
Comprehensive Zoning By-Law Lake of the Woods Township

21 May, 2013

Lake of the Woods Township

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SECTION 1.0 INTERPRETATION AND ADMINISTRATION

1.1 TITLE

This By-law shall be known as the “New Comprehensive By-Law” of the Corporation of the Township of Lake of the Woods.

1.2 APPLICATION

The provisions of this By-law shall apply to all lands within the boundaries of the Township as now or hereafter are legally constituted.

1.3 SCOPE

No lands shall be used and no buildings or structures shall be erected, altered, enlarged, or used within the Township of Lake of the Woods except in compliance with the provisions of this By-law.

1.4 MINIMUM REQUIREMENTS

In interpreting and applying the provisions of this By-law, they are held to be the minimum requirements for the promotion of health, safety, comfort, convenience, and general welfare of the inhabitants of the Township.

1.5 INTERPRETATION OF BY-LAW

1.5.1 DEFINITIONS

In this By-law, unless the context requires otherwise, the definitions set out in Section 2 shall apply. Where a term is not defined, its common usage shall apply.

1.5.2 NUMBER AND GENDER

In this By-law, unless the contrary intention is indicated, words used in the singular shall include the plural and words used in the male gender shall include the female gender and vice versa.

1.5.3 MEANING OF USE

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

1.5.4 MEANING OF SHALL

In this By-law, the word “shall” shall always be construed as mandatory.

1.5.5 MEASUREMENTS

Measurements of length and area used in this By-law are given in metric units (e.g. metres, hectares).

1.5.6 PRIMARY ZONES

Primary zones are the basic structural unit of this Zoning By-law and identify a land use category with

permitted uses and regulations. Primary zones are indicated by a set of symbols, for example R1 represents the Residential 1 (R1) Zone in this By-law.

1.5.7 HOLDING ZONES

1. Holding zones are created by adding a capital H in brackets – (H) – to the zone code on the Zoning Schedules. This has for effect of allowing the uses set out in the corresponding text of the by-law at some time in the future. A Holding symbol is removed once specified conditions, which are identified in the exception provisions, are met (e.g. such as conditions related to environmental, transportation, servicing matters), in accordance with Section 36 of the *Planning Act*, as amended.

2. No land shall be used in a Holding Zone (H), except for the following purposes:

- Accessory Uses
- Existing Uses

1.6 USE OF ZONE SYMBOLS

The symbols listed shall be used to refer to land, buildings and structures and uses thereof permitted by this By-law in the said zones, and wherever in this By-law the word “Zone” is used preceded by any of the said symbols, such zones shall mean any area within the Township of Lake of the Woods delineated on the Zoning Schedules and designated therein by the said symbol.

1.7 INTERPRETATION OF ZONE BOUNDARIES

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

- a. Unless otherwise shown, the boundary of the zones as shown on the Zoning Schedules and the centre lines of the road allowance or lot lines and the projection thereof;
- b. Where zone boundaries are indicated as approximately following lot lines shown on a plan of subdivision, such lot lines shall be deemed to be the said boundary;
- c. Where zone boundaries are indicated as approximately parallel to the line of any road and the distance from such road and the distance therefrom shall be determined by the use of the scale shown on the Zoning Schedules;
- d. Unless otherwise indicated, a road, lane or watercourse included on the Zoning Schedules, is included within the zone of adjoining property on either side thereof; and where such road, lane, right-of-way or watercourse serves as a boundary between two or more different zones, a line midway in such road, lane, right-of-way or watercourse extending in the general direction of the long division thereof is considered the boundary between zones, unless specifically indicated otherwise;
- e. In the event of a dedicated road, lane, or right-of-way shown on the zone maps is closed, the property formerly in said road lane or right-of-way shall be included within the zone of the adjoining property or either side of the said closed road lane right-of-way and the zone boundary shall be the former centre line of the closed road, lane or right-of-way;
- f. Where any zone boundary is left uncertain after application of the preceding provisions, then the boundary line shall be determined according to scale on the Zoning Schedules in the office of the Chief

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Building Official; and

g. Wherever it occurs, the limit of the Township of Lake of the Woods is the boundary of the zone adjacent to it.

1.8 CONFLICT

In the event of a conflict between this By-law and amendments thereto and any other general or special by-law of the Township, the most restrictive By-law shall prevail.

1.9 STRUCTURE

This Zoning By-law is composed of fifteen (15) Sections:

- Section 1: Interpretation and Administration
- Section 2: Definitions
- Section 3: Establishment of Zones
- Section 4: General Provisions
- Section 5-14: Zone Provisions
- Section 15: Zoning Schedules.

1.10 ADMINISTRATION

This By-law shall be administered by the Chief Building Official and/or such other persons or persons as the Council of the Township of Lake of the Woods designates.

1.11 LICENSES AND PERMITS

No person shall be entitled to a permit, certificate, or license where the said permit is required for a proposed use of land or a proposed erection, alteration, enlargement or use of any building or structure that is in violation of any provisions of this By-law.

1.12 BUILDING TO BE MOVED

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

1.13 REPEAL OF EXISTING BY-LAWS

From the coming into force of this By-law, all previous By-laws passed under Section 34 of the *Planning Act*, or a predecessor thereof, shall be deemed to have been repealed except to the extent that any of the said By-laws prohibits the use of any land, building or structure for a purpose that is also prohibited by this By-law.

1.14 APPLICATION OF OTHER BY-LAWS

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

1.15 VALIDITY

Should any section, clause or provision of this By-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be affected.

1.16 VIOLATIONS AND PENALTIES

1. Every person who uses any lot, or erects or uses any building or structure or any part of any lot, building or structure, in a manner contrary to any requirement of this By-law, or who causes or permits such use or erection, or who contravenes any provision of this By-law or causes or permits a contravention, shall be guilty of an offence and upon conviction therefore, shall be liable:

- a. on a first conviction to a fine of not more than \$25,000; and
- b. on a subsequent conviction to a fine of not more than \$10,000 from each day or part thereof upon which the contravention has continued after the day on which the conviction was first made.

2. Where a corporation is convicted under this Section, the maximum penalty that may be imposed is:

- a. on a first conviction, a fine of not more than \$50,000; and ii) on a subsequent conviction, 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 corporation was first convicted.

3. Every such penalty as set out in this Section shall be recoverable under the Section 67 of the *Planning Act*, 1990 and/or the *Provincial Offences Act* and/or any other legislation applicable.

1.17 REMEDIES

In case of any buildings or structure 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 ratepayer or of the Township, pursuant to the provisions of the *Planning Act* and/or the *Municipal Act* and/or any other legislation applicable.

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SECTION 2 DEFINITIONS

For the purpose of this By-law, the definitions and interpretations given herein shall govern.

Abandoned

Means the failure, in the opinion of the Chief Building Official, to proceed expeditiously with construction work or to undertake construction work during any continuous 12 month period.

Abattoir

Means a building, structure or lot or part thereof, used for the slaughter of livestock, poultry or other animals for purpose of processing or rendering.

Accessory Building or Structure

Means a detached building or structure that is not used for human habitation except where a residential use is a permitted accessory use, but the use of which is naturally and normally incidental to, subordinate to, or exclusively devoted to a principal use or building and located on the same lot therewith and includes a detached private garage, detached carport, detached deck and dock.

Accessory Apartment

Means self-contained apartments created through converting part of or adding on to a building containing a commercial use.

Accessory Dwelling Unit

Means a detached dwelling unit on a commercial lot.

Accessory Use

Means a use naturally and normally incidental to, subordinate to, or exclusively devoted to a principal use and located on the same lot therewith.

Aggregate

Means gravel, sand, clay, rock, or other material prescribed under the *Aggregate Resources Act* suitable for construction, industrial, manufacturing and maintenance purposes.

Aggregate Pit

Means a place where unconsolidated gravel, stone, sand, earth clay, fill, mineral or other material is being or has been removed by means of an open excavation, and includes the processing thereof for commercial purposes including screening, sorting, washing, crushing, and other similar operations, together with required buildings and structures, but does not include a wayside pit.

Agricultural Services

Means the use of lands, structure or building for the purpose of buying and selling commodities and services that are necessary to support agricultural operations, including livestock sales barn, but does not include any manufacturing, assembling, processing, warehousing or construction uses.

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Agricultural Use

Means the cultivation of land, the production of crops and the selling, packing, storage of such product on the premises, and the breeding, raising and care of livestock, and the selling of such livestock or the product of such livestock raised on the premises and, without limiting the generality of the foregoing, includes animal husbandry, dairying, and the raising and harvesting of field, bush, or tree crops, market gardening, nurseries, animal kennels, beekeeping, and greenhouses, bait fish culture and harvesting, wild rice culture and harvesting, and peat exploration and harvesting.

Airport or Aircraft Landing Area

Means the use of land, including water, runway, or other facility designed, used or intended to be used, either publicly or by any person or persons, for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage, tie down areas, hangars and other necessary buildings, structures and open spaces.

Alter

When used in reference to a building or structure or part thereof, means to change the use or the external dimensions of such building or structure or to change the type of construction of the exterior walls or roof thereof.

Notwithstanding the above, when used in reference to a lot, the word ‘alter’ means to increase the width, depth, or area thereof or to decrease the width, depth or area of any required yard, setback, landscaped open space, or parking area, or to change the location of any boundary of such lot with respect to a road or lane, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise; or

Notwithstanding the above, when used in reference to a use, to discontinue and replace a use with a use which is defined herein as being distinct from the discontinued use.

Animal Hospital

Means a “Veterinary Clinic” as defined in this By-law.

Animal Shelter

Means a building or portion thereof where small domestic animals/pets, birds, livestock or farm animals are given temporary shelter, where minor treatment is given, and includes a public pound and crematorium but does not include an animal hospital, a veterinary clinic or any establishment engaged primarily in the retail sale of animals or in the breeding or training of animals for gain or profit.

Arcade

Means an establishment, or parts of an establishment, containing three or more arcade machines operated for gain, including where the operation of such arcade machines for gain is an accessory use or is not the primary use of the establishment.

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Arena

Means a facility for sport activities and includes ice surfaces for hockey and curling and other surfaces for any sporting activity.

Assembly Hall

Means a building, or part thereof, in which facilities are provided for such purposes as meetings for civic, educational, political, recreational, religious or social purposes and, without limiting the generality of the foregoing, may include such facilities as a banquet or private club.

Assisted Living

Means a residential building with individual dwelling units and accessory personal care and support services.

Attached

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

Attic

Means the space between the ceiling of the top storey and the roof or between a dwarf wall and a sloping roof.

Automobile Body Repair Shop

Means a building or structure used primarily for making repairs or alteration to the body or paint work of any vehicle.

Automobile Service Station or Service Station

Means a building or part of a building or a clearly defined space on a lot used primarily for the retail sale or some or all of lubrication oils, gasoline, diesel fuel and propane for motor vehicles, and may include the sale of automobile accessories, and the servicing and repairing essential to the operation of motor vehicles, but does not include a car washing establishment.

Automobile Wrecking Yard or Scrap Metal Yard

A place where motor vehicles are wrecked or disassembled and resold.

Bait Shop

Means an establishment used for the storage, handling and/or raising for retail sale of minnows, worms and other species used exclusively for recreational bait fish purposes.

Bake Shop

Means a bakery where the prepared food products of such bakery are offered for retail sale on the same premises.

Bank

Means a banking institution as defined in the *Bank Act*.

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Basement or Cellar

Means that portion of a building between two floor levels which is more than 50% below the ground level at the exterior walls.

Bed and Breakfast Establishment

Means a single-detached dwelling in which not more than 4 habitable room for overnight lodging are provided for gain, with breakfast included, to persons other than the lessee, tenant or owner of said dwelling, or any member of the his household, but shall not include a hotel, motel, resort, trailer camp, seasonal campground or camping establishment and is accessory to the main residential use.

Boarding House

Means "Rooming House" as defined in this By-law.

Boat House

Means a detached accessory building or structure constructed for the purpose of sheltering or storage of boats or other form of water transportation and accessories, but it shall not include a dwelling unit.

Buffer Strip

Means an area of land used for no other purpose than for the erection of a fence, or the planting and maintaining of a continuous row of natural evergreens or a continuous unpierced hedgerow of natural shrubs and the remainder of which is to be used for landscaping.

