. ft.) of floor area in the gym or auditorium;
<i>Uses permitted by this by-law other than those listed in this Table</i>	<ul style="list-style-type: none"> 1 <i>parking space</i> per 37 m² (400 sq. ft.) of total floor area

5.10 REQUIRED PARKING FOR THE DISABLED

The minimum parking requirements for disabled persons are as shown:

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

Each off-street *parking space* for the disabled shall be a minimum of 6.0 metres (19.8 ft.) in length, 5.0 metres (16.4 ft.) wide and have a vertical clearance of 3.0 metres (10 ft.).

5.11 LOADING SPACE REQUIREMENTS

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

Gross Floor Area of Building	Loading Space
278 m ² (3,000 sq. ft.) or less	1 space
279 m ² (3,000 sq. ft.) to 2322 m ² (25,000 sq. ft.)	2 spaces

2323 m ² (24,994 sq. ft.) or greater	3 spaces plus 1 additional space for each additional 9290 m ² (100,000 sq. ft.) or fraction thereof in excess of 7432 m ² (80,000 sq. ft.)
---	---

In addition, the following provisions apply:

- i) Each loading space shall be a minimum of 9 metres (29.5 ft.) long, 3.5 metres (11.5 ft.) wide and have a vertical clearance of at least 4 metres (13 ft.).
- ii) Loading spaces must be provided adjacent to the principal *use* or *building* on the same *lot* as the *use* or *building* for which it is required. Required loading spaces shall be located in the interior side *yard* or rear *yard*.
- ii) Access to a loading space(s) shall be by means of a driveway at least 6.0 metres (20 ft.) wide contained within the *lot* on which the space(s) are located and leading to a street or land located within or adjoining the Commercial or Industrial *Zone*(s).
- iii) In any Commercial or Industrial *Zone*, no loading space shall be located closer than 3 metres (10 ft.) to any interior side *lot* line or rear *lot* line that abuts a Residential *Zone*.
- iv) Section 5.11 shall not apply to existing businesses located in the GC Zone unless a business expands its gross floor area by more than 100%.

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

SECTION 6.0 PERMITTED USES

6.1 ZONES

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

ZONES	TABLE
Residential <i>Zones</i>	Table A1
Commercial and Industrial <i>Zones</i>	Table A2
Rural and Recreational <i>Zones</i>	Table A3
Other <i>Zones</i>	Table A4

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

TABLE A1 - RESIDENTIAL ZONES

	PERMITTED USE	R1	R2	RU	SR	LSR
1	<i>Accessory Apartment Dwelling Unit</i>	X		X		
2	<i>Bed and Breakfast Establishment</i>	X		X	X	
4	<i>Day Nursery</i>	X		X		
5	<i>Dwelling, Detached</i>	X	X	X	X	X
6	<i>Dwelling, Semi-Detached</i>		X			
7	<i>Dwelling, Duplex</i>		X			
8	<i>Dwelling, Multiple</i>		X			
9	<i>Dwelling, Townhouse</i>		X			
10	<i>Dwelling, Triplex</i>		X			
11	<i>Group Home A</i>	X	X	X		
12	<i>Home Occupation</i>	X	X	X	X	X
13	<i>Hunt Camp</i>			X		X
14	<i>Private Home Daycare</i>	X	X	X	X	
15	<i>Retirement Home</i>		X			

