

ZONING BY-LAW No. 2001-26

MUNICIPALITY OF MAGNETAWAN

November 1, 2001

CONSOLIDATED May 9, 2018

LIST OF PLANNING APPROVALS

BY-LAW NUMBER	APPLICANT	LOCATION	DATE (APPROVAL)	EXCEPTION
2001-27	Miller	Pt Lot 21, Con 2, Croft	Sept 26, 2001	RS-6
2002-05	Housekeeping 1	Policy and map	Jan 2002	
2002-26	Cleave	Pt Lot 12, Con 7, Croft		RS-7
2002-27	Powis	Pt Lot 21, Con 3, Croft		RU-1 (deleted by 2004-31 –Crane)
2002-30	Housekeeping 2	Provisions and map	Sept 11, 2002	
2002-29	White	Pt Lots 23,24, Con IX, Ahmic Harbour		RV
MV	Little		Nov 13, 2002	Front Yard
MV	Shields		Nov 13, 2002	Front Yard
2003-03	Pew	Part of Lots 11 and 12, Concession 7. Plan 42R-16258	Jan 22, 2003	RS-8
2003-07	Tilson (lot creation)	5352 Hwy 124/520, Pt Lots 11, 12, Con 8, Croft	Feb 12/03	RR
2003-03	Pew	Pt Lots 11 & 12, Con 7, Ahmic Lake, Croft	2003	RS-8
2003-01	Vista Investments Muskoka Inc.	Development Agreement	January 8, 2003	
2003-11	Gindi	Part of Lot 26, Con 7, Chapman (346 River Road)	April 23, 2003 (APPEALED)	CG-1
2003-12	Miller	Repealed by 2004-19		
2003-17	Charlton	Part Lots 2 and 3, Plan 319 North Sparks Street, Magnetawan	May 28, 2003	CV
2003-18	Grasley			
2003-19	Lucky Seven Hunt Camp	Development Agreement		
2003-20	Lucky Seven Hunt Camp	Part Lot 23, Concession 4, Croft	May 28, 2003	RU-2
2003-21	Gamble	South Part of Lot 6, Plan 319 Church Street, Magnetawan	May 28, 2003	CV-1
2003-25	Daunley	Deeming By-law		
2003-27	Pew	Site Plan		
2003-28	Langford	Deeming By-law		
2003-29	Housekeeping By-law 3	Provisions & map	August 27, 2003	
2003-30	Langford	Lot 20, Plan 319 King Street, Lot 21, Plan 319, Village of Magnetawan	September 24, 2003	RM
2004-21	Barry	Part Lot 3, Concession 8, Chapman, 1639 Hwy 124, 1683B Highway 124	May 26, 2004	RU and RR
2004-13	Simmon's Lake	Subdivision Agreement		
2004-25	Little	Deeming By-law		
2004-30	EP Revision	Village	July 28, 2004	RV and RS
2004-31	Crane	Lot 7, Concession 11, Croft	July 28, 2004	RU-1 (replaced Powis exception)
2005-07	Stewart Davis	Part of Lot 1, Concession 8, Part 1 of Plan 42R-4455	February 9, 2005	CG-2
	Green	Part Lot 20, Concession 8, Croft – 2 nd boathouse	March 2005	RS-*
	Road By-law	definitions, frontage on roads, seasonal roads	March 2005	
2005-16		Part of Lot 20, Concession 8, Ahmic Lake, Township of Croft	June 8, 2005	RS-10 and EP
2005-17		Part of Island H, in Ahmic Lake , Croft	June 8, 2005	RS-9
2005-20		3105 Highway 520, PCL 12812 SS, Part of Lot 24, Concession 3, Part 1, PSR-916, Chapman	August 10, 2005	RS
2006-06		Part of Lot 75, Concession B, Spence (139 Windmill Lane)	February 22, 2006	RS-11 and RS-12 (Appealed)
2006-15		Part of Lot 75, Concession B,	May 24, 2006	Repealed 2006-

		Spence (139 Windmill Lane)		06
2006-25		Part of Lot 14, Concession 10, Part 2, Plan 42R-9738, Croft (1 Pine Tree Road)	December 13, 2006	RS
2007-08		Part of Lots 28 and 29, Concession 3, Chapman (526 Deer Run Road,)	April 25, 2007	RU
2007-10		Part of Lot 6, Concession 8, Part 2, Plan 42R-7381 Croft	May 8, 2007	RU-4
2007-27	Mooney	Part of Lot 22, Concession 1, Lot 52, Plan M-65, Chapman	November 28, 2007	RS-14
2008-08	Old Mans Creek LLC	Part 13, Plan 42R-5533, Part of Lot 5, Concession 1, Croft	March 12, 2008	RR
2008-10	Yuratovich	Deeming By-law		
2008-11	Weidmark	Parts 1-8, Plan 42R-10398, Part of Lots 28, 29, Concession 5, Chapman	May 28, 2008	RS-15, CT-2
2008-12	McDougall	PCL 17392 S/S. Part of Lot 6, Concession 12, Chapman	May 28, 2008	RU-5
2008-20	Lafleur Menard	Part 2, Plan 42R-6376, Part of Lot 24, Plan M-372, Part of Lot 17, Concession 11, Croft	June 25, 2008	RS-16
208-22	Coughtrey	Deeming By-law	July 9, 2008	
2008-23	Cleave	Part of Lot 35, Concession 8, Chapman	July 9, 2008	CG-3
2008-26	Osborne	Deeming By-law	July 23, 2008	
2008-28	Lighthouse Landing Cottage Resort	Part of Lots 28 and 29, Concession 5, Chapman	August 27, 2008	CT-1
2008-30	Fraser	Part of Lot 58, Concession B, Spence	September 24, 2008	RU-6
2008-37	Wright	Part of Lot 14, Concession 10, Lot 17, Parcel 474 PSSS, Croft (475B Poverty Bay Road West)	December 10, 2008	RS
2008-38	Paquette	Part of Lot 14, Concession 10, Lot 17, Parcel. 474 PSSS, Croft (501 Poverty Bay road West)	December 10, 2008	RS
2009-52	James	Deeming By-law	August 12, 2009	
2009-54	James and Richmond	Deeming By-law	August 26, 2009	
2009-55	Stanton	Part of Lot 20, Concession 1 (Neighick Lake), Croft	September 9, 2009	RS-18, RS-19
2009-56	Rouse	Part of Lot 4, Concession 1, Croft	August 26, 2009	RR
2009-64	Putman	Part of Lots 102 and 103, Concession B, Chapman	October 28, 2009	RR
2010-06		Part of Lot 26, Concession 9, Chapman	February 10, 2010	M1-1
2010-26	Turner	Part of Lot 1, concession 5, Parts 1 and 2, Croft	June 28, 2010	RS
2010-33	Muskoka Thinstone	Part Lot 27, Concession 5, Chapman	August 11, 2010	MX-1
2011-05		Deeming By-law	January 12, 2011	-
2011-24		Lot 21, concession 1 Plan M-503 Part Lot 13, 42R10601 Part 1, Chapman (247 Chapman Drive)	July 27, 2011	RR-2
2011-34		Part Lots 4 and 5, Concession 1 and 2, Croft	August 24, 2011	RS
2012-10	Deeming Bylaw (Hannah)	Lot 24 and 25 w/s south Sparks Street Registered Plan 319	May 9, 2012	
2012-12	Housekeeping By-law	Updates to By-law	May 24, 2012	
2012-17	Amend Schedules and Definitions to By-law 2001-26	Non-conforming uses and update Definitions Section	July 25, 2012	
2012-22	Reich	PT Lot 11 and 12, Concession 8, Part Lot 11, Concession 7	October 10, 2012	RS
2012-23	Amend Provisions in By-law 2012-26	Non-Complying Building and Update Definitions Section	October 10, 2012	
2012-27	Clark - Village	Plan 319, Part of Lot 1, All of Lots 2 and 3 and Part of Kent Street, Registered Plan 319 (Chapman)	November 14, 2012	RV

2013-11	Ahmic Lake Enterprises Ltd. (Swiss House)	Part of lots 16 and 17, concession 8 and Part of Lots 16 and 17, Concession 9 (Croft)	May 22, 2013	CT
2013-19	Watts	Part Lot 25 and parts 1 to 3, Concession 7, Plan 42R018689 (Chapman Township)	September 25, 2013	EP
2013-20	Rouse Magnetawan Land Trust	Part of Lots 3,4,5, Concession 1 and Part of Lots 4 and 5, Concession 2 (Croft Township)	September 25, 2013	EP
2013-22	Deeming By-law (Dingman)	Lot 21 E/S Frank Street and Lot 20 E/S Frank Street Plan 319	October 23, 2013	
2013-24	1895507 Ontario Inc.	Part Lot 19, Concession 3, (Croft)	December 11, 2013	RR
2014-08	Housekeeping Bylaw	Correct Error Omission and Minor Housekeeping Changes	March 12, 2014	
2014-09	Magnetawan Watershed Land Trust	Part of Lots 4 and 5, Concession 1, Part 15, Plan 42R-19589 (Croft)	March 26, 2014	EP
2014-18	Deeming By-law (Weber)	Lot 19 W/S Stanley Street and Lot 20 W/s Stanley Street Plan 319	July 9, 2014	
2014-24	Deeming By-law (James)	Lot 24 W/S James Street and Lot 24 E/S Richmond Street, Plan 319	August 26, 2014	RR
2015-09	Wilson/ Smith , Bartlett	Part Lot 97, Concession A, 42R-3642, Part 1 and PSR-416, part 1, Chapman Township	February 25, 2015	RS
2015-10	Jenney	Part Lots 27 and 28, Concession 4, RP PSR-593, REM Part 2 Chapman Township	March 25, 2015	RS
2015-12	Deeming By-law (Langford Family Investments)	Lot 19, E/S Miller Street, Lot 18, W/S Richmond Street, Lot 19, W/S Richmond Street Plan 319	May 13, 2015	
2015-13	Langford Family Investments	Lot 19, E/S Miller Street, Lot 18, W/S Richmond Street, Lot 19, W/S Richmond Street Plan 319	May 13, 2015	CV-2
2015-15	Bahr	Part of Lot 22, concession 9, 11213 Bayview Road. Ahmic Lake, Croft Township	May 27, 2015	RS-21
2015-21	Coutts	Part Lot 84, Concession B, 9 Rose Lane, Ahmic Lake, Chapman Township	August 12, 2015	RS-22
2015-28	Kooy	Part Lot 10, Concession 1, Home Lake, Chapman Township	December 21, 2015	RS
2016-10	1895507 Ontario Inc.	Part Lot 19, Concession 3, Croft Township, 42R-20119 Parts 2,3,5 and 6, Neighick Lake	March 23, 2016	RS-23
2016-13	Pringle	Part Lot 104, Concession A, 42R-12729, Part 1, Chapman Township	March 23, 2016	RU-7
No By-law	Deeming By-law (Kennedy)	Part Lot 15, W/S Richmond Street Part Lot 16, W/s Richmond Street, 42R—16335 Part 1 and 42R-16571, Part 1, Plan 319, 17 Bank Street	August 5, 2016	
2016-40	Comartin	Part Lot 2, Concession 14, Spence Township, Ahmic Lake, 116 Bells Bay Trail	November 9, 2016	RS-24
2016-41	Kucek / Phillips	Part Lot 11, concession 7, Plan 42R 19366, Part 2, Croft Township, 255 Chikopi Road	November 9, 2016	RR
2016-46	Marszewski (Deeming By-law)	Lots 15 and 16, Plan M230	November 23, 2016	
2017-30	Winkelmolen / Langford	Part Lot 18, concession 5, Plan 42R-4545, Part 1, Chapman Township	June 14, 2017	RS-25
2017-30	Fraser /Francoeur	Part Lot 6, concession 8 315 Old Highway Road East	June 28, 2017	CG-4
2018-11	Fleming	Concession 5 Corft Plan M40, Part Block A Parcels 25053	February 28, 2018	RS-26 RS-27

		P.S.S.S and 8753 P.S.S.S., Ahmic Lake, 338A and 338B Cedar Croft Road		
2018-12	Pettit	Concession 8, Part Lot 15, Ahmic Lake, Township of Croft, 84 Robinson Road	February 28, 2018	RS-28
2018-XX	Municipality of Magnetawan Zoning By-law Update	Entire Township		

**NOTICE OF PASSING OF A ZONING BY-LAW
BY THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN**

TAKE NOTICE that the Council of the Corporation of the Municipality of Magnetawan passed By-law No. 2001-26 on the 26th day of September, 2001 under Section 34 of the Planning Act. RSO 1990, CP.13 as amended:

AND TAKE NOTICE THAT any person or agency may appeal to the Ontario Municipal Board in respect of the By-law by filling with the clerk of the Municipality of Magnetawan not later than the 23rd day of October, 2001, a notice of appeal setting out the objection to the By-law and the reasons in support of the objection.

An explanation of the purpose and effect of the By-law describing the lands to which the By-law applies is found below. The complete By-law is available for inspection at the Municipal Office during regular office hours.

Dated at the Municipality of Magnetawan, this ____ day of _____, 2001.

