

**MACHIN ZONING
BY-LAW
FINAL DRAFT**



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Explanatory Notes

**SECTION 1
ADMINISTRATION**

1.1 TITLE

This By-law may be referred to as "The Zoning By-law of the Municipality of Machin."

1.2 AREA AFFECTED BY THIS BY-LAW

This By-law applies to all lands, islands and lands under water within the Municipality of Machin.

1.3 BUILDING PERMITS

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

1.4 ENFORCEMENT

Any person convicted of a violation of this By-law is liable on first conviction to a fine of not more than \$25,000.00 and on a subsequent conviction to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted in accordance with The Planning Act.

Any Corporation convicted of violation of this By-law is liable on first conviction to a fine of not more than \$50,000.00 and on a subsequent conviction to a fine of not more than \$25,000.00 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted in accordance with The Planning Act.

In case any buildings or structure or any part thereof is to be erected, altered, reconstructed or extended, or any lot is being used or is to be used, in contravention of any requirement of this By-law, such contravention may be restrained by action at the instance of any rate-payer or of the Municipality pursuant to the provisions of The Planning Act, 1990 and/or the Municipal Act (1990) and/or any other legislation applicable.

1.5 SEVERABILITY PROVISION

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.

1.6 REPEAL OF EXISTING BY-LAWS

Upon this By-law coming into force and effect, By-law No. 634-82 of the Municipality of Machin and all amendments thereto are hereby repealed.

1.7

EFFECTIVE DATE

This By-law shall come into force the day that it was passed where there are no appeals filed or where appeals are filed, where all of the appeals are finally disposed of by the Ontario Municipal Board.

1.8

USE OF LAND

No lands within the area covered by this By-law shall be used for any purpose unless as otherwise permitted by this By-law.

**SECTION 2
ESTABLISHMENT OF ZONES**

2.1 ZONES

For the purposes of this By-law, the following Zones are established and they may be referred to by the name or by the symbol set opposite the name of the zone below:

ZONE	SYMBOL
Residential Type 1	R1
Residential Type 2	R2
Mobile Home Residential	RMH
Rural Residential	RR
Shoreline Residential	SR
Seasonal Residential	SSR
General Commercial	GC
Highway Commercial	HC
Tourist Commercial	TC
General Industrial	M1
Extractive Industrial	M2
Waste Disposal Industrial	MD
Institutional	I
Rural	R
Agricultural	A
Open Space	OS
Hazard Lands	HZ

2.2 ZONE SCHEDULE

The Zones and zone boundaries are shown on the attached Schedules 'A', 'B', 'B-1', 'C', 'C-1' and 'D' which form part of this By-law.

2.3 SPECIAL ZONES

Where a Zone Symbol is followed by a dash and a number, (for example RM-1) there are special provisions that apply to the Zone. These special provisions are contained in the section of the by-law that applies to the primary zone.

2.4 DETERMINING ZONE BOUNDARIES

- i) A zone boundary shown approximately at a lot line, street or lane is considered to be at the boundary of the lot line, street or lane.
- ii) A zone boundary shown approximately in the centre line of a street or lane is considered to be the centre line of the street or lane.

- iii) Unless the location of a zone boundary is specified by dimensions on the zoning map, a zone boundary which lies within a lot shall be fixed by the scale of the Schedule upon which it is shown.
- iv) A zone boundary shown following approximately a shoreline or the centre line of a creek, stream or channel is considered to be the shoreline or centre line and moves with any natural change in the shoreline.
- v) All lands below the surface of a waterbody or watercourse as of the date this By-law came into effect shall be deemed to be in the Open Space (OS) Zone.

2.5

COMPLIANCE WITH ZONING 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 Municipality of Machin.

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

2.6

HOLDING PROVISIONS

Where a zone symbol is followed by a dash and the letter "H" (for example: M-H), the lands shall only be used for existing uses and the expansion of those uses as of the date of adoption of this By-law.

Council may pass a By-law pursuant to Section 36 of the Planning Act to remove the Holding (H) Symbol, thereby placing the lands in the zone indicated by the Zone Symbol when all of the applicable following requirements have been met:

- i) the appropriate sanitary services have been approved to service the land;
- ii) all conditions of consent or subdivision have been fulfilled;
- iii) a site plan agreement has been registered on the title of the lands; and
- iv) the required permits from all other approval agencies have been issued.

**SECTION 3
GENERAL PROVISIONS**

3.1 APPLICATION

The provisions of this section of the By-law shall apply to all lands within the Municipality of Machin unless otherwise specified.

3.2 USES PERMITTED IN ALL ZONES

3.2.1 Accessory Structures

Accessory buildings, structures and uses are permitted in all zones subject to the following provisions:

- (i) ~~The principal use, building or structure must already be established on the same lot.~~
- (ii) No detached accessory building or accessory structure may be used for human habitation or an occupation for gain, unless specifically permitted by this By-law.
- (iii) Unless otherwise specified in Section 3.3 of this By-law, detached accessory buildings and structures shall not be located in any required yard.
- (iv) The total lot coverage of all accessory buildings and structures on an individual lot may not exceed 10 percent of the lot area, nor may the height of any accessory building or structure exceed 6.0 metres.
- (v) Within a Commercial, Industrial or Institutional Zone, the total lot coverage of all accessory buildings or structures shall not exceed 15 per cent of the lot area. The height of any accessory building or structure shall not exceed the height restrictions of the respective zone.
- (v) Legal non-conforming uses shall be permitted to have accessory uses, buildings and structures in accordance with the provisions in this Section of the By-law and the Provisions of the applicable zone.
- (vi) A barn may be considered a principal use within the Agricultural or Rural Zones.

3.2.2 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 provided that:

- i) Such use, building or structure complies with the General Provisions of this By-law and the yard, setback and height provisions of the Zone in which it is located.
- ii) No goods, materials or equipment shall be stored outside the building or structure located on the lot, except as may otherwise be permitted by this By-law.
- iii) No building or structure erected in accordance with the provisions of this Section shall be used for the purposes of an office or maintenance works depot.
- iv) The building or structure shall be designed and maintained in general harmony with the uses permitted within the respective Zone.

3.2.3 Streets and Installations

Nothing in this By-law shall prevent land from being used as a street or prevent the installation of a watermain, sanitary sewer main, storm sewer main, gas main, lighting fixture, pipe line or overhead or underground hydro, telephone or other utility supply and/or communication lines.

3.2.4 Temporary Construction Uses

A building or structure incidental to lawful construction on a lot where such building or structure is erected shall be permitted in all zones only for such period of time as is necessary for work to progress and until the work is completed or abandoned and only for such period of time as a valid building permit for such construction remains in force and effect. The term 'abandoned' for the purposes of this provision shall constitute a failure to proceed expeditiously with construction or the failure to undertake any construction work during any continuous six month period.

Notwithstanding any other provision of this By-law to the contrary, where a dwelling is destroyed, and a Building Permit for reconstruction of the dwelling has been issued by the Municipality for the subject lands, the owner and family may occupy a trailer on a temporary basis but only during the period which the dwelling is being reconstructed.

3.3 ENCROACHMENTS INTO REQUIRED YARDS

3.3.1 Accessory Structures

Except as otherwise provided herein, in all Zones any accessory building or structure, which is detached from the principle building, shall be erected in compliance with the yard and setback requirements of the Zone in which such building is located.

Notwithstanding the yard and setback provisions of this By-law to the contrary, drop awnings, clothes poles, flag poles, garden trellises, retaining walls less than 0.5 metres above the average finished grade, fences, signs or similar uses which comply with the By-laws of the Municipality, shall be permitted in any required interior side or rear yard.

3.3.2 Fences and Boundary Walls

Notwithstanding any provisions of this By-law to the contrary, legal fences and boundary walls may be located with or project into any required yard.

3.3.3 Fire Escapes

Notwithstanding the yard and setback provisions of this By-law to the contrary, unenclosed fire escapes may encroach into any required setback a maximum distance of 1 metre.

3.3.4 Garages or Other Accessory Buildings or Structures

Notwithstanding the yard and setback provisions of this By-law to the contrary, a detached private garage or other accessory building or structure may be erected and used in an interior side or rear yard, provided that the following requirements are met.

(i) Interior Side Yard

Where such accessory building or structure is located in an interior side yard, it shall not be closer than 1.5 metre to the interior side lot line.

(ii) Rear Yard

Where such accessory building or structure is located in a rear yard, it shall not be closer than 1.5 metres to the rear lot line.

(iii) Distance from Main Building

Where such accessory building or structure is located in a side or rear yard, it shall not be closer than 2 metres from the main building unless the accessory structure is constructed on non-combustible material.

3.3.5 Gazebos and Saunas

Notwithstanding the yard and setback requirements of this By-law to the contrary, a gazebo or a sauna may be permitted in the front yard of a lot adjacent to a waterbody provided that:

- i) the maximum area is 14.0 square metres;
- ii) it is setback at least 4.0 metres from the normal average or maintained high water mark;
- iii) it is setback at least 2.0 metres from any side lot line; and,
- iv) the height shall not exceed 4.5 metres.

3.3.6 Ornamental Structures and Windows

Notwithstanding the yard and setback provisions of this By-law to the contrary, sills, chimneys, cornices, eaves, gutters, parapets, pilasters, windows or other ornamental structures may project into any required yard a maximum distance of 0.5 metres.

3.3.7 Railway Spur

Notwithstanding the yard and setback provisions of this By-law, a railway spur shall be permitted within any required yard.

3.3.8 Unenclosed Porches, Balconies, Steps or Patios

Notwithstanding the yard and setback provision of this By-law, to the contrary, unenclosed porches, balconies, decks, steps and patios, may project into any required front, rear or exterior side yard a maximum distance of 2.5 metres if it is not covered or 1.5 metres if it is covered, but not closer than 1.2 metres to any lot line. Where the floor of any porch, balcony, or deck is more than 0.5 metre above the finished grade, the side yard and rear yard setback requirements for the principle use shall apply.

3.4 ACCESS ON IMPROVED PUBLIC STREET, PRIVATE ROAD OR NAVIGABLE WATERWAY

3.4.1 Improved Public Road

No person shall erect any building or structure in any Zone after the date of passing of this By-law, unless the lot upon which such building or structure is to be erected has frontage upon an improved public road, and such building or structure complies with the setback provisions of this By-law.