Building

Shall include any structure, whether temporary or permanent, used or intended for sheltering any use or occupancy, but shall not include a boundary wall or fence or any vehicle as defined herein.

Building Area

Means the greatest horizontal area of a storey above grade within the outside surface of exterior walls or within the outside surface of exterior walls and the centre line of firewalls.

Builders' Supply Outlet

Means a commercial establishment used for milling, storage, or wholesaling of a broad range of building materials and tools.

Bulk Sales Establishment

Means the use of land for the purpose of storing, buying and selling coal, fuel oil, propane, wood, lumber, building materials, ice and allied chemicals, but does not include any manufacturing, assembling or processing uses.

Business or Professional Office

Means 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 treatments, but does not include a personal service

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establishment, a veterinarian's clinic, an animal hospital or shelter, a body-rub parlour or any adult entertainment parlour as defined in the *Municipal Act*.

By-law Enforcement Officer

Means a person appointed by Council and charged with the duty of enforcing the provisions of the Zoning By-law and any amendment hereto.

Cabin

Means a "cottage" as defined in this By-law.

Campground

Means a parcel of land used for short-term occupancy by campers using travel trailers, tents, tent trailers, or other moveable dwellings, rooms or sleeping quarters of any kind for short-term occupancy.

Car Wash

Means an establishment where motor vehicles are washed, cleaned or polished for compensation, including a coin wash, but does not include a service station or vehicle repair shop where car washing is incidental to the operation of such service station or vehicle repair shop.

Cemetery

Means a cemetery or columbarium within the meaning of the *Cemetery Act*, as amended from time to time.

Clinic

Means a building or structure that is used or intended for use by one or more physicians, dentists, chiropractors and/or drugless practitioners, or anyone or more of them, as well as their staff and patients, for the purpose of consultation, diagnosis and office treatment, but does not include short and long-term patient care facilities.

Commercial Fish Outlet

Means a use which is primarily devoted to the handling, storage, cleaning, cutting and/or freezing of fish products for wholesale or retail sale and includes accessory uses as docks, warehouses, processing plants and repair facilities for commercial fish equipment.

Club

Means a building or part of a building used as a meeting place for members of an organization and includes a lodge, a fraternity or sorority house and a labour union hall.

Commercial Use

Means the use of land or buildings for the purpose of buying and/or selling commodities and supplying services separate from such uses as manufacturing or assembling of goods, warehousing, transport terminals, construction and other similar uses.

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Community Centre

Means a building used primarily for community activities and not used for commercial purposes, the control of which is vested in the Township, a local board, or commission.

Condominium

Means a building or structure wherein the Owner holds title to his/her own dwelling unit while sharing title to the land and other common areas of the development and sharing maintenance/operating costs with other dwelling unit owners through a condominium corporation.

Conservation Use

Means any land, building or structure used for wild life conservation, research, harvesting or outdoor recreation and may include hunting and trapping.

Contractor's Yard

Means a yard and associated buildings of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work but shall not include storage of excavated material or other establishment otherwise defined or classified herein.

Convenience Store

Means a retail store serving the daily or occasional needs of the residents of the immediate area with a variety of good such as groceries, meats, dairy products, patent medicines, sundries, tobacco, stationery, hardware, magazines and/or newspapers.

Cottage

Means a detached building used for occasional and seasonal residential dwelling for recreation, rest or relaxation by one household, but not occupied continuously or as a principal residence or as a year-round permanent dwelling.

Council

Means the Council of the Corporation of the Township of Lake of the Woods.

Daylighting Triangle

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

Day Nursery

A day nursery operated for pre-school age children within the meaning of the *Day Nurseries Act*, R.S.O., 1980, c.111 as amended.

Demolition

Means the removal of a building or any part thereof.

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Detached

Means “not attached”.

Development

Means to build, construct, reconstruct or relocate. The term includes altering any existing building or structure; or any work which requires a Building permit under the *Building Code Act, 1992*.

Dock

Means a structure on land or in the water to be used for transferring goods or passengers to or from a boat or airplane. This definition includes a launching ramp or boatlift but does not include any building used for human habitation.

Dwelling

Means a combination of rooms in which a kitchen, living quarters and sanitary conveniences are provided for habitation 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. A dwelling may include the following sub-types:

Single detached

Means a separate building or factory built twin-wide or double wide modular home designed, used, or intended to be used for occupancy as a single dwelling unit. This definition shall not include a mobile home as defined herein.

Semi-detached

Means a building that is divided vertically into 2 dwellings units designed or intended to be used for occupancy as a single dwelling unit and which dwelling units may be held in separate ownership. This definition shall not include a mobile home as defined herein.

Dwelling, Duplex

Means a building that is divided horizontally into 2 dwelling units, each of which has an independent entrance either directly or through a common vestibule.

Dwelling, Double Duplex

Means 2 attached duplex dwellings.

Dwelling, Townhouse

Means the whole of a residential use building containing three or more dwelling units that are divided vertically, each of which has an independent entrance.

Dwelling, Street Townhouse

Means a townhouse or rowhouse dwelling which has direct access and frontage along a public street. Each dwelling unit may be located on a separate lot. For street townhouses, the maximum number of attached units shall be 8 units.

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Dwelling, Triplex

Means a building that is divided horizontally into 3 separate dwelling units, each of which has an independent entrance either directly or through a common vestibule.

Apartment Building

Means a building that contains 4 or more dwelling units, which units have one or more common entrances from road level and are served by a common corridor, and the occupants of which units have the right to use in common the corridors, stairs, elevators, yards or more of them.

Bachelor

Means a dwelling unit in which only one room or part thereof contains sleeping accommodation, and room is used as a living or dining room or both, as well as for sleeping purposes, but does not mean or include a dwelling unit containing one or more rooms designed exclusively for sleeping accommodation.

Dwelling, Multiple

Means a building used, designed, or intended to be used for occupancy as 3 or more dwelling units independently of each other.

Dwelling Unit

Means a residential unit that:

- a. consists of a self-contained set of rooms located in a building or structure;
- b. is used or intended for use as a residential premises;
- c. contains kitchen and bathroom facilities that are intended for the use of the unit only; and
- d. is not a mobile home or any vehicle

Easement

Shall have the meaning attributed to it in the definition of "Right-of-Way".

Entertainment Facility

Means a building or facility for the use of a motion picture or other theatre, arena, auditorium, public hall, bingo hall, billiard or pool room, arcade, bowling alley, ice or roller skating rink and does not include an adult entertainment establishment.

Erect

Means to build, construct, reconstruct, install, enlarge, extend or alter material or repair a building or structure. "Erect" shall include the relocation of a building or structure, the installation of a building unit fabricated or removed from elsewhere, the demolition or removal of a building or any part thereof and any physical operation such as excavating, filling, grading or draining preparatory to building construction or reconstruction.

Existing

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

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Fairground

Means the use of land, buildings, or structures for the purpose of holding agricultural fairs including displays, exhibiting, livestock shows, sporting events, midway amusements, and concession stands; temporary overnight accommodations associated with fairground uses is permitted.

Farm Help House

Means a building located on the same lot and accessory to an agricultural use and which is provided and maintained by the owners of the lot for the accommodation of persons employed in the agricultural operation by the owner of the lot.

Financial Institution

Means a commercial establishment such as a bank, trust company, credit union or other similar business or institution where money is deposited, kept, lent, and exchanged.

Flea Market

Means an occasional market held in an open air or building structure, where groups of individual sellers display and offer goods for sale to the public, but does not include a garage sale.

Flood Fringe

Means the outer portion of the flood plain between the floodway and the limit of the regulatory flood.

Flood Plain

Means the area, usually low lands, adjoining a watercourse which has been, or may be covered by flood water.

Floodproofing

Means the combination of structural changes and/or adjustments incorporated into the basic design and/or construction or alteration of individual buildings, structures or properties subject to flooding so as to reduce or eliminate flood changes. The word "floodproofed" has a corresponding meaning.

Floodway

Means the channel of a watercourse and the inner portion of the flood plain where flood depths and velocities are generally higher than those experienced in the flood fringe. The floodway represents that area required for the safe passage of flood flows and that are where flood depths and velocities are considered as such that they pose a potential threat to life and property.

Floor Area

Means the sum of the areas of all of the floors of a building or structure measured from the outside of all outside walls, exclusive of any terrace, veranda, unfinished attic, basement, cellar, open or enclosed porch or sunroom, unless such sunroom or enclosed porch is an integral part of the building and habitable in all seasons.

Floor Area, Ground

Means the floor area of the lowest storey of a building approximately at or just above the finished grade

level excluding any basement, which area is measured between the exterior faces of the exterior walls at the floor level of such storey but excludes car parking areas within the building.

Forestry Use

Means the raising and harvesting of wood and, without limiting the generality of the foregoing, includes the raising and cutting of fuel wood, pulp wood, lumber, holiday trees, and other forest products.

Fuel Depot

Means a lot where bulk storage of fuel, including petroleum products and propane takes place and where wholesaling and retailing of these products is carried on.

Funeral Home

Means a building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the internment or cremation and for accessory meetings.

Garage, Private or Carport

Means a building or portion of a building designed for the storage of private passenger motor vehicles wherein no service for profit is rendered; where such structure is attached to the main building, it shall be deemed to be part of the main building and not an accessory building.

Garage, Public or Service Station

Means a building or structure which is used for the repair or storage of motor vehicles for remuneration; and/or it may include an automobile body repair shop and it may include a gas bar.

Garden Suite

Means a self-contained temporary dwelling that is accessory to the main dwelling unit with its own kitchen, bathroom and living area which is designed to be portable and is sometimes referred to as a "granny flat". This may include a mobile home.

Gas Bar

Means a lot containing gasoline, diesel fuel or propane dispensing devices and a structure used for the sale of fuel and lubricants for vehicles.

Golf Course

Means a public or private area operated for the purposes of playing golf and does not including golf driving ranges.

Golf Driving Range

Means a public or private area for the purpose of practicing golf driving techniques and is equipped with distance markers, lighting, safety nets, parking areas, golf equipment rental facilities and washrooms, but does not include a golf course.

Grade

Means the average level of finished ground adjoining a building at all exterior walls.

Grain Elevator and Grain Drying Facility

Means buildings or structures associated with the processing, dryings, storage, or transshipment of grain.

Greenhouse Commercial

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

Group Home

Means a single housekeeping unit in a residential dwelling in which a maximum of 6 persons (excluding supervisory staff or the receiving family) live under responsible supervision consistent with the particular requirements of its residents. The group home shall conform with the Township By-laws and shall be licensed and/or approved by the Province of Ontario.

Guest Cabin

Means a dwelling unit for guest accommodation accessory to a cottage which contains no provision for cooking or any water or sewage treatment systems and is not used year round for human habitation.

Habitable Room

Means a room in a dwelling used for human occupancy but does not include a bathroom, toilet room, serving or storage pantry, laundry and corridor.

Hazard Land

Means land which exhibits, or potentially exhibits, a hazardous condition as a result of its susceptibility to flooding, erosion, subsidence, inundation, as the presence of organic soils or steep slopes, or where, by reason of its lying marshy or unstable character, the cost of construction of satisfactory waterworks, sewage or drainage facilities is prohibitive. Hazard lands include areas where the operation of mines or former mines has left the lands in a hazardous state, lands where contaminants may have been spilled or placed and filled lands.

Health Centre

Means a building or structure that is used or intended for use by one or more physicians, dentists, chiropractors and/or drugless practitioners for the purpose of consultation, diagnosis and office treatment. Health Centre includes short and long-term patient care facilities and urgent care, but does not include 24 hour urgent care.

Height

When used with reference to a building or structure, means the vertical distance in metres between the horizontal plan through the established grade and a horizontal plan through:

- a. the highest point of the roof assembly in the case of a building with a flat or deck roof;

- b. the average level of a sloped roof, provided that a roof having a slope of less than 20 degrees with the horizontal shall be considered a flat roof;
- c. the deck roof line, in the case of a mansard roof;
- d. the average level between eaves and ridges in the case of a cottage, gambrel or hip roof.

Highway

Shall be considered to be synonymous and have the meaning as defined for "Road".

