

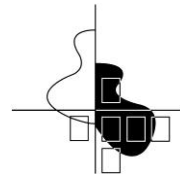


# **ZONING BY-LAW**

**By-Law No. 2014-45**

CONSOLIDATION October 1, 2015

Adopted July 8, 2014



PLANSCAPE  
Building Community Through Planning  
Bracebridge, Ontario



## Zoning By-law Consolidation

### List of By-law Amendments included in this consolidation

<b>By-law Number</b>	<b>Change in designation</b>	<b>Date Passed</b>	<b>Schedule/ Table</b>
2014-04	Amend Zoning By-law 87-9 (Springer), as amended by By-law 2013/58, to CF and R4	21-Jan-2014	SF5
2014-25	Amend Zoning By-law 86-4 (Springer), to R1	18-Mar-2014	SF4
2014-26	Amend Zoning By-law 87-9 (Springer), to R4	18-Mar-2014	SF5
2014-56	C2-2	12-Aug-2014	SF5
2014-76	SR-2	2-Dec-2014	G4-3
2014-77	R4	2-Dec-2014	G4-2
2015-21	SR-3	17-Mar-2015	H5-4
2015-59	Table 6.3 Residential Zone Requirements: Height of Accessory Structures in R, R2, R3, R4, SR, RR, MRH, RU, A1, A2	14-Jul-2015	6.3 9.3
2015-60	C2	14-Jul-2015	SF4
2015-61	RU-3	14-Jul-2015	F5-4
2015-67	SR-4	11-Aug-2015	D4-3
2015-68	R2	11-Aug-2015	G4-2



Municipality of/Municipalite de  
West Nipissing Ouest  
Comprehensive Zoning By-law

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#### APPENDICES

- A. Metric / Imperial Conversion Table
- B. Illustrations
- C. MDS Calculations



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West Nipissing Ouest  
Comprehensive Zoning By-law 2014-45

Consolidation to: October 1, 2015

## **Section 1 - Administration and Interpretation**

### **1.1 Title**

This by-law shall be known as the “Municipality of West Nipissing Zoning By-Law”.

### **1.2 Application**

- a) The provisions of this By-law apply to all lands including islands within the boundaries of the Municipality of West Nipissing.
- b) The provisions of this By-law may not apply to Crown Land. However, this By-law reflects the established planning policies of the Municipality and it is intended that the Crown shall have regard for the provisions of this By-law.

### **1.3 Administration and Enforcement**

- a) This By-law shall be administered and enforced by municipal staff as appointed by the Council of the Municipality.
- b) Any designated employee of the Municipality acting under their direction may, at any reasonable hour and upon producing proper identification, enter and inspect any property but shall not enter any building or structure used as a dwelling unit without the consent of the occupier, or the authority of a Search Warrant issued pursuant to the provisions of the Provincial Offences Act.

### **1.4 Conformity and Compliance with By-law**

- a) No land, building or structure may be used, erected or altered except in accordance with the provisions of this By-law.
- b) In the event of an inconsistency or conflict between two or more provisions in this By-law, the more restrictive provision shall apply.
- c) Any existing use or structure established in compliance with the provisions of a predecessor of this By-law or in accordance with a variance granted by the Committee of Adjustment continues to be permitted by this By-law. Any new use or structure, or addition to an existing structure shall meet the provisions of this By-law.

- d) Any use established in contravention or violation of a predecessor of this By-law is deemed to have been established unlawfully and shall not be considered in compliance with this By-law.

## **1.5 Interpretation**

- a) The provisions of this By-law are the minimum requirements except where the word “maximum” is used, in which case the maximum requirement applies.
- b) Nothing in this By-law shall serve to relieve any person from any obligation to comply with the requirements of any other By-law of the Municipality or any requirement of the Province of Ontario or Government of Canada that may affect the use of lands, buildings or structures in the Municipality.
- c) All measurements in this By-law appear in metric. Appendix “A” has been included for information purposes only and the imperial figures are not exact conversions of the metric figures. Reference shall always be made to the metric figures in determining conformity with the By-law.
- d) Illustrations have been included in Appendix “B” to assist in providing a visual interpretation of various provisions in the By-law.
- e) The identification of public and private roads as shown on the schedules of this By-law are approximate, and are shown for illustration purposes only. Where there is uncertainty regarding the access to a lot, the Municipality will confirm the ownership and maintenance status of the road.

## **1.6 Penalties for Contravention**

Any person who contravenes any provision of this By-law is guilty of an offense and upon conviction is liable to the fine(s) as provided for under the Planning Act, R.S.O. 1990, c.P. 13 as amended.

## **1.7 Severability**

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

## **1.8 Technical Revisions to the By-law**

Revisions may be made to this By-law without the need for a zoning by-law amendment in the following cases:

- a) Correction of grammar or typographical errors or revisions to format in a manner that does not change the intent of a provision.

- b) Adding or revising technical information on maps or schedules that does not affect the zoning of lands including, but not limited to, matters such as updating and correcting infrastructure information, keys, legends or title blocks.
- c) Changes to appendices, footnotes, headings, indices, marginal notes, table of contents, illustrations, historical or reference information, page numbering, footers and headers, which do not form a part of this By-law and are editorially inserted for convenience of reference only.
- d) Minor adjustments to the boundary of the Hazard (HZ) Zone overlay on a property may be made without amendment to the Zoning By-law, where the Official for the Municipality is satisfied that the mapping of the Hazard (HZ) Zone overlay on a schedule is in obvious error.

## **1.9 Transition Provisions**

- a) Where a building permit has been issued prior to the effective date of this By-law, the provisions of this By-law, as they apply to such building or structure, shall be deemed to comply with the zone regulations in effect at the time of issue of the building permit.
- b) Where the Committee of Adjustment has issued a decision on a variance to any zoning by-law in the Municipality within one year prior to the effective date of this By-law, the decision of the Committee of Adjustment shall continue to apply.
- c) Where a Site Plan Agreement has been entered into prior to the effective date of this by-law, and the timeframes specified in the Agreement have not yet lapsed, the provisions of this By-law, as they apply to such land, building or structure, shall be deemed to be modified to the extent necessary to give effect to such Site Plan Agreement.

## Section 2: Establishment of Zones

### 2.1 Zones & Zone Symbols

For the purposes of this By-law, the Municipality is divided into the following Zones:

<b>ZONE</b>	<b>SYMBOL</b>
<b>Residential Zones</b>	
Residential One	R1
Residential Two	R2
Residential Three	R3
Residential Four	R4
Shoreline Residential	SR
Rural Residential	RR
Mobile Home Residential	MHR
<b>Commercial Zones</b>	
General Commercial	C1
Highway Commercial	C2
Tourist Commercial	C3
<b>Industrial Zones</b>	
Light Industrial	M1
Heavy Industrial	M2
Extractive Industrial	M3
Waste Disposal Industrial	M4
<b>Agricultural and Rural Zones</b>	
Agriculture One	A1
Agriculture Two	A2
Rural	RU
<b>Other Zones</b>	
Crown Land	CL
Community Facilities	CF
Open Space	OS
Provincially Significant Wetland	PSW
<b>Overlay Zone</b>	
Hazard	HZ
Waste Management Influence Area	WM

## **2.2 Zone Schedules**

The zones set out in Section 2.1 and the boundaries of such zones are shown on the schedules attached to this By-law, being Schedules A1 to M4, and SF1 to SF9. The schedules form part of this By-law.

## **2.3 Zoning of Lands not shown on Schedules**

No land use schedule has been prepared for the Geographic Townships of Janes, Dana and McWilliams, and the north half of Fell. All lands in these geographic townships are zoned as follows:

- CL (Crown Land) for all Crown Land
- RU (Rural) for all patented lands, or by site specific zoning, as noted in Section 9.5.3 or on site specific zoning schedules.

## **2.4 Zoning of Water and Islands**

- a) Where a zone boundary abuts a waterbody, such zone shall be deemed to extend into the waterbody and to apply to any waterlots, Crown lake bed or any land created by changing lake levels, and to extend over all docks, boathouses, boat ports and any other structures appertaining to the lot.
- b) All islands not identified as being within a Zone on the Zone Schedules shall be zoned Open Space (OS).

## **2.5 Site Specific Zones**

Where a Zone symbol on the attached Schedule(s) is followed by a dash “-” and a number, such as “R1-17”, the number refers to a site-specific exception that applies to the lands noted.

## **2.6 Overlay Zones**

- a) Where a property is identified within the Hazard (HZ) Zone Overlay on the schedules to this by-law, the property shall be subject to the provisions in Section 4.7.
- b) Where a property is identified within the Waste Management Influence Area (WM) Overlay on the schedules to this by-law, the property shall be subject to the provisions in Section 4.31.

## **2.7 Holding Zones**

Notwithstanding any other provision in this By-law, where a Zone symbol is followed by the letter “H” and a number, no person shall use the land to which the letter “H” applies for any use other than the use which existed on the date this By-law was passed, until the “H” is removed in

accordance with the policies of the Official Plan and the provisions of Section 11 of this By-law and/or the requirements of any amending By-law, and the requirements of the *Planning Act*, as amended.

## **2.8 Determining Zone Boundaries**

When determining the location of zone boundaries as shown on any Schedule forming part of this By-law, the following provisions apply:

- a) a boundary indicated as following lot lines shown on a registered plan of subdivision, or reference plan, or the municipal boundaries of the Municipality shall follow such lot lines;
- b) a boundary indicated as following a highway, street, lane, railway right-of-way, utility corridor or watercourse shall be the centerline of such highway, street, lane, railway right-of-way, utility corridor or watercourse;
- c) where a boundary passes through a lot and the distance is not indicated, the Zone boundary shall be measured using the scale of the Schedules;
- d) where none of the above provisions apply, the Zone boundary shall be scaled from the legally approved Schedules.

## **2.9 Limited Service Areas**

Where development is permitted on a lot without access from a year round maintained public road, the provision of access based public services to the lot may be limited due to the standard and level of maintenance of the access to the lot.

## **2.10 Multiple Uses on One Lot**

Where any land, building or structure is used for more than one purpose, the applicable provisions of this By-law which serve to regulate each such use shall be complied with.

## **2.11 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 the lot shall be used in accordance with the Permitted Uses and Zone Requirements of this By-law for the applicable Zones. However, not more than one dwelling shall be permitted on the entire lot, except where specifically permitted in this By-law.



### Section 3: Definitions

- 3.1 ABATTOIR:** a slaughter house designed for the purpose of killing animals, skinning, dressing and cutting up of carcass, wrapping for sale for human consumption with cooler and freezer storage, smoking, curing or manufacture of meat by-products and includes indoor confinement of animals while awaiting slaughter but shall not include any process related to rendering plants such as the manufacture of tallow, grease, glue, fertilizer or any other inedible product.
- 3.2 ACCESSORY:** a use, building or structure that is commonly incidental, subordinate and exclusively devoted to the principal use, building or structure and is located on the same lot.
- 3.3 ACCESSORY BUILDING OR STRUCTURE:** a detached or attached building or structure that is not used for human habitation (except for a sleeping cabin) and the use of which is customarily incidental and subordinate to a principal use, building or structure and located on the same lot.
- 3.4 AGRICULTURAL PROCESSING ESTABLISHMENT:** the use of land, buildings and structures for the processing and storage of agricultural produce, including the initial cleaning, culling, storing or packing of products produced on the farm or in conjunction with farms in the vicinity which produce the same agricultural products, and in preparation for shipment to food processing establishments or market. Without limiting the generality of the foregoing, an agricultural processing establishment shall include a feed and grain mill or a seed mill.
- 3.5 AGRICULTURAL PRODUCE WAREHOUSE:** a building or part of a building used for the storage of agricultural produce and may include facilities for wholesale distribution or an accessory retail use for the sale of such agricultural produce to the general public, but does not include an agricultural processing establishment.
- 3.6 AGRICULTURAL USE:** general farming and without limiting the generality of the foregoing includes the raising and harvesting of field, bush, tree or vine crops, truck gardening, nurseries, greenhouses, dairying, animal husbandry, raising of poultry, and the sale of produce grown on the farm from which the sale is made. A farm residence for the owner of the farm and accommodation for employees engaged in the operation of the farm is permitted, except where specifically prohibited in the Agricultural Two (A2) Zone.
- 3.7 AGRICULTURAL PRODUCT SALES OUTLET:** a building, part of a building, or a stand in which farm products produced on the farm are offered for sale at retail, but shall not include a slaughter house or abattoir.
- 3.8 AGRICULTURAL SERVICES:** the use of land, structure or building for the purposes of buying and selling commodities and services that are necessary to support agricultural operations but does not include any manufacturing, assembling, processing, warehousing, or construction uses.

- 3.9 AGRICULTURAL SUPPLY/IMPLEMENT DEALERSHIP:** a building, structure or area where farm implements, equipment and farm supplies are kept for sale at retail and may include facilities for the servicing of such implements or equipment but shall not include any other establishment otherwise defined or classified herein.
- 3.10 ALTER:**
- a) When used in reference to a building, structure or part thereof:
    - i. to change any one or more of the external dimensions of such building or structure; or
    - ii. to change the type of construction of the exterior walls or roof of such building or structure; or
    - iii. to change the use of such building or structure; or
    - iv. to change the number of uses or dwelling units contained therein.
  - b) When used in reference to a lot:
    - i. to change the boundary of such lot with respect to a street or lane; or
    - ii. to change any dimension or area, relating to such lot, which is covered herein by a zone provision; or
    - iii. to change the use of such lot; or
    - iv. to change the number of uses located thereon.
- 3.11 BAKERY:** a building, or part of a building, in which the milling of grain, production of bread and other similar products is undertaken, and includes ancillary uses of storage, warehouse, office facilities in connection with this operation and the retail sale of such products.
- 3.12 BAR:** a licensed drinking establishment, the principal business of which is to serve any sort of beverage alcohol to the public for consumption on the premises.
- 3.13 BASEMENT:** that space of the dwelling that is partly below grade, which has more than one-half of its interior height measured from floor to ceiling above the average finished grade around the exterior of the building.
- 3.14 BED AND BREAKFAST ESTABLISHMENT:** a dwelling, or part thereof, in which not more than 4 bedrooms are used or maintained for the accommodation of the travelling or vacationing public, in which the owner supplies lodgings with or without meals for the persons so accommodated, but does not include a boarding house, group home, or tourist establishment.
- 3.15 BOARDING HOUSE:** premises in which the proprietor resides and supplies for remuneration to more than four (4) other persons lodging or meals or both, in which the lodging rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants, and shall not include a hotel, hospital, motel, nursing home or residential care facility.

- 3.16 BOATHOUSE:** a detached accessory building or structure, that is located over the lake/river bed or adjacent thereto, which is designed or used for the sheltering of a boat or other form of water transportation and may include storage of household equipment incidental to the residential use permitted on the lot.
- 3.17 BOAT PORT:** a detached accessory structure used for the berthing, sheltering or storing of boats and related equipment that is roofed, but not enclosed by more than one wall and is built, founded or anchored near, at or over the shoreline of a navigable waterway or on land.
- 3.18 BUFFER AREA:** a landscaped or naturally vegetated strip of land devoted exclusively to the provision of visual amenity and a physical barrier between adjacent uses.
- 3.19 BUILDING:** any structure used or designed to be used for shelter, accommodation or enclosure of persons, animals or chattels other than a lawful boundary wall or fence.
- 3.20 BUILDING, LINE:** a line within a lot drawn parallel to a lot line and establishes the minimum distance between that lot line and any building or structure, which may be erected.
- 3.21 BUILDING SUPPLY ESTABLISHMENT:** a building or structure in which building or construction and home improvement materials are offered or kept for sale and may include the fabrication of certain materials related to home improvements, and may include outside storage.
- 3.22 BULK SALES ESTABLISHMENT:** the use of land, structure or building for the purposes of buying and selling fuels, ice and allied commodities, but does not include any manufacturing, assembling or processing uses.
- 3.23 BUSINESS, PROFESSIONAL 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 service clients or patients who seek advice, consultation or treatment, and for the purposes of this By-law may include the administrative offices of a non-profit or charitable organization.
- 3.24 CABIN:** a separate building designed to provide only sleeping accommodation for the travelling or vacationing public.
- 3.25 CABIN, HOUSEKEEPING:** a separate building designed to provide sleeping accommodations and facilities for the preparation and cooking of food for the travelling or vacationing public.
- 3.26 CARPORT:** an enclosed or partially enclosed structure having a minimum of fifty percent (50%) open area with a roof which is designed or used for the storage of one or more private vehicles.
- 3.27 CELLAR:** that space of the building that is partly or entirely below grade which has one-half or less than one-half of its height measured from floor to ceiling above finished grade around the exterior of the building.

- 3.28 CEMETERY:** land that is set apart or used as a place for interment of human remains, or for the scattering of cremated human remains in accordance with The Funeral, Burial and Cremation Services Act, 2002, and amendments thereto. A cemetery may include such accessory uses as a mausoleum and columbarium.
- 3.29 CLINIC:** a building or part of a building used for the medical, dental, surgical, psychiatric or therapeutical treatment of human being, but does not include a public or private hospital or a professional office of a doctor located in his residence.
- 3.30 COMMERCIAL USE:** the use of land, structure or building for the purposes of buying or selling commodities and supplying services, as distinguished from such uses as manufacturing or assembling of goods, warehousing and contractors' yards.
- 3.31 CONSERVATION USE:** land used solely for the preservation and enhancement of the natural environment and may include a conservation area, and fish and wildlife management.
- 3.32 CONSTRUCT:** to do anything in the erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere.
- 3.33 CONTRACTOR'S ESTABLISHMENT:** the use of land, buildings or structures where equipment and materials are stored or where a contractor performs shop or assembly work but does not include any other use or activity otherwise defined or classified herein.
- 3.34 CONVENIENCE STORE:** a retail store serving the daily or occasional needs of the residents of the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, stationery, hardware, magazines and/or newspapers.
- 3.35 COVERAGE:** that percentage of land or lot area covered by buildings and structures above ground level and excludes that portion of such land or lot area which is occupied by a building or portion thereof which is completely below ground level.
- 3.36 CREMATORIUM:** a building that is fitted with appliances for the purpose of cremating human remains and that has been approved as a crematorium or established as a crematorium in accordance with the requirements of The Funeral, Burial and Cremation Services Act, 2002, or a predecessor of it and includes everything necessarily incidental and ancillary to that purpose.
- 3.37 DAY NURSERY:** a day nursery within the meaning of The Day Nurseries Act of Ontario, R.S.O. 1990, c D.2, as amended.
- 3.38 DRIVING RANGE:** a public or private area operated for the purpose of developing golfing techniques, including miniature golf courses, but excluding golf courses.