Special Provisions

TABLE A2 - COMMERCIAL AND INDUSTRIAL ZONES

	PERMITTED USE	GC	HC	BP	M1	MX
1	<i>Agricultural Support Use</i>		X	X	X	
2	<i>Livestock Auction Yard</i>				X	
3	<i>Banquet Hall</i>	X	X			
4	<i>Building Supply Outlet</i>		X			
5	<i>Bulk Fuel Depot</i>		X	X		
6	<i>Business Office</i>	X		X		
7	<i>Commercial School</i>		X	X		
8	<i>Commercial Self-Storage Facility</i>		X	X		
9	<i>Contractor's Yard</i>				X	
10	<i>Convenience Store</i>	X	X			
11	<i>Craft Shop/Studio</i>	X	X			
12	<i>Dry Cleaning Depot</i>	X	X	X		
13	<i>Equipment Sales and Rental Establishment</i>		X	X		
14	<i>Farm Implement Dealer</i>		X		X	
15	<i>Feed and Fertilizer Depot</i>		X		X	
16	<i>Financial Institution</i>	X				
17	<i>Funeral Home</i>	X				
18	<i>Gasoline Sales Establishment</i>		X			
19	<i>Hotel</i>	X	X			
20	<i>Industrial Use</i>			X		
21	<i>Inn</i>	X	X			
22	<i>Marina</i>	X				
22	<i>Medical Office</i>	X	X			
23	<i>Motel</i>	X	X			
24	<i>Motor Vehicle Body Shop</i>		X	X		
25	<i>Motor Vehicle Dealership</i>		X			
26	<i>Motor Vehicle Repair Garage</i>		X			
27	<i>Museum</i>	X				
28	<i>Personal Service Shop</i>	X				
29	<i>Pit</i>					X
30	<i>Place of Amusement</i>	X	X			
31	<i>Private Club</i>	X	X			
32	<i>Private School</i>	X	X			
33	<i>Repair Shop</i>	X	X			
34	<i>Restaurant</i>	X	X			
35	<i>Retail Store</i>	X	X	X(1)	X(1)	
36	<i>Salvage or Wrecking Yard</i>				X	
37	<i>Saw and/or Planing Mill</i>				X	
38	<i>Transportation Terminal</i>			X		
35	<i>Veterinary Clinic</i>		X		X	

36	<i>Warehouse</i>		X	X		
37	<i>Woodchipping Establishment</i>				X	

Special Provisions

1. Accessory retail uses are permitted provided they occupy no more than 30% of the gross floor area of the building and provided retail products are produced on-site or which share a direct relationship with the primary permitted use.

TABLE A3 - RURAL AND RECREATIONAL ZONES

	PERMITTED USE	RU	MR
1	<i>Accessory Detached Dwelling</i>		X
2	<i>Agricultural Use</i>	X	
3	<i>Agricultural Use, Intensive</i>	X	
4	<i>Agricultural Use, Specialized</i>	X	
5	<i>Bed and Breakfast Establishment</i>	X	X
6	<i>Campground</i>		X
7	<i>Conservation Use</i>	X	X
8	<i>Cross Country Ski Centre</i>		X
9	<i>Dwelling, Detached</i>	X	
10	<i>Dwelling, Duplex</i>	X	
11	<i>Dwelling, Semi-detached</i>	X	
12	<i>Equestrian Facility</i>	X	
13	<i>Farm Produce Outlet</i>	X	
14	<i>Forestry Use</i>	X	
15	<i>Golf Course</i>		X
16	<i>Golf Driving Range</i>		X
17	<i>Group Home A</i>	X	
18	<i>Hobby Farm</i>	X	
19	<i>Home Industry</i>	X	
20	<i>Home Occupation</i>	X	
21	<i>Inn</i>		X
22	<i>Marina</i>		X
23	<i>Maple Syrup Sales and Processing</i>	X	
24	<i>Mountain Bike Facility</i>		X
25	<i>Nature Interpretation Centre</i>	X	X
26	<i>Private Club</i>	X	X
27	<i>Private Home Daycare</i>	X	
28	<i>Tourist Cabin Establishment</i>		X
29	<i>Tourist Establishment</i>		X

