

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

COMPREHENSIVE ZONING BY-LAW XXXXX

A By-law to regulate the use of land, and the character, location and use of buildings and structures in the Municipality of Magnetawan.

WHEREAS the Council of the Corporation of the Municipality of Magnetawan deems it expedient to implement the Official Plan in effect for the Municipality of Magnetawan;

WHEREAS authority is granted under Section 34 of the Planning Act, as amended, to pass this By-law; and,

NOW THEREFORE the Council of the Corporation of the Municipality of Magnetawan enacts as follows:

READ a First and Second and Third Time and Finally passed this the xxth day of xxxxx, 202x

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1 ADMINISTRATION

1.1 Title

This By-law shall be known as “The Municipality of Magnetawan Comprehensive Zoning By-law”.

1.2 Application

For the purpose of this By-law all the lands within the boundaries of the Municipality are hereby divided into various Zones to which the provisions and regulations herein shall respectively apply.

1.3 Administration

This By-law shall be administered by the By-law Enforcement Officer, Chief Building Official Clerk and CAO, or any other person as Council designates.

1.4 Licences and Permits

No municipal permit, certificate, or licence shall be issued where the said permit is required for a proposed use of land or a proposed erection, alteration, enlargement or use of any building or structure that is in violation of any of the provisions of this Bylaw.

1.5 Injunction

In case the whole, or any part of, any building or structure is, or is to be, used, erected, structurally altered, enlarged or extended or the whole or any part of any lot is, or is to be used, in contravention of this By-law, such contravention may be restrained by action at the instance of the Municipality or of any ratepayer pursuant to the provisions of all applicable statutes and regulations in force at the time of the contravention.

1.6 Violations and Penalties

Any person guilty of an offence and convicted of a breach of any of the provisions of this By-law shall be liable to a fine not to exceed the maximum amount stipulated in Planning Act, as amended, exclusive of costs, for each offence, and every such penalty shall be recoverable under the Provincial Offences Act.

1.7 Effective Date

This By-law shall come into effect on the date of adoption by the Council of the Municipality of Magnetawan, and in accordance with Section 34 of the Planning Act, as amended.

2 ESTABLISHMENT OF ZONES

2.1 Application of Regulations

No person shall within any Zone, use any land or erect, build, construct, reconstruct, relocate, excavate for, alter, add to, enlarge, extend or use any building or structure, except in conformity with this By-law for the Zone in which such land, building, structure or use is located.

2.2 Incorporation of Zoning Maps

The location and boundaries of the Zones established by this By-law as shown on Schedule A, Maps 1 through 42 together with everything shown thereon and all succeeding amendments thereto, are hereby incorporated in and declared to form part of this By-law.

2.3 Establishment of Zones

- a) For the purpose of this By-law Schedule A, **Maps 1 and 2** shall be referred to as the Zoning Maps for the Municipality of Magnetawan and the Zoning Maps shall be divided into the following Zones and such Zones are shown on the Zoning Maps by symbols consisting of letters and numbers or letters or symbols only as the case may be, as listed below:

Rural Residential	RR
Shoreline Residential	SR
Village Residential	VR
Residential Mobile Home	MHR
Multiple Residential	MR
Village Core	VC
General Commercial	GC
Tourist Commercial	TC
Employment	MG
Extractive Industrial	ME
Disposal Industrial	MD
Institutional	I
Rural	RU
Open Space	OS
Environmental Protection	EP

The symbols listed in subsection a) shall be used to refer to land, buildings, and structures and to the use thereof permitted by this By-law in the said Zones, and whenever in this By-law the word “Zone” is used, preceded by any of the said symbols, such Zones shall mean any area within the Municipality delineated on the Zoning Maps and designated thereon by the said symbol.

2.4 Exception Zones

Certain areas within any of the various Zones or within parts of more than one Zone may be more specifically regulated and such areas shall be known as “Exception Zones”. All Zones may be subdivided into one or more Exception Zones which shall be designated by reference to the symbol of the Zone within which each such Exception Zone is located together with an additional symbol – either letter, number, or both so as to differentiate different Exception Zones within a Zone from each other and from other areas within the Zone.

2.5 Interpretation of Zone and Exception Zone Boundaries

Where any uncertainty exists as to the location of the boundary of any of the said zones or Exception Zones as shown on the Zoning Maps, the following shall apply:

- i) The boundary of the Zones or Exception Zone are the centre lines of the road allowance, alleys or the lot lines and the projection thereof, unless otherwise shown;
- ii) Where Zone boundaries or Exception Zone boundaries are indicated as approximately following lot lines shown on a registered plan of subdivision, such lot lines shall be deemed to be the said boundary;
- iii) Where Zone boundaries or Exception Zone boundaries are indicated as approximately parallel to the street line and the distance from such street line is not indicated, such Zone boundaries or Exception Zone boundaries shall be construed as being parallel to such street line and the distance therefore shall be determined by the use of the scale shown on the Zoning Maps;
- iv) Where a street, private road, or electrical transmission line right-of-way, or watercourse included on the map is included within the Zone or Exception Zone of the adjoining property on either side, and where such street, private road, right-of way, or watercourse serves as a boundary between two or more different Zones, Exception Zones or both, a line midway in such street, private road, right-of-way, or watercourse and extending in the general direction of the long division thereof is considered the boundary between Zones, Exception Zones, or both, unless specifically indicated otherwise;

- v) Where a dedicated street, or right-of-way shown on the map is closed, the property formerly in said street, or right-of-way shall be included within the Zone or Exception Zone of the adjoining property on either side of the said closed street, or right-of-way, and the Zone boundary or Exception Zone boundary shall be the former centreline of said closed street, or right-of-way;
- vi) Where a Zone or Exception Zone boundary is indicated as following the edge of a watercourse, the boundary shall follow the top of bank of such watercourse and, in the event that the top of bank of such watercourse changes, the boundary shall be taken as having moved with the top of bank;
- vii) Where a Zone or Exception Zone boundary is indicated as following the shoreline of the Magnetawan River, the boundary shall follow the water's edge and, in the event that the water's edge changes, the boundary shall be taken as having moved with the said water's edge;
- viii) Where a Exception Zone boundary appears to follow a Zone boundary it shall be taken as following such Zone boundary;
- ix) Wherever it occurs, the corporate limit of the Municipality is the boundary of the Zone or Exception Zone adjacent to it;
- x) Where any setback is related to a Zone or Exception Zone boundary which has moved under circumstances referred to in subsections vi. and vii., the point of line of reference of such setback shall be taken as equally moved; and/or,
- xi) Where any Zone or Exception Zone boundary is left uncertain after application of the preceding provisions, then the boundary line shall be determined according to the scale on the Zoning Maps in the Office of the Clerk or other Municipal Officer, as designated by Council.

2.6 Interpretation of Words/Phrases

- a) Minimum Requirements – In interpreting and applying the provisions of this By-law, the said provisions are held to be the minimum requirements. Except for those specifically stated as being maximum, any numerical figures in this By-law shall be the minimum requirements.
- b) Meaning of Use – Unless the context otherwise requires, the expression “use” or “to use” in this By-law shall include anything done or permitted to be done by the owner or occupant of any land, building, or structure, directly or indirectly, by or through any trustee, tenant, servant, or agent, acting for or with the knowledge or consent of such owner or occupant, for the purpose of making use of the said land, building or structure.

- c) Meaning of Shall - In this By-law, the word “shall” shall always be construed as mandatory.
- d) Meaning of Building or Structure - A “building” or “structure” as defined herein shall include any part thereof.
- e) Number and Gender - In this By-law, unless the contrary intention appears otherwise, words importing the singular number or the masculine gender only shall include more persons, parties, or things of the same kind than one, and females as well as males, and the converse.
- f) Special Use Regulations for Exception Zones - To each Exception Zone within any Zone there shall apply such special use regulations as may be established by this By-law with respect to such Exception Zone and, in addition to such special use regulations, all provisions of this By-law including the general regulations applicable to the Zone within which the Exception Zone is located shall apply to the Exception Zone; provided that, and unless a contrary intention appears from the special use regulations:
 - i) If the special use regulations are different from the corresponding regulations of this By-law, including the general regulations applicable to the Zone within which the Exception Zone is located, the special use regulations shall supersede and prevail over such corresponding regulations of this Bylaw;
 - ii) If the special use regulations establish one or more specifically permitted uses for the Exception Zone, such permitted use or uses shall be the only purpose or purposes for which the Exception Zones may be used; and,
 - iii) If the special use regulations specifically permit one or more uses in addition to those otherwise permitted in the Zone within which the Exception Zone is located, any and all of the other special use regulations applicable to the Exception Zones shall apply only to the additional permitted use or uses and not to uses otherwise permitted in the Zone.

2.7 Use of Holding Zone (H) Provisions

- a) Where the zoning applying to any lot includes the symbol (H) suffixed to any Zone symbol, the provisions of the Planning Act shall apply to such lands until such time as the By-law is amended to remove the holding symbol (H).

Application of the (H) symbol indicates that development of the lands is premature at the present time. However, it does indicate the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to this By-law. The Official Plan outlines the criteria to be satisfied in order to remove the holding symbol (H).

- b) The passing of such an amendment only requires that notice be given of Council's intention to pass the by-law and the earliest date on which Council will meet to consider the matter. Upon adoption there is no further notice of passing required nor any appeal period as with regular zoning by-law amendments. Only the applicant has the right to refer the matter to the Local Planning Appeal Tribunal if Council refuses to pass the by-law.

2.8 Repeal of Existing By-laws

From the coming into force of this by-law, By-law No. 2000-26, passed under Section 34 of the Planning Act, as amended, or a predecessor thereof, shall be deemed to have been repealed except to the extent that any of the said by-laws prohibit the use of any land, building or structure for a purpose that is also prohibited by this By-law.

2.9 Application of Other By-laws

Nothing in this By-law shall serve to relieve any person from the obligation to comply with the requirements of the Ontario Building Code or any other By-law of the Municipality in force from time to time or the obligation to obtain any licence, permit, authority or approval required under any by-law of the Municipality.

2.10 Greater Restrictions of Other Jurisdictions

Nothing in this By-law shall reduce the severity of restrictions lawfully imposed by a governmental authority having jurisdiction to make such restriction.

2.11 Buildings to be Moved

No building, residential or otherwise, shall be moved within the limits of the Municipality or shall be moved into the Municipality from outside, without a permit from the Chief Building Official.

2.12 Building Permits

In addition to fulfilling the requirements of any by-law enacted pursuant to Section 34 of the Planning Act, as amended, no person shall commence to use any lands or erect, occupy, alter, enlarge or use any buildings or structures until he has applied for and received from the Chief Building Official, a building permit as herein provided.

2.13 Application for Certificate of Occupancy and Building Permit

A Certificate of Occupancy shall be applied for simultaneously with every application for a building permit. Unless deemed unnecessary by the Chief Building Official, such application shall be accompanied by a plan in duplicate, drawn to scale, in metric, and based on a survey by an Ontario Land Surveyor showing and containing:

- i) The true shape and dimensions of the lot to be built upon or otherwise developed;
- ii) The proposed location, grade, height and dimensions of any buildings, structures, use or work proposed for the lot;
- iii) The proposed locations and dimensions of any yards, setbacks, landscaped open space, off-street parking spaces or off-street loading facilities required by this By-law;
- iv) The location on the lot of every building thereon;
- v) A detailed drawing of each building and structure indicating the type of material to be used;
- vi) A statement, signed by the owner or his agent duly authorized thereunto in writing, disclosing the exact use proposed for each building aforesaid and giving all information necessary to determine whether or not such building and the proposed use thereof conforms with the requirements of this By-law; and,
- vii) The lack of a survey or a mistake does not relieve any person from liability for not complying with the requirements of this By-law, i.e., responsibility is not upon the Municipality, whose rights are preserved even in the case of a mistake of its own Official Plan.

2.14 Certificates of Occupancy

No building or structure which has been erected or altered is to be used or changed in use, in whole or in part, until a Certificate of Occupancy has been issued by the Chief Building Official stating that the proposed use and occupancy of such land, building, or structure, complies with the provisions of this By-law.

3 GENERAL PROVISIONS

The provisions of this Section shall apply to all Zones contained in the By-law except as otherwise indicated. These provisions shall be in addition, where applicable, to the specific provisions included in this By-law for each Zone category.

3.1 Accessory Buildings, Structures and Uses

3.1.1 *Permitted Uses*

Where this By-law provides that a lot may be used and a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or structure or accessory use provided that a valid building permit for the principal use, if required, is issued or that the principal building or structure is already in existence on the lot.

- a) Accessory buildings shall not be used for:
 - i) any occupation for gain or profit conducted within or accessory to a dwelling unit or lot except as specifically permitted in accordance with this By-law; or
 - ii) human habitation, except where an Additional Residential Unit is permitted in an accessory building, in accordance with Section 3.1.12 Additional Residential Units of this By-law.

- b) Setback Requirements

Except as otherwise provided by this By-law, any accessory building or structure shall comply with the yard requirement of the Zone within which it is located. This provision shall not apply to prevent the construction of docks, marine facilities, gazebos or pump houses as may otherwise be permitted in this By-law.

- i) Exterior Side Yard

Accessory buildings are not permitted within a required exterior side yard, they must be located in the rear yard or an interior side yard.

- ii) Interior Side Yard

Where such accessory building or accessory structure is located in an interior side yard, and is 6 metres or less in height, the minimum setback to the interior side lot line shall be 1.5 metres.

ii) Rear Yard

Where such accessory building or accessory structure is located in a rear yard and is 6 metres or less in height, the minimum setback to the rear lot line shall be 1.5 metres except, where the rear lot line abuts a municipally maintained road, it shall not be closer than 10 metres to the rear lot line.

c) Lot Coverage and Height

- I. The total lot coverage of all accessory buildings and structures, excluding swimming pools, shall not exceed 5% of the lot area;
- II. The height of any accessory building or structure shall not exceed 5.0 metres for a single story building
- III. The height of a two-storey accessory building or structure shall not exceed 7.6 metres in height.

3.1.2 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 or in the area between the street line and the required yard. A C-Band satellite dish shall be prohibited in a front yard and exterior side yard. Solar panels shall be prohibited in a front yard. Septic systems shall comply with the applicable Setbacks from Watercourses in **Section 3.35.**

For the purposes of this section a C-Band satellite dish is defined as a satellite antenna ranging in size from 1.8 meters to 2.4 meters.

i. Setback from Principal Building

An accessory building may be erected no closer than 2.4 metres from the principal building on the lot.

3.1.3 Boat Dock or Launching Ramp

Notwithstanding the yard provisions of this By-law to the contrary,

- i. The minimum setback of a dock or dock ramp from an interior side lot line or the straight-line projection of an interior side lot line into a waterbody shall be 4.5 metres
- ii. The maximum distance a dock may project from the current water mark shall be 20 metres;

3.1.4 Boathouses

Notwithstanding the yard and setback provisions of this By-law to the contrary, one (1) boathouse may be constructed pertaining to a lot abutting a navigable waterway subject to the provisions:

- i) One-Storey Boathouses
 - a) maximum width In accordance with Section 3.38 of this By-law
 - b) minimum side yard 6 metres;
 - c) minimum lot frontage 30 metres; and
 - d) maximum height 5 metres.
- ii) Two-Storey Boathouses
 - a) maximum width In accordance with Section 3.38 of this By-law
 - b) minimum side yard 6 metres;
 - c) minimum lot frontage 75 metres;
 - d) maximum height 7.6 metres; and,
 - e) prior to the issuance of a building permit, the Chief Building Official shall receive foundation plans certified by a professional engineer or professional architect.

3.1.5 Garage or Carport

Notwithstanding Section 3.1.2, a detached garage or carport shall not be located closer to the front lot line than the principal dwelling on the lot, except for those areas zoned RU and RR.

- i. A detached one storey garage or carport shall be located a minimum 3 metres from the rear lot line, except where the property is abutting a watercourse or waterbody, in which case the minimum shall be 6 metres.
- ii. A detached two storey garage may be permitted within any zone provided that:
 - i. The maximum height of the garage is 7.6 metres;

- ii. The garage is a minimum 6 metres from the side and rear lot lines;

3.1.6 Commercial and Industrial Uses

Notwithstanding the foregoing provisions, no building or structure accessory to a Commercial or Industrial use shall be erected closer than 3 metres to an interior side lot line.

3.1.7 Unenclosed Balcony, Patio, Steps or Deck

Notwithstanding the yard provisions of this By-law, an attached unenclosed and uncovered balcony, patio, steps or deck may project into any required yard a maximum distance of 4 metres if it is not covered and 2.0 metres if it is covered but not closer than 1.2 metres to any lot line and further provided that in the case of a balcony, deck or steps such uses are not more than 1 metres above finished grade.

3.1.8 Gazebos

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

- i) the maximum area is 10.0 square metres;
- ii) it is setback at least 4.0 metres from the high water mark;
- iii) it is setback at least 2.0 metres from any side lot line; and,
- iv) the height shall not exceed 5.0 metres.

3.1.9 Guest Cabins

Notwithstanding any other provision of this By-law to the contrary, one (1) guest cabin is permitted on a lot provided that:

- i) no cooking facilities are located in the building;
- ii) the building has an area of 50 square metres or less;
- iii) the building has a height not greater than 5.0 metres; except in the case of a two-storey boat-house, where the maximum height shall be 7.6 metres.
- iv) the building complies with all of the setbacks that apply to the principal building on the lot.

3.1.10 Outdoor Display of Goods and Materials

Where outdoor display and sale of goods and materials is permitted, the following provisions shall apply:

- i) 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;
- ii) The area used for outside display and sale shall be in addition to the areas required for parking, loading and landscaping; and,
- iii) 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.

3.1.11 Shoreline Saunas

A shoreline sauna is a permitted accessory building which may be located in any required front yard of a lot abutting a shoreline provided:

- i) minimum setback of 4.5 metres is maintained from the normal or maintained high water mark;
- ii) a minimum setback of 4.5 metres is maintained from the side lot lines; and,
- iii) the structure does not exceed 10 square metres in floor area.;
- iv) approval is obtained from any government agency having jurisdiction;

3.1.12 Additional Residential Units

A maximum of two (2) Additional Residential Units (one (1) attached and one (1) detached) may be permitted in association with a single detached dwelling, semi-detached dwelling, or townhome dwelling in accordance with the regulations specified by the Zone category in which the Additional Residential Unit is permitted.

3.1.12.1 Additional Residential Unit (Attached)

- i) A maximum of one Additional Residential Unit (attached) shall be permitted within the same building as a single detached dwelling or semi-detached dwelling, with or without an Additional Residential Unit (detached);
- ii) The Additional Residential Unit (attached) shall be built in accordance with all relevant regulations within both the Building Code and Fire Code;

- iii) The primary dwelling and the Additional Residential Unit (attached) shall have sufficient sewage disposal capacity and water supply, to the satisfaction of the NB/MCA, or alternate.
- iv) The gross floor area of the Additional Residential Unit (attached) shall be limited to a minimum of 450 sq ft to a maximum of 50 percent of the gross floor area of the primary dwelling unit, measured prior to the development of the Additional Residential Unit (attached); and,

3.1.12.2 Additional Residential Units (Detached)

- i) The Additional Residential Unit (detached) shall only be permitted in a building which is accessory to, and subordinate to a single detached dwelling, or semi-detached dwelling, on the same lot, and with or without one Additional Residential Unit (attached);
- ii) The Additional Residential Unit (detached) shall not be severed from the lot containing the single detached dwelling, or semi-detached dwelling;
- iii) The Additional Residential Unit (detached) shall be built in accordance with all relevant regulations of both the Building Code and Fire Code;
- iv) The primary dwelling and the Additional Residential Unit (detached) shall be connected to full municipal sanitary sewer and water services, where the Additional Residential Unit is located on lands where full municipal servicing is available. In those areas which depend on private servicing, the owner of the principal dwelling shall demonstrate to the satisfaction of the local health unit (or alternative) that the individual sewage disposal system has sufficient capacity to accommodate the additional flows from the unit(s).
- vi) The additional Residential Unit (detached) shall be placed upon a permanent footing/foundation; and,
- vii) Tenants of an Additional Residential Unit (detached) must not be required to access the unit through the primary dwelling unit. As such, an Additional Residential Unit (detached) must have direct pedestrian access from a public street or laneway. A direct pedestrian access may be by an unobstructed walkway that is built in accordance with the requirements of the Accessibility for Ontarians with Disabilities Act.

