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AS ADOPTED BY COUNCIL

Town of Northeastern Manitoulin and the Islands Comprehensive Zoning By-law 2018-41



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Town of Northeastern Manitoulin and the Islands

Comprehensive Zoning By-law 2018-41

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Town of Northeastern Manitoulin and the Islands

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A by-law to regulate the use of land and the character, location and use of buildings and structures in the Town of Northeastern Manitoulin and the Islands.

WHEREAS it is considered desirable to regulate the use of land, the character, location and use of buildings and structures within the Town of Northeastern Manitoulin and the Islands, herein after known as the "Town".

AND WHEREAS authority is granted under Section 35 of the Planning Act R.S.O. 1990, as amended, to the Council of the Town of Northeastern Manitoulin and the Islands to exercise such powers subject to the approval of the Ontario Municipal Board;

NOW THEREFORE the Council of the Town of Northeastern Manitoulin and the Islands enacts as follows:

SECTION 1 TITLE

This By-law shall be known as the "Zoning By-law for the Town of Northeastern Manitoulin and the Islands.

SECTION 2 DEFINED AREA

This By-law applies to all land included on Schedules A and B to this By-law within the boundaries of the Town of Northeastern Manitoulin and the Islands, herein after known as the "Town" and to the adjoining shores of various lakes and rivers including land covered by water wherever there is or may be erected any jetty, boathouse, pier or other building or structure.

SECTION 3 INTERPRETATION

3.1 General

In their interpretation and application, the provisions of this By-law shall be held to be 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 other By-law of the Town of Northeastern Manitoulin and the Islands or from any law of the Province of Ontario or of Canada.

3.2 Zoning Schedules

Schedules A to E attached hereto, together with notations and references shown thereon, are hereby declared to form part of this By-law.

3.3 Zone Boundaries

When determining the boundary of any Zone as shown on Schedules A to E forming part of this By-law, the following provisions shall apply:

- a) a boundary indicated as following a highway, street or lane shall be the centre line of such highway, street or lane;
- b) a boundary indicated as following a watercourse, creek, stream or the right-of-way of a railway or an electrical, gas or oil transmission line shall be the centre line of such watercourse, creek, stream or right-of-way;
- c) a boundary indicated as following a shoreline, either the shoreline of the mainland or the shoreline of an island, shall follow such shoreline, except as noted in subsection g) and in the event of change in the shoreline, the boundary shall be construed as moving with the actual shoreline;
- d) a boundary indicated as approximately following lot lines shown on a registered plan of subdivision or Town lot, shall follow such lot lines;

- e) a boundary indicated as approximately parallel to a street line or other feature indicated in clauses a), b) or c) of this subsection, and the distance from such street line or other feature is not indicated, and clause d) above is not applicable, such boundary shall be construed as being parallel to such street line or other feature;
- f) a boundary indicated as following the limits of the Town shall follow such limits; and
- g) where any zone on the Schedules abuts a lakeshore, such zone shall be deemed to extend into the lake and to apply to any water lots or to any land created by changing lake levels, landfill operations or by any other means.

3.3.1 Zoning of Islands

All Crown Lands on islands located outside of McGregor Bay and Bay of Islands are zoned Open Space Conservation (O2) Zone regardless of whether they are specifically identified as such on the schedules or not. Conversely, lands that are held in private ownership on the date of passing of this By-law shall be zoned Shoreline Residential (SR) Zone unless they have a special exception or other zone (other than O2) and any such discrepancies shall be considered as technical errors to the By-law and the Municipality may pass By-laws to address these issues.

3.4 Closings

In the event a dedicated street or lane shown on Schedules A or B of this By-law is closed, the property formerly in such street or lane shall be included within the zone of the adjoining property on either side of such closed street, or lane. If a closed street or lane is the boundary between two or more different zones, the new zone boundaries shall be the former centre line of the closed street or lane.

3.5 Certain Words

In this By-law, words used in the present tense include future; words in the singular number include the plural; words in the plural include the singular number; and the word “used” includes “arranged, designed or intended to be used”; the word “shall” is mandatory and not discretionary.

Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction “and”, “or”, or “either-or”, the conjunction shall be interpreted as follows:

- a) “and” indicates that all connected items, conditions, provisions or events shall apply in any combination;
- b) “or” indicates that the connected items, conditions, provisions or events may apply single or in combination; and
- c) “either-or” indicates that the connected items, conditions, provisions or events shall apply single but not in combination.

3.6 Interpretation of Similar Permitted Uses

Uses other than those hereinafter specifically mentioned as uses in each of the zones, may be permitted therein, provided such uses are similar to those specifically mentioned and are, in the opinion of Council, or a designate of Council, not more obnoxious or detrimental to the welfare of the community, than the permitted uses specifically mentioned in the respective zone.

3.7 Multiple Uses on One Lot

Notwithstanding any other provisions of this By-law, where any land, building or structure is used for more than one permitted use, all provisions of this By-law shall be complied with for each use, except in the case of lot area, lot frontage, coverage and minimum yard requirements in which case the most restrictive or stringent requirement shall apply.

3.8 Properties with More than One Zone

Where a lot is divided into more than one zone, each such portion of said lot shall be considered separately for the purposes of determining zone provisions such as lot area, lot frontage, required front yard, required side and rear yards and each such portion shall conform to the provisions of the appropriate zone, but no lot shall have more than one dwelling unit on the whole except as specifically provided in this By-law.

SECTION 4 ADMINISTRATION

4.1 Scope

No building, structure or land shall be used, and no building or structure shall be hereafter erected within that portion of the Town as now or henceforth legally constituted to which this By-law applies except in conformity with the provisions of this By-law.

4.2 Administration and Enforcement

This By-law shall be administered by the Chief Building Official, By-law Enforcement Officer, or such other person as Council shall designate, and no permit for the use of land or for the erection of any building or structure or approval of any municipal license within the area to which this By-law applies, shall be issued where the proposed use, building or structure would be in violation of any provision of this By-law.

4.3 Application and Plans

In addition to the requirements of this Zoning By-law, every application for a building permit shall be accompanied by plans, in duplicate drawn to an appropriate scale and based upon an actual survey and showing:

- a) the true shape and dimensions of the lot to be used or upon which it is proposed to erect any building or structure;
- b) the proposed location, height and dimensions of the building, structure or work in respect of which the permit is applied for;
- c) the location of every building or structure already erected on or partly erected on such lot, and the location of every use, building or structure upon adjacent lots;
- d) the proposed location of parking spaces, loading spaces, driveways, landscaping areas or planting strips as may be required; and
- e) other such information as may be necessary to determine whether or not every such building, structure and work conforms to the requirements of this By-law.

Every such application shall be signed by the owner of the lot or the owner's agent duly authorized thereunto in writing and by the Building Inspector and such application shall set forth in detail the current and proposed use of the lot and any building or structure thereon, together with all information necessary to determine whether or not every such proposed use of land, building or structure conforms with the requirements of this By-law.

4.4 Conformity

No land to which this By-law applies shall hereafter be used and no building or structure shall hereafter be erected or used except in accordance with the general and special provisions of this By-law, but nothing in this By-law prevents the use of any land, building or structure for any use prohibited by this By-law if such land, building or structure was lawfully used for such purpose on the day this By-law comes into effect.

4.5 Inspection

The authority having jurisdiction to enforce this By-law from time to time is hereby authorized, after reasonable notice to the owner or assessed owner, occupant or apparent occupant of the property in question, to enter at all reasonable hours for the purposes of inspection.

4.6 Violation and Penalty

Any person who uses any land or erects or uses any building or structure in a manner contrary to any requirements 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 offence and upon conviction therefore, shall be liable to a fine not exceeding ten thousand (10,000) dollars, exclusive of costs, which shall be recoverable under the Provincial Offences Act, R.S.O. 1990, as amended.

Each day of violation shall constitute an offence, and in the case of failure to correct the offence, the fine can be charged on a per diem basis.

4.7 Repetition of Offence

The conviction of an offender upon a breach of any of the provisions of this By-Law, shall not prevent prosecution against the same offender upon any subsequent breach of the same or any other provision of this By-Law.

4.8 Remedies

Where any building or structure is or is proposed to be erected, 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 any requirements of this By-law such contravention may be restrained by action at the instance of any ratepayer or of the Town pursuant to the provisions of the Planning Act.

4.9 Validity

Should any section, or part of a section, of this By-law for any reason be held to be invalid, it is the intention that all the remaining provisions shall remain in full force and effect.

SECTION 5 DEFINITIONS

In this By-law, unless the context otherwise requires:

ACCESSORY BUILDING shall mean a detached building located on the same lot as the main building, the use of which is incidental or secondary to that of the main building and which is not used for permanent human habitation, and may include a sleep camp, a private garage, a boathouse, a tool shed, a storage building, or a warehouse.

ACCESSORY USE shall mean a use that is normally incidental, subordinate and exclusively devoted to a principle use located on the same lot therewith.

ADULT ENTERTAINMENT BUSINESS shall mean any premises or part thereof including a retail store, entertainment parlour, or other business in which the principle trade provided, in pursuance of a trade, calling, business, occupation, goods, or services appeals to or is designed to appeal to erotic or sexual appetites or inclinations.

AGRICULTURAL USE shall mean the use of lands, buildings or structures for the purpose of forestry, field crops or fruit farming, market gardening, dairying, animal husbandry, poultry raising, beekeeping, aquaculture, and such uses as are customarily and normally related to agriculture and includes a farm dwelling and accessory buildings.

AIRFIELD shall mean land used for the purpose of the landing, storing, taxiing and taking-off of private aircraft as the primary function or accessory to a residential use, but not an airport under the regulation of the Ministry of Transport.

AIRPORT shall mean any land, lot or buildings used for the purpose of landing, storing, taxiing, and taking-off of private or commercial aircraft, pursuant to the regulations of the Ministry of Transport.

ALTER shall mean any alteration in a bearing wall or partition, column, beam, girder or other supporting member of a building or structure or any increase in the area or volume of a building or structure.

ANIMAL HOSPITAL shall mean the premises of a registered veterinarian where animals, birds or other livestock are treated or kept, but does not include a kennel.

BASEMENT shall mean that portion of a building which is partly underground but which has more than one-half of its height, from finished floor to underside of floor joists of the next above storey, above the adjacent average finished grade level adjacent to the exterior walls of the building and in which the height from finished grade to underside of the floor joists of the next above storey is less than one and eight-tenths (1.8) metres.

BASEMENT, WALKOUT shall mean that portion of a building which is partly underground, but which has more than fifty percent (50%) of the floor area not greater than one-half (0.5) metres below grade, and which has an entrance and exit at grade level. This definition shall only apply in an area where the natural terrain permits construction of a walkout basement.

BED AND BREAKFAST ESTABLISHMENT shall mean a dwelling unit or portion thereof, in which the proprietor resides and supplies for hire or gain to other persons, particularly tourists, on a temporary or day to day basis, lodging with or without meals, but shall not include a boarding house, hotel, motel, tourist cabin establishment or restaurant accommodating the general public. Such an establishment shall provide for no more than three (3) guest rooms used or maintained for the accommodation of the public and shall be clearly secondary to the use of the dwelling unit as a private residence.

BOATHOUSE

BOATHOUSE, LAND BASED shall mean a building or structure or part thereof located on land and not more than one and one half storeys in height, used for the storage of private boats and equipment accessory to their use and accessory to a residential use, part of which may be used for sleeping accommodations.

BOATHOUSE, WATER BASED shall mean a building or structure or part thereof located on a body of water and not more than one and one half storeys in height, used for the storage of private boats and equipment accessory to their use and accessory to a residential use, part of which may be used for sleeping accommodations.

BUILDING shall mean any structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment, other than a fence or wall.

BUILDING LINE shall mean a line lying in the interior of a lot drawn parallel to a lot line for the purpose of establishing the minimum distance that must exist between a building or structure erected upon the land and a lot line.

BUILDING, MAIN shall mean that building the nature of the use of which is determined by the Zone of the lot upon which it is authorized to be constructed or upon which it is constructed.

BUILDING SETBACK shall mean the least horizontal distance permitted between a lot line of a lot and the nearest portions of any building envelope on such lot.

BUILDING INSPECTOR shall mean the officer or employee of the Town from time to time charged by the Town with the duty of administering the provisions of the Building By-law.

BUSINESS OR PROFESSIONAL OFFICE shall mean an office in which any business is carried on or any profession is practiced but does not include a home occupation or a clinic.

CAMP shall mean one building or structure designed and built on a lot as an independent and separate housekeeping establishment with separate culinary and sanitary facilities, provided for temporary occupancy during vacation periods and not for permanent occupancy.

CAMPGROUND shall mean a parcel of land managed as a unit on a commercial basis for campers who provide their own sleeping facilities such as tents or travel trailers but such campers are provided with sanitary and waste disposal facilities by the campground management.

CELLAR shall mean that portion of a building which is partly or entirely underground but has more than one-half of the building height from finished floor to finished ceiling below the average finished grade level adjacent to the exterior walls of the building.

CEMETERY shall mean a parcel of land set apart or used as a place for the internment of the dead or in which human bodies have been buried.

CHIEF BUILDING OFFICIAL shall mean the person duly appointed by Council as the Chief Building Official and charged with the duty of enforcing the provisions of the Building Code Act, S.O. 1992, Chapter 23, as amended, together with any regulations thereunder, and the Building By-Law.

CHILD CARE CENTRE shall mean an establishment providing care and maintenance of children separated from their parents or guardian during the part of the day except a public school or elementary school having a similar curriculum and at least four grades.

CLINIC shall mean a public or private building used for medical, surgical, dental, physiotherapeutic, chiropractic or other human health treatment by one or more practitioners.

CLUB shall mean an association of persons, whether incorporated or not, united by some common interest, meeting periodically for cooperation or conviviality. Club shall also mean, where the context requires, premises owned or occupied by members of such associations within which the activities of the club are conducted.

COMMERCIAL means the use of land, building, or structure for the purpose of buying and selling commodities and supplying of services as distinguished from such uses as manufacturing or assembling of goods, warehousing, transportation terminals, construction and other similar uses.

COMMUNITY CENTRE shall mean any tract of land, building, buildings, or any part of any buildings used for community activities whether used for commercial purposes or not, and the control of which is vested in the Town, a local board or agent thereof.

COMMUNITY GARDEN means land used for the growing and harvesting of plants, grains, vegetables, or fruits and provided the crops are for the sole use, donation or consumption by the individual or individuals growing or working the community garden. It shall not be considered as landscaped area, landscape open space, landscaped strip, or landscaping.

COMPOSTING FACILITY shall mean an open windrow waste processing facility in which leaf and yard waste is processed into compost through an aerobic biological process, conducted under controlled, engineered conditions designed to produce stabilized humus.

CONSERVATION USE shall mean the preservation and protection 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.

CONVENIENCE RETAIL shall mean a retail commercial establishment, not exceeding one hundred and forty (140) square metres of gross floor area which deals primarily in goods required by the inhabitants of a residential area to meet their day-to-day needs, but shall not include a store catering primarily to the general commercial requirements of the residents of an area.

COUNCIL shall mean the Council of the Town of Northeastern Manitoulin and the Islands.

COURT shall mean an open, uncovered space on a lot, surrounded on all four sides by the principal building or structure.

DAY LIGHTING TRIANGLE shall mean an area free of buildings or structures, which area is to be determined by measuring from the point of intersection of street lines on a corner lot, the distance required by this By-law along each such street line and joining such points with a straight line. The triangular shaped land between the intersecting street lines and the straight line joining the points the required distance along the street lines is the "day lighting triangle".

DEVELOPMENT shall mean the construction, erection or placing of one or more buildings or structures on land in the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot.

DISTILLERY means a place where liquor is manufactured

DWELLING shall mean a building, occupied or capable of being occupied as a home, residence, or sleeping place by one or more persons, that includes a kitchen and washroom facilities.

DWELLING, APARTMENT shall mean a building consisting of five or more dwelling units, which units have a common entrance from the street level and the occupants of which have the right to use in common halls and/or stairs and/or elevators and yards.

BOARDING HOUSE shall mean any single detached dwelling unit structure in which the proprietor resides and occupies floor space for the purposes of the boarding house as his residence, and supplies for hire or gain to up to four (4) persons, lodging with or without meals in rooms furnished by the proprietor with necessary furnishings and includes a rooming house, but does not include a bed and breakfast establishment, hotel or apartment, motel or tourist home.

DWELLING, CONDOMINIUM TOWNHOUSE shall mean a townhouse dwelling unit, as defined in this By-Law, constructed and maintained under the provisions of the Condominium Act.

DWELLING, DUPLEX shall mean a building of two (2) or more storeys that is divided horizontally into two dwelling units each of which has an independent entrance either directly or through a common vestibule.

GARDEN SUITE / GRANNY FLAT means a temporary, one-unit, self-contained, and portable detached residential structure that is clearly ancillary to and on the same lot as a single or semi-detached dwelling, and excludes a trailer as defined herein.

GROUP HOME shall mean a residence that is licensed or funded under the Government of Canada or the Province of Ontario in which up to 10 persons live under supervision in a single housekeeping unit.

HOMELESS SHELTER/SHELTER shall mean a temporary residences of desperation for homeless people which seek to protect vulnerable populations from the often – devastating effects of homelessness while simultaneously reducing the environmental impact on the community

MOBILE HOME shall mean any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons for year-round occupancy in accordance with Canadian Standards Association Standard Z240, but does not include a travel trailer or tent trailer or trailer otherwise designed.

MODULAR HOME shall mean a single detached dwelling which has been manufactured in a factory remote from the site where it is intended to be used and transported to the site for installation on a prepared foundation and which unit complies with all applicable standards of the Canadian Standards Association and for the purpose of this By-law shall be considered as a single detached dwelling.

DWELLING, MULTIPLE shall mean a building designed and intended to contain three or more dwelling units independent of each other but shall exclude an apartment dwelling or townhouse dwelling.

RETIREMENT HOME means a residential use building containing rooming units or a combination of rooming and dwelling units, providing residence mostly to senior citizens who do not require assistance with daily living, and which may provide ancillary health, personal service, and recreational services to serve the residents of the home.

ROOMING HOUSE means a building or portion thereof in which the proprietor resides and supplies for hire or gain to more than two persons, lodging and/or meals, but shall not include a hotel, hospital or nursing home.

DWELLING, SEASONAL shall mean a dwelling constructed as a secondary place of residence for seasonal vacations and recreational purposes and not as a principal place of residence of the owner or occupant thereof.

SECONDARY UNIT (basement apartment, or in-law suite) means a self-contained dwelling unit with kitchen and bathroom facilities that is ancillary and subordinate to a main dwelling that may be contained within the main building or in an accessory building.

DWELLING, SEMI-DETACHED shall mean a building that is divided vertically into two dwelling units each of which has an independent entrance either directly or through a common vestibule.

DWELLING, SINGLE DETACHED shall mean a completely detached dwelling unit.

TINY HOUSE shall mean a residential building containing a single dwelling unit intended for year-round use, with a maximum width of 3.0 m and a maximum floor area of 40 sqm. These may be constructed on a chassis or a foundation.

