

**TOWNSHIP OF NIPIGON
ZONING BY-LAW
1823**



November 7, 2017

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**SECTION 1
ADMINISTRATION**

1.1 TITLE

This By-law may be referred to as "The Zoning By-law of the Township of Nipigon."

1.2 AREA AFFECTED BY THIS BY-LAW

This By-law applies to all lands, islands and lands under water within the Township of Nipigon.

1.3 BUILDING PERMITS

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

1.4 ENFORCEMENT

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

Any Corporation convicted of violation of this By-law is liable on first conviction to a fine of not more than \$50,000 and on a subsequent conviction to a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted in accordance with The Planning Act.

In case any buildings or structures or any part thereof is to be erected, altered, reconstructed or extended, or any lot is being used or is to be used, in contravention of any requirement of this By-law, such contravention may be restrained by action at the instance of any rate-payer or of the Municipality pursuant to the provisions of The Planning Act, 1993 and/or the Municipal Act 1993 and/or any other legislation applicable.

1.5 SEVERABILITY PROVISION

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

1.6 REPEAL OF EXISTING BY-LAWS

Upon this By-law coming into force and effect, By-law No. 1139 of the Township of Nipigon and all amendments thereto are hereby repealed.

1.7 EFFECTIVE DATE

This By-law shall come into force the day that it was passed where there are no appeals filed or where appeals are filed, where all of the appeals are finally disposed of by the Ontario Municipal Board.

1.8 USE OF LAND

No lands within the area covered by this By-law shall be used for any purpose unless as otherwise permitted by this By-law.

**SECTION 2
ESTABLISHMENT OF ZONES**

2.1 ZONES

For the purposes of this By-law, the following Zones are established and they may be referred to by the name or by the symbol set opposite the name of the zone below:

R1	-	Residential Type One
R2	-	Residential Type Two
RR	-	Rural Residential
SR	-	Shoreline Residential
C1	-	Downtown Commercial
C2	-	General Commercial
C3	-	Local Commercial
CH	-	Highway Commercial
CW	-	Waterfront Commercial
M1	-	Light Industrial
M2	-	Heavy Industrial
M3	-	Extractive Industrial
M4	-	Waste Disposal Industrial
I	-	Institutional
RU	-	Rural
OS	-	Open Space
EP	-	Environmental Protection
HZ	-	Hazard

2.2 ZONE SCHEDULE

The Zones and zone boundaries are shown on the attached Schedule 'A', which forms part of this By-law. Schedule 'A' is comprised of a series of Maps.

2.3 SPECIAL ZONES

Where a Zone Symbol is followed by a dash and a number, (for example RM-1) there are special provisions that apply to the Zone. These special provisions are contained in the section of the by-law that applies to the primary zone.

2.4 DETERMINING ZONE BOUNDARIES

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

- iv) A zone boundary shown following approximately a shoreline or the centre line of a creek, stream or channel is considered to be the shoreline or centre line and moves with any natural change in the shoreline.
- v) Where lands have not been identified as being in a zone on the Schedules, they shall be deemed to be in the Open Space (OS) Zone.
- vi) All lands below the surface of a waterbody or watercourse as of the date this By-law came into effect shall be deemed to be in the Open Space (OS) Zone.

2.5

COMPLIANCE WITH ZONING BY-LAW

No person shall change the use of any building, structure or land or erect or use any building or structure or occupy any land or building except in accordance with the provisions of this By-law.

Any use not specifically permitted by this By-law shall not be permitted in the Township of Nipigon.

In addition no person shall use any land or locate any building or structure such that the uses, buildings or structures on other lands would no longer comply with the provisions of this By-law.

**SECTION 3
GENERAL PROVISIONS**

3.1 APPLICATION

The provisions of this section of the By-law shall apply to all lands within the Township of Nipigon unless otherwise specified.

3.2 ACCESSORY BUILDINGS, STRUCTURES AND USES

3.2.1 Permitted Uses

Where this By-law provides that a lot may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or structure or accessory use, provided the principle building, structure or use is already in existence on the lot, but shall not include the following:

- i) any occupation for gain or profit conducted within or accessory to a dwelling unit or on such lot associated therewith, except as is specifically permitted in accordance with this By-law; or
- ii) any building used for human habitation except in accordance with this By-law, as is specifically permitted.

Legal non-conforming uses shall be permitted to have accessory uses, buildings and structures in accordance with the provisions in this Section of the By-law and the Provisions of the applicable zone.

Where permitted by this By-law, a barn shall be considered as a principal building.

3.2.2 Yard and Setback Requirements

Except as otherwise provided herein, in all Zones any accessory building or structure, which is detached from the principle building, shall be erected in compliance with the yard and setback requirements of the Zone in which such building is located, but shall not be closer to the front lot line or exterior side lot line than the principle building on the lot except;

- 1. Where the lot abuts a waterway buildings and structures are permitted in accordance with Section 3.2.2, and;
- 2. In the Rural Zone accessory buildings are permitted in the front yard where the buildings comply with the required front yard for principal buildings.

3.2.3 Lot Coverage and Height

Accessory buildings, structures and uses are permitted in all zones subject to the following provisions:

1. The principal building or structure must already be established on the same lot with the exception of docks, which may be permitted on a vacant waterfront lot.
2. No detached accessory building or accessory structure may be used for human habitation or an occupation for gain, unless specifically permitted by this By-law.
3. The total lot coverage of all accessory buildings and structures on an individual lot may not exceed 12 percent of the lot area unless specifically permitted by this By-law.
4. Within a Commercial or Industrial Zone, the total lot coverage of all accessory buildings or structures shall not exceed 15 percent of the lot area and accessory buildings shall have a minimum size of 25 square metres.
5. The maximum height of an accessory building shall not exceed 5.0 metres except in the Rural (RU) or Rural Residential (RR) Zone accessory buildings may be 9.0 metres in height.
6. No object such as a trailer, storage container or ship container shall be used as an accessory building or structure.

3.2.4 Permitted Encroachments

Accessory buildings and structures and ornamental features for main buildings and structures may only encroach into the required yard in a zone as outlined in Table 3.1. Where a required yard, structure or feature is not referred to on Table 3.1, the minimum required yard in the applicable zone shall be provided.

For the purposes of this section, where the exterior side lot line of a lot abuts a public lane, the side yard abutting that lot line shall be deemed an interior side yard for the purposes of determining compliance with this Section.

Table 3.1

Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment
STRUCTURAL AND ORNAMENTAL FEATURES:		
Bay windows	Front, Rear and Corner Side Yards	May encroach 0.6 m into the required yard or required for a maximum width of 3.0 m.
Canopies/Porticos	All yards	May encroach 1.2 m into the required front, rear and exterior side yards. May encroach 0.6 m into the required interior side yard.

Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment
Balconies/Fire Escapes	Front, Rear and Corner Side Yards only in Residential Zones All yards in all other zones	May encroach 1.5 m into the required yard Balconies may encroach 2.5 m into the required front and rear yards May encroach 0.6 m into the lesser side yard
Steps in Residential (R) Zones providing access to either a basement or the ground floor of a dwelling	All yards	May encroach but not closer than 0.6 m to an abutting lot line.
Uncovered Decks (0.3 to 1.2 m in height above finished grade)	Interior, Front and Exterior Side Yards	May encroach 2.5 m into the required yard but no closer than 1.2 m to the interior side lot line. The setback shall not apply where a side lot line extends from a common wall dividing attached dwelling units.
	Rear Yard	No closer than 1.2 m to the rear lot line.
Uncovered Decks (greater than 1.2 m in height above finished grade)	Interior Side Yard	May encroach 2.5 m into the required yard but no closer than 1.2 m to the interior side lot line. The setback shall not apply where a side lot line extends from a common wall dividing attached dwelling units.
	Front and Exterior Side Yard	No encroachment.
	Rear Yard	May encroach 3.6 m into the required rear yard but not closer than 3.0 m to the rear lot line.
Open roofed porches	Front, Rear and Exterior Side Yards	May encroach 2.4 m into the required yard.
Sills, cornices, parapets, pilasters, or other similar ornamental structures	Any yard	May encroach 0.6 m into the required.
Eaves, Soffits and/or Footings	Front, Rear and Exterior Side Yards	May encroach 1.2 m into the required yard but not closer than 0.6 m to the lot line.
	Interior Side Yard	May encroach 0.6 m into the required yard but not closer than 0.6 m to the lot line.
Chimneys	Any yard	May encroach 0.6 m into the required yard.

Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment
Functional and ornamental roofless structures including but not limited to drop awnings, clothes poles, flag poles, lighting fixtures, mail boxes, fountains, statues, monuments, benches, cenotaphs, memorials, planters, garden trellises, patios, walkways, retaining walls less than 1.0 m in height, fences or other similar accessory structures	Any required yard.	Permitted
Fences	Any required yard	Permitted
Ramps and Accessible Accesses	Any required yard	Permitted

3.2.5 Boat Dock or Launching Ramp

Notwithstanding the yard provisions of this By-law to the contrary, a boat launching ramp or a dock may be erected and used in any yard, or appertaining to a lot abutting or adjacent to a navigable waterway, except where specifically prohibited in the abutting Zone provided such ancillary structure is located no closer than 3 metres to the side lot line or a straight line projection of the side lot line where it meets the front lot line at the water. Unless specifically identified as a principle use, docks are only permitted as an accessory structure.

3.2.6 Garages or Other Accessory Buildings or Structures

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

i) Interior Side Yard

Where such accessory building or structure is located in an interior side yard, it shall not be closer than 1.0 metre to the interior side lot line.

ii) Rear Yard

Where such accessory building or structure is located in a rear yard, it shall not be closer than 1.5 metres to the rear lot line. However, in the case of a RS Zone, accessory buildings shall not be closer than 30 metres to the rear lot line, except as may otherwise be permitted under this By-law

iii) Distance from Main Building

Where such accessory building or structure is located in a side or rear yard, it shall not be closer than 2 metres from the main building.

iv) Attached Private Garages with Porch

Where the building has a covered porch, the private garage may extend 3.0 metres beyond the main building façade.

v) Attached Private Garages

Where the building does not have a covered porch, the private garage may extend 1.5 metres beyond the main building façade. For the purposes of this By-law, buildings covered with cloth, plastic or similar flexible materials shall be required to meet the same requirements as permanent buildings and structures

3.2.7 Garden Suite

Garden suites may be permitted as a temporary use in all Residential Zones provided that:

- i) the primary residential use is occupied by the owner;
- ii) the lot has sufficient sewage and water services to accommodate the unit;
- iii) the unit does not exceed 40 square metres; and,
- iv) there is an agreement between the owner and municipality that provides for the removal of the building when it is no longer required.

3.2.8 Gate House in Industrial Zone

Notwithstanding the yard and setback provisions of this By-law, to the contrary, in an Industrial Zone, a gate house not exceeding 9.0 square metres shall be permitted in a required front or side yard or in the area between the street line and the required yard.

3.2.9 Saunas and Gazebos

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

- i) the maximum area is 14.0 square metres;
- ii) it is setback at least 4.0 metres from the normal average or maintained high water mark;
- iii) it is setback at least 2.0 metres from any side lot line; and,
- iv) the height shall not exceed 3.2 metres.

3.2.10 Drive-Through Service Facilities

A drive-through service facility shall be permitted as an accessory use to a permitted restaurant, financial institution, retail store, automotive service station, gas bar and automated car wash use, subject to:

- i) The number of drive-through service facilities accessory to restaurants, financial institutions, retail stores and automated car washes located on a lot shall not exceed a total of two. Drive-through service facilities accessory to gas bars or

service stations shall not be included in the calculation of the maximum number of drive-through service facilities permitted on a lot.

- ii) The requirements of Section 3.15.8 of this By-law shall be satisfied.

3.3 ACCESS ON IMPROVED PUBLIC STREET

3.3.1 Improved Public Road

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

The above provisions shall not apply to prevent the erection of a permitted building or structure on a lot in a registered Plan of Subdivision where a properly executed Subdivision Agreement has been entered into with the Township, notwithstanding that the street or streets will not be assumed by the Township until the end of the maintenance period, nor shall it apply to prevent the enlargement, extension, renovation, reconstruction or other structural alteration of an existing building or structure, which is located on a lot which does not have frontage upon an improved public road, provided the use of such building or structure does not change and is permissible within the Zone in which it is located.

3.4 ESTABLISHED BUILDING LINE IN RESIDENTIAL ZONE

Notwithstanding any other provisions of this By-law to the contrary, where a dwelling is to be erected in a Residential Zone, between existing dwellings on the same street or shoreline, such dwelling may be built with a front yard and setback equal to the average yard of the adjacent dwellings on the same side of the street within 30 metres of the lot.

3.5 GROUP HOMES AND CRISIS CENTRES

No Group Home or Crisis Centre shall be located within 200 metres of another Group Home or Crisis Centre.

3.6 HOME OCCUPATION

Where a home occupation is permitted the following provisions shall apply:

- i) No person, other than a person living on the premises, shall be engaged in the occupation of the canvassing, delivering or distributing merchandise to customers. However, there may be one assistant who is not a resident in the dwelling at any time.
- ii) There shall be no display, other than a non-illuminated sign having a maximum surface area of 0.5 square metres, and located inside the dwelling to indicate to persons outside that any part of the dwelling or dwelling unit is being used for a purpose other than residential.
- iii) There shall be no goods, wares, or merchandise offered for sale or rent on the premises other than what is produced on the premises.
- iv) There shall be no outside storage of goods, materials, containers or animal enclosures used in conjunction with the home occupation.
- v) Not more than 25 percent of the gross floor area not including the basement of the dwelling or dwelling unit shall be used for the purposes of the home occupation, and such home occupation shall be conducted entirely within the detached dwelling or dwelling unit.
- vi) There shall be no mechanical or other equipment used except that which is customarily used in a dwelling or dwelling unit for domestic or household purposes or for use by a hairdresser or barber, dentist, drugless practitioner, physician, or other professional person.
- vii) A home occupation shall not include a boarding or lodging house, an eating establishment, or a facility offering accommodation or meals other than a Bed and Breakfast establishment.
- viii) A home occupation shall be secondary to the principle residence and shall not change the residential character of the lot.
- ix) One home occupation only shall be permitted in conjunction with a single detached dwelling.