Home Day Care

Means a dwelling unit where a maximum of 6 children, who are not residents of the dwelling, are provided temporary care, guidance, or both for a continuous period, not exceeding 24 hours.

Home Industry

Shall mean the use of part of a dwelling unit or an accessory building to a dwelling unit for an industrial use by one of the permanent residents of such dwelling unit, which is clearly secondary to the main use of the dwelling unit or agricultural operation. The home industry uses permitted include: photography, sculpting, ceramic making, upholstering, weaving, dressmaking, animal hospital, wood-working shop, auto body repair and auto repair, window-frame shop, welding shop, electrical shop, carpentry shop, machine shop, blacksmith shop, office and administrative operations.

Home Occupation

Shall mean an occupation, trade, business, profession or craft which is clearly secondary to the main use of the dwelling unit and carried on entirely within part of a dwelling unit by at least one of the permanent residents of such dwelling unit and may include hairdressing, accounting/bookkeeping, medical/dental practitioner, drafting, word processing, etc.

Hotel

Shall mean any hotel, tavern, inn, lounge, or public house in one main building or in two or more buildings used mainly for the purposes of catering to the needs of the travelling public by supplying food and furnishing sleeping accommodations of not less than 6 guest rooms, and shall include all buildings liable to be licensed under the *Liquor License Act*, and operating under the *Tourist Act*, as revised or amended from time to time.

Hunt Camp

Means an area where one or more buildings and/or tents are used for sleeping, accommodations, the preparation and serving of food and/or sports or recreation facilities and are intended for uses as a base camp for hunting, fishing, trapping, mining or forestry. A hunt camp is to be used on a temporary or seasonal basis, and is not a commercial facility.

Industrial Use

Means the use of land, buildings or structures for manufacturing, processing and assembling of goods or new raw materials warehousing and bulk storage of goods and repair and servicing of goods, including transportation terminals.

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Heavy Industrial Use

Means uses of a heavy industrial nature including;

- the manufacture or processing of products from raw materials;
- the production or use of flammable, explosive or other hazardous materials;
- the storage of these products and materials; or
- a wrecking yard

Light Industrial Use

Means uses of a light industrial nature, including:

- warehousing or distribution of finished parts or finished products;
- the manufacture from previously prepared materials of finished parts or finished products;
- factory or assembly-line processes that involve the manufacture, processing, assembly or packaging of finished parts or finished products made from previously prepared materials; or
- the repair or servicing of such products.

Institutional Use

Means the use of land, buildings or other structures for some public or social purpose and may include governmental, faith-based, educational, charitable, philanthropic, hospital, emergency services uses, a firehall or other similar uses.

Kennel

Means any lot, building or structure on or within which 4 or more domesticated animals of more than 4 months of age are housed, groomed, bred, boarded, trained or sold, and which may offer minor medical treatment but does not include a veterinary clinic or animal hospital.

Landscaped Area

Means an area not built upon and not used for any purpose other than as a landscaped area, which may include grass, shrubs, flowers, trees and similar types of vegetation and appurtenances, but does not include parking areas, parking lots, driveways or ramps.

Lane

Means a public thoroughfare or way, not more than 9 metres wide, which affords only secondary means of access to abutting lots.

Library

A library, branch library or distribution station to which the provisions of the *Public Libraries Act* apply, as amended.

Liquid Waste Disposal Facility

Means a site which has received a Certificate of Approval under the *Environmental Protection Act*, or such equivalent approval as may exist from time to time under this or any other successor legislation, to allow the site to be used for the purpose of disposing liquid waste materials.

Loading Space

Means a space or bay located on a lot of which is used or intended to be used for the temporary parking of any commercial vehicle while loading or unloading goods, merchandise or materials used in connection with the main use of the lot or any building thereto, and which has unobstructed access to a road or lane.

Lodging House

Means an establishment catering to the vacationing public by providing meals and sleeping accommodation with at least 3 guest rooms or cabins, but shall not include a hotel, home or institution licensed, approved or supervised under any other provincial legislation.

Lot

Means 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 50 of the *Planning Act*, S.O., 1990, c. P.13, 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 50 of the *Planning Act*, S.O., 1990, c. P.13, as amended.
- d. Which is the whole remnant retained by an owner or owners after a conveyance is made with final consent pursuant to Section 50 of the *Planning Act*, S.O., 1990, c. P.13, 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 is part or parts of it has or have been conveyed to or acquired by the Township of Lake of the Woods, 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 Ministry of Municipal Affairs pursuant to the provisions of Section 57 of the *Planning Act*, S.O., 1990, c. P.13, as amended.
- f. A lot includes the following sub-types:

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.

Interior: A lot other than a corner lot.

Irregular: A lot where any interior angle formed by any two lot lines is other than ninety (90) degrees.

Through: A lot bounded on opposite sides by streets.

Waterfront: Means a lot which abuts a shoreline and may or may not also abut a street or lane.

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.

Lot Coverage

Means the combined area of all buildings or structures, but not including an outdoor swimming pool on the lot, measured at the level of the lowest storey above grade, including all porches and verandas, open or covered areas, but excluding open, unenclosed terraces at grade, steps, cornices, eaves, bay windows, chimney breasts, corbelling and similar projections and open parking areas.

Lot Depth

Means the horizontal distance measure between the midpoint of the front lot line and the midpoint of the rear lot line, and in the case of a 3 side lot, lot depth means the horizontal distance between the midpoint of the front lot line and the apex of the triangle formed by the side lot lines.

Lot Frontage

Means the horizontal distance between the side lot lines of a lot measured at right angles.

a. where such lot lines are not parallel, the lot frontage shall be measured perpendicularly to the line joining the midpoint of the front and midpoint of the rear lot lines at a point 7.5 metres back from the front lot line.

b. where the side lines meet, the lot frontage shall be measured perpendicularly to the line joining the apex of the triangle formed by the side lot lines and the midpoint of the front lot line at a point measured 7.5 metres back from the front lot line.

c. where the front lot lines are curved, the lot frontage shall be measured along the line between the interior side lot line and the intersection or the tangents to the street line, drawn through the front lot line and exterior side lot line.

Lot Interior

Means a lot other than a corner lot which is situated between adjacent lots and has access to one road.

Lot Lines

Means the boundary lines of lot defined as follows:

a. Front lot line means:

i) in the case of an interior lot, the lot line dividing the lot from the road;

ii) in the case of a corner lot, the shorter lot line abutting the road unless each lot line is of equal length, in which case the front lot line shall be the lot line where the principal access to the lot is provided;

iii) in the case of a through lot, the front lot line shall be the lot line where the principal access to the lot is provided;

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iv) in the case of a waterfront lot, either the shoreline or the streetline shall be deemed the front lot line.

b. Rear Lot Line means the lot line farthest from and opposite the front lot line.

c. Side Lot Line means a lot line other than a front or rear lot line.

d. Side Lot Line, Exterior means a side lot line that is also a street line.

Main Building

Means the building or structure in which is conducted the principal use for which the lot is used.

Main Wall

Means the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully enclosed space or roof.

Manufacturing Light

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

Marina

Means a commercial establishment where a boathouse, boat storage, boat repair facilities, boat rental, pier, dock or jetty facilities, or any combination thereof, are available for marine craft and may include a pump for the fuelling of marine craft and a building or structure for the sale or repair of marine craft and accessories.

Mineral Aggregate Operation

Means an operation that includes:

a. lands under license or permit, other than wayside pits and quarries, issued in accordance with the *Aggregate Resources Act*;

b. lands not designated under the *Aggregate Resources Act*, established pits and quarries that are not in contravention of this and other Township By-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and

c. associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

Mineral Mining Operation

Means operation, land and associated facilities, or past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use, as regulated by the *Mining Act*.

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Mineral Exploration

Means the exploration for metallic minerals such as gold, copper and nickel or the exploration for non-metallic minerals such as mica and salt talc.

Mobile Home

Means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed.

Mobile Home Park

Means a lot managed by a mobile home park operator, for the permanent placement of one or more mobile homes or factory built park model homes or double-wide homes on individual mobile home sites, and may include a park or place of recreation.

Mobile Home Site

Means a parcel of land within a mobile home park which is serviced and intended for the placement of one mobile home.

Modular Home, Double-Wide or Twin-wide

Means a mobile home where the two halves of the unit have been joined and placed on a permanent foundation, such as poured concrete or mortared concrete block foundation.

Modular Dwelling

Means a prefabricated single detached dwelling being so constructed or assembled that the shortest side of such dwelling is not less than 6 metres in width.

Motel, Motor Hotel

Means one building, or 2 or more detached buildings, for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodations with or without supplying food, and shall include a motor court, auto court, and all buildings liable to be licensed under the *Liquor License Act*, and/or operating under the *Tourism Act*, as amended or revised from time to time.

Municipality

Means the Corporation of the Township of Lake of the Woods.

Navigable Waterway

Means a navigable body of water or stream as deemed under the *Beds of Navigable Waters Act* and includes any body of water which is capable in its natural state or at normal water level of being navigated by floating vessels for the purpose of transportation, recreation or commerce.

Non-Complying

Means a use, building, structure which is existing but does not meet, comply, or agree with the regulations of this By-law, but is a permitted use, building or structure within the zone in which it is located.

Non-Conforming

Means a use, building or structure which is existing but which is not permitted in the zone in which it is located.

Non-Residential

When used with reference to a building, structure or use, means designed, intended or used for the purposes other than those of a dwelling.

Nursing Home

Means a place where accommodation and care are provided for one or more persons, who, by reason of age or infirmity, are in need of same.

Obnoxious Use

Means an offensive trade within the meaning of the *Public Health Act* or any use which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas fumes, vibration or refuse matter.

Open Storage

Means the storage of goods, merchandise or equipment in the open air and in unenclosed portions of buildings which are open to the air on one or more sides.

Park, Private

Means a park controlled or owned by a private individual, group or organization and which may not be open to the public.

Park, Public

Means a park controlled or owned by the Municipality or a public authority and which is normally open to the public.

Parking Lot

Means an area for the parking of vehicles and may include aisles, parking spaces and related entrance and exit lanes, but shall not include any part of a road.

Parking Space

Means an area 3 metres by 6 metres enclosed in a building, or unenclosed, and set aside for the temporary storage of a vehicle.

Parking Tandem

Means the parking of two or more vehicles one behind another in a row.

Peat Extraction and Processing

Means an operation that includes associated facilities used in extraction, processing or transport of peat resources.

Permitted

Means permitted by this By-Law.

Person

Shall include an individual, an association, a firm, a partnership, a corporation, a trust, an incorporated company, an organization, a trustee or agent and their heirs, executors or other legal representatives of a person to whom the same can apply according to law.

Personal Service Establishment

Means a building or part thereof in which persons are employed in furnishing services and otherwise administering to individual and personal needs and may include the premises of a barber, hairdresser, beautician and shoe repair establishment, Laundromat, and dry cleaning establishment but shall not include an adult entertainment parlour. The sale of merchandise shall be permitted only as an accessory use to the personal service provided.

Places of Worship

Includes, but is not limited to churches, chapels, temples, parish halls and synagogues including offices for the administration of the religious institution, convents, seminaries, monasteries, rectories, parsonages, parish houses, and associated day nursery.

Portable Asphalt Plant

Means a small, portable facility:

- a. with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and
- b. which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

Portable Concrete Plant

Means a small, portable facility:

- a. with equipment designed to mix and/or crush cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and
- b. which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

Private Club

Means a building or part thereof used as a meeting place for members of an organization not operated for profit or of an athletic, social, recreational club not operated for profit.

Professional Office

Means a building or part thereof in which a legal, medical, or other professional service is performed or consultation is given including, but not so as to limit the generality of the foregoing, the offices of a

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lawyer architect, a surveyor, an engineer or an accountant, but does not include a personal service establishment, a business office, a veterinarian's clinic, an animal hospital or shelter.

Public Authority

Means any Federal or Provincial agency, school board, public utility commission, transportation commission, public library board, board of parks management, board of health, board of commissioners of police, planning board or other board or commission or committee or local authority established or exercising any power or authority under any general or special statute of Ontario or Canada with respect to any of the affairs or purposes of the Township or any portion thereof and includes any committee or local authority established by By-law of the Township and Ontario Hydro.