The above provisions shall not apply to prevent the erection of a permitted building or structure on a lot in registered Plan of Subdivision where a properly executed Subdivision Agreement has been entered into with the Municipality, notwithstanding that the street or streets will not be assumed by the Municipality until the end of the maintenance period, nor shall it apply to prevent the enlargement, extension, renovation, reconstruction or other structural alteration of an existing building or structure, which is located on a lot which does not have frontage upon an improved public road, provided the use of such building or structure does not change and is permissible within the Zone in which it is located.

3.4.2 Private Road

Notwithstanding Section 3.4.1 of this By-law, where a lot fronts upon a private road or right-of-way, a permitted use, building or structure shall be permitted on such lot, in accordance with the applicable provisions of this By-law provided such private road or private right-of-way existed as of the date of passing of this By-law.

3.4.3 Navigable Waterway

Notwithstanding Section 3.3.1 to the contrary, a building or structure may be erected on any lot which has direct frontage on a navigable waterway that provides the only means of access to such lot. Municipal services will not be available to water access lots.

3.4.4 Hunt Camps

Notwithstanding Section 3.4.1 and 3.4.2 of this By-law, a Hunt Camp shall be permitted if it is located on a lot which has access onto an unimproved municipal road allowance or a private road but does not have access onto a maintained municipal road.

3.5 ESTABLISHED BUILDING LINE IN RESIDENTIAL ZONE

Notwithstanding any other provisions of this By-law to the contrary, where a dwelling is to be erected in a Residential Zone in the Vermilion Bay or Eagle River Settlement Areas, between existing dwellings on the same street or shoreline, such dwelling may be built with a front yard and setback equal to the average yard of the adjacent dwellings on the same side of the street.

3.6 GROUP HOMES AND CRISIS CENTRES

No Group Home or crisis Center shall be located within 200 metres of another Group Home or Crisis Centre.

3.7 HEIGHT EXCEPTIONS

Nothing in this By-law shall apply to prevent the erection, alteration, or use of a permitted barn or silo, or the following accessory buildings or structures, provided the main or principle use is permitted within the Zone in which it is located and provided all other applicable provisions of this By-law are complied with: a church spire, a belfry, a flag pole, a clock tower, a chimney, a water tank or tower, hydro generation and supply facility, a radio, television or telephone tower or antenna, except satellite antenna in excess of 0.5 m in diameter, air conditioner duct, incidental equipment required for processing, external equipment associated with internal equipment or machinery and conveying equipment.

3.8 HOME OCCUPATION

Where a home occupation is permitted in a dwelling unit, the following provisions shall apply:

- i) Not more than one (1) person, in addition to the residents of the dwelling, shall be engaged in the business and working from the dwelling;
- ii) The use is restricted to the dwelling unit and may not be conducted in whole or in part in any accessory building;

- iii) Not more than 25% of the gross floor area of the detached dwelling is used for the purpose of the home occupation;
- iv) There is no outdoor storage or display of material or equipment;
- v) There shall be no mechanical or other equipment used except that which is ordinarily used for housekeeping purposes or for any purpose normal to the use of a dwelling;
- vi) There is no sale of retail goods from the premises except those that are manufactured on the premises;
- vii) There shall be no external display or advertising, other than a legal sign to indicate to persons outside that any part of the dwelling or dwelling unit is being used for a purpose other than residential;
- viii) A home occupation shall not include a boarding or lodging house, an eating establishment, or a facility offering accommodation or meals other than a Bed and Breakfast establishment;

The Home Occupation only shall be permitted on a lot in conjunction with a single detached dwelling;

3.9

HOME INDUSTRY

Where a home occupation is permitted in a dwelling unit, the following provisions shall apply:

- i) A maximum of two (2) people other than an occupant of the dwelling may be engaged in the home industry at any time;
- ii) Such home industry may be located in part of a dwelling or in an accessory building to a principal residence, provided the total gross floor area utilized by the home industry does not exceed a maximum of 120 square metres;
- iii) There shall be no external display or advertising, other than a legal sign to indicate to persons outside that any part of the dwelling or dwelling unit is being used for a purpose other than residential;
- iv) There shall be no outside storage of goods, materials or articles.
- v) Only currently licensed motor vehicles, associated with the home industry may be parked or stored on the lot within an interior side or rear yard.

3.10

LOADING SPACE REQUIREMENTS

3.10.1

Loading Space

Loading spaces are required under this By-law in accordance with the Loading Space Requirement Table set forth herein. The owner of every building or structure erected for any purpose involving the receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise or raw materials shall provide and maintain loading and

unloading spaces on the lot accordingly. For the purposes of this By-law, each loading or unloading space shall be 15 metres in length, 3.5 metres in width and have a vertical clearance of at least 4.3 metres. Loading Spaces shall not include any area used for required parking spaces in accordance with this By-law.

3.10.2

LOADING SPACE REQUIREMENT TABLE

Gross Floor Area of Building	Loading Spaces Required
Less than 300 m ²	None
300 m ² to 2300 m ² or less	1 space
Exceeding 2300 m ² but not exceeding 7400 m ²	2 spaces
Exceeding 7400 m ²	1 space for each additional 7400 m ²

3.10.3

Access

Access to loading spaces shall be by means of a driveway of at least 3.5 metres in width contained on the lot on which the spaces are located and leading to an improved public road.

3.10.4

Location

The loading spaces required shall be located in the interior side or rear yard unless such space or spaces are removed from the street line a minimum distance of 15 metres.

3.10.5

Additions to or Change in Use of Existing Buildings

The loading space requirements referred to herein shall not apply to any building in existence at the date of passing of this By-law so long as the gross floor area, as it existed at such date, is not increased by more than 300 square metres. If an addition is made to the building or structure which increases the gross floor area, then additional loading spaces shall be provided as required by this Section, in accordance with the provisions of the Loading Space Requirement Table for such addition.

3.11

MARINE FACILITIES

3.11.1

Boat Dock or Launching Ramp

Notwithstanding the yard provisions of this By-law to the contrary, a boat launching ramp or a dock may be erected and used in any yard, or appertaining to a lot abutting or adjacent to a navigable waterway, except where specifically prohibited in the abutting Zone provided such ancillary structure is located no closer than 3 metres to the side lot line or a straight

line projection of the side lot line where it meets the front lot line at the water. Unless specifically identified as a principle use, docks are only permitted as an accessory structure.

3.11.2 Boathouses

Notwithstanding the yard and setback provisions of this By-law to the contrary, a boathouse may be constructed appertaining to a lot abutting a navigable waterway provided that the boathouse does not exceed one storey in height above the normal high water mark, the width of the boathouse does not exceed 15 metres or 25 per cent of the width of the abutting lot, whichever is lesser and provided that the boathouse is located no closer than 1.5 metres to the side lot line or the 90 degree projection of the side lot line where it meets the tangent of the front lot line at the shoreline.

3.12 MINIMUM OPENING ELEVATION

No habitable building located adjacent to Eagle Lake shall have any building opening below 362.712 metres (C.G.D.).

3.13 MULTIPLE ZONES ON ONE LOT

Where a lot is divided into more than one Zone under the provisions of this By-law, each such portion of this said lot shall be used in accordance with the Zone provisions of this By-law for the applicable Zone as if it were a separate lot. Each such portion of the lot shall be considered as a separate lot for the purpose of determining zone provisions.

3.14 NON-CONFORMING USES

3.14.1 Continuation of Existing Uses

The provisions of this By-law shall not apply to prevent the use of any land, building or structure for any purpose prohibited by this By-law if such land, building or structure was lawfully used for such purpose on the date of passing of this by-law, and provided that the lot, building or structure continues to be used for that purpose.

3.14.2 Restoration to a Safe Condition

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any existing, legal non-conforming building or structure or part thereof, provided that the strengthening or restoration does not increase the building height, size or volume or change the existing, lawful use of such existing building or structure unless these changes are necessary to provide for flood-proofing of the building.

3.14.3 Permitted Exterior Extension, Alteration and Reconstruction

A building which was lawfully used prior to the effective date of this By-law for a purpose not permissible within the Zone in which it is located, shall not be enlarged or extended more than 0.25 metres, reconstructed or otherwise structurally altered, unless such building or structure is thereafter to be used for a purpose permitted within such Zone.

3.14.4 Building Permit Issued

The provisions of this By-law shall not apply to prevent the erection or use, for a purpose prohibited by this By-law, of any building or structure, the plans for which have, prior to the date of passing of this By-law, been approved by the Chief Building Official, so long as the building or structure, when erected, is used and continues to be used for the purpose for which it was erected.

3.15 NON-COMPLYING LOTS, BUILDINGS, AND STRUCTURES

3.15.1 Permitted Buildings or Structures

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

- i) does not further increase the extent of the non-compliance;
- ii) is used for a purpose permissible within the Zone in which it is located;
- iii) does not increase the amount of floor area in a required yard; and
- iv) complies with all other applicable provisions of this By-law.

3.15.2 Reconstruction of Existing Building

Nothing in this By-law shall apply to prevent the reconstruction of any permitted building which is accidentally damaged or destroyed by causes beyond the control of the owner. Such permitted building may be reconstructed in accordance with the previously existing standards, even if such did not conform with one or more of the provisions of this By-law, but the non-compliance may not be further increased provided that the reconstruction occurs within 12 months of the damage being done.

3.15.3 Existing Undersized Lots of Record

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 may be erected, enlarged, repaired or renovated on the lot provided that the use and the buildings or structures comply with all of the other provisions of this By-law.

Lots which have been increased in size following passing of this By-law may also be used in accordance with this provision.

Notwithstanding the forgoing, where a lot is serviced by private sewage disposal and a private water supply system, no dwelling unit shall be permitted on a lot having an area of less than 400 sq. metres

3.16 NOXIOUS TRADE

Except as may otherwise be specifically permitted under this By-law, no use shall be permitted which, from its nature or the materials used therein, is defined as a noxious trade, business or manufacture under The Health Protection and Promotion Act, S.O., 1983, as amended, and the Regulations promulgated thereunder.

3.17 NUMBER OF DWELLING UNITS ON A LOT

Unless otherwise permitted in this By-law, no more than one dwelling unit shall be permitted on any lot.