Brenda Fraser
Clerk/Administrator

**EXPLANATORY NOTE TO BY-LAW No. 2001-26
OF THE MUNICIPALITY OF MAGNETAWAN**

Lands Affected:

By-law No. 2001-26 is a Comprehensive Zoning By-law that applies to all of the lands within the geographic limits of the Municipality of Magnetawan. For this reason, no key map is attached to this notice.

Purpose and Effect:

By-law No. 2001-26 is intended to regulate the use of all lands, buildings and structures within the Township.

This By-law permits and regulates the use of land as shown on Schedule 'A' to the Zoning By-law. Uses that legally existed prior to the date of adoption of this By-law will be permitted to continue. Any new use not specifically permitted by the By-law is prohibited. New development occurring after this By-law comes into effect must comply with the regulations set out in the By-law.

**CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN**

BY-LAW No. 2001-26

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

WHEREAS the Council of the Corporation of the Municipality of Magnetawan passed By-laws 92-22, 11-1985, 1998-28 and 2000-14 to regulate the use of land and the character, location and use of buildings or structures in the former Townships of Chapman, Croft and Spence, and the Village of Magnetawan.

AND WHEREAS the Council of the Corporation of the Municipality of Magnetawan did pass

AND WHEREAS the Council of the Corporation of the Municipality of Magnetawan now deems it desirable and in the public interest to rescind By-laws 92-22, 1998-28, 11-1985 and 2000-14 and all Amendments thereto, and enact a new Comprehensive Zoning By-law under Section 34 of the Planning Act, S.O. 1990, which will serve to regulate the use of the land and the character, location and size of buildings and structures within the boundaries of the Municipality of Magnetawan;

NOW THEREFORE the Council of the Corporation of the Municipality of Magnetawan enacts a By-law as follows:

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SECTION 1 ADMINISTRATION

1.1 Title

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

1.2 Area Affected by this By-law

This By-law applies to all lands within the geographic Municipality of Magnetawan.

1.3 Building Permits

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

1.4 Enforcement

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

1.5 Severability Provision

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

1.6 Repeal of Existing By-laws

Upon this By-law coming into effect the following By-laws and all Amendments thereto are hereby repealed: 92-22, 1998-28, 2000-14 and 11-1985.

1.7 Effective Date

This By-law shall come into force the day that it was passed in accordance with the provisions of the Planning Act.

1.8 Metric and Imperial Terms

The imperial measurements contained in this By-law are included for convenience only and do not form part of the By-law. The metric measurements contained in this By-law are the only measurements to be used in determining compliance with the By-law.

1.9 Reference to Legislation

Where this Zoning By-law makes reference to legislation, then the references shall be deemed to mean that as presently existing, or as amended, replaced or re-enacted, from time-to-time by the Province, and shall be deemed to include, in addition to the statute itself, all regulations passed thereunder.

SECTION 2 ESTABLISHMENT OF ZONES

2.1 Zones

For the purpose of this By-law the following zones are established and they may be referred to by the name or by the symbol set opposite the name of the zone as indicated below:

RR	-	Rural Residential
RS	-	Shoreline Residential
RV	-	Village Residential
RM	-	Multiple Residential
RMH	-	Residential Mobile Home
RU	-	Rural
A	-	Agricultural
CG	-	General Commercial
CT	-	Tourist Commercial
CV	-	Village Commercial
M1	-	General Industrial
M2	-	Disposal Industrial
MX	-	Industrial Extractive
I	-	Institutional
OS	-	Open Space
EP	-	Environmental Protection

2.2 Zone Schedule

The zones and zone boundaries are shown on Schedules A, B and C, which form part of this By-law.

2.3 Determining Zone Boundaries

- a) A zone boundary which is shown approximately at a lot line, street or lane is considered to be at the boundary of the lot line, street or road.
- b) A zone boundary shown approximately at the centre line of a street or lane is considered to be the centre line of the street or road.
- c) Unless the location of a zone boundary is specified by dimensions on the zoning map, a zone boundary which lies within a lot shall be fixed by the scale of the Schedule upon which it is shown.

- d) A zone boundary shown following approximately a shoreline or the centre line of a creek, stream or channel is considered to be the shoreline or centre line and moved with any natural changes to the waterbody or watercourse.
- e) All lands below the surface of a navigable waterbody or watercourse with the exception of the Distress River shall be deemed to be in the Open Space (OS) Zone. Lands below the Distress River, shall be deemed to be in the Environmental Protection (EP) Zone.

2.4 Compliance with Zoning By-law

No person shall change the use of any building, structure or lot or erect or use any building or structure or use or occupy any lot or building in whole or in part, except in conformity with the provisions of this By-law.

SECTION 3 GENERAL PROVISIONS

3.1 Accessory Buildings, Structures and Uses

a) 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.

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 specifically permitted by 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.

c) Lot Coverage and Height

The total lot coverage of all accessory buildings and structures, excluding swimming pools, shall not exceed 5 per cent of the lot area nor shall the height of any accessory building or structure exceed 6 metres except where a second storey is permitted the accessory building may be 8.5 metres in height.

d) 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 satellite dish shall be prohibited in a front yard and exterior side yard. Septic systems shall comply with the applicable Setbacks from Watercourses in Section 3.35.

e) Setback from Principal Building

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

f) Boat Dock or Launching Ramp

Notwithstanding the yard provisions of this By-law to the contrary, a boat launching ramp or a dock may be erected and used in any yard, or pertaining to a lot abutting on a navigable waterway, provided such ancillary structure is located no closer than 1.5 metres to the side lot line or the 90 degree projection of the side lot line where it meets the tangent of the front lot line at the shoreline.

g) Boathouses

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

i) One-Storey Boathouses

- | | |
|-------------------------|--|
| a) maximum width | 15 metres or 25 per cent of the lot frontage, whichever is the lesser; |
| b) minimum side yard | 6 metres; |
| c) minimum lot frontage | 30 metres; and |
| d) maximum height | 6 metres. |

ii) Two-Storey Boathouses

- a) maximum width 15 metres or 25 per cent of the lot frontage, whichever is the lesser;
- 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.

iii) Number of Boathouses

Where a lot has more than 180 metres of frontage, a second boathouse shall be permitted, provided that the boathouse is located no closer than 100 metres to an existing boathouse.

h) Garages or Other Accessory Buildings or Accessory Structures

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

i) 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.

iii) 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.

i) Decks, Steps, Balconies or Patios

Notwithstanding the yard and setback provisions of this By-law to the contrary, decks, steps, balconies and patios may project into any required yard or setback a maximum distance of 2.0 metres, but not closer than 1.5 metres to any lot line. Where the floor of any porch, balcony or deck is in excess of 1.0 metres above finished grade, the side yard and rear yard requirements for the principal building shall apply. For the purposes of calculating the required yards, these structures shall not be considered part of the building.

j) 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 normal average or maintained high water mark;
- iii) it is setback at least 2.0 metres from any side lot line; and,
- iv) the height shall not exceed 5.0 metres.

k) Guest Cabins

Notwithstanding any other provision of this By-law to the contrary, a 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 40 square metres or less;
- iii) the building has a height not greater than 5.0 metres;

- iv) the building complies with all of the setbacks that apply to the principal building on the lot;
- v) for the purpose of determining the number of Guest Cabins on a lot, the second storey of a habitable boathouse or other accessory building shall be considered a Guest Cabin; and,
- vi) on the lands abutting a navigable waterway, where a lot has at least 45 metres of frontage. An additional Guest Cabin is permitted with each additional 90 metres of frontage.

3.2 Antennae, Towers, Satellite Dishes and Windmills

Radio and televisions antenna towers, satellite dishes and dish antennas, 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 Buffer Strips

Where a buffer strip is required in any zone, it shall be located within that zone and shall be the minimum width as 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 buffer strip.

3.4 Construction Uses

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 set out in Section 3.6 to the contrary, where a Building Permit for construction of a dwelling has been issued by the Municipality, an existing 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.

3.5 Dimensions and Shape

No lot shall have a lot depth exceeding 5 times the lot width.

3.6 Dwelling Units on a Lot

Unless specified elsewhere in this By-law, no more than one dwelling unit shall be permitted on a lot.

For the purposes of determining the number of dwelling units on a lot, the second storey of a habitable boathouse, where equipped with cooking and sanitary facilities shall be considered as a second dwelling unit.

On the lands abutting a navigable waterway, where a lot has at least 180 metres of frontage, a second dwelling unit is permitted provided that there is not more than one sleeping cabin on the lot.

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 Frontage on Improved Public Road, Private Road or Navigable Waterway

a) Improved Public Road

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

The above provisions shall not apply to prevent the erection of a permitted building or structure on a lot in registered plan of subdivision where a Subdivision Agreement has been entered into with the Municipality, notwithstanding that the

road or roads will not be assumed by the Municipality until the end of the maintenance period, nor shall it apply to prevent the enlargement, extension, renovation, reconstruction or other structural alteration of an existing building or structure, which is located on a lot which does not have frontage upon an improved public road, provided the use of such building or structure does not change and is permissible within the Zone in which it is located.

b) Frontage on Private Road

Notwithstanding the provision in 3.9 (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.

c) Navigable Waterway

Notwithstanding the provisions of 3.9 (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.

d) Hunt Camps

Notwithstanding the provisions of 3.9 (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.

3.9 Height Exceptions

Notwithstanding the height provisions of this By-law to the contrary, nothing in this By-law shall apply to prevent the erection, alteration, or use of a barn or silo, a church spire, a belfry, a flag pole, a clock tower, a chimney, a water tank, a windmill less than 10 metres in height, a radio or television tower or antenna, an air conditioner duct, a grain elevator, incidental equipment required for processing, external equipment associated with internal equipment or machinery and conveying equipment, which exceeds the maximum height requirements provided the main or principal use is permitted within the Zone in which it is located and provided all other applicable provisions of this By-law are complied with.

3.10 Home Occupation

Where a Home Occupation is a permitted use the following regulations shall apply:

- a) no person, other than a person living on the premises, shall be engaged in the occupation of providing merchandise and/or services to customers with the exception of one employee who is not a resident in the dwelling;
- b) there shall be no display, other than a sign having a maximum area of 0.5 square metres, to indicate to persons outside that any part of the dwelling is being used for a purpose other than residential. In any residential zone, no display or sign to indicate that the dwelling is being used for a purpose other than residential shall be permitted;
- c) not more than 25 per cent of the gross floor area of the dwelling shall be used for the purposes of Home Occupation, and such Home Occupation shall be conducted entirely within the dwelling;
- d) there shall be no outside storage of goods or materials in conjunction with the Home Occupation use; and
- e) a Home Occupation shall not include a boarding or lodging house, a restaurant, or a group home, or kennel.

3.11 Home Industry

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

- a) a maximum of four (4) persons, who are not residents, may be engaged in the home industry;
- b) such home industry may be located in part of a dwelling, or in any accessory building located on a lot on which a dwelling is in existence, provided the total gross floor area utilized by the home industry does not exceed a maximum of 150 square metres;
- c) there shall be no outside storage of goods, materials or articles;

- d) Notwithstanding section 3.12(c) a maximum of four currently licensed motor vehicles associated with the home industry may be parked or stored on the lot but only within an interior side or rear yard;
- e) there shall be no emission of noise, odour or dust which is not normally attributed to the use of the land for residential uses;
- f) a home industry shall be clearly secondary to the main residential use and shall not change the residential character of the dwelling on the lot; and,
- g) the home industry shall comply with the following minimum lot area, yard and setback provisions:
 - i) minimum lot area 1.0 hectares
 - ii) minimum setback from all lot lines 30.0 metres
 - iii) minimum separation from dwelling in existence on another lot 100.0 metres
- h) maximum sign size 1.0 sq m

Existing buildings which do not meet the setback requirements of subsection ii) may be used for home industries provided that all of the other provisions in this section are met.

3.12 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 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.

3.13 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

3.14 Mobile Homes

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

- a) the structure must be constructed to C.S.A. Standard Z240 or Z241;
- b) the structure is located on permanent foundations with the running gear and towing equipment removed;
- c) the structure shall have at least 65 square metres of ground floor area;
- d) the structure shall be completely enclosed from the surface of the finished grade to the roof; and,
- e) 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.

3.15 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.

3.16 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.

3.17 Legal Non-Complying Lots, Buildings and Structures

a) 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.

b) 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.

3.18 Non-Conforming Uses

a) 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.

b) 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.

c) 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.

d) 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.

e) 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.

Buildings damaged or destroyed as the result of natural flooding shall not be reconstructed except in accordance with the provisions of this By-law.

f) **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.

3.19 Outdoor Storage

No portion of a lot shall be used for the storage of goods or materials unless such storage is within a building, or unless specifically permitted by this By-law and the following provisions are complied with, in the event that the storage is in the open:

- a) such open storage is accessory to the use of the main building on the lot;
- b) open storage is behind the front or exterior wall of the main building facing any street, and complies with all yard requirements;
- c) such open storage does not cover more than 15 percent of the lot area; and,
- d) any portion of a lot used for open storage is screened from adjacent uses and streets adjoining the lot, by a building, planting strip, and/or fence. All fences shall extend at least 1.8 metres in height from the ground.