- 3.39 DRY CLEANING ESTABLISHMENT:** a building or part of a building in which the business of dry cleaning, dry dyeing, cleaning, spotting, stain removal or pressing of articles and/or goods of fabric is carried on, through the use of chemicals which emit no odours or fumes.
- 3.40 DWELLING, APARTMENT:** a building containing four or more dwelling units, each unit having common entrance from the street level and the occupants of which have the right to use, in common, halls and/or stairs and/or elevators and yards.
- 3.41 DWELLING, DUPLEX:** a building that is divided into two dwelling units, each of which has an independent entrance either directly or through a common vestibule and which has one set of municipal services and is located on a single lot.
- 3.42 DWELLING, 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 C.S.A. Standard Z240, but does not include a travel trailer or tent trailer or trailer otherwise designed.
- 3.43 DWELLING, MODULAR:** a factory built home which is a single detached dwelling unit designed and built to be transported to a site. It may contain parts that can be folded, collapsed, or telescoped when being towed and expanded later to provide additional floor space, and will sit on a permanent foundation. It shall be a minimum of two or more separately towable components that are joined on the chosen site. The modular dwelling is designed for long term year round occupancy. It has facilities for cooking, eating, living, sleeping and sanitation. A modular dwelling does not include a park model mobile home trailer, travel trailer, tent trailer or trailer otherwise designed. For the purposes of this definition, a modular home having an A277 Standard is permitted, while those having either a Z240, Z241 Standard or a combination of either of these with the A277 Standard are not permitted.
- 3.44 DWELLING, MULTIPLE:** a building containing three or more dwelling units, each unit has an independent entrance either directly or through a common vestibule, but excludes an apartment dwelling, or a street townhouse.
- 3.45 DWELLING, STREET TOWNHOUSE:** a building that is divided vertically by common walls into three or more dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.
- 3.46 DWELLING, SEASONAL:** a single detached dwelling used for recreation purposes that is not used for continuous habitation or as a permanent residence.
- 3.47 DWELLING, SEMI-DETACHED:** a building that is divided vertically by a common wall into two dwelling units, each of which has an independent entrance either directly or through a common vestibule.

- 3.48 DWELLING, SINGLE DETACHED:** a completely detached dwelling unit to which entrance is gained only by a private entrance outside the building.
- 3.49 DWELLING UNIT:** one room or a group of rooms within a building, used or designed, or intended to be used by the occupants for residential occupancy as a single, independent and separate housekeeping establishment in which food preparation and sanitary facilities are provided for the exclusive use of such occupants.
- 3.50 DWELLING UNIT IN A NON-RESIDENTIAL BUILDING:** A dwelling unit located within a non-residential building, to which entrance is gained either directly or through a common vestibule.
- 3.51 EATING ESTABLISHMENT:** premises where food is offered for sale or sold to the public for immediate consumption and includes such uses as a restaurant, dining room, cafe, cafeteria, ice cream parlour, tea or lunch room, dairy bar, coffee shop, snack bar or refreshment room or stand.
- 3.52 EDUCATIONAL ESTABLISHMENT:** the use of lands, buildings or structures as a training centre, an elementary or secondary school, private school, university or community college authorized by the Province of Ontario.
- 3.53 EQUESTRIAN FACILITY:** a commercial establishment where horses are housed or boarded and are available for riding, riding instruction, agility training or jumping.
- 3.54 EQUIPMENT SALES, SERVICE AND RENTAL ESTABLISHMENT:** premises in which machinery and equipment are offered or kept for sale, rent, lease or hire under agreement for compensation, and which are also serviced, but shall not include any other establishment defined or classified in this By-law.
- 3.55 ERECT:** to build, construct, reconstruct, alter and relocate and without limiting the generality of the foregoing is taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.
- 3.56 ESTABLISHED BUILDING LINE:** the average setback of existing buildings. A building line is considered to be established when a minimum of 3 buildings have been erected on any one side of a continuous 100 metres of land with street frontage.
- 3.57 EXISTING:** a use, building or structure lawfully existing on the day of the passing of this by-law.
- 3.58 EXPAND:** to increase or enlarge the size of a building or structure or to increase the area of land occupied by a use, in compliance with the provisions of this By-law, but does not include expansion onto another lot.
- 3.59 EXTERIOR LIGHTING:** any form of artificial illumination located outside of a building or structure.

- 3.60 FARM RESIDENCE:** a single detached dwelling located on the same lot as an agricultural use operation and occupied by the owner of the farm or by some person engaged in the operation of the farm.
- 3.61 FENCE:** a structure which forms a barrier for enclosing, bounding, delineating or protecting land.
- 3.62 FINANCIAL ESTABLISHMENT:** a building, or part thereof, which is used to provide for financial services in which money is deposited, kept, lent, or exchanged, including accessory clerical functions and shall include a bank, trust company, credit union, or other similar banking service.
- 3.63 FLOOD PLAIN:** the horizontal area bordering a lake, swamp, river, stream, or water course which is subject to flooding.
- 3.64 FLOOR AREA:** the total habitable floor area within a building which is measured between the exterior faces of the exterior walls or from the centre line of a common or part wall, but excluding any private garage, breezeway, porch, verandah, balcony, sunroom, attic, cellar, and any floor area with a ceiling height less than 2 metres (6.6 feet).
- 3.65 FLOOR AREA, GROSS:** the total floor area of all storeys exclusive of any part of the building or structure below finished grade which is used for heating equipment, the storage or parking of motor vehicles, breezeways, porches, verandahs, decks, locker storage and laundry facilities, and other accessory uses, and enclosed malls when used as a common area between stores.
- 3.66 FORESTRY USE:** the management, development and cultivation of timber resources to ensure the continuous production of wood or wood products, provision of proper environmental conditions for wildlife, protection against floods and erosion, protection of water supplies, and preservation of the recreation resource, and shall include reforestation areas owned or managed by the Ministry of Natural Resources.
- 3.67 FUNERAL HOME:** a commercial establishment providing funeral supplies and services to the public.
- 3.68 GARAGE, PRIVATE:** an accessory building either separate from or attached to the main building, which is designed or used for the storage of one or more private vehicles and the storage of household equipment, incidental to residential occupancy.
- 3.69 GAS BAR:** one or more pump islands, each consisting of one or more gasoline pumps, and a shelter, which shall not be used for the sale of any product other than liquids and small accessories required for the operation of motor vehicles, but shall not include any other establishment otherwise defined or classified in this By-law.
- 3.70 GOLF COURSE:** a public or private area operated for the purpose of playing golf including a par three golf course and including such ancillary uses as a driving range, a miniature golf course, or a clubhouse.

- 3.71 GRADE, ESTABLISHED:** with reference to a building, the average elevation of the finished surface of the ground where, it meets the exterior of all sides of such building, and, when used with reference to a structure, means the average elevation of the finished grade of the ground immediately surrounding such structure.
- 3.72 GREENHOUSE, NURSERY, GARDEN CENTRE:** the use of land, buildings or structures for the growing, display and retail sale of trees, shrubs, flowers, plants and similar vegetation. May also include the display and sale of landscaping, lawn and garden equipment, furnishings and supplies.
- 3.73 GROCERY STORE:** a retail establishment engaged in the business of selling primarily groceries, meat, fruit and vegetables as well as other personal, convenience, and household items to the general public.
- 3.74 GROUP HOME:** a single housekeeping unit in a single detached dwelling or an accessory dwelling unit in which three to ten residents, excluding staff or receiving family, live under responsible supervision consistent with the requirements of its residents. The home is licensed or approved under Federal or Provincial statutes.
- 3.75 HEALTH SERVICES ESTABLISHMENT:** premises which provide health or medical services such as a chiropractor, optometrist, medical clinic, associations or organizations formed to provide medical or health services.
- 3.76 HEIGHT OF BUILDING:** the vertical distance of a building measured between the established grade and:
- i) the highest point of the roof surface of a flat roof;
  - ii) the roof deck of a mansard roof;
  - iii) the average height between the eaves and the ridge of a gable, hip, gambrel or other type of pitched roof;
  - iv) 75% of the distance between the finished grade measured at the midpoint of the front and rear of the building and the ridge.
- 3.77 HIGHWAY COMMERCIAL USE:** a use of land, buildings or structures oriented to vehicular use and includes a motel/hotel, drive-in restaurant or service station. Highway Commercial uses also include ancillary retail uses such as gift shops.
- 3.78 HOME INDUSTRY:** a small scale light industrial use, such as a carpentry shop, metal working shop, a welding shop, an electrical shop, small engine repair or similar use, that provides services or wares to the community and which is an accessory use to a single detached dwelling. For the purposes of this By-law, the repairing of motor vehicles, mobile homes and trailers is not a home industry.
- 3.79 HOME OCCUPATION:** any occupation which is carried on, in accordance with the provisions of this By-law relative thereto, as an accessory use to a dwelling unit.



- 3.80 HOSPITAL:** any institution, building or other premises that is established for the purposes of the treatment of patients and that is approved under the Public Hospitals Act, R.S.O. 1990, Ch. P.40, as amended, as a public hospital.
- 3.81 HOTEL:** an establishment that consists of one building or two or more connected or adjacent buildings consisting of at least four individual rental units which cater to the needs of the travelling public by furnishing sleeping accommodations for remuneration which may or may not supply food, but does not include a rooming or boarding house, an apartment dwelling house, a group home or similar facility.
- 3.82 HUNT CAMP:** a base camp used solely for the activity of hunting or fishing, which provides seasonal or temporary accommodation in a remote location and without public access, where municipal or community services are usually not available.
- 3.83 INDUSTRIAL USE:** the use of land, building or structure designed for the purpose of fabricating, manufacturing, assembling, making, printing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale any goods, substance, article or thing, or any part thereof, and the storage of building and construction equipment and materials, as distinguished from the buying and selling of retail commodities and the supplying of personal services.
- 3.84 KENNEL:** a building or structure where domesticated animals are kept, bred or boarded and which is licensed by the Municipality.
- 3.85 LANDSCAPING:** any combination of vegetation including trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving screening or other architectural elements, all of which is designed to enhance the visual amenity of a property, to regulate drainage, and to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.
- 3.86 LAUNDROMAT:** a building or structure where the services of coin-operated laundry machines, using only water, detergents and additives, are made available to the public for the purpose of laundry cleaning.
- 3.87 LOADING SPACE:** an area of land which is provided and maintained upon the same lot or lots upon which the main use is located, for the temporary parking of one or more commercial motor vehicles while merchandise or materials are being loaded or unloaded from such vehicle(s).
- 3.88 LOT:** any parcel of land which can be legally conveyed under the Planning Act, R.S.O. 1990, c P.13, as amended.

- 3.89 LOT AREA:** the total horizontal area within the lot and, in the case of a corner lot having street line rounding at the corner with a radius of six (6) metres or less, the lot area of such lot is to be calculated as if the lot lines were projected to this point of intersection, excluding any area of the lot that is below the normal high water mark.
- 3.90 LOT, CORNER:** a lot bounded on two or more sides by one or more public roads, provided that the angle of intersection of such public roads is not more than one hundred and thirty-five (135) degrees.
- 3.91 LOT COVERAGE:** the percentage of the lot area covered by all buildings, including accessory buildings, decks, porches, verandahs and stairs, excluding parking areas, driveways, decks less than one (1) metre above the established grade, walkways, sewage systems, docks and swimming pools.
- 3.92 LOT, FRONTAGE:** the straight-line distance between the intersection of the side lot lines and the front lot line, except as follows:
- a) where there are no side lot lines, such as a peninsula, the greatest distance between any point on the front lot line and any point on the rear lot line.
  - b) where there are no side lot lines and no rear lot lines, such as on an island, the greatest distance between any two points.
  - c) where a lot abuts a navigable watercourse or the unopened original shore road allowance along the navigable watercourse, frontage shall be measured as a straight line distance between the intersection of the side lot lines or their straight line projections and the high water mark.
  - d) where there are two or more front lot lines abutting the same street, the longer of the lines shall be used to measure frontage.
- 3.93 LOT, INTERIOR:** a lot other than a corner lot.
- 3.94 LOT LINE:** any boundary of a lot.
- 3.95 LOT LINE, EXTERIOR SIDE:** a side lot line that abuts a street.
- 3.96 LOT LINE, FRONT:** the lot line that divides the lot from the public road, provided that,
- a) in the case of a corner lot, the shorter lot line that abuts the public road shall be the front lot line;
  - b) in the case of a lot that abuts a navigable watercourse, the lot line at the shoreline shall be the front lot line; and
  - c) in the case of a lot that does not abut a public road, the lot line where the principal access to the lot occurs shall be considered the front lot line.
- 3.97 LOT LINE, REAR:** the lot line furthest from or opposite to the front lot line.

- 3.98 LOT LINE, SIDE:** a lot line other than a front or rear lot line.
- 3.99 MAIN BUILDING:** the building designed or used for the principal use on the lot.
- 3.100 MARINA:** a commercial establishment or premises, usually containing docking facilities or mooring facilities where boats or boat accessories are berthed, stored inside or outside, 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. A marina may include a Marine Sales and Service Establishment.
- 3.101 MARINE SALES AND SERVICE ESTABLISHMENT:** a building or part of a building and associated lands where new and used boats, boat accessories, snowmobiles, and all-terrain vehicles are displayed and offered for sale at retail or for rental, and where marine, snowmobile and all-terrain vehicle equipment is serviced or repaired and may include boat storage facilities.
- 3.102 MARKET:** an area of land consisting of buildings, stalls, or an open area used primarily for the display and retailing of farm produce, and without limiting the generality of the foregoing, meat, poultry, foodstuffs, wares, or commodities.
- 3.103 MINIMUM DISTANCE SEPARATION (MDS):** the mathematical tool to determine a recommended distance between livestock and manure storage facilities and non-agricultural uses.
- 3.104 MOBILE FOOD SERVICE EQUIPMENT:** mobile equipment, whether of not permanently parked, containing propane or other hydrocarbon fuel fired cooking appliances and, if applicable, associated fuel storage.
- A mobile food service equipment may be:
- a) a self-propelled vehicle such as a truck or van fitted with food service equipment and either equipped with propane or other hydrocarbon fuel supply cylinders or intended for connection to a propane supply cylinder at the operation site.
  - b) a trailer or cart fitted with food service equipment intended to be towed to the operation site and either equipped with propane or other hydrocarbon fuel supply cylinders or intended for connection to a propane or other hydrocarbon fuel supply cylinder at the operation site.
  - c) a portable cart fitted with service equipment that is not towed but may be transported to an operation site and provided with a propane or other hydrocarbon fuel supply cylinder that may be enclosed in the cart.
- 3.105 MOBILE HOME PARK:** a parcel of land used for the parking or storage of mobile homes and includes all accessory buildings necessary to the operation of said park.

- 3.106 MOBILE HOME SITE:** an area of land within a mobile home park which is used as the site of, and pertains to, not more than one (1) mobile home dwelling.
- 3.107 MOTEL:** an establishment which consists of one or more than one building containing three or more attached accommodation units, accessible from either the interior or exterior, which cater to the needs of the travelling public by furnishing sleeping accommodation with or without facilities for the serving of meals, provides such facilities for remuneration, and may or may not be a liquor licensed premises, and shall not include any other use or activity otherwise defined herein.
- 3.108 MOTOR VEHICLE:** a vehicle within the meaning of the Highway Traffic Act, R.S.O. 1990, c H.8, as amended.
- 3.109 MOTOR VEHICLE BODY REPAIR SHOP:** an establishment used for making repairs or alterations to the body or paint work of any vehicle.
- 3.110 MOTOR VEHICLE, COMMERCIAL:** a commercial motor vehicle within the meaning of the Highway Traffic Act, R.S.O. 1990, c H.8, as amended.
- 3.111 MOTOR VEHICLE DEALERSHIP:** an establishment for the storage, sale and servicing of new or used vehicles and may include outdoor storage or vehicles but all other facilities must be within a building.
- 3.112 MOTOR VEHICLE SERVICE STATION:** a building or a clearly defined space on a lot where gasoline, oil, tires, batteries and other similar products for the maintenance of motor vehicles may be sold or where vehicles may be oiled, greased and subjected to minor or running repairs essential to the actual operation of motor vehicles.
- 3.113 MOTOR VEHICLE TOWING ESTABLISHMENT:** an establishment operating a tow-truck service for compensation, including storage facilities for towed vehicles. For the purposes of this definition, a tow truck is a motor vehicle equipped with a boom or booms, winches, slings, tilt beds or similar equipment designed for the towing or recovery of vehicles and other objects, and includes a transporter designed to transport more than one vehicle on a non-emergency basis.
- 3.114 MOTOR VEHICLE WASHING ESTABLISHMENT:** an establishment for washing, cleaning and polishing motor vehicles by means of either production line cleaning methods and/or mechanical devices and includes a coin-operated self-service operation but does not include an automobile service station or gas bar, a public garage or a motor vehicle dealership where car washing operations are incidental to the principal activity of business.
- 3.115 MUNICIPALITY:** the Corporation of the Municipality of West Nipissing.

- 3.116 NAVIGABLE WATERCOURSE:** any body of water that is capable of affording reasonable passage of watercraft of any description for the purpose of transportation, recreation or commerce, and includes any river, stream or lake considered navigable by law.
- 3.117 NON-COMPLYING:** the use of land, building or structure which does not comply with the provisions and/or standards of this By-law for the zone in which such land, building or structure is situated.
- 3.118 NON-CONFORMING:** a use which is not a use permitted in the zone in which the said use is situated.
- 3.119 NURSING HOME:** a building other than a hospital in which the proprietor supplies for hire or gain, lodging with nursing, medical or similar care and treatment, if required, and includes a rest home or convalescent home, but does not include any other establishment otherwise defined in this By-law.
- 3.120 OBNOXIOUS USE:** any use which shall be a nuisance to the occupants or owners of any neighbouring land or buildings by reason of the emission from the said land or any part thereof, or the creation thereon, of odours, gases, dirt, smoke, noise, vibration, fumes, cinders, soot, waste or depositing or leaving unsightly objects or chattels thereon or otherwise.
- 3.121 OPEN STORAGE:** the storage of goods in the open air or in unenclosed portions of buildings which are open on the sides, but shall not include a limited display of goods and products for advertising and demonstration purposes.
- 3.122 OUTDOOR RECREATION, ACTIVE:** a public or private area operated for the purpose of playing golf, driving ranges, miniature golf courses, tennis courts, outdoor skating rinks, recreational trails, public park, private park, ski-lifts and similar uses, together with necessary and accessory buildings and structures, but shall not include a theme park.
- 3.123 OUTDOOR RECREATION, PASSIVE:** the use of land which is typically unobtrusive and not disturbing to the surrounding natural landscape and may include walking trails, natural interpretive facilities, bird and wildlife observation areas and similar uses involved in the enjoyment of the natural environment.
- 3.124 PARK:** an area permanently devoted to recreational uses and generally characterized by its natural, historic or landscaped features, and used for both passive and active forms of recreation and could include land identified as open space.
- 3.125 PARK, PUBLIC:** a park owned or controlled by a Public Authority or by any Board, Commission or other Authority established under any statute of the Province of Ontario, or the Government of Canada.