3.18 Outdoor Furnaces

No outdoor furnaces used for burning wood, coal or petroleum fuel shall be located in any R1 or R2 Zone. Where an outdoor furnace is permitted it shall be setback a minimum of 30 metres from any lot line and shall not be permitted in a front yard.

3.19 PARKING AREA REGULATIONS

3.19.1 Parking Space 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. Where the calculation of required spaces exceeds a whole space of more than 0.25, the required spaces shall be the next whole number.

3.19.2 Parking Area Surface

Parking spaces, areas and driveway connecting the parking space or area with a street shall be maintained with a stable surface which is treated so as to prevent the raising of dust.

3.19.3 Ingress and Egress Provisions

- (i) Ingress and egress to and from the required parking spaces and areas shall be provided by means of unobstructed driveways or passageways of at least 3 metres in width but not more than 9 metres in perpendicular width.
- (ii) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 9 metres.
- (iii) The minimum distance between any two driveways on one lot or between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 7.5 metres.
- (iv) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.

- (v) Every lot shall be limited to the following number of driveways, namely:
 - (a) up to the first 21 metres of lot frontage, not more than one driveway;
 - (b) greater than 21 metres of lot frontage but not more than 30 metres of frontage, not more than two driveways with a combined width not exceeding 30 percent of the lot frontage; and,
 - (c) for each additional 30 metres of lot frontage, not more than one additional driveway.
- vi) Parking spaces shall have a minimum width of 3.0 metres and have a minimum length of 6.0 metres.

Angle of Parking Space with Aisle	Min. Perpendicular Width of Aisle
60 to 90 degrees	6.9 metres
59 to 45 degrees	5.2 metres
44 degrees or less	3.7 metres

3.19.4 More Than One Use on a Lot

When a building or structure accommodates more than one type of use, the parking space requirement for the whole building shall be the sum of the requirements for the separate parts of the building occupied by the separate types of use.

3.19.5 Parking Area Location on Lot

Parking spaces shall be located on the same lot as or on lands within the same zone no further than 150 metres from the lot on which the use is located except in the case of a lot which has access only to a navigable waterway, in such case, parking may be provided on another lot.

Notwithstanding the yard and setback provisions of this By-law to the contrary, uncovered surface parking areas shall be permitted in the required yards or in the area between the street line and the required setback except that, where a Commercial Zone abuts a Residential Zone, parking shall not be located in the required yard.

3.19.6 Additions To, or Changes In, The Use of Existing Buildings and Structures

The parking space requirements referred to herein shall not apply to any building or structure lawfully in existence on the date of passage of this By-law, so long as the gross floor area is not increased by more than 20 square metres following approval of this By-law and the use or number of dwelling

units does not change. If any addition is made to a building or structure which increases its gross floor area by more than 20 square metres, then parking spaces for the addition shall be provided as required by the Parking Space Requirement Table. Where a change in use occurs, parking spaces shall be provided for such new use in accordance with the requirements of the Parking Space Requirement Table.

3.19.7 Use of Parking Spaces and Areas

Parking spaces and areas required in accordance with this By-law shall be used for the parking of operative, currently licensed vehicles only and for vehicles used in an operation incidental to the permitted uses in respect of which such parking spaces and areas are required or permitted.

Notwithstanding the foregoing, the owner or occupant of any lot, building or structure in any Residential Zone may use the lot building or structure for the parking, storing or housing of one commercial motor vehicle or trailer provided that such vehicle does not have wheelbase in excess of 5.0 metres or exceed a one tonne load capacity.

PARKING SPACE REQUIREMENT TABLE

TYPE OF NATURE OF USE	MINIMUM OFF-STREET PARKING REQUIREMENTS
Assembly Hall, Auditorium, Arena, Community Centre, Place of Worship, Private Club, Theater, Farmers Market or other similar places of assembly not otherwise specified herein.	1 parking space for each five persons that may be legally accommodated at any one time or 1 parking space for every 28 sq. metres of gross floor area, whichever is greater.
Business and/or Professional Office, Financial Establishment, Retail Commercial Establishment, Personal Service Shop including a Home Occupation or Home Industry.	1 parking space for each 28 square metres of gross floor area of the building directly related to the specified permitted use.
Eating Establishment or Tavern	1 parking space for every 5 persons that can be accommodated at one time or every 9 sq. metres of gross floor area, whichever is greater.

TYPE OF NATURE OF USE	MINIMUM OFF-STREET PARKING REQUIREMENTS
Eating Establishment, Drive-In	1 parking space for each 2 square metres or fraction thereof of gross floor area.
Golf Course	24 parking spaces for each 9 holes of golfing facilities.
Home for the Aged, Nursing Home, Seniors Apartments, Medical Clinic	1 parking space for each six beds or 28 sq. metres of gross floor area, whichever is greater.
Hotel, Motel, Resort, Cottage or Cabin Establishment, Tourist Establishment or Camping Establishment	1 parking space for each guest room, cottage, cabin or camp site plus one space for each 9.0 sq. m. devoted to a public use.
Marina	1.5 parking spaces for every 1 boat slip and 1 parking space for every 8 square metres of gross floor area devoted to commercial use, exclusive of storage area.
Residential	1 parking spaces per dwelling unit.
Group Homes and Special Needs Housing	1 per required caregiver
Lots with four (4) or more dwelling units	1.25 spaces per dwelling unit
Workshop	1 parking space per 35 square metres of gross floor area.
Non-residential uses Permitted by this By-law other than those listed in this Table	1 parking space per 55 square metres of gross floor area or 1 parking space per 3 employees, whichever is greater
Aggregate processing use, forest products use, general manufacturing, or light industrial use	1 parking space per 55.0 sq. metres of floor area or 1 parking space per employee, whichever is greater

3.20 PLANTING STRIPS

3.20.1 Location

Where a lot in a Commercial, Industrial or Institutional Zone abuts an interior side or rear lot line of a lot in a Residential Zone, a planting strip adjoining such abutting lot line, or portion thereof, shall be provided within the Institutional, Commercial, or Industrial Zone with a minimum width of 3 metres.

3.20.2 Contents

Such required planting strip shall be used for no other purposes than planting a continuous, unpierced hedgerow of trees, evergreens or shrubs, or solid fencing not less than 1.5 metres high, immediately adjacent to the lot line, or portion thereof, where such planting strip is required. The remainder of the planting strip shall be used for no other purpose than the planting of ornamental shrubs, flowering shrubs, flower beds, grass or a combination thereof.

3.20.3 Driveways and Walkways

In all cases where ingress and egress, driveways, launching ramps or walkways extend through a required planting strip, it shall be permissible to interrupt the planting strip within 2 metres of the edge of such driveway or within 1.5 metres of the edge of such walkway.

3.20.4 Landscaped Open Space

A planting strip or buffer screen referred to in this Section may form a part of any landscaped open space required by this By-law but shall not form part of a required yard.

3.21 REDUCTION OF REQUIREMENTS

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

3.22 RESTRICTIONS ON DWELLING UNITS IN NON-RESIDENTIAL BUILDINGS

3.22.1 Location in Non-Residential Building

Where a dwelling unit located in a non-residential building, such dwelling unit shall comply with the yard provisions of this By-law which apply to zone in which the building is located.

3.22.2 Buildings Containing Hazardous Materials

No dwelling unit shall be permitted to be attached to a non-residential building or structure where hazardous, flammable or explosive materials,

gases, or substances are manufactured, stored in bulk for commercial purposes or kept for sale.

3.23 SHORELINE DEVELOPMENT

Unless otherwise specified, on lands within 100 metres of the shoreline of Eagle Lake and Eagle River:

- a) No habitable building shall be located below the 362.712 m CGD elevation.
- b) No habitable building or structure, or portion thereof, other than a basement shall be erected below the 362.712 m CGD elevation; and
- c) no openings in any habitable building shall be located below the 362.712 m CGD elevation.

3.24 SIGHT TRIANGLES

Notwithstanding any other provision of this By-law, on a corner lot, within the sight triangle, no building, structure shall be erected that would obstruct the vision of drivers of motor vehicles and no land shall be used for the purpose of growing vegetative buffers greater than 1 metre in height.

3.25 SIGNS

Unless otherwise specified, the provisions of this By-law shall not apply to prevent the erection, alteration or use of any sign provided such sign complies with the By-laws of the Municipality.

3.26 SPECIAL SETBACKS

3.26.1 Livestock Facilities

Notwithstanding any other yard or setback provisions in this By-law to the contrary, no residential, institutional, commercial, industrial or recreational use, located on a separate lot and otherwise permitted by this By-law shall be erected or altered unless it complies with the Minimum Distance Separation (MDS I) calculated using Schedule D to this By-law.

Notwithstanding any other yard or setback provision in this By-law to the contrary, no livestock facility shall be erected or expanded unless it complies with the Minimum Distance Separation Formula (MDS II) calculated using Schedule E to this By-law.

3.26.2 Railways

No building or structure used for human habitation shall be located closer than 20 metres to the limit of a railway right of way to the main line of the CNR Railway. In all other zones the minimum setback shall be 30 metres.

3.26.3 Street Centre Lines

Where a lot abuts a road allowance less than 20 metres in width, the minimum setback from the street line shall be 10 metres from the centre line of the street plus the required front yard or exterior side yard within the zone.

3.26.4 Waste Disposal Areas

Notwithstanding any other provision of this By-law, no habitable building or structure shall be located closer than 500 metres to any land zoned Waste Disposal Industrial (MD).

3.26.5 Pipelines and Utility Corridors

Notwithstanding any other provision of this By-law, no building or structure shall be located closer than 30 metres to a natural gas pipeline right-of-way or utility corridor.

3.26.6 Watercourses

Unless otherwise permitted by this By-law, no building or leaching bed for a sewage system shall be located within 30 metres of the normal or controlled high water mark of any watercourse or lake.

3.27 THROUGH LOTS

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

3.28 TRAILERS, MOTOR HOMES AND CAMPERS

3.28.1 Parking and Storage

A maximum of one trailer, camper or motor home may be stored temporarily in a Residential Zone, where a dwelling is in existence on the same lot. Trailers, motor homes and campers shall be temporarily stored in the rear or interior side yard and must meet the setbacks for an accessory building.

Where a trailer, motor home or truck camper is stored on a lot, the vehicle may be used for human habitation for not more than 30 days in any calendar year.

