



Township of Nipissing

Zoning By-law 2012-12



March 6, 2012



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Prepared by



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THE TOWNSHIP OF NIPISSING
ZONING BY-LAW NO. 2012-12
BEING A BY-LAW TO REGULATE THE USE OF LAND,
BUILDINGS AND STRUCTURES IN THE TOWNSHIP OF NIPISSING

WHEREAS the authority is granted under Section 34 of The Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass by-laws prohibiting and regulating the use of lands, buildings and structures and the type of construction, height, bulk, location, spacing and character of buildings and structures to be erected or altered;

AND WHEREAS the Council of the Township of Nipissing deems it necessary and desirable, and in the public interest to repeal Zoning By-law 980 and all amendment thereto and to pass a new by-law with respect to lands in the Township of Nipissing;

AND WHEREAS the Corporation of the Township of Nipissing has an Official Plan;

AND WHEREAS this by-law conforms to the Official Plan for the Township of Nipissing;

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF NIPISSING ENACTS AS FOLLOWS:

SECTION 1 - INTERPRETATION

1.1 APPLICATION

In their interpretation and application, the provisions of this By-law shall be held to the minimum requirement adopted for the promotion of the public health, safety, convenience or general welfare. Whenever the requirements of this By-law are at variance with the requirements of any other By-law, the most restrictive, or the By-law imposing the higher standards, shall govern and apply. Nothing in this By-law shall be construed to exempt any person from complying with the requirements of any By-law of the Township of Nipissing or from any statute or requirement of the Province of Ontario or of the Government of Canada.

1.2 APPLICABILITY OF "USE"

Unless the context otherwise requires, the expression "use" or "to use" in this By-law includes anything done or permitted by the owner or occupant of any land, building or structure, directly or indirectly or by or through any trustee, tenant, servant, or agent, acting for or with the knowledge or consent of such owner or occupant, for the purpose of making use of the said land, building or structure.

1.3 CLOSED STREET, LANE OR RIGHT-OF-WAY

In the event a dedicated street, lane or right-of-way shown on Schedule A, Schedule B or Schedule C forming part of this By-law is closed, the property formerly in such street, lane or right-of-way shall be included within the Zone of the adjoining property on either side of such closed street, lane or right-of-way. If a closed street, lane or right-of-way is the boundary between two or more different Zones, the new Zone boundaries shall be the former centre line of the closed street, lane or right-of-way.

1.4 COMMITTEE OF ADJUSTMENT

Where the uses of land, buildings or structures permitted in the By-law are defined in general terms, the Committee of Adjustment may permit the use of any land, building or structure for any purpose that, in the opinion of the Committee, conforms with the uses permitted in the By-law.

1.5 DEFINED AREA

This By-law applies to all land within the municipal boundaries of the Corporation of the Township of Nipissing.

1.6 DEFINED ZONE AREAS

The extent and boundaries of all Zones are shown on Schedules A, B and C and on these Schedules all such Zones are hereby defined as areas to which the provisions of

this By-law shall apply. The area enclosed by any zone consists of all land lying within the zone boundaries, including streets, right-of-ways, and watercourses.

1.7 LITIGATION

This By-law does not affect the rights of any party or any land concerned in any action, litigation or other proceeding pending on the date of the final passage thereof, except to the extent to be determined in the final adjudication of such action, litigation or other proceedings.

1.8 REPEALS

Upon the final approval of this By-law, all other Zoning By-laws in the Township of Nipissing are hereby repealed, specifically By-law 980, 1068, 1090, 1091, 2009-40, and 2011-14.

1.9 SEVERABILITY

If any provision of this By-law, including any part of any Zone as shown on any Schedule, is for any reason held to be invalid, it is hereby declared to be the intention that all the remaining provisions shall remain in full force and effect until repealed, notwithstanding that one or more provisions shall have been declared to be invalid.

1.10 SHORT TITLE

This By-law may be cited as "The Township of Nipissing Zoning By-law".

1.11 SINGULAR AND PLURAL WORDS

In this By-law, unless the context clearly requires otherwise, words used in the singular include the plural and vice versa.

1.12 SITE SPECIFIC ZONES

This by-law identifies site specific zones with a Special Zone. Where a property on the attached Schedule(s) is identified by a SZ, and a number, such as SZ1, the symbol refers to a site-specific zone that applies to the lands noted. Site-specific zones are listed in Section 5 of this By-law.

1.13 HOLDING ZONES

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

By-law and/or the requirements of any amending By-law, and the requirements of the Planning Act, as amended.

1.14 TEMPORARY USE ZONES

Notwithstanding any other provision in this By-law, where a Zone symbol is preceded by the Letter (T), no person shall use the land to which the letter (T) applies for any use other than the use identified in the applicable zone or use identified in Section 6.2.1, until such time that the applicable by-law under section 6.2.1 expires.

1.15 USE OF LAND, BUILDING, OR STRUCTURE

Except as provided by the Planning Act of Ontario no building, structure or land shall be used, and no building or structure shall be hereafter erected, structurally altered or enlarged, and no lot created within the limits of the Municipality as now or hereafter legally constituted except in conformity with the provisions of this By-law.

1.16 ZONE SCHEDULES

Schedules A, Map 01-21, Schedule B Map 01-18, Schedule C and Schedule D attached hereto, are hereby declared to form part of this By-law.

SECTION 2 - DEFINITIONS

ABATTOIR means a use, building or structure specifically designed to accommodate the penning and slaughtering of live animals and fowl and the preliminary processing of animal carcasses and may include the packing, treating, storing and sale of the product on the premises.

ACCESSORY means a use, building or structure that is naturally and normally incidental, subordinate and exclusively devoted to the principal use, building or structure and located on the same lot therewith. Accessory may include the temporary storage of a travel trailer, ice bungalow or ice-hut, provided the same is not used for sleeping or cooking during such period of temporary storage.

AGRICULTURAL SERVICES means the use of land, structure or building for the purposes of buying and selling commodities and services that are necessary to support agricultural operations but does not include any manufacturing, assembling, processing, warehousing, or construction uses.

AGRICULTURAL, USE means general farming and without limiting the generality of the foregoing includes the raising and harvesting of field, bush, tree or vine crops, gardening, nurseries, greenhouses, dairying, animal husbandry, raising of poultry, chickens, turkeys or other fowl, fur-bearing animals, fish, hogs, game animals or the growing of mushrooms, bee keeping and such uses as are customarily and normally related to agriculture, including the sale of produce grown on the farm from which the sale is made.

ALTER means to change an existing structure in any fashion that requires a building permit under the Building Code Act.

ANIMAL HOSPITAL means a building or structure where animals, including birds and livestock are treated and where domestic animals, including birds are kept for treatment and shall include a veterinary establishment and a veterinary clinic, but not a kennel.

AUTO BODY SHOP means an establishment for the repair of damage to a motor vehicle caused by collision, accident, corrosion or age, and, without limiting the generality of the foregoing, includes the reconstruction of motor vehicles, the painting or repainting of motor vehicles and the rebuilding or conversion of automotive engines or engine parts, but does not include a repair garage, an impounding yard, an automobile service station or a gas bar.

AUTOMOBILE SERVICE STATION means a building or a clearly defined space on a lot where gasoline, propane, oil, tires, batteries and other similar products for the maintenance of motor vehicles may be sold or where vehicles may be oiled, greased and subjected to minor or running repairs essential to the actual operation of motor vehicles. For the purpose of this definition, the sale of cold drinks, packaged foods,

tobacco and similar convenience goods for service station customers, may be allowed in conjunction therewith as an accessory and incidental use to the principal operation.

BAKERY means a factory for producing, mixing, compounding or baking bread, biscuits, ice cream cones, cakes, pies, buns, or any other bakery product of which flour or meal is the principal ingredient, but does not include a restaurant or other premises where any such product is made for consumption on the premises or a bake shop.

BAKE SHOP means a building or structure or part thereof where products of a bakery are sold or offered for sale by retail, including incidental baking of products for retail or wholesale.

BANK/TRUST COMPANY means an institution where money is deposited, kept, lent, or exchanged.

BANQUET HALL means a building or part of a building used for the purpose of entertaining a large group of people where food and liquor are generally provided.

BASEMENT means that space of the dwelling that is partly below grade which has more than one-half of its interior height measured from floor to ceiling above the average finished grade around the exterior of the building.

BED AND BREAKFAST ESTABLISHMENT means a single unit detached dwelling used incidentally to provide accommodation and meals to transient travelers but does not include a restaurant.

BOAT HOUSE means an accessory building or structure which is designed or used only for the sheltering or storage of boats, other forms of water transportation and related equipment on or over the water.

BUFFER STRIP means a landscaped or naturally vegetated area of land devoted exclusively to the provision of visual amenity and intended to obstruct or partially obstruct the view between adjacent uses.

BUILDING means any structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals or chattels, other than a lawful boundary wall or fence, and shall include any structure, loading dock, staging gallery, wall, excavation, storage tank, gasoline pump, pump island, bleacher, fence, swimming pool, sundeck, grandstand, tent, awning, bin, bunker or platform, vessel or vehicle used for any of the said purposes.

BUILDING BY-LAW means any by-law of the municipality passed pursuant to the Building Code Act.

BUILDING PERMIT means a permit required under the Building By-law.

BUILDING SUPPLY OUTLET means a building or structure in which building or construction and home improvement materials are offered or kept for sale at retail and may include the fabrication of certain materials related to home improvement.

BULK FUEL STORAGE means the use of land, building or structure for the storage and distribution of fuels and oils but not including retail sales or key lock operations.

BUS STORAGE means an area with or without a building for the storage and/or sheltering of buses and may incorporate the servicing of such vehicles.

BY-LAW ENFORCEMENT OFFICER means a person duly appointed by Council as a By-law Enforcement Officer and charged with the duty of enforcing the by-laws of the municipality.

CABIN, HOUSEKEEPING means a separate building located in a licensed tourist establishment designed to provide sleeping accommodations and facilities for the preparation and cooking of food and intended to be rented or leased for recreational uses from time to time throughout the year.

CABIN, TOURIST means a separate building designed to provide only sleeping accommodation for the traveling or vacationing public.

CAMPING ESTABLISHMENT means the use of land, managed as a unit, for the provision of short term accommodation for tents, tent trailers, travel trailers, recreation vehicles and campers and includes accessory facilities which support the use, such as administration offices, retail uses, laundry facilities, game rooms or other similar facilities but does not include a mobile home park.

CARPORT means an enclosed or partially enclosed structure having a minimum of sixty percent (60%) open area with a roof which is designed or used for the storage of one or more private vehicles.

CELLAR means that space of the building that is partly or entirely below grade which has one-half or less than one-half of its height measured from floor to ceiling above finished grade around the exterior of the building.

CEMETERY means land that is set apart or used as a place for interment of the dead. A cemetery may include such accessory uses as mausoleums, crematoriums and columbariums.

CLINIC means a building or part thereof used for medical, dental, surgical or therapeutical treatment of human beings, but where patients are not usually lodged overnight.

CLUB, PRIVATE means a meeting place normally restricted to persons who are members and who meet to participate in a specific activity.

CLUB, SERVICE means a meeting place for members of a Community service organization or charity.

COMMERCIAL USE means the use of any land, building or structure for the purposes of buying or selling commodities and supplying services, as distinguished from such uses as manufacturing or assembling of goods, warehousing, contractors' yards and similar uses.

COMMUNITY FACILITY means any tract of land or building used for community activities which may be used for ancillary commercial purposes and the control of which is vested in the Municipality, a local board or commission thereof, or a non-profit community organization.

CONSERVATION USE means the preservation, protection and/or improvement of the components of the natural environment through management and maintenance for both the individual and society's uses, both in the present and in the future.

CONTRACTOR'S YARD means an area with or without buildings used for the storage of materials and equipment related to the construction industry.

CONVENIENCE STORE means a retail store serving the daily or occasional needs of the residents of the immediate area with a variety of goods such as groceries, meats, vegetables, beverages, dairy products, patent medicines and/or newspapers, but shall not include an automobile service station.

COUNCIL means the Council of The Corporation of the Township of Nipissing.

DAY NURSERY means a day nursery within the meaning of The Day Nurseries Act of Ontario, and amendments thereto.

DOCK means a temporary or permanent non-roofed structure located on a navigable waterway, designed to provide docking and mooring services for a boat or other form of water transportation.

DOMESTIC PET means cats; dogs; caged birds; aquarium fish; non-poisonous, non-venomous and non-constricting arthropods, reptiles and amphibians; and small mammals such as rabbits, gerbils, hamsters, guinea pigs, fancy mice and fancy rats.

DRIVING RANGE means a public or private area operated for the purpose of developing golfing techniques, including miniature golf courses, but excluding golf courses.

DRY INDUSTRY means an industry which by the nature of its operation, process or fabrication of raw materials or service rendered does not require a water supply other than that available from within the limits of the lot upon which the use is located and from which the only waste water discharges are stormwater drainage; or sanitary sewage produced by normal sanitary and eating facilities required for employees.

DWELLING means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, but shall not include hotels, boarding and rooming houses, motels and institutions.

DWELLING, CONVERTED RECREATIONAL means a recreational dwelling converted to a year round residential dwelling through renovation and alteration, by applying building and construction standards applicable to a permanent residential dwelling.

DWELLING, RECREATIONAL means a dwelling unit, other than a mobile home dwelling unit, which is used as a secondary place of residence for vacation and recreational purposes only, from time to time during the year, but which is not to be used as a principal residence by the owner or any other person.

DWELLING, SINGLE-UNIT DETACHED means a completely detached building consisting of one dwelling unit other than a mobile home to which entrance is gained only by a private entrance outside the building.