- 3.126 PARKING LOT:** an area other than a street used for the temporary parking of two or more motor vehicles as accommodation for visitors, clients, customers, residents or employees whether free or for profit or gain.
- 3.127 PARKING SPACE:** an area of not less than 18.5 square metres measuring 6 metres by 3 metres exclusive of any aisles or ingress or egress lanes, useable for the temporary parking or storage of motor vehicles, and may include a private garage or carport.
- 3.128 PERSONAL SERVICE ESTABLISHMENT:** a business which furnishes a service to meet some general need or to benefit the personal needs of individuals, but excludes funeral homes and any manufacturing or fabrication of goods for sale.
- 3.129 PERSONAL STORAGE:** the storage of equipment and vehicles (including recreational vehicles) for personal use, and not for remuneration. Personal storage may be permitted as open storage or within a storage building.
- 3.130 PIT:** a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an excavation to supply materials for construction, industrial or manufacturing purposes, but does not include a wayside pit.
- 3.131 PIT, WAYSIDE:** a temporary pit opened and used by a public road authority, or their agents, solely for the purpose of road construction or an associated road project or contract and which is not located on the road right-of-way.
- 3.132 PLACE OF ASSEMBLY:** a place designed and used to accommodate gatherings of people such as clubs, reception halls, funeral homes, conference centres, legion halls, community halls and lodges, and for events such as trade shows, banquets, and political or other conventions, museums, libraries and places of worship.
- 3.133 PLACE OF ENTERTAINMENT:** a motion picture or other theatre, auditorium, public hall, billiard or pool room, bowling alley, dance hall, or music hall, but does not include any place of entertainment or amusement otherwise defined or classified in this By-law.
- 3.134 PLACE OF RECREATION:** the use of a building, or part thereof, for a fee, for the provision of athletic and amusement facilities involving the active participation of the user in a sports-related activity and includes without limiting the generality of the foregoing, such facilities as racquet courts, fitness clubs, billiard parlours, bowling alleys, arenas, riding stables, or water sports, but shall not include a theme park.
- 3.135 PLACE OF WORSHIP:** a building dedicated to religious worship and may include such accessory uses as a nursery school, an assembly hall, a school of religious education, convent, monastery or parish hall.

- 3.136 PORTABLE GARAGE SHELTER:** A portable fabric or polyethylene covered structure for temporary or long term outdoor storage, and includes a portable carport or storage shed. For the purposes of this by-law, a Portable Garage Shelter is considered an accessory structure.
- 3.137 PRINCIPAL USE:** the predominant purpose for which any land, building, structure or premises, or part thereof, is used, designed, arranged, occupied or maintained.
- 3.138 PRIVATE HOME DAYCARE:** the temporary care for reward or compensation of five children or less who are under ten years of age where such care is provided in a private residence, other than the home of a parent or guardian of any such child, for a continuous period not exceeding twenty-four hours.
- 3.139 PRINTING AND PUBLISHING ESTABLISHMENT:** a building or part of a building in which the business of producing books, newspapers or periodicals, by mechanical means, and reproducing techniques, such as photocopying, is carried on, and may include the sale of newspapers, books, magazines, periodicals, or like, to the general public.
- 3.140 PUBLIC USE:** the use of land, building or structure by a public authority, for the purpose of providing its services to the public, or carrying out its public mandate.
- 3.141 QUARRY:** an area where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit or mine.
- 3.142 RECREATIONAL VEHICLE:** a vehicle which provides sleeping and other facilities for short periods of time, while travelling or vacationing, designed to be towed behind a motor vehicle, or self-propelled, and includes such vehicles commonly known as travel trailers, truck trailers, pickup coaches, motorized campers, motorized homes or other similar vehicles but shall not include a mobile home.
- 3.143 RECREATIONAL VEHICLE SALES AND SERVICE ESTABLISHMENT:** a building, or part of a building, where new or used recreational vehicles and related equipment and accessories are displayed for sale or rent in conjunction with which there may be facilities for the servicing of such vehicles.
- 3.144 RECONSTRUCTION OR RENOVATION:** the repair and restoration of a building to good condition, but shall not include its replacement.
- 3.145 RESIDENTIAL CARE FACILITY:** an establishment providing supervised or supportive in-house care for those who need assistance with daily living, that may also provide on-going medical or nursing care or counseling and social support services and which may include services such as medical, counseling, and personal services.
- 3.146 RESIDENTIAL OCCUPANCY:** the occupancy or use of a building or part of a building by persons for whom sleeping accommodation is provided but who are not harboured or detained there to receive medical care or treatment or who are not involuntarily detained there.

- 3.147 RESTAURANT, DRIVE-THROUGH OR TAKE OUT:** an eating establishment which serves or is intended to serve patrons seated in a motor vehicle parked on a parking lot or driveway, or where prepared foods are sold and taken out of the building to be consumed.
- 3.148 RETAIL STORE:** a building or part thereof where goods, services, wares, merchandise, substances, articles or things are offered or kept for sale or rent by retail directly to the public, but does not include any manufacturing process or construction uses.
- 3.149 ROAD, PRIVATE:** a street, laneway or easement over private property or Crown Land not assumed by the municipality and is usually travelled and maintained by a private individual or group of individuals.
- 3.150 ROAD, PUBLIC:** an improved public highway which affords the principal means of access to an abutting lot and, which is dedicated, assumed and/or maintained by and under the jurisdiction of a public authority.
- 3.151 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.
- 3.152 SAWMILL:** a building or structure used to process wood from raw lumber to another use and may include land used for open storage of raw or finished lumber or products.
- 3.153 SELF STORAGE FACILITY:** a building or group of buildings used for the storage of household goods, wares, substances, or articles but shall not include a cartage depot, transportation depot, or warehouse. A shipping container, truck body, bus coach, streetcar body, railway car, or other similar body or container, whether on wheels or not, shall not be used as part of a self-storage facility.
- 3.154 SEPTIC SYSTEM LEACHING BED:** an absorption system constructed as absorption trenches or a filter bed, located wholly in filter media that is contained between the surface to ground or raised or partially raised above ground as required by local conditions, to which effluent from a treatment unit is applied for treatment and disposal but does not include the mantle area.
- For the purposes of this By-law, a septic system leaching bed shall be considered a structure.
- 3.155 SERVICE ESTABLISHMENT:** any building or part thereof where household appliances, machinery, and home entertainment equipment are sold, serviced or repaired, but excludes any manufacturing or processing.
- 3.156 SETBACK:** the distance between any lot line abutting a public road or body of water and the nearest part of any main wall of any main building or structure.



- 3.157 SEWER AND WATER SERVICES (Full Municipal):** both water and sewage disposal infrastructure that is owned and operated by the Municipality and is designed to adequately service the water and sewage disposal needs of a use, building or lot.
- 3.158 SEWER AND WATER SERVICES (Partial Municipal):** infrastructure where either water or sewage disposal facilities is owned and operated by the Municipality and is designed to adequately service the water and sewage disposal needs of a use, building or lot.
- 3.159 SEWER AND WATER SERVICES (Private):** infrastructure on a lot which is privately owned and operated, which is designed to service the water and sewage disposal needs of that lot, and without limiting the generality of the foregoing, shall include a private septic system and a private well.
- 3.160 SHORELINE:** the line where the normal or controlled high water mark of a navigable watercourse meets the land.
- 3.161 SHORELINE BUFFER:** a natural area, adjacent to a shoreline, maintained or re-established in its natural predevelopment state (with the exception of minimal pruning of vegetation and the removal of trees for safety reasons) for the purpose of protecting natural habitat and water quality and minimizing visual impact of buildings or structures on a lot. Where the natural shoreline of a property is a natural beach or is a rock outcropping with little or no soil, such shall be deemed to comply. A shoreline buffer shall not include a grassed or lawn area.
- 3.162 SIGN:** a structure or advertising device having illustrations affixed thereto or displayed thereon in any manner, which is used to identify, advertise or attract attention to any object, product, place, activity, person, institution, organization firm, group, profession, enterprise, industry or business, or which display or include any letter, work, model number, banner, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement.
- 3.163 SLEEPING CABIN:** an accessory building not attached to the principal residential dwelling that provides sleeping accommodation for guests from which there shall be no monetary gain and which does not contain cooking facilities.
- 3.164 STOREY:** the portion of a building, other than a basement or cellar, between the surface of any floor and the surface of the floor next above, or, if there is no floor above it, that portion between the surface of such floor and the ceiling above it.
- 3.165 STREET LINE:** any boundary line of a public road or highway.
- 3.166 STRUCTURE:** anything that is erected, built or constructed of parts joined together or requiring a foundation to hold it erect and located under, on or above ground level, including anything prefabricated on or off the site. But for the purposes of this By-law, a fence not exceeding 2 metres in height shall be deemed not to be a structure.

- 3.167 TOURIST CAMPING ESTABLISHMENT:** the use of land, buildings or structures for commercial camping on a short term basis where campsites are rented to and used by the travelling public. A tourist camping establishment may include accessory buildings, structures or facilities incidental to the principal use, such as common washrooms, recreational facilities, a convenience store, or an accessory dwelling unit for the owner or operator. A tourist camping establishment does not include the use of a campsite as a dwelling, off season storage of tents or recreational vehicles on campsites, or a use otherwise defined by this By-law.
- 3.168 TOURIST ESTABLISHMENT:** the use of land, buildings or structures for the provision of commercial roofed accommodation where commercial accommodation units are offered for rent on a short term or transient basis to the public who is travelling, vacationing, engaged in leisure or recreation, or participating in conventions or meetings. A tourist establishment may include accessory uses, services, equipment or facilities, including a restaurant, normally incidental to such accommodation. A tourist establishment does not include a dwelling unit except for a dwelling unit for the owner or operator, or staff quarters that are accessory to the principal use.
- 3.169 TOURIST HOME:** a dwelling unit excluding a hotel, motel or cabin, in which rooms or lodging are provided for hire or pay for the travelling or vacationing public and being comprised of not more than four (4) units.
- 3.170 TRAILER:** a vehicle that is at any time drawn upon a highway by a motor vehicle, another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn and, for the purposes of this By-law, does not include a mobile home.
- 3.171 TRAILER, CAMPER:** any unit so constructed that may be attached upon a motor vehicle, as a separate unit, and capable of being temporarily utilized for the living, sleeping or eating accommodation of persons.
- 3.172 TRAILER PARK:** the use of land for the provision of overnight or short term accommodation for trailers, motor homes and tents, but not mobile homes and includes services and facilities normally incidental and subordinate to such a use including washroom and bathing facilities, active and/or passive recreational uses, and an entrance kiosk.
- 3.173 TRAILER, TRAVEL OR TENT:** a trailer designed to be temporarily used for living, shelter and sleeping accommodation, or 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, but shall not include a mobile home dwelling house.

- 3.174 TRANSPORTATION DEPOT:** a Building or premises where buses, trucks, or tractor trailers are rented, leased, kept for hire, stored or parked for commercial purposes only.
- 3.175 USE:** the purpose for which a lot or building or a structure or any combination thereof is designed, constructed, arranged, occupied or maintained.
- 3.176 VETERINARY ESTABLISHMENT:** premises in which facilities are provided for the prevention, cure and alleviation of disease and injury to animals and in conjunction with which there may be facilities provided for the sheltering of animals during the treatment period.
- 3.177 WAREHOUSE:** A building used for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities for wholesaling, or for accessory retail sales of goods, wares, merchandise, substances or articles otherwise stored or manufactured within the building, but shall not include a transportation depot.
- 3.178 WASTE DISPOSAL SITE:** premises where garbage, refuse or domestic or industrial waste is disposed of or dumped and which is approved by The Ministry of Environment pursuant to the provisions of The Environmental Protection Act, R.S.O. 1990, c E.19, as amended.
- 3.179 WIND FACILITY:** a renewable energy generation facility at which wind is used to generate electricity through the use of one or more wind turbines, as defined in Ontario Regulation 359/09 under The Environmental Protection Act, R.S.O. 1990, c E.19, as amended.
- 3.180 WHOLESALE ESTABLISHMENT:** the use of land, or building or structure, or part thereof in which goods, wares, merchandise, substances, or articles are offered or kept for sale at wholesale and may include an accessory store.
- 3.181 YARD:** an open, uncovered area of land, other than a court yard, located on the same lot within a main building or structure, and unoccupied by buildings or structures except as may be expressly permitted in this By-law. In determining yard measurements, the minimum horizontal distance between the main building or structure and the respective lot lines shall be used.
- 3.182 YARD, EXTERIOR SIDE:** a side yard immediately adjacent to a public street.
- 3.183 YARD, FRONT:** a yard extending across the full width of the lot between the front lot line and the nearest main wall of the main building or structure on the lot.
- 3.184 YARD, INTERIOR SIDE:** a side yard other than an exterior side yard.
- 3.185 YARD, REAR:** a yard extending across the full width of the lot between the rear lot line and the nearest main wall of the main building on such lot.
- 3.186 YARD, REQUIRED:** the minimum setback between a lot line and the nearest main wall of the main building on such lot.

## Section 4: General Provisions

### 4.1 Accessory Dwelling Unit

Notwithstanding any other provisions of this By-law regarding the number of dwelling units on a single lot, an accessory dwelling unit is permitted in any Residential Zone, and in the Rural (RU) and Agricultural One (A1) Zones, subject to the following provisions:

- a) The accessory dwelling unit is located within a permitted single detached dwelling or a semi-detached dwelling;
- b) Only one (1) accessory dwelling unit may be created within the principal dwelling unit;
- c) An accessory dwelling unit shall not be permitted if the lot also contains a garden suite;
- d) The maximum floor area of an accessory dwelling unit shall not exceed 75% of the floor area of the principal dwelling unit;
- e) The accessory dwelling unit shall be an integral part of the principal dwelling unit and be designed so as to maintain the general character of the dwelling and surrounding neighbourhood;
- f) The accessory dwelling unit and principal dwelling shall meet all other applicable provisions of this By-law and any other fire, health, safety, or occupancy regulations or by-laws; and
- g) A minimum of one parking space is provided for the accessory dwelling unit, and does not result in a separate driveway being required.

### 4.2 Accessory Uses, Buildings and Structures

- 4.2.1 Permitted accessory uses:** Where this By-law permits the use of land, buildings or structures for a specific use, such use shall include any buildings, structures or uses accessory to the permitted use, subject to the provisions of this by-law for the particular zone in which the building, use or structure is located.
- 4.2.2 Uses Permitted in detached accessory buildings and structures:** No detached accessory building or structure shall be used for human habitation or an occupation for gain, except for a permitted sleeping cabin or for a home industry.
- 4.2.3 Location on a lot:** Accessory buildings, uses or structures are permitted in any interior side or rear yard in any Zone subject to the provisions of this By-law for the particular Zone in which said building, use, or structure is located, and provided that an accessory building, use or structure:

- Is not located in the front yard or the exterior side yard;
- Is not built closer than 1.2 metres to any lot line except that common semi-detached private garages may be centered on the mutual lot line.

**4.2.4 Principal Building to be erected first:** No accessory building or structure shall be erected on any lot until the principal building has been erected, with the exception of:

- Temporary construction uses during the term of an active building permit for the principal use;
- A septic system;
- A dock;
- A lot zoned Agricultural One (A1) or Rural (RU), in which case a detached garage or storage shed may be erected prior to the erection of the principal building.

**4.2.5 Maximum Number:** The maximum number of accessory buildings permitted on a lot in any Residential Zone shall not exceed 3. A gazebo, pumphouse, sauna, or unenclosed decks are excluded from the maximum number.

**4.2.6 Maximum Coverage:** The maximum lot coverage of all accessory buildings and structures excludes a septic system leaching bed and swimming pool.

**4.2.7 Accessory Structure encroachments:** Notwithstanding the yard and setback provisions of this By-law to the contrary, drop awnings, clothes poles, flag poles, garden trellises, retaining walls, fences, signs or similar uses which comply with this By-law are permitted in any required yard. Fences shall not exceed a height of 1.2 metres in the required front yard of lots in any Residential Zone.

**4.2.8 Permitted Encroachments in Yards:** Every part of any yard required by this By-law shall be open and unobstructed by any structure from the ground to the sky except that those structures listed in Table 4.1 shall be permitted to project from the principal building into the minimum yards required by this By-law for the following specified distances:

**TABLE 4.1 - PERMITTED ENCROACHMENTS IN YARDS**

Structure	Yards in which projection is permitted	Maximum projection from main wall permitted	Minimum Distance from Lot Line
Sills, belt courses, cornices, eaves or canopies, gutters, chimneys or pilasters	Any yard	1.0 metre	1.0 metre
Fire escapes and exterior staircases	Rear and exterior side yard only	1.0 metre	1.0 metre
Window bays	Front, rear and exterior side yards only	1.0 metre over a maximum width of 4.0 metres	1.0 metre
Balconies	Any yard for apartment dwellings Front, rear and exterior side yards only for all other dwellings	2.0 metres for front and rear  1.5 metres for exterior	2.0 metres
Open roofed porches not exceeding one storey in height. Uncovered terraces.	Front and rear yards only	3.0 metres including eaves and cornices	2.0 metres
Decks	Front, rear and side yards	6.0 metres	2.0 metres

**4.2.9 Shoreline Structures:**

**4.2.9.1 Identification:** Shoreline structures refer to accessory buildings and structures erected at or near the shoreline in the required yard located between the shoreline and the dwelling on any lot that abuts a watercourse. They include buildings and structures that are on the lot and/or attached to the land that forms the bed of a navigable waterway adjacent to the lot.

**4.2.9.2 Permitted Uses:** Shoreline structures include a boathouse, boat port, dock, boatlift, launch ramp, marine railway, marine storage facility, pumphouse, deck, gazebo, sauna or hot tub.