3.2 Antennae, Towers, Satellite Dishes and Windmills

Radio and televisions antenna towers, satellite dishes and dish antennas (except C-band satellite dishes), and windmills less than 10 metres in height 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.

3.3 Planting Strips

Means the area of a lot, exclusive of any easement for the purposes of underground or overhead utilities or services, which serves to provide separation and to partially or fully obstruct the view of adjacent land uses by means of a vegetative screen, fencing, and/or berms. Pedestrian and/or vehicular entrances through the Planting Strip are permitted.

Where a Planting Strip is required in any Zone, it shall be located within that Zone and be the minimum width of 3 meters and a maximum screening height of specified in the regulations for that zone.

It shall not form part of any required landscaped open space or yard requirement. Within required buffer areas, a solid and continuous landscape screen shall be planted and maintained. The landscaping shall consist of such species so as to continually restrict a clear view beyond such Planting Strip.

3.4 Deeming of Non-Complying Buildings or Structures

All buildings or structures erected in any Zone prior to the date of passing of this By-law that no longer comply with the provisions of the Zone within which it is located shall be deemed to be legal non-complying to the provisions of the applicable Zone in which it is located, provided that said building or structure was constructed legally in accordance with the applicable requirements in force and effect at the time of construction. Nothing in this By-law shall:

- i) Prevent the repair or restoration of any existing, non-complying building or structure, or part thereof, to a safe condition provided that such repair or restoration does not increase the height, area or density of such building or structure and that the building or structure continues to be used for the same purpose and in the same manner as it was used on the date of passing of this By-law; and,
- ii) Prevent an extension or an addition to a building or structure which is non-complying to this By-law provided that such extension or addition does not contravene any provision of this By-law or cause further increase to the non-compliance.

3.5 Deeming of Non-Conforming Uses

A non-conforming use means that the lot and/or the buildings and structures on the lot are being used for a use that is not permitted by this By-law. Nothing in this By-law shall:

- i) Make legal any use of any land, building or structure which was illegal under any previous Zoning By-law applicable within the Municipality of Magnetawan and which continues to be illegal under the provisions of this By-law;
- ii) Prevent the use of any land, building or structure for any purpose prohibited by this By-law if such land, building or structure was legally used for such purpose on the day of the passing of this By-law, so long as it continues to be used for that purpose;
- iii) Prevent the re-establishment of a non-conforming use provided that the non-conforming use has been discontinued due to restoration, renovation purposes, or as a result of change in ownership and/or tenancy, and that the period of discontinuity has been for no longer than a period of 180 days; and,
- iv) Prevent the erection or use for a purpose prohibited by the By-law of any building or structure for which a permit had been issued under *The Ontario Building Code Act*, as amended, prior to the date of passing of this By-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked in accordance with *The Ontario Building Code Act*, as amended.

3.6 Easement

Notwithstanding any other provision of this By-law to the contrary, no part of any easement in favour of the Municipality or public utility shall be obstructed by any structure, or building, from the ground to the sky unless written approval has been obtained by the applicable authority.

3.7 Environmental Protection Area

Lands zoned Environmental Protection (EP) may be included in the calculation of lot area and yard requirements except that, lands below the normal or maintained high water mark shall not be included as part of the lot area. Setback requirements in this By-law shall be measured from the limit of the normal or maintained high water mark.

3.8 Fences

Fence regulations will be included in a separate By-law adopted under the *Municipal Act*, and all fences will be subject to the regulations contained therein, and are not subject to this By-law.

3.9 Frontage Requirements

3.9.1 *Frontage on a Public Road*

No building or structure may be developed in any Zone unless the lot upon which such building or structure is to be erected fronts upon an open publicly owned and maintained public road.

- a. For the purpose of this By-law a public road does not include an unopened road allowance, or an unassumed road on a Registered Plan which has been deemed not to be a Registered Plan under the provisions of the Planning Act, as amended.
- b. The above provisions shall not apply to prohibit the erection of any building on a lot on a Registered Plan of Subdivision or a Registered Plan of Condominium where a subdivision or condominium agreement has been entered into, but the public roads will not be assumed until the end of the maintenance period.

3.9.2 *Frontage on Private Road*

Notwithstanding the provision in 3.8.1 a), where a lot fronts upon a private road or private right-of-way, a use, building or structure shall be permitted on such lot, in accordance with the applicable provisions of this By-law provided such private road or private right-of-way existed as of the date of passing of this By-law.

3.9.3 *Frontage on a Navigable Waterway*

Notwithstanding the provisions of 3.8.1 a) and b), where a lot is only accessible by a navigable waterway, such lot may be used for a Seasonal Residential Dwelling and accessory uses only.

3.9.4 *Hunt Camps*

Notwithstanding the provisions of 3.8.1 (a) and (b), a Hunt Camp shall be permitted if it is located on an existing lot which has access onto an unimproved municipal road allowance, a private road or a maintained municipal road.

3.10 Height Exemption

Any height limitations stipulated by this By-law shall not apply to church spires, belfries, cupolas or mechanical penthouses which are not used as a dwelling unit. In addition, chimneys; ventilators; flagpoles; skylights; water tanks; windsocks; solar collectors; windmills; silos; grain elevators; movie screens; telecommunications towers; public utilities or similar structures, are not subject to the height limitations of this By-law, nor do the height limitations apply to any necessary mechanical structures or electrical supply facilities usually situated above the roof level.

3.11 Home Industry

Home Industries are categorized as Type 'A' and Type 'B' Home Industries. Home Industries Type 'A' and Type 'B' are permitted in the Zones as indicated in this By-law in accordance with the following provisions:

- i. There is no open storage of goods or materials.
- ii. There is no display, other than a sign of a maximum size of 0.5 sq. meters to indicate to persons outside, that any part of the dwelling or accessory building is being used for a purpose other than residential. Furthermore, such a sign shall be set back a minimum of 3 meters from any lot line.
- iii. The home industry is clearly secondary to the main residential use and does not change the residential character of the dwelling nor create or become a public nuisance; in particular in regard to noise, noxious odours, emission of smoke, traffic or parking.
- iv. Where an interior side yard and/or rear yard abuts a residential Zone, then such interior side yard and/or rear yard shall be a minimum of 15 meters. This 15 meters area shall be maintained in an open space condition and the open storage of goods or materials shall not be permitted within this 15 meters area.
- v. The home industry does not interfere with television or radio reception.
- vi. There are no goods, wares or merchandise, publicly offered or exposed for sale on the premises outside of any buildings.
- vii. Off-street parking is provided in accordance with Section 3.29.

3.11.1 Additional Provisions for Type 'A' Home Industries

Type 'A' Home Industries shall include craft shops, custom workshops, service shops and similar type uses and associated retail sales in accordance with the following provisions:

- i. Any accessory structure used for a Type 'A' Home Industry shall not exceed 39 sq. m
- ii. Not more than 1 non-resident shall be permitted to be employed on the lot.

3.11.2 Additional Provisions for Type 'B' Home Industries

Type 'B' Home Industries shall include craft shops, custom workshops, service shops, machine shops, welding shops, workshops and other similar type uses and associated retail sales in accordance with the following:

- i. Any accessory structure used for a Type 'B' home industry shall not exceed 50 sq. m.
- ii. Not more than 1 non-resident shall be permitted to be employed on the lot.
- iii. The minimum lot size for a Type 'B' home industry shall be 2 ha.
- iv. One commercial vehicle associated with the home industry is permitted.
- v. Where an interior side yard and/or rear yard abuts any residential zone, then such interior side yard and/or rear yard shall be a minimum of 30 meters a planting strip in accordance with **Section 3.34** of this By-law shall be maintained in an open space condition and the open storage of goods or materials shall not be permitted within this area

3.12 Home Occupations

Home Occupations are categorized as Type 'A' and Type 'B' Home Occupations. Home Occupations are permitted in the Zones as indicated in this By-law in accordance with the following provisions:

- i. There is no display, other than a sign of a maximum size of 0.5 sq. meters to indicate to persons outside that any part of the dwelling is being used for a purpose other than residential. Furthermore, such a sign shall be setback a minimum of 3 meters from any lot line.
- ii. Such home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling nor create or become a public nuisance; in particular, in regard to noise, odours, emission of smoke, traffic or parking.
- iii. Such home occupation does not interfere with television or radio reception.
- iv. Not more than 25% of the gross floor area of the dwelling is used for the purposes of home occupation uses except in the case of a bed and

breakfast establishment in which situation the provisions of subsection *. * shall apply.

3.12.1 Additional Provisions for Type 'A' Home Occupations

Type 'A' Home Occupations shall be conducted entirely within the principal residence and shall be limited to administrative office type uses only.

3.12.2 Additional Provisions for Type 'B' Home Occupations

Type 'B' Home Occupations shall be conducted entirely within the principal residence and shall be limited to:

- i. personal service occupations such a barber shop, a beauty salon, a tailor or dressmaking shop, a photographic studio but does not include any other used defined herein.;
- ii. healthcare providers;
- iii. instructional activities such as teaching of arts, crafts, music, fitness and/or academic subjects, and is limited to five (5) students at any one time;
- iv. day care limited to five (5) children;

Type 'B' Home Occupations shall not include a kennel, or a veterinarian office.

Type 'B' Home Occupations may employ one (1) person in addition to persons residing in the residence. Further is must be demonstrated that parking for five (5) vehicles over and above those required by the respective Zone can be accommodated on site (i.e. surfaced driveway) and that no parking shall be permitted on any public road in relation to the home occupation.

3.13 Hunt Camps

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

- i. a minimum floor area of 10m²;
- ii. a maximum lot coverage of 50 square metres;
- iii. a maximum height of 5 metres;
- iv. a maximum floor area of 70 square metres;
- v. hunt camp must be a minimum of 100 metres from an existing dwelling or public road;
- vi. only where a building permit for a dwelling unit is not available; and
- vii. the provision of municipal road services on unopened road allowances or private rights-of-way will not be available.

3.14 Legal Non-Complying Lots, Buildings and Structures

3.14.1 *Buildings on Undersized Lots*

Where a building or structure is located on a lot having less than the minimum frontage and/or lot area, and/or having less than the minimum setback, front yard and/or side yard and/or rear yard required by this By-law, the said building or structure may be enlarged, reconstructed, replaced, repaired and/or renovated provided that:

- i) the enlargement, reconstruction, replacement repair and/or renovation does not reduce the required front yard, and/ or required side yard, and/ or required rear yard or increase lot coverage beyond the requirements of this By-law;
- ii) the height of the existing legal non-complying building or structure is not increased, within a required yard.
- iii) the building or structure is being used for a purpose permitted within the Zone in which it is located;
- iv) all other applicable Provisions of this By-law are complied with.

3.14.2 *Existing Undersized Lots*

Where a lot, having a lesser lot area and/or lot frontage than required herein, existed on the date of passing of this By-law, or where such a lot is created by a public authority or correction of title, such a smaller lot may be used and a permitted building or structure may be erected and/or used on such a smaller lot provided that all other applicable provisions of this By-law are complied with and provided that a sewage system that complies with the regulations under Building Code can be installed on the lands.

Lots which have been increased in lot area or lot frontage following enactment of this By-law shall be deemed to comply to the By-law, and may be used in accordance with the provisions of the By-law.

3.15 Non-Conforming Uses

3.15.1 *Continuation of Existing Uses*

The provisions of this By-law shall not apply to prevent the use of any existing lot, building or structure for any purpose prohibited by this By-law if such existing lot, building or structure was lawfully used for such purposes, prior to the effective date

of this By-law and provided that the lot, building or structure continues to be used for that purpose.

3.15.2 Exterior Extension

The exterior of any building or structure which was lawfully used prior to the effective date of this by-law for a purpose not permissible within the Zone in which it is located, shall not be enlarged, extended, reconstructed or otherwise structurally altered, unless such building or structure is thereafter to be used for a purpose permitted within such Zone, and complies with all requirements of this By-law for such Zone unless these changes are necessary to provide for flood proofing or insulation of the building.

3.15.3 Interior Alteration

The interior of any building or structure which was lawfully used, prior to the effective date of the By-law, for a purpose not permissible within the Zone in which it is located, may be reconstructed or structurally altered for the existing purpose for which such building or structure was lawfully used.

3.15.4 Restoration

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

3.15.5 Reconstruction Of Existing Dwellings

Nothing in this By-law shall apply to prevent the reconstruction of any existing non-conforming dwelling which is damaged by causes beyond the control of the owner other than flooding, or which is demolished and reconstructed by the owner. The existing dwelling may be reconstructed in the same location on which it existed on the date of the passage of this By-law even if such did not comply with one or more of the provisions of this By-law, but the non-conformity may not be further increased.

The reconstruction of any existing non-conforming dwelling abutting a navigable waterway, which is damaged by natural flooding, with the exception of a boathouse or a dock, such buildings shall be floodproofed in accordance with the requirements of the Ministry of Natural Resources.

3.15.6 Building Permit Issued

The provisions of this By-law shall not apply to prevent the use of any existing lot, building or structure for any purpose prohibited by this By-law for which the footings or foundations have been constructed prior to the passing of this By-law, so long as the building or structure, is substantially completed within one year after the date of the passing of this By-law and a building permit is issued by the Chief Building Official.

3.16 Loading Space Requirements

3.16.1 General Loading Space Requirements

Required loading spaces shall be located in rear and side yards. No loading space may be located within any required front yard.

Loading space(s) shall be provided in accordance with the following general provisions:

- i) Required general loading spaces shall be provided on the same lot occupied by the building or structure which requires such loading spaces but shall not form part of any driveway;
- ii) Access to loading spaces shall be provided by one or more driveways which have a minimum unobstructed width of at least 4.6 metres;
- iii) All loading spaces and driveways shall be provided and maintained with a stable surface which is treated in a manner to prevent the raising of dust or loose particles and shall be drained in a manner to prevent the pooling of surface water or the flow of surface water to adjacent lots; and,
- iv) When a building or structure has insufficient loading spaces, to comply with the applicable requirements on the date of passing of this By-law, it shall not be interpreted that the deficiency be rectified. If any addition is made to the building or structure which increases the total floor area, additional loading spaces shall be provided, as required, for the total floor area of such addition.

3.16.2 Residential Loading Space Requirements

A minimum of one loading space shall be provided and maintained for every apartment building, and every mixed-use building that has more than five dwelling units. Each required loading space shall have minimum dimensions of 10.0 metres long, 4.5 metres wide and a minimum vertical clearance of 4.0 metres.

3.17 Lots with less Lot Area and/or Lot Frontage than Required

Where a conveyable lot existing on the date of passing of this By-law had less than the minimum lot area and/or lot frontage than that required by this By-law, or where a lot was or is created as a result of an expropriation, or conveyance to the municipality or other applicable road authority, such lot may be used and a building or structure may be altered, erected or used on such lot provided that the use, building or structure is permitted in the Zone and all other requirements of this By-law are met.

3.18 Lots with more than One Zone

Where a lot is included within two or more Zones, each portion of the lot shall be used in accordance with the provisions of the applicable Zone.

3.19 Minimum Distance Separation

No building shall be constructed in the rural and agricultural Zoned which does not conform to the MDSI and MDSII Formulas as the Ministry of Agriculture Food and Rural Affairs unless the building or structure is proposed on an existing lot of record.

Setbacks for new dwellings constructed on lots created after the approval of this By-law, other than the lot containing the barn from barns containing livestock shall be required to be in conformity with the MDSI Formula, attached to and forming part of this By-law as Schedule D.

New barns or expansions to existing barns shall require setbacks in conformity with the MDSII Formula, attached to and forming part of this By-law as Schedule E.

3.20 Minimum Opening Elevation

Where lands abut Lake Cecebe or Ahmic Lake no opening to a habitable building shall be located below the following elevations.

Abutting Lake Cecebe	285.60 m CGD
Abutting Ahmic Lake	283.16 m CGD

3.21 Mobile Homes

Mobile homes may be used as dwelling units in where they meet the following requirements:

- i. the structure must be constructed to C.S.A. Standard Z240 or Z241;
- ii. the structure is located on permanent foundations with the running gear and towing equipment removed;

- iii. the structure shall have at least 65 square metres of ground floor area;
- iv. the structure shall be completely enclosed from the surface of the finished grade to the roof; and,
- v. the structure shall be fully serviced with running water, electricity and sanitary sewage facilities.

Building permits are required for the placement of mobile homes on any lands.

3.22 Model Homes

Notwithstanding the provisions of this By-law, model home, temporary sales office use and associated parking are permitted in any Zone, provided said uses are located on lands within a draft approved or registered plan of subdivision and have been approved by way of an agreement with the Municipality. The number of model homes to be permitted shall be identified in the agreement.

3.23 Multiple Uses on One Lot

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

3.24 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 Zone provisions of this By-law for the applicable Zone as if it were a separate lot.

3.25 Non-Compliance Resulting from Conveyance or Expropriations

Notwithstanding any other provision of this By-law, to the contrary, any non-compliance that is created as result of a conveyance to and/or an expropriation by a public authority is deemed for the purposes of this By-law to be compliant with all applicable provisions of this By-law. Furthermore, any and all existing buildings and structures situated on a lot affected by such a conveyance and/or expropriation may be enlarged, reconstructed, repaired, renovated or replaced provided that the enlargement, reconstruction, repair, renovation or replacement of the existing buildings or structures complies with all other applicable requirements of this By-law.

3.26 On-Farm Diversified Uses

On-farm Diversified Uses may be located on a farm parcel that is zoned Rural (RU) and is used for agricultural production.

3.26.1 Relationship to Principal Use

The On-farm Diversified Use shall be secondary to the principal agricultural use of the property. The use shall be limited spatially and temporally and shall not interfere with surrounding agricultural operations.

3.26.2 Calculating Acceptable Area Limits

- i. Lot coverage ratio shall be based on the total area occupied by the On-farm Diversified Use relative to the individual farm parcel on which the use is located.
- ii. Up to 2% of the farm parcel on which the use is proposed to be located, to a maximum of 1 hectare may be permitted to be utilized for an On-farm Diversified Use.
- iii. The area of existing, repurposed agricultural buildings will be calculated at 50%, when determining overall area of the proposed On-farm Diversified Use.
- iv. The area of new buildings to be constructed, outdoor storage, septic systems, landscaped areas, berms, laneways and parking will be calculated at 100%
- v. The use of existing laneways and parking areas shared with agricultural uses are not included in area calculations.
- vi. Wherever possible, the gross floor area of buildings used for the On-farm Diversified Use should not exceed 30% of the total area set aside for the On-farm Diversified Use.
- vii. If more than one On-farm Diversified Use is located on a farm parcel, the combined area of all On-farm Diversified Uses should be 2% of the farm parcel up to 1 hectare.

3.26.3 Temporal Limits

The frequency and timing of events or activities associated with the On-farm Diversified Use shall not interfere with cropping cycles, or other agricultural uses on the farm or in the surrounding area.

3.26.4 Emergency Access

Emergency Access shall be by means of a driveway at least 6.0 metres (19.69 ft.) in width contained on the farm parcel on which the On-farm Diversified Use is located and leading to an improved public street as defined herein.

3.26.5 Servicing

The farm operator shall demonstrate to the satisfaction of the CBO and /or Public Health that the On-Farm Diversified Use that there is an adequate supply of

potable water available on site, and all relevant sewage disposal requirements under the Ontario Building Code can be complied with, or satisfactory alternate arrangements can be made.

3.26.6 Illumination

Lighting fixtures designed for exterior illumination shall be installed with the light directed downward and deflected away from adjacent lots.

3.26.7 Noise Mitigation and Buffering

The farm operator shall provide the Municipality with a Noise Mitigation Plan, including but not limited to:

- i. hours of operation,
- ii. location, size and direction of any amplification equipment;
- iii. buffering or sound mitigation measures.