DWELLING, TWO UNIT means a separate building containing only two dwelling units.

DWELLING UNIT means a group of rooms used or designed or intended to be used by one or more persons as a single, independent and separate housekeeping establishment in which food preparation and sanitary facilities are provided for the exclusive use of such person or persons; and which has a private entrance from outside the building or from a common hallway inside the building.

DWELLING UNIT, ACCESSORY means a dwelling unit accessory to a permitted use on the same lot and occupied by the owner of such lot, or by a person employed thereon.

DWELLING UNIT, APARTMENT means a separate dwelling unit which may be accessory to the main use of a building.

EAVE means a roof overhang, free of enclosing walls, without supporting columns.

EFFICIENCY UNIT means a part of a hotel or motel which contains sleeping facilities, private sanitary facilities and cooking facilities which are located in not more than two rooms, excluding the washroom.

EQUIPMENT SALES AND RENTAL ESTABLISHMENT, LIGHT means an establishment 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; and appurtenances are repaired, or offered or kept for sale, rent, lease or hire.

EQUIPMENT SALES AND RENTAL ESTABLISHMENT, INDUSTRIAL means an establishment in which machinery, equipment, furniture, fixtures and other goods, of a size and type which would be used for business, industrial and major construction undertakings are repaired, or offered or kept for sale, rent, lease or hire.

ERECT means build, construct, reconstruct, alter, enlarge and relocate and without limiting the generality of the foregoing is taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

EXISTING means existing as of the date of the final passing of this By-law.

EXTERIOR LIGHTING means any form of artificial illumination located outside of a building or structure.

FARM IMPLEMENT SALES AND SERVICE ESTABLISHMENT means the use of land, buildings or structures for the sale, storage or repair of equipment associated with the operation of a farm.

FLOOD PLAIN means the area bordering a lake, swamp, river, stream, or water course which is subject to flooding.

FLOOR AREA means the space on any storey of a building or structure measured between exterior walls. A fire wall located on a property line separating two properties under separate ownership shall, for the purpose of this By-law, be considered an exterior wall.

FLOOR AREA, DWELLING means the sum of all floors of a dwelling measured from the face of the exterior walls, but excluding any basement, cellar, unfinished attic, garage, verandah, porch or other similar appurtenant structures.

FLOOR AREA, GROSS means the sum of all floor areas above the established grade, including any part of the building above grade used for the storage or parking of motor vehicles, locker storage and laundry facilities, but excluding any part of the building used for mechanical purposes which are an integral part of the building.

FOOD STAND means a portable structure or vehicle where food is offered. A maximum of 6 outdoor tables may be provided in association with this use.

FOOD STORE means a retail establishment primarily selling food as well as other convenience and household goods.

FORESTRY USE means the general raising and harvesting of wood and without limiting the generality of the foregoing, shall include the raising and cutting of fuel wood, pulpwood, lumber, Christmas trees and other forest products.

FUNERAL HOME means a commercial establishment providing funeral supplies and services to the public.

GARAGE, ATTACHED means a private garage accessory to a dwelling unit on the same lot and separated there from by a common wall or common roof structure. For the purposes of determining lines of setback, lot coverage and side yard, an attached garage is considered part of the main building.

GARAGE, PRIVATE means an accessory building either separate from or attached to the main building, which is designed or used for the storage of one or more private vehicles and the storage of household equipment, incidental to residential occupancy.

GARDEN CENTRE means the use of land, buildings or structures or part thereof for the purpose of buying or selling lawn and garden equipment, furnishings and supplies and includes a nursery garden.

GAS BAR means one or more pump islands, each consisting of one or more gasoline pumps, and a shelter, which shall not be used for the sale of any product other than liquids and small accessories required for the operation of motor vehicles, but shall not include any other establishment otherwise defined or classified in this By-law.

GAZEBO means a free standing, roofed accessory structure which is not enclosed, except by means of screening or glass and which is utilized for recreational purposes in conjunction with the main building.

GOLF COURSE means a public or private area operated for the purpose of playing golf including a par three golf course and including such ancillary uses as a driving range, a miniature golf course, or a clubhouse.

GRADE, ESTABLISHED means, with reference to a building or structure, the average elevation of the finished surface of the ground where it meets the exterior of all sides of such building or structure, and, when used with reference to a street, road or highway will refer to the elevation established by the Municipality or other designated authority.

GROUP HOME means a single housekeeping unit in a residential dwelling in which three to ten persons, (excluding supervisory staff or the receiving household), live under responsible supervision consistent with the particular requirements of its residents. A group home is licensed and/or approved for funding under Provincial statutes and municipal by-laws.

HAZARD LAND means lands subject to natural environmental hazards, such as flood susceptibility, poor drainage, organic soils, erosion, steep slopes or any other physical condition or limitation which is hazardous to human life and/or property.

HEIGHT, BOATHOUSE when used with reference to a boathouse, height means the vertical distance between the normal ordinary water's edge and the highest part of the

roof, in the case of a boathouse or any portion of a boathouse over water, and the vertical distance between the established grade and the highest part of the roof, in the case of a boathouse or any portion of a boathouse over land.

HEIGHT, BUILDING means the vertical distance of a building measured between the established grade at the exterior walls and: (i) the highest point of the roof surface or the parapet, whichever is greater of a flat roof; (ii) the roof deck line of a mansard roof; (iii) the mean level between the eaves and the ridge of a gabled, hip, gambrel or other type of pitched roof.

HEREAFTER means after the date of passing of this By-law.

HEREIN means anywhere in this By-law.

HEREOF means of this By-law.

HERETO means to this By-law or attached to this By-law.

HIGH WATERMARK means the normal ordinary high water mark of any body of water at the time of the original survey of the Township unless the high water mark of any body of water shall have been altered by the construction of a dam or dams operated by or for a public authority, in which case, the measurement shall be from the maximum high water mark as controlled by such dam or dams. A high water mark shall be determined by depiction on a survey prepared by an Ontario Land Surveyor.

HOME INDUSTRY means a gainful occupation conducted primarily within a building or part of a building accessory to a single unit detached dwelling.

HOME OCCUPATION means a gainful occupation conducted entirely within a dwelling unit.

HOSPITAL means any institution, building or other premises or place established for the maintenance, observation, medical and dental care and supervision and skilled nursing care of persons afflicted with or suffering from sickness, disease or injury of for the convalescent or chronically ill persons.

HOTEL means an establishment offering sleeping accommodation and usually meals and refreshments to the traveling public and provided that not more than 25% of the rentable units may be efficiency units.

HUNT CAMP means a building or structure used for temporary sleeping accommodation and preparation and serving of food, and is intended as a base camp for hunting, but excludes a commercial establishment or facility.

ICE HUT means a building that is designed to be transported onto the ice of a lake for shelter during fishing during winter months. When on land, an ice hut shall be considered an accessory structure.

ICE BUNGALOW means an accommodation unit designed to be mobile and transported onto the ice of a lake for temporary accommodation purposes during winter months. When on land, an ice bungalow shall be considered an accessory structure.

INDUSTRIAL USE means the use of any land, building or structure designed for the purpose of manufacturing, assembling, making, preparing, printing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale any goods, substance, article or thing, or any part thereof, and the storage of building and construction equipment and materials, as distinguished from the buying and selling of retail commodities and the supplying of personal services.

INSTITUTION means any land, building, structure or part thereof used for a non-commercial purpose by any organization, group or association for the promotion of charitable, educational or benevolent objectives but excluding a private club, mental hospital or any place of detention or correction.

KENNEL means a place where dogs and other domestic animals other than poultry or livestock are bred and raised, and are sold or kept for sale or boarded.

LANDSCAPING means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving screening or other architectural elements, all of which are designed to enhance the visual amenity of a property, to regulate drainage, and/or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.

LIVESTOCK means cattle, horses, pigs, goats, sheep, poultry, and similar animals typically associated with an agricultural use.

LIVESTOCK FACILITY means a building or structure where animals or poultry are housed such as a livestock barn, including beef feedlots, and associated facilities for manure storage.

LOADING SPACE means an area of land which is provided and maintained upon the same lot or lots upon which the main use is located, for the temporary parking of one or more commercial motor vehicles while merchandise or materials are being loaded or unloaded from such vehicle(s).

LOT means a parcel of land, whether such parcel is described in a registered deed or is shown on a registered plan of subdivision including any of its parts which are subject to right-of-way or easement and which is capable of being conveyed.

LOT AREA means the total horizontal area within the lot lines of a lot.

LOT, CORNER means a lot at the intersection of two or more streets, or upon two parts of the same street, the adjacent sides of which street or streets (or, in the case of a

curved corner, the tangents at the street extremities of the side lot lines) contain an angle of not more than one hundred and thirty-five degrees. In the case of a curved corner the corner of the lot shall be that point on the street line nearest to the point of intersection of the said tangents.

LOT COVERAGE means that percentage of lot area covered by all buildings including accessory buildings and a boathouse on/or adjacent to a lot but excluding uncovered buildings or structures.

LOT DEPTH means the perpendicular distance measured in a horizontal plane between the front and rear lot lines. Where these lines are not parallel, it shall be the length of a line joining the mid-point of the front lot line with either the mid-point of the rear lot line or in the case of a triangular lot the apex of the triangle formed by the side lot lines.

LOT, FRONTAGE means the horizontal distance between the side lot lines measured along the front lot line, except that: (i) where the front lot line is not a straight line or is not perpendicular to the side lot lines but the side lot lines are parallel, lot frontage means the horizontal perpendicular distance between the side lot lines; and (ii) where the side lot lines are not parallel, the lot frontage is to be measured by a line six (6) metres back from the parallel to the chord of the lot frontage, and for the purpose of this paragraph, the chord of the lot frontage is a straight line joining the two points where the side lot lines intersect the front lot line.

LOT, INTERIOR means a lot other than a corner lot with only one frontage on a road.

LOT LINE means any boundary of a lot.

LOT LINE, EXTERIOR SIDE means the longer lot line which abuts the road on a corner lot.

LOT LINE, FRONT means the lot line that abuts the road except that: (i) in the case of a corner lot, the shorter lot line that abuts the road shall be deemed to be the front lot line; and (ii) in the case of waterfront lot, the front lot line shall be either the lot line that abuts the body of water or the line of the inner limit of the original road allowance along the shore of such body of water.

LOT LINE, INTERIOR SIDE means a side lot line other than an exterior side lot line.

LOT LINE, REAR means the lot line furthest from or opposite to the front lot line.

LOT LINE, SIDE means a lot line other than a front or rear lot line.

LOT, WATERFRONT means a lot which fronts on a navigable body of water or upon an unopened and unstopped up-road allowance laid out along the shore of a navigable body of water.

MAIN BUILDING means the building designed or used for the principal use on the lot.

MAIN WALL means the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully or partially enclosed space or roof, where such members are nearer to a lot line than the said exterior wall.

MARINA means a commercial establishment or premises, containing docking facilities or mooring 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 or lubricants, accessory retail sales and a taxi and/or barging service are provided and where waste water pumping facilities may be provided.

MINERAL AGGREGATE RESOURCE USE means the use of land or buildings for the extraction and processing of raw materials from the earth, which would include quarrying, sand and gravel pit operations and associated operations such as washing, screening, crushing and storage of sand, gravel, ballast, stone aggregate, clays, brick, and other surface and sub-surface resource materials. It is also deemed to include accessory and associated operations such as cement and concrete batching plants, asphalt and road materials operations, offices and weight equipment, conveyers, parking and garage areas for trucks, as well as incidental accessory uses such as water storage.

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

MOBILE HOME PARK means a parcel of land which has been developed for the placement of mobile homes.

MOTEL means a roadside hotel for motorists, having rooms adjacent to an outside parking space.

MOTOR VEHICLE, COMMERCIAL means any vehicle used for commercial purposes having permanently attached thereto a truck or delivery body and without limiting the generality of the foregoing, includes: ambulances, hearses, motor buses, etc.

MOTOR VEHICLE, SALES AREA means any land, building or structure where new or used automobiles, trucks, buses, recreational vehicles, all terrain vehicles, motorcycles, snow machines, boats, etc. are kept for sale or rent and in conjunction with which there may be a motor vehicle repair garage or body shop.

MUNICIPALITY means the Corporation of the Township of Nipissing.

NON-COMPLYING means that which does not conform, comply or agree with the regulations of this By-Law as of the date of final passing thereof

NON-CONFORMING USE means a use which is not permitted in the zone in which the said use is situated.

NORMAL ORDINARY WATER'S EDGE means the observable mark made by the action of water under normal conditions on the shore or bank of a body of water which action has been so common and usual that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark.

NORMAL ORDINARY WATER'S EDGE, LAKE NIPISSING means the regulated summer normal elevation for Lake Nipissing of 195.8 metres Canadian Geodetic Datum.

NURSERY GARDEN means land used for the growing of sod, flowers, bushes, trees or other gardening, landscaping or orchard stock for wholesale or retail sale.

NURSING HOME means a building in which rooms or lodging are provided for hire or pay, with or without meals, and where personal care, nursing services and medical care and treatment are provided or made available.

OBNOXIOUS USE means an offensive trade within the meaning of the appropriate statute or any use which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas fumes, vibration or refuse matter.

OFFICE means a room or rooms where business may be transacted, a service performed or consultation given, but does not include a clinic or the manufacturing, assembling or servicing of any product.