3.20 Parking Area Regulations

a) 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 Magnetawan Townsite 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 Townsite).

b) 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.

c) 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.

d) 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.

e) 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.

f) 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.

g) 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.

h) 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.

i) 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:

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

TABLE 1: PARKING SPACE REQUIREMENT TABLE

Type of Use	Minimum Off-street Parking Requirements
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.
Business and/or Professional Office, Financial Establishment, Retail Commercial Establishment, Personal Service Shop including a Home Occupation or Home Industry.	1 parking space for each 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.

Type of Use	Minimum Off-street Parking Requirements
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.

3.21 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.

3.22 Public Uses

a) 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.

b) 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.

c) 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.

d) 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.

3.23 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.

3.24 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.

3.25 Setback from Watercourses

No building or structure except marine facilities, gazebos, boathouses and pumphouses shall be located within 20 metres of the normal or maintained high water mark of any river, stream or other watercourse.

3.26 Setbacks from Waste Disposal Areas

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

3.27 Storage Containers

Storage containers shall only be permitted within the following zones: Rural (RU), Rural Residential (RR), Agricultural (A), 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.

3.28 Signs

The provisions of this By-law shall not apply to prevent the erection, alteration or use of any sign provided such sign complies with the By-laws of the municipality including the specific sign provisions for Home Occupations and home industries as provided in this By-law.

3.29 Temporary Construction Uses

Notwithstanding any other provision of this By-law, to the contrary, where a a Building Permit for construction of a dwelling has been issued by the Municipality for the subject lands, the residents may occupy a travel trailer on a temporary basis but only during the period which the dwelling is being constructed to a maximum of eighteen months, provided that the trailer is licensed by the Municipality.

Notwithstanding any other provision of this By-law to the contrary, where a Building Permit for construction of a dwelling has been

issued by the Township for the subject lands, the residents may occupy a travel trailer on a temporary basis but only during the period which the dwelling is being constructed to a maximum of eighteen months.

3.30 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.

3.31 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.

3.32 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, Rural Residential and Agricultural Zones, where the trailer is licensed by the Municipality and;

- i) it is not located within 30 metres of the shoreline;
- ii) accessory structures such as sun rooms, decks and porches attached to any trailer shall not exceed the ground floor area of the trailer;
- iii) the appropriate sanitary facilities are provided on site in accordance with the requirements for a habitable building; and,
- iv) the trailer or truck camper is roadworthy and is legally capable of being towed on a public roadway.

3.33 Septic Systems

- a) 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 Components	a) 20 metres from the high water mark
Minimum Elevation for the Leaching Bed Components	The Regulatory Flood Elevation, which is identified as the "100 year flood" or Regional Flood Event.

- b) 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 Leaching Bed Components	a) 20 metres from the high water mark
Minimum Elevation for the Treatment Unit and Leaching Bed Components	The Regulatory Flood Elevation, which is identified as the "100 year flood" or Regional Flood Event.

SECTION 4 PROVISIONS FOR SPECIFIC USES

Where this By-law permits specific uses in areas described below, only those uses specifically identified as permitted uses shall be permitted in those described areas. No building, structure or use of land shall be permitted unless specifically permitted.

4.1 RURAL RESIDENTIAL ZONE (RR)

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:

4.1.1 Permitted Uses

- i) detached dwelling
- ii) home occupation
- iii) bed and breakfast establishment
- iv) resource management uses

4.1.2 Regulations for Permitted Uses

	Metric
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	- 10.5 m

4.1.3 Exceptions

4.1.3.1 Rural Residential Exception One (RR-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.

**4.1.3.2 Rural Residential Exception Three (RR-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)**

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.

4.2 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:

4.2.1 Permitted Uses

- i) detached dwelling
- ii) home occupation
- iii) bed and breakfast establishment

4.2.2 Regulations for Permitted Uses

	Metric
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
x) Minimum Natural Vegetation Area or Landscaped Open Space	- 70% of front yard.

4.2.3 Additional Dwelling Units

Where a lot has at least 180 metres of frontage on Lake Ahmic, Cecebe Lake or the Magnetawan River a second dwelling unit is permitted.

4.2.4 Exceptions

4.2.4.1 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 dock
- And 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 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.

4.2.4.2 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.

**4.2.4.3 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.

**4.2.4.4 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.

**4.2.4.5 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.

**4.2.4.6 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:

1. Minimum shoreline frontage shall be 85 metres;
2. Minimum lot area shall be 0.85 hectares;
3. Minimum depth of natural vegetated buffer along the full width of the shoreline shall be 15 metres measured at right angles to the shoreline;
4. Maximum width of shoreline activity area 10 metres located at or near the water's edge;
5. Maximum area of shoreline activity area shall be 50m²;
6. Maximum width of trail from dwelling to shoreline activity area shall be 2.5 metres;
7. 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.

4.2.4.7 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:

1. Minimum shoreline frontage measured at right angles from interior lot lines shall be 50 metres;
2. Minimum lot area shall be 0.85 hectares;
3. Minimum depth of natural vegetated buffer along the full width of the shoreline shall be 15 metres measured at right angles to the shoreline;
4. Maximum width of shoreline activity area 10 metres located at or near the water's edge;
5. Maximum area of shoreline activity area shall be 50m²;

6. Maximum width of trail from dwelling to shoreline activity area shall be 2.5 metres; and,
7. 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:

1. 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.
2. 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.

**4.2.4.8 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:

- i) North parcel:
 - Minimum Lot Frontage: 79 metres
- ii) South Parcel:
 - Minimum Lot Frontage: 89 metres

**4.2.4.9 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.

**4.2.4.10 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 detach dwelling shall be 17.09 metres.

**4.2.4.11 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:

1. 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.
2. 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 :
 - a. Seasonal-residential building envelopes shall be sited at least 15 metres back from the edge of the lake;
 - b. 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
 - c. 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

**4.2.4.12 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:

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

**4.2.4.13 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.

**4.2.4.14 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.

**4.2.4.15 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.

**4.2.4.16 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.

4.3 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:

4.3.1 Permitted Uses

- i) detached dwelling
- ii) semi-detached dwelling
- iii) duplex dwelling
- iv) converted dwelling
- v) home occupation
- vi) bed and breakfast establishment

4.3.2 Regulations for Permitted Uses

	Metric
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 Building Height	- 10.7 m

4.3.3 Exceptions

4.4 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:

4.4.1 Permitted Uses

- i) detached dwelling
- ii) duplex dwelling
- iii) semi-detached dwelling
- iv) converted dwelling
- v) four-plex dwelling
- vi) six-plex dwelling
- vii) townhouse dwelling
- viii) retirement community
- ix) nursing home
- x) seniors residence
- xi) retirement home
- xii) triplex dwelling units
- xiii) apartment units

4.4.2 Regulations for Permitted Uses

	Metric
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	- 10.5 m

4.4.3 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.

4.4.4 Exceptions

4.5 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.

4.5.1 Permitted Uses

- i) mobile home
- ii) community centre
- iii) recreational facilities, commercial and service facilities, accessory to the mobile home establishment, intended to serve only the mobile home community

4.5.2 Regulations for Permitted Uses

	Metric	Imperial (approx.)
--	--------	-----------------------

- | | | |
|----------------------------------|---|---------------------|
| 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 Building Height | - | 9.0 m |
| ix) Minimum Ground Floor Area | - | 65.0 m ² |
| x) Minimum Mobile Home Site Size | - | 195 m ² |

4.5.3 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.

4.5.4 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.

4.5.5 Exceptions

4.6 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:.

4.6.1 Permitted Uses

- i) detached dwelling
- ii) duplex dwelling
- iii) semi-detached dwelling
- iv) home occupation
- v) home industry
- vi) cemetery
- vii) farm
- viii) farm produce outlet accessory to a farm
- ix) fire hall
- x) golf course
- xi) group home
- xii) hunt camp
- xiii) kennel
- xiv) logging
- xv) lodging or boarding house
- xvi) municipal or provincial offices or works garage
- xvii) portable asphalt or concrete batching plant
- xviii) public park
- xix) resource management activities
- xx) riding school or boarding stables
- xxi) veterinary hospital
- xxii) bed and breakfast establishment

4.6.2 Regulations for Permitted Uses

	Metric
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 Building Height	- 10.5 m
ix) No kennel shall be located within 120 metres of a residential dwelling on another lot.	

4.6.3 Exceptions

4.6.3.1 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

4.6.3.2 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.

4.6.3.3 Rural Exception Seven (RU-7) Part 1, Plan 42R-12729, being Part of Lot 104, Concession A, geographic Township of Chapman.

Notwithstanding the regulations of Section 4.6.1 the subject lands may be used for the indoor repair of motor vehicles in a building having an area of no greater than 140 m². The outdoor storage of vehicles requiring repair is permitted on a temporary basis only; while awaiting part or customer pickup.

4.7 AGRICULTURAL ZONE (A)

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

4.7.1 Permitted Uses:

- i) farm
- ii) farm produce outlet accessory to a farm
- iii) home occupation
- iv) home industry
- v) kennel
- vi) riding school or boarding stables
- vii) veterinary hospital
- viii) resource management activities
- ix) riding school or boarding stable
- x) an accessory farm dwelling on a lot of at least 30 hectares
- xi) bed and breakfast establishment

4.7.2 Regulations for Permitted Uses

	Metric
i) Minimum Lot Area	- 20.0 ha
ii) Minimum Lot Frontage	- 135.0 m
iii) Minimum Front Yard	- 15.0 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	- 5%
viii) Maximum Building Height	- 12 m
ix) No kennel shall be located within 120 metres of a residential dwelling on another lot.	

4.7.3 Specialized Farm

A specialized farm shall only be permitted where the operator has submitted a Nutrient Management Plan to the satisfaction of Council.

4.7.4 Exceptions

4.8 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:

4.8.1 Permitted Uses

- i) bank or financial institutions
- ii) business, professional and administrative offices
- iii) building supply outlet
- iv) lumber yard
- v) clinic
- vi) commercial nursery and/or greenhouse
- vii) community centre
- viii) country market/ flea market
- ix) day nursery
- x) light equipment sales and rental establishment
- xi) golf course
- xii) marina sales and service establishment
- xiii) motel
- xiv) hotel
- xv) motor vehicle body shop
- xvi) motor vehicle dealership
- xvii) motor vehicle repair garage
- xviii) motor vehicle service station
- xix) personal service shop
- xx) parking lot
- xxi) place of worship
- xxii) post office
- xxiii) public or private club
- xxiv) restaurant or tavern
- xxv) retail store
- xxvi) service shop
- xxvii) residential dwelling units located on the second storey of a building or to the rear of the main building

4.8.2 Regulations for Permitted Uses

	Metric	(approx.)
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 Building Height - 10.7 m

4.8.3 Setbacks from Residential Lot

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

4.8.4 Exceptions

4.8.4.1 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.

4.8.4.2 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
- ii) Minimum setback from any residential lot line 70 metres

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

4.8.4.3 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:

Mini-Storage – shall mean 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.

**4.8.4.4 General Commercial Exception Four (CG-4) Zone
(Part of Lot 6, Concession 8 in the geographic Township of Croft)**

- 1) Notwithstanding the provisions in this by-law to the contrary, the following uses are permitted in the CG-4 Zone:
 - Dwelling Unit
 - Marina Sales and service establishment
 - Motor Vehicle Repair Garage
 - Service Shop

- 2) The owner shall enter into a Site Plan Control Agreement with the Municipality, as per By-law 2010-44 and the Municipal Official Plan.

4.9 VILLAGE COMMERCIAL ZONE (CV)

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

4.9.1 Permitted Uses

- i) bank or financial institutions
- ii) business, professional and administrative offices
- iii) clinic
- iv) commercial nursery and/or greenhouse
- v) community centre
- vi) country market/ flea market
- vii) day nursery
- viii) light equipment sales and rental establishment
- ix) motel
- x) hotel
- xi) motor vehicle body shop
- xii) motor vehicle dealership
- xiii) motor vehicle repair garage
- xiv) motor vehicle service station
- xv) personal service shop
- xvi) parking lot
- xvii) place of worship
- xviii) post office
- xix) public or private club
- xx) restaurant or tavern
- xxi) retail store
- xxii) service shop
- xxiii) residential dwelling units located on the second storey of a building or to the rear of the main building

4.9.2 Regulations for Permitted Uses

	Metric
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 Building Height	- 10.7m

4.9.3 Setbacks from Residential Lot

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

4.9.4 Exceptions

4.9.4.1 Village 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 Commercial (CV) Zone and definitions in the By-law, to the contrary, on lands within the Village 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.

4.9.4.2 Village Commercial Exception Two (CV-2) Zone (Part of Lot 94, Concession A, Lot 19, EIS Miller Street, Reference Plan 319, Lot 18, WIS Richmond Street, Reference Plan 319 and Lot 19, WIS Richmond Street, Reference Plan 319 in the fonner geographic Township of Chapman)

Notwithstanding the provisions of this by-law, only the following uses are permitted on lands zoned "Village Commercial Exception Two (CV-2) Zone":

- Boat Storage
- Business, professional and administrative offices
- Day Nursery
- Marine Sales and Service Establishment
- Parking Lot
- Personal Service Shop
- Post Office
- Retail Store
- Residential dwelling units located on the second storey of a building or to the rear of the main building.