TABLE A4 - OTHER ZONES

	PERMITTED USE	I	WD	OS	EP
1	<i>Accessory Detached Dwelling</i>	X			
2	<i>Agricultural Use</i>		X	X	
3	<i>Art Gallery</i>	X			
4	<i>Bed and Breakfast Establishment</i>	X			
5	<i>Cemetery</i>	X			
6	<i>Community Centre</i>	X			
7	<i>Conservation Use</i>	X		X	X
8	<i>Forestry Use</i>		X	X	X
9	<i>Library</i>	X			
10	<i>Municipal Office</i>	X			
11	<i>Museum</i>	X			
12	<i>Nature Interpretation Centre</i>			X	X
13	<i>Park</i>	X		X	
14	<i>Place of Worship</i>	X			
15	<i>Recycling Establishment</i>		X		
16	<i>Retirement Home</i>	X			
17	<i>School, Public</i>	X			
18	<i>School, Private</i>	X			
19	<i>Transfer Station</i>		X		
19	<i>Waste Disposal Site</i>		X		
20	<i>Waste Transfer Station</i>		X		

SECTION 7.0 ZONE STANDARDS

7.1 ZONES

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

ZONES	TABLE
Residential <i>Zones</i>	Table B1
Commercial, Industrial and Institutional <i>Zones</i>	Table B2
Minimum Lot Area for Uses in the Rural and Major Recreation <i>Zones</i>	Table B3
Provisions for Buildings and Structures in the Rural <i>Zone</i> Except Residential Buildings	Table B4
Environmental/Open Space <i>Zones</i>	Table B5

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

TABLE B1
RESIDENTIAL ZONES

	ZONE STANDARD	R1	R2	RU	SR	LSR
1	Minimum <i>lot area</i>	675 m ² (7,265 sq. ft.)	1,000 m ² (10,765 sq. ft.)	2 ha (5 ac.)	1 ha (2.5 ac.)	1 ha (2.5 ac.)
2	Minimum <i>lot frontage</i>	15 m (50 ft.)	26 m (85 ft.)	150 m (500 ft.)	45 m (150 ft.)	45 m (150 ft.)
3	Minimum <i>required front yard (1)</i>	6.0 m (20 ft.)	6.0 m (20 ft.)	10.0 m (33 ft.)	10.0 m (33 ft.)	10.0 m (33 ft.)
4	Minimum <i>required exterior side yard</i>	6.0 m (20 ft.)	6.0 m (20 ft.)	8.0 m (26 ft.)	8.0 m (26 ft.)	8.0 m (26 ft.)
5	Minimum <i>required interior side yard</i>	2.0 m (6.5 ft.)	3.0 m (10 ft.)	4.5 m (15 ft.)	2.0 m (6.5 ft.)	2.0 m (6.5 ft.)
6	Minimum <i>required rear yard</i>	6.0 m (20 ft.)	6.0 m (20 ft.)	7.5 m (25 ft.)	7.5 m (25 ft.)	7.5 m (25 ft.)
7	Minimum <i>dwelling unit area (2)</i>	70 m ² (750 sq. ft.)	70 m ² (750 sq. ft.)	70 m ² (750 sq. ft.)	70 m ² (750 sq. ft.)	70 m ² (750 sq. ft.)
8	Maximum <i>lot coverage</i>	17%	17%	15%	17%	17%
10	Maximum <i>height</i>	10.0 m (33 ft.)	10.0 m (33 ft.)	10.0 m (33 ft.)	10.0 m (33 ft.)	10.0 m (33 ft.)

Special Provisions

1. All buildings and structures on lots which abut a shoreline shall maintain a minimum 30 metre (100 ft.) setback from the established high water mark, not including docks.
2. Hunt Camps shall have a minimum building area of 37m² (400 sq. ft.)