OPEN SPACE, USABLE means open, unobstructed space on a lot which is suitable for landscaping, including any part of the site occupied by recreational accessory buildings, any surfaced walk, patio or similar area, any sports or recreational area, any ornamental or swimming pool, any balcony at least one and five-tenths (1.5) metres in width and the roof or other part of a building or structure open to the air and used for landscaping and as a recreational area, but excluding any driveway or ramp, whether surfaced or not, and any curb, retaining wall, parking area or loading space.

OPEN STORAGE means the storage of goods in the open air or in unenclosed portions of buildings which are open on the sides, but shall not include a limited display of goods and products for advertising and demonstration purposes.

PARK means an area consisting largely of open space, which may include a recreational area, playground, playfield or similar use but shall not include a mobile home park or a camping establishment.

PARKING AREA means an area other than a street used for the temporary parking of two or more motor vehicles as accommodation for visitors, clients, customers, residents or employees whether free or for profit or gain.

PARKING SPACE means an area enclosed in a principal building, in an accessory building or unenclosed, set aside for the purpose of parking one vehicle having access to a street or lane.

PERSON means any individual, association, firm, partnership, incorporated company, corporation, agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

PERSONAL SERVICE ESTABLISHMENT means an establishment wherein a service to meet some general personal need or to benefit the personal needs of individuals is performed. This definition may include a barber shop, a beauty salon, a dress-making shop, a shoe repair shop, a tailor shop, a laundromat, a photographic studio or similar use, but shall not include a funeral home or the manufacturing or fabrication of goods for sale.

PIT means a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside pit.

PLACE OF ENTERTAINMENT means a motion picture or other theatre, auditorium, public hall, billiard or pool room, bowling alley, dance hall, or music hall, but does not include any place of entertainment or amusement otherwise defined or classified in this By-law.

PLACE OF WORSHIP means a building dedicated to religious worship and may include such accessory uses as a nursery school, an assembly hall, a school of religious education, convent, monastery or parish hall.

PORTABLE ASPHALT PLANT means a facility which is not of permanent construction but is designed to be dismantled and moved to another location as required, with equipment designed to heat and dry aggregate and mix aggregate with bituminous asphalt to produce asphalt paving material and includes stockpiling of bulk materials used in the process.

PRINCIPAL USE means the predominate purpose for which any land, building, structure or premises, or part thereof, is used, designed, arranged, occupied or maintained.

PRIVATE PARK means any open space or recreational area, other than a public park, owned and operated or maintained in whole or in part for profit by a private club or fraternal organization on a commercial and/or private members basis, and may include therein one or more swimming, wading and boat facilities, picnic area, ski area, gardens or refreshment rooms.

PRIVATE ROAD means a road which affords access to abutting lots and is not maintained by a public authority.

PUBLIC AUTHORITY means any Federal, Provincial or municipal agency and includes any commission, board, authority or department established by such agency.

PUBLIC PARK means an area of public land specifically defined or set aside for use by and for the general public in both active or passive recreational uses; and includes all landscaping, facilities and apparatus, playing fields, utilities, buildings and other structures that are consistent with the general purposes of public parkland, and whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park and may include public and private cemeteries.

PUBLIC ROAD, OPENED means a public highway, public road or street which has been assumed for public use and is maintained by the Municipality or other public authority.

PUBLIC UTILITY means any facility or building provided by the Township of Nipissing, the Province of Ontario, or the Government of Canada or their agencies or by a gas, hydro, telephone or railway company for the supply of utility services.

PUMPHOUSE means a structure designed to enclose a water pump.

QUARRY means a place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit metal mine.

RECREATIONAL USE means the use of any land, building, structure or equipment for outdoor and indoor sports and games including a swimming pool, tennis court, ball field, soccer field, skating rink or arena, open air theatre, playgrounds and other similar uses, but does not include a shooting gallery, or archery, rifle, pistol skeet or trap range, a race track or commercial amusement park or theatre.

RECREATIONAL VEHICLE means any vehicle so constructed that it is used for temporary eating and sleeping accommodation for travel, vacation and/or recreational use, or as further defined in the Motor Vehicles Act for Ontario. Such vehicle shall include tourist trailers, motorized homes, tent trailers and campers mounted on motorized vehicles.

REPAIR GARAGE means an establishment for the repair or replacement of parts in a motor vehicle and without limiting the generality of the foregoing, shock absorbers, transmissions, gears, brakes, clutch assemblies, steering assemblies, radiators, heating or cooling systems, ignition systems, mechanical or electrical parts or systems, the installation of undercoating, engine tuning, lubrication and engine conversion or replacement, but does not include an auto body shop, an impounding yard, an automobile service station or a gas bar.

RESTAURANT means a building or structure or part thereof where food is prepared and offered for sale to the public for consumption primarily within the building or

structure and as accessory use thereto may be engaged in providing customers with take-out service.

RESTAURANT, TAKE-OUT means a building or structure or part thereof where food and drink is prepared and served to the public for consumption outside of such building or structure or part thereof.

RETAIL STORE means a building or part thereof where goods, services, wares, merchandise, substances, articles or things are offered or kept for sale or rent by retail directly to the public, but does not include any manufacturing process or construction uses.

RIDING STABLE means land and buildings used to house horses and for their exercise and training and may include a school boarding stables, tack shop or other related uses.

RIGHT-OF-WAY means an easement for access over one or more lots.

SALVAGE YARD means land or buildings used for an automobile wrecking yard or premises, the keeping and/or storing, of used building products, waste paper, rags, bones, bottles, bicycles, automobile tires, old metal, other scrap material or salvage and where such materials are bought, sold, exchanged, baled, packed, disassembled or handled for further use.

SAWMILL means a building, structure or area where timber is cut, sawed or planed, either to finished lumber, or as an intermediary step and may include facilities for the kiln drying of lumber and mayor may not include the distribution of such products on a wholesale or retail basis.

SCHOOL means a public school, a separate school, a university, a college or a private school authorized by the authority having jurisdiction.

SENSITIVE AREA means areas of land and/or water of ecological or geological importance which are sensitive because of their uniqueness. This uniqueness is often related to one or more functions, such as, scientific research, education and interpretation, species maintenance, conservation of unique or representative occurrences of flora, fauna, land forms or geology.

SERVICE INDUSTRY means an establishment for servicing or repairing any of the following: tires, including vulcanizing or retreading, batteries, brakes or radiators, automotive ignition, exhaust or electrical systems, snowmobiles, outboard motors, furnaces or oil burners, water or air coolers or domestic water heaters, fixtures or equipment pertaining to any of the above or any other like articles. Service industry also includes a printing establishment, a laundry or cleaning establishment, a paint, plumbing, welding or sheet metal shop and similar uses.

SERVICE OR REPAIR SHOP means any building or part thereof used primarily for the servicing or repairing of household articles and shall include radio, television, home entertainment and household appliances but shall not include industrial or manufacturing or motor vehicle repair shops.

SETBACK means the distance between any lot line and the nearest part of any main wall of any building or structure on the lot.

SHOPPING CENTRE means a group of commercial establishments designed, developed and managed as a unit by a single owner or tenant, or group of owners or tenants and distinguished from a business area comprising unrelated individual commercial establishments.

SHORELINE means any lot line or part thereof which abuts a navigable waterway, or a Crown land shoreline reserve.

SITE PLAN means a scaled drawing showing the relationship between the lot lines and the uses, buildings or structures existing or proposed on a lot, including such details as parking areas, access points, exterior lighting, driveways, walkways, landscaped areas, walls, fences, vaults, storage and collection areas, building areas, setbacks from lot lines, massing and conceptual design and areas for special uses.

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

STOREY means the portion of a building, other than a basement or cellar, between the surface of any floor and the surface of the floor next above, or, if there is no floor above it, that portion between the surface of such floor and the ceiling above it.

STREET LINE means the boundary line between a lot and a street, road or highway.

STRUCTURE means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or any other structure. For the purposes of this By-law, a fence not exceeding one and eight-tenths (1.8) metres in height shall be deemed not to be a structure and for the purpose of setbacks or yards required in this By-law, a sign shall not be deemed to be a structure.

SUNDECK means a non-roofed structure which is designed for lounging or sunbathing.

TAVERN means a restaurant licensed by the Liquor Licensing Board of Ontario to sell any beer, wine or spirits.

TEMPORARY USE means the use of land, building or structure for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

TOURIST CABIN means a permanent detached overnight accommodation unit that may contain washroom and/or kitchen facilities. The minimum floor space of a tourist accommodation unit shall be 27.8 square metres.

TOURIST ESTABLISHMENT means an establishment that provides sleeping accommodation, with or without meals, including tourist cabins, housekeeping cabin, a motel, a motor court, an auto court, a hotel and all buildings operating under The Tourism Act, as amended.

TRAILER means 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.

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

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

TRAPPERS CABIN means a building or structure used for temporary sleeping accommodation and serving of food by a licensed trapper, and is intended as a base camp for trapping.

USE means the purpose for which a lot or building or a structure or any combination thereof is designed, constructed, arranged, occupied, maintained or utilized.

VEGETATIVE BUFFER means an area of land consisting of forest or indigenous vegetation that is maintained in a natural state to help filter sediment nutrients and other pollutants from runoff into the waterbody and to maintain the natural aesthetic quality of natural environments.

VIDEO RENTAL OUTLET means a building or part of a building wherein the primary use is the rental of video tapes and may include the rental of video cassette recorders.

VOLUME means the measurement of three dimensional space (cubic metres) within the enclosed portion of a building, structure or natural feature.

WAREHOUSE means a building or part of a building used primarily, for the housing, adapting for sale, storage and distribution of goods, wares, merchandise, food stuff, substances or articles and may include facilities for a wholesale or retail commercial outlet.

WASTE DISPOSAL SITE means a place where garbage, refuse or domestic or industrial waste is disposed of or dumped and which is approved by the applicable Government agency (ies).

WATERBODY means any bay, lake, natural watercourse or canal, other than a drainage or irrigation canal.

WATERCOURSE means the natural channel for a perennial or intermittent stream of water including a river or stream.

WAYSIDE PIT or WAYSIDE QUARRY means 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.

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

WETLANDS, SIGNIFICANT means those wetlands identified as provincially significant wetlands by the Ministry of Natural Resources through an evaluation system.

WHOLESALE USE means any establishment in which goods, wares, merchandise, substances, articles or things are offered or kept for sale or rent by wholesale to others, for resale and to industrial and commercial users.

YARD means an open, uncovered and unoccupied space appurtenant to a building.

YARD, EXTERIOR SIDE means the side yard of a corner lot, which side yard extends from the front yard to the rear yard between the exterior side lot line abutting a street and the nearest main wall of any main building or structure on the lot.

YARD, FRONT means a yard extending across the full width of the lot between the front lot line and the nearest main wall of any main building or structure on the lot.

YARD, INTERIOR SIDE means a side yard other than an exterior side yard.

YARD, REAR means a yard extending across the full width of the lot between the rear lot line and the nearest main wall of any main building or structure on such lot.

YARD, REQUIRED means the minimum yard required by the provisions of this By-Law.

YARD, SIDE means a yard between the nearest main wall of any main building or structure and the side lot line extending from the front yard (or front lot line if no front yard is required) to the rear yard (or rear lot line if no rear yard is required).

YARD, WATER means a yard extending from the normal ordinary water's edge on any body of water to the nearest wall of any building or structure on the lot.

SECTION 3 - GENERAL PROVISIONS

3.1 APPLICATION

The provisions of this section apply to all zones except as may be indicated otherwise.

3.2 ACCESS REGULATIONS TO IMPROVED STREET

No person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected abuts an opened public road which is presently being maintained year-round by the Municipality or the Province of Ontario.

3.2.1 Exemption for Water Access Lots

The provisions of Section 3.2 do not apply to a dwelling provided the lot is a lot of record or separate parcel that was in existence on October 30, 1980 or is a lot created by consent or by plan of subdivision under Section 51 of the Planning Act and which has frontage on Ruth Lake, Wolfe Lake, McQuaby Lake, Lake Nipissing or the navigable portion of the South River and the lot has water access.

3.2.2 Exemption for Pits, Quarries and Hydro Facilities

The provisions of Section 3.2 do not apply to buildings or structures associated with pits, quarries and electric power transmission facilities.

3.2.3 Exemption for Hunt Camps, Trappers Cabins and Maple Syrup Operations

The provisions of Section 3.2 do not apply to hunt camps, trappers cabins or maple syrup operations.

3.3 ACCESSORY BUILDINGS, USES, OR STRUCTURES

Accessory uses, buildings or structures are permitted in any zone, subject to the provisions of the said zone and the following:

- a) No accessory building or structure may be used for human habitation. The use of any accessory building or structure for the keeping of animals, other than domestic pets, is not permitted in any Residential, Hamlet (RH) Zone, Shoreline Residential, (SR) Zone or Limited Service Residential (LSR) Zone.
- b) An accessory building shall not be erected prior to the erection of a permitted dwelling on the same lot except where it is necessary for the storage of tools and materials for use in connection with the construction of such dwelling and no accessory building shall be used prior to the erection of such dwelling for any purpose other than such storage.

- c) No accessory building or structure shall be located closer than 3 metres to a side lot line or a rear lot line. In no case shall an accessory building be located closer than 8 metres to a road.
- d) No accessory building shall exceed 4.5 metres in height in any Residential Zone. On lots less than 5 hectares in the Rural Zone the maximum height of an accessory building is 6 metres. On lots greater than 5 hectares the maximum height for an accessory building is 11 metres.
- e) A gazebo shall not be permitted in the front yard of a property in the Shoreline Residential (SR) Zone or the Limited Service Residential (LSR) Zone.
- f) A gazebo shall have a maximum floor area of 15 square metres.
- g) Notwithstanding the provisions of Sub-section 3.3.c), in any industrial zone, an accessory building shall comply with all regulations required by this By-law for the main building on the lot.
- h) In any Industrial Zone, an accessory commercial use shall be permitted within the main building provided that the said use does not exceed 10 percent of the gross floor area or a maximum area of 100 square metres whichever is the lesser.
- i) All accessory uses, buildings and structures to a permitted principle use shall be located on the same lot.