Notwithstanding the provisions of this By-law to the contrary, the following minimum yard requirements shall be applied to lands in the "Village Commercial Exception Two (CV-2) Zone":

- The Minimum Front Yard shall be 3 metres and be maintained as a vegetated buffer.
- The Minimum Interior Side Yard shall be 3 metres and be maintained as a vegetated buffer.
- The Minimum Rear Yard shall be 3 metres and be maintained as a vegetated buffer.

4.10 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:

4.10.1 Permitted Uses

- i) cabin establishment
- ii) camping establishment
- iii) cottage establishment
- iv) golf course
- v) hotel
- vi) marina
- vii) motel
- viii) restaurant
- ix) summer camp
- x) tavern
- xi) tourist establishment
- xii) accessory assembly hall
- xiii) accessory convenience store or sub-post office
- xiv) accessory detached dwelling

4.10.2 Regulations for Permitted Uses

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

4.10.3 Regulations for Camping, Cottage and Cabin Establishments

	Metric
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

4.10.4 Exceptions

4.10.4.1 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.

4.10.4.2 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.

4.11 GENERAL INDUSTRIAL ZONE (M1)

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

4.11.1 Permitted Uses

- i) bulk fuel depot
- ii) cartage, express truck, transport or bus terminal or yard
- iii) contractors' yard
- iv) lumber yard
- v) manufacturing, processing, assembling and/or fabricating plant
- vi) retail outlet or wholesale outlet or business office accessory to a permitted use provided that it does not exceed 25 per cent of the gross floor area of the principal use
- vii) sawmill
- viii) salvage or wrecking yard
- ix) warehouse
- x) wood products or planing mill
- xi) workshop
- xii) accessory detached dwelling
- xiii) open storage use of goods or materials if accessory to another permitted use

4.11.2 Regulations for Permitted Uses

	Metric
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 Building Height	- 10.0 m
ix) Setback from high watermark	- 120 m

4.11.3 Planting Strips

Where lands used for Industrial 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 metre wide planting strip and a solid fence at least 3.0 metres high shall be provided along that portion of the lot.

4.11.4 Exceptions

4.11.4.1 General Industrial Exception One (M1-1) Zone

Notwithstanding the permitted uses in the General Industrial (M1) zone to the contrary, within the General Industrial Exception One (M1-1) Zone a public works yard shall also be permitted.

In all other respect the provisions of the General Industrial (M1) Zone shall apply.

4.12 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:

4.12.1 Permitted Uses

- i) pits and quarries
- ii) the processing of natural materials including screening, sorting, washing and crushing operations
- iii) peat extraction
- iv) agricultural uses, buildings and structures accessory thereto but excluding dwellings
- v) logging and forest products processing
- vi) resource management activities
- vii) contractors yard

4.12.2 Regulations for permitted uses

	Metric
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

4.12.3 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.

4.12.4 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.

4.12.5 Exceptions

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

Notwithstanding Sections 3.23 of Zoning By-law No. 2001-26, as amended, 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 4.12.2. and 4.12.3, any building in the MX-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 By-law 2001-26, as amended, shall apply.

4.13 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:

4.13.1 Permitted Uses

- i) approved solid waste land-fill site or management facility
- ii) approved recycling facility
- iii) salvage yard
- iv) wrecking yard
- v) open storage
- vi) sewage lagoon

4.13.2 Regulations for permitted uses

	Metric
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 Building 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%

4.13.4 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.

4.13.5 Exceptions

4.14 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:

4.14.1 Permitted Uses

- i) ambulance station
- ii) business, professional and administrative offices
- iii) community centre
- iv) banquet hall
- v) day nursery
- vi) fire station
- vii) library
- viii) municipal office
- ix) museum
- x) public works yard
- xi) nursing home
- xii) place of worship
- xiii) school

4.14.2 Regulations for permitted uses

	Metric
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%

4.14.3 Planting Strip

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

4.14.4 Exceptions

4.15 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:

4.15.1 Permitted Uses

- i) public park
- ii) resource management activities, excluding buildings, structures or dwellings
- iii) accessory marine facility
- iv) accessory boathouse

4.15.2 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 in the Open Space (OS) Zone unless specifically provided for in this By-law.

4.15.3 Regulations for Public Parks

No buildings or structures associated with a public park with the exception of bathing stations and refreshment stands are permitted in the Open Space (OS) Zone.

4.15.4 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.

4.15.5 Exceptions

4.16 ENVIRONMENTAL PROTECTION ZONE (EP)

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

4.16.1 Permitted Uses

- i) conservation
- ii) resource management activities
- iii) passive public parks

4.16.2 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 in the Environmental Protection (EP) Zone.

4.16.3 Floating Docks

Where the frontage of a residential lot is zoned Environmental Protection (EP) in its entirety a floating dock, having a maximum width of 0.8 m shall be permitted.

4.16.4 Exceptions

4.17 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.		

SECTION 5 DEFINITIONS

	Term	Definition
1	Accessory	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.
2	Accessory Building	A use, separate building or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principle use, building or structure.
3	Accessory Use	A use of land, buildings or structures that is normally incidental or subordinate to the principle use, building or structure located on the same lot.
4	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.
5	Agricultural Building	Any building or structure customarily used in connection with an agricultural use other than a residence.
6	Agriculture, Intensive	Lands on which the predominant economic activity consists of but is not limited to the raising of intensive livestock, chickens or other fowl, the raising of fur bearing animals, the raising of swine, sheep or goats, the raising of cattle or dairying of cattle, in excess of 100 units, as defined by the minimum distances formulae attached to and forming part of this by-law.
7	Agriculture Produce Outlet	The use of land, buildings or structures for the purposes of buying or selling or the processing, storage and supply of commodities and services that support agricultural operations.
8	Agriculture Use	Any agricultural use or uses, structures or buildings accessory thereto, including field crops, animal husbandry, tree nurseries and any other use customarily carried on in the field of general agriculture, including the sale on the premises, of produce grown or raised on the premises.
9	Airfield, Private	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.
10	Airport Hanger	A building or structure designed and used for the shelter of aircrafts.
11	Airstrip, Private	Lands used for the purpose of landing, storing, taxiing or taking-off of private aircrafts.

	Term	Definition
12	Aisle	The area used by motor vehicles for access to and from all off-street parking spaces, but does not include an access driveway.
13	Alter	<p>a) When used in reference to a building or structure or part thereof:</p> <ol style="list-style-type: none"> 1. To change any one or more of the external dimensions thereof; 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. <p>b) When used in reference to a lot:</p> <ol style="list-style-type: none"> 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, <p>c) When used in reference to a use:</p> <ol style="list-style-type: none"> 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. <p>ALTERED and ALTERATION have corresponding meanings.</p>
14	Animal Hospital	A building or structure or part thereof, that is used for the purpose of consultation, diagnosis and office treatment of animals, birds and pets and may include the boarding or lodging of these animals, birds and pets in fully enclosed

	Term	Definition
		buildings.
15	Art Gallery	A building used for the preservation of collections of paintings or other works of art and devoted primarily to the recreation and/or education of the public, and may include the exhibition and sale of paintings and other works of art, whether by the proprietor or others.
16	Assembly Hall	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.
17	Attached	A building otherwise complete in itself, which depends, for structural support or complete enclosure, upon a division wall or walls shared in common with adjacent building or buildings.
18	Automotive Sales Establishment	A building and lot, or either in singular, used for the display and sale of new and used motor vehicles and may include the sale, servicing, repairing, cleaning, polishing, greasing, the sale of automotive accessories and related products and the leasing or renting of motor vehicles, utility or boat trailers, and shall involve a body shop body where the repair and repainting of motor vehicles can take place as an accessory use within the same building, but shall not include any other defined automotive use.
19	Automotive Service Station	An automotive use where vehicle fuels, lubricants and accessories are offered for retail sale and may include an accessory convenience store, and which contains facilities for the minor repair, maintenance or cleaning of vehicles indoors, other than the repairing or painting of vehicle bodies, but does not include any other automotive use defined herein.
20	Bakery	A food processing plant where food products of which flour, grains, meal or sugar are the principal ingredients are produced, mixed, compounded, baked or otherwise prepared, but does not include a restaurant or other premises where such products are made only for consumption on the premises.
21	Banquet Hall	A building or part thereof, used for the gathering of groups of people for a specific function including the consumption of food

	Term	Definition
		and drink and shall include full kitchen facilities.
22	Barn	A building used for the housing of livestock or agricultural products kept or grown on the lands on which the building is located.
23	Bed and Breakfast Establishment	A detached dwelling wherein no more than 3 guest rooms are made available for temporary accommodation of the traveling or vacationing public. Such an establishment may offer light meals to those persons temporarily residing at the establishment. A Bed and Breakfast Establishment shall not include a restaurant or a Tourist Establishment.
24	Berm	A landscaped mound of earth.
25	Board Walk	An elevated public pedestrian walkway constructed over a public street, over a water feature or along a shoreline.
26	Boathouse	Any building or enclosure in which one or more boats, ships or float planes and related equipment are stored, kept or repaired, where there is no habitable living quarters included.
27	Boathouse, Two Storey	Any accessory building or enclosure in which one or more boats, or float planes and related equipment are stored, kept or repaired and where the second storey is maintained for the accommodation of an individual or individuals where facilities for cooking are not provided. A two storey habitable boathouse shall be considered a guest cabin for the purposes of determining the number of permitted accessory buildings on a lot.
28	Building	A structure consisting of walls, roof and floor or a structural system serving the same purpose as defined in The Building Code Act, S.O. 1992, Chapter 23.
29	Building Height	<p>Building Height means the vertical distance between the top of the subfloor of the basement storey, where one exists, or the top of the subfloor of the first storey of the building, where the top of the subfloor of the first storey is more than 1.22 metres above the average finished grade on any side of the building, building height shall be measured from the point 1.22 metres above grade, and:</p> <ul style="list-style-type: none"> a) the highest point of the roof surface of a flat or domed roof, or any other roof with a cupola except in the case of a boathouse or boatport; or b) the deck line of a mansard roof; or c) the midpoint between the eaves and the peak for any roof structure that has a peak.

	Term	Definition
		When applied to accessory buildings, building height shall be measured as the vertical distance between the average natural grade and the peak of the roof on all sides of the building. When applied to in-water boathouses and boatports, building height shall be measured from the high water level to the midpoint between the eaves and the peak.
30	Building, Multiple Unit	A building containing three or more dwelling units, with some of the dwelling units accessed by a common corridor system and/or entrance and some of the dwelling units accessed directly from the outside, but not including a triplex, a fourplex, a townhouse building or an apartment building.
31	Building, Principle	A building or structure in which the primary use of the land is conducted.
32	Bulk Storage Tank	A tank or container for the bulk storage of petroleum, gasoline, diesel or other fuels, oil, gas, propane, or flammable liquid or fluid, but does not include a container for flammable liquid, gas or fluid legally and properly kept in a retail store or a tank for storage incidental to some other use of the premises where the such tank or container is located.
33	Building Supply and Lumber Outlet	A building or structure in which building or construction and home improvement materials are offered or kept for sale at retail and may include the fabrication of certain materials related to home improvements but does not include any use or activity otherwise defined or classified herein.
34	Bulk Fuel Depot	Lands, buildings and structures for the storage, distribution of fuels and oils but not including retail sales except key lock operations.
35	Business, Professional Office or Administrative Office	A building or part of a building in which one or more persons are employed in the management, direction or conducting of a business or where professionally qualified persons and their staff serve clients or patients who seek advice, consultation or treatment and may include the administrative offices of a non-profit or charitable organization.
36	Cabin	A single storey structure or building which is maintained for the accommodation of an individual or individuals where facilities for cooking are not provided.
37	Cabin Establishment	A tourist establishment comprised of two (2) or more cabins arranged singled or in pairs and which does not provide cooking facilities.
38	Camp Site	An area within a camping establishment of at least 186 square

	Term	Definition
		metres that is occupied on a temporary basis only, by the trailer, motorized home, truck camper, camper or tent, but not a mobile home.
39	Camping Establishment	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.
40	Carport	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.
41	Cellar	A portion of a building below the first storey floor which is partly or wholly underground and which has more than 50% of its height, from finished floor to finished ceiling or to the underside of the floor joints of the first floor, below the average finished grade level adjacent to the exterior walls of the building.
42	Cemetery	The land that is set apart or used as a place for the internment of the dead or in which human bodies have been buried.
43	Centreline	With reference to a public street, a line drawn parallel to and equidistant from the limits of the public street and with reference to a private street, a line drawn parallel to and equidistant from the edges of the paved surface of the private street.
44	Chief Building Official	An official employed by the Municipality appointed under the Building By-law or pursuant to the provisions of The Building Code Act, as amended, and shall include any Inspector likewise employed and appointed.
45	Clinic	An establishment in which medical, dental or other professional healing treatment is given to human beings.
46	Club, Private	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.
47	Commercial Landscape Operation	Premises used for the growing of plants, storage of plants, aggregates, topsoil and other material used to landscape the earth and uses for the exclusive purpose of providing landscape contracting services.
48	Commercial Riding School	An area of land and buildings that are used as an educational or recreational centre for horse training, handling, care, or for

	Term	Definition
		the lodging of horses for hire or gain.
49	Commercial Self-Storage Facility	Lands and buildings used, rented or leased to persons for the storage of household and personal items, including recreational vehicles and automobiles, within separate units forming part of a wholly enclosed building.
50	Community Centre	Any track of land, or building, or any part of any building used for community activities without purpose of gain.
51	Condominium	The ownership of individual units with common elements as defined in "The Condominium Act", where: 1) The unit comprises not only the space enclosed by the unit boundaries but all material parts of the land within the space; 2) The common elements means all the property except the units and private parking spaces; 3) The common elements are owned by the owners as tenants in common.
52	Conservation	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.
53	Contractor's Yard	A yard of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein.
54	Convenience Store	A retail store not exceeding 150 m ² net floor area wherein various convenience goods and items of day-to-day personal or household use or necessity including, without limiting the generality of the foregoing, food, beverages, pharmaceutical drugs, light hardware products, tobacco products and periodicals, are offered for sale.
55	Corporation	The Corporation of the Municipality of Magnetawan.
56	Cottage	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.
57	Cottage Establishment	A tourist establishment comprising of two (2) or more cottages owned or leased by the same person.