3.26.8 Traffic Impact Considerations

Where a proposed on-farm diversified use is anticipated to generate additional traffic beyond that which is normally associated with a principal agricultural use of a property, the roads authority having jurisdiction may require the farm operator to demonstrate that the entrance is suitable for the proposed use and may require a traffic impact assessment or similar report to be submitted.

3.26.9 Expansion to an On-Farm Diversified Use

On lands zoned Rural (RU), before a Building Permit can be issued for the expansion to an On-farm Diversified Use, the Municipality must be satisfied that the criteria established herein for such use or any applicable PPS criteria can be met. In the event that such criteria cannot be met for the use, the building permit(s) may be withheld. The Municipality will encourage the farm operator to relocate the use to a suitable location outside a prime agricultural area.

On lands zoned Rural (RU), the Municipality may consider an application for an amendment to the Comprehensive Zoning By-law to recognise the expansion of the On-Farm Diversified Use to a larger-scale business.

3.27 Outside Lighting Facilities

Illuminated signs and exterior lighting installed on a lot to illuminate parking areas, driveways, loading areas, storage areas, buildings or decorative building elements shall be so arranged as to direct light away from abutting lots and adjacent residential uses.

3.28 Outdoor Open Storage

In addition to the applicable Zone provisions, except for any outdoor open storage permitted in conjunction with a permitted agricultural use, the following shall apply:

3.28.1 *Accessory Outdoor Storage*

The accessory outdoor storage of goods or materials associated with a main industrial or commercial use is only permitted within an interior side or rear yard.

In such cases, the outdoor storage area shall be screened with a solid fence, landscaped berm or other opaque barrier a minimum of 2.4 metres in height.

The height of goods or materials within the outdoor storage area shall not exceed 4.5 metres.

3.28.2 *Outdoor Storage as the Main Use of a Lot*

Where the main use of a lot, goods or materials stored outdoors shall not be located closer than 7.5 metres to any lot line. No outdoor open storage shall be permitted in any front or exterior side yard;

The interior side and rear yards of a lot containing an outdoor storage use shall be screened with a landscaped berm, solid fence, or other opaque barrier a minimum of 3.0 metres in height.

3.28.3 *Use of Parking and Loading Spaces*

No parking spaces or loading spaces, as required by this Bylaw, shall be used for purposes of outdoor open storage.

3.29 Parking Regulations

3.29.1 *Parking Space Requirements*

Parking spaces and areas are required under this By-law, in accordance with Table 1, the Parking Space Requirement Table. The owner of every building or structure erected or used for any of the purposes listed shall provide and maintain parking spaces and areas accordingly.

If any computation of parking space requirement as set forth in this section results in a number containing a fraction above 0.25, that remaining fraction shall be counted as one parking space.

Commercial uses on lots within the Village Commercial Zone in the Village of Magnetawan shall not be subject to the parking requirements established in Table 1. The location of the parking area exemptions are identified on Schedule C-1 attached to and forming part of this By-law as Schedule D. (Parking Area Regulations for the Magnetawan Village).

3.29.2 Parking Area Surface

Parking spaces, areas and driveways connecting the parking space or area with a street shall be maintained with a stable surface which is treated so as to prevent the raising of dust. Such parking spaces or areas shall, before being used, be constructed of crushed stone, gravel, asphalt, concrete or similar material and shall include provisions for drainage facilities.

3.29.3 Ingress and Egress Provisions

- i. ingress and egress to and from the required parking spaces and areas shall be provided by means of unobstructed driveways or passageways at least 3.0 metres but not more than 12.0 metres in perpendicular width;
- ii. the maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 9.0 metres;
- iii. the minimum distance between any two driveways on one lot or between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 8.0 metres; and,
- iv. the minimum angle of intersection between a driveway and a street line shall be 60 degrees.

3.29.4 More Than One Use on a Lot

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

3.29.5 Parking Area Location on Lot

Notwithstanding the yard and setback provisions of this By-law to the contrary, uncovered surface parking areas shall be permitted in the required yards or in the area between the street line and the required setback. Such parking areas shall be constructed of crushed stone, gravel, asphalt, concrete or similar material and shall include provisions for drainage facilities.

3.29.6 Additions To or Changes in the Use of Existing Buildings and Structures

The parking space requirements referred to herein shall not apply to any existing building or structure so long as the gross floor area is not increased. If any addition is made to a building or structure which increases its gross floor area, parking spaces for the addition shall be provided as required by the Parking Space Requirement Table. Where a change in use occurs, parking spaces shall be provided for such new use in accordance with the requirements of the Parking Space Requirement Table.

The provision of this paragraph shall not apply to require the establishment of parking spaces for a dwelling which existed at the date of passing of this By-law.

3.29.7 Use of Parking Spaces and Areas

Parking spaces and areas required in accordance with this By-law shall be used for the parking of operative, currently licensed vehicles only, and for vehicles used in operation incidental to the permitted uses on the lot.

3.29.8 Winter Use

If the parking area is required to be used in the winter, an additional area equal to 20% of the required area shall be provided for snow storage.

TABLE 1: PARKING SPACE REQUIREMENT TABLE

Type of Use	Minimum Requirements	Off-street	Parking
Assembly Hall, Auditorium, Arena, Community Centre, Place of Worship, Private Club, Farmers Market or other similar places of assembly	1 parking space for each four persons that may be legally accommodated at any one time.		
Office, Financial Establishment, Retail Commercial Establishment, Personal Service Shop including a Home Occupation or Home Industry.	1 parking space for each 20 m ² of gross floor area of the building directly related to the specified permitted use.		
Restaurant or Tavern	1 parking space for each 9 m ² fraction thereof, or 1 parking space for each 4 persons or fraction thereof, that may be legally accommodated at any one time, whichever is greater.		
Golf Course	24 parking spaces for each 9 holes of golfing facilities.		
Hotel, Motel, Resort, College or Cabin Establishment, Tourist Establishment, Camp Site, Camping Establishment	1 parking space for each guest room, cottage, cabin or camp site, plus such or parking facilities as are required for a restaurant or entertainment lounge licensed in accordance with The Liquor License Act, as amended, should such exist.		
Liquor Licensed Premises, exclusive of a restaurant, but including an entertainment lounge, public house or lounge licensed in accordance with The Liquor License Act as amended, and the Regulations thereunder.	1 parking space for each 4 persons that may be legally accommodated at any one time.		
Marina	2 parking spaces for every 1 boat slip and 1 parking space for every 8 m ² of gross floor area devoted to commercial use, exclusive of storage areas.		
Medical, Veterinary or Dental Clinic, or Offices of a Drugless Practitioner	5 parking spaces per practitioner, plus 1 parking space for each examination room exceeding 5 rooms.		
Residential, Residential Mobile Home	2 parking spaces per dwelling.		
Workshop	1 parking space per 35 m ² of gross floor area.		
Uses Permitted by this By-law other than those listed in this Table	1 parking space per 35 m ² of gross floor area.		

3.29.9 Barrier Free Parking

Where the parking requirement for any use is 4 or more spaces, barrier free parking spaces shall be provided in accordance with the following:

- i. Each space shall have a minimum width of 4 meters and a minimum length of 5.5 meters ;
- ii. Each space shall be hard-surfaced and level;
- iii. Each space shall be located near and accessible to an entrance; and,
- iv. Each space shall be appropriately identified for its intended use by persons with limited mobility or other disabilities.
- v. The number of barrier free spaces shall be 20% of the minimum off street parking requirements.

3.30 Pits, Quarries and Peat Extraction

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

3.31 Prohibited Forms of Dwelling Units

No truck, bus, coach, street car body, or railway car, or other motor vehicle whether or not the same is mounted on wheels or other form of mounting or foundation, nor temporary structures such as tents, recreational vehicles, shipping containers and school portables, shall be used as a dwelling unit except for a mobile home or trailer where specifically permitted by this By-law.

Any building or structure less than 108 sq. metres, where there is no principal dwelling, except where otherwise permitted by this By-law.

3.32 Public Uses

3.32.1 Public Services

The provisions of this By-law shall not apply to prohibit the use of any lot or the erection or use of any building or structure for the purposes of public uses provided by the Municipality, or any Public Authority including any Department or Ministry of the Government of Canada or Ontario and, for the purposes of this Section, shall include Hydro One, any telephone, telegraph or cable TV company and any natural gas distribution system operated by a Company distributing gas to the residents of the Municipality, which company possesses all the necessary powers, rights, licenses and franchises.

3.32.2 Location Restrictions

Notwithstanding any other provision contained in this By-law to the contrary, where a public use is only permitted within a specific Zone classification, then such public use shall only be permitted within that Zone or Zones and shall comply with the Zone Provisions of the Zone or Zones in which the public use is permitted, save and except that there shall be no minimum lot area or lot frontage requirement. This provision does not apply to Crown Agencies.

3.32.3 Provisions

- i) no goods, materials or equipment shall be stored outside the building or structure located on the lot, except as may otherwise be permitted under this By-law; and
- ii) no building or structure erected in accordance with the provisions of this Section shall be used for the purposes of an office or maintenance or works depot.

3.32.4 Streets and Installations

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

3.33 Reduction of Requirements

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

3.34 Restrictions on Dwelling Units in Non-Residential Buildings

Notwithstanding any other provision of this By-law to the contrary, no dwelling unit shall be located within a portion of a non-residential building which has gasoline or other flammable fluids stored in bulk for commercial purposes, in conjunction therewith, and without limiting the generality of the foregoing, a dwelling unit shall not be permitted within a motor vehicle service station, a motor vehicle repair garage, a marina, a motor vehicle body shop or a marine sales and service shop.

3.35 Septic Systems

The following minimum opening elevation and shoreline setback provisions apply to leaching bed septic systems:

Provision	Lots Abutting or Adjacent to _____
Minimum Shoreline Setback for Leaching Bed Septic Systems	a) 20 metres from the high water mark
Minimum Elevation for the Leaching Bed Septic System	The Regulatory Flood Elevation, which is identified as the "100 year flood" or Regional Flood Event.

The following minimum opening elevation and shoreline setback provisions apply to tertiary treatment septic systems:

Provision	Lots Abutting or Adjacent to _____
Minimum Shoreline Setback for the Treatment Unit and <i>Leaching Bed</i> Components	a) 20 metres from the high water mark
Minimum Elevation for the Treatment Unit and <i>Leaching Bed</i> Components	The Regulatory Flood Elevation, which is identified as the "100 year flood" or Regional Flood Event.

3.36 Setbacks from Waste Disposal Sites

No dwelling shall be located within 500 metres of a licensed Waste Disposal Site or 100 metres from a licensed Sewage Lagoon or Sewage Treatment Facility.

3.37 Shoreline Development

Notwithstanding any other provisions of this By-law, no shoreline development in the Shoreline Residential (SR) Zone, the Rural Residential (RR) Zone or the Rural (RU) Zone shall be permitted within 30 metres of the normal or maintained high water mark of any river, stream or other watercourse., except in accordance with the following uses and regulations:

Permitted Uses	<ul style="list-style-type: none"> . One (1) Shoreline Storage Building, Deck, Dock, Gazebo, Pumphouse, Stairs, Ramps, Shoreline Sauna, Uncovered Deck(s) attached to a Dwelling, Single Detached Dwelling (Existing Only); . A maximum of two (2) Docks or one (1) Dock and one (1) Shoreline Storage Building (with or without an attached Dock), shall be permitted on each lot, in accordance with the provisions of this By-law. . Accessory buildings or structures with the exception of marine facilities, gazebos, shoreline saunas, boathouses and pumphouses and buildings and structures for flood and erosion control.
Maximum Shoreline Development	<ul style="list-style-type: none"> . The maximum shoreline development permitted on a lot with 60.0 metres of shoreline or more is 232.0 square metres. . In the case of a lot which has less than 60.0 metres of shoreline, the maximum shoreline development shall be 138.0 square metres. . In the case of a lot which has less than 30.0 metres of shoreline, the maximum shoreline development shall be 69.0 square metres.

Maximum Width of Shoreline Development	<p>The maximum cumulative width of shoreline development abutting a shoreline shall be limited to a straight line measurement parallel to and not exceeding 23.0 metres of the shoreline.</p> <p>In the case of a lot which has less than 60.0 metres of shoreline, the maximum cumulative width of shoreline development shall be 12.5 metres.</p> <p>In the case of a lot which has less than 30.0 metres of shoreline, the maximum cumulative width of shoreline development shall be 6.5 metres.</p>
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3.38 Storage Containers/Shipping Containers

Storage/shipping containers shall only be permitted within the following zones: Rural (RU), Rural Residential (RR), General Industrial (MX), Extractive Industrial (MX), Disposal Industrial (MD), Institutional (I) and General Commercial (CG).

Notwithstanding the provisions of this By-law, storage containers shall adhere to the provisions of Section 3 (Accessory Buildings, Structures and Uses) and shall be used exclusively for the storage of goods and materials and may not be used to accommodate work areas, shops, office uses or retail sales. Storage containers shall not be permitted to locate within the front yard or exterior side yard.

3.39 Shipping or Storage Container Regulations

- i. *A shipping or storage container shall be permitted as an accessory building within Municipality in accordance with the following:*
- ii. *The container shall be restricted to storage only. It shall not be used as a dwelling or for any gainful occupation.*
- iii. *The container meets all provisions of Section 3.1 of this By-law.*
- iv. *A maximum of one (1) container shall be permitted within Residential Zones.*
- v. *A maximum of two (2) containers shall be permitted within Commercial and Industrial Zones.*
- vi. *Containers shall not be stacked on top of another.*
- vii. *Containers shall not exceed the length of 12 metres.*

- viii. *Containers shall comply with the Ontario Building Code, where applicable.*
- ix. *Containers shall be buffered from adjacent properties with a visual barrier, either fence or tree line, to the same height of the container.*
- x. *Shall be maintained in good condition free from rust, peeling paint and any other form of visible deterioration.*

3.40 Short Term Accommodation

Short Term Accommodation, as defined herein and within the Municipality, shall be subject to a licensing system under the Municipal Act.

3.41 Sight Triangles

- i. On any corner lot, in any Zone, a sight triangle shall be required. The required site triangle shall be a minimum of 4.6meters x 4.6meters. Greater site triangles may be required by the Municipality. Further, within any Zone, any building, structure or use which would obstruct or impair the vision of an operator of a motor vehicle, including any fence or vegetation which exceeds 0.6 metres above the grade of the streets that abut the lot, shall be prohibited.
- ii. Any required sight triangle shall be counted toward fulfilling the landscaped planting strip requirements of this By-law.
- iii. Notwithstanding the requirements of this By-law, the sight triangle provisions of the Province of Ontario shall apply to all roads within their jurisdiction.

3.42 Signs

Sign regulations will be included in a separate By-law adopted under the *Municipal Act*, and all signage will be subject to the regulations contained therein.

3.43 Special Setbacks - Provincial Highways and Railway Lines

Notwithstanding any other provision of this By-law, minimum yard requirements for any buildings or structures or signs adjacent to any Provincial Highway or railway line shall be as required by the Ministry of Transportation or the applicable railway authority. Where the requirements of the Ministry of Transportation or railway authority are less restrictive than the requirements of this By-law, this By-law shall prevail.

3.44 Swimming Pools

Swimming pool regulations will be included in a separate By-law adopted under the *Municipal Act*, and all swimming pools will be subject to the regulations contained therein.

3.45 Temporary Construction Uses

Provided that an active Building Permit has been issued for the property, a tool shed, not exceeding 20 square metres, construction trailer, storage container, scaffold or other building or structure incidental to construction is permitted in all areas within the Municipality on the lot where it is situated and only for so long as it is necessary for the work in progress and until the work is completed or abandoned.

For the purpose of this Section, abandoned shall mean the discontinuation of work for more than 120 consecutive days or the failure to maintain a current building permit.

Notwithstanding the provisions of this By-law to the contrary, where a Building Permit for construction of a principal dwelling has been issued by the Municipality, an existing principal dwelling may be occupied on a temporary basis only during the period when there is an active building permit for a new dwelling on the subject lands and subject to the occupant entering into an agreement with the Municipality that requires the removal of the existing dwelling. or conversion of the existing dwelling to an accessory building.

3.46 Tiny Homes

A tiny home may be located on a Residential property in accordance with the provisions of Section *** of this By-law and the following:

- i. No tiny home shall be smaller than 17.5 m² (188 ft²), which is the minimum required size set out in Ontario's Building Code
- ii. If the space is to be designed as an open concept, meet the minimum requirements, set out in Table XX
- iii. If the space is to be divided by walls, each room/space must meet the minimum sizes for rooms and spaces, set out in Table XX.
- iv. A tiny home must also have necessary servicing such as water and sewage.
- v. A tiny home must comply with the health and safety requirements of Ontario's Building Code,
- vi. A tiny home may be occupied by any person regardless of whether the primary residential unit is occupied by the owner of the property

Table 1: Minimum space requirements for open-concept design

Room or space:	Minimum required floor area:
Combined sleeping, living and dining areas and kitchen space	13.5 m ² (145 ft ²)
Bathroom	Enough space for sink, toilet and shower stall or bath. Could be as little as 3.0 m ² (32 ft ²)
Laundry	1.0 m ² (11 ft ²)

Relevant Building Code provisions – Division B, Subsections 9.5.4. to 9.5.9. and 9.31.4.2.

Table 2 outlines the general minimum sizes for rooms and spaces separated by walls. **Table 2: Minimum sizes for separated spaces**

Living area	13.5 m ² (145 ft ²)
Dining area	7.0 m ² (75 ft ²)
Kitchen	4.2 m ² (45.2 ft ²)
Combined living, dining and kitchen areas in a one-bedroom unit	11 m ² (118.4 ft ²)
Master bedroom (without built-in closet)	9.8 m ² (95 ft ²)
Other bedrooms (without built-in closets)	7 m ² (75 ft ²)
Bathroom	Enough space for sink, toilet and shower stall or bath

Relevant Building Code provisions – Division B, Subsections 9.5.4. to 9.5.9. and 9.31.4.2.

3.47 Through Lots

Where a lot, which is not a corner lot, has lot frontage on more than one street, or more than one waterbody the setback and front yard requirements contained herein shall apply on each street or waterbody in accordance with the provisions of this By-law.

3.48 Trailer Park and Private Recreational Uses

Unless specified elsewhere in this By-law, the establishment of trailer parks, mobile home parks, summer camps, private clubs, commercial clubs, camping establishments or private recreational parks shall be prohibited within the area covered by this By-law.

3.49 Trailers and Campers

One tent trailer, a travel trailer or a truck camper may be located and used on a vacant lot for recreational use, within the Rural and Rural Residential Zones, where the trailer is licensed by the Municipality and;

- i. it is not located within 30 metres of the shoreline;
- ii. the appropriate sanitary facilities are provided on site in accordance with the requirements for a habitable building; and,
- iii. the trailer or truck camper is roadworthy and is legally capable of being towed on a public roadway.

3.50 Uses Permitted In all Zones

- i. Nothing in this By-law shall prevent the use of any lot or the erection or use of any building or structure in any Zone for the provision of the following uses, provided that the use, building or structure complies with the general provisions of this By-law and the provisions of the Zone in which a use, building or structure is located:
 - Conservation Uses;
 - Public and Private Utilities; and,
 - Any sign or notice of the municipality or other government authority.
- ii. Nothing in this By-law shall prevent the use of any lot or the erection or use of any building or structure in any Zone, for the provision of the following uses, provided that the use, building or structure complies with the general provisions of this By-law and the provisions of the Zone in which a use, building or structure is located:
 - Required vehicular, accessible and bicycle parking facilities, where accessory to a permitted use on the same lot; and,
 - Transportation infrastructure, including public streets, transit facilities, any properly authorized traffic sign or signal, or a railway line.
- iii. Nothing in this By-law shall prevent the use of any lot or the erection or use of any building or structure in any Zone, with the exception of the Environmental Protection (EP) Zone, for the provision of the following uses, provided that the use, building or structure complies with the general provisions of this By-law and the provisions of the Zone in which a use, building or structure is located:

- Emergency Service Facilities, except that Emergency Service Facilities are specifically prohibited within the Environmental Protection (EP) Zone.