3.28.2 Use

The use of trailers, travel trailers, motor homes, truck campers, and camper trailers shall be prohibited in all Zones except in areas where such use is permitted by this By-law.

Mobile homes may be used as dwelling units only in a zone which permits mobile homes provided they have been constructed to CSA Standard Z240 or the equivalent and are located on permanent foundations with the running gear and towing equipment removed.

**SECTION 4
ZONE PROVISIONS**

4.1 RESIDENTIAL TYPE ONE (R1) ZONE

4.1.1 Permitted Uses

No person shall within a Residential Type One (R1) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

- i) group home
- ii) home occupation
- iii) single detached dwelling

4.1.2 Regulations for Permitted Uses

- i) Minimum Lot Area 700 sq. m
- ii) Minimum Lot Frontage 23 m
- iii) Minimum Yard Requirements
 - a) Front Yard 7.5 m
 - b) Interior Side Yard 1.5 m
 - c) Exterior Side Yard 5.0 m
 - d) Rear Yard 6.0 m
- iv) Maximum Lot Coverage 35%
- v) Maximum Height of Buildings 10.5 m.

4.1.3 Required Services

All lands zoned R1 must be connected to the municipal water supply system.

4.1.4 Exceptions

4.2 RESIDENTIAL TYPE TWO (R2) ZONE

4.2.1 Permitted Uses

No person shall within a Residential Type Two (R2) Zone, use any land or erect, alter or use any building or structure in accordance with the following:

- i) bed and breakfast
- ii) boarding house
- iii) group home
- iv) home occupation
- v) day nursery
- vi) single detached dwelling
- vii) semi-detached dwelling
- viii) duplex
- ix) triplex
- x) quadraplex
- xi) row house dwelling

except

4.2.2 Regulations for Permitted Uses

- i) Minimum Lot Area 930 sq. m
- ii) Minimum Lot Frontage 30 m
- iii) Minimum Yard Requirements
 - a) Front Yard 7.5 m
 - b) Interior Side Yard 1.5 m
 - c) Exterior Side Yard 5.0 m
- Duplex/ semi-detached:
 No side yard is required where a common wall separating a duplex or semi-detached dwelling is located on a side lot line.
- d) Rear Yard 6.0 m
- iv) Maximum Lot Coverage 35%
- v) Maximum-Height-of-Buildings 10.5 m

4.2.3 Required Services

All lands zoned R2 must be connected to the municipal water supply system.

4.2.4 Exceptions

4.2.4.1 Residential Type Two Exception One (R2-1) Zone

Notwithstanding the provisions of the Residential Type Two (R2) Zone, on lands within the Residential Type Two Exception One (R2-1) Zone, a permanent ten-family dwelling and public use are permitted. In all other respects, the provisions of this By-law apply.

4.2.4.2 Residential Type Two Exception Two (R2-2) Zone

Notwithstanding the provisions of the Residential Type Two (R2) Zone, on lands within the Residential Type Two Exception Two (R2-2) Zone, a six family dwelling and public use are permitted. In all other respects, the provisions of this By-law apply.

4.3

RESIDENTIAL MOBILE HOME (RMH) ZONE

4.3.1

Permitted Uses

No person shall within a Residential Mobile Home (RMH) Zone, use any land or erect, alter or use any building or structure in accordance with the following:

except

- i) mobile home park

4.3.2

Regulations for a Mobile Home Park

- i) Minimum Lot Area
 - With municipal water supply 1 ha
 - Without municipal water supply 8 ha
- ii) Minimum Frontage 60 m
- iii) Yard Setbacks
 - Front Yard 7.5 m
 - Exterior Side Yard 7.5 m
 - Interior Side Yard 7.5 m
 - Rear Yard 7.5 m
- iv) Maximum Density
 - 16 mobile home sites per hectare
- v) Maximum Lot Coverage 25%
- vi) Minimum Landscaped Open Space 20%
- vii) Maximum Height of Buildings 5 m

4.3.3

Regulations for Individual Sites with a Mobile Home Park

- i) Minimum Site Area
 - With piped communal water supply and a piped communal septic system 500 sq. m
 - With individual water supply and septic 4000 sq. m
- ii) Frontage on Internal Roadway
 - With piped communal water supply and a piped communal septic system 15 m
 - With individual water supply and septic 30 m
- iii) Yard Setbacks
 - Front Yard 6.0 m

Exterior Side Yard (on internal roadway)	5.0 m
Interior Side Yard	1.5 m
Rear Yard	6.0 m
iv) Minimum Dwelling Unit Floor Area	53 sq. m

4.3.4 Exceptions

4.4 **RURAL RESIDENTIAL (RR) ZONE**

No person shall within a Rural Residential (RR) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.4.1 **Permitted Uses**

- i) single detached dwelling
- ii) home industry
- iii) home occupation

4.4.2 **Zone Requirements**

- i) Minimum Lot Area 1.0 ha
- ii) Minimum Lot Frontage 50 m
- iii) Minimum Yard Requirements
 - a) Front Yard 18 m
 - b) Exterior Side Yard 8.0 m
 - c) Interior Side Yard 6.0 m
 - d) Rear Yard 15 m
- iv) Maximum Lot Coverage 5%
- v) Maximum Height of Buildings 9.0 m

4.4.3 **Exceptions**

4.5 SHORELINE RESIDENTIAL (SR) ZONE

No person shall within a Shoreline Residential (SR) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.5.1 Permitted Uses

- i) single detached dwelling
- ii) guest cabin
- iii) home occupation

4.5.2 Zone Requirements

i)	Minimum Lot Area	0.6 ha
ii)	Minimum Lot Frontage	60 m
iii)	Minimum Yard Requirements	
	a) Front Yard	30 m
	b) Exterior Side Yard	10 m
	c) Interior Side Yard	5.0 m
	d) Rear Yard	7.5 m
iv)	Maximum Lot Coverage	25%
vi)	Maximum Height of Buildings	10.5 m

4.5.3 Exceptions

4.6

SEASONAL RESIDENTIAL (SSR) ZONE

No person shall within a Seasonal Residential (SR) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.6.1

Permitted Uses

- i) seasonal dwelling
- ii) guest cabin

4.6.2

Zone Requirements

- i) Minimum Lot Area 0.6 ha
- ii) Minimum Lot Frontage ~~60 m~~
- iii) Minimum Yard Requirements
 - a) Front Yard 30 m
 - b) ~~Exterior Side Yard~~ ~~30 m~~
 - c) Interior Side Yard 10 m
 - d) Rear Yard 15 m
- iv) Maximum Lot Coverage 5%
- vi) Maximum Height of Buildings 9 m

4.6.3

Exceptions

4.7

GENERAL COMMERCIAL (GC) ZONE

No person shall within a General Commercial (GC) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.7.1

Permitted Uses

- i. accessory dwelling on second floor of commercial use
- ii. assembly hall
- iii. bank or financial institution
- iv. business and professional office
- v. convenience store
- vi. day nursery
- vii. laundromat
- viii. personal service establishment
- ix. place of amusement
- x. post-office
- xi. private club
- xii. restaurant
- xiii. retail store
- xiv. service shop

4.7.2

Regulations for Permitted Uses

- i) Minimum Lot Area 400 sq. m
- ii) Minimum Lot Frontage 20 m
- iii) Minimum Yard Requirements
 - a) Front Yard 1.5 m
 - b) Exterior Side Yard 1.5 m
 - Interior Side Yard 1.5 m
 - Where a Side Lot Line abuts a Residential Zone 3 m
 - c) Rear Yard 1.5 m
 - Where a Rear Lot Line abuts a Residential Zone 3 m
- iv) Maximum Lot Coverage 50%
- v) Maximum Height of Buildings 10.5 m

4.7.3

Exceptions

4.8 HIGHWAY COMMERCIAL (HC) ZONE

No person shall within a Highway Commercial (HC) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.8.1 Permitted Uses

- i. building supply and lumber outlet
- ii. bus depot
- iii. commercial entertainment establishment
- iv. commercial self-storage facilities
- v. equipment sales/rental establishment
- vi. laundromat
- vii. marine or small engine sales and service establishment
- viii. hotel and motel
- ix. motor vehicle fuel bar or service station
- x. motor vehicle wash
- xi. public storage facilities
- xii. recreational vehicle sales and service operation
- xiii. restaurant
- xiv. retail store
- xv. workshop

4.8.2 Regulations for Permitted Uses

- i) Minimum Lot Area 4000 sq. m
- ii) Minimum Lot Frontage 45 m
- iii) Minimum Yard Requirements
 - a) Front Yard 15 m
 - b) Exterior Side Yard 6 m
 - c) Interior Side Yard 3 m
 - Where a Side Lot Line abuts a Residential Zone 6 m
 - d) Rear Yard 3 m
 - Where a Rear Lot Line abuts a residential zone 6 m
- iv) Maximum Lot Coverage 30%
- vi) Maximum Height of Buildings 10.5 m

4.8.3 Exceptions

4.9

TOURIST COMMERCIAL (CT) ZONE

No person shall within a Tourist Commercial (CT) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.9.1

Permitted Uses

- i. accessory dwelling to tourist commercial use
- ii. accessory retail sales
- iii. cabin establishment
- iv. camping establishment
- v. commercial entertainment establishment
- vi. hotel and motel
- vii. marina including a float plane base
- viii. outdoor recreation
- ix. restaurant
- x. tourist establishment

4.9.2

Regulations for Permitted Uses

- i) Minimum Lot Area 1.0 ha
- ii) Minimum Lot Frontage 60 m

Tourist Commercial development is only permitted on the basis of 4 metres of frontage on the waterbody per accommodation unit.