3.7 HOME INDUSTRY

Where a home industry is permitted as an accessory use to a single detached dwelling in any zone the following provisions shall apply:

- i) A maximum of two (2) persons other than an occupant of the dwelling may be engaged in the home industry at any time.

- ii) Such home industry may be located in part of a dwelling or in any accessory building located on a lot on which a dwelling is in existence, provided the total gross floor area utilized by the home industry does not exceed a maximum of 100 square metres.
- iii) There shall be no display, other than a non-illuminated sign having a maximum surface area of 1.0 square metres, to indicate to persons that any part of the dwelling or dwelling unit is being used for a purpose other than residential.
- iv) There shall be no outside storage of goods, materials or articles associated with the home industry.
- v) Only currently licensed motor vehicles, associated with the home industry may be parked or stored on the lot within an interior side or rear yard.

3.8 LOADING SPACE REQUIREMENTS

3.8.1 Loading Space

Loading spaces are required under this By-law, in accordance with the Loading Space Requirement Table set forth herein, and the owner of every building or structure erected for any purpose involving the receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise or raw materials shall provide and maintain loading and unloading spaces on the lot accordingly. For the purposes of this By-law, each loading or unloading space shall be 15 metres in length, 3.5 metres in width and have a vertical clearance of at least 4.3 metres.

3.8.2 Loading Space Requirement Table

Gross Floor Area of Building	Loading Spaces Required
Less than 300 square metres	None
300 square metres to 2300 square metres or less	1 space
Exceeding 2300 square metres	2 spaces

3.8.3 Access

Access to loading spaces shall be by means of a driveway of at least 3.5 metres in width contained on the lot on which the spaces are located and leading to an improved public road.

3.8.4 Loading Space Surface

Driveways, loading spaces, and related aisles and turning areas shall be maintained with a stable surface that is treated to prevent the raising of dust. Such loading facilities shall, before being used, be surfaced with asphalt, concrete or brick and shall include provisions for drainage facilities. In Industrial Zones, a crushed stone or gravel surface shall be permitted except where such a use is abutting a Residential Zone or in a front yard.

3.8.5 Location

The loading spaces required shall be located in the interior side or rear yard unless such space or spaces are removed from the street line a minimum distance of 15 metres.

3.8.6 Additions to or Change in Use of Existing Buildings

The loading space requirements referred to herein shall not apply to any building in existence at the date of passing of this By-law so long as the gross floor area, as it existed at such date, is not increased by more than 300 square metres. If an addition is made to the building or structure that increases the gross floor area, then additional loading spaces shall be provided as required by this Section, in accordance with the provisions of the loading Space Requirement Table for such addition.

3.9 MINIMUM OPENING ELEVATION

No habitable building located adjacent to Lake Superior or the Nipigon River shall have any building opening below the following elevations:

Lake Superior/Nipigon River 184.1 metres GSC

3.10 MULTIPLE ZONES ON ONE LOT

Where a lot is divided into more than one Zone under the provisions of this By-law, each such portion of this said lot shall be used in accordance with the Zone provisions of this By-law for the applicable Zone as if it were a separate lot.

3.11 NON-CONFORMING USES

3.11.1 Continuation of Existing Uses

The provisions of this By-law shall not apply to prevent the use of any existing lot, building or structure for any purpose prohibited by this By-law if such existing lot, building or structure was lawfully used for such purposes, prior to the effective date of this By-law and provided that the lot, building or structure continues to be used for that purpose. Where the use ceases to exist for a period of one year, the use will be deemed to have been discontinued.

3.11.2 Permitted Exterior Extension, Alteration and Reconstruction

The exterior of any building or structure which was lawfully used prior to the effective date of this By-law for a purpose not permissible within the Zone in which it is located, prior to the effective date of this By-law, shall not be enlarged, extended more than 0.2 metres, reconstructed or otherwise structurally altered, unless such building or structure is thereafter to be used for a purpose permitted within such Zone.

3.11.3 Permitted Interior Alteration

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

3.11.4 Restoration To A Safe Condition

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

3.11.5 Building Permit Issued

The provisions of this By-law shall not apply 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 date of passing of this By-law, been approved by the Chief Building Official, so long as the building or structure, when erected, is used and continues to be used for the purpose for which it was erected.

3.12 NON-COMPLYING BUILDINGS STRUCTURES AND USES

3.12.1 Permitted Buildings or Structures

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

- i) the enlargement, reconstruction, repair and/or renovation does not further reduce a front yard, and/or side yard and/or rear yard and/or lot coverage less than the minimum required by this By-law;
- ii) the building or structure is being used for a purpose permissible within the Zone in which it is located; and,
- iii) all other applicable Zone Provisions of this By-law are complied with.
- iv) any building or structure that legally existed as of the date of passing of this By-law that encroached on any required yard or setback a distance of 0.1 m or less or exceeds maximum lot coverage by 1.0 per cent or less shall be deemed to comply with the requirements of this By-law.

3.12.2 Reconstruction Of Existing Building

Nothing in this By-law shall apply to prevent the reconstruction of any permitted building which is accidentally damaged or destroyed by causes beyond the control of the owner. Such permitted building may be reconstructed in accordance with the previously existing standards, even if such did not conform with one or more of the provisions of this By-law, but the non-compliance may not be further increased provided that the reconstruction occurs within 12 months of the damage being done.

3.12.3 Existing Undersized Lots of Record

Where a lot, having a lesser lot area and/or lot frontage than required herein, existed on the date of passing of this By-law, or where such a lot is created by a public authority such smaller lot may be used and a permitted building or structure, may be erected, altered and/or used on such smaller lot provided that all other applicable Zone Provisions of this By-law are complied with.

Lots which have been increased in size following passing of this By-law may also be used in accordance with this provision.

3.13 NOXIOUS TRADE

Except as may otherwise be specifically permitted under this By-law, no use shall be permitted which, from its nature or the materials used therein, is defined as a noxious trade, business or manufacture under The Health Protection and Promotion Act, as amended, and the Regulations promulgated thereunder.

3.14 NUMBER OF DWELLING UNITS ON A LOT

Unless otherwise permitted in this By-law, no more than one dwelling unit shall be permitted on any lot.

3.15 PARKING AREA REGULATIONS

3.15.1 Parking Space Requirements

The owner of land or of every building or structure erected or used for any of the purposes hereinafter set forth shall provide and maintain parking spaces 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 are required under this By-law, in accordance with the Parking Space Requirement Table. Where the calculation of required spaces exceeds a whole space of more than .25, the required spaces shall be the next whole number.

3.15.2 Parking Area Surface

Non-Residential parking spaces, or multiple unit residential parking areas and driveways connecting the parking spaces or area with a street shall be maintained with a stable surface that is treated so as to prevent the raising of dust. Such parking spaces or areas shall, before being used, be constructed of asphalt or concrete or similar material and shall include provisions for drainage facilities. Parking spaces for more than four vehicles shall be maintained with a concrete, asphalt or brick.

Single Residential unit parking can include crushed stone or gravel.

3.15.3 Ingress and Egress Provisions

- i) Ingress and egress to and from the required parking spaces and areas shall be provided by means of unobstructed driveways or passageways of at least 3 metres in width but not more than 9 metres in perpendicular width.
- ii) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 9 metres.
- iii) The minimum distance between any two driveways on one lot or between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 7.5 metres.
- iv) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
- v) Every lot shall be limited to the following number of driveways, namely:
 - (a) up to the first 15 metres of lot frontage, not more than one driveway;
 - (b) greater than 15 metres of lot frontage but not more than 30 metres of frontage, not more than two driveways with a combined width not exceeding 30 percent of the lot frontage; and,
 - (c) for each additional 30 metres of lot frontage, not more than one additional driveway.
- vi) Parking spaces shall have a minimum width of 3.0 metres and have a minimum area of 18.5 square metres. The length of any parking space and the width of the adjacent aisle shall be in accordance with the following:

Angle of Parking Space Perpendicular with aisle	Minimum Length of parking space	Minimum width of aisle
60 degrees to 90 degrees	6.2 metres	6.9 metres
45 degrees to 59 degrees	6.2 metres	5.2 metres
30 degrees to 44 degrees	6.2 metres	3.7 metres
0 degrees to 29 degrees	6.2 metres	3.0 metres

3.15.4 More Than One Use on a Lot

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

3.15.5 Parking Area Location on Lot

Notwithstanding the yard and setback provisions of this By-law to the contrary, uncovered surface parking areas shall be permitted in the required yards or in the area between the street line and the required setback except that, where a Commercial Zone abuts a Residential Zone, parking shall not be located in the required yard between the two zones.

Within a Residential Type One and Residential Type Two Zone, in the front yard or exterior side yard, the maximum width of a driveway or parking area shall be 7.0 metres.

3.15.6 Additions To, or Changes In, The Use of Existing Buildings and Structures

The parking space requirements referred to herein shall not apply to any building or structure lawfully in existence on the date of passage of this By-law, so long as the gross floor area is not increased and the use or number of dwelling units does not change. If any addition is made to a building or structure that increases its gross floor area, then parking spaces for the addition shall be provided as required by the Parking Space Requirement Table. Where a change in use occurs, parking spaces shall be provided for such new use in accordance with the requirements of the Parking Space Requirement Table.

3.15.7 Use of Parking Spaces and Areas

Parking spaces and areas required in accordance with this By-law shall be used for the parking of operative, currently licensed vehicles only and for vehicles used in an operation incidental to the permitted uses in respect of which such parking spaces and areas are required or permitted.

Notwithstanding the foregoing, the owner or occupant of any lot, building or structure in the Residential Type One or Residential Type Two Zone may use the lot building or structure for the parking, storing or housing of one commercial motor vehicle or trailer provided that such vehicle does not exceed a 1000 kg capacity.

Commercial motor vehicles used in conjunction with a farm and one commercial truck or school bus are permitted in a Rural Zone provided that such vehicle must be parked in the side or rear yard unless it is parked indoors.

3.15.8 Parking in the Downtown Commercial Zone

Within the Downtown Commercial Zone shown on Schedule A, the required parking spaces may be provided on another lot within 200 metres of the boundary of the lot for which parking is required provided that there is a legal agreement between the owners of said lands providing the parking, the owner of the use requiring the parking and the Township of Nipigon that ensures that the parking will continue to be available as long as the use is in operation.

Within the Downtown Commercial (CD) Zone parking spaces shall only be required for commercial uses where those uses exceed 900 square metres in gross leaseable area.

PARKING SPACE REQUIREMENT TABLE

TYPE OF NATURE OF USE	MINIMUM OFF-STREET PARKING REQUIREMENTS
Assembly Hall, Auditorium, Arena, Community Centre, Place of Worship, Private Club, Theater, Farmers Market, Eating Establishment or Tavern or establishment licensed under the Liquor License Act or other similar places of assembly not otherwise specified herein.	1 parking space for each eight seats provided for patrons and 1 space for every 20 m ² of gross floor area
Eating Establishment, Drive-In	1 parking space for each 5 square metres
Home for the Aged, Nursing Home, Seniors Apartments	1 parking space for each four beds or fraction thereof plus one space per two staff persons
Hotel, Motel, Resort, Cottage or Cabin Establishment, Tourist Establishment or Camping Establishment	1.25 spaces for each guest room, cottage, cabin or camp site plus one space for each 20 sq. m. of commercial eating or entertainment area
Retail Store	1/20 m ² net floor area
Schools	1 parking space for each 55 m ² of gross floor area
Residential	1 parking space per dwelling unit.
Group Homes and Special Needs Housing	1 per required caregiver
Lots with four (4) or more dwelling units	1.25 spaces per dwelling unit

3.15.9

Queuing Lanes

- a) **Queuing Lane Requirements**
Where drive-through service facilities are permitted in Section 3.2.11 as an accessory use, queuing lanes are require and shall be exclusive of any other parking space and aisle requirements contained within this By-law and shall be provided in accordance with the provisions of this Part.

- b) **Queuing Space Requirements**
The minimum queuing space requirements within a designated queuing lane shall be in accordance with the standards set out in the Table below:

PRINCIPLE USE	MINIMUM REQUIRED QUEUING SPACES
Financial Institution	5
Restaurant	11
Automotive Service Station or Gas Bar	4
Car Wash – Automated	11
All Other Uses	4

3.16 PEAT EXTRACTION, PITS AND QUARRIES

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

3.17 PLANTING STRIPS

3.17.1 Location

Where a lot in an Institutional, Commercial or Industrial Zone abuts an interior side or rear lot line of a lot in a Residential Zone, a planting strip adjoining such abutting lot line, or portion thereof, shall be provided on the lands within Institutional, Commercial, or Industrial Zone and shall have a minimum width of 3 metres.

3.17.2 Contents

Such required planting strip shall be used for no other purposes than planting a continuous, unpierced hedgerow of trees, evergreens or shrubs, or solid fencing not less than 1.5 metres high, immediately adjacent to the lot line, or portion thereof, where such planting strip is required. The remainder of the planting strip shall be used for no other purpose than the planting of ornamental shrubs, flowering shrubs, flower beds, grass or a combination thereof.