Public Services

Means the buildings, structures and other related works necessary for supplying water, gas, oil, electricity, steam, hot water, telephone services, telecommunication services, sewage collection and treatment facilities and other services provided by a public authority.

Quarry

Means a place where consolidated rock has been or is being removed by means of an open excavation or blasting, and includes the processing thereof for commercial purposes including screening, sorting, washing, crushing, and other similar operations, required buildings and structures.

Recreation Use

Means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres, skiing and other similar uses, together with necessary and accessory buildings and structures, but does not include a track for racing animals, motor vehicles, snowmobiles, all terrain vehicles or motorcycles.

Recreational Vehicle or Boat Sales and Service Establishment

Means a building or place where new or used recreational vehicles, trailers, snowmobiles, boats, and accessories are sold, rented or repaired.

Redevelopment

Means the creation of new residential units on land previously used for residential or non-residential purposes, where demolition of the previous structures is to take place or has taken place.

Religious Retreat

Means the use of land for religious purposes and includes a place of worship, temporary sleeping accommodation and sanitary facilities.

Renovate

Means to restore by improving or repairing to an earlier condition.

Residential Intensification

Means the creation of new residential units or accommodation in existing buildings or on previously

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developed land generally including the creation of accessory dwelling units conversion of non-residential uses, infilling and redevelopment.

Residential Unit

Means the use of land, buildings or structures for human habitation.

Residential Use

Means the use of a building or structure or parts thereof as a dwelling or a residential unit.

Residential Use, Recreational

Means a dwelling which is used for intermittent residential occupancy

Resort

Means a tourist commercial use that operates throughout all or part of the year and that has facilities for serving meals and furnishing equipment, supplies or services to persons in connection with recreational purposes.

Resource Management

Means the use of land solely for the preservation and enhancement of the natural environment.

Restaurant

Means a building used for the purpose of serving food and/or refreshments including a licensed establishment, and may include take-out food facilities as an accessory use.

Retail or Service Store

Means a building or part of a building where goods, wares, merchandise or articles are offered or kept for sale at retail directly to the public.

Retirement Home

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

Riding Stable

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

Right-of-Way

Means any right, liberty or privilege in, or along or under land which a person may have with respect to any land in the Township.

Road

Means a public highway under the jurisdiction of the Township or the Province or as shown on a plan of

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subdivision with respect to which a subdivision agreement has been entered into which affords the principal means of access to abutting lots, but does not include a public lane or right-of-way.

Road Allowance

Means land held under public ownership for the purpose of providing a road.

Rooming House

Means a building containing rooming units, and which may also contain dwelling units and an accessory administration office.

Rooming Unit

A room, or a suite of rooms, that constitutes a separate, independent residential occupancy, but which is not self-contained and which requires access to other parts of the principal dwelling or building intended to serve the residents, including shower or bathtub facilities, kitchens, eating areas or bathrooms.

Salvage Yard

Means a lot, building or structure used for wrecking, dismantling, storing or selling used goods, wares or materials including but not so as to limit the generality of the foregoing rags, bones, bottles, metals, clothing, furniture, paper, machinery, building materials, vehicles and parts thereof.

School

Means a school under the jurisdiction of a Board as defined in the *Education Act* a college, a university or any other education establishment including, but not necessarily restricted to, a nursery school or a boarding school having accessory dormitory facilities.

School, Commercial

Means a school operated by one or more persons for gain or profit.

School, Private

Means a school, other than a public school or a commercial school, under the jurisdiction of a private board or trustees or governors, a religious organization or charitable institution.

School, Public

Means a school under the jurisdiction of a public agency.

Seaplane Base

Means the use of land, buildings, or structures for the purposes of docking, storing or repairing seaplanes and for the supplying of associated services.

Seasonal Campground

Means an establishment that is owned and operated by a private club or organization for the boarding and lodging of children during the summer months only, and may include such recreational activities as boating, swimming crafts, riding, archery, etc.

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Service Industries

Means a bake shop, a public garage, including engine and body repair shop, a printing establishment, a paint shop, plumbing shop, sheet metal shop, welding shop, vehicle inspection station, boat repair and construction, small engine repair shop, woodworking shop and similar non-effluent producing uses.

Service Shop

Means a building or part thereof used for the sale or repair of household articles and includes radio, television and appliance repair shops, but does not include industrial or manufacturing uses or vehicles repair shops.

Service Station

Means “Automobile Service Station” as defined in this By-law.

Setback

Means the horizontal distance between the nearest part of any main wall of any building or structure and the centre line of a road allowance right angles to such centre line.

Setback from Top of Bank

Means the horizontal distance from the point of the slope or bank where the downward inclination of the land begins or the upward inclination of the land levels off to the nearest part of any main wall of any building or structure.

Setback from Water

Means the horizontal distance between the normal or controlled high water mark of any navigable waterway and the nearest part of any main wall of any building or structure.

Sewage Lagoon

Means a facility for the receiving and processing of sewage including, residential, commercial and industrial waste.

Shopping Centre

Shall mean a building or group of buildings planned, designed, developed or managed as a unit, having off-road parking provided on the same lot, and which building or buildings contain one or more retail stores, and offices.

Shoreline

Means any lot line or portion thereof which abuts a navigable waterway.

Sight Triangle

Shall be determined by connection two points which are obtained by measuring a distance of 6.0 metres drawn along each lot line abutting the street line from a point where the tangents of the lot lines abutting the street lines intersect. Where a railway right-of-way and street intersect, no building or structures, vehicles, open storage, landscaping, signage or any other use exceeding 6.0 metres of the

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street elevation shall be located within a 15.0 metre radius measured in all direction from the boundary of the railway right-of-way.

Small Scale Commercial/Industrial Use

Shall mean the use of land or building for the purpose of buying and/or selling commodities and supplying services separate from such uses as warehousing, transport terminals, construction and other similar uses. The use shall be limited in area to not more than 93 square metres.

Solid Waste Disposal Facility

Means a facility for the long-term storage or destruction of solid waste, and includes a landfill site or incinerator.

Storage Container

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

Storey

Means that portion of a building:

- a. which is situated between the surface of any floor and the surface of the floor next above it and if there is no floor above it, that portion between the surface of any floor and the ceiling above it, and
- b. which is more than 50% above the average finished grade; and
- c. which has a height of not less than 2 metres and includes an attic having not less than 2 metres headroom for at least 50% of the attic floor area.

Storey, First

Means the lowest storey of a building whereby the ceiling is at least 1.5 metres above finished grade.

Street, Highway or Road

Shall be considered to be synonymous and have the meaning as defined for “Road”.

Structure

Means anything that is erected, built or constructed of parts joined together and which is fixed to or supported by the soil but not a terrace, patio, sign, boundary wall, fence, bridge or culvert.

Tavern

Means a building, where alcoholic beverages are sold to be consumed on the premises and shall include all such buildings operating or liable to be licensed under the *Liquor License Act* as amended or revised from time to time.

Taxi Stand

Means a lot or building used as a dispatch office and the parking of taxis and/or limousines when not engaged in transporting persons or goods.

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Temporary Buildings

The temporary use of buildings and structures, including mobile homes, incidental to and accessory for lawful construction work, shall be permitted in all zones, but only for so long as the same are necessary for the construction work subject to an agreement with the Township.

Tourist Commercial

Means a tourist commercial use that operates throughout all or part of the year and that has facilities for serving meals and furnishing equipment, supplies or services to persons in connection with recreational purposes.

Tourist Home

Means a tourist establishment containing 3 or more guest rooms or cabins for hire for a single night or for less than a week at a time and may include accommodation for permanent staff and a dining room, meeting room, recreational facilities or similar uses.

Trailer

Means a vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by a motor vehicle and capable of being used for temporary living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked up or that its running gear is removed. This definition shall not include a mobile home as defined herein.

Trailer Park

Means any land upon which any travel trailer tent, or tent trailer is used or intended to be used for temporary occupation.

Use

When used as a noun, means the purpose for which any land, building or structure is designed, used or intended to be used.

Use, Continuous

Means the continuous use of a lot, building or structure, notwithstanding a change of ownership of the property where the use is located. The use shall further be deemed to be continuous if, after having ceased, the same use recommenced within a period of one year from the date of cessation, and/or if a structure is destroyed or damaged, it is rebuilt or repaired for the same use within a period of one year from the date of its destruction or damage. This is in addition to the protection afforded by Section 34(9) of the *Planning Act*.

Vehicle

Includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, motorized snow vehicle and any vehicle drawn, propelled or driven by any kind of power.

Vehicle Repair Shop

Shall mean a building or part thereof which contains facilities for the repair and maintenance of vehicle and/or recreational vehicles on the premises, and in which vehicle accessories are sold and vehicle

maintenance and repair operations are performed in return for remuneration, but does not any establishment engaged in the retail sale of vehicle fuels.

Veterinary Clinic

Means a building wherein domestic animals/pets, birds, or livestock and farm animals are treated or kept under the care of a licensed veterinary surgeon but shall not include long-term boarding facilities.

Warehouse

Means a building or part thereof which is used primarily for the housing, storage, adapting for sale, packaging or distribution of goods, wares, merchandise, foodstuff, substances, articles or things, and includes the premises of a warehouse attendant, but does not include a fuel depot.

Waste Disposal Area

Means a place where garbage, refuse, or domestic or industrial waste is disposed of or dumped.

Waste Disposal Cell

Means the actual physical location where wastes have been buried.

Watercourse

Means the natural channel for a stream of water and for the purpose of this By-law, includes any watercourse shown on Schedule "A" and Schedule "B" of this By-law.

Waterfrontage

Means the boundary of a lot directly abutting an original shoreline reserve.

Wayside Pit or Quarry

Means a temporary open excavation made for the removal of soil, earth, clay, marl, silt, sand, gravel, or consolidated rock, opened and used by a public authority, or person or company operating under the authority of the Ministry of Transportation, solely for the purposes of road connection.

Wildlife Management

Means the management of species native to the immediate area. This may include stream enhancement, planting or browse or shelter species, nesting boxes, nesting islands, ponds, dugouts and trees.

Yard

Means an open space on the same lot with a main building or structure, unoccupied and unobstructed from the ground to the sky, except as otherwise permitted by this By-law. In determining yard measurements the minimum horizontal distance between the nearest wall of the main building or structure and the respective lot lines measured perpendicular from the lot line shall be used:

1. **Front Yard** means a yard extending across the full width of a lot between the front lot line and nearest main wall of the main building or structure on the lot;

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2. **Rear Yard** means a yard extending across the full width of a lot between the rear lot line and the nearest main wall of the main building or structure on the lot;

3. **Side Yard** means a yard between the nearest side wall of a lot between the rear lot line and the nearest main wall of the main building or structure on the lot;

4. **Exterior Side Yard** means a side yard immediately adjoining a public or private street or abutting a reserve on the opposite side of which is located a private or public street; and

5. **Interior Side Yard** means a yard extending from the front yard to the rear yard and from the interior side lot line to the nearest part of the principal building, structure or excavation on the lot.

Zone

Means a designated area of land shown on Schedule "A" attached hereto.

Zoned Area

Means all those lands lying within the corporate limits of the Township of Lake of the Woods.

SECTION 3 ZONES AND ZONE MAP

3.1 Establishment of Zones

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

- Rural Zone (R)
- Residential Zone 1 (R1)
- Waterfront Residential (WR)
- Mobile Home Park Zone (MHP)
- General Commercial Zone (C1)
- Industrial Zone (M)
- Institutional Zone (I)
- Open Space Zone (OS)
- Hazard Land Zone (HL)
- Holding Zone (H)

3.2 Use of Zone Symbols

The symbols listed in Section 3.1 shall be used to refer to land, buildings and structures and uses thereof permitted by this By-law in the said zones, and wherever in this By-law the word “Zone” is used preceded by any of the said symbols, such zones shall mean any area within the Township of Lake of the Woods delineated on the zoning maps and designated therein by the said symbol.