- iii) Minimum Yard Requirements
 - a) Front Yard 20 m
 - b) Exterior Side Yard 20 m
 - c) Interior Side Yard 9 m
 - d) Rear Yard 9 m
- iv) Maximum Lot Coverage 30%
- v) Maximum Height of Buildings 10.5 m
- vi) Maximum Density 5 units per hectare

4.9.3

Exceptions

4.10

GENERAL INDUSTRIAL (M1) ZONE

No person shall within a Light Industrial (M1) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.10.1

Permitted Uses

- i. asphalt or concrete plant
- ii. business, professional and administrative office
- iii. building supply and lumber outlet
- iv. equipment sales and services
- v. light manufacturing or processing within an enclosed building
- vi. motor vehicle repair garage
- vii. motor vehicle body shop
- viii. retail sales accessory to a permitted use
- ix. railway lines and railway transfer yard
- x. salvage yard
- xi. telecommunications tower
- xii. transmission towers and hydro-electric substations
- xiii. warehouse
- xiv. wholesale sales outlet
- xv. workshop

4.10.2

Regulations for Permitted Uses

- i) Minimum Lot Area 0.4 ha
- ii) Minimum Lot Frontage 45 m
- iii) Minimum Yard Requirements
 - a) Front Yard 15 m
 - b) Side Yard 15 m
 - c) Rear Yard 15 m
- iv) Maximum Lot Coverage 50%
- v) No salvage yard shall be permitted within 610 m of Residential Zone.

4.10.3

Exceptions

4.11 EXTRACTIVE INDUSTRIAL (M2) ZONE

No person shall within an Extractive Industrial (M2) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.11.1 Permitted Uses

- i) asphalt or concrete plant
- ii) aggregate extractive use
- iii) aggregate processing use

4.11.2 Regulations for Permitted Uses

i) Minimum Lot Area	1.0 ha.
ii) Minimum Lot Frontage	100 m
iii) Minimum Yard Requirements	
a) Front Yard	30 m
b) Exterior Side Yard	15 m
c) Rear Yard	15 m
iv) Minimum Setback from a Residential Lot	90 m
v) Maximum Lot Coverage (Buildings and Structures)	10%
vi) Minimum Landscaped Open Space	10%

All yards abutting a Residential Zone shall contain a planting strip of at least 30 metres in width. All yards abutting any other zone shall contain a planting strip of at least 15 m in width.

4.11.3 Exceptions

4.12

WASTE DISPOSAL INDUSTRIAL (MD) ZONE

No person shall within a Waste Disposal Industrial (MD) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.12.1

Permitted Uses

- i) recycling facility
- ii) sewage lagoon
- iii) solid waste disposal or management facility

4.12.2

Regulations for Permitted Uses

i)	Minimum Lot Area	1.0 ha
ii)	Minimum Lot Frontage	100 m
iii)	Minimum Yard Requirements	
	a) Front Yard	30 m
	b) Side Yard	30 m
	c) Rear Yard	30 m
iv)	Maximum Lot Coverage	75%
v)	Minimum Landscaped Open Space	20%
vi)	Maximum Height of Buildings	10 m

4.12.3

Exceptions

4.13 INSTITUTIONAL (I) ZONE

4.13.1 Permitted Uses

No person shall within an Institutional (I) Zone, use any land or erect, alter or use any building or structure except for one or more of the following uses:

- i) ambulance station
- ii) arena
- iii) business, professional and administrative offices
- iv) cemetery
- v) community centre
- vi) day nursery
- vii) fire station
- ix) library
- x) medical clinic
- xi) municipal water and sewage treatment and storage facilities
- iii) nursing home
- iv) place of worship
- v) public use
- xiv) school

4.13.2 Regulations for Permitted Uses

- i) Minimum Lot Area 700 sq. m
- ii) Minimum Lot Frontage 23 m
- iii) Minimum Yard Requirements
 - a) Front Yard 7.5 m
 - b) Side Yard 3 m
 - c) Rear Yard 7.5 m
- iv) Maximum Lot Coverage 50%
- vi) Maximum Height of Buildings 10.5 m

4.13.3 Exceptions

4.14 RURAL (RU) ZONE

4.14.1 Permitted Uses

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

- i. agricultural use
- ii. airport
- iii. conservation use
- iv. forestry use
- v. single detached dwelling
- vi. mobile home
- vii. home occupation
- viii. portable asphalt plant or concrete plant
- ix. wayside pit or quarry

4.14.2 Regulations for Permitted Uses

i)	Minimum Lot Area	4 ha
ii)	Minimum Lot Frontage	120 m
iii)	Minimum Yard Requirements	
	a) Front Yard	15 m
	b) Side Yard	15 m
	c) Rear Yard	15 m
iv)	Maximum Height of Buildings	10.5 m

4.14.3 Exceptions

4.15 AGRICULTURAL (A) ZONE

4.15.1 Permitted Uses

No person shall within an Agricultural (A) Zone, use any land or erect, alter or use any building or structure except for one or more of the following uses:

- i. farm
- ii. accessory farm produce sales outlet
- iii. home occupation
- iv. home industry
- v. kennel
- vi. resource management activities
- vii. single detached dwelling
- viii. accessory dwelling

4.15.2 Regulations for Permitted Uses

- i) Minimum Lot Area 30 ha
- ii) Minimum Lot Frontage 100 m
- iii) Minimum Yard Requirements
 - a) Front Yard 30 m
 - b) Exterior Side Yard 30 m
 - c) Interior Side Yard 15 m
 - d) Rear Yard 15 m
- iv) Maximum Height of Buildings 10.5 m

4.15.3 Exceptions

4.16 OPEN SPACE (OS) ZONE

No person shall within an Open Space (OS) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.16.1 Permitted Uses

- i) community centre
- ii) golf course
- iii) outdoor recreation
- iv) private recreational park
- v) public park and accessory structures

4.16.2 Regulations for Permitted Uses

i) Minimum Lot Area	1.0 ha
ii) Minimum Lot Frontage	60 m
iii) Minimum Yard Requirements	
a) Front Yard	7.5 m
b) Side Yard	7.5 m
c) Rear Yard	7.5 m
iv) Maximum Lot Coverage	5%
v) Minimum Landscaped Open Space	50%
vi) Maximum Height of Buildings	10.5 m

4.16.3 Lands Under Water

All lands situated below the surface of a waterbody or watercourse shall be deemed to be in the Open Space (OS) Zone. Notwithstanding the permitted uses in Section 4.14.1 to the contrary, the only permitted uses of such land shall be marine facilities and boathouses accessory to permitted uses on the appertaining lands where such a use is permitted on the appertaining zone and in accordance with Section 3.11. In addition, the Regulations for Permitted Uses shall not apply to lands under water.

It is noted that approval from the Ministry of Natural Resources and/or Transport Canada may be required for marine facilities and boathouses.

4.16.4 Exceptions

4.17 HAZARD LANDS (HZ) ZONE

No person shall, within any Hazard Lands (HZ) Zone erect, alter or use any building or structure except in accordance with the following provisions:

4.17.1 Permitted Uses

- i) conservation
- ii) marine facilities
- iii) passive public parks
- iv) structures for flood or erosion control

4.17.2 Regulations for Permitted Uses

No buildings or structures including accessory buildings or structures with the exception of marine facilities pumphouses and buildings and structures for flood and erosion are permitted in the Hazard Lands (HZ) Zone.

4.17.3 Exceptions

**SECTION 5
DEFINITIONS**

5.1 ACCESSORY

A use, separate building or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principle use, building or structure.

5.2 AGGREGATE EXTRACTION USE

Any open excavation made for the removal of any soil, earth, clay, marl, sand, gravel or any consolidated rock including limestone, sand stone, shale, or granite in order to supply material for construction, manufacturing or industrial purposes; but shall not include an excavation incidental to the erection of a building or structure for which a building permit has been issued by the Corporation or an extraction incidental to the construction of public works. This definition shall not include a wayside pit or quarry as defined herein.

5.3 AGGREGATE PROCESSING USE

Any manufacturing or industrial operation devoted to the processing of soil, clay, earth, marl, sand, gravel, consolidated or unconsolidated rock or minerals and may include such uses as a concrete batching plant, clay or concrete products plant or asphalt processing plant.

5.4 AGRICULTURAL BUILDING

Any building or structure customarily used in connection with a farm other than a residence.

5.5 AGRICULTURAL USE

Any agricultural use or uses, structures or buildings accessory thereto, including field crops, animal husbandry, horticultural nurseries and any other use customarily carried on in the field of general agriculture, including the sale on the premises, of produce grown or raised on the premises except specialized agricultural uses as defined herein.

5.6 AIRPORT

The use of lands, buildings or structures for the purposes of air transportation services.

5.7 APARTMENT

A single building comprised of three or more dwelling units with shared entrance facilities, where none of the dwelling units are rented or are available for rent for periods of less than 30 days.

- 5.8 **ASSEMBLY HALL**
A building, or part of a building, in which facilities are provided for such purposes as meetings for civic, educational, political, religious or social purposes and may include a bingo hall, a banquet hall, private club or fraternal organization.
- 5.9 **ATTACHED**
A building otherwise complete in itself, which depends, for structural support or complete enclosure, upon a division wall or walls shared in common with adjacent building or buildings.
- 5.10 **BASEMENT**
The portion of building which is underground.
- 5.11 **BED AND BREAKFAST**
A home occupation within a single detached dwelling wherein not more than five rooms are rented and meals are served to overnight guests for commercial purposes.
- 5.12 **BOARDING HOUSE**
A dwelling in which the proprietor supplies for a fee sleeping accommodation with board for at least three persons and not more than ten persons exclusive of the proprietor, members of the proprietor's family and servants of the establishment but does not include a hostel.
- 5.13 **BOATHOUSE**
A building used for the storage of boats and boating equipment and shall not be used for human habitation or any commercial boat service or repair facility.
- 5.14 **BOAT SLIP**
A single parking space of at least 185 sq. m. for a boat or other marine vessel forming part of a dock, boathouse or other mooring facilities.
- 5.15 **BUILDING**
A structure consisting of walls, roof and floor or a structural system serving the same purpose and including carports but does not include awnings.
- 5.16 **BUILDING SUPPLY AND LUMBER OUTLET**
A building or structure in which building or construction and home improvement materials are offered or kept for sale at retail and may include the fabrication of certain materials related to home improvements.

5.17 BULK FUEL DEPOT

Lands, buildings and structures for the storage, distribution of fuels and oils but not including retail sales except key lock operations.

5.18 BUSINESS, PROFESSIONAL OFFICE OR ADMINISTRATIVE OFFICE

A building or part of a building in which one or more persons are employed in the management, direction or conducting of a business or where professionally qualified persons and their staff serve clients or patients who seek advice, consultation or treatment and may include the administrative offices of a non-profit or charitable organization.

5.19 BUS DEPOT

A building or premises where commercial motor vehicles pick up and discharge fare-paying passengers or are stored, parked or repaired. Accessory uses may include ticket offices, luggage handling facilities and similar uses.