**4.2.9.3 Maximum Width:** The maximum cumulative width of docks, boathouse, boat port, boatlift, launch ramp, marine railway and marine storage facility shall not exceed 25% of the lot frontage to a maximum of 15.0 metres of the shoreline. The width shall be measured from the exterior walls or posts of a boathouse,

boat port, boatlift or marine storage facility, and from the outer edge of a dock, launch ramp or marine railway.

**4.2.9.4 Boathouses and Boat Ports:** A boathouse or boat port may be erected and used in the required yard of a lot abutting a navigable watercourse provided:

- a) a maximum of one boathouse or one boat port shall be permitted per lot provided the lot has a minimum of 30.0 metres of water frontage;
- b) only single storey boathouses shall be permitted;
- c) the roofline of double pitched or hipped roofs will be a maximum of 4.5 metres above the high water mark for a one storey boathouse, or a maximum of 7 metres for a two storey boathouse;
- d) a minimum setback of 5 metres is maintained from the side lot lines and/or the straightline projection of the lot line into the water from the shoreline for a single storey boathouse or 6 metres for a two storey boathouse.

**4.2.9.5 Docking Facilities:** A dock, boatlift, launch ramp or marine railway may be erected and used in the required yard of a lot abutting a navigable watercourse provided all applicable Provincial and Federal statutes and regulations are adhered to and provided a minimum setback of 5 metres is maintained from the side lot lines and/or the straightline projection of the lot line into the water from the shoreline.

**4.2.9.6 Gazebo:** One freestanding gazebo may be permitted within the required yard abutting a navigable watercourse, provided that:

- a) the structure does not exceed 25.0 square metres in floor area, but may not be located on a dock;
- b) the gazebo is set back a minimum of 4.0 metres from the shoreline; and,
- c) the gazebo is set back a minimum of 4.5 metres from any side lot line.

**4.2.9.7 Marine Storage Facility:** A marine storage facility may be erected and used in the required yard of a lot abutting a navigable watercourse provided:

- a) a boathouse does not exist on the lot and/or attached to the land that forms the bed of a navigable watercourse adjacent to the lot;
- b) the gross floor area of the marine storage facility does not exceed 45.0 square metres;
- c) a minimum setback of 8.0 metres is maintained from the high water mark; and,
- d) a minimum setback of 3.0 metres is maintained from the side lot lines.

- 4.2.9.8 Pumphouse:** A pumphouse may be erected and used in the required yard of a lot abutting a shoreline provided it complies with the minimum required side yard. A free standing pumphouse shall not exceed a height of 2.0 metres or an area of 9.0 square metres.
- 4.2.9.9 Sauna:** One freestanding Sauna may be permitted provided that:
- a) the structure does not exceed 10 square metres in floor area;
  - b) the sauna is set back a minimum of 4.0 metres from the shoreline, where the lot abuts a navigable watercourse; and,
  - c) the sauna is set back a minimum of 4.5 metres from any side lot line.
- 4.2.9.10 Unenclosed Deck:** A freestanding, unenclosed deck may be permitted within the required yard abutting a shoreline, provided that the structure:
- a) does not exceed 30.0 square metres in floor area;
  - b) is located no closer than 5.0 metres to the shoreline, except where such deck is attached to a dock; and,
  - c) the deck floor is no more than 1.0 metre from the grade below it.
- 4.2.10 Sleeping Cabin:** A sleeping cabin may be erected on a lot within the Rural (RU), Rural Residential (RR) or Shoreline Residential (SR) Zones, subject to the following provisions:
- a) such sleeping cabin complies with the minimum yard requirements for the principal use within the Zone;
  - b) such sleeping cabin does not exceed a maximum gross floor area of 50.0 square metres;
  - c) such sleeping cabin does not include kitchen or cooking facilities;
  - d) a maximum of one sleeping cabin is permitted per lot; and,
  - e) a sleeping cabin may be permitted on the second storey of a boathouse or the second storey of a detached garage.
- 4.2.11 Storage Containers:** No person shall, in the Residential One (R1), Residential Two (R2), Residential Three (R3), Residential Four (R4), Shoreline Residential (SR), General Commercial (C1) or Highway Commercial (C2) Zones, use any truck, bus, coach, transport truck trailer, streetcar body, railway car body, railway shipping container, or similar structure of any kind, for the purpose of an accessory structure.
- 4.2.12 Swimming Pools:** A swimming pool is permitted in any Zone except for the Provincially Significant Wetland (PSW) Zone or Hazard (HZ) Zone Overlay, subject to the following:
- a) In the interior side yard of any lot provided, that;
    - no part of such pool is located closer to any lot line or street line than the minimum distance required for principal building location on such lot, and



- the maximum height of such pool is 1.0 metres above the average finished grade level of the ground adjoining and within 5.0 metres of such pool, and
  - any building or structure, other than a dwelling, required for changing clothing or for pumping or filtering facilities, or other similar accessory uses, comply with the provisions of this By-law respecting accessory buildings on such lot.
- b) In the rear yard of any lot if no part of such pool is located closer to any lot line or street line than the minimum distance required for an accessory building located on such lot.
- c) No part of any pool shall be located within 10 metres of the high water mark of a property abutting a navigable watercourse.
- d) Every swimming pool shall be enclosed by a fence of at least 1.2 metres in height and located at a distance of not less than 1.5 metres and not more than 5.0 metres from the pool. The main and accessory building may form part of the enclosure.

**4.2.13 Antennae, Towers, Satellite Dishes:** Radio and television antenna towers, satellite dishes greater than 1.0 metres in diameter, dish antennas and other similar structures are permitted in any zone provided they meet the minimum requirements of the zone in which they exist and are not located in any front yard or exterior side yard. Satellite dishes 1.0 metres or less in diameter are permitted in any yard.

**4.2.14 Solar Panels:** No ground mounted solar panels are permitted in the Residential One (R1), Residential Two (R2), Residential Three (R3) or Residential Four (R4) Zones.

**4.2.15 Wind Facilities:**

- a) Wind facilities are limited to Class 1 wind facilities as defined in Ontario Regulation 359/09, and are permitted as an accessory use for personal use only in the Agriculture One (A1), Rural (RU) and Rural Residential (RR) Zones;
- b) Wind facilities are only permitted in the rear yard, and shall meet all yard requirements.

**4.3 Bed and Breakfast Establishment:**

4.3.1 The following provisions apply to any bed and breakfast establishment:

- a) The bed and breakfast shall be permitted only in the zones indicated in this By-law and shall be clearly accessory to the main residential use and shall not change the residential character of the lot and dwelling;
- b) No person other than a person residing in the dwelling containing the bed and breakfast shall be employed except as in necessary for housekeeping purposes;
- c) The bed and breakfast shall not have more than four (4) rooms for overnight guest purposes;
- d) The guest rooms shall not contain kitchen or cooking facilities;

- e) Only one plate or sign, attached to the dwelling or located in the front yard shall be permitted and no flashing or illuminated sign shall be used; and
- f) A minimum of one parking space for each guest room shall be provided in addition to the parking required for the dwelling.

#### **4.4 Dwelling Units in Non-Residential Buildings:**

4.4.1 No person shall use any lot, or erect, alter or use any building or structure for the purpose of a separate dwelling unit on a lot zoned other than for residential uses or within a portion of a non-residential building, except in accordance with the following requirements:

- a) A maximum of 1 dwelling unit for use by the owner or operator shall be permitted.
- b) The dwelling unit shall have a minimum floor area of 70m<sup>2</sup>.
- c) The dwelling unit shall have a separate washroom or bathroom and kitchen facilities from those of the non-residential use.
- d) The dwelling unit shall have a separate parking space.
- e) The dwelling unit shall have a separate building entrance to that provided for non-residential use.

4.4.2 Notwithstanding the provisions of this By-law, no dwelling unit shall be located in a non-residential building that is used for a Motor Vehicle Service Station.

#### **4.5 Dwelling Units Per Lot:**

4.5.1 Not more than one dwelling unit may be built on any lot except where specifically permitted in a particular zone.

#### **4.6 Established Building Line:**

4.6.1 Where a permitted building or structure or addition is to be erected on a lot where there is an established building line extending on both sides of the lot, 50.0 metres in either direction, such permitted building, structure or addition may be erected closer to the front lot line than required by this By-law, provided such permitted building or structure is not erected closer to the front lot line than the average setback, being a line drawn from the corner of each building abutting the subject lot. This provision does not apply to lands abutting a watercourse or a Provincial Highway.

## 4.7 Hazard Zone Overlay

**4.7.1 Identification:** Lands located in the Hazard (HZ) Zone Overlay are identified on the schedules to this By-law and identify lands that are susceptible to flooding or erosion hazards. The delineation of Hazard Land is based on the most current information available and may not be accurate or up to date in some areas. Development is restricted in these areas in an effort to minimize the threat of injury or loss of life and prohibit land uses where flooding may compromise the ability to deliver essential services, or where flooding may cause unacceptable risk of property damage.

The following provisions take precedence over the provisions of the underlying zone. Any development permitted shall be subject to the corresponding site regulations for setbacks, height and lot coverage.

**4.7.2 Minimum Elevations:** The minimum elevation of doors, windows or other openings in habitable buildings or structures shall be located above the following flood elevation for the following waterbodies:

- 197.25 metres G.S.C. above sea level on the French River, Lake Nipissing and the Sturgeon River below the dam in Sturgeon Falls.

**4.7.3 Setback Requirement – Sturgeon River:** The minimum setback from the edge of the Hazard Overlay along the Sturgeon River is 15 metres from the top of bank, or 20 metres from the high water mark where there is no top of bank, whichever is greater.

**4.7.4 Requirements:** Despite the provisions of the underlying zone, development is subject to the following:

- a) Development of an existing vacant lot is subject to applicable flood proofing of buildings and motor vehicle access.
- b) Minor alterations and repairs to buildings which existed on the date of the passing of this By-law, not exceeding an increase of 35.0 square metres in gross floor area to the existing building, shall be permitted without flood proofing.
- c) Alterations, replacements, repair, reconstruction or enlargements of existing buildings in excess of that permitted in b) above, or the construction of new buildings shall be permitted provided such building is flood proofed above the identified regulatory flood level.
- d) New accessory buildings shall be permitted subject to Section 3.2 provided such buildings, other than shoreline structures, are flood proofed above the identified regulatory flood level.

**4.7.5** Institutional Uses and essential emergency services, including day nurseries, community centres, government facilities, hospitals, long-term care homes or nursing homes, retirement homes, schools, and University and Colleges, shall be prohibited in the regulatory flood plain.

**4.7.6** Notwithstanding any other provisions of this By-law, no new dwelling shall be permitted in areas with extreme flood depths.

#### **4.8 Group Home:**

4.8.1 Where a Group Home is a permitted use, the following provisions shall apply:

- a) A group home shall only be permitted within a single detached dwelling; and
- b) All the provisions of the respective zone in which a group home is located shall be complied with.

#### **4.9 Height Exceptions:**

4.9.1 Nothing in this By-law shall prevent the erection, alteration or use of the following accessory structures, provided the main use is a permitted use with the zone in which is it located and all other applicable provisions of this By-law are complied with:

- Air conditioner duct;
- Barn, silo, conveyor or grain elevator used for farm purposes;
- Belfry;
- Church spire;
- Chimney;
- Clock tower;
- Drive-in theatre screen;
- Elevator enclosure;
- Flag pole;
- Forestry tower;
- Radio or television tower or antenna;
- Structure for crushing, washing, screening or processing relating to an asphalt, aggregate, concrete or cement plant;
- Structure containing heating, cooling or other mechanized equipment pertaining to a building; and
- Water tank.

#### **4.10 Home Industry:**

4.10.1 Where a Home Industry is a permitted use, the following provisions shall apply:

- a) The lot on which the home industry is located shall have a minimum lot area of 1.0 hectares;
- b) There shall be no emission of noise, vibration, odour or dust that is not normally attributable to the use of the land for other uses permitted in the Zone;
- c) Such home industry shall not be a nuisance to, nor interfere with, television or radio reception of others in neighbouring buildings or structures;
- d) There shall be no display to indicate that any part of the property is being used for other than residential or agricultural uses except for an unlit sign of not more than 0.8 metres square, except where a lot fronts on a Provincial Highway, in which case the requirements of the Province shall be complied with;
- e) The home industry shall meet the same yard provisions as required for the principal residential use for the Zone in which it is located, with the exception of the interior side yard, which shall be a minimum of 10.0 metres;
- f) The use shall not occupy more than 25% of the gross floor area of a dwelling, or where located in an accessory building, shall not occupy more than 140.0 square metres of gross floor area;
- g) A maximum of three (3) employees, one of whom must reside in the dwelling, may be employed on site in the home industry and additional employees may be employed off-site;
- h) Any permitted open storage shall be screened from view;
- i) A landscaped buffer shall be provided on the lot in accordance with the provisions of this By-law;
- j) There shall be no goods, wares or merchandise offered for sale or rent from the dwelling which are not manufactured or processed on the lot; and,
- k) The home industry shall be subject to site plan control to regulate storage and accessory buildings.

#### **4.11 Home Occupation:**

4.11.1 Where a Home Occupation is a permitted use, the following provisions shall apply:

- a) The home occupation shall clearly be secondary to the main residential use of the property and shall not change the residential character of the dwelling;
- b) There shall be no emission of noise, vibration, odour or dust that is not normally attributable to the use of the land for other uses permitted in the Zone;
- c) Such home occupation shall not be a nuisance to, nor interfere with, television or radio reception of others in neighbouring buildings or structures;

- d) Such home occupation shall not include a medical clinic, a private hospital, a nursing home, a boarding house, an eating establishment or a veterinary clinic, but may include a business or professional office that complies with the provisions of this subsection;
- e) There shall be no display to indicate that any part of the property is being used for other than residential or agricultural uses except for an unlit sign of not more than 0.5 metres square, except where a lot fronts on a Provincial Highway, in which case the requirements of the Province shall be complied with;
- f) The home occupation use shall be conducted entirely within the dwelling;
- g) The use shall not occupy more than 25% of the gross floor area of a dwelling;
- h) Such use is conducted by a person or persons residing in the dwelling and a maximum of one employee employed on site who does not live in the dwelling;
- i) There shall be no outside storage of equipment, goods or materials associated with the home occupation use;
- j) There shall be no goods, wares or merchandise offered for sale or rent from the dwelling which are not manufactured or processed on the lot with the exception of a limited number of complementary associated products;
- k) Any plate or sign not greater than 0.2 square metres in area, shall be attached and parallel to the main wall of the building; and,
- l) One (1) off-street parking space shall be provided for each 28 square metres of floor area devoted to said use in addition to that required for the dwelling.

#### **4.12 Landscaping and Buffers:**

- 4.12.1 A minimum 1.5 metre landscaped buffer shall be provided along a side or rear lot line of a Commercial, Industrial or Residential Four (R4) Zone where it abuts a Residential zone.
- 4.12.2 Landscaping shall be provided, planted or located, and maintained in a healthy condition by the owner of the land on which the landscaping is located. Every buffer strip shall consist of a solid and unbroken planting of shrubs or trees, the ultimate height of which is not less than 2.0 metres and a fence protected by vehicle curb stops or barriers. Such plant material shall not be less than 1.0 metre in height when planted.
- 4.12.3 Where landscaping is required on a lot, such lot shall not be used for any purpose other than that which existed at the date of passing of this by-law, until the required planting strip/privacy fence is planted or located, unless as otherwise provided for in a registered site plan agreement.
- 4.12.4 Where a lot abuts a watercourse, a shoreline buffer shall be restored and maintained across a minimum of 50% of the lot, and shall maintain a minimum width of 7.5 metres.

4.12.5 In all Commercial, Industrial, Community Facility or Residential Four (R4) Zones, a 1.5 metre landscaped buffer shall be provided along the full outer perimeter of any parking lot containing more than 10 parking spaces. A driveway may cross the landscaped buffer.

#### **4.13 Lighting:**

4.13.1 Lighting fixtures designed to provide exterior illumination on any lot shall be installed with the light directed or deflected away from adjacent lots and streets and in such a manner as to not confuse or distract persons driving vehicles on such streets, and shall be directed downward.

#### **4.14 Minimum Separation Distances for Farms:**

4.14.1 Notwithstanding any other yard or setback provisions of this By-law to the contrary, the following provisions apply to those lands located outside of the settlement area boundaries as identified on the Schedules to this By-law:

- a) New non-agricultural development in proximity to existing livestock operations must comply with provincial regulations regarding minimum distance separation (Formula I) as contained in Appendix "C".
- b) The development of new livestock facilities or the expansion of existing livestock facilities must comply with the government regulations regarding minimum distance separation (Formula II) as contained in Appendix "C".
- c) Despite subsection 4.14.1, development is permitted for one detached dwelling on a vacant lot in existence as of the date of adoption of this by-law, provided that the dwelling is located the furthest distance possible from the livestock operation and that the applicable zone setback provisions are complied with.
- d) Existing non-farm residential uses may be replaced where destroyed by a catastrophic event and are exempt from the MDS Separation formulae calculations.
- e) The Provincial Minimum Separation Distance Formulae I and II are found in Appendix "C". Reference should be made to the Minimum Distance Separation Formulae as developed by the Ontario Ministry of Agriculture and Rural Affairs, as amended from time to time, in completing the required calculations.

#### **4.15 Motor Vehicle Service Stations and Fuel Bars:**

4.15.1 No portion of any fuel pump island, fuel pump island canopy or kiosk, shall be located closer than 5.0 metres to any street line or sight triangle.

4.15.2 The minimum distance between access driveways shall be 10.0 metres.

4.15.3 The interior angle of intersection between an access driveway and the street shall not be less than 45 degrees for a one way entrance or exit or less than 70 degrees and not greater than 90 degrees for two way entrances.

4.15.4 All repair and mechanical servicing of motor vehicles shall be conducted within a wholly enclosed building and there shall be no outdoor storage permitted.

#### **4.16 Non Complying Lots, Buildings and Structures**

##### **4.16.1 Existing undersized lots:**

- a) Where a lot, having a lesser lot area or lot frontage than that required:
  - i. is held under distinct and separate ownership from abutting lots or was legally created prior to the passing of this By-law; or,
  - ii. is created as a result of an expropriation; or
  - iii. is created as a result of a natural severance such as the presence of a public road, a navigable waterway or a railway;

then the lot shall be deemed to conform to the requirements of this By-law with respect to the lot area or lot frontage, and the provisions respecting lot area and lot frontage shall not apply to prevent a permitted use, building or structure, provided that all other applicable provisions of this By-law are complied with and provided that a sewage disposal system (where required) can be installed on the lands.

- b) Where lands are added to an existing undersized lot that complies with (a) above, the resulting lot shall be deemed to comply with (a) above.