DWELLING, TOWNHOUSE shall mean a building that is divided vertically into three or more dwelling units, each of which has independent entrances, to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.

DWELLING UNIT shall mean one room or a group of rooms in a building used or designed or intended to be used only as a single, independent and separate housekeeping establishment and,

- a) in which food preparation and sanitary facilities are provided for the exclusive use of the residents of the dwelling unit, and
- b) which has a private entrance from outside the building or from a common hallway or stairway inside the building, but
- c) does not mean or include a tent, or a room or suite of rooms in a boarding or rooming house, in a hotel, motel, motor hotel, tourist cabin establishment, bed and breakfast establishment or a guest cabin.

EATING ESTABLISHMENT shall mean a building or part of a building where food is offered for sale or sold to the public for immediate consumption therein and includes a restaurant, cafe, tea or lunch room, dairy bar, coffee shop or refreshment room or stand but does not include a boarding, or rooming house, or a bed and breakfast establishment.

EMERGENCY VEHICLE DISPATCH CENTRE shall mean a building or place used for the storage, cleaning, incidental maintenance and dispatch of police, fire and ambulance vehicles and employees.

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

ESTABLISHED BUILDING LINE shall mean the average distance from the street line to existing buildings on one side of any block where more than half the frontage has been built upon at the date of final passage of this By-law.

ESTABLISHED GRADE shall mean with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of the front of such building and when used with reference to a structure shall mean the average elevation of the finished grade of the ground immediately surrounding such structures, exclusive in both cases of any artificial embankment or entrenchment and when used with reference to a street, road or highway means the elevation of the street, road or highway established by the Town or other designated authority.

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

EXTRACTIVE INDUSTRIAL USE means the use of land for the extraction of mineral aggregate including sand, gravel, shale, clay, and bedrock suitable for the production of crushed stone, building stone, cement products, and other similar materials.

FARM shall mean land used for the growing of trees, grain, vegetables, or fruit crops, the grazing or pasturing of livestock, or dairying, and includes a farm dwelling and accessory buildings and such buildings as a barn, a grain and feed storage facilities and silos.

FARM, SPECIALIZED USE shall mean land on which the predominant use of land and/or buildings is for the raising of chickens, turkeys, or other fowl, fur-bearing animals, hogs or the growing of mushrooms, or sod, or the intensive feeding of cattle in a confined area and includes a farm dwelling and accessory buildings.

FARM PRODUCE/PRODUCT STAND means a building or structure used for the sale of fresh fruit, vegetables, grains and edible plants which are grown on a farm on a seasonal basis. Products derived from the farm produce may also be sold.

FENCE means something which forms a barrier for enclosing, bounding, delineating, or protecting land, and shall not constitute a structure unless it is over 1.8 m in height.

FINANCIAL INSTITUTION shall mean a premises in which financial services are offered to the public and includes a bank, credit union, trust company, savings office, investment advising or any other retail banking or investing operation.

FLOOD PLAIN shall mean the horizontal area below the high water mark of a watercourse (including a drainage canal) or lake that has been or may be covered by flood water during a regional flood or a one-in-one hundred year flood or as defined by The Ministry of Natural Resources.

FLOOR AREA

FLOOR AREA, DWELLING shall mean the total habitable floor area within a building which area is measured between the exterior faces of the exterior walls or from the centre line of a common or party wall, but excluding any private garage, breezeway, porch or veranda, balcony, sun room, attic, basement or cellar, except that where the natural terrain permits a walkout basement, twenty-five percent (25%) of the floor area of the walkout basement shall be considered as habitable floor area.

FLOOR AREA, GROSS shall mean the aggregate of the floor areas of all the storeys of a building including twenty-five percent (25%) of the floor area of any walkout basement but not of any cellar, and which floor areas are measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building and for the purposes of this clause, the walls of an inner court shall be deemed to be exterior walls.

FLOOR AREA, GROUND shall mean the floor area of the lowest storey of a building approximately at or first above the average finished grade level, excluding any basement or cellar, which area is measured between the exterior faces of the exterior walls at the floor level of such storey, but

- a) excludes car parking or loading areas within the building; and
- b) for the purpose of this paragraph the walls of an inner court are and shall be deemed to be exterior walls.

FLOOR AREA, RETAIL shall mean the gross floor area of a commercial building devoted to retail purposes.

FORESTRY USE means an area of land used for cultivating or harvesting trees, with or without the sawing, splitting or sale of timber originating solely on the same lot therewith as uses accessory thereto.

GARAGE

GARAGE, COMMERCIAL shall mean a general industrial establishment for the:

- a) repair of damage to a motor vehicle or recreational vehicles, including reconstruction, painting or repainting, and the rebuilding or conversion of automotive engines or engine parts
- b) sale of petroleum products and lubricants, and new supplies, parts and accessories to service motor vehicles, snowmobiles, farm implements
- c) washing or cleaning of motor vehicles, including a car wash.

This does not include the servicing of heavy vehicles (see Service Shop, Heavy).

GARAGE, PRIVATE ATTACHED shall mean a private garage, accessory to a dwelling unit on the same lot and attached by a common wall and/or common roof structure; provided however, for the purpose of determining lines of setback and side yard, an attached garage shall be considered part of the main building. Also for the purposes of this definition, a wall between a house and an attached garage may be considered "common" as long as at least forty percent (40%) of the length of the attached garage wall is common with the dwelling wall.

GARAGE, PRIVATE DETACHED shall mean an accessory building or portion of a building which is designed or used for the sheltering of private motor vehicles and the storage of household equipment incidental to residential occupancy and in which there are no facilities for repairing or servicing of such vehicles for remuneration or commercial use.

GARAGE, PORTABLE/ TEMPORARY means a prefabricated structure usually constructed with a metal, wood, or plastic frame and covered with a tarpaulin or other similar type of fabric or plastic cover, used primarily for the storage of a vehicle and other items.

GASOLINE BAR shall mean one or more pump islands, each consisting of one or more gasoline pumps, and shelter having a gross floor area of not more than ten (10) square metres, excluding washrooms, which shall not be used for the sale of any product other than liquids and small accessories required for the operation of motor vehicles and shall not be used for repairs, oil changes, or greasing, and may include a car washing establishment.

GOLF COURSE shall mean a public or private area operated for the purpose of playing golf and includes a par 3 or larger golf course but does not include driving ranges, miniature golf courses and similar uses.

GREENHOUSE,

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

GREENHOUSE, FARM shall mean a building for the growing of plants, shrubs, trees and similar vegetation which are transplanted outdoors on the same lot containing such greenhouse.

GUEST CABIN, see "SLEEP CAMP"

GUEST ROOM shall mean a non-commercial room or suite of rooms used or maintained for the accommodation of the public and which contains no provisions for cooking.

HABITABLE ROOM shall mean a room which:

- a) is located within a dwelling unit;
 - b) is designed for living, sleeping or eating, or contains sanitary or food preparation facilities; and
 - c) can be used at all times throughout the year;
- but does not include any room specifically defined herein as a non-habitable room.

HEIGHT shall mean, with reference to a building, the vertical distance measured from the finished established grade level at the front elevation of such building to:

- a) the highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;
- b) the deck line of a mansard roof; or
- c) the mean level between eaves and ridge of a gabled, hip, gambrel roof or other type of pitched roof.

In calculating the height of a building, any construction used as an ornament or for the mechanical operation of the building such as a chimney, tower, cupola or steeple shall not be included.

HEREAFTER shall mean after the date of passing of this By-law

HEREIN shall mean anywhere in this By-law

HIGH WATER MARK shall mean the normal original water mark of any body of water as measured by an Ontario Land Surveyor unless such high water mark has been altered by the construction of a public dam or dams, in which case the measurement shall be from the high water mark as controlled by such dam or dams.

~~**HOME INDUSTRY** shall mean a gainful occupation including an electrical, woodworking, window frame, welding, plumbing, machine shop, blacksmith or similar pursuit, conducted in whole or in part in an accessory building to a single detached dwelling.~~

Home Industry (amendment approved August 4th, 2020)

Shall mean electrical, woodworking, welding, plumbing, machine shop, blacksmith or similar pursuit, conducted in whole or in part in an accessory building to a single detached dwelling

~~**HOME OCCUPATION OR PROFESSION** shall mean any occupation that is carried on as an accessory use and only by the residents of the dwelling or dwelling unit and may include a service or repair shop, a personal service shop or an office of a doctor, dentist, lawyer, or a real estate agent, insurance agent, a retail store (not a headquarters), planner, architect, engineer, or similar profession or occupation, but a clinic, a nursing home, a restaurant, and an animal hospital shall not be deemed to be home occupations.~~

Home Occupation or Profession (amendment approved August 4th, 2020)

Shall mean any occupation that is carried on as an accessory use and only by the residents of the dwelling or dwelling unit and includes a building on the property. Approved uses are a personal service shop or an office of lawyer, real estate agent, insurance agent, planner, architect, engineer, accountant or similar profession or occupation

HOSPITAL shall mean 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 or for the convalescent or chronically ill persons.

HOTEL shall mean a building or part of a building or a group of buildings used primarily for the purpose of providing overnight guest room accommodation to the travelling public, with or without accessory restaurants, dining rooms or refreshment rooms, and includes any establishment containing guest rooms which is defined as a hotel in the Hotel Registration of Guests Act, R.S.O. 1990, Chapter H.17, but does not include any residential use.

HUNT CAMP shall mean an area where one or more buildings and/or tents are used for sleeping accommodation, the preparation and serving of food and/or sports or recreation facilities, and intended for use as a base camp for hunting. The hunt camp is to be used on a temporary or seasonal basis and is not a commercial facility.

INDUSTRIAL USE shall mean the use of land, buildings or structures for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses.

INDUSTRIAL USE, DRY shall mean an industrial use that by the nature of its operation, process, or fabrication of raw materials or service rendered does not require a water supply or generate sanitary sewage beyond that associated with the normal sanitary and eating facilities required for the employees.

INDUSTRIAL USE, LIGHT shall mean an industrial use engaged in, or used for:

- a) Producing apparel and finished textile products, other than the production of synthetic fibers,
- b) Warehousing or storing of goods or materials indoors
- c) Printing, duplicating or bookbinding
- d) Manufacturing finished paper and allied products other than processing wood pulp,

- e) Producing cosmetics, drugs and other pharmaceuticals supplies,
- f) Manufacturing finished lumber products, light metal products, light machinery, computer software, electronic products, finished plastic-ware, porcelain, earthenware, glassware or similar articles including, without limiting the generality of the foregoing, furniture, housewares, monument, toys, musical instruments, jewellery, watches, precision instruments, filters, radios and electronic components, but does not include a tannery or any industrial use accessory to an extractive use, or
- g) Research laboratories and medical offices for engineers, architects and surveyors

INSTITUTIONAL USE means a building, structure, or lot used by a public entity, organized body, religious group or society for an educational or non-profit, non-commercial purpose. This definition may include a library, school, religious use, child care centre, private club, community and recreation facility, or any public use.

KENNEL shall mean a building or structure where animals, birds or other livestock intended or used as domestic household pets are kept or boarded and in the case of a dog kennel, the operation is registered by the Canadian Kennel Club.

LANDFILL SITE shall mean any land approved by the Ministry of the Environment upon, into or in which waste may be deposited or processed.

LANDFILLING shall mean the disposal of waste by deposit, under controlled conditions, on land and included compaction of waste into a cell and covering the waste with cover material at regular intervals.

LANDSCAPING shall mean:

- a) any combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable adjacent land use; and
- b) does not include parking areas, patios, walkways, driveways or ramps.

LANE shall mean a public or private thoroughfare that affords either a primary or a secondary means of vehicular access to abutting lots and which is not intended for general traffic circulation.

LAUNDROMAT shall mean a building or structure where the services of coin-operated laundry machines, using only water, detergents and additives that are made available to the public for the purpose of laundry cleaning.

LOADING SPACE shall mean an unencumbered area of land which is provided and maintained upon the same lot or lots upon which the principal use is located and which area:

- a) is provided for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking shall not be for the purpose of sale or display;
- b) is suitable for the temporary parking of one commercial motor vehicle;
- c) is not upon or partly upon any street or lane; and
- d) has adequate access to permit ingress and egress of a commercial motor vehicle from a street by means of driveways, aisles, manoeuvring areas or similar areas, no part of which shall be used for the temporary parking or storage of one or more motor vehicles.

LOT shall mean 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 that is capable of being legally conveyed.

LOT OF RECORD shall mean a lot or parcel of land that can legally be conveyed and which includes lots on a registered plan of subdivision, parcels created by consent in accordance with the Planning Act or other distinct and separate holding, the deed/transfer to which is registered in the Land Registration office and which lot or parcel of land was legally created prior to the date of passing of this By-law. For the purposes of this definition, lots of record shall not include those lots on a registered plan of Subdivision which has been deemed not to be a registered plan of subdivision for the purposes of Section 59 (4) of the Planning Act R.S.O. 1990, as amended.

LOT AREA shall mean the total horizontal area within the lot lines of a lot and, in the case of a corner lot having street lines rounding at the corner with a radius of six (6) metres or less, the lot area of such lot shall be calculated as if the lot lines were projected to their point of intersection.

LOT, CORNER shall mean a lot situated at the intersection of and abutting on two or more streets provided that the angle of intersection of such streets is not more than 135 degrees.

LOT COVERAGE shall mean that percentage of the lot area, covered by all buildings above ground level, and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and for the purpose of this definition the lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said zone.

LOT DEPTH shall mean the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel, the lot depth shall be the length of a line joining the midpoints of the front and rear lot lines.

LOT FRONTAGE shall mean the horizontal distance between the side lot lines measured at right angles. Where the front lot line is not a straight line, or where the side lot lines are not parallel, the lot frontage shall be measured by a line seven and one-half (7.5) metres back from and parallel to the chord of the lot frontage. For the purpose of this By-Law the chord of the lot frontage is a straight line joining the two points where the side lot lines intersect the front lot lines.

LOT, INTERIOR shall mean a lot situated between adjacent lots and having access to one street.

LOT LINE shall mean any boundary of a lot.

LOT LINE, FLANKAGE shall mean a side lot line which abuts the street on a corner lot.

LOT LINE, FRONT shall mean the lot line that divides the lot from the street, but:

in the case of a corner lot with two street lines of equal lengths, the lot line that abuts the wider street or abuts a Provincial Highway shall be deemed to be the front lot line, and in the case of both streets being under the same jurisdiction, or of the same width, the Town may designate either street line as the front lot line;

in the case of a corner lot abutting a 0.3 metre reserve the lot so abutting the 0.3 metre reserve shall be deemed an exterior side lot line and the other line abutting the street shall be deemed the front lot line;

in the case of a through lot, the longer boundary dividing the lot from the street shall be deemed to be the front lot line and the opposite shorter boundary shall be deemed to be the rear lot line. In case each of such lot lines should be of equal length, the Town may designate either street line as the front lot line;

in the case of a lot with frontage on a navigable stream, river or lake, or marine road allowance the front lot line shall be either the line of the established high water mark of such stream, river or lake, or the line of the inner limit of the original marine road allowance along the shore of such stream, river or lake; and

in the case of a lot with frontage on a navigable stream, river or lake, or marine road allowance and an open and maintained road allowance, the front lot line shall be either the line of the high water mark of such stream, river or lake, or the inner line of the original marine road allowance along such stream, river or lake or the lot line adjacent to the open and maintained municipal road allowance.

LOT LINE, REAR shall mean the lot line opposite the front lot line.

LOT LINE, SIDE shall mean the lot line other than a front or rear lot line.

LOT, THROUGH shall mean a lot bounded on two opposite sides by streets, provided however, that if any lot qualifies as being both a "lot, corner" and a "lot, through" as hereinbefore defined, such lot shall be deemed a "lot, corner" for the purpose of this By-Law.

MAIN WALL shall mean 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 shall mean a commercial establishment where a boathouse, boat storage, boat repair facilities, boat rental, pier, dock or jetty facilities or any combination of the foregoing are available for all types of marine - pleasure craft and may include a gasoline pump for the fuelling of marine craft and a building or structure for the sale of marine craft, accessories and/or refreshments.

MATERIAL RECOVERY FACILITY OR AREA shall mean a waste processing facility or area in which source separated material is processed into recyclable or reusable material. Processing may include such activities as sorting, baling, treatment and other forms of material recovery and short-term storage of processed material.

MICROBREWERY OPERATION (By-law 2016-19) shall mean a facility at which manufacturing of handcrafted ales and lagers beer from raw materials (malt, hops, water and yeast) are produced on the premises with a commercial and certified brewing system. Operations will further include the cold storage of beer products manufactured on site, and retail and distribution sales of those beer products. The facility may include a hospitality and tasting area, but shall not include a restaurant, tavern, bar, night club, or takeout food service.

MOBILE HOME PARK shall mean a lot serviced with communal sewer and water services or municipal water and sewer services and managed by a mobile home park operator, for the permanent placement of one or more mobile homes or factory built park model homes or double-wide homes on individual mobile home sites, and may also include a park, place of recreation, convenience retail store, dry cleaning distribution station, laundromat and personal service establishment, all for the use of the mobile home park occupants only and may be licensed by the Town.

MOTEL, MOTOR HOTEL shall mean a building or buildings or part thereof on the same lot used to accommodate the travelling public for gain or profit, by supplying them with sleeping accommodations, with or without meals.

MOTOR VEHICLE SALES AREA shall mean a place comprised of land or a building or both, the purpose of which is for the display or sale, or both, of new and/or used motor vehicles and/or recreational vehicles; but does not include an automobile wrecking or salvage yard or a scrap yard.

MULTI-USE FACILITY means a facility that offers a variety of programs of a recreational, cultural, day care, social, community service, informational, instructional, or municipal nature, and may include, as a portion of it, a medical facility.

MUNICIPALITY means the Corporation of the Town of Northeastern Manitoulin and the Islands.

NON-COMPLYING shall mean an existing lot or building or buildings which does not comply with one or more of the zone provisions or standards for the zone within which said lot or building or buildings are located.

NON-CONFORMING shall mean an existing use that is not permitted in the zone in which it is located.

NON-HABITABLE ROOM shall mean any room in a dwelling other than a habitable room including, but not so as to limit the generality of the foregoing, a laundry room, a pantry, a lobby, a communicating corridor, a stairway, a closet, a sunroom, a veranda, a porch, a balcony, a private garage, an unfinished attic, a boiler room and any space used for the service and maintenance of such dwelling or for vertical travel between storeys.

NURSING HOME shall mean a building in which the proprietor supplies for hire or gain, lodging with or without meals and, in addition provides nursing, medical, or similar care and treatment, if required and includes a rest home or convalescent home, and any other establishment required to operate under the appropriate statute.

NUISANCE means unreasonable, unwarranted, unlawful interference with a right common to the general public.

OBNOXIOUS USE shall mean an offensive use or trade within the meaning of The Public Health Act or any use which is a nuisance by reason of emission, or the creation of odours, gases, dirt, smoke, noise, vibration, fumes, cinders, soot, waste, or the depositing or leaving of unsightly objects or chattels on land.