3.4 AGRICULTURAL USES - MINIMUM LOT AREA

In any zone where agricultural uses are permitted, livestock shall only be permitted on lots greater than 2 hectares.

3.5 AMENITY REQUIREMENTS

Notwithstanding any other provisions of this By-law, where a lot in any Commercial or Industrial Zone fronts on a street opposite a Residential Zone or abuts a Residential Zone, the following amenity requirements shall be provided:

- a) A strip of land not less than 6 metres in width along the front, side and/or rear lot lines, within the Industrial or Commercial Zone and adjacent to the Residential Zone shall be adequately landscaped except where used for entrances and exits.
- b) No open storage shall be permitted in any yard adjacent to the Residential Zone.

- c) Exterior lighting and illuminated signs shall be so arranged as to deflect light away from the adjacent Residential Zone.

3.6 AUTOMOBILE SERVICE STATIONS AND GAS BARS

Notwithstanding any other provisions of this By-Law, where an automobile service station or gas bar is permitted in any zone, the following provisions apply unless a higher or more restrictive provision is required in which case the higher or more restrictive provision would apply:

- a) Minimum Frontage 30 metres
- b) Minimum Area 1400 square metres
- c) Minimum Front Yard 12 metres
- d) No portion of any pump island shall be located closer than 6 metres to the lot line along any street.
- e) No portion of any ingress or egress ramp shall be located closer than 15 metres to the intersection of any 2 roads.
- f) No portion of any ingress or egress ramp along any street line shall be located closer than 3 metres to any side lot line which abuts any other lot.
- g) The width of any ingress or egress ramp along any street line shall be not more than 9 metres nor less than 7.6 metres.
- h) The minimum distance between two ramps shall be not less than 9 metres.
- i) The minimum interior angle of any ramp to the street line shall be greater than 70 degrees and less than 90 degrees.
- j) The area between the ramps and the street lines, and along the property lines shall be used for landscaping.
- k) No materials incidental to the operation of an Automobile Service Station or gas bar shall be stored outside a building, unless there is adequate screening to a height of not less than 1.8 metres.

3.7 BED AND BREAKFAST ESTABLISHMENTS

In all Zones where a bed and breakfast establishment is a permitted use, the following shall apply:

- a) The number of guest rooms shall not exceed 4.

- b) A minimum of 1 parking space for each guest room shall be required.
- c) One sign not exceeding 1 square metre in size shall be permitted in the front yard.

3.8 BOATHOUSE, PUMPHOUSE AND DOCKING FACILITIES

Unless otherwise prohibited by this By-law, a boathouse, pump house, or docking facility may be erected and used in a yard abutting a navigable waterway provided that the location complies with the required minimum side yard requirements for boathouses and for accessory buildings or structures.

Where an encroachment onto the bed of the waterbody is proposed, permission to construct or install the in-water and/or shoreline structure or facility shall only be permitted if approval to occupy the area has been obtained from or meets the prescriptive requirements of the authority having jurisdiction.

- a) Where a boathouse is permitted, the owner shall have acquired the Shoreline Road Allowance, where existing, prior to the construction of the boathouse.
- b) No more than 25% or a maximum of 23 metres of the shoreline frontage of a lot, whichever is less, of any one residentially zoned property shall be occupied by in-water or shoreline structures and facilities.
- c) All boathouses, docks and marine facilities shall have a minimum setback from the side lot line of 3 metres on a straight line projected into the water from the shoreline.

3.8.1 Boathouses

- a) Where permitted by this By-law, a maximum of one boathouse shall be permitted per lot.
- b) The width of the boathouse measured parallel to the shoreline shall be included in the 25% or 23 metre limit on the construction or installation of in-water structures and facilities along the shoreline frontage of a lot in accordance Section 3.8 (b).
- c) The first 3 metres of a boathouse supporting structure adjacent to the shoreline shall be an open span.
- d) A minimum of 50% of the total length of the boathouse supporting structure that extends out from the shoreline shall be open span.
- e) The maximum building height for a 1 storey boathouse shall be 6 metres.

- f) For the purposes of this Section, building height shall be the distance above the normal or controlled water level. A gambrel or mansard roof shall not be permitted on a boathouse.
- g) A maximum of 25% of the boathouse may be located inland of the natural shoreline and the boathouse shall be located no further than 15 metres from the shoreline.

3.8.2 Docks and Boat Lifts

- a) The maximum length of a dock shall be 15 metres extending into the waterbody, from the normal ordinary water's edge.
- b) The maximum combined surface area of all docks, including any attached fingers, and open decks above the water but not including docking within a boathouse, shall be 112 square metres.
- c) Gazebos, pergolas, or other like or similar structures shall not be permitted on a dock.
- d) Boat lifts shall be located within or adjacent to the permitted dock and/or boathouse.

3.8.3 Docks, Boat Lifts, Boathouses, Decks and Pumphouse - Restricted Area

- a) A dock, boat lift, boathouse, deck, pumphouse, fence or accessory structure shall not be permitted on beach areas identified on Schedule C to this By-law.
- b) A dock, boat lift or boathouse, deck, pumphouse, fence or accessory structure shall not be permitted in the water adjacent to a beach area identified on Schedule C to this By-law.
- c) A deck that is attached to the principal dwelling may be permitted in the front yard of a lot in a beach area in accordance with the provisions of this By-law.
- d) An accessory structure may be permitted in the rear yard of a lot in a beach area in accordance with the provisions of this By-law.

3.9 BUILDINGS TO BE MOVED

In all Zones, no building shall be moved within or into the limits of the area covered by this By-Law without a permit from the Municipality, nor shall said building be moved into any zone where it would not qualify as a permitted use.

3.10 CONVERSION OF RECREATIONAL DWELLINGS

The conversion of a recreational dwelling to a permanent dwelling is not permitted unless:

- a) The lot is located on an opened public road maintained on a year round basis by the Township or other public authority.
- b) The lot, building and construction standards applying to permanent dwellings can be met.
- c) An adequate supply of potable water and an acceptable method of domestic sewage disposal can be provided.
- d) The conversion will not in Council's opinion, require an undue extension of services at public expense.

3.11 DWELLING UNIT IN NON-RESIDENTIAL BUILDING OR LOT

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

- a) Only one single detached dwelling unit for use by the owner or operator shall be permitted except in the C1, C2 or C3 zones where the permitted dwelling unit can be either a single detached or an apartment dwelling unit in accordance with Section 3.12.
- b) The dwelling unit shall have a private water supply and sewage system where such have been approved by the appropriate public authority.
- c) The single detached dwelling unit shall have a minimum floor area of 80 square metres.
- d) The dwelling unit shall have a separate parking space as provided by sub-section 3.29 hereto.
- e) Notwithstanding the provisions of this By-law, no dwelling unit shall be located in a non-residential building that is used for an Automobile Service Station.

3.12 DWELLING UNIT IN C1, C2 OR C3 ZONES

Where an apartment dwelling unit is permitted in a General Commercial (C1) Zone, a Highway and Tourist (C2) Zone, or a Resort Commercial (C3) Zone the apartment dwelling unit shall conform to the following provisions:

- a) The unit shall form a subordinate part of the commercial building.
- b) The minimum floor area per apartment dwelling unit shall be as follows:
 - i) Bachelor Unit - 32.5 square metres
 - ii) 1 Bedroom Unit - 51.0 square metres
 - iii) 2 Bedroom Unit - 62.5 square metres
 - iv) 3 Bedroom Unit - 75.0 square metres
 - v) 4 Bedroom Unit - 83.5 square metres
- c) Pedestrian access to the residential portion of the building shall be provided from an adjacent street and shall be for the sole use of the dwelling units.
- d) Satisfactory access shall be provided for delivery vehicles to the residential portion of said building.
- e) Satisfactory access from a road to a side yard or a rear yard shall be provided for all commercial buildings to permit the carrying of goods and supplies.

3.13 DWELLINGS PER LOT

In this By-law, no more than one dwelling shall be permitted on any lot, unless otherwise specified by this By-law.

3.14 STRUCTURES AND FACILITIES IN ENVIRONMENTAL PROTECTION (EP) ZONES

The construction or installation of in-water shoreline structures and facilities shall not be permitted in an Environmental Protection (EP) Zone.

3.15 FRONTAGE ON A HIGHWAY

Notwithstanding any other provision of this By-law, where a lot in any Commercial or Industrial Zone fronts on a Provincial Highway and is not opposite any residential zone, the following amenity requirements shall be provided:

- a) A strip of land not less than 1.5 metres in width along the front lot line adjacent to the road shall be adequately landscaped.
- b) No front yard may be used for employee parking and any front yard that is not used for driveways and visitor's parking spaces shall be adequately landscaped.

3.16 GROUP HOMES

Group homes as defined in this By-law will be permitted in all Residential Zones provided that such homes are located at least 500 metres from another group home.

3.17 HAZARD LANDS OR LAND SUBJECT TO FLOODING

The erection of any building or structure requiring the construction of waterworks, sewage or drainage facilities is prohibited in all Zones on land that is subject to flooding on land that is rocky, low lying, marshy or otherwise unstable.

3.18 HEIGHT REGULATIONS

The height regulations in this By-law shall not apply to church spires, belfries, water tanks, elevator enclosures, barns, silos, all agricultural structures, flagpoles, television, radio or tower antennae, ventilators, skylights or chimneys, clock towers, wind generators, windmills, solar energy collectors, air conditioners or incidental equipment associated with internal building equipment.

3.19 HOME INDUSTRY

Where a home industry is permitted in any zone, the said use shall be maintained in accordance with the following provisions:

- a) Such home industry is clearly secondary to the main residential use and does not change the main residential character of the property.
- b) There is no external advertising other than a sign erected in accordance with any by-laws of the corporation regulating signs.
- c) There is no external storage of goods, materials or equipment.
- d) Such home industry is not an obnoxious trade, business or manufacture or which is a traffic generator that would impact negatively on a provincial highway.
- e) Not more than two persons not resident in the dwelling are employed therein on a full-time basis.
- f) The lot on which the use is proposed shall have at least 45 metres of frontage and an area of not less than 0.4 hectares.

3.20 HOME OCCUPATION

Where a home occupation is permitted in any zone, the said use shall be maintained in accordance with the following provisions:

- a) The occupation shall be carried on by a person or persons resident in the dwelling unit.
- b) Not more than one assistant who is not a resident in said dwelling may operate in or from said dwelling.
- c) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- d) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding 0.2 square metres in area, non-illuminated, and mounted flat against the wall of the principal building.
- e) No home occupation shall be conducted in any accessory building.
- f) There shall be no goods, wares, or merchandise publicly offered or exposed for sale on the premises.
- g) Such home industry is not an obnoxious trade, business or manufacture or which is a traffic generator that would impact negatively on a provincial highway.
- h) One off-street parking space shall be provided for each twenty-eight (28) square metres of floor area or portion thereof devoted to said use in addition to that required for the dwelling.

3.21 ICE BUNGALOW

An Ice Bungalow or Ice Hut shall only be permitted to be used for human habitation, including temporary accommodation, when located on ice.

3.22 LAKE NIPISSING FLOOD PLAIN

Notwithstanding any other provision of this By-law, no building intended for human habitation shall be constructed in any zone within the flood plain of Lake Nipissing unless all openings to such building are above an elevation of 197.25 m C.G.D.

Notwithstanding any other provision of this By-law, new development may be permitted on all lands below the Flood Datum Elevation for Lake Nipissing of 197.25 metres Canadian Geodetic Datum (C.G.D.) provided:

- a) No openings such as doors, windows, etc. shall be permitted below the flood elevation of 197.25 metres C.G.D.

- b) A 2 metre horizontal berm shall be constructed above the elevation 197.25 metres C.G.D. beyond the outside walls, and,
- c) All roads leading to the structure shall be a minimum elevation of 197.25 metres C.G.D

3.23 LANDSCAPING

- a) All required landscaping shall be maintained in a healthy condition.
- b) Where a Commercial or Industrial zone abuts any zone, other than any class of Commercial or Industrial zone, a landscaped buffer not less than 3 metres in width shall be provided within the Commercial or Industrial zone boundary.
- c) Notwithstanding the above, a landscaped buffer may be reduced in width to 1.5 metres where a coniferous planting strip or opaque fence, 2 metres in height is provided in conjunction with the landscaping.
- d) In Multiple Residential Zones, Commercial Zones except the C1 Zone, Industrial Zones and Community Facility Zones, a 1.5 metre landscaped buffer shall be provided abutting the front lot line, exclusive of entrances.
- e) A 1.5 metre landscaped buffer shall be provided abutting the front lot line, exclusive of entrances, in the case of a free-standing Parking Lot in the General Commercial (C1) Zone.

3.24 LOADING REQUIREMENTS

For every building or structure to be erected or enlarged, or any land to be used in any zone for any commercial or industrial purpose involving the movements of goods or persons, loading spaces shall be provided in accordance with the following provisions:

FLOOR AREA OF BUILDING	LOADING SPACES REQUIRED
Less than 100 square metres.	No space.
For every additional 100 square metres fraction thereof.	One Space.

- a) Access to loading or unloading spaces shall be by means of a driveway with a minimum width of 3 metres for one-way traffic, and a minimum width of 6 metres for two-way traffic.
- b) The driveway, loading and unloading spaces shall be constructed and maintained in a condition which provides for a stable surface that is

treated so as to prevent the raising of dust or loose particles and with provisions for drainage facilities.