##### **4.16.2 Reconstruction and Repair of Existing Non-Complying Buildings and Structures:**

- a) Where in any Zone, a non-complying building or structure is destroyed by fire or natural disaster, such non-complying building or structure may be reconstructed provided the height, size or volume of the building or structure is not increased.
- b) Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any building or structure or part thereof lawfully used on the date of passing of this By-law, provided that the strengthening or restoration does not increase the building height, size or volume.
- c) The voluntary replacement of an existing non-complying building or structure shall be required to meet the provisions of the zone in which the lot and building are located.
- d) Submission of an application for a building permit to reconstruct or repair a legal structure, relying upon Subsections (a) and (b) above, must occur within two years of the damage or destruction, otherwise these subsections do not apply.



**4.16.3 Addition, Extension or Enlargement of Existing Non-Complying Buildings and Structures:**

- a) The enlargement, extension or addition to a legal non-complying building or structure that does not comply with the front yard, rear yard, side yard or setback requirements may be permitted, provided:
- i. the situation of non-compliance is not further increased;
  - ii. the amount of floor area in a required yard or setback area is not increased by more than 10% from the date of passing of this By-law;
  - iii. it does not pose a threat to public health or safety; and,
  - iv. all other applicable provisions of this By-law are complied with.

**4.16.4 Interior Alterations:** Nothing in this By-law shall prevent the interior alteration of a legal non-complying building or structure.

**4.17 Non Conforming Uses**

**4.17.1 Continuation of Use:** The provisions of this By-law shall not apply to prevent the use of any lot, building or structure for any purpose prohibited by the By-law if such lot, building or structure was lawfully used and legally established for such purposes on the date of the passing of this By-law so long as it continues to be used for that purpose and the use has not been discontinued.

**4.17.2 Change of Use:** No change in the use of any land, building or structure shall be permitted, unless such change in use complies with the permitted uses within the zone in which such land, building or structure is located or unless such change has been approved through the provisions of the Planning Act.

**4.17.3 Exterior Extensions:** No building or structure, which at the date of passing of this By-law was used for a purpose not permitted within the zone in which it is located, shall be enlarged or extended unless such building is thereafter to be used for a purpose permitted within such Zone and complies with all requirements of the By-law or unless approved through the provisions of the Planning Act.

**4.17.4 Reconstruction or Repair of Existing Non-Conforming Buildings and Structures:** Where a building or structure containing a legal non-conforming use is damaged or destroyed, the reconstruction or repair of the building or structure is permitted provided the reconstruction or repair does not increase the original footprint, building size, height or location and provided the reconstruction or repair occurs within two years.

**4.17.5 Interior Alterations:** Nothing in this By-law shall prevent the interior alteration of a legal non-conforming building or structure.

## **4.18 Outdoor Storage, Display of Goods and Material**

4.18.1 **Outdoor Storage:** Where outdoor storage is permitted, the following provisions shall apply:

- a) Outdoor storage is located behind the front or exterior wall of the main building facing any street and complies with all yard requirements;
- b) Any portion of a lot used for outside storage is screened from adjacent uses and streets adjoining the lot by a building, planting strip, and or fence at least 2.0 metres in height from the ground; and,
- c) The area used for outdoor storage shall be in addition to the areas required for parking, loading and landscaping.

4.18.2 **Outdoor Display of Goods and Materials:** Where outdoor display and sale of goods and materials is permitted, the following provisions shall apply:

- a) Such outdoor display and sale shall be accessory to a commercial use carried on in an enclosed building, or portion thereof, on the same lot;
- b) The area used for outside display and sale shall be in addition to the areas required for parking, loading and landscaping; and,
- c) The area used for outside display of goods and materials shall comply with the yard requirements for the zone in which the land is situated.

## **4.19 Permitted Uses in All Zones:**

4.19.1 The following uses are permitted in any zone:

- a) a telephone booth;
- b) a tool shed, scaffold or other such building or structure incidental to any construction, provided it is located on the premises where such work is under way, until such construction has been finished or discontinued for sixty (60) days;
- c) a temporary sales office in a plan of subdivision or condominium description incidental to construction and sale of lots, units or buildings in such development until construction has been finished or discontinued for sixty (60) days, but no such sales offices shall be established within 30 metres of any occupied dwelling;
- d) a trailer, a temporary construction structure incidental to construction and used temporarily for office or storage purposes, provided that the trailer or camp is located on the same lot as the construction and in compliance with the yard requirements for the zone in which is it located and provided the trailer or structure shall not be located on the premises until a building permit for said construction has been issued and the trailer or structure shall be removed within 60 days of the completion or discontinuance of construction; but in no case shall the trailer or

structure remain on the lot for a period exceeding one year from the date of issue of the building permit;

- e) a guardhouse or gatehouse located in any industrial zone;
- f) a ticket office to serve a vehicle parking lot;
- g) a receiving/transmitting tower or any steel tower used for signaling purposes and associated buildings, provided the tower and buildings are located at a minimum distance of 150 metres from the boundary of a residential zone, and provided the minimum lot area is 2 hectares;
- h) decorative walls, fences, planting strips, walkways and other landscaping structures subject to the regulations contained herein;
- i) recreational trails and minor associated structures including outdoor sports courts/fields;
- j) an aerodrome;
- k) the processing of firewood for private use;
- l) temporary special events licensed or approved by the Municipality of West Nipissing;
- m) a conservation use;
- n) flood or erosion control facilities.

#### **4.20 Public uses:**

4.20.1 The provisions of this By-law shall not apply to the use of any land or to the erection or use of any building or structure for the purpose of public service by the Municipality or by any local Board, any department of the Government of Ontario or Canada, including Hydro One or any telephone, telegraph or gas company, or any railway provided that:

- a) The lot coverage, setback and yard regulations prescribed for the Zone in which such land, building, or structure is located are complied with;
- b) No goods, materials, or equipment are stored in the open in a Residential Zone or in a lot adjacent to a Residential Zone.

4.20.2 Nothing in this By-law prevents the use of land for a public road or private road or prevents the installation of a water main, sanitary sewer main, storm sewer main, gas main, pipeline, lighting fixture, transit shelter, or overhead or underground hydro or telephone lines.

#### **4.21 Pits and Quarries:**

4.21.1 The making, establishment or operation of pits or quarries is prohibited within the area covered by this By-law, except in the locations specifically permitted by this by-law, and in accordance with the provisions of this By-law. No person shall use land or erect any building or structure for the purpose of processing, blasting, washing, screening, sorting or crushing rock, sand or gravel, except as expressly provided for in this By-law.

## **4.22 Prohibited Uses/Activities:**

- 4.22.1 Except as otherwise specifically permitted in this By-law, the following uses are prohibited in any zone:
- a) The use of any motor vehicle, truck, bus, coach, railway car or street car body for human habitation.
  - b) The use of school portables for human habitation;
  - c) The use of any cargo or shipping container, truck, truck trailer, bus, or coach body for storage, sales, or human habitation;
  - d) Galvanized steel structures on properties in the Residential One (R1), Residential Two (R2), Residential Three (R3), Residential Four (R4) or Shoreline Residential (SR) zones;
  - e) The storage of derelict vehicles, cargo containers, streetcars, truck bodies, or trailers unless specifically permitted by this By-law;
  - f) The parking or storage of boats, trailers or commercial and non-commercial motor vehicles on a vacant lot, unless the motor vehicle, boat, tourist trailer or other similar vehicle is located behind the minimum front yard setback for the zone in which it is located.
  - g) No recreational vehicle or travel trailer shall be used within the Municipality for a period of more than 90 days within a 12 month period for living, sleeping or eating accommodation, unless it is in a recognized trailer park.
  - h) The outdoor storage of partially dismantled motor vehicles, trucks, trailers, motor vehicles, or parts of vehicles other than in a permitted wrecking or scrap yard; no person may park or store on any lot in any zone any vehicle that does not have licence plates issued within one year except that one such vehicle may be stored inside a private garage in a Residential Zone and any number of such vehicles may be stored within an automobile body repair shop in an Industrial Zone.
  - i) Tracks or other areas developed for the racing or running of motorcycles, all terrain vehicles, snowmobiles, or other motorized recreational vehicles unless specifically permitted by this By-law. This is not intended to interfere with any lawful use of a public road or highway, or enjoyment of private property by the owners or tenants of such property or the use of an organized trail approved by the Township;
  - j) The manufacturing, refining, rendering, bulk storage or distillation of fertilizers, oil, glue from organic sources, acids, ammonia, chlorine, coal, creosote, explosives, petroleum, tar, fireworks, ammunition, glue, petroleum, tar, or other hazardous materials unless specifically permitted as a use in this By-law or stored for sale in

direct association with a permitted use in the Zone and on the property on which the permitted use occurs;

- k) The bulk storage of industrial chemicals and the storage of radioactive, hazardous waste, hazardous biological waste, or liquid industrial waste unless specifically permitted by this By-law or stored for sale in direct association with a permitted use in the Zone and on the property on which the permitted use occurs;
- l) The manufacturing or bulk storage of combustible, explosive, inflammable, or dangerous liquids, gases, or materials unless specifically permitted as a use in this By-law or stored for sale in direct association with a permitted use in the Zone and on the property on which the permitted use occurs;
- m) Rendering of fats or animal products, a tannery, or an abattoir unless specifically permitted; and,
- n) A hunt farm.

A prohibited use above shall only be permitted if such use is a normal and integral component of a permitted use or shall be specifically listed as a permitted use.

4.22.2 **OBNOXIOUS USE:** Notwithstanding any other provision of this By-law, no use shall be permitted which, from its nature or the materials used therein, is declared under the Public Health Act, to be an obnoxious use.

#### **4.23 Public Road, Private Road, Condominium Access or Navigable Waterway:**

4.23.1 **Frontage on a Public Road:** No person shall erect any building or structure in any zone unless the lot fronts upon and is directly accessible from a public road. This provision does not apply where there is a road use agreement with the Municipality granting use over the public road, or where the lot is used for a hunt camp or resource use.

4.23.2 **Unassumed Road:** The provisions of this By-law shall not apply to prevent the erection of a permitted building or structure on a lot in a Registered Plan of Subdivision where a properly executed subdivision agreement has been entered into with the Municipality where the street or streets will not be assumed by the Municipality until such time as specified in the agreement.

4.23.3 **Private Road Access:** Notwithstanding Section 4.23.1, where a lot does not front upon a public road, a building permit may be issued for a permitted building or structure provided:

- (a) The lot meets all of the other requirements of this By-law and has access by way of a legal private right-of-way or approval from the Ministry of Natural Resources where the private road crosses over Crown Land; and

- (b) The applicant, prior to a building permit being issued, provides a written acknowledgement that:
  - i. the owner acknowledges and agrees that the lot in question does not front on a public road;
  - ii. the owner acknowledges and agrees that the Municipality does not maintain or snow plow the private road; and
  - iii. the owner acknowledges and agrees that the Municipality will not take over or assume a private road as a public road unless it has been built according to Municipal standards.

4.23.4 **Access by Navigable Waterway:** Notwithstanding Section 4.23.1, where a lot is accessed only by navigable water, the owner is responsible for obtaining access to the lot, and a building permit may be issued for a permitted building or structure provided the lot meets all other requirements of the By-law.

4.23.5 **Condominium Access:** Notwithstanding Section 4.23.1, where a lot is developed by condominium description, the lot frontage and access may be on a private road for individual units within the condominium description.

#### 4.24 Seasonal Residential Conversions:

4.24.1 The conversion of a seasonal residential dwelling to a permanent residential dwelling may be permitted provided the existing sewage disposal system is upgraded to current standards.

#### 4.25 Sight Triangles

4.25.1 **Street Intersections:** Notwithstanding any other provisions of this By-law, in any corner lot, no building, structure, berm, fence, tree, hedge, or shrub with height exceeding 1.2 metres above the grade of the road, shall be erected within the triangular space measured along the street lines for a distance of 9 metres from their point of intersection;

4.25.2 **Railway Intersections:** Where any public street crosses a railway at the same grade, no building, structure, berm, fence, tree, hedge or shrub with a height exceeding 1.2 metres above the grade of the road or railway shall be erected within 20.0 metres of the point of intersection of the centre line of both the railway and the street.

#### 4.26 Signs:

4.26.1 Any sign shall be in conformity with the respective requirements of the Ministry of Transportation, or the Municipality.

## 4.27 Special Setback Requirements

### 4.27.1 Provincial Highways:

- a) Notwithstanding any other provision in this By-law, properties located adjacent to a provincial highway will be subject to the setback requirements of the Ministry of Transportation.
- b) In addition to all applicable municipal requirements, all proposed development located in proximity of a provincial highway, within Ministry of Transportation permit control area, will be subject to the approval of the Ministry of Transportation. A Ministry of Transportation permit shall be obtained prior to any construction being undertaken.

### 4.27.2 Minimum setback from occupied limit of a road in the Rural (RU), Rural Residential (RR), Agriculture One (A1) and Agriculture Two (A2) Zones: 10 metres from the centerline of the travelled road.

### 4.27.3 Pipelines: No building or structure shall be located within 7.0 metres of a Pipeline right-of-way.

### 4.27.4 Watercourses: Buildings and structures, unless specifically permitted in this By-law, shall be setback a minimum of 18.0 metres from any navigable watercourse and 10.0 metres from any other identifiable watercourse (excluding a municipal drain), with the setback to be measured from the high water mark.

## 4.28 Temporary Uses

### 4.28.1 Construction:

- a) A temporary building, structure or trailer incidental to the construction of a principal building on a lot is permitted in all Zones provided that a valid building permit has been issued, but only for as long as it is necessary for the work in progress and until the work is completed or abandoned. In this case, 'abandoned' shall mean the failure to proceed with the work within a one year time period.
- b) The continued use of an existing dwelling or building on a lot during the construction of a dwelling or building intended to replace such dwelling or building is permitted provided that:
  - i. In no case may such existing building remain un-demolished on the lot for longer than 60 days after the building intended to replace such existing building is ready in whole or in part for occupancy, or two years after the date of issue of the building permit for the building intended to replace such existing building, whichever comes first;
  - ii. Safety and emergency access are provided and maintained to the satisfaction of the Chief Building Official and the Fire Chief; and,

- iii. The Owner enters into a demolition agreement with the Township including the posting of securities sufficient to cover the costs of such demolition of such existing building by the Municipality in the event it is not demolished within the timeframe stipulated above.

4.28.2 **Sales office/model home:** One temporary sales office and/or up to four (4) model homes may be located on lands which are the subject of a draft approved plan of subdivision or condominium in any Residential, Commercial or Industrial Zone provided that:

- a) The temporary sales office and model home are located in accordance with the zone provisions of the zone in which it is located; and,
- b) An Agreement has been executed with the Municipality addressing the temporary sales office and model homes. The agreement may permit up to four (4) model homes.

#### **4.29 Through Lots:**

4.29.1 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 in accordance with the provisions of this By-law.

#### **4.30 Travel Trailers and Recreational Vehicles:**

4.30.1 The parking and storage of more than one travel trailer or recreational vehicle shall be prohibited in the Residential One (R1), Residential Two (R2), Residential Three (R3) and Residential Four (R4) Zones except where such parking or storage is a permitted use in accordance with this By-law or is accessory to a dwelling located on the lot and the travel trailer or recreational vehicle is owned by the occupant of the lot. No human habitation shall be permitted except in accordance with Section 4.22.1 (g) in a stored travel trailer or recreational vehicle.

#### **4.31 Waste Management Influence Area Overlay**

4.31.1 Lands located within the Waste Management Influence Area as shown on the Schedules to this by-law are subject to a Holding (H) provision and shall be used for no other purpose than those uses which legally existed prior to the passing of this By-law. The uses permitted within the underlying zone shall not be permitted and the Holding (H) provision removed until a ground and surface water study (hydrology and hydrogeology study) and methane gas migration study, and any other study as may be required by the Municipality, have been completed to the satisfaction of the Municipality to demonstrate that there will be no adverse public health and safety risks associated with the former waste disposal site(s), and to require that the owner enter into a



development agreement with the Municipality to implement the recommendations of the studies. Notwithstanding the above, such studies shall not be required for the following:

- a) interior alterations to existing structures;
- b) exterior alterations that do not expand the footprint of an existing structure;
- c) new structures or alterations to existing structures where such structures do not prevent the free movement of air into the atmosphere; and
- d) any structure that does not require a building permit.

#### **4.32 Water Supply and Sewage Disposal Systems:**

4.32.1 **Connection to Services - Full or Partial Municipal Sewer and Water Service:** No land may be used and no building or structures may be erected unless:

- a) connected to a municipal sanitary sewer and/or water supply within the settlement areas identified on the schedules to this by-law; or
- b) where municipal services are not available, alternative servicing arrangements are provided to the satisfaction of the Municipality.

4.32.2 **Commercial or Industrial Uses in Areas without Full Municipal Services:**

Notwithstanding any other provisions of this By-law with regard to servicing requirements for an industrial or commercial use, where full municipal services are not available, and privately serviced development is permitted, only dry industrial or commercial uses shall be permitted. Dry industrial or commercial uses are those in which only the disposal and treatment of domestic waste of employees and customers is permitted. No treatment of industrial liquid wastes or processed waste is allowed. This provision does not apply to prevent the on-site treatment of kitchen or sanitary wastes from a permitted commercial eating establishment. This provision also does not apply where a use has been approved by the Municipality or any other responsible authority, on the basis of an advanced private treatment system. In such cases, it must be demonstrated to the satisfaction of the Municipality, Ministry of the Environment, and/or other responsible authorities, in studies submitted by the applicant, that appropriate treatment can be provided with no detrimental impact to surface, groundwater resources, and the surrounding environment.

#### **4.33 Wayside Pits and Quarries and Portable Asphalt Plants**

4.33.1 Where specifically permitted in the By-law, a wayside pit or quarry or a portable asphalt plant shall be subject to the following provisions:

- a) the wayside pit or quarry or the portable asphalt plant shall be used by or on behalf of a Public Authority;

- b) the wayside pit or quarry or the portable asphalt plant shall have a Certificate of Approval from the Ministry of Environment and Energy or its designate;
- c) the wayside pit or quarry or portable asphalt plant shall not be located closer than 300 metres from an existing residence; and
- d) upon completion of the public project, the site shall be rehabilitated to its former use.

## Section 5: Parking and Loading Requirements

### 5.1 General

5.1.1 The parking and loading space requirements of this Section of the By-law shall apply:

- a) when any new development is constructed;
- b) when any existing development is enlarged; or
- c) when any use is changed.

5.1.2 No person shall use any land, building or structure in any Zone for any purpose permitted by this By-law, unless parking spaces are provided in accordance with the requirements of this Section.