3.51 Uses Prohibited in all Zones

Notwithstanding any other provision of this By-law, noxious and offensive uses, as defined by this By-law, shall not be permitted in any Zone.

3.28 Yard Encroachments

Except as otherwise provided by this By-law, no part of any required yard shall be obstructed by any structure or building, or part thereof, from the ground to the sky except as follows:

Structure	Yard Into Which Encroachment is permitted	Maximum Encroachment Permitted Into Yard
Sills, belt courses, cornices, chimney breasts, bay window, pilasters, eaves or gutters, wall overhangs/ cantilevered walls	All Yards	0.6m
Balconies, canopies, awnings, steps, unenclosed porches with or without roofs, or decks	Required front yard, rear yard and exterior yard	Front Yard and exterior side yard - 1.5 m Rear Yards - 4.0 m
Fire escapes or exterior staircases	Required exterior side yard and rear yard	1.5 m
Unenclosed ramps for wheelchair access, flag or clothes poles, private utility infrastructure	All Yards	100%

4 RURAL ZONE (RU)

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

4.1 Permitted Uses

- Single Detached Dwelling
- Duplex Dwelling
- Semi-Detached Dwelling
- Home Occupation
- Home Industry
- Agricultural Use
- Agriculture-Related Use
- On-Farm Diversified Use
- Agri-Tourism Use
- Specialized Farm
- Fire Hall
- Golf Course
- Group Home
- Hunt Camp
- Kennel
- Lodging House
- Municipal or Provincial Offices or Works Garage
- Portable Asphalt or Concrete Batching Plant
- Public Park
- Resource Management Uses
- Riding School with or without Boarding Stables
- Veterinary Office/Clinic
- An Accessory Farm Dwelling on a Lot of at Least 30 Hectares (75 Acres)

4.2 Regulations for Permitted Uses

i)	Minimum Lot Area	10 ha
ii)	Minimum Lot Frontage	134 m
iii)	Minimum Front Yard	15.0 m
iv)	Minimum Interior Side Yard	15.0 m
v)	Minimum Exterior Side Yard	15.0 m
vi)	Minimum Rear Yard	15.0 m
vii)	Maximum Lot Coverage	25%
viii)	Maximum Height – Agricultural Building	12 m
viii)	Maximum Height – Non-agricultural Building	10.7 m
ix)	No kennel shall be located within 120 metres (400 ft) of a residential dwelling on another lot or on a Rural lot that is less than 10 ha.in lot area.	

4.3 Specialized Farm

A specialized farm shall only be permitted where the operator has submitted a Nutrient Management Plan to the satisfaction of the Ministry of Agriculture, Food and Rural Affairs, or designated approval authority.

4.4 Exceptions

4.4.1 Rural Exception One (RU-1) Lot 7, Concession 11, Chapman, Crane

Notwithstanding Section 3.6, Dwelling Units on a Lot, to the contrary, a Garden Suite shall be permitted within the RU-1B Zone as shown on Schedule A

4.4.2 Rural Exception Two (RU-2) - Lucky Seven Hunt Camp, Part Lot 23, Concession 4, Croft

Notwithstanding the regulations of Section 4.6 and Section 5.70 to the contrary, on lands zoned Rural Exception Two (RU-2) a hunt camp having a maximum floor area of 135 square metres shall be permitted.

Prior to any development occurring within the Rural Exception Two (RU-2) Zone, the owner shall enter into a development agreement with the Municipality of Magnetawan with respect to road access.

In all other respects, the provisions of this By-law shall apply.

5 RURAL RESIDENTIAL ONE ZONE (RR -1)

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

5.1 Permitted Uses

- Single detached dwelling
- Type “A” and Type “B” home occupations
- Bed and Breakfast Establishment

5.2 Regulations for Permitted Uses

- | | | |
|-------|----------------------------|----------|
| i) | Minimum Lot Area | - 1.0 ha |
| ii) | Minimum Lot Frontage | - 60.0 m |
| iii) | Minimum Front Yard | - 15.0 m |
| iv) | Minimum Interior Side Yard | - 7.5 m |
| v) | Minimum Exterior Side Yard | - 15.0 m |
| vi) | Minimum Rear Yard | - 7.5 m |
| vii) | Maximum Lot Coverage | - 5% |
| viii) | Maximum Building Height | - 10.7 m |

5.3 Exceptions

5.3.1 Rural Residential Exception One (RR1-1) Zone – Part of Lot 23 and Lot 24, East Side of West Street (Sider)

Notwithstanding the provisions of this By-law to the contrary, the minimum rear yard setback from the road allowance shall be 1.5 metres.

*5.3.2 Rural Residential One - Exception Three (RR1-3) Zone
Part of Lot 97, Concession A, Part 42R-3642, Part 1 and PSR-416, Part 1
in the former geographic Township of Chapman) (By-law 2011-24)*

Notwithstanding the provisions of this By-law to the contrary, the minimum lot area shall be 0.4 hectares, and the minimum lot frontage shall be 45 metres.

6 RURAL RESIDENTIAL TWO ZONE (RR -2)

No person shall within any Rural Residential Two Zone (RR2) use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

6.1 Permitted Uses

- Single detached dwelling
- Type “A” and Type “B” home occupations
- Bed and Breakfast Establishment
- Limited Agricultural Uses

6.2 Regulations for Permitted Uses

i)	Minimum Lot Area	- 2.0 ha
ii)	Minimum Lot Frontage	- 90.0 m
iii)	Minimum Front Yard	- 15.0 m
iv)	Minimum Interior Side Yard	- 7.5 m
v)	Minimum Exterior Side Yard	- 15.0 m
vi)	Minimum Rear Yard	- 7.5 m
vii)	Maximum Lot Coverage	- 5%
viii)	Maximum Building Height	- 10.7 m

6.3 Regulations pertaining to Agricultural Uses

In accordance with Section 26 of The Minimum Distance Separation (MDS) Document — Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks, where livestock facilities are located on lots ≤ 5 ha, Factor B is also only based on the design capacity for all livestock facilities on the lot, and all other applicable section of the MDS document.

7 RURAL RESIDENTIAL THREE ZONE (RR -3)

No person shall within any Rural Residential Three Zone (RR3) use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

7.1 Permitted Uses

- Single detached dwelling
- Type “A” and Type “B” home occupations;
- Type “A” and Type “B” home industries;
- Bed and Breakfast Establishment
- Limited Agricultural Uses

7.2 Regulations for Permitted Uses

i)	Minimum Lot Area	- 5.0 ha
ii)	Minimum Lot Frontage	- 90.0 m
iii)	Minimum Front Yard	- 15.0 m
iv)	Minimum Interior Side Yard	- 7.5 m
v)	Minimum Exterior Side Yard	- 15.0 m
vi)	Minimum Rear Yard	- 7.5 m
vii)	Maximum Lot Coverage	- 5%
viii)	Maximum Building Height	- 10.7 m

7.3 Regulations pertaining to Limited Agricultural Uses

In accordance with Section 26 of The Minimum Distance Separation (MDS) Document — Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks, where the livestock facilities are located on lots >5 ha, Factor B is based on the possible future expansion of the existing livestock facilities on the lot, known as the ‘potential’ design capacity, and all other applicable section of the MDS document.

8 SHORELINE RESIDENTIAL ZONE (RS)

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

8.1 Permitted Uses

- Single Detached Dwelling
- Type “A” And Type “B” Home Occupation
- Bed and Breakfast Establishment

8.2 Regulations for Permitted Uses

i)	Minimum Lot Area	- 1.0 ha
ii)	Minimum Lot Frontage	- 90 m
iii)	Minimum Front Yard	- 15 m
iv)	Minimum Interior Side Yard	- 3.5 m
v)	Minimum Exterior Side Yard	- 7.5 m
vi)	Minimum Rear Yard	- 10.0 m
vii)	Maximum Lot Coverage	- 15%
viii)	Maximum Building Height	- 10.7 m
ix)	Minimum Ground Floor Area	- 65.0 m ²

8.3 Exceptions

8.3.1 Shoreline Residential Exception Eight (RS-8) Zone

Notwithstanding the requirements of this By-law to the contrary the following provisions will apply to the lands within the Shoreline Residential Exception Eight (RS-8) Zone in Part of lots 11 and 12, Concession 7, geographic Township of Croft as identified on Schedules “1,2 and 3” attached hereto:

- a) Permitted Uses, Buildings and Structures as identified on Schedule “3” and more particularly described as follows:
 - i) North Parcel (Part 1 of Reference Plan No. 42R-16258)
 - A one and one half storey existing dwelling
 - A one and one half storey proposed garage

- An existing privy to be relocated as shown
- An existing boat dock
- An existing deck
- A proposed septic system
- A proposed deck

- ii) South Parcel (Part 2 of Reference Plan No. 42R-16258)
 - A one and one half storey existing dwelling
 - A one and one half storey existing garage and sleeping cabin
 - An existing concrete barbeque pad
 - An existing boathouse and boat dock
 - An existing deck
 - A proposed septic system
 - A proposed deck

b) Size and Location of Buildings and Structures

The size and location of the permitted buildings and structures are indicated on a site plan attached to a consent agreement that is registered on the title of both parcels at the Land Registry Office in the Town of Parry Sound in the District of Parry Sound. No buildings or other structural development is permitted beyond that identified on **Schedule "3" to this By-law.**

c) Habitat Area Zones

The habitat area zones are those areas on each parcel outside of building, structure, driveway and septic locations including that found in the Hardwood Bush identified in Schedule “3”, the Site Plan where the significant vegetation is to be maintained except as provided in the Site Plan and Consent Agreement described above.

Habitat Area Zones are made up of the conifer fringe along the shoreline, the conifer patches between the shoreline and the rear lot line, and, associated regenerating deciduous shrubs and sapling generally within thirty (30) metres of conifer cover, and identified on Schedule “3”, the Site Plan.

For the purposes of this By-law, the term “significant vegetation” means “coniferous vegetation and associated regenerating deciduous shrubs and saplings generally within thirty (30) metres of conifer cover, significant to deer for winter habitat.”

d) Lot Standards

As identified on Schedules “2” and “3”, the minimum lot size shall be 0.542 hectares for the north parcel (Part 1) and 0.63 hectares for the south parcel (Part 2). The minimum lot frontage shall be 45 metres for each parcel.

e) Other Provisions

All other general applicable provisions or zone requirements if not specifically addressed in this amending By-law shall continue to apply.

8.3.2 Shoreline Residential Exception Nine (RS-9) Zone

Notwithstanding the setback requirement from High Water mark and the minimum front yard setback in the RS Zone, on lands located in Part of Island H in Ahmic Lake (Croft) and zoned RS-9, the minimum setbacks between the two front corners of main dwelling and the high water mark shall be 3.96 metres at the north-east corner and 11 metres at the south-east corner.

*8.3.3 Shoreline Residential Exception Ten (RS-10) Zone
(Part of Lot 20, Concession 8, Croft)*

Notwithstanding the provisions of Section 3.1 (g) (iii), and on lands within the RS-10 zone, a second boathouse shall be permitted within 2.0 metres of an existing boathouse and the following provisions shall apply:

- a) The maximum width of the existing boathouse shall be 6.0 metres;
- b) The maximum width of the new boathouse shall be 15.25 metres, and

- c) The maximum height of the new boathouse shall not exceed 1 storey.

*8.3.4 Shoreline Residential Exception Fourteen (RS-14) Zone
(Part of Lot 22, Concession 1, Chapman)*

Notwithstanding, the regulations for permitted uses, on lands in Part of Lot 1, Concession 22 and located in the RS-14 Zone, the minimum interior side yard shall be 0.75 metres and further this minimum shall only apply to buildings which existed on the date this By-law was passed.

*8.3.5 Shoreline Residential Exception Fifteen (RS-15) Zone
(Part of Lots 28 and 29, Concession 5, Chapman)*

Notwithstanding, Section 4.2.2.(i) in the Shoreline Residential (RS) Zone, on lands in Part of lot 28 and 29, concession 5 and located in the RS-15 Zone, the minimum lot frontage shall be 65 metres.

The Holding symbol shall be removed subject to the approval of the Ontario Municipal Board of Consent Application B045/07 or a withdrawal or dismissal of the appeal to B045/07.

*8.3.6 Shoreline Residential Exception (RS-18) Zone
Part of Lot 20, Concession 5, Croft 42R 18872)*

Notwithstanding Section 4.2.2 in the Shoreline Residential (RS) Zone, for lands located in Part of Lot 20, concession 5 and legally described as Parts 1 through 5, Plan 42R 18872 and located in the RS-18 Zone, the following provisions shall apply:

- a) Minimum shoreline frontage shall be 85 metres;
- b) Minimum lot area shall be 0.85 hectares;
- c) Minimum depth of natural vegetated buffer along the full width of the shoreline shall be 15 metres measured at right angles to the shoreline;
- d) Maximum width of shoreline activity area 10 metres located at or near the water's edge;
- e) Maximum area of shoreline activity area shall be 50m²;
- f) Maximum width of trail from dwelling to shoreline activity area shall be 2.5 metres;
- g) Minimum setback from water's edge for a septic system shall be 30 metres.

Furthermore, for lands located in the RS-18 zone, Sections 3.1 (f) and 3.6 (second and third paragraphs) of By-law 2001-26 shall not apply.

*8.3.7 Shoreline Residential Exception Nineteen (RS-19) Zone
(Part of Lot 20, concession 5, Croft)*

Notwithstanding Section 4.2.2 in the Shoreline Residential (RS) Zone, for lands located in Part of Lot 20, Concession 5 and legally described as Parts 6 and 7, Plan 42R-18872 and located in the RS-19 Zone, the following provisions shall apply:

- a) Minimum shoreline frontage measured at right angles from interior lot lines shall be 50 metres;
- b) Minimum lot area shall be 0.85 hectares;
- c) Minimum depth of natural vegetated buffer along the full width of the shoreline shall be 15 metres measured at right angles to the shoreline;
- d) Maximum width of shoreline activity area 10 metres located at or near the water's edge;
- e) Maximum area of shoreline activity area shall be 50m²;
- f) Maximum width of trail from dwelling to shoreline activity area shall be 2.5 metres; and,
- g) Minimum setback from water's edge for septic system shall be 30 metres.

Furthermore, for lands located in the RS-19 zone, Sections 3.1 (f) and 3.6 (second and third paragraphs) of By-law 2001-26 shall not apply.

For the purposes of the RS-18 and RS-19 Zones, the following definitions shall apply:

- a) Natural Vegetated Buffer – shall mean lands which abut the water's edge which are maintained in a natural vegetated state with the exception of the Shoreline Activity Area. Outside of the Shoreline activity Area, pruning or removal of dying, dead or diseased trees is permitted provided that replanting of native species is undertaken to replace such trees or vegetation.
- b) Shoreline Activity Area – shall mean lands located within the Natural Vegetated Buffer which abut the shoreline and are used for recreation and activity associated with the lake. Within the Shoreline Activity Area, no building or structures are permitted which require a Building Permit under the Ontario Building Code Act.

8.3.8 Shoreline Residential Twenty (RS-20) Zone

(Part of Lots 27 and 28, Concession 4, RP PSR-593, REM Part 2 geographic Township of Chapman)

Notwithstanding the provisions in this by-law to the contrary, the permitted minimum Lot frontages are as follows:

a) North parcel:

- Minimum Lot Frontage: 79 metres

b) South Parcel:

- Minimum Lot Frontage: 89 metres

8.3.9 Shoreline Residential Twenty-One (RS-21) Zone

(Part of Lot 22, Concession 9, geographic Township of Croft)

Notwithstanding the provisions in this by-law to the contrary the maximum permitted shoreline width shall be 13.4 metres.

8.3.10 Shoreline Residential Twenty-Two (RS-22) Zone

(Part of Lot 19, Concession 3, geographic Township of Croft)

Notwithstanding the provisions in this by-law to the contrary, the maximum shoreline width of the existing single detached dwelling shall be 17.09 metres.

8.3.11 Shoreline Residential Twenty-Three (RS-23) Zone

(Part of Lot 19, Concession 3, geographic Township of Croft)

Notwithstanding the provisions in this by-law to the contrary the following provisions apply lands zoned RS-23:

- a) One 25m² floating platform per lot is permitted. The entire floating platform and canoe dock will extend out into the marsh a maximum of 15 metres from the shoreline. The floating platform will be attached to the shoreline from which would extend a 2 metre wide by 10 metre long, steel-pile supported dock suitable for the launching of non-motorized watercraft to access the marsh environment.
- b) To prevent harm to fish habitat, the following standard protocols and procedures shall be followed, as included in the December 2015 Supplementary Fish Habitat Impact Assessment prepared by Blythe and Associates:
 - i. Seasonal-residential building envelopes shall be sited at least 15 metres back from the edge of the lake;

- ii. Any fill materials used to elevate the building site shall be protected with adequate sediment and erosion control measures that shall be maintained until the areas of disturbed and unconsolidated soils are revegetated or stabilized by other permanent methods; and
- iii. A shoreline vegetation buffer zone of 5 metres shall be maintained in a natural state, save for periodic pruning of brush to facilitate access to the non-motorized watercraft floating platform

8.3.12 Shoreline Residential Twenty-Four (RS-24) Zone
(Part of Lot 2, Concession 14, geographic Township of Spence)

Notwithstanding Section 4.2 or Section 3.1 in the Shoreline Residential (RS) Zone, for lands located on Part of Lot 2, Concession 14 and located in the RS-24 Zone, the following provisions shall apply:

- a) Minimum required exterior side yard of a detached garage with an area of 58 square metres shall be 0.9 metres.

8.3.13 Shoreline Residential Twenty-Five (RS-25) Zone
(Part of Lot 18, Concession 5, in the former geographic Township of Croft)

The subject lands can be developed for a residential use with no frontage on an improved public road.

The owner shall enter into an Agreement with the Municipality to acknowledge that the lands are on a private road and that the Municipality may not be able to provide emergency services should the road not be maintained by the owner.

8.3.14 Shoreline Residential Twenty-Six (RS-26) Zone
(Concession 5, Croft Plan M40, Part Block A. Parcels 25053 P.S.S.S., in the former geographic Township of Croft – 338A Cedar Croft Road)

Notwithstanding Section 4.2.2 in the Shoreline Residential (RS) Zone, the following provisions shall apply:

- Minimum Lot Area shall be 0.65 hectares; and
- Minimum Lot Frontage shall be 71 metres.

8.3.15 Shoreline Residential Twenty-Seven (RS-27) Zone
(Concession 5, Croft Plan M40, Part Block A. Parcel 8753 P.S.S.S., in the former geographic Township of Croft – 338B Cedar Croft Road)

Notwithstanding Section 4.2.2 in the Shoreline Residential (RS) Zone, the following provisions shall apply:

- Minimum Lot Area shall be 0.85 hectares;

- Minimum Lot Frontage shall be 67 metres; and
- Minimum Exterior Side Yard Setback shall be 3 metres.

8.3.16 Shoreline Residential Twenty-Eight (RS-28) Zone

(Part of Lot 15, Concession 8, PCL 422, geographic Township of Croft)

Notwithstanding Section 4.2.2 to the contrary, within the Shoreline Residential Exception Twenty-Eight (RS-28) Zone, a 13.4 metre front yard setback shall be permitted.