5.20 CABIN ESTABLISHMENT

A tourist establishment or any parcel or land equipped with two or more cabins and is used or maintained to accommodate the travelling or vacationing public.

5.21 CAMP SITE

A parcel of land within a camping establishment that is maintained as a site for the location and temporary occupation of a tent, travel trailer, motor home, recreational vehicle or truck camper, but not a mobile home.

5.22 CAMPING ESTABLISHMENT

Lands used for the parking and temporary use for at least five (5) campsites occupied by tents, trailers, motor homes, truck campers and recreational vehicles and accessory uses and facilities such as administrative offices, sanitary facilities, recreational facilities and an accessory convenience store.

5.23 CEMETERY

The land that is set apart or used as a place for the internment of the dead or in which human bodies have been buried.

5.24 CHIEF BUILDING OFFICIAL

The official employed by the Municipality appointed under the Building By-law or pursuant to the provisions of The Building Code Act, R.S.O., 1992 c.23 as amended, and shall include any Inspector likewise employed and appointed.

5.25 COMMERCIAL ENTERTAINMENT ESTABLISHMENT

Premises where entertainment is offered for gain or profit such as a motion picture or other theatre, public hall, billiard or pool rooms, an establishment offering three or more electronic games for public use, bowling alley, ice or roller skating rink, miniature golf course and all other similar places of amusement.

5.26 COMMUNITY CENTRE

Any tract of land or building, or buildings or any part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the Municipality, a local board or agent thereof and may include an auditorium, swimming pool, arena and fitness centre.

5.27 CONSERVATION

The preservation, protection and improvement of the components of the natural environment through a comprehensive management and maintenance program administered by a public authority for individual or public use and may include hunting or trapping.

5.28 CONTRACTOR'S YARD

A yard of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein.

5.29 CONVENIENCE STORE

A retail commercial establishment, not exceeding 200 square metres of gross floor area, supplying groceries and other daily household necessities to the surrounding area, whether or not such store is open for business seven (7) days a week or not.

5.30 CORPORATION

The Corporation of the Municipality of Machin.

5.31 COUNCIL

The Council of the Corporation of the Municipality of Machin

5.32 DAY NURSERIES

A day nursery operated for pre-school age children within the meaning of the Day Nurseries Act, R.S.O., 1980, c.111 as amended.

- 5.33 **DECK**
Deck shall mean a structure above the ground cantilevered from a dwelling unit or supported by the ground and open to the sky, located 0.3 m. or more above finished grade.
- 5.34 **DOCK**
A structure for the mooring of boats, attached to or forming part of the mainland or used in conjunction with a use on the mainland.
- 5.35 **DWELLING, ACCESSORY**
A use, separate building, or structure, which is usually incidental, subordinate, exclusively devoted to and located on ~~the same lot as the~~ principle use, building or structure but not including a building or structure which is used as a dwelling unless specifically permitted.
- 5.36 **DWELLING, DUPLEX**
The whole of a two-storey building divided horizontally into two separate dwelling units, each of which has an independent entrance either directly or through a common vestibule.
- 5.37 **DWELLING, QUADRUPLEX**
The whole of a dwelling house that is divided vertically by common party walls into four separate dwelling units, each of which has two common party walls.
- 5.38 **DWELLING, SEMI-DETACHED**
The whole of a building divided vertically into two separate dwelling units.
- 5.39 **DWELLING, SINGLE DETACHED**
A detached building containing one dwelling unit only.
- 5.40 **DWELLING, TOWNHOUSE**
A dwelling unit in a building divided vertically into no less than three nor more than eight dwelling units attached by common walls extended from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade.
- 5.41 **DWELLING, TRIPLEX**
The whole of a building divided horizontally into three separate dwelling units, each of which has an independent entrance either directly or through a common vestibule.

5.42 DWELLING UNIT

A combination of rooms in which a kitchen, living quarters and sanitary conveniences are provided for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway inside. It may include a modular home constructed in accordance with the Building Code and C.S.A. A-277 Regulations.

5.43 DWELLING UNIT, ACCESSORY

A separate dwelling unit which is contained in a building which was originally designed as a single detached dwelling and continues to be occupied by the owner.

5.44 ERECT

To build, construct, reconstruct, alter or relocate including any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

5.45 ESTABLISHED BUILDING LINE

The average distance from the road line to existing buildings measured not more than 100 metres on either side of the lot where the frontage has been built upon, as of the date of passing of this By-law.

5.46 EXISTING

Legally existing, being a reality or an actuality as of the date of passing of this By-law.

5.47 FARM

Any farming or agricultural use and includes apiaries; aviaries; berry or bush crops; breeding, raising, training or boarding of horses or cattle; commercial greenhouses; farms devoted to the hatching, raising and marketing of chickens, turkeys, or other fowl or game birds, animals, fish or frogs; farms for grazing; flower gardening; field crops; goat or cattle dairies; growing, raising, picking, treating and storing of vegetables or fruit produce produced on the premises; nurseries; orchards; riding stables; the raising of sheep or goats; the raising of swine; tree crops; market gardening; bee keeping; wood lots; such uses or enterprises as are customarily carried on in the field of general agriculture not including a specialized farm as defined. "Farm" includes a single-family dwelling house, and such principle or main buildings and structure as a barn or silo, as well as accessory buildings and structures which are incidental to the operation of the farm.

5.48 FINISHED GRADE

The average elevation of the finished surface of the ground at ground level measured on any side of a building or structure.

5.49 FIRST STOREY

The storey with its floor closest to grade and having its ceiling more than 1.8 metres above grade.

5.50 FLOOR AREA, GROSS

The aggregate of the floor area measured between the exterior faces of the exterior walls and required firewalls, including the space occupied by interior walls and partitions, 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.

5.51 FLOOR AREA, GROUND

The maximum ground floor area of a building measured by the outside walls, excluding, in the case of a single detached dwelling, any private garage, carport, porch, verandah or sunroom (unless such sunroom is habitable at all seasons of the year).

5.52 FORESTRY USE

The general raising, harvesting, and storage of wood, timber and wood products together with storage and repair facilities for vehicles, machinery and equipment related thereto, and shall include the raising, felling and stockpiling of trees, fuel wood, pulpwood, Christmas trees and other forest materials.

5.53 FOREST PRODUCTS USE

Any building or structure devoted to the processing of forest products. This definition may include a sawmill, lumber mill, and the storage of raw material or finished products associated with such uses.

5.52 GARAGE, PRIVATE

A detached accessory building or portion of a dwelling house which is designed or used for the sheltering of a private motor vehicle and storage of household equipment incidental to the residential occupancy and which is fully enclosed and roofed and excludes a carport or other open shelter.

5.53 GAZEBO

A freestanding roofed accessory structure which is not enclosed, except for screening or glass and which is utilized for the purposes of relaxation in conjunction with a residential dwelling but shall not include any other use or activity otherwise defined or classified in this By-law.

5.54 GOLF COURSE

A public or private area operated for the purpose of playing golf, and includes a club house and recreational facilities, accessory driving ranges and miniature golf courses, and similar uses.

5.55 GROUP HOME

A single housekeeping unit in a residential dwelling in which 3 to 9 unrelated residents excluding staff or receiving family, live as a family under responsible supervision consistent with the requirements of its residents and includes a home licensed or approved under the Provincial statute as a Special Care Residential Home, Supportive Housing Program, Adult Community Mental Health Program, Children's Residence, Accommodation Services for the Developmentally Handicapped, Satellite Residences for Seniors and Halfway Houses for the Socially Disadvantaged, in compliance with municipal by-laws.

5.56 GUEST CABIN

A single storey accessory structure which is not attached to the main dwelling on a lot which is maintained for the accommodation of an individual or individuals where sanitary facilities and facilities for cooking are not provided.

5.57 HEAVY EQUIPMENT SALES AND RENTAL

~~A building or part of a building or structure in which heavy machinery and equipment are offered or kept for sale, rent, lease or hire under agreement for compensation, but shall not include any other establishment defined or classified in this By-law.~~

5.58 HEIGHT OF BUILDINGS

The vertical distance, measured between the average natural or finished grade at the front of the building, whichever is the lesser, and:

- a) In the case of a flat roof, the highest point of the roof surface, whichever is greater;
- b) In the case of a mansard roof, the deck roof line; and
- c) In the case of a gable, hip or gambrel roof, the average height between the eaves and ridge.

Accessory roof constructions, such as chimneys, towers, steeples or television antennas, shall be disregarded in calculating the height of a building in accordance with Section 3.7.

5.59 HIGH WATER MARK SETBACK

The setback will be measured from the normal controlled high water mark of the lake or river.

5.60 HOME FOR THE AGED

A Home for the Aged as defined by the Home for the Aged Act.

5.61 HOME INDUSTRY

Any occupation conducted entirely within a building or part of a building accessory to a single detached dwelling house, and may include processing, assembly, manufacturing or a workshop.

5.62 HOME OCCUPATION

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

5.63 HOTEL

A tourist establishment containing five or more guest rooms, served by a common building entrance. Accessory uses may include staff accommodations, a tavern, dining rooms, meeting rooms or similar uses.

5.64 HUNT CAMP

A building or structure having a maximum area of 45 square metres consisting of one or more rooms which is at least partially furnished and may include facilities for the preparation of food and overnight accommodation on a temporary 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.

5.65 IMPROVED PUBLIC ROAD

A road or highway under the jurisdiction of the Province of Ontario or the Municipality or a private road within a registered Plan of Condominium which is maintained so as to allow normal vehicular access to adjacent properties and which, in the case of a municipal road is a road which has been constructed to municipal standards.

5.66 INSTITUTIONAL USE

The use of any lands, building or structure for a non-commercial purpose by any organization, group or association for the promotion of charitable or community activities and may include activities of a religious group, community group or service club.

5.67 KENNEL

An establishment for the keeping, breeding and raising of domesticated animals for profit or gain, but shall not apply to the keeping of animals in a veterinary establishment for the purpose of observation and or recovery necessary to veterinary treatment.

5.68 LANDSCAPED OPEN SPACE

The open space from ground to sky at grade on a lot accessible by walking and which is suitable for the growth and maintenance of grass, flowers, trees, bushes, natural vegetation 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.