TABLE B2
COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL ZONES

	ZONE STANDARDS	GC	HC	MR	BP	M1	MX	WD	I
1	Minimum <i>lot area</i>	600 m ² (6,500 sq. ft.)	8,000 m ² (2 ac.)	10,000 m ² (2.5 ac.)	2,000 m ² (0.5 ac.)	8,000 m ² (2 ac.)	5,000 m ² (1.25 ac.)	10,000 m ² (2.5 ac)	4,000 m ² (1 ac.)
2	Minimum <i>lot frontage</i>	15 m (50 ft.)	30 m (100 ft.)	45 m (150 ft.)	20 m (66 ft.)	30 m (100 ft.)	100 m (330 ft.)	100 m (330 ft.)	45 m (150 ft.)
3	Minimum <i>required front yard (1)</i>	1.5 m (5 ft.)	8.0 m (26 ft.)	8.0 m (26 ft.)	8.0 m (26 ft.)	8.0 m (26 ft.)	30.0 m (100 ft.)	30.0 m (100 ft.)	8.0 m (26 ft.)
4	Minimum <i>required exterior side yard</i>	6.0 m (20 ft.)	8.0 m (26 ft.)	8.0 m (26 ft.)	8.0 m (26 ft.)	8.0 m (26 ft.)	30.0 m (100 ft.)	30.0 m (100 ft.)	8.0 m (26 ft.)
5	Minimum <i>required interior side yard</i>	0.0 m (2) (0.0 ft.)	6.0 m (20 ft.)	6.0 m (20 ft.)	3.0 m (10 ft.)	6.0 m (20 ft.)	15 m (50 ft.)	15 m (50 ft.)	4.5 m (15 ft.)
6	Minimum <i>rear yard (3)</i>	6.0 m (20 ft.)	6.0 m (20 ft.)	8.0 m (26 ft.)	6.0 m (20 ft.)	6.0 m (20 ft.)	30 m (100 ft.)	30 m (100 ft.)	8.0 m (26 ft.)
7	Maximum <i>lot coverage</i>	30%	30%	30%	30%	30%	30%	30%	30%
8	Minimum <i>open space</i>	25%	25%	25%	25%	25%	n/a	n/a	n/a
9	Maximum <i>height</i>	11.0 m (36 ft.)	11.0 m (36 ft.)	11.0 m (36 ft.)	11.0 m (36 ft.)	11.0 m (36 ft.)	11.0 m (36 ft.)	11.0 m (36 ft.)	11.0 m (36 ft.)

Special Provisions

1. All buildings and structures on lots which abut a shoreline shall maintain a minimum 30 metre (100 ft.) setback from the established high water mark, not including docks.
2. Where the yard abuts any zone boundary other than GC, the minimum required interior side yard shall be 6.0 metres (20 ft.).
3. Where the yard abuts the R1 or R2 Zones, the minimum rear yard shall be 10 metres (33 ft.).

TABLE B3**MINIMUM LOT AREA FOR USES IN THE RURAL AND MAJOR RECREATION ZONES**

PERMITTED USE	AREA REQUIREMENT
<i>Agricultural Use</i>	4.0 ha (9.9 ac.)
<i>Agricultural Use, Intensive</i>	20.0 ha (49 ac.)
<i>Agricultural Use, Specialized</i>	4.0 ha (9.9 ac.)
<i>Bed and Breakfast Establishment</i>	2.0 ha (5 ac.)
<i>Campground</i>	4.0 ha (9.9 ac.)
<i>Conservation Use</i>	2.0 ha (5 ac.)
<i>Cross Country Ski Centre</i>	5.0 ha (12.4 ac.)
<i>Dwelling, Detached</i>	2.0 ha (5 ac.)
<i>Farm Produce Outlet</i>	4.0 ha (9.9 ac.)
<i>Forestry Use</i>	2.0 ha (5 ac.)
<i>Golf Course</i>	20.0 ha (49 ac.)
<i>Golf Driving Range</i>	2.0 ha (5 ac.)
<i>Group Home</i>	2.0 ha (5 ac.)
<i>Hobby Farm</i>	2.0 ha (5 ac.)
<i>Home Industry</i>	3.0 ha (7.4 ac.)
<i>Hunt Camp</i>	2.0 ha (5 ac.)
<i>Kennel</i>	5.0 ha (12.4 ac.)
<i>Mountain Bike Facility</i>	5.0 ha (12.4 ac.)
<i>Nature Interpretation Centre</i>	4.0 ha (9.9 ac.)
<i>Pit</i>	5.0 ha (12.4 ac.)
<i>Private Club</i>	4.0 ha (9.9 ac.)
<i>Private Home Daycare</i>	2.0 ha (5 ac.)
<i>Tourist Cabin Establishment</i>	4.0 ha (9.9 ac.)
<i>Tourist Establishment</i>	4.0 ha (9.9 ac.)
<i>Trailer Park</i>	4.0 ha (9.9 ac.)