5.1.3 Parking and loading spaces required by this By-law and all driveways and aisles leading to those spaces must be set aside for and used exclusively for that purpose.

### 5.2 Parking Space Requirements

5.2.1 **Number of Parking Spaces:** Off-street motor vehicle parking shall be provided for any land use at the rate set out in Table 5.1.

**TABLE 5.1- PARKING REQUIREMENTS**

Type of Building/Use	Minimum Off-Street Parking Requirements
Any commercial use, except those uses specifically listed elsewhere in this Section	1 parking space for each 25 square metres of gross floor area
Any industrial use, except those uses specifically listed elsewhere in this Section	1 parking space for each 50 square metres of building floor space on the lot.
Any other non-residential use, except those uses specifically listed elsewhere in this Section	1 parking space per 25 square metres of gross floor area; a minimum of 10 parking spaces for open air activity areas
<ul style="list-style-type: none"> <li>• Bakery,</li> <li>• Business, professional or administrative office,</li> <li>• Convenience Store,</li> <li>• Factory Outlet,</li> <li>• Grocery Store,</li> <li>• Health Services Establishment,</li> </ul>	1 parking space per 20.0 square metres of gross floor area of commercial space accessible to the public, PLUS 1 parking space for each 50 square metres of storage area

Type of Building/Use	Minimum Off-Street Parking Requirements
<ul style="list-style-type: none"> <li>• Home Industry,</li> <li>• Home Occupation,</li> <li>• Kennel,</li> <li>• Laundromat,</li> <li>• Light Equipment Rental Establishment,</li> <li>• Market,</li> <li>• Merchandise Service Shop,</li> <li>• Personal Service Shop,</li> <li>• Retail Store,</li> <li>• Service and Repair Shop,</li> <li>• Veterinary clinic,</li> <li>• Video Outlet/Rental Store</li> </ul>	
<ul style="list-style-type: none"> <li>• Bowling Alley;</li> <li>• Curling Rink</li> </ul>	1 parking space for each 2 persons in the design capacity of the establishment, (designed capacity shall mean 6 persons per bowling lane and 8 persons per curling sheet) plus 1 parking space for every 20 square metres of area devoted to public use.
Building Supply Establishment	1 parking space per 45 sq. metres of gross floor area
<ul style="list-style-type: none"> <li>• Driving Range,</li> <li>• Mini-golf</li> </ul>	1 parking space for each hole or tee
Dwelling Unit:	2 parking spaces per dwelling unit, except for: <ul style="list-style-type: none"> <li>• Apartment Dwelling, where 1.25 parking spaces per dwelling unit is required;</li> <li>• Accessory dwelling unit or Secondary Detached dwelling, where 1 parking space per dwelling unit is required.</li> <li>• Dwelling Unit in a Non-Residential Building, where 1 parking space per dwelling unit is required.</li> </ul>
Educational Institution	<ul style="list-style-type: none"> <li>• 1 parking space per 100.0 square metres of gross floor area and 1 space per portable for an Elementary school;</li> <li>• parking space per 100.0 square metres of gross floor area and 1 space per portable for a Secondary school;</li> <li>• 2 parking spaces per 100.0 square metres for all other educational institutions</li> </ul>
<ul style="list-style-type: none"> <li>• Agricultural Uses</li> <li>• Greenhouse/nursery/garden centre</li> </ul>	2 parking spaces per farm, plus 1 parking space for every 20 sq. metres of gross floor area devoted to retail sales and 1 parking space for

Type of Building/Use	Minimum Off-Street Parking Requirements
	every 100 sq. metres of gross floor area devoted to processing or manufacturing uses.
<ul style="list-style-type: none"> <li>• Financial Establishment</li> <li>• Business, professional or administrative office</li> </ul>	1 parking space for each 25.0 square metres of commercial floor space of the building.
Funeral Home	1 parking space for each 5 seats capacity with a minimum of 10 parking spaces.
Golf Course	30 parking spaces for each 9 holes of golfing facilities
Group Home	2 parking spaces, one of which is accessible, plus 1 space for every five residents
<ul style="list-style-type: none"> <li>• Hospital,</li> <li>• Nursing Home,;</li> <li>• Residential Care Facility</li> </ul>	1 parking space for each 2 beds.
<ul style="list-style-type: none"> <li>• Bed and Breakfast Establishment</li> <li>• Hotel,</li> <li>• Housekeeping Cottages and Cabins,</li> <li>• Motel,</li> <li>• Resort Establishment,</li> <li>• Tourist Establishment or Camping Establishment</li> </ul>	1 parking space for each guest room, plus 1 parking space per 10.0 square metres of gross floor area devoted to meeting, dining and banquet facilities
Marina	1 parking spaces for each new boat slip
<ul style="list-style-type: none"> <li>• Mobile Home Park</li> <li>• Trailer Park</li> </ul>	1.5 parking spaces per unit
<ul style="list-style-type: none"> <li>• Motor Vehicle Body Shop,</li> <li>• Motor Vehicle Repair Facility,</li> <li>• Motor Vehicle Service Station</li> </ul>	3 parking spaces per service bay plus 1 parking space per 20.0 square metres of gross floor area for the office and any retail use.
Motor Vehicle Gas Bar	1 parking space per 20.0 square metres gross floor area exclusive of fuel dispensing spaces
Motor Vehicle Sales Establishment	1 space per 20.0 square metres gross floor area exclusive of display and storage parking
<ul style="list-style-type: none"> <li>• Eating establishment,</li> <li>• Library,</li> <li>• Place of assembly,</li> <li>• Place of recreation,</li> <li>• Place of worship</li> </ul>	Where there are fixed seats, one parking space for every 5 seats or 3.0 metres of bench space of its maximum seating capacity. Where there are no fixed seats, 1 parking space for each 10 square metres of floor area devoted to public use.
Public Self-Storage Warehouse	1 parking space per 30.0 square metres of gross

Type of Building/Use	Minimum Off-Street Parking Requirements
	floor area within the office; plus 1 parking space per 100.0 square metres of gross floor area of the building.
<ul style="list-style-type: none"> <li>• Tourist Camping</li> <li>• Camping Establishment</li> <li>• Trailer Park</li> </ul>	1 parking space for each tent or trailer site plus 1 visitor parking space for each 4 sites
<ul style="list-style-type: none"> <li>• Warehousing,</li> <li>• Contractor’s Establishment,</li> <li>• Wholesaling</li> </ul>	1 parking space per 100.0 square metres of gross floor area

**5.2.2 Parking Space Calculation:**

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

**5.2.3 More than One Use on a Lot**

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

**5.2.4 Parking Space Size:** A motor vehicle parking space shall have:

- a) A minimum width of 3.0 metres; and,
- b) A minimum length of 6.0 metres, except for parallel parking, where a minimum length of 6.5 metres is required.

**5.2.5 Width of Aisles**

The minimum width of an aisle providing access to a parking space within a parking area shall be 6.0 metres, except in the case of angled off-street parking accessed by a one-way aisle, which shall be a minimum width of 4.5 metres.

**5.2.6 Width of Access Ramps and Driveways**

- a) Access ramps and driveways accessing a parking area or parking lot shall be a minimum of 3.0 metres in width for one-way traffic and a minimum of 6.0 metres in width for two-way traffic.
- b) For a Commercial, Industrial, Institutional or Municipal Parking Lot, a minimum of 9.0 metres in width shall be provided.
- c) For an individual dwelling unit, the maximum driveway width shall be 8.0 metres or 50% of the lot frontage, whichever is less.

**5.2.7 Tandem Parking**

Tandem parking is permitted for the required parking spaces for a single detached dwelling, duplex, semi-detached dwelling, townhouse unit, accessory apartment and bed and breakfast establishment. For the purposes of this Section, tandem parking refers to parking spaces that are located one behind the other, without access from a separate driveway or aisle.

**5.2.8 Parking Area Surface Treatment**

All required parking spaces and parking areas and all driveways to any parking area or parking lot shall be maintained with a stable surface which is treated with asphalt, concrete, concrete pavers, gravel or similar material which is treated so as to prevent the raising of dust or loose particles.

**5.2.9 Location of Required Parking Spaces**

Parking spaces and all driveways and aisles leading to those spaces shall be:

- i) located on the same lot as the use or building for which they are provided; or
- ii) located on a lot located within 150.0 metres of the site in the C1 zone, provided the parking facilities are legally secured for that use, to the satisfaction of the Municipality; or
- iii) for water access properties, the parking area may be more than 150.0 metres of the site.

**5.2.10 Parking Area Location on a Lot**

Parking areas will be permitted in any required yard in accordance with Table 5.2.

**TABLE 5.2 – PARKING AREA ON LOT**

Zone	Yard in Which Required Parking Permitted
Residential Zones, except Shoreline Residential (SR)	All yards. No parking space shall be permitted within 3.0 metres of a street line.
Shoreline Residential (SR) Zone	All yards except the front yard.
Commercial, Community Facility, Industrial, Open Space and Hazard Zones	All yards provided that no part of any parking area, other than the ingress or egress points, is located closer than 1.0 metre to any street line and no closer than 1.5 metres to any lot line and provided that no part of any parking area is located in a minimum planting strip adjacent to a street line as required by this By-law.
Agricultural and Rural Zones	All yards provided that no part of any parking area, other than the ingress and egress points used for access from the street, is located closer than 5.0 metres to any street line or any other lot line.

**5.2.11 Parking Illumination**

Where parking areas are illuminated, the lighting fixtures shall be provided in accordance with the following provisions:

- a) No part of the lighting fixture shall be more than 9.0 metres above grade;
- b) They shall be installed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture is projected below the lamp and onto the lot the lighting is intended to serve; and,
- c) Setback 1.5 metres from any street line.

**5.3 Designated Accessible Parking**

**5.3.1 Number of Accessible Parking Spaces Required**

The minimum designated accessible parking spaces requirements for new development shall be as noted in Table 5.3.

**TABLE 5.3 – ACCESSIBLE PARKING REQUIREMENTS**

Total Number of Parking Spaces Required	Minimum Accessible Spaces Required
1 – 25	1
26 – 50	2
51 – 75	3
76 – 100	4
101 and beyond	5 spaces plus 1 additional space for each 50 spaces beyond 150 spaces
Additional Requirements: In the case of restaurants and health services, the minimum number of designated accessible parking spaces noted in Table 5.3 shall be increased by one.	

**5.3.2 Parking Space Size:** A designated accessible parking space for motor vehicles shall have:

- a) A minimum width of 3.5 metres;
- b) A minimum length of 6 metres;
- c) An adjacent 1.75 metre wide aisle that is hatch marked on the parking lot, which may be shared by two adjacent designated accessible spaces;
- d) A firm, level surface;



- e) Easy access for disabled persons, whether via ramps, depressed curbs or other means and shall be located within easy access distance for the building or complex intended to be accessed; and
- f) Signs to identify barrier-free parking spaces in conformance with the regulations made under the Highway Traffic Act.

**5.4 Queuing Lane Requirements (Drive through service):**

5.4.1 Where drive-through service facilities are permitted, queuing lanes are required and shall be exclusive of any other parking space and aisle requirements contained within this By-law and shall be provided in accordance with the provisions of this section.

The minimum queuing space requirements within a designated queuing lane shall be as set out in Table 5.4. In addition, one space shall be provided for each point of service delivery.

**TABLE 5.4 – QUEUING LANE REQUIREMENTS**

<b>Use Associated with Drive-Through Service Facility</b>	<b>Minimum Required Ingress Spaces</b>	<b>Minimum Required Egress Spaces</b>
Financial Institution	3	1
Restaurant	10	2
Motor vehicle service station or Gas Bar	3	1
Motor vehicle washing establishment	3 per bay	2
All Other Uses	3	1

**5.4.2 Location of Ingress and Egress Spaces**

Required ingress spaces shall be located before the first point of contact and required egress spaces shall be located after the final point of contact.

**5.4.3 Length of Queuing Lane**

The length of the queuing lane associated with the drive-through service facility shall be the total number of required ingress spaces and egress spaces, plus one space for each point of service delivery and shall not form part of the required parking spaces or aisles.

**5.4.4 Size of Queuing Space**

All queuing spaces shall be rectangular in shape, with a minimum length of 6.0 m and a minimum width of 2.75 m.

## **5.5 Parking of Special Vehicles**

### **5.5.1 Vehicle Storage and Display**

Where a permitted use involves the storage and/or display of operational motor vehicles, such as a motor vehicle dealership, such storage and/or display shall be subject to the same provisions that would apply to any parking area required by this By-law.

### **5.5.2 Parking of Boats and Recreational Trailers**

- a) A maximum of one (1) boat, and one (1) trailer including a recreational trailer, are permitted to be stored outside on a lot in a Residential One (R1), Residential Two (R2), Residential Three (R3) or Residential Four (R4) Zone only as an accessory use to a dwelling unit provided the boat or trailer is licensed, in good repair and in serviceable condition and is owned by an occupant of the dwelling unit.
- b) Notwithstanding a) above, there is no maximum to the number of personal use boats or trailers stored on a lot in the Shoreline Residential (SR), Rural Residential (RR), Rural (RU) or Agricultural One Zone (A1) Zones.
- c) Where a boat or trailer is stored in the rear yard, it shall be screened from adjacent residential lots by a fence or landscaping at least 1.2 metres in height.
- d) A boat or trailer shall not be stored in the front yard in the Residential One (R1), Residential Two (R2), Residential Three (R3) or Residential Four (R4) Zones.

### **5.5.3 Parking of School Buses**

In a Residential Zone, a maximum of one (1) school bus is permitted to be parked on a lot as an accessory use to a dwelling unit provided the school bus is driven by an occupant of the dwelling unit and the bus shall be parked no closer than 15.0 metres to the exterior wall of an adjacent residential dwelling unit.

### **5.5.4 Prohibition on Parking of Unlicensed Motor Vehicles**

Unless otherwise specifically permitted in this By-law, an unlicensed motor vehicle shall not be parked on a lot. Notwithstanding this provision, the parking of unlicensed farm vehicles which have not been abandoned and are in a workable condition, as a permitted agricultural use, is permitted. Furthermore, notwithstanding this provision, the parking of unlicensed vehicles for sale is only permitted where vehicle sales are a permitted use.

## **5.6 Loading Space Requirements**

### **5.6.1 Off-Street Loading Spaces**

Off-street loading spaces shall be provided in accordance with the standards of this By-law for any use. Required loading spaces shall be located on the same lot as the use that requires the loading space and shall be provided as set out in Table 5.5.

**TABLE 5.5 – LOADING SPACE REQUIREMENTS**

<b>Gross Floor Area</b>	<b>Number of Loading Spaces Required</b>
250 square metres or less	1 loading space
251 square metres to 1,999 square metres	2 loading spaces
2,000 square metres or greater	3 loading spaces

**5.6.2 Size of Loading Space/Loading Area**

Each loading space shall be a minimum of 12.0 metres long, 3.5 metres wide and have a vertical clearance of at least 4.2 metres, except where only 1 loading space is required the loading space may be reduced to a minimum of 6.0 metres long, 3.5 metres wide and have a vertical clearance of at least 3.0 metres.

**5.6.3 Location of Loading Spaces**

- a) Required Loading spaces shall be provided on the same lot for the use or building for which it is required, and the loading space(s) shall be located within 20.0 metres of the use or building for which is it required.
- b) Such loading space shall not be located in a required yard.
- c) Loading spaces shall not obstruct any required parking spaces or vehicular movement on the lot.
- d) In all Zones, with the exception of any Industrial Zone, loading spaces are not permitted in the front yard or exterior side yard and loading bay doors are not permitted on any wall facing a street unless the loading space and loading bay door are located no closer than 10.0 metres from any street line.

**5.6.4 Access to Loading Spaces**

Where a loading space(s) is required, the access to the loading space(s) shall be provided by means of a driveway that is a minimum of 6.0 metres wide in the Industrial Zones and Institutional Zones and a minimum of 3.5 metres wide in a Commercial Zone.

## Section 6: Residential Zones

### 6.1 Establishment of Residential Zones

The Residential Zones established by this By-law are:

ZONE	SYMBOL	DESCRIPTION
Residential One Zone	R1	Single detached Residential Zone
Residential Two Zone	R2	Single detached and Two Unit Residential Zone
Residential Three Zone	R3	Medium Density Residential Zone (3 to 8 units)
Residential Four Zone	R4	High Density Residential Zone (8+ units)
Shoreline Residential Zone	SR	Shoreline Residential
Rural Residential	RR	Rural
Mobile Home Residential	MHR	Mobile Home Park

### 6.2 General Prohibition

No person shall within any Residential Zone, use any land, or erect, alter, or use any building or structure except as specified hereunder, and in accordance with all other applicable provisions of this By-law.

### 6.3 Permitted Uses

Uses permitted in a Zone are noted by the symbol '●' in the column applicable to that Zone and corresponding with the row for a specific permitted use in the Permitted Uses Table. A letter(s) following the symbol '●', zone heading or identified permitted use, indicates that one or more conditions apply to the use noted or, in some cases, to the entire Zone. Conditions are listed in the Footnotes below the Permitted Uses Table, Table 6.1, and Accessory Uses Table, Table 6.2.

**TABLE 6.1 – PERMITTED USES**

PRINCIPAL USE	ZONES						
	R1	R2	R3	R4	SR	RR	MHR
Dwelling, Single Detached	●	●	●		●	●	
Dwelling, Semi-detached		●	●				
Dwelling, Duplex		●	●				
Dwelling, Multiple			●	●			
Dwelling, Street Townhouse (a)			●	●			
Dwelling, Apartment				●			
Dwelling, Seasonal					●		
Dwelling, Mobile Home						●	●
Dwelling, Modular	●	●	●			●(b)	●(b)
Park, Public	●	●	●	●	●	●	●

Notes: (a) A minimum of three (3) to a maximum of eight (8) dwelling units may be attached to each other.  
 (b) a modular dwelling may be a minimum double-wide unit.

**TABLE 6.2 – ACCESSORY USES**

ACCESSORY USE	ZONES						
	R1	R2	R3	R4	SR	RR	MHR
Accessory dwelling unit in a Single Detached Dwelling or a Semi-detached Dwelling	●	●	●	●		●	
Boarding House		●	●			●	
Group Home	●	●	●		●	●	
Home Industry (a)						●	
Home Occupation (a)	●	●	●		●	●	●
Private Home Daycare	●	●			●	●	
Personal Storage (a)					●	●	
Bed & Breakfast Establishment	●	●			●	●	

Note: (a) provided no activity related to the use occurs within 30 metres of a navigable watercourse.