OFFICE shall mean a room or rooms where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product.

OPEN SPACE shall mean an unoccupied space open to the sky except such land as is used or required for parking purposes by this By-Law, and may include any facility park or recreation area, owned, operated or maintained in whole or in part by any public authority for public use, and shall include neighbourhood, community, regional and special parks or areas.

OUTDOOR FURNACE means an appliance located outside of any building or structure, which it is intended to heat by combustion.

OUTDOOR STORAGE means land used for the outdoor storage of equipment, goods or materials. This definition shall not include a storage use located in a building, a salvage yard, a parking area, or a parking space.

PARK shall mean an area of land designed for the purposes of passive or active leisure activities and may include thereon one or more athletic fields, field houses, community centres, bleachers, swimming pools, wading pools, skate boarding areas, bandstands, skating rinks, refreshment rooms, or arenas.

PARK, PUBLIC shall mean a park owned or controlled by a Public Authority or by any Board, Commission or other Authority established under any statutes of the Province of Ontario or the Government of Canada.

PARKING AREA shall mean an area of land which is provided and maintained upon the same lot or lots upon which the principal use is located and which area:

- a) comprises all parking spaces of at least the minimum number required according to the provisions of this By-law, and all driveways, aisles, manoeuvring areas, entrances, exits, and similar areas used for the purpose of gaining access to and egress from the said parking spaces; and
- b) is provided and maintained in accordance with all applicable provisions of this By-law.

PARKING LOT shall mean a parking area forming the principle use of a lot.

PARKING SPACE shall mean an area of land which:

- a) is provided for the temporary parking or storage of one motor vehicle for other than the purpose of sale or display; and

- b) is not less than eighteen (18) square metres exclusive of any aisles or ingress or egress lanes; and
- c) has adequate access to permit ingress and egress of a motor vehicle from the street by way of a driveway systems in accordance with the regulations of this By-law.

PERSON shall mean an individual, association, firm, partnership, corporation, trust, incorporated company, corporation created under The Condominium Act, organization, trustee or agent, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

PERSONAL SERVICE SHOP shall mean a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, such as a barber's shop, a ladies hairdressing establishment, a shoe shine shop and other similar services.

PHARMACY shall mean a building or part thereof where drugs are prepared and dispensed.

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

PLACE OF ENTERTAINMENT shall mean a motion picture or other theatre, arena, auditorium, public hall, billiard or pool room, bowling alley, ice or roller skating rink, dance hall, music hall, bingo halls, amusement arcades, or similar use.

PLACE OF WORSHIP means a building maintained and controlled by a religious body organized to sustain public worship and dedicated to religious worship and may include a synagogue, a church hall, church auditorium, Sunday school, convent, monastery, mosque, or parish hall or any other place of worship.

PORTABLE STORAGE CONTAINER shall mean a pre-fabricated metal unit/container, also known as a sea-bin, that is self-contained, used for transportation of goods by air, sea or land, and is larger than 3.0 sqm in area. For the purposes of this by-law a portable storage container is not a structure or a building and is to be used for storage only and not for human habitation.

PRIVATE ROAD shall mean a private right-of-way over private property that affords access to abutting lots and is not maintained by a public body.

PUBLIC AUTHORITY shall mean The Council and any School Board or other board or commission or committee of the Town established or exercising any power or authority under any general or special statutes of Ontario with respect to any of the affairs or purposes of the Town or a portion thereof, and includes any committee or local authority established by By-Law of the Town.

PUBLIC BUILDING shall mean any building or structure owned or leased by a municipal corporation, the Province of Ontario or the Government of Canada and in which government activities are carried out.

PUBLIC UTILITY shall mean a waterworks, a water supply system, sewage works, electrical power or energy generating, transmission or distribution system, street lighting system, natural or artificial gas works or supply system, a transportation system or a telephone communications system, and includes any lands, buildings or equipment required for the administration or operation of any such system.

QUARRY means land or land under water from which consolidated aggregate is being or has been excavated, and that has not been rehabilitated, as defined in the *Aggregate Resources Act*.

RECYCLING CENTRE shall mean a building or an area where used material is separated prior to shipment to others who will use those materials to manufacture new products.

RENEWABLE ENERGY GENERATION FACILITY means a facility that generates electricity from a renewable energy source, inclusive of a dam, powerhouse, solar power installations, transmission lines, and all associated lands, improvements and infrastructure required for its operation, for the generation and transmission of electricity therefrom.

RESTAURANT shall mean a building or structure or part thereof where food is prepared and offered for sale to the public for consumption within the building or structure or off the site, and shall include a restaurant cart, but does not include a drive-in restaurant.

RESTAURANT CART means a building or trailer, even if it is stationary, used on a seasonal basis for the preparation and cooking of a limited selection of meals and the sale of such food and refreshments to the public for consumption on an attached patio or for consumption off the premises. The patio must be used in conjunction with the restaurant cart and means an outdoor area located on the same lot as the restaurant cart, however, the patio area must be more commonly known as a chip stand or hot dog cart.

RESTAURANT, DRIVE-IN shall mean premises consisting of a building or structure, together with a parking area, from which food, refreshments, dairy products or beverages are offered for sale or sold to the public for consumption either in automobiles parked on the parking area or for consumption elsewhere on the premises, but not necessarily within such building or structure, and does not include a building or structure where food, refreshments, dairy products or beverages are offered for sale or sold to the public only for consumption within the building or structure or off the premises.

RETAIL STORE shall mean a building or part thereof in which goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail prices.

RIGHT-OF-WAY shall mean an area of land that is legally described in an registered deed for the provision of private access to abutting lots and does not include a land, road or street.

SCHOOL shall mean an elementary school, a high school, a continuation school, a technical school, a college or university or any other school established and maintained at public expense but does not include a school funded at public expense.

SCHOOL, COMMERCIAL (ADULT TRAINING) shall mean a training facility where the courses of instruction relate primarily to industrial arts and vocational and technical subjects, with or without the accessory wholesale or retail sale or articles manufactured on the premises or the supplying of services or crafts to the public in the manner of a service trade or a service shop, provided that such articles, services or crafts are directly related to a course of instruction conducted by the said school.

SCIENTIFIC OR MEDICAL LABORATORY shall mean a building or part thereof wherein scientific or medical experiments, tests, researches or investigations are systematically conducted and where drugs, chemicals, glassware or other substances or articles pertinent to such experiments, tests or investigations are manufactured or otherwise prepared for use on the premises.

SCRAP OR SALVAGE YARD shall mean a lot and/or land for the storage and/or handling of scrap material, which without limiting the generality of the foregoing, shall include waste paper, rags, bones, bottles, and used bicycles, vehicles, tires, metal and/or other scrap material and salvage.

SELF-STORAGE FACILITY shall mean a location where units can be rented or purchased to provide indoor and outdoor storage of goods.

SERVICE INDUSTRY shall mean a public garage including engine and auto body repair shop, a printing establishment, a cleaning establishment, a paint shop, plumbing shop, sheet metal shop and similar uses.

SERVICE OR REPAIR SHOP shall mean a building or part of a building not otherwise classified or defined in this By-law and whether conducted in conjunction with a retail establishment or not, for the servicing, repairing or renting, of articles, goods, materials, but does not include the manufacture or assembly of articles, goods or materials, bicycles, wheel chairs, orthopaedic and prosthetic appliances and articles for fabric mending, window glazing, metal replating, painting and refinishing furniture and other household goods and includes a key shop, a custom picture framing shop, the business of renting small tools and appliances, costumes, chairs, tables, musical instruments and public address systems and other like

articles and equipment, but shall not include the renting of automobiles, trucks, construction equipment or other similar articles.

SERVICE SHOP, HEAVY shall mean a shop not otherwise classified or defined in this By-law and whether conducted in conjunction with a retail store or not, for servicing or repairing tires including vulcanizing or retreading, batteries, brakes or radiators, automotive ignition, exhaust or electrical systems, furnace and oil burners, water and air coolers and domestic water heaters, fixtures and equipment and any other like articles, the business of renting automobiles or trucks, light construction or lawn care equipment, and includes the regular place of business of a master electrician or plumber.

SETBACK shall mean the distance between the lot line and the nearest main wall of any building or structure and extending the full width or length of the lot.

SEWAGE DISPOSAL FACILITIES shall mean a system of underground pipes or conduits and related pumping and treatment appurtenances operated by the Town and/or the Ontario Ministry of the Environment for public use.

SHIPPING CONTAINERS/SEA CANS see “PORTABLE STORAGE CONTAINER”. **SITE PLAN** shall mean 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, driveways, walkways, landscaped areas, building areas, minimum yards, building heights, floor areas, densities and areas for special uses.

SLEEP CAMP shall mean a non-commercial building for sleeping accommodation accessory to a dwelling in the Shoreline Residential Zone and which contains no provisions for cooking or washroom facilities.

SOLAR POWER INSTALLATIONS

SOLAR POWER INSTALLATIONS, ACCESSORY means systems designed to capture the sun’s energy and convert it to electricity. Such systems may be tied to the electrical grid, however they are clearly secondary and subordinate in nature to the main use on the property.

SOLAR POWER INSTALLATIONS, COMMERCIAL means systems designed to capture the sun’s energy for the sole purpose of selling power back to the electrical grid. This definition does not include those installations which have received a Renewable Energy Approval.

STOREY shall mean that portion of a building between any floor and the floor, ceiling or roof next above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least one and eight-tenths (1.8) metres above average grade and provided also that any portion of a storey exceeding four (4) metres in height shall be deemed an additional storey for each four (4) metres or fraction thereof of such excess.

STOREY, ONE HALF shall mean the portion of a building located wholly or partly within a sloping roof having a floor area of not less than one-third or more than two-thirds of the floor area of the storey next below, sidewalls not less than one and two tenths (1.2) metres in height and a ceiling with a minimum height of two and three tenths (2.3) metres over an area equal to at least fifty percent (50%) of its floor area.

STREET OR ROAD, shall mean a public highway as defined by The Municipal Act and The Highway Traffic Act and shall exclude a lane or right-of-way or unopened road allowance, or any street which is shown on a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under Section 50(4) of The Planning Act, R.S.O. 1990, as amended, or which has not been assumed by the Town.

STREET LINE shall mean the boundary line of a street.

STRUCTURE shall mean anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil and/or any other structure. For the purposes of this By-law, a fence not exceeding 1.8 m shall not be deemed to be a structure.

SWIMMING POOL shall mean an artificial body of water, either in ground or above ground, intended and used primarily for bathing, swimming and diving but shall not include a natural dug or dammed pond which is intended primarily for aesthetic or agricultural purposes.

TAVERN means a building or structure or part thereof that is primarily used for the sale and service of alcoholic beverages with or without entertainment and shall not include a restaurant.

TEMPORARY means anything that is not intended to be permanent, and is intended for removal or demolition within a prescribed time.

TOURIST CABIN ESTABLISHMENT shall mean an establishment comprising land and buildings under single ownership where individual cabins are offered for rent to tourists on a short term basis. Such cabins may include food preparation facilities. In addition, a permanent residence for the owner or proprietor may be located on the site.

TOWN shall mean the Town of Northeastern Manitoulin and the Islands.

TRAILER shall mean any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purposes of being drawn or propelled by the said motor vehicle and capable of being used for living, sleeping or eating accommodation or the transport of a boat, tent or materials, notwithstanding that such vehicle is jacked up or, that its running gear is removed.

TRAILER PARK shall mean an establishment comprising land or premises under single ownership, licensed by the Town and used for the parking of tourist or travel trailers on a temporary or seasonal basis and where community laundry, social, local commercial and recreational facilities for the exclusive use of the trailer park occupants may be located.

TRAILER, TRAVEL shall mean an object designed for accommodation intended and used exclusively for travel, recreation and vacation and which is capable of being drawn or propelled by a motor vehicle or is self-propelled and includes tent trailers or similar transportable accommodation, but does not include a mobile home.

USE shall mean the purpose for which any land, building, structure or premises, or part thereof, is arranged, designed or intended to be used, or is or may be occupied or maintained and the word 'used' has a corresponding meaning.

VARIANCE, MINOR means a variance from any provision of this By-law in respect to the land, building, or structure, or the use thereof, which is desirable for the appropriate development of the land, building, or structure and which maintains the general intent and purpose of the By-law and of the public policies implemented by the By-law.

WAREHOUSE means a building or part of a building used only for the bulk storage of goods, wares, merchandise or materials and accessory office space and shall include a wholesale establishment.

WASTE shall mean ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse and such other materials as are designated in regulations under the Environmental Protection Act, R.S.O. 1990, as amended.

WASTE PROCESSING FACILITY OR AREA shall mean land, buildings or structures in or upon which waste is shredded, baled, pulverized, composted, separated or otherwise treated or altered to facilitate its further transfer, processing, utilization or disposal.

WATERCOURSE shall mean a natural channel for a stream and, for the purpose of this By-law, includes a natural channel for an intermittent stream and all watercourses shown on Schedules A or B.

WATER SUPPLY shall mean a distribution system of underground piping and related storage, including pumping and purification appurtenances owned and operated by the Town and/or the Ontario Ministry of the Environment for public use.

WAYSIDE PIT shall mean a temporary pit 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.

WIND TURBINE/GENERATING SYSTEM

WIND TURBINE/GENERATING SYSTEM, ACCESSORY means a structure or structures which harness wind energy for the primary purpose of on-site consumption. Such structures can be tied into the electrical grid; however their primary purpose is to provide power to the buildings and uses located on-site.

WIND TURBINE/GENERATING SYSTEM, COMMERCIAL means a structure or structures which harness wind energy for the sole purpose of selling it back to the electrical grid for off-site consumption. This definition does not include those installations which have received a Renewable Energy Approval.

YARD shall mean an open, uncovered space on a lot adjacent to a main building, except a court, and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-law. In determining yard measurements the minimum horizontal distance from the respective lot lines shall be used.

YARD, EXTERIOR shall mean the side yard of a corner lot which side yard extends from the front lot line and the nearest main wall of any building or structure.

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

YARD, NATURAL shall mean a yard extending across the full width of a lot between a lot line abutting a navigable stream, river or lake and the nearest wall of any building or structure on the lot and which yard contains the natural and undisturbed vegetation of the shoreline.

YARD, REAR shall mean a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot and the "Minimum" rear yard means the minimum depth of a rear yard on a lot between the rear lot line and the nearest main wall of any main building or structure on the lot.

YARD, SIDE shall mean a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any building or structure on the lot and the "Minimum" side yard means the minimum width of a side yard on a lot between a side lot line and the nearest main wall of any main building or structure on the lot.

ZONE shall mean a designated area of land use shown on any Schedule within this By-law.

SECTION 6 GENERAL PROVISIONS

6.1 Zones

For the purposes of this By-law, the following Zones are established and are shown on the various Schedules to this By-law:

<u>Zone</u>	<u>Symbol</u>
Shoreline Residential (SR) Zone	SR
Shoreline Residential – Restricted (SR1) Zone	SR1
Residential (R1) Zone	R1
Multiple Residential (R2) Zone	R2
Rural (RU) Zone	RU
Core Commercial (C1) Zone	C1
General Commercial (C2) Zone	C2
Tourist Recreational (C3) Zone	C3
Rural Commercial (RC) Zone	RC
Institutional (I) Zone	I
Open Space (O1) Zone	O1
Open Space Conservation (O2)	O2
General Industrial (M) Zone	M
Light Industrial (M1) Zone	M1
Rural Industrial (RM) Zone	RM
Pit and Quarry (Q) Zone	Q
Waste Processing (WP) Zone	WP
Hazard (HZ) Zone	HZ
Development (D) Zone	D

6.1.1 Special Exception Zones

- a) Where a zone symbol is followed by a dash and a number (for example “M-1”), the lands so designated shall be subject to all of the provisions of the zone represented by such symbol, except as otherwise provided by the special exception provisions of the zone. These special provisions are listed separately under the appropriate zone (e.g. M) in the text of this By-law.

6.1.2 Holding Zones

- a) Any parcel or area of land may be further classified as a holding zone with the addition of the suffix “-h”. The intent is to signify Council's approval in principle to future development of the land for the purposes indicated by the symbol. The holding classification added to a given zone shall restrict development of the land until the requirements of the Official Plan related to holding zones have been met.
- b) Where a holding zone applies, no lands shall be used and no buildings or structures shall be erected or used for any purpose other than those uses existing for such land, building, or structure on the date of passing of this By-law. Any change from the holding status shall require an amendment to this By-law, and the Municipality may require that the applicant enter into an agreement for the development of his/her lands prior to the amendment being approved.

6.1.3 Temporary Use By-laws

- a) Temporary use By-laws may have been passed by the municipality to allow temporary uses pursuant to Section 39 of the *Planning Act*. Temporary uses are shown on the schedules as

special exceptions and details concerning the temporary use are included in the special exception text within the specific zone category.

6.2 Accessory Uses

Where this By-law provides that land may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or accessory use incidental thereto, except that:

- a) An accessory building shall not be erected prior to the erection of a 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 does not exceed 10.0 sqm in area and no accessory building shall be used prior to the erection of such dwelling for any purpose other than such storage.
- b) a boathouse, dock or wharf may be located in the front yard, side yard or rear yard where the yard abuts a navigable stream, river or lake, or waterway, provided that the approval of any other governmental authority having jurisdiction has been obtained and provided that the boathouse, dock or wharf is located not closer than 6.0 m to the side lot line where the side lot line does not abut a navigable waterway or does not encroach on adjacent frontage when the lot boundaries are extended into the water.
- c) Where an accessory building is used for a home industry, such building or buildings shall be located on a lot at a setback from any abutting road or street which is 15.0 m greater than the setback required by this By-law for the main building on the lot.
- d) Up to one sleep camp having a gross floor area, not exceeding 46 sqm may be erected after the main dwelling has been constructed and used on the same lot as a dwelling.
- e) The use of any accessory building or structure other than a guest cabin for human habitation is not permitted except where a dwelling is a permitted accessory use. The use of any accessory building or structure for the keeping of animals, other than domestic pets, is not permitted in any residential zone or Shoreline Residential.
- f) No accessory building shall exceed 5.0 m in height in a residential Zone, nor be built within 2.0 m of the main building in all zones.

6.2.1 Secondary Units (basement apartments, in-law suites) and Garden Suites

Where these uses are permitted, they are subject to the following provisions:

- (i) Parking shall be provided in accordance with Section 6.24, and tandem parking in the existing driveway is permitted;
- (ii) An accessory apartment is permitted in a detached dwelling which is serviced by private, individual systems, provided it can be demonstrated that the private sewage disposal system can accommodate the change in use; and
- (iii) Garden suites must comply with the setbacks for accessory buildings.

6.2.2 Portable Garages

Portable garages are permitted in all Residential zones, subject to the following provisions:

- a) Such structure is not located in the front yard; and
- b) Such structure meets all setback and lot coverage provisions.

Portable garages in the Rural Zone must meet all setback requirements.