TABLE B4
PROVISIONS FOR BUILDINGS IN THE RURAL ZONE EXCEPT RESIDENTIAL BUILDINGS

	Home Industry	Boarding stables, barns, agricultural buildings Veterinary clinics	Boarding Kennels	Garages and Accessory buildings to a Residential Use	Any other building not classified in Table B4
Minimum setback from <i>front lot line</i>	30.0 m (100 ft.)	30.0 m (100 ft.)	100.0 m (330 ft.)	8.0 m (1) (26 ft.)	30.0 m (100 ft.)
Minimum setback from <i>exterior side lot line</i>	15.0 m (50 ft.)	30.0 m (100 ft.)	100.0 m (330 ft.)	8.0 m (26 ft.)	15.0 m (50 ft.)
Minimum setback from <i>interior side lot line</i>	15.0 m (50 ft.)	30.0 m (100 ft.)	100.0 m (330 ft.)	2.0 m (6.5 ft.)	15.0 m (50 ft.)
Minimum setback from <i>rear lot line</i>	15.0 m (50 ft.)	30.0 m (100 ft.)	100.0 m (330 ft.)	2.0 m (6.5 ft.)	15.0 m (50 ft.)
Maximum <i>height</i>	6.0 m (20 ft.)	n/a	6.0 m (20 ft.)	8.0 m (26 ft.)	6.0 m (20 ft.)

Special Provisions

1. All buildings and structures on lots which abut a shoreline shall maintain a minimum 30 metre (100 ft.) setback from the established high water mark, not including docks.

TABLE B5
ENVIRONMENTAL AND OPEN SPACE ZONES

	ZONE STANDARD	EP	OS
1	<i>Minimum lot area</i>	n/a	n/a
2	<i>Minimum lot frontage</i>	n/a	n/a
3	<i>Minimum required front yard (1)</i>	8.0 m (26 ft.)	8.0 m (26 ft.)
4	<i>Minimum required exterior side yard</i>	8.0 m (26 ft.)	8.0 m (26 ft.)
5	<i>Minimum required interior side yard</i>	8.0 m (26 ft.)	8.0 m (26 ft.)
6	<i>Minimum rear yard</i>	8.0 m (26 ft.)	8.0 m (26 ft.)
7	<i>Maximum lot coverage</i>	n/a	n/a
8	<i>Minimum open space</i>	n/a	n/a
9	<i>Maximum height</i>	11.0 m (36 ft.)	11.0 m (36 ft.)

Special Provisions

1. All buildings and structures on lots which abut a shoreline shall maintain a minimum 30 metre (100 ft.) setback from the established high water mark, not including docks.

SECTION 8 EXCEPTIONS

TOWNSHIP OF HILTON – December 17, 2010

8.1 WELLHEAD PROTECTION AREAS

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by the number 8.1 on Schedule C to this By-law. All other provisions of this By-law continue to apply to the lands subject to this Section with the exception that the following uses are not permitted:

- a) Generation and storage of animal manure, hazardous waste or liquid industrial waste;
- b) Waste disposal sites and facilities, organic soil conditioning sites and snow storage and disposal sites;
- c) Underground and above-ground storage tanks that are not equipped with an approved secondary containment device; and,
- d) Storage of a contaminant listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the revised Regulation of Ontario, 1990.