9 | VILLAGE RESIDENTIAL ZONE (RV)

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

9.1 Permitted Uses

- Single Detached Dwelling
- Semi-Detached Dwelling
- Duplex Dwelling
- Converted Dwelling
- Type “A” Home Occupation
- Convenience Retail Store

9.2 Regulations for Permitted Uses

i)	Minimum Lot Area	-	0.4 ha
ii)	Minimum Lot Frontage	-	20.0 m
iii)	Minimum Front Yard	-	6.0 m
iv)	Minimum Interior Side Yard	-	3.0 m
v)	Minimum Exterior Side Yard	-	6.0 m
vi)	Minimum Rear Yard	-	7.5 m
vii)	Maximum Lot Coverage	-	20%
viii)	Maximum Height	-	10.7 m

9.3 Exceptions

10 | MULTIPLE RESIDENTIAL ZONE (RM)

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

10.1 Permitted Uses

- Detached dwelling
- Duplex dwelling
- Semi-detached dwelling
- Converted dwelling
- Four-plex dwelling
- Retirement Home
- Six-plex dwelling
- Special Needs Housing
- Townhouse dwelling
- Triplex dwelling units
- Apartment units

10.2 Regulations for Permitted Uses

i)	Minimum Lot Area	- 1.0 ha
ii)	Minimum Lot Frontage	- 40 m
iii)	Minimum Front Yard	- 6.0 m
iv)	Minimum Interior Side Yard	- 6.0 m
v)	Minimum Exterior Side Yard	- 6.0 m
vi)	Minimum Rear Yard	- 7.5 m
vii)	Maximum Lot Coverage	- 30%
viii)	Maximum Building Height	- 10.7 m

10.3 Regulations for Retirement Homes

A retirement home, shall be permitted in the Multiple Residential Zone subject to the following provisions:

- i) Minimum Open Space - 20%
- ii) Maximum unit size - 150 m²
- iii) All entrances shall be at grade.

10.4 4.4.4 Exceptions

11 | RESIDENTIAL MOBILE HOME ZONE (RMH)

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

11.1 Permitted Uses

- Mobile Home
- Community Centre
- Common Recreational, Commercial and Service Facilities

11.2 Regulations for Permitted Uses

i)	Minimum Lot Area	1.0 ha
ii)	Minimum Lot Frontage	100.0 m
iii)	Minimum Front Yard	30.0 m
iv)	Minimum Interior Side Yard	7.5 m
v)	Minimum Exterior Side Yard	15.0 m
vi)	Minimum Rear Yard	7.5 m
vii)	Maximum Lot Coverage	5%
viii)	Maximum Height	9.0 m
ix)	Minimum Ground Floor Area	65.0 m ²
x)	Minimum Mobile Home Site Size	195 m ²

11.3 Common Recreational Areas, Commercial and Service Facilities

No less than 10% of the total area of any mobile home community establishment shall be devoted to common recreational areas and facilities, such as playgrounds, swimming pools, community buildings and pathways for pedestrian and cyclists

At least one principal common recreational area shall contain not less than 5% of the total area of the community. These common areas, services and facilities are intended to serve only the mobile home community.

11.4 Servicing

Every mobile home park shall be serviced with an approved gas, water, sewer and electrical distribution system with connections thereto on every mobile home site.

11.5 Exceptions

12 | GENERAL COMMERCIAL ZONE (CG)

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

12.1 Permitted Uses

- Auto-oriented Uses
- Bank or Financial Institutions
- Business, Professional and Administrative Offices
- Building Supply and Lumber Outlet
- Clinic
- Garden Centre
- Community Centre
- Country Market/ Flea Market
- Day Care Facilities
- Light Equipment Sales and Rental Establishment
- Golf Course
- Marina Sales And Service Establishment
- Motel, Hotel
- Parking Lot
- Place Of Worship
- Post Office
- Public Or Private Club
- Restaurant Or Tavern
- Retail Store
- Service Commercial Uses
- Residential Dwelling Units located on the second storey of a building or to the rear of the main building

12.2 Regulations for Permitted Uses

i)	Minimum Lot Area	1.0 ha
ii)	Minimum Lot Frontage	60.0 m
iii)	Minimum Front Yard	15.0 m
iv)	Minimum Interior Side Yard	6.0 m
v)	Minimum Exterior Side Yard	15.0 m
vi)	Minimum Rear Yard	10 m
vii)	Maximum Lot Coverage	50%
viii)	Maximum Height	10.7 m

12.3 Setbacks from Residential Lot

Where a commercial use abuts any lot used for residential purposes, the minimum yard setback from the residential lot shall be 3.0 metres (10 ft).

12.4 Exceptions

12.4.1 General Commercial Exception One (CG-1) Zone

Part of Lot 26, Concession 7, geographic Township of Chapman (346 River Road) Gindl

Notwithstanding the permitted uses in the General Commercial (CG) Zone to the contrary, a commercial airfield, including a flying school, tours, aircraft rental, aircraft maintenance and accessory uses shall be permitted in the General Commercial Exception One (CG-1) Zone.

In all other respects the provisions of this By-law shall apply.

12.4.2 General Commercial Exception Two (CG-2) Zone

(Part of Lot 1, Concession 8, Part 1 of Plan 42R-4455, in the Former Township of Croft – Davis)

No person shall within any General Commercial Exception Two (CG-2) Zone, use any land or erect, alter or use any building or structure except for a heavy equipment and motor vehicle repair garage, including the repair of dump trucks, and roads and landscaping equipment, in an enclosed building, in accordance with the following:

i)	Maximum Height	14 metres
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- ii) Minimum setback from any residential lot line 70 metres

In all other respects, the provisions of this By-law shall apply.

*12.4.3 General Commercial Exception (CG-3) Zone
(Part of Lot 35, Concession 8, Chapman)*

In addition to the permitted uses in the General Commercial (CG) Zone, on lands in Part of Lot 35, Concession 8 and located in the CG-3 Zone, additional permitted uses shall include a mini-storage facility and a storage and/or maintenance building for a dry-mix cement business. For the purpose of the CT-3 Zone, the following definition of mini-storage shall apply:

13 | VILLAGE CORE (VC) ZONE

No person shall within any Village Core Commercial (CV) Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

13.1 Permitted Uses

- Auto-oriented Uses
- Bank Or Financial Institutions
- Offices
- Clinic
- Community Centre
- Country Market/ Flea Market
- Day Care Facilities
- Light Equipment Sales and Rental Establishment
- Motel, Hotel
- Personal Service Shop
- Parking Lot
- Place Of Worship
- Post Office
- Public Or Private Club
- Restaurant or Tavern
- Retail Store
- Service Shop
- Apartment Dwelling Units

13.2 Regulations for Permitted Uses

i)	Minimum Lot Area	0.4 ha
ii)	Minimum Lot Frontage	20 m
iii)	Minimum Front Yard	NIL
iv)	Minimum Interior Side Yard	3.0 m
v)	Minimum Exterior Side Yard	6.0 m
vi)	Minimum Rear Yard	10.0 m
vii)	Maximum Lot Coverage	50%
viii)	Maximum Height	10.7 m

13.3 Setbacks from Residential Lot

Where a commercial use abuts any lot used for residential purposes, the minimum yard setback from the residential lot shall be 3.0 metres.

13.3.1 Regulations for Apartment Dwellings

Within the VC Zone, apartment dwellings will generally be located on the upper floors of commercial establishments. An apartment dwelling unit or dwelling units may be permitted on the ground floor of a commercial establishment, provided that such unit are located to the rear of a commercial use and provided that the required separations between the two uses are in place. In no case shall the ground floor apartment unit(s) occupy more than 50% of the ground floor area. For the purposes of this regulation, one (1) or more apartment dwellings may be permitted.

13.4 Exceptions

13.4.1 Village Core Commercial Exception One (CV-1) Zone, (South Part of Lot 6, Plan 319, Church Street, Village of Magnetawan)

Notwithstanding the Permitted Uses in the Village Core Commercial (CV) Zone and definitions in the By-law, to the contrary, on lands within the Village Core Commercial Exception One (CV-1) Zone, the parking and accessory repair of motor vehicles, including industrial and farm equipment shall be permitted.

In all other respects, the provisions of this By-law shall apply.

14 | TOURIST COMMERCIAL (CT) ZONE

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

14.1 Permitted Uses

- Cabin Establishment
- Camping Establishment
- Cottage Establishment
- Golf Course
- Hotel
- Marina
- Motel
- Restaurant
- Summer Camp
- Tavern
- Tourist Establishment
- Accessory Assembly Hall
- Accessory Convenience Store or Sub-Post Office
- Accessory Single Detached Dwelling

14.2 Regulations for Permitted Uses

i)	Minimum Lot Area	1.6 ha
ii)	Minimum Lot Frontage	120.0 m
iii)	Minimum Front Yard	30.0 m
iv)	Minimum Interior Side Yard	15.0 m
v)	Minimum Exterior Side Yard	30.0 m
vi)	Minimum Rear Yard	15.0 m
vii)	Maximum Lot Coverage	20%

viii)	Maximum Height	10.7 m
ix)	Minimum Frontage on a Waterbody	6.0 m/unit
x)	Maximum Density	10 units/ha

14.3 Regulations for Camping, Cottage and Cabin Establishments

i)	Minimum Site Area	150.0 sq m
ii)	Minimum open space	50% of total park
iii)	Maximum lot coverage by all sites and all related and accessory buildings and structures	5% of total park
iv)	minimum amenity area	10% of total park

14.4 Exceptions

14.4.1 Tourist Commercial Exception (CT-1) Zone (Part of Lots 28 and 29, Concession 5, Chapman)

Notwithstanding, the permitted uses in the Tourist Commercial (CT) Zone, on lands in Part of Lot 28 and 29, Concession 5 and located in the CT-1 zone, the only permitted uses shall be three rental cabins, an office, ancillary storage and commercial tourist recreation amenities.

Furthermore, notwithstanding Section 3.14 Minimum Opening Elevation, on lands located in the CT-1 Zone, up to three rental cabins may be established at 284.67 CGD.

14.4.2 Tourist Commercial Exception (CT-2) (H) Zone (Part of Lots 28 and 29, Concession 5, Chapman)

Notwithstanding, the permitted uses in the Commercial (CT) Zone, on lands in Part of Lot 28 and 29, Concession 5 and located in the CT-2 Zone, the only permitted uses shall be a light equipment sales and rental establishment, a marine sales and service establishment and a detached dwelling. For the purpose of the CT-2 Zone, a tractor sales and repair business shall be considered a light equipment sales and rental establishment. Furthermore, in the CT-2 Zone, the following additional provisions shall apply:

- a) minimum setback from any interior or rear zone boundary shall be 10 metres;

- b) the area used for open storage may not exceed 4,000 square metres;
- c) open storage shall not include salvage or wreckage uses;

The Holding symbol shall be removed upon completion to Council's satisfaction of a site plan and site plan agreement.

3.5. TOURIST COMMERCIAL ZONES

No person shall use any land or erect, alter or use any *building or structure* for any *use* in the Tourist Commercial Zones except in accordance with the following:

3.5.1. The following *uses* are permitted within the Tourist Commercial Zones:

PERMITTED USE	CT1	CT2	CT3
	Tourist	Camping	Marina
<i>Accessory Dwelling Unit (*1)</i>	•	•	•
<i>Accessory Apartment Dwelling Unit (*1)</i>	•	•	•
<i>Assembly Hall</i>	• (*5)	• (*5)	
<i>Camping Establishment</i>		•	
<i>Convenience Store (*2)</i>	•	•	•
<i>Hotel</i>	•		
<i>Marina</i>			•
<i>Motel</i>	•		
<i>Open Air Farmer's Market</i>	•		
<i>Outside Display and Sale (*3)</i>	•	•	•
<i>Parking Area</i>	•		
<i>Place Of Entertainment</i>	•		
<i>Recreation Facilities</i>	•	• (*5)	
<i>Restaurant</i>	•	• (*5)	• (*5)
<i>Restaurant, Drive-Thru</i>	•		
<i>Retail Store (*4)</i>	•	•	•
<i>Tourist Establishment</i>	•		

3.5.2. The following notations apply to Section 3.5.1 where indicated:

- (*1) A maximum of one of either an *Accessory Dwelling Unit* or *Accessory Apartment Dwelling Unit* is permitted.
- (*2) A *Convenience Store* is permitted as an *accessory use* only and up to a maximum *gross floor area* of 350 m².
- (*3) Permitted only as an *accessory use* and in accordance with Section 4.18.
- (*4) A *Retail Store* is permitted only as *accessory uses*, provided that the *use* does not exceed a *gross floor area* of 350 m².
- (*5) Permitted as an *accessory use* only.

SECTION 3: ZONE PROVISIONS

3.5.3. The following zone standards apply to Tourist Commercial Zones:

3.5.3.1. Tourist Commercial Zone Standards

ZONE	TOURIST COMMERCIAL ZONE		
	CT1	CT2	CT3
Minimum <i>Lot Area</i> :	1.2 ha (*1)	4 ha (*1)	0.8ha (*1)
Minimum <i>Lot Frontage</i> :	45 m (*1)	100 m (*1)	75 m (*1)
Minimum <i>Yard Requirements</i> :			
<i>Front Yard</i>	12 m	15 m	20 m
<i>Exterior Side Yard</i>	12 m	15 m	15 m
<i>Interior Side Yard</i>	6 m (*2)	15 m	6 m (*2)
<i>Rear Yard</i>	7.5 m	15 m	15 m
Maximum <i>Lot Coverage</i>	35%	35%	35%
Minimum <i>Landscaped Area</i>	20%	10%	10%
Maximum <i>Height</i>	9 m	9 m	9 m
Min. Setback from Centerline of <i>Road</i>			
<i>Provincial</i>	30.5 m	33.5 m	33.5 m
<i>District</i>	25 m	28 m	28 m
<i>Other</i>	22 m	25 m	25 m
Additional Zone Standards	(*3)	(*4) (*5)	(*6)

15 | EMPLOYMENT (MG) ZONE

No person shall within any Employment Zone (MG) use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

15.1 Permitted Uses

- Auto-oriented uses
- Agriculturally and resource related industrial uses,
- Processing and storage of agricultural commodities, including light manufacturing,
- Processing of semi-manufactured goods,
- Assembly of manufactured goods,
- Warehousing, wholesale distribution centres,
- Research facilities.
- Beer, wine and/or alcohol manufacturing facilities
- Building supply and lumber outlet
- Cartage or transport depot
- Contractor facilities
- Dry cleaning establishment
- Equipment sales, rental and service establishment
- Fuel storage establishment
- Garden centre
- Motorcycle/off-road vehicle sales and service establishment
- Municipal works yard
- Propane container refill station
- Recycling operations
- Rental outlet
- Service shop
- Warehousing and distribution centre
- Commercial parking lot
- Sawmill
- Salvage or wrecking yard

- Wood products or planing mill
- Workshop
- Restaurant

15.2 Accessory Uses Permitted

- Single Detached Dwelling, or Dwelling Unit
- Open Storage Use of Goods or Materials

15.2.1 Uses Permitted as an Accessory Use to a Permitted Use Specified Herein

- Accessory residential dwelling unit
- Office
- Factory outlet retail establishment, including a factory outlet for the limited retail sales of products manufactured on the same premises

15.3 Regulations for Permitted Uses

i)	Minimum Lot Area	1.0 ha
ii)	Minimum Lot Frontage	90.0 m
iii)	Minimum Front Yard	15.0 m
iv)	Minimum Interior Side Yard	6.0 m
v)	Minimum Exterior Side Yard	10.0 m
vi)	Minimum Rear Yard	15.0 m
vii)	Maximum Lot Coverage	50%
viii)	Maximum Height	10.7 m
ix)	Setback from high water mark	120 m

15.4 Planting Strips

Where lands used for Employment purposes abut a Residential lot, a planting strip at least 10.0 metres wide shall be provided and maintained along that lot line so abutting.

Where a salvage or wrecking yard is permitted, a 6.0 metres wide planting strip and a solid fence at least 3.0 metres high shall be provided along that portion of the lot.

15.5 Exceptions

15.5.1 Employment - Exception One (MG-1) Zone

Notwithstanding the permitted uses in the Employment (MG) zone to the contrary, within the General Industrial Exception One (MG-1) Zone a public works yard shall also be permitted.

In all other respect the provisions of the Employment (MG) Zone shall apply.

16 | EXTRACTIVE INDUSTRIAL ZONE (MX)

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

16.1 Permitted Uses

- Pits and quarries
- The processing of natural materials including screening, sorting, washing and crushing operations
- Peat extraction
- Agricultural uses, buildings and structures accessory thereto but excluding dwellings
- Resource management uses
- Contractor's yard

16.2 Regulations for Permitted Uses

i)	Minimum Lot Area	6.0 ha
ii)	Minimum Lot Frontage	190.0 m
iii)	Minimum Front Yard	130.0 m
iv)	Minimum Interior Side Yard	120.0m
v)	Minimum Exterior Side Yard	130.0m
vi)	Minimum Rear Yard	120.0 m
vii)	Maximum Building Height	12 m

16.3 Additional Regulations for Pits and Quarries

No pit, quarry or the processing of sand, gravel or stone shall be located within 215 metres of any abutting lot in a Residential Zone.

No pit or quarry shall be located closer than 120 metres to an existing dwelling or 30 metres from a municipal road allowance lot line or watercourse.

16.4 Planting Strip Requirements

A planting strip shall be required along each front and exterior side lot line and any lot line that abuts a Residential lot. The planting strip shall have a minimum width of 15 metres (50 ft).

16.5 Exceptions

16.5.1 Extractive Industrial Exception One (MX-1) Zone (Part Lot 27, Concession 5, Chapman Muskoka Thinstone))

Notwithstanding Sections 3.32 of this Zoning By-law, on lands located in Part Lot 27, Concession 5 and zoned Extractive Industrial Exception (MX-1), the only permitted uses shall be a staging, storage and loading area together with an accessory building, all of which is accessory to an existing legal non-conforming quarry to accommodate storage and granite processing as well as administrative offices and a retail showroom.

Within the MX-1 Zone, uses which are not permitted include portable or fixed cement or asphalt plants or the stockpiling and storage of aggregate based recyclable material not originating on site.

Notwithstanding Sections 13.2., 13.3, or 13.4 to the contrary, any building in the ME-1 Zone shall maintain a minimum 50 metre setback from the front lot line and a 120 metre setback from the boundary of the Distress River Provincially Significant Wetland.

For land located within the MX-1 Zone, no building permit shall be issued until the owner enters into or amends an existing Development Agreement with the Municipality of Magnetawan.

In all other respects the provisions of this By-law, as amended, shall apply.

17 | DISPOSAL INDUSTRIAL ZONE (MD)

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

17.1 Permitted Uses

- Approved Solid Waste Land-Fill Site or Management Facility
- Approved Recycling Facility
- Salvage Yard
- Wrecking Yard
- Open Storage
- Approved Sewage Lagoon

17.2 Regulations For Permitted Uses

i)	Minimum Lot Area	10.0 ha
ii)	Minimum Lot Frontage	60.0 m
iii)	Minimum Front Yard	60.0 m
iv)	Minimum Interior Side Yard	60.0m
v)	Minimum Exterior Side Yard	60.0m
vi)	Minimum Rear Yard	60.0 m
vii)	Maximum Lot Coverage (including any open storage use)	35%
viii)	Maximum Height	12.0 m
ix)	Setback from residential uses	500 m
x)	Setback from municipal road allowances and watercourses	500 m
xi)	minimum landscaped open space	20%

17.3 Planting Strip and Fencing Requirements

A planting strip and fence shall be required along each front and exterior side lot line and any lot line that abuts a Residential lot. The planting strip shall have a minimum width of 15 metres. A solid fence at least 3.0 metres high shall also be provided along that portion of the lot.

17.4 Exceptions

18 | INSTITUTIONAL ZONE (I)

No person shall within any Institutional (I) Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

18.1 Permitted Uses

- Ambulance station
- Banquet hall
- Offices
- Community centre
- Day nursery
- Fire station
- Library
- Long-term care facility
- Municipal office
- Museum
- Public works yard
- Place of worship
- School

18.2 Regulations for permitted uses

i)	Minimum lot area	0.5 ha
ii)	Minimum Lot Frontage	30 m
iii)	Minimum Front Yard	7.5 m
iv)	Minimum Interior Side Yard	3.0 m
v)	Minimum Exterior Side Yard	7.5 m
vi)	Minimum Rear Yard	7.5 m
vii)	Maximum Lot Coverage	35%
viii)	Minimum Landscaped Open Space	10%
ix)	Maximum Height	12 m

18.3 Planting Strip

In any yard abutting a Residential Zone a planting strip having a minimum width of 3.0 metres shall be required.