- c) The loading space or spaces required shall be located in the interior side or rear yard unless set back from the street line a minimum distance of 15 metres.
- d) When a building or structure has insufficient loading space at the date of the passing of this By-law to comply with the requirements herein, this By-law shall not be construed to require that the deficiency be made up prior to the construction of any addition. No addition may be built, however, and no change of use may occur, the effect of which would be an increase in that deficiency.

3.25 NON-COMPLYING LOTS, BUILDINGS AND STRUCTURES

- a) Expansion of Legal Non-Complying Buildings and Structures

Where a building or structure has been lawfully erected on a lot having less than the minimum frontage and/or area, or having less than the minimum setback, and/or yard or any other provision required in this By-law, the said building or structure shall be deemed to comply with this By-law with respect to any deficiency or deficiencies; and further the said building or structure may be reconstructed, replaced or renovated provided that:

- i) The, reconstruction, replacement or renovation does not further reduce such setback and or front yard and/or side yard and/or rear yard having less than the minimum required by this By-law; and,
- ii) The reconstruction, replacement or renovation does not further increase the volume of non-complying structure in required yard; and,
- iii) All other provisions of this By-law are complied.

- 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 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.

- c) Undersized Lots Resulting From Boundary Adjustment or Lot Addition

Lots which have been increased in frontage or area following adoption of this By-law as a result of a Planning Act approval, but still do not comply with minimum area or frontage requirements of this By-law, may also be used in accordance with Sub-section (b) and furthermore no zoning amendment shall be necessary to legalize the undersized lot.

Undersized Lots Subject to Expropriation or Transfer to Public Authority or Private Road Association

Existing undersized lots which have been decreased in frontage or area following adoption of this By-law as a result of an expropriation by public authority or transfer of land to a private road association, but still do not comply with minimum area or frontage requirements of this By-law, may also be used in accordance with Sub-section (b) and furthermore no zoning amendment shall be necessary to legalize the undersized lot

3.26 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. Where the use ceases to exist for a period of two years, the use will be deemed to have been discontinued.

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) Re-establishment of Existing Building and Structures

Nothing in this By-law shall apply to prevent the re-establishment of any existing utilized non-conforming or non-complying building or structure which is damaged by causes beyond the control of the owner, other than flooding, provided a building permit is issued for the re-establishment of the building or structure within 8 months of the incident which rendered the building or structure unsafe or unusable. The building or structure may be re-established in the same location on which it existed on the date of passage of this By-law, but the extent of non-conformity or non-compliance may not be further increased.

Buildings and structures damaged or destroyed as the result of natural flooding shall not be re-established 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.

g) Effective Date for Legal Non-Conformity

For the purpose of this By-law the effective date for the Legal Non-Conforming Use provisions shall be June 6, 2000.

3.27 OCCUPANCY OF INCOMPLETE BUILDINGS

No building shall be occupied unless an occupancy permit has been issued by the Chief Building Official.

3.28 OPEN OR OUTSIDE STORAGE PROHIBITED

Notwithstanding any other provisions of this By-law, no open or outside storage shall be permitted in any front yard in any Zone.

3.29 PARKING REQUIREMENTS

Any person who erects or enlarges a building after the date of enactment of this By-law, in any Zone, shall provide an area for automobile parking located on the same lot with the said building except in the case of a water access lot.

- a) Any parking area designed to serve water access lots shall have a minimum area of 40 metres squared for each lot to be served and no parking shall be permitted within 8 metres of the high water mark or within 3 metres of any lot line abutting a lot in a Residential Zone.
- b) Adequate provisions for access to a street or public lane from each individual parking space shall be provided.
- c) Where in this By-law parking facilities are required, the parking area shall be maintained with a stable surface treated to prevent the raising of dust and any lights erected thereon shall be directed away from any adjacent lots. Parking areas in any residential zone shall be located only in a side or rear yard.
- d) Such parking spaces shall be provided and maintained in accordance with the following requirements and are accumulative when more than one of the listed land uses is located within any building or structure.
- e) Parking Spaces shall be required to be a minimum of 3 metres by 6 metres.

TYPE OF BUILDING	MINIMUM PARKING REQUIRED
For each dwelling unit in a single unit detached, or a two-unit dwelling. Auditorium, arena, church, hall.	Two parking spaces.
Any commercial use, clinic, general office, home industry or commercial floor space of the building.	One parking space for each thirty (30) square metres of commercial floor space of the building.
Auditorium, arena, church, hall, restaurant, tavern, club and other places of assembly.	One parking space for each four persons that can be restaurant, tavern, club and other accommodated or one parking space for each 4.5 square metres places of assembly of floor space devoted to such use, whichever is greater.

TYPE OF BUILDING	MINIMUM PARKING REQUIRED
Industrial Use	One parking space for each one hundred (100) square metres of building floor space on the lot.
Schools	One parking space for each teaching staff member plus parking spaces for places of assembly, as given above.
Government Buildings	One parking space for each four employees plus a parking area for visitors with a minimum capacity of ten parking spaces.
Hotels, Motels and Tourist Cabins	One parking space for each guest room or suite plus parking spaces for places of assembly, as given above.
For each tent or trailer space in a camping establishment	One parking space

3.30 PARKING REQUIREMENTS, EXISTING BUILDINGS HAVING LESS THAN MINIMUM REQUIREMENT

When a building or structure has insufficient parking area at the date of the passing of this By-law to comply with the requirements herein, this By-law shall not be construed to require that the deficiency be made up prior to the construction of any addition. However, no change of use may occur, the effect of which would be an increase in that deficiency.

3.31 PARKING AREA STANDARDS

Where in this By-law, parking areas for more than four vehicles are required, the following standards shall be met:

- a) Adequate drainage facilities shall be provided and maintained in accordance with the requirements of the Municipality.
- b) Parking areas shall be constructed of crushed stone, asphaltic paving, concrete, paver stones or similar materials and the limits of said parking area shall be defined by a fence, curb or other suitable obstruction designed to provide a neat appearance; and prevent the encroachment of vehicles on adjoining property.
- c) Each parking space shall have an area not less than 3 metres by 6 metres and shall be provided with unobstructed access to a street by a driveway, aisle or lane.
- d) The lights used for illumination of parking areas shall be so arranged as to divert the light away from adjacent lots.

- e) For any parking area in a commercial or industrial zone which is required to be used in winter, an additional area equal to 20% of the parking area must be provided.
- f) No sign other than directional signs and a sign indicating the name of the owner, not exceeding 3 square metres in size shall be erected on any parking area or parking lot.
- g) Where a parking area is situated on the boundary between any non-residential zone and any residential zone, a strip of land not less than 1.5 metres in width, lying within the non-residential zone along said boundary shall be used for no purpose other than landscaping.

3.32 PARKING AREA STANDARDS FOR ENTRANCE AND EXIT

Where in this By-law loading spaces or parking areas for more than four vehicles are required:

- a) Entrance and exit ramps for vehicular traffic shall not exceed two in number and each such ramp shall have a minimum width of 7.5 metres.
- b) A driveway leading to any parking or loading area, shall have a minimum width of 3 metres for one way traffic, and a minimum width of 6 metres for two way traffic.
- c) No driveway shall be located closer than 15 metres from the limits of the rights-of-way at a street intersection.

3.33 PERMITTED ENCROACHMENTS IN YARDS

Every part of any yard required by this By-law shall be open and unobstructed by any structure from the ground to the sky except that those structures listed in the following table shall be permitted to project into the minimum yards required by this By-law for the following specified distances:

Structure	Yards and Setbacks in Which Projection is Permitted	Maximum Projection into the Minimum Yard or Setback Requirement
Sills, belt courses, cornices, eaves or canopies, gutters, chimneys or pilasters.	Any yard.	One metre.
Fire escapes and exterior staircases.	Rear and exterior side yards only.	One metre.
Window bays.	Front, rear and exterior side yards only.	One metre over a maximum width of three metres.
Balconies.	Any yard for multiple family dwellings. Front,	Two metres.

Structure	Yards and Setbacks in Which Projection is Permitted	Maximum Projection into the Minimum Yard or Setback Requirement
	rear and exterior side yards only for all other dwelling types.	
Open, roofed porches not exceeding one storey in height, uncovered terraces.	Front and rear yards only.	Three metres including eaves and cornices.
Open roofed sundeck.	Front and rear yards only.	Four metres including railings.

3.34 PITS AND QUARRIES

The making or establishment of pits and quarries is prohibited within the Municipality except as provided in a zone for this purpose. However, this shall not apply to prevent the temporary use of any land in any zone by a public authority or its agent for a wayside pit, wayside quarry or portable asphalt plant except for any residential zone, Environmental Protection (EP) Zone or Hazard (HAZ) Zone.

3.35 PROHIBITED USES

The use of a recreational vehicle or mobile home for human habitation shall be prohibited within the area covered by this By-law, except in a Zone where such uses are specifically permitted.

3.36 PUBLIC USES PERMITTED

The provisions of this By-law shall not apply to prevent the use of any land or to the erection or use of any building or structure for the purpose of public service by the Municipality or any department of the Government of Ontario or Canada, including Ontario Hydro, or any public utility company provided that:

- a) The proponent, before carrying out or authorizing any undertaking that the proponent considers will directly affect the Municipality, shall consult with, and have regard for, the established planning policies of the Municipality.
- b) The lot coverage, setback and yard regulations prescribed for the zone in which such land, building, or structure is located are complied with.
- c) The parking and loading regulations prescribed for the use are complied with.
- d) No goods, materials, or equipment are stored in the open in a Residential Zone or in a lot adjacent to a Residential Zone.

3.37 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 actions is to cause the original adjoining, remaining or new building, structure or lot to be in contravention with this By-law.

3.38 SETBACKS FOR SEPTIC SYSTEMS

All components of a septic system, including but not limited to the tank, bed, and mantle shall be setback a distance of at least 30 metres from a waterbody.

3.39 SETBACK FROM WATERBODY

All buildings, structures, fences and signs shall be setback a distance of at least 30 metres from a waterbody and the normal ordinary water's edge and shall not be permitted in the front yard of lot abutting the shoreline or shore road allowance except:

- a) Where such buildings and structures are intended for conservation, flood protection, erosion control and essential public services normally associated with the waterfront, and;
- b) Where a boathouse, pumphouse or dock is being erected or altered in accordance with the provisions of this by-law.
- c) For the purpose of this provision, the normal ordinary water's edge shall be determined by delineation on a survey prepared by an Ontario Land Surveyor.

3.40 SETBACKS FROM ALL ROADS

Where a building or structure is to be located or erected adjacent to a road in any zone, a minimum setback of 15 metres from the edge of the right-of-way shall be provided for commercial and industrial uses and a minimum setback of 8 metres from the edge of the right-of-way shall be provided for residential uses. Any development located adjacent to a road shall be carried out in accordance with the setback requirements, access and building permit controls of the Ministry of Transportation and the Township of Nipissing. Any proposed access to a road shall be subject to the prior approval of the authority having jurisdiction over the road.

3.41 SETBACK IN POTENTIAL HAZARD LAND AREAS

Notwithstanding any other provision of this By-Law, no new building, structure or placing and/or removal of fill of any kind whether originating on the site or elsewhere shall be permitted within 30 metres from the normal ordinary water's edge of any

lake, river, or watercourse shown on Schedule A, Schedule B or Schedule C to this By-law except for those uses required for conservation, erosion control, flood protection and essential public services normally associated with the waterfront.

3.42 SITE PLAN CONTROL

The following areas are subject to Site Plan Control:

- a) all Commercial Zones;
- b) all Industrial Zones except mineral aggregate extractive zones;
- c) all lands located below the established flood elevations as indicated on Schedule A, Schedule B or Schedule C';
- d) any Special Zone that would permit a commercial or industrial use;
- e) Any residential property with 3 or more units;
- f) Council may deem that any new use within an Environmental Protection Zone or Hazard Zone be subject to Site Plan Control; and
- g) all uses abutting shorelines.

3.43 STORAGE CONTAINERS

Storage containers shall only be permitted within the Industrial General (M1) Zone. Notwithstanding the provisions of this By-law, storage containers shall adhere to the provisions of Section 3.3 and shall be used exclusively for the temporary 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.

3.44 SWIMMING POOLS

Notwithstanding the provisions of this By-law, a swimming pool shall be permitted in any Zone (except for the Hazard Lands (HAZ) Zone or the Environmental Protection (EP) Zone), provided that:

- a) No part of such pool shall be located closer to any side lot line or street line than the minimum distance required for principal building location on such lot, and
- b) The maximum height of such pool is one and a half (1.5) metres above the average finished grade level of the ground adjoining and within five (5) metres of such pool, and

- c) Any building or structure, required for changing clothing or for pumping or filtering facilities, or other similar accessory uses, shall comply with the provisions of this By-law respecting accessory buildings on such lot, and
- d) In the rear yard, no part of such pool shall be located closer to any rear lot line or street line than the minimum distance required for an accessory building located on such lot, and
- e) Every swimming pool shall be enclosed by a fence.

3.45 TEMPORARY CONSTRUCTION USES

Notwithstanding any other provisions of this By-law, uses such as a construction camp or other such temporary work camp, a tool shed, scaffold, sign or other building or structure incidental to the construction shall be permitted provided that:

- a) Any sign which is erected does not exceed 3 square metres in area.
- b) Such uses, buildings or structures, including a temporary storage container may be used only as long as the same are necessary for work in progress which has neither been finished or abandoned and which has a valid Building Permit.
- c) Such uses, buildings or structures are removed when the work in connection with which they are constructed is terminated.