	Term	Definition
58	Council	The Council of the Corporation of the Municipality of Magnetawan.
59	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.
60	Day Care Centre	A building or part thereof duly licensed by the Province of Ontario as a "day nursery" under the <u>Day Nurseries Act</u> , R.S.O. 1990, Chapter D.2.
61	Deck	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.
62	Development	The erection of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot or a mobile home park, or a change in land use, or the construction of buildings and structures, any of which require approval under the <u>Planning Act</u> , R.S.O. 1990, c.P.13, as amended.
63	Dock	A structure for the mooring of boats, attached to or forming part of the mainland.
64	Driveway	A passageway that provides vehicular access to parking areas, loading spaces, buildings or structures, on a lot, from a road or private access road.
65	Dwelling Unit	A building or part of a building occupied or capable of being occupied, in whole or in part as the home, residence or sleeping place of one or more persons either continuously, permanently, temporarily or transiently but shall not include a mobile home having less than 65 square metres in area, in which a kitchen, living quarters and sanitary conveniences are provided for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway inside.
66	Dwelling Unit Area	The habitable area contained within the inside walls of a dwelling unit, excluding any private garage, carport, porch, verandah, unfinished attic, cellar or sun room (unless such sun room is habitable in all seasons of the year), public or common

	Term	Definition
		walls or area, stairways or elevator shaft.
67	Dwelling Unit, Accessory	A dwelling unit accessory to and located within or attached to a main building used for a permitted non-residential use on the same lot and occupied either by the owner of such lot or by a person employed thereon.
68	Dwelling Unit Apartment	A building containing three or more dwelling units, sharing a common hall and common entrance at grade.
69	Dwelling Unit, Bachelor	A dwelling unit containing bathroom facilities and not more than two habitable rooms used for living, dining, sleeping and cooking.
70	Dwelling, Boarding House	A detached dwelling in which the owner or his agent resides and in which lodging for more than two persons other than members of the owner's or agent's family, in return for remuneration or for the provision of services or both and in which the guest rooms do not have bathrooms and kitchen facilities for the exclusive use of the individual occupants but shall not include a motel, hotel, bed and breakfast, hostel, hospital, children's home, long term care facility, retirement home or other similar establishment.
71	Dwelling, Converted	A dwelling which has been altered or converted as to provide therein two (2) but not more than four (4) dwelling units none of which shall be located in the cellar of the dwelling.
72	Dwelling, Detached	A detached building containing one dwelling unit only.
73	Dwelling, Duplex	A dwelling containing two dwelling units, but does not include any dwelling erected as, or in the form of, a pair of semi-detached dwellings.
74	Dwelling, Semi-Detached	A building that is divided vertically into two separate dwelling units, each of which has a separate entrance at grade.
75	Dwelling, Townhouse	A dwelling unit in a building divided vertically into no less than three nor more than eight dwelling units attached by common walls extended from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade.
76	Erect	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.

	Term	Definition
77	Established Building Line	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.
78	Existing	Existing as of the date of the enactment of the provision that contains that word. EXIST has a corresponding meaning.
79	Farm	Any farming or agricultural use and includes apiaries; aviaries; berry or bush crops; breeding, raising, training or boarding of horses or cattle; commercial greenhouses; farms devoted to the hatching, raising and marketing of chickens, turkeys, or other fowl or game birds, animals, fish or frogs; farms for grazing; flower gardening; field crops; goat or cattle dairies; growing, raising, picking, treating and storing of vegetables or fruit produce produced on the premises; nurseries; orchards; riding stables; the raising of sheep or goats; the raising of swine; tree crops; market gardening; bee keeping; wood lots; such uses or enterprises as are customarily carried on in the field of general agriculture. "Farm" includes a detached dwelling, and such principal or main buildings and structure as a barn or silo, as well as accessory buildings and structures which are incidental to the operation of the farm.
80	Farm, Specialized	Land on which the predominant use is the raising of chickens, turkeys or other fowl, rabbits or other fur bearing animals, a broiler plant, the growing of mushrooms, the keeping of animals for medical purposes or the specialized feeding of hogs, sheep, goats, horses or cattle in a confined area. For the purposes of this definition the following ratio of animals per .4 ha (1 acre) shall be used in determining the minimum requirement for the specialize use: <ol style="list-style-type: none"> 1. Three (3) cattle 2. Five (5) adult goats 3. Four (4) horses 4. One hundred (100) domestic rabbits 5. Five (5) mink 6. Five (5) foxes 7. Three (3) dogs 8. Thirty-five (35) fowl
81	Farm Produce Retail Outlet	A building, or part of a building, in which farm produce, exclusive of meat or poultry, is offered for sale at retail. But shall not include the sale of farm produce which has been

	Term	Definition
		reprocessed nor shall it include a slaughter house.
82	Farmers Market	A specialty retail commercial use contained either within enclosed building or on lands in the “open-air” which involves the sale of artifacts, crafts, farm produce and other goods, either new or used, which cater to the travelling public and local community.
83	Finished Grade	The average elevation of the finished surface of the ground at ground level on any one side of a building or structure.
84	Finished Grade, Average	The average elevation of the finished surface of the ground at ground level on all sides of a building or structure.
85	First Storey	The storey with its floor closes to grade and having its ceiling more than 1.8 m above grade or as defined in the Building Code.
86	Fish Farming/Fish Hatchery	The raising and selling of fish, such activity being undertaken as commercial venture.
87	Floor Area, Net	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.
88	Floor Level	The level of a building, being the basement, cellar, or other storey of a building
89	Flood Plain	The flood-prone area, usually lowlands, adjoining the channel of a river, stream or watercourse which are susceptible to being inundated by water from any source.
90	Floodway	The channel of a river or other watercourse and the adjacent land areas where the floodwaters are in excess of 1.0 metres deep and are moving at greater than 1.0 metres cubed per second.
91	Floor Area, Gross	The total floor area, as hereinafter defined, exclusive of any portion of the building or structure below finished grade measured between the exterior faces of the exterior walls which is used for heating, the storage of goods or personal effects, laundry facilities, recreational areas, the storage or parking of motor vehicles, exclusive of any private garage,

	Term	Definition
		carport, basement, walkout basement, cellar, porch, verandah, deck or sunroom unless such sunroom is habitable during all seasons of the year.
92	Floor Area, Ground	The maximum ground floor area of a building measured by the outside walls, excluding, in the case of a dwelling house, any private garage, carport, porch, verandah, deck or sunroom (unless such sunroom is habitable at all seasons of the year).
93	Forestry Use	An area of land used for: <ul style="list-style-type: none"> a) Cultivating or harvesting trees, with or without a sawmill where the sawing, splitting or sale of timber originates solely on the same lot therewith as uses accessory thereto; b) The management of woodlands, including accessory uses such as the construction and maintenance of forest access roads; c) The production of maple syrup; or d) Passive outdoor recreation.
94	Garage, Private	A detached accessory building or portion of a dwelling house which is designed or used for the sheltering of a private motor vehicle and storage of household equipment incidental to the residential occupancy and which is fully enclosed and roofed and excludes a carport or other open shelter.
95	Garden Suite	A one unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing detached dwelling and that is designed to be temporary and/or portable.
96	Gas Bar	A main or accessory automotive use where vehicle fuels and lubricants are offered for retail sale, and may include an accessory convenience store, but does not include any automotive use engaged in the sale, rental, storage or repair of vehicles, except where such use is specifically permitted hereby.
97	Gazebo	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.
98	Golf Course	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.
99	Grade	The level of the ground adjacent to the outside wall of a

	Term	Definition
		building or structure.
100	Greenhouse, Commercial	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.
101	Group Home	A single-detached dwelling unit in which not more than 10 persons, having physical, social or mental handicaps reside in a household under the appropriate supervision of supervisory personnel, who may also reside in the dwelling unit, and which is licensed and/or approved for funding under provincial statutes and in compliance with municipal by-laws.
102	Group Home Type 2	A single housekeeping unit in a detached dwelling or dwelling unit within a commercial building which shall be maintained and operated primarily for: <ul style="list-style-type: none"> a) Persons who have been placed on probation under the provisions of the Probation Act, the Criminal Code of Canada, or any Act passed to replace the forgoing Act, the Criminal Code of Canada, or any Act passed to replace the foregoing Acts; b) Persons who have been released on parole under the provisions of the Ministry of Correctional Services Act, or Parole Board of Canada or any Act passed to replace the foregoing Acts; c) Persons who have been charged under the Young Offenders Act but who have been placed in open or secure custody.
103	Guest Cabin	A single storey accessory structure which is not attached to the main dwelling on a lot which is maintained for the accommodation of an individual or individuals where 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.
104	Height	Means the vertical distance between the average natural grade at the front of the structure or features, and the top of the structure or features. Building height is defined separately.
105	High Water Mark	The location where the high water level of a lake or river meets the land.
106	High water level	Mean the highest normal or controlled water level of a lake.

	Term	Definition
107	Home Industry	Any occupation of an industrial nature conducted entirely within a building or part of a building accessory to a detached dwelling.
108	Home Occupation	An occupation carried on by the occupant of a dwelling on his premises as a secondary use in connection with which there is no display, no stock in trade nor commodity sold upon the premises and which is clearly subordinate or incidental to the principal use of the dwelling for residential purposes.
109	Hotel	A building, group of buildings or parts thereof that provide sleeping accommodation for the travelling public or for recreational purposes, with or without accessory restaurants, banquet halls, facilities for the temporary exhibition and sale of goods on an intermittent basis, dining rooms premises licensed under The Liquor License Act, and includes any establishment containing guest rooms which is defined as a "hotel" in the <u>Hotel Registration of Guests Act</u> , R.S.O. 1990, c.H.17, and shall also include a motel or hostel, but does not include any residential or rooming house use.
110	Hunting or Fishing 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.
111	Improved Public Road	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 and Communications.
112	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.
113	Landscaped Open Space	The open unobstructed space from ground to sky at grade on a lot accessible by walking and which is suitable for the growth and maintenance of grass, flowers, trees, bushes and other landscaping and includes any surfaced walk, patio or similar area but does not include any driveway or ramp, whether surfaced or not, any curb, retaining wall, parking area or any open space beneath or within any building or structure.