18.4 Exceptions

19 OPEN SPACE ZONE (OS)

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

19.1 Permitted Uses

- Public Park
- Resource Management Activities, Excluding Buildings, Structures or Dwellings
- Accessory Marine Facility
- Accessory Boathouse

19.2 Regulations for Permitted Uses:

No buildings or structures including accessory buildings or structures with the exception of pump houses and buildings and structures for flood and erosion control are permitted with 30 metres in the Open Space (OS) Zone unless specifically provided for in this By-law.

19.3 Regulations for Marine Facilities and Boathouses

Marine facilities and boathouses shall be permitted in the Open Space (OS) Zone provided that they are accessory to the permitted uses in the zone on the pertaining lands.

19.4 Exceptions

20 | CEMETERY (C) ZONE

No person shall within any Cemetery (C) Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

20.1 Permitted Uses

- Cemetery
- Crematorium
- Columbarium
- Crypt
- Funeral visitation centre or chapel
- Office Use/Office Building in conjunction with a cemetery use
- Maintenance Buildings in conjunction with a cemetery use
- Accessory outdoor storage associated with a cemetery use
- Buildings accessory to the permitted uses, including an office, maintenance building,

20.2 Zone Regulations

i)	Minimum Lot Area	as existing
ii)	Minimum Lot Frontage	as existing
iii)	Minimum Front Yard	6.0 m
iv)	Minimum Interior Side Yard	6.0 m
v)	Minimum Exterior Side Yard	12.0 m
vi)	Minimum Rear Yard	12.0 m
vi)	Minimum Lot Coverage, for all buildings	20%
vi)	Maximum Height, for all buildings	12.0 m

20.2.1 Graves and Grave Markers

Graves and grave markers shall be setback a minimum of 3 metres from any lot line.

20.2.2 Driveways

Driveways (cemetery roads) may have a 0 metre setback to a lot line.

20.2.3 Parking and Loading Spaces

The following parking requirements shall apply:

- i) Mausoleum/Chapel – Minimum of 10 parking spaces for each building;
- ii) Office - Minimum of 5 parking spaces;
- iii) Crematorium – Minimum of 2 parking spaces;
- iv) Maintenance Building – Minimum of 6 parking spaces
- v) Bicycle Parking – None
- vi) Loading Spaces – None

20.2.4 Crematorium

A crematorium shall be setback a minimum of 300 metres from the boundary of any property on which a residential use is located.

21 | ENVIRONMENTAL PROTECTION (EP) ZONE

The Environmental Protection (EP) Zone supports the enhancement and protection of natural features within the Municipality. The EP Zone recognises and protects Provincially Significant Wetlands, Locally Significant Wetlands, Deer Habitat, Habitat or Rare and Endangered Species, Significant Fish Habitat and Significant Wildlife Habitat. No development is permitted within these features.

21.1 Permitted Uses

- Conservation Uses
- Flood and Erosion Control Structures
- Parks and Open Spaces
- Existing Agricultural Uses
- Public and Private Utilities
- Required vehicular, accessible and bicycle parking facilities, where accessory to a permitted use on the same lot
- Transportation infrastructure, including public streets, transit facilities, any properly authorized traffic sign or signal, or a railway line
- Any sign or notice of the Municipality or other government authority

21.2 Permitted Buildings and Structures

Notwithstanding the identified list of permitted uses, no building or structures shall be erected or used, on lands identified as Provincially Significant Wetlands, Locally Significant Wetlands, Deer Habitat, Habitat or Rare and Endangered Species, Significant Fish Habitat and Significant Wildlife Habitat.

Buildings or structures used for forestry uses, wildlife and fish management uses, storm water management, and passive, outdoor recreational purposes. May be permitted on Adjacent Lands in accordance with the policies of Section of the Official Plan for the Municipality of Magnetawan, the Provincial Policy Statement 2020, and the Growth Plan for Northern Ontario.

21.3 Site Alteration, Grading and Fill Placement

No site alteration, grading, or fill placement is permitted.

21.4 Flood and Erosion Control Structures

Notwithstanding any provisions of this By-law to the contrary, flood and erosion control structures are permitted within the EP Zone.

Adjacent lands are the lands adjacent to a natural heritage feature within which potential impacts of a development proposal must be considered. For the purposes of this Official Plan, adjacent lands are defined as all lands within: · 120 metres of the boundary of a Provincially Significant Wetland or unclassified wetland in excess of 0.8 ha; · 50 metres of the boundary of other wetlands; · 30 metres of any watercourse; · 50 metres from the boundary of a Provincially or Regionally Significant Area of Natural and Scientific Interest; · 120 metres from a significant habitat of an endangered or threatened species; · 120 metres from the boundary of a significant fish habitat area; and · 120 metres from the boundary of a significant wildlife habitat.

21.5 Zone Regulations

Within the Environmental Protection (EP) Zone, permitted buildings shall be set back a minimum of 6 metres from any Lot Line that abuts a Public Street.

22 | TEMPORARY USES

Where on Schedules to this By-law, a symbol “T”, and a number, identify a property that is subject to a temporary use permission one or more additional but temporary uses are permitted on the lands noted until the permission granted by the site specific Temporary Use By-law expires in accordance with the policies of the Official Plan and Section 39 of the Planning Act, R.S.O. 1990, c.P.13, as amended. **Table 2**, below, identifies the Temporary Use Zones within the Municipality.

TABLE 2: TEMPORARY USES

Symbol	Zone Designation	Property/Legal Description	Temporary Uses Permitted	Date Enacted	Expiry Date
T1	CV	All lands in the zone	Tents and Trailers may be used for purposes permitted in the By-law. No additional parking shall be required.		

23 | DEFINITIONS

A

“ Accessory”

means a use, separate building or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure and, in the case of a building or structure, may or may not be attached to the main building on the same lot.

“Accessory Building”

means a building or structure that is incidental, subordinate and exclusively devoted to a main building or structure and located on the same lot.

“Accessory Use”

means a use that is incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same lot.

“Additional Residential Unit (Attached)”

means a self-contained residential unit with kitchen and bathroom facilities within a single detached or semi-detached dwelling on the same lot that accommodates the primary dwelling unit.

“Additional Residential Unit (Detached)”

means a self-contained residential unit with kitchen and bathroom facilities within an accessory building on the same lot that accommodates the primary single detached or semi-detached dwelling unit, but does not include a boathouse.

“Adjacent Lands”

means the lands adjacent to a natural heritage feature within which potential impacts of a development proposal must be considered. Adjacent lands are defined as all lands within:

- i) 120 metres of the boundary of a Provincially Significant Wetland or unclassified wetland in excess of 0.8 ha;

- ii) 50 metres of the boundary of other wetlands; ·
- iii) 30 metres of any watercourse; ·
- iv) 50 metres from the boundary of a Provincially or Regionally Significant Area of Natural and Scientific Interest; ·
- v) 120 metres from a significant habitat of an endangered or threatened species; ·
- vi) 120 metres from the boundary of a significant fish habitat area; and ·
- vii) 120 metres from the boundary of a significant wildlife habitat.

“Aggregate”

Gravel, sand, clay, earth, shale, stone limestone, dolostone, sandstone, marble, granite, rock, other than metallic ores, or other prescribed materials under the Aggregate Resource Act.

“Agricultural Building”

means any building or structure customarily used in connection with an agricultural use other than a residence.

“Agricultural Uses”

means:

- i) Growing of crops, including nursery, biomass, and horticultural crops;
- ii) Raising of livestock;
- iii) Raising of other animals for food, fur or fibre, including poultry and fish;
- iv) Aquaculture;
- v) Apiaries;
- vi) Limited on-site processing activities;
- vii) Associated on-farm buildings and structures; and,
- viii) Farm help accommodations,

but shall not include Cannabis Production and Processing.

“Agriculture-Related Uses”

means farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity, including a farm produce outlet.

“Agri-Tourism Uses”

means those farm-related tourism uses, including limited accommodation such as a bed and breakfast and country inns, that promote the enjoyment, education or activities related to the farm operation or in proximity to farm operations.

“Airfield, Private”

means land used for the purpose of the landing, storing, taxiing or taking off of private aircraft, but not an airport under the regulation of the Ministry of Transport.

“Alter”

a) when used in reference to a building or structure or part thereof means:

1. To change any one or more of the external dimensions of;
2. To make any change in the supporting members or to the type of construction of the exterior walls or roof thereof; or,
3. To alter the use thereof.

b) when used in reference to a lot:

1. To change the lot area, lot depth, lot frontage, water frontage or lot coverage thereof;
2. To change the width, depth or area of any yard, court, setback, landscaped open space or parking area thereon;
3. To change the location of any boundary of such lot, whether such alteration is made by conveyance or alienation of any portion of such lot or otherwise; or,
4. To alter the use thereof; or,

c) when used in reference to a use:

1. To discontinue and replace, in whole or in part, a use specifically defined herein with any other use specifically defined herein or with any use not specifically defined herein;
2. In the case of an industrial use, to change the mode of operation thereof or the type of commodity being produced or processed,
3. In the case of a residential use, to change the number of dwelling units or guest rooms in a dwelling or rooming house, or to change the number of mobile home dwellings in a mobile home park; or,
4. In the case of a use not specifically defined herein, to change in any way the type or scale thereof.

ALTERED and ALTERATION have corresponding meanings.

“Apartment Building”

means a building that has five or more dwelling units and each dwelling unit has a separate entrance through a common interior area. A building that was originally constructed as a detached house, semi-detached house or townhouse and has one or more additional residential units is not an apartment building.

“Assembly Hall”

means a building or structure, or part thereof, where facilities are provided for civic, educational, musical, recreational, theatrical, political, religious or social events, including, without limiting the generality of the foregoing, a recreation and community centre, auditorium, cinema, theatre, playhouse, opera house, concert hall, public museum, exhibition hall, convention centre and community social centre, but does not include any place of amusement, commercial recreation centre, place of worship, stadium or drive-in theatre as defined herein, or any retail store or restaurant except as an accessory use.

“Attached”

means a building otherwise complete in itself, which depends, for structural support or complete enclosure, upon a division wall or walls shared in common with adjacent building or buildings.

“Auto-Oriented Uses”

means a premises or part thereof used for the sale, rental of motor vehicles as well as for the servicing, maintenance, cleaning and repair of motor vehicles. Auto-

oriented uses includes a building or station where motor vehicle fuel and similar motor vehicle accessories are available for sale.

B

“Banquet Hall”

means a building or part thereof, used for the gathering of groups of people for a specific function including the consumption of food and drink and shall include full kitchen facilities.

“Bed and Breakfast Establishment”

means an owner-occupied dwelling where not more than three bedrooms are used or maintained for the short-term accommodation (generally less than 28 days) of the travelling public, and where meals may, or may not be provided, but does not include hotel, restaurant, short term accommodation, or lodging house, as defined in this By-law.

“Beer, Wine and/or Alcohol Manufacturing Facilities”

means the use of land, buildings or structures for the purpose of manufacturing for sale and distribution of alcoholic beverages of various types, which may include accessory sales and hospitality area.

“Below Grade”

means any part of a building that is below average finished grade adjacent to the walls of the building.

“Boathouse”

means any accessory building or enclosure in which one or more boats, personal watercraft, or float planes and related equipment, such as are stored, kept or repaired.

A two-storey boathouse maintained for the accommodation of an individual or individuals shall be considered a guest cabin for the purposes of determining the number of permitted accessory buildings on a lot.

“Boathouse, Dry-land”

means a detached accessory building comprised of a roof and walls and/or posts and located above the highwater mark and which does not have direct access to water, and used for the storage of one or more boats, personal watercraft and related equipment.

“Boat Dock”

means a structure without a roof or walls, attached to a shoreline and/or marine facility and/or the bed of a lake or waterbody on a permanent or seasonal basis, which projects into a waterbody with a finished surface above the level of the water, and which is primarily used for the mooring/dockage of watercraft and to provide access from water to land and vice-versa. A dock as defined herein shall also include any dock ramp designed to secure a dock to land and provide a means of access between land and a dock.

“Boat Launching Ramp”

means a structure or facility constructed of graded slopes, concrete slabs, pads, or planks or other material, which extends waterward of the ordinary highwater mark and used for launching and retrieval of boats by means of a trailer, hand, or mechanical device, and as designated by signage.

“Building”

means any structure greater than ten (10) square metres, whether temporary or permanent, used or intended for sheltering any use or occupancy but shall not include a fence, mobile home, travel trailer, camping trailer, truck camper, motor home, or tent.

“Building Addition”

means any structural modification or alteration that results in an increase in habitable floor area of the building served, including, but not limited to, the modification of attic, basement or garage space into habitable space or the addition of dormers.

“Building Height”

means the greatest vertical distance, measured from:

- i. the finished grade on the side of the building facing the front lot line;
- ii. the finished grade on the side of the building facing the exterior side lot line,
- iii. the side of the building facing the shoreline on a lot that abuts a watercourse,

whichever results in the greater height measurement of the building.

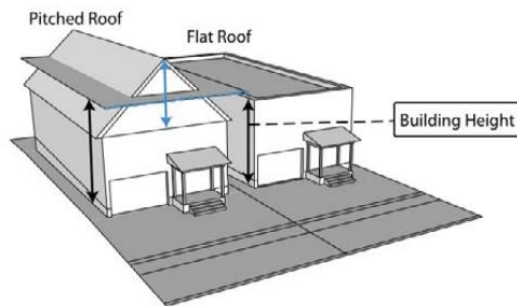
- iv. In the case of a boathouse over water, the vertical distance between the Optimal Summer Water Level,

to:

- i. the midpoint between the eave and the ridge (eg. Peak); OR
- ii. in the case of a flat roof building (i.e. no ridge) or less than 10 percent slope, the highest point of the roof surface, not including a railing; OR
- iii. in the case of an A-Frame, 75.0 percent of the distance between the finished grade measured at the midpoint of the front and rear of the building and the ridge;

For the purposes of this definition and without limiting the generality of the foregoing, antennae, chimneys, spires, cupolas, elevator penthouses, flag poles, water tanks, windmills, air conditioner ducts, farm produce storage facility, silos, a drive-in theatre screen or incidental equipment associated with internal building equipment, or other similar structures, shall be disregarded in calculating building height.

The ridge of an A-frame building shall have a maximum height of 10.1 metres when the permitted building height is 7.6 metres.



“Building Supply and Lumber Outlet”

Means a building or structure in which building or construction and home improvement materials are offered or kept for sale at retail and may include the fabrication of certain materials related to home improvements but does not include any use or activity otherwise defined or classified herein.

“Bulk Storage Tank” see “Fuel Storage Tank”

C

“Cabin”

means a single storey structure or building which is maintained for the accommodation of an individual or individuals where facilities for cooking are not provided.

“Cabin Establishment”

means a tourist establishment comprised of two (2) or more cabins arranged singled or in pairs and which does not provide cooking facilities.

“Camp Site”

means an area within a camping establishment of at least 186 square metres that is occupied on a temporary basis only, by the trailer, motorized home, truck camper, camper or tent, but not a mobile home.

“Camping Establishment”

Means a tourist establishment consisting of at least five (5) camping sites and comprising land used or maintained as grounds for the camping or temporary parking of trailers, motorized mobile homes, truck campers, campers or tents, and licensed under the Tourism Act.

“Carport”

means an accessory private garage, either attached to or detached from the main building, which is partially enclosed with a roof but open at each end and on at least one side except for any necessary structural roof supports.

“Cartage or Transport Depot”

means a building, structure or place and yard facilities where trucks or tractor trailers are rented, leased, kept for hire, or stored or parked for remuneration, or from which trucks or transports, stored or parked on the property, are dispatched for hire as common carriers, and which may include a bonded warehouse.

“Cellar”

A portion of a building below the first storey floor which is partly or wholly underground and which has more than one-half of its height from finished floor to finished ceiling or to the underside of the floor joints of the first floor, the average finished grade level adjacent to the exterior walls of the building and having a floor to ceiling height of less than 1.8 m. (6.0 ft.).

“Cemetery”

means a lot that is used for the interring of dead humans. A cemetery may include a structure for the purpose of the cremation of human remains and may include facilities for the storing of ashes of humans that have been cremated. A cemetery may also include facilities in the form of sealed crypts or compartments for the interment of human remains, but does not include a churchyard.

“Churchyard”

means the yard or ground adjoining a church, often used as a place of burial.

“Clinic”

means an establishment in which medical, dental or other professional healing treatment is given to human beings.

“Co-housing”

means a form of collective housing that is being used by a wide variety of groups, including seniors and multigenerational families. Co-housing is usually described as an intentional community of private homes clustered around shared space. It has evolved to include other options such as sharing space within a large home or sharing kitchen and common living space in one building surrounded by multiple smaller buildings containing a bedroom and private living space.

“Commercial School”

means a school operated by an individual or company on a for-profit basis, providing instruction in a specific trade, skill, vocation, service or for general learning.

“Commercial Self-storage Facility” see “Mini-storage Facility”

“Commercial Greenhouse”

means a building used for the growing of flowers, fruits, vegetables, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouse, but are sold directly from the lot either at wholesale or retail.

“Community Centre”

Means any track of land, or building, or any part of any building used for community activities without purpose of gain.

“Community Gardens”

means a parcel of land cultivated and gardened by members of the community for non-commercial purposes. For the purposes of this definition, “gardened” means to grow and care for plants and crops.

“Conservation Uses”

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

“Contractor Facilities”

means the outdoor yard of a building/landscaping construction company or contractor used as a depot for the storage and maintenance of equipment used by the contractor or company, and includes facilities for the administration of the business and the outdoor stockpiling or outdoor storage of supplies used by the business, but does not include the wholesale or retail sale of construction materials or supplies or home improvement supplies.

“Convenience Retail Store”

means a retail store serving the daily or occasional needs of the residents in the immediate area with a variety of goods such as, but not limited to, groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, stationery, hardware, magazines and newspapers. A convenience retail store shall have a maximum gross floor area of 500 square metres.

“Convention/Conference Facilities”

means a commercial establishment used for the holding of conventions, conferences, seminars, workshops, meetings, banquets, receptions or similar activities.

“Corporation”

means The Corporation of the Municipality of Magnetawan.

“Cottage”

means a building within a cottage establishment to accommodate one (1) or more guests which contains at least two (2) rooms; which is at least partially furnished; and, which provides facilities to permit the guest to prepare and cook food.

“Cottage Establishment”

means a tourist establishment comprising of two (2) or more cottages owned or leased by the same person.

“Country Market / Flea Market”

A building or track of land used for the temporary exhibit, storage and temporary retail sale of merchandise, goods, wares, produce, crafts and arts for the utilization and consumption of the general public provided that any temporary exhibit, storage and temporary retail sales occurring does not include the sale of livestock and auction sales.

“Cultural Facility”

means any building, room or area designed or utilized primarily for the presentation to the general public of live theatre, dance performances, musical concerts, cinema, lectures, exhibits of various art forms or exhibits of cultural, academic or scientific material.

D

“Day Care Facilities”

means a premises operated by a person licensed under the Child Care & Early Years Act to operate a child care centre for the purpose of providing temporary care to children for a continuous period not to exceed twenty-four (24) hours. Day care facilities may also include a premises for the purpose of providing temporary care to adults with special needs for a continuous period not to exceed twenty-four (24) hours.

“Deck”

means a roofless, unenclosed structure, accessory to a dwelling, consisting of a platform raised 0.6 metres or more above finished grade, supported by the ground with or without steps to provide access to the ground.

“Development”

means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act.

“Dock” see “Boat Dock”

“Driveway”

means a passageway that provides vehicular access to parking areas, loading spaces, buildings or structures, on a lot, from a road or private access road.

“Drive-Through Facilities”

means the use of land, buildings or structures to provide or dispense products or services through an attendant, window or automated machine to persons who are expected to remain within their motorized vehicle.

“Dry Cleaning Establishment”,

means a building used for the purpose of receiving articles or goods of fabric to be subjected to the process of dry cleaning, dry dyeing or cleaning elsewhere and for the pressing and/or distribution of any such articles or goods which have been subjected to any such process.