## 6.4 Lot Requirements

By-Law 2015/59  
 Height(s) of Accessory  
 Structures

**TABLE 6.3 – RESIDENTIAL ZONE REQUIREMENTS**

REGULATION		ZONE							
		R1	R2	R3	R4	SR	RR	MHR	
Lot Area (m <sup>2</sup> )	full services	450	225/unit	900	900	n/a	n/a	n/a	
	partial services	2000	1000/unit	n/a	n/a	n/a	n/a	n/a	
	private services	4000	2000/unit	n/a	n/a	1 ha .4 ha (e)	1 ha	4 ha	
Lot Frontage (m)	full services	15	7.5/unit	18 (b)	18 (b)	n/a	n/a	n/a	
	partial services	30	15/unit	n/a	n/a	n/a	n/a	n/a	
	private services	60	30/unit	n/a	n/a	60	60	135	
Lot Coverage (%)	full services	50	50	40	40	n/a	n/a	n/a	
	partial services	25	25	n/a	n/a	n/a	n/a	n/a	
	private services	10	10	n/a	n/a	15	15	25	
Maximum Lot Coverage for accessory buildings (%) (a)		10	10	5	5	5	5	10	
Yard Requirements (m)	Front Yard	6	6	7.5	7.5	18	15	10	
	Rear Yard	7.5	7.5	7.5	7.5	7.5	15	10	
	Interior Side Yard	full services	1.2	1.2	3	6	n/a	n/a	n/a
		partial services	3	3	3	6	n/a	n/a	n/a
		private services	3	3	n/a	n/a	3	4.5	6
Exterior Side Yard	3	3	7.5	7.5	10	15	10		
Setback from Road Centreline (m)	Provincial Highway	23	23	23	23	23	23	23	
Setback from Watercourse (m)		18	18	18	18	18	18	18	
Maximum Building Height (m)		11	11	11	11	11	11	4	
Maximum Accessory Building Height (m)		6	6	6	6	7.5	7.5	6	
Minimum Gross Floor Area per dwelling (m <sup>2</sup> )		70	70	60	60	70	70	30	
Maximum Number of Dwelling Units		2	2	8 (c)	(d)	2	2	10/ha	
Minimum Landscaped Open Space (%)		n/a	n/a	30	30	50	n/a	40	

**NOTES:**

- (a) included as part of total lot coverage
- (b) the minimum frontage for a street townhouse shall be 7 metres for an interior unit and 10 metres for an end/exterior unit
- (c) shall be based on a minimum of 225 square metres of lot area per dwelling unit, to a maximum of 8 dwelling units
- (d) shall be based on a minimum of 120 square metres of lot area per dwelling unit
- (e) if technical information pertaining to the physical characteristics and hydrogeology of the site in accordance with MOE D-Series guidelines (or their successor documents) can demonstrate that a lot area less than 1 hectare can be supported, the minimum lot area shall be as recommended in the technical study but in no case shall it be less than .4 hectares.

## 6.5 Residential Exceptions

The Provisions of this Section are modified for those properties and to the extent identified in Sections 6.5.1 to 6.5.6 below.

### 6.5.1 Exceptions to Residential One (R1) Zone

Exception	By-law	Location	Schedule	Special Provisions
R1-1				
R1-2				
R1-3				
R1-4				
R1-5				

### 6.5.2 Exceptions to Residential Two (R2) Zone

Exception	By-law	Location	Schedule	Special Provisions
R2-1				
R2-2				
R2-3				
R2-4				
R2-5				

### 6.5.3 Exceptions to Residential Three (R3) Zone

Exception	By-law	Location	Schedule	Special Provisions
R3-1				
R3-2				
R3-3				
R3-4				
R3-5				

#### 6.5.4 Exceptions to Residential Four (R4) Zone

Exception	By-law	Location	Schedule	Special Provisions
R4-1				
R4-2				
R4-3				
R4-4				
R4-5				

#### 6.5.5 Exceptions to Shoreline Residential (SR) Zone

Exception	By-law	Location	Schedule	Special Provisions
SR-1	2012-03	Lots 1-7, and Retained Lot, Pt. Island 151, French River, Keystone Island Bertran	K6	<ul style="list-style-type: none"> <li>The minimum lot area is 1,950 square metres;</li> <li>Minimum lot area for Lot 7 and the retained lot, is 7,000 square metres;</li> <li>The minimum lot frontage is 40 m.</li> </ul>
SR-2	2014-76	Part of Broken Lot 1, Concession 6, Badgerow	C4-3	<ul style="list-style-type: none"> <li>Permitted uses are limited to recreational vehicles and accessory structures, provided such structures are non-permanent and do not have permanent foundations.</li> <li>A maximum of one recreational vehicle per lot shall be permitted.</li> <li>A septic/leaching bed is not permitted.</li> <li>No building opening is permitted below the established flood elevation which shall be determined prior to the creation of any lot on the property.</li> <li>Title to the property shall include a restrictive covenant to notify prospective purchasers of flood risk, which covenant may be removed with the consent of the Municipality of West Nipissing.</li> </ul>
SR-3	2015-21	Pt. Lot 1, Concession C, Parts 1-4, 7 & 8, NR-20, Springer	H5-4	Permitted Uses and Accessory Uses shall be as in Table 6.1 and 6.2 for the SR Zone and shall also include one (1) only accessory dwelling unit within an accessory structure.
SR-4	2015-67	Lot 9, Plan M-304, Part of Block B, Part 1, 36R-13394, Field	D4-3	Permitted Uses and Accessory Uses shall be as in Table 6.1 and 6.2 for the SR Zone and shall also include one (1) only accessory dwelling unit within an accessory structure.
SR-5				



### 6.5.6 Exceptions to Rural Residential (RR) Zone

Exception	By-law	Location	Schedule	Special Provisions
RR-1				
RR-2				
RR-3				
RR-4				
RR-5				

### 6.5.7 Exceptions to Mobile Home Residential (MHR) Zone

Exception	By-law	Location	Schedule	Special Provisions
MHR-1				
MHR-2				
MHR-3				
MHR-4				
MHR-5				

## Section 7: Commercial Zones

### 7.1 Establishment of Commercial Zones

The Commercial Zones established by this By-law are:

ZONE	SYMBOL	DESCRIPTION
General Commercial Zone	C1	Traditional downtown commercial areas
Highway Commercial Zone	C2	Highway commercial areas
Tourist Commercial Zone	C3	Commercial properties providing primarily tourist accommodation and camps.

### 7.2 General Prohibition

No person shall within any Commercial Zone, use any land, or erect, alter, or use any building or structure except as specified hereunder, and in accordance with all other applicable provisions of this By-law.

### 7.3 Permitted Uses

Uses permitted in a Zone are noted by the symbol '●' in the column applicable to that Zone and corresponding with the row for a specific permitted use in the Permitted Uses Table. A letter(s) following the symbol '●', zone heading or identified permitted use, indicates that one or more conditions apply to the use noted or, in some cases, to the entire Zone. Conditions are listed in the Footnotes below the Permitted Uses Table, Table 7.1, and Accessory Uses Table, Table 7.2.

**TABLE 7.1 – PERMITTED USES**

USE	ZONES		
	C1	C2	C3
Agricultural Produce Sales Outlet	●	●	
Agricultural Services		●	
Agricultural Supply/Implement Dealership		●	
Bakery	●	●	
Bar	●	●	
Building Supply Establishment	●	●	
Business, Professional or Administrative Office	●	●	
Contractor's Establishment	●	●	
Convenience Store	●	●	
Dry Cleaning Establishment	●		
Dwelling, Single Detached (Existing Only)	●	●	●
Educational Institution	●		
Equipment Sales, Service & Rental Establishment	●	●	
Financial Establishment	●		
Funeral Home	●	●	
Greenhouse/Nursery/Garden Centre	●	●	
Grocery Store	●	●	
Health Services Establishment	●	●	
Hospital	●	●	
Hotel	●	●	●
Housekeeping Cottages and Cabins	●		●
Kennel		●	
Laundromat	●		
Marina	●	●	●
Marine Sales and Services Establishment	●	●	●
Market	●	●	
Mobile Food Service Equipment	●	●	●
Motel	●	●	●
Motor Vehicle Body Repair Shop		●	
Motor Vehicle Dealership	●	●	
Motor Vehicle Service Station	●	●	
Motor Vehicle Washing Establishment	●	●	
Nursing Home	●		
Outdoor Recreational Use, Active	●	●	
Outdoor Recreational Use, Passive	●	●	●
Park, Public	●	●	●
Parking Lot	●	●	
Personal Service Establishment	●		
Place of Assembly	●	●	
Place of Entertainment	●	●	
Place of Worship	●	●	
Printing and Publishing Establishment	●		

**TABLE 7.1 – cont'd**

USE	ZONES		
	C1	C2	C3
Recreational Establishment	●	●	●
Recreational Vehicle Sales and Service Establishment	●	●	
Residential Care Facility	●		
Restaurant	●	●	●
Restaurant, Drive-Thru or Take-Out	●	●	
Retail Store	●	●	
Self Storage Facility		●	
Service Establishment	●	●	
Tourist Camping Establishment			●
Tourist Establishment	●		●
Trailer Park			●
Veterinary Clinic	●	●	
Wholesale Establishment	●	●	

**TABLE 7.2 – PERMITTED ACCESSORY USES**

ACCESSORY USE	ZONES		
	C1	C2	C3
Bed and Breakfast Establishment	●	●	●
Convenience Store			●
Dw elling, Single Detached			●
Dw elling Unit, in a non residential building	●	●	●
Golf Course			●
Market			●
Outdoor Display and Sales	●	●	
Outdoor Storage	●	●	
Retail Store			●

## 7.4 Lot Requirements

No person shall, within any Commercial Zone, use any lot or erect, alter or use any building or structure except in accordance with the standards in the Lot Requirements Table. A letter(s) following a Lot Requirement, zone heading or description of the requirement, indicates that one or more conditions apply to the requirement noted or, in some cases, to the entire Zone. Conditions are listed in the Footnotes below the Lot Requirements Table, Table 7.3.

**TABLE 7.3 – LOT REQUIREMENTS**

REQUIREMENT		ZONE			
		C1	C2	C3	
Minimum Lot Area (m <sup>2</sup> )	full services	450	1,000	2,000	
	partial services	2,000	2,000	4,000	
	private services	4,000	4,000	4,000	
Minimum Lot Frontage (m)	full services	10	25	30	
	partial services	30	60	60	
	private services	60	60	60	
Maximum Lot Coverage (%)	full services	75	45	40	
	partial services	50	35	35	
	private services	40	25	30	
Maximum Lot Coverage of Accessory Buildings (%) (a)		20	20	20	
Minimum Yard Requirements (m)	Front Yard	7.5	7.5	7.5	
	Rear Yard	7.5	7.5	7.5	
	Interior Side Yard	full services	1.5	3	6
		partial services	3	3	6
		private services	3	3	6
	Exterior Side Yard	7.5	7.5	7.5	
	Interior Site Yard abutting a Residential Zone	6	10	10	
Rear Yard abutting a Residential Zone	10	10	10		
Setback From Watercourse (m)		20 (b)	20 (b)	20 (b)	
Maximum Building Height (m)		11	11	11	
Maximum Accessory Building Height (m)		6	6	6	
Maximum Number of Dwelling Units		(d)	1	1 (c)	
Minimum Landscaped Open Space (%)		n/a	10	30	
NOTES: (a) Included as part of the lot coverage (b) Not applicable to Marinas with the exception of boat storage buildings. (c) Staff Quarters are permitted in addition to the number of dwelling units. (d) no maximum, provided a dwelling unit is located above or to the rear of the non-residential use.					

## 7.5 Commercial Exceptions

The provisions of this Section are modified for those properties and to the extent identified in Sections 7.5.1 to 7.5.3 below.

### 7.5.1 Exceptions to General Commercial (C1) Zone

Exception	By-law	Location	Schedule	Special Provisions
C1-1		Sturgeon Falls, downtown core		The Lot and Yard requirements in the C1-1 Zone shall be as follows: (i) Minimum lot area – NIL (ii) Minimum lot frontage – NIL (iii) Maximum lot coverage – 100% (iv) Minimum front, rear and side yards – NIL (v) No parking requirements for a commercial use
C1-2				
C1-3				
C1-4				
C1-5				

### 7.5.2 Exceptions to Highway Commercial (C2) Zone

Exception	By-law	Location	Schedule	Special Provisions														
C2-1	2014-56	Part Lot 3, Concession 1, Spring, being Part 1, 36R-10553	SF5	All those uses listed in Table 7.1 for the C1 and C2 zones are permitted.  In all other respects the provisions of the Highway Commercial (C2) Zone shall apply.														
C2-2	1027 (Twp. Field)	Highway 539 (Field)	C4-3	The permitted uses are limited to the following: <ul style="list-style-type: none"> <li>• Single Detached Dwelling</li> <li>• Automobile Body Repair Shop</li> <li>• Household Occupation</li> <li>• Motor Vehicle Sales Area</li> </ul> The lot and yard requirements shall be as follows: <table style="margin-left: 20px;"> <tr> <td>i) Minimum Lot Area</td> <td>1.0 ha</td> </tr> <tr> <td>ii) Min. Lot Frontage</td> <td>190 m</td> </tr> <tr> <td>iii) Min. Exterior Side Yard</td> <td>10.5 m</td> </tr> <tr> <td>iv) Min. Interior Side Yard</td> <td>6 m</td> </tr> <tr> <td>v) Maximum Lot Coverage</td> <td>10%</td> </tr> <tr> <td>vi) Max. No. of Dwellings per lot</td> <td>1</td> </tr> <tr> <td>vii) Max. No. of Dwelling units</td> <td>1</td> </tr> </table> For the purposes of this Section, the following definitions apply: <ul style="list-style-type: none"> <li>• BODY REPAIR SHOP, AUTOMOBILE means an establishment for the repair of damage</li> </ul>	i) Minimum Lot Area	1.0 ha	ii) Min. Lot Frontage	190 m	iii) Min. Exterior Side Yard	10.5 m	iv) Min. Interior Side Yard	6 m	v) Maximum Lot Coverage	10%	vi) Max. No. of Dwellings per lot	1	vii) Max. No. of Dwelling units	1
i) Minimum Lot Area	1.0 ha																	
ii) Min. Lot Frontage	190 m																	
iii) Min. Exterior Side Yard	10.5 m																	
iv) Min. Interior Side Yard	6 m																	
v) Maximum Lot Coverage	10%																	
vi) Max. No. of Dwellings per lot	1																	
vii) Max. No. of Dwelling units	1																	

				<p>to a motor vehicle caused by collision, accident, corrosion or age, and without limiting the generality of the foregoing, includes the reconstruction of motor vehicles, the painting or repainting of motor vehicles and the rebuilding or conversion of automotive engines or engine parts, but does not include an automobile service station, gas bar or impounding yard.</p> <ul style="list-style-type: none"> <li>• MOTOR VEHICLE SALES AREA means any land, building or structure where new or used automobiles or trucks are kept for sale, rent or lease and in conjunction with which there may be an automobile repair garage or body shop.</li> </ul>
C2-3				
C2-4				
C2-5				

### 7.5.3 Exceptions to Tourist Commercial (C3) Zone

Exception	By-law	Location	Schedule	Special Provisions
C3-1	2012-56	Pt. Lot 8, Con. C (Caldwell), 10 Brouillette Road	H3-3	<p>The permitted uses are limited to the following:</p> <ul style="list-style-type: none"> <li>• spa, medical and wellness service;</li> <li>• staff accommodations.</li> </ul> <p>The minimum lot frontage (road) is 53 m; Structures in existence as of Sep. 18, 2012, are deemed to comply with applicable yard requirements.</p>
C3-2				
C3-3				
C3-4				
C3-5				

## Section 8: Industrial Zones

### 8.1 Establishment of Industrial Zones

The Industrial Zones established by this By-law are:

ZONE	SYMBOL	DESCRIPTION
Light Industrial Zone	M1	Industrial uses primarily within a building that do not create significant compatibility issues
Heavy Industrial Zone	M2	Industrial uses more intensive in nature which may include portions of the operation outdoors
Extractive Industrial Zone	M3	Licensed pit and/or quarry operations
Waste Disposal Industrial Zone	M4	Public and private waste management uses

### 8.2 General Prohibition

No person shall within any Industrial Zone, use any land, or erect, alter, or use any building or structure except as specified hereunder, and in accordance with all other applicable provisions of this By-law.

### 8.3 Permitted Uses

Uses permitted in a Zone are noted by the symbol '●' in the column applicable to that Zone and corresponding with the row for a specific permitted use in the Permitted Uses Table. A letter(s) following the symbol '●', zone heading or identified permitted use, indicates that one or more conditions apply to the use noted or, in some cases, to the entire Zone. Conditions are listed in the Footnotes below the Permitted Uses Table, Table 8.1.



**TABLE 8.1 – PERMITTED USES**

USE	ZONES			
	M1	M2	M3	M4
Abattoir		●		
Agricultural Processing Establishment	●	●		
Agricultural Produce Warehouse	●	●		
Agricultural Supply / Implement Dealer	●	●		
Assembly, Fabricating, Manufacturing or Processing Establishment		●		
Bakery	●	●		
Building Supply Establishment	●	●		
Bulk Sales Establishment		●		
Business, Professional or Administrative Office	●	●		
Concrete Plant			●	
Contractor's Establishment	●	●		
Crematorium		●		
Dry Cleaning Establishment	●	●		
Equipment Sales, Service and Rental Establishment	●	●		
Farm Supply / Implement Dealer	●	●		
Greenhouse/Nursery/Garden Centre	●	●		
Laundromat	●			
Marina	●	●		
Marina Sales and Service Establishment	●	●		
Motor Vehicle Repair and Body Shop	●	●		
Motor Vehicle Service Station	●	●		
Motor Vehicle Towing Establishment	●	●		
Motor Vehicle Washing Establishment	●	●		
Park, Public	●	●	●	●
Pit			●	
Printing and Publishing Establishment	●	●		
Quarry			●	
Salvage or Wrecking Yard		●		●
Saw Mill		●		
Self Storage Facility	●	●		
Service Establishment	●	●		
Transportation Depot	●	●		
Warehouse	●	●		
Waste Disposal Site				●
Wholesale Establishment	●	●		
Wayside Pit / Quarry	●	●	●	●

**TABLE 8.2 – ACCESSORY USES**

ACCESSORY USE	ZONES			
	M1	M2	M3	M4
Dwelling, Accessory	●	●		
Commercial Use	●	●		
Heavy Equipment Storage	●	●		
Office	●	●	●	●
Outdoor Storage		●	●	●

#### 8.4 Lot Requirements

No person shall, within any Industrial Zone, use any lot or erect, alter or use any building or structure except in accordance with the standards in the Lot Requirements Table. A letter(s) following a Lot Requirement, zone heading or description of the requirement, indicates that one or more conditions apply to the requirement noted or, in some cases, to the entire Zone. Conditions are listed in the Footnotes below the Lot Requirements Table, Table 8.3.