6.2.3 Swimming Pools

a) Permitted in Side Yard

A swimming pool erected in any residential Zone shall be permitted in the side yard of any lot provided that:

- i) No part of such pool shall be located closer to any lot line or street line than the minimum distance required for the principal building located on such lot;
- ii) The maximum height of such pool shall be 1.5 m above the average finished grade level of the ground both adjoining and within 4.5 m of such pool; and
- iii) Any building or structure, other than the main building, required for changing clothing or for pumping or filtering facilities, or other similar accessory uses, shall be in accordance with the provisions applicable to accessory buildings on such lot.

b) Permitted in Rear Yard

A swimming pool as an accessory use to a permitted residential or rural use shall be permitted in the rear yard of any lot provided that no part of such pool shall be located closer to any lot line or street line than the minimum distance required for an accessory building located on such lot.

6.2.4 Renewable Energy Accessory Uses

Ground mounted solar panels are only permitted in the Rural and Industrial Zones.

Residential-size, non-commercial (below 3 kW), solar panels are permitted in the Shoreline Residential Zone.

Residential-size wind turbines are only permitted in the Rural Zone and must be setback 76.2 m (250 ft) from the lot lines of adjacent lots with a residential use.

Solar and/or wind farms are subject to provincial legislation.

6.2.5 Outdoor Furnaces

Outdoor furnaces shall only be permitted in the RU and SR Zones, subject to the following provisions:

- a) The furnace is located at least 15 m from any lot line and from the principle dwelling;
- b) The furnace is located at least 100 m from any existing dwellings on adjacent lots;
- c) The furnace is only to be installed on lots having an area of 1.0 ha or greater.

6.3 Commercial Garages and Gasoline Bars

Where commercial garages and gas bars are permitted in this By-law, the following provisions shall apply;

		Interior Lot	Corner Lot
a)	Minimum Lot Frontage	60 m	60 m

b)	Minimum Lot Depth	45 m	60 m
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- c) No portion of any pump island on an commercial garages or gasoline bar lot shall be located closer than 6.0 m from the street line on any street;
- d) The minimum distance from the intersection of two street lines to the nearest ingress or egress ramp shall be not less than 9.0 m;
- e) The maximum width of a curb ramp at the street line shall be not more than 9.0 m and the minimum width not less than 8.0 m;
- f) The minimum distance between ramps shall not be less than 9.0 m;
- g) The minimum distance between the property line of the lot at the street line and the nearest ramp shall be 3.0 m;
- h) The area included between ramps or between ramps and a street line or property line as required by this By-law shall not be used for any purpose other than landscaping; and
- i) The following minimum provisions shall apply to buildings and pumps associated with this use;

k)	Front yard	15 m
l)	Side Yard	4.5 m
m)	Rear Yard	7.5 m

6.4 Boathouses

- a) A land-based boathouse shall be subject to the provisions of Section 6.2 of this by-law, and zone provisions applicable to accessory buildings.
- b) A water-based boathouse may only be erected where approvals for the structure have been obtained, where required, from any authority having jurisdiction.
- c) The maximum number of water-based boathouses shall be one on any lot with 'SR' zoning or used for residential purposes.
- d) The height of a water based-boathouse shall be no more than one & one half (1.5) storeys, as defined in this By-law or 6.0 m, measured from the high water mark to the highest point of the roof, whichever is greater.
- e) The height of the side walls of a water-based boathouse shall be no greater than 4.0 m measured from the high water mark, or 3.0 m measured from the top of an attached deck or dock that is not more than 1.0 m above the water level, whichever is greater.
- f) The width of a water-based boathouse shall be no wider than that required to accommodate up to two boat slips, plus internal access to the slips, plus the exterior walls of the boathouse.
- g) A water-based boathouse may contain sleeping accommodation in the upper half storey but shall not contain cooking facilities or sanitary facilities other than a sink and toilet connected to an approved sewage disposal system. Such sleeping accommodation is not deemed to be a sleep cabin.
- h) In addition, a water-based boathouse shall be subject to the provisions of Section 6.2 (b) of this by-law.

6.5 Building Repair and Reconstruction

Nothing in this By-law shall prevent the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner, provided that the minimum frontage or area, or the minimum front, side or rear yards required by this By-law are not further reduced or its original use altered.

6.6 Buildings to Be Moved

In all zones, no building, residential or otherwise, normally requiring a building permit for construction, shall be moved within the area covered by this By-law without a permit from the Building Inspector.

6.7 Change of Use

The use of a lot, building or structure which, under the provisions of this By-law is not permissible within the zone in which such lot, building or structure is located, shall not be changed except to a use which is permissible within such zone.

6.8 Continuation of Farming Use

Nothing contained within this By-law shall prevent the continued use of any land, building or structure for farming purposes as defined under the term Farm, or any addition or extension of such use provided that any additions or extensions of such use shall comply with the requirements for an agricultural use in a Rural Zone as to coverage, yard and height provisions.

6.9 Day lighting Triangles

On a corner lot, a fence, sign, hedge, shrub, bush or tree, or any other structure or vegetation shall not be erected or permitted to grow to a height greater than 1.0 m above the grade of the streets that abut the lot within the triangular area included within the street line for a distance of 6.0 m from their point of intersection.

6.10 Deer Wintering Area – Development Restriction

Development shall be restricted within those areas noted on Schedule C as Restricted Deer Wintering Area for the protection of conifer thermal cover, and the deciduous browse within 30 m of the conifer cover.

6.11 ~~Dwelling Unit below Grade~~ (deleted August 4, 2020)

~~No dwelling unit shall in its entirety be located in a cellar. A dwelling unit in its entirety may be located in a walkout basement or a basement that has at least one exterior wall completely above the grade adjacent to that wall.~~

6.12 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 dwelling unit on a lot zoned other than for residential uses or within a portion of a non-residential building except that one dwelling unit shall be permitted in any Commercial or Institutional Zone in accordance with the following regulations:

- a) The dwelling unit shall have a separate washroom or bathroom and kitchen facilities from those of the non-residential use;

- b) The dwelling unit shall have a separate parking space as provided by sub-Section 6.24 of this By-law;
- c) The dwelling unit shall have a separate building entrance to that provided for the non-residential use; and
- d) The gross floor area of the residential portion of a non-residential building shall not exceed fifty percent (50%) of the lot area.
- e) Additional Residential dwelling units may be permitted on the second and third floor of a Core Commercial (C1) Zone in accordance with the provisions noted herein.
- f) On lots with private water supply and sewage system, such a system has been approved by the Ministry of the Environment and Climate Change, health unit, or other responsible authority.

Notwithstanding the provisions of this By-law, no dwelling unit shall be located in a non-residential building that is used for commercial garage.

6.13 Frontage on Public Road or 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 fronts upon a street or road that is open and maintained by a public road authority on a year-round basis, except as otherwise permitted by this By-law.

Notwithstanding the foregoing,

a) EXEMPTION FOR PRIVATE ROADS

A single detached dwelling may be erected in the Rural or Shoreline Residential Zones on a lot that existed on November 28, 1978 or on a lot for which a consent has subsequently been granted where the lot abuts a legal right-of-way.

Tourist commercial uses may be erected in the Tourist Commercial Zone on a lot that has access via a legal right-of-way.

b) EXEMPTION FOR ISLAND OR WATER ACCESS-ONLY LOTS

A dwelling unit may be erected on a lot having only water access.

6.14 Greater Restrictions

This By-law shall not have the effect of reducing or mitigating any restrictions lawfully imposed by a governmental authority having jurisdiction to make such restrictions.

6.15 Height Exceptions

Notwithstanding the height provisions, nothing in this By-law shall apply to prevent the erection of a church spire, flag pole, belfry, clock tower, chimney, farm building or structure other than a dwelling, silo, water tank, windmill, solar collector, radio, radar, or television tower or antenna, or drive-in theatre screen.

6.16 Home Industries, Occupations, and Professions

No home industry, occupation, or profession shall be permitted unless it complies with the following provisions:

- a) there is no external storage of goods, materials or equipment;

- b) such use is clearly secondary to the main residential use and does not change the residential character of the dwelling unit or creates or becomes a public nuisance, particularly in regard to noise, noxious odours or emission of smoke, traffic, parking, or television/radio reception;

In addition, no home industry shall be permitted unless it complies with the following provisions:

- a) there is no external advertising other than a sign erected in accordance with any by-laws of the Town regulating signs;
- b) such home industry is not an obnoxious trade, business or manufacture;
- c) not more than 2 persons, other than the owner, are employed therein on a full-time basis; and
- d) the lot shall be an existing lot with not less than 60.0 m of lot frontage and 120.0 m of lot depth.

No home occupation or profession shall be permitted unless it complies with the following provisions:

- a) no person, other than a resident of the dwelling unit is engaged in canvassing, delivering or as a go-between in distributing merchandise to customers;
- b) there is no display, other than an unilluminated sign not greater than 1.0 sqm in size, to indicate to persons outside that any part of the dwelling, dwelling unit or lot is being used for a purpose other than a dwelling or dwelling unit;
- c) not more than twenty-five percent (25%) of the gross floor area of the dwelling unit is used for the purposes of home occupation uses; and
- d) such home occupation uses may be carried out in an accessory building.

6.17 Licenses, Permits and Other By-laws

Nothing in this By-law shall exempt any person from complying with requirements of the Building By-law or any other By-law in force within the Town or from obtaining any permit, license, permission, authority or approval required by this or any other By-law of the Town by this or any other By-law in force from time to time. The stricter provisions shall apply.

6.18 Lane as Yard

Where the rear lot line of a lot adjoins any portion of a lane, one-half (0.5) of the width of that portion of such lane may be considered part of the lot for the purpose of computing the area of the lot or the depth of any rear yard required under this By-law.

6.19 Loading Space Regulations

a) Loading Space Requirements

The owner or occupant of any lot, building or structure erected or used for any purpose involving the receiving, shipping, loading or unloading of persons, animals, goods, wares, and merchandise and raw materials, shall provide and maintain at the premises on the lot occupied by the building or structure, and not forming part of a street or lane, within the zone in which such use is located, one loading or unloading space 10.0 m long, 4.0 m wide, and having a vertical clearance of at least 4.0 m for each 465 sqm of floor area of the building or structure provided, however, that adequate space shall be provided for the parking of vehicles awaiting access to loading spaces.

b) Access

Access to loading or unloading spaces shall be by means of a driveway at least 6.0 m wide.

c) Loading Space Surface

The driveways, loading and unloading spaces shall be constructed and maintained with a stable surface that is treated so as to prevent the raising of dust or loose particles and with provisions for drainage facilities.

d) Location

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 24.0 m.

e) Addition to Existing Use

When a building or structure has insufficient loading space at the date of passing of this By-law to comply with the requirements herein, this By-law shall not be construed to require that 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.

6.20 Mobile Homes

Mobile homes as defined in the *Planning Act* are not permitted in the municipality, except on lots where they legally existed on the date of adoption of this By-law.

6.20.1 Shipping Containers/ Sea Cans – Shipping Containers/Sea Cans as are not permitted unless is being utilized for a use governed under the Building Code, all other uses and in all zones a zoning amendment application will need to be applied for. Amended March 29, 2022

6.21 Non Conforming / Non Complying Uses

a) Strengthening to Safe Condition

Nothing in this By-law shall prevent the strengthening to a safe condition or the reconstruction of a building or structure that is a non-complying use and/or a non-conforming use, provided that:

- a) Such repair or reconstruction does not further contravene the provisions of this By-law, because of a change in the height, size or volume, or by changing the use of such building or structure; and
- b) If the building is a dwelling in other than a residential Zone, it shall comply with all of the requirements set out for a residential use in a Residential (R1) or Rural (RU) Zone.

b) Continuation of Existing Uses

The provisions of this By-law shall not apply to prevent the use of any land, building or structure for any purpose prohibited by this By-law if such land, building or structure was lawfully used for such purpose on the day of the passing of this By-law, so long as it continues to be used for that purpose, or to prevent the erection or use for a purpose prohibited by this By-law of any building or structure the plans for which have, prior to the day of the passing of this By-law, been approved by the Building Inspector, so long as the building or structure, when erected, is used and continues to be used for the purpose for which it was erected and provided that erection of any such building or structure is commenced within 2 years after the day of the passing of this By-law and such building or structure is completed within a reasonable time after the erection thereof is commenced.

c) Existing Buildings

Where a building has been erected prior November 28, 1978, on a lot having less than the minimum frontage and/or area, or having less than the minimum set-back and/or side yard and/or rear yard required by this By-law, The said building may be enlarged, reconstructed, repaired or renovated provided that:

- a) The enlargement, reconstruction, repair or renovation does not further reduce a front yard and/or side yard and/or rear yard having less than the minimum required by this By-law; and
- b) All other applicable provisions of this By-law are complied with.

d) Existing Lots

A lot held as a single lot prior to November 28, 1978, may be built upon, even though said lot is of such size that it cannot comply with the minimum frontage and/or depth and/or area required by this By-law, provided that such lot in the Rural Zone has a minimum of 15.0 m of frontage and 810 sqm of area. If a private water supply or sewage disposal system is to be utilized, such lot shall require the approval of the Health Unit or its designated agent prior to the issuance of a building permit and the proposed use must comply with all other applicable provisions of this By-law.

e) Residential Use in a Commercial Zone

Nothing in this By-law shall apply to prevent the alteration of a residential building existing at the date of passing of this By-law in a Commercial Zone, provided that such alteration does not contravene any of the provisions of this By-law for such use in a Residential (R1) Zone.

6.22 Number of Dwelling Units on One Lot

Not more than one (1) single detached dwelling shall be erected on one lot, except where a secondary unit, accessory dwelling unit, or garden suite is permitted.

6.23 Occupation of Uncompleted Building

No building, or part of any building, shall be occupied until the whole of the exterior of such building has been completed according to the plans and specifications thereof filed with the Building Inspector and the heating, plumbing and electrical facilities shown on the plans are connected and useable in accordance with the building permit issued by the Town, pursuant to the *Planning Act*.

6.24 Parking Area Regulations**a) Parking Space Requirements**

The owner of every building or structure erected or used for any of the purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupant or other persons entering upon or making use of the said premises from time to time, parking spaces and areas as follows:

Type of Building	Minimum Parking Required
Apartment dwelling, townhouse, Retirement Home	1.5 parking spaces per dwelling unit of which 10% shall be designated for guest parking areas.
Residential Dwelling unit in a non- residential building	1 parking space per dwelling unit.
Secondary unit and garden suite	1 parking space per dwelling unit

Type of Building	Minimum Parking Required
All other residential dwelling units	2 parking spaces per dwelling unit.
Building supply outlet or similar use	1 parking space per 45 sqm floor area
Clinic	5 parking spaces for each doctor or practitioner.
Child care centre	2 parking spaces when accessory to a residential use, otherwise, 1 per 40 sqm net floor area
Church, Funeral Home, Auditorium, Restaurant, Arena, or other Places of Assembly	Where there are fixed seats, 1 parking space for every 5 seats or 3 metres of bench space, where there are no fixed seats, 1 parking space for each 9 square metres of floor area devoted to public use.
Convenience retail store	1 parking space per 20 sqm floor area
Farm equipment sales outlet; heavy equipment sales outlet	1 parking space per 45 sqm floor area
Hospital or Institution	1 parking space for each 2 beds or 40 sqm of floor area whichever is greater, plus 1 additional space for each resident doctor or resident employee.
Hotel, Motel, Tourist Cabin, Boarding House, Bed and Breakfast Establishment, and campground	1 parking space per unit or guest room or campsite, and 1 additional parking space for each 9 sqm of floor area devoted to public use.
Office, Financial institution, including a Home Occupation	1 parking space per 27 sqm of office floor area.
Other Commercial Uses	1 parking space for each sqm of total floor area, exclusive of accessory office space.
Personal service shop	1 parking space per 20 sqm floor area
Retail store	1 parking space per 20 sqm floor area
Schools	1.5 parking spaces for each teaching area, plus 1 separate bus loading area per 2 teaching areas.
Industrial including Home Industry	At least 1 parking space for every 90 sqm of total floor area plus 1 parking space per 30 sqm accessory office
Marina	1 parking space for each 18 sqm of total retail floor area.
Warehouse	1 parking space per 90 sqm floor area plus 1 parking space per 30 sqm accessory office

Type of Building	Minimum Parking Required
Bowling Alleys and Curling Rinks	1 parking space for each 2 persons in the designed capacity of the establishment (designed capacity shall mean 6 persons per bowling lane and 8 persons per curling sheet).

b) Parking Area Requirements

- i) the parking area shall be located on the same lot as the use it is intended to serve except in the case of a water access lot where the parking area shall be located in a zone where such use is permitted by this By-law; or in the case of the Core Commercial (C1) Zone, where the parking area may be allocated in an off-street parking lot.
- ii) each parking space shall be at least 3.0 m by 6.0 m and shall be provided with unobstructed access to a street by a driveway, aisle, lane or private road;
- iii) any parking area designed to serve water access lots shall have a minimum area of fifty (50) square metres for each lot to be served and
- iv) no parking shall be permitted within 8.0 m of the high water mark or within any 3.0 m of lot line abutting a lot in a Residential Zone.
- v) Accessible parking spaces shall meet the Ontario Integrated Accessibility Standards Regulation 191/11 or its successors. Refer to Appendix A for more information on requirements at the time of the writing of this By-law.

c) Parking Area Surface

In a Commercial or Industrial Zone, a parking area and driveway connecting the parking area with a street shall be maintained with a stable surface that is treated so as to prevent the raising of dust or loose particles. They shall, before being used, be constructed of crushed stone, slag, gravel, crushed brick, cinders, asphalt, concrete, Portland cement binder or like material and with provisions for drainage facilities.

d) Ingress and Egress

- i) Ingress and egress, to and from the required parking spaces and areas shall be provided by means of unobstructed driveways or passageways at least 4.0 m but not more than 9.0 m in perpendicular width.
- ii) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 9.0 m.
- iii) The minimum distance between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 7.5 m.
- iv) The minimum angle of intersection between a driveway and a street line shall be sixty (60) degrees.

- v) Every lot shall be limited to the following number of driveways:
- vi) up to the first 30.0 m of frontage not more than two (2) driveways; and
- vii) for each additional 30.0 m of frontage not more than one (1) additional driveway.

e) Illumination

Where parking areas are illuminated, lighting fixtures shall be so arranged that no part of any fixture shall be more than 9.0 m above the finished grade of the parking area. Fixtures shall be so designed and installed that the light is directed downward and deflected away from adjacent lots, roads and streets.

f) Addition to building or structure

When a building or structure has insufficient parking area at the date of 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.

g) Use of Parking Spaces and Areas

- i) Any area where off-street parking is permitted under this By-law shall be used for no other parking purpose than for the parking of operative passenger vehicles and commercial vehicles used in operations incidental to the permitted uses on the lot, all bearing currently valid licence plates.

For the purposes of this subsection "commercial motor vehicle" shall mean any commercial vehicles as defined in the *Highway Traffic Act*.