3.46 TRAILERS, MOTOR HOMES, AND CAMPERS

The parking and storage of trailers, motor homes, truck campers, tent trailers and travel trailers shall be prohibited in all Zones except where such parking or storage is a permitted use in accordance with this By-law or is accessory to a dwelling located on the lot and the trailer, motor home, or camper is owned by the occupant of the lot. Where permitted on a residential lot, a maximum of one trailer or motor home in the front, or exterior side lot is permitted to be parked or stored.

3.47 TRAILER PARK AND PRIVATE RECREATIONAL USES

Unless specifically permitted by 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.

3.48 TRUCK, BUS, COACH BODIES AND STORAGE CONTAINERS

No truck, bus, coach or railway car body shall be used as a permanent or seasonal dwelling unit within the Municipality, whether or not the same is mounted on wheels.

3.49 VEGETATIVE BUFFERS

A vegetative buffer of 30 metres of natural vegetation shall be developed and maintained inland of the high watermark. The vegetative buffer shall only be interrupted for a pathway not to exceed 4 metres in width to provide access to the water.

3.50 VEHICLES WITHOUT CURRENT LICENCE PLATES

The parking, storage or locating of unused or discarded vehicles without current licence plates is prohibited in all zones, except that:

- a) Such vehicle or vehicles may be stored inside a private garage or licensed derelict motor vehicle site; or, concealed from view from all adjacent lots and roads.
- b) Vehicles normally licensed for only part of the year may be stored on the same lot from which the use they are associated with is conducted.

3.51 VISIBILITY TRIANGLES AT ROAD INTERSECTIONS

Notwithstanding any other provisions of this By-Law, in any corner lot or any lot at the intersection of two roads in any Zone, no building, structure, berm, fence, trees, hedges, or shrubs with a height exceeding one metre above the grade of the road, shall be erected within the triangular space measured:

- a) Along the street lines for a distance of nine metres from their point of intersection.

SECTION 4 - ZONES

4.1 ZONES

For the purpose of this By-law, the Township of Nipissing is hereby divided into the following Zones:

ZONE	SYMBOL
Boathouse Zone	BH
Commercial, General Zone	CI
Commercial, Highway & Tourist Zone	C2
Commercial, Resort Zone	C3
Environmental Protection Zone	EP
Hazard Zone	HAZ
Industrial, Extractive Zone	MX
Industrial, General Zone	MI
Open Space Zone	OS
Residential, Estate Zone	RE
Residential, Hamlet Zone	RH
Shoreline Residential Zone	SR
Limited Service Residential	LSR
Rural Zone	RU
Special Zone	SZ
Waste Disposal Zone	WD

4.2 SCHEDULES

The zones set out in Section 4.1 and the boundaries of such zones are shown upon the schedules attached hereto, marked Schedule A, Maps 1 to 21, Schedule B, Maps 1 to 18, and Schedule C to which zone boundaries and schedules are hereby declared to form part of this By-law.

4.3 ZONE BOUNDARIES

Where uncertainty exists with respect to the boundaries of the various zones as shown on Schedule A, Schedule B and Schedule C, the following rules shall apply:

a) Roads or Streets

The zone boundaries are either roads or streets unless otherwise shown, and where indicated boundaries on Schedule A, Schedule B and Schedule C are shown as approximate roads or streets, the said roads or streets shall be construed to be the zone boundaries.

b) Lot Lines

Where the zone boundaries are not shown to be roads or streets, and where indicated boundaries on Schedule A, Schedule B and Schedule C are shown as approximate lot lines, the said lot lines shall be construed to be the zone boundaries unless said boundaries are otherwise indicated on the map.

c) Road, Street or Right-of-Way

A road, street, right-of-way or watercourse identified on Schedule A, Schedule B and Schedule C shall, unless otherwise indicated, be included within the zone of the adjoining property on either side thereof; and where such road, street, right-of-way or watercourse serve as a boundary between different zones, a line midway in such road, street, right-of-way or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically indicated otherwise.

d) Closed Road, Street or Right-of-Way

In the event a dedicated road, street or right-of-way shown on the map is closed, the property formerly in said road street or right-of-way shall be included within the zone of the adjoining property on either side of the said closed road, street or right-of-way, and the zone boundary shall be the former centre line of the said closed road, street or right-of-way.

e) River or Lakeshore

Where any zone on Schedule A, Schedule B and Schedule C abuts a river or lakeshore, such zone shall be deemed to extend into the river or lake and apply to any water lots or to any land created by changing water levels, land fill operations or by any other means.

4.4 BOATHOUSE (BH) ZONE

4.4.1 Permitted Uses

No person shall within any Boathouse Zone (BH) Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a) Boathouse Uses
 - i) one boathouse and/or dock per lot together with accessory buildings thereto provided that no building may be used for human habitation
 - ii) recreational uses accessory to a boathouse
- b) Private Open Space Uses
 - i) vehicular and water craft access
 - ii) docks with the approval of the Ministry of Natural Resources as necessary.

4.4.2 Zone Requirements

In Boathouse Zone, no building, structure or land shall be used and no building or structure shall hereafter be erected or altered except in accordance with the requirements of this By-law:

- a) Boathouse Uses - Main Building
 - i) min. front yard Nil
 - ii) min. side yard 0.6m
 - iii) min. rear yard 6.1m
 - iv) max. coverage 50%
 - v) min. lot area existing
 - vi) min. lot frontage existing
 - vii) max. height 4.6m

4.4.3 General Provisions

- a) The owner of every boathouse shall provide one parking space on the same lot as the boat house.
.
- b) No sewage disposal systems or holding tanks may be installed on any lot or block without a permit issued under the Ontario Building Code (Ont. Reg. 403/97 as amended) or its successors.

4.5 COMMERCIAL, GENERAL (C1) ZONE

4.5.1 Permitted Uses

No person shall within any Commercial, General (C1) Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a) Residential Uses
 - i) a dwelling unit in accordance with the provisions of Section 3.11 and 3.12 of this By-Law.
- b) Commercial Uses
 - an automobile service station
 - a bake shop
 - a bank or trust Company
 - a banquet hall
 - a bed and breakfast establishment
 - a clinic
 - a conservation use
 - a convenience store
 - a day nursery
 - a dry cleaning business
 - a food store
 - a funeral home
 - a garden centre
 - a gas bar
 - a hotel, a motel
 - an institutional use
 - a laundromat
 - an office
 - a personal service establishment
 - a place of entertainment
 - a place of worship
 - a playground
 - a private club
 - a private park
 - a private or public hospital
 - a public park
 - a repair garage
 - a restaurant
 - a retail store
 - a school
 - a service club
 - a service shop
 - a take-out restaurant

a tavern
a wholesale use
a video rental outlet

4.5.2 Zone Requirements

No person shall within any Commercial, General (C1) Zone use any lot, or erect, alter or use any building or structure except in accordance with Schedule “D” - Zone Requirements Table as applicable to a (C1) Zone, and the applicable provisions of Section 3 - General Provisions.

4.6 COMMERCIAL, HIGHWAY AND TOURIST (C2) ZONE

4.6.1 Permitted Uses

No person shall within any Commercial, Highway and Tourist (C2) Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a) Residential Uses
 - i) a dwelling unit in accordance with the provisions of Section 3.11 and 3.12 of this By-Law.
- (b) Commercial Uses
 - an agricultural service
 - an animal hospital
 - an automobile service station or repair garage
 - a banquet hall
 - a bed and breakfast establishment
 - a building supply outlet
 - a camping establishment
 - a clinic
 - a convenience store
 - a farm implement sales and service establishment
 - a fruit and vegetable stand
 - a garden centre
 - a gas bar
 - a hotel, motel and/or tourist establishment
 - a laundromat
 - a light equipment sales and rental establishment
 - a motor vehicle sales area
 - a nursing home
 - an office
 - a place of entertainment
 - a private or public hospital
 - a repair garage
 - a restaurant
 - a retail and service establishment designed to serve primarily the needs of the travelling public
 - a service shop
 - a take-out restaurant
 - a tavern

4.6.2 Zone Requirements

No person shall within any Commercial, Highway and Tourist (C2) Zone use any lot, or erect, alter or use any building or structure except in accordance with Schedule "D" - Zone Requirements Table as applicable to a (C2) Zone, and the applicable provisions of Section 3 - General Provisions.

4.7 COMMERCIAL, RESORT (C3) ZONE

4.7.1 Permitted Uses

No person shall within any Commercial, Resort (C3) Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- (a) Residential Uses
 - i) a dwelling unit in accordance with the provisions of Section 3.11 and 3.12 of this By-Law.
- (b) Commercial Uses
 - a bed and breakfast establishment
 - a boat sales, rental and servicing establishment
 - a camping establishment
 - a food stand
 - a hotel, motel, or tourist establishment
 - a marina
 - a private club
 - a private park
 - a public park
 - a restaurant
 - a retail store accessory to a permitted use
 - a recreational facility accessory to a permitted use
 - a tourist cabin
 - accessory storage of ice huts and ice bungalows

4.7.2 Zone Requirements

No person shall within any Commercial, Resort (C3) Zone use any lot, or erect, alter or use any building or structure except in accordance with Schedule "D" - Zone Requirements Table as applicable to a (C3) Zone, and the applicable provisions of Section 3 - General Provisions.

4.8 ENVIRONMENTAL PROTECTION (EP) ZONE

4.8.1 Permitted Uses

No person shall within any Environmental Protection (EP) Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a) Permitted Uses
 - a conservation use
 - an existing building or structure

4.8.2 Zone Requirements

No person shall within any Environmental Protection (EP) Zone use any lot, or erect, alter or use any building or structure except in accordance with Schedule “D” - Zone Requirements Table as applicable to a (EP) Zone, and the applicable provisions of Section 3 - General Provisions.

4.9 HAZARD (HAZ) ZONE

4.9.1 Permitted Uses

No person shall within any Hazard (HAZ) Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a) Permitted Uses
 - an existing building or structure
 - an agricultural or forestry use
 - a conservation use
 - a public park
 - a private park
 - public or private recreation use
 - a dock and boat houses approved by the Township and as necessary by the Ministry of Natural Resources
- b) No new building or structure shall be permitted in a Hazard (HAZ) Zone other than those required for conservation, erosion control, flood protection, and essential public services normally associated with water frontage.
- c) All buildings or structures erected at the time of the adoption of this By-Law are deemed to be legal conforming uses. Enlargements or extensions to existing buildings or structures will require an amendment or a minor variance to this By-Law.

4.9.2 Zone Requirements

No person shall within any Hazard (HAZ) Zone use any lot, or erect, alter or use any building or structure except in accordance with Schedule "D" - Zone Requirements Table as applicable to a (HAZ) Zone, and the applicable provisions of Section 3 - General Provisions.

4.10 INDUSTRIAL, EXTRACTIVE (MX) ZONE

4.10.1 Permitted Uses

No person shall within any Industrial, Extractive (MX) Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a) Residential Uses
 - i) a dwelling unit in accordance with the provisions of Section 3.11 of this By-Law.
- (b) Industrial Uses
 - a pit
 - a quarry
 - a mineral aggregate resource use

4.10.2 Zone Requirements

No person shall within any Industrial, Extractive (MX) Zone use any lot, or erect, alter or use any building or structure except in accordance with Schedule "D" - Zone Requirements Table as applicable to a (MX) Zone, the applicable provisions of Section 3 - General Provisions and the following additional provisions:

- a) Excavation Area Setbacks

No part of any excavation other than for an access road shall be permitted to locate within:

 - i) 30 metres of an adjacent property line, public street or highway;
 - ii) 15 metres of a watercourse;
 - iii) 150 metres of a residential structure.
- b) Stockpiling and Operations Setbacks

No aggregate, topsoil, subsoil or overburden shall be piled and no processing plant shall be located within:

 - i) 30 metres of an adjacent property line;
 - ii) 15 metres of a watercourse;
 - iii) 90 metres of land restricted to a residential use by this By-law. The provisions of this Section do not apply to earth berms that are intended to screen adjoining lands from the operation of the site.

4.11 INDUSTRIAL, GENERAL (M1) ZONE

4.11.1 Permitted Uses

No person shall within any Industrial, General (M1) Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a) Residential Uses
 - i) a dwelling unit in accordance with the provisions of Section 3.11 of this By-Law.
- b) Industrial Uses
 - an auto body shop
 - a bakery
 - a building supply outlet
 - a communications and public utilities facility
 - a contractor's yard
 - a dry industry
 - a farm produce facility
 - a fuel depot
 - a light equipment repair sales and rental establishment
 - an industrial equipment repair sales and rental establishment
 - a lumber yard
 - a salvage yard
 - a sawmill
 - a repair garage
 - a transportation depot
 - a warehouse
 - a wholesale use
 - an incidental or accessory commercial use such as a wholesale outlet, a bulk sales office, administrative office, showroom or merchandising centre

4.11.2 Zone Requirements

No person shall within any Industrial, General (M1) Zone use any lot, or erect, alter or use any building or structure except in accordance with Schedule "D" - Zone Requirements Table as applicable to a (M1) Zone, and the applicable provisions of Section 3 - General Provisions.

4.12 OPEN SPACE (OS) ZONE

4.12.1 Permitted Uses

No person shall within any Open Space (OS) Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a) Open Space and Recreational Uses
 - a cemetery
 - a conservation use
 - a public or private recreational use
 - a private park
 - a public park

4.12.2 Zone Requirements

No person shall within any Open Space (OS) Zone use any lot, or erect, alter or use any building or structure except in accordance with Schedule “D” - Zone Requirements Table as applicable to a (OS) Zone, and the applicable provisions of Section 3 - General Provisions.