**TABLE 8.3 - LOT REQUIREMENTS FOR INDUSTRIAL ZONES**

REQUIREMENT		ZONE			
		M1	M2	M3	M4
Minimum Lot Area (m <sup>2</sup> )	full services	750	4,000	40,000	40,000
	private or partial services	4,000	10,000	40,000	40,000
Minimum Lot Frontage (m)	full services	20	40		40
	private or partial services	60	60	40	40
Maximum Lot Coverage (%)	full services	60	40	20	20
	private or partial services	40	40	20	20
Maximum Lot Coverage of Accessory Buildings (%) (d)		20	20	10	10
Minimum Yard Requirements (m)	Front Yard	15	15	30	30
	Rear Yard	15	15	30	30
	Interior Side Yard	6	15	15	30
	Exterior Side Yard	15	15	15	30
	Interior Side Yard abutting a Residential Zone	15	30	60	60
	Rear Side Yard abutting a Residential Zone	15	30	60	60
Maximum Building Height (m)		11	11	11	11
Maximum Accessory Building Height (m)		6	6	6	6
Minimum Landscaped Open Space (%)		10	10	n/a	5
Other Provisions		(c)	(b) (c)	(a)	

NOTES:

a) No building, structure or outside storage of materials, equipment, finished or unfinished products, or parking or staging of trucks or cranes or any other mechanical equipment is permitted:

- i) Within 60 m of a public street or road;
- ii) Within 30 m of a zone boundary.

b) Accessory outside storage not to be located within the front yard.

c) Uses not on full services shall be limited to low water using and low effluent producing uses. Such uses are characterized as uses that:

- i) use a water supply or sewage disposal not greater than domestic requirements;
- ii) do not use water for processing;
- iii) do not create discharge which would be a hazard to ground or surface water, or negatively affect the operation of the sewage disposal system.

(d) Included as part of total lot coverage.

## 8.5 Industrial Exceptions

The provisions of this Section are modified for those properties and to the extent identified in Sections 8.5.1 to 8.5.4 below.

**8.5.1 Exceptions to Light Industrial (M1) Zone**

Exception	By-law	Location	Schedule	Special Provisions
M1-1				
M1-2				
M1-3				
M1-4				
M1-5				

**8.5.2 Exceptions to Heavy Industrial (M2) Zone**

Exception	By-law	Location	Schedule	Special Provisions
M2-1	2008-41	Pt. Lot 14, Con. 3 (Springer)	G5-1	All those uses listed in Tables 7.1 and 7.2 for C1 and C2 Zones and in Tables 8.1 and 8.2 for M1 and M2 Zones are permitted, and are subject to the lot requirements for the respective zones in which the permitted use is listed.
M2-2				
M2-3				
M2-4				
M2-5				

**8.5.3 Exceptions to Extractive Industrial (M3) Zone**

Exception	By-law	Location	Schedule	Special Provisions
M3-1				
M3-2				
M3-3				
M3-4				
M3-5				

**8.5.4 Exceptions to Waste Disposal Industrial (M4) Zone**

Exception	By-law	Location	Schedule	Special Provisions
M4-1				
M4-2				
M4-3				
M4-4				
M4-5				

## Section 9: Agricultural and Rural Zones

### 9.1 Establishment of Agricultural and Rural Zones

The Agricultural and Rural Zones established by this By-law are:

ZONE	SYMBOL	DESCRIPTION
Agricultural One Zone	A1	Prime Agricultural Area
Agricultural Two Zone	A2	Prime Agricultural Area – Restriction on residential uses
Rural Zone	RU	Rural Area with varied agricultural potential

### 9.2 General Prohibition

No person shall within any Agricultural or Rural Zone, use any land, or erect, alter, enlarge, use or maintain any building or structure except as specified hereunder, and with all other applicable provisions of this By-law.

### 9.3 Permitted Uses

Uses permitted in a Zone are noted by the symbol ‘●’ in the column applicable to that Zone and corresponding with the row for a specific permitted use in the Permitted Uses Table. **Table 9.1** applies to the Principal Use on the property and **Table 9.2** identifies the Permitted Accessory Uses.

**TABLE 9.1 – PERMITTED USES IN AGRICULTURAL AND RURAL ZONES (PRINCIPAL USE)**

USE	ZONE		
	A1 (a)	A2	RU (b)
Agricultural Use	●	●	●
Agricultural Services	●	●	●
Conservation Use	●	●	●
Dwelling, Mobile Home	●		●
Dwelling, Single Detached	●		●
Equestrian Facility	●	●	●
Forestry	●	●	●
Kennel			● (c)
Park, Public	●	●	●
Personal Storage			● (d)
Public Use	●	●	●

NOTES:

(a) Where a residential lot is created for a surplus dwelling, the permitted uses are limited to the uses for a Rural Residential (RR) Zone, as noted in Table 6.1.

(b) Where a residential lot having an area of 2 hectares or less is created by consent, the permitted uses are limited to the uses for a Rural Residential (RR) Zone, as noted in Table 6.1.

(c) A kennel is only permitted on a lot with a minimum lot area of 10 hectares

(d) Personal Storage uses are only permitted on a lot with a minimum lot area of 5 hectares.

**TABLE 9.2 – PERMITTED ACCESSORY USES IN AGRICULTURAL AND RURAL ZONES**

USE	ZONE		
	A1 (a)	A2	RU (b)
Abattoir	●		●
Agricultural Processing Establishment	●	●	●
Agricultural Produce Warehouse	●	●	●
Agricultural Product Sales Outlet	●	●	●
Bed & Breakfast Establishment	●		●
Dwelling, Single Detached	●		●
Greenhouse, Nursery, Garden Centre	●	●	●
Group Home	●		●
Home Occupation	●		●
Home Industry	●		●
Private Home Daycare	●		●
Veterinary Clinic	●		●
NOTES:			
(a) Where a residential lot is created for a surplus dwelling, the permitted accessory uses are limited to the uses for a Rural Residential (RR) Zone, as noted in Table 6.2.			
(b) Where a residential lot having an area of 2 hectares or less is created by consent, the permitted accessory uses are limited to the uses for a Rural Residential (RR) Zone, as noted in Table 6.2.			

#### 9.4 Lot Requirements

No person shall, within any Agricultural or Rural Zone, use any lot or erect, alter or use any building or structure except in accordance with the standards in the Lot Requirements Table. A letter(s) following a Lot Requirement, zone heading or description of the requirement, indicates that one or more conditions apply to the requirement noted or, in some cases, to the entire Zone. Conditions are listed in the Notes below the Lot Requirements Table, Table 9.3.

By-Law 2015/59  
 Height(s) of Accessory  
 Structures

**TABLE 9.3 – LOT REQUIREMENTS FOR AGRICULTURAL AND RURAL ZONES**

REQUIREMENT		ZONE		
		A1	A2	RU
Minimum Lot Area (hectares)	General	30	30	10
	Residential Lot (surplus dwelling)	0.4	n/a	n/a
	Residential Lot (created by consent)	n/a	n/a	1
Minimum Lot Frontage (metres)		60	60	60
Maximum Lot Coverage (%)		10	10	10
Maximum Lot Coverage of Accessory Buildings (%) (a)		5	5	5
Minimum Yard Requirements (metres)	Front Yard	15	15	15
	Rear Yard	15	15	15
	Interior Side Yard	15(b)	15	15(b)
	Exterior Side Yard	15	15	15
Maximum Building Height (metres)		11(c)	11 (c)	11(c)
Maximum Accessory Building Height (m)		9	9	9
NOTES: a) Included as part of total lot coverage.				
b) Reduced to 6.0 m for Detached Dwelling				
c) Maximum Building Height does not apply to any farm building or structure (except dwellings)				

## 9.5 Agricultural and Rural Exceptions

The provisions of this Section are modified for those properties and to the extent identified in Sections 9.5.1 to 9.5.3 below.

### 9.5.1 Exceptions to Agricultural One (A1) Zone

Exception	By-law	Location	Schedule	Special Provisions
A1-1				
A1-2				
A1-3				
A1-4				
A1-5				

### 9.5.2 Exceptions to Agricultural Two (A2) Zone

Exception	By-law	Location	Schedule	Special Provisions
A2-1				
A2-2				
A2-3				
A2-4				
A2-5				

### 9.5.3 Exceptions to Rural (RU) Zone

Exception	By-law	Location	Schedule	Special Provisions
RU-1	2013-70	Pt. Lot 9, Con. 8, Caldwell	H3-1	In addition to the permitted uses in Table 9.1, a second single detached dwelling unit is permitted.
RU-2	915 (Twp. Springer)	Pt of Lot 8, Con 6, Geographic Township of Springer	E4-4	<p>The permitted uses are limited to the following:</p> <ul style="list-style-type: none"> <li>• Seasonal dwelling</li> <li>• Accessory buildings to a seasonal dwelling</li> </ul> <p>The lot and yard requirements shall be as follows:</p> <ul style="list-style-type: none"> <li>• Maximum number of dwelling units per lot: 1</li> <li>• Maximum number of dwelling units within the area zoned RU-2: 4</li> <li>• Minimum Lot Frontage: 840 metres</li> <li>• Minimum Lot Area: 5.6 hectares</li> <li>• Minimum distance between dwellings: 30 metres</li> <li>• Minimum front, rear and side yards: 15 metres</li> <li>• Maximum Lot Coverage: 10%</li> <li>• Maximum Building Height: 10.5 metres</li> <li>• Minimum Floor Area per dwelling Unit: 122 square metres</li> <li>• Minimum distance to lot lines for accessory buildings: 2 metres</li> <li>• Maximum height of accessory buildings: 6 metres</li> </ul> <p>No habitable buildings may be erected between the 256 metre contour and the normal high water mark of Burnt Lake and no external openings to habitable buildings will be permitted below the minimum elevation of 256 m.a.s.l.</p>



Exception	By-law	Location	Schedule	Special Provisions
RU-3	2015-61	Part Lot 1, Concession 3, Springer	F5-4	<ul style="list-style-type: none"> <li>Permitted Uses and Accessory Uses shall be as in Table 9.1 and 9.2 for the RU Zone and shall also include one (1) only accessory dwelling unit within an accessory structure.</li> </ul>
RU-4				
RU-5				

## Section 10: Other Zones

### 10.1 Establishment of Other Zones

The Other Zones established by this By-law are:

ZONE	SYMBOL	DESCRIPTION
Crown Lands Zone	CL	Lands in the ownership of the Crown
Provincially Significant Wetland	PSW	Provincially significant wetlands
Community Facilities Zone	CF	Institutional uses
Open Space Zone	OS	Public and private open space uses

### 10.2 General Prohibition

No person shall within any of the Other Zones, use any land, or erect, alter, or use any building or structure except as specified hereunder, and in accordance with all other applicable provisions of this By-law.

### 10.3 Permitted Uses

Uses permitted in a Zone are noted by the symbol '●' in the column applicable to that Zone and corresponding with the row for a specific permitted use in the Permitted Uses Table. A letter(s) following the symbol '●', zone heading or identified permitted use, indicates that one or more conditions apply to the use noted or, in some cases, to the entire Zone. Conditions are listed in the Footnotes below the Permitted Uses Table, Table 10.1.

**TABLE 10.1 - PERMITTED USES IN OTHER ZONES**

USE	CL	PSW	CF	OS
Agricultural Use (Existing)	●	●		●
Cemetery			●	●
Day Nursery			●	
Educational Establishment			●	
Forestry Use	●			●
Golf Course				●
Government Office			●	
Health Services Establishment			●	
Hospital			●	
Hunt Camp	●			
Outdoor Recreation, Active			●	●
Outdoor Recreation, Passive			●	●
Park, Public	●		●	●
Place of Assembly			●	●
Place of Recreation			●	●
Place of Worship			●	
Residential Care Facility			●	

**TABLE 10.2 - PERMITTED ACCESSORY USES IN OTHER ZONES**

ACCESSORY USE	CL	PSW	CF	OS
Dwelling Unit			•	•
Dwelling, Accessory Single Detached				•

## 10.4 Lot Requirements

No person shall, within any Industrial Zone, use any lot or erect, alter or use any building or structure except in accordance with the standards in the Lot Requirements Table. A letter(s) following a Lot Requirement, zone heading or description of the requirement, indicates that one or more conditions apply to the requirement noted or, in some cases, to the entire Zone. Conditions are listed in the Footnotes below the Lot Requirements Table, Table 10.2.

**TABLE 10.3 - LOT REQUIREMENTS FOR OTHER ZONES**

REQUIREMENT	CL	PSW	CF	OS	
Minimum Lot Area (m <sup>2</sup> )	full services	n/a	n/a	1,000	n/a
	private and partial services	n/a	n/a	2,000	n/a
Minimum Lot Frontage (m)	full services	n/a	n/a	15	n/a
	private and partial services	n/a	n/a	30	n/a
Maximum Lot Coverage (%)	full services	5	5	50	30
	private and partial services	5	5	40	20
Maximum Lot Coverage of Accessory Buildings (%) (a)		n/a	n/a	20	10
Minimum Yard Requirements (m)	Front Yard	7.5	7.5	7.5	7.5
	Rear Yard	15	15	7.5	7.5
	Interior Side Yard	15	15	3	7.5
	Exterior Side Yard	15	15	7.5	7.5
	Interior Side Yard abutting a Residential Zone	15	15	6	7.5
	Rear Side Yard abutting a Residential Zone	15	15	10	7.5
Maximum Building Height (m)		n/a	6	14	11
Maximum Accessory Building Height (m)		n/a			
Minimum Landscaped Open Space (%)		50	n/a	20	50
NOTES:					
a) Included as part of total lot coverage.					

## 10.5 Other Zone Exceptions

The provisions of this Section are modified for those properties and to the extent identified in Sections 10.5.1 to 10.5.4 below.

### 10.5.1 Exceptions to Crown Land (CL) Zone

Exception	By-law	Location	Schedule	Special Provisions
CL-1				
CL-2				
CL-3				
CL-4				
CL-5				

### 10.5.2 Exceptions to Provincially Significant Wetland (PSW) Zone

Exception	By-law	Location	Schedule	Special Provisions
PSW-1				
PSW-2				
PSW-3				
PSW-4				
PSW-5				

### 10.5.3 Exceptions to Community Facilities (CF) Zone

Exception	By-law	Location	Schedule	Special Provisions
CF-1				
CF-2				
CF-3				
CF-4				
CF-5				

### 10.5.4 Exceptions to Open Space (OS) Zone

Exception	By-law	Location	Schedule	Special Provisions
OS-1				
OS-2				
OS-3				
OS-4				
OS-5				

## Section 11: Holding Zones

### 11.1 Establishment of Holding Zones

Notwithstanding any other provision in this By-law, where a Zone symbol is followed by the letter “H” and a number (for example R1-H-1) no person shall use the land to which the letter “H” applies for any use other than the use which existed on the date the By-law applying the “H” was passed, until the “H” is removed in accordance with the policies of the Official Plan and the *Planning Act, as amended*.

Council may pass a By-law in accordance with the Planning Act, as amended, to remove the Holding “H” symbol, when all of the applicable requirements have been met, thereby placing the lands in the zone indicated by the Zone symbol.

Properties with Holding “H” Provisions are identified on the Zoning Schedules and in Table 11.1 below, together with the conditions for the “H” removal.

### 11.2 Requirements for removal of Holding provision

Table 11.1 identifies properties that are subject to a Holding “H” Provision and stipulates what specific provision is required to be satisfied in order for consideration to be given to the removal of the “H” provision.

**TABLE 11.1 – HOLDING PROVISIONS**

Zone Symbol	Holding Provision	Property/Legal Description	Schedule No.	By-law No.	Provisions	By-law Removing “H”
	H-1	Located throughout the municipality within areas identified on Waste Management Assessment Area	various		Approval of Study showing no contamination from the adjacent waste management facility.	
	H-2	Pt. West ½ Lot 4, Con. A, Springer	SF8 G5-3	2013-59	The Holding “H” may be removed by by-law when the following conditions have been met: a) Approval of servicing the site/area is given or servicing of adequate standards provided; b) A proposal is submitted for the site that conforms to the policies of the West Nipissing Official Plan and	

Zone Symbol	Holding Provision	Property/Legal Description	Schedule No.	By-law No.	Provisions	By-law Removing "H"
					applicable zoning by-laws; c) A phasing plan is submitted; d) Architectural or design drawings and studies, where applicable, are submitted showing the required features; e) Financial securities have been submitted; f) With respect to contaminated sites, the "H" may be removed upon the receipt of a report approved by Council that the appropriate level of remediation demonstrated by a Ministry of Environment acknowledged Record of Site Condition has been achieved.	
	H-3					
	H-4					
	H-5					

## Section 12: Temporary Use

(sections to be added through amendment to the by-law when adopted).

## Section 13: Enactment

### 13.1 Repeal of former By-laws

- a) By-law No. 881, as amended, of the former Township of Field is hereby repealed upon the coming into force of this By-law;
- b) By-law No. 87-9, as amended, of the former Town of Sturgeon Falls is hereby repealed upon the coming into force of this By-law;
- c) By-law No. 18-85, as amended, of the former Township of Caldwell is hereby repealed upon the coming into force of this By-law;
- d) By-law No. 5-98, as amended, of the former Town of Cache Bay is hereby repealed upon the coming into force of this By-law
- e) By-law No. 86-4, as amended, of the former Township of Springer is hereby repealed upon the coming into force of this By-law
- f) By-law No. 97-01, as amended, of the former West Nipissing Planning Area is hereby repealed upon the coming into force of this By-law;

### 13.2 Effective Date

This By-law shall come into force and effect on the date it is passed by the Council of the Municipality of West Nipissing subject to the applicable provisions of the Planning Act, R.S.O. 1990, c.P. 13 as amended.

### 13.3 Enactment (Readings)

By-law enacted this **8th** day of **July, 2014**.

**Municipality of West Nipissing**

*Joanne Savage*

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Mayor

*Melanie Ducharme*

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Clerk

## **Schedules (Zone Maps)**

### **Appendices**

- Appendix A: Conversion Tables
- Appendix B: Illustrations
- Appendix C: Minimum Distance Separation Formula (MDS I & II)