3.17.3 Driveways and Walkways

In all cases where ingress and egress, driveways, launching ramps or walkways extend through a required planting strip, it shall be permissible to interrupt the planting strip within 3 metres of the edge of such driveway or within 1.5 metres of the edge of such walkway.

3.17.4 Landscaped Open Space

A planting strip or buffer screen referred to in this Section may form a part of any landscaped open space required by this By-law but shall not form part of a required yard.

3.18 PUBLIC USES

3.18.1 Public Services

Except as provided in paragraph 3.18.2. hereof, the provisions of this By-law shall not apply to prohibit the use of any lot or the erection or use of any building or structure for the purposes of public uses provided by the Township, or any Public Authority including any Department or Ministry of the Government of Canada or Ontario or any Conservation Authority established by the Government of Ontario and, for the purposes of this Section, shall include Ontario Hydro, any telephone, cell, internet or cable TV company and any natural gas distribution system operated by a Company distributing gas to the residents of the Township, which company possesses all the necessary powers, rights, licenses and franchises.

3.18.2 Provisions

- i) No goods, materials or equipment shall be stored outside the building or structure located on the lot, except as may otherwise be permitted under this By-law;
- ii) The Zone provisions of the Zone in which the use is located shall be complied with except as otherwise provided in this By-law;
- iii) No building or structure erected in accordance with the provisions of this Section shall be used for the purposes of an office or maintenance or works depot; and,
- iv) The building or structure shall be designed and maintained in general harmony with the uses permitted within the respective Zone.

3.18.3 Streets and Service Installations

Nothing in this By-law shall prevent land from being used as a street or highway, or prevent the installation of a watermain, sanitary sewer, storm sewer, gas main, pipeline, overhead or underground hydro, communication line or high voltage electrical facilities owned, operated and maintained by Ontario Hydro or the Public Utilities Commission.

3.19 REDUCTION OF REQUIREMENTS

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

3.20 RESTRICTIONS ON DWELLING UNITS IN NON-RESIDENTIAL BUILDINGS

Notwithstanding any other provision of this By-law, to the contrary, no dwelling unit shall be located within a portion of a non-residential building which has gasoline or other flammable fluids or hazardous materials stored in bulk for commercial purposes or in

conjunction therewith, and without limiting the generality of the foregoing, a dwelling unit shall not be permitted within a building used for a motor vehicle service station, a motor vehicle repair garage, a motor vehicle body shop or a marine service shop.

3.21 SERVICES REQUIRED

No person shall erect or use a building or structure for a residential use on any lands except for lands in the Residential Type One (R1), Residential Type Two (R2) or Residential Multiple (RM) Zone unless municipal sewage disposal and water supply services are available to the lot.

3.22 SIGHT TRIANGLES

On a corner lot fronting on two Township roads, within the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 10 metres measured along the street line from the point of intersection of the street lines, no motor vehicle, as defined in The Highway Traffic Act, shall be parked, no building or structure which would obstruct the vision of drivers of motor vehicles shall be erected, and no land shall be used for the purposes of growing shrubs or trees in excess of 0.9 metres in height. Such triangular space may hereinafter be referred to as a “sight triangle”. Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

Where the lands are located in the Downtown Commercial (CD) zone or abut roadways where the posted speed limit is 40 KMPH or less, the site triangle may be reduced to 6.0 metres.

3.23 SIGNS

Unless otherwise specified, 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 Township.

3.24 SPECIAL SETBACKS

3.24.1 Livestock Facilities

Notwithstanding any other yard or setback provisions in this By-law to the contrary, no residential, institutional, commercial, industrial or recreational use, located on a separate lot and otherwise permitted by this By-law shall be erected or altered unless it complies with the Minimum Distance Separation (MDS I) calculated using Schedule B to this By-law.

MDS I formula shall not apply to exiting lots of record as of the date of passing of this By-law.

Notwithstanding any other yard or setback provision in this By-law to the contrary, no livestock facility shall be erected or expanded unless it complies with the Minimum Separation Distance (MDS II) calculated using Schedule C to this By-law.

3.24.2 Railways

No building or structure used for human habitation shall be located closer than 30 metres to the limit of a railway right of way to the main line of the CPR Railway.

3.24.3 Street Centre Lines

Where a lot abuts a road allowance less than 20 metres in width, the minimum setback from the street line shall be 10 metres from the centre line of the street plus the required front yard or exterior side yard within the zone.

3.24.4 Trans Canada Pipelines

No permanent building or structure shall be located within 7 metres of the Trans Canada Pipeline right of way.

3.24.5 Waste Disposal Areas

No new habitable building or structure utilizing a private well and septic system shall be located closer than 500 metres to any land zoned Waste Disposal Industrial (M4).

3.24.6 Watercourses

Unless otherwise permitted by this By-law, no building or a leaching bed for a sewage system shall be located within 30 metres of the normal or controlled high water mark of any watercourse or lake. Unless otherwise approved under the Building Code Act.

3.25 TEMPORARY USES PERMITTED

A tool shed or construction trailer having a maximum area of 20 sq m, scaffold or other building or structure incidental to construction is permitted in all Zones within the Township on the lot or in the case of a dock, appurtenant to where it is situated but only for so long as it is necessary for the work in progress and until the work is completed or abandoned. For the purpose of this Section, abandoned shall mean the discontinuation of work for more than 30 consecutive days and/or the failure to maintain a current building permit.

3.26 THROUGH LOTS

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

3.27 TRAVEL TRAILERS, MOBILE HOMES AND CAMPERS

Parking and storage of boats, recreational vehicles, trailers and similar vehicles shall only be permitted in the rural or residential zones subject to the following provisions:

- i) Boats, recreational vehicles and trailers shall be stored in the rear or interior side yard and must meet the setbacks required for an accessory building.
- ii) In the RU, RR and SR zones a recreational vehicle or trailer may be used for human habitation for no more than 30 days in any calendar year on a vacant lot.
- iii) In all other zones a recreational vehicle or trailer may be used for human habitation for no more than 30 days in any calendar year if there is an existing principal dwelling.

Mobile homes may be used as dwelling units only in a zone which permits mobile homes provided they have been constructed to CSA Standard Z240 or the equivalent and are located on permanent foundations with the running gear and towing equipment removed.

**SECTION 4
RESIDENTIAL ZONE PROVISIONS**

4.1 RESIDENTIAL (R) ZONES

4.1.1 General Prohibition

No *person* shall, within any *Urban Residential Zone*, *use* or permit the *use* of any land, or *erect, alter, enlarge, use* or maintain any *building or structure* for any *use* other than as permitted in Tables 4.A and 4B and in accordance with the standards contained the General Provisions contained in Section 3 of this By-law.

4.2 PERMITTED USES

Uses permitted in a *Residential Zone* are denoted by the symbol ‘**X**’ in the column applicable to that *Zone* and corresponding with the row for a specific permitted *use* in Table 4.A. A number(s) following the symbol ‘**X**’, *zone* heading, or identified permitted *use*, indicates that one or more conditions apply to the *use* noted or, in some cases, to the entire *Zone*.

Zone Symbols

Residential One	R1
Residential Two	R2
Rural Residential	RR
Shoreline Residential	SR

Table 4.A

USE	R1	R2	RR	SR
Accessory Building	X		X	X
Accessory Dwelling Units	X	X		
Accessory storage facilities				
Bed and Breakfast Establishment	X		X	
Day Care Centre	X	X	X	
Dwelling, Apartment		X		
Dwelling, Duplex	X	X		
Dwelling, Semi-Detached or Duplex	X	X		
Dwelling, Single Detached	X	X	X	X
Dwelling, Triplexes and Boarding House	X	X		
Dwelling, Multiple		X		
Dwelling, Fourplex		X		
Group Home Type 1	X	X		
Home Occupation	X		X	X
Home Industry			X	
Long Term Care Facility		X		
Places of Worship	X	X		
Private Home Daycare	X	X		
Retirement Home		X		

USE	R1	R2	RR	SR
Rooming House, Boarding or Lodging Houses		X		
Row Dwelling		X		
Seasonal Dwelling				X
Townhouse Dwelling		X		
Veterinary Clinic			X	

SPECIAL PROVISIONS

4.3 ZONE STANDARDS

No person shall within any Residential Zone use or permit the use of any lot or erect, alter, use any building or structure except in accordance with the following zone standards. A number(s) following the zone standard, zone heading or description of the standard, indicates an additional Zone requirement.

Table 4.B – Standards for the Residential (R) Zones

Zone	Services	Minimum Lot Area	Minimum Lot Frontage	Minimum Required Front Yard	Minimum Required Rear Yard	Minimum Required Interior Side Yard	Minimum Required Exterior Side Yard	Maximum Lot Coverage
R1 Single Detached	Sewage & Water	465 m ²	15 m	6.0 m	10 m	1.2 m	3.6 m	40 %
	Sewage or Water	930 m ²	30 m	6.0 m	10 m	1.2 m	3.6 m	40 %
	Private Services	4000 m ²	45 m	6.0 m	10 m	1.2 m	3.6 m	40 %
R1 Semi-Detached	Sewage & Water	670 m ²	20.0 m	6.0 m	10 m	1.2 m	3.6 m	40 %
	Sewage or Water	1400 m ²	30 m	6.0 m	10 m	1.2 m	3.6 m	40 %
	Private Services	6000 m ²	40 m	6.0 m	10 m	1.2 m	3.6 m	40 %
R2 Townhouse	Sewage & Water	1000 m ² or 200 m ² / unit	30.0 m or 5.5 m/unit	6.0 m	10 m	1.2 m	4.5 m	40 %
R2 Apartment	Sewage & Water	1000 m ² plus 150 m ² for each unit above 4	30 m	7.5 m	10 m	4.0 m plus 1.5 m for each storey above 2	6.0 m plus 1.5 m for each storey above 2	33 %
RR	Private Services	2.0 ha	100 m	12 m	30 m	6.0 m	12 m	20%
SR	Private Services	0.8 ha	60 m	30 m	12 m	6.0 m	12 m	10%

SPECIAL PROVISIONS

1. Corner lots will have the minimum lot frontage plus an additional 2.0 metres.
2. Maximum Height in all zones - 11 m
3. Where a dwelling is permitted in the R2 Zone the Zone Standards for the R1 Zone shall apply.

4.4 EXCEPTIONS

Notwithstanding the Permitted Uses and Zone Requirements of this Section of the By-law to the contrary, within the Exception Zones listed on Tables 4.1, to 4.5 the following special provisions shall apply. In all other respects the provisions of Sections 4.1 to 4.3 shall apply.

Table 4.1

Residential One (R1) Exception Number	Permitted/Prohibited Uses	Zone Regulations
R-1		Plan 55R-13225 Township of Nipigon District of Thunder Bay Lot Addition 1- 174 Greenmantle Dr
R-2		Plan 55R-13225 Township of Nipigon District of Thunder Bay Lot Addition 2 – 162 Greenmantle Dr
R-3		Plan 55R-13225 Township of Nipigon District of Thunder Bay Lot Addition 3 – 160 Greenmantle Dr
R-4		Plan 55R-13225 Township of Nipigon District of Thunder Bay Lot Addition 4 – 158 Greenmantle Dr
R-5		Plan 55R-13225 Township of Nipigon District of Thunder Bay Lot Addition 5 – 152 Greenmantle Dr
R-6		Plan 55R-13225 Township of Nipigon District of Thunder Bay Lot Addition 6 – 136 Greenmantle Dr
R-7		Plan 55R-13225 Township of Nipigon District of Thunder Bay Lot Addition 7 – 156 Greenmantle Dr

Table 4.2

Residential Two (R2) Exception Number	Permitted/Prohibited Uses	Zone Regulations
R-2		

Table 4.3

Rural Residential (RR) Exception Number	Permitted/Prohibited Uses	Zone Regulations
RR-1		Part of Lot 14, Concession 3 Township of Nipigon District of Thunder Bay PIN 62469-0148 Minimum Lot Area – 1.98 ha Minimum Lot Frontage – 92.8 m
RR-2		East half of Lot 10, Concession 4 Township of Nipigon District of Thunder Bay Parts 1&2 of Ref Plan 55R-10628 have been opened up and established as a public hwy and the bldgs and structures that actually existed on the 25 th day of Nov/1997 are permitted and remain in their present locations and such bldgs may be enlarged so long as no portion of the enlargement is a nearer any public hwy and that such enlargement meets all requirements of this By-law.

Table 4.4

Shoreline Residential (SR) Exception Number	Permitted/Prohibited Uses	Zone Regulations
SR-1		

**SECTION 5
COMMERCIAL ZONE PROVISIONS**

5.1 GENERAL PROHIBITION

No *person* shall, within any *Commercial Zone*, *use* or permit the *use* of any land, or *erect*, *alter*, *enlarge*, *use* or maintain any *building* or *structure* for any *use* other than as permitted in Tables 5.A and 5B and in accordance with the standards contained the General Provisions contained in Section 3 of this By-law.

5.2 PERMITTED USES

Uses permitted in a *Commercial Zone* are denoted by the symbol ‘**X**’ in the column applicable to that *Zone* and corresponding with the row for a specific permitted *use* in Table 5.A. A number(s) following the symbol ‘**X**’, *zone* heading, or identified permitted *use*, indicates that one or more conditions apply to the *use* noted or, in some cases, to the entire *Zone*.