“Dwelling Unit”

means living accommodation for a person or persons living together as a single household unit, in which both food preparation and sanitary facilities are provided for the exclusive use of the occupants of the unit, but shall not include a unit of less than 10 m².

i) “Single Detached Dwelling”

means a building that includes a primary building with only one dwelling unit;

ii) “Semi-Detached Dwelling”

means a building that has two dwelling units, and no dwelling unit is entirely or partially above another;

iii) “Duplex Dwelling”

means a building that has two dwelling units, where one dwelling unit is entirely or partially above another; A single detached dwelling or semi-detached dwelling that has one or more additional residential units is not a duplex;

iv) “Triplex Dwelling”

means a building that has three dwelling units, with at least one dwelling unit entirely or partially above another. A single detached dwelling or semi-detached dwelling that has one or more additional residential units is not a triplex;

v) “Fourplex Dwelling”

means a building that has four dwelling units, with at least one dwelling unit entirely or partially above another. A single detached, semi-detached or townhouse dwelling that has one or more additional residential units is not a fourplex;

vi) “Townhouse Dwelling (Street)”

means a building that has three or more dwelling units, and no dwelling unit is entirely or partially above another. The dwelling units share a sidewall with a neighbouring unit and typically have a front yard and a rear yard. The front yard, and main entrance abut a public street, and vehicular access is provided directly to the unit from a public street;

vii) “Townhouse Dwelling (Block)”

means a building that has three or more dwelling units, and no dwelling unit is entirely or partially above another. They share a sidewall with a

neighbouring unit and typically have a front yard and a rear yard. The front yard, and main entrance abut a private road or laneway; and,

viii) “Apartment Dwellings”

means a self-contained residential dwelling unit in an apartment building, or incorporated into a mixed-use building.

E

“Emergency Service Facilities”

means the use of land, buildings or structures to provide for the health and safety of the community, including fire stations, police stations and ambulance stations.

“Employment Uses”

means the use of land, building or structure, or part thereof for non-noxious/non-offensive manufacturing, warehousing, distribution and/or recycling operations. Industrial uses may also include the bulk storage of goods and related accessory uses. Permitted Industrial Uses include:

i) “Manufacturing Facilities”

means the use of land, buildings or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale of any goods, substance, article, thing or service, but shall not include any handling or recycling of hazardous waste material;

ii) “Warehousing and Distribution Centres”

means a building or part thereof, which is used primarily for the storage, adapting for sale, packaging or distribution of goods and merchandise to retailers and/or individual consumers;

iii) “Recycling Operations”

means the use of land, buildings or structures for the purpose of the processing, warehousing and/or storing of waste materials that are to be reused for another purpose. All recycling operations are to be carried out within an enclosed building. A recycling operation shall not include any handling or recycling of hazardous waste material;

iv) “Municipal Works Yard”

means the use of land, buildings or structures owned and operated by the municipality used as a depot for the storage and maintenance of equipment used by the municipality, and includes facilities for the administration of the operation and the outdoor stockpiling or outdoor storage of supplies.

“Entertainment Facility”

means the use of an establishment for the provision of entertainment or amusement without the necessity of active participation by the user and shall include for example, such uses as movie theatres, bingo/gaming halls and other places of assembly.

“Equipment Sales, Rental and Service Establishment”

means a building or part of a building, structure or yard in which articles, machinery and equipment, including heavy machinery and equipment, are serviced or repaired and may be offered or kept for rent, lease or hire under agreement for compensation.

“Erect”

means to build, place, construct, reconstruct, relocate or alter by means of an addition, enlargement or extension, and includes any preliminary physical operation preparatory to such work including, but not so as to limit the generality of the foregoing, excavating, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

“Established Building Line”

means the average distance from the street line or shoreline to existing buildings in any block where more than half the frontage has been built upon, at the date of passing of this By-law.

“Existing Building”

means any existing building on a lot that legally existing as of date of approval of this Zoning By-law.

“Existing Use”

means any existing use on a lot that legally existing as of date of approval of this Zoning By-law.

“Exterior Side Wall”

means the primary exterior wall (facade) of a building, that is not a permitted projection or an attached garage or carport, which is located abutting the exterior side lot line.

F

“Factory Outlet”

means a store where manufacturers sell their products directly to the public at a heavily discounted price. The stock at a factory outlet can either be first-quality merchandise or discontinued, irregulars, cancelled orders at a very low price. also known as a factory shop.

“Farm”

“Farm Produce Retail Outlet”

“Farmer’s Market”

means a building or property where open spaces, stalls or sale areas that are not separated by permanent walls (but may have removable partitions), are leased, rented or otherwise provided to more than three individual vendors for the sale of local produce and food products as well as the goods of local artists and artisans to the general public.

“Fermenting on Premise Establishment”

means a retail facility at which customers add enzymes, yeast or other ingredients necessary to start the fermentation process to make the wine or beer; bottle the wine or beer and cork, cap or otherwise seal the bottles; and remove the wine or beer from the facility immediately after the wine or beer has been bottled and corked, capped or otherwise sealed.

“Financial Institution”

means an institution where money is deposited, kept, lent and exchanged and shall include Trust Companies, Credit Unions, banks and other similar financial institutions.

“First Floor”

means the floor of a building above a cellar or basement, or, where no basement or cellar exists, the first floor shall be that floor at, or immediately above grade.

“First Floor Height”

means the vertical height from the finished first floor elevation of the interior of the building to the ceiling of the first floor.

“Finished Grade”

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

Finished Grade, Average”

Means The average elevation of the finished surface of the ground at ground level on all sides of a building or structure.

“Flood and Erosion Control Structures”

Means structures required any structure the purpose or effect of which is to control flooding or erosion from navigable waters and includes the placement of concrete, rocks, riprap, or other significant barriers to the flow of flood waters or the movement of sediments along the shoreline.

“Floor Area, Net”

means the aggregate of the floor areas of a building above or below established grade, but excluding car parking areas within the building, stairways, elevator shafts, service/mechanical rooms and penthouses, washrooms, garbage/recycling rooms, staff locker and lunch rooms, loading areas, a public concourse or common hallway, any space with a floor to ceiling height of less than 1.8m and any part of a basement that is unfinished, is used solely for storage purposes and is not accessible to the public.

“Floodplain”

means the area, usually low lands adjoining a watercourse or waterbody, which has been or may be subject to flooding hazards.

“Floor Area, Net”

means the aggregate of the floor areas of a building above or below established grade, but excluding car parking areas within the building, stairways, elevator shafts, service/mechanical rooms and penthouses, washrooms, garbage/recycling rooms, staff locker and lunch rooms, loading areas, a public concourse or common hallway, any space with a floor to ceiling height of less than 1.8m and any part of a basement

that is unfinished, is used solely for storage purposes and is not accessible to the public.

“Fuel Storage Tank”

means tanks for the bulk storage of petroleum, gasoline, diesel or other fuels, oil, gas, propane or flammable liquid or fluid are kept an but does not include a container for flammable liquid or fluid legally and properly kept in a retail store or a tank for storage merely incidental to some other use of the premises where such tank is located.

Bulk fuel and propane storage tanks shall be installed in accordance with the provisions of the Gasoline Handling Act or the Ontario Propane Storage Handling and Utilization Code as may be applicable.

“Fuel Storage Establishment”,

means an establishment where petroleum gasoline, fuel oil, gas, propane, or other fuels are stored in tanks for wholesale distribution or bulk sales but does not include facilities for the sale of fuels for private motor vehicles.

“Funeral Visitation Centre”

means premises established for the purpose of temporarily placing human remains and may include related coordination and provision of rites and ceremonies, so that persons may attend and pay their respects. A funeral visitation centre is not a funeral home and does not include the care and preparation of human remains.

“Funeral Home”

means a premises used for providing funeral supplies and services to the public and includes facilities intended for the preparation of the human body for internment.

G

“Garage (Attached)”

means a private garage, accessory to a dwelling unit on the same lot and attached to the dwelling unit by a common wall and/or a common roof structure.

“Garage (Detached)”

means a private garage accessory to a dwelling on the same lot, but not attached to the dwelling unit by any common wall and/or any common roof structure.

“Garage Projection”

means the exterior wall of the garage, that is closer to the adjacent front or exterior side lot line than the main front wall of the building.

“Garage Width”

means the horizontal width of a garage measured between the interior faces of the walls that are perpendicular to the garage door/ garage entry.

“Garden Centre”

means a building or part of a building and/or adjacent land used for the purpose of growing and selling of plants, shrubs, trees and similar vegetation, buying or selling lawn and garden equipment, furnishings, and supplies, and may include a commercial greenhouse.

“Gazebo”

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

“Golf Course”

means a public or private area operated for the purpose of playing golf, and includes a par 3 golf course, clubhouse and recreational facilities, accessory driving ranges and miniature golf courses, and similar uses.

“Grade”

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

“Guest Cabin”

means a single storey accessory structure which is not attached to the main dwelling on a lot which is maintained for the accommodation of an individual or individuals where facilities for cooking are not provided. For the purposes of this By-law a guest cabin may include the second storey of a boathouse or other accessory building where permitted by this By-law.

H

“Habitable Building”

means a structure that is able to receive a certificate of occupancy from the Chief Building Official.

“High Water Mark”

means the mark left on vegetation, rocks or other location demarking the highest water level of a lake in flood. a mark showing the highest level reached by a body of water.

“High Water Mark, Ordinary or Maintained (OHWM)”

means the point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation or other easily recognized characteristic.

“High Water Level”

means the highest normal or controlled water level of a lake.

"Home Industry"

means a service industry or a non-effluent producing industry which is carried on, in accordance with the provisions of this By-law relative thereto, which is clearly incidental or secondary to the residential use of a single detached dwelling and is conducted within a single dwelling or in an accessory building to a single dwelling, by an inhabitant thereof.

“Home Occupation”

means any occupation which is carried on, in accordance with the provisions of this By-law relative thereto, which is clearly incidental or secondary to the residential use of a single detached dwelling and is conducted within a single detached dwelling by an inhabitant thereof.

“Hotel”

means a building or group of buildings used for the purpose of catering to the needs of the travelling public by providing short-term (generally less than one month)

commercial accommodation, with or without meals, or with small dinettes, and includes a motel, but shall not include short term accommodation, as defined in this By-law.

“Hunt Camp”

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

I, J

“Institutional Uses”

means the use of land, buildings or other structures for some public or social purpose but not for a commercial use or for commercial business purposes. Institutional uses include governmental, religious, charitable, philanthropic, or other similar non-commercial uses. Institutional uses include:

- i) “Elementary and Secondary Schools” under the jurisdiction of a Board and/or as defined in *The Education Act*;
- ii) “Places of Worship”;
- iii) “Colleges and Universities” as defined in *The Education Act*; and,
- iv) “Hospitals”, as defined by *The Public Hospitals Act*, and may include health clinics and medical laboratories.

Improved Public Road”

means a street, road or highway under the jurisdiction of the Province of Ontario or the Municipality which is maintained so as to allow normal vehicular access to adjacent properties and which, in the case of a Municipality Road, is a road for which the Municipality receives construction and maintenance subsidies from the Ministry of Transportation.

K,L

“Kennel”

An establishment where dogs, cats or other small domestic animals or household pets are bred or raised primarily for the purpose of sale, or are trained or boarded for gain or profit, but does not include a veterinary clinic.

“Landscaped Open Space”

means open space comprised of lawn, flowers, ornamental shrubs, trees or other natural vegetation. This area may include space occupied by paths, courtyards and patios, but shall not include loading or parking areas, traffic aisles, driveways, ramps, or open outside storage areas.

“Landscaped Planting Strip”

means open space comprised of fencing, lawn, flowers, ornamental shrubs, trees or other natural vegetation that abuts a defined lot line. This area may include space occupied by paths, courtyards and patios, but shall not include loading or parking areas, traffic aisles, driveways, ramps, or outdoor storage areas.

“Laundromat”

means a building or structure or part thereof where self-service or coin-operated laundry machines, using only water, detergents and additives, are made available to the public for the purpose of laundry cleaning. This definition does not include dry-cleaning, dyeing or pressing.

“Leaching Bed”

means an absorption system constructed as absorption trenches or as a filter bed, located wholly in ground or raised or partly raised above ground, as required by local conditions, to which effluent from a treatment unit is applied for treatment and disposal and that is composed of:

- a) the soil, as defined in Part 8 of Division B of the Ontario Building Code, leaching bed fill or other filter media that is contained between the surface on which the sanitary sewage is applied and the bottom of the bed;
- b) The distribution pipe and the stone or gravel layer in which the distribution pipe is located; and

- c) The backfill above the distribution pipe, including the topsoil and sodding or other anti-erosion measure, and the side slopes of any portion elevated above the natural ground elevation.

“Light Equipment and Sales and Rental Establishment”

means a building or structure or part of a building or structure in which light machinery and equipment such as air compressors and related tools and accessories; augers; automotive tools; cleaning equipment; light compaction equipment; concrete and masonry equipment; electric tools and accessories; fastening devices such as staplers and tackers; floor and carpet tools; gasoline generators; jacks and hydraulic equipment; lawn and garden tools; ladders; moving equipment; painting and decorating equipment; pipe tools and accessories; plumbing tools and accessories; pumps; hoses; scaffolding; welding equipment; and, other similar tools and appurtenances are offered or kept for rent, lease or hire under agreement for compensation, but shall not include any other establishment defined or classified in this By-law.

“Loading Space”

means an off-street space or berth located on the same lot as a permitted use and used for the parking of a vehicle loading or unloading merchandise or materials pertinent to such use.

“Lodging House”

means a residential building, or part thereof, used for communal residential occupancy where a proprietor offers lodging rooms in return for remuneration or the provision of a service, or for both. All lodging houses shall be licenced by the municipality, and are categorized as follows:

- i) “Rooming House” means a dwelling where guest rooms are offered, with or without meals, for long-term accommodation (generally more than one month). The dwelling is not owner-occupied; and,
- ii) “Boarding House” means an owner-occupied dwelling where guest rooms are offered, with or without meals, for long-term accommodation (generally more than one month).

A lodging house shall not include short term accommodation, as defined in this By-law.

“Lot”

means a parcel of land, with frontage on a public street, separate in title from any abutting land.

i) “Lot Area”

means the total horizontal area within the lot lines of a lot located above the optimal summer water level, but does not include any lands which have been filled or otherwise altered to artificially increase the area above said level.

ii) “Lot Coverage”

means the percentage of the lot area covered by the first floor of all buildings and structures on the lot including the primary building or structure and all accessory buildings or structures, but shall not include:

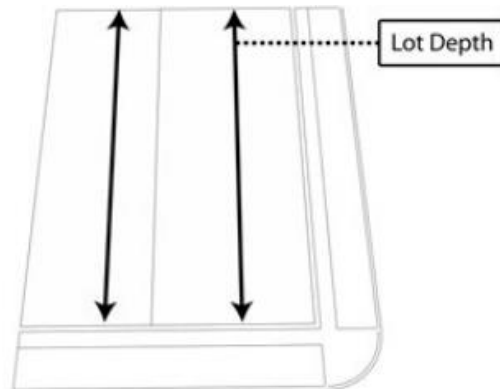
- a. a surface (unstructured) parking area,
- b. decks with a height less than 1.8 metres above grade;
- c. a septic system leaching bed.
- d. a roof overhang, if the overhang projects 1.0 metre or less from the exterior wall of the building or structure.

In the case of a boathouse, the total area of the first floor of the boathouse shall be included in the calculation of lot coverage.

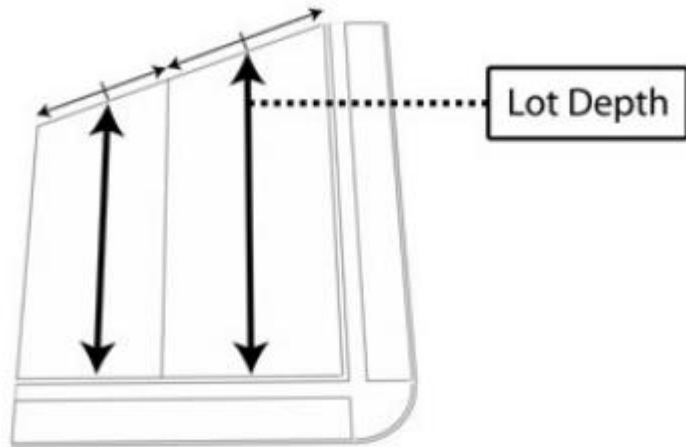
iii) “Lot Depth”

means:

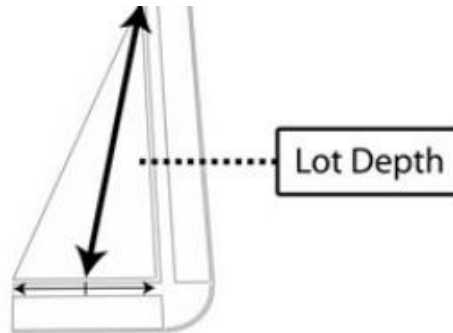
- The shortest horizontal distance between the rear lot line and the front lot line of a lot, where such lot lines are parallel;



- The horizontal distance between the mid-point of the rear lot line and the mid-point of the front lot line of a lot, where such lot lines are not parallel; or,

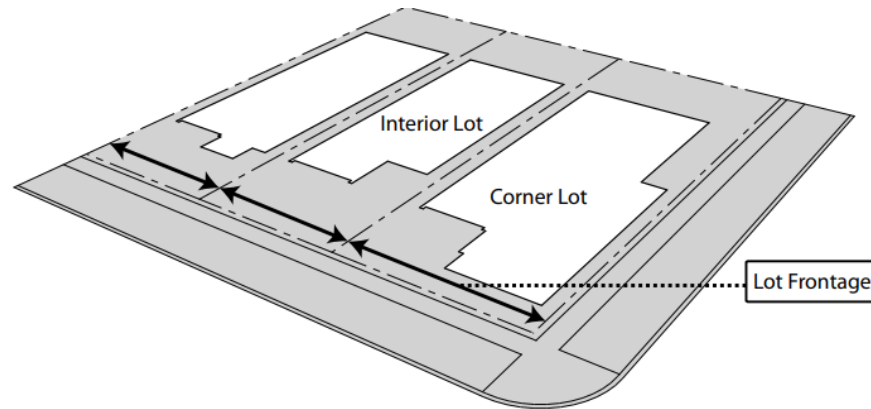


- The horizontal distance between the mid-point of the front lot line and the point of intersection of the side lot lines of a lot where there is no rear lot line; and,



iv) “Lot Frontage”

means the horizontal distance between the side lot lines of a lot, or the projection of the side lot lines, measured along a straight line drawn perpendicular to the lot centreline at the required minimum front yard setback.



“Lot Line”

means the boundary line of a lot, also commonly referred to as the property line. Lot lines include:

i) “Exterior Side Lot Line”

means, in the case of a corner lot, the longer lot line that abuts the street;

ii) “Front Lot Line”

means the lot line that divides a lot from the street. In the case of a corner lot, the shorter street line shall be deemed to be the front lot line, and the longer street line shall be deemed the exterior side lot line. In the case of a through lot, both of the lot lines abutting a street shall be deemed front lot lines;

iii) “Interior Side Lot Line”

means a lot line that connects the front lot line to the rear lot line and that does not abut a street; and,

iv) “Rear Lot Line”

means, in the case of:

- A square or rectangular lot, the lot line opposite the front lot line;
- A triangular lot, the point of the apex of the triangle furthest from the front lot line; and,
- An irregular shaped lot, the lot line or lot lines furthest from and opposite to the front lot line including any angled contiguous lot line adjoining it.

M

“Main Exterior Side Wall”

means the primary exterior wall (facade) of the building, that is not a permitted projection or an attached garage or carport, and all structural members essential to the support of a fully enclosed space or roof that faces the exterior side lot line.

“Main Exterior Front Wall”

means the primary exterior wall (facade) of the building, that is not a permitted projection or an attached garage or carport, and all structural members essential to the support of a fully enclosed space or roof that faces the front lot line.

“Marina and Marina-Related”

means a public or privately owned commercial establishment accommodating docking facilities where boats or boat accessories are berthed, stored, serviced, repaired, built or kept for sale or rent and where facilities for the sale of marine fuels and lubricants, accessory retail sales and water-taxi and barging services are provided. Boat launch and waste water pumping facilities may also be provided.