- ii) Notwithstanding the foregoing, no person shall within any residential Zone use any part of any front yard except the driveway for the parking or temporary storage of tent trailers, motor homes, land cruisers, truck campers, or boats and no person shall use any part of a front yard in a Residential Zone for the parking or storage of a house trailer.

No person shall, in any residential Zone use any tourist or travel trailer for the purpose of providing temporary or permanent living or eating accommodation.

Sleeping accommodation may be provided in a tourist or travel trailer for a period not exceeding fourteen (14) days, notwithstanding that such trailer is jacked up or that its running gear is removed.

h) More than one use on a Lot

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

i) Buffer Area

- i) Where a parking area is situated on the boundary between a commercial use and a residential use or open space zone, a strip of land, not less than 3.0 m wide and lying in the commercial use lot along the said boundary shall not be used for any purpose other than landscaping.
- ii) Where a parking area is situated in a residential Zone and is designed to accommodate more than six (6) automobiles, a strip of land not less than 3.0 m wide, around the periphery of the said parking area and is within the lot in which said parking area is located shall not be used for any purpose other than landscaping but this shall not prevent the provision of entrances or exists to said parking area across the strip.

j) Parking Area Location on Lot

Notwithstanding the yard and setback provisions of this Bylaw to the contrary, uncovered surface parking areas, in other than residential zones, shall be permitted in any required yard or in the area between the road or street line and the required setback provided no part of the parking area, other than a driveway, is located closer than 1.0 m to any road or street line. In residential zones no parking shall be permitted in the required front yard of any lot except on a driveway of 6.0 m maximum width.

6.25 Planting Strips

Where a lot is used for a Commercial or Industrial purpose and the interior side or rear lot line abuts a residential zone, then a strip adjoining such abutting lot line shall be used for no purpose other than a planting strip in accordance with the following provisions:

a) Width of Planting Strip

The required planting strip shall be a minimum width of 3.0 m.

b) Use

A planting strip shall be used for not other purpose than a continuous fence or hedge row of evergreens or shrubs, not less than 1.5 m high immediately adjoining the lot line or portion thereof along which such planting strip is required herein, provided that no fence or hedge row shall be required or permitted to a height in excess of 1.0 m closer to a street line than the required yard depth.

c) Driveways or Walks

In all cases where ingress and egress driveways or walks extend through a planting strip, it shall be permissible to interrupt the strip within 3.0 m of the edge of such driveway or within 1.5 m of the edge of such walk.

d) Landscaped Open Space

A planting strip referred to in this subsection may form part of any landscaped open space required by this By-law.

6.26 Public Uses Permitted

The provisions of this By-law shall not apply to the use of any land or to the erection or use of any building or structure for the purpose of public service by the Town of Northeastern Manitoulin and the Islands and/or any Public Authority, or Ministry of the Government of Ontario or Canada, including the Hydro One Networks Inc., or any telephone, telegraph or gas company, provided that where such land, building or structure is located in any zone:

- a) no goods, material or equipment shall be stored in the open, except as permitted in such zone;
- b) the lot coverage and yard requirements described for such zones shall be complied with; and
- c) parking and loading requirements as contained in this By-law shall be complied with.

Nothing in this By-law shall prevent the installation of a watermain, sanitary sewer main, storm sewer main, gas main, pipe line or overhead or underground hydro and telephone line provided that the location of such main or line has been approved by the Town.

6.27 Recreational Vehicles

a) Prohibition For Habitable Space

No recreational vehicle shall be used for habitable space.

b) Other Regulations

Notwithstanding subsection a), a recreational vehicle may only be located in a Tourist Commercial (C3) zone to be used as a temporary/vacation accommodation. A recreational vehicle may not be occupied while located in Little Current, Sheguiandah, or the RU or SR zones.

6.28 Reduction of Requirements

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

6.29 Signs

The provisions of this By-law shall not apply to prevent the erection, alteration or use of any sign provided such sign complies with the By-laws of the Town regulating signs.

6.30 Special Uses Permitted

The following uses are permitted in all Zones within the Town:

- a) Temporary camps used in the construction of public works but only for so long as it is necessary for such works as may be constructed adjacent to the camp and only until such time as the work is completed, or abandoned, or
- b) A tool shed, scaffold or other building or structure incidental to construction on the premises where it is situated and only for so long as it is necessary for the work in progress and until the work is completed or abandoned.

"Abandoned" in this Section shall mean the failure to proceed expeditiously with the construction of a work, specifically abeyance of construction for six (6) months.

6.31 Temporary Uses Permitted

A temporary sleeping and eating quarter, tool shed, scaffold, or other building or structure incidental to the construction of a building or structure permitted by this By-law may be maintained until the construction is completed or has been discontinued for sixty consecutive days.

6.32 Through Lot

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

6.33 Uses Prohibited

Notwithstanding any other provisions contained in this By-law, the following uses are prohibited in the Town.

- i) No use shall be permitted which from its nature or the materials used therein is declared by the Council to be a noxious trade, business or manufacture under The *Public Health Act*, as amended, or regulations thereunder.
- ii) No land, building or structure shall be used for such Commercial or Industrial purpose as is likely to create a public nuisance or danger to health or danger from fire or explosion, except in accordance with the provisions of or regulations under The *Gasoline Handling Act*.
- iii) The use of any land or lot for the purpose of a tourist trailer park or the use of a tourist trailer, or mobile home for human habitation except as specifically provided by this By-law.
- iv) The use of any land or lot for the purposes of a track for the commercial racing of animals, motor vehicles or motorcycles or go-carts or snowmobiles except by a club or organization which is licensed by the Town for such uses.
- v) The use of any land or lot for the purpose of a scrap or salvage yard except as specifically provided by this By-law.
- vi) The use of any land or lot for the purpose of a waste disposal area, landfill site, or dump except for public landfill sites owned and/or operated by the Town.
- vii) No truck, bus, coach, or structure of any kind other than a dwelling unit erected and used in accordance with this and all other By-laws of the Town shall be used for human habitation whether or not the same is mounted on wheels.

6.34 Waste Processing Zone Setbacks

Any use in any zone that abuts a Waste Processing (WP) Zone shall be setback at least 100 m from the boundary of the WP Zone.

6.35 Waterfront Setbacks and Vegetative Buffers

6.35.1 Setback from Lake Huron

Notwithstanding any other provisions of this By-law, no new habitable structures shall be constructed below the 178.3 metre contour adjacent to Lake Huron unless the setback from the shoreline is a minimum of 61.0 m and the structure is flood proofed to the 179.6 metre contour. For the purposes of this By-law, a flood proofed structure is that which has no opening below the minimum elevation of 179.6 metres, Canadian Geodetic Datum.

6.35.2 Setback from Inland Lakes

Notwithstanding any other provisions of this By-law, no building other than a marina or boathouse shall be constructed within 30.0 m of an inland lake unless a natural yard extending back from the shore a distance of 20.0 m is left in its natural state, in which case the building setback may be reduced to 20.0 m.

6.36 Yard Exception, Terrain Unsuitability

Where in this By-law, a front, side or rear yard is required, and part of the area of the lot is usually covered by water or marsh or a swale or is beyond the edge of a river bank or water course or between the top and toe of a cliff or embankment having a slope of thirty (30) degrees or more from the horizontal, then the required yard shall be measured from the nearest main wall of the main building or structure on the lot to the edge of said area covered by water or marsh, or to the edge of said river bank or watercourse, or to the top of the said cliff or embankment if such area is closer than the lot line.

6.37 Yard and Setback Encroachments Permitted

a) Ornamental Structure

Notwithstanding the yard and setback provision of this By-Law to the contrary, chimneys, cornices, eaves, gutters, parapets, pilasters or other ornamental structures may project into any required yard or the area between the road or street line and the required setback a maximum distance of 0.6 m.

b) Accessory Structure

Notwithstanding the yard and setback provisions of this By-Law to the contrary, drop awnings, clothes poles, flag poles, garden trellises, fences, or retaining walls shall be permitted in any required yard or in the area between the road and street line and the required setback.

c) Unenclosed Porch, Balcony, Patio or Steps

Notwithstanding the yard and setback provisions of this By-Law to the contrary, an unenclosed porch, balcony, patio or steps may project into any required yard a maximum distance of 1.5 m provided that in the case of a porch or steps such uses are not more than 1.8 m above grade.

d) Fire Escape

Notwithstanding the yard and setback provisions of this By-Law to the contrary, an unenclosed fire escape and the structural members necessary for its support, may project into any required yard or setback a maximum distance of 1.2 m.

e) Gate House

Notwithstanding the yard and setback provisions of this By-Law to the contrary, in an industrial zone, a gate (guard) house shall be permitted in a front or side yard or in the area between the street line and the required setback.

f) Building in Built-up Area

Notwithstanding the provisions of this By-law to the contrary, where a detached dwelling or accessory use thereto is to be erected in a built-up area where there is an established building line, such dwelling or accessory use may be erected closer to the street line, than required by this By-law provided such dwelling or accessory use is not erected closer to the street line than the established building line on the date of passing of this By-law and further provided that in no case shall any building be erected closer than 3.0 m from the front lot line and need not be set back a distance greater than setback regulations prescribed in the zone in which it is situated.

6.38 Building Plans (amended August 4th, 2020)

As per the Ontario Building Code the Chief Building Official reserves the right to require stamped plans from a designer, architect or engineer in possession of a current B.C.I.N with the design activities being by an individual identified in Section B (Building Code Table 3.5.2.1 of Division C) for all structures

SECTION 7 SPECIFIC ZONES

7.1 Shoreline Residential (SR) Zone

7.1.1 Permitted Uses

No persons shall within any Shoreline Residential (SR) Zone use any land, 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 detached dwelling
- a garden suite, subject to section 7.1.3
- a secondary unit, subject to section 7.1.3
- a home occupation use
- a seasonal dwelling amended March 29, 2022

b) Recreational Uses

- a public park
- a playground

c) Other Uses

- a public utility
- a bed and breakfast establishment

7.1.2 Zone Requirements

No persons within any Shoreline Residential (SR) Zone shall use any land, or erect, alter or use any building or structure except in accordance with the applicable provisions of Section 6 - General Provisions and the following:

a)	Minimum lot frontage	45.5 m
b)	Minimum lot area	4,045 sq. m
c)	Maximum lot coverage	20%
d)	Minimum front yard	7.5 m
e)	Minimum rear yard	3.0 m
f)	Minimum interior side yard	3.0 m
g)	Minimum exterior side yard	7.5 m
h)	Maximum building height	9.0 m
i)	Minimum distance to a lot line for an accessory building	3.0 m
j)	Maximum building height for an accessory building	5.0 m
k)	Maximum building floor area for an accessory building	89 sqm
l	Minimum Dwelling Size	36 sqm

7.1.3 Additional Provisions

Notwithstanding the provisions of Section 7.1.1 - Permitted Uses, a secondary unit or garden suite is not permitted on a Lake-at-Capacity.

7.1.4 Special Exception Zones

7.1.4.1 **SR-1** *Parcel 407, Island T.P. 1488; ZO-00487-10, ZO-00489-13*

Notwithstanding any other provisions of this By-law, a second residence and accessory buildings and a maximum building height of 6.0 m are permitted on lands zoned SR-1.

7.1.4.2 **SR-2** *Part 1, 31R-1594, Island T.P. 1977; ZO-00488-01*

Notwithstanding any other provisions of this By-law, a minimum front yard of 4.5 m is permitted on lands zoned SR-2.

7.1.4.3 **SR-3** *Multiple Locations: Island T.P. 781 West, T.P.2243, T.P. 732, Parcel 593, Island T.P. 1785, Island T.P. 2809, Pc. 708, Island T.P. 1801; ZO-00488-05, -00489-24, -00490-14, -00490-20, -00492-02, -00492-05*

Notwithstanding any other provisions of this By-law, a second guest cottage is permitted on the lands zoned SR-3, subject to the following provisions:

	Maximum Gross Floor Area
Islands T.P. 781 West, T.P.2243, T.P. 732, Parcel 593, Island T.P. 1785, Island T.P. 2809 Whitefish Bay, Island T.P. 638	50 sqm
Pc. 708, Island T.P. 1801	54 sqm

7.1.4.4 **SR-4** *Parcel 908 of Plan J.D.D. 482, Island T.P. 2762; ZO-00488-13*

Notwithstanding any other provisions of this By-law, a guest cabin not exceeding 50.0 sqm is permitted on the lands zoned SR-4.

7.1.4.5 **SR-5** *Parcel 452, Island T.P. 1659; ZO-00487-21*

Notwithstanding any other provisions of this By-law, a second residence and accessory buildings are permitted on lands zoned SR-5.

7.1.4.6 **SR-6** *2410 Bay Estates Rd N; Lot 25, Conc. 12, Township of Sheguiandah; Part 35, Plan RR91; By-law 17-89*

Notwithstanding any other provisions of this By-law, a minimum interior side yard of 1.1 m is permitted on the lands zoned SR-6.

7.1.4.7 **SR-7** *1152 Bay Estates Rd S; Lot 27, Conc. 10, Township of Sheguiandah; Part 10, Plan RR86; By-law 90-15*

Notwithstanding any other provisions of this By-law, a minimum interior side yard for an accessory building of 0.82 m is permitted on the lands zoned SR-7.

7.1.4.8 **SR-8** *Island T.P. 687; ZO-00492-04*

Notwithstanding any other provisions of this By-law, a habitable structure is permitted up to and within 1.5 m of a water body upon land having an elevation stated to be 4.6 m above lake level on the lands zoned SR-8.

7.1.4.9 SR-9 Island T.P. 765; ZO-00493-005

Notwithstanding any other provisions of this By-law, a dwelling is permitted not less than 10.0 m from the high water mark of Lake Huron on the lands zoned SR-9.

7.1.4.10 SR-10 Pcl 528, Island T.P. 1989; ZO-00494-002

Notwithstanding any other provisions of this By-law, the minimum setback from the high water mark of McGregor Bay shall be 4.0 m on the lands zoned SR-10.

7.1.4.11 SR-11 Pcl. 316 and 317, Island T.P. 1200; ZO-00494-007

Notwithstanding any other provisions of this By-law, a dwelling is permitted on the lands zoned SR-11.

7.1.4.12 SR-12 Part of Lot 20, Conc. 9, Township of Bidwell; Parts 25, 26 and 30, Plan RR-75; By-laws 97-10 and 2001-37

Notwithstanding any other provisions of this By-law, a maximum of three (3) recreational accommodation units are permitted in the lower level of the existing residence and all forms of trap, skeet, target, silhouette or any other form of shooting with firearms is prohibited on the lands zoned SR-12.

7.1.4.13 SR-13 66 Albert St; Part of Lot 22, Conc. 4, Township of Bidwell; Part 1, Plan 31R-1650; By-law 97-15

Notwithstanding any other provisions of this By-law, a motel with a maximum of six (6) units is permitted on lands zoned SR-13.

7.1.4.14 SR-14 Lot 17, Conc. 9, Township of Bidwell; Instrument T-5667; By-law 97-16

Notwithstanding any other provisions of this By-law, a minimum front yard setback of 4.6 m is permitted for a distance of 8.533 m on lands zoned SR-14.

7.1.4.15 SR-15 Peru Island, T.P. 1410, Parcel 2338, McGregor Bay; By-law 99-08

Notwithstanding any other provisions of this By-law, a habitable structure may be located within 8.000 m of the high water mark, subject to the approval of the municipality, on the lands zoned SR-15.

7.1.4.16 SR-16 Blk 21, Plan M1108; Island No. T.P. 3051, Bay of Islands area; By-law 99-12

Notwithstanding any other provisions of this By-law, the only permitted use shall be a dwelling and accessory uses and buildings on the lands zoned SR-16.

7.1.4.17 SR-17 141 Camp Mary Anne Road; Lots 28 & 29, Conc. B, Township of Bidwell; Part 17, Plan M-175; Parcel 1552; By-Law 99-14

To permit a reduction in the minimum side yard requirements from the present building to the lot line from three metres (3) to nine and a quarter feet (9.25), on lands zoned SR-17.

7.1.4.18 SR-18 Island T.P. 1900 (Iroquois Island), Parcel 782, Location J.D.D. 332, McGregor Bay; By-law 99-43

Notwithstanding any other provisions of this By-law, a dwelling together with buildings and structures accessory to it may be erected and use on lands zoned SR-18 subject to the following provisions:

Dwelling	
Maximum Lot Coverage	15%
Minimum Front Yard	7.5 m
Minimum Rear Yard	7.5 m
Minimum Side Yard	3.0 m
Maximum Height	9.0 m
Boat Storage Building	All requirements of Section 6, Accessory Buildings and Structures

7.1.4.19 SR-19 190 North Channel Dr; Part of Lot 5, Conc. 10, Township of Howland; Part 9, Plan 31R-1008; By-law 2000-03

Notwithstanding any other provisions of this By-law, an exterior side yard of 2.0 m shall be permitted on the lands zoned SR-19.

7.1.4.20 SR-20 Pcl 539; Island T.P. 2709, Bay of Islands Area; By-laws 2000-35 and 2000-41

Notwithstanding any other provisions of this By-law, one guest cabin having a gross floor area not exceeding 66.0 sqm and having a minimum setback distance of 13.5 m from the high water line is permitted on the lands zoned SR-20.

7.1.4.21 SR-21 Reserved.

7.1.4.22 SR-22 Part 7, Plan 31R-324; Parcel 423, the East ½ of Island TP 1457, McGregor Bay; By-Law 2003-45

Notwithstanding any other provisions of this By-law, the minimum lot dimensions and minimum lot area of the lands zoned SR-22 shall be as surveyed.

7.1.4.23 SR-23 Part 1, Plan 31R-3128; Lot 26, Conc. 9, Sheguiandah Township; By-Law 2004-17

Notwithstanding the uses permitted in a (SR) Shoreline Residential zone in this by-law, residential uses shall be limited to residential use on the lands zoned SR-23.

7.1.4.24 SR-24 Island T.P. 1640, Parcel No. 299, McGregor Bay; By-Law 2005-45

Notwithstanding any other provisions of this By-law, three dwellings are permitted on the lands zoned SR-24.

7.1.4.25 SR-25 (190 Camp Mary Anne Road; Part Lot 29, Conc. B, Township of Bidwell; Lot 10, Plan M-175; By-Law 2006-45

Notwithstanding any other provisions of this By-law, the interior east side yard requirement shall be 1.2 metres on the lands zoned SR-25.

7.1.4.26 ***SR-26 Part Lot 2, Part Parcel 296; Part 2, Plan 31R-3695; Island TP 1903, McGregor Bay; By-Law 2009-06***

Despite minimum requirements of this By-law, the minimum lot dimensions and minimum lot area of the lands zoned SR-26 shall be as surveyed.

7.1.4.27 ***SR-27 Parcel 1 and Lot 2, Parts 1-5, Plan 31R-3833, Island TP 903 Jumbo Island, McGregor Bay; By-Law 2011-23***

Despite minimum requirements of this By-law, on the lands zoned SR-27, the minimum lot frontage and minimum lot area shall be established in accordance with each Part Number as identified on Registered Plan No 31R-3833, and is further described in section (3).