Zone Symbols

Downtown Commercial	-	C1
General Commercial	-	C2
Local Commercial	-	C3
Highway Commercial	-	CH
Waterfront Commercial	-	CW

USE	C1	C2	C3	CH	CW
Accessory buildings					X
Accessory uses to any of the permitted uses in the C1 Zone	X				
Accessory uses to any of the permitted uses in the C2 Zone		X			
Airport/ Airstrip				X	X
Assembly hall or convention centre	X				X
Bakery	X			X	
Building Supply and Lumber outlet	X	X		X	
Business and professional office including office building, bank, financial lending institution or clinic	X		X		
Car wash	X	X	X	X	
Commercial Nursery and Greenhouse				X	

USE	C1	C2	C3	CH	CW
Commercial fishing outfitting establishments			X	X	X
Commercial school	X				
Day care centre	X	X	X		
Existing Dwelling Unit	X			X	
Dwelling Unit on second floor	X	X	X	X	X
Dwelling which may be attached to or detached from the principal building.	X				X
Florist shop or garden centre	X			X	
Funeral Home	X				
Gift shop or craft industry	X				X
Government offices	X				
Grocery store	X				
Health club, billiard or bowling establishment or similar commercial recreational establishment, theater, cinema, arcade or other place of entertainment	X				
Historical sites, displays and exhibits	X			X	X
Hotel	X			X	X
Kennel				X	
Libraries	X				
Marina					X
Motel	X			X	X
Motor Vehicle Body Shop	X			X	
Motor Vehicle Dealership				X	
Motor Vehicle Fuel Bar				X	
Motor Vehicle Supply Shop		X			
Museums	X				X
Parking lot or structure	X				
Personal service shop, including barber shop, beauty salon, dressmaking & tailoring, laundry and dry cleaning shop or similar use	X				X
Pharmacy or drug store	X				
Places of Worship	X				
Printing or Publishing Establishment	X				

USE	C1	C2	C3	CH	CW
Recreation facilities including tennis courts, golf driving ranges, swimming pools, parks, playgrounds, miniature golf courses, pavilions, observation decks and areas and accessory facilities and trails	X				X
Restaurant	X			X	X
Restaurant including banquet hall, tavern, and take-out restaurant	X			X	X
Restaurant, Drive-in				X	
Restaurant, Take-out	X			X	
Retail store – not engaged in manufacturing unless does not exceed 50% of the gross floor area and the products are primarily for sale on the premises	X				
Retail store	X				X
Service or repair shop	X				
Shopping Centre		X			
Storage area enclosed within a building as an accessory use	X				
Storage area enclosed within a building as an accessory use	X				
Tavern	X				X
Tourist camp				X	X
Tourist information establishment	X			X	X
Tourist outfitters	X			X	X
Travel trailer and tent camping facilities					X
Veterinary clinic				X	
Wholesale Establishment				X	
Residential Uses Permitted					
Dwelling Unit	X			X	
Apartment Dwelling	X				X
Boarding House Dwelling or Rooming House		X	X	X	
Row Dwelling Units	X				X
Townhouse Dwelling Units	X				X
Existing Dwellings	X	X	X	X	

5.3

ZONE STANDARDS

No person shall within any Commercial Zone use or permit the use of any lot or erect, alter, use any building or structure except in accordance with the following zone standards. A number(s) following the zone standard, zone heading or description of the standard, indicates an additional Zone requirement.

Table 5.B

Zone	Services	Minimum Lot Area	Minimum Lot Frontage	Minimum Required Front Yard	Minimum Required Rear Yard	Minimum Required Interior Side Yard	Minimum Required Exterior Side Yard	Maximum Lot Coverage
C1	Sewage and Water	465 m ²	10.0 m	nil	nil	nil	nil	100%
C2	Sewage and Water	930 m ²	20.0 m	12.0 m	7.5 m	6.0 m	12 m	30%
C2	Private Services	4000 m ²	30.0 m	12.0 m	7.5 m	6.0 m	12 m	30%
C3	Private Services	4000 m ²	30.0 m	12.0 m	7.5 m	6.0 m	12 m	30%
CH	Private Services	6000 m ²	45.0 m	20.0 m	7.5 m	6.0 m	20 m	30%
CW	Sewage and Water	930 m ²	20.0 m	12.0 m	7.5 m	6.0 m	12 m	45%

SPECIAL PROVISIONS

1. Corner lots will have the minimum lot frontage plus an additional 2.0 metres.
2. Where a dwelling is permitted the Zone Standards for the R2 Zone shall apply.
3. Where a Commercial use abuts a R1 or R2 Zone, a planting strip in accordance with Section 3.17 shall be required.
4. The maximum height in all Zones shall be 11.0 metres

5.4

EXCEPTIONS

Notwithstanding the Permitted Uses and Zone Requirements of this Section of the By-law to the contrary, within the Exception Zones listed on Tables 5.1 to 5.5 the following special provisions shall apply. In all other respects the provisions of Sections 5.1 to 5.3 shall apply.

Table 5.1

Downtown Commercial (C1) Exception Number	Permitted/Prohibited Uses	Zone Regulations
C1-1		

Table 5.2

General Commercial (C2) Exception Number	Permitted/Prohibited Uses	Zone Regulations
C2-2		

Table 5.3

Local Commercial (C3) Exception Number	Permitted/Prohibited Uses	Zone Regulations
C3-3		

Table 5.4

Highway Commercial (CH) Exception Number	Permitted/Prohibited Uses	Zone Regulations
CH-1		

Table 5.5

Waterfront Commercial (SR) Exception Number	Permitted/Prohibited Uses	Zone Regulations
CW-1		

**SECTION 6
INDUSTRIAL ZONE PROVISIONS**

6.1 GENERAL PROHIBITION

No *person* shall, within any *Industrial Zone*, *use* or permit the *use* of any land, or *erect*, *alter*, enlarge, *use* or maintain any *building* or *structure* for any *use* other than as permitted in Tables 6.A and 6.B and in accordance with the standards contained the General Provisions contained in Section 3 of this By-law.

6.2 PERMITTED USES

Uses permitted in a *Industrial Zone* are denoted by the symbol ‘**X**’ in the column applicable to that *Zone* and corresponding with the row for a specific permitted *use* in Table 6.A. A number(s) following the symbol ‘**X**’, *zone* heading, or identified permitted *use*, indicates that one or more conditions apply to the *use* noted or, in some cases, to the entire *Zone*.

Zone Symbols

Light Industrial	M1
General Industrial	M2
Extractive Industrial	M3
Waste Disposal	M4

Table 6.A

USE	M1	M2	M3	M4
Accessory uses to the permitted uses	X			
Agricultural use, conservation, forestry, reforestation with accessory uses and buildings, provided that these uses do not include dwellings		X	X	
Auto wrecking yards, junkyards, scrap metal yards				X
Banks				
Business or professional offices	X	X		
Concrete or asphalt plant		X	X	
Manufacturing, processing industrial or warehousing uses including research establishments	X	X		
Mining and associated processing			X	
Mineral Aggregate Extraction			X	
Motor vehicle repair garage, including a motor vehicle body shop	X	X		
Open storage accessory to permitted uses in the M1 zone	X			
Parks	X			
Pit			X	
Processing for forestry products		X	X	
Quarry			X	
Railway uses	X	X		
Restaurants	X			
Sewage Facility				X

USE	M1	M2	M3	M4
Shops for the repair, processing, sale or treatment of goods and wares, including laundries, dairies, bakeries, printing and furniture establishments	X			
Truck Transport Terminal		X		
Waste Disposal Area				X
Work Camp	X	X		

SPECIAL PROVISIONS

- No crusher or other processing equipment associated with a pit or quarry shall be located within 500 metres of a residential use.

6.3 ZONE STANDARDS

No person shall within any Industrial Zone use or permit the use of any lot or erect, alter, use any building or structure except in accordance with the following zone standards. A number(s) following the zone standard, zone heading or description of the standard, indicates an additional Zone requirement.

Table 6.B

Zone	Minimum Lot Area	Minimum Lot Frontage	Minimum Lot Depth	Minimum Required Front Yard	Minimum Required Rear Yard	Minimum Required Interior Side Yard	Minimum Required Exterior Side Yard	Minimum Landscaped Open Space
M1	2000m ²	30.0 m (1)	50.0 m	9.0 m (2)	6.0 m (4)	3.0 m (3)	9.0 m (2)	10%
M2	2000m ²	30.0 m (1)	50.0 m	9.0 m (2)	6.0 m (7)	3.0 m (8)	9.0 m (2)	10%
M3	1 ha	30.0 m (6)	50.0 m	30.0 m	30.0 m (7)	30.0 m (8)	30.0 m (2)	5%
M4	1.0 ha	90.0 m	90.0 m	15.0 m	15.0 m	15.0 m	15.0 m	20 %

Special Provisions:

- The maximum height in the Industrial Zones shall be 15.0 metres
- The maximum lot coverage in the Industrial Zones shall be 50 per cent

6.4 EXCEPTIONS

Notwithstanding the Permitted Uses and Zone Requirements of this Section of the By-law to the contrary, within the Exception Zones listed on Tables 6.1 to 6.4 the following special provisions shall apply. In all other respects the provisions of Sections 6.1 to 6.3 shall apply.

Table 6.1

Light Industrial (M1) Exception Number	Permitted/Prohibited Uses	Zone Regulations
M1-1		

Table 6.2

General Industrial (M2) Exception Number	Permitted/Prohibited Uses	Zone Regulations
M2-2		

Table 6.3

Extractive Industrial (M3) Exception Number	Permitted/Prohibited Uses	Zone Regulations
M3-3		

Table 6.4

Waste Disposal (M4) Exception Number	Permitted/Prohibited Uses	Zone Regulations
M4-1		

**SECTION 7
INSTITUTIONAL ZONE PROVISIONS**

7.1 GENERAL PROHIBITION

No *person* shall, within any *Institutional Zone*, *use* or permit the *use* of any land, or *erect*, *alter*, enlarge, *use* or maintain any *building* or *structure* for any *use* other than as permitted in Tables 7.A and 7.B and in accordance with the standards contained the General Provisions contained in Section 3 of this By-law.

7.2 PERMITTED USES

Uses permitted in a *Institutional Zone* are denoted by the symbol ‘**X**’ in the column applicable to that *Zone* and corresponding with the row for a specific permitted *use* in Table 7.A. A number(s) following the symbol ‘**X**’, *zone* heading, or identified permitted *use*, indicates that one or more conditions apply to the *use* noted or, in some cases, to the entire *Zone*.

Zone Symbols
Institutional

I

TABLE 7A

USE	
Arena	X
Art Gallery	X
Banquet Hall	X
Community Centre	X
Crisis Centre	X
Government Office	X
Hospital	X
Library	X
Long Term Care Facility	X
Museum	X
Nursing Home	X
Places of Worship	X
Private Home Daycare	X
Retirement Home	X
Rooming House, Boarding or Lodging Houses	X
School	X
School, Commercial	X
Tourist Information Centre	X

7.3 ZONE STANDARDS

No person shall within any Commercial Zone use or permit the use of any lot or erect, alter, use any building or structure except in accordance with the following zone standards. A number(s) following the zone standard, zone heading or description of the standard, indicates an additional Zone requirement.

Table 7.B

Zone	Services	Minimum Lot Area	Minimum Lot Frontage	Minimum Required Front Yard	Minimum Required Rear Yard	Minimum Required Interior Side Yard	Minimum Required Exterior Side Yard	Maximum Lot Coverage
I	Sewage and Water	930 m ²	20.0 m	12.0 m	7.5 m	6.0 m	12 m	30%
I	Private Services	4000 m ²	30.0 m	12.0 m	7.5 m	6.0 m	12 m	30%

SPECIAL PROVISIONS

1. Corner lots will have the minimum lot frontage plus an additional 2.0 metres.
2. Where an Institutional use abuts a R1 or R2 Zone, a planting strip in accordance with Section 3.17 shall be required.
3. The maximum height in all Zones shall be 11.0 metres

7.4 EXCEPTIONS

Notwithstanding the Permitted Uses and Zone Requirements of this Section of the By-law to the contrary, within the Exception Zones listed on Table 7.1 the following special provisions shall apply. In all other respects the provisions of Sections 7.1 to 7.3 shall apply.

Table 7.1

Institutional (I) Exception Number	Permitted/Prohibited Uses	Zone Regulations
I-1		

SECTION 8
RURAL, ENVIRONMENTAL PROTECTION AND OPEN SPACE ZONE PROVISIONS

8.1 GENERAL PROHIBITION

No *person* shall, within any Rural, Environmental Protection or Open Space *Zone*, *use* or permit the *use* of any land, or *erect, alter, enlarge, use* or maintain any *building* or *structure* for any *use* other than as permitted in Tables 8.A and 8.B and in accordance with the standards contained the General Provisions contained in Section 3 of this By-law.

8.2 PERMITTED USES

Uses permitted in any Rural, Environmental Protection or Open Space *Zone* are denoted by the symbol ‘**X**’ in the column applicable to that *Zone* and corresponding with the row for a specific permitted *use* in Table 8.A. A number(s) following the symbol ‘**X**’, *zone* heading, or identified permitted *use*, indicates that one or more conditions apply to the *use* noted or, in some cases, to the entire *Zone*.