	Term	Definition
114	Landscaping	An area of open land used and maintained for: <ul style="list-style-type: none"> a) The growth and cultivation of grass, flowers, shrubs, trees and other vegetation; b) The conservation of natural features, including rock formations, waterbodies and woodlots; or, c) The provision of landscaping features including, but not necessarily restricted to, planting strips, retaining walls, outdoor recreation facilities, play areas, permitted outdoor swimming pools, surfaced walks and patios, but does not include any areas used as a parking area, driveway, loading space, outdoor storage area or any space beneath or within any building or structure.
115	Leaching Bed	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: <ul style="list-style-type: none"> 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.
116	Light Equipment Sales and Rental Establishment	A building or structure or part of a building or structure in which light machinery and equipment such as air compressors and related tools and accessories; augers; automotive tools; cleaning equipment; light compaction equipment; concrete and masonry equipment; electric tools and accessories; fastening devices such as staplers and tackers; floor and carpet tools; gasoline generators; jacks and hydraulic equipment; lawn and garden tools; ladders; moving equipment; painting and decorating equipment; pipe tools and accessories; plumbing tools and accessories; pumps; hoses; scaffolding; welding equipment; and, other similar tools and appurtenances are offered or kept for rent, lease or hire under agreement for compensation, but shall not include any other establishment defined or classified in this By-law.
117	Loading Space	An off-street space or berth located on the same lot as a

	Term	Definition
		permitted use and used for the parking of a vehicle loading or unloading merchandise or materials pertinent to such use.
118	Lodging House/Boarding House	A dwelling in which the proprietor supplies for a fee, sleeping accommodations with board for at least three people and nor more than 10 people exclusive of the proprietor, members of the proprietors family and employees of the establishment, but does not include a hostel.
119	Logging	The removal or cutting of logs from harvestable timber for commercial purposes, either by selective, strip or clear-cutting operations.
120	Lot	A parcel or tract of land described in a deed or other legal document which is legally capable of being conveyed.
121	Lot Area	The total horizontal area within the lot lines of a lot above the normal or maintained high water mark.
122	Lot, Corner	A lot situated at the intersection of two or more streets, or at the intersection of a street and a railway right-of-way, or a lot abutting on one or more parts of the same street, in which an interior angle of less than one hundred and thirty-five (135) degrees is contained, between the front and side lot lines abutting by the said street or streets.
123	Lot Coverage	The percent of the lot area covered by buildings or structures, including porches, verandas and any other roofed area but excluding parking areas, driveways and uncovered decks less than 1.0 metres in height, and walkways.
124	Lot Depth	The horizontal distance between the midpoints of the front and rear lot lines, and where there is no rear lot line, the length of a line within the lot between the midpoint of the front lot line and the apex of a triangle formed by the side lot lines.
125	Lot Frontage	The horizontal distance between side lot lines measured at right angles from the side lot lines. Where the side lot lines are not parallel, the lot frontage shall be measured as a minimum distance between the points at which the side lot lines intersect with the front lot line."
126	Lot Line, Interior	A lot line which does not abut a street.
127	Lot Line	Any boundary of a lot.
128	Lot Line, Exterior Side	The side lot line which abuts an improved public street or an unopened road allowance on a corner lot.
129	Lot line, Front	The lot line that abuts the street, but in the case of any lot having water access, the front lot line shall be the lot line

	Term	Definition
		<p>abutting the high water mark of the navigable waterway, or the lot line abutting the Crown Shoreline Reserve and:</p> <p>a) In the case of a corner lot or through lot, the shorter lot line that abuts a street or navigable waterway shall be deemed to be the front lot line and the longer lot line that abuts a street or navigable waterway shall be deemed the exterior side lot line, but,</p> <p>b) In the case of a corner lot or through lot with two lot lines of equal length abutting streets, the lot line that abuts the wider street shall be deemed to be the front lot line, but where the streets are of equal width, the lot line which abuts a Provincial Highway shall be deemed to be the front lot line, and in the case of both streets being under the same jurisdiction and of the same width, the line over which access to the property is gained shall be the front lot line.</p>
130	Lot Line, Rear	The lot line farthest from or opposite to the front lot line.
131	Lot Line, Interior Side	A lot line other than a front or rear lot line.
132	Lot, Through	A lot bounded on opposite sides by streets or navigable waterways.
133	Lumber Yard	A building, structure or yard in which building materials are offered or kept for sale at retail and may include the fabrication of lumber products.
134	Manufacturing and Processing	A building used for the assembly or development of a product.
135	Manufacturing, Light	An industrial use engaged in or used for the assembly or repair or fabrication of goods and materials utilizing materials which have been manufactured in another location and which does not produce waste water in excess of 4500 litres per day, chemical by-products or utilize an area for outdoor storage of goods or materials except for equipment or vehicles which are for sale, lease or hire.
136	Marina	An establishment or premises, containing docking facilities, where boats or boat accessories are berthed, stored, serviced, repaired, or kept for sale or rent and where facilities for the sale of marine fuels and lubricants may be provided.
137	Marine Facility	An accessory structure which is used to take a boat into or out of a navigable waterway, or to moor a boat. This definition includes a launching ramp, boat lift, or dock but does not include any building or any boat servicing, repair, or sales

	Term	Definition
		facility.
138	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 for sale at retail or for rental, and where marine equipment is serviced or repaired and may include boat storage facilities.
139	Market Garden	Land used for the growing of vegetables, berry crops, fruit crops, flowers and mushrooms, nurseries and nursery sales stations and greenhouses.
140	Minimum Opening Elevation	The lowest elevation on a habitable building that is constructed to withstand flooding.
141	Mobile Home	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.
142	Mobile Home Park	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.
143	Motel	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.
144	Motor Vehicle	An automobile, truck, motorcycle, and any other vehicle propelled or driven otherwise than by human power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of The Highway Traffic Act, as amended.
145	Motor Vehicle, Commercial	Any commercial motor vehicle within the meaning of The Highway Traffic Act, as amended.
146	Motor Vehicle Body Shop	A building or structure used for the painting or repairing of motor vehicle bodies, exterior and undercarriage, and in conjunction with which there may be towing service and motor vehicle rentals for customers while the motor vehicle is under

	Term	Definition
		repair, but shall not include any other establishment otherwise defined or classified in this By-law.
147	Motor Vehicle Dealership	A building or structure where a franchised dealer displays motor vehicles for sale or rent and in conjunction with which there may be used motor vehicle sales or rentals, a motor vehicle repair garage, a motor vehicle service station, a motor vehicle gasoline bar or a motor vehicle body shop, but shall not include any other establishment otherwise defined or classified in this By-law.
148	Motor Vehicle Repair Garage	A building or structure where the exclusive service performed or executed on motor vehicles for compensation shall include the installation of exhaust system, repair of the electrical system, transmission repair, brake repair, radiator repair, tire repair and installation, rust proofing, motor vehicle diagnostic centre, major and minor mechanical repairs or similar use and in conjunction with which there may be a towing service, a motor vehicle service station and motor vehicle rentals for the convenience of the customer while the motor vehicle is being repaired, but shall not include any other establishment otherwise defined or classified in this By-law.
149	Motor Vehicle Service Station	A building or structure where gasoline, oil, grease, antifreeze, tires, tubes, tire accessories, electric light bulbs, sparkplugs, batteries and automotive accessories for motor vehicles and new retail goods are stored or kept for sale to the general public, or where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged, and where mechanical or running repairs essential to the actual operation of motor vehicles are executed or performed. Such shall require public washrooms.
150	Municipal, Provincial Works Garage	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.
151	Municipality	The Corporation of the Municipality of Magnetawan
152	Museum	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.

	Term	Definition
153	Non-Complying	When used in reference to a lot, building or structure, means a lot building or structure which does not comply with, one or more of the provisions of this By-law.
154	Non-Conforming	When used in reference to a use, lot, building or structure, a use, lot building or structure which does not conform to, or comply with, one or more of the provisions of this By-law, or which is not permitted herein. NON-CONFORMITY has a corresponding meaning.
155	Non-Habitable Living Space	Any floor space in a dwelling or dwelling unit other than habitable living space, and includes bathroom, laundry, pantry, lobby, communicating corridor, stairway, closet, boiler room or other space for service and maintenance of the dwelling and for access to, and vertical travel between storeys or as defined in the Building Code Act.
156	Non-Profit or Charitable Institution	An institution or organization which is incorporated as a “non-profit institution” under the <u>Corporations Act</u> , R.S.O. 1990, c.C.38, as amended, or to which the <u>Charitable Institutions Act</u> , R.S.O. 1990, c.C.9, as amended, applies, or the premises of any such institution.
157	Nursery or Garden Supply Centre	A building and/or lot, where young trees and other plants are grown for transplanting or sold for transplanting and may also include the sale of related accessory supplies.
158	Nursery School	A day nursery within the meaning of The Day Nurseries Act, R.S.O., 1990, cD2 as amended from time to time, and shall include a day care centre.
159	Nursing Home	A nursing home within the meaning of “The Nursing Homes Act”.
160	Nutrient Management Plan	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.
161	Obnoxious Use	A use which, from its nature or operation, creates a nuisance or is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust or objectionable odour, or by reason of the matter, waste or other material generated by the use, and without limiting the generality of the foregoing, shall include any uses which may be declared to be a noxious or offensive trade or business.
162	Off-Street Parking Space	A portion of a building or lot designated by the occupant or owner for use for the parking of a motor vehicle.

	Term	Definition
163	Open Space	Unoccupied space open to the sky on the same lot with a building.
164	Open Storage	The uncovered storage or display of goods, materials, merchandise or equipment on a lot or portion thereof.
165	Outdoor Amenity Area	An outdoor space, unobstructed by buildings and which cannot be travelled upon by motor vehicles.
166	Outdoor Display And Sales	Outdoor open space area where produce or merchandise is displayed and/or sold and/or where services are provided in conjunction with a business located within a building or structure on the same lot.
167	Outdoor Recreation Area	A place designed and/or equipped for the conduct of sports, leisure time activities and other recreational activities, but shall not require buildings. It may include accessory structures to the principle use. It may include such items as signs, benches and goal posts.
168	Outdoor Storage	The storage of goods and materials including vehicles for hire or sale, outside a building.
169	Park, Private	An open space or recreational area, other than a public park, operated on a commercial and/or private member basis, and which includes one or more of the following facilities or activities: a) Areas for walking, riding and cross-country skiing but does not include the racing of animals, motor vehicles, motor cycles or snowmobiles; b) Swimming and wading areas; c) Accessory recreational or playground areas such as picnic areas, tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields, swimming pools and similar uses; d) Buildings and structures accessory to the foregoing including a refreshment booth or pavilion, and administrative offices; and, e) An accessory club house; and f) Parking lots accessory to the foregoing.
170	Park, Public	An area of public land used primarily for active or passive recreational purposes of any kind or as a conservation area, including any buildings and structures accessory thereto.
171	Parking Aisle	That part of a parking area which provides on site access to parking spaces, but does not include a driveway.
172	Parking Area	An outdoor, indoor or underground area which is provided on a

	Term	Definition
		lot for the parking of one or more vehicles, and includes parking aisles, but does not include driveways or any area where vehicles for sale or repair are kept or stored.
173	Parking Lot	A parking area which constitutes a main use on a lot and where vehicles are parked for remuneration.
174	Parking Space	That portion of a parking area, exclusive of any driveway or parking aisle, which is used for the parking of not more than one vehicle.
175	Patio	A platform or surfaced area without a roof, the surface of which is not more than 0.6 metres above finished grade, which is designed and intended for use as an accessory to a dwelling or a commercial use.
176	Person	Any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executor or other legal representatives of a person to whom the context can apply according to law.
177	Personal Service Shop	A building or part thereof wherein a personal service is performed, including, but not necessarily restricted to, a barber shop, a beauty salon, a shoe repair shop, a tailor or dressmaking shop, a dry cleaning depot, a laundromat, a photographic studio or the premises of an optician, but does not include any other used defined herein.
178	Pit	A place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an excavation to supply materials for construction, industrial or manufacturing purposes, but does not include a wayside pit.
179	Place of Amusement	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.
180	Place Of Entertainment	A motion picture or live theatre, arena, auditorium, planetarium, concert hall and other similar uses but shall not include an adult entertainment parlour, any use entailing the outdoor operation or racing of animals or motorized vehicles, a casino or any other establishment accommodating or providing gambling or gaming activities, wagering or betting, video lottery or gaming machines, or any other similar type of gambling use.

	Term	Definition
181	Place of Worship	Churches, chapels, temples, parish halls and synagogues including offices for the administration of the religious institution, convents, seminaries, monasteries, rectories, parsonages and parish houses.
182	Planting Strip	An open space free of buildings or structures that is used for no other purpose than an area of landscaped open space.
183	Porch	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.
184	Portable Asphalt Plant	A temporary facility, to be dismantled at the completion of a construction project, where: (a) Equipment is used to heat and dry mineral aggregate and to mix it with bituminous asphalt to produce asphalt paving material; and, (b) Bulk materials used in the process described in clause (a) are kept.
185	Portable Processing Plant	Any equipment for the crushing, screening or washing of sand and gravel aggregate materials, but not including a concrete batching plant or an asphalt plant, of which the equipment is capable of being readily drawn or readily propelled by a motor vehicle and which equipment is not considered permanently affixed to the site.
186	Principal Use	The primary purpose for which a lot, building or structure is used, or is intended to be used.
187	Private Academy, Philanthropic or Religious School	A school, other than a public or separate school, where academic subjects are taught or which is maintained for philanthropic or religious purposes.
188	Private Camp	An establishment that provides reserved accommodation in the form of cabins, rooms or campsites, which is not open to the travelling public, and has centralized facilities for dining and recreation, and provides recreational, religious or educational programs.
189	Private Club	A non-profit, non-commercial organization, which carries on social, cultural, athletic and/or recreational activities.
190	Private Road	A private right-of-way over private property which affords access to abutting lots.
191	Provincial	A street under the jurisdiction of the Ministry of Transportation

	Term	Definition
	Highway	and Communications.
192	Public Authority	Any Federal, Provincial, County or Municipal agencies, and includes any commission, board, authority or department established by such agency.
193	Public Works Yard	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.
194	Quarry	A “quarry” as defined in the <u>Aggregate Resources Act</u> , R.S.O. 1990, c.A.8, as amended, but does not include a wayside quarry.
195	Queuing Lane	An area of land that is used exclusively for motor vehicles whose occupants are waiting to be provided with goods, materials or services.
196	Reconstruction	Shall mean 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.
197	Recreational Area	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.
198	Recreational Dwelling	A detached dwelling that is used for temporary occupation on a seasonal basis by persons who maintain a permanent residence in another location.
199	Recreational Establishment	A use of land, building or structure that has been designed and equipped for the conduct of athletic and leisure time activities including but not limited to a public hall, billiard or pool room, bowling alley, ice/curling or roller skating rink, swimming pool, miniature golf or driving range, an establishment offering three or more electronic video games for public use and other similar uses, but shall not include a commercial fitness centre, adult entertainment parlour, any use entailing the outdoor operation or racing of animals or motorized vehicles, a casino or any other establishment accommodating or providing gambling or gaming activities, wagering or betting, video lottery or gaming machines, or any other similar type of gambling use, or any other sports or leisure time use otherwise defined in this By-law.