7.1.4.28 ***SR-28 Island T.P. 1457 (Endion Island); By-Law 2014-30***

Notwithstanding any other provisions of this By-law, the minimum lot size shall be 1.0 Hectare on the lands zoned SR-28.

7.1.4.29 ***SR-29 Davis and McLay Subdivision, Red Lodge Road, Lake Manitou***

Notwithstanding any other provisions of this By-law, the only permitted uses are residential uses residential uses

7.1.4.30 ***SR-30 Howland Twp, Lot 25, Concession 7, RP31R889 Part 6 By-law 2020-52***

Notwithstanding any other provisions of this By-law, is amended to permit 4 temporary camping units, not trailers on the above mentioned property.

7.1.5 Holding Zones

7.1.5.1 ***SR-29-h Davis and McLay Subdivision, Red Lodge Road, Lake Manitou***

No building or structure shall be permitted until such time as the holding suffix “-h” is removed by By-law amendment. The removal of the “-h” shall only occur when the following conditions are fulfilled:

- (i) That the Minister of Municipal Affairs has provided confirmation of the testing of the sewage disposal system.

7.2 Shoreline Residential – Restricted (SR1) Zone

7.2.1 Permitted Uses

No person within any Shoreline Residential – Restricted (SR1) Zone shall use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a structure for the protection of land subject to:
 - i) flooding or high-water table;
 - ii) steep slopes subject to erosion;
 - iii) swamps and marshes and land subject to wind erosion; or
 - iv) lands with limitations to development due to slope or wave action or lack of soil cover
- a nursery garden
- an agricultural use other than specialized farms
- a forestry operation
- an open space use
- an area for the protection of an environmental hazard such as swamps or marshes, floodplains or land liable to flood or land subject to very high water table, steep slopes, gullies, or lands subject to wind or water erosion
- a conservation area primarily for the location of flood control, bank stabilization or erosion protection structures or projects; and
- in this section “specialized farm” shall mean a farm on which the predominant use of land or buildings is for the raising of chickens, turkeys, or other fowl, fur bearing animals or hogs, or the growing of mushrooms or sod, or the intensive feeding of cattle in a confined area.

7.2.2 Restrictions

No accessory dwelling unit or units shall be permitted in any Shoreline Residential – Restricted (SR1) Zone.

7.2.3 Zone Requirements

No person within any Shoreline Residential – Restricted (SR1) Zone shall use any lot, or erect, alter or use any building or structure except in accordance with the applicable provisions of Section 6, General Provisions and the following.

a)	Minimum front, side, and rear yard	20 m
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7.3 Residential (R1) Zone

7.3.1 Permitted Uses

No person within any Residential (R1) Zone shall use any land 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 detached dwelling
- a garden suite
- a secondary unit
- a semi detached dwelling
- a duplex dwelling
- a home occupation
- a group home

b) Recreational Uses

- a park
- a playground

c) Other

- a bed and breakfast establishment
- a public utility

7.3.2 Zone Requirements

No person within any Residential (R1) Zone shall use any land, or erect, alter or use any building or structure except in accordance with the applicable provisions of Section 6 General Provisions and the following:

A single detached dwelling building, a duplex dwelling building:

a)	Minimum lot frontage	15.0 m
b)	Minimum lot area	
	with piped water supply and sewage disposal systems	460 sqm
	With piped water supply or sewage disposal	700 sqm
c)	Maximum lot coverage (%)	30
d)	Minimum front yard	6.0 m
e)	Minimum rear yard	7.5 m
f)	Minimum interior side yard	1.0 m
g)	Minimum exterior side yard	6.0 m
h)	Maximum building height	9.0 m
i)	Minimum dwelling area	56 sqm
j)	Minimum distance to a lot line for an accessory building	1.0 m
k)	Minimum distance to main building for an accessory building	2.0 m

k)	Maximum building height for an accessory building	5.0 m
l)	Maximum building floor area for an accessory building	89 sqm

A semi detached dwelling unit:

a)	Minimum lot frontage	10.0 m
b)	Minimum lot area	
	with piped water supply and sewage disposal systems	337 sqm
	With piped water supply or sewage disposal	469 sqm
c)	Maximum lot coverage (%)	30
d)	Minimum front yard	6.0 m
e)	Minimum rear yard	7.5 m
f)	Minimum interior side yard	1.0 m on one side, 0.0 m on the other side
g)	Minimum exterior side yard	6.0 m
h)	Maximum building height	9.0 m
i)	Minimum distance to a lot line for an accessory building	1.0 m
j)	Maximum building height for an accessory building	5.0 m
k)	Maximum building floor area for an accessory building	89 sqm
l)	Minimum lot frontage	15m

7.3.3 Special Exception Zones**7.3.3.1 R1-1 Multiple locations:***West part of Lot 8, S/S Meredith Street; By-Law 1698**44 Campbell St E; Parts 2 and 6, Plan 31R-1196, N/S Campbell Street; By-Law 1734*

Notwithstanding the provision of this by-law, on the lands zoned R1-1 a single car garage is permitted to be constructed 1.0 m from an adjacent lot line.

7.3.3.2 R1-2 66 Manitowaning Rd; Part 1 of Part of Lot 35, S/S Draper Street and Part 2 of Lot 36, S/S Draper Street; By-Law 1714

Notwithstanding the provisions of this by-law, on the lands zoned R1-2 the minimum front yard setback for the building shall be 0.88 m less than that otherwise required.

7.3.3.3 R1-3 West part of Lot 20, N/S Meredith Street West; By-law 1728

Notwithstanding the provisions of this by-law, on the lands zoned R1-3, the minimum front side yard setback for the building shall be 1.8 m.

7.3.3.4 **R1-4** *Reserved.*

7.3.3.5 **R1-5** *20 Campbell St E; Lots 32 and 33, S/S of Campbell Street; Parts 1, 2 and 4, Plan 31R-1311, Part 1, Plan 31R-2954, Part 2, Plan 31R-3829, Townplot of Shaftesbury; By-laws 1777, 2004-08, and 2011-20*

Notwithstanding the provisions of this by-law, on the lands zoned R1-5, in addition to the commercial uses allowed, five (5) apartments are permitted and the minimum yard requirements shall be as set out on Schedule A to By-law 2004-08.

Despite Section 7.2.2, the minimum yard requirements' for the dwellings located on Part 2, Plan 31R-3829 shall be as set out on Schedule A to By-law 2011-20.

7.3.3.6 **R1-6** *5 Vankoughnet St W; east part of Lot 20, S/S of Vankoughnet Street; By-Law 1825*

Notwithstanding the provisions of this by-law, on the lands zoned R1-6, a garage shall be limited to a maximum size of 89.2 sqm.

7.3.3.7 **R1-7** *22 Hardbargain Road; Part Lot 4, North Hardbargain Road and Part of Lot 6, South Glen Street; Part 2, Plan 31R-2301, Townplot of Shaftesbury; By-Law 2003-27*

Despite Section 7.2.1, the property owner, who operates a hair dressing shop as a home occupation is permitted to have one person, who does not reside at the dwelling, employed at one time.

7.3.3.8 **R1-8** *34 Worthington Street; Part Lot 22, S/S Meredith Street and Part Lot 22, N/S Vankoughnet Street, Townplot of Shaftesbury; Instrument No. 0064532; By-Law 2003-31*

Despite Section 7.2.2 e), the minimum rear yard requirements is reduced from 7.5 m to 1.8 m, commencing at a point 1.5 m north of the south limit of lands registered as Instrument No. 0064532, and extending a distance of 13.5 m northerly therefrom.

7.3.3.9 **R1-9** *58 Worthington Street; Part Lot 22 S/S Draper Street East; Part 1, Plan 31R-3825, Townplot of Shaftesbury; By-Law 2012-39*

Despite Section 7.2, on the lands zoned R1-9 a denture clinic to occupy the main floor of the existing residential building is permitted and despite section 6.24 a minimum of three (3) parking spaces is required.

7.3.3.10 **R1-10** *36 Meredith St W; By-Law 2014-24*

Notwithstanding the provisions of this by-law, on the lands zoned R1-10, the minimum interior side yard setback for a car port is reduced from 1.0 m to 0.33 m (1 ft).

7.3.3.11 **R1-11** *35 Draper Street East; Shaftesbury Townplot 2, East Pt Lot 30, South Side Draper Street; By-law 2016-37*

Notwithstanding the provisions of this by-law, rezone from Residential to Multiple Family Residential.

7.4 Multiple Residential (R2) Zone (amendment made August 4th, 2020)

7.4.1 Permitted Uses

No person within any Multiple Residential (R2) Zone shall use any land or erect, alter or use any building or structure except for one or more of the following uses:

a) Residential Uses

- an apartment dwelling
- ~~a garden suite~~
- ~~a secondary unit~~
- a multiple dwelling
- a townhouse dwelling
- a retirement home
- a group home
- Condominium

b) Commercial Uses

- a convenience retail use located within an apartment dwelling

c) Other Uses

- a public utility

7.4.2 Zone Requirements

No person within any Multiple Residential (R2) Zone shall use any land or erect, alter or use any building or structure except in accordance with the applicable provisions of Section 6 - General Provisions and the following:

An apartment building

a)	Minimum lot frontage	30.0 m
b)	Minimum lot area	1,200 sqm
c)	Maximum lot coverage	35
d)	Minimum front yard	6.0 m
e)	Minimum rear yard	7.5m
f)	Minimum interior side yard	2.5 m 1m
g)	Minimum exterior side yard	6.0 m
h)	Maximum building height	12.0 m
i)	Minimum distance to a lot line for an accessory building	1.0 m
j)	Maximum building height for an accessory building	5.0 m
k)	Maximum building floor area for an accessory building	89 sqm
l)	Minimum unit size	56sqm

A maisonette building:

a)	Minimum lot frontage	30.0 m
b)	Minimum lot area	232 sqm for 1 bedroom dwelling units plus 14.0 sqm for each additional bedroom
c)	Maximum lot coverage	35
d)	Minimum front yard	6.0 m
e)	Minimum rear yard	7.5m
f)	Minimum interior side yard	2.5 m
g)	Minimum exterior side yard	6.0 m
h)	Maximum building height	12.0 m
i)	Minimum distance to a lot line for an accessory building	1.0 m
j)	Maximum building height for an accessory building	5.0 m
k)	Maximum building floor area for an accessory building	89 sqm

A townhouse building:

a)	Minimum lot frontage	6.0 m per unit
b)	Minimum lot area	232 sq m per dwelling unit
c)	Maximum lot coverage	35
d)	Minimum front yard	6.0 m
e)	Minimum rear yard	7.5m
f)	Minimum interior side yard	2.5 m
g)	Minimum exterior side yard	6.0 m
h)	Maximum building height	12.0 m
i)	Minimum distance to a lot line for an accessory building	1.0 m
j)	Maximum building height for an accessory building	5.0 m
k)	Maximum building floor area for an accessory building	89 sqm

7.4.1 Additional Provisions

A commercial use within a residential building shall be no more than 50% of the ground floor area of the building.

7.4.2 Special Exception Zones**7.4.2.1 R2-1 E/S Highway 68, part of Lot 1, Conc. 1, Township of Howland; By-law 91-27**

Notwithstanding any other provisions of this By-law, a seven unit apartment building is permitted on a 1.63 hectare parcel of land.

7.4.2.2 R2-2 Water Street Plan 2, Pt Lots 7-10S, RP 31R-3003, Part 8 By-Law 2018-45

Notwithstanding any other provisions of this By-law, a seven unit apartment building is permitted on a 1.63 hectare parcel of land.

7.5 Rural (RU) Zone

7.5.1 Permitted Uses

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

a) Rural Uses

- a farm
- any other agricultural use
- a home industry
- the parking and servicing of school buses, including a commercial garage.
- a wayside or borrow pit

b) Rural Residential Uses

- a single detached dwelling
- a duplex
- a semi detached dwelling
- a garden suite
- a secondary unit
- a home occupation use
-

c) Institutional Uses

- a cemetery
- a place of worship
- a school
- a community centre

d) Recreational Uses

- a golf course
- a public park
- a playground
- a hunt camp
- a cross country ski area

e) Other Uses

- a bed and breakfast establishment
- a public utility

7.5.2 Zone Requirements

No person within any Rural (RU) Zone shall use any lot, or erect, alter or use any building or structure for any purpose except in accordance with the applicable provisions of Section 6 - General Provisions and the following.

A rural use or lot:

a)	Minimum lot frontage	134 m
b)	Minimum lot area	10.0 ha
c)	Maximum lot coverage	none
d)	Minimum front yard	15.0 m
e)	Minimum rear yard	15.0 m
f)	Minimum interior side yard	15.0 m
g)	Minimum exterior side yard	15.0 m

A rural residential use, as permitted in section 7.4.1.2 and institutional and public uses:

a)	Minimum lot frontage	45.5 m
b)	Minimum lot area	0.4 ha
c)	Maximum lot coverage	20 %
d)	Minimum front yard	6.0 m
e)	Minimum rear yard	7.5 m
f)	Minimum interior side yard	3.0 m
g)	Minimum exterior side yard	6.0 m
h)	Maximum building height	9.0 m
i)	Minimum distance to a lot line for an accessory building	3.0 m
j)	Maximum building height for an accessory building	5.0 m
k)	Maximum building floor area for an accessory building	89 sqm
l)	Minimum dwelling size	56 sqm

7.5.3 Additional Provisions

A commercial use within a residential building shall be no more than 50% of the ground floor area of the building.

7.5.4 Special Exception Zones

7.5.4.1 RU-1 910 Rockville Rd; Lot 23, Conc. X, Township of Bidwell; Part 1, Plan 31R-1222; By-law 14-82

Notwithstanding the uses permitted in the Rural (RU) Zone, on the lands zoned RU-1 a salvage yard for vehicles is also permitted.

7.5.4.2 RU-2 Southeast corner of Lot 10, Conc. 11, Township of Howland; By-law 90-02

Notwithstanding any other provisions of this By-law, on the lands zoned RU-2, a gift shop/art gallery/coffee shop is permitted in addition to a single detached dwelling on a 0.4 ha parcel of land.

7.5.4.3 RU-3 Multiple locations

Lot 14, Conc. 12, Township of Howland, Parts 1, 2, 3, and 4, Plan 31R-2390; By-law 92-23

Lot 13, Conc. 13, Township of Sheguiandah, Parts 1, 2 and 3, Plan 31R-2484; By-law 93-27

Notwithstanding any other provisions of this By-law, on the lands zoned RU-3, the minimum lot frontage and minimum lots area shall be as shown on the applicable Reference Plans.

7.5.4.4 RU-4 Lot 5, Conc. 11, Township of Howland; Part 1, Plan 31R-1677; By-law 98-45

Notwithstanding any other provisions of this By-law, on the lands zoned RU-4, a minimum exterior side yard of 1.52 m is permitted.

7.5.4.5 RU-5 2813 Highway 540; Part of Lot 23, Conc. 6, Township of Howland; By-law 27-89

Notwithstanding any other provisions of this By-law, on the lands zoned RU-5 a small cement business and 3.0 m by 3.0 m storage shed is permitted.

7.5.4.6 RU-6 Lot 28, Conc. 2, Township of Bidwell; Parts 1, 2, 3 and 4, Plan 31R-2542; By-law 94-04

Notwithstanding any other provisions of this By-law, on the lands zoned RU-6, the minimum lot frontage and minimum lot area shall be as shown on Plan 31R-2542.

7.5.4.7 RU-7 81 Lucar Point Rd and 205 Lucar Point Rd; By-Law 2006-33

Notwithstanding the uses permitted in the Rural (RU) Zone, the minimum lot dimensions and area, shall be established in accordance with the Part Nos. as identified on the registered Plan of Survey for each of the lots as described:

- i) Part of Lot 27, Conc. 1, being Part 1, Plan 31R-3466 and Parts 1,2,3,7,8,9,10 and 11, Plan 31R-1805, subject to a Right-of-Way over Parts 7,8 & 10, 31R-1805 and Part Lot 28, Conc. 1, being Part 12, Plan 31R-1805, subject to the Right-of-way over Part 12, 31R-1805.
- ii) Remainder of Lot 27, Conc. 1, save and excepting Part 2 and 4, Plan 31R-561 and Parts 1 to 11, Plan 31R-1805 and Part 1, Plan 31R-3466. Township of Bidwell.

7.5.4.8 RU-8 Northeast corner of Lot 22, Conc. X, Township of Bidwell; excepting Parts 1, 2 and 3, Plan 31R-1994; By-Law 2006-47

Notwithstanding the uses permitted in a Rural (RU) Zone, on the lands zoned RU-8 the following additional wood related uses shall be permitted:

- a warehouse
- a fabricating shop
- a manufacturing plant
- a work shop
- an equipment or materials storage yard
- a retail commercial outlet, as a use accessory to uses permitted

7.5.4.9 **RU-9 Multiple locations**

3442 Highway 540; Part Lots 34 and 35, Conc. III; Parts 1,2,3,4,5 & 6, Plan 31R-3514; Parts 7,8,9,10,11,12 & 13, Plan 31R-3514; Parts 14 & 15, Plan 31R-3514 and Parts 16 & 17, Plan 31R-3514, Township of Howland; By-Law 2007-06

59 Orr's Sideroad; Part 1, Plan 31R-3592; Parts 2,3 and 4, Plan 31R-3592; Part 5, Plan 31R-3592; and Part 6, Plan 31R-3592, Township of Howland; By-Law 2007-31

Notwithstanding the provisions of the Rural (RU) Zone, on the lands zoned RU-9, the minimum lot dimensions and area, shall be established in accordance with the Part numbers as identified on the registered Plan of Survey for each of the lots.

7.5.4.10 **RU-10 160 Townline Rd; Part of Lot 3, Conc. 1, Township of Howland, Part 2, Plan 31R-774; By-law 96-14**

Notwithstanding any other provisions of this By-law, a home industry for the purposes of a commercial garage (auto body and mechanical) is permitted on with a frontage of 53.03 m and a depth of 99.05 m and subject to the following requirements:

- a) The establishment of visual screens or vegetative buffer strips at least 1.8 m high;
 - i. Commencing 15.2 m north of the south-west corner of the lot, northerly 53.3 m, and
 - ii. Commencing at the north-east corner of the existing residence and running in a north-east direction to the east limit of the lot, then north to a point 45.7 m north of the south-east corner of the lot;
- d) All work shall be carried out within the buildings erected for the purpose of the home industry;
- e) No more than five (5) vehicles may be stored outside the buildings erected for the purpose of the home industry, at any given time;
- f) Vehicles must be stored within an exterior storage area measuring 6 m by 17 m, surrounded by a solid fence not less than 2.4 m in height.

7.5.4.11 **RU-11 Green Bush Road; Part Lot 12, Conc. IV, Township of Howland; Part 2, Plan 31R-3550; By-Law NO. 2010-10**

Notwithstanding the uses permitted in Rural (RU), the additional use of one (1) portable storage container shall be located as an accessory to the hunt camp within land zoned as RU-11.