Zone Symbols

Rural	RU
Environmental Protection	EP
Open Space	OS

Table 8A

USE	RU	EP	OS
Accessory buildings to any permitted use	X		X
Agricultural and conservation uses including forestry, reforestation and other activities connected with the conservation of soil or wildlife	X	X	
Campsite			X
Commercial Nursery or Greenhouse	X		
Golf courses	X		X
Kennel	X		
Portable sawmills	X		
Recreational trails	X	X	
Ski hills	X		
Tourist outfitters			X
Veterinary clinic or	X		
One dwelling on each legally existing lot at the time of the passing of this By-law	X		
Dwelling or dwelling unit as an accessory use	X		
Parks, public and private		X	X
Recreation fields and community centres			X
Cemeteries			X
Swimming pools			X
Tennis courts			X
Museums			X
Arenas			X

USE	RU	EP	OS
Observation decks and areas and accessory facilities		X	X

SPECIAL PROVISIONS

8.3 ZONE STANDARDS

No person shall within any Industrial Zone use or permit the use of any lot or erect, alter, use any building or structure except in accordance with the following zone standards. A number(s) following the zone standard, zone heading or description of the standard, indicates an additional Zone requirement.

Table 8B

	Minimum Lot Area	Minimum Lot Frontage	Minimum Required Front Yard	Minimum Required Rear Yard	Minimum Required Interior Side Yard	Minimum Required Exterior Side Yard	Maximum Lot Coverage	Maximum Height
RU	30.0 ha	90.0 m	10.0 m	10.0 m	10.0 m	10.0 m	10%	15.0 m
EP	2.0 ha	90.0 m	10.0 m	10.0 m	10.0 m	10.0 m	10%	15.0 m
OS	8,000 m ²	45.0 m	6.0 m	7.5 m	1.2 m	4.5 m	25%	15.0 m

SPECIAL PROVISIONS

8.4 EXCEPTIONS

Notwithstanding the Permitted Uses and Zone Requirements of this Section of the By-law to the contrary, within the Exception Zones listed on Tables 8.1, to 8.3 the following special provisions shall apply. In all other respects the provisions of Sections 8.1 to 8.3 shall apply.

Table 8.1

Rural (RU) Exception Number	Permitted/Prohibited Uses	Zone Regulations
RU-1		East half of Lot 9, Concession 4 Township of Nipigon District of Thunder Bay Parts 3 to 15 Ref Plan 55R-10628 has been opened up and established as a public hwy and the bldgs and structures which actually existed on Nov 25/1997 are permitted in their present locations and such bldgs may be enlarged so long as no portion of the enlargement is a nearer any public hwy and that such enlargement meets all requirements of this By-law.

Table 8.2

Environmental Protection (EP) Exception Number	Permitted/Prohibited Uses	Zone Regulations
EP-1		

Table 8.3

Open Space (OP) Exception Number	Permitted/Prohibited Uses	Zone Regulations
OS-1		

**SECTION 9
HOLDING PROVISIONS AND TEMPORARY USES**

9.1 HOLDING PROVISIONS

9.1.1 Unless otherwise provided in this By-law to the contrary, where a *Zone* symbol is preceded by, a letter “H” and a number – for example H1M1 – no *person* shall *use* or permit the *use* of the land to which the letter (H) applies for any *use* other than the *use* which legally existed on the date the By-law applying the Holding provision came into effect or the *use(s)* permitted in the By-law enacting the Hold, or expand or replace an *existing building or structure* as the case may be, until the Hold (H) is removed in accordance with the policies of the Official Plan and Section 36 of the Planning Act, R.S.O. 1990, c.P.13, as amended.

9.1.2 *Council* may pass a By-law pursuant to Section 36 of the Planning Act, as amended to remove the Holding (H) Symbol, thereby placing the lands in the *zone* indicated by the *zone* symbol, when all of the applicable *requirements* have been met. For the purposes of this By-law, a number of distinct holding provisions have been applied as set out in Table 9.A, below:

Table 9.A: Holding (H) Provisions

Col. 1	Column 2	Column 3	Column 4	Col. 5	Col.6
Symbol	Application	Property/ Legal Description	Conditions for Removal	Date Enacted	Date Removed
H1	Lands where a development agreement is required		The Holding (H1) provision may be lifted once <i>Council</i> is satisfied that an appropriate subdivision agreement and/or site plan agreement and/or development agreement has been executed.		
H2	Lands within 500 m of landfill site		The Holding (H2) provision may be lifted when <i>Council</i> in consultation with the Ministry of Environment is satisfied that there are no adverse impacts from the Waste Disposal site.		

9.2

TEMPORARY USES

Where on Schedules to this By-law, a symbol “T”, and a number, identify a property that is subject to a temporary use permission one or more additional but temporary uses are permitted on the lands noted until the permission granted by the site specific Temporary Use By-law expires in accordance with the policies of the Official Plan and Section 39 of the Planning Act, R.S.O. 1990, c.P.13, as amended. Table 9.B, below, identifies the Temporary Use Zones within the Township.

Table 9.B – Temporary Uses

Symbol	Zone Designation	Property/Legal Description	Temporary Uses Permitted	Date Enacted	Expiry Date

**SECTION 10
DEFINITIONS**

10.1 ACCESSORY

A use, separate building or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principle use, building or structure.

10.2 AGRICULTURAL BUILDING

Any building or structure customarily used in connection with a farm other than a residence.

10.3 AGRICULTURAL USE

Any agricultural use or uses, structures or buildings accessory thereto, including field crops, animal husbandry, horticultural nurseries and any other use customarily carried on in the field of general agriculture, including the sale on the premises, of produce grown or raised on the premises except specialized agricultural uses as defined herein.

10.4 AIRPORT

The use of lands, buildings or structures for the purposes of air transportation services.

10.5 ANIMAL SHELTER

Lands and buildings used for the keeping of animals, birds or other livestock and may include the premises of a veterinary surgeon.

10.6 ASSEMBLY HALL

A building, or part of a building, in which facilities are provided for such purposes as meetings for civic, educational, political, religious or social purposes and may include a bingo hall, a banquet hall, private club or fraternal organization.

10.7 ATTACHED

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

10.8 ARENA

A building, or part of a building, in which the principle facilities provided are for such recreational activities as curling, skating, hockey, lacrosse, broomball, or similar athletic activity, which facilities may include dressing rooms, concession booths for the provision of food and refreshments to the general public, bleachers, plant equipment for the making of artificial ice and such other facilities as are normally considered incidental and subordinate thereto.

10.9 ART GALLERY

A building, place or area where paintings, sculptures or other works of art are exhibited or sold.

10.10 BAKERY

A food processing building or structure where food products of which flour, grains, meal or sugar are the principal ingredients are produced, mixed, compounded, baked or otherwise prepared, but does not include a *restaurant*.

10.11 BALCONY

A raised platform or structure projecting above finished grade from the main building, not supported by the ground, with or without steps to provide access to the ground.

10.12 BARN

A building used for the housing of livestock or agricultural products kept or grown on the lands on which the building is located.

10.13 BANK

An institution where money is deposited, kept, lent, or exchanged.

10.14 BANQUET HALL

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

10.15 BASEMENT

That portion of a building below the first floor and which is partly underground as defined in the Building Code.

10.16 BED AND BREAKFAST

A home occupation within a single detached dwelling wherein not more than five rooms are rented and meals are served to overnight guests for commercial purposes.

10.17 BOARDING, LODGING or ROOMING HOUSE

A dwelling in which lodging with or without meals is supplied for gain to three or more persons other than the lessee, tenant or owner of said dwelling, or any member of his/her family, but does not mean or include a motel, hotel, short term accommodation, bed and breakfast establishment, hospital, similar commercial or institutional use or apartment building.

10.18 BOATHOUSE

A building used for the storage of boats and boating equipment.

10.19 BOAT SLIP

A single parking space of at least 185 sq. m. for a boat or other marine vessel forming part of a dock, boathouse or other mooring facilities.

10.20 BUILDING

A structure consisting of walls, roof and floor or a structural system serving the same purpose as defined in the Building Code and including carports but does not include awnings. For the purposes of this By-law a building includes a tent or similar temporary structure located on a lot for more than 10 consecutive days.

10.21 BUILDING SUPPLY AND LUMBER OUTLET

A building or structure in which building or construction and home improvement materials are offered or kept for sale at retail and may include the fabrication of certain materials related to home improvements.

10.22 BULK FUEL DEPOT

Lands, buildings and structures for the storage, distribution of fuels and oils but not including retail sales except key lock operations.

10.23 BUSINESS, PROFESSIONAL OFFICE OR ADMINISTRATIVE OFFICE

A building or part of a building in which one or more persons are employed in the management, direction or conducting of a business or where professionally qualified persons and their staff serve clients or patients who seek advice, consultation or treatment and may include the administrative offices of a non-profit or charitable organization.

10.24 CAMPING ESTABLISHMENT

Lands used for the parking and temporary use for at least five (5) campsites occupied by tents, trailers, motor homes, truck campers and recreational vehicles and accessory uses and facilities such as administrative offices, sanitary facilities, recreational facilities and an accessory convenience store.

10.25 CAMP SITE

A parcel of land within a camping establishment that is maintained as a site for the location and temporary occupation of a tent, travel trailer, motor home, recreational vehicle or truck camper, but not a mobile home.

10.26 CAR WASH

An *automotive use* containing manual or automated facilities for washing or cleaning vehicles, but does not include any other *automotive use* defined herein.

10.27 CELLAR

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

10.28 CEMETERY

The land that is set apart or used as a place for the internment of the dead or in which human bodies have been buried.

10.29 CHIEF BUILDING OFFICIAL

The official employed by the Township appointed under the Building By-law or pursuant to the provisions of The Building Code Act, S.O., 1992 c.23, as amended, and shall include any Inspector likewise employed and appointed.

10.30 TOWNSHIP

The Corporation of the Township of Nipigon

10.31 CLINIC

An establishment used by two or more qualified health practitioners including physicians, dentists, chiropractors, physiotherapists and their staff for the purposes of consultation, diagnosis and office treatment.

10.32 COMMUNITY CENTRE

Any tract of land or building, or buildings or any part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the Municipality, a local board or agent thereof and may include an auditorium, swimming pool, arena and fitness centre.

10.33 COMMUNITY FACILITY

Any facility, place or building which is maintained and operated to provide services for residents of the community.

10.34 CONSERVATION

The preservation, protection and improvement of the components of the natural environment through a comprehensive management and maintenance program administered by a public authority for individual or public use.

10.35 CONTRACTOR'S YARD

A yard of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein.

10.36 CONVENIENCE STORE

A retail commercial establishment, not exceeding 200 square metres of gross floor area, supplying groceries and other daily household necessities to the surrounding area, whether or not such store is open for business seven (7) days a week or not.

10.37 CONVENTION CENTRE

A building or structure used for the holding of conventions, conferences, seminars, workshops or similar activities, including dining and lodging facilities, as well as compatible accessory facilities.

10.38 CORPORATION

The Corporation of the Township of Nipigon.

10.39 COUNCIL

The Council of the Corporation of the Township of Nipigon

10.40 CRISIS CENTRE

Crisis residence shall mean a single housekeeping unit licensed or funded by the Province of Ontario for the short term (averaging 30 days or less) accommodation of three to nine persons, exclusive of staff, living under supervision and who, by reason of either emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being.

10.41 DECK

Deck shall mean a structure above the ground cantilevered from a dwelling unit or supported by the ground and open to the sky, located 0.3 m. or more above finished grade.

10.42 DOCK

A structure for the mooring of boats, attached to or forming part of the mainland or used in conjunction with a use on the mainland.

10.43 DRIVE THROUGH SERVICE FACILITY

A building or structure or part thereof where goods and/or services are offered to the public within a parked or stationery vehicle that is in a designated queuing space by way of a service window, kiosk, or automated machine where goods, money or materials are exchanged. Kiosks within a parking structure or associated with a surface parking area are not considered to be drive-through service uses.

10.44 DWELLING

A building or part of a building occupied or capable of being occupied, in whole or in part as the home, residence or sleeping place of one or more persons either continuously, permanently, temporarily or transiently.

10.45 DWELLING, ACCESSORY

A use, separate building, or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principle use, building or structure but not including a building or structure which is used as a dwelling unless specifically permitted.

10.46 DWELLING, APARTMENT

A separate building containing three or more dwelling units sharing a common corridor or stair well.

10.47 DWELLING, DUPLEX

The whole of a two-storey building divided horizontally into two separate dwelling units, each of which has an independent entrance either directly or through a common vestibule.

10.48 DWELLING, MULTIPLE

A *dwelling* which contains three or more *dwelling units*, with or without permitted *non residential uses*, and includes any such *dwelling* wherein furnished *dwelling unit* accommodation is provided on a weekly or monthly basis, but does not include a *row dwelling* or a *townhouse dwelling*.

10.49 DWELLING, QUADRAPLEX

The whole of a dwelling house that is divided vertically by common party walls into four separate dwelling units, each of which has two common party walls.

10.50 DWELLING ROW

A dwelling which contains three or more dwelling units divided vertically from each other by common walls, which extend at least one storey above finished grade and having private independent entrances to each dwelling unit directly from a yard.

10.51 DWELLING, SEMI-DETACHED

The whole of a building divided vertically into two separate dwelling units.

10.52 DWELLING, SINGLE DETACHED

A detached building containing one dwelling unit only.

10.53 DWELLING, TOWNHOUSE

A dwelling unit in a building divided vertically into no less than three nor more than eight dwelling units attached by common walls extended from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade.

10.54 DWELLING, TRIPLEX

The whole of a building divided horizontally into three separate dwelling units, each of which has an independent entrance either directly or through a common vestibule.

10.55 DWELLING UNIT

A combination of rooms in which a kitchen, living quarters and sanitary conveniences are provided for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway inside. It may include a modular home constructed in accordance with the Building Code and C.S.A. A-277 Regulations.

10.56 DWELLING UNIT, ACCESSORY

A separate dwelling unit which is contained in a building which was originally designed as a single family dwelling.