	Term	Definition
200	Recreational Vehicle	Any vehicle that is suitable for being attached to a motor vehicle for the purpose of being drawn or is self-propelled, and may be capable of being used on a short term recreational basis for living, sleeping or eating accommodation of human beings and includes a travel trailer, pick-up camper, motorized camper or tent trailer.
201	Rental Store	A retail store in which a building, or part of a building where goods are kept for the purpose of temporary loan to the public and shall include a light equipment sales and rental establishment. A sum of money is paid for the use of the goods for a set period of time and after which the goods are returned. However, a rental store shall not include an automotive leasing establishment or heavy equipment sales and rental.
202	Repair Shop	A premises used primarily for the repair of household articles but shall not include shops for the repair of internal combustion engines, motor vehicles or other similar uses.
203	Reserve	A strip of land abutting a public road and owned by the authority having jurisdiction over such a public road.
204	Residential Use	The use of land and buildings for human habitation.
205	Resort	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.
206	Resource Management	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, 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.
207	Restaurant	A premises in which the principal business is the preparation and serving of food and refreshments to the public for consumption at tables within or outside the building and which may include the preparation of food in a ready-to-consume state for consumption outside of the premises.
208	Restaurant,	A place where food and drinks are prepared and offered for

	Term	Definition
	Take-out	sale to the public but does not necessarily provide facilities for consumption thereof on the premises other than in parking areas.
209	Retail Store	A building where goods, wares, merchandise, substances or articles, are offered or kept for sale at retail or rental and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, or articles sufficient only to service such stores but does not include any retail outlet otherwise classified or defined in this By-law.
210	Retaining Wall	A wall built as a grade separation structure.
211	Retirement Home	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.
212	Riding School or Boarding Stable	An area of land which is used as an educational centre for horse training, handling, care, or for the lodging of horses.
213	Salvage or Wrecking Yard	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.
214	Sawmill	A building, structure or area where timber is cut or sawed, either to finished limber or as an intermediary step.
215	School	A public school, a separate school, a university, a community college or a private school authorized by the Province of Ontario.
216	School, Commercial	A school conducted for gain of profit such as a studio of dancing, art school, music school, drama school, school of calisthenics, business or trade school, training centre or any other specialized school but shall not include a school as defined in this By-law or a private academic, religious, or philanthropic school.
217	Senior Citizens Home	A building used to board and lodge senior citizens, with or without medical care, whether under private or public ownership, and approved under the provisions of "The

	Term	Definition
		Charitable Institutions Act” or “The Homes for The Aged and Rest Homes Act”.
218	Service Shop, Heavy	A shop not otherwise classified or defined in this By-law, whether conducted in conjunction with a retail store or not, for servicing or repairing tires (including vulcanizing or retreading), batteries, brakes or radiators, automotive ignition, exhaust or electrical systems, furnaces or oil burners, water or air coolers and domestic water heaters, fixtures and equipment and any other like articles, the business of renting automobiles or trucks, light construction or lawn care equipment, the business of kitchen, plumbing, electrical supplies and fixtures, and includes the regular place of business of a master painter, carpenter, welder, tinsmith, electrician or plumber where his equipment, stock-in-trade, supplies and tools, accessory goods and materials can be assembled and stored.
219	Service Shop, Light	A shop not otherwise classified or defined in this By-law that does not produce noise or scrap, whether conducted in conjunction with a retail store or not, for servicing or repairing radio and television receivers, vacuum cleaners, refrigerators, washing machines, sewing machines and other household and domestic appliances, musical instruments, sound and public address systems, garments and hosiery, shoes, cameras, toys, jewellery, watches, clocks, safes and locks, bicycles, wheelchairs, orthopedic appliances and similar article of personal use; And also may include a hardware store, a computer equipment sales, service and supply outlet, and a photographic processing laboratory and supply outlet.
220	Septic System	a) a <i>leaching bed</i> system; or b) 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.
221	Setback	The horizontal distance from the centre line of the street right-of-way, measured at right angles to such centre line, or in the case of a lot having frontage on a navigable waterway take the horizontal distance from the high water mark to the nearest part of any building or structure or excavation on the lot.
222	Sewage	The waste water and matter from any use.
223	Sidewalk	A paved area within the municipal right-of-way that is designed for use by pedestrians.

	Term	Definition
224	Sign	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.
225	Site	The land subject to an application.
226	Site Plan	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.
227	Solarium	a predominantly glazed structure attached to a main building that has walls and a roof which permit sunlight to enter.
228	Special Needs Facility	Housing, including dedicated facilities, that are designed to accommodate individuals with specific needs and includes a crisis residence, long term care facilities and retirement homes, where varying degrees of support services are provided including meal preparation, laundry, housekeeping, respite care and attendant services.
229	Storage 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.
230	Storey	means a part of a building between the surface of one floor and the ceiling above. However, a cellar does not count as a storey.
231	Storey, Basement	means any storey below the first storey which is at least 50% above finished grade along wall face at the front of the building.
232	Storey, Cellar	means any storey below the first storey which is more than 50% below finished grade (measured from finished floor to finished ceiling).
233	Storey, First	means the storey with its floor closest to finished grade and

	Term	Definition
		having its ceiling at least 1.5 metres above finished grade, but is not a basement.
234	<i>Storey, Half</i>	<i>means that portion of a building situated above the first storey that is wholly or in part within the roof .</i>
235	Stormwater Management Pond	A detention basin that temporarily stores or treats collected stormwater runoff and releases it at a controlled rate.
236	Street	A public highway under the provisions of The Municipal Act, apply and which afford a principal means of access to abutting lots.
237	Street Line	A lot line dividing a lot from a public road and is the limit of the road allowance.
238	Street or Road, Public	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 Town.
239	Structure	Anything that is erected, built or constructed of parts joined together and attached or fixed permanently to the ground or any other structure. For the purpose of this By-law, a retaining wall that has a height of 1.0m or less, a light standard and a sign shall be deemed not to be structures.
240	Subfloor	The finished flooring of a basement or cellar or the first course of flooring supported by joists of any other floor level of a building.
241	Suite	A single room or series of rooms of complementary use, operated under a single tenancy and includes dwelling units, individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories as well as individual stores and individual or complementary rooms for business and personal services occupancies.
242	Summer Camp	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.
243	Supermarket	A building, or part thereof, containing a departmentalized food store.
244	Tavern	A building or part thereof at which alcoholic beverages may be

	Term	Definition
		prepared and served for consumption on the premises with or without food.
245	Temporary Building	A building or structure intended for removal or demolition within a prescribed time as set out in a building permit application.
246	Tent	Any kind of temporary shelter for sleeping that is not permanently affixed to the site and that is capable of being easily moved and is not considered a structure.
247	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.
248	Top of Bank	A point of line which is the beginning of a significant change in the land surface, thence from which the land surface slopes downward towards an abandoned or existing watercourse. Where two or more slopes are located together, the slope that is highest and furthest away from the watercourse shall be the slope considered the top of bank.
249	Tourist Establishment	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: <ul style="list-style-type: none"> 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.
250	Trailer	A vehicle that is at any time drawn upon a highway by a motor vehicle and for the purposes of this By-law does not include a mobile home.
251	Trailer, Construction	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.

	Term	Definition
252	Trailer, Travel or Tent	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.
253	Training and Rehabilitation Centre	Facilities providing educational, pre-vocational, vocational and life-skill training to individuals.
254	Transport Terminal	Any premises where commercial vehicles are kept for hire, rental or lease, or are stored or parked for remuneration, or from which commercial vehicles are dispatched for hire as common carriers.
255	Truck Camper	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.
256	Use	a) Any purpose for which a building or other structure or a parcel of land may be designed, arranged, intended, maintained, or occupied; or, b) Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a parcel of land.
257	Utility Provider	Any agency, which under public or private ownership, provides the public with electricity, gas, heat, rail, transportation, water, sewage, collection or other public service.
258	Vehicle	Any carriage, conveyance or other device capable of being propelled, driven or drawn by any kind of power, including motor power or wind power, and includes, without limiting the generality of the foregoing, a passenger automobile, trailer, truck, boat, aircraft, tractor, farm implement, mobile crane or shovel, snowmobile or motorcycle, but does not include a pedal bicycle, canoe or other device powered solely by means of human effort, or a mobile home dwelling.
259	Vehicle, Recreational	A non-commercial vehicle used primarily for recreational or vacation purposes, including, but not necessarily restricted to, a travel or tent trailer, a boat, a snowmobile, all terrain vehicle or any trailer or other vehicle capable of being used for the temporary vacation living accommodation of one or more persons.
260	Veranda	Is an unenclosed structure attached to a building having a floor

	Term	Definition
		and roof.
261	Veterinary Clinic/Hospital	A building or part thereof, with or without related structures, wherein animals and birds of all kinds are treated or kept for treatment by a registered veterinarian, but does not include a kennel.
262	Warehouse	A building or part of a building used for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities for a wholesale or retail commercial outlet, but shall not include facilities for a truck or transport terminal or yard.
263	Water Taking, Commercial	The extraction on water from ground or surface water sources in excess of 50,000 litres per day for resale.
264	Waterbody	A navigable river or lake having a surface area in excess of 10 hectares (25 acres).
265	Watercourse	The natural channel for a perennial or intermittent stream of water including a river or stream.
266	Wayside Pit Or Quarry	A temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.
267	Wetland	Land such as a swamp, marsh, bog or fen (not including land that is being used for agricultural purposes and no longer exhibits wetland characteristics) that, <ul style="list-style-type: none"> a) is seasonally or permanently covered by shallow water or has the water table close to or at the surface, b) has hydric soils and vegetation dominated by hydrophytic or water-tolerant plants, and c) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time.
268	Wind Farm	Lands on which more than one wind turbine that generates electrical power for commercial sale are located.
269	Wind Turbine	A structure comprised of a tower and rotating blades designed to convert wind energy to electrical power.
270	Woodland	A treed area, woodlot or forested area 0.5 acre and over in size, other than a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees.
271	Wrecking Yard	An area outside of an enclosed building where motor vehicles

	Term	Definition
		are disassembled, dismantled or junked, or where vehicles not in operable condition, or used parts of motor vehicles, are stored.
272	Woodchipper	A machine that processes logs into wood chips.
273	Workshop	A building or structure where manufacturing is performed by tradesmen requiring manual or mechanical skills and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, a tinsmith's shop, a commercial welder's shop, or similar uses.
274	Yard	An area of land which: a) Is appurtenant to, and located on the same lot as, a main building or structure; and b) Is open, uncovered and unoccupied from the ground to the sky, except for those uses specifically permitted thereon elsewhere in this By-law.
275	Yard, Exterior Side	A yard abutting a street line, and includes a front yard and a corner side yard as defined herein.
276	Yard, Front	A yard extending across the full width of a lot between the front lot line of such lot and the nearest part of any main building or structure on such lot.
277	Yard, Interior Side	A yard extending from the front yard to the rear yard of a lot and from an interior lot line of such lot to the nearest part of any main building or structure on such lot.
278	Yard, Maximum	The maximum distance of a yard from a lot line. In calculating the maximum yard, the minimum horizontal distance from the respective lot line shall be used.
279	Yard, Minimum Required	That part of a yard which: a) Is located adjacent to a lot line; b) Has the minimum front yard depth, rear yard depth or side yard width required hereby. c) Does not contain or include any buildings, structures or outdoor parking areas except where such uses are specifically permitted thereon elsewhere herein. In calculating the minimum required yard, the shortest horizontal distance from the respective lot line shall be used.
280	Yard, Privacy	A yard directly adjoining an exterior wall of a dwelling unit for use solely by the occupants thereof, but does not include any part of a parking area.
281	Yard, Rear	A yard extending across the full width of a lot between the rear

	Term	Definition
		lot line of such lot and the nearest part of any main building or structure on such lot, but excluding any part of a corner side yard as defined herein.
282	Yard, Required	The minimum yard required by the provisions of the By-law.
283	Yard, Side	An interior side yard or corner side yard.
284	Zone	The category of use or activity of land, buildings, structures or activities permitted by this By-law.
285	Zone Provisions	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.