7.5.4.12 **RU-12 Gammie Street (Little Current Public Works Site), Part Lot 21, Conc. XI, Township of Howland; By-law 2010-11**

Notwithstanding the uses permitted in the Rural Zone, two (2) portable storage containers shall be permitted to be located and used within lands zoned RU-12.

7.5.4.13 ***RU-13 Part Lot 12, Conc. XI, Part 1, Plan 31R-1061 and Part 3, Plan 31R-2637, Township of Howland; By-Law 2010-41***

Notwithstanding the uses permitted in Rural (RU) Zone the additional use of four (4) buildings used for commercial storage and two (2) portable storage containers shall be permitted within lands zoned as RU-13.

7.5.4.14 ***RU_14 181-182 Harbour Vue Road; Lot 21, Conc. 12, Howland Township; PT 2, 31R-2665; By-laws 2011-42, 2013-16 and 2017-14***

To permit annually a maximum of three outdoor festival like music related events (including Manitoulin Country Fest) with camping, vendors, beer garden and other ancillary uses to support the event, which will have an approved Site Plan Agreement between the land owner and the Municipality.

Annually , a maximum of 20 outdoor single day by admission/non –admission/private invitation events, such as concerts/stage performances, weddings, anniversary or similar celebrations, including vendors, catering and or beer gardens to support the event, Overnight camping is not permitted for single day events. All single day events from Sunday through to Thursday shall be completed by midnight with all other single day events on Friday and Saturday with a completion time of 1:30 am with the exception to the following specific holidays which may fall during the weekdays: St. Patrick's Day, Victoria Day, Canada Day, Labour Day and New Year's Eve. The hours for the above noted holidays will then revert to 1:30 am closure. PRIVATE, NON-COMMERCIAL ACTIVITIES WILL NOT APPLY UNDER THIS PROVISION.

In addition to the uses permitted, the placement of two portable storage units within the berm area shall be permitted.

7.5.4.15 ***RU-15 Lot 20, Conc. XII, Township of Howland; Part 1, Plan 31R-3882; By-Law 2012-21***

Notwithstanding the uses permitted in the Rural Zone, a builder supply yard and associated retail commercial outlet shall be permitted within lands zoned as RU-15.

7.5.4.16 ***RU-16 Part Lot 6, Conc. XI, Township of Bidwell; Part 1, Plan 31R-1095; By-Law 2007-32***

Not withstanding the uses permitted in the Rural (RU) Zone, on the lands zoned RU-16 a dwelling and accessory uses shall be permitted on lots created by Consent File Nos. B34-07 and B35-07 and the minimum front yard requirements shall be 160 m.

7.5.4.17 ***RU-17 Part Lot 8, S/S Talford Street and Part Lot 8, N/S Dupont Street (Sheguiandah Public Works Site), Sheguiandah Townplot 28; By-law 2010-11***

Not withstanding the uses permitted in a the uses permitted in a RU Zone, two (2) portable storage containers shall be permitted to be located and used within lands zoned as RU-17.

7.5.4.18 ***RU-18 PCL 498 SEC, Summer Resort Location FL30 and PCL 365 SEC, PCL TP3586, Burnt Island***

Notwithstanding the uses permitted in a Rural Zone, a fish processing plant shall also be a permitted use within lands zoned as RU-18.

7.5.19 *RU-19* *181 Harbour View Road, Pt Lot 21, Concession 12, 31R-2665 Part 2*
By-law 2019-15

Notwithstanding the uses permitted in a Rural Zone, a commercial building for the purposes of a Radio Station and Production office with a maximum of 15 employees.

7.5.20 *RU-20* *9131 Hwy 6, Howland Township, Pt Lot 20, Concession 11, Part 1, 31R-916*
By-law 2019-27

Notwithstanding the uses permitted in a Rural Zone, to allow for an additional seacan to be added to the parking lot area.

7.6 Core Commercial (C1) Zone

7.6.1 Permitted Uses

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

a) Residential Uses

- a dwelling unit or units in accordance with the provisions of Section 6.12 of this By-law.
- an existing dwelling unit

b) Commercial Uses

- an art gallery
- a gift shop
- a convenience retail store
- a personal service shop
- a retail store
- a restaurant
- a laundromat
- a commercial garage
- a financial institution
- a post office
- a business or professional office
- a hotel

c) Institutional Uses

- a public building

7.6.2 Zone Regulations

No person within any Core Commercial (C1) Zone shall use any land or erect, alter or use any building or structure except in accordance with the provisions of Section 6 - General Provisions and the following:

A commercial building or lot:

a)	Minimum lot frontage	none
b)	Minimum lot area	none
c)	Maximum lot coverage (%)	none
d)	Minimum front yard	none
e)	Minimum rear yard	6.0 m
f)	Minimum interior side yard	0 m
g)	Minimum exterior side yard	0 m
h)	Maximum building height	12.0 m

7.6.3 Special Exception Zones

7.6.3.1 C1-1 19 Robinson St; Lot 17, Townplot 2; By-law 1547

Notwithstanding any other provisions of this by-law, on the lands zoned C1-1 the permitted uses shall be a restaurant, a licenced restaurant, rental of rooms or a combination of both.

7.6.3.2 C1-2 32 Water St E; Water Lot opposite Town Plot 2 Lot 27; Part 10 and 11, Plan 31R-741; By-law 1673

Notwithstanding the provisions of this by-law, on the lands zoned C1-2, the following provisions shall apply:

Maximum lot coverage	80%
Minimum rear yard	0.0 m

7.6.3.3 C1-3 part of the Water Lot, Shaftesbury Town Plot 1, opposite Lot 22, Water St; By-law 1741

Notwithstanding the provisions of this by-law, on the lands zoned C1-3, the minimum rear yard setback shall be 1.5 m less than otherwise required by this by-law.

7.6.3.4 C1-4 Part Lot 21, N/S Campbell St; By-Law 2012-37 (2017-37)

Notwithstanding the provisions of this by-law, on the lands zoned C1-4, two (2) apartment units on the ground floor, within the north west portion of the existing non-residential building (formerly Snappy's Furniture) are permitted.

7.6.3.5 C1-5 5 Worthington St; Part 21, S/S Robinson St; Part 1, Plan 31R-1696, Townplot of Shaftesbury; By-law 2016-27

Notwithstanding the provisions of this By-law, on the lands zoned C1-5 a ground floor residential unit as an accessory use to a commercial business is permitted.

7.6.3.6 C1-6 13 Worthington St; Part 21, N/S Campbell St, Townplot of Shaftesbury; By-Law 2016-39

Notwithstanding the provisions of this By-law, on the lands zoned C1-6, two ground floor residential units as an accessory use to a commercial business.

7.7 General Commercial (C2) Zone

7.7.1 Permitted Uses

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

a) Residential Uses

- a dwelling unit or units in accordance with the provisions of Section 6.12 of this By-law.
- an existing dwelling unit

b) Commercial Uses

- an animal hospital
- a motel or hotel
- a restaurant
- a restaurant, drive-in
- a retail store
- a convenience retail store
- a personal service shop
- a service or repair shop
- a laundromat
- a motor vehicle sales area
- a commercial garage
- a bank
- a post office
- a business or professional office
- a hotel
- a place of entertainment
- an emergency vehicle dispatch centre
- a child care centre
- a pharmacy

c) Recreational Uses

- a community centre

7.7.2 Zone Requirements

No person within any General Commercial (C2) Zone shall use any land or erect, alter or use any building or structure except in accordance with the provisions of Section 6 - General Provisions and the following:

A commercial or recreational building or lot:

a)	Minimum lot frontage	15.0 m
b)	Minimum lot area	700 sq. m
c)	Maximum lot coverage (%)	30%
d)	Minimum front yard	6.0 m
e)	Minimum rear yard	6.0 m
f)	Minimum interior side yard	5.0 m
g)	Minimum exterior side yard	6.0 m
h)	Maximum building height	12.0 m
i)	Minimum distance to a lot line for an accessory building	1.0 m
j)	Maximum building height for an accessory building	5.0 m
k)	Maximum floor area for an accessory building	89 sqm

7.7.3 Special Exception Zones

7.7.3.1 C2-1 42 Manitowaning Rd; part Lots 30 and 31, N/S Blake St E, Parts 2, 2 and 3 Plan 31R-939 excepting Part 1, Plan 31R-1231; Shaftsbury Plan No 2; By-Law 2016-19

Notwithstanding the provisions of this by-law, on the lands zoned C2-1 a Microbrewery Operation is also permitted.

7.7.3.2 **C2-2** **19 Campbell St E, south part of Lots 26 and 27, S/S Campbell St; By-law 1607**

Notwithstanding the provisions of this by-law, in addition to business offices on the lands zoned C2-2, three apartments are permitted on the ground floor.

7.7.3.3 **C2-3** **33 Vankoughnet St E; parts 1 & 2, Plan 31R-254; Lots 29 & 30, S/S Vankoughnet St; By-law 1699**

Notwithstanding the provisions of this by-law, on the lands zoned C2-3, three apartments are permitted in the main floor.

7.7.3.4 **C2-4** **West part of Lot 32, N/S Meredith St; By-law 1745**

Notwithstanding the provisions of this by-law, on the lands zoned C2-4, two apartments shall be permitted on the ground floor.

7.7.3.5 **C2-5** **26 Manitowaning Rd, Pt Lt 29 S/S Meredith St, 30 S/S Meredith St Pt Shaftesbury; Pt 1, 2, 3 & 4, Plan 31R177; By-Law 1665**

Notwithstanding the provisions of this By-Law, on the lands zoned C2-5, the minimum side yard on shall be 1.0 m less than otherwise required by this By-law.

7.7.3.6 **C2-6** **40 Meredith St E; Lot 31, N/S Meredith St and Lot 31 S/S Campbell St, RP 2; By-Law 98-50**

Notwithstanding the provisions of this by-law, on the lands zoned C2-6, the following provisions apply:

Minimum parking spaces	one (1) parking space for each 18 sqm of total floor area, but excluding accessory office space
Minimum area for snow storage	None required

7.7.3.7 **C2-7** **26 Meredith St E; Lots 27 & 28 N/S Meredith St, Town Plot of Shaftesbury; By-Laws 2001-24 and 2005-18**

Notwithstanding the provisions of this by-law, on the lands zoned C2-7, a maximum of two (2) of the following uses: a personal service shop, the office of a doctor, lawyer, dentist, real estate broker, insurance broker, planner, architect or engineer, as well as continued residential uses are permitted.

In addition, the following signage is permitted:

- i. One main illuminated sign, 3.66 m x 2.44 m, located perpendicular to Meredith Street;
- ii. Two corner lot signs, 1.0 m x 1.0 m, located perpendicular to Manitowaning Road and Meredith Street;
- iii. One directional arrow, 0.3 m x 1.0 m; and
- iv. All signs to have a minimum setback of 1.0 m from the property line.

7.7.3.8 C2-8 23 Meredith St E; Lots 27 and 28, excepting Parts 1, 2 and 3, Plan 31R-706, S/S Meredith St, Townplot of Shaftesbury; By-Laws 2007-31 and 2008-22

Notwithstanding the provisions of this by-law, on the lands zoned C2-8,

- i. In addition to uses permitted under Section 7.7.1, the following uses are permitted
 - a personal service shop
 - a service or repair shop
 - a business or professional office
- ii. General Provisions Sec. 6.24(i), the minimum buffer area between a commercial and residential area, does not apply;
- iii. General Provisions Sec. 6.25, Planting strips, as required between a commercial use and a residential area, does not apply
- iv. The minimum rear yard requirement shall be 4.0 m; and
- v. One illuminated sign facing Highway 6, having a height of 22' and a width of 8' to be located 4' from lot line and 4' north of the driveway is permitted.

7.7.3.9 C2-9 30 Meredith St; Part Lot 29, N/S Meredith St, Shaftesbury Town Plot 2; By-Law NO. 2016-36

Notwithstanding the provisions of this by-law, an Animal Hospital in the existing building shall be permitted; however, no outdoor housing of animals or kennels shall be permitted.

7.7.3.10 C2-10 1 Vankoughnet St E; west part of Lot 22, S/S Vankoughnet St; By-law 1726

Notwithstanding the provisions of this by-law, on the lands zoned C2-10, the minimum exterior side yard setback shall be 1.2 metres.

7.7.3.11 C2-11 Part Park Lot 7; Part of Part 1, Plan 31R590, Townplot of Shaftesbury; By-Law No. 2010-22

Subsection 8.54, Despite Section 7.6.2, on the lands zoned C2-11 the minimum front yard setback shall be 0 m.

7.7.3.12 C2-12 15 Campbell Street East – By-law 2020-36

Notwithstanding the provisions of this by-law, by site specific to permit three residential units and no commercial activity.

7.8 Tourist Commercial (C3) Zone

7.8.1 Permitted Uses

No person within any Tourist Commercial (C3) Zone shall 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 dwelling unit or units in accordance with the provisions of Section 6.12 of this By-law.

b) Commercial Uses

- a motel or hotel
- a marina
- a commercial campground
- a commercial trailer park
- a tourist cabin establishment
- a restaurant
- a golf course

7.8.2 Restrictions

Where any lot in a Tourist Commercial (C3) Zone is used for a commercial use, no habitable building or structure on the lot shall be located within 20.0 m of the high water mark.

Where any lot in a Tourist Commercial (C3) Zone is used for a commercial use and abuts a lot on which the principal use is a residential use, outside storage is prohibited in those yards on the commercial use lot which abut the residential use lot.

7.8.3 Zone Requirements

No person within any Tourist Commercial (C3) Zone shall use any lot, or erect, alter or use any building or structure except in accordance with the applicable provisions of Section 6, General Provisions and the following:

Any commercial use or lot:

a)	Minimum lot frontage	60.0 m where the lot does not abut a body of water 76.0 m where the lot abuts a body of water
b)	Minimum lot area	2,325 sqm
c)	Maximum lot coverage (%)	30%
d)	Minimum front yard	9.0 m
e)	Minimum rear yard	7.5 m
f)	Minimum interior side yard	4.5 m
g)	Minimum exterior side yard	4.5 m
h)	Maximum building height	9.0 m
i)	Minimum distance to a lot line for an accessory building	3.0 m
j)	Maximum building height for an accessory building	5.0 m

7.8.4 Special Exception Zones

7.8.4.1 **C3-1** *320 North Channel Dr; Lot 7, Conc. 10, Township of Howland; Part 3, Plan 31R-1235; By-law 97-06*

Notwithstanding any other provisions of this By-law, on the lands zoned C3-1 non-commercial boat storage is permitted on a parcel of land measuring 30.48 m by 21.3 m abutting the west limit of Part 3, approximately 121.9 m south of the north limit of the property.

7.8.4.2 **C3-2** *68 Ferguson's Rd; Lot 21, Conc. 12, Township of Howland; Part 1, Plan 31R2186; By-law 98-57*

Notwithstanding any other provisions of this By-law, on the lands zoned C3-2 the minimum required interior side yard is 1.74 m.

7.8.4.3 **C3-3** *Part 1, 31R-595, east part of Spider Island; By-law 1824)*

Notwithstanding the provisions of this by-law, on the lands zoned C3-3, the following provisions shall apply:

Minimum rear yard	5.18 m
Minimum parking spaces	11

7.8.4.4 **C3-4** *Sheguiandah Archaeological Site*

Notwithstanding the provisions of this by-law, on the lands zoned C3-4, the only permitted uses shall be the Sheguiandah Archaeological Site, including preservation of archaeological features, interpretive museum, and accessory retail shop.

7.9 Rural Commercial (RC) Zone

7.9.1 Permitted Uses

No person within any Rural Commercial (RC) Zone shall 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 dwelling unit or units in accordance with the provisions of Section 6.12 of this By-law.

b) Commercial Uses

- an animal hospital
- a business or professional office
- a post office
- a retail store
- a personal service shop
- a hotel or motel
- a building supply outlet
- a farm implement dealer
- a restaurant
- a drive-in restaurant
- a tavern
- a motor vehicle sales area
- a recreational vehicle sales area
- a service or repair shop
- a commercial garage
- a laundromat
- a home improvement centre
- a hotel
- an auction establishment
- a flea market

7.9.2 Restrictions

In the Rural Commercial (RC) Zone, a dwelling unit as an accessory use may be located in a principal commercial use building or structure other than a building or structure used as commercial garage, automobile washing establishment, or a recreational vehicle sales establishment.

The gross floor area of a building or structure in a Rural Commercial Zone containing a retail store, services shop or business and professional office shall not exceed 700 sqm.

The gasoline pumps of a commercial garage or gas bar in a Rural Commercial Zone may be located in the front yard but not within 4.5 m of the front lot line and where a side or rear yard of a commercial garage or gas bar abuts a street the gasoline pumps may be located in the side or rear yard if they are located at least 4.5 m from the side or rear lot line, as the case may be.

Where any lot in a Rural Commercial Zone is used for a commercial purpose and abuts a lot on which the principal use is residential, outside storage is prohibited in those yards of the said lot which abut the residential use lot.

7.9.3 Zone Requirements

No person within any Rural Commercial (RC) Zone shall use any lot, or erect, alter or use any building or structure except in accordance with the applicable provisions of Section 6 - General Provisions and the following.

A commercial use or lot except a commercial garage:

a)	Minimum lot frontage	30.0 m
b)	Minimum lot area	1,850 sqm
c)	Maximum lot coverage (%)	50%
d)	Minimum front yard	15.0 m
e)	Minimum rear yard	4.5 m
f)	Minimum interior side yard	7.5 m
g)	Minimum exterior side yard	4.5 m
h)	Maximum building height	9.0 m
i)	Minimum distance to a lot line for an accessory building	3.0 m
j)	Maximum building height for an accessory building	5.0 m

A commercial garage:

a)	Minimum lot frontage	38.0 m
b)	Minimum lot area	1,850 sqm
c)	Maximum lot coverage (%)	25%
d)	Minimum front yard	15.0 m
e)	Minimum rear yard	7.5 m
f)	Minimum interior side yard	6.0 m
g)	Minimum exterior side yard	6.0 m
h)	Maximum building height	9.0 m
i)	Minimum distance to a lot line for an accessory building	3.0 m
j)	Maximum building height for an accessory building	5.0 m

7.9.4 Special Exception Zones

7.9.4.1 RC-1 Part of Lot 21, Conc. 12, Township of Howland; Part 1, Plan 31R-2665 and instrument t15206; By-law 95-06

Notwithstanding any other provisions of this by-law, on the lands zoned RC-1 a construction setback of 30.48 m from the north and south limit of the lot and a visual screen or vegetated buffer at least 1.8 m high, extending easterly along the north limit of the lot, commencing at the north-west corner of the lot for a minimum of 60.9 m is required.