10.57 ERECT

To build, construct, reconstruct, alter or relocate including any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

10.58 ESTABLISHED BUILDING LINE

The average distance from the road line to existing buildings measured not more than 100 metres on either side of the lot where the frontage has been built upon, as of the date of passing of this By-law.

10.59 EXISTING

Legally existing, being a reality or an actuality as of the date of passing of this By-law.

10.60 FARM

Any farming or agricultural use and includes apiaries; aviaries; berry or bush crops; breeding, raising, training or boarding of horses or cattle; commercial greenhouses; farms devoted to the hatching, raising and marketing of chickens, turkeys, or other fowl or game birds, animals, fish or frogs; farms for grazing; flower gardening; field crops; goat or cattle dairies; growing, raising, picking, treating and storing of vegetables or fruit produce produced on the premises; nurseries; orchards; riding stables; the raising of sheep or goats; the raising of swine; tree crops; market gardening; bee keeping; wood lots; such uses or enterprises as are customarily carried on in the field of general agriculture not including a specialized farm as defined. "Farm" includes a single-family dwelling house, and such principle or main buildings and structure as a barn or silo, as well as accessory buildings and structures which are incidental to the operation of the farm.

10.61 FINISHED GRADE

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

10.62 FIRST STOREY

The storey with its floor closest to grade and having its ceiling more than 1.8 metres above grade or as defined in the Building Code.

10.63 FLOOR AREA, GROSS

The total floor area, as hereinafter defined, exclusive of any portion of the building or structure below finished grade measured between the exterior faces of the exterior walls which is used for heating, the storage of goods or personal effects, laundry facilities, recreational areas, the storage or parking of motor vehicles, exclusive of any private garage, carport, basement, walkout basement, cellar, porch, verandah or sunroom unless such sunroom is habitable during all seasons of the year.

10.64 FLOOR AREA, GROUND

The maximum ground floor area of a building measured by the outside walls, excluding, in the case of a single detached dwelling, any private garage, carport, porch, verandah or sunroom (unless such sunroom is habitable at all seasons of the year).

10.65 FLORIST SHOP

A retail store where flowers and plants are sold or offered for sale to the public and such use may include the incidental raising and arranging of flowers and plants for sale in the store.

10.66 FORESTRY

The management, development and cultivation of timber resources to ensure the continuous production of wood or wood products, provision of proper environmental conditions for wildlife, protection against floods and erosion, protection of water supplies and preservation of the recreation resource and shall include reforestation areas owned or managed by the Ministry of Natural Resources or local Conservation Authority.

10.67 FUNERAL HOME

A building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for interment or cremation.

10.68 GARAGE, PRIVATE

A detached accessory building or portion of a dwelling house which is designed or used for the sheltering of a private motor vehicle and storage of household equipment incidental to the residential occupancy and which is fully enclosed and roofed and excludes a carport or other open shelter.

10.69 GARDEN CENTRE

An establishment engaged in both the propagation and retail sale of garden and landscaping supplies including, without limiting the generality of the foregoing, trees, shrubs, flowers, plants, seeds and bulbs, and the retail sale of garden and landscaping accessories including, without limiting the generality of the foregoing, fertilizers, weed-killers, pesticides, soil, aggregates, garden tools and lawn furnishings.

10.70 GARDEN SUITE

A one unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

10.71 GAZEBO

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

10.72 GOLF COURSE

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

10.73 GOLF DRIVING RANGE

A public or private area designed, landscaped and used for the practice of golf from individual tees.

10.74 GOVERNMENT OFFICE

A municipal office, courthouse, registry office, health or welfare centre, employment office, post office, customs office or other use for purposes of government administration and service, but does not include yards for the storage of equipment.

10.75 GROCERY STORE

A retail store that sells food, including produce, baked goods, confectionary, meat, fish and other eatable products and may include a delicatessen and prepared foods but does not include other retail sales such as furniture, clothing, appliances or other retail uses specifically defined in this By-Law.

10.76 GROUP HOME TYPE 1

A single housekeeping unit in a residential dwelling in which 3 to 6 unrelated residents excluding staff or receiving family, live as a family under responsible supervision consistent with the requirements of its residents and includes a home licensed or approved under the Provincial Statute as a Special Care Residential Home, Supportive Housing Program, Adult Community Mental Health Program, Children's Residence, Accommodation Services for the Developmentally Handicapped, Satellite Residences for Seniors and Homes for Physically Disabled Seniors, in compliance with municipal by-laws

10.77 GUEST CABIN

A single storey accessory structure which is not attached to the main dwelling on a lot which is maintained for the accommodation of an individual or individuals where sanitary facilities and facilities for cooking are not provided.

10.78 HEAVY EQUIPMENT SALES AND RENTAL

A building or part of a building or structure in which heavy machinery and equipment are offered or kept for sale, rent, lease or hire under agreement for compensation, but shall not include any other establishment defined or classified in this By-law.

10.79 HEIGHT OF BUILDINGS

The vertical distance, measured between the average natural or finished grade at the front of the building, whichever is the lesser, and the highest point of the roof

10.80 HIGH WATER MARK SETBACK

The setback will be measured from the normal controlled high water mark of the lake or river.

10.81 HISTORICAL SITE

A parcel of land or building which marks or is associated with some event or person of historical importance, and is appropriately designated as such by the Township or any other appropriate public agency.

10.82 HOME FOR THE AGED

A Home for the Aged as defined by the Home for the Aged Act.

10.83 HOME INDUSTRY

Any occupation that involves processing or manufacturing or producing products conducted entirely within a building or part of a building accessory to a single detached dwelling house, a part of a dwelling unit that includes processing, assembly, manufacturing or a workshop within an area not to exceed 100 square metres in gross floor area and shall not include outdoor storage.

10.84 HOME OCCUPATION

An occupation or profession related to the provision of services excluding processing or manufacturing or producing products, carried on by the occupant of a dwelling within his/her dwelling as an accessory use in connection with which there is no display, no stock in trade nor commodity sold upon the premises and no outdoor storage.

10.85 HOSPITAL

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.

10.86 HOTEL

A building or part of a building that contains a general kitchen and dining room and other public rooms, the remaining rooms of which contain no provision for cooking, and are usually hired by transients as places of abode; and includes a hostel for men or women.

10.87 IMPROVED PUBLIC ROAD

A road or highway under the jurisdiction of the Province of Ontario or the Township or a private road within a registered Plan of Condominium which is maintained so as to allow normal vehicular access to adjacent properties and which, in the case of a municipal road is a road which has been constructed to municipal standards and assumed by the municipality for maintenance purposes.

10.88 KENNEL

An establishment for the keeping, breeding and raising of domesticated animals for profit or gain, but shall not apply to the keeping of animals in a veterinary establishment for the purpose of observation and or recovery necessary to veterinary treatment.

10.89 LANDSCAPED OPEN SPACE

The open space from ground to sky at grade on a lot accessible by walking and which is suitable for the growth and maintenance of grass, flowers, trees, bushes, natural vegetation and other landscaping and includes any surfaced walk, patio or similar area but does not include any driveway or ramp, whether surfaced or not, any curb, retaining wall, parking area or any open space beneath or within any building or structure.

10.90 LANDSCAPING STRIP

An open space free of buildings or structures which is used for the growing and maintenance of and unpierced row of shrubs, trees or other natural vegetation having a minimum height of 1.5 metres.

10.91 LANE

A public thoroughfare which affords only a secondary means of access for vehicular traffic to abutting lots and which is not intended for general traffic circulation.

10.92 LAUNDROMAT

A building or structure where the service or coin-operated laundry machines, using only water, detergents and additives, are made available to the public for the purpose of laundry cleaning.

10.93 LIGHT EQUIPMENT SALES AND RENTAL ESTABLISHMENT

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

10.94 LIBRARY

A public library within the meaning of the *Public Libraries Act*, R.S.O. 1990, c.P.44.

10.95 LOADING SPACE

An off-street space on the same lot as the building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, lane or other appropriate means of access.

10.96 LONG TERM CARE FACILITY

A Premises licensed as a long term care home under the Long-Term Care Homes Act, 2007, S.O. 2007, c.8.

10.97 LOT

A parcel or tract of land described in a deed or other legal document which is legally capable of conveying title and:

- a) Which is a whole lot within a Registered Plan of Subdivision, or lot within a Plan of Condominium other than a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a By-law passed pursuant to Section 49 of The Planning Act as amended; or
- b) Which is a legally separated parcel of land in existence on the date of passing of this By-law without the owner holding the fee or the equity or redemption in, or power or right to grant, assign or exercise a power of appointment with respect to any abutting land; or
- c) The description of which is the same as in a deed which has received final consent to a conveyance pursuant to Section 49 of The Planning Act, S.O., 1983, c.1, as amended.
- d) Which is the whole remnant remaining to an owner or owners after a conveyance is made with final consent pursuant to Section 40 of The Planning Act, S.O., 1983, c.1, as amended, but for the purpose of this paragraph no parcel or tract of land ceases to be a lot by reason only of the fact that a part or parts of it has or

have been conveyed to or acquired by the Township of Nipigon, Her Majesty in the Right of Ontario or Her Majesty in the Right of Canada; or,

- e) Which is the subject of an order of The Minister of Municipal Affairs pursuant to the provisions of Section 56 of The Planning Act., S.O., 1983, c.1, as amended.

10.98 LOT AREA

The total horizontal area within the lot lines of a lot or if an island, the area of land above the normal high water mark.

10.99 LOT, CORNER

A lot situated at the intersection of two or more streets, or at the intersection of a street and a railway right-of-way, or a lot abutting on one or more parts of the same street, in which an interior angle of less than one hundred and thirty-five (135) degrees is contained, between the front and side lot lines abutting by the said street or streets.

10.100 LOT COVERAGE

The percent of the lot area covered by buildings or structures excluding parking areas, driveways, decks and walkways but including structures and buildings constructed appertaining to the lot.

10.101 LOT FRONTAGE

The continuous horizontal distance of the front lot line between the side lot lines measures 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 the horizontal distance of a line that is 7.5 metres back from and parallel to a continuous straight line, joining the two points where the side lot lines intersect with the front lot line.

10.102 LOT, INTERIOR

A lot other than a corner lot.

10.103 LOT LINE

Any boundary of a lot.

10.104 LOT LINE, EXTERIOR

The side lot line which abuts the road on a corner lot.

10.105 LOT LINE, FRONT

- a) Where a lot abuts a municipally maintained road and a navigable waterway, the lot line abutting the municipal road shall be deemed the front lot line.
- b) In the case of a corner lot or through lot, the shorter lot line that abuts a street shall be deemed to be the front lot line and the longer lot line that abuts a road or shall be deemed an exterior side lot line, but,
- c) In the case of a corner lot or through lot with two lot lines of equal length abutting roads, the lot line that abuts the wider street shall be deemed to be the front lot line, but where the roads are of equal width, the lot line which abuts a Provincial Highway shall be deemed to be the front lot line, and in the case of both roads being under the same jurisdiction and of the same width, the owner of the lot may designate which road line shall be the front lot line.
- d) In the case where a lot abuts only a road cul-de-sac, all of the frontage on the road cul-de-sac shall be deemed to be the front lot line.

10.106 LOT LINE, REAR

The lot line farthest from or opposite to the front lot line. Where the lot abuts a navigable waterway, the normal high water mark shall be deemed to be the rear lot line.

10.107 LOT LINE, SIDE

A lot line other than a front or rear lot line.

10.108 LOT, THROUGH

A lot bounded on opposite sides by streets.

10.109 MANUFACTURING

The assembly or repair or fabrication of goods and materials utilizing materials that have been manufactured, created or processed in another location.

10.110 MANUFACTURING, LIGHT

The assembly or repair or fabrication of goods and materials utilizing materials which have been manufactured, created or processed in another location and which does not produce waste water in excess of 4500 litres per day, chemical by-products or utilize and area for outdoor storage of goods or materials except for equipment or vehicles which are for sale, lease or hire.

10.111 MARINA

A commercial establishment or premises, containing docking facilities or mooring facilities where boats or boat accessories are berthed, stored, serviced, repaired, constructed or kept for sale or rent and where facilities for the sale of marine fuels or lubricants, accessory retail sales and a taxi and/or barging service are provided and where waste water pumping facilities may be provided.

10.112 MARINE FACILITY

An accessory building or structure which is used to take boats into or out of a navigable waterway, or to moor boats. This definition includes a launching ramp, boat lift, or dock but does not include any building used for human habitation.

10.113 MINERAL AGGREGATE EXTRACTION

- (a) an operation, other than a wayside pit, conducted under a licence or permit under the Aggregate Resources Act, and
- (b) associated facilities used in the extraction, transportation, beneficiation, processing or recycling of mineral aggregate or the production of related by-products;

10.114 MINIATURE GOLF

Shall mean an area of land designed, landscaped and used for facilities which simulate the game of golf, or any aspect of the game, on a small scale.

10.115 MOBILE HOME

Any dwelling that is designed to be mobile, and constructed or manufactured to provide a permanent residence for one or more persons in accordance with CSA Z240 but does not include a travel trailer or tent trailer or trailer otherwise designed.

10.116 MOBILE HOME SITE

A parcel of land within a mobile home park which is serviced and used for the exclusive purposes of one mobile home.

10.117 MOBILE HOME PARK

A lot under single management for the placement of three or more mobile homes.

10.118 MODULAR HOME

Any dwelling that is designed in more than one unit and is designed to be made mobile on a temporary basis, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a mobile home, recreational travel trailer or recreational motor vehicle as defined herein. A modular home shall meet C.S.A. A-277 standards.

10.119 MOTEL

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

10.120 MOTOR VEHICLE

An automobile, truck, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of The Highway Traffic Act, as amended.