3.3 Interpretation of Zone Boundaries

Where any uncertainty exists as to the location of the boundary of any the said zones, as shown on the zoning maps, the following shall apply:

1. Unless otherwise shown, the boundary of the zones as shown on the zoning maps and the centre lines of the road allowance or lot lines and the projection thereof;
2. Where zone boundaries are indicated as approximately following lot lines shown on a plan of subdivision, such lot lines shall be deemed to be the said boundary;
3. Where zone boundaries are indicated as approximately parallel to the line of any road and the distance from such road is not indicated, such zone boundaries shall be construed as being parallel to such road and the distance therefrom shall be determined by the use of the scale shown on the zoning maps;
4. Unless otherwise indicated, a road, lane, railroad, or railway right-of-way or watercourse included on the zoning maps, is included within the zone of the adjoining property on either side thereof; and where such road, lane, right-of-way or watercourse serves as a boundary between two or more different zones, a line midway in such road, lane, right-of-way or watercourse and extending in the general direction of the long division thereof is considered the boundary between zones, unless specifically indicated otherwise;

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5. In the event a dedicated road, lane or right-of-way shown on the zone maps is closed, the property formerly in said road lane or right-of-way shall be included within the zone of the adjoining property or either side of the said closed road lane right-of-way and the zone boundary shall be the former centre line of the closed road, lane or right-of-way;
6. Where any zone boundary is left uncertain after application of the preceding provisions, then the boundary line shall be determined according to the scale on the zoning maps in the office of the Chief Building Official; and
7. Wherever it occurs, the municipal limit of the Township of Lake of the Woods is the boundary of the zone adjacent to it.

3.4 Special Provisions

Whenever lands on Zoning Schedule have the zone symbol followed directly by a dash (-) and a number, e.g. R-1, such lands shall be considered to have a “Special Provision” number and to have referenced to a Zone category. The said lands shall be subject to the provisions of the relevant zone category and all other provisions contained herein, and shall in addition, be subject to any special provisions or exceptions provided for within the relevant Special Provision.

SECTION 4 – GENERAL PROVISIONS

4.1 Application

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

4.2 Accessory Uses

Accessory uses, buildings or structures, are permitted in any yard, in any zone, subject to the provisions of this By-law for the particular zone in which said building, structure, or use is located, and provided that the accessory building, structure or use:

- a. shall not be used for human habitation, except where a residential use is a permitted accessory use;
- b. in a residential zone, shall not be located in the front yard or the exterior side yard, in the case of a corner lot except for a garden suite which may be provided in a front yard or exterior yard subject to an agreement with the Township. A farm help house may be permitted in the front yard in the Rural Zone (R);
- c. in a commercial and industrial zone shall not be built closer to the street than the main building is to that street;
- d. shall not be built closer than 1.2 metre to any lot line except;
 - i) that common semi-detached private garages or carports may be centred in the mutual lot line;
 - ii) that where a lot abuts an accessory building or structure may be located not less than 0.5 metres from the said lane.
- e. shall not exceed 10 percent coverage of the total lot area;
- f. in a residential zone shall not exceed 4.5 metres in height, or contain more than one storey, except that where a dwelling unit is a permitted accessory use it shall not exceed 6.0 metres in height, or contain more than two storeys. In all other zones the maximum height shall not exceed 7.0 metres;
- g. shall not be considered as an accessory building or structure if attached to the main building in any way;
- h. shall not be considered an accessory building or structure if located completely underground; and
- i. may be permitted in the front yard of a lot having frontage on a lake or river.
- j. notwithstanding any other provisions of this By-law, where a commercial use is permitted as an accessory use in an industrial zone, it shall be located within the main building, shall not exceed 40 percent of the total floor area of the main building, and shall not exceed a maximum floor area of 278 square metres.
- k. a storage container is a permitted accessory use in the Rural Zone (R) and the Industrial Zone (M) and shall be used exclusively for the storage of goods and materials and may not be used to accommodate work areas, shops, office uses, retail sales or human habitation.

4.3 Agricultural Separation Distances

New development shall be located away from existing livestock facilities or liquid manure storage structures in accordance with the Minimum Distance Separation I Criteria and new or expanding

livestock facilities or liquid manure storage structures shall be located away from existing non-farm residential dwellings in accordance with the Minimum Distance Separation II Criteria of the Ministry of Agriculture, Food and Rural Affairs. Notwithstanding any other provision of this By-law, the following may be considered:

- a. a residential use to be located on an existing lot of record 1.0 hectare or less in area in the Rural Zone will not be required to comply with the Minimum Distance Separation I criteria; and
- b. in the Rural Zone the Minimum Distance Separation II criteria will be measured from the nearest point of an existing vacant lot of record 1.0 hectares or less in area to the nearest point of the proposed livestock facility.

4.4 Automobile Wrecking Yards and Scrap Metal Yards

Where land is used for the purpose of an automobile wrecking yard or scrap metal yard or similar use, the storage of derelict automobiles, scrap metal, junk and other material shall not be carried out in that part of the land designated herein as the required front yard, required side yard, or required rear yard. A natural or artificial screen or buffer strip shall be provided to obscure the subject property from the street on which the lands abut and from any adjoining properties to the side or rear of the subject property and shall be a minimum of 6.0 metres in width in compliance with Section 4.6 of this By-law.

4.5 Bed and Breakfast Establishments

Where permitted, a bed and breakfast establishment shall be subject to the requirements of the zone in which it is located and the following:

- a. be permitted only within an existing single detached and semi-detached residential dwelling;
- b. be clearly secondary to the main residential use;
- c. be operated by a resident of the dwelling in which the bed and breakfast establishment is located;
- d. not contain more than 4 guest rooms; and
- e. not provide outside display or advertising, other than a non-illuminated sign which shall not exceed 1.0 square metre in area indicating the name of the bed and breakfast establishment.

4.6 Buffer Strip

A buffer strip shall be used for no other purpose than for the erection of a fence or the planting of a continuous row of natural evergreens or natural shrubs, immediately adjacent to the lot line or portion thereof along which such buffer strip is required hereunder, the remainder of the strip shall be landscaped and planted with ornamental shrubs, flowering shrubs, flower beds or a combination thereof:

- a. where a buffer strip is required in any zone, it shall be of a minimum width as specified in the regulations for that zone.
- b. a buffer strip shall be located within the zone for which it is required.

4.7 Continuation of Agricultural Use

Nothing herein contained shall prevent the continued use of any land, building or structure for farming purposes, or any addition or extension of such use provided that any additions or extensions of such use

shall comply with the requirements of Section 5 for a Rural (R) Zone as to coverage, height and yard provisions.

4.8 Corner Lot Sight Restrictions

Notwithstanding any other provisions of this By-law, and except in a Commercial Zone on a corner lot, within the triangular space included between the street lines for a distance of 6.0 metres from the point of intersection, no building or structure including a fence or sign shall be erected and no shrubs or foliage shall be planted or maintained which obstruct the view of a driver or a vehicle approaching intersection.

4.9 Dangerous Uses

No land, building or structure shall be used in the Township of Lake of the Woods for the industrial manufacture or distribution of coal oil, rock oil, fuel oil, burning fluid gas, naphtha, benzene, gasoline, dynamite, dualene, nitroglycerine, gunpowder, petroleum products or other combustible or inflammable or liquid material which is likely to create danger to health, or danger from fire or explosion except as otherwise specifically provided for in this By-law.

4.10 Existing Lots

An existing vacant lot, having less than minimum frontage or lot area required by this By-law, may be developed for all uses in the appropriate zone, provided all other regulations of this By-law are satisfied; and

- a. such lots can be safely serviced; and
- b. such lots have a minimum frontage of 7.5 metres on a road.

4.11 Garden Suites

Garden suites shall be permitted as accessory temporary residential accommodation for a maximum of twenty (20) years pursuant to Section 39 of the *Planning Act* and shall be considered accessory to a permitted single-detached;

- a. one garden suite may be authorized per lot;
- b. the garden suite shall not be permitted to separate by consent from the main residential dwelling on the lot;
- c. the garden suite may be serviced from the main dwelling on the lot, subject to the approval of the Northwestern Health Unit where required;
- d. the addition of a garden suite is subject to the lot coverage provisions of the zone in which it is located;
- e. a garden suite shall be used solely for the temporary accommodation of persons who, because of age, infirmity or illness require and receive care and supervision from the occupants of the single detached dwelling located on the same lot therewith; and
- f. a garden suite shall be one (1) storey, having a height not to exceed 4.6 metres;
- g. a garden suite shall not be constructed or arranged as to constitute a travel trailer;
- h. a mobile home may be used as a garden suite.

As per the *Planning Act* regulations for garden suites, Council shall require the owner of the suite or any other person to enter into an agreement with the Township dealing with such matters related to the temporary use of the garden suite as the council considers necessary or advisable, including:

- a. the installation, maintenance and removal of the garden suite;
- b. the period of occupancy of the garden suite by any of the persons named in the agreement;
- c. the monetary or other form of security that Council may require for actual or potential costs to the Township related to the garden suite; and
- d. connection to existing services (hydro, septic, well).

4.12 Group Homes

A group home, licensed by the appropriate Provincial Ministry, shall be permitted within any single detached dwelling, a semi-detached dwelling or duplex dwelling, subject to the requirements of this subsection:

- a. a group home shall have a maximum of 6 residents, excluding staff or receiving family; and
- b. save hereinafter provided, a group home in any zone in which single unit residential uses are permitted shall not be within 5 kilometres of another group home in the Rural Zone.

4.13 Height Exceptions

The height regulations shall not apply to any ornamental dome, chimney, communications tower, power transmission tower, storage silo, barn, cupola, steeple, church spire, water storage tank, elevator enclosure, flag pole, television or radio antennae, grain elevator, windmill or weather monitoring device.

4.14 Home Industry

Where a home industry is permitted in particular zone, it shall:

- a. have at least one permanent resident of the dwelling unit engaged in the business;
- b. have not more than two persons, other than the owner, employed on a full-time basis;
- c. have no external display or advertising, other than a non-illuminated sign which is a maximum size of 1.0 square metres;
- d. screen, fence or buffer from view any external storage of materials, containers, or finished products to maintain an attractive appearance;
- e. not occupy more than 25% of the floor area of the dwelling unit including the floor area of the basement used for the home industry or, if conducted entirely within an accessory building, the accessory building shall not occupy more than 110.0 square metres;
- f. be clearly secondary to the main residential use and not change the character of the dwelling unit as a private residence or create or become a nuisance due to such matters as noise, smell, hours of operation or traffic generation;
- g. be located on the same lot as the residential use;
- h. have access approval from the Ministry of Transportation for those home industries that access from a Provincial Highway; and
- i. have adequate area on the lot for parking and storage of all vehicles associated with the home

industry and ensure that the home industry is suitably separated and buffered from adjacent residential uses.

4.15 Home Occupation

Where a home occupation is permitted in a particular zone, it shall:

- a. have at least one permanent resident of the dwelling unit engaged in the business;
- b. have no external display or advertisement other than a non-illuminated sign which is a maximum size of 1.0 square metre;
- c. have no external storage of materials, containers or finished products;
- d. not change the character of the dwelling as a private residence or create or become a nuisance;
- e. not occupy more than 25% of the floor area of the dwelling unit including in the floor area any basement area used as living quarters and any basement area used for home occupation;
- f. have no outside storage of goods, wares, or merchandise other than those produced on the premises, offered or exposed for sale or rent on such premises;
- g. have not more than one person employed, including a contractor, who is not a permanent resident of the dwelling unit.

4.16 Land Without Buildings

Where land is used for or in connection with any use but without any buildings or structures therein, all yards required by the By-law on a lot in the respective use zone shall be provided and maintained as yards and the applicable regulations shall apply, except where the land or lot is used for agriculture, gardening or open space purposes not prohibited by this By-law in such use zone.

4.17 Loading Spaces

No person shall erect or use any building or structure in a Commercial or Industrial Zone which involves the movement of goods, merchandise or materials, unless loading spaces are provided and maintained in accordance with the following provisions:

- a. Loading spaces are required under this By-law in accordance with the Loading Space Requirement Table.

Minimum Gross Floor Area of Building	Minimum number of loading spaces required
0 – 278 square metres	0
279 – 2,300 square metres	1
2,301 – 7,400 square metres	2
Over 7,400 square metres	3

- b. Each loading space shall have a minimum width of 3.0 metres, and a minimum length of 7.5 metres and a minimum vertical clearance of 4.5 metres, each space shall be visibly designated and marked;
- c. Driveways used for ingress and egress shall be clearly marked.