7.10 Institutional (I) Zone

7.10.1 Permitted Uses

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

a) Residential Uses

- a dwelling unit or units in accordance with the provisions of Section 6.12 of this By-law.

b) Institutional Uses

- an auditorium
- a place of worship
- a fire hall
- a municipal office
- a private club
- a public building
- a school
- a nursing home
- a hospital
- a group home
- a clinic when located on the same property as a hospital or nursing home
- an emergency vehicle dispatch centre
- an institutional use
- a multi-use facility

c) Recreational Uses

- a park
- a playground

7.10.2 Zone Requirements

No person within any Institutional (I) Zone shall use any land, or erect, alter or use any building or structure except in accordance with the applicable provisions of Section 6 - General Provisions and the following:

An institutional or recreation use:

a)	Minimum lot frontage	15.0 m
b)	Minimum lot area	600 sqm
c)	Maximum lot coverage (%)	35%
d)	Minimum front yard	6.0 m
e)	Minimum rear yard	7.5 m
f)	Minimum interior side yard	2.5 m
g)	Minimum exterior side yard	6.0 m
h)	Maximum building height	12.0 m
i)	Minimum distance to a lot line for an accessory building	1.0 m
j)	Maximum building height for an accessory building	5.0 m
k)	Maximum floor area for an accessory building	89 sqm

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7.10.3 Special Exception

7.10.3.1 7.10.3.1 I-1 27 Worthington Street, By-law 2020-51

Notwithstanding any other provisions of this by-law, as amended to rezone the south end (approximately 53, meters from Meredith to Campbell Streets and a width of +/- 41m along Meredith Street to General Commercial (C2) and permit all associated activities.

7.11 Open Space (O1) Zone

7.11.1 Permitted Uses

No person within any Open Space (O1) Zone shall 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 Recreation Uses

- an area where the primary land use is for public or private recreation
- an arena
- a community centre
- a curling rink
- a playground
- a playing field
- a race track
- a tennis court
- a skating rink
- a swimming area
- a public wharf or dock
- a marina
- a bowling green
- a campground
- a club
- a golf course
- a ski hill

b) Other Uses

- a public utility
- a public washroom

7.11.2 Zone Regulations

No person within any Open Space (O1) Zone shall use any land or erect, alter or use any building or structure except in accordance with the provisions of Section 6 - General Provisions and the following:

A recreational building or lot:

a)	Minimum lot frontage	15.0 m
b)	Minimum lot area	460 sqm
c)	Maximum lot coverage (%)	10%
d)	Minimum front yard	7.5 m
e)	Minimum rear yard	7.5 m
f)	Minimum interior side yard	2.5 m
g)	Minimum exterior side yard	7.5 m
h)	Maximum building height	12.0 m
i)	Minimum distance to a lot line for an accessory building	1.2 m
j)	Maximum building height for an accessory building	5.0 m
k)	Maximum floor area for an accessory building	89 sqm

7.11.3 Special Exception Zones

7.11.3.1 **O1-1** *By-law 1644*

Notwithstanding the provisions of this By-law, the land shown as O1-1 on Schedule A shall not be used for other than landscaped open space as part of the development and shall at no time be used for active recreational purposes.

7.11.3.2 **O1-2** *2725 Highway 240; Lot 28, Conc. V, Howland Township; Part 1, Plan 31R-3943, By-Law 2013-32*

Notwithstanding the provisions of this By-law, the land zoned O1-2 shall not be used for other than landscaped open space and an area for the protection of an environmental hazard or a conservation area.

7.12 Open Space Conservation (O2) Zone

7.12.1 Permitted Uses

No person within any Open Space Conservation (O2) Zone shall 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 Conservation Uses

- an area where the primary land use is for public recreation
- a conservation use

7.12.2 Zone Regulations

No person within any Open Space Conservation (O2) Zone shall use any land or erect, alter or use any building or structure except in accordance with the provisions of Section 6 - General Provisions and the following:

a)	Maximum lot coverage	10%
b)	Minimum front yard	7.5 m
c)	Minimum rear yard	7.5 m
d)	Minimum interior side yard	7.5 m
e)	Minimum exterior side yard	7.5 m
f)	Maximum building height	12.0 m
g)	Maximum building height for an accessory building	5.0 m

7.12.3 Special Exception Zones

Reserved.

7.13 General Industrial (M) Zone

7.13.1 Permitted Uses

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

a) Industrial Uses

- a contractors shop or yard
- a boat storage and repair facility
- a builders supply yard
- a warehouse
- an equipment or materials storage yard
- a transport terminal
- a business office accessory to a permitted use
- a manufacturing plant
- a processing plant
- an industrial use
- a commercial garage
- a welding shop
- a petroleum storage depot
- a self-storage facility

b) Commercial Uses

- a commercial use accessory to a permitted Industrial use
- an office accessory to a permitted industrial use

c) Other Uses

- a public building
- a public utility

7.13.2 Zone Regulations

An industrial building or lot or a commercial building on an industrial lot that is accessory to the industrial use:

a)	Minimum lot frontage	30.0 m
b)	Minimum lot area	1,850 sqm
c)	Maximum lot coverage (%)	50%
d)	Minimum front yard	7.5 m
e)	Minimum rear yard	7.5 m
f)	Minimum interior side yard	5.0 m
g)	Minimum exterior side yard	7.5 m
h)	Maximum building height	12.0 m
i)	Minimum distance to a lot line for an accessory building	2.0 m
j)	Maximum building height for an accessory building	5.0 m
k)	Maximum floor area for an accessory building	89 sqm

7.13.3 Special Exception Zones

7.13.3.1 ***M-1 74 Vankoughnet St E; Park Lots 9 & 10, N/S Vankoughnet St; Part 1 & 2, Plan 31R-2003; By-law 1710***

Notwithstanding the provisions of this by-law, on the lands zoned M-1 the minimum rear yard setback shall be 2.0 m.

7.13.3.2 ***M-2 Part 1, Plan 31R-3190; part of Parcel 2353, Part of Little LaCloche Island; By-Law 2006-12***

Notwithstanding the provisions of this by-law, on the lands zoned M-2 a harbour facility is a permitted use and a maximum building height not exceeding 30.0 m on February 17, 2004 is permitted.

7.13.3.3 ***M-3 9131 Highway No. 6; Southeast corner Lot 20, Conc. XI, Township of Howland; By-Law 2010-08***

Notwithstanding the provisions of this by-law, on the lands zoned M-3 four (4) portable storage containers accessory to the existing industrial use are permitted.

7.13.3.4 ***M-4 75 Vankoughnet St East; Part Park Lot 10; Part 2, Plan 31R-2780, Townplot of Shaftesbury; By-Law No. 2010-14***

Notwithstanding the uses permitted in a General Industrial (M) Zone, on the lands zoned M-4, one (1) portable storage container in accordance with Section 6.2 shall be permitted to be used for storage, accessory to the Industrial use.

7.13.3.5 ***M-5 23 Fergusons Road – Howland Concession 12, Lot 21, Plan 31R2912; By-Law 2018-23***

Notwithstanding the uses permitted in a General Industrial (M) Zone, on the lands zoned M-5, the operation of indoor and outdoor storage units.

7.14 Light Industrial (M1) Zone

7.14.1 Permitted Uses

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

a) Light Industrial Uses

- a light industrial use
- an emergency vehicle dispatch centre
- a landscaping operation
- a commercial greenhouse
- a rental store – small equipment
- a scientific or medical laboratory
- a school, commercial (adult training)
- a service industry, not including or excepting a commercial garage
- an animal hospital
- a warehouse
- a self-storage facility

b) Commercial Uses

- a commercial use accessory to a permitted light industrial use
- an office accessory to a permitted light industrial use
- a retail store accessory to a permitted light industrial use

c) Other Uses

- A public building
- A public utility

7.14.2 Zone Regulations

No person within any Light Industrial (M1) Zone shall use any land or erect or use any building or structure except in accordance with the provisions of Section 6 - General Provisions and the following:

An industrial building or lot or a commercial building on an industrial lot that is accessory to the industrial use:

a)	Minimum lot frontage	30.0 m
b)	Minimum lot area	1,850 sqm
c)	Maximum lot coverage (%)	50%
d)	Minimum front yard	7.5 m
e)	Minimum rear yard	7.5 m
f)	Minimum interior side yard	5.0 m
g)	Minimum exterior side yard	7.5 m
h)	Maximum building height	12.0 m
i)	Minimum distance to a lot line for an accessory building	2.0 m
j)	Maximum building height for an accessory building	5.0 m
k)	Maximum floor area for an accessory building	89 sqm

7.15 Rural Industrial (RM) Zone

7.15.1 Permitted Uses

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

a) Industrial Uses

- a saw mill
- a builder supply yard
- a warehouse
- a fabricating shop
- a manufacturing plant
- a processing plant
- a commercial garage
- a transport terminal
- a harbour facility
- a work shop
- a service shop
- a service shop (heavy)
- a service industry
- a machine or welding shop
- a truck or bus storage terminal
- a feed mill
- a farm produce storage area
- a contractor or tradesman shop or yard
- an equipment or materials storage yard
- a dry industry
- a municipal works building
- a custom workshop
- a business office accessory to a permitted use

b) Commercial Uses

- a retail commercial outlet, as a use accessory to a use permitted in this section

c) Residential Uses

- a dwelling unit as an accessory use may be located in a principal industrial use building or structure other than a building or structure used as an automobile body repair shop, motor vehicle repair shop, a feed mill or a service shop (heavy)

7.15.2 Restrictions

Notwithstanding any other provision of this By-law, no building or structure in a Rural Industrial Zone shall be located in a rear or side yard within 15.0 m of a street.

Where any lot in a Rural Industrial Zone is used for an industrial use and abuts a lot on which the principal use is a residential use, outside storage is prohibited in those yards on the industrial use lot which abut the residential use lot.

7.15.3 Zone Requirements

No person within any Rural Industrial (RM) Zone shall use any lot, or erect, alter or use any building or structure except in accordance with the applicable provisions of Section 6, General Provisions and the following.

An industrial use or lot:

a)	Minimum lot frontage	134 m
b)	Minimum lot area	5.0 ha
c)	Maximum lot coverage (%)	50.0%
d)	Minimum front yard	15.0 m
e)	Minimum rear yard	7.5 m
f)	Minimum interior side yard	7.5 m
g)	Minimum exterior side yard	7.5 m
h)	Maximum building height	12.0 m
i)	Minimum distance to a lot line for an accessory building	3.0 m
j)	Maximum building height for an accessory building	5.0 m

7.17 Pit and Quarry (Q) Zone

7.17.1 Permitted Uses

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

- an asphalt plant
- a concrete batching plant
- a quarrying and sand and gravel pit operation
- a washing, screening, crushing and storage of sand, gravel, ballast, stone, aggregates, clays, brick, peat, and other surface and sub-surface resource materials operation
- an accessory and associated operation
- notwithstanding any other provision of this By-law, a temporary mobile work camp consisting of mobile homes or other structures designed to be made mobile may be located and used on a lot in the Pit and Quarry Zone as a use accessory to pit or quarry operations or to a use permitted in this section
- agricultural uses are permitted in a Pit and Quarry Zone but, notwithstanding Section 6.2, buildings and structures accessory to an agricultural use are not a permitted use.

7.17.2 Restrictions

No pit or quarry shall be excavated so that its edge is at a point less than 30.0 m from the limit of any road right-of-way and/or 30.0 m from any adjoining property line. However, this lot line restriction may be waived where two extractive operations abut and are being mined at the same time thus permitting a more efficient use of the available aggregate.

a) No use permitted shall be carried on within:

- i) 65.0 m of any residential use on another lot
- ii) 50.0 m of any street

b) No person shall make or establish a pit or quarry within;

- i) 65.0 m of any residential use on another lot
- ii) 50.0 m of any street.

The requirements set out in Section 7.16.3 do not apply to conveyor and loading facilities accessory to a pit or quarry operation or to a permitted agricultural use.

7.17.3 Zone Requirements

No person within any Pit and Quarry (Q) Zone shall use any lot, or erect, alter or use any building or structure except in accordance with the applicable provisions of Section 6, General Provisions - and the following.

A pit or quarry use or lot:

a)	Minimum front, side and rear yard	30.0 m
b)	Maximum building height	20.0 m
c)	Minimum distance to a lot line for an accessory building	10.0 m
d)	Maximum building height for an accessory building	9.0 m

7.18 Waste Processing (WP) Zone

7.18.1 Permitted Uses

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

- an agricultural use
- a material recovery facility or area
- a landscape planting, berm, fence and other similar screening measure for adjacent land filling activities
- a monitoring device to measure ground water quality, hydrogeological parameters, gas and leachate migration, surface water quality and air quality related to adjacent land filling activities
- a remedial measure for the collection of contaminants from adjacent land filling activities
- a nuisance control measure to mitigate noise, dust, odour, litter, vermin and vectors, and visual impacts created by adjacent land filling activities
- a storm water collection pond
- a maintenance or perimeter road and transportation route for the transportation/transfer of waste materials
- a temporary borrow pit and soil stock pile
- a waste disposal site through the land filling of non-hazardous waste
- a composting facility
- a closed landfill site or area
- a building and use accessory to the permitted uses
- a landfill attenuation facility
- a storage container

7.18.2 Zone Restrictions

No required berm shall be less than 1.0 m high adjacent to any public road allowance or less than 2.5 m high adjacent to the southerly boundary of the site.

No land filling shall be permitted closer than 30.0 m from a municipal road allowance or 12.0 m from a property boundary.

7.18.3 Zone Requirements

No person shall within any Waste Processing (WP) Zone use any lot, or erect, alter or use any building or structure for any purpose except in accordance with the applicable provisions of Section 6 – General Provisions and the following:

a)	Minimum lot frontage	150 m
b)	Minimum lot area	none
c)	Maximum lot coverage	none
d)	Minimum setback when adjacent to a Landfill	0.0 m
e)	Minimum Setback-Other	• 20.0 m for a material recovery facility or area from a Rural (RU) Zone • 12.0 m for a weigh scale from a Rural (RU) Zone • 0.0 m for maintenance or perimeter roads and transportation routes from a Rural (RU) Zone

		• 3.0 m for all other permitted uses from a Rural (RU) Zone • 30.0 m for a composting facility from a Rural (RU) Zone • 12.0 m for land filling from a Rural (RU) Zone • 0.0 m for attenuation areas
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7.18.1 Special Exception Zones

7.18.1.1 **WP-1** *Part of Lot 13, Con 11, Township of Howland (former Mountain Side Estates Road area)*

Notwithstanding the provisions of this by-law, on the lands zoned WP-1 the only permitted use shall be landfill attenuation areas.

7.19 Hazard (HZ) Zone

7.19.1 Permitted Uses

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

- a structure for the protection of land subject to:
 - iii) flooding or high-water table;
 - iv) steep slopes subject to erosion;
 - v) swamps and marshes and land subject to wind erosion; or
 - vi) lands with limitations to development due to slope or wave action or lack of soil cover
- a nursery garden
- an agricultural uses other than structures
- a forestry operation
- an open space
- an area for the protection of an environmental hazard such as swamps or marshes, floodplains or land liable to flood or land subject to very high water table, steep slopes, gullies, or lands subject to wind or water erosion
- a conservation area primarily for the location of flood control, bank stabilization or erosion protection structures or projects; and

7.19.2 Restrictions

No accessory dwelling unit or units shall be permitted in any Hazard (HZ) Zone.

7.19.3 Zone Requirements

No person within any Hazard (HZ) Zone shall use any lot, or erect, alter or use any building or structure except in accordance with the applicable provisions of Section 6, General Provisions.

7.19.4 Special Exceptions

7.19.4.1 7.1.9.4.1 HZ -1 Island TP1977 – 733 Designated as AE 422 West Bay of McGregor Bay; By-law 2016-06

Notwithstanding the provisions of this by-law, Hazard to Shoreline

7.21 Development (D) Zone

7.21.1 Permitted Uses

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

a) Residential Uses

- an existing single detached dwelling

b) Other Uses

- an existing non-residential use
- a public utility

7.21.2 Zone Regulations

No person within any Development (D) Zone shall use any land or erect, alter or use any building or structure except in accordance with the provisions of this Section, the applicable provisions of Section 6 - General Provisions.

7.21.3 Official Plan Conformity

Lands within a Development (D) Zone may, upon an application by the Town or the landowner, be rezoned to a specific zone or zones in conformity with the Official Plan. Until such time as the lands are rezoned to a specific zone or zones, no person shall change the use of any land, structure or building, or erect or use any land, building or structure except in conformity with the provisions of this By-law.

7.21.4 Existing Uses

Where any building or structure has previously been erected or used and any land used at the date of the passing of this By-law within the Development (D) Zone, such uses may continue to be used for the same purposes and may be reconstructed, repaired or renovated.

7.21.5 Special Exemption Zones

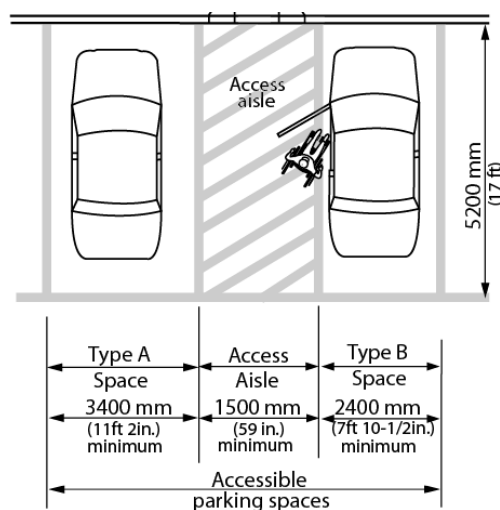
7.21.5.1 **7.21.5.1 D1-1** *Shaftesbury Townplot 2, Part Park lot 6, being Part 1 of Plan 3R-4060; By-law 2016-43*

Notwithstanding the provisions of this by-law, the zoning has been changed from Development to Residential.

APPENDIX A – ACCESSIBLE PARKING REQUIREMENTS

This section does not form part of this By-law and is provided for convenience only.

- i) Accessible parking spaces shall meet the Ontario Integrated Accessibility Standards Regulation 191/11 or its successors. At the time of the writing of this By-law spaces shall be of the following two types:
 - a) Type A: minimum width of 3.4 m
 - b) Type B: minimum width of 2.4 m
- ii) Access for accessible spaces may be shared by two parking spaces for the use of persons with disabilities and must have a minimum width of 1.5 m.



accessible parking spaces shall be located on level ground readily accessible to an entrance to such building; and be clearly identified and reserved for the exclusive use of physically disabled persons.

Provision of accessible parking spaces shall meet the Ontario Integrated Accessibility Standards Regulation 191/11 or its successors. Multiple Residential (i.e., apartment dwellings), Commercial, Industrial, and Institutional Uses, shall provide parking spaces for the exclusive use of persons with disabilities in accordance with the following table:

Total Parking Spaces Provided	Accessible Spaces Required (minimum)
Up to 35	1 (Type A)
36-60	2
61-85	3
86-130	4
131-165	5
166-200	6
For each additional 50 spaces thereof	1 additional space

Where an even number of accessible parking spaces are provided, an equal number of parking

spaces that meet the requirements of a Type A parking space and a Type B parking space must be provided.

Where an odd number of accessible parking spaces are provided, the number of parking spaces must be divided equally between parking spaces that meet the requirements of a Type A parking space and a Type B parking space, but the additional parking space, the odd-numbered space, may be a Type B parking space.