10.121 MOTOR VEHICLE, COMMERCIAL

Any commercial motor vehicle within the meaning of The Highway Traffic Act, as amended.

10.122 MOTOR VEHICLE BODY SHOP

A building or structure used for the painting or repairing of motor vehicle bodies, exterior and undercarriage, and in conjunction with which there may be towing service and motor vehicle rentals for customers while the motor vehicle is under repair, but shall not include any other establishment otherwise defined or classified in this By-law.

10.123 MOTOR VEHICLE DEALERSHIP

A building or structure where a franchised dealer displays motor vehicles for sale or rent and in conjunction with which there may be used motor vehicle sales or rentals, a motor vehicle repair garage, a motor vehicle service station, a motor vehicle gasoline bar or a motor vehicle body shop, but shall not include any other establishment otherwise defined or classified in this By-law.

10.124 MOTOR VEHICLE FUEL BAR

One or more pump islands, each consisting of one or more motor vehicle fuel pumps, and a shelter, which shall include the sale of oils, antifreeze, gasoline additives, propane, natural gas and small accessories required for the operation of motor vehicles, boats and snowmobiles and shall not be used for repairs, oil changes or greasing.

10.125 MOTOR VEHICLE REPAIR GARAGE

A building or structure where the exclusive service performed or executed on motor vehicles for compensation shall include the installation of exhaust system, repair of the electrical system, transmission repair, brake repair, radiator repair, tire repair and installation, rustproofing, motor vehicle diagnostic centre, major and minor mechanical repairs or similar use and in conjunction with which there may be a towing service, a motor vehicle service station and motor vehicle rentals for the convenience of the customer while the motor vehicle is being repaired, but shall not include any other establishment otherwise defined or classified in this By-law.

10.126 MOTOR VEHICLE SERVICE STATION

A building or structure where gasoline, propane, natural gas, oil, grease, antifreeze, tires, tubes, tire accessories, electric light bulbs, sparkplugs, batteries and automotive accessories for motor vehicles and new retail goods are stored or kept for sale to the general public, or where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged, and where mechanical or running repairs essential to the actual operation of motor vehicles are executed or performed. Such shall require public washrooms.

10.127 MUNICIPAL, DISTRICT OR PROVINCIAL MAINTENANCE AND/OR STORAGE YARD

Any land, building and/or structure owned by the Corporation of the Township of Nipigon, Public Utilities Commission or the Province of Ontario and used for the storage, maintenance and/or repair of material, equipment, machinery and/or motor vehicle used in connection with civic works.

10.128 MUSEUM

An institution that is established for the purpose of acquiring, conserving, studying, interpreting, assembling and exhibiting to the public for its instruction and enjoyment, a collection of artifacts of historical interest.

10.129 NON-COMPLYING

A lot, building or structure that does not fulfill the zone standards of the zone provisions for the zone in which the lot, building, structure is located.

10.130 NON-CONFORMING

An existing use or activity of any land, building or structure which does not conform with the permitted uses of this By-law for the Zone in which such existing land, building or structure is located, so long as it continues to be used for that purpose.

10.131 NURSERY OR GREENHOUSE, COMMERCIAL

A building or structure, and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation together with gardening tools and implements which are sold at retail from such building or lot to the general public.

10.132 NURSING HOME

Any premises maintained and operated for persons requiring nursing care, and which is licensed under The Nursing Homes Act, as amended.

10.133 OUTSIDE STORAGE

Any accessory storage outside of a principle or main building or structure on the lot.

10.134 PARK, PRIVATE RECREATIONAL

An open space or recreational area, other than a public park, operated on a commercial and/or private member basis, and which includes one or more of the following facilities or activities:

- a) Areas for walking, riding and cross-country skiing, snowmobiling, but does not include the racing of animals, motor vehicles, motor cycles or snowmobiles;
- b) Accessory recreational or playground areas such as picnic areas, tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields;
- c) An accessory club house or storage building of a maximum of 75 sq. m. , and;
- d) Parking lots accessory to the foregoing.

10.135 PARK, PUBLIC

Any open space or recreational area, owned or controlled by the Corporation or by any Board, Commission or other Authority established under any statute of the Province of Ontario and may include therein neighbourhood, community, regional and special parks or areas and may include one or more athletic fields, field houses, community centres, bleachers, swimming pools, greenhouses, botanical gardens, zoological gardens, bandstands, skating rinks, tennis courts, bowling greens, bathing stations, curling rinks, refreshment rooms, fair grounds, arenas, or similar uses.

10.136 PARKING AREA

An area or areas of land or a building or part thereof which is provided and maintained upon the same lot or lots upon which the principle use is located for the purpose of storing motor vehicles.

10.137 PARKING LOT

A parking area forming the principle use of a lot.

10.138 PARKING SPACE

An area having a minimum width of 3 metres and a minimum area of 18.5 square metres, exclusive of any aisles, ingress or egress lanes, for the parking or storage of motor vehicles.

10.139 PARKING STRUCTURE

A building or structure above or below finished grade which contains a parking area as the main use thereof.

10.140 PATIO

A platform or surfaced area without a roof, the surface of which is not more than 0.3 metres above finished grade, which is designed and intended for use as an accessory to a dwelling or a commercial use.

10.141 PAVILLION

means a completely enclosed structure having a roof supported on piers, for the purpose of shelter from the elements during such activities as picnics.

10.142 PERSON

Any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executor or other legal representatives of a person to whom the context can apply according to law.

10.143 PERSONAL SERVICES SHOP

A building or part thereof wherein a personal service is performed, including, but not necessarily restricted to, a barber shop, a beauty salon, a shoe repair shop, a tailor or dressmaking shop, a dry cleaning depot, a laundromat, a photographic, music or studio or the premises of an optician or registered massage therapist, but does not include any other uses defined herein.

10.144 PHARMACY

A building or part thereof where drugs are prepared and dispensed, but shall not include a drug store or retail store.

10.145 PIT

A place where unconsolidated gravel, stone, sand, earth, clay, fill, peat 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.

10.146 PLACES OF WORSHIP

Churches, chapels, temples, parish halls and synagogues including offices for the administration of the religious institution, convents, seminaries, monasteries, rectories, parsonages and parish houses.

10.147 PLACE OF AMUSEMENT

Any premises or separate part of a premises wherein for profit or gain, two or more amusement machines are provided for use by the public.

10.148 PLACE OF ENTERTAINMENT

A motion picture or other theatre, auditorium, public hall, billiard hall, bowling alley, ice or roller skating rink, dance hall or music hall, but for the purposes of this By-law does not include any other use or activity otherwise defined or classified in this By-Law.

10.149 PORTABLE PROCESSING PLANT

Any equipment for the crushing, screening or washing of sand and gravel aggregate materials, but not including a concrete batching plant or an asphalt plant, which equipment is capable of being readily drawn or readily propelled by a motor vehicle and which equipment is not considered permanently affixed to the site.

10.150 PORTABLE SAWMILL

A building, structure or area

- a. where timber is cut or sawed, either to finished limber or as an intermediary step.
- b. which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

10.151 PRINCIPLE OR MAIN BUILDING

Any building which is carried on the principle purpose for which the building lot is used and shall include a barn or silo used in conjunction with a farm.

10.152 PRINTING/PUBLISHING ESTABLISHMENT

A building or part of a building in which the business of producing books, newspapers or periodicals, by mechanical means and reproducing techniques, such as Xeroxing, is carried on, and may include the sale of newspapers, books, magazines, periodicals or like, to the general public.

10.153 PRIVATE CLUB

A non-profit, non-commercial organization, which carries on social, cultural, athletic and/or recreational activities.

10.154 PRIVATE HOME DAYCARE

The provision of temporary care and custody to not more than five children under the age of ten years old, for reward or compensation in a dwelling unit for a continuous period not exceeding twenty-four hours in accordance with the *Day Nurseries Act* RSO 1990 as amended from time to time.

10.155 PRIVATE ROAD

A private right-of-way over private property or Crown Land which affords access to abutting lots and is not maintained by a public body.

10.156 PROVINCIAL HIGHWAY

A public improved road under the jurisdiction of the Ministry of Transportation.

10.157 PUBLIC AUTHORITY

Any Federal, Provincial, District or Municipal agencies, and includes any commission, board, authority or department established by such agency and shall include Ontario Hydro, and Bell Canada.

10.158 QUARRY

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

10.159 QUEUING SPACE

A space within a queuing lane used exclusively for the staging of vehicles utilizing a drive through service facility.

10.160 RECREATIONAL ESTABLISHMENT

Premises where entertainment is offered for gain or profit such as a motion picture or other theatre, public hall, billiard or pool rooms, an establishment offering three or more electronic games for public use, bowling alley, ice or roller skating rink, miniature golf course and all other similar places of amusement.

10.161 RECREATIONAL TRAIL

A linear area of land set aside for public use in a built or natural setting to promote recreational activities.

10.162 RESEARCH ESTABLISHMENT

Means a place which is used for scientific research, tests or investigations, data collection and manipulation or technical development of information, products or devices for scientific application;

10.163 RESORT

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

10.164 RESOURCE MANAGEMENT

The preservation, protection and improvement of the natural environment through comprehensive management and maintenance for both the individual and society's use, both in the present and the future. Resource Management Uses also means the management, development and cultivation of timber resources to ensure the continuous production of wood or wood products, the provision of proper environmental conditions for wildlife, the protection against floods and erosion, the protection and production of water supplies and the preservation of the recreational resource.

10.165 RESTAURANT

A building or part of a building where food is offered for sale or sold to the public primarily for immediate consumption.

10.166 RESTAURANT, DRIVE IN

A restaurant where food is ordered from and delivered to customers while parked in automobiles on the property and does not include a drive-through restaurant.

10.167 RESTAURANT, TAKE-OUT

A place where food and drinks are prepared and offered for sale to the public but does not necessarily provide facilities for consumption thereof on the premises other than in parking areas

10.168 RETAIL STORE

A building where goods, wares, merchandise, substances or articles, are offered or kept for sale at retail and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, or articles sufficient only to service such stores but does not include any retail outlet otherwise classified or defined in this By-law.

10.169 RETIREMENT HOME

A premises that provides guest rooms primarily designed for retired persons or residents thereof who require nursing and or homecare where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and where common lounges, recreation rooms and medical care facilities may also be provided.

10.170 RIDING SCHOOL OR BOARDING STABLE

An area of land which is used as an educational centre for horse training, handling, care, or for the lodging of horses.

10.171 SALVAGE OR WRECKING YARD

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

10.172 SCHOOL

A public school, a separate school, a university, a community college or a private school authorized by the Province of Ontario.

10.173 SCHOOL, COMMERCIAL

A school conducted for gain of profit such as a studio of dancing, art school, music school, drama school, school of calisthenics, business or trade school, training centre or any other specialized school but shall not include a school as defined in this By-law or a private academic, religious, or philanthropic school.

10.174 SERVICE SHOP

A building or part of a building, not otherwise defined or classified in this By-law, for the servicing or repairing of articles, goods or materials, as well as facilities for accessory retail sales.

10.175 SERVICE SHOP, PERSONAL

A building or part of a building in which persons are employed in furnishing services and otherwise administering to individual and personal needs of patrons such as barber shops, beauty parlours, dry cleaning outlets, hair dressing shops, photograph studio and shoe repair shops.

10.176 SETBACK

The horizontal distance from the centre line of the street right-of-way, or defined physical feature measured at right angles to such centre line, to the nearest part of any building or structure on the lot.

10.177 SEWAGE

The waste water and associated matter from any uses or as otherwise defined in the *Environmental Protection Act*.

- 10.178 SEWAGE SERVICES OR FACILITY**
- Any works by a public authority for the collection, transmission, storage, treatment and disposal of sewage.
- 10.179 SHIPPING CONTAINER**
- A structure specifically designed or used to carry goods or freight on a truck, train or boat for use in intermodal transportation.
- 10.180 SHOPPING CENTRE**
- A group of three or more commercial uses, which have been designed, developed and managed as a unit by a single owner or tenant, or a group of owners or tenants, utilizing common parking areas and access points as distinguished from a business area comprising unrelated individual uses.
- 10.181 STORAGE FACILITY**
- Lands and buildings where, for a fee, articles, goods or materials are stored, but does not include a *Warehouse*.
- 10.182 STOREY**
- A storey is that part of a building between the surface of one floor and the ceiling above. However, a cellar does not count as a storey.
- 10.183 STREET LINE**
- The limit of the street or road allowance and is the dividing line between a lot and street or road.
- 10.184 STRUCTURE**
- Anything man-made that is fastened to or into the earth or another structure or rests on the earth by its own mass.
- 10.185 SWIMMING POOL**
- A structure which is located on or in or above the ground, or within a building, and which is capable of containing an artificial body of water for swimming, wading, diving or recreational bathing with a water depth of 0.6 m or more at its deepest point.
- 10.186 TAVERN**
- A tavern or public house as defined by The Liquor Licence Act, but does not include a hotel or restaurant.

10.187 TENT

Any kind of temporary shelter for sleeping that is not permanently affixed to the site and that is capable of being easily moved and is not considered a structure.

10.188 TOURIST ESTABLISHMENT

Any premises operated to provide sleeping accommodation for the travelling public or sleeping accommodation for the use of the public engaging in recreational activities, and includes the services and facilities in connection with which sleeping accommodation is provided, but does not include:

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

10.189 TOURIST INFORMATION CENTRE

An office used to provide information and assistance to the tourist or vacationing public, and may include an accessory retail store within the same building.

10.190 TRAILER

A vehicle that is at any time drawn upon a highway by a motor vehicle, another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn and, for the purposes of this By-law, does not include a mobile home.