5.69

LANE

A public thoroughfare which affords only a secondary means of access for vehicular traffic to abutting lots and which is not intended for general traffic circulation.

5.70

LAUNDROMAT

A building or structure where the service or coin-operated laundry machines, using only water, detergents and additives, are made available to the public for the purpose of laundry cleaning.

5.71

~~LIGHT-EQUIPMENT SALES AND RENTAL ESTABLISHMENT~~

A building or structure or part of a building or structure in which light machinery and equipment such as air compressors and related tools and accessories; augers; automotive tools; cleaning equipment; light compaction equipment; concrete and masonry equipment; electric tools and accessories; fastening devices such as staplers and tackers; floor and carpet tools; gasoline generators; jacks and hydraulic equipment; lawn and garden tools; ladders; moving equipment; painting and decorating equipment; pipe tools and accessories; plumbing tools and accessories; pumps; hoses; scaffolding; welding equipment; and, other similar tools and appurtenances 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.

5.72

LOADING SPACE

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, and which abuts upon a street, lane or other appropriate means of access.

5.73

LOT

A parcel or tract of land described in a deed or other legal document which is legally capable of conveying title and:

- a) Which is a whole lot within a Registered Plan of Subdivision, or lot within a Plan of Condominium other than a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a By-law passed pursuant to Section 50 of The Planning Act, S.O., 1990, Cp.13, as amended; or
- b) Which is a legally separated parcel of land in existence on the date of passing of this By-law without the owner holding the fee or the equity or redemption in, or power or right to grant, assign or exercise a power of appointment with respect to any abutting land; or

- c) The description of which is the same as in a deed which has received final consent to a conveyance pursuant to Section 50 of The Planning Act, S.O., 1990, Cp.13, as amended.
- d) Which is the whole remnant remaining to an owner or owners after a conveyance is made with final consent pursuant to Section 40 of The Planning Act, S.O., 1990, Cp.13, as amended, but for the purpose of this paragraph no parcel or tract of land ceases to be a lot by reason only of the fact that a part or parts of it has or have been conveyed to or acquired by the Municipality of Machin, Her Majesty in the Right of Ontario or Her Majesty in the Right of Canada; or,
- e) Which is the subject of an order of The Minister of Municipal Affairs pursuant to the provisions of Section 57 of The Planning Act., S.O., 1990, Cp.13, as amended.

5.74

LOT AREA

The total horizontal area within the lot lines of a lot or if an island, the area of land above the normal high water mark.

5.75

LOT, CORNER

A lot situated at the intersection of two or more streets, or at the intersection of a street and a railway right-of-way which contains an interior angle of not more than one hundred and thirty-five (135) degrees at their point of intersection.

5.76

LOT COVERAGE

The percent of the lot area covered by buildings or structures excluding parking areas, driveways, patios and walkways but including accessory buildings and structures constructed appertaining to the lot.

5.77

LOT FRONTAGE

The horizontal distance of the front lot line between the side lot lines measured at right angles, such distance being measured along a line which is parallel to the front line and set back from the front lot line a distance equal to the minimum required front yard depth.

5.78

LOT, INTERIOR

A lot other than a corner lot.

5.79

LOT LINE

Any boundary of a lot. Where a lot line changes direction by less than 45° it shall be considered as one line. Where a lot line changes direction by more than 45° it shall be considered a separate line.

5.80

LOT LINE, EXTERIOR

The side lot line which abuts the road on a corner lot.

5.81

LOT LINE, FRONT

The lot line that abuts the road, but in the case of any lot having water access, the front lot line shall be the lot line abutting the highwater mark of the navigable waterway:

- a) Where a lot abuts a municipally maintained road and a navigable waterway, both the lot line abutting the municipal road and the lot line abutting the navigable waterway shall be deemed the front lot line.
- b) In the case of a corner lot or through lot, the shorter lot line that abuts a street or navigable waterway shall be deemed to be the front lot line and the longer lot line that abuts a road or shall be deemed an exterior side lot line, but,
- c) In the case of a corner lot or through lot with two lot lines of equal length abutting roads, the lot line that abuts the wider street shall be deemed to be the front lot line, but where the roads are of equal width, the lot line which abuts a Provincial Highway shall be deemed to be the front lot line, and in the case of both roads being under the same jurisdiction and of the same width, the owner of the lot may designate which road line shall be the front lot line.
- d) In the case where a lot abuts only a road cul-de-sac, all of the frontage on the road cul-de-sac shall be deemed to be the front lot line.

5.82

LOT LINE, REAR

The lot line farthest from or opposite to the front lot line.

5.83

LOT LINE, SIDE

A lot line other than a front or rear lot line.

5.84

LOT, THROUGH

A lot other than a corner lot, bounded on opposite sides by streets.

5.85

LOT, WATERFRONT

A lot which abuts the shoreline of a waterbody or abuts a shoreline road allowance/reserve.

5.86

MANUFACTURING, LIGHT

The assembly or repair or fabrication of goods and materials utilizing materials which have been manufactured in another location and which does not produce waste water in excess of 4500 litres per day, chemical by-products or utilize an area for outdoor storage of goods or materials except for equipment or vehicles which are for sale, lease or hire.

- 5.87 **MARINA**
A commercial establishment or premises, containing docking facilities or mooring facilities where boats or boat accessories are berthed, stored, serviced, repaired, constructed or kept for sale or rent and where facilities for the sale of marine fuels or lubricants, accessory retail sales and a taxi and/or barging service are provided and where waste water pumping facilities may be provided.
- 5.88 **MARINE FACILITY**
An accessory building or structure which is used to take boats into or out of a navigable waterway, or to moor boats. This definition includes a launching ramp, boat lift, or dock but does not include any building used for human habitation.
- 5.89 **MEDICAL CLINIC**
A building or part of a building used exclusively by physicians, dentists, drugless practitioner, their staff and their patients for the purposes of medical consultation, diagnosis and office treatment.
- 5.90 **MOBILE HOME**
Any dwelling that is designed to be mobile, and constructed or manufactured to provide a permanent residence for one or more persons in accordance with CSA Z240 but does not include a travel trailer or tent trailer or trailer otherwise designed.
- 5.91 **MOBILE HOME SITE**
A parcel of land within a mobile home park which is serviced and used for the exclusive purposes of one mobile home.
- 5.92 **MOBILE HOME PARK**
A lot under single management which has been planned and intended for the placement of three or more serviced sites for the location of mobile homes.
- 5.93 **MODULAR HOME**
Any dwelling that is designed in more than one unit and is designed to be made mobile on a temporary basis, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a mobile home, recreational travel trailer or recreational motor vehicle as defined herein. A modular home shall meet C.S.A. A-277 standards.
- 5.94 **MOTEL**
A tourist establishment containing five or more guest rooms, each guest room having a separate entrance from the outside of the building. Accessory uses may include staff accommodations, a tavern, dining rooms, meeting rooms or similar uses.

- 5.95 MOTOR VEHICLE**
 An automobile, truck, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of The Highway Traffic Act, R.S.O., 1980, c.198, as amended.
- 5.96 MOTOR VEHICLE, COMMERCIAL**
 Any commercial motor vehicle within the meaning of The Highway Traffic Act, R.S.O., 1980, c.198, as amended.
- 5.97 MOTOR VEHICLE BODY SHOP**
 A building or structure used for the painting or repairing of motor vehicle bodies, exterior and undercarriage, and in conjunction with which there may be towing service and motor vehicle rentals for customers while the motor vehicle is under repair, but shall not include any other establishment otherwise defined or classified in this By-law.
- 5.98 MOTOR VEHICLE DEALERSHIP**
 A building or structure where a franchised dealer displays motor vehicles for sale or rent and in conjunction with which there may be used motor vehicle sales or rentals, a motor vehicle repair garage, a motor vehicle service station, a motor vehicle gasoline bar or a motor vehicle body shop, but shall not include any other establishment otherwise defined or classified in this By-law.
- 5.99 MOTOR VEHICLE FUEL BAR**
 One or more pump islands, each consisting of one or more motor vehicle fuel pumps, and a shelter, which shall include the sale of oils, antifreeze, gasoline additives, propane, natural gas and small accessories required for the operation of motor vehicles, boats and snowmobiles and shall not be used for repairs, oil changes or greasing.
- 5.100 MOTOR VEHICLE REPAIR GARAGE**
 A building or structure where the exclusive service performed or executed on motor vehicles for compensation shall include the installation of exhaust system, repair of the electrical system, transmission repair, brake repair, radiator repair, tire repair and installation, rustproofing, motor vehicle diagnostic centre, major and minor mechanical repairs or similar use and in conjunction with which there may be a towing service, a motor vehicle service station and motor vehicle rentals for the convenience of the customer while the motor vehicle is being repaired, but shall not include any other establishment otherwise defined or classified in this By-law.

- 5.101 MOTOR VEHICLE SERVICE STATION**
 A building or structure primarily engaged in the retail sale of gasoline, other petroleum products and accessory products for motor vehicles. Accessory uses may include minor mechanical running repairs essential to the operation of a motor vehicle but shall not include a motor vehicle dealership or motor vehicle repair garage.
- 5.102 MOTOR VEHICLE WASH, AUTOMATIC**
 A building or structure containing facilities for washing motor vehicles for compensation either using production line methods and mechanical devices or by a self-service operation, but does not include any other motor vehicle establishment defined in this By-law where car washing is done only as incidental to the principal operation.
- 5.103 MOTORIZED SNOW VEHICLE**
 A motorized snow vehicle within the meaning of The Motorized Snow Vehicle Act.
- 5.104 MUNICIPAL, DISTRICT OR PROVINCIAL MAINTENANCE AND/OR STORAGE YARD**
 Any land, building and/or structure owned by the Corporation of the Municipality of Machin, Public Utilities Commission or the Province of Ontario and used for the storage, maintenance and/or repair of material, equipment, machinery and/or motor vehicle used in connection with civic works.
- 5.105 NAVIAGABLE WATERWAY**
 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.
- 5.106 NON-COMPLYING**
 A lot, building or structure, which at the date of passing of this By-law, does not fulfill the requirements of the zone provisions for the Zone in which the lot, building, structure is located.
- 5.107 NON-CONFORMING**
 An existing use or activity of any land, building or structure which at the date of passing of this By-law, does not conform with the permitted uses or activities, of this By-law for the Zone in which such existing land, building or structure is located, so long as it continues to be used for that purpose.
- 5.108 NURSING HOME**
 Any premises maintained and operated for persons requiring nursing care, and which is licensed under The Nursing Homes Act, R.S.O., 1980, c.302, as amended.