- d. The loading space(s) 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 15.0 metres.
- e. Adequate driveway space to permit the safe manoeuvring, loading and unloading of vehicles on the lot such that they do not cause an obstruction or a hazardous condition on adjacent streets or sidewalks;
- f. Adequate drainage facilities in accordance with the requirements of the municipality;
- g. Illumination of loading spaces shall be so arranged as to be diverted away from any adjacent Residential or Open Space Zone;
- h. Location of loading spaces to be restricted to the rear yard where a lot has access at both the front and rear to a street or road.
- i. 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 300.0 square metres. If an addition is made to the building or structure, which 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.

4.18 Mobile Homes

Mobile homes shall be permitted in all areas where a single detached dwelling is a permitted use. Mobile homes shall be permitted as a garden suite as per the Garden Suite Section of this By-law.

4.19 Non-Compliance with Minimum Lot or Yard Requirements

1. Alterations to Non-Complying Buildings and Structures

Nothing in this By-law shall prevent the enlargement, renovation or repair of an existing legal non-complying building or structure provided such enlargement, renovation or repair shall not increase any existing non-compliance with an applicable zoning provision.

2. Use of Undersized Lots

Where a lot having less than the minimum lot area or frontage required by this By-law, exists on the date of passing of this By-law or is increased in area or frontage but still does not meet the minimum area or frontage requirements of this By-law, such lot may be used for a purpose permitted in the zone in which it is located provided that all other applicable provisions in this By-law are met.

3. Rebuilding or Repair Permitted

Nothing in this By-law shall prevent the rebuilding or repair of a non-complying use, if such use is destroyed by accidental fire or natural disaster after the effective date of this By-law provided that the building or structure is built to its prior gross floor area or to a gross floor area which would not further contravene any of the regulations of this By-law, at its prior location on the lot or at a location on the lot that would not further contravene any of the regulations of this By-law and provided further that if the use is altered in any way that the use would not further contravene any of the regulations of this By-law.

4.20 Non-Conforming Uses

The provisions of this By-law shall not apply or prevent the use of any lot, building or structure for any purpose prohibited by this By-law if such lot, building or structure was lawfully used for such purpose on the date of passing of this by-law providing such use has been continuous since that date; nor to prevent the erection or use for any purpose prohibited by this By-law of any building or structures the plans for which have, prior to the date of the 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 and provided the erection of such building or structure is commenced within two years after the date of the passing of the By-law, and such building or structure is completed forthwith after the erection thereof is commenced.

4.21 Number Permitted

No person shall erect more than one dwelling unit on a lot, unless specifically allowed in a zone. No person shall erect more than one main building on a lot except for commercial and industrial buildings located in commercial or industrial zones and farm related buildings associated with a farming operation.

4.22 Obnoxious Uses

Nothing in this By-law shall be construed to permit the use of land for the erection or use of a building or structure for any purpose:

- a. that is or likely to become a nuisance or offensive by the creation of noise or vibrations; or by reasons of the emission of gas, fumes, dust or objectionable odour; or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter or other such material; and
- b. which by the nature of the materials used therein is declared under the *Public Health Act*, as amended or revised or any regulations thereunder to be a noxious or offensive trade, business, or manufacture.

4.23 Occupancy of Partially Completed Buildings

No new building, except in the case of an apartment building shall be occupied before the main walls and roof have been erected and the external siding and roofing have been completed, water and sanitary services installed, kitchen and heating facilities have been installed and an occupancy permit has been issued by the Chief Building Official. Any dwelling unit in an apartment building may be occupied, provided that all of the above conditions are satisfied, notwithstanding that one or more of the dwelling units have not been completed.

4.24 Outdoor Wood Burning Furnaces/Stoves

Outdoor wood burning furnaces or stoves may be permitted provided they are:

- a. property vented;
- b. separated a safe distance from the main and accessory buildings;
- c. are located on the property so that the prevailing winds take the smoke away from adjacent residential uses; and
- d. a permit has been issued by the Chief Building Official

4.25 Parking and Loading Areas Screen Requirements

A parking area designed for 4 or more vehicles and any loading area shall be screened from any abutting residential use by a landscaped buffer strip, in compliance with Section 4.6 of this By-law.

4.26 Parking Areas Standards

Where in this By-law parking areas designed for 4 or more vehicles are required or permitted:

- a. adequate drainage facilities shall be provided and maintained in accordance with the requirements of the Municipality;
- b. the parking area and approaches shall be surfaced with concrete, asphalt, crushed stone, gravel or a combination thereof with a stable surface treated to prevent the raising of dust or loose particles;
- c. the lights used for illumination of parking areas shall be so arranged as to divert the light away from adjacent lots;
- d. parking areas shall be within 90.0 metres of the location which it is intended to serve and shall be situated in the same zone;
- e. a strip of land not less than 3.0 metres wide lying within the lot in which the parking area is located and along all boundaries of the said area shall be used for landscaping, excluding those areas used as entrances and exits; and
- f. each parking space shall be 3.0 metres by 6.0 metres and shall be provided with unobstructed access to a street by a driveway, aisle or lane.

4.27 Barrier-Free Parking

Barrier-free parking spaces shall be a minimum of 3.7 metres wide and the minimum number required to be provided shall be as follows:

Total Number of Parking Spaces	Required Number of Barrier-Free Parking Spaces
0-9	0
10-99	1
100-199	2
200 plus	3

4.28 Parking Requirements

- a. No person shall, within any Residential Zone, use any part of any front yard except the driveway for the parking or temporary storage of tent trailers, motor homes, travel trailers, truck campers, school buses, converted buses or fifth wheel units;
- b. where a building or structure accommodates more than one use, the required parking spaces shall be the sum of the required parking spaces for each use;
- c. where a building or structure has deficient parking spaces at the date of passing of this By-law to comply with the requirements herein, this By-law shall not be construed to require the deficiency be made up prior to the construction of any addition. However, no addition may be built and no change in use may occur, the effect of which would increase the number of deficient parking spaces;
- d. tandem parking of vehicles is permitted to accommodate the parking requirements for single

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detached dwellings, semi-detached dwelling units, duplex units, townhouse units, mobile homes, group homes, home occupations and home industries.

Off-street parking shall be provided in accordance with the following provisions:

TYPE OF USE OF BUILDING	MINIMUM PARKING REQUIRED
Single detached dwellings, semi-detached dwellings, duplexes, and mobile home	1.5 spaces per dwelling unit rounded to the next highest number
Multiple unit dwellings, townhouses, apartment dwellings	1 space per dwelling unit
Senior citizens apartment house	1 space per dwelling unit
Schools	1 space for each teaching staff member, plus 1 additional space for each 20 square metre of auditorium or gymnasium floor space
Places of worship	1 space for every 6 seats or 4.0 metres of bench space of its maximum seating capacity
Hospital, nursing home	1 space for every 4 beds
Libraries	A minimum of 10 spaces or 1 space per 28 square metres of building floor space, whichever is greater
Group Homes	1 space for every 49 square metres of floor area with a minimum of 2 spaces
Boarding house, rooming house, tourist home and bed and breakfast establishment	1.5 spaces for every 2 rooms rented
Bowling alley	3 spaces per bowling lane
Curling rink	4 spaces per curling sheet
Clinic	6 spaces per practitioner
Offices, retail or service stores, home occupation and home industry	1 space per 28 square metres of floor area
Auditorium, restaurants, take-out restaurants, theaters, arenas, community centres, private clubs and other places of assembly	1 space for each 28 square metres of floor area or fraction thereof devoted to said use in addition to the parking required for the dwelling
Hotels, motels, taverns	1 space per rental unit, plus 1 additional space for each 9.0 square metres of floor area devoted to public uses such as restaurants, taverns and other eating places associated with motels and staff houses
Industrial uses	1 space for each 93 square metres of floor area or for each 3 employees whichever is greater
Golf courses	2 spaces per hole
Golf driving range	1 space for every 2 persons who can be accommodated at one time
Riding stable	1 space for every 4 horses available for public riding
Marinas	1 space per 28 square metres of retail floor area plus 1 space for each boat slip

4.29 Permitted Encroachments in Yards

Every part of any yard by this By-law shall be open and unobstructed by any structure, other than a fence, deck or patio from the ground to the sky, provided however that those structures listed in the following table shall be permitted to project into the yards indicated for the distances specified:

STRUCTURE	YARD IN WHICH PROJECTION IS PERMITTED	MAX. PROJECTION FROM MAIN WALL PERMITTED
Sills, belt courses, cornices, eaves, gutters, chimneys, parapets or pilasters	Any yard	0.5 metres
Fire escapes and exterior staircases	Rear yard only	1.5 metres
Window bays	Any yards	1.0 metres
Balconies	Front and Rear yards for single detached, semi-detached and duplex dwellings; any yard for apartment buildings	2.0 metres
Open roofed porches not exceeding one storey in height; covered terraces	Any yard	2.5 metres including eaves and cornices
Canopies over entrances	Front and Rear yards only	3.0 metres
Gate house	Any yard in a Commercial or Industrial Zone	1.0 metres from property boundary

4.30 Permitted Public Uses

Notwithstanding anything else in this By-law, the provisions of this By-law shall not apply to the use of any land or to the erection or use of any building or structure by any public authority provided that:

- a. the lot coverage, setback and yard requirements prescribed for the zone in which such land, building or structure is located are complied with, except electric power facilities;
- b. no goods, material, or equipment are stored in the open in a residential zone, or within 30.0 metres of a residential zone;
- c. any building erected in a residential zone under the authority of this paragraph is designed and maintained in general harmony with residential buildings of the type permitted in the said residential zone; and
- d. any parking and loading regulations are complied with.

4.31 Prohibited Uses

It shall be prohibited to use any land or to erect and use any building or other structure in any zone for the purpose of wrecking yards, automobile salvage yards, a waste disposal site or processing facility, a pit or quarry, the collection of rags, junk, any refuse, scrap iron, or other scrap metals unless such uses are specifically listed as permitted uses within a particular zone.

4.32 Road Frontage Required

No person shall erect any building or structure for permanent, year-round or full-time use unless the lot upon which such building or structure is to be erected, except as otherwise specifically permitted by this By-law, has lot frontage upon a road which has been assumed by the municipality, Province of Ontario or some other road authority, and is maintained year round by such authority in such a manner so as to permit its use by vehicular traffic. Notwithstanding the foregoing, a building or structure may be erected upon a lot within a registered plan of subdivision in accordance with the provisions of a subdivision agreement in respect of such plan by subdivision notwithstanding that the roads within such plan of subdivision have not been assumed and are not being maintained by the municipality.

Notwithstanding anything to the contrary in this clause, buildings and structures accessory to agricultural, forestry and mining uses, but not for human habitation are permitted in appropriate zones where publicly maintained road frontage is not available.

4.33 Secondary Dwelling Unit

Any secondary dwelling units shall be developed in accordance with the following provisions:

a. A maximum of one secondary dwelling unit shall be permitted in single-detached dwellings where permitted by this By-law, provided that:

- i) it does not change the streetscape character along the street where it is located;
- ii) it is not a stand-alone, principal unit capable of being severed;
- iii) it only exists with, and must be contained within the same building as, its principal dwelling unit; and
- iv) a building permit is required prior to the establishment of a secondary dwelling unit and must follow the requirements of the *Ontario Building Code*.

b. The doorway entrance that leads to a secondary dwelling unit is limited to locations on the ground floor only, except where building and fire codes dictate otherwise.

c. Parking for the secondary dwelling unit shall be provided in accordance with the parking provisions of this By-law.

d. Notwithstanding any other provision in this By-law, the required parking space for a secondary dwelling unit may be stacked behind the required parking space of the principle dwelling in the driveway. The creation of the secondary dwelling unit must not eliminate a required parking space for the principal dwelling unit.

e. Where secondary dwelling unit is located on a lot, no rooming units are permitted on the lot. Secondary dwelling units must not be limited by, or included in, any density control requirement, including for example, number of dwelling units and unit per hectare counts.