10.191 TRAILER, TRAVEL OR TENT

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

10.192 TRANSPORTATION DEPOT

Any building or land where buses, trucks or tractor-trailers are rented, leased, kept for hire, stored or parked for commercial purposes.

10.193 TRUCK TRANSPORT TERMINAL

Any premises where commercial vehicles are kept for hire, rental or lease, or are stored or parked for remuneration, or from which commercial vehicles are dispatched for hire as common carriers.

10.194 USE

- a) Any purpose for which a building or other structure or a parcel of land may be designed, arranged, intended, maintained, or occupied; or,
- b) Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a parcel of land.

10.195 VEHICLE

A motor vehicle, trailer, traction engine, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include the cars of electric or steam railways running only upon rails.

10.196 VEHICLE, RECREATIONAL

A vehicle designed to provide temporary living accommodation but does not include a mobile home, travel trailer or other vehicle defined herein.

10.197 VESSEL

A craft designed to float on the water including a boat, a barge or a ship.

10.198 VETERINARY CLINIC

A building or part of a building in which facilities are provided for the prevention, cure and alleviation of disease and injury to animals and in conjunction with which there may be facilities provided for the sheltering of animals during the treatment period.

10.199 WAREHOUSE

A building or part of a building used for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities for a wholesale or retail commercial outlet, provided that they do not exceed 10 per cent of the gross floor area, but shall not include a truck or transport terminal or yard.

10.200 WASTE DISPOSAL AREA

A land fill site where garbage, refuse, domestic or industrial waste, exclusive of liquid industrial waste, is disposed of or dumped or as otherwise defined in the *Environmental Assessment Act*.

- 10.201 WATERCOURSE**
- A waterbody or the natural channel for a perennial or intermittent stream of water including a river or stream.
- 10.202 WATER SERVICES OR FACILITY**
- Any works by a public authority for the treatment, storage, supply or distribution of water.
- 10.203 WAYSIDE PIT OR QUARRY**
- A temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.
- 10.204 WHOLESALE ESTABLISHMENT**
- The use of land or the occupancy of a building or structure, for the purpose of selling or offering for sale goods, wares or merchandise on a wholesale basis and includes the storage or warehousing of those goods, wares or merchandise.
- 10.205 WORK CAMP**
- A temporary use of lands for housing persons employed in an industrial operation or construction project utilizing trailers or pre-fabricated buildings for accommodation and may include facilities for food services and recreation.
- 10.206 WORKSHOP**
- A building or structure where manufacturing is performed by tradesmen requiring manual or mechanical skills and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, a plumbing and electrical contractor's or a heating /air conditioning contractor's shop, a commercial welder's shop, or similar uses.
- 10.207 YARD**
- Any open unoccupied space appurtenant to a building measured from the closest supporting structure of the building to the lot line.
- 10.208 YARD, EXTERIOR SIDE**
- A side yard immediately adjacent to an exterior lot line.
- 10.209 YARD, FRONT**
- A yard extending across the full width of the lot between the front lot line and the nearest wall of any building or structure on the lot for which the yard is required. On islands where there is only one lot, all yards shall be considered as the front yard.
- 10.210 YARD, FRONT DEPTH**

The least horizontal distance between the front lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot, or the edge or rim of an excavation on the lot.

10.211 YARD, REAR

A yard extending across the full width of the lot between the rear lot line and the nearest wall of any building on the lot for which the yard is required.

20.212 YARD, REAR DEPTH

The least horizontal distance between the rear lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot, or the edge or rim of an excavation on the lot.

20.213 YARD, REQUIRED

The minimum yard required by the provisions of the By-law.

20.214 YARD, SIDE

A yard extending from the front yard to the rear yard between the side lot line and the nearest wall of any building on the lot for which the yard is required.

20.215 YARD, SIDE EXTERIOR

A side yard immediately adjoining a public street.

20.216 YARD, SIDE INTERIOR

A side yard other than an exterior side yard.

20.217 YARD, SIDE, WIDTH

The least horizontal distance between the side lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot, or edge or rim or excavation on the lot.

20.218 ZONE

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

20.219 ZONE PROVISIONS

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

**SECTION 11
ENACTMENT**

11.1 FORCE AND EFFECT

This By-law shall come into force and effect on the date it is passed by the Council of the Corporation of the Township of Nipigon subject to the applicable provisions of The Planning Act, R.S.O., 1990, c.P13., as amended.

11.2 READINGS BY COUNCIL

THIS BY-LAW READ A FIRST TIME ON THE 7TH DAY OF NOVEMBER, 2017

THIS BY-LAW READ A SECOND TIME ON THE 7TH DAY OF NOVEMBER, 2017

THIS BY-LAW READ A THIRD TIME AND FINALLY PASSED ON THE 7TH DAY OF NOVEMBER, 2017.

MAYOR: “ RICHARD HARVEY”_

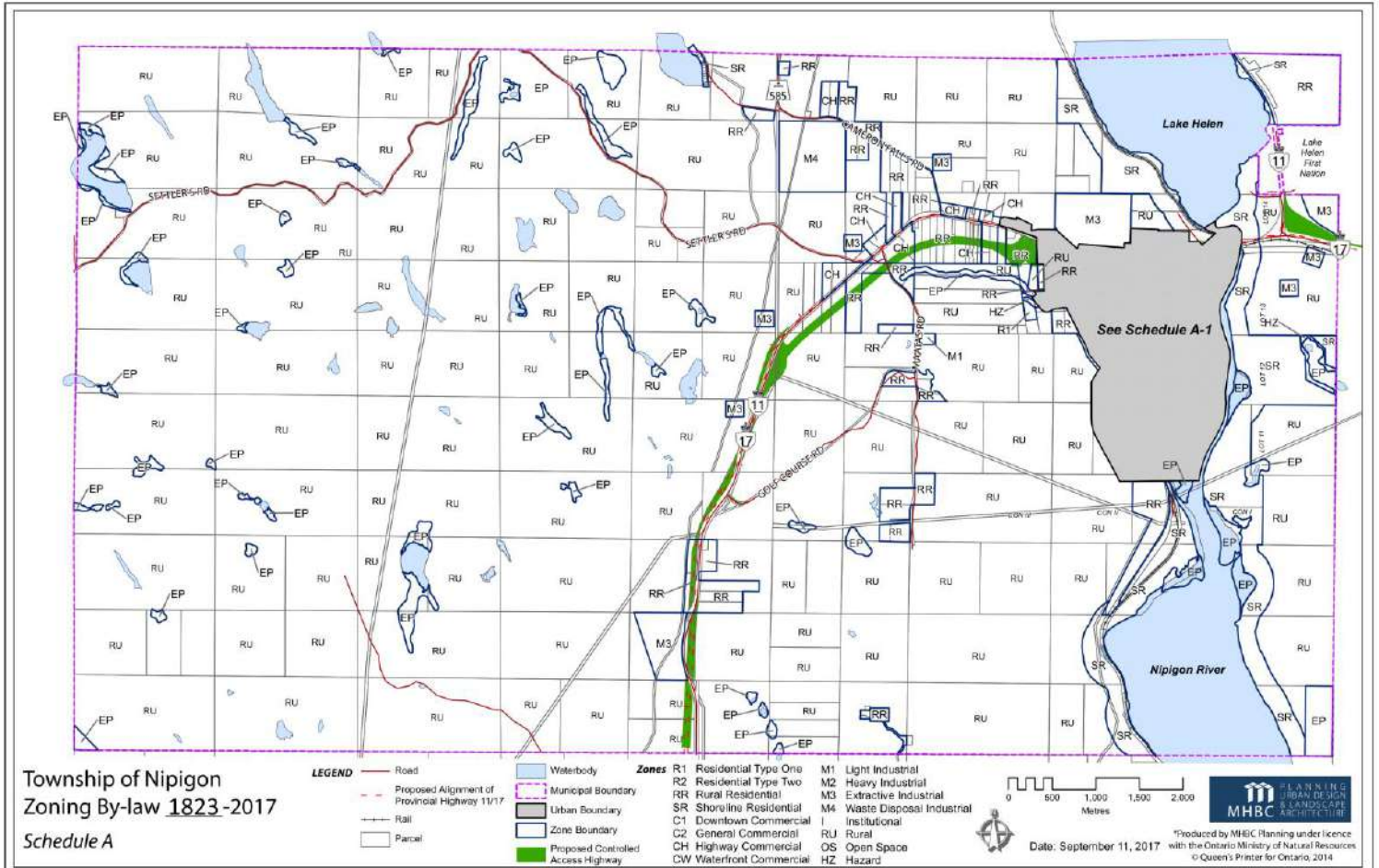
(MUNICIPAL SEAL)

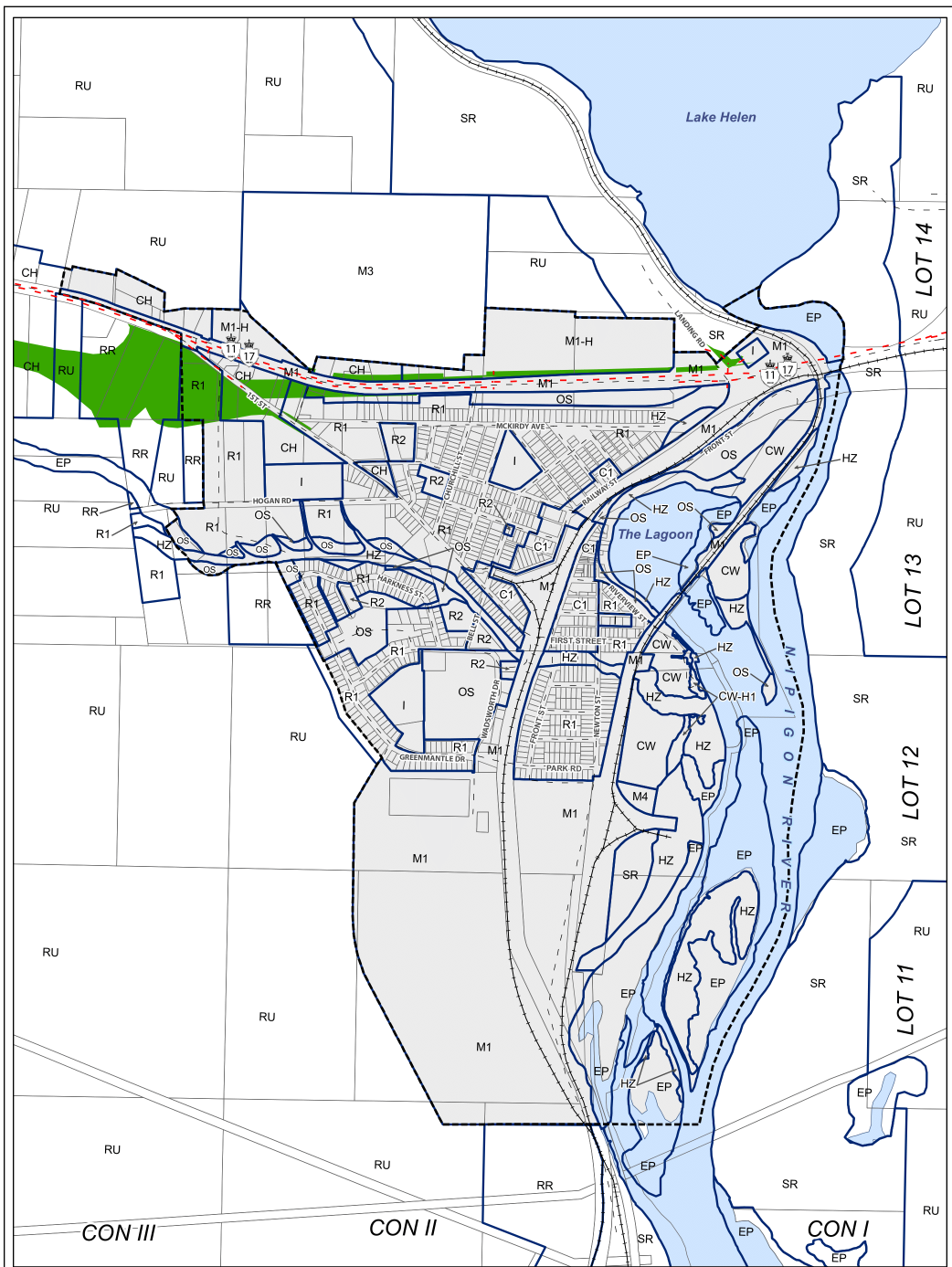
CLERK: “LINDSAY MANNILA”_

10.3 CERTIFICATION

I hereby that the foregoing is a true copy of Zoning By-law No. 1823 as enacted by the Council of the Corporation of the Township of Nipigon, on the 7th day of November, 2017.

CLERK: “LINDSAY MANNILA”_





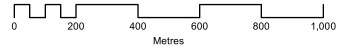
Township of Nipigon
 Zoning By-law 1823 -2017
 Schedule A-1

Zones

- | | | | |
|--------------------------|--------------------------|------------------------------|-----------------|
| R1 Residential Type One | C1 Downtown Commercial | M1 Light Industrial | I Institutional |
| R2 Residential Type Two | C2 General Commercial | M2 Heavy Industrial | RU Rural |
| RR Rural Residential | CH Highway Commercial | M3 Extractive Industrial | OS Open Space |
| SR Shoreline Residential | CW Waterfront Commercial | M4 Waste Disposal Industrial | HZ Hazard |

Legend

- - - Road
- - - Proposed Alignment of Provincial Highway 11/17
- Rail
- Urban Boundary
- Parcel
- Waterbody
- Zone Boundary
- Proposed Controlled Access Highway



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Date: September 11, 2017