5.109 OUTSIDE STORAGE

Any accessory storage outside of a principle or main building or structure on the lot.

5.110 PARK, PRIVATE RECREATIONAL

An open space or recreational area, other than a public park, operated on a commercial and/or private member basis, and which includes one or more of the following facilities or activities:

- a) Areas for walking, riding and cross-country skiing, snowmobiling, but does not include the racing of animals, motor vehicles, motor cycles or snowmobiles;
- b) Accessory recreational or playground areas such as picnic areas, ~~tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields;~~
- c) An accessory club house or storage building of a maximum of 75 sq. m. , and;
- d) Parking lots accessory to the foregoing.

5.111 PARK, PUBLIC

Any 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, regional and special parks or areas and may include one or more athletic fields, field houses, community centres, bleachers, swimming pools, greenhouses, botanical gardens, zoological gardens, bandstands, skating rinks, tennis courts, bowling greens, bathing stations, curling rinks, refreshment rooms, fair grounds, arenas, or similar uses.

5.112 PARKING AREA

An area or areas of land or a building or part thereof which is provided and maintained upon the same lot or lots upon which the principle use is located for the purpose of temporarily storing motor vehicles.

5.113 PARKING LOT

A parking area forming the principle use of a lot.

5.114 PARKING SPACE

A portion of a parking area, exclusive of any aisles or driveways, which may be used for the temporary storage of a single vehicle.

5.115 PATIO

A platform or surfaced area without a roof, the surface of which is not more than 0.3 metres above finished grade, which is designed and intended for use as an accessory to a dwelling or a commercial use.

- 5.116 **PLACES OF WORSHIP**
Churches, chapels, temples, parish halls and synagogues including offices for the administration of the religious institution, convents, seminaries, monasteries, rectories, parsonages and parish houses.
- 5.117 **PLACE OF AMUSEMENT**
Any premises or separate part of a premises wherein for profit or gain, two or more amusement machines are provided for use by the public.
- 5.118 **PLANTING STRIP**
An open space free of buildings or structures which is used for the growing and maintenance of an unpierced row of shrubs, trees or other natural vegetation having a minimum height of 1.5 metres.
- 5.119 **PRINCIPAL OR MAIN BUILDING**
Any building which is carried on the principle purpose for which the building lot is used and shall include a barn or silo used in conjunction with a farm.
- 5.120 **PRIVATE CLUB**
A non-profit, non-commercial organization, which carries on social, cultural, athletic and/or recreational activities.
- 5.121 **PRIVATE ROAD**
A private right-of-way over private property or Crown Land which affords access to abutting lots and is not maintained by a public body.
- 5.122 **PROVINCIAL HIGHWAY**
A public improved road under the jurisdiction of the Ministry of Transportation.
- 5.123 **PUBLIC AUTHORITY**
Any Federal, Provincial or Municipal government body.
- 5.124 **RESORT**
A tourist establishment that provides accommodation throughout all or part of the year and that has facilities for serving meals and furnishes equipment, supplies or services to persons in connection with angling, hunting, camping or recreational purposes and may include a Liquor Licensed Premises and accommodation facilities for staff.
- 5.125 **RESOURCE MANAGEMENT USE**
The preservation, protection and improvement of the natural environment through comprehensive management and maintenance for both the individual and society's uses, both in the present and the future. Resource

Management Uses also means the management, development and cultivation of timber resources to ensure the continuous production of wood or wood products, the provision of proper environmental conditions for wildlife, the protection against flood and erosion, the protection and production of water supplies and the preservation of the recreational resource.

5.126 RESTAURANT

A commercial establishment in which the principal business is the preparation and serving of food and refreshments to the public for immediate consumption within the establishment or on an abutting terrace or patio and which may include home delivery, catering or food pick-up/take-out services.

5.127 RETAIL STORE

A building where goods, wares, merchandise, substances or articles, are offered or kept for sale at retail and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, or articles sufficient only to service such stores but does not include any retail outlet otherwise classified or defined in this By-law.

5.128 RIDING SCHOOL OR BOARDING STABLE

An area of land which is used as an educational centre for horse training, handling, care, or for the lodging of horses.

5.129 SALVAGE OR WRECKING YARD

A place 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.

5.130 SCHOOL

A public school, a separate school, a university, a community college or a private school authorized by the Province of Ontario.

5.131 SEASONAL RESIDENTIAL USE

A single detached dwelling used essentially for recreation, rest or relaxation from time to time, throughout any season of the year, by any person or persons but not used or intended to be used continuously in excess of five months or as a permanent residence.

5.132 SERVICE SHOP

A building or part of a building, not otherwise defined or classified in this By-law, for the servicing or repairing of articles, goods or materials, as well as facilities for accessory retail sales.

5.133 SERVICE SHOP, PERSONAL

A building or part of a building in which persons are employed in furnishing services and otherwise administering to individual and personal needs of patrons such as barber shops, beauty parlours, hair dressing shops, photograph studio and shoe repair shops.

5.134 SETBACK

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.

5.135 SIGHT TRIANGLE

~~Shall mean 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. 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.~~

5.136 STOREY

A storey is that part of a building between the surface of one floor and the ceiling above. However, a cellar does not count as a storey.

5.137 STREET

A public thoroughfare maintained on a year-round basis by either the Municipality of Machin or the Province of Ontario. This definition shall not include a lane or private right-of-way.

5.138 STREET LINE

The limit of the street or road allowance and is the dividing line between a lot and street or road.

5.139 STRUCTURE

Anything that is erected, built or constructed of parts joined together and which is fixed or supported by the ground, any other structure or both, including septic tile fields, but shall not include a parking space or patio.

5.140 TENT AND TRAILER PARK

Any parcel of land used to provide temporary accommodation for the public or members of an organization in tents or tourist trailers, which consists of not less than ten individually improved sites which are planned or intended for the placement of such tents and tourist trailers.

5.141

TOURIST ESTABLISHMENT

A commercial establishment designed for the travelling 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) a camp operated by a charitable corporation approved under The Charitable Institutions Act, R.S.O., 1980, c.64, as amended;
- b) a summer camp within the meaning of the regulations made under The Health Protection and Promotion Act, S.O., 1983, as amended;
- c) a club owned by its own members and operated without profit or gain; or
- d) a tent and trailer park.

5.142

TRAILER, TRAVEL OR TENT

Any vehicle in which the assembly can be erected, while stationary, using the trailer body and related components for support and utilized for living, shelter and sleeping accommodation, with or without cooking facilities, which is collapsible and compact while being drawn by a motor vehicle and has running gear and towing equipment permanently attached.

5.143

TRANSPORTATION DEPOT

Any building or land where buses, trucks or tractor-trailers are rented, leased, kept for hire, stored or parked for commercial purposes.

5.144

USE

The purpose for which a lot or building or a structure or any combination thereof is designed, arranged, occupied or maintained.

5.145

VESSEL

A craft designed to float on the water including a boat, a barge or a ship.

5.146

VETERINARY CLINIC

A building or part of a building where animals or pets are given medical or surgical treatment, within which there may be shelter facilities provided for overnight medical treatment but shall not include a boarding kennel.

5.147

WAREHOUSE

A building or part of a building used for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities for a wholesale or an accessory retail commercial outlet, provided that they do not exceed 10 per cent of the gross floor area, but shall not include a truck or transport terminal or yard.

- 5.148 WASTE DISPOSAL AREA**
A land fill site where garbage, refuse, domestic or industrial waste, exclusive of liquid industrial waste, is disposed of or dumped.
- 5.149 WATERCOURSE**
A waterbody or the natural channel for a perennial or intermittent stream of water including a river or stream.
- 5.150 WATER SERVICES OR FACILITY**
Any works by a public authority for the treatment, storage, supply or distribution of water.
- 5.151 WAYSIDE PIT OR QUARRY**
A temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.
- 5.152 WORKSHOP**
A building or structure where manufacturing is performed by tradesmen requiring manual or mechanical skills and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, a plumbing and electrical contractor's or a heating /air conditioning contractor's shop, a commercial welder's shop, or similar uses.
- 5.153 YARD**
An open area of land on the same lot as the principal building or structure, unoccupied and unobstructed except as otherwise provided or required by this By-law, and located between the main wall of the principal building and a lot line.
- 5.154 YARD, FRONT**
A yard extending across the full width of the lot between the front lot line and the nearest wall of any building or structure on the lot for which the yard is required. On islands where there is only one lot, all yards shall be considered as the front yard. On lots having frontage on a navigable waterway and a maintained municipal roadway there are two front yards.
Where there is a Crown Reserve or Shoreline Road Allowance the front yard requirement shall include the abutting Crown Reserve or Shoreline Road Allowance.
- 5.155 YARD, REAR**
A yard extending across the full width of the lot between the rear lot line and the nearest wall of any building on the lot for which the yard is required.
- 5.156 YARD, REQUIRED**

The minimum yard required by the provisions of the By-law.

5.157

YARD, SIDE

A yard extending from the front yard to the rear yard between the side lot line and the nearest wall of any building on the lot for which the yard is required.

5.158

YARD, SIDE EXTERIOR

A side yard immediately adjoining a public street.

5.159

YARD, SIDE INTERIOR

A side yard other than an exterior side yard.

**SECTION 6
ENACTMENT**

6.1 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 Municipality of Machin subject to the applicable provisions of The Planning Act, R.S.O., 1990, as amended.

6.2 READINGS BY COUNCIL

THIS BY-LAW READ A FIRST TIME ON THE ____ DAY OF _____, 2001

THIS BY-LAW READ A SECOND TIME ON THE ____ DAY OF _____, 2001.

THIS BY-LAW READ A THIRD TIME AND FINALLY PASSED ON THE
DAY OF _____, 2001.

MAYOR: _____

(MUNICIPAL SEAL)

CLERK: _____

6.3 CERTIFICATION

I hereby that the foregoing is a true copy of Zoning By-law No. _____ as enacted by the Council of the Corporation of the Municipality of Machin, on the ____ day of _____, 2001.

CLERK: _____