4.34 Service Stations, Public Garages and Gas Bars

a. Fuel pumps and fuel pump islands may be located in any required yard, however, no portion of any fuel pump island shall be erected closer than 6.0 metres from any road allowance;

b. the minimum distance from the intersection of the front and side lot line to the nearest ingress or egress ramp shall not be less than 9.0 metres;

c. the maximum width of a curb ramp at the front or side lot line shall not be more than 7.0 metres;

- d. the minimum distance between the ramps shall not be less than 9.0 metres;
- e. a canopy or roof may be erected over fuel pump island, however, a minimum setback of 3.0 metres is required between the extent of the canopy or roof shall be located within any sight triangle.

4.35 Services Required

Notwithstanding any other provisions of this By-law, no lands shall be used nor any building or structure erected or used thereon unless the requirements of the Northwestern Health Unit and the Ministry of the Environment are met for the use of private water supply and sewage treatment services for the servicing of said land, buildings or structures.

4.36 Setback from Navigable and Non-Navigable Watercourses, Hazard Land and Municipal Surface Drains

Notwithstanding any other provisions of this By-law, a building in any zone is required to be no nearer than 15 metres from the top of bank of any watercourse, or municipal drainage ditch permanent or intermittent, which may or may not be navigable. No development shall be located below the 324.6 GSC elevation except non-habitable structures. In case of hazard lands no part of any building shall be constructed closer than 15 metres to the nearest point of the area to which the hazardous condition is deemed to exist.

4.37 Setbacks and Access on Provincial Highways

- a. Where a lot abuts a Provincial Highway no dwelling shall be located within 8.0 metres of a highway property limit or 26.0 metres from the highway centerline, whichever is greater.
- b. Despite any other yard or setback requirement of this By-law to the contrary, no commercial, industrial or multiple unit residential building or structure shall be located within 14.0 metres from the highway property limit or 32.0 metres from the highway centerline whichever is greater.
- c. The Ministry of Transportation shall be consulted for specific setback requirements along provincial highways.

4.38 Setbacks on Municipal Roads

Notwithstanding any other provisions of this By-law, a building or structure in any zone on a public road allowance which is less than 20 metres wide, shall be set back 10 metres plus the required minimum front yard for that zone measured from the centre line of the road allowance.

4.39 Setback from Waste Disposal Site

Notwithstanding any other provisions of this By-law, a residential building in any zone is required to be setback a distance of 500 metres from existing and former waste disposal cells.

4.40 Special Uses Permitted

Nothing in this By-law shall prevent the use of land or the use or erection of a building or structure for:

- a. a scaffold or other temporary building or structure incidental to construction in progress on premises for which a building permit has been granted, until such time as the work has been finished or

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abandoned;

b. a sign having an area of not more than 4.7 square metres incidental to construction in progress on premises for which a building permit has been granted, until such time as the work has been finished or abandoned;

c. a street sign or street light or yard light;

d. an authorized sign or signal;

e. a public election list or other proclamation of governmental authority; or

4.41 Structures in Water

No person shall erect, alter or use any structure located in a navigable water except in compliance with the standards of the Lake of the Woods Control Board. The *Lakes and Rivers Improvement Act* and the *Navigable Waters Act*, as revised or amended from time to time.

4.42 Temporary Buildings

The temporary use of buildings and structures, including mobile homes, incidental to and necessary for lawful construction work will be permitted in all zones, but only for as long as the same are necessary for the construction work subject to an agreement with the Municipality.

4.43 Truck, Bus and Coach Bodies or Trailers or Tents used for Human Habitation

a. Except as expressly permitted by this By-law no truck, bus, railroad car, caboose, coach or streetcar body shall be used for human habitation whether the same is mounted on wheels or not; and

b. except as expressly permitted by this By-law, the use of tents and trailers for human habitation is prohibited provided, however, that this provision shall not prevent the use of tents or trailers for children's play or for picnics, or for the occasional accommodation of guests in a Residential Zone.

4.44 Wayside Pits and Quarries and Portable Asphalt Plants

a. Wayside pits and quarries and portable asphalt plants shall be permitted throughout the Township without an amendment to the Official Plan and Zoning By-law, except in the Village of Bergland and Village of Morson.

b. Wayside pits and quarries are not permitted within 90 metres of an existing residential use; and

c. Portable asphalt plants are not permitted within 300 metres of an existing residential use.

4.45 Yard and Open Space Provision for all Zones

No part of a yard or other open space required abutting any building for the purpose of complying with the provisions of this By-law shall be included as part of a yard or other open space similarly required for another building.

SECTION 5 – RURAL ZONE (R) REGULATIONS

5.1 Permitted Uses

No land shall be used in the Rural Zone (R) except for the following purposes:

- a) agricultural uses
- b) forestry management uses
- c) mining and mineral exploration
- d) wildlife management
- e) trapping
- f) conservation uses
- g) wayside pits and quarries
- h) a single detached dwelling
- i) a farm help house accessory to an agricultural operation
- j) a mobile home
- k) a modular dwelling
- l) a cottage, cabin or recreational residential use
- m) peat extraction and processing
- n) a home occupation
- o) a home industry
- p) kennel
- q) commercial greenhouse
- r) grain elevator and grain drying facility
- s) small scale commercial/industrial uses
- t) public recreational uses
- u) portable asphalt plants
- v) portable sawmill
- w) airport and aircraft landing area
- x) accessory uses

5.2 Performance Standards and Zoning Regulations

The following zoning regulations shall apply to the permitted uses in the R Zone

Performance Standards and Zoning Regulations per Use				
	All other Uses/Storage Container as an Accessory Use*	Residential Uses	Farm Help Houses	Small Scale Commercial and Industrial Uses
a) Minimum Lot Area	4.0 hectares/4.0 hectares	0.4 hectares	N/A	i) Commercial Use 0.6 hectares ii) Industrial Use 1.2 hectares
b) Minimum Lot Frontage	100.0 metres	45.0 metres	N/A	60.0 metres
c) Maximum Lot Coverage	10 percent	15 percent	N/A	15 percent
d) Minimum Front Yard	15.0 metres/30.0 metres	7.5 metres	7.5 metres	15.0 metres
e) Minimum Side Yard	15.0 metres/30.0 metres	3.0 metres	3.0 metres	15.0 metres
f) Minimum Exterior Side Yard	15.0 metres/30.0 metres	7.5 metres	7.5 metres	7.5 metres
g) Minimum Rear Yard	15.0 metres/30.0 metres	15.0 metres	15.0 metres	15.0 metres
h) Maximum Building Height	10.5 metres	10.5 metres	10.5 metres	10.5 metres
i) Minimum Dwelling Unit Area	60.0 square metres	60.0 square metres	45.0 square metres	60.0 square metres
j) Maximum Guest Cabin Area/Separation Distance	N/A	Agricultural Separation Distance in accordance with Section 4.3	N/A	N/A

*In addition to the following provisions, a maximum of two storage container is allowed per property; the storage container must be buffered from view on all sides, and a building permit is required.

SECTION 6 – RESIDENTIAL ZONE 1 (R1) REGULATIONS

6.1 Permitted Uses

No land shall be used in the Residential Zone 1 (R1) except for the following purposes:

- a) a single detached dwelling
- b) a mobile home
- c) a modular dwelling
- d) a semi-detached dwelling
- e) a home occupation
- f) a home industry
- g) a group home
- h) a boarding house, rooming house or tourist home
- i) accessory uses

6.2 Performance Standards and Zoning Regulations

The following zoning regulations shall apply to the permitted uses in the R1 Zone

Performance Standards and Zoning Regulations per Use				
	Single Detached Dwelling	Mobile Home and Modular Dwelling	Semi-Detached Dwelling	Boarding House, Lodging House, Tourist House
a) Minimum Lot Area	0.4 hectares	0.4 hectares	0.8 hectares and 0.4 hectares per unit	0.4 hectares
b) Minimum Lot Frontage	30.0 metres	30.0 metres	25.0 metres	i) municipal road 30.0 metres ii) Provincial Highway 45.0 metres
c) Maximum Lot Coverage	20 percent	20 percent	20 percent	15 percent
d) Minimum Front Yard	7.5 metres	7.5 metres	7.5 metres	i) on municipal road 7.5 metres ii) on Provincial Highway 14.0 metres
e) Minimum Side Yard	2.0 metres	2.0 metres	4.0 metres, no side yard is required for a semi-detached dwelling between the common vertical wall dividing one unit from another	4.0 metres
f) Minimum Exterior Side Yard	7.5 metres	7.5 metres	7.5 metres on each side, except that where an entrance to a garage faces an exterior side yard, the exterior side yard shall be 6.0 metres	7.5 metres
g) Minimum Rear Yard	15.0 metres	10.0 metres	15.0 metres	15.0 metres
h) Maximum Building Height	10.5 metres	4.0 metres	10.5 metres	10.5 metres
i) Minimum Dwelling Unit Area	60 square metres	45.0 square metres	80 square metres	110 square metres
j) Maximum Guest Cabin Area	N/A	N/A	N/A	28 square metres
k) Minimum Guest Room Area	N/A	N/A	N/A	9 square metres
l) Minimum Landscaped Space	N/A	N/A	N/A	10 percent

SECTION 7 – WATERFRONT RESIDENTIAL ZONE (WR) REGULATIONS

7.1 Permitted Uses

No land shall be used in the Waterfront Residential Zone (WR) except for the following purposes:

- a) a single detached dwelling
- b) a mobile home
- c) a modular dwelling
- d) a recreational residential use
- e) a home occupation
- f) a home industry
- g) a boarding house, rooming house or tourist home
- h) conservation uses
- i) accessory uses

7.2 Performance Standards and Zoning Regulations

The following zoning regulations shall apply to the permitted uses in the WR Zone:

Performance Standards and Zoning Regulations per Use			
	Single Detached Dwelling	Mobile Home and Modular Dwelling	Boarding House, Lodging House and Tourist House
a) Minimum Lot Area	0.4 hectares	0.4 hectares	0.4 hectares
b) Minimum Lot Frontage	30 metres	30 metres	30 metres
c) Maximum Lot Coverage	20 percent	20 percent	15 percent
d) Minimum Front Yard	7.5 metres	7.5 metres	7.5 metres
e) Minimum Side Yard	2.0 metres	2.0 metres	4.0 metres
f) Minimum Exterior Side Yard	7.5 metres	7.5 metres	7.5 metres
g) Minimum Rear Yard	15.0 metres	10 metres	15 metres
h) Maximum Building Height	10.5 metres	4.0 metres	10.5 metres
i) Minimum Dwelling Unit Area	60 square metres	i) Mobile home 60 square metres ii) Modular Dwelling 60 square metres	110 square metres
j) Maximum Guest Cabin Area	28 square metres	28 square metres	28 square metres; 9 square metres for guest room area

7.3 Development on Crown Lands

Development on Crown Lands shall be in accordance with the requirements of the Ministry of Natural Resources and will generally be for conservation uses.

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7.4 Access

Lots with water frontage and water access only must have boat launching, docking, vehicular parking facilities and/or seaplane access to support the water access.