8.2 PART OF LOT 19, CONCESSION N (By-law 596)

Notwithstanding any other provision of this By-law, on those lands denoted by the number 8.2 on Schedule C to this By-law, the Minimum Setback from the Inside Boundary of Original Shore Road Allowance shall be 0.60 metres. All other provisions of this By-law, unless specifically modified or amended by this Section, continue to apply to the lands subject to this Section.

8.3 PART OF LOT C, CONCESSION 17 (By-law 658)

Notwithstanding the permitted uses of this By-law, on those lands denoted by the number 8.3 on Schedule C to this By-law, the following uses shall be permitted:

- a) a commercial plaza where any of the following uses may be permitted:
 - i. gasoline sales establishment;
 - ii. convenience stores and convenience commercial uses;
 - iii. retail stores;
 - iv. antique shops, craft shops and other tourist related shops;
 - v. personal service shops; and,
 - vi. professional offices

- b) one accessory detached dwelling

Further more the following Zone Standards shall apply to lands denoted with the number 8.3:

8.3.2 Zone Standards

- a) Total area of commercial building – 371.5 m²
- b) Minimum Front Yard Setback (Commercial Building) – 7.5 metres
- c) Minimum Front Yard Setback (Dwelling) – 10.5 metres
- d) Minimum Front Yard Setback (Dwelling) – 7.5 metres
- e) Minimum Interior Side Yard (Dwelling) – 2.0 metres
- f) Maximum Lot Coverage – 10%
- g) Maximum Height – 4.5 metres

All other provisions of this By-law, unless specifically modified or amended by this Section, continue to apply to the lands subject to this Section.

8.4 PART OF LOT B, CONCESSION 16 (By-law 587)

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by the number 3 on the Schedules to this By-law. All other provisions of this By-law, unless specifically modified or amended by this Section, continue to apply to the lands subject to this Section:

8.4.1 Permitted Uses

The following uses are permitted in addition to all other permitted uses:

- a) a golf course, tourist accommodation facilities, cross-country ski facilities and related accessory uses.

8.5 LOT 8, REGISTERED PLAN H-562 (By-law 811)

Notwithstanding any other provision of this By-law, on those lands denoted by the number 8.5 on Schedule C to this By-law, the Minimum setback from shoreroad allowance shall be 0 metres. All other provisions of this By-law, unless specifically modified or amended by this Section, continue to apply to the lands subject to this Section.

8.6 LOT 32, REGISTERED PLAN 1M-458, PART 5 of 1R-9635 (By-law 951)

Notwithstanding any other provision of this By-law, on those lands denoted by the number 8.6 on Schedule C to this By-law, the minimum setback from the original high water mark shall be 36 feet. All other provisions of this By-law, unless specifically modified or amended by this Section, continue to apply to the lands subject to this Section.

SECTION 9 ENACTMENT

9.1 FORCE AND EFFECT

This By-law shall come into force and effect on the date it is passed by the Council of the Corporation of the Township of Hilton subject to the applicable provisions of the Planning Act, R.S.O. 1990, as amended.

9.2 READINGS BY COUNCIL

This By-law read a first time on the 3rd day of August, 2011.
This By-law read a second time on the 3rd day of August, 2011.
This By-law read a third time and finally passed on the 3rd day of August, 2011.

REEVE/MAYOR: RODNEY WOOD

(Municipal Seal)

CLERK: VALERIE OBARYMSKYJ

9.3 CERTIFICATION

I hereby certify that the foregoing is a true copy of Zoning By-law No. 1025-11 as enacted by the Council of the Corporation of the Township of Hilton, on the 3rd day of August, 2011.

CLERK: Valerie Obarymskyj