**SECTION 6
ENACTMENT**

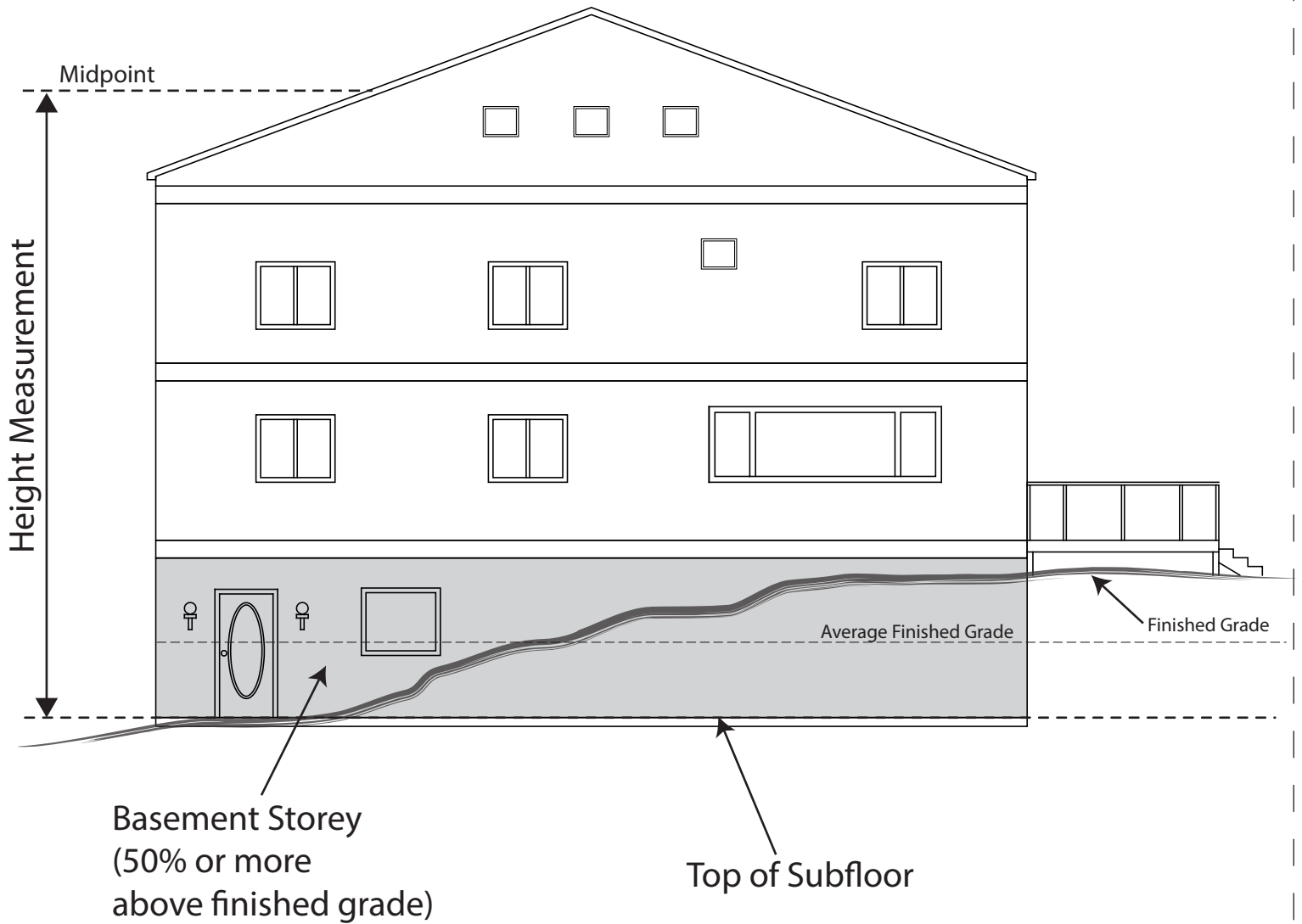
BY-LAW READ A FIRST AND SECOND TIME THIS ___th DAY OF _____,
20__.

BY-LAW READ A THIRD AND FINAL TIME AND PASSED THIS ___th DAY OF
_____ 20_____.

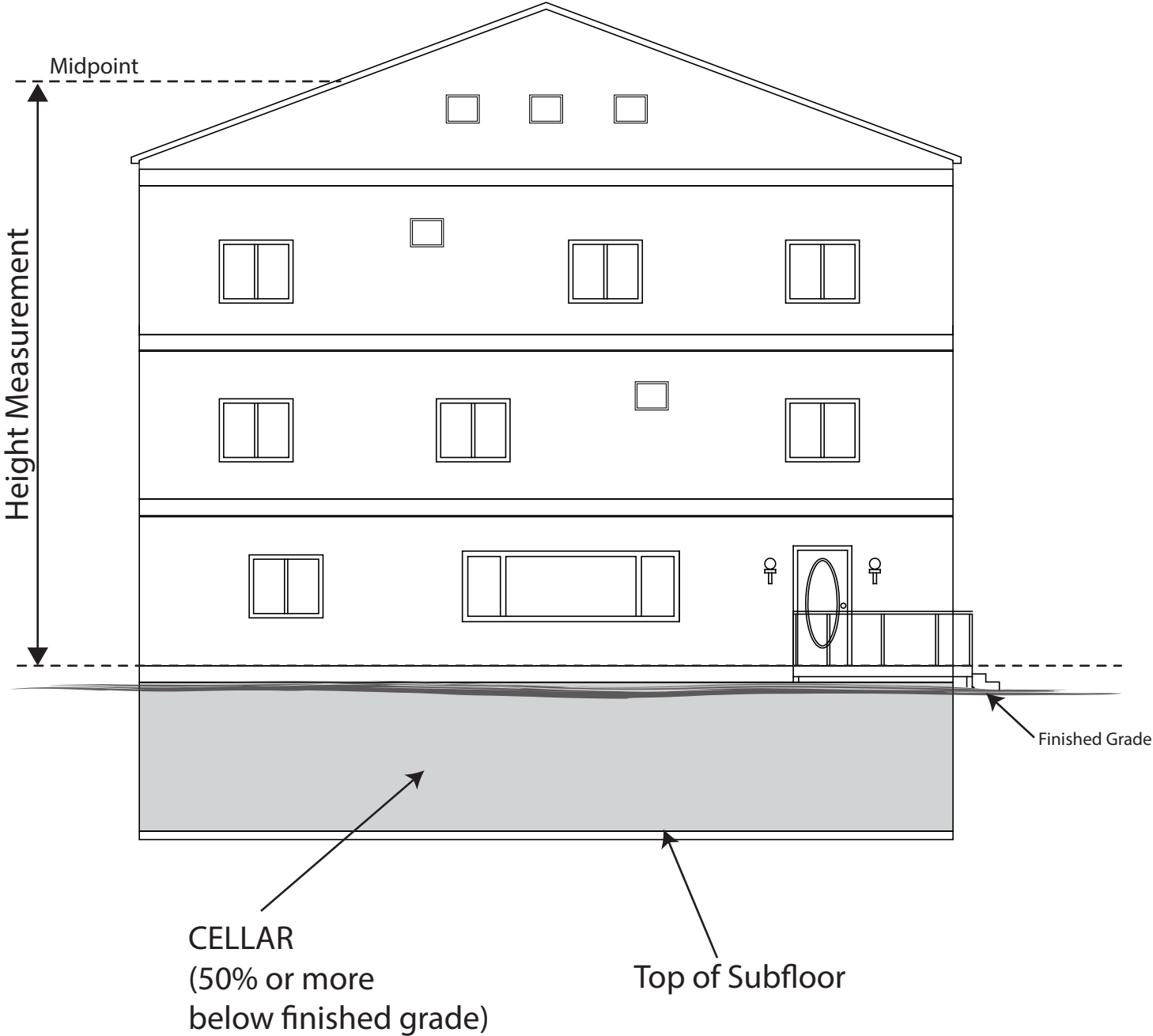
MAYOR

CLERK

1 - BASEMENT - Building Height Measurement



2 - CELLAR - Building Height Measurement

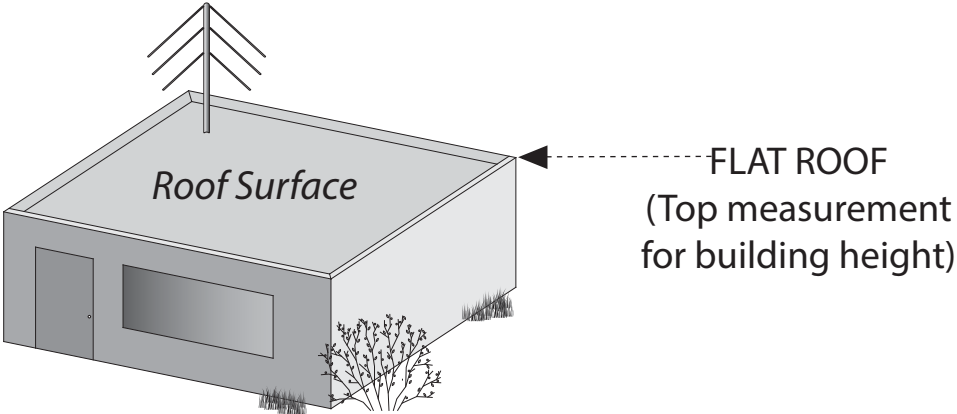


3 - NO BASEMENT OR CELLAR - Building Height Measurement

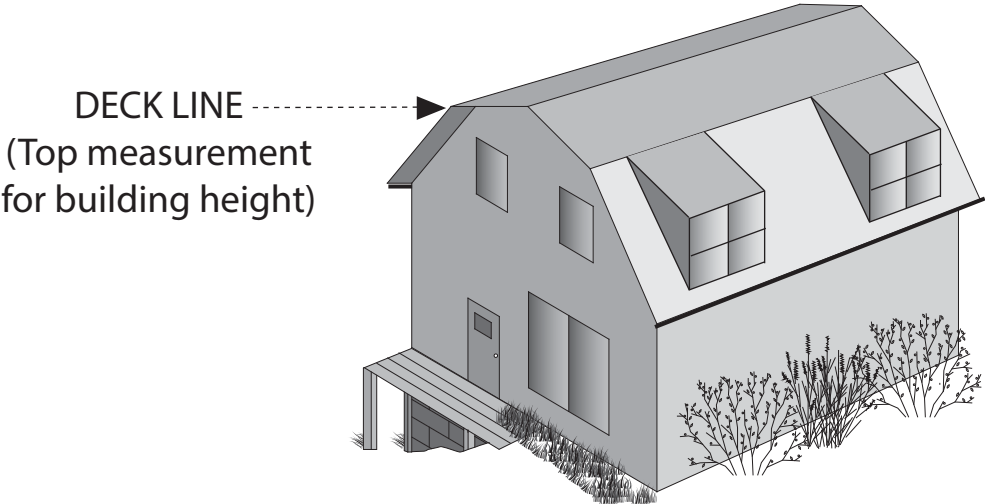


HEIGHT OR BUILDING HEIGHT

FLAT/DOMED ROOF



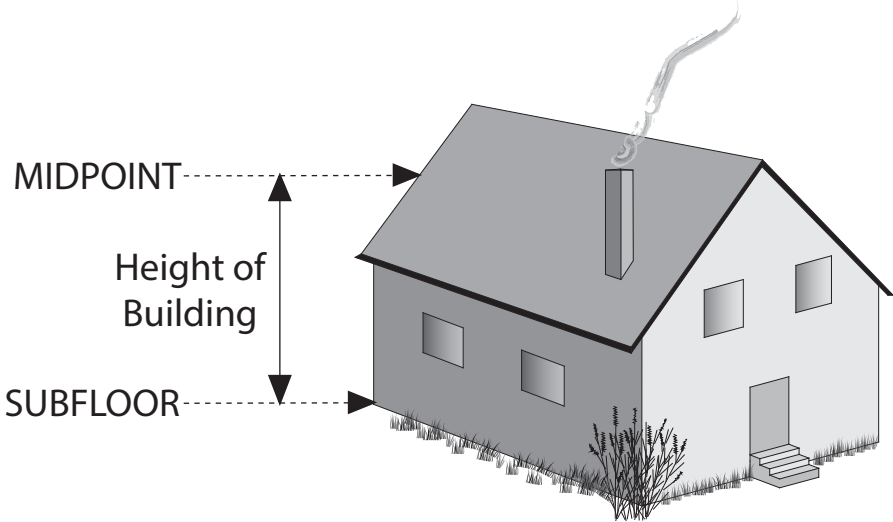
MANSARD ROOF



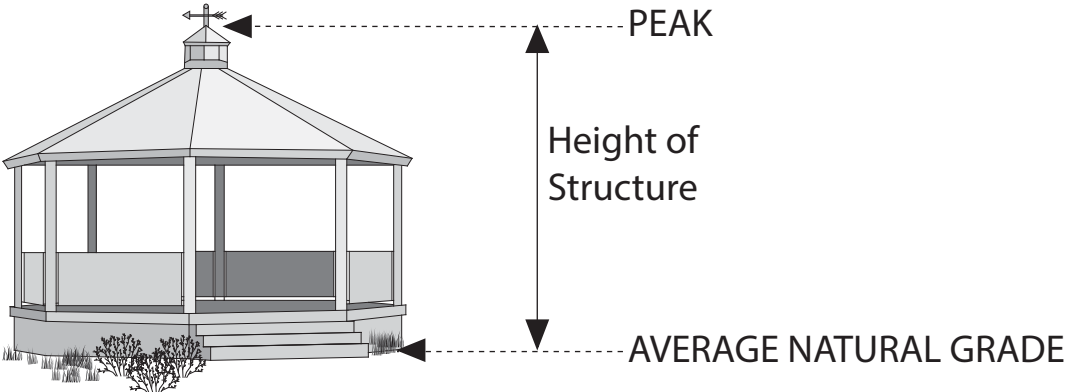
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HEIGHT OR BUILDING HEIGHT

STRUCTURE WITH PEAK



ACCESSORY STRUCTURES



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