SECTION 8 – MOBILE HOME PARK ZONE (MHP) REGULATIONS

8.1 Permitted Uses

No land shall be used in the Mobile Home Park Zone (MHP) except for the following purposes:

- a) mobile homes
- b) accessory uses

8.2 Performance Standards and Zoning Regulations

- | | |
|-------------------------------|-------------------|
| a) Minimum Lot Area | 2.0 hectares |
| b) Minimum Site Area per Unit | 275 square metres |
| c) Minimum Lot Frontage | 90 metres |
| d) Maximum Lot Coverage | 30 percent |
| e) Minimum Front Yard | 9.0 metres |
| f) Minimum Side Yard | 7.5 metres |
| g) Minimum Exterior Side Yard | 9.0 metres |
| h) Minimum Rear Yard | 9.0 metres |
| i) Minimum Landscaped Space | 10 percent |
| j) Maximum Dwelling Height | 4.0 metres |
| h) Minimum Dwelling Unit Area | 45 square metres |

SECTION 9 – GENERAL COMMERCIAL ZONE (C) REGULATIONS

9.1 Permitted Uses

No land shall be used in the General Commercial Zone (C) except for the following purposes:

- a) retail, service or convenience store
- b) business or professional office
- c) bank or financial institution
- d) commercial or private club
- e) entertainment facility
- f) community centre
- g) automobile service station, public garage, gas bar
- h) florist
- i) motor vehicle or recreation vehicle sales, leasing and storage establishment
- j) personal service establishment
- k) restaurant, tavern
- l) animal hospital or veterinary clinic
- m) car wash
- n) Laundromat or dry cleaning establishment
- o) bake shop or bakery
- p) taxi service establishment
- q) undertaking establishment
- r) parking lot
- s) builder's supply outlet
- t) contractor's yard
- u) gift shop or craft shop
- v) grocery store
- w) house boat rental establishment
- x) commercial school
- y) shopping centre
- z) curling rink
- aa) seasonal campground
- bb) a tourist commercial use
- cc) marina
- dd) a bait shop
- ee) a trailer park
- ff) a tourist lodge, cabins or camp
- gg) a motel
- hh) hunting and fishing camps
- ii) seaplane base and docking facilities
- jj) boat launch and docking facilities

kk) accessory manufacturing to a retail or service store provided the manufacturing does not exceed 50 percent of the floor area and the products manufactured are primarily for sale at retail on the premises

ll) accessory uses, including an accessory single detached dwelling unit, mobile home or apartment unit

9.2 Performance Standards and Zoning Regulations

The following zoning regulations shall apply to the permitted uses in the C Zone:

Performance Standards and Zoning Regulations per Use					
	Commercial Uses	Automobile Service Stations and Public Garages	Seaplane and Docking Facilities	Accessory Apartment Dwelling Unit	Single Detached Dwelling
a) Minimum Lot Area	0.6 hectares	0.8 hectares	0.6 hectares		In accordance with the zoning regulations set out in Section 6.2 for a single detached dwelling and Section 6.3 for a mobile home.
b) Minimum Lot Frontage i) on Municipal Road ii) on Provincial Highway	i) 30.0 metres ii) 45.0 metres	i) 36.0 metres ii) 45.0 metres	46 metres		
c) Maximum Lot Coverage	60 percent	35 percent	30 percent		
d) Minimum Front Yard	i) on Municipal Road 6.0 metres ii) on Provincial Highway 14.0 metres	i) on Municipal Road 12.0 metres ii) on Provincial Highway 14.0 metres	i) abutting a road 9.0 metres ii) abutting water 20.0 metres		
e) Minimum Side Yard	2.0 metres	4.5 metres	7.5 metres		
f) Minimum Exterior Side Yard	4.5 metres	7.5 metres	10.0 metres		
g) Minimum Rear Yard	6.0 metres	7.5 metres	7.5 metres		
h) Minimum Landscaped Space	10 percent	10 percent	N/A		
i) Maximum Height	10.5 metres	10.5 metres	9.0 metres		
j) Minimum Floor	i) 28.0 metres	40 square	55 square		

Area i) Guest Cabin ii) Other Uses	ii) 60 square metres	metres	metres		
k) Buffer Strip	Where a General Commercial Zone (C) abuts a residential, institutional or open space zone, a buffer strip shall be provided along the property line having a minimum width of 3.0 metres in compliance with Section 4.6	Where an automobile service station or public garage abut a residential, institutional or open space use, a buffer strip shall be provided along the property line having a minimum width of 3.0 metres in compliance with Section 4.6	Where a seaplane launch and docking facilities abuts a residential, institutional or open space use, a buffer strip shall be provided along the property line having a minimum width of 3.0 metres in compliance with Section 4.6		
l) Outdoor Storage	N/A	Outdoor storage is prohibited, except for merchandise for sale	N/A		
m) Minimum Dwelling Unit Area i) Bachelor Unit ii) One Bedroom Unit iii) Two Bedroom Unit	N/A	N/A	N/A	i) 45 square metres ii) 55 square metres iii) 65 square metres	
n) Minimum Amenity Area per Dwelling Unit	N/A	N/A	N/A	9 square metres	

SECTION 10 – INDUSTRIAL ZONE (M) REGULATIONS

10.1 Permitted Uses

No land shall be used in the Industrial Zone (M) except for the following purposes:

- a) light industrial workshop
- b) buildings to house automotive sales and service and scrap metal facilities
- c) an equipment sales and servicing establishment
- d) blacksmith or welder's shop
- e) carpenter or joiner's shop
- f) concrete products factory
- g) warehouse
- h) forest products processing plant
- i) sawmill
- j) commercial fish outlet or fish packing and processing plant
- k) machine shop
- l) hydro generating or distribution station
- m) communication transmission facility
- n) automobile wrecking yard or scrap metal yard
- o) contractor's building and yard
- p) bulk sales or warehouse sales establishment
- q) abattoir
- r) manufacturing, processing and assembly plant
- s) waste disposal site
- t) mining and mineral exploration
- u) aggregate extraction and processing including crushing, screening, washing
- v) wayside pits and quarries
- w) portable asphalt plants
- x) accessory uses including retail uses and a single detached dwelling unit or mobile home for a caretaker or one person and his family employed by a manufacturing or industrial operation or permitted use

10.2 Performance Standards and Zoning Regulations

The following zoning regulations shall apply to the permitted uses in the M Zone:

Performance Standards and Zoning Regulations per Use					
	Industrial Uses/ Storage Container as Accessory Use*	Waste Disposal Sites	Aggregate Extraction and Processing Uses	Wayside Pits and Quarries and Portable Asphalt Plants	Accessory Dwelling Unit
a) Minimum Lot Area	1.2 hectares/4.0 hectares	20 hectares	4.0 hectares	In accordance with the provisions of Section 4.44	In accordance with the provisions set out in Section 6.2 for a single detached dwelling or Section 6.3 for a mobile home
b) Minimum Lot Frontage	i) Municipal road 40.0 metres ii) Provincial Highway 45.0 metres	100.0 metres	100.0 metres		
c) Maximum Lot Coverage	35 percent	1 percent	1 percent		
d) Minimum Front Yard	15.0 metres/30.0 metres	30.0 metres	N/A		
e) Minimum Side Yard	10 metres/30.0 metres	30.0 metres	N/A		
f) Minimum Exterior Side Yard	10 metres/30.0 metres	30.0 metres	N/A		
g) Minimum Rear Yard	10 metres/30.0 metres	30.0 metres	N/A		
h) Minimum Landscaped Space	10 percent	N/A	N/A		
i) Maximum Building Height	12 metres	10.5 metres	N/A		
j) Minimum Floor Area	140 square metres	N/A	N/A		
k) Buffer Strip	Where an industrial use abuts a residential, institutional or open space use, a buffer strip shall be provided along the property line having a minimum width of 3.0 metres in compliance with Section 4.6	Where a waste disposal site abuts a residential, institutional or open space zone a buffer strip, together with screening measures shall be provided along the property line having a minimum width of 6.0 metres in compliance with Section 4.6	Where an aggregate use abuts a residential, institutional, commercial or open space use, a buffer strip together with screening measures shall be provided along the property line having a minimum width of 6.0 metres in compliance with Section 4.6		
l) Retail Use Area	Maximum 5% of the ground floor area or 278 square metres, whichever is the greater	N/A	N/A		
m) Outside Storage	Outside operations and storage of goods and materials including refuse containers are not permitted within 9.0 metres of Residential Zone. Outside operations and storage of goods and materials including refuse containers shall be permitted in the rear yard	N/A	N/A		

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	and interior side yard and in the case of a corner lot, not within the required exterior yard setback. Outside operations and storage of goods and materials including refuse containers are to be screened from the view of adjacent streets by means of fencing and/or landscaping features				
Minimum Excavation Setback	N/A	N/A	<ul style="list-style-type: none"> i) from lot line 15.0 metres ii) from road allowance 30.0 metres iii) from abutting lands use for residential, institutional, commercial or recreational uses 30.0 metres iv) from abutting any lands zoned for Residential Uses 30.0 metres 		
Minimum Setback for Building, Equipment, Machinery, or Stockpiling	N/A	N/A	<ul style="list-style-type: none"> i) from lot line 30.0 metres ii) from road allowance 30.0 metres iii) from lands used or zoned for residential purposes 90.0 metres 		
Minimum Setback for Blasting Operations	N/A	N/A	450 metres		

*In addition to the following provisions, a maximum of three storage containers is allowed *per* property; the storage container(s) must be buffered from view on all sides, and a building permit is required.

SECTION 11 – INSTITUTIONAL ZONE (I) REGULATIONS

11.1 Permitted Uses

No land shall be used in the Institutional Zone (I) except for the following purposes:

- a) hospital
- b) clinic
- c) public or private school or other educational institution
- d) place of worship
- e) library or cultural institution
- f) government office
- g) post office
- h) fire hall
- i) arena
- j) curling club
- k) community centre
- l) nursing home or home for the aged
- m) animal shelter
- n) assembly hall, club or fraternal organization
- o) cemetery
- p) accessory uses

11.2 Performance Standards and Zoning Regulations

The following zoning regulations shall apply to the permitted uses in the I Zone:

- | | |
|----------------------------|--------------|
| a) Minimum Lot Area | 0.4 hectares |
| b) Maximum Lot Coverage | 40 percent |
| c) Minimum Front Yard | 7.5 metres |
| d) Minimum Side Yard | 5.0 metres |
| e) Minimum Rear Yard | 7.5 metres |
| f) Maximum Building Height | 10.5 metres |

SECTION 12 – OPEN SPACE ZONE (OS) REGULATIONS

12.1 Permitted Uses

No land shall be used in the Open Space Zone (OS) except for the following purposes:

- a) public and private parks, playgrounds and sports and recreation facilities
- b) picnic facilities
- c) dock and launching ramp
- d) conservation area
- e) golf course
- f) golf driving range
- g) fair grounds
- h) swimming pool
- i) community centre
- j) outdoor skating rink
- k) arena
- l) curling rink
- m) religious retreat
- n) accessory uses

12.2 Performance Standards and Zoning Regulations

The following zoning regulations shall apply to the permitted uses in the OS Zone:

- | | |
|----------------------------|--------------------|
| a) Minimum Lot Area | 0.4 hectares |
| b) Minimum Lot Frontage | 30.0 metres |
| c) Maximum Lot Coverage | 15 percent |
| d) Minimum Front Yard | 10.0 metres |
| e) Minimum Side Yard | 10.0 metres |
| f) Minimum Rear Yard | 10.0 metres |
| g) Maximum Building Height | 10.5 metres |
| h) Maximum Floor Area | 50.0 square metres |

SECTION 13 – HAZARD LAND ZONE (HL) REGULATIONS

13.1 Permitted Uses

No land shall be used in the Hazard Land Zone (HL) except for the following purposes:

- a) agricultural
- b) forestry management uses
- c) wildlife management, conservation area
- d) electric power generation and transmission
- e) mineral exploration
- f) dwellings existing at the date of the passing of this By-law, and uses, buildings and structures accessory thereto, but not conversions or enlargements thereof unless a use permit can be obtained from the appropriate authorities.
- g) public and private parks, including playgrounds, picnic facilities, sport fields, tennis courts, golf course, outdoor natural rinks and docks.

13.2 Fill

No fill shall be placed on or removed from land in the Hazard Land Zone (HL) whether originating on such lands or elsewhere without the approval of the Ministry of Natural Resources.

13.3 Performance Standards and Zoning Regulations

a) Minimum Building Setback

15 metres from top of bank and along the shoreline of the Little Grassy River, Big Grassy River and Lake of the Woods, no buildings shall be located below 324.6 metres (C.G.D.) with the exception of docks and boathouses.

SECTION 14 – HOLDING ZONE (H) REGULATIONS

14.1 Holding Symbol

The Holding Zone (H) limits development on lots to which it applies until such time as Council adopts a by-law, pursuant to Section 35 of the *Planning Act*, 1990, removing the Holding (H) symbol. When the Holding (H) symbol is removed, the regulations of the parent zone which applies to the lot will come into force.

14.2 Permitted Uses

No land shall be used in the Holding Zone (H), except for the following purposes:

- a) existing uses
- b) accessory uses

14.3 Performance Standards and Zoning Regulations

- a) Minimum Lot Area as existing
- b) Minimum Lot Frontage as existing
- c) Maximum Lot Coverage 10 percent
- d) Maximum Height 10.5 metres
- e) Minimum Floor Area 70 square metres
- f) Minimum Front Yard 7.5 metres
- g) Minimum Side Yard 7.5 metres
- h) Minimum Rear Yard 7.5 metres