4.13 RESIDENTIAL, ESTATE (RE) ZONE

4.13.1 Permitted Uses

No person shall within any Residential, Estate (RE) Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a) Residential Uses
 - a single unit detached dwelling
 - a home occupation

- b) Non-Residential Uses
 - a private park
 - a public park
 - a public utility
 - accessory storage of 1 ice hut

4.13.2 Zone Requirements

No person shall within any Residential, Estate (RE) Zone use any lot, or erect, alter or use any building or structure except in accordance with Schedule “D” - Zone Requirements Table as applicable to a (RE) Zone, and the applicable provisions of Section 3 - General Provisions.

4.14 RESIDENTIAL, HAMLET (RH) ZONE

4.14.1 Permitted Uses

No person shall within any Residential, Hamlet (RH) Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a) Residential Uses
 - a single unit detached dwelling
 - a two unit dwelling
 - a home occupation
 - a group home

- b) Non-Residential Uses
 - a community facility
 - a day nursery
 - a place of worship
 - a private park
 - a public park
 - a public utility
 - a school
 - accessory storage of 1 ice hut

4.14.2 Zone Requirements

No person shall within any Residential, Hamlet (RH) Zone use any lot, or erect, alter or use any building or structure except in accordance with Schedule “D” - Zone Requirements Table as applicable to a (RH) Zone, and the applicable provisions of Section 3 - General Provisions.

4.15 SHORELINE RESIDENTIAL (SR) ZONE

4.15.1 Permitted Uses

No person shall within any Shoreline Residential (SR) Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a) Residential Uses
 - a single unit detached dwelling
 - a home occupation

- b) Non-Residential Uses
 - a public park
 - a private park
 - a parking area for water access lots
 - a dock
 - a boathouse
 - shoreline vegetative buffer
 - accessory storage of 1 ice hut

4.15.2 Zone Requirements

No person shall within any Shoreline Residential (SR) Zone use any lot, or erect, alter or use any building or structure except in accordance with Schedule “D” - Zone Requirements Table as applicable to a (SR) Zone, and the applicable provisions of Section 3 - General Provisions.

4.16 LIMITED SERVICE RESIDENTIAL (LSR) ZONE

4.16.1 Permitted Uses

No person shall within any Limited Service Residential (LSR) Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a) Residential Uses
 - a single unit detached dwelling
 - a home occupation

- b) Non-Residential Uses
 - a public park
 - a private park
 - a parking area for water access lots
 - a dock
 - a boathouse
 - shoreline vegetative buffers
 - accessory storage of 1 ice hut

4.16.2 Zone Requirements

No person shall within any Limited Service Residential (LSR) Zone use any lot, or erect, alter or use any building or structure except in accordance with Schedule “D” - Zone Requirements Table as applicable to a (LSR) Zone, and the applicable provisions of Section 3 - General Provisions.

4.17 RURAL (RU) ZONE

4.17.1 Permitted Uses

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

a) Residential Uses

- a recreational dwelling
- a converted recreational dwelling
- a single unit detached dwelling
- a two unit dwelling
- a group home
- a home occupation
- a home industry
- a bed and breakfast establishment
- accessory storage of 1 ice hut

b) Rural Uses

- an artisan shop
- an agricultural service establishment
- an agricultural use
- a bus storage area
- a cemetery
- a community facility
- a conservation use
- a farm implement sales and service establishment
- a farm produce outlet or storage facility
- a forestry use
- a fruit and vegetable stand
- a hunt camp
- a livestock facility
- a maple syrup operation
- a nursery garden or commercial greenhouse
- a private park
- a public park
- a riding stable
- a trappers cabin
- a wayside pit
- a wayside quarry

c) Special Uses

- an abattoir
- an animal hospital or kennel

4.17.2 Zone Requirements

No person shall within any Rural (RU) Zone use any lot, or erect, alter or use any building or structure except in accordance with Schedule "D" -Zone Requirements Table as applicable to a (RU) Zone, the applicable provisions of Section 3 - General Provisions and with the following additional provisions:

- a) Minimum Distance Separation
 - ii) All new development shall comply with the Minimum Distance Separation formulae.
 - ii) Minimum Distance Separation I (MDS I) Notwithstanding any other provisions of this By-law to the contrary, lands to be rezoned from a Rural (RU) Zone to permit a residential, institutional, commercial, industrial or recreational use, shall comply with the MDS I. c Notwithstanding any other provisions of this By-law to the contrary, a residential use to be located upon an existing lot of record and permitted by a Rural (RU) Zone, shall not be required to comply with the MDS I.
 - iii) Minimum Distance Separation II (MDS II) Notwithstanding any other provisions of this By-law to the contrary, a new or expanding livestock facility permitted by a (RU) Zone, shall comply with the MDS II.. Notwithstanding any other provisions of this By-law to the contrary, the MDS II calculated separation distances will be measured from the nearest point of an existing vacant lot of record 1. 0 hectares in size or less, to the nearest point of the proposed livestock facility where the existing lot of record is permitted by a Rural (RU) Zone and the proposed livestock facility is permitted by a Rural (RU) Zone.

- b) Hunt Camps and Trappers Cabins

Hunt Camps and Trappers Cabins, as defined in this By-law, are permitted in the Rural (RU) Zone subject to the following special provisions:

- i) minimum lot area - 10 hectares
- ii) minimum setback from opened public road allowance - 100 metres
- iii) minimum setback from any lot line - 50 metres
- iv) maximum floor area - 70 square metres
- v) maximum number of units - 1

- c) Recreational Dwelling

Recreational Dwellings, as defined in this By-law, are permitted in the Rural (A) Zone subject to the following special provision:

- i) minimum lot area - 10 hectares
- ii) minimum floor area - 80 square metres

d) Kennels

Kennels, as defined in this By-law, are permitted in the Rural (A) Zone subject to the following special provision:

- i) minimum setback from any lot line - 150 metres

e) Abattoirs

Abattoirs, as defined in this By-law, are permitted in the Rural (A) Zone subject to the following special provisions:

- i) New abattoir minimum setback from a dwelling - 300 metres
- ii) Existing abattoir minimum setback from a dwelling - 150 metres

Notwithstanding any other provision in this By-law to the contrary, no new dwelling shall be constructed, located or erected within 300 metres of a new abattoir constructed after the date of passing of this By-law and 150 metres of an existing abattoir.

4.18 WASTE DISPOSAL (WD) ZONE

4.18.1 Permitted Uses

No person shall within any Waste Disposal (WD) Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

a) **Permitted Uses**

- an existing closed or abandoned waste disposal site
- a waste disposal site
- a recycling depot
- a conservation use

4.18.2 Zone Requirements

No person shall within any Waste Disposal (WD) Zone use any lot, or erect, alter or use any building or structure except in accordance with Schedule 'D' - Zone Requirements Table as applicable to a (WD) Zone, and the applicable provisions of Section 3 - General Provisions and with the following additional provisions:

- a) **Minimum Distance Separation** Notwithstanding any other provision of this By-law to the contrary, no dwellings shall be permitted within 100 metres of the zone boundary of a Waste Disposal (WD) Zone.

SECTION 5 - SPECIAL ZONES

5.1 SPECIAL ZONE NO.1 (Formerly Part of By-law No. 601 - Waltonian Estates Subdivision)

Notwithstanding any other provision of this By-law on Part of Lot 1, Concession 19, the following applies:

5.1.1 Zone Boundaries

The zone boundaries of Special Zone No.1 (SZ 1) are identified on the Schedules to this By-law.

5.1.2 Permitted Uses

No person shall within Special Zone No.1 (SZ 1) use any land or erect or use any building or structure except for one or more of the following uses:

- a) Lots 1 to 10
 - i) uses permitted in the Shoreline Residential (SR) Zone
 - ii) uses permitted in the Commercial, Resort (C3) Zone
- b) Block 26
 - i) uses permitted in the Open Space (OS) Zone

5.2 SPECIAL ZONE NO.2 (Formerly By-law No. 633 - Waltonian Marina)

Notwithstanding any other provision of this By-law on Part of Lot 1, Concession 19 in the Township of Nipissing, the following applies:

5.2.1 Zone Boundaries

The zone boundaries of Commercial, Resort Special Zone NO.2 (SZ 2) are identified on the Schedules to this By-law.

5.2.2 Permitted Uses

No person shall within Commercial, Resort Special Zone NO.2 (SZ 2) use any land or erect or use any building or structure except for one or more of the following uses:

- a marina

5.2.3 Regulations

In Commercial, Resort Special Zone No.2, (SZ 2) no building, structure or land shall be used and no building or structure shall hereafter be erected or altered except in accordance with the requirements of the Commercial, Resort (C3) Zone, except as hereby expressly varied.

min. lot area	0.2 hectares
min. lot frontage	30 m
min. lot depth	60 m
min. front yard	10 m
min. side yard	5 m
min. rear yard	5 m
min. floor area	
max. lot coverage	50%
max. height	10 m

5.2.4 Special Provisions

In Commercial, Resort Special Zone No.2 (SZ 2), the following special provisions shall apply:

- a) All lighting associated with the marina operation shall be directed away from surrounding recreational residential uses.
- b) An undisturbed vegetative buffer of 2 metres shall be maintained on the internal side yard of the lot used for marina purposes.

All buildings and structures erected or altered and all use of land in Commercial, Resort Special Zone No.2 (SZ 2) shall conform to all other applicable provisions of this By-law except as hereby expressly varied.

5.3 SPECIAL ZONE NO.3 (Formerly By-law Nos. 752 and 762 - Whispering Pines Estates)

Notwithstanding any other provision of this By-law on Part of Broken Lots 9 and 10, Concession 19 in the Township of Nipissing), the following applies:

5.3.1 Zone Boundaries

The zone boundaries of Shoreline Residential Special Zone No.3 (SZ 3) are identified on the Schedules to this By-law.

5.3.2 Permitted Uses

No person shall within Shoreline Residential Special Zone No. 3 (SZ 3) use any land or erect or use any building or structure except for one or more of the following uses:

uses permitted in the Shoreline Residential (SR) Zone

5.3.3 Regulations

In Shoreline Residential Special Zone No.3, (SZ 3) no building, structure or land shall be used and no building or structure shall hereafter be erected or altered except in accordance with the requirements of the applicable Shoreline Residential, (SR) Zone, except as hereby expressly varied:

5.3.4 Special Provisions

In Shoreline Residential Special Zone No. 3 (SZ 3), the following special provisions shall apply:

- a) No part of any septic tile bed that discharges effluent to the soil shall be constructed or installed within 30 metres of the waterfront boundary of any lot on any lands to which this By-law applies, or below the 197 m Canadian Geodetic Datum contour elevation.

All buildings and structures erected or altered and all use of land in Residential, Recreational Special Zone No.3 (SZ 3) shall conform to all other applicable provisions of this By-law except as hereby expressly varied.

5.4 SPECIAL ZONE NO. 4 (Formerly By-law Nos. 909 and 933)

Notwithstanding any other provision of this By-law on Part of Lots 22, Concession 4 in the Township of Nipissing, the following applies:

5.4.1 Zone Boundaries

The zone boundaries of Commercial, Resort Special Zone No. 4 (SZ 4) are identified on the Schedules to this By-law.

5.4.2 Definitions

In Commercial, Resort Special Zone No. 4 (SZ 4), the following definitions shall govern

- a) Seasonal Recreational Tourist Trailer Park means an establishment comprising land or premises under single ownership, used for the parking of no more than nine (9) Seasonal Recreational Tourist Trailers, as defined in this By-law, and to be inhabited between the months of May and October only.
- b) Seasonal Recreational Tourist Trailer means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle to a Seasonal Tourist Trailer Park, as defined in this By-law, that is designed for, and used for a temporary or seasonal period, but does

not include a modular home, a mobile home, or a principle residence.

5.4.3 Permitted Uses

No person shall within Commercial, Resort Special Zone No. 4 (SZ 4) use any land or erect or use any building or structure except for one or more of the following uses:

uses permitted in the Shoreline Residential (SR) Zone
a seasonal recreational tourist trailer park

5.4.4 Regulations

In Commercial, Resort Special Zone No. 4, (SZ 4) no building, structure or land shall be used and no building or structure shall hereafter be erected or altered except in accordance with the requirements of the Commercial, Resort (CR) Zone, except as hereby expressly varied:

maximum number of seasonal recreational tourist trails 9

5.4.5 Special Provisions

In Commercial, Resort Special Zone No. 4 (SZ 4), the following special provisions shall apply:

- a) Each Seasonal Recreational Tourist Trailer shall be provided with a connection to a sewage disposal system including a tile field to be located no closer than 305 metres from the high water mark of Wolfe Lake.
- b) Each Seasonal Recreational Tourist Trailer shall be provided with a connection to a potable drinking water supply.
- c) No person shall occupy a Seasonal Recreational Tourist Trailer during the calendar months of November, December, January, February, March and April in any year.

5.4.6 Site Plan Control

- a) The subject property is hereby designated to be a Site Plan Control Area pursuant to the provisions of Section 41 of the Planning Act and the Official Plan of the Township of Nipissing.
- b) No person shall develop lands which have been designated as a Site Plan Control Area except in accordance with the terms of a Site Plan Control Agreement registered on title thereto.
- c) The Mayor and Clerk are hereby authorized to execute the Site Plan Control Agreement.

All buildings and structures erected or altered and all use of land in Shoreline Residential Special Zone No. 4 (SZ 4) shall conform to all other applicable provisions of this By-law except as hereby expressly varied.