“Marine Sales and Service Establishment”

A building or part of a building and associated lands where a dealer displays new and used boats and boat accessories, as well as personal watercraft, for sale at retail or for rental, and where marine equipment is serviced or repaired and may include boat storage facilities.

“Medical Office/Clinic”

means a building or part of a building used for the practice of medical, therapeutic or dental professions, including the offices of physicians, dentists, and other health practitioners. A medical office/clinic use may include medical and dental laboratories, outpatient care facilities, blood banks, and miscellaneous types of medical services.

“Mini-Storage”

means a self-storage facility consisting of a building or buildings containing individual, self-contained units that are leased to the general public as a commercial venture for the purpose of storing personal and/or household goods.

“Mixed-Use Building”

means a purpose-built structure that includes more than one use within a shared building envelope. Within a mixed-use building, individual uses are provided with individual means of access/egress, and non-residential elements of the mixed-use building cannot be used as a dwelling unit, or any part of a dwelling unit.

“Mobile Home”

means any dwelling that is designed to be mobile, and constructed or manufactured to provide a permanent residence for one or more persons certified in accordance with C.S.A. Standard Z240 or 241, but does not include a travel trailer or tent trailer or trailer otherwise designed.

“Mobile Home Park”

means a parcel of land which is developed and managed as a unit where individual lots are made available on a rental basis for the placing of a mobile home, where the ownership and responsibility for the maintenance of private internal roads, services, communal areas and buildings, including snow plowing and removal, garbage collection, together with general park management rests with management.

“Motel”

means a structure containing a series of living or sleeping units with individual interior sanitary conveniences, including motor courts or tourist courts. All required parking is at grade and direct access is available from the parking area to the individual units.

“Motorcycle and Off-Road Vehicle Sales and Service Establishment”

means a building or structure where a licensed dealer displays new and used motorcycles and/or off-road vehicles, for sale or rent in conjunction with which there may be a vehicle repair garage and gasoline bar.

“Municipal, Provincial Works Garage”

means any land, building and/or structure owned by the Corporation of the Municipality of Magnetawan or the Province of Ontario and used for the storage, maintenance and/or repair of material, equipment, machinery and/or motor vehicle used in connection with civic works.

“Museum”

means buildings used, or to be used for the preservation of a collection of paintings or other works of art, or of objects of natural history, or of mechanical, scientific or philosophical inventions, instruments, models or designs, and dedicated to the recreation of the public, together with any libraries, reading rooms, laboratories and other offices and premises used or to be used in connection therewith.

N

“Non-Complying”

means a lot, building, or structure that does not fulfill the requirements of the Zone provisions or general provisions for the Zone within which the lot, building, or structure is located.

“Non-Conforming”

means a use on a lot, or within a building or structure, that is not permitted by the Zone within which the lot, building, or structure is located.

“Noxious and Offensive Uses”

means a use which, from its nature or operation creates a nuisance, or is liable to become a nuisance, offensive or dangerous by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust or objectionable odour, as defined by MOECP Guidelines, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste, or other material.

“Nutrient Management Plan”

means a plan prepared for the disposal of manure and other waste products of a farming operation that has been approved by the appropriate authority having jurisdiction.

O

“Off-Road Vehicle”

means all-terrain vehicles (ATVs), off-highway motorcycles or dirt bikes, utility terrain vehicles (UTVs or side-by-side vehicles), and snowmobiles.

“On-Farm Diversified Uses”

means uses that are secondary to the primary agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.

“Office/Office Uses”

means a building or part thereof, designed, intended or used for the practice of a profession, the carrying on of a commercial business, the conduct of civic/administrative, social service or institutional use, or the administration of an industry.

“Open Outside Storage”

means the storage of goods which are open to the air, and does not include storage within a building or structure.

“Outdoor Display of Goods and Materials”

means an unenclosed outdoor display area that is accessory to a retail commercial use, and is used for the display of merchandise associated with the retail commercial use.

In addition, an outdoor sales/rental area includes a lot, or portion thereof, used to display, sell, rent, or lease motor vehicles.

P, Q

“Parking Facilities”

means a lot, or part of a lot used for the parking of vehicles and available to residents, employees, clients, customers and/or the general public, with, or without a fee being charged. Parking facilities may be at-grade and open to the air, or in purpose-built structures that are at-grade, below grade and/or above grade. Parking facilities shall not include any area where vehicles are stored for sale or repair.

“Parks and Open Space”

means a publicly or privately owned open space areas specifically defined or set aside for active and/or passive recreational uses. Parks and open space includes all landscaped open space, facilities and apparatus, playing fields, trails and buildings and structures that are consistent with general outdoor recreational purposes. For further clarity, a passive park provides opportunities for outdoor recreational activities that require a minimum of facilities or development and that have minimal environmental impact on the recreational site, such as nature observation, hiking, and canoeing or kayaking.

Personal Watercraft”

means a a small recreational watercraft in which the operator is sitting, standing or kneeling on the vessel rather than being completely inside of it (as is the case with a standard boat).

“Pet Grooming”,

means the grooming of a domestic animal, including bathing, cutting of hair, trimming of nails, and other services generally associated with the act of grooming but shall exclude veterinary office/clinic, breeding, boarding, and overnight accommodation.

“Place of Amusement”

means a commercial establishment where indoor facilities are provided for participatory entertainment and amusement activities, or where exhibits are displayed for gain or profit, and includes, without limiting the generality of the foregoing, a bowling alley, pool hall, billiards parlour, arcade or game establishment, pinball arcade and wax museum.

“Place of Worship”

means a building used by a religious congregation or organization and dedicated exclusively to worship and related religious, social and charitable activities and may include a hall, an auditorium, a convent, an office for religious leaders, a children's activity room, and an attached dwelling unit for a religious leader as accessory uses.

"Plaza Complex",

means a group of commercial or industrial establishments which is planned, developed, managed and operated as a unit with shared on-site parking and containing three or more separated spaces for lease and/or occupancy.

"Porch"

means a structure with a roof and at least one side that is open and unenclosed, that is accessed by stairs from grade and which provides access to the first storey of a dwelling unit.

"Principal Use"

means the primary purpose for which a lot, building or structure is used, or is intended to be used.

"Private Club"

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

"Private Road"

means a private right-of-way over private property which affords access to abutting lots.

"Propane Container Refill Station"

means any premises to which the public is invited at which propane is sold and is put into the fuel tanks of motor vehicles or into portable containers with a capacity exceeding 0.5 kg.

"Propane Exchange Service"

means any premises at which the public can exchange an empty propane tank for a new, already refilled tank.

“Public and Private Utilities”

means any use or facility that provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection/treatment, storm water management or other similar infrastructure services.

“Public Park”

means a public playground, public recreation center or area, and other public areas, created, established, designated, maintained, provided or set aside by the Town, for the purposes of public rest, play, passive or active recreation, enjoyment or assembly, and all buildings, facilities and structures located thereon or therein.

“Public Road”

means any road, street or thoroughfare on a right-of-way owned and maintained by the County or Town to which the public has a right of use and access.

“Public Works Yard”

means any land, building and/or structure owned by a public agency and used for the storage, maintenance and/or repair of material, equipment, machinery and/or motor vehicle used in connection with civic works.

R, S

“Reconstruction”

means the act of repairing, restoring or renovating more than 50% of the GFA of an existing building to a safe or better condition but shall not constitute the demolition and replacement of a building or structure.

Recreational Area”

means a place designed and/or equipped for the conduct of sports, leisure time activities and other recreational activities, but shall not include buildings. It may include accessory structures to the principle use. It may include such items as signs, benches and goal posts.

“Recreational Facility”

means an establishment whose purpose is to refresh mind and body through physical activities such as a health club, spa, fitness studio, gymnasium, arena and any other similar sporting facilities. Seniors Centres, Youth Centres and Community Centres are recreational facilities.

“Recreational Vehicle”

means a structure designed to provide temporary living accommodation for travel, vacation, or recreational use, and to be driven, towed, parked or transported. Living accommodations may include sleeping, kitchen, bathroom, and systems for fresh and waste water, 110/12V electricity, propane, heating, air conditioning, and entertainment. It has an overall length not exceeding 13.2 meters (42' 11") and an overall width not exceeding 2.6 meters (8 ft 6 in), where the width is the sum of the distance from the vehicle centreline to the outermost projections on each side (including door handles, water connections, etc.) when the vehicle is folded or stowed away for transit. Such structures include folding camping trailers, travel trailers, fifth wheel trailers, slide-in truck campers and motorhomes. It does not include a mobile home.

“Recreational Vehicle Sales and Service Establishment”

means a building or structure where a licensed dealer displays new recreational vehicles, for sale or rent in conjunction with which there may be a recreational vehicle repair garage and gasoline bar.

“Rental Outlet”,

means a building or part thereof used for the rental of tools, appliances, office machines, recreation equipment, light construction equipment, party supplies or similar items, and includes facilities of the maintenance and repair of rental equipment, but does not include an equipment sales, rental and service establishment or the rental of motor or recreational vehicles.

“Resort”

means a tourist establishment that operates throughout all or part of the year and that has facilities for serving meals and furnishes equipment, supplies or services to persons in connection with angling, hunting, camping or recreational purposes and may include a Liquor Licensed Premises.

“Resource Management Uses”

means the preservation, protection and improvement of the natural environment through comprehensive management and maintenance, under professional direction for both the individual and society's use, both in the present and the future.

Resource Management Uses also means:

- the management, development and cultivation of timber resources to ensure the continuous production of wood or wood products, including maple syrup production;
- the provision of proper environmental conditions for wildlife;
- the protection against floods and erosion;
- the protection and production of water supplies; and
- the preservation of the recreational resource.

“Restaurant”

means a business establishment, the primary function of which is to prepare and serve food and/or drink for consumption by the public. Food may be served on the premises and/or via take-out and drive-through facilities.

“Retail Uses”

means a building or part thereof in which goods, merchandise, substances, articles or things are stored, offered or kept for sale to the public.

“Retaining Wall”

means a wall built as a grade separation structure.

“Retirement Home or Retirement Community”

A residential development consisting of a group of self-care units, either attached or detached, with ancillary facilities that provides social and recreational activities for use by its inhabitants, such facilities and forms of housing being designed for, and offered to persons who are at or near retirement age. Ancillary facilities may include nursing and medical facilities, chapels, meeting rooms, recreational facilities, therapy rooms, kiosk facilities and the like.

“Riding School with or without Boarding Stable”

Means an area of land which is used as an educational centre for horse training, handling, care, and may include facilities for the lodging of horses.

S

“Salvage or Wrecking Yard”

means a place where motor vehicles and parts are wrecked, disassembled, repaired and resold, where second-hand goods, including waste paper, bottles, automobile tires, clothing, other scrap materials and salvage are collected to be sorted and where used lumber and used building materials are stored for sale or resale.

“Sauna, Shoreline”

means a permitted shoreline accessory building which is used for steam or dry heat baths with a maximum size of 10.0 sq. m, and may include a change room..

“Sawmill”

means a building, structure or area where timber is cut or sawed, either to finished lumber or as an intermediary step.

“Sensitive Land Use”

means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effect(s) from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, daycare centres, and educational and health facilities.

“Septic System”

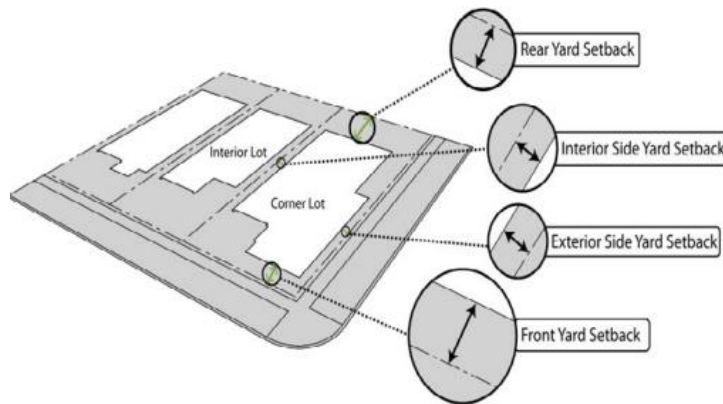
Means a leaching bed system, or a tertiary treatment system, with a treatment unit as defined by the Ontario Building Code, which meets the Treatment Unit Effluent Quality Criteria of Table 8.6.2.2 of the Ontario Building Code.

“Service Commercial Uses”

means a commercial use that provides services for sale to the public and excludes medically related functions and services.

“Setback”

means the shortest distance from a building/structure to a lot line.



“Short Term Accommodation”

means a dwelling unit or any part thereof that operates or offers a place of temporary residence, lodging or occupancy, by way of concession, permit, lease, license, rental agreement or similar commercial arrangement for any period less than a month, throughout all or any part of a calendar year. Short term accommodation uses shall not mean or include a hotel, bed and breakfast establishment, lodging house, hospital, or similar residential or commercial use.

“Sign”

means any structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, which is used to identify, advertise or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which displays or includes any letter, work, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement, that is intended to be seen from off the premises or from a parking lot.

“Site Plan”

means a scaled drawing showing the relationship between lot lines and any use, buildings or structures existing or proposed on a lot, including such details as parking areas, driveways, walkways, landscaped areas, building areas, lot sizes, buildings heights, floor areas, densities, areas for special uses, tile beds and reserve areas if required, woodlots, and contour lines.

“Special Needs Housing”

means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Special needs housing includes communal housing and housing for seniors. Examples of special needs housing may include, but are not limited to:

i) “Long-Term Care Facility”

means premises used to provide living accommodation and regular nursing care for persons of any age and which has personal and medical care facilities, common lounges and dining areas;

ii) “Residential Care Home”

means supervised living accommodation that may include associated support services, and:

- Is licensed or funded under Province of Ontario or Government of Canada legislation;
- Is for persons requiring semi-independent or supervised group living arrangements; and,
- Is for more than ten persons, exclusive of staff;

iii) “Group Home”

means supervised living accommodation that may include associated support services, and:

- Is licensed or funded under Province of Ontario or Government of Canada legislation; - Is for persons requiring semi-independent or supervised group living arrangements; and,
- Is for ten persons or less, exclusive of staff;

iv) “Respite Care Facility”

means premises used for the provision of short-term, non-emergency services for the supervised care of people of any age, in order to provide relief to their caregivers. A respite care facility may include the provision of services, such as:

- Preventive medicine;
- Counselling;
- Social, recreational or educational programs; and/ or,

- Day or overnight care;

v) “Emergency Housing Facility”

means premises used for the provision of short-term, emergency services for the supervised care of people of any age. An Emergency Housing Facility may include the provision of services, such as:

- Preventive medicine;
- Counselling; and/or,
- Day or overnight care; and,

vi) “Community House”

means a premises providing semi-independent living accommodation for residents primarily in bed-sitting rooms, if there is:

- A maximum of two persons for each bed-sitting room;
- Accommodation for one staff person per five bedsitting rooms; and,
- A common lounge and dining area.

“Specialized Farm”

means one on which 50 per cent or more receipts are derived from one source, or commodity for market such that the farmer depends on a single source of income.

“Storage Container /Shipping Container

means the trailer portion of a tractor-trailer unit or transport truck without the running gear, or a rail or sea container which is traditionally used for the shipping and transportation of goods and materials.

“Storey”

means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

“Storey, One-Half”

means the portion of building situated wholly or in part within a sloping roof and in which there is sufficient space to provide a height between finished floor and finished ceiling sufficient to meet the requirements of the Building Code, over a floor area equal to at least 50 percent of the area of the floor next below.

“Storey, Two”

means a building having two floors or levels.

“Street”

means a public highway as defined by “The Municipal Act” and “The Highway Traffic Act” and shall exclude a lane or any private right-of-way or unopened road allowance, or any street which is shown on a Registered Plan of Subdivision that has been deemed not to be a registered plan of subdivision under “The Planning Act”, or has not been assumed by the Municipality

“Street Line”

means a lot line dividing a lot from a public road and is the limit of the road allowance.

“Summer Camp”

means a camp which is privately owned and operated, or a camp which is operated by a charitable corporation approved under The Charitable Institutions Act, as amended, or a camp within the meaning of the regulations made under The Public Health Act, as amended.

T

“Tavern”

means a building or part thereof at which alcoholic beverages may be prepared and served for consumption on the premises with or without food.

“Theatre”

means a place of public assembly intended for the production and viewing of the performing arts or the screening and viewing of motion pictures and consisting of an auditorium with permanently fixed seats solely for a viewing audience.

“Tiny Home”

means a ground-oriented permanent dwelling that is detached, moveable and non-motorized, small in size (less than 50m²) and using a compact design.

“Tourist Establishment”

means any premises operated to provide sleeping accommodation for the traveling public or sleeping accommodation for the use of the public engaging in recreational activities, and includes the services and facilities in connection with which sleeping accommodation is provided including a resort and a cottage establishment but does not include:

- a) A camp operated by a charitable corporation approved under The Charitable Institutions Act, as amended;
- b) A summer camp within the meaning of the regulations made under The Health Protection and Promotion Act, as amended; or
- c) A club owned by its own members and operated without profit or gain.

“Trailer”

means any vehicle having a floor area less than 60 square metres so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, and capable of being used for the living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked-up or that its running gear is removed, but does not include a mobile home. For the purpose of this bylaw, a trailer is considered a "building".

“Trailer, Construction”

means any trailer designed to be temporarily located on a parcel of land during the construction of a building or the development of land utilized for temporary shelter and/or the storage of equipment related to the construction occurring on the land and having the running gear and towing equipment permanently attached.

“Trailer, Travel or Tent”

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

“Truck Camper”

Means any unit so constructed that it 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.

U, V, W

“Use”

means the purpose for which a lot, building, structure, or any combination thereof, is designed, arranged, intended, occupied, utilized, or maintained, and “used” shall have a corresponding meaning.

“Vehicle”

means a vehicle as defined in the Highway Traffic Act.

“Veranda”

means an unenclosed structure attached to a building having a floor and roof.

“Veterinary Office/Clinic”

means a facility where animal care or treatment is provided by one or more veterinarians and may include the temporary indoor housing of animals so cared for or treated.

“Waste Disposal Site”

means a “Waste Disposal Site” as defined by *The Environmental Protection Act*.

“Wetland”

means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.

Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition

“Wildlife and Fisheries Management Uses”

means the management of wildlife and fish habitats and populations for the purpose of sustaining and improving the quality and quantity of wildlife and fish.

Y, Z

“Yard”

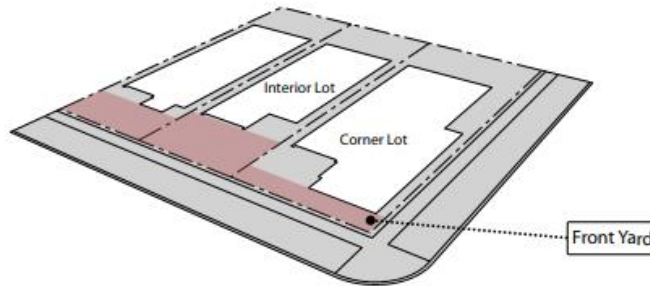
means the horizontal distance between a lot line and an exterior building wall.

i) “Exterior Side Yard”

means a yard extending from the front yard to the rear yard and from the exterior side lot line to the nearest part of the building, or structure of the lot;

ii) “Front Yard”

means a yard extending across the full width of a lot between the front lot line and the nearest part of the building, or structure on the lot;



iii) “Interior Side Yard”

means a yard extending from the front yard to the rear yard and from the interior side lot line to the nearest part of the building, or structure on the lot; and,

iv) “Rear Yard”

means a yard extending across the full width of a lot between the rear lot line and the nearest part of the building, or structure on the lot.

“Zone”

means the category of use or activity of land, buildings, structures or activities permitted by this By-law.

“Zone Provisions”

means the permissible uses, the minimum area and dimensions of lots, the minimum dimensions of yards, the maximum lot coverage, the minimum setback, gross floor area, the minimum landscaped open space, the maximum height of buildings, minimum parking requirements, and all other Zone provisions are set out within the By-law for the respective Zones.

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