5.5 SPECIAL ZONE NO. 5 (Gurd Lot 24, Con. 6)

Notwithstanding any other provision of this By-law on Part of Lot 24, Concession 6 in the Township of Nipissing (Former Geographic Township of Gurd) being Part of Parcel 9862 the following applies:

5.5.1 Zone Boundaries

The zone boundaries of Rural Special Zone No. 5 (SZ 5) are identified on the Schedules to this By-law.

5.5.2 Permitted Uses

No person shall within Rural Special Zone No. 5(SZ 5) use any land or erect or use any building or structure except for one or more of the following uses:

uses permitted in the Rural (RU) Zone

5.5.3 Regulations

In Rural Special Zone No. 5 (SZ 5) no building, structure or land shall be used and no building or structure shall hereafter be erected or altered except in accordance with the requirements of the Rural (RU) Zone, except as hereby expressly varied:

maximum number of single detached dwellings 3

All buildings and structures erected or altered and all use of land in Rural Special Zone No. 5 (SZ 5) shall conform to all other applicable provisions of this By-law except as hereby expressly varied.

5.6 SPECIAL ZONE NO. 6 (Nipissing Lot 8, Con. 11 & Gurd Part of Lots 176 & 177, Con. B)

Notwithstanding any other provision of this By-law on Part of Lot 8, Concession 11 in the Township of Nipissing and Part of Lots 176 and 177, Concession B in the Township of Gurd, now in the Township of Nipissing, the following applies:

5.6.1 Zone Boundaries

The zone boundaries of Rural Special Zone No. 6 (SZ 6) are identified on the Schedules to this By-law.

5.6.2 Permitted Uses

No person shall within Rural Special Zone No. 6 (SZ 6) use any land or erect or use any building or structure except for one or more of the following uses:

uses permitted in the Rural (RU) Zone
a contractor's yard

5.6.3 Regulations

In Rural Special Zone No. 6 (SZ 6) no building, structure or land shall be used and no building or structure shall hereafter be erected or altered except in accordance with the requirements of the Rural (RU) Zone.

All buildings and structures erected or altered and all use of land in Rural Special Zone No. 6 (SZ 6) shall conform to all other applicable provisions of this By-law except as hereby expressly varied.

5.7 SPECIAL ZONE NO. 7 (Nipissing Lot 12, Con. 11)

Notwithstanding any other provision of this By-law on Part of Lot 12, Concession 11 in the Township of Nipissing being Part of Parcel 3478 Nipissing, the following applies:

5.7.1 Zone Boundaries

The zone boundaries of Rural Special Zone No. 7 (SZ 7) are identified on the Schedules to this By-law.

5.7.2 Permitted Uses

No person shall within Rural Special Zone No. 7 (SZ 7) use any land or erect or use any building or structure except for one or more of the following uses:

uses permitted in the Rural (RU) Zone
a bait shop

5.7.3 Regulations

In Rural Special Zone No. 7 (SZ 7) no building, structure or land shall be used and no building or structure shall hereafter be erected or altered except in accordance with the requirements of the Rural (RU) Zone.

All buildings and structures erected or altered and all use of land in Rural Special Zone No. 7 (SZ 7) shall conform to all other applicable provisions of this By-law except as hereby expressly varied.

5.8 SPECIAL ZONE NO. 8 (Nipissing Part or Lot 10 Con. 8 and Gurd Part of Lot 3, Con. 15)

Notwithstanding any other provision of this By-law on Part of Lot 10, Concession 8 in the Township of Nipissing being Part of Part 3, Plan 42R-I0376 and Part of Lot 3, Concession 15 in the Township of Gurd now in the Township of Nipissing, the following applies:

5.8.1 Zone Boundaries

The zone boundaries of Rural Special Zone No. 8 (SZ 8) are identified on the Schedules to this By-law.

5.8.2 Permitted Uses

No person shall within Rural Special Zone No. 8 (SZ 8) use any land or erect or use any building or structure except for one or more of the following uses:

uses permitted in the Rural (RU) Zone
a sawmill

5.8.3 Regulations

In Rural Special Zone No. 8 (SZ 8) no building, structure or land shall be used and no building or structure shall hereafter be erected or altered except in accordance with the requirements of the Rural (RU) Zone.

All buildings and structures erected or altered and all use of land in Rural Special Zone No. 8 (SZ 8) shall conform to all other applicable provisions of this By-law except as hereby expressly varied.

5.9 SPECIAL ZONE NO. 9 (Bear Creek Lots and Moose Creek Lots)

Notwithstanding any other provision of this By-law on Part of Lots 9 & 10, Concession 17 in the Township of Nipissing being Parts 5, 6, 7, 8 & 9 and on Part of Lots 2 & 3, Concession 19 in the Township of Nipissing being Parts 3, 4, 5, 6, 7 & 8 on Plan PSR 554, the following applies:

5.9.1 Zone Boundaries

The zone boundaries of Special Zone No.9 (SZ 9) are identified on the Schedules to this By-law.

5.9.2 Permitted Uses

No person shall within Special Zone No.9 (SZ 9) use any land or erect or use any building or structure except for one or more of the following uses:

uses permitted in the Limited Service Residential (LSR) Zone.

5.9.3 Regulations

In Special Zone No. 9, (SZ 9) no building, structure or land shall be used and no building or structure shall hereafter be erected or altered except as hereby expressly varied:

- a) The road access requirements of Section 3.2 of the Township of Nipissing Zoning By-law do not apply to a recreational dwelling and accessory buildings and structures associated with a recreational dwelling.

All buildings and structures erected or altered and all use of land in Special Zone No. 9 (SZ 9) shall conform to all other applicable provisions of this By-law except as hereby expressly varied.

5.10 SPECIAL ZONE NO. 10 (Nipissing, Part of Lots 13, 14, & 15 Con. 11 & 12)

Notwithstanding any other provision of this By-law on Part of Lots 13, 14, & 15, Concessions 11 and 12 in the Township of Nipissing, the following applies:

5.10.1 Zone Boundaries

The zone boundaries of Special Zone No. 10 (SZ 10) are identified on the Schedules to this By-law.

5.10.2 Permitted Uses

No person shall within Special Zone No.10 (SZ 10) use any land or erect or use any building or structure except for the following uses:

- One (1) single unit detached dwelling per lot
- Accessory uses

5.10.3 Regulations

In Residential Hamlet Zone No. 10 (SZ 10) no building, structure or land shall be used and no building or structure shall hereafter be erected or altered except in accordance with the requirements of the Residential Hamlet (RH) Zone, except as hereby expressly varied:

- a) The minimum lot frontage shall be reduced from 46 metres to 44.6 metres.

All buildings and structures erected or altered and all use of land in Special Zone No. 10 (SZ 10) shall conform to all other applicable provisions of this By-law except as hereby expressly varied.

5.10 SPECIAL ZONE NO. 11 (Nipissing, Lot 12, Con. 9)

Notwithstanding any other provision of this By-law on Part of Lot 12, Concession 9 in the Township of Nipissing being Part of Parcel 4718 Nipissing, the following applies:

5.10.1 Zone Boundaries

The zone boundaries of Special Zone No.11 (SZ 11) are identified on the Schedules to this By-law.

5.10.2 Permitted Uses

No person shall within Special Zone No.11 (SZ 11) use any land or erect or use any building or structure except for the following uses:

Uses permitted in the Rural (RU) Zone
A two unit dwelling

5.10.3 Regulations

In the Rural Special Zone No.11 (SZ 11) no building, structure or land shall be used and no building or structure shall hereafter be erected or altered except in accordance with the requirements of the Rural (RU) Zone, except as hereby expressly varied:

- a) maximum number of dwellings 2
- b) maximum number of dwelling units 3

All buildings and structures erected or altered and all use of land in Special Zone No. 11 (SZ 11) shall conform to all other applicable provisions of this By-law except as hereby expressly varied.

SECTION 6 - HOLDING PROVISIONS AND TEMPORARY USE BY-LAWS

6.1 HOLDING PROVISIONS

Notwithstanding any other provision in this By-law, where a Zone symbol is followed by the letter “H” and a number (for example M1-(H1) or SR-(H2) no person shall use the land to which the letter (H) applies for any use other than the use which existed on the date this By-law was passed, until the (H) is removed in accordance with the policies of the Official Plan and the Planning Act, as amended.

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

Zones with Holding Provisions are identified in Table 6.1.1 below in this Section.

6.1.1 List of Holding Provisions

Holding Number	Property Description	Holding Provision
H1	Multiple Locations	The lifting of the H1 Holding provision permitting the development of any new use or new or enlarged buildings and structures requiring a water supply within the waste disposal assessment area shall not be permitted until Council receives confirmation from the Ministry of the Environment that all of the studies required by the Township have been completed in accordance with Section 2.5.2 (b) of the Official Plan.

6.2 TEMPORARY USE BY-LAWS

Where on Schedules to this By-law, a zone symbol is followed by the letter “T” and a number (for example C1-(T1)), one or more additional uses are permitted on the lands noted until the permission granted by the Site Specific Temporary Use By-law expires. Table 6.2.1 identifies the Temporary Use Zones within the Municipality.

6.2.1 List of Temporary Use By-laws

Temporary Use Number	Property Description	Temporary Use Provision	Date of Passing	Date of Expiry

SECTION 7 - ADMINISTRATION

7.1 ADMINISTRATION AND ENFORCEMENT

This By-law shall be administered by the By-law Enforcement Officer or such other person as the Council designates and no permit for the use of land or for the erection or use of any building or structure or approval of any application for any municipal license within the jurisdiction of the Council shall be issued or given, where the proposed building, structure or use would be in violation of any provisions of this By-law.

7.2 APPLICATIONS FOR BUILDING PERMITS

In addition to all the requirements of the Building By-law or any other By-law, every applicant for a building permit shall file with his application a plan, in duplicate, drawn to scale, showing the true dimensions of the lot proposed to be built upon or otherwise developed, the proposed location, height and dimensions of the building or structure or work in respect of which the permit is applied for and the location on such lot of every existing building or structure, together with a statement, signed by the owner, disclosing the exact use proposed for each building or structure aforesaid and giving all information necessary to determine whether or not such building or structure and the proposed use thereof conform with the requirements of this By-law.

7.3 EFFECTIVE DATE

This By-law shall become effective on the date of passing if no notice of objection is filed with the Clerk within the time provided. If a notice of objection is filed with the Clerk, this By-law shall become effective on the date of approval by the Ontario Municipal Board.

7.4 REMEDIES

Where any building or structure is or is proposed to be erected, altered, reconstructed, extended or enlarged, or any building or structure or part thereof is or is proposed to be used, or any land is or is proposed to be used, in contravention of the provisions of this By-law, the same may be restrained by action at the instance of any ratepayer, or of the Council of the Municipality pursuant to the provisions of The Planning Act R.S.O. 1990, C.P. 13 as amended.

7.5 VIOLATION AND PENALTY

Every person who uses any land or erects or uses any building or structure in a manner contrary to any requirement of this By-law, or who causes or permits such use or erection, or who violates any provision of this By-law or causes or permits a violation, is guilty of an offense and upon conviction, therefore, shall be liable for a fine in accordance with Section 67, of The Planning Act, R.S.O. 1990, C.P. 13 as amended.

READ A FIRST TIME THIS 6th DAY OF MARCH, 2012..

MAYOR

CAO - CLERK

READ A SECOND AND THIRD TIME AND FINALLY PASSED THIS 6th DAY OF MARCH, 2012.

MAYOR

CAO - CLERK

SCHEDULE “D” TO BY-LAW NO. 2012-12

Zone Symbol	Zone	Min. Lot Front.	Min Lot Area	Max Lot Cov.	MINIMUM YARDS (3)				Min Floor Area	Max Height
					Front (3)	Ext. Side (3)	Int. Side (3)	Rear (3)		
		m	ha.	%	m	m	m	m	m ²	m
SR	Shoreline Residential	60	0.4	10	15	6	6	15	80	10
LSR	Limited Service Residential	60	0.4	10	15	6	6	15	80	10
RH	Hamlet Residential	1) a) 60 b) 60	0.4 0.8	15 15	15 15	6 6	6 6	15 15	80 80 per dwelling unit	10 10
RE	Estate Residential	60	0.8	15	15	6	6	15	80	10
C1	General Commercial	60	0.4	50	15	6	6	7.5	-	10
C2	Highway & Tourist Commercial	60	0.4	50	15	6	6	7.5	-	10
C3	Resort Commercial	90	0.8	30	20	6	6	15	-	10
M1	General Industrial	60	0.8	30	15	6	6	15	-	-
MX	Extractive Industrial	60	0.8	-	15	15	15	15	-	-
RU	Rural	(2) a) 60 b) 60 c) 60 d) 120	0.4 0.8 1.0 4.0	15 15 10 10	15 15 15 50	6 6 15 30	6 6 15 30	15 15 15 30	80 80/du 80 -	10 10 10 -
OS	Open Space	-	-	20	15	15	15	15	-	10
FP	Flood Plain	-	-	-	15	6	6	15	-	-
EP	Environmental Protection	-	-	-	-	-	-	-	-	-
HAZ	Hazard	-	-	-	-	-	-	-	-	-
WD	Waste Disposal	-	-	-	30	30	30	30	-	-
SZ	Special Zone	See Section 5								
BH	Boat House	See Section 4.4								

NOTES:

- (1) a) single unit dwellings
b) two unit dwellings
- (2) a) single unit dwellings
b) two unit dwellings
c) rural uses
d) special rural uses
- (3) In the case of a lot which abuts a body of water shown on Schedule A Schedule B or Schedule C, the minimum setback from the normal ordinary water's edge is 30 m (See Subsection 3.39)